IN THE MATTER OF JEAN SCHUSTER /7-ELEVEN INC. (SOUTHLAND CORPORATION) SEC CRONDALL LANE AND OWINGS MILLS BLVD (3731 CRONDALL LANE 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	ON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY
(Case No. 98-269-X)	*	File No. 3-C-98-8520

* * * * * * * * *

AMENDED ORDER

On August 31, 2000, this Board issued an Opinion and Order in the above-captioned matter. The Board, on its own initiative, pursuant to Rule 10, has reviewed its Opinion and Order issued in the proceedings and finds that a clerical error exists on page 58 of that Order wherein the numbers of one section of the BCZR were transposed. Therefore, the Board's Order shall be corrected to read as follows (underscore indicates correction):

> …pursuant to the aforegoing Opinion and finding that Petitioner has met the requirements of Sections 253, 405, and 502.1 of the *Baltimore County Zoning Regulations* (BCZR), the Petition for Special Exception as filed in Case No. 98-269-X be and the same is hereby **GRANTED**.

No other changes having been made, any Petition for Judicial Review will be filed from the date of the Board's original Opinion and Order issued August 31, 2000.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Charles L. Marks

DATE: September 27, 2000

County Board of Appeals of Baltimore County

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SEP 28 2000
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To ocr
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September 27, 2000

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204
410-583-1712

RE: In the Matter of Crondall Lane LLC /Southland Corporation
Case No. 98-269-X (Civil Action No. 03-C-98-8520
Clerical Amendment to Original Order

Dear Mr. Sellers:

Enclosed please find a copy of the Amended Order issued this date by the County Board of Appeals of Baltimore County in the subject matter. The purpose of the attached amendment is to correct a clerical error contained on page 58 of the Board's Final Opinion and Order issued August 31, 2000.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosures

c: Ellen Saval
I. William Chase, Esquire
Beth Israel Congregation
Deborah C. Dopkin, Esquire
7-Eleven, Inc. /Ed Zimmerman
Ken Colbert /Colbert Matz Rosenfelt, Inc.
Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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8/31/00

IN THE MATTER OF	*	ON REMAND
JEAN SCHUSTER /7-ELEVEN INC. (SOUTHLAND CORPORATION) SEC CRONDALL LANE AND OWINGS MILLS BLVD (3731 CRONDALL LANE 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	FROM THE CIRCUIT COURT
	*	FOR
	*	BALTIMORE COUNTY
	*	File No. 3-C-98-8520
(Case No. 98-269-X)		

* * * * * * * * *

OPINION ON REMAND FROM THE CIRCUIT COURT FOR BALTIMORE COUNTY

This case was remanded back to the Board of Appeals by the Circuit Court for Baltimore County on April 26, 1999 by way of a "Amended Order." Judge Lawrence R. Daniels had heard the original appeal on March 4, 1999. Subsequent to oral argument, he determined that the matter should be remanded to the Board to make findings relative to the compliance of the Petitioner with Section 253 and 405 of the *Baltimore County Zoning Regulations* (BCZR) (reference *Bucktail v. County Council of Talbot County* 352 Md. 530 [1999]). Judge Daniels left it up to the discretion of the Board to determine if sufficient factual findings already existed based on the testimony and evidence submitted at the prior public hearings; and, if not, whether additional evidence and testimony should be offered so that the Board would "hear more than one side of the story."

To that end, the Board heard oral argument on May 27, 1999 on the Motion to Take New Evidence filed by Robert D. Sellers, Esquire, and William Chase, Esquire. Argument was received from Deborah Dopkin, Esquire, representing the Petitioner; William Chase, Esquire, representing Beth Israel Synagogue; Robert D. Sellers, Esquire, representing Appellant; and Peter Max Zimmerman, People's Counsel for Baltimore County, all of whom had submitted appropriate Motions and Responses supporting their positions. Subsequent to the argument, a public deliberation took place on Wednesday, June 2, 1999. In summary, the Board determined

at that time that additional testimony and evidence would be helpful in determining factual considerations relative to Sections 253 and 405 of the BCZR. Section 253 deals with auxiliary retail or service uses or semi-industrial uses in an IM district and, in particular, the interpretation of a food /convenience store and fuel service station in a planned industrial park only – subject to Section 405 (Bill No. 172-1993).

The Board then proceeded to public hearings that began on August 11, 1999 and were finally concluded on April 11, 2000. These hearings consumed 12 days on the Board's docket, and, to the knowledge of the Board's staff, was the longest hearing in a substantial number of years. The voluminous transcript will reflect that a considerable amount of the Board's time was involved in ruling on the various motions submitted by counsel relative to evidence produced and redacted after review by the Board; materials sought by the Appellants which they believed to be germane to the case. This Board believes that the Chairman went to great lengths to insure that all matters entered into evidence had bearing on the case, and were not violative of any of the rights of the participants. In brief, the Board is of the opinion that each side had ample and fair opportunity to present their case; and the Board members entered the case without any preconceived opinions as to the requirements established by Judge Daniels.

Day one of the public hearing relative to the Circuit Court's remand order of June 3, 1999 was held on August 11, 1999. The first order of business concerned subpoenas filed by the Office of People's Counsel and the subsequent amended order. An additional Motion to Quash was filed by Ms. Dopkin and People's Counsel (Peter Max Zimmerman). Mr. Sellers reminded the Board of his objections relative to the amendments which were several in number having to do with the jurisdiction of the Board and continuing objections to the proceedings. Ms. Dopkin believed the scope of the subject to be inappropriate and an attempt to enlarge the scope of the inquiry. Information relative to the site was beyond the burden needed to prove the Petitioner's

case. Additional product mix was not a requirement as to the market that was primarily being served that related to fuel sales. Mr. Zimmerman argued that People's Counsel filed the subpoenas and they are entitled to documents deemed necessary to their case. The position taken by Mr. Zimmerman was adopted by Mr. Sellers. It was Ms. Dopkin's position that "the witnesses that we are prepared to present today, as I said at the outset, I believe will produce responsive information to the extent that it exists within Southland's records [T 8/11/99 p 17].

The Board conducted public deliberation and unanimously agreed to quash the subpoenas filed by People's Counsel. Mr. Sellers continued his objection to have the proceedings continue without having the documents produced, as did People's Counsel. Ms. Dopkin indicated that Southland "will produce four witnesses and various evidence to demonstrate that the proposed facility primarily serves the industrial area, the use in that area, and related activities such that you (the Board) will be able to conclude that this special exception use at this location has no greater adverse impact than at another location in the zone." [T 8/11/99 p 25]

The first witness for the Petitioner was Mr. Richard Moore, who it was agreed by the parties was an expert in the field of traffic engineering. Mr. Moore opined that he conducted a traffic study in 1997 at the intersection of the proposed facility and that an additional study had been undertaken on June 9, 1999 using traffic count machines in all directions at Owings Mills Boulevard and Crondall Lane for a 24-hour period. On July 26, 1999, between the hours of 7:30 a.m. to 9:00 a.m., a vehicle tracking study had also been conducted. On July 27, 1999, turning movements and traffic counts were performed from 7:00 a.m. to 10:00 a.m.; 11:00 a.m. to 2:00 p.m.; and 3:00 p.m. to 6:00 p.m. at the intersection of Crondall Lane and Cronridge Drive, and Crondall Lane and Cronhill Drive. The 24-hour counts conducted at Crondall Lane and Owings Mills Boulevard reflected the volumes of Owings Mills Boulevard, north of Crondall Lane, to be 16,830 vehicles. The 24-hour volume on Owings Mills Boulevard, south of Crondall Lane, was

23,146 vehicles, and the 24-hour volume of Crondall Lane, east of Owings Mills Boulevard, was 11,788 vehicles. The counts on Owings Mills Boulevard were in both directions for a 24-hour period, two-way traffic. The peak hour traffic counts covered the nine hours between 7:00 a.m. to 10:00 a.m., 11:00 a.m. to 2:00 p.m., and 3:00 to 6:00 p.m., and that represented 70.2 percent of the 24-hour traffic volume on Crondall Lane. The 24-hour traffic on Crondall Lane would be Crondall Lane, west of Garrison Forrest, 3,342 vehicles, Crondall Lane, east of Cronridge Drive, 10,245 vehicles, Crondall Lane west of Crondall Drive, 5,391; Cronridge Drive north of Crondall Lane, 6,255; and Crondall Drive north of Crondall Lane, 3942 vehicles [T 8/11/99 pp 30-31]

Mr. Moore opined that "that ended up giving us a total volume entering and exiting Crondall Lane of 10,196 vehicles. Most of this traffic, 81.2 percent, actually used Owings Mills Boulevard as its way to access Cronridge and Cronhill." [T 8/11/99 p 32] He further indicated that the destination study, or the vehicle traffic study conducted, was used to determine where people were going if they came off Owings Mills Boulevard, or where they were going if they came off Garrison Forrest Road onto Crondall Lane, by just tracking, following vehicles. He stated that as a result of that tracking study "we found that 91.3 percent of all the vehicles on Crondall Lane actually had a destination somewhere along Crondall Lane. [T 8/11/99 p 32] These figures were summarized in Petitioner's Exhibit No. 7. Mr. Moore acknowledged that Owings Mills Boulevard was an arterial roadway. He described an arterial roadway as "a roadway where the majority of trips that are on that roadway are long distance trips. They are going from one community to another or from one region to another, and that's the main purpose of arterial roadway, to move people over long distances. [T 8/11/99 pp 35-36] Mr. Moore opined that in adopting classifications recognized by Baltimore County and the State of Maryland, that by that criteria an arterial roadway has 0 to 20 land access trips which would be

local trips, as compared to 80 percent which are long distance trips that go from one area to another. Mr. Moore opined that the traffic volume on Crondall Lane originates basically from Owings Mills Boulevard whether northbound or southbound and that where it originates is not known other than Owings Mills Boulevard /Crondall Lane area. Based upon his definition, however, and his experience on the road systems in Baltimore County, most of the trips on Owings Mills Boulevard are probably to the arterial system of 795, Reisterstown Road, and the overall road network, arterial road network in the area. The majority of traffic coming onto Crondall Lane comes from the south and from the freeway system turning right into Crondall Lane. [T 8/11/99, p 38]

Mr. Moore indicated that he had made site visits on June 9, July 26, July 27, and a Saturday morning, around 10:30 a.m. He observed 246 cars parked in parking lots of the industrial uses along Cronridge and Cronhill. Again, he visited the site on Monday evening around 8:30 a.m. and observed 295 cars parked in the industrial uses. Mr. Moore related traffic studies concerning gasoline service stations in combination with convenience stores. A substantial number of studies were related to the Board [T 8/11/99 pp 39-40]. Mr. Moore opined that the studies reflected a trend in the last 10 years or so to start combining singular trips by individuals to reduce overall traffic demands on the roadway systems. Generally, motorists are seeking to drive to a center that can satisfy two or more of what used to be "singular" trips, the one-stop method of what were formerly several individual stops. The studies reflected that the daily trips generated for convenience stores with gasoline pumps were slightly lower than generated sales without gas pumps. "The studies also show that the primary trip length to a convenience store is ¾ of a mile in length and this information is very similar to studies that we (The Traffic Group) have done in the area dealing with convenience stores and convenience stores with gas stations. [T 8/11/99, p 42] Additional ITE studies were returned from the

Institute of Traffic Engineers that break out the number of trips based on the study that is available about a particular land use. For an industrial /business park, the number of trips can be based on several methods – square footage and number of employees being two of the main terms. So the fact that we know we have 13,000 trips, to be exact, 13,813 trips, going to and from the industrial uses along Crondall Lane, using ITE information of 3.34 trips per employee, that would equate to 4,136 employees along Crondall Lane coming from the development along Crondall Lane. [T 8/11/99, p 44]

On cross-examination, Mr. Moore stated that no traffic counts had been made on Saturday, but that on June 9, 1999, the 24-hour count study went from Wednesday midnight to Thursday midnight. The conclusion of Mr. Moore was that 91.3% of all traffic on Crondall Lane has a destination somewhere along Crondall Lane. That is all industrial zoned land and the industrial park. [T 8/11/99, p 49] Mr. Moore acknowledged that his study reflected the MVA (emissions) site on Crondall Lane, as would any principal activity of any of the business in the park, and also the 400 Beth Israel families using the industrial park in and out of Crondall Lane. Again, Mr. Moore indicated that his study showed 70 percent of the traffic takes place between the hours of 9:00 a.m. and 6:00 p.m., and that 70.2 percent of the traffic on Crondall Lane takes place between 7:00 a.m. to 10:00 a.m.; 11:00 a.m. to 2:00 p.m.; and 3:00 p.m. to 6:00 p.m. in the evening. These are generally the peak timeframes in a business community [T 8/11/99 p 53]. As to between midnight and 5:00 a.m. on Crondall Lane, the breakdown of vehicles was stated to be from 12:00 a.m. to 1:00 a.m., 23 vehicles; 1:00 a.m. to 2:00 a.m., 28 vehicles; 2:00 a.m. to 3:00 a.m., 30 vehicles; 3:00 a.m. to 4:00 a.m., 44 vehicles; 4:00 a.m. to 5:00 a.m., 51 vehicles; from 5:00 a.m. to 6:00 a.m., 118 vehicles; and 6:00 a.m. to 7:00 a.m., 344 vehicles. [T 8/11/99, p 53]

On cross-examination, Mr. Moore was probed concerning the fact that his surveys took place in the summer and that may be a low period in which to take such counts. Mr. Moore

responded by indicating that "traffic counts are made throughout the year. In fact, one of the disadvantages in this case of our doing the July 27th count is that there probably are fewer trips to the business community because of people being on vacation; therefore, there were fewer employees that is 4,150 employees or actually less than would be there probably during the school year when people are back from vacation." [T 8/11/99 pp 56-57] Mr. Moore indicated that the study was essentially taken Monday through Friday because his studies take account of what is considered "the worse case scenario." There are usually much less traffic problems on Saturday and Sunday than there are Monday through Friday. He opined that "that's why we study from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. because they are the peak hours, Monday through Friday and that's the most critical time from a worse case traffic scenario. It was Mr. Moore's consensus that "the issue that we're dealing with here is you have got an industrial park and the majority…people generally buy their gas from close to home or close to work. And you have 4136 employees that would be buying gas at this gas station at some time or another." [T 8/11/99 p 81] He further opined that "not every single one is going to be buying gas every single day or every week, but those 4136 employees, of which the very large majority pass this station every day, have very much opportunity because they've just left work or they're arriving at work and most people make their convenience shopping stops in the ballpark, that's why the ¾ mile is used as a marketing area. [T 8/11/99 p 81]. Mr. Moore discounted using cars parked on a parking lot as determining traffic count, since the better method, in his opinion, was to use the actual traffic count.

On cross-examination, Mr. Zimmerman introduced People's Counsel's Exhibit No. 6 (page 84) from Baltimore County Department of Traffic Engineering obtained from Keith Link, a technician in the traffic engineering department. Considerable time was expended by Mr. Zimmerman on cross-examination relative to traffic counts that had been made by Baltimore

County and the fact that the turning movement counts were obtainable at a particular peak hour were but the relatively small fractions of the total 24-hour counts. While Mr. Moore opined that he does not normally use 24-hour counts, "I feel very uncomfortable now that I have seen them." [T 8/11/99 p 110]

The essence of Mr. Moore's testimony concerning the counts taken by Baltimore County was the re-emphasis of the fact that "the peak hour is my most concern, and therefore, that is the most accurate, because I know how many people are turning left, turning right at every 15-minute interval." [T 8/11/99 p 113]

Throughout the process, Mr. Moore stood fast in his assertion that there was an approximate employee population of 4000 within the confines of the industrial park and that it was within ¾ mile of the site that the primary focus of the convenience store would attach, and that would be the primary area that would be served by the specific site location of the proposed Southland store.

Mr. Phillip Perrine was the next witness who testified on behalf of the Petitioner. [p 131] His resume was submitted as Petitioner's Exhibit No. 8. Mr. Perrine was offered as an expert in the fields of demographics and planning. [p 136] The specific site and community were visited by him on June 7, 1999 in the afternoon; July 9th between the hours of 9:30 a.m. and 5:30 p.m.; July 16th and August 3rd, 1999. His survey included travelling the roadway system in the area of the subject site. Data received from the Baltimore Metropolitan Council was used in his study relative to household and employment data in traffic zones, discreet geographic areas, etc. An aerial photograph was introduced (one-inch equaling 300 feet) taken on July 10, 1999 reflecting major roads in the area. The nature of the area was discussed (Petitioner's Exhibit No. 9). Mr. Perrine had computed 468 acres of M.L.-I.M. zoned land in the general area, about 175 acres developed (roughly 37%), and 263 acres undeveloped. The center had approximately 1.1 million

square feet of space and roughly 4,000 employees (based on prior testimony). Nearby parcels were not nearly so developed, citing the Rosewood Center and ample areas available for future development. Mr. Perrine recited traffic zones determined by the Baltimore Metropolitan Council – essentially zone 435 (north of Crondall Lane to the Ravens facility) and zone 436 (Rosewood plus some businesses along the south side of Crondall Lane). The data for those two zones for the year 2000 had an employee number of 3,692 for zone 435, and 1,387 for zone 436. "So that the number of employees which was important to us was a little over 5,000 for these two zones. [T 8/11/99 p 149] He stated that "the residential households on zone 435 are across on the west side of Owings Mills Boulevard and the railroad. In other words, they are over on the other side of the railroad. Again, to get from that site, you have to proceed north up to Gwynnbrook Avenue and then south to get down to our site, or somehow come out onto Reisterstown Road to Grove Lane, or all the way down to Owings Mills Boulevard overpass to get back up." [T 8/11/99 p 149] He stressed the fact that "the important part of this testimony, I think, is that the ¾ mile primary area, the location where most of the customers have origin and destination, include this industrial park. There are very few residences within that area convenient to the site. There are obviously other residences far north, well beyond the ¾ mile. This industrial area has about 1.1 million square feet, about 4,000 employees. Crondall Lane has over 13,000 vehicles or, as I mentioned before, 6,900 vehicles that come and go each day, 4000 employees and the balance are people that come and go from the various businesses within the industrial area. So it would appear that the station, in accordance with ITE standards, would primarily serve that industrial area and the uses related to the activity at the same place within the industrial area." [T 8/11/99 pp 151-152]

During the course of his testimony, Mr. Perrine acknowledged that there would be other individuals utilizing the proposed facility that were not necessarily employees of the industrial

park. "There are fleets of trucks, there is an elderly care with a van transportation service that has a number of vans that have to gas up, and there are, for instance, telephone installation companies that have installation vans that require gas. So it's more than just "employees." It is deliveries, shipping, visitors, cleaning personnel that come and go to the site a variety of times a day." [T 8/11/99 p 157]

On cross-examination, the witness acknowledged working for Southland Corporation on other cases and that in a prior case he had used a 1-mile radius in determining the market area. [T 8/11/99 p 164] "That radius was used because the market analysis that I [Perrine] was working with felt that 1 mile was appropriate. That involved a subject site in Germantown and that that particular Board of Appeals had had some prior findings as to what represented the primary market area, and it followed that precedent and looked at some of the major roads and other natural and other manmade features so that's a long answer." [T 8/11/99 pp 170-171] As to this particular site, "again, here we have the ITE study, says for the filling station, the majority of the patrons is primarily people with origin and destination of ¾ mile." [T 8/11/99 p 172] The witness opined that he had not seen any data or documents that Southland had developed in its site selection; and that his function and that of Linda Raab was "could we see where the primary market was." [T 8/11/99 p 179] "In the initial meeting, they…a representative from Southland…said they had seen this site and they needed some kind of study that determined whether – where the primary market was…could we (Linda Raab and I) do that kind of study." [T 8/11/99 p 181]

Mr. Perrine indicated that Southland had looked at the subject site and liked it because of the industrial park and that's what attracted them. They (Southland) did not show him any documents. The site had been brought to their attention by a real estate broker. Mr. Perrine opined that he had become involved after the judge remanded the case for further study. He had

not performed an independent analysis of the area. Mrs. Raab did that market part." [T 8/11/99 p 183]

On cross-examination, the witness went through a series of prolonged questions. Mr. Perrine acknowledged that there was at least 10,000 population within three of the traffic zones that are north and east of Owings Mills Boulevard, but again believed the primary focus of the subject site would be the industrial population. Questions posed concerning Saturday and Sunday usage at the proposed site being frequented on weekends by principally residential traffic. The fact that the store was 24-hour operation did not deter the witness from his repeated testimony that, in his opinion, the subject site would be primarily served by those employees or individuals using the industrial park, and that the 4,000 employee base could be computed based on the square footage available in the park. "The national average for office space is about one employee per 250 square feet, with maybe some assemblage for storage or something, you might get up to 400 or 500 square feet for employees. That would be though somewhere on the order of a mix of about 80 percent office space in here, on the order close to 4,000 employees.

Day two of the public hearing took place on August 27, 1999. The Board was called upon to rule on some preliminary matters: (1) a subpoena request by Mr. Sellers; (2) a Motion to Quash filed by Ms. Dopkin; and (3) a Motion to Reconsider filed by Mr. Zimmerman with brief statements made by all counsel to support these supplemental motions. Subsequent to argument, the Board ruled that they would hold the "Motion to Quash" *sub curia* on the basis that counsel would develop the issues of what was the basis for making the decisions that Southland may or may not have made. "If the Board rules to quash the subpoena, then we will have been satisfied by what appeared this morning and this afternoon." [T 8/27/99 p 19] The Board noted the strenuous objections of Mr. Sellers and Mr. Zimmerman.

Mr. C. Richard Moore was recalled by Ms. Dopkin, but Mr. Sellers objected and the Board ruled that Mr. Moore would be taken as a rebuttal witness. Mr. Phillip Perrine was recalled by Ms. Dopkin. The witness stated his experience with a gas station proposed for an existing 7-11 store in the Middleborough area. His study involved land planning, demographic data to establish the Montgomery County requirement for "need." To that end, he determined how many households per filling station existed; employees existed on a countywide basis, the number of cars, market area as had previously been determined by a Board of Appeals case. Independent gas dealers in the area were opposing a convenience store. Mr. Perrine indicated that he had not established the market himself but "the other person, the market analyst I worked with, did that." [T 8/27/99 p 35] In that case, the Board of Appeals had used a one-mile radius. The witness was questioned concerning People's Counsel Exhibit No. 7, the traffic zone document the witness had prepared. Mr. Perrine reviewed the document in detail, the information for which was determined by the Baltimore Metropolitan Council by way of their cooperative forecasting process with the population for Baltimore County supplied by the Baltimore County Planning Office.

Ms. Dopkin called Ms. Linda Raab, who was proffered to be a specialist in planning, zoning and economic studies. Ms. Raab possessed a Bachelor's Degree in Economics and a Master's Degree in Planning. She is a member of the American Institute of Certified Planners and the American Planning Association, with 24 years expertise in planning – 10 years as Planning Director for the city of Laurel, Maryland; 5 years in Montgomery County; and 2 years at the University of Maryland. For the past 10 years, she has served as a general planner. Additional qualifications were recited by the witness. [T 8/27/99 p 43] After considerable *voir dire* by Mr. Zimmerman and Mr. Sellers, Mr. Sellers agreed to accept the witness as an expert in planning, as did Mr. Zimmerman. The Board agreed to accept the witness as an expert in

planning, economics and demographics. [T 8/27/99 p 55] Ms. Raab indicated her familiarity with the site, and a study undertaken by her.

Counsel for the Protestants and People's Counsel objected on the basis that the line of questioning was marketing. The Board permitted the study to be discussed by the witness. The study was conducted in 1999 and was used to determine the trade area for the proposed use that would "define and describe the characteristics of convenience stores." [T 8/27/99 p 60] Ms. Raab indicated that "the criteria used to delineate the trade area are taken from publications from the Urban Land Institute, and the criteria that the Urban Land Institute uses includes looking at the types of establishment that you are talking about, the location of similar establishments, the character of the area in which this proposed use is to be located, the natural and man-made features that are in and around your proposed use, driving times and distances. I [Ms. Raab] also looked at geographic boundaries established for governmental analysis and we talked about some of them already being the traffic zones. Often data is available by traffic zones and type of population, household and employment data that would be relative to such a study are often available at the traffic zone level." [T 8/27/99 p 61] The witness opined that traffic zones are usually smaller then census tracts. The witness looked at the definition of a convenience store from information available, from the National Association of Convenience Stores. The latter, the witness opined, are "usually less than 5,000 square feet, usually have off-street parking or convenient pedestrian access, open 24 hours a day, 7 days a week. They have 500 items in the store and they have a product mix that includes grocery type items as well as beverages and snacks. And many convenience stores, especially the more contemporary ones, will have carryout food, automotive products, health and beauty aids, stationery, magazines, and even seasonal items. [T 8/27/99 p 63] She opined that the "National Association of Convenience Stores says that 98 percent of your convenience stores are selling fuel in combination with

convenience stores itself." She stated that "the trade area is the geographic area that provides the majority of steady customers necessary to support the proposed use." [T 8/27/99 p 64] The witness made considerable references to Petitioner's Exhibit No. 10 which reflected the locations of competing establishments. Most of those areas were located along Reisterstown Road. The witness looked at the competing establishments and the site at Owings Mills Boulevard and Crondall Lane and physical features that "we have in the area surrounding our subject site and this will help us to draw the boundaries of a trade area." [T 8/27/99 p 66] The area the study was seeking was the area that would consistently produce the majority of steady customers to support the proposed use. To the west there was a very strong boundary, a railroad, a power line, a stream; to the south, the large Rosewood property that forms the boundary; to the east, Garrison Forest forms a strong boundary and land zoned D.R. 1. [p 66] It was Ms. Raab's consensus that it was easier for people to live in the residential areas that are between Owings Mills Boulevard and Reisterstown to the northeast of the subject site, formed by Owings Mills and Gwynnbrook for them to get to other shopping than it would be to get to the proposed site. The present zoning uses within the trade area were described. The uses permitted within the M.L.-I.M. zone were about 80 in number, which permitted a wide range of uses related to industrial and auxiliary uses. The trade area was described as zone 435 and zone 436. Within the traffic zones, there were 121 households estimated for the year 2000. For the year 2020, the Baltimore Metropolitan Council expected only an additional 20 households to be added. Table 2 indicated that the area is dominated by employment uses. In the total of the two zones, the Council estimated that there were about 5,000 employees for the year 2000 compared with 121 household uses in the year 2000. The witness concluded that the area was dominated by an employee base concentrated in the Crondall Lane industrial area. [T 8/27/99 p 74]

The methodology used by the Metropolitan Council was developed by the County Planning Office of Baltimore County, Baltimore City, Howard County, and the Baltimore Metropolitan Council. Planners from the different jurisdictions and the staff of the Baltimore Metropolitan Council agree as to population, household and employment figures. The members of the jurisdictions adopt the figures and they become the official figures that are used for planning, for modeling, especially for transportation [T 8/27/99 p 75]. The witness indicated that she had the total employment for the year 2000 as 5.070. She took out Rosewood employees of 520, although they were authorized to have 750. Conservatively the witness stated 4,250 employees, which compared favorably with Mr. Moore's 4,136 employees in the industrial area. "So it's very clear that we are looking at around 4,100 employees in the area." [T 8/27/99 p 78] The witness opined that, having heard Mr. Moore's testimony regarding the number of trips on Crondall Lane, and the distribution of trips on Crondall Lane, and based on that testimony and the demographic data and employment data, personal site visits, the witness concluded that the primary customary base "would be an area defined as in the north Gwynnbrook; on the east, Garrison Forest; on the south, the boundary of the Rosewood property; and on the west the power lines and railroad tracks. [T 8/27/99 p 87] Additional consideration was given to the variety of shopping opportunities along Reisterstown Road, and the limited number of residential uses in the immediate area. Also considered was the overwhelming number of potential customers in the industrial area citing the Wells and Associates study reflecting 13,813 trips on Crondall Lane with a destination on Crondall Lane. "To translate trips into vehicles, you divide that in half. That's about 6900 vehicles in the area, potential customer base." [T 8/27/99 p 88] The witness opined that Larry Darrow had previously testified that 7-11 gets 1,200 customers a day, 6,900 potential customers. About 4,000 of those are employees. The remainder would be people who are doing business in the industrial park. They are clients of the business that are

there. They are going to the emissions testing center. They might be going to – there's a Circuit City service center there. People might be taking their things out there. It's just a couple I can think of. You already have people making deliveries, Fed-X; people send and receive packages, so there will be a lot of traffic going in and out of the industrial park. So if you look at it, 6,900 potential customers, a typical 7-11 gets 1,200 a day, that represents 5.75 people just in that industrial area, than the number of customers in a typical 7-11. That's a strong indicator that the proposed use will serve primarily the industrial activities.

On cross-examination by Mr. Sellers, Ms. Raab acknowledged not having seen any Southland studies but had reviewed the initial decision of the Board relative to the Southland proposed use of the site. Assessing the tract area information from the National Association of Convenience Stores was used and trade area information came from the Urban Land Institute. These organizations provide guidance for convenience stores and convenience goods. [8/27/99 p 100] Gasoline was considered a convenience goods since 98 percent of new convenience stores are selling gas – the most recent report being for the year 1998. Ms. Raab did not believe that the trade area for convenience goods and gas sales was distinguishable.

Mr. Sellers made reference that "the task of this Board is not to determine the convenience store and the many items you (Raab) listed they sell at convenience stores as primarily serving the industrial area, but it is, in fact, just the sales of gas"? [T 8/27/99 p 104] Ms. Raab understood that and stated that "if you ask me to look at a gas station, the trade area would not be any different." [T 8/27/99 p 105]

Cross-examination continued with questions concerning Petitioner's Exhibit No. 10 which identified gas stations. That exhibit did not identify convenience stores. Petitioner's Exhibit No. 12 was also the source for cross-examination wherein Mr. Sellers focused on the inability of the witness to have knowledge of the income levels of the people using the proposed

gas facility, where they lived, cars driven, or how they get to work. [T 8/27/99 pp 122-123] The witness believed the only relevant factor was based on Mr. Moore's testimony and that was "we were looking for how many people worked in the area," [T 8/27/99, p 122]; where income levels were unimportant and this situation because "in this case we are talking about goods that people need, not certainly every day but several times a week." [T 8/27/99 p 123] "People tend to go for convenience goods to the closest place that's convenient to buy the goods – the closest place to buy the convenience goods when they need it." [T 8/27/99 p 126] "But when we are talking about what's going to, on a steady basis, support our use, that's going to be the people who work in the area." [T 8/27/99 p 130] Ms. Raab acknowledged that most of her testimony and most of her opinion were based on Mr. Moore's traffic counts on Crondall Lane. She acknowledged that Mr. Moore's report stated that the development on Crondall Lane generated 6,900 trips after factoring out those trips that did not have a direct location on Crondall Lane. Approximately 4,100 of those would belong to employees and a random remainder would belong to the sort of – I don't want to use the term related use that means something else – but people that don't work there – but are doing business there. [T 8/27/99, p 130] The witness acknowledged that she had not considered the traffic volume on Owings Mills Boulevard because she was looking for the majority of steady customers to support the proposed use. The witness acknowledged that the traffic on Owings Mills Boulevard might be higher than Crondall Lane but that factor had not been factored into her analysis. The witness opined that the people in the vehicles on Crondall Lane were more significant than the people in volume on Owings Mills Boulevard because they are already in the industrial area because they are working there every day and they do business in the park. The witness again repeated that "every number that I have talked about is either from Mr. Moore or from the Baltimore Metropolitan Council." [T 8/27/99 p 154]

A series of questions was posed concerning the size of the store. The witness acknowledged that store size was not of concern to her. "We just want to know where the majority of steady support would come. Seven-Eleven would figure out what items they were going to sell." [T 8/27/99 p 162] The witness's evaluation of the site was "based on employment along Crondall Lane in the ballpark of 4,000 people." [T 8/27/99 p 164]

Day 3 of the public hearing was held on September 10, 1999. Mr. Sellers noted for the record his continuing objections, notably to the subpoena issues. Ms. Linda Raab continued her testimony from the previous day of August 27, 1999 with cross-examination by Mr. Zimmerman. She stated she began work on the case in June 1999 after being consulted by Mr. Perrine. At that time she reviewed the site plan and took with her for further review a copy of the 1994 Owings Mills plan, the Master Plan and maps of the road area and traffic patterns. At the initial meeting, she also met Mr. Ed Zimmerman and Bob Fitzgerald both of whom worked for Southland Corporation. It was her function to "go out there and give my professional opinion as to who or what is going to be served by any particular site or any particular study that I do." [9/10/99 p 13] She indicated that she had not seen any documents that Southland may have generated in their site selection process. The witness acknowledged reviewing Section 253 (M.L. zones), 405 and 407 of the *Baltimore County Zoning Regulations*. She was not aware of the specific goods to be sold at the proposed site, but stated that "one of the characteristics of the convenience store is that they will sell at least 500 items." [T 9/10/99 p 19] It was Ms. Raab's testimony that "the area that the particular use is going to serve, the area that the proposed 7-11 here will be serving happens to be an industrial area, because that is the vicinity. That is the type of area that is going to give them the majority of their steady customers." [T 9/10/99 p 21] Ms. Raab opined that she had made site visits on June 7, July 9, and July 20, 1999 which included road trips throughout the area. Considerable discussion ensued relative to the traffic routes taken and time elements

concerned. The witness acknowledged her authorship of Petitioner's Exhibit No. 10 relative to traffic zones. The transcript reflects that the Board acknowledged Mr. Zimmerman's point that he "had established there are limited distances from all of the locations in and around the 3-mile range. The orange tape on the overlay of Petitioner's Exhibit No. 10 was also discussed. The tape was placed on the overlay outlining certain traffic count zones by Mr. Perrine and Mr. Colbert and the witness. Considerable testimony ensued relative to the various zones, gas station locations, etc. The witness acknowledged that what was being proposed was different from what is already out there, "because it has a combination use and is much larger than any you (Zimmerman) have mentioned in your cross examination this morning as being a couple of mini-marts." [T 9/10/99 p 44] The witness acknowledged that "there is nothing like that in the area – but it's not going to change the market served, not going to change it." [T 9/10/99 p 45] Considerable discussion continued relative to usage of the proposed facility by people living in residential areas north of the proposed site. Ms. Raab believed that there were many opportunities for convenience shopping along Reisterstown Road and the bulk of it was easier to get to than to come down to the proposed use. The Board closed the session noting that the witness had been subjected to direct examination, cross examination, re-direct and re-direct cross for over 5 hours, and believed that there had been a complete and full review of the witness's opinion concerning everything having to do with the proposed site and project. [T 9/10/99 p 128]

On day #4, September 17, 1999, Mr. Sellers renewed all of his continuing objections, so noted by the Board. Mr. Edward Zimmerman, Sr. (hereinafter "Mr. E. Zimmerman"), real estate representative for the Southland Corporation, testified at length concerning his principal responsibilities in locating and identifying new sites for future 7-11 stores. He cited his long service with the Southland Corporation, continuously in the convenience store gasoline business since 1964. During that time he had located over 300 such locations. He described the process,

and in particular how he became aware of this particular site. A local developer had brought this site to his attention, which he visited with the broker in the fall of 1996. His first impression of the site was not favorable. On the second visit, however, he had other thoughts and ordered a usual demographics package. A generic preliminary site study form was prepared. Aerial photos were taken; local Southland principals reviewed it, did their initial work-up and forwarded it to Dallas for executive review. Mr. E. Zimmerman was not aware of any market survey. He made reference to a "site evaluation" or "feasibility study" – "but it doesn't include any of the things that had been presented in this case." [T 9/17/99 p 8] Mr. E. Zimmerman's initial concerns were the "rocky, craggy" downhill slope of the property – however, the usual information was generated and through fortune, the senior vice president of Real Estate International, the number one highest ranking authority in the Southland Corporation, happened to be in town and was taken to the site by Mr. E. Zimmerman. "He liked the site and he approved it to proceed." [T 9/17/99 p 9] Subsequently, the map package was prepared showing competition, etc. He had also checked with the Miller Real Estate Company to seek information about the number of employees in the industrial park. "In assessing relative criteria, Southland generally looks for 1,000 to 1,200 dwelling units within a ¾-mile area. Also, an employment base of ¾ mile is used looking for competition, housing and general physical trade area, or any combination of those." [T 9/17/99 p 11] "If you have a lot of housing, high employment or high housing, minimal, but some employment, reasonable traffic, minimal competition, it's a combination of those things which turned it into a judgment call for me to determine whether or not it has merit enough to send for approval." [T 9/17/99, p 12] Baltimore County housing in the north was "very far removed by our standards." [T 9/17/99 p 12] Housing to the west, according to the witness, was closer, and fell within the ¾ mile but one had difficulty getting to the site (going up to Gwynnbrook, across Gwynnbrook you cross a railroad track, streambed, and can't

make a left turn. [T 9/17/99 p 13] One of the key elements is to get as close to where people work as you can to get them the morning trade, coffee, papers, cigarettes, pastries – to get their heart started in the morning. And this seemed to kind of fit the people from the standpoint that most of those folks would be coming up Reisterstown Road, getting off 795 or folks that may even live down below Reisterstown Road but the community, well, that doesn't sound like nice thing to say, but the community didn't fit into it, so much as the residential community because there is housing south of the site too but it was just not understandable. [T 9/17/99 p 14]

Relative to the criteria for a site selection, the witness responded that "well, this was in my opinion definitely a going to work site for the folks coming. I think I said something about coming up –either coming across Reisterstown Road from 795, or something along those lines, but traffic generally heading in that direction, coming up Reisterstown Road /Owings Mills Boulevard and turning right on Crondall Lane to get to work, seemed to be the focus of the employment center. That's where everybody was coming to work and then parking their vehicle, which made it attractive to us." [T 9/17/99, p 16] As to the market area defined, the witness indicated that "well, generally, it is ¾ of a mile." [T 9/17/99 p 16] It was also his consensus that the data on the residential areas did not solely support the store at the subject site for "two reasons: (1) the residential area to the west of Owings Mills Boulevard has what we refer to as a psychological barrier with the railroad tracks, the stream and all that. We felt it would not be convenient for folks to come over to our site. It would be much more convenient for them to get out to the Reisterstown Road where there are services." [T 9/17/99 p 17] In excluding the non-residential data as a consideration for the subject site's location, the witness opined that "well, we had, based on the information that was given to me, I came up with approximately 3,900 employees in the park right at our site. And I think, almost without exception, all of those were in my traditional ¾ mile grid." [T 9/17/99 pp 18-19] The witness indicated that a preliminary

site form had been submitted to the Dallas headquarters and that was admitted as Petitioner's Exhibit No. 13. Again the witness indicated that the approval to proceed had been given to him by Steve Levy, who was the senior vice president of Real Estate International for the Southland Corporation and that he was the highest authority that the company had on real estate matters. Mr. E. Zimmerman explained that subsequently a demographic package was ordered from the Equifax Corporation which was admitted as Petitioner's Exhibit No. 14. Considerable testimony was given relative to the demographics contained with the Equifax report, with red triangles representing any existing 7-11 stores, black triangles representing competition, either convenience stores or gasoline, green triangles representing schools, and the yellow block representing airports. It was obvious to the Board that from the considerable testimony that was given that the Equifax report was simply a broad generalization concerning information provided to the Southland Corporation which would give to the Dallas executive office additional information on which to base consideration for the subject site. Mr. Sellers again raised objections concerning the fact that the protestants had requested this information several weeks ago, and that the Board had denied them the opportunity to have them, and that they were seeing this information or the first time at this public hearing. When questioned concerning what he believed the Southland approval to be based upon, the witness responded, "I believe that Southland's approval was based on the fact that we were right at the gate of an employment center where folks have to by you at least twice a day. And I think that's the real strength of the site. [T 9/17/99 p 36] It was his belief that the workforce was located east of the site on Crondall Lane and that, based upon his experience, that is what he would consider to be Southland's day in /day out steady customers, the core business, and that was exactly what Southland was looking for. It was Mr. E. Zimmerman's observation that he saw the industrial park as being a large-size employment base of people that would be making trips at least 5 days a

week, and that regardless of the type of employee, whether they were office workers, people involved in manufacturing or service work, "I am looking at employees that work in this geographic location in close proximity to the site and so I have again, rightly or wrongly, called it an industrial park." [T 9/17/99 p 39]

On cross-examination, Mr. E. Zimmerman again indicated that "the purpose of all these forms is to convey to our corporate headquarters what we see in the site, how we feel about the site, to give them a general picture. That also applies to that extended grid area that goes off the top of the map you asked my about earlier. [T 9/17/99 p 60] "Our primary trade area I think if you look at it – you are talking about the size – if you look at it, you will find it to be approximately down at the site, approximately ¾ mile or less. But at the top, every one of those homes at the top have a potential of coming down Owings Mills Boulevard are these folks that could come down Garrison Forest. Mr. E. Zimmerman stated that "my purpose is to present a site to Southland for approval. And generally it ends here." [T 9/17/99 p 88] Mr. E. Zimmerman indicated that his package which goes to Dallas in most cases includes the site plan which references the setbacks and parking requirements, and all those kinds of things with my sales, my boss's sales, and his boss's sales projections. Mr. E. Zimmerman indicated that the proposed store would have the standard package which included 12 MPD representing 12 fueling positions, six cabinets, six pumps, with the availability to get gas on either side, and that was the standard Southland package for new stores.

As to the product mix, the witness indicated that Southland makes and has a set package in which there is something in the area of 3,000 items that they sell in each store. And that they had a tracking system which determines what is selling and what is not selling, and then they re-modify it by introducing various new items every quarter or so. They introduced25 to 50 new items every 3 months. The witness indicated that between February 1997 and the time in the

Spring when the lease was signed for the proposed site, there were no further documents generated relative to this site and its characteristics and the trade area; that as a practical matter preliminary site approval initialed by the vice president, Mr. LeRoy and the site evaluation form effectively allowed Southland to go ahead. Mr. E. Zimmerman's testimony brought about an exchange between Mr. Sellers and the Chairman. The Chairman indicated that "to me and the Board, the site selection, I don't want to use the magic word. They may mean the same and they may not mean the same. The site selection, to me, refers from our point of view, to the question we have to answer under the Code, which is whether or not the site primarily serves the industrial area or not. [T 9/17/99 p 197] Mr. Sellers indicated "can I make a big distinction? Site selection is subjective. What they thought in 1996, what you need to decide is not what their subjective intent was, but what the reality of this situation will be today, and there is another very different concept, Mr. Chairman. I am concerned when you refer to one as the other." The Chairman indicated that our intention was to apply the law to the facts and that our mission statement will be to apply the law to the facts as they exist here, and to determine if the project as proposed meets that which the zoning regulation says it needs to exist so we have no mistake about that. [T 9/17/99, p 198]

On October 29, 1999, the Board concluded day 6 of the remand. Ms. Dopkin had secured a limited release concerning certain documents from Southland Corporation, subject to being used by counsel. Considerable discussion arose concerning the documents that Southland had produced [T 10/29/99, p 4-22]. In the final analysis, the Chairman stated the position of the Board, "in saying that those materials in the package we gave were the only things we believed out of that entire group of materials that bore on those particular issues one way or another, that mention it in any way, one way or another, if it was bad, positive, or negative to one end of the argument or the other end of the argument, and everything else we kept out. That is the only

basis on which we went through the materials [p 22]. "All the materials we (the Board) redacted are admissible. We believe they are relevant. They bear on the issue of the remand, as to whether or not the site is to serve the industrial park." [pp 38-29] The remainder of the hearing concerned itself with newly discovered documents that required the parties to investigate certain facts and law before continuing the case. The Board granted a continuance until January 4, 2000.

January 18, 2000 marked the 7th day of the case's remand. Mr. Edward Zimmerman was produced for cross-examination by the Protestants. He was questioned concerning the documents that he had sent to the Dallas headquarters of Southland Corporation (Petitioner's Exhibit No. 17). Mr. E. Zimmerman referenced the materials and identified them as relating to the subject site selection. He indicated that he had rode the site with Frank Crevillo, Division Manager and Vice President of Southland, who in April 1997 was responsible for operating all of the stores in several of the northeastern states. Mr. Crevillo believed the site to be a good one for a 7-Eleven store. The Dallas operation prepared leases that were sent back to the Developer. Petitioner's Exhibit No. 17 was also admitted reflecting the site evaluation form. That form was discussed at length, and was described as a "stock package" – a standard package that they (Equifax) produce. [T 1/18/2000, p 33]

Mr. E. Zimmerman explained that "I used what they produced. Let me explain that a little bit. This was one of the first sites that we ever used, or that I have used Equifax on, so this was in its infancy for me." [p 34] The witness acknowledged that information concerning employment information relative to the park basically came from Miller Corporate Real Estate in Baltimore who had originally referred the site to him. [p 30] The witness opined that he had been doing this (site evaluation) for Southland over the years (20 or so) and over those years, they had developed a trust in his methods and he followed these methods, the way they were

done. "And I rode the site. I drove Crondall Lane. I saw the size of the park back there. And I felt very, very good about it, that's exactly why we wanted to be in the corner right there." [p 43] He made a point to Dallas that "an office /business /industrial park is immediately adjacent to our site to the east and employs approximately 3,900 workers. I made no reference to the residential whatsoever." Again, he referenced Steve Leroy as the person who rode the site with him, and the one who made the final decision in Dallas [p 46]. The witness was aware in December 1996 that the development had to be part of the adjacent industrial park – but that he did not request any specific information about the park since that responsibility lay with Mr. Dalrymples, the builder [p 55]. The decision to go forward with the project was made in June or July 1997.

Questions were also posed concerning gasoline projections supplied by MPSI, a company in Tulsa, Oklahoma, that provides projections for gasoline sales [p 62] and convenience stores [p 63] (Petitioner's Exhibit 7-F). Their analysis reflected a two-mile radius for the proposed market, and they had "evaluated the site as a suburban location." [p 65] That information had also been sent to Southland in Dallas. Mr. E. Zimmerman suggested that the population projections supplied were "default figures" and that MPSI, like Equifax, had just initially been used by Southland and that since they had never been to the site, since the local people called them up and suggested there was a lot more traffic present, and that Dallas needed to re-look at the package, "which they did on May 2" [p 67]. And Mr. E. Zimmerman stood by his original premise that he rode the site by himself and also rode the park and "I felt that this was an industrial site and we were right on the front door of it, and that's where we needed to be" [pp 76-77].

As far as the type of store proposed for the site, "the 7-Eleven store here was going to sell substantially the same type of merchandise as a normal 7-Eleven" [p 88]. "The only change in

design was that originally the store was facing Owings Mills, and the store was turned around." [p 94] Dallas approved the site preliminarily. (Petitioner's Exhibit No. 13) Mr. E. Zimmerman was aware that, from Exhibit 7-C from Mr. Dalysuple, that "we must prove the development is part of the adjacent industrial park" [p 108]. To that end, Ken Colbert was brought into the picture by Southland. A considerable number of exhibits and documents were thrashed to and fro relative to traffic issues and gasoline sales. Mr. E. Zimmerman continued to assert that the business would be attributed to the industrial park and was not solely relying on the residential traffic on Owings Mills Boulevard [p 153].

The witness believed "the industrial park customer is someone who is going to visit you once, twice, possibly even three times a day, every day, even if that's only for five days. These are going to be there every day, frequently, that's a 7-Eleven customer [p 175]. "The further you get from a site, the less convenient you become and it becomes less important for the customer to buy. Usually they buy close to home or close to work, and that goes for gas…that's got to go five miles up at the other end, and there are three traffic lights…no, I'm sorry, there are five stop signs up at the north end up by Butler Road."

Mr. C. Richard Moore was recalled for additional cross-examination on February 1, 2000. He reiterated that he had used 3.4 trips per employee, using Crondall Lane, and as a source for that number, the ITE rate for industrial parks, opining that the subject location was what traffic engineers viewed as "an industrial park." In order to arrive at his figure of 4,136 employees in the park, he had used approximately 13,813 trips that had a destination on Crondall Lane [T 2/01/00, pp 10-12]. The 13,813 trips were divided by 3.34 trips per employee to come up with the 4,000+ employees [p 14]. Questions were posed as to uses within the industrial park – not only during Mr. Moore's testimony but also repeatedly during the 12 days of hearings. The Board, in its analysis of the case, considered, as did Mr. Moore, that "I don't know of a single

industrial park that has 100% industrial uses. And I think that's the reason for that, wherever you go, there's going to be a variable, that's why ITE studies a lot of different uses, to come up with an average figure that is going to work in trip generation all across the country [p 18]. I think a good case in point of study, I (Moore) recently did in Loveton (that's an industrial park), but it's got McCormick's headquarters there. Headquarters do not fall into the category of industrial parks, but the trip generations from Loveton Center are very similar to industrial parks [p 20]. Mr. Moore also believed his estimates of 4,136 employees in the park to be consistent with the Regional Council of Governments' projections of employees that "with other data, I (Moore) feel fairly comfortable that this is consistent with the Regional Council governmental data…looking several ways at population, trips, -- so that, I don't have a single source of information with which to work from. I had several sources. [p 27].

Throughout intensive cross-examination, Mr. Moore maintained his contention that "trip generation is the backbone of the field of traffic engineering and we, as traffic engineers, and me personally serving on this committee with the Institute of Traffic Engineers on trip generation, our goal has specifically been for this very issue, and so it's not unreasonable to find this piece of information published in our ITE journal indicating that what most of you perceived was correct, is, in fact, correct." [p 58] Discussion also followed relative to primary trips and "pass-by trips." Reference was made to People's Counsel Exhibit No. 8, "Transportation Characteristics," which references the average length of primary trips as ¾ mile. Page 40 references that "the average daily percentage of primary trips in this study is substantially less than that indirectly indicated in trip generation" [p 69]. Mr. Moore continually stood fast on this premise that the 3.34 generation factor for industrial uses was correct based on the *Fifth Edition Trip Generation Study* and the *Sixth Edition Trip Generation Study*, both the same, which indicates that the additional data they collected between the two volumes did not change, and that in his

experience of using this data over 35 years, it is as accurate as any of the trip generation numbers that are used in our profession." [pp 87-88]

Again, Mr. Moore believed his ITE figure to be "pretty satisfied with the numbers presented as being fairly consistent – that is not to say there aren't some fluctuations because they are averages. But I mean, I'd like to think traffic engineering is an art and not really a seience, and it depends on each individual use" [p 110]. This concluded Petitioner's case-in-chief. Mr. Sellers requested a directed verdict. The Board denied the Motion.

The Protestants called a number of witnesses, the first of which was Ms. Ellen Saval. [T 2/01/00, p 117] The witness produced copies of the Stewart's directory listing businesses in the park (Protestants' No. 11), and Mrs. Saval also reviewed photos (Protestants' No. 12) of various businesses in the park taken in June 1999; and also described activities in the general area of the park based on her personal knowledge. The Board also viewed a videotape taken in August 1999, videotaping the roads frequently mentioned in the case [p 147] without any audio. The tape started at 12:24 p.m. and concluded at 1:01 p.m. The first taped portion was taken on Saturday, August 28, 1999, and the recorded segment concluded with a drive from the intersection of Gwynnbrook and Owings Mills Boulevard, northbound on Gwynnbrook to Reisterstown Road, making a right, which is the only way you can turn from that point, and finding the nearest gas station down to Reisterstown Road. It was apparent to the Board that the heavy usage of the park was, as to be expected, considerably less on weekends than as would normally be expected on the weekdays. As to the residential trips, the Board was able to determine that the first gas station encountered (Sunoco) was about 5 ½ to 6 minutes from the site. [T 168-169] The video stopped at 1:01 p.m.

Mrs. Saval continued her testimony on March 7, 2000 (day 9) concerning her park observations and drive through the residential areas. She acknowledged that she had no

specialized knowledge in traffic engineering or real estate – although she had a transportation major and marketing major. Much of her testimony rested upon personal observation and familiarity in the area. The major thrust of her testimony was that the major support of the proposed facility would come from the residential areas and not the park. Mrs. Saval acknowledged that her primary source of support was from her husband's business, Saval Food, and that the Elli Delli within the park was serviced by her husband's company; that she did not know Saval Food did any business with Southland Corporation [T 3/07/2000, p 15].

Mr. Henry Murphy also testified on behalf of the Protestants. [p 19] He is employed by WMDA Service Station Associates and admittedly has had considerable experience in the field of gasoline business [pp 20-21]. His present employer represents retail service stations and auto repair facilities in Washington, Delaware, and Maryland. The group lobbies on behalf of members for educational, insurance programs and other matters that will assist dealers in making more money, or being more cost-efficient. He is currently Director of Technical Services [p 21] and "advises independent dealers on business evaluations for purposes of buying or selling" [p 22]. He opined he was not testifying on behalf of the Association and had originally been contacted by Mrs. Saval to testify.

After considerable *voir dire* [pp 24-46], the Board, after discussion, agreed to consider the witness as an expert in the field of "evaluating locations for the retail sale of gasoline" [p 49]. Mr. Murphy was familiar with the site and had driven the surrounding streets. His impressions were that the park itself would not support a gasoline station [p 51]. His drive up to the north on Owings Mills Boulevard, however, reflected substantial housing (Wednesday, June 2, 1999 around 4:00 p.m.); and his impression was, based on his personal observations, that this area would support such a facility. He indicated that he counted 984 cars parked in the industrial area that same day. Mr. Murphy estimated that approximately 3,000 people a day would go past the

proposed store on Crondall Lane, but that number, in his opinion, would not be sufficient enough to building a station there. His analysis was that 3,000 people would be buying 10.6 gallons a week (as an industry standard of gasoline purchases), or 137,800 gallons per month pumped. Mr. Murphy also discussed Protestants' Exhibits No. 14 and No. 15 relative to Gilbarco Company, a major pump manufacturer. His analysis consisted of explaining MPD (Multiple Product Dispensers) for volume performances. He opined that, in order to take 60,000 MPD, 3 x 60,000 is 180,000 – so that would take care of it. Southland was proposing six MPDs, or twice that amount [p 60], and it was his opinion that 3,000 people a week using the facility was on the high side – since he believed that many cars were engaged in carpooling. The 3,000 people assumed to be purchasing gasoline once a week would, in his opinion, be 100 percent market penetration [p 66]. It was his opinion that "if a potential dealer approached you (Murphy) about this site with 6 MPDs, 12 fueling stations at this location, and you looked at the park, he would not recommend the site solely on the basis of the park." [p 68] He would recommend the site if the park were not there, based on the homes to the north of the site, "since this would be a very good going home station for those residents up there" [p 68]. He continued to opine that the primary market consisted of the houses above it on Owings Mills Boulevard. While he stated that daily, weekdays about 3,000 visitors would come to the park, the real figure was probably 2,000 individuals – giving Petitioner the benefit of the doubt. Mr. Murphy did agree that Petitioner's Exhibit No. 14 represented the primary market area. He also agreed that in the case of convenience stores, employees are more important than residents because they may patronize the establishment two, may three, times a day for convenience store purchases, but in the case of gasoline sales, that would not occur more than once a day [p 88].

On cross-examination, Mr. Murphy acknowledged that he had not made any attempt to independently review the count or conclusions in the car count survey, or reconcile traffic count

numbers with previously introduced evidence in traffic studies testified to in the County data, nor any independent verification of numbers of workers in the area or other uses involved in the industrial park [pp 93-94]. He also acknowledged that his estimate of 137,000 gallons exceeded the estimates in the MPSI data that was provided to Southland, assuming no access as to Owings Mills Boulevard and that his numbers "were close" to the MPSI estimates for the site. In his review of the neighborhood, Mr. Murphy acknowledged that he had not verified "rooftops" or employment patterns for the rooftops, or income housing of the various communities [p 100].

Ms. Katherine Wilson also testified on behalf of the Protestants. After considerable *voir dire* [pp 112-130], the Board accepted the witness as an expert in demographics and marketing. She described her work as circulation and marketing manager for the *Baltimore Sunpapers* relative to demographics (new development, new households, individual makeup, age, means, profession). A primary source of information was "Claritas" – a company that draws from various information sources such as the Census Bureau and Stanford Research Institute. Her analysis concluded that individuals predominantly buy gasoline during the latter part of the day or during evening hours or on the weekend. "They go after a brand name, they are brand-sensitive as far as sticking to a particular brand of gasoline, they are price-sensitive as well, but, as I mentioned before, the brand focus – they will stay with a brand." [pp 146-147] Buying patterns were discussed coming from a Crown Central study conducted locally years ago [p 148]. These were conducted with a seven-question form sent to faculty in the graduate marketing department and presented to their marketing students. That study basically confirmed no change in 7 years relative to gas buying patterns [p 151] – purchases are made in the morning, essentially because people are in a hurry, they are dropping off children; they are oftentimes cutting it very close to the time they have to be at a meeting or at their work place. They are now taking the time to get gasoline at that particular place and time. In the evening, they have more

time; they are not on as tight a schedule. [pp 151-151] Her analysis was that in the evening, potential purchasers have more time. The income level of Owings Mills Boulevard was described as $100,000 or more, two-car households, basically white-collar professionals. [p 154] The cluster profile was also discussed [p 155]. However, based on the evidence introduced in the case previously, Mrs. Wilson was not able to relate to anything that assisted her in determining the demographics of the employees in the business park or their shopping patterns. She essentially disagreed with the testimony of Ms. Raab that the trade area was ¾ of a mile circle based on research with the trade association, Association for Convenience Stores. She had difficulty accepting Ms. Raab's 28,000 residential homes to the north based on traffic zone information and several site visits. It was her opinion that, given the 3-mile market area, and given the demographics of the area and households to the north, and their location within the 3-mile area, and also the information regarding the type of people who use the expanded convenience store, it was the residential people to the north that would ultimately use the store [p 165]. She did not believe 7-Eleven had used due diligence in determining the need for that residential area, and the industrial area as well [pp 165-166]. She concluded that she had not "seen any evidence that they (Southland) have determined the needs of the customers in the industrial park." [T 3/07/00, p 167]

On March 14, 2000, the tenth day of public hearing began with the cross-examination of Ms. Katherine Wilson. She is a full-time administrator at the Johns Hopkins University and also performs consulting work. In this case, she was performing consulting work on a "pro bono" basis. She discussed her role relative to the Crown Petroleum Study performed in 1983. Much of the Crown Study survey was proprietary in nature. The only thing she had was what was introduced into evidence [p 11]. The markets involved were Baltimore City, Baltimore County, and parts of Atlanta, Georgia. The study looked at all three markets as one. There was no

separate analysis of the Owings Mills area of Baltimore County. Ms. Wilson was not familiar with the demographics of Owings Mills in 1983 when the study was conducted [p 13], nor of the roadway system. She was not aware of how many gasoline stations served the area, or how the results for Owings Mills compared to the rest of Baltimore County, Baltimore City or Atlanta, Georgia. She opined, however, that the overall conclusions of the 1983 Executive Sun still were applicable today, although she acknowledged that there had been significant changes in the past 17 years. The survey, she opined, "captured the results of the general trends of gasoline consumer habits and preferences. The survey generally reflected (1) a trend toward larger cars, inclusive of secondary profit centers (convenience stores), a strong brand loyalty; and station loyalty and a preference for self-service and cash payments [pp 15-16]. The survey had been updated by way of an informal survey her graduate students at Hopkins had participated in, without specificity as to the Owings Mills area. Ms. Wilson discussed her role as circulation manager of the *Sunpapers* – she was in charge of the "do not call list." She discussed the role of Claritas study; and prism cluster material used by the paper. That data is updated four times a year. Claritas was an organization that provided service to a variety of companies. They collect data from the Census and from a variety of other sources [pp 20-21]. The cluster profile was discussed. Ms. Wilson used the study to "predict as to who shops at a 7-Eleven." [p 35] She indicated that the geographic area covered by Map 16 – 21117, 21116 and 21136 – had a tendency to purchase items at a 7-Eleven, had a housing value of approximately $100,000. Her actual knowledge of the general area though was quite vague [p 30]. Petitioner's Exhibit 18, it was also agreed, was "larger than the three mile area." Again, Ms. Wilson stated that "nothing for any specific research project was being conducted in Owings Mills in that area." [p 45] She also acknowledged that in preparing for the case she had not gotten any updated data since she was no longer associated with the *Sunpapers*. She acknowledged that she had not gotten any

employment data for the market area. [p 46] She was relying on "the sworn testimony of the individuals who had been brought forth previously." [p 46] The information she was attempting to impart was not gasoline sales, but that you have a very large residential area above the site that has been selected to shop at 7-Eleven [p 54]. Again, she had no specific data for employment in the area, but only the data that looked at the residential area for residential sales [p 55]. She did not consider the employment in the area in her analysis [p 62]. How did she consider that the residential area would be the area primarily served by the site"? Ms. Wilson opined: (1) A large residential community north of the facility and their predominance of buying 7-Eleven products; (2) end-of-the-day sales for gas and sundry items; (3) no turn-off from Crondall Lane into the site during evening hours, for only 2,900-3,900 people who supposedly worked in the area. [p 64] The on-site traffic studies were used only "in looking at the number of individuals in that area versus the number that use the site." [p 70] On redirect by Mr. Sellers, questions were posed concerning Protestants' Exhibit No. 17, the executive summary; "Rileys Raw Retail Gravitation" was also discussed. Ms. Wilson again restated that her various opinions concerning the 3-mile radius as being the more realistic market was based on many factors, many pieces of evidence [p 96] "...in the absence of a need, the absence of sound documentation, methodology to determine the need for that in that area." [p 96] She did not independently examine or consider the creativity in the individual area because she was not looking at proving the target market was that area [p 105].

Mr. Darrell Wiles, Chief of the Baltimore County Bureau of Traffic Engineering and Transportation Planning, also testified and offered his CV (People's Counsel Exhibit No. 11). After *voir dire* he was accepted as an expert in traffic engineering. People's Counsel Exhibit No. 7 was discussed at length and also traffic counts involving turning movement counts, done manually by individuals during peak a.m. and p.m. hours. The second counts were probably

done by machine count, a road tester. This document is downloaded at their offices. In this case, a probable /machine count was used at several approaches to Crondall Lane and Owings Mills Boulevard intersections. At Mr. Zimmerman's request, the department had gathered information over a 24-hour period, including weekends. Because of variations in traffic, one of the earlier counts had had a problem. [p 119] However, Mr. Wiles was satisfied that the count from August 26, 1999 to August 30, 1999 was accurate. These were marked as People's Counsel's Exhibit No. 12. The exhibits were reviewed by the witness. The Friday count was 17,111 vehicles on Owings Mills Boulevard versus 11,342 vehicles on Crondall Lane (60 percent through on Owings Mills Boulevard and 40 percent on Crondall Lane). The 40 percent is traffic that is destined to or coming from Crondall Lane. [p 132] Mr. Wiles believed the numbers to be consistent with what he knew about the concentration of residential development to the north of the site, a mile or two to the north. [p136] The Saturday count showed 13,462 vehicles through on Owings Mills Boulevard and 3,595 in both directions on Crondall Lane (29 percent and 19 percent respectively). Mr. Wiles acknowledged that Owings Mills Boulevard is a minor arterial highway on which it is expected to carry a higher volume of traffic at a higher level of service and, generally speaking. for longer distances. [p 145] Its primary function, at best, is to collect traffic from that large area to the north of Crondall Lane and in the evening to take it back and disperse it. [p147] It can handle 20,000 cars a day before any congestion begins to be a significant issue. [p 148] Is ¾ a mile a limit on the distance that one would expect citizens in this area to be able to travel to a convenience store? [p 148] "...it depends based on the site, other competing convenience stores and the typical travel patterns that people might utilize to get from their home to their place of employment or schools or wherever they might be going...that's why they are called convenience stores. It is whatever one is most convenient to use." [p 149] The basis of the witness's response was at the Chairman's stated question, "there

is no stock answer." [p 150] Mr. Wiles acknowledged that the travel patterns on the road (Owings Mills Boulevard) the majority was residential traffic, and that it will be fairly convenient for people within that area (residential) to the north to utilize this convenience store.

On cross-examination, Ms. Dopkin questioned concerns that the counters produced on the County machines which appeared to be inconsistent, and Mr. Wiles acknowledged certain inconsistencies, "until we got to the Friday morning count." [p 164] However, Mr. Wiles believed the counters to be reasonably accurate. He continued to opine that the site would be a convenient one for the development to the north to use, although he had not studied similar factors as to gasoline stations. [p 172] The Chairman posed a question concerning the 11,342 vehicles on Crondall Lane and wanted to know if any standard existed as to the 11,342 cars (a 24-hour count) using Crondall Lane and the number of people involved in those types of trips. [pp 174-175] His answer was "No, I don't think we believe you would be taking on both of these roads. Even though we have them predominantly on Owings Mills Boulevard and obviously there's still a mix on Crondall Lane." [9 175] The witness did agree that the studies conducted by the Institute of Traffic Engineering Trip Generation Manual had studies that are compiled by land use and he would agree that the Institute of Transportation Engineers' numbers could be used as being one where you have a typical use. [p 180] In this case, however, without specific land use, he could not define any range that would reasonably represent the amount or number of trips per day.

Mr. William Hughey also testified. He was a return witness who had previously been accepted as an expert in planning. [p 184] Mr. Hughey discussed additional residential development along the Owings Mills corridor within the last year or two and again stated his familiarity with the general area in question. He did not believe, as a planner, that the railroad track was a barrier which prevented a significant number of people west of the track from using

Owings Mills Boulevard. [p 189] It was his belief that a certain percentage of both east and west side residents would choose to use Owings Mills Boulevard south to get to the interstate system, rather than head directly west to Reisterstown Road. [p190] While Mr. Hughey had not studied any of the traffic counts in preparing for his testimony, he did opine that, as far as commuter roads were concerned, residents would either go south on Owings Mills Boulevard through the corridor or east toward Hunt Valley. "I believe those would be the prime...two prime directions." [p 194] Mr. Hughey did believe that the variety of businesses in the industrial area were consistent with the "M.L." zoning that is on it. [p202]

On March 15th, the Board held its eleventh public session, the cases of Protestants and People's Counsel having been concluded. The Petitioner's first rebuttal witness was Mr. Ken Colbert, whose projected testimony was objected to relative to store size, if the same were limited to 2,500 square feet. The Board ruled that additional testimony would not be allowed on that issue [T 3/15/00, p 11]

Mr. C. Richard Moore was recalled concerning Ms. Williams' "convenience trip generation" testimony relative to the May 1998 ITE article. That article was the paper to develop a formula for determining trip generation for convenience stores. It "calculated trips based on how far away from the site the residential uses were." [T 3/15/00, p 14] That index takes into account 100 percent of all dwelling units within ½ mile of the site. Within one mile of the site, it takes in 25 percent of the residential units, and within a mile and one-half, it takes into account a 10 percent factor; at two miles, 6 percent of the residential units, and at two and two and one-half miles, 4 percent of the residential units, and at three miles, 3 percent of the residential units. Basically, the closer you are to the site, the more effect residential units have on the trip generation of a convenience store. [p 15] Moore related Petitioner's No. 19 and questions arose concerning the propriety of the rebuttal. The basic question was one of whether

or not "52 pages of traffic studies was a direct reply to a 20-minute video reflecting what those particular roads were like on one day; and frankly had little or nothing to do with traffic volume." [pp 28-29] After discussion, the Board ruled to accept Ms. Dopkins' proffer to limit the rebuttal witness to Crondall Lane, Owings Mills Boulevard, Gwynnbrook Avenue, and Timbergrove Road. [p 39] Petitioner's Exhibit No. 19 was admitted reflecting data available from Baltimore County, including 19A, "Turning Movement Count Data." Mr. Moore's analysis indicated that "traffic volume on Crondall Lane increased by 49.1 percent from 1994 to 1998." Also he indicated that "Owings Mills Boulevard, south of Crondall Lane, over the time period increased by 20 percent, and Owings Mills Boulevard, north of Crondall Lane, increased by only 9.2 percent." [p 47]

Additional rebuttal was offered by Mr. Moore concerning the use of Gwynnbrook and Timbergrove Roads on Owings Mills Boulevard south of Gwynnbrook, the average daily traffic count was 15,331. North of Gwynnbrook was 12,767, south of Timber Lane was 10,056, north of Timbergrove was 8,446. Mr. Moore concluded from the data that "volume on Owings Mills Boulevard drops substantially as you go further out into the residential area." [p 50] "Specifically, it's interesting when you look at north of Crondall Lane: 1994, 14,620, and you look at the 1999 count south of Gwynnbrook, 15,331 – which shows that over that period of 5 years, there really was not that much change in traffic volume. Again, the comments that are of the analysis which I (Moore) did before about the count of Owings Mills Boulevard and Crondall Lane, that, obviously a great deal of traffic growth has taken place south of Crondall Lane; and that is shown by the 30 percent increase, while north of Crondall Lane has only been 9.2 percent; and, again, on Crondall Lane itself, the 49.1 percent increase in 4 years, which is a pretty substantial growth rate." Mr. Moore concluded that "the trip distribution from the residential areas north of Crondall Lane, that basically trips are broken down into four basic categories,

work trips, shopping trips, miscellaneous, and personal trips. The work trips were indicated as being 50 percent of the trips from a residential area and were also broken down further, that 12.5 percent of all residential trips go to Hunt Valley (based on his notes, based on the documents, as well as his experience in the general area). [p 52]

On cross-examination, Mr. Moore acknowledged that 30 percent of all traffic from the residential neighborhood used Owings Mills Boulevard toward the 7-Eleven site. Mr. Moore did not believe that traffic counts submitted by Mr. Weber were accurate, referencing People's Counsel's Exhibit No. 12 citing why he believed the counts were inaccurate as to Crondall Lane. He also believed that the counts on Owings Mills Boulevard were inaccurate [pp 65-67].

On cross-examination, Mr. Sellers referenced Petitioner's Exhibit No. 7 (Moore's second report dated June 9, 1999). Similarity was struck between his report showing a 24-hour Crondall Lane volume as 77,788 east of Owings Mills Boulevard and People's Counsel's Exhibit No. 12 (the Wiles Report) dated August 27, 1999, which reflected 11,342. Mr. Moore continued to opine that the Weber data was incorrect because it came from Baltimore County counters, and the counter often breaks down sometimes in the timeframes of 6:00 p.m. at night, and the only difference was going to be the traffic count variable from 6:00 p.m. at night until Midnight, and that was a fairly low volume. Mr. Moore believed that his 1999 figures to be more consistent because his strictly was done by actual people making the county. Referring to Mr. Sellers' question concerning Petitioner's Exhibit No. 19 and Moore's calculation of 49 percent increase on Crondall Lane, east of Owings Mills Boulevard if, instead of 14,872 actual figures from the County study, Moore's number of 11,788 was correct – it would be a lot smaller increase than 49 percent to which Mr. Moore concurred. [p 72]

Riley's law concerning the distance between two competing uses were also discussed. [p 73] Mr. Moore continued to assert that, based on his study, 13,813 trips were counted on the

study date and the 3.34 per employee comes to 4,135 employees that he stated "has been my testimony all along." [p 99]

Mr. James F. Giegerick appeared as a rebuttal witness. He spoke at considerable length concerning his planning and demographic activities, both educational and practical. [pp 118-136] He did not profess to be an expert in marketing – which he opined was "more in the area of strategic planning related to the sales function." [p 137] He believed his expertise "was in the area of market analysis and land use and within the context of urban and environmental studies and in the area of evaluating land use in relationship to the economics and to other land uses within the jurisdiction." [p 137] He explained that there was a distinct difference between marketing real estate, as well as marketing research and analysis for real estate. They are quite distinct and different. His rationale is explained in considerable detail on pages 137-138 of the transcript.

After *voir dire*, the witness was accepted as an expert in planning and market analysis. [p 142] He had personally visited the site and heard the testimony of witnesses, Murphy, Wilson, Hughey, and Willis, and was cognizant of Judge Daniels' remand, the zoning statutes, the site plan, Mr. Moore's studies, the Equifax mat, ITE activities and exhibits previously submitted with Mr. Murphy's testimony. He was aware that Mr. Murphy and Ms. Wilson concluded that the site would primarily serve the residential market north of the site within a 3-mile radius. He was aware that Mr. Wilson had not performed an independent analysis of that data in reaching his only conclusions. Mr. Giegerick did not agree with Ms. Wilson's and Mr. Murphy's conclusions that the primary trade area is the residential area to the north of the industrial area [p 148]. His reasoning was that Ms. Wilson failed to evaluate the employment area as part of her overall evaluation [p 149]. "The primary trade area for any particular use is normally that area which is closest to the site…and there is a decay area or declining attraction the further you get away from

the site...and that was outlined in several situations with respect to Riley's law of retail gravitational attraction." [p 149] He opined that "looking at all the land uses in the area I found that within an area of ¾ mile, that the primary use or uses that were closest to the site were those industrial uses and that the areas furthest away from the site were the residential areas." [p 149-150]

The witness opined as to the area he interpreted Ms. Wilson to include. [p 153] He opined that 27.7 percent of the gasoline sales would come from the residential area to the north as identified by Ms. Wilson. [p 159] He did not believe that Ms. Wilson could have rendered her opinion as to sales volume from the residential area without analyzing the data she introduced, and without the ability to define the market area (or trade area) and convert the population and its income data into gasoline, there would be no way, other than a general amount you could conclude any level of gasoline demand from the residential area as the basis for coming to the conclusion that this area would be the primary trade area. [pp 161-162] He opined that he concluded the trade area covered by the principles of Riley's law of gravitational attraction as going up above Butler Road east to Garrison Forest, bounded by Owings Mills Boulevard, to come up with the 27.7 percent. He explained his rationale of using Baltimore Metropolitan Council data. In this area, a population of 5,505 people resided. The actual household numbers in the year 2000 is 1,814. On the basis of level population households, he secured information concerning total income, average income, of the distribution area. The primary income was previously introduced as part of the Equifax testimony.

Evaluating the percentage of gasoline purchased from the average family household budget, you would take the personal income for all the households within the market area, trade area, and then take the appropriate percentage of that total income that a family spends on gasoline, which is 2.44 percent of the total family budget, and then determine the total amount of

expenditures of the family in the market area would pay for gasoline services. [pp 167-168] That figure is determined by looking at the Baltimore County total personal income divided into the total amount of gasoline sales within the County to determine the total portion of total income that is expended in Baltimore County. He opined that the methodology was a "recognized, statistical method in market analysis…derived from the Bureau of Census – the Census of retail trade." He also explained that "the information is related to the survey that is done every 5 years by the Bureau of Census to identify that portion, that amount of sales, directed toward the sale of gasoline…a simple calculation to divide the total official income by the amount of gasoline sales to derive at 2.44 percent of the personal income that is devoted to gasoline sales." [pp 169-170]

Mr. Giegerick reviewed the data submitted by Ms. Wilson (Protestants' #18). He opined that "the figures used by Ms. Wilson did not specify numbers that I was able to understand as far as the total mount of population…but only general statements about the population within the trade area." [p 172] His analysis was based on gas station expenditures by multiplying the number of people times the personal capital income as supplied by the Baltimore Metropolitan Council. Ms. Wilson's material relating to the penetration of 7-Eleven shopping at 18.4 times that, (the total for station expenditures of $3.1 million) derived a total gas expenditures of $585,304. That's dollars spent as a penetration rate for gasoline at 7-Elevens. Mr. Giegerick used 1999 prices of gas per gallon, divided into 585,000 gallons which yielded 423,428 gallons of gas needed by the trade area for one year [p 173]. The total projected sales of gas from Southland witnesses was $1,526,352, or 128,000 gallons per month. [p 174]

Mr. Murphy, in his calculations, stated a demand from a trade area of 137,000 gallons per month, so his calculations were not based on residential but on the industrial uses [p 174]. He opined that 128,000 gallons per month, which Southland was using, was consistent with the surveys done by M.P.S.I. National Petroleum News, and typical of the proposed station. His

analysis also indicated the number of employees in the subject area, the amount of gasoline that would be demanded or needed by employees surrounding the subject site. [p 178] His methodology concerning the industrial area was described basically on information from statistical data derived from the Institute of Traffic Engineering. Mr. Giegerick asserted that Ms. Wilson had not done an analysis of uses in the industrial area, and that this was essential to support her conclusion; i.e., the number of employees in the industrial area, a factor that would have been used to derive the amount of gasoline that each employee has during the week, or the month, or the year. "And she should have calculated a total amount of gasoline volume that would be needed to serve the employees in the industrial area. That's what she should have done." [pp 181-182]

Mr. Giegerick stated that "I just…I disagree specifically with Mr. Murphy's analysis because of the use of numbers and technically the actual numbers that he used. My estimate uses more realistic numbers, in my opinion, based on the Baltimore Regional Council data and, so therefore, my results are higher than Mr. Murphy's." [p 188] Mr. Murphy, according to the witness, had estimated the park employees and visitors of 3,000 people. Mr. Giegerick had estimated, based on trip generation rate provided by Mr. Moore's ITE study, that there would be 3,256 vehicles a day. It was Mr. Giegerick's position that "Mrs. Wilson should have conducted this analysis so that she could have compared the results of the employment park gasoline with the amount of gasoline generated by the residential area. So, therefore, she (Ms. Wilson) would have been able to compare the percentage of the gasoline to the site that would be derived either from the employment park and/or the residential area separately, or in combination. At that point, Ms. Wilson could have been in a position to say, based on the fact one area's provided more gasoline demand than the other, than that area is the primary trade area and the other area is the secondary area." [p 191]

The Board, in its "Ruling on Motion To Take New Evidence" dated June 3, 1999, stated that it would "hear additional testimony and evidence only as to the limited issue of the factual requirements of the proposed facility serving primarily the industrial uses and relating activities in the surrounding area; and legal argument concerning Sections 253 and 405 of the BCZR," pursuant to Judge Daniels' instructions. The Board believes that after 12 exhaustive days of hearing, both sides had had ample opportunity to present their respective positions. The mission of the Board is to determine whether or not the Petitioner /Appellee (Southland) has, by the preponderance of the evidence, established its case in support of the proposed usage of the site. Absent errors of law, the sole question for a reviewing court is whether the record contains "substantial evidence from which a reasoning mind reasonably could have come to the factual conclusions reached by the Board of Appeals." Succinctly stated, the Maryland courts have determined that in decisions involving administrative appeal, that, so long as there is "substantial evidence" in the record to support the finding of the administrative body, its decision must be affirmed, even if there is also "substantial evidence" to the contrary. The Board, in this case, has deliberately gone to great lengths to recite portions of the transcript, because the testimony and evidence reflects considerable disparity and disagreement as to precisely the "market area" the site will serve; and whether that "market area" is primarily the industrial park or residential areas in proximity to the site.

To that extent, both sides produced a substantial number of witnesses to substantiate their position. Many were experts in their respective fields. In this respect, the Board, as a finder of fact, just as a jury, may reject all of the testimony or opinions of any expert. The record simply must contain substantive evidence which, on its face and by reasonable inference, supports a contrary conclusion. The Board held a lengthy public deliberation on June 28, 2000, after reviewing their notes, the evidence, and two excellent briefs presented by both sides. The Board

concluded that Southland had substantiated the case by the preponderance of the evidence; that "the use would serve primarily the industrial uses and related activities in the surrounding industrial area."

Based on the testimony and evidence, the Board has concluded that there are no "absolutes" required in § 253. The term "primary" implies that there are others outside the industrial park that would use the services provided by the subject site. "Primarily" designates first in a series or sequences; first in degree, rank or importance. The Board has no difficulty in determining that this is an industrial park. Admittedly, there are "other related activities" within the park that may not be construed as "industrial" uses – such as warehousing and storage, a construction facility, a deli, a trucking facility, a machine shop, pharmaceutical company, and a cabinet shop, among others. The entire industrial area contains roughly 460 acres – all classified M.L.-I.M. Of this acreage, approximately 175 acres have already been developed and is occupied along Owings Mills Boulevard and Crondall Lane. There is 263 acres left to be developed. The Baltimore Metropolitan Council, which compiles governmental data, clearly identifies the site area as a part of traffic zones 435 and 436 as providing a present employee base to over 5,000 workers. There is more than clear and convincing evidence and testimony existing that leads the Board to conclude that industrial uses are present within the park as zoned M.L.-I.M. to qualify as an industrial park. Much discussion ensued as to whether or not there was sufficient business within the park to consider the "primary" aspect of the equation. Admittedly, the subject site will be focusing on the employees within the park in volume numbers during the weekdays of Monday through Friday; and the hours of 6:00 a.m. to 6:00 p.m.

The testimony and evidence clearly demonstrates that after peak work hours there is minimal activity in the park. Saturdays and Sundays would also not be peak usage by the employees of the park. However, the term "primarily serve" does not require constant usage by

the park employees 7 days a week, 24 hours a day. The County Council must have considered that factor in determining the usage as an industrial park as not totally functioning 7 days a week by the very nature of its "industrial" designation. It is sufficient that the industrial (and related) uses will "primarily" serve the facility within the peak hours of employee usage 5 days a week, and that constitutes the bulk of the facility's trade. The Board concludes that it will.

The Board found Mr. Moore's testimony compelling relative to his studies involving traffic flow:

> 1. 91.3% of all vehicles on Crondall Lane actually had a destination on Crondall Lane.
>
> 2. Owings Mills Boulevard is an arterial roadway that carries vehicles on long-distance trips (approximately 80% are long-distance trips).
>
> 3. Most of the Owings Mills traffic is destined to the arterial roadway of 795, Reisterstown Road, and the arterial roadway system in the area.

Mr. Moore related the tendency, based on the Institute of Traffic Engineering Studies, that one-stop shopping is becoming more and more accepted by the general public. The ITE has determined that particular land uses can result in the number of trips generated. Two methods used are (1) square footage and (2) the number of employees. Having determined that there was approximately 13,000 trips, in actuality 13,813, going to and from the industrial uses along Crondall Lane, using the ITE information of 3.3 trips per employee, that would equate to 4,136 employees along Crondall Lane coming from the developments along Crondall Lane.

Despite extensive cross-examination as to the summer surveys taken by Mr. Moore, Mr. Moore had factors to figure 4,136 employees as viable customers of the proposed facility. The Board finds this figure to be generally consistent throughout the hearings. His analysis was that the 4,136 employees, who were the majority passing this station, have the opportunity to make their fuel and convenience purchases, and that was why he concluded the ¾ mile radius as being the primary market area.

Mr. Philip Perrine's testimony was also considered as substantive to Southland's case. He was offered as an expert in the fields of demographics and planning. His testimony is adequately documented (T 8/11/99, p 139-140) relative to his personal visits to the site and surrounding area. His testimony relative to the 435 zone and the 436 zone developed by independent analysis from the Baltimore Metropolitan Council determined that, for the year 2000, these zones had an employee numbers of 3,692 for zone 435; and 1,387 for zone 436. Mr. Perrine adequately formulated an opinion that residences in zone 435 are on the west side of Owings Mills Boulevard which has a railroad barrier that would make it more difficult to seek out the services provided by the proposed facility. Again, he reasserted that the primary source of customers would come from the industrial complex consisting of 1.1 million square feet and approximately 4,000 employees, all within the ITE standards. In addition, he opined as to the myriad of deliveries, shipping vehicles, visitors and cleaning personnel that come and go to the park a variety of times during the day.

Ms. Linda Raab's testimony was also of a compelling nature in the Board's conclusion. Her credentials were outstanding (see page 14 of this Opinion and Order). Ms. Raab was accepted as an expert in planning, economics and demographics. She opined as to a study that utilized criteria taken from the Urban Land Institute. Data obtained from the National Association of Convenience Stores was also related. That data reflected that 98% of convenience stores are selling fuel in combination with convenience stores; and that the trade area is the geographical area that provides the majority of steady customers needed to support the proposed use. Using data supplied by the independent Baltimore Metropolitan Council, the witness concluded that the area was dominated by an employee base concentrated in the Crondall Lane industrial area. Her analysis is documented by way of transcript reference on pages 17 and 18 of this Opinion and Order.

In summary, she conservatively estimated that 4,250 employees were in the park, which compared favorably with Mr. Moore's estimate of 4,136 employees. The Board also considered the testimony of Mr. Ed Zimmerman. The Board was impressed with the candor and demeanor of Mr. E. Zimmerman. While lacking in formal educational credentials, the Board took special recognition of his long tenure and experience with Southland. While he admitted that his first impression was not favorable, subsequent visits to the industrial area convinced him that the park would support the proposed facility. An impromptu visit by the Senior Vice President of Real Estate International from Southland was also positive during his initial visit. Both men must be credited with "street smartness" by virtue of their long tenure and experience with Southland, and responsibilities in the area of site selection. (Reference page 22 of this Opinion.)

Mr. E. Zimmerman discounted the residential areas to the north because of their distance from the site, and the physical barriers existing to the west. His emphasis was that this was a "going to work site for the folks coming to work." He estimated 3,900 employees in the park, and based on Southland's standards, a typical 7-Eleven store gets 1,200 customers a day; and the employee base of approximately 4,000 employees would more than justify the site selection within the park. Additional references by Mr. E. Zimmerman are detailed on page 25 of this Opinion. Mr. E. Zimmerman stood fast in his concurrence that the trade area was ¾ mile radius and that the primary and principal function of the facility would be to serve the industrial park employees and related activities.

Reference is also made to Mr. E. Zimmerman's comments made during cross-examination. (Pages 28-29 of this Opinion.) In basic summary, Mr. E. Zimmerman "felt that this was an industrial site and we [Southland] were right on the front door of it, and that's where we needed to be." He also indicated that "the industrial park customer is someone who is going to visit you once, twice, possibly even three times a day, everyday, even if that's only for five

days. These are going to be there everyday, frequently, that's a 7-Eleven customer. The further you get from a site, the less convenient you become, and it becomes less important for the customer to buy. Usually they buy close to work or closest to home and that goes for gas…that's got to go 5 miles up at the other end and there are three traffic lights…no, I'm sorry there are 5 stop signs up at the north end by Butler Road."

On recall via cross-examination, Mr. C. Richard Moore again reiterated that he had used 3.4 trips per employee using Crondall Lane, and as a source for that number, the ITE rate for industrial parks, opining that the subject location was what traffic engineers viewed as "an industrial park." Again he used approximately 13,813 trips that had a destination on Crondall Lane divided by 3.4 trips per employee to come up with the 4,000+ employees. Mr. Moore opined that he continued to believe his estimates of 4,136 employees in the park to be consistent with the Regional Council of Government's projection of employees that "with other data, I [Moore] feel fairly comfortable that this is consistent with the Regional Council of Government data…looking several ways at population, trips—so that I don't have a single source of information with which to work from. I had several sources." Mr. Moore stood fast on his basic premise that a 3.4 generation factor for industrial uses was correct based on the fifth edition trip generation study and the sixth edition trip generation study, both the same, which indicates that any additional data they collected between the two volumes has not changed, and that in his experience of using this data over 35 years, it was as accurate as any of the trip generation numbers that are used in the traffic profession.

The Protestants produced a number of witnesses in support of their case. Mrs. Ellen Saval testified based on her personal observations and familiarities with the area. She contended that the major support of the proposed facility would come from the residential area, and not the park. The Board reviewed a 30-minute video tape taken by Ms. Saval and a substantial number

of photos taken within the park. It must be noted, without comment, that during the course of cross-examination Ms. Saval did acknowledge that the Elli Deli in the park was serviced by her husband's company, but she did not know if Saval Food did business with the Southland Corporation.

Mr. Henry Murphy testified. He was accepted as an expert in the field of evaluating locations for the retail sale of gasoline. He estimated that approximately 3,000 people a day would go past the projected site on Crondall Lane, but that, in itself, would not support a fuel service station there. His analysis concluded that 3,000 people assumed to be purchasing gasoline once a week would be 100 percent market penetration, and with a proposed 6 MPT, 12 fueling stations, the park itself could not support the facility. He would recommend the site, however, if the park were not there based simply on the homes to the north of the site "since this would be a very good going home station for those residents up there." He did agree that, in the case of purely convenience stores, employees are more important than residents because they may patronize the establishment two, possibly even three, times a day for convenience store purchases. But in the case of gasoline sales, that would not occur more than once a day.

Unfortunately, from the perspective of the Board, Mr. Murphy's position was not as strongly presented as those for Southland. Much of his testimony did not reflect any attempt to contradict Mr. Moore's traffic counts, nor any sound basis on which to reject employee numbers previously submitted by Southland experts.

Similarly, the Board was not as strongly impressed by the testimony of Ms. Katherine Wilson, accepted as an expert in demographics and marketing. Much of her analysis was drawn from information supplied by "Claritas" – a company that draws from various information sources, such as the census bureau of the Stanford Research Institute. In addition, she reflected upon a Crown Central study conducted locally years ago. Much of the information was generic

in nature. Essentially, the buying patterns described fit the typical 7-Eleven customer; that is, morning purchases and evening purchases, with a tendency for one-stop shopping.

Unfortunately, Ms. Wilson was unable to relate to anything that assisted her in determining the demographics of the employees in the business park or their particular shopping centers. She essentially disagreed with the testimony of Ms. Raab that the trade area was ¾ mile radius circle based on research with the trade Association for Convenience Stores. She opined that given the heavy concentration of residences to the north, the appropriate trade area was a 3-mile radius not the ¾ mile radius that Southland contended. While she concluded that she had not "seen any evidence that they [Southland] had determined the needs of the customers in the industrial park," the question in this case is not one of "need" which seemed to be paramount in Ms. Wilson's testimony, but rather one to which the attention of the Board was specifically drawn, and that is whether or not the proposed use would primarily service the park.

The Board did not give considerable weight to the Crown study because of its age (conducted in 1983), and the fact that it lacked specificity as to the Owings Mills area. Baltimore City, Baltimore County, and parts of Atlanta, Georgia, were all considered as one within the Crown study. Ms. Wilson acknowledged the fact that she was not familiar with the demographics of Owings Mills in 1983 nor the roadway system. While she continued to opine that the study results were still accurate, she acknowledged that there had been significant changes in the past 17 years and could not be updated because she lacked information courses to do so. Much of the information concerning the Owings Mills area had been obtained while she was working for *The Sun* papers and information derived from "Claritas" but that information had not been updated since she had to pay for it, and she was no longer employed by *The Sun*.

Essentially, Ms. Wilson stated that the information she was attempting to impart was not gasoline sales, but that you have a very large residential area above the site that has been selected

to shop at 7-Eleven. The difficulty was that she had no specific data for employment in the area but only the data that looked at the residential area for residential sales. She did not consider the employment in the area in her analysis. Much of her testimony was based on conjecture (reference this Opinion and Order, page 40).

While the Board recognizes the fact that both Mr. Murphy and Ms. Wilson appeared on a "pro bono" basis, the Board is required to assess credibility on facts or inferences derived from fact. Lack of funding may have precluded both witnesses from gathering such data that would have been more convincing and conclusive than that afforded by the experts offered by Southland Corporation. However, the Board is not permitted to go beyond the factual evidence and testimony that is afforded by the hearing and must base its decision on that which is presented at the actual hearing. In that light, Southland's witnesses were far more convincing as to the data and fact-finding evidence.

Mr. Darrell Wiles, Chief of Baltimore County's Bureau of Traffic Engineering, also testified concerning traffic counts and traffic movement in the area over 24-hour periods and weekends. He confirmed that Owings Mills Boulevard was a minor arterial roadway designed to carry higher traffic volume over longer distances. As to the essence of a ¾ mile limit concerning the target area, Mr. Wiles was not really able to give an opinion concerning whether or not that was a reasonable limit that one would expect citizens in this area to able to travel to a convenience store. He cited a number of factors on which that was contingent and basically it was a situation of how people would utilize the roadway system to get from their home to their place of employment or schools or wherever they were going. That's why they are called convenience stores. Basically, "there was no stock answer" to a ¾ mile radius factor. Mr. Willes did agree that the studies conducted by the Institute of Traffic Engineering trip generation

manual had studies that are compiled by land use, and he would agree that the Institute of Transportation Engineer's numbers could be one where you have a typical use.

Mr. William Hughey, who had previously been accepted as an expert in planning, also testified. His testimony basically consisted of the fact that he, as a planner, did not believe that the railroad track to the west was a barrier to residents utilizing the services afforded by the convenience store, and that a certain percentages of both east and west residents would choose to use Owings Mills Boulevard south to get to the interstate system rather than head directly west to Reisterstown Road. He also concurred with the Board's conclusion that a variety of businesses in the industrial area were consistent with the M.L. zoning that the County Council had placed on the area.

Mr. Moore was recalled on the 11th day of public hearing basically to opine concerning Ms. Wilson's "convenience trip generation" testimony relative to the May 1998 ITE article. The essence of his testimony is captured on pages 44 of this Opinion. Essentially, Mr. Moore testified that "basically the closer you are to the site the more effect residential units have on the trip generation of a convenience store." Additional rebuttal testimony was offered by Mr. Moore concerning various traffic flow, and again that is documented on pages 45 and 46 of this Opinion.

Again, the Board has assessed the totality of Mr. Moore's testimony, and concurred that, based on substance and content and additional discussion of Riley's Law concerning the distance between two competing uses, 4,136 employees within the park was a good estimate of individuals available to use the services which were being projected for use by the subject site.

Finally, the most compelling witness was offered by Southland in the presence of Mr. James F. Giegerick. Mr. Giegerick was quite conversant with the charge given to the Board by Judge Daniels. He was most adequately prepared relative to the subject matter, and exhibits that

had previously been submitted over the 11 prior days of public hearings. His analysis of the testimony of Mr. Murphy and Ms. Wilson is summarized on pages 48

In conclusion, Mr. Giegerick stated that, in his opinion, the residential area was the secondary trade area based on the dimension of the gallonage attributed to the subject site and that the industrial area was the primary area [p 192].

On the twelfth and final day of the hearings, April 11, 2000, Mr. Giegerick was subjected to considerable cross-examination concerning his gasoline sales projections to both the residential and the industrial areas, population data, traffic zones and additional questions concerning "Riley's Law" relative to gravitational pull, and also considerable testimony concerning penetration and capture rates. The Board found the comments relative to application of "Riley's Law" interesting relative to the "formula which basically accounts for time and distance between uses, and there is a formula which basically gives a higher value to a higher concentration in one competing area as compared to another." [T 4/11/00 p 61] The subject of penetration and capture rates were also discussed. Mr. Giegerick stated that the capture rates for stores similar to 7-Eleven was approximately 60 (or so) percent of sales from that area (page 73). Beyond that existed the penetration rate. The further away, the lower the capture rate. Mr. Giegerick acknowledged that in his analysis he used a capture rate (page 74). The data used for personal income information was derived from the 1997 economic census for retail trade; and Mr. Giegerick related 1997 income to 1997 sales.

The transcript of Mr. Giegerick's testimony on the last day of the hearing adequately documents that he was conversant with the area in question and that his analysis substantiated the fact that the industrial area was the principal area to be serviced by the proposed site and provided adequate documentation for the Board to reach its conclusions.

As the Chairman noted on page 199 of the final transcript of April 11, 2000, we must decide the facts, and apply the facts to the law to come up with a satisfactory answer. Applying that logic, the Board concludes that Southland has provided sufficient testimony and evidence in the record to substantiate the fact that the proposed facility will primarily serve the industrial uses in the park.

As to the second question, whether or not the subject site is a convenience store that is allowed by right up to 1,500 square feet in gross floor area with a special exception required for anything larger, the Board makes the following comments. In 1994, County Council Bill 86-94 defined "convenience store" for the first time. The BCZR 101 definition essentially identifies a convenience store as a small food store, less than 5,000 square feet in gross floor area. A convenience store is defined as follows:

> A retail establishment which primarily sells refrigerated products, household items, carry-out food products, or pre-packaged frozen, chilled or sealed foods and meals that may be heated by the customer at the premises; but are eaten off site. A convenience store does not exceed a gross floor area of 5,000 square feet; and is usually open for at least 12 hours in a 24-hour period.

The addition of the 2,500 square foot limitation to food stores in the M.L. zone was adopted as part of Bill 100-1970. Before that legislation, the M.L. zone allowed uses permitted in the business zone. The County had a strong desire to hold on to prime industrial land for commercial uses, but did intend auxiliary uses in industrial areas. The testimony and evidence produced in this case clearly leads the Board to the conclusion that, due to physical constraints and diminutive size, the site cannot be maximized as prime industrial land. It essentially functions at its highest and best use to provide auxiliary support to the industrial park uses. The Board takes into consideration the testimony of John Lewis of the Baltimore County Department of Permits & Development Management (DPDM). Mr. Lewis, at the prior hearing, confirmed that when the request is made for a convenience store over 2,500 square feet, you don't need a

variance. Succinctly stated, § 405 provides that a convenience is a permitted use in combination with a fuel service station. The definition of a convenience store has been defined as previously stated. Testimony and evidence produced during 12 extensive days of hearing reflect that the proposed facility would be a typical 7-Eleven store, open 24 hours a day. The store would feature items traditionally sold by other 7-Eleven stores in the area.

The Board takes note of the previous testimony documented in this Opinion and Order which is reflective of the Baltimore County Council definition of a convenience store. All the Board members have experienced some purchasing at 7-Eleven stores, and, based on those life experiences that each brings to the Board, have no difficulty in the acceptance that the proposed store would be a convenience store within the parameters of the definition.

It is the position of the Protestants that the proposed store violates the 2,500 square foot size limit for food stores as required by BCZR 253.C.12. The contention is that a 7-Eleven is essentially a food store, albeit a "convenience" type of food store. The Board has reviewed and digested the May 24, 1999 letter to the Board from the Office of People's Counsel. The Board takes note that the interpretation of the statute runs contrary to the interpretation by the zoning office relative to the larger store (reference John Lewis' testimony, day 3, page 114). The Brief offered by the Protestants cites numerous examples of deference to the interpretation of the statute placed on it by an agency charged with its administration. The Board concurs that there is no legal basis to restrict the area limit of a convenience store not to exceed 2,500 square feet. It would also appear that, while the Brief submitted by Southland indicates that Southland may voluntarily reduce its store size, and if that is done, that determination be included in the Board's Order expressly permitting or requiring Southland to build a smaller store without the necessity of additional hearings or approval. Unfortunately, as has been stated in the Brief submitted by People's Counsel for Baltimore County, at one point, Southland's counsel did suggest it might

reduce the size of the store. But, however, Southland never amended its Petition. Under those circumstances, the County Board of Appeals must, as People's Counsel suggests, address the Petition as filed. (*People's Counsel v. Mangione*, 85 Md App 738, 744-47 (1991))

The Board therefore also concludes that the original request made by Southland is still in place.

ORDER

THEREFORE, IT IS THIS 31st day of August, 2000 by the County Board of Appeals of Baltimore County

ORDERED that, pursuant to the aforegoing Opinion and finding that Petitioner has met the requirements of Sections 253, 450, and 502.1 of the *Baltimore County Zoning Regulations* (BCZR), the Petition for Special Exception as filed in Case No. 98-269-X be and the same is hereby **GRANTED**.

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Chairman

Charles L. Marks

Thomas P. Melvin

County Board of Appeals of Baltimore County

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410-887-3180
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August 31, 2000

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204
410-583-1712

RE: In the Matter of Crondall Lane LLC /Southland Corporation
Case No. 98-269-X (Civil Action No. 03-C-98-8520

Dear Mr. Sellers:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules of Procedure*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

Enclosures

c: Ellen Saval
I. William Chase, Esquire
Beth Israel Congregation
Deborah C. Dopkin, Esquire
7-Eleven, Inc. /Ed Zimmerman
Ken Colbert /Colbert Matz Rosenfelt, Inc.
Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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5/22/00

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondall Lane, S/E corner Crondall Lane and Owings Mills Boulevard 4th Election District, 3rd Councilmanic	*	ON REMAND
	*	BEFORE THE
	*	COUNTY BOARD OF APPEALS
JEAN SCHUSTER/SOUTHLAND CORP. Petitioners	*	FOR BALTMORE COUNTY
(Circuit Court Civil No. 3-C-98-8520)	*	**CBA Case No.: 98-269-X**

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

PEOPLE'S COUNSEL'S MEMORANDUM

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I. STATEMENT OF THE CASE: THE REMAND

The Circuit Court entered an Amended Order April 26, 1999, remanding the case to the County Board of Appeals "to make specific factual findings with regard to compliance with Sections 253 and 405 of the Baltimore County Zoning Regulations, consistent with the Opinion of this Court." Judge Lawrence R. Daniels had given his oral opinion March 4, 1999.

The transcript of the oral opinion is in the CBA file, running from page 114 to page 131 of the proceedings. It shows the first and main issue on remand to be compliance with BCZR 253.2B1. This permits, in the M.L.-I.M. zone district, by special exception:

> "B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993] [footnote omitted]
>
> 1. Automotive-service stations, subject, further, to the provisions of Section 405."

Judge Daniels held that this law requires compliance <u>both</u> with Sections 253 and 405.

However, the first question is whether the proposed service station is an "auxiliary service use" which "will serve primarily the industrial uses and related activities in the surrounding industrial area." This breaks down into two constituent elements. It requires identification of the "industrial uses and related activities." Then, it involves evaluation of "primary" service.

The second question presented is whether the proposed 7-11 store satisfies BCZR 253.1C.12, which allows by right food stores up to 2,500 square feet. On May 24, 1999, we submitted a letter with enclosures to show that the proposed store must satisfy the food store standards of BCZR 253, as well as the convenience store/service store standards of BCZR 405. We reattach as Exhibit A here that letter, minus the enclosures.

On June 3, 1999, the CBA issued a ruling to take new evidence as well as legal argument to satisfy "Judge Daniels' requirement concerning findings as to Petitioner's compliance with both Section 253 and Section 405."

There ensued twelve days of evidentiary hearings. Under the circumstances, it is useful to organize the discussion by focusing on a core group of subsidiary areas. In reviewing facts relevant to each, and placing them in legal context, we can resolve and simplify the ultimate issues.

II. THE PRIMARY SERVICE QUESTION

There is a threshold question of identification of "industrial uses and related activities in the surrounding industrial area." Unless such an area can properly be identified, an essential element of BCZR 253.2B is absent.

BCZR Section 101 provides the relevant definition:

> **"INDUSTRIAL, QUASI-INDUSTRIAL OR INDUSTRY-RELATED USE** – Any use listed in Section 253.1.A other than Item 34; any use listed in Section 253.1.B, 253.2.A or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses. [Bill No. 178-1979]"

In turn, the BCZR 253.1A.34 exclusion refers to:

"Offices or office buildings or medical clinics."

Therefore, the surrounding area is "industrial" or "industry-related" only to the extent that it involves uses other than offices, office buildings, or medical clinics.

A. Identification of Industrial Uses and Related Activities in the Surrounding Industrial Area

Throughout the proceedings, there was reference to the area around Crondall Lane zoned M.L.-I.M. The Owings Mills business parks are the most prominent uses there. In addition, there is a small retail strip on Owings Mills Boulevard and the Beth Israel Synagogue.

At various times, the business parks were referred to as an employment area, industrial area, commercial area, office area, or combination. Despite persistent debate about the description of the neighborhood, Southland Corporation and its experts never attempted to describe particular industrial, retail, and/or office uses, or their relative numbers or density. By observation, Ellen Saval and others testified that office uses were significant and/or appeared to stand out. Her video was consistent with this observation. Moreover, the Criss-Cross Directory, Protestants' Exhibit 11, corroborates the large number of medical, legal, and other offices.

It is to be remembered that the burden of proof is on the applicant for a special exception. There must be production of substantial evidence. This is particularly true here, where the

ordinance sets an eligibility test over and above the baseline BCZR 502.1 special exception standards.

Because Southland never proved the proportion of the Owings Mills Business Park devoted to eligible industrial uses, it is impossible to confirm even that the business park itself is occupied by a majority of industrial uses. Therefore, Southland failed to satisfy a basic ground rule for compliance with BCZR 253.2B.

Indeed, even if the Board believed it could assign a percentage to uses other than offices or medical clinics, it would have to discount the rest as unrelated. For example, if the Board believes that the Business Park is about 50% industrial and 50% office/medical clinic, then it would have to discount by 50% the marketing and traffic evidence which purport to relate to service of "industrial" uses.

B. Comparison of the Residential and Employment Areas

The next element in evaluation of the "primary service" issue involves the broader comparison of the northerly residential area with the Crondall Lane employment area as potential markets. Although the employment area is closer, the residential area is within a few minutes driving time along a well-defined commuter corridor.

It is helpful to have in mind the meaning of "primary." Merriam-Webster's Collegiate Dictionary (10th Ed. 1994) includes these definitions:

> **"1. ... 1a: first in order of time or development... 2a: of first rank, importance or value: PRINCIPAL. b. ... BASIC, FUNDAMENTAL.**
>
> **2. ... something that stands first in rank, importance or value."**

We will explore the evidence from several points of view. In each case, the evidence fails to show even that the employment area is the primary market. Rather, the residential area dominates by virtue of its large population which uses this corridor.

1. Southland's Files

Southland resisted Subpoenas issued for its internal records. After procuring a decision to quash, Southland produced a set of documents of its own choosing. Finally, confronted by this self-serving scheme, the Board required the production *in camera* of Southland's site selection documents from the files of Edward Zimmerman.

These documents, previously withheld, prove that Southland selected the site because of its ideal location where Owings Mills Boulevard funnels the entire residential commuter population from the north. There is no other food/convenience store or gas station along this route.

The Edward Zimmerman files included this "Site Analysis" in Protestants' Exhibit 7A:

"SITE ANALYSIS:

This site could be described as an extended grid corridor location. Virtually all of the residential area is north of the site but must travel on our primary road, Owings Mills Blvd., to and from work, and shopping. A railroad track with only one crossover for miles locks all traffic into our facing street.

No competition exists in our viable trade area and the likelihood of any zoning changes is highly improbable in the foreseeable future.

At present, it is estimated that between 16,000 and 18,000 cars per day pass our intersection, as no actual counts are available from the state or the county. Although this is not a high traffic volume, we don't have to share it with any competition.

> An office/business/industrial park is immediately adjacent to our site to the east, and employs approximately 3,900 workers. Immediately across Crondall Lane, on the opposite corner, construction is starting on a new office building and mini warehouses."

Zimmerman checked for streets that go through to Reisterstown Road. He found the only one going through to be Gwynnbrook, but that it was both obstructed and had no left turn on Reisterstown Road. Protestants' Exhibit 7E.

In addition, Southland's Equifax maps show the lack of competition on Owings Mills Boulevard, the high income levels, high median housing values, and residential commuter routes. Petitioner's Exhibit 14. The Equifax full data report identifies a residential population of 24,034 by the year 2001 within a 2-mile radius. Petitioner's Exhibit 15. This is consistent with the 30,000 residential population within a 3-mile radius in the northerly traffic zones discussed below in Section III-C. The Equifax data also reveals high educational background, occupational status, and income levels for the residential population.

Finally, the Southland Site Evaluation Form highlights Owings Mills Boulevard as a "collector road for all side streets and... the only through north/south road in the trade area." Petitioner's Exhibit 17, paragraph 18b. It also noted the "Railroad track" which "prevents residents from direct access to Highway 140 (Reisterstown Road)." Petitioner's Exhibit 17, paragraph 8.

In sum, Southland's files show that, from the beginning, Edward Zimmerman's internal memoranda and collected data identified the site as ideal to serve the residential population.

2. Marketing: Expert Evidence; Order of Proof

The only marketing experts in the main case were presented by Protestants. Katherine Wilson had outstanding qualifications and presented an analysis which used marketing data and also accorded with common sense. Harry Murphy used his knowledge and experience and came to the same conclusion even using assumptions favorable to Southland. They both found that the primary market area is the residential area to the north. These are the only expert marketing opinions in the main case.

Southland waited until rebuttal to produce its only marketing witness, James Geigerich. It is elementary that rebuttal evidence cannot be used as a substitute for a case in chief. It may be used only to rebut.

In attempting to have the last word, Southland disregarded its own affirmative burden of proof. It is ironic that Mr. Geigerich criticized Protestants' expert Katherine Wilson for insufficient study or data collection. Southland itself had produced no expert analysis. It was patently unfair, therefore, to say in rebuttal that Ms. Wilson had not pursued every last detail.

3. Analysis of the Marketing Evidence

All of the parties accepted the Council of Metropolitan Government "Traffic Zone" population data for purpose of analysis. This utilizes information compiled by the Baltimore County Bureau of Traffic Engineering, as Darrell Wiles pointed out. The Traffic Zone map and data came in as People's Counsel's Exhibit 7. Virtually every expert witness used this data.

Southland referred to a year 2000 employment population in the vicinity of 3,000 to 4,000. But the same data showed a residential population to the north of over 30,000. See also People's Counsel's Exhibits 15A, 15B.

Katherine Wilson referred to the residential population as 28,000 in formulating her opinion that this was the primary market for the 7-11 and gas station. This is consistent both with traffic zone population data and actual counts of through traffic. She also took into consideration the nature and route of Owings Mills Boulevard as the access road to I-795, relevant income levels, and penetration rates.

Ms. Wilson reviewed the tendency of commuters to buy gas on their way home in the afternoon. (The main going home traffic involves residents driving north-northwest on Owings Mills Boulevard.) The first condition of the Board's original July 24, 1998 Order was that no left turns are permitted from Crondall Lane during peak hours. Page 25. Southland never contested this condition, which would limit afternoon use by employees.

Harry Murphy analyzed the location from a practical point of view. He also found the residential market to be primary, even based on the favorable assumption to Southland, that there would be 100% penetration for the employment population. Clearly, the more realistic penetration rate would be closer to 20%, based on all the testimony.

In rebuttal, James Geigerich tried to tear down Katherine Wilson's analysis and puff up Harry Murphy's to Southland's advantage. But there were several key flaws in his analysis.

Geigerich "interpreted" Katherine Wilson as limiting the residential area to between Owings Mills Boulevard and Garrison Forest Road. People's Counsel's Exhibit 13. By doing

this, he was able to limit the traffic zones involved and use an absurdly low residential population of 5,504. This enabled him, in turn, to derive a residential percentage of 27% for the market.

But cross-examination revealed that his geographic limit and 5,504 population assumption misinterpreted and misstated Katherine Wilson's testimony. With an accurate projection of 30,000 residential population, the annual residential sales leapt from 423,000 gallons to 2,363,000 gallons. This turned out to be 68%, even if Geigerich's employment area sales were held constant..

In addition, Geigerich used a 100% penetration rate for the employment population to come up with the numbers in his "alternative" analysis. Plainly, this inflated his projection. Even for the affluent residential population, the penetration was considered to be around 20%. If this more realistic 20% rate were assumed for the employment area, then the Geigerich sales estimate of 1,600,000 annual gallons would melt down to 320,000.

In sum, Geigerich severely underestimated the relevant residential population and overstated the penetration rate in the employment population. Moreover, he took no account of the evidence that drivers tend to buy gas going home, which makes the location ideal for evening residential commuters.

All of these marketing opinions were based on the unproven premise, favorable to Southland, that all of the employment population is "industrial" or "industry-related." As discussed earlier, this is false premise.

Finally, there is the added point that the residential market clearly will dominate the weekend and evening trade. If Southland truly saw itself as reliant on the employment area, it would not be fighting so hard to maintain a 7-day a week, 24-hour operation. That is a telltale sign.

4. Traffic Flow

The Bureau of Traffic Engineering conducted the only independent study of 24-hour counts. Entered as People's Counsel's Exhibit 12, it shows 17,111 through traffic trips on Owings Mills Boulevard, compared with 11,342 vehicles total traffic on Crondall Lane. On Saturdays and Sundays, the Owings Mills Boulevard traffic drops to some degree, while the Crondall Lane traffic is nominal.

Despite Richard Moore's attempt to criticize or downplay these findings, his own report corroborates the through traffic numbers. His June 1999 traffic counts are in Petitioner's Exhibit 7. They show 16,830 trips on Owings Mills Boulevard north of Crondall Lane, and 23,146 trips south of Crondall Lane. Remarkably, Edward Zimmerman's preliminary site approval shows 16,000 vehicles on the facing street, Owings Mills Boulevard, and 7,500 on the side street, Crondall Lane. During cross-examination, Protestants' counsel showed Moore's study indicated 58.4% through traffic on Owings Mills Boulevard. Protestants' Exhibit 9.

All of the witnesses sooner or later testified to the logical observation that Owings Mills Boulevard serves as the commuter corridor for the large residential community to the north of the site up to Butler Road. On the MPSI data obtained by Southland, Owings Mills Boulevard showed as the primary road, with Crondall Lane secondary. Protestants' Exhibit 7F.

All of the traffic count data is consistent with the traffic zone population data. They point to the residential community as the primary market area. The 7-day a week, 24-hour feature of the operation magnifies and reinforces this conclusion.

5. Planning Testimony

William Hughey, the area planner for the Third Councilmanic District, was very familiar with the area. He corroborated that the subject location is situated well to serve the residential area. Southland presented two witnesses, Philip Perrine and Linda Raab. Both were from Montgomery County. Their testimony reflected a lack of familiarity with the Owings Mills area.

C. Summary

We began with the observation that Southland never proved the amount or extent of "industrial" activities in the employment area. This alone was fatal to its case.

We then examined the marketing issue from three points of view: Southland's internal records on site selection, marketing expert opinion, traffic flow and marketing. They point to the same conclusion.

The site is at an "extended grid corridor location." It serves a residential population of 25,000 to 30,000 within two to three miles, a convenient driving distance on a commuter route. This population generates 16,000 to 18,000 through trips daily on Owings Mills Boulevard. In contrast, the employment population, albeit closer, is only 3,000 to 4,000. Moreover, the prohibition of left turns from Crondall Lane hinders use by this population, especially in the important afternoon weekday peak hour when employees head home.

All of this adds up to primary weekday service to residential and office uses, not industrial uses. When weekends are factored in, the disparity is even greater. This is not a close case. If the residential population were 15,000 to 20,000, it still would outweigh the uncertain industrial number among the 3,000 to 4,000 employees.

Southland assembled a group of experts to support its position. But Judge Marvin Smith's observation in A.H. Smith Sand & Gravel v. Dep't. of Water Resources, 270 Md. 652, 667 (1974) is apt here:

> "This Court has observed that an expert's opinion is of no greater probative value than the soundness of his reasons given therefor will warrant."

More recently, Judge Charles Moylan wrote:

> "A self-evident reason for rejecting as an effective catalyst an expert opinion that a mistake was made is the fact that the opinion is merely conclusory or is, at best, quasi-conclusory. Illustrative of the principle that the opinion of an expert is of little or no weight in the absence of strong supporting facts is *Mayor and Council of Rockville v. Henley*... [citations omitted]" People's Counsel v. Beachwood, 107 Md.App. 627, 650 (1995).

Here, Southland's planning and marketing experts were from outside the area. They either disregarded or distorted the key facts concerning population, penetration rates, and traffic flow.

In contrast, the Protestants' experts used realistic facts and assumptions to support their conclusions. The unbiased testimony of William Hughey and Darrell Wiles reinforced their testimony.

In the end, Southland spent a lot of time and resources to argue against cold data and common sense. There was lot of what Shakespeare described as sound and fury, signifying nothing.

III. THE SIZE LIMIT

For reasons stated in the introductory section of this memorandum, the proposal violates the 2,500 square feet size limit for food stores of BCZR 253.C.12. There was no genuine dispute that a 7-11 is essentially a food store, albeit a "convenient" type of food store.

At one point, Southland's counsel suggested it might reduce the size of the store. But Southland never actually amended its Petition. Under these circumstances, the CBA must address the Petition as filed. People's Counsel v. Mangione, 85 Md.App. 738, 744-47 (1991).

CONCLUSION

For all of the above reasons, the County Board of Appeals should and must deny the Southland petition for failure to satisfy the relevant provisions of Section 253 of the Baltimore County Zoning Regulations.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of May, 2000, a copy of the foregoing People's Counsel's Memorandum was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioners, and to I. William Chase, Esq., 1190 W. Northern Pkwy., Suite 124, Baltimore, MD 21210, and Robert D. Sellers, Esq., 401 Washington Avenue, Suite 303, Towson, MD 21204, attorneys for Protestants.

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CAROLE S. DEMILIO
Deputy People's Counsel

May 24, 1999

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Lawrence Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception - On Remand
Jean Schuster/Southland Corp., Petitioners
Case No.: 98-269-X (Cir.Ct. No. 3-C-98-8520)

Dear Chairman Stahl:

To expedite this case, we trust it is helpful to offer legal analysis of the issue of compliance with BCZR 253.1C12. This is one of the significant issues on remand. We researched this history:

1. Bill 40, 1967 amended BCZR 405 to address service stations and related uses. In BCZR 405.4D8, it allowed a special exception, in combination with service station, for a food store less than 5,000 square feet in gross floor area. There was no statutory definition of "food store." The special exception was available in various business and manufacturing districts.

2. Bill 100, 1970 amended BCZR 253.1 (among other things) and provided a list of permitted uses in the M.L. zone. This included BCZR 253.1C12, which allows food stores, subject to a gross floor area limit of 2,500 square feet.

3. Under this statutory regime, petitioners requesting *7-11s* and similar convenience-type food stores typically obtained special exceptions for food (convenience) stores in combination with service stations. See Case Nos. 83-201-XSPHA and 83-240-XSPHA, attached.

4. In 1993, Bill 172-93 amended BCZR 405. Again, it allowed for service stations in various business and manufacturing districts. It also revised and reenacted the "use in combination" subsection as BCZR 405.4E. The term "food store" was replaced by "convenience store." BCZR 405.4E1 permitted a convenience store by right up to 1,500 square feet in gross floor area, with a special exception required for anything larger. The term "convenience store" was not defined. In view, however, of the removal of an absolute maximum gross floor area, it is reasonable to interpret this as denoting a small food store.

5. There is no evidence that the County Council's 1993 use of "convenience store" instead of "food store" was intended to alter the concept of *7-11s, Royal Farm Stores,* etc. as small food stores or convenience stores subject to the regulations.

6. There is also no evidence that the Council intended to repeal the specific area limit on food stores in the M.L. zone.

7. In 1994, Bill 86-94 defined "convenience store" for the first time. The BCZR 101 definition essentially identifies a convenience store as a small food store, less than 5,000 square feet in gross floor area. It matches the "food store" with the identical 5,000 square feet floor area limit allowed under Bill 40, 1967.

8. In conclusion, the history accords with common sense. A convenience store is a small food store, with accessory sales of other household goods. The proposed *7-11* in the present case must comply both with Section 253 and 405. Because it exceeds 2,500 square feet in gross floor area, it conflicts with BCZR 253.1C12.

We appreciate your attention to this matter.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures
cc: Deborah C. Dopkin, Esq.
I. William Chase, Esq.
Robert D. Sellers, Esq.

-122-00

RE: IN THE MATTER OF
JEAN SCHUSTER/SOUTHLAND
CORP.
3731 Crondall Lane at
Owings Mills Boulevard
4th Election District
3rd Councilmanic

Petitioners

* ON REMAND

* BEFORE THE

* COUNTY BOARD OF APPEALS

* OF

* BALTIMORE COUNTY

* Case No.: 98-269X

* Circuit Court No.: 3-C-98-8520

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PROTESTANTS' MEMORANDUM IN LIEU OF FINAL ARGUMENT

Ellen Saval, Beth Israel Synagogue, et al., Protestants, by their attorneys, Robert D. Sellers, and I. William Chase, file this Memorandum in Lieu of Final Argument.

BACKGROUND

This matter involving a special exception for a gas station in combination with a convenience store is before the Baltimore County Board of Appeals on remand from the Circuit Court for Baltimore County. Judge Lawrence R. Daniels issued an Order on April 26, 1999 remanding the case to the Board to make findings with regard to § 253 and 405 of the Baltimore County Zoning Regulations (BCZR), the foremost issue being whether or not the fuel service station use will "serve primarily the industrial uses and related activities in the surrounding industrial area," as required by BCZR § 253.2B.

The reasons for the remand are found in the transcript of the March 4, 1999 hearing where Judge Daniels gave his oral opinion. Judge Daniels found that the Board had not explained how the facts supported the conclusions. Among other points made, the Judge asked:

> "I mean, is 4,000 [employees] the magic number? Is 3,000? Is 10,000? There is no evidence, evidently, in the record, or at least evidence that's been presented to the Court, that any of the witnesses said that it's 4,000 and 4,000 means, or you can find that the gas station/convenience store is being used primarily for, or in the service of the industrial park, because 4,000 has this significance."

Transcript, March 4, 1999, page 115-116.

Furthermore, the Judge indicated that the Board could not just deem any employment number to be the appropriate number because to do so would be "completely capricious" unless it were supported by other evidence. When it was pointed out that there was also evidence of proximity, (i.e. the proposed location was close to the commercial park) and evidence of traffic patterns, the Judge continued to be adamant that those factors, without more, were not a sufficient basis to make the necessary finding. Transcript March 4, 1999, page 117-118. It is absolutely clear that Judge Daniels was looking for evidence which would explain why and how customers related to the "industrial" uses would purchase more gas than all other customers.

The second issue on remand is whether the proposed use requires a variance from BCZR §253.1.C.12 which limits food stores in ML zones to 2500 sq. ft. Protestants adopt the argument of People's Counsel on that issue and will not address it separately.

FACTS

The following facts are not in dispute. Southland proposes to build a 7-11 convenience store in combination with a gas station containing 12 fueling positions and a capacity to sell up to 360,000 gallons of gas per month. The site is 3.6 acres on the southeast corner of Owings Mills Blvd. and Crondall Lane zoned ML-IM. Approximately one quarter mile east of the site on the north side of Crondall Lane is a business park containing a mix of office, light industrial and

other business uses. Beth Israel Synagogue is also on the north side of Crondall Lane, closer to the site. Immediately across Crondall Lane from the site is a small strip shopping center. Owings Mills Blvd., an arterial road, south of the site leads to Reisterstown Road, the Owings Mills Town Center, New Town and Interstate 795. North of the site Owings Mills Blvd. serves an extensive residential area.

The 7-11 will have full unrestricted access to and from Owings Mills Blvd.. Both the Zoning Commissioner and the Board of Appeals previously imposed turn restrictions of no left turn in or out on Crondall Lane during peak drive times.

INTRODUCTION

Southland argued that no new evidence was necessary to decide the remanded issues. The Board ruled otherwise. Southland then retained several new experts and commissioned several new studies. The new experts for Southland based their opinions on the same estimated number of employees, established at the first hearing and the site's proximity to the business park. During 12 days of hearings, Southland added nothing to the record of this case which answers Judge Daniels' concerns.

Southland put on absolutely no marketing evidence or industry figures which the Board could use to make any finding regarding the potential rate of usage of the site by those employed in the commercial area. On the other hand, Protestants' marketing expert, Kathy Wilson, produced a considerable amount of uncontradicted demographic and marketing evidence, which supported her opinion that residents and passing commuters would make up the customers "primarily" served.

That required finding is a condition precedent which must be met before the use is

considered a special exception and before measuring the proposed use against the usual special exception requirements of §502. Until and unless the condition precedent is met there is no Schultz v. Pritts presumption that the use is proper in the zone. The burden to produce that evidence is entirely on Southland.

INTERPRETATION OF THE REGULATION

In order for a fuel service station to be considered a special exception use in an ML-IM zone, it must first meet the test imposed by BCZR §253.2:

> "B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993][Footnote omitted]
>
> 1. Automotive-service stations, subject, further, to the provisions of Section 405."

In making that determination the Board must give the words their ordinary meaning unless the word(s) are defined in the BCZR. "Industrial" and "industry related" are defined in BCZR §101 as follows:

> "INDUSTRIAL, QUASI-INDUSTRIAL OR INDUSTRY-RELATED USE – Any use listed in Section 253.1.A other than Item 34; any use listed in Section 253.1.B, 253.2.A or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses. [Bill No. 178-1979]."

The Item 34 referred to in §253.1.A appears in the BCZR as:

> "34. Offices or office buildings or medical clinics. [Bill No. 37-1988]"

Thus by definition "industrial" and "industry-related uses" expressly exclude offices and *office buildings and medical clinics. Also expressly excluded and thus not "industrial" are all 26* uses found in §253.1.C., described as "auxiliary retail or service uses" such as restaurants, dry

cleaners, painting shops, sheet metal shops, plumbing contractor shops, machine sales or repair, cabinet making shops and heating or air conditioning shops. This interpretation is not only mandated by the definition but also the plain meaning of the words. It is completely consistent with the statutory scheme in its entirety. There is a clear intention in the BCZR that the sale of gasoline in ML zones is not to serve the general retail gas needs of the public but only those needs created by the industrial uses.

It is absolutely necessary that there be substantial and clear evidence to support a finding that customers related to "industrial" uses, as defined, constitute the primary market for the sales of gas. The usual meaning of primary is "of first or most importance." At no time did Southland ever give the Board any evidence of the relative numbers of "industrial" uses in the area versus the office or other non-industrial uses there. Likewise, there was no evidence from which the number of "industrial" workers in the area could be separated from the office and non-industrial workers when comparing the potential gas sales.

Unless there is evidence that "industrial" employees in the business park outnumber the total of all the office and non-industrial employees, the nearby residents and the passing commuters by a large proportion, the burden of §253.2.B cannot be met. Southland never addressed the definition of "industrial", never quantified those who are "industrial", and in effect, put on no evidence on that point at all. The Protestants however put on uncontradicted evidence that office uses and other non-industrial uses make up a significant portion of the uses in the park and that virtually all the uses in the shopping center are retail or other non-industrial uses excluded from consideration by the definition. Southland's own witnesses, Moore, Zimmerman, Perine and Raab all specifically mentioned offices in the park. The testimony of Ms. Saval, and Mr. Hughey established that many

office uses as well as senior day care, children's day care and gymnastics, retail and other businesses, not "industrial," are located in the park. A review of Protestants' Exhibit 11, a listing of all businesses on Crondall Lane and in the business park, clearly reveals that as many as one half of those businesses are either office uses, such as lawyers, CPA's, insurance agents, travel agents, real estate agents or other non-industrial uses by definition. See Appendix A.

In the absence of any evidence whatsoever that the majority of the gas sales at the site will come, not just from customers somehow related to the commercial area on Crondall Lane but from customers somehow related to only those uses which by definition are considered "industrial," there is no basis at all upon which the required finding can be made.

NUMBER OF EMPLOYEES

Until this Board is provided with information which quantifies the "industrially related" users and indicates that they will purchase more gas than the nearby residents, passing commuters and all non-industrial related persons in the vicinity, the total number of people who work in or visit the business park is of limited relevance but should be addressed. Southland's witnesses testified to various employment numbers, which ranged from 3,600 to 4,000. The sources of those numbers are all subjective projections or estimates based on flawed methodology or hearsay. Mere repetition of a number, time and again, does not make it accurate, especially where the number has never been actually objectively determined.

To compensate for their failure or inability to produce an actual count of employment in the commercial area, Southland turned to unusual methods to estimate that employment. Their traffic expert, Richard Moore utilized Institute of Traffic Engineering (ITE) trip generation rates and applied those rates backwards to the total daily vehicle trips he had counted on Crondall

Lane to arrive at his estimate of 4,136 employees. Petitioners' Exhibit 7, Appendix-"Trips on Crondall Lane." His testimony that this was a bona fide and normal use of trip generation rates is absurd on its face. Trip generation rates are used to establish the number of new trips on a road which result from a particular proposed new use by multiplying the trips/day/industrial employee rate by the number/employees projected in new uses. Note that the trip generation calculation does not yield the total number of vehicle trips per day on the road network, only the new vehicle trips from the new uses. When Moore worked backwards he divided the ITE trips/day/industrial employee rate into the total number of vehicle trips per day on Crondall Lane, not the number of new trips per day, to get his estimated number of employees of 4,136. In other words he divided the ITE rate into the wrong number. His calculation assumes that virtually all the traffic is industry related with no basis to do so. Moore's methodology is obviously wrong, and the result is purposefully misleading. Additionally, Moore did not know the ITE definition for "industrial" employee nor could he say that the uses in the park would fall within that definition or what the ITE rate was for "office" employees. Without that information there is no way to determine the accuracy of ITE rates in this situation and certainly not for backwards calculations. Furthermore, in every ITE Journal article cited by Moore where ITE trip generation rates were tested against observed rates, the ITE rates were wrong by a significant amount, even when used as intended. People's Counsel Exhibit 10, p.29, Table 4; People's Counsel Exhibit 8, p.40; Protestants' Exhibit 10A, p.25, Table 1 and p.26; Protestants' Exhibit 10B, p.43.

It should be noted that Moore did reduce the total vehicle trips on Crondall Lane by the through traffic (8.7%) in his calculations but still counted all trips that had a destination anywhere on Crondall Lane. See Petitoners' Exhibit 7, Appendix-"Trips on Crondall Lane." As

brought out on cross-examination, destinations on Crondall Lane include, the synagogue, the shopping center, the fruit stand and many uses which are not "industrial" uses and not even in the business park. The number of "trips with destinations on Crondall Lane" and any calculations based upon that can not accurately establish employment in the business park.

Moore's calculation of the number of employees is of no use to the Board for three reasons. First, as set out above, the methodology is so seriously flawed as to be deceptive. Second, Moore makes no distinction between automobile trips generated from "industrial" uses as defined in the BCZR and any other uses in the commercial area or anywhere on Crondall Lane. Lastly, Moore cannot, did not and could not offer any evidence whatsoever of the frequency with which the "industrial" users would purchase gas at the site, as opposed to all others.

Ed Zimmerman also testified as to his belief regarding the number of employees in the area. Unfortunately, Zimmerman's methodology and due diligence in that regard were seriously lacking. When first asked how he arrived at his employment estimate of 3,900, he stated that he had seen a real estate office in the business park, called and inquired of an agent how many people worked in the park. The agent checked some unidentified source and provided him with the 3,900 figure. Zimmerman was unable to recall the name of the agent. When re-questioned about that matter later, Zimmerman suddenly recalled that the agent's name was "Steffey" and that he worked for "Miller" Real Estate Company, which was located in Anne Arundel County, not in Owings Mills. Zimmerman's credibility is questionable, the information is hearsay and in any event, information received in that manner has no reliability and is of no help to the Board.

Southland's other expert witnesses, Mr. Perine and Ms. Raab, had no new factual evidence to offer the Board on this issue whatsoever. In fact, they based their opinions on Zimmerman's and Moore's estimates of approximately 3,900 to 4,000 employees. It is however well worth noting that Raab testified that an actual count of employees was commenced at the direction of Southland Corporation and was abandoned! According to Raab, it was abandoned because it became apparent that it would not be accurate. Given that Southland's other evidence on this point consisted of hearsay from a real estate agent to Zimmerman several years earlier and Moore's backwards application of ITE trip generation rates, Protestants maintain that statistical projections from even a flawed actual survey of employers would be much more valuable to the Board than the other evidence offered. It was clearly a burden Southland needed to meet in these proceedings. There are serious questions as to why Southland did not pursue the survey.

The only other source of information regarding the number of employees in the area came from Mr. Giegerich during rebuttal. It is not direct evidence in Southland's case in chief and also arises from suspect methodology. Mr. Giegerich testified that he believed there were 3,600 employees in the park and that he had arrived at that number by using Baltimore Metropolitan Council data and making certain subjective "adjustments" because the mapped zones did not correspond to the business park. Under the best interpretation, it is just another guess at a raw number.

Protestants maintain that the number of employees working in the business park on Crondall Lane can be accurately established without any projections, estimates, or assumptions whatsoever. In 1997, an actual traffic count of turns into and out of Crondall Lane from Owings

Mills Blvd. was done by Wells Associates. Petitioners' Exhibit 5. As brought out during cross-examination, those numbers indicated that 1,515 vehicles turned into Crondall Lane during the a.m. drive time, and 1,508 vehicles turned out of Crondall Lane during the afternoon drive time. Excerpt from Petitioners' Exhibit 5 attached as Appendix B. Again in 1999, Wells Associates conducted an even more specific study of turns into and out of the two roads which are the only access to the business park. Petitioners' Exhibit 7. During the morning drive time hours, a total of 1,457 cars turned into the commercial area and during the afternoon drive time, a total of 1,361 cars came out of the commercial area. Protestants' Exhibit 8. Thus, the only actual counts of anything which could possibly assist this Board in establishing the true number of employees who drive to and from work are consistent over a 2 year period and are also consistent with an actual count of cars parked in the lots of the commercial area by Mr. Murphy on June 2,1999 at 3p.m. Given that some employees would be out for lunch or on various tasks at that time of day, Mr. Harry Murphy's actual count of 1,000 cars in the parking lot is entirely consistent with the drive time numbers. Protestants' Exhibit 14. Even more important and interesting however, is that all those objectively determined figures are absolutely consistent with the testimony of one of Southland's own expert witnesses. Al Barry, a planner, appeared at the first hearing in 1998 and when asked about employment in the park testified, "it would not surprise me if that industrial park, the business center, had in excess of 1,000 employees." Transcript June 9, 1998, page 195. It should be noted that not only was Al Barry one of Southland's expert witnesses, but that at the time he so testified, he was well aware that the number of employees was an important issue. If he really thought there were 3,000 to 4,000 employees, he would not have answered as he did.

On the issue of whether the sale of gas at the proposed site will primarily serve one group or the other, the total number of employees at the park is largely irrelevant. The relevant factors are the employees who drive their own car and whether or not they are likely to purchase gas at the site. Protestants believe that there are only about 1,500 employees in the business park, but even if there are 4,000, as maintained by Southland, it is absolutely clear, based on 3 actual counts that at best, 1,500 people drive their vehicles to and from work on any given day and would have any need for gasoline at all. This must be the case because those are the very consistent traffic counts done during morning and afternoon drive times when the overwhelming number of employees go to and from work. There is absolutely no evidence in this record of any significant amount of swing shift or night shift work in the business park. In fact, the testimony of Mrs. Saval and the photos she took are uncontradicted evidence that the park is largely shut down other than normal working hours Monday through Friday. Protestant's Exhibit 12.

It should also be noted that some undetermined portion of those employed in the park also live nearby along Owings Mills Blvd. to the north. It would be completely arbitrary to conclude that they make up only part of the "industrially" related market when they also make up part of the residential market in the area. Southland failed to ever quantify that part of the market.

HOURS AND DAYS OF OPERATION

Southland proposes to operate 24 hours per day, 7 days a week, for a total of 168 hours per week. As discussed above, the business park operates on a conventional 5 days per week, 8 to 10 hours per day. That fact is supported by the testimony of Ms. Saval, her photos and even

the traffic counts done by Mr. Moore, which show no significant amount of traffic in the commercial area before 7:00 a.m. and that it is largely gone by 6:00 p.m. Petitioners' Exhibit 7, Table 1. Southland failed to offer any evidence of significant activity in the commercial park other than business hours, Monday through Friday. It is also uncontradicted that on Saturday and Sunday, there is virtually no activity within the commercial area at all. Protestants' videotape and photos show acres of empty parking lots on Saturday afternoons. Protestants' Exhibit 12 and 13 and Petitioners' Exhibit 9. Thus it is clear that the employees who may purchase gas at the proposed site are in the area at most 10-12 hours per day for 5 days a week, for a total of 50-60 hours per week, or approximately 1/3 of the 168 hours of weekly operation of the proposed 7-11. The residential population will be in the area and passing the site for all the hours of operation.

The Board has before it no evidence whatsoever from Southland which provides any information about days of the week or hours of the day when 7-11's typically sell most of their gas. Obviously, Southland has that type of information, and their failure to produce it is curious and should raise questions. In any event, the Board has no factual evidence whatsoever on which to base any finding that more gas is sold Monday through Friday during regular business hours as opposed to weekends or evening and night hours. In fact, the only evidence on that issue at all was provided by Ms. Wilson who testified that among other patterns that there was a tendency for more people to purchase gasoline on the weekends and on the weekday afternoons and evenings, on their way home and close to their homes.

TRAFFIC PATTERNS

There is a considerable amount of traffic data in the record which clearly indicates that residential traffic far exceeds business traffic of all kinds and certainly must therefore exceed by even an larger margin traffic from "industrial" uses. It is uncontradicted that in 1999, 54.4% of all traffic passing the site went straight by it on Owings Mills Blvd. and had no discernable connection to the commercial area while only 45.5% traveled on Crondall Lane. When reduced by Moore's 8.7% factor for through traffic on Crondall Lane, the relative proportions of the traffic in 1999 were 58.4%, which clearly had no connection whatsoever to the commercial area while 41.5% had a "destination on Crondall Lane" and may have had a connection to the commercial area. Of that 41.5%, there is again no evidence whatsoever before this Board which would allow them to determine what if any proportion of that was "industrial" or industrially related. That study was done on a weekday, Wednesday, June 9, 1999. Petitioners' Exhibit 7 and Protestants' Exhibit 9. In August, 1999 a similar study was conducted by Baltimore County. Peoples' Counsel Exhibit 12 indicates that the proportion of traffic on Friday, August 26, 1999 passing the site on Owings Mills Blvd. and obviously having no connection to the commercial area, was 60%, while 40% of the total traffic passing the site traveled on Crondall Lane. There is a remarkable consistency between the two traffic studies of the 60/40 proportions of all traffic passing the site on weekdays.

That same Baltimore County study provides the Board with the only evidence in this case regarding traffic on weekends in the vicinity and is uncontradicted. That study shows that on Saturday, August 27, 1999, 79% of the traffic passing the site traveled straight through on Owings Mills Blvd. while only 20% traveled on Crondall. Almost none of that was from the business park because the park was empty as shown on Protestants' video (which coincidentally was made the

same day as the County traffic study). On Sunday, August 28, the figures were even more skewed with 87% of all traffic going straight on Owings Mills Blvd. and only 13% on Crondall Lane. People's Counsel Exhibit 12, page 1.

Richard Moore attempted in rebuttal to persuade the Board that the County traffic study was somehow flawed because the equipment was not working properly. Fortunately for Protestants, Moore's own figures are entirely consistent with and support the figures in the Baltimore County study and easily demonstrate that Moore's contention that the County study was flawed was self-serving and disingenuous. The County figures which Moore said indicated a malfunction were for Crondall Lane, east of Owings Mills Boulevard on Monday, August 30, 1999 from 6:00 a.m. to 7:00 a.m. The County count for that hour was 413. Moore believed it should have been a much higher number, but the Wells Associates study of a similar time frame on Wednesday, June 9, 1999 yielded a similar but even lower figure of 344. People's Counsel Exhibit 12, page 2 of "Crondall La. E. Owings Mills" report and Petitioners' Exhibit 7, "Hourly totals chart" Wednesday, June 9, 1999. Excerpts attached as Appendix C and D.

Moore also believed that the discrepancy between the traffic counts for Thursday, August 26, 1999 for the hours 4:00 p.m.-5:00 p.m. and 5:00 p.m.-6:00 p.m. ("1064" and "1327") and Friday, August 27, 1999 for the same hours ("988" and "751") indicated a malfunction because the County's Friday figures were much lower than Thursday's. But Moore's count on June 9, 1999 for those same hours were "802" and "998", one figure being higher and one lower than the County's and certainly well within the same magnitude of deviation as the County study. Lastly, Moore's 24-hour count for Crondall Lane that June day was 11,788 while the County count for Friday, August 27, 1999 was an almost identical 11,342. Obviously, there was no "malfunction". See Appendix E and D.

When all the traffic data is considered as a whole, it is absolutely clear that on weekdays 60% of all traffic passing the site is through traffic mostly on Owings Mills Blvd. and has no connection to the business park on Crondall Lane whatsoever. On weekends that figure increases to 80-85%. The inverse is also true. Crondall Lane carries only 40% of all weekday traffic in the area and less than 20% of weekend traffic. But the Board has no evidence on which to rely to find the portion of that Crondall traffic which may be "industrial" or industry related. It should be noted however that even Moore's studies indicate that at an absolute minimum, 8.7% of traffic on Crondall Lane on weekdays does not even have a destination on Crondall Lane and cannot possibly be industrial. Of the remaining traffic with a destination on Crondall, all vehicles going to the synagogue, the shopping center or non-industrial businesses in the park are not to be included. Because that number is unknown, the number of vehicles which have a destination on Crondall and which are "industrial" remains a mystery, but necessarily is significantly less than 40%.

Given those traffic patterns, Southland must demonstrate with substantial credible evidence that "industrially" related drivers will purchase gas at a rate enormously higher than the residents, commuters and all other non-industrial users. In short, Southland must answer the question, "How and why do significantly less than 40% of the vehicles passing the site weekly purchase significantly more of the gas sold there than the other 60 + % of the vehicles passing the site?" In all the days of testimony in this case, the only witness who ever even attempted to answer that question was Ed Zimmerman who said he believed nearby workers visited 7-11's as often as 3 or 4 times a day. While nearby workers may visit a 7-11 for coffee or doughnuts multiple times a day, it is absurd to contend they purchase gas three or four times a day or in fact that they purchase gas more frequently than any average driver. It can only be assumed that Zimmerman misunderstood the question.

DEFINING THE MARKET AREA

In light of Judge Daniel's statements, it is quite odd that Southland put on no meaningful marketing evidence during the remand. Instead, they chose to call traffic and planning experts who put on cumulative evidence consisting of "estimates" of employment numbers, and gave opinions based on "proximity" and traffic patterns. Four different witnesses for Southland described four different "market" areas to be served by the 7-11.

Philip Perine, a planner, provided the Board with two Exhibits, Petitioners' 9 and 10 and rendered an opinion based on facts already in evidence. Perine brought no new facts to the Board whatsoever except those which can be deduced from his Exhibits. Petitioners' Exhibit 10, consisted of a map of the vicinity with a transparent overlay indicating competing locations selling gas with a ¾-mile radius circular "market" area drawn around each Those Perine defined "market" areas clearly indicate how arbitrary and useless such circular market areas are. While some of the circular market areas overlap, huge numbers of residents, streets and neighborhoods fall within no gas station's "market" area. Obviously, those residents have a need for gasoline and buy it even though not in a "market" area. Thus his own Exhibit renders meaningless his testimony that the market area for any particular site selling gas is circular or has a particular radius. Perine's other Exhibit, an aerial photo taken on July 30, 1999, supports the Protestants' case, in that it clearly shows the parking lots for the business park are obviously empty when the photo was taken midday on that Saturday. Petitioners' Exhibit 9.

Perine's opinion that the 7-11 will primarily serve the commercial area on Crondall Lane were based almost entirely on the estimated employment and blind reliance on an arbitrary ¾ mile circular market area. In short, Perine's opinion regarding the primary service market of the proposed

site was based solely upon the factors which Judge Daniels has already determined are insufficient on which to base such findings. The addition of an expert's opinion based on the same insufficient facts cannot possibly supply the Board with the additional information necessary to make the connnections Judge Daniels sought.

The same is true of Ms. Raab's testimony. Her testimony was also based entirely on matters already in evidence and was largely based on blind acceptance of Southland's estimated number of employees and their proximity to the site. It was no coincidence that Raab also embraced a ¾-mile radius circle, as her definition of market area because to draw a circle any larger would necessarily start to include residential neighborhoods. On cross-examination, Raab was utterly unable to defend her assertion that the market area was a ¾-mile radius circle and eventually admitted that she had used Garrison Forest Road and Gwynnbrook Avenue as "natural" boundaries of the market area without being able to articulate any reason whatsoever that they were "natural" boundaries. Raab provided no new facts not already in evidence upon which the Board could possibly rely to make the necessary findings.

Both Perine and Raab ignored the reality of traffic and commuter patterns and also ignored Southland's own characterization of the location as a "corridor" site with "no competition … on the main feeder road for massive housing" and "on the fastest, most convenient road between the residents and where they work and shop." Protestants' Exhibit 7B (emphasis added). Instead they used the ¾ mile circular market area which had been established by Moore. According to Moore, the 6 ITE Journal articles he used in researching and preparing his 1999 report indicated that primary trip length to convenience stores/gas stations was ¾ miles and that most trips to the sites came from within that distance. That contention is absolutely false and another intentional

misrepresentation to this Board. Only one ITE article out of the 6 cited even mentions an average ¾ mile length for primary trips and those "primary" trips made up only 22% of all trips to the studied sites! People's Counsel Exhibit 8, p. 41, Table 3.

Zimmerman and Giegerich did not maintain that the market area was circular but to their credit, at least recognized the corridor nature of the site. They both identified the western boundary as the railroad and stream. They did not however agree on the north, south or east boundaries. The problem of defining a market area when considering a site on an arterial road is that by definition, most of the traffic is made up of commuters on long trips. It is ridiculous to say that all or most of the traffic on Owings Mills Blvd. comes from the "market areas" identified by the Southland experts in Petitioners' Exhibit 14, Map 2 or People's Counsel Exhibit 13.

The traffic studies placed in evidence by Southland clearly undermine all their own experts' defined "market areas." All Southland witnesses testified that the market area is bounded on the west by the stream and the railroad, and therefore did not include any residents or households to the west of that "natural" boundary. But Petitioners" Exhibit 19B, a 1999 traffic study of Owings Mills Blvd. and Gwynnbrook Avenue, shows that in the a.m. peak hours (7:00 a.m.-9:00 a.m.), there are 851 cars eastbound on Gwynnbrook (necessarily crossing the stream and railroad) and that 414 of those cars turn right onto southbound Owings Mills Blvd. See Appendix F. That traffic pattern is important for two reasons. First, the 414 cars turning south on Owings Mills Boulevard are clearly commuters joining the 1,283 vehicles already southbound on Owings Mills Blvd. Second, those commuters from west of the railroad make up almost one third of the southbound traffic on Owings Mills Blvd., south of Gwynnbrook, a huge proportion obviously from homes not included in any "market area" defined by any Southland expert. This traffic pattern corroborates the testimony of

Bill Hughey who indicated that based on his knowledge of the area as a County planner, he believed many residents from west of the railroad crossed the tracks and used Owings Mills Blvd. as a commuter route.

The same pattern is evident from Petitioners' Exhibit 19C, a 1996 traffic study of Owings Mills Blvd. and Timbergrove Road, the next east/west road to the north that crosses the stream and railroad. From eastbound Timbergrove Road in the morning peak hours, 256 vehicles cross the stream and tracks and turn southbound onto Owings Mills Blvd. (Glynowings) joining 652 cars already southbound. Again, a very large proportion of cars is being added to Owings Mills Blvd from west of the railroad. Appendix G.

In afternoon drive time, both studies show the same pattern in reverse. A large portion of the northbound homeward bound traffic on Owings Mills Blvd. turns left onto Gwynnbrook and Timbergrove and crosses the stream and railroad to get home. See Appendix F and G. Any "market area" which does not include a significant number of households west of the railroad is obviously, objectively and demonstrably wrong and much too small. No Southland witness included any area west of the tracks in their "market" area. Only Protestants' expert Ms. Wilson considered areas west of the tracks in forming her opinions.

SOUTHLAND DOCUMENTS

The only evidence pertaining to demographics or economics or other related matters produced by Southland during the remand was produced involuntarily after the bitter battle waged over Protestants' subpoena of Southland records. Once the records were produced, it was clear why Southland had objected so strongly to their production. The internal Southland documents alone are evidence enough to find against them. Those documents refer repeatedly to the residents and

"massive housing" to the north and the "locked in" residential/commuter traffic and only give passing mention to the business area. (Petitioners' Exhibits 14, 15, 17 and Protestants' Exhibits 7A, B and C.) The demographic data requested by Southland from Equifax as part of their site selection was almost entirely focused on the residential population and included household income, number of vehicles, age, etc. and most interesting, encompassed areas up to 3 miles in radius, much farther away than ¾ of a mile. Petitioners' Exhibits 14 and 15. The maps produced by Equifax at the request of Zimmerman contained information entirely about the residents. On Map 2, Zimmerman drew a "market area" larger than any suggested by Southland's experts and which is much more in line with Protestants' views. The only information regarding employment on those documents was the "3900 employees" written in by hand by Zimmerman on Petitioners' Exhibit 14, Map 5. Despite detailed employment information being available from Equifax, Claritas and the Baltimore Metropolitan Council, the Southland file clearly indicates that no such information was ever requested or reviewed by Southland. Thus, they cannot produce such information for the Board; their experts cannot and did not form opinions based on the information which is lacking; and despite Southland's protestations to the contrary, the failure to ever gather such information and analyze it, strongly indicates that there was never any serious interest in the commercial area as a primary customer base but instead, the focus always was, has been and remains the residential and commuter traffic on Owings Mills Blvd. Southland's own documents are overwhelming proof of that point.

SOUTHLAND'S "MARKETING" EVIDENCE

It was only after Protestants supplied exactly the kind of information Judge Daniels sought through Ms. Wilson by providing demographic, economic and marketing information regarding

residents in the Owings Mills area and their gas buying patterns that Southland attempted to address those issues in rebuttal by James Giegerich. Rebuttal, however, is no substitute for direct evidence, which should have been presented during the case in chief. Rebuttal evidence is properly used only to contradict, explain or directly reply to evidence previously produced by the opposing side. State v. Hepple, 279 Md. 265, 270 1977. The matters discussed by Giegerich therefore are only to be considered in weighing the testimony of Ms. Wilson and cannot and should not be considered as the direct evidence by Southland necessary to meet their burden.

Giegerich's testimony fails to help the Board for other reasons as well. He criticized Ms. Wilson for developing opinions without having demographic information on the employees but then did exactly the same thing himself, forming opinions with absolutely no demographic information on the employees. He said he used "Reilly's law" to determine a market area for the site, but on cross it was demonstrated that Reilly's law requires a calculation related to half the distance to the nearest competing use and the relative size of that competing use. He admitted he had no information regarding the nearest competing uses and thus could not possibly have used Reilly's law. His testimony to that effect was an effort to mislead the Board.

Giegerich's credibility is called into serious question for other reasons as well. Giegerich maintained that the nearby residential population of 5,000 in "his" market area would purchase only about 25%- 30% of the gas sold at this site. On cross, Giegerich was presented with a report which he had written in 1998 regarding a zoning matter in Prince George's County where was also a residential population nearby of 5,000 and where Giegerich gave an opinion that such a residential population by itself would support not one, but two gas stations. Neither Giegerich nor Southland ever even made an attempt to explain why his opinions would be so radically different in two

seemingly similar situations on arterial roads in two similar suburban counties.

Nevertheless, it is necessary to address some of the "calculations" that Mr. Giegerich presented as examples of what Ms. Wilson "should have done." In his first calculation, Mr. Giegerich used countywide average household income from several years previous, countywide average number of cars per household, countywide average price of gasoline from several years ago (which price he could not recall), the number of gallons of gasoline sold in Baltimore County in some previous year, and from those factors determined a countywide average percent of household income spent for gasoline purchases. He then applied that percent of income to the number of families contained in his rather arbitrarily defined, demonstrably wrong, market area, their household income, a price of gas of $1.35 per gallon (apparently the price of gas at the time of his testimony), a penetration rate from Ms. Wilson's materials, and eventually arrived at the conclusion that the households within "his" market area would purchase 423,000 gallons of gas per year from the site.

It is hard to know where to start in pointing out the problems with such a remarkably contrived calculation. Already in evidence before this Board, well before the time of Mr. Giegerich's testimony, were the facts that in the Owings Mills area, household income was higher than average, car ownership was higher than average, and gasoline consumption was higher than average. Thus the application of countywide averages to any of those factors is not applicable to the Owings Mills area, obviously wrong and misleading. If it is known that an area's economic or demographic numbers are not average, it is plain error to apply calculations using countywide averages to those areas; in computer language, "garbage in, garbage out".

Additional problems with Giegerich's calculations revolve around the price of gasoline. When questioned on cross about the price of gasoline at the time the countywide average household

purchases of gasoline in dollars was determined, he did not know. This Board can certainly take judicial notice that the price of gasoline has risen dramatically in the past several months and that obviously and demonstrably the price of gasoline several years ago when the average was created was much lower than today. To then derive a percentage from that outdated price of gas and use it in a calculation involving the price of gas from today, i.e. $1.35 per gallon, is an obvious and significant error. Giegerich's calculation of the number of gallons of gasoline per year which would be purchased by residents in "his" market area was based upon the manipulation of multiple variables, every one of which does not apply to the current site or situation.

Giegerich also reduced the number of households purchasing gasoline at this site based on a "penetration" rate developed from materials submitted by Ms. Wilson. Protestants' Exhibit 18D. Giegerich determined that market penetration for 7-11 usage based on the cluster profiles presented by Ms. Wilson would be 16%. In other words, only 16% of all the households in the market area would, in his view, purchase gasoline at this particular 7-11. Whether or not a penetration rate based on a national average of all 7-11 stores, some selling gas, some not, would apply to this particular site and specifically to the sale of gas here, where there is no competition nearby, is quite problematic. Protestants believe that Wilson's information was misused. The use of some penetration or capture rate is appropriate however. Unfortunately for Giegerich, his testimony that it was appropriate to do so completely undermines his second example of how Ms. Wilson had "erred" by not calculating how much gas the "industrial" employees would buy.

Giegerich said Wilson should have used Harry Murphy's projection of 3,000 employees purchasing gas at the rate of 10.6 gallons per week to demonstrate that those customers alone would make up Southland's estimated monthly gas sales. The glaring error in Giegerich's calculations was

his failure to apply to the assumed figure of 3,000 employees any penetration or capture rate at all. In other words, his example assumes that 100% of all those working in the park will purchase gas at least once a week. That, of course, is an absurd contention particularly in light of Giegerich's earlier conflicting testimony that it was proper methodology to apply some penetration rate. In Protestants' Exhibit 18D provided by Ms. Wilson, the highest 7-11 penetration rate for any cluster profile category in the nation is 27.6%. Thus, if each and every one of the employees was in that cluster profile known as "suburban sprawl", by Giegerich's own method, only 27.6% of the employees would use the 7-11 to purchase gas.

Giegerich cannot have it both ways. He cannot apply a penetration or capture rate to potential residential customers without also applying a penetration rate or capture rate to the business park customers. Therefore, even if it is true that there are 3,000 potential customers coming from the commercial area, only 27.6% of them will buy gas once a week in the amount of 10.6 gallons for a weekly total of 8,776 gallons which equates to about 35,000 gallons per month or about 25% of Southland's projected sales of 137,000 gallons per month. That cannot possibly be considered the "primary" market.

Even more misleading to the Board, however, was the use of Murphy's numbers by Giegerich for a purpose totally different from that for which they were offered and to which Mr. Murphy testified. Mr. Murphy counted 1,000 cars in the parking lots of the commercial area on Wednesday, June 2, 1999 at 2:30 p.m. At least three different times during his testimony, Mr. Murphy told this Board that he then used that actual count and applied to it various assumptions all of which were slanted very much in favor of Southland so that he would never be criticized for slanting his data towards the Protestants. For instance, Mr. Murphy assumed that there were 500

carpoolers working in the park who obviously would not have their cars with them, and obviously would not buy gas, but he included them as customers. He also over-estimated 1,500 other persons were out at the time he made his count, meaning that he assumed more employees were out of the office at 2:30 p.m. on a Wednesday than in their places of employment. In other words, Mr. Murphy's numbers were, as he testified, dramatically inflated in favor of Southland so that he could make his point that even with the inflated numbers of customers from the park, they could only sell 137,000 gallons of gas per month to them while building the capacity to pump 360,000 gallons per month. Protestants' Exhibits 14 and 15. To use Murphy's figures, as Giegerich did is a clear deception and furthermore, to fail to reduce that number by any penetration rate, i.e. therefore assuming that 100% of all employees in the park would purchase gas once every week, is a deliberate misleading of this Board.

Mr. Giegerich also testified that a third method of calculating gas sales involved looking at the number of trips per day into the site and that Moore's report indicated that there would be 6,511 auto trips per day at the site which translated into 3,256 customer visits to the site. Petitioners' Exhibit 5, table 2. Even if one accepts Giegerich's grossly overstated number of 3,000 commercial employees purchasing gas once per week they would make up only 600 trips per day, if indeed there was a market capture rate of 100%. (3,000/5 days = 600/day). If that is so then the other 2,956 visits per day to the site must be by those other than employees of the business park. Perhaps that explains why Southland proposes to build triple the pumping capacity necessary to service 3,000 weekly customers.

PROTESTANTS' MARKETING EVIDENCE

Demographic, economic and marketing information is required to make the necessary analysis and connection of the facts so that it can be determined what segment of the public will be primarily served by the sale of gas at this location. The only such evidence placed before this Board came from Protestants' expert Ms. Katherine Wilson. One could hardly hope or expect to find an expert witness more familiar with both the area itself and the marketing of gasoline. Ms. Wilson's academic credentials in the area of marketing and demographics are impeccable. Protestants' Exhibit 16. Ms. Wilson testified to this Board that she had become familiar with the economics and demographics of the Owings Mills area by way of work done several years ago for the Baltimore Sun newspaper. Ms. Wilson also told the Board about her study of gasoline marketing and related consumer research done for Crown Central Petroleum in the Baltimore area. In response to questions concerning whether or not she felt that study still valid, Ms. Wilson conducted an informal survey of students at Johns Hopkins and determined to her satisfaction that the basic findings of the earlier Crown Central study were still quite valid. In short, Protestants put on an expert with an M.B.A. in marketing; who is head of the Marketing Department at Johns Hopkins University; familiar with the immediate area in question; and who had actually studied consumer purchasing patterns for gasoline purchases. It must also be pointed out that unlike Mr. Perine, Ms. Raab and Mr. Giegerich, Ms. Wilson had never been an expert witness before, had never worked for any party to the case before, and was not being paid.

Also, unlike Mr. Perine, Ms. Raab and Mr. Giegerich, Ms. Wilson testified that her testimony and her opinions were based on all the testimony, materials and documents before the Board. In particular, Ms. Wilson testified that she had been present at every day of the remand hearing but one

and had heard the testimony of Moore, Zimmerman, Raab, and Perine. She had seen all the documents produced by Southland pursuant to the subpoena. Perine and Raab had not. She had read all the ITE Journal articles in evidence or referred to. She had reviewed and relied on a considerable amount of other information such as her work for The Sun, her work for Crown Central Petroleum, information received from NACS(National Association of Convenience Stores), "Claritas" cluster profiles specifically linked to the Owings Mills and Reisterstown zip codes, and had made visits to the area on numerous occasions. In short, Ms. Wilson was the only expert who testified that her opinion was based on all the evidence in addition to her own work. Ms. Wilson, after reviewing all of that information, testified without hesitation that there was no question in her mind that the residents and commuters would make up the primary market for gas purchased from the site.

Her opinion was supported by evidence from many sources including all the internal documents produced by Southland. The Claritas cluster information provided "demographics and psychographic" information about residents living in the Owings Mills and Reisterstown zip codes near the site, a "very good picture" of who lives there according to Wilson. Protestants Exhibits 18A, B and C. That information was consistent with the Equifax information produced by Southland and indicated high levels of income and education, professional employment, larger household sizes, high numbers of vehicles per household and a lifestyle with a good likelihood of using 7-11 to purchase gas. Wilson produced a Claritas study from 1995 showing that the cluster profiles from Owings Mills and Reisterstown, "Young Influentials" and "Boomers and Babies" shop at 7-11 stores "very heavily" compared to other consumer profiles. Protestants' Exhibit 18D.

Wilson also relied upon information from the NACS which indicated that "expanded convenience stores" containing 2,800 to 3,600 sq. ft, such as this site, "will not only attract the

typical convenience store customer but also more families, women and senior citizens." Protestants' Exhibit 19 (emphasis added). In contrast, Wilson could find no evidence in the record that Southland had "determined the needs of the customers in the industrial park." She could not determine their average age, income, vehicle ownership, lifestyle, or that the customers from the park would visit the 7-11 or purchase gas at any particular rate.

Wilson's research for Crown Central had shown that people "predominantly buy gasoline the latter part of the day or evening hours or the weekend" and "close to home," not close to work. This afternoon pattern of buying gas was corroborated by every article from the ITE Journal submitted by Moore! People's Counsel Exhibits 8,9,10 and Protestants' Exhibits 10A,B and C. At virtually every gas station in every ITE case study there was a significantly heavier volume in the afternoon drive time than the morning. Wilson's Crown Central Study is obviously correct and reliable and corroborated by Moore's ITE articles.

This afternoon drive time buying pattern should be well known to Southland, which operates more than 2,000 gas stations nationwide, but Mr. Zimmerman testified that he was attracted to the site by the northbound, "going to work" traffic in the mornings and that he did not consider the northbound "going home" traffic in the afternoon to be a bigger market. If he was being truthful, it is clear that he is in the wrong line of work. Southland's own "Site Evaluation" form refers only to afternoon drive time and ignores the morning as a factor in site selection! Petitioners' Exhibit 17, Question7. The afternoon gas buying pattern was well known to Harry Murphy, the only witness who had ever made his living selling gas and who now evaluates gas station sites across the state. When he visited the site he immediately identified it as a "going home" station. He made that assessment based on the residential areas to the north, the location and size of the business park, the

road network, the location of competition and before he was aware of the turn restrictions on Crondall Lane in afternoon drive time.

In that regard, Southland's actions are very enlightening. Southland never objected to the County's request for turn restrictions on Crondall Lane and in fact, agreed it was "appropriate" but when the County suggested some restriction of access to Owings Mills Blvd., Southland "took issue with the County's ... recommendation." Zoning Commissioner's Opinion, p.5. If Southland was truly focused on the business traffic, a right in, right out restriction on Owings Mills Blvd. would be of little concern, but a left turn restriction into and out to Crondall should be a big concern. Southland took the exact opposite position before the Zoning Commissioner and never once during 2 years before this Board asked for any change to the turn restriction on Crondall which effectively prevents business park traffic from entering the site in afternoon drive time when most people buy gas! Kathy Wilson was the only expert who considered the left turn restriction on Crondall and that employees leaving the area would find it virtually impossible to access the site during a prime gas buying time.

Moore's contention that the Board should not consider that factor because the public was likely to ignore the no left turn sign is nonsense and frankly, a little frightening. For a former Baltimore County Director of Traffic Engineering to suggest that the public will ignore a no left turn sign in large numbers and that therefore the Board of Appeals should not consider that as a factor in its decision is nothing short of astounding. So astounding, in fact, that it raises serious questions about the credibility of Moore in this matter.

On cross, Ms. Wilson defended her opinions and never waivered. When attacked because she did not have demographic information on the employees in the commercial area, she very

astutely pointed out that it was not her job to accumulate that information when Southland had not bothered to do so. In the absence of any other information, one can only assume average trends. In forming her opinion, Ms. Wilson assumed average uses for the commercial employees and contrasted that against above-average usage for the residents and commuters, in addition to analyzing the disproportionate amount of traffic attributed to the residents and commuters and the days and hours of operation of both the 7-11 and the business park. It should not be missed that Ms. Wilson was the only expert whose opinion was based in part on those factors as well as the demographics and other marketing information. Ms. Wilson was also the only expert to include residents west of the railroad in her evaluation of the market area, an accurate assessment as demonstrated by the traffic studies and the testimony of Mr. Hughey.

CONCLUSION

After twelve days of hearing on remand, Southland has failed to produce one iota of information on which the Board could base a finding that the employees in the commercial will purchase gas at a rate greater than those passing the site going to and from their homes. Southland witnesses have spent day after day stating and re-stating that they believe there are approximately 4,000 employees in the area, that the 7-11 is closer to the commercial park than it is to the residents, and that the traffic patterns somehow indicate that the employees will use the site more than the residents and commuters. A fair reading of the evidence indicates, however, that there are not 4,000 employees, certainly not 4,000 employees who bring their car to work every day. That number is no more than 1,500 by three actual counts and it goes without saying that only people driving cars buy gas. Any other calculation of the number of employees remains, as indicated by Judge Daniels, an unconnected statistic without much meaning.

If the demographic and economic factors were such that the rates of gas purchases by the employees and the residents were the same, the relative traffic volumes would be determinant of the issue. In this case the relative traffic volumes between the two groups is significantly in favor of the residents/commuters. The same is true of the hours of operation. The residents will be in the vicinity and passing the site 24 hours per day, 7 days per week. The employees will be there only 1/3 of those hours and can't access the site easily during afternoon drive time hours. It is beyond dispute that there will be more residents and commuters than employees in the area for more hours every day and every week.

When the demographic and marketing factors showing the greater than average use of gas and 7-11's by residents of this particular neighborhood are added to the consideration, the situation becomes more overwhelming in favor of primarily serving residential and commuter use. Last and most important, when the definition from BCZR §101 is applied it is clear that only a very small proportion of the business park employees and other potential customers are "industrial" or "industry-related." This Board has absolutely no way to quantify the amount of gas which will be purchased by those who meet the definition of "industrial" except by giant leaps of faith, calculations based on thin air and wild speculation. Without being able to show gas purchases at enormously higher rates than the residents, commuters and non-industrial workers, Southland cannot begin to meet their burden. Judge Daniels' questions remain unanswered. It is absolutely and unequivocally clear that no finding can be made in this case that the proposed sale of gas on this site will primarily serve the industrial and industrially related uses in the area.

I. WILLIAM CHASE

ROBERT D. SELLERS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 22nd day of MAY, 2000, a copy of the foregoing Memorandum in Lieu of Final Argument was mailed first class, postage paid, to Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Southland and to Peter Max Zimmerman, Peoples' Counsel, 400 Washington Avenue, Towson, Md. 21204.

Robert D. Sellers

CRISMERS CT 21207 Contd

3	Gooden Benjamin Jr	410-944-3092	--
5	Tilghman Miriam B	410-944-8193	--

0-BUS 4-RES 0-NEW

CROMARTY RD 21229

w fr Charing Cross Rd, s fr 5100 Baltimore National Pike

Map 59:681-530

4	●Homer Robert D	410-788-8152	93
6	Cheek Beatrice	□410-719-2038	99
6	Waddell B	410-719-1219	97
8	Johnson Woodrow	410-747-5081	93
8	Ward K A	□410-455-0446	99
5210	●Mrozek Joseph F	410-744-3677	90
5212	Hanzsche Laura	410-747-9326	93
5214	●Fahey D L	410-747-2710	--
5216	●Lacl D	410-788-8861	96
5216	Smith C	+410-788-9343	99
5218	Wil Norbert J	410-747-5895	--
5220	Chappell Kim	410-744-5877	91
5220	●Schmulowitz Kim	410-744-5877	91
5222	●Dietrich John P	410-747-0311	85
5226	●Long M E	410-747-7360	--
5228	Prasad Arun	+410-788-7017	99

0-BUS 16-RES 2-NEW

CRONDALL LANE (Owings Mills) 21117

e fr Bonita Ave

Map 37:863-583

3600	#Berman Financial Svcs	410-356-3328	97
3600	#Cambridge Collection	+410-356-2000	99
3600	#Fonte Salvatore GA	410-356-2890	97
3600	#Hankoll Insurance Group Inc	410-356-0400	98
3600	#Hankoll Insurance Grp	410-363-0661	97
3600	#Hill Cynthia The Law Offices	+410-363-9600	99
3600	#Information Concepts	410-581-2204	98
3600	#International Collectors Society	410-998-9208	97
3600	#International Society Of Poets	410-356-2000	97
3600	#Jerome Apple Co	410-356-3328	97
3600	#Metro Clean Of Maryland	410-654-6655	97
3600	#Residental Rlty Grp	410-654-4444	97
3600	#Sinai Corporate Health Inc	+410-902-7800	99
3600	#Society Of Nursing Professionals	410-356-2000	97
3600	#Tamres Charles H	□410-363-0661	99
3600	#Transamerica Occidental Life Ins	410-356-2890	97
3600	#Watermark Press	410-356-2000	97
3706	[redacted]	410-654-0800	96
3706	[redacted]	410-654-0803	96
3706	[redacted]	410-654-0803	96
3706	#Celebrations Unltd	□410-356-3888	99
3706	#Coastal Mortgage Corp	410-902-7000	98
3706	#Fusion All-Sports Grp Inc	+410-654-0500	99
3706	#Mikro Kodesh Beth Israel	□410-654-0800	99

3717 CRONDALL CENTER

	#Custom Craft Company	410-363-7777	87
	#Schuster Daniel G Inc Shop	410-363-4014	96
3727	#Three Seasons Farmers Market	+410-581-5819	99

27-BUS 0-RES 5-NEW

CRONHILL DR (Owings Mills) 21117

n fr Crondall Lane, e fr Bonita Ave
Business Center At Owings Mills

Map 37:864-583

11403-09 OWINGS MILLS CENTER II

11403	#Armstrong Keith G CPA	410-581-0500	90
	#Avatech Solutions	410-902-6900	98
	#Genesis Medical Technology Inc	410-654-0090	95
	#Lewis & Rode CPA	410-581-0500	91
	#Lewis Herbert A CPA Office	410-581-0500	90
	#MCA Systems Inc	410-363-0010	96
	#Oxford Financial Services LLC	+410-654-5300	99
	#Oxford Mtge Svcs LLC	+410-654-5300	99
	#Remarco Inc	410-581-8181	90
	#Riese Louise V CPA	410-581-0500	90
	#Rode Albert E Jr CPA	410-581-0500	90
	#Silver & Silver PA CPA	410-581-2222	90
	#Silver Alan R CPA	410-581-2222	91
	#Silver Stanley M CPA	410-581-2222	90
	#Westport LLC	410-581-8181	98
11407	#Buck A J & Son	410-581-1800	90
	#Mid Atlantic Healthcare Inc	410-356-1414	92
	#Mid Atlantic Home Infusion	410-356-1414	98
11409	#CMP Studios	+410-581-5305	99
	#Cado Systems Inc	410-581-1212	90
	#Health Care Intranet Tchnlgy	+410-581-1287	99

CRONHILL DR (Owings Mills) 21117 Contd

9 OWINGS MILLS CENTER II Contd

	Hembach J	410-356-0793	96
	#Pam's Deli	410-356-6488	93
	#Schmid Marketing	410-998-9191	95
	#Simplex Time Recorder Incorporated sales	410-902-7373	98
	#Wolff Woodworking Co	410-356-0606	90
11409 J	#Complete Printing Ctr	410-363-7474	94
11412	#George P Thomas Rubber Co	410-356-0003	89
11412	#Thomas Industrial Products Co Inc	410-356-0003	89
11416	#Aireco Supply Inc	410-363-6230	98

11421 OWINGS MILLS BUSINESS CENTER

	#Autotote Lottery Corporation	410-998-0800	95
	#Nature's Serenade	410-363-8142	98
	#Prestige Home Mortgage LLC	+410-363-4799	99
	#Prestige Home Mortgage LLC	+410-363-4799	99
	#Prestige Home Mortgage LLC	+410-363-6404	99
	#Prestige Home Mtge	410-363-4799	98
	#Serenade	410-363-8142	98
	#Shapiro Pension Consultants Inc	410-363-9900	98
11422	#Saga Design	410-356-0700	92
11422	#Saga Plexform	410-356-0700	92
11424	#G & H Insulation	410-581-1641	90
11424	#McCormick Insulation Supply Inc	410-581-0040	90
11425	#Smithkline Beecham Clncl Labs Main Lab	410-581-2400	90
11433	#Baltimore Ingredients Intrntl	410-902-9066	98
11436	#Allied Export Inc	410-363-0066	98
11436	#Primary Prep Preschool Program	410-581-9955	91
11436	#Unlimited Services Available Inc	+410-902-8200	99
11445	#Intermedia Inc	410-654-2351	98
11445	#Jason Pharmaceuticals	410-581-8042	91
11445	#Mediast	410-581-8042	92
11447	#Davis Property Brokerage Inc	410-356-7474	94
11447	#Diebold Incorporated Sales	410-581-3300	94
11447	#Gelblum Steven M CPA	410-581-3500	94
11447	#Healthcare Automation	410-581-3900	94
11447	#Owings Mills Mediation	+410-581-3596	99
11447	#Physicians Planning Group Inc	410-581-3933	94
11447	#Snyder & Gelblum Chartered	410-581-3500	94
11447	#Snyder Perry CPA	410-581-3500	94
11447 L	#Cohen Richard financal consultant	+410-581-3596	99
11459	#Computerland Northwest General Information	410-356-1010	94
11459	#Computerland Northwest svc	410-356-1010	94
11459	#Music Machine	410-356-4557	94
11459	#Norwest Mortgage Inc	+410-902-0869	99
11459	#Powers Homes Corporate Office	□410-581-3700	99
11459	#Valens Int Systems	410-356-1010	97

64-BUS 1-RES 11-NEW

CRONRIDGE DR (Owings Mills) 21117

n fr Crondall Lane, e fr Bonita Ave
Business Center At Owings Mills

Map 37:863-583

11400	#Auto Cad	410-581-8080	91
11400	#Auto Desk	410-581-8080	91
11400	#Avatech Solutions	410-581-8080	98
11400	#Dhillon Engineering	410-356-1095	98
11400	#Executone Business Solutions Sales	410-581-1000	90
11400	#Premier Design	+410-581-8080	99

11403 HAMILTON CORPORATE CENTER

	#Air Techniques A Division Of Hamilton Assoc Inc	410-363-9696	93
	#Ask A Doctor	+410-581-1189	99
	#Consolidated Insurance Center Inc	410-356-9500	94
	#Consolidated Insurance Cnsltnts	410-356-9500	94
	#Dirt Killer Pressure Washers	410-363-9890	94
	#Elevator Safety Co Manufacturer	410-363-9020	93
	#Gateway Technical Services	410-581-9555	93
	#Hamilton Assocs Inc	410-363-9020	93
	#Hiller Edward J atty	410-654-5783	97
	#Katz Ronald B Esquire	410-581-1131	94
	#Kramer Irwin R atty	410-581-1391	97
	#Preferred Capital Group LLC	+410-654-3011	99
	#Steinberg Stanley M	410-363-9696	93
11404	#Lever Brothers Packaging Dvlpmt	410-581-2700	96
11404	#Lever Brothers Co	410-581-2700	96
11408	#Aronovitch Dental Laboratories Inc	410-581-2800	92
11408	#Cagle's Billiard Sls	410-356-7665	92

CRONRIDGE DR (Owings Mills) 21117 Contd

11408	#Free State Inc balto branch	410-356-0203	97
11408	#Sweetwater Pool & Spa Center	410-363-9919	92
11408 I	#Shapiro Fred S & Associates Inc	410-902-8300	98
11412	#Hart Industries Inc	410-581-1900	90
11412	#Softland Corp	410-363-7250	98

11419 CENTRE 1000

	#Amano Lesley R atty	410-654-3850	98
	#Application Consltng Group Inc	+410-902-0561	99
	#Dardick Lewis A atty	410-654-3850	98
	#E K Williams & Co	410-654-1500	98
	#Gershberg & Pearl attorneys	410-654-3850	98
	#Gershberg R L atty	410-654-3850	98
	#Harbor Financial Mortgage	+410-581-8900	99
	#Lightning Golf & Promotions	410-356-1300	92
	#Management Reports & Svcs Inc	410-654-1500	98
	#Meklesky Howard S IFG Network Sec	410-654-0605	97
	#Mitchell Marketing	410-581-1700	97
	#NMC Technologies	410-356-1444	92
	#Ostrow David S Esq	410-654-0604	95
	#PKW Associates Inc	410-581-0313	93
	#Pearl David S atty	410-654-3850	98
	#Philips Lighting Co	410-363-7070	93
	#R W Communications	410-654-4422	98
	#Sharma Tina atty	410-654-3850	98
	#Sky Arnold & Associates Inc	410-654-0600	95
	#Skyline Marketing Group	410-654-1131	98
	#Soho Editions	410-581-2914	93
11433	#Braverman Alvin M lawyer	410-356-3505	91
11433	#Cameo Electronics Corporation	410-363-6161	92
11433	#Infinite Technologies	410-363-1097	93
11433	#Lorch Norman J Chartered	410-356-2111	91
11433	#Merzlish Marlene S	410-356-9300	92
11433	#Morgan Floors Inc	+410-363-8900	99
11433	#Paramount Marketing	□410-356-9420	99
11433	#Sirios David televsn repairing	410-356-9988	92
11433	#Stanmar Vacations Inc	410-356-9300	92
11433	#Travel Connection	+410-356-9300	99
11433	#Wright Travel	410-356-9300	97
11433	#Wright Travel Agency	410-356-9300	98

11436-38 OWINGS MILLS CENTER I

11436	#Bob Jackson Landscapes Inc	410-356-1620	95
	#Butler Carpet & Upholstery Svc The	410-363-0485	88
	#Crestline Industries	410-654-9730	96
	#Custom Banktech Svcs	410-363-4420	90
	#Ethnic American Broadcasting Co	410-356-6172	97
	#Interface Systems Inc	+410-654-0844	99
	#International Nutrition Inc	□410-902-1760	99
	#Morris Remodeling Inc	410-356-2525	93
	#Newco Marketing	410-363-3383	96
	#Phillips & Brooks Gladwin Inc	410-654-3699	97
	#Reed & Thomas Electrical Contr Inc	410-356-8655	96
	#Richardson & Petkovsek Inc Food Svc Brokers	410-654-2290	98
	#Richter USA Inc	410-581-2610	98
	#Sound Perfection Inc	410-363-9975	92
	#Sunair Co	410-356-6535	95
	#Sweet Indulgence	410-356-0698	92
11438	#ADI Distrubution	+410-363-4047	99
	#ATMS Technical Training Co Inc	+410-654-4041	99
	#Advanced Duplications	410-363-3680	97
	#Advanced Duplications	410-363-3706	92
	#Advanced Technologies Marketing Svcs Inc	+410-654-4041	99
	#Advanced Video Sys	410-363-3680	92
	#Alatec Products	410-902-9200	98
	#Americom Tel Sys Inc Service	410-356-7272	89
	#Americom Telephone Systems Inc	410-356-7300	89
	#CMP International	410-581-1881	94
	#Claudia's Kitchen	410-581-0234	98
	#Complete HVAC Svcs	410-363-1401	95
	#Conco Inc	410-654-9500	96
	#Duct Cleaning Spclsts	410-998-0044	97
	#Engineered Systems & Products	410-998-9456	95
	#Home Systems Plus	410-356-4663	96
	#Imprintations	+410-356-6646	99
	#Industrial Monitoring & Control Systems	410-363-9690	97
	#Kalish & Assoc	410-654-5770	98
	#Mil-Tech Electronics	410-356-3200	89
	#Quartner Reign	410-356-2500	90
	#Quartner's Heating & Air Conditioning	410-356-2500	95
	#Richardson & Petkovsek Inc Food Service Brokers	410-998-9810	95
	#Sigler Wm A Co plumbing supplies	410-363-7900	95

Offices

NON INDUSTRIAL

Appendix A

BALTIMORE COUNTY WEST

(Owings [redacted]117 Contd

11436-38 C[redacted]LLS CENTER I Contd

11445 #Knott Ja[redacted] Realty ..... +410-356-7662 99

11460 OWINGS MILLS COMMERCE CENTRE

#Advanced Information Research 410-654-5555 97
#Aether Technologies 410-654-6400 97
#Aleph-Bet Child Dvlpmt Center 410-581-0017 94
#American Business Information Systems ..... +410-681-8847 99
#American Business Int Systems 410-356-2196 92
#Bear Stems ..... +410-902-0303 99
#Elder Day Care 410-581-3030 96
#Expert Travel Assocs 410-356-0330 92
#Genesis Mortgage Co 410-363-7300 95
#Genesis Title Co 410-581-6100 95
#Graphix Unlimited 410-581-5700 96
#Health Enterprises 410-581-5700 96
#Hunt Valley Contrs 410-356-9677 93
#National Computer Svc 410-581-0796 92
#Premiere Care Mgt ..... +410-581-3030 99
#Rent-A Wreck Of America 410-581-5755 95
#Ryan Homes 410-654-0601 96
#Senior Connections Inc adult Daycare 410-581-3030 96
#Simply Elegant Catering 410-363-3466 93
#Tours de Sport 410-356-8100 92
#TransSettlements 410-581-5381 98

11500 #Doctor's Health Sys ..... +410-902-3300 99
11520 #Circuit City Applnc & Electronics 410-902-7688 98

125-BUS 0-RES 17-NEW

CROOKED WILLOW CT 21228

s fr Upper Mill Cir
Ellicott Mills

Map 58:864-534

3 ●Downs Cornell 410-747-4552 90
4 ●Cothorne Roland ..... N/A
5 ●Barnes Rafie ..... N/A
6 ●Gray Michael ..... N/A
7 ●Domingue Tommy J 410-747-5994 83
8 ●Langmead J T 410-747-0763 83
9 ●Jordon Gene ..... N/A
10 ●Eden J G ..... +410-788-2467 99
11 ●McKoy Tyrone ..... □410-719-2676 99
12 ●Council C 410-744-7793 94
13 ●Kim Mantok 410-455-9953 91
14 ●Buckley Eddie ..... N/A

0-BUS 12-RES 1-NEW

CROSBY RD 21228

s fr 6300 Johnnycake Rd

Map 58:868-534

Map 59:870-533

300 ●Newhouse Michele 410-788-1735 92
303 ●Brown Julie ..... N/A
305 ●Allen A S 410-744-7277 96
307 ●Wiggins Edgar 410-747-1773 89
310 ●Aslam Mohammad A 410-788-0315 90
310 Mahmood Amer 410-788-0315 90
311 ●Dorman S 410-788-5138 98
312 ●Johnson Elmer ..... N/A
313 #Krupinsky George DDS ..... □410-747-4413 99
313 ●Krupinsky George DDS 410-747-4413 86
314 ●Dorsey D M 410-719-9168 97
314 ●Wandell Robert 410-719-0630 92
314A ●Shutt Thomas 410-744-6350 89
314C ●Ories Howard M 410-747-5313 90
316 ●Gyachimal Paul J 410-788-6062 88
318 ●Duffican Philip ..... N/A
320 ●Bauer Severn W 410-788-6874 84
402 ●Huller William J ..... 410-744-1562 --
404 ●Person Ronald E 410-719-0474 92
406 ●Bohan Michael 410-455-0596 96
407 ●Baginski Raymond J 410-744-8518 86
408 ●Candeloro Frank ..... 410-744-7958 --
409 ●Deweib Ahmad 410-747-2875 88
410 ●Burja Frank 410-788-7561 96
410 ●Burja Frank J 410-788-5623 89
411 ●Sauter Jerry 410-455-9935 90
412 Karcher D M 410-747-3040 93
412 Urbus Richard A ..... 410-747-3040 --
414 ●Shipley Kenneth S ..... 410-744-1047 --
416 ●Knight Bonny 410-455-9587 93
416 ●Knight David 410-455-9587 93
416 Slocum Raymond L 410-455-9587 93
418 Blackman Janine 410-747-6482 91
418 ●McCullough John M Jr 410-747-6482 91
420 ●Salapong Efren ..... N/A
422 ●Wesley Michael 410-788-3743 94
423 ●Liberto Nicholas S ..... 410-747-0995 --
424 ●Solomon George 410-788-6341 82
424 #Solomon George CPA PA 410-747-1630 97
426 ●Greul Otto J Jr ..... 410-747-3789 --
427 ●Reichelt Albert C 410-747-0575 89
428 ●Adams Dale H ..... 410-744-1885 --
429 ●Born Richard N ..... 410-744-2244 --
430 ●Snyder David C ..... 410-747-3694 --
432 ●Brooks E 410-747-6504 90
500 ●Anbarchian Serog 410-455-0619 93
501 ●Pinfield Julia ..... N/A
502 Musotto Phyllis 410-744-7437 88
503 ●Vachon Victor 410-455-9826 96
504 ●Barresi Frank ..... 410-744-7479 --
505 ●Paul Padmini ..... N/A
506 ●Faulkner Craig ..... N/A
507 ●Hurbon Douglas 410-747-3645 88
508 ●Thornton Norman ..... N/A
509 ●McColgan Arthur J ..... [redacted]747-7767 --
510 ●Bidlack John L ..... [redacted]88-6564 86
511 ●Traut Charles ..... N/A
512 ●Cooper Vera ..... N/A
513 ●Hayes William ..... N/A
514 ●Hall Richard ..... N/A
515 ●Guido Norman ..... N/A
517 ●Dewey T 410-788-3881 87
601 ●Frederick John O ..... 410-744-0742 --
603 ●Williams Frank M ..... 410-744-4596 --
605 ●Roe Jno C Jr ..... 410-744-0829 --
611 ●Fox Derek ..... N/A
613 ●Billmann Vivian ..... N/A
615 ●Boyd H L 410-744-0598 79
617 ●Lepore J 410-788-0319 98
619 Bengermino B ..... +410-788-7791 99
621 Mahal Sukhjinder S 410-719-6588 98
623 ●Hiltz Gregory A 410-788-3723 91
625 Gaddy Patricia 410-869-9776 98
625 McKee Gertrude ..... +410-747-4813 99
701 ●Wantland Stanley H ..... 410-744-0964 --
702 ●Boucher Jno G 410-744-5430 87
703 ●Kashim Abul ..... N/A
704 ●Riley Richard T ..... 410-744-2163 --
705 ●Cadigan Patrick J Jr ..... 410-744-6232 --
706 ●Beckman Clelus F ..... 410-788-3817 --
707 ●Webb Kenneth C ..... 410-744-3697 --
709 ●Major Jos A ..... 410-744-7939 --
711 ●Geppi Rose ..... N/A
712 ●Brooks William ..... N/A
713 ●Erdmanis Ansis ..... 410-744-8327 --
714 ●Sandoro R 410-744-4623 96
715 Hammad Tarek 410-788-1980 98
716 ●DeMay Joseph 410-744-6173 78
717 ●Riddick Danielj ..... N/A
718 De May Louis W 410-744-6525 81
719 ●Lehman F Allen ..... 410-744-0850 --
720 ●Marin Arturo 410-747-6317 97
722 ●Maggio Raymond P 410-744-8825 82
722 Steiger Louis 410-788-7457 82
725 ●Dillendal Frank S ..... 410-744-2287 --
727 ●Wilson Muriel ..... N/A
729 ●Holmes William ..... N/A
731 ●Knevel Matthew 410-788-0714 89
733 ●Lure Tina H 410-788-0935 91
735 ●Hood Raymond L 410-744-4805 77
737 ●Kwon Chul ..... N/A
800 ●Sigaloose James Jr 410-788-1317 91
802 Garrison-Ragin J 410-719-6177 97
804 ●Zimbro Albert W ..... 410-747-5709 --
806 Davis T 410-747-3310 90
806 Davis T 410-747-3618 97
808 ●Dupree Joseph D ..... 410-747-3246 --
810 ●Calambro A A Capt ..... 410-744-2380 --
1000 ●Thomas Paul ..... N/A
1002 ●Auster Harold ..... N/A
1003 ●Hodges Helen ..... N/A
1004 ●Jaymont Mildred ..... N/A
1005 Stith B L 410-788-4673 84
1006 ●Clark John ..... N/A
1007 ●Frederick Louis G ..... 410-747-6197 --
1008 ●Mogavero Mario J ..... 410-747-0559 --
1009 ●Gress Richard ..... N/A
1010 ●Noel L 410-747-9388 83
1011 ●Frazier Gregory ..... N/A
1012 ●Johnson Edwin Jr ..... 410-744-2194 --
1013 Cook Francis C ..... +410-788-6969 99
1013 Harrell Troy ..... □410-788-7420 99
1014 ●Anderson Juanita ..... N/A
1015 ●Rose Betty J 410-747-2319 92
1016 ●Maddox Theodore 410-788-0064 96
1017 ●Freeman Calvin W 410-747-5232 94
1018 ●Bell Geo F ..... 410-747-7817 --
1019 ●Keesee Rex ..... N/A
1020 ●Pennypacker Evelyn ..... N/A
1021 ●Harvin Robertr ..... N/A
1022 ●Olten Charles V ..... 410-744-0984 --
1023 ●Strawther Christine ..... N/A
1024 ●Bissaily M J 410-719-9581 97

2-BUS 131-RES 3-NEW

CROSS ST 21227

on map as Cross Ave
e fr Ball Ave

Map 62:891-512

4005 ●Clatchey Richard S Jr 410-247-7637 91

0-BUS 1-RES 0-NEW

CROSSLAND RD 21208

s fr 7800 Ridge Ter

Map 48:881-563

7700 ●Lehmann Richard 410-653-7392 94
7701 ●Wais Gary A 410-653-6542 98
7702 ●Kahn Henry D 410-486-4677 93
7702 Trestman M 410-486-4677 93
7703 ●Rogers Jonathan 410-653-4060 91
7704 ●Gutman Henry L ..... 410-486-7075 --
7705 ●Rochlin Herbert ..... 410-484-8826 --
7706 ●Halle Alan ..... N/A
7708 ●Halperin Henry Dr 410-602-2440 94
7709 ●Bavar David ..... N/A
7800 ●Charlow Jeffrey ..... +410-484-4596 99
7800 ●Charlow Jeffrey ..... □410-653-6696 99
7802 ●Eisenberg Mark 410-486-2787 83
7803 ●Kreisberg D L 410-486-7992 88
7803 ●Kressberg David 410-484-3564 86
7804 Dorman Benj N ..... 410-484-1396 --
7805 ●Jacobson Sanford G ..... 410-484-6080 --
7806 ●Rosen Sharon ..... +410-602-0467 99
7808 ●Fribush Dora J 410-484-1668 87
7808 ●Fribush Marvin M 410-484-4532 84
7810 ●Morrison R ..... +410-484-8214 99

0-BUS 21-RES 3-NEW

CROSSLEIGH CT (Randallstown) 21133

s fr 8400 blk Downey Dale Dr

Map 47:864-557

3705 ●Flaxman Michael R 410-922-6417
3705 ●Flaxman Vicki ..... +410-922-6417
3707 ●Stallings James ..... N/A
3708 Marshall Betty 410-521-7433
3708 Mims Cornelya ..... +410-496-7375
3709 ●Charles Leroy ..... N/A
3710 ●Braxton Constance ..... N/A

0-BUS 7-RES 2-NEW

CROSSROADS DR (Owings Mills) 21117

s fr Reisterstown Rd
McDonogh Crossroads

Map 48:870-569

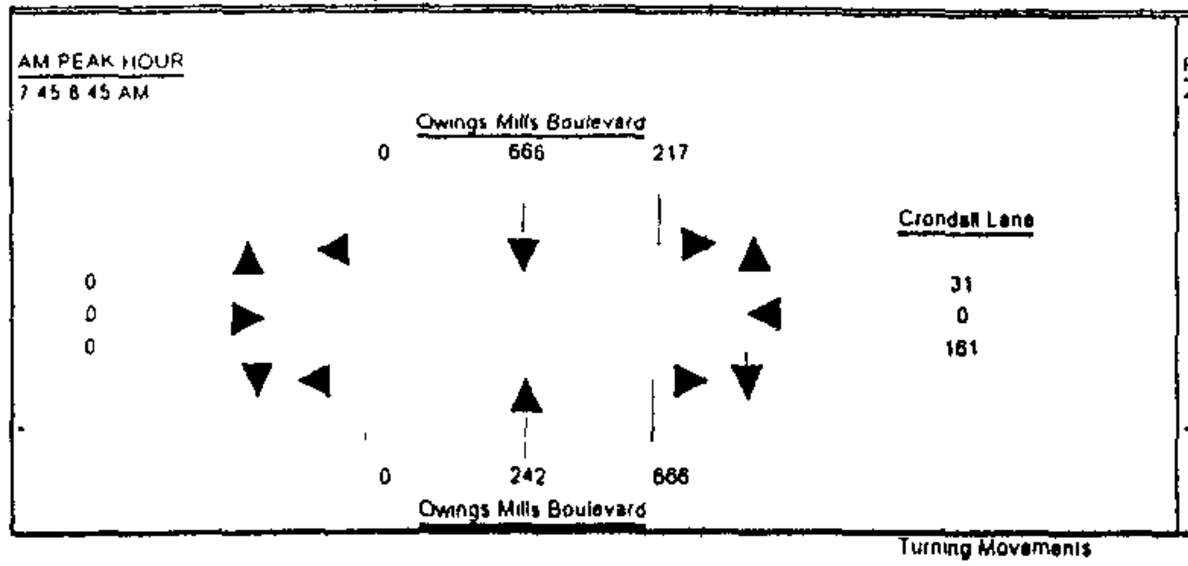
10 #Adzani Mohsin MD 410-654-6042
10 #Alena's Kiosk 410-363-1980
10 #Baltimore Life Ins Co Branch Office 410-654-4884
10 #Bell Insurance Agcy ..... +410-902-7482
10 #Bell Norman agt 410-902-7482
10 #Bogrov Michael MD 410-654-6042
10 #Bren-Dia's 410-902-7222
10 #Center For Behavioral Medicine ..... +410-602-2188
10 #Center For Behavioral Medicine 410-654-6042
10 #Cinergy 410-902-6961
10 #Compulsive Eater's Program 410-654-6042
10 #Franklin Financial Services ..... +410-356-0329
10 Goldman Howard D 3rd 410-654-1155
10 #Interim Healthcare 410-654-6120
10 #Lebowitz & Mzhen LLC attorneys 410-654-3600
10 #Lebowitz Jack D atty 410-654-3600
10 #Liberty Mutual Group Personal Sales 410-996-9210
10 #Mzhen Vadim A atty 410-654-3600
10 #Nationwide Ins Co Bell Norman Agent 410-902-7483
10 #Parkway Counseling Center 410-654-6042
10 #Renal Treatment Center Owings Mills 410-902-7310
10 #Schultz Donnda LCSW 410-654-6042
10 #Silver Silver ..... □410-654-4550
10 #Val-Pak Of Greater Baltimore 410-998-9422
20 #Advantage Leasing Associates ..... +410-363-6427
20 #Apostolides Geo Y MD 410-581-0008
20 #Bernstein Steve MD 410-363-8043
20 #Brenneck Peggy 410-902-6300
20 #Carroll Urology Assoc ..... +410-654-2257
20 #Chircus Jeffrey H MD 410-581-2300
20 #Dieter Ronald L Phys Office 410-363-0490
20 #Elman Michael J MD 410-363-8043
20 #Fine Charles DDS 410-363-2500
20 #Finifter Burton M DDS office 410-363-3610
20 #Fox Charles MD 410-363-8043
20 #Genetic Center The 410-581-8300
20 #Glick Kenneth L MD office 410-363-8222
20 #Goldberg Avrum S atty 410-363-8500
20 #Goldberg Howard H DDS office 410-363-2500
20 #Golden David B K MD 410-363-6144
20 #Gottlieb Ira J 410-363-4343
20 #Gross Joyce Y MD ofc 410-363-8222
20 #Hameroff Stephen MD 410-363-8043
20 #Hankoff Ins Group 410-363-0661
20 #Hemady Ramzi K MD 410-363-8043
20 #Herbst Lennard G MD physician ofc 410-363-0490
20 #Heritage Health Systems Of MD Inc 410-581-2217
20 #Highstein Norman DDS office 410-363-2500
20 #Hutcheson Kelly MD 410-363-8043
20 #Jacobs Howard T MD 410-363-7500
20 #Johnson Mary MD 410-363-8043
20 #Kane Michael H MD ..... +410-654-2257
20 #Kantor & Winegrad & Hess lawyers 410-581-0600
20 #Kantor Stanley atty 410-581-0600
20 #Kaplan Harry W MD office 410-363-8222
20 #Kelman Shalom E MD 410-363-8043
20 #Klasi Antoine MD PA 410-363-9018
20 #Kropp Bernard DDS 410-363-0800
20 #Kuhn Michael J DDS 410-356-0008
20 #Lansing Michael W MD 410-363-7500
20 #Lever Scott A DDS 410-363-2500
20 #Levin Norman phys olc 410-363-0490
20 #Littman Stephen H DDS PA 410-356-8963
20 #Matz Jonathan MD 410-363-6144
20 #McDonogh Dental Associates 410-363-2500
20 #Meisels Alfred MD PA office 410-356-2126
20 #Miller Jeffrey C orthodontist 410-356-0008
20 Miller Jeffrey C Dr orthodontist 410-356-0008
20 #Miller Lee E RPT 410-363-0015
20 #Orthodontic Assocs 410-356-0008

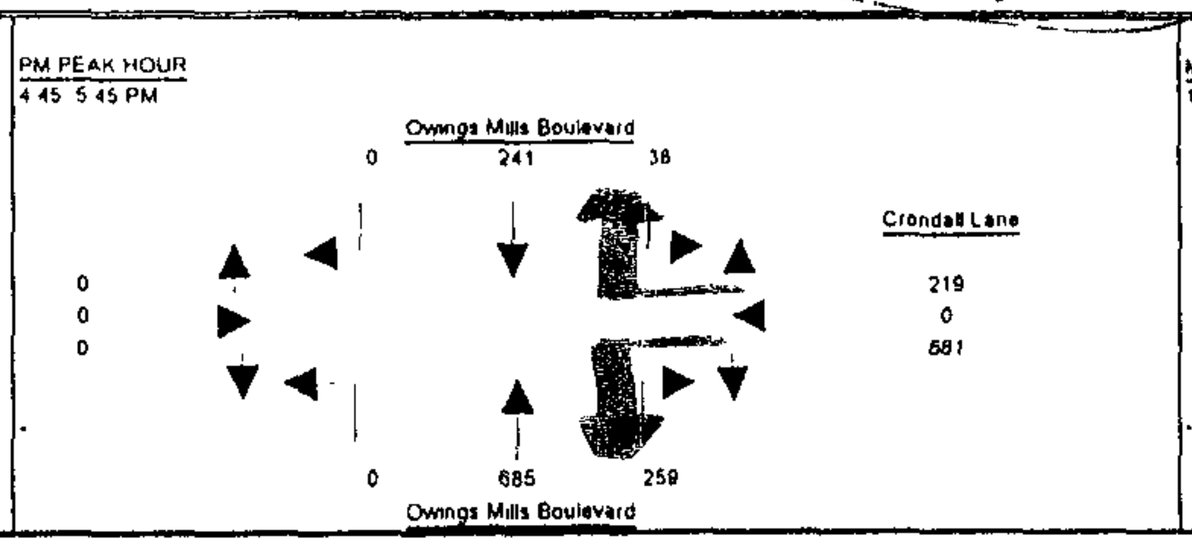
Appendix E

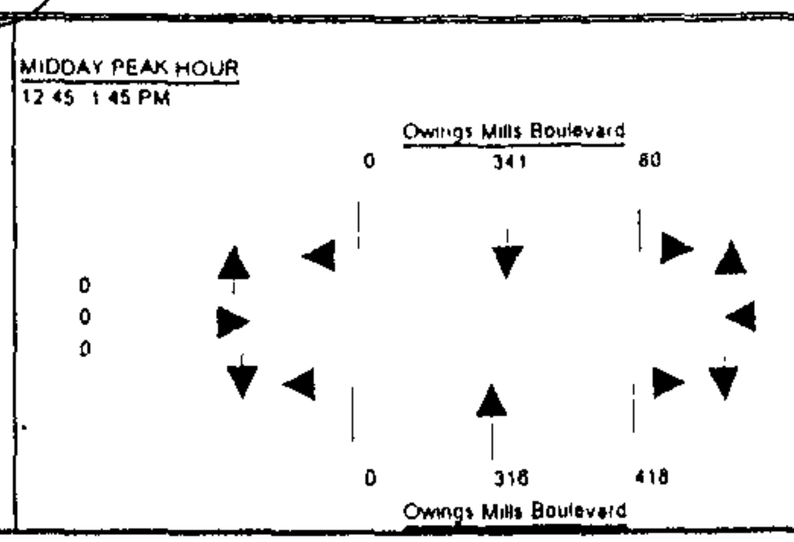
Turning Movement Worksheet

Date 08/11/97 Day Wednesday

Intersection Owings Mills Boulevard/Crondall Lane







Turning Movements

Time Period	SBR	SBT	SBL	[illegible]	WBT	[illegible]	NBR	NBT	NBL	EBR	EBT	EBL	Total	Peak Hour Factor	Time Period
AM Peak Period															
5 00-6 00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 00-6 00 AM
5 15-6 15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 15-6 15 AM
5 30-6 30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 30-6 30 AM
5 45-6 45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 45-6 45 AM
6 00 7 00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	6 00-7 00 AM
6 15 7 15 AM	0	158	30	1	0	43	105	37	0	0	0	0	374	0 25	6 15 7 15 AM
6 30-7 30 AM	0	327	64	2	0	71	232	80	0	0	0	0	776	0 48	6 30 7 30 AM
6 45 7 45 AM	0	506	105	7	0	122	354	131	0	0	0	0	1225	0 68	6 45-7 45 AM
7 00 8 00 AM	0	687	170	14	0	158	504	180	0	0	0	0	1723	0 86	7 00-8 00 AM
7 15-8 15 AM	0	684	188	18	0	157	556	227	0	0	0	0	1832	0 92	7 15-8 15 AM
7 30-8 30 AM	0	701	211	28	0	159	604	242	0	0	0	0	1945	0 94	7 30-8 30 AM
7 45-8 45 AM	0	666	217	31	0	161	666	242	0	0	0	0	1983	0 96	7 45-8 45 AM
8 00-9 00 AM	0	654	189	35	0	186	652	239	0	0	0	0	1955	0 95	8 00-9 00 AM
PM Peak Period															
[illegible]	0	198	24	[illegible]	0	[illegible]	199	657	0	0	0	0	1744	0 83	4 00 -5 00 PM
4 15 -5 15 PM	0	232	29	194	0	549	239	652	0	0	0	0	1895	0 90	4 15 -5 15 PM
4 30 -5 30 PM	0	238	32	210	0	607	249	714	0	0	0	0	2050	0 94	4 30 -5 30 PM
4 45 5 45 PM	0	241	38	219	0	661	259	685	0	0	0	0	2303	0 98	4 45 -5 45 PM
[illegible]	0	241	43	[illegible]	0	[illegible]	255	657	0	0	0	0	2036	0 83	5 00-6 00 PM
5 15-6 15 PM	0	215	49	163	0	585	225	597	0	0	0	0	1834	0 84	5 15-6 15 PM
5 30-6 30 PM	0	218	50	154	0	507	223	496	0	0	0	0	1648	0 82	5 30-6 30 PM
5 45-6 45 PM	0	226	44	123	0	403	222	434	0	0	0	0	1452	0 80	5 45-6 45 PM
6 00-7 00 PM	0	216	38	105	0	341	208	372	0	0	0	0	1280	0 89	6 00-7 00 PM
Midday Peak Period															
10 00 11 00 A	0	312	54	22	0	203	237	186	0	0	0	0	1014	0 95	
10 15 11 15 A	0	279	53	30	0	201	215	201	0	0	0	0	979	0 92	
10 30-11 30 A	0	286	48	30	0	204	212	202	0	0	0	0	982	0 92	
10 45 11 45 A	0	296	54	34	0	226	220	215	0	0	0	0	1045	0 87	
11 00 AM 12	0	293	47	57	0	254	222	226	0	0	0	0	1099	0 88	
11 15 AM -12	0	332	50	93	0	351	229	244	0	0	0	0	1299	0 76	
11 30 AM -12	0	331	53	107	0	413	257	284	0	0	0	0	1445	0 84	
11 45 AM -12	0	309	63	111	0	480	285	299	0	0	0	0	1527	0 89	
12 00 -1 00 P	0	296	63	105	0	502	306	304	0	0	0	0	1576	0 92	
12 15 1 15 P	0	298	69	83	0	473	360	323	0	0	0	0	1606	0 87	
12 30 -1 30 P	0	295	67	76	0	421	399	315	0	0	0	0	1595	0 87	
12 45 -1 45 P	0	341	80	96	0	376	418	316	0	0	0	0	1627	0 89	
1 00 -2 00 PM	0	351	81	81	0	303	444	354	0	0	0	0	1614	0 88	

7-9AM Turning into Crondell

170
504
189
652
1515

173
495
188
652
[illegible]

4-6PM Turning out of Crondell

C

Saturday 08/28/99 Channel: 1

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
21	20	17	18	13	26	111	194	235	440	350	340	425	286	214	185	144	126	120	83	77	59	51	40	3595
11	10	10	9	8	7	32	78	102	207	180	158	228	179	118	82	78	54	53	50	42	31	39	15	
10	10	7	9	5	19	79	116	133	233	170	182	197	107	96	103	66	72	67	33	35	28	12	25	

AM Peak Hour ..... 09:00 to 10:00 (440 vehicles)
AM Peak Hour Factor 94.4%
PM Peak Hour ..... 12:00 to 13:00 (425 vehicles)
PM Peak Hour Factor 93.2%

Sunday 08/29/99 Channel: 1

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
30	8	5	6	5	7	11	62	83	93	118	164	159	141	160	139	103	106	103	99	54	50	36	28	1770
16	6	5	6	1	2	4	21	26	52	60	82	65	79	81	64	59	54	54	49	32	27	22	15	
14	2	0	0	4	5	7	41	57	41	58	82	94	62	79	75	44	52	49	50	22	23	14	13	

AM Peak Hour ..... 11:00 to 12:00 (164 vehicles)
AM Peak Hour Factor 100.0%
PM Peak Hour ..... 12:30 to 13:30 (173 vehicles)
PM Peak Hour Factor 92.0%

Monday 08/30/99 Channel: 1

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
14	9	7	18	65	169	413	379																	1074
8	4	4	12	33	50	140	379																	
6	5	3	6	32	119	273																		

AM Peak Hour ..... 06:30 to 07:30 (652 vehicles)
AM Peak Hour Factor 86.0%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Appendix C

Hourly Totals

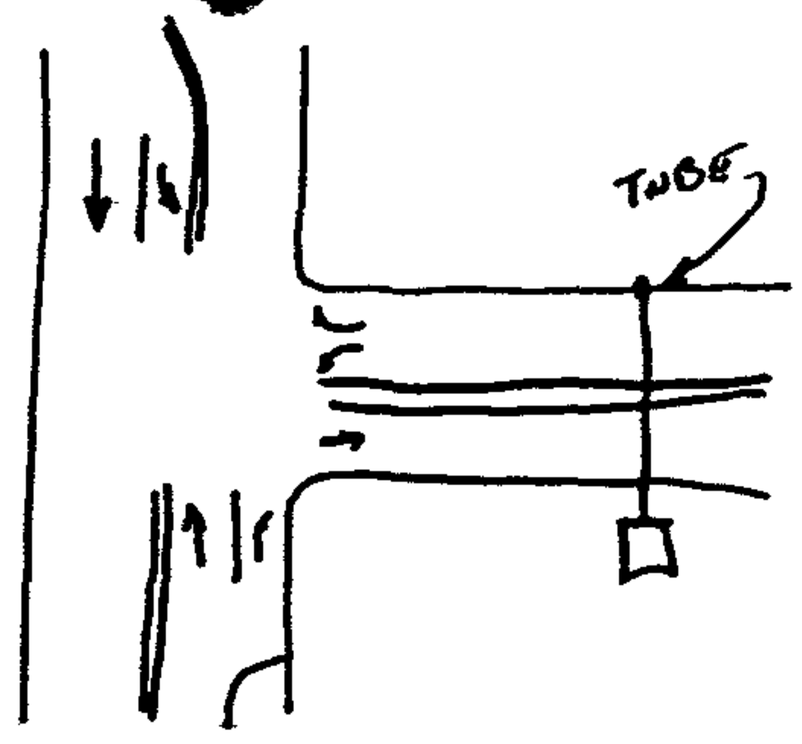
Wednesday June 9, 1999

	Owings Mills Blvd North of Crondall	Owings Mills Blvd South of Crondall	Crondall Lane East of Owings Mills
12:00-1:00am	120	135	23
1:00-2:00am	53	71	28
2:00-3:00am	40	60	30
3:00-4:00am	47	63	44
4:00-5:00am	60	91	51
5:00-6:00am	250	312	118
6:00-7:00am	600	764	344
7:00-8:00am	1231	1710	953
8:00-9:00am	1253	1903	1238
9:00-10:00am	862	1279	765
10:00-11:00am	734	1084	620
11:00-12:00pm	807	1260	785
12:00-1:00pm	932	1475	1009
1:00-2:00pm	990	1504	984
2:00-3:00pm	875	1319	794
3:00-4:00pm	985	1391	740
4:00-5:00pm	1128	1570	802
5:00-6:00pm	1354	1902	998
6:00-7:00pm	1177	1502	619
7:00-8:00pm	1003	1152	305
8:00-9:00pm	876	970	216
9:00-10:00pm	785	877	170
10:00-11:00pm	432	481	87
11:00-12:00am	236	271	65
Total Volume	16830	23146	11788

Appendix D

E

Location ..... CRONDAL[redacted]LA. E. OWINGS MILLS BOT[redacted]RECTIONS
Location Code 2410
County ..... BC
Recorder Set 08/26/99 12:50
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 14
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No



Thursday 08/26/99 Channel: 1

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

F

GWYNNBROOK AVE & OWINGS MILLS BLVD

[redacted] COUNTY SIGNAL NUMBER TMC C405

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	SLM	CLEAR	DRY	TUESDAY	6/1/99
P.M.	SLM	CLEAR	DRY	TUESDAY	6/1/99

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROAD NAME	[redacted]				OWINGS MILLS BLVD					GWYNNBROOK AVE					GWYNNBROOK AVE				
	[redacted] NORTHBOUND				SOUTHBOUND					EASTBOUND					WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL		L	S	R	TOTAL	
%TURNING	12%	68%	19%	100%	9%	88%	2%	100%	AM	6%	45%	49%	100%		37%	44%	19%	100%	N/A
MOVEMENT	22%	70%	8%	100%	11%	81%	8%	100%	PM	20%	45%	36%	100%		22%	57%	21%	100%	N/A
TOTAL	59	331	94	484	136	1283	33	1452	AM	53	384	414	851		72	86	37	195	2982
VOLUMES	[redacted]	1095	129	1565	79	588	59	726	[redacted]	79	178	143	400		127	330	121	578	3269
GRAND TOTALS	400	1426	223	2049	215	1871	92	2178		132	562	557	1251		199	416	158	773	6251
ESTIMATED ADTS	NORTH 12767				SOUTH 15331					EAST 5813					WEST 7079				

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 20495

INTERSECTION: GWYNNBROOK AVE & OWINGS MILLS BLVD

DESCRIPTION: GWYNNBROOK AVE IS A TWO-LANE COUNTY RD. OWINGS MILLS BLVD IS A TWO-LANE STATE RD WITH LEFT TURN ARROWS IN EACH DIRECTION.

THE SIGNAL FUNCTIONS AS A 4 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 120 SECONDS IN THE MORNING AND 116 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:30 TO 8:30 AND IS 5:00 TO 6:00 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE S/B DIRECTION OF OWINGS MILLS BLVD DURING THE AM AND IN THE N/B DIRECTION OF OWINGS MILLS BLVD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS AM HOUR	*	*	10% 8:00-9:00	17% 8:00-9:00
	*	*		
% OF LOADS PM HOUR	34% 5:00-6:00	3% 4:00-5:00	3% 4:15-5:15	100% 5:15-6:15

REMARKS: LOADED CYCLES CONTINUED UNTIL 6:15 IN THE W/B DIRECTION AND UNTIL 6:05 IN THE N/B DIRECTION.

Appendix F

THE LEVEL OF SERVICE IS: F

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR NO DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

A.M. G.C. [redacted] A.M.CLEAR/DRY P.M.WET/RAIN [redacted] Road Surface [redacted] of the Week Date of Count

P.M. G.C. [redacted] A.M.CLEAR/DRY P.M.WET/RAIN [redacted] [redacted]ED. 10/9/96

[redacted]D. 10/9/96

G

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		[redacted]				GLYNDWINGS DR. S BOUND				TIMBER GROVE RD. E BOUND				TIMBER GROVE RD. W BOUND				N+S+E+W
		[redacted]		R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING MOVEMENT	A.M.	29%	59%	12%	100%	3%	79%	18%	100%	17%	36%	47%	100%	49%	40%	12%	100%	N/A
	P.M.	27%	60%	13%	100%	10%	61%	29%	100%	34%	31%	36%	100%	25%	63%	12%	100%	N/A
TOTAL VOLUMES	A.M.	94	188	38	320	28	652	146	826	91	195	256	542	161	130	38	329	2017
	[redacted]	[redacted]		135	1033	59	353	171	583	189	173	202	564	90	225	41	356	2536
GRAND TOTAL		372	808	173	1353	87	1005	317	1409	280	368	458	1106	251	355	79	685	4553

ESTIMATED ADT'S NORTH 8446 SOUTH 10056 EAST 4305 WEST 7049

ESTIMATED CARS ENTERING THE INTERSECTION ----------> 14928

INTERSECTION: GLENDWINGS DR.-OWINGSMILL BLVD.& TIMBER GROVE RD.

DESC. GLYNDWINGS DR.& OWINGSMILL BLVD.ARE BOTH 4 LANE UNDIVIDED COUNTY RDS. WITH LEFT TURN LANES IN BOTH DIRECTIONS.
TIMBER GROVE RD.IS A 2 LANE UNDIVIDED COUNTY RD.WITH 2 APPROACH LANES IN BOTH DIRECTIONS.

.
.

The signal functions as a 2 phase light. The cycle lenghts in the morning averages 84 seconds and in the afternoon the cycle length averages approximatel 81 seconds.
The peak hours were 7:30 to 8:30 A.M. and 5:00 to 6:00 P.M. The peak flow occurs on thS/B direction of GLENDWINGS during the A.M. peak hour and occurs on theN/B direction OWINGSMILL during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	N/A	N/A	N/A	N/A
TIME(A.M.)	%	%	%	%
% LOADS	N/A	N/A	N/A	N/A
TIME(P.M.)	%	%	%	%

REMARKS . . . . .

Appendix G

THE LEVEL OF SERVICE IS A

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For Updated List (Y) N DATE REVIEWED: 11/12/96 APPROVED BY: AGZ CHECKED BY: _____

5/22/00

Re:	IN THE MATTER OF: JEAN SCHUSTER-LEGAL OWNER 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	Southland Corporation, Assignee of Crondall Lane, LLC	*	OF BALTIMORE COUNTY
	Petitioner/Appellee	*	Case No. 98-269X

* *

APPELLEE'S MEMORANDUM ON REMAND

Southland Corporation, Appellee, by its attorney, Deborah C. Dopkin, and Deborah C. Dopkin, P.A., respectfully submits this Memorandum On Remand in support of its petition.

STATEMENT OF THE CASE

Appellee, Southland Corporation, the Petitioner below, successor in interest to Crondall Lane, LLC, submitted a development plan and Petition for Special Exception for a convenience store with a sales area larger than 1500 sq. ft. to be used in combination with a fuel service station pursuant to §405.4E of the Baltimore County Zoning Regulations ("BCZR").

Appellants noted an appeal of the Zoning Commissioner's Order granting the Petition to the County Board of Appeals of Baltimore County as to only the special exception. By Order dated July 24, 1998, the County Board of Appeals affirmed the special exception.

Appellants noted an appeal to the Circuit Court for Baltimore County. By Amended Order dated April 26, 1999, Circuit Court Judge Lawrence Daniels, remanded the matter to the County Board of Appeals ("CBA") "to take such evidence as the Board, in its

RECEIVED
COUNTY BOARD OF APPEALS
00 MAY 22 PM 2:10

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

discretion, feels is necessary, and to make specific factual findings with regard to compliance with Sections 253 and 405 of the BCZR, consistent with the Opinion of this Court".

Upon Motion to Take New Evidence, the Board deliberated in public session on June 2, 1999 and by ruling dated June 13, 1999 determined that it would "hear additional testimony and evidence concerning the *factual requirements* of the proposed facility `serving primarily the industrial uses and relat[ed] activities in the surrounding industrial area'"; and the Board would accept legal argument concerning other issues. *(emphasis added)* (**Exhibit A,** attached). Twelve days of hearings ensued.

BALTIMORE COUNTY ZONING REGULATIONS

Section 405 of the Baltimore County Zoning Regulations was adopted pursuant to Bill No. 172-93 (**Exhibit B**, attached) as a comprehensive approach to the development of fuel service stations to update and create consistent standards for such stations, regardless of the underlying zone Under §405, a fuel service station in combination with a convenience store with an area larger than 1,500 square feet is permitted in the M.L. - I. M. zone by special exception.

Section 253.2.B. permits fuel service stations in the M.L.-I.M. zone by special exception, provided it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area, subject to the provisions of §405 of those regulations.

Section 253 of the B.C.Z.R. identifies food stores as "auxiliary retail or service" use, permitted by right in the M.L. zone with an I.M. district, Sec. 253.1.C. **(Exhibit C**, attached) but limits the gross area not to exceed 2,500 square feet.

FACTUAL ISSUES

Findings Required by Section 405

Recognizing that, contrary to Judge Daniel's comments, the County Board of Appeals does not have the benefit of a transcript when it deliberates or drafts its findings, the Board did in fact make appropriate findings with respect to compliance with §405. See CBA Order, pp. 6-7, 21, 23. (Excerpts attached, **Exhibit D**) The transcript can now be cited, page and line, to uncontradicted expert testimony that was presented by Ken Colbert. Mr. Colbert's testimony that the Petition and plan satisfy the standards of §405 appears in the transcript of 6/9/98, at pp. 46-66.

Findings Required by Section 253

The Circuit Court remanded the case to this Board to make further findings with regard to §253.

Petitioner presented both expert and lay testimony to address this matter. Testimony was presented by Richard Moore, Phil Perrine, Linda Rabb, Ed Zimmerman, James Geigerich. Protestants called Darrell Wiles, Harry Murphy, Katherine Wilson, Ellen Saval and Bill Hughey as witnesses, but did not overcome the evidence offered by Petitioner's experts.

WHAT IS THE AREA SURROUNDING THE SITE?: The site is centrally located in a large industrial area. That industrial area consists

of approximately 468 acres, all of which is classified M.L.- I.M. Of the total acreage, approximately 175 acres have been developed and are occupied along both Crondall Lane and Owings Mills Boulevard. About 263 acres (roughly 60%) remain available to be developed. T., 8/11/99, p.142. According to Baltimore Metropolitan Council of Governments data, the area of which the site is a part (identified as traffic zones 435 and 436) provides current employment to over 5,000 workers. This same area contains only 121 households. T., 8/11/99, p. 149.

THE INDUSTRIAL USES AND RELATED ACTIVITIES: The surrounding industrial area is expansive, lying on both sides of two road, and extending from Gwynbrook Avenue on the north, to nearly Reisterstown Road on the south. The railroad tracks and power line form the western definition of the area, as does Garrison Forest Road on the east.

The area is dominated by diverse employment uses, which include numerous traditional industrial facilities: manufacturing, trucking facilities, warehousing and storage, a concrete products plant, machine shop, pharmaceutical company, cabinetry and the like; there are also light industrial uses, service uses and supporting office and retail uses, all consistent with and permitted in the industrial zone. These include the Ravens training complex, the state emissions testing station, a caterer,

a Circuit City service center, a swimming pool company, day care, professional offices, a shopping center and a delicatessen.[1]

Though People's Counsel attempted to recharacterize both the area and uses, it is evident from the Zoning Maps and the cumulative testimony, that industrial uses and related activities within the industrially zoned area surround the site. To the extent those uses are not all manufacturing, expert testimony offered by Protestant's own witness, the Baltimore County planner for the area, affirmed that **all** the uses are consistent with the industrial zone and district.[2] T., 3/14/00, pp. 201 - 203.

WILL SUCH USE SERVE PRIMARILY THE INDUSTRIAL USES AND RELATED ACTIVITIES IN THE SURROUNDING INDUSTRIAL AREA?:

Since the proposed convenience store and fuel service station do not exist, one must examine a variety of criteria to project whom the use will serve and what will be the primary market. After producing government and industry demographic, sales and statistical data, traffic studies, and growth trends, Southland's marketing expert applied generally accepted marketing techniques to

---

1 As Protestant Saval admitted, the family business that provides her primary means of support has a financial interest as a supplier to that delicatessen. In fact, there are two permanent signs on the deli - one for "Elli's Deli and one for "Saval Foods". (**Exhibit E**, attached)

2 BCZR defined industrial use in connection with the adoption of Growth Management legislation in Bill 178-79; that definition was intended to limit non-industrial uses for purposes of allocating inadequate or failing utilities. Though offices are excluded from the definition of industrial use, they are a related activity consistent (in Mr. Hughey's words) with the ML-IM zone, and as such are "related activities" under §253 .

such data to define a market area, project sales and identify the primary market to be served.

Traffic: Testimony offered by Richard Moore was compelling. Mr. Moore conducted studies to determine actual traffic counts, turning movement and trip destination. He documented a volume of 13,813 trips a day on Crondall Lane alone. Peak hour traffic on Crondall Lane represents 70.2% of the twenty-four hour traffic volume. T., 8/11/99, pp.30-31. Mr. Moore's destination tracking study shows that of those trips, an extraordinary 91.3 percent have a destination on Crondall Lane. The correlation is unusually high, indicating that existing uses on Crondall Lane are the destination for most of the people who drive on that road. Most of the traffic to Crondall Lane (81.2%) uses Owings Mill Boulevard as its means of access, and most of that traffice originates from the South.

By applying a formula developed by the Institute of Traffic Engineers (ITE) for the predominant type of land use (classified by ITE as industrial park)[3], Mr. Moore was able to estimate employment of 3,991 in the industrial area, which correlates closely to the data compiled and maintained by the Baltimore Metropolitan Council of Governments, even though computed by a different methodology.

Mr. Moore also testified to trip destination studies conducted by the ITE for convenience stores, which show there is a growing trend for people to combine trips for convenience shopping and gas.

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[3] The same methodology and classification are accepted and used by Baltimore County.

ITE traffic trip generation studies show that the primary trip length to a convenience store is 3/4 mile.[4] T. 8/11/99, p. 42:5.

In this case, Mr. Moore concluded that the people whose destination is on Crondall Lane are those most likely to frequent the proposed facility. Conversely, since a 3/4 radius from the site includes only industrial and employment uses and no residences, it is less likely that the residential population will do its convenience shopping here.

In another ITE article[5], first referred to by Protestant's counsel and later testified to by Katherine Wilson and Mr. Moore, the author developed a formula for predicting trip generation for convenience stores, identified as the "residential accessibility index". The index is used to calculate trips based on how far a site is from residential uses. The index is highest (100%) for dwellings within one-half a mile, 25% for dwelling with in one mile, 11% at 1.5 miles, and declines rapidly as you are further from the site, so at three miles, only 3% of the residential units are counted as part of the market for a convenience store. T., 3/15/00, p. 14:13 - 15:8.

Mr. Moore also responded to Protestants allegations that most of the market for the proposed facility will come from by-pass traffic on Owings Mills Boulevard. Owings Mills Boulevard is an arterial roadway, the nature of which is to carry long distance

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4 "Transportation Characteristics of Convenience Stores with Gas Pumps", ITE Journal, June, 1990.

5 "Convenience Store Trip Generation," May, 1998

trips, i.e. traffic whose destination is outside the immediate area. According to studies established by the Federal Highway Administration, only from 0% to 20% of traffic on an arterial is likely to have a destination in the local area. T., 8/11/99, pp. 36-37.

Mr. Moore analyzed traffic data collected periodically by Baltimore County over a five year period. Traffic volume on Crondall Lane east of Owings Mills Boulevard has increased by a whopping 49%, while over the same period traffic on Owings Mills Boulevard north of the Crondall Lane increased by a mere 9.2%. T. 3/15/00/ p. 47:9-14. The trend in traffic is consistent with testimony offered by Bill Hughey of the Office of Planning -- that while there is little opportunity or density available for further residential development north of the site, in the industrial area there has been continuing industrial developments and there is opportunity for substantial additional growth. T., 3/14/00, pp. 196-197.

Baltimore County's own traffic studies evidenced substantial traffic volume on the other roads lying north of the site which are used to access Reisterstown Road — Gwynnbrook Road, Timber Grove Road, Kingsbury Road and Cherry Hill Road. When one totals the traffic using these roads between the residential area and Reisterstown Road, the volume is roughly equal to the volumes on Owings Mills Boulevard. The heavy use of these roads and of Butler Road as a commuter route to Hunt Valley, supports Mr. Moore's conclusion that less than half of the traffic from the area to the

north of the site actually travels on Owings Mills Boulevard. These statistics also support Mr. Perrine's observation that shopping on Reisterstown Road is more convenient for these residents.

Mr. Moore also mapped trip distribution patterns (People's Exhibit 13) for all the roads in the area, showing that the residential population north of the site uses a variety of routes to travel from the area to Reisterstown Road, to I-795, and to Hunt Valley. Mr. Moore concluded that only 30% of the traffic originating from the north of the site travels on Owings Mills Boulevard past the site.

Other Statistical Data: Phil Perrine testified to the existence of other filling stations in close proximity to the residential areas north of the site, and that most of the residential population is within a 3/4 mile radius of those stations. Based on time and distance studies, Mr. Perrine determined that residents can buy gas at existing stations on Reisterstown Road faster and more easily than on Crondall Lane. T., 8/11/99, pp. 147:18 - 148:3 and 151:19. See also, Petitioner's Exhibit 10.

Petitioner's witness Linda Rabb presented evidence regarding the areas surrounding and north of the site. In particular, Ms. Rabb testified that based on time distance studies which she conducted and the availability of shopping opportunities on Reisterstown Road, it is more convenient for people from the residential areas north of the site to get to Reisterstown Road

where numerous gas and shopping establishments exist than it is to reach the subject site. T. 9/10/99 pp.95-97.

Southland's Real Estate Criteria: Southland's real estate representative Ed Zimmerman testified to Southland's traditional site selection criteria: As a rule of thumb, Southland wants either 1,200 households within a 3/4 mile radius of a new facility or an employment base of substance. T., 9/17/99, p. 11:5. His initial site evaluation and recommendation determined that though there are few households, there are 3,900 workers within less than 3/4 mile. He recognized that traffic passing the site on Owings Mills Boulevard could provide additional support for the site, but not sufficient in itself to support a 7-Eleven because of the distance - 1½ miles at a minimum - to the closest residential community. Specifically, Mr. Zimmerman did not feel the residential area would support a store. He excluded all the residences to the west of Owings Mills Boulevard which are separated by the railroad tracks and other physical features, which make the site inconvenient and create a psychological barrier in the shopper's mind. The residents to the north are "too far way to count on a regular basis." T., 9/17/99, pp. 17-18.

On the other hand, Mr. Zimmerman testified that this site fits the profile of what has worked best for Southland in the past: it is located between people and where they work, preferably as close to work as possible, because Southland "prefers the going-to-work traffic" and the morning trade. T, 9/17/99, p.13:16, p. 69:1.

In delineating a market area, Mr. Zimmerman recognized that the site would also derive some sales from traffic on Owings Mills Boulevard, but the destination of most of that traffic was too far away to primarily support the use. T., 9/17/99, p. 18:8, 1/18/00, p. 127:20.

In response to specific questioning by the Chairman, Mr. Zimmerman described the 7-Eleven customer — "...someone who is going to visit you once, twice, possibly even three times a day, every day...[t]hey are going to be there every day, frequently. That's a 7-Eleven customer."

He distinguished the customer coming from further away: "The *further you get from a site, the less convenient you become*, and it becomes less important for the customer to buy. Usually they buy close to home or close to work...we are going to get some of them...But can I count on them? No...They don't ordinarily stop somewhere in the middle of their journey." T., 1/18/00, pp. 174-176.

Mr. Zimmerman has over thirty years experience in site selection, and by his own account, of the hundreds of sites he has recommended, in only one case has his recommendation not been adopted by Southland. T., 9/17/99, p.132:10

The Board may want to consider the fact that Mr. Zimmerman's site analysis and recommendation were based on a site plan that differed materially from that which is before the board. In that site plan, the store and gas pumps fronted on Owings Mills Boulevard. The orientation was "exactly 180 degrees" from the

subject plan. T., 1/18/00, p. 125:13. On the plan before the Board, the store and gas pumps face inward toward the industrial center, and the rear wall of the store faces Owings Mills Boulevard, having no identification and limiting visibility of the store and particularly the gas pumps from Owings Mills Boulevard. This orientation only reduces the attractiveness of the site for sales to traffic on Owings Mills Boulevard.

Southland considered the possibility of not having access to Owings Mills Boulevard when it formulated alternatives for analysis by MPSI. Protestants' Exhibit 7F. Mr. Zimmerman testified that if there were no access to the site from Owings Mills Boulevard, MPSI projected gasoline sales of 139,000 gallons per month. (Protestants' Exhibit 7H), T. 1/18/00, P. 146:14-18. That alternative most closely resembles the site plan now before the Board. The gas sales projection of 139,000 gallons per month (or 1,668,000 per year) was treated by Southland as sufficient to support the facility. T. 1/18/00, p. 151:11. That gas sales projection is within the same range of sales estimated by Protestant's expert Harry Murphy (See Protestants' Exhibit 14) and Southland's own marketing expert, though all reached those numbers by entirely different approaches.

Market Analysis: James Geigerich, an expert in planning and market analysis, applied standard accepted methodology used in defining a market for a particular site. Mr. Geigerich applied "Reilly's Law of Retail Gravitational Attraction" (a marketing technique developed and relied upon since 1929) to delineate the

primary and secondary markets likely to frequent the site. (See People's Exhibit 13) Reilly's Law states that the further a purchaser must travel to a site, the less the purchaser is attracted to that site. T. 3/15/00, p. 149:6-16. Mr. Geigerich concluded that the primary market for the subject location is the industrial area and uses closest to the site, and that the area further away from the site, the predominantly residential area, is the secondary market.

Mr. Geigerich used population data, trip distribution (both on Owings Mills Boulevard and Crondall Lane), existing competition, and government data on typical gas sales in Maryland to reach his sales projection for the secondary market.

Applying market analysis to gross capture rates for the residential area (introduced by Protestant's witness Katherine Wilson), Mr. Geigerich was able to estimate that only 27% of gas sales are likely to originate from the secondary market. T. 3/15/00, pp.167-176. Similarly, utilizing data from the petroleum industry and the National Association of Convenience Stores ("NACS"), as well as data introduced by Protestant's witness Harry Murphy, Mr. Geigerich testified that a majority of gas sales are likely to arise from within the industrial area. Based on Ms. Wilson's data, Mr. Murphy's analysis, and his own analysis, Mr. Geigerich concluded that the majority of sales to support the proposed use will come from the industrial area and related activities.

PROTESTANT'S CASE:

Protestants maintain that the majority of sales at the proposed 7-Eleven will come from the residential areas lying north of the site. Protestants rehashed traffic and demographic data introduced by Petitioner's witnesses and by Katherine Wilson. Ms. Wilson, by her own admission did not apply any analysis to the data to predict gasoline sales. In fact, Ms. Wilson was unfamiliar with the most basic marketing techniques relied upon to evaluate sites for retail use, and only became aware of these in reading ITE materials. T., 3/14/00, p. 89:5. It does not appear she has ever performed such an analysis prior to the hearings and did not do so for this site.

By failing to conduct an analysis, Ms. Wilson's conclusions regarding the primary market were not supported in any way. Her conclusions contradicted her prior testimony regarding brand and price loyalty and buyers' behavior to shop close to home. She did not conduct time distance studies. She utterly failed to demonstrate the necessary relationship between gross demographic numbers and projected gas sales at this location. As such, she did not prove anything.

Protestants' gasoline station expert Harry Murphy projected gasoline sales based on an estimate of employment using parked vehicles one summer afternoon (a technique not endorsed by ITE). He could have used actual traffic and employment data produced by Baltimore County and Petitioner and which provide much more reliable information.

Though Mr. Murphy used lower figures than actual traffic studies evidence, Mr. Murphy's analysis supported the sales projections for this site consistent with projections made by MPSI, by Southland's real estate representative and by Southland's marketing expert. (Protestants' Exhibit 14.) He did no such projection for sales from the residential market.

Protestants and People's Counsel repeatedly argued that because there is a lot of traffic on Owings Mills Boulevard, that traffic will be the primary source of sales (not necessarily **gas** sales) at this location. In so doing, they relied in part on traffic counts conducted by Baltimore County for which the equipment, malfunctioned and thereby the results were unreliable. Protestants' own witness Daryl Wiles admitted that the equipment may have been defective, and when questioned by People's Counsel, Mr. Wiles was unable to explain the entries on the traffic data produced by his department. Protestants failed to produce any analysis of the traffic data that would prove their allegations. The mere assertion that there is traffic on Owings Mills Boulevard passing the site has no probative value, and without proper analysis, does not warrant the bald conclusion that such traffic will be the primary source of gas sales.

In fact, nothing produced by Protestants disproved Petitioner's evidence.

LEGAL ISSUES

1. Is a convenience store a food store, the size of which is limited by §253? No.

A Legislative Project conducted by the Baltimore County Planning Board[6], concluded that the Baltimore County Zoning Regulations affecting automotive service stations were outdated, confusing and difficult to administer. (**Exhibit F**) Consequently, in 1993, the Baltimore County Council adopted Bill No. 172-93, codified as §405 of the Baltimore County Zoning Regulations, to set forth a comprehensive legislative plan and uniform standards to govern fuel service stations and the uses associated with them throughout Baltimore County.

The Statement of Legislative Findings and Legislative Policy which is preamble to §405 states:

> To better reflect the evolving role of this use [fuel service stations]...regulations which govern the permitted ancillary uses are being amended *to reflect contemporary business practices* and to facilitate the upgrading of existing stations. (*emphasis added*) Baltimore County Zoning Regulations, §405.1.C., D.

Section 405.4.E permits "uses in combination" with fuel service stations, including, expressly, a convenience store with a sales area larger than 1,500 square feet, by special exception. There is no upper limit on the size of convenience store in §405.

Convenience store is a defined term in the zoning regulations:

> A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer at the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty-four-hour period. [Bill No. 86-1994]

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[6] Legislative Project #93-1, Adopted June 17, 1993.

Protestant's argue that because a convenience store sells some food products, it is a food store. Protestant's ignore the quantity or types of food products excluded from the definition: groceries and fresh vegetables, dairy products, meat, seafood and poultry, because these items are found in food stores, not convenience stores!

To have a convenience store larger than 1,500 sq. ft. in combination with fuel sale, you must apply for a special exception -- exactly as Petitioner has done! If that procedure were intended to be limited by the language of §253, the legislature would have replaced the words "food store" with "convenience store" in that Section of the Zoning Regulations, but the Council did not do so.

When the Planning Board recommended adoption of the legislation for uses in combination with fuel service stations, it considered stores of a range of sizes, both where the store was the principal use, and where gas was the principal use. (Legislative Project #93-1, p. 5) Smaller stores were to be permitted by right, larger stores by special exception. See Table 3 and Table 4 of Legislative Project #93-1, **Exhibit F**, attached.

The Planning Board report to the Council cites an ITE Journal study of January 1991. That study[7] (introduced as People's Counsel Exhibit 8) charts various size and type uses in combination, from under 1,000 sq. ft. to 4760 sq. ft. Similarly, the NACS definition

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[7] "Trip Generation Studies of Gas/Convenience Stores," ITE Journal, January, 1991.

(introduced by Katherine Wilson as Protestants' Exhibit 19) includes facilities from under 800 sq. ft to 5,000 sq. ft.

Thus, it is clear that the Planning Board and Council after considering the sizes of such stores, intended to permit a flexible standard, allowing a small store as a matter of right and a larger store as a special exception use, subject to certain additional design standards. Where there is a use in combination, a ratio is applied for providing additional site amenities based on the size of the store. See B.C.Z.R. §405.4.

The definition of convenience store in the BCZR was adopted as part of legislation creating community based business zones in which convenience stores are permitted as a matter of right.[8]

The community based business zones are intended to restrict uses adjoining residential neighborhoods, but do permit convenience stores up to 5,000 square feet. It is a logical absurdity to argue to this Board, as People's Counsel has, that more stringent restrictions are intended to apply to a use permitted in an industrial zone than to the identical use when it adjoins a residential zone.

The addition of the 2,500 square foot limitation to food stores in the M.L. zone was adopted as part of Bill 100-1970. Prior to Bill 100, the M.L. zone permitted uses permitted in the

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[8] The Planning Board report recommending this definition was adopted a few months prior to the Planning Board report for fuel service stations. The County Council enacted the legislation amending the B.C.Z.R. for fuel service stations before it adopted performance based business zones, though these bills were nearly contemporaneous.

business zones. The County then, as now, did not wish to lose prime industrial land to commercial uses, but did intend to permit auxiliary retail uses in industrial areas. This site, with its small size and physical constraints, is not prime industrial land, and is centrally located to provide auxiliary support to the overall industrial area.

Where, as here, the legislative intent is clear, it should be given effect. Rules of statutory construction support permitting convenience stores as large as 5,000 sq. ft. based on the language and intent of B.C.Z.R. In interpreting a law, consideration must be given to the particular problem the legislature was addressing and the objectives it sought to attain. Scheve v. McPherson, 44 Md. App 398 (1979), Clerk v. Chesapeake Beach Park, 251 Md. 657 (1968); Prince Georges Co. v. Laurel, 262 Md. 171 (1971). The intent here is to permit a flexible standard "*to reflect contemporary business practices.*"

Administrative Interpretation by Agency

The interpretation by the Zoning Office supports the larger size store. In the instant case, John Lewis of the Department of Permits and Development Management ("PADM"), in response to cross examination, by People's Counsel, confirmed "[w]hen the request is made for a convenience store over 2,500 square feet, you don't need a variance?" A: "*Right.*" (*emphasis added)* T. Day 3, p. 114. Surely, People's Counsel should be bound by the testimony it

elicited of this expert and by the interpretation applied by the Zoning Office.

Long-standing administrative construction is entitled to considerable deference. Kimball-Tyler Co. v. City of Baltimore, 214 Md. 86, 133 A.2d 433 (1957). Maryland courts have afforded great deference to the interpretation of a statute placed on it by the agency charged with its administration. Jackson Marine Sales v. St. Dep't. of Ass'mts., 32 Md. App. 213 (1976).

The interpretation applied by PADM should not be disregarded except for the strongest and most urgent reasons. Public Service Commission v. Howard Res., 271 Md. 141 (1974). "When the construction of an administrative regulation rather than a statute is in issue, deference is even more clearly in order..." and the agency's interpretation is "of controlling weight..." Ideal Federal v. Murphy, 339 Md. 446 (1993), Macke Co. v. Comptroller of the Treasury, 302 Md. 18 (1984).

Courts of this state are reluctant "to interfere with any exercise of the legislative prerogative within constitutional limits, or with the lawful exercise of administrative authority or discretion." Howard County v. Dorsey, 45 Md. App. 692 (1980).

Section 405 specifies a convenience store is a use permitted in combination with a fuel service station. The County Council has provided a definition of a convenience store which permits an area of up to 5,000 sq. ft. The office that administers the BCZR has adopted that definition. That definition controls the limit on size of a convenience store of 5,000 sq. ft.

2. HOURS OF OPERATION

Protestants' counsel and People's Counsel suggest that this Board should limit hours of operation at the proposed facility. It goes without saying that this issue is not before the Board on remand. Even if it were, there is nothing in the regulations to warrant such a limitation, nor was there any evidence produced to justify any such limitation under special exception standards.

In fact, the NACS definition of a traditional convenience store, offered by Protestants witness Katherine Wilson characterizes the use as having "extended hours...with a large percentage open 24 hours per day." (Protestants Exhibit 19)

The legislative intent, evidenced by the definition of convenience store and the Planning Board report, is that these uses operate for extended periods, usually twenty-four hours a day, as proposed here.

Southland submits that there is no legal basis to limit the area of the convenience store not to exceed 2,500 square feet; however Southland has stated that it is willing to reduce the size of the store to 2,500 square feet, if it can do so without the necessity of additional approvals or hearings. Thus, if the Board rules that Southland either **must** reduce the store size or that Southland **may** reduce the store size, Southland requests that either determination be incorporated in the Board's Order expressly

permitting or requiring Southland to build a smaller store without the necessity of additional hearings or approvals.[9]

2. WEIGHT AND CREDIBILITY ATTRIBUTABLE TO PROTESTANTS TESTIMONY:

As became evident in the course of the hearing, Protestant Saval has a financial interest in a delicatessen that would face competition from the proposed 7-Eleven.[10] T., 3/07/00, p. 14:19, pp. 16:19 - 17:1.

The prevention of competition is not a proper element of zoning. Ordinarily, a person whose interest in objecting is to prevent competition is not a person aggrieved, and would have no standing. Kreatchman v. Ramsburg, 224 Md. 209, 167 A.2d 345 (1961); Bryniarski v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 239 (1967); Aspen Hill Venture v. Montgomery County Council, 265 Md. 303, 289 A.2d 303 (1972). At this point in these proceedings, Appellant Saval's testimony and that of the experts she engaged, should be weighed in light of her underlying, seemingly improper, interest.

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9 BCZR §405.5.B states: "For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations." Though this provision appears to affect only previously existing service stations, Southland is making this request rather than confront a possible argument from Protestants that an amendment requires a new hearing.

10 Mrs. Saval testified that her primary support comes from her husband's business and that his business supplies the delicatessen across the street from this site. Though Mr. Saval has been absent through these proceedings, based on Mrs. Saval's testimony, it is reasonable to conclude that he continues to support Mrs. Saval, and the expenses she has incurred in this matter.

CONCLUSION

The record before the Board is replete with cumulative factual data, from diverse sources, that establishes that the proposed use will serve primarily the industrial area and related activities. A review of the plain language of the Baltimore County Zoning Regulations and legislative history of the pertinent provisions, supports granting a special exception for a convenience store in combination with fuel sale of 2,980 square as shown on the plan. The Board of Appeals has previously determined that the use otherwise satisfies the standards for a special exception. Southland submits that the original decision of the County Board of Appeals of Baltimore County should be affirmed and the petition for special exception approved.

Respectfully submitted,

Deborah C. Dopkin
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Attorney for Appellee/Petitioner

POINTS AND AUTHORITY

1. Baltimore County Zoning Regulations.

2. Aspen Hill Venture v. Montgomery County Council, 265 Md. 303, 289 A.2d 303 (1972).

3. Bryniarski v. Montgomery County Board of Appeals, 247 Md. 137, 230 A.2d 239 (1967).

4. Clerk v. Chesapeake Beach Park, 251 Md. 657 (1968)

5. Howard County v. Dorsey, 45 Md. App. 692 (1980).

6. Ideal Federal v. Murphy, 339 Md. 446 (1993).

7. Jackson Marine Sales v. St. Dep't. of Ass'mts., 32 Md. App. 213 (1976).

8. Kimball-Tyler Co. v. City of Baltimore, 214 Md. 86, 133 A.2d 433 (1957).

9. Kreatchman v. Ramsburg, 224 Md. 209, 167 A.2d 345 (1961).

10. Macke Co. v. Comptroller of the Treasury, 302 Md. 18 (1984).

11. Prince Georges Co. v. Laurel, 262 Md. 171 (1971).

12. Public Service Commission v. Howard Res., 271 Md. 141 (1974).

13. Scheve v. McPherson, 44 Md. App 398 (1979).

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 22nd day of May, 2000, a copy of the foregoing Appellee's Memorandum On Remand was hand delivered or mailed, postage prepaid to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204, and to I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, MD, 21210, Attorneys for Appellant, and to People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

Deborah C. Dopkin

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IN THE MATTER OF THE APPLICATION OF JEAN SCHUSTER -LEGAL OWNER; SOUTHLAND CORPORATION, ASSIGNEE OF CRONDALL LANE LLC-APPLICANT FOR A SPECIAL EXCEPTION ON PROPERTY LOCATED ON THE SE/COR CRONDALL LANE AND OWINGS MILLS BOULEVARD (3731 CRONDALL LANE) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
	*	CASE NO. 98-269-X
	*	(Reference Civil Action No. 3-C-98-08520)

Exhibit A

* * * * * * * * *

RULING ON MOTION TO TAKE NEW EVIDENCE

This case was remanded back to the Baltimore County Board of Appeals by order of Judge Lawrence R. Daniels of the Circuit Court for Baltimore County with instructions to the Board to make findings with regard to the compliance of the Petitioner with Sections 253 and 405 of the Baltimore County Zoning Regulations [reference Bucktail v. County Council of Talbot County, 352 Md. 530 (1999)].

Judge Daniels left it up to the discretion of the Board to determine if sufficient factual findings already existed based on the testimony and evidence submitted at the prior public hearings; and, if not, whether additional evidence and testimony should be offered so that the Board would "hear more than one side of the story."

To that end, the Board heard oral argument on May 27, 1999 on the Motion to Take New Evidence filed by Robert D. Sellers, Esquire, and William Chase, Esquire. Argument was received from Deborah Dopkin, Esquire, representing the Petitioner; William Chase, Esquire, representing Beth Israel Synagogue; Robert D. Sellers, Esquire, representing Appellant; and Peter Max Zimmerman,

People's Counsel for Baltimore County, all of whom had submitted appropriate Motions and Responses supporting their positions.

The Board members individually had the opportunity to review the transcript of the original proceedings, and a public deliberation took place on Wednesday, June 2, 1999 at 9:30 a.m.

In summary, the Board concurred that additional tesitmony and evidence would be helpful in determining factual considerations from additional testimony and evidence relative to Sections 253 and 405 of the BCZR. Section 253 deals with auxiliary retail or service uses or semi-industrial uses in an I.M. district, and in particular the interpretation of a food /convenience store; and fuel service station in a planned industrial park only - subject to Section 405 (Bill #172-1993).

The Board will hear additional testimony and evidence concerning the factual requirements of the proposed facility "serving primarily the industrial uses and relating activities in the surrounding industrial area"; and legal argument concerning Section 405, recognizing that there may be an overlapping in counsel offering such testimony and evidence in satisfying Judge Daniels' requirement concerning findings as to Petitioner's compliance with both Section 253 and Section 405.

The Board has scheduled public hearings in connection therewith, due notice of which shall be provided all interested parties.

THEREFORE, IT IS THIS 3rd day of June, 1999 by the County Board of Appeals of Baltimore County

ORDERED that Protestant's Motion to Take New Evidence be and the same is hereby **GRANTED**; and it is further

ORDERED that the Board will hear additional testimony and evidence **ONLY AS TO THE LIMITED ISSUE** of the factual requirements of the proposed facility "serving primarily the industrial uses and relating activities in the surrounding industrial area"; and legal argument concerning Sections 253 and 405 of the BCZR pursuant to this Ruling.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Charles L. Marks

Thomas P. Melvin

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION /Motion To Take New Evidence

IN THE MATTER OF: Jean Schuster /Crondall Lane LLC - Southland Corporation - Case No. 98-269-X

DATE : Wednesday, June 2, 1999

BOARD /PANEL : Lawrence M. Stahl (LMS)
Charles L. Marks (CLM)
Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE --to deliberate Motion to Take New Evidence /argument received by Board on Protestant's Motion on May 27, 1999. Matter on remand from the Circuit Court for Baltimore County.

Simple issue - two points to decide:

1) How to take Judge Daniels' opinion in terms of what it mandates, recommendations, suggestions; and

2) Issue on Motion -- whether or not to take additional testimony

Judge Daniels was not happy with Board's decision as to 253 and 405. (Additional note made as to Judge's comments re CBA indicating page /line of transcript of its hearings when writing opinion; CBA does not have a transcript before it when preparing its opinion/order; only prepared at request of parties on appeal to Circuit Court.)

Discussion of Board as to its transcript -- problem per Mr. Marks appears on Day #2, page 8, Mr. Darrow's testimony -- he was Petitioner's principal witness as to marketing -- does not give precise information re market that will be served by facility; refers frequently to "in our experience" but no supporting figures re industrial park. Mr. Marks also cited p 12 and p 18 as to Mr. Darrow's testimony - references Economic Development estimates; but nothing submitted into evidence.

Mr. Stahl continued with deliberation -- he would question why the opposition did not bring in its own expert if they were unhappy with something on cross-examination; believed numbers to be wrong, or inaccurate, or as to another area, etc. Believes this to be a "slippery situation" when the opportunity was there to present their own expert, but they say nothing so then the people presenting the facts /numbers are not entitled to have them accepted as facts subject to cross-examination in multi-day hearing. If a million points are brought up and nothing is presented to the contrary, can you then come back later and say it

was not footnoted so it cannot be accepted as true? That was a point that bothered Mr. Stahl.

Mr. Marks and Mr. Melvin expressed their conclusions as to the Judge's opinion and his comments about additional evidence. Mr. Melvin believed that additional testimony should be allowed relative to the marketing study; no study, etc., submitted; Mr. Marks has no problem with the location of the store; other facts came in -- traffic, safety, etc. - four experts offered by Southland -- no problem with testimony by three; only problem is with Mr. Darrow -- alludes to it but would like to have more evidence that this is the area from demographic study that will be serving the store. Mr. Melvin agreed on this point.

Points discussed by the Board:

Based on what is in evidence and Board's transcript, does Board have enough information in the transcript now to resolve what appears to be Judge Daniels' concerns about the factual basis for Board's comments that 405 and 253 are satisfied? If not, what is missing?

If not, then what will the Board allow and what is needed.

In CCt transcript, Judge Daniels, on page 129, says "I think" -- then in the Order -- remanded to take more evidence if the Board thinks it necessary and make further findings in support....

As to three experts, Board was unanimous as to factual findings -- determined to be okay. As to Darrow, both Mr. Marks and Mr. Melvin believed additional testimony as to demographics would be necessary and that this decision was left up to the Board to make. Mr. Stahl agreed that the decision as to new evidence was left up to the Board and that he would agree to re-open as to this limited issue only; however, believed that it should be stressed that the Board would not re-open the case as to other issues and other witnesses; only as to the marketing study and the rationale of being more particular into the fact that marketing for this area is the driving force behind it.

Testimony to be limited to that narrow issue -- agreed by the Board, including Mr. Stahl who indicated that if this would allow the panel members to be more comfortable, then additional evidence should be allowed but only as to this very limited issue.

Board also determined that Addendum would require greater detail regarding food store versus convenience store; this is a matter of interpretation only; would accept argument only from counsel as to whether or not it is one or the other and then the Board will address this issue more fully in its ultimate opinion /order issued

Deliberation /Motion to Take New Evidence /98-269-X
Jean Schuster /Crondall Lane LLC /Southland Corp. /On Remand

on remand.

Conclusion:
Hearing day to be scheduled within the next week or two to accept (1) argument from counsel as to whether or not it's a food store or convenience store; no additional evidence and (2) specific testimony as to the demographics -- thrust of marketing as shown by the marketing studies and reports of the area -- testimony to be limited to that.

It was indicated that anything beyond the above two issues would be thrown out by the Board as irrelevant.

Circuit Court order clearly indicated that this matter of additional evidence was left up to the Board and that the Board has now decided to take additional testimony as to that very narrow issue only -- marketing studies and proposed marketing target of proposed facility. Argument only as to 253 /405 and whether a convenience store or food store.

Upon conclusion of deliberation, dates for hearing to be discussed with panel members and Counsel, with deliberation immediately thereafter; no additional written briefs to be filed; counsel to be prepared for verbal arguments at end of evidence portion; Order to be issued promptly.

Deliberation concluded; Motion to Take New Evidence granted only as to narrow issue of demographics and marketing study. Notice of Assignment to be sent to parties upon confirmation of hearing date.

NOTE:These minutes will serve to confirm that the Board of Appeals met this date to publicly deliberate the Motion to Take New Evidence filed by Mr. Sellers on behalf of Protestant in this matter; Motion granted as to limited testimony on marketing /demographic issue as stated at the deliberation. Notice to be sent.

Respectfully submitted,

Kathleen C. Bianco

LEGI[redacted]TIVE SESSION 1993, LEGISLATIVE [redacted]AY NO. 20

BILL NO. 172-93

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

Exhibit B

A BILL

ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

motorway; eliminating special exception extension for automotive service stations; establishing landscape standards and generally relating to fuel service stations and car washes.

BY repealing

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Section 101, the definitions of "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash, Self-Service"

Baltimore County Zoning Regulations, as amended

BY repealing

Section 101, the definitions of "Commercial Motorway, Class I" and "Commercial Motorway, Class II" and Section 259.2.E.F. and G.

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments,

Section 101, the definition of "Automotive Service Station" and "Car Wash" and Sections 100.1.B.2, 1B01.1.A.14C., 203.9, 248.3, 253.123.C, 253.2.B, 256.1, 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3

Baltimore County Zoning Regulations, as amended, and

Sections III and IX.C.2.b.

Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90, and as amended by Resolutions 66-90 and 10-93

WHEREAS, the Baltimore County Council has received a final report dated June 17, 1993 from the Planning Board concerning the subject legislation and held a public hearing thereon on September 7, 1993, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 405 and 419 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 405 and 419 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 405. FUEL SERVICE STATIONS.

405.1 STATEMENT OF LEGISLATIVE FINDINGS AND POLICY.

A. BILL 40-67 ENACTED SIX COMMERCIAL DISTRICTS (C.N.S., C.C.C., C.T., C.S.A., C.S.-1, AND C.S.-2) AND ONE INDUSTRIAL DISTRICT (I.M.). ONE OF THE MAIN PURPOSES OF THE NEW COMMERCIAL DISTRICTS WAS TO CONTROL THE LOCATION OF SERVICE STATIONS AND THE USES ASSOCIATED WITH THEM. IN 1975 THE C.R. DISTRICT WAS ADDED TO GOVERN SERVICE STATIONS AND OTHER COMMERCIAL USES IN RURAL AREAS.

B. WHILE THE C.T., C.C.C., C.R. AND I.M. DISTRICTS HAVE SPECIAL USE AND BULK REGULATIONS WHICH MAKE EACH ONE UNIQUE, THE REMAINING DISTRICTS (C.N.S., C.S.A., C.S.-1 AND C.S.-2) DO NOT INCLUDE PROVISIONS WHICH MAKE THEM DISTINCT. AS A CONSEQUENCE, THE C.S.A., C.N.S., C.S.-1 AND C.S.-2 DISTRICTS ARE CONSOLIDATED INTO THE AUTOMOTIVE SERVICES (A.S.) DISTRICT.

C. THE DESIGN AND OPERATION OF SERVICE STATIONS HAS CHANGED SIGNIFICANTLY AND THE PROVISIONS SET FORTH IN BILL 40-67 NO LONGER

REFLECT CONTEMPORARY BUSINESS PRACTICES. DUE TO THE RISE OF SELF-SERVICE STATIONS, THE NUMBER OF BUSINESSES THAT "SERVICE" MOTOR-VEHICLES BY PROVIDING REPAIR FACILITIES HAS BEEN STEADILY DECLINING, WHILE THE NUMBER OF STATIONS WITH CONVENIENCE STORES OR CAR WASH OPERATIONS HAS BEEN INCREASING. TO BETTER REFLECT THE EVOLVING ROLE OF THIS USE, THE NAME OF AUTOMOTIVE SERVICE STATION IS BEING CHANGED TO FUEL SERVICE STATION AND REGULATIONS WHICH GOVERN THE PERMITTED ANCILLARY USES ARE BEING AMENDED TO REFLECT CONTEMPORARY BUSINESS PRACTICES AND TO FACILITATE THE UPGRADING OF EXISTING STATIONS.

D. IT IS THE INTENT OF THIS SECTION TO PERMIT FUEL SERVICE STATIONS IN ACCORDANCE WITH THE GOALS OF THE MASTER PLAN AND DULY ADOPTED COMMUNITY PLANS BY REQUIRING PERFORMANCE STANDARDS THAT WILL REGULATE THEIR LOCATION AND APPEARANCE AS WELL AS THE ADDITIONAL USES WHICH MAY BE DEVELOPED AT SUCH SITES.

405.2 LOCATIONS IN WHICH FUEL SERVICE STATIONS ARE PERMITTED.

A. A FUEL SERVICE STATION IS PERMITTED BY RIGHT SUBJECT TO SUBSECTION 405.4, PROVIDED THAT NO PART OF THE LOT IS WITHIN 100 FEET OF A RESIDENTIALLY ZONED PROPERTY AND IS INTEGRATED WITH AND LOCATED:

1. IN A PLANNED SHOPPING CENTER OF WHICH AT LEAST 20 PERCENT HAS BEEN CONSTRUCTED AT THE TIME THE BUILDING PERMIT FOR THE FUEL SERVICE STATION IS ISSUED, BUT NOT TO EXCEED ONE STATION FOR EACH 60,000 SQUARE FEET OF GROSS FLOOR AREA OF THE PLANNED SHOPPING CENTER; OR

2. IN AN APPROVED PLANNED INDUSTRIAL PARK OF A MINIMUM NET AREA OF 50 ACRES, BUT NOT TO EXCEED ONE FOR EACH 50 ACRES OF NET AREA; OR

3. IN A PLANNED DRIVE-IN CLUSTER.

B. FUEL SERVICE STATIONS ON INDIVIDUAL SITES WHICH DO NOT COMPLY WITH THE REQUIREMENTS OF PARAGRAPH 405.2.A ARE PERMITTED BY SPECIAL EXCEPTION AS PROVIDED BELOW AND SUBJECT TO SUBSECTIONS 405.3 AND 405.4.

1. WITHIN THE URBAN RURAL DEMARCATION LINE (URDL), IN C.C.C., A.S. OR I.M. DISTRICTS, PROVIDED NO PART OF THE LOT IS IN AN N.R. ZONE.

2. OUTSIDE THE URDL WITH C.R. DISTRICT DESIGNATION ONLY IN B.L., B.M. OR B.R. ZONES SUBJECT TO SECTION 259.3.B.2.

405.3 IN ADDITION TO THE FINDINGS REQUIRED UNDER SUBSECTION 502.1, THE ZONING COMMISSIONER, PRIOR TO GRANTING ANY SPECIAL EXCEPTION FOR A FUEL SERVICE STATION, SHALL CONSIDER THE PRESENCE OF ABANDONED FUEL SERVICE STATIONS IN THE VICINITY OF THE PROPOSED SITE. A FINDING BY THE ZONING COMMISSIONER OF THE PRESENCE OF ONE ABANDONED FUEL SERVICE STATION, AS DEFINED IN SECTION 405.7, WITHIN A ONE-HALF MILE RADIUS, OR TWO SUCH STATIONS WITHIN A ONE MILE RADIUS OF THE PROPOSED FUEL SERVICE STATION ESTABLISHES THAT THERE IS NO NEED FOR THE PROPOSED USE, UNLESS REBUTTED TO THE ZONING COMMISSIONER'S SATISFACTION BY MARKET DATA.

405.4 STANDARDS.

A. SITE DEVELOPMENT.

1. SITE DIMENSIONS.

THE AREA OF ANY FUEL SERVICE STATION SITE SHALL BE NO LESS THAN 15,000 SQUARE FEET OR 1,500 TIMES THE NUMBER OF FUEL SERVICE SPACES (AS DEFINED IN SECTION 101), WHICHEVER IS GREATER. IF ANY USE PERMITTED UNDER SECTION 405.4.D. OR 405.4.E. IS ADDED TO THE FUEL SERVICE STATION, THE AREA OF THE SITE SHALL BE INCREASED IN ACCORDANCE WITH THE PROVISIONS OF THOSE PARAGRAPHS.

2. SETBACKS.

A. NO MAIN STRUCTURE OF A SERVICE STATION SHALL BE SET BACK LESS THAN 35 FEET FROM ANY STREET RIGHT-OF-WAY; NO FUEL PUMP SHALL BE SET BACK LESS THAN 25 FEET FROM ANY STREET RIGHT-OF-WAY; NO CANOPY SHALL BE SET BACK LESS THAN 15 FEET FROM ANY STREET RIGHT-OF-WAY.

B. EXCEPT AT THE REQUIRED ACCESS DRIVEWAYS, A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED ALONG THE ENTIRE PERIMETER OF FUEL SERVICE STATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET IF THE FUEL SERVICE STATION ABUTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND, EXCEPT THAT SERVICE STATIONS LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY) SHALL PROVIDE A BUFFER MEASURING NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

C. THE LANDSCAPE TRANSITION AREA SHALL BE VEGETATED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

D. OTHER SETBACKS SHALL BE AS REQUIRED BY THESE REGULATIONS.

3. ACCESS, INTERNAL CIRCULATION AND VEHICLE RESERVOIR CAPACITY.

A. THE NUMBER AND LOCATION OF ACCESS DRIVEWAYS SHALL BE DETERMINED BY THE HEARING OFFICER OR ZONING COMMISSIONER BASED UPON THE RECOMMENDATIONS OF THE DIRECTOR OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.

B. ALL INTERNAL PAVED AREAS OF A FUEL SERVICE STATION SITE USED FOR PARKING, DRIVEWAY, AISLES AND STACKING PURPOSES SHALL COMPLY WITH SECTION 409 AND SHALL BE LAID OUT TO PRECLUDE VEHICLES

WAITING ON THE STREET OR BLOCKING THE RIGHT-OF-WAY BEFORE GAINING ENTRANCE.

C. IN ADDITION TO THE FUEL SERVICE SPACE, AT LEAST ONE STACKING SPACE SHALL BE PROVIDED:

1. FOR EACH PUMP ISLAND SIDE, AT PUMP ISLANDS THAT CONTAIN MULTI-PRODUCT DISPENSERS (MPD) AND WHERE A BYPASS LANE SERVES EACH MPD;

2. FOR EACH MPD IN CASES WHERE THERE IS NO BYPASS LANE OR WHERE A CONVENIENCE STORE IS LOCATED ON THE SAME LOT; OR

3. FOR EACH PUMP, IF THE PUMP DISPENSES A SINGLE FUEL TYPE.

D. PARKING SPACES ON THE SITE OF ANY FUEL SERVICE STATION SHALL BE PROVIDED AS FOLLOWS:

1. ONE SPACE PER EMPLOYEE ON THE LARGEST SHIFT; AND

2. THREE SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR A CONVENIENCE STORE UP TO 1,500 SQUARE FEET. (CONVENIENCE STORES LARGER THAN 1,500 SQUARE FEET SHALL BE SUBJECT TO THE PARKING REQUIREMENTS FOR RETAIL USES IN ACCORDANCE WITH SECTION 409 INCLUDING THE FIRST 1,500 SQUARE FEET); AND

3. THREE SPACES PER SERVICE BAY, NOT COUNTING SERVICE SPACES IN THE BAYS; AND

4. ONE SPACE PER SELF-SERVICE AIR OR VACUUM CLEANER UNIT; AND

5. ONE SPACE PER AUTOMATIC TELLER MACHINE.

B. ALL FUEL SERVICE STATIONS SHALL PROVIDE A RESTROOM FACILITY, WATER AND COMPRESSED AIR FOR CUSTOMERS.

C. APPEARANCE.

1. GENERAL DESIGN.

A. ANY STRUCTURE ON THE SITE THAT IS CONVERTED TO AN ANCILLARY USE OR TO A USE IN COMBINATION WITH A FUEL SERVICE STATION MUST BE UPGRADED TO CREATE A UNIFYING ARCHITECTURAL THEME WITH OTHER STRUCTURES ON THE SITE.

B. THE REAR AND SIDES OF BUILDINGS ON LOTS ABUTTING RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN OR AN ACCOMPANYING ELEVATION DRAWING AND IS SUBJECT TO REVIEW BY THE DIRECTOR OF PLANNING AND ZONING.

C. EXCEPT FOR THE TEMPORARY OUTDOOR SALE OF ITEMS PERMITTED UNDER SECTION 230.9, THE OUTSIDE DISPLAY OF MERCHANDISE IS PERMITTED ONLY UNDER THE CANOPY, OR IF THERE IS NO CANOPY, ON OR BETWEEN THE PUMP ISLAND OR IN AN AREA IMMEDIATELY ADJACENT TO THE CASHIER'S KIOSK. SUCH GOODS MAY NOT BLOCK ACCESS DRIVES, STACKING SPACES OR INTERFERE WITH THE SITE'S CIRCULATION PATTERN.

D. IF THE FUEL SERVICE STATION IS LOCATED WITHIN 50 FEET OF A RESIDENTIALLY ZONED PROPERTY, LIGHTING STANDARDS ON SITE MAY NOT EXCEED A HEIGHT OF 18 FEET AND SHALL BE DIRECTED AWAY FROM ANY RESIDENTIALLY ZONED PROPERTIES.

E. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS OR TO ENHANCE THE ATTRACTIVENESS OF THE SITE OF FUEL SERVICE STATIONS FOR WHICH A SPECIAL EXCEPTION IS REQUIRED, THE ZONING COMMISSIONER MAY SPECIFY ADDITIONAL REQUIREMENTS INCLUDING:

1. CHANGES IN BUILDING OR SITE PLAN DESIGN;

2. RESTRICTIONS ON HOURS OF OPERATIONS; OR

3. OTHER REQUIREMENTS DEEMED NECESSARY FOR COMPLIANCE WITH THIS SUBSECTION.

2. SIGNS. PORTABLE "A" OR "SANDWICH BOARD" TYPE SIGNS ARE PROHIBITED. IN ALL OTHER RESPECTS, THE REGULATIONS OF SECTION 413 SHALL APPLY.

3. MAINTENANCE. AT ALL TIMES THE PREMISES SHALL BE MAINTAINED IN A CLEAN AND ORDERLY CONDITION. ALL LANDSCAPED AREAS SHALL BE IRRIGATED AS NEEDED AND DEAD PLANTS REPLACED. THE RESPONSIBILITY FOR COMPLIANCE WITH THESE PROVISIONS LIES WITH ALL PARTIES THAT INDIVIDUALLY OR COLLECTIVELY HAVE A LEASE OR OWNERSHIP INTEREST IN THE FUEL SERVICE STATION.

D. ANCILLARY USES.

THE USES LISTED BELOW, ONLY, ARE PERMITTED BY RIGHT IN CONJUNCTION WITH ANY FUEL SERVICE STATION. THE MINIMUM AREA OF THE SITE AS DETERMINED UNDER SUBPARAGRAPH 405.4.A.1 SHALL BE INCREASED FOR EACH ANCILLARY USE BY AT LEAST THE NUMBER OF SQUARE FEET INDICATED BELOW, WHICH INCLUDES LAND FOR REQUIRED PARKING AND STACKING SPACES:

1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.

A. TYPE OF SERVICE AND REPAIRS INCLUDE BUT ARE NOT LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION OPERATION.

B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN COMPLETELY ENCLOSED BUILDINGS.

C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.

D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES OR PARTS IS SUBJECT TO SECTION 405A.

2. CONVENIENCE STORE WITH A SALES AREA OF UP TO 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. AN ADDITIONAL SITE AREA OF FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA SHALL BE PROVIDED.

3. AUTOMATIC TELLER MACHINE, BUT NO DRIVE-THROUGH FACILITIES. ADDITIONAL SITE AREA OF 1,000 SQUARE FEET FOR EACH DEVICE SHALL BE PROVIDED.

4. SELF-SERVICE VACUUM STATIONS. ALL SUCH STATIONS SHALL BE LOCATED AT LEAST 30 FEET FROM A RESIDENTIALLY ZONED PROPERTY. NO ADDITIONAL SITE AREA IS REQUIRED.

5. TEMPORARY OUTDOOR SALE OF CHRISTMAS TREES, FIREWOOD, CUT FLOWERS OR LIVE PLANTS AS LIMITED BY SECTION 230.9. NO ADDITIONAL SITE AREA IS REQUIRED.

6. THE SALE OF CIGARETTES, CANDY, DRINKS, SNACKS AND SIMILAR ITEMS FROM VENDING MACHINES OR THE CASHIER'S KIOSK. NO ADDITIONAL SITE AREA IS REQUIRED IF VENDING MACHINES DO NOT EXCEED A TOTAL OF FIVE MACHINES, OTHERWISE THE AREA SHALL BE CONSIDERED A CONVENIENCE STORE.

7. THE RETAIL SALE OF AUTOMOTIVE SERVICE ITEMS SUCH AS MOTOR OIL, ANTIFREEZE OR ALLIED PRODUCTS. NO ADDITIONAL SITE AREA IS REQUIRED.

E. USES IN COMBINATION WITH FUEL SERVICE STATIONS. THE MINIMUM AREA OF THE SITE AS DETERMINED BY SUBPARAGRAPH 405.4.A.1. SHALL BE INCREASED FOR EACH USE IN COMBINATION WITH A FUEL SERVICE STATION BY AT LEAST THE NUMBER OF SQUARE FEET INDICATED BELOW:

TYPE OF USE	INTEGRATED PLANNED DEVELOPMENT	INDIVIDUAL SITE
1. CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. ADDITIONAL SITE AREA OF FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA MUST BE PROVIDED.	SE	SE
2. ROLL-OVER CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	P	SE
3. FULL SERVICE CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	SE
4. SERVICE GARAGES PROVIDING SERVICES OTHER THAN THOSE LISTED IN SECTION 405.4.D. SUBJECT TO THE PROVISIONS OF SECTION 405.4.C.A. THROUGH E.	SE	SE
5. AUTOMOBILE RENTAL, WITH A MAXIMUM STOCK OF 12 CARS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
6. TRAILER RENTAL, FOR TRAILERS NOT EXCEEDING 3/4-TON CHASSIS WEIGHT, WITH A MAXIMUM STOCK OF 20 TRAILERS. ADDITIONAL SITE AREA OF 5,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
7. LIGHT-TRUCK RENTAL, INCLUDING RENTAL OF TRUCKS EQUIPPED WITH CAMPERS, FOR TRUCKS NOT EXCEEDING 1-1/2 TON CAPACITY, WITH A MAXIMUM STOCK OF 8 TRUCKS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
8. PARKING OF NOT MORE THAN SIX SCHOOL BUSSES. ADDITIONAL SITE AREA OF 2,600 SQUARE FEET MUST BE PROVIDED.	SE	SE
9. SELF SERVICE CAR WASHES. NO ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	NOT PERMITTED
10. RESTAURANT, INCLUDING FAST FOOD, FAST FOOD DRIVE-THROUGH ONLY, AND CARRY-OUT RESTAURANTS. ADDITIONAL SITE AREA OF SIX TIMES THE GROSS SQUARE FOOTAGE OF THE RESTAURANT MUST BE PROVIDED.	SE	SE

SE: SPECIAL EXCEPTION P: PERMITTED BY RIGHT

405.5 PLAN APPROVALS.

A. CONVERSION OF ANY CONFORMING FUEL SERVICE STATION BUILDING TO ANOTHER USE, PERMITTED IN THE BASIC ZONE OR DISTRICT IN WHICH THE SITE IS LOCATED, SHALL REQUIRE APPROVAL OF THE OVERALL PLAN OF THE ENTIRE SITE BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS, AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT OR, IN THE CASE OF A SPECIAL EXCEPTION, THE ZONING COMMISSIONER.

B. FOR ALL SERVICE STATION SITES REQUIRING A SPECIAL EXCEPTION, ANY AMENDED PLAN SHALL CONSTITUTE A NEW PLAN AND BE SUBJECT TO THE SAME REQUIREMENTS OF THESE REGULATIONS.

405.6 FUEL SERVICE STATIONS EXISTING PRIOR TO THE EFFECTIVE DATE OF BILL 172-93.

A. EXPANSION, RECONSTRUCTION OR ADDITION OF USES.

1. ANY FUEL SERVICE STATION WHICH LEGALLY EXISTED BY RIGHT OR BY SPECIAL EXCEPTION ON THE EFFECTIVE DATE OF BILL 172-93 MAY BE EXPANDED OR RECONSTRUCTED AND ANY ANCILLARY USE LISTED IN PARAGRAPH 405.4.D. MAY BE ADDED, PROVIDED THE PROJECT IS CONFINED TO THE LIMITS OF THE SITE AS IT EXISTED ON THE EFFECTIVE DATE OF BILL 172-93 AND

A. CONFORMS WITH A PLAN FOR THE ENTIRE SITE AS REVIEWED BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT; AND

B. IS LOCATED IN A B.I., B.R., B.M., M.L., M.H. ZONE OR A PUD; AND

C. MEETS THE REQUIREMENTS SET FORTH IN PARAGRAPH 405.4 OR, IN THE JUDGEMENT OF THE DIRECTOR OF THE ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WOULD BE DONE IN SUCH A MANNER THAT THE STATION WOULD BE IMPROVED TO BE MORE IN KEEPING WITH THE PURPOSES OF SUBSECTION 405.4; AND

D. IN CASES WHERE A PROVISION OF BILL 172-93 CONFLICTS WITH THE TERMS OR CONDITIONS OF A PRIOR SPECIAL EXCEPTION, THE PROJECT MAY BE SUBJECT TO SPECIAL HEARING AT THE DISCRETION OF THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT.

2. AFTER A PUBLIC HEARING, THE ZONING COMMISSIONER MAY AUTHORIZE EXPANSION OF THE STATION BEYOND THE CONFINES OF THE SITE, SUBJECT TO THE PROVISIONS OF 405.6.A.1 ABOVE.

3. ANY OF THE "USES IN COMBINATION WITH" FUEL SERVICE STATIONS LISTED IN PARAGRAPH 405.4.E MAY BE ADDED TO ANY SUCH STATION, PROVIDED A SPECIAL EXCEPTION IS GRANTED AND THE PROVISIONS OF SUBSECTION 405.4 ARE MET.

4. ANY STRUCTURE OR EXPANSION OF THE USE THAT IS SHOWN ON A PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF BILL 172-93 SHALL BE CONSIDERED AS BEING IN COMPLIANCE WITH SECTION 405.4.A.2.A.

B. PORTABLE "A" OR "SANDWICH BOARD" SIGNS SHALL BE REMOVED WITHIN THREE MONTHS OF THE ADOPTION OF THIS PROVISION.

405.7 ABANDONED FUEL SERVICE STATIONS.

A. FINDING: THE COUNTY COUNCIL RECOGNIZES THAT AT TIMES THE PUBLIC NEED FOR FUEL SERVICE STATIONS AT PARTICULAR LOCATIONS CEASES, AND THOSE STATIONS BECOME ABANDONED. AN ABANDONED FUEL SERVICE STATION IS ONE WHICH, INTENTIONALLY, IS NOT IN ACTUAL AND CONTINUOUS OPERATION AS DEFINED IN SUBSECTION 405.7.B. THE COUNTY COUNCIL FURTHER RECOGNIZES THAT AN ABANDONED FUEL SERVICE STATION WHICH IS LEFT TO DETERIORATE CAN BECOME A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, CAN HAVE A BLIGHTING INFLUENCE ON SURROUNDING PROPERTIES AND CAN CAUSE A DETERIORATION OF THE USE, VALUE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE NEIGHBORHOOD.

B. NOTICE OF PRESUMPTION OF ABANDONMENT. WHENEVER THE OWNER OR AGENT OF ANY FUEL SERVICE STATION HAS CEASED OR TERMINATED THE USE OF THE PREMISES AS A FUEL SERVICE STATION, THE OWNER OR AGENT SHALL NOTIFY THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WITHIN THIRTY (30) DAYS AFTER THE TERMINATION. NOTWITHSTANDING THE FAILURE OF THE OWNER TO NOTIFY THE DIRECTOR, ANY FUEL SERVICE STATION WHICH HAS NOT BEEN IN ACTUAL AND CONTINUOUS OPERATION AS A STATION FOR A PERIOD OF TWELVE CONSECUTIVE MONTHS SHALL BE PRESUMED TO BE ABANDONED AND THE RIGHT TO RESUME THE USE IS THEREBY TERMINATED. FOR PURPOSES OF THIS SUBSECTION, "CONTINUOUS OPERATION" SHALL MEAN OPERATION AS A FUEL SERVICE STATION AT LEAST EIGHT HOURS PER DAY, FIVE DAYS PER WEEK.

C. TERMINATION OF SPECIAL EXCEPTION. ANY SPECIAL EXCEPTION FOR THE OPERATION OF A FUEL SERVICE STATION SHALL BECOME VOID UPON NOTICE OF ABANDONMENT BY THE OWNER OR UPON PROOF OF ABANDONMENT AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS. ANY SPECIAL EXCEPTION FOR A FUEL SERVICE STATION SHALL TERMINATE AT THE TIME OF THE CONVERSION TO ANOTHER USE.

D. THE PREMISES (INCLUDING LANDSCAPING) OF ANY FUEL SERVICE STATION WHICH IS NOT IN CONTINUOUS OPERATION OR WHICH IS ABANDONED SHALL BE CONTINUOUSLY MAINTAINED IN THE SAME MANNER AS IS REQUIRED UNDER THESE REGULATIONS FOR OPERATING FUEL SERVICE STATIONS.

E. PROCEEDINGS TO REQUIRE REMOVAL.

1. WHENEVER IT SHALL BE DETERMINED BY THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND THAT THE PREMISES HAVE NOT BEEN CONTINUOUSLY MAINTAINED, THE DIRECTOR SHALL ISSUE A NOTICE TO THE OWNER OR AGENT TO REPAIR, CORRECT, OR TAKE OTHER APPROPRIATE ACTION TO REMEDY THE SPECIFIC DEFICIENCIES ENUMERATED IN THE NOTICE.

2. IF THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A PERIOD OF 90 DAYS FOLLOWING THE DATE OF THE NOTICE, THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL REFER THE MATTER TO THE ZONING COMMISSIONER FOR A HEARING, PURSUANT TO SECTION 500.7, TO REQUIRE REMOVAL.

3. IF, AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS, IT IS DETERMINED THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND NOT CONTINUOUSLY MAINTAINED AND CORRECTED ACCORDING TO PRIOR NOTICE, AND IF IT IS FURTHER FOUND THAT BY REASON OF THE CONTINUED VACANCY, THE STRUCTURE AND GROUNDS LACK REASONABLE OR ADEQUATE MAINTENANCE, THEREBY CAUSING DETERIORATION AND BLIGHTING INFLUENCE ON NEARBY PROPERTIES AND THEREBY DEPRECIATING THE ENJOYMENT, USE OR VALUE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AN EXTENT THAT IT IS HARMFUL TO THE PUBLIC HEALTH, WELFARE, SAFETY, COMFORT OR CONVENIENCE OF THE NEIGHBORHOOD IN WHICH THE STATION IS SITUATED, THE ZONING COMMISSIONER SHALL ORDER THE STATION'S REMOVAL. FOR PURPOSES OF THIS SUBSECTION, REMOVAL SHALL MEAN THE REMOVAL BY THE OWNER OF ALL ABOVE GROUND STRUCTURES, INCLUDING PAVING, AND REMOVAL OR ABANDONMENT IN PLACE OF UNDERGROUND TANKS IN COMPLIANCE WITH THE PROVISIONS OF COMAR 26.10.10.02 AND SECTION 14-300(b) OF THE BALTIMORE COUNTY CODE.

405.8. CONVERSIONS OF ABANDONED STATIONS. ONE OF THE PURPOSES OF THIS SUBSECTION IS TO PROMOTE THE CONVERSION OF VACATED FUEL SERVICE STATIONS TO OTHER USES; THEREFORE, IF A FUEL SERVICE STATION HAS BEEN ABANDONED AS SUCH, BUT IS CONVERTED TO ANOTHER USE, NO FUEL SERVICE STATION STRUCTURE, EQUIPMENT, OR APPURTENANCES NECESSARY OR APPROPRIATE TO THE NEW USE NEED BE REMOVED.

SECTION 419. CAR WASH.

419.1. ROLL-OVER, FULL-SERVICE AND SELF-SERVICE CAR WASHES ARE PERMITTED BY SPECIAL EXCEPTION IN THE FOLLOWING DISTRICTS: C.R. (PROVIDED NO PART OF THE LOT IS IN R.C. 5), C.C.C., A.S. OR I.M. (PROVIDED THAT NO PART OF THE SITE IS IN M.R.). CAR WASHES ARE ALSO PERMITTED AS A USE IN COMBINATION WITH A SERVICE STATION SUBJECT TO THE PROVISIONS OF SECTION 405.

419.2. A SITE PLAN SHALL BE SUBMITTED SHOWING THE LOCATION OF THE CAR WASH AND ZONE CLASSIFICATION OF ADJACENT PROPERTIES, THE LOCATION OF INGRESS AND EGRESS, THE MANUFACTURER'S RATED HOURLY PRODUCTION CAPACITY OF THE EQUIPMENT TO BE INSTALLED, IF AVAILABLE, OR OTHER EVIDENCE OF THE CAPACITY OF THE EQUIPMENT, THE PROPOSED STACKING SPACES AS REQUIRED BY SECTION 419.3 BELOW, THE PROPOSED LANDSCAPE AND BUFFER TREATMENT, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE REVIEWING AGENCIES. ALL SITE PLANS ARE SUBJECT TO REVIEW BY THE DIRECTORS OF THE DEPARTMENT OF PUBLIC WORKS, OFFICE OF PLANNING AND ZONING, AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WHO SHALL PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

419.3. ALL INTERNAL PAVED AREAS OF A CAR WASH SITE USED FOR STACKING, PARKING AND DRIVEWAY PURPOSES SHALL COMPLY WITH SECTION 409.1 AND SHALL BE LAID OUT TO ALLOW AUTOMOBILE CIRCULATION IN A MANNER THAT PRECLUDES VEHICLES FROM WAITING ON THE STREET OR BLOCKING THE RIGHT-OF-WAY BEFORE GAINING ENTRANCE.

A. ALL STACKING SPACES FOR CAR WASHES SHALL BE SINGLE-FILE AT THE ENTRANCE OF THE TUNNEL. THE SPACE FOR THE CAR BEING WASHED SHALL NOT BE COUNTED AS A STACKING SPACE. A MINIMUM OF THE FOLLOWING STACKING SPACES SHALL BE PROVIDED:

1. NINE PER ROLL-OVER CAR WASH TUNNEL;

2. NINETEEN PER FULL-SERVICE CAR WASH TUNNEL;

3. FOUR SPACES FOR THE FIRST TUNNEL OF A SELF-SERVICE CAR WASH, AND TWO WAITING SPACES FOR EACH ADDITIONAL TUNNEL.

B. ALL PARKING SPACES SHALL BE LOCATED TO AVOID CONFLICT WITH ON-SITE CIRCULATION PATTERNS. THE FOLLOWING MINIMUM NUMBER OF PARKING SPACES SHALL BE PROVIDED:

1. TO DRY VEHICLES, TWO FOR EACH TUNNEL OF A ROLL-OVER OR A SELF-SERVICE CAR WASH AND SIX FOR EACH TUNNEL OF A FULL-SERVICE CAR WASH; AND

2. ONE PER VACUUM CLEANER UNIT, EXCEPT IN THE CASE OF A FULL-SERVICE OR A SELF-SERVICE CAR WASH, A STACKING SPACE MAY BE USED TO SERVE AS A PARKING SPACE FOR THE VACUUM CLEANER UNIT; AND

3. TWO ADDITIONAL SPACES AT A ROLL-OVER CAR WASH; OR

4. FOUR ADDITIONAL SPACES AT A FULL-SERVICE CAR WASH.

419.4. NOTWITHSTANDING THE PROVISIONS OF THE ZONE IN WHICH THE CAR WASH IS LOCATED, ALL FACILITIES ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. LOCATIONAL STANDARDS.

1. ROLL-OVER AND FULL-SERVICE CAR WASH BUILDINGS SHALL BE SET BACK AT LEAST 50 FEET FROM THE LOT LINE OF ANY RESIDENTIALLY ZONED PROPERTY. EXCEPT FOR THE LANDSCAPE BUFFERS, NO PART OF A SELF-SERVICE CAR WASH SHALL BE WITHIN 100 FEET OF A RESIDENTIALLY ZONED PROPERTY.

2. THE TUNNEL EXIT OF CAR WASH FACILITIES SHALL BE SET BACK AT LEAST 50 FEET FROM THE NEAREST EXIT DRIVE.

B. GENERAL DESIGN.

1. NO TUNNEL ENTRANCE OR EXIT OF A CAR WASH OPERATION SHALL FACE AN ADJACENT RESIDENTIALLY ZONED PROPERTY NOT INCLUDING THOSE ACROSS A STREET.

2. THE REAR AND SIDES OF BUILDINGS FACING RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN AND SHALL BE SUBJECT TO REVIEW BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHO SHALL PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

3. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A LANDSCAPED TRANSITION AREA SHALL BE PROVIDED ALONG THE PERIMETER OF ALL CAR WASH OPERATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET WHERE THE CAR WASH FRONTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND. CAR WASH OPERATIONS LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY), SHALL PROVIDE A BUFFER THAT MEASURES NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

4. THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

5. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS OR TO ENHANCE THE ATTRACTIVENESS OF THE SITE, THE ZONING COMMISSIONER MAY REQUIRE CHANGES IN BUILDING OR SITE PLAN DESIGN OR HOURS OF OPERATION FOR CAR WASHES FOR WHICH A SPECIAL EXCEPTION IS REQUIRED.

419.5. THE REGULATIONS CONTAINED IN THIS SECTION 419 ENTITLED "CAR WASH" SHALL NOT APPLY TO CAR WASHES LEGALLY EXISTING PRIOR TO THE EFFECTIVE DATE OF BILL 172-93. BILL 172-93 DOES NOT AFFECT THE VALIDITY OF ANY ORDER GRANTING A SPECIAL EXCEPTION OR ANY PLAN APPROVED BY BALTIMORE COUNTY FOR A CAR WASH WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS BILL. ANY SUCH SPECIAL EXCEPTION OR PLAN SHALL BE SUBJECT TO THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING

REGULATIONS IN EFF[redacted] AT THE TIME OF THE GRANT OF S[redacted] SPECIAL EXCEPTION OR PLAN.

SECTION 3. AND BE IT FURTHER ENACTED, that the definitions of "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash, Self-Service" be and they are hereby added to Section 101 - Definitions of the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 101 - DEFINITIONS

CAR WASH, ROLL-OVER: A CAR WASH WHERE EXTERIOR-ONLY CLEANING, WASHING OR WAXING SERVICES ARE PROVIDED ON A ROLL-OVER BASIS WITH THE VEHICLE IN A STATIONARY POSITION DURING THE SERVICING.

CAR WASH, FULL-SERVICE: A CAR WASH PROVIDING AUTOMATED EXTERIOR WASHING OR WAXING SERVICES, OR WHICH PROVIDES CLEANING, WASHING, WAXING, DRYING OR INTERIOR CLEANING BY HAND. FOR THE PURPOSE OF THESE REGULATIONS, A FACILITY WHICH PROVIDES COMPLETE INTERIOR AND EXTERIOR DETAIL CLEANING THAT TAKES MORE THAN APPROXIMATELY TWO HOURS PER CAR SHALL NOT BE CONSIDERED A FULL-SERVICE CAR WASH.

CAR WASH, SELF-SERVICE: A CAR WASH WHERE EQUIPMENT OR FACILITIES ARE PROVIDED FOR THE SELF-SERVICE CLEANING AND WASHING OF MOTOR VEHICLES.

SECTION 4. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions of "Commercial Motorway, Class I" and "Commercial Motorway, Class II", and Section 259.2.E.F. and G., of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 5. AND BE IT FURTHER ENACTED, that Section 101 - Definitions of "Automotive Service Station" and "Car Wash" and Sections 100.1.B.2, 1B01.1.A.14C, 230.9., 248.3, 253.123.C, 253.2.B, 256.1, 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3 of the Baltimore County Zoning Regulations, as amended, and Sections III and IX.C.2.6. of the Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90, and as amended by Resolutions 66-90 and 10-93, be and they are hereby repealed and reenacted with amendments, to read as follows:

Section 101 - Definitions.

{Automotive} FUEL Service Station: A structure or land used or intended to be used {primarily} for the retail sale of automotive fuel, but not a truck stop. FOR THE PURPOSE OF THESE REGULATIONS, ANY ESTABLISHMENT WHICH SELLS AUTO FUEL RETAIL SHALL BE CONSIDERED A FUEL SERVICE STATION, UNLESS IT IS CLASSIFIED AS A TRUCK STOP OR TRUCKING FACILITY.

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used {principally} for the cleaning, washing, polishing, or waxing of motor vehicles AS A PRINCIPAL OR ACCESSORY USE.

Fuel Servicing Space: On {an automotive} A FUEL service station site, any one of the maximum number of spaces on which cars may be situated simultaneously while being fueled.

Section 100.1.B.2. Districts.

Districts are as follows:

A.S. DISTRICT	AUTOMOTIVE SERVICES
C.R. District	Commercial, rural
{C.N.S. District	Commercial, Neighborhood shopping}
C.C.C. District	Commercial, community core

1.	C.T. District	Commercial, town center core
2.	{C.S.A. District	Commercial, supporting area
3.	C.S.-1 District	Commercial, strip
4.	C.S.-2 District	Commercial, strip}
5.	I.M. District	Industrial, major

6. Section 1B01.1 General Use Regulations in D.R. Zones.

7. A. Uses Permitted as of Right. The following uses, only, are
8. permitted as of right in D.R. zones of all classifications, subject to
9. the restrictions hereinafter prescribed:

10. 14. Accessory uses or buildings other than those permitted
11. only by special exception, including, but not limited to:

12. {c. automotive-service stations, but only within
13. community garages}

14. Section 230 - Use Regulations - B.L. Zone

15. The following uses only are permitted:

16. 230.9.

17. FUEL SERVICE STATIONS IN A PLANNED SHOPPING CENTER OR DRIVE-IN
18. CLUSTER ONLY, SUBJECT TO SECTION 405.

19. Section 248. Use Regulations - M.L.R. Zone

20. The following uses only are permitted:

21. 248.3.

22. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION
23. 419.

24. FUEL SERVICE STATIONS IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT
25. TO SECTION 405.

Section 253. Use Regulations - M.L. Zone.

253.123. Uses Permitted as of Right. The uses listed in this subsection, only, shall be permitted as of right in M.L. zones, subject to any conditions hereinafter prescribed.

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district [in neither case with any direct access to an arterial street other than a Class I Commercial Motorway]:

7A. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 419.

17A. FUEL SERVICE STATION IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 405.

253.2. Uses permitted by Special Exception. The uses listed in this subsection are permitted by special exception only.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. district, [in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and,] provided, further, that it is shown than any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. Automotive-service stations, subject, further, to the provisions of Section 405.

2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service or repair of trucks, of truck trailers, or of freight-shipping

containers designed to be mounted on chassis for part or all of their transport.

4. Union halls or other places of assembly for employment-related activities.

Section 256. Use Regulations - M.H. Zone

The following uses only are permitted, subject to the provisions of 256.5:

256.1.

CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 419.

FUEL SERVICE STATION, IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 405.

Section 259. Districts.

259.2. Statements of Legislative Intent for Districts.

B. [C.N.S. District -- Commercial, Neighborhood Shopping.

C.N.S. districts may be applied only to certain existing or proposed centers of business activity which are on land zoned B.L., B.M., B.R., and/or M.L., any one of which centers must be intended to: include at least one supermarket or grocery store; have less than 15 retail stores in total; have no department store, junior department store, nor, ordinarily, variety (dime) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a C.N.S. district.]

A.S. AUTOMOTIVE SERVICES DISTRICT. THE A.S. DISTRICT MAY BE APPLIED WITHIN THE URBAN RURAL DEMARCATION LINE (URDL) TO CERTAIN PARCELS OF LAND ZONED B.L., B.M., OR B.R., WHICH ARE APPROPRIATE FOR USES DOMINATED BY THE PARKING AND SERVICING OF AUTOMOBILES OR

CHARACTERIZED BY FREQUENT PARKING TURNOVER, SUCH AS FUEL SERVICE STATIONS AND CAR WASH OPERATIONS. ANY LAND HERETOFORE CLASSIFIED AS C.N.S., C.S.A., C.S.-1 OR C.S.-2 ON THE EFFECTIVE DATE OF BILL 172-93 SHALL HEREBY BE CLASSIFIED AN A.S. DISTRICT.

259.3. Special Regulations for C.R. Districts.

B. Uses Permitted by Special Exception.

2. Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3C is permitted by special exception EXCEPT THAT SERVICE STATIONS AND CAR WASH OPERATIONS ARE ONLY PERMITTED IN A C.R. DISTRICT WITH B.L., B.M., OR B.R. AS A BASE ZONE.

Section 402 - Conversion of Dwellings.

402D. Conversion of dwellings to a bed and breakfast home or bed and breakfast inn in D.R. or R.C. zones. Upon application, the Zoning Commissioner may issue a use permit (under Section 500.4) for the use of land, subject to the following conditions:

402D.2. The converted dwelling shall be:

A. [Situated on a lot with frontage on a Class I commercial motorway; or

B. Situated on a lot with frontage on a Class II commercial motorway; or]

SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

[C.] B. officially designated as historic or located in a historic district, as identified on the zoning maps (or eligible for identification on the zoning maps); or

[D.] C. on a property located outside the urban-rural demarcation line (URDL).

402E - Conversion of dwellings to a country inn in D.R. or R.C. zones. Upon application, the Zoning Commissioner may grant a special exception (under 500.5) for the use of land, subject to the following conditions:

402E.2. The converted dwelling shall be:

a. {situated on a lot with frontage on a Class I commercial motorway; or

b. situated on a lot with frontage on a Class II commercial motorway; or}

SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

{c.} B. on a property located outside the urban-rural demarcation line (URDL).

{d.} C. The converted dwelling may not be located in any historic district, except for the Ellicott Mills-Oella Historic District.

Section 502. Special Exceptions.

502.3. A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any Special Exception, shall fix within the aforegoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a Special

Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A Special Exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a Special Exception in effect on or after January 1, 1957 cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date eighteen months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the Special Exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the public works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public

Works to the last party of the record within, at the last address furnished, shall be the commencement date for the running of the eighteen month extension period in which there must be utilization of the Special Exception.

{Anyone having a Special Exception for an automotive service station shall have such exception automatically extended for a period of five (5) years after said property is designated a district in accordance with the automotive service stations regulations of Baltimore County.}

Landscape Manual

Section III. Definitions.

AUTOMOTIVE USES: THE TERM "AUTOMOTIVE USE" INCLUDES FUEL SERVICE STATIONS AND CAR WASH OPERATIONS.

SCREENING, CLASS "C"--ONE PLANTING UNIT PER 10 LINEAR FEET OF THE AREA TO BE BUFFERED. MINIMUM HEIGHT OF SCREEN AT INSTALLATION SHALL BE 35 INCHES FOR SHRUBS AND SEVEN FEET FOR TREES.

IN ADDITION TO THE REQUIRED PLANTINGS, A SIX FOOT HIGH BERM, OR MASONRY, WOOD-ON-WOOD FENCE OR SOUND BARRIER WALL MAY BE REQUIRED. SUCH BERM, FENCE OR WALL SHALL BE SET BACK AT LEAST FIVE FEET FROM THE PROPERTY LINE. A PLANTING STRIP BETWEEN SUCH BERM OR FENCE AND THE PROPERTY LINE MAY BE REQUIRED.

Section IX. Landscape Standards.

C. Commercial, Office (including RO zones), Industrial, High Rise Residential (including RAE 1 and 2) and Public Development.

2. Planting Requirements.

b. Special Conditions - In addition to the General Planting Requirements, the following formulas shall be used.

(5) EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANTING AREA IS REQUIRED ALONG THE PERIMETER OF AN AUTOMOTIVE USE. SETBACKS SHALL BE IN COMPLIANCE WITH THE UNDERLYING ZONE OR THE SPECIAL REGULATIONS OF THE USE. LANDSCAPING ALONG THE PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH CLASS "B" SCREENING REQUIREMENTS. ALL SIDE AND REAR YARDS ABUTTING COMMERCIALLY OR INDUSTRIALLY ZONED LAND SHALL BE VEGETATED AT THE RATE OF ONE PLANTING UNIT PER 10 FEET. A PROPERTY LINE THAT ABUTS OR IS WITHIN 50 FEET OF A RESIDENTIALLY ZONED PROPERTY SHALL BE LANDSCAPED IN ACCORDANCE WITH CLASS "C" SCREENING REQUIREMENTS.

SECTION 6. AND BE IT FURTHER ENACTED, THAT ANY APPLICATIONS FOR A SERVICE STATION OR CAR WASH WHICH, AS OF THE DATE OF ADOPTION OF BILL 172-93, HAVE BOTH (I) FILED A CONCEPT PLAN AND HELD A COMMUNITY INPUT MEETING PURSUANT TO SECTION 26-202 OF THE BALTIMORE COUNTY CODE; AND (II) FILED WITH THE OFFICE OF PLANNING AND ZONING ANY REQUIRED PETITIONS FOR SPECIAL EXCEPTIONS OR VARIANCES PURSUANT TO THE BALTIMORE COUNTY ZONING REGULATIONS, SHALL BE GOVERNED BY SECTIONS 405 AND 419 OF THE ZONING REGULATIONS IN EFFECT IMMEDIATELY PRIOR TO THE DATE OF ADOPTION OF BILL 172-93 ("IN-PROCESS FACILITIES"). ANY IN-PROCESS FACILITIES WHICH ARE ULTIMATELY APPROVED AND CONSTRUCTED SHALL BE SUBJECT TO THE PROVISIONS OF BILL 172-93 UPON ANY FURTHER MODIFICATIONS OF THE APPROVED DEVELOPMENT PLAN.

Section 6 7. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of December, 1993

BY ORDER

Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 7th day of December, 1993.

Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

12/13/93

Roger B. Hayden
County Executive

I HEREBY CERTIFY THAT BILL NO. 172-93 IS TRUE AND CORRECT AND TOOK EFFECT ON JANUARY 27 1994.

C. A. Dutch Ruppersberger, III
Chairman, County Council

Exhibit C

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: [Bill No. 172-1993][EN(1)]

1. Automobile rental agencies.
2. Bakeries, retail.
3. Barbershops.
4. Banks, savings and loan associations or other similar chartered financial institutions accepting deposits.
5. Beauty shops.
6. Business or trade schools.
7. Carpentry or cabinetmaking shops.
8. Car wash in a planned industrial park only, subject to Section 419. [Bill No. 172-1993]
9. Drugstores, but the gross floor area devoted to any such store shall not exceed 1,500 square feet.
10. Electrical contractors' shops.
11. Electroplating shops.
12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
JEAN SCHUSTER -LEGAL OWNER;	*	COUNTY BOARD OF APPEALS
SOUTHLAND CORPORATION,		
ASSIGNEE OF CRONDALL LANE LLC-	*	OF
APPLICANT FOR A SPECIAL		
EXCEPTION ON PROPERTY LOCATED	*	BALTIMORE COUNTY
ON THE SE/COR CRONDALL LANE		
AND OWINGS MILLS BOULEVARD	*	CASE NO. 98-269-X
(3731 CRONDALL LANE)		
4TH ELECTION DISTRICT	*	
3RD COUNCILMANIC DISTRICT		

Exhibit D

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O P I N I O N

This case comes to the County Board of Appeals of Baltimore County based on an appeal of the special exception which was granted by the Zoning Commissioner in accordance with his Order dated March 17, 1998. The Petitioner's Development Plan had also been approved by the Zoning Commissioner, but that was not the subject of the appeal made by the Appellant /Protestants. The Protestants were represented by Robert D. Sellers, Esquire; and Deborah C. Dopkin, Esquire, represented the Petitioners.

This case was heard over a 3 days of public hearing, which began on June 9, 1998, with a second hearing day on June 11, 1998; and it continued to the final hearing day of Friday, June 19, 1998. At the conclusion of the case, the Board requested that both counsel file simultaneous memorandums to be received by the Board on June 26, 1998. A public deliberation was held on July 1, 1998.

Counsel for Petitioner had filed a Motion to Dismiss Appeal based on lack of standing of the Appellant; Counsel for the Appellants had filed a Response to Petitioner's Motion to Dismiss; Protestants also filed a Motion to Dismiss the Petition for Special Exception. Oral arguments were heard on June 9, 1998 which

developed (Petitioner's Exhibit No. 2). He described the immediate site as being heavily wooded, with steep slopes, and having a wetland area. The Beth Israel congregation was in proximity, a mini-storage facility close by, and he also described the growing Gwynnbrook area as being a residential area to the north of the subject site. He indicated that the County agencies had reviewed the development plan and that comments had been submitted by both the Office of Planning and the zoning office. He stated that the footprint of the building had been changed so that the rear of the building would face Owings Mills Boulevard, and he stated that the fuel pumps would be covered, and an underground stormwater management facility would be provided. Landscaping and buffering required by the County would be provided on-site. The pumps would be facing the rear of the site and buffeted from Owings Mills Boulevard.

Ms. Dopkin proceeded to relate the requirements of Section 405 Mr. Colbert stated that in his opinion the proposed site met the required 405 standards and recited his reasons for same. He noted that 25 spaces were provided on the site, with only 21 being required by the zoning regulations, and that there would be no other structures on the site. He also opined that the signage was in accordance with the applicable regulations, and that he had met with officials of the Baltimore County Police Department relative to the site design and safety issues which had been taken into consideration in designing the site plan. He testified that the site was not in proximity to any residential properties, but was

basically surrounded by commercial facilities and that the Petitioner was utilizing only approximately 60 percent of the available land since the site consisted of a rather large amount of wetlands, and that in his opinion he did not visualize any adverse effects as to special exceptions as also provided for by Section 502.1.

On cross-examination by Mr. Sellers, Mr. Colbert stated that the site was unique for the type of use proposed and that he was not aware of any abandoned service stations within proximity to the subject site. He did acknowledge the presence of a residential area to the north of the site, beyond the Maryland Public Television facilities, and that north of Maryland Public Television there did not appear to be any retail outlets. Mr. Colbert acknowledged that there would be an entrance on Owings Mills Boulevard and Crondall Lane, and that the length of the building fronted on that roadway, although the legal address is on Crondall Lane.

A considerable amount of time was expended relative to People's Counsel Exhibit No. 2 and Exhibit No. 4 relative to the ADC maps and development along Owings Mills Boulevard, and also the density factor up to Garrison Forest Road. Additionally, there was considerable testimony relative to the service stations currently located along Reisterstown Road and the traffic factors along Interstate 795. Mr. Colbert stated that it was the intention of the Petitioner's management that this facility would be open 24 hours a day, 7 days a week, and that, to his knowledge, no other

forth in appellate Maryland court cases, such as Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 decided in 1981 and the more recent Mossberg v. Montgomery County, 107 Md.App. 1, 666 A.2d 1253, decided in 1995. A special exception is a permitted use which is deemed desirable, subject to certain conditions that must be satisfied. Also the use presumes that there are certain attendant adverse effects. The question is one of whether the adverse effects at the proposed site are greater than those if located anywhere else in the zone. The testimony of Mr. Moore was quite convincing and conclusive that the traffic impact at the site location would only be minimal at the intersection of Owings Mills Boulevard and Crondall Lane, and that the restricted requirement relative to left turns in and out of the subject site between 7:00 a.m. and 9:00 a.m. in the morning and 4:00 p.m. to 6:00 p.m. in the evening would assist with the traffic flow.

Additionally, the testimony of Mr. Kenneth Colbert relative to the site, the landscaping buffering and footprint lead the Board to the conclusion that the proposed facility would be a proper "fit" in the immediate area. Additional testimony of a convincing nature came from Mr. James Dale as to his meetings with the policing authority relative to crime concerns and the efforts made by the Petitioner to cooperate with local law enforcement agencies and general company policy provisions as applied to prevent and deter any criminal activity. The proposed operation of the facility as described by Mr. Larry Derrow was also convincing as to the management of the facility and its customer base. He testified

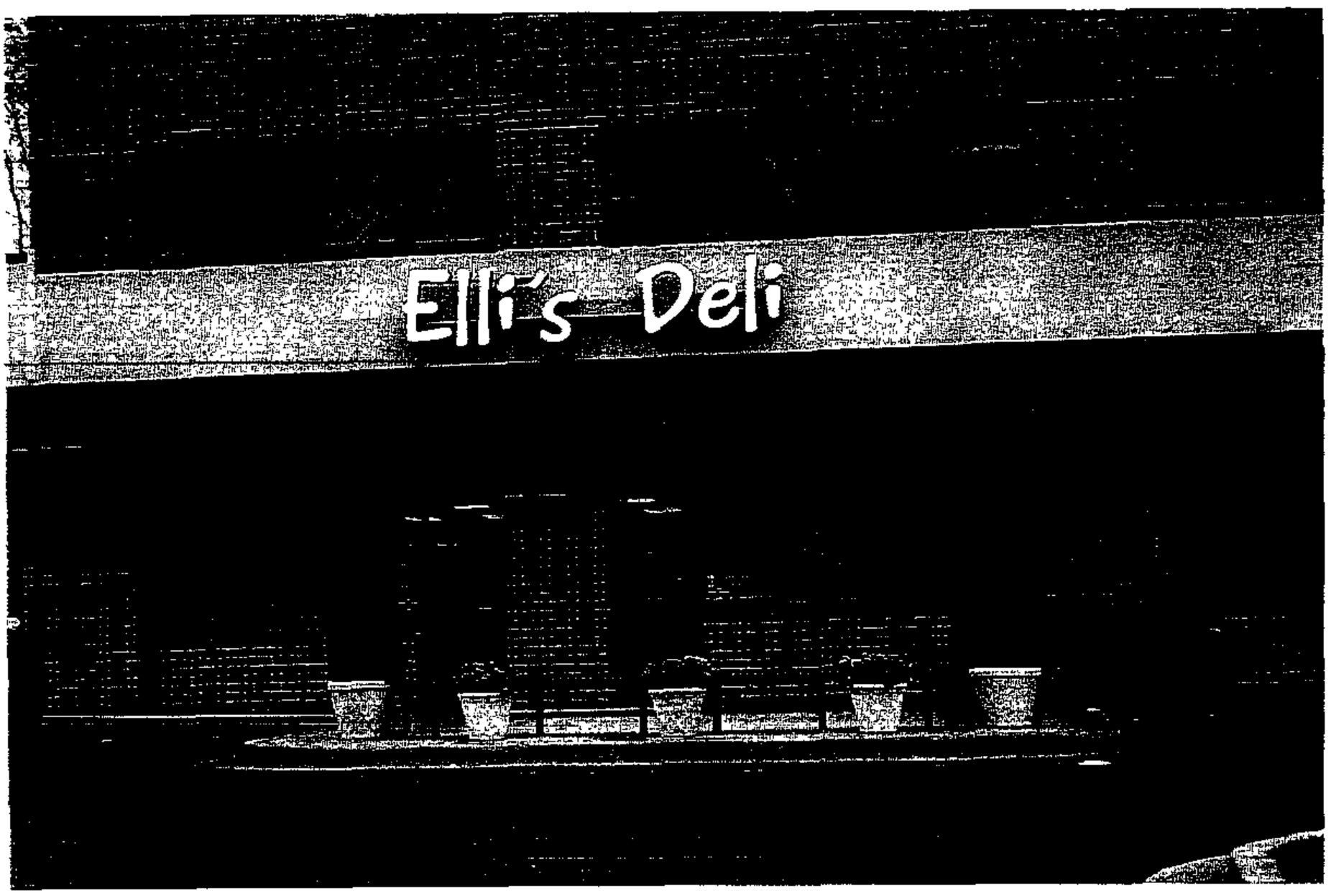
there was no clear and convincing evidence submitted that the operation of the subject site would cause any significant safety factors in the areas of either traffic or crime affecting the religious or school use that would deny the Petitioner's ability to proceed in accordance with the designated site plan.

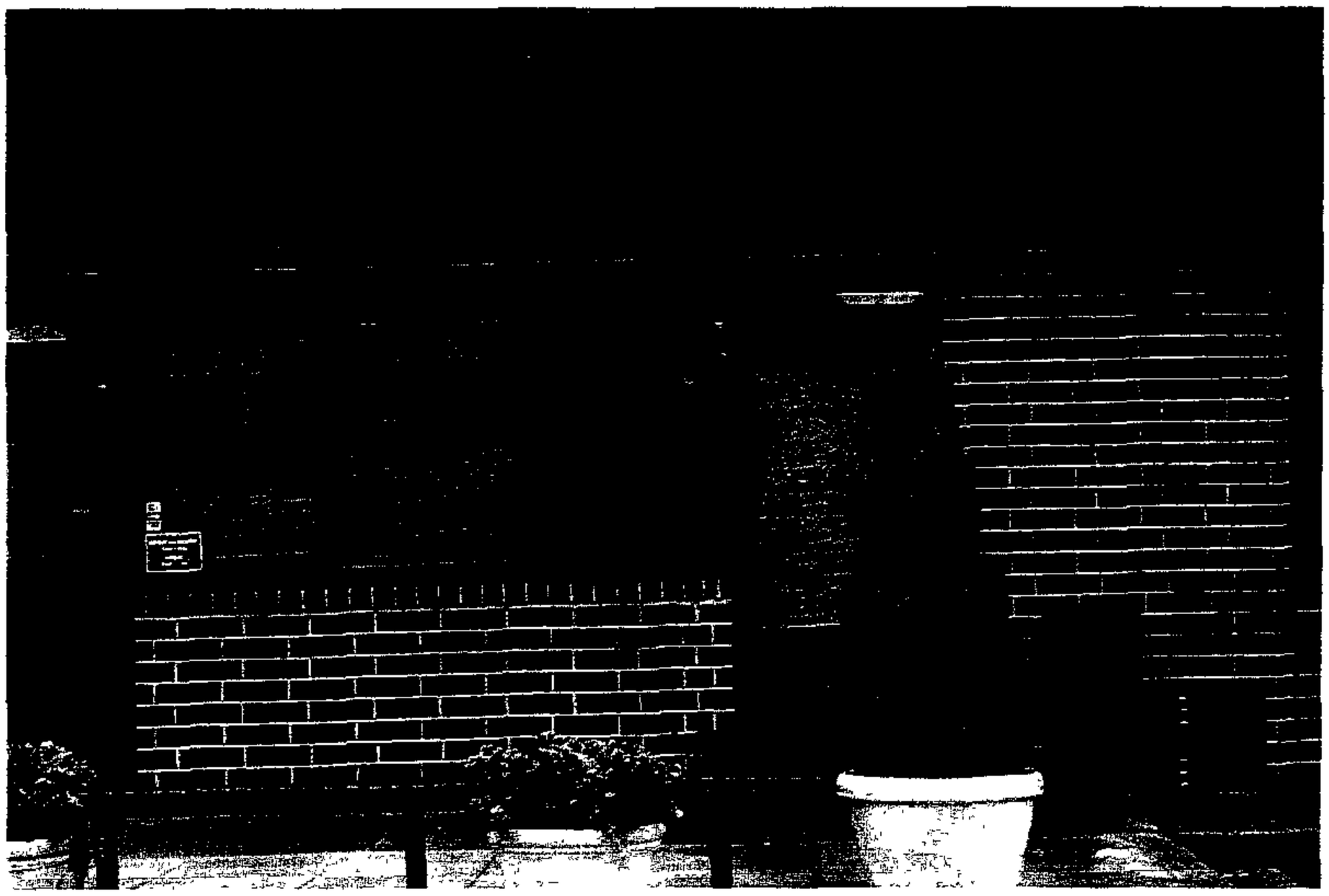
Additionally, much of the other testimony that was presented by witnesses for the Protestants was generic in nature and, while certainly well-intentioned and motivated, was not sufficient to support their various contentions. There is no doubt that the Baltimore County Zoning Regulations do specify food stores as "auxiliary retail or service" use which are permitted by right in the M.L-I.M. zone, and that fuel sales, standing alone, are permitted in the zone as an auxiliary service use provided that such use will serve primarily the industrial use and related activities in the surrounding industrial area.

Here again, minds may differ and testimony may be conflicting, but the Board, based upon the weight of the testimony and evidence submitted, is convinced that the proposed facility will primarily service the industrial and commercial in the immediate vicinity, although some of their customer base will come from the residential areas to the north and to the northwest.

The Board also concludes that evidence and testimony was adequately presented that the site did meet the requirements of Baltimore County Zoning Regulations Section 405 relative to location, proximity to abandoned fuel stations, site dimensions, setbacks, landscape transition areas, access driveways, parking,

Exhibit E





Baltimore County Government
Planning Board

401 Bosley Avenue
Towson, MD 21204

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

July 1, 1993

Exhibit F

The Honorable C.A. "Dutch" Ruppersberger, III
Chairman, Baltimore County Council
Court House
Towson, MD 21204

Re: Proposed Amendments to the BCZR
Regarding Service Stations and
Car Washes

Dear Councilman Ruppersberger:

Enclosed is a Final Report of the Baltimore County Planning Board, adopted June 17, 1993, which I am submitting to you in accordance with Section 26-123(c) of the Baltimore County Code, 1988.

The report recommends updating the regulations that govern service stations and car wash operations.

Sincerely,

P. David Fields, Secretary
Baltimore County Planning Board

PDF/KEB/mjm
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Enclosures.

cc: The Honorable Roger B. Hayden, County Executive
Members, Baltimore County Council
Merreen E. Kelly, Administrative Officer
Thomas Peddicord, Legislative Counsel/Secretary
Lawrence Schmidt, Zoning Commissioner
H. Emslie Parks, County Attorney
Louis Waidner, Executive Assistant
Patrick Roddy, Director, Legislative Relations
Arnold Jablon, Director, ZADM
Peter Max Zimmerman, People's Counsel

Printed on Recycled Paper

Staff Report April 1, 1993
Public Hearing May 20, 1993
Changes to Staff Report June 10, 1993

Legislative Project #93-1

PROPOSED AMENDMENTS TO THE BALTIMORE COUNTY ZONING REGULATIONS REGARDING FUEL SERVICE STATIONS AND CAR WASHES

A Final Report of the Baltimore County Planning Board
Adopted June 17, 1993

PROJECT DESCRIPTION

The purpose of this project is to update zoning and landscaping regulations which concern automotive service stations and car wash operations.

SUMMARY

Zoning regulations affecting automotive service stations were adopted in 1967. They are outdated, confusing and difficult to administer. Today's service stations provide an array of uses different from those of the 1960's. For example, stations tend to provide small convenience stores rather than service bays. The present regulations do not reflect contemporary needs. Developing a new service station, expanding an existing one or simply adding a different use is cumbersome and can require multiple hearings. Yet, the process does not ensure that the design and development will provide adequate protection to neighboring residences and an attractive site design in terms of landscaping, buffering and screening.

About 80% of all service station projects involve modernization of existing sites. These projects upgrade the appearance of the County's commercial corridors and can stimulate investment by neighboring businesses. The existing Zoning Regulations frustrate rather than encourage these projects because they are not designed for the uses which developers of service stations want to provide.

One goal of this project is to give service stations the flexibility needed. Another goal is to eliminate duplication and inconsistencies in the regulations which govern them. Also proposed are stricter performance standards which would result in a more attractive site design. In addition to improving the appearance of the commercial corridors, these standards would provide more effective buffers to protect residential properties. Finally, this project seeks to modernize the regulations pertaining to car washes with regard to location and design. (Pages 30-33 present tables summarizing the locational requirements for service stations, including those with convenience stores or car washes.)

BACKGROUND

The service station regulations date back to Bill 40, 1967. The bill was a two-tiered attempt to control a complex and often controversial form of land use. The regulations provide for six commercial and one industrial district that permit gasoline stations either by right or by special exception: Commercial, Neighborhood Shopping (C.N.S.), Commercial, Community Core (C.C.C.), Commercial, Town-Center Core (C.T.), Commercial Supporting Area (C.S.A.), Commercial Strip (C.S.1 and C.S.2) and Industrial Major (I.M.). The C.R. district was added in 1979 to control service stations and other commercial uses in rural areas. All district classifications serve as overlays to land zoned B.L., B.M., B.R., M.L.R., M.L., M.H. or, in the case of C.R. districts, R.C.5.

Except for the C.T. district where they are permitted by special exception, service stations are permitted by right in a planned shopping center, in a planned industrial park of at least 50 acres and within a parking garage, on land zoned B.L.,B.M., B.R., M.L.R., M.L. or M.H. On individual sites, service stations require a district designation and are permitted by special exception. However, in the C.S.A. district they are permitted by right and in the C.T. district they are not permitted on individual sites.

The concept of Class I and Class II Commercial Motorways was also included in Bill 40-67. The two types of roads are defined in Section 101 and identified on the Commercial Motorway Classification Map. Frontage to a Class I Commercial Motorway is required in C.S.-1 districts, as well as for service stations and certain other commercial uses located in I.M. districts with M.L. base zoning. Frontage to Class II Commercial Motorways is required only in C.S.-2 districts.

In addition to providing locational standards and regulations, Section 405 also specifies the related businesses permitted at a service station. The Zoning Regulations differentiate between "ancillary" uses which are permitted by right and "uses in combination with" a service station, which are permitted by special exception. Examples of ancillary uses include activities that range from vehicle repair services, automobile or truck rental, tire sales, and the sale of cigarettes, soft drinks and candy from vending machines. "Uses in combination with" service stations involve the sale of automotive glass and its installation, carry-out food shops, car wash operations, drug stores, food stores with less than 5,000 square feet, muffler sales and installation, and restaurants.

At the time Bill 40-67 was adopted, most service stations were located on individual sites. Many provided repair and maintenance services and cigarettes, candy or soft drinks were generally sold via vending machines. As a rule, service stations lacked landscaping and structures and signage were frequently unsightly. Stations that included service bays tended to be noisy, smelly operations and residents often objected to having them as neighbors. Another problem was the sheer number of new service stations that were being built during that time. With gasoline prices low and "gas guzzling" cars

that required frequent fill-ups abundant, the oil industry built many new stations. Existing stations considered unproductive were often abandoned which contributed greatly to urban blight. The combination of problems required special zoning tools that controlled the location of new service stations. Such tools were found in the form of overlay districts, commercial motorways, and special regulations for service stations.

During the last two decades, however, the number of new fuel service stations has been steadily declining. High development costs and the saturation of the market produced few new stations and the trend is to upgrade existing stations rather than build new facilities. Industry representatives estimate that roughly 80 percent of today's service station projects are redevelopments - a finding that was corroborated by Planning and Zoning staff. The upgraded sites tend to be well designed with ample landscaped areas. Instead of individual pumps dispensing single fuel types, automotive fuels are sold from multi- product dispensers (M.P.D.) The new type of pumps are a more efficient way of dealing with vehicular circulation on the site, thereby reducing the potential for traffic spilling into the street. M.P.D.s also provide a cleaner, less cluttered look.

Another trend is the decline of service stations that offer repair or maintenance services. Repairing contemporary cars requires sophisticated equipment and considerable investment. Also, minor servicing jobs like changing oil and tuning engines are increasingly performed by businesses that specialize in such tasks.

The rise in self-service stations changed the way business is being conducted at service stations. Instead of staying in the car and paying an attendant, the patron must leave the car, fill the tank, walk to the cashier's kiosk and pay. Service station operators saw the potential for customers to buy other items while paying for the gasoline. At the same time, the lifestyle of American families changed. The two-income family became more common and saving time whenever possible created demand for convenience. To accommodate consumers who prefer to complete several "chores" at one place, service stations started adding other uses, especially convenience stores and car washes.

The effect of the combined changes is that more and more of the services provided are geared to the driver instead of the car, i.e. the businesses have become "fueling" stations that offer a range of incidental uses. However, the Zoning Regulations make it difficult to add a convenience store or a car wash. No service station located in an integral planned shopping center can add uses permitted "in combination with" a service station (both convenience stores and car washes are categorized as such). Likewise, service stations which existed prior to 1967 and which had not requested the proper district designation, are presently not permitted to add such uses. As a result, business owners who wish to modernize have to petition for the appropriate district classification within the comprehensive zoning map process - this is a lengthy and expensive process not commensurate with the impact of the land use. Another choice is to abandon the site. Considering that many of the existing fuel service

stations abut residential uses and that in most instances redevelopment constitutes an improvement, it is in the public interest to facilitate upgrading.

PROPOSED CHANGES TO THE FUEL SERVICE STATION REGULATIONS

Review of the the regulations that govern service stations indicates the need for significant amendments. Provisions considered still applicable, such as the language regulating abandoned service stations, would be retained.

Location When Bill 40-67 was drafted the intent was to eventually require district designation for other uses, but none were ever added. Among the districts, the C.T., the C.C.C., the C.R. and the I.M., have specific use and bulk regulations that make each classification unique. These districts should be maintained. On the other hand, the C.N.S., the C.S.A., the C.S-1 and C.S.-2 district have no purpose beyond controlling the location of service stations. ~~The Planning Board recommends consolidating the remaining commercial~~ districts into one - the Automotive Services (A.S.) district. The A.S. district would be applied within the U.R.D.L. on land zoned B.L., B.M. and B.R. and would permit service stations to locate on individual sites by special exception. All sites presently classified as one of the districts to be deleted would automatically be reclassified as A.S.

The C.S.A. District raises a special issue because it permits service stations by right. The C.S.A. classification was generally assigned to service stations that existed prior to 1967. The main concern of the service station industry is that these stations be permitted to update, that is, add a convenience store and/or a car wash. This issue would be addressed by the revision described below and the Planning Board therefore recommends including the C.S.A. District in the new A.S. classification.

As proposed, service stations would be permitted by right in all planned shopping centers including those in the C.T. district where they are now permitted by special exception. Fuel service stations would continue to be prohibited from locating on an individual site in the C.T. district.

In any manufacturing zone (except MR), service stations would continue to be permitted by right if located in an industrial park. They could locate on an individual site in these same zones with an I.M. district by special exception.

The requirement for location along a Class I and Class II Commercial Motorway as well as the Commercial Motorway Classification Map would be eliminated. The rationale for that recommendation is that over the years Commercial Motorways proved less of an effective zoning tool than initially anticipated. Not having been updated since 1967, the Commercial Motorway Classification Map has become obsolete. With the deletion of the C.S-1 and C.S.-2 district, both of which require frontage to that type of road, a commercial motorways map is no longer needed.

Site Standards The minimum site requirement of 15,000 square feet for basic service stations would be retained, but setbacks would be increased to allow for more planting. Additional site area would be required for uses added. The landscape requirements propose that the entire perimeter be planted and improved buffers be provided where fuel service stations abut residential uses. The overall appearance of fuel service stations would be further enhanced by requiring that the site have a unifying architectural theme and that the rear of buildings which abut residential uses be finished with materials that resemble those of the front. Further safeguards intended to minimize potential negative impact would grant the Zoning Commissioner such discretionary powers as requiring changes to the site plan and limiting the hours of operation.

Adding Convenience Stores Permitting convenience stores by right requires examination of the potential impact of such a land use. The scenario most commonly found is the conversion of existing service bays (repair facilities) to a convenience store or a car wash. In some instances, change may require an expansion, in others the existing structure is adequate to accommodate the new use. Since automotive repair facilities are often unattractive, a conversion from service bays to convenience store may render the use more compatible with neighboring properties. In cases where the service station was permitted by special exception, a conversion (or simply the closing of the service bays) requires a special hearing because it is a change to the approved special exception.

As proposed, the addition of a convenience store would require compliance with extra performance standards, such as improved buffering from residential properties, the upgrading of existing structures and landscaping along the perimeter of the site. Also, ancillary convenience stores, i.e. stores permitted by right, would be limited to an area of 1,500 square feet. Convenience stores larger than 1,500 square feet would continue to be permitted by special exception as a use "in combination with" a fuel service station.

The recommendation to differentiate between "smaller" and "larger" convenience stores is based on traffic impact studies which find that service stations with ancillary convenience stores generate twice as many trips to purchase fuel than items from the convenience store. On the other hand, convenience stores which are a principal use but which provide fuel pumps, generate twice as many trips to purchase sundries than gasoline. ("Trip Generation Studies of Gas/ Convenience Stores," ITE Journal, January 1991, p. 34-37).

Adding Car Washes Oil industries view the addition of a car wash as a marketing tool that may give a service station a competitive edge at locations where several stations compete for business. Car washes at service stations are generally offered at reduced cost or free of charge with a fill-up. There are three type of car wash operations on the market, full service, self-service and roll-over car washes. The first type is the traditional car wash where exterior as well as interior cleaning is performed either by machines or by hand. Full service car washes are rarely found at fuel service stations. Self-service car washes provide patrons with equipment and space to clean their vehicles manually. They tend to consist of

multiple tunnels and like the former, are rarely developed at service station sites.

The kind of car wash generally found at a fuel service station consists of a single tunnel and provides automatic washing or waxing services on a roll-over basis.

As far as traffic impact is concerned, a car wash is the most intensive use permitted in combination with a fuel service station. The impact varies depending on the season, i.e. whether it snowed, the day in the week and the type of car wash. Among the three kinds of car wash facilities, the roll-over type car wash tends to have the least negative impact on traffic and adjacent properties. Service stations that include such facilities hand out tokens with the purchase of gas. The tokens are generally good for a week and can be used at the convenience of the customer. This practice gives customers the opportunity to come back at a later time and makes the forming of lines which block driveways or spill into the street less likely. Since, primarily, only customers buying gasoline use the car wash, additional traffic is not generated.

As proposed, roll-over car washes would be permitted as an ancillary use by right in an integral planned shopping center and as a use in combination with a fuel service station by special exception on individual sites. Full service car washes would be permitted as a use in combination with a fuel service station by special exception in a planned shopping center and on individual sites. Self-service car washes in combination with a fuel service station would be permitted only in a planned shopping center by special exception.

PROPOSED CHANGES TO THE CAR WASH REGULATIONS

The regulations for car washes are found in Section 419. Adopted in 1964, these provisions also do not recognize changes in the modern car wash industry.

Stacking requirements are intended to prevent vehicles from blocking driveways and spilling into streets. Existing regulations require a minimum of 40 on-site stacking spaces, or a total equaling the number of vehicles that can be processed during one-half hour, plus ten. These requirements are in excess of what is needed to prevent spillage into roadways and do not recognize that stacking needs differ among car wash types. They also create unnecessary paved areas that contribute to the unsightliness of car wash sites and excessive stormwater run-off.

The Planning Board proposes a significant reduction in the number of required stacking spaces. Each car wash category would have different stacking requirements, that is, full-service car washes would have to provide nineteen spaces per tunnel while self-service car washes would require four spaces for the first tunnel and two spaces for each additional tunnel. Roll-over car washes, which are generally only found as a use in combination with a service station would have to provide a minimum of nine spaces per tunnel.

Also proposed are standards that would improve the appearance of car wash sites and provide better protection for residential properties. These added provisions would require landscaping along the perimeter as well as fences or walls in combination with landscaping for car washes that are located next to homes.

As discussed above, when the District regulations were initially drafted, the intent was to eventually require district designation for other land uses. Revisions to Section 419 led the Planning Board to consider a district requirement for principal use car washes. Existing regulations permit car washes in B.L., B.M., B.R. and M.L. zones by special exception. Like service stations, car washes warrant close examination regarding the appropriateness of a site. Because of potential noise and traffic generation communities frequently object to locating car wash operations in proximity to residential uses. Subjecting car washes to a district requirement would enable communities as well as the car wash industry to determine early in the development process whether that type of use may be developed at a specific site.

As proposed, freestanding full-service and self-service car washes, like those "in combination with" a fuel service station, would require Automotive Services ("A.S.") district designation and would be permitted by special exception in B.L., B.M., and B.R. zones. In the industrial zones car washes would be permitted by right in a planned industrial park and by special exception on individual sites in M.L.R., M.L. and M.H. zones with I.M. district.

Stacking requirements, performance standards and the idea of requiring district designation were discussed with several representatives of different car wash types. The industry representatives were in full support of the proposed amendments.

COMMENTS FROM PLANNING BOARD PUBLIC HEARING

On May 20, the Planning Board held a public hearing on the report concerning service stations and car washes. No comments were made regarding car wash operations. Letters were received within the comment period following the public hearing about a particular service station. These letters were forwarded to ZADM as the problem is a violation of existing regulations, new legislation would not effect this service station.

Several spokesmen for oil companies expressed their general support for the report, but suggested the following changes:

1. One speaker mentioned that his client would prefer to have no district requirement for a service station. Divorcing service stations from the district requirement had been seriously considered during report preparations. However, it became apparent that in some cases Business zoning had been applied with the express intent of not permitting service stations. Eliminating the district requirement, which would have made service stations permissible on such sites, would have been contrary to the goal of the zoning map changes.

2. The suggestion was made to delete the phrase "market data" from the language of Subsection 405.3. (page 9). That paragraph requires proof of need in cases where one or more abandoned service stations exist in the vicinity of a proposed site. Unless refuted by "market data", the Zoning Commissioner can decline granting a special exception. The Planning Board considers "market data" an appropriate term for describing the type of information necessary to prove that the proposed use is needed.

3. Subsection 405.4.C.1.e., (p. 12) grants the Zoning Commissioner discretionary power to change the building or site plan design. The intent of that provision is to ensure optimal compatibility with surrounding buildings or to promote the attractiveness of the site. A comment was made that the Zoning Commissioner's discretion should be limited or the paragraph deleted. The Planning Board considers the provision, which is currently part of the BCZR, important especially where abutting residential properties are involved.

4. Another comment was with regard to a technical change that concerns the term "gross square feet", as corrected in Section 405.A.D.2 (page 14).

5. The speakers were concerned about the proposal to delete "restaurant" as a use in combination with a service station. This is a use which is currently permitted but which staff of the Office of Planning and Zoning recommended deleting because there has been no development of restaurants in conjunction with a service station in the County. However, recent trends in the industry show that service stations are adding fast food restaurants (often drive-through only) in other parts of the country. The Planning Board supports a restaurant in combination with a service station provided it is permitted by special exception and has an additional site area of six times the gross square footage of the restaurant available, as is currently required.

6. The final comment concerned a provision which exempts existing structures on sites that are being expanded from meeting the newly proposed setback requirements. The speaker considered the provision vague and was concerned that the exemption would not apply to fuel dispensers and other ancillary structures. The Planning Board is proposing language that would consider all structures which had been approved prior to passage of this Bill to be in compliance.

RECOMMENDATION

The Baltimore County Zoning Regulations, 1955, as amended should be further amended. {Brackets} means text to be deleted, **bold** means text to be added. For Section 405, substantial deletions of existing text are not shown. Please see Section 405 of the BCZR to review this text.

NEW SECTION 405

{AUTOMOTIVE} **FUEL** SERVICE STATIONS

405.1--Statement of Legislative Findings and Policy.

A. Bill 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975 the C.R. district was added to govern service stations and other commercial uses in rural areas.

B. While the C.T., the C.C.C., the C.R. and the I.M. district have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S-1 and C.S-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 district are consolidated into the Automotive Services (A.S.) district.

C. The design and operation of service stations has changed significantly and the provisions set forth in Bill 40 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of Automotive Service Station is being changed to Fuel Service Station and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.

D. It is the intent of this Section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted Community Plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

405.2--Locations in which fuel service stations are permitted.

A. A fuel service station is permitted by right subject to Subsection 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:

1. In a planned shopping center of which at least 20 percent has been constructed at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center; or

2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or

~~3. In a planned drive-in cluster.~~

B. Fuel service stations on individual sites which do not comply with the requirements of Paragraph 405.2.A are permitted by special exception as provided below and subject to Subsections 405.3 and 405.4.

1. Within the Urban Rural Demarcation Line (URDL), in C.C.C., A.S. or I.M. districts, provided no part of the lot is in an M.R. zone.

2. Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. zones subject to Section 259.3.B.2.

405.3--In addition to the findings required under Subsection 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half mile radius, or two such stations within a one mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

405.4--Standards

A. Site Development

1. Site Dimensions.

The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D. or 405.4.E. is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those paragraphs.

2. Setbacks:

a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.

b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of 10 feet where the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting non-residentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way), shall provide a buffer measuring no less than 15 feet from that property line.

c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.

d. Other setbacks shall be as required by these Regulations.

3. Access, Internal Circulation and Vehicle Reservoir Capacity.

a. The number and location of access driveways shall be determined by the Hearing Officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Office of Planning and Zoning.

b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.

c. In addition to the fuel service space, at least one stacking space shall be provided per:

1. pump island side, at pump islands that contain multi-product dispensers (MPD) and where a bypass lane serves each MPD;

2. MPD in cases where there is no bypass lane or where a convenience store is located on the same lot; or

3. pump, if the pump dispenses a single fuel type.

d. Parking spaces on the site of any fuel service station shall be provided as follows:

1. One space per employee on the largest shift; and

2. Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (*Convenience stores* larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409 including the first 1,500 square feet); and

3. Three spaces per service bay, not counting service spaces in the bays; and

4. One space per self-service air or vacuum cleaner unit; and

5. One space per Automatic Teller Machine.

B. All fuel service stations shall provide a restroom facility, water and compressed air for customers.

C. Appearance

1. General Design

a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station, must be upgraded to create a unifying architectural theme with other structures on the site.

b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of the Office of Planning and Zoning.

c. Except for the temporary outdoor sale of items permitted under Section 230.9, the outside display of merchandise shall be permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.

d. If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site shall not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.

e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner, may specify additional requirements including:

1. Changes in building or site plan design;

2. Restrictions on hours of operations;

3. Other requirements deemed necessary for compliance with this subsection.

2. Signs. Portable "A" or "sandwich board" type signs are prohibited. In all other respects, the regulations of Section 413 shall apply.

3. Maintenance. At all times the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions shall lie with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

D. Ancillary Uses.

The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Subparagraph 405.4.A.1 shall be increased for each ancillary use, by at least the number of square feet indicated below, which includes land for required parking and stacking spaces.

1. Minor vehicle repair or diagnostic services to vehicles except those which are unlicensed or which have a State Motor Vehicle Administration transporter or dealer license. Additional site area of 1,300 feet per service bay.

   a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.

   b. All service and repairs shall take place within completely enclosed buildings.

   c. The combined area for sales, display and customer waiting room shall not exceed 500 square feet.

   d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405.A.

2. Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area must be provided.

3. Automatic Teller Machines, but no drive-through facilities. Additional site area of 1,000 square feet for each device.

4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area required.

5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by section 230.9. No additional site area required.

6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.

7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area required.

E. Uses in Combination with Fuel Service Stations. The minimum area of the site as determined by Subparagraph 405.4.A.1. shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below.

Type of Use	Integral Planned Development	Individual Site
1. Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area.	SE	SE
2. Roll-Over Car Wash. No specific additional site area required provided the stacking, parking and buffer requirements of Section 419 are met.	P	SE
3. Full Service Car Wash. No specific additional site area required provided the stacking, parking and buffer requirements of Section 419 are met.	SE	SE
4. Service Garages providing services other than those listed in Section 405.4.D. subject to the provisions of Section 405.4.C.a. through e.	SE	SE
5. Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet.	SE	SE

Type of Use	Integral Planned Development	Individual Site
6. Trailer rental, for trailers not exceeding 3/4-ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet.	SE	SE
7. Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1-1/2 ton capacity, with a maximum stock of 8 trucks. Additional site area of 4,000 square feet.	SE	SE
8. Parking of not more than six school busses. Additional site area of 2,600 square feet.	SE	SE
9. Self Service Car Washes. No additional site area required provided the stacking, parking and buffer requirements of Section 419 are met.	SE	Not permitted
10. Restaurant. Additional site area of six times the gross square footage of the restaurant must be provided.	SE	SE

SE: special exception P: permitted by right

405.{7} 5--Plan Approvals

A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone {and/} or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning and Zoning, Public Works, and Zoning Administration and Development Management.

B. For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

405.{8} 6--Fuel Service Stations existing {on December 31, 1967} before [date of passage of this bill].

A. Expansion, Reconstruction or Addition of Uses

1. Any fuel service station which legally existed by right or by special exception on [date of passage of this bill] may be expanded or reconstructed and any ancillary use listed in paragraph 405.4.D. may be added, provided the project is confined to the limits of the site as it existed on [the date of the passage of Bill] and:

a. conforms with a plan for the entire site as reviewed by the Directors of Planning and Zoning, Public Works and Zoning Administration and Development Management; and

b. is located in a B.L., B.R., B.M., M.L., M.H. Zone or a PUD; and

c. meets the requirements set forth in paragraph 405.4 or, in the judgement of the Director of Zoning Administration and Development Management would be done in such a manner that the station would be improved to be more in keeping with the purposes of Subsection 405.4; and

d. in cases where a provision of Bill _____ conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Zoning Administration and Development Management.

2. After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.

3. Any of the "uses in combination with" fuel service stations listed in paragraph 405.4.E may be added to any such station, provided a special exception is granted and the provisions of Subsection 405.4 are met.

4. {The location of existing buildings or structures on the site shall not be required to be modified to meet the requirements of Section 405.4.} Any structure or expansion of the use that is shown on a plan approved prior to [date of passage of this bill] shall be considered as being in compliance with Section 405.4.A.2.a.

{D.} B. {Service stations not in compliance with the maintenance regulations of Subparagraph 405.4.B.3, shall comply therewith within three months of the adoption of this provision; service stations not in compliance with the screening and landscaping regulations of this section shall comply within six months; however,} Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

405.{6} 7 Abandoned **Fuel** Service Stations.

A. {In general} **Finding:** The County Council {of Baltimore County} recognizes that at times the public need for {automotive} **fuel** service stations at particular locations ceases {to exist} and, {as a result} those stations become abandoned. **An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Subsection 405.7.B.** The County Council further recognizes that an abandoned **fuel** service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.

B. Notice of {Abandonment-} Presumption of Abandonment. Whenever the owner **or agent** of any **fuel** service station has ceased or terminated the use of the premises as a **fuel** service station, {he} **the owner or agent** shall notify the {zoning commissioner} **Director of Zoning Administration and Development Management**, within thirty (30) days after the termination. Notwithstanding the failure of the owner to so notify the {zoning commissioner} **Director**, any **fuel** service station which has not been in actual and continuous operation as a station for a period of twelve consecutive months shall be presumed to be abandoned and **the right to resume** the use is **thereby** terminated. For purposes of this subsection, "continuous operation" shall mean operation as {automotive} **fuel** service station at least eight hours per day, five days per week.

C. Termination of Special Exception. Any special exception for the operation of a **fuel** service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations {by the zoning commissioner}. Any special exception for a **fuel** service station {which has been converted to another use} shall terminate {as of} at the time of the conversion **to another use**.

D. The premises (including landscaping) of any **fuel** service station which is not in continuous operation or which is abandoned shall be continuously maintained in the same manner as is required under these regulations for operating **fuel** service stations.

E. Proceedings to Require Removal.

1. Whenever it shall be determined by the {zoning commissioner} **Director of Zoning Administration and Development Management** that a {automotive} **fuel** service station has not been in continuous operation and that the premises have not been continuously maintained, the {zoning commissioner} **Director** shall issue a notice to the owner or {operator} **agent** to repair, correct, or take other appropriate action to remedy the specific deficiencies enumerated in the notice. {and}

2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the **Director of Zoning Administration and Development Management shall refer the matter to the Zoning Commissioner** for {proceed with a} hearing, **pursuant to Section 500.7**, to require removal.

3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a **fuel** service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds result in lack of reasonable or adequate maintenance thereby causing deterioration and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of this subsection, removal shall mean the removal by the owner of all above ground structures, including paving, and removal or abandonment in place of underground tanks **in compliance with the provisions of COMAR 26.10.10.02 and Section 14-300 (b) of the County Code.**

405.8 Conversions of **Abandoned Stations**. {It is} One of the purposes of this subsection **is** to promote the conversion of vacated **fuel** service stations to other uses; therefore, if a **fuel** service station has been abandoned as such, but is converted to another use, no **fuel** service station structure, equipment, or appurtenances necessary or appropriate to the new use need be removed.

419.1--Roll-Over, Full-Service and Self-Service Car Washes as defined in Section 101, are permitted by special exception **in the following districts: C.R. (provided no part of the lot is in R.C. 5), C.C.C., A.S. or I.M. (provided no part of the site is in M.R.). Car washes are also permitted as a use in combination with a service station subject to the provisions of Section 405.**

419.2--A site plan shall be submitted showing the location of the car wash and zone classification of adjacent properties, the **location** {means} of ingress and egress, the manufacturer's rated hourly production capacity of the equipment to be installed, if available, or other evidence of the capacity of the equipment, the proposed {waiting line capacity} **stacking spaces** as required by Section 419.2 below, **the proposed landscape and buffer treatment,** and such other information as may be required by the **reviewing agencies** { Office of Planning and Zoning}. **All site plans shall be subject to review by the Directors of the Department of Public Works, Office of Planning and Zoning, and Zoning Administration and Development Management who shall provide written comments to the approval authority.**

419.4--{The lot on which the car wash is to be located shall be sufficient to provide on-site waiting line storage for a total number of vehicles equal to the number capable of being processed during one-half hour, plus ten additional vehicles; where the equipment used is of an assembly line nature with labor supplied by the car wash operator, there shall be a minimum of 40 on-site storage spaces} **All internal paved areas of a car wash site used for stacking, parking and driveway purposes shall comply with Section 409.1 and shall be laid out to allow automobile circulation in a manner that precludes vehicles from waiting on the street or blocking the right-of way before gaining entrance.**

A. All stacking spaces for car washes shall be single-file at the entrance of the tunnel. The space for the car being washed shall not be counted as a stacking space. A minimum of the following stacking spaces shall be provided:

1. Nine per roll-over car wash tunnel;

2. Nineteen per full-service car wash tunnel;

3. Four spaces for the first tunnel of a self-service car wash, and two waiting spaces for each additional tunnel.

B. All parking spaces shall be located to avoid conflict with on-site circulation patterns. The following minimum number of parking spaces shall be provided:

1. To dry vehicles, two for each tunnel of a roll-over or a self-service car wash and six for each tunnel of a full-service car wash; and

419.4 (continued)

2. One per vacuum cleaner unit; and

3. Two additional spaces at a roll-over car wash; or

4. Four additional spaces at a full-service car wash.

419.3--{The site plan must be approved by the Traffic Engineer of Baltimore County, the Department of Public Works, and the Office of Planning and Zoning of Baltimore County.} Notwithstanding the provisions of the zone in which the car wash is located, all facilities are subject to the following requirements:

A. Locational standards

1. Roll-Over and Full-Service car wash buildings shall be set back at least 50 feet from the lot line of any residentially used or zoned property. Except for the landscape buffers, no part of a Self-Service Car Wash shall be within 100 feet of a residentially used or zoned property.

2. The tunnel exit of car wash facilities shall be set back at least 50 feet from the nearest exit drive.

B. General Design

1. No tunnel entrance or exit of a car wash operation shall face an adjacent residentially used or zoned property not including those across a street;

2. The rear and sides of buildings facing residentially used or zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan and shall be subject to review by the Director of the Office of Planning and Zoning, who shall provide written comments to the approval authority.

3. Except for the required access drives, a landscaped transition area shall be provided along the perimeter of all car wash operations. Such area shall have a minimum width of 10 feet where the car wash fronts a public right-of-way, and six feet in all side and rear yards abutting non-residentially zoned land. Car wash operations located within 50 feet of any residentially zoned or used property (other than a residential zone line in a public right-of-way), shall provide a buffer that measures no less than 15 feet from that property line.

4. The landscape transition area shall be planted and screened in accordance with the Landscape Manual requirements for automotive uses.

419.3.B (continued)

5. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site, the Zoning Commissioner may require changes in building or site plan design or hours of operation for car washes for which a special exception is required.

{419.3--The site plan must be approved by the Traffic Engineer of Baltimore County, the Department of Public Works, and the Office of Planning and Zoning of Baltimore County.}

419.4.--The regulations contained in this Section 419 entitled "Car Wash" shall not apply to car washes **legally** existing {on the effective date thereof} **before [date of passage of this bill].**

LANDSCAPE MANUAL AMENDMENTS

1. On page 5 of the Baltimore County Landscape Manual, add the following paragraph to Section III.-- Definitions:

Screening, Class "C"--One planting unit per 10 linear feet of the area to be buffered. Minimum height of screen at installation shall be 35 inches for shrubs and seven feet for trees.

In addition to the required plantings, a six foot high berm, or masonry, wood-on-wood fence or sound barrier wall may be required. Such berm, fence or wall shall be set back at least five feet from the property line. A planting strip between such berm or fence and the property line may be required.

Automotive Uses: The term "automotive use" includes fuel service stations and car wash operations.

2. On page 44 of the Baltimore County Landscape Manual, add the following paragraph to Section IX.C.--Landscape Standards for Commercial, Office (including RO Zones), Industrial, High Rise Residential (including RAE 1 and 2) and Public Development:

(5) Except for the required access drives, a planting area is required along the perimeter of an automotive use. Setbacks shall be in compliance with the underlying zone or the special regulations of the use. Landscaping along the public right-of-way shall comply with Class "B" screening requirements. All side and rear yards abutting commercially or industrially zoned land shall be vegetated at the rate of one planting unit per 10 feet. A property line that abuts or is within 50 feet of a residentially zoned or used property shall be landscaped in accordance with Class "C" screening requirements.

SUPPLEMENTAL AMENDMENTS

1. In Section 101 Definitions, amend:

{Automotive} **Fuel** Service Station **(formerly known as Automotive Service Station)**: A structure or land used or intended to be used {primarily} for the retail sale of automotive fuel, but not a truck stop. **For the purpose of these Regulations, any establishment which sells auto fuel retail shall be considered a fuel service station, unless it is classified as a truck stop or trucking facility.**

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used {principally} for the cleaning, washing, polishing, or waxing of motor vehicles **as a principal or accessory use.**

2. In Section 101, add the following definitions:

Car Wash, Roll-Over: A car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing.

Car Wash, Full-Service: A car wash providing automated exterior washing or waxing services, or which provides cleaning, washing, waxing, drying or interior cleaning by hand. For the purpose of these Regulations, a facility which provides complete interior and exterior detail cleaning that takes more than approximately two hours per car shall not be considered a full-service car wash.

Car Wash, Self-Service: A car wash where equipment or facilities are provided for the self-service cleaning and washing of motor vehicles.

3. In Section 101, delete the definitions of Commercial Motorway Class I and Class II and which read as follows:

{Commercial Motorway, Class I: A motorway, or portion thereof at least one mile in length, with at least 70% of all frontage thereon (the sum of the lengths of both sides), excluding land publicly owned for highway right-of-way purposes, zoned as B.L., B.M., B.R., and/or M.L., and designated as a Class I commercial motorway under ordinance of the county council. No portion of a motorway shall be considered as a Class I commercial motorway unless such portion is bounded at its ends by intersections with freeways, expressways, arterial streets, town-center boundaries, political-subdivision boundaries, the urban-rural demarcation line, or major streams or rivers.}

{Commercial Motorway, Class II: Same as Class I commercial motorway in all respects except that less than 70% of the frontage considered, but at least 20% of such frontage, is zoned B.L., B.M., B.R., and/or M.L., and except that it is designated as Class II commercial motorway under ordinance of the county council.}

4. In Section 101.1.B.2--Districts, amend:

A.S. District	**Automotive Services**
C.R. District	Commercial, rural
{C.N.S. District	Commercial, neighborhood shopping}
C.C.C. District	Commercial, community core
C.T. District	Commercial, town-center core
{C.S.A. District	Commercial, supporting area
C.S.-1 District	Commercial, strip
C.S.-2 District	Commercial, strip}
I.M. District	Industrial, major

5. Create a new Sub-section:

100.3.B--The district as created in Section 101.1.B.2., change the present district designations as follows:

C.N.S. District to A.S. District
C.S.A. District to A.S. District
C.S.-1 District to A.S. District
C.S.-2 District to A.S. District

6. In Section 1B01--Uses permitted in D.R. zones, delete:

{c. automotive-service stations, but only within community garages}

7. In Section 230.9--Uses permitted by right in B.L. zones, add:

Fuel Service Stations in a planned shopping center or drive-in cluster only, subject to Section 405.

8. In Section 248.3.-Uses permitted by right in M.L.R zones, add:

Car Wash in a planned industrial park only, subject to Section 419.

Fuel Service Stations in a planned industrial park only, subject to Section 405.

9. In Section 253.123.C.26.--Auxiliary retail and service uses permitted by right in M.L. zones, add:

7a. Car Wash in a planned industrial park only, subject to Section 419.

17a. Fuel Service Station in a planned industrial park only, subject to Section 405.

10. In Section 253.1.C.--Auxiliary retail or service uses permitted by right in an I.M. District, delete the requirement for access to a Class I Commercial Motorway.

253.1.C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district {in neither case with any direct access to an arterial street other than a Class I Commercial Motorway}:

11. In Section 253.2.B, Auxiliary retail or service uses permitted by special exception in an I.M. District, delete the requirement for access to a Class I Commercial Motorway.

253.2.B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. district, {*in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and,*} provided, further, that it is shown that any such use will serve primarily {in} the industrial uses and related activities in the surrounding industrial area.....

12. In Section 256.1. Uses permitted by right in M.H. zones, add:

Car Wash in a planned industrial park only, subject to Section 419.

Fuel Service Station, in a planned industrial park only, subject to Section 405.

13. In Section 259.2, delete paragraphs B (C.N.S. District), E (CSA District), F (C.S-1 District) and G (C.S-2 District).

[B. C.N.S. District--Commercial, Neighborhood Shopping. C.N.S. districts may be applied only to certain existing or proposed centers of business activity which are on land zoned B.L., B.M., B.R., and/or M.L., any one of which centers must be intended to: include at least one supermarket or grocery store; have less than 15 retail stores in total;

have no department store, junior department store, nor, ordinarily, variety (dime) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a C.N.S. district.]

[E. C.S.A. District--Commercial, Supporting Area. C.S.A. Districts may be applied only to areas which: are contiguous with C.C.C. or C.T. districts; are service commercial areas for community or town-center commercial cores; overlie the basic zones of B.L., B.M., B.R., and/or M.L.; and are individually limited as follows:

1. not extending more than 500 feet outward from a C.C.C. district boundary;

2. not extending more than 750 feet outward from a C.T. district boundary.]

[F. C.S-1 District--Commercial, Strip. C.S.-1 districts must be applied only to certain strips of land which are zoned B.L., B.M., B.R., and/or M.L., on both sides of the street, any one of which strips may be at least 1500 feet in length, front on a Class I commercial motorway, and not be greater than 250 feet in depth from either side of the right of way, and on which roadside commercial usage has so developed that traffic flow has become impeded to the extent that application of highly restrictive site-accessibility standards would serve no useful purpose.]

[G. C.S-2 District--Commercial, Strip. C.S-2 districts may be applied only to certain strips of land which are zoned B.L., B.M., B.R., and/or M.L., on both sides of the street, any one of which strips must be at least 1500 feet but not more than 7500 feet in length, must front on a Class II commercial motorway and not be greater than 250 feet in depth from either side of the right of way, and on which roadside commercial usage has not developed to an extent precluding the usefulness of restrictive site-accessibility standards.]

14. In Section 259.2, add a new Paragraph B as follows:

A.S. - Automotive Services District. The A.S. district may be applied within the Urban Rural Demarcation Line (URDL) to certain parcels of land zoned B.L, B.M., or B.R., which are appropriate for uses dominated by the parking and servicing of automobiles or characterized by frequent parking turnover, such as fuel service stations and car wash operations. Any land heretofore classified as C.N.S., C.S.A., C.S-1 or C.S-2 on the date of adoption of Bill _____ shall hereby be classified an A.S. district.

15. Amend Subsection 259.3.B.2--Special Regulations for C.R. districts:

Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3C is permitted by special exception **except that service stations and car wash operations are only permitted in a C.R. district with B.L., B.M., or B.R. as a base zone.**

16. In Section 402D.2 and 402E.2--Conversion of Dwellings, amend as follows a re-letter the subsequent paragraphs:

402D.2--The converted dwelling shall be:

[A. Situated on a lot with frontage on a Class I commercial motorway; or

B. Situated on a lot with frontage on a Class II commercial motorway; or]

A. Situated on a lot with frontage on a principal arterial.

17. In Section 502.3, delete the third paragraph, which would be included in Section 405:

[Anyone having a Special Exception for an automotive service station shall have such exception automatically extended for a period of five (5) years after said property is designated a district in accordance with the automotive service stations regulations of Baltimore County. [Bill No. 85, 1967.]]

ATTACHMENT 1

Table 1

EXISTING REGULATIONS
PERMITTED LOCATIONS FOR "AUTOMOTIVE SERVICE STATIONS"

BUSINESS ZONES (BL, BM, BR)

	"Planned Shopping Center*"	Individual Site
Business Zones (without any District)	R	X
Business Zones with CR, CCC CNS, CS-1, CS-2 District**	R	SE
Business Zone with CSA District	R	R
Business Zone with CT District	SE	X

INDUSTRIAL ZONES

	(Min. 50 Acre) "Planned Industrial Park"	Individual Site
MR	X	X
MLR, ML, MH (without District)	R	X
BR, BM, MLR, ML, MH with IM District***	R	SE

* Also permitted in a parking garage, see p. 2 of report

** CS-1 and CS-2 require Commercial Motorway designation

*** Access to Commercial Motorway required

X - not permitted
R - permitted by right
SE - permitted by special exception

Table 2

PROPOSED REGULATIONS
PERMITTED LOCATIONS FOR "FUEL SERVICE STATIONS"

BUSINESS ZONES (BL, BM, BR)

	"Planned Shopping Center"	Individual Site
Business Zones (without any District)	R	X
Business Zones with CR, CCC, AS* District	R	SE
Business Zone with CT District	R	X

INDUSTRIAL ZONES

	(Min. 50 Acre) "Planned Industrial Park"	Individual Site
MR	X	X
MLR, ML, MH	R	X
BR, BM, MLR, ML, MH with IM District**	R	SE

* New district consolidating CSA, CNS, CS-1 and CS-2 and eliminating Commercial Motorway requirement.

** Commercial Motorway requirement would be eliminated.

X - not permitted
R - permitted by right
SE - permitted by special exception

Table 3

EXISTING REGULATIONS
CONVENIENCE STORE AND CAR WASH AT SERVICE STATIONS

BUSINESS ZONES (BL, BR, BM)

	"Planned Shopping Center"	Individual Service Station Site (with CR, CCC, CSA CNS, CS-1, CS-2 District)	
		Conforming	Legal Non-Conforming
Convenience Store Up to 5,000 sq. ft.	X	SE	X
Car Wash Any Type	X	SE	X

INDUSTRIAL ZONES (MLR, ML, MH)

	"Planned Industrial Park"	Individual Service Station Site (with IM District)*	
		Conforming	Legal Non-Conforming
Convenience Store Up to 5,000 sq. ft.	X	SE	X
Car Wash Any type	X	SE	X

* - IM district may be overlayed on BM or BR in addition to MH, ML, MLR and MR

X - not permitted

SE - permitted by special exception

Table 4

PROPOSED REGULATIONS
CONVENIENCE STORE AND CAR WASH AT SERVICE STATIONS

BUSINESS ZONES (BL, BR, BM)

	"Planned Shopping Center"	Individual Service Station Site (with CR, CCC, AS* District)
	Conforming and Legal ** Non-Conforming	Conforming and Legal ** Non-Conforming
Convenience Store		
< 1,500 sq. ft.	R	R
> 1,500 sq. ft.	SE	SE
Car Wash		
Roll-Over	R	SE
Full Service	SE	SE
Self Service	SE	X

INDUSTRIAL ZONES (MLR, ML, MH)

	Industrial Park	Individual Site with IM District**
	Conforming and Legal ** Non-Conforming	Conforming and Legal *** Non-Conforming
Convenience Store		
< 1,500 sq. ft.	R	R
> 1,500 sq. ft.	SE	SE
Car Wash		
Roll-Over	R	R
Full Service	R	SE
Self Service	R	SE

* New district consolidating CSA, CNS, CS-1 and CS-2 and eliminating Commercial Motorway requirement.

** IM district may be overlayed on BM or BR in addition to MH, ML, MLR and MR.

*** Hearing may be required to establish legal non-conforming status and will be required if expansion will be beyond site limits.

X - not permitted
R - permitted by right
SE - permitted by special exception

ATTACHMENT 2

ADVISORY GROUP - SERVICE STATIONS

REVISION OF SECTION 405 (AUTOMOTIVE SERVICE STATIONS) AND SECTION 259 (DISTRICTS)

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Towson Washmobile
(Full-Service Car Wash)
954 N. York Road
Towson, MD 21204

Douglas Miller
Timonium Car Wash Ltd.
(Full-Service Car Wash)
2114 York Road
Baltimore, MD 21093

Benson Rice
Whiz Car Washes (Full-Service and Self-Service Car Washes)
8611 Loch Raven Boulevard
Baltimore, MD 21204

Marvin Lentler
Ultra Clean Car Wash (Full-Service)
11629 Reisterstown Road
Baltimore, MD 21136

Table 3

EXISTING REGULATIONS
CONVENIENCE STORE AND CAR WASH AT SERVICE STATIONS

BUSINESS ZONES (BL, BR, BM)

	"Planned Shopping Center"	Individual Service Station Site (with CR, CCC, CSA CNS, CS-1, CS-2 District)	
		Conforming	Legal Non-Conforming
Convenience Store Up to 5,000 sq. ft.	X	SE	X
Car Wash Any Type	X	SE	X

INDUSTRIAL ZONES (MLR, ML, MH)

	"Planned Industrial Park"	Individual Service Station Site (with IM District)*	
		Conforming	Legal Non-Conforming
Convenience Store Up to 5,000 sq. ft.	X	SE	X
Car Wash Any type	X	SE	X

* - IM district may be overlayed on BM or BR in addition to MH, ML, MLR and MR

X - not permitted

SE - permitted by special exception

Table 4

PROPOSED REGULATIONS
CONVENIENCE STORE AND CAR WASH AT SERVICE STATIONS

BUSINESS ZONES (BL, BR, BH)

	"Planned Shopping Center"	Individual Service Station Site (with CR, CCC, AS* District)
	Conforming and Legal ** Non-Conforming	Conforming and Legal ** Non-Conforming
Convenience Store		
< 1,500 sq. ft.	R	R
> 1,500 sq. ft.	SE	SE
Car Wash		
Roll-Over	R	SE
Full Service	SE	SE
Self Service	SE	X

INDUSTRIAL ZONES (MLR, ML, MH)

	Industrial Park	Individual Site with IM District**
	Conforming and Legal ** Non-Conforming	Conforming and Legal *** Non-Conforming
Convenience Store		
< 1,500 sq. ft.	R	R
> 1,500 sq. ft.	SE	SE
Car Wash		
Roll-Over	R	R
Full Service	R	SE
Self Service	R	SE

* New district consolidating CSA, CNS, CS-1 and CS-2 and eliminating Commercial Motorway requirement.

** IM district may be overlayed on BM or BR in addition to MH, ML, MLR and MR.

*** Hearing may be required to establish legal non-conforming status and will be required if expansion will be beyond site limits.

X - not permitted
R - permitted by right
SE - permitted by special exception

Exhibit G

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

May 22, 2000

RECEIVED
COUNTY BOARD OF APPEALS
00 MAY 22 PM 2:10

County Board of Appeals
for Baltimore County
Courthouse
Towson, Maryland 21204
Attention: Kathleen Bianco

RE: Southland Corporation
Case No. 98-269-X

Dear Ms. Bianco:

Please find enclosed herewith Petitioner/Appellee Southland Corporation's Memorandum on Remand in the above captioned matter. We are transmitting an original and three copies for members of the Board.

It is my understanding that the Board will deliberate on this matter at 9:00 a.m. on June 28, 2000. I look forward to seeing you at that time.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

Enclosures

cc: I. William Chase, Esquire
Robert D. Sellers, Esquire
People's Counsel for Baltimore County
Southland Corporation

C:\docs\KMC\DCD\Letters\7-11

RE: PETITION FOR SPECIAL EXCEPTION * ON REMAND
3731 Crondall Lane, S/E corner Crondall
Lane and Owings Mills Boulevard * BEFORE THE
4th Election District, 3rd Councilmanic

* COUNTY BOARD OF APPEALS

JEAN SCHUSTER/SOUTHLAND CORP.
Petitioners * FOR BALTMORE COUNTY

(Circuit Court Civil No. 3-C-98-8520) * **CBA Case No.: 98-269-X**

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

MOTION TO RECONSIDER COMPLIANCE WITH SUBPOENA

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99 AUG 23 PM 1:45
COUNTY BOARD OF APPEALS

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY moves for reconsideration of its Subpoena and Petitioner's Motion to Quash, for these reasons:

1. On August 11, 1999, the Board granted Southland Corporation's Motion to Quash Subpoena.

2. The Board's decision even then violated the basic rules regarding subpoenas and the constitutional right to due process of law.

3. Board Rule 5 explicitly provides for subpoenas, and Maryland case law supports their liberal availability in administrative cases.

4. In the course of deliberations, Panel Member Charles Marks did state that the documents requested are relevant, and advised Southland that they should be produced.

5. Southland failed throughout the day to produced any of the requested documents.

6. Southland, moreover, produced expert witnesses to give *post hoc* opinions and did not produce its own marketing or site selection documents to them, thus further preventing disclosure.

7. Southland selectively produced documents assembled for its hearing presentation and not contemporaneous with actual site selection, marketing, and real estate decisions.

8. Moreover, Southland even failed to produce documents which purportedly are the basis for its experts' opinions, such as the ITE reports or articles upon which Richard Moore relied for his unsubstantiated conclusion that there is a .75 mile limit for primary trip generation.

9. Southland should be required to produce all documents listed in the People's Counsel subpoena.

10. Southland admitted at the June 11, 1998 hearing that marketing data exists, and has never since denied the existence of relevant documents.

11. Southland's resistance to document production obstructs the fair administration of justice in this case.

12. Southland should also be required to produce the documents footnoted in Moore's August 9 report.

13. The Board's approval and allowance of Southland's evasive position violates both its own Rule 5 and administrative due process of law.

14. If the Board persists in quashing People's Counsel's Subpoena, it is difficult to imagine any circumstance in which the Board would respect a party's basic right to use the subpoena power.

WHEREFORE, People's Counsel requests that Southland Corporation's Motion to Quash Subpoena be DENIED, and that Southland Corporation be ordered to comply with People's Counsel's Subpoena on the continued date of the Remand hearing, August 27, 1999.

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County

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

STATEMENT OF POINTS AND AUTHORITIES

1. In addition to the cases cited in People's Counsel's Answer to Motion to Quash, the Board should take note of Maryland Aggregates v. State, 337 Md. 658, 686-87 (1995):

> "This Court has recently explained the nature of the guarantee of procedural due process in the context of administrative proceedings (*Maryland State Police v. Ziegler,* 330 Md. 540, 559, 625 A.2d 914, 923 (1993)):
>
> 'Procedural due process, guaranteed to persons in this State by Article 24 of the Maryland Declaration of Rights, requires that administrative agencies performing adjudicatory or quasi-judicial functions observe the basic principles of fairness as to parties appearing before them. *See, e.g., Schultz v. Pritts,* [291 Md. 1, 7, 432 A.2d 1319, 1323 (1981)]; *Ottenheimer Pub. v. Employ. Sec. Adm.,* 275 Md. 514, 520, 340 A.2d 701, 704 (1975); *Rogers v. Radio Shack,* 271 Md. 126, 129, 314 A.2d 113, 115 (1974); *Dal Maso v. Bd. of Co. Comm'rs., supra,* 238 Md. [333] at 337, 209 A.2d [62] at 65 [(1965)]. *See also Heft v. Md. Racing Comm'n.,* 323 Md. 257, 270-72, 592 A.2d 1110, 1116-1118 (1991), and authorities there cited.'"

2. The Court said in People's Counsel v. Beachwood, 107 Md.App. 627, 650 (1995):

"The Court of Appeals and this Court have stated that an opinion, even that of an expert, is not evidence strong or substantial enough to show error in a comprehensive rezoning unless the reasons given by the witness as the basis for his opinion, or other supporting facts relied upon by him, are themselves substantial and strong enough to do so."

Peter Max Zimmerman
PETER MAX ZIMMERMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of August, 1999, a copy of the foregoing Motion to Reconsider was ~~mailed~~ hand-delivered to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioners, and mailed to I. William Chase, Esq., 1190 W. Northern Pkwy., Suite 124, Baltimore, MD 21210, and hand-delivered to Robert D. Sellers, Esq., 401 Washington Avenue, Suite 303, Towson, MD 21204, attorneys for Protestants.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG 20 AM 11:22

Re:	IN THE MATTER OF JEAN SCHUSTER/SOUTHLAND CORPORATION 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic	* * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
	Applicant/Appellee	*	Case No. 98-269X
		*	

* *

MOTION TO QUASH

Southland Corporation, Appellee, by its attorney, Deborah C. Dopkin, and Deborah C. Dopkin, P.A., in response to the Subpoena filed by Appellants' counsel Robert D. Sellers, Esquire, respectfully submits this Motion to Quash, and states as reasons therefore:

1. That on August 11, 1999, at an open hearing before this Board, Appellants, by counsel Mr. Sellers, adopted the subpoena previously filed by People's Counsel. The Subpoena of People's Counsel sought the same documents and materials sought by the subject Subpoena. After hearing argument, and conducting an open deliberation, this Board **quashed** the Subpoena of People's Counsel.

2. That by adopting the prior Subpoena, which has been argued, considered and quashed, Appellant, by its counsel, should be barred from pursuing the subject Subpoena seeking the same documents and information.

3. Southland did not maintain a Retail Information System ("RIS") at the time the site was selected, and therefore could not and did not use or rely upon the same in selecting the site.

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

WHEREFORE, Appellee prays:

A. That this Motion to Quash be granted;

B. That the Subpoena be quashed; and

C. Such other and further relief as the nature of this cause may require.

Deborah C. Dopkin
Deborah C. Dopkin, P.A.
409 Washington Avenue
Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 20th day of August, 1999, a copy of the aforegoing Motion To Quash was mailed, postage prepaid to Peter Max Zimmerman, Esquire, Office of People's Counsel, Room 47, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204; I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, Maryland 21210-1431; and to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204.

Deborah C. Dopkin

C:\docs\DCD\ZONING\7-11\quash2.mot.wpd

7/1/99

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondall Lane, S/E corner Crondall Lane and Owings Mills Boulevard 4th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	FOR
JEAN SCHUSTER/SOUTHLAND CORP. Petitioners	*	BALTMORE COUNTY
	*	**Case No.: 98-269-X**

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

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COUNTY BOARD OF APPEALS
99 JUL 20 PM 3:21

ANSWER TO MOTION TO QUASH

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY answers the Motion to Quash as follows:

1. To satisfy the Board rule regarding Statement of Purpose, PEOPLE'S COUNSEL is refiling simultaneously herewith an amended Subpoena which adds a general statement of purpose. Therefore, this issue is moot.

2. As to SOUTHLAND'S specific objections to Paragraphs 2 and 3 of the Subpoena, they are without basis because the documents and information requested are relevant to the inquiry before the Board.

3. In its June 3, 1999 Order, the Board of Appeals stated:

"In summary, the Board concurred that additional testimony and evidence would be helpful in determining factual considerations from additional testimony and evidence relevant to Sections 253 and 405 of the BCZR. Section 253 deals with auxiliary retail or service uses or semi-industrial uses in an I.M. district, and in particular the interpretation of a food / convenience store; and fuel service station in a planned industrial park only - subject to Section 405 (Bill #172-1993).

The Board will hear additional testimony and evidence concerning the factual requirements of the proposed facility 'serving primarily the industrial uses and relating activities in the surrounding industrial area'; and legal argument concerning Section 405, recognizing that there may be an overlapping in counsel offering such testimony and evidence in satisfying Judge Daniels' requirement concerning findings as to Petitioner's compliance with both Section 253 and Section 405."

4. To determine compliance with Sections 253 and 405, consistent with the Circuit Court Order, it will be important to have evidence and argument, which may be overlapping, as to marketing and service area, and as to the nature of the store: food, convenience, or both.

5. As to Subpoena Paragraph 2, the information concerning alternative sites may be relevant in that it will show the type of customer base anticipated to be served and will reflect the true nature of the proposed land use and service characteristics.

6. As to Subpoena Paragraph 3, the information regarding products will further assist in the understanding of the market area. It will be relevant to a determination of the type of store. In addition, the type of products sold at the store may be probative of the true service area of the service station as well.

7. Article 25A, Sec. 5(U) of the Annotated Code of Maryland and Charter Sec. 603 provide for Board of Appeals hearings with notice and opportunity to be heard, and authorize rules of procedure.

8. The Board's Rule 5 confirms the right of any party to apply for a subpoena.

9. A subpoena is legitimate where it is authorized by statute, the information sought is relevant, and the demand is not too indefinite or overbroad. See Banach v. State Comm'n. on Human Relations, 277 Md. 502, 506 (1976), requiring compliance with substantial subpoena *duces tecum*.

10. The subpoena power is a fundamental element of procedural due process of law. Tron v. Prince George's County, 69 Md.App. 256 (1986).

11. In the present case, it is outrageous for Petitioners to claim that there is compliance with Sections 253 and 405, and yet resist the production of information which appears to be relevant to the inquiry.

12. Once the documents and appropriate witness or witnesses are produced, the Board may resolve any disputed questions about their admissibility at the hearing.

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of July, 1999, a copy of the foregoing Answer to Motion to Quash was mailed to Deborah C. Dopkin, Esq., 409 Washington Avenue, Suite 920, Towson, MD 21204, attorney for Petitioners, to I. William Chase, Esq., 1190 W. Northern Pkwy., Suite 124, Baltimore, MD 21210, and to Robert D. Sellers, Esq., 401 Washington Avenue, Suite 303, Towson, MD 21204, attorney for Protestants.

PETER MAX ZIMMERMAN

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL 14 PM 1:59

Re:	IN THE MATTER OF JEAN SCHUSTER/SOUTHLAND CORPORATION 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
	Applicant/Appellee	*	Case No. 98-269X

* *

MOTION TO QUASH

Southland Corporation, Appellee, by its attorney, Deborah C. Dopkin, and Deborah C. Dopkin, P.A., in response to the Subpoena filed by People's Counsel for Baltimore County, respectfully submits this Motion to Quash, and states as reasons therefore:

1. That, in general, the subpoena fails to comply with the Rules of Practice and Procedure of the Baltimore County Board of Appeals in that it fails to set forth a general statement as to its purpose.

2. That Paragraphs 2 and 3 of the subpoena should be quashed because each is beyond the narrowly defined scope of the testimony to be considered by the County Board of Appeals and the requirements of §253.2.B.1.

3. That Paragraph 2 of the subpoena seeks information regarding alternative sites; such information is beyond the legal standard for a special exception.

4. That Paragraph 3 of the subpoena is irrelevant to §253.2.B.1 and of no probative value since it requests information concerning products to be sold at the proposed site other than at the fuel service station.

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

WHEREFORE, Appellee prays:

A. That this Motion to Quash be granted;

B. That the Subpoena be quashed in whole or in part; and

C. Such other and further relief as the nature of this cause may require.

Deborah C. Dopkin
Deborah C. Dopkin, P.A.
409 Washington Avenue
Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellee

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 14 day of July, 1999, a copy of the aforegoing Motion To Quash was mailed, postage prepaid to Peter Max Zimmerman, Esquire, Baltimore County, Maryland, Office of People's Counsel, Room 47, Old Courthouse, 400 Washington Avenue Towson, Maryland 21204; I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, Maryland 21210-1431; and to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204.

Deborah C. Dopkin

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 15, 1999

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, MD 21204

RE: In the Matter of Jean Schuster
/Southland Corporation
Case No. 98-269-X /Motion to Quash

Dear Ms. Dopkin:

The Board is in receipt of your Motion to Quash filed on behalf of Southland Corporation in the subject matter.

Your Motion has been made part of the subject file, and the Board will receive argument on this Motion at the start of the hearing scheduled for Wednesday, August 11, 1999 at 10:00 a.m.

Should you have any questions, please don't hesitate to contact this office.

Very truly yours,

Kathleen C. Bianco
Administrator

cc: Peter Max Zimmerman
People's Counsel for Baltimore County
I. William Chase, Esquire
Robert D. Sellers, Esquire

FILE

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IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
JEAN SCHUSTER -LEGAL OWNER;	*	COUNTY BOARD OF APPEALS
SOUTHLAND CORPORATION,		
ASSIGNEE OF CRONDALL LANE LLC-	*	OF
APPLICANT FOR A SPECIAL		
EXCEPTION ON PROPERTY LOCATED	*	BALTIMORE COUNTY
ON THE SE/COR CRONDALL LANE		
AND OWINGS MILLS BOULEVARD	*	CASE NO. 98-269-X
(3731 CRONDALL LANE)		
4TH ELECTION DISTRICT	*	(Reference Civil Action
3RD COUNCILMANIC DISTRICT		No. 3-C-98-08520)

* * * * * * * * *

RULING ON MOTION TO TAKE NEW EVIDENCE

This case was remanded back to the Baltimore County Board of Appeals by order of Judge Lawrence R. Daniels of the Circuit Court for Baltimore County with instructions to the Board to make findings with regard to the compliance of the Petitioner with Sections 253 and 405 of the Baltimore County Zoning Regulations [reference Bucktail v. County Council of Talbot County, 352 Md. 530 (1999)].

Judge Daniels left it up to the discretion of the Board to determine if sufficient factual findings already existed based on the testimony and evidence submitted at the prior public hearings; and, if not, whether additional evidence and testimony should be offered so that the Board would "hear more than one side of the story."

To that end, the Board heard oral argument on May 27, 1999 on the Motion to Take New Evidence filed by Robert D. Sellers, Esquire, and William Chase, Esquire. Argument was received from Deborah Dopkin, Esquire, representing the Petitioner; William Chase, Esquire, representing Beth Israel Synagogue; Robert D. Sellers, Esquire, representing Appellant; and Peter Max Zimmerman,

People's Counsel for Baltimore County, all of whom had submitted appropriate Motions and Responses supporting their positions.

The Board members individually had the opportunity to review the transcript of the original proceedings, and a public deliberation took place on Wednesday, June 2, 1999 at 9:30 a.m.

In summary, the Board concurred that additional tesitmony and evidence would be helpful in determining factual considerations from additional testimony and evidence relative to Sections 253 and 405 of the BCZR. Section 253 deals with auxiliary retail or service uses or semi-industrial uses in an I.M. district, and in particular the interpretation of a food /convenience store; and fuel service station in a planned industrial park only - subject to Section 405 (Bill #172-1993).

The Board will hear additional testimony and evidence concerning the factual requirements of the proposed facility "serving primarily the industrial uses and relating activities in the surrounding industrial area"; and legal argument concerning Section 405, recognizing that there may be an overlapping in counsel offering such testimony and evidence in satisfying Judge Daniels' requirement concerning findings as to Petitioner's compliance with both Section 253 and Section 405.

The Board has scheduled public hearings in connection therewith, due notice of which shall be provided all interested parties.

THEREFORE, IT IS THIS 3rd day of June, **1999 by the** County Board of Appeals of Baltimore County

ORDERED that Protestant's Motion to Take New Evidence be and the same is hereby **GRANTED**; and it is further

ORDERED that the Board will hear additional testimony and evidence **ONLY AS TO THE LIMITED ISSUE** of the factual requirements of the proposed facility "serving primarily the industrial uses and relating activities in the surrounding industrial area"; and legal argument concerning Sections 253 and 405 of the BCZR pursuant to this Ruling.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Charles L. Marks

Thomas P. Melvin

County Board of Appeals of Baltimore County

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

June 3, 1999

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

RE: Case No. 98-269-X /Jean Schuster
/Southland Corp (Crondall Lane LLC)
Ruling on Motion to Take New Evidence

Dear Mr. Sellers:

Enclosed please find a copy of the Board's Ruling on Motion to Take New Evidence issued this date in the subject matter.

Notice of Assignment for hearing will be sent to all parties pursuant to the Board's Ruling.

Very truly yours,
Charlotte E. Radcliffe for
Kathleen C. Bianco
Administrator

encl.

cc: Ms. Ellen Saval
Deborah C. Dopkin, Esquire
Ms. Jean Schuster
Southland Corporation
c/o Deborah C. Dopkin, Esq.
Ken Colbert /Colbert Matz Rosenfelt, Inc.
I. William Chase, Esquire
Ms. Marilyn Schloss
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
People's Counsel for Baltimore County
Lawrence E. Schmidt
Donald Rascoe, Project Mgr. /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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on Recycled Paper

5 1.3.1999

RE:	IN THE MATTER OF JEAN SCHUSTER - LEGAL OWNER 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
	Southland Corporation, Assignee of Crondall Lane, LLC	*	
	Applicant/Appellee	*	Case No. 98-269X

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

ANSWER IN OPPOSITION TO MOTION TO TAKE NEW EVIDENCE

Petitioner, Southland Corporation, by its counsel, Deborah C. Dopkin and Deborah C. Dopkin, P.A., files this Answer in Opposition to Protestant's Motion To Take New Evidence and to People's Counsel letter of May 6, 1999, and states:

1. The proceedings and Order of the Circuit Court for Baltimore County remanding the case to the County Board of Appeals does not require that the Board take additional evidence, but expressly leaves that matter to the discretion of this Board. (Circuit Court Tr. pp. 12-17)

2. Protestant's brought this appeal on April 21, 1998 after participating in the hearing before the Zoning Commissioner on January 30, 1998.

3. On May 13, 1998, at Protestant's request, this Board granted Protestant leave for the express purpose of retaining counsel and preparing for the hearing.

4. At the hearing on June 9, 1998, Protestant's counsel informed the Board that he was retained merely days before that hearing; and that because Protestant retained him so late in the

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

COUNTY BOARD OF APPEALS RECEIVED
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proceeding, he had little time to prepare. The Board considered and addressed the issue at the time of the hearing.

5. The proceedings before this Board of Appeals occupied three separate days during June, 1998, effectively providing Protestants additional time in which to evaluate the case, call witnesses and present evidence to the Board. Protestants had further opportunity to present their case in post-hearing memoranda.

6. Contrary to allegations by both Protestants and People's Counsel, Protestants did in fact present evidence, witnesses and argument before the Board, and in particular regarding compliance with Section 253 of the Baltimore County Zoning Regulations ("B.C.Z.R.), which issues were fully and properly considered by this Board.

7. The question of the applicability of Section 253.1C.12 (whether or not a convenience store, as defined in the B.C.Z.R., is a food store subject to a maximum gross floor area of 2,500 sq. ft.) was the subject of testimony by more than one witness (CBA Tr., Day 2, pp 71-75 and p. 121; Day 3, pp 110-115) and of argument before the Board. The issue is purely one of law regarding statutory interpretation, on which the Board is able to rule without taking further evidence or argument. However, without prejudicing itself or waiving the issue before this Board, Southland will agree to limit the size of the convenience store to a maximum of 2,500 square feet.

8. Every issue identified by Protestants has already been heard and decided by the Board. Though Protestants allege a need to present further evidence, they have not submitted the nature or extent of the same nor the identity of any expert witness, in accordance with this Board's Rules of Practice and Procedure.

9. People's Counsel now maintains that it is not enough for the Board to simply render new findings to support the Board's July 24, 1998 approval, while at the Circuit Court hearing, People's Counsel argued the need for just such findings. [1]

10. People's Counsel claims that while the issue of notice and procedural due process was resolved in Southland's favor by the Circuit Court, the same remains an issue in the event of further appeal; even if this is so, that matter is unaffected by whether or not the Board holds yet another hearing.

11. People's Counsel suggests that the meaning of the Circuit Court proceedings is not clear on its face and must be explained to the Board, when, in fact, the Order and transcript speak for themselves.

12. This Board has expended considerable time and resources in allowing a full and fair hearing, giving wide latitude to Protestants.

13. This Board rendered a lengthy and thorough decision considering the facts, the law and the issues raised by Protestant,

---

[1] People's Counsel in arguing for such findings quoted from Hamlet, where the Queen chided Polonious: "More matter with less art." Act II, scene ii, v.95.

and making proper inferences and conclusions from the evidence before it.

14. It is both audacious and disingenuous for Protestant to come before this Board complaining it had no opportunity to prepare after having attended the hearing before the Zoning Commissioner, having initiated the appeal before this Board, and having been granted a prior extension for the express purpose of retaining counsel to prepare! Protestant's motion is a ploy to further delay the effect of the July 24, 1998 approval.

15. To grant a further evidentiary hearing and expend the Board's time and resources neither serves the interests of justice nor shows appropriate regard for interests of judicial economy.

WHEREFORE, Petitioner prays:

A. That this Board deny People's Counsels request and Protestant's Motion to Take New Evidence;

B. That the Board make the findings pursuant to the Order of the Circuit Court for Baltimore County without further delay; and

C. Such other and further relief as the nature of its cause may require.

Deborah C. Dopkin
Deborah C. Dopkin, P.A.
409 Washington Avenue
Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 13th day of May, 1999, a copy of the aforegoing Answer Opposing Motion to Take New Evidence was mailed, postage prepaid to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204; and to I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, Maryland 21210-1431; and to Peter Max Zimmerman, Esquire, People's Counsel, 400 Washington Avenue, Towson, Maryland 21204.

Deborah C. Dopkin

C:\docs\DCD\ZONING\7-11\Answer Opposing New Evidence

4/20/99

RE:	IN THE MATTER OF JEAN SCHUSTER - LEGAL OWNER 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic Southland Corporation, Assignee of Crondall Lane, LLC Applicant/Appellee	* BEFORE THE * COUNTY BOARD OF APPEALS * OF * BALTIMORE COUNTY * * Case No.: 98-269X	99 APR 30 PM 1:40 COUNTY BOARD OF APPEALS BALTIMORE COUNTY

MOTION TO TAKE NEW EVIDENCE

Protestants, by counsel, I. William Chase and Robert D. Sellers, move for leave to present additional evidence and in support thereof state:

1. This matter has been remanded to the Baltimore County Board of Appeals by Orders of the Circuit Court for Baltimore County dated March 29, 1999 and April 26, 1999.

2. Those Orders remand the case to the Board of Appeals to "take such evidence as the Board in its discretion feels is necessary."

3. Furthermore, the Court in rendering its opinion in this matter, stated "I think that the Board should accept additional evidence in this case. Again, for a full and proper hearing on the issues before the Board, the Board should hear more than just simply one side of the story. They should hear both sides of the issue." Excerpted transcript March 4, 1999, page 129.

4. Protestants were not prepared at the previous hearing of this matter before the Board of Appeals to go forward on issues which were added by amendment at that hearing and were prejudiced by not having time to gather and present evidence on issues raised

by the amendment.

5. Protestants have important and relevant evidence to present to the Board which was not available to them at the time of the previous hearing on the issue of compliance of BCZR §253.

6. The Court has also indicated that the issue of whether or not the proposed use is a "food store" under the BCZR §253 is to be considered by the Board. That issue was only briefly addressed at the previous hearing and not referred to at all in the Board's opinion.

7. In order to have a full and fair hearing on all relevant issues; and to address the Circuit Court's concerns; it is in the interest of judicial/administrative economy to present new evidence before the Board at this time.

WHEREFORE, Protestants move for leave to present additional evidence to the Board of Appeals.

I. William Chase by RDS
I. William Chase
1190 W. Northern Parkway
Suite 124
Baltimore, Md. 21210-1431
410-433-4100

Robert D. Sellers
Robert D. Sellers
401 Washington Ave.
Suite 303
Towson, Md. 21204
410-583-1712

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of April, 1999, a copy of the foregoing Motion to Take New Evidence was mailed first class, postage prepaid, to Deborah Dopkin, Esquire, 409 Washington Ave., Suite 920, Towson, Md. 21204, Attorney for Southland, and to Peter Max Zimmerman, Peoples' Counsel, 400 Washington Ave., Towson, Md. 21204.

Robert D. Sellers

docs\saval\evidenc.mot

2/26/99

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204	*	CIRCUIT COURT
	*	FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER/SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane), 4th Election District, 3rd Councilmanic	*	BALTIMORE COUNTY
	*	Civil No. 03-C-98-8520
Case No. CBA-98-269-X before the County Board of Appeals of Baltimore County	*	

* * * * * * * * * * *

ORDER

Upon consideration of Southland Corporation's Motion to Reconsider, it is this 26th day of April, 1999, by the Circuit Court for Baltimore County,

ORDERED that the Motion to Reconsider be, and the same is hereby GRANTED

Lawrence R. Daniels

LAWRENCE R. DANIELS, Judge

C:\docs\DCD\ZONING\7-11\reconsider.ord.wpd

True Copy Test
SUZANNE MENSH, Clerk
Assistant Clerk

FILED APR 27 1999

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204	*	CIRCUIT COURT FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER/SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane), 4th Election District, 3rd Councilmanic	*	BALTIMORE COUNTY
Case No. CBA-98-269-X before the County Board of Appeals of Baltimore County	*	Civil No. 03-C-98-8520

* * * * * * * * * * *

AMENDED ORDER

Upon reconsideration of the record, and for reasons stated in open court on March 4, 1999, the Order dated March 29, 1999, by the Circuit Court for Baltimore County is hereby **AMENDED** to provide:

1. **ORDERED** that the Order of the County Board of Appeals for Baltimore County dated July 24, 1998, granting a special exception to permit a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station at the subject site, be, and hereby is, ~~**AFFIRMED, in part, and it is further**~~ GRD

2. ~~**ORDERED** that this case be, and hereby is~~ CD **REMANDED** to the County Board of Appeals to take such evidence as the Board in its discretion, feels is necessary, and to make specific factual findings with regard to compliance with Sections 253

FILED APR 27 1999

and 405 of the Baltimore County Zoning Regulations, consistent with the Opinion of this Court.

LAWRENCE R. DANIELS, Judge

26 AUG 99

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True Copy Test
SUZANNE MENSH, Clerk
Per _____
Assistant Clerk

130/99

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-98-008520

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Room 49, Old Courthouse
Towson, MD 21204

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COUNTY BOARD OF APPEALS
RECEIVED

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204	*	CIRCUIT COURT
	*	FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER/SOUTHLAND CORP.**	*	
FOR A SPECIAL EXCEPTION for property located on the S/E corner corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane), 4th Election District, 3rd Councilmanic	*	BALTIMORE COUNTY
	*	Civil No. 03-C-98-8520
Case No. CBA-98-269-X before the County Board of Appeals of Baltimore County	*	

* * * * * * * * * * *

MOTION TO RECONSIDER

Deborah C. Dopkin, and Deborah C. Dopkin, P.A., attorney for Respondent Southland Corporation, and files this Motion to Reconsider the Order of this Honorable Court dated March 29, 1999. The grounds for the Motion are as follows:

1. That on March 4, 1999, after a full hearing on the merits at which argument was presented by all parties, the Honorable Lawrence Daniels ruled from the bench, **affirming**, in part, and **remanding**, in part, the decision of the County Board of Appeals of Baltimore County.

2. That Order signed by Judge Daniels does not reflect the substance of the ruling in open court, which **did not**

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

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99 APR -5 PM 1:19
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

vacate the decision of the Board of Appeals, as stated in that Order.

3. That this Court expressly stated that the petition and notice provided therein were adequate, as a matter of law. (Transcript p. 118, lines 17-24 and p. 119, lines 14-18.) Thus, the Court did not vacate, but in fact upheld the decision of the Board of Appeals on two issued raised by Appellant/Petitioner.

4. That this Court expressly found that Section 405 of the Baltimore County Zoning Regulations did not render nugatory Section 253 of those regulations. (Transcript p. 121, lines 12-21).

5. That this Court expressly held that the matter be **remanded** to the Board of Appeals to make findings with regard to compliance with both Sections 253 and 405 (Transcript p. 128, lines 18-23)

6. That this Court expressly ordered that the case be **remanded** to the Board "to take evidence *if the Board feels it's necessary*, and to make specific factual finding in support of the conclusions that it reaches with regard to the compliance" with Section 253 and 405. (emphasis added) (Transcript p. 12, lines 13-18).

7. That the proceedings of the March 4, 1999 hearing were **not** attached to the Order, as stated therein.

8. That, unless revised in accordance with the record, the Order **is confusing, misleading and incorrectly directs** the Board of Appeals with respect to the decision of this Court and the action to be taken pursuant thereto.

WHEREFORE, Southland Corporation requests that the Court **reconsider and amend** the Order of March 29, 1999 to be consistent with the proceedings and record before it.

Deborah C. Dopkin
409 Washington Avenue, Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Southland
Corporation, Respondent

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 5th day of April, 1999, a copy of the foregoing Motion to Reconsider was hand delivered or mailed, postage prepaid to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204; I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, MD, 21210, Attorneys for Appellant; and to People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

Deborah C. Dopkin

C:\docs\DCD\ZONING\7-11\RECONSIDER.MOT.wpd

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204	*	CIRCUIT COURT
	*	FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER/SOUTHLAND CORP.**	*	
FOR A SPECIAL EXCEPTION for property located on the S/E corner corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane), 4th Election District, 3rd Councilmanic	*	BALTIMORE COUNTY
	*	Civil No. 03-C-98-8520
Case No. CBA-98-269-X before the County Board of Appeals of Baltimore County	*	

* * * * * * * * * * *

ORDER

Upon consideration of Southland Corporation's Motion to Reconsider, it is this ____ day of _____, 1999, by the Circuit Court for Baltimore County,

ORDERED that the Motion to Reconsider be, and the same is hereby _____.

_____

LAWRENCE R. DANIELS, Judge

C:\docs\DCD\ZONING\7-11\reconsider.ord.wpd

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

99 APR 15 PM 1:26
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

April 5, 1999

Clerk,
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: In the Matter of Jean Schuster/Southland Corp.
Case No. 03-C-98-8520

Dear Madam Clerk:

Enclosed for filing please find Motion to Reconsider, along with proposed Order and Amended Order with regard to the above captioned matter.

Thank you for your assistance.

Very truly yours,

Deborah C. Dopkin

DCD/kmc
Enclosures

cc: Robert D. Sellers, Esquire
I. William Chase, Esquire
People's Counsel for Baltimore County
Southland Corporation

C:\docs\kmc\DCD\LETTERS\Southland Clerk

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204	*	CIRCUIT COURT
	*	FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER/SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane), 4th Election District, 3rd Councilmanic	*	BALTIMORE COUNTY
	*	Civil No. 03-C-98-8520
Case No. CBA-98-269-X before the County Board of Appeals of Baltimore County	*	

* * * * * * * * * * *

AMENDED ORDER

Upon reconsideration of the record, and for reasons stated in open court on March 4, 1999, the Order dated March 29, 1999, by the Circuit Court for Baltimore County is hereby **AMENDED** to provide:

1. **ORDERED** that the Order of the County Board of Appeals for Baltimore County dated July 24, 1998 granting a special exception to permit a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station at the subject site, be, and hereby is, **AFFIRMED, in part**; and it is further

2. **ORDERED** that this case be, and hereby is **REMANDED** to the County Board of Appeals to take such evidence as the Board in its discretion, feels is necessary, and to make specific factual findings with regard to compliance with Sections 253

and 405 of the Baltimore County Zoning Regulations, consistent with the Opinion of this Court.

LAWRENCE R. DANIELS, Judge

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1/29/99

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	CIRCUIT COURT
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER / SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner Crondall Lane and Owings Mills Blvd. (3731 Crondall Lane) 4th Election District, 3rd Councilmanic District	*	FOR
	*	BALTIMORE COUNTY
Case No. 98-269-X before the County Board of Appeals of Baltimore County	*	Civil No. 3-C-98-8520

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

ORDER

March 4th Order

Upon review of the record, including memoranda and argument of counsel, and for reasons stated in open court on March 4, 1999, it is, this 29th day of March, 1999, by the Circuit Court for Baltimore County

ORDERED that the Order of the County Board of Appeals for Baltimore County dated July 24, 1998 granting a special exception to permit a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station at the subject site, be, and hereby is, VACATED; and it is further

ORDERED that this case be, and hereby is REMANDED to the County Board of Appeals for Baltimore County for proceedings consistent with the March 4, 1999 Opinion of this Court, which is attached hereto.

Lawrence R. Daniels
LAWRENCE R. DANIELS, Judge

FILED MAR 31 1999

Alice Potter Prevas

2/22/98

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY *

PETITION(S) OF: *

Beth Israel Congregation *
3706 Crondall Lane
Owings Mills, MD 21117 *

Ellen Saval *
7 Red Maple Court
Owings Mills, MD 21117 *

AND *

People's Counsel for Baltimore County *
Old Courthouse, Room 47
400 Washington Avenue *
Towson, MD 21204

FOR JUDICIAL REVIEW OF THE DECISION OF * CIVIL
THE COUNTY BOARD OF APPEALS ACTION
OF BALTIMORE COUNTY * No. 3-C-98-008520
Room 49, Old Courthouse, 400 Washing-
ton Avenue, Towson, MD 21204 *

IN THE CASE OF: IN THE MATTER *
JEAN SCHUSTER - LEGAL OWNER;
SOUTHLAND CORPORATION, ASSIGNEE OF *
CRONDALL LANE LLC - APPLICANT
FOR A SPECIAL EXCEPTION ON PROPERTY *
LOCATED ON THE SOUTHEAST CORNER
CRONDALL LANE AND OWINGS MILLS *
BOULEVARD (3731 CRONDALL LANE)
4TH ELECTION DISTRICT *
3RD COUNCILMANIC DISTRICT
CASE NO. 98-269-X *

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

SUPPLEMENTAL RECORD OF PROCEEDINGS (TRANSCRIPT)
BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Kristine K. Howanski, Lawrence M. Stahl, and Charles L. Marks, constituting the County Board of Appeals of Baltimore County, and herewith supplement the previously filed record with the following entries and/or documents:

October 23, 1998	Order of the Circuit Court; that Motion to Extend time is granted; record to be submitted by December 22, 1998. (J. Norris Byrnes, Judge)
December 22, 1998	Completed transcript received by Board of Appeals from Court Reporter (hearing date of May 13, 1998).
December 22, 1998	Supplement to Record of Proceedings filed in the Circuit Court this date consisting only of the transcript of proceedings before the Board to complete record previously filed in the Circuit Court on October 23, 1998, Case No. 03-C-98-008520. Note: Circuit Court file - Case No. 3-C-98-008520 is herewith returned and attached. **Transcript of proceedings before the County Board of Appeals filed as supplement herewith pursuant to Order of the Circuit Court for Baltimore County dated October 23, 1998.**

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted has now been fully forwarded to the Court with the supplemental filing of the attached transcript of proceedings.

Respectfully submitted,

Charlotte E Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals of Baltimore
County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Robert D. Sellers, Esquire
I. William Chase, Esquire
Ellen Saval
Beth Israel Congregation
Deborah C. Dopkin, Esquire
Southland Corporation
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

C78 85 20

10/24/98

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY *
PETITION OF:

*

Beth Israel Congregation
3706 Crondall Lane *
Owings Mills, Md. 21117

*

Ellen Saval
7 Red Maple Court *
Owings Mills, Md. 21117

*

FOR JUDICIAL REVIEW OF THE DECISION OF THE * CIVIL
COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY * ACTION
400 Bosley Ave * No.
Towson, MD 21204 *
Basement

IN THE MATTER OF: JEAN SCHUSTER; SOUTHLAND CORPORATION, ASSIGNEE OF CRONDALL LANE LLC - APPLICANT FOR A SPECIAL EXCEPTION, Case No. 98-269-X

Case: 03-C-98-006529
CF-Civil Fili
Appearance Fee 10.00
TOTAL $100.00
COMMENT:
both israel congregation
Receipt #
Cashier: RK
08/24/98 10:37

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

PETITION FOR JUDICIAL REVIEW

Petitioners, all parties below, by and through their counsel, I. William Chase, for Beth Israel Congregation and Robert D. Sellers, for both Petitioners, request judicial review of the Opinion and Order issued on July 24, 1998, by the County Board of Appeals of Baltimore County in the matter of Jean Schuster; Southland Corporation, Assignee of Crondall Lane LLC, Case No. 98-269-X.

Robert D. Sellers
401 Washington Ave., Suite 303
Towson, Md. 21204
410-583-1712

I. William Chase by RDS
I. William Chase
1190 W. Northern Pkwy., Ste 124
Baltimore, Md. 21210
410-433-4100

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CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

12/26/97

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-98-008520

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Bosley Ave
Baltimore, MD 21204

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COUNTY BOARD OF APPEALS
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COUNTY BOARD OF APPEALS

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IN RE: APPLICATION OF JEAN SCHUSTER & SOUTHLAND CORPORATION FOR A SPECIAL EXCEPTION	*	IN THE CIRCUIT COURT
	*	FOR BALTIMORE COUNTY
(APPEAL FROM BOARD OF APPEALS OF BALTIMORE COUNTY No. 98 269X)	*	Case No. C-98-8520
	*	

* * * * * * * * * * *

ORDER

This case involves the Petition of Beth Israel Congregation for Judicial Review of a decision of the County Board of Appeals for Baltimore County granting a special exception on a piece of property located on the southeast corner of Crondall Lane and Owings Mills Boulevard. Immediately before the Court is the Petitioner's Motion to Extend Time to Transmit the Record and Appellee's Opposition.

The Petition was filed in a timely manner. Maryland Rule 7-206 requires Petitioner to see to it that a certified copy of the record of the proceedings of the Board of Appeals are forwarded to the Circuit Court "within sixty days after the agency receives the first Petition for Judicial Review." The first Petition was received on August 24, 1998 and therefore the record was due in the Circuit Court on Friday, October 23, 1998.

Petitioner did not request that agency transmit the record, giving as reasons the fact that Appellee had filed a Motion To Dismiss and also that the parties were discussing settlement. Appellee vigorously protests the Motion arguing that the real reason behind the failure to request

FILED OCT 23 1998

the record is Petitioner's continuing attempt to delay the project.

Without reaching the merits of Petitioner's argument, the Court notes that frequently it grants motions to extend the time for filing. The Court will grant Petitioner's Motion and extend the time for filing the record to Tuesday, December 22, 1998. Petitioner has forfeited the first sixty days and there will be no more extensions. Accordingly, it is this 23rd day of October 1998 by the Circuit Court for Baltimore County

ORDERED that the Motion to Extend Time to Transmit the Record is extended to Tuesday, December 22, 1998 and it is further

ORDERED that there will be no more extensions of time granted and if the record it not transmitted by December 22, 1998 the Appeal will be dismissed.

Judge

True Copy Test
SUZANNE MENSH, Clerk

Assistant Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-98-008520

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Room 49, Old Courthouse
Towson, MD 21204

10/23/98

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION(S) OF:

Beth Israel Congregation
3706 Crondall Lane
Owings Mills, MD 21117

Ellen Saval
7 Red Maple Court
Owings Mills, MD 21117

AND

People's Counsel for Baltimore County
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER
JEAN SCHUSTER - LEGAL OWNER;
SOUTHLAND CORPORATION, ASSIGNEE OF
CRONDALL LANE LLC - APPLICANT
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER
CRONDALL LANE AND OWINGS MILLS
BOULEVARD (3731 CRONDALL LANE)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 98-269-X

CIVIL
ACTION
No. 3-C-98-008520

RECEIVED AND FILED
98 OCT 23 PM 2:5[illegible]
CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now come Lawrence M. Stahl, Charles L. Marks, and Thomas P. Melvin, constituting the County Board of Appeals of Baltimore County, and in answer to the Petition for Judicial Review directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the

Department of Permits and Development Management and the Board of Appeals of Baltimore County:

ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT OF BALTIMORE COUNTY

No. 98-269-X

January 20, 1998	Petition for Special Exception filed by Deborah C. Dopkin, Esquire, on behalf of Jean Schuster, Legal Owner, and Crondall Lane, LLC, Contract Purchaser, for a convenience store with the sales area larger than 1500 sq. ft. to be used in combination with a fuel service station.
February	Certificate of Posting.
February	Publication in newspaper.
February 18	ZAC Comments.
February 26	Entry of Appearance filed by People's Counsel for Baltimore County.
March 6	Hearing held on Petition for Special Exception by the Zoning Commissioner. (The subject special exception petition was heard by the Zoning Commissioner as part of a Development Plan hearing).
March 17	Order of the Hearing Officer /Zoning Commissioner in which (development plan was approved and) Petition for Special Exception was GRANTED with resrictions.
April 15	Notice of Appeal filed by Ellen M. Saval, Protestant.
May 1	Request for Postponement was filed by Ellen M. Saval, to allow time to retain an attorney (and noted that this is a special exception matter and not a hearing on a development plan).
May 4	Motion to Deny Request for Postponement filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation, Appellee (notes that development plan approval is connected to and dependent upon the special exception).

May 5, 1998	Letter to Ms. Saval advising that Board will receive argument on her request to postpone and Ms. Dopkin's response to that request on the scheduled hearing date of May 13, 1998.
May 13	Motion to Dismiss filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation, Appellee, prior to start of hearing. Hearing convened by the Board; Appellant /Protestant given 15 days to respond to Motion to Dismiss.
June 1	Response to Motion to Dismiss filed by Robert D. Sellers, Esquire, on behalf of Ellen M. Saval, Appellant. (This document also serves as an entry of appearance as counsel for Ms. Saval).
June 4	Motion to Dismiss filed by Robert D. Sellers, Esquire, on behalf of Ellen M. Saval, Appellant.
June 8	Response to Motion to Dismiss filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation.
June 9	Hearing Day #1 held by the Board of Appeals.
June 11	Hearing Day #2 held by the Board of Appeals.
June 19	Hearing Day #3 held by the Board of Appeals.
July 1	Deliberation conducted by the Board of Appeals.
June 24	People's Counsel's Outline of Key Issues submitted.
June 26	Appellee's Memorandum filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation. Appellant's Memorandum in lieu of Final Argument filed by Robert D. Sellers, Esquire, on behalf of Ellen Saval, et al, Appellants.
July 24	Opinion and Order issued by the Board; Protestants' Motion to Dismiss Petition is DENIED; Petitioner's Motion to Dismiss is DENIED; Petition for Special Exception is GRANTED with restrictions.

August 24, 1998	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Robert D. Sellers, Esquire, and I. William Chase, Esquire, on behalf of Beth Israel Congregation and Ellen Saval.
August 26	Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
August 27	Certificate of Notice sent to interested parties.
August 28	Second Petition for Judicial Review filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.
September 1	Copy of second Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.
September 1	Second Certificate of Notice sent to interested parties.

Petitioner's Exhibit Nos.
1-Site Plan
2-1"=1000' zoning map 1996
3-1"=200' aerial map
4-Blowup 1000' map -I.D. service stations
5-Traffic Study (Wells & Associates)
6-Alfred Barry Credentials (Expert)

Protestant's Exhibit No.
1A-Scott Finkelstein Letter
1B-Douglas Hamilton, Jr. Letter
2 -Reisterstown Owings Mills Glyndon Letter
3 -C.I.M. Minutes 11/12/97
4 -Letter from Michael Glaser
5 -Opposition Sign-In Sheet

People's Counsel's Ex. No.
1-County Council Bill No. 172-93
2-A.D.C. 1"=2000 sq. ft.
3-Planning Comments 2/23/98
4-Baltimore County Office Planning & Zoning Official Zoning Map
5-People's Counsel outline of Key issues

October 23, 1998 Record of Proceedings filed in the Circuit Court for Baltimore County.
Note: Said Record does not include the transcript of the proceedings before the County Board of Appeals; transcript was not requested by Petitioner; and therefore not submitted for timely filing with balance of record.

Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.

Respectfully submitted,

Charlotte E. Radcliffe

Charlotte E. Radcliffe/Legal Secretary
County Board of Appeals of Baltimore County, Room 49, Basement - Old Courthouse
400 Washington Avenue
Towson, MD 21204 (410) 887-3180

cc: Robert D. Sellers, Esquire
I. William Chase, Esquire
Ellen Saval
Beth Israel Congregation
Deborah C. Dopkin, Esquire
Southland Corporation
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

N O T I C E O F R E C O R D

Case Number: 03-C-98-008520
Old Case number:
C I V I L

In The Matter Of: Jean Schuster Et Al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 23rd day of October, 1998.

Suzanne Mensh
Clerk of the Circuit Court, per D.F.

Date issued: 10/26/98

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Room 49, Old Courthouse
Towson, MD 21204

RECEIVED
OCT 27 PM 1:14
COUNTY BOARD OF APPEALS

IN THE CIRCUIT COURT *
FOR BALTIMORE COUNTY

*

PETITION OF:
People's Counsel for Baltimore County *
Old Courthouse, Room 47
400 Washington Avenue *
Towson, Maryland 21204

*

FOR JUDICIAL REVIEW OF THE DECISION OF CIVIL
THE COUNTY BOARD OF APPEALS * ACTION
OF BALTIMORE COUNTY No. 3-C-98-008520
Room 49, Old Courthouse, 400 Washing- *
ton Avenue, Towson, MD 21204

*

IN THE CASE OF: IN THE MATTER
JEAN SCHUSTER - LEGAL OWNER; *
SOUTHLAND CORPORATION, ASSIGNEE OF
CRONDALL LANE LLC - APPLICANT *
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER *
CRONDALL LANE AND OWINGS MILLS
BOULEVARD (3731 CRONDALL LANE) *
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT *
CASE NO. 98-269-X

* * * * * * * * * *

SECOND CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Lawrence M. Stahl, Charles L. Marks, and Thomas P. Melvin, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the second Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Peter Max Zimmerman and Carole S. Demilio, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204, Petitioners; Jean Schuster, 52 New Plant Court, Owings Mills, MD 21117, Legal Owner of Property; Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, MD 21044, Developer; Southland Corporation, Assignee of Crondall Lane, LLC c/o Deborah C. Dopkin, Esquire, 920 Mercantile-Towson Building, 409 Washington Avenue, Towson, MD 21204, Counsel for Developer; Beth Israel Congregation, 3706 Crondall Lane, Owings Mills, MD 21117, and Ellen Saval, 7 Red Maple Court, Owings Mills, MD 21117, Protestants; and Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, MD 21204, and I. William Chase, Esquire, 1190

1998 SEP -1 PM 2:03

W. Northern Parkway, Suite 124, Baltimore, MD 21210, Counsel for Protestants.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Second Certificate of Notice has been mailed to Peter Max Zimmerman and Carole S. Demilio, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204, Petitioners; Jean Schuster, 52 New Plant Court, Owings Mills, MD 21117, Legal Owner of Property; Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, MD 21044, Developer; Southland Corporation, Assignee of Crondall Lane, LLC c/o Deborah C. Dopkin, Esquire, 920 Mercantile-Towson Building, 409 Washington Avenue, Towson, MD 21204, Counsel for Developer; Beth Israel Congregation, 3706 Crondall Lane, Owings Mills, MD 21117, and Ellen Saval, 7 Red Maple Court, Owings Mills, MD 21117, Protestants; and Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, MD 21204, and I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, MD 21210, Counsel for Protestants, this 1st day of September, 1998.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County

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

September 1, 1998

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: Civil Action No. 3-C-98-08520
JEAN SCHUSTER /SOUTHLAND CORP

Dear Ms. Dopkin:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Second Petition for Judicial Review was filed on August 28, 1998, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B)

Please note that any documents filed in this matter including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-98-08520.

Enclosed is a copy of the Second Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Jean Schuster
Southland Corporation
c/o Deborah C. Dopkin, Esq.
Robert D. Sellers, Esq.
I. William Chase, Esq.
Beth Israel Congregation
Ms. Ellen Saval
Arnold Jablon /PDM
Virginia W. Barnhart, Co. Atty
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
Ms. Marilyn Schloss
Pat Keller /Planning
Lawrence E. Schmidt /ZC

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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

September 1, 1998

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: Civil Action No. 3-C-98-08520
JEAN SCHUSTER /SOUTHLAND CORPORATION

Dear Counsel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record, in addition to all costs incurred for certified copies of documents, must be paid prior to transmittal of the record to the Circuit Court for Baltimore County.

Enclosed is a copy of the Second Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Carole S. Demilio, Deputy People's Counsel

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CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-98-008520

TO: BOARD OF APPEALS OF BALTIMORE COUNTY
400 Washington Avenue
Room 49, Old Courthouse
Towson, MD 21204

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -1 AM 11:31

PETITION OF PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Old Courthouse, Room 47, 400 Washington Avenue, Towson, MD 21204	*	CIRCUIT COURT
	*	FOR
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER / SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner Crondall Lane and Owings Mills Boulevard (3731 Crondall Lane) 4th Election District, 3rd Councilmanic District	*	BALTIMORE COUNTY
	*	Civil No. 3-C-98-8520
Case No. 98-269-X before the County Board of Appeals of Baltimore County	*	

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

PETITION FOR JUDICIAL REVIEW

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY hereby requests judicial review of the decision of the County Board of Appeals dated July 24, 1998 in the above case. PEOPLE'S COUNSEL was a party to the proceeding before the County Board of Appeals of Baltimore County in this matter.

This Petition is filed pursuant to Rule 7-202 of the Maryland Rules of Procedure.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

1998 AUG 28 PM 3:53

RECEIVED
COUNTY BOARD OF APPEALS
98 SEP -1 AM 11:31

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of August, 1998, a copy of the foregoing Petition for Judicial Review was mailed to Deborah C. Dopkin, Esq., 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioners/Appellees, and to Robert D. Sellers, Esq., 401 Washington Avenue, Suite 303, Towson, MD 21204, and William Chase, Esq., 1190 W. Northern Pkwy., Suite 124, Baltimore, MD 21210, attorneys for Protestant/Co-Appellants BETH ISRAEL SYNAGOGUE, et al..

Peter Max Zimmerman

PETER MAX ZIMMERMAN

County Board of Appeals of Baltimore County

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

August 28, 1998

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: Civil Action No. 3-C-98-08520
JEAN SCHUSTER /SOUTHLAND CORP
Amended Letter

Dear Ms. Dopkin:

Please note that the date referenced in the first paragraph of the letter dated August 27, 1998 has been amended to reflect the correct date the Petition for Judicial Review was filed in the Circuit Court for Baltimore County which was August 24, 1998.

Should you have any questions, please do not hesitate to call me at 410-887-3180.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Jean Schuster
Southland Corporation
c/o Deborah C. Dopkin, Esq.
Ms. Marilyn Schloss
People's Counsel for Balto Co.
Lawrence E. Schmidt /ZC
Virginia W. Barnhart, Co. Atty
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
Pat Keller /Planning
Arnold Jablon /PDM

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IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:

Beth Israel Congregation
3706 Crondall Lane
Owings Mills, MD 21117

Ellen Saval
7 Red Maple Court
Owings Mills, MD 21117

FOR JUDICIAL REVIEW OF THE DECISION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204

IN THE CASE OF: IN THE MATTER
JEAN SCHUSTER - LEGAL OWNER;
SOUTHLAND CORPORATION, ASSIGNEE OF
CRONDALL LANE LLC - APPLICANT
FOR A SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SOUTHEAST CORNER
CRONDALL LANE AND OWINGS MILLS
BOULEVARD (3731 CRONDALL LANE)
4TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
CASE NO. 98-269-X

* * * * * * * * * *

RECEIVED AND FILED
98 AUG 27 AM 11:16

CIVIL
ACTION
No. 3-C-98-008520

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the provisions of Rule 7-202(e) of the Maryland Rules of Procedure, Lawrence M. Stahl, Charles L. Marks, and Thomas P. Melvin, constituting the County Board of Appeals of Baltimore County, has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely, Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, MD 21204, and I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, MD 21210, Counsel for Petitioners; Beth Israel Congregation, 3706 Crondall Lane, Owings Mills, MD 21117, and Ellen Saval, 7 Red Maple Court, Owings Mills, MD 21117, Petitioners; Jean Schuster, 52 New Plant Court, Owings Mills, MD 21117, Legal Owner of Property; Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, MD 21044, Developer; Southland Corporation, Assignee of Crondall Lane,

LLC c/o Deborah C. Dopkin, Esquire, 920 Mercantile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Developer; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, MD 21204.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

I HEREBY CERTIFY that a copy of the foregoing Certificate of Notice has been mailed to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, MD 21204, and I. William Chase, Esquire, 1190 W. Northern Parkway, Suite 124, Baltimore, MD 21210, Counsel for Petitioners; Beth Israel Congregation, 3706 Crondall Lane, Owings Mills, MD 21117, and Ellen Saval, 7 Red Maple Court, Owings Mills, MD 21117, Petitioners; Jean Schuster, 52 New Plant Court, Owings Mills, MD 21117, Legal Owner of Property; Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, MD 21044, Developer; Southland Corporation, Assignee of Crondall Lane, LLC c/o Deborah C. Dopkin, Esquire, 920 Mercantile-Towson Building, 409 Washington Avenue, Towson, Maryland 21204, Counsel for Developer ; and Peter Max Zimmerman, PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, 400 Washington Avenue, Room 47, Towson, Maryland 21204, this 27th day of August, 1998.

Charlotte E. Radcliffe

Charlotte E. Radcliffe, Legal Secretary
County Board of Appeals, Room 49 -Basement
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410) 887-3180

County Board of Appeals of Baltimore County

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

August 27, 1998

Deborah C. Dopkin, Esquire
920 Mercantile-Towson Building
409 Washington Avenue
Towson, Maryland 21204

RE: Civil Action No. 3-C-98-08520
JEAN SCHUSTER /SOUTHLAND CORP

Dear Ms. Dopkin:

Notice is hereby given, in accordance with the Maryland Rules of Procedure, that a Petition for Judicial Review was filed on July 2, 1998, in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to Rule 7-202(d)(2)(B).

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 3-C-98-08520.

Enclosed is a copy of the Certificate of Notice, which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Jean Schuster
Southland Corporation
c/o Deborah C. Dopkin, Esq.
Ms. Marilyn Schloss
People's Counsel for Balto Co.
Lawrence E. Schmidt /ZC
Virginia W. Barnhart, Co. Atty
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
Pat Keller /Planning
Arnold Jablon /PDM

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

August 27, 1998

Robert D. Sellers, Esquire
401 Washington Ave., Ste. 303
Towson, Maryland 21204

I. William Chase, Esquire
1190 W Northern Pkwy, Ste. 124
Baltimore, Maryland 21210

RE: Civil Action No. 3-C-98-08520
JEAN SCHUSTER /SOUTHLAND CORPORATION

Dear Counsel:

In accordance with Rule 7-206(c) of the Maryland Rules of Procedure, the County Board of Appeals is required to submit the record of proceedings of the petition for judicial review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days.

The cost of the transcript of the record must be paid by you. In addition, all costs incurred for certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court within sixty days, in accordance with Rule 7-206(c).

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Very truly yours,

Charlotte E. Radcliffe

Charlotte E. Radcliffe
Legal Secretary

Enclosure

c: Beth Israel Congregation
Ellen Saval

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IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
JEAN SCHUSTER -LEGAL OWNER;	*	COUNTY BOARD OF APPEALS
SOUTHLAND CORPORATION,		
ASSIGNEE OF CRONDALL LANE LLC-	*	OF
APPLICANT FOR A SPECIAL		
EXCEPTION ON PROPERTY LOCATED	*	BALTIMORE COUNTY
ON THE SE/COR CRONDALL LANE		
AND OWINGS MILLS BOULEVARD	*	CASE NO. 98-269-X
(3731 CRONDALL LANE)		
4TH ELECTION DISTRICT	*	
3RD COUNCILMANIC DISTRICT		

* * * * * * * * *

O P I N I O N

This case comes to the County Board of Appeals of Baltimore County based on an appeal of the special exception which was granted by the Zoning Commissioner in accordance with his Order dated March 17, 1998. The Petitioner's Development Plan had also been approved by the Zoning Commissioner, but that was not the subject of the appeal made by the Appellant /Protestants. The Protestants were represented by Robert D. Sellers, Esquire; and Deborah C. Dopkin, Esquire, represented the Petitioners.

This case was heard over a 3 days of public hearing, which began on June 9, 1998, with a second hearing day on June 11, 1998; and it continued to the final hearing day of Friday, June 19, 1998. At the conclusion of the case, the Board requested that both counsel file simultaneous memorandums to be received by the Board on June 26, 1998. A public deliberation was held on July 1, 1998.

Counsel for Petitioner had filed a Motion to Dismiss Appeal based on lack of standing of the Appellant; Counsel for the Appellants had filed a Response to Petitioner's Motion to Dismiss; Protestants also filed a Motion to Dismiss the Petition for Special Exception. Oral arguments were heard on June 9, 1998 which

resulted in a ruling from the bench on Petitioner's Motion to Dismiss. The Board ruled that the Petitioner's Motion to Dismiss would be denied, that the Appellant was a person "feeling aggrieved" within the meaning and intent of the Baltimore County Code, and the case went forward on the merits. It is significant to note that the Appellants did not appeal the development plan approved by the Zoning Commissioner. The Petition for Special Exception calling for a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station pursuant to Section 405.4.E of the Baltimore County Zoning Regulations was the main point of issue with the Protestants. The Zoning Commissioner held a public hearing on March 6, 1998; and had bifurcated the issues, hearing the Development Plan issues prior to and separate from the special exception hearing. It was the Appellants' position at the commencement of the hearing before the Board that the proposed use of the property by special exception was not permitted under the zoning regulations until additional zoning relief was granted. The Appellants alleged that convenience stores are not permitted as a matter of right in the Baltimore County M.L. zones, and they are not a listed special exception use. Convenience stores are defined by Section 101 of the zoning regulations and are specifically listed as a use permitted in B.L.R. and B.L. zones. A convenience store is not listed under the M.L. use regulations contained in Section 253, either as a matter of right or by special exception. Therefore, a convenience store is only permitted in an M.L. zone by way of Section 405.4.D.2 which

allows a convenience store up to 1,500 sq. ft. as an ancillary use in conjunction with a fuel service station. Additionally, the Appellants allege that a fuel service station is only an auxiliary use in an M.L. zone if it is within a planned industrial park, or that an automotive service station may be permitted in M.L. zones by special exception as an auxiliary use in an I.M. district if it is demonstrated that any such use will primarily serve the industrial uses and related activities in the surrounding area (Section 253.2.B). It was the Protestants' emphatic assertion that all of the relevant sections in Bill No. 172-93 made it abundantly clear that the proposed uses at the subject site required not one special exception but two, and conceivably three, each containing different standards and findings which had to be satisfied before the respective special exception could be granted. The Protestants contended that the Petitioner did not request or receive the special exception required by Section 253.2.B and Section 405.2.B to sell gas at the subject site, and that the only zoning relief before the Board of Appeals was a special exception request pursuant to Section 405.4.E. The Protestants assert that the Petition which was filed by the Petitioner mentions only Section 405.4.E, the published notice mentions only Section 405.4.E, and the zoning decision which was rendered by the Zoning Commissioner below specifies only the same section, and the site plan itself contains a notation indicating that "a special exception will be requested for a convenience store with a sales area larger than 1,500 sq. ft. in combination with a fuel service station."

The Petitioner conversely argued that their Petition was not deficient and that the filing was also consistent with general practices before the administrative agency having responsibility for administering the Baltimore County Zoning Regulations; that is, the County Board of Appeals. They have cited in their Brief that a review of other petitions filed with the Office of Zoning for special exception approval for this particular use reveals that only a minimal recitation of the relief being sought is deemed adequate.

Having heard oral arguments, the Board ruled that it would permit the Petitioners to amend their petition to include those additional issues which had been raised by the Protestants and permit the Petitioner to proceed to amend their Petition, and present testimony and evidence on which the Board could find that (1) the statutory requirements of Sections 253, 405, and 502 had been satisfied; and (2) that the use at the subject location had no greater harmful effects at the subject site than at another location in the zone.

The Board, noting that the subject hearing was de novo in nature, in any event, observed that such amendments are permitted in accordance with the usual practices and procedures of the Board, and also as a general rule under the Maryland Rules of Procedures which permits alternate pleading (Md Rule 2-341). Protestants argued that the Board of Appeals has no original jurisdiction to accept petitions for any zoning relief not specifically requested before the Zoning Commissioner, and that the Board's jurisdiction

in the instant case was simply one of an appellate nature. The addition of the two special exceptions which had not been previously mentioned or litigated, which required additional and different findings and which imposed different standards from that originally requested could not and should not be permitted by the Board since they originally had not been considered by the Zoning Commissioner. Their objections were noted as continuing, and the Board proceeded to hear testimony and receive evidence relative to the relief requested by the Petitioner via the amended Petition.

Mr. Ken Colbert was the first witness for the Petitioner. He opined that he was a registered professional civil engineer with 30 years experience in land development and had testified on many occasions before both the Zoning Commissioner and the Board of Appeals. He was accepted as a registered civil engineer expert. He stated that he was familiar with the special exception request and also the property, and had reviewed the exhibits which were being presented into evidence. He had made several on-site visits and had prepared the development plans for the site (Petitioner's Exhibit No. 1), and described the locale as being slightly over 3 acres (3.67 acres), 1 acre of which was reserved for a buffer and conservation area which had been approved by the Department of Environmental Protection, and that the proposed site would feature an automotive "gas and go" facility with six pumps and three grades of gas, along with a convenience store consisting of 2,980 sq. ft. He described the general surrounding area, designating the blue M.L. zones and also in red stripes the area which was to be

developed (Petitioner's Exhibit No. 2). He described the immediate site as being heavily wooded, with steep slopes, and having a wetland area. The Beth Israel congregation was in proximity, a mini-storage facility close by, and he also described the growing Gwynnbrook area as being a residential area to the north of the subject site. He indicated that the County agencies had reviewed the development plan and that comments had been submitted by both the Office of Planning and the zoning office. He stated that the footprint of the building had been changed so that the rear of the building would face Owings Mills Boulevard, and he stated that the fuel pumps would be covered, and an underground stormwater management facility would be provided. Landscaping and buffering required by the County would be provided on-site. The pumps would be facing the rear of the site and buffeted from Owings Mills Boulevard.

Ms. Dopkin proceeded to relate the requirements of Section 405 Mr. Colbert stated that in his opinion the proposed site met the required 405 standards and recited his reasons for same. He noted that 25 spaces were provided on the site, with only 21 being required by the zoning regulations, and that there would be no other structures on the site. He also opined that the signage was in accordance with the applicable regulations, and that he had met with officials of the Baltimore County Police Department relative to the site design and safety issues which had been taken into consideration in designing the site plan. He testified that the site was not in proximity to any residential properties, but was

basically surrounded by commercial facilities and that the Petitioner was utilizing only approximately 60 percent of the available land since the site consisted of a rather large amount of wetlands, and that in his opinion he did not visualize any adverse effects as to special exceptions as also provided for by Section 502.1.

On cross-examination by Mr. Sellers, Mr. Colbert stated that the site was unique for the type of use proposed and that he was not aware of any abandoned service stations within proximity to the subject site. He did acknowledge the presence of a residential area to the north of the site, beyond the Maryland Public Television facilities, and that north of Maryland Public Television there did not appear to be any retail outlets. Mr. Colbert acknowledged that there would be an entrance on Owings Mills Boulevard and Crondall Lane, and that the length of the building fronted on that roadway, although the legal address is on Crondall Lane.

A considerable amount of time was expended relative to People's Counsel Exhibit No. 2 and Exhibit No. 4 relative to the ADC maps and development along Owings Mills Boulevard, and also the density factor up to Garrison Forest Road. Additionally, there was considerable testimony relative to the service stations currently located along Reisterstown Road and the traffic factors along Interstate 795. Mr. Colbert stated that it was the intention of the Petitioner's management that this facility would be open 24 hours a day, 7 days a week, and that, to his knowledge, no other

24-hour service stations or convenience stores were currently located along Owings Mills Boulevard.

Mr. C. Richard Moore, Wells and Associates, also testified in support of Petitioner's proposal. He was accepted as an expert in traffic engineering, and testified that he was familiar with the site, having made several personal visits, and was well acquainted with the general area. He had examined the development and site plans and had made an investigation of the traffic levels. His traffic study was formally entered into evidence as Petitioner's Exhibit No. 5. He stated that traffic flows freely pass the site, and at the peak hours the intersection was at a level "C"; and that was an acceptable level. Both Owings Mills Boulevard and Crondall Lane were operating efficiently in that Owings Mills Boulevard and Crondall Lane did have a traffic signal at the intersection, and again, based on his studies, was functioning at an adequate service level, as dictated by the Baltimore County traffic regulations and evidenced in his study. Based on his observations and formal studies, he opined that the use proposed for the site would only create a minimal effect as far as traffic was concerned. Mr. Moore also related the discussions which he had relative to the site and the traffic access to the facility. He stated that there would essentially be two driveways to gain entrance to the site, one from Owings Mills Boulevard, and another from Crondall Lane.

Mr. Moore stated that he agreed with the County recommendations concerning Crondall Lane traffic that would prohibit left turns both in and out of the facility between the

hours of 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m., which are normally considered to be heavy peak travel times. Mr. Moore opined that the Zoning Commissioner had incorporated these particular hours in his Order dated March 17, 1998. He indicated that based on a June 1997 traffic study, 30 percent of the Owings Mills traffic was northbound, 40 percent was southbound, and 30 percent came from Crondall Lane during peak hours, during the a.m. and p.m. time periods. He stated that 686 cars made a turn on Crondall Lane towards the industrial area and 681 came out to Owings Mills Boulevard, making a left turn. Specific existing levels of service and projected future levels of service are specified in Table I of the traffic study (Petitioner's Exhibit No. 5). Mr. Moore expressed his belief that any new trips generated by the proposed facility with gasoline sales would only increase by approximately 1 percent, with Crondall Lane anticipating an increase of 2 percent.

He also opined that there existed an adequate sight distance at the two proposed entrances, using the driveways to see each other and safety enter the highway.

The Board reviewed the traffic study and data contained therein subsequent to the hearing and determined it to be a comprehensive and thorough analysis of the site, traffic considerations, and review of the impact of the proposed facility as to traffic concerns in the immediate area, and overall public road network.

In conclusion, he stated that based on his study, and personal

observations, the proposed use of the subject site would not create any unsafe traffic conditions, and, in fact, would create a smaller number of new traffic trips.

On cross-examination by Mr. Sellers, Mr. Moore acknowledged that he had not gone within the industrial park, and could not tell the Board as to the specific origination or destination of traffic on Crondall Lane. He also was not aware of the various uses within the industrial complex, but did agree that the proposed use of the land area 2 to 3 miles north and northeast of the site was essentially residential in character. It was his belief, however, that 30 percent of the business to the proposed site would come from the residential area, and approximately 70 percent from the industrial complex, and that most traffic studies are conducted during the hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. since they are the peak travel times.

Mr. Al Barry was accepted as an expert land planner. He stated he was familiar with the plan and had visited the site and discussed the locale in general as it appears on Petitioner's Exhibit No. 3 (aerial map of the area). He described the industrial park as being of a mixed number of uses, 90 percent office related with one or two retail establishments, a small deli, and a health maintenance organization, with some of these uses operating on a 24-hour-a-day basis. He opined that the very limited uses available to this particular site by reason of the topography and size (3.67 acres) was not particularly good for many industrial uses. He expressed his observation that the projected

convenience store would be a good complement to the area since the industrial park needed more retail functions to act as auxiliary uses to the commercial /industrial activities. He stated that the overall industrial area was approximately 400 to 500 acres, and that the proposed site, by reason of its immediate entry into the industrial area, would be used essentially by those individuals working within the industrial park. He stated that he was familiar with the standards required for the granting of a special exception under Section 502, and these were reviewed with him by Ms. Dopkin and that based on his personal observation, stated that the site plan complied with all of the requirements of Section 502.

On cross-examination by Mr. Sellers, Mr. Barry was questioned concerning his familiarity with the Master Plan, its goals, and auxiliary uses within industrial parks, as generally provided for by the Master Plan, and specifically, page 31 of the Master Plan which deals with the Owings Mills Boulevard towncenter area. He also related his knowledge concerning special exceptions and uses which are permitted by right.

On cross-examination by Mr. Zimmerman, Mr. Barry acknowledged approximately 7,000 residential homes existed to the north of the site, and that he was not aware of any marketing survey that had been conducted by the Petitioner as to who would actually use the proposed convenience store site. He did indicate that the operation would be open 24 hours a day, 7 days a week, and that, based on his observations, there were a number of businesses in the industrial park that were open on a 24-hour-a-day basis, and also

that in all probability that a small office could be accommodated on the property, but again recited the difficulties relative to the topography and wetland limitations along with setback requirements, etc. He also stated that, with the present design, the rear wall would front on Owings Mills Boulevard facing east, and that this was a particularly unique design in that the rear would face Owings Mills Boulevard, and turning back, sitting on a hill, would basically appeal to the Crondall Lane traffic.

Mr. Larry Derrow, of Temple Hill, Maryland, also testified. He has been a manager with Petitioner's company for 14-1/2 years and testified as to the principal uses to be employed by the facility. He stated that it would encompass approximately 2,900 sq. ft., sell gasoline on the premises, operate 7 days a week, 24 hours a day, and have an employee complement of 12 full-time individuals with 6 part-time staff. He indicated that the landscaping would be provided in accordance with Baltimore County landscaping requirements and standards and would be always appropriately maintained by the Petitioner. He related the changing nature of convenience store operations in that customers were requiring that such facilities not only stock items for convenience but also have gasoline for sale, which reduces their additional trips to standard service station facilities. He also related the new prototype of distribution center which was employed by the Petitioner, in which only one delivery truck would actually deliver goods to the store, obtaining the merchandise from a central warehouse, and that such deliveries would take place

between the slack hours 12:00 a.m. and 5:00 a.m. He opined that, based on his observations, the fuel sales would accommodate those employees in the industrial park as the Petitioner's experience has found that customers are looking for less stops, and combining their fuel and food purchases at one location. He indicated that prior facilities which had been opened by the Petitioner did not yield any adverse effect where there had been a fuel /convenience store combination, and that there had been no additional traffic hazards created by reason of the fuel sales.

On cross-examination by Mr. Sellers, Mr. Derrow indicated that he had participated in the construction of approximately one-half dozen of such units in various areas, and that the nearest "7-11" was on Reisterstown Road, and that the area which would be served by this store was roughly 3/4 mile in radius pursuant to County policy and that the Petitioner's real estate department does conduct studies relative to where such stores should be placed. Petitioner's Exhibit No. 3 (aerial photo) was reviewed with Mr. Derrow by Mr. Sellers and acknowledged that if a combination convenience store /fuel operation was being requested, a special exception was required. Mr. Zimmerman raised a number of questions relative to setbacks, but Mr. Derrow indicated that his function was in the area of marketing only, and that his responsibility was for the maintenance and supervision of 71 such stores in Baltimore City and Baltimore County, and that there was only one that was located on Charles Street which did not operate on a 24-hour-a-day basis. He opined that 63 of the current facilities were without

gas pumps and 8 did have gasoline capabilities. He opined that he had driven through the industrial park, but he could not identify any specific businesses located therein. He indicated that there were a number of other "7-11" facilities that were in proximity to schools, and that there had been no conflicts relative to traffic or safety issues raised in those locations. Petitioner rested his case-in-chief.

Mr. William Hughey testified on behalf of the Protestants, and was accepted as an expert in land planning and stated that he was familiar with the property and was also familiar with the zoning regulations of Baltimore County. He indicated that the M.L. zone was not considered in the Planning Office's review of the site, and again the aerial photo of the area was reviewed, discussed and commented upon. He was familiar with the area to the north of the site, and indicated that it was residential in nature. He stated his familiarity with the Gwynnbrook and Owings Mills Boulevard areas, and some areas in which there were traffic bottlenecks to the north. He opined that the Owings Mills Boulevard was not part of the towncenter, and that the mall was several miles away from the site, to the south. He stated his familiarity with the special exception request as to the convenience store size but not as to the sale of gasoline.

Mr. Hughey indicated that the area was zoned M.L.-I.M. which discouraged non-manufacturing use in the zone; and that the Master Plan did encourage continuation of commercial uses along Reisterstown Road and Liberty Road, and further that pages 86

through 88 of the Master Plan did encourage office /light industrial uses for this particular site. He stated that the Planning Staff recommended that the proposal should be denied since it was not an auxiliary use.

On cross-examination by Mr. Zimmerman, Mr. Hughey indicated that, from a planning perspective, the site was not auxiliary to the industrial park in his opinion because of the heavy residential units to the north that would use the Owings Mils Boulevard for commuting purposes, its proximity to I-795 and the Beltway, and, again, he considered it to be a main route to the Owings Mills Towncenter. Mr. Hughey identified the northern neighborhoods as consisting of single-family and townhouse units, and that other areas on the 400 acres were intended to be business parks. Mr. Hughey also indicated that this was within an I.M. district, and that in order for it to be properly zoned it had to serve the industrial area. It was his observation that, based upon his studies, the site location would encourage more use by residential commuters than those within the industrial park.

Mr. Donald Rascoe testified as a fact witness only. He is a development manager for Baltimore County, and took the minutes for the Community Input Meeting. Those minutes relate that Mr. Colbert had indicated that the facility could be constructed "as a matter of right" and he did not recall that Mr. Colbert had retracted that statement upon receipt of the minutes.

Mrs. Marilyn Schloss testified on behalf of the Beth Israel Congregation. She is President of that Synagogue and the Board

determined that Rule 8 papers were not required. She stated that the Synagogue consisted of 753 families, many of whom live in the Owings Mills area and northwest region of the County, with 300 children in their Hebrew school. She indicated that the Synagogue had relocated from Randallstown primarily because their membership had relocated and also their surveys indicated that younger Jewish families were moving to the Owings Mills area, and that the congregation was aware of the zoning of the area when the property was purchased. She also related the land uses in the immediate and the residential homes to the north and northeast, and also the attendance at religious services during regular days of worship and also on high holy days. She expressed concerns relative to traffic safety in connection with the operation of the school, and that the heaviest times of travel for the school children were identical to peak hours of traffic which were recorded in Mr. Moore's study. She also indicated that the members of the Synagogue were aware of the application for the convenience store, but they were not aware that gas sales would take place on the premises, and that the sign which was posted had not indicated any gas sales. She opined that if proper notice had been given, the Synagogue would have more strenuously objected to the Petitioner's proposal; and felt that the sale of gasoline was significant and would also increase problem areas in the form of additional traffic, safety concerns for the school children, and also additional crime in the area.

Ms. Ellen Saval also testified on behalf of the Protestants. She resides at 7 Red Maple Court in Owings Mills and stated her

familiarity with the area, driving along Owings Mills Boulevard and Crondall Lane and Gwynns Falls on a frequent basis. She expressed her concerns relative to traffic in the area which she thought was very congested, and felt that the bulk of the business for this particular facility would come from the north where the residential communities were located, and also expressed concerns relative to safety for children on bicycles progressing south to make purchases at the Petitioner's proposed location. She also expressed concerns relative to crime issues and felt that a 24-hour-a-day operation would be conducive to additional criminal activity in the area.

Mr. James Dale of West Grove, Pennsylvania, testified at time of rebuttal and indicated that he was the provisional loss manager for the Petitioner with 28 years experience in loss prevention and safety in stores. He indicated that the facilities had a number of factors in their programs relative to employee training, maintenance of low cash levels, and also design of facility in coordination with police comments which would mitigate the site as being inviting for any criminal activity. He stated that in many of the stores the Petitioner offers police space for police officers to frequent and to make telephone and FAX inquiries, and that the presence of these specific locations for the police had acted as a deterrent for criminal activity in a number of their locations. He also related the management training that had been given to employees in connection with both the deterrent and prevention of criminal activities. He stated his observations that the proposed facility would not be sensitive to any greater

criminal activity than if it were located anywhere else within the zone.

On cross-examination, the witness indicated that very low cash levels are maintained, and that there is a high visibility factor, even with the unique design of the building. He did acknowledge that with this store actually facing away from Owings Mills Boulevard the visibility factor would be reduced, but again where there is activity on the gasoline parking areas, with mobility, they had found that in such facilities the criminal activity was lesser than those which did not offer fuel services.

The Board having heard the testimony and having reviewed the evidence concludes that the Petitioner has met its burden of establishing the requirements for a special exception as set forth under Section 502 of the Baltimore County Zoning Regulations. During the course of the three hearing days, the Board heard substantial testimony from a number of expert witnesses offered by the Petitioner in support of their request. Some concern was raised by Protestants as to Mr. Colbert and statements expressed in the Community Input Meeting as to the Petitioner having "an automatic right" to construct a convenience store on the site. There is ample evidence that the property was duly advertised and posted. The Petitioner's proposed single-story facility consisting of a convenience food store in combination with the sale of gasoline is readily shown on the plat that accompanied the Petition. The original Appellant, Mrs. Saval, attended the Zoning Commissioner's hearing and received a copy of the Zoning

Commissioner's Order. A major issue raised by Protestants is that a Petition for Special Exception was granted under Section 405.4.E only as to the size of the proposed store, and not as to the sale of gasoline or the right to have a convenience store at the site.

While it is true that the opinion of the Zoning Commissioner references only Section 405.4.E, regarding the square footage of the convenience store to be used in connection with a fuel service station, the opinion also references Mr. Colbert's testimony and the fact that the site was zoned M.L.-I.M. as does the site plan. The Board concludes that the Zoning Commissioner is well versed in the zoning regulations of Baltimore County and took into consideration the factors enumerated in Sections 405 and 253. Giving the Protestants the benefit of the doubt, it is also quite evident to the Board that current practices under the Maryland Rules of Practice and Procedure relative to alternate pleading and the Board's previous practice of permitting liberal amendments provide the Board with the prerogative of permitting the Petitioner to amend their petition to include relief under Sections 253 and 405. In overruling Protestants' strenuous objections to permitting Petitioner to amend their petition, the Board has followed a long-standing practice of allowing such amendments and continuing to hear testimony and evidence with both sides arguing the merits of the case. In so doing, the Board rejects Protestants' argument that in so permitting the amendment, the Board is assuming original jurisdiction. The Protestants also allege that the posting notice was misleading and deficient and non-compliant with required due

process of law. While the Petition, posted sign, publication, site plan and zoning order reference only Section 405.4.E, that request is for a convenience with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station pursuant to Section 405.4.E. The Board considers the notification process to have been sufficient enough to allow the community and general public to intelligently prepare for the Community Input Meeting, and all relevant issues that were attendant thereto. The Board granted the amendment to the pleadings.

The facts in this case are relatively simple. The site is zoned M.L.-I.M. and unimproved. The topography, accompanied with steep slopes and the presence of wetlands, severely impact any industrial usage of the site. Only approximately one-half of the site is developable. The proposed structure is about 50 feet off Owings Mills Boulevard, about 12 feet above Owings Mills travel. The structure is directed away from Owings Mills Boulevard facing east toward the industrial area. Entry can be made from both Owings Mills Boulevard and Crondall Lane. The immediate area along Crondall Lane has been designated as two planned industrial parks and, like the subject property, is zoned M.L. with an I.M. overlay district, which permit industrial and service uses. The experts testifying in support of Petitioner's request were convincing as to the site plan, its relationship to the general area, traffic concerns, and general marketing observations as to who would frequent the proposed facility. This Board is aware of the special exception requirements imposed by statute and the guidelines set

forth in appellate Maryland court cases, such as Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 decided in 1981 and the more recent Mossberg v. Montgomery County, 107 Md.App. 1, 666 A.2d 1253, decided in 1995. A special exception is a permitted use which is deemed desirable, subject to certain conditions that must be satisfied. Also the use presumes that there are certain attendant adverse effects. The question is one of whether the adverse effects at the proposed site are greater than those if located anywhere else in the zone. The testimony of Mr. Moore was quite convincing and conclusive that the traffic impact at the site location would only be minimal at the intersection of Owings Mills Boulevard and Crondall Lane, and that the restricted requirement relative to left turns in and out of the subject site between 7:00 a.m. and 9:00 a.m. in the morning and 4:00 p.m. to 6:00 p.m. in the evening would assist with the traffic flow.

Additionally, the testimony of Mr. Kenneth Colbert relative to the site, the landscaping buffering and footprint lead the Board to the conclusion that the proposed facility would be a proper "fit" in the immediate area. Additional testimony of a convincing nature came from Mr. James Dale as to his meetings with the policing authority relative to crime concerns and the efforts made by the Petitioner to cooperate with local law enforcement agencies and general company policy provisions as applied to prevent and deter any criminal activity. The proposed operation of the facility as described by Mr. Larry Derrow was also convincing as to the management of the facility and its customer base. He testified

that the closest residence is approximately 1 mile from the site. It is the belief of the Board that Mr. Derrow's testimony concerning the 3/4 mile radius area from the site is significant as it falls within the parameters of the neighboring industrial area. The closest residence being most liberal is at least one miles removed.

The Board also gave considerable weight to the testimony of John Lewis, a zoning expert with the Department of Permits & Development Management who testified that notwithstanding any provisions of the M.L. zone, the proposal submitted by the Petitioner was consistent with area requirements; that is, buffers, bulk regulations, and setbacks. According to the testimony of Mr. Lewis, Section 405 of the regulations is construed to control such matters in all areas zoned for development of fuel service stations, with only limited exceptions that are clearly specified in the underlying zone, citing for example the C.R. regulations.

While the Board believed and considered the testimony of those witnesses provided by the Protestants to be earnest and sincere, the Board does not relative to the weight factor consider their testimony to be of such a convincing nature that it would provide with any specificity any facts that would indicate that a special exception granted would have any greater adverse effects at the proposed site than anywhere else in the zone. Mrs. Marilyn Schloss, President of the Beth Israel congregation, admitted to the fact that the officials of the Synagogue were aware of the zoning of the area when the land for the Synagogue was purchased, and

there was no clear and convincing evidence submitted that the operation of the subject site would cause any significant safety factors in the areas of either traffic or crime affecting the religious or school use that would deny the Petitioner's ability to proceed in accordance with the designated site plan.

Additionally, much of the other testimony that was presented by witnesses for the Protestants was generic in nature and, while certainly well-intentioned and motivated, was not sufficient to support their various contentions. There is no doubt that the Baltimore County Zoning Regulations do specify food stores as "auxiliary retail or service" use which are permitted by right in the M.L-I.M. zone, and that fuel sales, standing alone, are permitted in the zone as an auxiliary service use provided that such use will serve primarily the industrial use and related activities in the surrounding industrial area.

Here again, minds may differ and testimony may be conflicting, but the Board, based upon the weight of the testimony and evidence submitted, is convinced that the proposed facility will primarily service the industrial and commercial in the immediate vicinity, although some of their customer base will come from the residential areas to the north and to the northwest.

The Board also concludes that evidence and testimony was adequately presented that the site did meet the requirements of Baltimore County Zoning Regulations Section 405 relative to location, proximity to abandoned fuel stations, site dimensions, setbacks, landscape transition areas, access driveways, parking,

internal driveway, aisles, stacking, rest room facilities, water and compressed air, signs, as well as general design considerations.

A review of the testimony and evidence submitted at the hearing concludes that there was not sufficient evidence produced that the sale of fuel at this location would have any adverse impact at this location than normally associated with such a use elsewhere in the zone. There was also considerable testimony that the Petitioner's operations are generally designed to minimize any such adverse effects, that a 24-hour operation at this location would have an adverse effect greater than at another location in the zone.

In conclusion, the Board agrees with the argument presented by the Petitioner that, if the Petition had a technical error as filed, the Petitioner cured the defect at the outset of the Board's hearing. It is the Board's policy and practice to liberally permit amendments, a policy consistent with the Maryland Rules which freely allow amendments (Maryland Rule Section 2-341). If the Protestants felt prejudiced by the amendment, their relief was in the form of the granting of a continuance, which relief this Board had already afforded Appellant in agreeing to dismiss the Petitioner's original Motion to Dismiss and providing the Appellant with an opportunity of a continuance to present their various positions to he Board.

Having therefore concluded that the Petitioner has presented sufficient testimony and evidence on which the Board concludes that

the statutory requirements of Sections 253, 405 and 502 have been met, and that the use at this location has no greater harmful effects than at another location in the zone, the Petition is hereby approved.

O R D E R

IT IS, THEREFORE, THIS 24th day of July, **1998, by the** County Board of Appeals of Baltimore County

ORDERED that Protestants' Motion to Dismiss Petition be and is hereby **DENIED**; and it is further

ORDERED that Petitioner's Motion to Dismiss Appeal be and is hereby **DENIED**; and it is further

ORDERED that the Petition for Special Exception to permit a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station at the subject site be and the same is hereby **GRANTED**, subject to the following restrictions:

1. There shall be no left turn into or out of the subject site from Crondall Lane during the peak hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

2. There will be no liquor sold from the premises.

3. The Developer shall amend the plan, pursuant to the comments submitted by DEPRM and DPDM. Specifically, the plan shall be amended to show the forest conservation easement, forest buffer easement, and the landscape transition area, pursuant to the Landscape Plan submitted into evidence before the Zoning Commissioner, and note that the site has rest rooms, compressed air and water available for its customers, in accordance with Petitioner's Exhibit No. 1.

4. An amended plan reflecting the terms, conditions, and restrictions of this Order shall be submitted to Baltimore County for review and included in the case file

within sixty (60) days of the date of this Order.

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

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

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence M. Stahl, Panel Chairman

Charles L. Marks

Thomas Melvin

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

July 24, 1998

Robert D. Sellers, Esquire
Suite 303, 401 Washington Avenue
Towson, MD 21204

RE: Case No. 98-269-X /Jean Schuster
/Southland Corp (Crondall Lane LLC)

Dear Mr. Sellers:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure, **with a photocopy provided to this office concurrent with filing in Circuit Court.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

encl.

cc: Ms. Ellen Saval
Deborah C. Dopkin, Esquire
Ms. Jean Schuster
Southland Corporation
c/o Deborah C. Dopkin, Esq.
Ken Colbert /Colbert Matz Rosenfelt, Inc.
Ms. Marilyn Schloss
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
People's Counsel for Baltimore County
Lawrence E. Schmidt
Donald Rascoe, Project Mgr. /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink
on Recycled Paper

6/26/98

Re: IN THE MATTER OF: * BEFORE THE
JEAN SCHUSTER - LEGAL OWNER
3731 Crondall Lane at * COUNTY BOARD OF APPEALS
Owings Mills Boulevard
4th Election District * OF
3rd Councilmanic
* BALTIMORE COUNTY
Southland Corporation,
Assignee of *
Crondall Lane, LLC * Case No. 98-269X

Applicant/Appellee *

* *

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COUNTY BOARD OF APPEALS

APPELLEE'S MEMORANDUM

Southland Corporation, Appellee, by its attorney, Deborah C. Dopkin, and Deborah C. Dopkin, P.A., respectfully submit this Memorandum in support of its position.

STATEMENT OF THE CASE

Appellee, Southland Corporation, the Petitioner below, successor in interest to Crondall Lane, LLC, submitted a development plan and Petition for Special Exception for a convenience store with a sales area larger than 1500 sq. ft. to be used in combination with a fuel service station pursuant to §405.4E of the Baltimore County Zoning Regulations. The Petition was duly advertised and the property posted. A combined hearing was held before the Zoning Commissioner for Baltimore County on March 6, 1998, at which time the Zoning Commissioner bifurcated the hearing, hearing the development plan issues prior to and separate from the special exception hearing. By Order dated March 17, 1998, the Zoning Commissioner for Baltimore County approved the development plan and granted the Special Exception Petition subject to certain restrictions. (Attachment A.)

Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

Appellant, who attended the hearing below, noted an appeal of the Zoning Commissioner's Order to the County Board of Appeals of Baltimore County as to only the special exception. The appeal was made in a timely fashion.

STATEMENT OF THE FACTS

The subject of this Appeal is a 3.67± acre site located at the southeast intersection of Crondall Lane and Owings Mills Boulevard not far from I-795 and the Owings Mills Town Center in an area that has experienced rapid growth in recent years. The site, which is zoned M.L.-I.M., is presently unimproved. The property is mostly wooded, with areas of wetlands and steep slopes, conditions which severely limit the use and development of nearly half the site.

The applicant proposes a single story 2,980 sq. ft. convenience food store in combination with the sale of gasoline, all as shown on the plan accompanying the petition. The plan proposes a significant amount of landscaping and buffering. The proposed store itself is set back a significant distance (some fifty feet) from Owings Mills Boulevard, at an elevation of approximately twelve feet above the travel way of Owings Mills Boulevard. More significant is the orientation of the proposed development - which is directed inward away from Owing Mills Boulevard, facing east - toward the nearby industrial area. Vehicular access is gained from both Owings Mills Boulevard and Crondall Lane.

The site is located in the Owings Mills Growth Area as identified in the Plan for Owings Mills, adopted by the County

Council May 21, 1984. Pursuant to that plan, Baltimore County has invested substantial sums in roads and infrastructure to encourage and support the growth of Owings Mills. The immediate area along Crondall Lane has been developed as two planned industrial parks which lie 1000± feet to the east on Crondall Lane. In addition, a number of individual sites have been developed on the industrial land on Crondall Lane and on Owings Mills Boulevard. Like the subject property, the immediately surrounding area is all zoned M.L. (Manufacturing Light) with an I.M. (Industrial, Major) district, which together permit numerous industrial and service uses. Accordingly, the development in the area is diverse — industry, offices, retail, storage, and automotive among others — all uses permitted in the M.L.-I.M. zone. The Baltimore County Department of Economic Development estimates that between 3,000 and 4,000 individuals are employed within these industrial areas, and new development continues to occur. See Baltimore Sun, dated June 17, 1998. (Attachment B.)

Appearing at the hearing before the Zoning Commissioner on behalf of Appellee were Ken Colbert, an expert in civil engineering and site development, who prepared the plan which accompanied the petition, C. Richard Moore, a traffic engineering expert, Al Barry, a planning expert, Larry Derrow of Southland Corporation, a marketing manager within whose responsibility the operation of the proposed store lies, and Jim Dale, a loss prevention professional employed by Southland. Also appearing for Appellee was John Lewis, a planner from the Office of Zoning of the

Department of Permits and Development Management who testified as an expert on the Baltimore County Zoning Regulations.

Appellant Saval was in attendance at the hearing before the Zoning Commissioner, received a copy of the Zoning Commissioner's decision and attended all hearings before the County Board of Appeals.

Appellee submits that under applicable law and practice, and based on the evidence presented, Appellee has met its burden and satisfied the legal standards to merit approval of the requested special exception use.

THE LAW AS TO THE SPECIAL EXCEPTION USE

The Baltimore County Zoning Regulations ("B.C.Z.R.") permit a food store as a matter of right, without restriction, in the M.L. - I.M. zone as an auxiliary retail or service use, so long as the area does not exceed 2500 square feet. B.C.Z.R. §253.1.C.11. (Attachment C) The regulations themselves identify this use as one that is auxiliary and of service in the zone.

The I.M. district is one of eight district designations in the B.C.Z.R. The I.M. district may be applied only to certain areas individually containing 100 acres or more of land zoned for industrial or semi-industrial use. In the district, greater industrial use of *prime* industrial land is promoted by discouraging non-auxiliary commercial usage of prime industrial land. B.C.Z.R. §259.2.H.

The B.C.Z.R. permits an automotive service station in the M.L.-I.M. zone by special exception, provided that it is shown that

such use will serve primarily the industrial uses and related activities in the surrounding industrial area, **subject,** to the provisions of §405.

Section 405 provides an overall legislative scheme for locational and site design/development standards for fuel service stations whether standing alone or in combination with other uses, such as car washes, repair facilities, or convenience stores. A fuel service station is permitted by special exception on an individual site by B.C.Z.R. §405.2.B., subject to subsections 405.3 and 405.4. Section 405.4.E. specifically contemplates and provides regulations governing uses in combination. A fuel service station and a convenience store with a sales area larger than 1500 square feet is a use in combination permitted by special exception pursuant to §405.4.E.

The B.C.Z.R. does not require that an applicant establish a showing of **need** to establish a fuel service station use under §405, except in the instance of a site located within proximity to an abandoned fuel service station, nor do the regulations require a finding of compatibility. Compatibility is presumed by legislative intent where a use is permitted by special exception.

Special exception uses have been the subject of numerous and recent decisions by the appellate courts of Maryland, in the seminal case of Schultz v. Pritts, 291 Md. 1,432 A.2d 1319 (1981) and more recently Mossburg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995). The law is clear: a special exception is a use which is presumptively permitted. It is a use that has been

legislatively predetermined to be a desirable use, which is attended with detrimental effects which require certain conditions be met. The legislative body has made the policy decision that the use is permitted. Mossburg v. Montgomery County.

The issue is not whether the use has an adverse effect - that is presumed-- but whether the adverse effect in a particular location would be more severe than the adverse effects ordinarily associated with such use regardless of its location in the zone. If the record is otherwise silent as to a greater impact at the present location than other locations similarly zoned, the special exception must be approved.

Applying the legal standard to the evidence presented, it is necessary to analyze whether applicant has presented sufficient testimony on which the Board may find (I) that the statutory requirements of §§253, 405 and 502 have been met and (ii) that the use at this location has no greater harmful effects than at another location in the zone.

ISSUES PRESENTED - SPECIAL EXCEPTION

1. **Will the use serve primarily the industrial uses and related activities in the surrounding industrial area?**

Yes.

The B.C.Z.R. identifies food store as "auxiliary retail or service" use, permitted by right in the M.L.-I.M. zone. (§255.1.C.)

Fuel sales as a stand-alone use are permitted in the zone as an auxiliary service use provided that any such use will serve primarily the industrial use and related activities in the surrounding industrial area.

It is axiomatic from the B.C.Z.R. that fuel sales in combination with a permitted auxiliary retail and service use - the food store - also provided auxiliary service.

The record is replete with evidence that the use will serve the activities in this industrial area. Interestingly, not a single business within the area appeared or presented any evidence to the contrary.

C. Richard Moore, a traffic expert, testified that from a traffic perspective, most of the traffic to and from the site are those coming and going to the employment center on Crondall Lane. Mr. Moore testified that traffic studies have determined that these travelers will combine trips for fuel and shopping to the proposed site - rather than making multiple stops. As such, the use in combination provides a service (whether fuel or food sales) that would otherwise be unavailable and would otherwise generate multiple trips.

Al Barry, an expert in planning testified that the existing industrial developments contain few, if any, auxiliary retail or service uses and none like that proposed by Appellee. According to Mr. Barry, the legislature adopted such uses in the M.L. zone and I.M. district to service the business population in industrial developments. The improvement of the subject site - which is small

and constrained by site conditions - functions in a manner consistent with the I.M. district by encouraging larger traditionally industrial uses on large, less constrained prime industrial sites in the industrial parks.

Both Mr. Barry and Bill Hughey, an expert on planning called by Appellant, testified that it is highly improbable that the subject site could be developed as prime industrial land for a high-intensity industrial use.

Lastly, and not insignificantly, Southland area manager Larry Derrow testified that the location was selected by Southland for a 7 - Eleven Store in combination with fuel sales because of its proximity to the industrial center and activities. Mr. Derrow stated a radius of 3/4 of a mile area from the site constitutes the core market to be served. The core area includes all the nearby industrial uses, while the closest residence, by all accounts, is at least one mile removed.

Mr. Derrow further testified that the proposed 24 hour operation is well suited to serve the industrial area because businesses in such areas traditionally operate at night or for extended hours. The proximity of fuel and food provides a convenient service to swing-shift employees as well as to suppliers and other service providers for the industrial uses. The 24 hour operation also minimizes the impacts of operational activities on traffic, on nearby uses and on patrons using the site.

Actual traffic counts dispel the contention by People's Counsel that the traffic in opposite directions is roughly equal.

The un-controverted expert traffic testimony and study evidence that 70% of the peak hour traffic originates to and from the employment centers and not from the residential areas lying to the north.

The contention by Appellant and People's Counsel that the use will also serve others, while true, does not change the core market to be served. The store and gas sales are a convenience that will primarily serve the nearby industrial area and related uses.

Appellee submits the totality of the circumstances - the underlying zoning, the language of the regulations, traffic statistics, planning considerations, and employment population - clearly support the proposition that the use is auxiliary or service and will serve primarily the surrounding industrial area and related uses.

2. **Does the site meet the requirements of B.C.Z.R. §405.**

Yes.

Ken Colbert, an expert in engineering, prepared the site plan and testified point by point, that the proposal meets the explicit requirements of §405 as to location, proximity to abandoned fuel service stations, site dimensions, setbacks, landscaped transition areas, access driveways, parking, internal driveways, aisles and stacking, restrooms facility, water and compressed air, signs, as well as general design considerations.

Larry Derrow, of Southland, confirmed that Southland maintains its facilities in a manner that would meet or exceed the

requirements of §405.C.3., including an in-ground irrigation system, landscape maintenance contract and replacement of plant material.

Bill Hughey of the Office of Planning stated that the Office of Planning defers to the Department of Public Works where Public Works has made a recommendation, as it has here, as to the location and number of access driveways.

Zoning expert John Lewis, of the Department of Permits and Development management testified that, not withstanding any provisions of the M.L. zone, the proposal is consistent with area (i.e., store size), setbacks, buffers, and the bulk regulations of §405. According to Mr. Lewis, §405 is construed to control such matters in all zones for development of fuel service stations, with only limited exceptions that are clearly specified in the underlying zone, citing, for example, the CR regulations.

3. **Does §405 standards control over those of §253?**

Yes.

Testimony of John Lewis, as to the intent and application of §405, clearly establishes that §405 was enacted to supercede prior regulations applicable to fuel service stations in all zones. In seeking to construe and apply a statute, the legislative history may be considered in determining the meaning of a statute or regulation. Truitt v. Board of Public Works, 221 A.2d 370, 243 Md. 375 (1966), Criminal Injuries Compensation Board v. Gould, 331 A.2d 55, 273 Md. 486 (1975).

Under established principles of administrative law and practice, great deference is afforded to the interpretation of regulations by the agency charged with their administration. Administrative construction of a statute is entitled to great weight. Kimball-Tyler Co. v. City of Baltimore, 133 A.2d 433, 214 Md. 86 (1957). Based on these principles, the standards of §405 should be deemed to control the site standards over any inconsistent provisions of §253.

4. **Does the application satisfy §502 of the B.C.Z.R.?**

Yes.

Testimony indicated that in all aspects, the special exception use meets the standards, and in certain instances would have less adverse impact, than the same use at another location in the zone.

Appellant alleges that the proposal is detrimental to the safety of the locality involved, citing concerns of possible crime and effects of traffic on a nearby synagogue.

The expert traffic testimony indicated that the additional traffic on Crondall Lane from this use would represent a minimal increase (2%) over existing conditions. The synagogue admits to having knowingly located in the midst of a planned industrial area; it strains the limits of credibility for that synagogue now to complain about a use - a convenience store - permitted and customary within such zones.

Jim Dale, a crime prevention professional, employed by Southland, testified that studies conducted by Southland have led to the implementation of pro-active measures at 7 - Eleven stores

to reduce the possibility of crime. Such measures include management training, site planning and design, electronic monitoring, and the establishment of a police presence in its stores. Mr. Dale testified that this facility is less likely to experience crime than other locations because of the general environment surrounding the location. Conversely, a store at this site is less likely to have an adverse effect on the surrounding and nearby community than such stores in other locations. Bolstering Mr. Dale's testimony was that of earlier witnesses that representatives of Southland met with local police and incorporated specific safety recommendations as part of the site design, including lighting, type of landscaping, dumpster relocation, fencing, additional monitors, a police courtesy station, and limbing-up of trees on site. The evidence supports Appellee's contention that the proposed 7 - Eleven use-in combination at this location will not have a disproportionately adverse effect on public safety than elsewhere in the zone.

The Board should note that Appellant's allegations all relate only to the convenience store use -- one permitted by right -- not the combination of that use with fuel sales. In fact, there was not a scintilla of evidence that the sale of fuel at this location would have **any** adverse impact, while there was affirmative testimony that 7 - Eleven's operation is designed to minimize such possibilities. Similarly, there was no evidence that a twenty-four hour operation at this location would have an adverse effect greater than at another location in the zone.

Appellant failed to present **any** evidence that the proposed use at this location has an adverse effect greater than the same use at another location in the zone, and has failed to meet the factual burden necessary to make the issue even fairly debatable.

ISSUES PRESENTED - DUE PROCESS

Appellant's counsel raises issues as to the adequacy of the Petition, alleging a failure of due process. Though not present at the hearing below or the first hearing before this Board, Appellant's counsel argues issues that cannot be sustained. A review of tapes of the proceeding below, the plat itself, the petition documents, the zoning commissioner's decision, these proceedings and applicable law, does not support such contentions.

1. Did the petition and plat provide adequate notice to satisfy Appellant's due process rights?

Yes.

It is undisputed that the Petition was advertised and the property posted. It is also undisputed that Appellant has actively participated at every level of these proceedings. The notice was adequate to apprise Appellant of the character of the action proposed and to enable Appellant to adequately prepare.

The purpose of notification is to inform, and the requirement may be satisfied by actual knowledge, especially when it is acted upon (emphasis added). "There can be no showing of prejudice when [a party] appeared at and participated in the hearing." McLay v. Maryland Assembles, Inc., 269 Md. 465, 476, 306 A.2d 524 (1973).

That Appellant appeared at all hearings, fully participated at all levels and prevailed upon this Board to postpone its hearing on the matter, all clearly indicate that the notice was legally sufficient to satisfy due process and that the matter was within the power and jurisdiction of the Zoning Commissioner and this Board. Charles H. O'Donnell, Jr. v. Basslers, Inc., 56 Md. App. 507, 468 S.2d 383 (1983). The Bassler Court approvingly cited Clark v. Wolman, 243 Md. 597, 221 A.2d 687 (1966) for the proposition that parties who had actual knowledge of the subject matter of the hearing and acted upon that knowledge **waived** any defect in the notice.

A reading of the decision of the Zoning Commissioner (which was provided to all who attended that hearing) recites the relief sought, separating the special exception approval from the development plan. No person who attended that hearing, heard the evidence, read that decision, exercising ordinary care, could claim not to have been informed or deprived of the opportunity to participate in a meaningful way.

Appellant's delays in preparing and consulting counsel are not for lack of notice. The record documents that Appellant and an attorney neighbor both attended the hearing before the Zoning Commissioner and appeared together before this Board on May 13, 1998 at which time Appellant requested and was granted a postponement to retain counsel. Appellant's counsel, Mr. Seller's apologetically broadcast to this Board that he did not become involved until the Thursday immediately prior to the hearing - a

mere four days. Such inaction by Appellant is not for failure of notice, and she cannot now claim denial of due process.

While due process may afford Appellant an opportunity to be heard and to retain counsel, a party's negotiation with a lawyer to enter an appearance was neither a violation of due process, nor a basis for a postponement. Gnau v. Sedel, 25 Md. App. 16, 332 A.2d 739 (1975).

In a factually similar case involving a special exception petition, Cassidy v. Board of Appeals, 218 Md. 418, 146 A.2d 896,(1958), the Court of Appeals of Maryland held that Appellee's petition as filed was more than sufficient to confer upon the Zoning Commissioner and this Board authority to grant the requested special exception. (The case, and discussion thereof were cited in Appellee's earlier Response To Motion to Dismiss, and will be abbreviated here.)

In reaching its decision the Court noted the procedural similarities with which the regulations dealt with either special exception petition (that requested and that granted); the identical method of notice required; the recognized practice of holding joint hearings; and, specifically, that Section 502 of the Zoning Regulations authorizes the Zoning Commissioner to grant permission for uses listed as Special Exceptions. Like the Cassidy case, the regulations clearly list both approved uses (here, a fuel service station, whether standing alone or as a use in combination with a convenience store) as permitted by special exception.

The Petition was not deficient. The Petition did apprise interested parties of the proceeding, of the relevant portion of the zoning regulations under which relief was sought, and of the special exception character of the action. Appellant appeared in response.

The filing was also consistent with the practice before the administrative agency having responsibility for administering the Baltimore County Zoning Regulations. A review of other petitions filed with the Office of Zoning for special exception approval for this use reveals that a minimal recitation of the relief being sought is deemed adequate. (See Petitions, Case Nos. 94-342-SPHXA, 94-470-X, 95-365-XA, 97-11-XA, 97-200-X, 97-322-XA and 97-353-XA). This Board has had occasion to consider other such petitions, and has done so. (See Case Nos. 94-342-SPHXA, 97-11-XA and 97-470-X).

Even, for argument's sake, if the Petition had a technical error as filed, Appellee/Petitioner amended at the outset of the hearing before this Board to cure any alleged error. It is the Board's policy and practice to liberally permit amendments, a policy consistent with the Maryland Rules, which freely allow amendments. Md. Rule §2-341. If a party feels prejudiced by amendment, its relief is the grant of a continuance, relief this Board has already afforded Appellant.

CONCLUSION

Appellee has presented substantial evidence before this Board that the requested special exception use will have no greater adverse effect at this location than normally associated

with such a use elsewhere in the zone, and has thereby met the legal standards of Schultz v. Pritts and Mossburg v. Montgomery County. Applying Mossburg, where the record is otherwise silent as to a greater impact at the present location than other locations similarly zoned, the special exception must be approved.

Conversely, Appellant has failed to present substantial evidence sufficient to overcome the presumptively permissible nature of the use, and instead attempts to re-characterize the facts as having deprived her of her due process rights, a claim which is belied by Appellant's own conduct and involvement, and contrary to established principles law and practice.

WHEREFORE, Appellee prays that this County Board of Appeals affirm the decision of the Zoning Commissioner for Baltimore County and grant the special exception request and such other and further relief as the nature of its cause may require.

Respectfully submitted,

Deborah C. Dopkin
409 Washington Avenue, Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Appellee/Petitioner

POINTS AND AUTHORITY

1. Baltimore County Zoning Regulations

2. Cassidy v. Board of Appeals, 218 Md. 418, 146 A2d 896,(1958)

3. Charles H. O'Donnell, Jr. v. Basslers, Inc., 56 Md. App. 507, 468 S.2d 383 (1983)

4. Clark v. Wolman, 243 Md. 597, 221 A.2d 687 (1966)

5. Criminal Injuries Compensation Board v. Gould, 331 A.2d 55, 273 Md. 486 (1975)

6. Gnau v. Sedel, 25 Md. App. 16, 332 A.2d 739 (1975)

7. McLay v. Maryland Assembles, Inc., 269 Md. 465, 306 A.2d 524 (1973)

8. Mossburg v. Montgomery County, 107 Md. App. 1, 666 A.2d 1253 (1995)

9. Schultz v. Pritts, 291 Md. 1,432 A.2d 1319 (1981)

10. Truitt v. Board of Public Works, 221 A.2d 370, 243 Md. 375 (1966)

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 26 day of June, 1998, a copy of the foregoing Memorandum in Support was hand delivered or mailed, postage prepaid to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204, Attorney for Appellant, and to People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

Deborah C. Dopkin

dcd\zoning\7-11\support.mem

c/27/98

Re: IN THE MATTER OF JEAN SCHUSTER - LEGAL OWNER 3731 Crondall Lane at Owings Mills Boulevard 4th Election District 3rd Councilmanic Southland Corporation, Assignee of Crondall Lane, LLC Applicant/Appellee	*	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No.: 98-269X

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APPELLANTS' MEMORANDUM IN LIEU OF FINAL ARGUMENT

Ellen Saval, Beth Israel Synagogue, Douglas Hamilton and Scott Finkelstein, Appellants, by their attorney, Robert D. Sellers, file this Memorandum in Lieu of Final Argument.

BACKGROUND

Southland Corporation (hereinafter "Southland") seeks a special exception pursuant to §405.4.E.1 of the Baltimore County *Zoning Regulations (hereinafter "BCZR")* for a convenience store with a sales area larger than fifteen hundred square feet as a use in combination with a fuel service station on land zoned ML-IM. Protestants/Appellants assert that the special exception sought should not and cannot be granted for the reasons set forth below:

I. THE PROPOSED USE OF THE PROPERTY IS NOT PERMITTED UNDER THE BCZR UNTIL ADDITIONAL ZONING RELIEF IS GRANTED.

A. Convenience stores are not permitted as a right in ML zones, nor are they a listed special exception use. The term "convenience store" is defined in §101 of the BCZR and is specifically listed as a use permitted in BLR and BL zones. §229.4 and 230.4 BCZR. "Convenience store" is not listed under the ML use

regulations contained in §253 either as a right or as a use permitted by special exception.[1] The BCZR has consistently been interpreted to be inclusive, not exclusive, so that if a proposed use is not listed as permitted it may not be placed in that zone. Thus, the only way to legally construct a convenience store in an ML zone is pursuant to §405.4.D.2 which allows a convenience store up to 1,500 square feet as an ancillary use in conjunction with any fuel service station.

The right to sell gasoline is therefore absolutely necessary as the primary use which must be legally established before one reaches the question of whether or not a convenience store of any size is permitted in ML zones. In enacting the current §405, the County Council expressly indicated that their reason for the legislation was to regulate the location of service stations and the uses associated with them. §405.1.A - D BCZR. (See attached extract of various BCZR sections). Pursuant to §405.2, fuel service stations are permitted by right only when not within 100 feet of residentially zoned property and integrated with and located in a planned shopping center, or an approved planned industrial park or in a planned drive-in cluster. In the instant case, the existence of residentially zoned property less than 100 feet from a part of the lot in question makes it clear that

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[1]If, however, a convenience store is also considered to be a "food store", (a term apparently not defined in the BCZR), such a use may be an auxillary retail use pursuant to §253.1.C.11 if it does not exceed twenty-five hundred square feet and is located in I-M district or a planned "industrial park" of at least twenty-five acres. If the proposed use is considered a "food" store, a variance is needed to exceed 2,500 square feet in size.

§405.2.A does not apply here. Section 405.2.A BCZR. Fuel service stations on sites which do not comply with the above stated requirements may be permitted by special exception when within the urban rural demarcation line (URDL) and subject to §405.3 and §405.4. §405.2.B.1 BCZR. That is not however the only test imposed by the County Council. In Bill No. 172-93 (People's Counsel Exhibit #1) which extensively revised and re-worked §405, the Council also repealed, revised and re-enacted §253 to provide that a fuel service station is only an auxillary use in ML zones if in a planned industrial park. Section 253.1.C.11a. Furthermore, in that same legislation, the Council provided that automotive service stations may be permitted in ML zones by special exception as an auxillary use in an IM district if "it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area." Section 253.2.B (attached).

The fact that the required "primarily serve" finding necessary to allow the use of a fuel service station in a ML zone was included in the same legislation, (Bill #172-93), as the extensive re-working of §405 clearly indicates that the County Council intended that all the standards, tests and findings required in both §405 and §253 be met to sell gasoline to the public in an ML-IM zone.

An analysis of all the relevant sections included in Bill #172-93 makes it clear that the proposed uses at the subject site requires not one special exception but two and perhaps three, each of which contain different standards and findings which must be

made before the respective special exceptions can be granted. It is also noteworthy that the Council deemed it necessary in both §253.1.C and §253.2.B to include in the references to fuel service stations that they were <u>also</u> subject to the provisions of §405. For the reasons set out in detail in Sections II, III and IV of this Memorandum, Appellants contend that Southland did not request or receive the special exceptions required by §253.2.B and §405.2.B to sell gas at the site.

B. The site plan indicates that the proposed structure may not comply with the applicable setback regulations. Section 255 provides that area regulations in ML zones comply with, in this case, §255.2. Section 255.2 requires that a structure within one hundred feet of any residential zone boundary must comply with the setback requirements as required in MR zones. Section 243.4 (Area Regulations in MR Zones) provides that no building or structure be closer than one hundred twenty-five feet at any point to the nearest boundary line of a residential zone. In this case, the site plan clearly indicates that the structure is less than 90 feet of the DR-1 zone line which runs down the center of Owings Mills Boulevard immediately to the east of the property in question.

Section 243 also requires a front yard setback of 75 feet. §243.1. "Front" is not defined in the BCZR. Southland asserts that the front of the building is determined by the location of the door. Appellants contend that in the case of a commercial use, especially the sale of gas, that the location of the door is less important in determining the "front" than the fact that the lot

"fronts" on two roads and is accessible only from driveways leading to those roads. Given the Council's concern about the proximity of ML uses to residential property, as expressed in §255.2, and that it is undisputed that Owings Mills Boulevard is the primary road in the area, Appellants contend that in this case the "front" setback must be applied to the Owings Mills Boulevard side of the building and must therefore be at least 75 feet or a variance must be requested.

C. Southland has failed to request or receive all the zoning relief necessary for their proposed use of the property. Until the primary use of the site as a fuel service station is legally established either by right or by special exception pursuant to §253 and §405.2.B of the BCZR, there is no right whatsoever to sell gas or place a convenience store in the ML zone and the size of the store is a moot point. The BCZR also requires that the building be farther from the eastern property line than is shown on the site plan.

II. THE ONLY ZONING RELIEF BEFORE THE BOARD OF APPEALS IS A SPECIAL EXCEPTION PURSUANT TO §405.4.E.

The only zoning relief requested and received below was a special exception pursuant to §405.4.E. The Petition filed by Southland mentions only §405.4.E; the published Notice mentions only §405.4.E; the zoning decision below mentions only §405.4.E; and the site plan contains a note stating that "A special exception will be requested for a convenience store with sales area larger than 1,500 square feet in combination with a fuel service station."

Petitioner's Exhibit #1. Nowhere in either the zoning file or the associated development file is there even a hint that special exceptions pursuant to §253.2 or §405.2 are necessary or requested. It is interesting to note that Southland's response to Appellant's Motion to Dismiss, which raised this issue for the first time, does not contest that additional special exception relief is required, but rather indicates to the Board that it is the custom in Baltimore County to only refer to §405.4.E in situations such as this. Southland then directs the Board's attention to several zoning files in which it is asserted that similar relief was requested by way of similar language.

A review of the four most recent zoning files cited in Southland's response, namely 97-470-x, 97-353xA, 97-200x, and 97-11-xA, reveals that the situations were not at all the same.[2] In each and every zoning file reviewed, there was an existing convenience store. Furthermore and most important, in each of those four cases the underlying zoning was BL or BR with an Automotive Service (AS) district (or a predecessor to the AS district). Not one of the cases cited involved property zoned ML-IM nor did any of the cases cited involve new construction of both proposed uses, gas and a convenience store.

If, indeed, it is the custom in Baltimore County to refer only to §405.4.E when requesting the multiple special exceptions needed, the Office of Planning is obviously not aware of the custom. Mr.

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[2]Appellants' counsel has only reviewed the four cases discussed herein. The expedited scheduling of this appeal prevented counsel from having sufficient time to examine all the cases cited.

Hughey testified without contradiction that the Office of Planning <u>did not</u> *review the proposal for the purpose of commenting on a* special exception to sell gas in an ML-IM zone because it was not brought to their attention. Furthermore, Appellants contend that if it is the "custom" to only mention §405.4.E in a situation such as this, the practice should be halted immediately by the Board because it does not provide proper or adequate notice to neighbors and community members of the issues to be decided or the various standards which must be met. "While zoning office personnel will assist the person filing the petition in interpreting those provisions of the BCZR applicable to the petitioner's case, the final wording of the petitioner's request as set forth on the petition form shall be the responsibility of the petitioner or his legally authorized representative." Zoning Commissioner's Rule 3 (attached).

It is also more than noteworthy that the evidence, taken as a whole, casts considerable doubt that Southland even knew they needed a special exception to sell gas at the site, or that they subjectively intended to seek such a special exception by referring only to §405.4.E. The overwhelming weight of the evidence indicates clearly that they did not. The minutes of the community input meeting (CIM) held for this project pursuant to the development plan regulations shortly before the Petition For Special Exception was filed, indicate that Mr. Colbert, representing Southland at that meeting, told the community members in attendance that "the property is zoned ML-IM which allows a gas

station and convenience store as a matter of right...." The minutes also indicate that when asked what would happen if the special exception use were disallowed, "Mr. Colbert stated the developer would have to decide whether or not to sell gasoline and keep the convenience store or reduce the convenience store to no more than 1,500 square feet." Protestants' Exhibit #3.

Mr. Colbert denied that he made those comments at the meeting, however, Mr. Rascoe testified that he conducted the meeting in his capacity as Project Manager for the County and included in the minutes those matters mentioned at the community input meeting and that he always attempts to be as accurate as possible when keeping minutes. Mr. Colbert admitted receiving a copy of the minutes and that he never attempted to make any corrections. Ms. Saval testified that she was at the meeting and that her recollection was in accord with the facts contained in the minutes and that she left the meeting with the distinct impression that the sale of gas and a convenience store on the site were a matter of right and that the only issue was the size of the convenience store. Additionally, Michael Glaser submitted similar testimony via a letter to the board. Protestants' Exhibit #4. Marilyn Schloss, President of the Beth Israel Congregation, also testified that the members and board of the synagogue were of the same understanding.[3]

Appellants furthermore found it very telling that when

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[3]It must be noted that the purpose of a CIM is to inform the neighbors and community members about proposed developments and that those who attend are, by and large, the same people who would be interested in the associated zoning case and who would be most likely to participate in the zoning hearing.

Southland had the opportunity to establish for the board that it is indeed customary to refer only to §405.4.E in situations such as this, by eliciting such testimony from John Lewis, an undisputed expert in the content, interpretation and usage of the BCZR, that he was not asked a single question regarding any such custom.

It is equally clear that the Zoning Commissioner did not know or understand that a special exception for the sale of gas in an ML zone was being requested. This is made abundantly clear in the Hearing Officer's Opinion and Development Plan Order issued by Lawrence E. Schmidt on March 17, 1998 after the combined Development and Zoning Hearing below. On page one of the Opinion, the reference to the Petition For Special Exception refers only to §405.4.E and expressly mentions that the relief revolves around the square footage of the convenience store to be used in combination with a fuel service station. Furthermore, in the language of the Order itself, found on page ten of the Opinion, only §405.4.E is referred to and only a special exception pursuant to that section is granted. That the other special exceptions required by §253.2 and §405.2 were neither sought nor granted is obvious in that nowhere in Commissioner Schmidt's Opinion is there any reference to the showing required by §253.2.B that the use will "serve primarily the industrial uses" in the surrounding industrial area, nor is there even a mention of a finding or showing as required by §405.3 regarding abandoned fuel service stations, nor is there any discussion of the site standards contained in §405.4. Had §253.2 and §405.2 been mentioned anywhere in the Petition or on the site

plan, Commissioner Schmidt almost certainly would have discussed those additional issues in his opinion. Lastly, had those matters been at issue at the hearing and the Order referred only to §405.4.E, as it does, the omission of the other necessary special exceptions and findings from the Order should have been brought to Commissioner Schmidt's attention immediately by Southland by way of a Motion to Amend the Order or by appeal, neither of which occurred.

It seems clear that Southland did not know that it needed additional zoning relief and their contention now, that the reference to §405.4.E in the Petition was broad enough to cover all necessary zoning relief is disingenuous. It is clear that regardless of what Southland thought they were asking for, they only received a special exception pursuant to §405.4.E which deals only with the size of the store, leaving the issue of the sale of gas and the right to have a convenience store at the site unresolved and therefore not permitted in the zone.

III. THE BOARD MAY NOT PROPERLY ACCEPT AN AMENDMENT TO THE PETITION TO REQUEST ADDITIONAL SPECIAL EXCEPTIONS.

Southland's attempt to amend the Petition during the hearing before the Board to include the special exceptions necessary under §253 and §405.2. cannot stand. The Board of Appeals has no original jurisdiction to accept petitions for any zoning relief. The Board's jurisdiction in the instant matter is entirely appellate. The mere fact that it is a de novo appeal does not confer upon the Board original jurisdiction which under Baltimore

County law is vested only at the level of the zoning commissioner. United Parcel v. People's Counsel, 336 Md. 569, at 590 (relevant pages attached).

Some minor amendments to site plans and other matters before the Board may be permissible and desirable for the efficient processing of zoning and development matters. In this case, however, the proffered amendment changes the character and contents of the Petition in several very significant ways. The addition of two special exceptions, not previously mentioned or litigated, which require additional and different findings and which impose different standards from that originally requested cannot be permitted. Appellants believe the amendment is analogous to an entirely new count being added to litigation the day of the trial and cannot conceive that any court or board would allow such a result.

IV. THE NOTICE WAS MISLEADING AND DEFECTIVE AND DOES NOT COMPLY WITH REQUIRED DUE PROCESS.

"The paramount objectives of the process are citizen participation and to maximize their involvement at as many levels as possible." Chairman Stahl on the first day of the hearing.

Any decision by this board on the issue of whether or not Southland can sell gas and have a convenience store at this site is improper. Maryland law requires that interested parties be given a meaningful opportunity to offer informed comments at statutorily mandated public hearings. The hearing must be fair in all respects and not a mere form. Accurate information is critical in order for

a citizen or other interested entity to exercise intelligently the rights of notice and participation. Free State Recycling Systems v. Board of County Commissioners for Frederick County, Md., 885 F. Supp. 798 (D Md 1994) at 809 (relevant pages attached). Defective or misleading notice is a violation of due process. "The rights required by due process before an administration agency typically include the right to: (1) notice, including an adequate formulation of the subjects and issues involved in the case...." Boehm v. Anne Arundel County, 54 Md. App. 497 at 512 (attached). The Cassidy case cited by Southland in its response to Appellants' Motion to Dismiss supports that proposition. The case holds that notice must be such as to allow the community to "intelligently" prepare for the issues to be decided and that the notice to be effective must not "create ... the impression that appearance ... is futile". Cassidy v. Board of Appeals, 219 Md. 418 at 424 (attached). One cannot intelligently prepare for the issues to oppose or zoning relief not requested in the Petition. The evidence is overwhelming that neighbors and community members did not know of the special exception required to sell gas on the site, nor did the Office of Planning. It is no surprise that the community and at least one county office did not know what was being requested. The Petition, the sign posted on the property, the publication, the site plan and the Zoning Order all refer only to relief under §405.4.E. The language used in all those documents plainly would not and did not notify the community or the Office of Planning that special exceptions pursuant to §253.2 and 405.2.B were at issue. Without

adequate notice that special exceptions to sell gas in an ML-IM zone were being requested, only an individual intimately familiar with the BCZR would know to look at those sections and discover that §253.2 requires that the fuel service station primarily serves the industrial uses within the ML zone and that §405.3 requires a finding of no abandoned gas stations in the area. After a careful review of the entire file, one wonders when, if ever, anyone or any document was ever going to indicate that special exceptions to sell gas on the site were needed or requested or granted. The incomplete and misleading notice to the community in those documents alone is sufficient for the Board to find that the notice was defective. In this instance, however, the community was not just given incomplete information. The evidence reveals that at the CIM for this project, (an official County run meeting, required by the development regulations), the community was given incorrect information that there <u>was</u> the right to sell gas and have a convenience store on the site, and the only issue remaining was the size of the store, not once but twice during the meeting! The impact on the community of this information when combined with the incomplete information in the Petition, on the sign, in the publication and on the site plan made it impossible to understand the extent of the zoning relief requested.

There is no way of knowing what would have happened below, what evidence may have been introduced, what experts may have been hired or what points a more energized and interested community may have made, had the real issues been brought to their attention.

The issue of what is or is not an appropriate auxiliary use in an ML-IM zone would almost certainly have been raised earlier and more forcefully by the Office of Planning. The issue of whether or not the use was primarily intended to serve the industrial area would certainly have been litigated extensively and in detail. The issue of whether or not there were any abandoned gas stations in the area is a matter not mentioned in the Zoning Commissioner's opinion, although required by §405.3 and something which the community was unable to investigate, again because they were not aware that it was an issue. Cases involving whether or not gasoline may be sold at a site almost always raise environmental concerns within the community, yet this record indicates that no one ever raised that issue. Appellants contend that the improper notice, including the misleading information put out at the CIM discouraged and prevented many neighbors from participating because they were left with the belief that the sale of gas and a convenience store were a "done deal" and the only issue to be decided was the size of the store.

Common sense alone leads one to conclude that a community with the impression that they can do or nothing about the construction of a gas station with a convenience store of up to 1500 square feet will not mobilize and participate only to contest the size of the store. On the other hand, a community which knows that certain standards and findings must be met in order to obtain special permission to sell gas on a site will mobilize, retain counsel, perhaps retain experts and contest the zoning relief. Ms. Schloss from the synagogue testified that she would have recommended that

the synagogue take different action had they known the extent of the zoning relief required.

Certainly, the community did manage to raise several interesting and important issues when forced to litigate the special exceptions to sell gas in the instant proceedings, over their objection to having to do so upon short and defective notice, and without the time to investigate and prepare. What other evidence may have been presented with adequate notice cannot be known. For all the reasons mentioned above, this board may not accept the amendment to the petition to seek special exceptions to sell gas on the site nor can this board grant to Southland those special exceptions where the notice to the community was non-existent or at best, extremely misleading.

V. THE MERITS OF THE SPECIAL EXCEPTION TO SELL GAS.

The Appellants understand the board's reluctance to grant their hastily drafted Motion to Dismiss prior to hearing the evidence. The failure to rule on that Motion did, however, put the Appellants at a distinct disadvantage in contesting a special exception to sell gas at the site. The Appellants do not believe that the issues have been fully and fairly litigated, however, it is necessary under the current posture of the case to address the standards and issues in the best way possible under the circumstances.

The ML use regulations make it clear that the use of the property as a fuel service station is only permitted as a matter of right if that use is within a "planned industrial park". §253.1.C

BCZR. Section 253.2.B provides that an automotive service station may be permitted by special exception as an auxillary service use if such use is in a planned industrial park or in an IM district and "further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area...." §253.2.B BCZR. Thus, in addition to the usual findings required for a special exception set out in §502, the Council has clearly indicated an intent that the sale of gas in ML-IM zone is only permitted for the purpose of serving the industrial uses and is not to serve the community at large.

The evidence before the Board is that the proposed sale of gas at the intersection of Owings Mills Boulevard and Crondall Lane will not serve primarily the industrial uses in the area but rather is aimed at the commuter traffic along Owings Mills Boulevard generated by the thousands of residents to the north. Mr. Hughey identified Owings Mills Boulevard as either a major collector road, or an arterial road, which is intended and does in fact carry large amounts of commuter traffic from the thousands of homes north of the site to the Owings Mills Town Center, Route 795, the Baltimore Beltway and virtually all points to the south, east and west of the site. There was also extensive testimony from both Mr. Hughey and the community members that alternative routes westward towards Reisterstown Road from the residences to the north of the site are very much restricted by the existence of a railroad right of way, crossed only at three (3) places, all of which are "at grade" crossings. There was additional testimony that the use of

Gwynnbrook Avenue to proceed westbound led one to Reisterstown Road where no left turn is permitted. The railroad crossing of Timber Grove Road was described as an area of frequent flooding. The third road crossing the tracks at Bond Avenue, is far to the north. All 3 roads were described as narrow winding 2-lane roads.

Mr. Moore's testimony regarding the traffic volume on Owings Mills Boulevard indicated that 70% of traffic passing the site is on Owings Mills Boulevard while only 30% is on Crondall Lane, where the industrial uses are located. Petitioner's Exhibit 5, page 19. Mr. Moore also testified on cross examination that he could not tell the Board the origin or destination of the traffic on Crondall Lane because he did not study the turns in and out of the industrial parks nor the traffic on Crondall Lane coming from Garrison Forest Road and beyond.

The vast majority of the traffic on Owings Mills Boulevard is commuter and day to day traffic generated by the residents north of the site. It is hard to imagine under these circumstances that anyone could find that the proposed use will "serve primarily the industrial uses and related activities in the surrounding industrial area." In fact, Mr. Darrow, when asked if Southland would choose to build on this site if the thousands of residences to the north did not exist said, "I don't know". He also did not know the location of the next nearest 7-11 store. Mr. Darrow was the only witness offered by Southland in a position to clearly articulate Southland's market analysis data and intent regarding the area to be served by the proposed use. Given that he didn't

know the location of the nearest 7-11 and didn't know if Southland would select this site without the residences to the north, his testimony that it would serve primarily the industrial area is without basis and credibility. If there was enough potential business from the industrial parks on Crondall Lane to support a 7-11 store so that it would "serve primarily" those industrial uses, the existence of thousands of residences to the north would not be an important factor in locating the store where proposed and the answer to the question posed to Mr. Darrow on cross would have been a very strong yes, rather than, "I don't know." Under these circumstances, Southland could not have possibly carried their burden on that issue.

The requirement imposed by §253.2 that the sale of gas in ML-IM areas primarily serve industrial uses is entirely consistent with other provisions of the zoning code and both the Master Plan and the Plan for Owings Mills. Mr. Hughey testified that the Master Plan articulates the intent to use industrially zoned land for industry and employment purposes and as "a general policy, the County should be cautious about industrially zoned land being pre-empted by other uses...which should be accommodated in other areas." Master Plan 1989-2000, p.131 (relevant pages attached). Mr. Hughey also brought to the attention of the Board the commitment contained in the Master Plan, made by the County to the merchants along Reisterstown Road and Liberty Road that it will not place or encourage new competing uses throughout the Owings Mills development area. Master Plan p.91 (relevant pages attached). He

also testified that the intention for land zoned for industry, as expressed in the Plan for Owings Mills, included an effort "to ensure that these lands are held for industrial use." Plan for Owings Mills, p.51. Additionally, the stated purpose of the IM district designation imposed on this site is to promote "greater industrial use of prime industrial land... by discouraging non-auxiliary commercial usage." §259.2.4 BCZR.

It is therefore difficult to conceive how the standard imposed by §502.(g) can be met where the proposed use is expressly discouraged by the articulated purpose of the IM district and where the Master Plan and the Plan for Owings Mills articulate the reasoning and the spirit and intent behind that zoning district. The proposed use is not only "inconsistent with the purposes of the property's zoning and the spirit and intent" of those regulations, but it is directly contrary to the spirit and intent and purpose as articulated by the County Council. A special exception may not be granted without satisfying all of the standards listed in §502 and the instant proposal must therefore fail for failure to comply with §502.1(g).

The community also provided the Board with evidence that other of the requirements of §502.1 are not met. Ms. Schloss articulated the synagogue's concern for the safety of children going to and from the Hebrew School and pre-school operated at the synagogue directly across the street from the site. The buses transporting children to and from the Hebrew School arrive and depart during the afternoon drive time which is exactly the time of

the greatest congestion at the intersection of Crondall Lane and Owings Mills Boulevard and the time of day during which the Zoning Commissioner restricted left turns from the site in an attempt to alleviate that congestion. It is also important to note that the Zoning Commissioner visited the site on a Friday afternoon and observed enough congestion to warrant a turn restriction in his Order, yet Ms. Schloss testified that there is no Hebrew School operating on Friday afternoons and thus, the Zoning Commissioner visited the site on the one day of the week when there is the least amount of traffic and congestion. Opinion and Order p.6.

The safety of the children being transported to and from the Hebrew School, the pre-school operated by the synagogue and three (3) Day Care Centers which operate in the industrial park is an important concern of the community. There was also testimony from Ms. Schloss regarding concerns of the congregation that children waiting for Hebrew School to begin or waiting for rides home afterwards would be attracted to the 7-11 and would be attempting to cross Crondall Lane, again, during the most congested time, afternoon drive time.

Mrs. Saval raised another safety concern regarding children in the area. She testified that it was inevitable that children from the residences to the north would be tempted to ride their bicycles to the 7-11 and that necessarily they would be riding down Owings Mills Boulevard, a major collector or arterial road, carrying thousands of vehicles and without sidewalks or adequate shoulders. The area was not designed or planned for extensive pedestrian or

bicycle movement because the zoning and intended uses should not generate that type of traffic. There was also extensive testimony about the congestion and problems at the intersection of Gwynnbrook Avenue and Owings Mills Boulevard, which necessarily would have to be traversed by children on bikes headed to the 7-11..

The existence of the synagogue and day care centers coupled with the traffic problems at both Cronall Lane and Gwynnbrook Avenue where they intersect with Owings Mills Boulevard and the lack of sidewalks or shoulders on Owings Mills Boulevard in the vicinity of Gwynnbrook and the extensive volume of traffic along Owings Mills Boulevard constitute a situation where the special exception use will indeed be "detrimental to the health, safety, or general welfare of the locality involved." §502.1(a).

The community also expressed important concerns about the potential for crime. Ms. Schloss testified that the area is largely isolated and empty late at night and that the synagogue was concerned about vandalism and the safety of those attending meetings at night at the synagogue. There was extensive testimony that the traffic late at night on both Owings Mills Boulevard and Crondall Lane is extremely light and that there would be few passersby to observe crime taking place. Furthermore, the industrial park is virtually empty of employees late at night.

Mr. Dale testified about the measures that Southland Corporation takes to reduce or prevent crime, however, the community believes that this proposal is unique in that one of the primary methods of crime prevention by Southland consists of what

Mr. Dale styled the "fish bowl effect" which relies on the large plate glass windows in the front of the store to allow passersby and police to view what is occurring within. On this site that portion of Southland's anti-crime program will be completely and totally ineffective. The proposed store's plate glass front faces neither Owings Mills Boulevard nor Crondall Lane and in fact, faces a rather high retaining wall along the east side of the property. No one will be able to see into this 7-11 unless they are actually at the gas pump buying gas or parked in front of the store. For the reasons set out above, the proposed use cannot pass the tests imposed by §502.1(a), (b) and (g).

CONCLUSION

It is in the best interest of both the citizens and Baltimore County to decide zoning matters only after receiving all possible input, evidence and accurate information from the community, the County agencies and the developers. Clearly, that did not occur here. The community and the Planning Office were misled regarding the required zoning relief and the issues which would be relevant to that decision. It cannot be known at this time who may have testified, on what the evidence may have revealed, or what the Office of Planning may have raised had everyone understood what was being requested. There has not been a full and fair hearing.

For that reason and for all of the reasons above, the Board must find as a matter of law, that the sale of gasoline on the subject land is not a matter of right, and that the burdens imposed by §502.1, §253 and §405 have not been met. There is no right to

sell gas on the site, nor is there a right to have a convenience store at all without the sale of gas, and therefore, the size of the convenience store is a moot point. The request to have a convenience store of a larger size is, however, relevant to the issue of whether or not it is intended to serve primarily the industrial uses in the area. If that was Southland's intention, a store of less than 1500 square feet should be more than adequate and it would not be necessary to be open 24 hours a day.

While the community believes that the procedural and legal issues presented are more than sufficient to defeat a special exception to sell gas or to have a larger convenience store at the site, an analysis of the facts in evidence dictates the same result. The proposed use is not an auxillary use within the zone because it is not primarily intended to serve the industrial area. It is contrary to the clear intent of the Master Plan and the Owings Mills Plan. Finally, the community concerns regarding traffic and crime as they relate to the specific proposal in this specific area, indicate that the proposal is indeed detrimental to the health, safety and general welfare of the locality; will tend to create congestion on the roads and without a doubt, is inconsistent with the purposes of the zoning and spirit and intent of the regulations.

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410-583-1712
Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 26 day of June, 1998, a copy of the Appellants' Memorandum In Lieu Of Final Argument was mailed first class, postage paid, to Deborah Dopkin, Esquire, 409 Washington Avenue, Suite 920, Towson, Md. 21204, attorney for Southland and to Peter Max Zimmerman, Peoples' Counsel, 400 Washington Avenue, Towson, Md. 21204.

Robert D. Sellers, Esquire

docs\saval\memorand.arg

6/23/98

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondalll Lane, E/S Owings Mills Blvd. at its intersection with S/S Crondall Lane 4th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	FOR
Legal Owner: Jean Schuster Contract Purchaser: Crondall Lane, LLC	*	BALTIMORE COUNTY
Petitioners	*	Case No. 98-269-X

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

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People's Counsel's Outline of Key Issues

Now comes PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, by Peter Max Zimmerman, Esq. and Carole S. Demilio, Esq., and submit that the following are the key issues in above-captioned matter, as follows:

1. Is the proposed service station/7-11 genuinely an "auxiliary service use" to the *nearby business parks*?

> Sources: BCZR 253.2B (auxiliary commercial use special exceptions in M.L.-I.M. zone); 259.2H ("discouraging non-auxiliary commercial usage" in I.M. District); Webster's Dictionary, attached; Words and Phrases, attached. Cf. BCZR 101, as to "accessory uses."

2. a. Will the proposed land use serve peak hour residential commuters and customers as much as industrial commuters, based on the approximately equal traffic *counts in opposite directions*?

b. Will the proposed land use tend to serve residential customers more than industrial customers at off-peak traffic hours, especially from 6 p.m. to 7 a.m.?

c. Does the 24-hour proposed operation belie the claim that the land use will serve primarily industrial uses?

Source: BCZR 253.2B.

3. Is the proposal adverse to the public safety, health and welfare to place the proposed land use adjacent to an established religious institution?

Source: BCZR 502.1a.

4. Is the proposal also problematic for the northerly residential communities which use Owings Mills Boulevard as their main access south to Reisterstown Road and I-795?

Source: 502.1b.

5. Is the proposal consistent with the spirit and intent of the M.L.-I.M. zone/district?

Source: BCZR 502.1g.

6. Does the proposed land use comply with the relevant M.L. zone setbacks, including minimum 125 feet for structures from residential zone boundary? Source: BCZR 255.2, 243.1, 243.4. (and 75 feet front yard)

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PMZ

7. Does a food store in an M.L. zone in excess of 2500 sq. feet require a variance? BCZR 253.1 C.H, BCZR 307.1?

Carole S. Demilio

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 1998, a copy of the foregoing Memorandum of People's Counsel for Baltimore County was mailed to Deborah C. Dopkin, Esq., 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioner.

Carole S. Demilio

CAROLE S. DEMILIO

* Check Orientation
APR 14 1987
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from 75' Setback

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au·top·sist \-səst — *see* ¹AUTOPSY\ *n* -S [*autopsy* + *-ist*] : one who performs an autopsy

¹au·top·sy \'ȯˌtäpsē, 'ȯd-əp-, 'ȯtap-, -si *sometimes* ȯ'täp- *or* ə'täp-\ *n* -ES [Gk *autopsia* seeing with one's own eyes, fr. *aut-* + *-opsia* (fr. *opsis* sight) — more at OPTIC] **1** : POSTMORTEM EXAMINATION, NECROPSY, *also* : permission to make such an examination ⟨~ was refused⟩ **2** : a critical analysis either hostile or dispassionate of a past event or a completed creative process ⟨history is at best ~ —F.L Wright⟩

²autopsy \"\ *vt* -ED/-ING/-ES : to perform a *postmortem* examination upon

au·to·psychic \ˌȯ-ˈ- *at* ¹AUTO- + ˈ-\ *adj* [*aut-* + *psychic*] : of or relating to one's own mind — contrasted with *allopsychic*

au·top·tic \(ˌ)ȯˈtäptik\ *adj* [Gk *autoptikos* of an eyewitness, fr. *aut-* + *optikos* of sight — more at OPTIC] : based on one's own observation ⟨an ~ report on the Far East⟩

au·to·radiogram \ˌȯ- *at* ¹AUTO- +\ *or* **au·to·radiograph** \" +\ *n* [ISV *aut-* + *radiograph* or *radiogram*] : an image produced on a photographic film or plate by the radiations from a radioactive substance in an object which is in close contact with the emulsion — called also *radioautograph* — **au·to·radiographic** \" + \ *adj*

au·to·radiography \" +\ *n* [*aut-* + *radiography*] : the process of making autoradiographs

au·to·rail \ˈȯ- + -\ *or* **au·to·railer** \" + ˌ-ər\ *n* -S [²*auto-* + *rail* or *railer*] : a self-propelled vehicle equipped with both flange wheels and pneumatic tires and thus adaptable to either railway or highway operation

au·to·rifle \ˈȯd-ōˌ-\ *n* -S [*automatic rifle*] : AUTOMATIC RIFLE

au·to roller \ˈȯd-ōˌ-\ *n* [*automatic*] : a worker who feeds and operates an automatic machine for cutting wrapper leaves and rolling cigars

au·to·rotation \ˌȯ-(ˌ)ō- *at* ¹AUTO- +\ *n* -S [ISV *aut-* + *rotation*] : the turning of the rotor of an autogiro or a helicopter with resulting *lift caused* solely by the aerodynamic forces induced by motion of the rotor along its flight path — **au·to·rotational** \" +\ *adj*

autos *pl of* AUTO, *pres 3d sing of* AUTO

au·to·sau·ri \" + ˈsȯˌrī, -(ˌ)rē\ *or* **au·to·sau·ri·a** \-ˈsȯrēə\ [NL, fr *aut-* + *-saurus* (pl of *-saurus*) or *-sauria*] *syn of* LACERTILIA

au·to·sche·di·asm \ˌȯ- + ˈskēdēˌazəm\ *n* -S [Gk *autoschediasma*, fr *autoschediazein* to extemporize, fr *aut-* + *schediazein* to improvise, do something offhand, fr *schedios* casual, akin to Gk *schein echein* to have, hold — more at SCHEME] : something that is done offhand : IMPROVISATION

au·to·sche·di·as·tic \ˌȯ- + ˈskēdēˌastik\ *adj* [Gk *autoschediastikos*, fr *autoschediastos* extemporary (fr. *autoschediazein*) + *-ikos* -IC] : EXTEMPORARY, OFFHAND

au·to·scope \ˈȯ- + ˌskōp\ *n* -S [ISV *aut-* + *-scope*, prob orig formed as G *autoskop*] : a device for recording or magnifying small involuntary movements of the body

au·to·scopic \ˌȯ- + ˈ-\ *adj* : of, relating to, or marked by autoscopy

au·tos·co·py \ȯˈtäskəpē\ *n* -ES [ISV *aut-* + *-scopy*, prob orig formed as G *autoskopie*] : visual hallucination of one's body image

autos·da·fé *pl of* AUTO-DA-FÉ

autos de fé *pl of* AUTO DE FÉ

au·to·sensitization \ˌȯ-(ˌ)ō- *at* ¹AUTO- +\ *n* -S [*aut-* + *sensitization*] : AUTOIMMUNIZATION

au·to·serum \ˈȯ- + ˌsi(ə)rəm\ *n* -S [ISV *aut-* + *serum*] : a serum obtained from a patient for use in treating that patient

au·to·sexing \" + ˌsek-\ *adj* [*aut-* + *sexing*, pres part of *sex*] : showing characters that are differential for sex at birth or hatching — used esp of domestic fowls crossbred for characteristic color or pattern differences in the two sexes

au·to·site \"+ ˌsīt\ *n* -S [F, fr *aut-* + *-site* (as in *parasite*)] : that part of a double fetal monster that nourishes both itself and the parasitic twin

au·to·sit·ic \ˌȯ- + ˈsid-ik\ *adj* : of the nature of an autosite

au·to·skeleton \ˈȯ- + ˌskel-\ *n* -S [*aut-* + *skeleton*] : an internal skeleton; *specif* : the endoskeleton of sponges consisting of spicules or spongin fibers secreted by the cells — opposed to *pseudoskeleton*

au·to·sled \" + ˌsled\ *n* -S [²*auto-* + *sled*] **1** : a vehicle with four retractable runners and wheels that is driven by propeller blades and is capable of traveling on bare roads, packed snow, or ice **2** : a vehicle like an autosled but that has only the front wheels retractable and that is driven by the rear wheels

au·to·som·al \ˌȯ- + ˈsōməl\ *adj* : of, belonging to, located on, or transmitted by an autosome — used chiefly of genes

au·to·some \ˈȯ- + ˌsōm\ *n* -S [*aut-* + *-some*] : a chromosome other than a sex chromosome — called also *euchromosome*, compare ALLOSOME

au·to·spore \" + ˌ-\ *n* -S [*aut-* + *-spore*] : one of the daughter cells formed by the internal division of a single cell esp. in such unicellular algae as members of the order Chroococcales and duplicating in miniature the parent cell

au·to·spor·ic \ˌȯ- + ˈspȯrik\ *adj* : of, relating to, or characterized by autospores

au·to·stability \" +\ *n* -ES [*aut-* + *stability*] : the ability (as of an airplane) to keep in steady poise either by virtue of its inherent shape and proportions or by a self-operative controlling mechanism

au·to·sty·lic \ˌȯ- + ˈstīlik\ *adj* [*aut-* + *-stylic*] : having the jaws connected directly with the cranium (as chimaeras, lungfishes, amphibians, and higher vertebrates) instead of indirectly by the hyoid arch — sometimes distinguished from *holostylic* to denote lack of *fusion* of the pterygoquadrate with the cranium, compare AMPHISTYLIC, HYOSTYLIC

au·to·sty·lism \" + ˈstīˌlizəm\ *or* **au·to·sty·ly** \ˈȯ- + ˌstīlē\ *n, pl* **autostylisms** *or* **autostylies** [*autostylic* + *-ism* or *-y*] : condition of being autostylic

au·to·suggestibility \ˌȯ-(ˌ)ō- +\ *n* -ES : the quality or state of being autosuggestible

au·to·suggestible \" + ˌ-ˈjestəbəl\ *adj* [*autosuggestion* + *-ible*] : subject to autosuggestion

au·to·suggestion \" +\ *n* -S [ISV *aut-* + *suggestion*; orig formed in G] : an influencing of one's own attitudes, behavior, or physical condition by mental processes other than conscious thought : SELF-HYPNOSIS

au·to·suggestive \" + ˌ-ˈjestiv\ *adj* [*autosuggestion* + *-ive*] : of, relating to, or marked by autosuggestion

au·to·synapsis \" +\ *n* [NL, fr. *aut-* + *synapsis*] : AUTOSYNDESIS

au·to·syndesis \" +\ *n* [NL, fr *aut-* + *syndesis*] : pairing at meiosis of homologous chromosomes from the similar sets of an allopolyploid individual

au·to·syndetic \" + ˌ-ˈdetik\ *adj* [*aut-* + *syndetic*] : of, relating to, or marked by autosyndesis — **au·to·syndetically** \" + ˌ-ˈdetik(ə)lē\ *adv*

au·to·tel·ic \ˌȯ-ə-ˈtelik\ *adj* [Gk *autoteles* complete in itself (fr *aut-* + *telos* end) + E *-ic*] : having an end or purpose in and not apart from itself ⟨poetry is . . . like mathematics, an ~ activity —Louis MacNeice⟩ — contrasted with *heterotelic*

au·to·tel·ism \ˌȯ- + ˈtelˌizəm, -ətēˌl- *also* ȯˈtätᵊlˌiz-\ *n* -S : the belief that a work of art, esp. a work of literature, is an end in itself or provides its own justification

au·to·tetraploid \ˌȯ- +\ *n* -S [*aut-* + *tetraploid*] : an individual or strain exhibiting autotetraploidy

au·to·tetraploidy \" +\ *n* -ES [*aut-* + *tetraploidy*] : the state of having four genomes due to doubling of the ancestral chromosome complement — compare C-MITOSIS

au·to·the·ism \ˌȯ-(ˌ)ō- + (ˌ)thēˌizəm, -ˌēə-th-\ *n* -S [LGk *autotheos* very God (fr Gk *aut-* + *theos* god) + E *-ism* — more at THEISM] **1** : the doctrine of the self-existence of God; *esp* : the doctrine that Christ is the self-existent God himself **2** : *deification of oneself* : SELF-WORSHIP

au·to·the·ist \ˈȯ-(ˌ)ō- + ˌthēəst, -thēˌist\ *n* -S : one who believes in or practices autotheism

au·to·theistic \ˌȯ-(ˌ)ō- + ˌ-ˈistik\ *adj* : of, relating to, or marked by autotheism

au·to·therapy \ˌȯ- +ˈ-\ *n* -ES [*aut-* + *therapy*] : medication of oneself or treatment of one's own disease without medical supervision or prescription

au·to·tomic \" + ˈtämik\ *or* **au·tot·o·mous** \ȯˈtäd-əməs\ *adj* [*aut-* + Gk *tomos* cutting + E *-ic* or *-ous*] : of, relating to, or characterized by autotomy

au·tot·o·mize \ȯˈtäd-əˌmīz\ *vb* -ED/-ING/-S *vt* : to effect autotomy of ~ *vi* : to undergo autotomy

autotomizer muscle *n* : a muscle that contracts in such a way as to cause autotomy (as in the limbs of a crayfish)

au·tot·o·my \ȯˈtäd-əmē\ *n* -ES [ISV *aut-* + *-tomy*] : reflex separation of a part or limb from the body : division of the whole into two or more pieces (as in crustaceans, echinoderms, or worms)

au·to·toxemia *also* **au·to·toxaemia** \ˌ-(ˌ)ō- *at* ¹AUTO- + ˌ-ˈsēmēə\ *n* -S [NL, fr. *aut-* + *toxemia, toxaemia*] : AUTOINTOXICATION

au·to·toxin \" + ˌ-ˈtäksən\ *n* -S [ISV *aut-* + *toxin*] : any toxin produced within the body

au·to·transformer \" + ˌ-ˈ-\ *n* -S [*aut-* + *transformer*] : a transformer in which the primary and secondary coils have part or all of their turns in common

au·to·transplant \" + ˌ-ˈ-\ *vt* [*aut-* + *transplant*] : AUTOGRAFT

au·to·transplantation \" + ˌ-ˌtranˌsplənˈtāshən\ *n* -S : the action of autotransplanting or the condition of being autotransplanted

¹au·to·triploid \ˌȯ- + ˈ-ˌ-\ *adj* [*aut-* + *triploid*] : having a triploid set of chromosomes made up of like genomes — **au·to·triploidy** \" + ˈ-ˌ-\ *n* -ES

²autotriploid \" + ˈ-\ *n* -S : *an autotriploid* individual

au·to·tron·ic \ˌȯ- + ˈtränik\ *adj* [fr *Autotronic*, a trademark] : capable of automatically regulating the operation of banks of elevators in office buildings

au·to·troph \ˈȯ- + ˌträf, -ōf\ *also* **au·to·trophe** \-ˌtrōf\ *n* -S [G, fr *autotroph*, adj, autotrophic] : an autotrophic organism : AUTOPHYTE — **au·tot·ro·phy** \ȯˈtäträfē\ *n* -ES

autotroph hypothesis *n* : a hypothesis in biology the most primitive first life was autotrophic — compare HETEROTROPH HYPOTHESIS

au·to·troph·ic \ˌȯ- + ˈträfik, -trōf-\ *adj* [ISV *aut-* + *-trophic*, prob orig. formed as G *autotroph*] **1** : capable of self-nourishment, *specif* : capable of using carbon dioxide or carbonates as a sole source of carbon and a simple inorganic nitrogen compound for metabolic synthesis — used of green plants and certain chemoautotrophic bacteria and protozoans; opposed to *heterotrophic*; see PHOTOAUTOTROPHIC **2** : not requiring a specified exogenous factor for normal metabolism — usu. used in combination ⟨strictly auxo*autotrophic*⟩ — **au·to·troph·i·cal·ly** \ˌ-ˈträfik(ə)lē\ *adv*

au·to·truck \ˈ- + ˌ-\ *n* -S [²*auto-* + *truck*] : a motor-driven truck

¹au·to·type \" + ˌ-\ *n* -S [*aut-* + *type*] **1** : FACSIMILE **2 a** : CARBON PROCESS **b** : a picture made by the carbon process **3 a** : HYPOTYPE **b** : AUTOGENOTYPE

²autotype \"\ *vt* -ED/-ING/-S : to make or copy by autotypy

au·to·typ·ic \ˌȯ- + ˈ-ik\ *adj* **1** : reproduced by the carbon process **2** : of, relating to, or of the nature of *an autotype*

au·to·typy \ˈȯ- + ˌtīpē, ȯˈtäd-əpē\ *n* -ES : process of making autotypes (sense 2)

au·to·vaccine \ˈȯ- +\ *n* -S [*autogenous vaccine*] : AUTOGENOUS VACCINE

auto wrench *also* **automobile wrench** *n* : a lightweight all-metal monkey wrench

au·tox·i·da·tion \ȯˌtäksəˈdāshən, ȯdˌ-, ˌäk-\ *also* **au·to–ox·idation** \ˌȯ- *at* ¹AUTO- + ˌ-ˌ-\ *n* [ISV *aut-* + *oxidation*] : oxidation by direct combination with oxygen (as in air) at ordinary temperatures ⟨the rancidity of fats and oils is caused by ~⟩

au·tox·i·da·tive \ȯˈtäksəˌdād-iv, ȯdˌ-, ˌäk-\ *adj* : of, relating to, or caused by autoxidation

au·tox·i·diz·a·ble \ˌ-ˌ-ˈdīzəbəl\ *adj* : capable of undergoing autoxidation

au·tox·i·dize \ˌ-ˈ-ˌdīz\ *also* **au·to–oxidize** \ˌȯ- *at* ¹AUTO- + ˌ-ˌ-\ *vi* [*aut-* + *oxidize*] : to undergo autoxidation

au·to·zooid \ˌȯ- *at* ¹AUTO- + ˌ-ˌ-\ *n* -S [*aut-* + *zooid*] : a fully formed alcyonarian zooid as distinguished from a siphonozooid

au·tre·fois ac·quit \ˌōˌ-trəˌfwä(ˌ)aˈkē\ *n* [AF, formerly acquitted] : a defendant's plea alleging previous trial and acquittal of the same offense

autrefois con·vict \ˌ- kənˈvikt\ *n* [AF, formerly convicted] : a *defendant's* plea alleging previous trial and conviction for the same offense

au·tumn \ˈȯd-əm, ˈä-, |təm\ *n* -S *often attrib* [ME *autumpne*, fr L *autumnus*] **1 a** : the season between summer and winter reckoned astronomically as extending from the September equinox to the December solstice **b** : the season comprising the months of September, October, and November — called also *fall* **c** *Brit* : the season comprising the months of August, September, and October **d** : the season reckoned astronomically in the southern hemisphere as extending from the March equinox to the June solstice **2** : time of full maturity or incipient decline : latter portion : third stage ⟨the ~ of life⟩ **3** : a moderate olive brown that is darker and very slightly greener than the typical or average olive brown

autumn adonis *n, usu cap 2d A* : PHEASANT'S-EYE 1

au·tum·nal \(ˌ)ȯˈtəmnəl *sometimes* ˈȯd-əm- *or* ˈä- *or* |tə-\ *adj* [L *autumnalis*, fr. *autumnus* + *-alis* -AL] **1** : of, belonging to, or peculiar to autumn ⟨mild, ~ sunshine —Nathaniel Hawthorne⟩ **2** : produced or gathered in autumn : maturing in autumn ⟨~ fruits⟩ **3** : characterized by qualities associated with or suggested by autumn ⟨a serene ~ mood⟩ — **au·tum·nal·ly** *adv*

autumnal tea *n* : a black tea grown during the autumn in certain Indian tea districts (as Assam, Darjeeling, Duars)

autumn blond *n* : FAWN 3

autumn brown *n* : a grayish to moderate brown that is yellower and darker than dark beaver

autumn crocus *n* : MEADOW SAFFRON

autumn elaeagnus *n, pl* **autumn elaeagnuses** : an Asiatic shrub (*Elaeagnus umbellata*) often escaped from cultivation esp in the eastern U.S with flowers in umbels and with the corolla tube much longer than the lobes

autumn glory *n* : a dark red to reddish orange that is slightly yellower and stronger than Moroccan

autumn green *n* : SPINACH GREEN

autumn leaf *n* [after F *feuille-morte*, lit., dead leaf] : FEUILLE MORTE

autumn mange *n* : a skin disease of domestic animals that is caused by the bites of chiggers, is characterized by papules and severe itching, and is most common in late summer and autumn

autumn oak *n* : LIVER 5

autumn snowflake *n* : a bulbous herb (*Leucojum autumnale*) with filiform leaves and the fall-blooming white flowers tinged with red — see SNOWFLAKE

autumn squill *n* : a hardy European bulbous garden plant (*Scilla autumnalis*) with persistent leaves that are produced after the naked raceme of pink flowers

autumn willow *n* : a bog shrub (*Salix serissima*) of northern No America with shining dark-green leaves and fruits that persist until autumn

au·tun·ite \ōˈtəˌnīt\ *n* -S [*Autun*, Dept Saône-et-Loire, France, its locality + E *-ite*] : a radioactive lemon-yellow mineral composed of uranyl calcium phosphate $Ca(UO_2)_2(PO_4)_2 \cdot 10\text{–}12H_2O$ occurring in tabular crystals with basal cleavage and in micalike scales (sp gr 3.05–3.19)

au·ver·gnat \ˌōˌvernˈyä\ *n* -S *cap* [F, fr *Auvergne*, region of south central France] : a native or inhabitant of Auvergne, France

au·wai \ˈaùˌwī\ *n* -S [Hawaiian *'auwai*] *Hawaii* : a watercourse or channel esp for irrigation

au·we \ˈaù(ˌ)wā\ *var of* AUE

aux *abbr* auxiliary

auxano- *comb form* [ISV, fr Gk *auxanein* to increase; akin to Gk *auxein* to increase — more at EKE] : growth ⟨*auxano*gram⟩ ⟨*auxano*logy⟩

aux·an·o·gram \ȯgˈzanəˌgram, ȯkˈsa-\ *n* -S [*auxano-* + *-gram*] : a plate culture (as of bacteria) in which variable conditions are provided for growth *that* is used as a means of determining the effects of a particular condition or agent on the growth of a test organism

aux·an·o·graph·ic \ȯgˌzanəˈgrafik\ *adj* : of, belonging to, or by means of auxanography — **aux·an·o·graph·i·cal·ly** \-fək-(ə)lē\ *adv*

aux·a·nog·ra·phy \ˌȯgzəˈnägrəfē, ˌȯksə-\ *n* -ES [*auxano-* + *-graphy*] : the study of growth-promoting or growth-inhibiting agents by means of auxanograms

aux·a·nom·e·ter \ˌ-ˈnäməd-ə(r)\ *n* -S [ISV *auxano-* + *-meter*] : an instrument for determining and measuring the rate of growth in plants consisting essentially of a lever with a long and a short arm which is attached to the plant

-auxe \ˈȯkˌsē\ *n comb form, pl* **-auxae** [NL, fr Gk *auxē* growth, akin to Gk *auxein* to increase — more at EKE] : enlargement : hypertrophy ⟨enter*auxe*⟩

aux·e·sis \ȯgˈzēsəs, ȯkˈse-\ *n, pl* **auxe·ses** \-ˌsēz\ [NL, fr Gk *auxēsis* increase, fr. *auxanein, auxein* to increase + *-ēsis* -ESIS — more at EKE] **1** : GROWTH; *specif* : increase of cell size without cell division — compare MERISIS **2** : the process by which certain diatoms that have become small through repeated asexual divisions are restored *to normal size*, the protoplasts escaping from the cell wall and increasing to normal size or fusing to form auxospores or zygospores that then increase to normal size before new cell walls form

aux·et·ic \(ˌ)ȯgˈzed-ik, (ˌ)ȯkˈse-\ *adj* [Gk *auxētikos* growing, promoting growth, fr *auxētos* increased, capable of being increased (fr *auxanein, auxein* to increase) + *-ikos* -IC] **1** : characterized by auxesis **2** : inducing auxesis — **aux·et·i·cal·ly** \-d-ək(ə)lē\ *adv*

aux·il·i·ar \ȯgˈzilyər\ *n* -S [*auxiliary* + *-ian*] : a member of a hospital auxiliary group

auxiliar *adj or n* [L *auxiliaris*, fr *auxilium* + *-aris* -AR] *archaic* : AUXILIARY

¹aux·il·ia·ry \(ˌ)ȯgˈzilyərē, ˌägˈz-, -ˈ-ləri, -ˈ-ləri *sometimes* -kˈs- *or* -kˈs- *or* -ēˌer-\ *adj* [L *auxiliarius*, fr. *auxilium* help (akin to L *augēre* to increase) + *-arius* -ary — more at EKE] **1 a** : offering help, assistance, or support esp. by interaction ⟨neither philosophy nor science has ever been more closely ~ to literature than at the moment —Wylie Sypher⟩ **b** : functioning in a subsidiary capacity ⟨an ~ branch of the state university⟩ **2** *of a verb* : accompanying a nonfinite verb form that expresses the main verbal meaning of its clause, expressing typically such things as person, number, mood, and tense, and finite in form unless accompanied by another auxiliary verb, in which case only one is finite (as *be, have, do, will, can*, in such expressions as "we were standing there", "I move the nominations be closed", "*he has been* informed", "where do they live?", "he will write", "I can swim", German *haben, sein, werden, dürfen*, or French *avoir, être, pouvoir, devoir*, in similar expressions) **3** : augmenting or available to augment a basic power, potential, or ability as **a** : SUPPLEMENTARY ⟨with ~ instruments the new telescope has more power⟩ **b** : RESERVE ⟨the ~ police were called to the disaster area⟩ ⟨~ power plant⟩ **4** *of a boat* : equipped with an inboard engine to supplement the motive power of sails ⟨an ~ sloop⟩

²auxiliary \"\ *n* -ES **1** : one that helps : one that functions or serves in a supplementary often subordinate position **2 a** : an allied or foreign armed force in the service of a nation at war — usu used in pl **b** : a member of such a force **3** *or* **auxiliary bishop** : a titular *bishop in the* Roman Catholic Church who assists the ordinary of a diocese **4 a** : an auxiliary engine (as on a sailboat) **b** : an auxiliary boat (as a tanker, tender, or supply ship) — see NAVAL AUXILIARY **c** : a sailboat with an auxiliary engine **5** : a member of an auxiliary group (as of police or firemen) **6** : ASSISTANT 3 **7** : an auxiliary verb **8** : AUXILIARY INFLECTION **9 a** : an organization that is adjunct to one having a restricted membership; *esp* : an organization for wives and women relatives of such members ⟨the American Legion *Auxiliary*⟩ ⟨Women's *Auxiliary* of the State Medical Society⟩ **b** : an organization often of women that assists esp by donations or volunteer services the work of a church, hospital, or charitable institution ⟨the Lutheran Home *Auxiliary*⟩

auxiliary cell *n* : a specialized cell in certain red algae often some distance from the carpogonium into which the diploid zygote nucleus migrates after fertilization sometimes by special threads called ooblasts and from which the carpospores eventually develop

auxiliary circle *n* : a circle described on the major or minor axis of an ellipse as diameter

auxiliary equation *n* : an equation obtained from the standard form of a linear differential equation by replacing the right member by zero

auxiliary goods *n pl* : PRODUCER GOODS

auxiliary inflection *n, paleontol* : any lateral lobe or saddle of the ammonoid *suture added later* than the first two or three pairs

auxiliary language *n* : a language (as Esperanto or pidgin English) used for communication between persons that do not understand each other's native language — compare INTERLANGUAGE

auxiliary rafter *n* : a rafter used to strengthen the principal rafter in a truss

auxiliary switch *n* : an electrical switch actuated by a main device (as a circuit breaker) for signaling or interlocking

auxiliary target *n* : a point of known location used as an adjusting point for subsequent fire on other targets

auxiliary tone *or* **auxiliary note** *n* : an unaccented nonharmonic tone *approached* from above or below by stepwise motion and returning to the original tone

aux·il·i·um \ȯgˈzilēəm\ *n* -S [L] : an aid or tribute — compare AID 4

aux·i·mone \ˈȯksəˌmōn\ *n* -S [Gk *auximos* promoting growth + *-one* (as in hormone)] : any of certain substances considered necessary, though only in small quantities, for the vigorous growth of plants and occurring esp in sphagnum peat decomposed by nitrogen bacteria — compare VITAMIN

aux·in \ˈȯksən\ *n* -S [ISV *aux-* (fr Gk *auxein* to increase) + *-in* — more at EKE] : any organic substance (as indoleacetic acid) characterized by its ability in low concentrations to promote growth of plant shoots along the longitudinal axis (as in the Avena test) *and to produce* various other effects (as root formation and bud inhibition) — compare PLANT HORMONE — **aux·in·ic** \(ˌ)ȯkˈsinik\ *or* **aux·in·i·cal** \-nəkəl\ *adj* — **aux·in·i·cal·ly** \-ək(ə)lē\ *adv*

aux·i·thal \ˈȯksəˌthal\ *n* -S [*auxi-* (fr Gk *auxein* to increase) + *-thal* (fr *thiamine* + *-al*)] : AUXIN

auxo- *comb form* [ISV, fr. Gk, fr *auxein* to increase — more at EKE] **1** : growth ⟨*auxo*body⟩ ⟨*auxo*substance⟩ : increasing ⟨*auxo*graph⟩ **2** : accelerating : stimulating ⟨*auxo*chrome⟩

aux·o·autotrophic \ˌȯk(ˌ)sōˌ-ˌ-ˈ-\ *adj* [*auxo-* + *autotrophic*] *biol* : requiring no exogenous growth factors

aux·o·chrome \ˈȯksəˌkrōm\ *n* -S [ISV *auxo-* + *-chrome*] : a salt-forming group (as hydroxyl or amino) that when introduced into a *chromogen* produces a dye — see CHROMOPHORE — **aux·o·chrom·ic** \ˌ-ˈkrōmik\ *adj*

aux·o·cyte \ˈȯksəˌsīt\ *n* -S [*auxo-* + *-cyte*] *biol* : a gamete-forming cell (as an oocyte) or a sporocyte during its growth period

aux·o·drome \ˈ-ˌdrōm\ *n* -S [*auxo-* + *drome*] : a plotted curve indicating the relative development of a child at any given age

aux·o·graph \ˈȯksəˌgraf\ *n* -S [*auxo-* + *-graph*] : an instrument for the automatic recording of variations in volume of any body and orig used to measure the swelling and shrinking of parts of plants — **aux·o·graph·ic** \ˌ-ˈgrafik\ *adj*

aux·o·heterotrophic \ˌȯk(ˌ)sō+\ *adj* [*auxo-* + *heterotrophic*] *biol* : requiring exogenous growth factors or stimulants

aux·o·spore \ˈȯksəˌspō(ə)r\ *n* -S [ISV *auxo-* + *-spore*; prob. orig formed in G] : a reproductive cell in diatoms usu. resulting from the union of two smaller cells or their contents and associated with rejuvenescence in cells that have become progressively smaller because of repeated divisions

aux·o·tonic \ˌȯksəˈtänik\ *adj* [ISV *auxo-* + *tonic*] *plant physiol* : determined or induced by growth rather than by external stimulus — opposed to *allassotonic*

av *usu cap, var of* AB

av *abbr* **1** avenue **2** average **3** aviation **4** avoirdupois

AV *abbr* **1** ad valorem **2** [L *annos vixit*] he lived (a given number of) years **3** audio-visual **4** average variability

ava *or* **ava'** \ə-ˈvä, -vō\ *adv* [Sc *av* (alter. of E *of*) + ²*a*] **1** *Scot* : of all ⟨this pleased them warst ~ —Robert Burns⟩ **2** *Scot* : at all ⟨not like a gentleman ~⟩

'ava \ˈ(ˌ)äva\ *n* -S [Tahitian or Samoan *'ava*] *Central Polynesia* : KAVA

av·a·da·vat \ˈavəˌdəˌvat\ *also* **am·a·da·vat** \ˈaməˌ-\ *n* -S [irreg fr. *Ahmadabad*, city in India from which it was imported to Europe] : a very small weaverbird (*Estrilda amandava*)

o-transformer \" + =¦==\ *n* -S [auto- + transformer] : a transformer in which the primary and secondary coils are part of all of their turns in common
o-transplant \" + =¦=, ¦=,=\ *vt* [*aut-* + *transplant*] AUTOGRAFT
o-transplantation \" + ¦==¦==\ *n* -S : the action of autotransplanting or the condition of being autotransplanted
to-triploid \¦== + ¦=,=\ *adj* [*aut-* + *triploid*] : having a diploid set of chromosomes made up of like genomes -- **au-triploidy** \ + ¦=,==\ *n* -IES
totriploid \"\ *n* -S : an autotriploid individual
to-tron-ic \¦== + ¦tränik\ *adj* [fr. *Autotronic*, a trademark] : capable of automatically regulating the operation of banks of elevators in office buildings
to-troph \'== + ,träf, -ōf\ *also* **au-to-tro-phe** \-,trōf\ -S [G, fr. *autotroph*, adj., autotrophic] : an autotrophic organism : AUTOPHYTE -- **au-tot-ro-phy** \ō'tä-trəfē\ *n* -IES
otroph hypothesis *n* : a hypothesis in biology: the most primitive first life was autotrophic - compare HETEROTROPH HYPOTHESIS
-to-troph-ic \¦== + ¦träfik, -trō-\ *adj* [ISV *aut-* + *-trophic*; prob. orig. formed as G *autotroph*] **1** : capable of self-nourishment; *specif* : capable of using carbon dioxide or carbonates as a sole source of carbon and a simple inorganic nitrogen compound for metabolic synthesis -- used of green plants and certain chemoautotrophic bacteria and protozoans; opposed to *heterotrophic*; see PHOTOAUTOTROPHIC **2** : not requiring a specified exogenous factor for normal metabolism — usu. used in combination ⟨strictly auxo*autotrophic*⟩ — **au-to-troph-i-cal-ly** \¦==¦=fək(ə)lē\ *adv*
au-to-truck \'== + ,=\ *n* -S [*auto-* + *truck*] : a motor-driven truck
au-to-type \" + ,=\ *n* -S [*aut-* + *type*] **1** : FACSIMILE **2 a** : CARBON PROCESS **b** : a picture made by the carbon process **3 a** : HYPOTYPE **b** : AUTOGENOTYPE
autotype \"\ *vt* -ED/-ING/-S : to make or copy by autotypy
u-to-typ-ic \¦== + ¦==\ *adj* **1** : reproduced by the carbon process **2** : of, relating to, or of the nature of an autotype
u-to-typy \'== + ,tīpē; ō'täd-əpē\ *n* -IES : process of making autotypes (sense 2)
u-to-vaccine \'== +\ *n* -S [*auto*genous *vaccine*] : AUTOGENOUS VACCINE
uto wrench *also* **automobile wrench** *n* : a lightweight all-metal monkey wrench
au-tox-i-da-tion \ō,täksə'dāshən, ȯd-,äk-\ *also* **au-to-oxidation** \¦== *at* 'AUTO- + ==¦==\ *n* [ISV *aut-* + *oxidation*] : oxidation by direct combination with oxygen (as in air) at ordinary temperatures ⟨the rancidity of fats and oils is caused by ~⟩
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au-to-zooid \¦== *at* 'AUTO- + ¦=,=\ *n* -S [*aut-* + *zooid*] : a fully formed alcyonarian zooid as distinguished from a siphonozooid
au-tre-fois ac-quit \¦ō-trəf,wä(,)a'kē\ *n* [AF, formerly acquitted] : a defendant's plea alleging previous trial and acquittal of the same offense
autrefois con-vict \-,kən'vikt\ *n* [AF, formerly convicted] : a defendant's plea alleging previous trial and conviction for the same offense
au-tumn \'ȯ|d-əm, 'ä|, |təm\ *n* -S *often attrib* [ME *autumpne*, fr. L *autumnus*] **1 a** : the season between summer and winter reckoned astronomically as extending from the September equinox to the December solstice **b** : the season comprising the months of September, October, and November — called also *fall* **c** *Brit* : the season comprising the months of August, September, and October **d** : the season reckoned astronomically in the southern hemisphere as extending from the March equinox to the June solstice **2** : time of full maturity or incipient decline : latter portion : third stage ⟨the ~ of life⟩ **3** : a moderate olive brown that is darker and very slightly greener than the typical or average olive brown
autumn adonis *n*, *usu cap 2d A* : PHEASANT'S-EYE 1
au-tum-nal \(')ȯ¦təmnal *sometimes* 'ȯ|d-əm- *or* 'ä| *or* |tə-\ *adj* [L *autumnalis*, fr *autumnus* + *-alis* -al] **1** : of, belonging to, or peculiar to autumn ⟨mild, ~ sunshine —Nathaniel Hawthorne⟩ **2** : produced or gathered in autumn : maturing in autumn ⟨~ fruits⟩ **3** : characterized by qualities associated with or suggested by autumn ⟨a serene ~ mood⟩ - **au-tum-nal-ly** *adv*
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autumn blond *n* : FAWN 3
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autumn crocus *n* : MEADOW SAFFRON
autumn elaeagnus *n*, *pl* **autumn elaeagnuses** : an Asiatic

fusing to form auxospores
normal size before new cell walls form
aux-et-ic \(')ȯg¦zed-ik, (')ȯk¦s[illegible] *adj* [Gk *auxētikos* growing, promoting growth, fr. *auxētos* increased, capable of being increased (fr. *auxanein*, *auxein* to increase) + *-ikos* -ic] **1** : characterized by auxesis **2** : inducing auxesis — **aux-et-i-cal-ly** \-d-ȯk(ə)lē\ *adv*
aux-il-i-an \ȯg'zilyən\ *n* -S [*auxiliary* + *-ian*] : a member of a hospital auxiliary group
auxiliar *adj or n* [L *auxiliaris*, fr. *auxilium* + *-aris* -ar] *archaic* : AUXILIARY
aux-il-ia-ry \(')ȯg¦zilyərē, əg'z-, ÷ -l(ə)r-, -ri *sometimes* -k¦s- *or* -k's- *or* -lē,er-\ *adj* [L *auxiliarius*, fr. *auxilium* help (akin to L *augēre* to increase) + *-arius* -ary — more at EKE] **1 a** : offering or providing help, assistance, or support esp. by interaction ⟨neither philosophy nor science has ever been more closely ~ to literature than at the moment —Wylie Sypher⟩ **b** : functioning in a subsidiary capacity ⟨an ~ branch of the state university⟩ **2** *of a verb* : accompanying a nonfinite verb form that expresses the main verbal meaning of its clause, expressing typically such things as person, number, mood, and tense, and in which case only one is finite (as *be*, *have*, *do*, *will*, *can*, in such expressions as "we were standing there", "I move the nominations be closed", "he has been informed", "where do they live?", "he will write", "I can swim", German *haben*, *sein*, *werden*, *dürfen*, or French *avoir*, *être*, *pouvoir*, *devoir*, in similar expressions) **3** : augmenting or available to augment a basic power, potential, or ability: as **a** : SUPPLEMENTARY ⟨with ~ instruments the new telescope has more power⟩ **b** : RESERVE ⟨the ~ police were called to the disaster area⟩ ⟨~ power plant⟩ **4** *of a boat* : equipped with an inboard engine to supplement the motive power of sails ⟨an ~ sloop⟩
²auxiliary \"\ *n* -IES **1** : one that helps : one that functions or serves in a supplementary often subordinate position **2 a** : an allied or foreign armed force in the service of a nation at war — usu. used in pl. **b** : a member of such a force **3** *or* **auxiliary bishop** : a titular bishop in the Roman Catholic Church who assists the ordinary of a diocese **4 a** : an auxiliary engine (as on a sailboat) **b** : an auxiliary boat (as a tanker, tender, or supply ship) — see NAVAL AUXILIARY **c** : a sailboat with an auxiliary engine **5** : a member of an auxiliary group (as of police or firemen) **6** : ASSISTANT 3 **7** : an auxiliary verb **8** : AUXILIARY INFLECTION **9 a** : an organization that is adjunct to one having a restricted membership; *esp* : an organization for wives and women relatives of such members ⟨the American Legion *Auxiliary*⟩ ⟨Women's *Auxiliary* of the State Medical Society⟩ **b** : an organization often of women that assists esp. by donations or volunteer services the work of a church, hospital, or charitable institution ⟨the Lutheran Home *Auxiliary*⟩
auxiliary cell *n* : a specialized cell in certain red algae often some distance from the carpogonium into which the diploid zygote nucleus migrates after fertilization sometimes by special threads called ooblasts and from which the carpospores eventually develop
auxiliary circle *n* : a circle described on the major or minor axis of an ellipse as diameter
auxiliary equation *n* : an equation obtained from the standard form of a linear differential equation by replacing the right member by zero
auxiliary goods *n pl* : PRODUCER GOODS
auxiliary inflection *n*, *paleontol* : any lateral lobe or saddle of the ammonoid suture added later than the first two or three pairs
auxiliary language *n* : a language (as Esperanto or pidgin English) used for communication between persons that do not understand each other's native language — compare INTERLANGUAGE
auxiliary rafter *n* : a rafter used to strengthen the principal rafter in a truss
auxiliary switch *n* : an electrical switch actuated by a main device (as a circuit breaker) for signaling or interlocking
auxiliary target *n* : a point of known location used as an adjusting point for subsequent fire on other targets
auxiliary tone *or* **auxiliary note** *n* : an unaccented nonharmonic tone approached from above or below by stepwise motion and returning to the original tone
aux-il-i-um \ȯg'zilēəm\ *n* -S [L] : an aid or tribute — compare AID 4
aux-i-mone \'ȯksə,mōn\ *n* -S [Gk *auxmos* promoting growth + *-one* (as in hormone)] : any of certain substances considered necessary, though only in small quantities, for the vigorous growth of plants and occurring esp. in sphagnum peat decomposed by nitrogen bacteria — compare VITAMIN
aux-in \'ȯksən\ *n* -S [ISV *aux-* (fr. Gk *auxein* to increase) + *-in* — more at EKE] : any organic substance (as indoleacetic acid) characterized by its ability in low concentrations to promote growth of plant shoots along the longitudinal axis (as in the Avena test) and to produce various other effects (as root [illegible] and bud inhibition) — compare PLANT HORMONE
[illegible]-əl\ *adj* —

WORDS AND PHRASES

PERMANENT EDITION

1658 TO DATE

Volume 4A

Assessment — Azotize

All Judicial Constructions and Definitions of Words and Phrases by the State and Federal Courts From the Earliest Times, Alphabetically Arranged and Indexed

Kept to Date by Cumulative Annual Pocket Parts

ST. PAUL, MINN.
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of the offense is the same. Commonwealth v. Vaughn, 42 S.W. 117, 101 Ky. 603, 45 L. R.A. 858.

The plea of "autrefois convict" is founded in the law that no one shall be twice put in jeopardy for the same offense; but the law does not consider that one has been put in jeopardy by a prosecution under an insufficient indictment, and it holds, moreover, that when his conviction is set aside, at his instance, *on motion* for a new trial or in arrest of judgment, he thereby waives any objection that he might otherwise urge against being tried again. State v. Foley, 38 So. 402, 403, 114 La. 412, citing Const. art. 9; State v. Hornsby, 8 Rob. 583, 41 Am.Dec. 314; State v. Ritchie, 3 La.Ann. 715; State v. Foster, 7 La.Ann. 255; State *v. Walters*, 16 La.Ann. 400; State v. Cason, 20 La.Ann. 48; 12 Cyc. pp. 264, 265, 277, 278; McGinn v. State, 65 N.W. 46, 46 Neb. 427, 30 L.R.A. 450, 50 Am.St.Rep. 617.

"The 'plea of autrefois acquit' is of a mixed nature, and consists partly of matters of record and partly of matters of fact. The matter of record is the former indictment and acquittal. The matter of fact is the identity of person and offense. In all cases where the plea consists of matter of record and matter of fact, the issue made thereon is to the country; but this does not take from the court the right it possesses of determining exclusively what is of record and what is not." Watson v. State, 66 A. 635, 640, 105 Md. 650, quoting and adopting the definition in Hite v. State, 9 Yerg. (Tenn.) 357.

AUTUMN ELECTION

Cross References

Spring or Autumn Election

AUXILIARY

Cross References

Ancillary

"Subsidiary" is synonymous with "auxiliary". Baker v. Fenley, 128 S.W.2d 205, 208, 233 Mo.App. 998.

"*Ancillary*" *means* "subordinate" or "auxiliary" to the principal. Steele v. Connecticut General Life Ins. Co., 52 N.Y.S. 373, 379, 31 App.Div. 389.

Word "auxiliary" means helping or aiding; giving support; subsidiary or additional supplementary power; a helper or aid; a confederate; an ally as in war. Texas & Pac. Motor Transport Co. v. U. S., D.C.Tex., 87 F.Supp. 107, 112.

A member of teachers' retirement system who was in active service with Civil Air Patrol was not entitled to wartime service credit in teachers' retirement act under *veterans' reemployment act on ground that* Civil Air Patrol was "auxiliary" of armed forces. Carpenter v. Butler, 201 P.2d 704, 709, 32 Wash.2d 371.

An "ancillary" or "auxiliary" receiver is "a custodian of the property within the state where he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state, in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims." Frowert v. Blank, 54 A. 1000, 1002, 205 Pa. 299.

A finding that an uptown office of wholesale grain dealers was used as an auxiliary to and in connection with the plant which they claimed exempt from a trust deed as their business homestead, is not inconsistent with a finding that the uptown office was their principal place of business as wholesale grain dealers; "auxiliary" meaning simply to confer aid or help. Bowman v. Stark, Tex.Civ.App., 185 S.W. 921, 924.

That portion of house bill undertaking to appropriate money directly to the Southern Oklahoma Hospital, an "auxiliary" to the University Hospital, for its support and maintenance is void for violating constitutional provisions that appropriations made by Legislature for state system of higher education shall be made in consolidated form without reference to any particular institution and Board of Regents shall allocate to each institution according to needs and functions. Board of Regents of University of Okl. v. Childers, 170 P.2d 1018, 1019, 197 Okl. 350.

Auxiliary connotes a subordinate or ancillary, and therefore a qualifying, position or relation in respect to abstractions, such as judgments and steps to enforce them, re-

celverships, jurisdiction, etc.; but in relation to physical plants and properties, and related corporations, it means identical with or an equal part. Board of Regents of University of Okl. v. Childers, 170 P.2d 1018, 1019, 197 Okl. 350.

If one have an action at law pending, he may file a bill of discovery in equity or a bill for some other equitable relief in aid of his action at law, and this bill is auxiliary to his action at law, and in a certain sense ancillary. So if one have a judgment at law, and his execution thereof be obstructed or hindered, he may file a bill in equity to remove the obstruction or to subject assets which the execution otherwise will not reach, and this and similar proceedings are "auxiliary," and in a certain sense "ancillary"; and, in the peculiar relation of the jurisdiction of the federal courts to the citizenship of parties, this principle of ancillary jurisdiction is sometimes resorted to for sustaining supplemental litigation involving a jurisdiction which otherwise a federal court could not maintain, as where the judgment is between a plaintiff and defendant of adverse citizenship, but the subsequent bill in equity involves a controversy between citizens of the same state of whom the federal courts could have no jurisdiction, the proceeding is treated as a continuation of a suit at law and "ancillary" to it. In re Williams, 123 F. 321, 322.

AUXILIARY ADMINISTRATION

"Ancillary" or "auxiliary administration" is that which is granted in pursuance of the laws of a government other than that of decedent's domicile for the due collection and disposition of such personalty and realty as the deceased left within the jurisdiction of that government. In re Smith's Estate, 97 P.2d 677, 683, 55 Wyo. 181.

Administration in state where person was domiciled at time of death is deemed principal or primary administration and is ordinarily termed "domiciliary administration," and administration in state other than where decedent is domiciled where he has *property* is termed "ancillary" or "auxiliary." First Nat. Bank v. Blessing, 98 S.W.2d 140, 151, 231 Mo.App. 288.

AUXILIARY AGREEMENTS

In a contract providing for plaintiffs' construction of a coal washing system for defendant pursuant to defendant's specifications, a clause which provides under the words "Auxiliary Agreements" that "The Contractor agrees to supply the Purchaser with two (2) additional DMS Washing Systems at the Contractor's cost plus 10% within 24 months of the date of this agreement," will be construed to be an option to purchase only and not a binding contract to purchase two additional washing systems. Daniels Co. v. Nevling, Pa., 5 D.&C.2d. 314, 315, 322.

AUXILIARY AND SUPPLEMENTAL

The restriction that service to be rendered by a railroad affiliated motor carrier shall be "auxiliary or supplementary" to rail service is dependent upon the meaning which the Interstate Commerce Commission has given to term "auxiliary and supplemental", and meaning of term is not limited to Commission's practice at any particular time, since different conditions are required under different circumstances to maintain balance between rail and motor carriage. U. S. v. Rock Island Motor Transit Co., Ill., 71 S.Ct. 382, 395, 340 U.S. 419, 95 L.Ed. 391.

AUXILIARY BILL

A bill by obligees in an error bond claiming subrogation to rights of sureties as respects lien on notes in hands of transferee of principal was "original" and not "auxiliary" or "ancillary" to action at law, as respects jurisdiction of federal court under constitution, article three, requiring diversity of citizenship. Christmas v. Russell, Miss., 81 U.S. 69, 14 Wall. 69, 20 L.Ed. 702.

AUXILIARY CHANNEL

Act May 29, 1889, § 7, provides that the trustees of a sanitary district shall have power to lay out one or more main channels for carrying off the drainage, together with such adjuncts and additions thereto as may be proper. Act May 14, 1903, Smith-Hurd Stats. c. 42, § 361, enlarging the boundaries of the sanitary district of Chi-

cago, gave the trustees power to provide for the additional territory by constructing one or more channels together with such adjuncts and additions thereto as may be necessary, and shall maintain the same proportion of dilution of sewage through such auxiliary channels. Held, that the words "adjuncts" and "additions" were used as synonymous with "auxiliary channel," and did not mean city sewers connecting with the sanitary district outlet so as to authorize the district authorities to take charge of the building of sewers of municipalities within the district. City of Chicago v. Green, 87 N.E. 417, 422, 238 Ill. 258.

AUXILIARY CORPORATION

A "subsidiary" or "auxiliary corporation" which is created by a parent corporation merely as an agency for the latter may sometimes be regarded as identical with the parent corporation. Kelley, Glover & Vale v. Heitman, 44 N.E.2d 981, 985, 220 Ind. 625.

AUXILIARY JURISDICTION

Jurisdiction in equity to compel discovery, is essentially "auxiliary". Attorney General v. Foster Wheeler Corporation, 33 A.2d 699, 702, 133 N.J.Eq. 554.

AUXILIARY RECEIVER

An "auxiliary receiver" is "a custodian of the property within the state where he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state, in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims." Frowert v. Blank, 54 A. 1000, 1002, 205 Pa. 209.

An auxiliary receiver is merely the custodian of the property within the state wherein he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims. Therefore, as a general rule, the person so appointed is a mere common-law receiver to protect the property, and has only the powers conferred by the order appointing him. Buckley v. Harrison, 31 N.Y.S. 999, 1001, 10 Misc. 683.

AUXILIARY WORK

In Municipal Improvement Act authorizing municipalities to construct innumerable works of improvements and "other work" and "auxiliary work" and "any works, utility, or appliance as necessary or convenient for providing any other public service," the quoted phrases include off-street parking, and hence a parking district may be formed under such act. Jeffery v. City of Salinas, 42 Cal.Rptr. 486, 502, 232 C.A.2d 29.

AUXILIARY WRIT OF ATTACHMENT

An auxiliary writ of attachment when properly issued and served merely enables plaintiff to hold, pending final judgment, property belonging to defendant out of proceeds of sale of which he would be entitled to have his judgment satisfied, while judicial attachment performs office of conferring jurisdiction on court in which creditor seeks satisfaction of debt by seizing debtor's property located within state. Farmers' Nat. Bank of Stephenville v. Daggett, Tex.Com. App., 2 S.W.2d 834, 838.

AUXILIATOR

"Auxiliator" is a Latin word meaning helper or assistant and is closely related to the English word auxiliary. Esta Co. v. Burke, 257 F. 743, 746.

AVAIL

As used in statute, granting debt immunity to avails of life policy payable to insured, his personal representatives, his heirs or his estate, word "avails" is synonymous with "proceeds." Sand v Merchants Nat. Bank & Trust Co., N.D., 81 N.W.2d 748, 751.

AVAILABILITY

The "availability" of a motion picture is the first day upon which an exhibitor may commence the exhibition of a picture under his licensing arrangement with the distributor. Twentieth Century Fox Film Corp. v. Goldwyn, C.A.Cal., 328 F.2d 190, 201.

The test of "availability" for work within Unemployment Compensation Law, requires claimant at all times to be ready, able and willing to accept suitable employment, temporary or full time. General Elec. Co. v. Unemployment Compensation Bd. of Review, 110 A.2d 258, 261, 177 Pa.Super. 49.

The test of "availability" for work, as a prerequisite to eligibility for unemployment compensation benefits requires that claimant at all times must be ready, able and willing to accept suitable employment, temporary or full time. Grosser v. Unemployment Compensation Bd. of Review, 155 A.2d 418, 191 Pa.Super. 1.

"Availability" as used in statute directing board when reviewing application for liquor license to consider the number, type and availability of liquor outlets located in or near the neighborhood contemplates suitableness for the accomplishment of given purpose and their capability of advantageous use or employment. Anderson v. Spencer, Colo., 426 P.2d 970, 973.

Under statute to effect that unemployment compensation shall be payable to any employee who is or becomes unemployed and who is able to work and is available for suitable work, "availability" for work requires that a claimant should actually and currently be attached to the labor force Barron v. Unemployment Compensation Board of Review, 161 A.2d 630, 631, 192 Pa. Super. 353.

Under statute making availability for employment a prerequisite to obtaining unemployment compensation, "availability" involves an actual attachment to the labor force, and a good faith offering of claimant's services is a prerequisite to availability, and a professed willingness to work, accompanied by or following conduct wholly inconsistent therewith, will not serve to establish availability. Walton v. Wilhelm, 91 N.E.2d 373, 375, 120 Ind.App. 218.

Within rule to effect that if party fails to produce testimony of available witness, it would appear in interest of party to produce witness and party fails to give satisfactory explanation for his failure to produce, jury may infer that evidence which witness would give would be unfavorable to that party, witness' "availability" means within control, or power of, such party. Schemenauer v. Travelers Indem. Co, 149 N.W.2d 644, 649, 34 Wis.2d 299.

Under statute making availability for employment a prerequisite to obtaining unemployment compensation, "availability" involves an actual attachment to labor force, and a good faith offering of claimant's services is prerequisite to availability, and claimant's professed willingness to work, accompanied by or following conduct wholly inconsistent therewith, will not serve to establish availability. Miles v. Review Bd. of Ind. Employment Sec. Division, Ind.App., 96 N.E. 2d 128, 131, 120 Ind.App. 685.

In condemnation proceeding of strip of land for easement for electric transmission lines, landowners were entitled to have their land, outside the strip, valued on the basis of most profitable use it was available for at time petition was filed, but "availability" refers only to present capacity for use which may be anticipated with reasonable certainty and made basis of intelligent estimate. Illinois Power & Light Corporation v. Parks, 153 N.E. 483, 487, 322 Ill. 313.

As regards inference to be drawn from and right to comment on failure of adverse party to produce witness "available" does not mean merely available or accessible of subpoena, but "availability" depends either on party's superior means of knowledge of existence and identity of witness or relationship of witness to party, which would reasonably be expected to affect personal interest in outcome of litigation and make it natural that he would be expected to testify in favor of one party and against the other. Huskey v. Metropolitan Life Ins. Co., Mo. App., 94 S.W.2d 1075, 1078

AVAILABILITY CONTRACT

Contract for supplying electricity to consumer, and providing for payment of minimum annual charges during the three year period was not a "requirements contract" under which supplier agreed only to sell amount of electricity actually used by consumer, but was an "availability contract" which rendered consumer liable to supplier for payment of minimum annual charge during remainder of three year period notwith-

5/6/98

Re: IN THE MATTER OF:	*	BEFORE THE
JEAN SCHUSTER - LEGAL OWNER		
3731 Crondall Lane at	*	
Owings Mills Boulevard		COUNTY BOARD OF APPEALS
4th Election District	*	
3rd Councilmanic		
	*	OF
Southland Corporation,		
Assignee of	*	
Crondall Lane, LLC		BALTIMORE COUNTY
	*	
Applicant/Appellee		
	*	Case Nos. IV-512 & 98-269X

* *

RESPONSE TO MOTION TO DISMISS

Now comes Southland Corporation, Appellee, by its attorney, Deborah C. Dopkin and Deborah C. Dopkin, P.A., and files this Response to Motion to Dismiss the Appeal filed by Appellant Ellen M. Saval, and states:

1. Appellant alleges Appellee's Petition for special exception relief is defective, in essence because the Petition seeks relief pursuant only to Baltimore County Zoning Regulations Section 405.4.E.1 (addressing uses in combination with fuel service stations), rather than by specifically citing all sections of the Baltimore County Zoning Regulation under which such relief may be sought. Appellant's allegation is incorrect.

2. Under established principles enunciated by the Court of Appeals of Maryland in Cassidy v. Board of Appeals, 218 Md. 418, 146 A2d 896,(1958), Appellee's petition as filed is more than

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sufficient to confer upon the Zoning Commissioner authority to grant the requested special exception.

In the Cassidy case, the Appellant attacked the jurisdiction of the Zoning Commissioner to grant a special exception where the application requested only a reclassification. In its analysis, the Court characterized the issue as one of proper notice -- and examined the notice and the proceedings to determine whether the Zoning Commissioner and this Board of Appeals lacked jurisdiction to grant the special exception. The Court concluded that the petition provided sufficient notice, as required by law, to apprise the noticee to defend his interests with respect to the action to be taken. The Court found that the petition ***substantially complied*** with all the requirements of the zoning regulations because it notified the public of the relief being sought and apprised the public "clearly of the character of the action proposed and enough of the basis upon which it rested to enable " them to "intelligently prepare for the hearing."

In reaching its decision the Court noted the procedural similarities with which the regulations dealt with either petition (that requested and that granted); the identical method of notice required; the recognized practice of holding joint hearings; and, specifically, that Section 502 of the Zoning Regulations authorizes the Zoning Commissioner to grant permission for uses listed as Special Exceptions. Like the Cassidy case, the regulations clearly

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list both approved uses (here, a fuel service station, whether standing alone or as a use in combination with a convenience store) as permitted by special exception.

Further, both the Circuit Court and the Court of Appeals pointed out, from a practical point of view, that everybody properly before the Court had ample and adequate notice of what was being considered.

Appellee/Petitioner submits that the Cassidy case is dispositive of the issue presented by Appellant's Motion to Dismiss.

3. The practice of the agency administering the regulations should be afforded great weight in construing the regulations. It is the practice of the Office of Permits and Development Management to accept petitions for uses in common with fuel service stations pursuant to Section 405.4.E, as was Petitioner's, rather than encouraging a proliferation of requests. Further, the Zoning Commissioner would not have considered the relief in these various cases, if he deemed there were no legal basis to do so. Among cases that have been afforded the same administrative treatment are the following use in common cases involving fuel service stations, regardless of the underlying zone:

a. Case No. 94-183-XA

b. Case No. 94-342-SPHXA

c. Case No. 95-365-XA

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d. 96-272-XA

e. 97-11-XA

f. 97-200-X

g. 97-353-XA

h. 97-470-X

WHEREFORE, Appellee prays:

A. That the Motion to Dismiss be **denied;** and

B. Such other and further relief as the nature of its cause may require.

Respectfully submitted,

Deborah C. Dopkin
409 Washington Avenue, Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Respondent

POINTS AND AUTHORITY

1. Baltimore County Zoning Regulations

2. Cassidy v. Board of Appeals, 218 Md. 418, 146 A2d 896,(1958).

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CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 8th day of June, 1998, a copy of the foregoing Motion to Dismiss was hand delivered or mailed, postage prepaid to Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, Maryland 21204, Attorney for Appellant/Protestant, and to People's Counsel for Baltimore County, Court House, 400 Washington Avenue, Towson, Maryland 21204.

Deborah C. Dopkin

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Deborah C. Dopkin
Attorney At Law
409 Washington Avenue
Suite 920
Towson, MD 21204
(410) 494-8080

file copy

6/1/98

IN THE MATTER OF:

JEAN SCHUSTER - LEGAL OWNER
3731 Crondall Lane at
Owings Mills Boulevard
4th Election District
3rd Councilmanic

Southland Corporation,
Assigness of
Crondall Lane, LLC

Applicant/Appellee

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
*
*
*
* CASE NO. 98-269X
*

* * * \

shopping centers and approved planned industrial parks when no part of the lot is within 100 feet of residentially zoned land. A cursory review of the site plan submitted by Appellee clearly indicates the existence of DR 1 zoned land less than 40 feet away from the eastern property line of the subject property and therefore the use is not permitted as of right.

5. Fuel service stations on sites which do not meet the requirements of Section 405.2.A.1 but which are in IM districts and within the urban rural demarcation line (URDL) such as the subject site, require a special exception, pursuant to Section 405.2.B.1 and must meet additional tests imposed by Section 405.3 and 4.

6. Section 253.C.11a (use regulations in ML zones) provides that fuel service stations are permitted as of right as an auxillary retail service use in an ML zone only if part of a "planned industrial park" of more than 25 acres and the requirements of Section 405 are met.

7. "Planned industrial park" is defined in Section 101 as "an integral industrial development for which an overall plan has been approved by the Office of Planning and Zoning and which is under common ownership or control". (Listed Section 101 as industrial park, planned).

8. The subject property is not in a planned industrial park, nor is it part of any parcel of land, under common ownership, or control, consisting of more than 25 acres.

9. The proposed use of the subject property as a fuel service station is not therefore permitted as of right.

10. Appellant is aware of no special exception having been

granted to Appellee for use of the site as a fuel service station.

11. Appellee's Petition for Special Exception clearly is limited to a request for relief from Section 405.4.E.1 by its express language. No special exception pursuant to Section 253.2.B.1. has been requested or granted. That Section may allow the proposed use on the subject site if it is shown that the use "will serve primarily the industrial uses and related activities in the surrounding industrial area" and assuming that the County Council's use of the phrase "automotive service stations' is the same as "fuel service station" as defined in Section 101.

12. Likewise, no special exception has been requested or granted pursuant to Section 405.2.B.1. which allows fuel service stations by special exception within the urban rural demarcation line (URDL) in IM districts after certain findings are made as required by Section 405.3.

13. Without a special exception for the underlying use as a fuel service station, or such use being permitted as of right that use is not permitted by law.

14. Appellee *cannot*, as a matter of law, receive a special exception to increase the size of a convenience store associated with a use not permitted on the site.

Wherefore, Appellant requests the Board dismiss the Petition for Special Exception.

Robert D. Sellers, Esquire
401 Washington Avenue
Suite 303
Towson, MD 21204
410-583-1712
Attorney for Appellant/Protestant

CERTIFICATE OF SERVICE HAND DELIVERED

I HEREBY CERTIFY, that on the 4th day of June, 1998, a copy of the Motion to Dismiss was ~~mailed first~~ class, postpaid to Deborah C. Dopkin, 409 Washington Avenue, Suite 920, Towson, MD 21204 and to Peter Zimmerman, Office of the People's Counsel, Old Court House Basement, 400 Washington Avenue, Towson, MD 21204.

Robert D. Sellers

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5/12/98

Re:	IN THE MATTER OF:	*	BEFORE THE
	JEAN SCHUSTER - LEGAL OWNER		
	3731 Crondall Lane at	*	
	Owings Mills Boulevard		COUNTY BOARD OF APPEALS
	4th Election District	*	
	3rd Councilmanic		
		*	OF
	Southland Corporation,		
	Assignee of	*	
	Crondall Lane, LLC		BALTIMORE COUNTY
		*	
	Applicant/Appellee		
		*	Case Nos. IV-512 & 98-269X

* *

RECEIVED
COUNTY BOARD OF APPEALS
98 MAY 13 AM 9:40

MOTION TO DISMISS

Now comes Southland Corporation, Appellee, by its attorneys, Deborah C. Dopkin and Deborah C. Dopkin, P.A., and files this Motion to Dismiss the Appeal filed by Appellant Ellen M. Saval, and states:

1. Appellant noted an appeal from the Hearing Officer's Opinion and Development Plan Order of the Baltimore County Zoning Commissioner dated March 17, 1998 which approved Applicant's development plan and granting Applicant's Petition for Special Exception. Appellant's appeal was only of the grant of the zoning Special Exception.

2. Under common law principles applicable to zoning appeals and under the Baltimore County Code, §26-168, Appellant is not a "person aggrieved", and thereby lacks standing to appeal the subject decision of the Zoning Commissioner.

3. The Maryland Court of Appeals has enunciated specific principles to determine whether a party is aggrieved.

4. Appellant does not meet any of the enunciated criteria because:

a. No facts constituting aggrievement appear in the notice of appeal, either expressly or by necessary implication;

b. Appellant is not an adjoining, confronting or nearby property owner, but lives over a mile distance from the subject site. As such, Appellant is not deemed to be specially damaged and, therefore, is not a person aggrieved.

c. As a person whose property is far removed from the subject property, Appellant cannot be considered a person aggrieved because she is unable to prove that her personal or property rights are specially and adversely affected by the zoning decision;

d. The determination whether a person is one aggrieved and thereby entitled to appeal is a different determination from the result on the merits of the case itself; the question is whether the property owner may be thought to be specially damaged. To be specially damaged the person bringing the appeal must suffer a wrong differing in character and kind from that suffered by the general public. Appellant has no such distinguishing interest.

e. Since there are no appellants in this case other than Appellant Saval, there is no party who has the requisite cognizable interest to be deemed a person aggrieved sufficient to allow this Board to hear the subject appeal;

5. Appellant was a party to the development plan hearing. However, Appellant's status as a party in the development plan hearing, by itself, does not imbue Appellant with the requisite special interest to maintain the instant appeal. Merely being a party at the administrative level does not constitute aggrievement absent the requisite showing of special damage. Similarly, the Baltimore County Code requires that a person aggrieved be one who is both a party below, **and** one whose personal or property rights are adversely affected in a manner different than that of the public generally. Appellant fails the second prong of the test.

6. To permit the appeal to proceed would violate long-standing established principles applied to the administration of zoning appeals in Baltimore County and in Maryland, and would do substantial and irreparable injury to Applicant's cause.

WHEREFORE, Appellee prays:

A. That the Appeal be dismissed; and

B. Such other and further relief as the nature of its cause may require.

Respectfully submitted,

Deborah C. Dopkin
409 Washington Avenue, Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Respondent

POINTS AND AUTHORITY

1. Baltimore County Code, 1988, as amended.

2. Bryniarski v. Montgomery County, 247 MD. 137, 230 A.2d 289 (1967).

3. Medical Waste Associates, Inc. v. Maryland Waste Coalition, Inc., 327 Md. 596, 612 A.2d 241 (1992).

4. Maryland-National Capital Park & Planning Comm'n. v. Smith, 333 Md. 3, 633 A.2d 855 (1993).

5. Rogers v. Maryland-national Capital Park and Planning Comm'n., 253 Md. 687, 253 A.2d 713 (1969).

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 13th day of May, 1998, a copy of the foregoing Motion to Dismiss was hand delivered or mailed, postage prepaid to Ellen M. Saval, Appellant, 7 Red Maple Court, Owings Mills, MD 21117.

Deborah C. Dopkin

Deborah C. Dopkin

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Industrial development means the development of land for any purpose or use permitted as of right or by special exception in the following zones and districts of the county: MR, MLR, ML, MH and IM.

Local street means a street which carries traffic between collector streets and individual parcels of land. Its primary purpose is to conduct traffic to and from dwelling units to other streets.

Lot of record means a parcel of land with boundaries as shown on a plat prepared pursuant to an approved plan and recorded in the land records of the county and which is governed by the development and zoning regulations in effect on the date of the approval of the plan.

Master plan means the master plan adopted pursuant to Section 523 of the Charter.

Minor development means a development 1) with no public works agreement, or 2) a residential development with a public works agreement involving only road widenings.

Open space, common means local open space, public parks, or other open space, including such recreational facilities as are customarily found in public parks, reserved for public use and enjoyment, whether privately owned or owned by the county, state or federal government or other agencies.

Panhandle driveway means the paved roadway which serves one (1) or more abutting panhandle lots and provides vehicular access to the local street or to a collector street. A "use in common" agreement is established if the panhandle driveway serves two (2) or more abutting panhandle lots.

Panhandle lot means a lot so shaped and situated that its only frontage or access to the local or collector street is a narrow strip of land which is held in-fee, except as provided in section 26-266, and which may contain a panhandle driveway and water and sewer lines and other utilities.

Party means the applicant, an owner of a property adjacent to the property which is the subject of the plan, a local community association or umbrella group which meets the requirements of section 26-209(a)(1), a representative of the county or any person known to the county whose personal or property rights may be specially and adversely affected by final action on a plan in a manner different than that of the public generally.

Person means an individual, partnership, all partners in a partnership, corporation, joint venture, all participants in a joint venture, trustee, personal representative or other legal entity.

Person aggrieved means a person 1) who is a party to the community input meeting, the development plan conference or the proceedings under section 26-206, and 2) whose personal or property rights are specially and adversely affected by final action on a plan in a manner different than that of the public generally.

Plan means the development plan except where noted.

Planned industrial park means an industrial development for which a plan has been approved and which is under common ownership or control.

Plat means the graphic representation of the development prepared pursuant to the approved plan for the purpose of recording in the land records of the county.

Prime and productive soils means soil types defined in the U.S.D.A. Soil Survey of Baltimore County, issued March 1976 and as updated, as agricultural capability class I, II or III, or as woodland class 1 or 2.

Public works agreement means an agreement between the county and the owner and contract purchaser for the construction of water and sewer facilities, storm drains, streets, bridges and other public improvements, and incorporating all applicable comments of county agencies.

Quarry means any open pit mine from which rock, stone, or minerals are extracted. The term does not include a sand or gravel extraction operation.

Reclamation development plan means the written and graphic presentation of the proposed use of a quarry prepared in compliance with division 5 of this article.

5/20/98

Re: IN THE MATTER OF:	*	BEFORE THE
JEAN SCHUSTER - LEGAL OWNER		
3731 Crondall Lane at	*	
Owings Mills Boulevard		COUNTY BOARD OF APPEALS
4th Election District	*	
3rd Councilmanic		
	*	OF
Southland Corporation,		
Assignee of	*	
Crondall Lane, LLC		BALTIMORE COUNTY
	*	
Applicant/Appellee		
	*	Case Nos. IV-512 & 98-269X

* *

MOTION TO DENY REQUEST FOR POSTPONEMENT

Now comes Southland Corporation, Appellee, by its attorneys, Deborah C. Dopkin and Deborah C. Dopkin, P.A., and files this Motion to Deny Request for Postponement filed by Appellant Ellen M. Saval, and states:

1. The requested postponement is contrary to Baltimore County Code, §26-206.1, and to the legislative intent underlying Baltimore County Council Bill No. 1, 1992, now codified as Title 26, Article V., Division 1, ("Development Regulations") of the Baltimore County Code.

2. Appellant asserts that the appeal is of **only** the special exception, and not the development plan. Appellant's assertion creates a practical absurdity: the development plan approval is inextricably connected to and dependent upon the special exception. An appeal of the special exception is, in fact, an appeal of the development plan, since the development plan cannot be implemented, as approved, without the special exception.

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Appellant's attempt to separate the approvals creates a legal and a practical absurdity before this Board.

3. The legislative scheme contemplated by the Development Regulations provides an applicant who submits to the Division 2 thereof, certainty of timing from the conclusion of the hearing, including scheduling of appeals, regardless of whether such appeal was of all or a part of the Hearing Officer's decision.

4. The requested postponement is contrary to the administrative practice and interpretation applied to these regulations: at no time since adoption of the Development Regulations has the scheduling of appeals been allowed to be bifurcated in the manner requested by Appellant.

5. Appellant's appeal fraught with procedural irregularities which cast doubt over whether the appeal was originally filed as an appeal of the development plan itself. Peculiar to the appeal are the following facts:

a. The document noting the appeal has been altered to delete the development plan appeal, without documentation or authentication;

b. The appeal was not handled according to procedures adopted by the Baltimore County Office of Permits and Development Management ("PADM") and was **not timely** entered in the log of appeals maintained by that office;

c. The notice of appeal, once discovered by the PADM, was not provided to Applicant/Appellee with notice of the appeal.

d. Only after a delay of one week, was the appeal noted by PADM, and then as an appeal of only the approval of the zoning special exception.

6. Appellant's Request for Postponement is made frivolously and not in good faith. It is merely a ruse -- a *knowing and transparent attempt to manipulate and abuse a process* clearly intended to protect the interests of the parties who meet the legal requirements of the Baltimore County Code. Applicant/Appellee has satisfied the law and should be afforded its protection. The County Board of Appeals should not entertain a request filed frivolously and contrary to law.

7. Applicant/Appellee has the right to rely on the enforceability of the Baltimore County Code and administrative procedures adopted and implemented pursuant thereto. The longstanding administrative practice adopted by Baltimore County for such appeals is to abide by the scheduling requirements for appeals set forth in the Code.

8. To grant the postponement would violate Baltimore *County Code, Applicant's rights under the Baltimore County Code ,* and would do substantial and irreparable injury to Applicant's cause.

WHEREFORE, Appellee prays:

A. That the Request for Postponement be **denied**;

B. That the hearing on the appeal proceed as scheduled and in accordance with law; and

C. Such other and further relief as the nature of its cause may require.

Respectfully submitted,

Deborah C. Dopkin
409 Washington Avenue, Suite 920
Towson, Maryland 21204
(410) 494-8080
Attorney for Respondent

CERTIFICATION OF MAILING

I HEREBY CERTIFY, that on this 4th day of ~~April~~ May, 1998, a copy of the foregoing Motion to Deny Request for Postponement was mailed, postage prepaid to Ellen M. Saval, Appellant, 7 Red Maple Court, Owings Mills, MD 21117.

Deborah C. Dopkin

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REQUEST FOR POSTPONEMENT

CASE #: 96-269-X

IN THE MATTER OF: JEAN SCHUSTER-LEGAL OWNER;
CRONDALL LANE, LLC-DEVELOPERS
SEC Crondall Lane & Owings Mills Blvd.
(3731 Crondall Lane)
4th Election District; 3rd Councilmatic

Please postpone the hearing scheduled for May 13, 1998 @ 10:00a.m.. The notice of assignment was received on April 27, 1998 which does not afford the Appellant sufficient time to retain an attorney. This is a special exception matter and not a hearing on a development plan .

Ellen M Saval

Ellen M. Saval
Appellant
7 Red Maple Court
Owings Mills, MD 21117
(410)356-9108

cc: Deborah C Dopkin, Esquire

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3/11/98

IN RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION - SE/Corner Crondall Lane and Owings Mills Boulevard
4th Election District
3rd Councilmanic District

Jean K. Schuster, Owner;
Crondall Lane, LLC, Developers

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. IV-512 & 98-269-X

* * * * * * * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer as a combined public hearing, pursuant to Section 26-206.1 of the Baltimore County Code (B.C.C.), for consideration of a development plan and a Petition for Special Exception for the proposed development of the subject property with a 7-Eleven Convenience Store with gasoline sales. The property is presently owned by Jean K. Schuster, but is under contingent contract of sale to Crondall Lane, LLC, Developer. Pursuant to the Petition for Special Exception filed, relief is sought to permit a convenience store with a sales area larger than 1500 sq.ft. to be used in combination with a fuel service station, pursuant to Section 405.4.E of the B.C.Z.R. The subject property and relief sought are more particularly described on the development plan/site plan for this property, prepared by Colbert Matz Rosenfelt, Inc., and submitted into evidence as Developer's Exhibit 1/Petitioner's Exhibit 1.

As to the history of this project, a concept plan of the proposed development was prepared and a conference held thereon on October 14, 1997. As required, a community input meeting was held on November 12, 1997 at the Beth Israel Synagogue. Subsequently, a development plan was submitted and a conference held thereon on February 11, 1998. Following the submission of that plan, development plan comments were submitted by the appropriate agencies of Baltimore County and a revised development plan incorporating

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Date 3/11/98
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these comments was submitted at the combined public hearing held before me on March 6, 1998.

Appearing at the hearing on behalf of this project were Larry Derrow, Jim Dale and Al Barry, all representatives of the Southland Corporation, the corporate entity which operates 7-Eleven stores nationwide; Ken Colbert, who prepared the development plan/site plan for this project; C. Richard Moore, traffic engineering expert, and Deborah Dopkin, Esquire, attorney for the Owner/Developer. Numerous representatives of the various Baltimore County agencies who reviewed the plan attended the hearing, including Ervin McDaniel with the Office of Planning (OP), Don Rascoe, Project Manager, and Stephany Wright, John Lewis and Bob Bowling, all representatives of the various reviewing divisions of the Department of Permits and Development Management (DPDM), and R. Bruce Seeley with the Department of Environmental Protection and Resource Management (DEPRM). Also present were a number of residents from the surrounding community, including Marilyn Schloss, Douglas Hamilton, Cathy Glassman, Stephen Winegrad, Scott Finkelstein, and Ellen Saval.

Section 26-206 of the B.C.C. sets out the procedure which the Hearing Officer must follow at the public hearing. That Section requires that the Hearing Officer first identify any open issues or unresolved agency comments. In this regard, Counsel for the Developer indicated that an issue regarding the impact of the proposed development on traffic in the vicinity was unresolved and needed to be addressed. Also, she noted an adverse comment which had been offered by the Office of Planning as to the Petition for Special Exception. But for these issues, Ms. Dopkin indicated that the plan complies with all County regulations and requirements. This representation was largely corroborated by the agency repre-

sentatives present. On behalf of DEPRM. Mr. Seeley indicated that notes needed to be added to the plan referring to the areas of the site which are part of both the forest conservation easement and forest buffer easement, and Mr. Lewis, on behalf of DPDM, stated that the plan should be amended to label the landscape transition area and to show that restrooms, compressed air, and water would be available to customers. The other County representatives who were present, but for Mr. Bowling and Mr. McDaniel, indicated that they had no open issues which needed to be addressed. Moreover, Ms. Dopkin and Mr. Colbert confirmed that the minor changes suggested by Messrs. Seeley and Lewis could be adopted on the plan. The Protestants who were present generally identified their concerns as falling under the issue of traffic and public safety, (e.g., crime/hours of operation).

Mr. Colbert, the Professional Engineer who prepared the development plan for this project, described the subject property in detail and the proposed improvements thereto. He testified that the subject property consists of approximately 3.67 acres in area, zoned M.L.-I.M., and is presently unimproved. He described the site as being mostly wooded, with some areas of wetlands and steep slopes. The property is located on the southeast corner of the intersection of Owings Mills Boulevard and Crondall Lane, not far from I-795 and the Owings Mills Towncenter. This is an area which has experienced rapid growth in recent years. The Developer of this site proposes constructing a single story, 2,980 sq.ft. building thereon to be used as a 7-Eleven convenience store. In addition to the sale of convenience items, the store will also sell gasoline. As more particularly shown on the development plan, a portion of the site will be developed with six (6) covered fuel stations. Additional improvements to the site include a proposed underground storm water management facility, a signifi-

cant amount of landscaping and buffering, and regrading of the property to accommodate the proposed use. It is interesting to note that the proposed store will be set back a significant distance from Owings Mills Boulevard and the rear of the building will face that roadway. Vehicular access will be provided from both Owings Mills Boulevard and Crondall Lane.

Mr. Colbert testified in detail about the evolution of the plan. He indicated that site conditions, including the slope of the property, and the existence of wetlands thereon, were driving factors in the development of the plan. He also commented on the unique character of the plan that both the convenience store and pump islands would be clustered towards the rear of the site and buffered from Owings Mills Boulevard. Lastly, he commented on conversations which the Developer had had with the Baltimore County Police Department and efforts which had been made to develop the site so as to make same less attractive to criminals.

Also testifying on behalf of the Developer was C. Richard Moore, a traffic engineer. Mr. Moore's traffic report was submitted as Petitioner's Exhibit 4. He testified at length about his qualifications, background, and studies at this site. He observed that the intersection of Owings Mills Boulevard and Crondall Lane is signalized and operates at an adequate level of service under the Baltimore County traffic regulations. His studies and analysis led him to conclude that traffic would be minimally increased at this intersection by the proposed development.

Mr. Moore also extensively discussed negotiations he had had with Baltimore County regarding vehicular access to this site. As noted above, the site will be served by two access driveways, one from Owings Mills Boulevard, and one from Crondall Lane. Originally, the County had requested that traffic be controlled at the Crondall Lane access to prohibit left

turns in and out of the site from 7:00 AM to 9:00 AM and 4:00 to 6:00 PM onto that roadway. Mr. Moore agreed that this will be an appropriate restriction, given the high volume of traffic along Crondall Lane during those heavy peak hours and the character of that roadway. Specifically, Crondall Lane rises in grade from Owings Mills Boulevard and crests a short distance away from this site. Thus, a restriction on traffic entering and exiting the site onto Crondall Lane is appropriate. However, the County apparently has altered its recommendation since that original request was made. At the present time, as corroborated at the hearing by Mr. Bowling, the County now desires that access to the site from Owings Mills Boulevard be restricted to allow only right turns in and out during the peak hours. Moreover, the County would like to reserve the issue of future access and restrictions from Crondall Lane. Although Mr. Moore believes that the County's original recommendation is appropriate, he took issue with the County's present recommendation. In his judgment, the Owings Mills access should not be restricted and the potential restriction of both accesses in the future would be unwise and could increase traffic congestion in the vicinity.

In addition to the testimony offered by Messrs. Colbert and Moore, additional testimony was offered on behalf of the Developer from a number of employees of the Southland Corporation. Specifically, Messrs. Derrow and Dale testified extensively about their company and the efforts that will be made that the store at the subject site will be a good neighbor and fit in with the community. Much of this testimony was instructive as to the Developer's corporate philosophy and the information that the Developer had gathered over the years and implemented to make its stores safe, attractive, and assets to the communities in which they area located.

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In addition to the testimony summarized above, comments were also received from a number of concerned community representatives. Ms. Schloss represented the Beth Israel Synagogue which is located nearby on Crondall Lane. She is concerned about traffic in the vicinity and noted that traffic congestion in the area has increased as Owings Mills has developed. She is also concerned that the proposed development will increase traffic volumes and congestion in the area. These comments were corroborated by Mr. Hamilton. Ms. Savall also testified and presented Police Department statistics in summary regarding crime. She is concerned over the 24-hour operation proposed for this site and believes that same may lead to an increase in teen loitering and crime in the area. She prefers more limited hours of operation. These comments were echoed by Mr. Winegrad, an attorney and resident of the area. He cross-examined Mr. Moore extensively regarding his traffic studies and also presented testimony setting out his concerns regarding traffic congestion and crime in the vicinity.

In addition to all of the testimony and evidence obtained at the hearing, I also conducted a site visit of the property. This site visit was conducted at the request of the citizens who appeared at the hearing, with the consent of the Developer. I visited the site for approximately an hour and forty minutes on Friday, March 13, 1998. My visit was between the hours of 3:30 PM and 5:10 PM. The Protestants requested that I visit the site during peak hours to observe rush hour conditions.

As to the traffic issues, I observed first-hand conditions on Crondall Lane and Owings Mills Boulevard. Obviously, this site is near the Owings Mills Towncenter, a designated growth area in Baltimore County. The area at large has "grown up" significantly over the recent years and traffic volumes have increased accordingly. Owings Mills Boulevard is an

undivided, single lane highway in each direction which features an extra turn lane at the intersection. Similarly, Crondall Lane is a single lane roadway, however, provides two lanes for turning onto Owings Mills Boulevard, *one to proceed northerly (right) and the other to proceed southerly* (left). Consistent with Mr. Moore's report and testimony, I found no significant traffic congestion during the non-peak hours that I was present. Moreover, also consistent with his testimony, although rush hour was busier, I did not find traffic congestion at the peak hours so difficult as to warrant a denial of the development plan. Specifically, I left the parking lot of one of the buildings in the business center on Crondall Lane at 5:03 PM on Friday, March 13, 1998. After making my way out of the business park and turning right on Crondall Lane, I was able to turn left onto Owings Mills Boulevard and clear the intersection by 5:07 PM. This was with the right lane of Crondall Lane near the intersection blocked by the private vehicles of construction employees who were working on an adjacent site. In my judgment, the traffic conditions that I experienced at that time, in the four-minute period which it took for me to negotiate through the area, were not unacceptable.

In sum, I find myself in agreement with much of Mr. Moore's conclusions and recommendations. The nature of the proposed use should not significantly increase traffic in the vicinity. Although the Developer, no doubt, hopes that the store will draw a large clientele, much of the traffic will be individuals already on the road who will stop at the site for gasoline and convenience items on their way to other destinations in the community. As to traffic control, I believe that restricting left-in, left-out movements on Crondall Lane during the peak hours (7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM) is appropriate. Such a control will prevent

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Date 3/12/98
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the addition of any new traffic from the site to the Crondall Lane/Owings Mills Boulevard intersection from Crondall Lane during the peak hours. Moreover, the access to and from Owings Mills Boulevard should not be restricted. To potentially restrict same, with an existing limitation of traffic movement onto Crondall Lane, would be inappropriate. Moreover, the traffic light at Crondall Lane and Owings Mills Boulevard will enable traffic entering and exiting the site onto Owings Mills Boulevard sufficient opportunity to safely enter and exit that roadway.

As to the hours of operation/crime issue, I am unpersuaded by the Protestants' testimony. I am particularly impressed by the fact that the site is located a significant distance away (3.500 feet, more or less) to the nearest residence. Thus, the sounds, lights, and activity normally associated with such a business will not adversely affect any immediate residential use. The Protestants are rightly concerned about the increase in crime in the vicinity. Although a legitimate concern, I believe that the Developer has made appropriate efforts to take all necessary precautions to reduce this possibility. Mr. Dale testified extensively about Southland Corporation's corporate philosophy and its programs to eliminate crime. The Developer will put those measures in place and has adopted the recommendations of the Baltimore County Police Department regarding lighting, landscaping, etc. For these reasons, I believe that the plan should not be denied or modified on that basis.

Turning to the Petition for Special Exception, my conclusions as to the traffic issues and crime/hours of operation as set forth above, also apply to the criteria which must be employed in considering the Petition for Special Exception. In sum, I find no compelling testimony and evidence on which the Petition should be denied based on these factors.

As observed at the hearing, the consideration of a special exception must be in accordance with the provisions of Section 502.1 of the B.C.Z.R. That Section requires that the Zoning Commissioner evaluate the proposed use in accordance with the specific standards set forth therein. Generally, the zoning authority must find that the proposed use will not be detrimental to the health, safety or general welfare of the locale in order for special exception relief to be granted. Special exception uses (also known as conditional uses in other jurisdictions) have frequently been the subject of discussion by the appellate courts of this state. The seminal case is Schultz v. Pritts, 291 Md. 1 (1981). More recently, the Court of Special Appeals considered this issue in Mossburg v. Montgomery County, 107 Md. App. 1 (1995). In both of those cases, it was noted that special exceptions are presumptively permissible, in that same are part of the comprehensive zoning scheme adopted by the local jurisdictions. Moreover, it is not whether a proposed special exception use will have an adverse impact which is at issue. All special exception uses, by their designation as such, as opposed to being permitted by right, will cause some impact. The test is whether the adverse impact at the locale in question will be greater than normally associated with such a special exception use.

In my judgment, the impact of the proposed use here will be no greater than elsewhere in the zone. I believe that the use will not inappropriately cause detrimental effects to the health, safety or general welfare of the locale. As significantly, it must be noted that the proposed 7-Eleven store, in and of itself, is permitted at this site by right. That is, the Developer does not need special exception approval to construct a 7-Eleven store at this location. The need for the special excep-

tion is driven by the fact that gasoline will be sold, pursuant to the provisions of Section 405 of the B.C.Z.R. In this case, I do not see a significant difference in the traffic and crime impacts of the proposed convenience store, with or without the fuel component. Although there is, undoubtedly, some distinction, it is minor. For all of these reasons, the Petition for Special Exception should be granted.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petition for Special Exception granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by the Zoning Commissioner/Hearing Officer for Baltimore County this 19th day of March, 1998 that the development plan for 7-Eleven, identified herein as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a convenience store with a sales area larger than 1,500 sq.ft. in combination with a fuel service station, pursuant to Section 405.4.E of the B.C.Z.R., in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Developer/Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Developer/Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no left turn into or out of the subject site from Crondall Lane during the peak hours of 7:00 AM to 9:00 AM and 4:00 PM to 6:00 PM.

3) There will be no liquor sold from the premises.

4) The Developer shall amend the plan, pursuant to the comments submitted by DEPRM and DPDM. Specifically, the plan shall be amended to show the forest conservation easement, forest buffer easement, and the landscape transition area, pursuant to the Landscape Plan submitted into evidence as Petitioner's Exhibit 2, and note that the site has restrooms, compressed air and water available for its customers, in accordance with Petitioner's Exhibit 1.

5) An amended plan reflecting the terms, conditions, and restrictions of this Order shall be submitted to Baltimore County for review and including in the case file within sixty (60) days of the date of this Order.

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

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/12/08
By Bjs

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

March 17, 1998

Deborah C. Dopkin, Esquire
502 Washington Avenue, 220
Towson, Maryland 21204

RE: DEVELOPMENT PLAN HEARING and PETITION FOR SPECIAL EXCEPTION
SE/Corner Crondall Lane and Owings Mills Boulevard
4th Election District - 3rd Councilmanic District
Jean K. Schuster, Owner; Crondall Lane, LLC, Developers
Case Nos. IV-512 & 98-269-X

Dear Ms. Dopkin:

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

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

Very truly yours,

LAWRENCE E. SCHMIDT
Hearing Officer
for Baltimore County

LES:bjs

cc: Ms. Jean Schuster, 52 New Plant Court, Owings Mills, Md. 21117
Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, Md. 21044
Mr. Ken Colbert, Colbert Matz Rosenfelt, Inc.
2835 Smith Ave., Suite G, Baltimore, Md. 21209
Ms. Marilyn Schloss, 30 Stags Leap Court, Pikesville, Md. 21208
Mr. Douglas Hamilton, 11403 Cronridge Drive, Owings Mills, Md. 21117
Ms. Cathy Glassman, 4 Richards Green Court, Owings Mills, Md. 21117
Mr. Stephen Winegrad, 3741 Greenway Lane, Owings Mills, Md. 21117
Mr. Scott Finkelstein, 3404 Forestleigh Drive, Owings Mills, Md. 21117
Ms. Ellen Saval, 7 Red Maple Court, Owings Mills, Md. 21117

Don Rascoe, Project Mgr., DPDM; DEPRM; DPW; R&P; OP; People's Counsel
Case Files

Printed with Soybean Ink
on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 3731 Crondall Lane

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a convenience store with the sales area larger than 1500 sq. ft. to be used in combination with a fuel service station pursuant to Section 405.4E.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and 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~~:

Crondall Lane, LLC
(Type or Print Name)

By: [signature]
Signature Rex Dalrymple

10422 Green Mountain Circle
Address

Columbia, Maryland 21044
City State Zipcode

Legal Owner(s):

Jean Schuster
(Type or Print Name)

Jean Schuster
Signature

(Type or Print Name)

Signature

52 New Plant Court 410-363-3837
Address Phone No.

Owings Mills, Maryland 21117
City State Zipcode

Name, Address and phone number of representative to be contacted.

Deborah C. Dopkin, Esquire
Name

502 Washington Avenue (410) 339-7100
Address Towson, MD 21204 Suite 220 Phone No

Attorney for Petitioner.

Deborah C. Dopkin, Esquire
(Type or Print Name)

Deborah C. Dopkin
Signature

502 Washington Avenue (410) 339-7100
Address Suite 220 Phone No.

Towson, Maryland 21204
City State Zipcode

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: JRP DATE 1/20/98

ORDER RECEIVED FOR FILING
Date 1/20/98
By

Revised 9/5/95

98-269-X

#269

Colbert Matz Rosenfelt, Inc.

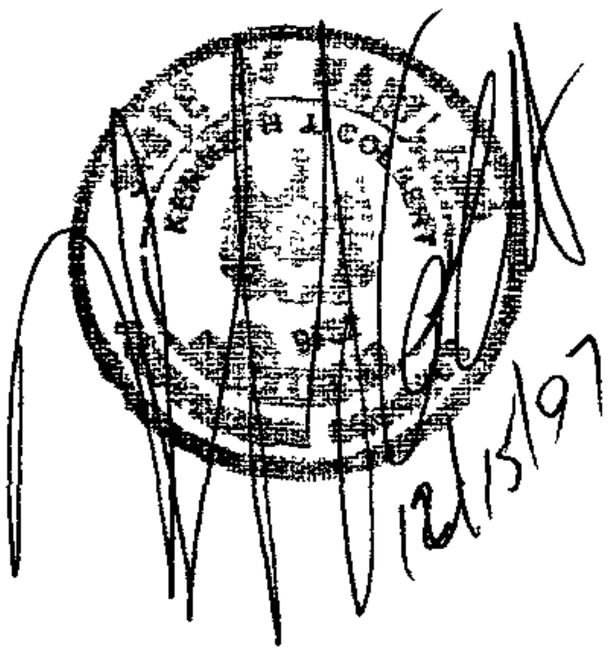
Civil Engineers • Surveyors • Planners

ZONING DESCRIPTION
7-ELEVEN STORE
OWINGS MILLS BOULEVARD AND CRONDALL LANE

BEGINNING AT A POINT ON THE EAST SIDE OF OWINGS MILLS BOULEVARD, VARIABLE WIDTH RIGHT OF WAY, AT ITS INTERSECTION WITH THE SOUTH SIDE OF CRONDALL LANE, VARIABLE WIDTH RIGHT OF WAY; THENCE LEAVING SAID POINT OF BEGINNING AND BINDING ON THE SOUTH SIDE OF CRONDALL LANE NORTH 51 DEGREES 56 MINUTES 06 SECONDS EAST 57.74 FEET; THENCE SOUTH 85 DEGREES 26 MINUTES 20 SECONDS EAST 64.89 FEET; THENCE SOUTH 65 DEGREES 56 MINUTES 50 SECONDS EAST 122.58 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING SOUTH 08 DEGREES 25 MINUTES 07 SECONDS EAST 423.92 FEET; THENCE SOUTH 56 DEGREES 16 MINUTES 09 SECONDS WEST 377.01 FEET TO A POINT ON THE AFOREMENTIONED EAST SIDE OF OWINGS MILL BOULEVARD; THENCE BINDING ALONG SAID RIGHT OF WAY BY A CURVE TO THE RIGHT HAVING A RADIUS OF 7574.43 FEET AND A LENGTH OF 40.56 FEET; THENCE NORTH 86 DEGREES 10 MINUTES 51 SECONDS WEST 30.00 FEET; THENCE BY A CURVE TO THE RIGHT HAVING A RADIUS OF 7,604.43 FEET AND A LENGTH OF 258.15 FEET; THENCE NORTH 05 DEGREES 45 MINUTES 51 SECONDS EAST 350.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.675 ACRES OF LAND, MORE OR LESS.

96160DES.DOC 12-15-97



#269

98-269-X

2835 Smith Avenue, Suite G Baltimore, Maryland 21209
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

BALTIMORE COUNTY, MA! AND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 046752

DATE 1/20/98 ACCOUNT R-001-615·000

AMOUNT $ 300·00

RECEIVED FROM: Colbert Matz Rosenfelt Inc.

3731 Crondall Ln. Item 269

FOR: 050 Special Exception Taken by IRF

98-269-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
1/21/1998 1/20/1998 14:51:21
REG W503 CASHIER UNIL ULM DRAWER
5 MISCELLANOUS CASH RECEIPT
Receipt # 032391 DFLM
CR NO. 046752
300.00 CHECK
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 052844

DATE 4-15-98 ACCOUNT R001-6150

AMOUNT $ 285.00

RECEIVED FROM: ELLEN JAVAL

FOR: ZONING APPEAL [redacted] 98-269-X

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
4/16/1998 4/16/1998 13:55:3-
REG W503 CASHIER UNIL ULM DRAWER
5 MISCELLANOUS CASH RECEIPT
Receipt # 043047 DFLM
CR NO. 052844
285.00 CHECK: FP
Baltimore County, Maryland

CASHIER'S VALIDATION

PETITION OF: BETH ISRAEL CONGREGATION and ELLEN SAV... and PEOPLE'S COUNSEL FOR BALT CO.

CIVIL ACTION # 3-C-98-008520

IN THE MATTER OF JEAN SCHUSTER, L.O. SOUTHLAND CORPORATION (7-11 store)/CRONDALL LN LLC

RECEIVED FROM THE COUNTY BOARD OF APPEALS EXHIBITS, BOARD'S RECORD EXTRACT & ~~TRANSCRIPT~~ FILED IN THE ABOVE-ENTITLED CASE, AND ZONING COMMISSIONER'S FILE AND EXHIBITS

* TRANSCRIPT NOT REQUESTED

Susa Gilmore

Clerk's Office

Date: 10-23-98

Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 25, 1998

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

J. Carroll Holzer, Esquire
305 Washington Avenue, Suite 502
Towson, Maryland 21204

RE: Ruling on Motion for Reconsideration
Case Nos. 98-394-SPH and 98-475-SPH
Villa Julie College

Gentlemen:

Enclosed please find a copy of my Ruling on Motion for Reconsideration filed by Valleys Planning Council to the Order issued on July 30, 1998. The Motion has been granted.

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 Ruling 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: Ms. Carolyn Manuszak, President, Villa Julie College
1525 Greenspring Valley Road, Stevenson, Md. 21153

Messrs. Jack Dillon and Richard Buck, Valleys Planning Council
212 Washington Avenue, Towson, Md. 21285-5402

Mr. Gaylord L. Clark, 1704 Hillside Road, Stevenson, Md. 21153

Mr. Rick Chadsey, G. W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

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CERTIFICATE OF POSTING

RE: Case No.: 98-269-X

Petitioner /Developer: _____

CRONDALL LANE LLC

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 CRONBALL LA & OWINGS MILLS BLVD

.

The sign(s) were posted on 4/24/98 .
(Month, Day, Year)

Sincerely,

Gary C. Freund 4/24/98
Signature of Sign Poster and Date

GARY C FREUND
Printed Name

Address

City, State, Zip Code

Telephone Number

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.: 98-269-X

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

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION - For a convenience store with the sales area larger than 1500 sq. ft. to be used in combination with a fuel service station

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

Baltimore County
Department of Permits and
Development Management

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

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.: 269

Petitioner: CRONDALL LANE, LLC

Location: CRONDALL LANE & OWINGS MILLS BLVD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: COLBERT MATZ ROSENFELT, INC

ADDRESS: 2835 SMITH AVE, SUITE G

BALTIMORE, MD 21209

PHONE NUMBER: (410) 653-3838

AJ:ggs

(Revised 09/24/96)

98-269-X

TO: PATUXENT PUBLISHING COMPANY
February 19, 1998 Issue - Jeffersonian

Please forward billing to:
Colbert Matz Rosenfelt, Inc. 410-653-3838
2835 Smith Avenue
Suite G
Baltimore, MD 21209

NOTICE OF ZONING 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 NUMBER: 98-269-X
3731 Crondall Lane
E/S Owings Mills Boulevard at its intersection with the S/S Crondall Lane
4th Election District - 3rd Councilmanic District
Legal Owner: Jean Schuster
Contract Purchaser: Crondall Lane, LLC

Special Exception for a convenience store with the sales area larger than 1500 square feet to be used in combination with a fuel service station.

HEARING: Friday, March 6, 1998 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

Baltimore County
Department of Permits and
Development Management

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

January 30, 1998

NOTICE OF ZONING 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:

HEARING OFFICERS HEARING
Project Name: 7-Eleven - Crondall Lane & Owings Mills Boulevard
Project Number: 04-512
Location: SEC Crondall Lane & Owings Mills Boulevard
Acres: 3.675
Developer: Dalrymple Development and Investment
Engineer: Colbert, Matz, Rosenfelt, Inc.
Proposal: 2,940 S.F. Convenience Store

*****AND*****

CASE NUMBER: 98-269-X
3731 Crondall Lane
E/S Owings Mills Boulevard at its intersection with the S/S Crondall Lane
4th Election District - 3rd Councilmanic District
Legal Owner: Jean Schuster
Contract Purchaser: Crondall Lane, LLC

Special Exception for a convenience store with the sales area larger than 1500 square feet to be used in combination with a fuel service station.

HEARING: Friday, March 6, 1998 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

Arnold Jablon
Director

c: Deborah C. Dopkin, Esquire
Jean Schuster
Crondall Lane, LLC

NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY FEBRUARY 19, 1998.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

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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

April 24, 1998

NOTICE OF ASSIGNMENT

CASE #: 96-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER;
CRONDALL LANE, LLC -DEVELOPERS
SEC Crondall Lane & Owings Mills Blvd.
(3731 Crondall Lane)
4th Election District; 3rd Councilmanic

ASSIGNED FOR: WEDNESDAY, MAY 13, 1998 @ 10:00 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

***IMPORTANT:* 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).**

Kathleen C. Bianco
Administrator

---

cc: Appellant /Protestants : Ellen Saval

Counsel for Petitioners /Developer: Deborah C. Dopkin, Esquire
Petitioner /Legal Owner : Ms. Jean Schuster
Petitioner /Developer : Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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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

May 13, 1998

NOTICE OF ASSIGNMENT PURSUANT TO CONTINUANCE

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER;
CRONDALL LANE, LLC -DEVELOPERS
SEC Crondall Lane & Owings Mills Blvd.
(3731 Crondall Lane)
4th Election District; 3rd Councilmanic

which was **CONTINUED ON THE RECORD** from original 5/13/98 hearing date; and has been

ASSIGNED FOR: TUESDAY, JUNE 9, 1998 @ 10:00 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Appellant /Protestants : Ellen Saval

Counsel for Petitioners /Developer: Deborah C. Dopkin, Esquire
Petitioner /Legal Owner : Ms. Jean Schuster
Petitioner /Developer : Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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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

June 9, 1998

NOTICE OF ASSIGNMENT /Confirmation of Hearing Day #2 *

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER;
CRONDALL LANE, LLC -DEVELOPERS
SEC Crondall Lane & Owings Mills Blvd.
(3731 Crondall Lane)
4th Election District; 3rd Councilmanic

Continued from 6/09/98 (first day of testimony /evidence) to the following date as agreed and verified by Counsel; and has been

ASSIGNED FOR: THURSDAY, JUNE 11, 1998 @ 1:30 p.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire

Counsel for Petitioners /Developer: Deborah C. Dopkin, Esquire

People's Counsel for Baltimore County

***CONFIRMATION NOTICE PROVIDED TO COUNSEL AT CONCLUSION OF HEARING.**

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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

June 11, 1998

NOTICE OF ASSIGNMENT /Confirmation of Hearing Day #3 *

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER;
CRONDALL LANE, LLC -DEVELOPERS
SEC Crondall Lane & Owings Mills Blvd.
(3731 Crondall Lane)
4th Election District; 3rd Councilmanic

Continued from 6/11/98 (second day of testimony /evidence) to the following date as agreed and verified by Counsel; and has been

ASSIGNED FOR: FRIDAY, JUNE 19, 1998 @ 9:30 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire

Counsel for Petitioners /Developer: Deborah C. Dopkin, Esquire

People's Counsel for Baltimore County

***CONFIRMATION NOTICE PROVIDED TO COUNSEL AT CONCLUSION OF HEARING.**

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

June 22, 1998

NOTICE OF DELIBERATION

Having concluded the hearing in this matter on June 19, 1998, the the following date and time has been scheduled for deliberation in the matter of:

JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE LLC -DEVELOPER
Case No. 98-269-X

DATE AND TIME : Wednesday, July 1, 1998 at 11:00 a.m.

LOCATION : Room 48, Basement, Old Courthouse

NOTE: CLOSING BRIEFS ARE DUE FROM COUNSEL ON FRIDAY, JUNE 26, 1998 Original and 3 copies)

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel for Petitioners : Deborah C. Dopkins, Esquire
Petitioners : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, Co Atty

Copies to: L.C.M.

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

May 27, 1999

NOTICE OF DELIBERATION /Motion Hearing

IN THE MATTER OF: JEAN SCHUSTER /CRONDALL LANE LLC - SOUTHLAND CORPORATION / Case No. 98-269-X

Having received argument at hearing on the Motion to Take New Evidence filed in Case No. 98-269-X, the following date and time has been scheduled for the purpose of public deliberation:

DATE AND TIME : **Wednesday, June 2, 1999 at 9:30 a.m.**

LOCATION : **Room 48, Basement, Old Courthouse**

Contact: Kathleen C. Bianco
Administrator
410-887-3180

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
: I. William Chase, Esquire
Appellant /Protestant : Ellen Saval
Beth Israel Congregation c/o Robert Sellers, Esquire
Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC /Southland Corporation
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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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

June 3, 1999

NOTICE OF ASSIGNMENT /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

HEARING ON REMAND FROM CIRCUIT COURT PURSUANT TO BOARD'S RULING ON MOTION TO TAKE NEW EVIDENCE ISSUED 6/03/99.

ASSIGNED FOR: **WEDNESDAY, AUGUST 11, 1999 @ 10:00 a.m.**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval

Counsel /Beth Israel Congregation : I. William Chase, Esqui
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC

Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue **August 11, 1999**

NOTICE OF ASSIGNMENT / Day #2 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

DAY #2 OF HEARING ON REMAND FROM CIRCUIT COURT PURSUANT TO BOARD'S RULING ON MOTION TO TAKE NEW EVIDENCE ISSUED 6/03/99 - per agreement of counsel

ASSIGNED FOR: FRIDAY, AUGUST 27, 1999 @ 9:00 a.m.

PLEASE NOTE START TIME ON 8/27/99 - 9:00 a.m.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esqui
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue **August 30, 1999**

NOTICE OF ASSIGNMENT / Days #3 and 4 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

DAY #3 & DAY #4 SPECIALLY SET FOR FRIDAY HEARING /REMAND FROM CIRCUIT COURT

ASSIGNED FOR: **FRIDAY, SEPTEMBER 10, 1999 / 9 a.m. to 12:30 p.m. /#3 and FRIDAY, SEPTEMBER 17, 1999 starting @ 9:00 a.m. /#4**

PLEASE NOTE 9:00 A.M. START TIME ON BOTH DAYS.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval

Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein

People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue **September 14, 1999**

NOTICE OF ASSIGNMENT / Days #5 and 6 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

DAY #5 & DAY #6 SPECIALLY SET FOR HEARING UPON CONFIRMATION OF COUNSEL.

ASSIGNED FOR: **TUESDAY, OCTOBER 5, 1999 @ 10:30 a.m. /#5 and**
TUESDAY, OCTOBER 19, 1999 @ 9:00 a.m. /#6

PLEASE NOTE THAT THESE DATES ARE IN ADDITION TO FRIDAY, SEPTEMBER 17, 1999 @ 9:00 a.m. /Hearing Day #4.

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval

Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC

Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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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
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue September 23, 1999

AMENDED NOTICE OF ASSIGNMENT /
Days #5, 6 AND 7 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

DAYS #5, #6, and #7 SPECIALLY SET FOR HEARING UPON CONFIRMATION BY COUNSEL.

ASSIGNED FOR: **TUESDAY, OCTOBER 5, 1999 @ 10:30 a.m. /#5 ***
~~**TUESDAY, OCTOBER 19, 1999 @ 9:00 a.m. /#6 and**~~ out
FRIDAY, OCTOBER 29, 1999 @ 10:00 a.m. /#7 ~~**/if needed**~~
#6

*** (NOTE: Board to meet preliminarily at 10:30 a.m. on 10/05/99; to convene at 1:00 p.m. for continued hearing as discussed with Counsel on 9/17/99.)**

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC

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Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

new Notice sent 10/14/99
Day 6 = 10/29/99
no 10/19/99.

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue October 14, 1999

NOTICE OF POSTPONEMENT & CONFIRMATION OF HEARING DATE

Day 6 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

Hearing day #6 scheduled for 10/19/99 has been **POSTPONED**; and 10/29/99, which was held for hearing day 7 if needed will now be scheduled as hearing day #6. as discussed with counsel this date; and has been

ASSIGNED FOR: FRIDAY, OCTOBER 29, 1999 @ 10:00 a.m. /Day #6

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation
Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
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Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
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FAX: 410-887-3182

Amended 11/19/99 - case Day #9 (1/25/2000)

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue **October 29, 1999**

NOTICE OF ASSIGNMENT

Day7 and 8 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

ASSIGNED FOR: **TUESDAY, JANUARY 4, 2000 @ 10:00 a.m. /Day #7 AND**
TUESDAY, JANUARY 18, 2000 @ 10:00 a.m. /Day #8

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
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Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

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FAX: 410-887-3182

Amended Notice
11/04/2000 -
PP from 11/04/2000
1/18 = Day 7
1/25 = Day 8

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue November 19, 1999

AMENDED NOTICE OF ASSIGNMENT /ADDITIONAL DAY

Day7 and 8 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

ASSIGNED FOR: **TUESDAY, JANUARY 4, 2000 @ 10:00 a.m. /Day #7;**
TUESDAY, JANUARY 18, 2000 @ 10:00 a.m. /Day #8; AND
TUESDAY, JANUARY 25, 2000 @ 10:00 a.m. /Day #9

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

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People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
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TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

November 19, 1999

TO: Counsel as Listed

RE: Case No. 98-269-X /Southland Corp.
(Crondall Lane LLC Jean Schuster)
On Remand from Circuit Court

Dear Counsel:

As confirmed by Notice dated October 29, 1999, two additional dates were assigned (days 7 & 8) for hearing in the subject matter. Those dates remain unchanged.

However, in reviewing the Board's docket and those cases which will be assigned hearing dates within the next few weeks, I noted that Tuesday, January 25, 2000 has recently become available. Inasmuch as the remand hearing in the subject case began on August 11, 1999, and considering that the Board's docket will shortly be scheduled well into the Spring of 2000, I have assigned the open date of January 25, 2000 for an additional day, if needed (day 9). Scheduled hearing dates for the continuation of Case No. 98-269-X are therefore as follows:

Tuesday, January 4, 2000 at 10:00 a.m.
Tuesday, January 18, 2000 at 10:00 a.m.
Tuesday, January 25, 2000 at 10:00 a.m.

Enclosed is a copy of the Amended Notice of Assignment which reflects the above change/addition.

Thank you for your cooperation.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

TO COUNSEL OF RECORD:
Deborah C. Dopkin, Esquire
Robert D. Sellers, Esquire
I. William Chase, Esquire
Peter Max Zimmerman /People's Counsel for Baltimore County

FILE

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue January 4, 2000

AMENDED NOTICE OF ASSIGNMENT

Day 7 and 8 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

Which was scheduled for day #7 on 1/04/2000 was **POSTPONED** on 1/03/2000 for reasons as stated to, and upon notification of, all counsel; and will continue for Day #7 and Day #8 on the following dates (previously scheduled):

ASSIGNED FOR: **TUESDAY, JANUARY 18, 2000 @ 10:00 a.m. /Day #7; AND**
TUESDAY, JANUARY 25, 2000 @ 10:00 a.m. /Day #8

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

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Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue January 20, 2000

NOTICE OF ASSIGNMENT

Day 8, 9 and 10 /On Remand from Circuit Court

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; *CRONDALL LANE, LLC /SOUTHLAND CORPORATION* - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

Which was scheduled for hearing on 1/25/2000 has been reassigned on that date for an earlier start time; and has also been assigned two additional, agreed to and confirmed dates as follows:

ASSIGNED FOR: **TUESDAY, JANUARY 25, 2000 @ 9:00 a.m. /Day #8;**
TUESDAY, FEBRUARY 1, 2000 @ 10:00 a.m. /Day #9; and
TUESDAY, MARCH 7, 2000 @ 10:00 a.m. /Day #10

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

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Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue **February 4, 2000**

NOTICE OF ASSIGNMENT

Day 9, 10 and 11 /On Remand from Circuit Court

CASE #: 98-269-X **IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C**

Two additional dates have been assigned for this case, in addition to 3/07/00 previously assigned; all start times to be 9:30 a.m. on the following agreed upon dates; and has been

ASSIGNED FOR: **TUESDAY, MARCH 7, 2000 @ 9:30 a.m. /Day #9;**
TUESDAY, MARCH 14, 2000 @ 9:30 a.m. /Day #10; and
WEDNESDAY, MARCH 15, 2000 @ 9:30 a.m. /Day #11

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: 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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue March 15, 2000

NOTICE OF ASSIGNMENT /Day #12 on Remand

CASE #: 98-269-X

IN THE MATTER OF: JEAN SCHUSTER -LEGAL OWNER; CRONDALL LANE, LLC /SOUTHLAND CORPORATION - DEVELOPER / SEC Crondall Lane & Owings Mills Blvd. (3731 Crondall Lane) 4th E; 3rd C

Upon confirmation of availability of counsel, an additional day has been assigned for completion of the remand hearing in this matter; and has been

ASSIGNED FOR: TUESDAY, APRIL 11, 2000 @ 10:00 a.m. /Day #12

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

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: *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).

Kathleen C. Bianco
Administrator

---

cc: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval
Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : Ms. Jean Schuster
7-Eleven, Inc. /Ed Zimmerman
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

April 14, 2000

NOTICE OF DELIBERATION

IN THE MATTER OF:

JEAN SCHUSTER /CRONDALL LANE LLC
SOUTHLAND CORPORATION /CASE NO. 98-269-X

Having concluded this matter after 12 days of hearing 8/11, 8/17, 9/10, 9/17, 10/05 and 10/29/99; and 1/18, 2/01, 3/07, 3/14, 3/15, and 4/11/2000), the following date /time has been scheduled for deliberation of the subject matter:

DATE AND TIME : **WEDNESDAY, JUNE 28, 2000 at 9:00 a.m.**

LOCATION : **Hearing Room 48, Basement, Old Courthouse**

NOTE: CLOSING BRIEFS ARE DUE FROM COUNSEL BY 4:00 p.m. ON MONDAY, MAY 22, 2000 (Original and three (3) copies).

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Protestant : Robert Sellers, Esquire
Appellant /Protestant : Ellen Saval

Counsel /Beth Israel Congregation : I. William Chase, Esquire
: Beth Israel Congregation

Counsel for Petitioner : Deborah C. Dopkin, Esquire
Petitioner : 7-Eleven, Inc. /Ed Zimmerman
Ken Colbert /Colbert Matz Rosenfelt, Inc.

Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt /ZC
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

c: L.C.M.

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E 46,500

BETH ISRAEL CONGREGATION

N 50,000

CRONDALL LANE

POB

GWYNNBROOK

SITE

96-381-SPHA

ML-IM

209

N 49,000

98-269-X

1"=200' ZONING MAP

NW 13-H

BALTIMORE GAS & ELECTRIC CO.

OWINGS MILLS BLVD

BONITA

Baltimore County
Department of Permits and
Development Management

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

February 18, 1998

Deborah C. Dopkin, Esquire
502 Washington Avenue, Suite 220
Towson, MD 21204

RE: Item No.: 269
Case No.: 98-269-X
Petitioner: Jean Schuster

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 20, 1998.

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

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

February 4, 1998

RECEIVED
FEB 5 1998
PDM

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 2, 1998

Item No.: 268, 269, 270, 274, and 275 Zoning Agenda:

Gentlemen:

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

1. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

2. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

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

cc: File

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

DATE: February 9, 1998

To: Arnold L. Jablon

From: Bruce Seeley BS/GP

Subject: Zoning Item #269

7-Eleven, Crondall Lane

Zoning Advisory Committee Meeting of February 2, 1998

_____ 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.

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

__X__ 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.)

__X__ Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code), if the property is being subdivided according to the Development Regulations.

_____ 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).

GP:sp

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

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

RE: Baltimore County 1/30/98
Item No. 269 JRF

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

M Sinit

pjr Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

B[redacted] T I M O R E C O U N T Y, M[redacted] R Y L A N D

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 1/29/93

FROM: R. Bruce Seeley . RBS/93
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Feb 2, 93

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 93-156
267
269
270
272
273
274
275

RBS:sp

BRUCE2/DEPRM/TXTSBP

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Management

Date: February 10, 1998

FROM: Robert W. Bowling, Chief
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for February 9, 1998
Item Nos. 247, 269, 270, 271, 274, 277, and CASE NUMBER R-98-150

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE0209.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 23, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 3731 Crondall Lane

INFORMATION

Item Number: 269

Petitioner: Crondall Lane, LLC, Contract Purchaser

Zoning: ML-IM

Requested Action: Special Exception

Summary of Recommendations:

Development Plan comments were previously submitted to the Hearing Officer on February 11, 1998. The Office of Planning, by way of this comment, amends its position regarding the appropriateness of the requested special exception.

On June 16, 1997, the Baltimore County Council adopted a Resolution requesting that the Planning Board review the types of uses permitted in the ML zones of the County. The Resolution points out several of the Council's concerns regarding the location of retail uses in the ML zones. For example, the resolution states, in part, "Whereas, the proliferation of industrial parks, particularly in the growth areas of the County, has resulted in the location of certain retail uses which may not be appropriate for these areas; and Whereas, the list of uses permitted in the ML zones has not been reviewed in many years; and Whereas, some of the uses permitted in the ML zones may no longer be appropriate in the ML zone or may require additional limitations or restrictions on their location ... the Baltimore County Planning Board be and it is hereby requested to review the types of uses permitted in the ML zones of Baltimore County in order to update the uses permitted therein and the restrictions applicable to such uses."

In response to the Resolution, the Office of Planning has prepared a report, for submission to the Planning Board, which consists of discussion, recommendations and a brief legislative history. Based on our preliminary findings and the concerns expressed in Mr. Hannon's letter dated February 12, 1998 (see attached), staff recommends that the requested Special Exception be denied since the use is not auxiliary to any existing uses

in the zone; therefore, improvement of the subject property with a convenience store with a sales area larger than 1500 sq. ft. to be used in combination with a fuel service station is contrary to the purposes and intent of the ML zone.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl L. Kerns

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\269.DOC

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondall Ln, E/S Owings Mills Blvd at its intersection with S/S Crondall Ln 4th Election District, 3rd Councilmanic Legal Owner: Jean Schuster Contract Purchaser: Crondall Lane, LLC Petitioners	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 98-269-X

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

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 26th day of February, 1998, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 502 Washington Avenue, Suite 220, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

B A L T I M O R E C O U N T Y, M A R Y L A N D

Inter-Office Correspondence

TO: K. Howanski
L. Stahl
C. Marks

DATE: May 6, 1998

FROM: Kathi

SUBJECT: Request for Postponement and Opposing Counsel's Motion to Deny Request for Postponement - Matter of Jean Schuster
Hearing: Wednesday, May 13, 1998

Attached for your review prior to next Wednesday's hearing in the subject matter are the following:

1. Request for Postponement filed by Appellant /Protestant, Ellen Saval.

2. Motion to Deny Request for Postponement filed by D. Dopkin on behalf of Petitioner.

3. Copy of a letter to Ms. Saval acknowledging receipt of her request (received 5/01/98) and also Ms. Dopkin's Motion; and that the Board will either grant or deny her requested postponement on Wednesday, 5/13/98, the scheduled hearing date.

NOTE: The subject special exception petition was heard by the Zoning Commissioner as part of a Development Plan hearing; the appeal, however, was taken from the grant of the special exception only and not from the Development Plan.

If you have any questions, please call me.

Attachments

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
C. Marks
T. Melvin

DATE: May 14, 1999

FROM: Kathi

SUBJECT: Case No. 98-296-X /In the Matter of Jean Schuster (Crondall Lane LLC) On Remand from the Circuit Court /Hearing on Protestant's Motion to Take New Evidence

The subject matter is scheduled for a motion hearing on Thursday, May 27, 1999 at 10:30 a.m. for argument only on Protestant's Motion to Take New Evidence. A copy of the Notice of Assignment is enclosed for your information.

Attached are copies of the following:

1. Letter from Deborah Dopkin dated April 29, 1999 forwarding to the Board a copy of Judge Daniels' Amended Order, as well as a copy of the transcript from the Circuit Court proceedings.

2. Motion to Take New Evidence filed by I. William Chase and Robert D. Sellers, Counsel for Protestants, on April 30, 1999.

3. Letter dated May 6, 1999 from Peter M. Zimmerman with regard to the remand order of the Circuit Court and offering suggestions to implement the remand.

4. Answer in Opposition to Motion to Take New Evidence filed by Deborah Dopkin, Esquire, on May 13, 1999 on behalf of Petitioner, Southland Corporation.

Should you have any questions, please call me.

kathi

Attachment

file copy

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Tom Melvin **DATE:** June 5, 1998
Chuck Marks
Larry Stahl (previously by FAX this date)

FROM: Kathi

SUBJECT: Case No. 98-269-X /Jean Schuster -Legal Owner; Crondall Lane LLC -Developers - Additional Filing by Counsel for Appellant

As I'm sure you know, the subject matter is scheduled for hearing on Tuesday, June 9, 1998 at 10:00 a.m. We have received several preliminary filings relative to this case, including a Motion to Dismiss Appeal filed by Deborah Dopkin on behalf of Developer and a Response to same filed by Robert Sellers on behalf of Appellant, E. Saval (copies of which you should now have).

Counsel for Appellant has filed a Motion to Dismiss petition for special exception filed June 4, 1998. Attached is a copy of that Motion. There is the possibility that we will also receive a response to same from Deborah Dopkin. I'll keep you informed. However, due to the lateness of this filing and its proximity to the hearing date of 6/09/98, I thought it wise to send the attached to you now, and take care of any other filing as it comes.

Please call me if you have any questions.

kathi

Attachment

NOTE: Larry's copy was FAXed to his office 6/05/98.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
T. Melvin
C. Marks

DATE: June 26, 1998

FROM: Kathi

SUBJECT: Case No. 98-269-X /Jean Schuster /Southland Corporation.

The subject matter has been scheduled for public deliberation on Wednesday, July 1, 1998 at 11:00 a.m. Attached are the following documents filed by Counsel with regard to this case:

1. People's Counsel's Outline of Key Issues;

2. Appellants' Memorandum in Lieu of Final Argument filed by Robert Sellers, Esquire, on behalf of Appellants; and

3. Appellee's Memorandum filed by Deborah Dopkin, Esquire, on behalf of Southland Corporation, Appellee.

Should you have any questions regarding the above, or need any additional information, please call me.

kathi

Attachments

NOTE: Copy hand-delivered as arranged with T. Melvin.
Copy to C. Marks at CBA office 6/26/98.
Copy mailed to L. Stahl 6/26/98.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: L. Stahl
C. Marks
T. Melvin

DATE: August 25, 1999

FROM: Kathi

SUBJECT: **Case No. 98-269-X /In the Matter of Jean Schuster /Southland Corporation /On Remand from Circuit Court** (Attached copies of Motion to Quash and Motion to Reconsider Compliance with Subpoena)

Preliminary to continuing the second day of hearing in the subject matter on Friday (day #2 on remand), please note the following.

On August 20, 1999, a Motion to Quash was filed by Deborah Dopkin in response to a Subpoena filed by Robert Sellers.

On August 25, 1999, a Motion to Reconsider Compliance with Subpoena was filed by People's Counsel (in response to the Board's ruling on August 11, 1999 regarding Ms. Dopkin's prior Motion to Quash).

Attached for your information and review prior to convening on Friday morning are copies of the following:

1. Subpoena requested by Mr. Sellers (served on Deborah Dopkin for Southland Corporation).

2. Motion to Quash filed by Deborah Dopkin.

3. Motion to Reconsider Compliance with Subpoena filed by People's Counsel.

If you need any additional information, please let me know.

kathi

Attachments (3)

FILE

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: May 23, 2000

TO: L. Stahl
C. Marks
T. Melvin

FROM: Kathi

SUBJECT: Case No. 98-269-X /Jean Schuster /Southland Corporation On Remand from the Circuit Court – Memos for review prior to deliberation

The subject case is scheduled for public deliberation on Wednesday, June 28, 2000 at 9:00 a.m. (Note: The morning has been set aside for this deliberation, with Larry, Larry and Tom sitting at 1:30 p.m. on a DEPRM case.) The following documents are attached:

1. Protestants' Memorandum filed by Robert D. Sellers, Esquire, on behalf of Ellen Saval, Beth Israel Synagogue, et al, Protestants;

2. People's Counsel's Memorandum filed by Peter M. Zimmerman; and

3. Petitioner /Appellee Southland Corporation's Memorandum on Remand filed by Deborah C. Dopkin, Esquire.

Should you have any questions, please call me.

Kathi

Attachments (3)

FILE

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** November 15, 2000
Permits & Development Management

FROM: Charlotte E. Radcliffe
County Board of Appeals

SUBJECT: Closed File:
98-269-X /Jean Schuster /Crondall Lane, LLC
Southland Corporation (7-Eleven)

Since no further action was taken in the above captioned case, we are hereby closing the file and returning same to you herewith.

Attachment -(Case File 98-269-X)

Baltimore County
Department of Permits and
Development Management

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

April 21, 1998

Deborah C. Dopkin, Esquire
502 Washington Avenue, Suite 220
Towson, MD 21204

RE: Petition for Special Exception
Case No.: 98-269-X
3731 Crondall Lane
4c3
Jean Schuster - Legal Owner
Crondall Lane, LLC - Developers

Dear Ms. Dopkin:

Please be advised that an appeal of the above referenced case was filed in this office on April 15, 1998 by Ellen M. Saval. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call the Board of Appeals at 410-887-3180.

Sincerely,

Arnold Jablon
Director

AJ:rye

c: Mr. Ken Colbert
Ms. Marilyn Schloss
Mr. Douglas Hamilton
Ms. Cathy Glassman
Mr. Stephen Winegrad
Mr. Scott Finkelstein
Mr. Donald Rascoe
People's Counsel

Printed with Soybean Ink

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MD 21285-6754

Board Of Appeals Of Baltimore County
400 Washington Avenue
Room 49, Old Courthouse
Towson MD 21204

Assignment Date: 11/23/98

Case Title: In The Matter Of: Jean Schuster Et Al
Case No: 03-C-98-008520 AE

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Richard P. Abbott at (410) 887-3233.
You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 12/08/98
2. All Motions (excluding Motions in Limine) are due by..... 01/23/99
3. TRIAL DATE is..... 03/04/99
   Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; 1/2 HOUR-APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponements must be submitted in writing with a copy to all counsel/parties involved. All requests for postponements of cases filed after October 1, 1994 must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference in person. All insurance representatives **MUST** attend this conference in person as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected (Call [410] 887-2920 for more

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Court Administrator's Office at (410) 887-2687 or use the Court's TDD line, (410) 887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

cc: Jean Schuster
cc: Crondell Lane L L C
cc: Carole Demilio
cc: I William Chase Esq
cc: Robert Sellers
cc: Deborah C Dopkin Esq
Issue Date 11/23/98

RECEIVED
COUNTY BOARD OF APPEALS
98 NOV 24 PM 12:16

Do: ROS
4/16/98
ca

Case Nos. [redacted] & 98-269-X
SE/Corner Crondall Lane and Owings Mills Boulevard
4th Election District- 3rd Councilmanic District
Jean K. Schuster, Owner; Crondall Lane, LLC, Developers

PETITION

Please file an appeal in the above referenced case to the County Board Of Appeals.

Ellen M. Saval

Ellen M. Saval
Petitioner
7 Red Maple Court
Owings Mills, MD 21117
(410)356-9108

RECEIVED APR 15 1998

APPEAL

Petition for Special Exception
SEC Crondall Lane and Owings Mills Boulevard
(3731 Crondall Lane)
4th Election District - 3rd Councilmanic District
Jean Schuster - Legal Owner
Crondall Lane, LLC - Developers
Case Number: 98-269-X

Petition for Special Exception

Description of Property

No Certificate of Posting Found

No Certificate of Publication Found

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Developers'/Petitioners' Exhibits:
1 - Development Plan and Plan to Accompany Petition for Special Exception (Given to Gary Freund, Sign Poster)
2 - Landscape Plan to Accompany Petition for Special Exception
3 - Resume for C. Richard Moore, Vice President of Wells & Associates, LLC
4 - 7-Eleven Property, Crondall Lane, Owings Mills Boulevard, Traffic Impact Study

Protestants' Exhibits:
1 - No Exhibit Found
2A - Baltimore County Police Department Calls for Service at 1801 Reisterstown Road
2B - Baltimore County Police Department Calls for Service at 10550 Reisterstown Road
2C - Baltimore County Police Department BCCAP Stat Breakdown of Convenience Store Robberies Since 11/12/96
3 - Letter from Scott, Cathi, Jason, & Adam Finkelstein to Robert Bowling, P.E., Chief of Bureau of Developer's Plans Review dated March 6, 1998
4 - Rationale for Community Opposition to Southland Corporation's Petition for a Zoning Exception

Resume of Jim Dale

/E

Deputy Zoning Commissioner's Order dated March 17, 1998 (Granted)

Notice of Appeal received on April 15, 1998 from Ellen M. Saval

c: Deborah C. Dopkin, Esq., ~~502 Washington Avenue, Suite 220, Towson, MD 21204~~
Ms. Jean Schuster, 52 New Plant Court, Owings Mills, MD 21117
Crondall Lane, LLC, 10422 Green Mountain Circle, Columbia, MD 21044
Mr. Ken Colbert, Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G, Baltimore, Maryland 21209
Ms. Marilyn Schloss, 30 Stags Leap Court, Pikesville, MD 21208
Mr. Douglas Hamilton, 11403 Cronridge Drive, Owings Mills, MD 21117
Ms. Cathy Glassman, 3726 THOROUGHBRED LN OWINGS MILLS MD 21117-1251
Mr. Stephen Winegrad, 3741 Greenway Lane, Owings Mills, MD 21117
Mr. Scott Finkelstein, 3404 Forestleigh Drive, Owings Mills, MD 21117
Ms. Ellen Saval, 7 Red Maple Court, Owings Mills, MD 21117
Donald Rascoe, Project Mgr., DPDM; DEPRM, DPW; R&P, OP
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

Copy of Schuster Opinion to:
Joe Nolan
CASEY & ASSOCIATES
Suite 1440
300 E. Lombard Street
Baltimore, MD 21202

Jean Schuster, L.O. /Southland Corporation, Assignee of Crondall Lane LLC

98-269-X

Civil Action No. 3-C-98-08520

January 20, 1998	Petition for Special Exception filed by Deborah C. Dopkin, Esquire, on behalf of Jean Schuster, Legal Owner, and Crondall Lane, LLC, Contract Purchaser, for a convenience store with the sales area larger than 1500 sq. ft. to be used in combination with a fuel service station.
February 26	Entry of Appearance filed by People's Counsel for Baltimore County.
March 6	Hearing held on Petition for Special Exception by the Zoning Commissioner. **(The subject special exception petition was heard by the Zoning Commissioner as part of a Development Plan hearing).**
March 17	Order of the Hearing Officer /Zoning Commissioner in which (development plan was approved and) Petition for Special Exception was GRANTED with resrictions.
April 15	Notice of Appeal filed by Ellen M. Saval, Protestant.
May 1	Request for Postponement was filed by Ellen M. Saval, to allow time to retain an attorney (and noted that this is a special exception matter and not a hearing on a development plan).
May 4	Motion to Deny Request for Postponement filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation, Appellee (notes that development plan approval is connected to and dependent upon the special exception).
May 5, 1998	Letter to Ms. Saval advising that Board will receive argument on her request to postpone and Ms. Dopkin's response to that request on the scheduled hearing date of May 13, 1998.
May 13	Motion to Dismiss filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation, Appellee, prior to start of hearing. Hearing convened by the Board; Appellant /Protestant given 15 days to respond to Motion to Dismiss.
June 1	Response to Motion to Dismiss filed by Robert D. Sellers, Esquire, on behalf of Ellen M. Saval, Appellant. (This document also serves as an entry of appearance as counsel for Ms. Saval).
June 4	Motion to Dismiss filed by Robert D. Sellers, Esquire, on behalf of Ellen M. Saval, Appellant.
June 8	Response to Motion to Dismiss filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation.
June 9	Hearing Day #1 held by the Board of Appeals.
June 11	Hearing Day #2 held by the Board of Appeals.
June 19	Hearing Day #3 held by the Board of Appeals.
July 1	Deliberation conducted by the Board of Appeals.
June 24	People's Counsel's Outline of Key Issues submitted.
June 26	Appellee's Memorandum filed by Deborah C. Dopkin, Esquire, on behalf of Southland Corporation.
	Appellant's Memorandum in lieu of Final Argument filed by Robert D. Sellers, Esquire, on behalf of Ellen Saval, et al, Appellants.

Jean Schuster, L.O. /Southland Corporation, Assignee of Crondall Lane LLC

98-269-X

Civil Action No. 3-C-98-08520

July 24, 1998 — Opinion and Order issued by the Board; Protestants' Motion to Dismiss Petition is DENIED; Petitioner's Motion to Dismiss is *DENIED; Petition for Special Exception is GRANTED* with restrictions.

August 24 — Petition for Judicial Review filed in the Circuit Court for Baltimore County by Robert D. Sellers, Esquire, and I. William Chase, Esquire, on behalf of Beth Israel Congregation and Ellen Saval.

August 26 — Copy of Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

August 27 — Certificate of Notice sent to interested parties.

August 28 — Second Petition for Judicial Review filed in the Circuit Court for Baltimore County by People's Counsel for Baltimore County.

September 1 — Copy of second Petition for Judicial Review received by the Board of Appeals from the Circuit Court for Baltimore County.

October 23, 1998 — Record of Proceedings filed in the Circuit Court for Baltimore County. **(Transcript was not requested and, therefore, is not includeded with the Record).**

October 23 — Order issued by the CCt for Balto. Co.; Petitioner's Motion to Extend Time to Transmit the Record is extended to Tuesday, December 22, 1998 (*J. Norris Byrnes, J*).

December 22 — Supplement to Record of Proceedings filed in the Circuit Court for Baltimore County this date consisting only of the transcript of proceedings before the board to complete record previously filed in the Circuit Court on October 23, 1998, Case No. 3-C-008520.

March 31, 1999 — Order issued by the CCt for Balto Co.; CBA Order is VACATED; case *REMANDED* to CBA for proceedings consistent with the March 4, 1999 Opinion of the CCt /attached transcript of CCt proceedings - 1 (Lawrence R. Daniels, J).

April 26 — Order issued by the CCt; Motion to Reconsider is GRANTED. (Lawrence R. Daniels, J).

April 27 — Amended Order issued by the CCt: case REMANDED (as amended - *clarifying the remand order) by the CCt (Lawrence R. Daniels, J).*

4/24/98 -Notice of Assignment sent to parties; case scheduled for hearing on Wednesday, May 13, 1998 at 10:00 a.m.:

Ellen Saval
Deborah C. Dopkin, Esquire
Ms. Jean Schuster
Crondall Lane, LLC
Ken Colbert /Colbert Matz Rosenfelt, Inc.
Marilyn Schloss
Douglas Hamilton
Cathy Glassman
Stephen Winegrad
Scott Finkelstein
People's Counsel for Baltimore County
Pat Keller, Planning Director
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

5/01/98 -Request for postponement filed by Ellen Saval, Appellant; insufficient time to obtain counsel and proceed with special exception appeal; noted that she did not take the appeal from the Development Plan approval; only the Petition for Special Exception; therefore rules for Development Plan appeal should not apply.

5/04/98 -Motion to Deny Request for Postponement filed by Deborah C. Dopkin, Esquire, Counsel for Appellee.

5/05/98 -Letter to Ms. Saval advising that Board will receive argument on her request to postpone and Ms. Dopkin's response to that request on the scheduled hearing date of 5/13/98; reassignment date to be given if postponement request is granted; case to proceed on merits if request denied. Copy to D. Dopkin; People's Counsel; and County Attorney.

5/13/98 - Motion to Dismiss filed by D. Dopkin on behalf of Developer /Petitioner prior to start of hearing.
- Hearing convened by Board (K.C.L.)
- Appellant /Protestant given 15 days to respond to Motion to Dismiss; Postponement request granted but only to a date within 30 days of today's date (ie 6/09/98) for hearing of this matter. Deliberation to occur and final order of Board to be issued within 15 days of that date, or by June 24, 1998.
- Notice of assignment Pursuant to Continuance sent to -- parties; case set for hearing on Tuesday, June 9, 1998 at 10:00 a.m.

6/1/98 - Response to Motion to Dismiss filed by Robert Sellers, Esq., on behalf of Ellen M. Saval Appellant /Protestant. (Mr. Sellers informed that this serves as his entry of appearance also as counsel for Ms. Saval.

6/4/98 - Motion to Dismiss (Petition for SE) filed by R. Sellers on behalf of Appellant /Protestant. Copies to LCM this date.

6/08/98 -Response to Motion to Dismiss filed by D. Dopkin in response to Appellant's Motion to Dismiss (FAX copy to CBA this date; hard copy to follow 6/09/98).

6/09/98 -Ruling from bench on Petitioner's Motion to Dismiss; Protestant's Motion to Dismiss petition held sub curia; case went forward on merits.
Holding Thursday, June 11, 1998 at 1:30 p.m. for completion. Memos to be filed to allow for public deliberation on June 18, 1998; order to be issued by June 25, 1998 (unless both parties agree to waive established time frame).

- Confirmation Notice provided to Counsel at conclusion of hearing this date (unable to send usual Notice of Assignment due to insufficient time between this date (6/09) and continued date (6/11).

6/11/98 -Hearing day #2 concluded; case continued to final Hearing day #3 on Friday, 6/19/98 at 9:30 am; Confirmation Notice again provided to Counsel at conclusion of hearing this date due to insufficient time to mail notices; Note: both parties agreed to waive established time frame and extend time 2 weeks; memos to be filed 6/26/98 to allow for public deliberation on 7/1/98; Order to be issued by 7/9/98.

6/19/98 -Hearing concluded before Board; above schedule to be followed re memos and deliberation. Notice of Delib to be sent.

6/22/98 -Notice of Deliberation sent to parties; scheduled for Wednesday, July 1, 1998 at 11:00 a.m. Copies to L.C.M.

6/24/98 -Outline of Key Issues filed by Office of People's Counsel (no further memo /brief to be filed by People's Counsel).

6/26/98 -Appellants' Memorandum in Lieu of Final Argument filed by Robert D. Sellers, Esquire, on behalf of Appellant /Protestants.
- Petitioner/Appellee Southland Corporation's Memorandum in Support of its Petition for Special Exception filed by Deborah Dopkin, Esquire.
  - Copy to T. Melvin (for pick up as arranged).
  - Copy to C. Marks (in CBA office).
  - Copy to L. Stahl by Express Mail (T/C to Linda to advise that this was on its way for Saturday deliver or Monday pick-up at P.O.

7/01/98 - Public deliberation concluded; Petition for Special Exception GRANTED with restrictions; Motion to Dismiss Appeal denied; Motion to Dismiss Petition DENIED. Written Opinion and Order to be issued; appellate period to run from date of written Order.

April 29, 1999 Letter from D. Dopkin, Esquire -- forwarding to the Board a copy of the Amended Order of the Circuit Court and a copy of the Circuit Court transcript.

April 30 Motion to Take New Evidence filed by I. William Chase, Esquire, and Robert D. Sellers, Esquire, on behalf of Appellants /Protestants.

May 6 Letter from P. Zimmerman with suggestions for implementing the Circuit Court remand.

May 10 T/C from D. Dopkin, Esquire -- will file response to Motion to Take New Evidence and correspondence from P. Zimmerman by 5/12/99.

Notice of Assignment /Motion Only Hearing sent to parties; hearing scheduled for argument only on Motion to Take New Evidence filed by Messrs. Chase and Sellers; scheduled for Thursday, May 27, 1999 at 10:30 a.m.

May 13 Answer in Opposition to Motion to Take New Evidence filed by Deborah Dopkin, Esquire, in response to Mr. Seller's Motion and People's Counsel's letter of May 6, 1999.

May 14 Copies of letters, Motion and Response forwarded to CBA panel this date for consideration prior to motion hearing on 5/27/99 (C.L.M.).

May 24 Letter dated 5/24/99 from Peter Zimmerman regarding 253.1. (Note: Unable to forward to Board by mail prior to motion hearing [scheduled for 5/27/99].)

May 27 Argument concluded on Motion; deliberation scheduled for Wednesday, June 2; notice to be sent.

Notice of Deliberation /Motion Hearing sent to parties; scheduled for Wednesday, June 2, 1999 at 9:30 a.m.; copy to L.C.M.

6/02/99 -Deliberation concluded; Motion to Take New Evidence GRANTED only as to issue of demographics and marketing study as presented at original CBA hearings by Petitioner witness Darrow; argument to be received from counsel as to 253 and 405.
- Ruling on Motion to be issued by CBA; date selected for hearing this additional new evidence; notice of assignment to be sent to parties upon confirmation of date for hearing and availability of witnesses and parties.

6/03/99 -Notice of Assignment sent to parties; scheduled for Wednesday, August 11, 1999 at 10:00 a.m. Notified L.C.M. of scheduled hearing by copy of Notice (On remand from CCt; pursuant to Board's Ruling on Motion to Take New Evidence issued 6/03/99).

7/14/99 -Motion to Quash filed by D. Dopkin on behalf of Southland Corporation - in response to subpoena filed by People's Counsel: failure to comply with Board's rules in general and as to paragraphs 2 and 3 specifically. Board advised as to Motion; letter to be sent to counsel; motion to be addressed at beginning of hearing scheduled for 8/11/99.

7/15/99 -Letter to counsel this date advising that Board will consider and rule on this Motion on Wednesday, August 11, 1999 prior to the hearing scheduled in this matter. Copies of kcb letter, Subpoena, and Motion to L.C.M. - FYI.

7/20/99 -Answer to Motion to Quash, revised Subpoena to Southland, and letter from P. Zimmerman requesting earlier date for Motion hearing and instruction to Southland to produce corp agent and all documents within scope of Subpoena.

7/29/99 -Letter to P. Zimmerman - earlier hearing date is not possible; argument will be heard on August 11th as scheduled; Board to then proceed as determined to be appropriate at that time.

8/11/99 - Concluded day #1 on remand; scheduled day #2 on remand to Friday, August 27, 1999 at 9:00 a.m. upon confirmation of availability of counsel and Board. Notice of Assignment /Day #2 on Remand sent to parties and c to L.C.M.

8/20/99 -Motion to Quash filed by D. Dopking -- in response to Subpoena filed by Appellants' counsel, Robert Sellers.

8/25/99 -Motion to Reconsider Compliance with Subpoena filed by P Zimmerman - for reconsideration of Subpoena and Petitioner's Motion to Quash.

8/27/99 -Concluded day #2 on remand; tentative 9/10/99 to be utilized for day #3; confirming availability of parties (including L.C.M.) for either Friday 9/17 or Friday 10/01/99; notice to be sent on Monday 8/30/99.

8/30/99 -Notice of Assignment /Day #3 and Day #4 sent to parties and to L.C.M. - scheduled for Friday, September 10, 1999 from 9:00 a.m. to 12:30 p.m. for Day #3 and Friday, September 17, 1999 starting at 9:00 a.m. for Day #4. Messrs. Sellers and Chase notified by telephone; message left at PC office; notified L.C.M.

9/10/99 -Concluded Day #3 this date; also advised by CBA that additional dates will be required (in addition to already scheduled day #4 on 9/17/99). Upon confirmation of counsel, Notice of Assignment to be sent for additional date(s) -- awaiting confirmation of counsel and witnesses for 10/05 (beginning at 10:30 a.m. after already scheduled deliberation) and/or 10/19/99 (beginning at 9:00 a.m.).

9/13/99 -Confirmed availability of counsel for both 10/05 and 10/19 (Mr. Sellers indicated problem with one witness on 10/19; will attempt to resolve this with witness on 9/17/99; will advise CBA at start of hearing on 9/17/99). Notice to be sent.

Clipped IN FILE

9/14/99 -Notice of Assignment, Days 5 and 6, sent to parties; scheduled for Tuesday, October 5, 1999 at 10:30 a.m. and Tuesday, October 19, 1999 at 9:00 a.m. Board members also notified for calendar confirmation.

9/14/99 -Notice of Assignment, Days 5 and 6, sent to parties; scheduled for Tuesday, October 5, 1999 at 10:30 a.m. and Tuesday, October 19, 1999 at 9:00 a.m. Board members also notified for calendar confirmation.

9/23/99 -Received confirmation by telephone from R. Sellers -- confirmed use of Friday, October 29, 1999 for day #7 on remand if needed.
- Amended Notice of Assignment - to include day #7 - Friday, October 29, 1999 at 10:00 a.m. as agreed with counsel.

10/05/99 -Board met in camera to review documents provided by Southland through its counsel, Ms. Dopkin for purpose of redaction. Upon conclusion of same, counsel advised (a) that they would receive copies of material to be admitted; and (b) that Ms. Dopkin had another packet which required conversations with counsel for Southland and for provider; and further, that a packet of all material submitted (comprising both (a) and (b) above has been sealed and will be maintained by this office in the event it is needed at higher appellate level.
-The above was put on the record as to material to be included and excluded; parties to convene on Tuesday, October 19, 1999 at 9:00 a.m. for day #6 in this matter.

10/14/99 -Notice of PP and Confirmation of Hearing Day #6 sent to parties this date. Upon conversations with all counsel, this matter cannot go forward on Tuesday 10/19/99; all counsel agree that this is not possible and that the case will be pulled from the 10/19/99 docket. The date of 10/29/99 will still be held for day #6; if the parties cannot go forward on the 29th, this will be handled sometime during the week of 10/18/99.
Notice to Mr. Sellers and Ms. Dopkin by FAX this date; copy hand-delivered to Mr. Zimmerman; Mr. Chase advised by telephone. All parties to receive copy by mail.

10/20/99 -T/C message from D. Dopkin - She has received authorization from corporate attorneys for Southland (Texas) to release remaining packet of redacted material to counsel in these proceedings; statement regarding this material to be made on the record when Board convenes for hearing on Friday, October 29, 1999 at 10:00 a.m. in this matter.

10/21/99 -Remaining packet of redacted material sent to Mr. Chase; hand-delivered to Mr. Zimmerman; copy to be picked up by Mr. Sellers; full copy of material given to counsel on 10/05 and remaining portion above to D. Dopkin by letter this date. Counsel advised that Board will convene on Friday, 10/29/99 for hearing as scheduled.

10/29/99 -Day #6 convened and continued through morning session; continued matter after lunch break for reasons as stated on the record; scheduled for hearing day #7 (1/04/2000) and day #8 (1/18/2000).
- Notice of Assignment /Days 7 & 8 sent to parties; scheduled for Tuesday, January 4, 2000 at 10:00 a.m. and Tuesday, January 18, 2000 at 10:00 a.m. FYI copy to L.C.

11/19/99 -Amended Notice of Assignment /Additional Day sent to parties; additional date of Tuesday, January 25, 2000 at 10:00 a.m. assigned. Letter to counsel advising of this additional day also sent this date. (Confirmed availability of L.C.M. on this additional day.)

1/03/2000 - Hearing scheduled for 1/04/2000 was postponed this date by the Board (death in family of panel member); efforts to reassign to either 1/05 or 1/06/2000 were unsuccessful due to various calendar conflicts; hearing to continue on previously scheduled dates of 1/18/2000 and 1/25/2000 (now hearing days 7 and 8). Board notified; C. Peatt notified.

1/04/2000 - Amended Notice of Assignment sent to parties; to continue on next scheduled date of 1/18/2000 at 10:00 a.m. Copy to L.C.M.

1/18/2000 -Concluded Day #7; to 1/18/2000 for day #8. Also awaiting confirmation from counsel as to additional dates (possible 2/01; 2/09; and/or 3/07/2000); to be advised by no later than 1/19/2000; then Notice of Assignment to be sent to parties. Also - with agreement of counsel, 1/25/2000 to start at 9:00 a.m., as well as any additional dates scheduled. (L.C.M.)

1/20/2000 -Notice of Assignment sent to parties; previously scheduled 1/25 reassigned to 9:00 a.m. start time; additional, confirmed and agreed to dates of Tuesday, February 1, 2000 and Tuesday, March 7, 2000, both starting at 10:00 a.m. FYI copy to L.C.M. (To be determined on 1/25/2000 if 2/01 to begin at 9:00 a.m., if necessary.)

1/24/2000 -FAX from D. Dopkin -- hearing on 1/25/2000 to conclude by 11:30 a.m. due to death in family and scheduled funeral.

1/27/2000 -Note to file: 1/25/2000 hearing cancelled; County offices closed due to weather conditions (snow storm). To convene on 2/01/2000 at 10:00 a.m. for next hearing day (date had already been scheduled).

2/01/00 -Concluded Day #8; upon agreement of counsel as to availability, to schedule two dates for hearing in addition to 3/07/00 previously scheduled. When confirmed, notice to be sent (starting at 9:30 a.m.) L.C.M.

2/04/00 - Confirmed availabilty with counsel for 3/14 and 3/15/00 for days 10 and 11; and confirmed availability of CBA panel members. Notice of Assignment for Days 9, 10 and 11 set to parties; start time changed on 3/07 to 9:30 a.m. Tuesday, March 7, 2000 at 9:30 a.m. for Day #9; Tuesday, March 14, 2000 at 9:30 a.m. for Day #10; and Wednesday, March 15, 2000 at 9:30 a.m. for Day #11. Copy to L.C.M.

2/09/00 -Letter from Rex Dalrymple, Dalrmple Development & Investment Co., advising that Crondall Lane Associates LLC is not a part of this matter; on 3/06/98, project was assigned to 7-Eleven (Southland); Crondall Ln Assoc was cancelled with State of Md on 6/15/98 and no longer exists. Notice should go to: 7-Eleven, Inc. 3492 Old Annapolis Road Laurel, MD 20724, Attn: Mr. Ed Zimmerman (301-953-9711).

3/07/00 -Concluded Day #9; scheduling exists for days 10 and 11 on 3/14 and 3/15/00 both days beginning at 9:30 a.m. (Stahl, Marks, Melvin)

3/14/00 -Concluded Day 10; continued to 3/15 for day 11. (LCM)

3/15/00 -Concluded Day #11; case did not finish this date. Confirmed availability of parties, Board, etc. and continued the case for day #12 to Tuesday, April 11, 2000 at 10:00 a.m. Copy of Notice of Assignment sent to L C and M.

4/11/00 -Concluded hearing in this matter; memos due from Counsel Monday, 5/22/00 (Dopkin, Sellers, and Zimmerman); deliberation set for Wednesday, 6/28/00 at 9:00 a.m.; notice of deliberation to be sent. (L.C.M.)

4/14/00 -Notice of Deliberation sent to parties; scheduled for Wednesday, June 28, 2000 at 9:00 a.m. Copy to L.C.M.

3/07/00 -Concluded Day #9; scheduling exists for days 10 and 11 on 3/14 and 3/15/00 both days beginning at 9:30 a.m. (Stahl, Marks, Melvin)

3/14/00 -Concluded Day 10; continued to 3/15 for day 11. (LCM)

3/15/00 -Concluded Day #11; case did not finish this date. Confirmed availability of parties, Board, etc. and continued the case for day #12 to Tuesday, April 11, 2000 at 10:00 a.m. Copy of Notice of Assignment sent to L C and M.

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4/14/00 -Notice of Deliberation sent to parties; scheduled for Wednesday, June 28, 2000 at 9:00 a.m. Copy to L.C.M.

5/22/00 -Protestants' Memorandum in Lieu of Final Argument filed by Robert D. Sellers, Esquire, and I. William Chase, Esquire, on behalf of Ellen Saval, Beth Israel Synagogue, et al, Protestants.

- People's Counsel's Memorandum filed by Peter M. Zimmerman.
- Petitioner /Appellee Southland Corporation's Memorandum on Remand filed by Deborah C. Dopkin, Esquire.

5/23/00 -Copy of Memos mailed to Stahl, Marks and Melvin.

6/28/00 -Deliberation concluded; special exception for convenience store and fuel station granted by the Board (Stahl, Melvin and Marks); Petitioner met burden on remand: primarily serves the industrial park and also size of convenience store. Written Opinion and Order to be issued; appellate period to run from date of written Order.

IN THE MATTER OF	*	BEFORE
JEAN SCHUSTER	*	COUNTY BOARD OF APPEALS
Southland Corporation	*	OF
Crondall Lane, LLC	*	BALTIMORE COUNTY
	*	Case No.: 98-269x

****

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) John Lewis
111 W. Chesapeake Avenue
Towson, Maryland 21204
Baltimore County

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; ( ) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 on Friday the 19th day of June, 1998, at 9:30 a.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by:

Deborah C. Dopkin, Esquire, 409 Washington Avenue, Suite 920,
(Name of Party or Attorney, Address and Phone Number)

Towson, MD 21204 (410) 494-8080

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

Charlotte E. Radcliffe
County Board of Appeals
of Baltimore County

c:\docs\emf\dcd\lewis.sbp

98 JUN 17 PM 12:22

RECEIVED
COUNTY BOARD OF APPEALS

IN THE MATTER OF * BEFORE

Jean Schuster * COUNTY BOARD OF APPEALS

Southland Corporation * OF

Crondall Lane, LLC * BALTIMORE COUNTY

* CASE NO. 98-269x

* * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Donald Roscoe
101 W. Chespeake Avenue
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Thursday the 11th day of June, 1998, at 1:30 ~~a.m.~~/p.m.

YOU ARE COMMANDED TO produce the following documents or objects: Development File IV-512, 7-11 Owings Mills Blvd. & Crondall Lane

Subpoena requested by:

Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303, Towson, MD 21204
(Name of Party or Attorney, Address and Phone Number)
(401) 583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

98 JUN 10 AM 10:48
RECEIVED
COUNTY BOARD OF APPEALS

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

Southland Corp. * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Bill Hughey
Courts Bldg.
Planning Office
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday **the** 11th **day of** August, 1999, **at** 10:00 **a.m.**

YOU ARE COMMANDED TO produce the following documents or objects:

All documents prepared by the Office of Planning pertaining to the above-captioned matter.

Subpoena requested by:

Robert D. Sellers, 401 Washington Ave., Suite 303, Towson, Md. 21204
(Name of Party or Attorney, Address and Phone Number)
410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

99 AUG -9 AM 10:43
RECEIVED
COUNTY BOARD OF APPEALS

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

Southland Corp. * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Kui Zhao
Courts Bldg.
Planning Office
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday **the** 11th **day of** August, 1999, **at** 10:00 **a.m./~~p.m.~~**

YOU ARE COMMANDED TO produce the following documents or objects:

All documents prepared by the Office of Planning pertaining to the above-captioned matter.

Subpoena requested by:

Robert D. Sellers
(Name of Party or Attorney, Address and Phone Number)
401 Washington Ave., Suite 303, Towson, Md. 21204 410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

99 AUG -9 AM 10:44
RECEIVED
COUNTY BOARD OF APPEALS

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

Southland Corp. * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Sherrie Hankins
Courts Bldg.
Planning Office
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday **the** 11th **day of** August, 1999, **at** 10:00 **a.m./~~p.m.~~**

YOU ARE COMMANDED TO produce the following documents or objects:

All documents prepared by the Office of Planning pertaining to the above-captioned matter.

Subpoena requested by:

Robert D. Sellers
(Name of Party or Attorney, Address and Phone Number)
401 Washington Ave., Suite 303, Towson, Md. 21204 410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

RECEIVED
COUNTY BOARD OF APPEALS
99 AUG -9 AM 10: 44

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

Southland Corp. * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Custodian
Traffic Court Records for Baltimore County
111 W. Chesapeake Ave.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday **the** 11th **day of** August, 1999, **at** 10:00 **a.m.** ~~p.m.~~.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by:

Robert D. Sellers
(Name of Party or Attorney, Address and Phone Number)
401 Washington Ave., Suite 303, Towson, Md. 21204 410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

99 AUG -9 AM 10:43

COUNTY BOARD OF APPEALS
RECEIVED

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

Southland Corp. * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Custodian
GIS Information System for
Baltimore County
400 Bosley Ave.
Towson, Md. 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; ( ) Produce documents and/or objects only; (X) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Wednesday the 11th day of August, 1999, at 10:00 a.mxxpxmx

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by:

Robert D. Sellers
(Name of Party or Attorney, Address and Phone Number)

401 Washington Ave., Suite 303, Towson, Md. 21204 410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

99 AUG -9 AM 10:43
RECEIVED
COUNTY BOARD OF APPEALS

Charlotte E. Radcliffe
County Board of Appeals of
Baltimore County

IN THE MATTER OF * BEFORE

JEAN SCHUSTER * COUNTY BOARD OF APPEALS

SOUTHLAND CORPORATION * OF

* BALTIMORE COUNTY

* CASE NO. 98-269X

* * * * * * * * *

S U B P O E N A

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Southland Corporation
Serve on Deborah Dopkin, Esquire
409 Washington Avenue, Suite 920
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: ( ) Personally appear; (X) Produce documents and/or objects only; ( ) Personally appear and produce documents or objects;

in Room 48, Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204 on Friday **the** 27th **day of** August, 1999, **at** 9 **a.m.** ~~p.m.~~

YOU ARE COMMANDED TO produce the following documents or objects:

SEE ATTACHED

Subpoena requested by:

Robert D. Sellers, Esquire, 401 Washington Avenue, Suite 303,
(Name of Party or Attorney, Address and Phone Number)
Towson, MD 21204, 410-583-1712

The witness named above is hereby ordered to so appear before the County Board of Appeals. (The Board requests the Sheriff to issue the summons set forth herein.)

99 AUG 12 AM 9:47

RECEIVED
COUNTY BOARD OF APPEALS

Charlotte E. Radcliffe
County Board of Appeals of Baltimore County

DOCUMENTS TO BE PROVIDED:

"Documents", as used in this Subpoena, is defined as contained in Maryland Rule 2-422(a).

1. All documents making up the marketing studies done by or for Southland Corp. pertaining to the site selection of Owings Mills Boulevard and Crondall Lane, including but not limited to the one(s) referred to by Larry Darrow during testimony before the Board of Appeals on 6/11/98. (See attached copies of transcript pages).

2. All documents containing information from Southland's "Retail Information System" (RIS), reviewed and/or relied upon by Southland or its employees and agents in selecting the site at Owings Mills Boulevard and Crondall Lane.

STATEMENT OF PURPOSE

To acquire information relevant to the market, population and/or demographics to be served by Southland and which is not otherwise available to Protestants.

Word\southland-doc request

20 beyond the scope of direct.
21 THE CHAIRMAN: No. He's been ing about they

1 are looking to serve this group and that group in this
2 area and that area. He's trying to put some borders to
3 it.
4 A. The typical area that we look at in building a
5 7-Eleven store, and, again, that's what our real estate
6 department does for us, we go out three-quarters of a mile
7 and do most of our decision-making based on that
8 three-quarter mile radius.
9 Q. Three-quarters of a mile?
10 A. Uh-huh. That's typical.
11 Q. How about for this store, was there a marketing
12 study done for this particular store?
13 A. Yes, there was, by the real estate development
14 and some other companies involved in that.
15 Q. Do you have knowledge of that study?
16 A. Not exact knowledge, no.
17 Q. So you don't know how far they may have projected
18 this store would draw from?
19 A. No, I don't know.
20 Q. You don't?
21 A. Not exactly. I just know the norm.

1 school?
2 A. Absolutely not. I wouldn't agree with that.
3 Q. In any event, in view of that, when your company
4 put it together and you first learned about this site, did
5 you not raise that as an issue with your real estate
6 people, to say the presence of a school in that area?
7 A. No, I did not. Again, we have a lot of 7-Elevens
8 near school sites; that there would be no reason to raise
9 that as an issue.
10 MR. ZIMMERMAN: Thank you. That's all I have, Mr.
11 Chairman.
12 THE CHAIRMAN: Redirect?
13 MS. DOPKIN: Just one question.
14 REDIRECT EXAMINATION
15 BY MS. DOPKIN:
16 Q. Did the real estate study identify the core
17 market for this store?
18 A. Yes, they did.
19 Q. And what is that market?
20 A. The core market identified with the store is the
21 industrial park.

[redacted]

Page

1 A. Do I know the street names? No. Have I driven
2 through the area? Yes.
3 Q. You know there's a large residential area
4 north --
5 MS. DOPKIN: I would object. Asked and answere
6 We're back to this. There is one recross based on one
7 redirect question.
8 Q. Would you be willing to produce the market stud
9 that your company has done for this site?
10 MS. DOPKIN: I object. The market study is not
11 in evidence.
12 THE CHAIRMAN: I am going to sustain the
13 objection simply because it has no place in what we ar
14 doing.
15 If there's a process by which you want to get a
16 copy of their report, that's between you and Southland
17 Corporation.
18 MR. ZIMMERMAN: I think all I'm going to say, it
19 reflects on the credibility of the situation.
20 THE CHAIRMAN: I think the question has already
21 been asked, do you have the report, and the answer has

RE: PETITION FOR SPECIAL EXCEPTION
3731 Crondall Lane, S/E corner Crondall
Lane and Owings Mills Boulevard
4th Election District, 3rd Councilmanic

JEAN SCHUSTER/SOUTHLAND CORP.
Petitioners

* BEFORE THE

* COUNTY BOARD OF APPEALS

* FOR

* BALTMORE COUNTY

* **Case No.: 98-269-X**

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

RECEIVED
COUNTY BOARD OF APPEALS
99 JUN 28 AM 11:08

SUBPOENA

Please issue a Subpoena to the following named witness to personally appear before the Baltimore County Board of Appeals at the hearing for the matter captioned above in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on **WEDNESDAY, AUGUST 11, 1999, at 10:00 a.m.**, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: SOUTHLAND CORPORATION
c/o Deborah C. Dopkin, Esq.
409 Washington Avenue, Suite 920
Towson, MD 21204

SOUTHLAND CORPORATION should designate an appropriate agent or employee to testify and to bring and produce any and all documents concerning marketing and service area information, matters, or studies for the proposed site at Crondall Lane and Owings Mills Boulevard, including but not limited to the following:

1. Information about marketing or service area, residential population in nearby residential areas, identification of local businesses and specific numbers of employees, breakdowns of service according to weekdays/weekends and days/ nights, and any actual studies, surveys, memoranda or other documentation generated or made by SOUTHLAND CORPORATION in its site selection process.

2. Any of the above such information generated for alternative sites and any documentation showing the reasons why the subject site was selected.

3. Any documentation concerning the products to be sold at the proposed site and the prospective market or service area for prospective customers of such products.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests (___) the Sheriff, (X) Private Process Server, to issue the Summons set forth herein.

Kathleen C. Bianco

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Cost: $ _____ }

1120 '97

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondall Lane, S/E corner Crondall Lane and Owings Mills Boulevard 4th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	FOR
JEAN SCHUSTER/SOUTHLAND CORP. Petitioners	*	BALTMORE COUNTY
	*	**Case No.: 98-269-X**

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

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL 20 PM 3:12

SUBPOENA

Please issue a Subpoena to the following named witness to personally appear before the Baltimore County Board of Appeals at the hearing for the matter captioned above in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on **WEDNESDAY, AUGUST 11, 1999, at 10:00 a.m.**, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

WITNESS: SOUTHLAND CORPORATION
c/o Deborah C. Dopkin, Esq.
409 Washington Avenue, Suite 920
Towson, MD 21204

SOUTHLAND CORPORATION should designate an appropriate agent or employee to testify and to bring and produce any and all documents concerning marketing and service area information, matters, or studies for the proposed site at Crondall Lane and Owings Mills Boulevard, including but not limited to the following:

1. Information about marketing or service area, residential population in nearby residential areas, identification of local businesses and specific numbers of employees, breakdowns of service according to weekdays/weekends and days/ nights, and any actual studies, surveys, memoranda or other documentation gen-erated or made by SOUTHLAND CORPORATION in its site selection process.

2. Any of the above such information generated for alternative sites and any documentation showing the reasons why the subject site was selected.

3. Any documentation concerning the products to be sold at the proposed site and the prospective market or service area for prospective customers of such products.

Statement of Purpose

The purpose of this Subpoena is to obtain information relating to marketing, service and land use which bears on the proposed combination service station and convenience (food) store and the area from which it may draw customers.

The information concerning alternative sites may be relevant in that it will show the type of customer base anticipated to be served and will reflect the true nature of the proposed land use and service characteristics.

The information regarding products will further assist in the understanding of the market area. It will be relevant to a determination of the type of store. In addition, the type of products sold at the store may be probative of the true service area of the service station as well.

All of the above information will assist the Board of Appeals to determine compliance with Sections 253 and 405, consistent with the June 3, 1999 ruling of the Board of Appeals.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel For Baltimore County
400 Washington Avenue, Room 47
Towson, Maryland 21204
(410) 887-2188

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests (___) the Sheriff, (X) Private Process Server, to issue the Summons set forth herein.

Charlotte E. Radcliffe

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Cost: $ _____ }

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondall Lane, S/E corner Crondall Lane and Owings Mills Boulevard 4th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	FOR
JEAN SCHUSTER/SOUTHLAND CORP. Petitioners	*	BALTMORE COUNTY
	*	**Case No.: 98-269-X**

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

99 JUN 28 PM 3:35
RECEIVED
COUNTY BOARD OF APPEALS

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on this 28th day of June, 1999, at 11:10 a.m./p.m., I personally served copy of the attached Subpoena upon Deborah C. Dopkin, Esq,. attorney for SOUTHLAND CORP., at 400 Washington Avenue, Room 47, Towson, MD 21204. Said Subpoena directs SOUTHLAND CORP. to designate an appropriate agent or employee to personally appear and produce documents before the Baltimore County Board of Appeals at the hearing for the matter captioned above in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on **Wednesday, August 11, 1999, at 10:00 a.m.**, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

Carol A. Fisher

CAROL A. FISHER
Legal Assistant
Office of the People's Counsel For Baltimore County
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

20/99

RE: PETITION FOR SPECIAL EXCEPTION
3731 Crondall Lane, S/E corner Crondall
Lane and Owings Mills Boulevard
4th Election District, 3rd Councilmanic

JEAN SCHUSTER/SOUTHLAND CORP.
Petitioners

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTMORE COUNTY
* **Case No.: 98-269-X**

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

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL 21 PM 3:24

AFFIDAVIT OF SERVICE

I HEREBY CERTIFY that on this 20th day of July, 1999, at 4:35 p.m., I served copy of the attached Subpoena upon Deborah C. Dopkin, Esq,. attorney for SOUTHLAND CORP., by leaving copy of said Subpoena with Luci Bruchalski, at 409 Washington Avenue, Suite 920, Towson, MD 21204. Said Subpoena directs SOUTHLAND CORP. to designate an appropriate agent or employee to personally appear and produce documents before the Baltimore County Board of Appeals at the hearing for the matter captioned above in Room 48 Basement, Old Courthouse, 400 Washington Avenue, Towson, MD 21204, on **Wednesday, August 11, 1999, at 10:00 a.m.**, and continuing thereafter as necessary for such witness' testimony and as scheduled by the Board.

CAROL A. FISHER
Legal Assistant
Office of the People's Counsel For Baltimore County
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

July 20, 1999

RECEIVED
COUNTY BOARD OF APPEALS
99 JUL 20 PM 3:21

Lawrence Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception - On Remand
Jean Schuster/Southland Corp., Petitioners
Case No.: 98-269-X (Cir.Ct. No. 3-C-98-8520)

Dear Chairman Stahl:

Enclosed please find a revised Subpoena to Southland Corporation with a Statement of Purpose to comply with Board Rule 5. We also enclose an Answer to Motion to Quash for the Board's consideration.

We are in receipt of the Board's July 15, 1999 letter advising it will hear argument on the Motion to Quash at the start of the August 11, 1999 hearing. In the interest of due process of law, and justice to all parties, we ask that the Motion be scheduled and heard **prior to August 11.**

If this is done, then the Board can complete the merits hearing on August 11, whether the Motion is granted or denied. Otherwise, if the Motion is denied, there might be a postponement.

In connection with review of the Motion, we also request that Southland Corporation be instructed to produce its appropriate corporate agent and to disclose, identify, and produce all documents within the scope of the Subpoena. The Board can then conduct both an examination of the witness and an *in camera* inspection of the documents to assist in deciding relevance.

In the alternative, if a prior hearing is impossible, the Board should at least require production of the Southland agent and identification and production of all documents for preliminary Board review at the hearing on August 11. This again will both assist in decisionmaking and insure that the witness and documents are present if the Motion is denied.

Thank you for your prompt attention to our requests.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures

cc: Deborah C. Dopkin, Esq.
I. William Chase, Esq.
Robert D. Sellers, Esq.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 29, 1999

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Jean Schuster
/Southland Corporation
Case No. 98-269-X /Your Letter of 7/20/99

Dear Mr. Zimmerman:

The Board is in receipt of your correspondence of July 20, 1999 referencing the subject matter.

In response to your letter, and upon review of the Board's docket and schedule of each Board member, it would be impossible to assign an earlier date for argument on the Motion to Quash filed by Ms. Dopkin. Therefore, as previously noted, the Board will receive argument on this Motion on August 11, 1999. The Board will then proceed from that point with the merits of this hearing as deemed appropriate.

Should you have any questions, please don't hesitate to contact this office.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

cc: Deborah C. Dopkin, Esquire
I. William Chase, Esquire
Robert D. Sellers, Esquire

FILE

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Baltimore County
Department of Permits and
Development Management

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

RECEIVED POST-HEARING
DAY ONE

RECEIVED
COUNTY BOARD OF APPEALS
98 JUN 26 PM 3:55

June 26, 1998

Gail Mangels
Dave McCulloch
24 Foxmoor Court
Owings Mills, Maryland 21117

Dear Ms. Mangels and Mr. McCulloch:

Re: 7-11, Crondall Lane and Owings Mills Boulevard, 4th Election District, Case # 98-269-X

Your letter to County Executive C. A. Dutch Ruppersberger, dated June 9, 1998, was forwarded to me for response. In your letter, you note your concern about the hours of operation for the above referenced 7-11.

Please be advised that this case was heard by the County Board of Appeals, and is awaiting a disposition hearing for the purpose of rendering a decision, on July 1, 1998, at 11:00 a.m.

County Executive Ruppersberger understands completely your request for his involvement in this matter. The concern you raise is certainly legitimate. He is familiar with the area in which this store is proposed and the issue you raise is important. However, he cannot intervene or interfere. As this matter is before the Board of Appeals, a quasi-judicial body, it would be inappropriate and illegal for an elected official to intervene. For the county executive to interfere, there would be the perception that such would be an attempt to influence the decision-making authority of a judicial body which has clearly defined responsibilities by law. These laws delineate the procedure for the review and approval of requests for special exceptions and provide extensive due process. The law provides a framework for objective review and decision-making, lying with the zoning commissioner, and the Board of Appeals on appeal, and to the courts thereafter. Certainly, this process would be compromised if elected officials were permitted to interfere with the objectivity of the system. It is imperative that this process be free from such interference, or even the perception of covert involvement, and subjectivity. While one issue may be supported by the elected official, another would be opposed. Either would generate complaints that the elected official was attempting to influence the outcome of the case and would minimize and defeat, at best, the objectivity of the process, or, at worst, the expectation of objectivity. Anything less defeats the system.

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It is important that you are aware that you may personally appear at the Board of Appeals' deliberation. You can contact the Board of Appeals at 410-887-3180 for more information. I will also forward your letter and my response to the Board to be included in the case file.

Sincerely,

Arnold Jablon
Director

AJ/cab

c: The Honorable C. A. Dutch Ruppersberger
Board of Appeals

11880

To: Baltimore County Executive Office
Fax: 410-887-4049
Reference: Case #98-269-X

We oppose the zoning exception for the 7-11 on the corner of Crondall Lane and Owings Mills Boulevard. We are also requesting that whether or not the exception is granted that you help us limit the hours of operation to 6 A.M. to 10 P.M., 7 days a week. The Business Park and the residential areas do not need the late hours of operation. Closing in the evenings will prevent additional crime in the area.

We need your help!

Gail Mangels & Dave McCulloch
24 Foxmoor Ct
Owings Mills, Md 21117
FAX 800-863-5994
Wk 301-228-2445

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 21, 1999

Robert D. Sellers, Esquire
Suite 303, 401 Washington Ave.
Towson, MD 21204

I. William Chase, Esquire
Suite 124
1190 W. Northern Parkway
Baltimore, MD 21210

Peter Max Zimmerman
People's Counsel
for Baltimore County
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of Southland Corporation /
Crondall Lane (Jean Schuster)
Case No. 98-269-X /On Remand

Dear Counsel:

Enclosed is a copy of the remaining redacted material which the Board had determined to admit as evidence in the subject matter. The initial portion of this material was given to Messrs. Zimmerman and Sellers on October 5, 1999, with a copy sent by mail to Mr. Chase on October 6, 1999.

The Board will convene for hearing in this case on Friday, October 29, 1999 as scheduled.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

FILE

Enclosure

cc: Deborah Dopkin, Esquire, w/enclosure

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 24, 1999

RECEIVED
COUNTY BOARD OF APPEALS
99 MAY 24 PM 4:32

Lawrence Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception - On Remand
Jean Schuster/Southland Corp., Petitioners
Case No.: 98-269-X (*Cir.Ct. No. 3-C-98-8520*)

Dear Chairman Stahl:

To expedite this case, we trust it is helpful to offer legal analysis of the issue of compliance with BCZR 253.1C12. This is one of the significant issues on remand. We researched this history:

1. Bill 40, 1967 amended BCZR 405 to address service stations and related uses. In BCZR 405.4D8, it allowed a special exception, in combination with service station, for a food store less than 5,000 square feet in gross floor area. There was no statutory definition of "food store." The special exception was available in various business and manufacturing districts.

2. Bill 100, 1970 amended BCZR 253.1 (among other things) and provided a list of permitted uses in the M.L. zone. This included BCZR 253.1C12, which allows food stores, subject to a gross floor area limit of 2,500 square feet.

3. Under this statutory regime, petitioners requesting *7-11s* and similar convenience-type food stores typically obtained special exceptions for food (convenience) stores in combination with service stations. See Case Nos. 83-201-XSPHA and 83-240-XSPHA, attached.

4. In 1993, Bill 172-93 amended BCZR 405. Again, it allowed for service stations in various business and manufacturing districts. It also revised and reenacted the "use in combination" subsection as BCZR 405.4E. The term "food store" was replaced by "convenience store." BCZR 405.4E1 permitted a convenience store by right up to 1,500 square feet in gross floor area, with a special exception required for anything larger. The term "convenience store" was not defined. In view, however, of the removal of an absolute maximum gross floor area, it is reasonable to interpret this as denoting a small food store.

5. There is no evidence that the County Council's 1993 use of "convenience store" instead of "food store" was intended to alter the concept of *7-11s, Royal Farm Stores,* etc. as small food stores or convenience stores subject to the regulations.

6. There is also no evidence that the Council intended to repeal the specific area limit on food stores in the M.L. zone.

7. In 1994, Bill 86-94 defined "convenience store" for the first time. The BCZR 101 definition essentially identifies a convenience store as a small food store, less than 5,000 square feet in gross floor area. It matches the "food store" with the identical 5,000 square feet floor area limit allowed under Bill 40, 1967.

8. In conclusion, the history accords with common sense. A convenience store is a small food store, with accessory sales of other household goods. The proposed *7-11* in the present case must comply both with Section 253 and 405. Because it exceeds 2,500 square feet in gross floor area, it conflicts with BCZR 253.1C12.

We appreciate your attention to this matter.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf
Enclosures
cc: Deborah C. Dopkin, Esq.
I. William Chase, Esq.
Robert D. Sellers, Esq.

County Board of Appeals of Baltimore County

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

May 5, 1998

Ms. Ellen M. Saval
7 Red Maple Court
Owings Mills, MD 21117

Re: Case No. 98-269-X (PDM IV-512)
Jean Schuster -Legal Owner;
Crondall Lane LLC -Developers

Dear Ms. Saval:

The Board is in receipt of your Request for Postponement received on May 1st, as well as Appellee's responding Motion to Deny Request for Postponement filed May 4th. As you are aware, the subject case is scheduled to be heard on Wednesday, May 13, 1998, at 10:00 a.m. At that scheduled time, the Board will receive argument on your request for postponement and the Motion filed by Counsel for Appellee.

Should your postponement request be granted, the Board will reassign this matter to another date for hearing. However, in the event Appellee's Motion to Deny Request for Postponement is granted, the case would then proceed on the merits on May 13th.

Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

cc: Deborah C. Dopkin, Esquire
People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney

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County Board of Appeals of Baltimore County

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

TELECOPY COVER PAGE

DATE: 6/05/98

TO: Larry Stahl **FAX #:** 410-581-2315

TELEPHONE #:

FROM: Kathi Bianco

TELECOPIER TELEPHONE #:

TOTAL # OF PAGES (including this page): 5

~~**FAX CC:**~~ Larry - Attached is yet another filing for Tuesday's case.

~~**Mail CC:**~~ A Response from Sellers to a prior Motion was mailed to you with next week's schedule. This is a new Motion from Sellers.

WARNING: Unauthorized interception of this telephonic communication could be a violation of Maryland and Federal Law.

The documents accompanying this telecopy transmission contain information belonging to the sender. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

P.S. Call me w/ any questions.
K.

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Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

May 6, 1999

99 MAY -6 PM 3:21
COUNTY BOARD OF APPEALS
RECEIVED

Lawrence Stahl, Esq., Panel Chairman
County Board of Appeals
of Baltimore County
401 Washington Avenue, Room 49
Towson, MD 21204

Hand-delivered

Re: Petition for Special Exception
Jean Schuster/Southland Corp., Petitioners
Case No.: 98-269-X

Dear Chairman Stahl:

Judge Lawrence Daniels remanded this case for a determination "with regard to compliance with Sections 253 and 405 of the Baltimore County Zoning Regulations, consistent with the Opinion of this Court." His Amended Order dated April 26, 1999 refers to his oral opinion March 4, 1999. The Board file includes the transcript of that Opinion, and provides context for the implementation of the Court Order.

We make the following suggestions to implement the remand:

First of all, the goal is to make sufficient findings as to relevant legal standards. Given the Court's opinion that the initial Board findings were insufficient, the Board should take a fresh look at the facts and law, and review anew whether or not the Petition satisfies legal requirements.

In other words, the remand is not a direction to draft new wording to support the conclusion of approval reached in the initial July 24, 1998 opinion. That approval is no longer operative. The Board should have an open mind.

Please refer to Bucktail v. County Council of Talbot County, 352 Md. 530 (1999) for discussion of the type of finding necessary to support an administrative zoning decision.

Secondly, as to BCZR 253.2B1, and primary service to surrounding industrial and related uses, another evidentiary hearing is appropriate. Our reasons are procedural and substantive.

The original zoning Petition did not refer to BCZR 253, but rather was limited to BCZR 405. During the Board trial, after debate about notice and a Motion made by Protestants, the Chairman allowed Petitioners' request to amend the Petition to include BCZR 253.

The Circuit Court did not find a violation of notice requirements or procedural due process of law. Nevertheless, this issue remains in the event of any further appeal.

Even if there is no due process violation, the late amendment distracted from or hindered full preparation and presentation of evidence regarding 253.2B. It led to a superficial evidentiary record.

Petitioners' evidentiary presentation, in any event, was conclusory and insufficient to prove primary service to industry. The Board's findings were necessarily inadequate because the evidence was inadequate.

Under these circumstances, it would be fair to all parties to have a new evidentiary hearing devoted specifically to evidence relevant to this aspect of BCZR 253.2B. This will lead to a full record upon which the Board can make proper factual findings.

Thirdly, the Circuit Court explicitly referred the case back for a decision on whether BCZR 253.1C.12 applies and limits the Petition to a food store with a maximum 2,500 square feet in gross floor area. See Circuit Court transcript, pages 130-131. The Board did not address this issue in its July 24, 1998 opinion. The parties should have an opportunity to present evidence and argument on this issue.

Finally, we suggest that following the hearing, there be an opportunity for the parties to brief these issues and/or make proposed findings. This will assist the Board in implementation of the remand.

Very truly yours,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

cc: Deborah C. Dopkin, Esq.
I. William Chase, Esq.
Robert D. Sellers, Esq.

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

04/02/99

Case Number: 03-C-98-008520 AE
Date Filed: 08/24/98
Status: Open/Active
Judge Assigned: To Be Assigned,

In The Matter Of: Jean Schuster Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	98-269-X

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)	Entered
PET	001	Beth Israel Congregation 3706 Crondell Lane Owings Mills, MD 21117	08/24/98
		Attorney:	
		0006897 Chase, I William Suite 124 1190 W Northern Pkwy Baltimore, MD 21210 (410)433-4100	08/25/98
		0007108 Sellers, Robert Suite 303 401 Washington Ave Towson, MD 21204 (301)583-1712	08/26/98
PET	002	Saval, Ellen 7 Red Maple Court	08/24/98

Owings Mills, MD 21117

Attorney:

0006897 Chase, I William 08/26/98
Suite 124
1190 W. Northern Pkwy
Baltimore, MD 21210
(410)433-4100

0007108 Sellers, Robert 08/26/98
Suite 303
401 Washington Ave
Towson, MD 21204
(301)583-1712

Type	Num	Name(Last,First,Mid,Title)	Entered
ITP	001	Board Of Appeals Of Baltimore County 400 Washington Avenue Room 49, Old Courthouse Towson, MD 21204	08/24/98
ITP	002	Schuster, Jean 52 New Plant Court Owings Mills, MD 21117	08/24/98
ITP	003	Crondell Lane L L C 10422 Green Mountain Circle Columbia, MD 21044	08/25/98
ITP	004	Peoples Counsel For Baltimore County 400 Washington Ave Old Courthouse, Room 47 Towson, MD 21204 Serve On: Att· Peter Max Zimmerman	08/31/98
		Attorney:	
		0005744 Demilio, Carole Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188	08/31/98
ITP	005	Southland Corp Capacity · Assignee And Successor In Interest To Jean Schuster	09/24/98
		Attorney:	
		0012358 Dopkin, Deborah C SUITE 920 409 Washington Avenue Towson, MD 21204 (410)494-8080	10/05/98

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Jdg	Day Of Rslt	By	ResultDt	Jdg T	Notice	Rec
03/04/99	09:30A	02Q	yes	CIVI	LRD	01	/01 CON	C	03/04/99	LRD	P	Y

Stenographer(s): Debbie Lambert

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned.	J	08/24/98	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID	Entered
001000	Petition for Judicial Review	08/24/98	08/24/98	TBA	PET001			RHP RHP	08/24/98
001001	Answer	09/22/98	09/18/98	TBA	ITP005			RHP RHP	09/22/98
002000	Certificate Of Notice	08/28/98	08/27/98	TBA	000			JH JH	08/28/98
003000	Petition for Judicial Review	08/31/98	08/28/98	TBA	ITP005			DR DR	08/31/98
004000	Second Certificate of Notice	09/02/98	09/01/98	TBA	ITP001			DR DR	09/02/98
005000	Motion to Dismiss	09/24/98	09/18/98	BEC	ITP005	Denied	10/05/98	RHP PH	09/24/98
005001	Answer	09/30/98	09/29/98	TBA	PET002			RHP RHP	09/30/98
006000	Ruling from Judge Cadigan Respondent, Southland Corporations Motion to dismiss is Denied. Notices sent	10/05/98	10/05/98	TBA	000			PH PH	10/05/98
007000	Request for Hearing	10/07/98	10/06/98	TBA	ITP005			DR DR	10/07/98
008000	**Motion to Deny Petitioner's Motion to Extend Time to Transmit Record, Filed by ITP005-Southland Corp.	10/23/98	10/22/98	TBA	ITP002			DR DR	10/23/98
009000	Motion to Extend Time with Order that time is extended to 12/22/98 and that there will be no more extentions of time granted, etc.	10/23/98	10/23/98	JNB	PET001	Granted	10/23/98	MR MR	10/23/98
010000	Transcript of Record from Adm Agency *	10/26/98	10/23/98	TBA	ITP001			DFF DFF	10/26/98
011000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP001	10/26/98	10/26/98	DFF DFF	10/26/98

Num/Seq	Description	Filed	Received		Party	Routed	Ruling/ Closed	Closed	User ID	Entered
012000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP002	10/26/98		10/26/98	DFF DFF	10/26/98
013000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP003	10/26/98		10/26/98	DFF DFF	10/26/98
014000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP004	10/26/98		10/26/98	DFF DFF	10/26/98
015000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP005	10/26/98		10/26/98	DFF DFF	10/26/98
016000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET001	10/26/98		10/26/98	DFF DFF	10/26/98
017000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET002	10/26/98		10/26/98	DFF DFF	10/26/98
018000	Scheduling Order	11/23/98	11/23/98	TBA	000	11/23/98		11/23/98	JD JD	11/23/98
019000	Transcript of Record from Adm Agency *	12/23/98	12/22/98	TBA	ITP001				DFF DFF	12/23/98
020000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP001	12/23/98		12/23/98	DFF DFF	12/23/98
021000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP002	12/23/98		12/23/98	DFF DFF	12/23/98
022000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP003	12/23/98		12/23/98	DFF DFF	12/23/98
023000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP004	12/23/98		12/23/98	DFF DFF	12/23/98
024000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP005	12/23/98		12/23/98	DFF DFF	12/23/98
025000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	PET001	12/23/98		12/23/98	DFF DFF	12/23/98
026000	Memorandum	01/20/99	01/19/99	TBA	ITP004			01/20/99	DFF DFF	01/20/99
027000	Memorandum	01/22/99	01/21/99	TBA	PET002			01/22/99	DR DR	01/22/99
027001	Answer	02/11/99	02/10/99	TBA	ITP005				SD SD	02/11/99
028000	Appellant's Reply Memorandum	02/23/99	02/22/99	TBA	000			02/23/99	SD SD	02/23/99
029000	People's Counsel's Reply Memorandum	02/23/99	02/22/99	TBA	ITP004			02/23/99	SD SD	02/23/99
030000	Open Court Proceeding March 4, 1999. Hon. Lawrence R. Daniels. Hearing had. Order to be filed.	03/04/99		LRD	000				MB MB	03/04/99
031000	Motion to Strike Ex Parte Communication *	04/01/99	03/31/99	TBA	ITP005				DFF DFF	04/01/99
032000	d/e sent to Balto. County Bd of Appeals	04/02/99		TBA	000				ATA ATA	04/02/99

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	OPEN	08/24/99	365	no	no	DAAA	D	000	000
1ANS	1st Answer Tickle	OPEN	09/18/98	0	no	no	DANS	D	001	001
SLTR	Set List For Trial	DONE	09/18/98	0	yes	yes	1ANS	T	001	001
SLMR	Set List For Motions	CANCEL	10/10/98	22	no	no	DANS	D	000	000
SLMM	Set List Motions Mar	DONE	07/01/01	999	yes	yes	DRHR	D	000	000
SLMR	Set List For Motions	DONE	11/14/98	23	no	yes	MEXT	D	000	000
SLMH	Set List For Motions	CANCEL	11/16/98	0	no	no	SLMM	T	000	000
SLTR	Set List For Trial	CANCEL	12/22/98	0	yes	no	DTRA	D	019	000
SLMR	Set List For Motions	OPEN	04/22/99	22	no	no	MSTR	D	000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 Board Of Appeals Of Baltimore								
000		B	BOX 105/CBA RECORD		B			

NEED - requested from John Almond - CCT 4-24-99

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 11/23/98 Order Date : 11/23/98
Start Date : 11/23/98 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		12/08/98		OPEN
All Motions (excluding Motions in Limine		01/23/99		OPEN
TRIAL DATE is	03/04/99	02/21/99	03/04/99	REACHED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

04/06/99

Case Number: 03-C-98-008520 AE
Date Filed: 08/24/98
Status: Open/Active
Judge Assigned: To Be Assigned,

In The Matter Of: Jean Schuster Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	98-269-X

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid.Title)	Entered
PET	001	Beth Israel Congregation 3706 Crondell Lane Owings Mills, MD 21117	08/24/98
		Attorney:	
		0006897 Chase, I William Suite 124 1190 W. Northern Pkwy Baltimore, MD 21210 (410)433-4100	08/25/98
		0007108 Sellers, Robert Suite 303 401 Washington Ave Towson, MD 21204 (301)583-1712	08/26/98
PET	002	Saval, Ellen 7 Red Maple Court	08/24/98

Owings Mills, MD 21117

Attorney:

0006897 Chase, I William 08/26/98
Suite 124
1190 W. Northern Pkwy
Baltimore, MD 21210
(410)433-4100

0007108 Sellers, Robert 08/26/98
Suite 303
401 Washington Ave
Towson, MD 21204
(301)583-1712

Type	Num	Name(Last,First,Mid,Title)	Entered
ITP	001	Board Of Appeals Of Baltimore County 400 Washington Avenue Room 49, Old Courthouse Towson, MD 21204	08/24/98
ITP	002	Schuster, Jean 52 New Plant Court Owings Mills, MD 21117	08/24/98
ITP	003	Crondell Lane L L C 10422 Green Mountain Circle Columbia, MD 21044	08/25/98
ITP	004	Peoples Counsel For Baltimore County 400 Washington Ave Old Courthouse, Room 47 Towson, MD 21204 Serve On: Att: Peter Max Zimmerman	08/31/98
		Attorney: 0005744 Demilio, Carole Room 47, Old Courthouse 400 Washington Avenue Towson, MD 21204 (410)887-2188	08/31/98
ITP	005	Southland Corp Capacity : Assignee And Successor In Interest To Jean Schuster	09/24/98
		Attorney: 0012358 Dopkin, Deborah C SUITE 920 409 Washington Avenue Towson, MD 21204 (410)494-8080	10/05/98

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Jdg	Day Of Rslt	By	ResultDt	Jdg T	Notice	Rec
03/04/99	09:30A	02Q	yes	CIVI		LRD	01 /01	CON	03/04/99	LRD P		Y

Stenographer(s): Debbie Lambert

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned,	J	08/24/98	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID	Entered
001000	*Petition for Judicial Review*	*08/24/98*	*08/24/98*	*TBA*	*PET001*			*RHP RHP*	*08/24/98*
001001	Answer	09/22/98	09/18/98	TBA	ITP005			RHP RHP	09/22/98
002000	Certificate Of Notice	08/28/98	08/27/98	TBA	000			JH JH	08/28/98
003000	Petition for Judicial Review	08/31/98	08/28/98	TBA	ITP005			DR DR	08/31/98
004000	Second Certificate of Notice	09/02/98	09/01/98	TBA	ITP001			DR DR	09/02/98
005000	Motion to Dismiss	09/24/98	09/18/98	BEC	ITP005	Denied	10/05/98	RHP PH	09/24/98
005001	Answer	09/30/98	09/29/98	TBA	PET002			RHP RHP	09/30/98
006000	Ruling from Judge Cadigan Respondent, Southland Corporations Motion to dismiss is Denied. Notices sent	10/05/98	10/05/98	TBA	000			PH PH	10/05/98
007000	Request for Hearing	10/07/98	10/06/98	TBA	ITP005			DR DR	10/07/98
008000	**Motion to Deny Petitioner's Motion to *Extend Time to Transmit Record*, Filed by ITP002-Schuster, Jean, ITP005-Southland Corp.	10/23/98	10/22/98	TBA	ITP002			DR DR	10/23/98
009000	Motion to Extend Time with Order that time is extended to 12/22/98 and that there will be no more extentions of time granted, etc.	10/23/98	10/23/98	JNB	PET001	Granted	10/23/98	MR MR	10/23/98
010000	Transcript of Record from Adm Agency *	10/26/98	10/23/98	TBA	ITP001			DFF DFF	10/26/98
011000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP001 10/26/98		10/26/98	DFF DFF	10/26/98

Num/Seq	Description	Filed	Received		Party	Routed	Ruling/ Closed	Closed	User ID	Entered
012000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP002	10/26/98		10/26/98	DFF DFF	10/26/98
013000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP003	10/26/98		10/26/98	DFF DFF	10/26/98
014000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP004	10/26/98		10/26/98	DFF DFF	10/26/98
015000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP005	10/26/98		10/26/98	DFF DFF	10/26/98
016000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET001	10/26/98		10/26/98	DFF DFF	10/26/98
017000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET002	10/26/98		10/26/98	DFF DFF	10/26/98
018000	Scheduling Order	11/23/98	11/23/98	TBA	000	11/23/98		11/23/98	JD JD	11/23/98
019000	Transcript of Record from Adm Agency *	12/23/98	12/22/98	TBA	ITP001				DFF DFF	12/23/98
020000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP001	12/23/98		12/23/98	DFF DFF	12/23/98
021000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP002	12/23/98		12/23/98	DFF DFF	12/23/98
022000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP003	12/23/98		12/23/98	DFF DFF	12/23/98
023000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP004	12/23/98		12/23/98	DFF DFF	12/23/98
024000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP005	12/23/98		12/23/98	DFF DFF	12/23/98
025000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	PET001	12/23/98		12/23/98	DFF DFF	12/23/98
026000	*Memorandum*	01/20/99	01/19/99	TBA	ITP004			01/20/99	DFF DFF	01/20/99
027000	Memorandum	01/22/99	01/21/99	TBA	PET002			01/22/99	DR DR	01/22/99
027001	Answer	02/11/99	02/10/99	TBA	ITP005				SD SD	02/11/99
028000	Appellant's Reply Memorandum	02/23/99	02/22/99	TBA	000			02/23/99	SD SD	02/23/99
029000	People's Counsel's Reply Memorandum	02/23/99	02/22/99	TBA	ITP004			02/23/99	SD SD	02/23/99
030000	Open Court Proceeding March 4, 1999. Hon Lawrence R. Daniels. Hearing had. Order to be filed.	03/04/99		LRD	000				MB MB	03/04/99
031000	Motion to Strike Ex Parte Communication *	04/01/99	03/31/99	TBA	ITP005				DFF DFF	04/01/99
032000	d/e sent to Balto. County Bd. of Appeals	04/02/99		TBA	000				ATA ATA	04/02/99
033000	Correspondence to Judge Daniels	04/06/99		TBA	000			04/06/99	PH PH	04/06/99

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
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SLTR	Set List For Trial	DONE	09/18/98	0	yes	yes	1ANS	T	001	001
SLMR	Set List For Motions	CANCEL	10/10/98	22	no	no	DANS	D	000	000
SLMM	Set List Motions Mar	DONE	07/01/01	999	yes	yes	DRHR	D	000	000
SLMR	Set List For Motions	DONE	11/14/98	23	no	yes	MEXT	D	000	000
SLMH	Set List For Motions	CANCEL	11/16/98	0	no	no	SLMM	T	000	000
SLTR	Set List For Trial	CANCEL	12/22/98	0	yes	no	DTRA	D	019	000
SLMR	Set List For Motions	OPEN	04/22/99	22	no	no	MSTR	D	000	000

EXHIBITS

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DIFFERENTIATED CASE MANAGEMENT

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Track R1 Description. EXPEDITED APPEAL TRACK Custom Yes
Assign Date. 11/23/98 Order Date · 11/23/98
Start Date . 11/23/98 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		12/08/98		OPEN
All Motions (excluding Motions in Limine		01/23/99		OPEN
TRIAL DATE is	03/04/99	02/21/99	03/04/99	REACHED

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

04/28/99

Case Number: 03-C-98-008520 AE
Date Filed: 08/24/98
Status: Closed/Active
Judge Assigned: To Be Assigned,

In The Matter Of: Jean Schuster Et Al

C A S E H I S T O R Y

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	98-269-X

INVOLVED PARTIES

Type	Num	Name(Last,First,Mid,Title)		Entered
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		Attorney:		
		0006897 Chase, I William Suite 124 1190 W. Northern Pkwy Baltimore, MD 21210 (410)433-4100		08/25/98
		0007108 Sellers, Robert Suite 303 401 Washington Ave Towson, MD 21204 (301)583-1712		08/26/98
PET	002	Saval, Ellen 7 Red Maple Court	CT DO 04/27/99	08/24/98

Owings Mills, MD 21117

Attorney:

0006897 Chase, I William 08/26/98
Suite 124
1190 W Northern Pkwy
Baltimore, MD 21210
(410)433-4100

0007108 Sellers, Robert 08/26/98
Suite 303
401 Washington Ave
Towson, MD 21204
(301)583-1712

Type	Num	Name(Last,First,Mid,Title)		Entered
ITP	001	Board Of Appeals Of Baltimore County 400 Washington Avenue Room 49, Old Courthouse Towson, MD 21204	CT DO 04/27/99	08/24/98
ITP	002	Schuster, Jean 52 New Plant Court Owings Mills, MD 21117	CT DO 04/27/99	08/24/98
ITP	003	Crondell Lane L L C 10422 Green Mountain Circle Columbia, MD 21044	CT DO 04/27/99	08/25/98
ITP	004	Peoples Counsel For Baltimore County 400 Washington Ave Old Courthouse, Room 47 Towson, MD 21204 Serve On: Att. Peter Max Zimmerman	CT DO 04/27/99	08/31/98

Attorney:

0005744 Demilio, Carole 08/31/98
Room 47, Old Courthouse
400 Washington Avenue
Towson, MD 21204
(410)887-2188

ITP	005	Southland Corp Capacity : Assignee And Successor In Interest To Jean Schuster	CT DO 04/27/99	09/24/98

Attorney.

0012358 Dopkin, Deborah C *10/05/98*
Deborah C Dopkin P A
409 Washington Avenue
Suite 920
Towson, MD 21204
(410)494-8080

CALENDAR EVENTS

Date	Time	Dur	Cer	Evnt	Lvl	Jdg	Day Of Rslt	By	ResultDt	Jdg T	Notice	Rec
03/04/99	09:30A	02Q	yes	CIVI		LRD	01 /01	CON	03/04/99	LRD P		Y

Stenographer(s): Debbie Lambert

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TBA To Be Assigned.	J	08/24/98	

DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling/ Closed	Closed	User ID	Entered
0001000	Petition for Judicial Review	08/24/98	08/24/98	TBA	PET001		04/27/99	RHP PH	08/24/98
0001001	Answer	09/22/98	09/18/98	TBA	ITP005		04/27/99	RHP PH	09/22/98
0002000	Certificate Of Notice	08/28/98	08/27/98	TBA	000		04/27/99	JH PH	08/28/98
0003000	Petition for Judicial Review	08/31/98	08/28/98	TBA	ITP005		04/27/99	DR PH	08/31/98
0004000	Second Certificate of Notice	09/02/98	09/01/98	TBA	ITP001		04/27/99	DR PH	09/02/98
0005000	Motion to Dismiss	09/24/98	09/18/98	BEC	ITP005	Denied	10/05/98	RHP PH	09/24/98
0005001	Answer	09/30/98	09/29/98	TBA	PET002		04/27/99	RHP PH	09/30/98
0006000	Ruling from Judge Cadigan Respondent, Southland Corporations Motion to dismiss is Denied. Notices sent	10/05/98	10/05/98	TBA	000		04/27/99	PH PH	10/05/98
0007000	Request for Hearing	10/07/98	10/06/98	TBA	ITP005		04/27/99	DR PH	10/07/98
0008000	**Motion to Deny Petitioner's Motion to Extend Time to Transmit Record, Filed by ITP002-Schuster, Jean, ITP005-Southland Corp.	10/23/98	10/22/98	TBA	ITP002		04/27/99	DR PH	10/23/98
0009000	Motion to Extend Time with Order that time is extended to 12/22/98 and that there will be no more extentions of time granted, etc.	10/23/98	10/23/98	JNB	PET001	Granted	10/23/98	MR MR	10/23/98
0010000	Transcript of Record from Adm Agency *	10/26/98	10/23/98	TBA	ITP001		04/27/99	DFF PH	10/26/98
0011000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP001	10/26/98	10/26/98	DFF DFF	10/26/98

Num/Seq	Description	Filed	Received		Party	Routed	Ruling/ Closed	Closed	User ID	Entered
0012000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP002	10/26/98		10/26/98	DFF DFF	10/26/98
0013000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP003	10/26/98		10/26/98	DFF DFF	10/26/98
0014000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP004	10/26/98		10/26/98	DFF DFF	10/26/98
0015000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	ITP005	10/26/98		10/26/98	DFF DFF	10/26/98
0016000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET001	10/26/98		10/26/98	DFF DFF	10/26/98
0017000	Notice of Transcript of Record Sent	10/26/98	10/26/98	TBA	PET002	10/26/98		10/26/98	DFF DFF	10/26/98
0018000	Scheduling Order	11/23/98	11/23/98	TBA	000	11/23/98		11/23/98	JD JD	11/23/98
0019000	Transcript of Record from Adm Agency *	12/23/98	12/22/98	TBA	ITP001			04/27/99	DFF PH	12/23/98
0020000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP001	12/23/98		12/23/98	DFF DFF	12/23/98
0021000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP002	12/23/98		12/23/98	DFF DFF	12/23/98
0022000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP003	12/23/98		12/23/98	DFF DFF	12/23/98
0023000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP004	12/23/98		12/23/98	DFF DFF	12/23/98
0024000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	ITP005	12/23/98		12/23/98	DFF DFF	12/23/98
0025000	Notice of Transcript of Record Sent	12/23/98	12/23/98	TBA	PET001	12/23/98		12/23/98	DFF DFF	12/23/98
0026000	Memorandum	01/20/99	01/19/99	TBA	ITP004			01/20/99	DFF DFF	01/20/99
0027000	Memorandum	01/22/99	01/21/99	TBA	PET002			01/22/99	DR DR	01/22/99
0027001	Answer	02/11/99	02/10/99	TBA	ITP005			04/27/99	SD PH	02/11/99
0028000	Appellant's Reply Memorandum	02/23/99	02/22/99	TBA	000			02/23/99	SD SD	02/23/99
0029000	People's Counsel's Reply Memorandum	02/23/99	02/22/99	TBA	ITP004			02/23/99	SD SD	02/23/99
0030000	Open Court Proceeding March 4, 1999. Hon Lawrence R Daniels. Hearing had. Order to be filed.	03/04/99		LRD	000			04/27/99	MB PH	03/04/99
0031000	Motion to Strike Ex Parte Communication *	04/01/99	03/31/99	TBA	ITP005			04/27/99	DFF PH	04/01/99
0031001	Answer	04/08/99	04/07/99	TBA	ITP004			04/27/99	MJ PH	04/08/99
0032000	d/e sent to Balto. County Bd. of Appeals	04/02/99		TBA	000			04/27/99	ATA PH	04/02/99

Num/Seq	Description	Filed	Received		Party	Routed	Ruling/ Closed	Closed	User ID	Entered
0033000	Correspondence to Judge Daniels	04/06/99		TBA	000			04/06/99	PH PH	04/06/99
0034000	*Motion to Reconsider Order dated 03/29/99	04/06/99	04/05/99	LRD	ITP005		Granted	04/27/99	DR PH	04/06/99
0034001	Answer	04/16/99	04/14/99	TBA	ITP004			04/27/99	DR PH	04/16/99
0034002	Answer Filed by PET001-Beth Israel Congregation, , PET002-Saval, Ellen	04/16/99	04/15/99	TBA	PET001			04/27/99	DFF PH	04/16/99
0035000	Amended Order remanding case	04/27/99		LRD	000		Granted	04/27/99	PH PH	04/27/99
0036000	Docket entries sent to BOA	04/28/99		TBA	000				MJ MJ	04/28/99

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1YRT	One Year Tickle (Jud	CLOSED	08/24/99	365	no	no	DAAA	D	000	000
1ANS	1st Answer Tickle	CLOSED	09/18/98	0	no	no	DANS	D	001	001
SLTR	Set List For Trial	DONE	09/18/98	0	yes	yes	1ANS	T	001	001
SLMR	Set List For Motions	CANCEL	10/10/98	22	no	no	DANS	D	000	000
SLMM	Set List Motions Mar	DONE	07/01/01	999	yes	yes	DRHR	D	000	000
SLMR	Set List For Motions	DONE	11/14/98	23	no	yes	MEXT	D	000	000
SLMH	Set List For Motions	CANCEL	11/16/98	0	no	no	SLMM	T	000	000
SLTR	Set List For Trial	CANCEL	12/22/98	0	yes	no	DTRA	D	019	000
SLMR	Set List For Motions	CANCEL	04/22/99	22	no	no	DANS	D	000	000
SLMR	Set List For Motions	CANCEL	04/27/99	22	no	no	DANS	D	000	000
EXPU	Exhibit Pickup Notic	CLOSED	06/26/99	30	no	no			000	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
Offered By: ITP 001 Board Of Appeals Of Baltimore								
000		B	BOX 105/CBA RECORD		B			

DIFFERENTIATED CASE MANAGEMENT

TRACKS AND MILESTONES

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 11/23/98 Order Date : 11/23/98
Start Date : 11/23/98 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(		12/08/98	04/27/99	CLOSED
All Motions (excluding Motions in Limine		01/23/99	04/27/99	CLOSED
TRIAL DATE is	03/04/99	02/21/99	03/04/99	REACHED

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Jean Schuster -Legal Owner; Southland Corp. - Petitioners Case No. 98-269-X

DATE : July 1, 1998 at 11:00 a.m.

BOARD /PANEL : Lawrence M. Stahl (LMS)
Charles L. Marks (CLM)
Thomas P. Melvin (TPM)

SECRETARY : Kathleen C. Bianco
Administrator

PURPOSE: To deliberate Case No. 98-269-X /Petition for Special Exception - For convenience store (7-11) with sales area larger than 1500 sq. ft. in combination with fuel service station (heard as part of development plan hearing; appeal filed as to special exception request only). Hearing held on June 9, June 11, and June 19, 1998; closing briefs due by June 26, 1998; deliberated this date, July 1, 1998.

Opening remarks as to case and purpose having been presented by Panel Chairman Stahl, deliberation between panel members followed, including all motions filed by counsel. Following is the decision reached by the Board:

CLM: Aftering reviewing testimony and evidence, find that case by Appellants not materially affected by the amendment; Petitioner met burden and established requirements under 502 and the courts; special exception should be granted subject to conditions imposed by the Zoning Commissioner in his order.
Protestants' Motion to Dismiss Petition -DENIED;
Petitioner's Motion to Dismiss Appeal -DENIED:
Petition for Special Exception -GRANTED.

TPM Find that requirements under 502.1 have been met as to special exception and have to agree that the Petitioner has met the burden under 502.1 and special exception should be granted.
Protestants' Motion to Dismiss Petition -DENIED;
Petitioner's Motion to Dismiss Appeal -DENIED:
Petition for Special Exception -GRANTED.

LMS: Amendments properly made before Board. Concur with panel members as to denial of motions and granting of special exception request; requirements under 502.1 have been met by Petitioner.
Protestants' Motion to Dismiss Petition -DENIED;
Petitioner's Motion to Dismiss Appeal -DENIED:
Petition for Special Exception -GRANTED.

The Board's unanimous decision based on testimony and evidence

Minutes of Deliberation /Jean Schuster -Legal Owner;
Southland Corp. -Petitioners Case No. 98-269-X

produced at hearing and after public deliberation is that Protestants' Motion to Dismiss Petition is DENIED; Petitioner's Motion to Dismiss the appeal is DENIED; and Petition for Special Exception is GRANTED.

Written Opinion and Order to be issued by the Board as required by statute. Appellate period to run from date of written Order; anyone feeling aggrieved by the Board's decision may appeal to Circuit Court.

~~~~~~~~~~~~~~~~~~~~~~~~

These minutes indicate public deliberation in this matter was held this date in the subject matter and a final decision rendered in which the requested special exception was granted; motions denied.

Respectfully submitted,

Kathleen C. Bianco
Administrator
~~~~~~~~~~~~~~~~~~~~~~~~

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF:	Jean Schuster /Crondall Lane LLC Southland Corporation (7-Eleven) Case No. 98-269-X /On Remand	
DATE :	Wednesday, June 28, 2000	
BOARD /PANEL :	Lawrence M. Stahl	(LMS)
	Charles L. Marks	(CLM)
	Thomas P. Melvin	(TPM)
RECORDED BY :	Kathleen C Bianco /Administrator	

PURPOSE: To deliberate Case No. 98-269-X /special exception request /7-Eleven fuel /convenience store /On remand from Circuit Court for Baltimore County pursuant to Remand Order of the Circuit Court.

- First issue discussed:

Opened deliberation by citing Judge Daniels' Order and the resultant ruling issued by this Board to take limited testimony as to the remand order of the Circuit Court. Relevant sections of 253 were read and reviewed as to industrial park /will primarily serve industrial uses.

Reviewed the 12 days of testimony which related to the issues on remand, citing that which was superfluous and that which was relevant.

Primary focus – concern as to definition of industrial park and/or related uses – no absolutes in 253; no definite numbers as to percentages given – just indication that industrial uses must exist for it to be an industrial park; can have offices, but no defining factors as to how much can or can't be offices versus how much must be industrial – no exact number. Only that industrial uses must exist.

Question – Is the gas station then aimed at that industrial quotient? BCZR does not exclude those in 34; includes those uses that are office and non-industrial, but again stated that industrial uses must exist.

- Review of testimony as to site selection:

Discussed various issues related to method employed for site selection by Southland /and initial observations made by Ed Zimmerman; steps taken from first review of site through to Dallas and Equifax Report. Determined that site was approved as result of recommendations by two experts, one of whom was Ed Zimmerman; two experts found this to be good site.

Discussed hours of operation; number of employees in the industrial park; various evidence and testimony presented by both sides as to: (1) who would be served by the gas station; did this meet requirements of law; not just general special exception; must be additional requirements imposed.

Number of employees was 4,000 +/- -- this figures was arrived at by various witnesses, both sides, through various and differing means. Credibility is given to an answer that is reach in more than one way by more than one person. Unanimous agreement of Board that this figures is accurate.

Reviewed testimony of various witnesses, including Wilson (found to be inconsistent); Raab (not impressive); Murphy (more credible); Gingrich (rebuttal witness); and E Zimmerman (most credible and impressive). Question remained – was the purpose to serve the industrial park or the residential area?

Testimony of Zimmerman, Moore and Hughey – relevant to issue of primary area of service.

Again reviewed the law which does not quantify how much should be industrial; figure could change as time goes on; as long as industrial use exists, it appears that the law determines it to be industrial; but some industrial must exist.

Reviewed again testimony of pertinent witnesses, including: Moore, Perine, Raab, Gingrich, Zimmerman; as well as Wilson, Murphy, Willis, Hughey and Saval.

Upon that review, Board determined that it is in fact an industrial area.

Discussed customer base (steady customers) and compared same to "base retainer" clients – base may be larger than other customers but that can change at a later time – but the base remains that portion of customers on which Southland can depend on a regular basis – stable, foundation business – the stable and steady business. Determined that the stable and steady foundation of the gas business would be the industrial park.

The park is presently 37% occupied. If no industrial use had been found, then it would not belong there. But industrial uses do exist; again pointed out that no magic number is given; Code does not require number.

As to testimony in support of "stable and steady foundation" – ITE, Moore, Zimmerman, Raab and Gingrich support this in testimony and evidence; Murphy (using gallons to be purchased per week; best Protestants' witness) and Wilson (informal survey; no strong as could have been) do not.

- Final Determination:

Ed Zimmerman testified: first trip – poor location; second time – realized it was better; took position that it was good site via industrial park, before he was aware of the law; based finding on experience.

Accepted E Zimmerman's testimony that it was good location because of industrial park; ITE stats; Raab over Wilson; Gingrich over Murphy (Murphy said opposite of Gingrich, but figures blended with those of Gingrich).

Is gas stable and steady foundation of site from the industrial area – yes, relying on credibility and testimony.

1) Agree it is industrial park with non-industrial park related uses
2) Site looks to that industrial park for stable, steady foundation of business per witnesses from Petitioner
3) Less convinced by Protestants' witnesses

Reviewed briefs filed by parties; again reviewed testimony and evidence, including that which was given as to 502.1 and special exception requirements.

Discussed and reviewed statute as to special exception; complies with 502.1; coupled with above determination as to site location and serving the industrial park, unanimous decision that special exception should be granted; Petitioner met burden as to 502.1 and the issue of the industrial park v residential as primary.

Agreed as to this point; unanimous up to this point.

On to Section 405 – food store /convenience store /square footage

Read definition of convenience store – up to 5,000 sq ft; does not exceed; to have 3000 items; new items always added.

Fits definition of convenience store; clear language of statute.

Based on testimony and evidence, this section is also met by Petitioner.

Final Decision: Petition for Special Exception is GRANTED by unanimous decision of the Board; complies with 502.1 and 405 and 253 for reasons as detailed in written Opinion and Order and as discussed above and at this deliberation. To issue Opinion and Order on remand to be forwarded to the Circuit Court; Petitioner has met burden in this matter.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted

Kathleen C. Bianco, Administrator
County Board of Appeals

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION /Motion To Take New Evidence

IN THE MATTER OF:	Jean Schuster /Crondall Lane LLC - Southland Corporation - Case No. 98-269-X	
DATE :	Wednesday, June 2, 1999	
BOARD /PANEL :	Lawrence M. Stahl	(LMS)
	Charles L. Marks	(CLM)
	Thomas P. Melvin	(TPM)
SECRETARY :	Kathleen C. Bianco Administrator	

PURPOSE --to deliberate Motion to Take New Evidence /argument received by Board on Protestant's Motion on May 27, 1999. Matter on remand from the Circuit Court for Baltimore County.

Simple issue - two points to decide:

1) How to take Judge Daniels' opinion in terms of what it mandates, recommendations, suggestions; and

2) Issue on Motion -- whether or not to take additional testimony

Judge Daniels was not happy with Board's decision as to 253 and 405. (Additional note made as to Judge's comments re CBA indicating page /line of transcript of its hearings when writing opinion; CBA does not have a transcript before it when preparing its opinion/order; only prepared at request of parties on appeal to Circuit Court.)

Discussion of Board as to its transcript -- problem per Mr. Marks appears on Day #2, page 8, Mr. Darrow's testimony -- he was Petitioner's principal witness as to marketing -- does not give precise information re market that will be served by facility; refers frequently to "in our experience" but no supporting figures re industrial park. Mr. Marks also cited p 12 and p 18 as to Mr. Darrow's testimony - references Economic Development estimates; but nothing submitted into evidence.

Mr. Stahl continued with deliberation -- he would question why the opposition did not bring in its own expert if they were unhappy with something on cross-examination; believed numbers to be wrong, or inaccurate, or as to another area, etc. Believes this to be a "slippery situation" when the opportunity was there to present their own expert, but they say nothing so then the people presenting the facts /numbers are not entitled to have them accepted as facts subject to cross-examination in multi-day hearing. If a million points are brought up and nothing is presented to the contrary, can you then come back later and say it

was not footnoted so it cannot be accepted as true? That was a point that bothered Mr. Stahl.

Mr. Marks and Mr. Melvin expressed their conclusions as to the Judge's opinion and his comments about additional evidence. Mr. Melvin believed that additional testimony should be allowed relative to the marketing study; no study, etc., submitted; Mr. Marks has no problem with the location of the store; other facts came in -- traffic, safety, etc. - four experts offered by Southland -- no problem with testimony by three; only problem is with Mr. Darrow -- alludes to it but would like to have more evidence that this is the area from demographic study that will be serving the store. Mr. Melvin agreed on this point.

Points discussed by the Board:

> Based on what is in evidence and Board's transcript, does Board have enough information in the transcript now to resolve what appears to be Judge Daniels' concerns about the factual basis for Board's comments that 405 and 253 are satisfied? If not, what is missing?

If not, then what will the Board allow and what is needed.

In CCt transcript, Judge Daniels, on page 129, says "I think" -- then in the Order -- remanded to take more evidence if the Board thinks it necessary and make further findings in support....

As to three experts, Board was unanimous as to factual findings -- determined to be okay. As to Darrow, both Mr. Marks and Mr. Melvin believed additional testimony as to demographics would be necessary and that this decision was left up to the Board to make. Mr. Stahl agreed that the decision as to new evidence was left up to the Board and that he would agree to re-open as to this limited issue only; however, believed that it should be stressed that the Board would not re-open the case as to other issues and other witnesses; only as to the marketing study and the rationale of being more particular into the fact that marketing for this area is the driving force behind it.

Testimony to be limited to that narrow issue -- agreed by the Board, including Mr. Stahl who indicated that if this would allow the panel members to be more comfortable, then additional evidence should be allowed but only as to this very limited issue.

Board also determined that Addendum would require greater detail regarding food store versus convenience store; this is a matter of interpretation only; would accept argument only from counsel as to whether or not it is one or the other and then the Board will address this issue more fully in its ultimate opinion /order issued

Deliberation /Motion to Take New Evidence /98-269-X
Jean Schuster /Crondall Lane LLC /Southland Corp. /On Remand

on remand.

Conclusion:

Hearing day to be scheduled within the next week or two to accept (1) argument from counsel as to whether or not it's a food store or convenience store; no additional evidence and (2) specific testimony as to the demographics -- thrust of marketing as shown by the marketing studies and reports of the area -- testimony to be limited to that.

It was indicated that anything beyond the above two issues would be thrown out by the Board as irrelevant.

Circuit Court order clearly indicated that this matter of additional evidence was left up to the Board and that the Board has now decided to take additional testimony as to that very narrow issue only -- marketing studies and proposed marketing target of proposed facility. Argument only as to 253 /405 and whether a convenience store or food store.

Upon conclusion of deliberation, dates for hearing to be discussed with panel members and Counsel, with deliberation immediately thereafter; no additional written briefs to be filed; counsel to be prepared for verbal arguments at end of evidence portion; Order to be issued promptly.

Deliberation concluded; Motion to Take New Evidence granted only as to narrow issue of demographics and marketing study. Notice of Assignment to be sent to parties upon confirmation of hearing date.

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NOTE:These minutes will serve to confirm that the Board of Appeals met this date to publicly deliberate the Motion to Take New Evidence filed by Mr. Sellers on behalf of Protestant in this matter; Motion granted as to limited testimony on marketing /demographic issue as stated at the deliberation. Notice to be sent.

Respectfully submitted,

Kathleen C. Bianco

Kathleen C. Bianco
~~~~~~~~~~~~~~~~~~~~~~~~

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

June 26, 1998

County Board of Appeals
for Baltimore County
Courthouse
Towson, Maryland 21204
Attention: Kathleen Bianco

RE: Case No. 98-269-X

Dear Ms. Bianco:

Please find enclosed herewith Petitioner/Appellee Southland Corporation's Memorandum In Support of its Petition for Special Exception in the above captioned matter. We are transmitting an original and three copies for members of the Board.

It is my understanding that the Board will deliberate on this matter at 11:00 a.m. on July 1, 1998. I look forward to seeing you at that time.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

Enclosure

cc: Southland Corporation

C:\docs\kmc\DCD\LETTERS\7-11.LTR

RECEIVED
COUNTY BOARD OF APPEALS
98 JUN 26 PM 2:39

File
&
Docket

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

March 31, 1999

VIA FACSIMILE TRANSMISSION

Honorable Lawrence R. Daniels
Judge, Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Petition for Judicial Review
In the Matter of Jean Schuster, et al.
Case No. 3-C-98-8520

Dear Judge Daniels:

Though I am not in the habit of communicating with a judge after there has been a ruling from the bench, as in the above case, I feel I would be remiss in my duty to my client if I did not formally object to the submission of additional argument by Peoples Counsel for Baltimore County in the form of a letter and attachments submitted to you dated March 26, 1999.

The submission by Peoples Counsel is an ex-parte communication prohibited by Rule 1-351. If Mr. Zimmerman feels compelled to present additional argument, it would have been proper to request an additional hearing on the matter. Because I believe it is improper to submit argument outside of the Courtroom after the closing of oral argument, I have refrained from responding to the substance of Mr. Zimmermans argument. If the Court desires that we so respond, I will gladly do so at the Courts request.

Most importantly, I do not wish for counsels conduct to prejudice my clients interest, and accordingly have filed a Motion to Strike, a copy of which is enclosed.

FILED APR 06 1999

Thank you for your attention to this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: Peter Max Zimmerman, Esquire
Robert D. Sellers, Esquire
I. William Chase, Esquire
Southland Corporation

C:\docs\kmc\DCD\LETTERS\daniels3.331.wpd

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

April 29, 1999

VIA HAND DELIVERY

Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

99 APR 29 PM 2:02

RE: In the Matter of the Application of Jean Schuster/Southland Corporation
Case No. CBA-98-269-X

Dear Ms. Bianco:

On April 26, 1999, Judge Lawrence R. Daniels of the Circuit Court for Baltimore County issued an Amended Order remanding the above captioned matter to the County Board of Appeals to make further findings consistent with the proceedings in that case.

Though I believe you have previously received a copy of the transcript, I am enclosing a copy of the transcript with the Judge's Amended Order for the Board's reference. Please let me know how the Board wishes to proceed. Judge Daniels did not require that a further hearing occur or additional evidence be taken, but left that to the Board's discretion.

Very truly yours,

Deborah C. Dopkin

DCD/kmc
Enclosure
cc: Peter Max Zimmerman, Esquire
I. William Chase, Esquire
Robert D. Sellers, Esquire
Southland Corporation (via fax)

C:\docs\KMC\DCD\LETTERS\Bianco2 Kathleen

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 920
TOWSON, MARYLAND 21204

TELEPHONE 410-494-8080
FACSIMILE 410-494-8082
e-mail dbdop@erols.com

DEBORAH C. DOPKIN

January 24, 2000

VIA FACSIMILE TRANSMISSION
Kathleen C. Bianco, Administrator
County Board of Appeals
of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

RE: In the Matter of Jean Schuster/Southland Corporation
Before the County Board of Appeals of Baltimore County
Case No. 98-269-X

Dear Ms. Bianco:

This letter is a request that the hearing set for Tuesday, January 25, 2000 at 10:00 a.m. be recessed by noon, so I may attend a funeral for a family member at 1:00 p.m.

Thank you for your assistance in this matter and I apologize for the inconvenience that this may cause.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

cc: ALL BY FACSIMILE TRANSMISSION TO:
Robert D. Sellers, Esquire
I. William Chase, Esquire
Peter Max Zimmerman, Esquire
Mr. Ed Zimmerman
Mr. C. Richard Moore
Mr. Philip E. Perrine
Mr. James F. Giegerich
Mr. Kenneth J. Colbert

C:\docs\KMC\DCD\LETTERS\Bianco8 Kathleen

ROBERT D. SELLERS & ASSOCIATES, P.A.
ATTORNEYS AT LAW
SUITE 303
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

ROBERT D. SELLERS
LAURIE ANNE FILIPPI*
*ALSO ADMITTED IN PA

(410) 583-1712
(800) 543-6309
FAX (410) 583-2378

October 14, 1999

Chairman Stahl
County Board of Appeals
400 Washington Avenue
Towson, MD 21204

RE: Schuster/Southland Corporation
Case No.: 98-269-x

Dear Chairman Stahl:

As you will recall, on October 5 certain documents were produced by Southland Corporation pursuant to a subpoena. A second set of documents was found by the Board to be relevant, however, time was given to Southland Corporation to clear up some contractual matters pertaining to the confidentiality of those additional records. As of today, I have heard nothing more about this second group of records. The next hearing date is scheduled for Tuesday, October 19 at which time it was my understanding that cross examination of Southland witnesses would continue. During the chambers meeting between all counsel and the Board members on October 5, it was agreed that counsel would have some reasonable opportunity to review any additional records produced prior to resuming the cross examination of Southland witnesses. Because the documents have not been produced as of this date, it is clear that they will not be produced in sufficient time for counsel to review them and prepare to resume cross examination on October 19.

Given the history and current posture of this case and the manner in which Southland has produced documents, it would be both unfair and a waste of yet further time for the Protestants to begin their case until all documents are produced. It is my expectation that the additional documents to be produced will have a significant impact on the Protestants' case and testimony of Protestants' witnesses. Neither Mr. Zimmerman, Mr. Chase not I believe it appropriate to begin the Protestants' case until all Southland documents are produced and reviewed.

Under these circumstances, I am at a loss as to how to prepare or plan for the hearing on October 19. I believe it unfair for the Protestants to begin their case and as discussed in chambers, it makes no sense to resume cross examination of Southland

witnesses. Any suggestions you have regarding how to proceed on October 19 would be greatly appreciated.

Yours,

Robert D. Sellers, Esquire

RDS/jpg
cc: Peter Max Zimmerman
I. William Chase
Deborah Dopkin, Esquire
} all via Fax
Letters-chairman stahl-oct 14

DALRYMPLE DEVELOPMENT & INVESTMENT INC.

10422 GREEN MOUNTAIN CIRCLE, COLUMBIA, MD 21044-2456
TEL: (410) 997-3071 • D.C.METRO (301) 982-1118 • FAX: (410) 997-3093

February 9, 2000

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204
Attention: Ms. Kathleen Bianco, Legal Administrator

Case #: 98-269-X

Dear Ms. Bianco:

This morning, I spoke to Charlotte, in your office, by phone who suggested I notify you in writing that Crondall Lane Associates, L.L.C. is not a part of this lawsuit nor appeals case because of the following:

On March 6, 1998, the project known as Crondall Lane was assigned to 7-Eleven, Inc. (nee The Southland Corporation) on May 6, 1998. The limited liability company, Crondall Lane Associates, L.L.C., was then cancelled with the State of Maryland on June 15, 1998. Therefore, Crondall Lane Associates, L.L.C. no longer exists and all notices should go to:

7-Eleven Inc.
3492 Old Annapolis Road
Laurel, MD 20724
Attention: Mr. Ed Zimmerman
Telephone: (301) 953-9711

Should you have any questions, you may contact either Mr. Zimmerman or me.

Sincerely,

Rex Dalrymple

Rex Dalrymple

00 FEB -9 PM 12:40
COUNTY BOARD OF APPEALS
RECEIVED

ROG

Reisterstown~Owings Mills~ Glyndon
Coordinating Council

Board of Zoning Appeals
400 Washington Avenue
Towson, Md 21285

The Reisterstown-Owings Mill-Glyndon Coordinating Council would like to go on record as opposing and exception for th 7-11 located on Owings Mill Blvd and Crondall Lane.

We do feel it is in the Community's interest not to allow the store to double in size. We further feel it would be a very prudent move to limit the hours of operation from 6 a.m. to 10 or 11 p.m.

We thankyou for taking our position into account.

Rosalee C. Bognanni Sommerville
Corresponding Secretary

RECEIVED
COUNTY BOARD OF APPEALS
JUN -5 PM 3:55
86

P.O. Box 117 Reisterstown, Maryland 21136

To: County Board of Appeals of Baltimore County

From: Douglas W. Hamilton Jr.

Re: Case # 98-2669-X

I am President of Hamilton Associates Inc., a manufacturing firm located at 11403 Cronridge Drive, Owings Mills. My business is located close to the proposed 7-11 on the corner of Owings Mills Boulevard and Crondall Lane. I have concerns about the crime and traffic due to the nature of this business and am opposed to the special exception. I am requesting that the 7-11 limit the hours of operation to 6a.m. to 10p.m., 7 days a week Please consider me a party to these proceedings.

Douglas W. Hamilton Jr.

Cc: Deborah Dopkin, Esq.

98 JUN -5 AM 9:51
RECEIVED
COUNTY BOARD OF APPEALS

To: County Board of Appeals of Baltimore County

From. Marilyn Schloss

Re: Case # 98-2669-X

I am President of Beth Israel Synagogue, a religious institution located across the street from the proposed 7-11 on the corner of Owings Mills Boulevard and Crondall Lane I have concerns about the crime and traffic due to the nature of this business and am opposed to the special exception. I am requesting that the 7-11 limit the hours of operation to 6a.m. to 10p.m., 7 days a week. Please consider me a party to these proceedings.

Marilyn Schloss

Marilyn Schloss - already in file
3706 Crondall Lane
Owings Mills, Md.
21117

Cc: Deborah Dopkin, Esq.

RECEIVED
BOARD OF APPEALS
COUNTY
98 JUN -5 AM 9:51

To: County Board of Appeals of Baltimore County

From: Scott Finkelstein

Re: Case # 98-2669-X

I am a resident of Owings Mills and live within a half of a mile of the proposed 7-11 on the corner of Owings Mills Boulevard and Crondall Lane. I have concerns about the crime and traffic due to the nature of this business and am opposed to the special exception. I am requesting that the 7-11 limit the hours of operation to 6a.m to 10p.m., 7 days a week. Please consider me a party to these proceedings.

Scott Finkelstein

3404 FORESTLEIGH DR. - already in file
OWINGS MILLS, MD.
21117

RECEIVED
BOARD OF APPEALS
COUNTY
98 JUN -5 AM 9:51

June 18, 1998

Board of Appeals
400 Bosley Ave.
Towson, Md. 21204

RECEIVED POST-HEARING
DAY ONE

Case # 98-269 X

Dear Sir,

I was at the CIM. for the proposed 7-11 store to be built on Owings Mills Blvd. and Crondall Lane in the Fall of 1997. I remember that the community was told that 7-11 could sell gas without any special permission. The special exemption was for the size of the store only.

Sincerely,
Mrs. Dorothy Ginsberg
3730 Ashley Way
Owings Mills, Md
21117
410-356-0248

RECEIVED POST-HEARING
DAY ONE

98 JUN 19 PM 12: 13
RECEIVED
COUNTY BOARD OF APPEALS

RECEIVED POST-HEARING
DAY ONE

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE $300

50¢

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

County Board of Appeals of Baltimore County
ROOM 48 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Address Service Requested

BALTIMORE MD MAY 12 '99
U.S.POSTAGE
$0.26
PITNEY BOWES 6835285

Schuster
Case No

Ms. Cathy Glassman
3726 Thoroughbred Lane
Owings Mills, MD 21117-1251

GLAS726 211172005 1299 03 05/17/99
FORM $3647

GLASSMAN
6230 NW 104TH WAY
PARKLAND FL 33076-2360

AUTO 21117

Return to sender ➡ fee due 50¢

U. S. POSTAL SERVICE
PS FORM 3547

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

o0o

Nicholas B. Commodari

Chairman

MEMBERS

Bureau of
Engineering

Department of
Traffic Engineering

State Roads Commission

Bureau of
Fire Prevention

Health Department

Project Planning

Building Department

Board of Education

Zoning Administration

Industrial
Development

March 17, 1983

Brian A. Goldman, Esquire
Suite 1910 Charles Center South
36 South Charles Street
Baltimore, Maryland 21201

RE: Item No. 94 - Case No. 83-201-XSPHA
Petitioner - Cities Service Company
Special Exception, Special Hearing
and Variance Petitions

Dear Mr. Goldman:

Enclosed please find addendum comments for the above referenced case.

Very truly yours,

Nicholas B. Commodari /bsc

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Mr. Richard E. Hurney
1734 Elton Road, Suite 115
Silver Spring, Md. 20903

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3900

TED ZALESKI, JR.
DIRECTOR

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond

Comments on Item # 94 Zoning Advisory Committee Meeting
are as follows:

Property Owner: Cities Service Company
Location: NW/Cor. Liberty Road and Offutt Road
Existing Zoning: B.R. - CNS
Proposed Zoning: Special Exception for a food convenience store as a use in combination with a gas station. Special Hearing to approve a conversion from full service gas station to gas and go in combination with a food store and Variance to permit a lot area of 19,205 sq. ft. in lieu of the required 24,120 sq. ft.
Acres: 0.4408
District: 2nd

The items checked below are applicable:

X. All structure shall conform to the Baltimore County Building Code 1981/ Council Bill 4-82 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

X. A building/and other miscellaneous permits shall be required before beginning construction.

C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.

XXXCommercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

E. An exterior wall erected within 6'0 of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'-0 of lot lines. A firewall is required if construction is on the lot line, See Table 401, line 2, Section 1407 and Table 1402.

F. Requested variance conflicts with the Baltimore County Building Code, Section/s _____.

G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

X. Comments: Miscellaneous permits shall include all necessary building, grading, paving, tank, tank removal, lights, permits, and others which may be determined by a review of the plan and fee schedule.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit.
If desired, additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., 21204

Very truly yours,

Charles E. Burnham

Charles E. Burnham, Chief
Plans Review

CEB:rrj

FORM 01-82

Maryland Department of Transportation

State Highway Administration

Lowell K. Bridwell
Secretary

M. S. Caltrider
Administrator

March 4, 1983

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of Nov. 16, 1982
ITEM: #94.
Property Owner: Cities Service Company
Location: NW/Cor. Liberty Road, Route 26 and Offutt Rd.
Existing Zoning: B.R.-CNS
Proposed Zoning: Special Exception for a food convenience store as a gas station. Special Hearing to approve a conversion from full service gas station to gas and go in combination with a food store and Variance to permit a lot area of 19,205 sq. ft. in lieu of the required 24,120 sq. ft.
Acres: 0.4408
District: 2nd

Dear Mr. Hammond:

On review of the revised site plan of February 23, 1983, the State Highway Administration finds the plan generally acceptable.

The State Highway Administration will require all work within the State Highway Administration Right of Way to be

My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro — 565-0451 D.C. Metro — 1-800-492-5062 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

under permit and a bond or letter of credit be posted in the amount of $8,000.00 to guarantee construction.

Very truly yours,

Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:maw

cc: Mr. J. Ogle
Bengtson, Debell, Elkin & Titus

PETITION FOR SPECIAL HEARING

83-201-XSPH

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendments to in Case Nos. 4097-X and 78-235-X to allow site plans/ Conversion from full service station to gas and go in combination with a food (convenience) store

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser:

The Southland Corporation
(Type or Print Name)

By: Henry Brown
Signature

8605 Old Harford Road
Address

Baltimore, Maryland 21234
City and State

Attorney for Petitioner:

Brian A. Goldman
(Type or Print Name)

Signature

Suite 1910 Charles Center South
36 South Charles Street
Address

Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: 752-5006

Legal Owner(s):

Cities Service Company
(Type or Print Name)

By: Stanley C. Burton
Signature

(Type or Print Name)

Signature

Address Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

MAP: 2C
NW 7-E
ELECTION DISTRICT: 2
TYPE
HEARING: 9:45
BY:
FINAL
BY:

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of March, 1983, at 9:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

Z C O.—No. 1

(over)

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the following finding of facts that to amend the site plans filed in Case Nos. 4097-X and 78-235-X to convert a full service station to a gas and go operation in conjunction with a food (convenience) store would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and would not adversely affect the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of March, 1983, that the amendment to the site plans filed in Case Nos. 4097-X and 78-235-X to convert a full service station to a gas and go operation in conjunction with a food (convenience) store, in accordance with Petitioner's Exhibit 1, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception Order.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL EXCEPTION

83-201-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for ~~--a food (convenience) store as a use in combination with~~ a service station (gas and go)

1/31/83

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and 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:

The Southland Corporation
(Type or Print Name)

by Harry Brown
Signature

8605 Old Harford Road
Address

Baltimore, Maryland 21234
City and State

Attorney for Petitioner:

Brian A. Goldman
(Type or Print Name)

Signature

Suite 1910 Charles Center South
36 South Charles Street
Address

Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: 752-5006

Legal Owner(s):

~~Cities Service Company~~
(Type or Print Name)

By:
Signature Stanley C. Burton

(Type or Print Name)

Signature

Address Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

MAP
NW 7-E
ELECTION DISTRICT 2
DATE 4/1
TYPE
HEARING
BY
FINAL
BY

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of March, 1983, at 9:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

Z C O.—No. 1

(over)

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of March, 1983, that the Petition for Special Exception for a food (convenience) store as a use in combination with a gas and go operation, in accordance with the site plan prepared by Bengtson, DeBell, Elkin & Titus, revised February 23, 1983, and marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Maryland Department of Transportation, dated November 17, 1982, and the Department of Health, dated November 16, 1982.

2. Indicate the ownership of the existing sign located at the southwest corner of the subject property on the site plan.

3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Department of Public Works, and the Office of Planning and Zoning, including a detailed landscaping plan required for approval by the Current Planning and Development Division.

John W. Hessian, III
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR ZONING VARIANCE

83-201-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 405.4.A.1 & D.8. to have a lot area of 19,205 sq. ft. in lieu of the required 24,216 sq. ft.; Section 405.4A.2.a - to permit a front yard setback of 0 ft. from the right of way in lieu of the required 6 ft. for the proposed sign

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

Existing gas station with entire lot containing 19,205 sq. ft.
Unreasonable hardship and practical difficulty due to traffic, operational problems, management problems, stock control problems, monetary problems and physical appearance.

Condemnation of a portion of property by State Roads Commission for widening of Liberty Road is reason why variance is required.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

The Southland Corporation
(Type or Print Name)

by Harry Brown
Signature

8605 Old Harford Road
Address

Baltimore, Maryland 21234
City and State

Attorney for Petitioner:

Brian A. Goldman
(Type or Print Name)

Signature

1910 Charles Center South
36 South Charles Street
Address

Baltimore, Maryland 21201
City and State

Attorney's Telephone No.: 752-5006

Legal Owner(s):

Cities Service Company
(Type or Print Name)

By: Stanley C. Burton
Signature

(Type or Print Name)

Signature

Address Phone No.

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of January, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 1st day of March, 1983, at 9:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /~~should not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 7th day of March, 19 83, that the ~~herein~~ Petition for Variance(s) to permit a lot area of 19,205 square feet in lieu of the required 24,216 square feet and a front yard setback of zero feet from the right of way in lieu of the required six feet for the proposed sign, in accordance with Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception Order.

John M. H. Jung

Deputy Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL HEARING 83-240-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve ------ an amendment to the site plan in case #298RS to allow the conversion of an existing service station to a gas and go operation. in combination with a food store and to amend Restriction #1 of said case to allow the existing gas pumps and pump island to be located closer to Marlyn Avenue than the setback of the house on the adjoining property

MGK
3-18-83

Property is to be posted and advertised as prescribed by Zoning Regulations.

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

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: ----------

Legal Owner(s):

Arco Petroleum Products Company
(Type or Print Name)

C B Sloan
Signature

Richard B. Sloan
(Type or Print Name)

Signature

1500 Market Street (215) 557-3145
Address Phone No.

Philadelphia, Pennsylvania 19101
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Lyon Associates, Inc. (Michael G. Kobin)
Name

7131 Rutherford Rd Balto., MD 21207 944-9112
Address Phone No.

MAP: --
ELECTION DISTRICT: 15
DATE 4/21
TYPE HEARING SPH
BY ORDER
FINAL:
BY: ---

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of March, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of April, 1983, at 10:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by by reason of the following finding of facts that to amend the site plan filed in Case No. 2988-RS to convert an existing full service station to a gas and go operation in combination with a food store and to remove Restriction 1 to allow the existing gas pumps and pump island to be located closer to Marlyn Avenue than the setback of the house on the adjoining property would be in strict harmony with the spirit and intent of the Baltimore County Zoning Regulations and will not adversely affect the health, safety, and general welfare of the community, and, therefore,

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of May, 1983, that the amendment to the site plan filed in Case No. 2988-RS to convert an existing full service station to a gas and go operation in combination with a food store and the removal of Restriction 1 to allow the existing gas pumps and pump island to be located closer to Marlyn Avenue than the setback of the house on the adjoining property, in accordance with Petitioner's Exhibit 3, is approved and, as such, the Petition for Special Hearing is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception Order.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR SPECIAL EXCEPTION 83-240-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store (less than 5,000 S.F.) in combination with a service station (gas and go)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: _____

Legal Owner(s):

Arco Petroleum Products Company
(Type or Print Name)

Signature

R B Sloan
(Type or Print Name)

Signature

MAP: 4/5 3-F
ELECTION DISTRICT: 15
TYPE:
LOCATION:
BY:
FINAL:
BY:

1500 Market Street (215) 557-3145
Address Phone No.

Philadelphia, Pennsylvania 19101
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Lyon Associates, Inc. (Michael G. Kobin)
Name

7131 Rutherford Rd., Balto., MD 21207 944-9112
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of March, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of April, 1983, at 10:45 o'clock A. M.

Zoning Commissioner of Baltimore County.

Z.C.O.—No. 1

(over)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 13th day of May, 1983, that the Petition for Special Exception for a food store in combination with a gas and go operation, in accordance with the site plan prepared by Lyon Associates, Inc., revised March 21, 1983, and marked Petitioner's Exhibit 3, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Any existing underground storage tank(s) containing waste oil shall have the contents removed by a licensed hauler and either be removed from the property or properly backfilled.

2. The rear and northwest side of the site shall be illuminated and said lighting shall comply with Section 405.4.B.5. of the Baltimore County Zoning Regulations.

3. Approval of the aforementioned site plan by the Department of Public Works and the Office of Planning and Zoning, as well as a detailed landscaping plan being submitted for approval by the Current Planning and Development Division.

Jean M. H. Jung
Deputy Zoning Commissioner of
Baltimore County

PETITION FOR ZONING VARIANCE 83-240-XSPHA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 405.4 (A.1 and D.8) to allow a site area of 16.236 S.F. in lieu of the required 21,384 S.F.

MGK 3-18-83

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

In order to meet the minimum site area requirements, the gross square footage of the food store would have to be reduced by over 80%. This would result in a drastic reduction of services and an inconvenience to both customer and operator.

We believe this site as designed, can provide full service without causing any public hazard.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

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

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.: ----------

Legal Owner(s):

Arco Petroleum Products Company
(Type or Print Name)

Signature

R.B. Sloan
(Type or Print Name)

Signature

MAP: 7B 3F
ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 4
ZONING: 2
LOT: 49E
FINAL:
BY:

1500 Market Street (215) 557-3145
Address Phone No.

Philadelphia, Pennsylvania 19101
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Lyon Associates, Inc. (Michael G. Kobin)
Name

7131 Rutherford Rd. Balto., MD 21207 944-9112
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day of March, 1983, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 21st day of April, 1983, at 10:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/~~would not~~ result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested ~~will~~/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /~~should not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 23rd day of May, 1983, that the herein Petition for Variance(s) to permit a site area of 16,236 square feet in lieu of the required 21,384 square feet, in accordance with Petitioner's Exhibit 3, is hereby GRANTED, from and after the date of this Order, subject, however, to the terms, provisions, and conditions contained in the accompanying Special Exception Order.

Jean M. H. Jung

Deputy Zoning Commissioner of
Baltimore County

Owings Mills sees a growth spurt at 14

Development boom promises offices, jobs, new sense of identity

By LIZ ATWOOD
SUN STAFF

Owings Mills is coming of age, in a growth spurt unrivaled since the planned community's birth 14 years ago.

Six new office buildings are going up, and Sears and Lord & Taylor stores are being added to the mall. Scheduled to open are an 18-screen movie theater by the end of the year and a five-restaurant park next spring.

Consultants are also drawing up development plans for a crucial 45-acre parcel near the Metro station in the community's center.

Together, the projects are likely to create thousands of jobs in this northwest Baltimore County community. But while fast-growing Owings Mills is home to more than 40,000 residents and some of the area's most prominent companies, in some respects the community is a gangly teen-ager still searching for its identity.

"We wanted to create an area where people would live and work," said Jack Dillon, a former county planner who helped create Owings Mills in 1984. Instead, he said, "we achieved another bedroom community."

Owings Mills was born of efforts in the 1970s to control sprawl by directing growth to a wedge of sparsely populated land between Reisterstown and Liberty roads. Inspired by Columbia and Reston, Va., planners envisioned a community of homes and offices built around a regional mall and linked to Baltimore by Metro. At the center of the new community would be an 80-acre lake.

But regulatory agencies balked at creating a lake that would have destroyed trout in the Red Run stream, forcing developers of Owings Mills New Town — a residential area in the heart of Owings Mills — to overhaul their plans.

Instead of offering high-rise, waterfront condominiums and apartments, along with single-family homes, they built mid-rise apartments, condominiums and townhouses. Most of the single-family [*See Owings Mills, 7A*]

10. Heliports, Type I;
11. Heliports, Type II;
12. Helistops;
13. Railroads;
13a. Rail passenger stations, subject to Section 434; {Bill No. 91, 1990.}
14. Steam-power plants;
15. Storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. zones; public warehousing;
15a. Transit centers, subject to Section 434; {Bill No. 91, 1990.}
15b. Transit facilities; {Bill No. 91, 1990.}
15c. Transit storage and repair yards, subject to Section 434; {Bill No. 91, 1990.}
*16. Utility service center; 17. Utility storage yards;
18. Volunteer-fire-company facilities;
19. Wireless transmitting or receiving structures 200 feet or less in height above grade level (see Section 426); and {Bill No. 64, 1986.}
20. Commercial film production , subject to Section 435. {Bill No. 57, 1990.}

C.[26] The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: {Bill No. 172, 1993.}

1. Automobile-rental agencies;
2. Bakeries, retail;
3. Barbershops;
4. Banks, savings and loan associations, or other, similar chartered financial institutions accepting deposits;
5. Beauty shops;
6. Business or trade schools;
7. Carpentry or cabinet-making shops;
7a. Car wash in a planned industrial park only, subject to Section 419; {Bill No. 172, 1993.}
8. Drug stores, but the gross floor area devoted to any such store shall not exceed 1500 square feet;
9. Electrical-contractors' shops;
10. Electroplating shops;
11. Food stores, but the gross floor area of any such store shall not exceed 2500 square feet;
11a. Fuel service station in a planned industrial park only, subject to Section 405; {Bill No. 172, 1993.}
12. Heating- or air-conditioning-contractors' shops;

Developers plan parade of projects for fast-growing Owings Mills area

[*Owings Mills, from Page 1A*]

homes, they built mid-rise apartments, condominiums and townhouses. Most of the single-family homes were never built.

"It was a real sad day when they couldn't get the lake," said Carmen Gilmore, assistant vice president for marketing for Owings Mills New Town.

When Owings Mills New Town is completed in about five years, it will have fewer than the 5,000 homes developers expected to build. Still, disappointment over the loss of the lake is ebbing.

"I love Owings Mills," said T. Kevin Carney, president of Thomas Builders, who has been building houses there since 1993. "It looks like a village in Columbia. ... It has all the characteristics people want."

Carol Hirschburg moved from the city to Owings Mills five years ago in search of a more suburban atmosphere. "What caught my eye is it's a planned community. Things are put together well. For all your necessities, they're here."

Fulfilling its mission

County officials say Owings Mills has succeeded in helping control sprawl and attract jobs. "On balance, I'd give it good marks," said county Planning Director Arnold F. "Pat" Keller.

But economic reality has sometimes tarnished the planners' dreams. As the county slid into recession in the early 1990s, builders tried to entice buyers by offering less expensive homes. They made townhouses more narrow and built them back-to-back.

The County Council, worried that the quality of housing was starting to deteriorate, responded with stricter design standards. Still, concerns linger that the housing densities that helped curb sprawl may have created future troubles for Owings Mills.

"If quality of construction isn't up to snuff, we're going to have a major problem," Dillon warned.

But he believes high-profile commercial projects may keep the residential developments from deteriorating.

Owings Mills is one of the big engines in the region's job machine, attracting powerful companies such as T. Rowe Price and Blue Cross and Blue Shield.

"Owings Mills represents a major facility that attracts corporations," county Economic Development Director Robert L. Hannon said. "It's a primary offering of the county and allows us to continue to attract corporate clients."

Since the mid-1980s, more than 5.5 million square feet of commercial space has been developed in Owings Mills, and several new offices will open in the fall when the Red Run Boulevard extension is complete.

Among the developments under construction or about to be built:

- A 110,000-square-foot regional headquarters for Automatic Data Processing Inc. in Riparius Center.
- A 90,000-square-foot office/flex building on Red Run Boulevard
- A 100,000-square-foot office building in the Red Run Corporate Center.
- The addition of Sears and Lord & Taylor department stores and numerous smaller shops to the Owings Mills Town Center.
- An 18-screen cinema and a restaurant park.
- A Hilton Inn.
- A new phase of residential construction at Owings Mills New Town.

Striving for focus

Planners expect construction in Owings Mills to continue for another 20 years. But as the community matures, the need to have a focus becomes more important, planners say.

"There were a lot of really good ideas, but a focus of place didn't come together to make it a city," said Michael A. Stern, a Pittsburgh-based landscape architect who has studied Owings Mills.

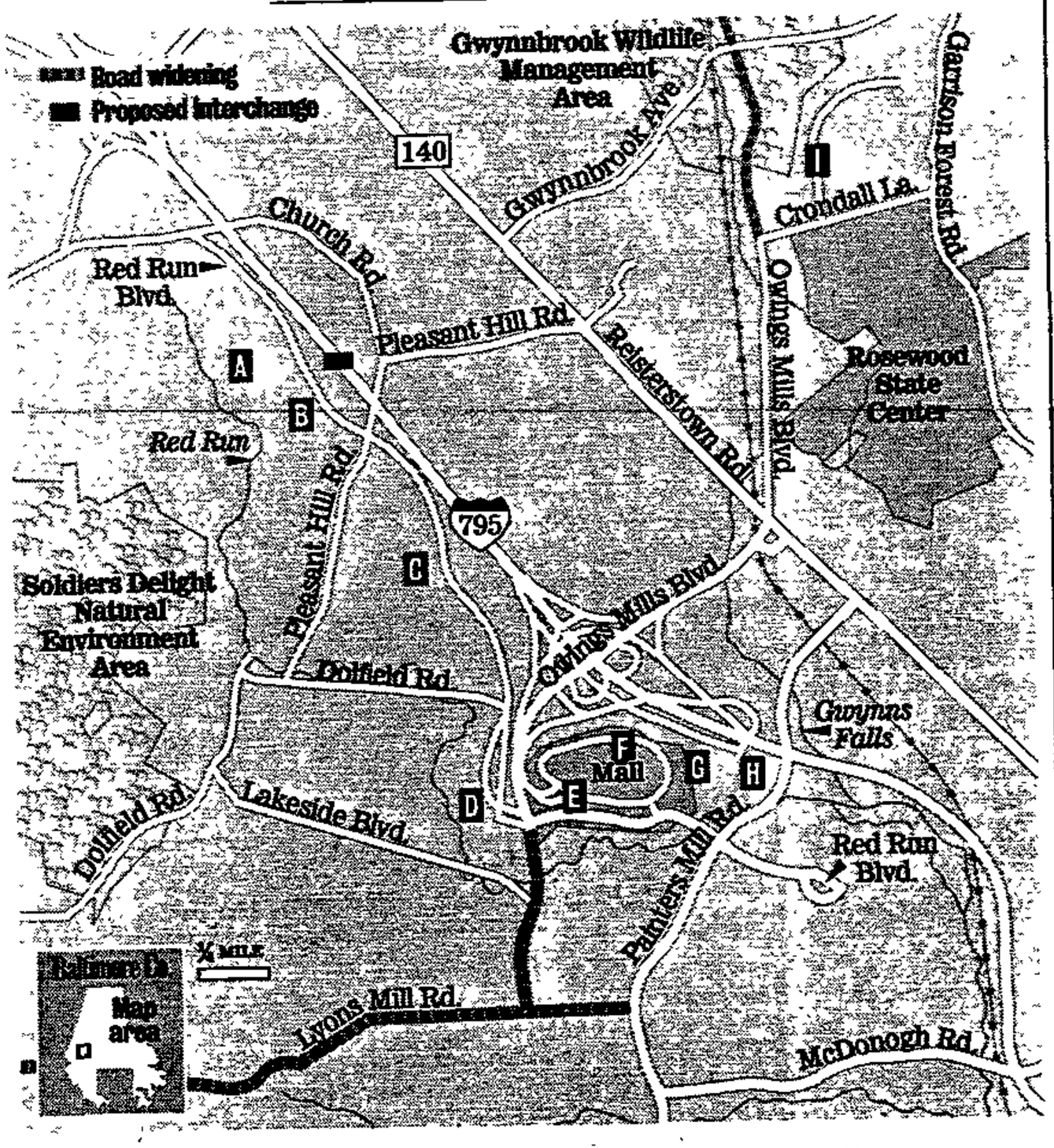
Stern said Owings Mills has the potential to become a model suburban community. "It is equally poised to become yet another example of the placeless wasteland ... that is rapidly becoming the normal condition of the American landscape."

A 45-acre parcel near the Metro station presents the opportunity to create a town center that Owings Mills lacks, Stern said. The County Council and Maryland Transit Administration have hired a consultant to create a plan for

FILE PHOTO

Before Owings Mills: *A stretch of Reisterstown Road near the intersection of what is now Owings Mills Boulevard had a very different appearance in January 1945 than it does today.*

Owings Mills development



Projects that are proposed or under construction in Owings Mills:

A Riparius Center
115,000-sqare-foot office building under construction, another 120,000-square-foot building about to begin.

B David S. Brown Property
65,000-square-foot office building.

C Daniel Mills Property
90,000-square-foot flex/office building.

D Red Run Corporate Center
Proposed 100,000-square-foot office and 60,000-square-foot Hilton Garden Inn.

E Restaurant Park
Five restaurants.

F Mall
125,000-square-foot Sears, 120,000-square-foot Lord & Taylor, 25,000 square feet of new shops.

G Cinema
18-screen theater.

H MTA Site
Study in progress to determine best use for 45-acre parcel.

I 11445 Cronridge Drive
60,000-square-foot office/flex building.

SOURCE: The Baltimore County Department of Economic Development SUN STAFF

the site.

Dillon champions the idea of a park along the Red Run that could provide trails and recreation. That idea has been discussed since the demise of the lake, but county recreation officials say there are no active plans for such a park.

County Councilman T. Bryan McIntire, a north county-Owings Mills Republican, is exploring other ideas to lend Owings Mills a sense of identity — perhaps a monument of some sort.

"I feel the community needs something they can point to with pride as an identifying feature," he said. "We need something to say, 'This is Owings Mills.' "

While not perfect, Owings Mills has proven to be a "viable alternative to disjointed community development," said Jerome D. Smalley, vice president of commercial development for the Rouse Co.

And with Rouse's plans to expand the mall, build the theaters and open the restaurant park next year, Smalley is optimistic about the future.

"We think the best times for Owings Mills are ahead," he said.

Resume Of Jim Dale

Name: Jim Dale
Address: 2711 Easton Road
Willow Grove, Pennsylvania 19090

Position: Division Loss Prevention Manager

Background: Employed in the field of retail and industrial security management for twenty four (24) years. Employed by The Southland Corporation for the past twenty (20) years at the following levels and positions:

- Security Supervisor
- Security Manager
- Community Relations Manager
- Urban Affairs Manager
- Regional Loss Prevention Manager
- Area Loss Prevention Manager

In addition, I have participated in two independent studies intended advance existing crime prevention techniques and programs.

Professional Studies Conducted

- Athena Research Corporation - 1995 - Dr. Rosemary Erickson, pH. D., President - 3021 28th Street San Diego, CA 92104 . (Financed by The Southland Corporation.)
- Community Conflict - 1996 - Independent study conducted in conjunction with Dr. William Fry, University Of Michigan. (Financed by The Southland Corporation.)
- Police Community Network - 1987 - Conducted in conjunction with former Philadelphia Police Commissioner, Willie Willams. - Police Sub-Station - (Financed by The Southland Corporation)

Expert Testimony

- New Jersey - Burlington County - Superior Court
- Pennsylvania - Bucks County - Superior Court
- New York - Nassau County - Superior Court

Professional Memberships and Contacts

- Pennsylvania Petroleum Association
- American Society Of Industrial Security (ASIS)
- National Police Chiefs Association
- Long Island Police Officers Association
- University Of Michigan

Training and Seminars

- 7-Eleven Franchise Owners Association - Pennsylvania
- ASIS - Pennsylvania
- Mid-Atlantic Police Chiefs Association - Maryland
- Delaware Valley Symposium - Pennsylvania

Program Development and Crime Prevention Techniques

- Neighborhood Alliance Buddy System (Community Relations)
- Interactive Security Monitoring (Crime Prevention)
- Police Community Network Centers (Community Relations)
- Operation Chill (Youth Services)
- Operation Alert (Crime Prevention)
- Come Of Age (Restrictive Products)

1-11

03/05/98 **BALTIMORE COUNTY POLICE DEPARTMENT**
Page 1 **CALLS FOR SERVICE AT 1801 REISTERSTOWN RD. 03/01/97-02/28/98**

Call for Service		Number of cases
A4	ALARM, FAULTY - RESIDENTIAL	1
A7	ARSON	1
E3	ASSISTANCE REQUEST	4
C2	AUTO ACCIDENT-PERSONAL INJURY	1
C1	AUTO ACCIDENT-PROPERTY DAMAGE	5
J4	BATTERY	2
E5	CHECK ON LOCATION	9
E4	CHECK ON SUBJECT	2
E7	CIVIL MATTER	1
A12	DISTURBANCE	13
B6	DOMESTIC	1
F16	DUPLICATE CALL	3
A15	FIRES, OTHER	1
C7	HIT & RUN ACCIDENT-PROPERTY DAMAGE	1
B7	JUVENILE COMPLAINT	30
A25	LOITERING COMPLAINT	12
A29	NARCOTICS, CITIZEN INITIATED	1
F12	NON ENUMERATED COMPLAINT	5
J1	ROBBERY, ARMED	1
E6	SLIM JIM DETAIL	2
A46	SUSPICIOUS CONDITION	2
A37	SUSPICIOUS SUBJECT, ROGUE OR VAGABOND	3
D13	TRAFFIC COMPLAINT - D.W.I.	1
A39	TRESPASSING	1
Total:		103

Hughes

03/05/98 BALTIMORE COUNTY POLICE DEPARTMENT
Page 1 CALLS FOR SERVICE AT 10550 REISTERSTOWN RD. 03/01/97-02/28/98

Part 2 B

Call for Service		Number of cases
D1	ABANDONED VEHICLE	1
H1	ALTERED MONEY/COUNTERFEITING	1
J4	BATTERY	1
E5	CHECK ON LOCATION	5
A11	DESTRUCTION OF PROPERTY	1
A12	DISTURBANCE	2
F16	DUPLICATE CALL	4
A29	NARCOTICS, CITIZEN INITIATED	2
A53	NARCOTICS, OFFICER INITIATED	1
F12	NON ENUMERATED COMPLAINT	1
J1	ROBBERY, ARMED	2
E6	SLIM JIM DETAIL	1
A46	SUSPICIOUS CONDITION	1
H12	THEFT - FROM MOTOR VEHICLE	1
Total:		24

BALTIMORE COUNTY POLICE DEPARTMENT
BCCAP STAT BREAKDOWN

Developement Exceptions together

CONVENIENCE STORE ROBBERIES SINCE 11/12/96

	Pc01	Pc02	Pc03	Pc06	Pc07	Pc08	Pc09	Pc11	Pc12	Total
** CASES										
CRIMES	37	24	19	26	5	22	20	13	30	196
NON RESIDENTIAL	37	24	19	26	5	22	20	13	30	196
CLEARED	16	11	9	15	1	8	3	5	12	80
** LOCATION										
CONVENIENCE STORE	37	24	19	26	5	22	20	13	30	196
** DAY										
SUNDAY	6	3	7	5	0	5	6	4	4	40
MONDAY	6	6	1	3	0	3	2	1	6	28
TUESDAY	6	2	2	2	1	3	2	2	5	25
WEDNESDAY	8	4	2	6	0	4	1	3	4	32
THURSDAY	5	3	1	4	1	3	1	0	4	22
FRIDAY	5	3	0	2	1	0	4	1	4	20
SATURDAY	1	3	6	4	2	4	4	2	3	29
** TIME					10PM - 6AM					
0000-0059	5	1	1	6	0	0	1	1	4	19
0100-0159	4	1	0	5	1	1	0	0	2	14
0200-0259	2	2	0	1	0	0	1	2	2	10
0300-0359	4	2	2	2	0	0	1	3	1	15
0400-0459	0	1	0	2	0	1	3	1	1	9
0500-0559	4	0	0	1	0	0	1	0	0	6
0600-0659	1	0	1	0	2	0	0	0	0	4
0700-0759	0	1	1	0	0	0	0	0	0	2
0900-0959	0	0	0	0	0	1	0	1	0	2
1000-1059	1	0	0	0	0	0	0	0	0	1
1100-1159	0	1	0	0	0	0	1	0	0	2
1200-1259	0	0	0	0	0	2	0	0	0	2
1300-1359	1	2	2	0	0	1	0	0	0	6
1400-1459	4	0	2	0	0	0	1	0	0	7
1500-1559	2	1	3	0	0	1	1	0	0	8
1600-1659	1	1	2	0	0	1	0	0	0	5
1700-1759	0	1	1	0	0	0	0	1	1	4
1800-1859	1	0	1	2	0	1	0	0	1	6
1900-1959	1	0	0	0	1	1	1	0	3	7
2000-2059	1	3	0	1	0	0	1	0	3	9
2100-2159	2	4	0	0	1	2	4	1	2	16
2200-2259 10-11	2	0	2	1	0	6	3	1	6	21
2300-2359 11-12	1	3	1	5	0	4	1	2	4	21
** M.O.										
FORCED EMPL BACK INTO BUS	1	1	4	1	1	2	2	1	0	13
FIRED SHOTS	0	0	1	0	0	1	0	0	0	2
ROBBED CUSTOMERS/VICTIM	2	1	1	2	0	0	0	0	0	6
USED BAG FOR MONEY/PROPERTY	2	2	2	1	0	1	0	1	0	9
CUT/DISABLED PHONE LINES	0	0	0	0	0	1	0	0	0	1
MADE PURCHASE	11	7	7	5	2	7	3	1	3	46
ASKED FOR CHANGE	1	1	0	1	0	0	0	0	0	3
TIED UP VICTIM	0	0	1	0	0	0	1	0	0	2
LOCKED UP VICTIM	0	0	1	0	0	0	3	0	0	4
PHYSICALLY ABUSED VICTIM	1	0	2	1	0	0	0	0	1	5
JUMPED COUNTER	3	0	3	0	1	2	1	0	0	10
ATTACKED SAFE	3	2	2	4	0	2	3	0	1	17
USED STOLEN VEH/TAGS	0	0	0	0	0	0	0	1	0	1
CUT/DISABLED ALARM SYSTEM	0	0	0	0	0	1	0	0	0	1
KIDNAPPED VICTIM	1	0	0	0	0	0	0	0	0	1
GUN IN WAISTBAND	3	5	3	2	0	7	3	2	4	29
LAY ON FLOOR	2	0	3	3	0	1	2	1	2	14
NOTE USED	2	0	0	1	0	0	2	0	3	8
** WEAPON										
HANDGUN	12	16	8	10	2	10	12	4	4	78

73
42
115
10pm → 6am

MLIM - Gas + Con. or Retail Stipulations

Ellen Sawal

RATIONALE FOR COMMUNITY 0PPOSITION TO SOUTHLAND CORPORATION'S PETITION FOR A ZONING EXCEPTION

Post Nov

- **Convenience Stores are magnets for crime**

  THERE WERE 196 ROBBERIES OF CONVENIENCE STORES IN BALTIMORE COUNTY ALONE LAST YEAR

- **This 7-11 is not a just "community store"**

  THOSE PATRONIZING THE STATE EMMISSIONS CONTROL FACILITY, WAREHOUSE AND RETAIL BUSINESSES, AND USING OWINGS MILLS BOULEVARD AS A THOROUGHFARE WILL BE ATTRACTED TO THE 7-11

- **Do you want your teenagers hanging out at the 7-11?**

  115 ROBBERIES OF CONVENIENCE STORES IN BALTIMORE COUNTY TOOK PLACE BETWEEN 10PM AND 6AM

Curtail 7-11 operations 6Am- 10pm 7days a week

- **The Crondell Lane- Owings Mills Boulevard intersection is already becoming congested.**

(like Charles St. 7-11)

  DELAYS COMING OUT OF CRONDALL LANE HAVE DRAMATICALLY INCREASED OVER THE LAST THREE YEARS

PRESERVE THE QUALITY OF LIFE WE NOW ENJOY IN OUR COMMUNITY. THE RESIDENTS OF OWINGS MILLS WANT TO MAINTAIN- A SAFE ENVIRONMENT. WE DO NOT BELIEVE A 24-HOUR MEGA- 7-11 STORE MEETS THESE NEEDS.

Aston Hills
Ellen Saval

Pet 3

WELLS & ASSOCIATES, LLC
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

C. RICHARD MOORE
VICE PRESIDENT

PROFILE: Mr. Moore has 31 years of experience in traffic, transportation, transit, parking, and pedestrian planning and engineering. He has worked for Baltimore County Government for those 31 years in all facets of traffic and transportation planning. This experience includes traffic impact studies, transportation analysis of full scale communities, as well as individual site review of various land uses. Additionally, his experience encompasses travel demand studies, parking studies, transit access studies, traffic signal studies and design, and community transportation studies. Mr. Moore has provided expert testimony before numerous planning boards, elected officials, administrative hearing officers, district and circuit courts, as well as citizens groups.

EXPERIENCE: Traffic Impact Studies. Conducted and reviewed numerous traffic impact studies for residential, commercial, and mixed use projects, as well as town master plans throughout Baltimore County. This includes preparation of reports and expert testimony in support of rezoning, subdivisions, site plans, and master plan approval.

Conducted large scale multi-modal transportation studies for such communities as White Marsh, Hunt Valley, Owings Mills, Towson, and others. These impact studies included large industrial complexes, such as the Rutherford Business Park, HCFA, town centers of Owings Mills, White Marsh, Towson, Loveton, as well as others while in Baltimore County for the last 31 years. Numerous large and small scaled residential projects, such as Owings Mills New Town, Loveton Farms, Honeygo, Cockeysville, Randallstown, and others.

Traffic Signal Operations. Conducted numerous studies for the installation and modernization of over 400 traffic signals in Baltimore County. This included studies to determine the need for traffic signals, as well as studies analyzing the signal timing and their coordination in signal systems in the various systems throughout the county. Installed and designed the first digital computerized signal system on the East Coast. Participated in the many years of continued upgrading of this signal system with improved signal technology and signal timings.

1420 Spring Hill Road, Suite 600
McLean, Virginia 22102
703/917-6620 • Fax: 703/917-0739

2661 Riva Road, Suite 300
Annapolis, Maryland 21401
410/266-5723 • 301/970-2402 (D.C.)
Fax: 410/266-9189

420 Virginia Avenue
Towson, Maryland 21286
410/825-2527 • Fax: 410/825-2717

Transportation Corridor Studies. Provided traffic and transportation expertise as a member of the team of planners, engineers, and others for such arterials as Perry Hall Boulevard, Owings Mills Boulevard, Red Run Boulevard, Rossville Boulevard, as well as others during the 31 growth years in Baltimore County Development. These studies required analysis of the land use and a determination of future traffic volumes to ensure adequate design.

Traffic and Transportation Regulations. Supervised and prepared traffic and transportation regulations for over 100,000 traffic signs and markings in Baltimore County. Also, prepared the residential permit parking law, which was accomplished with numerous community groups attempting to resolve parking problems within their communities. Provided expertise in developing the transportation element of Baltimore County Basic Services legislation.

Transit Impact Analysis. Conducted numerous access studies and participated in the planning of the MTA's Metro Rail Line to Owings Mills, as well as the Light Rail to Timonium. This included Highway Capacity Analyses, traffic signal design, access requirements, as well as adjacent land use requirements. Also participated in the analysis of the Towson Transit Center. Additionally, participated in the semi-annual review of the bus routes in Baltimore County and adjustments to the routes as necessary.

Regional Transportation Studies. Participated with county planning agencies, mass transportation agencies, State Highway Administration, and the Baltimore Council of Governments in regional transportation needs and requirements.

Neighborhood Traffic Studies. Numerous neighborhood traffic studies requiring close coordination with many community groups throughout the county concerning speeding, truck traffic, cut through traffic, parking problems, traffic problems generated by development, and accidents (both pedestrian and vehicular) have been conducted with great success. Some of the communities involved were Loch Raven Village, Catonsville, Reisterstown, Timonium, Hawthorne, and Lochearn.

Transportation Demand Management. Coordinated and participated for over 20 years in the County's Ride Sharing Program. This program was utilized to encourage motorists to car pool, use mass transit, use of flexible work hours, use of bicycles, as well as other tools to reduce the demand on the road system by vehicular traffic. This program increased the importance with the passage of the Clean Air Act. This required our working closely with developers and property owners to reduce peak hour vehicular traffic.

Pedestrian Studies. Conducted pedestrian studies as part of the overall transportation plans in Towson, as well as numerous other communities throughout Baltimore County. This included analysis of pedestrian trips to the many schools, as well as working with the Coalition of the Handicapped to improve their access.

Traffic and Transportation Studies. As the analysis of the traffic and transportation needs on the 2,500 miles of county road were conducted, traffic count studies, highway capacity studies, intersection operational studies, channelization and access studies, truck studies, accident studies, and parking studies were required.

Environmental Impact Studies. Prepared the transportation components for numerous environmental documents required for over 15 years of transportation studies.

Traffic Accident Investigation. Prepared detailed Traffic Engineering studies and traffic accident analysis and provided expert testimony in District and Circuit Courts.

EDUCATION: Bachelor of Science, Civil Engineering, North Carolina State University, Raleigh, North Carolina 1965

Professional Program in Urban Transportation, Carnegie-Mellon University 1972

Various traffic and transportation short courses:
- Short Course in Traffic Engineering, University of Maryland, 1966
- Urban Transportation Short Course, Georgia Tech, 1966
- Traffic Management, Northwestern University, 1977
- Highway Capacity Manual, Institute of Transportation Engineers, 1986

- Freeway Incident Management, ITE, 1986
- Trip Generation Studies, ITE, 1988
- Traffic Signal System Coordination, Georgia Tech, 1996
- Traffic Engineering Short Course, Georgia Tech, 1996

AFFILIATIONS: Institute of Transportation Engineers
County Engineers Association
American Public Works Association

PUBLICATIONS:
- Owings Mills Traffic Study Department of Traffic Engineering and Department and Planning, Baltimore County Government, 1985
- Neighborhood Residential Speed Control, Institute of Transportation Engineers Annual Meeting, Vancouver, British Columbia, 1988
- Catonsville Traffic Study, Bureau of Traffic Engineering, Department of Public Works, Baltimore County Government, 1991
- Accident Analysis of Four Way Stop Signs When Used for Speed Control, Bureau of Traffic Engineering, Department of Public Works, 1992

EMPLOYMENT HISTORY:

1996 - present Wells & Associates, Inc., Towson, Maryland (Vice President)

Primary responsibility for traffic engineering and transportation planning services for the Baltimore region.

1993 - 1996 Baltimore County Government, Department of Public Works, Bureau of Highways and Traffic (Bureau Chief)

Supervise, plans, organize and direct the operations of the bureau and its budget of $15+ million, and its 400 employees. Responsible for all traffic movement, snow removal, and maintenance on 2,500 miles of county roadway. Responsible for transportation planning, traffic signs and markings, signal maintenance and construction, as well as road resurfacing, storm drain maintenance and grass cutting.

1987 - 1993 Baltimore County Government, Department of Public Works, Bureau of Traffic Engineering (Bureau Chief)

Supervise, plan, organize, and direct the operation of the bureau and its budget of $4+ million, with more than 80 employees. Responsible for all traffic movement on 2,500 miles of county roads with transportation planning, signs, markings, signal maintenance, and construction for a population of 760,000.

1985 - 1987 Baltimore County Government, Department of Traffic Engineering (Deputy Director)

Assists director in planning, organizing, directing and controlling activities in the Department of Traffic Engineering. Assists in policy and administration, establishment of procedures. Preparation and execution of department budget.

1969 - 1985 Baltimore County Government, Department of Traffic Engineering, Bureau of Planning and Design (Assistant Traffic Engineer)

Supervise operation of Bureau of Planning and Design. Plans, prepares and supervises traffic studies and surveys. Prepares designs on traffic signals, channelization, and intersection design. Operation of computerized traffic system. Reviews zoning, building, subdivision, and parking plans.

1964 - 1969 Baltimore County Government, Department of Traffic Engineering, Bureau of Planning and Design (Engineer)

Preparation of signal design. Reviewed and prepared comments on subdivision and zoning plans. Installation of county's first computerized signal system. Analysis of traffic data and preparation of reports.

March 6, 1998

Mr. Robert Bowling, P.E., Chief
Bureau of Developer's Plans Review
Department of Permits & Development Management

Project Name: 7-eleven
Project No.: P.D.M. #IV-512

Mr. Bowling;

As you know, there is major commercial development taking place in the Owings Mills Blvd. corridor. This project is one that has met much opposition from the neighboring community.

At a meeting back in ~~January~~ NOVEMBER, several issues were raised concerning size of store, hours of operation, traffic impact, and "ATM" availability.

Southland Corporation promised to look into these issues and respond with a possible compromise.

My family consists of two small children and wife. Our street is on property adjacent to the rear of the Cronridge Industrial Park, (T.Rowe Price building). Our fear of a 24 hour, cash operation, invites criminal activity. (i.e. High's Dairy store, Reist. Rd.) The industrial park will support this store during normal business hours. There is no reason why 7-eleven can't turn their lights out the same time as the retail establishments across the street, (under construction). I would hate my kids to be playing in the yard and a stranger invade. Please operate this facility 6 a.m. to 10 p.m.

Traffic is already a serious problem on Crondall Lane. During rush hour, the blvd. is backed up to the Ravens training complex just to make that right turn in the A.M. In the P.M., traffic is backed up to the second park entrance. Southland has allegedly done studies that dispute these conditions. Southland,...I live this intersection daily...

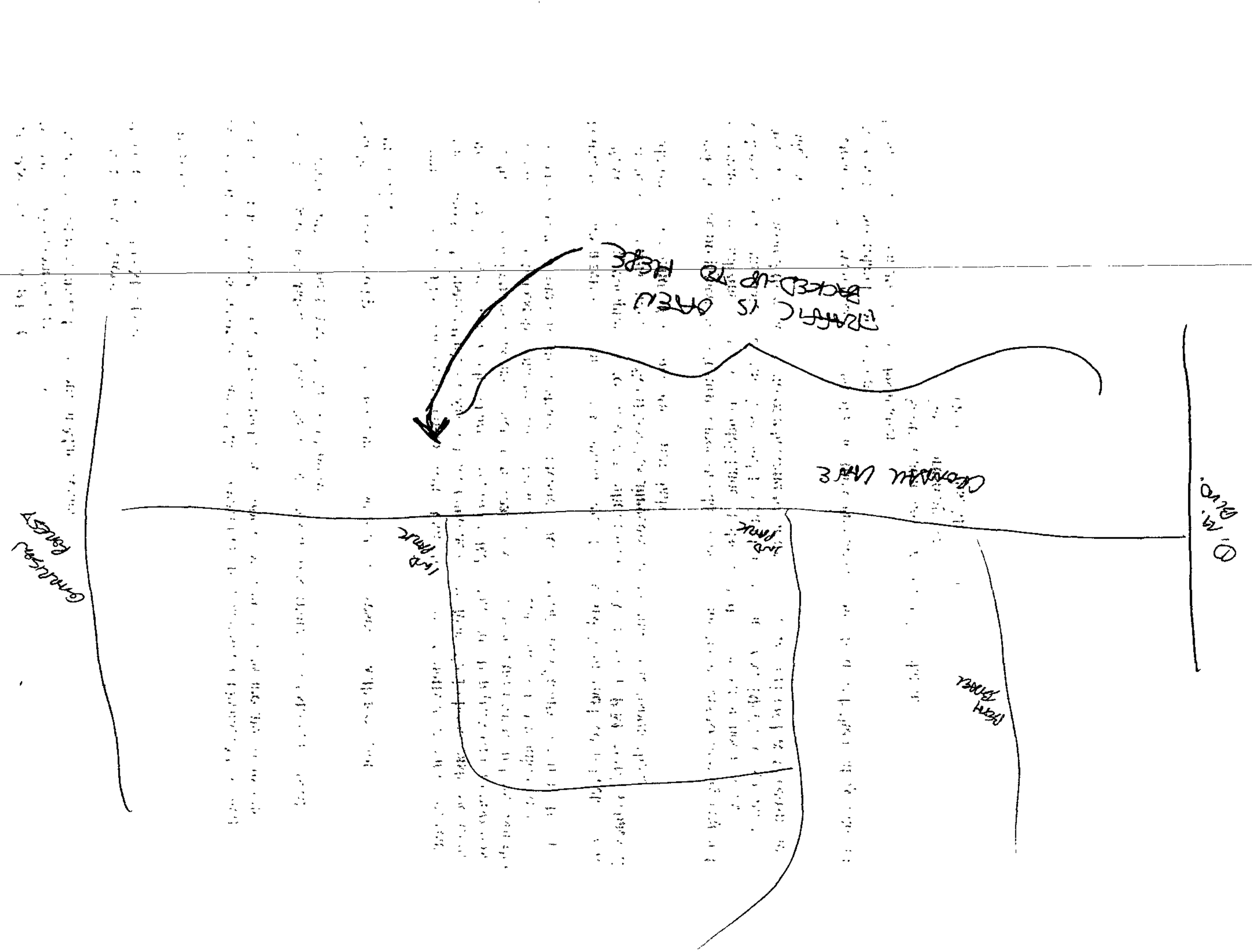
I think that the proposed "no left turn" times should include closing the access to all outgoing and incoming traffic utilizing a gate, on Crondall Lane. I also think the intersection needs to be widened to accommodate 2 left turn lanes and 1 right turn lane onto O.M. Blvd from Crondall Lane. Traffic would then merge into one heading towards 795. (i.e. I83/Falls Rd. & Greenspring Valley Road.)

In closing, if 7-eleven needs to exist, than let the community be involved with their safety, and not the greed of Southland Corporation.
Thank you for your attention in this matter.

Scott, Cathi, Jason, & Adam Finkelstein
3404 Forestleigh Dr.
Owings Mills, Md. 21117

3/6/98

Item No 3


Cleveland Ave
Ind Place
Ind Place
Ohio Blvd
Cleveland College
Ohio Blvd

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
JEAN SCHUSTER - LEGAL OWNER;	*	*OF*
SOUTHLAND CORPORATION,	*	BALTIMORE COUNTY
ASSIGNEE OF CRONDALL LANE LLC -	*	Case No. 98-269-X
APPLICANT FOR A SPECIAL	*	June 9, 1998
EXCEPTION ON PROPERTY LOCATED	*	
ON THE SE/COR CRONDALL LANE	*	
AND OWINGS MILLS BOULEVARD	*	
(3731 CRONDALL LANE)	*	
4th Election District	*	
3rd Councilmanic District	*	

* * * * *

ORIGINAL

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals of Baltimore County at the Old Courthoue, 401 Washington Avenue, Towson, Maryland 21204 at 10 o'clock a.m., June 9, 1998.

* * * * *

Reported by:

C.E. Peatt

BOARD MEMBERS:

LAWRENCE M. STAHL, Panel Chairman
CHARLES L. MARKS
THOMAS MELVIN

DEBORAH C. DOPKIN, Esquire
On behalf of Petitioners

ROBERT D. SELLERS, Esquire
On behalf of Protestants

PETER MAX ZIMMERMAN, Esquire
People's Counsel
On behalf of Baltimore County

PROCEEDINGS

THE CHAIRMAN: Let's go on the record. Good morning, everyone. This is the meeting of the Baltimore County Board of Appeals. Today is June 9, 1988.

We are here in the matter of Case No. 98-269-X, in the matter of Jean Schuster, legal owner of Crondall Lane, LLC, developer, regarding the southeast corner of Crondall Lane and Owings Mills Boulevard; corresponding address is 3731 Crondall Lane, in the 4th Election District, 3rd Councilmanic District.

We are here on matters relating to a special exception as well as various sundry motions which have have been filed by counsel.

Before we do anything substantively, do we not have some new counsel? The file doesn't reflect any recognize entry of appearance at this point, so if we would verbally do so, and then I will ask counsel to get something in writing.

MR. SELLERS: Robert Sellers, counsel for the appellants, 401 Washington Avenue, Towson.

MR. ZIMMERMAN: Peter Max Zimmerman, People's Counsel, for Baltimore County. The file should reflect an entry of appearance.

THE CHAIRMAN: Okay. We couldn't find one.

MR. SELLERS: I will note, for the record, my appearance would be entered by filing the motion.

MR. ZIMMERMAN: There are two points of inquiry. There are two separate folders for this case.

THE CHAIRMAN: Just one second. I will confess I haven't been through it paper by paper as to each item. Just send us one.

MS. DOPKIN: I believe Mr. Zimmrman actually filed a --

THE CHAIRMAN: I don't mean to interrupt. Just so the paperwork is complete, for the record.

MS. DOPKIN: Thank you. I am Deborah Dopkin, representing Southland Corporation, present successor in interest to Ms. Schuster, 409 Washington Avenue, Towson, Maryland 21204.

THE CHAIRMAN: We have several motions. Procedurally, what we are going to do, we are going to deal with today, since one motion questions the standing

of Ms. Saval from being here and carrying on in this matter, we are going to deal with that one now.

It is an openly deliberated motion since we are here on a zoning matter and special exception.

Presuming, obviously, if the motion is granted, then that would be the end today. If the motion is not granted, then we will go forward.

Presuming for a moment we go forward, it is my feeling and the Board's agreement that, as to the other motions filed, we'll hold them sub curia and deal with them when we openly deliberate the entire matter.

Also, I might say to counsel, since we are on a rather quick track for this case, that we have tentatively -- and I say to you now so in case during the lunch break there's a problem, we can deal with it -- we have tentatively picked Thursday in the afternoon.

We have a meeting of the Board. The problem when we do things quickly is getting the same Board together that's hearing the case.

We'll all be here next Thursday afternoon for a staff meeting. After the staff meeting, which might, my

guess, would be in the one to 1:30 range, there's a regular docket, but we will wait and we'll come out and deliberate the matter if, in fact, we go ahead today with the matter.

MS. DOPKIN: What date?

THE CHAIRMAN: The 18th, at 1 o'clock.

MR. SELLERS: May I make a point? This is not an appeal from a development hearing.

THE CHAIRMAN: That's true, but the last time we were here, we agreed among all the parties we would deal with it within that time frame.

MR. ZIMMERMAN: I was not here.

THE CHAIRMAN: That's why I am giving you the explanation, so we'll move along on that. We'll also entertain -- and I want to say Friday, this Friday -- we'll be motivated to Monday if somebody really needs to do it if we do go ahead -- most of you are aware, as the Board's usual procedure, that we'll take memoranda as to facts and law in lieu of closing argument in these types over cases.

We would accept, presuming we go ahead and

presuming we finish the case today, then memoranda would be due in lieu of closing argument at the close of business Friday.

If somebody needs to go through to Monday, that's okay, So Friday, presuming we go ahead, and presuming we finish all testimony today.

Obviously, if for some reason the case goes on, we'll adjust things accordingly. Okay.

MR. ZIMMREMAN: Deliberation the following Thursday?

THE CHAIRMAN: Deliberation the following Thursday. Presuming all of that schedule would hold together and we do proceed, we anticipate an opinion being out no later than the 25th as to the determination which will comply with the schedule we all agreed to when the matter was postponed the last time.

Okay. Let's do first things first. First, the motion that we will deliberate, I note for the record all members of the Board have received the Motion to Dismiss and have received the Response to the Motion to Dismiss, and, for lack of better explanation, we'll start to my

right.

(Open deliberation)

MR. MARKS: Thank you, Larry. The motion has been filed, and I am going to go first because I was here at the original panel. The other two gentlemen --

THE CHAIRMAN: Wait a minute.

MR. ZIMMERMAN: Do we get to argue on the Motion to Dismiss?

THE CHAIRMAN: The Motion to Dismiss was filed by Southland. There was a response filed by Mr. Sellers as to Ms. Saval's standing in the matter.

MR. ZIMMRMAN: I thought it might be helpful to the Board.

THE CHAIRMAN: Certainly, the Board has no problem allowing you to have your say since you're counsel now within the case, and certainly People's Counsel has a right to do so.

Mr. Seller's, you rise for what purpose?

MR. SELLERS: I did, indeed, file a response. I had been retained immediately prior to that. A response was due that day under the rules.

I certainly would not like to have the Board think that's my best work. That was thrown together in literally minutes. I probably do have some additional points to make.

THE CHAIRMAN: Certainly, and under those circumstances, we will, using the same logic, moving from right to left.

MR. ZIMMERMAN: Our office did not file the original appeal. It was Ms. Saval. But the rule is that in an administrative proceeding, any person who's interested can become a party.

So, in a way, our being here depends on the appeal being validly filed by Ms. Saval. What I want to point out is -- I will keep it short -- under Code Section 26-132, which I have two extra copies, the standards for being a party to take an appeal is very relaxed.

It's any person or persons jointly or severally, or any taxpayer, aggrieved or feeling aggrieved, by any decision or order of the Zoning Commissioner.

I mean, basically, anybody can take an appeal. There's no requirement even that you be at the original

Zoning Commissioner's decision. There have been some cases on that in the past.

I can't recall any case where this Board has ever denied a person the right to appeal based on where they were situated or who they were.

There may be questions about a type of case being subject to appeal by anybody. But nobody, as I recall, has been dismissed on the grounds of standing.

Separately, the Court of Appeals of Maryland has discussed the subject of standing in several cases, most recently Sugarloaf v. Department of Environment 344 Md. 271, and I know the Board has prepared for this Motion as well, but I would like to submit copies to each of the panel members of excerpts from Sugarloaf.

There are other excerpts that I have that relate to other issues in the case today, but to the extent Sugarloaf refers to the Department of Environment, 344, Md. 271, that begins at 285 and ends at 301, and I put arrows next to the most important points on all the copies I have submitted to counsel, and to make a long story short, there's a big difference between standing or being

a party at the administrative level versus the traditional standard for being aggrieved to have standing in a court proceeding.

To be a party at a Board of Appeals or other administrative agency, unless there's a statute that creates a stricter standard, basically anybody identifying themselves as having an interest is a party.

And while this sounds like a very simple point, the Court of Appeals found it necessary to explain it at length and in detail in the Sugarloaf case. And so Ms. Saval clearly had the right to appeal.

And once an appeal is taken, any person -- this is a de novo appeal -- any person now coming into the proceeding on any side, whether it's the petitioner's side or the side of Ms. Saval, or a third side, anyone, anybody, can be a party if they have an interest, and that's consistent with the idea that administrative proceedings are supposed to be fairly open and to take into consideration all matters.

So one of the reasons we decided to participate more actively in this case, not the only reason, is that

we wanted to make sure that those ground rules are maintained.

And one final point I was going to make, and now it slipped my mind, so I guess I will sit down. Thank you.

THE CHAIRMAN: Well said. Counsel?

MR. SELLERS: Well, certainly, I will not try to outdo Mr. Zimmerman on his knowledge of the case. I am going to hit a couple points very briefly.

Baltimore County Code, the section that you have there, 26-132, has some really interesting language, you know, the Administrative Procedures Act and a lot of cases on court standing, talking about being aggrieved.

Baltimore County says taxpayers aggrieved or feeling aggrieved. Now, the use of the word "aggrieved," to me, is an objective standard and something which then, of course, is determined.

Are you actually aggrieved? Do you suffer a harm? Baltimore County chooses to say "aggrieved" or "feeling agrieved," which is clearly entirely subjective.

There's no doubt in my mind at this level for

this type of appeal in Baltimore County. We have a statute directly on point, which is about as broad as one could make it. And an additional fact, that in Baltimore County, unlike other jurisdictions, an appeal such as this is de novo.

And, again, I know it's your practice of additional parties coming in. In fact, I have three today, three additional parties, that are requesting to be added.

The appeal is posted. Why would it be posted? To continue to encourage citizen involvement.

Again, the standard is very clear at this level, very lenient in terms of who has standing. And, in fact, someone who didn't even appear below could appeal.

So, of course, I certainly join with Mr. Zimmerman and bring your attention to the Sugarloaf case. It's right on point.

I think those are the points I would make, which I'm not sure I made particularly well in response to the Motion.

THE CHAIRMAN: Ms. Dopkin?

MS. DOPKIN: Thank you, Mr. Stahl. While we agree

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with Mr. Zimmerman in that in an administrative proceeding there's a very low standard for standing, it's nonexistent.

Ms. Saval is a remote property owner. Her property is over a mile and a half from the site. And the law which is cited with approval in Sugarloaf distinguishes the Brynarski case, distinguishes the status of a person whose property is far removed from the subject property.

Generally, such a person will not be considered a person aggrieved. And the exception is the remote property owner may be considered a person aggrieved if they meet the burden of both the alleging and proving, I quote the case, either before the Board or in the court, if his standing is challenged, the fact his personal property rights are specially and adversely affected by the Board's action.

We point out in the appeal filed by Ms. Saval, there was no such allegation. And it is her burden to come forward and prove that, and that has simply not been the case.

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And we do not believe that there can be a showing of special injury, that her rights are adversely or specially affected in any manner different than the public at large, and that is the standard that a remote property owner must satisfy.

Further, in response to Mr. Zimmerman's statement that any party, once there's a valid appeal, any party can come in, you must have an appellant with standing first. Without an appellant with standing, nobody can come in. And there has only been one appealed filed by one individual, and we maintain that though the standard is generally low, that that standard has not been met for a remote property owner in this case, and that there would be no term of agreement in the code if it weren't a limiting language.

If the code meant anybody can file an appeal, it would say, Anybody can file an appeal, which is basically what Mr. Zimmerman and Mr. Sellers argue.

That's simply not the case law, the common law that controls in the case of a remote property owner. The cite for Brynarski, which I believe we submitted, 247 Md. 137, and it has been really cited with approval in all the subsequent cases, including the Sugarloaf case.

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THE CHAIRMAN: Thank y ou.

MR. ZIMMERMAN: May I take one minute to respond in that Sugarloaf, the Court of Appeals pointed out that the Court of Special Appeals, which got reversed, had improperly relied on Brynarski. That's at page 291.

It also pointed out on page 297 where there exists a party having standing to bring an action, we shall not ordinarily inquire to whether another party on the same side also has standing.

And, finally, I need to note that this Board recently dealt with a different type of standing issue, but pointed out, in a case called Merrydale, which panel member Melvin, I believe, was on the panel, that the rules are very, very relaxed for establishing standing at the administrative level. Thank you.

MR. SELLERS: Briefly, on the remoteness issue, I think "remote" is a relative term. Ms. Saval lives in the nearest subdivision, the nearest residential subdivision to this site.

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Now, it's true it's a suburban area and things are far apart, but I do think remote -- remote in Baltimore City is not going to be remote in Baltimore County, and certainly not going to be remote in Garrett County. I do think it's relevant.

MS. DOPKIN: I would only suggest Sugarloaf is distinguishable because of the nature of the appellant in that case, the appellant was an agent and not an individual.

THE CHAIRMAN: I'd like to thank counsel for their comments.

We are going to take a very short break, because we want to read some of this stuff, and go back over one or two things.

We would even ask people not leave the courtroom. We'll be back to publicly deliberate.

(A recess was taken.)

THE CHAIRMAN: We are back in session. Having briefly reviewed the material provided to us as well as what notes we had, and argument of counsel, we will now publicly deliberate the Motion to Dismiss.

(Whereupon, the Board publicly deliberated.)

THE CHAIRMAN: Okay.

MR. SELLERS: I certainly agree with the standing ruling. You mentioned that my motion would be held sub curia?

THE CHAIRMAN: Yes.

MR. SELLERS: And we would proceed today?

THE CHAIRMAN: Right.

MR. SELLERS: The very nature of that motion makes that method of proceeding problematic to my client, and, by the way, if this would be an appropriate time, I have three additional clients and parties.

THE CHAIRMAN: Why don't we wait? I will take your word there are other people involved.

MR. SELLERS: I'm not going to argue the motion at this point. Briefly, what my motion says is the only reason given below was a special exception to have a convenience store of over 1500 feet in combination with a gas station or fuel station, as it's called now, and if you look at my motion, we argued that, in fact, in this zone, a separate and distinct special exception that would

permit the sale of gas in an ML-IM zone is required.

That's pretty clear, by the way, and not controverted by response. The response essentially says, well, that's right, but the way we do it, we just mention the one section, we ignore the others, and what we have done covers them all.

I disagree with that strenuously. There are additional standards in the code which must be found fact, which must be found to have a special exception to sell gas in an ML-IM zone such as this.

They are not found in the Zoning Commissioner's record. It wasn't raised below. We have just identified this issue as, you know, you can tell by the date on my Motion. If we are going to proceed today, and we proceed on the special exception of 405.4.E, which is strictly the size of the convenience store, that's fine. We can go, if as my opponent now argues, well, we are asking for all the special exceptions we need at one time, my clients have not had notice of that fact. We have not had time to investigate or produce proof of the other standards acquired, and this puts us at a very distinct

disadvantage.

I identified this issue last Thursday evening, wrote and submitted my Motion that afternoon. We have obviously not had time to do our homework.

So if we are going to proceed, and I want to understand we are proceeding just on 405.4.E for a special exception to allow a convenience store of larger than 1500 feet, we are certainly not conceding the sale of gas is legal. We are not conceding the matter below. A special exception under the ML regulataions, or under Section 405 was granted, and I am going to object, and object continuously to any attempt at this point to meeting standards which I say should have been met below. They need two. They only got one below.

So I am going to be at an extreme disadvantage if, for instance, we go forward today, and now that the issue has been flagged for them now, obviously, they are going to put on testimony on those standards.

We are not prepared to go forward. They didn't put it on below. And I am at a distinct disadvantage of not having time to prepare.

I will be glad to talk further in my Motion, I will be glad to address the standards, if you're interested in what they are.

MS. DOPKIN: May I respond?

THE CHAIRMAN: Please.

MS. DOPKIN: First of all, I would like to say Mr. Sellers is at a disadvantage, but we were here on May 13th, and that he was not involved until after June 1st. The Board allowed time in this postponement to afford appellants time to retain counsel and prepare.

Secondly, Mr. Sellers is further disadvantaged because he was not at the hearing below, and review of the testimony in that case, which is available, would clearly show that there was testimony offered to satisfying those standards.

I think there's a distinction between the form of the petition which was broad and the substance of the standards, which were satisfied. There was testimony, and we are prepared to re-present the testimony, and we believe that it is an argument without substance.

One, because the case law and the administrative

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practice in the many cases heard before the Zoning Commissioner and this Board on similar uses have been presented under the same form of petition, and we have cited those in our response.

And the case, the Cassidy case in particular, holds the language of Section 502 of the zoning regulations give the Zoning Commissioner jurisdiction to hear special exceptions.

These are special exception uses. The notice provision clearly affords the public notice of what the intended use is and the standards, the special exception standards, that must be satisfied.

We feel we have fully satisfied the notice provision of what was going on at this site. I mean, we wouldn't be here if people didn't know what we were doing, if there was not just, legal notice.

There was actual notice, and from a practical point of view, the case held that's adequate notice of fact.

So from the petitioners' point of view, we feel that our petition is more than adequate. It gives full

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notice. And that had Mr. Sellers had the opportunity to review the testimony below or had been at the hearing below, he would be aware that, in fact, there was testimony to meeting the standards.

We do not argue that those standards have to be satisfied, and were satisfied, but if he's not privy to this point, it's because it was not available.

We believe we should go forward today.

MR. SELLERS: Very, very briefly, I am delighted that it has now be conceded clearly a special exception for the undrlying use as a gas station is needed.

It is interesting, however, at this point after my motion, the argument is that it was included in our prayer for a special exception. 405.4.E is very specific and that Mr. Schmidt's order granted a special exception pursuant to 405.4.E only.

No mention of the special exception required in the ML regs. No mention of the special exception required by 405.2. But, perhaps most telling, the community input meeting, as you know, this was associated with the development process, November the 12th, this is Mr.

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Rasco's meeting, he was describing the project and --

MS. DOPKIN: I am going to object. I think he's offering testimony.

THE CHAIRMAN: Wait a minute.

MS. DOPKIN: He's about to offer testimony, not argument.

THE CHAIRMAN: I would tend to agree at this point.

MS. SELLERS: There is on official county document --

THE CHAIRMAN: I'm not questioning that. It seems to me the issue -- and I'm not speaking at this point for both of my colleagues -- it seems to me the issue at this point is one of notice and your ability to identify and prepare sufficiently to deal with these issues.

MR. SELLERS: There is information that went to the community associated with this project.

THE CHAIRMAN: Why don't you simply proffer what you believe that showed as opposed to admitting it, opposed to reading from it?

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MR. SELLERS: The minutes of the CIM, the engineer said --

MS. DOPKIN: That's not a proffer.

MR. SELLERS: They told the community that a gas station and convenience use is a matter of right in the zoning. In other words, the community was actually mislead at the CIM.

Now, when I identified that issue, now they are saying, Oh, our language about 405.4.E was broad enough to cover it.

You can't have it both ways. The community was actually mislead at the community input meeting.

MS. DOPKIN: I have to object to this whole line of testimony. I mean, it's not argument. It is, I want to talk about whether the document is good evidence at this point, because it shouldn't be part of his argument. The legal argument would have to do with the adequacy of notice that the community received and that it was heard below.

THE CHAIRMAN: Why don't we --

MS. DOPKIN: And we can't -- I mean, the minutes,

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if you want to argue about the minutes, they were documented by someone who's not even here, so we can't even repond to that.

MR. SELLERS: May I call Mr. Rasco? He's across the street.

THE CHAIRMAN: No, you may not. Why don't you both sit down for a second.

Okay. Mr. Sellers, I empathize with your situation as counsel coming in late in the game. I have been practicing law for twenty-five years, and I have been in your shoes.

However, part of the problem when an attorney comes in late in the matter is that you've got catch up. You've got to identify things, prepare for things. You have got to prognosticate in your own mind what could happen, what may happen, what's occurred before. Catch-up is a word for it, but we are on the record, so I will let you use your explanation.

However, counsel is, for Southland, is bringing issues before this Board which ligitimtely they have a right to bring before the Board at this juncture.

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You have to deal with those issues. We may grant them. We may not grant them. If we grant one special exception, for instance, and don't grant the other special exception, counsel may have to go back and do it again.

That's the risk counsel runs when additional issues and additional things like, let's presume for a moment there's another special exception that counsel is asking for. We may grant it. We may not. But counsel has the right to bring that issue up and attempt to convince us that we should do so. You have the right to respond to that.

You have, unfortunately, the position of having to determine what those things might be as you very quickly prepare, and I am sure, and as evidenced by the motion you filed, certainly you jumped in with both feet and got into this as quickly as you possibly could, and into some serious substance, certainly.

But under the circumstances, I think it is appropriate that we proceed and that the matter be delayed no further and that counsel be entitled to present her requests on behalf of her client and that you present

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those responses which you are prepared to give at this point.

And then we'll do our job and decide what we have been convinced of, and of what we haven't been convinced of.

And if we haven't been convinced of something, why we haven't been convinced of something.

Now, having said that, everything we do here is reviewed, as Judge Ross used to say to me, and as I am constrained to say to all in this position, we keep a very very good record so all of our folks on Row Boulevard could read it. We don't have to travel quite that far. We have to go across to the court, to the Circuit Court.

Certainly, if you wish to generally object to a line of presentation, discussion, argument, I ask that you identify that when it occurs, just once, and we will recognize that and enter that objection as a continuing objection on the record. And that way, it will be there for you to raise as an additional issue if, in fact, you feel that's appropriate when you reach that juncture of the case.

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Okay. That's going to be our ruling.

MR. SELLERS: Just for the record, I am going to make that objection now, and when the testimony starts, I will make it. If you're telling me to make it once, I am going to make it once.

For the record, I need to make a record too.

THE CHAIRMAN: Certainly, and that's what I'm trying to allow to you.

MR. SELLERS: My client -- you have focusd on me. I appreciate that. You're right, when you come in late.

My clients have never had notice a special exception for the underlying use as a gas station at this facility was in May. They have never had -- it wasn't on the sign. It wasn't on the petition. It wasn't even in Mr. Schmidt's order. Notice, notice, notice, is the heart of due process. We never had it below.

Today, we are doing it on absolutely short notice. And by doing it today and not noticing below, you are taking from my clients the right to have that issue litigated at the Zoning Commissioner's level, and then having a de novo appeal.

You're essentially, when they had two bites of the apple under Baltimore County law, you're now reducing that to one, and I think it's a substantial taking of the community's rights. And as you said, the community input, and I scribbled down a couple things you said a few minutes ago, at every level --

THE CHAIRMAN: And, as I said, with recognition to your point of view, we nevertheless, most respectfully, for the reasons we have already set forth, believe that we can proceed at this point, and that counsel is only doing that which she would be entitled to do and which she could conceivably do.

And one of the jobs of attorneys is playing out scenarios in game planning and determining what the other side, in fact, may do under certain circumstances and being prepared to deal with that. Sometimes it occurs and you are prepared. Sometimes it doesn't occur and you prepare for something you never had to use. Sometimes it works out the other way.

I appreciate your position, certainly, and we welcome your comments, and the record certainly will so

reflect those comments.

And, as I said, again, when we get to the beginning of a special line of questioning that you feel bears upon that, we would ask that you so signify.

We will then recognize that objection as a continuing objection on the record. Thank you all.

Now, I think we're prepared and we'll begin testimony. Openings, please.

MS. DOPKIN: Thank you, Mr. Stahl. This case comes before you on appeal from a hearing before the Zoning Commissioner to permit a gsoline service station as a use in common with a convenience store.

The property which is located in Owings Mills is zoned ML-IM and it exists as the lot of record. Under the zoning regulations, a food store of 2500 square feet is permitted as a matter of right in the ML-IM zone.

However, because we are proposing a use in combination with the sale of gas at this site, we are required to obtain a special exception.

Procedurally, as you're aware, the plan and the special exception petition were heard by the Zoning

Commissioner. There were a number of community meetings prior to the actual filing, both with government officials, with community groups, and with business interests.

Further, testimony will show that the developers met with representatives of the police department to address issues that were raised as a result of those early meetings. As a special exception use, this procedure carries with it the legislative intent that the use be permitted in a presumption of correctness. Our testimony will show the use as proposed is without real detriment to the neighborhood.

The issues that have been raised with respect to the special exception include certain traffic and operational concerns, and we'll have experts prepared to address each.

I believe that the evidence that will be presented will support the applicant's contention that under the law this use is legally permitted.

I will have a number of experts testifying. Before I say that, we note that this is only an appeal of

the special exception, not of the development plan itself, as you are aware. I will have testifying on behalf of Southland, an engineer, a traffic expert, two representatives of Southland, and a planner, and we are prepared to proceed.

THE CHAIRMAN: Thank you. How did you know I was going to recognize you next?

MR. ZIMMERMAN: I didn't. There were two reasons that our office had gotten into this case and, more actively, I should say, and I have a copy of the entry of appearance we filed with the Zoning Commissioner on February 26, 1998. I don't know whether it was missplaced, but I'd like to submit an additional copy.

THE CHAIRMAN: We'll accept it for filing.

MR. ZIMMERMAN: Ms. Dopkin has a copy. The first reason was to make sure that the ground rules on standing were maintained as this Board has always maintained them, and perhaps my concern was unwarranted, because the Board obviously knows the standing rule from A to Z, as evidenced by its ruling in this case.

The second reason we decided to become more

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active was on review of the substantive issues that were brought up in Mr. Seller's motion, and we wanted to make sure that the scope of the special exception, or special exceptions, however they are called in this case, are understood and proven, and the question of notice can be perhaps sorted out by the Board later.

So what we did was we went back to Bill 172-93, and this is the comprehensive 1993 legislation that totally amended the law on service stations and introduced as well the provisions on service stations in combination with convenience stores.

And I have a copy for each member of the panel and I had provided copies to other counsel.

If would be People's Counsel Exhibit 1.

THE CHAIRMAN: Any objection, counsel?

(No response.)

THE CHAIRMAN: So noted.

MR. ZIMMERMAN: I am not going to go through each section, but, in general, what this Bill did was maintain, at least as to the ML zone, among other things, provisions for service stations.

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In particular, 253.2.B was repealed and reinacted, and it allows as a special exception a service station subject to certain provisions, and I have copies as 253.2.B, and this section is referred to essentially towards the end of Bill 172 on page 22 of the Bill.

So this section was considered in 1993 when it was repealed and reinacted with some, what I would say, minor amendments.

So we start with that as a special exception and there it does allow it in an IM district, and we know that this property is in an IM district.

However, you note that that provision does say, subject further to the provisions of Section 405. That's under B1. So this is where we start our roadmap to the statute.

And when we go into 405. There is a statement of intent in the law. There's a description of service stations allowed by right under certain circumstances in 405.2. Those don't seem to be applicable to this property, from what we know. But then, under 405.2.B, page five of the Bill, there is a provision within the URDL, again in an IM district, and you will note there they are permitted by special exception as provided below and subject to Subsection 405.3 and 405.4.

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We believe that this case falls under the sections that I have just identified 253.2.B, 405.2.B and then, in turn, 405.3 and 405.4.

405.3 referrs to some consideration of the intent of abandoned fuel stations in the vicinity and certain other detailed standards. 405.4 refers to Section A, to site development standards. It refers to, among other things, to various setbacks, access provisions, paved areas, appearance. It's quite a detailed section, including some input from various departments of the county.

Those go all the way from page five to page ten of the Bill. Then, only then, do we also get to 405.4.E, which is the uses in combination with fuel service stations.

And, there, we come to the convenience store with a sales area larger than 1500 square feet, the subsection under which this petition was brought.

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Now, as I told Ms. Dopkin this morning, and perhaps she did not disagree, although I haven't heard it stated exactly yet, all of these standards must be satisfied.

All right. There's not a standing along 502.1 for a special exception for a convenience store with a service station without reference to the rest of the standards.

So we are sure the petitioner has to meet all those standards. And if the petitioner doesn't, it would be as if I would suggest the tail were wagging the dog, if I can use a figure of speech, because this 405.4.E just comes at the rest of it. It's an additional -- the convenience store is an additional item along with the service station.

You must satisfy the service station standards and, at least coming into this hearing, the problem on paper has been, that Mr. Sellers identified, that the petition itself only refers to Section 405.4.E, and if one reads the Zoning Commissioner's opinion, it's very hard to discern that the rest of the standards in 405 were considered.

Now, counsel for petitioner has said all the testimony was produced below. And, in any event, we are at a de novo hearing. I think, as far as whether or not there's a notice problem, I don't think I'm going to jump into that. I think Mr. Sellers has made his points. Counsel for petitioner has made their point there. And I think the Board can sort that out at the end of the case.

I do want to say it may not be just a notice problem, and I am sure the petitioner will want to address this, there is a question of whether the petition is incomplete and whether or not this is the case to have a sanction for that or not. I don't know.

But I want to say that, in the future, at the very least, I would hope that this Board clarifies in its opinion that all future peititons should, of this type, at least in our office's view, should refer to Section 253.2 as well as the entire Section 405, because that's the right way to do it, in our view.

Now you understand the history, as pointed out, the zoning office apparently has accepted petitions of this type in the form that this petitioner filed on a

number of occasions, and I am willing to assume that the petitioner is stating that accurately without my going back and checking every one of those cases.

But there's a right way and a wrong way, and if the zoning office is wrongly accepting these petition in the wrong form, then it's high time that they get it right.

And an administrative agency cannot ignore or bypass statutory requirements, and that's mentioned in the first Sugarloaf case, which we put in our excerpt we provided earlier, 323 Md. 641. There's a footnote, page 663.

We also cited the Vest case. So we have some sympathy, in a sense, if there's a background here where the zoning office may have been accepting these petitions in the form the petitioner presented, and that certainly mitigates, certainly, any blame that could be attached.

On the other hand, it's a right way and a wrong way. And if this petition is incomplete, it's incomplete, now that the issue has been raised, and whether or not the petitioner at this point could amend the -- the petitioner has not amended at this point, and that's something to be considered.

But I just wanted to identify all that at this stage and let the Board sort all that out at the end.

From our office's point of view, it is most important that the standards of the statute that are applicable are addressed, and that this Board give guidance in the future so that we don't have this problem coming up again, and that guidance will help future petitioners as well as all citizens.

And, again, as to the notice problem that we have been arguing about, and the procedural problems, I think our offfice will just suggest the Board sort those out, and we are not going to take a hard line position as long as, in this de novo hearing, the petitioner really proffers each and every one of the things that it has to prove.

MS. DOPKIN: May I respond?

THE CHAIRMAN: It's opening. I really don't think it's necessary.

MR. SELLERS: I will be brief in my opening. I

want to direct your attention to the definition change that was instituted by the same Bill 172-93. That's a fuel service station.

I think it's very important because at times this case is referred to as a convenience store that sells gas. No. This is a gas station in combination with a convenience store, and it makes a big difference.

And it makes a particularly big difference when you consider my motion later, which I'm not supposed to talk about now, but I will direct you -- and I'm on page 1-17B of the county zoning regulations and the section, you will note, was changed by that Bill 172 in the '93 Bill, and it is in the Bill somewhere -- I can't put my finger on it -- but fuel service stations, quote, a structure or land use or intended to be used for the retail sale of automotive fuel but not a truck stop.

For the purpose of these regulations, and this is important, Any establishment which sells auto fuel retail shall be considered a fuel service station, unless it's classified as a truck stop or trucking facility.

This is not a convenience store that sells gas.

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This is a gas station that is allowed under certain circumstances in 405.4.E to have a convenience store attached to it, and that is a very important distinction.

Indeed, we do think the petition is incomplete. We think these issues were not resolved below, because they were raised below and, in fact, looking at the Commissioner's opinion, the findings which Mr. Zimmerman discussed, they are not found.

I question why the petitioner didn't appeal or ask for a clarification of these findings. They're not there. And it's hard to imagine Commissioner Schmidt, who would know that he needed to make particular findings under both the ML regulations and 405, and Larry Schmidt would fail to address them.

Mr. Zimmerman talked about a lot of requirements in 405 in terms of the appearance and setback and so forth. Several of those items are supposed to go to the director of planning, specifically, for recommendations from him. That has not occurred.

I will direct you to 405.4 entitled, Standards, also from Bill 172 of that section talking about

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recommendations regarding access, internal circulation from the Director of Public Works, the Office of Planning, specific things that are supposed to be conducted during the zoning approval, the type of facade in Section C1, also of 405.4, type of facade, accompanying elevation, drawing, et cetera, et cetera, subject to review by the director of planning and zoning. That hasn't occurred. The ML regulations in Section 253.2, and I hate to give my opponent a roadmap of what to do later, but I feel like I have to bring this to your attention.

253.2.B, which is the section, indeed, that is a special exception auxiliary use in an IM district of automotive service stations subject to 405, but there's some additional language which Mr. Zimmerman did not give, providing further it is shown any such use will serve primarily the industrial uses and related activities in the surrounding industrial areas.

In fact, it's just the opposite. Proof was apparently elicited below, according to the Zoning Commissioner's opinion, and you will hear testified about a fight there regarding ingress and egress on Owings Mill

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Boulevard, which is a major thoroughfare, and does, indeed, serve the industrial area nearby which will be served by Crondall Lane which, interestingly enough, is where there were left-turn restrictions made, so the traffic issue is exactly the opposite of they should be to comply with this section.

Lastly, I am going to mention the Zoning Commissioner's Rule 3 which says -- he put the ultimate responsibility for the petitioner, for the content of their petition on the petitioner, in fact, in essence, says the zoning office personnel, where they assist in filing a petition -- and Lord knows they do. Where would we be without Mr. John Louis at times? I don't know. But, again, the Zoning Commissioner ruled the final wording of the petitioner's request as set forth on the petition form shall be the responsibility of the petitioners or his legally authorized representative.

So, indeed, and I also did not have time -- I got the response yesterday. I didn't have time to go through the cases that Ms. Dopkin says this is the way they do it, and perhaps this is the way they do it. It's wrong. It

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does not give the community notice. It does not enact issues for the finder of fact to include in his opinion.

I prefer to believe Larry Schmidt didn't put those findings in there by omission. And we intend to put on a case regarding concerns of neighbors. We believe the site is unique. We have some areas of the Master Plan and, indeed, the plan for Owings Mills which we intend to bring to your attention and, again, as noted before, we are prepared really today only to deal with 405.4.E, and anything beyond that will be subject to a continuing objection. Thank you.

THE CHAIRMAN: First witness.

MS. DOPKIN: As a preliminary matter, may I ask -- this is a formality -- in response to Mr. Zimmerman's comments, leave to amend to include the cite, the Section 253.4.2.A, to amend the petition to include the cited Sections 405.B.2, 253.2.B, which I do not believe that, based on the practice and on the case below, that this is required, but as a formality to address what was raised by Mr. Zimmerman, we would ask that that amendment be allowed.

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Secondly, to answer his question directly, we will be putting on testimony with our first witness that will address specifically the standards, and I would like to call that witness.

THE CHAIRMAN: The Board will accept that in the sense of pleading in the alternative, and amendments have always been allowed by the word to pleading, to plans. We have new plans show up in the middle of a hearing, so I am going to allow it.

MR. SELLERS: For the record, I object strenuously.

THE CHAIRMAN: I had a feeling you might. Okay, first witness.

MS. DOPKIN: My first witness would be Ken Colbert.

KENNETH COLBERT,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Mr. Colbert, would you state your occupation?

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A. Yes. I am registered professional civil engineer in the State of Maryland. I have been practicing in the field of land development for approximately thirty years.

I have testified before this Board in the past, before the Zoning Commissioner and Hearing Officer numerous times in the past, and similar boards in Annapolis, in Anne Arundel County, Howard County, Harford County and Baltimore City.

Q. Have you appeared before this Board in the past?

A. Yes, I have.

MS DOPKIN: We would move Mr. Colbert be accepted as an expert in the field of engineering, based on his experience.

THE CHAIRMAN: Civil engineering?

MS. DOPKIN: Civil engineering.

MR. ZIMMERMAN: No objection.

MR. SELLERS: No objection.

THE CHAIRMAN: So accepted.

Q. Are you familiar with the property and special exception application being considered by this Board today?

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A. Yes, I am.

Q. Did you prepare the plat in connection with the petition?

A. Yes. The plan and the various exhibits that are before us today and were presented at the Hearing Officer's hearing were prepared under my direction.

Q. Are you generally familiar with the property?

A. Yes, I am.

Q. Have you been on the site?

A. Many times.

Q. Could you please describe for the Board the overall property?

A. Sure. I will come down and use the exhibit, if I may.

THE CHAIRMAN: Try and hold things up and speak loudly at the same time, because we don't have a good easel here.

A. The plan before the panel today is actually a copy of the landscape plan that I have used for illustrative purposes. I also have a copy of the actual plan on another board, but I'd like to use this for

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illustrative purposes, and it helps.

The site, located at the southeast corner of Owings Mills Boulevard and Crondall Lane, contains three point change acres total, of which a little over an acre is being reserved as forest conservation and forest buffer easements.

Those easements and plans have been submitted to the Department of Environment and Resource Management. They have been approved by them in the form as shown on the plan.

The proposal for the site is to construct an automobile service station, gas and go type, with no automobile service, just fuel service only.

There will be six pump islands, each pump island containing what is termed a multi-product dispenser. MPD. Each individual dispenser -- I am sure the Board is familiar with them -- they are state of the art. Each dispenser produces three grades of gasoline.

In combination with the gasoline station, there's to be a convenience store of 2,980, approximately, square feet, all located on the main developable portion of the

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property.

We have also prepared a landscape plan that has been submitted to the development plan review people. It is considered conceptual, even though it is truthfully final, and it has also been approved by Mr. Avey Harden of the Department of Development Plan Review.

As far as the site -- do you want me to get into site circulation?

Q. In a moment. Would you describe the adjoining uses and zones, please?

A. Sure. As indicated, the site is located at the southeast corner of Owings Mills Boulevard and Crondall Lane. It is within an ML-IM zone. The exhibit before you -- do you want that to be submitted?

The area colored in blue before you is the ML zone. It's approximately 500 acres of -- quick measurement -- of ML zone.

Of that, approximately half of it is currently developable. If I can draw your attention to the larger exhibit which is hanging on the board here, the site, again, on this one, is outlined and colored in yellow.

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The major portion of the industrial development is located on the north side of Crondall Lane and it's a combination of two industrial parks contiguous to the business center at Owings Mills and the Owings Mills Commerce Center, and those are shown, the roadway network is shown on this exhibit, and you've got Crondall Lane, Ridge Lane and Crondall Drive.

With the exception of one or possibly two parcels, the entire development is completed. It's all built out. It's occupied by various types of industrial space, office space. It's completely developed.

Immediately adjacent to the subject site is the site that currently has three uses on it. It's leased out by the owner. There's a small fruit stand at the corner. There's a small service type garage that, I believe, is a small engine repair, and in the rear part there is storage for equipment and various things for a landscape contractor.

Immediately adjacent to that is the Schuster concrete where they have other structures, and they have a concrete -- a batch plant where the concrete is mixed up,

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put in trucks, and sent out for use. The adjacent property is, I believe it's a pharmaceutical plant. It is adjacent to the Schuster's property.

As you go further east on Crondall Lane, on the south side, there's an industrial building that's part of the Rosewood State Hospital complex, which is continued all the way down, I guess, to Reisterstown Road. This is all Rosewood property up in here, and it is zoned ML-IM.

THE CHAIRMAN: Just for clarification, would you give us some main road?

THE WITNESS: We are located at the southeast corner of Crondall Lane and Owings Mills Boulevard. The road networks are colored in a pink color on here. This is Owings Mills Boulevard, goes down to here. Here's Reisterstown Road and Owings Mills Boulevard.

Q. Where would 795 be?

A. It's a little bit further south on Owings Mills Boulevard. This is the Garrison Forest Shopping Center located at the northeast corner -- southeast corner of Reisterstown Road and Owings Mills Boulevard, extends over to Rosewood Lane. Coming up from the south, you have got

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the Raven's Complex, the old Colt complex, owned by the Mayor and City Council. Opposite their entrance is what I now called Grovers (phonetic) Lane, which used to be Bonita Avenue, and it ends at that point, dead-ends into Owings Mills Boulevard.

North of that location is a storage USA, which is the mini warehou0se facility just recently opening. As you go north on Owings Mills Boulevard up to Crondall Lane, across from the subject site is a commercial complex, it's currently under construction, Crondall Corners, and it's going to be a mix of retail facilities and offices.

I don't remember the exact square footage on it. Adjacent to that is what is now the Beth Israel synagogue. It was a research and development type warehouse for mine safety which is a subsidiary of Paras Research.

Immediately north of Crondal Corners is another mini-storage called Easy Storage, and it's north of the Crondall Lane Corner retail complex on the east side of Owings Mills Boulevard.

North of that, you get into what's known as the

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Gwynbrook Wildlife Management Area, and it's a rather large area, part of which is in the ML zone, and part of which is in a residential zone. The Gwynnbrook area is outlined and it's cross-hatched on the zoning map exhibit.

Then when you get north of the north end of the wildlife management area is the access to the Maryland Public Television facility there, and at the north side of that is where you get into the closest residential development along Owings Mills Boulevard.

There are other residential developments in the area that are -- if you come over to the other end of Crondall Lane, which ends at Garrison Forest Road, there's a residence at the corner there. There's a residence on the east side of Garrison Forest Road.

Then there's a residence as you go north on Garrison Forest Road on the west side. There's about six or eight homes here, and there's another small road, Carroll Avenue, on the east side which approximately is a dozen residential homes there.

And you get up to Gwynnbrook Avenue. On the south side of Gwynnbrook Avenue, there are a number of

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homes across from the Jewish Community Center which is on the north side.

Again, I will refer back to the zoning map exhibit, which has some radius drawn on there, which are distances from the site. They range from 2,000 on out to 6,000 foot circles, the green circles shown on the 200 scale zoning map.

And if you look at where the residential developments are, the entrance to the nearest residential development along Owings Mills Boulevard is just over 5,000 feet, almost a mile away from the intersection of Crondall Lane. And the residential development that I had mentioned earlier, the ones along Garrison Forest and along Gwynnbrook, all fall within that range.

Q. Mr. Colbert, is this site with the urban rural demarcation line?

A. Yes, it is.

Q. Is any part of this site in an MR zone?

A. MR zone? no.

Q. Are there any abandoned fuel service stations in the vicinity of the proposed site?

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A. No, there are not.

Q. I believe you have briefly discussed the site constraints, the physical constraints on the site. I'm not going to ask you to repeat them.

To your knowledge, are there prior appovals affecting the site, development zoning approval?

A. Other than the hearing?

Q. Other than this case.

A. No, there's not.

Q. Did the county agencies review the plan when it was submitted?

A. Yes, they did.

Q. Were there zoning advisory comments offered by the various agencies?

A. Yes, there were.

Q. Including the office of planning and zoning office?

A. That is correct.

Q. In the original review by the planning office regarding the plan, did the planning office comments require any revision to the plan that was submitted?

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Talking about the original February comment.

A. The original February comment, the only comments that we received was the planning office regarding the architecture, and I subsequently had a meeting with representatives of the planning office to discuss the facade of the building, and we agreed to deal with them and make the mapping people happy with the architecture.

I have copies of the architecture here if the Board would like to see the various proposals that we had to make to the planning department.

Essentially, what their concern was, it's there policy not to have what they term a blank wall facing a street. Now, what you need, because -- I can continue with this. Do you want me to?

The site, as it's -- I call it developed -- as it's drawn, is very unique for a service station and/or a convenience store and/or a use in combination between the two. Typically, as you see a retail operation of this nature, as you are approaching it from whatever roadway, the first thing you see is the --

Q. Why don't you describe the proposed improvements

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and how they are situated on the site.
A. What we have done, we have turned the site around. We have turned it in on itself. It's attractive to the community, to those driving by.
Instead of having gas pumps out near the street, we put the gas pumps in the back of the site. We have turned the store around so that the rear portions face the street.
And then we have landscaped, as I indicated earlier, we have done a great deal of landscaping along the back and sides to make it as attractive as possible for those driving by.
Q. Section 405.4 requires specific site standards, area standards. Do you have a copy?
A. Yes.
Q. I'd like to ask you specifically if the proposed development satisfies those?
MR. SELLERS: Objection. Here it comes. This is what we have been waiting for. This is beyond 405.4.E. I object. I object continuously. I object strenuously.
THE CHAIRMAN: Your objection is noted as a

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continuing objection to this line of questioning. Counsel?
Q. Under Section 405.4.E, there's site dimensional standards. Would you please address the area of the site?
A. Do you want me to go through them all?
Q. Sure. If the Board does not object.
A. I will go through one by one. The 405.4.A.1 site dimensions, it's 1500 times the number of pumps, or a minimum of 15,000. In this case, it would be a minimum of 15,000. The use in combination requires an additional area of four times the store to be added onto the 15,000.
There's additional area required for the ATM. And there is a tabulation on the plan entitled site area and it tabulates all those things. Gasoline sales required is 15,000 four times the store area, is an additional 11,920 square feet. A thousand feet for the ATM, which makes the minimum site area required of 27,920 square feet. The area of the site, the net area of the site is 160,063, so we have five or six times whatever the area required, the minimum, for the site area
Q. Is that information on the plan that was filed?

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A. Yes. Ma'am.
Q. Would you address --
A. I will keep going. The setback, main structure must be set back no less than thirty-five feet from a right-of-way. We are set back 50 feet from Owings Mills Boulevard and 172 feet from Crondall Lane.
THE CHAIRMAN: Could we have those numbers, again?
THE WITNESS: Fifty feet from Owings Mills Boulevard.
MR. ZIMMERMAN: Front, rear or side?
THE WITNESS: Sir?
MR. ZIMMERMAN: Front, rear or side?
THE WITNESS: It says no main structure of a service station shall be set back less than thirty-five feet from any street right-of-way.
THE CHAIRMAN: I think they wanted to know what the dimension was, the side of the lot or back of the lot?
THE WITNESS: In this case, it's the -- I don't know how to describe front or rear.
The site is turned around for a community

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request, so I was not sure -- I guess it's the front. It's the rear of the building, but it's the front setback on the -- from the street.
All the numbers I am reading you as far as what we are proposing are all the numbers that are contained on the plan.
Setbacks, no fuel pump shall be set back less than twenty-five feet from the nearest street right-of-way line. Our nearest pump is 167 feet from the nearest street right-of-way line.
Canopy, no less than fifteen feet. Our canopy is fifty-seven feet from the nearest street right-of-way.
Q. Is there a landscape transition area along the perimeter?
A. There's a landscape transition area along the perimeter. The code calls for ten feet or fifteen feet if it's within twenty feet of a residentially zoned area.
The property across the street which is floodplain, not dedicated, but it's floodplain, is zoned D.R. 1.
And that means that we have a fifteen-foot

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landscape buffer. But, in essense, we are maintaining a fifty-foot landscape buffer.

Internal access --

Q. Does the transition area comply with the landscape manual requirements for automotive uses?

A. Yes. As I said earlier, this has been reviewed and approved by Mr. Avey Harden from Development Plans Review.

Q. Please address the standards with regard to access and internal circulation and vehicle reserve capacity?

A. We are required to have, for a use in combination, we are required to have one servicing and one waiting space for each fueling station, which would be space for two cars on each side of each pump.

And the plan indicated that one, two, three, four, five, six along each side of each row of pumps, and we are showing space for six cars, which meets the requirement for waiting services space.

And, in addition to that, there are dimensions showing the adequate circulation on the other side.

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Outside of the last stacking space, you must provide room for two-way traffic, and unless you can prove it's a one-way, that requires a twenty-foot drive lane, and we are providing a minimum of a twenty-five foot drive lane at the outside of our -- the tightest portion of the site. Okay. Next, we get into parking.

Q. Before you go on to parking, did you address pump island and multi-product dispensers?

A. Yes. That's as far as the stacking goes. There's a number of interesting things in the code that talks about whether you need or don't need additional stacking spaces.

You have twenty-nine feet between pump islands in one section. You don't need it. So that allows for cars to drive by, but if you put a use in combination, you do need that, so we meet all the stacking and spacial requirements. It's actually exceeded to some great extent.

Q. Would you please describe the parking spaces on the plan?

A. Sure. We are required to have five per thousand,

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five spaces per 1000 square feet of building which would require around, rounded off, it's fifteen spaces, one space for each employee of a large shift, which in this case is three. One space for the air facility, one space for the vacuum, and one space for an ATM, requiring a total number of spaces of twenty-one, and we are providing twenty-five spaces for that. So we, again, exceed the number of spaces required.

Q. In there a restroom for customers and compressed air for customers?

A. Yes. There's a note also placed on the plan that indicates the site has restrooms and compressed area and water valves for customers. It's general note No. 15.

Q. The regulations also address the appearance of the site, and where there's a use in combination with the fuel service station --

COURT REPORTER: I'm sorry, I cannot hear.

Q. Are there other structures on the site?

A. There are no other structures on the site, but what we are doing to beautify the site, we can get into that later, our dumpster enclosure, which is on the far

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side of the parking lot, is going to be masonry and of the same structure and the same material as the building.

And, in addition, jump to signage for a minute, to show continuity with the site and with the community, with the neighborhoods, by the current sign regulations, we are permitted to have, and I think it's 150 -- a large sign. We can have a real big sign and be twenty-five feet in the area.

What we are proposing, and we can have two signs, because we have two road frontages, we are proposing one sign near the intersection and it will be approximately fifty square feet per side and it will sit on a pedastol base, will be approximately three foot high and also made out of masonry, the same material as the building.

I'm trying to bring it all together. It will have a 7-Eleven logo and it will have the mandatory pricing that's required by the state law to show the sales price of gasoline.

Now, unfortunately, Baltimore County considers the price sign part of your sign area. Other jurisdictions don't. But, again, we are well under the

allowable signage that we are proposing.

Q. There are a number of other appearance standards in the section that don't apply. They talk about temporary outdoors sales and storage of vehicles. There's no service going on, so we'll skip over those. They don't really apply.

Does the rear or side of the building abut any residential properties?

A. No.

A. Assuming Owings Mills Boulevard and Crondall Lane are considered our front --

A. We are surrounded on both other sides by ML-IM property.

MS. DOPKIN: We'll have operational personnel address the operational and main tenant standards.

Q. Did you meet with representatives of the Baltimore County police department regarding the site design?

A. We did. Subsequent to the community input meeting, there was some concerns raised about safety. We met with Officer Joe Grapel -- let somebody else spell it.

Officer Joe --

THE CHAIRMAN: For purpose of the record, that would be more than sufficient.

Q. Did Officer Joe make specific recommendations that resulted in modification to the original site design?

A. He did. We made some changes.

Q. Would you specifically address the site features that responded to those concerns?

A. What we did, one of his recommendations, he had reasoning behind them, and it was all based upon if there was a problem, how could it be deterred from happening, and, one, we moved the dumpster -- originally, the dumpster was adjacent to the building.

And he said, Well, if someone were to try and hide there, we don't want it near the building.

We said, Fine. So we moved the dumpster to the other side of the parking lot so it wouldn't be a place for someone to hide.

And he said another deterrent -- all these are deterrents to crime, not that there will be -- and that can be addressed later by representatives of Southland,

but deterrents to crime are to eliminate hiding places, reduce escape paths.

And what we did to reduce the escape path was, we are calling for -- I will call it a decorative fence to be constructed for a distance of ninety feet off the south side of the building, eighty feet off the north side of the building, to eliminate an escape route.

And there would be, we are talking about a six-foot high, like an iron, like a picket fence, made out of extrude aluminum, something of this nature we'll be putting there.

And the landscape plan, we will provide landscaping on both sides of that fence. It will be low type shrubs, again, so people couldn't hide.

And the overall landscaping design that we have done is of such that has trees that are high and shrubs that are low. So, you know, nothing that would form a screen for a potential criminal to hide behind.

Q. Could you address the lighting?

A. We increased lighting.

Q. Would you tell the Board the proposed lighting

for the property?

A. Sure. We have done a lighting plan. The circles that are shown on this exhibit denote one foot candle. I can't show you what one foot candle is, but if you consider the, I will say the minimum -- you know, I can see, you can see me, you can see yourself walking out to the parking lot, and as you can see by the lighting I have shown, the circles, almost the entire site is covered by that one foot canal lighting requirement. The lights are what you call a cutoff type fixture which shines down and they don't shine out onto the street.

In this case, there's no residences that might be affected, but also doesn't shine out onto the street as to affect cars. So we have provided lighting for that.

In addition to that lighting, on the plan you will see on the building there are some little squares, and there are two on the back and one on the south side, and those are what are called washers, or wall packs. They are 250 watt lights that light up, you know, the rear of the building, again to provide security. Or not to provide security, but to make people not want to hide

there. That's the purpose of it all.
Q. Will the lighting be true color lighting?
A. Yes. It's what's called metal hallied lighting which provides a white light so that if someone does have to identify the color of a car or clothes, it's true color.
And the other thing they suggested from a security standpoint, and we can't really do this until the site is built, something that Officer Joe called lining up of vegetation. Along the south side of where we get into the forest conservation area, if there are -- I will call them scrub vegetation, things that could be a hiding place within, you know, a hundred feet or so of the edge of the driveway, that you would want to possibly clear some of that out.
But that couldn't be done without permission from DEPRM, because it's within a forest conservation, but that's something we can address when the -- as the site gets built.
The other things that would be addressed later as far as video surveillance and audio monitoring.

Q. Under Section 502.1 of the regulations, special exception, is subject to certain findings, I am going to ask you if, in your opinion, you believe, if the subject special exception is granted, do you feel it would be detrimental to the health, safety or general welfare of the locality involved?
A. No, I do not.
Q. Do you believe it would tend to create congestion in roads, streets or allies?
A. No more than any use on this property that is permitted by right without special exception would have at times of high traffic. This is probably less impact.
Q. Would it create potential hazard from fire, panic or other dangers?
A. No. Years ago, there was a misconception about gasoline being a fire hazard or something. The state of the art with gasoline today, the tanks are all double-walled tanks. They are monitored. There's a monotoring system in between the two walls of the tanks so that if there's as little as a thimblefull of gasoline that leaks from the inner tank to the outer tanks, the

whistles go off in the store.
Q. Would the use tend to overcrowd land or cause undue concentratiaon of population?
A. No. Again, we are using maybe sixty percent of our land area.
Q. Would it interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements or conveniences?
A. No effect upon that at all.
Q. Would it interfere with adequate light and air?
A. No.
Q. Would it be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the zoning regulations?
A. No.
Q. Would it be inconsistent with the impermeable surface and vegetative retention provisions of these zoning regulations?
A. No. Again, we are providing much more than needed for forest conservation, and we are providing stormwater

management to meet the stormwater management guidelines.
Q. Do you believe that the proposed use would have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within this zone?
A. No, not at all.
MS. DOPKIN: I have no other questions for Mr. Colbert at this moment.
THE CHAIRMAN: Counsel, do you want to move any of these things before we do cross?
MS. DOPKIN: The site plan. Petitioner's No. 1 would be our site plan. Number 2, we would introduce the one inch equals 200 foot zoning map. I'm sorry. One inch equals 1000 foot. I'm sorry.
THE CHAIRMAN: No. 2.
MS. DOPKIN: The aerial.
THE CHAIRMAN: One inch equals 200 foot aerial county photogrammetry.
MS. DOPKIN: This would be No. 3.
THE CHAIRMAN: Any objection?
MR. ZIMMERMAN No. May I assume this is the 1996

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conprehensive zoning map?
THE WITNESS: Yes.
MR. ZIMMERMAN: The title doesn't happen to be on this?
THE WITNESS: It's the latest one.
THE CHAIRMAN: Mr. Sellers, any objection to these exhibits, other than as they may relate to your continuing objection?
MR. SELLERS: Thank you. That's a good way to word that. I was searching for that.
Just for clarification, in the event this is something new that was not introduced below, subject to my continuing objection.
MS. DOPKIN: Mr. Stahl, the discussion Mr. Colbert and I were having had to do with our response to Mr. Seller's motion regarding other cases filed in the same manner.
We are prepared to identify those cases. I don't think it's appropriate at this time of the hearing. I can reserve on that if you want to consider it later as we have had our argument, and you are aware.

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THE CHAIRMAN: Right. And I don't think there's been any illusions by counsel there's been anything but that type -- counsel is raising the points. They have the citations of previous cases where this procedure has been followed that Mr. Zimmerman was talking about.
Neither you nor Mr. Zimmerman alluded to the fact they were not following that which had been otherwise normal procedure.
MR. SELLERS: We don't know. We haven't had time to look at them. But they were listed in the response to the motion.
I have no reason to doubt Ms. Dopkin's word on that.
THE CHAIRMAN: I have no objection if you want to include that in the brief.
MS. DOPKIN: And we can add more detail if you like. That was the only other area, and you have given us leave to amend. Thank you
THE CHAIRMAN: That's it as far as direct?
MS. DOPKIN: I believe so.
THE CHAIRMAN: Counsel, the Board will take a five-minute recess.
(A recess was taken.)
THE CHAIRMAN: Mr. Sellers?

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CROSS EXAMINATIOAN
BY MR. SELLERS:
Q. Mr. Colbert, what's the property zoned immediately to the west of Owings Mills Boulevard?
A. To the west? D.R. 1.
Q. So that's residentially zoned property, is that right?
A. That is right.
Q. I believe I heard you say the site was unique for a service station. Why is that?
A. The way it would have to be laid out. Traditionally, service stations are laid out with the gas pumps to the street, and then if there's a convenience store or service bays, whatever the case would be, they would be behind it.
We at one time had the site late out that way when we first started and we -- one of the first things we did was to meet with the county planning staff. And the

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county planning staff wasn't overly excited about that. They didn't care for the appearance.
So, actually, I already had an alternate plan prepared which I gave them which resembles where we are now. It's been through a few modifications, revisions, updates, whatever, over the many months.
But that's how the site got to be what I call turned around. And then I presented this to Southland, because, to my knowledge, I don't think they have ever done a site that's turned around like this. And they liked it.
It worked out real well for their particular site, you know, as well as providing what I will call an attractive face to the outside. That's why the site has been turned -- my words -- turned around.
Q. Oh, indeed, this is unique for this use of the property?
A. It's unique for the type of use wherever the property may be. It's unusual, yes.
Q. I believe you testified there were abandoned service stations in the vicinity?

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A. I don't know of any within.
Q. Let me ask a question now.
A. All right. Go ahead.
Q. Do you know the county definition of an abandoned service station?
A. I couldn't quote it for you. But can you --
Q. How can you answer that question if you don't know what an abandoned service station is?
A. I can make my own definition.
Q. When did you look for an abandoned service station?
A. Oh, it was approximately a week before -- the last time that I looked was approximately a week before the Hearing Officer's hearing, and I can't remember the exact date.
So if you take it a week before that and set the date, so that would have been our hearing on March 6th, I believe, so it was early in March.
And, at that time, I did ride the corridor and found a number of existing service stations. I don't believe I recognized an abandoned one.

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There may be one that I had missed, but I could check the distance. I can't recall any. Other than on business usage, I frequent this corridor, I live in the area. If there are some, they must have been abandoned for quite sometime, or I may have missed it.
Q. Is this Shell Station here still operating on the corner of Rosewood?
A. Oh, sure.
Q. It is?
A. Yes. At least it was the other day, yes, unless they just had closed. I used it within the last -- I don't remember when I used it last, but I have got gas there.
MR. ZIMMERMAN: Could we identify the map the witness has been testifying from?
THE WITNESS: This is another copy of the one inch equals 1000 thousand zoning map, the current copy of the zoning map.
MR. ZIMMERMAN: Could that be identified?
THE CHAIRMAN: It wasn't involved in the direct examination.

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MS. DOPKIN: It was not involved in the direct examination.
MR. ZIMMERMAN: But the witness has been talking about it.
THE CHAIRMAN: That's Mr. Zimmerman's point. Shouldn't we identify it for the record, since he's going to use it?
THE WITNESS: Okay.
MS. DOPKIN: Sure.
THE WITNESS: He asked me a question.
MS. DOPKIN: We can use the other zoning map.
THE WITNESS: I can use either one.
MR. ZIMMERMAN: The other one doesn't have the gas station.
THE WITNESS: I didn't testify to the gas station.
MS. DOPKIN: He didn't testify to that on direct. He's asking about an abandoned station, and I think we answered that. It was asked and answered.
MR. ZIMMERMAN: I'm going to put it in during my cross if it's not put in now, so we can waste a lot of

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time.
THE CHAIRMAN: Instead of going back and forth, I will accept your moving this as Exhibit No. 4. So noted.
MR. SELLERS: That would be No. 4?
THE CHAIRMAN: Yes, that will be No. 4.
Q. (MR. SELLERS) Mr. Colbert, if you would refer to -- I guess it's Exhibit 1, the site plan, the basic blue line site plan?
A. Uh-huh.
MS. DOPKIN: Do you want to also identify that as Petitioner's 1?
THE WITNESS: Okay.
Q. Mr. Colbert, you have identified some D.R. 1 zoned property here to the east?
A. West.
Q. Or the west of the property line. How far is it from your property line to the D.R. 1 zoning?
A. Approximately thirty-five feet.
Q. Thirty feet from residentially zoned property?
A. Thirty-five.
Q. Did you attend the community input meeting?

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A. Yes.
MS. DOPKIN: I object. This is not an appeal of the development plan. The community input meeting relates to the development plan.
MS. SELLERS: It's also cross-examination.
THE CHAIRMAN: But it wasn't the subject of the direct examination. I am going to sustain the objection.
Q. The zoning of this property is what?
A. ML-IM.
Q. Is a fuel service station permitted as of right in an ML-IM zone?
A. No.
Q. No?
A. No.
Q. Has that always been your position?
A. By right?
Q. By right.
A. Yes.
Q. You never said anything to the contrary? Please don't look at counsel for answers.
THE CHAIRMAN: Mr. Sellers, let's keep this civil

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and moving right along.
A. I have made a statement --
THE CHAIRMAN: Ask him a question.
A. -- that an automobile service station is permitted by right subject to special exception as it is stated in the zoning ordinance, and I could quote a section, if you'd like.
Q. That's all right. So that when the minutes from the community input meeting --
MS. DOPKIN: Object.
MR. SELLERS: Anything can be used for impeachment.
THE CHAIRMAN: If he's made a statement that says that's his position, and if he said it's not his position, for the specific purpose of that, I'm going to allow it.
Q. So in the minutes of the community input meeting -- which you attended, is that correct?
A. That's correct.
Q. In November?
A. Uh-huh.
Q. You made a presentation?

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A. Uh-huh.
Q. You are quoted as saying, quote, The property is zoned ML-IM which allows a gas station and convenience store as a matter of right in the zone.
MS. DOPKIN: I would object.
A. No, that's incorrect. I would not have said that.
THE CHAIRMAN: Let him explain.
Q. It's incorrect factually, or you didn't say it?
A. I didn't say that.
Q. Did you ever see these minutes after they were created?
A. Possibly. I am sure I did.
Q. I am sure you did. They were in the development plan, right?
A. Uh-huh.
Q. Did you ever approach Mr. Rasco to correct this?
A. No.
Q. Why not?
A. Probably didn't notice it.
Q. This is not correct, is it?
A. That is correct.

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Q. Further up Owings Mills Boulevard to the north, you described a mini-storage, I believe, a small -- well, let the clarify that. Take us up Owings Mills Boulevard. Crondall Corner is what?
A. A retail office complex.
Q. Then a storage?
A. Uh-huh.
Q. Then there is the --
A. Gwynnbrook Wildlife Management area.
Q. And beyond there is Gwynnbrook?
A. Correct.
Q. Once you get past MPTV, what's up Owings Mills Boulevard?
A. Residential.
Q. Entirely?
A. How far do you want to go?
Q. Go to Glyndon.
A. Pardon?
Q. Glyndon.
A. Through Glyndon? I don't believe I have a map that shows that far. It is residential, to my knowledge,

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up until you get to Timbergrove Road. Once you pass Timbergrove on the west side called Glynnoc (phonetic) Boulevard, there's some additional industrial property. And then it goes -- I lose it after that.

Q. Any retail, to your knowledge?

A. Where?

Q. Along Owings Mills Boulevard in the area we are discussing.

A. Right across the street from us?

Q. No, no. North of MPTV.

A. Not to my knowlege.

Q. Any gas sales up there?

MS. DOPKIN: Objection. I don't know what relevance this has.

THE CHAIRMAN: Do you want to make a proffer to the relevance?

MR. SELLERS: Absolutely. 253.2 says the use as a fuel station in that zone, in an ML-IM zone, is intended primarily to service the industrial uses, and I am establishing that this, in fact, will service a huge residential population.

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MS. DOPKIN: I would say, first of all, that that was not the subject addressed on direct with this witness.

THE CHAIRMAN: I would agree.

MR. SELLERS: I will recall him at a different time.

THE CHAIRMAN: Your option.

MR. SELLERS: That's effectively addressed by implication. He was identifying the industrial area as he called it around this site and the implication at least would be that he's suggesting that this proposal would serve that industrial area.

THE CHAIRMAN: I understand the argument by implication. And, again, I want to try to hold it, simply to keep control of the testimony, I want to try to hold it very close to the vest of what was in the direct examination.

If you want to get into this later as your own witness, that's certainly within your right to do so.

Q. Would you describe the topography of the lot?

A. Sure.

Q. Maybe if I could perhaps -- I think Exhibit 1, the site plan, is probably a little clearer.

A. The topography of the site -- well, on the south end, it slopes down from the road into the wetlands area that we have reserved for forest conservation and forest buffer.

As you go north, it blends -- the adjacent grade blends with the road. As you're going north, it was a cut slope with the introduction of Owings Mills Boulevard, and the site is above the grade of Owings Mills Boulevard. And then as you get up towards the east side, it's leveled off to a knoll area, and then slopes back down again to Crondall Lane.

Q. The area of the store and the parking and the gas is relatively level, is that correct? Or will be relatively leval?

A. Will be. That's right.

Q. I do see -- are these existing or finished --

A. There's both existing and finished contours on there.

Q. Can you give us an idea within a foot or two the height difference between the level of the paving on

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Owings Mills Boulevard and the parking in the gas area?

A. The gas area?

Q. Yes.

A. All right. Well, the elevation along Owings Mills Boulevard directly opposite the store is approximately an elevation, I say, 534, 536, somewhere around that area.

The store will be an elevation of 546, ten feet above road grade, give or take, and the road gasoline would be about maybe a foot higher than that.

Q. So it's about ten feet?

A. Yes.

Q. This will be heavily landscaped?

A. Well, landscaped as approved by the county landscape ordinance, but we have a landscape plan.

Q. This wall here in the rear, we had some trouble with rear and front wall facing Owings Mills Boulevard?

A. Yes.

Q. It's designed to be a solid wall?

A. We have alternate elevations we have to propose to the planning office, and basically we have four

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alternates we are prepared to give them. And they can chose whichever one they want.
Q. That hasn't been nailed down yet?
A. It's not an issue. It's an architecture detail issue.
Q. Well, it's the facade of the building?
A. Yes. Right. And we have agreed with working with the planning office to give them what they want.
Q. So the type of facade treatment is not indicated on the site plan, is that correct?
A. Yes, it was. It was submitted.
Q. You just told me there were several elevations?
A. Excuse me. There was one elevation that was presented at the hearing.
Q. Was that part of the development plan or part of the zoning relief?
A. Part of the special exception.
Q. Does it appear in this zoning file that the Board members have?
A. I sure can't tell you. I don't know. It shows the front elevation of the store and the typical gasoline

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island canopy, and I have alternate elevations for the side and rear.
Q. No particular one has been approved by the office of planning, is that right?
A. As of this time, no. The agreement was reached with the office of planning that we would -- they approved, recommended approval of the plan subject to our agreement to work with that office on the architecture agreement. It's not a major thing.
MR. SELLERS: I move to strike the last comment as not responsive to the question.
THE CHAIRMAN: Fine. So stricken.
Q. Now, you have been up and down Owings Mills Boulevard several times, I guess, visiting the site. You said you are familiar with the area?
A. Yes, I am.
Q. Along Owings Mills Boulevard, is there any commercial use twenty-four hours a day?
A. At this time?
Q. At this time.
A. Two mini-storages are open twenty-four hours a

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day, as far as I know.
Q. Are they both open and operational?
A. Yes.
Q. Bear with me. When asked about section 502 from the standards A through G regarding the special exception, your opinion was that all of those were met, is that correct?
A. Yes.
Q. I am going to direct your attention specifically to subsection g, which is the one I am sure you are familiar with. I know you testified many times about it.
Would it not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these zoning regulations, and you did testify that you felt it met that standard, is that right?
A. That is correct.
Q. What's the purpose of the IM district overlay which is on this property, do you know?
A. I would answer directly. I will say no. I will answer based upon the fact that in Section 405 we are

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permitted to have an automobile service station in an IM district.
Q. That's as a matter of right?
A. As a matter of a special exception, subject to the performance standards in 405.
Q. Is it consistent with the purposes of the zone and so forth, is that right?
A. Yes, sir.
Q. What's the purpose of the IM district that makes up part of the --
MS. DOPKIN: I would object. The question has been asked and answered.
THE CHAIRMAN: I don't see where you're going in terms of asking him -- are you asking him his opinion or what the IM --
MR. SELLERS: He's offered an opinion that the use is consistent with the purposes of the zoning and the spirit and intent of the zoning.
And when I asked him the purpose of the IM district, which makes up part of the zoning, he's completely unable to even give a guess as to what the

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purpose of the IM zone is. And there's a very clear -- in fact, in this entire book, there's no use regulation for IM. There is nothing in this book about IM, except purpose. That's all that's in here about IM.

THE CHAIRMAN: The witness will answer the question, to the best of his knowledge and belief.

A. I did. I don't know a definition of IM.

Q. Thank you.

A. I can read it, but --

MR. SELLERS: That's all right. If I may just have a minute?

THE CHAIRMAN: Yes.

MR. SELLERS: I apologize. My notes are a mess here. That's all. I do reserve the right to recall him as an adverse witness.

THE CHAIRMAN: Certainly. Mr. Zimmerman.

FURTHER CROSS EXAMINATION

BY MR. ZIMMERMAN:

Q. Can we get the site plan, Petitioner's Exhibit 1, on the board? The front door of the proposed 7-Eleven looks out on Owings Mills Boulevard, correct?

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A. Wrong. No.

Q. Are there any entrances on the side of the project that look towards Owings Mills Boulevard?

A. No.

Q. The length of the property, however, does front on Owings Mills Boulevard, does it not?

A. The -- yes, part of it does.

Q. Probably has greater road frontage on Owings Mills Boulevard than Crondall Lane?

A. Yes.

Q. I think, from a site point of view, you indicated on direct examination the front of the property will be facing Owings Mills Boulevard, correct?

A. I don't believe I said that, no.

Q. You would agree, however, that is the case, wouldn't you?

A. I'm not sure we discussed setbacks from right-of-way for buildings. The address of the property is Crondall Lane. I'm not sure how to answer your question.

Q. You're an engineer?

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A. Yes.

Q. Isn't the front normally the part of the property that has the greatest road frontage?

A. No, not necessarily.

Q. How do you define the front of the property, or do you have an engineering definition?

MS. DOPKIN: I would object. I don't know where Mr. Zimmerman is going with this. It was not addressed on direct at all, and the orientation of the site was certainly discussed vis-a-vis the requirements of the regulations.

THE CHAIRMAN: Well, I am going to overrule your objection only because he mentioned front, side setbacks.

If Mr. Zimmerman is in need of some clarifiction, I will allow it.

MR. ZIMMERMAN: Maybe we could slide back to the direct testimony. I distinctly remember when some interjection was made about front, back, whatever. This witness said something about the front. I could be wrong, but that's my recollection.

A. I will see if I can straighten it out.

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MS. DOPKIN: I don't know what he wants. I don't know where he's going.

THE CHAIRMAN To what degree it's relevant later is something he will have to do, but if he wants to clear it up in his own mind, that's okay.

A. I will try to answer your question. From an engineering standpoint, typically, the front is where the front of the building or a main entrance would face, would be the front of the lot. From a engineering standpoint, it's usually a roadway.

In this case, the site is turned around. Now, I have -- there's a note, setback dimensions on the plan, that indicate a front requirement of 50, and a front divided by 50, so based upon the plan as before you, the front would be Owings Mills Boulevard. Okay.

Q. So based on the plan you did submit, you will agree, that you treated the front as the part of the site that's oriented to Owings Mills Boulevard?

A. Yes, I guess you can say that.

Q. You assume that the setback limit was fifty feet under the regulations, correct?

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A. Yes.
Q. Or what did you assume, thirty-five or -- what did you assume? Where did you get the 50 feet? Is that an assumption? What made you think 50 feet is the regulation for the front yard?
A. I am trying to remember.
Q. I'm not trying to trick you.
A. I understand that. But I am trying to remember where I got the 50 feet from. I believe -- and I don't have the entire file with me -- there was an old plat that was at one time done and it showed a 50 foot setback. At this moment, I can't substantiate that, but I believe that's where it came from, because it's not a zoning issue.
Q. You do know that the front of the property as you have shown it oriented to Owings Mills Boulevard is close to a residential boundary, residential zoned boundary, you agree with that?
A. Yes.
Q. In fact, it's right on the D.R. 1 zoning boundary, or at least that boundary bisects Owings Mills

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Boulevard?
A. Approximately, yes.
Q. So you certainly agree the property is within 100 feet of the residential zoned boundary?
A. Yes.
Q. And you know that the MLR zone has the area regulations?
A. The MLR what?
Q. Excuse me. ML zone.
A. You said MLR.
Q. ML. Right. You know the ML zone has its own set of area regulations?
A. Yes. Go ahead.
Q. And did you review Section 255 when you made your front yard setback assumption? Do you remember --
A. Excuse me. I am reading the code.
Q. But I mean, before you read the code, do you remember if you looked at it?
A. Well, I have it circled, so I guess I looked at it.
Q. Well, if you looked at it, you knew that within

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100 feet of any residential zoned boundary or the right-of-way of any street abutting such boundary, the front, side and rear yard shall be as required in the MR zone? That's under Section 255.2, correct?
A. Uh-huh. Yes.
Q. That refers us back to Section 243, the MR zone setback, correct?
I mean, that section itself refers us back to Section 243, would you agree?
A. Yes, I agree.
Q. You would agree the front building line shall not be less than seventy-five feet from the front property line?
A. Okay. The code sites that.
Q. Thank you. Separately, you referred to -- let's get the zoning map or -- excuse me. Let's take a look for a moment at your aerial photo. That's exhibit --
A. Three.
Q. -- No. 3. All right. You mentioned some uses within the ML zone and have actually drawn them on the aerial photo. The business center at Owings Mills, the

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Owings Mills Commerce Center, those are mainly commercial and office centers, are they not?
A. Primarily.
Q. I mean, they are not what we would consider the traditional smokestack industrial uses?
A. I don't know what's in those uses. I haven't walked into them.
Q. But they are called Commerce Center and Business Center? That, you know? I mean, that's what you wrote on the plan?
A. That's what the subdivision plat says.
Q. Do you know -- can you give us an estimate of the employment population within the ML zoned area you have identified on Crondall lane?
A. No.
Q. Not even ballpark?
A. No.
Q. Between a hundred? 200?
A. I wouldn't even hazard a guess. I don't have a basis for it.
Q. In your engineering duties, were you privy to the

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traffic counts at Owings Mills and Crondall Lane?
MS. DOPKIN: I object. We didn't address this on direct.
THE CHAIRMAN: Mr. Zimmerman --
MR. ZIMMERMAN: It is cross examination.
THE CHAIRMAN: Well, cross examination, still based on direct.
MR. ZIMMERMAN: Unless I am wrong, I thought he testified that the special exception is not going to create congestion and meets the traffic requirements. If he wants to withdraw that claim, I guess --
THE CHAIRMAN: Okay. I am going to overrule the objection and let him respond.
A. My statement relative to the traffic situation was based upon the opinions rendered to me by traffic consultants we hired on our behalf who will testify at a later time.
Q. So you're not, yourself, you have not personal or even expert knowledge about the traffic?
A. I have personal knowledge. I have an opinion that I can render from my personal observation and

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knowledge of the area. And that it's also why I engaged a traffic engineer, to provide the technical expertise.
MR. ZIMMERMAN: I should be allowed to cross examine, or else his expert testimony about traffic should be stricken.
THE CHAIRMAN: Well, we are only at the first witness, Mr. Zimmerman.
MR. ZIMMERMAN: But I should be allowed to ask him --
THE CHAIRMAN: I'll overrule the objection.
MR. ZIMMERMAN: Thank you.
Q. Do you know, from your traffic expert or anywhere else, of any traffic counts done showing the traffic coming down Crondall Lane from the business centers?
A. Do I know the traffic counts?
Q. Coming from -- I'm talking about from the business centers, not from Garrison Forest Road.
A. I do not have the direct figures, no.
Q. Do you know if anyone has analyzed the count as to cars going in and out of the Owings Mills commerce center, the business center, or the plant -- is it a

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concrete plant you identified --
A. That's a pharmaceutical plant. That's a concrete plan.
Q. the pharmaceutical plant or concrete plant you identified, has any one identified those particular traffic counts?
A. I believe that the traffic engineer can testify and, again, my statement will not be an expert statement, but I believe that the counts that were taken from the -- at the intersection were pursuant to the standard traffic study requirements, and that would be better asked to the traffic engineer.
Q. So, as far as you know, there was no attempt to differentiate the Crondall Lane traffic coming from the business centers versus coming from Garrison or Reisterstown Road?
MS. DOPKIN: Now, I will object.
THE CHAIRMAN: I think it's already asked and already been answered that his opinion is based upon the expertise given to him by the traffic engineer, who has yet to testify.

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Q. I will move on. Let's take a look at the zoning map. Is Exhibit 2 essentially the same map as Exhibit 4, but --
A. Yes.
MS. DOPKIN: Yes.
Q. Let's take a look at four, if I may, the one that has the gas station. At the same time, I am going to also -- let me withdraw that question.
Mr. Colbert, Owings Mills Boulevard intersects with Reisterstown road, the main arterial road, about a mile south of the site? Two miles? You have a ruler?
A. About two miles. A little over two miles.
Q. That's also the direct access to Interstate 795 and the Northwest Expressway?
A. There's no at grade intersection.
Q. At Reisterstown Road?
A. Yes.
Q. But there's a convenient intersection within 795 another mile or so down the road?
A. Okay.
Q. I mean, Owings Mills Boulevard is a main access

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to Interstate 795 for anyone working or living up Owings Mills Boulevard?
A. Okay.
Q. You agree?
A. Yes.
Q. There's also a railroad track that parallels Owings Mills Boulevard between it, or between Owings Mills Boulevard and Reisterstown Road, you are aware?
A. There's a railroad track.
Q. As a result of that railroad track, there are very few accesses that go directly west to Reisterstown Road? In fact, none on the map that you show?
A. Between --
Q. There's one up at Gwynnbrook?
A. Right, okay.
Q. Now, let me ask you to take a look at the ADC map which I will identify as People's Counsel Exhibit 2.
MR. MELVIN: No. 2.
Q. The standard road map showing the Crondall Lane-Owings Mills Boulevard intersection at the bottom end of the map. Are you familiar with the ADC map?

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A. Yes, I am.
Q. I have circled the intersection?
A. Yes.
Q. This shows Owings Mills Boulevard as it continues to run north beyond Gwynnbrook and even into Glyndon?
A. Yes.
Q. Whereas, just to bring it out, the zoning map that you got -- I'm not suggesting you're trying to misled anyone -- happens to mainly show the area south towards Reisterstown Road and the interstate as well as part of the area to the north? Whereas Petitioners No. 2 shows it further to the north.
MR. ZIMMERMAN: I'd like to introduce a copy of the road map, one inch to 2,000 feet, but this is a reproduction. It's been reproduced down to get the whole map on an eight-and a-half by eleven piece pf paper.
Q. What I was suggesting, Mr. Colbert, is that there's a vast area of residential use and zoning north of Gwynnbrook, or north of the wildlife management area, along Owings Mills Boulevard, mainly to the east, also some to the west. Do you agree with that?

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A. Yes.
Q. And you also have a lower density residential area up Garrison Forest Road and to the east and into the vallies, correct?
A. Yes.
Q. And you would, from your engineering background, you would agree that this site is located in such a way it is likely to be available and to be used by all of that residential population?
A. There's nothing that restricts somebody from using a particular site, no. Just because it's there, they can use it.
Q. But, if I may, we have 500 plus acres of industrial zoned land that this is basically not on one end, but centered --
A It is extremely convenient because all -- a good portion of the industrial zoned land may well enter onto Crondall Lane. Therefore, it is a very convenient use, and the fact that there are residential uses, fine.
Q. Let's take a look at Exhibit 4 for a movement where you identified the service stations.

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Every one of those service stations is on Reisterstown Road, correct?
A. Yes.
Q. Now, anyone coming south on Owings Mills Boulevard from Glyndon, from Owings Mills, is going to hit this 7-Eleven before they hit any of those gas stations that you have identified?
A. It depends upon where they are going, what their destination is.
Q. Owings Mills Boulevard is the easiest access for any of those people to Interstate 795? You know that?
A. For the majority, yes, to 795.
Q. All right. Anyone going to 795 and commuting, if they are north of your site along Owings Mills Boulevard, they are going to hit the site on their way to work?
A. They may pass the site, if that's their direction.
Q. And anyone coming from Garrison Forest Road and the vallies from the north, making a turn onto Crondall Lane, will also hit your site?
A. For what purpose? Depending upon their

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destination. If they are going towards the southeast, if they are going in towards the beltway, again depending which way they are going, 795 is not necessarily the best way.

They may want to go down Garrison Forest. I happen to do that when I go to the beltway.

Q. Some people like the scenic road?

A. Or the less congested route.

Q. But you would agree that most people go directly to 795 in the morning to commute?

A. No.

Q. You haven't analyzed that, though?

A. No, I haven't. We have not done that traffic study of the entire region, no.

Q. Have you done work before for Southland Corporation? Have you done engineering work?

A. Yes, I have.

Q. And they do a marketing study, don't they?

MS. DOPKIN: I object. This wasn't part of the direct at all. This is a little far afield for this witness.

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Q. So may we assume you're not making any claim that, in comparison with residential population, this site is going to serve more of an industrial population than residential?

A. I haven't made that claim.

Q. Separately -- and I'm not going to ask you about these maps right now.

A. Okay.

Q. You have referred to the office of planning and your interaction with the office of planning, correct?

A. Yes.

Q. Do you know that there's a separate section of that office that comments on development plans as opposed to special exception? Did you know that?

A. They all come out --

Q. Do you know --

THE CHAIRMAN: Let him answer.

A. -- under Pat Keller's signature.

Q. Do you know whether there's a separate section?

A. Not particularly.

Q. You don't?

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A. No.

Q. In your direct examination, you mentioned some site plan comments in February from the office of planning?

A. I didn't mention the date, but go ahead.

Q. I thought you said February, that's why. I didn't pick a date by myself. Did you mention February?

MS. DOPKIN: I did.

THE CHAIRMAN: Ms. Dopkin did.

Q. I'm sorry.

Q. Could you tell the Board about the February 23, 1998 comment? Two pages.

A. May I see it?

Q. It's signed by Jeffrey Long?

A. May I see it?

Q. Certainly.

MR. ZIMMERMAN: Let's identify this at this point. This is in the Board's file. That's where we obtained our copy.

MS. DOPKIN: These are not the comments I referred to, because I referred specifically to a

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different date.

MR. ZIMMEMAN: I am pointing out there are some other comments from the office of planning.

MS. DOPKIN: I would say that goes beyond the scope of direct examination.

THE CHAIRMAN: You're offering this line of questioning to show what purpose?

MR. ZIMMERMAN: To show that the witness's testimony about the office of planning's ostensible, quote unquote, approval, is not correct and/or is incomplete.

THE CHAIRMAN: On the possibility that it may be incomplete, I will allow you to continue.

MR. ZIMMERMAN: May we have this at least identified as Jeffrey Long's comment, also the signature of the Division Chief, Gary Kerns, as People's Counsel's No. 3, and I think the Board will find there's a copy of this in the file in the normal course.

It's from Arnold Pat Keller to Arnold Jablon, director of Development Manager. The signatures are as I stated on page two, and the subject, requested action; special exception.

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Do you want to see it first?
THE CHAIRMAN: Well, it's only been marked for identification at this point. It hasn't been moved. Maybe counsel should see it.
MS. DOPKIN: Do you have a copy?
THE CHAIRMAN: Why don't we stop for a minute. Ms. Dopkin, why don't you get a look at it? Otherwise, it's very difficult for you to redirect. Go ahead.
Q. You would agree that the planning office on the special exception is negative?
A. This is a revised comment. We had received a comment which was not negative at the development plan conference. Subsequent to that, they issued this revised memorandum after the development plan conference. It refers to a report that I believe -- and I will have to --
Q. I didn't ask you what it refers to.
THE CHAIRMAN: Let him finish his answer.
A. It refers to some kind of a report discussing uses of the ML-IM zone, and I don't know if it has been ever submitted to the planning board or adopted, or if it even exists. Counsel may have more knowledge of it than I

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do.
Q. It also refers to some concerns expressed in a letter from Robert Hannon, the economic development director, does it not?
A. Yes.
MS. DOPKIN: I object. That's not in evidence. It was not the subject of the direct. Economic development issues were never brought up.
THE CHAIRMAN: Let's not try to broaden it too much.
MR. ZIMMERMAN: The witness talked about what was in the memo.
THE CHAIRMAN: The witness already testified he doesn't know what happened or where it came from.
Q. As far as -- now, this is the last comment from the office of planning? There's no comment later than this in writing?
A. Correct.
MR. ZIMMERMAN: I would ask this be admitted as People's Counsel Exhibit 3.
THE CHAIRMAN: Counsel?

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MS. DOPKIN: No objection.
THE CHAIRMAN: So marked.
Q. Mr. Colbert, you have been involved throughout the zoning end or development process for this proposal?
A. Yes, I have.
Q. You would agree that any earlier planning comment that may have appeared to approve this proposal must have been based on the assumption that you were entitled to the service station by right?
A. I can't assume what anybody else wrote.
Q. Separately, you referred to Section 405.4, I believe it's A.3, on access.
Have I got the right section number? Page 4-88?
THE CHAIRMAN: 405.4, Mr. Zimmerman.
MR. ZIMMERMAN: 405.4. I should have, if I didn't, say that 405.4.A.3.A.
It's also in the bill on 172 on page 6. Do you have that in front of you?
THE CHAIRMAN: Page 6. Do you have that in front of you, Mr. Colbert?
A. The bill? You mean the code section?

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Q. The section, yes. The same section of that refers to number and location of access driveways, and it refers to recommendations of the director of public works and the office of planning and zoning?
A. Correct.
Q. Do you have in writing any recommendation of the office of planning and zoning that specifically refers to appropriate access driveways?
A. From the office of planning and zoning, no.
Q. No?
A. Planning and Zoning, no.
Q. Just to clarify one thing, the proposal as to hours of operation is twenty-four hours?
A. That is correct.
Q. Other than on Reisterstown Road, are there any other convenience stores in proximity to this location?
MS. DOPKIN: I object. This is repetitive of the exact questions Mr. Sellers asked.
MR. ZIMMERMAN: No, it isn't.
MR. SELLERS: I asked nothing about other convenience stores.

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THE CHAIRMAN: I don't recall a question about other convenience stores.

Q. Are there any other convenience stores with a twenty-four operation along Owings Mills Boulevard?

A. That's a different question. Which one do you want me to answer?

Q. Answer the last one first.

A. Not to my knowledge.

Q. Are there any service stations with a twenty-four operation along Owings Mills Boulevard?

A. Not to my knowledge.

Q. The closest ones would be on Reisterstown Road two miles away, or over two miles, correct?

A. Correct.

MR. ZIMMERMAN: Thank you. I have no further questions.

THE CHAIRMAN: Redirect?

MS. DOPKIN: I just have one question. Actually, I don't have any questions on redirect.

THE CHAIRMAN: Okay. Mr. Colbert, you are excused, subject to pleasure of counsel.

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THE WITNESS: Thank you.

THE CHAIRMAN: Okay. It is 1:15. This would probably be a logical space to stop and take a breath. We are not going to take an hour for lunch. We are going to take a half hour lunch break.

We'll be back at 1:45.

(A luncheon recess was taken.)

* * * * *

AFTERNOON SESSION

MR. SELLERS: Before we get started, I mentioned earlier there are three additional parties I intend to mention and bring it up when I put on my case.

Mr. Zimmerman suggests I raise it now. I have something in writing and one of them is still here. The others, I hope, will be back on Thursday.

I want to mention who they are. For the record, I will submit this to you. Also, Douglas Hamilton, Jr., has a suggestion for you and requests to be considered a party. Scott Finkelstein also, and this is Maureen Close, president of the Beth Israel Congregation, the synagogue across the street.

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THE CHAIRMAN: The record shall reflect those folks were here.

MS. DOPKIN: Mr. Hamilton was not here.

MR. SELLERS: I'm sorry. Mr. Finklestein and Mr. Hamilton were not here.

THE CHAIRMAN: Mr. Sellers?

MR. SELLERS: I represent all these people. Would you like this now?

THE CHAIRMAN: You can give it to us when it becomes relevant in your case. Ms. Dopkin?

MS. DOPKIN: I raise an objection to parties becoming -- I don't know if he's representing Ms. Salval or the synagogue.

THE CHAIRMAN: Which is why I suggested to him he get into detail when his case comes up. Your next witness?

MR. ZIMMERMAN: Ms. Salval is here.

THE CHAIRMAN: The record does reflect she is still remaining.

MR. SELLERS: She's leaving now. She can't wait any longer today, but I expect she'll be back on Thursday, and Thursday was a 1:30 start, is that right?

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THE CHAIRMAN: Yes. Your witness. We were finished with Mr. Colbert.

MS. DOPKIN: Thank you. I'd like to call my next witness, Mr. Richard Moore.

C. RICHARD MOORE,

having been called as a witness, was duly sworn and testfied as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Good afternoon, Mr. Moore.

A. Good afternoon.

Q. Please state your name address and your occupation.

A. I am C. Richard Moore, vice president of Wells and Associates, 420 Virginia Avenue, Towson, Maryland 21286.

Q. What is your occupation?

A. I am a traffic engineer involved in the study of traffic and transportation and parking.

MR. ZIMMERMAN: We will agree to his qualifications.

MR. SELLERS: I agree.

THE CHAIRMAN: I was just going to say Mr. Moore is well known, certainly to this Board member, having had him appear at any number of cases. And unless any of the members have any voir dire, we will be happy to accept him as an expert in traffic engineering and related matters.

MS. DOPKIN: Thank you.

Q. Mr. Moore, did you make a personal inspection of the subject property?

A. Yes. I have made several.

Q. Are you familiar with the area surrounding the property?

A. Yes, I am.

Q. Are you familiar with the road network serving and surrounding the property?

A. Yes.

Q. Are you familiar with the applicant's proposed development for which the special exception has been requested?

A. Yes, I am.

Q. Have you examined the applicant's site and

development plan?

A. Yes.

Q. Are you familiar with the size of the proposed operation, the hours of operation, the proposed staff, those types of general operational concerns?

A. Yes, I am.

Q. Did you make an investigation of the traffic conditions at the site?

A. Yes, I did.

Q. Did you also determine the levels of service at the intersection serving the site?

A. Yes, I did.

Q. Has your report already been submitted into the record?

A. Yes, it is in the county file.

MS. DOPKIN: We don't have additional copies of the traffic report to provide everyone, and I would ask --

THE CHAIRMAN: Is it something I have?

MS. DOPKINM: It was introduced in the earlier case.

MR. SELLERS: I don't believe it's in the zoning

file.

MS. DOPKIN: It was submitted.

THE CHAIRMAN: In the file transmitted to us from the zoning folks, I have something from Wells and Associates, LLC.

THE WITNESS: Yes, that's right.

THE CHAIRMAN: I have, I guess, what you are referring to.

MS. DOPKIN: We would offer that as Petitioner's, I believe, five.

Q Have there been any changes in conditions that you're aware of at the intersection since you conducted your study?

A. No, there has not.

Q. Would you please summarize the findings and conclusions stated in your report?

A. Yes. The conclusions that I addressed in the traffic impact study were as follows. Thru-traffic on Owings Mills Boulevard will continue to travel freely past the site without delay, other than that normally delayed created by the traffic signal.

The new trips that would be generated by the proposed 7-Eleven store with gasoline sales will only increase traffic volume on Owings Mills Boulevard by approximately one percent and Crondall Lane can expect an increase of only two percent.

The traffic signal at the intersection of Owings Mills Boulevard and Crondall Lane will continue to operate at level of service C or better, which is above standard for urban areas.

There's adequate sight distance existing at the driveways of both entrances to allow drivers on the public street or drivers using the driveway to adequately see each other to safely enter the highway. They were basically the conclusions in our study.

Q. Did you make any recommendation? Let me rephrase that. Did you study the traffic -- what time of day did you study the traffic at the site?

A. I went to the site at various times throughout the day, but we actually conducted a traffic turning movement count at the intersection from seven to nine in the morning and four to six in the afternoon.

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That was the time of our studies, because the peak hour is obviously the most critical time of the day.

Q. What did you find at those times of day?

A. We found that the intersection was operating at a level of service C, and which is a very acceptable level of service, and that the traffic signal was operating very efficiently.

It's a two-phase traffic signal at the corner of Owings Mills and Crondall Lane. Traffic volumes on Owings Mills Boulevard were within the range of, I think, 1900 vehicles during the peak hour and approximately 1000 during the hour on Crondall Lane, in that ballpark of time, and for the type of intersection this is, that's a very efficient number of vehicles that can move through the intersection.

Q. Did developer's plan's review and the department of traffic engineering offer initial comments and recommendations?

A. Yes. Their initial recommendations were to inhibit turning movements at the driveway to Crondall Lane and to put a bypass lane on Owings Mills Boulevard.

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And part of my recommendation is, as far as the study was concerned, is to the Southland Corporation, was they would need to bypass on Owings Mills Boulevard and also to have a right-turn lane from the entrance on Owings Mills Boulevard up to Crondall Lane for the heavy right-turn movement that comes up Owings Mills Boulevard that makes a right turn on Crondall Lane, particularly in the morning.

Q. Were those recommendations incorporated in the plan?

A. Yes, they were.

Q. Were their conditions, consistent with that recommendation, adopted as part of the Commissioner's order?

A. Yes. I think he adopted those recommendations.

Q. Were there subsequent comments issued by the county agencies?

A. Yes. There was where they were requesting a right turn in, right turn out, off of Owings Mills Boulevard.

Q. What was your opinion regarding that restriction?

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A. Generally, it's been my experience over the years that right turn in, right turn out to commercial driveways is unsafe. They do seem to work all right if you have a divided highway which the driver has no other option but to go right.

However, if you have a street that has a painted center line, double yellow center line, the right in, right out is not a very effective approach to a commercial driveway. And there are many, many examples around Baltimore County where they just do not work.

Q. Was that comment adopted as part of the Zoning Commissioner's decision?

A. No, it was not.

Q. Were you able to determine from your studies the source or designation of traffic that would be passing this site?

A. Yes. Basically, based on the existing traffic counts that we took in 1967 --

Q. I'm sorry. When?

Q. June of '67 was the date --

Q. '67?

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A. Excuse me. '97. I was looking at a six in the report. We were anticipating thirty percent of our traffic would be coming from the north on Owings Mills Boulevar, forty percent of the traffic coming from the south on Owings Mills Boulevard, and thirty percent from Crondall Lane would come to the site, and that's based on the existing turning movement counts that take place at the intersection of Crondall Lane and Owings Mills Boulevard.

THE CHAIRMAN: Would you give us those numbers again?

THE WITNESS: Thirty percent from the north, forty percent from the south, and thirty percent from the east on Crondall Lane.

Q. Is it my understanding you said that's the source of traffic to the intersection?

A. We used the turning movement counts that we took at the intersection to determine where we would expect the traffic to come from, coming to this site.

Q. I assume we are talking about peak hour?

A. Yes. We would assume, however, it would be

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throughout the day on an average.
Q. Of the traffic you anticipate coming to the site, I don't have your study in front of me, so I am a little bit -- thank you. I'm sorry. Did your study address existing traffic volumes?
A. Yes, it did.
Q. And did it address those volumes both in the morning -- you said morning and evening peak hours?
A. Yes, both the studies were conducted from seven to nine in the morning and four to six in the afternoon, and from those times we picked the peak hour.
Q. Did your study determine how much of the traffic in the morning peak hours is discontinued to the Crondall Lane industrial development?
A. Yes. I think we could pretty much assume, for example, in the morning northbound on Owings Mills Boulevard, 249 vehicles go north and 686 make a right turn on Crondall Lane. The majority of that 686 are heading towards the industrial park.
Q. How many go north?
A. 249 go north and 686 turn right on Crondall Lane.

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Q. You're saying of the total traffic?
A. Of the total northbound traffic, yes. And that would be -- the majority of that traffic would be --the majority of the 686 vehicles would be discontinued to the industrial complex.
Q. Did you do a similar analysis in the evening peak hours?
A. Yes. For example, on Crondall Lane outbound in the evening, 681 vehicles came out of Crondall Lane, made a left turn to head towards 795. And 226 turned to go north on Owings Mills Boulevard. Again, the majority of the traffic from Crondall Lane is headed to 795 and south on Owings Mills Boulevard.
And the southbound traffic on Owings Mills Boulevard through the intersection is only 248, so there's 248 southbound on Owings Mills Boulevard and 681 making the left turn out of Crondall Lane to go south. So, again, the majority of the traffic is on Crondall Lane.
MR. ZIMMERMAN: This is afternoon?
THE WITNESS: Yes. That was the question.
Q. So would you conclude that the bulk -- what was your conclusion regarding the incidence of traffic being served on these roads?

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MR. ZIMMERMAN: Objection. No foundation so far, unless we are limiting it to one or two hours of the day.
THE CHAIRMAN: Rephrase.
Q. Did you, in conducting your analysis, were you able to project traffic more than the peak hour period, throughout the day?
A. Well, as I mentioned before, that's one of the reasons we take the seven to nine analysis which has directional flow in the morning, and then a reverse directional flow four to six in the afternoon, and we generally find whatever percentages in those four hours are consistent throughout the day for the most part.
So the percentages that I mentioned, the thirty, the forty and the thirty mentioned earlier, are the numbers that would generally be throughout the day on an average.
MR. ZIMMERMAN: Move to strike because no specific study was done here as to Owings Mills Boulevard during the day.

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I think the witness is speculating what they found in others areas may be through here.
THE CHAIRMAN: I am going to deny the objction because he's not saying -- even though he's prognosticating that number, you may question his methodology, but that's the way he did it.
Q. Based on the study and your experience and the conclusions of your studies, do you believe that the proposed use would create an unsafe traffic condition at this intersection?
A. No. I think, as I mentioned, the one and two percent increase in traffic is so minute it would have no effect at all on the intersection.
And, in fact, the combining of uses actually generates less traffic.
Q. Would this development as proposed impact negatively on traffic conditions beyond -- on the road system beyond the immediate intersection?
A. No, it would not. In fact, these types of uses generate large numbers of their trips from the existing traffic on the road network, and so there is only a very

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small number of new trips that are actually added to the road network.

So this is a very friendly type of use as far as increased numbers.

Q. Would you clarify one item for me regarding a recommendation from the county and in your report regarding the movement on and off of Crondall Lane?

A. I believe that was the initial request from the county. That was not part of my initial recommendation to the Southland Corporation. This was generated by the interest of Baltimore County in their initial comment.

Q. That initial recommendation was what?

A. That they wanted to see a left-turn probihition out of Crondall Lane.

Q. Prohibition?

A. Excuse me. Peak hours.

Q. Could you be more specific?

A. I don't have my notes directly in front of me. I am trying to do it from memory myself. It came from the county.

Q. Do you have a copy? If you could examine the

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plan?

A. Oh, okay. There shall be no left turns into or out of the subject site from Crondall Lane during the peak hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

Q. Is that the limitation on movement that was proposed?

A. Yes.

Q. Based on your study and the traffic patterns you detected or examined, do you believe the traffic passing this site is primarily either coming to or going from the industrial area on Crondall Lane and Owings Mills Boulevard?

MR. SELLERS: I will object to his basis for the opinion.

MS. DOPKIN: He can determine from the traffic count.

THE CHAIRMAN: He's already given us a number of structural things, that he did statistical things. He can then give us an opinion based on that, and you can cross whether that's sufficient.

But I think there's been enough description of

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what he did that we can surmise that's the basis for his conclusion.

He's describe all sorts of tests and counts they have done. Obviously, his opinion are based on those.

MR. SELLERS: No question he can say who's making a right and left, and percentages. But, you know, Crondall Lane leads to other roads, and there's no basis whatsoever.

THE CHAIRMAN: But I think there's a basis for him to give an opinion. Whether, under cross examination, it stands the test is a different question. And you can expound with him in that area. Answer the question.

A. What was the question again?

MS. DOPKIN: Would you read the question back?

(The question was read by the reporter.)

A. As I mentioned earlier, with traffic going to and from Crondall Lane to Owings Mills Boulevard to the south, that is the largest percentage.

As I mentioned earlier, forty percent of the traffic coming from the south, thirty percent coming from the east, that's seventy percent of the traffic basically

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in that quadrant coming to and from the site. So that would be the majority of the traffic.

Q. As you probably heard Mr. Colbert testify to the special exception standards involving the site and specifically I would ask you, do you believe that if these special exceptions were granted, would they tend to create congestion in the roads, streets or alleys thereon?

A. No, they don't. In fact, they would probably improve the level of some other uses, since so much of the traffic is already on the existing road system.

Q. You mentioned that the site is likely to generate less traffic than other possible uses. As part of your study and within your discipline, did you investigate the difference in terms of traffic generation if the use of this site is developed as a stand-alone 2500 square foot food store as is permitted or a combination in use with a fuel service station of 2900 feet as proposed?

A. Yes.

MR. ZIMMERMAN: Objection. Irrelevant. Not the standard under a special exception to compare something with uses permitted by right.

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THE CHAIRMAN: It may not be the standard, but it's not irrelevant. You can answer the question.

A. Yes, I did.

Q. What was your conclusion?

A. It was determined that the traffic volume would not vary between the two types of uses.

Q. And, in your opinion, would the proposed use in combination have any adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone?

A. Repeat the question.

Q. Would the proposed use have an adverse effect above and beyond those inherently associated with a special exception use irrespective of the location of the zone?

A. No, it would not.

MS. DOPKIN: I do not believe I have any other questions on direct. I would like to reserve on redirect.

THE CHAIRMAN: Thank you. Mr. Sellers?

CROSS EXAMINATION

BY MR. SELLERS:

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Q. Mr. Moore, let me direct your attention to the aerial photograph at this point. Tell us what the intersection of Gwynnbrook and Owings Mills Boulevard -- are you familiar with that one?

MS. DOPKIN: I am going to object.

THE CHAIRMAN: We are in the immediate vicinity of the subject site.

MS. DOPKIN: It was not addressed on direct.

THE CHAIRMAN: Response?

MR. SELLERS: He's conducted many traffic studies of turning movements. He's got volumes on this road and volumes on that road. He was asked opinions as to the source of the traffic on this road.

It's connected to a lot of other roads that now, if he's going to be allowed that wide lattitude on his opinion, I want to ask about the next traffic light.

THE CHAIRMAN: For the same reason I didn't let him do it then, I am going to let him do it now, because the witness did make prognostications from the data that he had, so it's only fair counsel can examine the extent.

MS. DOPKIN: My only concern, if he asks Mr. Moore everything he knows, we'll be here a long time.

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THE CHAIRMAN: Somewhere between there and here, I will stop him.

MR. SELLERS: When he was talking about 1967, I was sure he was testifying on the first day of knowledge.

THE CHAIRMAN: That's a large club, Mr. Sellers. I'd tread lightly.

Q. What about the intersection of Gwynnbrook and Owings Mills Boulevard, if anything?

A. I am generally familiar with the intersection.

Q. Would you say the county is happy with that intersection as it is now?

A. I don't know. I haven't talked to the county specifically about that intersection.

Q. Do you know at what level it's performing?

A. No, I don't.

Q. Do you know any knowledge of why the -- do you have any knowledge of -- which is separate -- of community complaints regarding that intersection?

A. There was some reference made to the intersection at the last hearing.

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Q. Do you know of any county plans to improve that intersection?

A. I knew that would get you. The county has had plans for many, many years to improve or not to improve Owings Mills Boulevard, depending on the year that you're discussing.

I have not looked at this present budget that was just recently approved by the County Council, so I'm not sure exactly where it stands at this point. But there have been longstanding plans to improve Owings Mills Boulevard to four lanes.

Q. In fact, Owings Mills Boulevard from Reisterstown Road to somewhere up in this vicinity, the right-of-way is quite wide and there are wide shoulders? I think it's only one lane each way, one travel lane each way, but there are very wide shoulders and a wide right-of-way?

A. Up to Crondall Lane, through the intersection of Crondall Land is one good lane each way, a shoulder on both sides, and left-turn lanes for turning movements.

Q. What happens at that point then going further? Can you describe Owings Mills Boulevard at that point?

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A. Owings Mills Boulevard is an existing two-lane rural road.
Q. That's it's been that for a hundred years probably into that stretch, is the old Bonita Road, is that correct?
A. Until you said that -- yes, that is the old Bonita Boulevard.
Q. From approximately somewhere just a few hundred yards north of the site to and past Gwynnbrook, it is, indeed, one lane both ways, no shoulders, is that correct?
A. That is correct.
Q. There's a bridge right about there just south of Gwynnbrook that's, indeed, one lane each direction and probably dates from the 1920s?
A. It's still one lane each way.
Q. But you don't know how -- there's a traffic light here, isn't there?
A. Yes.
Q. Any left turn lanes on Owings Mills Boulevard at this traffic light?
A. No.

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Q. Any left-turn lanes on Gwynnbrook at that traffic light?
A. No.
Q. Going past this site, I believe it's in the afternoon, 900, or 1900 vehicles, is that right?
A. 1900 vehicles is two way south of Crondall Lane. It drops off as you go north of Crondall Lane.
Q. You don't have any direct knowledge of how this intersection is performing or what it's rated at at this time?
A. No. I haven't seen the latest studies.
Q. How about the second-to-latest studies?
MS. DOPKIN: I am going to object. The question has been asked and answered.
THE CHAIRMAN: Let's not belabor the point, counsel.
Q. Now, you calculated a number of vehicles on Crondall Lane at peak hours?
A. Yes, I have.
Q. Did you conduct any studies regarding traffic volumes into the Owings Mills commerce center or business

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center?
A. I did include that as part of my study. I did not count the actual cars going in and out.
Q. So you don't know someone coming out of the commerce center, you don't know the counts making rights and lefts?
A. No. But I do know from my experience that the majority of them are making right turns heading towards Owings Mills Boulevard.
Q. Garrison Forest Road is a rather lengthy road, isn't it?
A. Yes.
Q. It goes all the way down to Greenspring Valley Road?
A. Yes, it does.
Q. Northbound, it goes how far?
A. Goes up to Worthington, I guess.
Q. Do you have any idea what the traffic volume is on Garrison Forest Road?
MS. DOPKIN: Object.
THE CHAIRMAN: I'll let him go a little bit.

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A. I don't know. I didn't actually look at the numbers to see how many cars.
Q. So you couldn't say how many of the cars, say, westbound on Crondall Lane coming off Garrison Forest?
A. No. But I think my experience would be that there's very few.
Q. How about Gwynnbrook? Do you have any idea what the volume is on Gwynnbrook?
A. No, not other than an assumption.
Q. Did you conduct a study, or do you have an opinion as to the traffic volume on Crondall Lane late at night, say, between the hours of 10 p.m. and 6 a.m.?
A. It's a very low traffic volume, but that's consistent with most traffic -- most locations on any road is going to be low traffic volumes from ten to six.
Q. Would you say the same thing is true of Owings Mills Boulevard?
A. As I say, most road traffic is very low on all those roads county-wide and on the freeway system.
Q. I think it was Mr. Colbert'a testimony, going further north on Owings Mills Boulevard, once you get past

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Maryland Public T.V. -- are you familiar with what's up there north?
A. In the general way, yes.
Q. What kind of use would you say --
MS. DOPKIN: I object. This is really getting very far afield.
THE CHAIRMAN: What is the relevance? He said he only had a general knowledge, which, I guess, is a degree of knowledge all of us have, so what are you going to derive?
MR. SELLERS: Mr. Moore was the former traffic engineer for Baltimore County.
THE CHAIRMAN: But he only has a general knowledge, so I don't see what you're going to get from an expert point of view.
I am going to let you ask the questions, but it appears that it's not going to be very relevant.
Q. What general land use occurs northbound Owings Mills Boulevard as you get past Mryland Public T.V?
A. Generally residential, with some industrial uses between -- I think it's Timbergrove and Bond Avenue, along

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Gwynn Owings drive.
Q. You'd agree it's primarily residential?
A. I don't know. I think I said what I thought.
Q. Bear with me for just a minute. Now, when you said the traffic source and of traffic coming to the site, I believe you said thirty percent coming to the site northbound on Owings Mills Boulevard, forty percent southbound on Owings Mills Boulevard, and thirty percent coming from Crondall lane?
A. I think I said thirty percent from the north, forty percent from the south, and thirty percent from the east. That's two-way.
Q. What are we talking about here? I didn't follow you?
A. That's --
Q. Give me a little touring session.
A. That's the direction of travel coming to the intersection of Crondall Lane.
Q. But not necessarily to the 7-Eleven?
A. I think that would be very similar since we anticipate the majority of the traffic to the 7-Eleven and

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the area would be from the existing road system and the traffic volume that's on the present road system.
So that they would mirror what's there at the intersection today.
Q. So that trips to this site will be generally a mirror or substantially the same as the general overall traffic patterns in the area?
A. Through this intersection, yes. That's what I testified to.
MR. SELLERS: Thank you. That's all I have.
FURTHER CROSS EXAMINATION
BY MR. ZIMMERMAN:
Q. Mr. Moore, the businesses on Crondall Lane or off Crondall Lane and the Owings Mills commerce center and Owings Mills business center, are there any retail uses in there, to your knowledge?
A. I think there are some. Seems like a computer place. I have taken a computer there one time. But as to -- nothing specifically what any of them do, I don't know.
Q. Generally speaking, in the ML zone, you don't

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have a mass of retail, you'd agree with that?
A. Well, Golden Ring mall is on ML land, so there are examples of where there are big commercial uses on industrial.
Q. That's from the zoning that predates the 1970 amendment, would you agree?
MS. DOPKIN: Objection.
Q. Have you examined every single use in Owings Mills commerce center and business center?
A. No, I have not studied every single use. I know the emissons center is in there, and there are many, many other uses, and a variety of uses.
Q. You haven't measured or attempted to measure the traffic going in or out of there midday?
A. Out of those centers? No, I did not.
Q. Those businesses are not open twenty-four hours a day?
A. I did not look at that aspect. The majority of them may not be, but there may be some.
Q. Can you identify through your personal knowledge a single business in the Owings Mills commerce center?

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MS. DOPKIN: Objection.
THE CHAIRMAN: Go ahead.
Q. Center or business center at Owings Mills that's open twenty-four hours a day.
MS. DOPKIN: I object. Beyond the scope.
THE CHAIRMAN: I am going to let him answer the question with the same admonition, let's not go too far.
A. I am not sure I know the business hours of any of the uses in the park.
Q. The answer is no, of your own personal knowledge, you can't identify a single twenty-four business?
A. I don't know of any uses starting and closing time.
Q. Just to clarify one point, if we look at the zoning map that was Petitioner's No. 2, as you go north on Owings Mills Boulevard, you would agree, looking at the zoning, the predominant use is residential?
A. Yes, I would. Actually, I guess if you look far enough north, the predominant is rural.
Q. Let's take it within the two to three miles north of Owings Mills Boulevard. It's predominantly residential,

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particularly to the east, northeast side of Owings Mills Boulevard?
A. Once getting up north of Gwynnbrook, as was mentioned earlier, then you're getting into the residential zones.
Q. With the wildlife management area in between?
A. Yes, that's right.
Q. You're familiar with the railroad tracks that parallel Owings Mills Boulevard on the west?
A. Yes.
Q. And Owings Mills Boulevard is a convenient access for that residential area to the north to get on Interstate 795?
A. If they are going southbound on 795. If they are going northbound, they would take Cherry Hill or Butler, or any of the others roads to get you to Reisterstown Road.
Q. Thank you. I meant southbound actually on -- or southbound Reisterstown Road, it's convenient, although you have to go to the turnaround and come back to Reisterstown Road, correct?

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Owings Mills Boulevard controls Reisterstown Road, and then there's a turn back to get to Reisterstown road?
A. I guess if you were going that way, yes, that's the way you would go, yes.
Q. Let me make sure on your morning count. At the subject intersection of Owings Mills and Crondall Lane, are they on a particular page of your report?
A. They are figure three, which would be page eleven.
Q. Just so we understand, you already told us that you have northbound Owings Mills Boulevard, you have 686 turn rights on Crondall and 249 continue north?
A. Yes. In fact, I may have read from the wrong chart, but it's close.
Q. Let's get the right number.
A. The right number is 242 straight ahead. And 666 making a right turn northbound.
Q. You're assuming that the 666 making a right turn are mainly headed to the business center?
A. Yes. That would be my experience.

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Q. Now we have taken care of northbound, let's talk about southbound to Owings Mills in the morning. How many continue on past the intersection --
A. Excuse me. What direction?
Q. Southbound to Owings Mills in the morning.
A. Southbound to Owings Mills in the morning is 666.
Q. Going through -- keeping on to wherever they are going?
A. Right.
Q. How many turning left at Crondall Lane?
A. Two hundred seventeen.
Q. Going the opposite of -- in other words, most of them are going through and not turning on Crondall Lane?
A. That would be logical. We would anticipate the majority of the traffic to the Crondall industrial park would be coming up from 795.
Q. And those numbers almost even out? You have got as much thru-traffic southbound in the morning as you do commuter traffic to the Crondall business area? The numbers are pretty close?
A. Yes.

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Q. Now, we are still talking about the morning?
A. But I think you would anticipate those numbers, looking at the numbers coming out of Crondall Lane where the majority of that traffic is heading south.
Q. Let's look at Crondall Lane in the morning. How many vehicles are on Crondall Lane and then make either a left or right turn onto Owings Mills Boulevard?
A. In the morning, 161 going southbound and thirty-one going northbound.
Again, showing that major direction of travel from Crondall Lane to southbound Owings Mills.
Q. In the morning, going from Crondall Lane to Owings Mills would be residential commuter traffic, not industrial traffic?
A. Not necessarily. It would also be business people who have gotten to work and are now running -- the concrete plant that's running, vehicles go out of here, all the business uses who are running deliveies and running service vehicles out of here. That would be the majority of that type of return trip.
Again, it's 161 coming out of Crondall Lane as

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compared to 666 going into Crondall Lane, so that's a very definite directional split you would anticipate from a commercial-industrial type of use.
Q. You haven't attempted to break down that 161 or 39 as to how many of those are actually exiting out of the business center?
A. People who have gotten to the business center are coming out as opposed to people coming down Garrison Forest Road taking a shortcut from their residence and then heading onto Owings Mills Boulevard, I did not actually measure that.
But my general knowledge of the area would indicate the majority of that traffic, and my experience over the many years I have dealt with the road systems here in Baltimore County, the majority of that traffic is coming from the industrial park, and not Garrison Forest Road.
Q. But in preparation for this case, did you go out on any morning and attempt to determine the source of the traffic westbound on Crondall Lane?
A. I did not count it, but, yes I did go out there

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and I rode the road system to make sure my -- the general perception I had of the area was consistent with my perception. I did not physically count cars, but we are talking about a major percentage of the traffic to and from the industrial site.
Now, whether it's seventy percent or eighty percent, that's for mathematics, but it is a major amount of traffic going to and from Crondall Lane Development.
Q. Another way to get an accurate number would have been to take counts at Garrison Forest Road and Crondall Lane? You would have then seen how many cars were going onto Crondall?
MS. DOPKIN: I'd like to object. I think, justly, Mr. Moore has addressed this issue of what he did and didn't do.
THE CHAIRMAN: Well, I grant that point, but I think the gist of counsel's question is to examine other methodologies he may have used, which is relevant to what methodology he did use.
Q. Repeat the question.
Q. You didn't make a count in the morning of cars

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coming onto Crondall Lane from Garrison Forest residential area?
A. No, I didn't make a count.
Q. Had you done that, you could have given us an accurate personal observation?
A. No. I did personally drive down to the intersection and look at the way traffic was flowing in the area duing the morning peak hour.
And I felt comfortable with my assessment that the majority of the traffic was coming to and from the business community on Crondall Lane, and the majority of the ones that were coming down Garrison Forest Road and actually turning into Crondall lane actually had business in Crondall Lane. Rather than necessarily going all the way over to Owings Mills Boulevard and 795, the people in the Garrison Forest area would have many better ways to get to the freeway system than taking Owings Mills.
Q. But you didn't make a count of all that?
A. No.
Q. And you would agree, though, the residential traffic coming south in the morning, ongoing, is more or

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less evenly balanced against the commuter traffic coming north to the business park? The numbers were in the 600s?
A. Whatever its circulation.
Q. Not having done any counts at all for the time period between 9 o'clock in the morning and 4 p.m. in the afternoon -- let me strike that.
You did not do any counts between those hours of the day?
A. No.
Q. Given the predominant -- well, several square miles of residential use to the north along Owings Mills Boulevard -- would that be accurate?
A. I guess.
Q. I would suggest to you that the predominant traffic midday or thereabouts is going to be to and from the residential areas, convenience shopping, for the purpose of going to a 7-Eleven or gas station?
A. No. Because they really -- those kinds of uses don't generate as much traffic, just like the street system doesn't generate that much traffic, since they are so oriented towards the highway road network, because they

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are dealing with the existing road. Therefore, the majority of the traffic is going to be during the morning and afternoon peak hours.
Q. There's existing traffic between 9 o'clock in the morning and 4 p.m. in the afternoon?
A. Yes. But at much lower volumes than what we have here at peak hour.
Q. Clearly at much lower volumes, no question about that, but wouldn't you agree these existing volumes and/or any new traffic encouraged by the 7-Eleven are going to be primarily shoppers from the residential area? Doesn't that stand to reason?
A. Well, it would be some, but -- from that direction. But I don't know it's the predominant traffic coming from the residential community, particularly during the lunchtime hour.
I would think the business community would make trips to the 7-Eleven in large numbers during the eleven to one or eleven to two time frame, so that I would not be -- I would say you're talking about the majority coming from the residential community. No question some would

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come from the residential community. It's conveneint. Someone lives out Owings Mills, along Bonita, or somewhere out in Timbergrove and are going to the Owings Mills Mall shopping, it is a very convenient place for them to pull in and stop and get their gas, or on their way home. But that's still a small number of overall traffic.
As I indicated, thirty percent will come from the residential community, while seventy percent will come from the south and from the industrial development.
Q. So you really don't know the relevant amount during the day that are going to do some convenience shopping of residential as opposed to somebody dashing out from a business?
A. I think I have a pretty good indication from my thirty-six years of experience in this field that -- I mean, basically, you can take it to the extreme. Unless there's a count done twenty-four hours a day, you don't know exactly what's on the road system.
But, obviously, there are many studies, and that's the whole point of why traffic engineers generally count from seven to nine in the morning and four to six in

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the afternoon.
We learned from our many years of experience we don't need to spend all that time out there counting, when the road network does not change that much from one hour to the next.
Q. Your study, your written study, is actually designed evaluating peak hour congestion rather than the question of whether the project was primarily designed to serve industrial versus residential?
A. The purpose of any traffic impact study being done during the morning and evening peak hour is that's generally the most critical time for development, and that's historically all around the state when traffic engineering studies are done, in that time frame, just so we address the most critical time. If we can solve the those problems during those two hours, there are no other hours in the day to create a problem.
Q. But the project is not -- primarily not of one serving residential? That's not what you set out to determine?
A. I am managing the traffic volume to and from the

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site. My study provides me some additional information that shows me where that traffic is coming from, because that's important to me to be able to distribute those trips that -- the new trips, where are they going to come from.

And the majority of those new trips are going to come from the industrial area and from Owings Mills Boulevard. And since the majority of the traffic is from the south of Owings Mills Boulevard, we anticipate that will be the majority coming that direction.

Q. What's the average daily trip on Owings Mills Boulevard in that area?

A. Well, it's 1900 hundred peak hour trips. We are talking roughly 19,000 a day.

Q. So the peak hour trips are one-tenth of the average daily trips?

A. That's usually pretty consistent. It may vary from eight to twelve percent, but in that ballpark.

Q. Without knowing the actual relative balance of the rest of that ninety percent that you haven't evaluated in the peak hours, you can't really say, at least based on

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your observations in this case, on the relative p.m. use for residential versus industrial?

A. Keeping in mind we're talking about a ten percent peak hour. But we divided four peak hours, that's roughly forth percent of the day.

Q. Are you now saying forty percent of the trips, of the average daily trips, occur during the peak hours?

A. No. What I'm saying -- I haven't pulled out the actual number --- but we take ten percent. You were using --

Q. Are you saing --

A. Wait a minute. You were using the fact ten percent is peak hour trips and ninety percent is the rest of the day.

I am trying to point out that ten percent is during the peak hours in the morning. Ten percent is during the peak hour in the afternoon. And since we studied seven to nine and four to six, we're probably closer to thirty-five percent of the traffic is taking place during those four hours.

So sixty-five percent of the traffic is being

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spread out over twenty hours, some of that ends up being a very small amount of traffic every hour, other than the peak hour.

That's why, you know, one-third of our traffic takes place in four hours, you know, that's the reason we traffic engineers do that.

Q. I was taking your 1900 number. That's all I was doing.

A. That's what I was doing. Nornally for an ADT is roughly ten percent of what the peak hour is. We figure the peak hour is ten percent of the ADT. Excuse me.

Q. I don't want to get the records mixed up. You have a morning peak hour and evening peak hour, and you're talking about the actual peak hour, so that when you spread it out morning and afternoon, and spread it over two hours in the morning, then you get to your thirty-five percent?

A. Yes.

Q. But even if we take that period of time, you're still leaving out sixty-five percent of the daily traffic?

A. Spread over twenty hours, so it's a very small

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percentage.

Q. So each hour is a small percentage, but over the course of the day, sixty-five percent for those twenty hours?

A. Yes.

Q. At night, the businesses are shut down essentially after what, 7 o'clock?

A. I think I commented earlier. You asked, or I was asked about the ten to six, and the volumes are very low during those time frames.

That's all written in this equation. I talked about why I feel we can study those times we do, because they are the most critical times. And, obviously, one-third of the local days' traffic is during those four hours and gives us traffic engineers a real assurance we are covering the most critical times.

Q. But what volume there is at night is essentially going to be residencial? It may be a low volume, but it's going to be residential people?

A. That's not necessarily true. It could be people who are running service calls. I am sure when I was with

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the county, my signal technicians, when they were out all hours of the night preparing, they were surely looking for a 7-Eleven to get that cup of coffee, or whatever, when being called out. And the police, et cetera. There are a number of people who are out in the community.

Q. Without making an issue, but if they are on Reisterstown Road, Mr. Colbert showed us five or six different gas stations, and I think you'd agree there are plenty of convenience stores on Reisterstown Road?

MS. DOPKIN: I am going to object. I think we are getting a little argumentive.

Q. Did you look at any market study that Southland Corporation did for this project?

MS. DOPKIN: I object. Mr. Moore's testimony was in relation to traffic.

THE CHAIRMAN: It was purely limited to traffic and not marketing.

Q. Wouldn't it be relevant to traffic to know where Southland estimates its customers are coming from?

A. No. I think that my experience with traffic, we try to make our own independent analysis to determine

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where the traffic is coming from.

Now, usually, I've found market studies to be quite helpful if you're doing a regional type shopping mall or if you were doing a major traffic generator.

But to talk about a generator that is generating the traffic volumes we're talking about here, I have found marketing studies to be very little help in assessing where traffic is coming from.

Q. So you made no inquiry?

A. I feel better looking at the numbers I know are actually passing through this intersection. It would give me a better understanding of where the traffic is going to and from.

Q. If there were a marketing study, you wouldn't want to see it, based upon your testimony?

MS. DOPKIN: I am going to object. That has no bearing --

THE CHAIRMAN: He's answered the question.

MR. ZIMMERMAN: That's all I have. Thank you.

THE CHAIRMAN: Redirect?

MS. DOPKIN: No, sir. Thank you.

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THE CHAIRMAN: Thank you, sir.

MS. DOPKIN: In deference to the Board, we do have three other witnesses. My operations person had to leave at three. I have a planner I could put on, but I don't think we would finish with the witness by -- what is your time frame?

THE CHAIRMAN: 3:45. Off the record.

(Discussion held off the record.)

MS. DOPKIN: If it please the Board, we would proceed with our next witness, who is the land planner, at least for direct.

MR. ZIMMERMAN: I have to suggest that that's not good procedure for anyone to split up the direct and cross.

THE CHAIRMAN: Well, we have certainly done it before on any number of occasions. If we hadn't split up direct and cross, we would never have finished Hayfields, ever.

Let's see how far we can get.

MS. DOPKIN: I am at a loss how I will proceed.

THE CHAIRMAN: Call your witness.

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MS. DOPKIN: I would call Mr. Alfred Barry.

MR. ZIMMERMAN: I am familiar with Mr. Barry and would agree to his qualifications as to planning.

MS. DOPKIN: I don't know if the Board is familiar with Mr. Barry.

THE CHAIRMAN: I am. I don't know if my colleages are.

MS. DOPKIN: I have his resume.

THE CHAIRMAN: Why don't you submit his CV, and if they don't object, we have done that.

MS. DOPKIN: I don't want to prolong the preliminary questioning, if there's no objection. I don't it to be raised later.

THE CHAIRMAN: I was going to say Mr. Zimmerman has been kind enough to stipulate. Mr. Sellers?

MR. SELLERS: No problem.

THE CHAIRMAN: We'll accept Mr. Barry as an expert in land planning.

MS. DOPKIN: Thank you.

A L F R E D B A R R Y,

having been called as a witness, was duly sworn and

testified as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Would you please state your name and address and occupation?

A. My name is Alfred W. Barry, 3rd. My address is 5 Light Street, Suite 403, Baltimore, Maryland 21202.

I am the principal of A.B. Associates, a land planning consulting firm based in Baltimore, but doing work throughout Maryland.

Q. You have been accepted as an expert in the field of land planning. Are you familiar with the plan and petition that are the subject of today's hearing?

A. Yes, I am.

Q. Are you familiar with the property?

A. Yes, I am.

Q. Have you visited the site?

A. I have visited the site a number of occasions, both the immediate site as well as the surrounding neighborhood.

Q. Would you describe the area of which the site is

a part?

A. The site, as stated by a number of witnesses, is in the general Owings Mills area, but specifically adjacent to the business center which is a large industrial park developed in recent years on Crondall Lane.

Q. How would you characterize, for lack of a better word, the neighborhood that this site would be identified with?

A. In my opinion, the neighborhood that's closely identified with the site is really the contiguous neighbor of the industrial park.

If I can go to the map for a second? Looking at the aerial photograph, which is Exhibit Petitioner's No. 3, I would define the neighborhood as being generally bounded by the CSX corridor to the west, the Owings Mills Boulevard down to and including the industrial zoning category, which really extends to the Mayor and City Council property where the Raven's complex is, as well as the industrial area not to be -- hasn't yet been developed south of Crondall Lane to the same extent as the business

center at Owings Mills which is north of Crondall lane. I really see that the Gwynnbrook wildlife management area is a substantial boundary to what we'll call a neighbor, for the sake of this discussion, and really separates it substantially from the residential neighborhood to the north, north of the Maryland Public Television property, as well as the wildlife management area.

Q. You testified, I believe, that you visited the area. Are you at all familiar from your site visit with the surrounding uses?

A. Yes, I am.

Q. Could you tell the Board to the extent of your investigation what those uses are?

A. I went on a number of occasions to look at the industrial park. In particular, along Crondall Lane is a series of parks developed by, I believe, various individuals, various developers, and containing a mixture of uses.

There is some, what I would characterize as primarily, even though an industrial area, as an office park with the many employment uses being, first of all,

probably ninety percent of them are office related type uses. There are one or two, I believe, retail -- what I characterize as retail use, a small delicatessen in one of the buildings, and that was really the only, what I would say, traditional retail use that I could see operating.

There's a health HMO. There are a number of other uses that would get used during the day and, in fact, some uses appear to be open on a twenty-four hour basis. Those are all north of Crondall Lane.

Then you have the synagogue Beth Israel just to the west of that. You have some new development under construction. There's been a recent storage operation on Owings Mills Boulevard and there is also at the corner of Crondall Lane and Owings Mills Boulevard, there's a new center under construction which will have office and retail uses. It's not completed, although it's getting more completed as we progress on this process.

Q. Have you examined the site with respect to its suitability for development within the ML-IM zone?

A. I think one of the aspects about this site is that because of its size and because of the topography of

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the site, it is not as suited for any development typically north of Crondall Lane. It's only basically developable area is less than three acres which would make it unlikely that a development of the other type north of Crondall Lane would ever fit on it.

Q. Do you believe the proposed use is appropriate for this site?

A. The proposed use is appropriate from a number of standpoints. One of the major things that planning theory has been going towards is to stop segregating uses rigidly and to really start looking at a mixed use concept, to incorporate different types of uses within neighborhoods or planning districts.

I stated earlier that this particular strip area which has a large number of uses really is not served by any significant degree of retail, and that this type of use could be considered clearly accessory to that, or auxiliary to that industrial complex.

So it would be certainly appropriate to look at the small sites which are existing subdivisions within that zone as providing the necessary type of use to be

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auxiliary to the principle development within the zone.

Q. Did you investigate or are you familiar with the size of the industrial area that this is a part of?

A. The overall industrial area, if you talking about the zoning, is, I believe, it's over 400 acres there, about almost 500 acres.

Q. And from a locational point of view relative to the industrial area that you described, do you feel that the location of the site is appropriate for what you describe as an auxiliary use?

A. Well, it's certainly appropriate by being accessible to the industrial area. It's at a major intersection, provides easy access to the industrial area from Crondall Lane,

Q. Do you feel that the location of this site, which is outside of either of the specific industrial subdivisions, would encourage better use of the prime industrial areas, or discourage --

A Well, as I said, planning theories, and even development theory, is tending to look at mixed use as more of a factor in deciding where to locate.

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One would think that if somebody was going to redevelop industrial property in the future, it would look at the amount of services one would have nearby so one wouldn't have to necessarily go a further distance away to provide services for their employees. So, in that sence, having something a minute away or less than a minute away would be desirable if you were going to locate a business in an industrial park.

Q. Is it your opinion that this is a prime industrial site itself?

A. No, it is not, primarily because of the size and the fact the topography limits the amount of usage of it for any kind of industrial use.

Every one of the subdivisions in the Crondall Lane area well exceeds the subject site. I believe the average site was over twenty-five acres when they were developed.

Q. Have you examined the Baltimore County zoning regulations with regard to the ML-IM zones?

A. Yes, I have.

Q. In particular, have you read the purpose of the

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IM district cited in these regulations which I believe are in front of you?

A. Yes, I have.

Q. Do you believe that this site is consistent with the purposes of the IM district?

A. Yes. And the IM district, just to repeat this, may be applied to certain areas that individually contain 100 acres or more of land zoned industrial, or semi-industrial use. This area clearly meets that. There is over 400 acres of industrial property that's been developed in the north park with that in mind.

One of the aspects of the county zoning regulations is that it recognizes this mixed use concept by allowing certin uses which are not seen as traditionally industrial, and would be considered auxiliary to the principle use.

Q. Are you familiar with the ML regulations and the uses that are permitted in the ML zone?

A. Yes, I am.

Q. Is a food store of 2500 square feet permitted as a matter of right?

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A. Yes, it is.
MR. ZIMMERMAN: Assuming no service station goes with it?
THE CHAIRMAN: Whoa, whoa. You'll get your turn.
Q. Are you familiar with the comments of the office of planning and zoning with respect to the special exception use?
A. This is the previously referred-to-memo?
Q. Correct.
A. Yes, I am.
Q. That memo references a certain report by the planning office. Have you attempted to attain a copy of the report?
A. Yes, I have.
Q. Is there such a report?
A. To my knowledge, the office of planning which had previously led a number of people, including myself, to believe it would be issued shortly, it has not yet been issued. So, as far as I know, there's no copy of that report they based their recommendation on.
Q. Are you familiar with the special exception

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standards set forth in the Baltimore County zoning regulations?
A. Yes, I am.
Q. As you have heard before, before any special exception can be granted, it must meet certain standards and not have a particular adverse effect.
That it is also consistent with the standards for a special exception that's been enunciated in the law.
Is it your opinion that this use at this site would have an adverse effect more -- that the effect of this site would have adverse effect above and beyond those inherently associated with the special exception use, irrespective of its location within the zone?
A. No, I do not. The use itself, particularly by combining the two uses together, and being again a convenience type use promoted for the industrial park, would have even less impact than any other type of use as a destination in and of itself.
Q. So is it your opinion that this site, their use at this site, might have fewer adverse uses and effects than another use at this site?

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A. Another use at this site such as a restaurant which would be a designation for a wider audience might have more traffic impact, not that that would necessarily be negative.
MR. ZIMMERMAN: Move to strike. A restaurant is not a permitted use.
THE CHAIRMAN: He was giving an example of another type use.
Q. Is it your opinion that this use at this site would have fewer adverse effects than this use at another site or within the same zone?
Fewer impacts, or any different impact?
A. It wouldn't have any different impact. It would be a similar impact.
Q. In Section 502, it specifies before a special exception can be granted, it would not do certain things.
In your opinion, would the use be detrimental to the health, safety or general welfare of the locality involved?
A. No, it would not.
Q. Would it intend to create congestion in roads,

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streets or alleyways?
A. No, it would not.
Q. Would it create a potential hazard from fire, panic or other dangers?
A. It will not.
Q. Would it tend to overcrowd land and cause undue concentration of population?
A. No, it would not.
Q. Would it interfere with adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements?
A. No, it would not.
Q. Would it interfere with adequate light and air?
A. No, it would not.
Q. Would it be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the Baltimore County zoning regulations?
A. No, it would not.
Q. Would it be inconsistent with the impremeable surface and vegetative retention provisions of the zoning

regulations?
A. No, it would not.
MS. DOPKIN: I have no other questions on direct.
THE CHAIRMAN: Mr. Sellers?
CROSS EXAMINATION
BY MR. SELLERS:
Q. Mr. Barry, what's an auxiliary use under the Baltimore County zoning regulations?
A. Typically, an auxiliary use is something that's considered subordinate in intent and purpose to the principle use.
Q. Is it defined anywhere?
A. It may be. I can't remember the exact definition.
Q. How many cases have you testified regarding a Baltimore County site?
A. This the first case I have testified before.
Q. This is the first case you ever testified about a Baltimore County site?
A. That's right.
Q. Are you familiar with the Baltimore County Master

Plan?
A. Yes, I am.
Q. You are?
MS. DOPKIN: I would object. The Master Plan was not the subject of direct at all.
MR. ZIMMERMAN: He testified to 502.1, talking about the purposes of the zone. The zoning is a natural extension of the Master Plan.
He also talked about the spirit and intent. The Master Plan is part of the spirit and intent of the zoning laws.
This Board has accepted as evidence about what is the attitude and spirit of zoning over objection on any number of occasions.
Q. Are you familiar with the Master Plan?
A. Yes.
Q. Do you believe this proposal is in accord with the goals of the Master Plan?
A. I believe it is.
Q. Are you aware of any stated general policy regarding industrial land in the 1989 through 2000 Master

Plan for Baltimore County?
A. I believe Baltimore County wanted to promote particularly certain areas, and this being one of them, the redevelopment of industrial parks and industrial economic development.
Q. Was this area being redeveloped?
A. Redeveloped?
Q. You said redeveloped, didn't you? Is this a redevelopment?
A. No. This is a development.
Q. A development. Okay. Are you aware of a policy regarding industrial development in Baltimore County?
A. I believe Baltimore County is trying to encourage the development of industrial property and industrial parks within the Owings Mills town center.
Q. Are you aware of any policy regarding auxiliary uses mentioned in the Master Plan?
A. I don't recall any in the Master Plan. The department of planning was thinking of looking at that policy, and that's the report they were supposed to issue some months ago, but have not, to my knowledge.

Q. So you're not aware on page 31 of the current Master Plan section called land use plan, subcategory, industrial –
MS. DOPKIN: I am going to object.
THE CHAIRMAN: He said he's familiar with the Master Plan. Whether he's going to be able to quote verbatim every line in the Master Plan is a different matter.
My point being, that you can ask him if he's familiar with the philosophically. Unless he's one of the people that wrote it, and we have had those people up here, and they haven't been able to quote it, so if you want to establish it later on, go right ahead. I will sustain her objection.
MR. SELLERS: May I show it to him?
THE CHAIRMAN: You can show him the language, sure.
Q. The section marked thirty-one.
A. Do you want me to read this?
Q. No. Have you ever seen that before?
A. Yes.

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Q. You have seen this before?
A. Uh-huh.
Q. Why don't you read it?
A. The part that he's outlined and read on this page says as a general policy, the county should be cautious about industrially zoned land being preempted by other uses such as office and mobile home parks which should be accmmodated in other areas.
Q. Have you ever seen this document plan for Owings Mills?
A. Yes, I have.
Q. You have. Are you familiar with how this area is characterized in this plan?
A. I believe it's characterized as a town center.
Q. A town center?
A. There's an industrial park area designated, which I will point out --
Q. Let's talk about the town center first.
A -- is consistent with the statement you just asked me to read, since --
Q. You say this is the town center area?

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THE CHAIRMAN: Whoa, whoa, guys. You ask questions. He waits until you're finished.
MR. SELLERS: That's fine. Who's turn is it?
MS. DOPKIN: And I object to the line of questioning.
THE CHAIRMAN: Right now, I haven't seen it go anywhere, but I will hear an objection.
MS. DOPKIN: I'm not sure what relevance it has.
MR. SELLERS: Because this is assumed now into the Master Plan, and for the same reason --
THE CHAIRMAN: Let's see where you're going with it. He's familiar with the Master Plan and the document you're showing him.
Q. Have you ever seen this map which is contained in part of the Master Plan for Owings Mills?
A. Yes.
Q. You would agree the subject property is in this area?
A. Yes, sir, I would.
Q. Called color coding?
A. Industrial.

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Q. Just for the record, now that you have a plan of the area, you would agree the town center is way down here south of 795?
A. Well, the additional town center is within this area. I'm not referring to the Owings Mills town center plan. I am referring to this entire area, which is the basis of this drawing, which included the industrial area north of Reisterstown Road into an office park development.
Q. You consider that --
A. It was planned as one plan.
Q. You consider that part of the town center?
A. Probably not the way you would.
Q. Are you familiar with the goals in this document?
A. I believe so. I read them a few months ago.
Q. Actually, I think I will take that up another time.
Now, you said the lot here in question is a small sized lot and it's not appropriate for ML-IM use, is that correct?
A. No, that's not what I said.

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Q. What did you say?
A. What I said, it's unlikely to be developed for an industrial type use consistent with the recent development in the entire area north of Crondall Lane.
Q. But this is south of Crondall lane?
A. South of Crondall Lane was also a small parcel, and a much smaller parcel relating to the subdivision approvals that have been granted by the county both north of Crondall Lane and even south of Crondall Lane.
Q. There is ML zoning around two borders of this property, is that right?
A. Right.
Q. So in combination with other parcels, it's not too small?
A. Well, the parcels are not owned --
Q. Were all the parcels zoned industrial parks? Were they all one parcel when they were developed?
A. Not when they were developed, to my knowledge.
MS. DOPKIN: I am going to object.
Q. Thank you.
A. That's not the point. The point is --

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Q. If the zoning --
THE CHAIRMAN: Let him finish.
A. The point is that zoning allows for uses other than what we are developing north of Crondall Lane, such as a convenience store.
If the zoning allows for different types of uses, one, that's going to presume those uses may go to smaller parcels which are less likely to be developed with a principle zone than it is zoned.
Q. Are you saying the zoning is different on the north side of Crondall lane?
A. No.
Q. So a convenience store could go up there too, is that correct?
A. A convenience store could go -- could go anywhere within the zoning category by right.
Q. How many 7-Elevens are you aware of across the street from synagogues?
MS. DOPKIN: I really object.
MR. SELLERS: He testified, Schultz v. Pritts, here, there, everywhere.

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THE CHAIRMAN: I don't know. Certainly, it's not anything that was brought up in his direct examination.
MR. SELLERS: I will reserve the right.
THE CHAIRMAN: Okay.
MR. SELLERS: It's more efficient to do it all at one time.
THE CHAIRMAN: I appreciate your kind thoughts.
MR. SELLERS: That's all I have.
THE CHAIRMAN: Okay.
MS. DOPKIN: I would like a clarification on direction. I think it's purely a clarification. If People's Counsel would would allow me the liberty?
REDIRECT EXAMINATION
BY MS. DOPKIN:
Q. When you're referring to north of Crondall Lane --
MR. ZIMMERMAN: I can't hear you.
Q. -- runs northeast, are you referring to these developments which we generally refer to as east, or the development in this direction? I just need orientation.
THE CHAIRMAN: I think he was talking generically

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above and below that line.
THE WITNESS: That's correct.
MS. DOPKIN: Thank you. That was my only question. Thank you, sir.
THE CHAIRMAN: Mr. Zimmerman? You've got about seven minutes.
FURTHER CROSS EXAMINATION
BY MR. ZIMMERMAN:
Q. Mr. Barry, there are about 105 uses permitted by right in the ML zone, are there not?
A. I will look at the numbers, but I will take your word for it.
Q. Keeping in mind some of them have sub-numbers?
A. Right.
Q. You're not suggesting you have gone through all those 105 uses and none of them were -- almost none of them are available for this site?
A. No, I didn't suggest that at all.
Q. In terms of the neighborhood generally, while you have bounded it more or less at the wildlife management area to the north, certainly the fuel station and

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convenience store would be available for any of the residents driving down from the residential areas to the north on or near Owings Mills Boulevard?
A. To be available to anybody who happens to be driving along Owings Mills Boulevard or Crondall Lane, for that matter, or coming from eight miles away, ten miles away.
Q. Wouldn't --
A. That's not the point.
Q. Owings Mills Boulevard is the main, whether we call it arterial or collector road, for the residential neighborhood along Owings Mills Boulevard when they get down to Reisterstown Road, or Interstate 795, correct?
A. Just because it's the main route they may have to get to Reisterstown Road doesn't make this particular site part of their neighborhood, anymore than anything developing on Reisterstown Road which might be just as close to them is part of their neighborhood.
Q. There are no other convenience stores in between those residential neighborhoods to the north and Reisterstown Road along Owings Mills Boulevard, correct?

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A. I don't know what uses are going to come into the new center. Just on the opposite corner from this, I think there are plans for some convenience type shopping as part of that center from the sign that they have outside.
Q. You pointed out about 400 acres of the ML zone use in the area, correct?
A. That is correct.
Q. But you would also agree there are several thousand acres of residential use north of that wildlife management area?
A. Yes, that's true.
Q. What's the work force population of the business park that you have identified of other industrial uses, did you get any numbers on that?
MS. DOPKIN: I would object since it was not the object of direct at all.
THE CHAIRMAN: And he didn't direct himself at all to a breakdown of any of the numbers.
MR. ZIMMERMAN: Then this witness is not being produced for any indication that this proposal serves an industrial area? Otherwise, I ought to be allowed to get

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a population estimate.
THE CHAIRMAN: You finally threw me a tough one, Mr. Zimmerman.
MR. ZIMMERMAN: It is relevant.
THE CHAIRMN: Briefly.
Q. Did you get any estimate on the population of this industrially zoned area, the two business centers, anything that's at Rosewood, the concrete plant?
A. Well, my estimate came from, frankly, driving through the area and looking, studying that in relation to the traffic counts which indicate that, I think, during a one peak hour in the morning has almost a thousand people coming, leaving Crondall Lane, to Owings Mills Boulevard.
Q. Between six and seven --
A. That's the morning. After nine, it might have been more.
Q. I suggest it was between six and 700, but Mr. Moore's testimony can indicate that.
A. It would not surprise me if that industrial park, the business center, had in excess of 1000 employees.
Q. But you haven't run the numbers?

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A. No.
Q. But wouldn't you agree there are several, at least several thousand residential population in the area along Owings Mills Boulevard to the north?
A. It will be probably correct.
Q. Certainly this 7-Eleven and gas station are not going to put a sign up saying, If you live north of the wildlife management area, you can't stop here?
A. I don't know what kind of sign they want to put up. I don't think that's part of the approved signage package.
Q. In terms of being able to use the place, it will become part of their neighborhood?
A. Oh, no, not necessarily. It's certainly not oriented to Owings Mills Boulevard. As was stated previously, the whole design was turned towards the industrial park.
Q. There is an access on Owings Mills Boulevard, is there not?
A. Yes.
Q. There's to be signs on both Owings Mills

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Boulevard and Crondall Lane, correct?
A. Yes. One sign.
Q. Did you know whether Southland did a marketing study?
A. I'm not personally aware of --
Q. Wouldn't it be normal for them to do --
A. -- that marketing study?
MR. SELLERS: The $64,000 question.
THE CHAIRMAN: Let him answer. It's getting late in the day.
MR. ZIMMERMAN: (Inaudible).
THE CHAIRMAN: I didn't hear you, and I know only one of you is an attorney. You can't comment when someone else is being asked a question, even if someone else is loud enough for other people here.
Q. As far as the word, I think you used the word auxiliary and accessory various times in your testimony. Would you consider them essentially synonymous?
A. I think for most purposes, they would be synonymous.
Q. Is it your suggestion this proposal is

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essentially accessory to the business park on Crondall Lane and other uses?

A. Well, it's auxiliary to the uses. Accessory use sometimes depends on how you want to characterize the term.

Accessory typically means it's a use accessory to a principle use on the same property, whereas auxiliary would be something on a different property, and may be as part of the planned area of one sort or another. I would say it would be auxiliary to the industrial area north of Crondall Lane that's existing.

Q. A few minutes ago, you told us the two words were synonymous, but now --

A. They are in planning terms, but sometimes the zoning code differentiates between the two.

Q. In fact, even under your more narrow or broader term of auxiliary used a few minutes ago, this site is not part of the planned business park, either of the planned business parks you identified?

A. In the sense, it is a part of the Master Plan for this section of Owings Mills. There was a desire to have

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that as one industrial area and it's being developed that way under different ownership.

So, in practicality, it functions as a planned industrial park, even if it's not -- even being developed by a variety of developers.

Q. It's not part of the industrial subdivision?

A. No, it is not. I'm not aware the regulations require it to be.

Q. And the synagogue isn't either?

A. No.

Q. If it were truly the main goal, to serve the industrial park, then the thing to do would be to put the 7-Eleven and the gas station in the business park?

A. Not necessarily. That's possible, theoretically. You'd have to ask the developers why they chose not to do that. One of the developers put a delicatessen that's available within the park itself.

Q. The 7-Elevens, generally speaking, serve consumers, and many, many, many of them being residential consumers, they are not known as industrial adjuncts, are they?

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A. I'd have to talk to 7-Eleven to find out their marketplace. I don't know where they get it from.

Q. If the true function of this facility was to serve the industrial park, then it wouldn't be open twenty-four hours, would it?

A. No, not necessarily. There are any number of uses that one could imagine that are open twenty-four hours a day within this area.

As I said, my belief is that some of the uses within the park are open twenty-four hours a day. There was testimony to that at the prior zoning hearing by Mr. Hamilton. And there are other uses such as in the general areas as Maryland Public Television.

Q. Using your example, that's up in the area that's predominantly residential?

A. Well, it's not zoned that way.

Q. To your personal knowledge, how many employees are working a midnight shift in that industrial park, or the industrial parks that are supposedly auxiliary to?

A. I don't know. All I stated was it was my impression from the uses over there that some were open

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more than just an eight-hour normal workday.

Q. You wouldn't agree the main function of staying open twenty-four hours is for residents who feel like getting out at ten, eleven, going solely, buying some gas?

A. 7-Eleven will tell you their own reasons why this business needs to be open twenty-four hours a day.

Q. You didn't inquire as to their study?

A. I met with 7-Eleven. They have some operational reasons why they feel that's important.

Q. You didn't see anything in writing on their reasons?

A. No.

Q. Their strategy?

A. No.

Q. You didn't ask to see --

A. I didn't ask to see anything in writing, no. They have a very strong operational plan, which I think you will hear later in the hearing.

Q. An office building could be built on this site, a small office building, so there's no misunderstanding?

A. One would have to see the size, so forth. I

haven't seen a plan. It's theoretically a possibility. I didn't say it was likely.

Q. There are many office buildings in Baltimore County built on an acre, or less than an acre, even you would agree?

A. I will take your word for that. I am sure there have been some.

MR. ZIMMERMAN: We won't go through the 105 permitted uses, in deference to the Chairman.

THE CHAIRMAN: Thank you.

MR. ZIMMERMAN: That's all I have.

THE CHAIRMAN: Redirect?

MS. DOPKIN: I only have one question for Mr. Barry.

REDIRECT EXAMINATION

BY MS. DOPKIN:

Q. Mr. Barry, I believe you heard Mr. Colbert's testimony regarding the orientation of the building.

From a mapping point of view, would that orientation with the rear wall of the building fronting on Owings Mills Boulevard and the front of the building

anterior to the site, oriented to the east, do you feel that that orientation and site design would capitalize on traffic on Owings Mills Boulevard?

MR. ZIMMERMAN: Objection. Beyond cross. Not proper redirect.

THE CHAIRMAN: I will allow it.

A. I mentioned earlier that the design as has been testified to is unique from the standpoint if one were to be oriented to the main street, such as Owings Mills Boulevard, one would face the store and the activity towards the main street.

What they did was, and it wasn't part of the decision by the county in the negotiations, as to the site design, one would see see that by turning it back to Owings Mills Boulevard, it is less conspicuous, also sits up on a hill. It has been testified to substantial landscaping between it and Owings Mills Boulevard, and that the openness of the site is really directed towards Crondall Lane and the traffic on Crondall Lane.

MS. DOPKIN: Thank you. I have no other questions.

THE CHAIRMAN: Thank you, Mr. Barry. That will complete us for today.

Counsel have all agreed that we will reconvene Thursday afternoon at 1:30, at which time we will complete your case, and we'll get into your case and see where we go from there.

(Hearing adjourned.)

* * * * *

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IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
JEAN SCHUSTER - LEGAL OWNER;	*	OF
SOUTHLAND CORPORATION,	*	BALTIMORE COUNTY
ASSIGNEE OF CRONDALL LANE LLC -*		Case No. 98-269-X
APPLICANT FOR A SPECIAL	*	June 11, 1998
EXCEPTION ON PROPERTY LOCATED	*	
ON THE SE/COR CRONDALL LANE	*	
AND OWINGS MILLS BOULEVARD	*	
(3731 CRONDALL LANE)	*	
4th Election District	*	
3rd Councilmanic District	*	

* * * * *

ORIGINAL

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals of Baltimore County at the Old Courthoue, 401 Washington Avenue, Towson, Maryland 21204 at 1:30 p.m., June 11, 1998.

* * * * *

Reported by:

C.E. Peatt

BOARD MEMBERS:

LAWRENCE M. STAHL, Panel Chairman
CHARLES L. MARKS
THOMAS MELVIN

DEBORAH C. DOPKIN, Esquire
On behalf of Petitioners

ROBERT D. SELLERS, Esquire
On behalf of Protestants

PETER MAX ZIMMERMAN, Esquire
People's Counsel
On behalf of Baltimore County

THE CHAIRMAN: Good afternoon, everyone. We appreciate your coming back and we welcome you back to hearing in Case No. 98-269-X in the matter of Jean Schuster, legal owner, Crondall Lane LLC Developers, day number two of this hearing.

And without any further adue, we are going to want to try to do as much of this today as we possibly can.

The record will reflect all counsel and parties who were present on the first day are once again with us, and that will save you the trouble of having to get up and make those little speeches, and I believe, Ms. Dopkin, we had finished Mr. Barry.

MR. SELLERS: May I briefly note, for the record, remind the Board of several continueing objections, because we are starting a new transcript day.

THE CHAIRMAN: I would not mind at all.

MR. SELLERS: Briefly, and I will not give you any supportive documentation, but I do have a continuing objection to any testimony on any other issue other than the 1500 plus square foot or 405.4.E special exception,

because I don't think it was proper notice. I don't think the petition was proper. I don't think the publication was proper.

THE CHAIRMAN: All previously stated.

MR. SELLERS: I also have a contunuing objection to the purported amended petition, because this Board, by design, does not have original jurisdiction to take that. I think that will cover it.

THE CHAIRMAN: Those are the continuing objections as I do recall them, and as I am sure the record reflects, and, once again, are in effect as we proceed. Ms. Dopkin.

MS. DOPKIN: Thank you, Mr. Stahl. Before we proceed, I want to clarify, we are trying to complete this hearing today, if at all possible.

If there is a continuation, it would be next --

THE CHAIRMAN: Well, let me say this, and maybe I can save us the problem.

In the event that we have to go further, we have done some checking of the books. We'll have some tentative dates, all of them, again looking at our

self-imposed June 5th deadline, if we can't finish today, we are probably looking at an extension of that for a week.

MS. DOPKIN: So the 19th?

THE CHAIRMAN: Thereabouts, depending when we can get in for deliberation, but we'll go through those dates.

I am aware of your scheduling problem on the 18th also. If we finish today, we may miss that date by a couple of days, but that will be simply because of the time it takes to turn around the written word to a typed Board opinion.

So we'll be close one way or another, but probably no worse than a week or ten days, worst case scenario.

MR. SELLERS: I do have several witnesses unable to be here today.

THE CHAIRMAN: Well, let's see how far we get. It may be a moot point. It may not.

MR. SELLERS: I just wanted to tell you up front.

THE CHAIRMAN: I appreciate the notice.

MS. DOPKIN: As a preliminary matter, Mr.

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Zimmerman, who is here, pointed out that, in fact, the front of the building is not facing Owings Mills Boulevard.

As you can see, the rear of the building faces Owings Mills Boulevard. We agree, and we thank him for that.

And, after looking at the regulations, we agree Owings Mills Boulevard is not the front yard of this site.

We would offer that correction to the notes on the plan to correct the orientation, the front of the building to Crondall Lane, to reflect Crondall Lane is the front yard.

Further, we think this is primarily a development plan issue which can be freely amended as part of the development plan.

THE CHAIRMAN: We appreciate your comments. As you have indicated, it's not really part of what we are.

MS. DOPKIN: And we can make the corrections to those notes.

THE CHAIRMAN: At the appropriate forum at the appropriate time.

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MS. DOPKIN: I only have one witness I will be calling today.

MR. SELLERS: For the record, I will --

THE CHAIRMAN: Nothing happened. There's nothing --

MR. ZIMMERMAN: We have changed the front to the back.

THE CHAIRMAN: No. Counsel has suggested to us that they accept the characterization that may or may not have been made yesterday.

That doesn't add new evidence, change new evidence, alter anything any witness said.

MR. SELLERS: The site plan has been amended.

MS. DOPKIN: I suggested --

THE CHAIRMAN: They suggested they will amend it, but suggested it was primarily a function of the development plan, and I agreed that's another forum, and amending that plan or these documents is a function of that body, not this one.

MR. ZIMMERMAN: For the record, our office does not agree with any of the comments by counsel for petitioner.

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We think the front of the property is Owings Mills Boulevard, and the point that I was --

THE CHAIRMAN: That's a question -- that's one of the questions the witnesses have directed themselves to.

MR. ZIMMERMAN: It's a zoning issue, is my point, and, in fact, the front of the building property is on Owings Mills Boulevard, and the legislation requires seventy-five foot setbacks, which they don't have, and apparently even their own original plan indicates that the front is Owings Mills Boulevard, which is why counsel, belatedly, for petitioner, is trying to make an amendment.

THE CHAIRMAN: She did not move an amendment.

MR. ZIMMERMAN: Whatever she suggested.

THE CHAIRMAN: That was my point, Mr. Zimmerman. Nothing technically, officially, happened, which is why I was curious the two of you were objecting, or comments.

MR. ZIMMERMAN: I just want to say at the end of the case one of the issues the Board will have to resolve is what is the front of the property and what setback is appropriate, and we haven't agreed with the petitioner on

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that. That's all.

THE CHAIRMAN: And I don't disagree. I find myself not disagreeing with anything the three of you said, actually.

MS. DOPKIN: I'd like to call my next witness, Larry Darrow.

LARRY DARROW,

having been called as a witness, was duly sworn and testified as fools.

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Please state your full name, address, and occupation.

A. My name is Larry Darrow. My business address is 6311 Allentown Road, Temple Hill, Maryland 20748, I am a market manager.

Q. How long have you been in management for Southland Corporation?

A. Fourteen and a half years.

Q. Would you please describe the proposed use at the subject site?

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A. Yes. The proposed use is a convenience store of about 2900 square feet that sells gasoline. It would be our intention to open the the store seven days a week, twenty-four hours a day.

Q. How many employees do you estimate will work at the store?

A. The estimate of employees at this time is twelve full-time employees and six part-time employees.

Q. Section 405 of the zoning regulations requires certain maintenance standards be met at this site. Will Southland maintain the premises in a clean and orderly condition?

A. Yes, we will.

Q. Will the landscaped areas be irrigated?

A. Yes, they will. Part of the plan is to put an irrigation system on the site for all landscaping and grass and typical maintenance, landscaping maintenance programs are part of what we do to maintain that.

Q. Will you replace plant matter, if need be?

A. Absolutely, yes.

Q. Do you know why this site was selected by

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Southland?

A. Yes, I do. The proximity to the nearby industrial uses and the employment center that that generates along with the traffic that is generated by the industrial use, the visitors there during the day and the night is part of why we picked this site.

And we view this type piece of property as core business to us.

Also, it's my understanding that, by right, this store, a 7-Eleven store or a convenience store, is permitted by right on this site without restriction at this location. That was another reason we picked this site.

The new prototype upscale store that is proposed to be built here really focuses on food service, and our experience shows us that in this type demographic and industrial park is where our customers come from, that is our target of customers that serves the demographic area that we are looking for when opening a store like that.

Q. You indicated the store would be a twenty-four hour operation. Can you tell the Board why?

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A. Yes. It will give us, first, the opportunity to serve the customers from the industrial center. Again, our experience is that ordinarily an industrial park has night activities all night, late-night workers, deliveries, maintenance, loading, accepting deliveries, this type of business, and it would be our desire to service those customers.

Equally important, the new prototype store, as I mentioned earlier, really focuses on food service and the fresh store. And we run combined distribution center today that takes a lot of deliveries that would typically go to a 7-Eleven store. Typically, during the day, you might have had fifteen, twenty deliveries from the vendors, and we opened what we call combined distribution centers, CDCs, and all those vendors deliver to a warehouse and all of that product is combined in one truck coming to the store to deliver all of those vendors' products.

And, basically, the close proximity to the industrial center, we want the opportunity to service those customers. And our experience is that the customers

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today are looking for less stops, and we want to be convenient to them, and the more we can offer, the more convenient that we, indeed, are.

Q. Do you believe that having a fuel service station in combination with the convenience store at this particular site would have a greater adverse effect than ordinarily associated with the use at another location in the zone?

A. No, I do not. If anything, I think it would have fewer adverse effects, less trips generated.

MR. SELLERS. Objection. Basis. He's not a planner. He's not a zoning expert.

THE CHAIRMAN: I will sustain the objection in the form that you have asked it.

Q. Mr. Darrow, have you conducted studies as to the number of trips a fuel service station in combination with a convenience store generates versus a convenience store alone?

A. My experience shows --

MR. SELLERS: Objection. Basis.

THE CHAIRMAN: He's not an expert witness?

MR. SELLERS: The question was study.
THE CHAIRMAN: So I am going to sustain it, unless you want to try to qualify him in the marketing area, and we will certainly entertain that, subject to voir dire.
Q. Mr. Darrow, if the special exception is granted, is it your intention to construct improvements in accordance with the plan as presented and its amendments?
A. Yes, it is.
Q. Before any special exception may be granted, it must appear the use for which the special exception is requested will not have certain adverse effects at the particular location.
Do you feel that, if granted, the use in combination would be deterimental to the health, safety or general welfare of the locality involved?
MR. SELLERS: Objection. Again, not a planner. No expertise in zoning. Not a resident of the area.
THE CHAIRMAN: He's a marketer. He's in charge of the marketing operation. Whether it will have a detrimental effect on the community is not in his area of

knowledge.
Q. Relative to other convenience stores at other locations with which you are familiar, do you believe the risk of adverse effects of this use at this location would be greater or less --
MR. SELLERS: Objection. I understand it's closer.
THE CHAIRMAN: It's still not his area. Let me suggest -- let me ask the question. I am going to move this thing alone.
Are you familiar with the use aspects of this type of combintion at other locations under your jurisdiction?
THE WITNESS: Yes, I am.
THE CHAIRMAN: Based upon that knowledge, which you can cross-examine him about, based on that knowledge and in comparison, counsel, would you ask your question?
MS. DOPKIN: Thank you.
Q. Based on that knowledge, and comparison, do you believe the risk of adverse effects of this use at this location would be greater than other locations?

A. No, I do not.
MR. SELLERS: Objection. Basis for adverse.
THE CHAIRMAN: Based upon his experience with other like operations in these type of areas. Now, to the degree that that's a true statement, you certainly have a right to ask him on cross-examination how much, what kind of neighborhood, all those questions. Go ahead.
Q. Mr. Darrow, are you responsible for the operation at 7- Elevens with fuel and without fuel sales?
A. Yes, I am.
Q. Based on that experience, do you believe in having a fuel sales in combination with a convenience store would create any greater adverse effect than without?
A. No, I do not.
Q. Based on your experience in operating those stores, is it your experience that a convenience store with fuel, in combination with fuel sales, creates more traffic than a convenience store by itself?
A. We have looked at those numbers, and they do not create more traffic.

MS. DOPKIN: Thank you. I have no other questions for Mr. Darrow.
THE CHAIRMAN: Let's proceed. Cross.
CROSS EXAMINATION
BY MR. SELLERS:
Q. Let's start with where we left. Mr. Darrow, when you sell more product, you don't attract any more customers, is that right?
A. It's not what I said.
Q. You just said there was no difference in the number of trips generated to your facility whether they sell gas or not, is that right?
A. That's true.
Q. Gas would be an an additional product, wouldn't it?
A. Sure. I'm not going to play on your words. We have done studies that show a thousand to 1200 customers in the average 7-Eleven store, whether it has gasoline or not.
Q. The average 7-Eleven store?
A. (Nodding head.)

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Q. How much time have you spent in this community?
A. This exact community?
Q. In this exact community.
A. I've made a number of trips.
MS. DOPKIN: I'm going to object.
THE CHAIRMAN: He's getting into his basis of knowledge. I have no problem with that.
A. I made a number of trips to the site and I attended the community input meeting. We acknowledged concerns and visited this site to look at it for the purpose of building a store once the real estate recommended it.
Q. You live in Temple Hills?
A. Fredericksburg, Virginia.
Q. Did I hear something about Temple Hills?
A. That's my office.
Q. You live in Virginia, your office is in Temple Hills, and you have been to this site what, a half dozen times?
A. Probably that.
Q. Do you feel like you're qualified to talk about

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what adverse things may arise in this neighborhood?
MS. DOPKIN: Object.
MR. SELLERS: That's the whole point of my previous objection.
THE CHAIRMAN: It seeems to me there is an answer that the witness can give. I'm going to allow the question and let the witness deal with the question.
A. I've got a lot of experience with similar situations.
Q. That's not the question.
MR. SELLERS: Please direction the witness to answer my question.
THE CHAIRMAN: If he recalls.
A. Repeat it.
MR. SELLERS: Would the reporter read the question back, please.
(The question was read by the reporter.)
Q. Do you feel like that qualified you?
A. Again, I feel like I'm qualified to answer that question, not necessarily based on my experience, not believing personally this location is any different than a

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lot of other locations we operate.
Q. How many people work in that industrial park?
A. The office of economic development estimates there are three to 4,000 employees in the 1.1 million square feet that are currently existing in the industrial park.
Q. There's 3,000 people -- that's two industrial parks, is that right?
A. Uh-huh.
Q. Where's the next nearest 7-Eleven?
A. On Reisterstown Road.
Q. Is that a long road?
A. I don't know the exact location.
Q. What's Southland Corporation's projected market area for this store?
A. The typical area that Southland looks at --
Q. This store.
A. The typical area --
MS. DOPKIN: I would object. I think this is beyond the scope of direct.
THE CHAIRMAN: No. He's been talking about they

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are looking to serve this group and that group in this area and that area. He's trying to put some borders to it.
A. The typical area that we look at in building a 7-Eleven store, and, again, that's what our real estate department does for us, we go out three-quarters of a mile and do most of our decision-making based on that three-quarter mile radius.
Q. Three-quarters of a mile?
A. Uh-huh. That's typical.
Q. How about for this store, was there a marketing study done for this particular store?
A. Yes, there was, by the real estate development and some other companies involved in that.
Q. Do you have knowledge of that study?
A. Not exact knowledge, no.
Q. So you don't know how far they may have projected this store would draw from?
A. No, I don't know.
Q. You don't?
A. Not exactly. I just know the norm.

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Q. That doesn't necessarily apply to this store, does it?
A. Again, we have opened up a lot of stores like this.
Q. Because you're not necessarily familiar with the neighborhood, I am going to indicate to the extent I can on this aerial photo, which is, I believe, Exhibit 3 or 4, I don't recall -- it's Petitioner's No. 3. This is the site. Are you familiar with that?
A. Uh-huh.
Q. You heard testimony about Owings Mills Boulevard?
A. Uh-huh.
Q. You heard testimony about once you get past the wildlife management and the television place, this becomes densely residential, is that right?
A. Yes, I heard that testimony.
Q. If that residential area wasn't there, would you be building this store?
A. That would be a real estate decision, if they would recommend or not recommend it to me. That would be a real estate decision.

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Q. You don't know, is that correct?
A. I don't know.
Q. Thank you. You said in your direct testimony that in this location the 7-Eleven could be built by right under the zoning regulations?
A. I said, it's my understanding.
Q. How about a 7-Eleven with gas?
A. I said my understanding is a 7-Eleven could be build by right without zoning.
Q. How about a 7-Eleven with gas?
A. I don't know the specifics of that.
Q. Were you at the community input meeting?
A. Yes, I was.
MS. DOPKIN: I have to object. That wasn't part of the direct.
MR. SELLERS: We got into this in some extent with Mr. Colbert. I intend to call him back as an adverse witness and go into it further.
But counsel is correct, this witness hasn't spoken about that.
THE CHAIRMAN: You're talking about the specific

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meeting?
MS. DOPKIN: He asked him if he was at the community input meeting.
THE CHAIRMAN: No, no. The context of that question that was asked on direct examination was to elicit from him whether or not he had had any contact with the community, not making him an expert or reporter at what others may have said at that meeting.
MR. SELLERS: You don't have to be an expert to say what you heard at a meeting.
THE CHAIRMAN: He's not an expert or reporter of that meeting.
MR. SELLERS: That may come later.
THE CHAIRMAN: That may not come later, but that's not relevant cross-examination at this point. Okay? So if you want to ask question, the fact he was there or not?
MR. SELLERS: He said he was there.
Q. Now, you had testified that all of the deliveries now come from one truck, is that correct?
A. Not all the deliveries. I was explaining our

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combined distribution center, and a number of vendors participate in that business system program.
Q. But not all your deliveries?
A. No.
Q. If you bear with me just a minute. Are all 7-Elevens open twenty-four hours a day?
A. Where they can be.
Q. And you also testified, I think, the delivery, the unified delivery which you characterize as most of the deliveries, or some portion, happens at night?
A. That is correct.
Q. How does that happen in a 7-Eleven that is not open at night?
A. It doesn't.
Q. When do they get their deliveries?
A. They don't. They are not part of a business system. That's why we really want the stores open twenty-four hours, because the business system is our future, and when we can't make those deliveries to the stores -- I know the store you're referring to. They do not participate in the business system because they are

not open twenty four hours.
Q. But it is a 7-Eleven franchise, right?
A. That is correct.
Q. Do you have any study to indicate the number of people that work in the industrial park after 10 p.m.?
A. No, I do not.
MR. SELLERS: That's all on cross. I reserve.
THE CHAIRMAN: Mr. Zimmerman?
MR. ZIMMERMAN: Yes.
FURTHER CROSS EXAMINATION
BY MR. ZIMMERMAN:
Q. You would agree that the combination fuel service station and 7-Eleven store is not allowed by right in the relevant manufacturing light zone, correct?
A. That's my understanding, without an exception. Without a variance, I guess is what I'm saying.
Q. A variance?
A. Right.
Q. You certainly would agree that there --
MS. DOPKIN: I am going to object. He's asking questions about zoning.

THE CHAIRMAN: He did make a specific statement and I did sustain an objection at that point saying that he could ask this on cross-examination, so I am going to give Mr. Zimmerman a little bit of leeway.
Q. We are not going to confuse the record. We'll get to the difference between special exception and variance in a minute.
You're here today testifying because your company and the property owner have requested a special exception, are you aware of that?
A. Yes.
Q. Do you know what a special exception is?
A. A special exception, my understanding, a special exception is just that you need a special exception to do something different than the property has been zoned for.
Q. And, by the way, your company has a contract to purchase this property, is that right?
A. I would assume.
Q. Your company does not own the property right now?
A. That's my understanding.
Q. And the contract is contingent on zoning

approval?
A. I don't know.
Q. Is it part of your function to check out whether the request complies with relevant setback provisions under the law?
A. Is it part of my function? No, it's not.
Q. Is it part of your function to make sure other people have done that?
A. No, it's not. There are other people in charge of that.
Q. Does it concern you at all whether or not this request complies with relevant setback provisions?
A. Of course, it does.
Q. Would it surprise you --
MS. DOPKIN: I object.
THE CHAIRMAN: Asked and answer, so I would sustain the objection.
Q. The front of the proposed 7-Eleven or -- forget about the front or back for a moment.
One of the walls, or sides, however we characterize it, of the 7-Eleven is within 50 feet of the

residential zoned boundary, would you agree with that?
A. I heard that on the testimony previously.
Q. Would it surprise you if there were provisions which establishes a minimum setback of 125 feet from any point on a building to the nearest boundary line of a residential zone?
MS. DOPKIN: I am going to object.
THE CHAIRMAN: I will sustain the objection. It has nothing to do with his testimony and nothing to do with anything that he told us he knows anything about.
MS. DOPKIN: I try to not be argumentive.
THE CHAIRMAN: I understand.
MR. ZIMMERMAN It may be an absolutely crutial point in the case.
THE CHAIRMAN: Maybe. But we're only talking about cross-examination of one particular witness.
MR. ZIMMERMAN: I respect the Board's ruling.
Q. How much familiarity do you have with the location and operation of the 7-Elevens in the Baltimore metropolitan area?
A. All 7-Elevens?

Q. Yes.
A. Quite a bit.
Q. How many are there?
A. I am responsible for seventy-one in Baltimore County and Baltimore City.
Q. Now, to take an example, you are familiar with the 7-Eleven on Charles Street next to Eddie's Supermarket?
A. That is correct.
Q. That's not a twenty-four hour operation?
A. That is correct.
Q. It has no fuel station?
A. That is correct.
Q. How many 7-Elevens of the seventy-one currently operating are not twenty-four hour operations?
A. The one on Charles Street is the only one.
Q. How many of them are operating without gas pumps?
A. Sixty-three.
Q. Is that with or without?
A. Without.
Q. Clearly, these are functioning successful

franchises, the sixty-three that are without gas pumps?
A. You could say that.
Q. You did not, separately, you did not visit any of the business parks that are in the area to the east of the subject property, did you?
A. Business parks, meaning what?
Q. Shown on your engineer's aerial photo, Petitioners Exhibit No. 3, Owings Mills commercial center, business center at Owings Mills, did you go in and visit those?
A. I have driven through the area. To visit any of the businesses in those centers, no, I have not.
Q. Can you name a single business within those centers?
A. No.
MS. DOPKIN: I object. I don't know where he's going, what relevance it has.
The relevance was to show his knowledge. He answered the the question by saying he had driven through, but had not visited any of the businesses.
Q. You can't identify any single business in either

of those business parks operating on a twenty-four hour basis?
A. No.
Q. So to the extent that you testified that your proposed land use will serve the industrial uses at night, you were speculating, correct?
A. My exact statement was our experience is that ordinarily in an industrial park such as this, there are night activities, and I named those night activities.
Q. But you didn't take the trouble to check out a single business that's in any of those parks that are nearby this property?
A. I have been told there are twenty-four hour operations in that industrial park, but I can't tell you who they are.
MR. ZIMMERMAN: I move to strike any hearsay that the witness has not personally checked out.
THE CHAIRMAN: He said he does not know himself, only what he understood from others. That's not hearsay.
MR. ZIMMERMAN: It certainly is hearsay.
THE CHAIRMAN: Not in the sense of someone

testifying that someone said something particularly to him.
MR. ZIMMERMAN: Sometimes if it's used for the truth of the statement, the exception is a state of mind, which we're not talking about a state of mind.
THE CHAIRMAN: Not an important enough point.
MR. SELLERS: It may be.
Q. Let me move on. Your real estate department makes the initial decision as to where to locate one of your businesses?
A. That is correct.
Q. You didn't bring with you the marketing study, correct?
A. That is correct.
Q. Did your real estate department tell you the residential population that potentially would be serviced by this 7-Eleven?
A. No, they did not. We have not discussed exact numbers.
Q. You're not going to -- you don't plan to prohibit any of the residents in the area from coming in and

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getting gas or food at this 7-Eleven?
A. Prohibit? Of course not.
Q. Does your real estate department have a policy as to whether to locate 7-Elevens right next to religious institutions?
MS. DOPKIN: I object. I almost wonder if the question was facetious.
MR. ZIMMERMAN: No, it isn't.
THE CHAIRMAN: He's talking about -- he has described the area around it. The synagogue is one of the areas.
If a policy does exist, one way or another, we are entitled to know, so he will answer the question.
Q. What is your company's policy to locating your shops right next to a religious institution?
A. I'm aware of no policy that addresses that at all.
Q. So you're indifferent to the presence of a religious institution on the adjacent property?
A. I am aware of no policy that addresses the issue at all.

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Q. Would your answer be the same with respect to any schools, religious or otherwise?
A. Again, I am aware of no policy. We have a lot of 7-Elevens near schools.
Q. Do you know what consideration, if any, was given in this particular locational decision with reference to the adjacent religious school or instititon?
A. No, I do not.
Q. Do you know whether any consideration was given to accommodating the two land uses in terms of understanding the operations of the adjacent property owner?
A. No.
MS. DOPKIN: I object. That was not part of direct.
THE CHAIRMAN: I don't think it was either.
MR. ZIMMERMAN: But it's cross-examination.
THE CHAIRMAN: But you're wandering a little bit, Mr. Zimmerman.
MR. ZIMMERMAN: This is an important point in the case, the relevance of the immediately adjacent property.

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THE CHAIRMAN: Well, you already asked if there were any basic considerations.
Why don't you ask him to elucidate wat his basic considerations were in viewing it, rather than giving us a laundry list one at a time.
MR. ZIMMERMAN: Well, because it's cross-examination, I want to explore the question of adverse impacts on the nearby religious institition, that's why.
THE CHAIRMAN: It seems to me you already asked those questions. There's no policy and he doesn't know if it was considered in this particular project, he answered.
MR. ZIMMERMAN: I don't know that he answered that last question.
THE CHAIRMAN: He said he didn't know one way or another.
And he didn't know if it was considered.
MR. ZIMMERMAN: I thought that was the question objected to.
THE CHAIRMAN: No. He answered that. There was an objection, but he answered it, and I left it in.

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MR. ZIMMERMAN: Did the court reporter get that answer?
COURT REPORTER: Yes.
A. Now that it's been brought to your attention, you would agree that -- well, strike that.
What do you personally know about the operation of the institution next door?
A. What do I personally know? I know there is a school that operates there, is all I really know.
Q. Do you know the population of that school? The hours of operation?
A. No, I do not.
Q. Did you know if it operates Saturday morning?
A. No.
Q. Sunday?
A. I am not going to speculate. I don't know. So I I will keep saying, no.
Q. Now that it's been brought to your attention, wouldn't you agree that this could be a particular land use conflict between your proposed 7-Eleven twenty-four hour operation, seven days a week, and the operation of a

school?
A. Absolutely not. I wouldn't agree with that.
Q. In any event, in view of that, when your company put it together and you first learned about this site, did you not raise that as an issue with your real estate people, to say the presence of a school in that area?
A. No, I did not. Again, we have a lot of 7-Elevens near school sites; that there would be no reason to raise that as an issue.
MR. ZIMMERMAN: Thank you. That's all I have, Mr. Chairman.
THE CHAIRMAN: Redirect?
MS. DOPKIN: Just one question.
REDIRECT EXAMINATION
BY MS. DOPKIN:
Q. Did the real estate study identify the core market for this store?
A. Yes, they did.
Q. And what is that market?
A. The core market identified with the store is the industrial park.

MS. DOPKIN: Thank you. I have no further questions.
THE CHAIRMAN: Does that engender --
RECROSS EXAMINATION
BY MR. SELLERS:
Q. You don't have that study with you?
A. No, I do not.
Q. Mr. Darrow, in going through the file, I noticed several different sets of comments regarding access to this parcel of land.
MS. DOPKIN: I would object.
THE CHAIRMAN: Wait a minute.
MR. SELLERS: I will reserve. We'll do that later.
THE CHAIRMAN: He knows. Okay. We'll let the record reflect you withdrew that question.
MR. SELLERS: That's all I have.
MR. ZIMMERMAN: I have just a couple follow-up.
FURTHER RECROSS EXAMINATION
BY MR. ZIMMERMAN:
Q. Are you saying your core market area is

three-quarters of a mile based on your experience or because you read the specific market study that's applicable to this site?
A. Speaking with the real estate representatives that do this for a living, I have asked the question before and have been given the answer that three-quarters of a mile is a typical radius looked at for a 7-Eleven site.
Q. But you didn't ask them that with reference to this particular location?
A. Actually, I did. And the answer was three-quarters of a mile is what they focus on.
Q. But that was a casual question that you asked?
A. Yes, it was.
Q. You didn't go further and ask him, Well, did you also look at the residential population north of the site that will probably use this 7-Eleven? You didn't go into that?
A. No reason to.
Q. You're basically unfamiliar with the residential area to the north of the site?

A. Do I know the street names? No. Have I driven through the area? Yes.
Q. You know there's a large residential area north --
MS. DOPKIN: I would object. Asked and answered. We're back to this. There is one recross based on one redirect question.
Q. Would you be willing to produce the market study that your company has done for this site?
MS. DOPKIN: I object. The market study is not in evidence.
THE CHAIRMAN: I am going to sustain the objection simply because it has no place in what we are doing.
If there's a process by which you want to get a copy of their report, that's between you and Southland Corporation.
MR. ZIMMERMAN: I think all I'm going to say, it reflects on the credibility of the situation.
THE CHAIRMAN: I think the question has already been asked, do you have the report, and the answer has

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been given.

MR. ZIMMERMAN: That's all I have, Mr. Chairman. Thank you.

THE CHAIRMAN: Counsel?

MS. DOPKIN: I have no further questions at this time, and I would like to reserve the right to recall Mr. Darrow.

THE CHAIRMAN: Certainly. Your next witness.

MS. DOPKIN: At this time, we have no further witnesses for 7-Eleven.

We would rest our case based on the standards set forth in the zoning regulations and the special exception standards would indicate.

We will address the legal issues in the closing, in the memorandum, as the Board has asked, and would like, before we adjourn today, to go through those particular issues to address them.

We would also reserve the right to recall witnesses for rebuttal.

THE CHAIRMAN: Certainly understood under those circumstances.

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We will move to your side of the room. Can I assume we'll go the same way? Mr. Zimmerman, do you have any witnesses at all?

MR. ZIMMERMAN: I will not, except to the extent that we are co-sponsoring Mr. Hughey.

THE CHAIRMAN: In that case, you have leave, Mr. Sellers.

MR. SELLERS: All right. I think we might as well go ahead and start with Mr. Hughey so he can get back to the people's work this afternoon.

WILLIAM HUGHEY,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. SELLERS:

Q. Mr. Hughey, would you state your name, address, and while you're at it, your occupation, for the record.

A. My name is William Hughey. I am a community planner for the 3rd councilmanic district for the Baltimore County office of Planning, 401 Bosley Avenue in Towson.

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Q. And you are familiar with this project?

A. Yes.

Q. Is this in your area of planning?

A. Yes.

Q. Did there come a time when this project came through the planning office for review?

A. Yes, at the development plan stage, and also at the special exception stage.

Q. Now, regarding the special exception, exactly what special exception was it reviewed for?

A. It was reviewed in order to allow the additional thousand square feet of retail use.

And to put this in context of our review, I remember quite clearly talking with some colleages about the petition, and we discussed the fact that apparently a 1500 square foot 7-Eleven would be permitted by right, and questioning the impact of an additional thousand square feet as an additional impact, and there was a lot of discussions and focus on that.

Q. Was there any focus on the issue of whether or not a special exception was being sought to sell gas in an

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ML zone?

A. No. We assumeed it was permitted by right based on the zoning review earlier.

Q. You assumed it was permitted by right, so it was never reviewed by the mapping office for a special exception to sell gas in an ML-IM zone, is that correct?

A. That's right. I never looked at the section 405 for compliance, and that is not the planning office's main charge to do the zoning regulations.

Q. Likewise, I assume you never looked at the ML regulation 253, in that area of the regulations?

A. Well, I do have a working knowledge of the ML regulations, and I know there are a fairly extensive list of auxiliary uses permitted, and I know a restaurant or fast food was permitted by right to a certain size.

Q. Now, let ask you about Owings Mills Boulevard, because I know you're familiar with the area, a couple questions. And I will refer, again, to the aerial photo.

North of the site, going up Owings Mills Boulevard, you're familiar with the wildlife management area?

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A. Yes.
Q. You're familiar with the locatioon of Maryland Public T.V.?
A. Yes.
Q. What happens on Owings Mills Boulevard north of this?
A. It's an extensive residential community.
Q. Would you say thousands of homes?
A. Several thousand homes.
Q. How far does it extend?
A. To Butler Road and Glyndon.
Q. Would you characterize -- would you or would you not characterize Owings Mills Boulevard as what the county refers to as a major collector road?
A. Yes. At least an arterial.
Q. Even arterial, which is actually a heavier use road, is that correct?
A. Yes.
Q. You are familiar with the traffic patterns in the area, in general? I know you're not with the traffic department.

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A. Yes.
Q. But, as a planner, you need to be familiar with that, don't you?
A. Yes.
Q. Taking the residences which are north of the site along Owings Mills Boulevard, what is their primary access to the south, 795, to the beltway?
A. Owings Mills Boulevard.
Q. Is there an easy way to get west from those residences north of the site along Owings Mills Boulevard?
Is there a major collector up there?
A. I'd have to say Butler Road to the extreme north, and probably, roughly, three smaller neighborhood roads that go west towards Reisterstown Road.
Q. And they all cross the railroad at grade crossing, don't they?
A. Yes.
Q. Are you familiar with the intersection of Gwynnbrook Avenue and Owings Mills Boulevard?
A. Yes, I am.
Q. Do you know if the county is happy with the way

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that intersection is functioning at this time?
A. I don't know about the actual intersection, but I can tell you there's a capital program to improve that section of Owings Mills Boulevard. It's a bottleneck at that location.
Q. And that bottlencek starts -- can you give us a rough idea on the aerial where it starts? Somewhere south of Gwynnbrook, is that right?
A. Yes. I don't know how far it extends as far as as like rush hour, or what, and I can't tell you what the signal at that intersection is graded, or rated, by the county, I just don't know.
Q. You get complaints about that signal, about that intersection?
A. I personally do not get complaints.
Q. They go to traffic?
A. They go to traffic, or the County Council's office, I'm sure.
Q. But at least talking of capital improvements to that intersection --
A. When the additional lanes or lanes are added, I

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am sure there will be only geometric improvement to that intersection.
Q. Do you have any idea in terms of years how long the county has been looking at improving this particular corridor of Owings Mills Boulevard?
A. I will say three or four years.
Q. A long time?
A. A long time.
Q. You're familiar with the plan for Owings Mills?
A. Yes.
Q. When Mr. Barry testified, he thought the area was part of the town center. Do you agree with that?
A. No.
Q. Where's the down center?
A. At the mall.
Q. How far away is that?
A. Couple of miles.
Q. In the zoning file, there's a piece of correspondence from your office, which I am trying to find a copy -- bear with me -- dated February 23, 1988.
It's interoffice correspondence to Arnold Jablon

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from Pat Keller. Excuse me. Arnold Pat Keller.
I am going to show --
MR. ZIMMERMAN: I don't believe this was marked as a particular exhibit, Mr. Chairman.
THE CHAIRMAN: I am looking to see if this was there from below.
MR. ZIMMERMAN: What's the date?
MR. SELLERS: February 3.
MR. ZIMMERMAN: I think it was marked People's Counsel exhibit.
MR. SELLERS: It's one of the People's Counsel's exhibits.
MR. MELVIN: No. 3.
Q. I am going to show you this. You have a copy there? Okay. Is that what it purports to be?
A. It's an amended position concerning the appropriateness of the requested special exception.
Q. Directing your attention down near the bottom of that first page, can you ascertain by looking at this -- well, first off, what is the amended recommendation, and then why did the planning office take that position?

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A. The amended position wanted to reflect two things. Number one was the fact that this is a draft report, staff report, that has been prepared in response to a County Council resolution that asked the planning board to look at the manufacturing zones in Baltimore County and come up with possible recommendations to amend those regulations.
And the second was that it was the Baltimore County planning office's position that at this location we did not consider the use to be auxiliary to the primary use of the zone.
Q. And then, again, this had to do only with the special exception regarding the size of the store because you testified before, as I recall, the planning office was not aware there was a special exception request to sell gas in an ML?
A. Yes, that's correct.
Q. Are you familiar with the Baltimore County Master Plan, 1989-2000, soon, we hope, to be out of date?
A. It should be. Yes.
Q. Waiting for that longer than they waited for Gone With The Wind, I think.

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Let me show you a couple of pages and have you explain it from, perhaps, a planner's point of view. Page 131, the section entitled, Industrial -- first, are you familiar with that portion of the Master Plan?
A. Yes.
Q. You would agree this is industrial zoned land?
A. Yes.
Q. And the purpose of this paragraph that I have marked here, perhaps we should read it into the record, starting there as --
A. As a general policy, the county should be cautious about industrially zoned land being preempted by other uses such as office and mobile parks which should be accommodated in other areas.
Q. Preemptied in this specific sentence mentions offices and mobile home parks. But as a planner looking at their rationale, do you think the rationale could be applied to this site?
A. Yes.
MS. DOPKIN: I object. He's a planner. Well,

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actually, nobody has qualified him as anything particularly special, no disrespect.
THE CHAIRMAN: I understand that.
MR. SELLERS: Would you like me to go through his qualifications?
THE CHAIRMAN: That's not my call to make, counsel. He has no established expertise for the Board to prognosticate what something there may or may not apply or agree with what's in there. That's what an expert does.
Q. Mr. Hughey, what's your education in planning?
A. I have an undergraduate degree in urban recreational department administration and an MPA, a master's of public administration degree from the University of Baltimore.
Q. How long have you been a planner?
A. Thirteen years.
Q. How many times have you testified before the Baltimore County Board of Appeals?
A. Numerous.
Q. How about the Zoning Commissioner?
A. Numberous.

MR. SELLERS: I would submit Mr. Hughey is an expert in the area of planning, and particularly Baltimore County planning.

THE CHAIRMAN: Mr. Zimmerman?

Q. (MR. ZIMMERMAN) What positions have you held in the county planning office?

A. I was -- my initial position was in the legislative drafting division of the planning office, and for the last eleven years I have been a community planner in the community planning division.

Initially, I was assigned to the west side of Baltimore County, and now I am assigned to the 3rd district, which is Owings Mills, Glyndon, Reisterstown, and the north county area.

Q. In that capacity, have you made recommendations with reference to the comprehensive zoning map process?

A. Three separate comprehensive zoning processes.

Q. And you also participated in the individual review of zoning petitions such as the present one?

A. Yes.

Q. Can you give any estimate as to how many zoning

petitions you have reviewed in your career?

A. Over a hundred, 150.

Q. In reference to your previous occasions to testify before the County Board of Appeals, have you ever been accepted as an expert planner?

A. Yes.

Q. Have you ever been refused as an expert planner at the County Board of Appeals?

A. No.

MR. ZIMMERMAN: That's all I have at this point.

Q. (MS. DOPKIN) Mr. Hughey, how long have you been the community planner for the 3rd district?

A. I believe it's four years.

Q. That would be 1994?

A. I can't remember the exact date, but right around there, yes.

THE CHAIRMAN: Any other questions?

MS. DOPKIN: No. I'm sorry.

MR. SELLERS: I would submit Mr. Hughey as an expert in the area of Baltimore County planning.

THE CHAIRMAN: So accepted.

CONTINUED DIRECT EXAMINATION

BY MR. SELLERS:

Q. Let's go back to the 130 that you quoted before, the general policy of the county should be cautious about industrial zoned land being preempted by other uses such as office and mobile home parks which should be accommodated in other areas as a general policy.

Do you think that statement, that intent, as stressed by the Master Plan, applied to the site like this?

A. Yes.

Q. This is zoned industrial, is that correct?

A. Yes.

Q. And, in fact, this is zoned ML-IM?

A. That is correct.

Q. And ML-IM is even generically light manufacturing, but the IM, what's the purpose of the IM district overlay?

A. It's a zoning overlay that adds additional refinement of purpose to the underlying zone.

Q. Do you, offhand, know the the stated purpose of

the IM zone, not necessarily word for word, by memory, but can you paraphrase it?

A. I believe it gives additional emphasis to prohibiting or discouraging non-manufacturing type uses.

Q. I would like to show you page 91 from the Baltimore County Master Plan.

Are you familiar with this section, and can you -- you don't have to read it, but can you explain roughly what that is all about and why that was included in the Master Plan?

A. This is the section that dealt with the, graphically speaking, the western sector of Baltimore County during the Master Plan review, and it deals with our commercial corridors.

And this particular paragraph, it deals with Reisterstown Road, but there's also other references to Liberty Road. And at the time this Master Plan was drafted, Owings Mills was coming on line as far as commercial and residential development.

The county did anticipate further requests for commercial zoning in that sector, and we knew it was

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inevitable additional commercial zoning would be requested.

And in deferance to our existing commercial corridors, mainly Liberty Road and Reisterstown Reisterstown Road, we came out with a recognition that no additional limited commercial zoning should occur within the growth area; in deference to our existing merchants on those corridors, not to cite the vitality of service, but an over-abundance of new commercial zoning.

Q. The county made a commitment to the merchants in commercial use along Liberty Road and Reisterstown Road?

A. Yes.

Q. In your view, do you think gas and a 7-Eleven at this location will compete with similar useas along Reisterstown Road?

A. I am sure there will be some level.

MS. DOPKIN: I object.

THE CHAIRMAN: To the extent he can, from a planning perspective.

A. I believe there will be some limited competition.

Q. Are you aware along Owings Mills Boulevard from

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Butler Road all the way past this site until the intersection of Reisterstown Road, are you aware of any other fuel stations?

A. No.

Q. Briefly, I am going to show you pages 88 and 86 of the plans. These are maps, for the record. If you could just begin, briefly, describe the map and the intent, if you are able to locate the area, the site, on that map, and tell us what the legend indicates for intended use?

A. This is once again a map that shows the western sector of Baltimore County. And it's our development policy map that we would hope to have used in making comments and recommendations concerning development proposals.

Within that decade that Master Plan was active and in the location on this map in the general location of the subjct site, the area is designated as office, industrial and employment area.

Q. Is the map --

A. It's not a formal land use map, but it's

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synonymous as far as our policy and recommendation.

Q. It goes to the spirit and intent of the Master Plan?

A. Yes.

Q. '86, is that a similar geographic area map, would you say?

A. This is the land use plan for the western sector, and it does show office/industrial.

Q. Thank you. Are you familiar with a 1984 document entitled, Plan for Owings Mills?

A. Yes.

Q. What is that document?

A. It's a more localized Master Plan for what was at the time the fledgling growth area of Owings Mills.

MR. SELLERS: I'm not going to introduce this. This is my only copy. These are hard to come by today, some fourteen years now, and I still have the color map in the back. But with your permission, I will refer to it. It has been identified.

THE CHAIRMAN: Counsel, any objection?

MS. DOPKIN: No.

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MR. SELLERS: Thank you.

Q. Have you had an opportunity to review this plan recently?

A. Constantly.

Q. Is there anything in this plan that you think might be relevant to this case?

A. Yes. There's some generally designated land use areas. One of the maps in that booklet lays out land use designations, and I believe it's --

Q. Would this be the one that lays out the different areas?

A. The developable sub areas is the map.

Q. That's page --

A. Forty-eight.

Q. -- on the plan for Owings Mills. Okay. The areas of this site would be -- they are unnumbered, but numbered approximately one through twenty-something. The number for this site would be what?

A. Well, it's a little -- there's a matter of interpretation here. Sub-area 16 actually refers to the Rosewood State Hospital area. It is most contiguous to

this site.

However, the land use recommendations would probably be associated with sub-area 15.

Q. And then there's a description somewhere, is that right?

A. Yes.

Q. What does it say?

A. These areas have services, but poor access. The construction of Owings Mills Boulevard north of Reisterstown Road has been programmed in order to make this area of industrial land available for development. Every effort should be made to ensure these lands are held for industrial use.

Q. Thank you, Mr. Hughey.

MR. SELLERS: Just a minute, Mr. Chairman.

Q. Mr. Hughey, referring your attention back to the interoffice correspondence dated February 23, 19 --

A. 1998.

Q. I just want to make sure. I understood, going down to the very bottom of the first page, staff recommends the requested special exception be denied since

the use is not auxiliary to any existing uses in the zone. Is that the position of the planning office?

A. Yes.

Q. So planning office has concluded this is not an auxiliary use in the ML zone?

A. At this location.

Q. Is that because of the terms of Section 253.1.C? Well, I will be glad to show you 253. I know you don't have the BCZRs memorized.

A. To a large extent, that's the reason.

MR. ZIMMERMAN: Which section?

MR. SELLERS: 253.1.C.11.A. With your permission, may I read that into the record?

THE CHAIRMAN: Go right ahead.

MR. SELLERS: The following auxiliary retail or service uses or semi-industrial uses -- let me get you the beginning language -- excuse me -- so it will make some sense in the record.

Section 253.1, uses permitted as of right, paraphrasing, in the ML zone. C. The following auxiliary retail or service uses or semi-industrial uses provided

that any such use is located in a planned industrial park at least twenty-five acres in that area, or in an IM district; drop down, 11A, a fuel service station in a planned industrial park only, subject to Section 405.

And that is the basis for concluding that it's a non-auxiliary use at this site in this zone?

A. That was our perspective.

MR. SELLERS: Thank you. That's all I have.

THE CHAIRMAN: Mr. Zimmerman?

MR. ZIMMERMAN: Yes.

FURTHER CROSS EXAMINATION

BY MR. ZIMMERMAN:

Q. Mr. Hughey, you are aware of the industrially zoned section that the petitioners have outlined on their aerial photo?

A. Yes.

Q. Petitioner's Exhibit No. 3. And to make a long story short, the proposed subject site is not in any of the business parks that are identified in that zone, is that correct?

A. That is correct.

Q. What is it about the locational situation or anything else in your review that makes you say that the proposal is not auxiliary to the industrial uses in the area?

A. Two points. Number one is that it's not internal or integral to the industrial parks. And also its location at Owings Mills Boulevard which we believe would, primary use, would come from traffic, from the travelers on Owings Mills Boulevard.

Q. Those travelers on Owings Mills Boulevard, what type of population are we talking about? Are we talking are residential? Commercial? Agricultural?

A. Primarily residential traffic.

MS. DOPKIN: I object. Mr. Hughey is not an expert in traffic.

MR. ZIMMERMAN: To the extent he's a planner.

THE CHAIRMAN: I am going to grant the objection. You're going to have to rephrase the question from a planning perspective.

Q. From a planning perspective, what is it about the location on Owings Mills Boulevard that indicates to you

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that this is not auxiliary to the industrial park?
A. It's the presence of the several thousand residential homes, residential units, further north on Owings Mills Boulevard, and Owings Mills Boulevard's primary use as a commuter route from 795 and the beltway.
Q. Owings Mills Boulevard is the main route to the Owings Mills Center and Interstate 795 from that area?
A. Correct. Other than Reisterstown road, it's a primary -- it is the primary.
Q. To get to Reisterstown road, for anyone going to the Owings Mills town center and going south on Interstate 795 or Reisterstown Road, Owings Mills Boulevard is the most direct route, is it not?
A. From the neighborhood north on Owings Mills Boulevard, yes, sir.
Q. What are those neighborhoods to the north? Can you, briefly, give the Board some sense of what they are, where they are?
A. They are the St. George's Station, the Worthington developments, Glyndon. There's several --
Q. There's numerous neighborhoods up there that have

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their own identity, own names, and they vary from single family to --
A. To townhouses, yes.
Q. Now, are there any locations within the ML zone either within the 400 or so acres identified in this vicinity, or elsewhere in the ML zone in the northwest area, which, in your opinion, generally would be appropriate sites for auxiliary service uses for a convenience store and/or gas pump?
A. I would say internal to the business parks are more approximate.
Q. And why do you say internal to the business parks would be more of an auxiliary service use?
A. For convenience of the employees.
Q. As a planner, what does the word auxiliary, quote, unquote, mean to you?
A. To support a primary use.
Q. Does it have any resemblance or relationship to the word accessory, in your opinion?
A. I use them interchangeably, to tell you the truth.

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Q. So you wouldn't disagree with the petitioner's witness, the planner, Mr. Barry -- and I don't want to misquote him -- but if he thought auxiliary and accessory were similar from a planning perspective?
A. I wouldn't argue with him.
Q. Now, do you perceive any potential land use conflict in particular between the proposal of the twenty-four hour operation and the school or institution next door?
A. The conflicts I see are basically, at least originally, are traffic oriented, and I'm not a traffic expert. If those issues have been worked out, then I can't question the solution.
Q. You don't have an opinion one way or another at this point? In other words, if the religious school perceives any problems --
A. I don't personally know.
Q. In general, and if you think it's repetitive, let me know, is the proposed land use consistent with the spirit and intent of the ML-IM zone and/or district?
A. If it's a bonifide auxiliary use, then it is

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consistent.
But if your position is whether it's auxiliary as a matter of definition, I say it's not.
Q. So it relates back to the auxiliary question?
A. Yes.
Q. Now, it's part of your job as a planner to have some familiarity with the zoning regulations, correct?
A. Yes, a working knowledge.
Q. It's simply you looked to the zoning staff to resolve those problems before it gets to you, and you assume that they do their job correctly?
A. I -- well, the planning office, we rely on their interpretation of the zoning regulations.
Q. Now, you are aware that this petition was originally filed under Section 405.4.E and that's the chart there that talks about a convenience store with a sales area larger than 1500 square feet. I'm not going to read the rest of the detail.
I am showing you page 4-12 of the regulations. The petition was filed with this in mind, and that was stated in the petition. Are you aware of that?

A. Yes.
Q. That, of course, lists in the chart as a special exception or as it's called?
A. Yes.
Q. That chart would apply with reference to any number of zones where a service station and convenience store might be allowed, correct?
It could be a commercial zone? You could be dealing with that chart in a commercial zone as well as an industrial zone?
A. That's my understanding.
Q. I mean, 7-Elevens are allowed in commercial zones, you would agree?
A. Yes.
Q. Gas stations are allowed in many commercial zones, would you agree, or in some commercial zones?
A. With a certain district.
Q. With an AS district?
A. With an AS district.
Q. So what I'm suggesting, this chart may apply to some extent in this case, but it may also apply in other

zones as well, not only the ML zone?
A. Okay.
Q. Would you agree with me?
A. Right, yes.
Q. Now, let's take another look at what Mr. Sellers showed you as 253.1.C.ll, uses by right in the ML zone.
Of course, you already referred to the preamble of auxiliary, retail or service uses, correct?
A. Yes.
Q. We have already gone through your comment on the auxiliary issue. What I want to ask you about now is this.
Under Sub-eleven, it's permitted by right to have a food store, but the gross floor area of any such store shall not exceed 2500 square feet, correct?
A. It doesn't say so right there, does it?
Q. Take another look. I didn't mean to -- I am reading it. The gross floor area of any such store shall not exceed 2500 square feet, unquote?
A. Right.
Q. That would be the section that would apply to a 7-Eleven, even if it had no gas pumps to start with,

correct?
A. My reading.
Q. Do you know the square footage of the proposed food store?
A. I think it's 2500.
Q. I am going to show you Petitioner's Exhibit No. 1. Take a look at the proposed 7-Eleven and tell me what it says?
A. 2,980.
Q. Is 2,980 in excess of 2500 under the system of arithemetic we are using??
A. Yes.
Q. So wouldn't you agree that an area variance is required in this case in the ML zone?
MS. DOPKIN: I object. He's asking for a conclusion --
MR. SELLERS: Which he has working knowledge of the zoning code.
MS. DOPKIN: Excuse me. -- on a zoning issue.
THE CHAIRMAN: One at a time, Mr. Sellers.
MS. DOPKIN: He indicated that he has a working

knowledge, but is not an expert in the interpretation and application of the zoning regulation, and relies on the zoning office for those matters.
THE CHAIRMAN: That's what I heard too.
MR. ZIMMERMAN: He assumes they are going to do their job correctly in the first instance. That doesn't mean he has no expertise in the zoning regulations
THE CHAIRMAN: But he's not an expert as you're asking him a purely zoning procedural question.
When he tells us that he has a working knowledge, but relies on what they are told, I am sure he has a working knowledge of that, and I am sure he has a working knowledge of the environment, and a working knowledge of a number of things, but he's not an expert in those either.
MR. ZIMMERMAN: I think, as a planner, he's sufficiently expert -- can I ask him some more voir dire to clarify this point?
THE CHAIRMAN: It's his witness. If he wants to ask him additional questions, he can.
Q. (MR. ZIMMERMAN) Mr. Hughey, by working knowledge of the zoning regulations, do you consider yourself to

have sufficient experience to answer basic questions where the language is clear as to whether or not a variance is or is not required of a particular case?

A. That's the crux of the issue. The zoning regulations are not always so clear. There's cross reference and policy interpretations that on some clear issues I feel comfortable giving direction, but I do know when it's best to check with the zoning office.

Q. So if I ask you a question about the zoning regulations based on your expertise, do you feel you can tell us -- do you believe you can tell us whether there's a clear answer, or it's one that you would defer to the zoning office?

A. Not all the time.

Q. But sometimes?

A. Some of the time.

MS. DOPKIN: I object.

THE CHAIRMAN: It's voir dire. He's giving us, I think, a very honest evaluation of his job. Let's not lead what he can and can't do.

MR. ZIMMERMAN: If I ask him a question about

whether something is clear and he needs to refer to the zoning office, he can answer whether or not --

THE CHAIRMAN: But he just finished telling you he's not always sure.

MR. ZIMMERMAN: But he can tell us, if I ask him a question, whether he thinks he can answer or not.

THE CHAIRMAN: Okay. Go ahead.

Q. You understand what a variance is, do you not?

A. Yes.

Q. Essentially, in Baltimore County, what do variances involve? Area. Height?

A. Bulk and area.

Q. You reviewed many variance petitions, have you not?

A. Yes.

Q. So what I'm asking you, and if you can, if you feel you can give us a clear answer, fine, if you would refer to the zoning office or the Board of Appeals to eventually make a decision, fine, but where you have a permitted use, a food store, and it says, the gross floor area of any such food store shall not exceed 2500 square

feet, unquote, and we are presented with a food store that has 2980 square feet, would you not then go to Section 307.1 with reference to area variances and be of the opinion that a variance is relevant?

MS. DOPKIN: I object to leading him right along.

MR. ZIMMERMAN: I will rephrase it.

THE CHAIRMAN: Why don't you simply ask him -- well, I don't want to put words in your mouth.

Q. Having been presented both the applicable section 253.1.C, having been presented also with the site plan, Petitioner's Exhibit 1, with reference to the square footage of the proposed 7-Eleven, do you have an opinion as to whether or not a variance is required?

A. It appears that if the petitioner wanted to exceed this amount of square footage, a variance would be proper.

Q. Thank you. Separately, of course, I think Mr. Sellers has also referred you to Section 253.2.B? If he didn't, I will show it to you.

That's the special exception for automotive service stations, subject further to the provisions of

Section 405. Did you consider that in your review of this case?

A. Yes.

Q. That, again, talks about auxiliary service uses in the preamble, does it not?

A. Yes.

Q. We won't go through the auxiliary uses again.

A. I would just like to add that the key there as far as the planning office was the term planned industrial park, and there's a definition for planned industrial park, and it's in the front of the regulations.

Q. In section 101?

A. Section 101. I think it's key in that a planned industrial park is noted to be a required, or required to be under individual ownership or control. Singular. And this site is not.

Q. Let me ask you, in fairness, I am referring to Section 253.2.B. I think the Board was given a copy the other day.

The following auxiliary retail or service uses or semi-industrial uses, provided that any such use shall be

located in a planned industrial park at least twenty-five acres in net area or in an IM district. So we do have an IM district?

A. True.

Q. The first provision I am going to ask you about provided, further, it's shown any such use will serve primarily the industrial uses and related activities in the surrounding industrial area?

A. Right.

Q. What I want to ask you, in reference to your thought on this proposal, not being auxiliary to the industrial uses, what is your opinion as to whether this use will serve primarily the industrial uses and related activities in the surrounding area?

A. Once again, based on its location, whether its back, front, or whatever orientation or visual impact on Owings Mills Boulevard, the primary use would be commuter.

Q. The residential commuter?

A. The residential commuter.

Q. Now, you also have some familiarity with the setback regulations peculiar to the ML zone, do you not?

A. Some.

Q. In preparation for this afternoon's hearing, did we look at Section 255.2, did we not?

Q. 255.2?

A. Yes. Referring to area regulations for ML, quote, within 100 feet of any residential zoned boundary, unquote, and then -- I'm not going to read the rest of the subsection.

A. That is correct.

Q. In reviewing the site plan in your review for this case today, could you tell whether the proposal is within 100 feet of a residentially zoned boundary?

A. I never measured that.

Q. Can you look at the site plan and take a look at the zoning line along Owings Mills Boulevard?

A. Talking about the lot line or --

Q. The zoning line between D.R. 1 and ML-IM, and if we look at Section 255.2 --

A. Talking about the improvements or the lot line?

Q. Within 100 feet of any residentially shaped zoned boundary. If you want to look at it, the front, side and

rear yard --

MS. DOPKIN: I am going to object. He is asking Mr. Hughey zoning questions on regulations, and Mr. Hughey is clearly unable to evidence knowledge of either, without having the regulations presented to him and read them and make a spot decision. It's beyond his expertise.

THE CHAIRMAN: His response that he's somewhat familiar, I don't think is enough to go through to the extent you're going through, Mr. Zimmerman.

You're asking very specific technical questions, and I think it's much beyond his scope. I will sustain.

Q. Mr. Hughey, do you have sufficient experience with the regulations to know whether within 100 feet of a residentially zoned boundary, the ML-IM zoning regulations or setbacks come into play under Section 255.2?

A. It says within 100 feet, or within the requirements of the MR zone, which, I believe, is 150 feet.

MR. ZIMMERMAN: Well, the regulations will speak for themselves.

Q. It wasn't your primary focus of your review?

A. That's absolutely correct.

Q. Let me ask you this. With reference in particular to the proposal involving both the twenty-four hour operation, nighttime operation, that is to say, and weekend operation, do you perceive any particular problems or land use conflicts with this in relation to the question of evaluating the project as auxiliary to industrial use?

A. I think, during those time periods, any alleged auxiliary use would even be more vulnerable. I think it would be more commuter or residential use at those times especially.

Q. In other words, more reason to question the claim that it's an auxiliary use to industrial during the nighttime and on the weekend?

A. That is correct.

Q. And the reason being with reference to the usual operation of business parks on weekends and midnight?

A. I'm not familiar or aware of what the shift load is or how many people are working in those industrial parks, so I assume at night and on weekends, the employees

are less.

MR. ZIMMERMAN: Thank you. I have no further questions.

THE CHAIRMAN: Counsel?

MS. DOPKIN: Thank you.

CROSS EXAMINATION

BY MS. DOPKIN:

Q. Mr. Hughey, are these the February 11th comments? I believe they're People's Counsel Exhibit --

MR. ZIMMERMAN: February 11th are not a People's Counsel's exhibit. Would you please identify what you're holding?

A. These are the planning office's comments concerning the development plan submittal for the subject site.

Q. Would you kindly read for the Board what it says?

MR. ZIMMERMAN: Objection. These are not his -- this is not the comment he wrote. If Ms. Dopkin wants to submit it --

MS. DOPKIN: He testified he's the community planner for the site and has reviewed the plan, and his

department has reviewed it, did not include certain things and did include certain things. This is the documentation from his department on the review of this plan.

MR. SELLERS: It's in the other file.

THE CHAIRMAN: Excuse me?

MR. SELLERS: It's in the other file.

MS. DOPKIN: But it's his responsibility.

THE CHAIRMAN: Whether it's three files we are talking about, it's basically the same information. The February memo has been made comments, and now I assume we are going to talk about all of the comments, not some, which I think is reasonable cross-examination. Please read that.

A. The applicant proposes a 2,966 square foot convenience store with gasoline sales on 3.67 acres of land zoned ML-IM. The site is coated (phonetic) with wetlands and some steep slopes greater than twenty-five percent. A special exception is required to permit a convenience store exceeding 1500 square feet in combination with a fuel station.

Q. So, based on that, would you agree that your

department did review it in light of the required special exception, or at least was aware of it?

MR. SELLERS: I am going to object. That's a mischaracterization of the previous testimony.

THE CHAIRMAN: Well, then, you will straighten it out for us when you get a chance. It's your witness.

A. I know what it says there, and it's probably very similar to what's on the original petition. But the planning office reviewed it in the light of the enlarged retail store only.

We thought that the allowance to increase by special exception, the additional 1900 square feet, was permitted when it was attached to a service station. But we separated the service station from the retail use. Is that clear?

Q. Not to me.

A. I understand what the petition request is. But, in our review, we assumed that the -- the ability to exceed the 1500 square feet was permitted only when it was in combination with a fuel service operation, and we assumed that the fuel service operation was a permitted

use.

Q. But you indicated you had a working knowledge of the zoning regulations?

A. Yes, I do.

Q. And do the zoning regulations that you just read indicate, do they not, that a fuel service station in the ML-IM zone is a use permitted by special exception under certain circumstances?

A. That is correct.

Q. Now you're saying, when you reviewed this, you assumed it was permitted as a matter of right?

A. I did not -- perhaps some assumptions were made, but I did not definitely need the zoning regulations to verify that.

Q. You also testified, I believe, regarding the February 23rd amended development plan comment by Mr. Keller?

A. That dealt primarily with the special exception request.

Q. That dealt with a purported report?

A. Yes.

Q. Can you tell me the status of that report?
A. The status of that report is that the preliminary draft that was prepared by the planning staff was distributed to interested outside parties.
Comments on that distribution came back to the planning office. And those comments with the preliminary draft were sent to the administration for review and deliberation. And that's where it is now.
Q. So is it correct to say, as of today, there is no official adopted report? It has not been presented to the planning board? It has not been embraced, approved, by the administration?
A. That is correct. It's with the administration. It has not been submitted to the planning board for review and public hearing.
Q. Does your office review applications for special exceptions on a case-by-case basis?
A. Yes.
Q. In reviewing this application, did your office conclude this study is a candidate for industrial development?

A. We discussed that issue, yes.
Q. What was your conclusion?
A. It was discussed and deliberated as to whether this three point -- three acre parcel with its environmental constraints was -- could realistically serve a bonifide manufacturing use.
And we -- our in-house opinion was it probably wouldn't get a significant use.
Q. You had stated that part of your objection to the use at this location, even though it's not probably suitable for prime industrial use, was that it was not more approximate to the industrial park.
Are you saying that if the use were proposed on Crondall Lane rather than at the intersection, you would support it?
A. I can't speak for the office. I am speaking from a community planning review which would eventually have to go for the director's sign-off.
From a community planning perspective, if it was closer to the main entrance into the industrial park area, or even more integral to the park, I think it would be

very difficult to argue against it.
Q. Was your office involved in the adoption of Section 405 in the zoning regulations?
A. Service stations, yes.
Q. When drafting legislation, if it is the position of your office not to encourage such uses as, I believe you testified, in the ML-IM zone, why did these Section 405 regulations not address that issue to prohibit the use?
MR. SELLERS: I object. This is way beyond a working knowledge. This is the spirit and intent of the County Council when they wrote it.
MS. DOPKIN: Mr. Hughey testified he had presently been involved in legislative drafting.
THE CHAIRMAN: He also had an opinion which we let him give, as I vaguely recall, as to whether or not it was within the spirit of it.
That was the whole purpose, or one of the purposes of him being made an expert in the middle of his testimony, was that he did testify as to his opinion as to whether or not it was in the best interest or comported

with the zoning spirit.
MR. SELLERS: Implied a factual scenario to the Standard of 502.G. That's a little different than what the county meant when they passed this act. It's a very different thing, Mr. Chairman.
THE CHAIRMAN: I will sustain it, and you can ask him if he has an opinion or any information upon which to base an opinion as to that subject.
Q. Do you have --
THE CHAIRMAN: What was the date of that adoption?
MS. DOPKIN: The bill which adopted the 405 provision was Bill 172-93.
A. Since that time, there has been a keener awareness or appreciation of the limited amount of manufacturing land that exists in Baltimore County.
And both the Office of Economic Development and the planning office are more protective of that resource. And I can't speak to the review of that section in '93. Apparently, it an approved provision.
Q. Are you aware it does, in fact, continue to

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permit --
A. Yes.
Q. -- fuel service stations?
MR. SELLERS: I'm sorry. I can't hear the question, so --
MS. DOPKIN: I apologize,
MR. SELLERS: I haven't heard the last three, so I don't even know what part of the bill --
THE CHAIRMAN: Try to keep your voice up.
MR. SELLERS: Can we back up about three questions?
THE CHAIRMAN: I can have the reporter read them to you, if that helps.
MR. ZIMMERMAN: I was going to object, but I am waiting until the end of the question.
THE CHAIRMAN: Okay, why don't we have the question again?
Q. I don't remember the question, but I think it was, are you aware that this bill continues to permit this use in the zone?
A. Yes.

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MS. DOPKIN: I think that was the question.
MR. ZIMMERMAN: The objection is, number one, it's a special exception. Number two, it may need a variance because it's over 2500 square feet. Number three, it's got to be auxiliary. Number four, you have got a question of many area setbacks.
THE CHAIRMAN: I think her question is is he aware that it calls for a lot, or that it calls for a lot of other things. He may know. He may not know.
MR. ZIMMERMAN: The question implied it was allowed virtually by right without any of these other problems.
THE CHAIRMAN: Once again, the statute speaks for itself. We have been going back and forth with this poor gentleman, asking him to read the zoning regulations back and forth when, in fact, the regulations are there, and we are going to read through them, and you folks are going to give us chapter and verse.
MR. ZIMMERMAN: The question is misleading to this witness, that's the point.
MR. SELLERS: I object, because the statute is

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being mischaracterized completely because it repeals and reinacts entirely 253.2, which is exactly the point I am trying to make, contained in the same bill.
MS. DOPKIN: I don't believe that's accurate, but the bill speaks for itself.
THE CHAIMAN: That's my point, and, B, it seems to me when somebody asks someone to read a paragraph on a piece of paper, and one of the other lawyers doesn't believe that that fully enlightens the tryer of fact to what's on that page, and then when it's that next lawyer's turn, he says, Isn't this all on this paper, and isn't it all required, and that's call the adversarial system, counselor. Go ahead.
Q. I'd like to direct your attention to the plan for Owings Mills, which I believe is also in evidence. Would you agree that plan --
THE CHAIRMAN: No, I don't think it's in evidence.
MS. DOPKIN: It was recognized?
THE CHAIRMAN: Yes.
MS. DOPKIN: This is my only copy.

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THE CHAIRMAN: It's been recognized and quoted by almost every witness.
MS. DOPKIN: Thank you.
Q. Mr. Hughey, would you agree this plan as drafted and adopted is not site specific, but deals in general areas?
A. Yes.
Q. There is a section in here called generalized land use organization. I would ask if you would address what page four provides in the particular area?
A. Minimize trip commercial development and in favor of no deal (phonetic) development at location at high accessibility.
Q. Would you say this site is consistent with that statement?
A. Yes.
Q. I would ask you to read the objectives and policy, the first one on page thirty-five.
A. Promote industrial office and commercial development in Owings Mills, provide as many jobs for residents as possible.

Q. Would you agree that this site is not inconsistent with that statement?
A. No, I cannot argue with that.
Q. I would ask that you read from the top of page 38 regarding this industrial area?
A. An area of the industrial land also has been identified north of Reisterstown Road on the northern extension of Owings Mills Boulevard. This proposed industrial area will thus be closely tied to the town center and the expressway interchange. It can be served by feeder buses from the transit station.
Q. Has that, in fact, occurred, to your knowledge?
A. Owings Mills Boulevard has been constructed, yes.
Q. And with respect to the description of area fifteen which you previously read, has Owings Mills Boulevard -- would you read the second sentence?
A. The construction of Owings Mills Boulevard north of Reisterstown Road has been programmed in order to make this area of industrial land available for development.
Q. So is it correct that the plan anticipates Owings Mills Boulevard was constructed to make accessible this

industrial area?
A. Yes.
Q. Excuse me one moment. Can you tell me if you're aware if any of the other land in this industrial corridor has been developed for non-industrial uses?
A. Yes, they have. Beth Israel. The two mini-warehouses. And the soon-to-come-on-line convenience center on the northeast corner of Crondall and Owings Mills Boulevard.
Q. Is it correct that the office of planning has not actively opposed those developments in those kinds of forms?
A. Well, one of the mini-warehouses, the southernmost, had an outright rezoning in order to facilitate that use. And the synagogue is a permitted use in the ML zone.
Q. Even though it's not an industrial use?
A. That is correct. And the other mini-warehouse came in under, I think, a permitted warehouse type definition which is a permitted use in the ML.
And I believe you're correct that the strip

center across the street -- well, that's not true. We did not have a shot. We did not have an opportunity to discuss the merits of that because it was already previously subdivided as an industrial commercial use, and so that subdivision years ago was pretty much an A-1 exemption, or A7.
Q. So you did not comment?
A. We did not comment on that.
Q. Was there a number of various uses that are not industrial that are permitted and exist within the ML-IM district?
A. That's true.
Q. Do you know whether in processing and interpreting the zoning regulations, if the zoning office applied Section 405 which was drafted, and part by your department, as superseding any of the prior regulations in applying the standards for a service station use?
A. I don't know.
MR. ZIMMERMAN: Objection.
THE CHAIRMAN: His answer was he doesn't know, so it's irrelevant.

Q. You had testified, I believe, that if the use was more proximate -- never mind. I withdraw the question.
MS. DOPKIN: I have no further questions for Mr. Hughey.
THE CHAIRMAN: Redirect?
MS. DOPKIN: Thank you.
REDIRECT EXAMINATION
MR. SELLERS: The February 11th letter was referred to, I think we concluded it was not in evidence? Is that right?
Ms. Dopkin referred to a February 11th letter which I do not have a copy of.
Q. Do you have a copy of this, Mr. Hughey, in front of you?
A. Yes.
Q. Project proposal on page one, as Ms. Dopkin pointed out, says a special exception is required to permit a convenience store exceeding 1500 square feet in combination with a fuel service station.
Is there any mention of a special exception under any of the many, many, many regulations anywhere on

that document?
A. In this paragraph?
Q. On that paragraph. Is there any mention of a special exception being required under the ML regulations?
A. For what use?
Q. Sale of gasoline.
A. No.
Q. I direct your attention to the site plan. This says development plan and plan to accompany petition for special exception. Do you know, is this the one that was submitted?
A. Yes.
Q. It was. Can you read general note number five?
A. A Special exception will be requested for a convenience store with sales area larger than 1500 square feet in combination with a fuel service station pursuant to Section 405.4.E.
Q. And is there any mention of a special exception required by the ML regulations in that sentence?
A. It's the same that was in the project proposal.
Q. In fact, it says a special exception, doesn't it?

A? Singular?
A. Yes.
MR. SELLERS: That's all.
THE CHAIRMAN: Mr. Zimmerman?

FURTHER CROSS EXAMINATION

BY MR. ZIMMERMAN:
Q. Mr. Hughey, in cross-examination, you not noted that because of the constaints and size of this site, you did not think it a likely candidte for, quote, prime industrial use, correct?
A. That is correct.
Q. By prime industrial use, what are you talking about?
A. Permitted by right in the ML zone.
Q. Now, there are about 105 uses permitted by right in that zone, correct?
A. That's true.
Q. You didn't look through every one of those uses, did you?
A. No.
Q. Now, office use is allowed in the ML zone, is it

not?
A. That is correct.
Q. Could this site accommodate an office?
A. Small office, yes.
Q. Warehouses storage areas are permitted in the ML zone?
A. Yes.
Q. This site certainly could accommodate a mini-storage?
A. Very small mini-storage, possibly.
Q. Anything on this site would have to be --
A. Very small.
Q. Because the site is not that big?
A. But what we were thinking was a grander scale of employment generating use.
Q. Clearly, the site is not big enough for a grand use of any kind, is it?
A. No, it's not.
Q. Anything has got to be relatively small? Now, laboratories are allowed in the ML zone?
A. Yes.

Q. One could have a small laboratory on this site?
A. Yes.
Q. A volunteer fire company, if one were desired, could possibly fit on this site, could it not?
A. If it could meet the requirements of the fire company, I guess it could.
Q. Commercial film production --
MS. DOPKIN: I have to object. I mean, the regulations, Mr. Zimmerman has addressed the uses permitted.
There are over 105 uses permitted in the ML zone and it sounds like he's going to read them all.
THE CHAIRMAN: If you're trying to make a point, Mr. Zimmerman, there are a lot of uses that can be made. He's agreed to that.
And I don't think that's the issue. He's also made the comment, he's characterized the very size of whatever those uses would be.
MR. ZIMMERMAN: I just wanted to point out he might have overlooked some small permitted use that would fit on this site, and I think the Board is getting the

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point.
Q. Separately, you were asked questions about both the 1989-2000 Master Plan and the Owings Mills plan both by Mr. Sellers, counsel for protestants, and Ms. Dopkin, counsel for petitioner.
Just to clarify, the 1989-2000 Master Plan was adopted by the County Council?
A. Yes, it was.
Q. Has the Owings Mills plan yet been adopted by the County Council?
A. The '84 document was adopted by the County Council.
Q. Now, considering your overall knowledge of the Master Plan applicable to this area, and all of the different concepts and statements in those plans, what would you consider to be most important in relation to the proposal here today?
A. That the planning office still does not consider it to be auxiliary to the primary use of the ML.
Q. Does that relate to one of the statements which Mr. Sellers asked you about in the Master Plan?

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A. Yes.
Q. So, overall, if you, thumbs up or thumbs down, would you say the proposed land use is either consistent or inconsistent with the Master Plan? On balance.
A. Inconsistent.
Q. Now, separately, in reply to Ms. Dopkin's questioning regarding the synagogue or religious school, however, the mini-warehouse or storage facilities you observed that are in the area, those are permitted uses by right in the ML zone, you stated?
A. No. I said the southernmost mini-warehouse was identified -- they actually had a zoning change from a DR zone to ML, and the zoning office identified it as a warehouse use. So as the, I believe, the northernmost mini-warehouse.
Q. And, of course, storage facilities are enumerated in the ML zone under 253.1.B as permitted uses?
A. Yes.
Q. So there's no question of your office opposing a storage area in an ML zone as long as they meet setbacks?
A. They were identified as right uses.

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Q. And a synagogue or religious school, you observed also is a permitted use, so there's no --
A. Very recent legislation concerning a church or house of worship in ML zones.
Q. As to the one old small commercial center, where's that?
A. That's the northeast quadrant of Crondall and Owings Mills Boulevard.
Q. How old is that?
A. It's under construction now.
Q. But you have observed that predated --
A. No, it didn't. About ten years ago, I believe the industrial company had a minor subdivision on the land and to free commercial lots or industrial lots, and it's my understanding that the zoning office interprets this as going through the development process and not requiring any additional hearings, so we never had an opportunity to discuss the merits of that.
Q. So you weren't in a position to oppose that?
A. That is correct.
Q. So there was no special exception on that?

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A. No hearings on that.
Q. Was there any gas stations on that site?
A. I don't believe there is any gas station.
Q. So, to make a long story short, the present case within this area, within the vicinity of this site, Owings Mills and Crondall, Owings Mills Boulevard and Crondall Lane, this is the first convenience store/gas station special exception of its type to come before your office for review on the merits?
A. That's my recollection, yes.
Q. And would it have set a precedent then for other uses of this type in the ML zone, that is to say, non-auxiliary, in your opinion, to industrial uses?
MS. DOPKIN: I would object.
THE CHAIRMAN: I would sustain.
A. On a case by case --
THE CHAIRMAN: That means you don't answer the question.
THE WITNESS: I'm sorry. It was such a pregnant pause.
Q. Now, given all of the questioning from Ms. Dopkin

and the opinions expressed today, having considered all of that, what is your observation as to whether the proposal is consistent or inconsistent with the purposes of the property's zoning classification?

MS. DOPKIN: I object. I think he's been asked and answered the question.

THE CHAIRMAN: I was just going to say I have comments at least twice in my notes from this witness.

MR. ZIMMERMAN: Thank you. That's all I have. Thank you, Mr. Chairman.

THE CHAIRMAN: Ms. Dopkin?

MS. DOPKIN: No questions.

THE CHAIRMAN: It's my intention to take five minutes.

(A recess was taken.)

THE CHAIRMAN: All right. We are back in session. Counselor?

MR. SELLERS: If I may, a couple housekeeping items I forgot at the beginning of my case I mentioned to the Chairman the other day.

I had some written submissions. Ms. Dopkin has

copies of these. People who were to be considered parties to the proceedings.

THE CHAIRMAN: Does that party or do you wish to present those documents to be included in our record?

MR. SELLERS: Correct. Two of them will not be able to appear at witnesses at all. One we are expecting to appear if slash/when we continue next week.

THE CHAIRMAN: Why don't you submit the two that you know about.

MR. SELLERS: Mr. Hamilton and Mr. Finklestein, I will submit them. Ms. Dopkin has seen them.

THE CHAIRMAN: As is the usual routine of this Board, we'll accept these submissions from interested citizens and we'll give them the weight which we feel under the circumstances they are entitled to receive.

MR. SELLERS: I also have a letter from the Reisterstown-Glyndon Coordinating Council addressed to the Board which they have asked me to deliver, and I inform you of that, which I will offer.

THE CHAIRMAN: With the understanding we'll accept these documents, for the record.

MR. SELLERS: Thank you. I will call Mr. Don Rasco at this time.

D O N A L D R A S C O,

having been called as a witness, was duly sworn and testified as follows.

DIRECT EXAMINATION

BY MR. SELLERS:

Q. Mr. Rasco, can you state your name, address and occupation, for the record.

A. My name is Don Rasco, development manager for Baltimore County, office at 111 West Chesapeake here in Towson.

Q. Were you the project manager on the development side of this 7-Eleven at the corner of Owings Mills Boulevard and Crondall Lane project?

A. Yes, I was.

Q. So you're familiar with this project?

A. Yes, I am.

MS. DOPKIN: I have to object. The subject matter, this is a special exception here. The development plan is not the subject of the hearing.

THE CHAIRMAN: He didn't ask that. He asked if he was the development manager.

MS. DOPKIN: That relates to the development plan.

THE CHAIRMAN: But he hasn't asked a question about the development plan. I assume he's setting the stage.

MS. DOPKIN: Thank you.

THE CHAIRMAN: Are you offering Mr. Rasco as an expert?

MR. SELLERS: As an expert? No.

THE CHAIRMAN: Some voire dire?

MR. SELLERS: Not as an expert.

THE CHAIRMAN: Fair enough. You're now a fact witness.

Q. Mr. Rasco, as part of that development process was a community input meeting, is that correct?

A. That is correct.

MS. DOPKIN: I would object again. This is invalid. This is not the subject of this hearing.

THE CHAIRMAN: I will accept a proffer to where

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you're going.

MR. SELLERS: I will be glad to. When I was cross examining Mr. Colbert the other day, he was asked if he had ever said or informed the community an ML-IM zone allowed a gas station and convenience store as a matter of right.

He said he had never done that.

THE CHAIRMAN: So you're offering this witness purely as a credibility witness to whether or not he made that statement?

MR. SELLERS: Correct.

THE CHAIRMAN: Under those circumstances for that limited purpose.

MR. SELLERS: I'd also indicate, for the record, this also applies to my motion regarding whether or not a special exception to sell gas was asked for and notice -- very important, please. I need to make a record. This is very important to the notice issue that goes hand in hand.

MS. DOPKIN: He's beyond the scope of what you're permitting.

THE CHAIRMAN: I am permitting a witness as to

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one fact at this point. Your proffer -- are you making an additional proffer that it's not just for the credibility of the witness in that statement, and you're offering him as to a different issue?

MR. SELLERS: No.

THE CHAIRMAN: Then just ask him in terms of what he heard, what this particular person may say or not say to test the credibility of that witness. For that limited purpose, go right ahead.

MR. SELLERS: Can I do some background as to how he was there?

THE CHAIRMAN: Just that he was there, unless counsel requires more.

MR. SELLERS: May I draw his attention to a writing which he created, based on that?

MS. DOPKIN: I would object.

MR. SELLERS: And is memoralized --

THE CHAIRMAN: If he needs a document to refresh his recollection, why don't you ask him if he has a recollection, and see what he remembers.

Q. Mr. Rasco, do you have a recollection of the

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statement by Mr. Colbert at the community input meeting regarding whether or not the gas station with a convenience store is allowed as a matter of right in an ML-IM zone?

A. The community input meeting you referred to was held November 12th. I don't remember what people say. I had one last night, and I'm not sure I can remember everything that was said last night.

Part of the process is that I do prepare minutes as a result of that meeting, and I try to capture what people said for the most part, or at least the topic, the subject, if not verbatim of what they say. I do that, and there are minutes to this meeting.

Q. Do you have those minutes with you?

A. Yes.

Q. Can you review those minutes and respond to my question?

A. Well, I think what you're referring to on page one, the minutes of the community input meeting of 7-Eleven-Crondall Lane, dated November 12, 1997,

I think it's in the second paragraph. I will

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read the whole paragraph, if it's okay.

MS. DOPKIN: I would object. Can he just answer the question?

THE CHAIRMAN: Utilizing the document as your recollection, as a document refreshing your recollection, you can review that document, make your statement as to whether or not that statement was made by Mr. Colbert or not.

And then, if counsel on cross-examination wishes to go into the basis for your having said that, then certainly she's entitled to, given your testimony, and we'll go from there.

A. In my note, it says something to the effect that he said an ML-IM zone allows a gas station as a matter of right.

I don't now that, but, again, as I said, I have had probably eight CIMs since then, and I don't recall exactly, you know, what the context was. But I did record that at part of the minutes.

Q. When you record minutes, notes, for the express purpose of minutes --

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MS. DOPKIN: I would object.
THE CHAIRMAN: Just how he get them. I have no problem with that.
Q. You attempt to be as accurate as you can?
A. I attempt to record what was said, what questions were asked, what responses were given, the accuracy of them. You know, I try to be accurate.
Q. Could you --
A. Sometimes they are fast and furious, and it's hard.
Q. Is there anything else in those minutes that might constitute a response to my question regarding whether or not the sale of gas in an ML-IM zone per Mr. Colbert at that meeting as a matter of right?
A. I believe there's a second reference in response to a question that was asked, what would happen if the special exception were disallowed. He stated the developer would have to decide whether or not to sell gas and keep the convenience store -- I think basically he was discussing if it under 1500 square feet, they could sale gas; if it went beyond, they'd have to do it as a special

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exception. I'm not sure if the special exception is for the convenience store or for the gas station.
MR. SELLERS: While Mr. Rasco is here with the file, I know another matter of housekeeping. I noted in the zoning file of this case there's no certificate of posting or publication nor is there a photo of the zoning sign.
I'm not suggesting it didn't occur because, in fact, it did However, somehow, some way, all of the notices and all the certificates ended up in the development file including the zoning certificate and notice.
I bring this to your attention only for the purpose of if this case goes forward to other levels, it may be those things should be in the file.
THE CHAIRMAN: That's not really a function of the witness or this Board.
MR. SELLERS: He brought the file with him pursuant to my summons.
THE CHAIRMAN I don't think we can remove anything, or he would let us remove anything from the

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file, and it's probably too late to make copies over at our office.
Why don't I suggest this sort of housekeeping. But let's do this now at the conclusion of today, or whatever, and I am sure you can get in touch with Ms. Bianco who can make arrangements with Mr. Rasco to get what documents are needed to be properly put in the file.
Q. One last question. Mr. Rasco, do you have a recollection of any other instance when the developer or Mr. Colbert left you with the impression that you can sell gas in ML-IM zone as a matter of right?
MS. DOPKIN: I would object. That was whether Mr. Colbert said certain things --
THE CHAIRMAN: At a certain meeting he was at.
MR. SELLERS: Fair enough.
THE CHAIRMAN: Sustained. Thank you, Mr. Rasco.
MR. ZIMMERMAN: I have a couple questions.
CROSS EXAMINATION
BY MR. ZIMMERMAN:
Q. The minutes you have in front of you are placed in the file, are they not?

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A. That is correct.
Q. Is a copy sent to the developer, the petitioner?
A. Yes.
MS. DOPKIN: I have to object to the line of questioning.
THE CHAIRMAN: To test the credibility?
MR. ZIMMERMAN: The questions go to that also, if you let me.
THE CHAIRMAN: Briefly.
Q. Did the developer ever write back and say there was anything incorrect in your minutes?
A. I don't recall. I haven't searched the file to see if a letter was there.
Q. Can you recall Ms. Dopkin or Mr. Colbert, or anybody, saying, Wait a minute, we never said that?
A. No, I don't recall that happening.
MR. ZIMMERMAN: I would suggest that the minutes be placed in evidence --
MR. DOPKIN: I would object.
MR. ZIMMERMAN: -- as People's Counsel -- they were referred to at the time Mr. Colbert originally --

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THE CHAIRMAN: His testimony, it seems to me, stands for the proposition it wasn't said. He tells us that he has utilized the minutes simply to refresh his recollection.

His testimony has not been questioned by anyone else, nor has counsel on cross examinatin pointed out anything in those minutes that would seem to contradict what Mr. Rasco just said.

Therefore, it seems his testimony is the best evidence and really no need for the minutes to be included. There's no issue as to what he has said, and it was just utilized to refresh his memory, and he testified. His testimony is the evidence.

MR. ZIMMERMAN: All right. May I go on?

THE CHAIRMAN: Certainly.

Q. Mr. Rasco, somewhere in the development process there comes a point when somebody takes a look at whether or not a proposal needs a variance or not?

A. That's correct.

Q. Did anyone pay attention to the fact in an ML-IM zone a food store in excess of 2500 square feet floor area

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requires a variance?

MS. DOPKIN: I object.

THE CHAIRMAN No. Given what he does for a living, he does have the expertise.

MS. DOPKIN: About the development process. That's separate from the zoning special exception. It is not before this Board.

THE CHAIRMAN: Response?

MR. SELLERS: We are jumping through the hoops to speed up this process because Ms. Dopkin has represented early on it is inextricably intertwined with the developer.

THE CHAIRMAN: We are only here for a special exception.

MR. SELLERS: Why do we have an expedited schedule? Because her representation they are in effect --

THE CHAIRMAN: We are having the expedited schedule because that's in the spirit of cooperation with all considered. The Board has self-imposed that schedule.

This Board has not ruled that we are subject to

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that time frame or not subject to that frame.

We are on our own motion attempting to adhere to that schedule. No one has asked us to make that ruling, and we are certainly not making is sui sponde.

MR. SELLERS: I have requested, on the contrary, one of the first motions I made, the notice problem, we did not have time to prepare.

THE CHAIRMAN: We held it pending the rest of the testimony.

MR. SELLERS: I understand. The point is we did not have time to prepare and we are here on the second day of hearing.

THE CHAIRMAN: We are here only on the one issue at this point.

MR. SELLERS: Admitted.

THE CHAIRMAN: Your continuing objection, not withstanding.

MR. SELLERS: Thank you.

THE CHAIRMAN: See, I mentioned it. Again, he's not asking that question.

MR. ZIMMERMAN: I asked a question and Ms. Dopkin

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objected. We haven't had a ruling.

TH CHAIRMAN: I am going to let him answer the question to that extent. Would you repeat the question, please?

MR. ZIMMERMAN: I'm not going to make the reporter read it back.

Q. In the development process on this project, did anyone pay any attention to the fact a food store in excess of 2500 squre feet in an ML zone particularly requires a variance?

A. I don't review the plan. In fact, I have no approval authority over this plan. There are two opportunities for the plan to be reviewed by the county, particularly by the zoning people, would be at the concept stage when it is a concept plan and the zoning would review it for comment as to compliance with the concept plan, and, secondly, there's an opportunity for the zoning office office to comment at the time of the development plan.

I don't recall what their comment was. Certainly, there's a copy of it in the file and I could

retrieve it and read it, if necessary, but I don't recall what it is that it said. But I know a special exception was filed for the use.

Q. The petitioner did not file the request for a variance?

A. I'm not aware of that.

MR. ZIMMERMAN: That's all I have.

THE CHAIRMAN: Cross?

MS. DOPKIN: I have no questions for Mr. Rasco.

THE CHAIRMAN: Redirect?

(No response.)

THE CHAIRMAN: Thank you, Mr. Rasco. Mr. Sellers?

MR. SELLERS: Mr. Chairman, it's about 4:30. As I told you earlier, I have several witnesses who were not able to be here today.

I do not expect that we'll need very long, but we'll need another day.

THE CHAIRMAN: You mean another date?

MR. SELLERS: Another date, a part of a day, and I anticipate three to four individuals, citizens, residents, and I anticipate that they will be fairly

brief.

THE CHAIRMAN: Not cumulative?

MR. SELLERS: Well, to some degree they are not cumulative, at least until you get to the third one.

THE CHAIRMAN: Very little time, but I would prefer to put all the citizens on at the same time because I think it will actually speed up the process.

Do you anticipate at this point any rebuttal testimony?

MS. DOPKIN: Possibly.

THE CHAIRMAN: I'm not trying to pin you down.

MS. DOPKIN: I don't know until I hear what they say.

THE CHAIRMAN: But the possibility may exist in your mind?

MS. DOPKIN: Yes.

MR. ZIMMERMAN: I want to make a brief submission?

THE CHAIRMAN: Good, because I was about ready to go off the record.

MR. ZIMMERMAN: Before we go off the record, as I

noted, I will be out of the country next week, and I agreed not to request a postponement so that the Board expedited the time schedule so we could be accommodated and so the case will at least -- the testimony -- will conclude next week without me.

And I note that the Board will have an expedited memorandum schedule, so what I wanted to do is two things.

The evidence that we wanted to submit, at this point, simply, we do have a copy of the official zoning map for is 1996 which we would like to submit. I showed it to Ms. Dopkin.

MS. DOPKIN: No objection.

THE CHAIRMAN: The location?

MR. ZIMMERMAN: Gwynnbrook, sheet northwest 13H, and we wanted to submit that as People's Counsel No. 4.

The intersection of Owings Mills Boulevard and Crondall lane is readily observeable.

MS. DOPKIN: I would note, as I mentioned to Mr. Zimmerman, I am not convinced from the zoning map that the road alignments are correctly depicted. Take it for the purpose of showing the zoning, but not the roads.

MR. CHAIRMAN: With that annotation, we'll assume the engineer showed the correct road alignment on the site plan. He certified to it. So if there's a difference, we'll defer to that.

MR. ZIMMERMAN: The only other thing was our office is not going to have an opportunity to do a comprehensive memorandum.

What we did prepare, and we'll submit to counsel and to the Board for its use in the rest of the case, we did a two-page outline of key issues, and because of the time frame, we included seven issues, two of which were added in handwriting, and which I believe the handwriting is identical on each copy, but Ms. Dopkin can certainly check that.

MS. DOPKIN: Thank you.

MR. ZIMMERMAN: So I hope to make another copy. I have two right now for the Board. We can make another tomorrow, and it's basically our outline of issues, some reference material, and copies of the Webster's Dictionary and Words and Phrases on the word auxiliary.

THE CHAIRMAN: Mr. Sellers?

MR. SELLERS: One other housekeeping matter, please forgive me. At this point, I could use a recap of the exhibits to make sure I have the proper numbers, or if you prefer to do it off the record?

THE CHAIRMAN: You can do that off the record either today or tomorrow at your convenience.

Off the record.

(Discussion held off the record.)

THE CHAIRMAN: Anything else? All right. We thank you all very much, and we'll see you next week

(Hearing adjourned.)

* * * * *

I N D E X

Witness	Direct	Cross	Redirect	Recross
Larry Darrow	9	17,26	38	39
William Hughey	43	82	97,99	
Don Rasco	108	116		

E X H I B I T S

People's Counsel's Ex. No.	Page
No. 4	124

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
JEAN SCHUSTER - LEGAL OWNER;	*	OF
SOUTHLAND CORPORATION,	*	BALTIMORE COUNTY
ASSIGNEE OF CRONDALL LANE LLC	*	Case No. 98-269-X
APPLICANT FOR A SPECIAL	*	June 19, 1998
EXCEPTION ON PROPERTY LOCATED	*	
ON THE SE/COR CRONDALL LANE	*	
AND OWINGS MILLS BOULEVARD	*	
(3731 CRONDALL LANE)	*	
4th Election District	*	
3rd Councilmanic District	*	

* * * * *

ORIGINAL

The above-entitled matter came on for hearing before the Baltimore County Board of Appeals of Baltimore County at the Old Courthoue, 401 Washington Avenue, Towson, Maryland 21204 at 9:30 a.m., June 19, 1998.

* * * * *

Reported by:

C.E. Peatt

BOARD MEMBERS:

LAWRENCE M. STAHL, Panel Chairman
CHARLES L. MARKS
THOMAS MELVIN

DEBORAH C. DOPKIN, Esquire
On behalf of Petitioners

ROBERT D. SELLERS, Esquire
On behalf of Protestants

CAROLE S. DEMILIO, Esquire
Deputy People's Counsel
On behalf of Baltimore County

PROCEEDINGS

* * * * *

THE CHAIRMAN: Good morning, everyone. This is our meeting of June 19, 1988, of the Baltimore County Board of Appeals.

We're here in the continuation, day three, of Case No. 98-269-X, in the matter of Jean Schuster and the Crondall Lane LLC developers, 3731 Crondall Lane, in the 4th Election District, 3rd Councilmanic District.

As we have previously noted on the record, with one change as to the People's Counsel. For the record, counsel.

MS. DEMILIO: Carole Demilio, Deputy People's Counsel, here in lieu of Peter Zimmerman, who had attended the first hearing dates.

THE CHAIRMAN: Thank you, Ms. Demilio.

Mr. Sellers, I believe we are in your case?

MR. SELLERS: Correct. A couple housekeeping matters. I seem to always have them.

For the record, I renew all my standing objections. I'll not go into them at this point.

THE CHAIRMAN: Okay.

MR. SELLERS: There were some discussions about the certificate of publication and the certificate of posting not being in the file. From discussions in your office just a few minutes ago, I believe they are still not in the file. I think the ball was in Mr. Rasco's court to get us copies.

THE CHAIRMAN: At the last hearing date, he was going to provide us copies.

MR. SELLERS: So, for the record --

THE CHAIRMAN: Let me make a note of that so we can remind Ms. Bianco.

MR. SELLERS: I think they need to be in the file, and I would like to assign them exhibit numbers if possible, either now or --

THE CHAIRMAN: Well, I'd rather not do it now because I'm not sure how many there are going to be. When he and Ms. Bianco go through it, I will ask her to assign them numbers and, for purposes of the record, to inform both of us of the numbers she's given them.

MR. SELLERS: Thank you.

THE CHAIRMAN: Is it also possible to assign, or is it necessary, in your view, to assign exhibit numbers to the decision below, since it has been referred to several times, the Zoning Commissioner's decision?

MR. SELLERS: Correct.

THE CHAIRMAN: That's part of our file. That won't be necessary.

MR. SELLERS: That's fine. Thank you.

THE CHAIRMAN: In that case, the ball is still in your court.

MR. SELLERS: The appellant would call Marilyn Schloss.

MARILYN SCHLOSS,

having been called as a witness, was duly sworn and testified as follows:

THE CHAIRMAN: Your first name?

THE WITNESS: Marilyn.

DIRECT EXAMINATION

BY MR. SELLERS:

Q. Ms. Schloss, you're the president of the Beth Israel congregation?

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A. Yes, I am.
Q. You're familiar with the area in the vicinity we are discussing in this case?
A. Very much so.
Q. You appeared as a witness at the previous hearing?
A. Yes, I did.
Q. Can you tell us a little about the synagogue?
A. Yes.
MS. DOPKIN: I object to Ms. Schloss testifying individually or on behalf the synagogue. Is there a clarification?
THE CHAIRMAN: I assume we will hear that shortly, as far as testimony, if you're trying to set the stage. Just do it quickly.
MR. SELELRS: That's fine.
Q. Ms. Schloss, you're president of the synagogue, is that correct?
A. Yes.
Q. Are you here representing the synagogue?
A. Yes.

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Q. This matter was discussed by the board of the synagogue?
A. Yes, by the executive board.
Q. It was decided you should come and represent the synagogue here?
A. That is correct.
MS. DOPKIN: Mr. Stahl, if Ms. Schloss is here on behalf of the synagogue, I believe she'd have to comply with Rule 8 showing her authority to testify on that behalf.
MR. SELLERS: Rule 8 is aimed at civic associations and homeowner associations. This is a religious institution, which is neither, and it is a corporation under the laws of the state of Maryland. Rule 8 does not apply to religious corporations.
MS. DOPKIN: I would still ask that there be, even though as speaking on behalf of a corporation, she should be able to provide evidence that she's authorized to appear at this hearing and give the testimony she's intending to give, and if there was a meeting.
THE CHAIRMAN: Okay. Here's what I'm going to

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suggest. As memory serves, number one -- members may have a recollection -- I don't know that the issue specifically has come up in any matter that I have heard. I don't have Rule 8 in front of me, but I think we're going to handle it -- let me take that back.
MR. SELLERS: Somebody does.
MS. DEMILIO: It comes before the Board, if I may add, with developers, they are all here on behalf of the corporation, and they have never been asked to verify that they can speak on behalf of the development corporation.
THE CHAIRMAN: Wait a minute. I have a Rule 8 here. Let's just look at Rule 8, folks.
Rule 8 seems to clearly set forth that it is only for a specific type of organization, which is either a civic or an improvement association. It does not relate to this type of organization.
Counsel's comment is also well taken that we have had that. At this point, there doesn't seem to be any foundation for requiring her to do anything different.
MS. DOPKIN: May I make a distinction? Under the Zoning Commisisoner's rules, a corporation cannot appear

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without --
THE CHAIRMAN: But we are responsible under Rule 8. That's the only guidance we have as to individual companies or organizations.
I would say, however, to all concerned, that, as in any organization, even those testifying under the Rule 8 procedures, this Board is always interested to hear collective comments of groups that feel they may be affected, and that the Board then assigns what weight to that testimony we feel is appropriate under the circumstances.
And I see no reason to differ from that usual procedure and your feeling regarding this type of testimony, so there being nothing particularly in Rule 8, I'm not going to require anything at this point, and we'll accept her proffer that she's appearing on behalf of a particular closed corporate organization.
I think that's probably why religious organizations are not included. Civic and community associations are made up of citizenry within a certain area, and anything else is simply a membership

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organization that may come from all different areas and may have no real connection with that local place itself as a resident.

And, therefore, you know, that we give it its appropriate weight, under the circumstances. So go ahead.

Q. Just to clarify, the board of the synagogue has met and has discussed this project?

A. Yes.

Q. And it has directed you to come here today and present the synagogue's position?

A. Yes.

Q. Tell us a lilttle about the synagogue in general?

A. Well, we consist of approximately 750 families, many of whom lived in the Owings Mills area, but others live in other areas of the northwest Baltimore region.

We have a Hebrew school of approximately 300 children, a preschool of approximately 65 children.

The synagogue functions four days a week as a Hebrew school and, of course, the items that are necessary to run the synagogue. There's classes of the Hebrew school in the morning and, of course, Saturday morning,

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Friday night, and other religious holidays where our congregants are in attendance.

Q. Were you a member of the synagogue when it relocated? I believe initially it was in Randallstown.

A. Yes.

Q. And it's only been in the last three or four years?

A. Four years.

Q. And were you a member of the synagogue at that time?

A. Yes. I have been a member of the synagogue for over thirty years.

Q. Are you familiar with any of the reasons the synagogue located in the current area?

A. Yes.

Q. Tell us what they are.

A. Yes. As many of our members moved away from the Randallstown area and relocated in the Owings Mills-Reisterstown area, we found that many of the young families were not moving to the Randallstown area, and our membership was decreasing.

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Some of our older members had passed on or moved away, and since the area was not attracting young families, it was imperative we relocate.

Q. Was it any part of that decision to select an area where many of your congragtion may have lived?

A. Oh, very much so. That influenced our decision because the children attend the religious school three days a week, families attend different activities within the congregation, and it was a matter of convenience for many of these people and, therefore, imperative we locate near our congregants.

Q. Where in the general area -- can you identify where there are many residients, some of which may be members of your congregation?

MS. DOPKIN: I would object. I'm not sure it's totally relevant to the issue before the Board.

THE CHAIRMAN: He's only laying -- I mean she's already been asked and answered the question a large number of congragants live in the area, and one of the reasons they moved out there is because people were moving out there instead of Randallstown, and some come from

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other areas. Seems to me it's been asked and answered.

Q. All right. You're familiar with the area? You travel the roads in the area?

A. Yes. About six times a week.

Q. I imagine you're at the synagogue frequently?

A. Almost every day.

Q. Up and down Owings Mills Boulevard?

A. Yes.

Q. There's no residences in the immediate area of the synagogue, are there?

A. No. The closest one is Garrison Forest Road which is, I guess, a couple -- a mile away.

Q. Are you familiar with Owings Mills Boulevard going north from the synagogue and the site?

A. Yes.

Q. How would you characterize the land use in that area?

A. Well, north --

MS. DOPKIN: I would object. Ms. Schloss is not a land use expert or planner.

THE CHAIRMAN: She's not being presented like

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that. I think he's just trying to lay a general broad picture. I am going to give him some lattitude.

You're saying north. You mean north of the synagogue?

MR. SELLERS: Yes.

A. Well, there's a mini-storage center immediately north. Then I believe there's a wildlife or forest preservation area. And we get to Gwynnbrook, and then immediately beyond that begins a residential area. Ashley Road, I think, is the first street, and that begins the residential areas about a mile and a half, I think, from my congregation.

Q. The synagogue has weekly services on Friday nights and Saturday mornings, is that correct?

A. Yes. We have service beginning at 6 o'clock on Friday evening, 9:30 on Saturday morning, and on religious holidays, usually at 9:30 a.m.

Q. What's your average attendance for a service, non-holiday?

A. On Saturday morning, depending on if there's a barmitzva, it could be as many as four to 500 people. On

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an average morning, at least 250 people.

Q. The preschool operates what days and times?

A. Preschool starts -- I believe the children start being dropped off at 8 o'clock in the morning, and some children attend half a day, leaving at 11:30. Some attend until three. We also have an extended session which I believe the children leave around 4:30.

Q. And the preschool, what days and times does that operate?

A. Hebrew school on Monday through Thursday from four to 6:30. Sunday morning from nine to one.

Q. So if someone visited the site between, say, three and five p.m. on a Friday, they would not observe any Hebrew school activity?

A. That is correct, because the Sabbath begins Friday evening. There's no Hebrew school. As a matter of fact, the synagogue office is closed around 3 o'clock on Friday.

Q. Are some of the children for the Hebrew school bussed in?

A. Yes.

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Q. Are you familiar with the intersection of Gwynnbrook and Owings Mills Boulevard?

A. Yes, I am.

Q. As an average citizen who drives up and down Owings Mills Boulevard, what can you tell the Board you have observed about that intersection?

A. It's a mess. It should be closed. A single lane of traffic there, and there's no shoulders, as I recall, other than a narrow bridge. And during rush hour, it's terrible.

Q. Is traffic backed up there waiting for the light?

A. Sometimes traffic backs all the way down to where that mini-storage begins.

Q. That would be almost to Crondall Lane?

MS. DOPKIN: I object.

THE CHAIRMAN: Try not to lead too much.

Q. Would it or would it not be almost to Crondall Lane?

A. Yes. About a block and a half away. Two blocks away.

Q. What are some of the concerns of the synagogue

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regarding this project?

A. Well, we have a number of concerns. Number one is the traffic. In the mornings, it's quite a bit of traffic which is generated by the people going to work in the business park, people taking their children to school. Just general morning rush hour traffic.

Same would be true starting around four, 4 o'clock, people start leaving the industrial park, which is just about the same time our children are being dropped off at Hebrew school.

We are also concerned about the possibility that when the children come to the religious school at4 o'clock, it might be a lot of a traffic turning to go across the street to the 7-Eleven, and since there's so much traffic there, we foresee some tragedies.

Q. Would you or would you not consider Crondall Lane a dangerous street for a young child to cross in the afternoon?

A. I think it's a dangerous street for anyone to cross in the afternoon.

Q. That would be the same way the bus comes in and

out, is that right?
A. Yes. That's the only way to get into our driveway, is through Crondal Lane.
Q. Are you familiar with any of the businesses or uses in the industrial area immediately adjacent to the synagogue?
A. Yes. There's a number of offices, light industrial offices. There are three day care centers in that center. I would say within those three day care centers, over 300 children that would also be dropped off and picked up approximately the same hours as our children.
Q. Are there any schools in the area?
A. Yes. The Ruxton Country School is on Garrison Forest Road immediately south of Crondall Lane.
Q. If you know, does that generate any traffic on Crondall Lane?
A. Yes, I would think it does, because I think people coming from Owings Mills area would come south on Owings Mills Boulevard, turn left on Crondall, and make a right on Garrison Forest. That's the only way to get into

Ruxton Country School.
Q. Does the synagogue have any other concerns about this proposal, other than traffic?
A. Yes. I think we frequently have meetings and night functions at night which sometimes end ten, 10:30, 11 o'clock. Obviously, the business park is closed, so it's really a very isolated, desolate area.
Across the street is the light industrial cement plant which does not operate at night. So we are concerned that people might be attracted to the 7-Eleven, some of the kids might use our parking lot as a raceway. There could be vandalism because, right now, few people know we are there at night. There's no activity.
However, when there's business there, of course, it could attract people that we would prefer not to be on our parking lot.
Q. You attend meetings at the synagogue at times late at night?
A. Yes.
Q. Meetings would break up late at night, I guess?
A. Yes.

Q. What have you observed about the volume of traffic on Crondall Lane late at night?
A. There's hardly any. There would be no reason, unless people were traveling from Owings Mills Boulevard to Garrison Forest, there would be no reason for anyone to go on Crondall Lane. There's nothing there.
Q. How about the traffic volume on Owings Mills Boulevard late at night?
A. It's very light, because, by that time, most people are home.
Q. What is the synagogue's understanding of the zoning relief that was necessary for this project to go forward?
A. That it was going to be a convenience store and that it was a faite accompli, you know, about what -- about what we were told.
Q. You appreared at the zoning hearing?
A. First one.
Q. What did you understand was the issue at that hearing?
A. That the corporation was applying for an

exception because they wanted to make it a little bit larger.
Q. Were you aware that the sale of gas was an issue at that hearing?
A. No.
Q. Was the synagogue aware --
A. No.
Q. -- that the sale of gas was an issue at that hearing?
A. No.
Q. If you'd understood that the sale of gas was an issue, would you have looked at the project differently?
MS. DOPKIN: I object. He's leading the witness.
THE CHAIRMAN: Well, at that point, you're asking a hypothetical. Okay? She's not an expert witness.
I don't think a hypothetical is appropriate at that point. I am going to sustain the objection.
MR. SELLERS: Let me try and rephrase it.
MS. DOPKIN: Objection.
MR. SELLERS: We'll deal with it.
THE CHAIRMAN: Your call.

Q. If you had known that the sale of gas was an issue, would you, as president of the synagogue, have made any different recommendations to the members or the board?

MS. DOPKIN: I would again object.

MR. SELLERS: That's what would you have done.

THE CHAIRMAN: I am going to let him ask the question as to her own personal opinion because we can't know what the synagogue would have decided or not decided. That's supposition. You can answer.

A. Yes, I would have objected.

MR. SELLERS: Mr. Chairman, if I may just have a minute, there are a couple photographs in the file. If I could take a quick look at them? I think they ended up in the development file. Okay.

Q. If you bear with me just a minute. The Zoning Commissioner restricted left turns from Crondall Lane into the site at certain hours of the day. Do you recall that?

A. Yes.

Q. Based, again on your traveling the area, the Hebrew school, school buses, the time of day, so forth, do you believe that that restriction will make the situation

better or worse?

A. I would hope it would. As a matter of fact, I took some pictures and presented them at the first hearing. I went to the site around 4:30 or twenty of five on a weekday to observe and take these pictures.

Immediately above where the 7-Eleven store is supposed to be a little building that serves a food stand, I parked in that driveway, walked down to take the pictures, took them from both sides of the street so the officers could see the traffic at that time.

When I got back into my car to leave, I sat there for five to seven minutes. I could not make a left turn into Crondall Lane to go back to Owings Mills Boulevard.

I was forced to make a right turn to go up to Garrison Forest to get back to Reisterstown Road. Traffic was observed. So I have observed it personally and experienced it personally.

Q. Do you know what day of the week the Zoning Commissioner visited the site?

A. No, I don't.

MS. SELLERS: That's all the questions I have.

MS. DEMILIO: I have a couple questions.

FURTHER DIRECT EXAMINATION

BY MS. DEMILIO:

Q. Ms. Schloss, as a frequent visitor to the site and as an active member of your congregation, do you feel there's any need for the congregation to have the services provided by this corporation, that is, the 7-Eleven and a gas station?

A. No.

MS. DOPKIN: I object.

THE CHAIRMAN: She can give her personal opinion of that, whether she believes it will help them or not.

Q. You talked about religious holidays in which the over and above the Friday evening service or Saturday morning service that the congregation conducted. Approximately how many would that be?

A. They vary much so during the high holiday, which are two days, and then the following one day, which would be in the fall. They could fall any day of the week.

There could be as many as sixty or a hundred people. As a matter of fact, obviously, we don't have

enough parking for that many cars. We use the parking lot at the Jewish Community Center on Gwynnbrook and use a schoolbus to shuttle the congregants over to our location.

There are other minor holidays when we would attract, I'd say, anywhere from five to 800 people.

Q. So those services, the minor holidays, are conducted on the day of the holiday? Obviously, they may not be Friday or --

A. Usually.

Q. When you mention those, those are in addition to the weekly service?

A. That's correct. And I would say there another approximately maybe six other days during the year other than the high holidays when we would have over-attendance.

Q. And the schull would also conduct barmitvas and bahmitzvas for members, children of the members of the congregation?

A. Yes. And they are usually on Saturday morning.

Q. And are weddings conducted there as well?

A. Yes.

Q. Would those be Saturday?

A. No. The weddings would be on Sunday or in the evening.
Q. Are the receptions being held there?
A. Yes, there can be.
Q. So you would have increased cars on Sunday for those special occasions?
A. Oh, yes.
Q. And you have -- I assume that all meetings for the congregation are conducted at the synagogue on site?
A. That is correct.
Q. So any of the -- in addition to the school, any adjunct committee that might meet as part of the organization would also meet there? You have no other location?
A. That's our only location.
MS. DEMILIO: I have no further questions.
TEHE CHAIRMAN: Cross.

CROSS EXAMINATION

BY MS. DOPKIN:
Q. To be very brief, Ms. Schloss, the synagogue located on Crondall Lane, isn't it true you were aware you

were in an area that was predominantly business and industrial when you located there?
A. Well, we are aware of the industrial park right next to us. It's not an industrial park. That's a business park, mainly offices.
Q. When you attended the zoning hearing -- you testified you attended the zoning hearing. Isn't it true that you specifically asked the Zoning Commissioner to impose restrictions on left-turn traffic at the 7-Eleven?
A. Yes, we did.
Q. And did he do that?
A. Yes, he did.
Q. At the zoning hearing, isn't it true the site plan was on display at that time, as well as it is here today?
A. I believe it was.
Q. Did you examine it at that time?
A. Yes.
MS. DOPKIN: I have no further questions for Ms. Schloss.
THE CHAIRMAN: Any redirect?

MS. DEMILIO: I have one.

REDIRECT EXAMINATIOND.

BY MS. DEMILIO:
Q. Ms. Schloss, does the existing business park that you have described and Ms. Dopkin referred to in your testimony interfere with the synagogue, going to the site? Do they interfere in any manner with the synagogue site?
A. No.
Q. Do they raise the same concerns that you described the current proposal would possibly present to the synagogue?
A. Yes. I spoke at the first meeting. There was a gentleman who was the president of the business park, and we spoke at length. And he had many of the same concerns we did about the traffic, about the fact that this would invite different people into the area.
Q. The concerns that you talked about in your testimony today for the 7-Eleven and gas station, does the synagogue have those same concerns about the business park in the area, or does the business park not present those concerns to you?

A. No, because everything is closed at night, and there's no other concerns.
Q. So there's no other business in the immediate area that presents the potential problems that you see with this use, is that your testimony today?
A. That's right.
MS. DEMILIO: I have no further questions.

RECROSS EXAMINATION

BY MS. DOPKIN:
Q. Are you saying then that the traffic from the business park is not a concern to the synagogue?
A. Well, yes, the traffic is a concern because, obviously, that traffic that comes down Crondall Lane is generated by people going to work and coming home from work. I should have made that clear.
MS. DOPKIN: Thank you.

FURTHER REDIRECT EXAMINATION

BY MR. SELLERS:
Q. Do the businesses in the existing industrial commercial parks generate from the synagogue the same concern about crime as the 7-Eleven?

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A. No.
MR. SELLERS: Thank you. That's all I have.
THE CHAIRMAN: Okay. Anybody else? Thank you, ma'am.
MR. SELLERS: We'll call Ellen Saval.

ELLEN SAVAL,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MR. SELLERS:

Q. Ms. Saval, can you give your address, for the record.
A. My address is 7 Red Maple Court, Owings Mills 21117.
Q. That's off of Owings Mills Boulevard?
A. Correct. Two streets off Ashley, and then the court, yes.
Q. Is that in the general vicinity of this site?
A. Yes.
Q. You are familiar with the area?
A. Yes.

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Q. You drive Owings Mills Boulevard-Crondall Lane-Garrison Forest, and other roads in the area?
A. Sure.
Q. Let's start with the intersection of Gwynnbrook and Owings Mills Boulevard. What can you tell the Board about that intersection?
A. It's very congested. You can't make -- there's no left-turn lane there. It one road each way. It's often backed up.
Q. Do you or do people that you know in the area try to avoid that intersection?
MS. DOPKIN: I would object. She can only testify to her own knowledge.
THE CHAIRMAN: To that extent, I will grant that she's a resident of the area. She can describe her perception of her problems in the area. Whether it presents a problem to others is a supposition at best.
MR. SELLERS: She can testify, for instance, as to whether there was general conversation in the area among the neighbors as to various conditions. That's routinely taken in zoning matters.

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THE CHAIRMAN: Yes, but you have to understand the further afield you get from somebody who really can testify to something, the less value that testimony is going to have getting into that.
MR. SELLERS: It's entirely up to you. I will concede --
THE CHAIRMAN: I am trying to be as frank with you as I can to help things move along, counsel.
Q. Do you ever try to avoid the intersection of Gwynnbrook and Owings Mills Boulevard?
A. Not on a regular basis, but there have been times I have.
Q. You're familiar with Owings Mills Boulevard going north from the site?
A. Yes.
Q. Can you describe what's up there?
A. I'm sorry. When you -- you're saying towards Owings Mills Boulevard?
Q. On Owings Mills Boulevard, going north from this site.
A. I'm not bright with numbers. Towards my

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development, is that what you are referring to?
Q. Yes.
A. Well, loads of other developments. This is actually the second development I have lived in in the last eleven years.
I lived in Velvet Hills North, which is right off of Bonita to the left. And then there is Velvet Hills to the south, to the right. It's all residential. Along Owings Mills Boulevard, there's rows of townhouses. To the right, there are a lot of new individual homes. There's loads of families and children, and they are very nice communities.
Q. If you know, can you tell the Board how far that residential use extends up Owings Mills Boulevard?
A. How far? There are some, I think, warehouses to the left quite aways down, but it goes all the way to Butler, I guess.
Q. Now, if you were going to the beltway or to Route 795 or to Owings Mills town center, Pikesville, Baltimore City, how do you go?
A. Owings Mills Boulevard.

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Q. You are familiar with the railroad tracks which run up to the west of Owings Mills Boulevard?
A. Yes. Very shallow, and actually markers. Is that where -- you mean where the water level might be?
Q. That would be one of the crossings?
A. The other one on -- off Gwynnbrook, is that it?
Q. Well, let's back up. You described a railroad crossing. Do you know how many crossings there are of the railroad by roads?
MS. DOPKIN: I am going to object. I don't know the relevance of this line of testimony.
THE CHAIRMAN: I am curious to see if they know. I think it all might be a moot point in one answer.
A. Maybe two.
Q. Do you know what roads they are?
A. I guess Timbergrove and Gwynnbrook.
Q. Now, if you were going to take Gwynnbrook heading west, where does that lead you?
A. You continue, and it will lead you to Reisterstown Road.
Q. Do you know whether or not left turns are

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permitted at Gwynnbrook -- on Gwynnbrook onto Reisterstown Road?
A. No, they are not permitted. There's the sign there. Actually, it's even dangerous to make a right at that point because there's a hill, and the traffic is kind of going right over the crest, and it's very difficult to make a right. You definitely cannot make a left.
Q. The grade crossing, you mentioned Timbergrove Road. Can you describe that, for the Board?
A. Well, when it rains, it's --
MS. DOPKIN: I object, Mr. Stahl. I don't see the relevance of the line of questioning.
MR. SELLERS: It was gone into rather extensively on one of the previous days, and it relates to the issue of who uses Owings Mills Boulevard, who will pass the site, who's likely to use the site.
And the fact that Mr. Hughey testified this is at least a major collector road -- that's a term of art -- and probably an arterial, and Mr. Hughey testified essentially, and I am essentially corroborating his testimony in terms of going south or west, that the

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options are limited and unattractive.
The issue of whether or not Owings Mills is a feeder road in the whole issue of does the proposed use help, hurt, affect that, is relevant. She's a resident of the area who uses the road.
THE CHAIRMAN: Her experience in using that road system, again, subject to cross and subject to weight, subject to the limitation of the fact that it's her description of what she likes to use, which stands for exactly that, what she likes to use as a residence is, I think, relevant to the extent it goes. I mean, the --
MS. DOPKIN: I think it's repetitive.
THE CHAIRMAN: To some degree, but as opposed to an expert, this is an actual resident, so I am going to give him some leeway. That means you can answer.
Q. The question was, could you describe the grade crossing area of Timbergrove Road?
A. It's low. It dips. There's markers actually right near that crossing that shows the height, and it's like one, two, three feet, and that's because when it -- oftentimes when it rains, that area is flooded and, you

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know, when you're driving by and you see the water is up to the three-foot mark, you don't want to drive that way.
Q. What are your concerns about the 7-Eleven?
A. My main concern is really the crime. Actually, I have got a few concerns. Crime is one. A major concern also that has come out of these hearings is another exception that we were unaware of, but I will talk about the crime, and that's a major concern of mine.
Having a twenty-four hour operation, I think, is detrimental to the community. 7-Eleven -- somebody recently asked a question and they asked me if 7-Elevens are open twenty-four hours a day, seven days a week, 365 days a year, why do they have locks on the door?
It was a question you kind of like think about, but, actually, through all this, I learned why -- I think I learned why they have locks on the door. And that's in case of a crime, in case there's a robbery, and, therefore, I think that's why they have locks on the door.
I don't know. Maybe I will find out something different. It's come out of the other hearing that at this 7-Eleven, employees on the midnight shift have

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something like a pen device in their hand. I think the entire shift is in anticipation of a problem, of a robbery, and that kind of -- I guess that's the way they are protecting their store.

But it's very frightening to me, thinking about the person standing there all night, holding onto a penlight device, waiting for something to happen.

Q. What's the penlight device supposed to do?

A. I think you push the button if you think you're going to be robbed. There may be other reasons for it. I don't know.

I was trying to find out information about 7-Elevens, and just through the police reports I was able to find out that 110 robberies out of 137 robberies of 7-Elevens in Baltimore County over the past three years took place 10 p.m. and 6 a.m., and that kind of confirmed my thought, if somebody is open twenty-four hours a day, you're more likely that there's going to be robbery at night.

There aren't that many places open twenty-four hours a day, and some that are open have security guards.

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And I know we have asked in the past if the 7-Eleven plans to be open twenty-four hours a day, will they have a security guard, and we were told no.

We have asked is it possible to limit the hours of operation, and if you had a mom and pop store, convenience store, whatever kind of store at the corner, you would think the law of economics would show that this, you know, this location is not conducive to a twenty-four hour a day operation. And the law of economics would show that you're not going to be open during those hours.

But, as I have been told, that the 7-Eleven has mandated all of the 7-Elevens to be open twenty-four hours a day, unless it's zoned otherwise, and that's why it's really important that this court understand how important we, you know, as a community, we are asking for you to limit the hours of operation.

At the last hearing, we were told, when we asked about crime, and we have always asked about crime at the community input meeting, and we've never been given any hard facts. That's why people have suggested to me to call the police and try to get some hard facts. And I

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have copies, if you're so interested, that I would like to share with you.

Of all the convenience stores in Baltimore --

MS. DOPKIN: I would object to testimony regarding police statistics. We can't authenticate them. I don't know if they were prepared for this site, which is the only relevance to this case, the bearing, they would have on this site.

We don't know what other sites they are related to.

MR. SELLERS: Several printouts were proffered at the hearing below by Ms. Saval, and they are in the file at this time. They were considered by Commissioner Schmidt.

THE CHAIRMAN: Let me make it easy for you. What's admitted below is part of the record from below. I am very uncomfortable with a lay person, who's been brought up as a lay witness about her view of the neighborhood and how she drives and where she's drives, all the things which I think are relevant to the inquiries here, but when she starts telling us how many robberies

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there are with different stores and what hours there are, the very real question of the ability to cross-examine those numbers when they come into the record does enter into it.

What stores, where, under what hours, what transportation is available to them, whether they are in districts where there's a lot of flow at night, because it's across the street from the civic arena, really are questions that counsel is entitled to ask in order to be able to determine if that information is at all relevant or distinguishable.

And counsel needs the opportunity to do that. You can't do it from a lay witness, you know, who's just going to throw numbers. It's very difficult to do.

MS. DEMILIO: If I may just add, if Ms. Saval obtained this information -- and this must be public knowledge that anyone can obtain -- if she used it to form her opinion, whether that's given weight by the Board or not, or attacked on cross-examination, is no different than if she goes to a public library.

THE CHAIRMAN: She's entitled to say, based on

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her review of the statistics, that twenty-four hour stores are robbed more often, or that they are robbed at night.

But beyond that, I think, it's my understanding from sitting here observing her, that's what she was trying to say, This is my opinion. This is why I have this opinion.

But we're getting beyond, counsel, and we're starting to get into more detail about what those statistics meant, and I'm not going to allow her to conjecture on what statistics mean.

If she wants to use whatever basis for her opinion, she's entitled to say, This is my opinion, and that's what I base my opinion on.

MS. DEMILIO: That's subject to cross-examination. That's my point.

THE CHAIRMAN: But the statistics themselves are not evidence.

MS. DEMILIO: Right.

THE CHAIRMAN: Because we have no way to cross examine them.

MS. DOPKIN: She was trying to introduce copies

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of certain reports, and I objected to those.

I wanted to make it clear, because if she's referring to those as to how she formed her opinion --

THE CHAIRMAN: I think what you need to do, counsel, and as information to the witness, you can tell us what your opinion is. You can tell us it's based on the statistics you looked at.

But I'm not going to let you quote statistics and technical information, numerical information, without counsel being able do, A, question its authenticity by having somebody here who represents the agencies, and, number two, to be able to cross-examine them as to where they come from, what they're made of, what they include, what they don't include.

But if you want to tell us you think, as you have, that your view of the statistics is that more robberies happen at night and, therefore, you're afraid to have this there, that's your opinion.

But not for the truth or not truth of the statistics themselves.

MS. DOPKIN: Thank you.

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A. The fact that the 7-Eleven is open on Crondall Lane and, I think, as mentioned before, there's very little traffic, and I don't know if there was a traffic study done in the middle of the night, so there's very little traffic at that hour, but I have been told at another hearing from Southland that the reason they have the bright lights is so that the criminal is, you know is, not anonymous on Crondall Lane at this particular location. The fact there's very little traffic going by in the evening will make that location much more inviting to a crime, and, certainly, more, you know, quite a bit more anonymous for a criminal to go in there versus a large thorughfare, whether it's Reisterstown Road or Liberty road, you know, wherever other locations.

I think this particular location requires a limited hours of operation because it will invite crime during the late hours of the evening.

Of course, there are a host of other problems I am concerned with besides crime, which is the traffic, which is already mentioned.

I'm not going to be redundant. I'm concerned

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because the neighbors are close enough for the kids to actually ride their bikes to the 7-Eleven right now. There's no place for the kids to ride their bikes, so they kind of stay in their own development.

There are also no sidewalks that would take you, riding their bicycle, to 7-Eleven to get a slurpy, or whatever else, there are no sidewalks, and I think that that may cause a problem.

At the last hearing, there was discussion of Southland doing a lot of things to prevent crime, and I believe they do that. I believe that. I know they are a successful company and they certainly don't condone crime.

They have markings on the door so if robbers come in and out, they can judge their height. They give information to the police. I know they speak to the police about resources and know how to do things the best they possibly can.

And they even offer coffee to the policemen, which is good for Southland and good for the policemen. It was talk of a police desk, and I was a little confused about that at the last hearing,and I wasn't sure if they

said they were going to put a police desk in the 7-Eleven, and I wasn't sure of the purpose of that police desk.

Is it because there are so many robberies in the 7-Elevens the policeman needs his own desk or he's going to sit there and, you know, patrol the neighborhood and drink his coffee?

I don't know what else he would do there, but I was a little concerned about that police desk because I don't think it meets the needs of the community.

It may meet the needs of 7-Eleven, as the coffee does draw the policemen in and out, for protection, and I think that's, you know, a smart thing for 7-Eleven to do.

I know Charles Street 7-Eleven is open from seven -- from 6 a.m. to 10 p.m., seven days a week, and that's what I would like to happen at this 7-Eleven.

I know they have taken precautions keeping a small amount of money in their drawer at a time. That's been discussed at another hearing that they don't allow -- if the 7-Eleven is following the plan -- that they don't allow more than $20 in the drawer at maybe in the evening, whatever, but the fact that somebody who's robbing a

7-Eleven in the middle of the night, I don't know what he's looking for, he might be looking for $10 worth of whatever.

And even if it's well known they only allow $20 in the drawer at night, I don't know if a robber is going to do his research in the middle of the night to find out who has the most money. He's going to look for who's open, and 7-Eleven is notoriously open twenty-four hours a day.

Q. Ms. Saval, let me go back. You mentioned children riding bikes to the site. They would be coming from nearby residences?

A. Yes.

Q. Based on your knowledge of the roads, do you suppose they will be on it on their bikes?

A. On Owings Mills Boulevard --

Q. There's no sidewalks?

A. No. There may in parts, but I know there's not a sidewalk from the development.

Q. In fact, they go past the intersection of Gwynnbrook and Owings Mills Boulevard, wouldn't they?

A. Yes.

Q. What you described as narrow, congested, no shoulders?

A. Correct.

Q. Ms. Saval, did you attend the community input meeting?

A. Yes.

MS. DOPKIN: I am going to object. This is a development plan. I objected at the community input meeting. This is a development plan and not before this Board. Only the special exception and zoning are issues before this Board.

THE CHAIRMAN: We have been down this road before, counsel.

MS. DOPKIN: The only appeal is the special exception and not the development plan.

MR. SELLERS: The site plan which is Exhibit 1 is entitled Site Plan to Accompany Development Plan, and the Zoning Commisisoner's opinion from below is for both. The hearing was combined.

The community was given notice by a posting

simultaneously. There's been previous testimony about what occurred at the CIM by two people. Now, as I am sure you understand, Mr. Colbert was asked about what happened, and Mr. Rasco testified. As you know, one of my most important arguments is the notice to the community and the due process, and that's the reason for my continuing objection to anything other than the 1500 square foot.

I won't go into all of that. That's absolutely crucial to my case. Now, that involves not only what the site plan said, but what the petition said; what the site plan, the combined site plan said, what occurred below in the combined hearing, but also it was not raised below, the special exception to sell gas was not sought below.

The response was, Well, we didn't specifically mention it, but this is the way we do it in Baltimore County. We refer to the one, everybody knows we mean the other. There has also been testimony, and certainly it's not what the community understood. It's not what the office of planning understood.

I intend to -- if I may make, let me try -- in addition to my asssertion that the posting and the

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petition and the publication were not adequate notice, that it was, in fact, misleading, the same people attended the CIM by and large, that see the zoning notice, they attend the zoning hearing, the same people. That's the intent of the publication and posting.

It's the intent of having the community input meeting to gather the neighbors, the interested parties, the same people you're trying to get notice to for zoning purposes.

THE CHAIRMAN: Let me interrupt. I know you didn't want to go back over your argument over again, but you are.

Let me suggest this to you and make it easy for you. I keep saying that. The lady here is an individual, okay, representing no organized group.

It is not a matter of contesting evidence that the amendment that counsel made here was not brought up below. There's been a number of people testifying that it was not brought up below.

The question of whether that's appropriate or not, I am sure will be the subject of both of your memos.

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It's superflurous to have someone who's there say that it wasn't brought up when it's already accepted testimony and uncontroverted that it wasn't brought up.

So if your purpose is to establish and corroborate it wasn't brought up, it's already in evidence that it wasn't brought up. So there's really no need for the additional testimony.

MR. SELLERS: With all due respect, I suggest you're very close to the mark.

THE CHAIRMAN: Thank you.

MR. SELLERS: But not quite there. There's a necessary element of my due process and notice argument, not only do we have to look at the sign and the petition and the posting, and I agree that's all there, but representation may have been made at the CIM, again the same group, by and large, of people, same purpose, to give the community and neighbors information about this project which was going forward as a combined hearing, my contention is it was misleading.

I'm not saying it was intentional. It may be neglicence. I don't know. But in addition to say being

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ambiguous notice on the sign and the posting and the publication, there's an affirmative misleading of the community of things that were said at the CIM, and that's crucial to my due process argument.

THE CHAIRMAN: Within a limited range. We are not going to retry the CIM. We are not going to be going back over what other people told other people who told her or what she may have heard other people say to her, because that's hearsay.

Okay? If you want to ask her what she understood the purpose of that hearing to be, what she understood the issues to be in that hearing, what she understood was included in that hearing, and what was not included in that hearing, then, as an individual who was at that hearing, she can certainly testify to those things.

Do you understand where I am going?

MR. SELLERS: Yes.

THE CHAIRMAN: So, to that extent, I will overrule the objection and allow you to proceed.

MR. SELLERS: May I make a suggestion?

THE CHAIRMAN: Uh-huh.

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MR. SELLERS: I was standing up. We might as well talk about it.

I would very much like to introduce the minutes into evidence. They have been discussed by Mr. Rasco. They have been used to refresh his recollection. They are relevant to my due process argument for the reasons that I just mentioned.

THE CHAIRMAN: Why? If it's not contested that was not brought up as an issue, there is, again, there's no question. It's not a matter of Southland saying that they did bring it up at the CIM.

MR. SELLERS: No, no, that was not Mr. Colbert's testimony. Mr. Colbert testified that they told the community they needed a special exception -- I'm sorry. Let me get -- I have to go back.

Mr. Colbert -- I asked him several questions exactly about those couple paragraphs in the CIM, whether -- what he had told the community.

Mr. Rasco was brought in. You will recall I brought Mr. Rasco in specifically to counter the testimony that's been elicited the first day from Mr. Colbert.

Indeed, we have been over this ground.

My problem, frankly, I have no other forum to get the CIM minutes in, and it is crucial to my due process argument to the impact.

THE CHAIRMAN: To prove what? That what is being contested is being contested? Disagreed upon in that those minutes?

MR. SELLERS: What was said.

THE CHAIRMAN: What disagreement?

MR. SELLERS: Let me get it right. He testified that he did not say what the minutes say he said, and that's why I summonsed Mr. Rasco.

THE CHAIRMAN: Stop right there, counsel.

MS. DOPKIN: I have to object, and object strenuously. The appellants chose to appeal only the special exception.

As a result, you have applied rules applying to them and not to development plans. If we are going to be subject to the body of laws that govern zoning, then let's make it a zoning hearing.

Furthermore. This petition could have been

submitted without having given the community the benefit of the CIM and document plan review. It was the applicant's choice to limit the hearing to zoning.

If that is the case that the appellants made, then that is the choice that the appellants should be bound by. And that if you want to put this CIM and development plan test into dispute, the time has passed, and if that's what you're going to do, I suspect that this appellant wouldn't be here because of the standing issue.

It is clearly set out in the code, and if you want to live with the development plan and the limitation it imposes on parties, then we should have done that at the outset. They should not be able to have it both ways.

THE CHAIRMAN: Wait a minute --

MS. DOPKIN: And I object.

THE CHAIRMAN: Excuse me. Off the record.

(A discussion was held at the Bench, off the record.)

THE CHAIRMAN: Okay. Here's what we are going to do. The Board has discussed it, and we're going to admit the CIM minutes only and for the sole purpose of

determining -- we have two people's testimony that are different as to what they said. Okay?

In their testimony, we have admitted the CIM minutes only to the extent that they bear upon the testimony that was conflicting between Mr. Rasco and Mr. Colbert regarding that particular issue that they both testified to that was contrary.

We'll admit it for no other purpose, and someone is going to, I take it, someone is going to give us a copy.

MS. DOPKIN: I would object. Mr. Rasco did not testify to what Mr. Colbert said. He only testified to what his notes were.

THE CHAIRMAN: Right.

MS. DOPKIN: And he's not here.

THE CHAIRMAN: But we see that as an issue of contradictory testimony. If someone is going to give us those minutes, whether you give us the whole minutes or not, the only thing we are going to look at is that particular portion of the minutes that relate to what the two of them testified about.

MS. DOPKIN: Mr. Stahl, you cannot allow that to go to the credibility of the witness.

THE CHAIRMAN: No, no. We are only utilizing it again as to the credibility -- we have two witnesss who testified differently about what occurred.

We are only going to use the minutes to the extent of determining the credibility and reliability of the recitation and remembrance of those two witnesses as to that particular limited item.

Nothing further. We'll not look at it for anything further. We'll not consider it for any other evidentiary purpose other than that, and that's going to be our ruling.

Now, if you want to give it to us highlighted, then I suggest that you agree with counsel what areas will be highlighted. If you're not going to give it highlighted, we'll narrow and determine what we are looking at and not looking at.

But I will say, for the record, that's the absolute narrow limited area in which we'll look at it, and we'll look at it no further and we'll consider it no

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further, because I do agree that your client had an option which way to go, and chose a particular way. And if it weren't for the fact that two witnesses said something different, we wouldn't be accepting it.

MR. SELLERS: For the record, may I say one thing? I never got a chance to argue before you made your decision.

Number two --

THE CHAIRMAN: That's because we know where we want to go with this, counsel.

MR. SELLERS: Number two, Mr. Rasco testified very specifically about two particular paragraphs, and I am very content to limit your review of that, to the content of those two particular paragraphs.

THE CHAIRMAN: But only as to the credibility issue and as to the recollection, not for whatever they said has an impact one way or another. Simply to determine and test which witness's remembrance was more accurate.

MR. SELLERS: For the record, I will proffer the same two paragraphs for an additional purpose, and

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certainly if you rule against me, but I think this is a very important evidentiary issue which is going to be taken up, because I am making a due process and notice argument and we are talking about primarily the same group of people, interested parties.

The impact on them of what was said at the CIM is more than relevant to the due process argument and, again, I accept that you will take it now for the inconsistent testimony issue.

Rule against me if you must on this, but I must proffer, again, just the same two paragraphs. We are not appealing the development hearing. Nobody has ever contended that.

But I'm proferring the same two paragraphs for the purpose of the impact and corroborating the impact on those who were present.

THE CHAIRMAN: Again, both the ladies who testified previously and this witness have already stated that their opinions might have -- would have been different personally, had they known other things.

That testimony has been there as to their own

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individual feelings and, again, we limited Ms. Schloss to her own individual opinion as to whether or not it would have changed it.

I am going to grant the objection for any purposes other than that which the Board has already accepted.

MR. SELLERS: You will note my proffer.

MS. DOPKIN: I want to note my objection to this revision.

THE CHAIRMAN: So noted. Counsel?

A. I think, Ms. Saval, I think we were at, did you attend the CIM meeting?

A. Yes.

Q. Based on what you heard and observed there, was it your understanding that there was any issue regarding the sale of gas on this site?

A. No issue other than the fact they were entitled to that, and that was what was stated.

It was actually an uproar in the room, because we did not realize that the gas station was going to be there, nor did we realize they were entitled do it.

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And there was actually -- there was actually an uproar in the room when the people heard gas station. And then we were told to calm down, and that this is what they are entitled to, they can build a gas station and a smaller 7-Eleven, or just a larger 7-Eleven, but they were going after -- the purpose of the meeting was for the special exception to enlarge the size of the 7-Eleven.

Q. Did you attend the zoning hearing?

A. Yes.

Q. Based on what you heard and observed there, did that alter the understanding you received at the CIM?

A. No.

MS. SELLERS: No further questions.

MS. DEMILIO: I have no questions.

THE CHAIRMAN: Cross?

THE WITNESS: Could I say one other thing?

THE CHAIRMAN: No. He has to ask you first. He said, no further questions.

MR. SELLERS: We discussed the CIM. May I introduce the notes?

THE CHAIRMAN: As I said, we are going to take a

break at some point. Why don't you and counsel discuss what parts of it, if any, and then, if you can't resolve it, we'll take it up after the break. Cross.

MS. DOPKIN: I have no questions for the witness, Mr. Stahl.

THE CHAIRMAN: Sort of obviates redirect. Thank you, ma'am.

Okay. Off the record.

(Discussion held off the record.)

THE CHAIRMAN: We'll take a ten-minute break at this point.

(A recess was taken.)

THE CHAIRMAN: Okay.

MR. SELLERS: If I may, Ms. Dopkin and I have circled the two paragraphs.

THE CHAIRMAN: In question?

MR. SELLERS: In question, in red, and submit this, and I believe I am at three.

MR. MELVIN: No. 3.

THE CHAIRMAN: So marked.

MR. SELLERS: I also have the letter from Mr.

Mike Glaser.

THE CHAIRMAN: As I said, since we haven't had a discussion about it, it is the Board's preference to accept letters and other written communication -- we understand they are not at this time having been subjected to cross-examination, but in the philosophy that this Board wants to hear as much information as it can from the citizenry of Baltimore County that may be affected by any particular hearing request, that we'll accept it as an exhibit and assign to it the relative weight we feel is appropriate under the circumstances, and that's No. 4,

MR. SELLERS: And in the same vein, and I know exactly the littany that --

MS. DOPKIN: You're introducing this letter as an exhibit? You have accepted other correspondence, but not as an exhibit.

MR. SELLERS: They are all separate exhibits, as a housekeeping matter, so just to connect them. I am very familiar with the littany, but Ms. Saval has a petition signed by over 180 people, and I know exactly what's going to occur.

THE CHAIRMAN: Counsel is going to object?

MS. DOPKIN: I object.

MR. SELLERS: You're going to take it, give it the weight.

MS. DOPKIN: Can I see it, please?

THE CHAIRMAN: Sure. Do that first.

MR. SELLERS: No problem.

MS. DOPKIN: Thank you.

THE CHAIRMAN: Okay. We are going to do this collectively, five, with the same comments that I made relative to the letter.

MR. SELLERS: Okay. And that is our case. Ms. Saval has somewhere else to go. I hope you will excuse her?

THE CHAIRMAN: Certainly. Your call. Okay. Rebuttal case, counsel?

MS. DOPKIN: Thank you. I will try to keep it as brief as possible. I'd like to recall Ken Colbert.

KENNETH COLBERT,

having been previously sworn, was recalled, and testified further as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

MS. DOPKIN: Only with regard to the two paragraphs of the community input meeting, and that's what you have allowed.

Q. Mr. Colbert, have you seen the two paragraphs?

A. Yes, I have.

Q. Are there inaccuracies in these two paragraphs?

A. Yes, there are.

Q. Would you give the Board an example?

A. An example? Well, in the first line of the second paragraph, the first one indicated reference by Don Rasco to myself and my company and -- well, it has a company name incorrect.

In the second sentence he references Mr. Matz describes the project. Mr. Matz is my partner, but Mr. Matz wasn't at the CIM.

I am just trying to indicate that these minutes are close, at best. And the statements that are in here that I made regarding the zoning issues is totally incorrect.

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I mean, I very well know the 405 regulations and what is and is not permitted, and I have been doing stores for 7-Eleven for almost twenty years, and under the 405 regulations in Baltimore County, I have done four or five different sites.

Q. Would you say this first paragraph reflects, in your opinion, some confusion on the part of the person who was taking notes and writing it?

MR. SELLERS: I've got to object to that.

THE CHAIRMAN: Why don't you just rephrase the question. I know where you're going, but rather than putting him in the position to say yes or not, you might simply ask him how he thinks that reflects on the ability of the person keeping notes.

Q. How do you think the wording of this paragraph reflects on the person taking the notes?

A. I don't want to say anything bad about Don Rasco. He's a fine man, very, very good project manager in Baltimore County. But I just have to say that the informality of the CIM process --

Q. Just talking about the language in the paragraph.

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A. -- it's just confusing. It's inconsistent. And inaccurate.

MS. DOPKIN: Thank you. I have no further questions.

THE CHAIRMAN: Mr. Sellers.

CROSS EXAMINATION

BY MR. SELLERS:

Q. I believe your testimony just now referred to that paragraph on the first page?

A. Yes sir.

Q. You are aware that we have also marked a paragraph on the third page?

A. Yes, sir.

Q. Is it your testimony that is also an inaccurate transcription?

A. That is correct.

Q. These minutes are circulated as part of the development process, are they not?

A. Yes, sir.

Q. In fact, I see a cc --

MS. DOPKIN: I am going to object.

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THE CHAIRMAN: Let's see where he's going.

Q. Colbert, Matz and Rosenfield are noted on the last page. Did you get these?

A. I testified earlier I got them.

THE CHAIRMAN: Did or didn't?

THE WITNESS: Did.

Q. Get them?

A. Yes.

Q. Did you ever attempt to communicate with Mr. Rasco or otherwise correct what you say are inaccuracies at two places in this document?

A. No, I did not. And the reason I didn't is the plan that we presented before the community on numerous occasions was rather specific. It showed the store. It showed the gasoline. There was no attempt, inadvertantly or advertantly to --

MR. SELLERS: I object. I instruct -- this is beyond the question.

THE CHAIRMAN: Well, no. You asked him why he never communicated.

MR. SELLERS: No. I asked him if he ever

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attempted to correct, and it was no.

THE CHAIRMAN: All right. If you want to take the position that the explaining why is beyond the scope of your question, you have every right to do that, subject to everyone else asking questions, certainly.

MS. SELLERS: That's all.

MS. DEMILIO: No questions.

THE CHAIRMAN: Redirect?

MS. DOPKIN: I have no further questions for Mr. Colbert.

THE CHAIRMAN: Thank you. Sir.

MS. DOPKIN: Our next rebuttal witness would be Mr. Moore.

C. RICHARD MOORE,

having been previously sworn, was recalled, and testified further as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Mr. Moore, I believe you have been here for the entire proceedings before this Board?

A. Yes, I have.

Q. There has been a lot of testimony regarding the intersection of Owings Mills Boulevard and Gwynnbrook Avenue?
A. Yes.
Q. Road?
A. Gwynnbrook --
Q. Excuse me?
A. Well, this says road, but I think it's Gwynnbrook Avenue.
Q. Gwynnbrook?
A. Yes, Gwynnbrook.
Q. Have you investigated the traffic conditions at that intersection?
A. Yes, I have.
Q. Did your investigation reveal whether the county has studied that intersection?
A. Yes, it did.
Q. Can you tell the Board what the results of that study indicated?
A. That the intersection of Gwynnbrook and Owings Mills Boulevard is operating at a level of service D. And

the study was conducted in October of 1997.
Q. What does that mean?
A. It means the level of service D is a standard level of service for urban conditions.
So that level of surface D is an average level of service. It does generate, however, a D, on the basic service maps which are published annually by Baltimore County, and as part of that process, the county will draw a line around the intersection, denoting an area of influence of that intersection, to determine properties that have a major impact on that intersection. And that map was drawn, presented to the planning board in November and sent to the Council in February.
And in April, the Council Passed the basic service maps showing Owings Mills and Gwynnbrook as a level of service D, with a boundary drawn around the intersection with the southern boundary of the zone of influence about 2000 feet south of Gwynnbrook, and not showing this site in the zone of influence, which is very similar to the testimony that I gave as part of my earlier testimony, that the majority of the traffic is from Owings

Mills Boulevard into Crondall Lane to the industrial areas and back and forth.
Q. So it's your understanding the results of that study showed the intersection of Gwynnbrook and Owings Mills Boulevard functioning at an adequate level of service?
MR. SELLERS: Objection. Leading.
A. Extremely.
THE CHAIRMAN: Rephrase.
Q. You indicated the level of service was D. What does that mean?
A. As I indicated, a level of service D is standard for levels of service for urban street systems nationwide, and so that is the standard level of service D.
Q. Does that mean it's failing?
A. No, no. That's the standard in which you try to have your intersections operate. At that point, then you start anticipating future plans, since it takes many years to get improvements done, but the level of surface D is considered satisfactory as far as level of service.
But the next level of service, service E, is a

failing level of service, and that's why the county's process starting some twenty years ago was to show all the level of surface D intersections, so that everyone had an opportunity to see that this is the threshhold before you go into level of service E.
Q. There's been a lot of testimony about traffic backup at the intersection. Did you investigate the conditions at the intersection during peak hours?
A. I have investigated conditions during the peak hour in the past.
Q. Does the county study --
A. Yes.
Q. -- also address those conditions?
A. Yes, it does. In fact, on the day of their study, which was a Wednesday, October 8, 1997, there were only two loaded cycles, north and southbound Owings Mills Boulevard, during the afternoon peak hour.
Q. What does that mean?
A. The way levels of service are determined in Baltimore County is they look at the intersection and the approach. When the signal turns green, if all the cars

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pass through while the signal is green and no cars are left over, that is considered a satisfactory cycle.

When the signal turns red, if all the cars that were waiting do not make it through the intersection, then that's considered a loaded cycle.

Now, over a period of an hour -- and this particular case, there are forty cycles that take place in an hour at this intersection. Of those forty cycles, only two were loaded, that is to say, that when the signal turns green, all the vehicles that were waiting could not go through on the green light, so that two percent northbound and southbound would be basically a level of service B for Owings Mills Boulevard itself.

However, on Gwynnbrook, there were backups on Gwynnbrook of fifteen cycles out of the forty cycles, which is thirty-eight percent, and the level of service D falls within thirty percent and seventy percent.

So it's actually Gwynnbrook backups that created the level of surface D, that generated it going on the maps this year, on the basic services legislation.

Q. Would it be appropriate -- how does the county

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plan for road improvements in this situation?

A. Well, the county has a capital budget that it reviews and -- well, it's a six-year capital budget, and this particular road probject has been in the capital budget for many, many years.

It has been, my investiagation, that all the moneys have now been appropriated for improvements to Owings Mills Boulevard and they are basically waiting for the approved set of plans so they can construct and improve the intersection Owings Mills Boulevard, which includes the intersection of Gwynnbrook.

Q. Would those improvements alleviate the loading that you have described?

A. Yes.

Q. Are they intended?

A. Yes. Very much so. In fact, I am sure it would really operate at a level of service A with the type of improvements proposed at this intersection.

Q. You mentioned the county circumscribed an area around an intersection that considered the zone of influence for traffic passing the intersection?

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A. Yes. That's displayed on the basic services map each year.

Q. Does the subject site fall within that traffic shed?

A. No, it does not. In fact, it's some distance removed from the southern boundary of the zone. It's only 2000 feet -- the traffic shed itself is only 2000 feet south of Gwynnbrook and it's three-quarters of a mile from Crondall Lane and Gwynnbrook, so it's probably half a mile -- their site is actually half a mile outside the traffic shed, or maybe even a little bit further than that.

MS. DOPKIN: I have no further questions of Mr. Moore.

THE CHAIRMAN: Cross?

CROSS EXAMINATION

BY MR. SELLERS:

Q. Mr. Moore, you're familiar with the area? I think you testified earlier that you had driven around as part of your work?

A. Yes, I have. I am -- I have a pretty good

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working knowledge of the area.

Q. This zone of influence extends 2000 feet south along Owings Mills Boulevard from Gwynnbrook, is that correct?

A. That is correct, yes.

Q. On that stretch of Owings Mills Boulevard, are you aware of any streets which intersect Owings Mills Boulevard?

A. No, I'm not.

Q. Are you aware of any driveways in that 2000 feet south of the Gwynnbrook on Owings Mills Boulevard?

A. I just can't picture where the driveways are, if any.

Q. Now, the zone of influence -- and please explain it to us -- but it has something to do with the source of the traffic generated at the intersection that causes whatever level, is that a fair statement? Or can you explain that?

A. The zone of influence assumes that any property within that zone of influence must be responsible for the majority of its traffic going through that intersection.

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Q. Yet, in the 2000 foot zone of influence south on Owings Mills Boulevard, you can't identify any street or driveway that might contribute to that traffic?

MS. DOPKIN: I am going to object. Is that a question? I am going to object.

THE CHAIRMAN: No. He can either agree or disagree with that.

MS. DOPKIN: It's been asked and answered.

THE CHAIRMAN: I am going to allow the question.

A. I didn't draw the boundary. Mr. Weber did, from Baltimore County. My boundary line would not have been that far south of the intersection.

But I think the general -- since from Gwynnbrook, 2000 feet south of Gwynnbrook is all state wildlife refuge anyway, so where that boundary line is in that 2000 feet really has little value one way or another.

I think the comments and the basic boundary that has been drawn by Baltimore County indicates that the majority of the traffic going through the intersection of Gwynnbrook and Owings Mills is from the north of the intersection, not from the south of the intersection, and

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that is directly in concert with the comments that I made earlier in my testimony, that the majority of the traffic for Crondall Lane and Owings Mills Boulevard is to and from Crondall Lane, and not from Owings Mills Boulevard to the north. So that the county's analysis and my analysis are consistent.

Q. You gathered all this information in the last week or so, is that right?

A. I have been collecting it over a period of two years, or since 1997 when I was working this project. I got the latest information, yes, in the last week or ten days, just to verify what was happening there.

Q. Do you recall me asking you about this intersection the first time you testified?

A. Yes, I do.

Q. Do you recall your answer?

A. I don't recall completely, but I am sure you will remind me.

Q. You don't recall you told me you weren't very familiar with it and weren't aware of any capital budget matters pending for this intersection?

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A. I don't believe that was my comment to you. I do remember testifying at the zoning hearing.

Q. No, no. My question what was you said here.

A. As to the backups at Gwynnbrook and Owings Mills at this hearing, I was not -- my memory did not remember as much, and it was for that reason I did not comment on the backup at Gwynnbrook and Owings Mills, because I had not recently checked the data.

It was as a result of the comments being made at the last hearing about Gwynnbrook and Owings Mills that I went back and checked the county files as well as my files to refresh my memory as to that intersection.

Q. You spoke of the capital budget project?

A. Yes, I did. It was in the last year's budget when final money was approved for Owings Mills improvements.

Q. You testified when the intersection such as at a level D, that this is the time to start looking at future plans for the area and their impact on the intersection?

A. That was generated, really, when we started anticipating out into the future. And that came about

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mainly because of the fact it takes, from the day you conceive a project with no opposition, it takes seven years to go through the process to actually seek construction.

So that gives us a tool to anticipate future problems, should they occur at any period after that. During that seven-year period, if it probably does not materialize, then you obviously don't make road improvements, but it does tell you the particular time you need to start the process.

MR. SELLERS: No further questions.

MS. DEMILIO: I have a question.

FURTHER CROSS EXAMINATION

BY MS. DEMILIO:

Q. What are the ratings under the basic services maps for intersections in Baltimore County?

A. What are the ratings in --

Q. You mentioned D?

A. The basic level of service falls in categories of service A, which shows no congestion at the intersection, and it goes to level of service F, which is a hundred

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percent congestion, or a hundred percent loaded cycles.
I may have even said in this case earlier, level of service A says no cycles during the entire peak hour have any loaded cycles.
Level of service B says only from zero to ten percent of the peak hour is loaded cycles.
Level of surface C is from ten percent to thirty percent loaded cycles during the peak hour.
Level of service D is from thirty percent to seventy percent, is level of service D.
And in this case, it was loaded thirty-eight percent on Gwynnbrook Avenue. And then, at seventy percent to 85 percent is level of service E. And eighty-five to a hundred percent is level of service F.
And that is our method of grading intersections.
Q. It's not your testimony today, is it, that every intersection inside the urban rural demarcation line in Baltimore County is D or below?
A. No. I said level of service D is the design capacity of an intersection that we work with.
Q. But some intersections in Baltimore County inside

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the URDL have a rating in the other categories above D? You're not saying everything is D or below? Yes or no?
A. No. It's D or better.
MS. DEMILIO: Thank you. I have no further questions.
MS. DOPKIN: I have no further questions.
THE CHAIRMAN: Thank you.
MS. DOPKIN: I'd like to call Mr. Jim Dale.

JAMES DALE,

having been called as a witness, was duly sworn and testified as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:
Q. Mr. Dale, give your name and address.
A. Jim Dale, 2711 Easton Road, Willow Grove – two words – Pennsylvania. 19090.
THE CHAIRMAN: Just for the record, it's James?
THE WITNESS: Yes.
Q. What is your occupation?
A. I am the division loss prevention manager for Southland Corporation, northeast division.

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Q. How long have you been engaged in loss prevention and safety concerns?
A. Twenty-eight years.
Q. Are you familiar with how Southland manages loss prevention and ensures safety in its stores?
A. Yes, I am.
Q. Could you describe for this Board the measures that Southland generally implements at its stores?
A. Yes, I can. Safety and security, in essence, is designed in nearly every program that Southland implements at its stores, even at times when merchandising programs. They are developed with the idea of safety and security in mind.
The specific safety and security program was developed as far back as 1974 where the Southland Corporation, the United States Justice Department, and a company called Athena Research conducted a basic study in thirteen prisons across the nation to determine basic factors that would create a high risk target situation as far as crime is concerned or low risk target situations.
As a result of this study, we developed a

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prototype for crime prevention in a convenience store industry. This program consisted of low cash levels, focusing on lighting, police liaison, focusing on employee management training, visibility to help the police officers, passersbyers and pedestrians to be able to see inside of the store, as well as the store staff to be able to see out.
Q. You mentioned police liaison. I believe you heard testimony from Ms. Saval regarding a police desk in a store.
Would you, for the benefit of the Board, describe your police liaison activities and specifically address the purpose of having a police desk in a store, or what that is.
A. Okay.
Q. A bunch of questions. I apologize.
A. That's okay. I think I can sort them all out. Part of the '74 study did show us that a very important element in crime prevention in general is to work very closely with the police.
And not only to encourge the police to come into

your business, but also to utilize the police department and their knowledge as a resource to understand various factors in the environment around your business.

Also, to have the police, from time to time, to come in and actually conduct surveys in the business and share their knowledge, experience of the area, of things you could do to deter crime, or increase safety for the employees and the customer.

The police desk, I think that's what Ms. Saval had called it, the program called PCNC, Police Community Network Centers, and there are three factors involved in this program.

It's the community, it's the police department, and it's the business industry, not just 7-Eleven, but we encourage all businesses to participate in this program.

Now, the idea is that police officers spend a large percentage of their time out on patrol, and while they are out on patrol, sometime, from time to time, they need to do administrative duties, like make telephone calls, send faxes, make copies, write reports.

And, quite often, the police are returned back to

the police station or the precinct to perform these administrative duties.

The presence of the PCNC not only helps the police officer to be more accessible to the community by stopping in at one of our stores or another type of business, and I understand, although this program was developed by the Southland Corporation and initially implemented in the 7-Eleven stores, I understand many major companies are doing this program today, like the fast food stores, large supermarkets, et cetera.

But the police officer can stop in. There's no requirement for the police officer to come in at this particular work station, but while they are on patrol, if they choose to stop in, sit down, write a report, make a phone call, do other administrative duties, it's convenient for the police, it increases security in the community itself.

We have seen several incidents where senior citizens have wandered up to that police officer and talked to that police officer about crime prevention, like lighting for their home, that a police officer is not

necessarily assessible to that senior citizen, going by forty miles an hour in a squad car.

So it's been a win-win program for the community, the business industry, as well as the police department.

Q. Why do you have locks on your doors at 7-Eleven stores?

A. Well, I thought that was very interesting because, from time to time, we just need to suspend business activity.

For example, someone gets sick in the store, or if we are doing some type of construction, like waxing the floor -- I remember one incident in particular during the late night hours where one employee went into labor and the other employee had to leave and take that employee to the hospital.

So it wouldn't have made sense to leave the door open. I thought the strangest thing about that issue was that both of the witnesses this morning had described the community as being -- well, nearly a utopia, a very nice community, and I would dare to guess that all of the houses in this community would have locks on theirs door,

if not even alarms in the houses.

Q. Do you know if representatives of Southland have met with the local police in Baltimore County regarding this particular store?

A. Yes.

Q. Do you know what, if any, particular crime deterrent measures will be installed in the store? And I don't mean people measures. I means physical types of things, or electronics, or stuff like that.

A. Yes. Well let me start with the lighting. Obviously, we'll have extensive lighting on the exterior of the building to make sure that there's good visibility around the building during the late night hours. We also, inside the building, we'll have a system called a sensormatic system.

I heard someone mention this system this morning as a pen device. This is a personal safety device. Again, there's multiple reasons for the employee to carry this safety device, this personal safety device. It has a range of 150 feet from the transmitter.

If the member of the store staff should happen to

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go outside 150 feet from the transmitter, if they observe a fire or someone injured, or a crime issue, they can summons the police, the fire department, or emergency services, so that particular unit will be installed in the store.

We do plan to install the PCNC in the store, as well as our robbery and loss prevention program to provide training for both management and employees.

Q. What particular management training techniques does Southland give its employees at the store to help prevent or deter crime?

A. Well, you, know, obviously, we would have to anticipate, if you're operataing a twenty-four hour business, that an employee should be trained to not only deter crime or prevent crime, but the employee should be trained what to do in case crime occurs.

Going back to the 1974 study, and this study has been upgraded, or re-done once in 1981 at a time we went back into the prison and re-did the study, and in 1994, and the last time, 1996, and the contents of that program is provided to all employees.

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It's called Operation Alert. That's basically teaching employees how to deal with hostile, rude, aggressive customers, how to deal with criminals in a sense whether that's an armed robber or a shoplifter, teaching employees how to prevent violence, how to work with the police, how to notify management immediately, and how, today, the initial proper steps if an incident should occur whereby they are going to look out for their own safety and the safety of our customers.

Q. Is it your experience that the area in which the store is located has an influence on the safety of the store?

A. Well, factors in the environment of the community will have an impact on the safety issues of the store. To give you an example, if you're in a community where there is excessive drug trafficing, if there's robberies at other establishments, if there's burglaries, then, obviously, this type of individual operating in that community will more apt target that particular business.

And then, again, on the other side of that coin, we have seen communities where that type of activity does

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not occur, and we have seen those stores operate without experiencing those types of incidents.

Q. Based on your experience dealing with crime prevention in convenience stores and diverse locals, is it your opinion that the facility proposed here would be more likely to experience crime than other locations?

A. Well, the answer to that -- let me talk a little bit about the initial study.

Q. Is that a yes or no?

A. Well, the answer is no. I wanted to qualify the no, if I need to.

Q. Go ahead. I'm sorry.

A. That means --

Q. Yes, you can talk.

A. To talk a little bit about the initial study, we looked at seven stores in a particular environment, and then we took another seven stores in a like environment.

We used control stores that would probably have a totally different environmental study, and over a three-year period, we monitored all twenty-one stores to simply determine if certain crimes would occur in one

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store mainly because of the general environment that that store is located in.

And based on that study, we believe that answer would be no, this particular store, based on the environment where it's located, more than likely would not experience criminal incidents.

MS. DOPKIN: Thank you. I don't have anymore questions for Mr. Dale.

MR. SELLERS: Mr. Chairman, two minutes, possibly?

THE CHAIRMAN: I think we can arrange that.

MS. DOPKIN: I have one further question.

THE CHAIRMAN: Certainly.

Q. (MS. DOPKIN) Mr. Dale, you have heard, I believe, testimony to date from the community alleging that if the store is a twenty-four hour operation, it would be more likely to experience crime, and the fear that the community would experience more crime.

Is your experience, based on your professional involvement in safety and crime prevention, that having a twenty-four hour store creates crime within the

residential community? And for all practical purposes, the distance is a mile distance.

A. No, that's not been our experience. And I also heard testimony that some of the things like bright lights visibility, et cetera, attract criminals. And, again, that is not the case.

These particular measures deter the criminal. It increases the risk factor of the criminal being caught. That's not been our experience, no.

MS. DOPKIN: Thank you. Now, I have no other questions for Mr. Dale.

THE CHAIRMAN: Mr. Sellers.

CROSS EXAMINATION

BY MR. SELLERS:

Q. Mr. Dale, you mentioned some four or five different matters that Southland looked at as important in restricting crime.

You mentioned lighting, keeping a low amount of cash, I guess, readily available. I assume it's in a safe or something to keep the cash on site for larger amounts of cash, is that right?

A. Do you want me to explain how we keep the cash level low?

Q. You said keeping low cash. You're talking about out front where it's readily available?

A. Yes, we keep the cash levels low.

Q. I assume there's a lot of cash somewhere on the premises?

A. Not necessarily.

Q. Not necessarily. Okay. You also mentioned visibility. And you mentioned visibility such that passersby or some part of your security plan. Can you tell us about that?

A. Yes. Well, the idea is that to have the store to give the appearance of a fishbowl where passerbyers, pedestrians, can see in, and the store staff can clearly see out.

The whole idea is to give the store a look and to help the operators of the store to remain vigilant at all times.

Q. Most 7-Elevens take advantage of this by having large plate glass windows in the front, is that right?

A. I am responsible for about 1100 stores in fourteen states and, to the best of my recollection, all of the stores do have large plate glass windows.

Q. Most of those would face the street, wouldn't they?

A. That, I couldn't answer.

Q. You don't know that? You don't know if most of those 7-Elevens, the front plate glass window faces the street or not?

A. Being as I sit here today, I cannot say I visited all 1100 stores. A large percentage of them in those that I visited, most of them do face the street, yes. A street.

Q. You are familiar with the site plan for this proposal, right?

A. Generally, yes.

Q. Where are the windows going to be facing in this one?

A. The parking lot.

Q. Is anybody in Owings Mills Boulevard going to be able to see what's going on in the store?

A. I think the design of this store -- if I could

just answer in terms of visibility -- would focus on the gas island, would focus on activities in the parking lot. There are also passerbyers activity going on in the parking lot.

The idea is that the operator of the store is not hidden from view in the store. If a criminal activity takes place in the store, hopefully, the visibility would allow anyone driving into the parking lot or driving on the street to be able to see that activity.

Q. Can you answer my question? Would anyone on Owings Mills Boulevard be able to see into this store? That's a yes or no question.

A. I don't believe so, from the design, that I know of.

Q. You said 1100 7-Elevens you're familiar with, is that right?

A. I am responsible for.

Q. You are responsible for. Are you aware of any other 7-Eleven that doesn't face a street?

A. I don't know. I would possibly have to go through the various markets, look at the different

locations. But as I sit here today, to try to pull that information from the back of my head, I wouldn't want to try to do that.

Q. You would concede, if there are any, there wouldn't be?

A. Probably not.

Q. Now, clarify for me, you were asked the question -- I'm sorry. I don't recall the exact question, but the thrust of it was about being open twenty-four hours and whether or not you thought that made crime more likely or not. Do you have a position on that?

A. You're going to have to be a little more specific.

MS. DOPKIN: I would just object. We can read the question back. I think Mr. Sellers has misstated the question.

MS. SELLERS: I will rephrase it.

THE CHAIRMAN: Okay.

Q. In 7-Elevens, is there more crime during the day or during the night?

MS. DOPKIN: I would object. The question on

direct was whether a twenty-four hour operation was likely to create more crime in residential communities.

THE CHAIRMAN: But he's simply asking him to go into a little more detail about that generalization. I will overrule the objection. To the extent he knows.

Q. You can answer.

A. Mr. Sellers, are we specifically talking about shoplifting or hard core crime? Or could you be a little more specific, please?

Q. How about violent crime, crime to threats of violence.

A. I would say more violent crimes would occur at night.

Q. Now, as the loss prevention manager for Southland, I assume you're familiar with some statistics about crime.

Have you ever done a study about hours of day to be --

MS. DOPKIN: I object. He's asking for information that was not addressed on direct.

THE CHAIRMAN: It didn't come up on direct.

MR. SELLERS: Fair enough. That's all. I am going to reserve.

MS. DEMILIO: No questions.

MS. DOPKIN: No further questions for Mr. Dale.

THE CHAIRMAN Then I guess you have nothing further. Nobody else asked anymore questions. Thank you, sir.

MS. DOPKIN: Thank you, Mr. Dale. I'd like to call Mr. John Lewis of the zoning office.

JOHN LEWIS,

having been called as a witness, was duly sworn, and testified as follows:

DIRECT EXAMINATION

BY MS. DOPKIN:

Q. Please state your name and address, for the record.

A. My name is John Lewis. Do you want my home address or business address?

Q. It doesn't matter.

A. Okay. It's the the zoning review section of the Department of Permits and Development Management, 111 West

Chesapeake Avenue, Towson, Maryland.

Q. What is your position with that department?

A. I am a Planner II in the zoning review section.

Q. How long have you worked in the section, of its various department names?

A. Approximately twelve, thirteen years.

Q. What are your responsibilities, generally?

A. Well, in the main, I review site plans and sites where combined with zoning regulations.

Q. Have you ever been involved in or consulted regarding drafting of revisions to the zoning regulations?

A. Yes. I was directly involved with the committee and rewrote the regulations on Bill 172-1993.

Q. In fact, that bill is now codified as Section 405 with Baltimore County?

A. Yes, it is.

Q. Could you tell the Board what the purpose of that legislation was?

MR. SELLERS: I am going to object. Legislation is passed by the County Council. It is their purpose which is relevant to your decision. Their purpose is the

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final wording on any bill.

MS. DOPKIN: The legislative intent in drafting is relevant to what was finally adopted, and Mr. Lewis testified he was consulted with respect to the drafting of that bill.

And as such, he would be familiar with the intent with which the drafting proceeded.

MS. DEMILIO: If I just may make one comment. The statement of legislative finding and policy is not alway included when legislation is passed, but it happens to be included in Section 405, and, therefore, it speaks for itself.

And I don't think Mr. Lewis can add any further comment on this because the County Council has, in fact, stated what its findings and policies are with regard to fuel service stations in Bill 172.

So it's been reduced to that, I believe, and Mr. Lewis cannot speculate on what other purposes or intentions there may have been.

In fact, we have the benefit of what it is and the Board can certainty take notice of this under 405.1.A

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of the zoning regulations.

THE CHAIRMAN: I am going to rule that certainly that's admissible, certainly that's relevant as to the cross-examination of the witness and, in fact, what it is, as you quite properly pointed out, that it's been provided for us by the decision-makers.

However, he did personally take part in the process and, therefore, he can testify as to what he personally understood, took part in, as part of the process of this bill.

I agree he can't conjecture on what the Council may or may not have meant, but certainly as to what he did individually and of his own knowledge, he can testify.

MR. SELLERS: Your purview is to rule based on the intent of the County Council and its ultimate responsibility?

THE CHAIRMAN: I'm not saying we are not going to hear what the law says, and you can bring that up in cross, and so can Ms. Demilio, and you can put it in as part of the record.

The man took part in the process and can tell us

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about his part in that process. I have no problem with that. Let's go ahead.

Q. I believe I asked what your understanding of the intent of the legislation was.

A. Bill 40-1967, which was the bill preceding this, was found to be seriously lacking in certain fashions and design standards as well as redundancy in the bill where certain standards were called for that were under, really, under the perview of other agencies.

And we were finding that there were conflicts, as well as the changing nature of the service station uses, all of which led us into revisions of the legislation, and in order to come up with a more viable and workable set of site standards that would be applicable county wide.

Hence, Section 405 was really born of section or Bill 49-67, was used as a base. There were substantial changes made to allow for various issues discussed to prepare or better focus by the new writing of the legislation in Bill 172-93.

Q. Are you familiar with the special exception variance application that's the subject of today's

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hearing?

A. To some extent.

Q. Special exception site plan. Excuse me.

A. That's a different question.

THE CHAIRMAN: Go back again and ask the question you want to ask.

Q. Are you familiar with the special exception and site plan that are the subject of today's hearing?

A. I reviewed it as a reviewer of the development plan. I did not accept it specifically as a special exception plan for filing. That was done by another person in our agency.

But, yes, I am familiar with the plan as a development plan which the special exception was involved.

Q. Have you reviewed it for compliance with various zoning regulations?

MR. SELLERS: Now, I am okay. Now, I am going to object.

Your decision is ultimately whether or not it complies with the zoning regulations, with the county. Mr. Lewis is very good at what he does. I often ask Mr.

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Lewis the question myself.

The ultimate meaning of the zoning regulations is left to you in your decision-making capability. There's one thing to talk about drafting and intent --

THE CHAIRMAN: I take notice of the fact that Mr. Lewis has not been qualified as an expert witness. If he were an expert witness, I would have less difficulty with it.

He's not an expert witness at this point.

MS. DOPKIN: Then I would ask that we qualify Mr. Lewis and accept him as an expert. I'd be happy to go through that with regard to the interpretation and application of the Baltimore County zoning regulations

THE CHAIRMAN: I invite you, if you think you can qualify him, subject to their voir dire. If we accept him as an expert, then he'll be entitled to testify as an expert.

MR. SELLERS: We'll accept Mr. Lewis as an expert in Baltimore County zoning regulations. That's not the same as saying that his interpretation should take the place of --

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THE CHAIRMAN: Certainly, if he's qualified as an expert, it gives him certain rights under testimony. Whether or not we accept that, we regularly accept experts and ignore experts, so that comes later. Now, let's get his title he's being accepted as an expert in.

MS. DOPKIN: With regard to the Baltimore County zoning regulations, interpretation and compliance.

THE CHAIRMAN: Might as well have general Baltimore County zoning regulations.

Q. You may be aware, Mr. Lewis, People's Counsel has raised the issue that the underlying zone provides 125 foot setback for structures from a residential zone line on this site and alleges this site does not comply with the relevant zoning regulations.

What regulations would pertain to a fuel service station use?

A. As written in the zoning regulations, the underlying zone, certainly, when looking at the use, regulates where the use may be.

The ML zoning regulations say, in this particular instance, on this particular type of site. But a special

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exception is required. And it's in accordance with Section 405 as far as the site standards and development standards for the development of the site.

So then we have to go to Section 405. That has specific standards under Section 405. 405.4, which deals with setbacks on the site for canopies, main structures, various other items, buffers, et cetera. Now, 405 basically runs the show.

Where 405 is silent, if you look further beyond, in fact, at the end of the Section 405, Section 405.1.A.2. D, I believe it is, it specifically says that other setbacks shall be as per the underlying zone.

When it says "other," that was written that way, it was intended that where it's not specifically called for by 405, the underlying zoning for setbacks control.

However, 405, where it is specific as to setback requirements, is the controlling agent for the development of the site setbacks.

Q. And on this site, what would the setback be, applying that standard?

A. For the main structure under 405, thirty-five

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foot setback to public right-of-way is called for.

The other setbacks would be pursuant to once you no longer are involved with the right-of-way setback, then you would use the underlying zone setbacks. In this case, because of the proximity to the residential zone, one would have to come to the edge of the right-of-way on the side where the station is being developed, and within 100 feet -- within that 100 feet, you would apply the MR zoning regulations for front, side and rear setback.

However, there's nothing to apply it against because 405 call for a thirty-five foot setback right-of-way and there's no other property line in proximity to that 100 feet.

Basically, the MR regulations really don't have any force and effect. Then, once we leave the 100 foot use -- not use -- sorry -- setback line, for that restrictions, we use the ML regulations which refer you to the BR regulations which then talk about front, side and rear building orientations and their setbacks.

In this case, we're dealing with a front setback which would be facing on the the street. For the canopy,

since that is front, and you are allowed to have, under Section 300 of the zoning regulations, a twenty-five percent encroachment, about eighteen and a half feet for the setback of the property line from the canpopy, and this is substantially in excess of that.

Q. People's Counsel has also raced an issue regarding the size of the store, maintaining, People's Counsel's opinion, the store is limited to 2500 square feet and would require a variance.

How does your office interpret the regulations for a Section 405 use with respect to the area of the store?

A. Okay. I believe that People's Counsel was getting that from the uses --

MR. SELLERS: For the record, there's an objection to the interpretation question.

THE CHAIRMAN: He's giving his interpretation as an expert, subject to cross, what he thinks of it.

A. People's Counsel would have had, I believe, referred to the section of the ML regulations which permit, if you are in an IM district, or under certain

conditions, you may have a food store up to 2500 square feet as of right. We are kind of mixing apples and oranges.

Section 405 specifically has a -- 405, I think it is, point four, I believe, D or E, I believe, talks about uses in combination with fuel service stations, and there is no end to the numbers as far as square footage goes.

It just says if you have a convenience store greater than 1500 square feet, you're required to have a special exception. But there's no upper limit.

In my opinion, that was left open to allow for the Zoning Commissioner or whoever in your case beyond him to determine what limits were appropriate, should that number come into question as part of the process.

Q. Could you give an example where the zoning office would apply the standards in the underlying zone rather than in 405, just to make the distinction that you described earlier?

A. Well, I'm not quire -- relating to a service station site?

Q. Yes.

A. Because, if you are, it wouldn't change. I mean, regardless of the underlying zone, so long as that zone permits the use, Section 405 controls.

And the fact we specifically had to address that circumstance with the CR regulations where we had to go back and write this in because we had a case where we had, by special exception, you could have a service station site with a CR district with an RC 5 zone or an RO zone or with a business zone, and one instance we wanted the lowered zoning intensity out of that picture, and we rewrote the regulation for that, for the allowed BL and BR with a CR district overlay. We added specifically Section 405, because if you tried to develope the CR zone site and not have 405 running the development of the site, you would wind up with a very strange service station.

MS. DOPKIN: Excuse me for one moment. I have no further questions for Mr. Lewis at this time.

THE CHAIRMAN: Cross.

MR. SELLERS: It's very tempting to pick Mr. Lewis's brain about this case, but I am going to control myself. I have no questions.

THE CHAIRMAN: Ms. Demilio.

MS. DEMILIO: Just a couple questions.

CROSS EXAMINATION

BY MS. DEMILIO:

Q. Mr. Lewis, traditionally, is it not a fact variances are concerned with height and area and setbacks regulations, is that not the case?

A. When there's a deficiency, or a conflict, let's say, rather than deficiency, with the zoning regulations.

Q. And you're familiar with the fact that there are different standards, of course, for special exceptions than for variances?

A. Yes, I am.

Q. And a special exception has traditionally been concerned with uses?

A. That's true.

Q. Now, is it your testimony today that a grocery store in an ML zone over 2500 square feet would need a variance, if the request is over 2500 square feet?

A. Only where --

Q. Just a grocery store by itself.

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A. Yes.
Q. A Giant?
A. Well, you would need the underlying IM district to do that, but, yes, if you were trying -- let's say it were just a straight 7-Eleven with no fuel service and they had an IM district on the site. Then they would be limited to the 2500 square feet. A variance would be required.
Q. But it's your testimony today that when coupled with a service station, no variance? When the request is made for a convenience store over 2500 square feet, you don't need a variance?
A. Right. It's a distinct section of the regulations that has no upper limit. It just speaks about a bottom of 1500 square feet.
Q. But as a special exception request --
A. Uh-huh.
Q. So on one hand, we have the special exception dealing with uses and we have the variances dealing with height and area and setbacks, and in this case, if you're trying to increase the area, you're saying that it's only

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under 405 or only a special exception is required?
A. Yes, and that, my interpretation is that because there's a square foot amount definitely stated in Section 405.4.E of 1500 square feet is a trigger, but yet it remains silent for anything beyond that, that it's not strictly limited under that section.
Q. It's your interpretation you would ignore what the underlying zone says and -- just answer the question -- would only be for a special exception even if above 2500 square feet?
A. That is correct.
Q. With regard to the area regulations and the setback that you discussed in the first part of your testimony, do we agree that this proposed site is within a hundred feet of a residential zone boundary or the right-of-way of any street abutting such a boundary?
A. Yes, there's a hundred foot strip that's impacted by that section.
Q. So I will show you the section, if you're not familiar with it, but 255.2 would apply with regard to front, side and rear yard setbacks?

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A. That's MR.
Q. Just to clarify, for the record, Mr. Lewis, Section 255.2 doesn't give you the setbacks; it refers you to the MR zone?
A. That's right.
Q. So the Board has the sections straight, because you went through them pretty quickly, the setbacks that would apply in the MR zone are found in Section 243 of the zoning regulations?
A. I believe so, yes.
Q. And Section 243.1 through five?
A. Well, you wouldn't go that far. It's just the front, side and rear --
Q. That would be 243.1, front yard; 243.2, side yard; and 243.3, which is rear yard?
A. Yes.
Q. They talk about measurements from the front property line?
A. Uh-huh.
Q. They don't mention right-of-way, do they?
A. I don't believe so, but I'd have to look.

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Q. Well, I will show you.
A. Memory fails you.
Q. I wanted to show you in the first place, but you seemed to know what you were talking about, so -- well, I wasn't trying to trick you. So I will show you the section.
A. It calls for front building line. Okay. Front yard.
Q. The distance is from the front building line to the front of the property line?
A. Now, orientation, of course, can come in play there, because we determine the front in many cases by the actual orientation of the structure. And service stations, we don't do that.
Q. But these measurements have to do with the property line, not the right-of-way?
A. For MR. Not involving a service station site. 405.
Q. You mean you couldn't have a service station that was near a property line? You could? Couldn't?
A. You could have a service station near a property

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line other than a street right-of-way not regulated by 405.

But as as soon as you involve the street right-of-way, 405 will, and that's the intent. So in the BL zone or ML zone, all these various setbacks come into play and they call for front building lines and front setbacks.

If you look specifically at 405, it doesn't say front, side or rear. It says structure, main structure, shall be set back from the right-of-way.

That was intended -- they knew the orientation would change from when the legislation was written, there would be a front facing one way or another. The way the service station sites were developed, it could be a variety of orientations. So there was no reference to front. Mainly, it was just the structure setback to the building line.

I'm sorry. If I may correct myself on the last statement. The structure setback to the street right-of-ay. No building line.

Q. So is it your testimony that if there's a street

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right-of-way involved in the development at a specific site, then no consideration is given to property line?

A. As a street. It's not treated as a property line. It's treated as a street right-of-way, because that's what 405 recognizes it as, even though it's also a property line.

But the thing is, again, where 405 specifically requires certain setbacks, and, again, this was intended to keep the site coherent as to the service station site.

And, again, the D section of 405 we discussed where it says other setbacks as per the underlying zone, it was intended that, where 405 is silent, then your underlying setback is ruling.

Q. So if there's a house next door,would there be a setback from that property line or --

A. Well, these distances involved here, no, not on this site.

Q. But in any --

A. It's the zone, not the location of the dwelling that controls. And certainly, for instance -- let's take a for instance. A smaller site zoned BL. The front

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setback as per 405, the building, the canopy, and the pump.

However, the side setback and the rear setbacks aren't stipulated, and because they are not, then we go to the underlying zone because of the D section of 405.4, and say we have a rear residential zone line along the property line as to the rear and also have a residential zone line on the side.

Therefore, the minimum setbacks would be twenty feet in the rear. And say we are adjacent to DR 16. It would be a twenty-five foot setback on the side.

Now, if you also continue to read 405, it calls for certain specific buffers. It doesn't call for setbacks. It calls for things like landscape, transition areas, areas which are planted, buffers, the same effect as setbacks, but are not called setbacks.

So then within the setbacks required by the proximity to the side and rear residential zone line where 405 doesn't cover, there would be required setbacks called -- I'm sorry -- the LTA, landscape transition areas, in the setbacks.

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Q. So your testimony is that if you're not -- if the right-of-way setback doesn't apply, then there are other setbacks in the underlying zone even with 405 coming into play?

A. That is correct, and that was the intent.

Q. Because section -- if you read further down -- the last paragraph refers to other setbacks and shall be required by the regulations?

A. Uh-huh.

Q. The question in this case then, Mr. Lewis, based on these questions that I am asking you, is whether the right-of-way applied under 405 or whether the underlying setbacks apply under ML?

A. Section 405 --

Q. Your testimny is 405 --

A. Can I finish the question?

THE CHAIRMAN: Certainly.

Q. If I can start over, the difference, the question that I am asking you, and I think the difference in People's Counsel's position that Mr. Zimmerman expressed and your testimny today, is that in this particular case,

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because a right-of-way is involved, only the right-of-way setbacks under 405 would apply and no setbacks for the underlying zone ML would apply to this particular development, is that your testimony?

A. From that right-of-way.

Q. From the right-of-way. And there's no other property line to calculate that?

A. Well, there are other property lines, but, again, as I discussed, they are far enough away the only impact they really have to any extent is where the canopy projects near a property line. I believe it's around forty feet.

But because the ML zone regulations basically say front setbacks as per BR in this case would be twenty-five feet.

Q. Just one thing I want want to point out. In the statement of legislative finding and policies you were talking about, in your testimony, that the intent of the legislation was to provide some uniformity with service stations regardless of what zone they were permitted?

A. That's true, and that's really a carry-over from

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the earlier bill. It applied the same way. Where it called for specific setbacks, et cetera, under 405, we honored that. And basically our review procedure for application of 405 really hasn't changed that much from the previous legislation to the present legislation.

However, because it wasn't clear that the underlying zone in the Bill 40-1967, it wasn't stated clearly that the underlying zone where 405 did not apply, should apply, we added the section where it states other setbacks, and the "other" wasn't to mean all other setbacks for everything in 405 doesn't rule; it meant other setbacks where 405 is not applicable.

Q. But Section 405.1.D talks about what the intent of the section is, and I'd like to just ask you to read that to yourself.

A. Yes.

Q. Now, is it not true this section refers to standards that would regulate service stations and fuel service stations, as they are called, regulate their location and appearance and, in addition, the use on the site is limited itself to those three areas, location,

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apperance and uses at the site?

A. Uh-huh.

Q. And there's nothing in the intention then to ignore bulk regulations by that language, is there?

A. Well, I think that statement is intended to be quite general.

When you involve the actual sections that delineate those standards, that's where we basically have to determine how the application of the setbacks is required by the regulations as they are written specifically for the site.

I don't see where that section would preclude us from interpreting the regulations as they are written to mean what they said.

MS. DEMILIO: I have no further questions.

MS. DOPKIN: Two quick questions.

REDIRECT EXAMINATION

BY MS. DOPKIN:

Q. The section you read addresses performance standards?

A. I have to bow to --

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Q. Actually, the statement of legislative findings and policy, Section 405.1.D, talks about intent of the section that permits --

A. I don't really think you need all this.

Q. My only question was whether it also addresses the overall adoption of performance standards?

A. Well, it says standards. Basically, I take that to mean, in general, all standards. It may be parking standards.

It may be setbacks, height, normally found in the zoning regulations.

Q. Then the interpretation of Section 405, as you have described, is this the interpretation your office generally applies to all fuel service station applications that come in pursuant to Section 405, to be uniformly applied?

A. Yes.

MS. DOPKIN: I have no further questions for Mr. Lewis.

MR. SELLERS: No questions.

MS. DEMILIO: No questions.

THE CHAIRMAN: Thank you, sir.

MS. DOPKIN: Thank you. I have no further rebuttal witnesses or testimony.

THE CHAIRMAN: Surrebuttal case, anybody?

(No response.)

MS. DOPKIN: It's my understanding you don't want closing argument at all.

THE CHAIRMAN: Let's talk about that now. This will complete the testimony and the record with the exception of the document Mr. Rasco will be adding to the record for which there would be numbers of exhibits which will be provided to all counsel.

We have a schedule which includes memorandum to be due by the 26th, I believe, and we generally will not limit or expand for you what should be in the memos.

Suffice it to say as a general comment, and we do put this on the record all the the time, it's a general comment, we are willing to hear from you anything that you would have been said in a well prepared closing argument, which means anything you want to tell us about what you think your witnesses and other witnesses said, anything

you think we should know about issues you have raised or the other side has raised, any law you want us to look at, any cases you want us to look at.

You may connect copies of cases and statutes and laws highlighted and referred to, as you will, pretty much anything you think we ought to know to make our decision about anything you think we ought to be deciding about.

We'll then endeavor to get through all of that very quickly. We have set in a date, July 1, I believe, for deliberation, and that's going to be 9:30.

Okay. That morning, there's a motion at 10 o'clock. We should be able to, from what I understand,

it's not going to take us a long time to deal with, so we are going to try to start this at eleven, July 1st, and since all of you are familiar with the process, we'll try to break for lunch and then come back and do it.

It's going to depend on what we read in the memos and how it begins to develop, because, obviously, under the law, we can have no discussion among ourselves until that happens.

So it's really hard to figure out if it's going

to be a short one, a long one, or what's going to happen.

We resolve cases in twenty minutes. We resolve cases in two days' worth of deliberations.

So we'll see how it happens. There being no further business, we'll endeavor to get the written opinion out very quickly thereafter.

I don't want to pin us down because we generally don't like to have this as part of the general knowledge which one of us are going to be working on what part.

So whether one of us will be working on drafts, I would think we ought to be able to get it out wherein a week or two after the deliberation would be my guess.

Again, unless something happened in the deliberation that really makes it more difficult to deal with, that is sort of the ballpark.

Okay. I want to thank counsel for your acumen and your civility. There have been a lot of issues in the case.

We appreciate all your efforts, and we look forward to seeing you at the deliberation.

MS. DOPKIN: Thank you.

MR. SELLERS: Thank you.

(Hearing concluded.)

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believe Mr. Sellers had --

THE COURT: Well, Ms. Dopkin, most respectfully, that was to get counsel.

MS. DOPKIN: And Appellant delayed and Mr. Sellers bore the brunt of that. But that is still Appellant's burden to have asked for it, and was given the relief.

And then, now because there is a delay in retaining Mr. Sellers -- which is not Mr. Seller's fault -- that that gave him inadequate time to prepare and now Appellants argue we didn't have time because they frittered it away, that should not be the basis upon which now --

THE COURT: Most respectfully, I don't believe that the blade of justice should be so hard and sharp as you would like it to be.

MS. DOPKIN: I was not suggesting that the blade of justice be hard and sharp.

THE COURT: It seems that you would kind of like to cut Mr. Sellers off very neatly at the knees with regard to his.

MS. DOPKIN: I was trying to make a distinction.

THE COURT: I understand that.

So again, with regard to the issue that

appropriate findings weren't made below at the hearing examiner's level of the case, the fact is, an appeal was taken to the County Board of Appeals, and those issues were waived, or they were considered by the County Board of Appeals. And accordingly, I don't believe that a remand back to the hearing officer is appropriate in this case.

But to again take Mr. Sellers up on his suggestion that the Court give some guidance to the CBA; having found that the Board must make findings with regard to compliance with both Sections 253 and 405, the Court finds that those findings with regard to -- strike that -- with regard to -- with regard to 405, are clearly and woefully inadequate.

The Court has no way of knowing, for the purposes of the Bucktail case, why the Court ruled -- why the Board ruled the way it did.

And if I were to give any sort of guidance to the Board it would seem to me that if they were going to use a particular witness' testimony as the basis for their findings then the Board ought to give a transcript page and a line number to direct the Court's attention to it so that the Court can see exactly what was said.

You know, again, in this case, Mr. Gohn

argues vociferously that the number 4,000 should be a basis for the Court to find that the gas station was going to serve the industrial park.

MR. ZIMMERMAN: That would be Section 253.

THE COURT: I understand that. But my point is, at least in that case, the Court was referred -- the Court was referred back to a fact.

But with regard to the Board's -- the bald conclusions regarding Section 405, we don't even have those facts. It's a statement; yes, the Petitioners are in compliance.

So accordingly, again, if I can suggest anything to the CBA in the future, in order to aid trial judges, they should proceed in that fashion, to tell us exactly what sections of the trial hearing transcript they relied upon by giving us a citation to the page and line numbers.

Accordingly, the Court orders that the -- or the Court finds that the appeal in this case should be granted and that the matter should be remanded back to the County Board of Appeals to make findings with regard to the Petitioner's compliance with Sections 253 and 405.

Yes?

MR. ZIMMERMAN: This is a question. I am

not sure whether it's appropriate or not.

Does the Court have any thinking on whether, when the case is remanded, that the parties either have a right to or the Board has discretion to allow additional evidence?

THE COURT: Yes. I think that the Board should accept additional evidence in this case. Again, for a full and proper hearing on the issues before the Board, the Board should hear more than just simply one side of the story. They should hear both sides of the issue.

The Court orders that the case be remanded back to the CBA to take evidence if the Board feels it's necessary, and to make specific factual findings in support of the conclusions that it reaches with regard to the compliance of the Petitioner in regards to Sections 253 and 405.

Would counsel for the Appellants be kind enough to draft an order to that effect and refer it to Ms. Dopkin and/or Mr. Gohn for their approval as to form?

Let the record reflect that Mr. Zimmerman and Mr. Sellers' heads nodded affirmatively and that Mr. Chase's head remains fixed and firm and unmoving.

Off the record.

(Discussion Off The Record.)

THE COURT: Let's go back on the record.

Again, it would appear that the Petitioners are going to have to meet with the requirements, all of the requirements of Sections 253 and 405.

MR. GOHN: Your Honor, it's simply that -- our concern is whether the convenience store, if that's a defined term under the regulations, is a food store for purposes of 253.

THE COURT: What does 253 say?

MS. DOPKIN: Section 253 makes reference to a food store as being a use permitted in the M.L.-I.M. district.

THE COURT: Right. And again, the relief requested by the Petitioners is for a convenience store.

MS. DOPKIN: Correct.

MR. GOHN: Correct. Not a food store.

THE COURT: All right.

MR. GOHN: And a convenience store, would the -- per the regulations, is a defined term. The food store is not.

THE COURT: Again, they asked for a convenience store. If the Board finds that the --

after evidence is taken with regard to the issue, that the Petitioners have met the burden of proving that they are entitled to a food store, or convenience store, they will get a convenience store. If not, I guess we will see you all back here.

MR. ZIMMERMAN: If I may? The Court is not foreclosing the argument, if it's a food store it may be limited?

THE COURT: Absolutely, no. Absolutely not. Again, that issue is for the Board to make its own ab initio determination.

Thank you very much for clarifying that issue.

(Whereupon, the proceedings were concluded.)

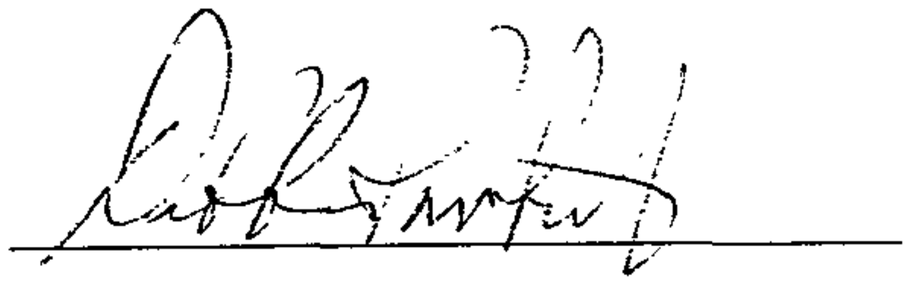
* * * * *

REPORTER'S CERTIFICATE

I, Deborah K. Lambert, an Official Court Reporter of the Circuit Court for Baltimore County, do hereby certify that I recorded stenographically the proceedings in the matter of Jean Schuster, Case Number 03C-98-008520, on Thursday, March 04th, 1999.

I further certify that the aforegoing pages numbers 113 through 132 constitute the official transcript of proceedings as transcribed by me to the within typewritten matter in a complete and accurate manner.

In Witness Whereof, I have hereunto subscribed my name this 18th day of March, 1999.



Deborah K. Lambert
Official Court Reporter

suit to take possession of a trust fund from those entitled to it and fails, has no right to reimbursement of his expenses out of the trust fund.

The chancellor found that the instant case was in the nature of an interpleader. We agree. But, instead of being paid out of the fund paid into court, the costs and fees in an interpleader proceeding are generally payable by the defendant who has made the litigation necessary. *Hopkins v. Easton Nat. Bank,* 171 Md. 130, 187 A. 874 (1936). See also 4 Pomeroy *Equity Jurisprudence* § 1328 (5th ed. 1941); 30 Am. Jur. *Interpleader* § 28.

We think the costs should be paid out of a fund only in those proceedings in which the parties have a common interest or when the fund itself benefits from the action. When there is an adversary proceeding, such as this, to determine who is entitled to the fund in dispute, the losing party should pay the costs in the trial court and on appeal. In this instance the plaintiff-appellant should pay the costs in both courts.

Having arrived at the conclusion that the proceeds of the policy of insurance are payable to the estate of the insured and that the widow should pay the costs in the lower court and on this appeal, it is not necessary to consider whether the admission of the testimony of the widow was contrary to the provisions of Art. 35 § 3, *supra.*

Order affirmed, the appellant to pay the costs in the trial court and on this appeal.

CASSIDY ET AL. *v.* BALTIMORE COUNTY BOARD OF APPEALS ET AL.

[No. 125, September Term, 1958.]

ADMINISTRATIVE LAW—*Proper Notice of Hearing, Required by Law—Failure to Give, Fatal to Jurisdiction.* The failure of an administrative official or a board to give a proper notice of

a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing. pp. 421-422

ZONING—*Baltimore County—Notice Referring to Petition for Reclassification Only, and Not Mentioning Special Exception, Was Sufficient to Confer Jurisdiction to Grant Special Exception.* A notice of a hearing upon a petition for a reclassification of property in Baltimore County substantially complied with the County Zoning Regulations and the law to confer jurisdiction to grant a special exception, even though no application had been made for a special exception and the notice did not specifically mention a request for one, but stated only that a reclassification was sought. The notice notified the public that the petitioner was seeking a reclassification of its property to the lowest (the least restricted) zoning category, and thus apprised the public "clearly of the character of the action proposed and enough of the basis upon which it rest(ed) to enable" them "to intelligently prepare for the hearing". Anyone who attended the hearing prepared to defeat the request for a reclassification would likewise have been prepared to defeat the granting of a special exception. In reaching this conclusion, the Court noted that the regulations do not explicitly require the notice to contain the words "special exception" in order to authorize the granting of one, and stressed the closeness with which the regulations deal with petitions for reclassifications and for special exceptions; the fact that the method of notice required for each is identical; and, among other things, that the recognized practice in Baltimore County is that a petition for each may be filed at the same time and a joint hearing held thereon.

pp. 421-426

ZONING — *Baltimore County — Special Exception to Public Utility for Steam Generating Plants and Related Facilities in R.6 Zones.* The Baltimore County Zoning Regulations, in express terms, authorize a special exception to public utility companies for the operation in R.6 (residential) zones of steam generating plants and related facilities. pp. 427-428

ZONING — *Baltimore County — Special Exception to Public Utility for Steam Generating Station and Related Facilities in Residential Zone—Board's Decision to Grant, Fairly Debatable—*

Syllabus. [218 Md.

Board Dealt with Requirements of Regulation—Other Matters. In deciding to grant a special exception (subject to certain conditions and restrictions) to a public utility for the construction of a steam electric generating station and related facilities in an R.6 (residential) zone in Baltimore County, the County Board of Appeals directly and specifically dealt with the requirements of Sec. 411.1 of the County Zoning Regulations that "(t)he use must be needed for the proper rendition of the public utility's service and the location thereof shall not seriously impair the use of neighboring property". There was substantial evidence upon which the Board based its findings that the above requirements of Sec. 411.1 were met, and its decision, being fairly debatable, was affirmed. While it was claimed that public utilities were accorded "favored" treatment, the evidence was ample to justify the granting of a special exception without resort to any principle of preferred treatment of the public utility. The requirement in Sec. 411.1 that the "use (of the land) must be needed" does not mean that an individual piece of property must be needed to the exclusion of all others. The land in question being outside the Metropolitan District of Baltimore County, Secs. 411.2 and 411.3 had no applicability.

pp. 428-433

J. E. B.

Decided December 22, 1958.

Appeal from the Circuit Court for Baltimore County (RAINE, J.).

Petition by the Baltimore Gas and Electric Company for the reclassification of a tract of land in Baltimore County from Residential (R.6) to Heavy Manufacturing. The Zoning Commissioner of Baltimore County granted a special exception, subject to certain conditions and restrictions, for the construction of a steam electric generating station and related facilities, and the Board of Appeals affirmed his action. Edward T. Cassidy, and others, protestants, applied to the Circuit Court for a writ of *certiorari,* and from an order affirming the decision of the Board, the protestants now appeal.

Affirmed, with costs.

418] Opinion of the Court.

The cause was argued before BRUNE, C. J., and HAMMOND, PRESCOTT and HORNEY, JJ.

James N. Phillips, with whom were *Leonard A. Vadala* and *Fletcher Krause* on the brief, for the appellants.

Wilmer H. Driver, with whom were *John Grason Turnbull* and *Paul S. Clarkson* on the brief, for the appellees.

PRESCOTT, J., delivered the opinion of the Court.

This is an appeal from a decree of the Circuit Court for Baltimore County, filed June 13, 1958, affirming an order of the County Board of Appeals of Baltimore County (Board) granting the appellee, Baltimore Gas and Electric Company, (hereinafter referred to as the "Gas and Electric Company" or the "Company") a special exception subject to certain conditions and restrictions, which authorized the construction of a steam electric generating station and related facilities on Carroll Island Neck between Saltpeter and Seneca Creeks, in the 15th Election District of Baltimore County.

I

The first, and one of the principal, contentions of the appellant is an attack upon the jurisdiction of the Zoning Commissioner (Commissioner) who originally granted a special exception upon an application for reclassification, and the jurisdiction of the subsequent tribunals that considered the case. They argue that neither the Commissioner nor the Board of Zoning Appeals had authority, express or implied, to grant a special exception when no application had been made therefor, and when the petitioner had applied only for a change of classification and the notice to the public did not specifically mention a request for a special exception, but stated only that a reclassification was sought. Counsel for all parties concede that they have been unable to find a case wherein this exact question has been decided, and we have found none.

It has been stated so frequently and so generally that the failure of an administrative official or board to give a proper

notice of a hearing, required by law, is fatal to the jurisdiction of the official or the board to conduct the hearing that it requires no citation of authority to support the proposition;[1] hence, we must examine the notice and the proceedings to determine whether the Commissioner and the Board lacked jurisdiction to grant the special exception.

No question is raised concerning the enabling legislation, a discussion of which will be found in *Huff v. Bd. of Zoning Appeals*, 214 Md. 48, 133 A. 2d 83; so, we shall confine our consideration in this case to the notice and the Zoning Regulations.

The notice given by the Commissioner was as follows:

> "Pursuant to petition filed with the Zoning Commissioner of Baltimore County for change or reclassification from a R.6 Zone to a M. H. Zone of the property hereinafter described, the Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland:
>
> "On Wednesday, May 8, 1957, at 10:00 A.M.
> "to determine whether or not the following mentioned and described property should be changed or reclassified as aforesaid for Manufacturing Heavy to wit: (here followed a detailed description of the property)
>
> "Containing 138 acres of land, more or less, of which 6.8 acres is submerged land, as shown on

1. There is, however, authority to the effect that lack of constructive notice, in accordance with technical statutory requirements, is waived by a party's appearance at, and participation in, the proceedings. *Carson v. Board of Appeals of Lexington*, 75 N. E. 2d 116, 118, 119, (Mass.); *Hirsch v. Zoning Bd. of Pawtucket*, 187 A. 844, (R. I.); *Harrison v. Zoning Bd.*, 59 A. 2d 361, 365, (R. I.); *Wilson v. Union Township*, 9 A. 2d 771, 772, (N. J.); *De Luca v. Board of Supervisors*, 286 P. 2d 395, 398, (Cal.).

> plat plan filed with the Zoning Department, being property of Baltimore Gas and Electric Company.
>
> By Order of
> WILSIE H. ADAMS
> Zoning Commissioner of
> Baltimore County."

No claim is made against the sufficiency of the publication of the notice; the attack is based only upon the fact that the notice did not specifically name a request for a special exception.

Section 500.2 of the Zoning Regulations provides, in part, as follows:

> "500.2—In cases in which the permit applied for shall be for a use not permitted under regulations then in effect, the Zoning Commissioner may entertain a petition for the reclassification of such property. Such petition shall be filed by the legal owner of such property on forms adopted by the Zoning Commissioner. * * * Upon filing of such petition, the Zoning Commissioner shall set a time for public hearing thereon and shall give notice of the time and place of such hearing by advertisement in a newspaper of general circulation in Baltimore County for at least fifteen days prior to the date of such hearing, and shall cause the property sought to be reclassified to be posted with an appropriate notice of such petition and the time and place of such hearing."

And section 500.5 states:

> "500.5—In cases of petitions for Special Exceptions under Section 502 of these regulations, the Zoning Commissioner shall receive such petitions in such form as he may prescribe. He shall hold a public hearing thereon after giving public notice of such hearing as above provided with respect to petition for reclassification. After such a hearing he shall pass his Order granting or refusing such Special Exception."

Thus it is seen that the notice required in cases of petitions for special exceptions is identical with that required for petitions for reclassification; and, nowhere in the regulations is it explicitly prescribed that the notice must contain the words "special exception," in order to authorize the Commissioner to grant one. Professor Merrill has this to say concerning the sufficiency of notice in administrative procedure:

> "In the first place, I think we may say that the notification, to be effective, must clearly apprise the noticee that he is to defend his interests with respect to action yet to be taken rather than create in him the impression that appearance on his part is futile because a final decision already has been achieved. But, the monition must be read by the noticee in the light of the provisions of the law under which it is given, and in that light statements may appear clearly to relate to contemplated action despite some awkwardness of phrase.
>
> "In the second place, the notification must indicate the authority under which the administration is acting and the facts which bring the matter within its jurisdiction. A monition of a proceeding of one character may not be used as the foundation for action of a different sort, though it may bear some relation to the subject of the original hearing. The notification is adequate if it fairly informs the noticee of the nature of the proceedings and the capacity in which he is required to appear and answer.
>
> "Finally, and here is the heart of the requirement of notification in administrative proceedings, the noticee should be apprised clearly of the character of the action proposed and enough of the basis upon which it rests to enable him intelligently to prepare for the hearing. If this minimum requirement is met, the notification is adequate, no matter how much it may fall short of the standards of pleading in judicial contests."

2 Merrill, *Notice*, Sec. 796.

The Board, in its able opinion, in answering the protestants' argument that different standards of proof apply to petitions of reclassification than do to special exceptions and that constitutional requirements concerning notice, therefore, had not been met by advertising and posting for a reclassification, pointed out that all matters of proof which must appear to support a special exception case, plus either a showing of error in the original zoning or a substantial change in neighborhood conditions, must be established in a reclassification case. It cited as authority the case of *Price v. Cohen*, 213 Md. 457, 132 A. 2d 125, where a reclassification was denied because a situation detrimental to public safety and welfare existed. The Board, therefore, held that the notice of the attempt to reclassify was sufficient to meet the constitutional need of notice, as well as that required by Sec. 500.5 for granting the special exception. It stated, however, that it would not make a similar ruling if the situation were in reverse, namely, had the notice been for a special exception and a reclassification granted.

Judge Raine held likewise, and pointed out, from a practical point of view, that everybody properly before his court had ample and adequate notice of what the Board was to consider, calling attention to the fact that the hearings before the Board extended over many months.

We agree. We think the notice in this case was, at least, a substantial compliance with the requirements of all of the Zoning Regulations and those enumerated by Professor Merrill, *supra*. We can see no logical reason for, or salutary purpose to be served by, holding that upon a hearing of a petition for a reclassification of property, after proper notice, the Commissioner is limited to either a granting or denial of the reclassification. The notice in this case notified the public that the petitioner was seeking a reclassification of its property to the lowest, *i.e.*, the least restricted, category of zoning in Baltimore County. This certainly apprised the public "clearly of the character of the action proposed and enough of the basis upon which it rest(ed) to enable" them to "intelligently prepare for the hearing." Anyone who attended

the hearing prepared to defeat the above request would likewise have been prepared to defeat the grant of a special exception, as pointed out by Judge Raine and the Board. As the matter is not before us, we express no opinion on the statement of the Board that had the petition been for a special exception and a reclassification granted, its decision would have been different.

We are fortified in this conclusion by the closeness with which petitions for reclassification and special exceptions are dealt with in the Zoning Regulations; that the method of notice required for each is identical; that it is the recognized practice in Baltimore County and conceded in this case that a petition for each may be filed at the same time and a joint hearing held thereon; and in *Tyrie v. Baltimore County,* 215 Md. 135, 137 A. 2d 156, we held that where a petition for a reclassification was denied, the Commissioner could not entertain a petition for a special exception under Sec. 500.12 until eighteen months had expired. Moreover, had the Commissioner granted the petition for a reclassification and the protestants appealed to the Board, it is certain that under the provisions of Section 501.7,[2] the Board would have had the power to have granted the special exception; thus, we would have ended with the same result from the same notice.

The cases of *Smith v. F. W. Woolworth Co.,* 111 A. 2d 552 (Conn.), and *Kane v. Board of Appeals,* 173 N. E. 1 (Mass.), cited and relied upon by the appellants, did not pass upon the question here presented. In the *Smith* case, the notice stated that a hearing would be held on an appeal from a decision denying the petitioner a "permit for the construction of an addition" to its present building, when, in fact, the hearing was on a petition to grant a variance which, as granted, materially affected the protestant's rights. In the *Kane* case, the petition was that the board vary the application of the ordinance in order that the landowner might erect a gasoline fill-

2. This section provides: "The decision and order of the Board * * * may affirm or reverse in whole, or in part, any decision or order of the Zoning Commissioner, or may modify the Order appealed from and direct the issuance of a permit for such modified use as it may deem proper * * *."

ing station on his lot, property zoned for residential purposes. The notice declared that the petitioner was "asking for a variance" of the ordinance, not a variance of its application, and that the request of the petition was for such "variance * * * as applied to the erection or alterations in a proposed building." It was held that the notice was defective: that from it, alone, one could not determine with reasonable certainty whether the petition was to the end that a new building be permitted to be erected or an old one altered; and it contained no intimation of the use which the building, new or altered, was to be put.

Since the appellants contest the jurisdiction of the Commissioner or the Board to grant the special exception, we shall examine the regulations to see if they exceeded their authority. At this time, we will limit our consideration to the question as to whether the regulations permit the granting of a special exception for a "steam generating plant and related facilities" to a public utility in a R.6 Zone, Residence, One and Two Families, under any circumstances. Section 502 authorizes the Commissioner, subject to an appeal to the Board, to grant permission for "uses (of land) listed as Special Exceptions." Section 209.3 permits the granting of special exceptions in R.6 zones for "public utility uses other than those noted in section 200.11." (The public utility services listed in 200.11 are such as telephone and telegraph lines, electric light and power lines, which are permitted in residential zones without special exceptions.) Thus it is seen that the plain, comprehensive and express language of the regulations permits the issuance of special exceptions in R.6 Zones for "public utility uses" (other than those already permitted without a special exception). The language is broad and no limitations are placed thereon. It cannot seriously be argued that "a steam electric generating plant and related facilities" operated by a public utility company for the benefit of the public are not "public utility uses." If a steam generating plant is to be excluded from the phrase "public utility uses," what other uses are also to be excluded and what are to be considered as included, without clarifying language to guide us? We think it clear that the regulations, in express

terms, authorize a special exception to public utility companies in R.6 zones for the operation of steam generating plants and related facilities. Cf. *Dunham v. Zoning Board,* 26 A. 2d 614 (R. I.), a case in which a public utility plant was permitted in a residential zone by way of a special exception.

Section 256 lists the uses permitted in a Manufacturing Heavy zone. Section 256.1 says that uses permitted in Manufacturing or Restricted zones by Sec. 250.6 and Manufacturing Light zones by Sec. 253.4 are permitted in Manufacturing Heavy zones. Both Sec. 250.6 and Sec. 253.4 list "public utility uses" as permitted. The fact that the regulations thus specifically include "public utility uses" as permissible in Manufacturing Heavy zones, shows clear legislative intent that by "steam power plants" (which Sec. 256.2 allows in a Manufacturing Heavy zone at least 300 feet from any residence, or 200 feet from any business zone) is meant such plants other than those of a public utility. The inclusion of both "public utility uses" and "steam power plants" as permissible in a Manufacturing Heavy zone negates any possible inference that might otherwise arise that the phrase "public utility uses," whenever used in the regulations, was intended to mean such uses other than steam power plants.

II

Section 502.1 provides that before any special exception shall be granted it must be made to appear that the use for which the special exception is requested will not be detrimental to the locality involved in certain specifically enumerated ways. Section 411 provides that for public utility uses permitted only by special exceptions in addition to the provision of section 502 (including 502.1 above) other regulations shall apply; and section 411.1 states that "the use must be needed for the proper rendition of the public utility's service and the location thereof shall not seriously impair the use of neighboring property."

The appellants state their second point in this fashion:

> "Even a cursory reading of the decision of the Board of Appeals and the Circuit Court will reveal

> that they felt that the only tests that the petitioner had to meet were those set forth in Section 502.1 of the regulations. Yet Section 411 says:
>
> 'For public utility uses permitted only by Special Exceptions in addition to the provisions of Section 502, the following regulations shall apply:
>
> '411.1—The use must be needed for the proper rendition of the public utility's service *and* the location thereof shall *not seriously impair* the *use* of neighboring property.' (Emphasis added.)
>
> "The record shows that the utility offered *no* evidence on this point beyond the specific questions referred to in Section 502.1; it will also show that efforts on the part of the Protestants to show impairment of use and value were discouraged and disregarded by the Board and Court."

The easiest and most direct manner of answering the contention is by simply quoting from the Board's opinion wherein this specific question was considered and decided:

> "A tremendous amount of technical and other expert testimony has been produced by the Petitioner, which has used its considerable resources to prove with great precision that the use is needed for the proper rendition of its services.
>
> "Mr. Penniman, its Vice President in charge of Electric Power, testified with great clarity and at great length as to this present need for expansion, based on scientifically computed projections of future need. He stated that the estimated 1961 load will be over 1,250,000 kilowatts and that present peak capacity is now 1,108,800 kilowatts. He further explained that maintenance and overhaul make it impossible to operate at the theoretical capacity.
>
> "The Protestants, understandably, were unable to produce any evidence to contravert the general question of need, so we must find that the requested use is, in fact, needed within the meaning of the first part of Section 411.1 of the Regulations.

"While the Protestants impliedly admit the need, they strenuously maintain, and attempt to show both by cross examination and direct testimony, that the need can be adequately met in a more appropriate location; further, that the last part of Section 411.1, which provides that the location of the public utility use shall not seriously impair the use of neighboring property, prohibits the installation at this location.

"The Petitioner's testimony, mostly by Mr. Penniman and Dr. Christie, indicates that nearly four years were spent searching for the best site to meet its purposes. Several locations, including Bush River, Back River, and Garrett Island in the Susquehanna River, were studied and compared with the Carroll Island site. The choice narrowed to Garrett Island v. Carroll Island, Bush River having been eliminated because of inadequate water circulation and Back River because the effect of pollution on the condensing equipment would cause tubes to blow and make operations prohibitively expensive.

* * *

"A careful inspection of voluminous notes taken during the extended hearings plus verifications and augmentation by spot inspections of the record, indicates to us that the proposed use will not seriously impair the use of neighboring property, nor will it be detrimental to the health, safety, or general welfare of the locality involved, nor will it tend to create congestion in roads, streets or alleys therein, nor will it cause any other conditions which the application of Section 502.1 of the Regulations would prohibit."

It is thus seen that this contention is without merit: the Board, directly and specifically, dealt with the subject that the appellants claim that it did not, and there was substantial evidence upon which the Board based its findings.

The appellants also claim that the Board failed to apply sections 411.2 and 411.3. It will be noted that these sections

apply to the Metropolitan District of Baltimore County. The property involved herein is located outside of said Metropolitan District; consequently, these sections have no applicability.

III

The appellants urge as their last assignment of error that "the appellee did not fulfill the burden imposed upon it by law." Under this heading, they seem to rely principally upon what they claim to have been "favored" treatment of public utilities; that Section 411.1 requires that the "use (of the land) must be needed" which they argue means the use of this *particular* piece of land must be needed; and the test that the use of the property will not seriously injure the use of neighboring properties for residential purposes should have been resolved in their favor. Most of this was considered and answered in II.

While much may be said concerning the difference between restrictions upon private undertakings and those which are clothed with a public interest and must have access to the centers of population in order to properly perform their public functions, we find it unnecessary to consider the matter in this case. The Board did not base its holdings upon any preferential treatment to be accorded to public utilities; and we think the evidence produced by the Gas and Electric Company was ample to justify the granting of the special exception without resort being had to any principle of preferred treatment for the public utility. In fact, a careful reading of the record discloses a rather strong case in favor of the reclassification requested.

The appellants do not question the general need of the Gas and Electric Company to add to its generating capacity, but insist that the use of this particular piece of land must be "needed." This contention that the requirement in Section 411.1 that the use of the land must be needed means that an *individual* piece of property must be needed to the exclusion of all others is untenable. If this were sound and there were two or more pieces of property available for the use needed, none could receive a special exception merely because the others were available, which would mean that the use, al-

though in fact needed, could not be effectuated. The record is replete with testimony that not only does the Company require additional generating facilities, but such a station is needed at this site. The testimony of Mr. Penniman and Dr. Christie detailed the unique advantages of this particular location for supplying the load in the adjacent area, and explained the critical deficiencies in topography, water supply and efficiency, not to mention the burden upon all rate-payers (in one case over $40,000,000 of additional expense) of the other sites considered.

We shall not unduly prolong this opinion by reviewing any great amount of the testimony to demonstrate that the Board had substantial evidence before it in making its determination that the use permitted by the special exception would not seriously impair the use of neighboring properties for residential purposes, particularly under the conditions and restrictions actually imposed by the Board. We pointed out under II that much time was consumed and thorough preparations made in selecting the site. We have also intimated above that the testimony makes out a rather strong case even to have granted the reclassification. Mr. Penniman, a man with 47 years of experience in the construction of generating plants, testified that the new plant would satisfy each of the six standards of Section 502.1, and, in addition, there would be no dust, no traffic hazards and little increase in traffic, no noise, no fly-ash, no water pollution, no smoke, no odor and no danger to the public using water near the plant. Dr. Christie testified generally to the same effect. J. Walter Jones, a real estate appraiser and developer, testified, after visiting the proposed plant site and after observing the operation and appearance of the comparable Wagner plant and the neighboring residential properties a few hundred feet away, that in his opinion the construction of the proposed plant would have no adverse effect on residential properties in the area. Mr. Gavrelis, the Deputy Director of Planning and Zoning of Baltimore County, testified his office approved the use of the site for a generating station and recommended that the necessary zoning be granted. In addition to the above, there was much more evidence upon the immediate subject under consideration before the Board; but what has been stated seems enough to show that there was sufficient and substantial evidence adduced upon the issue so as to render the decision of the Board thereon fairly debatable. When this occurs, the action of the Board must be affirmed. *Missouri Realty Inc. v. Ramer*, 216 Md. 442, 140 A. 2d 655.

Decree affirmed, with costs.

THOMPSON *v.* UPTON

[No. 71, September Term, 1958.]

LIBEL—*Not Per Se—Must Allege Special Damages.* If a publication is not libellous *per se*, the declaration must allege special damages in order to withstand a demurrer. p. 437

LIBEL—*Whether Per Se—May Be Determined upon Demurrer.* The question of whether or not a publication is libellous *per se*, and therefore actionable at law, may be determined by the court upon demurrer, since the demurrer admits only the publication, but not that it is libellous. p. 437

LIBEL—*Broader Than Slander—Publication Tending to Expose One to Public Scorn, Etc., or Imputing Incapacity to Fill Position.* The scope of libel is wider than that of slander. While not an all-inclusive definition, libel includes any unprivileged (*i. e.*, a publication not having an absolute privilege), false and malicious publication, which by printing, writing, signs or pictures, tends to expose a person to public scorn, hatred, contempt or ridicule; it also embraces any such publication that relates to a person's office, trade, business or employment, if the publication imputes to him some incapacity or lack of due qualifications to fill the position, or some positive past misconduct which will injuriously affect him in it. p. 437

LIBEL—*Letter to Police Officer's Superior, Relating to Ticketing of Automobiles, Held Libellous Per Se.* In this suit the de-

218 Md 418 140 A 2d 894

BRYNIARSKI, ET AL. *v.* MONTGOMERY COUNTY BOARD OF APPEALS, ET AL.

[No. 401, September Term, 1966.]

ZONING—*To Have Standing To Appeal To Court From Board Decision, Person Appealing Must (1) Have Been A Party To The Proceeding Before The Board And (2) Be Aggrieved By The Decision Of The Board—One Is Aggrieved Whose Personal Or Property Rights Are Specially Affected By The Decision Of The Board.* pp. 143-144

ZONING—*Adjoining, Confronting Or Nearby Property Owner Is Deemed Prima Facie To Be Specially Damaged And Therefore Aggrieved—One Challenging Fact Of Aggrievement Has Burden Of Denying Special Damage And Of Going Forward With Evidence To Establish Non-Aggrievement.* In the instant case, three appellants were owners of property immediately contiguous or in close proximity to the subject property; the petition for appeal alleged that petitioners were eligible to bring the petition "as aggrieved parties according to the principles of law laid down by the Maryland Court of Appeals" and further that granting of proposed special exceptions would aggrieve them specially as to traffic, noise and quiet enjoyment; the appellees denied petitioners' allegations in their answer but did not introduce evidence to rebut presumption of aggrievement; there was evidence of adverse effects upon petitioners' properties from increased traffic and change in the nature of the use of the subject property. *Held,* petitioners were aggrieved persons entitled to maintain appeal from the Board to the Circuit Court and *a fortiori* to the Court of Appeals. pp. 145, 146-148

ZONING—*Refusal To Allow Cross Examination Of Applicant's Witnesses On Application For Special Exceptions Held Denial Of Due Process Of Law And Prejudicial Where Protestants Made Timely Objection To Refusal—Allowing Protestants To*

Call And Examine Applicant's Witnesses Is Not A Substantial Equivalent Of Cross Examination. pp. 148-150

R. H.

Decided June 8, 1967.

Appeal from the Circuit Court for Montgomery County (MOORMAN, J.).

Petition by Albert F. Bryniarski, Jr. and others to set aside a decision of the Montgomery County Board of Appeals granting an application by Hillandale Medical Corporation, one of the appellees, for special exceptions to permit construction and operation of apartment hotel and off-street parking in connection with its use. From an order affirming the decision of the Board and dismissing the petition, petitioners appeal.

Order reversed and case remanded; costs to be paid by Montgomery County.

The cause was argued before HAMMOND, C. J., and HORNEY, MARBURY, BARNES, MCWILLIAMS and FINAN, JJ.

William F. Hickey for appellants.

John J. Delaney, with whom were *Linowes & Blocher, R. Robert Linowes* and *Joseph P. Blocher* on the brief, for Hillandale Medical Corporation, one of the appellees; no brief filed for Montgomery County Board of Appeals, other appellee.

BARNES, J., delivered the opinion of the Court.

This zoning appeal involves the granting by the Montgomery County Board of Appeals (the Board) of the application of the Hillandale Medical Corporation for special exceptions to permit the construction and operation of an apartment hotel on 1.7697 acres of land zoned C-O (commercial-office), and for off-street parking, in conjunction with the apartment hotel use, on 4.1260 acres of adjoining land zoned R-90 (single-family residential). The tract is located on the north side of Elton Road, Silver Spring. There are two principal questions presented: (1) whether the appellants or some of them as protesting property owners have standing to appeal as parties "aggrieved", and (2) whether there was a denial of due process of law to the appellants by the refusal of the Board to permit cross-examination of the applicant's witnesses at the hearing before the Board.

West of the subject property is land zoned I-1 (light industrial), developed by the large distribution plant of the Coca Cola Bottling Company for the Montgomery County area. Still farther to the west, adjoining the Coca Cola property, is the Hillandale Shopping Center, erected on land zoned C-1 (local commercial). To the south of the subject property, across Elton Road, is land zoned C-1 on which there is an abandoned dairy building, and beyond this property is the interchange of the Capital Beltway and New Hampshire Avenue. The eastern boundary of the subject property is abutted by a community swimming pool, a vacant parcel and one single-family residence. Farther to the east are additional single-family residences along Elton Road. To the north of the subject property, abutting the R-90 land to be used for off-street parking, is additional R-90 land, upon which several single-family residences are erected, including one fronting on Green Forest Drive, owned by Albert Bryniarski, Jr., one of the appellants. To the southeast of the subject property on Elton Road there are single-family dwellings, one of which, 1771 Elton Road, is owned by Lt. Col. Richards O. Stewart, one of the appellants. The property 1779 Elton Road is owned by Sheldon J. Siegel, one of the appellants, who wrote a letter, dated May 11, 1965, to the Board protesting the granting of the application and stating the reasons for his opposition. This letter appears as Exhibit 12 in the proceedings before the Board.

At the hearing before the Board on May 13, 1965, John M. Lothschuetz, counsel for the Hillandale Citizens Association and for the "property owners immediately adjoining" the subject property, requested a continuance so that his clients could employ local counsel and obtain expert witnesses to testify for them. This request was denied by the Board.

The applicant produced six witnesses to testify for it. The architect, Theodore R. Cromar, Jr., had prepared the site plan and other exhibits. He testified fully in regard to the proposed

apartment hotel and off-street parking and stated that they complied with the requirements of the Hillandale Master Plan. At the conclusion of Mr. Cromar's testimony, the chairman asked counsel for the applicant to call his next witness and the following occurred:

"Mr. Lothschuetz: Do you [I] have an opportunity for the opposition to cross examine him in any way?

"Chairman Noyes: Let me see. You are representing whom?

"Mr. Lothschuetz: The Hillandale Citizens Association, sir.

"Chairman Noyes: What is your name?

"Mr. Lothschuetz: My name is Lothschuetz.

"Chairman Noyes: You say you are representing the Hillandale Citizens Association?

"Mr. Lothschuetz: Yes, and property owners immediately adjoining the land.

* * *

"Chairman Noyes: What I am trying to drive at, the citizens association does not have standing to sue in court.

"Mr. Lothschuetz: Mr. Chairman, I do have specific authorization from the property owners who adjoin this proposed apartment hotel to represent them in this matter. If I cannot cross examine, Mr. Chairman, I want to note an exception for the record.

"Chairman Noyes: Go ahead. You may call any witnesses you like after the petitioner finishes his case.

"Mr. Lothschuetz: You have no opportunity at all to cross examine?

"Chairman Noyes: I might say, to clarify, the Board adopted new rules. All five Members concurred. They are to be submitted to the County Council for approval. Our procedure would be the same as the County Council, eliminating cross examination. These things drag on and on. You call anybody you want when he finishes.

"Mr. Lothschuetz: When were the rules submitted to the County Council?

"Chairman Noyes: I don't know.

"Mr. Lothschuetz: Will the County Council have to approve these rules?

"Chairman Noyes: Yes. Until they are approved, we are operating under those rules. The rules don't say anything about cross examination. This is something that cropped up over the years and we are trying to conform to the same procedure as the County Council."

After being advised that there had been a death in Mr. Cromar's family, and he did not wish to remain until the end of the applicant's case to be called by Mr. Lothschuetz as his witness, Mr. Lothschuetz consented to call him as his witness at that time rather than later and asked Mr. Cromar a few questions.

Thereafter, the applicant produced a professional engineer and land surveyor, a real estate broker and appraiser, a land planner and traffic engineer, a real estate consultant, and Fred G. Williams, the then owner of the property. At the conclusion of the testimony of Mr. Williams, Mr. Lothschuetz proceeded to examine him as his witness.

The testimony of the witnesses for the applicant was full and indicated that the proposal complied with the applicable zoning laws in various regards, that the special exceptions were desirable and should be granted and that there would be no traffic hazard and no depreciation in the value of neighboring properties resulting from the granting of the application.

Counsel for the protestants then produced five witnesses, Col. Frederick F. Vreeland, 10509 Sweetbriar Parkway (not an appellant), Albert F. Bryniarski, Jr., 10210 Green Forest Drive (an appellant), Lt. Col. Richards O. Stewart, 1771 Elton Road (an appellant), Mrs. William Zeigler, 1817 Elton Road (not an appellant) and Albert Jack Oakes, 1819 Elton Road (not an appellant). Mr. Lothschuetz, 2006 Edgewater Parkway, counsel for the protestants, also presented testimony. He is an appellant. These witnesses gave their reasons for their opposi-

tion including hazards from traffic, depreciation to the value of their properties and other injuries which would result, in their opinion, from the granting of the application. As already indicated, the Board accepted the letter of May 11, 1965, from Sheldon J. Seigel, 1779 Elton Road, and filed it as an exhibit in the case.

The Board, on June 2, 1965, filed a carefully considered opinion finding that the applicant had met the burden of proof in establishing that its proposal met the requirements of section 104-27(3)(b), Montgomery County Code (1960), and passed an order granting the application for the special exceptions. A timely appeal was taken from this order to the Circuit Court for Montgomery County by Albert F. Bryniarski, Jr., Richards O. Stewart, Sheldon Seigel, Herbert M. Avram, Dr. Francis N. Waldrop, Samuel H. Murray, and John M. Lothschuetz.

In the petition for appeal, the petitioners were described as "owners of property immediately contiguous or in close proximity of the proposed site for the apartment hotel" and a vicinity plat was attached showing the location of their properties with reference to the location of the subject property. The petition further recited that the petitioners, as contiguous owners or owners in close proximity, were "eligible to bring this petition as aggrieved parties according to the principles of law laid down by the Maryland Court of Appeals." The petition alleged error in regard to the failure to grant the continuance, prejudice and bias on the part of the Board against the protestants at the hearing, the denial of the right of cross-examination, and various challenges to the granting of the special exceptions on the merits which allegedly "aggrieved especially the petitioners herein as to traffic, noise and quiet enjoyment."

Judge Moorman, affirming the action of the Board, decided that the petitioners were not parties aggrieved, that the Board did not abuse its discretion in denying the continuance, that the hearing was fairly and impartially held, and that although cross-examination should have been permitted, there was no prejudice to the petitioners because they either called the applicant's witnesses as their own witnesses and examined them or had the opportunity to make them their witnesses and did not do this.

The same questions raised in the petition for appeal to the Circuit Court for Montgomery County were raised, briefed and argued before us, but we find it necessary to consider only the questions of the status of the appellants to appeal and of the denial of due process of law by the refusal of the right of cross-examination.

We have concluded that the lower court was in error in his rulings on both of the questions mentioned and a reversal and a remand to the Board for a new hearing are required.

1. Status of the appellants to appeal.

Under the applicable statutory law, two conditions precedent must be met before a person has standing to appeal to the Circuit Court for Montgomery County from a decision of the Board: (1) he must have been a *party to the proceeding before the Board,* and (2) he must be *aggrieved by the decision of the Board.*

In the present case, three of the appellants were parties at the hearing before the Board. They are the appellants Bryniarski and Stewart who testified before the Board and the appellant Seigel, who by filing a letter which was accepted and filed by the Board as part of the record in the case, became a party, as we recently held in *Hertelendy v. Montgomery County Board of Appeals,* 245 Md. 554, 226 A. 2d 672 (1967), subsequent to the decision of the lower court in the case at bar.

The question then arises as to whether these three appellants were *aggrieved* by the decision of the Board.

The requirement that a person must be "aggrieved" in order to appeal to the Board and from the Board to a court of record was originally included in the Standard State Zoning Enabling Statute and generally appears in State Zoning Enabling Acts and in municipal zoning ordinances throughout the United States. See 2 Rathkopf, *The Law of Zoning and Planning,* sections 63-14 to 63-15 (3d ed.) and particularly note 3. This requirement is contained in the Maryland Zoning Enabling Act, Code (1957), Article 66 B, sections 7 (d) and 7 (j). The term "person aggrieved" generally appears in the municipal zoning ordinances, including, as we have indicated, the Montgomery County Zoning Ordinance. There have been many cases in

Maryland and in other states considering the meaning of "a person aggrieved," but, apparently, the word "aggrieved" has never been legislatively defined.

Generally speaking, the decisions indicate that a person aggrieved by the decision of a board of zoning appeals is one whose personal or property rights are adversely affected by the decision of the board. The decision must not only affect a matter in which the protestant has a specific interest or property right but his interest therein must be such that he is personally and specially affected in a way different from that suffered by the public generally. *DuBay v. Crane,* 240 Md. 180, 185, 213 A. 2d 487 (1965). The circumstances under which this occurs have been determined by the courts on a case by case basis, and the decision in each case rests upon the facts and circumstances of the particular case under review. Certain principles, however, have evolved. They are as follows:

1. There is a distinction between the degree of certainty of allegations and proof of aggrievement in cases in equity and in cases involving a petition for a writ of mandamus on one hand, and in statutory appeals from the board to the original court of record on the other.

(a) When the suit is in equity and a declaration nullifying a zoning ordinance for constitutional or other reasons is sought, the allegations by the plaintiff of how he is specially damaged by the zoning ordinance must be definite, and he must meet the burden of showing such special damage by competent evidence. *Richmark Realty Co., Inc. v. Whittlif,* 226 Md. 273, 282, 173 A. 2d 196 (1961); *Loughborough v. Rivermass,* 213 Md. 239, 131 A. 2d 461 (1957); *Cassell v. Mayor & C. C. of Baltimore,* 195 Md. 348, 73 A. 2d 486 (1950); *Bauernschmidt v. Standard Oil Co.,* 153 Md. 647, 139 Atl. 531 (1927).

(b) In a mandamus action the same rule is applicable. *Lawler v. Bart Realty Corp.,* 241 Md. 405, 216 A. 2d 729 (1966).

2. In cases involving appeals under the provisions of a zoning ordinance:

(a) It is sufficient if the facts constituting aggrievement appear in the petition for appeal either by express allegation or by necessary implication. *Town of Somerset v. Montgomery County Board of Appeals,* 245 Md. 52, 225 A. 2d 294 (1966).

(b) An adjoining, confronting or nearby property owner is deemed, *prima facie,* to be specially damaged and, therefore, a person aggrieved. The person challenging the fact of aggrievement has the burden of denying such damage in his answer to the petition for appeal and of coming forward with evidence to establish that the petitioner is not, in fact, aggrieved. Thus, in *Chatham Corp. v. Beltram,* 243 Md. 138, 147, 220 A. 2d 589 (1966), the party seeking rezoning offered expert testimony that there would be no diminution in value of adjoining houses —one of which was owned by the protestant—if the rezoning came about. The trial court found, on conflicting evidence, that the protestant was a person aggrieved, and we held there was no error in that ruling.

(c) A person whose property is far removed from the subject property ordinarily will not be considered a person aggrieved. *Wilkinson v. Atkinson,* 242 Md. 231, 218 A. 2d 503 (1966); *DuBay v. Crane, supra; City of Greenbelt v. Jaeger,* 237 Md. 456, 206 A. 2d 694 (1965); *Marcus v. Montgomery County Council,* 235 Md. 535, 201 A. 2d 777 (1964); *Pattison v. Corby,* 226 Md. 97, 172 A. 2d 490 (1961). But he will be considered a person aggrieved if he meets the burden of alleging and proving by competent evidence—either before the board or in the court on appeal if his standing is challenged—the fact that his personal or property rights are specially and adversely affected by the board's action.

3. A person whose sole reason for objecting to the board's action is to prevent competition with his established business is not a person aggrieved. *Kreatchman v. Ramsburg,* 224 Md. 209, 167 A. 2d 345 (1961).

4. If any appellant is a person aggrieved, the court will entertain the appeal even if other appellants are not persons aggrieved. See *e.g., Marcus v. Montgomery County Council, supra.*

5. The status of a person to appeal as a "person aggrieved" is to be distinguished from the result on the merits of the case itself. In determining status to appeal, the question is whether the property owner may reasonably be thought to be specially damaged if the application is approved. Testimony may be taken on the point by the trial court. *Town of Somerset v. Montgom-*

ery County Board of Appeals, supra. If, on the merits, the board acted properly in approving the application, the protesting property owner is not damaged *in law,* however much he may be damaged *in fact.* His damage is then *damnum absque injuria.* Because the result on the merits might be adverse, however, does not mean that the protestant would not have status to challenge the board's action. As Judge Oppenheimer stated, for the Court, in *Town of Somerset*:

> "When the issue of the standing of an appellant to appeal is raised in the court in which review of the administrative action is asked, we have approved the practice of trial judges in permitting testimony on the point to be taken before them. * * * The question is not one of taking additional testimony on the merits of the substantive issues decided by the Board * * *, but of determining whether the appellants have the requisite standing to have those issues reviewed." (245 Md. at 63, 225 A. 2d at 301).

A most helpful and well considered note on the general subject of "a person aggrieved" appears at 8 W. & M. L. Rev. 295 (1967). See also an interesting and provocative article by Professor Jan Z. Krasnowiecki, *Planned Unit Development: A Challenge to Established Theory and Practice of Land Use Control,* 114 U. Pa. L. Rev. 47, 55-63 (1966).

Applying these principles to the present case, it seems clear to us that the appellants Bryniarski, Stewart and Seigel were persons aggrieved and entitled to maintain the appeal from the Board to the Circuit Court for Montgomery County and, *a fortiori* to maintain the appeal from the Circuit Court to this Court.

In the petition for appeal, they are described as "owners of property immediately contiguous or in close proximity" [1] to the

1. Almost identical language, i.e., "either adjoins or is in close proximity to" the rezoned property was held to be sufficient, with an allegation of depreciation in the value of the properties of the protestants, in a *bill in equity* on the demurrer of the successful applicant in Crozier v. Co. Comm'rs of Prince George's County, 202 Md. 501, 97 A. 2d 296 (1953).

subject property. This fact appears from the attached vicinity map. It also appears from Exhibit 2 before the Board which is a "List of Adjoining and Confronting Property Owners" required by the Montgomery County Zoning Ordinance to be given notice of the pending proceeding and of the Board's action in that proceeding. See sec. 111-31 of the Montgomery County Code (1965). The three petitioners mentioned are listed by name, their addresses are given and they received the required notice. It is obvious that this notice is required by the ordinance to give persons likely to be aggrieved, notice of a proceeding which will likely have an adverse effect upon their property. It is a statutory recognition that the adjoining and confronting property owners are, *prima facie,* "persons aggrieved" and proper parties before the Board.

As we have indicated, the petition for appeal also alleges that these petitioners "are eligible to bring this petition as aggrieved parties according to the principles of law laid down by the Maryland Court of Appeals." This allegation is even more definite in alleging "aggrievement" than was the allegation sustained by us in *Town of Somerset v. Montgomery County Board of Appeals, supra,* and is legally sufficient to allege the necessary elements of aggrievement, including special damage. In the petition in this case, moreover, there is the further allegation that the alleged unlawful granting of the special exceptions "aggrieved especially the petitioners herein as to traffic, noise and quiet enjoyment." This was a sufficient allegation of special damage. Although the appellees denied these allegations in their answers to the petition for appeal, they did not go forward at the hearing before the Circuit Court to introduce evidence to rebut the presumption of fact that the petitioners were "persons aggrieved." The presumption, therefore, was effective and the petitioners were established as "persons aggrieved."

Moreover, in evidence before the Board, there was testimony sufficient to establish that the petitioners Bryniarski, Stewart and Seigel would, in fact, probably be aggrieved by the granting of the proposed special exceptions. Mr. Bryniarski, who pointed out the location of his property on the aerial map and stated that he received the necessary notice, testified in regard

to the alleged adverse effect of additional traffic which would be generated by the proposed apartment hotel as contrasted with the expected traffic to be generated from the operation of a medical office building; and, the alleged adverse effect of the proposal upon the general plan for the physical development of the District. Col. Stewart gave general testimony to the same effect and pointed out that his property would probably be more adversely affected than any other property, particularly because of the height of the proposed building. Mr. Seigel's letter of May 11, 1965, expressed his belief that his property would be injured by the increase in traffic and the change in the nature of the use of land in the area. In our opinion, apart from the presumption, there was sufficient evidence in the record before the Board to establish, *prima facie,* that the petitioners mentioned were persons aggrieved.

2. Denial of due process by refusal of the right to cross-examine

As we have indicated, Judge Moorman recognized that the denial of the right of cross-examination to the protestants would be a denial of due process of law if the protestants had not waived the right or had failed to suffer prejudice from the denial of that right by proceeding to call the applicant's witnesses as their witnesses and to examine them as such. The lower court relied on the decision of this Court in *Hyson v. Montgomery County Council,* 242 Md. 55, 217 A. 2d 578 (1966) and was of the opinion that our holding as to waiver of the right of cross-examination in that case was applicable to the present case. We do not agree. In *Hyson,* counsel for the protestants did not request the right to cross-examine the applicant's witnesses at the conclusion of their testimony, took no exception and only requested the right to cross-examine the applicant's witnesses at the beginning of the protestants' case. Counsel for the protestants was advised "It hasn't been the practice," whereupon counsel for the protestants proceeded to put on their case. We held that the right to cross-examine had been waived.

In our opinion, this aspect of the present case is controlled by our recent decision on December 16, 1966 (approximately

five months after Judge Moorman's opinion was filed in the present case on July 27, 1966) in *Town of Somerset v. Montgomery County Board of Appeals, supra.* In *Town of Somerset,* as in the case at bar, counsel for the protestants made a timely objection to the denial of the right to cross-examine the witness for the applicants. We held that this sufficiently preserved the question on appeal. We held further that the calling of the witness for the applicants as the witness for the protestants and examining him, was not equivalent to cross-examination so that there was prejudice to the protestants resulting from the denial by the Board of the right to cross-examine.

As Judge Oppenheimer, for the Court, aptly stated in *Town of Somerset*:

> "In the argument before us, counsel for the appellees properly conceded that, under our decisions, the proceedings before the Board were adversary in nature, but they contend that the Board's procedure in allowing the appellants to call the applicants' experts and to examine them as hostile witnesses was the substantial equivalent of the right of cross-examination. We disagree.
>
> "In the words of Mr. Justice Lamar, in *Interstate Commerce Comm'n v. Louisville & N. R. R. Co.,* 227 U. S. 88, 93 (1913): '[T]he more liberal the practice * * * the more imperative the obligation to preserve the essential rules of evidence by which rights are asserted or defended * * * All parties must be fully apprised of the evidence submitted or to be considered, and must be given the opportunity to cross-examine witnesses * * * In no other way can a party maintain its rights or make its defense.' The right of a party to call hostile witnesses as its own after the testimony of the adverse party has been completed, in our opinion, is not the substantial equivalent of the right to cross-examine immediately after the direct testimony of the witness had been concluded. The techniques of advocacy so essential to our system of justice are largely stultified when resort must be had to

such a cumbersome and delayed substitute for immediate and direct cross-examination." (245 Md. at 65-66, 225 A. 2d 302-03).

As we have concluded that at least three of the appellants were persons aggrieved and, as such, had status to maintain the appeal from the Board to the Circuit Court and from the Circuit Court to us, and further that there was a prejudicial denial of due process of law by the Board's refusal to permit cross-examination of the applicant's witnesses, we will reverse the order of the lower court, remand the case to that court with instructions to remand the case to the Board for a new hearing in which the right of cross-examination will be afforded.

We do not find it necessary to express any opinion on the other questions raised by the appellants.

Order of the Circuit Court for Montgomery County, dated July 27, 1966, dismissing the appellants' petition, reversed and case remanded to the Circuit Court for Montgomery County for remand to the Board of Appeals for a new hearing in accordance with this opinion, costs to be paid by Montgomery County.

KEX : WILL THIS 3.675 ACRE SITE ACCOMODATE A "C" STORE WITH MOTOR FUEL WITH ENTRANCES FROM BOTH ROADS ? stw 9/15/95

Site diagram

H. FRANCIES LEBRUN CO. Fax:410-828-9259 Aug 24 '95 12:06 P.01

Timber Grove ES
Dept of Mental Hygiene
DELIGHT
FALCON COLONY CT
CONTINENTAL CT
MONTEBELLO CT
OWINGS RIDGE
SAMANTHA CT
RACHEL CT
BLUE SKY DR
TREE CT
DANCER CT
BEE CT
MOSER CT
PULLMAN HILL LA
Falls
OWINGS
CRONHILL
CRONRIDGE
CO
ROAD
KINGSLEY BLVD 11600
GWYNNBROOK
THE BYWAY RD
LENORA AVE
DARNER PINE RD
ASHMERE RD
ELMERK RD
ELMORE CT
ARMER
THE MILLS AT OWINGS MILLS
DOLFIELD BLVD 11200
GWYNNBROOK WALK AVE
1 COPPERMILL CT
2 FROST HILL DR
PEGRAM AVE
RD
JEFFERSON
ACADEMY LANE
CRONDALL
DR
ALLYSON GARDENS
PLEASANT HILL
PLEASANT HILL RD
PLEASANT RIDGE DR
HUNT CLUB
WILLOW
SHADOW WOOD CIR
1 POPLAR RIDGE CT
2 FROST HILL DR
3 RIVER WAY DR
PLEASANT RUN CIR
MID PINES CT
CUE CT
MATINEE
MORNINGSIDE HEIGHTS
WORTHINGTON PLACE SOUTH
STAGE
HIGHMOUNT DR
GROFF
Rosewood Center
GARRISON FOREST
SHASTA CIR
MOUNTAIN LODGE CT
Owings Mills Co 10 & Rescue
SIDEHILL CIR
LAWNMEADOW CIR
Owings Mills
10100
140
DUN
BROADMOOR
Pleasant Hill
ENCHANTED
LOWERGATE
CHARLGATE RD
GARRISON RIDGE
OWINGS MILLS
INCHCAPE CIR
TRICOUNTY CT
DORGATE
RITTERS
WESTGATE
MILLGATE RD
WENGATE RD
TOLLGATE
TOLLGATE RD
WILGATE
TAIPER CT
MURGATE
LA
SOUTH
LINGATE
ALEXANDER CT
CHINS CT
UPPERGATE
Mt Pleasant
TOLLGATE
Owings Mills HS
CIRCLE CT
STATION
RITTERS
JOLLS D
PLEASANT RIDGE DR CT
STAGE
HIGHMOUNT DR
GROFF
WENGATE CT
ST
AWHATI
10600
Rosewood Center
GARRISON FOREST
Owings Mills Co 10 & Rescue
SHASTA CIR
MOUNTAIN LODGE CT
Owings Mills
10100
140
DUN
BROADMOOR
PLEASANT HILL
ALLYSON GARDENS

PHONE MEMO

TO	DATE 3-13	TIME 4:30 AM (PM)
FROM Stu Brin	AREA CODE	
OF	NO.	
	EXT.	

MESSAGE

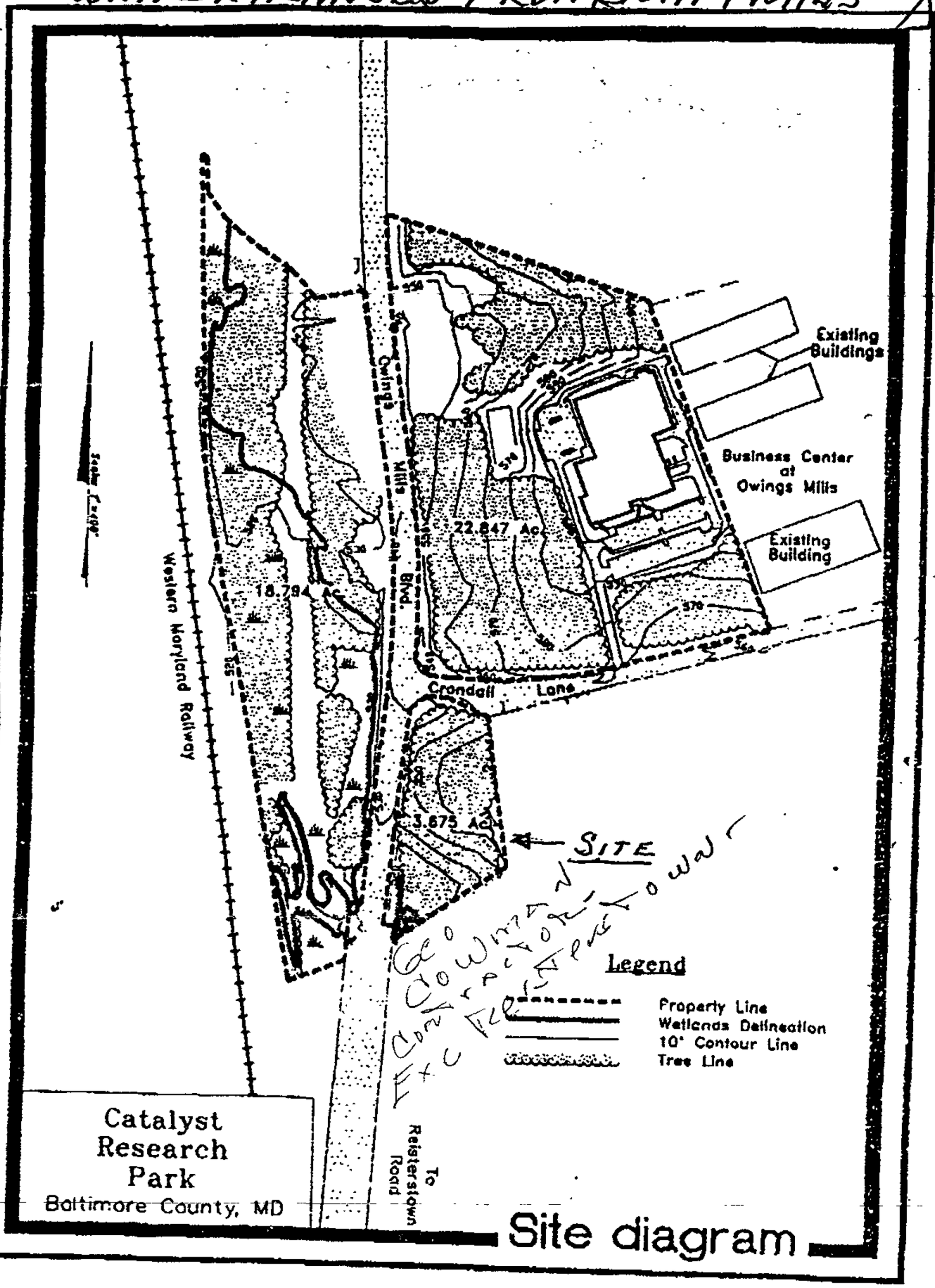
Prop @ Crandall & Quincy Mills Blvd
Casey & Assocs Joe Nolan
828-0446 Tomorrow
Sale did go thru -
Pg 2 nd

SIGNED

PHONED	CALL BACK	RETURNED CALL	WANTS TO SEE YOU	WILL CALL AGAIN	WAS IN	URGENT
☐	☐	☐	☐	☐	☐	☐

KEX: WILL THIS 3.675 ACRE SITE ACCOMODATE A "C" STORE WITH MOTOR FUEL WITH ENTRANCES FROM BOTH ROADS ? tw

9/15/95
3/13/96



Site diagram

M.D.A.T. REAL PROPERTY SYSTEM 03/13/9
OWNER INFORMATION BALTIMORE COUNTY

DISTRICT: 04 ACCT NO: 0419027510

USE: INDUSTRIAL

OWNER NAME: MINE SAFETY APPLIANCES COMPANY

PRINCIPAL RESIDENCE NO

MAILING ADDRESS: P O BX 426
PITTSBURGH PA 15230-0426

1-412-967-3000

TRANSFERRED
FROM: CATALYST RESEARC H CORPORATION DATE: 06/28/91 PRICE: $0

DEED REFERENCE: 1) / 6131/ 787
2)

TAX EXEMPT: NO

POTENTIAL TAX LIABILITY

* NONE *

PRESS: <F1> LOCATION INFO <F2> VALUE INFO
<F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM 03/13/9
LOCATION INFORMATION BALTIMORE COUNTY

DISTRICT: 04 ACCT NO: 0419027510
NAME: MINE SAFETY APPLIANCES COMPANY

USE: INDUSTRIAL

PREMISE ADDRESS
CRONDALL LA

ZONING

LEGAL DESCRIPTION
15.8125 AC
NS CRONDALL LA
NE COR OWINGS MILLS BLVD

MAP	GRID	PARCEL	SUBDIV	SECT	BLOCK	LOT	GROUP
58	9	427				81	

PLAT NO :
PLAT REF:

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA		PROPERTY LAND AREA	COUNTY
YEAR BUILT	ENCLOSED AREA	15.81 AC	USE
00			07

PRESS: <F1> OWNER INFO <F2> VALUE INFO
<F6> SELECT NEXT PROPERTY

VALUE INFORMATION

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

03/13/

DISTRICT: 04 ACCT NO: 0419027510
NAME: MINE SAFETY APPLIANCES COMPANY

USE: INDUSTRIAL

	BASE VALUE	CURRENT VALUE AS OF 01/01/96	PHASE-IN VALUE AS OF 07/01/96	PHASE-IN ASSESSMENTS AS OF 07/01/95	PHASE-IN ASSESSMENTS AS OF 07/01/96
LAND :	256,550	256,550			
IMPTS :	0	0			
TOTAL :	256,550	256,550	256,550	145,470	102,620
PREF LAND:	0	0	0	0	0

PARTIAL EXEMPT ASSESSMENTS

	CODE	07/01/95	07/01/96
COUNTY	000	0	0
STATE	000	0	0
MUNICIPAL	000	0	0

PRESS: <F1> OWNER INFO <F2> LOCATION INFO
<F6> SELECT NEXT PROPERTY

MARYLAND STATE HIGHWAY ADMINISTRATION - OFFICE OF TRAFFIC
TRAFFIC SAFETY DIVISION

LOCATION:MD940 & RED RUN BLVD. & DOLFIELD RD.
DATE: 11/16 & 11/18/94
DAY: WED. & FRI.
REQUESTED BY: SYED T. AHMAD
COMPILED BY: E.ARE

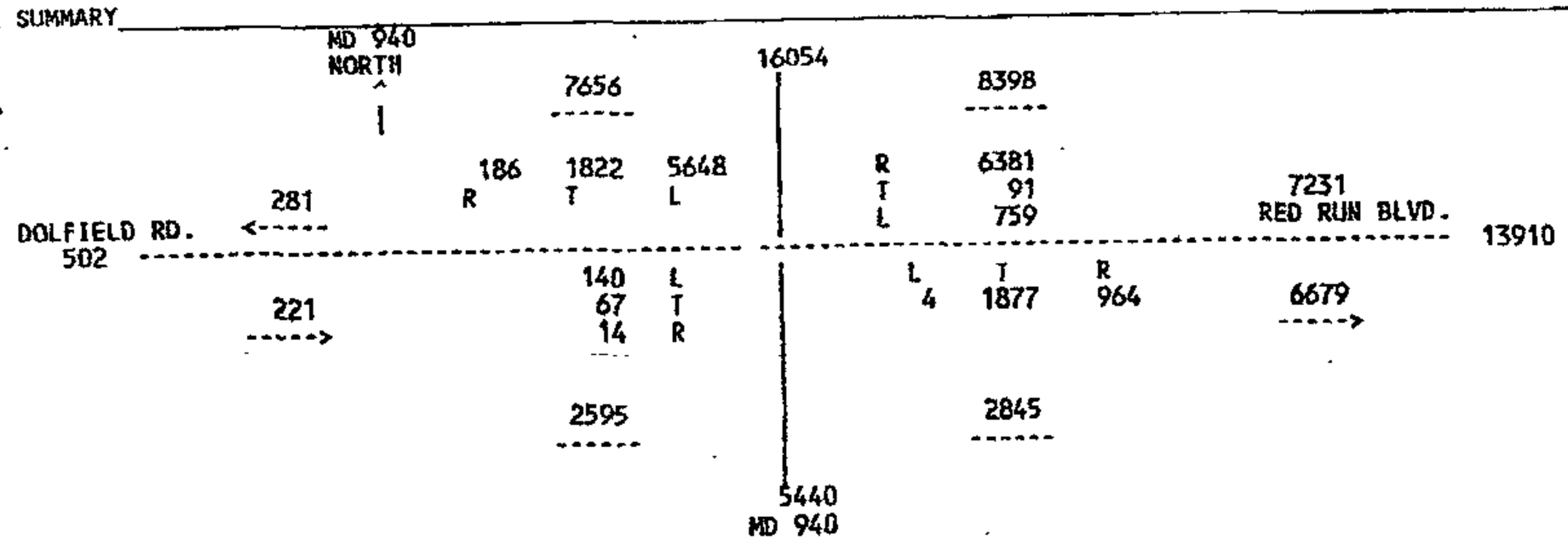
COUNTY: BALTIMORE
TOWN: OWINGS MILLS
WEATHER: CLOUDY W/SHOWERS/SAME
RECORDER:E.ARE
HOURS: 7AM - 7PM

STREET NAME-->	MD 940 FROM NORTH				MD 940 FROM SOUTH				RED RUN BLVD. FROM EAST				DOLFIELD RD. FROM WEST				
HOUR ENDING	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	L	T	R	TOT	TOT
08:00	599	162	33	794	0	402	137	539	26	7	275	308	16	8	2	26	1667
09:00	907	108	9	1024	1	304	137	442	21	4	337	362	17	8	0	25	1853
10:00	382	108	8	498	0	166	87	253	21	4	232	257	6	6	1	13	1021
11:00	298	72	2	372	0	110	48	158	40	2	226	268	6	2	1	9	807
12:00	393	123	10	526	0	129	81	210	55	4	384	443	5	11	2	18	1197
01:00	521	136	15	672	2	143	87	232	74	9	548	631	8	8	2	18	1553
02:00	376	86	14	476	1	96	58	155	43	3	491	537	9	4	0	13	1181
03:00	364	100	12	476	0	106	61	167	51	10	486	547	11	5	1	17	1207
04:00	370	148	20	538	0	106	46	152	62	5	596	663	6	2	2	10	1363
05:00	451	208	13	672	0	99	68	167	80	14	914	1008	40	7	1	48	1895
06:00	561	319	34	914	0	105	83	188	159	23	1195	1377	15	4	2	21	2500
07:00	426	252	16	694	0	111	71	182	127	6	697	830	1	2	0	3	1709
TOTAL	5648	1822	186	7656	4	1877	964	2845	759	91	6381	7231	140	67	14	221	0 17953

PEDESTRIAN SCHOOL CHILDREN & U-TURN BREAKDOWN

HOUR	NORTH LEG S.C.	NORTH LEG PED.	NORTH LEG U.T.	SOUTH LEG S.C.	SOUTH LEG PED.	SOUTH LEG U.T.	EAST LEG S.C.	EAST LEG PED.	EAST LEG U.T.	WEST LEG S.C.	WEST LEG PED.	WEST LEG U.T.
7-8			2						0			0
8-9			5						0			0
9-10			2						1			0
10-11			2						0			0
11-12			4						1			0
12-1			7						0			1
1-2			8						0			1
2-3			7						1			0
3-4			5						0			0
4-5			5						0			0
5-6			4						1			1
6-7			4						0			0
TOTAL	0	0	55	0	0	0	0	0	4	0	0	2

12 HOUR SUMMARY



DIAGRAM

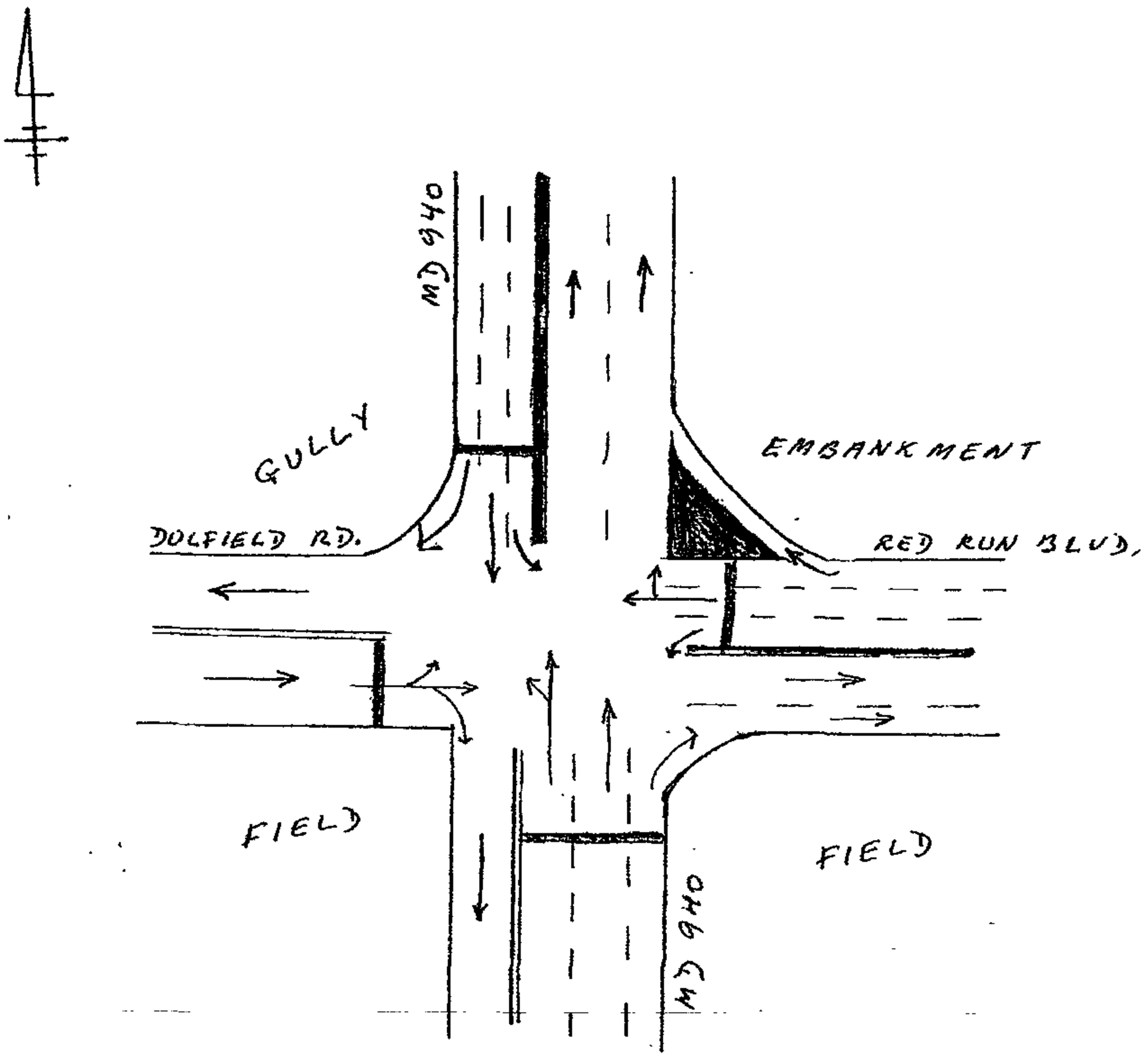
LOCATION: MD 940 & RED RUN BLVD. & DOLFIELD RD.

COUNTY: BALTIMORE TOWN: OWINGS MILLS

DATE: 11/16 & 11/18/94 DAY: WED. & FRI.

SIGNAL: YES RECORDER: E. ARE

REMARKS:



FAX

Date: 3/11/97

Number of pages including cover sheet: 4

To: Ruth Miller

Phone: 301-953-9711

Fax phone: 301-953-9237

CC:

From: Marian S. King

Traffic Safety Division

State Highway Administration

Phone:

Fax phone: 410-787-5823

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please comment

1. Copy of Portion of 1995 ADT Map
1. Copy of T.H count taken @ Owings Mills Blvd @ Red Rem -

At this time this all we have.

Please forward this memo to the appropriate person as soon as possible. If you have any problems with this transaction, please call our office at (410) 787-5822.

C & H DEVELOPMENT CO.

10422 Green Mountain Circle
Columbia, MD 21044-2456
Tel: (410) 997-3071 • Metro D.C. (301) 982-1118 • Fax: (410) 997-3093

MEMORANDUM

TO: ED ZIMMERMANN FAX NO: (301) 953-9237
CO: THE SOUTHLAND CORPORATION TEL NO: (301) 953-9711

FROM: REX DALRYMPLE DATE: 3/10/97

SUBJECT: OWINGS MILLS BLVD & CRONDALL LANE, OWINGS MILLS MD.
RE: CONCEPT SITE PLAN

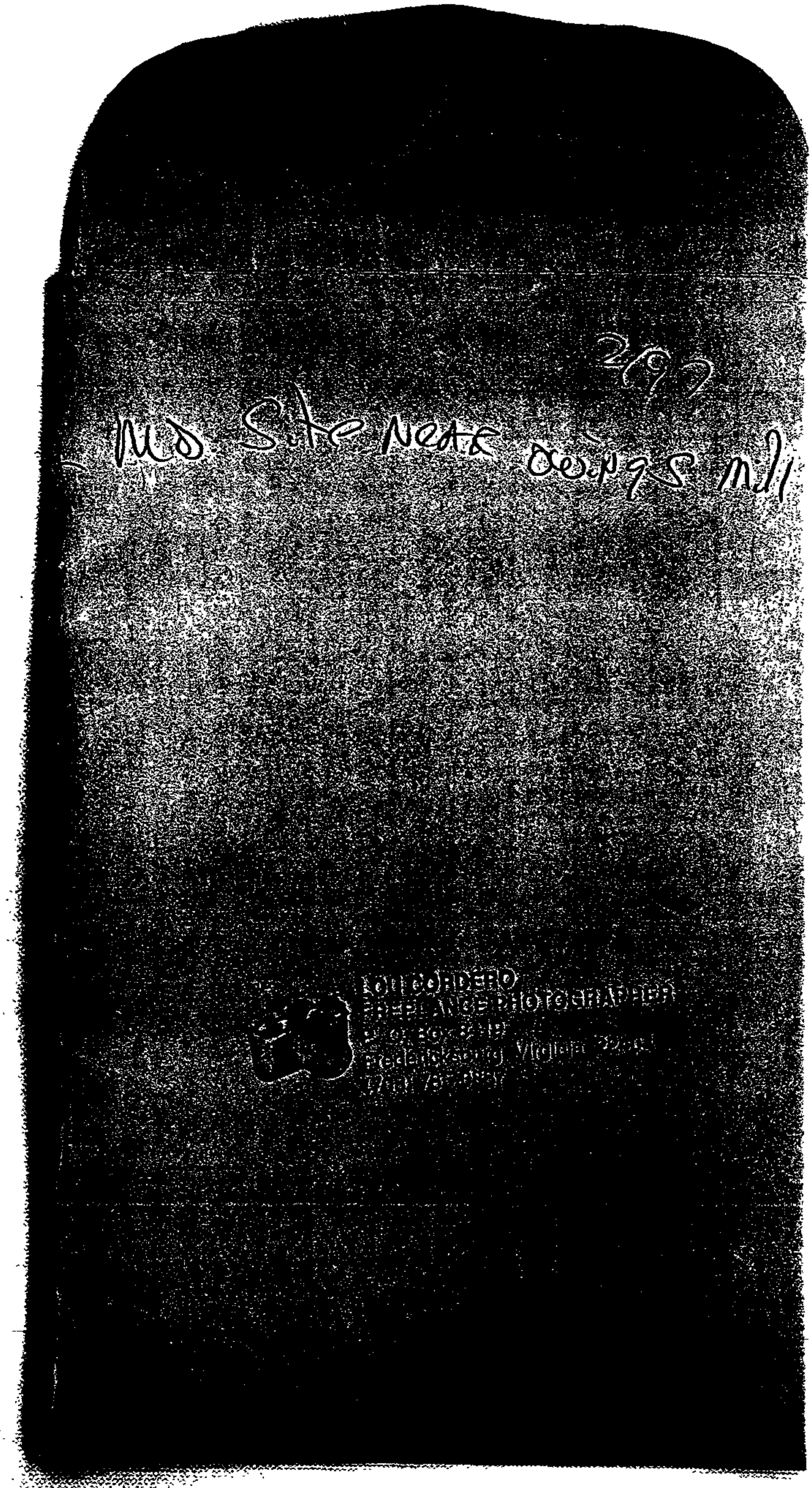
ED:

I PLAN TO HAVE AN ARCHITECT PREPARE A MODEL FOR THE ABOVE SUBJECT PROJECT. ARE YOU SATISFIED W/ THE CONCEPTUAL PLAN PREPARED BY KEN COLBERT. IF SO THAT IS THE PLAN WE WILL USE FOR THE MODEL. IF NOT, WE NEED TO HAVE A REVISED CONCEPTUAL COMPLETED.

PLEASE ADVISE.

REX DALRYMPLE

LOCATION APPROVED BY STEVE LEROY 2/12/97
OWINGS MILLS BLVD @ CRONDALL LA, (SEC), OWINGS MILLS
SHOWN
RE REP ✓
MKT. MGR.
RE MGR. ✓
GAS MGR.
CONST. MGR.
QUICK PLAT ✓


2/2
Mrs. Sue Neate
Deputy Sheriff
LOU GORDERO
FREELANCE PHOTOGRAPHER

~~288604~~ 026545

006035

RITZ # 35
12200 BALTIMORE AVENUE
BELTSVILLE MD 20705-
(301)419-3200
( ) -

3/7/97
Date

Zimmerman Ed
Last Name First Name

Address

953-9711
City State Zip Code Phone Number

RITZ BIG PRINT

RITZ CAMERA

COLOR PRINT FILM DEVELOPING (check one)

COLOR NEGATIVE

CODE	Q CODE	QTY	ITEM	INSPECT
400	285		CN < 5 x 7	
401	285		CN > 8 x 10	
200	301		2x	
201	310		3x	
202	314		4x	
204	355		5x	
527	695		5x14	
286			8 x 6	
205	364	5	8 x 10	
206	338		8 x 12	
207	369		11x	
203			CUT NEG	
415	698		INTERNEG	

CN-01 WHT

ach Other Quantity

ach Other Quantity

GLOSSY standard

MATTE

E S

E6 Slides

Kodachrome Slides

Floaters/ Studio Block

Photo Gifts

e # of neg. strips, slides or originals enclosed

CIAL INSTRUCTIONS

5) 8x10's

FILM FORMAT ONLY 4" GLOSSY PRINTS ONLY.

ENTER CASSETTE ID #

Double Prints

FF# _____

Non-member

Do not write below this line

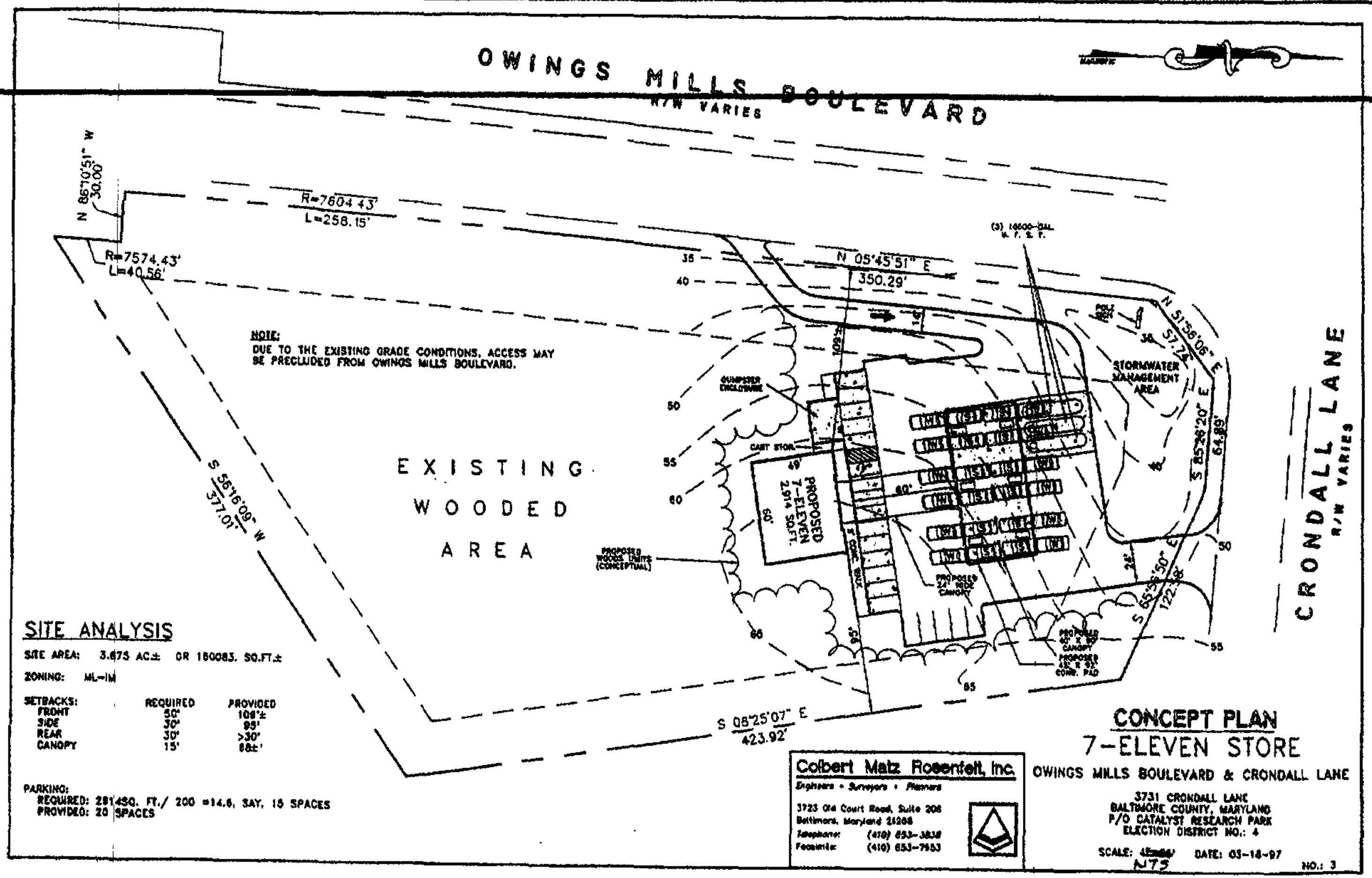
OWINGS MILLS
3
CRONDALL C 0 2 6 5 4

9035 8536

PRICE

75
4K

P.2/3



SITE ANALYSIS

SITE AREA: 3.675 AC± OR 160083. SQ.FT.±

ZONING: ML-IM

SETBACKS:	REQUIRED	PROVIDED
FRONT	50'	109'±
SIDE	30'	95'
REAR	30'	>30'
CANOPY	15'	88±'

PARKING:
REQUIRED: 2814SQ. FT./ 200 =14.6, SAY, 15 SPACES
PROVIDED: 28 SPACES

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE: NTS DATE: 03-18-97 NO.: 3

MAR 19 '97 17:06 C M R INC

facsimile transmittal

TO: ED ZIMMERMAN DATE: 2-11-97

FROM: KEN COLBERT

FAX NO. 301-953-9237 PROJECT NO. 96160

PROJECT NAME: 7-ELEVEN, OWINGS MILLS BLVD & CRONHILL LN

WE ARE SENDING VIA FACSIMILE TRANSMISSION THE FOLLOWING:

DATE	DESCRIPTION
12-18-96	PLOT PLAN
TOTAL NO OF PAGES INCLUDING THIS TRANSMITTAL LETTER ____	

THESE ARE TRANSMITTED as checked below:

____ Information Only X As Requested ____ For Approval ____ Review and comment
____ Answer Required by ___/___/___ ____ Original to Follow under Separate Cover

____ Other _____

MESSAGE: _____

If you do not receive all pages, kindly notify us at once.
OUR PHONE NO: (410) 653-3838 - OUR FAX NO: (410) 653-7953

Colbert Matz Rosenfelt, Inc.
Civil Engineers Surveyors Planners
3723 Old Court Road Suite 206
Baltimore, Md. 21208

SENT BY: _____
COPIES: _____

THE SOUTHLAND CORPORATION
3492 Old Annapolis Road
Laurel, MD 20724

REAL ESTATE DEPARTMENT

V I A F A C S I M I L E

DATE: 3-18-97

TO: REX PHONE: _____

FAX: _____

FROM: Ed Zimmerman PHONE: 301/953-9711

FAX: 301/953-9237

RE: OWINGS MILLS

CC: _____

Number of pages including this sheet: 1

Message

My OPINION IS THAT WE SHOULD USE KEN COLBERT, GET OUR DUCKS LINED UP AND GO FOR IT AS SOON AS POSSIBLE.

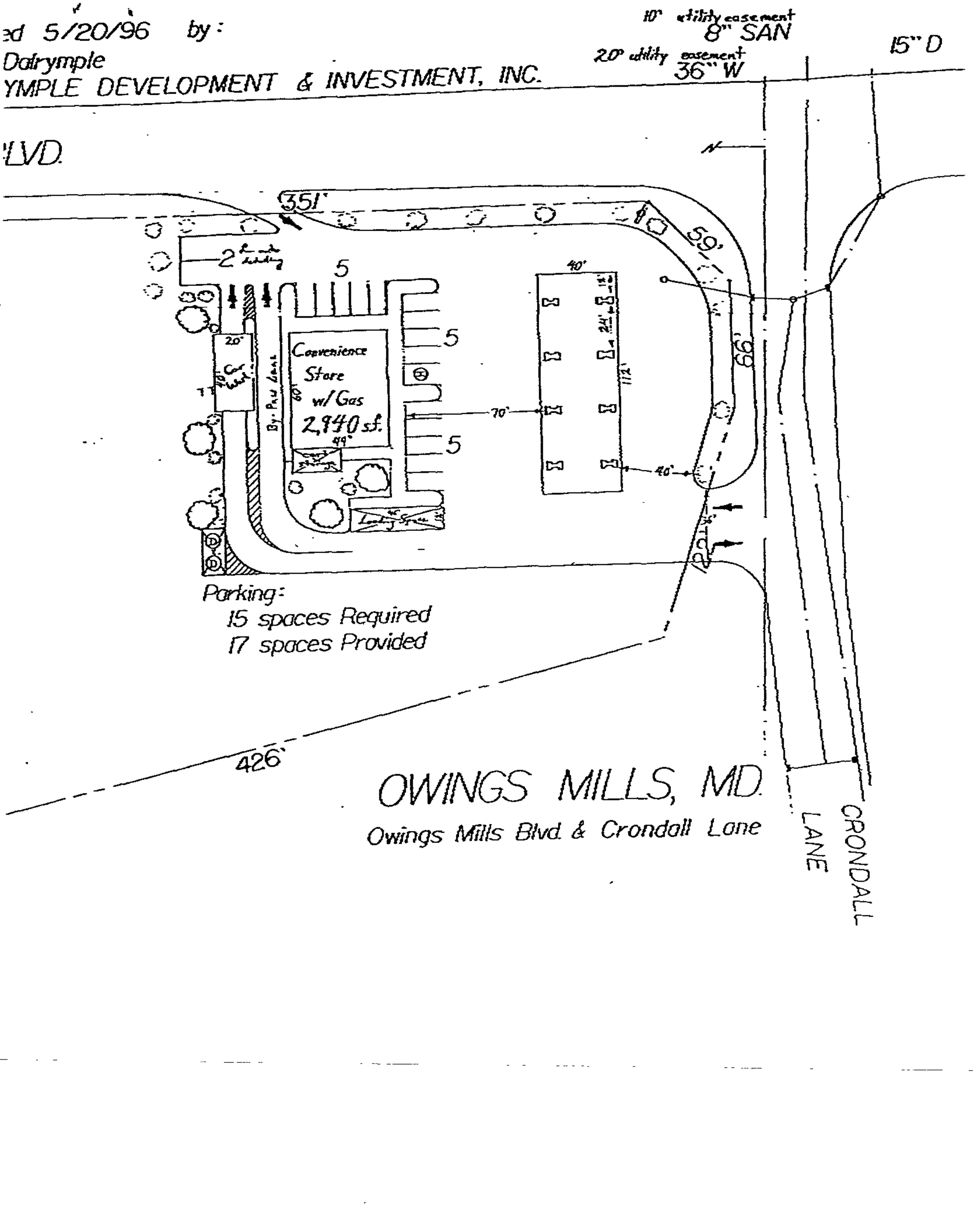
Ed

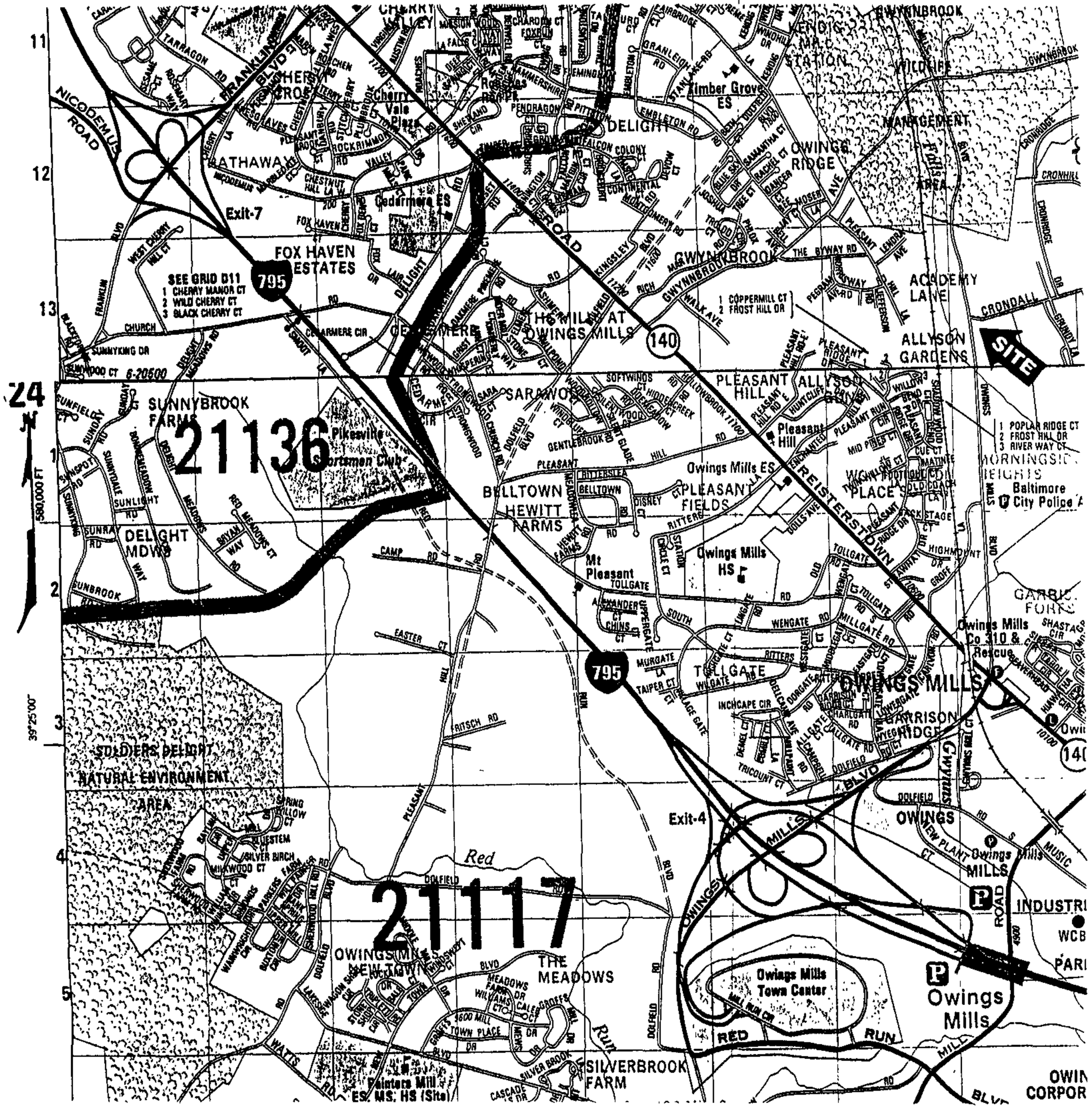
ed 5/20/96 by:

Dairymple

YMPLE DEVELOPMENT & INVESTMENT, INC.

'LVD.




21136
21117
SEE GRID D11
1 CHERRY MANOR CT
2 WILD CHERRY CT
3 BLACK CHERRY CT
1 COPPERMILL CT
2 FROST HILL DR
1 POPLAR RIDGE CT
2 FROST HILL DR
3 RIVER WAY CT
SITE
Exit-7
Exit-4
795
140
Cedarmere ES
Timber Grove ES
Owings Mills ES
Pleasant Hill
Owings Mills HS
Painters Mill ES, MS, HS (Site)
Owings Mills Co 310 & Rescue
Baltimore City Police
Owings Mills Town Center
Owings Mills
Cherry Vale Plaza
FOX HAVEN ESTATES
SUNNYBROOK FARMS
SARAWOOD
PLEASANT HILLS
ALLYSON GARDENS
ACADEMY LANE
GWYNNBROOK
KENDALL MANAGEMENT AREA
OWINGS RIDGE
THE MILL AT OWINGS MILLS
BELLTOWN HEWITT FARMS
PLEASANT FIELDS
DELIGHT MDWS
SOLDIERS DELIGHT NATURAL ENVIRONMENT AREA
OWINGSMILLS NEW TOWN
THE MEADOWS
SILVERBROOK FARM
TOLLGATE
GARRISON RIDGE
MORNINGSIDE HEIGHTS
NICODEMUS ROAD
REISTERSTOWN ROAD
RED RUN
Red Run
39°25'00"
580,000 FT

Colbert Matz Rosenfelt, Inc.
Civil Engineers • Surveyors • Planners

MEMORANDUM

DATE: March 19, 1997

TO: Bob Fitzgerald - 1-703-750-3394
Ed Zimmerman - 1-301-953-9237
Rex Dalrymple - 1-410-997-3093

FROM: Ken Colbert

SUBJECT: 7-Eleven - Owings Mills Boulevard
CMR #96160

Attached is an alternate layout which turns the store facing Crondall Lane as requested by Rex Dalrymple, along with the initial layout. We have also added the existing contours based upon the information that Rex provided.
Please note that there is a grade differential of approximately 30 feet between the elevation at Owings Mills Boulevard and the elevation at the proposed store location. This elevation differential may preclude us from having an access from both Owings Mills Boulevard and Crondall Lane. We may wind up with an entrance from Crondall Lane only. If this is the case, I would make this entrance a "monumental entrance" with 20 feet on the entrance side and 24 feet on the exit side.

Your comments and suggestions will be welcomed.

I:\JOBS\96160.LTR

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

MEMORANDUM

DATE: May 2, 1997

TO: Bob Fitzgerald - 1-703-750-3394
Ed Zimmerman - 1-301-953-9237
Rex Dalrymple - 1-410-997-3093

FROM: Ken Colbert

SUBJECT: 7-Eleven - Owings Mills Boulevard
CMR #96160

The following meetings have been scheduled for this project:

Tuesday May 6 11:00 a.m.

This meeting will be with representatives of various County agencies and the County Councilman's office. The meeting will be held in the Councilman's office. As of this writing, Ed will be attending this meeting.

Thursday May 15 7:00 p.m.

This meeting will be attended by various community leaders and organizations. The location of the meeting has not been set. I believe that Ed and Rex will be attending this meeting. If there is a need for attendance by Operations and/or Gasoline people from Southland, I will advise you as early as possible.

Friday May 23 10:00 a.m.

This meeting will be with the Owings Mills Business Round Table. The location of the meeting has not been set. I believe this should also be attended by Ed and Rex.

Hopefully, all these meetings can be squeezed into everyone's schedule. Please call me if you have any problems.

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

OWINGS MILLS BOULEVARD
R/W VARIES

MAGNETIC

N 86°10'51" W
30.00'

R=7604.43'
L=258.15'

R=7574.43'
L=40.56'

N 05°45'51" E
350.29'

POLE SIGN

STORMWATER MANAGEMENT AREA

N 51°56'06" E
57.74'

S 85°26'20" E
64.89'

(3) 10000-GAL
U. F. S. T.

PROPOSED
40' X 90'
CANOPY

PROPOSED
42' X 92'
CONC. PAD

EXISTING
WOODED
AREA

S 56°16'09" W
377.01'

60'

175±'

24'

PROPOSED
7-ELEVEN
2,914 SQ.FT.

49'

60'

30'

S 65°56'50" E
122.58'

S 08°25'07" E
423.92'

CRONDALL LANE
R/W VARIES

SITE ANALYSIS

SITE AREA: 3.675 AC.± OR 160083. SQ.FT.±

ZONING: ML-IM

SETBACKS:	REQUIRED	PROVIDED
FRONT	50'	175±'
SIDE	30'	>30'
REAR	30'	30'
CANOPY	15'	67±'

PARKING:
REQUIRED: 2940 SQ. FT./ 200 =14.7, SAY, 15 SPACES
PROVIDED: 20 SPACES

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE: 1"=50' DATE: 12-18-96

NO.: 1
CMR NO.: 96160

Project	Description	County Participation		State Participation		New & Retained Jobs	New Investment
Avesta Sheffield	Purchase of stainless steel facility	Loan	$225,000	Loan Grant	$350,000 $1,100,000	200 new 150 retained	$25 million
Bally's Health & Fitness	Relocation of service center	Grant*	$20,000	Loan Grant	$1,250,000 $130,000	150 new 450 retained	$10 million
BethShip	Dredging access channels for shipyard	Grant*	$450,000	Grant	$450,000	800 retained	$900,000
Rite Aid	Relocation of software development operations	Grant*	$50,000	Grant	$450,000	50 new	$1.7 million
Sweetheart Cup	Relocation of [illegible]			Grant	$1,080,000	50 new 2,000 retained	$30 million
Tesser				Loan Grant	$1,800,000 $1,000,000	150 new 165 retained	$9.3 million
United				Loan	$800,000	50 new	$1.8 million
Totals				Loans Grants Guaranty	$5,700,000 $4,280,000 $5,000,000	715 new 3,697 retained	$91.4 million

Post-it™ brand fax transmittal memo 7671 | # of pages ▶ 1

To [illegible] | From [illegible]

Co. [illegible] | Co.

Dept. | Phone #

Fax # | Fax #

*All Bi[illegible] m on the investment or employment commitment within a specifie[illegible] ...employment schedules.

Source: [illegible] County Department of Economic Development

Major Business Parks

The following represents major office and industrial parks completed or with additional acreage suitable for expansion and future development.

Existing Business Parks in Baltimore County

Name	Total Acreage	Remaining Acreage for Development	Total Square Footage of Development	Use
Beltway Business Center	63	22	560,925	Office, R/D, Lt. Industry
Business Center @ Owings Mills	123	8	560,600	Office, R/D Lt. Industry
Greenspring Station	30	0	188,000	Office
Hunt Valley Business Community	435	0	2,100,000	Office, R/D
Hunt Valley Executive Plaza	30	0	517,000	Office
Longview Executive Park	30	0	370,000	Office
Loveton Business Center	246	6	984,850	Office, R/D, Lt. Industry
McDonough Crossroads	42	10	236,610	Office
Meadows Business Park	475	0	1,080,000	Office, R/D, Lt. Industry
North Point Industrial Center	36	12	220,000	Lt. & Heavy Industry
North Park	28	0	320,150	Office
Owings Mills Commerce Center	34	15	135,000	Office, R/D, Lt. Industry
Owings Mills Corporate Campus	250	50	438,320	Office
Owings Mills Corporate Center	120	80	715,000	Office
Pulaski Business Park	42	12	300,400	Lt. Industry
Rolling Heights Business Park	80	5	931,000	Office, R/D, Lt. Industry
Rossville Industrial Park	156	6	1,562,285	Office, R/D, Lt. Industry
Rutherford Business Center	260	2	800,000	Office, R/D, Lt. Industry
Schafer Lane Business Center	130	40	230,000	Lt. & Heavy Industry
Shawan Center	36	0	310,325	Office
UPS Industrial Park	83	70	250,000	Lt. & Heavy Industry
White Marsh Business Community	215	95	806,000	Office, R/D, Lt. Industry
Windsor Corporate Park	96	82	134,700	Office, R/D, Lt. Industry
Totals	3,040	515	13,651,165	

The chart below highlights major office and industrial projects planned to accommodate immediate or future commercial growth.

Proposed Business Parks in Baltimore County

Name	Total Acreage	Project Total Square Footage	Use
Highlands Corp. Center	115	2,000,000	Office, R/D
Highpointe Center	17	360,000	Office
✓ Merritt Center @ Owings Mills	180	2,225,000	Office, R&D, Lt. Industry
North Point Distribution Center	20	197,000	Lt. Industry
✓ Owings Run	20	700,000	Office
Riparius Center	160	3,000,000	Office, R&D
Sparrows Point Industrial Park	315	(TBD)	Heavy Industry
Trappe Industrial Center	20	200,000	Lt./Heavy Industry

Bethlehem Steel

Bethlehem Steel's Sparrows Point Division has greatly improved its competitiveness benefiting from $1.6 billion in modernization investments over the last decade. These investments have significantly enhanced the Division's ability to compete internationally, resulting in the export of 460,000 tons of steel in 1995 to a broad range of countries, including Japan and South Korea.

The Division's concentration on quality over the past few years is reflected in the fact that Sparrows Point was the first integrated steel producer to receive ISO 9002 designation for its quality management system. Bethlehem Steel's BethShip, Sparrows Point Yard, has also instituted comprehensive quality controls, resulting in its winning the first ISO 9002 designation among East Coast shipyards. New markets for BethShip include cruise and international ship repair.

For the first time in 16 years, the Sparrows Point Division began hiring new workers to fill positions being vacated by retiring employees. Some 420 people were hired in 1995 to work in the steel mill, and the company expects a similar number to be hired in 1996. In 1993, the company reached an unprecedented six-year contract with the United Steel Workers of America, marking a new era in labor-management relations and calling for a partnership between the union and management. Together, labor-management teams are now implementing "through-put-based manufacturing techniques," transforming the operating focus from "tons produced" to "dollars produced."

In 1995, the parent corporation reported net income of $180 million on sales of $4.9 billion — more than double the previous year's reported earnings. Sparrows Point and Bethlehem's Burns Harbor, Indiana plant represent about 85% of the corporation's total shipments.

Sparrows Point Industrial Park

Several years ago, Bethlehem Steel agreed to donate to Baltimore County 313 acres of raw, heavy industrial land adjacent to its southeast Baltimore complex in exchange for a cap on the local electricity tax. Two key capital projects that will enhance the development-readiness of the Park are now under way. A 36" water line that will provide service to three of the Park's five sites is now under construction. Also, the Maryland Transportation Authority is currently widening and reconstructing the portion of the Baltimore Beltway that traverses the Park in an effort to improve safety and traffic flow. The finished Beltway project will provide at-grade interstate access immediately adjacent to three of the sites.

Baltimore County continues to monitor and review environmental considerations with the Maryland Department of Environment in an effort to confirm that there are no outstanding issues that might complicate the sale or lease of land to developers and end users. All such environmental considerations will need to be fully resolved before the County can take title to the property.

UMBC Research Park

Baltimore County and the University of Maryland Baltimore County (UMBC) are jointly developing a 50-acre, 300,000 square foot technology research park on the campus of the University. The facility will offer existing and new companies a setting for research and development in such fields as photonics, biotechnology, and computer software development. The County has committed $450,000 for infrastructure on the project to be combined with approximately $2 million from state and federal sources.

P.03
4109973093
APR- 2-97 WED 18:26 REX DALRYMPLE

MAJOR BUSINESS PARKS IN BALTIMORE COUNTY

* Key On Last Page *

NAME	LOCATION	TOTAL ACREAGE	TOTAL *REMAINING* ACREAGE	TOTAL S.F.	USE	DEVELOPER/BROKER
Beltway Business Center	Halethorpe MD 21227	63	22	560,925	Office, R&D, Lt. Industry	Merritt, Inc. 410-298-2600
Business Center at Owings Mills	Owings Mills MD 21117	123	3	560,600	Office, R&D, Lt. Industry	Riparius 410-561-8815 MIE 410-788-0100 J.F. Knott 410-321-1000
Eastport Industrial Park	Rosedale MD 21237	170	60	720,000	Lt. & Heavy Industry	KLNB, Inc. 410-321-0100
Greenspring Station	Lutherville MD 21093	30	0	340,000	Office	Foxleigh Enterprises,Inc 410-583-1919
Highlands Corporate Center	Sparks MD 21152	115	115	(2,000,000)	Office, R&D	KLNB, Inc. 410-321-0100
Highpointe Center	Hunt Valley MD 21030	17	17	(320,000)	Office	The Rouse Company 410-771-7025
Hunt Valley Business Community	Hunt Valley MD 21031	435	0	2,100,000	Office, R&D	The Rouse Company 410-771-7025
Hunt Valley Executive Plaza	Hunt Valley MD 21031	30	0	517,000	Office	Hill Management 410-666-1000
Kelso Research Park	Essex MD 21221	10	10	150,000	R&D, Lt. Industry	MacKenzie/OPF 410-821-8585
Longview Executive Park	Hunt Valley MD 21030	30	0	370,000	Office	Casey & Associates 410-828-0446
Loveton Business Center	Sparks MD 21152	246	6	984,850	Office, R&D Lt. Industry	The Rouse Company 410-771-7025

McDonough Crossroads	Owings Mills MD 21117	42	10	236,610	Office
Meadows Business Park	Woodlawn MD 21207	475	0	1,080,000	Office, R&D Lt. Industry
North Point Industrial Center	Dundalk MD 21222	36	12	220,000	Lt. & Heavy Industry
North Park	Hunt Valley MD 21030	28	0	320,150	Office
✓Owings Mills Commerce Center	Owings Mills MD 21117	34	20	135,000	Office, R&D Lt. Industry
✓Owings Mills Corp. Campus	Owings Mills MD 21117	250	80	438,320	Office
✓Owings Mills Corp. Center	Owings Mills MD 21117	120	85	715,000	Office
✓Owings Run	Owings Mills MD 21117	20	20	(700,000)	Office
Pulaski Business Park	Middle River MD 21220	42	12	300,400	Lt. Industry
Red Run Business Center	Owings Mills MD 21117	180	180	(2,225,000)	Office, R&D Lt. Industry
Riparius Center	Owings Mills MD 21117	160	160	(3,000,000)	Office, R&D Lt. Industry
Rolling Heights Business Center	Woodlawn MD 21244	80	10	931,000	Office, R&D Lt. Industry

McDonough Crossroads	Owings Mills MD 21117	42	10	236,610	Office	MacKenzie/OPF 410-821-8585
Meadows Business Park	Woodlawn MD 21207	475	0	1,080,000	Office, R&D Lt. Industry	Meadows/Emmes Realty 410-944-8900
North Point Industrial Center	Dundalk MD 21222	36	12	220,000	Lt. & Heavy Industry	Creaney & Smith 410-633-7300
North Park	Hunt Valley MD 21030	28	0	320,150	Office	Colliers Pinkard 410-337-7300
✓Owings Mills Commerce Center	Owings Mills MD 21117	34	20	135,000	Office, R&D Lt. Industry	Continental Realty 410-296-4800
✓Owings Mills Corp. Campus	Owings Mills MD 21117	250	80	438,320	Office	Colliers Pinkard 410-347-7546
✓Owings Mills Corp. Center	Owings Mills MD 21117	120	85	715,000	Office	The Rouse Company 410-356-8844
✓Owings Run	Owings Mills MD 21117	20	20	(700,000)	Office	Painters Mill Venture 410-356-9900
Pulaski Business Park	Middle River MD 21220	42	12	300,400	Lt. Industry	Merritt 410-298-2600
Red Run Business Center	Owings Mills MD 21117	180	180	(2,225,000)	Office, R&D Lt. Industry	Merritt 410-298-2600
Riparius Center	Owings Mills MD 21117	160	160	(3,000,000)	Office, R&D Lt. Industry	Riparius Corporation 410-561-8815
Rolling Heights Business Center	Woodlawn MD 21244	80	10	931,000	Office, R&D Lt. Industry	J.F. Knott Group, Inc. 410-321-1000

Rossville Industrial Park	Rossville MD 21237	156	6	1,562,285	Office, R&D Lt. Industry	J.F. Knott Group, Inc. 410-321-1000
Rutherford Business Center	Woodlawn MD 21244	260	2	800,000	Office, R&D Lt. Industry	The Rouse Company 410-771-7025
Shawan Center	Hunt Valley MD 21030	36	0	310,325	Office	The Rouse Company 410-771-7025
Sparrows Point Industrial Park	Sparrows Point MD 21219	315	315	(TBD)	Heavy Industry	Baltimore County Economi Development 410-887-8000
UMBC Research Park	Catonsville MD 21228	90	90	(TBD)	Office, R&D	University of Maryland @ Baltimore County (UMB 410-455-3222
White Marsh Business Community	White Marsh MD 21236	600	400	1,300,000	Office, R&D	Nottingham Prop., Inc. 410-825-0545
Windsor Corporate Park	Woodlawn MD 21244	96	82	134,700	Office, R&D Lt. Industry	CB Commercial 410-244-7100

KEY: ( ) = Proposed Build Out
R&D = Research & Development
S.F. = Square Feet
TBD = To Be Determined

3/20/95

MacKenzie/OPF
410-821-8585

Meadows/Emmes Realty
410-944-8900

Creaney & Smith
410-633-7300

Colliers Pinkard
410-337-7300

Continental Realty
410-296-4800

Colliers Pinkard
410-347-7546

The Rouse Company
410-356-8844

Painters Mill Venture
410-356-9900

Merritt
410-298-2600

Merritt
410-298-2600

Riparius Corporation
410-561-8815

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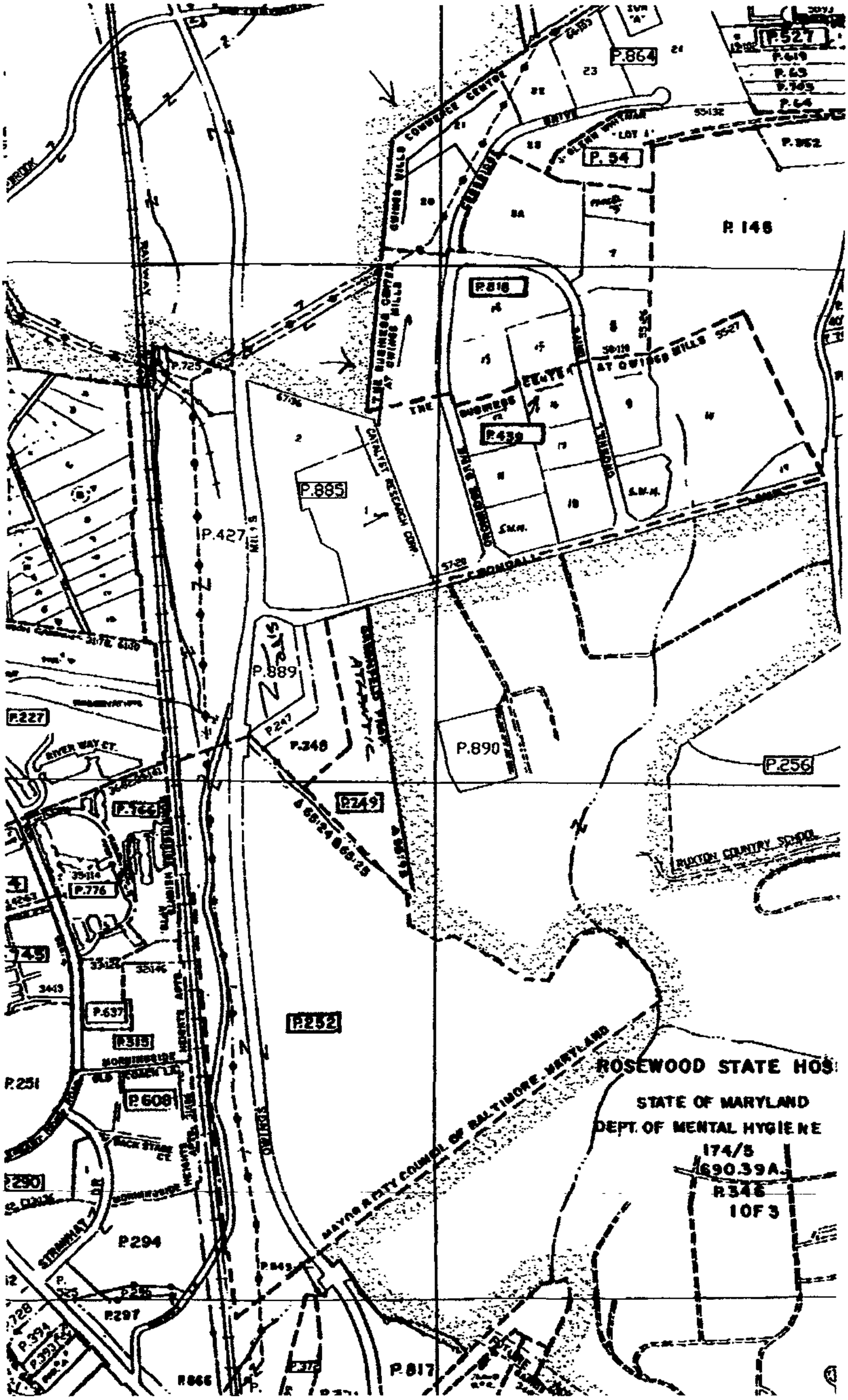
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Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

MEMORANDUM

DATE: April 22, 1997

TO: Bob Fitzgerald - 1-703-750-3394
Ed Zimmerman - 1-301-953-9237

FROM: Ken Colbert

SUBJECT: 7-Eleven - Owings Mills Boulevard & Crondall Lane
CMR Contract #96160

A meeting has tentatively been scheduled for May 15th at 7:00 p.m. with the Councilman's office to discuss the proposed 7-Eleven store. The location of the meeting has not been established. It will be held either at the Councilman's office, in Towson; one of the buildings in the Crondall Lane Business Park; or at our office.

The following is a list of persons and/or organizations that will be invited to this meeting:

- The Reisterstown/Owings Mills/Glyndon (ROG) Coordinating Council
- ROG Chamber of Commerce
- Brenda Cobbs, Owings Mills Business Round Table
- T. Rowe Price (property owner within the Park)
- Doug Hamilton (property owner within the Park)
- Bob Hannon - Economic Development Director
- Bill Chase - past Planning Board member
- Paul Saval - local resident
- Delegate Morhaim
- Henry LeBrun, local resident and developer of the property located at Owings Mills Blvd. & Groff Lane
- Pat Keller - Director, Office of Planning

Please let me know who will be able to attend this meeting.

I will prepare any necessary exhibits we need to present at the meeting.

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

facsimile transmittal

TO: Bob Fitzgerald DATE: 4-22-97

Ed Zimmerman FROM: Ken Colbert

FAX NO. 703 750 3394
301 953 9237 PROJECT NO. 96160

PROJECT NAME: 7-Eleven - Owings Mills Blvd. & Crondall Ln.

WE ARE SENDING VIA FACSIMILE TRANSMISSION THE FOLLOWING:

DATE	DESCRIPTION
4-22-97	Memorandum
TOTAL NO OF PAGES INCLUDING THIS TRANSMITTAL LETTER 2	

THESE ARE TRANSMITTED as checked below:

____ Information Only ____ As Requested ____ For Approval X Review and comment
____ Answer Required by ___/___/___ ____ Original to Follow under Separate Cover

____ Other _____

MESSAGE:_____

If you do not receive all pages, kindly notify us at once.
OUR PHONE NO: (410) 653-3838 - OUR FAX NO: (410) 653-7953

Colbert Matz Rosenfelt, Inc.
Civil Engineers Surveyors Planners
3723 Old Court Road Suite 206
Baltimore, Md. 21208

SENT BY: ds
COPIES: _____

THE SOUTHLAND CORPORATION
3492 Old Annapolis Road
Laurel, MD 20724

REAL ESTATE DEPARTMENT

V I A F A C S I M I L E

DATE: 4-22-97

TO: KEN C. **PHONE:** _____

FAX: _____

FROM: Ed Zimmerman **PHONE:** 301/953-9711

FAX: 301/953-9237

RE: OWINGS MILLS

CC: _____

Number of pages including this sheet: 1

Message

CONGRATULATIONS ON YOUR NEW FAX;
IT'S READABLE!

PLEASE TALK WITH DEBORAH AND DETERMINE WHO AND HOW MANY OF US SHOULD ATTEND. IS AN OPERATIONS GUY APPROPRIATE IF WE NEED TO FIELD THE TRADITIONAL QUESTIONS REGARDING TRAFFIC, TRASH, LOITERING, LIGHTING, AND HOURS OF OPERATION?

RSVP

Ed

EXHIBIT "B"

OWINGS MILLS BOULEVARD
R/W VARIES

MAGNETIC

N 86°10'51" W
30.00'

R=7604.43'
L=258.15'

R=7574.43'
L=40.56'

N 05°45'51" E
350.29'

POLE SIGN

STORMWATER MANAGEMENT AREA

N 51°56'06" E
57.74'

S 85°26'20" E
64.89'

(3) 10000-GAL.
U. F. S. T.

PROPOSED
40' X 90'
CANOPY

PROPOSED
42' X 92'
CONC. PAD

EXISTING
WOODED
AREA

S 56°16'09" W
377.01'

60'

175±

24'

PROPOSED
7-ELEVEN
2,914 SQ.FT.

49'

60'

30'

S 65°56'50" E
122.58'

S 08°25'07" E
423.92'

CRONDALL LANE
R/W VARIES

SITE ANALYSIS

SITE AREA: 3.675 AC.± OR 160083. SQ.FT.±

ZONING: ML-IM

SETBACKS:	REQUIRED	PROVIDED
FRONT	50'	175±'
SIDE	30'	>30'
REAR	30'	30'
CANOPY	15'	67±'

PARKING:
REQUIRED: 2940 SQ. FT./ 200 =14.7, SAY, 15 SPACES
PROVIDED: 20 SPACES

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile. (410) 653-7953

CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE: 1"=50' DATE: 12-18-96

NO.: 1
CMR NO.: 96160

OWINGS MILLS BOULEVARD
R/W VARIES

MAGNETIC

N 86°10'51" W
30.00'
R=7604.43'
L=258.15'
R=7574.43'
L=40.56'

N 05°45'51" E
350.29'

N 51°56'06" E
57.74'

S 85°26'20" E
64.89'

S 65°36'50" E
422.58'

S 56°16'09" W
377.01'

S 08°25'07" E
423.92'

EXISTING
WOODED
AREA

PROPOSED
7-ELEVEN
2,592 SQ.FT.

MONUMENT SIGN

STORMWATER MANAGEMENT AREA

ONE-WAY

CONCRETE WALK

10,000 GAL. & 15,000 GAL. UNDERGROUND STORAGE TANKS

EXISTING TREES TO REMAIN

PROPOSED RETAINING WALL

CRONDALL LANE
R/W VARIES

SITE ANALYSIS

SITE AREA: 3.675 AC.± OR 160083. SQ.FT.±

ZONING: ML-IM

SETBACKS:	REQUIRED	PROVIDED
FRONT	50'	175±'
SIDE	30'	>30'
REAR	30'	30'
CANOPY	15'	67±'

PARKING:
REQUIRED: 2592 SQ. FT./ 200 =12.96, SAY, 13 SPACES
PROVIDED: 23 SPACES

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

PLOT PLAN
7-ELEVEN STORE
OWINGS MILLS BOULEVARD
AND
CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE 1" = 50' DATE: MAY 16, 1997

CADD FILE 96160-50 CMR JO #96160

THE SOUTHLAND CORPORATION
3492 Old Annapolis Road
Laurel, MD 20724

REAL ESTATE DEPARTMENT

V I A F A C S I M I L E

DATE: 5-7-97

TO: MIKE GEERS PHONE: _____

FAX: _____

FROM: Ed Zimmerman PHONE: 301/953-9711

FAX: 301/953-9237

RE: OWINGS MILLS

CC: _____

Number of pages including this sheet: 1

Message

WE NEED YOU TO ATTEND A MEETING OF THE OWINGS MILLS BUSINESS ROUNDTABLE WITH US ON FRIDAY, MAY 23 AT 10:00AM.

IT WILL HELP US ADDRESS OPERATIONAL ISSUES SUCH AS TRASH, HOURS, ETC. THIS IS NOT A HOSTILE BUNCH, BUT A CAREFULLY SELECTED GROUP OF BUSINESS LEADERS WHOSE SUPPORT WE NEED. SMALL SCALE DOG & PONY SHOW.

PLEASE CONFIRM YOUR AVAILABILITY.

MEMORANDUM

TO: Mr. Ken Colbert - (410) 653-7953 — OUR ENGINEER
Mr. Ed Zimmerman - (301) 953-9237
Mr. Bob Fitzgerald - (703) 750-3394

FROM: Deborah C. Dopkin, Esquire — OUR ATTORNEY

RE: 7-Eleven - Owings Mills Boulevard

DATE: May 9, 1997

This is to confirm a meeting on May 23, 1997 at 10:00 a.m. with the Owings Mills Corporate Roundtable. The meeting will be at the offices of Doug Hamilton, Hamilton Associates, 11403 Cronridge Drive, Owings Mills, Maryland 21117. Phone number is (410) 363-9020. Directions are: Owings Mills Boulevard to Crondall Lane. Turn right on Crondall Lane to the first left at Cronridge Drive. The entrance is into the first parking lot on the right. I understand Karen Shillman will also be attending.

kmc\dcd\7-eleven.mem

TOTAL P.01

THE SOUTHLAND CORPORATION
3492 Old Annapolis Road
Laurel, MD 20724

REAL ESTATE DEPARTMENT

V I A F A C S I M I L E

DATE: 5-14-97

TO: MIKE GEERS **PHONE:** _____

FAX: _____

FROM: Ed Zimmerman **PHONE:** 301/953-9711

FAX: 301/953-9237

RE: OWINGS MILLS

CC: MEETING

Number of pages including this sheet: 2

Message

DIRECTIONS & TIME FOR MEETING FOR NEW SITE -

ROUNDTABLE IS MADE UP OF CORPORATE HEADS OF STATE WHO WILL BE OUR NEIGHBORS.

THEY WILL PROBABLY BE VERY INTERESTED IN OUR OPERATION, IMAGE, ETC.

facsimile transmittal

TO: Ed Zimmerman DATE: 5/20/97

FROM: Ken Colbert

FAX NO. 301 - 953 - 9337 PROJECT NO. 96160

PROJECT NAME: 7-Eleven Store - Owings Mills Blvd.

WE ARE SENDING VIA FACSIMILE TRANSMISSION THE FOLLOWING:

DATE	DESCRIPTION
5/20/97	letter to Darrell Wiles
TOTAL NO OF PAGES INCLUDING THIS TRANSMITTAL LETTER 2	

THESE ARE TRANSMITTED as checked below:

✓ Information Only ____ As Requested ____ For Approval ____ Review and Comment
____ Answer Required by ___/___/___ ____ Original to Follow under Separate Cover

____ Other _____

MESSAGE: _____

If you do not receive all pages, kindly notify us at once.
OUR PHONE NO: (410) 653-3838 - OUR FAX NO: (410) 653-7953

Colbert Matz Rosenfelt, Inc.
Civil Engineers Surveyors Planners
3723 Old Court Road Suite 206
Baltimore, Md. 21208

SENT BY: ds
COPIES: _____

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners

May 20, 1997

Mr. Darrell Wiles
Baltimore County
Bureau of Traffic Engineering
401 Bosley Avenue
Towson, Maryland 21204

SUBJECT: 7-Eleven Store
Owings Mills Boulevard & Crondall Lane
CMR No.: 96160

Dear Mr. Wiles;

We are currently working with various community organizations along with Councilman McIntire's office and the Department of Planning in developing a plan for the proposed store. The attached Plan is a preliminary site layout that has been presented to the Councilman's office, the Department of Planning and various community groups.

The Plan, as currently prepared, provides for a right-turn-in only from Owings Mills Blvd. and a 35 ft. wide entrance onto Crondall Lane which could provide one (1) ingress and two (2) egress lanes. A question was raised at a recent community meeting as to whether the access from Owings Mills Blvd. could be expanded to allow right-turn-in and right-turn-out movements.

The location of the entrances shown on this Plan are preliminary in nature. The location of the Owings Mills Blvd. entrance would, however, be restricted based upon topography. The location of the Crondall Lane entrance could well be adjusted to provide the safest and most convenient means of ingress and egress.

Please review the attached Plan and offer any comments and/or suggestions you may have. Thank you for your cooperation in this matter. Should you have any questions or require additional information, please contact me at any time.

Sincerely,

Kenneth J. Colbert, P.E.
Colbert Matz Rosenfelt, Inc.

cc: Councilman McIntire
Deborah Dopkin
Bill Hughey - Dept. of Planning
✓ Ed Zimmerman - Southland Corp.

I:\JOBS\96160.ltr

3723 Old Court Road, Suite 206 Baltimore, Maryland 21208
Telephone: (410) 653-3838 / Facsimile: (410) 653-7953

3/29/99

98-269-X /Schuster (7-11)
CCt VACATED CBA Order
and REMANDED to CBA con-
sistent with bench ruling
(see attached transcript
3/31/99 (L. R. Daniels, J)

RE: PETITIONS OF ELLEN SAVAL, BETH ISRAEL SYNAGOGUE, AND PEOPLE'S COUNSEL FOR BALTIMORE COUNTY	*	IN THE
FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY	*	CIRCUIT COURT
IN THE MATTER OF THE APPLICATION OF **JEAN SCHUSTER / SOUTHLAND CORP.** FOR A SPECIAL EXCEPTION for property located on the S/E corner Crondall Lane and Owings Mills Blvd. (3731 Crondall Lane) 4th Election District, 3rd Councilmanic District	*	FOR
	*	BALTIMORE COUNTY
Case No. 98-269-X before the County Board of Appeals of Baltimore County	*	Civil No. 3-C-98-8520

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

ORDER

Upon review of the record, including memoranda and argument of counsel, and for reasons stated in open court on March 4, 1999, it is, this 29th day of March, 1999, by the Circuit Court for Baltimore County

ORDERED that the Order of the County Board of Appeals for Baltimore County dated July 24, 1998 granting a special exception to permit a convenience store with a sales area larger than 1,500 sq. ft. to be used in combination with a fuel service station at the subject site, be, and hereby is, VACATED; and it is further

ORDERED that this case be, and hereby is REMANDED to the County Board of Appeals for Baltimore County for proceedings consistent with the March 4, 1999 Opinion of this Court, which is attached hereto.

Lawrence R. Daniels
LAWRENCE R. DANIELS, Judge

FILED MAR 3 1 1999

cc: Potter, Prevas

ORIGINAL

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, MARYLAND

IN THE MATTER OF:
JEAN SCHUSTER, ET AL.

CASE NO.
03C-98-008520

_____/ Thursday
March 04th, 1999

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(***EXCERPTED TRANSCRIPT***)

BEFORE THE HONORABLE LAWRENCE R. DANIELS, JUDGE

APPEARANCES:

ON BEHALF OF BETH ISRAEL SYNAGOGUE:

WILLIAM CHASE, ESQUIRE

ON BEHALF OF THE PEOPLE'S COUNSEL:

PETER MAX ZIMMERMAN, ESQUIRE

ON BEHALF OF THE APPELLANTS:

ROBERT D. SELLERS, ESQUIRE

ON BEHALF OF THE SOUTHLAND CORPORATION:

DEBORAH C. DOPKIN, ESQUIRE

ON BEHALF OF THE SATELLITE CORPORATION:

JACK L. B. GOHN, ESQUIRE

REPORTED BY: DEBORAH K. LAMBERT
Official Court Reporter
Baltimore County Circuit Court
401 Bosley Ave., Room M-08
Towson, Maryland 21204
(410) 887-2635

P R O C E E D I N G S

(EXCERPTED TRANSCRIPT...RULING)

* * * *

THE COURT: Again, Mr. Gohn, that's the problem. How am I to know what the Board relied on, other than counsel saying if you look hard enough you will find it.

MR. GOHN: That's not the subject of this appeal. The subject of this appeal is 253 and the sufficiency of the analysis.

THE COURT: Well, in 253, with regards to the statement, well, there are 4,000 people in this industrial park, so what? So what there are 4,000 people? Is that the magic number?

And what if there were 3,999 people? Would that mean that the gas station use wasn't primarily used for the industrial park?

There has to be more, Mr. Gohn, than just these factual statements, I believe, the factual statements uncorroborated by any statements to support the basic underlying conclusion.

I mean, is 4,000 the magic number? Is 3,000? Is 10,000? There is no evidence, evidently, in the record, or at least evidence that's been presented to the Court, that any of the witnesses said that it's

4,000, and 4,000 means, or you can find that the gas station/convenience store is being used primarily for, or in the service of the industrial park, because 4,000 has this significance.

MR. GOHN: Your Honor is dealing with some of the fluidity that is required, unfortunately, with the state of the statute, as it sits. The Board, I suppose, could have said, well, we deem 4,000 to be the appropriate number.

THE COURT: Well, most respectfully, sir, the Court would find that to be completely capricious unless it were supported by some evidence.

MR. GOHN: Well, there is certainly evidence of the 4,000.

THE COURT: That's not evidence. What does that have to do with whether or not -- you haven't answered this question, Mr. Gohn. If you can't answer the question, get off the issue.

What does that have to do with whether or not this particular use is mainly in support of the industrial park?

MR. GOHN: What does it have to do with it?

THE COURT: Yes.

MR. GOHN: I think that the relationship

is intuitively obvious.

THE COURT: That's my point. If we are going to proceed on intuition, sir, I submit to you that anybody could rule in any fashion that they care to.

Again, I find that -- obviously, I'm showing my hand with regard to my findings in the case, but I find that, if nothing else, that the Board erred in not explaining why the number 4,000 has some significance.

MR. GOHN: One moment, Your Honor?

THE COURT: Yes.

(Whereupon, there was a pause in the proceedings.)

MR. GOHN: They did find proximity, and they did find traffic patterns as well.

THE COURT: But they didn't say why.

MR. GOHN: I'm sorry?

THE COURT: They didn't say why those factors amounted to a conclusion that this convenience store/gas station served the industrial park.

Mr. Gohn, if the Court is going to accept this reasoning, then all somebody has to do is say we want to put a gas station/convenience store here and here is an industrial park and we automatically are

not contained in the notice is of very little moment. I would submit to you that there were -- there isn't one lawyer in a thousand who would know what the significance of those section numbers are, let alone a layperson.

So the presence of the section numbers in the petition and in the posting should not depend upon whether or not the specific section number is properly stated.

What it should depend upon is whether or not the average person, the reasonable man or woman who read the notice, would understand exactly what action was being requested.

And I find as a matter of -- I conclude as a matter of law that an average person would understand by the words contained in the petition that Southland intended to build a gas station and a convenience store, so we don't need to go any further than that.

Mr. Sellers, did you want to say anything?

MR. SELLERS: Briefly, the issue of the interplay between 253 and 405. As mentioned in the record, I wanted to draw your attention to People's Counsel Exhibit 01. This is a copy of the Bill 172-93 which enacted the current 405.

granted the right to do so because there are people who work in the industrial park, the station is closer to the industrial park than it is to residences.

By definition, it probably is, because if it weren't in the industrial park it wouldn't be closer -- it would probably be closer to the residential area.

MR. GOHN: Yes, Your Honor. That is certainly true. Seeing, in part, the thrust of the Court's rulings in this case, let me proceed, because we don't have the entire ruling as yet.

THE COURT: No, you don't.

MR. GOHN: I wanted to return to the sufficiency of the notice one more time.

THE COURT: Well, let's not.

MR. GOHN: All right.

THE COURT: I will make the finding that the notice that was contained in the petition -- and I take it that's the same notice that was put in the newspaper and put in the sign -- said that we want to build a convenience store in conjunction with the gas station; and that would appear, to me, to put any average citizen on notice that Southland wanted to build a gas station and a convenience store.

Again, the fact that a section number was

You will also find in that same bill that they made changes to Section 253; and, in fact, added things to the very paragraph of 253 that Mr. Zimmerman referred to which contained the element that it must primarily serve the industrial area in the same piece of legislation.

So the discussion about earlier legislation, or later legislation, it's in the same legislation, and certainly the counsel didn't intend that one piece, one page, would be let out by another page contained in the same bill. You have to give import to both bills.

THE COURT: Again, I'm giving away my ruling a little built at a time here, but I conclude as a matter of law that Section 253 is not made negatory by Section 405; and that, in order to prove that one has -- should be able to build a gas station with a convenience store, one has to satisfy the requirements of Section 253 in addition to 405.

Again, I think that Mr. Zimmerman's interpretation of the word "further," as meaning in addition to, is more logical and reasonable than Mr. Gohn's interpretation of it.

And the Court notes that, again, you know, we could each stand up and recite a, quote-unquote

cardinal rule of statutory interpretation, and we would all be right because they are so general in nature that oftentimes they can easily conflict in a particular case.

But in this, in this situation, the Court finds that the rule that requires the -- and I think that it was either Mr. Sellers or Mr. Zimmerman who previously stated this rule -- that the legislation should be harmonized so that no portion of either section should be viewed as surplusage, applies in this case.

Again, it only makes common sense, if someone were able to say I want to build a convenience store, and by the way, since you said I could build a convenience store I'm going to put some gas pumps in, too, because I met the requirements of 405, would certainly make Section 253 negatory; I conclude as a matter of law that both of these sections could -- should be, and can be, harmonized to allow the intention of the counsel to serve the people of this county.

Now, with regard to -- and Mr. Zimmerman said that he could give some guidance to --

MR. SELLERS: May I make one more point --

THE COURT: Sure, Mr. Sellers.

MR. SELLERS: -- particularly in light of your statement?

Now understand that the Zoning Commissioner's opinion at the lower level does not contain that finding, does not contain the primarily serve finding, does not contain the abandoned gas station finding, I conclude that all of the relief necessary was not granted at that level, and therefore, when the Appellant appealed to the Board of Appeals, that it was not, therefore, before the Board of Appeals. I would like to take that into consideration. We don't just have the Board of Appeals' decision because their jurisdiction arises only out of what was tied in to the original notice.

THE COURT: And I find, again, that the zoning notice --

MR. SELLERS: The original granting, whatever relief the Zoning Commissioner granted, that's what was appealed. And without the primarily served, they don't have a special exception under 253, nor is his opinion mentioned there.

THE COURT: I agree.

On the other hand, it seems to me that the remedy for this issue should have and could have been the protestants asking for a postponement so that the

issue could be -- that they could address the issue before the County Board of Appeals.

MR. SELLERS: As I said before, the word "postponement" did not leave my lips. I think if you read the transcript between Pages 19 and 29 that you will find just a continuous and adamant objection to, quote, going forward.

THE COURT: I understand that.

MR. SELLERS: On the additional --

THE COURT: And I appreciate that.

MR. SELLERS: It's not tantamount of requesting a postponement. We're not in a situation of requesting magic words, I hope.

THE COURT: Well, to the extent that one needs to, as the old expression goes, ask and it should be given to you, I think that you have to ask first. Certainly, it would not be inappropriate for the Board to say would you like a postponement.

MR. SELLERS: The Board understood that I was asking for one. The quote is there. They lectured me more about the perils of coming in late to a case and saying they are not going to delay it any further. They understood that I was requesting a postponement.

THE COURT: You can address that, Mr. Gohn, or Ms. Dopkin. It appears that had

Mr. Sellers asked for a postponement that it would be granted.

MS. DOPKIN: He didn't preserve the issue on appeal.

MR. GOHN: I objected strenuously.

MS. DOPKIN: He did not ask for a postponement. The Board is not going to say, sua sponte, are you going to ask for one.

THE COURT: I do it all the time, Ms. Dopkin. I think it's in the interests of justice.

MS. DOPKIN: The argument was made before the Board that a postponement could have been asked for. Mr. Sellers had ample opportunity to ask on any one of three days, and he didn't.

THE COURT: Well, most respectfully, it would appear that the only day it would have made a difference in is the first. After the first day the train's pulled out of the station and it's rolling down the track, Ms. Dopkin. I'm not sure how much good a postponement in the latter part of the hearing would have done the protestants in this case.

MR. SELLERS: You asked us to direct your attention to general portions of the transcript. In general, just mentioning, they wanted -- well, between Pages 19 and 29, it's almost a continuing objection to

going forward. Particularly on Page 20, and this is after the amendment; "we are not prepared to go forward." They didn't put it on below, as to the case, as to 253, and I am at a distinct disadvantage of not having time to prepare. There are many, many -- that's on Page 20, and it goes on.

Page 27, after the Board lectures me about coming into the case late, and the perils thereof, under the circumstances, I think that the Board says, I think under the circumstances it's appropriate to proceed and that the matter be delayed no further.

And again, if you would take the time to go through all of those pages, Pages 19 to 29, it's just a continuous thing. I don't think you need to say the magic word. If counsel stands up and says this is new --

THE COURT: Mr. Sellers, I would agree with you. And there are cases with regard to judicial proceedings which hold that, to that effect, that one doesn't have to do handsprings to advise the Court that its requesting relief. The Court should understand, or the -- or the body hearing the request should understand the situation and act appropriately.

MS. DOPKIN: On that point, I think that the Board granted one continuation to the Appellant. I

MPSI SYSTEMS INC.

8282 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
918-250-9611
FAX 918-254-8764
1-800-727-MPSI

Incomplete
Copy - unsure
pages entered
as exhibits
11/18/2000
K.

INTERNATIONAL COMPUTER SOFTWARE AND INFORMATION SERVICES

March 06, 1997

Mr. Ed Zimmerman
The Southland Corporation
3492 Old Annapolis Road
Laurel, MD 20724

RE: Single Site # 8048
Owings Mills Blvd. & Crondall Ln
Owings Mills, MD

Dear Mr. Zimmerman:

As the analyst assigned to your single site study, I want to thank you for your recent order. Your packet was received on March 5, 1997, and is being processed. Unless there is a delay, your study is scheduled to be completed by March 25, 1997.

Should questions arise or more information be required, I will call you. Upon completion of your study, I will again call you with the results which will be followed with a letter and computer summary report. Should you have any questions regarding this study, please call me on extension 356.

We hope the results of this evaluation will provide you with the information you need to make your decision.

Sincerely,

MPSI Systems Inc.

Vanessa Bishop

Vanessa Bishop
Single Sites Analyst

:bcl

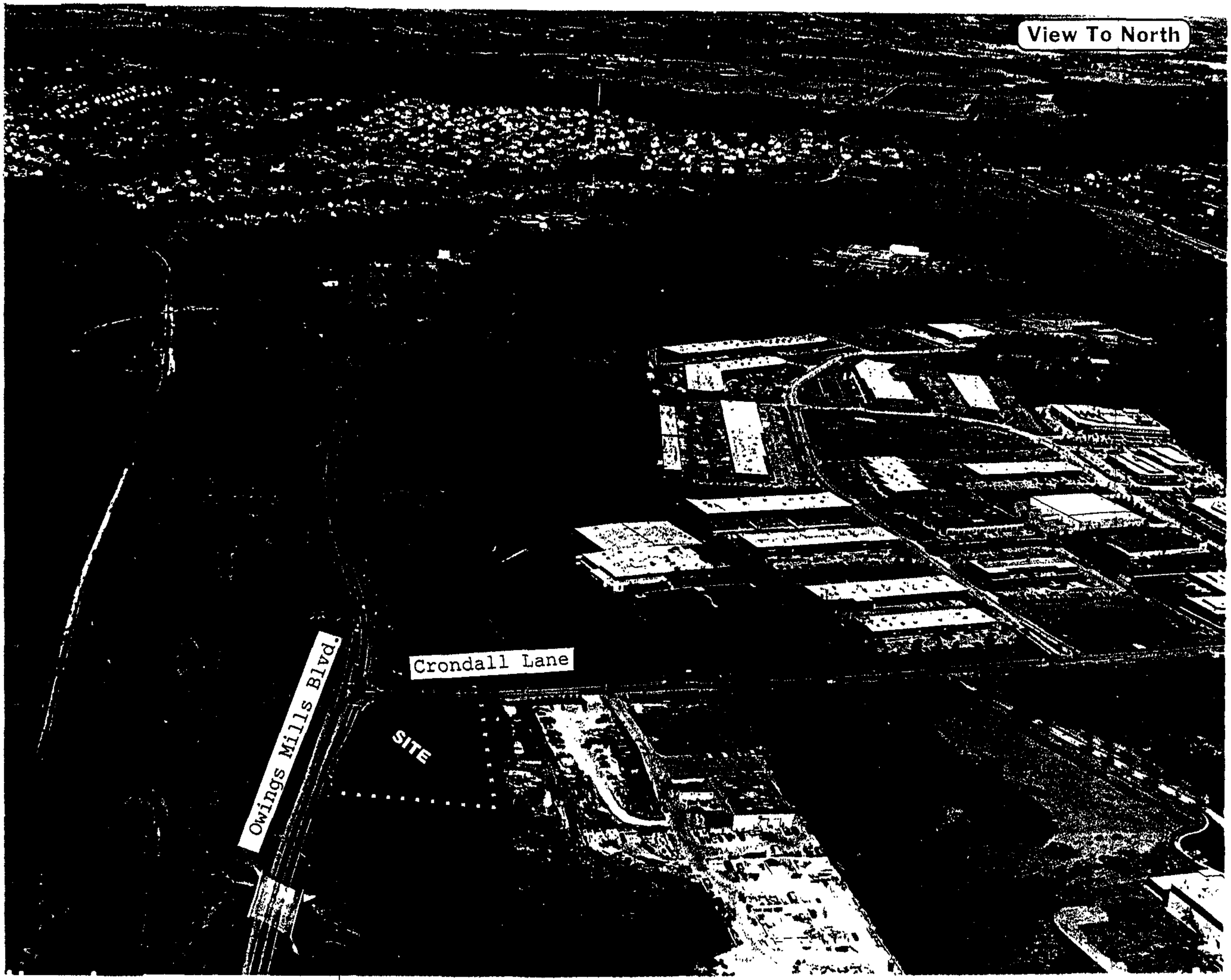
cc: M. Hillhouse
G. Stroud

FILE

Crondall Lane
North
SITE
Owings Mills Blvd.

View To South
SITE
Crondall Lane
Owings Mills Blvd.

View To East
Crondall Lane
SITE
Owings Mills Blvd.


View To North
Crondall Lane
Owings Mills Blvd.
SITE

View To West
Owings Mills Blvd.
SITE
Crondall Lane

Please note that your potential c-store projection excludes lottery, liquor, money orders, fast food, and on-premise cooking sales.

Sincerely,

MPSI Systems Inc.

Vanessa Bishop

Vanessa Bishop
Single Sites Analyst

:bl

Enclosure

cc: M. Hillhouse
G. Stroud
E. Fusco

MPSI

Category:	CASE	Case ID:	7	Report #:	403
Volumes/Sales:	MONTHLY	Case Name:	8048/cs1/newtraf	Market:	BALTIMORE T1
Market Revision:	0	Case Description:		Survey Date:	DEC 1, 1995
		Strategy:	NEW BUILD	Run Date:	Apr 30, 1997

Case: Outlet Detail - Gasoline

Outlet	900001	**Type of Facility** GAS MART	**Brand Sign** CITGO
Intersection	369		
First Street Address	OWINGS MIL OWINGS MILLS	**Suburb** BALT T1	**Type Operation** COMPANY
Second Street Address	CRONDAL CRONDALL	**Type Location** CITY STR	**Near/Far Corner** NEAR
Site Location T-INT	**Direction** SE	**Has Access To Third Street** N	

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	9		2	40	N	N
Second Street	8		2	25	N	N

Fueling Positions	Pumps	Nozzles	Canopy	No Canopy
Attendant	0	0	0	0
Self	6	36	13	0
Automat	0	0	0	0
Diesel	0	0	0	0

Pump Type

Mechanical	N
Electronic	N
Single Hose	N
Multi-Hose	Y
Starting Gate	

Ratings

Accessibility	3
Visibility	3
Appearance	4
Interstate Awareness	0
Interstate Convenience	0
Number of Bypass Lanes	3

Additional Services

ATM	Y
Check Cashing	N
Money Orders	Y
Automat After Hours	N
Lottery Tickets	Y
Postal Services	N

Lot Size

Front	251-300
Depth	251-300

Diesel Volume (000)	0
Gasoline Volume (000)	155

Auto Service/Repair

Number of Bays	0
Quick Oil Change	0

Pump Prices	*Unleaded Regula*	Post	*Unleaded Midgra*	Post	*Unleaded Premiu*	Post	*Grade4*	Post	*Grade5*	Post
Attendant		N		N		N		N		N
Self	[redacted]	Y	[redacted]	Y	[redacted]	Y		N		N
Automat		N		N		N		N		N
Diesel		N								

Discount For Cash

Avg. Credit Difference | Percent Business Done Thru Credit Cards | Type Service

Method of Payment

Pre-pay	N
Post-pay	Y
Exact Change After Hours	N
Bill Acceptor	N
Credit Card Acceptor	Y
ATM Card Acceptor	N

Payment Location	SALE OFC
Credit/Debit Location	PUMP ISL

Credit Cards

Company	Y
Bank/National	Y
Other Oil Cards	N
Number of Registers	2

Manned Hours Open

Monday - Friday	24
Saturday	24
Sunday	24
Attnd. Serve Not Offered	0

Convenience Store

Store Name	7-ELEVEN
Inside Appearance	5
Store Type	CSTORE
Sell. Space(meters/ft.)	2201-3000
Bread Rack	4
Chip Rack	LARGE
Cake Rack	LARGE

No. of Total Cooler Doors	4
No. of Fount. Drink Spigots	10
No. of Parking	12

Fast Food

Chain Name 1

Chain Name 2

Chain Name 3

Breakfast	N
Lunch	N
Dinner	N
Drive-Up Window	N
No. of Inside Seats	0
Fast Food Sales ($000)	0

Food Segment

Pizza	N	Mexican	N	Chicken	N	Donuts	N
Hamburger	N	Sandwich	N	Fish	N	Other	N

Car Wash Building

Type Bldg.	
No. of Bays	0
No. of Car Wash Sales	0

Car Wash Facility

In Bay	N	Long Conveyor	N
Warehouse	N	Short Drive-Thru	N
Short Conveyor	N	Long Drive-Thru	N

Type Wash

Hand Held Wand	N	Cloth	N
Full Service	N	Touchless	N
Brush	N	Dryer	N
		Wax	N

Car Wash Price With Fill ($) | Without Fill ($) | Pay at Pump

Category:	CASE	Case ID:	8	Report #:	403
Volumes/Sales	MONTHLY	Case Name:	8048/cs2/new/traf	Market:	BALTIMORE T1
Market Revision:	0	Case Description:		Survey Date:	DEC 1, 1995
		Strategy:	NEW BUILD	Run Date:	Apr 30, 1997

Case: Outlet Detail - Gasoline

Outlet	900001	*Type of Facility* GAS MART	*Brand Sign* CITGO
Intersection	369		
First Street Address	OWINGS MIL OWINGS MILLS	**Suburb** BALT T1	**Type Operation** COMPANY
Second Street Address	CRONDAL CRONDALL	**Type Location** CITY STR	**Near/Far Corner** NEAR
Site Location T-INT	**Direction** SE	**Has Access To Third Street** N	

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	9		2	40	N	N
Second Street	8		2	25	N	N

Fueling Positions

	Pumps	Nozzles	Canopy	No Canopy
Attendant	0	0	0	0
Self	4	24	8	0
Automat	0	0	0	0
Diesel	0	0	0	0

Pump Type

Mechanical	N
Electronic	N
Single Hose	N
Multi-Hose	Y
Starting Gate	

Ratings

Accessibility	3
Visibility	3
Appearance	4
Interstate Awareness	0
Interstate Convenience	0
Number of Bypass Lanes	3

Additional Services

ATM	Y
Check Cashing	N
Money Orders	Y
Automat After Hours	N
Lottery Tickets	Y
Postal Services	N

Lot Size

Front	251-300
Depth	251-300
Diesel Volume (000)	0
Gasoline Volume (000)	137

Auto Service/Repair

Number of Bays	0
Quick Oil Change	0

Pump Prices	Unleaded Regula	Post	Unleaded Midgra	Post	Unleaded Premiu	Post	Grade4	Post	Grade5	Post
Attendant		N		N		N		N		N
Self	[redacted]	Y	[redacted]	Y	[redacted]	Y		N		N
Automat		N		N		N		N		N
Diesel		N								

Discount For Cash

Avg. Credit Difference

Percent Business Done Thru Credit Cards

Type Service

Method of Payment

Pre-pay	N
Post-pay	Y
Exact Change After Hours	N
Bill Acceptor	N
Credit Card Acceptor	Y
ATM Card Acceptor	N

Payment Location	SALE OFC
Credit/Debit Location	PUMP ISL

Credit Cards

Company	Y
Bank/National	Y
Other Oil Cards	N
Number of Registers	2

Manned Hours Open

Monday - Friday	24
Saturday	24
Sunday	24
Attnd. Serve Not Offered	0

Convenience Store

Store Name	7-ELEVEN
Inside Appearance	5
Store Type	CSTORE
Sell. Space(meters/ft.)	2201-3000
Bread Rack	4
Chip Rack	LARGE
Cake Rack	LARGE
No. of Total Cooler Doors	4
No. of Fount. Drink Spigots	10
No. of Parking	12
[redacted]	

Fast Food

Chain Name 1

Chain Name 2

Chain Name 3

Breakfast	N
Lunch	N
Dinner	N
Drive-Up Window	N
No. of Inside Seats	0
Fast Food Sales ($000)	0

Food Segment

Pizza	N	Mexican	N	Chicken	N	Donuts	N
Hamburger	N	Sandwich	N	Fish	N	Other	N

Car Wash Building

Type Bldg.	
No. of Bays	0
No. of Car Wash Sales	0

Car Wash Facility

In Bay	N	Long Conveyor	N
Warehouse	N	*Short Drive-Thru*	N
Short Conveyor	N	Long Drive-Thru	N

Type Wash

Hand Held Wand	N	Cloth	N
Full Service	N	*Touchless*	N
Brush	N	Dryer	N
		Wax	N

Car Wash Price With Fill ($) Without Fill ($) Pay at Pump

Category:	CASE	Case ID:	9	Report #:	403
Volumes/Sales:	MONTHLY	Case Name:	8048/cs3/newtraf	Market:	BALTIMORE T1
Market Revision:	0	Case Description:		Survey Date:	DEC 1, 1995
		Strategy:	NEW BUILD	Run Date:	Apr 30, 1997

Case: Outlet Detail - Gasoline

Outlet	900001	Type of Facility GAS MART	Brand Sign CITGO
Intersection	369		
First Street Address	OWINGS MIL OWINGS MILLS	Suburb BALT T1	Type Operation COMPANY
Second Street Address	CRONDAL CRONDALL	Type Location CITY STR	Near/Far Corner NEAR
Site Location T-INT	Direction SE	Has Access To Third Street N	

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	9		2	40	N	N
Second Street	8		2	25	N	N

Fueling Positions

	Pumps	Nozzles	Canopy	No Canopy
Attendant	0	0	0	0
Self	6	36	13	0
Automat	0	0	0	0
Diesel	0	0	0	0

Pump Type

Mechanical	N
Electronic	N
Single Hose	N
Multi-Hose	Y
Starting Gate	

Ratings

Accessibility	3
Visibility	3
Appearance	4
Interstate Awareness	0
Interstate Convenience	0
Number of Bypass Lanes	3

Additional Services

ATM	Y
Check Cashing	N
Money Orders	Y
Automat After Hours	N
Lottery Tickets	Y
Postal Services	N

Lot Size

Front	251-300
Depth	251-300
Diesel Volume (000)	0
Gasoline Volume (000)	141

Auto Service/Repair

Number of Bays	0
Quick Oil Change	0

Pump Prices	Unleaded Regula	Post	Unleaded Midgra	Post	Unleaded Premiu	Post	Grade4	Post	Grade5	Post
Attendant		N		N		N		N		N
Self	[redacted]	Y	[redacted]	Y	[redacted]	Y		N		N
Automat		N		N		N		N		N
Diesel		N								

Discount For Cash

Avg. Credit Difference | Percent Business Done Thru Credit Cards | Type Service

Method of Payment

Pre-pay	N
Post-pay	Y
Exact Change After Hours	N
Bill Acceptor	N
Credit Card Acceptor	Y
ATM Card Acceptor	N

Payment Location	SALE OFC
Credit/Debit Location	PUMP ISL

Credit Cards

Company	Y
Bank/National	Y
Other Oil Cards	N
Number of Registers	2

Manned Hours Open

Monday - Friday	24
Saturday	24
Sunday	24
Attnd. Serve Not Offered	0

Convenience Store

Store Name	7-ELEVEN
Inside Appearance	5
Store Type	CSTORE
Sell. Space(meters/ft.)	2201-3000
Bread Rack	4
Chip Rack	LARGE
Cake Rack	LARGE
No. of Total Cooler Doors	4
No. of Fount. Drink Spigots	10
No. of Parking	12
[redacted]	

Fast Food

Chain Name 1

Chain Name 2

Chain Name 3

Breakfast	N
Lunch	N
Dinner	N
Drive-Up Window	N
No. of Inside Seats	0
Fast Food Sales ($000)	0

Food Segment

Pizza	N	Mexican	N	Chicken	N	Donuts	N
Hamburger	N	Sandwich	N	Fish	N	Other	N

Car Wash Building

Type Bldg.	
No. of Bays	0
No. of Car Wash Sales	0

Car Wash Facility

In Bay	N	Long Conveyor	N
Warehouse	N	Short Drive-Thru	N
Short Conveyor	N	Long Drive-Thru	N

Type Wash

Hand Held Wand	N	Cloth	N
Full Service	N	Touchless	N
Brush	N	Dryer	N
		Wax	N

Car Wash Price With Fill ($) | Without Fill ($) | Pay at Pump

Category:	CASE	Case ID:	10	Report #:	403
Volumes/Sales:	MONTHLY	Case Name:	8048/cs4/newtraf	Market:	BALTIMORE T1
Market Revision:	0	Case Description:		Survey Date:	DEC 1, 1995
		Strategy:	NEW BUILD	Run Date:	May 2, 1997

Case: Outlet Detail - Gasoline

Outlet 900001 Type of Facility GAS MART Brand Sign CITGO
Intersection 369

First Street Address CRONDALL CRONDALL Suburb BALT T1 Type Operation COMPANY

Second Street Address Type Location CITY STR Near/Far Corner

Site Location INSIDE Direction S Has Access To Third Street N

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	8		2	25	N	N
Second Street					N	N

Fueling Positions

	Pumps	Nozzles	Canopy	No Canopy
Attendant	0	0	0	0
Self	6	36	13	0
Automat	0	0	0	0
Diesel	0	0	0	0

Pump Type
Mechanical N
Electronic N
Single Hose N
Multi-Hose Y
Starting Gate

Ratings
Accessibility 3
Visibility 3
Appearance 4
Interstate Awareness 0
Interstate Convenience 0

Number of Bypass Lanes 3

Additional Services
ATM Y
Check Cashing N
Money Orders Y
Automat After Hours N
Lottery Tickets Y
Postal Services N

Lot Size
Front 251-300
Depth 251-300

Diesel Volume (000) 0
Gasoline Volume (000) 139

Auto Service/Repair
Number of Bays 0
Quick Oil Change 0

Pump Prices	Unleaded Regula	Post	Unleaded Midgra	Post	Unleaded Premiu	Post	Grade4	Post	Grade5	Post
Attendant		N		N		N		N		N
Self	[redacted]	Y	[redacted]	Y	[redacted]	Y		N		N
Automat		N		N		N		N		N
Diesel		N								

Discount For Cash
Avg. Credit Difference

Percent Business Done Thru Credit Cards

Type Service

Method of Payment
Pre-pay N
Post-pay Y
Exact Change After Hours N
Bill Acceptor N
Credit Card Acceptor Y
ATM Card Acceptor N

Payment Location SALE OFC
Credit/Debit Location PUMP ISL

Credit Cards
Company Y
Bank/National Y
Other Oil Cards N

Number of Registers 2

Manned Hours Open
Monday - Friday 24
Saturday 24
Sunday 24
Attnd. Serve Not Offered 0

Convenience Store
Store Name 7-ELEVEN
Inside Appearance 5

Store Type CSTORE
Sell. Space(meters/ft.) 2201-3000
Bread Rack 4
Chip Rack LARGE
Cake Rack LARGE

No. of Total Cooler Doors 4
No. of Fount. Drink Spigots 10

No. of Parking 12 [redacted]

Fast Food
Chain Name 1

Chain Name 2

Chain Name 3

Breakfast N
Lunch N
Dinner N
Drive-Up Window N
No. of Inside Seats 0
Fast Food Sales ($000) 0

Food Segment
Pizza N Mexican N Chicken N Donuts N
Hamburger N Sandwich N Fish N Other N

Car Wash Building
Type Bldg.
No. of Bays 0
No. of Car Wash Sales 0

Car Wash Facility
In Bay N Long Conveyor N
Warehouse N Short Drive-Thru N
Short Conveyor N Long Drive-Thru N

Type Wash
Hand Held Wand N Cloth N
Full Service N Touchless N
Brush N Dryer N
Wax N

Car Wash Price With Fill ($) Without Fill ($) Pay at Pump

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 6, 1999

I. William Chase, Esquire
CHASE & CHASE
Suite 124
1190 W. Northern Parkway
Baltimore, MD 21210

RE: Case No. 98-269-X
Crondall Lane, LLC
/Southland Corporation
(CCt #3-C-98-05820)

Dear Mr. Chase:

Enclosed please find your copy of the package of documents which the Board determined could be admitted as evidence by Counsel for Southland Corporation.

Very truly yours,

Charlotte E. Radcliffe
Legal Secretary

/cer

Enclosure

OFFICE
(410) 433-4100

FAX
(410) 433-4174

I. WILLIAM CHASE
ATTORNEY AT LAW

RESIDENCE
(410) 363-4295

CHASE & CHASE
SUITE 124
1190 W NORTHERN PARKWAY
BALTIMORE, MD 21210

have delivered to P. Zumwinkel and R. Deeley on 10/05/99.

FILE

Printed with Soybean Ink
on Recycled Paper

OWINGS MILLS BOULEVARD
R/W VARIES

MAGNETIC

N 86°10'51" W
30.00'

R=7604.43'
L=258.15'

R=7574.43'
L=40.56'

N 05°45'51" E
350.29'

POLE SIGN

N 51°56'06" E
57.74'

S 85°26'20" E
64.89'

STORMWATER MANAGEMENT AREA

(3) 10000-GAL. U. F. S. T.

PROPOSED 40' X 90' CANOPY

PROPOSED 42' X 92' CONC. PAD

EXISTING WOODED AREA

S 56°16'09" W
377.01'

60'

175'±

24'

PROPOSED 7-ELEVEN 2,914 SQ.FT.

49'

60'

30'

S 65°56'50" E
122.58'

S 08°25'07" E
423.92'

CRONDALL LANE
R/W VARIES

EXISTING

SITE ANALYSIS

SITE AREA: 3.675 AC± OR 160083. SQ.FT.±

ZONING: ML-IM

SETBACKS:	REQUIRED	PROVIDED
FRONT	50'	175±'
SIDE	30'	>30'
REAR	30'	30'
CANOPY	15'	67±'

PARKING:
REQUIRED: 2940 SQ. FT./ 200 =14.7, SAY, 15 SPACES
PROVIDED: 20 SPACES

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone. (410) 653-3838
Facsimile: (410) 653-7953

CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE: 1"=50' DATE: 12-18-96

NO.: 1

CMR NO.: 96160

S BOULEVARD
RIES

MAGNETIC

SEEN AND APPROVED BY:

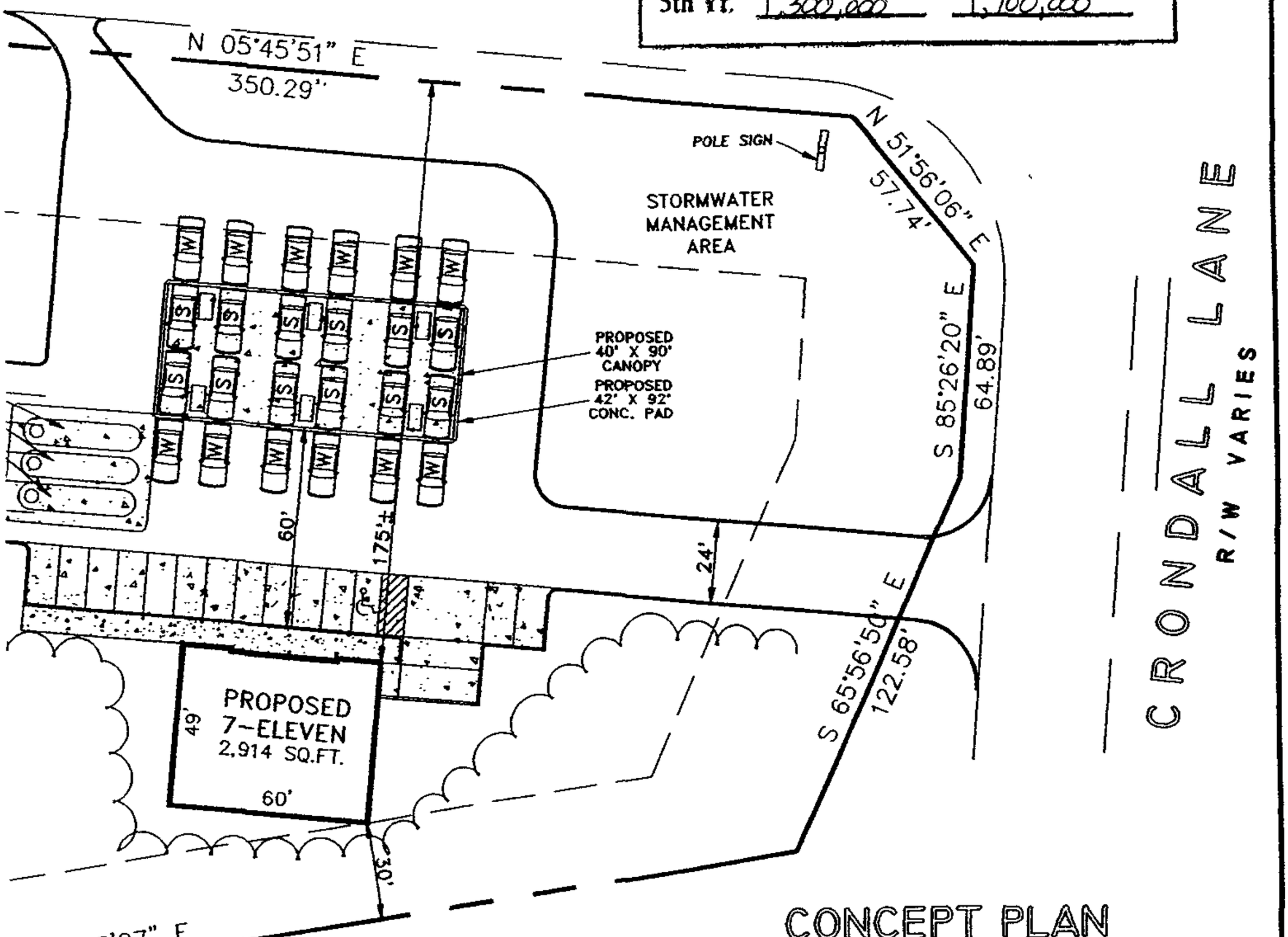
Real Estate _____

Construction _____

Gasoline _____

Division Manager _____

Estimates:	MDSE.	GAS
1st Yr.	1,000,000	1,500,000
3rd Yr.	1,200,000	1,600,000
5th Yr.	1,300,000	1,700,000



CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

SCALE: 1"=50' DATE: 12-18-96

NO.: 1

CMR NO.: 96160

Colbert Matz Rosenfelt, Inc.

Engineers • Surveyors • Planners

3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

4/97

for submission

pbj

FILE

SITE EVALUATION FORM

Location: Owings Mills Blvd @ Crondall La. Owings Mills, MD

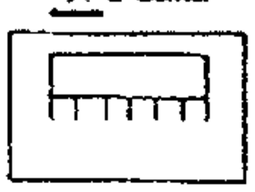
Store No.

Evaluator: Ed Zimmerman

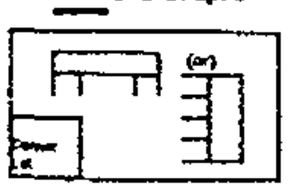
Date: 2/15/87

1 Define the type of lot:

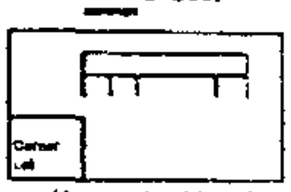
X a Corner



___ b L-Shaped

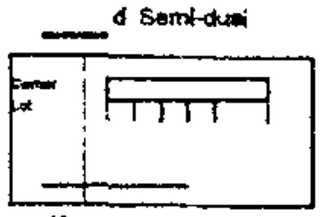


___ c Dual



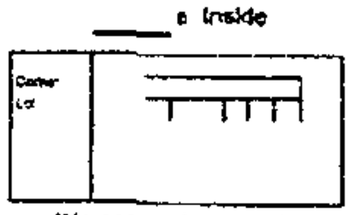
(Access to side st.)

___ d Semi-dual



(Access across corner)

___ e Inside



(No access to corner)

2. Rate maneuverability on the lot:

X a. Good (Medium to large size lot, level elevation, at street grade)

___ b. Poor (Small lot, sloping elevation, not at street grade)

3. Describe the cohesiveness of the site:

X a. Located in or near large shopping center or small n'hood or pocket shopping center, 100 or more workers within 1/4 mile.

___ b. Adjacent to 5 or more shops, 50 workers in 1/4 mile.

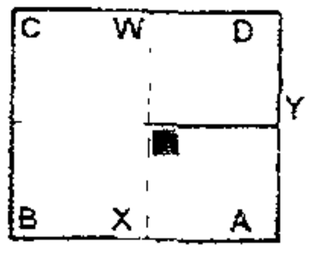
___ c Next to 2 or 3 shops, 25 workers in 1/4 mile.

___ d. Located in residential, agricultural or vacant area with no shops or just one shop adjoining.

4 Type of Community: ___ Urban X Suburban ___ Rural

5 Rate how well people see the store building and/or pole sign as they approach the site from the directions shown on the diagram. Label the facing street "W", "X" Label the side street "Y", "Z" Label the quadrants A, B C, D in a clockwise direction using A as the site quadrant.

	W	X	Y	Z
a Good (over 750')	X	X	X	
b. Average (500' to 750')				
c. Poor (less than 500')				
d No visibility				



6. Rate the traffic flow past the site, by quadrants, according to the routes people in each quadrant take when coming home from work and going to do their weekly grocery shopping. Be sure these ratings agree with the arrows on map 5.

	FROM WORK				TO SHOPPING			
	A	B	C	D	A	B	C	D
a. 65% or more pass site	X	X	X	X	X	X	X	X
b Between 35% and 65% pass site								
c. Less than 35% pass site								

7 Indicate the difficulty in reaching the site from the opposite side of the street during rush hours (4 to 6 PM).

	FACING STREET	SIDE STREET
a Not Possible		
b. Extremely Difficult		
c. Difficult		
d Slightly Difficult	X	
e Easy		X
f. One-Way		
Facing street name	Owings Mills Blvd.	

7a If any of Item 7 are rated a-d, then the problems are due to (check appropriate items).

	FACING STREET	SIDE STREET
a. Islands or Medians		
b. Heavy Traffic	X	
c. Cars backed up to light		
d. Speed of Traffic		
e Back-up turn lanes opposite side		
f. Other, explain		

8 Describe any situations which would cause grid area residents to take an indirect route to the site, including any psychological or physical barriers.
Railroad track runs parallel to Owings Mills Blvd and prevents residents from direct access to Highway 140 (Reisterstown Rd.)

9. Describe briefly any traffic flow, visibility, lot grade or access problems not covered above.

10 If walk-up business contributes 10% of sales of an average 7-Eleven, rate the walk-up at this site Exclude any business attributable to children under 12.

___ Much below average
X Below average
___ Average
___ Above average
___ Very much above average

11. Describe the character of any walk-up expected.

X People working in area
___ Trailer Residents
___ Apartment Residents
___ Home Residents
___ Other, Explain
___ High School Students
___ Jr High School Students

12. 7-ELEVEN (If none in grid, then nearest)

	PRIOR YEAR: (000's)			PRIOR YEAR YTD (000's)			CURRENT YEAR YTD (000's)		
	Mdse.	Gal.	Net	Mdse.	Gal	Net	Mdse	Gal	Net
NONE IN GRID									
#									
#									
#									
#									
#									
___ Stores									
7-Eleven Avg.									
Mkt Avg.									

13 TRADE AREA HOUSEHOLD INCOME RANGE : (show %)

To $30,000	$30,000-$40,000	$40,000-$50,000	$50,000+
20%	24%	24%	22%

14 CUSTOMER CHARACTERISTICS . (show %)

White	Black	Hispanic	Asian	Other	Male	Female
76%	19%	1%	3%	1%		

15. TRADE AREA HOUSECOUNTS

Quad A	Quad B	Quad C	Quad D		Total
30	15	440	1,600	=	2,085

16 BEER AND WINE

Site Classification:
___ Wet area, wet store
___ Wet area, dry store
X Dry area
___ Wet area on boundary of dry
___ Wet area on boundary/Sunday dry

Competition Classification
Nearest Super sells Beer?
Yes_____ No X
No days open per week 7
Nearest Conv store sells Beer?
Yes_____ No X
No. days open per week 7

17 INFORMATION FOR 5TH YEAR ESTIMATE

If you anticipate any changes will take place in the first 5 years of operation, please complete the information below

a New houses, apartments, or trailers in the grid area. List in each quadrant fine the type and number of new units to be built in that quadrant showing the number U C., Planned, or Probable and date in each category. Under "Remarks" add pertinent information such as zoning, permits approved, financing, etc.

QUADRANT LOCATION	TYPE (HSE APT TR.)	NO. OF UNITS	EST DATE OF COMPLETION U C	PLANNED	PROBABLE	REMARKS
A						
B						
C						
D						

b. New competition. List the nearest intersection as location of expected new competition, add to competition list and show symbol on Map 2.

FACING STREET	SIDE STREET	ACCESS TO SIDE STREET	TYPE	EST DATE OF COMPLETION U C	PLANNED	PROBABLE

c Describe any other anticipated changes that may affect sales: (Altered traffic patterns, 24 hours of operation planned, dry area going wet, future activity generators, etc)

24 hour operation

18. 24-HOUR EVALUATION

a List the following type activity generators that are open after 11:00 PM and are located within three blocks (or 3/8 of a mile) of the site: Shops, taverns, nightclubs, laundromats, movies, theaters, sporting arenas, eating establishments, businesses or plants that have a midnight shift

NAME	TYPE ACTIVITY	DISTANCE FROM SITE (MILES)

b Describe below any unusual activities or characteristics that may increase or decrease the sales between 11 PM and 7 AM

Our facing street is a collector road for all side streets and is the only through north/south road in the trade area.

CUSTOM SUMMARY REPORT
(POP FACTS: FULL DATA REPORT)
BY EQUIFAX NATIONAL DECISION SYSTEMS 800-866-6510
PREPARED FOR
The Southland Corp.

Owings Mills Blvd and Crondall Site:658326
Owings Mills, MD COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
POPULATION			
2001 PROJECTION	1,171	5,467	24,034
1996 ESTIMATE	1,124	5,223	22,913
1990 CENSUS	1,136	5,217	21,952
1980 CENSUS	1,258	5,579	20,301
GROWTH 1980 - 1990	-9.68%	-6.49%	8.13%
HOUSEHOLDS			
2001 PROJECTION	566	2,517	9,651
1996 ESTIMATE	546	2,418	9,127
1990 CENSUS	519	2,281	8,395
1980 CENSUS	539	2,287	7,319
GROWTH 1980 - 1990	-3.74%	-0.22%	14.70%
1996 ESTIMATED POPULATION BY RACE	1,124	5,223	22,913
WHITE	61.42%	61.49%	76.39%
BLACK	36.02%	35.24%	19.94%
ASIAN & PACIFIC ISLANDER	1.74%	2.36%	2.86%
OTHER RACES	0.82%	0.91%	0.81%
1996 ESTIMATED POPULATION	1,124	5,223	22,913
HISPANIC ORIGIN	1.48%	1.93%	1.98%
OCCUPIED UNITS	519	2,281	8,395
OWNER OCCUPIED	16.07%	15.62%	50.27%
RENTER OCCUPIED	83.93%	84.38%	49.73%
1990 AVERAGE PERSONS PER HH	2.19	2.23	2.55
1996 EST. HOUSEHOLDS BY INCOME	546	2,418	9,127
$150,000 OR MORE	4.97%	4.04%	6.81%
$100,000 TO $149,999	0.00%	1.34%	5.54%
$ 75,000 TO $ 99,999	4.17%	5.08%	7.95%
$ 50,000 TO $ 74,999	15.92%	16.90%	22.54%
$ 35,000 TO $ 49,999	24.41%	23.03%	18.58%
$ 25,000 TO $ 34,999	22.65%	20.87%	15.27%
$ 15,000 TO $ 24,999	18.56%	16.76%	12.36%
$ 5,000 TO $ 15,000	8.39%	10.36%	8.86%
UNDER $ 5,000	0.95%	1.60%	2.09%
1996 EST. AVERAGE HOUSEHOLD INCOME	$46,506	$46,263	$59,176
1996 EST. MEDIAN HOUSEHOLD INCOME	$34,720	$35,269	$44,219
1996 EST. PER CAPITA INCOME	$22,606	$21,473	$23,644

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Owings Mills, MD

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DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
1996 ESTIMATED POPULATION BY SEX	1,124	5,223	22,913
MALE	46.87%	46.25%	47.81%
FEMALE	53.13%	53.75%	52.19%
MARITAL STATUS	929	4,172	17,090
SINGLE MALE	18.23%	18.68%	15.68%
SINGLE FEMALE	19.31%	19.33%	14.76%
MARRIED	42.60%	40.76%	52.03%
PREVIOUSLY MARRIED MALE	6.59%	6.57%	5.18%
PREVIOUSLY MARRIED FEMALE	13.27%	14.65%	12.36%
HOUSEHOLDS WITH CHILDREN	145	742	3,332
MARRIED COUPLE FAMILY	57.28%	55.47%	68.97%
OTHER FAMILY-MALE HEAD	9.27%	8.13%	5.17%
OTHER FAMILY-FEMALE HEAD	31.29%	34.41%	24.50%
NON FAMILY	2.17%	2.00%	1.36%
1996 ESTIMATED POPULATION BY AGE	1,124	5,223	22,913
UNDER 5 YEARS	7.78%	8.58%	9.14%
5 TO 9 YEARS	6.84%	7.52%	8.16%
10 TO 14 YEARS	4.83%	5.57%	6.40%
15 TO 17 YEARS	2.48%	2.65%	3.16%
18 TO 20 YEARS	2.76%	2.76%	2.70%
21 TO 24 YEARS	7.36%	7.31%	5.35%
25 TO 29 YEARS	13.80%	13.04%	9.49%
30 TO 34 YEARS	11.26%	11.80%	10.76%
35 TO 39 YEARS	10.46%	10.66%	10.79%
40 TO 49 YEARS	14.53%	14.43%	16.49%
50 TO 59 YEARS	7.42%	6.36%	7.54%
60 TO 64 YEARS	2.94%	2.55%	2.94%
65 TO 69 YEARS	1.88%	1.99%	2.40%
70 TO 74 YEARS	2.38%	2.06%	1.98%
75 + YEARS	3.28%	2.72%	2.71%
MEDIAN AGE	31.86	31.10	32.60
AVERAGE AGE	33.39	32.12	32.66

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DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
1996 ESTIMATED FEMALE POP. BY AGE	597	2,807	11,958
UNDER 5 YEARS	6.83%	7.75%	8.08%
5 TO 9 YEARS	6.42%	7.34%	7.86%
10 TO 14 YEARS	5.08%	5.70%	6.38%
15 TO 17 YEARS	2.52%	2.51%	2.92%
18 TO 20 YEARS	3.10%	2.91%	2.70%
21 TO 24 YEARS	7.40%	7.54%	5.65%
25 TO 29 YEARS	15.19%	13.98%	9.94%
30 TO 34 YEARS	10.25%	11.04%	10.63%
35 TO 39 YEARS	10.52%	10.40%	10.60%
40 TO 49 YEARS	14.79%	14.40%	16.44%
50 TO 59 YEARS	7.30%	6.40%	7.76%
60 TO 64 YEARS	2.97%	2.63%	3.00%
65 TO 69 YEARS	2.03%	2.21%	2.61%
70 TO 74 YEARS	2.70%	2.31%	2.29%
75 + YEARS	2.91%	2.88%	3.14%
FEMALE MEDIAN AGE	31.81	31.04	33.04
FEMALE AVERAGE AGE	33.63	32.61	33.51
POPULATION BY HOUSEHOLD TYPE	1,136	5,217	21,952
FAMILY HOUSEHOLDS	72.94%	72.73%	82.18%
NON-FAMILY HOUSEHOLDS	27.06%	24.71%	15.30%
GROUP QUARTERS	0.00%	2.56%	2.51%
HOUSEHOLDS BY TYPE	519	2,281	8,395
SINGLE MALE	15.15%	13.97%	9.15%
SINGLE FEMALE	20.22%	19.97%	14.57%
MARRIED COUPLE	36.05%	35.60%	51.23%
OTHER FAMILY-MALE HEAD	3.91%	3.85%	3.33%
OTHER FAMILY-FEMALE HEAD	13.40%	16.08%	14.33%
NON FAMILY-MALE HEAD	7.38%	6.54%	4.34%
NON FAMILY-FEMALE HEAD	3.89%	4.00%	3.04%
POPULATION BY URBAN VS. RURAL	1,120	5,190	21,935
URBAN	100.00%	100.00%	90.92%
RURAL	0.00%	0.00%	9.08%

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DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
FEMALES 16+ WITH CHILDREN 0 - 17: BAS	507	2,256	9,007
WORKING WITH CHILD 0 - 5	3.52%	4.83%	5.72%
NOT WORKING WITH CHILD 0 - 5	0.00%	0.32%	0.48%
NOT IN LABOR FORCE WITH CHILD 0 -	1.69%	2.51%	3.70%
WORKING WITH CHILD 6 - 17	9.08%	11.27%	13.21%
NOT WORKING WITH CHILD 6 - 17	0.66%	0.51%	0.38%
NOT IN LAB. FORCE WITH CHILD 6 -	2.18%	2.41%	3.18%
WORKING WITH CHILD 0 - 5 & 6 - 18	2.66%	3.18%	4.07%
NOT WORKING WITH CHILD 0-5 & 6-18	0.00%	0.29%	0.62%
NOT IN LAB. FORCE W/CHILD 0-5 &6-	0.42%	1.15%	2.04%
WORKING WITH NO CHILDREN	56.61%	52.81%	45.80%
NOT WORKING WITH NO CHILDREN	0.54%	1.47%	1.39%
NOT IN LAB. FORCE WITH NO CHILD.	22.64%	19.26%	19.42%
HH BY AGE BY POVERTY STATUS	531	2,306	8,481
ABOVE POVERTY UNDER AGE 65	87.24%	86.75%	84.66%
ABOVE POVERTY AGE 65 +	9.47%	7.88%	9.78%
BELOW POVERTY UNDER AGE 65	2.77%	4.22%	4.31%
BELOW POVERTY AGE 65 +	0.52%	1.14%	1.25%
POPULATION 16+ BY EMPLOYMENT STATUS	928	4,106	16,869
EMPLOYED IN ARMED FORCES	0.36%	0.27%	0.18%
EMPLOYED CIVILIANS	74.47%	75.17%	74.15%
UNEMPLOYED CIVILIANS	3.37%	4.01%	3.05%
NOT IN LABOR FORCE	21.80%	20.55%	22.62%
POPULATION 16+ BY OCCUPATION	691	3,087	12,508
EXECUTIVE AND MANAGERIAL	11.79%	13.12%	16.54%
PROFESSIONAL SPECIALTY	11.13%	11.23%	15.09%
TECHNICAL SUPPORT	8.52%	6.16%	5.25%
SALES	10.95%	11.38%	13.66%
ADMINISTRATIVE SUPPORT	25.40%	24.57%	19.15%
SERVICE: PRIVATE HOUSEHOLD	0.00%	0.36%	0.64%
SERVICE: PROTECTIVE	1.82%	1.87%	1.61%
SERVICE: OTHER	10.46%	11.17%	8.65%
FARMING FORESTRY & FISHING	0.97%	1.15%	1.10%
PRECISION PRODUCTION & CRAFT	10.59%	9.15%	9.10%
MACHINE OPERATOR	3.46%	3.81%	3.48%
TRANS. AND MATERIAL MOVING	2.89%	3.52%	3.56%
LABORERS	2.04%	2.50%	2.17%

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DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
FAMILIES BY NUMBER OF WORKERS	275	1,267	5,876
NO WORKERS	6.92%	5.70%	5.09%
ONE WORKER	37.00%	36.77%	27.40%
TWO WORKERS	40.28%	44.15%	52.90%
THREE + WORKERS	15.80%	13.39%	14.61%
HISPANIC POPULATION BY TYPE	1,136	5,217	21,952
NOT HISPANIC	98.65%	98.09%	98.05%
MEXICAN	0.32%	0.32%	0.28%
PUERTO RICAN	0.22%	0.32%	0.34%
CUBAN	0.08%	0.11%	0.10%
OTHER HISPANIC	0.73%	1.16%	1.22%
1996 HISPANICS BY RACE: BASE	17	101	453
WHITE	46.56%	47.64%	57.33%
BLACK	20.27%	20.96%	13.16%
ASIAN	3.69%	5.36%	3.62%
OTHER	29.49%	26.04%	25.90%
POPULATION BY TRANSPORTATION TO WORK	678	3,024	12,325
DRIVE ALONE	74.36%	74.73%	78.30%
CAR POOL	12.94%	12.37%	11.30%
PUBLIC TRANSPORTATION	10.85%	10.01%	6.14%
DRIVE MOTORCYCLE	0.00%	0.07%	0.05%
WALKED ONLY	0.50%	1.34%	1.73%
OTHER MEANS	0.50%	0.38%	0.36%
WORKED AT HOME	0.86%	1.10%	2.12%
POPULATION BY TRAVEL TIME TO WORK	678	3,024	12,325
UNDER 10 MINUTES / WORK AT HOME	9.93%	11.37%	12.33%
10 TO 29 MINUTES	43.03%	43.21%	44.44%
30 TO 59 MINUTES	41.79%	39.33%	38.21%
60 TO 89 MINUTES	4.84%	5.53%	4.45%
90+ MINUTES	0.41%	0.55%	0.57%
AVERAGE TRAVEL TIME IN MINUTES	27.20	26.58	25.33
HOUSEHOLDS BY NO. OF VEHICLES	520	2,278	8,290
NO VEHICLES	5.01%	7.94%	6.49%
1 VEHICLE	54.02%	51.53%	36.74%
2 VEHICLES	35.72%	33.55%	42.54%
3+ VEHICLES	5.25%	6.98%	14.22%
ESTIMATED TOTAL VEHICLES	740	3,210	13,872

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DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
POPULATION 25+ BY EDUCATION LEVEL	777	3,402	14,183
ELEMENTARY (0-8)	8.22%	7.76%	7.91%
SOME HIGH SCHOOL (9-11)	11.50%	12.24%	11.20%
HIGH SCHOOL GRADUATE (12)	27.71%	27.29%	25.60%
SOME COLLEGE (13-15)	22.29%	22.96%	20.77%
ASSOCIATES DEGREE ONLY	4.58%	5.65%	6.92%
BACHELORS DEGREE ONLY	18.49%	17.16%	18.28%
GRADUATE DEGREE	7.21%	6.95%	9.32%
POPULATION ENROLLED IN SCHOOL	243	1,227	5,537
PUBLIC PRE- PRIMARY	1.89%	3.93%	4.87%
PRIVATE PRE- PRIMARY	0.00%	1.56%	5.95%
PUBLIC ELEM/HIGH	48.52%	51.21%	53.77%
PRIVATE ELEM/HIGH	1.26%	1.68%	4.84%
ENROLLED IN COLLEGE	48.33%	41.61%	30.57%
HOUSING UNITS BY OCCUPANCY STATUS	570	2,462	8,795
OCCUPIED	91.11%	92.68%	95.45%
VACANT	8.89%	7.32%	4.55%
VACANT UNITS	51	180	400
FOR RENT	88.48%	91.41%	68.85%
FOR SALE ONLY	2.58%	2.71%	18.81%
SEASONAL	3.18%	2.14%	2.62%
OTHER	5.76%	3.73%	9.72%
OWNER OCCUPIED PROPERTY VALUES	76	330	3,731
UNDER $25,000	0.00%	0.06%	0.09%
$25,000 TO $49,999	3.96%	1.89%	0.97%
$50,000 TO $74,999	13.10%	10.98%	14.47%
$75,000 TO $99,999	34.23%	34.37%	29.57%
$100,000 TO $149,999	32.26%	35.22%	28.73%
$150,000 TO $199,999	6.50%	10.73%	7.63%
$200,000 TO $299,999	9.43%	6.21%	10.88%
$300,000 TO $399,999	0.53%	0.48%	4.54%
$400,000 TO $499,999	0.00%	0.06%	1.53%
$500,000 +	0.00%	0.00%	1.59%
MEDIAN PROPERTY VALUE	$105,095	$107,692	$131,318
TOTAL RENTAL UNITS	431	1,897	4,051
MEDIAN RENT	$465	$439	$424

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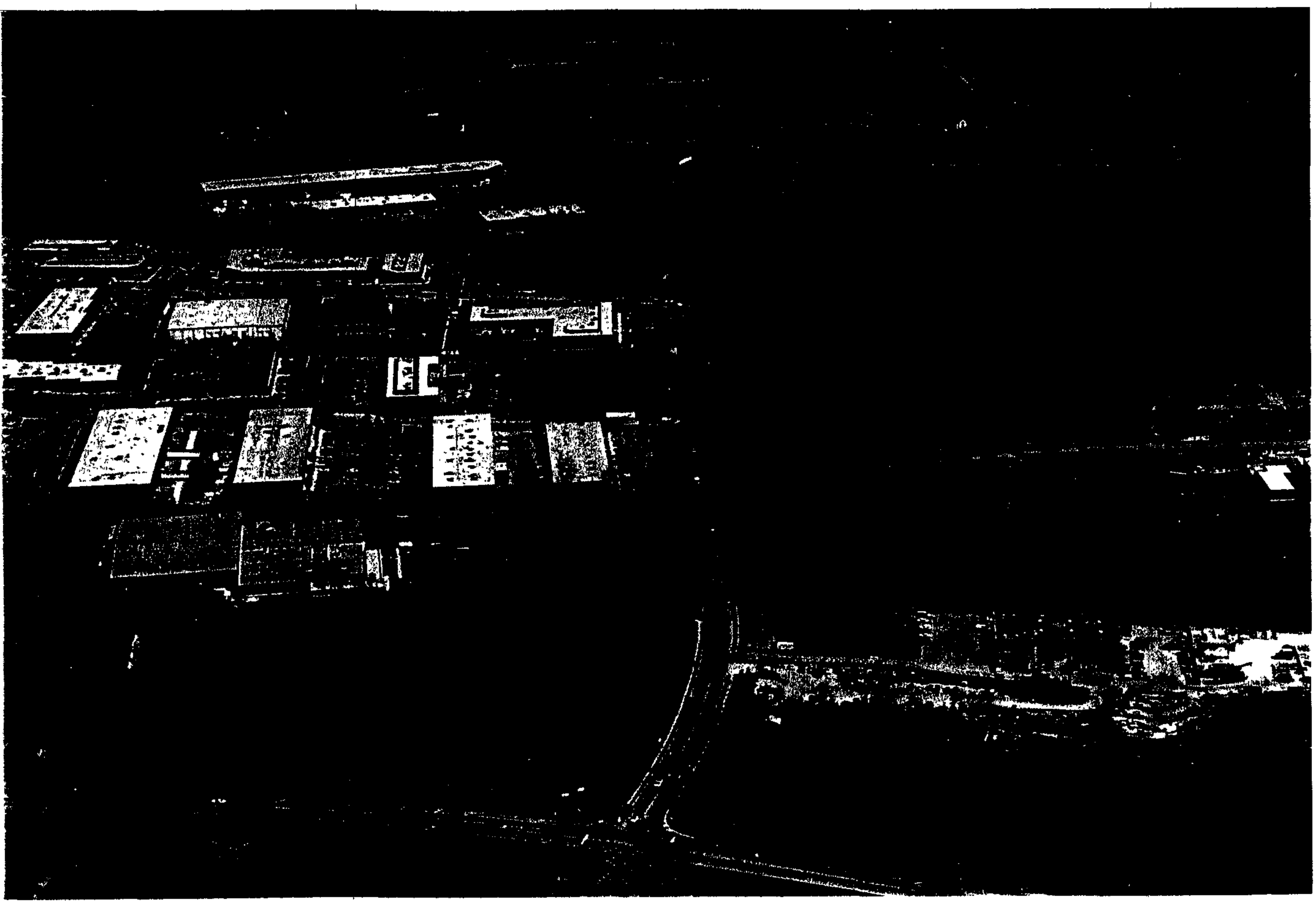
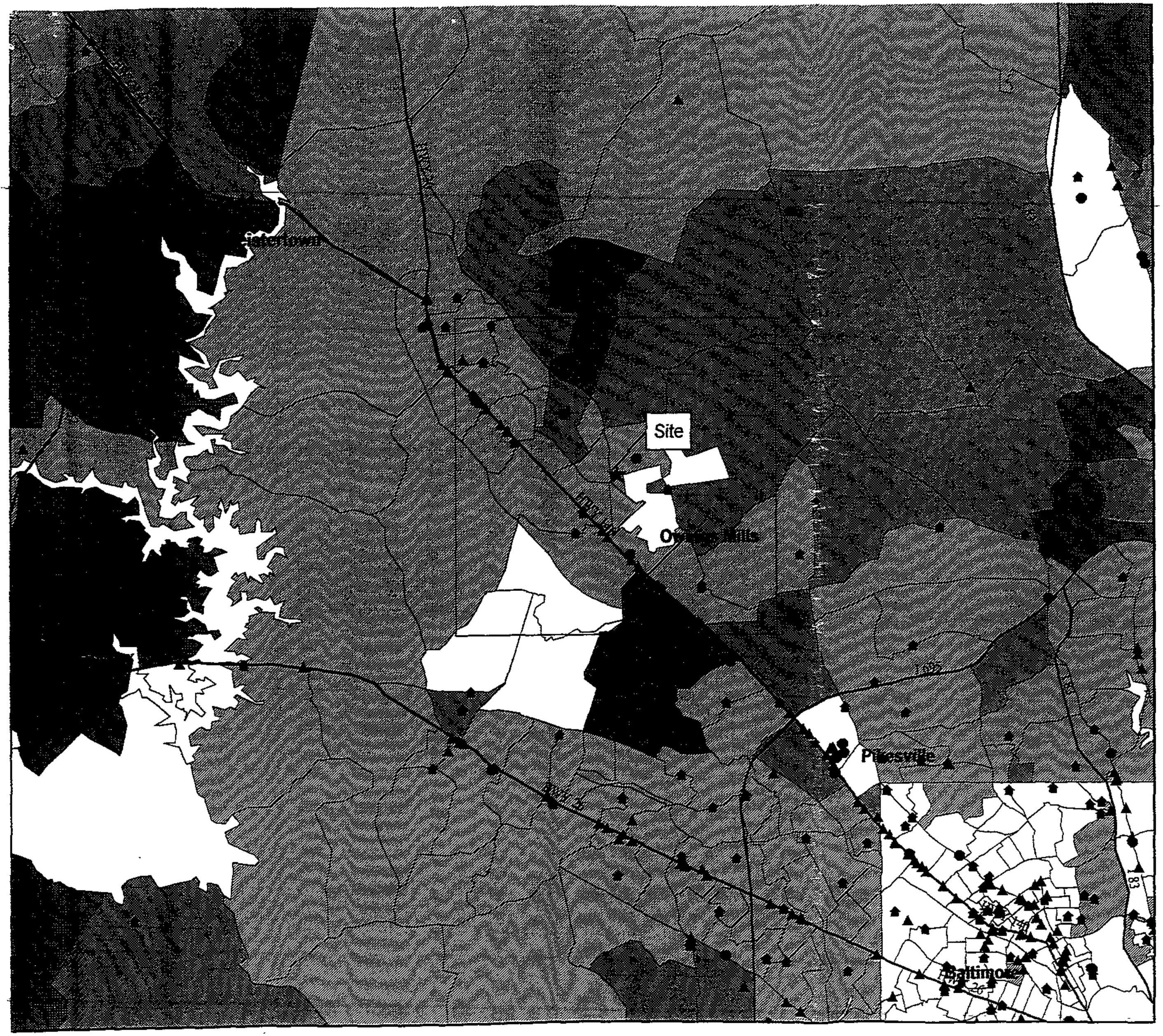
Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
PERSONS IN UNIT	519	2,281	8,395
1 PERSON UNITS	35.37%	33.94%	23.72%
2 PERSON UNITS	33.86%	32.55%	31.82%
3 PERSON UNITS	15.14%	17.30%	20.35%
4 PERSON UNITS	10.35%	11.26%	16.97%
5 PERSON UNITS	3.71%	3.50%	5.05%
6 PERSON UNITS	0.78%	0.90%	1.46%
7 + UNITS	0.80%	0.55%	0.64%
YEAR ROUND UNITS IN STRUCTURE	570	2,462	8,795
SINGLE UNITS DETACHED	16.99%	15.53%	40.55%
SINGLE UNITS ATTACHED	1.72%	8.27%	18.45%
DOUBLE UNITS	1.31%	1.09%	1.23%
3 TO 9 UNITS	17.36%	17.78%	9.26%
10 TO 19 UNITS	54.93%	50.91%	27.59%
20 TO 49 UNITS	7.26%	5.80%	2.11%
50 + UNITS	0.00%	0.00%	0.00%
MOBILE HOME OR TRAILER	0.00%	0.01%	0.02%
ALL OTHER	0.43%	0.60%	0.79%
SINGLE/MULTIPLE UNIT RATIO	0.23	0.32	1.47
HOUSING UNITS BY YEAR BUILT	520	2,278	8,290
BUILT 1989 TO MARCH 1990	0.93%	0.90%	2.84%
BUILT 1985 TO 1988	4.22%	4.19%	9.34%
BUILT 1980 TO 1984	4.83%	5.07%	5.62%
BUILT 1970 TO 1979	34.22%	42.81%	38.90%
BUILT 1960 TO 1969	38.35%	34.55%	27.41%
BUILT 1950 TO 1959	9.91%	6.91%	9.91%
BUILT 1940 TO 1949	0.77%	0.86%	1.31%
BUILT 1939 OR EARLIER	6.78%	4.72%	4.67%





MAP #1 Area

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
August 30, 1996

HH% Growth: 1990 - 1996

- Less Than Zero
- 0.0% - 2.0%
- 2.0% - 3.0%
- 3.0% - 4.8%
- 7 - Eleven Stores
- Competition
- Schools
- Airports
- Hospitals
- Highways

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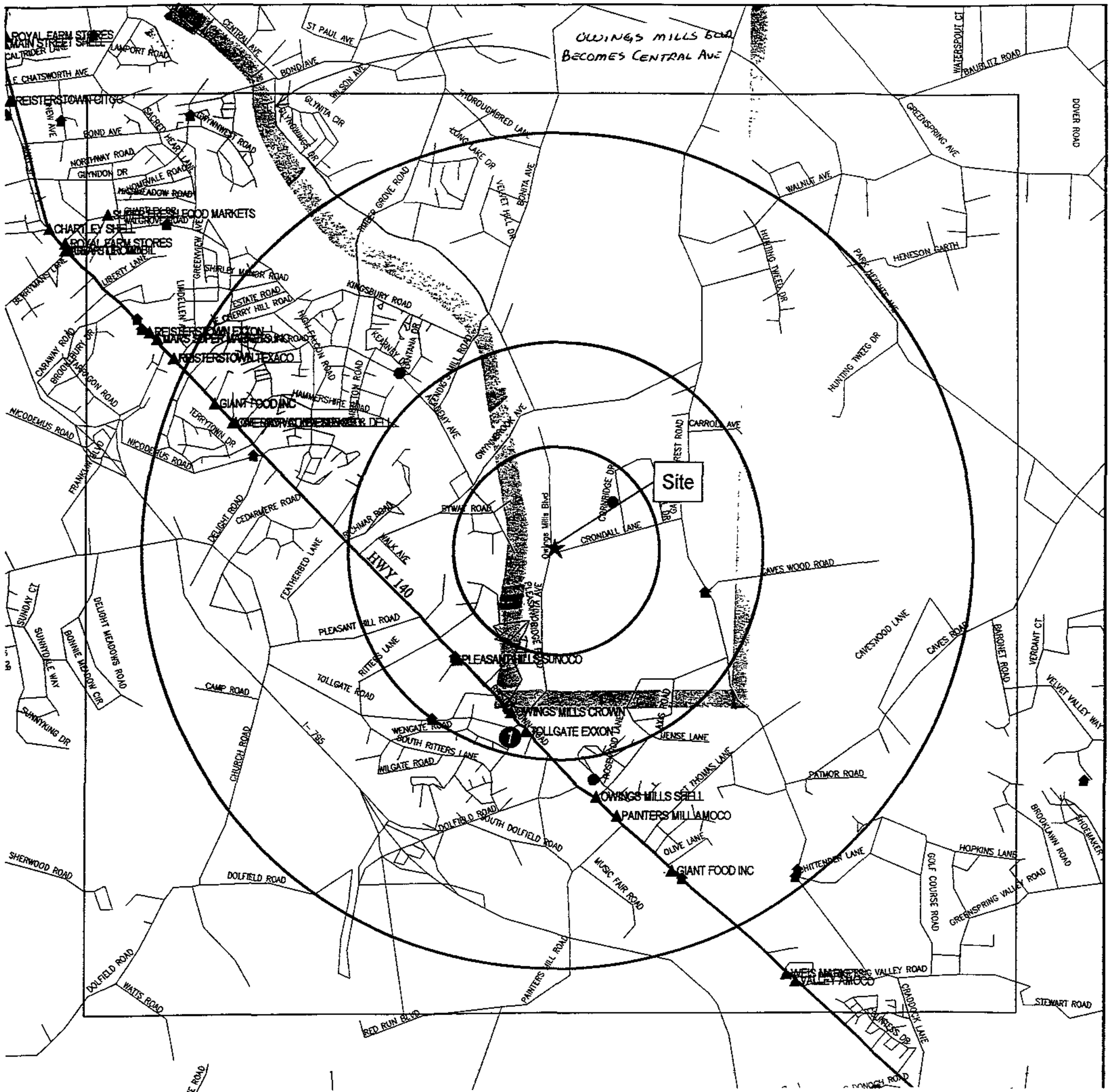

MAP #2 Competition

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

- ▲ 7 - Eleven Stores
- ▲ Competition
- ⬟ Schools
- Airports
- ● Hospitals
- ——— Highways

STORE	TYPE	RATINGS	HOURS	COMMENTS
1. EXXON	GS	2	24	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Scale in Miles
0.28

N
W E
S

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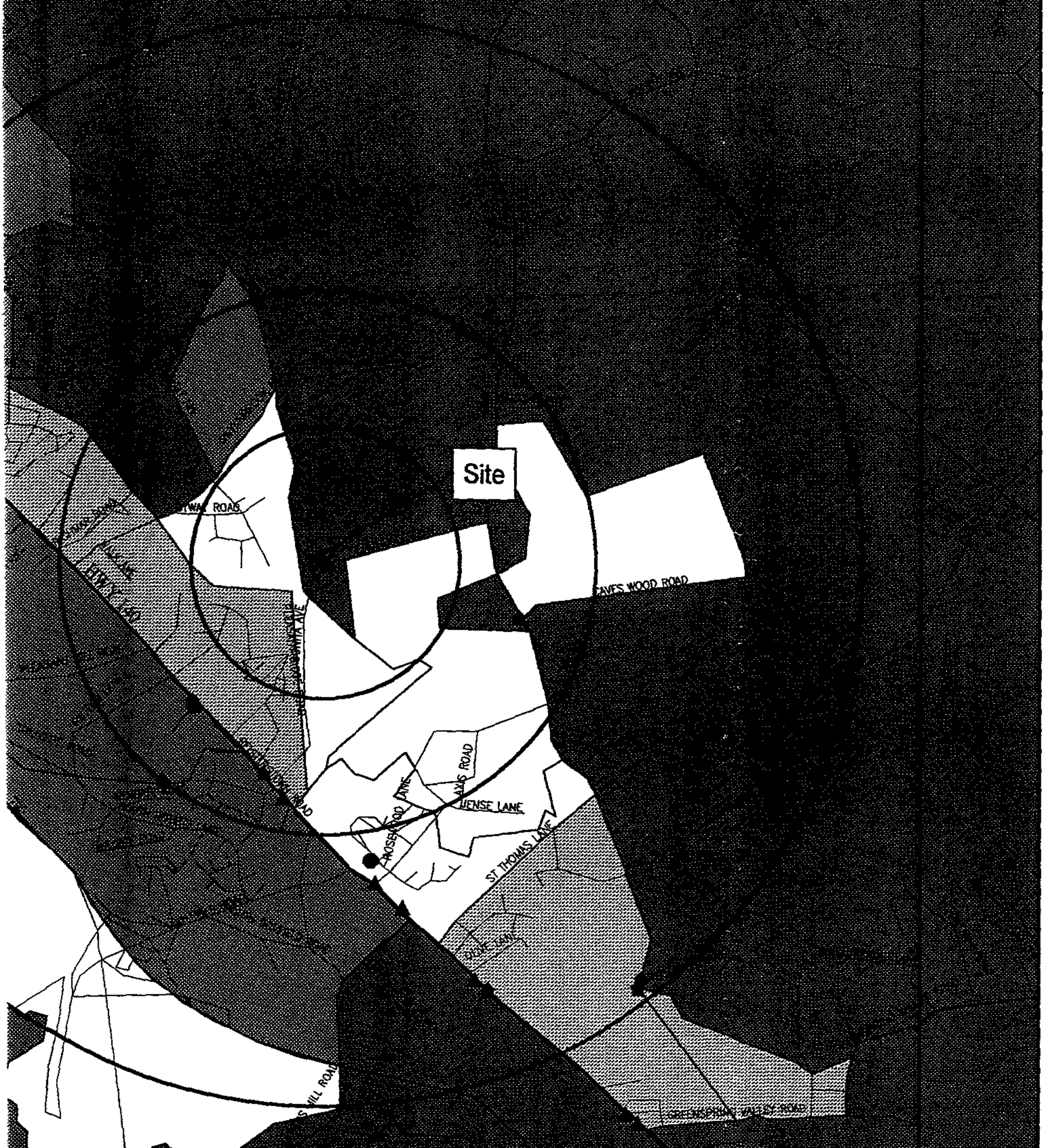


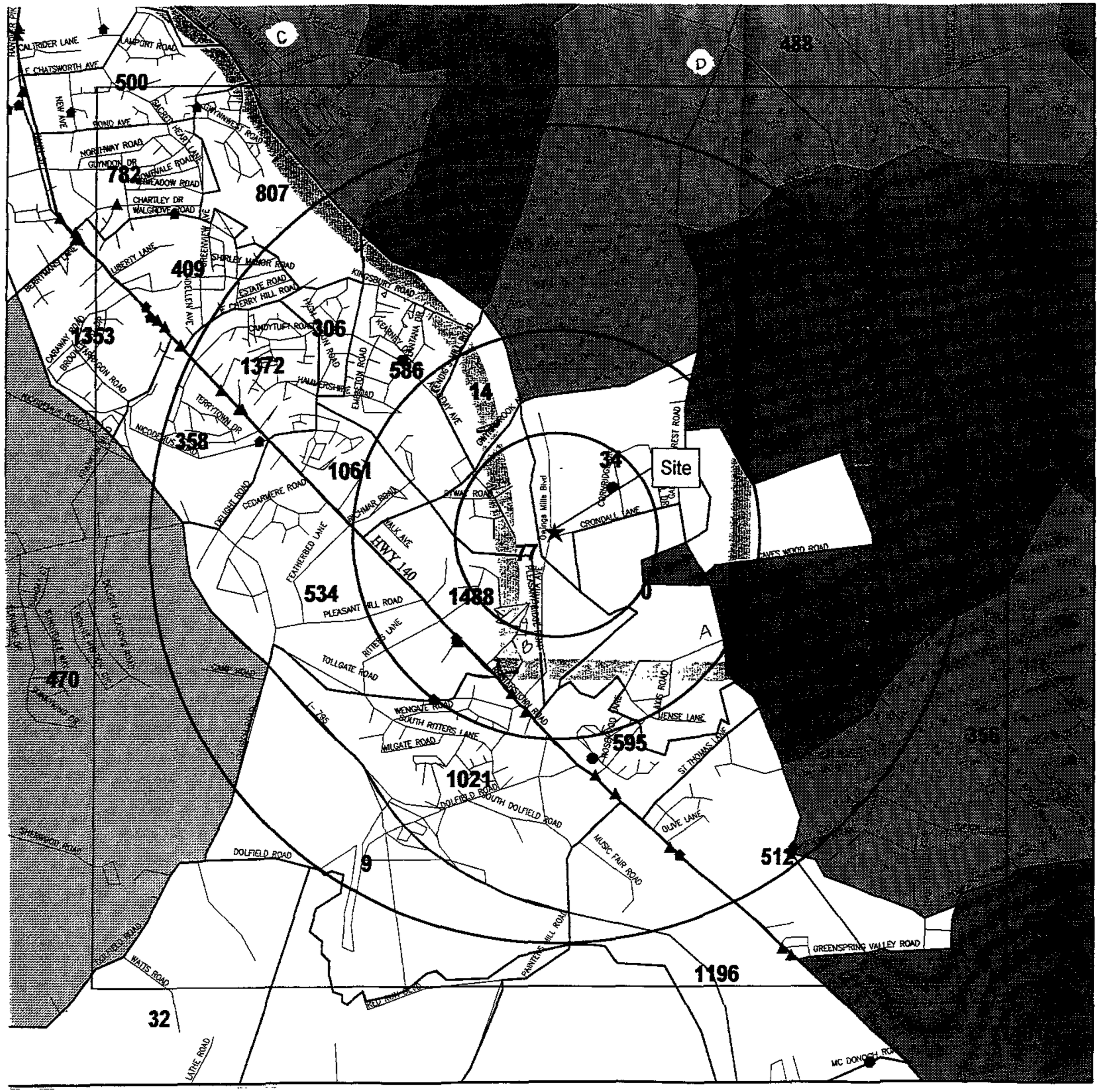
The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

1996 Median HH Income (Est.)

- Below $ 30,000
- $ 30,000 - $ 39,999
- $ 40,000 - $ 49,999
- Over $ 50,000
- 7 - Eleven Stores
- Competition
- Schools
- Airports
- Hospitals
- Highways
- Major Artery
- Secondary Road

Scale in Miles
0.28

N
W E
S



MAP #4 Housecount

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

Median Housing Value

- Below $ 60,000
- $ 60,000 - $ 72,000
- $ 72,000 - $ 100,000
- Over $ 100,000

- 7 - Eleven Stores
- Competition
- Schools
- Airports
- Hospitals
- Highways
- Major Artery
- Secondary Road

ETHNICITY: WHITE
.6 MILE RADIUS 77 %
BLACK 20 %
HISPANIC ___ %
AM INDIAN ___ %
ASIAN 3 %
OTHER ___ %

HOUSE COUNT:
QUAD A 30
QUAD B 15
QUAD C 440
QUAD D 1600
TOTAL 2085

Scale in Miles
0.28

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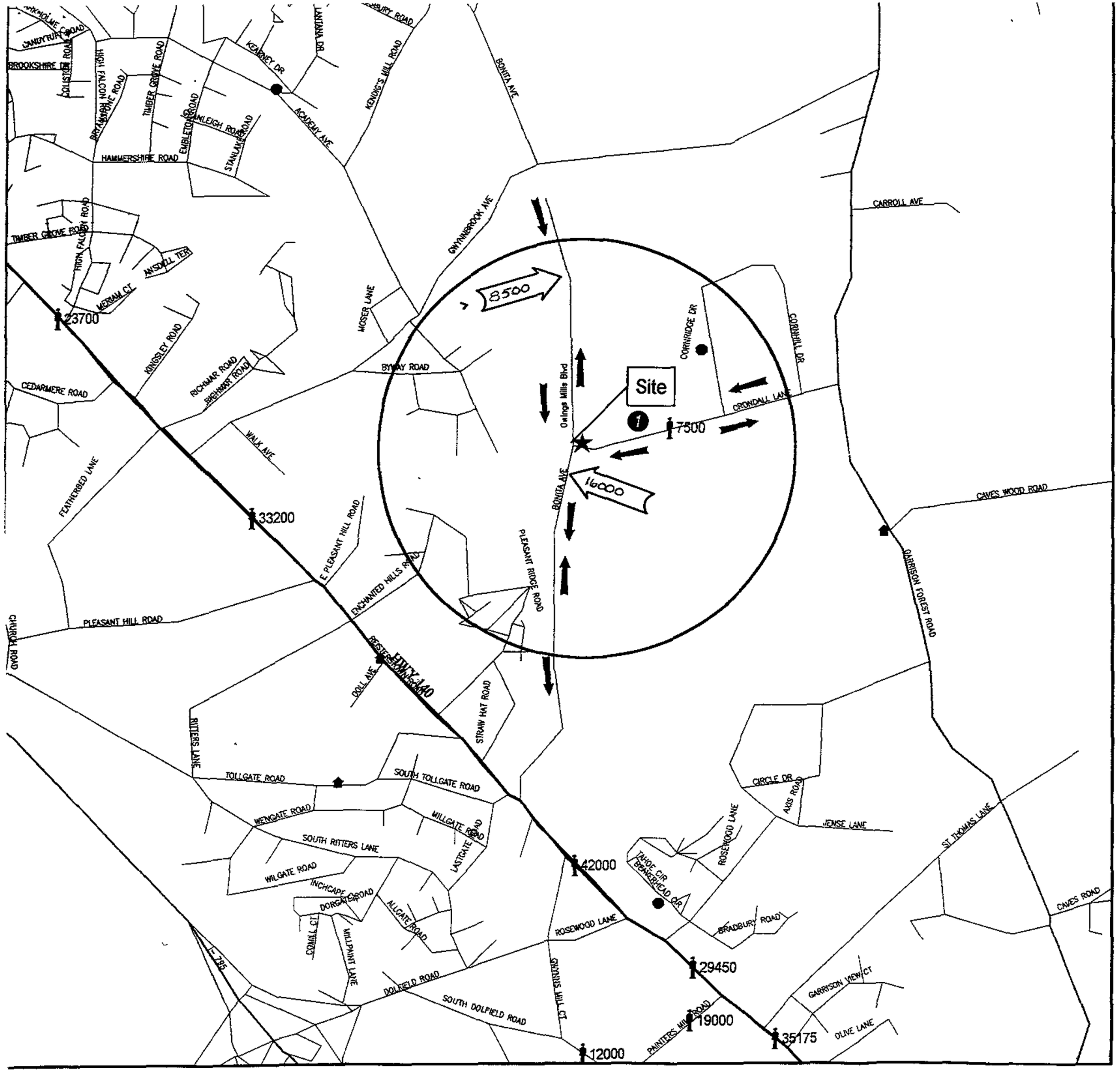

MAP #5 Traffic

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2 Mile Radius
August 30, 1996

- ▲ 7 - Eleven Stores
- ⌂ Schools
- Airports
- ● Hospitals
- ——— Highways
- ——— Major Artery
- ——— Secondary Road
- Traffic Counts

Activity Generators 1. APPROX. 3900 EMPLOYEES
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Traffic Flow: >>(Red) From Work
>>(Black) To Shopping

A.M. Commute Store: (Yes)/No
P.M. Commute Store: (Yes)/No

Scale in Miles
0.14

N
W E
S

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7-ELEVEN PROPERTY
CRONDALL LANE
OWINGS MILLS BOULEVARD
TRAFFIC IMPACT STUDY
BALTIMORE COUNTY, MARYLAND

Prepared for:
Southland Corporation

Prepared by:
Wells & Associates, LLC.

December 5, 1997

7-ELEVEN PROPERTY
TRAFFIC IMPACT STUDY
BALTIMORE COUNTY, MARYLAND

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- Conclusions 23
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7-ELEVEN PROPERTY
TRAFFIC IMPACT STUDY
BALTIMORE COUNTY, MARYLAND

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APPENDICES

Appendix	Title
A	Existing Peak Hour Traffic Counts
B	Existing Intersection Levels Of Service Future Intersection Levels Of Service

INTRODUCTION

This report presents the results of a traffic impact analysis of the proposed 7-Eleven Store with gasoline sales. The subject site is located on the southeast corner of Owings Mill Boulevard and Crondall Lane in the third election district of Baltimore County, Maryland, as shown on Figure 1.

This 3.675-acre site is currently zoned ML-IM. The Southland Corporation proposes to develop the site with a 7-Eleven Store with gasoline sales. For the purposes of this traffic analysis, this development was assumed to be completely built and occupied by the year 1998.

Tasks undertaken in this study included the following:

1. Review the Plot Plan prepared by Colbert Matz Rosenfelt, Inc. dated July 10, 1997, and other background data.

2. A field reconnaissance of the existing roadway and intersection geometrics, traffic controls, and speed limits.

3. Meet with Baltimore County staff.

4. Counts of the existing traffic at the intersection of Owings Mills Boulevard and Crondall Lane.

5. Analysis of the existing levels of service at the intersection of Owings Mills Boulevard and Crondall Lane.

6. Background future traffic volumes were forecasted based on existing traffic counts and background traffic growth.

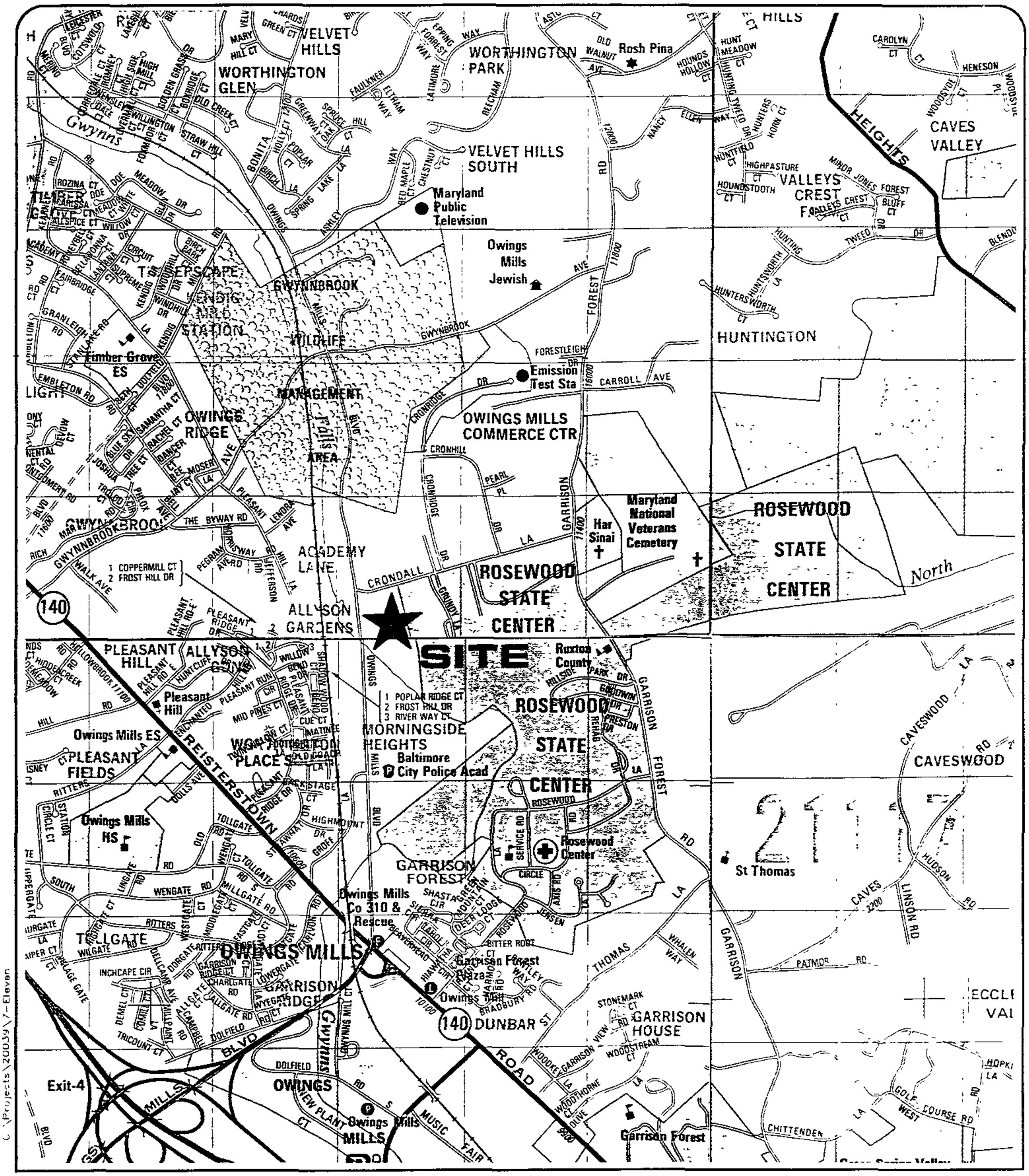

Figure 1
Site Location

North
Schematic

7–Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

C:\Projects\2003y\7-Eleven

7. Background levels of service were calculated at the intersection of Owings Mills Boulevard and Crondall Lane based on background traffic forecasts, existing traffic controls, and existing intersection geometrics.

8. The number of weekday, AM peak hour, and PM peak hour trips that will be generated by the proposed 7-Eleven Store with gasoline sales were estimated based on standard Institute of Transportation Engineers (ITE) trip generation rates.

9. Total future traffic forecasts were identified based on background traffic forecasts plus site assignments.

10. Total future levels of service were calculated at the intersection of Owings Mills Boulevard and Crondall Lane based on total future traffic forecasts and existing intersection geometrics.

11. Analysis of the existing levels existing sight distances at the intersection of Owings Mills Boulevard and Crondall Lane and at the driveway locations.

Sources of Data for this analysis included traffic counts conducted by Wells & Associates, the Institute of Transportation Engineers (ITE), Baltimore County, MUTCD, the American Association of State Highway and Transportation Officials (AASHTO), and the Southland Corporation.

The conclusions of this traffic impact study are as follows:

1. *Through traffic on Owings Mills Boulevard will continue to travel freely past the site without delay, other than that normal delay created by a traffic signal.*

2. *The new trips that will be generated by the proposed 7-Eleven Store with gasoline sales be only increase traffic volumes on Owings Mills Boulevard by approximately one(1) percent. Crondall Lane can expect an increase of only two(2) percent.*

3. *The traffic signal at the intersection of Owings Mills Boulevard and Crondall Lane will continue to operate at level of service "C" or better, which is the above standard for urban areas.*

4. *Adequate sight distance exists at the driveways of both entrances to allow drivers on the public street or drivers using the driveway to adequately see each other and safely enter the highway.*

Based on these conclusions, the following is recommended:

1. *Install by-pass lane on the west side of Owings Mills Boulevard opposite the proposed driveway.*

2. *Extend the northbound right turn lane on Owings Mills Boulevard pass the entrance to the proposed 7-Eleven Store with gasoline sales.*

BACKGROUND DATA

Public Road Network

Access to the proposed 7-Eleven Store with gasoline sales is provided by Owings Mills Boulevard and Crondall Lane. Owings Mills Boulevard today is two lane road wide shoulders and a left turn lane southbound at Crondall Lane. Owings Mills Boulevard is shown on the Baltimore County Master Plan as major arterial roadway serving all the development north and east of Reisterstown Road. In the future, Owings Mill Boulevard is planned for a four lane roadway with left turn lanes at the intersections.

Crondall Lane is a collector road that is forty(40) feet wide and serves the business development along Crondall Lane.

Existing and proposed intersection lane use on Owings Mills Boulevard and Crondall Lane and the proposed driveways are shown on Figure 2. Owings Mills Boulevard is planned by Baltimore County to be improved to a four lane roadway with turn lanes at the intersections.

Site Access Concept

Access is proposed via driveways from Owings Mills Boulevard and Crondall Lane. These driveways will be designed to provide left and right turn lanes out of the site. A by-pass lane is recommended and provided on Owings Mills Boulevard to allow for safe left turns into the site from Owings Mills Boulevard. Right turns from Owings Mills Boulevard will be provided by extending the existing right turn lane along the frontage of the site. Left turns from Crondall Lane will occur in the existing left turn lane.

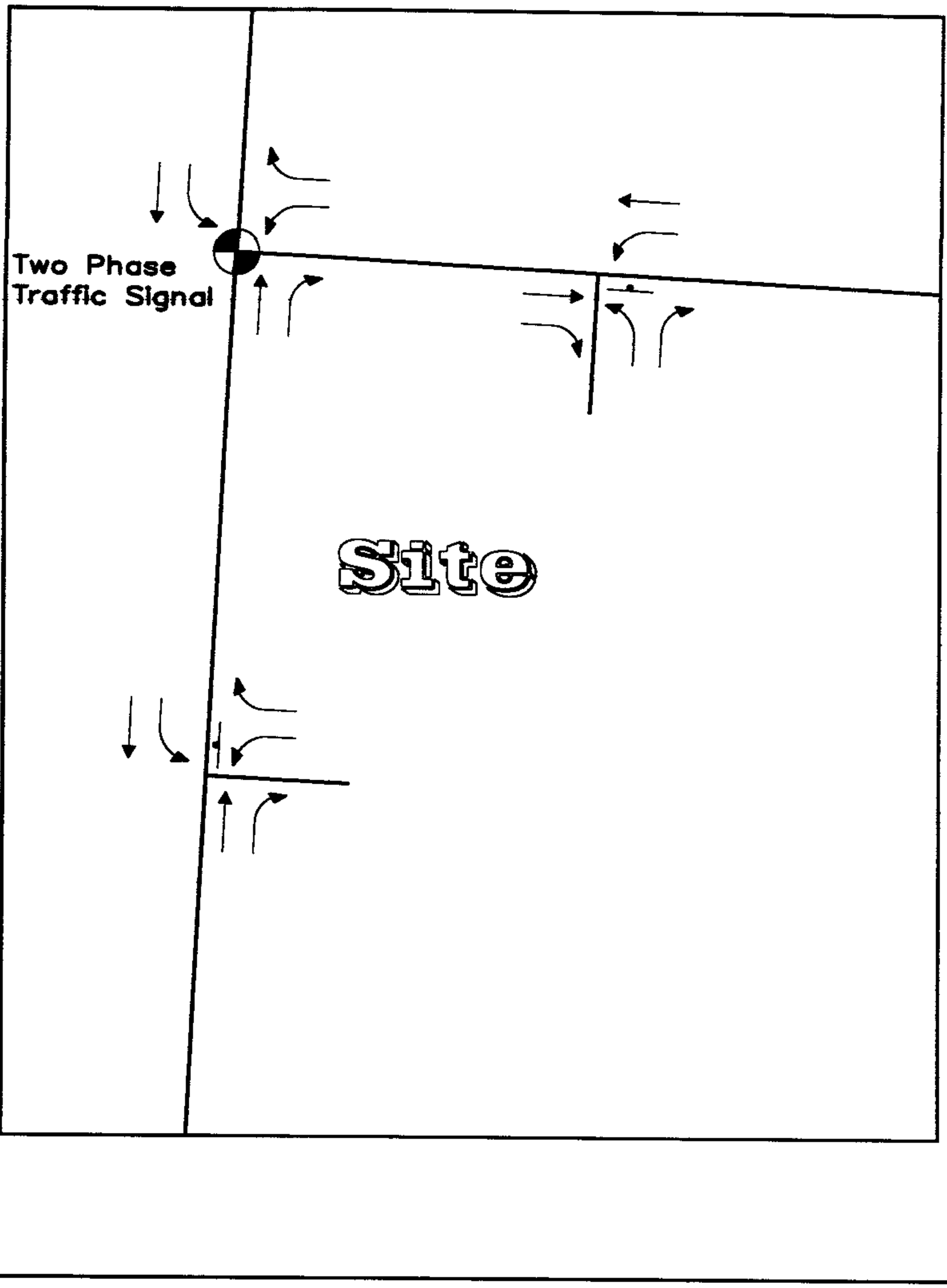

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Figure 2
Existing Lane Use and Traffic Control

←— Represents One Travel Lane
Signalized Intersection
— Stop Sign

North
Schematic

7-Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

Existing Traffic Volumes

Existing AM and PM peak hour traffic counts were conducted on Wednesday, June 11, 1997 by Wells & Associates at the intersection of Owings Mills Boulevard and Crondall Lane. The results are included in Appendix A and summarized on Figure 3. Figure 3 indicates that Owings Mills Boulevard presently carries about 1900 vehicle-trips in both directions during both the AM and PM peak hours. These trips are nearly balanced in direction with 52% percent traveling northbound in the morning and 49% traveling southbound in the afternoon. Crondall Lane presently carries about 1175 vehicle-trips in both directions during both the AM and PM peak hours. These trips are unbalanced in direction as expected for business uses with 82% percent traveling eastbound in the morning and 75% traveling westbound in the afternoon.

The intersection of Owings Mills Boulevard and Crondall Lane is controlled by a two phase fully actuated traffic signal operating on a maximum cycle length of eighty seconds.

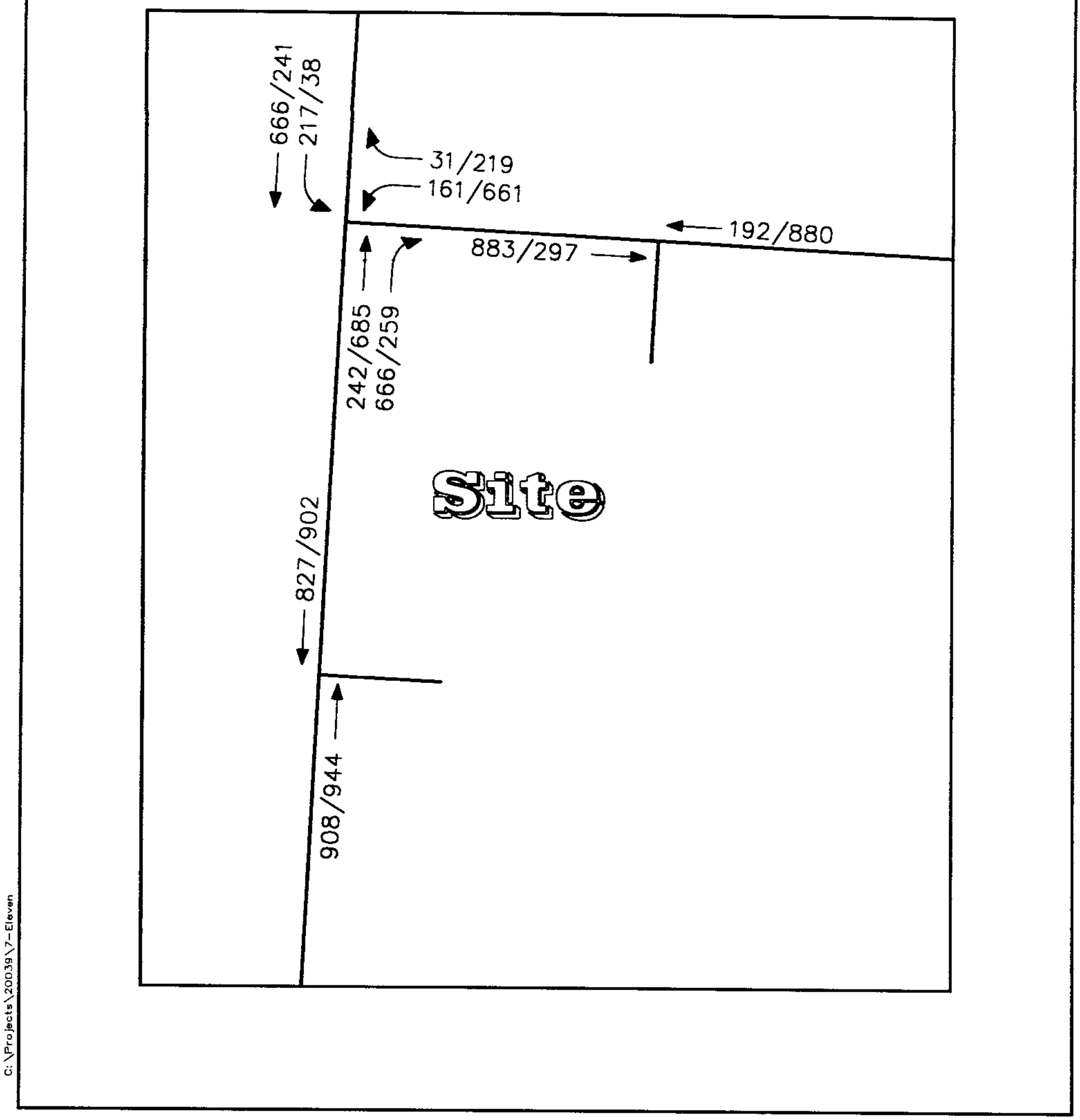

Figure 3
Existing Traffic Volumes

AM PEAK HOUR
PM PEAK HOUR
000/000

North
Schematic

7-Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
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ANALYSIS

Existing Levels of Service

Existing peak hour levels of service were estimated at the intersection of Owings Mills Boulevard and Crondall Lane based on the existing lane use and traffic control shown on Figure 2, the existing traffic volumes shown on Figure 3, and the critical lane capacity procedure used by the State of Maryland and Baltimore County. The results are presented in Appendix B and summarized in Table 1.

Through traffic on Owings Mills Boulevard travels freely past the site without delay, other than that normal delay created by a traffic signal. The intersection of Owings Mills Boulevard and Crondall Lane presently operates at level of service "D" or better, which is the standard for urban areas.

Using Baltimore County's loaded cycle capacity method, the intersection is actually operating at twenty-five percent loaded cycles or level of service "C".

Therefore, use of the critical lane capacity procedure presents a worst case scenario.

Background Traffic Forecasts

Background growth in through traffic on Owings Mills Boulevard was estimated at three (3) percent per year compounded. A three percent growth factor was used to develop a 1998 background traffic volume. The resulting future background traffic volumes are shown on Figure 4. A comparison of traffic counts conducted in 1994 with existing counts in 1997 indicates that total traffic volumes have grown by 5.8 percent during those three years.

Background Future Levels of Service

Future peak hour levels of service at the Owings Mills Boulevard and Crondall Lane intersection were estimated without the

Table 1
7-Eleven Store with Citgo service station
Peak Hour Intersection Levels of Service(LOS) and Critical Lane Volumes(CLV)

Intersection	Scenario	AM Peak Hour		PM Peak Hour	
		CLV	LOS	CLV	LOS
Owings Mills Boulevard/ Crondall Lane	Existing	883	A	1384	D
	Background	910	A	1426	D
	Total Future	915	A	1439	D
Owings Mills Boulevard/ 7-Eleven Driveway	Total Future	965	A	1007	B
Crondall Lane/ 7-Eleven Driveway	Total Future	544	A	901	A

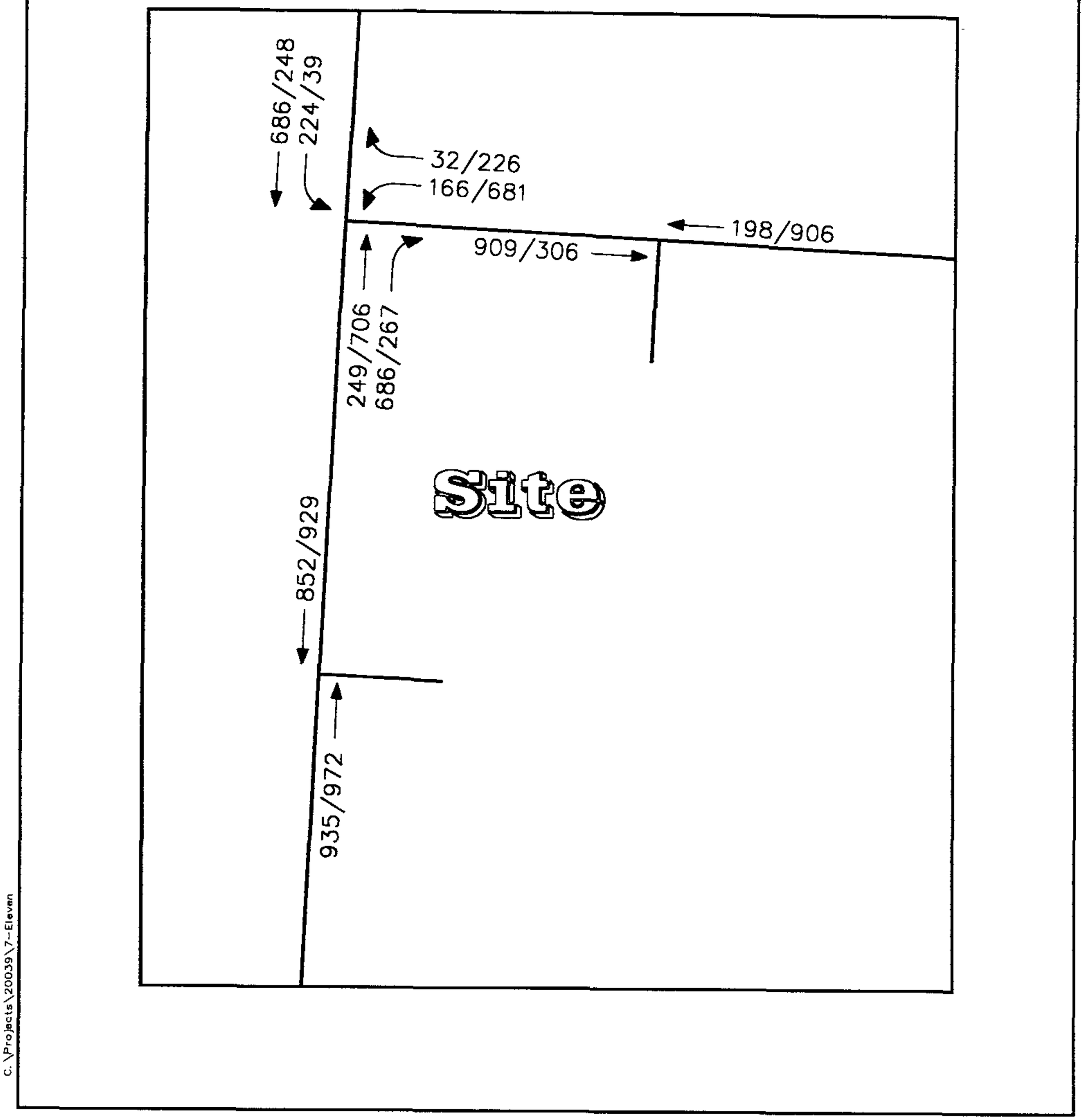

Figure 4
Future Background Peak Hour Traffic Forecasts

AM PEAK HOUR
PM PEAK HOUR
000/000

North
Schematic

7-Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

proposed 7-Eleven Store with gasoline sales based on the existing lane usage and traffic control shown on Figure 2, background traffic forecasts shown on Figure 4, and the critical Lane procedure used by the State of Maryland and Baltimore County. The results are presented in Appendix B and summarized in Table 1.

Through traffic on Owings Mills Boulevard will continue to travel freely past the site without delay, other than that normal delay created by a traffic signal. Table 1 indicates the intersection of Owings Mills Boulevard and Crondall Lane continues to operate at level of service "D" or better, which is the standard for urban areas.

Site Trip Generation

The number of trips that will be generated by the proposed 7-Eleven Store with gasoline sales were estimated based on standard ITE trip generation rates. As shown on Table 2, the use is anticipated to ultimately generate 204 trips (102 inbound and 102 outbound) during the critical AM peak hour and 240 PM trips (120 inbound and 120 outbound) during the PM peak hour, upon completion.

A recent study conducted by The Traffic Group for Southland Corporation indicate that fewer trips are expected at a proposed 7-Eleven Store with gasoline sales than the national averages shown in the ITE trip generation rates. The Traffic Group rates are shown in Table 3, the use is anticipated to ultimately generate 186 trips (93 inbound and 93 outbound) during the critical AM peak hour and 152 PM trips (76 inbound and 76 outbound) during the PM peak hour, upon completion.

Therefore, use of the ITE rates presents a worst case scenario.

Table 2
Trip Generation using ITE Data
Land use type #845 Gasoline/Service Station with Convenience Market

		Morning Peak Hour			Evening Peak Hour			Total
	Rate (1)	IN	OUT	Total	IN	OUT	Total	
Avg. Weekday ADT	542.6							6511
AM Peak Hour	8.52	102	102	204				
PM Peak Hour	9.99				120	120	240	
Total		102	102	204	120	120	240	6511
(1)per fueling station								
64% pass-by trips		65	65	131	77	77	154	4167
New trips		37	37	73	43	43	86	2344

Source: Trip Generation Report - 5th Edition

TRIP GENERATION STUDY
FOR
7-ELEVEN STORE WITH CITGO GAS STATION

- Counted on Tuesday, 7/22/97 and Wednesday 7/23/97 7-9 AM and 4-6 PM at US 301 and MD 725.
- 2,940 sq.ft. C-store at US 301 and MD 725
- Proposed C-store 2,997 sq.ft. at US 301 and Cedarville Road

	Morning Peak Hour			*Evening Peak Hour*		
	In	*Out*	*Total*	*In*	*Out*	*Total*
7/22/97	89	89	178	72	72	144
7/23/97	92	92	184	75	75	150
AVERAGE	91	91	182	74	74	148
16% New Trips	15	15	30	12	12	24
Average Trips/1,000 sq.ft.	30.9	30.9	61.8	25.5	25.5	51.0
Trips/2,997 sq.ft.	93	93	186	76	76	152
16% New Trips	15	15	30	12	12	24

Site Trip Distribution

Based on the existing traffic counts, approximately forty(40) percent of all peak hour trips that will be generated by the proposed 7-Eleven Store with gasoline sales were estimated to approach the site from the south. Thirty percent each were estimated to approach from north and east.

Pass-by Trips

The trip generation rates and equations contained in the ITE Trip Generation Report were derived from actual measurements of traffic on the driveways of land uses or buildings. However, in some cases, the driveway volume at the generator is different from the amount ot traffic added to the street system. Buildings such as retail establishments, restaurants, banks, service stations, and convenience markets attract a portion of their trips from traffic passing the site on the way from one location to another.

Pass-by trips are trips made as intermediate stops on the way from an origin to a primary trip destination. Pass-by trips are attracted from traffic passing the site on an adjacent street that contains direct access to the generator. These trips do not require a diversion from another roadway.

ITE states: "Until the estimation methodology is further developed, the results of the pass-by trip and diverted linked trip percentages may continue to be applied with caution. The pass-by trips and diverted linked trips estimated to enter and exit a development does not affect the driveway volumes but does affect the amount of traffic added to the adjacent street system."

ITE suggests that 62% AM peak hour pass-by trips is average, while, 66% is average PM peak hour pass-by trips.

As a result, the new trips that will be generated by the proposed 7-Eleven Store with gasoline sales be only increase traffic

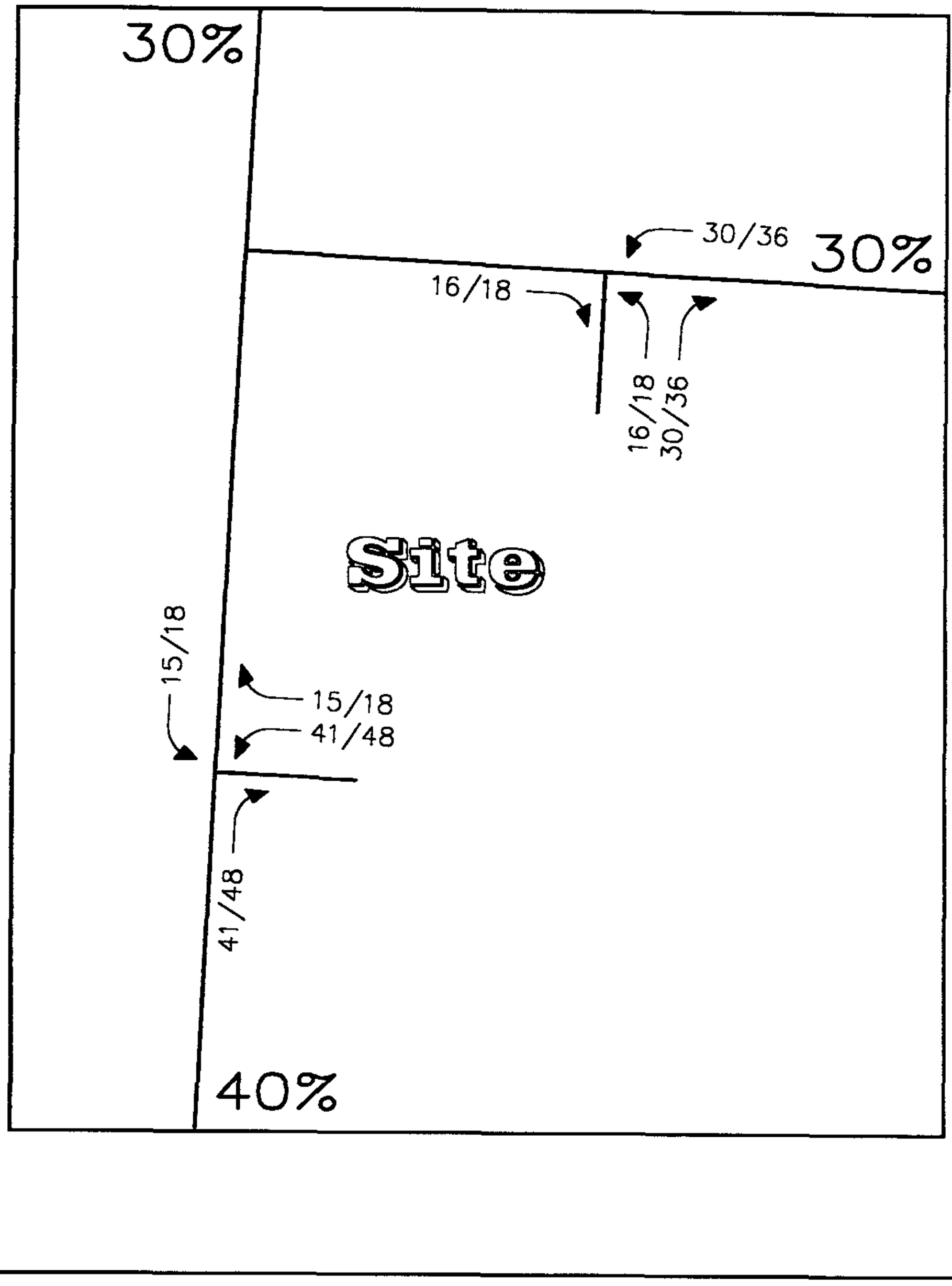

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Figure 5
Site Traffic & Directional Distribution

AM PEAK HOUR
PM PEAK HOUR
000/000

North
Schematic

7-Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
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volumes on Owings Mills Boulevard by approximately one(1) to two(2) percent. Crondall Lane can expect an increase of only two(2) percent. The normal variation in traffic volumes during the week vary plus or minus five(5) percent.

The recent study conducted by The Traffic Group for Southland Corporation indicate that 84% of all trips are pass-by trips at a 7-Eleven Store with gasoline sales.

Therefore, use of the ITE rates presents a worst case scenario.

Total Future Traffic Forecasts

The site-generated traffic volumes shown in Table 2 were assigned to the public road network according to the directional distribution described above. The resulting site traffic assignments are shown on Figure 5. These assignments were added to the future background traffic volumes shown on Figure 4 to yield the total future traffic forecasts shown on Figure 6.

Total Future Intersection Levels of Service

Future peak hour levels of service with the proposed 7-Eleven Store with gasoline sales were estimated at the intersection of Owings Mills Boulevard and Crondall Lane as well as the driveway entrances based on the proposed lane usage and traffic control shown on Figure 2, the total future traffic forecasts shown on Figure 6, and the critical Lane procedure used by the State of Maryland and Baltimore County. The results are presented in Appendix B and summarized in Table 1.

Through traffic on Owings Mills Boulevard will continue to travel freely past the site without delay, other than that normal delay created by a traffic signal. Table 1 indicates the intersection of Owings Mills Boulevard and Crondall Lane continues to operate at level of service "D" or better, which is the standard for urban areas.

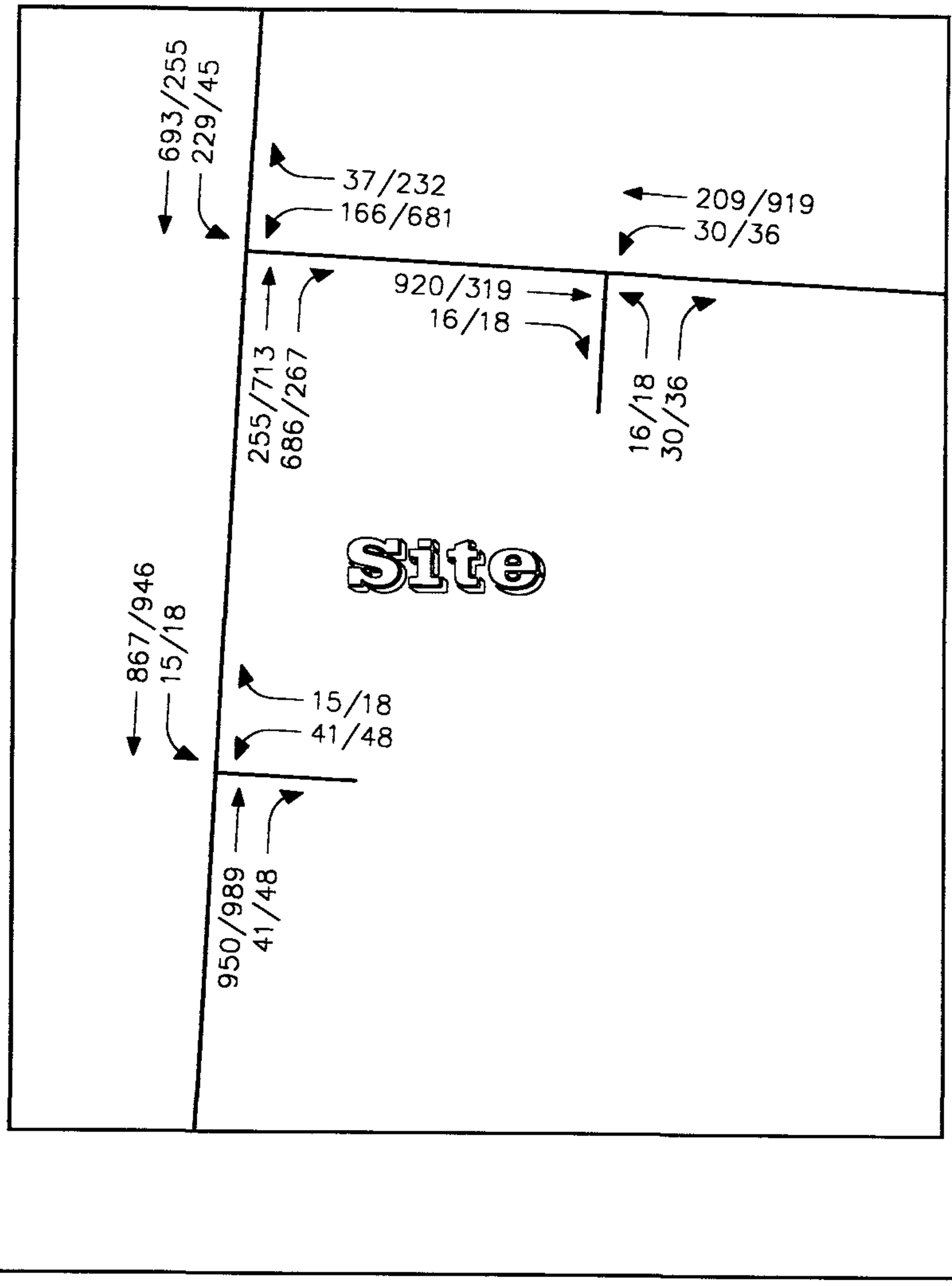

Figure 6
1998 Total Future Peak Hour Traffic Forecasts

AM PEAK HOUR
PM PEAK HOUR
000/000

North
Schematic

7-Eleven Store
Baltimore County, Maryland

WELLS & ASSOCIATES, LLC.
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Intersection Sight Distance

The existing sight distance along Owings Mills Boulevard from the Site driveway is exceeds 500 feet. This distance was measured at an average vehicle height of 4.25 feet and a driver's eye height of 3.31 feet. The minimum stopping sight distance recommended in AASHTO's A Policy on Geometric Design of Highways and Streets, 1984 for a design speed of 50 mph is 400 to 475 feet. The existing speed limit is 40 mph.

A similar analysis was conducted at the proposed driveway to the site on Crondall Lane. The intersection site distance for the driveway is 350 feet. The sight distance for a 40 mph design speed is 325 feet. The existing speed limit is 30 mph.

Based on these analyses, adequate sight distance exists at the driveways of both entrances to allow drivers on the public street or drivers using the driveway to adequately see each other and safely enter the highway.

CONCLUSIONS AND RECOMMENDATIONS

The conclusions of this traffic impact study are as follows:

1. Through traffic on Owings Mills Boulevard will continue to travel freely past the site without delay, other than that normal delay created by a traffic signal.

2. The new trips that will be generated by the proposed 7-Eleven Store with gasoline sales be only increase traffic volumes on Owings Mills Boulevard by approximately one(1) percent. Crondall Lane can expect an increase of only two(2) percent.

3. The traffic signal at the intersection of Owings Mills Boulevard and Crondall Lane will continue to operate at level of service "C" or better, which is the above standard for urban areas.

4. Adequate sight distance exists at the driveways of both entrances to allow drivers on the public street or drivers using the driveway to adequately see each other and safely enter the highway.

Based on these conclusions, the following is recommended:

1. Install by-pass lane on the west side of Owings Mills Boulevard opposite the proposed driveway.

2. Extend the northbound right turn lane on Owings Mills Boulevard pass the entrance to the proposed 7-Eleven Store with gasoline sales.

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1997
Analysis Scenario: AM peak hour
Existing Traffic
Count Date: 6/11/97

Peak Hour . AM peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard
Southbound

		Right	Thru	Left		
		0	666	217		
	Left	0		31	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		161	Left	Crondall Lane
		0	242	666		
		Left	Thru	Right		

Northbound
Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBR	1	505	1	505	217	1	217	722
SBT	1	666	1	666	0	0	0	666
WBL	1	161	1	161	0	0	0	161
EBL	0	0	0	0	0	0	0	0
					Howard Co.		TOTAL CLV	883
							LOS	A

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1998
Analysis Scenario: AM peak hour
Existing Traffic
Count Date: 6/11/97

Peak Hour : AM peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard
Southbound

		Right	Thru	Left		
		0	686	224		
	Left	0		32	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		166	Left	Crondall Lane
		0	249	686		
		Left	Thru	Right		

Northbound
Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBR	1	520	1	520	224	1	224	744
SBT	1	686	1	686	0	0	0	686
WBL	1	166	1	166	0	0	0	166
EBL	0	0	0	0	0	0	0	0
							TOTAL CLV	910
					Howard Co.		LOS	A

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1998 WITH SITE TRAFFIC
Analysis Scenario: AM peak hour
Existing Traffic
Count Date: 6/11/97

Peak Hour : AM peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

		Owings Mills Boulevard Southbound				
		Right 0	Thru 693	Left 229		
	Left	0		37	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		166	Left	Crondall Lane
		0	255	686		
		Left	Thru	Right		
			Northbound			
			Owings Mills Boulevard			

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBR	1	520	1	520	229	1	229	749
SBT	1	693	1	693	0	0	0	693
WBL	1	166	1	166	0	0	0	166
EBL	0	0	0	0	0	0	0	0
					Howard Co.		TOTAL CLV	915
							LOS	A

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1997
Analysis Scenario: PM Peak EXISTING
Existing Traffic
Count Date: 6/11/97

Peak Hour : PM Peak
Date of Analysis: 12/2/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

Owings Mill Road
Southbound

		Right	Thru	Left		
		0	241	38		
	Left	0		219	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		661	Left	Crondall Lane
		0	685	259		
		Left	Thru	Right		

Northbound
Owings Mill Road

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	*Number*
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBT	1	685	1	685	38	1	38	723
SBT	1	241	1	241	0	0	0	241
WBL	1	661	1	661	0	0	0	661
EBL	0	0	0	0	0	0	0	0
					Howard Co.		TOTAL CLV	1384
							LOS	D

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1998
Analysis Scenario: PM peak hour
Existing Traffic
Count Date: 6/11/97

Peak Hour : PM peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard
Southbound

		Right	Thru	Left		
		0	248	39		
	Left	0		226	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		681	Left	Crondall Lane
		0	706	267		
		Left	Thru	Right		

Northbound
Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBT	1	706	1	706	39	1	39	745
SBT	1	248	1	248	0	0	0	248
WBL	1	681	1	681	0	0	0	681
EBL	0	0	0	0	0	0	0	0
							TOTAL CLV	1426
					Howard Co.		LOS	D

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & Crondall Lane
Location : Baltimore County
Analysis Year : 1998 WITH SITE TRAFFIC
Analysis Scenario: PM peak hour
Existing Traffic
Count Date: 6/11/97

Peak Hour : PM peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 01expm

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard
Southbound

		Right	Thru	Left		
		0	255	45		
	Left	0		232	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		681	Left	Crondall Lane
		0	713	267		
		Left	Thru	Right		

Northbound
Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBT	1	713	1	713	45	1	45	758
SBT	1	255	1	255	0	0	0	255
WBL	1	681	1	681	0	0	0	681
EBL	0	0	0	0	0	0	0	0
					Howard Co.		TOTAL CLV	1439
							LOS	D

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & 7-Eleven Driveway
Location : Baltimore County
Analysis Year : 1998 with total site traffic
Analysis Scenario: AM Peak
Existing Traffic
Count Date: 6/11/97

Peak Hour : AM peak hour
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 02futam

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard
Southbound

		Right	Thru	Left		
		0	852	15		
	Left	0		15	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		41	Left	7-Eleven Drivewa
		0	909	41		
		Left	Thru	Right		

Northbound
Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBT	1	909	1	909	15	1	15	924
SBT	1	852	1	852	0	0	0	852
WBL	1	41	1	41	0	0	0	41
EBL	0	0	0	0	0	0	0	0
							TOTAL CLV	965
					Howard Co.		LOS	A

Wells & Associates

CRITICAL LANE ANALYSIS

Intersection : Owings Mills Boulevard & 7-Eleven Driveway
Location : Baltimore County
Analysis Year : 1998 with total site traffic
Analysis Scenario: PM Peak
Existing Traffic
Count Date: 6/11/97

Peak Hour : PM peak hour
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 02futam

TURNING MOVEMENT VOLUMES
(vph)

Owings Mills Boulevard

Southbound

		Right	Thru	Left		
		0	870	18		
	Left	0		18	Right	
Eastbound	Thru	0		0	Thru	Westbound
	Right	0		48	Left	7-Eleven Drivewa
		0	941	48		
		Left	Thru	Right		

Northbound

Owings Mills Boulevard

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	0	1	1	0
Lt.Thru	0	0	0	0
Thru	1	1	0	0
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	0
Rt.	1	0	1	0
TOTAL	2	2	2	0

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBT	1	941	1	941	18	1	18	959
SBT	1	870	1	870	0	0	0	870
WBL	1	48	1	48	0	0	0	48
EBL	0	0	0	0	0	0	0	0
							TOTAL CLV	1007
					Howard Co.		LOS	B

CRITICAL LANE ANALYSIS

Intersection : Crondall Lane & 7-Eleven Driveway
Location : Baltimore County
Analysis Year : 1998 with total site traffic
Analysis Scenario: AM Peak
Existing Traffic
Count Date: 6/11/97

Peak Hour : AM Peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 03futam

TURNING MOVEMENT VOLUMES
(vph)

		Southbound				
		Right	Thru	Left		
		0	0	0		
	Left	0		0	Right	
Eastbound	Thru	890		179	Thru	Westbound
Crondall Lane						Crondall Lane
	Right	16		30	Left	
		16	0	30		
		Left	Thru	Right		
			Northbound			
			7-Eleven Driveway			

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	1	0	1	0
Lt.Thru	0	0	0	0
Thru	0	0	1	1
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	1
Rt.	1	0	0	0
TOTAL	2	0	2	2

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBL	1	16	1	16	0	0	0	16
SBL	0	0	0	0	0	0	0	0
WBT	1	179	1	179	0	0	0	179
EBTR	2	906	0.55	498	30	1	30	528
							TOTAL CLV	544
					Howard Co.		LOS	A

Wells & Associates

CRITICAL LANE ANALYSIS

Intersection : Crondall Lane & 7-Eleven Driveway
Location : Baltimore County
Analysis Year : 1998 with total site traffic
Analysis Scenario: PM Peak
Existing Traffic
Count Date: 6/11/97

Peak Hour : PM Peak
Date of Analysis: 12/5/97
Analyst : CRM
File Name : 03futam

TURNING MOVEMENT VOLUMES
(vph)

		Southbound				
		Right	Thru	Left		
		0	0	0		
	Left	0		0	Right	
Eastbound	Thru	283		883	Thru	Westbound
Crondall Lane						Crondall Lane
	Right	18		36	Left	
		18	0	36		
		Left	Thru	Right		
			Northbound			
			7-Eleven Driveway			

LANE ARRANGEMENTS

	North bound	South bound	West bound	East bound
Lt.	1	0	1	0
Lt.Thru	0	0	0	0
Thru	0	0	1	1
Lt.Th.Rt	0	0	0	0
Thru Rt.	0	0	0	1
Rt.	1	0	0	0
TOTAL	2	0	2	2

PHASING	Number
North-South	1
East-West	1

Approach	No.of Lanes	Volume (pcph)	Lane Use Factor	Adjusted Volume	Opposing Left Volume	Lt.Lane Use Factor	Opposing Adjusted Volume	Critical Lane Volume
NBL	1	18	1	18	0	0	0	18
SBL	0	0	0	0	0	0	0	0
WBT	1	883	1	883	0	0	0	883
EBTR	2	301	0.55	166	36	1	36	202
							TOTAL CLV	901
					Howard Co.		LOS	A

Owings Mills 7-11

SUMMARY OF TRIP GENERATION CALCULATION
FOR 12 VEH. FUELING POSITIONS OF CONVENIENCE MARKET WITH GAS PUMPS

6/19/97

	AVERAGE RATE	STANDARD DEVIATION	ADJUSTMENT FACTOR	DR-WAY VOLUME
AVG WKDY 2-WAY VOL	542.60	113.52	1.00	6511
7-9 AM PK HR ENTER	8.52	0.00	1.00	102
7-9 AM PK HR EXIT	8.52	0.00	1.00	102
7-9 AM PK HR TOTAL	17.03	11.39	1.00	204
4-6 PM PK HR ENTER	9.99	0.00	1.00	120
4-6 PM PK HR EXIT	9.99	0.00	1.00	120
4-6 PM PK HR TOTAL	19.98	12.23	1.00	240
SATURDAY 2-WAY VOL	204.47	88.93	1.00	2454
PK HR ENTER	5.29	0.00	1.00	63
PK HR EXIT	4.88	0.00	1.00	59
PK HR TOTAL	10.17	0.00	1.00	122
SUNDAY 2-WAY VOL	166.88	70.19	1.00	2003
PK HR ENTER	0.00	0.00	1.00	0
PK HR EXIT	0.00	0.00	1.00	0
PK HR TOTAL	0.00	0.00	1.00	0

Note: A zero rate indicates no rate data available
The above rates were calculated from these equations:

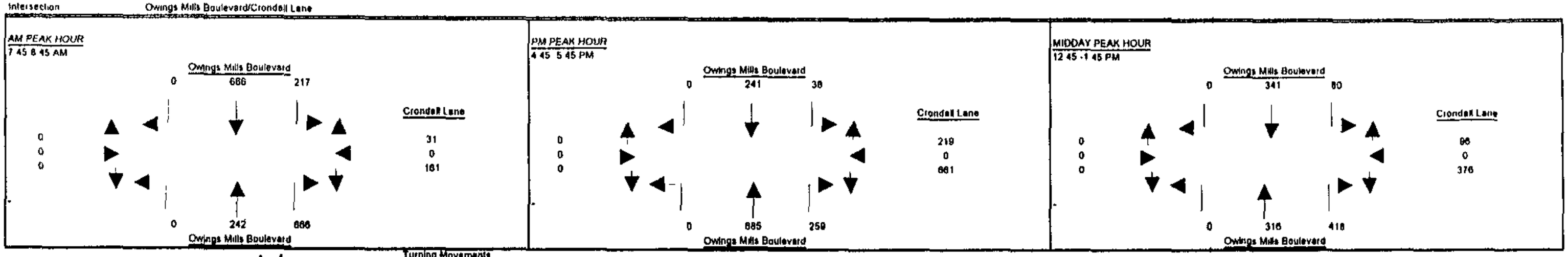
24-Hr. 2-Way Volume: 0, R^2 = 0
7-9 AM Peak Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit
4-6 PM Peak Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit
AM Gen Pk Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit
PM Gen Pk Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit
Sat. 2-Way Volume: 0, R^2 = 0
Sat. Pk Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit
Sun. 2-Way Volume: 0, R^2 = 0
Sun. Pk Hr. Total: 0
R^2 = 0 , 0 Enter, 0 Exit

Source: Institute of Transportation Engineers
Trip Generation, 5th Edition, With Feb. 1995 Update.

Turning Movement Worksheet

Date 08/11/97 Day Wednesday

Intersection Owings Mills Boulevard/Crondall Lane



Turning Movements

Time Period	SBR	SBT	SBL	WBR	WBT	WBL	NBR	NBT	NBL	EBR	EBT	EBL	Total	Peak Hour Factor	Time Period
AM Peak Period															
5 00-6 00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 00-6 00 AM
5 15-6 15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 15-6 15 AM
5 30-6 30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 30-6 30 AM
5 45-6 45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	5 45-6 45 AM
6 00-7 00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0 00	6 00-7 00 AM
6 15 7 15 AM	0	158	30	1	0	43	105	37	0	0	0	0	374	0 25	6 15-7 15 AM
6 30-7 30 AM	0	327	64	2	0	71	232	80	0	0	0	0	776	0 48	6 30-7 30 AM
6 45-7 45 AM	0	508	105	7	0	122	354	131	0	0	0	0	1225	0 68	6 45-7 45 AM
7 00 8 00 AM	0	687	170	14	0	158	504	190	0	0	0	0	1723	0 86	7 00-8 00 AM
7 15-8 15 AM	0	684	188	18	0	157	558	227	0	0	0	0	1832	0 92	7 15-8 15 AM
7 30-8 30 AM	0	701	211	28	0	159	604	242	0	0	0	0	1945	0 94	7 30-8 30 AM
7 45-8 45 AM	0	666	217	31	0	161	666	242	0	0	0	0	1983	0 96	7 45-8 45 AM
8 00-9 00 AM	0	654	189	35	0	166	652	239	0	0	0	0	1955	0 95	8 00-9 00 AM
PM Peak Period															
4 00 -5 00 PM	0	196	24	173	0	495	199	657	0	0	0	0	1744	0 83	4 00 -5 00 PM
4 15 -5 15 PM	0	232	29	194	0	549	239	652	0	0	0	0	1895	0 90	4 15 -5 15 PM
4 30 -5 30 PM	0	238	32	210	0	607	249	714	0	0	0	0	2050	0 94	4 30 -5 30 PM
4 45 -5 45 PM	0	241	38	219	0	661	259	685	0	0	0	0	2103	0 96	4 45 -5 45 PM
5 00-6 00 PM	0	241	43	188	0	652	255	657	0	0	0	0	2036	0 93	5 00-6 00 PM
5 15-6 15 PM	0	215	49	163	0	585	226	597	0	0	0	0	1834	0 84	5 15-6 15 PM
5 30-6 30 PM	0	218	50	154	0	507	223	496	0	0	0	0	1648	0 82	5 30-6 30 PM
5 45-6 45 PM	0	226	44	123	0	403	222	434	0	0	0	0	1452	0 80	5 45-6 45 PM
6 00-7 00 PM	0	216	38	105	0	341	208	372	0	0	0	0	1280	0 89	6 00-7 00 PM
Midday Peak Period															
10 00 11 00 A	0	312	54	22	0	203	237	186	0	0	0	0	1014	0 95	
10 15-11 15 A	0	279	53	30	0	201	215	201	0	0	0	0	979	0 92	
10 30 11 30 A	0	286	48	30	0	204	212	202	0	0	0	0	982	0 92	
10 45-11 45 A	0	296	54	34	0	226	220	215	0	0	0	0	1045	0 87	
11 00 AM -12	0	293	47	57	0	254	222	226	0	0	0	0	1099	0 66	
11 15 AM -12	0	332	50	93	0	351	229	244	0	0	0	0	1299	0 76	
11 30 AM -12	0	331	53	107	0	413	257	284	0	0	0	0	1445	0 84	
11 45 AM -12	0	309	63	111	0	460	285	299	0	0	0	0	1527	0 89	
12 00 -1 00 P	0	296	63	105	0	502	306	304	0	0	0	0	1576	0 92	
12 15 -1 15 P	0	298	69	83	0	473	360	323	0	0	0	0	1606	0 87	
12 30 -1 30 P	0	285	67	78	0	421	389	315	0	0	0	0	1595	0 87	
12 45 -1 45 P	0	341	80	96	0	376	418	316	0	0	0	0	1627	0 89	
1 00 -2 00 PM	0	351	81	81	0	303	444	354	0	0	0	0	1614	0 88	

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

Location: CRONDALL LANE & OWINGS MILLS BLVD. County Signal Number: C#410

Recorder: P.F Weather: CLEAR Road Surf.: DRY Day of the week: TUESDAY Date of Count: 06/28/94

ROAD NAME: OWINGS MILL BLVD. (S BOUND) | OWINGS MILL BLVD. (N+S BOUND) | (E BOUND) | CRONDALL LANE. (W BOUND) | (E+W BOUND) | GRAND

A.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
6:00-6:15	0	3	3	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	2	2	3	0	2	0	2	2	0	0	1	1	0	0	0	0	0	0
6:30-6:45	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	0	22	22	33	13	139	0	152	241	0	0	0	0	28	0	3	31	31	272
7:15-7:30	0	22	22	123	51	203	0	254	427	0	0	0	0	29	0	3	32	32	459
7:30-7:45	0	22	22	183	41	227	0	268	448	0	0	0	0	27	0	2	29	29	477
7:45-8:00	0	1	1	152	56	185	0	223	405	0	0	0	0	27	0	0	27	27	432
8:00-8:15	0	26	26	130	47	208	0	255	455	0	0	0	0	39	0	2	41	41	496
8:15-8:30	0	1	1	164	46	212	0	258	422	0	0	0	0	47	0	5	52	52	474
8:30-8:45	0	22	22	201	29	190	0	219	420	0	0	0	0	49	0	3	52	52	472
8:45-9:00	0	1	1	171	48	139	0	187	358	0	0	0	0	56	0	4	60	60	418
A.M. HOUR TOTALS																			
6:00-7:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	0	22	22	33	13	139	0	152	241	0	0	0	0	28	0	3	31	31	272
6:30-7:30	0	22	22	123	51	342	0	412	668	0	0	0	0	57	0	6	63	63	731
6:45-7:45	0	22	22	456	111	569	0	680	1116	0	0	0	0	84	0	8	92	92	1209
7:00-8:00	0	1	1	513	189	734	0	923	1521	0	0	0	0	111	0	8	119	119	1640
7:15-8:15	0	1	1	735	197	803	0	1000	1735	0	0	0	0	122	0	7	129	129	1864
7:30-8:30	0	1	1	723	192	812	0	1004	1730	0	0	0	0	140	0	9	149	149	1879
7:45-8:45	0	1	1	747	180	775	0	955	1702	0	0	0	0	162	0	10	172	172	1874
8:00-9:00	0	1	1	736	170	749	0	919	1655	0	0	0	0	191	0	14	205	205	1860

Recorder: P.F Weather: CLEAR Road Surf.: DRY Day of the week: TUESDAY Date of Count: 06/28/94

ROAD NAME: OWINGS MILL BLVD. (S BOUND) | OWINGS MILL BLVD. (N+S BOUND) | (E BOUND) | CRONDALL LANE. (W BOUND) | (E+W BOUND) | GRAND

P.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
12:00-12:15	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15-12:30	0	1	1	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0
12:30-12:45	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45-1:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1:00-1:15	0	22	22	64	6	61	0	67	251	0	0	0	0	77	0	25	102	102	353
1:15-1:30	0	1	1	33	7	77	0	84	189	0	0	0	0	122	0	42	164	164	433
1:30-1:45	0	22	22	73	6	72	0	88	283	0	0	0	0	101	0	23	124	124	382
1:45-2:00	0	44	44	97	3	97	0	97	234	0	0	0	0	107	0	32	139	139	433
2:00-2:15	0	22	22	112	9	77	0	86	288	0	0	0	0	174	0	43	217	217	505
2:15-2:30	0	111	22	143	4	34	0	38	341	0	0	0	0	99	0	23	122	122	463
2:30-2:45	0	1	22	188	8	108	0	116	304	0	0	0	0	94	0	12	106	106	410
2:45-3:00	0	44	44	174	4	115	0	119	293	0	0	0	0	89	0	18	107	107	400
P.M. HOUR TOTALS																			
12:00-1:00	0	4	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15-1:15	0	2	2	64	6	61	0	67	251	0	0	0	0	77	0	25	102	102	353
12:30-1:30	0	2	2	97	7	77	0	84	189	0	0	0	0	122	0	42	164	164	433
12:45-1:45	0	44	44	170	19	310	0	329	772	0	0	0	0	409	0	122	531	531	1632
1:00-2:00	0	44	44	321	24	346	0	370	1106	0	0	0	0	484	0	140	624	624	1730
1:15-2:15	0	44	44	362	24	322	0	346	1054	0	0	0	0	431	0	121	552	552	1606
1:30-2:30	0	44	44	412	25	296	0	321	1017	0	0	0	0	401	0	110	511	511	1528
1:45-2:45	0	44	44	442	21	296	0	317	1003	0	0	0	0	401	0	110	511	511	1514
2:00-3:00	0	44	44	430	21	296	0	317	991	0	0	0	0	406	0	110	516	516	1507

5:00-6:00 0 670 134 804 25 394 0 419 1223 [illegible] 332 1779

LOCATION CRONDALL LANE + OWINGS MILLS BLVD. County Signal Number C#410

	Recorder	Weather	Road Surface	Day of the Week	Date of Count
A.M.	F.F	CLEAR	DRY	TUESDAY	06/28/94
P.M.	F.F	CLEAR	DRY	TUESDAY	06/28/94

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		OWINGS MILL BLVD. N BOUND				OWINGS MILL BLVD. S BOUND				* E BOUND				CRONDALL LANE. W BOUND				N+S+E+W
		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING MOVEMENT	A.M.	0%	31%	69%	100%	19%	81%	0%	100%	ERR	ERR	ERR	ERR	93%	0%	7%	100%	N/A
	P.M.	0%	79%	21%	100%	6%	94%	0%	100%	ERR	ERR	ERR	ERR	80%	0%	20%	100%	N/A
TOTAL VOLUMES	A.M.	0	426	928	1354	339	1483	0	1822	0	0	0	0	302	0	22	324	3500
	P.M.	0	1224	324	1548	46	701	0	747	0	0	0	0	863	0	218	1081	3376
GRAND TOTAL		0	1650	1252	2902	385	2184	0	2569	0	0	0	0	1165	0	240	1405	6876

ESTIMATED ADT'S NORTH 14620 SOUTH 20495 EAST 9974 WEST 0

ESTIMATED CARS ENTERING THE INTERSECTION ----------> 22544

INTERSECTION: CRONDALL LANE + OWINGS MILLS BLVD.

DESC. CRONDALL LANE IS A TWO LANE UNDIVIDED COUNTY RD, WITH TWO APPROACH LANES W/B. OWINGS MILLS BLVD IS A TWO LANE COUNTY RD WITH A LEFT TURN LANE S/B.

The signal functions as a 2 phase light. The cycle lenghts in the morning averages 65 seconds and in the afternoon the cycle length averages approximately 60 seconds.
The peak hours were `7:30 to `8:30 A.M. and `4:45 to `5:45 P.M. The peak flow occurs on the S/B direction of OWINGS MILLS BLVD during the A.M. peak hour and occurs on theN/B direction of OWINGS MILLS BLVD. during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	N/A	N/A	N/A	N/A
TIME(A.M.)	*	*	*	*
% LOADS	N/A	N/A	N/A	N/A
TIME(P.M.)	*	*	*	*

REMARKS

THE LEVEL OF SERVICE IS A

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For Updated List Y N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

Comparison of Traffic Volume Counts (1994 & 1997)

Crondall Lane and Owings Mills Blvd — Total Volume

	6/28/94	6/11/97	% Increase
7-8am	1640	1723	0.048172
8-9am	1860	1955	0.048593
	3500	3678	0.048396
4-5pm	1753	1744	-0.00516
5-6pm	1775	2036	0.128193
	3528	3780	0.066667
Total	7028	7458	0.057656

Crondall Lane East of Owings Mills Blvd — Total Peak 4 hour volume

	Westbound				Eastbound		
	6/28/94	6/11/97	% Increase		6/28/94	6/11/97	% Increase
7-8am	119	172	0.30814	7-8am	606	674	0.10089
8-9am	205	221	0.072398	8-9am	661	841	0.214031
	324	393	0.175573		1267	1515	0.163696
4-5pm	529	668	0.208084	4-5pm	211	223	0.053812
5-6pm	552	840	0.342857	5-6pm	159	298	0.466443
	1081	1508	0.283156		370	521	0.289827
Total	1405	1901	0.260915	Total	1637	2036	0.195972

1994 data Baltimore County Traffic Engineering
1997 data Wells & Associates

Petitioner #6

Alfred W. Barry III
Principal
AB ASSOCIATES

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410-547-6900
410-547-6903

Alfred W. Barry III is the principal of AB ASSOCIATES, which he founded in July of 1995 as a comprehensive, land planning consulting firm for business, government, non-profit and institutional clients. Services currently being provided to clients include consultation, analysis and representation on strategic development opportunities, state and local government liaison, development approvals, and historic preservation.

Mr. Barry has over twenty-four years of professional planning experience with Baltimore City including the last eight years as the City's Assistant Planning Director (1987-1995). In this capacity, he managed the Planning Department's strategic, economic development, environmental, urban design and legislative responsibilities.

A selection of economic development projects for which Mr. Barry was a key participant in their planning and implementation includes the Hopkins Bayview Research Campus (1985), the Port Covington Business Park (1988), the Camden Yards Stadium Complex for which he was recognized by the State Chapter of the American Planning Association (1989), Master Plans for Johns Hopkins Hospital (1987, 1995) the Downtown Renaissance Plan (1991), and the Key Highway and Harborview urban renewal plans (1986, 1991).

Mr. Barry frequently represented the Planning Department and City on various public-private partnerships, including: the Mayor's Advisory Committee for Fells Point and Canton (1988), Johns Hopkins University's Environmental Working Group (1990, 1991), the Managing Team directing a new strategic plan for the Department of Recreation and Parks (1990), the Mayor's Economic Incentive Task Force (1992, 1993), Baltimore City Homebuilder's Board (1993-1995), the Metropolitan Planning Council's Land Use Subcommittee (1994, 1995), the State Economic Growth Commission's Committee revising the Stating Planning and Zoning Act and on which he continues to serve (1994, 1995), Governor-elect Parris Glendenning's Environmental Policy Transition Team (1994), the Maryland Chapter of the American Planning Association's Board representing the metropolitan area (1995). Mr. Barry also coordinated the City's effort to successfully plan and implement the Charles Village Community Benefits District, the first combined residential-business special taxing district in the country.

Mr. Barry's international experience includes planning efforts in Germany, Poland and Czech and Slovak Republics for the State Department, Johns Hopkins University, and the private sector.

Mr. Barry received his bachelor's degree in urban studies from the Johns Hopkins University in 1970. He has lectured and been a visiting critic at the Johns Hopkins University, University of Maryland Graduate School of Community Planning, and Morgan State University's Graduate Schools of Architecture and Landscape Architecture.

Community activities include Board membership on the Citizens Planning and Housing Association (1974-1983, 1996-), Baltimore Heritage (1987, 1988) the Roland Park Community Foundation (1987-1995), the Roland Park Roads and Maintenance Corporation (1995), and the Baltimore Architecture Foundation (1996-). He was also a past president of the Charles Village Civic Association (1982, 1983).

More recently, Mr. Barry has been involved in two significant volunteer activities related to growth management issues. Since 1996 he has been co-chairing the Citizens Planning and Housing Association's Committee on the Region, and is a steering committee member and organizer of 1000 Friends of Maryland. In 1997, he was elected vice president of the Maryland Chapter of the American Planning Association.

Pet #7

WELLS & ASSOCIATES, INC.
TRAFFIC, TRANSPORTATION, and PARKING CONSULTANTS

7-ELEVEN PROPERTY
CRONDALL LANE
OWINGS MILLS BOULEVARD
ADDITIONAL TRAFFIC ANALYSIS
BALTIMORE COUNTY, MARYLAND

Additional Traffic analysis was required to determined the detail nature of the traffic volumes on Crondall Lane and Owings Mills Boulevard. This analysis supplements the Traffic Impact Study dated December 5, 1997. As a result, several additional traffic counts were conducted.

1. Twenty-four hour turning movement count conducted by traffic counter machine. June 9,1999

2. Vehicle tracking study(7:30-9:00am-July 26,1999)

3. Peak turning movement traffic counts(7-10am, 11-2pm, 3-6pm-July 27,1999) at:
   a. Crondall Lane and Cronridge Drive
   b. Crondall Lane and Cronhill Drive

A literature search of all traffic studies in the last ten years published by the Institute of Transportation Engineers(ITE) was also conducted.

EXISTING TRAFFIC VOLUMES

Twenty-four hour counts

Existing twenty-four traffic counts were conducted on Wednesday, June 9, 1999 by Wells & Associates at the intersection of Owings Mills Boulevard and Crondall Lane. The results are included in the Appendix.

Twenty-four hour Volume

Owings Mills Boulevard	North of Crondall Lane	16,830
Owings Mills Boulevard	South of Crondall Lane	23,146
Crondall Lane	East of Owings Mills Boulevard	11,788

Peak Hour counts

Existing peak hour traffic counts were conducted on Tuesday, July 27, 1999 by Wells & Associates at the intersections of:

a. Crondall Lane and Cronridge Drive
b. Crondall Lane and Cronhill Drive

The results are included in the Appendix.

The nine peak hours studied(7-10am, 11-2pm, 3-6pm) represent 70.2% of the twenty-four hour volumes on Crondall Lane.

Twenty-four hour Volume

Crondall Lane	West of Garrison Forest Drive	3,342
Crondall Lane	East of Cronridge Drive	10,245
Crondall Lane	West of Cronridge Drive	5,391
Cronridge Drive	North of Crondall Lane	6,255
Cronhill Drive	North of Crondall Lane	3,942

The total traffic volume that enters and exits Cronridge and Cronhill Drives is 10,196 vehicles. Most of this traffic(81.2%) uses Owings Mills Boulevard.

Destination Study

A vehicle tracking study was conducted on Monday, July 26, 1999 to determine the destination of traffic that uses Crondall Lane. This study tracked vehicles that entered Crondall lane from Owings Mills Boulevard to their destination or Garrison Forest Road. The study also tracked vehicles from Garrison Forest Road to their destination or Owings Mills Boulevard. The results are included in the Appendix.

This study indicates that 91.3% of all traffic on Crondall Lane has a destination along Crondall Lane.

Research

A literature search of studies by the Institute of Transportation Engineers(ITE) concerning convenience shopping revealed six studies were published during the last ten years.

These studies indicate that an evolution is occurring in convenience shopping. More developments are being considered where a customer can satisfy two or more travel needs in one trip. Studies also show that daily traffic generation rates for a convenience store with gas pumps were slightly lower than generation rates for convenience stores without gas pumps. The percentage of pass-by trips during the adjacent street afternoon peak hour is somewhat higher than the ITE rates for pass-by trips. These studies also indicate that the trip length for primary trips is 0.75 miles. This information is similar to the studies conducted by Wells & Associates.

ANALYSIS

Existing Levels of Service

Existing peak hour levels of service were estimated at the intersection of Owings Mills Boulevard and Crondall Lane based on existing lane use and traffic control. This level of service is consistent with the studies made in 1997. Baltimore County also conducted a study at the intersection on March 10, 1998. All three studies indicate that the intersection of Owings Mills Boulevard and Crondall Lane remain level of service "C".

Future Levels of Service

As a result, the assumptions and recommendations made in the December 7, 1997 remain valid.

"The traffic signal at the intersection of Owings Mills Boulevard and Crondall Lane will continue to operate at level of service "C" or better, which is above the standard for urban areas."

Trip Generation

The results of this additional analysis continues to support that the majority of the trips to this 7-11 site at the corner of Owings Mills Boulevard and Crondall Lane are trips to or from the business development along Crondall Lane.

The studies above indicate that 91.3% of the vehicles on Crondall Lane have a destination on Crondall Lane. Therefore, the development along Crondall Lane generate 10,762 trips to and from Owings Mill Boulevard and 3,050 trips to and from Garrison Forest Road for a total of 13,813 trips

per day. Using the trip generation rates developed by the ITE, these trips support 4,136 employees along Crondall Lane today.

Further, the Federal Highway Administration publication *Highway Functional Classification: Concept, Criteria and Procedures*, indicates that an arterial street, Owings Mills Boulevard, has local or land access trips of 0-20% of the average daily traffic volume(ADT). This same report, determines that a local street, such as Crondall Lane, will have local or access trips of 80-100% of the ADT. The chart is included in the Appendix.

CONCLUSION

The majority of customers to this convenience store with gas pumps at the corner of Owings Mills Boulevard and Crondall Lane will come from the trips generated to and from the business community along Crondall Lane. Additional trips will be generated to and from the business community along Owings Mills Boulevard.

Table 1
7-11
24-Hour Count
Wednesday June 9, 1999

15 - Minute Interval Beginning at:	Owings Mills Blvd Southbound		Crondall Drive Westbound		Owings Mills Blvd. Northbound		
	Through	Left	Right	Left	Right	Through	
12:00 AM	6	0	1	4	2	19	12:00 AM
12:15 AM	16	0	1	4	2	19	12:15 AM
12:30 AM	15	0	1	2	0	19	12:30 AM
12:45 AM	6	0	1	2	3	16	12:45 AM
1:00 AM	6	0	0	1	1	6	1:00 AM
1:15 AM	5	0	3	8	0	7	1:15 AM
1:30 AM	3	0	0	1	2	6	1:30 AM
1:45 AM	2	0	2	5	5	13	1:45 AM
2:00 AM	5	0	2	6	2	5	2:00 AM
2:15 AM	2	0	0	1	4	5	2:15 AM
2:30 AM	3	0	1	2	1	4	2:30 AM
2:45 AM	4	0	2	5	4	7	2:45 AM
3:00 AM	3	1	2	5	0	6	3:00 AM
3:15 AM	3	1	2	7	0	6	3:15 AM
3:30 AM	2	1	4	11	2	7	3:30 AM
3:45 AM	1	2	1	3	2	5	3:45 AM
4:00 AM	7	2	2	7	7	8	4:00 AM
4:15 AM	7	0	2	6	2	3	4:15 AM
4:30 AM	6	0	1	3	5	4	4:30 AM
4:45 AM	9	1	2	7	4	6	4:45 AM
5:00 AM	20	0	3	10	7	6	5:00 AM
5:15 AM	27	3	2	6	5	3	5:15 AM
5:30 AM	56	5	5	12	14	14	5:30 AM
5:45 AM	89	6	4	11	25	7	5:45 AM
6:00 AM	79	6	6	15	32	17	6:00 AM
6:15 AM	93	9	5	14	38	18	6:15 AM
6:30 AM	113	17	6	17	47	29	6:30 AM
6:45 AM	127	33	8	22	69	34	6:45 AM
7:00 AM	183	21	17	48	84	45	7:00 AM
7:15 AM	204	30	23	62	112	47	7:15 AM
7:30 AM	198	35	23	63	129	60	7:30 AM
7:45 AM	180	69	19	53	165	77	7:45 AM
8:00 AM	219	58	15	42	193	68	8:00 AM
8:15 AM	175	53	18	51	194	71	8:15 AM
8:30 AM	145	58	24	65	176	72	8:30 AM

8:45 AM	135	48	20	57	166	74	8:45 AM
9:00 AM	120	41	22	59	148	68	9:00 AM
9:15 AM	112	19	21	57	70	66	9:15 AM
9:30 AM	89	16	15	41	84	50	9:30 AM
9:45 AM	117	20	20	55	77	66	9:45 AM
10:00 AM	79	19	22	60	63	60	10:00 AM
10:15 AM	87	12	22	61	54	39	10:15 AM
10:30 AM	91	11	20	57	61	62	10:30 AM
10:45 AM	95	7	22	59	70	86	10:45 AM
11:00 AM	79	9	28	79	58	63	11:00 AM
11:15 AM	79	14	23	63	66	70	11:15 AM
11:30 AM	95	9	35	96	77	82	11:30 AM
11:45 AM	85	14	34	95	85	88	11:45 AM
12:00 PM	98	16	48	131	89	75	12:00 PM
12:15 PM	69	18	36	99	84	97	12:15 PM
12:30 PM	85	26	32	87	100	90	12:30 PM
12:45 PM	84	27	30	81	105	101	12:45 PM
1:00 PM	104	35	34	95	116	102	1:00 PM
1:15 PM	95	26	30	83	115	93	1:15 PM
1:30 PM	101	27	30	82	112	96	1:30 PM
1:45 PM	85	32	21	57	89	79	1:45 PM
2:00 PM	85	19	32	87	99	100	2:00 PM
2:15 PM	82	16	28	79	65	85	2:15 PM
2:30 PM	90	16	26	73	59	82	2:30 PM
2:45 PM	75	13	25	68	89	101	2:45 PM
3:00 PM	93	18	22	60	77	111	3:00 PM
3:15 PM	90	14	32	87	66	110	3:15 PM
3:30 PM	78	15	27	76	64	105	3:30 PM
3:45 PM	100	13	26	72	71	131	3:45 PM
4:00 PM	83	19	34	94	47	133	4:00 PM
4:15 PM	81	6	26	72	53	136	4:15 PM
4:30 PM	99	12	43	120	65	132	4:30 PM
4:45 PM	108	3	37	102	69	176	4:45 PM
5:00 PM	107	13	60	166	67	135	5:00 PM
5:15 PM	112	8	45	125	68	175	5:15 PM
5:30 PM	105	10	44	123	66	195	5:30 PM
5:45 PM	130	13	32	89	69	170	5:45 PM
6:00 PM	102	9	41	113	46	149	6:00 PM
6:15 PM	97	3	27	76	40	161	6:15 PM
6:30 PM	124	9	24	65	42	145	6:30 PM
6:45 PM	108	14	20	56	34	144	6:45 PM
7:00 PM	114	7	16	44	29	143	7:00 PM
7:15 PM	101	8	11	31	19	149	7:15 PM
7:30 PM	86	3	11	30	15	120	7:30 PM
7:45 PM	85	7	15	40	19	127	7:45 PM
8:00 PM	106	9	14	39	11	122	8:00 PM

8:15 PM	86	6	10	28	17	118	8:15 PM
8:30 PM	81	4	7	19	9	117	8:30 PM
8:45 PM	66	4	7	19	13	119	8:45 PM
9:00 PM	87	3	9	25	21	123	9:00 PM
9:15 PM	66	4	6	17	15	133	9:15 PM
9:30 PM	78	3	6	15	12	116	9:30 PM
9:45 PM	52	4	4	11	15	91	9:45 PM
10:00 PM	54	0	7	18	6	90	10:00 PM
10:15 PM	35	2	5	12	8	62	10:15 PM
10:30 PM	32	1	2	6	5	74	10:30 PM
10:45 PM	17	0	2	6	7	49	10:45 PM
11:00 PM	20	1	2	6	4	57	11:00 PM
11:15 PM	14	1	2	6	7	46	11:15 PM
11:30 PM	13	1	2	6	6	34	11:30 PM
11:45 PM	11	1	5	13	2	26	11:45 PM

Total 24 hour	7156	1169	1567	4329	4723	6938

Hourly Totals

Wednesday June 9, 1999

	Owings Mills Blvd North of Crondall	Owings Mills Blvd South of Crondall	Crondall Lane East of Owings Mills
12:00-1:00am	120	135	23
1:00-2:00am	53	71	28
2:00-3:00am	40	60	30
3:00-4:00am	47	63	44
4:00-5:00am	60	91	51
5:00-6:00am	250	312	118
6:00-7:00am	600	764	344
7:00-8:00am	1231	1710	953
8:00-9:00am	1253	1903	1238
9:00-10:00am	862	1279	765
10:00-11:00am	734	1084	620
11:00-12:00pm	807	1260	785
12:00-1:00pm	932	1475	1009
1:00-2:00pm	990	1504	984
2:00-3:00pm	875	1319	794
3:00-4:00pm	985	1391	740
4:00-5:00pm	1128	1570	802
5:00-6:00pm	1354	1902	998
6:00-7:00pm	1177	1502	619
7:00-8:00pm	1003	1152	305
8:00-9:00pm	876	970	216
9:00-10:00pm	785	877	170
10:00-11:00pm	432	481	87
11:00-12:00am	236	271	65
Total Volume	16830	23146	11788

Wells & Associates, LLC

McLean, Virginia

Existing Traffic Count

PROJECT:	Crondall 7-11	DATE:	7/27/99	SOUTHBOUND ROAD:	Cronridge Drive
W & A JOB NO..	20039	DAY:	Tuesday	NORTHBOUND ROAD:	-
INTERSECTION:	Crondall Lane/Cronridge Drive	WEATHER:	Clear/Hot	WESTBOUND ROAD:	Crondall Lane
LOCATION:	Baltimore County, MD	COUNTED BY:	Hi-Stars	EASTBOUND ROAD:	Crondall Lane

Time Period	Turning Movements																North & South	East & West	Total	Time Period
	Southbound Cronridge Drive				Westbound Crondall Lane				Northbound -				Eastbound Crondall Lane							
	1 Right	2 Thru	3 Left	Total	4 Right	5 Thru	6 Left	Total	7 Right	8 Thru	9 Left	Total	10 Right	11 Thru	12 Left	Total				
7:00-7:15	14	0	2	16	8	19	0	27	0	0	0	0	0	39	61	100	16	127	143	7:00-7:15
7:15-7:30	15	0	4	19	7	27	0	34	0	0	0	0	0	67	68	135	19	169	188	7:15-7:30
7:30-7:45	13	0	0	13	5	33	0	38	0	0	0	0	0	73	82	155	13	193	206	7:30-7:45
7:45-8:00	16	0	5	21	15	40	0	55	0	0	0	0	0	92	143	235	21	290	311	7:45-8:00
8:00-8:15	14	0	0	14	19	39	0	58	0	0	0	0	0	92	118	210	14	268	282	8:00-8:15
8:15-8:30	23	0	2	25	21	44	0	65	0	0	0	0	0	89	131	220	25	285	310	8:15-8:30
8:30-8:45	36	0	8	44	20	43	0	63	0	0	0	0	0	79	111	190	44	253	297	8:30-8:45
8:45-9:00	18	0	9	27	8	32	0	40	0	0	0	0	0	46	87	133	27	173	200	8:45-9:00
9:00-9:15	27	0	5	32	6	26	0	32	0	0	0	0	0	37	63	100	32	132	164	9:00-9:15
9:15-9:30	30	0	3	33	7	26	0	33	0	0	0	0	0	35	45	80	33	113	146	9:15-9:30
9:30-9:45	40	0	4	44	5	20	0	25	0	0	0	0	0	25	43	68	44	93	137	9:30-9:45
9:45-10:00	34	0	4	38	6	30	0	36	0	0	0	0	0	41	53	94	38	130	168	9:45-10:00
10:00-10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:00-10:15
10:15-10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:15-10:30
10:30-10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:30-10:45
10:45-11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:45-11:00
11:00-11:15	46	0	4	50	4	30	0	34	0	0	0	0	0	22	39	61	50	95	145	11:00-11:15
11:15-11:30	33	0	6	39	2	30	0	32	0	0	0	0	0	32	40	72	39	104	143	11:15-11:30
11:30-11:45	50	0	9	59	9	37	0	46	0	0	0	0	0	27	42	69	59	115	174	11:30-11:45
11:45-12:00	93	0	8	101	4	42	0	46	0	0	0	0	0	47	48	95	101	141	242	11:45-12:00
12:00-12:15	96	0	10	106	9	49	0	58	0	0	0	0	0	28	48	76	106	134	240	12:00-12:15
12:15-12:30	61	0	10	71	4	60	0	64	0	0	0	0	0	31	48	79	71	143	214	12:15-12:30
12:30-12:45	74	0	7	81	3	41	0	44	0	0	0	0	0	37	67	104	81	148	229	12:30-12:45
12:45-1:00	57	0	7	64	10	49	0	59	0	0	0	0	0	51	80	131	64	190	254	12:45-1:00
1:00-1:15	56	0	4	60	8	44	0	52	0	0	0	0	0	50	86	136	60	188	248	1:00-1:15
1:15-1:30	36	0	4	40	7	37	0	44	0	0	0	0	0	50	50	100	40	144	184	1:15-1:30
1:30-1:45	59	0	2	61	7	43	0	50	0	0	0	0	0	45	59	104	61	154	215	1:30-1:45
1:45-2:00	51	0	4	55	8	16	0	24	0	0	0	0	0	37	63	100	55	124	179	1:45-2:00
2:00-2:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:00-2:15
2:15-2:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:15-2:30
2:30-2:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:30-2:45
2:45-3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:45-3:00
3:00-3:15	42	0	6	48	3	40	0	43	0	0	0	0	0	39	42	81	48	124	172	3:00-3:15
3:15-3:30	27	0	7	34	4	30	0	34	0	0	0	0	0	30	35	65	34	99	133	3:15-3:30
3:30-3:45	60	0	10	70	3	33	0	36	0	0	0	0	0	28	40	68	70	104	174	3:30-3:45
3:45-4:00	52	0	5	57	8	38	0	46	0	0	0	0	0	30	47	77	57	123	180	3:45-4:00
4:00-4:15	69	0	7	76	3	50	0	53	0	0	0	0	0	41	38	79	76	132	208	4:00-4:15
4:15-4:30	51	0	3	54	4	49	0	53	0	0	0	0	0	26	20	46	54	99	153	4:15-4:30
4:30-4:45	111	0	11	122	6	75	0	81	0	0	0	0	0	48	23	71	122	152	274	4:30-4:45
4:45-5:00	76	0	14	90	4	97	0	101	0	0	0	0	0	43	47	90	90	191	281	4:45-5:00
5:00-5:15	86	0	19	105	3	167	0	170	0	0	0	0	0	62	42	104	105	274	379	5:00-5:15
5:15-5:30	93	0	16	109	4	73	0	77	0	0	0	0	0	61	40	101	109	178	287	5:15-5:30
5:30-5:45	76	0	12	88	3	53	0	56	0	0	0	0	0	50	30	80	88	136	224	5:30-5:45
5:45-6:00	52	0	11	63	3	58	0	61	0	0	0	0	0	43	33	76	63	137	200	5:45-6:00
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00-6:15
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15-6:30
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30-6:45
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45-7:00
12 Hour Totals	1,787	0	242	2,029	250	1,620	0	1,870	0	0	0	0	0	1,673	2,112	3,785	2,029	5,655	7,684	

Wells & Associates, LLC

McLean, Virginia

Existing Traffic Count

PROJECT:	Crondall 7-11	DATE:	7/27/99	SOUTHBOUND ROAD:	Cronhill Drive
W & A JOB NO.:	20039	DAY:	Tuesday	NORTHBOUND ROAD:	-
INTERSECTION:	Crondall Lane/Cronhill Drive	WEATHER:	Clear/Hot	WESTBOUND ROAD:	Crondall Lane
LOCATION:	Baltimore County, MD	COUNTED BY:	Hi-Stars	EASTBOUND ROAD:	Crondall Lane

Time Period	Turning Movements																North & South	East & West	Total	Time Period
	Southbound Cronhill Drive				Westbound Crondall Lane				Northbound -				Eastbound Crondall Lane							
	1 Right	2 Thru	3 Left	Total	4 Right	5 Thru	6 Left	Total	7 Right	8 Thru	9 Left	Total	10 Right	11 Thru	12 Left	Total				
7:00-7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7:00-7:15
7:15-7:30	9	0	4	13	23	26	0	49	0	0	0	0	0	15	47	62	13	111	124	7:15-7:30
7:30-7:45	11	0	4	15	28	20	0	48	0	0	0	0	0	17	52	69	15	117	132	7:30-7:45
7:45-8:00	12	0	8	20	29	39	0	68	0	0	0	0	0	25	54	79	20	147	167	7:45-8:00
8:00-8:15	18	0	5	23	36	41	0	77	0	0	0	0	0	18	64	82	23	159	182	8:00-8:15
8:15-8:30	16	0	6	22	33	46	0	79	0	0	0	0	0	15	57	72	22	151	173	8:15-8:30
8:30-8:45	24	0	15	39	28	37	0	65	0	0	0	0	0	17	50	67	39	132	171	8:30-8:45
8:45-9:00	13	0	4	17	17	24	0	41	0	0	0	0	0	16	35	51	17	92	109	8:45-9:00
9:00-9:15	13	0	12	25	11	16	0	27	0	0	0	0	0	13	31	44	25	71	96	9:00-9:15
9:15-9:30	11	0	2	13	10	19	0	29	0	0	0	0	0	11	18	29	13	58	71	9:15-9:30
9:30-9:45	13	0	4	17	7	16	0	23	0	0	0	0	0	6	15	21	17	44	61	9:30-9:45
9:45-10:00	10	0	4	14	8	18	0	26	0	0	0	0	0	16	26	42	14	68	82	9:45-10:00
10:00-10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:00-10:15
10:15-10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:15-10:30
10:30-10:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:30-10:45
10:45-11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:45-11:00
11:00-11:15	19	0	2	21	7	19	0	26	0	0	0	0	0	10	15	25	21	51	72	11:00-11:15
11:15-11:30	15	0	9	24	4	10	0	14	0	0	0	0	0	17	16	33	24	47	71	11:15-11:30
11:30-11:45	24	0	8	32	3	22	0	25	0	0	0	0	0	16	16	32	32	57	89	11:30-11:45
11:45-12:00	25	0	9	34	5	16	0	21	0	0	0	0	0	21	33	54	34	75	109	11:45-12:00
12:00-12:15	34	0	14	48	7	19	0	26	0	0	0	0	0	18	15	33	48	59	107	12:00-12:15
12:15-12:30	40	0	5	45	11	18	0	29	0	0	0	0	0	17	21	38	45	67	112	12:15-12:30
12:30-12:45	26	0	10	36	11	12	0	23	0	0	0	0	0	20	25	45	36	68	104	12:30-12:45
12:45-1:00	33	0	13	46	7	26	0	33	0	0	0	0	0	14	33	47	46	80	126	12:45-1:00
1:00-1:15	30	0	10	40	13	16	0	29	0	0	0	0	0	15	38	53	40	82	122	1:00-1:15
1:15-1:30	24	0	6	30	10	19	0	29	0	0	0	0	0	23	28	51	30	80	110	1:15-1:30
1:30-1:45	28	0	8	36	10	22	0	32	0	0	0	0	0	15	25	40	36	72	108	1:30-1:45
1:45-2:00	9	0	4	13	11	12	0	23	0	0	0	0	0	15	20	35	13	58	71	1:45-2:00
2:00-2:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:00-2:15
2:15-2:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:15-2:30
2:30-2:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:30-2:45
2:45-3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:45-3:00
3:00-3:15	24	0	10	34	10	12	0	22	0	0	0	0	0	17	22	39	34	61	95	3:00-3:15
3:15-3:30	15	0	10	25	5	22	0	27	0	0	0	0	0	21	20	41	25	68	93	3:15-3:30
3:30-3:45	24	0	9	33	6	13	0	19	0	0	0	0	0	22	12	34	33	53	86	3:30-3:45
3:45-4:00	27	0	7	34	7	14	0	21	0	0	0	0	0	22	14	36	34	57	91	3:45-4:00
4:00-4:15	30	0	12	42	6	19	0	25	0	0	0	0	0	30	20	50	42	75	117	4:00-4:15
4:15-4:30	30	0	19	49	7	19	0	26	0	0	0	0	0	18	10	28	49	54	103	4:15-4:30
4:30-4:45	63	0	24	87	7	11	0	18	0	0	0	0	0	28	24	52	87	70	157	4:30-4:45
4:45-5:00	53	0	32	85	5	23	0	28	0	0	0	0	0	30	23	53	85	81	166	4:45-5:00
5:00-5:15	126	0	64	190	10	25	0	35	0	0	0	0	0	50	22	72	190	107	297	5:00-5:15
5:15-5:30	39	0	36	75	7	35	0	42	0	0	0	0	0	53	20	73	75	115	190	5:15-5:30
5:30-5:45	41	0	28	69	6	19	0	25	0	0	0	0	0	45	23	68	69	93	162	5:30-5:45
5:45-6:00	34	0	23	57	7	20	0	27	0	0	0	0	0	43	8	51	57	78	135	5:45-6:00
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00-6:15
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:15-6:30
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:30-6:45
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:45-7:00
12 Hour Totals	963	0	440	1,403	412	745	0	1,157	0	0	0	0	0	749	952	1,701	1,403	2,858	4,261	

Trips on Crondall Lane

Westbound			Eastbound	Total	percent of travel
		Garrison Forest Rd	3	3	2.9%
	2	Cronridge/others	60	62	59.6%
	10	Cronhill/Poetry	23	33	31.7%
	6	Owings Mills Blvd.		6	5.8%
Total	18		86	104	

91.3% of the traffic on Crondall Lane has a destination on Crondall Lane.
Therefore, Crondall Lane is a local street.
Owings Mills Boulavard is an Arterial Street with more long distance trips and fewer local trips.

77-86% of traffic to the Industrial Park uses Owings Mill Blvd. 81.2% average

Average Daily Traffic Volumes(ADT)

		Local Trips	
Owings Mills Boulevard(Arterial Street)			
		20%	Note 1
North of Crondall Lane	16,830	3,366	
South of Crondall Lane	23,146	4,629	
Crondall Lane(Local Street)			
		91.30%	
East of Owings Mill Blvd.	11,788	10,762	
West of Garrison Forest Road	3,341	3,050	
Total trips with destination on Crondall Lane		13,813	3.34 trips/employee
ITE rates- Industrial Parks		4,136	Employees

Note 1: A Policy on Geometric Design of Highways and Streets

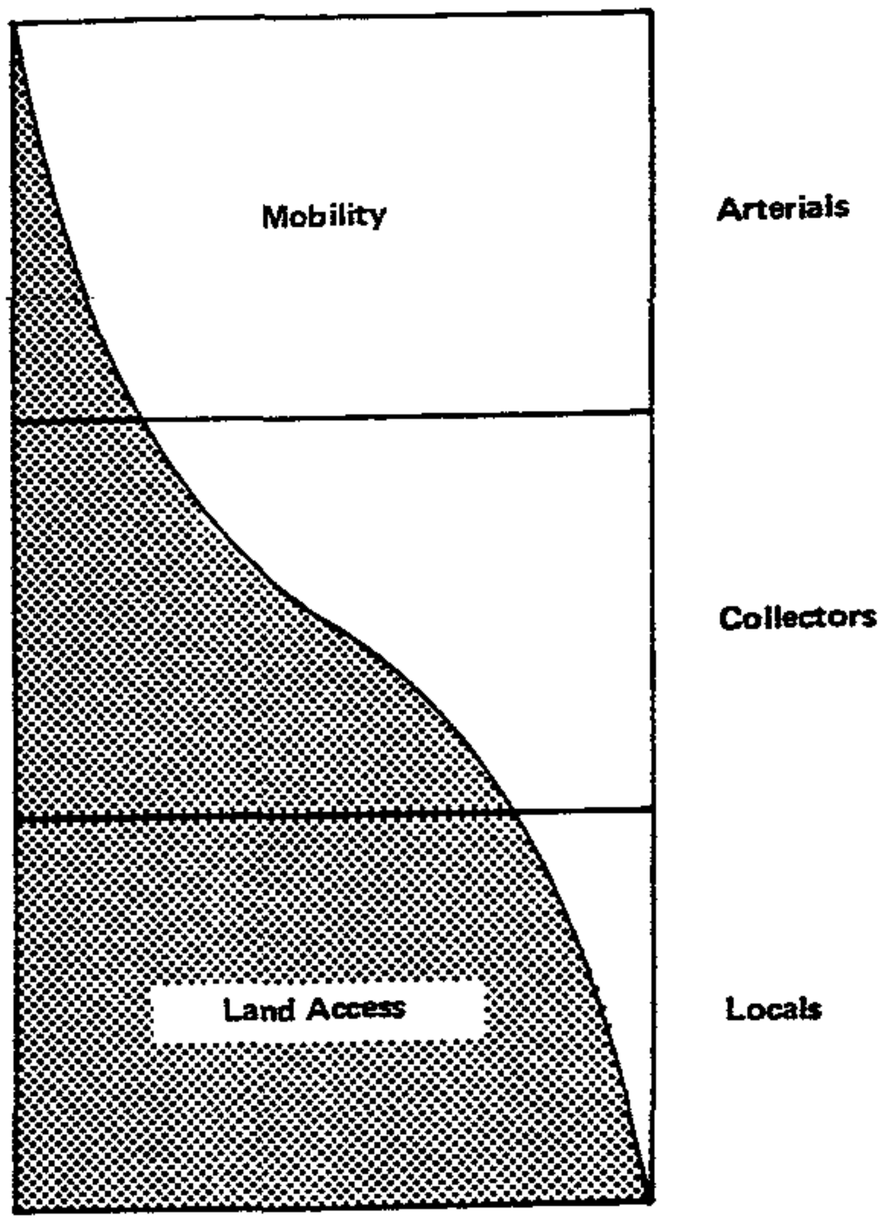

Figure I-5. Relationship of functionally classified systems in service traffic mobility and land access.

Highway Administration publication *Highway Functional Classification: Concepts, Criteria and Procedures* (1).

Definitions of Urban and Rural Areas

Urban and rural areas have fundamentally different characteristics with regard to density and types of land use, density of street and

RESEARCH REPORTS

Tapan K. Datta, Sue Datta, & Prasad Nannapaneni, "Trip-Generation Models for Multiuse Highway Commercial Developments," ITE Journal(February 1998) p. 24.

James H. Kawamura, "Service Station Trip Generation," ITE Journal(March 1993) p. 23.

Tapan K Datta, & Paul Guzek, "Trip Generation Characteristics at Gasoline Service Stations," ITE Journal(July 1992) p. 41.

Greg Luttrell, "Trip Generation Studies of Gas/Convenience Stores," ITE Journal(January 1991) p. 34.

William E. Tipton, Sr., & William E. Tipton, Jr., "Transportation Characteristics of Convenience Stores with Gas Pumps," ITE Journal(June1990), p. 39.

Montana Technical Committee of the Intermountain Section of ITE, "Trip Characteristics of Convenience Markets with Gas Pumps," ITE Journal(July 1987)

Federal Highway Administration, "Highway Functional Classification: Concept, Criteria and Procedures,"

American Association of State Highway and Transportation Officials, "Policy on Geometric Design of Highways and Streets,"

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Pet #8

PHILIP E. PERRINE, AICP, PE

RESUME

EDUCATION:

Wayne State University, 1976
Master of Urban Planning

Missouri University, 1967
Bachelor of Civil Engineering

PROFESSIONAL AFFILIATIONS:

Registered Professional Engineer, Maryland
American Institute of Certified Planners
American Planning Association

QUALIFIED EXPERT WITNESS:

State of Maryland Tax Court
Montgomery County Circuit Court
Montgomery County Hearing Examiner
Montgomery County Board of Appeals
Montgomery County Planning Commission
City of Gaithersburg Planning Commission and Council
City of Rockville Planning Commission and Council
Prince George's County Hearing Examiner
Prince George's County Planning Commission
Anne Arundel County Hearing Examiner
Frederick County Commissioners

PROFESSIONAL ACTIVITIES:

Court appointed Commissioner to hear property partitioning suit.
Participant in Maryland Institute for Continuing Professional Education of Lawyers Mock Zoning hearing.
Co-author of "Transferable Development Rights" in Planning magazine.
Past President, Montgomery County Chamber of Commerce.
Guest lecturer at American University Law School on expert witness testimony

PHILIP E. PERRINE, AICP, PE

RESUME (Cont)

PROFESSIONAL EXPERIENCE:

Perrine Planning & Zoning, Inc.
Rockville, MD 1986-Present

Principal of a planning firm specializing in land use planning, site planning, rezoning, feasibility and site location studies for residential, commercial and industrial users.

J. Dougherty Co, Inc.
Gaithersburg, MD 1983-1986

Member of an urban design and regional planning firm. Responsible for planning and zoning for a variety of projects.

Dewberry & Davis
Gaithersburg, MD 1981-1983

Assistant Branch Manager, Business Development & Zoning. Responsible for marketing and business development for Montgomery County Office. Project manager for various rezoning and land development projects. Prepared feasibility studies. Provided expert witness testimony for rezoning cases.

Maryland-National Capital Park & Planning Commission
Silver Spring, MD 1972-1981

Chief, Development Review Division (1977-1981). Directed division with staff of 12 and budget of $350,000. Division included three separate offices: Rezoning, Subdivision, and Public Information. Responsibilities included preparation of work program and budget, hiring of staff, and directing production of division.

Detroit City Plan Commission
Detroit, MI 1971-1972

Planner. Performed land use studies, represented Commission at public hearings and community meetings.

Booker & Associates, Inc.
St. Louis, MO 1967-1970

Design Engineer. Performed civil engineering design, including interstate highway design, state park development plans, and site development plans.

PET #11

LINDA P. RAAB, AICP

Planning, Zoning & Economic Studies

6606 Old Stage Road ■ Rockville, Maryland 20852-4328

Phone 301-881-1997 ■ Fax 301-230-1724

E-Mail <lpraab@erols.com>

PROFESSIONAL QUALIFICATIONS

Capabilities: More than 20 years experience in land development activities in both the public and private sectors. Demonstrated effectiveness in all aspects of planning and zoning, permit expediting, and capital improvements programming and budgeting. Proficiency in economic, market, and demographic studies. Have qualified as an expert witness in both land planning and market analysis before the Prince George's County Zoning Hearing Examiner, in market analysis before the Montgomery County Board of Appeals, and in land planning before the Montgomery County Circuit Court.

Experience:

1988-Present **Consultant, Planning and Economic Studies**
Specialize in land use planning, zoning analysis, and economic studies.

1987-1988 **Senior Associate, Giegerich & Associates, Inc.**
Managed planning, market, and feasibility studies for clients in the Washington metropolitan area.

- For a large developer, directed a master plan project for a 31-square mile area in upper Montgomery County which included coordinating the work of four consulting firms.
- Delivered expert testimony for clients involved in condemnation proceedings, rezoning cases, and special exception applications.

1987 **Director of Acquisitions Planning, The Milton Company**
Directed acquisitions planning activities for a Washington metropolitan area residential developer.

- Identified and recommended parcels for purchase.
- Organized and presented broker submissions to company officers.
- Conducted feasibility evaluations and market analyses.

1986-1987 **Senior Planner, KELLERCO, Inc.**
Managed projects and provided technical expertise on development projects in a transportation consulting firm serving clients in the Washington metropolitan area including a 180-acre, 2-million square foot office and commercial development in Chesterfield County, Virginia.

1981-1986 **Senior Planner, Montgomery County (MD) Government**
Carried out a variety of projects related to land use planning, water and sewerage service, transportation, and economic development.

- Assisted developers with the development-approval process.
- Organized private sector lobbying efforts to obtain $25 million in state appropriations for transportation improvements.
- Reviewed applications for changes in County water and sewer staging.
- Managed a semi-annual survey of major employers.

1979-1981 **Associate, Institute for Governmental Service, University of Maryland.**
Provided consulting services to Maryland cities and towns on a variety of technical issues.
- Provided training to local officials.
- Co-edited a handbook for municipal officials.

1979 **Consultant, Kilduff Mayberry & Associates**
Provided economic and land use planning support for a comprehensive design zone application for a $5 million hotel complex in Laurel, Maryland; had lead responsibility for the economic study that included market, fiscal impact, and demographic analyses.

1976-1979 **Director of Planning and Zoning, City of Laurel, Maryland**
Directed all planning and zoning activities for a city of 10,000 persons.
- Reviewed site plan, subdivision, and rezoning applications for development projects.
- Drafted amendments to development regulations.
- Managed Community Development Block Grant program.
- Prepared annual Capital Improvements Program.
- Conducted studies of demographic and employment trends.

1972-1975 **Research Assistant, Virginia Highway & Transportation Research Council**
Performed a variety of research assignments.
- Completed a study of secondary roads as catalysts for economic growth.
- Co-authored a paper on revenue sources for state highway construction and maintenance.

Education: Master of Planning, University of Virginia
Bachelor of Arts, Economics, College of Notre Dame of Maryland

Membership: American Institute of Certified Planners

PeT #12

HOUSEHOLD AND EMPLOYMENT DATA
CRONDALL 7-ELEVEN AREA

Table 1. Households

Traffic Zone	*1995*	*2000*	*2020*
TZ 435	114	119	139
TZ 436	2	2	2
Total	116	121	141

Source: Baltimore Metropolitan Council, June 1999.

Table 2. Employment

Traffic Zone and Type of Employment	*1995*		*2000*		*2020*	
	Number	*Percent*	*Number*	*Percent*	*Number*	*Percent*
TZ 435						
Retail	242	6.9%	531	14.4%	221	6.0%
Non-Retail	3,190	90.5%	3,161	85.6%	3667	99.3%
Total Employment	3,523	100.0%	3,692	100.0%	3,692	100.0%
TZ 436						
Retail	0	0.0%	16	1.2%	221	6.0%
Non-Retail	1,319	100.0%	1,362	98.8%	3667	99.3%
Total Employment	1,319	100.0%	1,378	100.0%	3,692	100.0%
TZ 435 + TZ 436						
Retail	242	5.0%	547	10.8%	547	10.8%
Non-Retail	4,509	93.1%	4,523	89.2%	4,523	89.2%
Total Employment	4,842	100.0%	5,070	100.0%	5,070	100.0%

Source: Baltimore Metropolitan Council, June 1999.

Pet #13

PRELIMINARY SITE APPROVAL

Date
2/11/97

Location Address	Market Number	Evaluator
SEC Owings Mills Blvd. @ Crondall Lane	2403	Ed Zimmerman

Property Dimension	Present Use	Zoning/CUP (Avail/Compatable/Timing)	Utilities (Avail/Cost)
3.875 acres	Vacant		

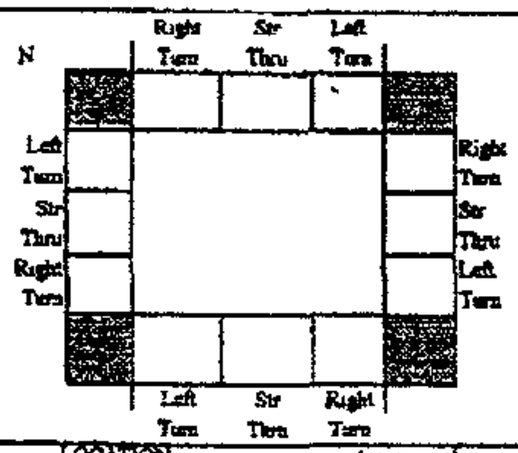
Asking Price/Rent	Owner/Lessor	Terms/Options
$11.669.	Rex Dalrymple	20 yr. Primary 2 - 5 yr options

Broker: N/A

15 MINUTE TRAFFIC COUNT
(If significant or no 24 hour count)

Time - From:	To:
Weather	

Facing Street	Side Street
Owings Mi	Crondall La
TRAFFIC SPEED: Facing Street	45
TRAFFIC SPEED: Side Street	45



24 HOUR TRAFFIC COUNT

Date Count was Recorded	
1996 Estimate	
Facing Street: 16,000	
One Direction	Both Directions: X
Side Street: 7,500 actual 1996	
One Direction	Both Directions: X

COMPETITION

	Name	Type	LOCATION: Facing Street	@ / NR	Side Street	Access To Side Street: Yes	No	Store Hours	Gas	Comments
1.	None									
2.	in									
3.	Trade									
4.	Area									
5.										
6.										
7.										
8.										

7-ELEVEN REPRESENTATION ($000)

Store Number	PRIOR YEAR Sales ($000's) M	G	Net	PRIOR YTD Sales ($000's) M	G	Net	CURRENT YTD Sales ($000's) M	G	Net	Comments
NONE IN GRID										
MARKET AVERAGE:										

MAJOR ACTIVITY GENERATORS

NAME	TYPE

APPROVED SIGNATURES

PRELIMINARY VOLUME ESTIMATE MERCHANDISE ($1,000'S) /GAS GALLONS (1,000'S)

	1st Year M	G	2nd Year M	G	3rd Year M	G	4th Year M	G	5th Year M	G
RE Rep. Date	1,000	1,300			1,100	1,400			1,200	1,500
Mc. Mgr Date										
RE Mgr. Date										
Div Mgr Date										
VP/Mgr Corp RE Date										

PROCEED / DO NOT PROCEED (Circle One)

COMMENTS:

CUSTOM SUMMARY REPORT
(POP FACTS: FULL DATA REPORT)
BY EQUIFAX NATIONAL DECISION SYSTEMS 800-866-6510
PREPARED FOR
The Southland Corp.

Owings Mills Blvd and Crondall Site:658326
Owings Mills, MD COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
POPULATION			
2001 PROJECTION	1,171	5,467	24,034
1996 ESTIMATE	1,124	5,223	22,913
1990 CENSUS	1,136	5,217	21,952
1980 CENSUS	1,258	5,579	20,301
GROWTH 1980 - 1990	-9.68%	-6.49%	8.13%
HOUSEHOLDS			
2001 PROJECTION	566	2,517	9,651
1996 ESTIMATE	546	2,418	9,127
1990 CENSUS	519	2,281	8,395
1980 CENSUS	539	2,287	7,319
GROWTH 1980 - 1990	-3.74%	-0.22%	14.70%
1996 ESTIMATED POPULATION BY RACE	1,124	5,223	22,913
WHITE	61.42%	61.49%	76.39%
BLACK	36.02%	35.24%	19.94%
ASIAN & PACIFIC ISLANDER	1.74%	2.36%	2.86%
OTHER RACES	0.82%	0.91%	0.81%
1996 ESTIMATED POPULATION	1,124	5,223	22,913
HISPANIC ORIGIN	1.48%	1.93%	1.98%
OCCUPIED UNITS	519	2,281	8,395
OWNER OCCUPIED	16.07%	15.62%	50.27%
RENTER OCCUPIED	83.93%	84.38%	49.73%
1990 AVERAGE PERSONS PER HH	2.19	2.23	2.55
1996 EST. HOUSEHOLDS BY INCOME	546	2,418	9,127
$150,000 OR MORE	4.97%	4.04%	6.81%
$100,000 TO $149,999	0.00%	1.34%	5.54%
$ 75,000 TO $ 99,999	4.17%	5.08%	7.95%
$ 50,000 TO $ 74,999	15.92%	16.90%	22.54%
$ 35,000 TO $ 49,999	24.41%	23.03%	18.58%
$ 25,000 TO $ 34,999	22.65%	20.87%	15.27%
$ 15,000 TO $ 24,999	18.56%	16.76%	12.36%
$ 5,000 TO $ 15,000	8.39%	10.36%	8.86%
UNDER $ 5,000	0.95%	1.60%	2.09%
1996 EST. AVERAGE HOUSEHOLD INCOME	$46,506	$46,263	$59,176
1996 EST. MEDIAN HOUSEHOLD INCOME	$34,720	$35,269	$44,219
1996 EST. PER CAPITA INCOME	$22,606	$21,473	$23,644

PET #15

CUSTOM SUMMARY REPORT
(POP FACTS: FULL DATA REPORT)
BY EQUIFAX NATIONAL DECISION SYSTEMS 800-866-6510
PREPARED FOR
The Southland Corp.

Owings Mills Blvd and Crondall
Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
1996 ESTIMATED POPULATION BY SEX	1,124	5,223	22,913
MALE	46.87%	46.25%	47.81%
FEMALE	53.13%	53.75%	52.19%
MARITAL STATUS	929	4,172	17,090
SINGLE MALE	18.23%	18.68%	15.68%
SINGLE FEMALE	19.31%	19.33%	14.76%
MARRIED	42.60%	40.76%	52.03%
PREVIOUSLY MARRIED MALE	6.59%	6.57%	5.18%
PREVIOUSLY MARRIED FEMALE	13.27%	14.65%	12.36%
HOUSEHOLDS WITH CHILDREN	145	742	3,332
MARRIED COUPLE FAMILY	57.28%	55.47%	68.97%
OTHER FAMILY-MALE HEAD	9.27%	8.13%	5.17%
OTHER FAMILY-FEMALE HEAD	31.29%	34.41%	24.50%
NON FAMILY	2.17%	2.00%	1.36%
1996 ESTIMATED POPULATION BY AGE	1,124	5,223	22,913
UNDER 5 YEARS	7.78%	8.58%	9.14%
5 TO 9 YEARS	6.84%	7.52%	8.16%
10 TO 14 YEARS	4.83%	5.57%	6.40%
15 TO 17 YEARS	2.48%	2.65%	3.16%
18 TO 20 YEARS	2.76%	2.76%	2.70%
21 TO 24 YEARS	7.36%	7.31%	5.35%
25 TO 29 YEARS	13.80%	13.04%	9.49%
30 TO 34 YEARS	11.26%	11.80%	10.76%
35 TO 39 YEARS	10.46%	10.66%	10.79%
40 TO 49 YEARS	14.53%	14.43%	16.49%
50 TO 59 YEARS	7.42%	6.36%	7.54%
60 TO 64 YEARS	2.94%	2.55%	2.94%
65 TO 69 YEARS	1.88%	1.99%	2.40%
70 TO 74 YEARS	2.38%	2.06%	1.98%
75 + YEARS	3.28%	2.72%	2.71%
MEDIAN AGE	31.86	31.10	32.60
AVERAGE AGE	33.39	32.12	32.66

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Owings Mills Blvd and Crondall
Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
1996 ESTIMATED FEMALE POP. BY AGE	597	2,807	11,958
UNDER 5 YEARS	6.83%	7.75%	8.08%
5 TO 9 YEARS	6.42%	7.34%	7.86%
10 TO 14 YEARS	5.08%	5.70%	6.38%
15 TO 17 YEARS	2.52%	2.51%	2.92%
18 TO 20 YEARS	3.10%	2.91%	2.70%
21 TO 24 YEARS	7.40%	7.54%	5.65%
25 TO 29 YEARS	15.19%	13.98%	9.94%
30 TO 34 YEARS	10.25%	11.04%	10.63%
35 TO 39 YEARS	10.52%	10.40%	10.60%
40 TO 49 YEARS	14.79%	14.40%	16.44%
50 TO 59 YEARS	7.30%	6.40%	7.76%
60 TO 64 YEARS	2.97%	2.63%	3.00%
65 TO 69 YEARS	2.03%	2.21%	2.61%
70 TO 74 YEARS	2.70%	2.31%	2.29%
75 + YEARS	2.91%	2.88%	3.14%
FEMALE MEDIAN AGE	31.81	31.04	33.04
FEMALE AVERAGE AGE	33.63	32.61	33.51
POPULATION BY HOUSEHOLD TYPE	1,136	5,217	21,952
FAMILY HOUSEHOLDS	72.94%	72.73%	82.18%
NON-FAMILY HOUSEHOLDS	27.06%	24.71%	15.30%
GROUP QUARTERS	0.00%	2.56%	2.51%
HOUSEHOLDS BY TYPE	519	2,281	8,395
SINGLE MALE	15.15%	13.97%	9.15%
SINGLE FEMALE	20.22%	19.97%	14.57%
MARRIED COUPLE	36.05%	35.60%	51.23%
OTHER FAMILY-MALE HEAD	3.91%	3.85%	3.33%
OTHER FAMILY-FEMALE HEAD	13.40%	16.08%	14.33%
NON FAMILY-MALE HEAD	7.38%	6.54%	4.34%
NON FAMILY-FEMALE HEAD	3.89%	4.00%	3.04%
POPULATION BY URBAN VS. RURAL	1,120	5,190	21,935
URBAN	100.00%	100.00%	90.92%
RURAL	0.00%	0.00%	9.08%

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Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
FEMALES 16+ WITH CHILDREN 0 - 17: BAS	507	2,256	9,007
WORKING WITH CHILD 0 - 5	3.52%	4.83%	5.72%
NOT WORKING WITH CHILD 0 - 5	0.00%	0.32%	0.48%
NOT IN LABOR FORCE WITH CHILD 0 -	1.69%	2.51%	3.70%
WORKING WITH CHILD 6 - 17	9.08%	11.27%	13.21%
NOT WORKING WITH CHILD 6 - 17	0.66%	0.51%	0.38%
NOT IN LAB. FORCE WITH CHILD 6 -	2.18%	2.41%	3.18%
WORKING WITH CHILD 0 - 5 & 6 - 18	2.66%	3.18%	4.07%
NOT WORKING WITH CHILD 0-5 & 6-18	0.00%	0.29%	0.62%
NOT IN LAB. FORCE W/CHILD 0-5 &6-	0.42%	1.15%	2.04%
WORKING WITH NO CHILDREN	56.61%	52.81%	45.80%
NOT WORKING WITH NO CHILDREN	0.54%	1.47%	1.39%
NOT IN LAB. FORCE WITH NO CHILD.	22.64%	19.26%	19.42%
HH BY AGE BY POVERTY STATUS	531	2,306	8,481
ABOVE POVERTY UNDER AGE 65	87.24%	86.75%	84.66%
ABOVE POVERTY AGE 65 +	9.47%	7.88%	9.78%
BELOW POVERTY UNDER AGE 65	2.77%	4.22%	4.31%
BELOW POVERTY AGE 65 +	0.52%	1.14%	1.25%
POPULATION 16+ BY EMPLOYMENT STATUS	928	4,106	16,869
EMPLOYED IN ARMED FORCES	0.36%	0.27%	0.18%
EMPLOYED CIVILIANS	74.47%	75.17%	74.15%
UNEMPLOYED CIVILIANS	3.37%	4.01%	3.05%
NOT IN LABOR FORCE	21.80%	20.55%	22.62%
POPULATION 16+ BY OCCUPATION	691	3,087	12,508
EXECUTIVE AND MANAGERIAL	11.79%	13.12%	16.54%
PROFESSIONAL SPECIALTY	11.13%	11.23%	15.09%
TECHNICAL SUPPORT	8.52%	6.16%	5.25%
SALES	10.95%	11.38%	13.66%
ADMINISTRATIVE SUPPORT	25.40%	24.57%	19.15%
SERVICE: PRIVATE HOUSEHOLD	0.00%	0.36%	0.64%
SERVICE: PROTECTIVE	1.82%	1.87%	1.61%
SERVICE: OTHER	10.46%	11.17%	8.65%
FARMING FORESTRY & FISHING	0.97%	1.15%	1.10%
PRECISION PRODUCTION & CRAFT	10.59%	9.15%	9.10%
MACHINE OPERATOR	3.46%	3.81%	3.48%
TRANS. AND MATERIAL MOVING	2.89%	3.52%	3.56%
LABORERS	2.04%	2.50%	2.17%

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Owings Mills Blvd and Crondall
Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
FAMILIES BY NUMBER OF WORKERS	275	1,267	5,876
NO WORKERS	6.92%	5.70%	5.09%
ONE WORKER	37.00%	36.77%	27.40%
TWO WORKERS	40.28%	44.15%	52.90%
THREE + WORKERS	15.80%	13.39%	14.61%
HISPANIC POPULATION BY TYPE	1,136	5,217	21,952
NOT HISPANIC	98.65%	98.09%	98.05%
MEXICAN	0.32%	0.32%	0.28%
PUERTO RICAN	0.22%	0.32%	0.34%
CUBAN	0.08%	0.11%	0.10%
OTHER HISPANIC	0.73%	1.16%	1.22%
1996 HISPANICS BY RACE: BASE	17	101	453
WHITE	46.56%	47.64%	57.33%
BLACK	20.27%	20.96%	13.16%
ASIAN	3.69%	5.36%	3.62%
OTHER	29.49%	26.04%	25.90%
POPULATION BY TRANSPORTATION TO WORK	678	3,024	12,325
DRIVE ALONE	74.36%	74.73%	78.30%
CAR POOL	12.94%	12.37%	11.30%
PUBLIC TRANSPORTATION	10.85%	10.01%	6.14%
DRIVE MOTORCYCLE	0.00%	0.07%	0.05%
WALKED ONLY	0.50%	1.34%	1.73%
OTHER MEANS	0.50%	0.38%	0.36%
WORKED AT HOME	0.86%	1.10%	2.12%
POPULATION BY TRAVEL TIME TO WORK	678	3,024	12,325
UNDER 10 MINUTES / WORK AT HOME	9.93%	11.37%	12.33%
10 TO 29 MINUTES	43.03%	43.21%	44.44%
30 TO 59 MINUTES	41.79%	39.33%	38.21%
60 TO 89 MINUTES	4.84%	5.53%	4.45%
90+ MINUTES	0.41%	0.55%	0.57%
AVERAGE TRAVEL TIME IN MINUTES	27.20	26.58	25.33
HOUSEHOLDS BY NO. OF VEHICLES	520	2,278	8,290
NO VEHICLES	5.01%	7.94%	6.49%
1 VEHICLE	54.02%	51.53%	36.74%
2 VEHICLES	35.72%	33.55%	42.54%
3+ VEHICLES	5.25%	6.98%	14.22%
ESTIMATED TOTAL VEHICLES	740	3,210	13,872

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Owings Mills Blvd and Crondall
Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
POPULATION 25+ BY EDUCATION LEVEL	777	3,402	14,183
ELEMENTARY (0-8)	8.22%	7.76%	7.91%
SOME HIGH SCHOOL (9-11)	11.50%	12.24%	11.20%
HIGH SCHOOL GRADUATE (12)	27.71%	27.29%	25.60%
SOME COLLEGE (13-15)	22.29%	22.96%	20.77%
ASSOCIATES DEGREE ONLY	4.58%	5.65%	6.92%
BACHELORS DEGREE ONLY	18.49%	17.16%	18.28%
GRADUATE DEGREE	7.21%	6.95%	9.32%
POPULATION ENROLLED IN SCHOOL	243	1,227	5,537
PUBLIC PRE- PRIMARY	1.89%	3.93%	4.87%
PRIVATE PRE- PRIMARY	0.00%	1.56%	5.95%
PUBLIC ELEM/HIGH	48.52%	51.21%	53.77%
PRIVATE ELEM/HIGH	1.26%	1.68%	4.84%
ENROLLED IN COLLEGE	48.33%	41.61%	30.57%
HOUSING UNITS BY OCCUPANCY STATUS	570	2,462	8,795
OCCUPIED	91.11%	92.68%	95.45%
VACANT	8.89%	7.32%	4.55%
VACANT UNITS	51	180	400
FOR RENT	88.48%	91.41%	68.85%
FOR SALE ONLY	2.58%	2.71%	18.81%
SEASONAL	3.18%	2.14%	2.62%
OTHER	5.76%	3.73%	9.72%
OWNER OCCUPIED PROPERTY VALUES	76	330	3,731
UNDER $25,000	0.00%	0.06%	0.09%
$25,000 TO $49,999	3.96%	1.89%	0.97%
$50,000 TO $74,999	13.10%	10.98%	14.47%
$75,000 TO $99,999	34.23%	34.37%	29.57%
$100,000 TO $149,999	32.26%	35.22%	28.73%
$150,000 TO $199,999	6.50%	10.73%	7.63%
$200,000 TO $299,999	9.43%	6.21%	10.88%
$300,000 TO $399,999	0.53%	0.48%	4.54%
$400,000 TO $499,999	0.00%	0.06%	1.53%
$500,000 +	0.00%	0.00%	1.59%
MEDIAN PROPERTY VALUE	$105,095	$107,692	$131,318
TOTAL RENTAL UNITS	431	1,897	4,051
MEDIAN RENT	$465	$439	$424

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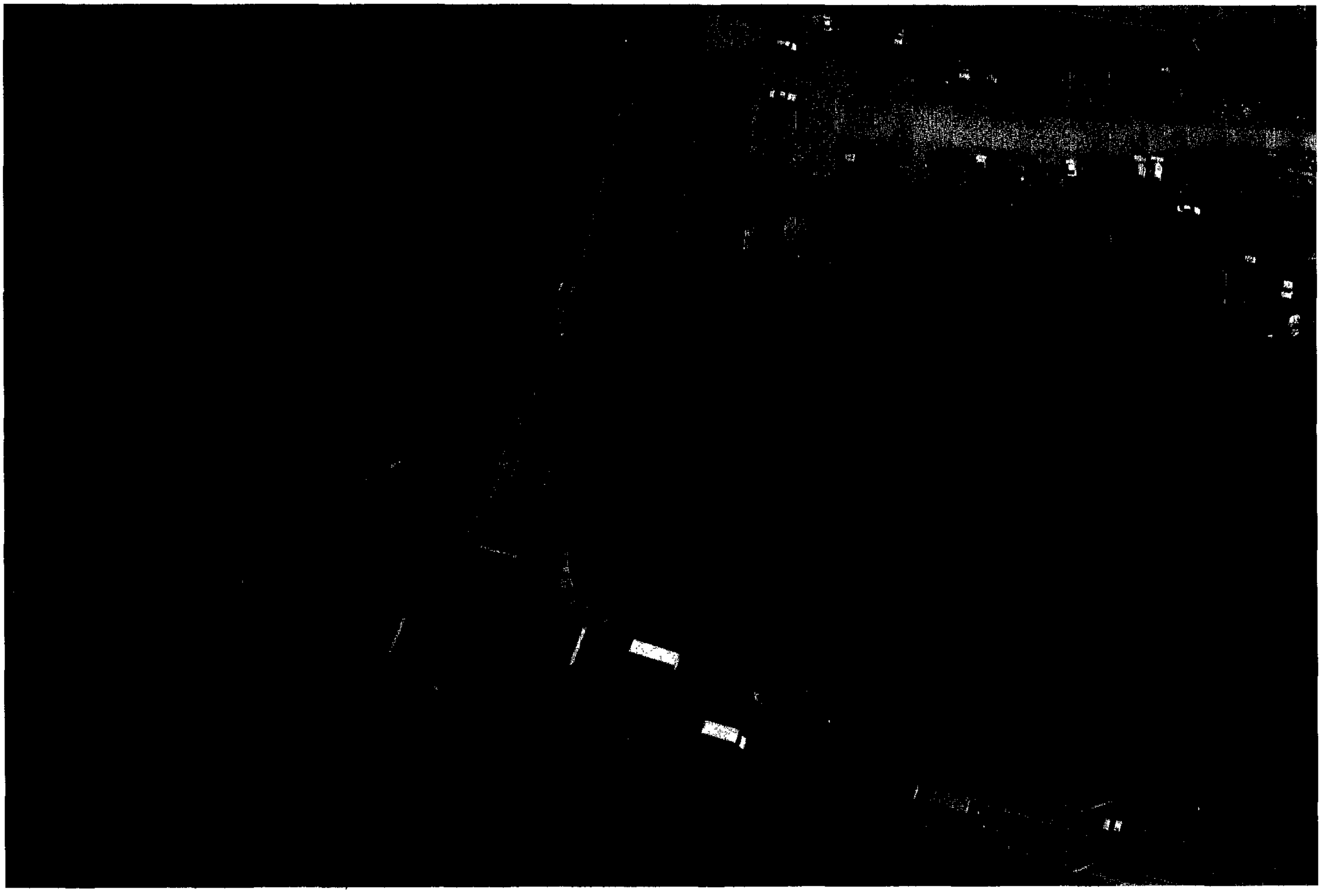
The Southland Corp.

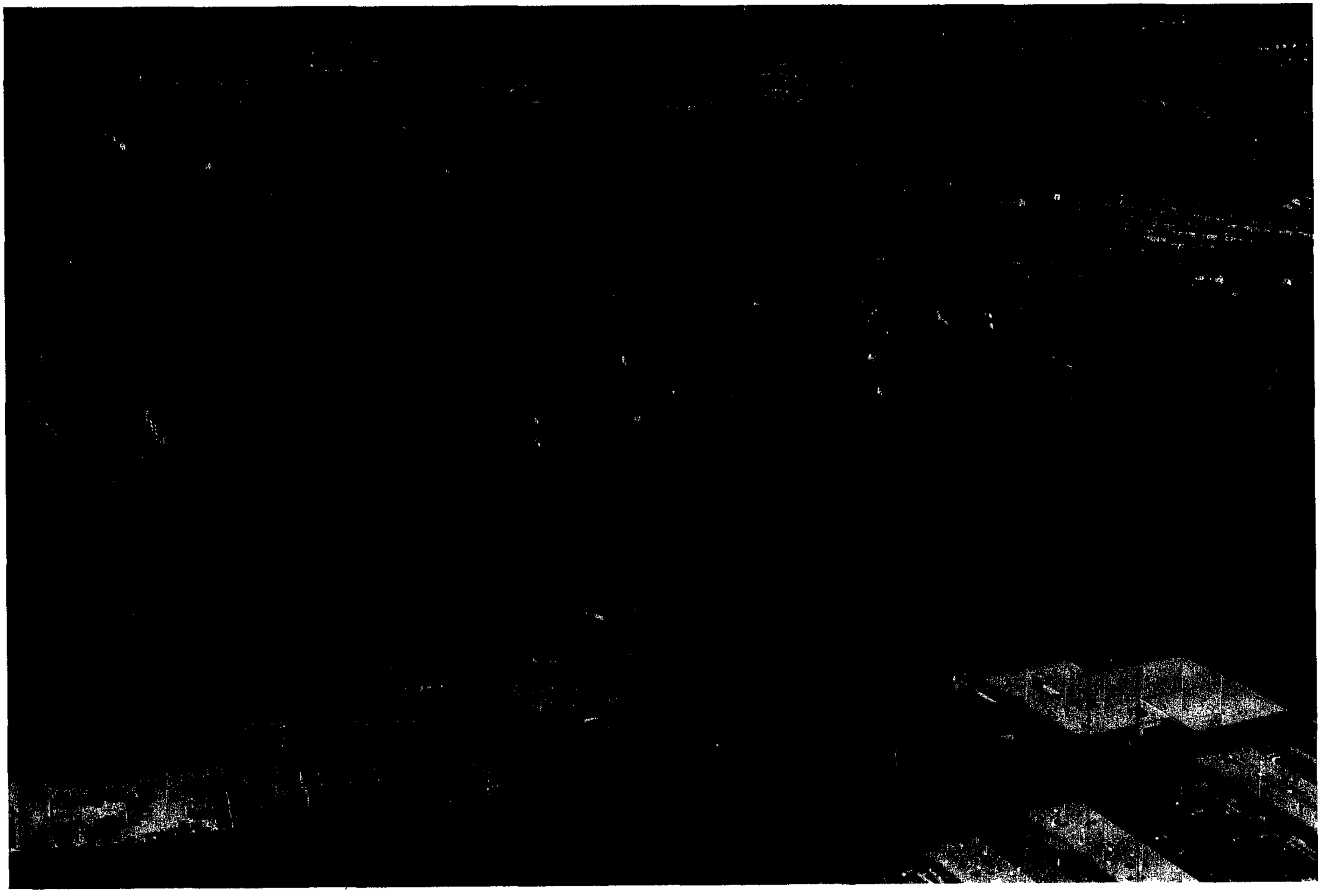
Owings Mills Blvd and Crondall
Owings Mills, MD

Site:658326
COORD: 39:26.05 76:46.82

DESCRIPTION	0.50 MILE RADIUS	1.00 MILE RADIUS	2.00 MILE RADIUS
PERSONS IN UNIT	519	2,281	8,395
1 PERSON UNITS	35.37%	33.94%	23.72%
2 PERSON UNITS	33.86%	32.55%	31.82%
3 PERSON UNITS	15.14%	17.30%	20.35%
4 PERSON UNITS	10.35%	11.26%	16.97%
5 PERSON UNITS	3.71%	3.50%	5.05%
6 PERSON UNITS	0.78%	0.90%	1.46%
7 + UNITS	0.80%	0.55%	0.64%
YEAR ROUND UNITS IN STRUCTURE	570	2,462	8,795
SINGLE UNITS DETACHED	16.99%	15.53%	40.55%
SINGLE UNITS ATTACHED	1.72%	8.27%	18.45%
DOUBLE UNITS	1.31%	1.09%	1.23%
3 TO 9 UNITS	17.36%	17.78%	9.26%
10 TO 19 UNITS	54.93%	50.91%	27.59%
20 TO 49 UNITS	7.26%	5.80%	2.11%
50 + UNITS	0.00%	0.00%	0.00%
MOBILE HOME OR TRAILER	0.00%	0.01%	0.02%
ALL OTHER	0.43%	0.60%	0.79%
SINGLE/MULTIPLE UNIT RATIO	0.23	0.32	1.47
HOUSING UNITS BY YEAR BUILT	520	2,278	8,290
BUILT 1989 TO MARCH 1990	0.93%	0.90%	2.84%
BUILT 1985 TO 1988	4.22%	4.19%	9.34%
BUILT 1980 TO 1984	4.83%	5.07%	5.62%
BUILT 1970 TO 1979	34.22%	42.81%	38.90%
BUILT 1960 TO 1969	38.35%	34.55%	27.41%
BUILT 1950 TO 1959	9.91%	6.91%	9.91%
BUILT 1940 TO 1949	0.77%	0.86%	1.31%
BUILT 1939 OR EARLIER	6.78%	4.72%	4.67%



Pet #16 A



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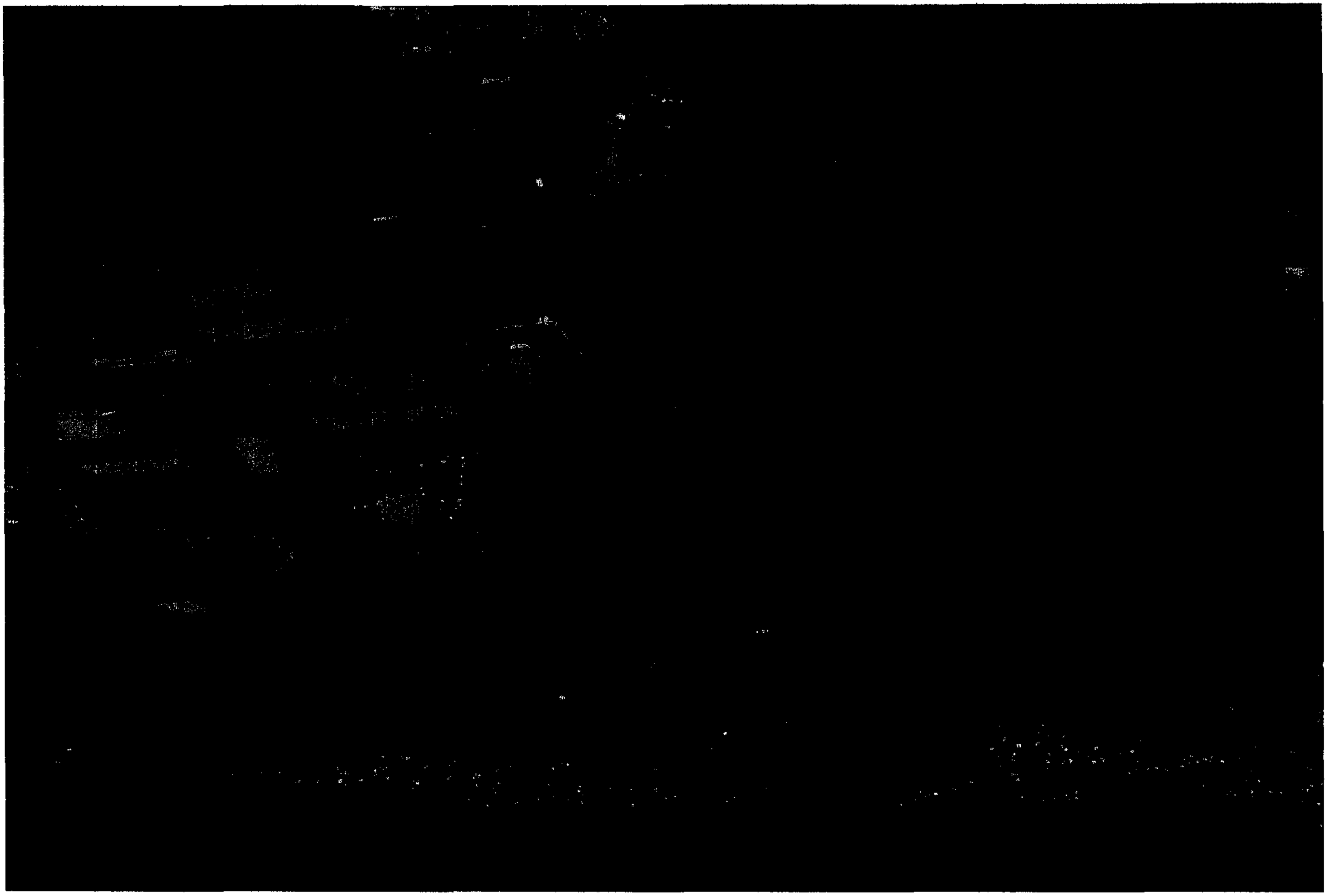


Pet 17

SITE EVALUATION FORM

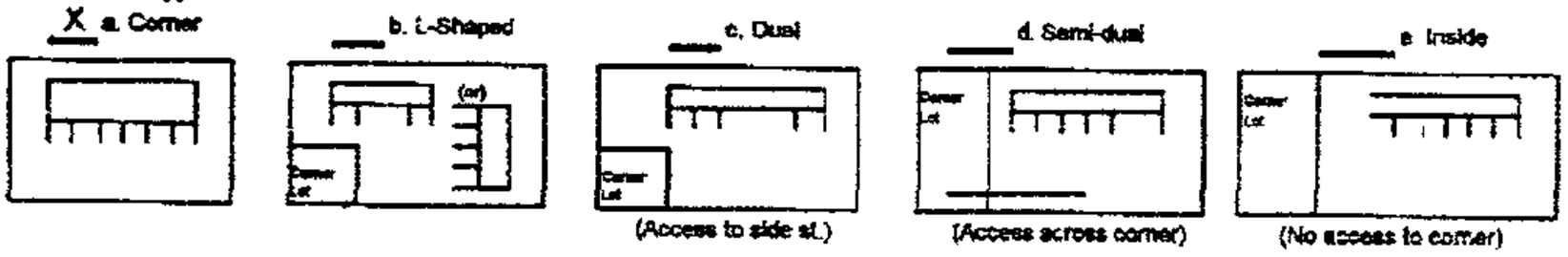
Location: Owings Mills Blvd @ Crondall La. Owings Mills, MD

Store No.

Evaluator: Ed Zimmerman

Date: 2/15/97

1. Define the type of lot:



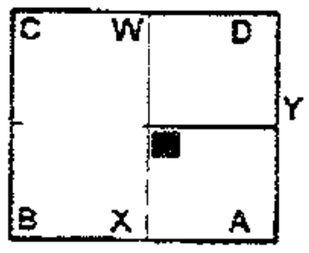
2. Rate maneuverability on the lot:
   - X a. Good (Medium to large size lot, level elevation, at street grade)
   - ___ b. Poor (Small lot, sloping elevation, not at street grade)

3. Describe the cohesiveness of the site:
   - X a. Located in or near large shopping center or small n'hood or pocket shopping center, 100 or more workers within 1/4 mile.
   - ___ b. Adjecent to 5 or more shops, 50 workers in 1/4 mile.
   - ___ c. Next to 2 or 3 shops, 25 workers in 1/4 mile.
   - ___ d. Located in residentiel, agricultural or vacant area with no shops or just one shop adjoining.

4. Type of Community: ___ Urban X Suburban ___ Rural

5. Rate how well people see the store building and/or pole sign as they approach the site from the directions shown on the diagram. Label the facing street "W", "X" Label the side street "Y", "Z". Label the quadrants A, B, C, D in a clockwise direction using A as the site quadrant.

	W	X	Y	Z
a. Good (over 750')	X	X	X	
b. Average (500' to 750')				
c. Poor (less than 500')				
d. No visibility				



6. Rate the traffic flow past the site, by quadrants, according to the routes people in each quadrant take when coming home from work and going to do their weekly grocery shopping. Be sure these ratings agree with the arrows on map 5.

	FROM WORK				TO SHOPPING			
	A	B	C	D	A	B	C	D
a. 65% or more pass site	X	X	X	X	X	X	X	X
b. Between 35% and 65% pass site								
c. Less than 35% pass site								

7. Indicate the difficulty in reaching the site from the opposite side of the street during rush hours (4 to 6 PM).

	FACING STREET	SIDE STREET
a. Not Possible		
b. Extremely Difficult		
c. Difficult		
d. Slightly Difficult	X	
e. Easy		X
f. One-Way		
Facing street name	Owings Mills Blvd.	

7a. If any of item 7 are rated a-d, then the problems are due to (check appropriate items):

	FACING STREET	SIDE STREET
a. Islands or Medians		
b. Heavy Traffic	X	
c. Cars backed up to light		
d. Speed of Traffic		
e. Back-up turn lanes opposite side		
f. Other, explain		

8. Describe any situations which would cause grid area residents to take an indirect route to the site, including any psychological or physical barriers.
   Railroad track runs parallel to Owings Mills Blvd and prevents residents from direct access to Highway 140 (Reisterstown Rd.)

9. Describe briefly any traffic flow, visibility, lot grade or access problems not covered above.

10. If walk-up business contributes 10% of sales of an average 7-Eleven, rate the walk-up at this site. Exclude any business attributable to children under 12.
    - ___ Much below average
    - ___ Average
    - ___ Very much above average
    - X Below average
    - ___ Above average

11. Describe the character of any walk-up expected:
    - X People working in area
    - ___ Trailer Residents
    - ___ Apartment Residents
    - ___ Home Residents
    - ___ Other, Explain
    - ___ High School Students
    - ___ Jr. High School Students

12. 7-ELEVEN (if none in grid, then nearest)

	PRIOR YEAR: (000's)			PRIOR YEAR YTD (000's)			CURRENT YEAR YTD (000's)		
	Mdse.	Gal.	Net	Mdse.	Gal	Net	Mdse.	Gal.	Net
NONE IN GRID									
#									
#									
#									
#									
#									
___ Stores									
7-Eleven Avg.									
Mkt Avg.									

13. TRADE AREA HOUSEHOLD INCOME RANGE : (show %)

To $30,000	$30,000-$40,000	$40,000-$50,000	$50,000+
20%	24%	24%	22%

14. CUSTOMER CHARACTERISTICS : (show %)

White	Black	Hispanic	Asian	Other	Male	Female
76%	19%	1%	3%	1%		

15. TRADE AREA HOUSECOUNTS:

Quad A	Quad B	Quad C	Quad D		Total
30	15	440	1,600	=	2,085

16. BEER AND WINE

Site Classification:
___ Wet area, wet store
___ Wet area, dry store
X Dry area
___ Wet area on boundary of dry
___ Wet area on boundary/Sunday dry

Competition Classification:
Nearest Super sells Beer?
Yes _____ No X
No days open per week: 7
Nearest Conv. store sells Beer?
Yes _____ No X
No. days open per week: 7

17. INFORMATION FOR 5TH YEAR ESTIMATE

If you anticipate any changes will take place in the first 5 years of operation, please complete the information below.

a. New houses, apartments, or trailers in the grid area. List in each quadrant line the type and number of new units to be built in that quadrant showing the number U.C., Planned, or Probable and date in each category. Under "Remarks" add pertinent information such as zoning, permits approved, financing, etc.

QUADRANT LOCATION	TYPE (HSE., APT., TR.)	NO. OF UNITS	EST. DATE OF COMPLETION U.C.	PLANNED	PROBABLE	REMARKS
A						
B						
C						
D						

b. New competition. List the nearest intersection as location of expected new competition, add to competition list and show symbol on Map 2.

FACING STREET	SIDE STREET	ACCESS TO SIDE STREET	TYPE	EST. DATE OF COMPLETION U.C.	PLANNED	PROBABLE

c. Describe any other anticipated changes that may affect sales: (Altered traffic patterns, 24 hours of operation planned, dry area going wet, future activity generators, etc.)

24 hour operation

18. 24-HOUR EVALUATION

a. List the following type activity generators that are open after 11:00 PM and are located within three blocks (or 3/8 of a mile) of the site: Shops, taverns, nightclubs, laundromats, movies, theaters, sporting arenas, eating establishments, businesses or plants that have a midnight shift.

NAME	TYPE ACTIVITY	DISTANCE FROM SITE (MILES)

b. Describe below any unusual activities or characteristics that may increase or decrease the sales between 11 PM and 7 AM

Our facing street is a collector road for all side streets and is the only through north/south road in the trade area.

PRT #14

MAP #1 Area

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
August 30, 1996

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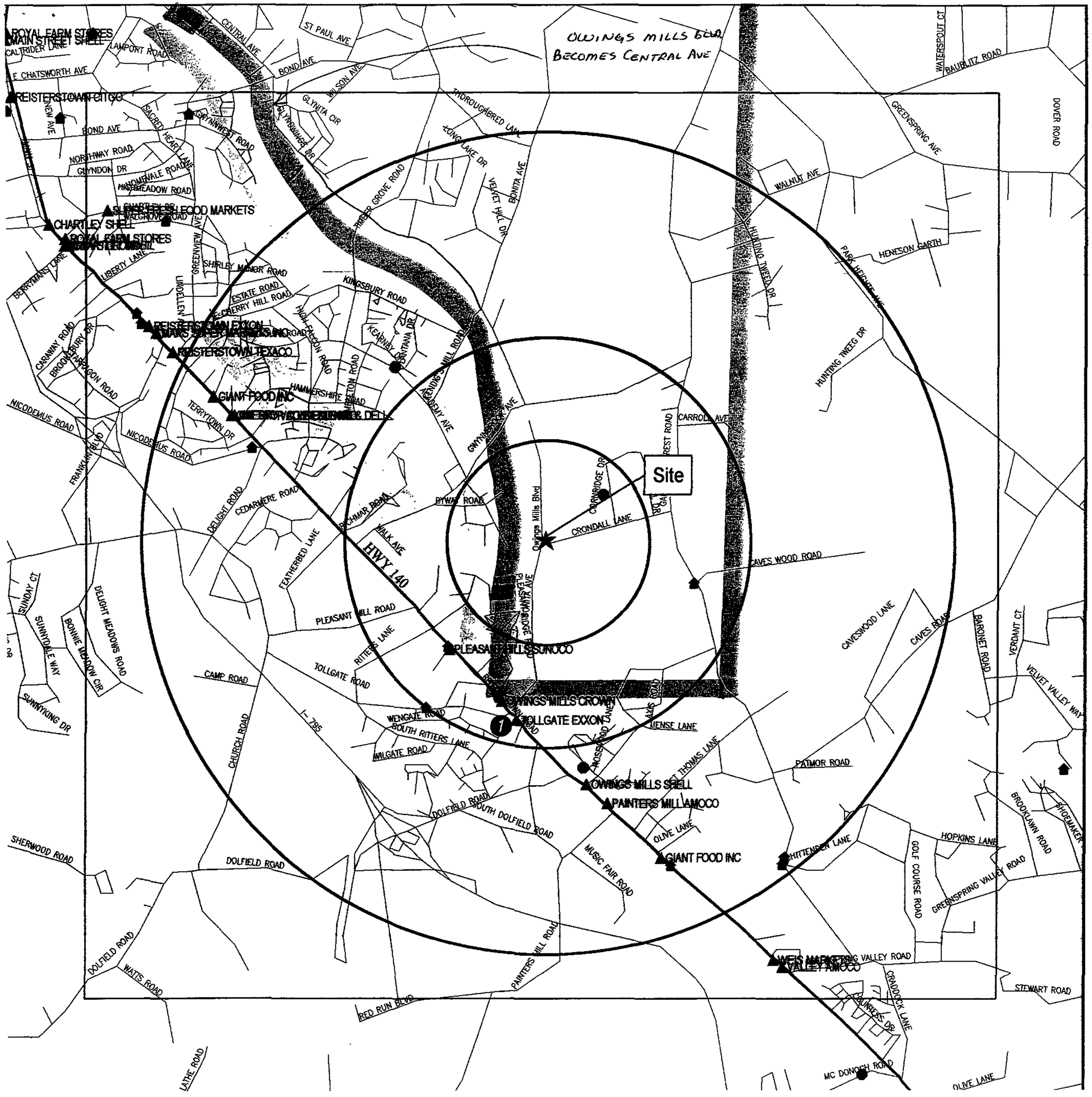

MAP #2 Competition

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

- ▲ 7 - Eleven Stores
- ▲ Competition
- ⌂ Schools
- Airports
- ● Hospitals
- ——— Highways

STORE	TYPE	RATINGS	HOURS	COMMENTS
1. EXXON	GS	2	24	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

Scale in Miles
0.28

N
W E
S

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MAP #3 Income

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

1996 Median HH Income (Est.)

- Below $ 30,000
- $ 30,000 - $ 39,999
- $ 40,000 - $ 49,999
- Over $ 50,000
- 7 - Eleven Stores
- Competition
- Schools
- Airports
- Hospitals
- Highways
- Major Artery
- Secondary Road

Scale in Miles
0.28

N
W E
S

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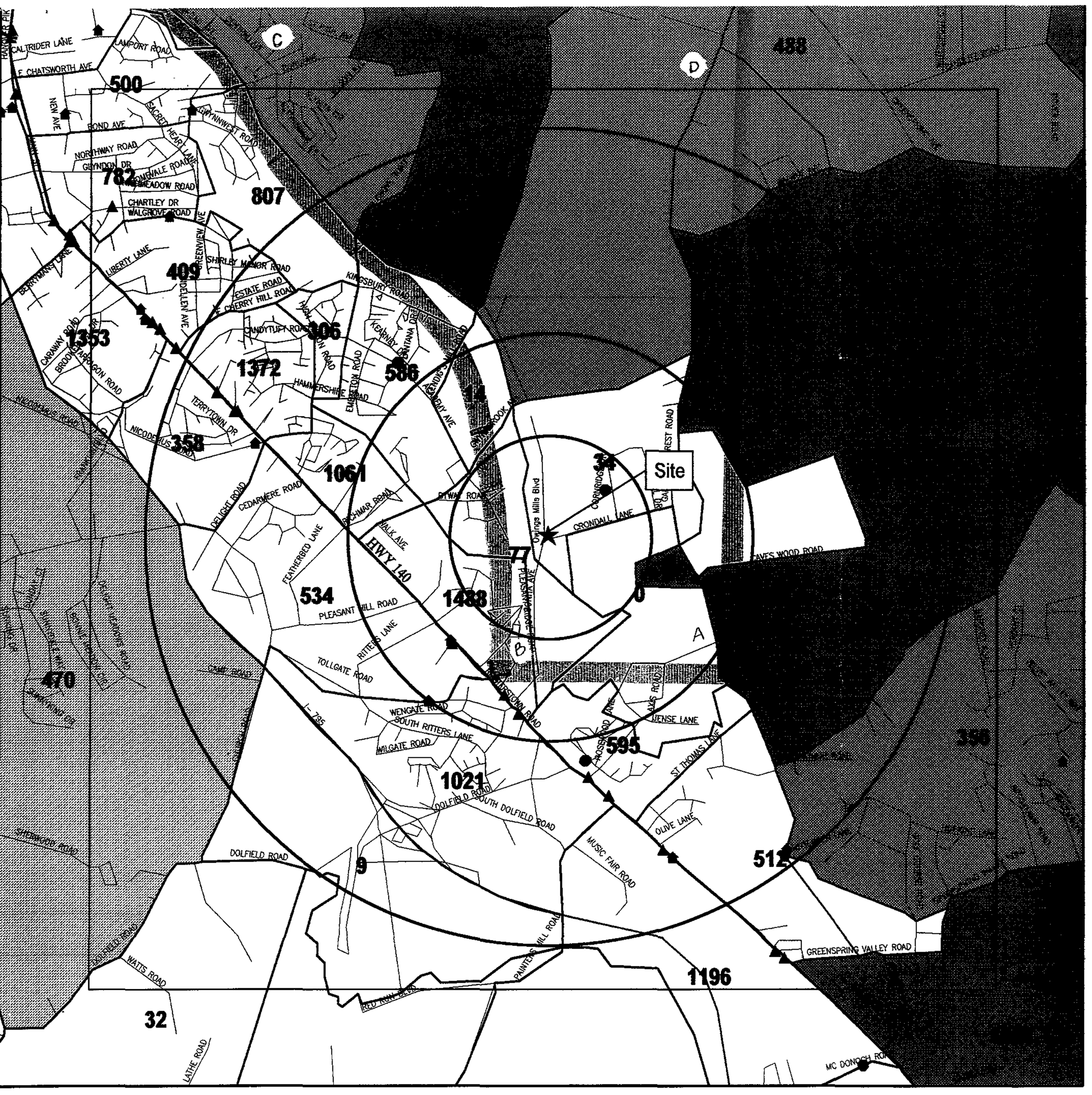

MAP #4 Housecount

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2, 1, & 2 Mile Radius
August 30, 1996

Median Housing Value

- Below $ 60,000
- $ 60,000 - $ 72,000
- $ 72,000 - $ 100,000
- Over $ 100,000

- 7 - Eleven Stores
- Competition
- Schools
- Airports
- Hospitals
- Highways
- Major Artery
- Secondary Road

		HOUSE COUNT:	
ETHNICITY:	WHITE	QUAD A	30
.6 MILE	77 %	QUAD B	15
RADIUS	BLACK	QUAD C	440
	20 %	QUAD D	1600
	HISPANIC	TOTAL	2085
	___%		
	AM INDIAN		
	___%		
	ASIAN		
	3 %		
	OTHER		
	___%		

Scale in Miles
0.28

N
W E
S

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MAP #5 Traffic

The Southland Corp.
Owings Mills Blvd and Crondall
Owings Mills, MD
Baltimore & Carroll Cty
1/2 Mile Radius
August 30, 1996

- ▲ 7 - Eleven Stores
- Schools
- Airports
- ● Hospitals
- Highways
- Major Artery
- Secondary Road
- Traffic Counts

Activity Generators 1. APPROX. 3900 EMPLOYEES
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

Traffic Flow: >>(Red) From Work
>>(Black) To Shopping

A.M. Commute Store: (Yes)/No
P.M. Commute Store: (Yes)/No

Scale in Miles
0.14

N
W E
S

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PET. # 19

Baltimore County Traffic Counts

Crondall Lane			
East of Owings Mills Blvd.	14,872	1998	
	9,974	1994	49.1% Increase *
Owings Mills Blvd.			
South of Crondall Lane	24,587	1998	20.0% Increase
	20,495	1994	
North of Crondall Lane	15,964	1998	9.2% Increase
	14,620	1994	
South of Gwynnbrook Road	15,331	1999	
North of Gwynnbrook Road	12,767	1999	
South of Timber Grove Road	10,056	1996	
North of Timber Grove Road	8,446	1996	
South of Bond Avenue	5,331	1998	
Gwynnbrook Road			
West of Owings Mills Blvd.	7,079	1999	
East of Owings Mills Blvd.	5,813	1999	
Timber Grove Road			
West of Owings Mills Blvd.	7,049	1996	
East of Owings Mills Blvd.	4,305	1996	
North of Kingsbury Road	7,400	1992	
Kingsbury Road			
South of Cherry Hill Lane	5,700	1992	
Cherry Hill Road			
East of Reisterstown Road	12,053	1998	
	10,167	1996	
	8,800	1992	37.0% Increase
Charley Drive			
East of Main Street	8,200	1992	
Glyndon Drive			
East of Main Street	3,900	1992	
Chatsworth Avenue			
East of Main Street	3,600	1992	
Bonita Avenue			
South of Worthington Avenue	1,300	1992	

NOT ADMITTED + OUT

Butler Road East of Main Street	15,436	1997
Greenspring Avenue East of Tufton Avenue	11,477	1999
Tufton Avenue North of Worthington Avenue	11,827	1999
Worthington Avenue West of Tufton Avenue	17,370	1999
Reisterstown Road North of Cherry Hill Road	24,344	1996
Reisterstown Road South of Cherry Hill Road	24,528	1996

TURNING MOVEMENT COUNT DATA

Pet 19A

CROSSBALL LA + OWINGS MILLS BLVD

County Signal Number 7CC010

Order DFB Weat.CLEAR Road Surf.DRY Da- of the Week TUES Date of Count 3 10/98

D NAME OWINGS MILLS OWINGS MILLS CROSSBALL LP

N BOUND S BOUND N+S BOUND E BOUND W BOUND E+W BOUND GRAND

. COUNT L S R TOTAL L S R TOTAL TOTAL L S R TOTAL L S R TOTAL TOTAL TOTAL

06-6:15 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

15-6:30 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

30-6:45 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

45-7:00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

00-7:15 0 40 101 144 36 198 0 234 378 0 0 0 0 39 0 2 41 41 419

15-7:30 0 38 119 157 33 217 0 250 407 0 0 0 0 61 0 3 64 64 471

30-7:45 0 49 133 182 37 216 0 253 435 0 0 0 0 62 0 9 71 71 506

45-8:00 0 79 172 251 35 213 0 278 529 0 0 0 0 59 0 8 67 67 596

00-8:15 0 80 230 310 77 242 0 319 629 0 0 0 0 57 0 4 61 61 690

15-8:30 0 55 231 286 56 171 0 227 513 0 0 0 0 56 0 3 59 59 572

30-8:45 0 49 183 232 54 139 0 193 425 0 0 0 0 66 0 7 73 73 498

45-9:00 0 47 171 218 44 140 0 184 402 0 0 0 0 71 0 3 74 74 476

HOUR TOTALS

07-8:00 0 204 704 908 202 796 0 998 1906 0 0 0 0 237 0 16 253 253 2159

08-9:00 0 211 705 916 210 766 0 976 1892 0 0 0 0 243 0 22 265 265 2157

09-10:00 0 196 691 887 206 722 0 928 1815 0 0 0 0 240 0 19 259 259 2074

10-11:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

11-12:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

12-13:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

13-14:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

14-15:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

15-16:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

16-17:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

17-18:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

18-19:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

19-20:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

20-21:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

21-22:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

22-23:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

23-24:00 0 183 660 843 202 722 0 924 1767 0 0 0 0 240 0 19 259 259 2026

DAILY TOTALS

07-19:00 0 3660 12677 16337 3636 14319 0 17955 34292 0 0 0 0 4318 0 342 4660 4660 38952

06-22:00 0 3660 12677 16337 3636 14319 0 17955 34292 0 0 0 0 4318 0 342 4660 4660 38952

06-24:00 0 3660 12677 16337 3636 14319 0 17955 34292 0 0 0 0 4318 0 342 4660 4660 38952

Order DFB Weat.CLEAR Road Surf.DRY Da- of the Week TUES Date of Count 3 10/98

NAME OWINGS MILLS OWINGS MILLS CROSSBALL LA

N BOUND S BOUND N+S BOUND E BOUND W BOUND E+W BOUND GRAND

COUNT L S R TOTAL L S R TOTAL TOTAL L S R TOTAL L S R TOTAL TOTAL TOTAL

06-7:15 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

15-7:30 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

30-7:45 0 1 1 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 1

45-8:00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

00-8:15 0 100 80 180 47 80 0 127 307 0 0 0 0 103 0 4 107 107 414

15-8:30 0 112 56 168 42 68 0 110 278 0 0 0 0 115 0 3 118 118 396

30-8:45 0 100 77 177 37 103 0 140 317 0 0 0 0 102 0 3 105 105 422

45-9:00 0 101 78 179 42 93 0 135 314 0 0 0 0 105 0 4 109 109 423

00-9:15 0 174 91 265 38 108 0 146 411 0 0 0 0 203 0 7 210 210 621

15-9:30 0 121 77 198 35 98 0 133 331 0 0 0 0 166 0 11 177 177 508

30-9:45 0 175 80 255 37 115 0 152 407 0 0 0 0 172 0 42 214 214 621

45-10:00 0 149 69 218 35 91 0 126 344 0 0 0 0 143 0 20 163 163 507

HOUR TOTALS

07-8:00 0 1 1 0 0 0 0 0 1 0 0 0 0 0 0 0 0 0 1

08-9:00 0 413 291 704 166 349 0 515 1219 0 0 0 0 525 0 18 543 543 1762

09-10:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

10-11:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

11-12:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

12-13:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

13-14:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

14-15:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

15-16:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

16-17:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

17-18:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

18-19:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

19-20:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

20-21:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

21-22:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

22-23:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

23-24:00 0 569 325 894 150 414 0 564 1458 0 0 0 0 646 0 80 726 726 2184

DAILY TOTALS

07-19:00 0 11377 6500 17877 3000 8280 0 11280 29157 0 0 0 0 12920 0 1600 14520 14520 43677

06-22:00 0 11377 6500 17877 3000 8280 0 11280 29157 0 0 0 0 12920 0 1600 14520 14520 43677

06-24:00 0 11377 6500 17877 3000 8280 0 11280 29157 0 0 0 0 12920 0 1600 14520 14520 43677

Order DFB Weat.CLEAR Road Surf.DRY Da- of the Week TUES Date of Count 3 10/98

NAME OWINGS MILLS OWINGS MILLS CROSSBALL LA

N BOUND S BOUND N+S BOUND E BOUND W BOUND E+W BOUND GRAND

COUNT L S R TOTAL L S R TOTAL TOTAL L S R TOTAL L S R TOTAL TOTAL TOTAL

06-7:15 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

15-7:30 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

30-7:45 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

45-8:00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0

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15-9:30 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

30-9:45 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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HOUR TOTALS

07-8:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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13-14:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

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18-19:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

19-20:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

20-21:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

21-22:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

22-23:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

23-24:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

DAILY TOTALS

07-19:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

06-22:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

06-24:00 0 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

	Recorder	Weather	Road Surface	Day of the Week	Date of Count
A.M.	CFB	CLEAR	DRY	TUES	3/10,95
P.M.	CFB	CLEAR	DRY	TUES	3/10,95

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		GWINGS MILLS N BOUND				GWINGS MILLS S BOUND				E BOUND				CROWDALL LA W BOUND				N+S+E+W
		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING	A.M.	0%	25%	75%	100%	22%	78%	0%	100%	ERR	ERR	ERR	ERR	92%	0%	8%	100%	N/A
%OVEMENT	P.M.	9%	68%	32%	100%	15%	85%	0%	100%	ERR	ERR	ERR	ERR	77%	0%	23%	100%	N/A
TOTAL VOLUMES	A.M.	0	440	1366	1805	422	1538	0	1960	0	0	0	0	471	0	39	510	4275
	P.M.	0	1182	549	1731	131	753	0	884	0	0	0	0	1293	0	361	1654	4179
GRAND TOTAL		0	1625	1769	3534	553	2291	0	2844	0	0	0	0	1674	0	400	2074	8452

ESTIMATED ADT'S NORTH 19764 SOUTH 24587 EAST 14872 WEST 0

ESTIMATED CARS ENTERING THE INTERSECTION ---------- 27711

INTERSECTION: CROWDALL LA + GWINGS MILLS BLVD

DESC. CROWDALL LA IS A TWO LANE COUNTY RD WITH TWO APPROACH LANES. GWINGS MILLS IS A TWO LANE COUNTY RD WITH A LEFT TURN LANE AND ARROW S/B.

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The signal functions as a 3 phase light. The cycle length in the morning averages 75 seconds and in the afternoon the cycle length averages approximately 75 seconds.
The peak hours were 7:30 to 8:30 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the S/B direction of GWINGS MILLS during the A.M. peak hour and occurs on the N/B direction of GWINGS MILLS during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	N/A	N/A	N/A	N/A
TIME(A.M.)	#	#	#	#
% LOADS	N/A	N/A	N/A	10%
TIME(P.M.)	#	#	#	4:30-5:30

REMARKS .

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THE LEVEL OF SERVICE IS F

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For updated list : N DATE REVIEWED: _____ REVIEWED BY: _____ CHECKED BY: _____

BALTIMORE COUNTY TRAFFIC ENGINEERING

TURNING MOVEMENT COUNT DATA

PET · 19B

LOCATION GWYNNBROOK AVE & OWINGS MILLS BLVD COUNTY SIGNAL NUMBER TMC C405

ROAD NAME OWINGS MILLS BLVD OWINGS MILLS BLVD GWYNNBROOK AVE GWYNNBROOK AVE

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	7	34	8	49	10	117	1	128	177	4	37	41	82	3	3	2	8	90	267
7:15-7:30	6	29	8	43	7	163	3	173	216	3	41	42	86	4	13	0	17	103	319
7:30-7:45	11	54	13	78	7	199	5	211	289	10	75	63	148	13	10	4	27	175	464
7:45-8:00	10	25	16	51	15	234	3	252	303	6	45	45	96	8	9	6	23	119	422
8:00-8:15	10	52	12	74	12	144	4	160	234	11	61	76	148	3	12	4	19	167	401
8:15-8:30	6	44	12	62	26	182	8	216	278	10	53	61	124	7	7	5	19	143	421
8:30-8:45	4	46	15	65	20	134	2	156	221	6	37	41	84	12	7	6	25	109	330
8:45-9:00	5	47	10	62	39	110	7	156	218	3	35	45	83	22	25	10	57	140	358
M HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	7	34	8	49	10	117	1	128	177	4	37	41	82	3	3	2	8	90	267
6:30-7:30	13	63	16	92	17	280	4	301	393	7	78	83	168	7	16	2	25	193	586
6:45-7:45	25	117	29	170	24	479	9	512	682	17	153	146	316	20	26	6	52	368	1050
7:00-8:00	34	142	45	221	39	713	12	764	985	23	198	191	412	28	35	12	75	487	1472
7:15-8:15	37	160	49	246	41	740	15	796	1042	30	222	226	478	28	44	14	86	564	1606
7:30-8:30	37	175	53	265	60	759	20	839	1104	37	234	245	516	31	38	19	88	604	1708
7:45-8:45	30	167	55	252	73	694	17	784	1036	33	196	223	452	30	35	21	86	538	1574
8:00-9:00	25	189	49	263	97	570	21	688	951	30	186	223	439	44	51	25	120	559	1510

	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	37	106	16	159	12	57	3	72	231	7	14	18	39	8	19	10	37	76	307
4:15-4:30	40	121	13	174	10	53	6	69	243	8	22	10	40	11	47	14	72	112	355
4:30-4:45	43	124	15	182	10	83	7	100	282	9	24	13	46	23	38	17	78	124	406
4:45-5:00	43	118	12	173	5	76	9	90	263	12	14	18	44	11	34	11	56	100	363
5:00-5:15	44	163	9	216	6	69	5	80	296	10	30	22	62	16	43	13	72	134	430
5:15-5:30	35	151	24	210	14	79	6	99	309	10	23	17	50	20	55	20	95	145	454
5:30-5:45	48	143	19	210	7	84	10	101	311	11	24	23	58	20	43	14	77	135	446
5:45-6:00	51	169	21	241	15	87	13	115	356	12	27	22	61	18	51	22	91	152	508
M HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	37	106	16	159	12	57	3	72	231	7	14	18	39	8	19	10	37	76	307
3:30-4:30	77	227	29	333	22	110	9	141	474	15	36	28	79	19	66	24	109	188	662
3:45-4:45	120	351	44	515	32	193	16	241	756	24	60	41	125	42	104	41	187	312	1068
4:00-5:00	163	469	56	688	37	269	25	331	1019	36	74	59	169	53	138	52	243	412	1431
4:15-5:15	170	526	49	745	31	281	27	339	1084	39	90	63	192	61	162	55	278	470	1554
4:30-5:30	165	556	60	781	35	307	27	369	1150	41	91	70	202	70	170	61	301	503	1653
4:45-5:45	170	575	64	809	32	308	30	370	1179	43	91	80	214	67	175	58	300	514	1693
5:00-6:00	178	626	73	877	42	319	34	395	1272	43	104	84	231	74	192	69	335	566	1838

LOCATION GWYNNBROOK AVE & OWINGS MILLS BLVD COUNTY SIGNAL NUMBER TMC C405

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	SLM	CLEAR	DRY	TUESDAY	6/1/99
P.M.	SLM	CLEAR	DRY	TUESDAY	6/1/99

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROAD NAME	OWINGS MILLS BLVD				OWINGS MILLS BLVD					GWYNNBROOK AVE				GWYNNBROOK AVE				
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	12%	68%	19%	100%	9%	88%	2%	100%	AM	6%	45%	49%	100%	37%	44%	19%	100%	N/A
MOVEMENT	22%	70%	8%	100%	11%	81%	8%	100%	PM	20%	45%	36%	100%	22%	57%	21%	100%	N/A
TOTAL VOLUMES	59	331	94	484	136	1283	33	1452	AM	53	384	414	851	72	86	37	195	2982
	341	1095	129	1565	79	588	59	726	PM	79	178	143	400	127	330	121	578	3269
GRAND TOTALS	400	1426	223	2049	215	1871	92	2178		132	562	557	1251	199	416	158	773	6251

ESTIMATED ADTS	NORTH	SOUTH	EAST	WEST
	12767	15331	5813	7079

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 20495

INTERSECTION: GWYNNBROOK AVE & OWINGS MILLS BLVD

DESCRIPTION: GWYNNBROOK AVE IS A TWO-LANE COUNTY RD. OWINGS MILLS BLVD IS A TWO-LANE STATE RD WITH LEFT TURN ARROWS IN EACH DIRECTION.

THE SIGNAL FUNCTIONS AS A 4 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 120 SECONDS IN THE MORNING AND 116 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:30 TO 8:30 AND IS 5:00 TO 6:00 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE S/B DIRECTION OF OWINGS MILLS BLVD DURING THE AM AND IN THE N/B DIRECTION OF OWINGS MILLS BLVD IN THE PM.

LOADED CYCLES

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	*	*	10%	17%
AM HOUR	*	*	8:00-9:00	8:00-9:00
% OF LOADS	34%	3%	3%	100%
PM HOUR	5:00-6:00	4:00-5:00	4:15-5:15	5:15-6:15

REMARKS: LOADED CYCLES CONTINUED UNTIL 6:15 IN THE W/B DIRECTION AND UNTIL 6:05 IN THE N/B DIRECTION.

THE LEVEL OF SERVICE IS: F

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

FOR UPDATED LIST YES OR NO DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

Pet 19C

LOCATION GLENCOVINGS DR.-OWINGSMILL BLVD.& TIMBER GROVE RD. County Signal Number

Recorder G.C. Weat.A.M.CLEAR/DRYRoad Surf.* Day of the Week WED. Date of Count 10/9/96

ROAD NAME	OWINGSMILL BLVD. N BOUND				GLYNOWINGS DR. S BOUND				N+S BOUND	TIMBER GROVE RD. E BOUND				TIMBER GROVE RD. W BOUND				E+W BOUND	GRAND
A.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	12	35	7	54	1	66	14	81	135	8	15	21	44	19	16	7	42	86	221
7:15-7:30	14	11	1	26	5	81	34	120	146	15	30	19	64	18	23	7	48	112	258
7:30-7:45	12	25	3	40	4	86	23	113	153	14	32	37	83	24	16	5	45	128	281
7:45-8:00	12	38	4	58	2	97	15	114	172	17	34	51	102	32	13	5	50	152	324
8:00-8:15	9	19	3	30	6	100	19	125	155	15	31	28	74	20	12	6	38	112	267
8:15-8:30	14	22	11	53	5	80	16	101	154	11	22	35	68	22	22	4	48	116	270
8:30-8:45	8	17	7	32	2	78	12	92	124	7	20	32	59	12	14	2	28	87	211
8:45-9:00	11	15	2	27	3	64	13	80	107	4	11	33	48	14	14	2	30	78	185
A.M. HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	12	35	7	54	1	66	14	81	135	8	15	21	44	19	16	7	42	86	221
6:30-7:30	26	46	8	80	6	147	48	201	281	23	45	40	108	37	39	14	90	198	479
6:45-7:45	38	71	11	120	10	233	71	314	434	37	77	77	191	61	55	19	135	326	760
7:00-8:00	54	109	15	178	12	330	86	428	606	54	111	128	293	93	68	24	185	478	1084
7:15-8:15	53	93	11	154	17	364	91	472	626	61	127	135	323	94	64	23	181	504	1130
7:30-8:30	51	110	21	181	17	363	73	453	634	57	119	151	327	98	63	20	181	508	1142
7:45-8:45	44	102	25	173	15	355	62	432	605	50	107	146	303	86	61	17	164	467	1072
8:00-9:00	41	79	23	142	16	322	60	398	540	37	84	128	249	68	62	14	144	393	933

Recorder G.C. Weat.A.M.CLEAR/DRYRoad Surf.* Day of the Week WED. Date of Count 10/9/96

ROAD NAME	OWINGSMILL BLVD. N BOUND				GLYNOWINGS DR. S BOUND				N+S BOUND	TIMBER GROVE RD. E BOUND				TIMBER GROVE RD. W BOUND				E+W BOUND	GRAND
P.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	34	69	14	117	2	36	16	54	171	20	14	18	52	9	27	7	43	95	266
4:15-4:30	29	87	16	123	9	51	21	81	204	25	28	39	92	10	24	7	41	133	337
4:30-4:45	24	64	26	126	7	38	26	71	197	18	15	21	54	5	23	3	31	85	282
4:45-5:00	24	76	6	118	9	38	16	63	181	24	27	20	71	10	33	3	46	117	298
5:00-5:15	43	77	15	135	3	39	17	59	194	28	21	32	81	15	25	5	45	126	320
5:15-5:30	37	98	21	156	12	49	22	83	239	24	26	27	77	9	34	9	52	129	368
5:30-5:45	25	68	19	122	13	54	29	96	218	28	20	20	68	15	29	2	46	114	332
5:45-6:00	27	81	18	136	4	48	24	76	212	22	22	25	69	17	30	5	52	121	333
P.M. HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	34	69	14	117	2	36	16	54	171	20	14	18	52	9	27	7	43	95	266
3:30-4:30	54	156	30	240	11	87	37	135	375	45	42	57	144	19	51	14	84	228	603
3:45-4:45	89	220	56	366	18	125	63	206	572	63	57	78	198	24	74	17	115	313	885
4:00-5:00	126	296	62	484	27	163	79	269	753	87	84	98	269	34	107	20	161	430	1183
4:15-5:15	125	304	63	502	28	166	80	274	776	95	91	112	298	40	105	18	163	461	1237
4:30-5:30	122	315	68	535	31	164	81	276	811	94	89	100	283	39	115	20	174	457	1268
4:45-5:45	131	319	61	531	37	180	84	301	832	104	94	99	297	49	121	19	189	486	1318
5:00-6:00	132	324	73	549	32	190	92	314	863	102	89	104	295	56	118	21	195	490	1353

LOCATION GLENOWINGS DR.-OWINGSMILL BLVD.& TIMBER GROVE RD.

County Signal Number #

	Recorder	Weather	Road Surface	Day of the Week	Date of Count
A.M.	G.C.	A.M.CLEAR/DRY P.M.WET/RAIN	#	WED.	10/9/96
P.M.	G.C.	A.M.CLEAR/DRY P.M.WET/RAIN	#	WED.	10/9/96

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		OWINGSMILL BLVD. N BOUND				GLYNOWINGS DR. S BOUND				TIMBER GROVE RD. E BOUND				TIMBER GROVE RD. W BOUND				N+S+E+W
		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING	A.M.	29%	59%	12%	100%	3%	79%	18%	100%	17%	36%	47%	100%	49%	40%	12%	100%	N/A
MOVEMENT	P.M.	27%	60%	13%	100%	10%	61%	29%	100%	34%	31%	36%	100%	25%	63%	12%	100%	N/A
TOTAL	A.M.	94	188	38	320	28	652	146	826	91	195	256	542	161	130	38	329	2017
VOLUMES	P.M.	278	620	135	1033	59	353	171	583	189	173	202	564	90	225	41	356	2536
GRAND TOTAL		372	808	173	1353	87	1005	317	1409	280	368	458	1106	251	355	79	685	4553

ESTIMATED ADT'S NORTH 8446 SOUTH 10056 EAST 8305 WEST 7049

ESTIMATED CARS ENTERING THE INTERSECTION ----------> 14928

INTERSECTION: GLENOWINGS DR.-OWINGSMILL BLVD.& TIMBER GROVE RD.

DESC. GLYNOWINGS DR.& OWINGSMILL BLVD.ARE BOTH 4 LANE UNDIVIDED COUNTY RDS. WITH LEFT TURN LANES IN BOTH DIRECTIONS.
TIMBER GROVE RD.IS A 2 LANE UNDIVIDED COUNTY RD.WITH 2 APPROACH LANES IN BOTH DIRECTIONS.

The signal functions as a 2 phase light. The cycle lenghts in the morning averages 84 seconds and in the afternoon the cycle length averages approximatel 81 seconds.
The peak hours were 7:30 to 8:30 A.M. and 5:00 to 6:00 P.M. The peak flow occurs on thS/B direction of GLENOWINGS during the A.M. peak hour and occurs on theW/B direction OWINGSMILL during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	N/A	N/A	N/A	N/A
TIME(A.M.)	#	#	#	#
% LOADS	N/A	N/A	N/A	N/A
TIME(P.M.)	#	#	#	#

REMARKS

THE LEVEL OF SERVICE IS A

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For Updated List (Y) N DATE REVIEWED: 11/12/96 APPROVED BY: AGR CHECKED BY: _____

Aug. 13 1999 12:56PM P2
PHONE NO. : 4108252717
FROM : Wells&Assoc

Crondall Lane — Baltimore County Traffic Data
East of Owings Mills Boulevard

	Monday 2/22/99			Tuesday 2/23/99			Wednesday 2/24/99			
	Eastbound	Westbound	Total	Eastbound	Westbound	Total	Eastbound	Westbound	Total	
0000-0100			0			22			29	
0100-0200			0			11			20	
0200-0300			0			11			10	
0300-0400			0			16			27	
0400-0500			0			41			37	
0500-0600			0			119			119	
0600-0700			0			349			305	
0700-0800			0			948			806	
0800-0900			0			1225			1220	Estimate
0900-1000			0			635			630	Estimate
1000-1100			508			568			0	
1100-1200			666			698			0	
1200-1300			947			947			0	
1300-1400			797			825			0	
1400-1500			698			691			0	
1500-1600			847			859			0	
1600-1700			964			1042			0	
1700-1800			1117			1006			0	
1800-1900			587			535			0	
1900-2000			279			281			0	
2000-2100			151			152			0	
2100-2200			110			106			0	
2200-2300			58			76			0	
2300-2400			33			36			0	
Total	-	-	7,762	-	-	11,199	-	-	3,203	

		% of Total	24 hour Count
Monday	7,762		10,965
Tuesday	11,199		
Wednesday	3,203		
Thursday	-		
Friday	0		

Volume Count Report

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Location ..... OWINGS MILLS BLVD N. CRONDALL LA. (SB)
Location Code 5783
County ..... BC
Recorder Set 08/26/99 12:45
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:00
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 16
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
393	342	407	438	381	315	268	207	156	97	40	26	12	13	21	84	319	609	766	529	431	374	342	397	6967
184	168	207	211	198	169	150	103	81	58	20	14	9	4	9	31	123	261	420	300	231	182	149	185	
209	174	200	227	183	146	118	104	75	39	20	12	3	9	12	53	196	348	346	229	200	192	193	212	

AM Peak Hour ..... 06:30 to 07:30 (768 vehicles)
AM Peak Hour Factor 91.4%
PM Peak Hour ..... 16:00 to 17:00 (438 vehicles)
PM Peak Hour Factor 96.5%

Friday 08/27/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
394	367	359	454	498	405	316	229	199	95	57	38	26	20	18	41	90	172	274	437	472	457	498	447	6363
195	194	185	213	250	202	188	114	101	57	33	28	14	9	11	8	35	76	132	201	248	250	246	216	
199	173	174	241	248	203	128	115	98	38	24	10	12	11	7	33	55	96	142	236	224	207	252	231	

AM Peak Hour ..... 11:00 to 12:00 (498 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 17:00 to 18:00 (498 vehicles)
PM Peak Hour Factor 99.6%

Saturday 08/28/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
410	365	338	405	436	431	254	213	159	114	119	56	39	28	16	24	63	101	173	267	343	407	461	424	5646
221	178	172	194	207	242	147	121	75	61	65	36	19	15	6	8	21	53	79	139	159	193	240	219	
189	187	166	211	229	189	107	92	84	53	54	20	20	13	10	16	42	48	94	128	184	214	221	205	

AM Peak Hour ..... 11:00 to 12:00 (461 vehicles)
AM Peak Hour Factor 96.0%
PM Peak Hour ..... 17:30 to 18:30 (471 vehicles)
PM Peak Hour Factor 97.3%

Sunday 08/29/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
432	364	376	327	356	295	283	186	133	72	37	19	8	15	18	90	354	702							4067
220	177	182	170	191	158	122	110	61	35	21	10	7	5	3	27	147	313							
212	187	194	157	165	137	161	76	72	37	16	9	1	10	15	63	207	389							

AM Peak Hour ..... 06:00 to 07:00 (702 vehicles)
AM Peak Hour Factor 90.2%
PM Peak Hour ..... 13:00 to 14:00 (432 vehicles)
PM Peak Hour Factor 98.2%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA (NB)
Location Code 5809
County .....
Recorder Set 08/26/99 11:50
Recording Start ... 08/26/99 12:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 12
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
399	411	317	311	277	248	168	85	58	39	46	23	7	6	9	7	26	97	244	563	599	302	290	237	4769
176	189	172	154	130	130	82	37	31	24	16	10	1	4	7	3	8	32	82	217	342	166	153	102	
223	222	145	157	147	118	86	48	27	15	30	13	6	2	2	4	18	65	162	346	257	136	137	135	

AM Peak Hour ..... 07:30 to 08:30 (688 vehicles)
AM Peak Hour Factor 99.4%
PM Peak Hour ..... 12:30 to 13:30 (412 vehicles)
PM Peak Hour Factor 92.4%

Friday 08/27/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
378	343	328	260	239	197	141	103	64	59	45	25	21	11	13	5	7	11	58	116	102	233	157	156	3072
169	191	164	122	108	110	87	64	40	38	19	18	12	5	5	0	3	3	16	47	39	124	95	74	
209	152	164	138	131	87	54	39	24	21	26	7	9	6	8	5	4	8	42	69	63	109	62	82	

AM Peak Hour ..... 09:00 to 10:00 (233 vehicles)
AM Peak Hour Factor 94.0%
PM Peak Hour ..... 12:30 to 13:30 (400 vehicles)
PM Peak Hour Factor 95.7%

Saturday 08/28/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
120	100	107	126	75	90	51	54	55	48	26	25	17	10	4	6	7	4	3	34	38	49	63	81	1193
76	51	60	65	46	41	24	25	33	30	15	8	6	6	3	5	3	1	1	9	12	20	30	41	
44	49	47	61	29	49	27	29	22	18	11	17	11	4	1	1	4	3	2	25	26	29	33	40	

AM Peak Hour ..... 11:00 to 12:00 (81 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 15:00 to 16:00 (126 vehicles)
PM Peak Hour Factor 96.9%

Sunday 08/29/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
65	53	68	74	51	86	58	48	29	39	21	11	5	3	4	12	33	93	229	231					1213
33	31	33	37	32	39	36	28	16	22	12	6	4	1	2	4	16	28	72	231					
32	22	35	37	19	47	22	20	13	17	9	5	1	2	2	8	17	65	157						

AM Peak Hour ..... 06:30 to 07:30 (388 vehicles)
AM Peak Hour Factor 84.0%
PM Peak Hour ..... 17:00 to 18:00 (86 vehicles)
PM Peak Hour Factor 91.5%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... CRONDALL LA. E. OWINGS MILLS
Location Code 2410
County ..... BC
Recorder Set 08/26/99 12:50
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 14
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
888	712	798	1064	1327	701	407	183	164	109	89	27	20	35	60	111	266	688	1390	1003	602	643	715	922	12924
445	376	377	473	786	341	194	110	98	39	50	16	12	15	17	46	116	221	527	581	310	310	300	426	
443	336	421	591	541	360	213	73	66	70	39	11	8	20	43	65	150	467	863	422	292	333	415	496	

AM Peak Hour ..... 07:30 to 08:30 (1444 vehicles)
AM Peak Hour Factor 83.7%
PM Peak Hour ..... 16:30 to 17:30 (1377 vehicles)
PM Peak Hour Factor 87.6%

Friday 08/27/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
764	728	742	988	751	355	173	124	93	68	74	21	20	17	18	13	26	111	194	235	440	350	340	425	7070
430	358	347	447	446	222	86	69	62	35	39	11	10	10	9	8	7	32	78	102	207	180	158	228	
334	370	395	541	305	133	87	55	31	33	35	10	10	7	9	5	19	79	116	133	233	170	182	197	

AM Peak Hour ..... 09:00 to 10:00 (440 vehicles)
AM Peak Hour Factor 94.4%
PM Peak Hour ..... 16:00 to 17:00 (988 vehicles)
PM Peak Hour Factor 91.3%

Saturday 08/28/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
286	214	185	144	126	120	83	77	59	51	40	30	8	5	6	5	7	11	62	83	93	118	164	159	2136
179	118	82	78	54	53	50	42	31	39	15	16	6	5	6	1	2	4	21	26	52	60	82	65	
107	96	103	66	72	67	33	35	28	12	25	14	2	0	0	4	5	7	41	57	41	58	82	94	

AM Peak Hour ..... 11:00 to 12:00 (164 vehicles)
AM Peak Hour Factor 100.0%
PM Peak Hour ..... 13:00 to 14:00 (286 vehicles)
PM Peak Hour Factor 79.9%

Sunday 08/29/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
141	160	139	103	106	103	99	54	50	36	28	14	9	7	18	65	169	413	379						2093
79	81	64	59	54	54	49	32	27	22	15	8	4	4	12	33	50	140	379						
62	79	75	44	52	49	50	22	23	14	13	6	5	3	6	32	119	273							

AM Peak Hour ..... 06:30 to 07:30 (652 vehicles)
AM Peak Hour Factor 86.0%
PM Peak Hour ..... 14:00 to 15:00 (160 vehicles)
PM Peak Hour Factor 98.8%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILL BLVD S. CRONDALL LA
Location Code 5801
County ..... BC
Recorder Set 08/26/99 11:52
Recording Start ... 08/26/99 12:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 8
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1 Direction: N

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
893	984	848	1010	1226	1355	785	739	495	419	252	180	109	52	37	30	55	150	415	952	1120	615	636	678	14035
385	462	433	506	578	700	435	365	243	205	129	119	54	29	26	18	23	55	143	356	634	309	323	307	
508	522	415	504	648	655	350	374	252	214	123	61	55	23	11	12	32	95	272	596	486	306	313	371	

AM Peak Hour ..... 07:30 to 08:30 (1230 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 17:00 to 18:00 (1355 vehicles)
PM Peak Hour Factor 96.8%

Friday 08/27/99 Channel: 1 Direction: N

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
1031	1032	896	1133	1283	1271	835	541	552	428	296	237	134	71	62	39	23	27	92	201	259	505	493	699	12140
480	543	432	539	582	711	469	285	293	240	168	129	75	35	39	25	9	14	28	78	122	255	247	326	
551	489	464	594	701	560	366	256	259	188	128	108	59	36	23	14	14	13	64	123	137	250	246	373	

AM Peak Hour ..... 11:00 to 12:00 (699 vehicles)
AM Peak Hour Factor 93.7%
PM Peak Hour ..... 16:30 to 17:30 (1412 vehicles)
PM Peak Hour Factor 99.3%

Saturday 08/28/99 Channel: 1 Direction: N

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
784	603	638	743	695	674	496	380	385	377	276	343	194	115	70	39	31	26	22	93	180	264	312	433	8173
401	319	342	342	352	363	254	178	219	180	139	169	125	64	42	21	16	11	8	31	69	116	147	204	
383	284	296	401	343	311	242	202	166	197	137	174	69	51	28	18	15	15	14	62	111	148	165	229	

AM Peak Hour ..... 11:00 to 12:00 (433 vehicles)
AM Peak Hour Factor 94.5%
PM Peak Hour ..... 12:00 to 13:00 (784 vehicles)
PM Peak Hour Factor 97.8%

Sunday 08/29/99 Channel: 1 Direction: N

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
524	591	642	612	558	587	522	432	386	258	160	122	72	29	18	29	75	131	396	366					6510
255	273	323	327	277	301	285	226	187	134	88	61	38	11	8	13	32	41	130	366					
269	318	319	285	281	286	237	206	199	124	72	61	34	18	10	16	43	90	266						

AM Peak Hour ..... 06:30 to 07:30 (632 vehicles)
AM Peak Hour Factor 86.3%
PM Peak Hour ..... 14:30 to 15:30 (646 vehicles)
PM Peak Hour Factor 98.8%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... CRONDALL LA. E. OWINGS MILLS
Location Code 2410
County ..... BC
Recorder Set 08/26/99 12:55
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 17
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
904	719	824	1026	934	449	280	132	103	79	61	20	15	23	36	64	176	455	940	1003	614	639	737	885	11118
457	381	384	487	549	211	137	80	62	29	32	12	10	12	11	23	67	146	353	557	323	311	319	429	
447	338	440	539	385	238	143	52	41	50	29	8	5	11	25	41	109	309	587	446	291	328	418	456	

AM Peak Hour ..... 07:30 to 08:30 (1144 vehicles)
AM Peak Hour Factor 97.4%
PM Peak Hour ..... 16:30 to 17:30 (1088 vehicles)
PM Peak Hour Factor 99.1%

Friday 08/27/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
790	734	747	1022	797	357	176	124	94	69	70	24	20	17	18	13	24	110	189	228	429	362	341	384	7139
447	364	357	467	477	224	91	71	64	35	37	14	10	10	7	7	7	33	78	98	196	185	166	239	
343	370	390	555	320	133	85	53	30	34	33	10	10	7	11	6	17	77	111	130	233	177	175	145	

AM Peak Hour ..... 09:00 to 10:00 (429 vehicles)
AM Peak Hour Factor 92.1%
PM Peak Hour ..... 16:30 to 17:30 (1032 vehicles)
PM Peak Hour Factor 93.0%

Saturday 08/28/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Sunday 08/29/99 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
0	0	0	0	0	0	61	56	50	37	28	15	9	7	18	71	169	412	386						1319
0	0	0	0	0	0	9	33	27	22	15	8	4	4	12	39	49	137	386						
0	0	0	0	0	0	52	23	23	15	13	7	5	3	6	32	120	275							

AM Peak Hour ..... 06:30 to 07:30 (661 vehicles)
AM Peak Hour Factor 85.6%
PM Peak Hour ..... 19:30 to 20:30 (85 vehicles)
PM Peak Hour Factor 81.7%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... CRONDALL LA. E. OWINGS MILLS
Location Code 2410
County ..... BC
Recorder Set 08/19/99 07:40
Recording Start ... 08/19/99 08:00
Recording End 08/23/99 08:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 15
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/19/99 Channel: 1

0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	Totals
150	151	416	816	817	625	630	793	1049	576	311	189	92	80	54	23	2	4	19	33	17	79	303	429	7658
79	82	186	378	453	348	317	344	595	327	172	109	39	48	25	23	2	2	2	15	11	10	167	190	
71	69	230	438	364	277	313	449	454	249	139	80	53	32	29	0	0	2	17	18	6	69	136	239	

AM Peak Hour ..... 11:00 to 12:00 (816 vehicles)
AM Peak Hour Factor 93.2%
PM Peak Hour ..... 16:00 to 17:00 (1049 vehicles)
PM Peak Hour Factor 88.2%

Friday 08/20/99 Channel: 1

0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	Totals
359	328	423	751	655	517	568	665	765	405	180	68	53	51	35	45	16	7	13	11	6	25	52	66	6064
208	148	180	395	354	268	258	285	429	230	125	45	27	32	17	32	9	2	3	5	2	4	21	32	
151	180	243	356	301	249	310	380	336	175	55	23	26	19	18	13	7	5	10	6	4	21	31	34	

AM Peak Hour ..... 11:00 to 12:00 (751 vehicles)
AM Peak Hour Factor 95.1%
PM Peak Hour ..... 15:30 to 16:30 (809 vehicles)
PM Peak Hour Factor 94.3%

Saturday 08/21/99 Channel: 1

0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	Totals
129	170	186	363	235	157	153	157	109	113	95	68	58	32	26	29	8	4	5	6	5	5	24	26	2163
57	87	98	169	165	92	68	92	57	53	45	39	29	14	17	22	4	3	3	4	2	2	7	12	
72	83	88	194	70	65	85	65	52	60	50	29	29	18	9	7	4	1	2	2	3	3	17	14	

AM Peak Hour ..... 11:00 to 12:00 (363 vehicles)
AM Peak Hour Factor 93.6%
PM Peak Hour ..... 12:00 to 13:00 (235 vehicles)
PM Peak Hour Factor 71.2%

Sunday 08/22/99 Channel: 1

0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	Totals
75	105	153	169	150	120	111	114	135	147	98	68	52	19	11	16	7	2	6	40	58	90	296	463	2505
36	49	83	86	93	59	51	56	71	79	53	35	32	11	3	13	4	2	3	10	23	45	117	222	
39	56	70	83	57	61	60	58	64	68	45	33	20	8	8	3	3	0	3	30	35	45	179	241	

AM Peak Hour ..... 07:00 to 08:00 (463 vehicles)
AM Peak Hour Factor 96.1%
PM Peak Hour ..... 12:00 to 13:00 (150 vehicles)
PM Peak Hour Factor 80.6%

Monday 08/23/99 Channel: 1

0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	Totals
206																								206
206																								

AM Peak Hour ..... 08:00 to 08:30 (206 vehicles)
AM Peak Hour Factor 45.8%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Wells & Associates, LLC

McLean, Virginia

Existing Traffic Count

PROJECT	Crondall 7-11	DATE	7/27/99
W & A JOB NO .	20039	DAY	Tuesday
:NTERSECTION	Crondall Lane/Cronndge Drive	WEATHER	Clear/Hot
LOCATION	Baltimore County, MD	COUNTED BY	Hi-Stars

SOUTHBOUND ROAD	Cronridge Drive
NORTHBOUND ROAD	-
WESTBOUND ROAD	Crondall Lane
EASTBOUND ROAD:	Crondall Lane

Time Period	Turning Movements																		Total	Time Period
	Southbound Cronridge Drive				Westbound Crondall Lane				Northbound -				Eastbound Crondall Lane				North & South	East & West		
	1 Right	2 Thru	3 Left	Total	4 Right	5 Thru	6 Left	Total	7 Right	8 Thru	9 Left	Total	10 Right	11 Thru	12 Left	Total				
7.00-7.15	14	0	2	16	8	19	0	27	0	0	0	0	0	39	61	100	16	127	143	7:00-7 15
7 15-7:30	15	0	4	19	7	27	0	34	0	0	0	0	0	67	68	135	19	169	188	7 15-7 30
7 30-7.45	13	0	0	13	5	33	0	38	0	0	0	0	0	73	82	155	13	193	206	7:30-7 45
7:45-8:00	16	0	5	21	15	40	0	55	0	0	0	0	0	92	143	235	21	290	311	7:45-8:00
8:00-8 15	14	0	0	14	19	39	0	58	0	0	0	0	0	92	118	210	14	268	282	8:00-8:15
8 15-8 30	23	0	2	25	21	44	0	65	0	0	0	0	0	89	131	220	25	285	310	8.15-8 30
8 30-8:45	36	0	8	44	20	43	0	63	0	0	0	0	0	79	111	190	44	253	297	8:30-8:45
8:45-9:00	18	0	9	27	8	32	0	40	0	0	0	0	0	46	87	133	27	173	200	8:45-9:00
9.00-9:15	27	0	5	32	6	26	0	32	0	0	0	0	0	37	63	100	32	132	164	9:00-9:15
9:15-9:30	30	0	3	33	7	26	0	33	0	0	0	0	0	35	45	80	33	113	146	9:15-9:30
9:30-9 45	40	0	4	44	5	20	0	25	0	0	0	0	0	25	43	68	44	93	137	9:30-9.45
9:45-10.00	34	0	4	38	6	30	0	36	0	0	0	0	0	41	53	94	38	130	168	9:45-10:00
10:00-10.15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:00-10:15
10:15-10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:15-10 30
10:30-10 45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10 30-10 45
10 45-11 00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10 45-11 00
11 00-11 15	46	0	4	50	4	30	0	34	0	0	0	0	0	22	39	61	50	95	145	11 00-11 15
11 15-11 30	33	0	6	39	2	30	0	32	0	0	0	0	0	32	40	72	39	104	143	11 15-11 30
11 30-11 45	50	0	9	59	9	37	0	46	0	0	0	0	0	27	42	69	59	115	174	11 30-11 45
11.45-12:00	93	0	8	101	4	42	0	46	0	0	0	0	0	47	48	95	101	141	242	11:45-12:00
12:00-12 15	96	0	10	106	9	49	0	58	0	0	0	0	0	28	48	76	106	134	240	12:00-12:15
12:15-12 30	61	0	10	71	4	60	0	64	0	0	0	0	0	31	48	79	71	143	214	12 15-12:30
12.30-12 45	74	0	7	81	3	41	0	44	0	0	0	0	0	37	67	104	81	148	229	12.30-12.45
12 45-1:00	57	0	7	64	10	49	0	59	0	0	0	0	0	51	80	131	64	190	254	12:45-1 00
1.00-1:15	56	0	4	60	8	44	0	52	0	0	0	0	0	50	86	136	60	188	248	1 00-1.15
1:15-1 30	36	0	4	40	7	37	0	44	0	0	0	0	0	50	50	100	40	144	184	1:15-1.30
1:30-1 45	59	0	2	61	7	43	0	50	0	0	0	0	0	45	59	104	61	154	215	1:30-1:45
1 45-2:00	51	0	4	55	8	16	0	24	0	0	0	0	0	37	63	100	55	124	179	1:45-2:00
2.00-2:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2 00-2.15
2.15-2:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2.15-2:30
2:30-2 45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:30-2 45
2:45-3.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2.45-3 00
3:00-3:15	42	0	6	48	3	40	0	43	0	0	0	0	0	39	42	81	48	124	172	3:00-3.15
3.15-3:30	27	0	7	34	4	30	0	34	0	0	0	0	0	30	35	65	34	99	133	3:15-3:30
3:30-3:45	60	0	10	70	3	33	0	36	0	0	0	0	0	28	40	68	70	104	174	3:30-3 45
3:45-4 00	52	0	5	57	8	38	0	46	0	0	0	0	0	30	47	77	57	123	180	3 45-4 00
4:00-4.15	69	0	7	76	3	50	0	53	0	0	0	0	0	41	38	79	76	132	208	4:00-4:15
4 15-4:30	51	0	3	54	4	49	0	53	0	0	0	0	0	26	20	46	54	99	153	4:15-4:30
4 30-4.45	111	0	11	122	6	75	0	81	0	0	0	0	0	48	23	71	122	152	274	4.30-4 45
4:45-5 00	76	0	14	90	4	97	0	101	0	0	0	0	0	43	47	90	90	191	281	4 45-5 00
5:00-5 15	86	0	19	105	3	167	0	170	0	0	0	0	0	62	42	104	105	274	379	5.00-5:15
5 15-5:30	93	0	16	109	4	73	0	77	0	0	0	0	0	61	40	101	109	178	287	5:15-5 30
5 30-5:45	76	0	12	88	3	53	0	56	0	0	0	0	0	50	30	80	88	136	224	5 30-5 45
5.45-6:00	52	0	11	63	3	58	0	61	0	0	0	0	0	43	33	76	63	137	200	5 45-6.00
6:00-6 15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00-6:15
6:15-6 30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 15-6:30
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 30-6 45
6 45-7 00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 45-7 00
12 Hour Totals	1,787	0	242	2,029	250	1,620	0	1,870	0	0	0	0	0	1,673	2,112	3,785	2,029	5,655	7,684	

Wells & Associates, LLC

McLean, Virginia

Existing Traffic Count

PROJECT	Crondall 7-11	DATE	7/27/99	SOUTHBOUND ROAD:	Cronhill Drive
W & A JOB NO.	20039	DAY	Tuesday	NORTHBOUND ROAD:	-
INTERSECTION	Crondall Lane/Cronhill Drive	WEATHER	Clear/Hot	WESTBOUND ROAD	Crondall Lane
LOCATION	Baltimore County, MD	COUNTED BY.	Hi-Stars	EASTBOUND ROAD:	Crondall Lane

Time Period	Turning Movements																		Total	Time Period
	Southbound Cronhill Drive				Westbound Crondall Lane				Northbound -				Eastbound Crondall Lane				North & South	East & West		
	1 Right	2 Thru	3 Left	Total	4 Right	5 Thru	6 Left	Total	7 Right	8 Thru	9 Left	Total	10 Right	11 Thru	12 Left	Total				
7:00-7:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7:00-7 15
7:15-7:30	9	0	4	13	23	26	0	49	0	0	0	0	0	15	47	62	13	111	124	7:15-7 30
7:30-7:45	11	0	4	15	28	20	0	48	0	0	0	0	0	17	52	69	15	117	132	7:30-7 45
7:45-8:00	12	0	6	20	29	39	0	68	0	0	0	0	0	25	54	79	20	147	167	7:45-8:00
8:00-8:15	18	0	5	23	36	41	0	77	0	0	0	0	0	18	64	82	23	159	182	8:00-8:15
8:15-8:30	16	0	6	22	33	46	0	79	0	0	0	0	0	15	57	72	22	151	173	8:15-8:30
8:30-8:45	24	0	15	39	28	37	0	65	0	0	0	0	0	17	50	67	39	132	171	8:30-8:45
8:45-9:00	13	0	4	17	17	24	0	41	0	0	0	0	0	16	35	51	17	92	109	8:45-9:00
9:00-9:15	13	0	12	25	11	16	0	27	0	0	0	0	0	13	31	44	25	71	96	9:00-9:15
9:15-9:30	11	0	2	13	10	19	0	29	0	0	0	0	0	11	18	29	13	58	71	9:15-9:30
9:30-9:45	13	0	4	17	7	16	0	23	0	0	0	0	0	6	15	21	17	44	61	9:30-9.45
9:45-10:00	10	0	4	14	8	18	0	26	0	0	0	0	0	16	26	42	14	68	82	9:45-10:00
10:00-10:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:00-10:15
10:15-10:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:15-10:30
10:30-10.45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:30-10.45
10:45-11:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10:45-11:00
11:00-11:15	19	0	2	21	7	19	0	26	0	0	0	0	0	10	15	25	21	51	72	11:00-11 15
11:15-11:30	15	0	9	24	4	10	0	14	0	0	0	0	0	17	16	33	24	47	71	11 15-11 30
11.30-11 45	24	0	8	32	3	22	0	25	0	0	0	0	0	16	16	32	32	57	89	11 30-11:45
11.45-12:00	25	0	9	34	5	16	0	21	0	0	0	0	0	21	33	54	34	75	109	11:45-12:00
12:00-12:15	34	0	14	48	7	19	0	26	0	0	0	0	0	18	15	33	48	59	107	12:00-12:15
12 15-12:30	40	0	5	45	11	18	0	29	0	0	0	0	0	17	21	38	45	67	112	12:15-12:30
12 30-12:45	26	0	10	36	11	12	0	23	0	0	0	0	0	20	25	45	36	68	104	12:30-12:45
12.45-1.00	33	0	13	46	7	26	0	33	0	0	0	0	0	14	33	47	46	80	126	12:45-1:00
1 00-1:15	30	0	10	40	13	16	0	29	0	0	0	0	0	15	38	53	40	82	122	1:00-1:15
1 15-1:30	24	0	6	30	10	19	0	29	0	0	0	0	0	23	28	51	30	80	110	1:15-1:30
1.30-1:45	28	0	8	36	10	22	0	32	0	0	0	0	0	15	25	40	36	72	108	1.30-1:45
1:45-2.00	9	0	4	13	11	12	0	23	0	0	0	0	0	15	20	35	13	58	71	1 45-2.00
2:00-2:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2 00-2.15
2:15-2:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:15-2 30
2:30-2:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:30-2.45
2:45-3:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2:45-3 00
3:00-3:15	24	0	10	34	10	12	0	22	0	0	0	0	0	17	22	39	34	61	95	3:00-3.15
3:15-3:30	15	0	10	25	5	22	0	27	0	0	0	0	0	21	20	41	25	68	93	3:15-3:30
3:30-3:45	24	0	9	33	6	13	0	19	0	0	0	0	0	22	12	34	33	53	86	3:30-3:45
3:45-4:00	27	0	7	34	7	14	0	21	0	0	0	0	0	22	14	36	34	57	91	3 45-4:00
4:00-4 15	30	0	12	42	6	19	0	25	0	0	0	0	0	30	20	50	42	75	117	4:00-4:15
4:15-4 30	30	0	19	49	7	19	0	26	0	0	0	0	0	18	10	28	49	54	103	4.15-4:30
4:30-4:45	63	0	24	87	7	11	0	18	0	0	0	0	0	28	24	52	87	70	157	4:30-4:45
4:45-5.00	53	0	32	85	5	23	0	28	0	0	0	0	0	30	23	53	85	81	166	4:45-5:00
5:00-5 15	126	0	64	190	10	25	0	35	0	0	0	0	0	50	22	72	190	107	297	5:00-5:15
5:15-5:30	39	0	36	75	7	35	0	42	0	0	0	0	0	53	20	73	75	115	190	5:15-5:30
5:30-5:45	41	0	28	69	6	19	0	25	0	0	0	0	0	45	23	68	69	93	162	5:30-5.45
5.45-6:00	34	0	23	57	7	20	0	27	0	0	0	0	0	43	8	51	57	78	135	5:45-6:00
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6:00-6:15
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 15-6:30
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 30-6:45
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6 45-7:00
12 Hour Totals	963	0	440	1,403	412	745	0	1,157	0	0	0	0	0	749	952	1,701	1,403	2,858	4,261	

Baltimore County
Department of Public Works

111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3554
Fax: 410-887-5784

PROTESTANT #6

August 10, 1999

To Whom It May Concern:

Owings Mills Boulevard

Attached are our most recent counts for the portion of Owings Mills Boulevard near Crondall Lane.

We believe that these counts are an accurate representation of the traffic volumes traveling this roadway.

Sincerely,

Darrell A. Wiles, Chief
Bureau of Traffic Engineering
and Transportation Planning

DAW:dll
\\PW_NW1\VOL2\Bureaus\Traffic\Documents\daw081099a1.doc

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILL BLVD N. CRONDALL LA.
Location Code 5780
County ..... BC
Recorder Set 11/20/98 12:15
Recording Start ... 11/20/98 13:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 15
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tota
1366	1407	1486	1521	1763	1369	885	634	475	438	311	178	118	70	67	49	101	221	413	621	953	999	1022	1187	176
700	678	742	718	901	717	459	304	249	241	193	105	62	33	31	16	48	75	168	274	433	497	507	578	
666	729	744	803	862	652	426	330	226	197	118	73	56	37	36	33	53	146	245	347	520	502	515	609	

AM Peak Hour ..... 11:00 to 12:00 (1022 vehicles)
AM Peak Hour Factor 99.2%
PM Peak Hour ..... 17:00 to 18:00 (1763 vehicles)
PM Peak Hour Factor 97.8%

Saturday 11/21/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tota
1090	1025	966	1051	1019	841	647	555	409	414	372	249	131	73	51	27	58	111	165	346	545	653	839	975	126
582	541	484	541	500	426	343	305	183	206	198	134	79	36	29	14	22	45	74	147	271	312	412	462	
508	484	482	510	519	415	304	250	226	208	174	115	52	37	22	13	36	66	91	199	274	341	427	513	

AM Peak Hour ..... 11:00 to 12:00 (839 vehicles)
AM Peak Hour Factor 98.2%
PM Peak Hour ..... 12:30 to 13:30 (1095 vehicles)
PM Peak Hour Factor 42.7%

Sunday 11/22/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tot
1036	964	973	973	842	623	504	404	307	169	131	74	41	29	32	72	292	804	1649	1974	1328	1060	1123	1335	16
539	467	487	510	433	346	256	215	167	108	84	40	22	17	12	21	87	281	730	1052	756	551	527	658	
497	497	486	463	409	277	248	189	140	61	47	34	19	12	20	51	205	523	919	922	572	509	596	677	

AM Peak Hour ..... 08:00 to 09:00 (1974 vehicles)
AM Peak Hour Factor 93.8%
PM Peak Hour ..... 12:00 to 13:00 (1335 vehicles)
PM Peak Hour Factor 98.6%

Monday 11/23/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tota
1380	1311	1433	1586	1858	1465	1106	698	674	352	198	104	65	45	38	89	298	863	1673	2028	1333	1063	1181	1297	221
738	630	699	800	970	807	645	371	423	198	118	63	36	26	13	27	95	320	720	1076	742	541	550	638	
642	681	734	786	888	658	461	327	251	154	80	41	29	19	25	62	203	543	953	952	591	522	631	659	

AM Peak Hour ..... 07:30 to 08:30 (2029 vehicles)
AM Peak Hour Factor 94.3%
PM Peak Hour ..... 17:00 to 18:00 (1858 vehicles)
PM Peak Hour Factor 95.8%

Tuesday 11/24/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tota
1212	1324	1384	1708	1891	1479	990	747	548	366	264	117	50	37	32	80	308	810	1637	1853	1293	1098	1226	1498	219
643	620	675	813	976	846	530	398	300	206	146	70	24	19	13	31	104	291	732	978	723	550	545	762	
569	704	709	895	915	633	460	349	248	160	118	47	26	18	19	49	204	519	905	875	570	548	681	736	

AM Peak Hour ..... 07:30 to 08:30 (1883 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1891 vehicles)
PM Peak Hour Factor 96.9%

Wednesday 11/25/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Total
1415	1481	1729	1792	1761	1256	938	726	646	416	278	196	115	94	47	40	43	97	141	202	315	360	458	563	151(
695	769	904	895	964	703	518	400	333	231	147	107	71	59	23	26	21	44	65	92	147	173	198	266	
720	712	825	897	797	553	420	326	313	185	131	89	44	35	24	14	22	53	76	110	168	187	260	297	

AM Peak Hour ..... 11:00 to 12:00 (458 vehicles)
AM Peak Hour Factor 88.1%
PM Peak Hour ..... 16:30 to 17:30 (1861 vehicles)
PM Peak Hour Factor 96.5%

Thursday 11/26/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Tot
617	627	648	778	550	409	505	729	798	522	229	140	72	47	42	42	144	157							7(
292	285	315	389	309	213	230	341	427	304	130	70	41	26	22	16	50	157							
325	342	333	389	241	196	275	388	371	218	99	70	31	21	20	26	94								

AM Peak Hour ..... 05:30 to 06:30 (251 vehicles)
AM Peak Hour Factor 79.9%
PM Peak Hour ..... 20:30 to 21:30 (815 vehicles)
PM Peak Hour Factor 95.4%

Volume Count Report

Generated by MSC3000 Version 2 01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA.
Location Code 5800
County ..... BC
Recorder Set 11/20/98 11:55
Recording Start ... 11/20/98 12:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 18
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tota
	909	864	943	1079	1156	1255	1046	715	573	446	378	262	139	108	58	47	32	77	187	323	524	801	835	835	135
NB	485	477	435	597	580	642	550	377	298	236	193	146	75	55	29	28	12	40	69	130	224	367	405	391	
SB	424	387	508	482	576	613	496	338	275	210	185	116	64	53	29	19	20	37	118	193	300	434	430	444	

AM Peak Hour ..... 09:30 to 10:30 (839 vehicles)
AM Peak Hour Factor 96.7%
PM Peak Hour ..... 17:00 to 18:00 (1255 vehicles)
PM Peak Hour Factor 97.7%

Saturday 11/21/98 Channel: 1

	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tota
	990	866	913	914	940	866	780	567	510	369	402	335	226	108	74	37	25	60	110	164	447	510	751	808	117
	473	450	461	452	449	443	394	295	281	170	185	167	130	73	44	20	10	27	47	55	117	234	289	418	
	517	416	452	462	491	423	386	272	229	199	217	168	96	35	30	17	15	33	63	109	330	276	462	390	

AM Peak Hour ..... 10:30 to 11:30 (880 vehicles)
AM Peak Hour Factor 95.2%
PM Peak Hour ..... 12:00 to 13:00 (990 vehicles)
PM Peak Hour Factor 95.7%

Sunday 11/22/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tot
990	950	879	893	869	787	549	459	371	264	150	97	56	39	20	22	57	229	667	1274	1252	809	641	729	13
446	478	416	452	442	396	303	240	206	155	92	68	31	23	8	11	20	63	258	564	667	454	321	361	
544	472	463	441	427	391	246	219	165	109	58	29	25	16	12	11	37	166	409	710	585	355	320	368	

AM Peak Hour ..... 07:30 to 08:30 (1377 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 12:30 to 13:30 (1022 vehicles)
PM Peak Hour Factor 93.9%

Monday 11/23/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tot
810	822	924	1072	1137	1316	1186	868	607	587	273	145	76	54	22	23	51	215	689	1256	1286	774	648	741	15
373	421	437	498	517	639	640	521	322	364	144	78	43	31	13	10	16	63	273	559	673	409	343	362	
437	401	487	574	620	677	546	347	285	223	129	67	33	23	9	13	35	152	416	697	613	365	305	379	

AM Peak Hour ..... 07:30 to 08:30 (1370 vehicles)
AM Peak Hour Factor 98.3%
PM Peak Hour ..... 17:30 to 18:30 (1317 vehicles)
PM Peak Hour Factor 97.3%

Tuesday 11/24/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tota
785	731	853	1019	1188	1317	1093	817	618	466	311	197	83	40	30	18	60	228	673	1197	1207	796	721	809	15
413	380	399	478	564	662	628	424	310	265	171	104	47	25	17	9	22	85	248	535	613	442	347	352	
372	351	454	541	624	655	465	393	308	201	140	93	36	15	13	9	38	143	425	662	594	354	374	457	

AM Peak Hour ..... 07:30 to 08:30 (1275 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1317 vehicles)
PM Peak Hour Factor 99.5%

Wednesday 11/25/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Tota
973	893	958	1251	1278	1300	1038	792	611	596	349	258	163	106	80	36	36	33	99	127	207	296	352	440	12
492	431	451	671	643	695	528	408	334	320	201	142	91	64	53	20	17	13	47	45	89	134	160	201	
481	462	507	580	635	605	510	384	277	276	148	116	72	42	27	16	19	20	52	82	118	162	192	239	

AM Peak Hour ..... 11:00 to 12:00 (440 vehicles)
AM Peak Hour Factor 92.1%
PM Peak Hour ..... 16:30 to 17:30 (1330 vehicles)
PM Peak Hour Factor 95.7%

Thursday 11/26/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Total
569	560	601	659	749	516	376	532	763	738	473	197	121	57	46	33	36	140	142						730
267	266	301	314	388	309	206	242	373	416	279	107	50	26	26	18	19	49	142						
302	294	300	345	361	207	170	290	390	322	194	90	71	31	20	15	17	91							

AM Peak Hour ..... 05:30 to 06:30 (233 vehicles)
AM Peak Hour Factor 82.0%
PM Peak Hour ..... 20:30 to 21:30 (806 vehicles)
PM Peak Hour Factor 96.9%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD N. CRONDALL LA. (SB)
Location Code 5783
County ..... BC
Recorder Set 08/26/99 12:45
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:00
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 16
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
393	342	407	438	381	315	268	207	156	97	40	26	12	13	21	84	319	609	766	529	431	374	342	397	6967
184	168	207	211	198	169	150	103	81	58	20	14	9	4	9	31	123	261	420	300	231	182	149	185	
209	174	200	227	183	146	118	104	75	39	20	12	3	9	12	53	196	348	346	229	200	192	193	212	

AM Peak Hour ..... 06:30 to 07:30 (768 vehicles)
AM Peak Hour Factor 91.4%
PM Peak Hour ..... 16:00 to 17:00 (438 vehicles)
PM Peak Hour Factor 96.5%

Friday 08/27/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
394	367	359	454	498	405	316	229	199	95	57	38	26	20	18	41	90	172	274	437	472	457	498	447	6363
195	194	185	213	250	202	188	114	101	57	33	28	14	9	11	8	35	76	132	201	248	250	246	216	
199	173	174	241	248	203	128	115	98	38	24	10	12	11	7	33	55	96	142	236	224	207	252	231	

AM Peak Hour ..... 11:00 to 12:00 (498 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 17:00 to 18:00 (498 vehicles)
PM Peak Hour Factor 99.6%

Saturday 08/28/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
410	365	338	405	436	431	254	213	159	114	119	56	39	28	16	24	63	101	173	267	343	407	461	424	5646
221	178	172	194	207	242	147	121	75	61	65	36	19	15	6	8	21	53	79	139	159	193	240	219	
189	187	166	211	229	189	107	92	84	53	54	20	20	13	10	16	42	48	94	128	184	214	221	205	

AM Peak Hour ..... 11:00 to 12:00 (461 vehicles)
AM Peak Hour Factor 96.0%
PM Peak Hour ..... 17:30 to 18:30 (471 vehicles)
PM Peak Hour Factor 97.3%

Sunday 08/29/99 Channel: 1 Direction: S

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
432	364	376	327	356	295	283	186	133	72	37	19	8	15	18	90	354	702							4067
220	177	182	170	191	158	122	110	61	35	21	10	7	5	3	27	147	313							
212	187	194	157	165	137	161	76	72	37	16	9	1	10	15	63	207	389							

AM Peak Hour ..... 06:00 to 07:00 (702 vehicles)
AM Peak Hour Factor 90.2%
PM Peak Hour ..... 13:00 to 14:00 (432 vehicles)
PM Peak Hour Factor 98.2%

Volume Count Report

Generated by MSC3000 Version 2 01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA (NB)
Location Code 5809
County .....
Recorder Set 08/26/99 11:50
Recording Start ... 08/26/99 12:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 12
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
399	411	317	311	277	248	168	85	58	39	46	23	7	6	9	7	26	97	244	563	599	302	290	237	4769
176	189	172	154	130	130	82	37	31	24	16	10	1	4	7	3	8	32	82	217	342	166	153	102	
223	222	145	157	147	118	86	48	27	15	30	13	6	2	2	4	18	65	162	346	257	136	137	135	

AM Peak Hour ..... 07:30 to 08:30 (688 vehicles)
AM Peak Hour Factor 99.4%
PM Peak Hour ..... 12:30 to 13:30 (412 vehicles)
PM Peak Hour Factor 92.4%

Friday 08/27/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
378	343	328	260	239	197	141	103	64	59	45	25	21	11	13	5	7	11	58	116	102	233	157	156	3072
169	191	164	122	108	110	87	64	40	38	19	18	12	5	5	0	3	3	16	47	39	124	95	74	
209	152	164	138	131	87	54	39	24	21	26	7	9	6	8	5	4	8	42	69	63	109	62	82	

AM Peak Hour ..... 09:00 to 10:00 (233 vehicles)
AM Peak Hour Factor 94.0%
PM Peak Hour ..... 12:30 to 13:30 (400 vehicles)
PM Peak Hour Factor 95.7%

Saturday 08/28/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
120	100	107	126	75	90	51	54	55	48	26	25	17	10	4	6	7	4	3	34	38	49	63	81	1193
76	51	60	65	46	41	24	25	33	30	15	8	6	6	3	5	3	1	1	9	12	20	30	41	
44	49	47	61	29	49	27	29	22	18	11	17	11	4	1	1	4	3	2	25	26	29	33	40	

AM Peak Hour ..... 11:00 to 12:00 (81 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 15:00 to 16:00 (126 vehicles)
PM Peak Hour Factor 96.9%

Sunday 08/29/99 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
65	53	68	74	51	86	58	48	29	39	21	11	5	3	4	12	33	93	229	231					1213
33	31	33	37	32	39	36	28	16	22	12	6	4	1	2	4	16	28	72	231					
32	22	35	37	19	47	22	20	13	17	9	5	1	2	2	8	17	65	157						

AM Peak Hour ..... 06:30 to 07:30 (388 vehicles)
AM Peak Hour Factor 84.0%
PM Peak Hour ..... 17:00 to 18:00 (86 vehicles)
PM Peak Hour Factor 91.5%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA.
Location Code 5800
County ..... BC
Recorder Set 11/20/98 11:55
Recording Start ... 11/20/98 12:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 18
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
909	864	943	1079	1156	1255	1046	715	573	446	378	262	139	108	58	47	32	77	187	323	524	801	835	835	13592
485	477	435	597	580	642	550	377	298	236	193	146	75	55	29	28	12	40	69	130	224	367	405	391	
424	387	508	482	576	613	496	338	275	210	185	116	64	53	29	19	20	37	118	193	300	434	430	444	

AM Peak Hour ..... 09:30 to 10:30 (839 vehicles)
AM Peak Hour Factor 96.7%
PM Peak Hour ..... 17:00 to 18:00 (1255 vehicles)
PM Peak Hour Factor 97.7%

Saturday 11/21/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
990	866	913	914	940	866	780	567	510	369	402	335	226	108	74	37	25	60	110	164	447	510	751	808	11772
473	450	461	452	449	443	394	295	281	170	185	167	130	73	44	20	10	27	47	55	117	234	289	418	
517	416	452	462	491	423	386	272	229	199	217	168	96	35	30	17	15	33	63	109	330	276	462	390	

AM Peak Hour ..... 10:30 to 11:30 (880 vehicles)
AM Peak Hour Factor 95.2%
PM Peak Hour ..... 12:00 to 13:00 (990 vehicles)
PM Peak Hour Factor 95.7%

Sunday 11/22/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
990	950	879	893	869	787	549	459	371	264	150	97	56	39	20	22	57	229	667	1274	1252	809	641	729	13053
446	478	416	452	442	396	303	240	206	155	92	68	31	23	8	11	20	63	258	564	667	454	321	361	
544	472	463	441	427	391	246	219	165	109	58	29	25	16	12	11	37	166	409	710	585	355	320	368	

AM Peak Hour ..... 07:30 to 08:30 (1377 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 12:30 to 13:30 (1022 vehicles)
PM Peak Hour Factor 93.9%

Monday 11/23/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
810	822	924	1072	1137	1316	1186	868	607	587	273	145	76	54	22	23	51	215	689	1256	1286	774	648	741	15582
373	421	437	498	517	639	640	521	322	364	144	78	43	31	13	10	16	63	273	559	673	409	343	362	
437	401	487	574	620	677	546	347	285	223	129	67	33	23	9	13	35	152	416	697	613	365	305	379	

AM Peak Hour ..... 07:30 to 08:30 (1370 vehicles)
AM Peak Hour Factor 98.3%
PM Peak Hour ..... 17:30 to 18:30 (1317 vehicles)
PM Peak Hour Factor 97.3%

Tuesday 11/24/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
785	731	853	1019	1188	1317	1093	817	618	466	311	197	83	40	30	18	60	228	673	1197	1207	796	721	809	15257
413	380	399	478	564	662	628	424	310	265	171	104	47	25	17	9	22	85	248	535	613	442	347	352	
372	351	454	541	624	655	465	393	308	201	140	93	36	15	13	9	38	143	425	662	594	354	374	457	

AM Peak Hour ..... 07:30 to 08:30 (1275 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1317 vehicles)
PM Peak Hour Factor 99.5%

Wednesday 11/25/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
973	893	958	1251	1278	1300	1038	792	611	596	349	258	163	106	80	36	36	33	99	127	207	296	352	440	12272
492	431	451	671	643	695	528	408	334	320	201	142	91	64	53	20	17	13	47	45	89	134	160	201	
481	462	507	580	635	605	510	384	277	276	148	116	72	42	27	16	19	20	52	82	118	162	192	239	

AM Peak Hour ..... 11:00 to 12:00 (440 vehicles)
AM Peak Hour Factor 92.1%
PM Peak Hour ..... 16:30 to 17:30 (1330 vehicles)
PM Peak Hour Factor 95.7%

Thursday 11/26/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
569	560	601	659	749	516	376	532	763	738	473	197	121	57	46	33	36	140	142						7308
267	266	301	314	388	309	206	242	373	416	279	107	50	26	26	18	19	49	142						
302	294	300	345	361	207	170	290	390	322	194	90	71	31	20	15	17	91							

AM Peak Hour ..... 05:30 to 06:30 (233 vehicles)
AM Peak Hour Factor 82.0%
PM Peak Hour ..... 20:30 to 21:30 (806 vehicles)
PM Peak Hour Factor 96.9%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILL BLVD N. CRONDALL LA.
Location Code 5780
County ..... BC
Recorder Set 11/20/98 12:15
Recording Start ... 11/20/98 13:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 15
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1366	1407	1486	1521	1763	1369	885	634	475	438	311	178	118	70	67	49	101	221	413	621	953	999	1022	1187	17654
700	678	742	718	901	717	459	304	249	241	193	105	62	33	31	16	48	75	168	274	433	497	507	578	
666	729	744	803	862	652	426	330	226	197	118	73	56	37	36	33	53	146	245	347	520	502	515	609	

AM Peak Hour ..... 11:00 to 12:00 (1022 vehicles)
AM Peak Hour Factor 99.2%
PM Peak Hour ..... 17:00 to 18:00 (1763 vehicles)
PM Peak Hour Factor 97.8%

Saturday 11/21/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1090	1025	966	1051	1019	841	647	555	409	414	372	249	131	73	51	27	58	111	165	346	545	653	839	975	12612
582	541	484	541	500	426	343	305	183	206	198	134	79	36	29	14	22	45	74	147	271	312	412	462	
508	484	482	510	519	415	304	250	226	208	174	115	52	37	22	13	36	66	91	199	274	341	427	513	

AM Peak Hour ..... 11:00 to 12:00 (839 vehicles)
AM Peak Hour Factor 98.2%
PM Peak Hour ..... 12:30 to 13:30 (1095 vehicles)
PM Peak Hour Factor 0.0%

Sunday 11/22/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1036	964	973	973	842	623	504	404	307	169	131	74	41	29	32	72	292	804	1649	1974	1328	1060	1123	1335	16739
539	467	487	510	433	346	256	215	167	108	84	40	22	17	12	21	87	281	730	1052	756	551	527	658	
497	497	486	463	409	277	248	189	140	61	47	34	19	12	20	51	205	523	919	922	572	509	596	677	

AM Peak Hour ..... 08:00 to 09:00 (1974 vehicles)
AM Peak Hour Factor 93.8%
PM Peak Hour ..... 12:00 to 13:00 (1335 vehicles)
PM Peak Hour Factor 98.6%

Monday 11/23/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1380	1311	1433	1586	1858	1465	1106	698	674	352	198	104	65	45	38	89	298	863	1673	2028	1333	1063	1181	1297	22138
738	630	699	800	970	807	645	371	423	198	118	63	36	26	13	27	95	320	720	1076	742	541	550	638	
642	681	734	786	888	658	461	327	251	154	80	41	29	19	25	62	203	543	953	952	591	522	631	659	

AM Peak Hour ..... 07:30 to 08:30 (2029 vehicles)
AM Peak Hour Factor 94.3%
PM Peak Hour ..... 17:00 to 18:00 (1858 vehicles)
PM Peak Hour Factor 95.8%

Tuesday 11/24/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1212	1324	1384	1708	1891	1479	990	747	548	366	264	117	50	37	32	80	308	810	1637	1853	1293	1098	1226	1498	21952
643	620	675	813	976	846	530	398	300	206	146	70	24	19	13	31	104	291	732	978	723	550	545	762	
569	704	709	895	915	633	460	349	248	160	118	47	26	18	19	49	204	519	905	875	570	548	681	736	

AM Peak Hour ..... 07:30 to 08:30 (1883 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1891 vehicles)
PM Peak Hour Factor 96.9%

Wednesday 11/25/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1415	1481	1729	1792	1761	1256	938	726	646	416	278	196	115	94	47	40	43	97	141	202	315	360	458	563	15109
695	769	904	895	964	703	518	400	333	231	147	107	71	59	23	26	21	44	65	92	147	173	198	266	
720	712	825	897	797	553	420	326	313	185	131	89	44	35	24	14	22	53	76	110	168	187	260	297	

AM Peak Hour ..... 11:00 to 12:00 (458 vehicles)
AM Peak Hour Factor 88.1%
PM Peak Hour ..... 16:30 to 17:30 (1861 vehicles)
PM Peak Hour Factor 96.5%

Thursday 11/26/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
617	627	648	778	550	409	505	729	798	522	229	140	72	47	42	42	144	157							7056
292	285	315	389	309	213	230	341	427	304	130	70	41	26	22	16	50	157							
325	342	333	389	241	196	275	388	371	218	99	70	31	21	20	26	94								

AM Peak Hour ..... 05:30 to 06:30 (251 vehicles)
AM Peak Hour Factor 79.9%
PM Peak Hour ..... 20:30 to 21:30 (815 vehicles)
PM Peak Hour Factor 95.4%

LOCATION FALLS RD & SHAWAN RD-TUFTON AVE COUNTY SIGNAL NUMBER TMC C237

	RECORDER	WEATHER	ROAD SURFACE	DAY OF THE WEEK	DATE OF COUNT
A.M.	SLM	CLEAR	DRY	MONDAY	5/17/99
P.M.	SLM	CLEAR	DRY	MONDAY	5/17/99

PERCENTAGE TURNING MOVEMENTS AND TOTAL VOLUMES

ROAD NAME	FALLS RD NORTHBOUND				FALLS RD SOUTHBOUND					TUFTON AVE EASTBOUND				SHAWAN RD WESTBOUND				
	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
%TURNING	7%	43%	50%	100%	62%	37%	1%	100%	AM	1%	98%	1%	100%	13%	69%	18%	100%	N/A
MOVEMENT	5%	76%	18%	100%	57%	31%	12%	100%	PM	5%	92%	2%	100%	9%	61%	30%	100%	N/A
TOTAL VOLUMES	15	93	107	215	1000	595	18	1613	AM	11	1417	14	1442	91	468	119	678	3948
	44	621	147	812	237	129	49	415	PM	42	706	16	764	150	1035	514	1699	3690
GRAND TOTALS	59	714	254	1027	1237	724	67	2028		53	2123	30	2206	241	1503	633	2377	7638
ESTIMATED ADTS	NORTH 11239				SOUTH 6630					EAST 19643				WEST 12574				

ESTIMATED VEHICLES ENTERING THE INTERSECTION ----------> 50085

INTERSECTION: FALLS RD & SHAWAN RD-TUFTON AVE

DESCRIPTION: FALLS RD IS A TWO-LANE STATE RD WITH LEFT TURN LANE AND ARROW S/B. SHAWAN RD AND TUFTON AVE ARE BOTH TWO-LANE COUNTY RDS.

THE SIGNAL FUNCTIONS AS A 3 PHASE LIGHT. THE CYCLE LENGTHS AVERAGE 86 SECONDS IN THE MORNING AND 122 SECONDS IN THE AFTERNOON. THE PEAK HOUR IN THE MORNING IS 7:15 TO 8:15 AND IS 4:00 TO 5:00 IN THE AFTERNOON. THE PEAK FLOW OCCURS IN THE S/B DIRECTION OF FALLS RD DURING THE AM AND IN THE W/B DIRECTION OF SHAWAN RD IN THE PM.

LOADED CYCLES

Signal Recounted 12/6/99

	NORTHBOUND	SOUTHBOUND	EASTBOUND	WESTBOUND
% OF LOADS	*	7%	4%	*
AM HOUR	*	7:15-8:15	7:15-8:15	*
% OF LOADS	*	*	*	*
PM HOUR	*	*	*	*

P.M

N/B 7% 430-530

W/B 20% 430-530

REMARKS: Traffic being held up at signal on Cuba + Shawan in the p.m.

THE LEVEL OF SERVICE IS: ~~B~~ C

A = 0% B = 1-10% C = 11-30% D = 31-70% E = 71-85% F = 86-100%

OR UPDATED LIST YES OR NO DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

ROADWAY	D1	D2	INTERSECTION	1980	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1998
KENILWORTH DR		E	CHARLES ST													
KENILWORTH DR		EAST	CHARLES ST					12800								
KENILWORTH DR		EAST	WEST RD							12700						
KENILWORTH DR		WEST	WEST RD							13700						
KENWOOD AV		E	CITY LINE													9343
KENWOOD AVE		EAST	FULLERTON AVE													
KENWOOD AVE		EAST	LESLIE AVE									14000				
KENWOOD AVE		EAST	MANNINGTON AVE									7800				
KENWOOD AVE		NORTH	GOLDEN RING RD										12000			
KENWOOD AVE		NORTH	PHILADELPHIA RD								5500					
KENWOOD AVE		SOUTH	GOLDEN RING RD										6500			
KENWOOD AVE		WEST	DALE AVE													
KENWOOD AVE		WEST	FULLERTON AVE													
KENWOOD AVENUE		N	GOLDEN RING R													8487
KENWOOD RD		N	I95													16141
KERNAN DR		NORTH	DOGWOOD RD								6600					
KERNAN DR		WEST	WINDSOR MILL RD									6600				
KERNAN DR	EB	WEST	WINDSOR MILL RD									3000				
KERNAN RD		N	DOGWOOD RD													
KEYSER RD		EAST	STEVENSON RD			900										
KILBRIDE RD		SOUTH	JOPPA RD						1700							
KING AVE		SOUTH	KENNEDY EXPY						4300							
KING AVE		WEST	PHILADELHIA RD										6900			
KINGS POINT RD		NORTH	MARRIOTTSVILLE RD-NEW													
KINGS RIDGE RD		W	OLD HARFORD R													6875
KINGS RIDGE RD		E	OLD HARFORD R													10179
KINGS RIDGE RD		EAST	OLD HARFORD RD												3300	
KINGS RIDGE RD		NORTH	MORVEN RD										3600			
KINGS RIDGE RD		WEST	OLD HARFORD RD												1900	
KINGS RIDGE RD	EB	WEST	OLD HARFORD RD								1000					
KINGS RIDGE RD	WB	EAST	OLD HARFORD RD								1600					
KINGSBURY RD		S	CHERRY HILL L													
KINGSBURY RD		SOUTH	CHERRY HILL LA												5700	
KINGSTON RD		SOUTH	EASTERN BLVD		9200											
KINTORE DR		SOUTH	DUNFIELD RD						7000							

All Years

10/27/99

ROADWAY	D1	D2	INTERSECTION	1980	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1998	
OWINGS MILLS BL		N	CRONDALL LA													17701	* CRM
OWINGS MILLS BL		S	DOLFIELD RD														
OWINGS MILLS BL		S	CRONDALL LA													13588	* CRM
OWINGS MILLS BL		S	TIMBERGROVE														
OWINGS MILLS BL		S	GWYNNBROOK AV														
OWINGS MILLS BL		N	DOLFIELD RD														
OWINGS MILLS BL		N	GWYNNBROOK AV														
OWINGS MILLS BLVD	SB	N	CRONDALL LA														
OWINGS MILLS BLVD	NB	S	CRONDALL LA														
OWINGS MILLS BLVD	NB	S	CRONDALL LA														
OWINGS MILLS BLVD	NB	S	CRONDALL LA														
OWINGS MILLS BLVD		NORTH	CRONDALL LA												10500		
OWINGS MILLS BLVD		NORTH	GWYNNBROOK AVE												9200	10854	
OWINGS MILLS BLVD		NORTH	REISTERSTOWN RD														
OWINGS MILLS BLVD		SOUTH	CRONDALL LA												15500		
OWINGS MILLS BLVD		SOUTH	DOLFIELD RD												3300		
OWINGS MILLS BLVD		SOUTH	GWYNNBROOK AVE												8000	13734	
OWINGS MILLS BLVD		SOUTH	TIMBER GROVE RD													8158	
OWINGS MILLS BLVD	EB	EAST	GARRISON FOREST SCTR												7000		
OWINGS MILLS BLVD	NB	NORTH	RED RUN BLVD												7900		
OWINGS MILLS BLVD	NB	SOUTH	DOLFIELD RD												3300		
OWINGS MILLS BLVD		N	LAKESIDE BLVD													24041	
OWINGS MILLS BLVD		S	LAKESIDE BLVD													13681	
OWINGS MILLS BLVD	NB	SOUTH	RED RUN BLVD												1700		
OWINGS MILLS BLVD	SB	NORTH	DOLFIELD RD												7200		
OWINGS MILLS BLVD	WB	EAST	GARRISON FOREST SCTR												6900		
PADONIA RD		W	MD45														
PADONIA RD		W	GREENPOINT RD														
PADONIA RD		E	I83													10645	
PADONIA RD		EAST	EASTRIDGE RD														
PADONIA RD		EAST	FALLS RD							3500							
PADONIA RD		WEST	YORK RD													47754	
PADONIA RD		EAST	YORK RD														
PADONIA RD		WEST	CRANBROOK RD														
PADONIA RD		WEST	EASTRIDGE RD														

ROADWAY	D1	D2	INTERSECTION	1980	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1998
GROFF LA		N	OWINGS MILLS													
GROFF LA		EAST	REISTERSTOWN RD												702	
GROFF LA		NORTH	OWINGS MILLS BLVD												678	
GUMSPRING RD		NORTH	ROSSVILLE BLVD										5500			
GUN RD		SOUTH	ROLLING RD					900								
GUNPOWDER RD		EAST	FALLS RD				600									
GUNPOWDER RD		EAST	MT CARMEL RD													
GUNPOWDER RD		NORTH	BECKLEYSVILLE RD				300									
GUNPOWDER RD		WEST	FALLS RD													
GWYNN OAK AV		N	MD122													
GWYNN OAK AV		W	CITY LINE													
GWYNN OAK AVE		EAST	WOODLAWN DR					15600								
GWYNN OAK AVE		NORTH	DOGWOOD RD				4400									
GWYNN OAK AVE		NORTH	SECURITY BLVD													
GWYNN OAK AVE		NORTH	WINDSOR MILL RD													
GWYNN OAK AVE		SOUTH	WINDSOR MILL RD													
GWYNNBROOK AV		E	REISTERSTOWN													3323
GWYNNBROOK AV		W	OWINGS MILLS													5612
GWYNNBROOK AV		E	OWINGS MILLS													4686
GWYNNBROOK AVE		EAST	OWINGS MILLS BLVD												4600	
GWYNNBROOK AVE		EAST	REISTERSTOWN RD												2800	
GWYNNBROOK AVE		WEST	OWINGS MILLS BLVD												4400	
GWYNNDALE AVE		NORTH	GWYNN OAK AVE								6500					
GYWNNWEST RD.		EAST	TREELINE DR.													
GYWNNWEST RD.		WEST	TREELINE DR.													
HALETHORPE FARM		S	WASHINGTON BL													3146
HALETHORPE FARM RD.		SOUTH	WASHINGTON BLVD.													
HALETHORPE FARMS RD		NORTH	HOLLINS FERRY RD								4900					
HALSTEAD RD		WEST	HILLSWAY AVE				1200									
HAMILTON AVE		NORTH	PHILADELPHIA RD								6400					
HAMILTON AVE		NORTH	RADECKE AVE										2900			
HAMILTON AVE		SOUTH	RADECKE AVE									300				
HAMILTON AVE	NB	SOUTH	RADECKE AVE									150				
HAMMERSHIRE RD		E	REISTERSTOWN													5461
HAMMERSHIRE RD		EAST	REISTERSTOWN RD												5200	

ROADWAY	D1	D2	INTERSECTION	1980	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1998
TAYLOR AVE		EAST	HILLENDALE RD									16100				
TAYLOR AVE		EAST	OAKLEIGH RD									16000				
TAYLOR AVE		EAST	PERRING PKWY									15400				
TAYLOR AVE		SOUTH	EASTERN BLVD													
TAYLOR AVE		WEST	BELAIR RD													
TAYLOR AVE		WEST	HARFORD RD							13000						
TAYLOR AVE		WEST	OAKLEIGH RD									16600				
TAYLOR AVE	EB	EAST	LOCH RAVEN BLVD							12400						
TAYLOR AVE	EB	WEST	LOCH RAVEN BLVD									11000				
TAYLOR AVE	WB	EAST	LOCH RAVEN BLVD				12400									
TAYLOR AVE	WB	WEST	LOCH RAVEN BLVD									8600				
TAYLOR AVE.		EAST	SHEPARD AVE.													14507
TEMPLECLIFF RD		NORTH	MILLFORD MILL RD									50				
TEMPLECLIFF RD	SB	NORTH	MILLFORD MILL RD									350				
THIRD AVE		EAST	HAMMONDS FERRY RD								1800					
THIRD AVE		WEST	HOLLINS FERRY RD								1800					
THORNTON RD		NORTH	JOPPA RD													
THORNTON RD		SOUTH	SEMINARY AVE													
THORNTON RD	SB	NORTH	JOPPA RD													
THOROUGHBRED LA		WEST	BONITA AVE													
THOROUGHBRED LA	EB	WEST	BONITA AVE													
TIMANUS LA		NORTH	WINDSOR MILL RD							3400						
TIMANUS LA	SB	NORTH	WINDSOR MILL RD							1800						
TIMBER GROVE RD		N	KINGSBURY RD													6131
TIMBER GROVE RD		N	ACADEMY AV													2713
TIMBER GROVE RD		S	ACADEMY AV													2216
TIMBER GROVE RD		EAST	OWINGS MILLS BLVD													
TIMBER GROVE RD		EAST	REISTERSTOWN RD							1300						
TIMBER GROVE RD		NORTH	ACADEMY AVE												2000	
TIMBER GROVE RD		NORTH	KINGSBURY RD												7400	
TIMBER GROVE RD		SOUTH	ACADEMY AVE												1500	
TIMBER GROVE RD		WEST	OWINGS MILLS BLVD													
TIMBER GROVE RD	EB	WEST	OWINGS MILLS BLVD													
TIMBER GROVE RD	NB	SOUTH	ACADEMY AVE									600				
TIMBER GROVE RD	SB	NORTH	ACADEMY AVE									1300				

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

LOCATION GWYNNBROOK AVE & OWINGS MILLS BLVD

County Signal Number TMCC405

Recorder SLM Weat. CLEAR Road Surf. DRY Day of the Week TUESDAY Date of Count 5/26/98

ROAD NAME	OWINGS MILLS BLVD N BOUND				OWINGS MILLS BLVD S BOUND				N+S BOUND	GWYNNBROOK AVE E BOUND				GWYNNBROOK AVE W BOUND				E+W BOUND	GRAND
A.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	10	28	11	49	13	154	3	170	219	4	50	52	106	14	4	2	20	126	345
7:15-7:30	8	29	8	45	10	171	3	184	229	2	53	53	108	10	14	0	24	132	361
7:30-7:45	9	48	16	73	16	155	4	175	248	9	52	63	124	6	17	8	31	155	403
7:45-8:00	11	42	12	65	17	204	5	226	291	8	50	62	120	8	15	4	27	147	438
8:00-8:15	12	51	16	79	21	165	9	195	274	4	49	52	105	8	13	4	25	130	404
8:15-8:30	14	44	18	76	19	160	7	186	262	15	45	72	132	7	13	6	26	158	420
8:30-8:45	4	51	11	66	27	156	8	191	257	6	32	37	75	6	17	7	30	105	362
8:45-9:00	6	47	14	67	28	83	2	113	180	7	43	37	87	15	16	7	38	125	305
A.M. HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	10	28	11	49	13	154	3	170	219	4	50	52	106	14	4	2	20	126	345
6:30-7:30	18	57	19	94	23	325	6	354	448	6	103	105	214	24	18	2	44	258	706
6:45-7:45	27	105	35	167	39	480	10	529	696	15	155	168	338	30	35	10	75	413	1109
7:00-8:00	38	147	47	232	56	684	15	755	987	23	205	230	458	38	50	14	102	560	1547
7:15-8:15	40	170	52	262	64	695	21	780	1042	23	204	230	457	32	59	16	107	564	1606
7:30-8:30	46	185	62	293	73	684	25	782	1075	36	196	249	481	29	58	22	109	590	1665
7:45-8:45	41	188	57	286	84	685	29	798	1084	33	176	223	432	29	58	21	108	540	1624
8:00-9:00	36	193	59	288	95	564	26	685	973	32	169	198	399	36	59	24	119	518	1491

Recorder SLM Weat. CLEAR Road Surf. DRY Day of the Week TUESDAY Date of Count 5/26/98

ROAD NAME	OWINGS MILLS BLVD N BOUND				OWINGS MILLS BLVD S BOUND				N+S BOUND	GWYNNBROOK AVE E BOUND				GWYNNBROOK AVE W BOUND				E+W BOUND	GRAND
P.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	35	122	17	174	12	66	5	83	257	9	26	12	47	11	36	10	57	104	361
4:15-4:30	30	122	13	165	11	58	5	74	239	6	22	15	43	8	39	25	72	115	354
4:30-4:45	32	132	18	182	7	54	12	73	255	10	23	18	51	20	47	15	82	133	388
4:45-5:00	49	127	15	191	10	76	5	91	282	7	23	16	46	15	38	17	70	116	398
5:00-5:15	45	148	17	210	19	80	6	105	315	6	25	15	46	14	38	15	67	113	428
5:15-5:30	44	169	11	224	14	101	5	120	344	11	29	25	65	22	57	33	112	177	521
5:30-5:45	43	157	9	209	7	86	8	101	310	9	37	26	72	14	54	24	92	164	474
5:45-6:00	42	147	9	198	8	73	7	88	286	9	27	17	53	24	53	22	99	152	438
P.M. HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	35	122	17	174	12	66	5	83	257	9	26	12	47	11	36	10	57	104	361
3:30-4:30	65	244	30	339	23	124	10	157	496	15	48	27	90	19	75	35	129	219	715
3:45-4:45	97	376	48	521	30	178	22	230	751	25	71	45	141	39	122	50	211	352	1103
4:00-5:00	146	503	63	712	40	254	27	321	1033	32	94	61	187	54	160	67	281	468	1501
4:15-5:15	156	529	63	748	47	268	28	343	1091	29	93	64	186	57	162	72	291	477	1568
4:30-5:30	170	576	61	807	50	311	28	389	1196	34	100	74	208	71	180	80	331	539	1735
4:45-5:45	181	601	52	834	50	343	24	417	1251	33	114	82	229	55	187	89	341	570	1821
5:00-6:00	174	621	46	841	48	340	26	414	1255	35	118	83	236	74	202	94	370	606	1861

R LOCATION GWYNNBROOK AVE & OWINGS MILLS BLVD

County Signal Number TMCC405

	Recorder	Weather	Road Surface	Day of the Week	Date of Count
A.M.	SLM	CLEAR	DRY	TUESDAY	5/26/98
P.M.	SLM	CLEAR	DRY	TUESDAY	5/26/98

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		OWINGS MILLS BLVD N BOUND				OWINGS MILLS BLVD S BOUND				GWYNNBROOK AVE E BOUND				GWYNNBROOK AVE W BOUND				N+S+E+W
		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING	A.M.	14%	65%	20%	100%	10%	87%	3%	100%	6%	44%	50%	100%	33%	49%	17%	100%	N/A
MOVEMENT	P.M.	21%	72%	7%	100%	12%	81%	7%	100%	16%	50%	34%	100%	20%	56%	25%	100%	N/A
TOTAL	A.M.	74	340	106	520	151	1248	41	1440	55	374	428	857	74	109	38	221	3038
VOLUMES	P.M.	320	1124	109	1553	88	594	53	735	67	212	144	423	128	362	161	651	3362
GRAND TOTAL		394	1464	215	2073	239	1842	94	2175	122	586	572	1280	202	471	199	872	6400

ESTIMATED ADT'S NORTH 12984 SOUTH 15374 EAST 6269 WEST 7341

ESTIMATED CARS ENTERING THE INTERSECTION ----------> 20984

INTERSECTION: GWYNNBROOK AVE & OWINGS MILLS BLVD

DESC. OWINGS MILLS BLVD IS A TWO-LANE COUNTY RD. GWYNNBROOK AVE IS A TWO-LANE COUNTY RD.

The signal functions as a 2 phase light. The cycle lenghts in the morning averages 73 seconds and in the afternoon the cycle length averages approximately 76 seconds.
The peak hours were 7:30 to 8:30 A.M. and 5:00 to 6:00 P.M. The peak flow occurs on the S/B direction of OWINGS MILLS BLVD during the A.M. peak hour and occurs on the N/B direction of OWINGS MILLS BLVD during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	3%	2%	N/A	16%
TIME(A.M.)	8:00-9:00	7:15-8:15	*	8:00-9:00
% LOADS	62%	N/A	3%	62%
TIME(P.M.)	5:00-6:00	*	5:00-6:00	5:00-6:00

Post-it® Fax Note 7671 Date 3-31-99 # of pages ▶ 1/5
To Bob Sellers From Traffic Engineer.
Co./Dept. Co. Phone # 887 3554
Phone # Fax # Fax #

REMARKS

THE LEVEL OF SERVICE IS D

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For Updated List Y N DATE REVIEWED: _____ APPROVED BY: _____ CHECKED BY: _____

LOCATION E.CHERRY HILL + FRANKLIN BLVD + REIST. RD. State Signal NumberTMCS048

Recorder CFB Weat.CLEAR Road Surf.DRY Day of the Week WED Date of Count 10/16/96

ROAD NAME	REIST RD N BOUND				REIST RD S BOUND				FRANKLIN BLVD	E BOUND				E.CHERRY HILL W BOUND					
A.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	N+S BOUND TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E+W BOUND TOTAL	GRAND TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	55	60	3	118	9	103	58	170	288	31	11	53	95	8	130	10	148	243	531
7:15-7:30	69	58	5	132	20	119	98	237	369	44	30	86	160	13	158	12	183	343	712
7:30-7:45	82	109	8	199	21	169	102	292	491	57	38	79	174	20	177	18	215	389	880
7:45-8:00	63	96	7	166	23	156	68	247	413	72	32	78	182	21	89	21	131	313	726
8:00-8:15	65	103	3	171	10	149	73	232	403	54	26	78	158	18	101	13	132	290	693
8:15-8:30	67	91	10	168	11	143	71	225	393	66	28	84	178	26	78	15	119	297	690
8:30-8:45	69	102	6	177	6	121	65	192	369	64	23	63	150	18	62	17	97	247	616
8:45-9:00	60	146	9	215	10	140	51	201	416	68	20	52	140	21	50	19	90	230	646
A.M. HOUR TOTALS																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	55	60	3	118	9	103	58	170	288	31	11	53	95	8	130	10	148	243	531
6:30-7:30	124	118	8	250	29	222	156	407	657	75	41	139	255	21	288	22	331	586	1243
6:45-7:45	206	227	16	449	50	391	258	699	1148	132	79	218	429	41	465	40	546	975	2123
7:00-8:00	269	323	23	615	73	547	326	946	1561	204	111	296	611	62	554	61	677	1288	2849
7:15-8:15	279	366	23	668	74	593	341	1008	1676	227	126	321	674	72	525	64	661	1335	3011
7:30-8:30	277	399	28	704	65	617	314	996	1700	249	124	319	692	85	445	67	597	1289	2989
7:45-8:45	264	392	26	682	50	569	277	896	1578	256	109	303	668	83	330	66	479	1147	2725
8:00-9:00	261	442	28	731	37	553	260	850	1581	252	97	277	626	83	291	64	438	1064	2645

Recorder CFB Weat.CLEAR Road Surf.DRY Day of the Week WED Date of Count 10/16/96

ROAD NAME	REIST RD N BOUND				REIST RD S BOUND				FRANKLIN BLVD	E BOUND				E.CHERRY HILL W BOUND					
P.M. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	N+S BOUND TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E+W BOUND TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	42	132	11	185	16	131	64	211	396	95	55	64	214	19	42	17	78	292	688
4:15-4:30	76	154	9	239	17	131	67	215	454	99	56	68	223	22	30	18	70	293	747
4:30-4:45	85	165	17	287	24	128	62	214	501	79	50	92	221	19	49	18	86	307	808
4:45-5:00	82	190	17	289	24	141	55	220	509	81	54	69	204	18	40	12	70	274	783
5:00-5:15	78	191	13	282	22	165	62	249	531	97	51	101	249	31	35	16	82	331	862
5:15-5:30	98	266	28	392	36	176	56	269	660	106	67	113	286	32	71	25	128	434	1094
5:30-5:45	89	206	13	308	39	144	41	224	532	117	93	91	301	22	51	29	102	403	935
5:45-6:00	57	193	22	272	25	162	45	232	504	97	77	96	270	28	63	24	115	385	889
P.M. HOUR TOTALS																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	42	132	11	185	16	131	64	211	396	95	55	64	214	19	42	17	78	292	688
3:30-4:30	118	286	20	424	33	262	131	426	850	194	111	132	437	41	72	35	148	585	1435
3:45-4:45	203	471	37	711	57	390	193	640	1351	273	161	224	658	60	121	53	234	892	2243
4:00-5:00	285	661	54	1000	81	531	248	860	1860	354	215	293	862	78	161	65	304	1166	3026
4:15-5:15	321	720	56	1097	87	565	246	898	1995	356	241	330	927	90	154	64	308	1235	3230
4:30-5:30	343	832	75	1250	106	610	235	951	2201	363	272	375	1010	100	195	71	366	1376	3577
4:45-5:45	347	853	71	1271	121	626	214	961	2232	401	315	374	1090	103	197	82	382	1472	3704
5:00-6:00	322	856	76	1254	122	647	204	973	2227	417	338	401	1156	113	220	94	427	1583	3810

P.M.	CFB	CLEAR	DRY	WED 10/16/96

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		REIST RD N BOUND				REIST RD S BOUND				FRANKLIN BLVD E BOUND				E.CHERRY HILL W BOUND				N+S+E+W
		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING MOVEMENT	A.M.	39%	57%	4%	100%	6%	61%	33%	100%	37%	17%	46%	100%	13%	76%	11%	100%	N/A
	P.M.	27%	67%	6%	100%	11%	64%	25%	100%	38%	27%	34%	100%	26%	52%	22%	100%	N/A
TOTAL VOLUMES	A.M.	530	765	51	1346	110	1100	586	1796	456	208	573	12[illegible]	145	845	125	1115	5494
	P.M.	607	1517	130	2254	203	1178	452	1833	771	553	694	2011	191	381	159	731	6836
GRAND TOTAL		1137	2282	181	3600	313	2278	1038	3629	1227	761	1267	3255	336	1226	284	1846	12330

ESTIMATED ADT'S NORTH 24334 SOUTH 24528 EAST 101[illegible] WEST 2182[illegible]

ESTIMATED CARS ENTERING THE INTERSECTION ----------> 40426

INTERSECTION: E.CHERRY HILL + FRANKLIN BLVD + REIST. RD.

DESC. REIST RD IS A FOUR LANE STATE RD WITH LEFT TURN LANES AND ARROWS IN BOTH DIRECTIONS. FRANKLIN BLVD IS A FOUR LANE COUNTY RD WITH A (L),(LS), ANDRIGHT TURN LANE. E. CHERRY HILL IS A TWO LANE COUNTY RI WITH A (L),(S), AND (SR).

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The signal functions as a 6 phase light. The cycle lenghts in the morning averages 111 seconds and in the afternoon the cycle length averages approximately 126seconds.
The peak hours were 7:15 to 8:15 A.M. and 5 to 6 P.M. The peak flow occurs on the S/B direction of REIST RD during the A.M. peak hour and occurs on theN/B direction of REIST RD during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	12%	N/A	6%	5%
TIME(A.M.)	7:30-8:30	*	8-9	7:15-8:1[illegible]
% LOADS	7%	N/A	28%	N/A
TIME(P.M.)	4:15-5:15	*	5-6	*

REMARKS .

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THE LEVEL OF SERVICE IS C

A = 0 % C = 11 - 30 % E = 71 - 85 %
B = 1 - 10 % D = 31 - 70 % F = 86 - 100 %

For Updated List (Y) N DATE REVIEWED: 11/12/96 APPROVED BY: [signature] CHECKED BY: _____

Wells & Associates
Turning Movement Count Data

Location: Greenspring Avenue, Tufton Avenue & Worthington Avenue

AM Count	South of 0	Tufton Avenue North of Worthington Avenue	Worthington Avenue West of Tufton Avenue	Greenspring Avenue East of Tufton Avenue
6:00-6:15	0	0	0	0
6:15-6:30	0	0	0	0
6:30-6:45	0	0	0	0
6:45-7:00	0	0	0	0
7:00-7:15	0	141	236	147
7:15-7:30	0	195	313	198
7:30-7:45	0	302	432	274
7:45-8:00	0	246	369	229
8:00-8:15	0	221	333	224
8:15-8:30	0	197	315	236
8:30-8:45	0	205	285	178
8:45-9:00	0	187	253	168
AM Hour Totals				
6:00-7:00	0	0	0	0
6:15-7:15	0	141	236	147
6:30-7:30	0	336	549	345
6:45-7:45	0	638	981	619
7:00-8:00	0	884	1350	848
7:15-8:15	0	964	1447	925
7:30-8:30	0	966	1449	963
7:45-8:45	0	869	1302	867
8:00-9:00	0	810	1186	806
PM Count				
3:00-3:15	0	0	0	0
3:15-3:30	0	0	0	0
3:30-3:45	0	0	0	0
3:45-4:00	0	0	0	0
4:00-4:15	0	167	261	170
4:15-4:30	0	211	317	208
4:30-4:45	0	196	282	210
4:45-5:00	0	265	440	315
5:00-5:15	0	297	375	220
5:15-5:30	0	268	395	247
5:30-5:45	0	244	323	227
5:45-6:00	0	206	282	192
PM Hour Totals				
3:00-4:00	0	0	0	0
3:15-4:15	0	167	261	170
3:30-4:30	0	378	578	378
3:45-4:45	0	574	860	588
4:00-5:00	0	839	1300	903
4:15-5:15	0	969	1414	953
4:30-5:30	0	1026	1492	992
4:45-5:45	0	1074	1533	1009
5:00-6:00	0	1015	1375	886
Total Count				
7-9 am	0	1694	2536	1654
4-6 pm	0	1854	2675	1789
4 hour Total	0	3548	5211	3443
ADT	0	11827	17370	11477

Wells & Associates
Turning Movement Count Data

Location: Greenspring Avenue, Tufton Avenue & Worthington Avenue Signal Number:

Recorder: Weather: Cloudy Road Sur: Wet Day of Week: Wed Date: 1/20/99

Road Name	Tufton Avenue Northbound				Tufton Avenue Southbound					Worthington Avenue Eastbound				Greenspring Avenue Westbound					
AM Count	Left 9	Str 8	Right 7	Total	Left 3	Str 2	Right 1	Total	Total	Left 12	Str 11	Right 10	Total	Left 6	Str 5	Right 4	Total	Total	Total
6:00-6:15				0				0	0				0				0	0	0
6:15-6:30				0				0	0				0				0	0	0
6:30-6:45				0				0	0				0				0	0	0
6:45-7:00				0				0	0				0				0	0	0
7:00-7:15				0	14		24	38	38	91	108		199		13	12	25	224	262
7:15-7:30				0	25		45	70	70	110	138		248		20	15	35	283	353
7:30-7:45				0	26		53	79	79	177	178		355		24	46	70	425	504
7:45-8:00				0	21		45	66	66	148	141		289		35	32	67	356	422
8:00-8:15				0	18		30	48	48	135	139		274		29	38	67	341	389
8:15-8:30				0	23		44	67	67	94	150		244		27	36	63	307	374
8:30-8:45				0	29		28	57	57	128	112		240		17	20	37	277	334
8:45-9:00				0	24		25	49	49	111	97		208		20	27	47	255	304
AM Hour Totals																			
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	0	0	0	0	14	0	24	38	38	91	108	0	199	0	13	12	25	224	262
6:30-7:30	0	0	0	0	39	0	69	108	108	201	246	0	447	0	33	27	60	507	615
6:45-7:45	0	0	0	0	65	0	122	187	187	378	424	0	802	0	57	73	130	932	1119
7:00-8:00	0	0	0	0	86	0	167	253	253	526	565	0	1091	0	92	105	197	1288	1541
7:15-8:15	0	0	0	0	90	0	173	263	263	570	596	0	1166	0	108	131	239	1405	1668
7:30-8:30	0	0	0	0	88	0	172	260	260	554	608	0	1162	0	115	152	267	1429	1689
7:45-8:45	0	0	0	0	91	0	147	238	238	505	542	0	1047	0	108	126	234	1281	1519
8:00-9:00	0	0	0	0	94	0	127	221	221	468	498	0	966	0	93	121	214	1180	1401

Recorder: 0 Weather: Cloudy Road Sur: Wet Day of Week: Wed. Date: 36180

Road Name	0 Northbound				Tufton Avenue Southbound					Worthington Avenue Eastbound				Greenspring Avenue Westbound					
PM Count	Left 9	Str 8	Right 7	Total	Left 3	Str 2	Right 1	Total	Total	Left 12	Str 11	Right 10	Total	Left 6	Str 5	Right 4	Total	Total	Total
3:00-3:15				0				0	0				0				0	0	0
3:15-3:30				0				0	0				0				0	0	0
3:30-3:45				0				0	0				0				0	0	0
3:45-4:00				0				0	0				0				0	0	0
4:00-4:15				0	16		86	102	102	43	48		91		84	22	106	197	299
4:15-4:30				0	21		117	138	138	43	41		84		116	30	146	230	368
4:30-4:45				0	26		89	115	115	45	39		84		109	36	145	229	344
4:45-5:00				0	19		150	169	169	45	33		78		212	51	263	341	510
5:00-5:15				0	18		171	189	189	55	35		90		114	53	167	257	446
5:15-5:30				0	25		149	174	174	59	48		107		139	35	174	281	455
5:30-5:45				0	27		131	158	158	39	39		78		114	47	161	239	397
5:45-6:00				0	23		111	134	134	37	41		78		93	35	128	206	340
PM Hour Totals																			
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	0	0	0	0	16	0	86	102	102	43	48	0	91	0	84	22	106	197	299
3:30-4:30	0	0	0	0	37	0	203	240	240	86	89	0	175	0	200	52	252	427	667
3:45-4:45	0	0	0	0	63	0	292	355	355	131	128	0	259	0	309	88	397	656	1011
4:00-5:00	0	0	0	0	82	0	442	524	524	176	161	0	337	0	521	139	660	997	1521
4:15-5:15	0	0	0	0	84	0	527	611	611	188	148	0	336	0	551	170	721	1057	1668
4:30-5:30	0	0	0	0	88	0	559	647	647	204	155	0	359	0	574	175	749	1108	1755
4:45-5:45	0	0	0	0	89	0	601	690	690	198	155	0	353	0	579	186	765	1118	1808
5:00-6:00	0	0	0	0	93	0	562	655	655	190	163	0	353	0	460	170	630	983	1638

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA
12 HOUR STUDY SHEET

STION GREENSPRING AVE + TUFTON AVE + WORTHINGTON AVE

County Signal Number

Order CBD Weat.CLOUDY Road Surf DRY Day of the Week WED Date of Count 1/20/99
NAME

	N BOUND				S BOUND				N+S BOUND	E BOUND				W BOUND			E+W BOUND	GRAND
	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
0-07:15	0	0	0	0	14	0	24	38	38	91	108	0	199	0	13	12	25	224	262
5-07:30	0	6	0	0	25	0	45	70	70	110	136	0	246	0	20	15	35	281	351
0-07:45	0	0	0	0	26	0	53	79	79	177	178	0	355	0	24	46	70	425	504
5-08:00	0	0	0	0	21	0	45	66	66	148	141	0	289	0	35	32	67	356	422
0-08:15	0	0	0	0	16	6	3	48	48	135	139	0	274	0	29	38	67	341	389
5-08:30	0	0	0	0	26	0	41	67	67	94	150	0	244	0	27	36	63	307	374
0-08:45	0	0	0	0	39	6	24	57	57	126	112	0	240	0	17	20	37	277	334
5-09:00	0	0	0	0	24	0	25	49	43	111	97	0	208	0	29	27	47	255	304
0-09:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-09:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-09:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-10:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-10:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-10:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-10:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-11:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-11:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-11:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-11:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-12:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-12:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-12:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-12:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-13:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-13:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-13:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-13:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-14:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-14:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-14:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-14:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-15:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-15:15	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-15:30	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-15:45	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
5-16:00	0	0	0	0	0	0		0	0	0	0	0	0	0	0	0	0	0	0
0-16:15	0	0	0	0	15	0	11	26	102	102	43	38	183	12	90	96	198	106	387
5-16:30	0	0	0	0	21	0	17	38	135	135	45	41	221	16	116	105	237	145	382
0-16:45	0	0	0	0	15	0	15	30	115	115	45	33	193	10	105	118	233	140	373
5-17:00	0	0	0	0	18	0	13	31	109	109	43	33	185	9	84	85	178	263	441
0-17:15	0	0	0	0	16	0	11	27	100	100	35	29	164	11	84	76	171	127	291
5-17:30	0	0	0	0	17	0	14	31	114	114	40	32	186	11	90	92	193	230	423
0-17:45	0	0	0	0	22	0	16	38	114	114	46	34	194	15	114	114	243	357	600
5-18:00	0	0	0	0	23	0	15	38	134	134	47	36	217	16	161	128	305	546	851
0-18:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5-18:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0-18:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
5-19:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

BALTIMORE COUNTY BUREAU OF TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

CATION BUTLER RD + HANOVER PIKE State Signal NumberTMC5047

Corner SLN Weat.CLEAR Road Surf.DRY Day of the week MONDAY Date of Count 3/97
RD NAME HANOVER PIKE HANOVER PIKE BUTLER RD BUTLER RD
N BOUND S BOUND W&S BOUND E BOUND W BOUND E-W BOUND GRAND

P. COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	0	11	42	53	31	44	178	254	318	45	154	0	244	11	45	8	64	308	626
7:15-7:30	0	16	34	50	45	42	171	264	324	24	147	1	172	21	40	14	85	257	581
7:30-7:45	0	23	55	78	45	81	219	344	422	53	152	1	207	15	69	10	92	299	721
7:45-8:00	0	14	48	64	46	33	167	246	310	35	143	1	179	27	57	13	107	286	596
8:00-8:15	1	16	53	70	36	60	144	240	312	54	132	0	186	22	69	15	107	293	605
8:15-8:30	0	24	53	79	33	44	120	197	286	51	142	3	196	22	54	12	88	284	567
8:30-8:45	0	16	29	45	27	57	135	219	264	40	89	2	131	22	44	9	86	226	475
8:45-9:00	0	13	23	36	19	47	79	146	182	48	81	2	132	19	49	33	97	229	429

HOUR TOTALS

6:00-7:00	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	0	11	42	53	32	44	178	254	318	45	154	0	244	11	45	8	64	308	626
6:30-7:30	0	27	76	103	77	81	349	518	642	77	306	1	384	26	85	22	133	517	1167
6:45-7:45	0	37	131	168	122	173	557	852	1054	140	458	2	600	37	145	40	222	822	1879
7:00-8:00	0	65	181	256	170	226	734	1130	1386	179	601	2	782	84	212	55	329	1111	2857
7:15-8:15	1	69	172	242	174	244	700	1118	1380	188	574	1	764	76	235	69	372	1136	2516
7:30-8:30	1	77	193	281	167	249	658	1061	1342	196	565	1	762	81	236	50	375	1161	2503
7:45-8:45	1	69	177	268	145	216	561	923	1192	181	504	2	687	85	256	46	387	1085	2272
8:00-9:00	1	69	160	245	121	213	473	807	1049	154	444	4	642	81	238	61	385	1023	2277

rder SLN Weat.CLEAR Road Surf.DRY Day of the week MONDAY Date of Count 3/97
NAME HANOVER PIKE HANOVER PIKE BUTLER RD BUTLER RD
N BOUND S BOUND W&S BOUND E BOUND W BOUND E-W BOUND GRAND

COUNT	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	2	46	23	72	27	49	80	156	228	177	65	0	247	27	111	22	160	416	645
4:15-4:30	1	38	24	63	30	35	56	121	184	110	59	1	170	31	124	39	194	364	556
4:30-4:45	0	26	32	58	14	31	47	92	150	142	87	1	230	27	91	33	151	355	574
4:45-5:00	1	38	29	68	24	36	60	120	243	144	75	0	219	28	127	34	187	406	625
5:00-5:15	2	109	35	146	22	40	56	123	269	151	69	1	221	33	111	30	166	387	608
5:15-5:30	1	75	18	94	11	19	49	79	173	137	63	0	200	34	173	34	241	555	673
5:30-5:45	0	69	26	95	15	28	51	94	189	143	46	2	191	39	158	29	217	408	599
5:45-6:00	1	55	26	80	14	20	22	76	156	120	54	1	175	31	103	19	153	340	496

HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	2	46	23	72	27	49	80	156	229	177	65	0	247	27	111	22	160	416	645
4:00-4:30	3	84	47	135	57	84	136	277	424	287	124	1	412	58	234	61	353	777	1201
4:00-4:45	4	122	85	243	81	115	183	359	607	425	131	1	614	85	339	94	518	1132	1777
4:15-5:00	4	222	109	335	85	151	243	479	814	567	286	2	855	120	456	125	701	1534	2389
4:30-5:15	4	255	121	408	80	145	221	446	854	542	259	2	817	122	457	137	696	1508	2325
4:45-5:30	3	309	115	416	71	129	214	414	832	574	263	2	841	131	507	135	753	1589	2430
5:00-5:45	3	313	108	424	72	123	219	413	837	575	252	10	837	134	570	131	835	1672	2509
5:15-6:00	4	336	105	445	62	113	178	353	798	530	231	12	833	138	585	113	787	1620	2453

LOCATION BUTLER RD + HANOVER PIKE

State Site# Number TMCS349

	Recorder	Weather	Road Surface	Day of the Week	Date of Count
A.M.	SLB	CLEAR	DRY	MONDAY	8/4/97
P.M.	SLB	CLEAR	DRY	MONDAY	8/4/97

PERCENTAGE TURNING MOVEMENTS & TOTAL VOLUMES

ROAD NAME		HANOVER PIKE N BOUND				HANOVER PIKE S BOUND				BUTLER RD S BOUND				BUTLER RD W BOUND				N+S+E+W
▲		L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL
%TURNING MOVEMENT	A.M.	0%	36%	64%	100%	19%	22%	60%	100%	23%	77%	0%	100%	21%	63%	16%	100%	N/A
	P.M.	1%	70%	29%	100%	17%	31%	51%	100%	69%	30%	1%	100%	16%	67%	16%	100%	N/A
TOTAL VOLUMES	A.M.	1	179	321	501	291	936	1207	1934	373	1645	6	1424	151	450	114	715	5574
	P.M.	8	529	214	750	147	264	433	844	1129	497	20	1636	248	1004	244	1493	5723
GRAND TOTAL		9	707	535	1251	438	700	1640	2778	1502	1532	26	3060	391	1454	358	2207	9292

ESTIMATED ADT'S NORTH 17525 SOUTH 7764 EAST 15426 WEST 21117

ESTIMATED CARS ENTERING THE INTERSECTION ---------- 30466

INTERSECTION: BUTLER RD + HANOVER PIKE

DESC. BUTLER RD IS AN UNDIVIDED CO RD WITH A L-S LANE E/B AND TWO STRAIGHT LANES AND LEFT LANE W/B. HANOVER PIKE IS A STATE RD WITH TWO STRAIGHT LANES AND LEFT TURN POCK E/B AND A STRAIGHT AND LEFT TURN LANE N/B.

The signal functions as a 6 phase light. The cycle lengths in the morning averages 100 seconds and in the afternoon the cycle length averages approximately 125seconds.
The peak hours were 7:15 to 8:15 A.M. and 4:45 to 5:45 P.M. The peak flow occurs on the S/B direction of HANOVER PIKE during the A.M. peak hour and occurs on the E/B direction of BUTLER RD during the P.M. peak hour.

LOADED CYCLES:

	N/B	S/B	E/B	W/B
% LOADS	N/A	N/A	N/A	N/A
TIME(A.M.)				
% LOADS	N/A	N/A	N/A	N/A
TIME(P.M.)				

COMMENTS

THE LEVEL OF SERVICE IS A

A = 0-9 C = 11 - 24 % E = 51 - 85 %
B = 1 - 10 % D = 21 - 50 % F = 35 - 100 %

For Desired List : N DATE REVISED: 8/8 APPROVED BY: _____ CHECKED : _____

Pet #20

RESUME

James F. Giegerich, AICP American Institute of Certified Planners
Giegerich & Associates, Inc.
4733 Bethesda Avenue, Suite 600A
Bethesda, Maryland 20814
301-654-0878

1979 - Present **President** **GIEGERICH & ASSOCIATES, Inc.**
Real Estate Economics, Planning and Feasibility Analysis

James F. Giegerich, the principal of Giegerich & Associates, established the firm in 1979 exclusively to perform site selection, market, and economic feasibility analyses for investment real estate projects. Over the past 21 years, he has directed, supervised and conducted hundreds of market studies for clients on various gas station, car wash, convenience store, grocery store, quick service restaurants, self storage warehouse, senior housing projects and a wide variety of residential, retail, commercial, office and multi-family properties in the Baltimore-Washington region and in Pennsylvania, Delaware and New York. Mr. Giegerich has also performed and supervised site selection and strategic facility evaluation projects for financial institutions and a variety of local, regional and federal government agencies.

Mr. Giegerich supervises the research and acquisition of supporting mapping technology and the conduct of all the spatial analysis of the firm. He supervises and is the principal in the analysis of site evaluation, zoning, accessibility, visibility, proximity to market, delineation of trade areas, competitor analysis, demographics and psychographics, drive time, lifestyle segmentation and the analysis and computation of demand for all client proposed projects.

Mr. Giegerich has been qualified as an 'Expert in Market Analysis' before numerous Courts, local government legislative bodies, Boards of Appeals and Planning Commissions and has presented the findings of specific studies and analyses to these entities.

Mr. Giegerich also holds the professional certification credentials, **AICP**, American Institute of Certified Planners, and has been qualified as an 'Expert in Planning' before numerous Courts, local government legislative bodies, Boards of Appeals and Planning Commissions.

1977 - 1979 **Director** **OFFICE OF ECONOMIC DEVELOPMENT**
Montgomery County Government
Department of Community and Economic Development

Prior to forming the firm, Mr. Giegerich was Director of Economic Development for Montgomery County, Maryland. In that capacity, he was responsible for assisting national and foreign corporations in site selection activities. Mr. Giegerich worked with the Economic Development Advisory Board, consisting of 42 CEOS of the largest corporations in the county to forge an appropriate Economic Development action program. In this capacity, he was responsible for developing and disseminating economic and demographic data to the county government and to the existing corporate and business community concerning the economic health and condition of the local economy.

Mr. Giegerich was also responsible for spearheading business district revitalization and developed innovative programs to finance joint public-private partnerships instrumental in the revitalization of the declining business districts in the county.

1974 - 1977 **Director** **OFFICE OF PLANNING & CAPITAL PROGRAMMING**
Montgomery County Government
Department of Community and Economic Development

Mr. Giegerich was responsible for the development of the County Executive's Annual Capital Improvement Budget and 6 year Capital Improvements Program for all county government agencies. The scope of this responsibility included annual evaluation of over 1,000 projects with a capital cost in excess of $1 billion. This included the evaluation of the size, location, operating budget, long-range program and the cost effectiveness of each of the projects. This responsibility also included working collaboratively each year with the County Council and the various Council Capital Budget Committees to advise them of the County Executive budget and program evaluations and recommendations for each of the projects.

Responsibilities also included the development of Functional Master Plans and site selection for all County government sites including libraries, parks, detention centers, group residential facilities in residential neighborhoods, fire stations and special projects, among others. A major responsibility was the strategic planning and disposition of 49 surplus schools and school sites for reuse by other government agencies and the private sector.

1971 - 1974 **MNCPPC –Maryland National Capital Park and Planning Commission**
Montgomery County Planning Board

Chief *COMMUNITY PLANNING DIVISION (NORTH)*

Mr. Giegerich was responsible for the preparation of Community Master Plans for the northern district of the county comprising approximately 60% of the area of the county. In this capacity, he was responsible for supervising the development of the Germantown New Town Master Plan, Town of Washington Grove Special Planning Studies and managing a major rezoning of 180,000 acres to the rural zoning district. Responsibility also included performing "review and comment" on all rezoning and subdivision plans in the district and performing Federal Section 203 "Review and Comment" referrals on all federal government projects in the district.

Chief RESEARCH DIVISION

Mr. Giegerich was responsible for the development of countywide population, housing and employment forecasts in support of all the community planning, transportation and environmental planning divisions in the planning agency and for all County Government agencies.

Coordinator- *ENVIRONMENTAL ENGINEERING*

In this capacity, Mr. Giegerich was responsible for evaluating all zoning and subdivision applications and all county and federal public agency projects with respect to their environmental impacts and mitigation requirements. A special assignment included working on a three-agency Advanced Wastewater Treatment Facility Task Force to resolve a 3-year old moratorium on development based on the overcapacity condition of the sewer system. This resulted in a recommended Environment Park as a public-private solution to this critical economic growth limitation condition for the County.

1970 - 1971 **Chief - OFFICE OF PLANNING AND ENVIRONMENTAL SERVICES**
Southeast Michigan Council of Governments

Mr. Giegerich was responsible for the collection, analysis and publication of all demographic and economic development data for the 240 units of local government in the 7-county southeast region of Michigan. As part of this responsibility, he established the **1970 Census Service Center for Southeast Michigan** to distribute all Census computer tapes, maps and summary reports to all local units of government and the general public in the Southeast Michigan region.

Mr. Giegerich also served as liaison officer to all the local planning commissions and planning staffs in providing regional data and perspectives as the context for local planning. Part of this responsibility was the preparation of cooperative regional forecasts reports that employed the latest state of the art "growth forecast models" developed in conjunction with Ford Motor Company and Wayne State University.

As part of the environmental services function, Mr. Giegerich supervised the development of the first regional Sewer, Water and Storm Water Management plan in the nation in compliance with cooperative EPA and HUD requirements for local transportation and land use planning grants.

1969 - 1970 **Chief Planner** **GIFFELS AND ROSSETTI, INC.**
Architects, Engineers and Planners

Responsible for planning and zoning evaluations of client projects. Responsibilities also included site selection, site evaluation and feasibility testing of large corporate sites, including new factories, hospitals and corporate headquarters facilities.

1966 - 1969 **Regional Planner** **DETROIT REGIONAL TRANSPORTATION AND LAND USE STUDY**
Detroit, Michigan

As a regional planner, Mr. Giegerich was responsible for comprehensive public facilities planning for a 7-county regional planning commission, assuring their integration as a growth limiting factor in the comprehensive planning process. Because of his local government background, he was also assigned responsibility for liaison with the numerous county, city, village and township planning commissions to coordinate their local master plans with the comprehensive regional transportation and land use plans mandated by the federal government for the region.

1965 - 1966 **Senior Planner** **DEPARTMENT OF PLANNING**
Syracuse, New York

Mr. Giegerich was responsible for the development of zoning and subdivision recommendations to the Director of Planning and the City Planning Commission. Duties also included preparation of planning staff analyses and recommendations to the City Board of Appeals for Variances and Special Exception cases.

1963 - 1965 **Senior Planner** **DEPARTMENT OF PLANNING**
Ann Arbor, Michigan

Mr. Giegerich was responsible for preparation of staff analyses and recommendations on zoning and subdivision applications. Duties also included evaluation and recommendations on numerous Annexation Petitions to the city. Mr Giegerich was responsible for the development of the Annual Capital Improvements Program and the development of a Comprehensive Project Management (CPM) scheduling method for coordinating the timing of all city projects to eliminate overlapping and contradictory timing problems.

EDUCATION: University of Northern Colorado
M.A. in Administrative Management - 1974

Michigan State University
B.A. in Political Science/City Planning - 1963

Valparaiso University, Indiana

Professional designation: **"AICP"** Certification, American Institute of Certified Planners

Professional/Industry Memberships

AMA – Associate Member, American Marketing Association
MRA – Associate Member, Market Research Association
ULI – Associate Member, Urban Land Institute
APA – Member, American Planning Association
AICP – Member, American Institute of Certified Planners
NACS National Association of Convenience Stores

Professional Contributions

- Author, Chapter 4 - Market Forecasting, Handbook of Commercial Underwriting; Mortgage Bankers Association of America;
- Seminar Presenter – Market Analysis Techniques for Real Estate Projects – Part of the Commercial Developer Certification program by Suburban Maryland Building Industry Association and NAHB
- Seminar Panel Chair – Various Real Estate Development Feasibility Topics
- Seminar Presenter – Market Analysis for Shopping Center Development; Urban Land Institute
- Seminar Presenter – The ABCs of Market Analysis for Real Estate Projects; ULI National Conference

JAMES F. GIEGERICH, ACIP

EXPERT WITNESS QUALIFICATIONS - MARKET ANALYST

Presented as expert witness in the following Courts, Boards and Commissions:

Maryland Tax Court
Circuit Court – Montgomery County

Board of Appeals - Montgomery County
Zoning Hearing Examiner - Montgomery County
District Council - Montgomery County
Maryland National Capital Park and Planning Commission
– Montgomery County Planning Board

Board of Appeals - City of Rockville
Planning Commission - City of Rockville
City Council - City of Rockville

Zoning Hearing Examiner - Prince George's County
Maryland National Capital Park and Planning Commission
Prince George's Planning Board
County Council, Prince George's County
Charles County Planning Commission

Zoning Hearing Examiner, Anne Arundel County
Board of County Commissioners - Frederick County
Board of Zoning Appeals – Charles County
Board of Commissioners – Charles County
Board of Supervisors – St. Mary's County
Board of Appeals, Howard County

Board of License Commissioners - Montgomery County
Board of License Commissioners - Prince George's County
Board of License Commissioners - Charles County
Board of License Commissioners - Anne Arundel County

Board of Zoning Appeals – Town of Huntington, NY
Board of Zoning Appeals, Town of Greece, NY
Board of Appeals, Mount Joy Township, Penna.
City Council - Leesburg, Virginia

JAMES F. GIEGERICH, AICP

(American Institute of Certified Planners)

EXPERT WITNESS QUALIFICATIONS – PLANNER

Accepted as expert in Planning by the following Courts, Boards and Commissions:

Maryland Tax Court

U.S. District Court for the District of Maryland

Circuit Court – Montgomery County

Montgomery County – District Council

Montgomery County Zoning Hearing Examiner

Montgomery County Board of Appeals

Maryland National Capital Park and Planning Commission
Montgomery County Planning Board

Frederick County Board of County Commissioners

Frederick County Planning Commission

Prince George's County District Council

Prince George's County – Zoning Hearing Examiner

Maryland National Capital Park and Planning Commission
---Prince George's County Planning Board

Town of Greece, NY Zoning Board of Appeals

PROTESTANTS 1 A

To: County Board of Appeals of Baltimore County

From: Scott Finkelstein

Re: Case # 98-2669-X

I am a resident of Owings Mills and live within a half of a mile of the proposed 7-11 on the corner of Owings Mills Boulevard and Crondall Lane. I have concerns about the crime and traffic due to the nature of this business and am opposed to the special exception. I am requesting that the 7-11 limit the hours of operation to 6a.m. to 10p.m., 7 days a week. Please consider me a party to these proceedings.

Scott Finkelstein

3404 FORESTLEIGH DR.
OWINGS MILLS, MD.
21117

PROTESTANT 1B

To: County Board of Appeals of Baltimore County

From: Douglas W. Hamilton Jr.

Re: Case # 98-2669-X

I am President of Hamilton Associates Inc., a manufacturing firm located at 11403 Cronridge Drive, Owings Mills. My business is located close to the proposed 7-11 on the corner of Owings Mills Boulevard and Crondall Lane. I have concerns about the crime and traffic due to the nature of this business and am opposed to the special exception. I am requesting that the 7-11 limit the hours of operation to 6a.m. to 10p.m., 7 days a week. Please consider me a party to these proceedings.

Douglas W. Hamilton Jr.

Cc: Deborah Dopkin, Esq.

PROT. #2

ROG

Reisterstown~Owings Mills~ Glyndon
Coordinating Council

June 8, 1998

Baltimore County Board of Appeals
400 Bosley Avenue, Basement Level
Towson, Maryland 21204

RE: Case Number 98-269X

Dear Board Members:

I am writing on behalf of the Reisterstown-Owings Mills-Glyndon Coordinating Council and the residents of the area in the vicinity of the proposed 7-Eleven Store at the intersection of Crondall Lane and Owings Mills Boulevard. During our most recent meeting on June 1, 1998, we discussed the Special Exception that has been requested and tentatively approved for the property in question that would allow a building footprint in excess of that which would be allowed without the Special Exception. After hearing persuasive arguments against the issuance of the Special Exception, the organization voted unanimously to request your denial of the request.

Site conditions, including poor road alignments for entrances and exits and the largely residential character of the land to be served by the facility, do not justify the expansive use of the site as is requested. Concerns were also expressed as to the appropriateness of siting a fueling station at this location. Additional discussion concerning the planned operation of the facility on a 24-hour per day basis produced a consensus on the potential for adverse impacts on the community. Should the Board chose to approve the Special Exception and grant permission for the requested building, the community voted unanimously to request that a condition on the hours of operation be placed on the property that would restrict operating hours to between six A.M. to ten P.M. This request is based on the desire of the community to avoid operating situations that would serve as to attract criminal activity.

P.O. Box 117 Reisterstown, Maryland 21136

On behalf of the numerous community organizations in the Reisterstown, Owings Mills, and Glyndon area that we represent, we respectfully request your consideration of our request to deny the Special Exception for the property indicated, and should that request be denied, to impose restrictions on the hours of operation. Should there be a need for verbal clarification, I can be reached at 410-631-3856 during the day and 410-526-2494 in the evenings.

Sincerely,

George H. Harman

George H. Harman, President
Reisterstown-Owings Mills-Glyndon
Coordinating Council

PROTESTANTS #3

Sent out 11-19-97

COMMUNITY INPUT MEETING MINUTES

Development Name: 7-Eleven-Crondall Lane ***Date: November 12, 1997***
Location: Beth Israel Synagogue ***PDM File No:***
District: C3

Donald T. Rascoe, development manager for Baltimore County and project manager for this project, opened the meeting and described the development process in Baltimore county.

He then introduced Ken Colbert of Matz, Colbert & Rosenfeld, Inc., engineers and land planners. Mr. Matz described the project is a 2,966 square 7-Eleven convenience store with gasoline pumps. He said the property is zoned ML-IM which allows a gas station and convenience as a matter of right in the zone. He said if the gas station exceeds 1500 square feet with a service station, a special exception must be sought from the zoning commissioner. Mr. Colbert stated on zoning variances would be sought, just the special exception for the convenience store larger than 1500 square feet with the gas pumping station.

He described the property as at the corner of Crondall Lane and Owings Mills Boulevard, with proposed entrances and exits on to both roads.

He said the design for the store is not different than other 7-Eleven stores. He described this one as "turned around", with the store in the front of the property and the gas pumping stations in the rear. This was done to minimize the impact of a gas pumping station of the surrounding neighborhood.

Mr. Colbert then opened the floor to questions.

A resident asked how many trees would be retained. Mr. Colbert said he couldn't guarantee which if any trees would remain, since a grading plan for the site has not yet been drawn. He said that due to the elevation of the site, it would be impossible to retain all trees on the site or even those around the perimeter. He did say that the Southland Corporation in interested in meeting the landscape manual requirements and will exceed those requirements in

some cases. He said there were plans to install an irrigation system to water the landscaping put on the site.

A resident asked about restrictions on access to the site form Owings Mills Boulevard and Crondall Lane. Mr. Colbert said Baltimore County had placed no restrictions on entering or leaving the site. He said the entrances to the site would be 35 feet in width. The resident expressed concern for turning movements, especially left turns in and out of the site at peak traffic times.

A resident who had met with the developers asked if the plan was different from the plan shown at earlier meetings. Mr. Colbert said some slight changes had been made. The resident stated he believes the changes will reduce traffic on Crondall Lane and increase on Owings Mills Boulevard. Another resident suggested the developer voluntarily limit left turns in and out of the site during peak hours. Mr. Colbert asked what hours the resident suggested and resident stated between 3:30 pm and 6:30 pm during weekdays.

Another resident stated he had hoped the property would only be accessed from Crondall Lane. Mr. Colbert stated the entrance on Owings Mills Boulevard would be about 150 feet from Crondall Lane. In response to a question about traffic improvements, Mr. Colbert stated there were no plans to widen Crondall Lane or install a signal. Mr. Colbert went on to state a right turn lane will be built along the property line on Owings Mills Boulevard and a by-pass land will be build to allow cars to pass cars turning left into the site from Owings Mills Boulevard.

A resident asked what the proposed hours of operation would be. Mr. Colbert stated it was the intention of the Southland Corporation to operate the store 24 hours per day.

A resident expressed concern for the 24 hour operation because of the high incident of armed robberies at convenience stores. She quoted statistics showing there had been 196 robberies of convenience stores in Baltimore County during the past year. She stated she had general concerns about safety, traffic, crime and other associated issues relating to the 24 hours operation plan.

A representative of the Southland Corporation stated it was the policy of the company to operate stores on a 24 hour basis, where allowed by law.

The builder of the site described the project as a gas station with a convenience store rather than a convenience store with a gas station. He stated he believes the main reason people will stop at this site is to purchase gasoline, with other purchases secondary to the gasoline purchase. He went

on to say a store such as this provides $1.5 million per year into the tax base of the jurisdiction. He said that tax money goes to improve schools, highways and other infrastructure provided by the local government.

A resident asked about signage. Mr. Colbert stated there would be one lighted monument sign on the site, plus signs required under law to illustrate the gasoline prices. He went on to state that some lighting would be on the sides of the building and other lighting would be on poles about 17 feet off the ground. He said the lighting will be directed to the areas it is needed and the lighting will not be designed to flood the entire area with light. In response to a question, Mr. Colbert stated the sign packages being proposed is in compliance with the new Baltimore County sign legislation that went into effect in October, 1997.

A business owner from the nearby business park read a letter which outlined some of the concerns from neighboring businesses. Mr. Rascoe said the letter will be placed in the file for this project. Some of the concerns stated in the letter relate to the generation of traffic in the vicinity. Mr. Colbert stated a traffic consultant will prepare a traffic study in the area for submission to Baltimore County and the hearing officer for consideration and comment.

Another resident again expressed concern for the 24 hour operation plan and illumination of the property. Mr. Rascoe stated those are issues that could be brought before the hearing officer at the time the development plan is submitted for consideration and approval.

A resident asked what would happen to the project if the special exception use were disallowed by the zoning commissioner. Mr. Colbert stated the developer would have to decide whether not to sell gasoline and keep the convenience store or reduce the convenience store to no more than 1500 square feet.

A resident stated that four months ago when he met with the developer and his representatives there were expressions of concern for security and traffic. The resident stated he did not believe the developer has made any responses to those concerns since the last meeting. The developer stated they had attempted to acquire additional property from an adjacent property owner so they could move the Crondall Lane access point further away from Owings Mills Boulevard, but that attempt had been unsuccessful.

Another resident again expressed concern for robberies at convenience stores. A representative of the Southland Corporation stated it was their policy to not keep more than $20.00 in the cash register at any store. He said a recent

audit by his office had shown general compliance with this policy. He said this policy is widely stated and notification posted as to this policy. He said 7-Eleven convince stores were not a good target for robbers. In response to another questions, the Southland representative stated the company did not hire guards for their stores.

A resident asked if the store would have an ATM. The representative stated it would. The resident stated that it was his belief that even though the store itself did not carry cash, robbers might lurk in the vicinity to steal from customers exiting the store after using the ATM.

A resident asked about landscaping for the site. Mr. Colbert stated the Southland would like to have a landscape buffer between the store and Owings Mills Boulevard. He said the landscaping plans would probably exceed Baltimore County requirements.

Another resident of the area stated he liked the openness of the site and would like to be able to shop at the store after 9:00 pm.

Mr. Colbert went on to state there would be a 50 foot setback from the road rather than the 10 feet required. He said that area would be heavily landscaped.

Respectfully submitted,

Donald T. Rascoe

Donald T. Rascoe
Project Manager

c: Hon. T. Bryan McIntyre , County Council, M.S. 2201
Dev.: Southland Corp.
Eng.: Colbert, Matz & Rosenfeld, Inc.
Reviewing Agencies: OP, PDM, R&P, DPW, DEPRM, EDC, CDC, Bd. of Ed., Fire, SHA- *Please distribute as necessary within your agency.*

PROTESTANTS #4

June 18, 1998

TO THE BOARD OF APPEALS FOR BALTIMORE COUNTY

RE: Case No.: 98-269x

Dear Chairman and Board Members:

I am a resident of Owings Mills and attended the Community Input Meeting regarding the proposed 7-11 with a fuel service station at the corner of Owings Mills Boulevard and Crondall Lane in the fall of 1997. I have a clear recollection that at that CIM the Developer's presentation indicated that the only zoning relief needed was a special exception for the size of the store, and that it was represented at that meeting that the sale of fuel was a right at the location of the proposed store.

I am unable to appear in person for the Board to testify regarding my recollection due to previous business commitments and short notice of the day and time of the hearing. Please accept this letter in place of my testimony.

Sincerely,

Michael Glaser
8 Box Ridge Court
Owings Mills, MD 21117

PROTESTANT #5

PETITION

The undersigned hereby state our opposition to the special exception being sought by Southland Corporation at 3731 Crondall Lane. As residents of the area, we believe that the granting of the special exception would cause a substantial negative impact on the surrounding communities due to an increase in traffic and crime. While we oppose the granting of the special exception in its entirety, if the special exception is granted we request a limit of the hours of operation.

NAME	ADDRESS	PHONE NO.
Steve Hertz	3 Mary Hill Ct	410-356-0677
Hesse Klasman	4 Mary Hill Ct	410-356-4494
[illegible]	6 Mary Hill Ct	410 363-3529
Barbara Reamer	8 Mary Hill Ct	410 363-1913
Darl Spitz	11 Mary Hill Ct	410 581-0873
Randee Baumohl	9 Mary Hill Ct	410-363-7737
Jane Maas	7 Mary Hill Ct	410-356-5807
Amy Green	2 Mary Hill Ct	410-902-9335
Stacy Bendley	12109 Velvet Hill Dr.	410-363-3288
Doyle Reeves	12116 Velvet Hill Drive	410-356-2575
Ronald Lee	12102 Velvet Hill DR	356-1976
Maxine Finkelstein	12100 Velvet Hill Dr	356-9255
George J. Freed	12108 Velvet Hill DR	356-5588
Jeffrey Colbert	12115 Velvet Hill Dr	(410)-902-1802

14

PETITION

The undersigned hereby state our opposition to the special exception being sought by Southland Corporation at 3731 Crondall Lane. As residents of the area, we believe that the granting of the special exception would cause a substantial negative impact on the surrounding communities due to an increase in traffic and crime. While we oppose the granting of the special exception in its entirety, if the special exception is granted we request a limit of the hours of operation.

NAME	ADDRESS	PHONE NO.
Hilarie Schweizer	6 Richards Green Ct.	356-3996
[signature]	11 RICHARDS Green ct	902-8223
[signature]	13 Richard Green Ct	410 356-9624
[signature]	8 Richards Green Ct	410-581-0295
Leslie Lesmes	12112 Bonita Ave	410-356-4188
Edward Land	3801 TABOR RD	410-356-3323
W. Barker	3802 Tabor Rd.	410-356-9795
Stacey Kantz	3807 Tabor Rd.	410-356-4561
Daniel J Short	3811 tabor Rd.	410-363-2845
Linda Saffer	3813 Tabor RD	410-581-9596

PETITION

The undersigned hereby state our opposition to the special exception being sought by Southland Corporation at 3731 Crondall Lane. As residents of the area, we believe that the granting of the special exception would cause a substantial negative impact on the surrounding communities due to an increase in traffic and crime. While we oppose the granting of the special exception in its entirety, if the special exception is granted we request a limit of the hours of operation.

NAME	ADDRESS	PHONE NO.
Charles Stewart	12605 Harell Ct.	410 526-7739
Dorothy Griffin	13923 Hanover Rd	410-833-9222
Rogler C Bagnanni	Sommerville 35 Franklin Valley Cir	410-833-7805
George Harman	5429 Weywood Dr.	410-526-2494
Susan Kessler	115 E Chatsworth Ave Reist 21136	410 833 2481
Thelma Lockard	211 E. Chatsworth Ave., 21136	410-833-3843
Frederick M. Goetle	120 Nicodemus Rd. Reist 21136	410-833-5460
Merle Seals	9320 Lyonswood Dr. Owings Mills, MD 21117	(410)998-5598
Robert B Walker	14625 Hanover Rd Hanover MD	21155

PETITION

The undersigned hereby state our opposition to the special exception being sought by Southland Corporation at 3731 Crondall Lane. As residents of the area, we believe that the granting of the special exception would cause a substantial negative impact on the surrounding communities due to an increase in traffic and crime. While we oppose the granting of the special exception in its entirety, if the special exception is granted we request a limit of the hours of operation.

NAME	ADDRESS	PHONE NO.
Cindy Neuman	12124 Velvet Hill Dr.	3566701
Linda Freeze	12119 Velvet Hill Dr.	3562789
Sharie Hymon	12134 Velvet Hill Dr.	356 3584
[illegible]	12137 Velvet Hill Dr	356-3724
Susan Wentrack	12203 Velvet Hill Dr.	356-3988
[illegible]	12205 Velvet Hill	356-4075
Frank Green	12118 Velvet Hill	356-4955
Shari Smith	12126 Velvet Hill Dr.	902-9323
Ini Ekpenyong	12206 Velvet Hill Dr.	581-9053
Wendy Shiff	12208 Velvet Hill Drive	356-4709
[illegible]	12209 Velvet Hill Drive	356-2222
Jerry Klein	12211 Velvet Hill Dr.	363-4193
Mary Baumann	12104 Velvet Hill Dr	3585685
[illegible]	12114 Velvet Hill Dr	5815887

PETITION

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NAME	ADDRESS	PHONE NO.
Judith Johnston	306 Holly Hill Rd, 21136	410-833-3279
Marvin Hoster	16 S. Ritters La. O.M. 21117	410-654-0078
Bobby Zirkin	6E Slatchearth Ct O.M. 21117	410-654-8898
LARRY DORSEY	10 BELLINGER RD 21136	410-526-4186
[illegible]	3077 Moonlight Rd 21136-1417	
[illegible]	4446 WINFIELD DR 21117	410-356-8285

PETITION

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NAME	ADDRESS	PHONE NO.
Howard Hinsley	3730 ASHLEY WAY	410-356-0248
Steve Bond	3696 ASHLEY WAY	410-581-1066
Elinn Caylan	3700 Ashley Way	410 581-6155
Dana Rae Batt	3709 Ashley Way	410-356-6429
Bonnie Feldman	3716 Ashley Way	410-363-4854
Dee Simons	3732 Ashley Way	410-363-6855
Allen Brown	3723 Ashley Way	410-363-6372
Jordan K. Stewart	307 Ashley Way	410-363-8219
Beth Goldscher	3705 Ashley way	410-356-0081
Allison Magat	3703 Ashley Way	410-356-2554
Bruce Lessans	2 Red Maple Ct.	410-363-6321
Pam Frankle	3 Red Maple Ct	4103634733
Richard Frankle	3 Red Maple Ct	410363-4733
Ami Dimick	3722 Ashley Way	410-363-3769

PETITION

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NAME	ADDRESS	PHONE NO.
RICHARD BERMAN	4 Chestnut Ct, OM, MD 2117	410-363-1286
Peter Sloane	2 Chestnut Ct OM MD 21117	410 356 1650
Joanne Felton	6 Chestnut Ct. OM Md 21117	410-356-4056
Susan Rosenberg	3 Chestnut Ct OM, MD 21117	(410) 356-1274
Wendy Daniels	1 Chestnut Ct O.M. Md 21117	410-356-2345
Dena Gard	3679 Ashley Way OM Md 21117	410 581-0971
Susan Smith	367 Ashley way om md. 21117	410 363-2341
Shelley Lichtenberg	3678 Ashley Way OM, MD 21117	(410) 581-9611
Donna Millman	3682 Ashley Way O.M, MD 21117	(410)356-9359
Elizabeth Jacobs	368 Ashley Way OM, MD 21117	(410)363-0826
Dana Jarboman	3690 Ashley Way OM, MD 21117	410-363-2530
Wendy Friedman	3734 Ashley Way OMMD 21117	410-363-6192
Lori Sochol	3689 Ashley Way owing Mills, MD	410-356-5579
Nancy Bookoff	1 Whisperwood Ct	Balto 21208 410-484856

PETITION

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NAME	ADDRESS	PHONE NO.
Kurt Pennypacker	15 Golden Grass Ct	(410) 363-3352
Jodi Neal	11 Golden Grass Ct	410 363-3235
Donna Kilmurray	9 Golden Grass Ct.	410-363-4391
Karen McNeny	7 Golden Grass Ct.	356-7187
Marilynn Cohen	21 Golden Grass Ct	356-4912
Shelly Doll	17 Golden Grass Ct.	363-1245
Dawn Snyder	19 Golden Grass Ct.	356-4994
Jennifer L. Mervis	30 Golden Grass Ct.	356-3147
Stephanie Kozlek	32 Golden Grass Ct	581-0417
Maxine Zell	36 Golden Grass Ct.	
Sandra B. Abramowitz	28 Golden Grass Ct.	356-4988
Lauri A. Spencer	22 Golden Grass Ct.	363-3579
M.W. Kleeman	20 Golden Grass Ct	410-581-1652

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NAME	ADDRESS	PHONE NO.
Debbie Wells	39 Colston Rd	(410) 833-2405
Elaine Winn	3730 THOROUGHBRED LA	410-356-9780
Maria Goldman	30 Harrod Ct.	410-833-8065
Jeffrey Schuetzer	16 Belladonna Ct	410-998-1111
Jan Kodesh	29 Bonbon Ct	410 833 0807
Patti Lindenbaum	9 Paterwal Ct 21136	UNLISTED
Kovelman	5 Pinewood	410-308-2730
John S. Kang	3732 THOROUGHBRED LN	410-581-9122
[illegible]	3736 Thoroughbred Cir	410-356-5207
[illegible]	3738 THOROUGHBRED LN	410-356-2288
Kathy Rosen	3742 Thoroughbred Ln	410-356-2150

PETITION

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NAME	ADDRESS	PHONE NO.
Sally Rifkin	Aleph Bet Child Dev. Cntr Cromdge Dr	581-0017
	3913 Carthage Rd	655-7553
Bonnie J. Lewis	12054 Bonita Road	356-0499
Diana Weinhagen	4034 Carthage Rd.	655-4638
Alisa Meyerhoff	8 Red Maple Ct	356-9168
Sallie Lawson	15 Red Maple Ct	356-5008
	3711 Pottery way	581-8745
	4 RED MAPLE CT.	356-2012
Jacque Mc	13 Red Maple Ct	356 1615
	11 Red Maple Ct	410 356 2214
[redacted]		
Shari Caplan	1 Red Maple Ct	363-9258
Amy Heyman	1 Scott Norman ct	654-0947

PETITION

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NAME	ADDRESS	PHONE NO.
Beth & David Dufau	3745 Ashley Way	410-363-8267
Wendy & Mark Ritzsche	3749 Ashley	410-654-0896
Linda & Don Meyer	3754 Ashley Way	410-356-5549
Shelle & Mark Cassel	3750 Ashley Way	356 7269
Elizabeth Adelman	3735 Ashley Way	410-356 3658
David + Nancy Hoffman	3733 Ashley Way	410-356 9647
Harry + Ellen Shaw	3729 Ashley Way	410-363-2358
Herb + Linda Eichler	3725 Ashley Way	410 363-9440
Allen + Ruth Brown	3723 Ashley Way	410 - 363-6372
Jeff + Debbie	3721 Ashley Way	410-363-4693
Nels + Gina Lowrey	3739 Ashley Way	410 363-6537

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NAME	ADDRESS	PHONE NO.
Jeffrey Berman	21 Brookebury Dr A1 21136	410 833-6415
Marilyn Jones	407 Sacred Heart Lane 21136	410-526-5889
Teresa M Kovach	305 Janet Rd 21136	410-526-4560
Irma Schmidt	2105A Woodbury La	410-653-1685
Geri Libercci	5 Hounds Hollow Ct 21209 Owings Mills MD 21117	410 356-6668
David Rotenberg	3413 Deep Willow Ave Balt 21208	410-486-6806
Estelle Kandel	2 Candlemaker Ct 21208	410-653-6218
[illegible]	3404 FORESTLEIGH DR. 21117	410-363-8855

PETITION

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NAME	ADDRESS	PHONE NO.
A. Hoffman	1334 N. Chapel	N/A
T. Blake	11460 Cronridge DR.	356-2195
Dan Jones	A.B.I.S 11460 Cronridge Dr.	4.3562195
Jerome Jenkins	ABIS	356-2195
K. Cortes	Jetsort (daily truck driver for ABIS, USF+G)	N/A
M. Kolomytsev	17 Phlox Circle #E	(410) 581-1388
C. Cheal	A.B.I.S	N/A

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NAME	ADDRESS		PHONE NO.
Gail Green	12094 Long Lale Dr	Owings Mills 21117	410-363-3384
M D. Green	12094 Longlake Dr	21117	" " "

PETITION

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NAME	ADDRESS	PHONE NO.
JOSEPH GORIN	3 Merino Ct.	4103630875
Ron Haymon	4 MERINO CT	410 581-7992
Donald R. Betz	1 Merino Ct.	410-356-1561
Brenda Silver	6 Merino Ct	(410)581-0657
BRIAN STEIN	11 MERINO CT	410-356-5349
Teresa M LONG	13 Merino Ct	410-356 6737 no 24 hrs.
Erika Atkins	15 Merino Ct.	410-356-5969
Dave & Rita Rhen	33 Merino Ct.	410-654-2326
Nora Kunah	41 Merino Ct	410-363-2176
BRI KALLOS	43 MERINO CT.	410 654-4104
Cindy Everitt	50 Merino Ct.	410-581-0299
Maureen Sacratini	32 Merino Ct	410-363-2178
David Ginsburg	38 Merino Ct.	4103633392
Jo Putman	27 Merino Ct.	410-356-8173

PETITION

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NAME	ADDRESS	PHONE NO.
Joe Carey	20 Corriedale Ct.	356-2647
Michael Stein	12120 Velvet Hill Drive 21117	356-0246
Joseph Gorin	3 Merino Ct. 21117	3630875
Katharine Grancola	4 Overmill Ct. 21117	363-9466
Gail Mangels	24 Foxmoor Ct. 21117	581-1034
Ethel Darnell	3701 Birchmere Ct 21117	363-8639
Linda Carol B Hill	12140 Faulkner Drive 21117	410-654-6464
Barry Glazier	5 Spruce Ct 21117	410-356-4028
Sherrie Polsky	3742 Greenway La 21117	410-356-3396
Bernie Kohl	3749 Beech Ln 21117	410-363-4213

PETITION

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NAME	ADDRESS	PHONE NO.
Joel Segall	3750 Greenway Lane Owings Mills, MD 21117	(410) 363-9054
Mitchell Hyatt	3748 Greenway LA owings Mills MD 21117	654-4877 410 581-0026
Rona Lustrin	2 Oak Hill Ct	410-363-2454
Brenda Fern	9 Oak Hill Ct	410-363-[illegible]
Stephen Winegrad	3741 Greenway La	356-8916
Stanley Greenfeld	3733 Greenway La.	356-3401
Ellen Cohen	1 Oak Hill Ct.	356-1065
Stuart Zplotow	3744 Greenway	654-3093 356-9086
Sandy Bernstein	3732 Spring Lake La. 21117	

PETITION

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NAME	ADDRESS		PHONE NO.
GREGORY S. HILL	12140 FAULKNER DR.	OWINGS MILLS 21117	410 654-6464
Sherri J Adam Davis	14 Blacksmith Ct	Reisterstown	410-526-6098
David Barrish	716 Brickston Rd.	Reisterstown 21136	526-0787
CARLA B. LEE	12134 FAULKNER DR.	OWINGS MILLS, MD.	410-356-2878 21117
DAVID SOLOMON	12143 FAULKNER DR		21117

#6

Baltimore County
Department of Public Works

Bureau of Traffic Engineering
& Transportation Planning
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3554
Fax: 410-887-5784

August 10, 1999

To Whom It May Concern:

Owings Mills Boulevard

Attached are our most recent counts for the portion of Owings Mills Boulevard near Crondall Lane.

We believe that these counts are an accurate representation of the traffic volumes traveling this roadway.

Sincerely,

Darrell A. Wiles, Chief
Bureau of Traffic Engineering
and Transportation Planning

DAW:dll
\\PW_NW1\VOL2\Bureaus\Traffic\Documents\daw081099a1.doc

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILL BLVD N. CRONDALL LA.
Location Code 5780
County ..... BC
Recorder Set 11/20/98 12:15
Recording Start ... 11/20/98 13:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 15
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1366	1407	1486	1521	1763	1369	885	634	475	438	311	178	118	70	67	49	101	221	413	621	953	999	1022	1187	17654
700	678	742	718	901	717	459	304	249	241	193	105	62	33	31	16	48	75	168	274	433	497	507	578	
666	729	744	803	862	652	426	330	226	197	118	73	56	37	36	33	53	146	245	347	520	502	515	609	

AM Peak Hour ..... 11:00 to 12:00 (1022 vehicles)
AM Peak Hour Factor 99.2%
PM Peak Hour ..... 17:00 to 18:00 (1763 vehicles)
PM Peak Hour Factor 97.8%

Saturday 11/21/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1090	1025	966	1051	1019	841	647	555	409	414	372	249	131	73	51	27	58	111	165	346	545	653	839	975	12612
582	541	484	541	500	426	343	305	183	206	198	134	79	36	29	14	22	45	74	147	271	312	412	462	
508	484	482	510	519	415	304	250	226	208	174	115	52	37	22	13	36	66	91	199	274	341	427	513	

AM Peak Hour ..... 11:00 to 12:00 (839 vehicles)
AM Peak Hour Factor 98.2%
PM Peak Hour ..... 12:30 to 13:30 (1095 vehicles)
PM Peak Hour Factor 42.7%

Sunday 11/22/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1036	964	973	973	842	623	504	404	307	169	131	74	41	29	32	72	292	804	1649	1974	1328	1060	1123	1335	16739
539	467	487	510	433	346	256	215	167	108	84	40	22	17	12	21	87	281	730	1052	756	551	527	658	
497	497	486	463	409	277	248	189	140	61	47	34	19	12	20	51	205	523	919	922	572	509	596	677	

AM Peak Hour ..... 08:00 to 09:00 (1974 vehicles)
AM Peak Hour Factor 93.8%
PM Peak Hour ..... 12:00 to 13:00 (1335 vehicles)
PM Peak Hour Factor 98.6%

Monday 11/23/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1380	1311	1433	1586	1858	1465	1106	698	674	352	198	104	65	45	38	89	298	863	1673	2028	1333	1063	1181	1297	22138
738	630	699	800	970	807	645	371	423	198	118	63	36	26	13	27	95	320	720	1076	742	541	550	638	
642	681	734	786	888	658	461	327	251	154	80	41	29	19	25	62	203	543	953	952	591	522	631	659	

AM Peak Hour ..... 07:30 to 08:30 (2029 vehicles)
AM Peak Hour Factor 94.3%
PM Peak Hour ..... 17:00 to 18:00 (1858 vehicles)
PM Peak Hour Factor 95.8%

Tuesday 11/24/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1212	1324	1384	1708	1891	1479	990	747	548	366	264	117	50	37	32	80	308	810	1637	1853	1293	1098	1226	1498	21952
643	620	675	813	976	846	530	398	300	206	146	70	24	19	13	31	104	291	732	978	723	550	545	762	
569	704	709	895	915	633	460	349	248	160	118	47	26	18	19	49	204	519	905	875	570	548	681	736	

AM Peak Hour ..... 07:30 to 08:30 (1883 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1891 vehicles)
PM Peak Hour Factor 96.9%

Wednesday 11/25/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1415	1481	1729	1792	1761	1256	938	726	646	416	278	196	115	94	47	40	43	97	141	202	315	360	458	563	15109
695	769	904	895	964	703	518	400	333	231	147	107	71	59	23	26	21	44	65	92	147	173	198	266	
720	712	825	897	797	553	420	326	313	185	131	89	44	35	24	14	22	53	76	110	168	187	260	297	

AM Peak Hour ..... 11:00 to 12:00 (458 vehicles)
AM Peak Hour Factor 88.1%
PM Peak Hour ..... 16:30 to 17:30 (1861 vehicles)
PM Peak Hour Factor 96.5%

Volume Report, 'OWINGS MILL BLVD N. CRONDALL LA.'

Thursday 11/26/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
617	627	648	778	550	409	505	729	798	522	229	140	72	47	42	42	144	157							7056
292	285	315	389	309	213	230	341	427	304	130	70	41	26	22	16	50	157							
325	342	333	389	241	196	275	388	371	218	99	70	31	21	20	26	94								

AM Peak Hour ..... 05:30 to 06:30 (251 vehicles)
AM Peak Hour Factor 79.9%
PM Peak Hour ..... 20:30 to 21:30 (815 vehicles)
PM Peak Hour Factor 95.4%

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA.
Location Code 5800
County ..... BC
Recorder Set 11/20/98 11:55
Recording Start ... 11/20/98 12:00
Recording End 11/27/98 06:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 18
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Friday 11/20/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
909	864	943	1079	1156	1255	1046	715	573	446	378	262	139	108	58	47	32	77	187	323	524	801	835	835	13592
485	477	435	597	580	642	550	377	298	236	193	146	75	55	29	28	12	40	69	130	224	367	405	391	
424	387	508	482	576	613	496	338	275	210	185	116	64	53	29	19	20	37	118	193	300	434	430	444	

AM Peak Hour ..... 09:30 to 10:30 (839 vehicles)
AM Peak Hour Factor 96.7%
PM Peak Hour ..... 17:00 to 18:00 (1255 vehicles)
PM Peak Hour Factor 97.7%

Saturday 11/21/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
990	866	913	914	940	866	780	567	510	369	402	335	226	108	74	37	25	60	110	164	447	510	751	808	11772
473	450	461	452	449	443	394	295	281	170	185	167	130	73	44	20	10	27	47	55	117	234	289	418	
517	416	452	462	491	423	386	272	229	199	217	168	96	35	30	17	15	33	63	109	330	276	462	390	

AM Peak Hour ..... 10:30 to 11:30 (880 vehicles)
AM Peak Hour Factor 95.2%
PM Peak Hour ..... 12:00 to 13:00 (990 vehicles)
PM Peak Hour Factor 95.7%

Sunday 11/22/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
990	950	879	893	869	787	549	459	371	264	150	97	56	39	20	22	57	229	667	1274	1252	809	641	729	13053
446	478	416	452	442	396	303	240	206	155	92	68	31	23	8	11	20	63	258	564	667	454	321	361	
544	472	463	441	427	391	246	219	165	109	58	29	25	16	12	11	37	166	409	710	585	355	320	368	

AM Peak Hour ..... 07:30 to 08:30 (1377 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 12:30 to 13:30 (1022 vehicles)
PM Peak Hour Factor 93.9%

Monday 11/23/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
810	822	924	1072	1137	1316	1186	868	607	587	273	145	76	54	22	23	51	215	689	1256	1286	774	648	741	15582
373	421	437	498	517	639	640	521	322	364	144	78	43	31	13	10	16	63	273	559	673	409	343	362	
437	401	487	574	620	677	546	347	285	223	129	67	33	23	9	13	35	152	416	697	613	365	305	379	

AM Peak Hour ..... 07:30 to 08:30 (1370 vehicles)
AM Peak Hour Factor 98.3%
PM Peak Hour ..... 17:30 to 18:30 (1317 vehicles)
PM Peak Hour Factor 97.3%

Tuesday 11/24/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
785	731	853	1019	1188	1317	1093	817	618	466	311	197	83	40	30	18	60	228	673	1197	1207	796	721	809	15257
413	380	399	478	564	662	628	424	310	265	171	104	47	25	17	9	22	85	248	535	613	442	347	352	
372	351	454	541	624	655	465	393	308	201	140	93	36	15	13	9	38	143	425	662	594	354	374	457	

AM Peak Hour ..... 07:30 to 08:30 (1275 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1317 vehicles)
PM Peak Hour Factor 99.5%

Wednesday 11/25/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
973	893	958	1251	1278	1300	1038	792	611	596	349	258	163	106	80	36	36	33	99	127	207	296	352	440	12272
492	431	451	671	643	695	528	408	334	320	201	142	91	64	53	20	17	13	47	45	89	134	160	201	
481	462	507	580	635	605	510	384	277	276	148	116	72	42	27	16	19	20	52	82	118	162	192	239	

AM Peak Hour ..... 11:00 to 12:00 (440 vehicles)
AM Peak Hour Factor 92.1%
PM Peak Hour ..... 16:30 to 17:30 (1330 vehicles)
PM Peak Hour Factor 95.7%

Thursday 11/26/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
569	560	601	659	749	516	376	532	763	738	473	197	121	57	46	33	36	140	142						7308
267	266	301	314	388	309	206	242	373	416	279	107	50	26	26	18	19	49	142						
302	294	300	345	361	207	170	290	390	322	194	90	71	31	20	15	17	91							

AM Peak Hour ..... 05:30 to 06:30 (233 vehicles)
AM Peak Hour Factor 82.0%
PM Peak Hour ..... 20:30 to 21:30 (806 vehicles)
PM Peak Hour Factor 96.9%

Owings Mills Blvd. @ Crondall Lane
Owings Mills, Baltimore County, Md.

Post It
7A

SITE ANALYSIS:
This site could be described as an extended grid corridor location. Virtually all of the residential area is north of the site but must travel on our primary road, Owings Mills Blvd., to and from work, and shopping. A railroad track with only one crossover for miles locks all traffic into our facing street.
No competition exists in our viable trade area and the liklihood of any zoning changes is highly improbable in the forseeable future.
At present, it is estimated that between 16,000 and 18,000 cars per day pass our intersection, as no actual counts are available from the state or the county. Although this is not a high traffic volume, we don't have to share it with any competition.
An office/ business/industrial park is immediately adjacent to our site to the east, and employs approximately 3,900 workers. Immediately across Crondall Lane, on the opposite corner, construction is starting on a new office building and mini warehouses.

DEVELOPMENT ANALYSIS:
We are faced with a tricky zoning issue here which could impact what we build. We can build a 1500 square foot building with gasoline by right, but there is an objection from the County Council which feels there should not be any retail use in industrial zoning. If we are successful in overcoming the objections through meetings, we feel the issue of size is irrelevant.

[redacted]

Ed Zimmerman
Real Estate Rep

Bob Fitzgerald
Real Estate Manager

Frank Crivello
Vice President

Ronald Perman
Spec exception

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 3731 Crondall Lane

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for a convenience store with the sales area larger than 1500 sq. ft. to be used in combination with a fuel service station pursuant to Section 405.4E.

PLAT 7B

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and 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~~:

Dalrymple Development & Investment, Inc.
(Type or Print Name)

By: [signature]
Signature Rex Dalrymple

10422 Green Mountain Circle
Address

Columbia, Maryland 21044
City State Zipcode

Attorney for Petitioner

Deborah C. Dopkin, Esquire
(Type or Print Name)

[signature]
Signature

502 Washington Avenue (410) 339-7100
Address Suite 220 Phone No

Towson, Marvland 21204
City State Zipcode

Legal Owner(s):

Jean Schuster
(Type or Print Name)

Jean Schuster
Signature

(Type or Print Name)

Signature

52 New Plant Court
Address Phone No

Owings Mills, Maryland 21117
City State Zipcode

Name, Address and phone number of representative to be contacted.

Deborah C. Dopkin, Esquire
Name

502 Washington Avenue (410) 339-7100
Address Towson, MD 21204 Suite 220 Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Revised 9/5/95

POTENTIAL LOCATION

SEC OWINGS MILLS BLVD. @ CRONDALL LANE
OWINGS MILLS, MD.

DEVELOPER : REX DALRYMPLE

This is a 3.675 acre site which will accomodate a Convenience store with gasoline.

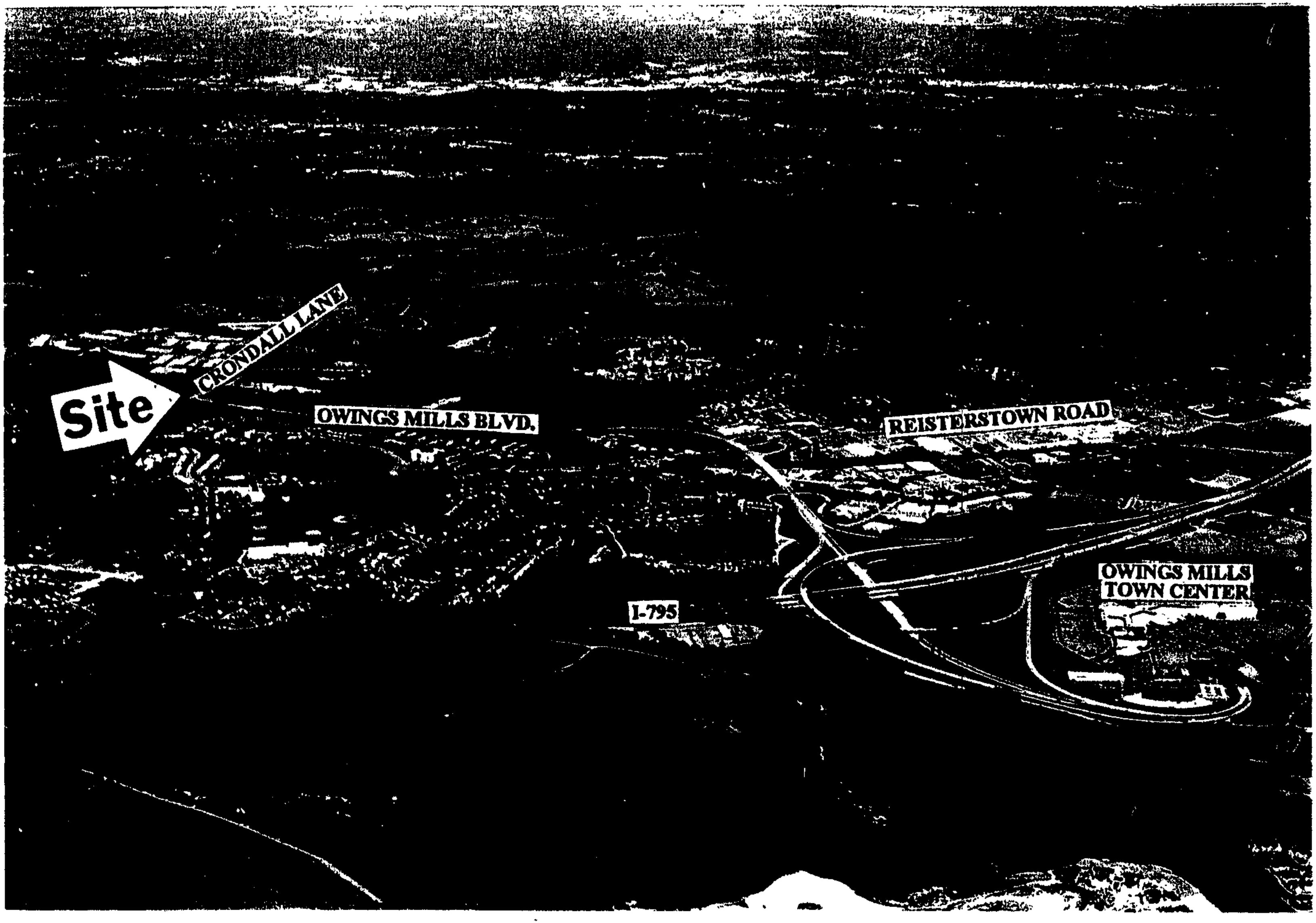
It is reported that this site was already approved by Exxon and Royal Farms for development but both parties wanted long feasibility periods before making a commitment to the deal.

A third party got involved, knowing buyers were waiting in the wings. He had plenty of money and was able to make a very good deal by buying it without contingencies or feasibility periods because the owners wanted out from under the property.

The site has been offered to us under the condition that we can move and commit quickly. The other players still want to do a deal.

This is a site I would classify as a "corridor" site, in that it is locked in on one side by a railroad track with very few crossings. It has no competition and is on the main feeder road for massive housing. This location puts us on the fastest, most convenient road between the residents and where they work and shop.

This is a site which could be considered a "sleeper", but has the potential of being a home run because of the lack of competition and the lack of zoned properties.


Site
CRONDALL LANE
OWINGS MILLS BLVD.
REISTERSTOWN ROAD
I-795
OWINGS MILLS
TOWN CENTER

C & H DEVELOPMENT CO.

10422 Green Mountain Circle
Columbia, MD 21044-2456
Tel: (410) 997-3071 • Metro D.C. (301) 982-1118 • Fax: (410) 997-3093

Petition 1E

MEMORANDUM

TO: ED ZIMMERMANN FAX NO: (301) 474-2708

FROM: REX DALRYMPLE DATE: 12/24/96

SUBJECT: OWINGS MILLS BLVD & CRONDALL LANE, OWINGS MILLS MD.
RE: CONCEPT SITE PLAN

ED:

I THINK THIS IS AN **AWFUL** LAYOUT. IT IS TOO ORIENTED TO OWINGS MILLS BLVD., WHICH WILL NECESSITATE A SPECIAL EXCEPTION. OUR CHANCE OF AN ACCESS TO OWINGS MILLS BLVD IS LESS THAN 50%, AT BEST, AND IF WE DO SECURE ACCESS TO OWINGS MILLS, IT WILL BE A RIGHT IN ONLY. I DO NOT BELIEVE THIS LAYOUT HAS A CHANCE IN HELL OF BEING APPROVED BY BALTIMORE COUNTY.

TO AVOID A SPECIAL EXCEPTION REQUIREMENT (6 MONTHS MINIMUM PROCESSING TIME) WE MUST PROVE THE DEVELOPMENT IS PART OF THE ADJACENT INDUSTRIAL PARK. THIS LAYOUT DOES NOT QUALIFY.

REX DALRYMPLE

OWINGS MILLS BOULEVARD
R/W VARIES

N 05°10'54" W
39.00'

R=7604.43'
L=258.18'

R=7574.43'
L=40.56'

N 05°43'51" E
350.29'

N 21°35'08" E
57.74'

S 68°26'09" E
64.89'

S 05°25'07" E
423.92'

S 25°16'08" W
317.01'

EXISTING
WOODED
AREA

STORMWATER
MANAGEMENT
AREA

PROPOSED
7-ELEVEN
2,814 SQ.FT.

40'

S 60°56'53" E
122.58'

CROMDALL LANE
R/W VARIES

SITE ANALYSIS

AREA: 3.673 AC.± OR (160043. SQ.FT.±

ZONING: BL-CR

STREETS:	REQUIRED	PROVIDED
OWINGS MILLS BLVD.	80'	178'
CROMDALL LANE	50'	130'
REAR	30'	30'
CANOPY	12'	67'±

PARKING:
REQUIRED: 2148 SQ. FT./ 299 =14.7, SAY, 15 SPACES
PROVIDED: 20 SPACES

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
2835 Smith Avenue, Suite 100
Baltimore, Maryland 21209
Telephone (410) 653-3838
Facsimile (410) 653-7255

CONCEPT PLAN
7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CROMDALL LANE

3731 CROMDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO. 8

SCALE: 1"=100' DATE: 2-16-96

NO. 1
CASE NO. 96-468

1"=100'

Put to 7D

ROSOLIO & KOTZ, P.A.
220 NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4513

FAX TRANSMISSION LEAD SHEET

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DATE: May 1, 1997

NAME: **Ed Zimmerman**

COMPANY: 7-Eleven Stores

FAX: (301) 953-9237

RE:

SENDER: Deborah C. Dopkin, Esquire

Rosolio & Kotz, P.A.
Second Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

Please contact Eddie at (410) 339-7100 should you experience any problem with this transmission.

Fax Number: (410) 339-7107

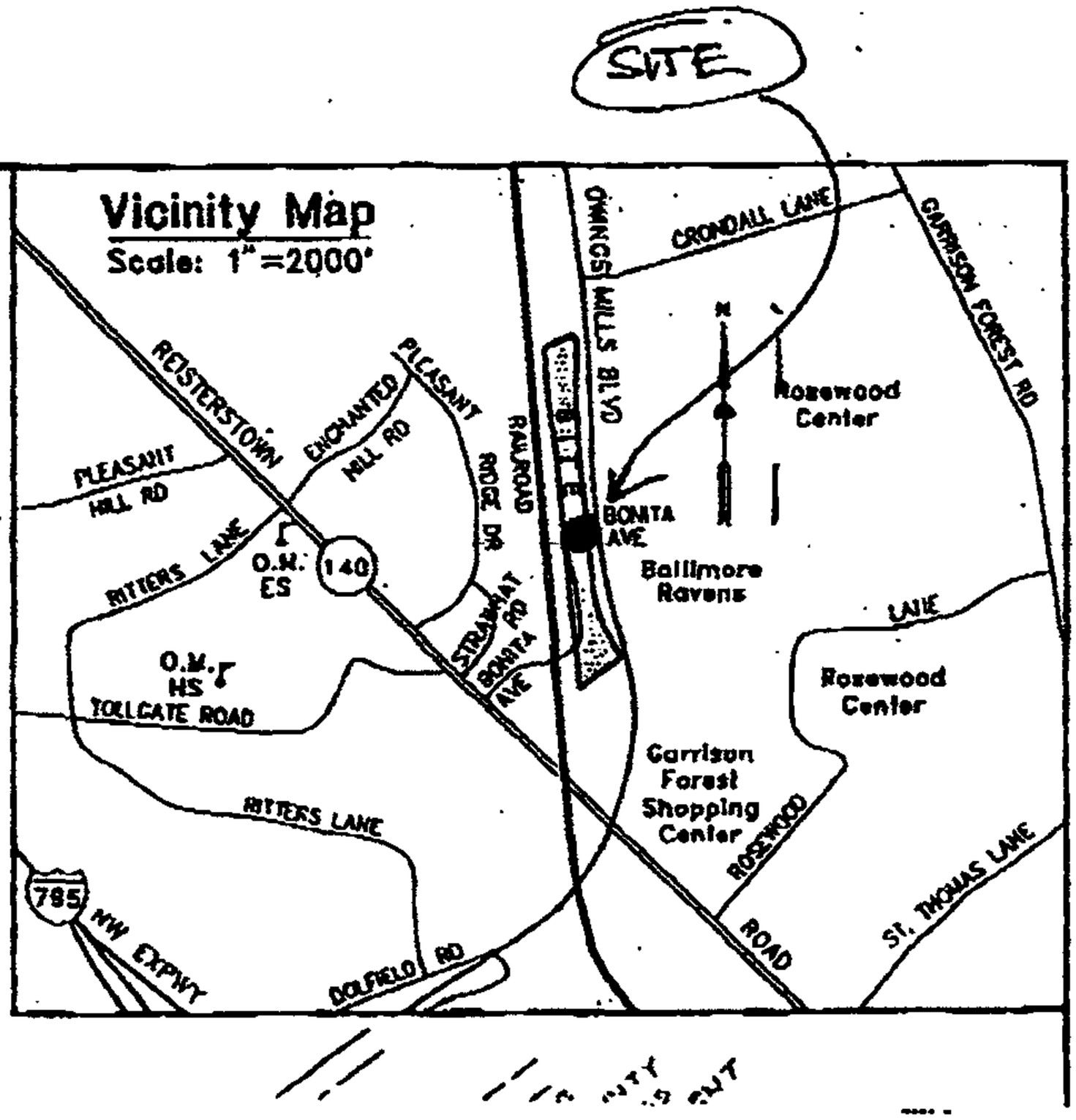
Number of Pages, Including This Lead Sheet: 4

Hard Copy to Follow? No

Comments to Recipient: Per our conversation of this morning.

ORD	
W	42.96
E	1107.52
E	585.77
W	36.20
W	65.20
W	59.00
E	138.49
W	259.92
E	172.12
E	186.72
E	33.91
E	594.85

W	11.10
W	65.26
E	78.52
E	86.08
E	193.57
E	97.54
E	46.21
W	161.24



Proposed South Storm Water Management Pond

STORM WATER MANAGEMENT EASEMENT

OWINGS MILLS BLVD.

CHLINE A-A

GROFFS

L.O.D.

Release Structure

24" End Section

Prop. Class 1 Rip-Rap See Detail C-7

B/W

Access Ramp

Retaining Wall

FUTURE 1 STORY BUILDING

275' ± 48' - 11K

Building Restriction Line

Lane

4	S 16°52'22"W	48.07'
3	S 14°32'16"W	50.43'
2	S 09°35'46"W	2.85'
1	S 28°55'53"W	15.72'
29	R=100.00' L=58.90'	
32	S 05°23'10"E	30.21'
30	S 08°54'33"W	161.99'

861-120	[illegible]	
120-125	N 89°57'03"E	11.67'
125-123	R=40.00' L=58.98'	

739-740	N 78°25'06"E	30.56'
740-741	N 89°50'13"E	50.46'
741-112	S 05°33'24"E	330.00'
112-114	SEE CURVE DATA	
114-115	S 34°16'36"E	140.95'
115-101	S 53°31'41"W	495.42'

848-850	SEE CURVE DATA	
850-851	S 11°52'42"E	48.49'
851-853	SEE CURVE DATA	
853-854	S 41°20'16"W	55.88'

MAYOR AND CITY COUNCIL OF BALTIMORE
(SM 65-24, 25 - DEED 7125-382)

OWINGS MILLS BOULEVARD

LOT 1, MAYOR AND CITY
(SM 65

OWINGS MILLS
(FRW 81-091, 7952-770/9372-722)

S 05°33'24"E 1198.89'

469.76'

STORMWATER MANAGEMENT EASEMENT

FOREST BUFFER EASEMENT

CLOSED ROAD
(SEE NOTE #19)

CL 15'x10' DRAINAGE AND UTILITY EASEMENT
S 05°33'24"E 10.00'

CL 10' GREENWAY EASEMENT

"OWNED BY STORAGE USA"

PARCEL D
PROPOSED HIGHWAY WIDENING
918 SF/0.0210 AC±

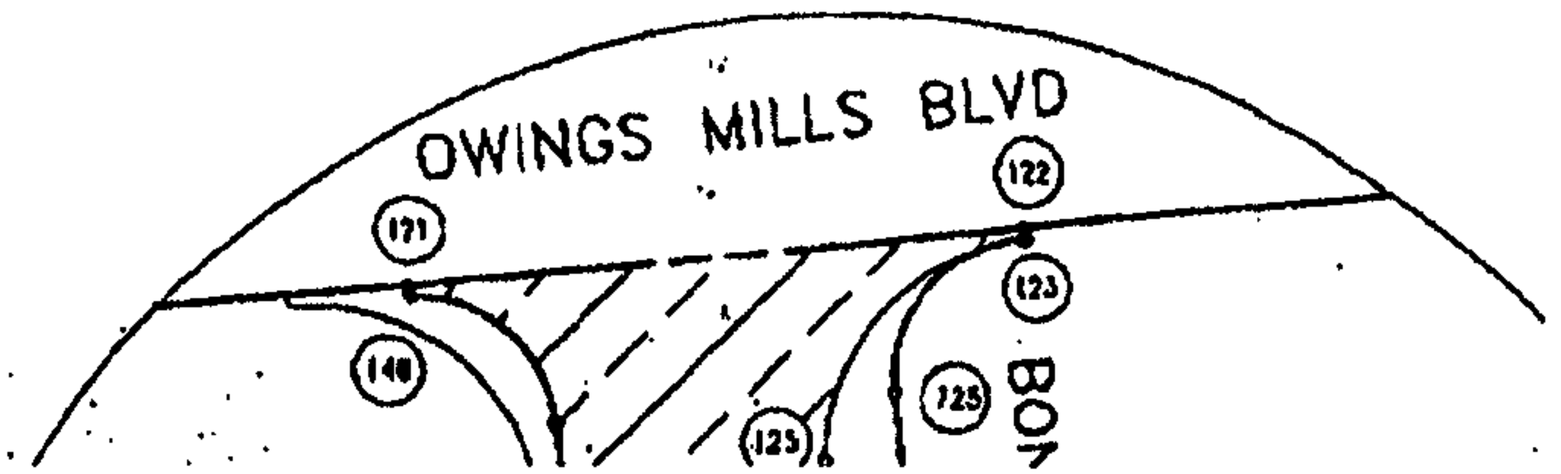
CLOSED ROAD
(SEE NOTE #19)

N 05°23'10"W 2100.17'

PARCEL C
PROPOSED HIGHWAY WIDENING
12428 SF/0.2853 AC±

PARCEL B
PROPOSED HIGHWAY WIDENING
1185 SF/0.0272 AC±

TRANSPORTATION, INC. - PLAT JWS 2 PART 1 PAGE 153
(FORMERLY WESTERN MARYLAND RAILROAD COMPANY)
(WPC 300-133)



14. ACREAGE:

Plot ex 7E

Owings Mills Blvd. @ Crondall La., Owings Mills, Baltimore Co., Md.

Visited the site 2/3/97 to check the streets that go through to Reisterstown Rd., that residents may take as a short cut to get to shopping or Rt.795. The only one that goes through is Gwynnbrook. It is a two lane road through residential areas and also through an obvious serious flood plain. Also, the right side of the road going south is heavily treed, creating two problems: The overhanging trees shade the road and keep the ice from melting on these hills and curves; the other is that some of the branches are protruding into the right lane, forcing drivers to cheat toward the centerline. The final problem is that when you finall y get to Reisterstown Rd., you can not turn left, eliminating any traffic to Rt.795 at Owings Mills.

Prot Ex 7F

MPSI DATA FORM (10/96)

[x] 7-Eleven Site
[ ] New Gas Competitor

CONTACT

COMPANY: THE SOUTHLAND CORPORATION

NAME: Ed Zimmerman

ADDRESS: 3492 Old Annapolis Rd.
Laurel, MD 20724

PHONE #: 301/953-9711

FAX #: 301/953-9237

SUBJECT SITE - BASE CASE

CITY: OWINGS MILLS County: BALTIMORE STATE: MD

INCLUDE A STREET MAP WITH THE SUBJECT SITE LOCATION INDICATED WITH A RED DOT ON THE MAP.

1. BRAND SIGN: CITGO

   TYPE OF TREATMENT: Rehab [ ] Raze & Rebuild [ ] New Build [X]

2. STREET 1: Owings Mills Blvd. SPEED LIMIT: 40 # THRU LANES: 2

   STREET 2: Crondall Lane SPEED LIMIT: 25 # THRU LANES: 2

3. PHYSICAL OR LEGAL BARRIERS:

   STREET 1: Full Median [ ] Partial Median [ ] 2 Sets DBL Yellow Lines [ ]

   STREET 2: Full Median [ ] Partial Median [ ] 2 Sets DBL Yellow Lines [ ]

4. SITE LOCATION: Inside [ ] Corner [ ] T-Inters. [X] At Loc. [ ] Off St. [ ]

5. SITE DIRECTION (i.e. N, SW, etc.): SEC of "T" intersection

6. SITE RATINGS: ACCESSIBILITY: 3 VISIBILITY: 3

   (1=Far Below Average, 2=Below Average, 3=Average, 4=Above Average, 5=Superior)

7. # OF MPD'S: Attend: _____ Self: 6 Automat: _____ Diesel _____

8. # OF BYPASS LANES (0-9): 3

9. # OF DEDICATED PARKING SPACES: 12 (MUST BE ADJACENT TO BUILDING)

10 LOT SIZE.

FRONT:	100 FT OR < [ ]	101-150 [ ]	151-200 [ ]	201-250 [ ]	251-300 [X]	> 300 FT [ ]
DEPTH	100 FT OR < [ ]	101-150 [ ]	151-200 [ ]	201-250 [ ]	251-300 [X]	> 300 FT [ ]

MPSI DATA FORM (10/96)

[x] 7-Eleven Site

[ ] New Gas Competitor

11. IDENTIFY EXISTING OPEN GAS COMPETITOR WITH WHOM YOU WILL BE SETTING PRICES:

BRAND: EXXON

LOCATION: Rosewood Lane @ Reisterstown Rd. (Rt 140)
Owings Mills, MD

PRICING POSTURE:

[x] EQUAL TO		[x] ULR	[x] ULM [x] ULP
[ ] _____¢ ABOVE		[ ] ULR	[ ] ULM [ ] ULP
[ ] _____¢ BELOW		[ ] ULR	[ ] ULM [ ] ULP

COMMENTS: [redacted]

12. CAR WASH DATA:

BUILDING: ATTACHED [ ] DETACHED [ ]

FACILITY: IN BAY [ ] WAREHOUSE [ ] SHORT CONVEYOR [ ] LONG CONVEYOR [ ]
SHORT DRIVE-THRU [ ] LONG DRIVE-THRU [ ]

OF CAR WASH BAYS: _____

TYPE: FULL SERVICE [ ] HAND HELD, WAND [ ] BRUSH [ ] CLOTH [ ]
TOUCHLESS [ ] DRYER [ ] WAX [ ]

PRICE: WITH FILL - _____ WITHOUT FILL - _____

13. CONVENIENCE STORE DATA:

STORE NAME: 7-ELEVEN

SELLING SPACE (SQ FT) < 600 [ ] 600-1000 [ ] 1001-1600 [ ] 1601-2200 [ ]
2201-3000 [x] >3000 [ ]

OF BEER COOLER DOORS: _____ # OF FOUNTAIN DRINK SPIGOTS: 10

NEWSPAPERS (IN-STORE/NO MACHINES): [x]

14. FAST FOOD DATA: (New Gas Competitors Only)

CHAIN NAME: _____

DRIVE-UP WINDOW [ ]

OF INSIDE SEATS: _____

SALES PROJECTION: Low [ ] Medium [ ] High [ ]

MPSI DATA FORM (10/96)

[x] 7-Eleven Site

[ ] New Gas Competitor

15. GASOLINE SALES - METHOD OF PAYMENT:

PREPAY [ ] POST PAY [X] CREDIT CARD ACCEPTOR [X]

BILL ACCEPTOR [ ] DEBIT CARD ACCEPTOR [ ]

16. PAYMENT LOCATION: PUMP ISLAND [ ] SALES OFFICE [X] FORCED EXIT KIOSK [ ]

CREDIT/DEBIT ACCEPT ONLY - PUMP ISLAND [X] SALES OFFICE [X]

17. CREDIT CARDS: COMPANY [X] BANK/NATIONAL [X]

18. ADDITIONAL SERVICES (CHECK ALL THAT APPLY):

[ ] AUTOMAT AFTER HOURS [X] ATM

[X] LOTTERY [ ] CHECK CASHING

[ ] POSTAL SERVICES [X] MONEY ORDERS

OTHER SERVICES _____

19. MANNED HOURS OPEN: M-F - 24 SAT - 24 SUN - 24

ADDITIONAL CASES

LIST ANY ITEMS THAT WILL BE ALTERED FROM THE BASE CASE ITEMS ABOVE (ITEMS 1 - 19)

CASE 2. [redacted]

CASE 3. 4 MPDs

CASE 4. No direct access to Owings Mills Blvd.

Market: BALTIMORE T1

Address: OWINGS MILLS BLVD & CRONDALL LA

Market: BALTIMORE T1 — Address: BONITA AV & CRONDALL LA

OUTLET	Address 1	Address 2	Gas Brand	C-Store Parking Spaces	C-Store Selling Space	Car Wash Type	# of Car Wash Bays	# of Fueling Positions			
								Full Serve		Self Serve	
								Canopy	No Canopy	Canopy	No Canopy
10113	10231 REISTERSTOWN RI	S/ROSEWOOD	AMOCO	0			0	2	0	6	0
10114	10301 REISTERSTOWN RI	N AT ROSEWOOI	SHELL	0	<600 FT		0	0	0	8	0
10116	10540 REISTERSTOWN RI	N AT CARLVON	EXXON	0	<600 FT		0	2	0	6	0
10117	10615 REISTERSTOWN RI	STRAWHAT	CROWN	0	<600 FT		0	0	0	10	0
10118	10812 REISTERSTOWN RI	DOLLS LN	SUNOCO	0	<600 FT		0	0	0	8	0
10119	11701 REISTERSTOWN RI	ROACHES	SUNOCO	0	<600 FT		0	0	0	8	0

MPSI SYSTEMS INC.

8282 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
918-250-9611
FAX 918-254-8764
1-800-727-MPSI

INTERNATIONAL COMPUTER SOFTWARE AND INFORMATION SERVICES

April 1, 1997

Mr. Ed Zimmerman
The Southland Corporation
3492 Old Annapolis Road
Laurel, MD 20724

RE: Single Site # 8048

Dear Mr. Zimmerman:

Attached you will find a summary of the four gasoline and convenience food case projections, detailed projection analyses, and associated computer printout for your site at Owings Mills Blvd. and Crondall Lane in Owings Mills, Maryland. The site was evaluated as a suburban location and is currently undeveloped.

The attached volume projections are based on competition as it existed at the time of the survey. If any existing competitive outlets are rebuilt or modernized or new outlets are opened within the trading area, these projections could be negatively impacted.

Please note that your potential c-store projection excludes lottery, liquor, money orders, fast food, and on-premise cooking sales.

We have enjoyed working with you on this study. If you have any questions, please call.

Sincerely,

MPSI Systems Inc.

Vanessa Bishop
Vanessa Bishop
Single Sites Analyst

:bl

Enclosure

cc: M. Hillhouse
G. Stroud
E. Fusco

GASLINE FACTS/RESULTS

(CaseOne)

Owings Mills Rick & Cordillare

Owings Mills, Maryland

SS# 8048

CASE ONE - GAS

Type Strategy: new build
Principal Business: gas bar
Gas Brand: Citgo
Days/Hours: 7 / 24
# of Bypass Lanes: 3

Type of Services: self
 # Pumps/# Nozzles: 6 / 36
Canopy: full
Payment Location: office
# of Fueling Positions: 12

- - - - - - - - - - - - PRICES - - - - - - - - - - - -

	UNLEADED REGULAR	UNLEADED MIDGRADE	UNLEADED PREMIUM
Attd.			
Credit Diff.			
Self	105.9	123.9	129.9
Credit Diff.			

Average Daily Traffic Count: Primary 5,000 **Secondary** 3,000

- - - - - C-STORE DATA - - - - -

Inside Appearance: superior
Dedicated Parking Spaces: 12
Newspapers Sold: yes
Selling Space: 2,201 - 3,000 sq. ft.

- - - CREDIT CARDS - - -

Company: yes
Bank/National: yes

- - - - - MISCELLANEOUS - - - - -

# of Service Bays: 0
Accessibility: average
Visibility: average
Appearance: above average
Interstate Awareness: 0
Interstate Conv.: 0

- - - - - CAR WASH DATA - - - - -

Type: --
Bldg.: --
Price: with fill: $--
w/out fill: $--

A total potential gasoline volume of 128,000 gallons per month.
[redacted]

TACTIC RESULTS
(Cases Two - Four)

CASE TWO:

All features will remain the same as in Case One with the following exceptions: build with 4 MPDs.

Result:

A total potential gasoline volume of 112,000 gallons per month.

[redacted]

CASE THREE:

All features will remain the same as in Case One with the following exceptions: [redacted]

Result:

A total potential gasoline volume of 116,000 gallons per month.

[redacted]

CASE FOUR:

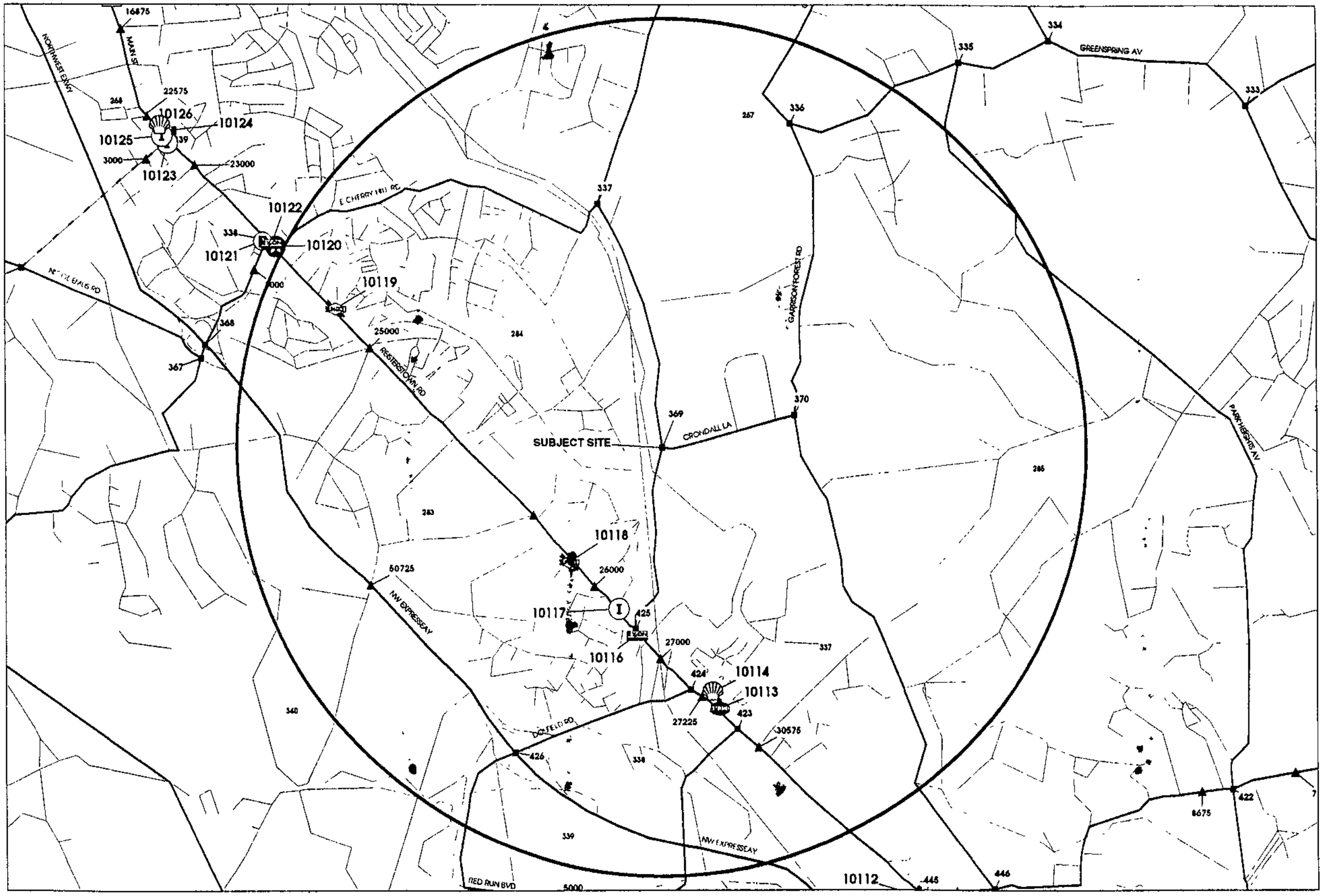
All features will remain the same as in Case One with the following exceptions: build with no direct access to Owings Mills Blvd.

Result:

A total potential gasoline volume of 106,000 gallons per month.

[redacted]

Market: BALTIMORE T1 Address: OWINGS MILLS/BONITA



Report #: 500
Market: BALTIMORE T1
Survey Date: Dec 01, 1995
Run Date: Apr 01, 1997 13:06:43

Local Area: Demographics - Gasoline

Subject Outlet/Site Identification

Brand Name:
Client Number:
Address:
Market: BALTIMORE T1

Intersection #: 369
MPSI Number:
Suburb/Town:
Survey Date: Dec 01, 1995

Description	1995 No. of Households	1995 Median Household Income	1995 No. of Multi Dwelling	1995 % Males	1995 % Females	1995 No. of Employees Retail/ Office	1995 No. of Employees Industrial
Local Area	7,221	46,492	3,094	48	52	1,945	6,412
Market Average / Total	575,043	39,423	176,461	48	52	119,778	452,253

Description	1995
	74
	67

Description	1995 Current Age Distribution % Under 10	10-19	20-34	35-44	45-64	65 and Over	1995 No. of Enrollments High School	1995 No. of Enrollments College/ University
Local Area	15	12	28	20	18	7	0	0
Market Average / Total	14	12	23	17	20	14	0	89,107

1995				
20	3	3	0	
30	1	2	0	

Case ID: 3
Case Name: 8048/cs1
Case Description:
Strategy: NEW BUILD

Report #: 403
Market: BALTIMORE
Survey Date: DEC 1, 1995
Run Date: Apr 1, 1997

Case: Outlet Detail

Outlet Identification

Outlet	900001	Type of Facility	GAS MART	Brand Sign	CITGO
Intersection	369				

Location/Traffic

First Street Address	OWINGS MIL OWINGS MILLS	Suburb	BALT T1	Type Operation	COMPANY
Second Street Address	CRONDAL CRONDALL	Type Location	CITY STR	Near/Far Corner	NEAR
Site Location	T-INT	Direction	SE	Has Access To Third Street	N

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	5		2	40	N	N
Second Street	3		2	25	N	N

Facility/Ratings

	Pumps	Fueling Positions: Nozzles	Canopy	No Canopy
Attendant				
Self	6	36	13	
Automat				
Diesel				

Pump Type
Mechanical N
Electronic N
Single Hose N
Multi-Hose Y

Ratings
Accessibility 3
Visibility 3
Appearance 4
Interstate Awareness
Interstate Convenience
Number of Bypass Lanes 3

Additional Services
Automat After Hours N
Lottery Tickets Y
Postal Services N
ATM Y
Check Cashing N
Money Orders Y

Lot Size
Front 251-300
Depth 251-300
Diesel Volume
Gasoline Volume

Auto Service/Repair
Number of Bays
Quick Oil Change

Price/Hours/Personnel/Payment

Pump Prices

	Unleaded Regular	Unleaded Midgrade	Unleaded Premium	Other	Other
Attendant					
Self					
Automat					
Diesel					

Discount For Cash
Avg. Credit Difference
Percent Business Done Thru Credit Cards
Type Service

Method of Payment
Pre-pay N
Post-pay Y
Exact Change After Hours N
Credit Card Acceptor Y
Bill Acceptor N
Debit Card Acceptor N

Payment Location SALE OFC
Credit/Debit Location PUMP ISL

Credit Cards
Company Y
Bank/National Y
Other Oil Cards N

Number of Registers 2

Manned Hours Open
Monday - Friday 24
Saturday 24
Sunday 24
Attnd. Serve Not Offered

Ancillaries

Convenience Store
Store Name 7-ELEVEN
Sell. Space(meters/ft.) 2201-3000
No. of Parking 12
Inside Appearance 5
Store Type
C-Store Sales ($000)

Store Detail
Bread Rack(Width) 4
- No. of Shelves 4
Cake Rack LARGE
Chip Rack LARGE
No. of Beer Cooler Doors 4
No. of Fount. Drink Spigots 10
Newspapers N

Fast Food
Chain Name 1
Chain Name 2
Chain Name 3

Meals Served
Breakfast N
Lunch N
Dinner N

Food Segment
Pizza N
Mexican N
Chicken N
Donuts N
Hamburger N
Sandwich N
Fish N
Other N

Drive-Up Window N
No. of Inside Seats
Fast Food Sales ($000) 0

Car Wash Building
Type Bldg.
No. of Bays
No. of Car Wash Sales 0

Car Wash Facility
In Bay N
Warehouse N
Short Conveyor N
Long Conveyor N
Short Drive-Thru N
Long Drive-Thru N

Type Wash
Full Service N
Hand Held Wand N
Brush N
Cloth N
Touchless N
Dryer N
Wax N

Car Wash Price
With Fill ($)
Without Fill ($)

Case ID: 4
Case Name: 8048/CS2/4MPDS
Case Description:
Strategy: NEW BUILD

Report #: 403
Market: BALTIMORE
Survey Date: DEC 1, 1995
Run Date: Apr 1, 1997

Case: Outlet Detail

Outlet Identification

Outlet 900001
Intersection 369
Type of Facility GAS MART
Brand Sign CITGO

Location/Traffic

First Street Address: OWINGS MIL OWINGS MILLS
Second Street Address: CRONDAL CRONDALL
Suburb: BALT T1
Type Operation: COMPANY
Type Location: CITY STR
Near/Far Corner: NEAR
Site Location: T-INT
Direction: SE
Has Access To Third Street: N

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	5		2	40	N	N
Second Street	3		2	25	N	N

Facility/Ratings

	Pumps	Fueling Positions: Nozzles	Canopy	No Canopy
Attendant				
Self	4	24	8	
Automat				
Diesel				

Pump Type
Mechanical N
Electronic N
Single Hose N
Multi-Hose Y

Ratings
Accessibility 3
Visibility 3
Appearance 4
Interstate Awareness
Interstate Convenience
Number of Bypass Lanes 3

Additional Services
Automat After Hours N
Lottery Tickets Y
Postal Services N
ATM Y
Check Cashing N
Money Orders Y

Lot Size
Front 251-300
Depth 251-300
Diesel Volume
Gasoline Volume

Auto Service/Repair
Number of Bays
Quick Oil Change

Price/Hours/Personnel/Payment

Pump Prices	Unleaded Regular	Unleaded Midgrade	Unleaded Premium	Other	Other
Attendant					
Self	[redacted]	[redacted]	[redacted]		
Automat					
Diesel					

Discount For Cash
Avg. Credit Difference
Percent Business Done Thru Credit Cards
Type Service

Method of Payment
Pre-pay N
Post-pay Y
Exact Change After Hours N
Credit Card Acceptor Y
Bill Acceptor N
Debit Card Acceptor N

Payment Location: SALE OFC
Credit/Debit Location: PUMP ISL

Credit Cards
Company Y
Bank/National Y
Other Oil Cards N

Number of Registers 2

Manned Hours Open
Monday - Friday 24
Saturday 24
Sunday 24
Attnd. Serve Not Offered

Ancillaries

Convenience Store
Store Name 7-ELEVEN
Sell. Space(meters/ft.) 2201-3000
No. of Parking 12
Inside Appearance 5
Store Type
C-Store Sales ($000)

Store Detail
Bread Rack(Width) 4
- No. of Shelves 4
Cake Rack LARGE
Chip Rack LARGE
No. of Beer Cooler Doors 4
No. of Fount. Drink Spigots 10
Newspapers N

Fast Food
Chain Name 1
Chain Name 2
Chain Name 3

Meals Served
Breakfast N
Lunch N
Dinner N

Food Segment
Pizza N
Mexican N
Chicken N
Donuts N
Hamburger N
Sandwich N
Fish N
Other N

Drive-Up Window N
No. of Inside Seats
Fast Food Sales ($000) 0

Car Wash Building
Type Bldg.
No. of Bays
No. of Car Wash Sales 0

Car Wash Facility
In Bay N
Long Conveyor N
Warehouse N
Short Drive-Thru N
Short Conveyor N
Long Drive-Thru N

Type Wash
Full Service N
Cloth N
Hand Held Wand N
Touchless N
Brush N
Dryer N
Wax N

Car Wash Price
With Fill ($)
Without Fill ($)

Case ID: 5
Case Name: 8048/CS3/PRI2CNTMORE
Case Description:
Strategy: NEW BUILD

Report #: 403
Market: BALTIMORE
Survey Date: DEC 1, 1995
Run Date: Apr 1, 1997

Case: Outlet Detail

Outlet Identification

Outlet 900001
Intersection 369
Type of Facility GAS MART
Brand Sign CITGO

Location/Traffic

First Street Address: OWINGS MIL OWINGS MILLS
Second Street Address: CRONDAL CRONDALL
Site Location: T-INT
Direction: SE
Suburb: BALT T1
Type Location: CITY STR
Type Operation: COMPANY
Near/Far Corner: NEAR
Has Access To Third Street: N

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	5		2	40	N	N
Second Street	3		2	25	N	N

Facility/Ratings

	Pumps	Fueling Positions: Nozzles	Canopy	No Canopy
Attendant				
Self	6	36	13	
Automat				
Diesel				

Pump Type
Mechanical N
Electronic N
Single Hose N
Multi-Hose Y

Ratings
Accessibility 3
Visibility 3
Appearance 4
Interstate Awareness
Interstate Convenience
Number of Bypass Lanes 3

Additional Services
Automat After Hours N
Lottery Tickets Y
Postal Services N
ATM Y
Check Cashing N
Money Orders Y

Lot Size
Front 251-300
Depth 251-300
Diesel Volume
Gasoline Volume

Auto Service/Repair
Number of Bays
Quick Oil Change

Price/Hours/Personnel/Payment

Pump Prices

	Unleaded Regular	Unleaded Midgrade	Unleaded Premium	Other	Other
Attendant					
Self	[redacted]	[redacted]	[redacted]		
Automat					
Diesel					

Discount For Cash
Avg. Credit Difference
Percent Business Done Thru Credit Cards
Type Service

Method of Payment
Pre-pay N
Post-pay Y
Exact Change After Hours N
Credit Card Acceptor Y
Bill Acceptor N
Debit Card Acceptor N

Payment Location SALE OFC
Credit/Debit Location PUMP ISL

Credit Cards
Company Y
Bank/National Y
Other Oil Cards N

Number of Registers 2

Manned Hours Open
Monday - Friday 24
Saturday 24
Sunday 24
Attnd. Serve Not Offered

Ancillaries

Convenience Store
Store Name 7-ELEVEN
Sell. Space(meters/ft.) 2201-3000
No. of Parking 12
Inside Appearance 5
Store Type
C-Store Sales ($000)

Store Detail
Bread Rack(Width) 4
- No. of Shelves 4
Cake Rack LARGE
Chip Rack LARGE
No. of Beer Cooler Doors 4
No. of Fount. Drink Spigots 10
Newspapers N

Fast Food
Chain Name 1
Chain Name 2
Chain Name 3

Meals Served
Breakfast N
Lunch N
Dinner N

Food Segment
Pizza N
Hamburger N
Mexican N
Sandwich N
Chicken N
Fish N
Donuts N
Other N

Drive-Up Window N
No. of Inside Seats
Fast Food Sales ($000) 0

Car Wash Building
Type Bldg.
No. of Bays
No. of Car Wash Sales 0

Car Wash Facility
In Bay N
Warehouse N
Short Conveyor N
Long Conveyor N
Short Drive-Thru N
Long Drive-Thru N

Type Wash
Full Service N
Hand Held Wand N
Brush N
Cloth N
Touchless N
Dryer N
Wax N

Car Wash Price
With Fill ($)
Without Fill ($)

Case ID: 6
Case Name: 8048/CS4/INSIDE
Case Description:
Strategy: NEW BUILD

Report #: 403
Market: BALTIMORE
Survey Date: DEC 1, 1995
Run Date: Apr 1, 1997

Case: Outlet Detail

Outlet Identification

Outlet 900001
Intersection 369

Type of Facility GAS MART

Brand Sign CITGO

Location/Traffic

First Street Address CRONDALL CRONDALL

Second Street Address

Suburb BALT T1

Type Location CITY STR

Type Operation COMPANY

Near/Far Corner

Site Location INSIDE

Direction S

Has Access To Third Street N

	Traffic Count	Barriers	Number of Thru Lanes	Posted Speed	Near Traffic Control	Dedicated Right Hand Turn Lane
First Street	3		2	25	N	N
Second Street					N	N

Facility/Ratings

	Pumps	Fueling Positions: Nozzles	Canopy	No Canopy
Attendant				
Self	6	36	13	
Automat				
Diesel				

Pump Type
Mechanical N
Electronic N
Single Hose N
Multi-Hose Y

Ratings
Accessibility 3
Visibility 3
Appearance 4
Interstate Awareness
Interstate Convenience
Number of Bypass Lanes 3

Additional Services
Automat After Hours N
Lottery Tickets Y
Postal Services N
ATM Y
Check Cashing N
Money Orders Y

Lot Size
Front 251-300
Depth 251-300

Diesel Volume
Gasoline Volume

Auto Service/Repair
Number of Bays
Quick Oil Change

Price/Hours/Personnel/Payment

Pump Prices

	Unleaded Regular	Unleaded Midgrade	Unleaded Premium	Other	Other
Attendant					
Self	[redacted]	[redacted]	[redacted]		
Automat					
Diesel					

Discount For Cash
Avg. Credit Difference

Percent Business Done Thru Credit Cards

Type Service

Method of Payment
Pre-pay N
Post-pay Y
Exact Change After Hours N
Credit Card Acceptor Y
Bill Acceptor N
Debit Card Acceptor N

Payment Location SALE OFC
Credit/Debit Location PUMP ISL

Credit Cards
Company Y
Bank/National Y
Other Oil Cards N

Number of Registers 2

Manned Hours Open
Monday - Friday 24
Saturday 24
Sunday 24
Attnd. Serve Not Offered

Ancillaries

Convenience Store
Store Name 7-ELEVEN
Sell. Space(meters/ft.) 2201-3000
No. of Parking 12
Inside Appearance 5
Store Type
C-Store Sales ($000)

Store Detail
Bread Rack(Width) 4
No. of Shelves 4
Cake Rack LARGE
Chip Rack LARGE
No. of Beer Cooler Doors 4
No. of Fount. Drink Spigots 10
Newspapers N

Fast Food
Chain Name 1
Chain Name 2
Chain Name 3

Meals Served
Breakfast N
Lunch N
Dinner N

Food Segment
Pizza N
Mexican N
Chicken N
Donuts N
Hamburger N
Sandwich N
Fish N
Other N

Drive-Up Window N
No. of Inside Seats
Fast Food Sales ($000) 0

Car Wash Building
Type Bldg.
No. of Bays
No. of Car Wash Sales 0

Car Wash Facility
In Bay N
Warehouse N
Short Conveyor N
Long Conveyor N
Short Drive-Thru N
Long Drive-Thru N

Type Wash
Full Service N
Hand Held Wand N
Brush N
Cloth N
Touchless N
Dryer N
Wax N

Car Wash Price
With Fill ($)
Without Fill ($)

MPSI SYSTEMS INC.

8282 SOUTH MEMORIAL DRIVE
TULSA, OKLAHOMA 74133
918-250-9811
FAX #918-254-6764
1-800-727-MPSI

Post it 7671

INTERNATIONAL COMPUTER SOFTWARE AND INFORMATION SERVICES

MPSI®

Post-it® Fax Note 7671	Date 5/2	# of pages ▶ 4
To Ed Zimmerman	From Vanessa Bishop	
Co./Dept.	Co.	
Phone #	Phone #	
Fax # 301 952-9237	Fax #	

May 2, 1997

RE: Single Site # 8048 (A)

Mr. Ed Zimmerman
The Southland Corporation
3492 Old Annapolis Road
Laurel, MD 20724

Dear Mr. Zimmerman:

Attached you will find a summary of the four additional gasoline and convenience food case projections, detailed projection analyses, and associated computer printout for your site at Owings Mills Blvd. and Crondall Lane in Owings Mills, Maryland.

Enclosed are the original tactics with the adjustment to traffic per our phone conversation. I apologize for any inconvenience. Also, please note that the "Outlet Detail Report" may vary from the original forms you may have received in the past.

While we are in the process of updating the model, some of the report format may vary, even though they are generated from the original model and market that I ran your original projections form. Please don't hesitate to call if you have any questions or if I can assist you on the analysis.

The attached volume projections are based on competition as it existed at the time of the survey. If any existing competitive outlets are rebuilt or modernized or new outlets are opened within the trading area, these projections could be negatively impacted.

Please note that your potential c-store projection excludes lottery, liquor, money orders, fast food, and on-premise cooking sales.

Sincerely,

MPSI Systems Inc.

Vanessa Bishop

Vanessa Bishop
Single Sites Analyst

:bl

Enclosure

cc: M. Hillhouse
G. Stroud
E. Fusco

THE SOUTHLAND CORPORATION
3492 Old Annapolis Road
Laurel, MD 20724

REAL ESTATE DEPARTMENT

V I A F A C S I M I L E

DATE: 5-2-97

TO: GARY F. PHONE: _____
BOB F. FAX: _____

FROM: Ed Zimmerman PHONE: 301/953-9711
FAX: 301/953-9237

RE: MPSI

CC: REVISION

Number of pages including this sheet: 5

Message

THIS IS THE REVISED PROJECTION BASED ON UPDATED TRAFFIC INFORMATION FOR THE PROPOSED SITE AT OWINGS MILLS. THIS IS ONE OF REX DALRYMPLE'S DEALS THAT YOU ARE WORKING ON.

[redacted]

GASOLINE TACTICS/RESULTS
(Case One)

Owings Mills Blvd. & Crondall Lane
Owings Mills, Maryland

SS# 8048

CASE ONE - GAS

Type Strategy: new build
Principal Business: gas bar
Gas Brand: Citgo
Days/Hours: 7 / 24
# of Bypass Lanes: 3

Type of Services: self
 # Pumps/# Nozzles: 6 / 36
Canopy: full
Payment Location: office
# of Fueling Positions: 12

- - - - - - - - - - - - PRICES - - - - - - - - - - - -

	UNLEADED REGULAR	UNLEADED MIDGRADE	UNLEADED PREMIUM
Attd.			
Credit Diff.			
Self	[redacted]	[redacted]	[redacted]
Credit Diff.			

Average Daily Traffic Count: Primary 9,000 **Secondary** 8,000

- - - - - C-STORE DATA - - - - -

Inside Appearance: superior
Dedicated Parking Spaces: 12
Newspapers Sold: yes
Selling Space: 2,201 - 3,000 sq. ft.

- - - CREDIT CARDS - - -

Company: yes
Bank/National: yes

- - - - - MISCELLANEOUS - - - - -

# of Service Bays: 0
Accessibility: average
Visibility: average
Appearance: above average
Interstate Awareness: 0
Interstate Conv.: 0

- - - - - CAR WASH DATA - - - - -

Type: --
Bldg.: --
Price: with fill: $--
w/out fill: $--

A total potential gasoline volume of 155,000 gallons per month.

[redacted]

TACTIC RESULTS
(Cases Two - Four)

SS# 8048

CASE TWO:

All features will remain the same as in Case One with the following exceptions: build with 4 MPDs.

Result:

A total potential gasoline volume of 137,000 gallons per month.

[redacted]

CASE THREE:

All features will remain the same as in Case One with the following exceptions: [redacted]

Result:

A total potential gasoline volume of 141,000 gallons per month.

[redacted]

CASE FOUR:

All features will remain the same as in Case One with the following exceptions: build with no direct access to Owings Mills Blvd.

Result:

A total potential gasoline volume of 139,000 gallons per month.

[redacted]

JC9323.PDF

Plot 10 (A) B-C

Service Station Trip Generation

BY JAMES H. KAWAMURA

A comprehensive study of traffic, circulation, and parking was conducted that included surveys of 30 service stations in key market areas of the United States, including the Northeastern region, the Mid-Atlantic region, Florida, and Southern California. A mixture of company-operated and dealer-operated service stations of varying design (that is, with and without convenience marts, car washes, and service bays) were included in the study. One goal of the study was to determine appropriate trip generation rates for service stations of varying design.

Background

Local government agencies are largely unclear about factors that influence and affect traffic at service stations. Confusion often arises when estimating the amount of traffic that a service station will generate. In these days of growing economic hardship for towns and cities, substantial development fees are being imposed, most of which are based on the amount of traffic estimated to be generated by the proposed use. Trip generation attempts to quantify the trip-making propensities of a given land use and is estimated by applying empirically predetermined trip generation rates. The Institute of Transportation Engineers' (ITE's) *Trip Generation* manual is recognized as the most authoritative source of trip generation information in the country and serves as a basis for establishing the amount of traffic generated by a service station, and hence, the development fees that must be paid by the project applicant. However, oil industry officials have questioned whether this manual accurately describes and forecasts service station traffic.

Conversion Factor		
To convert from	to	multiply by
sq ft	m^2	0.0929

Evaluation of the ITE Trip Generation Data

Interpretation or use of the current *Trip Generation* manuals (4th and 5th editions) could result in significant errors when estimating the amount of traffic that a service station generates. Part of the problem lies in the "definitions" provided in the manuals.

Definition of "Service Station"

While oil companies define service stations in their own vernacular, ITE's *Trip Generation* makes specific reference to service stations as "located at intersections or freeway interchanges" and inclusive of "facilities for servicing, repairing, and fueling motor vehicles." The "land use" is further defined as inclusive of "service stations without convenience stores or car washes." The physical elements of a service station might include dispensers (or pumps); a main service building that can house a convenience market, maintenance and repair services, or other business activities; a car wash tunnel, separate from, or attached to, the main building; and ancillary structures such as a trash enclosure or storage building.

Only ITE's 5th edition of the manual distinguishes the service station use from related land uses for 12-hour studies only, which include "service station with convenience market, service station with convenience market and car wash, and convenience market with gasoline pumps." ITE's definitions do not specifically define a service station absent facilities for servicing and repairing vehicles. However, this type of station is commonplace, and is hereinafter generically referred to as a "gas station." The sub-categories of gas stations include: gas station (that is, no mart); gas station with mart; and gas station with mart and car wash. The term service station hereinafter refers to a station with lube (repair) facilities.

Average Daily Trip Generation Rates

Average daily trip generation is used most commonly in determining traffic impact fees in cities and towns that have enacted such fee structures. Unlike the earlier 4th edition of the ITE manual, the 5th edition does not include average

daily trip generation rates. Therefore, the 4th edition of the manual must be used to calculate trips generated by service stations. Since this earlier edition includes service stations, convenience marts, and car washes as separate land use categories, combining the separate rates for all uses could result in overestimation of trips. Such combination of the independent land use categories does not take into account consolidation of trips (that is, a service station customer using an ancillary service—mart, lube, or car wash—in the same trip as fueling).

For instance, although car washes generate additional traffic at service stations, it should be noted that a car wash is only an ancillary use to the service station's primary business, selling gasoline. By contrast, there is a growing car wash industry that focuses primarily on the business of washing vehicles and selling gasoline as a secondary profit center. These two types of businesses are not comparable. The amount of car wash traffic generated by a service station with a car wash is significantly less than the amount of car wash traffic generated by a car wash business.

Although customers often choose to consolidate trips, this is not always the case. Automated car washes are becoming increasingly popular throughout the country as part of the basic services provided by modern service stations. Depending on the type and model of equipment in place, car washes are activated by coins (or tokens), or when a code number is entered on a key pad. These methods of car wash activation enable customers to choose to get their cars washed at any time, not only when a purchase is made, thus creating a separate trip for the car wash use, as opposed to consolidating this visit with the original visit.

Definition of "Pumps"

The ITE manual has no definition of the term "pump" or the use of such "pumps" as the independent variable. The term pump is often misinterpreted. Trips are estimated using the number of hoses, products, or actual containers. Consequently, figures found in the ITE manual can be construed as somewhat unreliable for the purposes of documenting potential traffic impacts or the payment of traffic mitigation fees, as could be required by a government agency.

It might be more correct to refer to "vehicle fueling positions" (or VFPs) rather than pumps, since this terminology would correctly describe the number of vehicles that can be serviced at a given time (that is, a single-hose, single-product dispenser services one vehicle at a time, while two-hose, single-product or dual-product dispensers and multihose dispensers (MHDs)/multiproduct dispensers (MPDs) service two vehicles at a time).

Replacing the term pumps with VFPs also would eliminate the confusion some agencies and communities have over the replacement of two-hose, single-product or dual-product dispensers with MHDs/MPDs. Mistakenly, many well-meaning officials assume that since MHDs/MPDs are capable of dispensing three different products from a single pump, and that there are two sides (or six pumps) from which gasoline can be purchased, the result will be three times the amount of traffic generated by a two-hose, single- or dual-product dispenser. This assumption is incorrect, since in most cases, the number of fueling positions do not increase, thus resulting in no additional capacity to simultaneously fuel vehicles.

It should be noted that although the use of VFPs in place of pumps reduces the possibility of misinterpretation of this variable, there is still low correlation between VFPs and the number of trips, indicating that even VFPs might not be the best choice as an independent variable in calculating trip generation.

Hours of Operation

The ITE manual does not specify the hours of operation for service stations, car washes, and lube facilities. Many service stations are open 24 hours a day. However, the hours that car wash and lube facilities are open for business vary from station to station. The lack of clarification in the ITE manual could result in error when applying trip generation rates to specific cases.

FROM RECESSIONS EMERGE NEW FORTUNES, NEW LEADERS . . . WILL YOU BE AMONG THEM?

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"No-Sale" Traffic

It is unclear whether ITE trip generation rates take in account "non-use related" traffic (that is, "no sales"). This type of traffic primarily involves vehicles that cut through a site to avoid street traffic or motorists asking for travel directions. At some service stations, the amount of no-sale traffic might be significant, while at other stations, this type of traffic might be minimal. The ITE manual states that, "Trip generation rates and equations are based on volume counts taken at the driveways to the site being studied." It is undetermined if no-sale traffic is included in the ITE definition of "trips generated by service stations." If the ITE trip generation rates include no-sale traffic, and local governing agencies charge traffic impact fees based on the ITE figures, then service stations are being overcharged (that is, trip generation estimates include traffic generated by other developments or circumstances).

Pass-By Traffic

Another variable affecting service station trip generation is that ITE figures do not indicate the amount of pass-by traffic on adjacent streets. This traffic is generated by other land uses—home, work, school, and so forth. Local agencies using ITE figures charge service stations for these trips unfairly.

Data Collection

As part of the field data gathering process, manual traffic and patronage counts were undertaken at 30 service stations included in the study for 12- and 14-hour periods. Additionally, 24-hour mechanized traffic counts were conducted on streets adjacent to each service station and at each driveway at all but four service stations.

The patronage counts included the number of customers generated by each use provided at the study service stations (that is, gas, mart, wash, lube, and combinations thereof). No-sale traffic generating activities also were recorded. No sales included motorists stopping to use restroom facilities, using telephones, asking for directions, and vehicles cutting through the service station site to avoid street traffic. It should be noted that most of the no sales were attributable to cut-through traffic.

Table 1. Daily Trip Generation, Gas and Service Stations

Type of Station	*Number of VFP[a]*	*24-Hour Trips*	*Daily Trip Rate[b]*
Gas Station Only	8.00	1,190	148.776
Service Station Only	9.00	1,926	227.658
Gas Station with Mart	12.80	1,943	150.780
Service Station with Mart	11.60	1,727	164.131
Gas Station with Mart & Car Wash	12.71	1,980	153.992
Service Station with Mart & Car Wash	13.50	1,385	103.659
Average of All Gas Stations	12.38	1,905	152.355
Average of All Service Stations	11.82	1,639	153.692
ITE Figures[c]	5.50	732	133.000

[a]Vehicle fueling positions
[b]Ratio of trips/VFP
[c]From ITE *Trip Generation*, 4th edition

Trip Generation Analysis

The 12- and 14-hour manual data, along with 24-hour machine counts, were used to estimate the number of daily trips generated per service station for a 24-hour period. Table 1 illustrates the average daily (24-hour) number of trips and corresponding "average daily trip rates" generated for gas stations and service stations. An "average trip rate," as defined in ITE's *Trip Generation* manual, is a weighted average of the number of vehicle trips or trip ends per unit of independent variable using a site's driveway. In this analysis, VFPs are utilized as the independent variable rather than pumps as in the ITE manual.

As previously discussed, the ITE manual defines a service station as providing facilities for repairing vehicles. Of the 30 stations included in the study, 15 had operational lube (repair) facilities, one had facilities that were closed (gas only operation), while 14 did not provide lube services. For comparison with the ITE manual, the service stations (with lube facilities) and gas stations (without lube facilities) are listed separately. Only the service station figures should be compared the those found in the ITE manual.

As shown in Table 1, on average, more trips were generated daily by gas stations than service stations. However, overall, the average trip generation rates (trips per VFP) for gas stations and service stations were very similar. As would be expected, the number of trips and the corresponding trip generation rates increase for gas stations with the inclusion of additional facilities. However, the average number of trips and the average trip generation rates decrease at service stations with the inclusion of additional facilities. By comparison, the service station daily trip rate found in the 4th edition of the ITE manual (survey number 844) is 133 trips per pump, with a corresponding average of 5.5 pumps resulting in a calculated total of 732 trips per station per day. It is important to note that the ITE daily figures are based only on four studies and the hours of operation are not specified.

Trip Generation for Peak Hours of Service Stations

Table 2 provides a summary of the trip generation during the morning and afternoon peak hours of business for gas stations and service stations. The morning peak hour is defined in these tables as the peak hour of business between 7 a.m. and noon, while the afternoon peak hour is defined as the peak hour of business between noon and 7 p.m. It should be noted that the ITE rates given in Table 2 are for service stations and not gas stations, which are not explicitly defined by ITE. Thus, caution should be used in interpreting the significance of gas station data provided in this table.

As noted in Table 2, as would be expected, the absolute number of trips generated by gas stations increases as the on-site uses increase. However, the number of trips generated by service stations increases with the addition of a mart, but decreases with the addition of a mart and a car wash. In addition, the

average trip generation rates fluctuate as the on-site uses increase. This fluctuation in rates might be partially explained by the change in the average number of pumps (or VFPs) per station when additional uses are present.

As shown in Table 2, the average observed trip generation rates are somewhat similar to the corresponding ITE figures for gas stations and service stations, with the exception of the service station with mart and car wash during the morning peak hour. This category experiences an average trip generation rate of 7.817 trips per VFP during the morning peak hour, while the corresponding ITE rate of 16.880 trips per VFP is more than twice the observed rate. The observed average trip rate of 7.817 is based on data for four service stations, two of which provide 16 VFPs and have corresponding trip rates of less than 5.5 trips per VFP. These stations might not be operating at capacity based on the number of VFPs provided, thus resulting in low trip generation rates.

Table 2. Trip Generation, Peak Hours of Gas and Service Stations

Type of Station	*Number of VFP[a]*	*Morning Peak Trips[b]*	*Morning Peak Trip Rate[c]*	*Afternoon Peak Trips[b]*	*Afternoon Peak Trip Rate[c]*
Gas Station Only	8.00	91	11.375	105	13.125
Service Station Only	8.00	104	12.792	140	18.104
ITE Figures[d]	8.00	86	10.750	130	16.300
Gas Station with Mart	12.80	155	11.892	161	12.579
Service Station with Mart	11.67	122	11.314	146	13.206
ITE Figures[d]	8.00	97	12.110	140	17.470
Service Station with Car Wash	8.00	89	11.125	149	18.625
ITE Figures[d]	N/A	N/A	N/A	N/A	N/A
Gas Station with Mart & Car Wash	12.33	156	12.629	165	13.318
Service Station with Mart & Car Wash	13.50	106	7.817	138	10.234
ITE Figures[d]	8.00 (a.m.)	135	16.880	—	—
	9.00 (p.m.)	—	—	146	16.180

[a]Vehicle fueling positions
[b]Not including no sale use
[c]Ratio of trips/VFP
[d]From ITE *Trip Generation*, 5th edition

Trip Generation for Peak Hours of Adjacent Roadways

Although Table 2 provides the number of trips during the peak hours of business, in order to assess the impact of trips generated by the stations on adjacent roadways and intersections, it is important to calculate the number of trips generated during the peak hours of traffic on these adjacent roadways or intersections. These peak hours of vehicular travel generally occur during the commute hours of 7 a.m. and 9 a.m. and 4 p.m. and 6 p.m. Table 3 provides a trip generation summary during these peak hours of roadway travel for gas stations and service stations. As with Table 2, caution should be used in interpreting the significance of gas station data provided in this Table 3.

As shown in Table 3, the average observed number of trips generated per station in each category during the morning and afternoon peak hours of traffic on adjacent streets increase with the inclusion of a mart, yet decrease for service stations with the inclusion of a mart and a car wash. The average trip generation rates are generally similar to those found in the ITE manual, with the exception of the service station with mart and car wash category. The trip generation rate for this category is 6.285 trips per VFP, as compared with the corresponding ITE rate of 16.88 trips per pump.

Summary of ITE Comparison

This study compared observed trip generation rates with those given in the *Trip Generation* manuals. As previously noted, with the exception of the morning and afternoon peak-hour trip generation rates for a gas station, the ITE rates for the peak hours of adjacent roadways are higher than the rates calculated on the basis of observed data. The average daily trip generation rate for all service stations is higher than the ITE daily trip generation rate. By comparison, average peak-hour trip generation rates for service stations are lower than ITE rates for all configurations (service station, service station with mart, and service station with mart and car wash), with one exception, service station (gas only) during the morning peak hour.

Regression Analysis

In addition to trip generation figures, the ITE manual provides regression equations, accompanying data plots, and coefficients of determination (R^2) for selected land uses. For service stations, the 5th edition of the ITE manual contains limited regression analysis for the morning and afternoon peak hours of trip generation. The 4th edition of the manual does not provide such information for service stations. Regression analyses were conducted in the study to determine the correlation between the number of VFPs per station and the number of trips generated per station by customers including the purchase of gas in their visit. Transactions that excluded the purchase of gas ("mart only," "car wash only," "lube only," "mart and wash," and "no sale") were not included in these analyses. These analyses show that a low correlation exists between the number of trips generated per day by customers that purchased gas (R^2 = 0.32) and customers that purchased gas and also used other services such as the mart, lube, or car wash facilities (R^2 = 0.17). Factors such as highly competitive markets, reduced demand, or overestimation of the number of MHDs required to maximize autogas sales for a given service station might cause the low correlation.

From the regression analysis, it can be concluded that estimating the amount of traffic that a service station generates according to the number of pumps or VFPs might not be particularly reliable. However, this methodology is convenient and can be made consistent if the problems with "terminology" (definition of service stations, pumps vs. VFPs, and so forth) are resolved.

Cost Implications of Trip Generation Methodologies

The general misconception regarding service stations is that substantial increases in traffic generation result from the introduction of new uses to an existing site. Data generated by this study clearly demonstrates that the addition of a convenience mart, car wash, or some other type of use does not necessarily result in the same traffic increases that such uses would generate on their own as a separate development. In fact, the additional traffic generated by such ancillary uses can be classified as minimal in most cases (that is, significant portion of increased business activity is generated from existing customers, not new customers). The potential for substitution or consolidation of trips by customers (who get gasoline, buy items from the mart, and have their vehicles serviced at one location as opposed to several separate locations) might actually have the effect of reducing the amount of traffic on nearby streets.

Inappropriate methodologies are often used to calculate the estimated number of trips generated by a service station. An example of the possible consequences of using an invalid methodology is illustrated in Table 4. This table summarizes the number of trips estimated to be generated by a service station applying ITE rates versus observed (study) trip generation rates. As demonstrated in Table 4, inappropriately using the ITE method results in an overestimation of 1,309 trips per day.

Not only do overestimations of traffic impacts lead to unnecessary community concerns, but the monetary consequences can be tremendous. Table 5 provides two examples of typical service station projects involving traffic impact fees that are based on trip generation estimates, one in Santa Ana, California, and the other in Carlsbad, California. The Santa Ana example is a proposed gas station with mart (GS) building, with 1,200 square feet of mart area, a car wash, and a total of 12 VFPs. Applying the observed trip generation rate for service stations with mart and car wash facilities yields a total of 1,848 trips per day. However, by using separate ITE rates for a service station, a convenience market, and a car wash, a total of 2,768 trips are projected, or a difference of 920 trips. This represents a 50 percent overestimation of traffic. Since the city of Santa Ana collects a traffic fee of $12.70 per trip estimated to be generated by a commercial development, the

Table 3. Trip Generation, Peak Hours of Adjacent Roadways

Type of Station	*Number of VFP[a]*	*Morning Peak Trips[b]*	*Morning Peak Trip Rate[c]*	*Afternoon Peak Trips[b]*	*Afternoon Peak Trip Rate[c]*
Gas Station Only	8.00	91	11.375	105	13.125
Service Station Only	8.00	95	12.167	132	17.063
ITE Figures[d]	8.00	86	10.730	130	15.180
Gas Station with Mart	12.80	127	9.571	148	11.621
Service Station with Mart	11.67	116	10.619	142	12.998
ITE Figures[d]	8.00	97	11.160	140	17.450
Service Station with Car Wash	8.00	80	10.000	124	15.500
ITE Figures[d]	N/A	N/A	N/A	N/A	N/A
Gas Station with Mart & Car Wash	12.33	134	10.780	149	11.913
Service Station with Mart & Car Wash	13.50	83	6.285	113	8.404
ITE Figures[d]	8.00 (a.m.)	135	16.880	—	—
	9.00 (p.m.)	—	—	146	16.180

[a]Vehicle fueling positions
[b]Not including no sale use
[c]Ratio of trips/VFP
[d]From ITE *Trip Generation*, 5th edition

Table 4. Comparison of Trip Generation Methodologies and Rates

Service Station With Convenience Market and Car Wash—Estimated Trips Using ITE Method

Use	*No. of Units*	*Daily Trip Ends Per Unit*	*No. of Trips*
Service Station (13 pumps)	13	133.000	1,729
Convenience Market (924 square feet)	0.924	887.056	820
Car Wash (1 stall)	1	108.000	108
Total			2,657

Service Station With Convenience Market and Car Wash—Estimated Trips Based on Observed Study Data

Use	*No. of Units*	*Daily Trip Ends Per Unit*	*No. of Trips*
Service Station (13 pumps) with Mart and Car Wash	13	103.659	1,348
Net Difference Between ITE Rate & Observed Rate			1,309

net cost difference (savings) is $11,684 if the study's observed trip generation rates are used instead of the current ITE rates.

The Carlsbad example features a conventional (or GSLX building) service station with 2,567 square feet of mart area, a car wash, and a total of 16 VFPs. As also shown in Table 5, applying the city's rate for a service station, a total of 2,080 trips are projected. By using the study's observed trip generation rate for service stations with mart, car wash, and lube facilities a total of 1,659 trips per day is estimated. The difference of 421 trips represents a 25 percent overestimation of traffic. Given that the city of Carlsbad collects a $10 per trip "traffic impact fee" as well as a $22 per trip "bridge and thoroughfare fee," for a total of $32 in fees for each trip estimated to be generated by a new service station, an overestimation of 421 trips equates to a $13,472 overpayment of the city's traffic fee.

There are, of course, numerous other examples of how fee structures and methodologies affect the "bottom line." While not much can be done about traffic fees and their growing applicability in cities and towns across the nation, faulty methodologies and assumptions should be vigorously challenged.

Conclusions

Based on the study findings the following conclusions were reached:

- Because of differences in equipment design, industry nomenclature, and community interpretation of the term, any reference to gasoline pumps should be replaced by the term vehicle fueling positions (or VFP), when discussing trip generation.
- The average daily trip rate found in the 4th edition of *Trip Generation* manual underestimates the amount of traffic generated by service stations.
- It is uncertain whether no-sale traffic is included in the ITE manual. If such traffic is included in the manual, this would result in overestimation of the amount of traffic generated by service stations.
- The combination of the average daily trip rates for service stations, convenience markets, and car washes found in the 4th edition of the ITE manual overestimates the amount of traffic generated by service stations featuring marts and car washes.
- Pass-by traffic is often disregarded when calculating the number of trips generated by service stations, resulting in overestimation.
- Overestimations of service station traffic lead to unwarranted community concerns about "over-intensification" of uses and potential traffic impacts.
- Overestimations of service station traffic can result in significant monetary consequences when traffic impact fees are assessed by local government agencies.

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Table 5. Comparison of Traffic Impact Fees (Based on ITE Versus Study Trip Generation Rates)

City of Santa Ana, California
1,200 S.F. Under Canopy GS with Mart and Car Wash and 6 MPDs (12 Pumps)

Methodology	Number of Units	Rate (Trips Per Unit)	No. of Trips	Fee Per Trip	Total Fee To Be Paid
Current ITE Rates[a]					
Service Station	12 Pumps	133.000	1,596	$12.70	$20,269.20
Convenience Mart	1.2 KSF	887.056	1,064	12.70	13,512.80
Car Wash	1 Stall	108	108	12.70	1,371.60
ITE Totals			2,768		35,153.60
Mobil Study Rates for Gas & Mart Station[b]	12 Pumps	153.992[b]	1,848	12.70	23,469.60
Potential Cost Savings					$11,684.00

City of Carlsbad, California
2,567 S.F. GSLX/Conventional with Mart and Car Wash and 8 MPDs (16 Pumps)

Methodology	Number of Units	Rate (Trips Per Pump)	No. of Trips	Fee Per Trip	Total Fee To Be Paid
Current SANDAG Rates[c]	16 Pumps	130.000	2,080	$32.00[d]	$66,560.00
Mobil Study Rates	16 Pumps	103.659[e]	1,659	32.00	53,088.00
Potential Cost Savings					$13,472.00

[a]From ITE *Trip Generation*, 4th edition
[b]Average observed trip rate for gas and mart station with car wash
[c]From "Traffic Study for Mobil Oil Station in the City of Carlsbad," Basmaciyan-Darnell, Inc., revised January 15, 1991
[d]$10/trip traffic impact fee + $22/trip bridge and thoroughfare fee
[e]Average observed trip rate for service stations with mart, car wash, and lube facilities

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Trip Generation Characteristics at Gasoline Service Stations

BY TAPAN K. DATTA AND PAUL A. GUZEK

Development of commercial activities at or near intersections of arterial roadways often results in a change in traffic flow characteristics, an increase in traffic, and a change in accident characteristics. Most road agencies require evaluation of such impacts on the existing traffic and roadway system before granting approval of the site plans.

Such commercial developments include building new gasoline filling stations or rebuilding existing ones. In general, many gas stations are quite old and do not serve the current needs of the motoring public. For example, from the 1950s through the 1970s, street-corner service stations were one of the major providers of auto repair service. Since the 1980s, the aggressive campaigns of auto dealers, the advent of national chains offering tune-ups, oil changes, and so forth, and the improved quality and reliability of all cars have caused a reduction in business for the neighborhood gas station's auto repair service. As the demand decreases, gas station owners are foregoing their repair service and instead opening convenience stores and car washes to utilize the available space and to take advantage of the business opportunity.

In response, many local communities have passed zoning ordinances to prohibit storage of vehicles, tow trucks, and so forth on the premises of gas stations in certain areas. They also are requiring a thorough review of the traffic and aesthetic impacts of proposed gas stations with convenience stores or car washes. During such a review process, the issue of trip generation rate and expected traffic flow patterns invariably dominates discussions among the developers and the local community. Unfortunately, limited data are available to use in traffic impact studies for such development.

In order to develop a database, the authors of this article have recently conducted several such trip generation data collection efforts at gas stations in Michigan. The sites varied in their characteristics, including size of property, number of gas pumps, number of driveways from the abutting streets, socioeconomic characteristics of the population in the vicinity, and existence of convenience stores and car washes. This paper reports the data and the findings of the studies.

Study Sites

The study sites included six gas stations in Michigan. Most of the sites have convenience stores and one site has a car wash and a convenience store. The combination of activities such as gas filling station, convenience store, and car wash creates trip generation characteristics and traffic flow patterns that are different from the trip generation characteristics provided in *Trip Generation*.[1]

The sites' locations and their driveway characteristics are as follows:

Site 1. Woodward Avenue and 14 Mile: Two driveways on each of the two major streets. An additional driveway on the minor side street.

Site 2. Cooley Lake and Williams Lake: Two driveways on one street and one driveway on the other.

Site 3. Grand River and Okemos: Two driveways on each abutting street.

Site 4. Grand River and Schaefer: Two driveways on each of the three abutting roadways.

Site 5. Lake Lansing and Kerry: Two driveways on one road and one driveway on the other abutting road.

Site 6. Grand River and Haggerty: One driveway on each of the two abutting roadways.

While there are significant differences between some of the sites, it is not appropriate to subdivide the data set into various groups. Groupings of sites with homogeneous characteristics would be appropriate if there had been a large number of study sites in the database.

Traffic Data

At all six service station locations, traffic into and out of the sites was counted manually. Data collection at most sites covered from 7 a.m. to 7 p.m. on a typical weekday. However, at one site (Williams Lake and Cooley Lake), a study of entering and exiting traffic was performed for a typical 24-hour period. The surveys did not include collecting data on various trip purposes, such as "gas only," "convenience store only," or both. A summary of the trip generation data is presented in Table 1.

From the data in Table 1, it is clear that there is quite a variability in trip

generation rates among the six study sites. The average trip end rates (sum total of entering and exiting traffic) are also shown in Table 1.

It is important to point out that site 3 is an old gas station with a poor overall appearance, whereas site 6 is a station that includes gasoline pumps, a convenience store, and a car wash. These two sites are very different and as such may not reflect typical trip generation characteristics.

Trip Generation

In the past, most studies used the number of pumps at a gasoline station as the key independent variable in the determination of trip rates. While this variable seems logical, this study indicated that other variables often affect the trip rate, including the following:

- Price of gasoline in comparison with prices at other service stations in the vicinity.
- Availability of other services, like convenience store and car wash on the premises.
- Existence of other service stations in the vicinity.
- Location of other convenience stores in the vicinity.

The above observations reflect the results of this study of six sites. It is also important to note that at all of the six study sites, lines of cars waiting to fill up their tanks were rare.

The third edition of ITE's *Trip Generation* informational report provided the following information for service stations:[1]

Average weekday trip rate = 748,
Maximum weekday trip rate = 1,000,
Average morning peak period (peak of adjoining roads) trip rate = 21,
Maximum morning peak period (peak of adjoining roads) trip rate = 50,
Average afternoon peak period (peak of adjoining roads) trip rate = 25,
Maximum afternoon peak period (peak traffic at the site) trip rate = 52.

The peak-period traffic of the service stations reported in this paper recorded trip rates similar to the third-edition data. It is important to note that the previous rates are based on per station only and are not related to number of pumps, despite the fact that number of pumps is considered a key variable.

The results of 12-hour and peak-period analysis of the six sites studied indicated the following:

Average weekday 12-hour (7 a.m. to 7 p.m.) trip rate = 1,104 trips for 12 hours,
Maximum weekday trip rate = 1,899 trips for 12 hours,
Average morning peak (peak period of adjoining roads) period trip-end rate = 83 per hour,
Maximum morning peak (peak period of the sites) period trip-end rate = 144 per hour,
Average afternoon peak (peak period of adjoining roads) period trip-end rate = 121 per hour,
Maximum afternoon peak (peak pe-

Table 1. Summary of trip generation data.

Study Site No.	Study Sites	Total No. of Vehicular Trip Ends (7 a.m. to 7 p.m.) In	Out	Total	Morning Peak Period Vehicular Trip Ends/Hr. In	Out	Total	Afternoon Peak Period Vehicular Trip Ends/Hr. In	Out	Total	Total 24-Hr. Vehicular Trip Ends In	Out	Total
1.	Woodward Ave. & 14 Mile Rd.	323	321	644	26	26	52	46	45	91			
2.	Cooley Lake & Williams Lake Rd.	564	559	1,123	54	49	103	58	58	116	799	808	1,607
3.	Grand River Ave. & Okemos Rd.	237	236	473	8	7	15	32	33	65			
4.	Grand River Ave. & Schaefer Rd.	606	610	1,216	40	45	85	62	62	124			
5.	Lake Lansing Rd. & Kerry St.	645	622	1,267	55	46	101	79	69	148			
6.	Grand River Ave. & Haggerty Rd.	947	952	1,899	71	73	144	92	91	183			

Table 2. Trip-end rates for the study sites and the overall averages of the number of vehicular trip ends per pump.

Study Site No.	Description	No. of Pumps	Total 12-Hour Trip Ends Nos.	Rate (trip ends/pump)	A.M. Peak Hr. Trip Ends Nos.	Rate (trip ends/pump)	P.M. Peak Hr. Trip Ends Nos.	Rate (trip ends/pump)
1.	Woodward Ave. & 14 Mile Rd.	8	644	80.5	52	6.5	91	11.4
2.	Cooley Lake & Williams Lake Rd.	12	1,123	93.6	103	8.6	116	9.7
3.	Grand River Ave. & Okemos Rd.	12	473	39.4	15	1.3	65	5.4
4.	Grand River Ave. & Schaefer Rd.	10	1,216	121.6	85	8.5	124	12.4
5.	Lake Lansing Rd. & Kerry St.	8	1,267	158.4	101	12.6	148	12.3
6.	Grand River Ave. & Haggerty Rd.	12	1,899	158.3	144	12.0	183	15.3
	AVERAGE			108.60		8.25		11.08

riod of the sites) period trip-end rate = 183 per hour.

The above trip-end rates are significantly greater than the rates shown in the third edition of *Trip Generation*. Analysis was performed to determine the trip-end rates as a function of number of pumping locations. Table 2 shows trip-end rates for all six sites and the overall averages of number of vehicular trip ends per pump.

A review of the study sites indicated that the number of pumps installed was not based on demand. In fact, the size of the property and whether or not the local zoning ordinances allow convenience store and car wash facilities are more relevant factors in determining the number of pumps. As such, number of pumps may not be the key independent variable for determining future trip ends at a new service station location.

The fifth edition of *Trip Generation* provides linear regression models for typical weekday morning and afternoon peak-trip generation rates.[2] The averages and ranges of rates are listed below:

Morning Peak. Average rate = 10.73 trip ends/pump/hour; minimum rate = 6.75 trip ends/pump/hour; and, maximum rate = 14.75 trip ends/pump/hour.

Afternoon Peak. Average rate = 15.18 trip ends/pump/hour; minimum rate = 7.80 trip ends/pump/hour; and, maximum rate = 37.25 trip ends/pump/hour.

The average rates observed in the six-site study are lower than the fifth edition rates. It is important to point out that the number of sites considered in *Trip Generation* is very small (five studies for morning and seven for afternoon). Study site 6 in the current data set is the only one that has a convenience store and a car wash; it had a morning peak-hour trip-end rate of 12 per pump per hour and an afternoon peak-hour trip-end rate of 15.3 per pump per hour. In comparison, the fifth edition of *Trip Generation* reports 16.88 trip-ends per pump per hour.

The use of number of pumps as the key independent variable for forecasting trip generation rates for a gasoline service station can only be meaningful if the number of pumps for a new facility is based on specific customer demand characteristics. In reality, this decision is often made by the owner/developer based on other considerations, including space availability, local zoning requirements, restrictions in canopy, and company standards.

Conclusions

The trip generation rates must be improved to find any reasonable correlation between traffic forecast and actual occurrences. The market analysis must also include potential customer projections before determining the number of pumps.

Many regional differences will still exist unless the trip generation models are based on larger databases and from various regions of the country.

It is important to note that selection of number of pumps may never be based on scientific and logical principles; thus, investigation must be made to find other independent variables for trip generation analysis.

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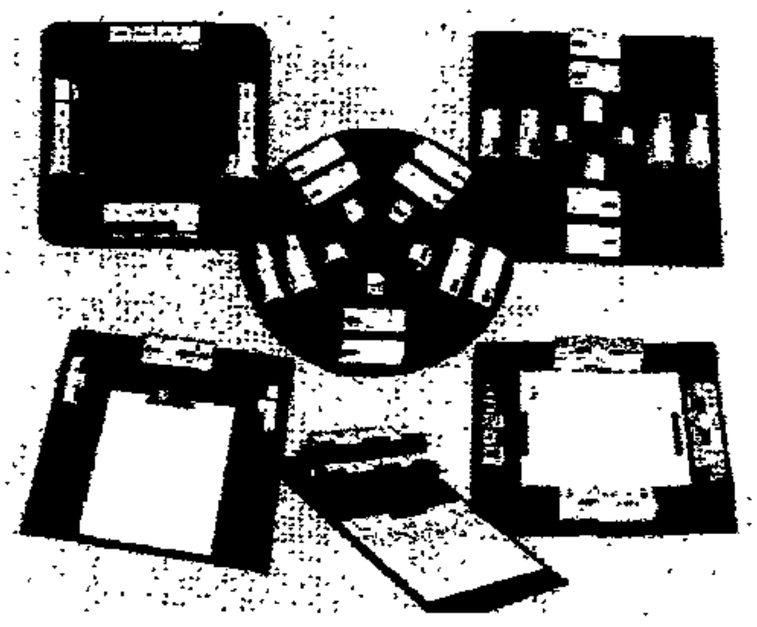

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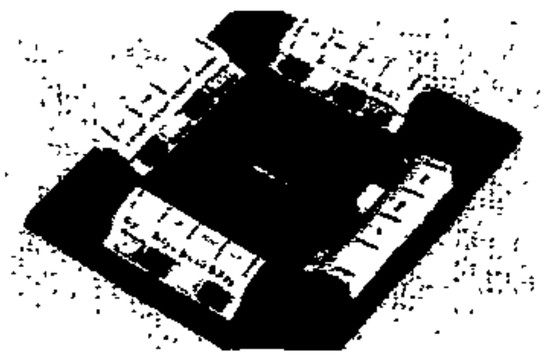

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PROT 10C

Trip Generation Studies of Gas/Convenience Stores

BY GREG LUTTRELL

The purpose of this study was to begin establishing a local database of trip generation characteristics for gas/convenience sites. Recently, the development review process has seen an increasing number of these combined-use sites, which include both the sale of gas and convenience (grocery) items. The increase in popularity of these sites leads to an emphasis on the need to know and understand their trip characteristics. By establishing a local database containing these data, a more realistic assessment of their impacts may be made.

Recently, the trip generation subcommittee of the Florida District/Section of the Institute of Transportation Engineers sent out a call for additional data. Among the new land uses identified as having data needs is the "Convenience Market with Gasoline Pumps" (land-use code 853). Currently, little published data exist for this land use. Afternoon peak-hour trip generation data for this land use were collected in our study. The study acts as an initial step in helping local development and traffic engineering communities to understand trip characteristics relating to gas/convenience sites.

Study Methodologies

The trip generation subcommittee has distributed for comment a draft procedures manual for the collection of trip generation data. Titled *Trip Generation Data Collection Procedures Manual* (April 1988),[1] it is meant to be used in conjunction with the ITE trip-generation report.[2] This procedures manual outlines a summary of current thinking on what data are required for "a thorough trip generation study."[2] This thorough study would include the following items:

1. The average weekday traffic generated by a particular land use.
2. Variations in rates to be expected on weekends.
3. The specific peak hour and peak-hour traffic volumes of the generator (study site).
4. The volume of traffic generated by the study site during the peak hour of the adjacent roadway(s).
5. The directional split (entering versus exiting) of traffic during the peak hours and on a daily basis.
6. The person-per-vehicle (occupancy) factor for site-oriented trips.
7. The distribution of trips by mode (passenger car, truck, bus, taxi, etc.).
8. The number of new trips generated by the study site versus the number of trips diverted from the existing traffic stream.

For many different land uses, each of these items will have a varying degree of availability and importance. For example, is the weekend trip variation of an office building necessary? Probably not because most offices are closed on weekends, thus generating little or no traffic. Likewise, without the support of many technicians, attempting to collect pass-by data for a regional mall with many out-parcels would be extremely difficult. This type of reasoning led to the collection of only that data that were obtainable with current resources and that would be the most usable.

The data actually collected focused on three principal areas: trip generation data during the afternoon peak hour of the adjacent roadway; directional distribution (split) during this time period; and a breakdown of trips by purpose (gas, convenience, or both).

Data were collected only during the afternoon peak hour for two reasons. Locally, the afternoon peak hour is the critical time period for roadway operations and the period used for site impact analysis. Morning peak hour and daily data were not collected. This study strived to collect and analyze only information that could be readily used by the engineering and development sectors. Collecting morning peak-hour data would not have satisfied this purpose. Also, collecting data for longer periods becomes very manpower intensive.

Directional split is not an important variable for this land use because each vehicle spends only a small amount of time on site. It is presented here because it was a by-product of the other data collected. This study did not attempt to collect all eight of the previously presented items. To do so would have required a prohibitive number of technicians be-

Conversion Factor		
To convert from	to	multiply by
sq. ft	m^2	0.0929

cause physical presence is required on site during the study period. This study is, however, valid when considering the eight items because it begins the process toward understanding the critical trip characteristics of the gas/convenience land use.

The third item, trips by purpose, leads to the major difference in collecting trip generation data for gas/convenience sites versus most other land uses. The variables involved in this land use are number of pumps and building size. These two items vary by site and have an influence on the site trip generation. In order to assign trip rates to both of these variables, each trip must be defined as a gas only, convenience only, or combined trip. This determination is made by observing the occupants of each vehicle as they enter and exit the store. Physical site presence and attentiveness are required to track all of each vehicle's occupants. The criteria used to make the trip purpose determination were as follows. A trip was determined to be a gas-only trip if a vehicle's occupant(s) pumped gas and did not leave the store with grocery items. Trips in which a vehicle entered the site and did not pull up to the pumps were considered convenience- (grocery) only trips. If a vehicle's occupant(s) pumped gas and one or more of the occupants left the store with grocery items, the trip was considered a combination trip. By determining the trip purpose, an assignment of the trips to the two site variables was possible. Gas/convenience sites cannot be studied simply by mechanical means.

Study Procedures

An overview of specific criteria used in this study is discussed here:

- Each site was studied for one afternoon peak-hour period (4–6 P.M.). These studies were performed Tuesday through Thursday so that the traffic variations commonly experienced on Monday and Friday would not affect the results.
- To ensure that the hour of data selected for later analysis at each site matched the actual afternoon peak hour of the adjacent roadway, 15-minute machine counts were taken on the adjacent major road. These counts were taken from approximately 3:30 to 6:15 P.M. on the same day the manual site counts were performed.
- Actual location of the survey vehicle was within public right-of-way. Attempting to get permission from each local owner/operator to enter the site would have been very time consuming and would not have greatly increased the validity of the study results.
- Manual counts were taken in 15-minute intervals from 4 to 6 P.M. These included driveway (in/out) and trip purpose (gas, convenience, or both) counts.
- It became apparent that occupants from 100 percent of the vehicles using the site could not be accurately watched or their purpose determined. Classification of trip purpose for most of the sites ranged from 30 percent to 50 percent of the total site trips for the peak hour.

Collecting only that data actually needed and available allowed each site to be studied quickly and easily. The counts at each site took 7–8 person-hours (3.5–4 hours per person) to complete. This included travel time, machine counter setup and take down, and the actual 4–6 P.M. manual count time. Each site required two persons. This allowed one person to count only the driveway volumes and the other to devote complete attention to the task of trip purpose classification. By using these parameters, studies of this type can be performed on a spare-time basis and still yield the needed data.

Data Analysis

The analysis of the data collected included both standard and non-standard trip generation calculations. The collected data classified a sampling of the site trips by purpose. The gas-only and convenience-only trips could be converted to generation rates using standard calculations. These sites, however, also include a combined category for those trips utilizing both the gas and convenience aspects of the site. To distribute these trips to one of the two site variables so that trip rates could then be calculated, the following assumption was used: Assume that the gas availability had a trip attraction (pull) to the site equal to its relative percent of "gas-only" trips when compared with the "convenience-only" trips. Likewise, the convenience site attraction was equal to its "convenience-only" percent relative to the "gas-only" trips.

An example is presented in Table 1. Site LC4 (Newman's/Fowler) had adjusted counts of 45 gas-only and 82 convenience-only trips for the peak hour of the adjacent road. Relating this to the assumption, there were a total of 127 "only" trips to this site. The split of these "only" trips was 45/82 (35%/65%). The combination (both) trips were distributed using the percentage split of the "only" trips. For this site, the both trips were distributed in the 35/65% split to the gas-only and convenience-only categories, respectively. The total 27 combined trips yielded an additional 10 trips to the gas column and 17 trips to the convenience column. These adjusted totals were then related to their standard unit of number of pumps for gas and thousand square feet (KSF) for convenience. This yielded the trip generation rates relative to both site variables.

It has been suggested that the volume of the adjacent roadway should be factored into trip generation calculations. This was not done for three reasons. First, the volume of the adjacent roadway does not enter into any other trip generation calculations. The adjacent road volumes only become important when site impact calculations are made relative to road capacity and site capture. Second, all sites studied were established, successful businesses. We reasoned that a site would not be functioning if the company or owner did not feel that it would be successful, thus qualifying the site to be included in the database. Finally, no apparent correlation between the adjacent road volume and the trip rates was found. For example, site L11 (Super America) on S.R. 78 had 260 total site trips while site L10 (7-11), also on S.R. 78, had only 106 total site trips. Both are on the same road, but generate traffic much differently. Also, site PB4 (Stop-n-Go) is located at one of the busiest intersections in Palm Beach County, yet it generated relatively little traffic. We strongly feel, and the data support, that the importance of the amount of adjacent roadway volume, relative to this database, is not valid.

Table 1 presents the data collected for each of the 18 sites studied. The site characteristics noted in the table include

Table 1. Trip Generation Calculations

Site No.	Site Identification: Store Name/Location	Site Characteristics: A	B	C	No. Pumps	Bldg. Size (sq. ft.)	Raw: Gas	Both	Conven.	Site Trips	Adjusted: Gas	Both	Conven.	Total: Gas	Conven.	Trip Rates: I/Pump	I/KSF
Collier County																	
CC1	Super America/Pine Ridge	•	•	•	12	4750	42	43	119	342	70	72	199	89	253	7.43	53.2
CC2	Super America/Airport	•	•	•	12	4750	26	26	58	248	59	59	131	77	171	6.40	36.1
Lee County																	
LC1	Super America/Golfview	•	•	•	12	4230	26	19	23	168	61	44	63	82	86	6.87	20.2
LC2	Newman's/Pondella	—	—	•	6	1914	13	5	12	70	30	12	28	36	34	5.97	17.6
LC3	Chevron/Crystal	•	—	•	10	352	13	8	9	76	33	20	23	45	31	4.49	88.3
LC4	Newman's/Fowler	—	•	•	6	2400	15	9	27	154	45	27	82	55	99	9.17	41.3
LC5	Super America/Lehigh	•	•	•	12	4136	33	23	54	225	67	47	110	85	140	7.11	33.8
LC6	Handy Food/Lehigh	—	—	•	8	2700	16	6	50	170	38	14	118	41	129	5.15	47.7
LC7	Mobil Mart/College	•	—	•	12	816	63	17	29	239	138	37	64	164	75	13.64	92.3
LC8	Mobil Mart/Crystal	•	—	•	12	912	31	9	17	138	75	22	41	89	49	7.43	53.6
LC9	Racetrac/Daniels	—	—	•	8	1925	12	16	19	249	64	85	101	96	153	12.05	79.9
LC10	7-11/St 78	•	—	—	4	2640	2	3	46	106	4	6	96	4	102	1.10	38.5
LC11	Super America/SR 78	•	•	•	12	4185	26	22	42	260	75	64	121	99	161	8.28	38.4
Palm Beach County																	
PB1	Gulf Food Mart/Congress	•	—	•	9	697	34	10	5	109	76	22	11	95	14	10.56	20.0
PB2	7-11/Congress	•	—	•	4	2805	16	14	59	230	41	36	152	49	181	12.27	64.5
PB3	Food Mart/Forest Hill	—	—	•	10	1632	25	9	41	135	45	16	74	51	84	5.11	51.4
PB4	Stop-n-Go/Military Tel.	—	—	•	8	2535	9	4	37	89	16	7	66	17	72	2.48	28.2
PB5	Step Saver/Forest Hill	—	—	•	8	2700	22	7	33	116	41	13	62	46	70	5.80	25.8

A = National Chain. B = Diesel Available. C = Air, Water, Phone Available. • = Yes. — = No.

information relative to the store being a national chain; the site having diesel fuel available; and whether air, water, and phone(s) were present. These variables were used as sorting criteria to better characterize the trip rates. Although these characteristics did yield different trip rates, some results need to be further defined through comparison with additional data.

The number of pumps was defined as the number of vehicle stations available. For example, if a pump island contains one pump that can be accessed simultaneously by vehicles from both sides, then it would be counted as two pumps. Therefore, a site having three pump islands with two pumps each (one for each of two grades of gas), which can be used from both sides simultaneously, would be defined as having six pumps.

The building size represents an exterior measurement. Although it does not represent the exact size of the building, small variations in this value have little or no effect on the final results. These site variables were used to later obtain trip rates.

The raw and adjusted counts for the afternoon peak hour are also listed in Table 1. These represent the sampling results of the trip purpose classification. Site trips are defined as the total site peak-hour trip ends (in plus out). Although directional split data are not presented here, it varied little from the expected 50/50% split. The adjusted columns of counts are a breakdown of the total site trips by purpose. For example, site LC8 (Mobil Mart/Crystal) had 31 of the sampled trips for gas only and total site trips of 138. When this gas-only value is compared with the total sampled value of 57 trips and then related to the 138 site trips, an adjusted gas-only value of 75 is obtained. The adjustments are standard for trip generation calculations.

The values shown in the total gas and convenience columns of Table 1 were generated based on the assumption discussed earlier. That is, the both (combined) trips were split into the gas and convenience totals relative to the attractiveness of the gas-only and convenience-only adjusted values. These values were then divided into the site variables. The results are the afternoon peak-hour trip generation rates for gas/convenience store sites.

Further analysis was then performed on the trip rates based on the different site characteristics observed. A summary of these results is given in Table 2. These values include an average of the 18 site trip rates resulting in average trip rates of 7.28 trips per pump and 46.1 trips per KSF of building. Although these overall values are valid, sortings based on the three site characteristics were performed that suggest a valuable further classification of rates. These values show variation in the with and without trip rates, which indicate that the presence of certain site characteristics does affect the ultimate site trip total. For example, a national chain appears to generate more trips for both site variables. This equates to approximately 1.28 trips per pump and 7.4 trips per KSF. These variations should be applied to a site impact analysis to more realistically assess its impacts. The values based on these site characteristics sortings should be used with caution. In certain instances, the sample sizes are too small to be reliable or to draw any specific conclusions. This specifically applies to characteristic C, which was not shown in Table 2. This type of data sorting does, however, represent an attempt to further understand the different items affecting trip rates.

Table 2 also shows the results of other data sortings relative to the location and physical site variables. The sites are located in three Florida counties. As shown in Table 2, trip rates for the different counties vary from 6.92 to 7.40 for

Table 2. Trip Generation Rate Summary

Parameters	Trip Rates T/Pump	Trip Rates T/KSF
Trip Generation Averages (all 18 sites)	7.28	46.1
Sorted Trip Generations Averages		
Characteristic "A"		
No	6.50	41.6
Yes	7.78	49.0
Characteristic "B"		
No	7.15	—
Yes	7.54	—
Location Averages by County		
Collier County	6.92	44.7
Lee County	7.40	50.1
Palm Beach County	7.18	38.0
Building Size Averages (sq. ft.)		
<1000	—	63.6
1000–3000	—	43.8
>3000	—	36.3

Characteristic "A" = national chain.
Characteristic "B" = diesel available.

trips/pump and from 38.0 to 50.1 for trips/KSF. This further reinforces the need for local trip generation data (when available) versus the use of nationwide averages. Data sorting based on the number of pumps did not yield any strong conclusions and was therefore not shown in the table. The data sorted based on building size do indicate that a threefold categorization may be appropriate. These would be for buildings under 1 KSF, between 1 and 3 KSF, and those over 3 KSF. These different groups produced quite different trip rates, with the smaller categories having higher trip rates. Once again, this type of further focusing of the trip generation characteristics will allow site impacts to be more accurately assessed.

Conclusions

Trip generation rates relative to the two site variables were obtained from this study. These rates show that the gas/convenience site generates traffic varying relative to its number of pumps, building size, and site characteristics. The calculations leading to the trip rates were shown (Table 1) and explained. These rates were determined using an assumption of trip attractiveness of the two site variables, which allowed for the analysis of these mixed-use sites. The rates were then sorted relative to the factors listed previously to better understand the trip generation characteristics of this land use. The data strongly suggest that different sites *do* generate different amounts of traffic and that variability can be somewhat categorized. By performing these sortings, better values can be achieved, which will then lead to much better site impact analysis.

Many items require additional study, including site capture and pass-by traffic rates, as well as other items mentioned earlier. Those attempting to collect capture data should be aware that because trip rates must address two independent site variables, so must the capture rates. For instance, the capture percentage for gas may be "x" and for convenience "y." These percentages must also address the combined (both) trips. It would be expected that capture rates would vary greatly and be dependent on many of those items that influence trip rates.

This study was performed to better our understanding of the trip characteristics of these popular sites. By collecting, analyzing, and using local data, we may more accurately project the traffic impacts of land uses on our road networks.

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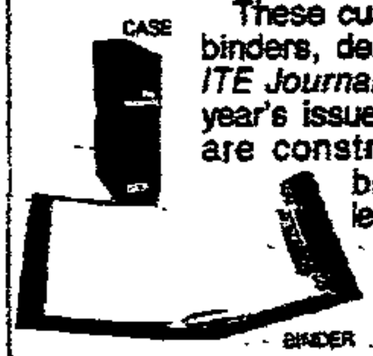

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Cockeysville, Maryland 21030

(410) 628 - 5988 FAX (410) 683 - 3153

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1215

410-484-8215 --
410-484-4889 96
410-602-0310 92
410-486-8563 --
410-602-0804 99
410-484-3015 --
410-484-2492 --
410-484-7279 94
410-484-4194 --
410-486-0976 90
410-484-1290 --
410-484-2085 98
410-484-2056 91
410-484-3643 96
410-602-1954 96
410-653-0726 94
410-486-2545 --
410-653-4886 97
410-484-1094 80
410-653-3769 98
410-653-4672 93
410-484-7742 99
410-484-0818 86
410-484-8657 99
410-486-0274 --
410-484-4653 84

410-486-8338 --

410-486-8338 89
410-484-0019 95
6-NEW

0410-654-9954 99
410-363-0723 80
N/A
N/A
410-654-6949 97
410-363-4732 80
N/A
410-363-1783 80
0-NEW

410-944-3261 79
0-NEW

410-655-1335 98
410-496-3219 98
410-922-2228 95
410-496-5596 98
410-922-0886 92
410-922-1079 98
410-521-5110 96
410-521-7461 93
410-922-1694 90
410-655-3103 87
410-922-4925 95
410-521-4755 97
410-922-7730 98
410-521-9092 99
410-521-9092 99
410-496-1287 98
410-496-4369 99
410-521-8238 97
410-922-4646 93
410-655-5714 91
410-521-8181 98
410-655-1688 99
410-521-5623 96
410-496-4994 99
410-922-3694 99
410-922-5120 99
410-521-3673 99
410-521-2992 94
410-922-0397 --
410-922-0745 99
410-655-4689 89
410-655-2622 99
410-922-5179 99
410-655-5834 99
410-521-6411 92
410-655-1607 97
410-521-7650 94
410-655-8047 96
410-655-3371 95
410-521-3627 99
410-922-3964 90
410-655-0425 88

410-655-9782 --

410-653-1800 --
NEW

Perry Rd

410-256-5218 78
410-256-5218 80

CRISMERS CT 21207 Contd

3	Gooden Benjamin Jr	410-944-3092 --
5	Tilghman Miriam B	410-944-6193 --

0-BUS 4-RES 0-NEW

CROMARTY RD 21229

w fr Charing Cross Rd, s fr 5100 Baltimore National Pike

Map 59:881-530

4	●Homer Robert D	410-788-8162 93
6	Cheek Beatrice	□410-719-2038 99
6	Waddell B	410-719-1219 97
8	Johnson Woodrow	410-747-5081 93
8	Ward K A	□410-455-0446 99
5210	●Mrozek Joseph F	410-744-3677 90
5212	Hanzsche Laura	410-747-9326 93
5214	●Fahey D L	410-747-2710 --
5216	●Liaci D	410-788-8861 96
5216	Smith C	+410-788-9343 99
5218	Will Norbert J	410-747-5895 --
5220	Chappell Kim	410-744-6877 91
5222	●Schmulowitz Kim	410-744-5877 91
5226	●Dietrich John P	410-747-0311 86
5228	●Long M E	410-747-7360 --

Prasad Arun +410-788-7017 99

0-BUS 16-RES 2-NEW

CRONDALL LANE (Owings Mills) 21117

e fr Bonita Ave

Map 37:863-583

3600	#Berman Financial Svcs	410-356-3328 97
3600	#Cambridge Collection	+410-356-2000 99
3600	#Fonte Salvatore GA	410-356-2890 97
3600	#Hankoff Insurance Group Inc	410-356-0400 96
3600	#Hankoff Insurance Grp	410-363-0661 97
3600	#Hitt Cynthia The Law Offices	+410-363-9600 99
3600	#Information Concepts	410-581-2204 98
3600	#International Collectors Society	410-998-9208 97
3600	#International Society Of Poets	410-356-2000 97
3600	#Jerome Apple Co	410-356-3328 97
3600	#Metro Clean Of Maryland	410-654-6655 97
3600	#Residential Rlty Grp	410-654-4444 97
3600	#Sinai Corporate Health Inc	+410-902-7800 99
3600	#Society Of Nursing Professionals	410-356-2000 97
3600	#Tamres Charles H	□410-363-0661 99
3600	#Transamerica Occidental Life Ins	410-356-2890 97
3600	#Watermark Press	410-356-2000 97
3706	#Beth Israel Congregation	410-654-0800 96
3706	#Beth Israel Congregation School	410-654-0803 96
3706	#Beth Israel Cong Pre-School & Kindergarten	410-654-0803 96
3706	#Celebrations Unltd	□410-356-3888 99
3706	#Coastal Mortgage Corp	410-902-7000 98
3706	#Fusion All-Sports Grip Inc	+410-654-0500 99
3706	#Mikro Kodesh Beth Israel	□410-654-0800 99

3717 CRONDALL CENTER

	#Custom Craft Company	410-363-7777 87
	#Schuster Daniel G Inc Shop	410-363-4014 96
3727	#Three Seasons Farmers Market	+410-581-5819 99

27-BUS 0-RES 5-NEW

CRONHILL DR (Owings Mills) 21117

n fr Crondall Lane, e fr Bonita Ave Business Center At Owings Mills

Map 37:864-583

11403-09 OWINGS MILLS CENTER II

11403	#Armstrong Keith G CPA	410-581-0500 90
	#Avatech Solutions	410-902-6900 98
	#Genesis Medical Technology Inc	410-654-0090 95
	#Lewis & Rode CPA	410-581-0500 91
	#Lewis Herbert A CPA Office	410-581-0500 90
	#MCA Systems Inc	410-363-0010 96
	#Oxford Financial Services LLC	+410-654-6300 99
	#Oxford Mtge Svcs LLC	+410-654-6300 99
	#Remarco Inc	410-581-8181 90
	#Risse Louise V CPA	410-581-0500 90
	#Rode Albert E Jr CPA	410-581-0500 90
	#Silver & Silver PA CPA	410-581-2222 90
	#Silver Alan R CPA	410-581-2222 91
	#Silver Stanley M CPA	410-581-2222 90
	#Westport LLC	410-581-8181 98
11407	#Buck A J & Son	410-581-1800 90
	#Mid Atlantic Healthcare Inc	410-356-1414 92
	#Mid Atlantic Home Infusion	410-356-1414 98
11409	#CMP Studios	+410-581-6305 99
	#Cado Systems Inc	410-581-1212 90
	#Health Care Intranet Tchnlgy	+410-581-1257 99

CRONHILL DR (Owings Mills) 21117 Contd

11403-09 OWINGS MILLS CENTER II *Contd*

	Heanbach J	410-356-0793 96
	#Pam's Deli	410-356-6468 93
	#Schmid Marketing	410-998-9191 96
	#Simplex Time Recorder Incorporated sales	410-902-7373 98
	#Wolff Woodworking Co	410-356-0606 90
11409 J	#Complete Printing Ctr	410-363-7474 94
11412	#George P Thomas Rubber Co	410-356-0003 89
11412	#Thomas Industrial Products Co Inc	410-356-0003 89
11416	#Aireco Supply Inc	410-363-6230 98

11421 OWINGS MILLS BUSINESS CENTER

	#Autotote Lottery Corporation	410-998-0800 95
	#Nature's Serenade	410-363-8142 98
	#Prestige Home Mortgage LLC	+410-363-4799 99
	#Prestige Home Mortgage LLC	+410-363-4799 99
	#Prestige Home Mortgage LLC	+410-363-6404 99
	#Prestige Home Mtge	410-363-4799 98
	#Serenade	410-363-8142 98
	#Shapiro Pension Consultants Inc	410-363-9900 98
11422	#Saga Design	410-356-0700 92
11422	#Saga Plexform	410-356-0700 92
11424	#G & H Insulation	410-581-1641 90
11424	#McCormick Insulation Supply Inc	410-581-0040 90
11425	#Smithkline Beecham Clncl Labs Main Lab	410-581-2400 90
11433	#Baltimore Ingredients Intntl	410-902-9066 98
11436	#Allied Export Inc	410-363-0066 98
11436	#Primary Prep Preschool Program	410-581-9955 91
11436	#Unlimited Services Available Inc	+410-902-8200 99
11445	#Intermedia Inc	410-654-2351 98
11445	#Jason Pharmaceuticals	410-581-8042 91
11445	#Medifast	410-581-8042 92
11447	#Daves Property Brokerage Inc	410-356-7474 94
11447	#Diebold Incorporated Sales	410-581-3300 94
11447	#Gelblum Steven M CPA	410-581-3500 94
11447	#Healthcare Automation	410-581-3900 94
11447	#Owings Mills Mediation	+410-581-3595 99
11447	#Physicians Planning Group Inc	410-581-3933 94
11447	#Snyder & Gelblum Chartered	410-581-3500 94
11447	#Snyder Perry CPA	410-581-3500 94
11447 L	#Cohen Richard financial consultant	+410-581-3595 99
11459	#Computerland Northwest General Information	410-356-1010 94
11459	#Computerland Northwest svc	410-356-1010 94
11459	#Music Machine	410-356-4567 94
11459	#Norwest Mortgage Inc	+410-902-0869 99
11459	#Powers Homes Corporate Office	□410-581-3700 99
11459	#Valens Int Systems	410-356-1010 97

64-BUS 1-RES 11-NEW

CRONRIDGE DR (Owings Mills) 21117

n fr Crondall Lane, e fr Bonita Ave Business Center At Owings Mills

Map 37:863-583

11400	#Auto Cad	410-581-8080 91
11400	#Auto Desk	410-581-8080 91
11400	#Avatech Solutions	410-581-8080 98
11400	#Dhillon Engineering	410-356-1095 98
11400	#Executive Business Solutions Sales	410-581-1000 90
11400	#Premier Design	+410-581-8080 99

11403 HAMILTON CORPORATE CENTER

	#Air Techniques A Division Of Hamilton Assoc Inc	410-363-9696 93
	#Ask A Doctor	+410-581-1189 99
	#Consolidated Insurance Center Inc	410-356-9500 94
	#Consolidated Insurance Cnsltnts	410-356-9500 94
	#Dirt Killer Pressure Washers	410-363-9890 94
	#Elevator Safety Co Manufacturer	410-363-9020 93
	#Gateway Technical Services	410-581-9555 93
	#Hamilton Assocs Inc	410-363-9020 93
	#Hiller Edward J atty	410-654-5783 97
	#Katz Ronald B Esquire	410-581-1131 94
	#Kramer Irwin R atty	410-581-1391 97
	#Preferred Capital Group LLC	+410-654-3011 99
	#Steinberg Stanley M	410-363-9696 93
11404	#Lever Brothers Packaging Dvlpmt	410-581-2700 96
11404	#Lever Brothers Co	410-581-2700 96
11408	#Avonovitch Dental Laboratories Inc	410-581-2800 92
11408	#Cagle's Billiard Sls	410-356-7655 92

CRONRIDGE DR (Owings Mills) 21117 Contd

11408	#Free State Adjusters Inc balto branch	410-356-0203 97
11408	#Sweetwater Pool & Spa Center	410-363-9919 92
11408 I	#Shapiro Fred S & Associates Inc	410-902-8300 98
11412	#Hart Industries Inc	410-581-1900 90
11412	#Solitand Corp	410-363-7250 98

11419 CENTRE 1000

	#Amano Lesley R atty	410-654-3850 98
	#Application Consltng Group Inc	+410-902-0551 99
	#Dardick Lewis A atty	410-654-3850 98
	#E K Williams & Co	410-654-1500 98
	#Gershberg & Pearl attorneys	410-654-3850 98
	#Gershberg R L atty	410-654-3850 98
	#Harbor Financial Mortgage	+410-581-8900 99
	#Lightning Golf & Promotions	410-356-1300 92
	#Management Reports & Svcs Inc	410-654-1500 98
	#Meldlesky Howard S IFG Network Sec	410-654-0605 97
	#Mitchell Marketing	410-581-1700 97
	#NMC Technologies	410-356-1444 92
	#Ostrow David S Esq	410-654-0604 95
	#PKW Associates Inc	410-581-0313 93
	#Pearl David S atty	410-654-3850 98
	#Philips Lighting Co	410-363-7070 93
	#R W Communications	410-654-4422 98
	#Sharma Tina atty	410-654-3850 98
	#Sky Arnold & Associates Inc	410-654-0600 95
	#Skyline Marketing Group	410-654-1131 98
	#Soho Editions	410-581-2914 93
11433	#Braverman Alvin M lawyer	410-356-3505 91
11433	#Cameo Electronics Corporation	410-363-6161 92
11433	#Infinite Technologies	410-363-1097 93
11433	#Lorch Norman J Chartered	410-356-2111 91
11433	#Meizlish Marlene S	410-356-9300 92
11433	#Morgan Floors Inc	+410-363-8900 99
11433	#Paramount Marketing	□410-356-9420 99
11433	#Sirkis David televsn repairing	410-356-9988 92
11433	#Stanmar Vacations Inc	410-356-9300 92
11433	#Travel Connection	+410-356-9300 99
11433	#Wright Travel	410-356-9300 97
11433	#Wright Travel Agency	410-356-9300 98

11436-38 OWINGS MILLS CENTER I

11436	#Bob Jackson Landscapes Inc	410-356-1620 95
	#Butler Carpet & Upholstery Svc The	410-363-0485 89
	#Crestline Industries	410-654-9730 96
	#Custom Banktech Svcs	410-363-4420 90
	#Ethnic American Broadcasting Co	410-356-5172 97
	#Interface Systems Inc	+410-654-0844 99
	#International Nutrition Inc	□410-902-1760 99
	#Morris Remodeling Inc	410-356-2525 93
	#Newco Marketing	410-363-3383 96
	#Phillips & Brooks Gladwin Inc	410-654-3699 97
	#Reed & Thomas Electrical Contr Inc	410-356-8655 96
	#Richardson & Petkovsek Inc Food Svc Brokers	410-654-2290 98
	#Richter USA Inc	410-581-2510 98
	#Sound Perfection Inc	410-363-9975 92
	#Sunair Co	410-356-5535 95
	#Sweet Indulgence	410-356-0698 92
11438	#ADI Distrubution	+410-363-4047 99
	#ATMS Technical Training Co Inc	+410-654-4041 99
	#Advanced Duplications	410-363-3680 97
	#Advanced Duplications	410-363-3706 92
	#Advanced Technologies Marketing Svcs Inc	+410-654-4041 99
	#Advanced Video Sys	410-363-3680 92
	#Alatec Products	410-902-9200 98
	#Americom Tel Sys Inc Service	410-356-7272 89
	#Americom Telephone Systems Inc	410-356-7300 89
	#CMP International	410-581-1881 94
	#Claudia's Kitchen	410-581-0234 98
	#Complete HVAC Svcs	410-363-1401 95
	#Conco Inc	410-654-9500 96
	#Duct Cleaning Spclsts	410-998-0044 97
	#Engineered Systems & Products	410-998-9456 95
	#Home Systems Plus	410-356-4663 96
	#Imprintations	+410-356-5646 99
	#Industrial Monitoring & Control Systems	410-363-9690 97
	#Kalish & Assoc	410-654-5770 98
	#Mil-Tech Electronics	410-356-3200 89
	#Quartner Reigln	410-356-2500 90
	#Quartner's Heating & Air Conditioning	410-356-2500 95
	#Richardson & Petkovsek Inc Food Service Brokers	410-998-9810 95
	#Sigler Wm A Co plumbing supplies	410-363-7900 95

CRONRIDGE DR (Owings Mills) 21117 Contd

11436-38 OWINGS MILLS CENTER I Contd

11445	#Knott James F & Realty Group	+410-356-7662	99

11460 OWINGS MILLS COMMERCE CENTRE

	#Advanced Information Research	410-654-6666	97
	#Aether Technologies	410-654-6400	97
	#Aleph-Bet Child Dvlpmt Center	410-581-0017	94
	#American Business Information Systems	+410-581-8847	99
	#American Business Inf Systems	410-356-2196	92
	#Bear Stems	+410-902-0303	99
	#Elder Day Care	410-581-3030	96
	#Expert Travel Assocs	410-356-0330	92
	#Genesis Mortgage Co	410-363-7300	95
	#Genesis Title Co	410-581-6100	95
	#Graphix Unlimited	410-581-5700	96
	#Health Enterprises	410-581-8700	96
	#Hunt Valley Contrs	410-356-9677	93
	#National Computer Svc	410-581-0796	92
	#Premiere Care Mgt	+410-581-3030	99
	#Rent-A Wreck Of America	410-581-5755	95
	#Ryan Homes	410-654-0501	96
	#Senior Connections Inc adult Daycare	410-581-3030	96
	#Simply Elegant Catering	410-363-3456	93
	#Tours de Sport	410-356-8100	92
	#TransSettlements	410-581-5381	98
11500	#Doctor's Health Sys	+410-902-3300	99
11520	#Circuit City Applnc & Electronics	410-902-7688	98

125-BUS 0-RES 17-NEW

CROOKED WILLOW CT 21228

s fr Upper Mill Cir
Ellicott Mills

Map 58:864-534

3	●Downs Cornell	410-747-4552	90
4	●Cothorne Roland	N/A	
5	●Barnes Rahn	N/A	
6	●Gray Michael	N/A	
7	●Domingue Tommy J	410-747-5994	83
8	●Langmead J T	410-747-0763	83
9	●Jordon Gene	N/A	
10	●Eden J G	+410-788-2467	99
11	●McKoy Tyrone	□410-719-2576	99
12	●Council C	410-744-7793	94
13	●Kim Mantok	410-455-9953	91
14	●Buckley Eddie	N/A	

0-BUS 12-RES 1-NEW

CROSBY RD 21228

s fr 6300 Johnnycake Rd

Map 58:868-534

Map 59:870-533

300	●Newhouse Michele	410-788-1735	92
303	●Brown Julie	N/A	
305	●Allen A S	410-744-7277	96
307	●Wiggins Edgar	410-747-1773	89
310	●Aslam Mohammad A	410-788-0315	90
310	Mahmood Amer	410-788-0315	90
311	●Dorman S	410-788-5138	98
312	●Johnson Elmer	N/A	
313	#Krupinsky George DDS	□410-747-4413	99
313	●Krupinsky George DDS	410-747-4413	86
314	●Dorsey D M	410-719-9168	97
314	●Wandell Robert	410-719-0630	92
314A	●Shutt Thomas	410-744-6359	89
314C	●Ories Howard M	410-747-5313	90
316	●Grochmal Paul J	410-788-6062	88
318	●Duncan Philip	N/A	
320	●Bauer Severn W	410-788-6874	84
402	●Hutler William J	410-744-1582	--
404	●Perison Ronald E	410-719-0474	92
406	●Bohan Michael	410-455-0696	96
407	●Baginski Raymond J	410-744-8518	86
408	●Candeloro Frank	410-744-7968	--
409	●Deweib Ahmad	410-747-2875	88
410	●Burja Frank	410-788-7551	95
410	●Burja Frank J	410-788-5623	89
411	●Sauter Jerry	410-455-9335	90
412	Karcher D M	410-747-3040	93
412	Urbus Richard A	410-747-3040	--
414	●Shipley Kenneth S	410-744-1047	--
416	●Knight Bonny	410-455-9587	93
416	●Knight David	410-455-9587	93
416	Slocum Raymond L	410-455-9587	93
418	Blackman Janine	410-747-6482	91
418	●McCullough John M Jr	410-747-6482	91
420	●Salapong Efren	N/A	
422	●Wesley Michael	410-788-3743	94
423	●Liberto Nicholas S	410-747-0995	--
424	●Solomon George	410-788-5341	82
424	#Solomon George CPA PA	410-747-1630	97
426	●Greul Otto J Jr	410-747-3789	--
427	●Reichelt Albert C	410-747-0575	89
428	●Adams Dale H	410-744-1886	--
429	●Born Richard N	410-744-2244	--
430	●Snyder David C	410-747-3694	--
432	●Brooks E	410-747-6504	90
500	●Anbarchian Serog	410-455-0619	93
501	●Purfield Julia	N/A	
502	Musotto Phyllis	410-744-7437	88
503	●Vachor Victor	410-455-9826	95
504	●Barresi Frank	410-744-7479	--
505	●Paul Padmini	N/A	
506	●Faulkner Craig	N/A	
507	●Hurbon Douglas	410-747-3645	88
508	●Thornton Norman	N/A	

CROSBY RD 21228 Contd

509	●McColgan Arthur J	410-747-7767	--
510	●Bidlack John L	410-788-6564	85
511	●Traut Charles	N/A	
512	●Cooper Vera	N/A	
513	●Hayes William	N/A	
514	●Hall Richard	N/A	
515	●Guido Norman	N/A	
517	●Dewey T	410-788-3081	87
601	●Frederick John O	410-744-0742	--
603	●Williams Frank M	410-744-4596	--
605	●Roe Jno C Jr	410-744-0629	--
611	●Fox Derek	N/A	
613	●Billmann Vivian	N/A	
615	●Boyd H L	410-744-0598	79
617	●Lepore J	410-788-0319	98
619	Bengermino B	+410-788-7791	99
621	Mahal Sukhjinder S	410-719-6588	98
623	●Hiltz Gregory A	410-788-3723	91
625	Gaddy Patricia	410-869-9776	98
625	McKee Gertrude	+410-747-4813	99
701	●Wantland Stanley H	410-744-0964	--
702	●Boucher Jno G	410-744-5430	87
703	●Kashin Abul	N/A	
704	●Riley Richard T	410-744-2163	--
705	●Cadigan Patrick J Jr	410-744-8232	--
706	●Beckman Cletus F	410-788-3817	--
707	●Webb Kenneth C	410-744-3697	--
709	●Major Jos A	410-744-7939	--
711	●Geppi Rose	N/A	
712	●Brooks William	N/A	
713	●Erdmanis Ansis	410-744-8327	--
714	●Santoro R	410-744-4623	98
715	Hammad Tarek	410-788-1980	98
716	●DeMay Joseph	410-744-6173	78
717	●Riddick Danielle	N/A	
718	De May Louis W	410-744-6525	81
719	●Lehman F Allen	410-744-0850	--
720	●Mario Arturo	410-747-6317	97
722	●Maggio Raymond P	410-744-8825	82
722	Steiger Louis	410-788-7457	82
725	●Dillendal Frank S	410-744-2287	--
727	●Wilson Muriel	N/A	
729	●Holmes William	N/A	
731	●Knevel Matthew	410-788-0714	89
733	●Lure Tha H	410-788-0935	91
735	●Hood Raymond L	410-744-4805	77
737	●Kwon Chul	N/A	
800	●Sigafoose James Jr	410-788-1317	91
802	Garrison-Ragin J	410-719-6177	97
804	●Zimbro Albert W	410-747-5709	--
806	Davis T	410-747-3310	90
806	Davis T	410-747-3618	97
808	●Dupree Joseph D	410-747-3246	--
810	●Calambro A A Capt	410-744-2380	--
1000	●Thomas Paul	N/A	
1002	●Auster Harold	N/A	
1003	●Hodges Helen	N/A	
1004	●Jaymont Mildred	N/A	
1005	Stith B L	410-788-4673	84
1006	●Clark John	N/A	
1007	●Frederick Louis G	410-747-6197	--
1008	●Mogavero Mario J	410-747-0559	--
1009	●Gress Richard	N/A	
1010	●Noel L	410-747-8388	83
1011	●Frazier Gregory	N/A	
1012	●Johnson E Wm Jr	410-744-2194	--
1013	Cook Franks C	+410-788-6969	99
1013	Harrell Troy	□410-788-7420	99
1014	●Anderson Juanita	N/A	
1015	●Rose Betty J	410-747-2319	92
1016	●Maddox Theodore	410-788-0064	98
1017	●Freeman Calvin W	410-747-5232	94
1018	●Bell Geo F	410-747-7817	--
1019	●Keesee Rex	N/A	
1020	●Pennypacker Evelyn	N/A	
1021	●Harvin Robertjr	N/A	
1022	●Often Charles V	410-744-0984	--
1023	●Strawther Christine	N/A	
1024	●Bissally M J	410-719-9581	97

2-BUS 131-RES 3-NEW

CROSS ST 21227

on map as Cross Ave
e fr Bell Ave

Map 62:891-512

4005	●Clatchey Richard S Jr	410-247-7637	91

0-BUS 1-RES 0-NEW

CROSSLAND RD 21208

s fr 7800 Ridge Ter

Map 48:881-563

7700	●Lehmann Richard	410-653-7392	94
7701	●Wais Gary A	410-653-5642	96
7702	●Kahn Henry D	410-486-4677	93
7702	Trestman M	410-486-4677	93
7703	●Rogers Jonathan	410-653-4060	91
7704	●Gutman Henry L	410-486-7075	--
7705	●Rochlin Herbert	410-484-6626	--
7706	●Halle Alan	N/A	
7708	●Halperin Henry Dr	410-602-2440	94
7709	●Bawar David	N/A	
7800	●Charlow Jeffrey	+410-484-4598	99
7800	●Charlow Jeffrey	□410-653-6696	99
7802	●Eisenberg Mark	410-486-2757	83
7803	●Kreisberg D L	410-486-7992	86
7803	●Kreisberg David	410-484-8564	86
7804	Dorman Benj N	410-484-1396	--
7805	●Jacobson Sanford G	410-484-6080	--
7806	●Rosen Sharon	+410-602-0467	99
7808	●Fribush Dora J	410-484-1668	87
7808	●Fribush Marvin M	410-484-4532	84
7810	●Morrison R	+410-484-8214	99

0-BUS 21-RES 3-NEW

CROSSLEIGH CT (Randallstown) 21133

s fr 8400 blk Downey Dale Dr

Map 47:864-557

3705	●Flaxman Michael R	410-922-5417	
3705	●Flaxman Vicki	+410-922-5417	
3707	●Stallings James	N/A	
3708	Marshall Betty	410-521-7433	
3708	Mims Cornelya	+410-496-7375	
3709	●Charles Leroy	N/A	
3710	●Braxton Constance	N/A	

0-BUS 7-RES 2-NEW

CROSSROADS DR (Owings Mills) 21117

s fr Reisterstown Rd
McDonogh Crossroads

Map 48:870-569

10	#Adzani Mohan MD	410-654-6042	
10	#Alena's Kiosk	410-363-1980	
10	#Baltimore Life Ins Co Branch Office	410-654-4884	
10	#Bell Insurance Agcy	+410-902-7482	
10	#Bell Norman agt	410-902-7482	
10	#Bogrov Michael MD	410-654-6042	
10	#Bren-Dia's	410-902-7222	
10	#Center For Behavioral Medicine	+410-602-2189	
10	#Center For Behavioral Medicine	410-654-6042	
10	#Cinergy	410-902-6951	
10	#Compulsive Eater's Program	410-654-6042	
10	#Franklin Financial Services	+410-356-0329	
10	Goldman Howard D 3rd	410-654-1155	
10	#Interim Healthcare	410-654-6120	
10	#Lebowitz & Mzhen LLC attorneys	410-654-3600	
10	#Lebowitz Jack D atty	410-654-3600	
10	#Liberty Mutual Group Personal Sales	410-998-9210	
10	#Mzhen Vadim A atty	410-654-3600	
10	#Nationwide Ins Co Bell Norman Agent	410-902-7483	
10	#Parkway Counseling Center	410-654-6042	
10	#Renal Treatment Center Owings Mills	410-902-7310	
10	#Schultz Dorinda LCSW	410-654-6042	
10	#Silver Silver	□410-654-4550	
10	#Val-Pak Of Greater Baltimore	410-998-9422	
20	#Advantage Leasing Associates	+410-363-6427	
20	#Apostolides Geo Y MD	410-581-0008	
20	#Bernstein Steve MD	410-363-8043	
20	#Brenneck Peggy	410-902-6300	
20	#Carroll Urology Assoc	+410-654-2257	
20	#Chircus Jeffrey H MD	410-581-2300	
20	#Diener Ronald L Phys Office	410-363-0490	
20	#Elman Michael J MD	410-363-8043	
20	#Fine Charles DDS	410-363-2500	
20	#Finifter Burton M DDS office	410-363-3610	
20	#Fox Charles MD	410-363-8043	
20	#Genetic Center The	410-581-8300	
20	#Glick Kenneth L MD office	410-363-8222	
20	#Goldberg Avrum S atty	410-363-8500	
20	#Goldberg Howard H DDS office	410-363-2500	
20	#Golden David B K MD	410-363-6144	
20	#Gottlieb Ira J	410-363-4343	
20	#Gross Joyce Y MD olc	410-363-8222	
20	#Hameroff Stephen MD	410-363-8043	
20	#Hankoff Ins Group	410-363-0661	
20	#Hemady Ramzi K MD	410-363-8043	
20	#Herbst Leonard G MD physician olc	410-363-0490	
20	#Heritage Health Systems Of MD Inc	410-581-2217	
20	#Highstein Norman DDS office	410-363-2500	
20	#Hutcheson Kelly MD	410-363-8043	
20	#Jacobs Howard T MD	410-363-7500	
20	#Johnson Mary MD	410-363-8043	
20	#Kane Michael H MD	+410-654-2257	
20	#Kantor & Winegrad & Hess lawyers	410-581-0600	
20	#Kantor Stanley atty	410-581-0600	
20	#Kaplan Harry W MD office	410-363-8222	
20	#Kelman Shalom E MD	410-363-8043	
20	#Kluri Antoine MD PA	410-363-9018	
20	#Krupp Bernard DDS	410-363-0800	
20	#Kuhn Michael J DDS	410-356-0008	
20	#Lansing Michael W MD	410-363-7500	
20	#Lever Scott A DDS	410-363-2500	
20	#Levin Norman phys olc	410-363-0490	
20	#Littman Stephen H DDS PA	410-356-8953	
20	#Matz Jonathan MD	410-363-6144	
20	#McDonogh Dental Associates	410-363-2500	
20	#Meisels Alfred MD PA office	410-356-2126	
20	#Miller Jeffrey C orthodontist	410-356-00[illegible]	
20	Miller Jeffrey C Dr orthodontist	410[illegible]	
20	#Miller Lee E RPT		
20	#Orthodontic Assocs		

PROT 14

CAR COUNT SURVEY

(Survey taken Wednesday, June 2, 1999 @ 2:30-3:30pm)

COUNT:

Vehicle Count:	**1,000**
Car Pool :	**1,500 people**
Out of Office/Inspection Station:	**1,500 people**
Total Park Employees & Visitors:	**3,000 people**

GALLONAGE RESULTS:

10.6 gallons per week X 3,000 = 31,800 gallons per week

31,800 gallons x 52 weeks = 1,653,600 gallons per year

1,653,600 -/- 12 months = 137,800 gallons per month

Using Gilbarco Table: 137,800 gallons requires 3 MPD's with CRIND's

CONCLUSION

Applicant proposes TWICE that amount.

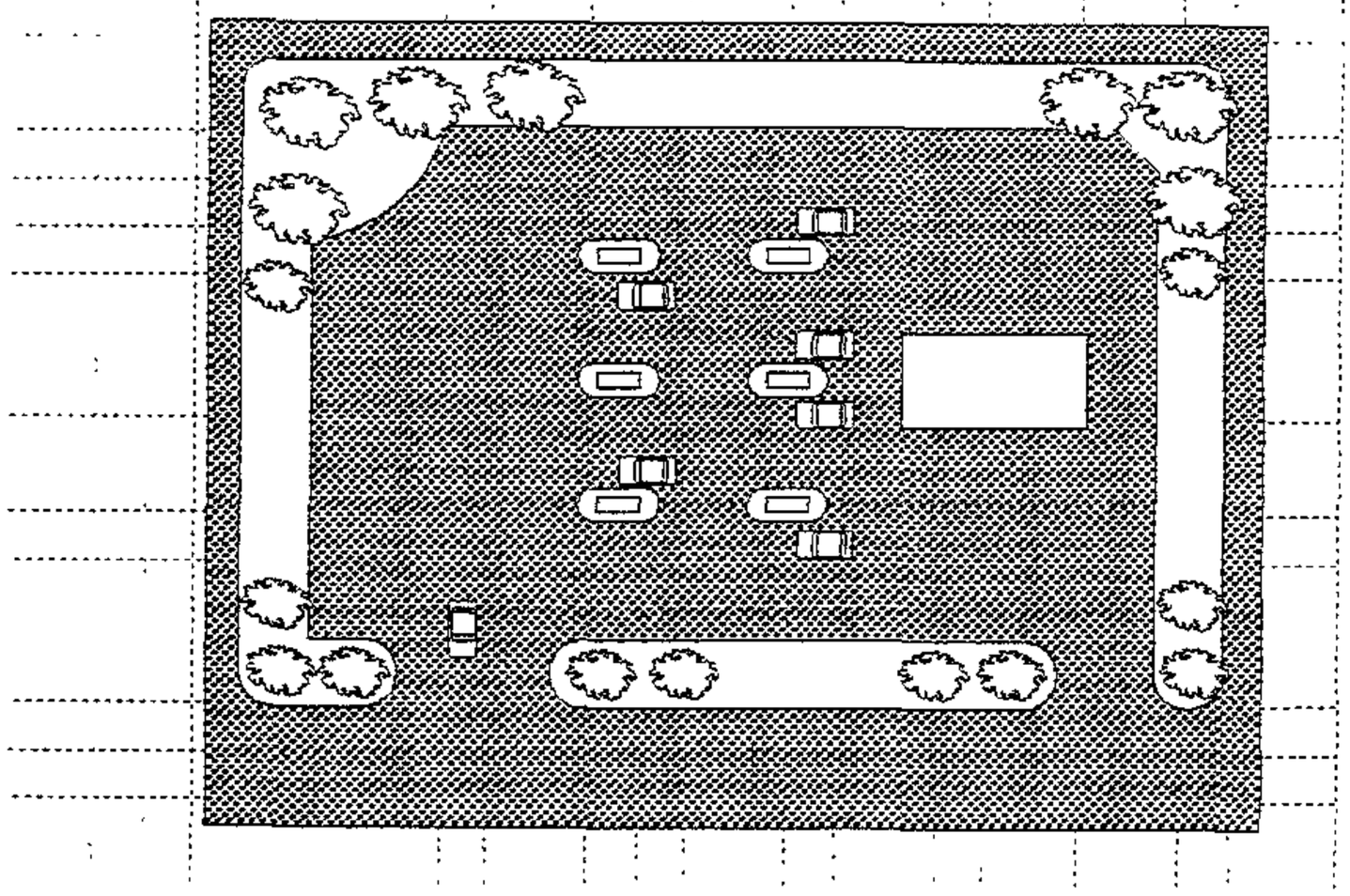
PROT 15 T.O.

P-1837

C-STORE FUELING

FOUR SQUARE LAYOUT

MULTI-HOSE DISPENSERS WITH CRIND* CARD READERS



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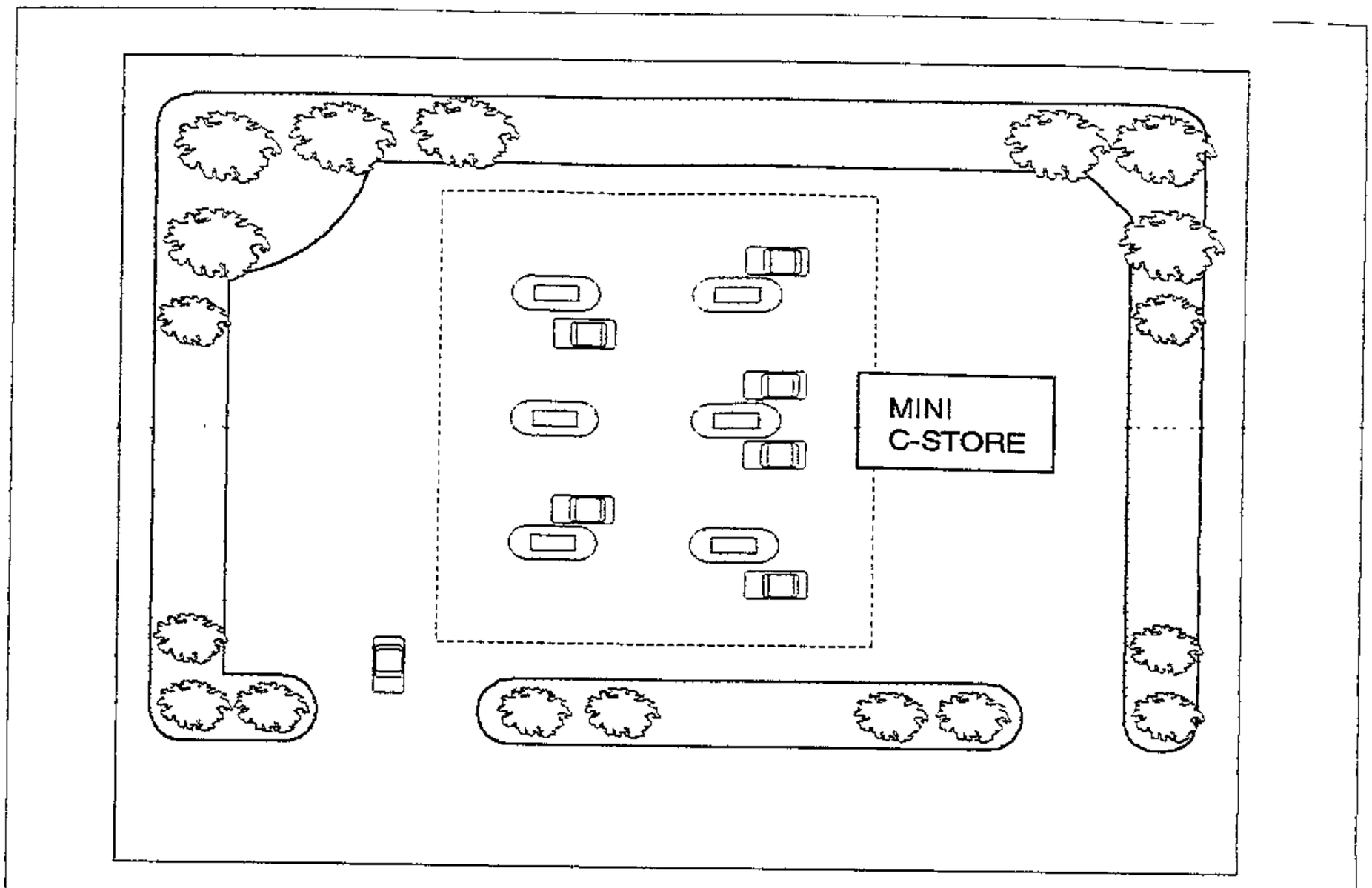

FOUR SQUARE LAYOUT

Situation:
Mini C-Store
Four square layout, with pairs of islands in tandem
One MPD® or Blender per island

Decision:
How many islands are required to serve the potential market when CRIND™ card readers are added to each fueling position?

Potential Market
- Total volume potential per month, determined by station owner, not including additional customers attracted by CRIND card readers
- Typical arrival pattern

Site Characteristics: (*Base Case*)
- Self service only
- 24 hour operation, 7 days per week
- Product mix won't affect results. Results are consistent with any mix when MPD or Blender models are used
- Single cashier with electronic POS in store
- Space for one car to wait in each lane
- Passing lanes included
- Average delivery is 10.6 gallons
- Average customer spends 27 seconds in the store before getting in line to pay
- 60% of customers pay with cash, 40% pay with credit card
- 80% of card customers will use CRIND card readers if available

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FOUR SQUARE LAYOUT

Number of Islands (One MPD or Blender per Island)	Estimated Capacity (Gallons/Month) Base Case 60% Cash, 40% Card		Alternative Case 30% Cash, 70% Card	
	Without CRIND™ Card Readers	With CRIND Card Readers	Without CRIND Card Readers	With CRIND Card Readers
4 Islands	200K	240K	180K	220K
5 Islands	270K	315K	205K	260K
6 Islands	295K	360K	230K	340K

CONCLUSIONS:

- CRIND card readers lighten cashier load and reduce overall transaction time.
- With base case card usage, installing CRIND card readers increase normal capacity of island system by about 20%.
- Heavier mix of credit customers:
  - Reduces the capicity of a four island system by 10%.
  - Overloads the cashier at a five island site.
- With 70% card use, installation of CRIND card readers at every fueling position provides approximately 40K gallons/month improvement at a four island site, and adds over 100K gallons/month to a six island site. That's the equivalent of two more islands.
- CRIND card readers provide the greatest capacity improvement at sites where the cashier is a major bottleneck.

PROT # 16

KATHERINE N. WILSON

346 Broadmoor Road
Baltimore, Maryland 21212

PROFFESSIONAL AND EDUCATIONAL EXPERIENCE

JOHNS HOPKINS UNIVERSITY, Baltimore, MD 1992-Present
Department of Marketing—Graduate Division of Business and Management
Executive Program Associate
Senior Business Advisor
Senior Faculty Associate
Undergraduate Department of Business
Faculty Associate

VILLA JULIE COLLEGE, Stevenson, MD 1993-Present
Undergraduate Marketing Faculty Associate

THE BALTIMORE SUN, Baltimore, MD 1992-1997
Circulation Marketing Manager

- New Household tracking of construction, occupancy and circulation marketing programs in Newspaper Designated Market—900,000 households monitored.

- Design, implementation, analysis of New Household Move-In Program, list targeting, and First Call Sales Program

- Design and implementation of direct marketing piece—Reader's Guide sent to new subscribers weekly—4,000 sent out weekly

- Claritas segmentation system analysis and sales applications

- Design, implementation and analysis of marketing research studies to include Evening Sun subscriber conversion, subscriber stops, circulation upgrade campaigns, weekend package, added value programs and subscriber retention

- Management of circulation special projects and events to include Cal Ripken Streak event, Pope's visit, and Babe Ruth's Anniversary

- Management of advertiser sales/participation, budget, production, fulfillment and distribution of added value campaigns to include The Sun Value Club, Home Delivery Pays For Itself campaign, and Sun Super Saver for 500,000 plus circulation, and 250,000 7-day subscribers

- Management of Apartment Marketing Programs

DELTA CONSULTANTS LIMITED, Baltimore, MD 1988-1992
(Marketing, Advertising, and Promotions consulting group)
Vice-President, Marketing Development

- Directed research projects designed to identify target markets for expansion and penetration. Clients included Crown Central Petroleum, Genstar Stone Products Company, McCormick and Company, Towson State University

- Actively involved in start-up operation of *Baltimore's Child*, a local news magazine with a circulation of 100,000. Designed methods for initial market penetration and channel of distribution, conducted readership surveys and directed advertising sales

- Launched full-scale business, development campaign and successfully penetrated the corporate, institutional, academic, media, and health care markets for special events—major clients included The American Red Cross, Baltimore County Government—County Executive's Office, Department of Aging, and Economic Development, Public Broadcasting System (PBS), Greater Baltimore Medical Center, Baltimore Symphony Orchestra—merchandising activities.

TOWSON UNIVERSITY, Towson, MD 1983-1988
Coordinator, Marketing and International Business Program
Full-time Marketing Faculty

GRANTS AND AWARDS

- Awarded Superior in Category by the American Economic Development Council for excellence in creation of sales literature and promotions (1991)

- Grants received from College of Continuing Studies, Towson University to conduct marketing research on educational programming, need assessment and financial viability of continued offerings through summer school programs and the Columbia, MD Satellite Campus (1986,1987, 1988)

- Fellowship awarded by the Specialty Advertising Association *International (1987)*

- Fellowship awarded by the Direct Marketing Association of Washington (1985, 1986)

- Award received from Towson University Office of Student Special Needs for awareness and consideration of students with special educational needs.

EDUCATION

Doctoral Candidate—Business Education
Johns Hopkins University, Baltimore, Maryland

MBA *in Marketing*, 1983
Loyola College, Baltimore, Maryland

BA Liberal Arts, 1973
Hood College, Frederick, Maryland

Diploma, 1969
The Bryn Mawr School, Baltimore, Maryland

Prot. #19

Dominion
Research
Corporation

1101 St. Paul Street/Suite 307/Baltimore, Maryland 21202
Telephone: (301) 685-1476

IMAGE STUDY

CROWN CENTRAL PETROLEUM

SUBMITTED BY:

Wayne H. Jacobs
Vice President

SUBMITTED TO:

Loyola College:

Barbara McPherson
Katherine Smith
Brian Foley

March 23, 1983

PROPOSAL FOR

IMAGE STUDY

We would like to take this opportunity to thank you for your decision to use Dominion Research Corporation to conduct the field operations for your forthcoming image study. For purposes of discussion, we have divided the marketing research proposal into the following key areas:

- How the research would be conducted
- Cost and timing considerations

HOW THE RESEARCH WOULD BE CONDUCTED

To accomplish the objectives of the research, the following steps will be performed.

1. Interviewing will be conducted among the following target audiences employing the following methodology:

Target Audience	Type of Interview	# of Interviews	Length of Interview
Maryland			
Baltimore City Baltimore County	Telephone	300	10-15 minutes
Atlanta, Georgia			
Areas to be defined	Telephone	300	10-15 minutes

2. Other specific steps to be performed by Dominion Research Corporation as a part of this endeavor (and included in the price quote to follow) include:

- Assist in questionnaire development
- Questionnaire pre-test
- Pre-data collection
- Interviewer selection and training
- Obtaining all interviews in the stipulated manner
- Data preparation and collection
- Quality control, including validation
- Card punching (upon request, and priced separately)

3. The Sample - A randomly generated, and statistically projectable sample will be drawn from the households in each of the target geographic areas. The use of computer generated random numbers insures the inclusion of non-published phone numbers, therefore insuring the statistical validity of the sample. The sample will also be apportioned to the demographic composition of the target geographic areas.

4. Interviewing Process - In the telephone interviewing process a five call-back method will be employed with 30% of the calls made during the weekend day and 70% to be made in the evening. When the field work is completed, you will receive a tally of calling attempts, including: refusals, disconnects, no answers, terminations of interviews, and completed interviews, if desired.

5. Development - Reviewing content, respondent eligibility, geographical allocation of interviews, and specific research procedures will be the responsibility of Dominion Research Corporation, and will be subject to client approval. Testing questionnaires with qualified respondents, reviewing test results with the client, and making revisions will also be the responsibility of Dominion Research Corporation.

6. Confidentiality - All Dominion Research Corporation's personnel are required to sign a statement of professional ethics and an agreement of confidentiality. By the previous method, all proprietary information and client anonymity are insured.

7. Interviewers - The eight (8) interviewers to be used on this project will have extensive prior background in in-depth consumer marketing research. No interviewing will be sub-contracted on either a local or national basis.

8. Validation - 100% validation is a standard guarantee of Dominion ResearchCorporation on all interviews. Validation is achieved by a direct callback by supervisory personnel to ensure interview accuracy and quality.

COST AND TIMING CONSIDERATIONS

Based on the recommended methodology, the cost of the survey on a per interview basis (including all of the procedures and reporting described in the proposal) will be $3,600.00 or $6.00 per completed interview.

If requested by the client, Dominion Research Corporation will provide card punching service for the project for $250.00.

Anticipated timing requirements from final commitment, are as follows:

- Development and questionnaire design — 1 week
- Interviewing — 2 weeks

APPROVED BY:

_____ _____

Crown Central Petroleum — Date

SUBMITTED BY:

Wayne H. Jacobs, March 23, 1983

Wayne H. Jacobs
DOMINION RESEARCH CORPORATION

PLEASE RETURN ONE SIGNED COPY TO DOMINION RESEARCH CORPORATION

PAYMENTS TERMS: 50% upon acceptance and 50% upon completion of the interviewing.

INITIAL PAYMENT SHOULD ACCOMPANY THE SIGNED CONTRACT

EXECUTIVE SUMMARY
CROWN CENTRAL PETROLEUM
GASOLINE STUDY

The purpose of this study was to survey public attitudes toward gasoline stations, to assess what the motoring public wants from a gas station and finally how the motoring public perceives Crown Central Petroleum.

The survey results captures the general trends of gasoline consumer habits and preferences. Following the trend of seeking lowest prices, we observed trends towards larger cars, even for small families as well as the inclusion of secondary profit centers, such as convenience store, which have been well received by the motoring public. We discovered strong brand and station loyalty. We found a preference for self-service and cash payment. We concluded that the four most important issues to the motoring public are good quality products, good service---hours of operation, low prices and locations convenient to their homes.

We found favorable contrasts in comparing Crown's image to some of it competitors. Crown has a good reputation for quality, service, convenience and price. It also has a good reputation for dependability as a result of its handling of the gas crises of 1974. However, there was a large group of people that had "no opinion" on Crown, indicating that Crown needs to educate the public in order to expand their market share and create a stronger position in the market place.

P-ot. #15A

THE BALTIMORE SUN

Inter-office Correspondence

Date November 11, 1994

From Mike Kane

Subject Prizm Cluster Information

To Circulation Marketing Committee

Attached is a listing by county and by zip code of the demographic characteristics according to Prizm. Also included is the general description and "nickname" associated with each of the clusters. I have a more detailed description (sample attached) for each of the clusters if you would like to review.

This information can be useful as we develop our target marketing strategy. Please call with any questions.

cc: B. O'Sullivan

10/20/94

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for ANNE ARUNDEL COUNTY

PRIZM Cluster	Cluster Nickname	ZIP Code
16	Big Fish, Small Pond	20711
21	Suburban Sprawl	20724
16	Big Fish, Small Pond	20733
15	God's Country	20751
40	Military Quarters	20755
14	Country Squires	20758
15	God's Country	20764
15	God's Country	20765
15	God's Country	20776
15	God's Country	20778
15	God's Country	20779
05	Kids & Cul-de-Sacs	21012
05	Kids & Cul-de-Sacs	21032
14	Country Squires	21035
04	Pools & Patios	21037
14	Country Squires	21054
05	Kids & Cul-de-Sacs	21056
21	Suburban Sprawl	21060
21	Suburban Sprawl	21061
05	Kids & Cul-de-Sacs	21076
19	New Empty Nests	21077
04	Pools & Patios	21090
04	Pools & Patios	21106
05	Kids & Cul-de-Sacs	21108
19	New Empty Nests	21113
14	Country Squires	21114
05	Kids & Cul-de-Sacs	21122
02	Winner's Circle	21140
20	Boomers & Babies	21144
02	Winner's Circle	21146
19	New Empty Nests	21240
11	Second City Elite	21401
40	Military Quarters	21402
12	Upward Bound	21403
01	Blue Blood Estates	21405

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for Baltimore County

PRIZM Cluster	Cluster Nickname	ZIP Code
14	Country Squires	21013
15	God's Country	21020
17	Greenbelt Families	21021
02	Winner's Circle	21022
14	Country Squires	21023
20	Boomers & Babies	21027
18	Young Influentials	21030
23	Upstarts & Seniors	21031
15	God's Country	21051
22	Blue-Chip Blues	21052
15	God's Country	21053
14	Country Squires	21057
20	Boomers & Babies	21071
14	Country Squires	21082
15	God's Country	21087
14	Country Squires	21092
02	Winner's Circle	21093
15	God's Country	21105
14	Country Squires	21111
18	Young Influentials	21117
14	Country Squires	21120
05	Kids & Cul-de-Sacs	21128
14	Country Squires	21131
19	New Empty Nests	21133
20	Boomers & Babies	21136
14	Country Squires	21152
15	God's Country	21155
17	Greenbelt Families	21156
22	Blue-Chip Blues	21162
15	God's Country	21163
13	Gray Power	21204
21	Suburban Sprawl	21207
13	Gray Power	21208
22	Blue-Chip Blues	21219
21	Suburban Sprawl	21220
25	Mobility Blues	21221
26	Gray Collars	21222
21	Suburban Sprawl	21227
19	New Empty Nests	21228
21	Suburban Sprawl	21234
03	Executive Suites	21236
22	Blue-Chip Blues	21237
21	Suburban Sprawl	21244
13	Gray Power	21286

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for Baltimore City

PRIZM Cluster	Cluster Nickname	ZIP Code
47	Inner Cities	21201
47	Inner Cities	21202
47	Inner Cities	21205
30	Mid-City Mix	21206
18	Young Influentials	21209
08	Young Literati	21210
27	Urban Achievers	21211
27	Urban Achievers	21212
47	Inner Cities	21213
27	Urban Achievers	21214
30	Mid-City Mix	21215
30	Mid-City Mix	21216
47	Inner Cities	21217
30	Mid-City Mix	21218
47	Inner Cities	21223
29	Old Yankee Rows	21224
51	Southside City	21225
26	Gray Collars	21226
30	Mid-City Mix	21229
30	Mid-City Mix	21230
45	Single City Blues	21231
30	Mid-City Mix	21239

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for CARROLL

PRIZM Cluster	Cluster Nickname	ZIP Code
15	God's Country	21048
16	Big Fish, Small Pond	21074
16	Big Fish, Small Pond	21107
16	Big Fish, Small Pond	21157
15	God's Country	21784

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for Harford County

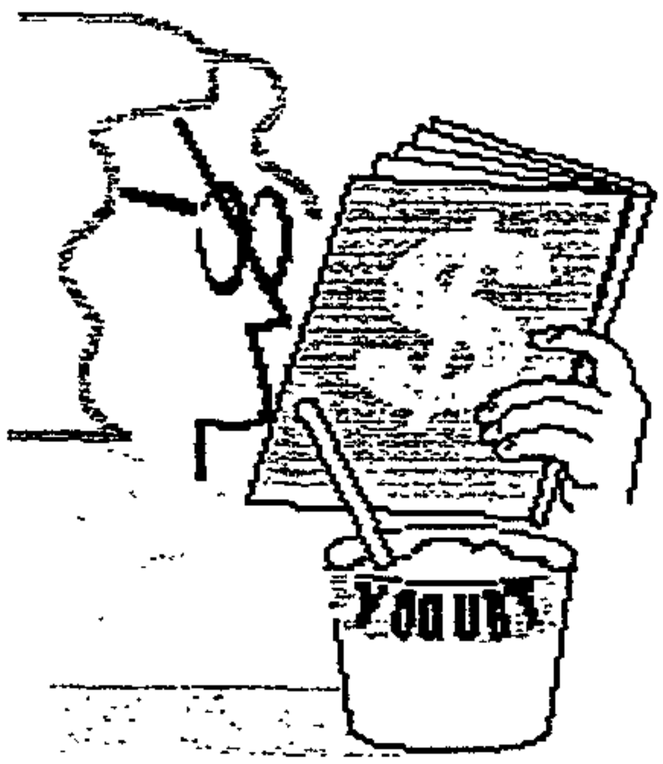
PRIZM Cluster	Cluster Nickname	ZIP Code
39	Red, White & Blues	21001
40	Military Quarters	21005
12	Upward Bound	21009
40	Military Quarters	21010
12	Upward Bound	21014
12	Upward Bound	21015
16	Big Fish, Small Pond	21017
15	God's Country	21018
41	Big Sky Families	21024
14	Country Squires	21028
43	River City, USA	21034
34	Starter Families	21040
14	Country Squires	21047
15	God's Country	21050
37	New Homesteaders	21078
15	God's Country	21084
12	Upward Bound	21085
12	Upward Bound	21101
39	Red, White & Blues	21130
41	Big Sky Families	21132
41	Big Sky Families	21154
41	Big Sky Families	21160
15	God's Country	21161

The Baltimore Sun
PRIZM CLUSTERS OF SELECTED ZIP CODES

1994 ZIP Report
for Howard County

PRIZM Cluster	Cluster Nickname	ZIP Code
12	Upward Bound	20701
18	Young Influentials	20723
02	Winner's Circle	20759
12	Upward Bound	20763
14	Country Squires	20777
21	Suburban Sprawl	20794
01	Blue Blood Estates	21029
14	Country Squires	21036
11	Second City Elite	21042
12	Upward Bound	21043
12	Upward Bound	21044
12	Upward Bound	21045
12	Upward Bound	21046
14	Country Squires	21104
14	Country Squires	21723
14	Country Squires	21737
14	Country Squires	21738
15	God's Country	21765
14	Country Squires	21794
15	God's Country	21797

Cluster 18



Young Influentials

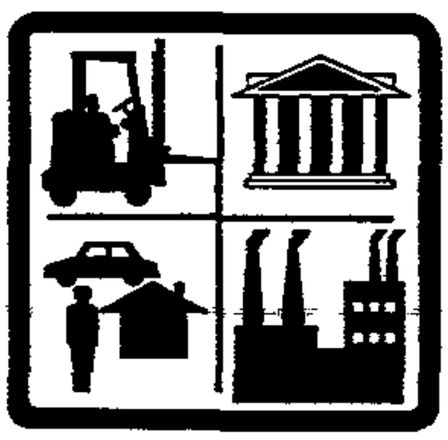
Post Cyt #8B

Predominant Characteristics

Households (%U.S.):	1,035,400 (1.1%)
Population (%U.S.):	2,282,000
Demographic Caption:	**Upwardly Mobile Singles & Couples**
Ethnic Diversity:	Dominant White, High Asian
Family Type:	Singles, Married Couples
Predominant Age Ranges:	Under 24, 25-34
Education:	College Graduates
Employment Level:	Professional/White-Collar
Housing Type:	Renters/Multi-Unit 10+
Density Centile:	64 (1=Sparse, 99=Dense)
Social Group:	S2 - The Affluentials

Education

Education:	U.S.	Cluster	Index
4+ Years College	20.6	43.0	209
1-3 Years College	24.9	30.0	120
High School Graduate	29.9	18.7	63
Less than High School	24.6	8.3	34



Occupation

Occupation:	U.S.	Cluster	Index
Professional/Manager	25.8	41.6	161
Other White-Collar	31.4	36.9	118
Blue-Collar	26.6	12.0	45
Service	13.7	8.8	64
Farming/Mining/Ranching	2.5	0.7	28

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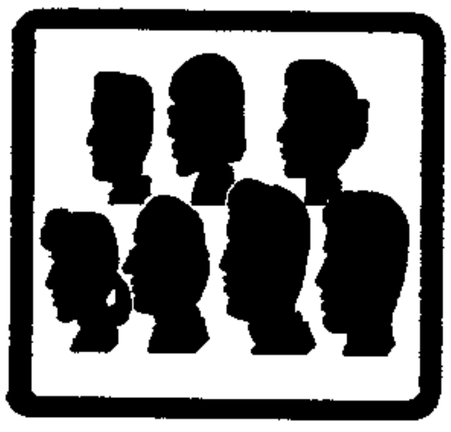
. Young Influentials - PRIZM Cluster 18

Family Composition

Family Type:	U.S.	Cluster	Index
Married Couples	55.2	46.2	84
Married Couples w/Children	26.7	20.3	76
Single Parents	9.3	6.3	68
Single Female HH Head	11.6	8.5	73

Household Size:	U.S.	Cluster	Index
1 Person	24.6	32.8	133
4+ Persons	26.0	17.0	65
HH w/ Children	36.0	26.6	74

Age of HH Head:	U.S.	Cluster	Index
Under 24	5.5	7.6	138
25-34	21.6	29.4	136
35-54	37.7	38.2	101
55-64	13.5	10.2	76
65+	21.7	14.6	67
Median Age	46.5	41.0	88



Ethnic Origin

Race/Ethnic Origin:	U.S.	Cluster	Index
White	80.1	86.2	108
Black	10.6	5.4	51
Asian (API)	2.1	3.3	157
Hispanic	6.5	4.8	74
Foreign Born	7.7	9.9	129

Income

Household Income:	U.S.	Cluster	Index
Less than $15,000	24.3	12.1	50
$15,000 - $24,999	17.5	14.4	82
$25,000 - $34,999	15.9	16.6	104
$35,000 - $49,999	17.9	20.9	117
$50,000 - $74,999	15.0	20.5	137
$75,000 - $99,999	5.1	8.2	161
$100,000+	4.4	7.3	166
Median HH Income	$31,900	$39,400	124

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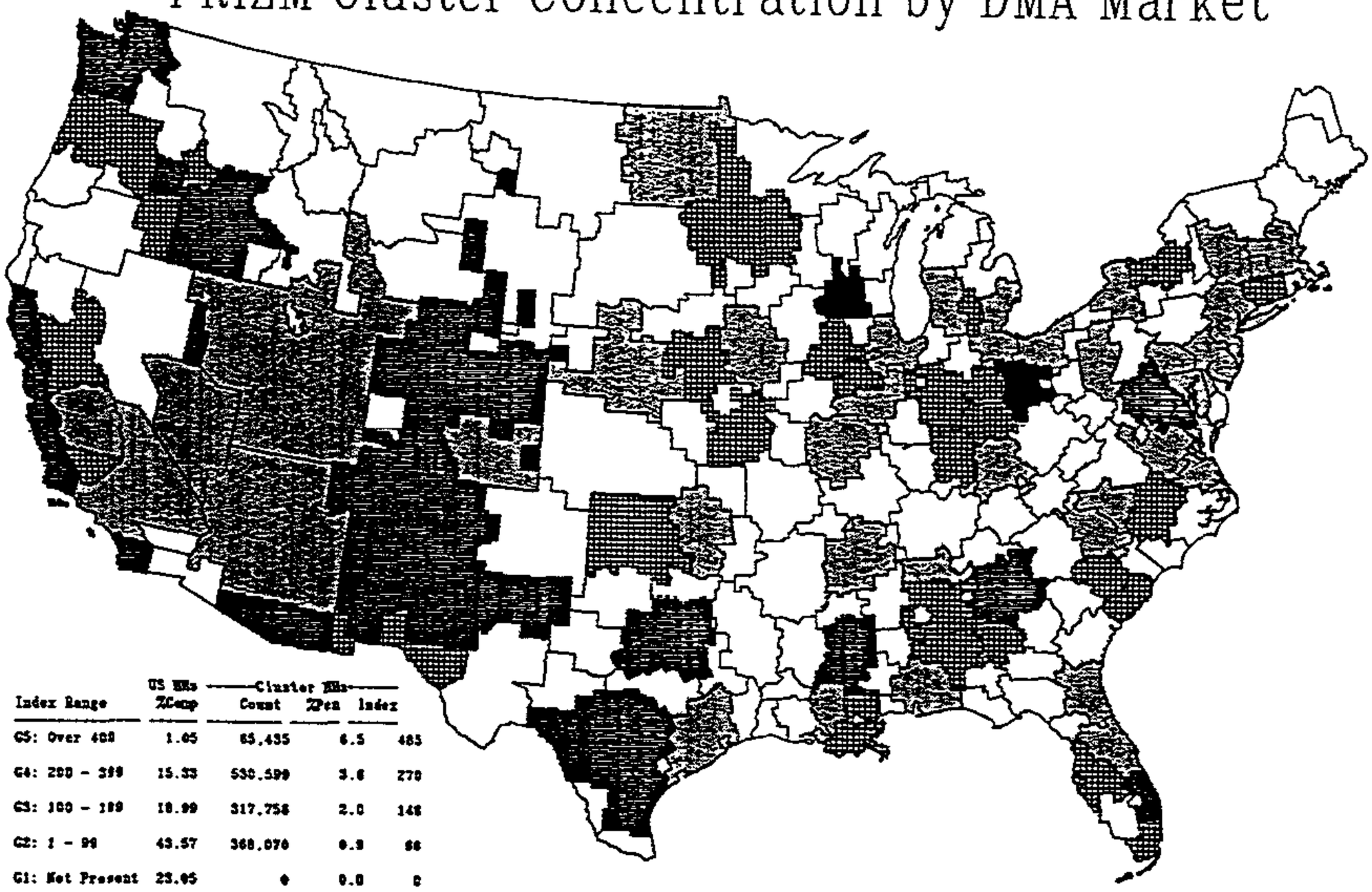
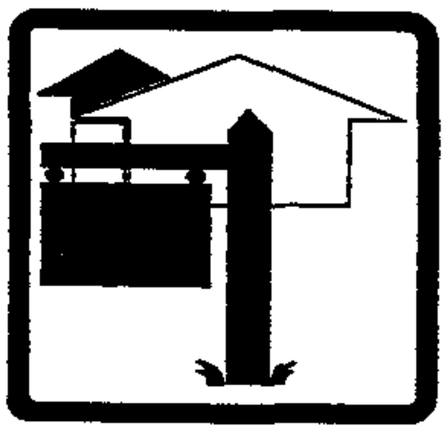
PRIZM Cluster Concentration by DMA Market



Index Range	US HHs %Comp	Cluster HHs Count	%Pen	Index
G5: Over 400	1.05	85,435	6.5	485
G4: 200 - 399	15.33	530,599	3.6	270
G3: 100 - 199	18.99	317,758	2.0	148
G2: 1 - 99	43.57	368,070	0.9	66
G1: Not Present	23.05	0	0.0	0
Total	100.00	1,281,862	1.3	100

18 Young Influentials



Housing

Dwelling Unit Size:	**U.S.**	**Cluster**	**Index**
Single (SFDU)	64.6	48.6	75
2-9 Units	14.6	18.6	127
10+ Units	12.8	31.2	244
Mobile Home	6.8	0.8	12

Home Value:	**U.S.**	**Cluster**	**Index**
Less than $50,000	26.5	1.8	7
$50,000 - $100,000	36.7	29.1	79
$100,000 - $150,000	14.5	26.2	181
$150,000 - $200,000	8.8	15.6	177
$250,000+	13.2	27.3	207
Median Home Value	$104,200	$160,200	154

Mobility:	**U.S.**	**Cluster**	**Index**
Owner Occupied	64.2	49.8	78
Renter Occupied	35.8	50.2	140
Moved within Past 6 Years	49.1	67.0	136
Last Moved 20+ Years Ago	18.3	8.1	44

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More likely to...

Young Influentials
PRIZM Cluster 18

Lifestyle

Play raquetball
Make 3+ business trips
Go scuba diving/snorkeling
Go to college basketball games
Go jogging
Spend $60+ dry cleaning
Buy science fiction books
Have a passport
Do self furniture refinishing
Go roller skating

Products & Services

Own treasury notes/US govt bonds
Own savings certificates
Make 3+ stock transactions/yr
Use financial planning services
Own $10,000+ in mutual funds
Have an American Express card

Buy a Montblanc/Waterman pen
Own a BMW
Own a Mazda
Drink tequila
Drink imported wine
Eat Entenmann's snacks
Drink imported beer often
Buy a 35mm camera
Eat low calorie frozen dinners
Eat Post Raisin Bran
Buy Sizzlean
Own a PC
Eat breakfast/snack bars
Own a phone answering machine
Buy lots of film

Radio\TV

Listen to soft contemp radio
Watch The Travel Channel
Listen to news/talk radio
Watch Lifetime Channel
Listen to progressive rock radio
Watch Seinfeld
Watch Siskel & Ebert
Watch Mystery
Watch The Movie Channel
Watch Star Trek-TNG

Print

Read nwspr entertainment section
Read Inc.
Read nwspr business section
Read GQ
Read Sporting News
Read Runner's World
Read Glamour
Read Modern Bride
Read PC World
Read American Health

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Source: MRI, SMRB, R.L. Polk & Co.

Cluster 20

Boomers & Babies

Post Ex 18C

Predominant Characteristics

Households (%U.S.):	1,059,900 (1.2%)
Population (%U.S.):	3,227,000
Demographic Caption:	**Young White-Collar Suburban Families**
Ethnic Diversity:	Dominant White, High Asian
Family Type:	Married Couples w/ Children
Predominant Age Ranges:	25-34, 35-54
Education:	Some College
Employment Level:	White-Collar/Professional
Housing Type:	Owners/Single Unit
Density Centile:	56 (1=Sparse, 99=Dense)
Social Group:	S2 - The Affluentials

Education

Education:	U.S.	Cluster	Index
4+ Years College	20.6	22.9	111
1-3 Years College	24.9	35.3	142
High School Graduate	29.9	28.5	95
Less than High School	24.6	13.3	54

Occupation

Occupation:	U.S.	Cluster	Index
Professional/Manager	25.8	28.7	111
Other White-Collar	31.4	36.7	117
Blue-Collar	26.6	22.7	85
Service	13.7	11.0	80
Farming/Mining/Ranching	2.5	1.0	40

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Boomers & Babies - PRIZM Cluster 20

Family Composition

Family Type:	U.S.	Cluster	Index
Married Couples	55.2	67.8	123
Married Couples w/Children	26.7	40.6	152
Single Parents	9.3	8.5	91
Single Female HH Head	11.6	9.4	81

Household Size:	U.S.	Cluster	Index
1 Person	24.6	14.9	61
4+ Persons	26.0	34.9	134
HH w/ Children	36.0	49.1	136

Age of HH Head:	U.S.	Cluster	Index
Under 24	5.5	4.5	82
25-34	21.6	29.2	135
35-54	37.7	46.7	124
55-64	13.5	10.0	74
65+	21.7	9.6	44
Median Age	46.5	40.6	87

Ethnic Origin

Race/Ethnic Origin:	U.S.	Cluster	Index
White	80.1	84.1	105
Black	10.6	5.9	56
Asian (API)	2.1	2.5	119
Hispanic	6.5	7.2	111
Foreign Born	7.7	6.4	83

Income

Household Income:	U.S.	Cluster	Index
Less than $15,000	24.3	9.7	40
$15,000 - $24,999	17.5	13.1	75
$25,000 - $34,999	15.9	17.4	109
$35,000 - $49,999	17.9	26.3	147
$50,000 - $74,999	15.0	24.0	160
$75,000 - $99,999	5.1	6.3	124
$100,000+	4.4	3.2	73
Median HH Income	$31,900	$40,200	126

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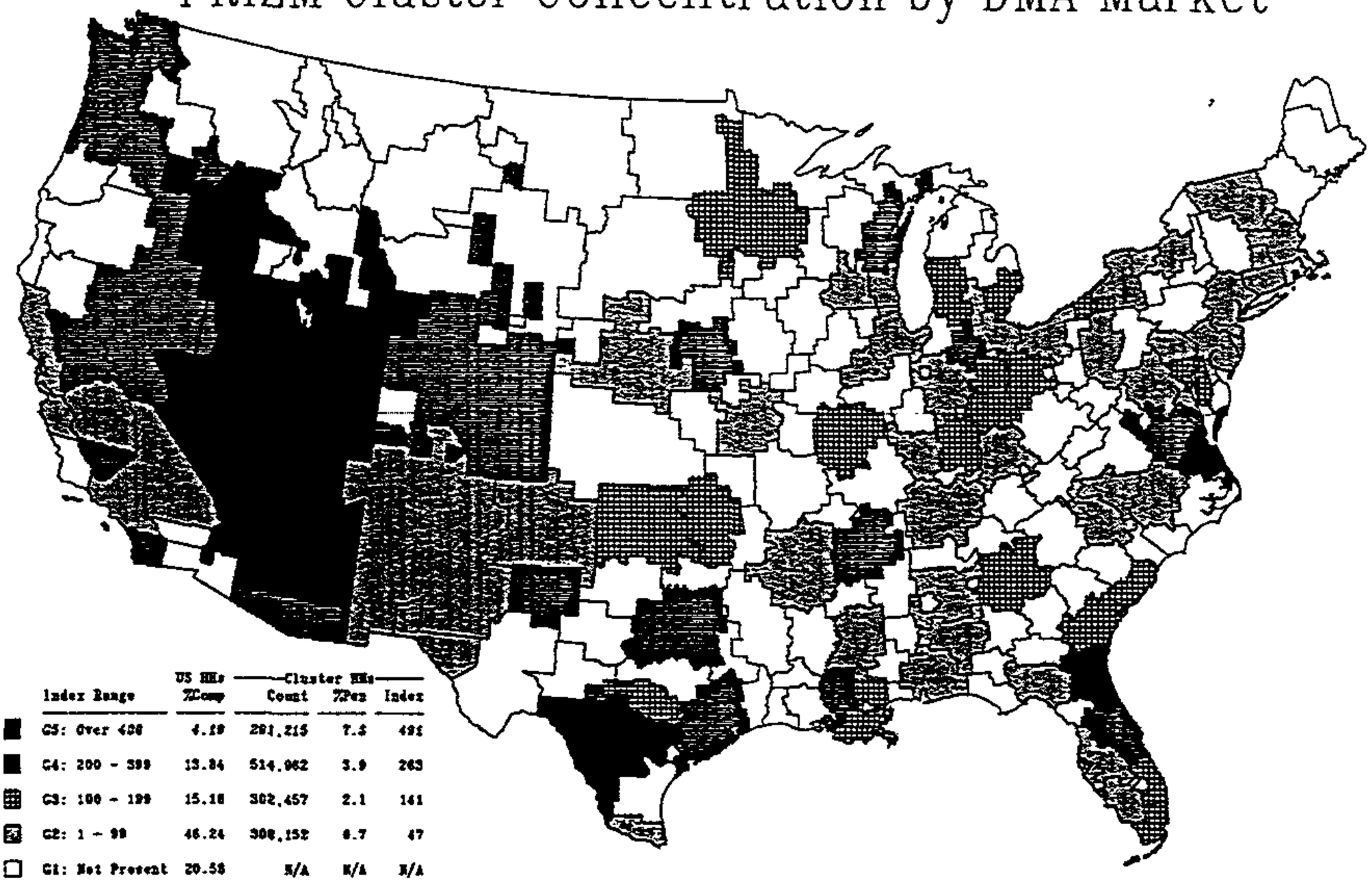
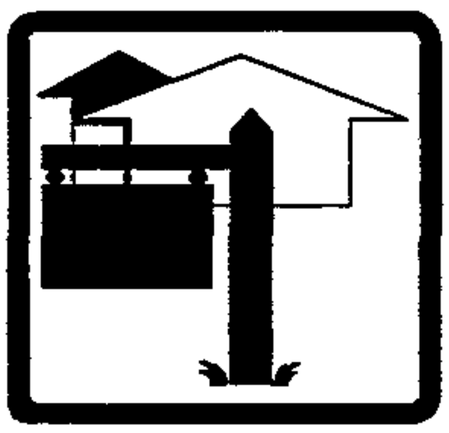
PRIZM Cluster Concentration by DMA Market



Index Range	US HHs %Comp	Cluster HHs Count	%Per	Index
G5: Over 400	4.19	281,215	7.5	491
G4: 200 - 399	13.84	514,962	3.9	263
G3: 100 - 199	15.18	302,457	2.1	141
G2: 1 - 99	46.24	308,152	0.7	47
G1: Not Present	20.58	N/A	N/A	N/A
Total	100.00	1,418,786	1.5	100

20 Boomers & Babies



Housing

Dwelling Unit Size:	**U.S.**	**Cluster**	**Index**
Single (SFDU)	64.6	79.8	124
2-9 Units	14.6	7.8	53
10+ Units	12.8	8.1	63
Mobile Home	6.8	3.7	54

Home Value:	**U.S.**	**Cluster**	**Index**
Less than $50,000	26.5	6.0	23
$50,000 - $100,000	36.7	58.6	160
$100,000 - $150,000	14.5	22.1	152
$150,000 - $200,000	8.8	8.6	98
$250,000+	13.2	4.6	35
Median Home Value	$104,200	$95,100	91

Mobility:	**U.S.**	**Cluster**	**Index**
Owner Occupied	64.2	74.9	117
Renter Occupied	35.8	25.1	70
Moved within Past 6 Years	49.1	61.1	124
Last Moved 20+ Years Ago	18.3	7.2	39

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More likely to...

Boomers & Babies
PRIZM Cluster 20

Lifestyle

Visit Sea World
Join a health club/gym
Own tropical fish
Go roller skating
Go on a domestic business trip
Go jogging
Take 4+ overnight camping trips
Rent 5+ videos monthly
Play billiards/pool
Buy country music

Products & Services

Have a 1st mortgage loan
Have a non-int checking acct
Have a personal education loan
Own stock valued < $10,000
Have a Montgomery card
Use an ATM card

Drink Tab
Drink tequila
Shop at Montgomery Ward
Buy an electric blanket
Own a Volkswagen
Buy computer books
Buy children's frozen dinners
Use Polaroid instant film
Own a CD player
Own a Volvo
Drink Pepsi-Cola
Eat cornish hens
Own a Plymouth
Eat Kelloggs Fruit Loops
Buy Nike shoes

Radio\TV

Listen to variety radio
Watch Nickelodeon
Listen to jazz radio
Watch TV Saturdays 11:30-1am
Listen to progressive rock radio
Watch The Love Connection
Watch Married With Children
Watch MTV
Watch Funniest Home Videos
Watch Family Matters

Print

Read Sunset
Read nwspr home & garden section
Read Seventeen
Read Parent's Magazine
Read nwspr entertainment section
Read Sporting News
Read Working Mother
Read Skiing
Read Baby Talk
Read Personal Computing

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Source: MRI, SMRB, R.L. Polk & Co.

Cluster Profile

Sort: Cluster
Subtotal Method: No Subtotals

Peat Ex #18D

S..opped 7-Eleven (14.7%) vs. Total Adults (

Cluster NickName	Total Adults Count	Total Adults % Comp	Shopped 7-Eleven (14.7%) Count	Shopped 7-Eleven (14.7%) % Comp	Shopped 7-Eleven (14.7%) % Pen	Shopped 7-Eleven (14.7%) Index
1 Blue Blood Estates	1,229	0.65	219	0.79	17.8	121
2 Winner's Circle	3,760	1.99	789	2.84	21.0	143
3 Executive Suites	2,962	1.57	706	2.54	23.8	162
4 Pools & Patios	4,025	2.13	901	3.25	22.4	152
5 Kids & Cul-de-Sacs	6,535	3.46	1,289	4.65	19.7	134
6 Urban Gold Coast	623	0.33	77	0.28	12.4	84
7 Money & Brains	2,541	1.35	474	1.71	18.7	127
8 Young Literati	2,131	1.13	360	1.30	16.9	115
9 American Dreams	3,495	1.85	660	2.38	18.9	128
10 Bohemian Mix	2,208	1.17	499	1.80	22.6	154
11 Second City Elite	3,081	1.63	451	1.63	14.6	100
12 Upward Bound	3,901	2.07	771	2.78	19.8	134
13 Gray Power	3,416	1.81	587	2.12	17.2	117
14 Country Squires	2,133	1.13	373	1.34	17.5	119
15 God's Country	5,781	3.06	793	2.86	13.7	93
16 Big Fish, Small Pond	4,503	2.39	640	2.31	14.2	97
17 Greenbelt Families	1,972	1.05	316	1.14	16.0	109
18 Young Influentials	1,706	0.90	274	0.99	16.1	109
19 New Empty Nests	3,825	2.03	716	2.58	18.7	127
2[illegible] Boomers & Babies	3,445	1.83	714	2.57	20.7	141
2[illegible] Suburban Sprawl	3,988	2.11	1,102	3.97	27.6	188
22 Blue-Chip Blues	4,907	2.60	788	2.84	16.1	109
23 Upstarts & Seniors	1,918	1.02	459	1.65	23.9	163
24 New Beginnings	1,709	0.91	370	1.33	21.7	147
25 Mobility Blues	3,168	1.68	527	1.90	16.6	113
26 Gray Collars	4,041	2.14	457	1.65	11.3	77
27 Urban Achievers	3,425	1.82	662	2.39	19.3	131
28 Big City Blend	2,356	1.25	545	1.96	23.1	157
29 Old Yankee Rows	2,555	1.35	452	1.63	17.7	120
30 Mid-City Mix	2,499	1.32	368	1.33	14.7	100
31 Latino America	2,572	1.36	426	1.54	16.6	113
32 Middleburg Managers	3,680	1.95	595	2.14	16.2	110
33 Boomtown Singles	1,763	0.93	263	0.95	14.9	101
34 Starter Families	3,085	1.64	628	2.26	20.4	138
35 Sunset City Blues	3,583	1.90	472	1.70	13.2	90
36 Towns & Gowns	1,772	0.94	293	1.06	16.5	112
37 New Homesteaders	4,030	2.14	512	1.85	12.7	86
38 Middle America	1,990	1.05	212	0.76	10.7	72
39 Red, White & Blues	5,030	2.67	555	2.00	11.0	75
40 Military Quarters	458	0.24	34	0.12	7.4	50
41 Big Sky Families	2,237	1.19	258	0.93	11.5	78
42 New Eco-topia	2,454	1.30	81	0.29	3.3	22
43 River City, USA	3,837	2.03	318	1.15	8.3	56
44 Shotguns & Pickups	2,271	1.20	122	0.44	5.4	37
45 Single City Blues	2,032	1.08	552	1.99	27.2	185
46 Hispanic Mix	1,697	0.90	289	1.04	17.0	116
4[illegible] ner Cities	3,199	1.70	701	2.53	21.9	149
48 Smalltown Downtown	3,299	1.75	487	1.76	14.8	100

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Cluster Profile

Sort: Cluster
Subtotal Method: No Subtotals

Shopped 7-Eleven (14.7%) vs. Total Adults

Cluster NickName	Total Adults (MRI 1994-95) Count	% Comp	Shopped 7-Eleven (14.7%) Count	% Comp	% Pen	Index
49 Hometown Retired	1,587	0.84	196	0.71	12.4	84
50 Family Scramble	3,401	1.80	576	2.08	16.9	115
51 Southside City	3,276	1.74	546	1.97	16.7	113
52 Golden Ponds	3,375	1.79	350	1.26	10.4	71
53 Rural Industria	2,532	1.34	213	0.77	8.4	57
54 Norma Rae-ville	2,180	1.16	172	0.62	7.9	54
55 Mines & Mills	3,263	1.73	132	0.48	4.0	28
56 Agri-Business	2,387	1.27	164	0.59	6.9	47
57 Grain Belt	3,402	1.80	333	1.20	9.8	67
58 Blue Highways	6,136	3.25	320	1.15	5.2	35
59 Rustic Elders	4,266	2.26	198	0.71	4.6	32
60 Back Country Folks	2,952	1.56	63	0.23	2.1	15
61 Scrub Pine Flats	2,934	1.56	147	0.53	5.0	34
62 Hard Scrabble	4,163	2.21	194	0.70	4.7	32
	188,681	**100.00**	**27,741**	**100.00**	**14.7**	**100**

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#19 Plot

We've got your number! +14% more beer sales!
Our free brochure will tell you how! 1-800-MBC-BEER

What is a Convenience Store?

The following information is taken from the NACS research report Convenience Store Industry Marketing Strategies and Store Formats prepared by Gene Gerke of Gerke & Associates, Inc. It describes the characteristics of the different types of convenience stores represented by the data in this report.)

In the not too distant past, every convenience store looked about the same - 2,400 square feet of packaged consumer items. Today, companies in the industry are approaching markets with different types of stores and different product offerings. There are mini-convenience stores under canopies, conventional size stores with expanded foodservice, and even hyper-convenience stores with the extensive variety of product offerings and in-store seating for foodservice. The fastest growing segments of the convenience store market are considered by many to be "nontraditional" stores. That is, store formats other than 2, 400 square feet, either larger or smaller.

The changes in store formats have implications for all elements of the industry. Retailing executives are concerned with competitive impact and their marketing strategies and niches. Product suppliers want to be aware of format variations as they dictate requirements for appropriate product packaging, promotion and distribution for the stores. Equipment and systems vendors want to design their equipment and systems to fit the various types of store formats. Investors and financial analysts want to understand the economics of the changes taking place and the likely impact on the convenience store industry. Finally, the various governmental agencies--local, state and federal--need to understand the various store formats.

Based on this research, six formats were identified as representing trends in the convenience store industry. The six convenience store formats are:

- Kiosk;
- Mini Convenience Store;
- Limited Selection Convenience Store;
- Traditional Convenience Store;
- Expanded Convenience Store; and
- Hyper Convenience Store.

A general description of each type is provided below.

Kiosk

This format is less than 800 square feet and is intended to provide some additional revenue beyond gasoline sales. Gasoline is always the focus of this operation with the owner usually being an oil company or petroleum marketer. The store sells only the fast-moving items found in traditional convenience stores (tobacco, beverages, snacks, and confectioneries). Grocery items are conspicuously absent, as is any sort of foodservice. Store sales may be only about ten percent of revenues in such

locations. Parking is usually only at the pumps. Hours vary widely depending on the location and the inclinations of the owner. Typical customers are transients and locals stopping in to buy gasoline.

Mini Convenience Store

This store format, usually 800 to 1,200 square feet in size is extremely popular with the oil companies and the emphasis is on gasoline sales. However, in such locations, the owners view store sales as an important part of of the revenue and margin picture. Grocery selection is usually very thin and foodservice beyond prepared sandwiches. There usually is not any parking other than that at the pumps, although some locations do have modest striped parking. Open hours usually range from 18 to 24 hours. Customers are usually people buying gasoline. However, there are stores of this size in urban areas which may or may not sell gasoline.

Limited Selection Convenience Store

These stores, which range from 1,500 to 2,200 square feet, are becoming more numerous. They are often affiliated with oil companies and are in the size range of a converted two-bay service station. Both gasoline and store sales are generally important parts of profitability. They differ from the "mini convenience store" in a broader product mix and grocery offering (although still somewhat limited by traditional convenience store standards). Also, simple foodservice (hot dogs, nachos, popcorn, etc.) may be offered. Although gasoline buyers are normally still the main part of the customer base, traditional convenience store patrons are important. Striped parking and extended hours are common.

Traditional Convenience Store

Most of the original convenience stores fall into this category. They are about 2,400 to 2,500 square feet in size and offer a product mix which includes dairy, bakery, snack foods, beverages, tobacco, grocery, health and beauty aids, confectionery, and perhaps prepared foods to go, fresh or frozen meats, gasoline, various services, and limited produce items. Most stores of this size have 6 to 12 striped parking spaces or some form of convenient pedestrian access. Hours are extended compared to average retailers with a large percentage open 24 hours per day. Such operations are normally owned by convenience store chains, but oil companies have also built or acquired stores of this size.

Expanded Convenience Store

Growth is occurring in the number of stores in the 2,800 to 3,600 square feet range. Such stores can accommodate more shelving for additional grocery products or room for significant fast food operations and seating. Stores using the space for more grocery items are taking advantage of the niche which has developed as supermarkets increasingly move above the 40,000 square foot range. A few large chains are using this "superette" approach. A greater percentage are using the space to take advantage of the high profit margins in fast foods. As the number of smaller operations proliferates (largely as a result of the oil companies), many convenience store chains apparently view the move towards increased fast foods as essential. In terms of other products and services, such stores usually carry the traditional convenience store items. Parking is important with most having about 10 to 20 marked spaces. Hours are extended. Such operations not only attract the typical convenience store customer but also more families, women, and senior citizens.

Hyper Convenience Store

These very large stores (4,000 to 5,000 square feet) usually offer an array of products and services arranged in departments. For example, such stores may offer variations such as a bakery, a sit-down restaurant area, or a pharmacy. Many of these locations do sell gasoline. The number of employees per shift can be large, particularly if a small restaurant is present. The number of parking spaces is substantial, especially since the amount of time the average customer spends in such an establishment can be significant. Hours are extended. Here again, as in the case of the Expanded Convenience Store, families and senior citizens as well as traditional convenience store customers are patrons. In some locations, such stores are mini-truck stops which obviously affects product mix and the customer base.

According to NACS Constitution and Bylaws, the NACS Definition of a Convenience Store is:

"...a retail business with primary emphasis placed on providing the public a convenient location to quickly purchase from a wide array of consumable products (predominantly food or food and gasoline) and services.

While such operating features are not a required condition of membership, convenience stores have the following characteristics:

- While building size may vary significantly, typically the size will be less than 5,000 square feet.;
- Off-street parking and/or convenient pedestrian access;
- Extended hours of operation with many open 24 hours, seven days a week;
- Convenience stores stock at least 500 SKUs; and
- Product mix includes grocery type items, and also includes items from the following groups: beverages, snacks (including confectionery) and tobacco.

For more information on "what is a convenience store," please contact The National Association of Convenience Stores Information Center.

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PROT. EX. #69
20

JOHNS HOPKINS
UNIVERSITY

School of Professional Studies in Business and Education
Graduate Division of Business and Management

January 24, 2000

Dear MSM Faculty,

Attached you will find 9 questions that I would like you to pose to your students in your next class. This is a relatively informal survey as I am involved with doing some pro bono work and am interested in getting a sense of what 28-35 year olds may be doing today. You should know that these questions center around buying habits and can also serve to prompt further classroom discussion relative to product positioning, demand, brand loyalty, product awareness, and buying patterns once the questions have been answered and returned to you.

You will need to ask your students to take out a piece of paper and number the paper 1-9. You are then to read the questions to them one by one and allow time to answer the question before going on to the next question. Students are not to put their names on these papers.

Please collect their responses and place them in the envelope provided. Please leave this envelope at the Center desk to be returned to me.

Thanks for your help with this.

Best Regards,

Katherine N. Wilson
Director
Department of Marketing

1/24/00
QUESTIONS

1. What comes to your mind when you hear "7-11" ? Please respond as fully as you can to this question.

2. Please answer YES or NO to this next question. Do you shop at 7-11?

3. If you answered YES to the last question, what time of day and which days do you shop there?

4. How often do you buy gasoline?

5. What time of day do you buy gasoline?

6. Where do you most often purchase gasoline?

   A. near work
   B. near home

7. What brand of gasoline do you usually buy?

8. Please answer YES or NO to this next question. Have you ever purchased gasoline at a 7-11?

9. Do you know what brand of gasoline 7-11 sells?

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 20

Peoples #1

BILL NO. 172-93

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL

ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

motorway; eliminating special exception extension for automotive service stations; establishing landscape standards and generally relating to fuel service stations and car washes.

BY repealing

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Section 101, the definitions of "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash, Self-Service"

Baltimore County Zoning Regulations, as amended

BY repealing

Section 101, the definitions of "Commercial Motorway, Class I" and "Commercial Motorway, Class II" and Section 259.2.E.F. and G.

Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments,

Section 101, the definition of "Automotive Service Station" and "Car Wash" and Sections 100.1.B.2, 1B01.1.A.14C., 203.9, 248.3, 253.123.C, 253.2.B, 256.1, 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3

Baltimore County Zoning Regulations, as amended, and

Sections III and IX.C.2.b.

Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90, and as amended by Resolutions 66-90 and 10-93

WHEREAS, the Baltimore County Council has received a final report dated June 17, 1993 from the Planning Board concerning the subject legislation and held a public hearing thereon on September 7, 1993, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 405 and 419 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 405 and 419 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 405. FUEL SERVICE STATIONS.

405.1 STATEMENT OF LEGISLATIVE FINDINGS AND POLICY.

A. BILL 40-67 ENACTED SIX COMMERCIAL DISTRICTS (C.N.S., C.C.C., C.T., C.S.A., C.S.-1, AND C.S.-2) AND ONE INDUSTRIAL DISTRICT (I.M.). ONE OF THE MAIN PURPOSES OF THE NEW COMMERCIAL DISTRICTS WAS TO CONTROL THE LOCATION OF SERVICE STATIONS AND THE USES ASSOCIATED WITH THEM. IN 1975 THE C.R. DISTRICT WAS ADDED TO GOVERN SERVICE STATIONS AND OTHER COMMERCIAL USES IN RURAL AREAS.

B. WHILE THE C.T., C.C.C., C.R. AND I.M. DISTRICTS HAVE SPECIAL USE AND BULK REGULATIONS WHICH MAKE EACH ONE UNIQUE, THE REMAINING DISTRICTS (C.N.S., C.S.A., C.S.-1 AND C.S.-2) DO NOT INCLUDE PROVISIONS WHICH MAKE THEM DISTINCT. AS A CONSEQUENCE, THE C.S.A., C.N.S., C.S.-1 AND C.S.-2 DISTRICTS ARE CONSOLIDATED INTO THE AUTOMOTIVE SERVICES (A.S.) DISTRICT.

C. THE DESIGN AND OPERATION OF SERVICE STATIONS HAS CHANGED SIGNIFICANTLY AND THE PROVISIONS SET FORTH IN BILL 40-67 NO LONGER

REFLECT CONTEMPORARY BUSINESS PRACTICES. DUE TO THE RISE OF SELF-SERVICE STATIONS, THE NUMBER OF BUSINESSES THAT "SERVICE" MOTOR-VEHICLES BY PROVIDING REPAIR FACILITIES HAS BEEN STEADILY DECLINING, WHILE THE NUMBER OF STATIONS WITH CONVENIENCE STORES OR CAR WASH OPERATIONS HAS BEEN INCREASING. TO BETTER REFLECT THE EVOLVING ROLE OF THIS USE, THE NAME OF AUTOMOTIVE SERVICE STATION IS BEING CHANGED TO FUEL SERVICE STATION AND REGULATIONS WHICH GOVERN THE PERMITTED ANCILLARY USES ARE BEING AMENDED TO REFLECT CONTEMPORARY BUSINESS PRACTICES AND TO FACILITATE THE UPGRADING OF EXISTING STATIONS.

X D. IT IS THE INTENT OF THIS SECTION TO PERMIT FUEL SERVICE STATIONS IN ACCORDANCE WITH THE GOALS OF THE MASTER PLAN AND DULY ADOPTED COMMUNITY PLANS BY REQUIRING PERFORMANCE STANDARDS THAT WILL REGULATE THEIR LOCATION AND APPEARANCE AS WELL AS THE ADDITIONAL USES WHICH MAY BE DEVELOPED AT SUCH SITES.

405.2 LOCATIONS IN WHICH FUEL SERVICE STATIONS ARE PERMITTED.

A. A FUEL SERVICE STATION IS PERMITTED BY RIGHT SUBJECT TO SUBSECTION 405.4, PROVIDED THAT NO PART OF THE LOT IS WITHIN 100 FEET OF A RESIDENTIALLY ZONED PROPERTY AND IS INTEGRATED WITH AND LOCATED:

1. IN A PLANNED SHOPPING CENTER OF WHICH AT LEAST 20 PERCENT HAS BEEN CONSTRUCTED AT THE TIME THE BUILDING PERMIT FOR THE FUEL SERVICE STATION IS ISSUED, BUT NOT TO EXCEED ONE STATION FOR EACH 60,000 SQUARE FEET OF GROSS FLOOR AREA OF THE PLANNED SHOPPING CENTER; OR

2. IN AN APPROVED PLANNED INDUSTRIAL PARK OF A MINIMUM NET AREA OF 50 ACRES, BUT NOT TO EXCEED ONE FOR EACH 50 ACRES OF NET AREA; OR

3. IN A PLANNED DRIVE-IN CLUSTER.

B. FUEL SERVICE STATIONS ON INDIVIDUAL SITES WHICH DO NOT COMPLY WITH THE REQUIREMENTS OF PARAGRAPH 405.2.A ARE PERMITTED BY SPECIAL EXCEPTION AS PROVIDED BELOW AND SUBJECT TO SUBSECTIONS 405.3 AND 405.4.

1. WITHIN THE URBAN RURAL DEMARCATION LINE (URDL), IN C.C.C., A.S. OR I.M. DISTRICTS, PROVIDED NO PART OF THE LOT IS IN AN M.R. ZONE.

2. OUTSIDE THE URDL WITH C.R. DISTRICT DESIGNATION ONLY IN B.L., B.M. OR B.R. ZONES SUBJECT TO SECTION 259.3.B.2.

405.3 IN ADDITION TO THE FINDINGS REQUIRED UNDER SUBSECTION 502.1, THE ZONING COMMISSIONER, PRIOR TO GRANTING ANY SPECIAL EXCEPTION FOR A FUEL SERVICE STATION, SHALL CONSIDER THE PRESENCE OF ABANDONED FUEL SERVICE STATIONS IN THE VICINITY OF THE PROPOSED SITE. A FINDING BY THE ZONING COMMISSIONER OF THE PRESENCE OF ONE ABANDONED FUEL SERVICE STATION, AS DEFINED IN SECTION 405.7, WITHIN A ONE-HALF MILE RADIUS, OR TWO SUCH STATIONS WITHIN A ONE MILE RADIUS OF THE PROPOSED FUEL SERVICE STATION ESTABLISHES THAT THERE IS NO NEED FOR THE PROPOSED USE, UNLESS REBUTTED TO THE ZONING COMMISSIONER'S SATISFACTION BY MARKET DATA.

405.4 STANDARDS.

A. SITE DEVELOPMENT.

1. SITE DIMENSIONS.

THE AREA OF ANY FUEL SERVICE STATION SITE SHALL BE NO LESS THAN 15,000 SQUARE FEET OR 1,500 TIMES THE NUMBER OF FUEL SERVICE SPACES (AS DEFINED IN SECTION 101), WHICHEVER IS GREATER. IF ANY USE PERMITTED UNDER SECTION 405.4.D. OR 405.4.E. IS ADDED TO THE FUEL SERVICE STATION, THE AREA OF THE SITE SHALL BE INCREASED IN ACCORDANCE WITH THE PROVISIONS OF THOSE PARAGRAPHS.

2. SETBACKS.

A. NO MAIN STRUCTURE OF A SERVICE STATION SHALL BE SET BACK LESS THAN 35 FEET FROM ANY STREET RIGHT-OF-WAY; NO FUEL PUMP SHALL BE SET BACK LESS THAN 25 FEET FROM ANY STREET RIGHT-OF-WAY; NO CANOPY SHALL BE SET BACK LESS THAN 15 FEET FROM ANY STREET RIGHT-OF-WAY.

B. EXCEPT AT THE REQUIRED ACCESS DRIVEWAYS, A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED ALONG THE ENTIRE PERIMETER OF FUEL SERVICE STATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET IF THE FUEL SERVICE STATION ABUTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND, EXCEPT THAT SERVICE STATIONS LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY) SHALL PROVIDE A BUFFER MEASURING NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

C. THE LANDSCAPE TRANSITION AREA SHALL BE VEGETATED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

D. OTHER SETBACKS SHALL BE AS REQUIRED BY THESE REGULATIONS.

3. ACCESS, INTERNAL CIRCULATION AND VEHICLE RESERVOIR CAPACITY.

A. THE NUMBER AND LOCATION OF ACCESS DRIVEWAYS SHALL BE DETERMINED BY THE HEARING OFFICER OR ZONING COMMISSIONER BASED UPON THE RECOMMENDATIONS OF THE DIRECTOR OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.

B. ALL INTERNAL PAVED AREAS OF A FUEL SERVICE STATION SITE USED FOR PARKING, DRIVEWAY, AISLES AND STACKING PURPOSES SHALL COMPLY WITH SECTION 409 AND SHALL BE LAID OUT TO PRECLUDE VEHICLES

WAITING ON THE STREET OR BLOCKING THE RIGHT-OF-WAY BEFORE GAINING ENTRANCE.

C. IN ADDITION TO THE FUEL SERVICE SPACE, AT LEAST ONE STACKING SPACE SHALL BE PROVIDED:

1. FOR EACH PUMP ISLAND SIDE, AT PUMP ISLANDS THAT CONTAIN MULTI-PRODUCT DISPENSERS (MPD) AND WHERE A BYPASS LANE SERVES EACH MPD;

2. FOR EACH MPD IN CASES WHERE THERE IS NO BYPASS LANE OR WHERE A CONVENIENCE STORE IS LOCATED ON THE SAME LOT; OR

3. FOR EACH PUMP, IF THE PUMP DISPENSES A SINGLE FUEL TYPE.

D. PARKING SPACES ON THE SITE OF ANY FUEL SERVICE STATION SHALL BE PROVIDED AS FOLLOWS:

1. ONE SPACE PER EMPLOYEE ON THE LARGEST SHIFT; AND

2. THREE SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR A CONVENIENCE STORE UP TO 1,500 SQUARE FEET. (CONVENIENCE STORES LARGER THAN 1,500 SQUARE FEET SHALL BE SUBJECT TO THE PARKING REQUIREMENTS FOR RETAIL USES IN ACCORDANCE WITH SECTION 409 INCLUDING THE FIRST 1,500 SQUARE FEET); AND

3. THREE SPACES PER SERVICE BAY, NOT COUNTING SERVICE SPACES IN THE BAYS; AND

4. ONE SPACE PER SELF-SERVICE AIR OR VACUUM CLEANER UNIT; AND

5. ONE SPACE PER AUTOMATIC TELLER MACHINE.

B. ALL FUEL SERVICE STATIONS SHALL PROVIDE A RESTROOM FACILITY, WATER AND COMPRESSED AIR FOR CUSTOMERS.

C. APPEARANCE.

1. GENERAL DESIGN.

A. ANY STRUCTURE ON THE SITE THAT IS CONVERTED TO AN ANCILLARY USE OR TO A USE IN COMBINATION WITH A FUEL SERVICE STATION MUST BE UPGRADED TO CREATE A UNIFYING ARCHITECTURAL THEME WITH OTHER STRUCTURES ON THE SITE.

B. THE REAR AND SIDES OF BUILDINGS ON LOTS ABUTTING RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN OR AN ACCOMPANYING ELEVATION DRAWING AND IS SUBJECT TO REVIEW BY THE DIRECTOR OF PLANNING AND ZONING.

C. EXCEPT FOR THE TEMPORARY OUTDOOR SALE OF ITEMS PERMITTED UNDER SECTION 230.9, THE OUTSIDE DISPLAY OF MERCHANDISE IS PERMITTED ONLY UNDER THE CANOPY, OR IF THERE IS NO CANOPY, ON OR BETWEEN THE PUMP ISLAND OR IN AN AREA IMMEDIATELY ADJACENT TO THE CASHIER'S KIOSK. SUCH GOODS MAY NOT BLOCK ACCESS DRIVES, STACKING SPACES OR INTERFERE WITH THE SITE'S CIRCULATION PATTERN.

D. IF THE FUEL SERVICE STATION IS LOCATED WITHIN 50 FEET OF A RESIDENTIALLY ZONED PROPERTY, LIGHTING STANDARDS ON SITE MAY NOT EXCEED A HEIGHT OF 18 FEET AND SHALL BE DIRECTED AWAY FROM ANY RESIDENTIALLY ZONED PROPERTIES.

E. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS OR TO ENHANCE THE ATTRACTIVENESS OF THE SITE OF FUEL SERVICE STATIONS FOR WHICH A SPECIAL EXCEPTION IS REQUIRED, THE ZONING COMMISSIONER MAY SPECIFY ADDITIONAL REQUIREMENTS INCLUDING:

1. CHANGES IN BUILDING OR SITE PLAN DESIGN;

2. RESTRICTIONS ON HOURS OF OPERATIONS; OR

3. OTHER REQUIREMENTS DEEMED NECESSARY FOR COMPLIANCE WITH THIS SUBSECTION.

2. SIGNS. PORTABLE "A" OR "SANDWICH BOARD" TYPE SIGNS ARE PROHIBITED. IN ALL OTHER RESPECTS, THE REGULATIONS OF SECTION 413 SHALL APPLY.

3. MAINTENANCE. AT ALL TIMES THE PREMISES SHALL BE MAINTAINED IN A CLEAN AND ORDERLY CONDITION. ALL LANDSCAPED AREAS SHALL BE IRRIGATED AS NEEDED AND DEAD PLANTS REPLACED. THE RESPONSIBILITY FOR COMPLIANCE WITH THESE PROVISIONS LIES WITH ALL PARTIES THAT INDIVIDUALLY OR COLLECTIVELY HAVE A LEASE OR OWNERSHIP INTEREST IN THE FUEL SERVICE STATION.

D. ANCILLARY USES.

THE USES LISTED BELOW, ONLY, ARE PERMITTED BY RIGHT IN CONJUNCTION WITH ANY FUEL SERVICE STATION. THE MINIMUM AREA OF THE SITE AS DETERMINED UNDER SUBPARAGRAPH 405.4.A.1 SHALL BE INCREASED FOR EACH ANCILLARY USE BY AT LEAST THE NUMBER OF SQUARE FEET INDICATED BELOW, WHICH INCLUDES LAND FOR REQUIRED PARKING AND STACKING SPACES:

1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.

A. TYPE OF SERVICE AND REPAIRS INCLUDE BUT ARE NOT LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION OPERATION.

B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN COMPLETELY ENCLOSED BUILDINGS.

C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.

D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES OR PARTS IS SUBJECT TO SECTION 405A.

2. CONVENIENCE STORE WITH A SALES AREA OF UP TO 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. AN ADDITIONAL SITE AREA OF FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA SHALL BE PROVIDED.

3. AUTOMATIC TELLER MACHINE, BUT NO DRIVE-THROUGH FACILITIES. ADDITIONAL SITE AREA OF 1,000 SQUARE FEET FOR EACH DEVICE SHALL BE PROVIDED.

4. SELF-SERVICE VACUUM STATIONS. ALL SUCH STATIONS SHALL BE LOCATED AT LEAST 30 FEET FROM A RESIDENTIALLY ZONED PROPERTY. NO ADDITIONAL SITE AREA IS REQUIRED.

5. TEMPORARY OUTDOOR SALE OF CHRISTMAS TREES, FIREWOOD, CUT FLOWERS OR LIVE PLANTS AS LIMITED BY SECTION 230.9. NO ADDITIONAL SITE AREA IS REQUIRED.

6. THE SALE OF CIGARETTES, CANDY, DRINKS, SNACKS AND SIMILAR ITEMS FROM VENDING MACHINES OR THE CASHIER'S KIOSK. NO ADDITIONAL SITE AREA IS REQUIRED IF VENDING MACHINES DO NOT EXCEED A TOTAL OF FIVE MACHINES, OTHERWISE THE AREA SHALL BE CONSIDERED A CONVENIENCE STORE.

7. THE RETAIL SALE OF AUTOMOTIVE SERVICE ITEMS SUCH AS MOTOR OIL, ANTIFREEZE OR ALLIED PRODUCTS. NO ADDITIONAL SITE AREA IS REQUIRED.

E. USES IN COMBINATION WITH FUEL SERVICE STATIONS. THE MINIMUM AREA OF THE SITE AS DETERMINED BY SUBPARAGRAPH 405.4.A.1. SHALL BE INCREASED FOR EACH USE IN COMBINATION WITH A FUEL SERVICE STATION BY AT LEAST THE NUMBER OF SQUARE FEET INDICATED BELOW:

	TYPE OF USE	INTEGRAL PLANNED DEVELOPMENT	INDIVIDUAL SITE
1.	CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. ADDITIONAL SITE AREA OF FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA MUST BE PROVIDED.	SE	SE
2.	ROLL-OVER CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	P	SE
3.	FULL SERVICE CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	SE
4.	SERVICE GARAGES PROVIDING SERVICES OTHER THAN THOSE LISTED IN SECTION 405.4.D. SUBJECT TO THE PROVISIONS OF SECTION 405.4.C.A. THROUGH E.	SE	SE
5.	AUTOMOBILE RENTAL, WITH A MAXIMUM STOCK OF 12 CARS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
6.	TRAILER RENTAL, FOR TRAILERS NOT EXCEEDING 3/4-TON CHASSIS WEIGHT, WITH A MAXIMUM STOCK OF 20 TRAILERS. ADDITIONAL SITE AREA OF 5,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
7.	LIGHT-TRUCK RENTAL, INCLUDING RENTAL OF TRUCKS EQUIPPED WITH CAMPERS, FOR TRUCKS NOT EXCEEDING 1-1/2 TON CAPACITY, WITH A MAXIMUM STOCK OF 8 TRUCKS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
8.	PARKING OF NOT MORE THAN SIX SCHOOL BUSSES. ADDITIONAL SITE AREA OF 2,600 SQUARE FEET MUST BE PROVIDED.	SE	SE
9.	SELF SERVICE CAR WASHES. NO ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	NOT PERMITTED
10.	RESTAURANT, INCLUDING FAST FOOD, FAST FOOD DRIVE-THROUGH ONLY, AND CARRY-OUT RESTAURANTS. ADDITIONAL SITE AREA OF SIX TIMES THE GROSS SQUARE FOOTAGE OF THE RESTAURANT MUST BE PROVIDED.	SE	SE

SE: SPECIAL EXCEPTION P: PERMITTED BY RIGHT

405.5 PLAN APPROVALS.

A. CONVERSION OF ANY CONFORMING FUEL SERVICE STATION BUILDING TO ANOTHER USE, PERMITTED IN THE BASIC ZONE OR DISTRICT IN WHICH THE SITE IS LOCATED, SHALL REQUIRE APPROVAL OF THE OVERALL PLAN OF THE ENTIRE SITE BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS, AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT OR, IN THE CASE OF A SPECIAL EXCEPTION, THE ZONING COMMISSIONER.

B. FOR ALL SERVICE STATION SITES REQUIRING A SPECIAL EXCEPTION, ANY AMENDED PLAN SHALL CONSTITUTE A NEW PLAN AND BE SUBJECT TO THE SAME REQUIREMENTS OF THESE REGULATIONS.

405.6 FUEL SERVICE STATIONS EXISTING PRIOR TO THE EFFECTIVE DATE OF BILL 172-93.

A. EXPANSION, RECONSTRUCTION OR ADDITION OF USES.

1. ANY FUEL SERVICE STATION WHICH LEGALLY EXISTED BY RIGHT OR BY SPECIAL EXCEPTION ON THE EFFECTIVE DATE OF BILL 172-93 MAY BE EXPANDED OR RECONSTRUCTED AND ANY ANCILLARY USE LISTED IN PARAGRAPH 405.4.D. MAY BE ADDED, PROVIDED THE PROJECT IS CONFINED TO THE LIMITS OF THE SITE AS IT EXISTED ON THE EFFECTIVE DATE OF BILL 172-93 AND

A. CONFORMS WITH A PLAN FOR THE ENTIRE SITE AS REVIEWED BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT; AND

B. IS LOCATED IN A B.L., B.R., B.M., M.L., M.H. ZONE OR A PUD; AND

C. MEETS THE REQUIREMENTS SET FORTH IN PARAGRAPH 405.4 OR, IN THE JUDGEMENT OF THE DIRECTOR OF THE ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WOULD BE DONE IN SUCH A MANNER THAT THE STATION WOULD BE IMPROVED TO BE MORE IN KEEPING WITH THE PURPOSES OF SUBSECTION 405.4; AND

D. IN CASES WHERE A PROVISION OF BILL 172-93 CONFLICTS WITH THE TERMS OR CONDITIONS OF A PRIOR SPECIAL EXCEPTION, THE PROJECT MAY BE SUBJECT TO SPECIAL HEARING AT THE DISCRETION OF THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT.

2. AFTER A PUBLIC HEARING, THE ZONING COMMISSIONER MAY AUTHORIZE EXPANSION OF THE STATION BEYOND THE CONFINES OF THE SITE, SUBJECT TO THE PROVISIONS OF 405.6.A.1 ABOVE.

3. ANY OF THE "USES IN COMBINATION WITH" FUEL SERVICE STATIONS LISTED IN PARAGRAPH 405.4.E MAY BE ADDED TO ANY SUCH STATION, PROVIDED A SPECIAL EXCEPTION IS GRANTED AND THE PROVISIONS OF SUBSECTION 405.4 ARE MET.

4. ANY STRUCTURE OR EXPANSION OF THE USE THAT IS SHOWN ON A PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF BILL 172-93 SHALL BE CONSIDERED AS BEING IN COMPLIANCE WITH SECTION 405.4.A.2.A.

B. PORTABLE "A" OR "SANDWICH BOARD" SIGNS SHALL BE REMOVED WITHIN THREE MONTHS OF THE ADOPTION OF THIS PROVISION.

405.7 ABANDONED FUEL SERVICE STATIONS.

A. FINDING: THE COUNTY COUNCIL RECOGNIZES THAT AT TIMES THE PUBLIC NEED FOR FUEL SERVICE STATIONS AT PARTICULAR LOCATIONS CEASES, AND THOSE STATIONS BECOME ABANDONED. AN ABANDONED FUEL SERVICE STATION IS ONE WHICH, INTENTIONALLY, IS NOT IN ACTUAL AND CONTINUOUS OPERATION AS DEFINED IN SUBSECTION 405.7.B. THE COUNTY COUNCIL FURTHER RECOGNIZES THAT AN ABANDONED FUEL SERVICE STATION WHICH IS LEFT TO DETERIORATE CAN BECOME A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE COMMUNITY, CAN HAVE A BLIGHTING INFLUENCE ON SURROUNDING PROPERTIES AND CAN CAUSE A DETERIORATION OF THE USE, VALUE AND ENJOYMENT OF PROPERTY IN THE IMMEDIATE NEIGHBORHOOD.

B. NOTICE OF PRESUMPTION OF ABANDONMENT. WHENEVER THE OWNER OR AGENT OF ANY FUEL SERVICE STATION HAS CEASED OR TERMINATED THE USE OF THE PREMISES AS A FUEL SERVICE STATION, THE OWNER OR AGENT SHALL NOTIFY THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WITHIN THIRTY (30) DAYS AFTER THE TERMINATION. NOTWITHSTANDING THE FAILURE OF THE OWNER TO NOTIFY THE DIRECTOR, ANY FUEL SERVICE STATION WHICH HAS NOT BEEN IN ACTUAL AND CONTINUOUS OPERATION AS A STATION FOR A PERIOD OF TWELVE CONSECUTIVE MONTHS SHALL BE PRESUMED TO BE ABANDONED AND THE RIGHT TO RESUME THE USE IS THEREBY TERMINATED. FOR PURPOSES OF THIS SUBSECTION, "CONTINUOUS OPERATION" SHALL MEAN OPERATION AS A FUEL SERVICE STATION AT LEAST EIGHT HOURS PER DAY, FIVE DAYS PER WEEK.

C. TERMINATION OF SPECIAL EXCEPTION. ANY SPECIAL EXCEPTION FOR THE OPERATION OF A FUEL SERVICE STATION SHALL BECOME VOID UPON NOTICE OF ABANDONMENT BY THE OWNER OR UPON PROOF OF ABANDONMENT AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS. ANY SPECIAL EXCEPTION FOR A FUEL SERVICE STATION SHALL TERMINATE AT THE TIME OF THE CONVERSION TO ANOTHER USE.

D. THE PREMISES (INCLUDING LANDSCAPING) OF ANY FUEL SERVICE STATION WHICH IS NOT IN CONTINUOUS OPERATION OR WHICH IS ABANDONED SHALL BE CONTINUOUSLY MAINTAINED IN THE SAME MANNER AS IS REQUIRED UNDER THESE REGULATIONS FOR OPERATING FUEL SERVICE STATIONS.

E. PROCEEDINGS TO REQUIRE REMOVAL.

1. WHENEVER IT SHALL BE DETERMINED BY THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND THAT THE PREMISES HAVE NOT BEEN CONTINUOUSLY MAINTAINED, THE DIRECTOR SHALL ISSUE A NOTICE TO THE OWNER OR AGENT TO REPAIR, CORRECT, OR TAKE OTHER APPROPRIATE ACTION TO REMEDY THE SPECIFIC DEFICIENCIES ENUMERATED IN THE NOTICE.

2. IF THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A PERIOD OF 90 DAYS FOLLOWING THE DATE OF THE NOTICE, THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL REFER THE MATTER TO THE ZONING COMMISSIONER FOR A HEARING, PURSUANT TO SECTION 500.7, TO REQUIRE REMOVAL.

3. IF, AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS, IT IS DETERMINED THAT A FUEL SERVICE STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND NOT CONTINUOUSLY MAINTAINED AND CORRECTED ACCORDING TO PRIOR NOTICE, AND IF IT IS FURTHER FOUND THAT BY REASON OF THE CONTINUED VACANCY, THE STRUCTURE AND GROUNDS LACK REASONABLE OR ADEQUATE MAINTENANCE, THEREBY CAUSING DETERIORATION AND BLIGHTING INFLUENCE ON NEARBY PROPERTIES AND THEREBY DEPRECIATING THE ENJOYMENT, USE OR VALUE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO SUCH AN EXTENT THAT IT IS HARMFUL TO THE PUBLIC HEALTH, WELFARE, SAFETY, COMFORT OR CONVENIENCE OF THE NEIGHBORHOOD IN WHICH THE STATION IS SITUATED, THE ZONING COMMISSIONER SHALL ORDER THE STATION'S REMOVAL. FOR PURPOSES OF THIS SUBSECTION, REMOVAL SHALL MEAN THE REMOVAL BY THE OWNER OF ALL ABOVE GROUND STRUCTURES, INCLUDING PAVING, AND REMOVAL OR ABANDONMENT IN PLACE OF UNDERGROUND TANKS IN COMPLIANCE WITH THE PROVISIONS OF COMAR 26.10.10.02 AND SECTION 14-300(b) OF THE BALTIMORE COUNTY CODE.

405.8. CONVERSIONS OF ABANDONED STATIONS. ONE OF THE PURPOSES OF THIS SUBSECTION IS TO PROMOTE THE CONVERSION OF VACATED FUEL SERVICE STATIONS TO OTHER USES; THEREFORE, IF A FUEL SERVICE STATION HAS BEEN ABANDONED AS SUCH, BUT IS CONVERTED TO ANOTHER USE, NO FUEL SERVICE STATION STRUCTURE, EQUIPMENT, OR APPURTENANCES NECESSARY OR APPROPRIATE TO THE NEW USE NEED BE REMOVED.

SECTION 419. CAR WASH.

419.1. ROLL-OVER, FULL-SERVICE AND SELF-SERVICE CAR WASHES ARE PERMITTED BY SPECIAL EXCEPTION IN THE FOLLOWING DISTRICTS: C.R. (PROVIDED NO PART OF THE LOT IS IN R.C. 5), C.C.C., A.S. OR I.M. (PROVIDED THAT NO PART OF THE SITE IS IN M.R.). CAR WASHES ARE ALSO PERMITTED AS A USE IN COMBINATION WITH A SERVICE STATION SUBJECT TO THE PROVISIONS OF SECTION 405.

419.2. A SITE PLAN SHALL BE SUBMITTED SHOWING THE LOCATION OF THE CAR WASH AND ZONE CLASSIFICATION OF ADJACENT PROPERTIES, THE LOCATION OF INGRESS AND EGRESS, THE MANUFACTURER'S RATED HOURLY PRODUCTION CAPACITY OF THE EQUIPMENT TO BE INSTALLED, IF AVAILABLE, OR OTHER EVIDENCE OF THE CAPACITY OF THE EQUIPMENT, THE PROPOSED STACKING SPACES AS REQUIRED BY SECTION 419.3 BELOW, THE PROPOSED LANDSCAPE AND BUFFER TREATMENT, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE REVIEWING AGENCIES. ALL SITE PLANS ARE SUBJECT TO REVIEW BY THE DIRECTORS OF THE DEPARTMENT OF PUBLIC WORKS, OFFICE OF PLANNING AND ZONING, AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WHO SHALL PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

419.3. ALL INTERNAL PAVED AREAS OF A CAR WASH SITE USED FOR STACKING, PARKING AND DRIVEWAY PURPOSES SHALL COMPLY WITH SECTION 409.1 AND SHALL BE LAID OUT TO ALLOW AUTOMOBILE CIRCULATION IN A MANNER THAT PRECLUDES VEHICLES FROM WAITING ON THE STREET OR BLOCKING THE RIGHT-OF-WAY BEFORE GAINING ENTRANCE.

A. ALL STACKING SPACES FOR CAR WASHES SHALL BE SINGLE-FILE AT THE ENTRANCE OF THE TUNNEL. THE SPACE FOR THE CAR BEING WASHED SHALL NOT BE COUNTED AS A STACKING SPACE. A MINIMUM OF THE FOLLOWING STACKING SPACES SHALL BE PROVIDED:

1. NINE PER ROLL-OVER CAR WASH TUNNEL;

2. NINETEEN PER FULL-SERVICE CAR WASH TUNNEL;

3. FOUR SPACES FOR THE FIRST TUNNEL OF A SELF-SERVICE CAR WASH, AND TWO WAITING SPACES FOR EACH ADDITIONAL TUNNEL.

B. ALL PARKING SPACES SHALL BE LOCATED TO AVOID CONFLICT WITH ON-SITE CIRCULATION PATTERNS. THE FOLLOWING MINIMUM NUMBER OF PARKING SPACES SHALL BE PROVIDED:

1. TO DRY VEHICLES, TWO FOR EACH TUNNEL OF A ROLL-OVER OR A SELF-SERVICE CAR WASH AND SIX FOR EACH TUNNEL OF A FULL-SERVICE CAR WASH; AND

2. ONE PER VACUUM CLEANER UNIT, EXCEPT IN THE CASE OF A FULL-SERVICE OR A SELF-SERVICE CAR WASH, A STACKING SPACE MAY BE USED TO SERVE AS A PARKING SPACE FOR THE VACUUM CLEANER UNIT; AND

3. TWO ADDITIONAL SPACES AT A ROLL-OVER CAR WASH; OR

4. FOUR ADDITIONAL SPACES AT A FULL-SERVICE CAR WASH.

419.4. NOTWITHSTANDING THE PROVISIONS OF THE ZONE IN WHICH THE CAR WASH IS LOCATED, ALL FACILITIES ARE SUBJECT TO THE FOLLOWING REQUIREMENTS:

A. LOCATIONAL STANDARDS.

1. ROLL-OVER AND FULL-SERVICE CAR WASH BUILDINGS SHALL BE SET BACK AT LEAST 50 FEET FROM THE LOT LINE OF ANY RESIDENTIALLY ZONED PROPERTY. EXCEPT FOR THE LANDSCAPE BUFFERS, NO PART OF A SELF-SERVICE CAR WASH SHALL BE WITHIN 100 FEET OF A RESIDENTIALLY ZONED PROPERTY.

2. THE TUNNEL EXIT OF CAR WASH FACILITIES SHALL BE SET BACK AT LEAST 50 FEET FROM THE NEAREST EXIT DRIVE.

B. GENERAL DESIGN.

1. NO TUNNEL ENTRANCE OR EXIT OF A CAR WASH OPERATION SHALL FACE AN ADJACENT RESIDENTIALLY ZONED PROPERTY NOT INCLUDING THOSE ACROSS A STREET.

2. THE REAR AND SIDES OF BUILDINGS FACING RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN AND SHALL BE SUBJECT TO REVIEW BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHO SHALL PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

3. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A LANDSCAPED TRANSITION AREA SHALL BE PROVIDED ALONG THE PERIMETER OF ALL CAR WASH OPERATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET WHERE THE CAR WASH FRONTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND. CAR WASH OPERATIONS LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY), SHALL PROVIDE A BUFFER THAT MEASURES NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

4. THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

5. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS OR TO ENHANCE THE ATTRACTIVENESS OF THE SITE, THE ZONING COMMISSIONER MAY REQUIRE CHANGES IN BUILDING OR SITE PLAN DESIGN OR HOURS OF OPERATION FOR CAR WASHES FOR WHICH A SPECIAL EXCEPTION IS REQUIRED.

419.5. THE REGULATIONS CONTAINED IN THIS SECTION 419 ENTITLED "CAR WASH" SHALL NOT APPLY TO CAR WASHES LEGALLY EXISTING PRIOR TO THE EFFECTIVE DATE OF BILL 172-93. BILL 172-93 DOES NOT AFFECT THE VALIDITY OF ANY ORDER GRANTING A SPECIAL EXCEPTION OR ANY PLAN APPROVED BY BALTIMORE COUNTY FOR A CAR WASH WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS BILL. ANY SUCH SPECIAL EXCEPTION OR PLAN SHALL BE SUBJECT TO THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING

REGULATIONS IN EFFECT AT THE TIME OF THE GRANT OF SUCH SPECIAL EXCEPTION OR PLAN.

SECTION 3. AND BE IT FURTHER ENACTED, that the definitions of "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash, Self-Service" be and they are hereby added to Section 101 - Definitions of the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 101 - DEFINITIONS

CAR WASH, ROLL-OVER: A CAR WASH WHERE EXTERIOR-ONLY CLEANING, WASHING OR WAXING SERVICES ARE PROVIDED ON A ROLL-OVER BASIS WITH THE VEHICLE IN A STATIONARY POSITION DURING THE SERVICING.

CAR WASH, FULL-SERVICE: A CAR WASH PROVIDING AUTOMATED EXTERIOR WASHING OR WAXING SERVICES, OR WHICH PROVIDES CLEANING, WASHING, WAXING, DRYING OR INTERIOR CLEANING BY HAND. FOR THE PURPOSE OF THESE REGULATIONS, A FACILITY WHICH PROVIDES COMPLETE INTERIOR AND EXTERIOR DETAIL CLEANING THAT TAKES MORE THAN APPROXIMATELY TWO HOURS PER CAR SHALL NOT BE CONSIDERED A FULL-SERVICE CAR WASH.

CAR WASH, SELF-SERVICE: A CAR WASH WHERE EQUIPMENT OR FACILITIES ARE PROVIDED FOR THE SELF-SERVICE CLEANING AND WASHING OF MOTOR VEHICLES.

SECTION 4. AND BE IT FURTHER ENACTED, that Section 101 - Definitions, the definitions of "Commercial Motorway, Class I" and "Commercial Motorway, Class II", and Section 259.2.E.F. and G., of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 5. AND BE IT FURTHER ENACTED, that Section 101 - Definitions of "Automotive Service Station" and "Car Wash" and Sections 100.1.B.2, 1B01.1.A.14C, 230.9., 248.3, 253.123.C, 253.2.B, 256.1, 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3 of the Baltimore County Zoning Regulations, as amended, and Sections III and IX.C.2.6. of the Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90, and as amended by Resolutions 66-90 and 10-93, be and they are hereby repealed and reenacted with amendments, to read as follows:

Section 101 - Definitions.

{Automotive} FUEL Service Station: A structure or land used or intended to be used {primarily} for the retail sale of automotive fuel, but not a truck stop. FOR THE PURPOSE OF THESE REGULATIONS, ANY ESTABLISHMENT WHICH SELLS AUTO FUEL RETAIL SHALL BE CONSIDERED A FUEL SERVICE STATION, UNLESS IT IS CLASSIFIED AS A TRUCK STOP OR TRUCKING FACILITY.

Car Wash: An area of land and/or a structure with machine or hand-operated facilities used {principally} for the cleaning, washing, polishing, or waxing of motor vehicles AS A PRINCIPAL OR ACCESSORY USE.

Fuel Servicing Space: On {an automotive} A FUEL service station site, any one of the maximum number of spaces on which cars may be situated simultaneously while being fueled.

Section 100.1.B.2. Districts.

Districts are as follows:

A.S. DISTRICT	AUTOMOTIVE SERVICES
C.R. District	Commercial, rural
{C.N.S. District	Commercial, Neighborhood shopping}
C.C.C. District	Commercial, community core

1.	C.T. District	Commercial, town-center core
2.	{C.S.A. District	Commercial, supporting area
3.	C.S.-1 District	Commercial, strip
4.	C.S.-2 District	Commercial, strip}
5.	I.M. District	Industrial, major

6. Section 1B01.1 General Use Regulations in D.R. Zones.

7. A. Uses Permitted as of Right. The following uses, only, are
8. permitted as of right in D.R. zones of all classifications, subject to
9. the restrictions hereinafter prescribed:

10. 14. Accessory uses or buildings other than those permitted
11. only by special exception, including, but not limited to:

12. {c. automotive-service stations, but only within
13. community garages}

14. Section 230 - Use Regulations - B.L. Zone

15. The following uses only are permitted:

16. 230.9.

17. FUEL SERVICE STATIONS IN A PLANNED SHOPPING CENTER OR DRIVE-IN
18. CLUSTER ONLY, SUBJECT TO SECTION 405.

19. Section 248. Use Regulations - M.L.R. Zone

20. The following uses only are permitted:

21. 248.3.

22. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION
23. 419.

24. FUEL SERVICE STATIONS IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT
25. TO SECTION 405.

Section 253. Use Regulations - M.L. Zone.

253.123. Uses Permitted as of Right. The uses listed in this subsection, only, shall be permitted as of right in M.L. zones, subject to any conditions hereinafter prescribed.

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district {in neither case with any direct access to an arterial street other than a Class I Commercial Motorway}:

7A. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 419.

17A. FUEL SERVICE STATION IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 405.

253.2. Uses permitted by Special Exception. The uses listed in this subsection are permitted by special exception only.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. district, {in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and,} provided, further, that it is shown than any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. Automotive-service stations, subject, further, to the provisions of Section 405.

2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service or repair of trucks, of truck trailers, or of freight-shipping

containers designed to be mounted on chassis for part or all of their transport.

4. Union halls or other places of assembly for employment-related activities.

Section 256. Use Regulations - M.H. Zone

The following uses only are permitted, subject to the provisions of 256.5:

256.1.

CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 419.

FUEL SERVICE STATION, IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION 405.

Section 259. Districts.

259.2. Statements of Legislative Intent for Districts.

B. [C.N.S. District -- Commercial, Neighborhood Shopping.

C.N.S. districts may be applied only to certain existing or proposed centers of business activity which are on land zoned B.L., B.M., B.R., and/or M.L., any one of which centers must be intended to: include at least one supermarket or grocery store; have less than 15 retail stores in total; have no department store, junior department store, nor, ordinarily, variety (dime) store; and serve a resident neighborhood population of approximately 10,000 persons or less. A planned shopping center having such characteristics may lie wholly or partially within a C.N.S. district.]

A.S. AUTOMOTIVE SERVICES DISTRICT. THE A.S. DISTRICT MAY BE APPLIED WITHIN THE URBAN RURAL DEMARCATION LINE (URDL) TO CERTAIN PARCELS OF LAND ZONED B.L., B.M., OR B.R., WHICH ARE APPROPRIATE FOR USES DOMINATED BY THE PARKING AND SERVICING OF AUTOMOBILES OR

CHARACTERIZED BY FREQUENT PARKING TURNOVER, SUCH AS FUEL SERVICE STATIONS AND CAR WASH OPERATIONS. ANY LAND HERETOFORE CLASSIFIED AS C.N.S., C.S.A., C.S.-1 OR C.S.-2 ON THE EFFECTIVE DATE OF BILL 172-93 SHALL HEREBY BE CLASSIFIED AN A.S. DISTRICT.

259.3. Special Regulations for C.R. Districts.

B. Uses Permitted by Special Exception.

2. Any use permitted (by right or by special exception) within the C.R. district but which is not permitted in the underlying zone and which meets the bulk regulations of Paragraph 1 of 259.3C is permitted by special exception EXCEPT THAT SERVICE STATIONS AND CAR WASH OPERATIONS ARE ONLY PERMITTED IN A C.R. DISTRICT WITH B.L., B.M., OR B.R. AS A BASE ZONE.

Section 402 - Conversion of Dwellings.

402D. Conversion of dwellings to a bed and breakfast home or bed and breakfast inn in D.R. or R.C. zones. Upon application, the Zoning Commissioner may issue a use permit (under Section 500.4) for the use of land, subject to the following conditions:

402D.2. The converted dwelling shall be:

[A. Situated on a lot with frontage on a Class I commercial motorway; or

B. Situated on a lot with frontage on a Class II commercial motorway; or]

SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

[C.] B. officially designated as historic or located in a historic district, as identified on the zoning maps (or eligible for identification on the zoning maps); or

[D.] C. on a property located outside the urban-rural demarcation line (URDL).

402E - Conversion of dwellings to a country inn in D.R. or R.C. zones. Upon application, the Zoning Commissioner may grant a special exception (under 500.5) for the use of land, subject to the following conditions:

402E.2. The converted dwelling shall be:

a. [situated on a lot with frontage on a Class I commercial motorway; or

b. situated on a lot with frontage on a Class II commercial motorway; or]

SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

[c.] B. on a property located outside the urban-rural demarcation line (URDL).

[d.] C. The converted dwelling may not be located in any historic district, except for the Ellicott Mills-Oella Historic District.

Section 502. Special Exceptions.

502.3. A Special Exception which has not been utilized within a period of two years from the date of the final order granting same, or such longer period not exceeding five years, as may have been specified therein, shall thereafter be void. The Zoning Commissioner or, on appeal, the County Board of Appeals, in connection with the grant of any Special Exception, shall fix within the aforegoing limits, the period of time for its utilization. Any party to the proceedings may, by so specifying, appeal from either the order of the Zoning Commissioner or of the County Board of Appeals as the case may be, solely as to the reasonableness of the period of time allowed or, alternatively, may have such question determined in conjunction with any appeal from the grant or refusal of the application for a Special

Exception. After a final order granting a Special Exception the Zoning Commissioner, at any time prior to expiration of the period of time authorized for its utilization, may grant one or more extensions of such period, provided that a maximum time for utilization of the Special Exception is not thereby extended for a period of more than five years from the date of the final order granting same.

A Special Exception which requires any construction for its utilization shall be deemed to have been used within its authorized time if such construction shall have commenced during the authorized period, or any extension thereof, provided said construction is thereafter pursued to completion with reasonable diligence.

Notwithstanding the above provisions, in any case where a Special Exception in effect on or after January 1, 1957 cannot be utilized within the maximum allowable time because of inadequacy or unavailability of public sewer or water facilities, the Zoning Commissioner shall extend such time for utilization to a date eighteen months after such facilities become adequate and available, as evidenced by the ability to obtain a public works agreement permitting exercise of the Special Exception. A copy of the extension order shall be sent by the Zoning Commissioner to the Director of Public Works, who shall give certified or registered mail notice when such public works agreement is obtainable, to the party, and for the property, named in the extension order at the address shown in said order, except that the party named in the extension order, by certified or registered mail notice to the Director of Public Works and the Zoning Commissioner, may change the name of the party to receive such notice from the public works Director, or the address to which said notice is to be sent, or both. The date on which the notice is sent by the Director of Public

Works to the last party of the record within, at the last address furnished, shall be the commencement date for the running of the eighteen month extension period in which there must be utilization of the Special Exception.

{Anyone having a Special Exception for an automotive service station shall have such exception automatically extended for a period of five (5) years after said property is designated a district in accordance with the automotive service stations regulations of Baltimore County.}

Landscape Manual

Section III. Definitions.

AUTOMOTIVE USES: THE TERM "AUTOMOTIVE USE" INCLUDES FUEL SERVICE STATIONS AND CAR WASH OPERATIONS.

SCREENING, CLASS "C"--ONE PLANTING UNIT PER 10 LINEAR FEET OF THE AREA TO BE BUFFERED. MINIMUM HEIGHT OF SCREEN AT INSTALLATION SHALL BE 35 INCHES FOR SHRUBS AND SEVEN FEET FOR TREES.

IN ADDITION TO THE REQUIRED PLANTINGS, A SIX FOOT HIGH BERM, OR MASONRY, WOOD-ON-WOOD FENCE OR SOUND BARRIER WALL MAY BE REQUIRED. SUCH BERM, FENCE OR WALL SHALL BE SET BACK AT LEAST FIVE FEET FROM THE PROPERTY LINE. A PLANTING STRIP BETWEEN SUCH BERM OR FENCE AND THE PROPERTY LINE MAY BE REQUIRED.

Section IX. Landscape Standards.

C. Commercial, Office (including RO zones), Industrial, High Rise Residential (including RAE 1 and 2) and Public Development.

2. Planting Requirements.

b. Special Conditions - In addition to the General Planting Requirements, the following formulas shall be used.

(5) EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANTING AREA IS REQUIRED ALONG THE PERIMETER OF AN AUTOMOTIVE USE. SETBACKS SHALL BE IN COMPLIANCE WITH THE UNDERLYING ZONE OR THE SPECIAL REGULATIONS OF THE USE. LANDSCAPING ALONG THE PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH CLASS "B" SCREENING REQUIREMENTS. ALL SIDE AND REAR YARDS ABUTTING COMMERCIALLY OR INDUSTRIALLY ZONED LAND SHALL BE VEGETATED AT THE RATE OF ONE PLANTING UNIT PER 10 FEET. A PROPERTY LINE THAT ABUTS OR IS WITHIN 50 FEET OF A RESIDENTIALLY ZONED PROPERTY SHALL BE LANDSCAPED IN ACCORDANCE WITH CLASS "C" SCREENING REQUIREMENTS.

SECTION 6. AND BE IT FURTHER ENACTED, THAT ANY APPLICATIONS FOR A SERVICE STATION OR CAR WASH WHICH, AS OF THE DATE OF ADOPTION OF BILL 172-93, HAVE BOTH (I) FILED A CONCEPT PLAN AND HELD A COMMUNITY INPUT MEETING PURSUANT TO SECTION 26-202 OF THE BALTIMORE COUNTY CODE; AND (II) FILED WITH THE OFFICE OF PLANNING AND ZONING ANY REQUIRED PETITIONS FOR SPECIAL EXCEPTIONS OR VARIANCES PURSUANT TO THE BALTIMORE COUNTY ZONING REGULATIONS, SHALL BE GOVERNED BY SECTIONS 405 AND 419 OF THE ZONING REGULATIONS IN EFFECT IMMEDIATELY PRIOR TO THE DATE OF ADOPTION OF BILL 172-93 ("IN-PROCESS FACILITIES"). ANY IN-PROCESS FACILITIES WHICH ARE ULTIMATELY APPROVED AND CONSTRUCTED SHALL BE SUBJECT TO THE PROVISIONS OF BILL 172-93 UPON ANY FURTHER MODIFICATIONS OF THE APPROVED DEVELOPMENT PLAN.

Section 6 7. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five days after its enactment.

MAP 16

850,000 FT

Joins Map 10

76°47'30"

860,000 FT

A B C D E F G H

39°30'00

600,000 FT

Joins Map 15

39°27'30

MD GRID 590,000 FT

SEE GRID D9-E9

1 MARSHAM CT
2 WICKHAM CT
3 THAMES CT
4 HOLLAND CT
5 BRIMLEY CT
6 RUDDINGTON CT
7 GROSVENOR CT
8 CHANCERY CT
9 SURRY CT
10 FULHAM CT
11 SHAFTSBURY CT
12 KNIGHTS CT
13 DRAGOON CT
14 TARTAN CT
15 WESSEX CT
16 EMPIRE CT
17 PUTMAN CT
18 BRAMPTON CT
19 RUMSFORD CT
20 SQUIRE CT
21 SHELTON CT

SEE GRID D11

1 CHERRY MANOR CT
2 WILD CHERRY CT
3 BLACK CHERRY CT

Slade Run

Delaware Run

Western Run

Councilmans Run

Gwynns Run

Deer Park Run

Timber Run

Glyndon

GLYNDON

REISTERSTOWN

BUSINESS CENTER

Chatsworth Ctr

Reisterstown

Chartley Shop Ctr

Reisterstown Shop Ctr

Reisterstown ES

Franklin HS

Hannah More Park

Glyndon ES

Glyndon Utd Meth

Glyndon Co 400

Camp Glyndon

Sacred Heart

All Saints

Saint Giles Utd Meth

Cedarmere ES

Timber Grove ES

Rosches Rec Pk

Cherry Vale Plaza

Exit-7

Maryland Public Television

Owings Mills Jewish

Emission Test Sta

OWINGS MILLS COMMERCE CTR

Maryland National Veterans Cemetery

ROSEWOOD STATE CENTER

Rosh Pina

Har Sinai

GWYNNBROOK WILDLIFE MANAGEMENT AREA

Falls

St Johns

Owings Mills

Worthington Glen

Bonita Run

Garrison Forest Road

Main Street

Reisterstown Road

Franklin Blvd

Nicodemus Road

Butler Road

Worthington Avenue

Hanover Road

Old Kemp Road

Longnecker Road

Piney Grove Road

Belmont Avenue

Garrison Forest Road

Route 128

Route 140

Route 4200

Route 4300

Route 4500

Route 4600

Route 4800

Route 7-20500

PEOPLES #2

1" = 2000 SQ FT

A.D.C.

P. Carnel
Ex. #3

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
and Development Management

Date: February 23, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: 3731 Crondall Lane

INFORMATION

Item Number: 269

Petitioner: Crondall Lane, LLC, Contract Purchaser

Zoning: ML-IM

Requested Action: Special Exception

Summary of Recommendations:

Development Plan comments were previously submitted to the Hearing Officer on February 11, 1998. The Office of Planning, by way of this comment, amends its position regarding the appropriateness of the requested special exception.

On June 16, 1997, the Baltimore County Council adopted a Resolution requesting that the Planning Board review the types of uses permitted in the ML zones of the County. The Resolution points out several of the Council's concerns regarding the location of retail uses in the ML zones. For example, the resolution states, in part, "Whereas, the proliferation of industrial parks, particularly in the growth areas of the County, has resulted in the location of certain retail uses which may not be appropriate for these areas; and Whereas, the list of uses permitted in the ML zones has not been reviewed in many years; and Whereas, some of the uses permitted in the ML zones may no longer be appropriate in the ML zone or may require additional limitations or restrictions on their location ... the Baltimore County Planning Board be and it is hereby requested to review the types of uses permitted in the ML zones of Baltimore County in order to update the uses permitted therein and the restrictions applicable to such uses."

In response to the Resolution, the Office of Planning has prepared a report, for submission to the Planning Board, which consists of discussion, recommendations and a brief legislative history. Based on our preliminary findings and the concerns expressed in Mr. Hannon's letter dated February 12, 1998 (see attached), staff recommends that the requested Special Exception be denied since the use is not auxiliary to any existing uses

in the zone; therefore, improvement of the subject property with a convenience store with a sales area larger than 1500 sq. ft. to be used in combination with a fuel service station is contrary to the purposes and intent of the ML zone.

Prepared by: Jeffrey W. Long

Division Chief: Cheryl L. Kenna

AFK/JL

C:\MSOFFICE\WINWORD\ZAC\269.DOC

Peoples Counsel #5

RE: PETITION FOR SPECIAL EXCEPTION 3731 Crondalll Lane, E/S Owings Mills Blvd. at its intersection with S/S Crondall Lane 4th Election District, 3rd Councilmanic	*	BEFORE THE COUNTY BOARD OF APPEALS
	*	FOR
Legal Owner: Jean Schuster Contract Purchaser: Crondall Lane, LLC	*	BALTIMORE COUNTY
Petitioners	*	Case No. 98-269-X

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

People's Counsel's Outline of Key Issues

Now comes PEOPLE'S COUNSEL FOR BALTIMORE COUNTY, by Peter Max Zimmerman, Esq. and Carole S. Demilio, Esq., and submit that the following are the key issues in above-captioned matter, as follows:

1. Is the proposed service station/7-11 genuinely an "auxiliary service use" to the nearby business parks?

Sources: BCZR 253.2B (auxiliary commercial use special exceptions in M.L.-I.M. zone); 259.2H ("discouraging non-auxiliary commercial usage" in I.M. District); Webster's Dictionary, attached; Words and Phrases, attached. Cf. BCZR 101, as to "accessory uses."

2. a. Will the proposed land use serve peak hour residential commuters and customers as much as industrial commuters, based on the approximately equal traffic counts in opposite directions?

b. Will the proposed land use tend to serve residential customers more than industrial customers at off-peak traffic hours, especially from 6 p.m. to 7 a.m.?

c. Does the 24-hour proposed operation belie the claim that the land use will serve primarily industrial uses?

Source: BCZR 253.2B.

3. Is the proposal adverse to the public safety, health and welfare to place the proposed land use adjacent to an established religious institution?

Source: BCZR 502.1a.

4. Is the proposal also problematic for the northerly residential communities which use Owings Mills Boulevard as their main access south to Reisterstown Road and I-795?

Source: 502.1b.

5. Is the proposal consistent with the spirit and intent of the M.L.-I.M. zone/district?

Source: BCZR 502.1g.

6. Does the proposed land use comply with the relevant M.L. zone setbacks, including minimum 125 feet for structures from residential zone boundary? Source: BCZR 255.2, 243.1, 243.4, (and 75 feet front yard)

PMZ

7. Does a food store in an M.L. zone in excess of 2500 sq. feet require a variance? BCZR 253.1 c 11; 307.1?

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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APR 14 1987

Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE UNABRIDGED

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SPRINGFIELD, MASSACHUSETTS, U.S.A.

au·top·sist \-sōst — *see* ¹AUTOPSY\ *n* -S [*autopsy* + *-ist*] : one who performs an autopsy

¹au·top·sy \'ȯˌtäpsē, 'ȯd-əp-, 'ȯtəp-, -si *sometimes* ȯ'täp- *or* ə'täp-\ *n* -ES [Gk *autopsia* seeing with one's own eyes, fr *aut-* + *-opsia* (fr *opsis* sight) — more at OPTIC] **1** : POSTMORTEM EXAMINATION, NECROPSY, *also* : permission to make such an examination (~ was refused) **2** : a critical analysis either hostile or dispassionate of a past event or a completed creative process (history is at best ~ —F L.Wright)

²autopsy \"\ *vt* -ED/-ING/-ES : to perform a postmortem examination upon

au·to·psychic \ˌȯ-ˈ- *at* ¹AUTO- + ˈ-\ *adj* [*aut-* + *psychic*] : of or relating to one's own mind — contrasted with *allopsychic*

au·top·tic \(ˈ)ȯˈtäptik\ *adj* [Gk *autoptikos* of an eyewitness, fr. *aut-* + *optikos* of sight — more at OPTIC] : based on one's own observation (an ~ report on the Far East)

au·to·radiograph \ˌȯ-ˈ- *at* ¹AUTO- +\ *or* **au·to·radiogram** \" +\ *n* [ISV *aut-* + *radiograph* or *radiogram*] : an image produced on a photographic film or plate by the radiations from a radioactive substance in an object which is in close contact with the emulsion — called also *radioautograph* — **au·to·radiographic** \" +\ *adj*

au·to·radiography \" +\ *n* [*aut-* + *radiography*] : the process of making autoradiographs

au·to·rail \ˈȯ- + -ˌ-\ *or* **au·to·railer** \" + -ˌ-\ *n* -S [²*auto-* + *rail* or *railer*] : a self propelled vehicle equipped with both flange wheels and pneumatic tires and thus adaptable to either railway or highway operation

au·to·rifle \ˈȯd ōˌ-\ *n* -S [*automatic rifle*] : AUTOMATIC RIFLE

au·to roller \ˈȯd-ōˌ-\ *n* [*automatic*] : a worker who feeds and operates an automatic machine for cutting wrapper leaves and rolling cigars

au·to·rotation \ˌȯ-(ˌ)ō- *at* ¹AUTO- +\ *n* -S [ISV *aut-* + *rotation*] : the turning of the rotor of an autogiro or a helicopter with resulting lift caused solely by the aerodynamic forces induced by motion of the rotor along its flight path — **au·to·rotational** \" +\ *adj*

autos *pl of* AUTO, *pres 3d sing of* AUTO

au·to·sau·ri·a \ˌ-ˈsȯrēə\ [NL, fr *aut-* + *-sauri* (pl. of *-saurus*) or *-sauria*] *syn of* LACERTILIA

au·to·sche·di·asm \ˌ-ˈ- + ˈskēdēˌazəm\ *n* -S [Gk *autoschediasma*, fr *autoschediazein* to extemporize, fr. *aut-* + *schediazein* to improvise, do something offhand, fr *schedios* casual, akin to Gk *schein echein* to have, hold — more at SCHEME] : something that is done offhand : IMPROVISATION

au·to·sche·di·as·tic \ˌ-ˈ- + ˌskēdēˈastik\ *adj* [Gk *autoschediastikos*, fr *autoschediastos* extemporary (fr. *autoschediazein*) + *-ikos* -ic] : EXTEMPORARY, OFFHAND

au·to·scope \ˈȯ- + ˌskōp\ *n* -S [ISV *aut-* + *-scope*, prob orig formed as G *autoskop*] : a device for recording or magnifying small involuntary movements of the body

au·to·scopic \ˌ-ˈ- + ˈ-\ *adj* : of, relating to, or marked by autoscopy

au·tos·co·py \ȯˈtäskəpē\ *n* -ES [ISV *aut-* + *-scopy* prob. orig formed as G *autoskopie*] : visual hallucination of one's body image

autos-da-fé *pl of* AUTO-DA-FÉ

autos de fé *pl of* AUTO DE FÉ

au·to·sensitization \ˌ-(ˌ)ō- *at* ¹AUTO- +\ *n* -S [*aut-* + *sensitization*] : AUTOIMMUNIZATION

au·to·serum \ˈȯ- + ˌsi(ə)rəm\ *n* -S [ISV *aut-* + *serum*] : a serum obtained from a patient for use in treating that patient

au·to·sexing \" + ˌsek-\ *adj* [*aut-* + *sexing*, pres part of *sex*] : showing characters that are differential for sex at birth or hatching — used esp of domestic fowls crossbred for characteristic color or pattern differences in the two sexes

au·to·site \" + ˌsīt\ *n* -S [F, fr. *aut-* + *-site* (as in *parasite*)] : that part of a double fetal monster that nourishes both itself and the parasitic twin

au·to·sit·ic \ˌȯ-ˈ- + ˌsid-ik\ *adj* : of the nature of an autosite

au·to·skeleton \ˈȯ- + ˌskel-ə-\ *n* -S [*aut-* + *skeleton*] : an internal skeleton, *specif* : the endoskeleton of sponges consisting of spicules or spongin fibers secreted by the cells — opposed to *pseudoskeleton*

au·to·sled \" + ˌsled\ *n* -S [²*auto-* + *sled*] **1** : a vehicle with four retractable runners and wheels that is driven by propeller blades and is capable of traveling on bare roads, packed snow, or ice **2** : a vehicle like an autosled but that has only the front wheels retractable and that is driven by the rear wheels

au·to·som·al \ˌȯ- + ˈsōməl\ *adj* : of, belonging to, located on, or transmitted by an autosome — used chiefly of genes other than a sex chromosome — called also *euchromosome*, compare ALLOSOME

au·to·some \ˈȯ- + ˌsōm\ *n* -S [*aut-* + *-some*] : a chromosome other than a sex chromosome — called also *euchromosome*, compare ALLOSOME

au·to·spore \" + ˌ-\ *n* -S [*aut-* + *-spore*] : one of the daughter cells formed by the internal division of a single cell esp in such unicellular algae as members of the order Chroococcales and duplicating in miniature the parent cell

au·to·spor·ic \ˌȯ- + ˈspȯrik\ *adj* : of, relating to or characterized by autospores

au·to·stability \" +\ *n* -ES [*aut-* + *stability*] : the ability (as of an airplane) to keep in steady poise either by virtue of its inherent shape and proportions or by a self-operative controlling mechanism

au·to·sty·lic \ˌȯ- + ˈstīlik\ *adj* [*aut-* + *-stylic*] : having the jaws connected directly with the cranium (as chimaeras, lungfishes, amphibians, and higher vertebrates) instead of indirectly by the hyoid arch — sometimes distinguished from *holostylic* to denote lack of fusion of the pterygoquadrate with the cranium; compare AMPHISTYLIC, HYOSTYLIC

au·to·sty·lism \ˌ- + ˈstīˌlizəm\ *or* **au·to·sty·ly** \ˌ- + ˌstīlē\ *n, pl* **autostylisms** *or* **autostylies** [*autostylic* + *-ism* or *-y*] : condition of being autostylic

au·to·suggestibility \ˌ-(ˌ)ō- +\ *n* -ES : the quality or state of being autosuggestible

au·to·suggestible \" + ˌ-ˈ-\ *adj* [*autosuggestion* + *-ible*] : subject to autosuggestion

au·to·suggestion \" +\ *n* -S [ISV *aut-* + *suggestion*; orig. formed in G] : an influencing of one's own attitudes, behavior, or physical condition by mental processes other than conscious thought : SELF-HYPNOSIS

au·to·suggestive \" + ˌ-ˈ-\ *adj* [*autosuggestion* + *-ive*] : of, relating to, or marked by autosuggestion

au·to·synapsis \" +\ *n* [NL, fr. *aut-* + *synapsis*] : AUTOSYNDESIS

au·to·syndesis \" +\ *n* [NL, fr. *aut-* + *syndesis*] : pairing at meiosis of homologous chromosomes from the similar sets of an allopolyploid individual

au·to·syndetic \" + ˌ-ˈ-\ *adj* [*aut-* + *syndetic*] : of, relating to, or marked by autosyndesis — **au·to·syndetically** \" + ˌ-ˈ-(ə)lē\ *adv*

au·to·tel·ic \ˌȯ-ˈ-+ˈtelik\ *adj* [Gk *autotelēs* complete in itself (fr *aut-* + *telos* end) + E *-ic*] : having an end or purpose in and not apart from itself (poetry is .. like mathematics, an ~ activity —Louis MacNeice) — contrasted with *heterotelic*

au·to·tel·ism \ˌ-ˈ- + ˈtelˌizəm, -ˈtēl-\ *also* ȯˈtätəlˌiz-\ *n* -S : the belief that a work of art, esp a work of literature, is an end in itself or provides its own justification

au·to·tetraploid \ˌȯ-ˈ-+\ *n* -S [*aut-* + *tetraploid*] : an individual or strain exhibiting autotetraploidy

au·to·tetraploidy \" +\ *n* -ES [*aut-* + *tetraploidy*] : the state of having four genomes due to doubling of the ancestral chromosome complement — compare C-MITOSIS

au·to·the·ism \ˈ(ˌ)ō- + (ˌ)thēˌizəm, ˌ-ˈth-\ *n* -S [LGk *autotheos* very God (fr Gk *aut-* + *theos* god) + E *-ism* — more at THEISM] **1** : the doctrine of the self-existence of God, *esp* : the doctrine that Christ is the self-existent God himself **2** : deification of oneself : SELF-WORSHIP

au·to·the·ist \ˈ(ˌ)ō- + ˌthēəst, -thēˌist\ *n* -S : one who believes in or practices autotheism

au·to·theistic \ˈ(ˌ)ō- + ˌ-ˈ-\ *adj* : of, relating to, or marked by autotheism

au·to·therapy \ˌȯ-ˈ+ˈ-\ *n* -ES [*aut-* + *therapy*] : medication of oneself or treatment of one's own disease without medical supervision or prescription

au·to·tomic \" + ˈtämik\ *or* **au·tot·o·mous** \ȯˈtädəməs\ *adj* [*aut-* + Gk *tomos* cutting + E *-ic* or *-ous*] : of, relating to, or characterized by autotomy

au·tot·o·mize \ȯˈtädəˌmīz\ *vb* -ED/-ING/-S *vt* : to effect autotomy of ~ *vi* : to undergo autotomy

autotomizer muscle *n* : a muscle that contracts in such a way as to cause autotomy (as in the limbs of a crayfish)

au·tot·o·my \ȯˈtädəmē\ *n* -ES [ISV *aut-* + *-tomy*] : reflex separation of a part or limb from the body : division of the whole into two or more pieces (as in crustaceans, echinoderms, or worms)

au·to·toxemia *also* **au·to·toxaemia** \ˌ-(ˌ)ō- *at* ¹AUTO- + -ˌ-ˈ-\ *n* -S [NL, fr *aut-* + *toxemia*, *toxaemia*] : AUTOINTOXICATION

au·to·toxin \" + ˈ-\ *n* -S [ISV *aut-* + *toxin*] : any toxin produced within the body

au·to·transformer \" + -ˈ-\ *n* -S [*aut-* + *transformer*] : a transformer in which the primary and secondary coils have part or all of their turns in common

au·to·transplant \" + -ˈ-\ *vt* [*aut-* + *transplant*] : AUTOGRAFT

au·to·transplantation \" + ˈ-ˌ-\ *n* -S : the action of autotransplanting or the condition of being autotransplanted

¹au·to·triploid \ˌȯ- + ˈ-ˌ-\ *adj* [*aut-* + *triploid*] : having a triploid set of chromosomes made up of like genomes — **au·to·triploidy** \" + ˈ-ˌ-\ *n* -ES

²autotriploid \" *n* -S : an autotriploid individual

au·to·tron·ic \ˌȯ- + ˈtränik\ *adj* [fr *Autotronic*, a trademark] : capable of automatically regulating the operation of banks of elevators in office buildings

au·to·troph \ˈȯ- + ˌträf, -ōf\ *also* **au·to·trophe** \-ˌtrōf\ *n* -S [G, fr *autotroph*, adj., autotrophic] : an autotrophic organism : AUTOPHYTE — **au·tot·ro·phy** \ȯˈtä-trəfē\ *n* -ES

autotroph hypothesis *n* : a hypothesis in biology the most primitive first life was autotrophic — compare HETEROTROPH HYPOTHESIS

au·to·troph·ic \ˌȯ- + ˈträfik, -trō-\ *adj* [ISV *aut-* + *-trophic*, prob orig formed as G *autotroph*] **1** : capable of self-nourishment, *specif* : capable of using carbon dioxide or carbonates as a sole source of carbon and a simple inorganic nitrogen compound for metabolic synthesis — used of green plants and certain chemoautotrophic bacteria and protozoans; opposed to *heterotrophic*; see PHOTOAUTOTROPHIC **2** : not requiring a specified exogenous factor for normal metabolism — usu used in combination (strictly auxoautotrophic) — **au·to·troph·i·cal·ly** \ˌ-ˈ-ˌfäk(ə)lē\ *adv*

au·to·truck \ˈ-ˌ-\ *n* -S [²*auto-* + *truck*] : a motor-driven truck

¹au·to·type \" + ˌ-\ *n* -S [*aut-* + *type*] **1** : FACSIMILE **2 a** : CARBON PROCESS **b** : a picture made by the carbon process **3 a** : HYPOTYPE **b** : AUTOGENOTYPE

²autotype \"\ *vt* -ED/-ING/-S : to make or copy by autotypy

au·to·typ·ic \ˌ-ˈ- + ˈ-\ *adj* **1** : reproduced by the carbon process **2** : of, relating to, or of the nature of an autotype

au·to·typy \ˈ-ˌ- + ˌtīpē; ȯˈtäd-əpē\ *n* -ES : process of making autotypes (sense 2)

au·to·vaccine \ˈ-ˌ- +\ *n* -S [*autogenous vaccine*] : AUTOGENOUS VACCINE

auto wrench *also* **automobile wrench** *n* : a lightweight all-metal monkey wrench

au·tox·i·da·tion \ȯˌtäksəˈdāshən, ȯdˌ-ik-\ *also* **au·to–oxidation** \ˌȯ-ˌ- *at* ¹AUTO- + -ˌ-ˈ-\ *n* [ISV *aut-* + *oxidation*] : oxidation by direct combination with oxygen (as in air) at ordinary temperatures (the rancidity of fats and oils is caused by ~)

au·tox·i·da·tive \ȯˈtäksəˌdād-iv, ȯdˈ-ik-\ *adj* : of, relating to, or caused by autoxidation

au·tox·i·diz·a·ble \ˌ-ˈ-ˌdīzəbəl\ *adj* : capable of undergoing autoxidation

au·tox·i·dize \ˌ-ˈ-ˌdīz\ *also* **au·to–oxidize** \ˌ-ˈ- *at* ¹AUTO- + -ˌ-ˈ-\ *vt* [*aut-* + *oxidize*] : to undergo autoxidation

au·to·zooid \ˌ-ˈ- *at* ¹AUTO- + ˈ-ˌ-\ *n* -S [*aut-* + *zooid*] : a fully formed alcyonarian zooid as distinguished from a siphonozooid

au·tre·fois ac·quit \ˌō-trəˌfwäˈ(ˌ)a-ˈkē\ *n* [AF, formerly acquitted] : a defendant's plea alleging previous trial and acquittal of the same offense

autrefois con·vict \- kən-ˈvikt\ *n* [AF, formerly convicted] : a defendant's plea alleging previous trial and conviction for the same offense

au·tumn \ˈȯ|d-əm, ˈä|, |təm\ *n* -S *often attrib* [ME *autumpne*, fr. L *autumnus*] **1 a** : the season between summer and winter reckoned astronomically as extending from the September equinox to the December solstice **b** : the season comprising the months of September, October, and November — called also *fall* **c** *Brit* : the season comprising the months of August, September, and October **d** : the season reckoned astronomically in the southern hemisphere as extending from the March equinox to the June solstice **2** : time of full maturity or incipient decline : latter portion : third stage (the ~ of life) **3** : a moderate olive brown that is darker and very slightly greener than the typical or average olive brown

autumn adonis *n, usu cap 2d A* : PHEASANT'S-EYE 1

au·tum·nal \(ˈ)ȯˈtəmnəl *sometimes* ˈȯ|d-əm- *or* ˈä| *or* |tə-\ *adj* [L *autumnalis*, fr. *autumnus* + *-alis* -al] **1** : of, belonging to, or peculiar to autumn (mild, ~ sunshine —Nathaniel Hawthorne) **2** : produced or gathered in autumn : maturing in autumn (~ fruits) **3** : characterized by qualities associated with or suggested by autumn (a serene ~ mood) — **au·tum·nal·ly** *adv*

autumnal tea *n* : a black tea grown during the autumn in certain Indian tea districts (as Assam, Darjeeling, Duars)

autumn blond *n* : FAWN 3

autumn brown *n* : a grayish to moderate brown that is yellower and darker than dark beaver

autumn crocus *n* : MEADOW SAFFRON

autumn elaeagnus *n, pl* **autumn elaeagnuses** : an Asiatic shrub (*Elaeagnus umbellata*) often escaped from cultivation esp in the eastern U.S with flowers in umbels and with the corolla tube much longer than the lobes

autumn glory *n* : a dark red to reddish orange that is slightly yellower and stronger than Moroccan

autumn green *n* : SPINACH GREEN

autumn leaf *n* [after F *feuille-morte*, lit, dead leaf] : FEUILLE MORTE

autumn mange *n* : a skin disease of domestic animals that is caused by the bites of chiggers, is characterized by papules and severe itching, and is most common in late summer and autumn

autumn oak *n* : LIVER 5

autumn snowflake *n* : a bulbous herb (*Leucojum autumnale*) with filiform leaves and the fall-blooming white flowers tinged with red — see SNOWFLAKE

autumn squill *n* : a hardy European bulbous garden plant (*Scilla autumnalis*) with persistent leaves that are produced after the naked raceme of pink flowers

autumn willow *n* : a bog shrub (*Salix serissima*) of northern No America with shining dark-green leaves and fruits that persist until autumn

au·tun·ite \ōˈtəˌnīt\ *n* -S [*Autun*, Dept Saône-et-Loire, France, its locality + E *-ite*] : a radioactive lemon-yellow mineral composed of uranyl calcium phosphate $Ca(UO_2)_2(PO_4)_2\ 10\text{–}12H_2O$ occurring in tabular crystals with basal cleavage and in micalike scales (sp. gr. 3.05–3.19)

au·ver·gnat \ˈō,vernˌyä\ *n* -S *cap* [F, fr *Auvergne*, region of south central France] : a native or inhabitant of Auvergne, France

au·wai \ˈaůˌwī\ *n* -S [Hawaiian *ʻauwai*] *Hawaii* : a watercourse or channel esp for irrigation

au·we \ˈaů(ˌ)wā\ *var of* AUE

aux *abbr* auxiliary

auxano- *comb form* [ISV, fr Gk *auxanein* to increase, akin to Gk *auxein* to increase — more at EKE] : growth (*auxano*gram) (*auxano*logy)

aux·an·o·gram \ȯgˈzanəˌgram, ȯkˈsa-\ *n* -S [*auxano-* + *-gram*] : a plate culture (as of bacteria) in which variable conditions are provided for growth that is used as a means of determining the effects of a particular condition or agent on the growth of a test organism

aux·an·o·graph·ic \ȯˌ-ˈ-ˈgrafik\ *adj* : of, belonging to, or by means of auxanography — **aux·an·o·graph·i·cal·ly** \-fək-(ə)lē\ *adv*

aux·a·nog·ra·phy \ˌȯgzəˈnägrəfē, ˌȯksə-\ *n* -ES [*auxano-* + *-graphy*] : the study of growth-promoting or growth-inhibiting agents by means of auxanograms

aux·a·nom·e·ter \ˌ-ˈnäməd-ə(r)\ *n* -S [ISV *auxano-* + *-meter*] : an instrument for determining and measuring the rate of growth in plants consisting essentially of a lever with a long and a short arm which is attached to the plant

-auxe \ˈȯk(ˌ)sē\ *n comb form, pl* **-auxae** [NL, fr Gk *auxē* growth, akin to Gk *auxein* to increase — more at EKE] : enlargement : hypertrophy (enter*auxe*)

aux·e·sis \ȯgˈzēsəs, ȯkˈse-\ *n, pl* **auxe·ses** \-ēˌsēz\ [NL, fr. Gk *auxēsis* increase, fr. *auxanein*, *auxein* to increase + *-esis* — more at EKE] **1** : GROWTH, *specif* : increase of cell size without cell division — compare MERISIS **2** : the process by which certain diatoms that have become small through repeated asexual divisions are restored to normal size, the protoplasts escaping from the cell wall and increasing to normal size or fusing to form auxospores or zygospores that then increase to normal size before new cell walls form

aux·et·ic \(ˈ)ȯgˈzed-ik, (ˈ)ȯkˈse-\ *adj* [Gk *auxētikos* growing, promoting growth, fr *auxētos* increased, capable of being increased (fr *auxanein*, *auxein* to increase) + *-ikos* -ic] **1** : characterized by auxesis **2** : inducing auxesis — **aux·et·i·cal·ly** \-d-ək(ə)lē\ *adv*

aux·il·i·an \ȯgˈzilyən\ *n* -S [*auxiliary* + *-ian*] : a member of a hospital auxiliary group

auxiliar *adj or n* [L *auxiliaris*, fr. *auxilium* + *-aris* -ar] *archaic* : AUXILIARY

¹aux·il·ia·ry \(ˈ)ȯgˈzilyərē, əgˈz-, ÷ -l(ə)r-, -ri *sometimes* -kˈs- or -kˈs- *or* -lēˌer-\ *adj* [L *auxiliarius*, fr. *auxilium* help (akin to L *augēre* to increase) + *-arius* -ary — more at EKE] **1 a** : offering or providing help, assistance, or support esp by interaction (neither philosophy nor science has ever been more closely ~ to literature than at the moment —Wylie Sypher) **b** : functioning in a subsidiary capacity (an ~ branch of the state university) **2** *of a verb* : accompanying a nonfinite verb form that expresses the main verbal meaning of its clause, expressing typically such things as person, number, mood, and tense, and finite in form unless accompanied by another auxiliary verb, in which case only one is finite (as *be*, *have*, *do*, *will*, *can*, in such expressions as "we were standing there", "I move the nominations be closed", "he has been informed", "where do they live?", "he will write", "I can swim", German *haben*, *sein*, *werden*, *dürfen*, or French *avoir*, *être*, *pouvoir*, *devoir*, in similar expressions) **3** : augmenting or available to augment a basic power, potential, or ability (as **a** : SUPPLEMENTARY (with ~ instruments the new telescope has more power) **b** : RESERVE (the ~ police were called to the disaster area) (~ power plant) **4** *of a boat* : equipped with an inboard engine to supplement the motive power of sails (an ~ sloop)

²auxiliary \"\ *n* -ES **1** : one that helps : one that functions or serves in a supplementary often subordinate position **2 a** : an allied or foreign armed force in the service of a nation at war — usu used in pl **b** : a member of such a force **3** *or* **auxiliary bishop** : a titular bishop in the Roman Catholic Church who assists the ordinary of a diocese **4 a** : an auxiliary engine (as on a sailboat) **b** : an auxiliary boat (as a tanker, tender or supply ship) — see NAVAL AUXILIARY **c** : a sailboat with an auxiliary engine **5** : a member of an auxiliary group (as of police or firemen) **6** : ASSISTANT 3 **7** : an auxiliary verb **8** : AUXILIARY INFLECTION **9 a** : an organization that is adjunct to one having a restricted membership, *esp* : an organization for wives and women relatives of such members (the American Legion *Auxiliary*) (Women's *Auxiliary* of the State Medical Society) **b** : an organization often of women that assists esp by donations or volunteer services the work of a church, hospital, or charitable institution (the Lutheran Home *Auxiliary*)

auxiliary cell *n* : a specialized cell in certain red algae often some distance from the carpogonium into which the diploid zygote nucleus migrates after fertilization sometimes by special threads called ooblasts and from which the carpospores eventually develop

auxiliary circle *n* : a circle described on the major or minor axis of an ellipse as diameter

auxiliary equation *n* : an equation obtained from the standard form of a linear differential equation by replacing the right member by zero

auxiliary goods *n pl* : PRODUCER GOODS

auxiliary inflection *n, paleontol* : any lateral lobe or saddle of the ammonoid suture added later than the first two or three pairs

auxiliary language *n* : a language (as Esperanto or pidgin English) used for communication between persons that do not understand each other's native language — compare INTERLANGUAGE

auxiliary rafter *n* : a rafter used to strengthen the principal rafter in a truss

auxiliary switch *n* : an electrical switch actuated by a main device (as a circuit breaker) for signaling or interlocking

auxiliary target *n* : a point of known location used as an adjusting point for subsequent fire on other targets

auxiliary tone *or* **auxiliary note** *n* : an unaccented nonharmonic tone approached from above or below by stepwise motion and returning to the original tone

aux·il·i·um \ȯgˈzilēəm\ *n* -S [L] : an aid or tribute — compare AID 4

aux·i·mone \ˈȯksəˌmōn\ *n* -S [Gk *auximos* promoting growth + *-one* (as in hormone)] : any of certain substances considered necessary, though only in small quantities, for the vigorous growth of plants and occurring esp in sphagnum peat decomposed by nitrogen bacteria — compare VITAMIN

aux·in \ˈȯksən\ *n* -S [ISV *aux-* (fr Gk *auxein* to increase) + *-in* — more at EKE] : any organic substance (as indoleacetic acid) characterized by its ability in low concentrations to promote growth of plant shoots along the longitudinal axis (as in the Avena test) and to produce various other effects (as root formation and bud inhibition) — compare PLANT HORMONE — **aux·in·ic** \(ˈ)ȯkˈsinik\ *or* **aux·in·i·cal** \-nəkəl\ *adj* — **aux·in·i·cal·ly** \-ək(ə)lē\ *adv*

aux·i·thal \ˈȯksəˌthal\ *n* -S [*auxi-* (fr Gk *auxein* to increase) + *-thal* (fr *thiamine* + *-al*)] : AUXIN

auxo- *comb form* [ISV, fr Gk, fr *auxein* to increase — more at EKE] **1** : growth (*auxo*body) (*auxo*substance) : increase (*auxo*graph) **2** : accelerating : stimulating (*auxo*chrome)

aux·o·autotrophic \ˌȯk(ˌ)sōˌ-ˈ-\ *adj* [*auxo-* + *autotrophic*] *biol* : requiring no exogenous growth factors

aux·o·chrome \ˈȯksəˌkrōm\ *n* -S [ISV *auxo-* + *-chrome*] : a salt-forming group (as hydroxyl or amino) that when introduced into a chromogen produces a dye — see CHROMOPHORE — **aux·o·chrom·ic** \ˌ-ˈkrōmik\ *adj*

aux·o·cyte \ˈȯksəˌsīt\ *n* -S [*auxo-* + *-cyte*] *biol* : a gamete-forming cell (as an oocyte) or a sporocyte during its growth period

aux·o·drome \-ˌdrōm\ *n* -S [*auxo-* + *drome*] : a plotted curve indicating the relative development of a child at any given age

aux·o·graph \ˈȯksəˌgraf\ *n* -S [*auxo-* + *-graph*] : an instrument for the automatic recording of variations in volume of any body and orig used to measure the swelling and shrinking of parts of plants — **aux·o·graph·ic** \ˌ-ˈ-ˈgrafik\ *adj*

aux·o·heterotrophic \ˌȯk(ˌ)sō+ˈ-ˌ-\ *adj* [*auxo-* + *heterotrophic*] *biol* : requiring exogenous growth factors or stimulants

aux·o·spore \ˈȯksəˌspō(ə)r\ *n* -S [ISV *auxo-* + *-spore*, prob. orig formed in G] : a reproductive cell in diatoms usu. resulting from the union of two smaller cells or their contents and associated with rejuvenescence in cells that have become progressively smaller because of repeated divisions

aux·o·tonic \ˌȯksəˈtänik\ *adj* [ISV *auxo-* + *tonic*] *plant physiol* : determined or induced by growth rather than by external stimulus — opposed to *allassotonic*

av *usu cap, var of* AB

av *abbr* **1** avenue **2** average **3** aviation **4** avoirdupois

AV *abbr* **1** ad valorem **2** [L *annos vixit*] he lived (a given number of) years **3** audio-visual **4** average variability

ava *or* **ava'** \ȯˈvä, -vȯ\ *adv* [Sc *av* (alter. of E *of*) + *ta* 1] *Scot* : of all (this pleased them warst ~ —Robert Burns) **2** *Scot* : at all (not like a gentleman ~)

ava \ˈ(ˌ)äv-ə\ *n* -S [Tahitian or Samoan *ʻava*] *Central Polynesia* : KAVA

av·a·da·vat \ˈavədəˌvat\ *also* **am·a·da·vat** \ˈamə-\ *n* -S [irreg fr *Ahmadabad*, city in India from which it was imported to Europe] : a very small weaverbird (*Estrilda amandava*)

.transformer \" + =,==\ *n* -s [...]
transformer in which the primary and secondary coils
part or all of their turns in common
.transplant \" + =,=, ,=,=\ *vt* [*aut-* + *transplant*]
TOGRAFT
.transplantation \" + ,==,==\ *n* -s : the action of autosplanting or the condition of being autotransplanted
to-triploid \,== + ,=,=\ *adj* [*aut-* + *triploid*] : having a loid set of chromosomes made up of like genomes -- **au-**
riploidy \ + ,=,==\ *n* -ES
otriploid \"\ *n* -s : an autotriploid individual
o-tron-ic \,== + ,tränik\ *adj* [fr. *Autotronic*, a trademark] : pable of automatically regulating the operation of banks
elevators in office buildings
to-troph \'== + ,träf, -ōf\ *also* **au-to-trophe** \-,trōf\
s [G, fr. *autotroph*, adj., autotrophic] : an autotrophic
ganism : AUTOPHYTE -- **au-tot-ro-phy** \ō'tä-trəfē\ *n* -ES
otroph hypothesis *n* : a hypothesis in biology: the most mitive first life was autotrophic - compare HETEROTROPH POTHESIS
to-troph-ic \,== + ,träfik, -trō-\ *adj* [ISV *aut-* + *-trophic*; ob. orig. formed as ; *autotroph*] 1 : capable of self-nourishent; *specif* : capable of using carbon dioxide or carbonates a sole source of carbon and a simple inorganic nitrogen mpound for metabolic synthesis -- used of green plants d certain chemoautotrophic bacteria and protozoans; opposed to *heterotrophic*; see PHOTOAUTOTROPHIC 2 : not equiring a specified exogenous factor for normal metabolism - usu. used in combination ⟨strictly auxo*autotrophic*⟩ —
u-to-troph-i-cal-ly \,==,=fək(ə)lē\ *adv*
.-to-truck \'== + ,=\ *n* -s [*auto-* + *truck*] : a motor-driven ruck
u-to-type \" + ,=\ *n* -s [*aut-* + *type*] 1 : FACSIMILE 2a : CARON PROCESS b : a picture made by the carbon process 3 a : HYPOTYPE b : AUTOGENOTYPE
utotype \"\ *vt* -ED/-ING/-S : to make or copy by autotypy
u-to-typ-ic \,== + ,==\ *adj* 1 : reproduced by the carbon process 2 : of, relating to, or of the nature of an autotype
u-to-typy \'== + ,tīpē; ō'täd-əpē\ *n* -ES : process of making autotypes (sense 2)
u-to-vaccine \'== + \ *n* -s [*auto*genous *vaccine*] : AUTOGENOUS VACCINE
uto wrench *also* **automobile wrench** *n* : a lightweight all-metal monkey wrench
u-tox-i-da-tion \ō,täksə'dāshən, ōd-,äk-\ *also* **au-to-oxidation** \,== *at* 1AUTO- + ==,==\ *n* [ISV *aut-* + *oxidation*] : oxidation by direct combination with oxygen (as in air) at ordinary temperatures ⟨the rancidity of fats and oils is caused by ~⟩
au-tox-i-da-tive \ō,täksə,dād-iv, ōd-,äk-\ *adj* : of, relating to, or caused by autoxidation
au-tox-i-diz-a-ble \=,==,dīzəbəl\ *adj* : capable of undergoing autoxidation
au-tox-i-dize \=',==,dīz\ *also* **au-to-oxidize** \,== *at* 1AUTO- + ,==,=\ *vi* [*aut-* + *oxidize*] : to undergo autoxidation
au-to-zooid \,== *at* 1AUTO- + ,=,=\ *n* -s [*aut-* + *zooid*] : a fully formed alcyonarian zooid as distinguished from a siphonozooid
au-tre-fois ac-quit \,ō-trəf,wä(,)a'kē\ *n* [AF, formerly acquitted] : a defendant's plea alleging previous trial and acquittal of the same offense
autrefois con-vict \-,kən'vikt\ *n* [AF, formerly convicted] : a defendant's plea alleging previous trial and conviction for the same offense
au-tumn \'ȯ|d-əm, 'ä|, |təm\ *n* -s *often attrib* [ME *autumpne*, fr. L *autumnus*] 1 a : the season between summer and winter reckoned astronomically as extending from the September equinox to the December solstice b : the season comprising the months of September, October, and November — called also *fall* c *Brit* : the season comprising the months of August, September, and October d : the season reckoned astronomically in the southern hemisphere as extending from the March equinox to the June solstice 2 : time of full maturity or incipient decline : latter portion : third stage ⟨the ~ of life⟩ 3 : a moderate olive brown that is darker and very slightly greener than the typical or average olive brown
autumn adonis *n, usu cap 2d A* : PHEASANT'S-EYE 1
au-tum-nal \(')ȯ'təməl *sometimes* 'ȯ|d-əm- *or* 'ä| *or* |tə-\ *adj* [L *autumnalis*, fr *autumnus* + *-alis* -al] 1 : of, belonging to, or peculiar to autumn ⟨mild, ~ sunshine —Nathaniel Hawthorne⟩ 2 : produced or gathered in autumn : maturing in autumn ⟨~ fruits⟩ 3 : characterized by qualities associated with or suggested by autumn ⟨a serene ~ mood⟩ **au-tum-nal-ly** *adv*
autumnal tea *n* : a black tea grown during the autumn in certain Indian tea districts (as Assam, Darjeeling, Duars)
autumn blond *n* : FAWN 3
autumn brown *n* : a grayish to moderate brown that is yellower and darker than dark beaver
autumn crocus *n* : MEADOW SAFFRON
autumn elaeagnus *n, pl* **autumn elaeagnuses** : an Asiatic [illegible] often escaped from cultivation

fusing to form auxospore
normal size before new cell walls form
aux-et-ic \(')ȯg'zed-ik, (')ȯk'se-\ *adj* [Gk *auxētikos* growing, promoting growth, fr. *auxētos* increased, capable of being increased (fr. *auxanein*, *auxein* to increase) + *-ikos* -ic] 1 : characterized by auxesis 2 : inducing auxesis — **aux-et-i-cal-ly** \-d-ȯk(ə)lē\ *adv*
aux-il-i-an \ȯg'zilyən\ *n* -s [*auxiliary* + *-an*] : a member of a hospital auxiliary group
auxiliar *adj or n* [L *auxiliaris*, fr. *auxilium* + *-aris* -ar] *archaic* : AUXILIARY
1aux-il-ia-ry \(')ȯg'zilyərē, əg'z-, ÷ -l(ə)r-, -ri *sometimes* -k's- or -k's- *or* -lē,er-\ *adj* [L *auxiliarius*, fr. *auxilium* help (akin to L *augēre* to increase) + *-arius* -ary — more at EKE] 1 a : offering or providing help, assistance, or support esp. by interaction to literature than at the moment —Wylie Sypher⟩ b : functioning in a subsidiary capacity ⟨an ~ branch of the state university⟩ 2 *of a verb* : accompanying a nonfinite verb form that expresses the main verbal meaning of its clause, expressing typically such things as person, number, mood, and tense, and in which case only one is finite (as *be*, *have*, *do*, *will*, *can*, in such expressions as "we were standing there", "I move the nominations be closed", "he has been informed", "where do they live?", "he will write", "I can swim", German *haben*, *sein*, *werden*, *dürfen*, or French *avoir*, *être*, *pouvoir*, *devoir*, in similar expressions) 3 : augmenting or available to augment a basic power, potential, or ability: as a : SUPPLEMENTARY ⟨with ~ instruments the new telescope has more power⟩ ⟨~ b : RESERVE ⟨the ~ police were called to the disaster area⟩ ⟨~ power plant⟩ 4 *of a boat* : equipped with an inboard engine to supplement the motive power of sails ⟨an ~ sloop⟩
2auxiliary \"\ *n* -ES 1 : one that helps : one that functions or serves in a supplementary often subordinate position 2 a : an allied or foreign armed force in the service of a nation at war -- usu. used in pl. b : a member of such a force 3 or **auxiliary bishop** : a titular bishop in the Roman Catholic Church who assists the ordinary of a diocese 4 a : an auxiliary engine (as on a sailboat) b : an auxiliary boat (as a tanker, tender, or supply ship) — see NAVAL AUXILIARY c : a sailboat with an auxiliary engine 5 : a member of an auxiliary group (as of police or firemen) 6 : ASSISTANT 3 7 : an auxiliary verb 8 : AUXILIARY INFLECTION 9 a : an organization that is adjunct to one having a restricted membership; *esp* : an organization for wives and women relatives of such members ⟨the American Legion *Auxiliary*⟩ ⟨Women's *Auxiliary* of the State Medical Society⟩ b : an organization often of women that assists esp. by donations or volunteer services the work of a church, hospital, or charitable institution ⟨the Lutheran Home *Auxiliary*⟩
auxiliary cell *n* : a specialized cell in certain red algae often some distance from the carpogonium into which the diploid zygote nucleus migrates after fertilization sometimes by special threads called ooblasts and from which the carpospores eventually develop
auxiliary circle *n* : a circle described on the major or minor axis of an ellipse as diameter
auxiliary equation *n* : an equation obtained from the standard form of a linear differential equation by replacing the right member by zero
auxiliary goods *n pl* : PRODUCER GOODS
auxiliary inflection *n, paleontol* : any lateral lobe or saddle of the ammonoid suture added later than the first two or three pairs
auxiliary language *n* : a language (as Esperanto or pidgin English) used for communication between persons that do not understand each other's native language — compare INTERLANGUAGE
auxiliary rafter *n* : a rafter used to strengthen the principal rafter in a truss
auxiliary switch *n* : an electrical switch actuated by a main device (as a circuit breaker) for signaling or interlocking
auxiliary target *n* : a point of known location used as an adjusting point for subsequent fire on other targets
auxiliary tone *or* **auxiliary note** *n* : an unaccented nonharmonic tone approached from above or below by stepwise motion and returning to the original tone
aux-il-i-um \ȯg'zilēəm\ *n* -s [L] : an aid or tribute — compare AID 4
aux-i-mone \'ȯksə,mōn\ *n* -s [Gk *auxim*os promoting growth + *-one* (as in hormone)] : any of certain substances considered necessary, though only in small quantities, for the vigorous growth of plants and occurring esp. in sphagnum peat decomposed by nitrogen bacteria — compare VITAMIN
aux-in \'ȯksən\ *n* -s [ISV *aux-* (fr. Gk *auxein* to increase) + *-in* -- more at EKE] : any organic substance (as indoleacetic acid) characterized by its ability in low concentrations to promote growth of plant shoots along the longitudinal axis (as in the Avena test) and to produce various other effects (as root [illegible] and bud inhibition) — compare PLANT HORMONE

WORDS AND PHRASES

PERMANENT EDITION

1658 TO DATE

Volume 4A

Assessment — Azotize

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of the offense is the same. Commonwealth v. Vaughn, 42 S.W. 117, 101 Ky. 603, 45 L. R.A. 858.

The plea of "autrefois convict" is founded in the law that no one shall be twice put in jeopardy for the same offense; but the law does not consider that one has been put in jeopardy by a prosecution under an insufficient indictment, and it holds, moreover, that when his conviction is set aside, at his instance, on motion for a new trial or in arrest of judgment, he thereby waives any objection that he might otherwise urge against being tried again. State v. Foley, 38 So. 402, 403, 114 La. 412, citing Const. art. 9; State v. Hornsby, 8 Rob. 583, 41 Am.Dec. 314; State v. Ritchie, 3 La.Ann. 715; State v. Foster, 7 La.Ann. 255; State v. Walters, 16 La.Ann. 400; State v. Cason, 20 La.Ann. 48; 12 Cyc. pp. 264, 265, 277, 278; McGinn v. State, 65 N.W. 46, 46 Neb. 427, 30 L.R.A. 450, 50 Am.St.Rep. 617.

"The 'plea of autrefois acquit' is of a mixed nature, and consists partly of matters of record and partly of matters of fact. The matter of record is the former indictment and acquittal. The matter of fact is the identity of person and offense. In all cases where the plea consists of matter of record and matter of fact, the issue made thereon is to the country; but this does not take from the court the right it possesses of determining exclusively what is of record and what is not." Watson v. State, 66 A. 635, 640, 105 Md. 650, quoting and adopting the definition in Hite v. State, 9 Yerg. (Tenn.) 357.

AUTUMN ELECTION

Cross References

Spring or Autumn Election

AUXILIARY

Cross References

Ancillary

"Subsidiary" is synonymous with "auxiliary". Baker v. Fenley, 128 S.W.2d 295, 298, 233 Mo.App. 998.

"Ancillary" means "subordinate" or "auxiliary" to the principal. Steele v. Connecticut General Life Ins. Co., 52 N.Y.S. 373, 379, 31 App.Div. 380.

Word "auxiliary" means helping or aiding; giving support; subsidiary or additional supplementary power; a helper or aid; a confederate; an ally as in war. Texas & Pac. Motor Transport Co. v. U. S., D.C.Tex., 87 F.Supp. 107, 112.

A member of teachers' retirement system who was in active service with Civil Air Patrol was not entitled to wartime service credit in teachers' retirement act under veterans' reemployment act on ground that Civil Air Patrol was "auxiliary" of armed forces. Carpenter v. Butler, 201 P.2d 704, 709, 32 Wash.2d 371.

An "ancillary" or "auxiliary" receiver is "a custodian of the property within the state where he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state, in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims." Frowert v. Blank, 54 A. 1000, 1002, 205 Pa. 299.

A finding that an uptown office of wholesale grain dealers was used as an auxiliary to and in connection with the plant which they claimed exempt from a trust deed as their business homestead, is not inconsistent with a finding that the uptown office was their principal place of business as wholesale grain dealers; "auxiliary" meaning simply to confer aid or help. Bowman v. Stark, Tex.Civ.App., 185 S.W. 921, 924.

That portion of house bill undertaking to appropriate money directly to the Southern Oklahoma Hospital, an "auxiliary" to the University Hospital, for its support and maintenance is void for violating constitutional provisions that appropriations made by Legislature for state system of higher education shall be made in consolidated form without reference to any particular institution and Board of Regents shall allocate to each institution according to needs and functions. Board of Regents of University of Okl. v. Childers, 170 P.2d 1018, 1019, 197 Okl. 350.

Auxiliary connotes a subordinate or ancillary, and therefore a qualifying, position or relation in respect to abstractions, such as judgments and steps to enforce them, receiverships, jurisdiction, etc.; but in relation to physical plants and properties, and related corporations, it means identical with or an equal part. Board of Regents of University of Okl. v. Childers, 170 P.2d 1018, 1019, 197 Okl. 350.

If one have an action at law pending, he may file a bill of discovery in equity or a bill for some other equitable relief in aid of his action at law, and this bill is auxiliary to his action at law, and in a certain sense ancillary. So if one have a judgment at law, and his execution thereof be obstructed or hindered, he may file a bill in equity to remove the obstruction or to subject assets which the execution otherwise will not reach, and this and similar proceedings are "auxiliary," and in a certain sense "ancillary"; and, in the peculiar relation of the jurisdiction of the federal courts to the citizenship of parties, this principle of ancillary jurisdiction is sometimes resorted to for sustaining supplemental litigation involving a jurisdiction which otherwise a federal court could not maintain, as where the judgment is between a plaintiff and defendant of adverse citizenship, but the subsequent bill in equity involves a controversy between citizens of the same state of whom the federal courts could have no jurisdiction, the proceeding is treated as a continuation of a suit at law and "ancillary" to it. In re Williams, 123 F. 321, 322.

AUXILIARY ADMINISTRATION

"Ancillary" or "auxiliary administration" is that which is granted in pursuance of the laws of a government other than that of decedent's domicile for the due collection and disposition of such personalty and realty as the deceased left within the jurisdiction of that government. In re Smith's Estate, 97 P.2d 677, 683, 55 Wyo. 181.

Administration in state where person was domiciled at time of death is deemed principal or primary administration and is ordinarily termed "domiciliary administration," and administration in state other than where decedent is domiciled where he has property is termed "ancillary" or "auxiliary." First Nat. Bank v. Blessing, 98 S.W.2d 149, 151, 231 Mo.App. 288.

AUXILIARY AGREEMENTS

In a contract providing for plaintiffs' construction of a coal washing system for defendant pursuant to defendant's specifications, a clause which provides under the words "Auxiliary Agreements" that "The Contractor agrees to supply the Purchaser with two (2) additional DMS Washing Systems at the Contractor's cost plus 10% within 24 months of the date of this agreement," will be construed to be an option to purchase only and not a binding contract to purchase two additional washing systems. Daniels Co. v. Nevling, Pa., 5 D.&C.2d 314, 315, 322.

AUXILIARY AND SUPPLEMENTAL

The restriction that service to be rendered by a railroad affiliated motor carrier shall be "auxiliary or supplementary" to rail service is dependent upon the meaning which the Interstate Commerce Commission has given to term "auxiliary and supplemental", and meaning of term is not limited to Commission's practice at any particular time, since different conditions are required under different circumstances to maintain balance between rail and motor carriage. U. S. v. Rock Island Motor Transit Co., Ill., 71 S.Ct. 382, 395, 340 U.S. 419, 95 L.Ed. 391.

AUXILIARY BILL

A bill by obligees in an error bond claiming subrogation to rights of sureties as respects lien on notes in hands of transferee of principal was "original" and not "auxiliary" or "ancillary" to action at law, as respects jurisdiction of federal court under constitution, article three, requiring diversity of citizenship. Christmas v. Russell, Miss., 81 U.S. 69, 14 Wall. 69, 20 L.Ed. 702.

AUXILIARY CHANNEL

Act May 29, 1889, § 7, provides that the trustees of a sanitary district shall have power to lay out one or more main channels for carrying off the drainage, together with such adjuncts and additions thereto as may be proper. Act May 14, 1903, Smith-Hurd Stats. c. 42, § 361, enlarging the boundaries of the sanitary district of Chi-

cago, gave the trustees power to provide for the additional territory by constructing one or more channels together with such adjuncts and additions thereto as may be necessary, and shall maintain the same proportion of dilution of sewage through such auxiliary channels. Held, that the words "adjuncts" and "additions" were used as synonymous with "auxiliary channel," and did not mean city sewers connecting with the sanitary district outlet so as to authorize the district authorities to take charge of the building of sewers of municipalities within the district. City of Chicago v. Green, 87 N.E. 417, 422, 238 Ill. 258.

AUXILIARY CORPORATION

A "subsidiary" or "auxiliary corporation" which is created by a parent corporation merely as an agency for the latter may sometimes be regarded as identical with the parent corporation. Kelley, Glover & Vale v. Heitman, 44 N.E.2d 981, 985, 220 Ind. 625.

AUXILIARY JURISDICTION

Jurisdiction in equity to compel discovery, is essentially "auxiliary". Attorney General v. Foster Wheeler Corporation, 33 A.2d 699, 702, 133 N.J.Eq. 554.

AUXILIARY RECEIVER

An "auxiliary receiver" is "a custodian of the property within the state where he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state, in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims." Frowert v. Blank, 54 A. 1000, 1002, 205 Pa. 209.

An auxiliary receiver is merely the custodian of the property within the state wherein he is appointed for the purpose of preserving the assets belonging to the party or corporation proceeded against within the state in order that creditors may reach them without being compelled to go to a foreign jurisdiction to prove their claims. Therefore, as a general rule, the person so appointed is a mere common-law receiver to protect the property, and has only the powers conferred by the order appointing him. Buckley v. Harrison, 31 N.Y.S. 999, 1001, 10 Misc. 683.

AUXILIARY WORK

In Municipal Improvement Act authorizing municipalities to construct innumerable works of improvements and "other work" and "auxiliary work" and "any works, utility, or appliance as necessary or convenient for providing any other public service," the quoted phrases include off-street parking, and hence a parking district may be formed under such act. Jeffery v. City of Salinas, 42 Cal.Rptr. 486, 502, 232 C.A.2d 29.

AUXILIARY WRIT OF ATTACHMENT

An auxiliary writ of attachment when properly issued and served merely enables plaintiff to hold, pending final judgment, property belonging to defendant out of proceeds of sale of which he would be entitled to have his judgment satisfied, while judicial attachment performs office of conferring jurisdiction on court in which creditor seeks satisfaction of debt by seizing debtor's property located within state. Farmers' Nat. Bank of Stephenville v. Daggett, Tex.Com. App., 2 S.W.2d 834, 838.

AUXILIATOR

"Auxiliator" is a Latin word meaning helper or assistant and is closely related to the English word auxiliary. Esta Co. v. Burke, 257 F. 743, 746.

AVAIL

As used in statute, granting debt immunity to avails of life policy payable to insured, his personal representatives, his heirs or his estate, word "avails" is synonymous with "proceeds." Sand v. Merchants Nat. Bank & Trust Co., N.D., 81 N.W.2d 748, 751.

AVAILABILITY

The "availability" of a motion picture is the first day upon which an exhibitor may commence the exhibition of a picture under his licensing arrangement with the distributor. Twentieth Century Fox Film Corp. v. Goldwyn, C.A.Cal., 328 F.2d 190, 201.

The test of "availability" for work within Unemployment Compensation Law, requires claimant at all times to be ready, able and willing to accept suitable employment, temporary or full time. General Elec. Co. v. Unemployment Compensation Bd. of Review, 110 A.2d 258, 261, 177 Pa.Super. 49.

The test of "availability" for work, as a prerequisite to eligibility for unemployment compensation benefits requires that claimant at all times must be ready, able and willing to accept suitable employment, temporary or full time. Grosser v. Unemployment Compensation Bd. of Review, 155 A.2d 418, 191 Pa.Super. 1.

"Availability" as used in statute directing board when reviewing application for liquor license to consider the number, type and availability of liquor outlets located in or near the neighborhood contemplates suitableness for the accomplishment of given purpose and their capability of advantageous use or employment. Anderson v. Spencer, Colo., 426 P.2d 970, 973.

Under statute to effect that unemployment compensation shall be payable to any employee who is or becomes unemployed and who is able to work and is available for suitable work, "availability" for work requires that a claimant should actually and currently be attached to the labor force. Barron v. Unemployment Compensation Board of Review, 161 A.2d 630, 631, 192 Pa. Super. 353.

Under statute making availability for employment a prerequisite to obtaining unemployment compensation, "availability" involves an actual attachment to the labor force, and a good faith offering of claimant's services is a prerequisite to availability, and a professed willingness to work, accompanied by or following conduct wholly inconsistent therewith, will not serve to establish availability. Walton v. Wilhelm, 91 N.E.2d 373, 375, 120 Ind.App. 218.

Within rule to effect that if party fails to produce testimony of available witness, it would appear in interest of party to produce witness and party fails to give satisfactory explanation for his failure to produce, jury may infer that evidence which witness would give would be unfavorable to that party, witness' "availability" means within control, or power of, such party. Schemenauer v. Travelers Indem. Co., 149 N.W.2d 644, 640, 34 Wis.2d 299.

Under statute making availability for employment a prerequisite to obtaining unemployment compensation, "availability" involves an actual attachment to labor force, and a good faith offering of claimant's services is prerequisite to availability, and claimant's professed willingness to work, accompanied by or following conduct wholly inconsistent therewith, will not serve to establish availability. Miles v. Review Bd. of Ind. Employment Sec. Division, Ind.App., 96 N.E. 2d 128, 131, 120 Ind.App. 685.

In condemnation proceeding of strip of land for easement for electric transmission lines, landowners were entitled to have their land, outside the strip, valued on the basis of most profitable use it was available for at time petition was filed, but "availability" refers only to present capacity for use which may be anticipated with reasonable certainty and made basis of intelligent estimate. Illinois Power & Light Corporation v. Parks, 153 N.E. 483, 487, 322 Ill. 313.

As regards inference to be drawn from and right to comment on failure of adverse party to produce witness "available" does not mean merely available or accessible of subpoena, but "availability" depends either on party's superior means of knowledge of existence and identity of witness or relationship of witness to party, which would reasonably be expected to affect personal interest in outcome of litigation and make it natural that he would be expected to testify in favor of one party and against the other. Huskey v. Metropolitan Life Ins. Co., Mo. App., 94 S.W.2d 1075, 1078.

AVAILABILITY CONTRACT

Contract for supplying electricity to consumer, and providing for payment of minimum annual charges during the three year period was not a "requirements contract" under which supplier agreed only to sell amount of electricity actually used by consumer, but was an "availability contract" which rendered consumer liable to supplier for payment of minimum annual charge during remainder of three year period notwith-

Volume Count Report

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County ..... BC
Recorder Set 02/22/99 09:50
Recording Start ... 02/22/99 10:00
Recording End 02/24/99 08:00
Sample Time ..... 60 Minutes
Operator Number ... 5
Machine Number 20
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

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Monday 02/22/99 Channel: 1

1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	Totals
508	666	947	797	698	847	964	1117	587	279	151	110	58	33	22	11	11	16	41	119	349	948	1225	635	11139

AM Peak Hour ..... 08:00 to 09:00 (1225 vehicles)
PM Peak Hour ..... 17:00 to 18:00 (1117 vehicles)

Tuesday 02/23/99 Channel: 1

1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	Totals
568	698	947	825	691	859	1042	1006	535	281	152	106	76	36	29	20	10	27	37	119	305	806	1720	630	11102 ~~9175~~

AM Peak Hour ..... 07:00 to 08:00 (806 vehicles)
PM Peak Hour ..... 16:00 to 17:00 (1042 vehicles)

#6 1.0.

Peoples

Volume Report, 'OWINGS MILL BLVD N. CRONDALL LA.'

Sunday 11/22/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1036	964	973	973	842	623	504	404	307	169	131	74	41	29	32	72	292	804	1649	1974	1328	1060	1123	1335	16739
539	467	487	510	433	346	256	215	167	108	84	40	22	17	12	21	87	281	730	1052	756	551	527	656	
497	497	486	463	409	277	248	189	140	61	47	34	19	12	20	51	205	523	919	922	572	509	596	677	

AM Peak Hour ..... 08:00 to 09:00 (1974 vehicles)
AM Peak Hour Factor 93.8%
PM Peak Hour ..... 12:00 to 13:00 (1335 vehicles)
PM Peak Hour Factor 98.6%

Monday 11/23/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1380	1311	1433	1586	1858	1465	1106	698	674	352	198	104	65	45	38	89	298	863	1673	2028	1333	1063	1181	1297	22138
738	630	599	800	970	807	645	371	423	198	118	63	36	26	13	27	95	320	720	1076	742	541	550	638	
642	681	734	786	888	658	461	327	251	154	80	41	29	19	25	62	203	543	953	952	591	522	631	659	

AM Peak Hour ..... 07:30 to 08:30 (2029 vehicles)
AM Peak Hour Factor 94.3%
PM Peak Hour ..... 17:00 to 18:00 (1858 vehicles)
PM Peak Hour Factor 95.8%

Tuesday 11/24/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1212	1324	1384	1708	1891	1479	990	747	548	366	264	117	50	37	32	80	308	810	1637	1853	1293	1098	1226	1498	21952
643	620	675	813	976	846	530	398	300	206	146	70	24	19	13	31	104	291	732	978	723	550	545	762	
569	704	709	895	915	633	460	349	248	160	118	47	26	18	19	49	204	519	905	875	570	548	681	736	

AM Peak Hour ..... 07:30 to 08:30 (1883 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1891 vehicles)
PM Peak Hour Factor 96.9%

Wednesday 11/25/98 Channel: 1

1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	Totals
1415	1481	1729	1792	1761	1256	938	726	645	416	278	196	115	94	47	40	43	97	141	202	315	360	458	563	15109
695	769	904	895	964	703	518	400	333	231	147	107	71	59	23	26	21	44	65	92	147	173	198	266	
720	712	825	897	797	553	420	326	313	185	131	89	44	35	24	14	22	53	76	110	168	187	260	297	

AM Peak Hour ..... 11:00 to 12:00 (458 vehicles)
AM Peak Hour Factor 88.1%
PM Peak Hour ..... 16:30 to 17:30 (1861 vehicles)
PM Peak Hour Factor 96.5%

Volume Report. 'OWINGS MILLS BLVD S. CRONDALL LA.' page 2

Sunday 11/22/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
990	950	879	893	869	787	549	459	371	264	150	97	56	39	20	22	57	229	667	1274	1252	809	641	729	13053
446	478	416	452	442	396	303	240	206	155	92	58	31	23	8	11	20	63	258	564	667	454	321	361	
544	472	463	441	427	391	246	219	165	109	58	29	25	16	12	11	37	166	409	710	585	355	320	368	

AM Peak Hour ..... 07:30 to 08:30 (1377 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 12:30 to 13:30 (1022 vehicles)
PM Peak Hour Factor 93.9%

Monday 11/23/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
810	822	924	1072	1137	1316	1186	868	607	587	273	145	76	54	22	23	51	215	689	1256	1286	774	648	741	15582
373	421	437	498	517	639	640	521	322	364	144	78	43	31	13	10	16	63	273	559	673	409	343	362	
437	401	487	574	620	677	546	347	285	223	129	67	33	23	9	13	35	152	416	697	613	365	305	379	

AM Peak Hour ..... 07:30 to 08:30 (1370 vehicles)
AM Peak Hour Factor 98.3%
PM Peak Hour ..... 17:30 to 18:30 (1317 vehicles)
PM Peak Hour Factor 97.3%

Tuesday 11/24/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
785	731	853	1019	1188	1317	1093	817	618	466	311	197	83	40	30	18	60	228	673	1197	1207	796	721	809	15257
413	380	399	478	564	662	628	424	310	265	171	104	47	25	17	9	22	85	248	535	613	442	347	352	
372	351	454	541	624	655	465	393	308	201	140	93	36	15	13	9	38	143	425	662	594	354	374	457	

AM Peak Hour ..... 07:30 to 08:30 (1275 vehicles)
AM Peak Hour Factor 96.3%
PM Peak Hour ..... 17:00 to 18:00 (1317 vehicles)
PM Peak Hour Factor 99.5%

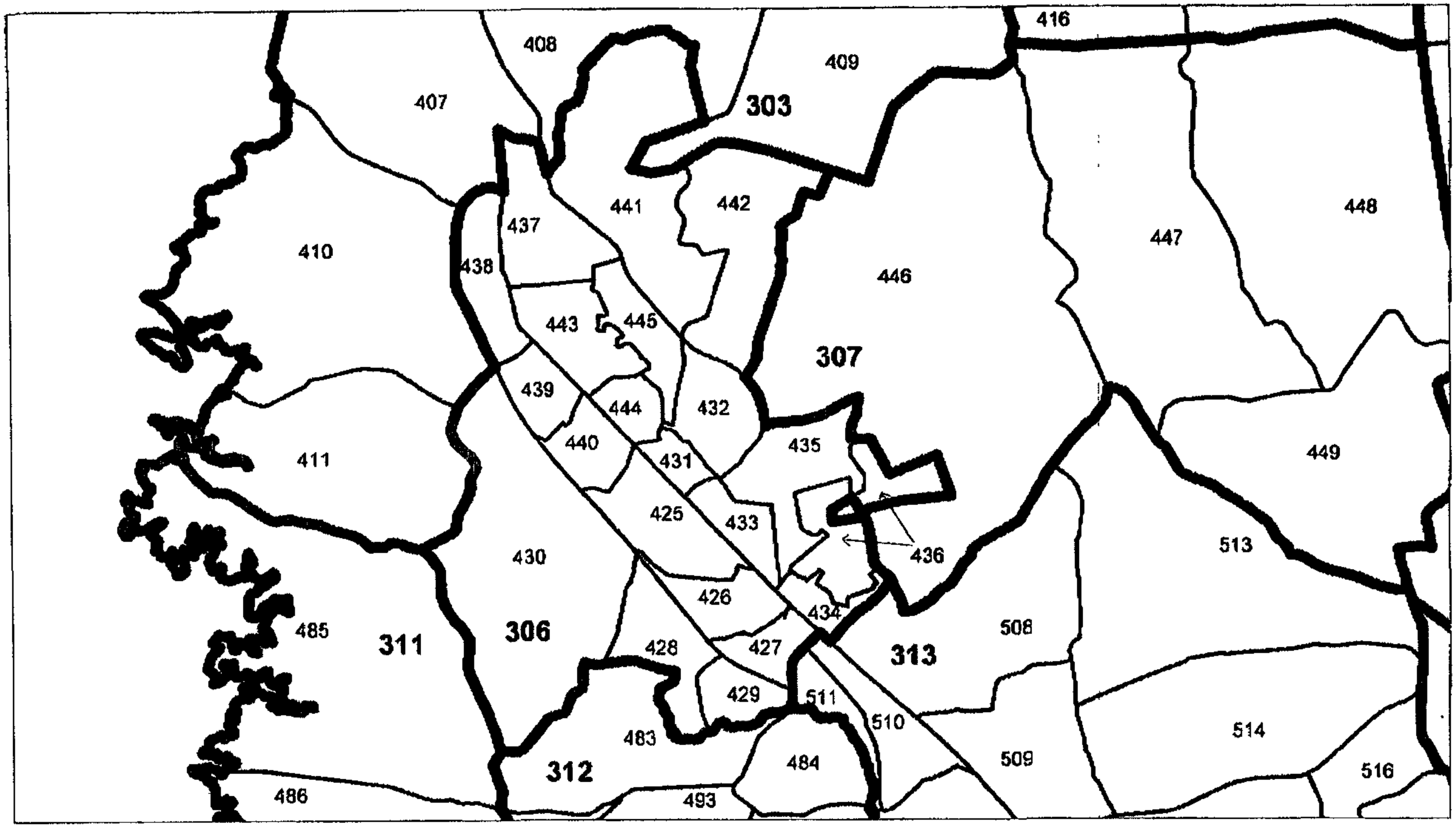
Wednesday 11/25/98 Channel: 1

1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	Totals
973	893	958	1251	1278	1300	1038	792	611	596	349	258	163	106	80	36	36	33	99	127	207	296	352	440	12272
492	431	451	671	643	695	528	408	334	320	201	142	91	64	53	20	17	13	47	45	89	134	150	201	
481	462	507	580	635	605	510	384	277	276	148	116	72	42	27	16	19	20	52	82	118	162	192	239	

AM Peak Hour ..... 11:00 to 12:00 (440 vehicles)
AM Peak Hour Factor 92.1%
PM Peak Hour ..... 16:30 to 17:30 (1330 vehicles)
PM Peak Hour Factor 95.7%

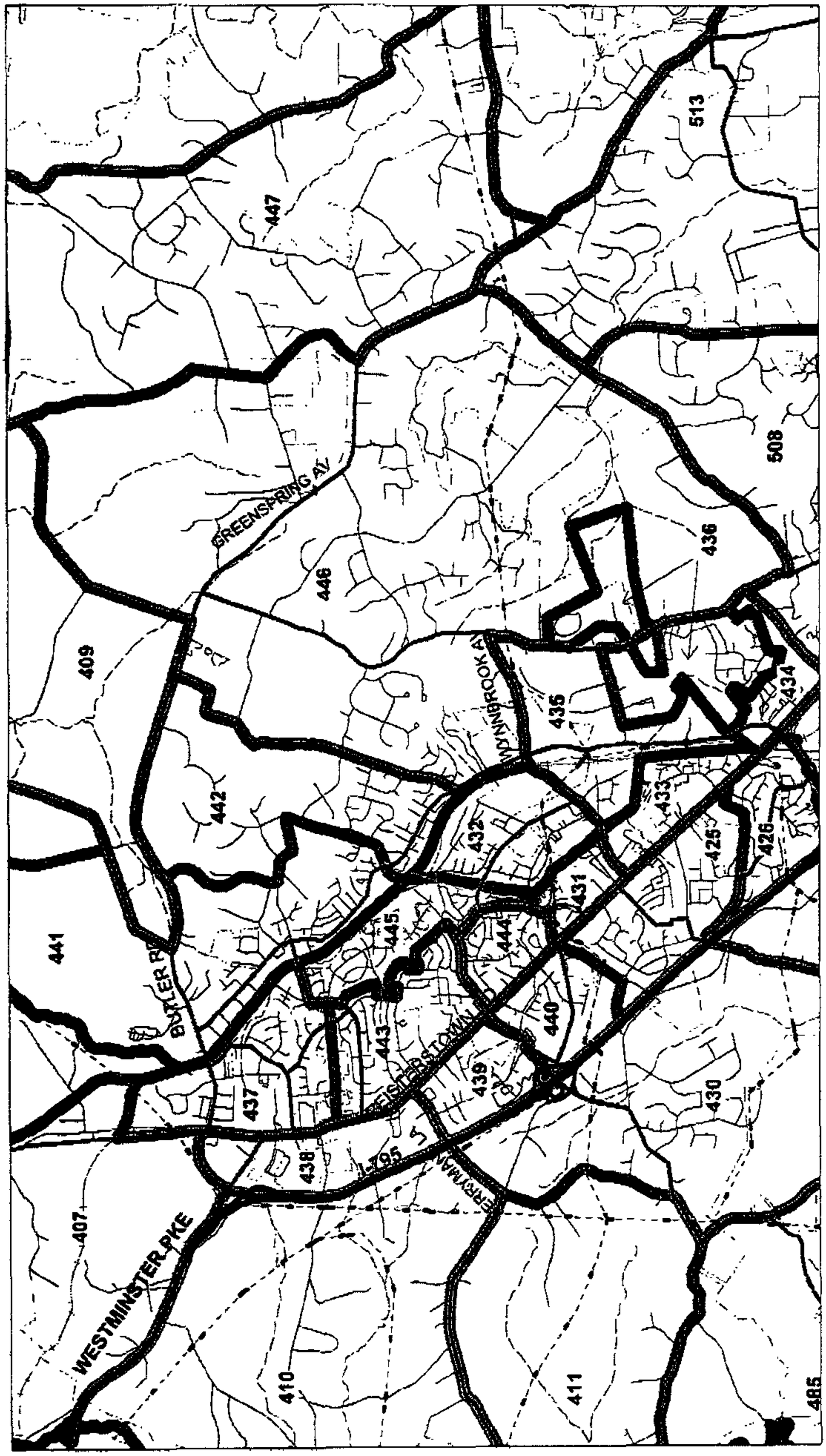
1998 Transporation Analysis Zones (TAZs) and Regional Planning Districts (RPDs) for the Owings Mills Area

Peoples #7



10/93 13:37 BALTIMORE METROPOLITAN COUNCIL → 13014248561 NO.047 002

1998 Transporation Analysis Zones (TAZs)
and Roads for the NW Owings Mills Area



2000-2020 Population and Households For The Owings Mills Area 1998 TAZs

8/10/99

RPD	TAZ98	POP00	HH00	POP02	HH02	POP05	HH05	POP10	HH10	POP15	HH15	POP20	HH20
303	0407	1366	574	1375	582	1388	594	1394	603	1388	604	1381	607
303	0408	725	304	719	304	709	304	705	305	701	305	693	305
303	0409	228	98	227	98	226	98	226	98	224	98	223	98
303	0410	1036	356	1044	362	1057	371	1062	376	1065	379	1073	385
303	0411	745	259	752	264	762	272	766	277	762	277	755	277
306	0425	1666	639	1659	641	1648	643	1629	650	1610	658	1592	664
306	0426	2970	1261	3006	1283	3061	1315	3152	1369	3244	1422	3336	1475
306	0427	0	0	0	0	0	0	0	0	0	0	0	0
306	0428	886	411	1227	570	1738	809	2590	1207	3442	1604	4294	2002
306	0429	0	0	0	0	0	0	0	0	0	0	0	0
306	0430	2510	882	2814	1002	3271	1181	4032	1480	4793	1778	5556	2077
306	0431	2346	1115	2374	1135	2415	1165	2483	1213	2551	1263	2620	1312
306	0432	2452	854	2481	870	2524	894	2595	930	2666	966	2738	1004
306	0433	3124	1624	3160	1653	3214	1696	3305	1767	3397	1838	3489	1909
306	0434	1280	632	1295	643	1317	660	1355	688	1392	714	1429	744
→ 306	0435	296	119	300	121	306	124	313	130	322	134	329	139
→ 306	0436	540	2	578	2	634	2	663	2	674	2	693	2
306	0437	2280	851	2354	886	2465	939	2647	1027	2833	1114	3015	1204
306	0438	464	198	508	219	573	250	608	267	663	296	754	348
306	0439	3060	1419	3070	1447	3084	1489	3108	1557	3133	1628	3155	1693
306	0440	1035	417	1038	425	1043	436	1050	457	1060	476	1068	498
→ 306	0441	3739	1357	3762	1379	3796	1411	3815	1429	3804	1434	3785	1441
→ 306	0442	2862	883	2880	897	2906	918	2920	930	2913	932	2897	937
306	0443	2907	1133	2907	1138	2907	1145	2906	1162	2905	1176	2903	1188
306	0444	3136	1314	3136	1322	3135	1333	3131	1348	3129	1364	3127	1380
308	0445	4004	1481	4003	1490	4002	1503	3998	1519	3996	1537	3993	1555
→ 307	0446	3869	1264	3879	1276	3893	1295	3904	1307	3896	1310	3884	1316
307	0447	3301	1087	3361	1107	3452	1137	3609	1183	3763	1232	3919	1280
307	0448	3119	976	3438	1047	3916	1153	4712	1328	5509	1505	6305	1681
307	0449	2711	974	2715	982	2721	993	2725	999	2735	1005	2751	1017
312	0483	3884	2441	5029	3237	6746	4431	9668	6399	12648	8451	15560	10390
312	0484	26	15	34	20	45	27	65	39	85	52	104	64
311	0485	943	311	962	321	990	335	1002	344	1009	347	1013	350
312	0489	3008	1154	3028	1176	3058	1209	3104	1260	3153	1311	3197	1365
312	0490	2428	977	2443	995	2465	1023	2504	1066	2543	1112	2582	1157
312	0491	2311	876	2346	900	2399	935	2490	995	2578	1050	2666	1109
312	0492	3496	1574	3550	1616	3630	1678	3762	1785	3900	1889	4033	1994
312	0493	1649	670	1675	688	1713	715	1776	758	1840	804	1904	848
312	0494	5029	1992	5063	2017	5115	2054	5140	2075	5121	2077	5090	2080
312	0495	2367	1085	2415	1114	2487	1157	2529	1184	2517	1186	2494	1189
312	0496	2575	927	2574	929	2572	931	2571	937	2566	942	2566	947
312	0497	4410	1512	4410	1513	4409	1514	4407	1522	4400	1537	4395	1546
312	0498	3033	1157	3031	1161	3029	1167	3022	1172	3020	1177	3016	1181
312	0499	871	349	871	349	871	349	871	352	871	357	871	361
312	0500	1699	671	1699	673	1699	676	1699	681	1699	685	1699	692
313	0501	441	167	450	172	464	179	472	183	487	191	514	202
313	0502	447	398	457	409	471	426	478	437	494	452	519	482
313	0503	2323	1099	2359	1115	2412	1139	2505	1178	2597	1219	2688	1257
313	0504	4183	2054	4154	2057	4111	2062	4089	2066	4075	2068	4053	2073
313	0505	3671	1593	3645	1599	3605	1609	3583	1617	3561	1620	3529	1622
313	0506	4524	1929	4516	1944	4503	1967	4496	1983	4469	1983	4428	1983
313	0507	4508	2144	4634	2204	4822	2294	5134	2443	5450	2591	5763	2741
313	0508	2174	937	2163	942	2147	949	2138	953	2143	959	2150	971
313	0509	3324	1449	3348	1463	3383	1485	3441	1517	3501	1551	3560	1582
313	0510	2213	1140	2183	1141	2137	1142	2062	1144	1987	1145	1912	1145
313	0511	65	2	64	2	63	2	61	2	58	2	56	2
313	0512	1347	379	1486	423	1694	489	2039	597	2385	706	2731	814
313	0513	2304	747	2328	763	2365	786	2384	796	2423	813	2486	845
313	0514	2847	1054	2887	1079	2947	1117	2981	1138	2960	1138	2926	1137
313	0515	2198	1022	2242	1042	2308	1073	2420	1124	2530	1174	2636	1224
313	0516	695	340	744	364	818	400	856	423	866	430	881	442

2000-2020 Employment By 1998 TAZ For the Owings Mills Area

8/10/99

RPD	TZ98	TOT00	RET00	NR00	TOT05	RET05	NR05	TOT10	RET10	NR10	TOT15	RET15	NR15	TOT20	RET20	NR20
303	0407	516	157	361	522	159	363	532	174	358	540	176	362	545	179	366
303	0408	171	46	125	176	48	128	185	58	127	192	62	130	199	66	133
303	0409	56	2	54	58	2	56	62	6	56	64	6	58	67	8	59
303	0410	161	2	159	165	3	162	172	17	155	176	20	156	181	22	159
303	0411	116	5	111	116	5	111	118	7	111	118	6	112	118	7	111
306	0425	1402	523	879	1402	523	879	1402	523	879	1402	523	879	1402	523	879
306	0426	258	36	222	320	42	278	436	47	389	504	48	456	584	44	540
306	0427	4036	606	3430	5013	612	4401	6787	706	6081	7871	725	7146	9150	749	8401
306	0428	15	4	11	21	4	17	31	6	25	38	7	31	45	6	39
306	0429	8280	2293	5987	11341	2394	8947	16899	3236	13663	20296	3413	16883	24296	3611	20685
306	0430	2716	36	2680	4794	64	4730	8566	315	8251	10872	366	10506	13588	424	13164
306	0431	261	38	223	270	38	232	290	52	238	301	54	247	316	57	259
306	0432	139	19	120	145	20	125	154	26	128	163	30	133	169	31	138
306	0433	265	38	227	276	40	236	295	52	243	307	54	253	322	59	263
306	0434	1527	218	1309	1589	228	1361	1703	304	1399	1773	321	1462	1854	338	1516
306	0435	3692	531	3161	3845	554	3291	4120	737	3383	4285	774	3511	4483	816	3667
306	0436	1378	16	1362	1430	32	1398	1524	163	1361	1582	191	1391	1650	221	1429
306	0437	1190	156	1034	1232	159	1073	1309	194	1115	1354	201	1153	1409	210	1199
306	0438	617	228	389	629	232	397	652	267	386	666	273	393	682	284	398
306	0439	1176	371	805	1176	371	805	1176	371	805	1176	371	805	1176	371	805
306	0440	1128	356	772	1128	356	772	1128	356	772	1128	356	772	1128	356	772
306	0441	510	40	470	516	43	475	534	68	466	543	73	470	554	80	474
306	0442	149	12	137	152	13	139	155	19	136	158	21	137	161	22	139
306	0443	1180	372	808	1185	375	810	1192	389	803	1194	391	803	1202	397	805
306	0444	515	163	352	517	165	352	520	171	349	522	172	350	524	172	352
306	0445	141	42	99	142	43	99	142	44	98	142	44	98	143	44	99
307	0446	1464	60	1404	1469	61	1408	1478	71	1407	1484	73	1411	1491	76	1415
307	0447	429	8	421	430	8	422	431	11	420	433	13	420	436	15	421
307	0448	631	25	606	652	33	619	692	99	593	717	113	604	744	127	617
307	0449	921	38	883	930	40	890	948	69	879	959	76	883	970	80	890
308	0450	480	217	263	488	220	268	500	236	264	507	239	268	517	245	272
308	0451	891	402	489	903	407	496	927	436	491	942	445	497	958	450	508
308	0452	509	58	451	521	61	460	545	97	448	560	106	454	576	113	463
308	0453	456	50	406	456	50	406	456	50	406	456	50	406	456	50	406
308	0454	179	43	136	180	44	136	181	45	136	181	45	136	183	47	136
308	0455	2117	520	1597	2122	521	1601	2133	536	1597	2139	538	1601	2146	541	1605
308	0456	695	28	667	708	32	676	730	59	671	742	64	678	758	72	686
308	0457	1551	434	1117	1558	437	1121	1569	452	1117	1578	457	1121	1587	461	1126
308	0458	3294	920	2374	3308	924	2384	3334	962	2372	3350	970	2380	3369	979	2390
308	0459	2839	793	2046	2851	797	2054	2874	829	2045	2887	835	2052	2903	843	2060
308	0460	2448	252	2196	2452	252	2200	2459	262	2197	2464	263	2201	2469	267	2202
309	0461	4683	324	4359	4808	358	4450	5038	662	4376	5178	726	4452	5343	796	4547
309	0462	20228	1395	18833	20776	1553	19223	21765	2858	18907	22370	3134	19236	23084	3439	19645
309	0463	2601	363	2238	2763	407	2356	3056	791	2265	3240	878	2362	3453	969	2484
309	0464	3739	515	3224	3974	583	3391	4402	1145	3257	4660	1260	3400	4988	1393	3575
309	0465	1572	598	974	1588	607	981	1612	650	962	1626	658	968	1644	669	975
309	0466	2516	960	1556	2540	970	1570	2578	1040	1538	2601	1052	1549	2628	1067	1561

08/10/99 13:37 BALTIMORE METROPOLITAN COUNCIL → 13014248561 NO.047 005

RPD	TZ98	TOT00	RET00	NR00	TOT05	RET05	NR05	TOT10	RET10	NR10	TOT15	RET15	NR15	TOT20	RET20	NR20
309	0467	639	244	395	644	246	398	654	264	390	660	268	392	667	271	396
309	0468	6	2	4	6	2	4	6	2	4	6	2	4	6	2	4
309	0469	383	146	237	386	147	239	392	158	234	396	160	236	400	163	237
309	0470	112	43	69	112	42	70	115	46	69	116	47	69	117	48	69
309	0471	715	271	444	721	274	447	732	294	438	739	298	441	749	305	444
309	0472	361	74	287	367	78	289	379	96	283	388	101	287	397	108	289
309	0473	4724	1020	3704	4804	1047	3757	4950	1287	3663	6037	1337	3700	5141	1391	3750
309	0474	2271	489	1782	2310	503	1807	2379	618	1761	2422	641	1781	2472	667	1805
309	0475	1506	70	1436	1509	71	1438	1514	78	1436	1517	79	1438	1520	80	1440
309	0476	210	17	193	211	17	194	213	19	194	213	19	194	216	20	196
309	0477	453	117	336	457	119	338	463	127	336	467	130	337	471	131	340
309	0478	2695	702	1993	2714	707	2007	2751	761	1990	2773	771	2002	2800	785	2015
310	0479	301	92	209	301	92	209	301	92	209	301	92	209	301	92	209
310	0480	290	61	229	290	61	229	290	61	229	290	61	229	290	61	229
310	0481	1082	96	986	1086	98	988	1093	107	986	1098	109	989	1103	112	991
310	0482	245	27	218	245	27	218	245	27	218	245	27	218	245	27	218
312	0483	680	21	659	875	34	841	1224	136	1088	1438	155	1283	1687	181	1506
312	0484	4192	134	4058	5390	208	5182	7545	839	6706	8863	957	7906	10393	1112	9281
311	0485	194	20	174	194	20	174	194	20	174	194	20	174	194	20	174
312	0489	538	272	266	538	272	266	538	272	266	538	272	266	538	272	266
312	0490	464	233	231	464	233	231	464	233	231	464	233	231	464	233	231
312	0491	839	173	666	873	187	686	933	294	639	969	315	654	1012	341	671
312	0492	270	57	213	276	59	219	297	93	204	309	102	207	324	109	215
312	0493	78	16	62	81	17	64	87	27	60	91	30	61	94	31	63
312	0494	1189	250	939	1266	269	997	1406	424	962	1492	457	1035	1592	494	1098
312	0495	1463	529	934	1469	532	937	1478	548	930	1484	551	933	1490	554	936
312	0496	199	9	190	200	10	190	201	10	191	202	11	191	204	11	193
312	0497	269	11	258	270	10	260	271	9	262	271	9	262	273	10	263
312	0498	411	23	388	412	23	389	417	27	390	419	27	392	421	27	394
312	0499	1052	514	538	1114	538	576	1234	777	457	1306	826	480	1389	882	507
312	0500	294	141	153	317	156	161	345	217	128	366	234	132	391	248	143
313	0501	4586	916	3670	4598	919	3679	4622	955	3667	4637	964	3673	4655	975	3680
313	0502	883	175	708	886	176	710	892	185	707	894	186	708	896	185	711
313	0503	3624	903	2721	3656	911	2745	3718	992	2726	3755	1009	2746	3798	1025	2773
313	0504	2106	350	1756	2159	365	1794	2254	483	1771	2310	506	1804	2380	535	1845
313	0505	965	436	529	968	437	531	974	446	528	977	448	529	980	449	531
313	0506	661	31	630	662	32	630	663	34	629	665	36	629	668	38	630
313	0507	1983	399	1584	1990	401	1589	2003	419	1584	2011	423	1588	2020	426	1594
313	0508	1016	186	830	1023	188	835	1035	205	830	1043	209	834	1051	214	837
313	0509	2655	551	2104	2669	563	2126	2755	681	2074	2793	705	2088	2840	734	2106
313	0510	8193	1698	6495	9062	1883	7199	10695	3437	7258	11681	3764	7917	12841	4127	8714
313	0511	740	153	587	620	170	650	965	310	655	1054	340	714	1159	373	786
313	0512	770	104	666	779	106	673	796	122	674	806	125	681	819	129	690
313	0513	1305	111	1194	1306	111	1195	1309	115	1194	1310	116	1194	1311	117	1194
313	0514	695	42	653	697	43	654	701	49	652	703	50	653	706	51	655
313	0515	465	13	452	467	13	454	470	19	451	472	20	452	477	23	454
313	0516	361	4	357	363	4	359	367	8	359	369	10	359	371	9	362

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People's 7A

EXCERPT FROM PEOPLE'S COUNSEL'S EXHIBIT NO. 7

TRAFFIC ZONE DATA
RESIDENTIAL POPULATION AND HOUSEHOLDS

	TRAFFIC ZONE	*YEAR 2000 POPULATION*	*YEAR 2000 HOUSEHOLDS*	*YEAR 2020 POPULATION*	*YEAR 2020 HOUSEHOLDS*
1) NORTHEAST OF OWINGS MILLS BLVD.	#441	3,739	1,357	3,785	1,441
	#442	2,862	883	2,897	937
	#446	3,869	1,264	3,884	1,316
Subtotal #1		10,470	3,504	10,566	3,694
2) BETWEEN REISTERSTOWN ROAD AND OWINGS MILLS BLVD.	#432	2,452	854	2,738	1,004
	#445	4,004	1,481	3,993	1,555
	#443	2,907	1,133	2,903	1,188
	#444	3,136	1,314	3,127	1,380
	#431	2,346	1,115	2,620	1,312
Subtotal #2		14,845	5,897	15,381	6439
Subtotal 1 + 2		25,315	9,401	25,947	10,133
3) BETWEEN REISTERSTOWN ROAD AND INTERSTATE 795	#425	1,666	639	1,592	684
	#426	2,970	1,261	3,336	1,475
	#440	1,035	417	1,068	498
Subtotal #3		5,671	2,317	5,996	2,657
GRAND TOTAL 1, 2, & 3		**30,986**	**11,718**	**31,943**	**12,790**

People's 7B

EXCERPT FROM PEOPLE'S COUNSEL'S EXHIBIT NO. 7

TRAFFIC ZONE DATA

EMPLOYMENT

	TRAFFIC ZONE	*EMPLOY-MENT 2000*	*RETAIL*	*NON-RETAIL*	*EMPLOY-MENT 2020*	*RETAIL*	*NON-RETAIL*
1) NORTHEAST OF OWINGS MILLS BLVD.	#441	510	40	470	554	80	474
	#442	149	12	137	161	22	139
	#446	1,464	60	1,404	1,491	76	1,415
Subtotal #1		2,123	112	2,011	2,206	178	2,028
2) BETWEEN REISTERSTOWN ROAD AND OWINGS MILLS BLVD.	#432	139	19	120	169	31	138
	#445	141	42	99	143	44	99
	#443	1,180	372	808	1,202	397	805
	#444	515	163	352	524	172	352
	#431	261	38	223	316	57	259
Subtotal #2		2,236	634	1,602	2,354	701	1,653
Subtotal 1 + 2		4,359	746	3,613	4,560	879	3,681
3) BETWEEN REISTERSTOWN ROAD AND INTERSTATE 795	#425	1,402	523	879	1,402	523	879
	#426	258	36	222	584	44	540
	#440	1,128	356	772	1,128	356	772
Subtotal #3		2,788	915	1,873	3,114	923	2,191
GRAND TOTAL 1, 2, & 3		**7,147**	**1,661**	**5,486**	**7,674**	**1,802**	**5,872**

Peoples 7C

SUPPLEMENTAL EXCERPT FROM PEOPLE'S COUNSEL'S EXHIBIT NO. 7

TRAFFIC ZONE DATA
RESIDENTIAL POPULATION AND HOUSEHOLDS

	TRAFFIC ZONE	*YEAR 2000 POPULATION*	*YEAR 2000 HOUSEHOLDS*	*YEAR 2020 POPULATION*	*YEAR 2020 HOUSEHOLDS*
4) BETWEEN REISTERSTOWN ROAD	#433	3,124	1,624	3,489	1,909
AND OWINGS MILLS BLVD.	#437	2,280	851	3,015	1,204
Subtotal #1		5,404	2,475	6,504	3,113
5) BETWEEN REISTERSTOWN ROAD	#438	464	198	754 764	348
AND INTERSTATE 795	#439	3,060	1,419	3,155	1,693
Subtotal #2		3,524	1,617	3,919	2,041
GRAND TOTAL 1 & 2		**8,928**	**4,092**	**10,423** 10413	**5,154**

SUPPLEMENTAL EXCERPT FROM PEOPLE'S COUNSEL'S EXHIBIT NO. 7

TRAFFIC ZONE DATA

EMPLOYMENT

	TRAFFIC ZONE	*EMPLOY-MENT 2000*	*RE-TAIL*	*NON-RETAIL*	*EMPLOY-MENT 2020*	*RE-TAIL*	*NON-RETAIL*
4) BETWEEN REISTERSTOWN ROAD	#433	265	38	227	322	59	263
AND OWINGS MILLS BLVD.	#437	1,190	156	1,034	1,409	210	1,199
Subtotal #1		1,455	194	1,261	1,731	269	1,462
5) BETWEEN REISTERSTOWN ROAD	#438	617	228	389	682	284	398
AND INTERSTATE 795	#439	1,176	371	805	1,176	371	805
Subtotal #2		1,793	599	1,194	1,858	655	1,203
GRAND TOTAL 1 & 2		**3,248**	**793**	**2,455**	**3,589**	**924**	**2,665**

Peoples #8

JF9039.PDF

Transportation Characteristics of Convenience Stores with Gas Pumps

BY WILLIAM E. TIPTON, SR., AND WILLIAM E. TIPTON, JR.

The purpose of this paper is to document traffic generation rates and other factors relating to the transportation characteristics of convenience stores with gas pumps. This work was commissioned by the Retail Grocers Association of Florida to document the information cities and counties across the state of Florida needed for transportation impact fee calculations for convenience stores with gas pumps.

This article concerns a land use not covered in ITE's *Trip Generation*, 4th Edition.[1] *Trip Generation* includes data on convenience markets (Land Use 851), but only for stores that do not include gas pumps. Limited data on convenience stores with gas pumps were prepared by the Montana Technical Committee of the Intermountain Section of the Institute of Transportation Engineers.[2]

Methodology

The methodology included machine traffic counts at 10 convenience stores for a three-day time period. These counts were then averaged. The counts were conducted at all site driveways and included all on-site traffic for both the store and the gas pumps. Channelization was accomplished using barricades to increase the accuracy of the machine counts by encouraging vehicles to pass over the counter hoses in a perpendicular movement.

In addition to the machine counts, afternoon peak hour counts were made at each facility from 4 to 6 P.M. on one day while the machine counts were being conducted. These counts were utilized for calibration of the machine counts conducted for each respective driveway to ensure accuracy of the data.

The methodology included conducting interviews at six of the sites. Four of the sites involved 4 to 6 P.M. interviews and two of the sites involved 2 to 6 P.M. interviews, in order to acquire both peak hour and off-peak hour data.

The purpose of the interviews was to determine the respective percentages of primary trips, link-diverted trips, and pass-by trips. Primary trips were convenience-store-only trips, trips whose single purpose was to go to the convenience store and return. Link-diverted trips were trips already on the roadway system that must go out of their way to get to the convenience store. Pass-by trips were those trips already utilizing one of the roadways adjacent to the site. The interviews were conducted by two interviewers during the specified time periods and were subject to customer willingness to participate. The interview data were also used to document the average primary trip length, a value factored into many transportation impact fee calculations.

The data collected were analyzed and summarized by store and for the average of all 10 stores. The trip generation rates were calculated independently for each store under study. Daily generation rates were calculated. In addition, morning traffic peak hour and afternoon traffic peak hour generation rates were calculated. The results were used to document the transportation characteristics of convenience stores with gas pumps.

Data Collection

Ten Central Florida convenience store sites with gas pumps were selected for study. To ensure that representative stores were sampled, all sites were selected by the local governmental agency. Data were collected at the first five stores, which were located in Seminole County, during July 18 through July 21, 1989, and at the second five stores, which were located in Volusia County, July 24 through July 28, 1989. See Table 1.

In addition to the traffic counts and interviews, other data collected included site plans for each count location. These site plans provided the gross floor area for each facility and the number of pumping stations (the number of pumping stations is the number of cars that can be filled with gas at any one time).

Results

The results of the analyses of the data collected are presented in Tables 2 and 3. These tables present the results for each store and the average of all 10 stores.

Trip Generation Rates

Trip generation rates were calculated for each convenience store with gas pumps. The rates calculated were the daily generation rate per 1,000 square feet of total gross floor area, which includes the traf-

Conversion factors:
sq ft × 0.0929 = m^2

Table 1. Sites Selected for Data Collection

Location	Owner	Hours of Operation	Total GFA	No. of Fueling Positions	Interview Time Frame	Manual Count Time Frame	Day
U.S. 17–92/Shepard Rd.	7-Eleven	24	2640	4	—	4–6 P.M.	Wednesday
Lake Mary Blvd./Country Club Rd.	7-Eleven	24	2585	4	4–6 P.M.	4–6 P.M.	Tuesday
U.S. 441/Wekiva Springs Rd.	7-Eleven	24	2585	4	—	4–6 P.M.	Tuesday
U.S. 17–92/O'Brien Rd.	7-Eleven	24	2585	4	2–6 P.M.	2–6 P.M.	Wednesday
C.R. 427/Charlotte St.	Circle K	18	2612	4	4–6 P.M.	4–6 P.M.	Thursday
U.S. 17–92/Plymouth Ave.	7-Eleven	24	2650	4	4–6 P.M.	4–6 P.M.	Tuesday
U.S. 92/Fentress Ave.	7-Eleven	24	2650	4	4–6 P.M.	4–6 P.M.	Thursday
S.R. 15A/Beresford Blvd.	Handy Way	18	2400	4	2–6 P.M.	2–6 P.M.	Wednesday
S.R. 44/Kepler Rd.	Handy Way	20	2400	4	—	4–6 P.M.	Tuesday
A1A (Atlantic Ave.)/Cascade Ter.	7-Eleven	24	2560	4	—	4–6 P.M.	Wednesday

GFA = gross floor area in square feet.

Table 2. Convenience Store Traffic Generation Rates

Location	Owner	Hours of Operation	Total GFA	No. of Fueling Positions	Average Daily Traffic[a]	% of Daily P.M. Peak Traffic[a]	Daily Generation Rates		A.M. Generation Rates		P.M. Generation Rates	
							Calculated[b]	ITE[c]	Calculated[b]	ITE[c]	Calculated[b]	ITE[c]
U.S. 17–92/Shepard Rd.	7-Eleven	24	2640	4	1838	7.5	696.21	887.056	41.29	67.611	50.38	71.125
Lake Mary Blvd./Country Club Rd.	7-Eleven	24	2585	4	2382	6.8	921.47	887.056	57.64	67.611	58.03	71.125
U.S. 441/Wekiva Springs Rd.	7-Eleven	24	2585	4	2804	8.7	1084.72	887.056	62.67	67.611	80.46	71.125
U.S. 17–92/O'Brien Rd.	7-Eleven	24	2585	4	2558	6.0	989.56	887.056	72.73	67.611	60.74	71.125
C.R. 427/Charlotte St.	Circle K	18	2612	4	2261	7.9	865.62	887.056	55.90	67.611	58.58	71.125
U.S. 17–92/Plymouth Ave.	7-Eleven	24	2650	4	2146	5.9	809.81	887.056	36.60	67.611	45.66	71.125
U.S. 92/Fentress Ave.	7-Eleven	24	2650	4	2763	7.3	1042.64	887.056	47.92	67.611	77.74	71.125
S.R. 15A/Beresford Blvd.	Handy Way	18	2400	4	1624	6.6	676.67	887.056	37.50	67.611	50.42	71.125
S.R. 44/Kepler Rd.	Handy Way	20	2400	4	1847	8.4	769.58	887.056	48.75	67.611	58.33	71.125
A1A (Atlantic Ave.)/Cascade Ter.	7-Eleven	24	2560	4	1481	4.7	578.52	887.056	32.03	67.611	31.25	71.125
AVERAGE			2566	4	2171	7.0	846.06	887.056	49.31	67.611	57.16	71.125

GFA = gross floor area in square feet
[a]Includes gas pump traffic
[b]Per 1,000 square feet (includes gas pump traffic)
[c]Per 1,000 square feet (store without gas pumps). SOURCE: cited reference 1.

fic generation of the gas pumps. These values are then compared with the daily generation rates for convenience stores without gas pumps from *Trip Generation*.

Similar rates were calculated for the morning peak traffic hour of adjacent street traffic and for the afternoon peak hour of adjacent street traffic. Each of these generation rates is compared with the latest available data from *Trip Generation* for convenience stores without gas pumps.

These generation rates are provided in Table 2. Table 2 also provides an average of the generation rates for all 10 stores.

Interview Results

The interview results document the day of the week of the interview and the number of interviews completed. Primary trip data are provided for each store for the number of primary trips determined from the interviews, the average trip length, and the percentage of primary trips. The percentages of link-diverted and pass-by trips are also provided.

The interview results are provided in Table 3.

The information in Table 3 on daily primary, link-diverted, and pass-by trips is weighted based upon the percentage of daily traffic occurring during the peak periods (two morning peak hours and two afternoon peak hours) in relation to the off-peak hours. This weighted average results in the daily primary, link-diverted, and pass-by percentages, plus the daily primary average trip length.

Conclusions

Based upon the data collected, the analyses of the data, and the results of those analyses, the following conclusions are drawn concerning the traffic characteristics of convenience stores with gas pumps.

- The daily traffic generation rate documented for the average store with gas pumps in this study is slightly lower than the daily generation rate for convenience stores without gas pumps as documented in ITE's *Trip Generation* (846.06 versus 887.056.).
- The average morning and afternoon adjacent street traffic peak-hour generation rates documented in this study are substantially lower than the corresponding ITE rates (morning rates—49.31 versus 67.611, and afternoon rates—57.16 versus 71.125).
- The percentage of daily convenience store trips that are pass-by based upon this study is substantially higher than that indicated in *Trip Generation* (69 percent versus 45 percent).
- The average daily percentage of primary trips in this study is substantially less than that indirectly indicated in *Trip Generation* (22 percent versus 55

Table 3. Convenience Stores with Gas Pumps Interview Results

Location	Day	Total No. Interviews	Primary Trips: No.	Primary Trips: Average Length (miles)	Primary Trips: % of Total	No. Link-Diverted (% of Total)	No. Pass-By (% of Total)
Peak Hour Interviews (4–6 PM)							
Lake Mary Blvd./Country Club Rd.	Tuesday	82	16	0.4	20	6 (7)	60 (73)
U.S. 17–92/O'Brien Rd.	Wednesday	98	15	0.9	15	4 (4)	79 (81)
C.R. 427/Charlotte St.	Thursday	115	18	0.6	16	17 (15)	80 (69)
U.S. 17–92/Plymouth Ave.	Tuesday	98	15	0.7	15	11 (11)	72 (74)
S.R. 15A/Beresford Blvd.	Wednesday	38	9	0.7	24	1 (2)	28 (74)
U.S. 92/Fentress Blvd.	Thursday	82	7	1.0	8	4 (5)	71 (87)
AVERAGE		85	13	0.7	15	7 (8)	65 (76)
Off-Peak Interviews (2–4 P.M.)							
U.S. 17–92/O'Brien Rd.	Wednesday	99	28	0.6	28	8 (8)	63 (64)
S.R. 15A/Beresford Blvd.	Wednesday	38	8	1.0	21	4 (11)	26 (68)
AVERAGE		69	18	0.8	26	6 (9)	45 (65)
DAILY VALUES				0.75	22	(9)	(69)

percent).

- The percentage of primary trips during the adjacent street afternoon peak hour relates closely to that documented by the Montana Technical Committee in 1987 (15 percent versus 13 percent).
- The percentage of link-diverted trips during the adjacent street afternoon peak hour is lower than that reported by the Montana Technical Committee (8 percent versus 25 percent).
- The percentage of pass-by trips during the adjacent street afternoon peak hour is somewhat greater than that reported by the Montana Technical Committee (76 percent versus 62 percent).
- The average daily trip length for primary trips in this study is 0.75 miles.
- The percentage of daily traffic generated by the convenience stores in this study during the adjacent street traffic afternoon peak hour is 7 percent.

References

1. Institute of Transportation Engineers. *Trip Generation*, 4th Ed. Washington, D.C.: ITE, 1987, pp. 1240–43.
2. Montana Technical Committee of the Intermountain Section of ITE. "Trip Characteristics of Convenience Markets with Gas Pumps," *ITE Journal* 57 (July 1987): 43–46.

EDITOR'S NOTE: The fifth edition of Trip Generation, *due out later this year, will include data for convenience stores with gas pumps.*

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PEOPLES #9

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Trip Characteristics of Convenience Markets with Gas Pumps

by The Montana Technical Committee of the Intermountain Section of ITE

Convenience markets with gasoline pumps have flourished throughout the United States in the past 10 years. The growing demand for self-service gasoline and convenience grocery goods, readily accessible with fast service, have fueled a boom in the convenience market business. As transportation engineers and planners, we are asked to determine the impacts of developments on the transportation system. Because the convenience market is a relatively new concept and limited data exist in the literature on the trip characteristics of these stores, we decided to study the trip characteristics of convenience markets with gas pumps in the Billings, Montana, area. The objectives of the study were to

1. Define the trip generation characteristics of convenience markets with gas pumps.
2. Analyze the trip characteristics of patrons to these markets.
3. Determine the trip assignment characteristics for these markets by distinguishing primary trips, diverted linked trips, and nondiverted linked trips.

Definitions

Certain terms used in this report are defined as follows:

- *Convenience market with gas pumps:* A store that sells convenience food items, gasoline products, and other car products and that is usually open 15 to 16 hours per day. It has self-service gas pumps and between 1400 and 2400 square feet of gross floor area; one person manages the store.
- *Trip:* A single or one-direction vehicle movement with either the origin or destination inside the study site.
- *Trip ends:* The total of all trips entering *plus* all trips leaving the site over a given period of time.
- *Primary trips:* Trips from home, work, or school to the convenience market that return directly to point of origin. The trip's only purpose was shopping at the convenience market.
- *Diverted linked trips:* Trips in which the stop at the convenience market is part of a sequence of two or more stops within the total trip *and* where the stop at the convenience market required a route diversion from the route that would otherwise be followed if the stop at the convenience market were not made.
- *Nondiverted linked trips:* Trips in which the stop at the convenience market is part of a sequence of two or more stops within the total trip *and* where the driver was already traveling on the street on which the convenience market is located.

Methodology

Local convenience markets with gas pumps were plotted on a map to determine general site characteristics; the characteristics are listed in Table 1. Store managers or store headquarters were contacted for permission to survey their sites. Five sites on arterial streets were selected for the survey. At each site, three people conducted the survey: one person recorded all traffic movement in and out of the site, and two interviewed customers.

The interviewers were stationed near the entrance of the building and attempted to interview everyone entering the store. Each interviewer had a data form on which to record responses as the questions were asked. A total of six questions were asked:

1. Where did you come from (street and block number)?
2. Is that your home, work place, school, shopping place, or other?
3. Where are you going from here (street and block number)?
4. Is that your home, work place, school, shopping place, or other?
5. Do you usually pass by this store?
6. Did you go out of your way to stop here today?

Each interviewer had the discretionary power to vary the language to suit his or her individual communication skills. Because all interviewers were professional transportation engineers and planners, the intent of the questions was well known, and throughout the progress of the study, the wording and approach to the interviews were adjusted to improve communication with those being interviewed.

The most critical problems observed were questions involving origins and destinations and interpreting whether the motorist really understood the concept of going out of your way. Frequently our data indicated that the stated origins and destinations would require a completely different route than what the motorist described as on the way. Recognizing that people do not necessarily follow the most logical routing because of acquired habits or for other reasons, the answers to question number six were accepted unless a significant route deviation was apparent and could not be explained. In that case, the interview response was deleted from analysis.

The total number of customers at the five sites during the interviews was 639. Of that total, 461 customers, or 72%, were interviewed, and only 25 responses were deleted as being invalid. Only 179 customers (28%) declined to be interviewed or were missed. The committee considered the interview suc-

cess ratio good in light of the quick-stop nature of this type of store.

Findings

Site Characteristics

Based on information from the yellow pages of the Billings, Montana, telephone directory, under "Grocers Retail," and from field observations, we plotted 26 convenience markets with gas pumps on a map. The dominant chain names were: Superette, Express Mart, E-Z Shoppe, Kwik Way, Quik Mart, Super-America, and Speedy Mart. All stores were located along arterial streets. Twenty-one stores were located at intersections, and 14 were located at signalized intersections.

Closeness to the interstate interchange was a factor for 25% of the listed stores. Most stores were located on the major arterials intercepting the commuter traffic, with high trip generation peaks corresponding to the commuter traffic. Eighty-eight percent of the stores were located in commercial areas. Only three were isolated within a dominant residential district serving as a neighborhood grocery and commuter interceptor. The average convenience market in Billings has about 2,100 square feet of gross floor area and has eight gasoline pumps.

Table 1. Site Characteristics

Site	*Major Adjacent Street*	*Minor Adjacent Street*	*Intersection Control*
1	Principal arterial Five lanes—no parking, two way (flush center left-turn lane) 1984 AADT = 20,000	Collector Two lanes—parking both sides, two way 1984 AADT = 5,500	Signal
2	Principal arterial Four lanes—no parking, two way 1984 AADT = 22,000	Local Two lanes—parking both 1984 AADT = 1,500	STOP control on local street
3	Principal arterial Six lanes with left-turn pockets in raised median, no parking, two way 1984 AADT = 25,000	Local Two lanes—no parking two way 1984 AADT = 2,000	STOP control on local street
4	Principal arterial Six lanes with left-turn pockets in raised median, no parking, two way 1984 AADT = 28,000	Local Two lanes—parking both sides, two way 1984 AADT = 2,000	Signal
5	Principal arterial Four lanes with left-turn pockets in raised median, no parking, two way 1984 AADT = 13,500	Local Two lanes—no parking	Signal

Site Access Characteristics

At the five sites surveyed, 40% to 50% of the trips entering the site entered from the main street. Where there is a nonmountable median, it is obvious that all these trips will be right-turn entrances. A smaller percentage, 20% to 40%, exited onto the main street. Twenty-five to 35% of the trips approached the site on the minor street away from the arterial, and a similar percentage exited the site away from the main street. Sixty percent to 80% of the site exits took place on the minor street. As the sites are small and there is a high peak factor, situations with conflicts at the driveways, particularly with left-turn ingress and left-turn egress, can be very hazardous. The situation was worse at sites with no access control (no curb, gutter, sidewalks) on the side street.

Trip Generation

All of the surveyed sites had similar layouts and a building size between 1400 and 2400 square feet of gross floor area (Table 2).

The following independent variables were analyzed using linear regression to determine their correlation (Table 3) to the observed trip generation:

- Gross square feet of building
- Number of gasoline pumps
- Total traffic adjacent to the site
- Distance to the central business district (CBD)

Each of these variables proved to have a poor correlation to trip generation (R = .22 to .09) except for the distance to the CBD that had a correlation coefficient (R^2) equal to 0.902, with the higher trip generation being closer to the CBD. It is noted, however, that distance to the CBD is not recommended for use in estimating trip generation, as this variable is not site related, and this specific correlation to trip generation would not apply to other cities.

Traffic volume surveys were done dur-

Table 2. Trip Generation at Convenience Stores with Gas Pumps

Site	*Location*	*Trip Generation 3 Hours*	*Sum AADT*	*Square Feet of Building*	*Number of Gas Pumps*	*Distance from CBD (Feet)*
1	Broadwater—16th St. W.	345	25,500	2,400	6	12,900
2	Broadwater—1st St. W.	493	23,500	1,789	6	3,900
3	Main—Logan	200	27,000	2,100	6	16,200
4	Main—Milton	281	30,000	2,400	6	14,500
5	Ken's Interstate	206	13,500	1,357	10	12,500

ing the morning, noon, and evening peak hours for all five sites, and at one site a traffic count was conducted for the entire 16 hours of operation on average weekdays. To estimate average weekday trip generation, the store managers were asked to estimate the percentage of their business done during the three peak hours of an average day. They estimated that 25% of their business was done during those hours. The 16-hour traffic count was also analyzed, and it was found that 24% of the daily trips were during the three peak hours for that count. Table 4 summarizes the average trip generation rates that were found per site.

Table 3. Correlation Factors

Distance to CBD = x
$y = a_1x + a_0$
$y = -0.0225\,x + 573.39$
$R^2 = 0.813$
$R = 0.902$
Square Feet of Building = x
$y = a_1x + a_0$
$y = -0.0241 + 368.28$
$R^2 = 0.0088$
$R = .094$
Sum ADDT = x
$y = a_1x + a_0$
$y = 4.4926\,x + 213.05$
$R^2 = 0.00486$
$R = .220$
Number of Pumps = x
$y = 410.98\,x - 12.42$
$R^2 = 0.0387$
$R = .196$

Figure 1 shows the results of the 16-hour site traffic count. It is recommended that trip generation for convenience markets with gasoline pumps be estimated per site within the range of 800 to 2,000 vehicle trips per site on an average weekday taking into account the site location, site characteristics, the adjacent street characteristics, and traffic volumes.

Origin/Destination

As part of the interviews with customers, data were collected on the purpose of the other ends of the convenience market trips. The majority of morning trip origins are home based, and the majority of trip destinations are to work. This is not surprising and reflects a large number of last-minute convenience store stops in the morning on the way to work. The origins and destinations during the noon hour were evenly split between home and work trips. One location near an interstate interchange did show a large percentage (35%) of "other" origins, with the majority of its noon destinations going to work (44%) and home (30%).

At all the surveyed locations but one, the evening trip purpose was the opposite of the morning trip purpose. The majority of the trips originated at work and

Table 4. Average Trip Generation per Site

Time Period	*Trip Ends*	*Range*
Morning peak hour	95	42–146
Noon peak hour	96	57–165
Evening peak hour	130	86–209
Weekday	1,300	800–2,000

Based on five surveyed sites in Billings, Montana.

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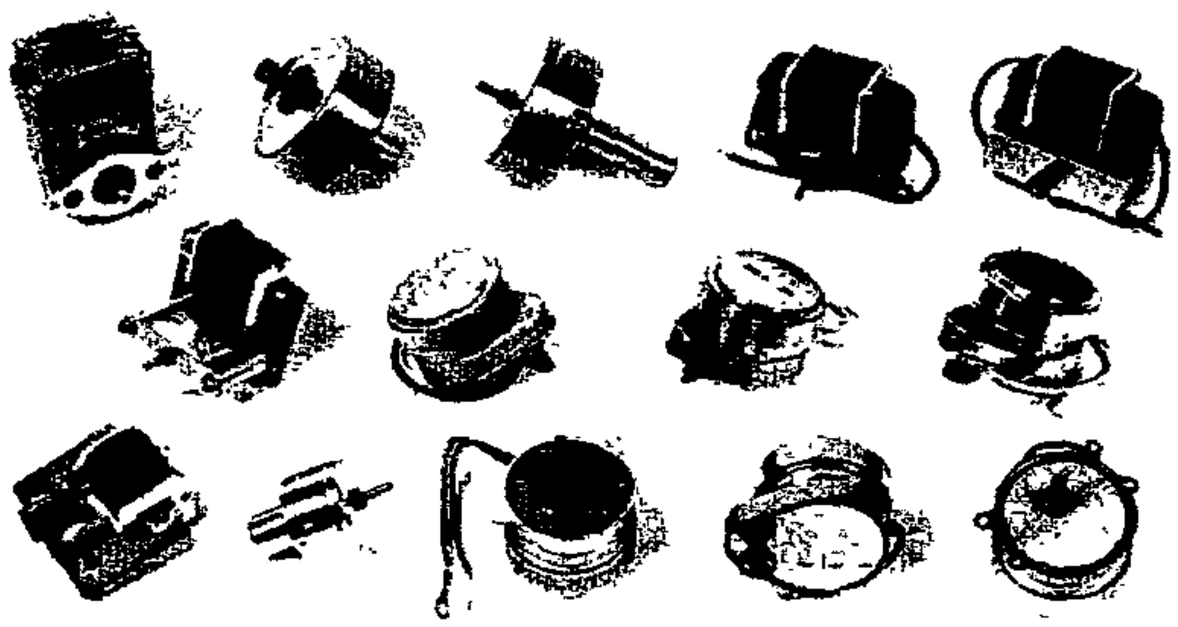

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ended at home. At the location that did not have a majority of evening trip destinations terminating at home, the site location was along a major suburban arterial with other shopping/services land uses nearby. The majority of trip destinations from this site (60%) fell into the "other" category.

Trip Range

The range of the trips to and from the convenience market was plotted for each site. The two scales used to plot range were miles and minutes. The ranges selected for plotting were 0.5, 1, and 2 miles; and 2, 4, and 6 minutes. Analysis of the range data indicates that 50% to 60% of trips are less than 2 miles or 6 minutes. Also, a large number of trips originate within one mile of the convenience market. As would be expected, the location at the interstate interchange attracted much longer trips than the downtown or suburban locations.

Trip Type

The determination of trip type was one of the primary objectives of our study. By identifying the trip type (i.e., primary, diverted link, or nondiverted link) we could estimate the impact of convenience markets with gas pumps on the transportation system. The same interview method had been used to study trip type at regional shopping centers.[1] These data were of interest to the committee for use in quantifying claims that convenience markets draw entirely, or at least to a large extent, on existing traffic on the street system and do not generate traffic. Our study found that, in fact, over 60% of the trips were nondiverted linked trips. Diverted linked trips accounted for another 25% to 30%, and primary trips accounted for only 10% to 15%, on average. The trip type percentages were fairly constant over the three peak hours of the day studied. Table 5 presents the average trip type percentages for the three peak hours.

Table 5. Trip Type: Summary of 5 Sites

	Percentage of Total Traffic					
	Morning Peak		*Noon*		*Evening Peak*	
Trip Type	*Average*	*Range*	*Average*	*Range*	*Average*	*Range*
Primary	6	0-10	13	9-17	13	5-21
Diverted linked	30	12-38	25	14-33	25	9-34
Nondiverted linked	64	58-85	62	50-70	62	55-83

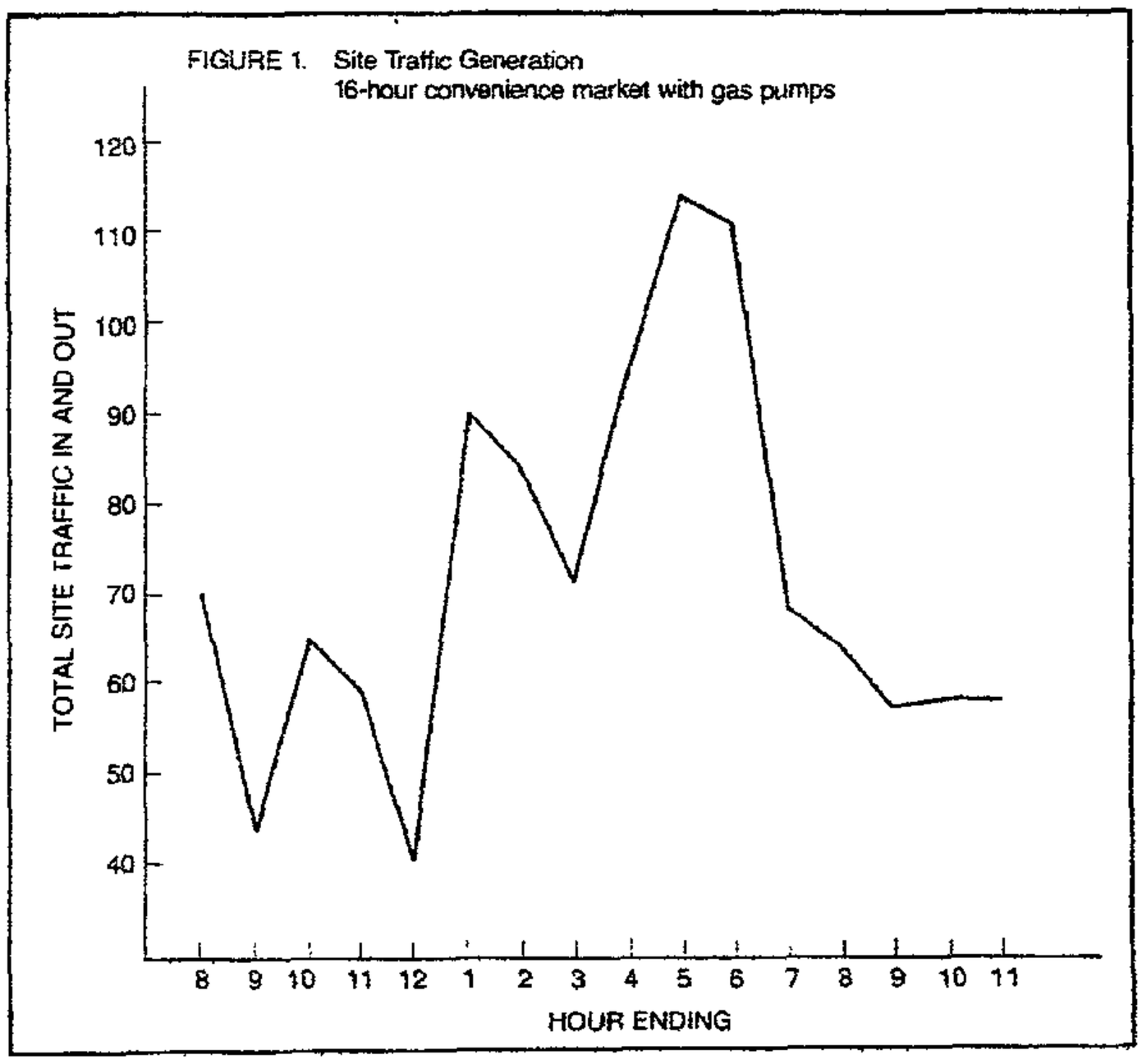

Figure 1. Site traffic generation: 16-hour convenience market with gas pumps.

Conclusions

This report presents the findings of a study of trip characteristics of convenience markets with gas pumps in Billings, Montana. The findings presented should be used with judgment. Billings has 110,000 persons in the metropolitan area, which is characterized by urban sprawl and a heavily car-oriented community. Trip characteristics may be quite different in larger cities where more public transportation is available and where more pedestrian traffic occurs. Also, convenience markets in Montana are allowed to sell beer and wine. Trip characteristics may be different where laws restrict the sale of alcoholic beverages, or where convenience markets do not have gasoline pumps.

References

1. Slade, Louis J., and Gorove, Frederick E. "Reductions in Estimates of Traffic Impacts of Regional Shopping Centers." *ITE Journal* Vol. 51, No. 1, January 1981, pp. 16-18.

The data contained in this report reflect the findings and views of the Montana Technical Committee. The contents do not have the approval of, nor are they necessarily the views of, the Intermountain Section, the Institute of Transportation Engineers Technical Council, or the Institute of Transportation Engineers International Board of Direction.

Members of the Montana Technical Committee of the Intermountain Section of ITE who participated in this project are: Robert Marvin, chairman; Leon Howe; Ken Behling; James Fells; Gary Huttmann; Richard Jacobson; Pierre Jomini; Chad Lutey; H. Terry Smith; and Pat Vandell.

Peoples #10

Trip-Generation Models for Multiuse Highway Commercial Developments

TRIP-GENERATION CHARACTERISTICS FOR HIGHWAY COMMERCIAL DEVELOPMENTS THAT COMBINE GASOLINE STATION/CONVENIENCE STORE/FAST-FOOD RESTAURANT ARE IMPORTANT IN DETERMINING THE POTENTIAL TRAFFIC IMPACT ON ADJACENT ROADWAYS.

BY TAPAN K. DATTA, SUE DATTA AND PRASAD NANNAPANENI

THE ESTABLISHMENT OF A commercial development near a freeway or along an arterial street requires careful investigation of its traffic impact on the existing highway network. Some critical issues related to such a development often faced by developers and local road agencies are as follows:

- How many vehicles will be added to the existing traffic due to such a commercial development?
- How many vehicle trips are attracted to such a development during the a.m., midday and p.m. peak periods when the adjoining roadways often experience the worst traffic congestion?
- What percentage of trips are captured from the existing traffic to make an intermediate stop at such a highway commercial development, and what percentage of trips are newly generated at various times of the day?
- Do multipurpose trips reduce vehicle-miles traveled since they often satisfy several travel needs under one roof?

While all of these questions are important, this study addresses only the second question.

In the past, most gasoline stations included auto repair facilities. The next generation of gasoline stations eliminated the repair facilities and included convenience stores. Later, car wash services were combined with the convenience stores. Such multiuse developments often created concerns regarding the potential traffic impact it would create. Finally, the multiuse highway commercial developments added the fast-food/Quick Service Restaurant (QSR) to the gasoline station and convenience store. These multiuse developments initially created even more of a concern because their trip- and-parking-generation characteristics were unknown. Traffic engineers and planners have struggled to estimate future traffic scenarios and to predict potential traffic impacts produced by these new multipurpose land uses.

Traffic impact assessment studies are based on the number of trips generated by a proposed development. Trip-generation characteristics of multipurpose commercial land uses are important to the planners, engineers and other interested parties in estimating the number of vehicle trips likely to be generated by this particular development. Gasoline stations, convenience stores and QSRs in one building are being developed all over the United States. However, the Institute of Transportation Engineers' (ITE) *Trip Generation* informational report[1] does not address this type of multipurpose land use. The nearest related land use category included in the ITE report is "Service Station with Convenience Market and Car Wash" (land use #846). Trip-generating characteristics for the multiuse developments described in this paper may be substantially different from service stations with convenience markets and car wash (#846) and fast-food restaurants without a drive-through window (#833) and those with a drive-through window (#834) taken alone or in combination with each other. This type of multiuse development is generally located at the corners of intersections of major arterial roads and near freeway interchanges to capture the pass-by traffic.

The objective of this research was to develop a database on trip-generating characteristics of multiuse highway commercial developments, and models that can be used for forecasting future trip-generation characteristics for a proposed multiuse development which includes gasoline stations with convenience stores and QSRs.

WHAT IS AVAILABLE TODAY?

In the early 1970s, ITE initiated a program of collecting trip-generation characteristics for various land uses from published literature, unpublished study reports and traffic impact analyses. The profession participated in providing information and shared its experiences with ITE. The accumulation of this database over the years has produced the ITE publication, *Trip Generation*. Over the past few decades, this publication has been updated several times, most recently in October 1997, to include more land uses and improved analysis results.

Most of the analysis has included linear and/or polynomial regression analysis with single independent variables such as gross floor area or the number of seats or the number of fueling positions. Dependent variables such as daily or hourly tripends have been used for highway commercial land uses. The publication also provides average tripend rates; ranges for a.m. and p.m. peak periods of the adjacent roadways; and a.m. and p.m. peak periods of the generator and weekend peak periods.

The use of single independent variable models inherently assumes that the planning and design of such commercial developments are performed using only the required amount of space for the building and gasoline fueling positions, in response to objectively predicted potential customer demand at a particular location. However, the design of such a development often is based on practical considerations of issues, such as land availability, local agency requirements and standardized building plans commonly used by various companies. Therefore, it is very unusual to expect that tripend rates will vary predictably with any one independent variable such as Gross Floor Area (GFA), number of seats in the QSR or the number of fueling positions.

MULTIUSE DEVELOPMENTS—A NEW PHENOMENON

The recent advent of multiuse developments with gasoline service stations, convenience stores and QSRs with drive-through facilities built all at the same site, under one roof, often creates a situation where customers can satisfy several of their trip purposes in one single trip. Most of these developments in Michigan, USA, in fact, have been built within the past year or two.

From the developer's point of view, providing several goods and services at one location is a reasonable approach when considering the various economic and market factors. Such factors include the following:

- The high cost of highway commercial land in urbanized areas is difficult for a single- purpose development to sustain.
- The cost of development per individual sales opportunity reduces dramatically for multiuse developments.
- Single-purpose trips often result in multipurpose uses by the customers, thus increasing the sales potential for more than one business.
- The cost of developing such an establishment is lower than individual free-standing units. Therefore, the profit potential of individual units increases dramatically.
- The multiuse developments generally include smaller QSRs that require less operating staff and as such, results in reduced operating costs.

These and other factors make the development of these types an attractive proposition. It is expected that these developments will continue to find their way into our urban fabric. Traffic engineers and planners are faced with this new phenomenon in land development. The estimate of trips to evaluate the impact of such a development has become more subjective than other established land uses due to the lack of data for existing multiuse developments. Individual perceptions and intuitions often play major roles in various local governmental agency zoning and site-plan related decisions across the country.

This study was initiated to develop a database upon which trip-generation estimates could be based in the future.

STUDY SITES

The study sites were selected to help identify trip-generation characteristics of

A multiuse commercial facility

multiuse developments of gasoline stations, convenience stores and fast-food developments. Eleven such sites were selected in Michigan. The sites included a variety of QSRs, including McDonald's, Subway, Taco Bell, Arby's, Dunkin' Donuts and Dawn Donuts. These sites included a combination of various gasoline companies and QSRs and, therefore, represent a good cross section of the multiuse development industry. However, five out of the 11 study sites included a McDonald's restaurant. The variations among the types of QSRs, such as a McDonald's restaurant and a donut shop, are expected to bring variability in the model. However, a trip-generation model for each brand of a QSR is unrealistic and becomes proprietary data.

Nine out of the 11 study sites used for the development of the multiple regression model are located within one-half mile of a freeway interchange. The other two sites are located on major highway routes. The two sites used for model testing and validation were built later and also are located in close proximity to freeway interchanges. However, all 13 sites were on arterial streets that carry a significant amount of through traffic in addition to providing access to the freeways. Traffic counts at all the study sites were conducted at the driveways for the peak periods (7:00 a.m. to 9:00 a.m., noon to 1:00 p.m. and 4:00 p.m. to 6:00 p.m.) when the adjacent roadways had high traffic volumes.

The sites studied in Michigan all contained a gasoline station, convenience store and a QSR. Many of the sites included a drive-through window, with the exception of a Taco Bell, a Subway and an Arby's restaurant. The drive-through

window is an added convenience for the patrons and also cuts down on the number of parking stalls required on site. Two recently opened multiuse developments consisting of a gasoline station, a convenience store and a McDonald's restaurant in southeastern Michigan were used for model validation purposes. These two sites were not used for model building purposes and, as such, can provide a good test for validation. It is important to note that sites used for empirical model building can never be used for model validation purposes.

TRAFFIC SURVEY AND DATA COLLECTION

Recognizing the vastness of variables and issues that encompasses the trip-generation characteristics of such multiuse developments, the following were assumed in this study:

- Traffic-generation data during a.m., midday and p.m. peak periods of the adjacent roadways would be of most interest for traffic impact studies.
- The trip-generation characteristics during the peak of the adjacent roadways will produce the worst-case scenario for the traffic impact on the adjacent roadways and for the community as a whole.
- Peak trip-generation characteristics of the generator, which often occur on weekends and/or during non-critical periods of adjacent roads, were not of concern to this study.

Trip-generation data were collected at the driveways to note incoming and outgoing traffic. All driveway traffic counts were made between Tuesday, Wednesday and Thursday of a typical work week. Traffic destinations, single-purpose or multipurpose counts were recorded for each of the driveways within a site for a typical hour during a.m., midday and p.m. peak hours of the adjacent roadways.

It is important to note that some of the developments in the 11 study sites did not have a QSR with a.m. peak operations; and, as such, traffic-generation data for the a.m. peak hours for these sites were not included in the development of the model for a.m. peak hours. Traffic surveys were performed during good weather conditions to capture the high end of typical weekday traffic.

Table 1 is a summary of all the data collected. Location information for the study sites are not presented in this paper to protect their confidentiality. The site numbers used in the table are maintained throughout this article. A cursory observation of the data indicates that the gross floor area and the number of fueling positions do not necessarily reflect increased or decreased customer patronage.

DISTRIBUTION OF CUSTOMER DESTINATIONS

Multiuse developments are generally expected to attract multipurpose trips. A

Table 1. Summary of data collected.

Site No.	Site Location	No. of fueling positions	Approximate area of fast food in square feet	No. of seats	Total gross floor area (GFA)	Tripends a.m. peak	Tripends midday peak	Tripends p.m. peak	Remarks
1.	Amoco/Subway/ Dawn Donuts	6	1,700	20 DD=38	2,150	167	182	207	11 sites used for model building
2.	Pilot Gas/Arby's	24	2,400	84	6,780	430	363	401	
3.	Shell/Taco Bell	8	1,250	44	2,500	N/A	143	138	
4.	Total/Taco Bell	6	500	No seating	2,500	N/A	105	101	
5.	Amoco/Subway/ Dunkin Donuts	8-G 4-D	1,700 Dun D = 1,300	25 Dun D = No seats	6,000	194	236	247	
6.	Mobil/Subway	8-G, 1-NG, 10-D	475	12	2,170	N/A	150	196	
7.	Amoco/McDonald's	28	475	18	3,300	177	144	187	
8.	Marathon/McDonald's	8	1,231	22	8,900	184	242	221	
9.	Amoco/McDonald's	12	650	16	2,800	98	151	209	
10.	Mobil/McDonald's	10	749	18	3,100	131	178	171	
11.	Citgo/McDonald's	10	1,419	12	7,300	82	133	161	
12.	Amoco/McDonald's	8	2,970	60	4,587	206	276	215	Two sites used for validation
13.	Mobil/McDonald's	8	2,383	32	4,003	182	187	216	

Note: DD = Dawn Donuts, Dun D = Dunkin Donuts, G = gasoline, D = diesel gasoline and NG = natural gasoline.

Table 2. Averages of trip destinations observed.

	A.M. Peak	Midday Peak	P.M. Peak
Fast-food only	34%	36%	25%
Gasoline/convenience store	58%	51%	62%
Multipurpose	8%	13%	13%

Table 3. Summary of regression analysis results.

A.M. Peak Results

No. of variables	R	R^2	Standard error
4 (NFP, AFF, NS, GFA)	0.969	0.939	40.735
3 (AFF, NS, GFA)	0.899	0.809	62.478
3 (NFP, NS, GFA)	0.967	0.935	36.390
3 (NFP, AFF, GFA)	0.802	0.644	85.195
3 (NFP, AFF, NS)	0.942	0.887	48.064
1 (NFP)	0.548	0.301	97.497
1 (AFF)	0.539	0.290	98.202
1 (NS)	0.856	0.732	60.306
1 (GFA)	0.297	0.088	111.314

Midday Peak Results

No. of variables	R	R^2	Standard error
4 (NFP, AFF, NS, GFA)	0.911	0.829	38.683
3 (AFF, NS, GFA)	0.889	0.792	39.518
3 (NFP, NS, GFA)	0.904	0.816	37.112
3 (NFP, AFF, GFA)	0.821	0.674	49.431
3 (NFP, AFF, NS)	0.847	0.717	46.085
1 (NFP)	0.335	0.112	71.981
1 (AFF)	0.702	0.493	54.368
1 (NS)	0.747	0.558	50.798
1 (GFA)	0.586	0.343	61.917

P.M. Peak Results

No. of variables	R	R^2	Standard error
4 (NFP, AFF, NS, GFA)	0.913	0.833	40.637
3 (AFF, NS, GFA)	0.826	0.682	51.876
3 (NFP, NS, GFA)	0.902	0.814	39.64
3 (NFP, AFF, GFA)	0.840	0.706	49.899
3 (NFP, AFF, NS)	0.886	0.784	42.728
1 (NFP)	0.524	0.274	69.114
1 (AFF)	0.631	0.397	62.965
1 (NS)	0.743	0.552	54.321
1 (GFA)	0.466	0.217	71.785

Note: NFP = number of fueling positions, AFF = area of fast food, NS = number of seats and GFA = gross floor area.

quantitative assessment of single-purpose and multipurpose trips can provide very important data for assessing future traffic impacts of proposed highway commercial developments. The interview of customers was not performed since more than half of the site operators did not cooperate in this study.

Specific destinations of each customer on the study sites were observed and noted. It is important to point out that in many instances, it was quite difficult to identify if customers simply were paying a gasoline bill or also were buying merchandise from the convenience store. See Table 2 for the averages of trip destinations observed. Further studies using customer interviews can provide more refined data regarding customer destinations.

DATA ANALYSIS

The analysis of the field data included the development of the mean and the standard deviation of the tripend rates based on gross floor area of the buildings and a regression analysis based on one to four independent variables and all various combinations.

The mean and standard deviation of the tripend rates during the three time periods are as follows:

A.M. Peak Hour
Mean tripends = 43 per 1,000 Gross Floor Area (GFA)
Standard deviation = 24.99

Midday Peak Hour
Mean tripends = 49.75 per 1,000 GFA
Standard deviation = 23.37

P.M. Peak Hour
Mean tripends = 56.2 per 1,000 GFA
Standard deviation = 26.9

The above analysis indicates that the standard deviations are quite high in all three time periods; therefore, the use of gross floor area as a single independent variable for predicting future trip characteristics for a multiuse development may be inaccurate.

Tripend rates based on one independent variable are based on the assumption that the single independent variable

can explain most of the variability of the dependent variable. As a part of this study a multiple regression analysis was performed. In multiple regression analysis, it is desirable to predict one variable by using several other variables as a team of predictors. The following are the variables used in the multiple regression analysis:

Dependent Variables

- Number of trips (tripends) per hour during a.m. peak
- Number of trips (tripends) per hour during midday peak
- Number of trips (tripends) per hour during p.m. peak

Independent Variables

- Number of gasoline fueling positions in the development
- Area of QSR development
- Number of available seats at the QSR development
- Gross floor area of the building

The regression analysis was performed using a single independent variable and all different combinations of two, three and four variables. The summary of the correlation coefficients and standard errors of the various regression models tested in this study are shown in Table 3.

The following are the best results of the multiple regression analysis using all four independent variables:

For A.M. Peak Periods—Regression Model

Number (no.) of trips/hour = 5.289 x no. of fueling positions + 0.0105 x area of fast-food development + 2.9776 x no. of seats + 0.0111 x gross floor area – 55.3892

Multiple $R = 0.97$, $R^2 = 0.94$, Standard error = 40.73

For Midday Peak Periods—Regression Model

No. of trips/hour = 1.9945 x no. of fueling positions + 0.015 x area of fast-food development + 1.5901 x no. of seats + 0.0121 x gross floor area + 42.5564

Multiple $R = 0.91$, $R^2 = 0.83$, Standard error = 38.68

For P.M. Peak Periods—Regression Model

No. of trips/hour = 4.2642 x no. of fueling positions + 0.0193 x area of fast-food development + 1.53 x no. of seats + 0.0084 x gross floor area + 44.4254

Multiple $R = 0.91$, $R^2 = 0.83$, Standard error = 40.63

The above analysis indicates a reasonably good relationship between the independent variables and the dependent variable "number of trips per hour" for the various time periods.

The statistical test provides enough of an indication that the multiple variables most probably influence the trip-generation characteristics of these multiuse developments. There are probably other locational and market variables that may further improve the quality of the multiple regression models, especially to help reduce the standard-error term.

Trip-generation analysis for highway multiuse commercial developments always starts after a site plan is developed based on the developer's market analysis. Such a site plan contains the gross floor areas for the QSR as well as for the total building. It also clearly indicates the number of fueling positions and the number of seats for the QSR; therefore, input data used in this multiple regression model are readily available to predict future trip-generation characteristics.

MODEL VALIDATION

Two recently opened multiuse developments in southeastern Michigan were used to test the predictability of the four variable multiple regression models developed as a part of this study. One such multiuse development is served by eight gasoline fueling positions with an area for QSR of 2,383 square feet (sq ft), 32 seats in the common area and a gross floor area of 4,003 sq ft. The other site is served by eight gasoline fueling positions with an area for QSR of 2,970 sq ft, 60 seats for QSR customers and a gross floor area of 4,587 sq ft.

The expected number of trips for a.m., midday and p.m. peak hours was calculated using the models developed from *Trip Generation's* average rates. See Table 4 for the trips compared with actual field observations.

This comparison shows that the multiple regression model produced much closer results as compared to the traditional approach of using average rates of single independent variables from *Trip Generation.* In every case, the trip rates from the ITE report predicted a substantially higher amount of traffic than the observed data.

POTENTIAL USE OF MODELS

This study of multiuse highway commercial developments has resulted in multiple regression models which can be used in Michigan for future traffic-impact studies. In the past, such studies were performed using field observations of similar sites. This required identifying one or more similar sites, collecting physical characteristics of the similar site(s), preparing diagrams of the site(s) and performing peak period traffic counts. These activities and others would generally consume the time of two to three professionals, for two to three days. Use of the multiple regression models developed as a part of this study will eliminate these activities related to similar sites.

Table 4. Summary of model validation

	Site No. 12		Site No. 13	
	a.m.	p.m.	a.m.	p.m.
Observed tripends	206	215	182	216
Projection by multiple regression model	248	266	152	194
Projection by average trip rates from ITE's *Trip Generation*	301	269	269	247

The future peak-period trip predictions can be done using the models economically, yet it also will increase the credibility of forecasts to city and township officials.

This study did not attempt to collect customer interview data to ascertain percentages of "pass-by" or "diverted" traffic. Such data is available in ITE's *Trip Generation* and can be used in conjunction with the models developed as a part of this study.

CONCLUSIONS AND RECOMMENDATIONS

Multiuse highway commercial developments are a fairly new phenomenon in Michigan. These developments include gasoline stations, convenience stores and fast-food restaurants all on the same piece of property. Oftentimes, a car wash is included in such a development. Of the 11 study sites used in the model development, some included such diverse developments as a laundromat and an insurance agent's office.

The evolution of these developments are desirable when one considers that a customer can satisfy two or more travel needs, such as filling his or her gasoline tank, buying breakfast/lunch/dinner, buying a carton of milk, getting a car wash and other conveniences, by making only one trip. A few years ago, a customer with such travel needs would have made two or more trips, to two or more destinations. Thus, he or she would have incurred increased travel distance, travel time and the travel cost would have been more than what one can do today by stopping at a multiuse development. Such an increased number of trips also would have added to the increased number of vehicle counts on the roads and highways.

This study has utilized 11 existing multiuse highway commercial developments in Michigan for model building and two newly built sites for validation. All traffic-related data were collected on typical weekdays. It is expected that such a development may experience higher trips on a weekend day such as a Saturday. However, the adjacent roadway traffic on a typical Saturday generally is much lower than typical weekday traffic.

The multiple regression models developed as a part of this study indicate a reasonable correlation and provide superior predictions in comparison to the single variable models. ■

Reference

1. *Trip Generation*, Update to the 5th Edition. Washington, D.C., USA: Institute of Transportation Engineers, 1995.

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TAPAN K. DATTA *is a Professor of Civil Engineering in the Civil and Environmental Engineering Department at Wayne State University, Detroit, Mich., USA. He received his Ph.D. from Michigan State University and is a consultant with over 30 years of experience in traffic and safety engineering. He is a Member of ITE.*

SUE DATTA *is a Transportation Planner for Goodell-Grivas Inc. She received her master's degree from Wayne State University and has worked in the fields of transportation and environmental planning.*

PRASAD NANNAPANENI *is a Ph.D. candidate in civil engineering at Wayne State University, Detroit, Mich., USA. He is a Graduate Research and Teaching Assistant within the department. Nannapaneni is a Student Member of ITE.*

20717 Keeney Mill RD 410 343 1141

PEOPLES #11

Darrell Wiles

Education

- Bachelor of science, Civil engineering, University of Maryland 1967
- Master of Science, Transportation Engineering, University of Maryland 1977

Experience

- Maryland State Highway Administration 1967 – 1996 Various positions with primary responsibility for traffic programs and traffic operations, including Chief Bureau of Traffic Projects and Assistant District Engineer – Traffic
- Baltimore County Dept. of Public Works 1996 – Present Chief Bureau of Traffic Engineering and Transportation Planning.

Affiliations

- Registered Professional Engineer State of Maryland PE #11722
- Member Institute of Transportation Engineers

Peoples #12

Baltimore County
Department of Public Works

Bureau of Traffic Engineering
& Transportation Planning
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3554
Fax: 410-887-5784

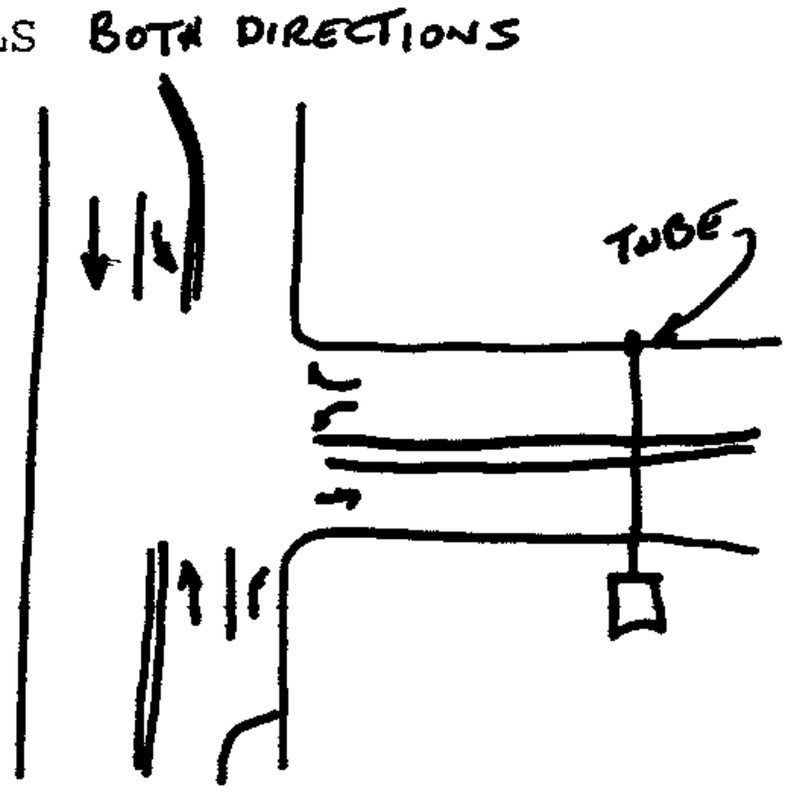
	OWINGS MILLS BLVD. (Through traffic only)	CRONDALL LA. (Total traffic)
Friday	17,111 vehicles 60%	11,342 vehicles 40%
Saturday	13,466 vehicles 79%	3,595 vehicles 19%
Sunday	11,517 vehicles 87%	1,770 vehicles 13%

Enclosed are 24 hour counts preformed by Baltimore County Traffic Engineering at the intersection of Owings Mills Blvd. and Crondall La. The through traffic on Owings Mills Blvd. was determined by placing a traffic counting tube across the southbound through lane and one tube across the entire northbound approach and one tube across the northbound right turn lane. The northbound right turn volume was then subtracted out of the northbound volumes. Both north and southbound through traffic was then added together to determine the total through traffic on Owings Mills Blvd. Total traffic on Crondall La. was determined by simply placing a traffic counting tube across both the inbound and outbound lanes. From this data you can determine the percentage of traffic on Crondall La. and the percentage of through traffic on Owings Mills Bvd. The results are shown above.

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... CRONDALL LA. E. OWINGS MILLS
Location Code 2410
County ..... BC
Recorder Set 08/26/99 12:50
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 14
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No



Thursday 08/26/99 Channel: 1

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
													888	/12	/98	1064	132/	/01	40/	183	164	109	89	6442
													445	3/6	3//	4/3	/86	341	194	110	98	39	50	
													443	336	421	591	541	360	213	73	66	70	39	

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 16:30 to 17:30 (1377 vehicles)
PM Peak Hour Factor 87.6%

Friday 08/27/99 Channel: 1

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
27	20	35	60	111	266	688	1390	1003	602	643	715	922	764	728	742	988	751	355	173	124	93	68	74	11342
16	12	15	17	46	116	221	527	581	310	310	300	426	430	358	347	447	446	222	86	69	62	35	39	
11	8	20	43	65	150	467	863	422	292	333	415	496	334	370	395	541	305	133	87	55	31	33	35	

AM Peak Hour ..... 07:30 to 08:30 (1444 vehicles)
AM Peak Hour Factor 83.7%
PM Peak Hour ..... 16:00 to 17:00 (988 vehicles)
PM Peak Hour Factor 91.3%

Saturday 08/28/99 Channel: 1

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
21	20	17	18	13	26	111	194	235	440	350	340	425	286	214	185	144	126	120	83	77	59	51	40	3595
11	10	10	9	8	7	32	78	102	207	180	158	228	179	118	82	78	54	53	50	42	31	39	15	
10	10	7	9	5	19	79	116	133	233	170	182	197	107	96	103	66	72	67	33	35	28	12	25	

AM Peak Hour ..... 09:00 to 10:00 (440 vehicles)
AM Peak Hour Factor 94.4%
PM Peak Hour ..... 12:00 to 13:00 (425 vehicles)
PM Peak Hour Factor 93.2%

Sunday 08/29/99 Channel: 1

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
30	8	5	6	5	7	11	62	83	93	118	164	159	141	160	139	103	106	103	99	54	50	36	28	1770
16	6	5	6	1	2	4	21	26	52	60	82	65	79	81	64	59	54	54	49	32	27	22	15	
14	2	0	0	4	5	7	41	57	41	58	82	94	62	79	75	44	52	49	50	22	23	14	13	

AM Peak Hour ..... 11:00 to 12:00 (164 vehicles)
AM Peak Hour Factor 100.0%
PM Peak Hour ..... 12:30 to 13:30 (173 vehicles)
PM Peak Hour Factor 92.0%

Monday 08/30/99 Channel: 1

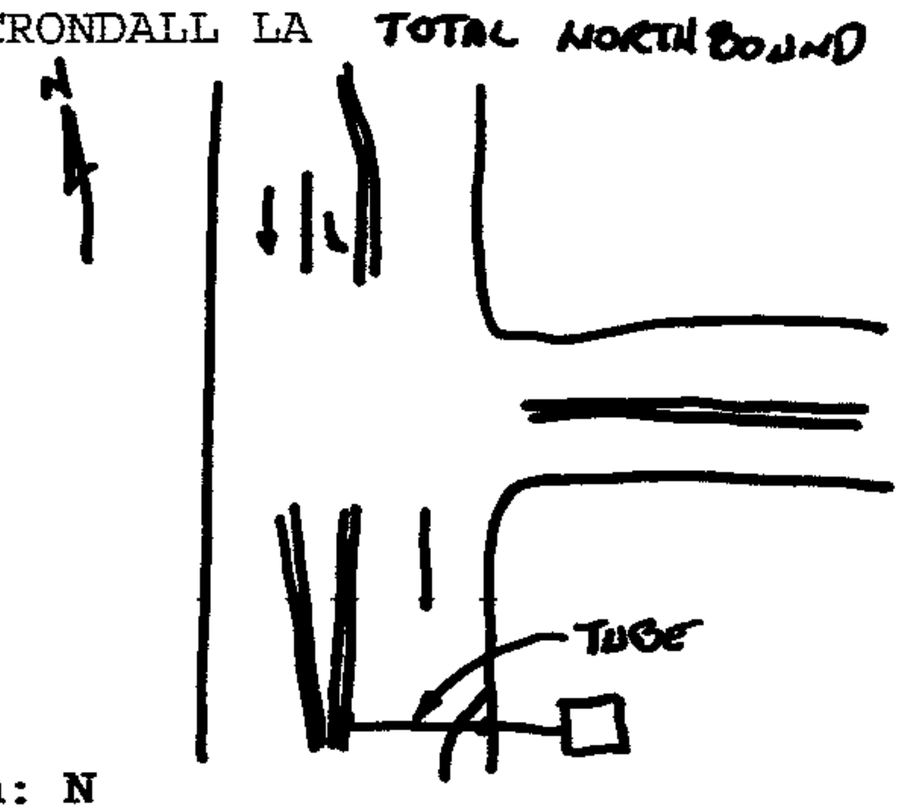
0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
14	9	7	18	65	169	413	379																	1074
8	4	4	12	33	50	140	379																	
6	5	3	6	32	119	273																		

AM Peak Hour ..... 06:30 to 07:30 (652 vehicles)
AM Peak Hour Factor 86.0%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILL BLVD S. CRONDALL LA
Location Code 5801
County ..... BC
Recorder Set 08/26/99 11:52
Recording Start ... 08/26/99 12:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 8
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No



Thursday 08/26/99 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
												893	984	848	1010	1226	1355	/85	/39	495	419	252	180	9186
												385	462	433	506	578	700	435	365	243	205	129	119	
												508	522	415	504	648	655	350	374	252	214	123	61	

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 17:00 to 18:00 (1355 vehicles)
PM Peak Hour Factor 96.8%

Friday 08/27/99 Channel: 1 Direction: N

0100	0200	0300	0400	0500	0600	0/00	0800	0900	1000	1100	1200	1300	1400	1500	1600	1/00	1800	1900	2000	2100	2200	2300	2400	Totals
109	52	37	30	55	150	415	952	1120	615	636	678	1031	1032	896	1133	1283	1271	835	541	552	428	296	237	14384
54	29	26	18	23	55	143	356	634	309	323	307	480	543	432	539	582	711	469	285	293	240	168	129	
55	23	11	12	32	95	2/2	596	486	306	313	3/1	551	489	464	594	/01	560	366	256	259	188	128	108	

AM Peak Hour ..... 07:30 to 08:30 (1230 vehicles)
AM Peak Hour Factor 97.0%
PM Peak Hour ..... 16:30 to 17:30 (1412 vehicles)
PM Peak Hour Factor 99.3%

Saturday 08/28/99 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
134	71	62	39	23	27	92	201	259	505	493	699	784	603	638	743	695	674	496	380	385	377	276	343	8999
75	35	39	25	9	14	28	78	122	255	247	326	401	319	342	342	352	363	254	178	219	180	139	169	
59	36	23	14	14	13	64	123	137	250	246	373	383	284	296	401	343	311	242	202	166	197	137	174	

AM Peak Hour ..... 11:00 to 12:00 (699 vehicles)
AM Peak Hour Factor 93.7%
PM Peak Hour ..... 12:00 to 13:00 (784 vehicles)
PM Peak Hour Factor 97.8%

Sunday 08/29/99 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
194	115	70	39	31	26	22	93	180	264	312	433	524	591	642	612	558	587	522	432	386	258	160	122	7173
125	64	42	21	16	11	8	31	69	116	14/	204	255	2/3	323	32/	2//	301	285	226	18/	134	88	61	
69	51	28	18	15	15	14	62	111	148	165	229	269	318	319	285	281	286	237	206	199	124	72	61	

AM Peak Hour ..... 11:00 to 12:00 (433 vehicles)
AM Peak Hour Factor 94.5%
PM Peak Hour ..... 14:30 to 15:30 (646 vehicles)
PM Peak Hour Factor 98.8%

Monday 08/30/99 Channel: 1 Direction: N

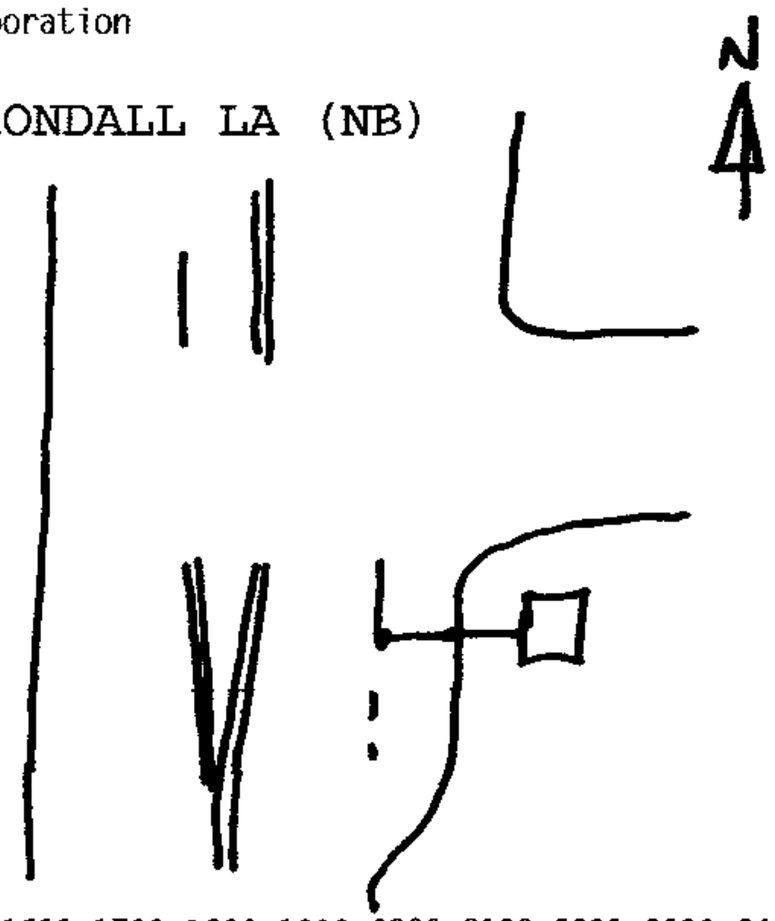
0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	2400	Totals
72	29	18	29	75	131	396	366																	1116
38	11	8	13	32	41	130	366																	
34	18	10	16	43	90	266																		

AM Peak Hour ..... 06:30 to 07:30 (632 vehicles)
AM Peak Hour Factor 86.3%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Volume Count Report

Generated by MSC3000 Version 2.01 Copyright 1990-1992 Mitron Systems Corporation

Location ..... OWINGS MILLS BLVD S. CRONDALL LA (NB)
Location Code 5809
County .....
Recorder Set 08/26/99 11:50
Recording Start ... 08/26/99 12:00
Recording End 08/30/99 07:30
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 12
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No



Thursday 08/26/99 Channel: 1

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
												399	411	317	311	277	248	168	85	58	39	46	23	2382
												176	189	172	154	130	130	82	37	31	24	16	10	
												223	222	145	157	147	118	86	48	27	15	30	13	

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 12:30 to 13:30 (412 vehicles)
PM Peak Hour Factor 92.4%

Friday 08/27/99 Channel: 1

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
7	6	9	7	26	97	244	563	599	302	290	237	378	343	328	260	239	197	141	103	64	59	45	25	4569
1	4	7	3	8	32	82	217	342	166	153	102	169	191	164	122	108	110	87	64	40	38	19	18	
6	2	2	4	18	65	162	346	257	136	137	135	209	152	164	138	131	87	54	39	24	21	26	7	

AM Peak Hour ..... 07:30 to 08:30 (688 vehicles)
AM Peak Hour Factor 99.4%
PM Peak Hour ..... 12:30 to 13:30 (400 vehicles)
PM Peak Hour Factor 95.7%

Saturday 08/28/99 Channel: 1

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
21	11	13	5	7	11	58	116	102	233	157	156	120	100	107	126	75	90	51	54	55	48	26	25	1767
12	5	5	0	3	3	16	47	39	124	95	74	76	51	60	65	46	41	24	25	33	30	15	8	
9	6	8	5	4	8	42	69	63	109	62	82	44	49	47	61	29	49	27	29	22	18	11	17	

AM Peak Hour ..... 09:00 to 10:00 (233 vehicles)
AM Peak Hour Factor 94.0%
PM Peak Hour ..... 15:00 to 16:00 (126 vehicles)
PM Peak Hour Factor 96.9%

Sunday 08/29/99 Channel: 1

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
17	10	4	6	7	4	3	34	38	49	63	81	65	53	68	74	51	86	58	48	29	39	21	11	919
6	6	3	5	3	1	1	9	12	20	30	41	33	31	33	37	32	39	36	28	16	22	12	6	
11	4	1	1	4	3	2	25	26	29	33	40	32	22	35	37	19	47	22	20	13	17	9	5	

AM Peak Hour ..... 11:00 to 12:00 (81 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 17:00 to 18:00 (86 vehicles)
PM Peak Hour Factor 91.5%

Monday 08/30/99 Channel: 1

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
5	3	4	12	33	93	229	231																	610
4	1	2	4	16	28	72	231																	
1	2	2	8	17	65	157																		

AM Peak Hour ..... 06:30 to 07:30 (388 vehicles)
AM Peak Hour Factor 84.0%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Volume Count Report

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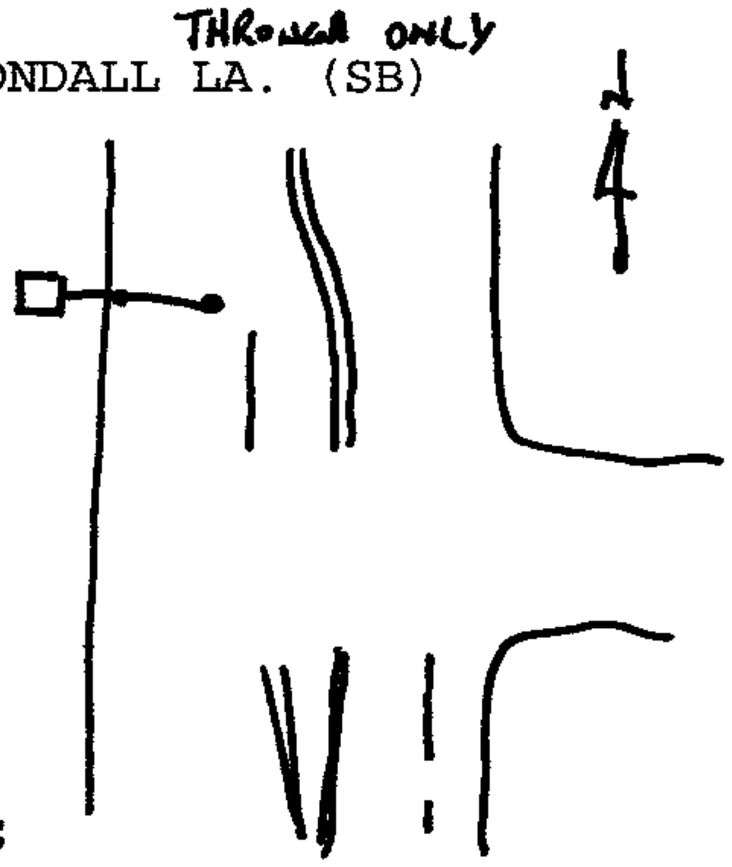


Location ..... OWINGS MILLS BLVD N. CRONDALL LA. (SB)
Location Code 5783
County ..... BC
Recorder Set 08/26/99 12:45
Recording Start ... 08/26/99 13:00
Recording End 08/30/99 07:00
Sample Time ..... 30 Minutes
Operator Number ... 5
Machine Number 16
Channel 1
Divide By 2
Summation ..... No
Two-Way ..... No

Thursday 08/26/99 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
													393	342	407	438	381	315	268	207	156	97	40	3044
													184	168	207	211	198	169	150	103	81	58	20	
													209	174	200	227	183	146	118	104	75	39	20	

AM Peak Hour ..... Unavailable
AM Peak Hour Factor ..... Unavailable
PM Peak Hour ..... 16:00 to 17:00 (438 vehicles)
PM Peak Hour Factor 96.5%

Friday 08/27/99 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
26	12	13	21	84	319	609	766	529	431	374	342	397	394	367	359	454	498	405	316	229	199	95	57	7296
14	9	4	9	31	123	261	420	300	231	182	149	185	195	194	185	213	250	202	188	114	101	57	33	
12	3	9	12	53	196	348	346	229	200	192	193	212	199	173	174	241	248	203	128	115	98	38	24	

AM Peak Hour ..... 06:30 to 07:30 (768 vehicles)
AM Peak Hour Factor 91.4%
PM Peak Hour ..... 17:00 to 18:00 (498 vehicles)
PM Peak Hour Factor 99.6%

Saturday 08/28/99 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
38	26	20	18	41	90	172	274	437	472	457	498	447	410	365	338	405	436	431	254	213	159	114	119	6234
28	14	9	11	8	35	76	132	201	248	250	246	216	221	178	172	194	207	242	147	121	75	61	65	
10	12	11	7	33	55	96	142	236	224	207	252	231	189	187	166	211	229	189	107	92	84	53	54	

AM Peak Hour ..... 11:00 to 12:00 (498 vehicles)
AM Peak Hour Factor 98.8%
PM Peak Hour ..... 17:30 to 18:30 (471 vehicles)
PM Peak Hour Factor 97.3%

Sunday 08/29/99 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
56	39	28	16	24	63	101	173	267	343	407	461	424	432	364	376	327	356	295	283	186	133	72	37	5263
36	19	15	6	8	21	53	79	139	159	193	240	219	220	177	182	170	191	158	122	110	61	35	21	
20	20	13	10	16	42	48	94	128	184	214	221	205	212	187	194	157	165	137	161	76	72	37	16	

AM Peak Hour ..... 11:00 to 12:00 (461 vehicles)
AM Peak Hour Factor 96.0%
PM Peak Hour ..... 13:00 to 14:00 (432 vehicles)
PM Peak Hour Factor 98.2%

Monday 08/30/99 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
19	8	15	18	90	354	702																		1206
10	7	5	3	27	147	313																		
9	1	10	15	63	207	389																		

AM Peak Hour ..... 06:00 to 07:00 (702 vehicles)
AM Peak Hour Factor 90.2%
PM Peak Hour ..... Unavailable
PM Peak Hour Factor ..... Unavailable

Peoples 12

Baltimore County
Department of Public Works

Bureau of Traffic Engineering
& Transportation Planning
111 W. Chesapeake Avenue
Towson, Maryland 21204
410-887-3554
Fax: 410-887-5784

MEMO TO: Dale Zimmerman

DATE: March 14, 2000

SUBJECT: Owings Mills Blvd and Crondall Lane

FROM: Darrell Wiles

In followup to my testimony this afternoon I wanted to provide the following:

- On the count reports the top line for each date indicates the hour ending (in military time)
- the next line is the total volume for that hour
- the next two lines on these counts represent the volumes for the first and second 30 minute periods, respectively, for that hour.

I hope this information is helpful in clearing up any confusion.

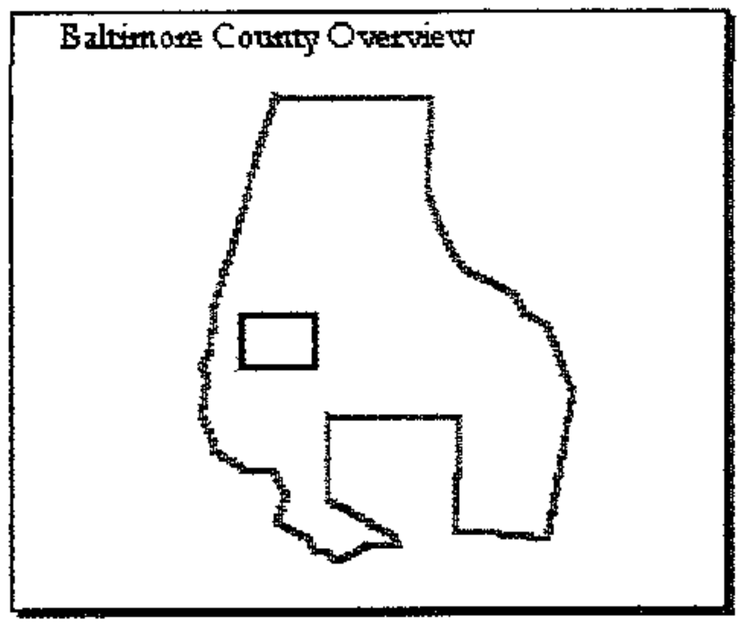
cc:

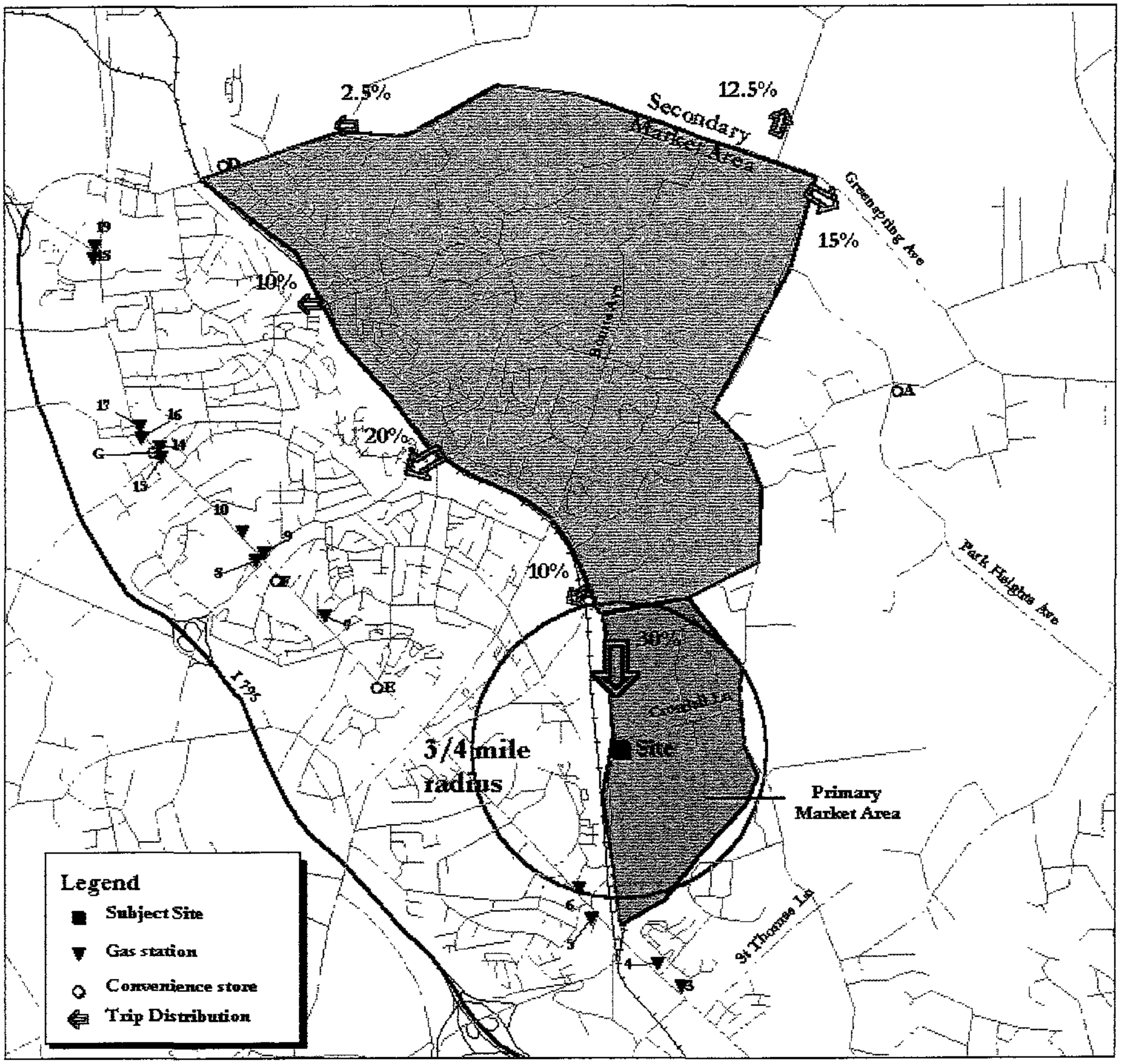
People #13

Market Analysis Areas

Baltimore County

Southland, Crondall Lane

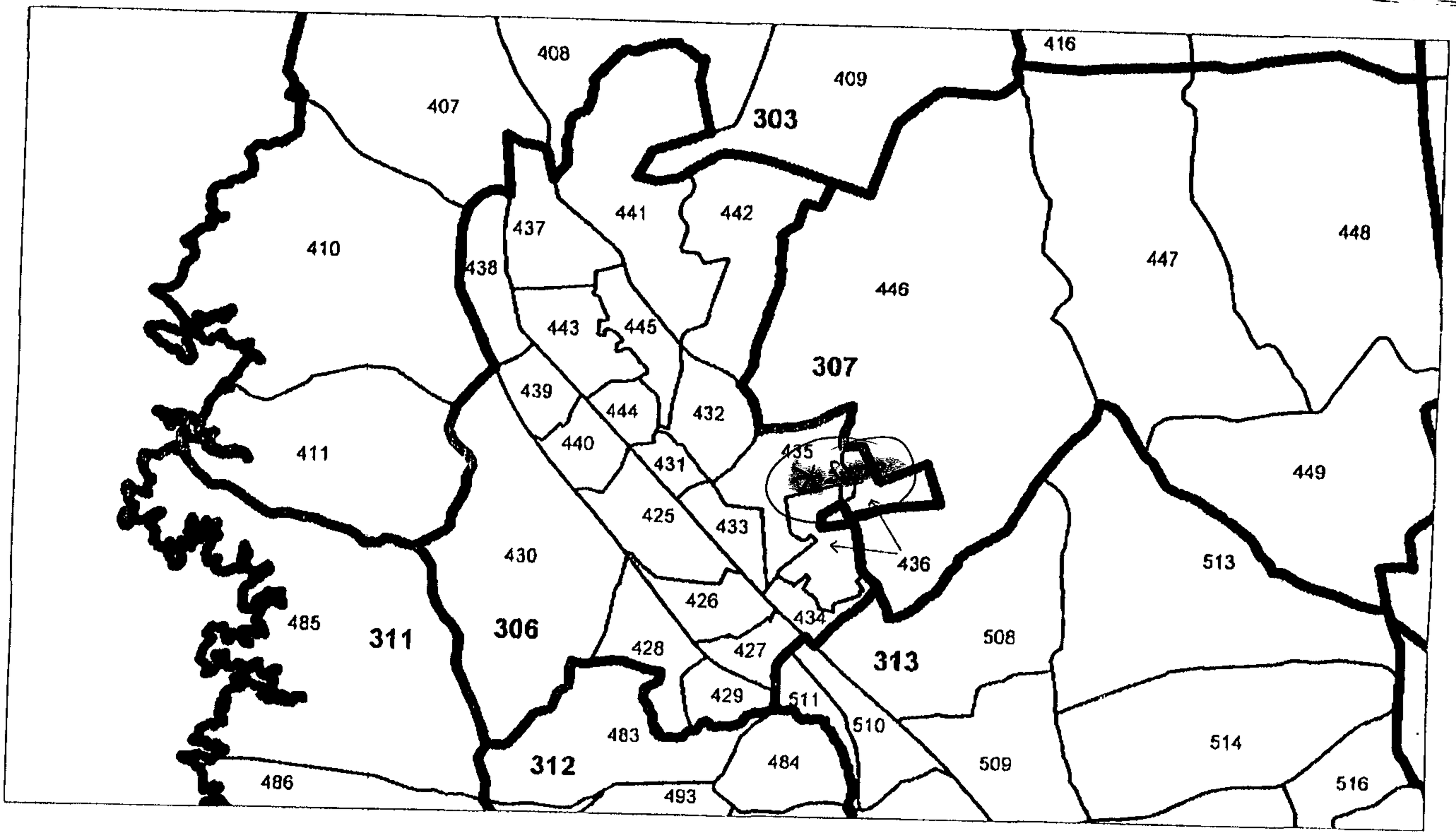




prepared by Giegerich & Associates, Inc.

1998 Transporation Analysis Zones (TAZs) and Regional Planning Districts (RPDs) for the Owings Mills Area

Peoples #15 A



PRINCE GEORGES COUNTY COUNCIL 9 13014248561 NO.047 002

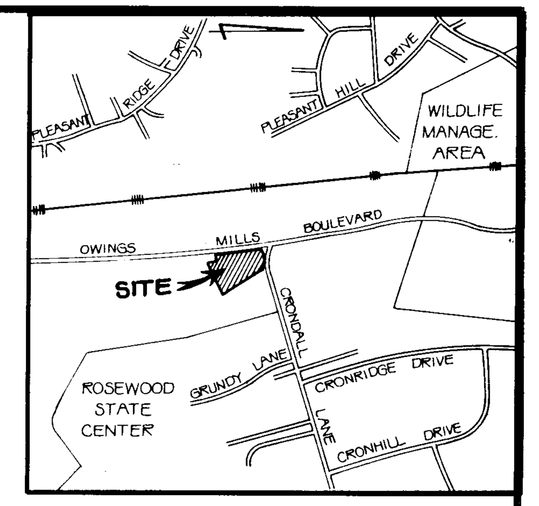
People's 15B

SUPPLEMENTAL EXCERPT FROM PEOPLE'S COUNSEL'S EXHIBIT NO. 7

TRAFFIC ZONE DATA - North of Site on Both Sides of Owings Mills Boulevard
RESIDENTIAL POPULATION AND HOUSEHOLDS

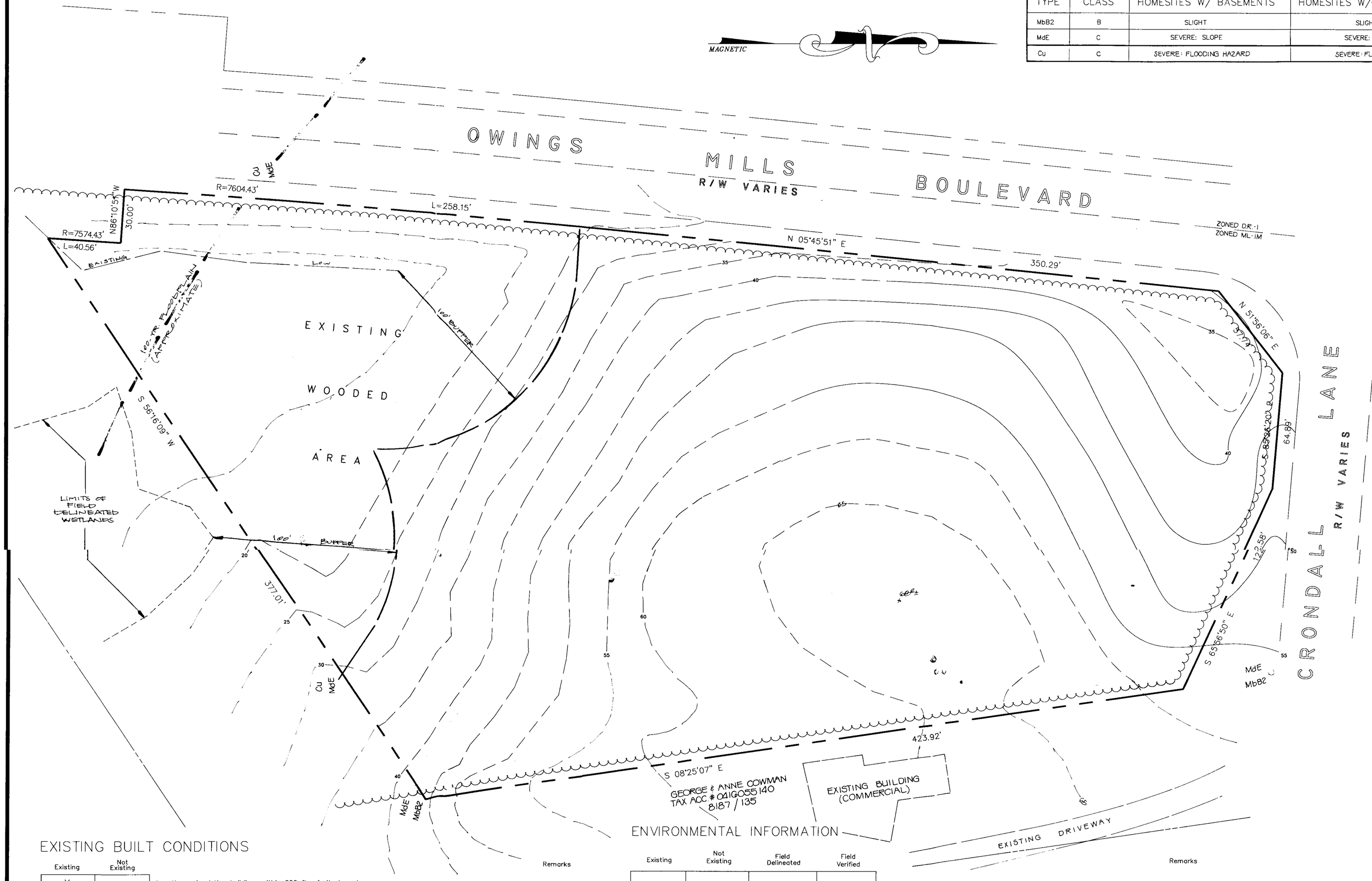
	TRAFFIC ZONE	*YEAR 2000 POPULATION*	*YEAR 2000 HOUSEHOLDS*	*YEAR 2020 POPULATION*	*YEAR 2020 HOUSEHOLDS*
1) NORTHEAST OF OWINGS MILLS BLVD.	#441	3,739	1,357	3,785	1,441
	#442	2,862	883	2,897	937
	#446	3,869	1,264	3,884	1,316
Subtotal #1		10,470	3,504	10,566	3,694
2) BETWEEN REISTERSTOWN ROAD AND OWINGS MILLS BLVD.	#432	2,452	854	2,738	1,004
	#445	4,004	1,481	3,993	1,555
	#443	2,907	1,133	2,903	1,188
	#444	3,136	1,314	3,127	1,380
	#431	2,346	1,115	2,620	1,312
	#433	3,124	1,624	3,489	1,909
	#437	2,280	851	3,015	1,204
Subtotal #2		20,249	8,372	21,885	9,552
GRAND TOTAL 1 & 2		**30,719**	**11,876**	**32,451**	**13,246**

TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
MbB2	B	SLIGHT	SLIGHT	MODERATE: SLOPE
MdE	C	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
Cu	C	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD



VICINITY MAP

SCALE: 1" = 1,000'



EXISTING BUILT CONDITIONS

Existing	Not Existing		Remarks
X		Locations of existing buildings within 200 ft. of site boundary	
X		Location of existing roads within 200 ft. of site boundary	
	X	Designated historic sites	
	X	Designated archeological sites	
	X	Significant views	
	X	Significant features(specimen trees, buildings, streetscape, etc.)	
X		Land use on and within 200 ft. of site	
X		Roads rights-of-way and easements	

COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	Remarks
X		X	Baltimore Co. Master Plan 1989-2000
	X		Community or Revitilization Plan(s)
	X		Recreation and Parks Plan
	X		Streetscape Plan
	X		Greenways Plan
			Other:

ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified	Remarks
X			X	Topography and street grades (minimum 5 ft. contour appropriately labeled)
X				Slopes greater than 25%
X				100 year flood plain
X				Soils mapped according to Soil Survey, Baltimore County, Maryland
X				Streams, seeps, ponds or other bodies shown on site and within 200 ft. of site boundary
X				Wetlands
X				Forest buffer limits including adjustments for steep slopes and/or erodible soils
X				Land cover on and within 200 ft. of site
	X			Significant regulated plant or wildlife communities
	X			Wells on site and within 100 ft. of site
	X			Septic on site and within 100 ft. of site
	X			Underground fuel tanks on site and within 100 ft. of site.
	X			Soil evaluation tests (perc tests) performed

POM FILE # IV-512

CONCEPT PLAN
SITE CONSTRAINTS MAP
7-ELEVEN STORE

OWINGS MILLS BOULEVARD AND CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

RECEIVED
SEP 23 1997
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT

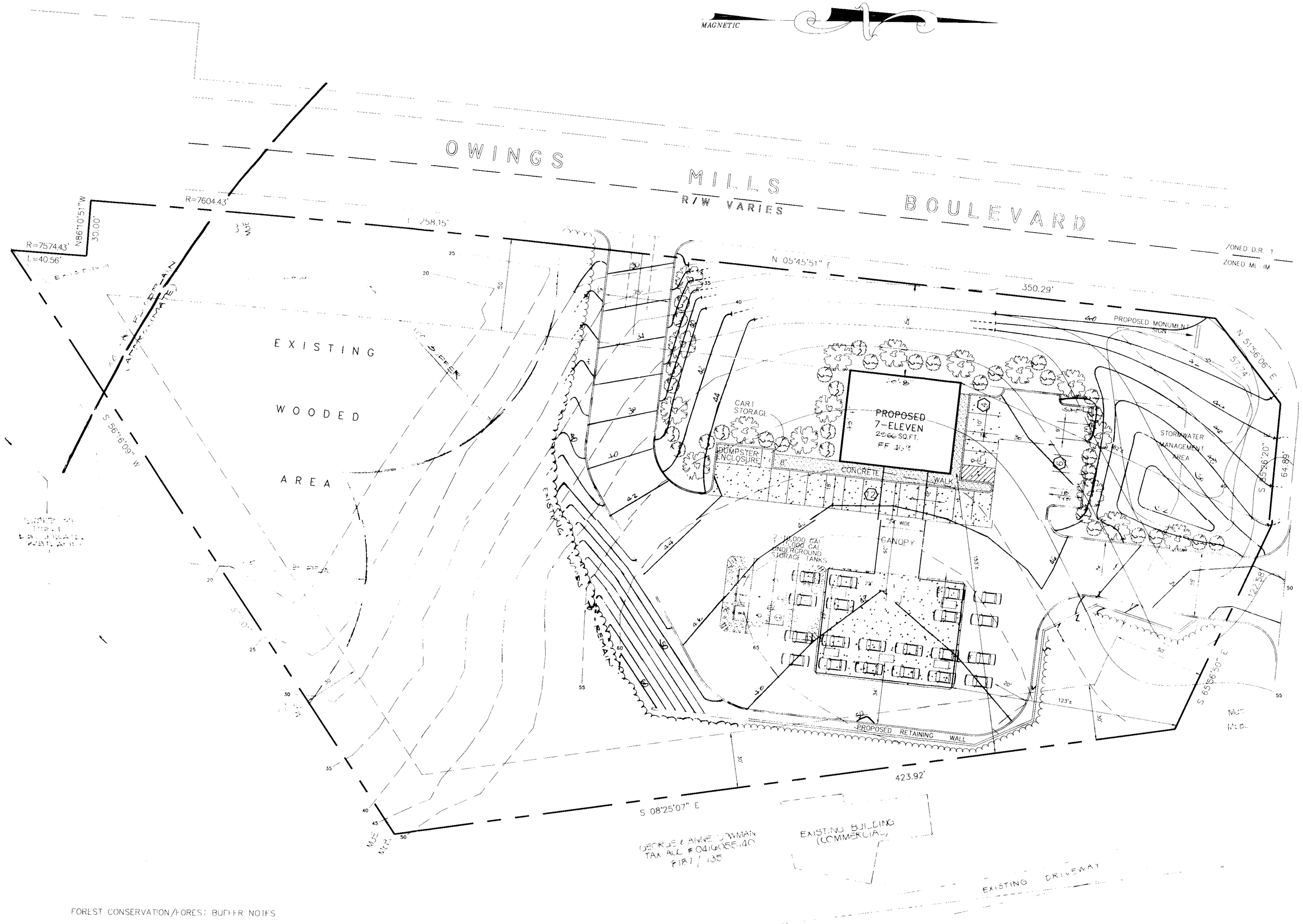
Colbert Matz Rosenfelt, Inc.

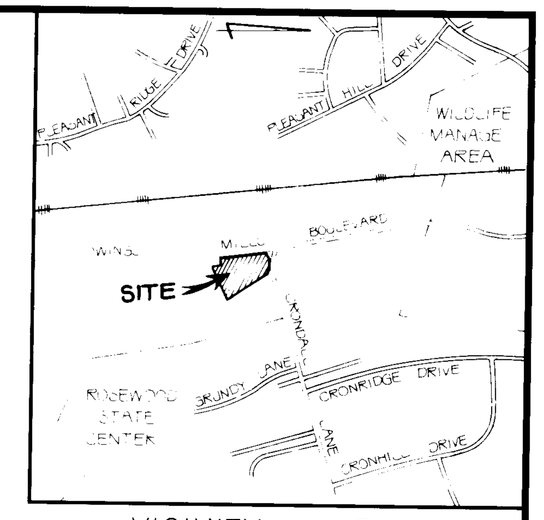
*Engineers * Surveyors * Planners*
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 30'
DATE: JULY 24, 1997
JOB NO.: 96160
DESIGNED: MEK
DRAWN: MEK
CHECKED: KJC
FILE: 96160EX.DWG
DRAWING NUMBER: .DWG

SHEET 1 OF 2





VICINITY MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

1. OWNER:
   JEAN K. SCHUSTER
   52 NEW PLANT COURT
   OWINGS MILLS, MD. 21117

   APPLICANT:
   DALRYMPLE DEVELOPMENT AND INVESTMENT
   10422 GREEN MOUNTAIN CIRCLE
   COLUMBIA, MD. 21044

2. ELECTION DISTRICT: 4
   COUNCIL DISTRICT: 3
   CENSUS TRACT: 4042.02
   MAP: 58 GRID: 9 PARCEL: P/O 427
   TAX ACCOUNT NOS.: 2200025183
   DEED REF.: 11342 / 246

3. EXISTING USE: VACANT
   PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
   EX. ZONE: M.L.-I.M.
   ACRES (GROSS):
   ACRES (NET): 3.675 ACRES ±
   PARKING REQUIRED:
   PARKING PROPOSED:

4. AVERAGE DAILY TRAFFIC:
   2,566 SQ.FT. @ 370 TRIPS PER 1,000 SQ.FT.

5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 2,000 SQ.FT. AND ASSOCIATED WITH A FUEL SERVICE STATION.

WDM FILE # 96-62

CONCEPT PLAN
SITE PROPOSAL MAP
7-ELEVEN STORE

OWINGS MILLS BOULEVARD AND CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

FOREST CONSERVATION/FOREST BUFFER NOTES

STANDARD NON-DISTURBANCE NOTE:
THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST CONSERVATION/FOREST BUFFER EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.

PROTECTIVE COVENANTS NOTE:
ANY FOREST CONSERVATION/FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
MbB2	B	SLIGHT	SLIGHT	MODERATE: SLOPE
MdE	C	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
Ou	C	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	ACRES	FLOOR AREA ALLOWED	FLOOR AREA PROPOSED
ML-IM	3.675	320,166 SQ.FT.	2,940 SQ.FT.

SITE DEVELOPMENT PROPOSAL

USE	FLOOR AREA PROPOSED	PARKING REQUIRED	PARKING PROPOSED	OPEN SPACE REQUIRED (ACRES)	OPEN SPACE PROPOSED	AVERAGE DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
CONVEIN STORE	2,940 SQ.FT.	15	22	—	—	950		

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 30'
DATE: JULY 24, 1997
JOB NO.: 96160
DESIGNED: MEK
DRAWN: MEK
CHECKED: KJC
FILE: 96160SPM.DWG
DRAWING NUMBER: .DWG

SHEET 2 OF 2

NOTE:
SIGHT LINES TO BE CLEARED, GRADED AND KEPT FREE OF OBSTRUCTIONS.

500' SIGHT DISTANCE AVAILABLE

MINE SAFETY APPLIANCES COMPANY
6131/787
04-0419027510

OWINGS MILLS BOULEVARD

ZONED: D.R.1
ZONED: ML-IM

EX. 12" WATER (DWG No. 79-0048)

PAVEMENT WIDTH 46'
ROW WIDTH VARIES

EX GUARD RAIL (TYP)

EXIST. SIGN TO BE RELOCATED

EXISTING HYDRANT TO BE RELOCATED

EXIST 12" WATER (DWG No. 87-1500)

PROP WATER METER

N 05°45'51" E 350.29'

R=7574.43'
L=40.56'
N 86°10'51" E
30.00'
L=758'
Δ 7604.43'

EXISTING WETLANDS

APPROXIMATE 100 YEAR FLOOD PLAIN

REVERTIBLE SLOPE EASEMENT AS SHOWN ON BALTIMORE COUNTY DPW BUREAU OF LAND ACQUISITIONS PLATS FRW 81-091-21,22,23 AND 24-B.

EXISTING WOODS TO REMAIN

FOREST BUFFER EASEMENT
AREA 1.55 AC

FOREST CONSERVATION EASEMENT
AREA 4.36 AC

PROP TREE LINE

DECORATIVE FENCE

BUILDING SETBACK LINE

PROP CART STORAGE

PROPOSED 7-ELEVEN
2,980 SQ.FT.
1 STORY - 15' HIGH
FF=546.40
ADDRESS
3731 CRONDALL LANE
OWINGS MILLS, MD.

PROP WATER SERVICE

PROPOSED SIGN

EX. EMT

EXIST HEADWALL

PROPOSED UNDERGROUND WATER FACILITY

PROP. BITUMINOUS CONCRETE PARKING LOT

EXISTING UNDERGROUND STORAGE TANKS

4-6 TYP GASOLINE ISLAND

DUMPSTER ENCLOSURE MASONRY TO MATCH BLDG

PAVE RETAINING WALL

EXIST RETAINING WALL

EXIST ELEV = 555.25

EXIST ELEV = 556.44

EXIST ELEV = 555.99

EXIST SPEED LIMIT SIGN TO BE RELOCATED

24" WOOD & WIRE FENCE

TRAILER

1 STORY GARAGE

FREE PLAYER

N 51°15'09" W 377.01'

S 08°25'07" E 423.92'

N 81°15'09" E 555.40'

N 03°44'53" E 80.26'

N 06°55'25" E 72.10'

N 03°51'54" E 55.16'

N 01°33'18" E 50.19'

N 25°24'45" E 50.80'

9.86'

9.45'

CRONDALL LANE

EX. 8" SAN. SEWER (DWG No. 87-1500)

EX. 36" STM (DWG No. 87-1500)

EX. 12" WATER (DWG No. 97-0342)

EX. 36" WATER (DWG No. 87-1500)

500' SIGHT DISTANCE AVAILABLE

GEORGE & ANNE COMMAN
6187/135
04-0419055140
ZONED: M-1M

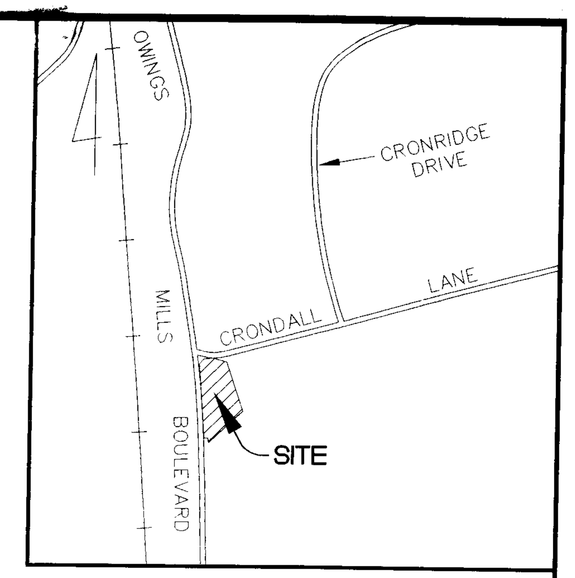
GEORGE & ANNE COMMAN
6187/135
04-0419055140
ZONED: M-1M

TOTAL DISTURBED AREA=48,336 SF

450 WATT SUPER METAL HALIDE LIGHT ON A 12 FT POLE WITH 3 FT HIGH CONCRETE BASE

250 WATT SUPER METAL HALIDE WALL MOUNTED ON BUILDING

VICINITY MAP
SCALE: 1" = 1000'



GENERAL NOTES:

1. OWNER:
JEAN K. SCHUSTER
52 NEW PLANT COURT
OWINGS MILLS, MD. 21117
DEED REF.: 11342 / 246

APPLICANT:
CRONDALL LANE L.L.C.
10422 GREEN MOUNTAIN CIRCLE
COLUMBIA, MD. 21044
PHONE No. (410)997-3071

2. ELECTION DISTRICT: 4
COUNCIL DISTRICT: 3
CENSUS TRACT: 4042.02
MAP: 58 GRID: 9 PARCEL: P/O 427
TAX ACCOUNT NOS.: 2200055183
WATERSHED: 27 WATER DESIGNATION: W-3 AND W-1
SUBSEWERSHED: 67 SEWER DESIGNATION S-3
ADDRESS: 3731 CRONDALL LANE
OWINGS MILLS, MARYLAND 21117

3. EXISTING USE: VACANT
PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
EX. ZONE: ML-IM

4. AVERAGE DAILY TRAFFIC:
2,980 SQ.FT. @ 738 TRIPS PER 1,000 SQ.FT. = 2199 A.D.T.'S

5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 1500 SQ.FT. IN COMBINATION WITH A FUEL SERVICE STATION PURSUANT TO SECTION 405.4E

6. [illegible]

7. THERE ARE NO BUILDINGS, PROPERTIES, SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORICAL PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARK LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE COUNTY HISTORIC DISTRICT, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.

8. THERE ARE NO KNOWN HAZARDOUS MATERIALS OR UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON-SITE OR WITHIN 100 FEET OF ITS BOUNDARY.

9. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

10. TOPOGRAPHY SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED SEPT. 9, 1997.

11. BOUNDARY INFORMATION SHOWN HEREON FROM A SURVEY BY COLBERT MATZ ROSENFELT DATED SEPT. 9, 1997.

12. VARIANCE FOR FOREST BUFFER EASEMENT WAS GRANTED ON JANUARY 9, 1998.

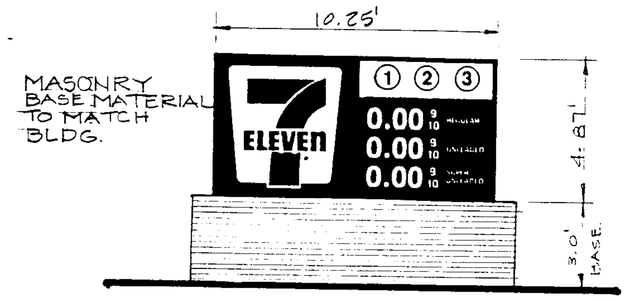
JAN 16 1998

PDM # V-512

DEVELOPMENT PLAN AND PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND



PROP SIGN
ILLUMINATED - DOUBLE FACED
SIGN AREA = 10.25 x 4.67 x 2 = 99.84 SF
1" = 4.0'

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer Easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.

There shall be no clearing, grading, construction, or disturbance of vegetation in the Forest Buffer Easement, except as permitted by the Baltimore County Department of Environmental Protection and Resource Management.

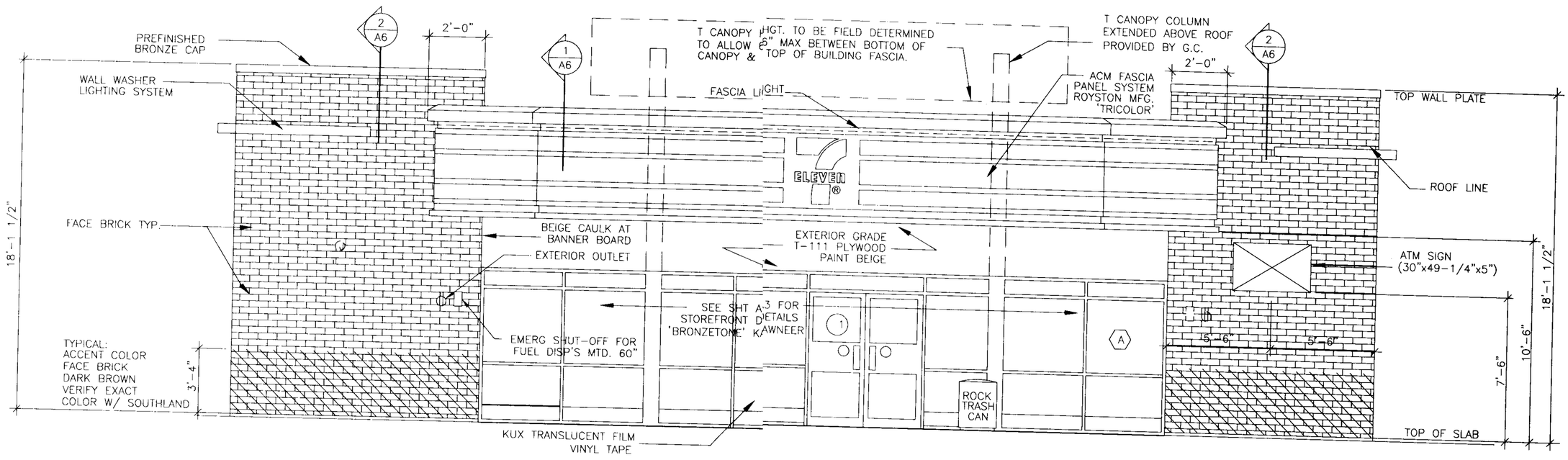
Any Forest Buffer Easement shown hereon is subject to protective covenants which may be found in the Land Records of Baltimore County and which restrict disturbance and use of these areas.

TYPE	CLASS	% MEMBERS W/ BASEMENTS	% MEMBERS W/O BASEMENTS (OTHER THAN P)
MEE	B	LIGHT	MODERATE SLOPE
MS	C	MODERATE SLOPE	MODERATE SLOPE
SD	C	100 YEAR FLOODING HAZARD	100 YEAR FLOODING HAZARD

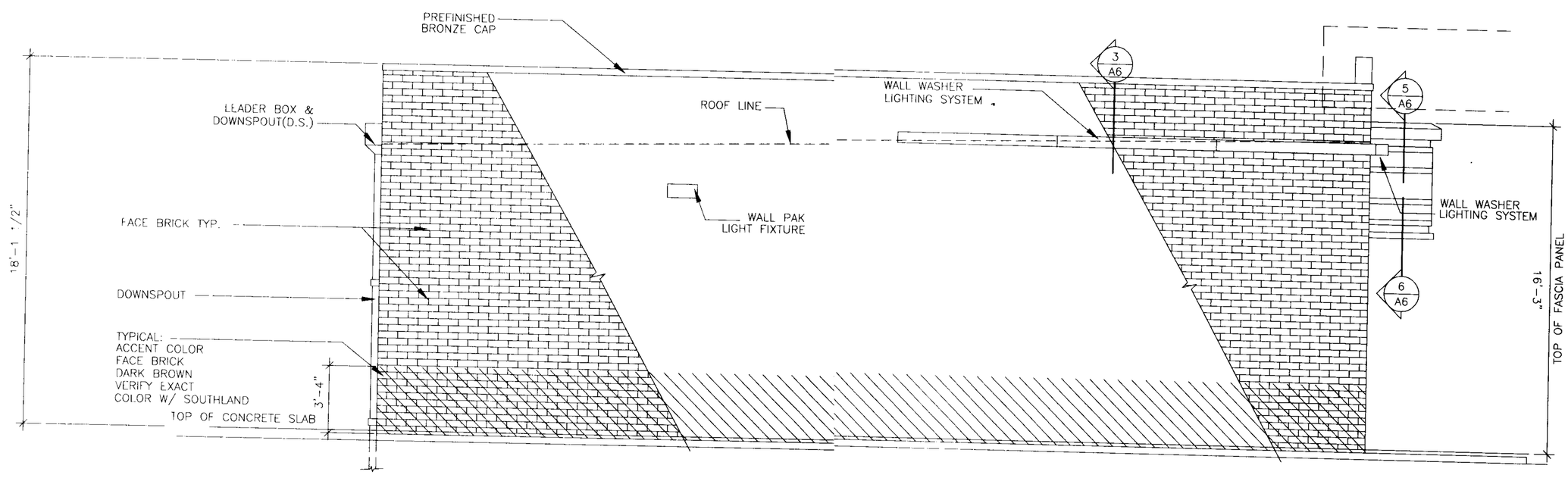
Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Fax Number: (410) 653-7963

SCALE: AS SHOWN
DATE: 11/21/97
DESIGNED: JMS
DRAWN: MJ
CHECKED: JMS
FILE NUMBER: 7-ELEVEN
DRAWING NUMBER: DEV-1
SHEET 1 OF 1

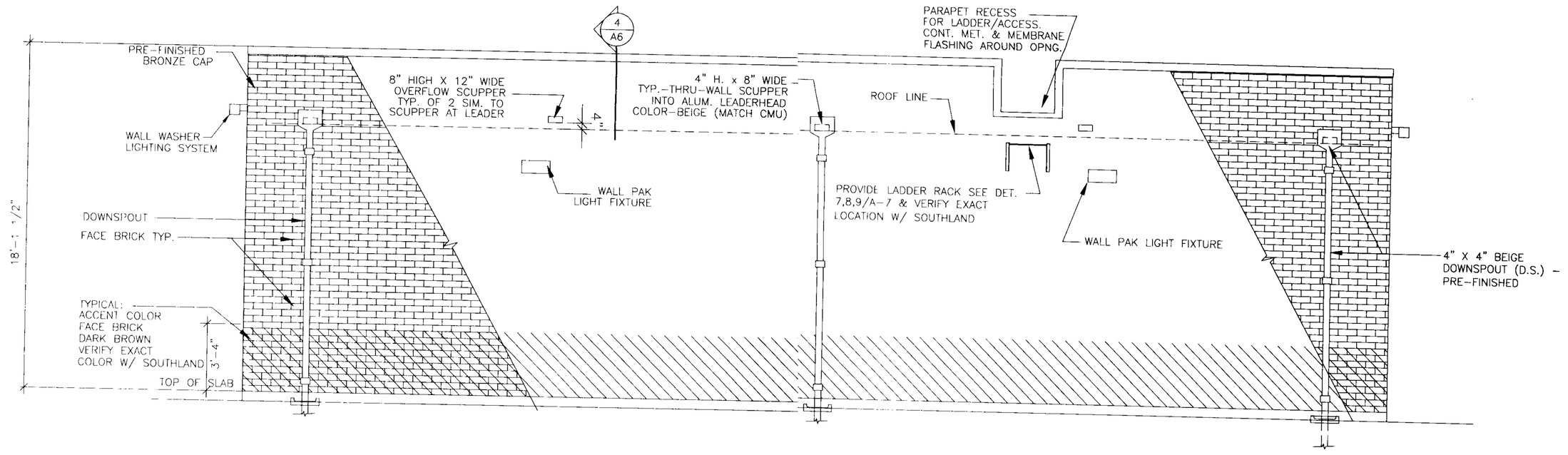
File: D:\711\6049\A-EE01
Xrefs: SHBD.dwg, Plotting Scale: 1=4'-0"



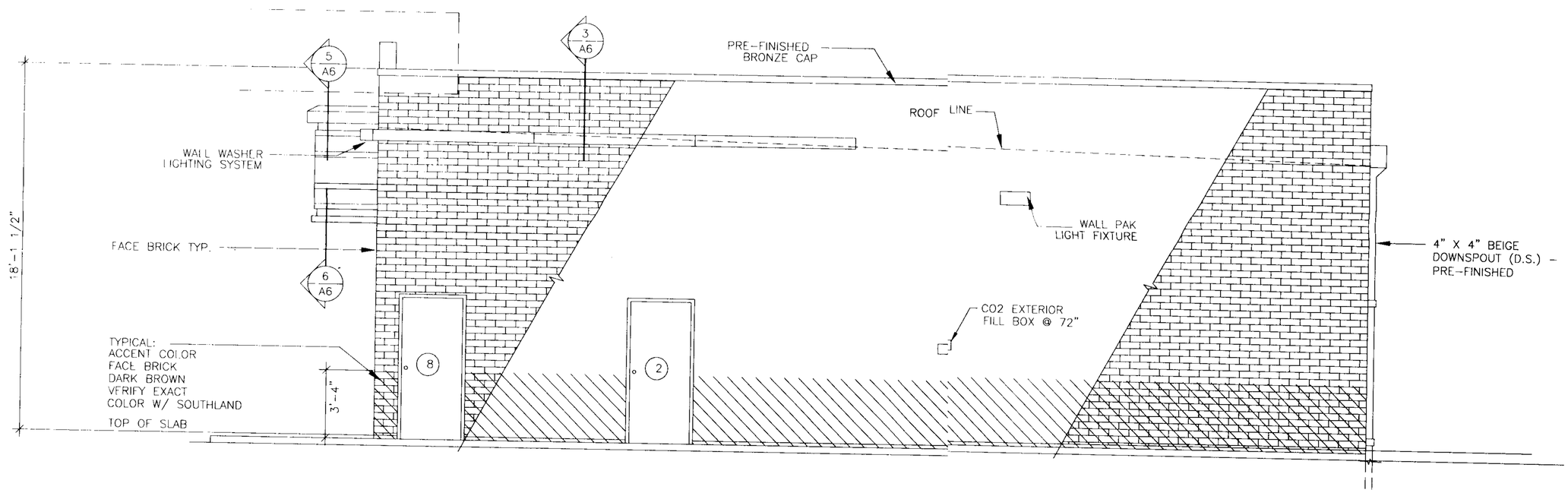
1 A4 FRONT ELEVATION
1/4"=1'-0" SCALE



2 A4 SIDE ELEVATION
SCALE 1/4"=1'-0"



3 A4 BACK ELEVATION
SCALE 1/4"=1'-0"



4 A4 SIDE ELEVATION
SCALE 1/4"=1'-0"

PDM # IV-512
DEVELOPMENTPLAN AND
PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION

7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND

SHEET A4 | DATE: 12/2/97 | APPROVED: | PROJECT NO: | REVISIONS:

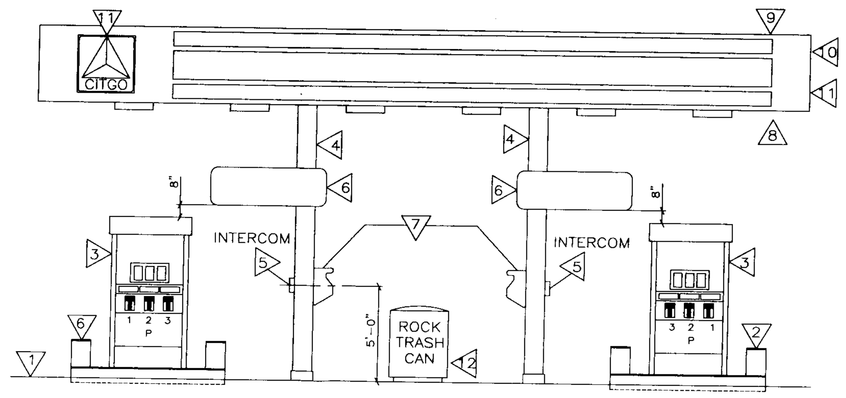
7-ELEVEN
OWING MILLS BLVD. & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND

Architecture
Engineering
Planning

335 West Marshall Street
Norristown, PA 19401
Tel : 610.272.2075
Fax; 610.272.2670

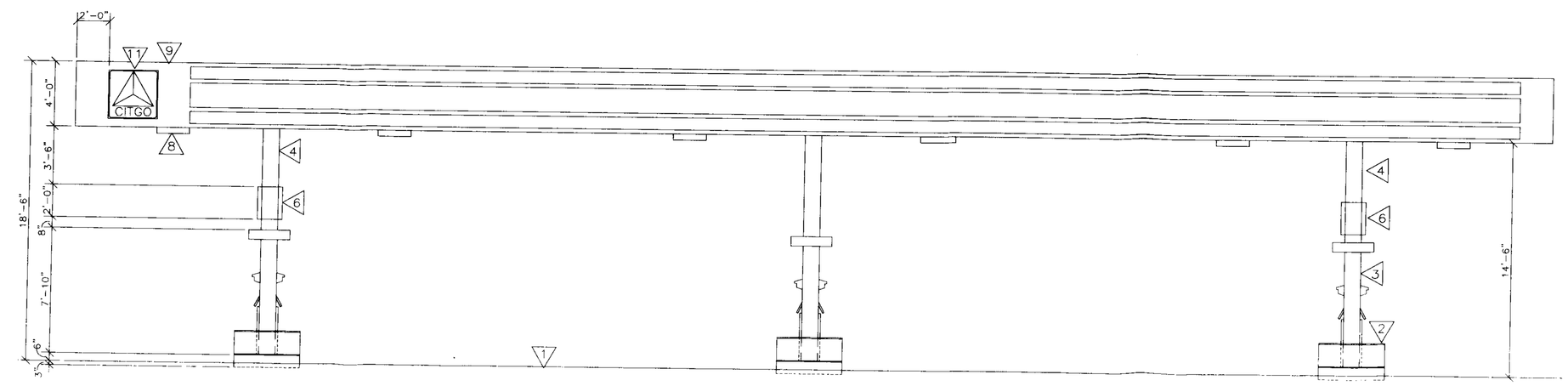
Wyckoff Associates

THE SOUTHLAND CORPORATION



CANOPY – FRONT ELEVATION

3/16 " = 1'-0"



CANOPY – SIDE ELEVATION

3/16 " = 1'-0"

TYPICAL FLAG NOTES

1. TOP OF CONCRETE PAVING
2. METAL "DOGBONE" ISLAND FORM (8'-0" X 4'-0"). FORM IS TO BE SET 3" BELOW TOP OF FINISHED CONC. SLAB. (PAINT METAL CURB FACE).
3. MULTI-PRODUCT DISPENSER (MPD).
4. CANOPY COLUMN (PAINTED).
5. INTERCOM CALL BOX, MECHANICALLY FASTENED TO COLUMN FACING THE MPD. MOUNT AT 5'-0" ABOVE SLAB
6. MERCHANDISE SPANDREL. (2' x 6') (PER NAT. GASOLINE). MOUNTING HEIGHT 8'-10" FROM CONCRETE PAVING TO BOTTOM OF SPANDREL
7. WASH BUCKET
8. CANOPY LIGHT FIXTURE (STD. 400W S.M.H.).
9. GASOLINE CANOPY, SEE MANUFACTURER'S DRAWINGS & SPECIFICATIONS FOR DETAILS OF CONSTRUCTION.
10. CANOPY FASCIA
11. ILLUMINATED SIGN
12. ROCK TRASH CAN SUPPLIED BY SOUTHLAND INSTALLED BY GAS CONTRATOR. 1-PER ISLAND

PDM # IV-512

DEVELOPMENT PLAN AND
PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION

7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND

ARCHITECTURE/ENGINEERING
DEVELOPMENT
THE SOUTHLAND CORPORATION
CITY CENTER EAST
2711 N. HASKELL AVENUE
DALLAS, TX 75204
214-828-5580

CANOPY ELEVATIONS

DATE: REVISIONS:
10-11-96 PER SOUTHLAND
10-28-96 PER SOUTHLAND

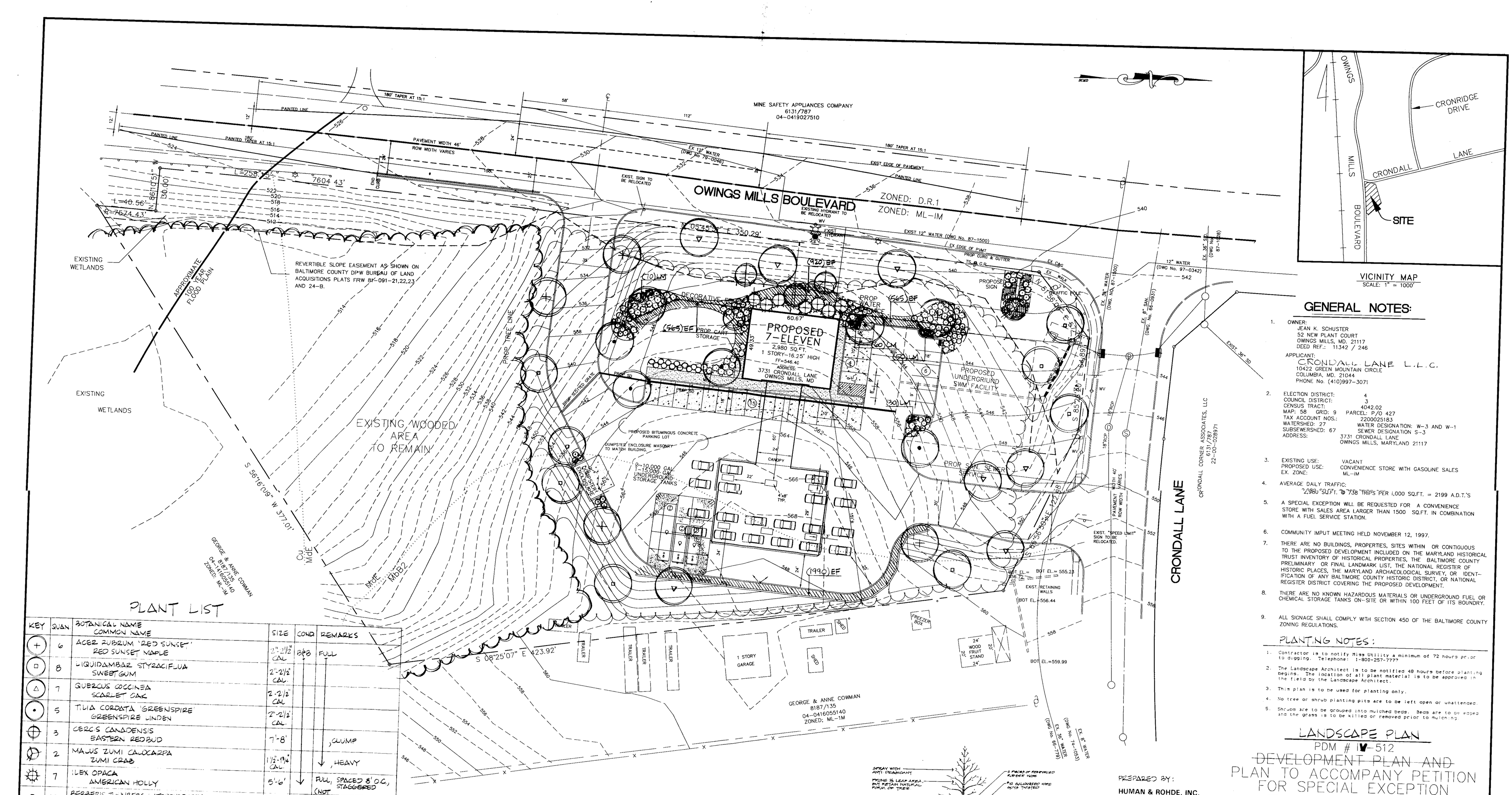
PROJECT NO: 96052

APPROVED: J. SANTI

DATE: ISSUED OCTOBER 1996

SHEET G1J

File: D:\711\CANOPY\DWG\A-CNDE10
Plotting Scale: 0.1875=1'



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER:
   JEAN K. SCHUSTER
   52 NEW PLANT COURT
   OWINGS MILLS, MD. 21117
   DEED REF.: 11342 / 246

   APPLICANT:
   CRONDALL LANE L.L.C.
   10422 GREEN MOUNTAIN CIRCLE
   COLUMBIA, MD. 21044
   PHONE No. (410)997-3071

2. ELECTION DISTRICT: 4
   COUNCIL DISTRICT: 3
   CENSUS TRACT: 4042.02
   MAP: 58 GRID: 9 PARCEL: P/O 427
   TAX ACCOUNT NOS.: 2200025183
   WATERSHED: 27 WATER DESIGNATION: W-3 AND W-1
   SUBSEWERSHED: 67 SEWER DESIGNATION S-3
   ADDRESS: 3731 CRONDALL LANE
   OWINGS MILLS, MARYLAND 21117

3. EXISTING USE: VACANT
   PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
   EX. ZONE: ML-IM

4. AVERAGE DAILY TRAFFIC:
   2,980 SQ.F.T. @ 738 TRIPS PER 1,000 SQ.FT. = 2199 A.D.T.'S

5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 1500 SQ.FT. IN COMBINATION WITH A FUEL SERVICE STATION.

6. COMMUNITY IMPUT MEETING HELD NOVEMBER 12, 1997.

7. THERE ARE NO BUILDINGS, PROPERTIES, SITES WITHIN OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORICAL PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARK LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE COUNTY HISTORIC DISTRICT, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.

8. THERE ARE NO KNOWN HAZARDOUS MATERIALS OR UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON-SITE OR WITHIN 100 FEET OF ITS BOUNDRY.

9. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

PLANTING NOTES:

1. Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone: 1-800-257-7777
2. The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
3. This plan is to be used for planting only.
4. No tree or shrub planting pits are to be left open or unattended.
5. Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be killed or removed prior to mulching.

PLANT LIST

KEY	QUAN	BOTANICAL NAME / COMMON NAME	SIZE	COND	REMARKS
+	6	ACER RUBRUM 'RED SUNSET' / RED SUNSET MAPLE	2"-2½" CAL.	B&B	FULL
□	8	LIQUIDAMBAR STYRACIFLUA / SWEETGUM	2'-2½" CAL.		
△	7	QUERCUS COCCINEA / SCARLET OAK	2'-2½" CAL.		
•	5	TILIA CORDATA 'GREENSPIRE' / GREENSPIRE LINDEN	2"-2½" CAL.		
⊕	3	CERCIS CANADENSIS / EASTERN REDBUD	7'-8'		,CLUMP
⊘	2	MALUS ZUMI CALOCARPA / ZUMI CRAB	1½"-1¾" CAL.		,HEAVY
✲	7	ILEX OPACA / AMERICAN HOLLY	5'-6'		FULL, SPACED 8' O.C., STAGGERED (NOT
○	12	BERBERIS THUNBERGII ATROPURPUREA NANA / CRIMSON PYGMY BARBERRY	15"-18"	3 GAL	FULL, SPACED 3' O.C., STAGGERED
✲	76	JUNIPERUS CHINENSIS SARGENTII / SARGENT JUNIPER	15"-18"	3 GAL	FULL, SPACED 4' O.C., STAGGERED
⌖	8	MISCANTHUS SINENSIS 'SILBERFEDER' / SILVER FEATHER MISCANTHUS	-	3 GAL	FULL, SPACED 3' O.C., STAGGERED
⊙	52	SPIREA x BUMALDA 'ANTHONY WATERER' / ANTHONY WATERER SPIREA	18"-24"	3 GAL	FULL, SPACED 3' O.C., STAGGERED
EF	4,185	EUONYMUS FORTUNEI 'COLORATUS' / PURPLE-LEAF WINTERCREEPER	MIN 9" L. MIN. 2 RUNNERS	2¼" POTS	SPACED 9" O.C., STAGGERED
LM	210	LIRIOPE MUSCARI VARIEGATA / VARIEGATED LIRIOPE	-	1 GAL	SPACED 12" O.C. STAGGERED
	110	RUDBECKIA FULGIDA 'GOLDSTURM' / GOLDSTURM BLACKEYED SUSAN	-	1 GAL	SPACED 15" O.C. STAGGERED

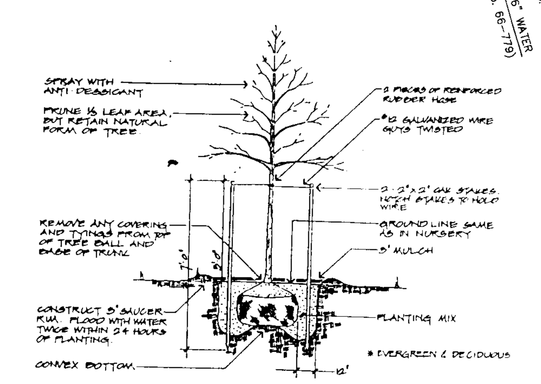
LANDSCAPE CALCULATIONS:

REQUIRED PLANTING:

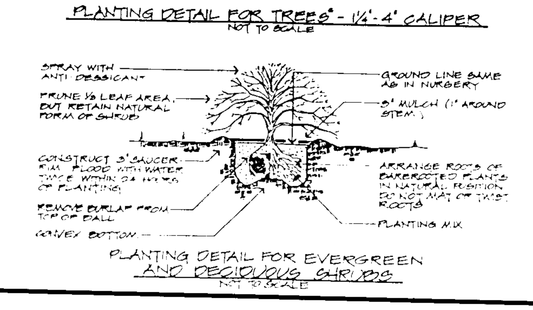
(1) P.U. / 40 LF ADJACENT R/W (575 LF ÷ 40)	=	44 P.U.
(1) P.U. / 20 LF INTERIOR ROAD (640 LF ÷ 20)	=	32
(1) P.U. / 12 PARKING SPACES (25 ÷ 12)	=	2
SCREEN PARKING FROM RD. ROAD (135 LF ÷ 15)	=	9
SCREEN DUMPSTER (45 ÷ 15)	=	3
TOTAL REQUIRED	=	90.4 P.U.

PROPOSED PLANTING:

(26) MAJOR DECID. TREES	=	26 P.U.
(5) MINOR DECID. TREES	=	2.5
(7) EVERGREEN TREES	=	3.5
(48) SHRUBS	=	29.6
(2,515) GROUNDCOVER SF	=	5.1
TOTAL PROVIDED	=	66.7 P.U.



PLANTING DETAIL FOR TREES 2" - 1½" - 4' CALIPER
NOT TO SCALE



PLANTING DETAIL FOR EVERGREEN AND DECIDUOUS SHRUBS
NOT TO SCALE

LANDSCAPE PLAN

PDM # IV-512

~~DEVELOPMENT PLAN AND~~

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE

BALTIMORE COUNTY, MARYLAND

PREPARED BY:

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Avenue
Towson, Maryland 21286
(410) 825-3885

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plans Review

OWNER'S SIGNATURE AND CERTIFICATION FORM

I certify that I have reviewed this Final Landscape Plan; that I am aware of the regulations presented in the Baltimore County Landscape Manual; and I agree to comply with these regulations and all applicable policy, guidelines and ordinances. I agree to certify the implementation of this approved Final Landscape Plan upon completion of the landscape installation not later than one (1) year from the date of approval of this plan to the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 211, Towson, MD 21204

Owner's signature _____ Date _____

Owner's Printing Name _____ Tele. # _____

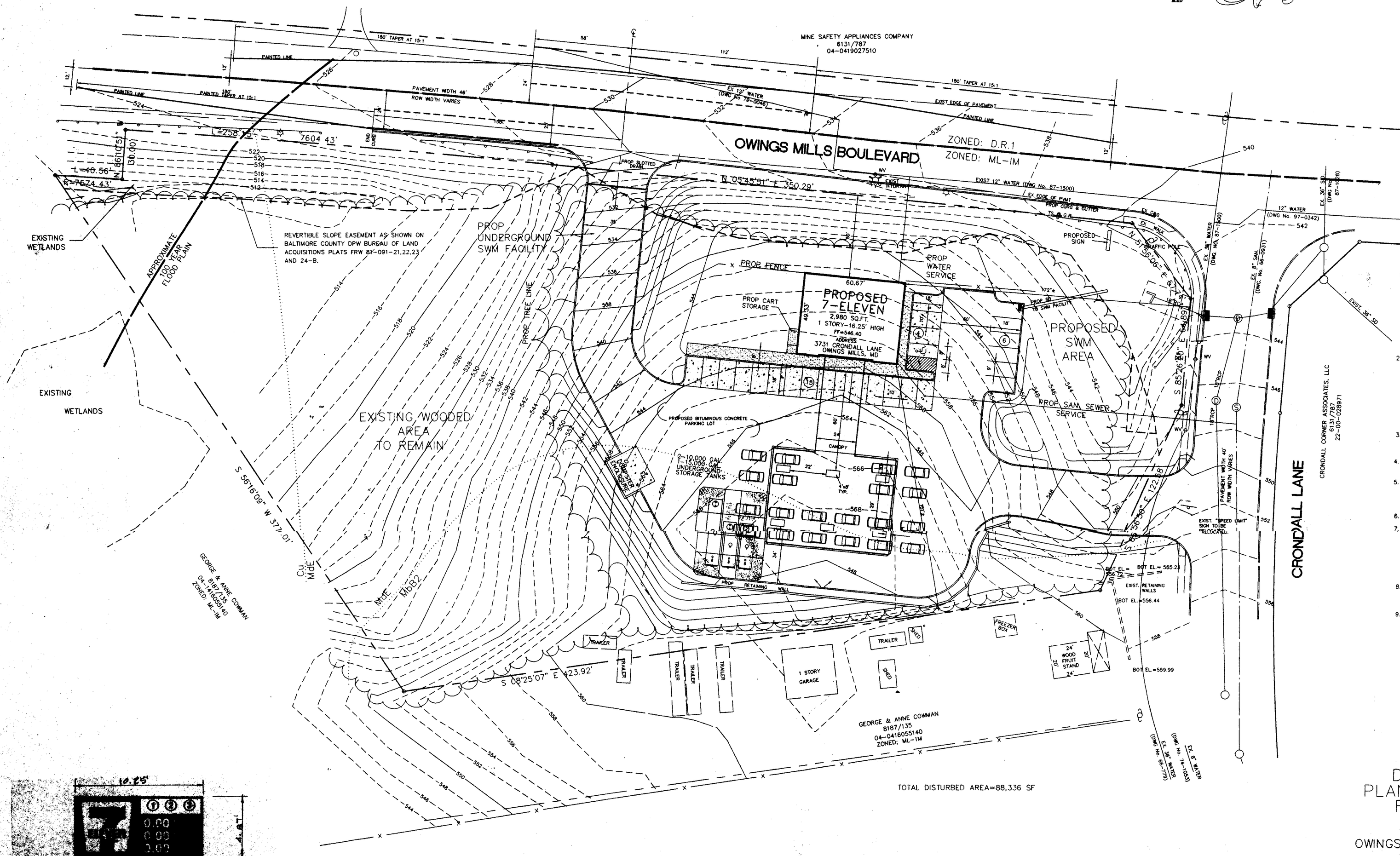
(Print) Mailing address - city - state - zip _____

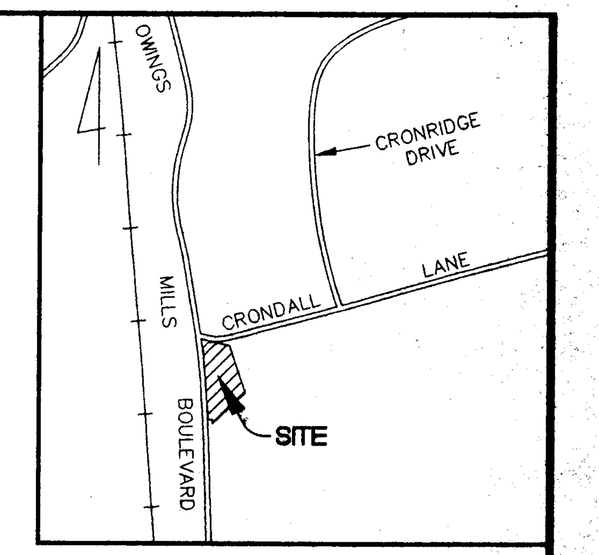
PADM # IV-512 BUILDING PERMIT # _____

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
2835 Smith Avenue, Suite G
Baltimore, Maryland 212099
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 30'
DATE: 1-13-98
JOB NO.: 96160
DESIGNED: PJG
DRAWN: PJG
CHECKED: KJC
FILE: 96160DEV.DWG
DRAWING NUMBER:
SHEET 1 OF 1





VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES:

1. OWNER:
   JEAN K. SCHUSTER
   52 NEW PLANT COURT
   OWINGS MILLS, MD. 21117
   DEED REF.: 11342 / 248

   APPLICANT:
   DAIRYMPLE DEVELOPMENT AND INVESTMENT
   10422 GREEN MOUNTAIN CIRCLE
   COLUMBIA, MD. 21044
   PHONE No. (410)997-3071

2. ELECTION DISTRICT: 4
   COUNCIL DISTRICT: 3
   CENSUS TRACT: 4042.02
   MAP: 58 GRID: 9 PARCEL: P/O 427
   TAX ACCOUNT NOS.: 2200025183
   WATERSHED: 27 WATER DESIGNATION: W-3 AND W-1
   SUBSEWERSHED: 67 SEWER DESIGNATION S-3
   ADDRESS: 3731 CRONDALL LANE
   OWINGS MILLS, MARYLAND 21117

3. EXISTING USE: VACANT
   PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
   EX. ZONE: ML-IM

4. AVERAGE DAILY TRAFFIC:
   2,980 SQ.FT. @ 738 TRIPS PER 1,000 SQ.FT. = 2199 A.D.T.'S

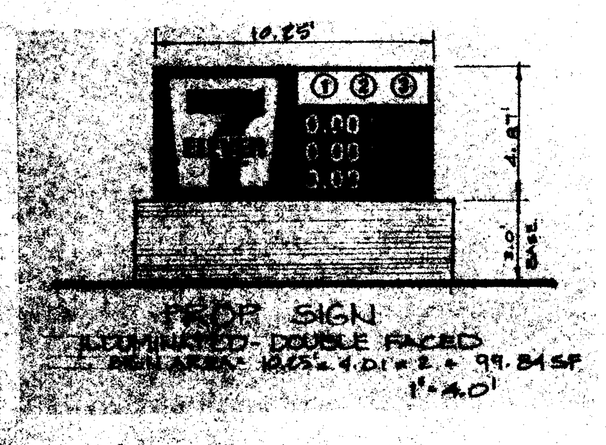
5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 1500 SQ.FT. IN COMBINATION WITH A FUEL SERVICE STATION.

6. COMMUNITY IMPUT MEETING HELD NOVEMBER 12, 1997.

7. THERE ARE NO BUILDINGS, PROPERTIES, SITES, WITHIN, OR CONTIGUOUS TO THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST INVENTORY OF HISTORICAL PROPERTIES, THE BALTIMORE COUNTY PRELIMINARY OR FINAL LANDMARK LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE COUNTY HISTORIC DISTRICT, OR NATIONAL REGISTER DISTRICT COVERING THE PROPOSED DEVELOPMENT.

8. THERE ARE NO KNOWN HAZARDOUS MATERIALS OR UNDERGROUND FUEL OR CHEMICAL STORAGE TANKS ON-SITE OR WITHIN 100 FEET OF ITS BOUNDRY.

9. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.



TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
MdB2	B	SLIGHT	SLIGHT	MODERATE: SLOPE
MdE	E	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
Cu		SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD

SETBACKS:

	REQUIRED	PROVIDED
FRONT	25 FEET	50 FEET
SIDE	30 FEET	172 FEET
REAR	30 FEET	153 FEET

SITE AREA
MINIMUM REQUIRED:

GASOLINE SALES	15,000 SF
4 x STORE SIZE (2980x4)=	11,920 SF
ATM	1,000 SF
MINIMUM TOTAL SITE AREA REQUIRED =	27,920 SF

SITE AREA PROVIDED: GROSS = 186,291 SF 4.28 AC.
NET = 160,083SF 3.67 AC.

FLOOR AREA RATIO: REQUIRED 2.0; PROVIDED 0.02.

PARKING REQUIREMENTS:

1SPACE PER EMPLOYEE (3 EMPLOYEES LARGEST SHIFT) =	3 SPACES
5 SPACES PER 1000 SF (2980/1000x5=14.9)	= 15 SPACES
1 SPACES FOR AIR	= 1 SPACES
1 SPACES FOR VACCUM	= 1 SPACES
1 SPACES FOR ATM	= 1 SPACES
TOTAL SPACES REQUIRED =	21 SPACES

TOTAL PARKING SPACES PROVIDED = 25 SPACES.

I, REX DALRYMPLE, HEREBY CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PREFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

(SIGNATURE) REX DALRYMPLE DATE

DEC 24 1997

PDM # IX-512

DEVELOPMENT PLAN AND PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION

7-ELEVEN STORE

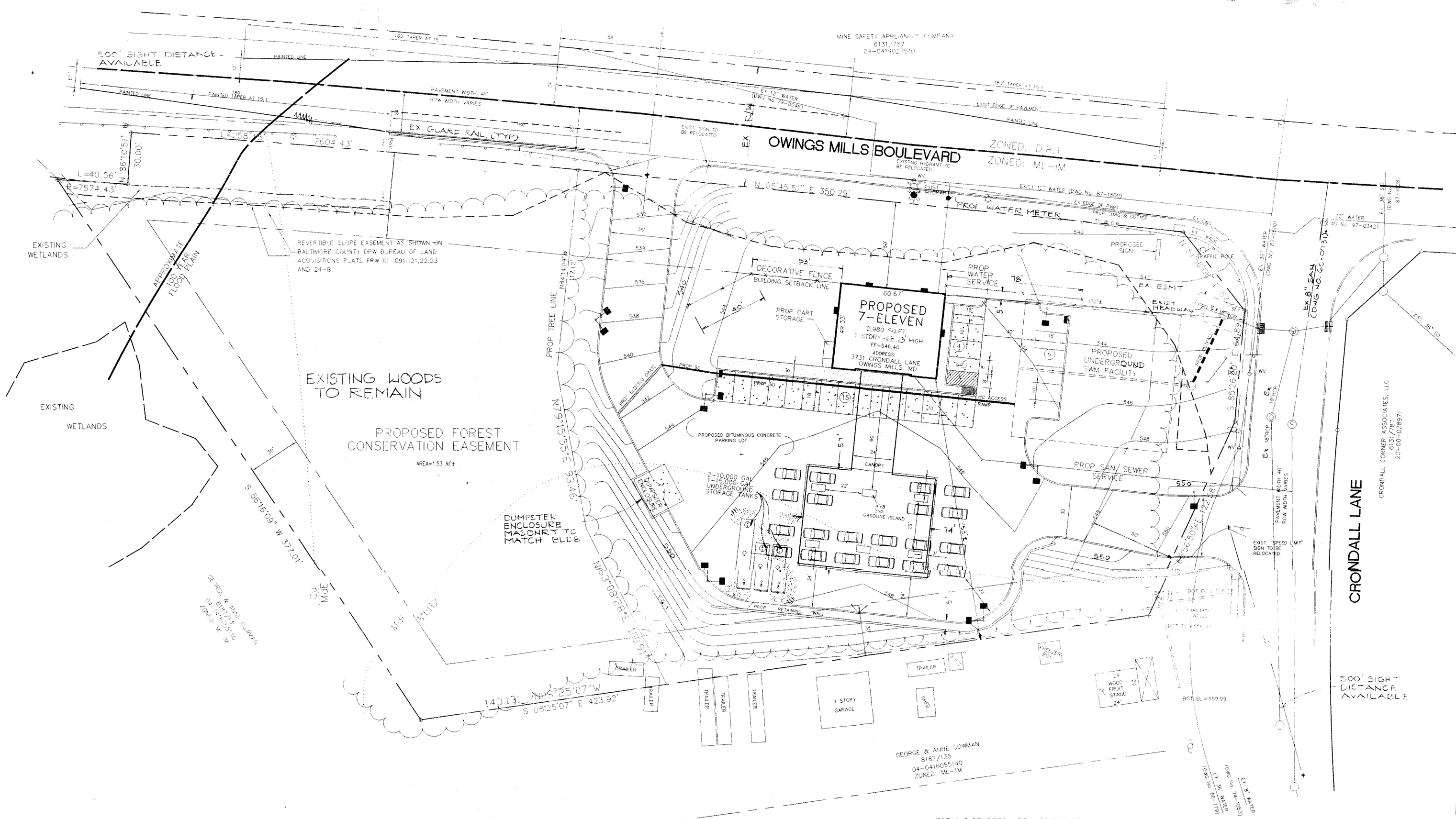
OWINGS MILLS BOULEVARD & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND

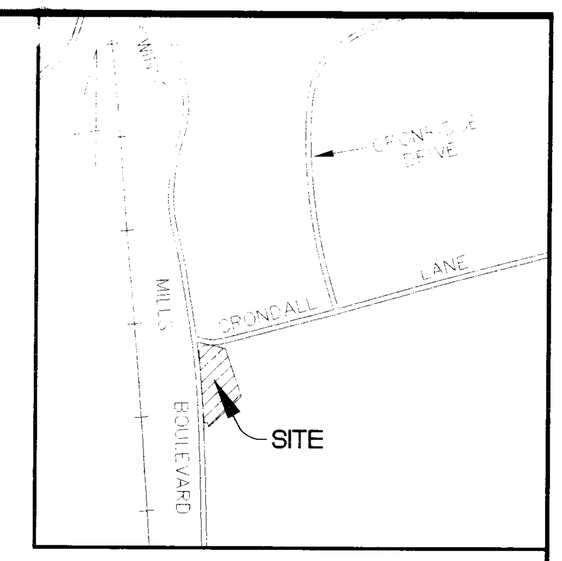
Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS

SCALE: 1"= 30'
DATE: DEC 24, 1997
JOB NO.: 96168
DESIGNED: R.G.
DRAWN: R.M.F.
CHECKED: K.K.
FILE: DEVELOPMENT
DRAWING NUMBER:
SHEET OF

NOTE:
SIGHT LINES TO BE CLEARED, GRADED AND KEPT FREE OF OBSTRUCTIONS.



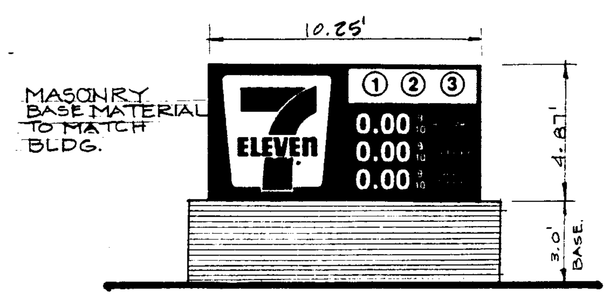


VICINITY MAP
SCALE: 1" = 1000'

TOTAL DISTURBED AREA=88,336 SF

450 WATT SUPER METAL HALIDE LIGHT ON A 17 FT POLE WITH 3 FT HIGH CONCRETE BASE.

250 WATT SUPER METAL HALIDE LIGHT MOUNTED ON BUILDING



PROP SIGN
ILLUMINATED- DOUBLE FACED
SIGN AREA= 10.25'x 4.81'x 2 = 99.84 SF
1"=4.0'

TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
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MdE	C	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
Cu	C	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD

STORMWATER MANAGEMENT:

EXISTING CONDITIONS			
ONSITE	0.55 CFS	4.10 CFS	9.34 CFS
OFFSITE	1.20 CFS	2.14 CFS	3.13 CFS
TOTAL	1.75 CFS	6.24 CFS	12.47 CFS
PROPOSED CONDITIONS			
BYPASS	1.38 CFS	4.64 CFS	8.91 CFS
ALLOWABLE RELEASE	0.37 CFS	1.60 CFS	3.56 CFS
TO FACILITY (ONSITE & OFFSITE)	5.35 CFS	9.43 CFS	13.67 CFS
ACTUAL RELEASE	0.31 CFS	1.03 CFS	2.74 CFS
STOR. VOL	0.1721 AC-FT	0.0381 AC-FT	0.4182 AC-FT

SETBACKS:

	REQUIRED	PROVIDED
FRONT	50 FEET	50 FEET
SIDE	30 FEET	172 FEET ±
REAR	30 FEET	153 FEET ±

SITE AREA
MINIMUM REQUIRED:
GASOLINE SALES 15,000 SF
4 x STORE SIZE (2980x4)= 11,920 SF
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MINIMUM TOTAL SITE AREA REQUIRED = 27,920 SF

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(SIGNATURE) REX DALRYMPLE DATE

GENERAL NOTES:

1. OWNER:
JEAN K. SCHUSTER
52 NEW PLANT COURT
OWINGS MILLS, MD. 21117
DEED REF.: 11342 / 246
APPLICANT:
CRONDALL LANE L.L.C.
10422 GREEN MOUNTAIN CIRCLE
COLUMBIA, MD. 21044
PHONE No.: (410)997-3071

2. ELECTION DISTRICT: 4
COUNCIL DISTRICT: 3
CENSUS TRACT: 4042.02
MAP: 58 GRID: 9 PARCEL: P/O 427
TAX ACCOUNT NOS.: 2200025183
WATERSHED: 27 WATER DESIGNATION: W-3 AND W-1
SUBSEWERSHED: 67 SEWER DESIGNATION S-3
ADDRESS: 3731 CRONDALL LANE
OWINGS MILLS, MARYLAND 21117

3. EXISTING USE: VACANT
PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
EX. ZONE: ML-IM

4. AVERAGE DAILY TRAFFIC:
2,980 SQ.FT. @ 738 TRIPS PER 1,000 SQ.FT. = 2199 A.D.T.'S

5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 1500 SQ.FT. IN COMBINATION WITH A FUEL SERVICE STATION PURSUANT TO SECTION 405.4E

6. COMMUNITY IMPUT MEETING HELD NOVEMBER 12, 1997.

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9. ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

10. TOPOGRAPHY SHOWN HEREON IS BASED UPON A FIELD RUN SURVEY PREPARED BY COLBERT MATZ ROSENFELT, INC. DATED SEPT. 9, 1997.

11. BOUNDARY INFORMATION SHOWN HEREON FROM A SURVEY BY COLBERT MATZ ROSENFELT DATED SEPT. 9, 1997.

12. VARIANCE FOR FOREST BUFFER EASEMENT WAS GRANTED ON JANUARY 9, 1998.

PDM # IX-512
DEVELOPMENT PLAN AND
PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION

7-ELEVEN STORE

OWINGS MILLS BOULEVARD & CRONDALL LANE
BALTIMORE COUNTY, MARYLAND

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners
2835 Smith Avenue, Suite G
Baltimore, Maryland 212099
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

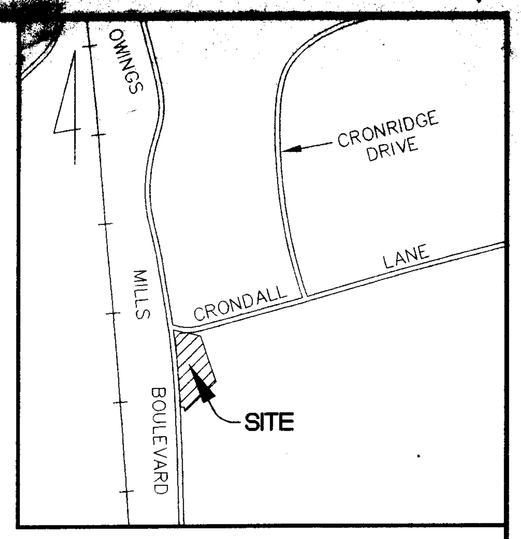
NO.	DATE	REVISIONS:	BY

SCALE: 1"= 30'
DATE: DEC. 24, 1997
JOB NO.: 96160
DESIGNED: PJG
DRAWN: PJG
CHECKED: KJC
FILE: 96160DEV.DWG
DRAWING NUMBER: DEV-1
SHEET 1 OF 3

98-269-X 423107 436871

DEVELOPER'S # 1

NOTE:
SIGHT LINES TO BE CLEARED, GRADED AND KEPT FREE OF OBSTRUCTIONS.



VICINITY MAP
SCALE: 1" = 1000'

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52 NEW PLANT COURT
OWINGS MILLS, MD. 21117
DEED REF.: 11342 / 246

APPLICANT:
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10422 GREEN MOUNTAIN CIRCLE
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PHONE No. (410)997-3071

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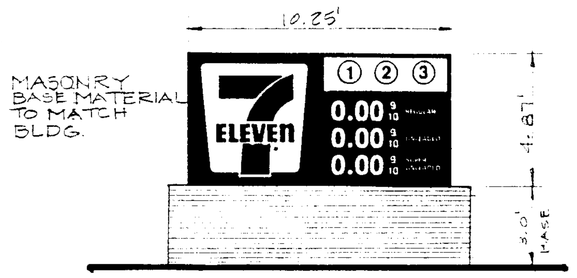

PROP SIGN
ILLUMINATED - DOUBLE FACED
SIGN AREA = 10.25' x 2.0' x 2 = 99.84 SF
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PDM # IV-512
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PLAN TO ACCOMPANY PETITION
FOR SPECIAL EXCEPTION

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NO.	DATE	REVISIONS:	BY

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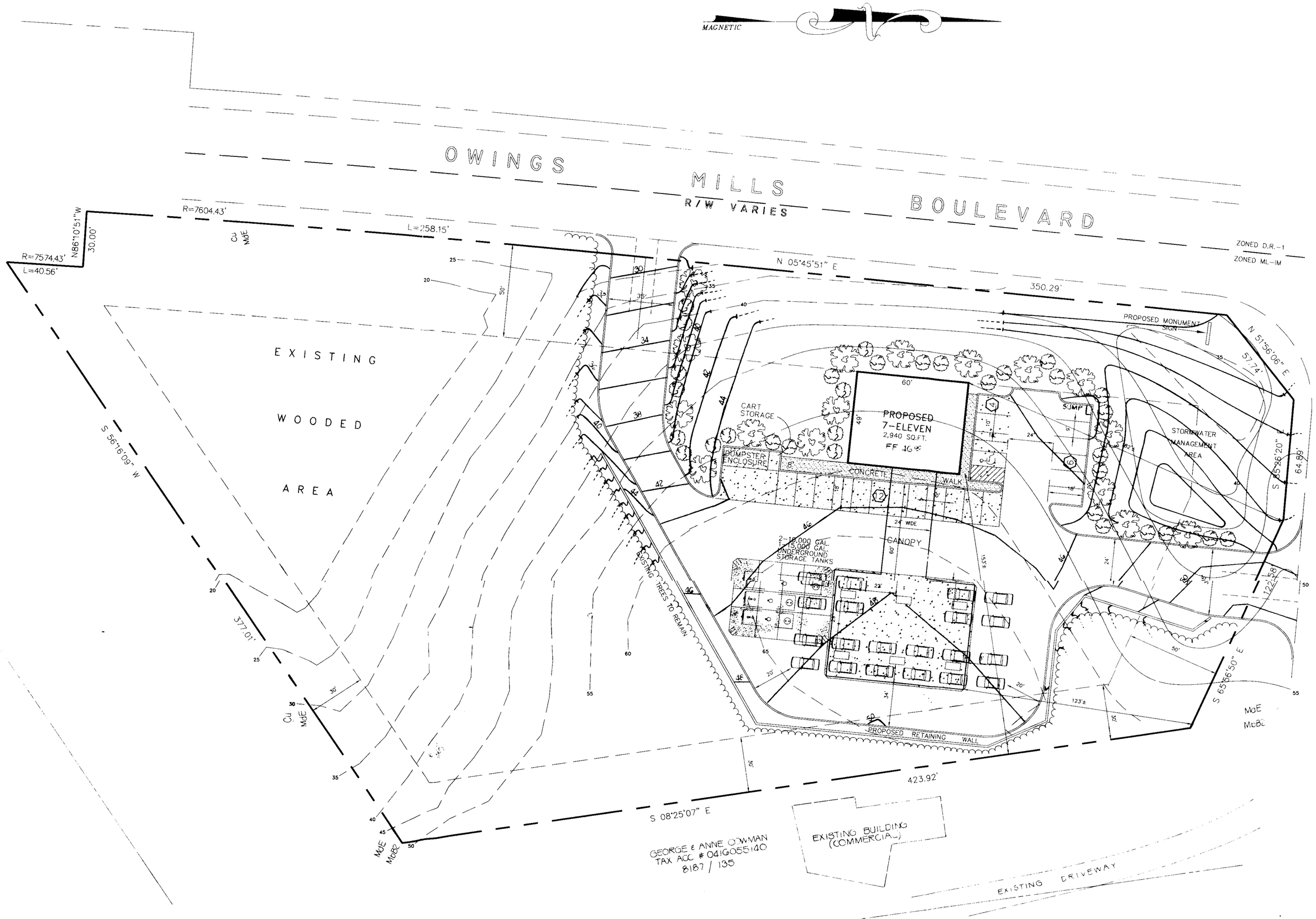
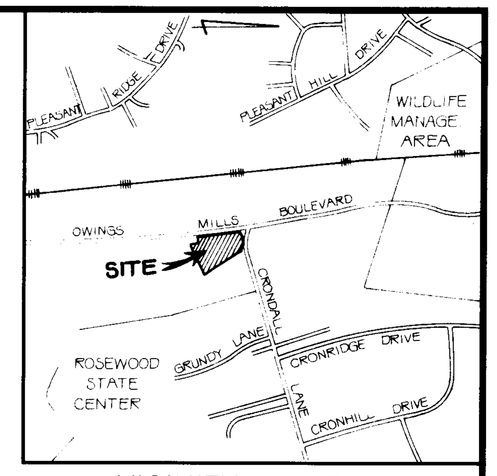
SHEET 1 OF 1

APPEAL
98-269-X

16 HL3





VICINITY MAP

SCALE: 1" = 1,000'

GENERAL NOTES:

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   JEAN K. SCHUSTER
   52 NEW PLANT COURT
   OWINGS MILLS, MD. 21117

   APPLICANT:
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   10422 GREEN MOUNTAIN CIRCLE
   COLUMBIA, MD. 21044

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   COUNCIL DISTRICT: 3
   CENSUS TRACT: 4042.02
   MAP: 58 GRID: 9 PARCEL: P/O 427
   TAX ACCOUNT NOS.: 2200025183
   DEED REF.: 11342 / 246

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   PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
   EX. ZONE: ML-IM
   ACRES (GROSS):
   ACRES (NET): 3.675 ACRES ±
   PARKING REQUIRED: 15
   PARKING PROPOSED: 22

4. AVERAGE DAILY TRAFFIC:
   2,940 SQ.FT. @ 323 TRIPS PER 1,000 SQ.FT. = 950 A.D.T.'S

5. A SPECIAL EXCEPTION WILL BE REQUESTED FOR A CONVENIENCE STORE WITH SALES AREA LARGER THAN 1500 SQ.FT. IN COMBINATION WITH A FUEL SERVICE STATION.

CONCEPT PLAN
SITE PROPOSAL MAP
7-ELEVEN STORE

OWINGS MILLS BOULEVARD AND CRONDALL LANE

3731 CRONDALL LANE
BALTIMORE COUNTY, MARYLAND
P/O CATALYST RESEARCH PARK
ELECTION DISTRICT NO.: 4

FOREST CONSERVATION/FOREST BUFFER NOTES

STANDARD NON-DISTURBANCE NOTE:
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PROTECTIVE COVENANTS NOTE:
ANY FOREST CONSERVATION/FOREST BUFFER EASEMENT SHOWN HEREON IS SUBJECT TO PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
MbB2	B	SLIGHT	SLIGHT	MODERATE: SLOPE
MdE	C	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
Cu	C	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD	SEVERE: FLOODING HAZARD

EXISTING ZONING AND MAXIMUM DENSITY PERMITTED

ZONE	ACRES	FLOOR AREA ALLOWED	FLOOR AREA PROPOSED
ML-IM	3.675	320,166 SQ.FT.	2,940 SQ.FT.

SITE DEVELOPMENT PROPOSAL

USE	FLOOR AREA PROPOSED	PARKING REQUIRED	PARKING PROPOSED	OPEN SPACE REQUIRED (ACRES)	OPEN SPACE PROPOSED	AVERAGE DAILY TRIPS	PHASE	DEVELOPMENT SCHEDULE
CONVEIN. STORE	2,940 SQ.FT.	15	22	—	—	950		

Colbert Matz Rosenfelt, Inc.
*Engineers * Surveyors * Planners*
3723 Old Court Road, Suite 206
Baltimore, Maryland 21208
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

RECEIVED JUL 29 1997

NO.	DATE	REVISIONS:	BY

SCALE: 1"= 30'
DATE: JULY 24, 1997
JOB NO.: 96160
DESIGNED: MEK
DRAWN: MEK
CHECKED: KJC
FILE: 96160SPM.DWG
DRAWING NUMBER: .DWG
SHEET 1 OF 1

TYPE	CLASS	HOMESITES W/ BASEMENTS	HOMESITES W/O BASEMENTS	STREET/PARKING
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MdE	C	SEVERE: SLOPE	SEVERE: SLOPE	SEVERE: SLOPE
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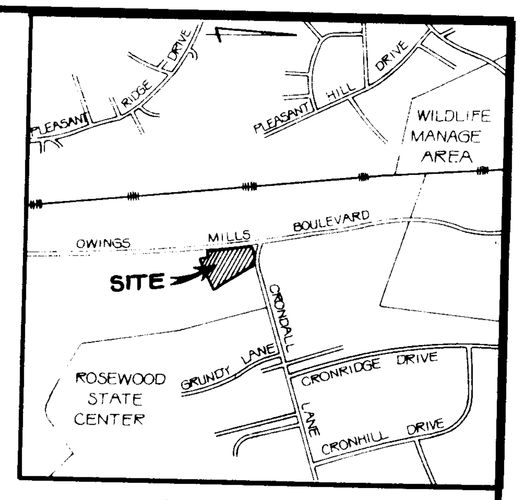
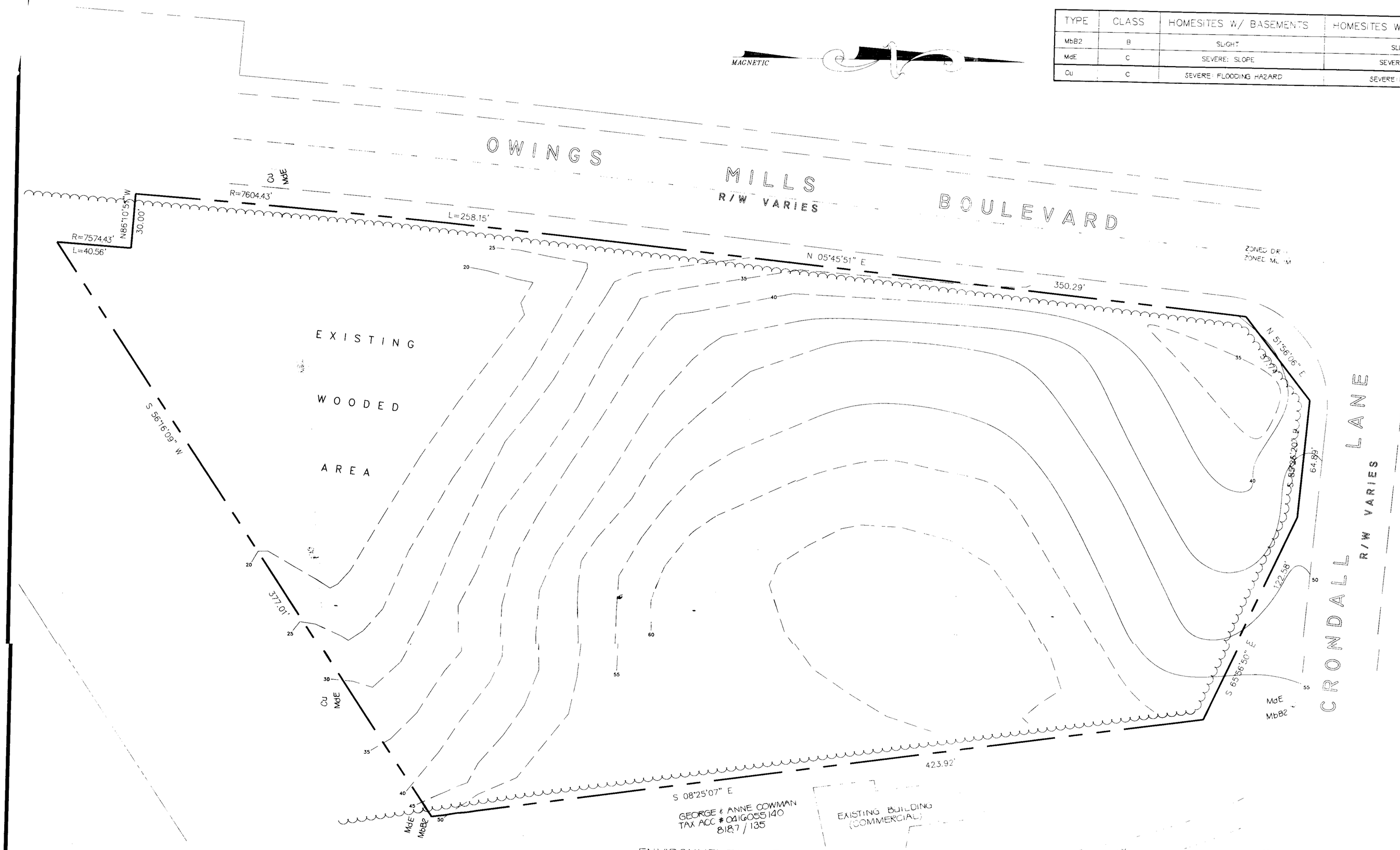


VICINITY MAP

SCALE: 1" = 1,000'



EXISTING BUILT CONDITIONS

Existing	Not Existing		Remarks
X		Locations of existing buildings within 200 ft. of site boundary	
X		Location of existing roads within 200 ft. of site boundary	
	X	Designated historic sites	
	X	Designated archeological sites	
	X	Significant views	
	X	Significant features(specimen trees, buildings, streetscape, etc.)	
X		Land use on and within 200 ft. of site	
X		Roads rights-of-way and easements	

COUNTY ADOPTED PLANS

Existing	Not Existing	In Conformance	Remarks
X		X	Baltimore Co. Master Plan 1989-2000
	X		Community or Revitilization Plan(s)
	X		Recreation and Parks Plan
	X		Streetscape Plan
	X		Greenways Plan
			Other:

ENVIRONMENTAL INFORMATION

Existing	Not Existing	Field Delineated	Field Verified		Remarks
X			X	Topography and street grades (minimum 5 ft. contour appropriately labeled)	
X				Slopes greater than 25%	
X				100 year flood plain	
X				Soils mapped according to Soil Survey, Baltimore County, Maryland	
X				Streams, seeps, ponds or other bodies shown on site and within 200 ft. of site boundary	
X				Wetlands	
X				Forest buffer limits including adjustments for steep slopes and/or erodible soils	
X				Land cover on and within 200 ft. of site	
	X			Significant regulated plant or wildlife communities	
	X			Wells on site and within 100 ft. of site	
	X			Septic on site and within 100 ft. of site	
	X			Underground fuel tanks on site and within 100 ft. of site.	
	X			Soil evaluation tests (perc tests) performed	

CONCEPT PLAN
SITE CONSTRAINTS MAP
7-ELEVEN STORE

OWINGS MILLS BOULEVARD AND CRONDALL LANE

3731 CRONDALL LANE
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SHEET 1 OF 1

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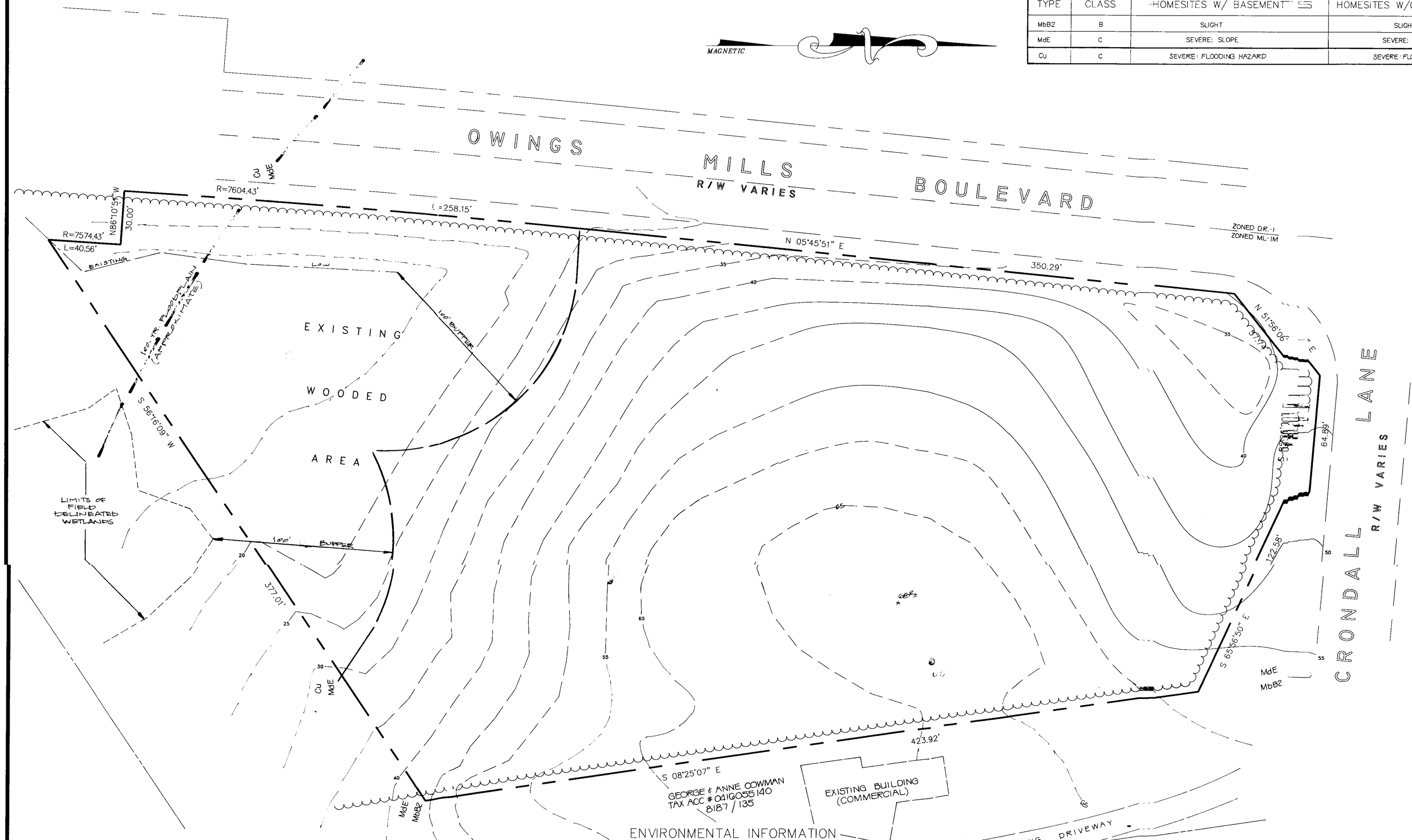

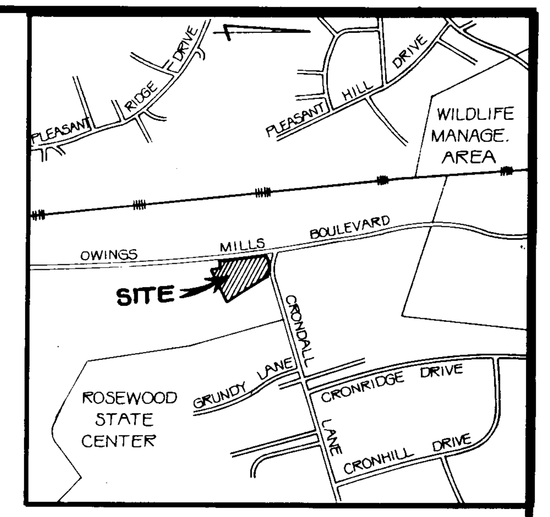

VICINITY MAP

SCALE: 1" = 1,000'

PDM FILE # IV-512

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SITE CONSTRAINTS MAP
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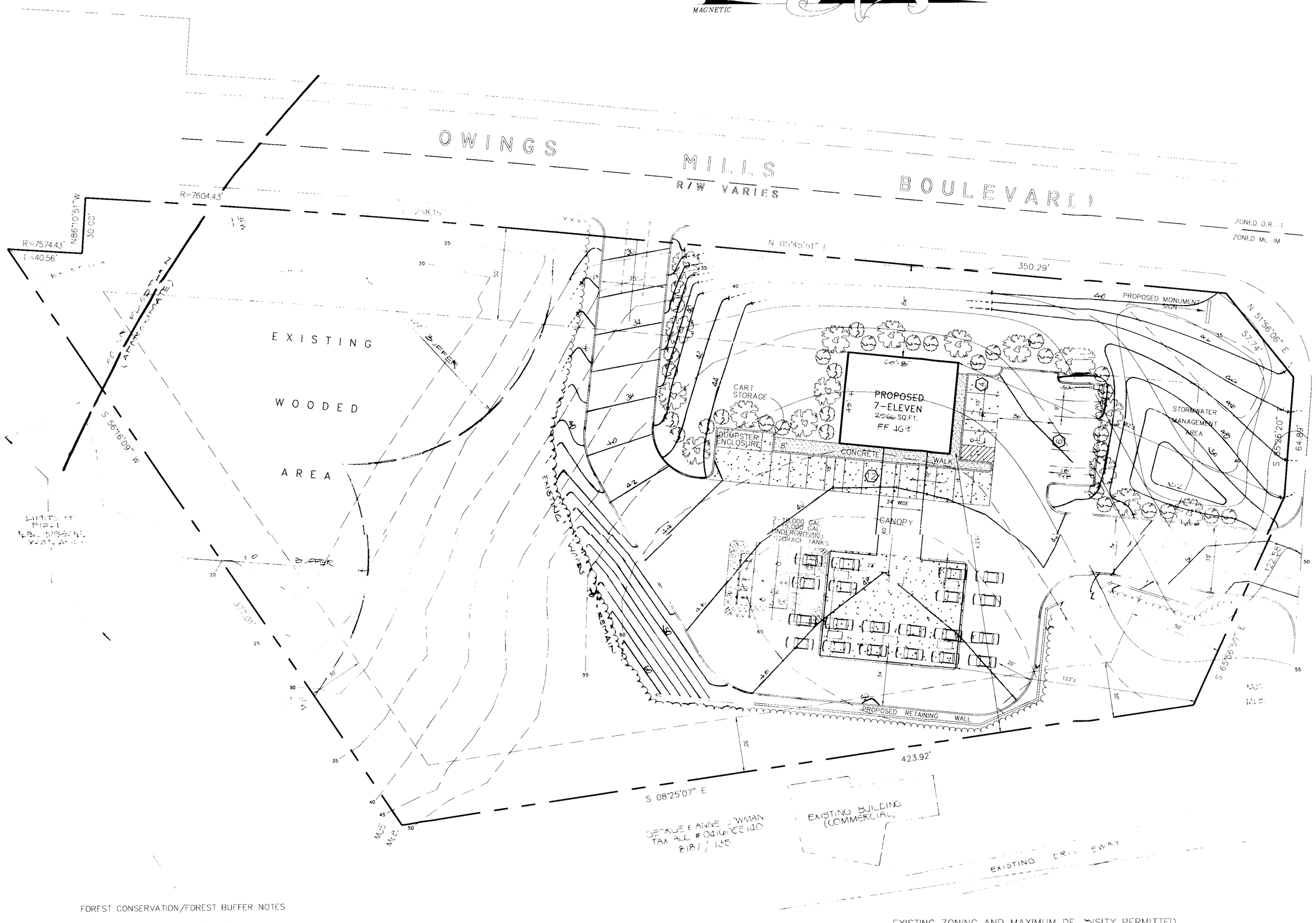
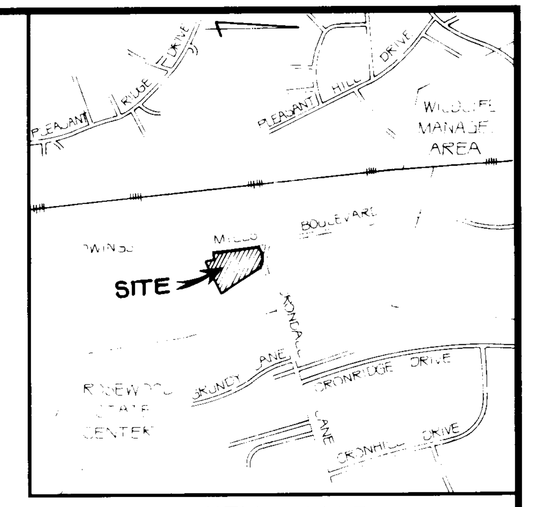
SHEET 1 OF 2





VICINITY MAP

SCALE: 1" = 1,000

GENERAL NOTES:

1. OWNER:
   JEAN K. SCHUSTER
   52 NEW PLANT COURT
   OWINGS MILLS, MD. 21117

   APPLICANT:
   DALRYMPLE DEVELOPMENT AND INVESTMENT
   10422 GREEN MOUNTAIN CIRCLE
   COLUMBIA, MD. 21044

2. ELECTION DISTRICT: 4
   COUNCIL DISTRICT: 3
   CENSUS TRACT: 4042.02
   MAP: 58 GRID: 9 PARCEL: P/O 427
   TAX ACCOUNT NOS.: 2200025183
   DEED REF.: 11342 / 246

3. EXISTING USE: VACANT
   PROPOSED USE: CONVENIENCE STORE WITH GASOLINE SALES
   EX. ZONE: ML-IM
   ACRES (GROSS):
   ACRES (NET):

4. AVERAGE DAILY TRAFFIC
   2,824 SQFT @ 523 TRIPS PER 1000 SQFT

5. A SPECIAL EXCEPTION FOR A CONVENIENCE STORE WITH GASOLINE SALES AND A VARIANCE TO PERMIT

CASE FILE # IN SAT

CONCEPT PLAN

SITE PROPOSAL

7-ELEVEN STORE

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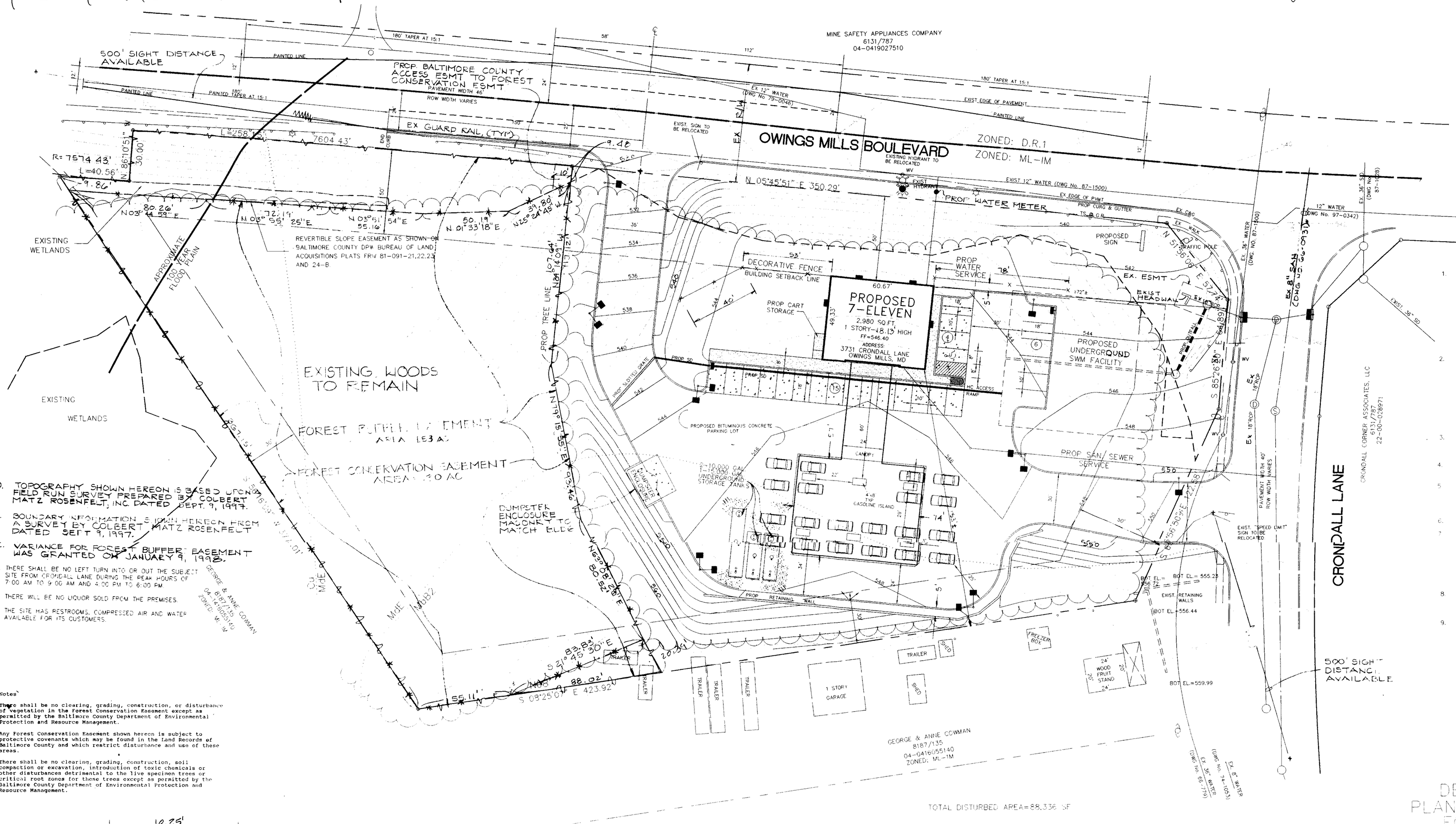
DESIGNED: MEK
DRAWN: MEK
CHECKED: KJC
FILE: 96160SPM.DWG
DRAWING NUMBER: .DWG
SHEET 2 OF 2

PETITIONER'S #1

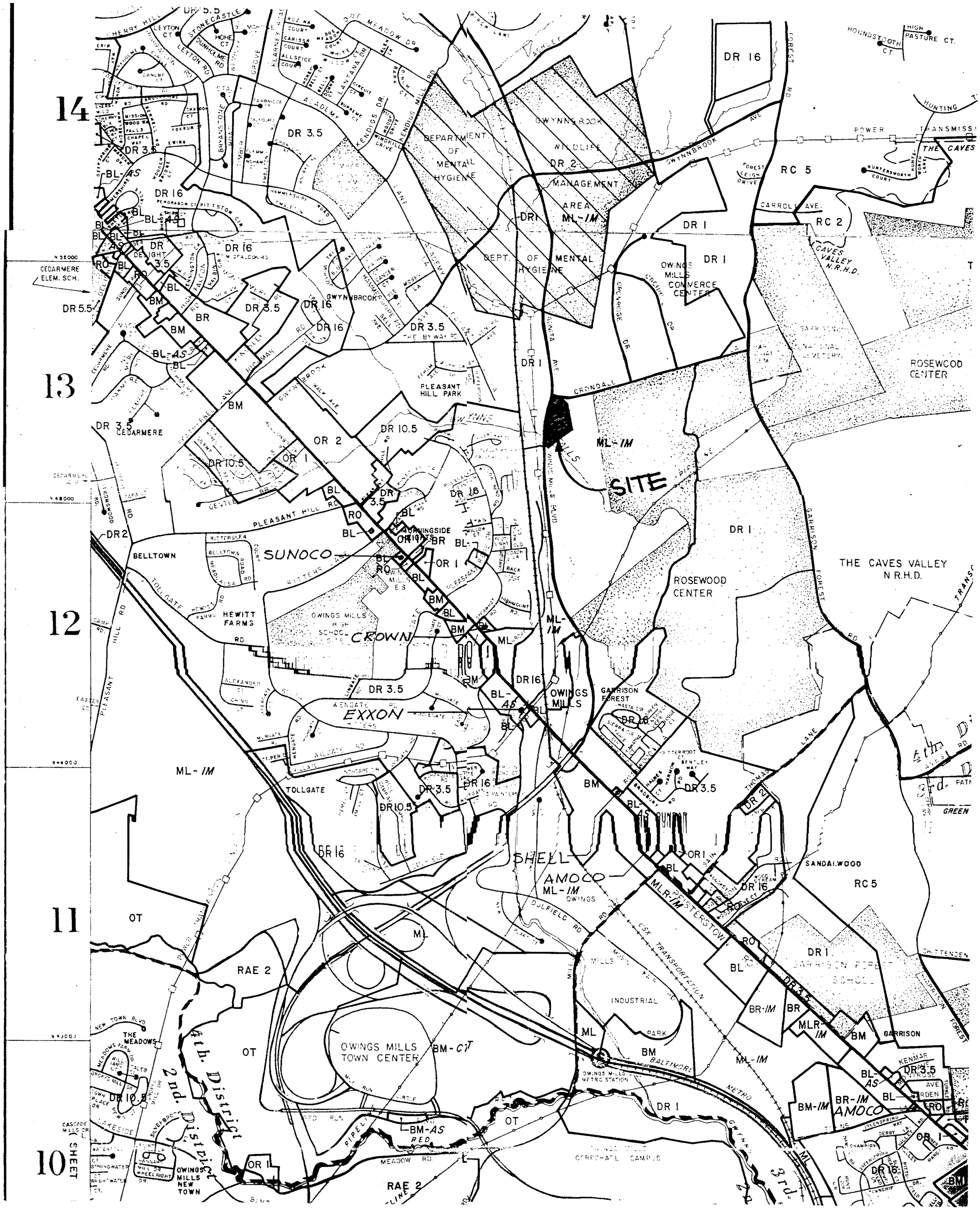
NOTE:
SIGHT LINES TO BE CLEARED, GRADED AND KEPT FREE OF OBSTRUCTIONS.


500' SIGHT DISTANCE AVAILABLE
PROP. BALTIMORE COUNTY ACCESS ESMT TO FOREST CONSERVATION ESMT
PAVEMENT WIDTH 46'
ROW WIDTH VARIES
EX GUARD RAIL (TYP.)
OWINGS MILLS BOULEVARD
EXISTING HYDRANT TO BE RELOCATED
EXIST SIGN TO BE RELOCATED
MINE SAFETY APPLIANCES COMPANY
6131/787
04-0419027510
ZONED: D.R.1
ZONED: ML-IM
EXIST 12" WATER (DWG No. 87-1500)
EX EDGE OF PVMT
PROP CURB & GUTTER
TS @ GR
EX. 8" SAN (DWG No. 87-1500)
EX. 36" SD (DWG No. 87-1026)
12" WATER (DWG No. 97-0342)
EX. 36" WATER (DWG No. 87-1460)
PROP WATER METER
PROPOSED SIGN
TRAFFIC POLE
DECORATIVE FENCE
BUILDING SETBACK LINE
PROP CART STORAGE
PROPOSED 7-ELEVEN
2,980 SQ.FT.
1 STORY-18.13' HIGH
FF=546.40
ADDRESS:
3731 CRONDALL LANE
OWINGS MILLS, MD
PROP WATER SERVICE
EX. ESMT
EXIST HEADWALL
PROPOSED UNDERGROUND SWM FACILITY
PROP SAN/ SEWER SERVICE
PROP TREE LINE
PROP SILTED FENCE
PROP 50' R/W
PROPOSED BITUMINOUS CONCRETE PARKING LOT
LANDSCAPING
10,000 GAL. & 6,000 GAL. UNDERGROUND STORAGE TANKS
4-8 TYP. GASOLINE ISLAND
DUMPSTER ENCLOSURE MASONRY TO MATCH BLDG
PROP RETAINING WALL
EXIST. RETAINING WALLS
BOT EL= 555.25
BOT EL= 556.44
BOT EL=559.99
EXIST. SPEED LIMIT SIGN TO BE RELOCATED
PAVEMENT WIDTH 40'
ROW WIDTH VARIES
CRONDALL LANE
CRONDALL CORNER ASSOCIATES, LLC
6131/787
22-00-028971
EXISTING WETLANDS
APPROXIMATE 100 YEAR FLOOD PLAIN
EXISTING WOODS TO REMAIN
FOREST BUFFER EASEMENT AREA 1.83 AC.
FOREST CONSERVATION EASEMENT AREA 1.30 AC.
REVERTIBLE SLOPE EASEMENT AS SHOWN ON BALTIMORE COUNTY DPW BUREAU OF LAND ACQUISITIONS PLATS FRV 81-091-21,22,23 AND 24-B
R= 7574.43'
L=40.56
N 86°10'51" E
30.00'
L=258.76'
7604.43'
9.86'
9.48'
N03°44'59"E 80.26'
N 03°55'25"E 72.19'
N 03°51'54"E 55.16'
N 01°33'18"E 50.19'
N25°24'48"E 57.80'
N 05°45'51" E 350.29'
N 51°36'09" E 57.76'
S 85°26'30" E 248.89'
S 05°36'30" W 422.53'
N 08°55'01" W 80.92'
S 09°25'01" E 423.92'
S 52°49'30" E 83.83'
N 65°08'02" E 88.02'
N 28°46'12" W 134.64'
N 61°13'48" E 155.00'
S 61°13'48" W 155.00'
N 28°46'12" W 134.64

PETITIONER'S #2

17 16 15 14 13 12 11 10 (SHEET 10) 9

RC 2 RC 5 RC 1 RC 2 RC 5 RC 2 RC 5 RC 2 RC 5



PETITIONER'S #1

PETITIONER'S
#3

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	ROSEWOOD SCHOOL VICINITY	NW 12-H
DATE OF PHOTOGRAPHY JANUARY 1986		

SCALE 1"= 1000'
0 1/4 1/2 3/4 1 MILES
0 1000 3000 5000 FEET

MAP INDEX

(SHEET 2B)

BALTIMORE COUNTY OFFICE OF PLANNING

PIKESVILLE

BALTIMORE COUNTY BASE MAP SERIES

REVISED DATE SEP. '85

2C

I H G F E D C

20 19 18 17 16 15 14

WORTHINGTON VALLEY N.R.H.D.

GLYNDON N.R.H.D.

THE CAVES VALLEY N.R.H.D.

WESTERN RUN - BELFAST ROAD N.R.H.D

SHAWAN MANOR

GENTSVILLE

GREENKOFF

GREGON

GREGON RIDGE

GREGON BRANCH

WORTHINGTON HILLSIDE

SAGAMORE FOREST

THE MANORS

HUNTERS GLEN

VELVET HILLS

GEORGES STATION SE

SUBURBIA

DEPARTMENT OF MENTAL HYGIENE

GWYNNS ROCK WILDLIFE MANAGEMENT AREA ML-IM

WORTHINGTON VALLEY COUNTRY CLUB

WORTHINGTON WOODSIDE

VALLEY HILLS

WOODSIDE HEIGHTS

CAVES VALLEY GOLF CLUB AND COMMUNITY

TUFTON FARMS

BIG SPRING

CHESTNUT RIDGE

GREEN VALLEY NORTH

SHAWAN VALLEY

BRIARWOOD FARMS

HUNT CUP HILL

FOX RIDGE ESTATES

KNOLLCREST MANOR

AUTUMN WINDS

HICKORY MEADOW

BOXER HILL PARK

PADONIA CROSSING

BROADRIDGE

RIDGEMONT

PINEWOOD FARMS

CRONHARDT

FALLSCROFT

BROADMOOR

SPRINGHILL FARMS

BELLWOOD

JONATHANS DELIGHT

FOX RIDGE ESTATES

RC 2 RC 4 RC 5 RCC DR 1 DR 2 DR 3.5 DR 5.5 OR 1 BL-CR BL-IM BL-LS

WESTERN RUN-BELFAST ROAD N.R.H.D.

WORTHINGTON VALLEY N.R.H.D.

8th District

3rd District

SCALE 1"=1000'

0 1/4 1/2 3/4 1 MILES

0 1000 2000 5000 FEET

MAP INDEX

BALTIMORE COUNTY OFFICE OF PLANNING

WORTHINGTON – SHAWAN

BALTIMORE COUNTY BASE MAP SERIES

REVISED DATE DEC '94

2D

See ADC's "CARROLL COUNTY, MD STREET MAP" For Continuation
Joins Inset-Left
Joins Map 5
Joins Map 6
Joins Map 14
Joins Map 15
Joins Map 16
Joins Map 17
Joins Map 12
Joins Map 5
Joins Map - Above

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© ADC of Alexandria, Inc.

21048

21136

21071

21117

21136

21282

CAMP FRETTERD (MARYLAND NATIONAL GUARD)

FINKSBURG

REISTERSTOWN

GLYNDON

OWINGS MILLS

RANDALLSTOWN

PIKESVILLE

BALTIMORE

ROSEWOOD STATE CENTER

SOLDIERS DELIGHT NATURAL ENVIRONMENT AREA

PATAPSCO VALLEY STATE PARK

LIBERTY RESERVOIR

OWINGS MILLS CORPORATE CAMPUS

FOXRIDGE

ARRISON

STEVENSON

GREENSPRING

DOES NOT JOIN MAP 22

DOES NOT JOIN MAP 14

Joins Map 31

Joins Map 32

Joins Map 33

© ADC OF ALEXANDRIA, INC.

Protestants 9

24 HOUR TRAFFIC COUNT

Based on Wells Study

6/9/99

	OMB/SB		CRONDALL/WB		OMB/NB	
	THRU	LEFT	RIGHT	LEFT	RIGHT	THRU
TOTALS	7156	1169	1567	4329	4723	6938

TOTAL THRU ON OMB

7156
6938
14,094

54.4%

TOTAL ON CRONDALL OR TURNING INTO CRONDAL

1169
1567
4329
4723
11,788

45.5%

TOTAL TRAFFIC

7156
1169
1567
4329
4723
6938
25,882

TOTAL THRU

14,094
+ 1,025
15,119

58.4%

TOTAL WITH DESTINATION ON CRONDALL

11,788
- 1,025 (8.7%)
10,763

41.5%

Protestants &

DRIVE TIME TRAFFIC VOLUME INTO AND OUT OF CRONHILL AND CRONRIDGE

Based on Wells Study 7/27/99

7-9 AM

TURNS INTO CRONRIDGE

FROM W/B CRONDALL	103
E/B CRONDAL	801

~~From W/B~~

TURNS INTO CRONHILL

FROM W/B CRONDALL	194
E/B CRONDALL	359

AM TOTAL = 1457

4-6 PM

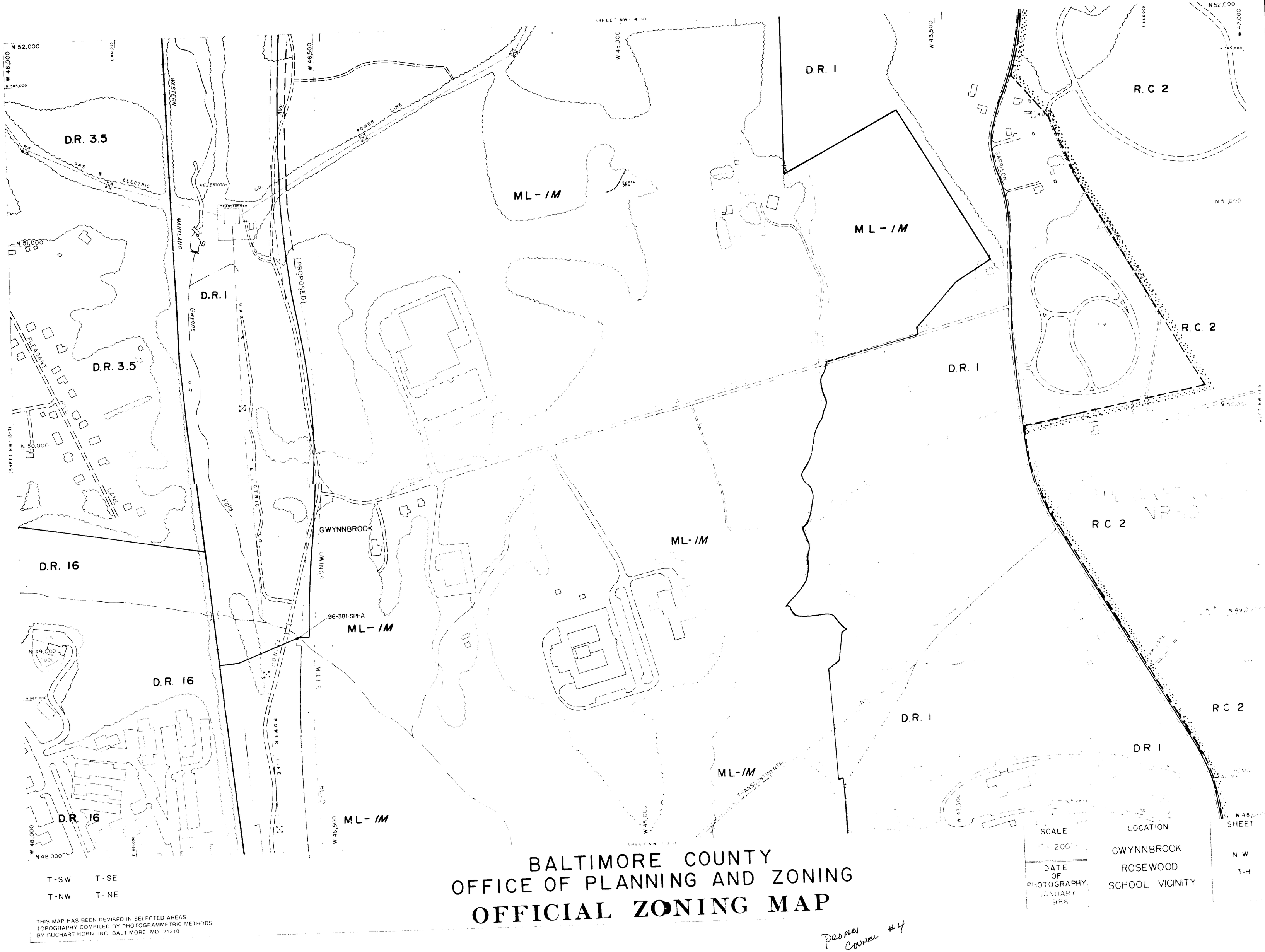
TURNS OUT OF CRONRIDGE

ONTO W/B CRONDALL	614
E/B CRONDALL	93

TURNS OUT OF CRONHILL

ONTO W/B CRONDALL	416
E/B CRONDALL	238

PM TOTAL = 1361



T-SW T-SE
T-NW T-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN INC. BALTIMORE MD 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING

OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	GWYNNBROOK ROSEWOOD SCHOOL VICINITY	N W 3-H
DATE OF PHOTOGRAPHY JANUARY 1986		

Peoples Counsel #4

GEIGERICH ANALYSIS / PCExh 14 CROSS EXAM (A)

TOTAL SALES = 1,526,000 GPY

27.7% RESIDENTIAL = 423,000 GPY

72.3% EMPLOYMENT = 1,103,000

ASSUMPTIONS
1814 HOUSEHOLDS, 5505 RES. POPULA.

GWYNNBROOK / OWINGS MILLS / BUTLER / GARRISON FOREST T2 442 /

TRAFFIC ZONES 442 2862
441 1822 (50%)
446 774 (20%)

INCOME LEVELS, 2.44% of BUDGET ON GAS,
"PENETRATION NUMBERS" 18.4%
5505 × 22,000-26,000 ? PER CAPITA GAS STATION EXPEND. $3,181,000 PER 2000

GEGERICH/ CROSS-EXAM (B)

3,181,000 RES GALLONS IN GAS STATION Y2K

↓

GASOLINE EXPENDITURES

585,000 GALLON PER Y2K

(USING 18.4% PENETRATION NUMBER)

↓

(1,38 PER GALLON GASOLINE)

↓

423,000 GALLONS PER YEAR

GEIGERICH ANALYSIS PC 14-C

$$\frac{5505 \text{ RES POP}}{423{,}000 \text{ GPY}} = \frac{30{,}719}{G}$$

$$\frac{5505}{423{,}000} = .013 = \frac{30{,}719}{G}$$

MULTIPLY $.013 \times 30{,}719$

$$\frac{1}{.013} = \frac{G}{.013}$$

$$G = 2{,}363{,}000 \text{ GPY}$$

2.3 MIL RES = 68%
1.1 MIL EMP = 32%
3.4 MIL

ALTERNATIVE
2.3 MIL = 59%
1.6 EMP. GPY = 41%