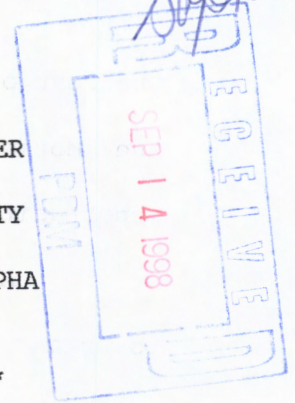


IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/Corner Martin * ZONING COMMISSIONER
Boulevard and Compass Road * OF BALTIMORE COUNTY
15th Election District
6th Councilmanic District
Goldentree Develop., Inc., et al * Case No. 98-384-SPHA
Richard Welkowitz/Blackford Dev.
Petitioners/Contract Purchaser*
* * * * *



ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Richard Welkowitz, on behalf of Blackford Development LTD, the Contract Purchaser, and by the owners of the subject and adjoining properties, namely Goldentree Development, Inc., Rutherford R. and Johanna Dawson, and Marvin J. and Elma K. Rombro, through their attorney, Leslie M. Pittler, Esquire, seeking special hearing and variance relief for the proposed development of the subject site with a CVS Pharmacy, including a drive-thru facility, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 4.

At the public hearing held on June 16, 1998, numerous residents from the surrounding community appeared in opposition to the request, citing concerns over the size of the building and its perceived impact on traffic patterns in the area. As noted at the hearing, the proposed use is permitted by right on the subject property, primarily zoned B.L.

By Order dated July 22, 1998, the relief requested was granted, subject to certain terms and conditions, one of which required the elimination of the proposed drive-thru facility to the rear of the property.

Subsequent to the issuance of said Order, Counsel for the Petitioners filed a Motion for Reconsideration, by letter dated July 31, 1998, seeking approval of the relocation of the proposed drive-thru facility from

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/Corner Martin *
Boulevard and Compass Road * ZONING COMMISSIONER
(Parcel D of Goldentree and *
803 & 805 Fuselage Avenue) * OF BALTIMORE COUNTY
15th Election District *
6th Councilmanic District * Case No. 98-384-SPHA

Goldentree Develop., Inc., et al *
Richard Welkowitz/Blackford Dev.
Petitioners/Contract Purchaser*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Richard Welkowitz, on behalf of Blackford Development LTD, the Contract Purchaser, and by the owners of the subject and adjoining properties, Goldentree Development, Inc., Rutherford R. and Johanna Dawson, and Marvin J. and Elma K. Rombro, through their attorney, Leslie M. Pittler, Esquire. The Petitioners seek approval of a commercial loading/service area in residential and R.O. zones and commercial parking in residential and R.O. zones, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: 1) From Section 409.8.a.4 to permit a parking setback of 7 feet in lieu of the required 10 feet; from Section 232.1 to permit a front setback of 0 feet in lieu of the required 10 feet; from Section 232.3 to permit a rear setback of 12 feet in lieu of the required 20 feet; from Section 232.2 (See 1B01.2.C.1.a) to permit a side setback of 0 feet in lieu of the required 20 feet; from Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 51; and, from Section 1B01.1.B.e to permit a 10-foot buffer in a residential transition area in lieu of the required 50 feet. The subject property and relief sought are more particularly described on the red-lined site plan submitted into evidence as Petitioner's Exhibit 4.

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Appearing at the hearing on behalf of the Petitions were Donna M. Deerin, a representative of Blackford Development LTD, co-Petitioner, Tom Woolfolk, Landscape Architect and project engineer with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, Wes Guckert, traffic engineering expert, Bruce Hollingsworth, Architect, Lewis Hess, Laurie A. Mazzotta, and Leslie M. Pittler, Esquire, attorney for the Petitioners. Numerous individuals from the surrounding community appeared in opposition, all of whom signed the Protestant's Sign In Sheet. Among those who acted as spokespersons were Sharon McDowell, Ellen Kern and Duward E. Hart, on behalf of the Victory Villa Improvement Association, and Wanda Kod, on behalf of the Aero Acres Civic Improvement Association.

At the hearing, as a preliminary matter, Mr. Pittler amended the Petition for Variance by deleting two of the requests. Specifically, the variance seeking a 12-foot rear yard setback in lieu of the required 20 feet and the variance seeking approval of 45 parking spaces in lieu of the required 51 were deleted. Thus, there are but four variances now being requested, in addition to the special hearing relief.

Mr. Pittler also submitted a copy of his letter dated June 10, 1998 to Mr. Arnold "Pat" Keller, Director of the Office of Planning. That letter set forth a series of representations to which the Contract Purchaser/Developer will be bound. The items contained therein represent a series of what the Developer proffers are "concessions" to the neighbors who vehemently object to the proposed project. In this regard, it is to be noted that the items set forth in that letter will be incorporated as conditions to any relief granted herein. It is also to be noted that the size of the building will actually be 8,625 sq.ft., slightly larger than the 8,600 sq.ft. represented in Mr. Pittler's letter. Additionally, the

hours of operation will be from 8:00 AM to 9:30 PM as opposed to the 9:00 AM to 9:30 PM indicated under Item (i) of Mr. Pittler's letter.

Testifying in support of the project was Mr. Thomas Woolfolk, the landscape architect assigned to this project by George W. Stephens, Jr. and Associates. Mr. Woolfolk presented the site plan and generally described the subject property. As indicated above, the property is actually a compilation of three parcels which abut one another, the largest of which is located at the southwest corner of Martin Boulevard and Compass Road. The rear of the two other smaller parcels, which front on Fuselage Avenue, abut the side of the larger parcel. The three parcels contain an aggregate gross area of .99 acres, split zoned B.L., D.R. 10.5 and R.O. The predominant zoning is B.L. (.73 acres) with some D.R. 10.5 (.12 acres) and a portion of R.O. (.14 acres). As noted above, the larger of the three parcels is located immediately adjacent to Martin Boulevard and Compass Road. This parcel is owned by Goldentree Development, Inc. and contains the B.L.-zoned portion of the site. At the present time, this parcel is unimproved. In fact, after the hearing, I conducted a site visit to the property and, as far as practical, walked the site. This portion of the lot is heavily wooded and undeveloped. Additionally, there appears a culvert, or some other type of drainage system on that part of the lot which abuts Martin Boulevard. Apparently, that portion of the property will contain the underground storm water management facility. The balance of the overall tract consists of two heretofore residentially used lots, known as 803 and 805 Fuselage Avenue. The property at 803 Fuselage Avenue is zoned D.R. 10.5 and is improved with an existing dwelling presently owned by Rutherford R. and Johanna Dawson. The second lot, known as 805 Fuselage Avenue, is zoned R.O. and is improved with a structure, which at

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Date

By

the time of my site visit, was being used as a doctor's office. This lot is owned by Marvin J. and Elma K. Rombro.

The Contract Purchaser proposes to develop the combined parcels with an 8,625 sq.ft. CVS/Pharmacy store, utilizing the smaller lots for parking. As a result of a great many negotiations and discussions, the store will be oriented towards Compass Road, and vehicular access to the parking lot which serves same will be by way of two curb cuts from that road. There will not be any vehicular access to the site from either Fuselage Avenue or Martin Boulevard. Mr. Woolfolk testified at length about the proposed project and the relief requested within the Petitions for Special Hearing and Variance. He indicated that the site featured a number of constraints which limited development possibilities. As I observed in the field, the site has a significant grade and rises from Martin Boulevard. Additionally, the topography of the land is uneven. Moreover, the rear of the site when viewed from Compass Road, abuts a number of residences in the Victory Villa subdivision. Obviously, these residents oppose the project, fearing a commercial intrusion onto their residential properties.

Also testifying on behalf of the Petitioner was Bruce Hollingsworth, an Architect. He described the proposed structure and CVS' attempt to design same so that it would blend with the surrounding residential community. He also indicated that there would be no external sound system and that lighting of the site will be directed towards the building and downward. In this regard, it is to be noted that the site plan shows a drive-thru window towards the rear of the proposed building. As shown on the plan, the Petitioners designed a stacking lane and by-pass lane to the rear of the site, between the property's boundary and the rear building

ORDER RECEIVED FOR FILING
Date 8/22/88
By [Signature]

line of the store. This will enable customers to pick up prescriptions without leaving their vehicles.

Extensive testimony was also received from Wes Guckert, a traffic engineer. Mr. Guckert testified extensively about traffic patterns and conditions in the area. In sum, he opined that the proposed use will not be detrimental to the surrounding locale and will not unduly cause congestion in the road system. My site visit was also helpful in examining the traffic issues. As noted above, both vehicular entrances will be from Compass Road with no access from either Martin Boulevard or Fuselage Avenue. Additionally, the intersection of Martin Boulevard and Compass Road is signalized thereby regulating traffic at that location. Moreover, the intersection of Compass Road and Fuselage Avenue is regulated by a four-way stop sign. In my judgment, this light and the stop sign system adequately control traffic so as to allow safe access/egress to and from the site.

In addition to the testimony offered by the Petitioners, there was significant testimony and evidence presented by the Protestants. On behalf of the Victory Villa Improvement Association, Duward E. Hart testified and presented a written statement summarizing his association's concerns. Primarily, the community is concerned about an overcrowding of the site with a building that is too large for the property, and an adverse impact on traffic patterns in the area. Testimony was also received from Ellen Kern, a nearby resident. She is also concerned about traffic, environmental pollution, and nuisance effects incidental to the conducting of business on this property. Sharon McDowell also testified in opposition to the request. In addition to the concerns expressed by the other

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witnesses, Ms. McDowell also fears a potential increase in crime occasioned by the location of the proposed store.

The above recitation is but a summary of the testimony and evidence offered. There were numerous documentary exhibits submitted which have been considered by this Zoning Commissioner. Additionally, I conducted a site visit to the property as noted above. I found this site visit of great assistance in evaluating the relief sought in this case.

In considering the issues before me, I think it of significant note that the lion's share of the property is zoned B.L. The B.L. zoning classification stands for Business Local and is a classification which is assigned by the County Council to promote business. Thus, the nature of the proposed use is entirely consistent with the property's zoning classification. That is, the County Council has determined that this property should be zoned B.L. and, by placing that classification on this site, has recognized that the subject property is an appropriate location for business activity. In my judgment, this zoning is altogether appropriate, particularly in view of surrounding land uses. Admittedly, the property does back up to the residences in Victory Villa. However, all four of the corners adjacent to the intersection of Martin Boulevard and Compass Road are business-oriented. Immediately across Compass Road from the subject site is a service station and what appears to be an abandoned convenience store. On the other side of the site across Martin Boulevard is a County Recreation and Parks' office. Caddie-corner from this intersection is a shopping center and another gas station. Clearly, the parcels of land which surround this intersection are all business/commercial/non-residential in character. Thus, it is of particular note that the matter before me is not a Petition for Special Exception where I must consider the pro-

priety of a proposed use. The use suggested here is permitted by right, a fact that some of the Protestants apparently do not grasp. The issue before me is whether the site can be developed in the manner proposed, with the relief needed under the Petitions for Special Hearing and Variance.

Notwithstanding the zoning of the predominant portion of the property, however, I am appreciative of the Protestants' concerns. Indeed, the property is within close proximity to a residential neighborhood, as the rear property line abuts many houses which front Box Circle in the Victory Villa subdivision. Moreover, there are residences directly across Fuselage Avenue and the site does call for the removal of two buildings which at one time were used for residential purposes. As noted above, the lot owned by Mr. & Mrs. Rombro now used as a doctor's office will be converted into a parking area as will the adjacent lot on which a dwelling presently owned by Mr. & Mrs. Dawson is located. The use of these two properties in the development of the site must be monitored closely to prohibit adverse impact on the surrounding residences.

In considering the variances requested, I am persuaded that the relief requested should be granted. In this regard, I must be guided by the requirements of Section 307 of the B.C.Z.R. as construed by the case law (See Cromwell v. Ward, 102 Md. App. 691 (1995)). That authority requires me to make a finding that the property is unique in order for variance relief to be granted. In my judgment, such a finding is easily reached. The uniqueness of this property is derived from its configuration and topography. As Mr. Woolfolk noted, the constraints associated with the development of this property are difficult. The site is particularly difficult to develop in that it tapers to its narrowest width at the cen-

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By

ter of the site as same is viewed from Compass Road. This makes locating improvements difficult and generates much of the variance relief sought.

Additionally, I find that practical difficulty would be suffered by the Petitioners if relief were denied. To deny the variances requested would prohibit development of the property with a permitted purpose (i.e., business use). Lastly, I find that there will not be adverse impact on surrounding properties, assuming that certain restrictions are imposed. For these reasons, the variances will be granted.

As to the Petition for Special Hearing, I likewise will grant same. Development of the property would not be possible without providing sufficient parking. Even the Protestants would concede that customers of the store should park on the subject site and there should not be a spill over into their community. Thus, permitting a portion of the parking lot in a residential zone is appropriate. Moreover, the commercial loading/service area in a residential zone is acceptable. In this regard, it was indicated that deliveries will be made to the side/rear of the building at an entrance more particularly shown on the site plan. This entrance falls within the portion of the property zoned D.R. 10.5.

Therefore, upon due consideration of the testimony and evidence presented, the Petitions for Special Hearing and Variance (as amended) will be granted. In this regard, I shall incorporate the amended red-lined site plan marked as Petitioner's Exhibit 4. Additionally, pursuant to the authority conferred upon me by the Baltimore County Code and the B.C.Z.R., certain conditions and restrictions shall be added. As noted above, the terms and conditions set forth in Mr. Pittler's letter of June 10, 1998 shall be attached as conditions precedent to the relief granted. As noted above, those terms and provisions are specifically incorporated herein,

except as to the amendment of the square footage of the proposed building to 8625 sq.ft. instead of 8600 sq.ft. and the hours of operation limited to from 8:00 AM to 9:30 PM.

As an additional condition/restriction, I shall require the elimination of the drive-thru lane. In my judgment, the existence of the drive-thru window would be the single biggest negative impact upon the community and would be inappropriate here. I explain. The building is sited on the property so as to be close to Compass Road, immediately behind an area of landscaping and sidewalk adjacent to the road right-of-way. The proposed drive-thru lane is located in the rear of the property, between the CVS/Pharmacy building and the rear property line shared with a number of residences which are part of the Victory Villa subdivision. Although I applaud the Petitioners' efforts to reduce that impact by the installation of fencing and landscaping, I believe that the existence of traffic to the rear of the site immediately adjacent to the rear property line will cause adverse impacts to the residents who reside to the rear which cannot be mitigated. Although there will not be an outside sound system, there will be noises associated with customer pick-up and automobile traffic immediately adjacent to these residences. Moreover, there would be disruption caused by headlights and other increased lighting in that area. In my judgment, such a condition is unacceptable and will not be allowed. Therefore, although I approve the amended plan submitted, I will restrict the relief so as to require compliance with the terms and conditions outlined in Mr. Pittler's letter to Mr. Keller, as well as an elimination of the drive-thru lane. The rear of the site can contain a macadam area to allow for proper traffic circulation; however, that rear area should be nothing

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Date

By

more than a drive aisle. Any reduction of the macadam surface in that area can more properly be used for screening purposes.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1998 that the Petition for Special Hearing seeking approval of a commercial loading/service in residential and R.O. zones and commercial parking in residential and R.O. zones, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance (as modified herein) seeking relief from the B.C.Z.R. as follows: From Section 409.8.a.4 to permit a parking setback of 7 feet in lieu of the required 10 feet; from Section 232.1 to permit a front setback of 0 feet in lieu of the required 10 feet; from Section 232.2 (See 1B01.2.C.1.a) to permit a side setback of 0 feet in lieu of the required 20 feet; and, from Section 1B01.1.B.e to permit a 10-foot buffer in a residential transition area in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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) Compliance with the terms and conditions set forth in Mr. Pittler's letter of June 10, 1998, a copy of which is attached hereto and made a part hereof. As noted above, those terms and provisions are specifically incorporated herein, except as to the increase in the size of the proposed building from 8600 sq.ft. to

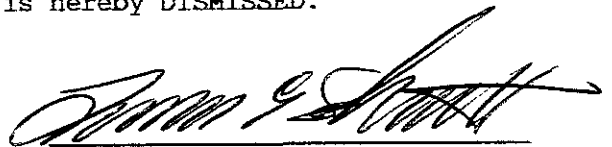
9625 sq.ft. and the hours of operation will be from 8:00 AM to 9:30 PM.

3) Development of the site is subject to the development review regulations and process set forth in Title 26 of the Baltimore County Code. (i.e., compliance with the Zoning Plans Advisory Committee comments submitted by the Office of Planning, dated June 10, 1998), a copy of which is attached hereto.

4) The drive-thru lane to the rear of the property shall be eliminated. The rear of the site can contain a macadam area to allow for proper traffic circulation; however, that area should be nothing more than a drive aisle. Any reduction of the macadam surface in that area can more properly be used for screening efforts.

5) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.3 to permit a rear setback of 12 feet in lieu of the required 20 feet and from Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 51, be and is hereby DISMISSED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 7/22/98
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

July 22, 1998

Leslie M. Pittler, Esquire
24 West Susquehanna Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Martin Boulevard and Compass Road
(Parcel D of Goldentree)
15th Election District - 6th Councilmanic District
Goldentree Development, Inc., et al/Blackford Development LTD
Petitioners/Contract Purchaser
Case No. 98-384-SPHA

Dear Mr. Pittler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance (as amended) have been granted, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Richard Welkowitz and Ms. Donna M. Deerin, Blackford Dev. LTD,
1891 Santa Barbara Dr., Suite 202, Lancaster, Pa. 17601

Mr. Thomas Woolfolk, G.W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204

Mr. Bruce Hollingsworth, 129 Bonifant Road, Silver Spring, Md. 20901

Mr. Sharon McDowell, 801 Fuselage Avenue, Baltimore, Md. 21221
Ms. Ellen Kern, 28 Box Circle, Baltimore, Md. 21221
Mr. Duward E. Hart, 21 Stabilizer Drive, Baltimore, Md. 21220
Ms. Wanda Kod, 10 Left Aileron Drive, Baltimore, Md. 21220

People's Counsel; Case Files



410-583-2437

FROM : 410-583-2437

410-583-2437

1998.03-17

17:01

#565 P.01/02

LESLIE M. PITTLER



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at ^{SWC} Martin Blvd. and Compass Road

which is presently zoned BL, RODR-1.5

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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Commercial loading/Service in residential and R.O. zones.

Commercial parking in residential and R.O. zones. BCZR 409.8-B2

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

Contract Purchaser/Lessee:

Richard Welkowitz/Blackford Development, LTD

(Type or Print Name)

Signature

1891 Santa Barbara Dr - #202

Address

Lancaster PA 17601

City

State

Zipcode

Attorney for Petitioner:

Leslie M. Pittler

(Type or Print Name)

Signature

20 West Susquehanna Ave. 410-823-4455

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

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.

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Inconvenient for Hearing

On following date

Next Two Months

ALL

OTHER

REVIEWED BY

DATE 4-14-98

Revised 9/5/95

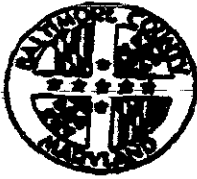
384

98-384-SPHA

ORDER RECEIVED FOR FILING

Date

By



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at SWC Martin Blvd. and Compass Road

which is presently zoned BL RO DR-10.5

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

See Attached.

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

TOPOGRAPHY AND IRREGULAR SHAPE OF LOT
ADDITIONAL REASONS AT HEARING

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.

Current Purchaser/Lessee

Richard Melkowitz/Blackford Development
(Type or Print Name)

LTD

Signature

1891 Santa Barbara Dr - #202
Address

Lancaster PA 17601
City State Zip

Attorney for Petitioner:

Leslie M. Pittler, Esquire
(Type or Print Name)

Leslie M. Pittler
Signature
29
28 West Susuehanna Ave 410-823-4455
Address

Towson, MD 21204
City State Zip

Printed with Soybean Ink
on Recycled Paper

Revised 9/3/95

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

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone no.

City

State

Zip

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

STAMPED LENGTH OF HEARING

OFFICE USE ONLY

unavailable for hearing

The hearing date

With Two Weeks

All

OTHER

REVIEWED BY: SPH

DATE 4-14-98

384

98-384-SPHA

ORDER RECEIVED FOR FILING

Date

By

**PETITION FOR VARIANCE
CVS PHARMACY**

- A. 7 foot parking setback in lieu of the 10 foot required. BCZR 409.8-a.4
- B. 0 foot front setback in lieu of 10 foot required. BCZR 232.1
- C. 12 foot rear setback in lieu of 20 foot required. BCZR 232.3
- D. 0 foot side setback in lieu of 20 foot required. BCZR 232.2 (See Also IB012-C.1a).
- E. 45 foot parking spaces in lieu of 51 required. BCZR 409.6-A.2.
- F. 10 foot buffer in residential transition area in lieu of required 50 foot.
(See 1B01.1Be)

384

ORDER RECEIVED FOR FILING

Date

By

11/22/18
byp

CVS/pharmacy

Description to Accompany Zoning Petition

March 13, 1998

DESCRIPTION OF PROPERTY ON COMPASS ROAD AND MARTIN BOULEVARD AND FUSELAGE AVENUE.

Beginning at a point on the southern right-of-way line martin boulevard, as shown hereon.
Thence leaving said point of beginning, and running the following courses:

1. By a curve to the left, having a Radius of 5804.60' and an Arc Length of 170.00'
2. By a curve to the right, having a Radius of 15.00' and an Arc Length of 20.81'
3. Thence leaving Martin Boulevard and running along the west side of Compass Road,
S 26° 58' 30" W, 241.21'
4. S 26° 57' 00" W, 81.95', and
5. By a curve to the right, having a Radius of 15.00' and an Arc Length of 26.31' to the
northern side of Fuselage Avenue
6. thence running along the northern side of Fuselage Avenue, by a curve to the right, having
a Radius of 6154.58' and an Arc Length of 106.10'
7. thence leaving Fuselage Avenue and running N 36° 08' 55" E, 99.97'
8. N 26° 58' 30" E, 123.00'
9. N 00° 07' 10" E, 160.75' to the Place of Beginning.

Containing 0.99 ACRES of land, more or less.

**NOTE: The above description is for zoning purposes only and is not to be used
for any conveyances or agreements.**



98-384-SPHA

**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 #98-384-SPHA
SWC Martin Boulevard
and Compass Road

15th Election District
6th Councilmanic District

Legal Owner(s):

Goldentree Development and
Johanna & Rutherford
Dawson and Elma &
Marvin Rombro

Contract Purchaser:

Blackford Development Ltd.

Special Hearing: to approve
commercial loading/service
and commercial parking in
residential and R.O. zones.

Variance: to permit a 7-foot
parking setback in lieu of the
10 feet required, a zero foot
front setback in lieu of the 10
feet required, a 12-foot rear
setback in lieu of the 20 feet
required, a zero foot side set-
back in lieu of the 20 feet re-
quired, 45 parking spaces in
lieu of the 51 required; and a
10-foot buffer in a Residential
Transition Area in lieu of the
required 50 feet.

Hearing: Tuesday, May 26,
1998 at 2:00 p.m., in Room
407, County Courts Bldg.,
401 Bosley Avenue.

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 concern-
ing the File and/or Hearing,
Please Call (410) 887-3391.

5/003 May 7 C226394

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/7/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 5/7/, 1998.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Item 384
No. 052818

DATE 4-14-98 ACCOUNT R-001-6150
AMOUNT \$ 500.⁰⁰

RECEIVED FROM: Leslie M. Pittler, PA

FOR: Commercial Special Hearing & Van
CVS Pharmacy, SWC Martin Bldg & SR

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESS ACTUAL TIME
4/15/1998 4/14/1998 15:01:36
5 MS01 CASHIER CLIM CAL DRAWER 1
6 MISCELLANEOUS CASH RECEIPT
Receipt # 045955
OF NO. 052818

500.00 CHECK
Baltimore County, Maryland

98-384-
SPHA
CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case # 98-384-SPHA
Petitioner/Developer:
(Goldentree Development)
Date of Hearing/Closing:
(June 16, 1998)

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

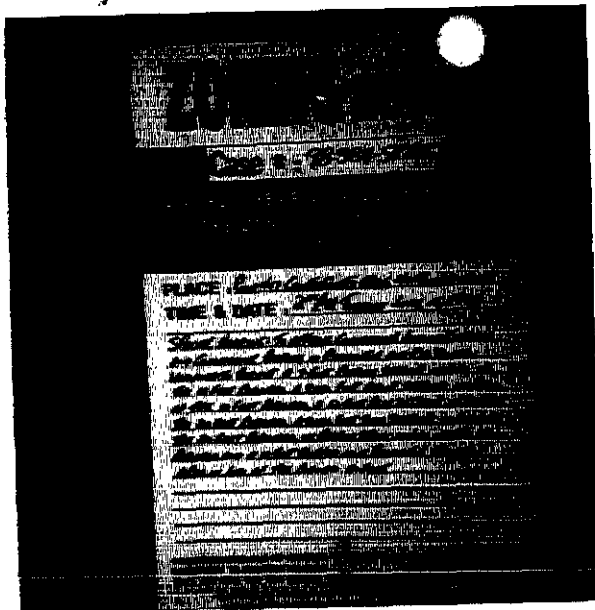
Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

**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 _____**

SWC Martin Blvd. & Compass Road Baltimore, Maryland 21220 _____

**The sign(s) were posted on _____ May 29, 1998 _____
(Month, Day, Year)**



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr. _____

325 Nicholson Road _____

Baltimore, Maryland 21221 _____

**(410)-687-8405 _____
(Telephone Number)**



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.: 384

Contract Purchaser: Blackford Development, LTD - Richard Welkowitz
Petitioner:

Location: SWC, MARTIN Blvd & Compass Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Leslie Pittier, Esq.

ADDRESS: 20 West Susquehanna Ave.

TOWSON, MD. 21204

PHONE NUMBER: (410) 823-4455

AJ:ggs

(Revised 09/24/96)

48-384-SP1A -16-

Request for Zoning: Variance *and* 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.: 98-384-SPH A

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

PLACE: _____

DATE AND TIME: _____

REQUEST: A special Hearing to allow commercial parking & load-
ing in a residential & residential-office zone; and a Variance
to allow a 7 ft parking setback, 0 ft front setback, 12 ft rear set-
back 0 ft side setback, 10 ft buffer and 45 parking spaces in lieu
of the minimum required 10 ft, 10 ft, 20 ft, 20 ft, 50 ft & 51 spaces
respectively.

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

TO: PATUXENT PUBLISHING COMPANY
May 7, 1998 Issue - Jeffersonian

Please forward billing to:

Leslie Pittler, Esquire 410-823-4455
20 West Susquehanna Avenue
Towson, MD 21204

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: 98-384-SPHA

SWC Martin Boulevard and Compass Road

15th Election District - 6th Councilmanic District

Legal Owner: Goldentree Development and Johanna & Rutherford Dawson and Elma & Marvin Rombro

Contract Purchaser: Blackford Development Ltd.

Special Hearing to approve commercial loading/service and commercial parking in residential and R.O. zones. Variance to permit a 7-foot parking setback in lieu of the 10 feet required, a zero foot front setback in lieu of the 10 feet required, a 12-foot rear setback in lieu of the 20 feet required, a zero foot side setback in lieu of the 20 feet required, 45 parking spaces in lieu of the 51 required; and a 10-foot buffer in a Residential Transition Area in lieu of the required 50 feet.

HEARING: Tuesday, May 26, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt *sc*

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

April 17, 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:

CASE NUMBER: 98-384-SPHA

SWC Martin Boulevard and Compass Road

15th Election District - 6th Councilmanic District

Legal Owner: Goldentree Development and Johanna & Rutherford Dawson and Elma & Marvin Rombro

Contract Purchaser: Blackford Development Ltd.

Special Hearing to approve commercial loading/service and commercial parking in residential and R.O. zones. Variance to permit a 7-foot parking setback in lieu of the 10 feet required, a zero foot front setback in lieu of the 10 feet required, a 12-foot rear setback in lieu of the 20 feet required, a zero foot side setback in lieu of the 20 feet required, 45 parking spaces in lieu of the 51 required; and a 10-foot buffer in a Residential Transition Area in lieu of the required 50 feet.

HEARING: Tuesday, May 26, 1998 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon, Director

c: Leslie M. Pittler, Esquire
Goldentree Development
Johanna & Rutherford Dawson
Elma & Marvin Rombro
Blackford Development Ltd.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 11, 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.





Baltimore County
Department of Permits and
Development Management

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

June 11, 1998

Leslie M. Pittler, Esq.
20 W. Susquehanna Avenue
Towson, MD 21204

RE: Item No.: 384
Case No.: 98-384-SPHA
Petitioner: Blackford
Development LTD
Location: SWC Martin Blvd.
and Compass Road

Dear Mr. Pittler:

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 April 14, 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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR:ggs
Attachment(s)





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

May 6, 1998

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

RE: Property Owner: GOLDENTREE DEVELOPMENT AND JOHANNA &
RUTHERFORD DAWSON AND ELMA & MARVIN ROMBRO

Location: DISTRIBUTION MEETING OF APRIL 27, 1998

Item No.: 384 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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

May 6, 1998

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

RE: Property Owner: GOLDENTREE DEVELOPMENT AND JOHANNA &
RUTHERFORD DAWSON AND ELMA & MARVIN ROMBRO

Location: DISTRIBUTION MEETING OF APRIL 27, 1998

Item No.: 384 Zoning Agenda:

Gentlemen:

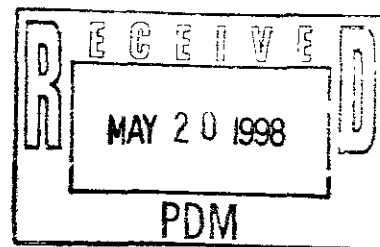
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
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REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

April 28, 1998

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

RE: Baltimore County
Item #384
Variance
CVS Pharmacy
MD 700 @ Compass Road
(southwest corner)
Mile Post 1.21

Dear Ms. Eubanks:

We have reviewed the referenced item and have no objection to approval of the variance.

However, we will require the owner to obtain an access permit through this office. Please have their representative contact this office regarding the required improvements conditioned to the permit.

Should you have any questions, please contact Larry Gredlein at 410-545-5606. You may also E-mail him (lgredlein@sha.state.md.us).

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits Division

LG/eu

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: POM

FROM: R. Bruce Seeley *RBS/qs*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: April 27, 98

DATE: 5/1/98

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	380	386	391
	382	387	392
	383	388	
	384	390	

RBS:sp

BRUCE2/DEPRM/TXTSBP



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

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

RE: Baltimore County 4.28.98
Item No. 384 JJS

Dear Ms. Stephens:

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 or by E-mail at (lgredlein@sha.state.md.us).

Thank you for the opportunity to review this item.

Very truly yours,

P. J. Burns
for 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 A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 6, 1998

FROM: *Sub* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 4, 1998
 Item Nos. 380, 381, 383, 384, 385,
 386, 387, 388, 389, 390, 391, and
 392

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

RWB:HJO:jrb

cc: File

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
SWC Martin Boulevard and Compass Road, , 15th
Election District, 6th Councilmanic

Legal Owners: Goldentree Development, et al.
Contract Purchaser: Blackford Development LTD

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 98-384-SPHA

* * * * *

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 of other proceedings in this matter and of the passage of any preliminary or final Order.



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 5th day of June, 1998, a copy of the foregoing Entry of Appearance was mailed to Leslie M. Pittler, Esq., , 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204, attorney for Petitioner(s).



PETER MAX ZIMMERMAN

Fig
6/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: June 10, 1998

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: SWC Martin Boulevard and Compass Road

INFORMATION:

Item Number: 384
Petitioner: Richard Welkowitz/Blackford Development LTD
Property Size: 0.99± acres
Zoning: BL, RO & DR-10.5
Hearing Date: June 18, 1998

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced project and offers the following comments:

DRC REQUEST

The subject proposal was submitted to the DRC on February 23, 1998 (DRC # 02238K) for consideration as a limited exemption to develop a CVS store. The Office of Planning recommended that the limited exemption request be denied and the proposal should follow the Concept Plan process, including a Community Input Meeting and Hearing Officer Hearing. The DRC request was tabled on February 23rd. Mr. Pittler's letter of June 10, 1998 indicates that the applicant submit to a "Community Input Meeting at the earliest possible date after the Hearing on June and a decision by the Hearing Officer." The Planning Office understands this to mean that the project will go through the full development review process.

RECOMMENDATION

Staff has met with representatives of the developer to discuss changes to the plan accompanying the subject request. Modifications to the plan have resulted in a reduction in the size of the proposed building and an increase of the screening of adjacent residential uses. Provided that any approval is conditioned upon the terms outlined in Mr. Pittler's letter of June 10, 1998 (see

ORDER RECEIVED FOR FILING

Date

By

attached), the Office of Planning does not oppose the granting of the relief requested for this property which obviously presents many challenges due to its size. In addition, every effort should be made to continue to resolve the issue related to the double fence.

Prepared by: *Jeffrey W. Is*

Division Chief: *Gary L. Kern*

AFK:JL:lsn

Attachment

ORDER RECEIVED FOR FILING

Date

By

LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

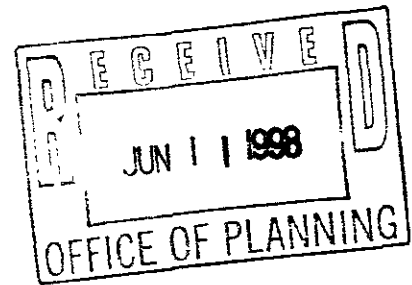
29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

June 10, 1998



Mr. Arnold F. "Pat" Keller
Director
Baltimore County Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: Proposed CVS, Martin Blvd. And Compass Road

Dear Pat:

Pursuant to the meeting held in your office on the morning of June 10, 1998, at 10:30 AM, the Developer of the above-captioned site will testify at the Hearing scheduled for June 16, 1998, as to the following:

A: The proposed square footage of the building is to be reduced from 10,100 square feet to 8600 square feet. This reduction of 1500 square feet is a concession that is rarely if ever made by CVS, but is being done as an accommodation to the neighbors of the site.

B: The Developer will erect a fence on the side of the property bordering Box Hill Circle in order to screen the site from the adjacent homes, with the fence and appropriate landscaping.

C: The dumpster serving the building will be enclosed within a masonry enclosure as well as any compacter that CVS will have on site, to match the building's texture.

D: The Developer will not increase the drainage or run-off on the adjacent neighbors homes.

E: Any sound system connected with the operation of the building will be at or below the state mandated decibel levels, and if possible eliminated altogether.

F: The Developer will have no entrance or exit onto Fuselage Avenue.

G: The large roof-top package units will be enclosed in a sufficient manner so as not to make them visible to the adjacent homes.

ORDER RECEIVED FOR FILING
7/22/98
By

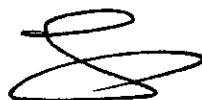
H: The Developer agrees to have a Community Input Meeting at the earliest possible date after the Hearing on June 16 and a decision by the Hearing Officer.

I: The daily hours of operation will not be 24 hours but will be from 9:00 AM to 9:30 PM.

J: The Developer will work diligently with State and County officials to determine the possibility of a sound barrier along Martin Boulevard.

These issues will all be addressed in my opening remarks at the Hearing.

Very truly yours,



Leslie M. Pittler

ORDER RECEIVED FOR FILING

Date

By

LESLIE M. PITTLER

ATTORNEY-AT-LAW

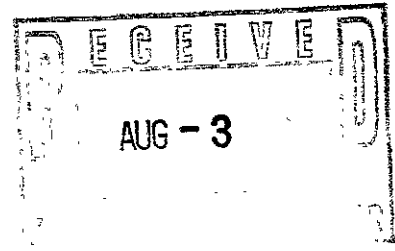
SUITE 610

29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

July 31, 1998



Lawrence E. Schmidt, Esquire
Zoning Commissioner
Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Goldentree Development, Inc., et al./Blackford Development
LTD, Petitioners/ Contract Purchaser
Case Number 98-384 SPHA
PETITION FOR RECONSIDERATION

Dear Commissioner Schmidt:

On behalf of the Petitioners and the Contract Purchaser, I would hereby request a reconsideration of a specific section of your opinion rendered on the 22 nd day, of July, 1998, in the above-captioned case.

On page nine (9) of the said opinion you set forth as part of your decision the following "As an additional condition/restriction, I shall require the elimination of the drive-thru lane. In my judgement, the existence of the drive-thru window would be the single biggest negative impact upon the community and would be inappropriate here". The rationale as I have interpreted your holding, is your concern that stand-still traffic at this particular area of the site will create a possible adverse affect on nearby neighbors, as well as the possible adverse affect of headlights shining into nearby homes as an additional result of that location of the pick-up window.

Therefore, in order to effectuate the intent of your decision in granting the relief requested, and to better serve the neighborhood, we would request a reconsideration of only that part of your decision as stated, to allow as an amendment of the plan to relocate the pick-up window at another area of the site, i.e., the side of the proposed building. This action would satisfy your concerns and could be accomplished by an expansion of the granting of the Petition for Special Hearing by allowing the commercial loading/service approval to include the construction of a pick-up window in the residential and R.O.zones. This pick-up window would be serviced by an underground tube from the CVS building and would be for the purpose of picking up prescriptions.

ORDER RECEIVED FOR FILING

Date

By

If possible we would request a hearing on this matter at the earliest time available so that we could proceed expeditiously with our development plan and the scheduling of a Community Input Meeting.

I appreciate your consideration of this request.

Very truly yours,



Leslie M. Pittler

ORDER RECEIVED FOR FILING

Date

By

8/21/88

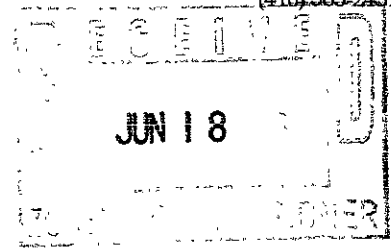


LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 823-4455

FACSIMILE
(410) 583-2437



June 18, 1998

Lawrence E. Schmidt Esquire
Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

98-384
Re: CASE NUMBER: 93-384
SWC Martin Boulevard and Compass Road

Dear Commissioner Schmidt:

I have received by FAX the enclosed letter from Richard Welkowitz the President of Blackford Development, Ltd. dated June 17, 1998, pertaining to the above-captioned matter. This letter reiterates the interest of the Developer to work closely with the community and to have a good working relationship with the neighbors.

Please accept this letter as part of the file and I will send a copy of same to the persons who were sitting at the trial table.

Very truly yours,

Leslie M. Pittler

cc: Mr. Richard Welkowitz

Wanda
Cod

(w) 410-391-9700
(11) 371-2010

LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

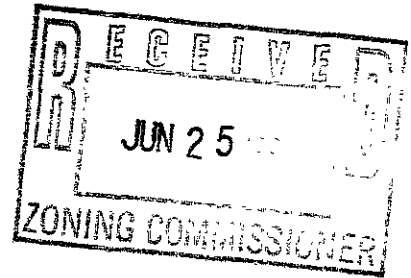
29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

June 24, 1998



Lawrence E. Schmidt Esquire
Zoning Commissioner
Baltimore County
401 Bosley Avenue
Towson, Maryland 21204

98-
Re: CASE NUMBER 93-384
SWC Martin Boulevard and Compass Road

Dear Commissioner Schmidt:

We have received further clarification from the Regional Director of Real Estate of CVS, Laura C. Miller in regard to minor modifications, concerning the hearing held on June 16, 1998. The enclosed letter indicates that hours of operation at this location will be 8:00 A.M. to 10:00 P.M. instead of 8:00 A.M. to 9:30 P.M. Thus simply a change of one-half hour.

Ms. Miller also further clarifies that the truck delivery from CVS is usually one per week, which I believe confirms the testimony from the hearing. In addition she clarifies that there will be no sound system connected to the drive-thru.

I am also sending a copy of these two letters to the Office Of Planning.

Thank you for accepting this letter as a part of the file.

Very truly yours,

Leslie M. Pittler

cc: Ms. Donna Deerin
Office of Planning

5/7/98
OK
LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

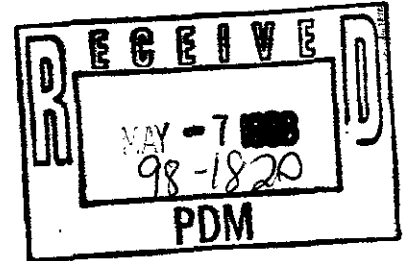
29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

May 6, 1998



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

RE: CASE NUMBER: 98-384-SPHA
SWC Martin Boulevard and Compass Road

Dear Mr. Jablon:

This is a request for a temporary postponement of the above-captioned case for a period not to exceed two weeks. The reason for this request is to further consult with persons in the community to ascertain the possibility of any other sites in the immediate area which would better facilitate the location of the proposed CVS in so far as some people in the area are concerned.

The contract-purchaser is not aware, at this time that any better sites are in fact appropriate or available, but in a spirit of cooperation, the contract-purchaser is willing to accommodate those in the community who would like us to make an additional effort along that line. However this request is contingent on only a short delay of not any more than a two week delay.

Please advise if this request is feasible and can be granted.

Very truly yours,

Leslie M. Pittler



Baltimore County
Department of Permits and
Development Management

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

May 13, 1998

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Suite 610
Towson, MD 21204

RE: Case Number 98-384-SPHA
Location: SWC Martin Boulevard
and Compass Road

Dear Mr. Pittler:

The above matter, previously assigned to be heard on Tuesday, May 26, 1998 has been **rescheduled for Tuesday, June 16, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.**

The new hearing date and time should be affixed to the hearing notice sign posted on the property as soon as possible.

If you need further information or have any questions, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon" with a stylized flourish at the end.

Arnold Jablon
Director

AJ:scj

c: Goldentree Development
Johanna & Rutherford Dawson
Elma & Marvin Rombro
Blackford Development Ltd.





Baltimore County
Department of Permits and
Development Management

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

May 8, 1998

Leslie M. Pittler, Esquire
29 W. Susquehanna Avenue
Suite 610
Towson, MD 21204

RE: Case Number 98-384-SPHA
Location: SWC Martin Boulevard
and Compass Road

Dear Mr. Pittler:

The above matter, previously assigned to be heard on Tuesday, May 26, 1998 has been postponed at your request.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so.

If the property has been posted with notice of the hearing date, as quickly as possible a notice of postponement should be affixed to the sign(s). Then, upon notification of the new hearing date, such sign(s) must be changed to give notice of the new hearing date.

Very truly yours,

A handwritten signature in black ink, appearing to read "Arnold Jablon", with a stylized flourish at the end.

Arnold Jablon
Director

AJ:scj

c: Goldentree Development
Johanna & Rutherford Dawson
Elma & Marvin Rombro
Blackford Development Ltd.





Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

August 25, 1998

Leslie M. Pittler, Esquire
Suite 610
29 W. Susquehanna Avenue
Towson, Maryland 21204

RE: Case No. 98-384-SPHA
SWC Martin Boulevard and Compass Road
Goldentree Development, Inc., et al/Blackford Development LTD
Petitioners/Contract Purchaser

Dear Mr. Pittler:

Kindly be advised that I have scheduled a hearing on the Motion for Reconsideration that you have filed in the above captioned case. The hearing will be held in Room 407 of the County Courts Building (Hearing Room) on Monday, August 31, 1998 at 3:00 P.M. I expect this to be a brief hearing to consider only the limited issues which was the subject of your Motion. Specifically, I am referring to the relocation of the proposed drive-thru lane.

I have spoken with Ms. Kern on behalf of the neighborhood and have invited her and any interested neighbors to attend.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

c: Mr. Richard Welkowitz and Ms. Donna M. Deerin, Blackford Dev. LTD,
1891 Santa Barbara Dr., Suite 202, Lancaster, Pa. 17601
Mr. Thomas Woolfolk, G.W. Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Towson, Md. 21204
Mr. Bruce Hollingsworth, 129 Bonifant Road, Silver Spring, Md. 20901
Mr. Sharon McDowell, 801 Fuselage Avenue, Baltimore, Md. 21221
Ms. Ellen Kern, 28 Box Circle, Baltimore, Md. 21221
Mr. Duward E. Hart, 21 Stabilizer Drive, Baltimore, Md. 21220
Ms. Wanda Kod, 10 Left Aileron Drive, Baltimore, Md. 21220





Baltimore County
Zoning Commissioner

November 24, 1999

File
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Ms. Sharon E. McDowell
801 Fuselage Avenue
Baltimore, Maryland 21220

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/Corner Martin Boulevard & Compass Road
(Parcel D of Goldentree and 803-805 Fuselage Avenue)
15th Election District – 6th Councilmanic District
Goldentree Development, Inc., et al – Petitioners
Case No. 98-384-SPHA ✓

Dear Ms. McDowell:

In response to the correspondence you faxed to me on November 17, 1999, the following comments are offered. Additionally, for your information, I attempted to discuss this matter with you by telephone, but was unable to reach you; however, I did speak with your husband. I trust that he relayed the contents of our conversation.

In any event, I must advise that I have not recently been to the site and therefore cannot comment on the veracity of your allegations. Once a decision is rendered, I no longer retain the case file and the progress of a project through the permit process is monitored by other County departments. Therefore, I am unfamiliar with the progress on the site since I rendered my decision. Nevertheless, the project must be built out in accordance with the terms and conditions of my Order. If the project is not so built, permits can be withheld until corrections are made, or the property owner can be cited with a civil violation. That violation subjects the property owner to fines and other sanctions.

Coincidentally, several hours before I received your fax, I spoke with Mr. Avery Harden about this case. He indicated to me that he had been to the site on the evening of November 16, 1999 and he discussed the problems he observed as they relate to the height and wattage of the lighting. Mr. Harden and I then met with Mr. Arnold Jablon, Director of the Department of Permits and Development Management (DPDM). I discussed the matter briefly with Mr. Jablon and left him and Mr. Harden to discuss it in more detail.

As Director of DPDM, Mr. Jablon supervises the County agency that issues permits. These include a use and occupancy permit, which is the final permit that is issued to allow a building to be occupied. Typically, permits are not issued unless the building has been constructed and the site developed in accordance with the requirements of the Baltimore County Code and the terms and conditions of my Order. Additionally, the Code Enforcement Division within the Department

Come visit the County's Website at www.co.ba.md.us



Mr. Sharon E. McDowell
November 24, 1999
Page 2

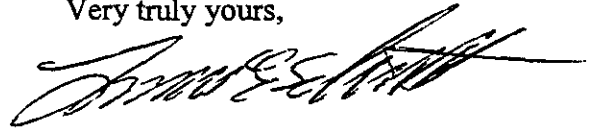
of Permits and Development Management will send an inspector to the site if a complaint is made that the project is not being built as required.

Quite frankly, I do not know if Mr. Jablon will pursue either of these alternatives or some other remedy. That is his decision. However, I did want to write to you to advise that your concerns are not falling on deaf ears and they have been relayed to the appropriate individual(s).

I would also like to point out that I do not recall receiving any correspondence from you since my decision in this case was reached. In this regard, I cannot respond to your comment that your previous letters to me have not been answered. I respond to all letters received in this office and frankly do not recall receiving any such letter from you.

In any event, it is suggested that you follow-up with Mr. Harden (887-3751) or Mr. Jablon (887-3353) to determine what action the County has or will take. If I can provide any further assistance, please do not hesitate to contact me.

Very truly yours,



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Arnold Jablon, Director, DPDM
Mr. Avery Harden, DPDM
File



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 20, 1999

Leslie M. Pittler, Esquire
Suite 610
29 West Susquehanna Avenue
Towson, Maryland 21204

Dear Mr. Pittler:

RE: CVS Pharmacy, Martin Boulevard and Compass Road, 98-384-SPHA,
15th Election District

Staff has reviewed your request for a zoning interpretation concerning the application of the Zoning Commissioner's restrictions and current stacking regulations as they apply to the above referenced site.

Staff has previously determined that under Section 409.10 Baltimore County Zoning Regulations (BCZR) the stacking requirements for a drive-through are to be the same as a bank. This determination was made under Section 409.6 BCZR which states in part that where the number of off-street spaces is not set forth the Director of Permits and Development Management shall determine the number of spaces to be provided.

Therefore, 5 stacking spaces (20 feet in length each) not counting the transaction station must be provided. The spaces on your proposed plan scale 18 feet in length and only 4 are provided.

Concerning the limits on the outside speaker system; it seems apparent that the Zoning Commissioner prohibited the use of any outside speakers for this use by stating "there shall be no outside speaker system".

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis".

John L. Lewis
Planner II
Zoning Review

JLL:cjs

c: Zoning case #98-384-SPHA

Come visit the County's Website at www.co.ba.md.us





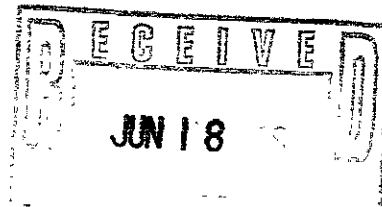
BLACKFORD DEVELOPMENT, LTD.

1891 SANTA BARBARA DRIVE
SUITE 202
LANCASTER, PA 17601
PHONE (717) 519-0100
FAX (717) 569-8063

VIA FAX & MAIL (410) 583-2437

June 17, 1998

Leslie M. Pittler, Esq.
The Susquehanna - Suite 610
29 West Susquehanna Avenue
Towson MD 21204



RE: MARTIN BOULEVARD @ COMPASS ROAD / ZONING HEARING

Dear Les:

As a responsible developer, I would like you to follow-up with the Zoning Commissioner on my behalf regarding the special hearing held last evening for the variances that we were requesting for the proposed CVS at the SWQ of Martin Boulevard and Compass Road in Baltimore County, Maryland. I am under the impression that this may not be accepted as part of the testimony, however, I still think that it is a good idea to show the Commissioner as well as the contiguous landowners our good intent.

Please assure Mr. Commissioner that we will make every attempt to work with the community and the adjacent property owners to address their concerns regarding the intersection of Compass Road at Fuselage Avenue, the relocation of the school bus stop, and the landscaping surrounding the entire site, even though these items have no bearing on our variance request.

As you know, we are very interested in the community and the safety of the citizens and their families. It is our intent to make every effort to satisfy their concerns.

I respectfully request that you deliver this letter to the Commissioner and upon his review and acceptance, I further request that you set up a formal community input meeting at your very earliest convenience. Please advise me immediately when the aforementioned has been accomplished.

With appreciation, I remain

Most Sincerely yours,

Richard Welkowitz
President

August 19, 1998

Lawrence E. Schmidt
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Re: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
(Parcel D of Golden Tree)
Case # 98-384-SPHA

Dear Mr. Schmidt,

We, the residents surrounding the above property are in receipt of your decision dated July 22, 1998. We appreciate your efforts in reaching a fair and informed decision by giving equal consideration to both parties, i.e., residents and CVS representatives. We do not wish to appeal the decision to allow the variances requested since the elimination of the Drive Thru seems like a fair and equitable compromise.

We have, however, been informed that representatives of CVS have filed a motion for reconsideration of the Drive Thru. Since there has been no Community Input Meeting scheduled, as Mr. Pittler promised Mr. Arnold F. "Pat" Keller in his letter of June 10, 1998, we the residents are leery of entering into any proposed agreement made by CVS. They have been in contact with representatives from the community requesting us to do so. They reference concessions made and to be made by CVS. Residents feel the variances granted by Baltimore County Zoning were concessions made on behalf of the community. In other words, we feel that both parties have received equal consideration.

You stated in your decision dated July 22, 1998, "the existence of traffic to the rear of the site immediately adjacent to the rear property line will cause adverse impacts to the residents who reside to the rear which cannot be mitigated". The same residents adjacent to the side Drive Thru (specifically 801 Fuselage) would experience the same adverse impacts outlined in your decision of July 22, 1998, if a Drive Thru were granted on the Fuselage Avenue side of said property. Furthermore, the residents to the rear of the property would experience the same adverse impact since side Drive Thru traffic would be routed to the rear of the store, as the proposed plan indicates two lanes of traffic in the rear of the store.

We ask that before you render a decision on the reconsideration request that that we, the residents, be allowed to voice our concerns. Furthermore, we are anxiously awaiting Community Input through an open forum. If you need to contact a community representative, you may contact Wanda Kod, (410-391-2010), Ellen Kern (410-687-5673) or Vivian Nawrocki (410-574-4183).

Residents,
Victory Villa, Golden Tree, Aero Acres

cc: Mr. Arnold F. "Pat" Keller
Mr. Dave Flowers
Mr. Pete Zimmerman
Mr. Vince Gardina
Mr. Dutch Ruppertsberger
Mr. Bob Ehrlich

XC. JWD
(B)Laura C. Miller
Regional Director
Real Estate

CVS

CVS/pharmacy

JUN 24 1998

June 22, 1998

Mrs. Donna Deerin
LMS Commercial Real Estate
1891 Santa Barbara Drive, Suite 201
Lancaster, Pennsylvania 17601

RE: Site at Martin & Compass
Essex, MD.

Dear Donna:

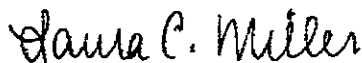
As per our conversation this morning, you had requested a few answers to some outstanding issues on the above referenced location.

CVS's hours of operation at this location will be approximately from 8:00 a.m. to 10:00 p.m. The truck delivery from CVS is usually one truck per week. Lastly, there is no sound system connected to the drive-thru at our stores.

Please let me know if you have any other unanswered questions that I may be of assistance with. We are looking forward to working with you and the community in bringing this store to fruition.

Thank you for your cooperation.

Sincerely,



Laura C. Miller
Regional Director Real Estate
CVS/pharmacy

MEMORANDUM FROM
SHARON E. MCDOWELL
801 FUSELAGE AVENUE
BALTIMORE, MARYLAND 21220
410-682-5076

November 17, 1999

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Case #98-384-SPHA

I just want to call your attention to developments in the above captioned case which you oversaw and approved.

This case involved the controversial decision to build a CVS Pharmacy in a mostly residential site

I am sure that you are like most persons who are attempting to do their job to the best of their ability with the information given them. I am sure that you felt justified in reaching the decision that you did with the information which was presented to you. Trust is the key in most relationships and in the decision making process.

I would like you to know that Leslie Pittler, Esq., as well as the clients he represents have failed to uphold ANY of the promises which they made to you (and to the community). Furthermore, your zoning orders have gone UNHEEDED!!! Issues involving the fencing of the property as well as lighting and ingress and egress issues which were paramount in your decision to allow construction have been IGNORED!!!!. On your zoning orders, you cite a letter from Mr. Pittler dated 6/10/98 as part of your ruling, at least 2 of the major issues are not in compliance!! Additionally, the zoning orders outline the foliage and specifically the lighting to be used on this site (item #14). The developer and CVS are in DIRECT violation of the zoning order by installing 30' poles in lieu of the required 15' and significantly exceeding the wattage specifications. Additionally, they are in direct violation of Baltimore County code Section 26-203 regarding commercial lighting in a residential zone.

I know this is probably outside of your jurisdiction, but I would like you to be aware of what happens after your rulings, so that in the future, other communities will not suffer as we are.

FYI: additional issues raised during both the community input meetings and the hearings over which you presided.

- 1) the fencing of the construction zone during excavation etc. NOT DONE
- 2) use of water trucks to avoid excess dirt, debris, etc. NOT DONE (EVEN AFTER SEVERAL VISITS FROM THE COUNTY AGENCY WHICH OVERSEES THE DEPARTMENT)
- 3) erection of the fence on the property line to inhibit vandalism, prevent disputes concerning maintenance. FENCE IMPROPERLY PLACED. VANDALISM, TRASH ETC NOW IS THE VIEW I HAVE.
- 4) Impact on electric service. MAJOR PROBLEM. PER BG & E. TOO MUCH WATTAGE NOT ENOUGH JUICE. BLEW OUT OUR POWER, WORD PROCESSOR AND CAUSED US TO HAVE FLICKERING ELECTRICITY.

- 5) traffic pattern problems. THEY HAVE ERECTED A SIGN AT AN EXIT, WHICH IS MARKED WITH ARROWS SHOWING EXIT ONLY, DIRECTING TRAFFIC INTO THE EXIT FOR THE DRIVE THRU. You stated in the zoning orders and confirmed by Mr. Pittler traffic had to be directed away from the residences. This encourages the opposite flow of traffic.
- 6) Both Compass Road and Fuselage have been torn up for this project. The store is slated to open on 11/22/99, the roads HAVE not been repaired
- 7) The sidewalks on Fuselage have been torn up. Part have been patched with black top. The rest have had nothing done to them. There is a big hole on one side.
- 8) The drainage that was placed was evidently improperly graded. Water backs up at base of hill at Compass and Martin Boulevard. During a rainy day, it is a mess.
- 9) The workment PEED on my car in broad daylight.
- 10) I had port-a-potties placed next to my child's swing set
- 11) Parking was impossible during this time
- 12) The developer used the exit onto Fuselage for his commercial dump trucks etc. (contrary to what was required)
- 13) Commercial tractor trailers use the intersection of Compass and Fuselage for turnaround as predicted by the residents. Now they are coming to the intersection of Fuselage and Bok Circle for the same reasons.
- 14) The commercial trucks are arriving at 5:00 a.m. to unload. The noise is unbelievable
- 15) The commercial trash pick up noise in the a.m. is unbelievable. Remember I have NO barrier from this.

Mr. Schmidt, if there is anything that you can do to assist us in enforcing these regulations, I would appreciate it. Mr. Avery Harden from Baltimore County Landscaping dept. visited this site last night and I think he was appalled.

My previous letters to you have not elicited a reply. I hope you will take this opportunity to make BIG Business adhere to the same guidelines as us little folk. Remember, it might be your community next.

Thank you for your time.

MEMO TO THE FILE

4/14

TO: ZC/Deputy ZC

FROM: JPL/Sr, Plowman II

SUBJECT: Item # 384, Petition for Special Hearing & Verdict

I spoke with Les Pitter, ESQ. today, in reference to no owner info on the 5 petitions forms. Mr. Pitter stated that to his knowledge no owner info is needed if there is correct Purchaser info.

I called Les - he brought over owner info. He is in process of sending them a letter and will bring the letters back for the file - with owner signatures.

Sophia

98-384-SPHA

115/98

MAY 26, 1998

HEARING DATE

CUS - MARTIN

COMPASS

2:00 PM

ITEM # 384

case → 98-384 SPHA

LEGAL OWNERS

GOLDENTREE DEVELOPMENT

210 Dick Hess / Hess Realty, Inc.

P.O. Box 5890

Bethesda Md. 21282-5890

.73± acres known as parcel D

On SW corner of Martin Blvd & Compass Road

Rutherford R. & Johanna Dawson

803 Fuselage Ave.

Marvin J. & Elma K. Rambo

905 Fuselage Ave. 21220

98-384-
SPHA

VICTORY VILLA IMPROVEMENT ASSOCIATION Inc.

**Duward E. Hart President
21 Stabilizer Drive
Baltimore, Md. 21220
410-686-5149**

August 27, 1998

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405 , County Courts Building
401 Bosley Avenue
Towson, Maryland

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
SW/Corner Martin Blvd. and Compass Road
Case No. 98-384-SPHA

Dear Mr. Schmidt ,

I was happy to receive a copy of your decision rendered in Case No. 98-384-SPHA. I thank you for your consideration and patience that you showed to the group at the hearing June 16 1998. You really conducted a fair hearing and taking your time to ~~explained to the group~~ (Protestants) how the hearing should be conducted I know that it ~~extended the meeting~~ much longer than normal, however I appreciate your willingness to take the time to do it. I just want to commend you for your desire to hear all the facts from both parties. Your decision was a good one and I hope you will continue to eliminate the drive-thru lane. I think this will be helpful for variance, screening and safety in case of a fire.

Thanks,


Duward E. Hart

X 340,00

LMS commercial Real Estate

1891 Santa Barbara Drive / Suite 201 / Lancaster PA 17601

phone: (717) 569-9373 / 1-800-864-2633

fax: (717) 560-9909 / email: LMSCOMRE@aol.com

FAX TRANSMITTAL

DATE: August 12, 1998

FAX NO: (410) 391-9721

FROM: Donna M. Deerin

TO: Wanda Kod

SUBJECT: Martin and Compass

ORIGINAL MAILED: ☐ Yes ☒ No VIA: ()

You should receive 1 page(s), following this cover sheet. If you do not receive all the pages, please call (717) 569-9373 and ask for Brenda.

COMMENTS:

Dear Wanda,

On behalf of Blackford Development, I would like to suggest the following:

The CVS Building and drive-thru is located at an elevation of 355 feet. The elevation of the house at the corner of Fuselage and Boxhill Circle is 360 feet and the elevation of Fuselage Avenue at the back of the site is 364 feet. What this means is that the headlights from any cars in the parking lot will not reflect any light on any of the neighborhood homes. By moving the drive-thru to a remote location on the Fuselage Avenue side of the building, it will eliminate traffic stopping along the fence, along the Boxhill Circle side of the property, which should eliminate the neighbors' concerns.

We also want to reiterate the intent of Blackford Development to screen both the Fuselage Avenue and the Box Circle sides of the property with evergreen trees or American holly that will be planted at an initial height of six feet. The average evergreen grows approximately one foot per year. Please keep in mind that we will also be installing a six foot wood board on board fence the entire length of the property on the rear of the building between Martin Boulevard and Fuselage Avenue.

If these items are acceptable to you and the community, please call me. I have a meeting tonight and will be home after 9:30 p.m. Please call me at (717) 840-4014 or you can call my father at (717) 755-0800

I look forward to speaking with you.

Post-It® Fax Note	7671	Date	8/13	# of pages	2
To	Les Pittler	From	Donna Deerin		
Co./Dept.		Co.	LMS		
Phone #		Phone #			
Fax #	(410) 583-0437	Fax #			

Greenspring Quarry Update Meeting

March 8, 2005

Agenda prepared by Daft-McCune-Walker, Inc. for Koren Development, Beazer Homes, and Obrecht Properties

The purpose of the meeting is to update the agencies on progress and to communicate several minor plan revisions coming in for approval/review.

1. Thanks to all Baltimore County reviewing agencies for their cooperation and support toward existing and/or pending project approvals that include: Development Plan, Final Development Plan, 1st Amended Development Plan, Record Plat, Grading/ESC Plan.
2. Introduction/Explanation of several Beazer Homes and Obrecht Properties redline/plan refinements to the existing 1st Amended Development Plan.
3. Introduction/Explanation of proposed "Split" Development Plan (Residential and Commercial). It is the developer's intention to submit revisions for both Obrecht and Beazer to the DRC on March 15.
4. Follow-up revisions will include: Final Development Plan (Beazer only), Record Plats, Area F/G/H Plans/Road "E" and "F" road and utility plans, Area "I" Plans, Grading Plans, etc.
5. The split of the Grading Plans/SEC Plans/Grading Permit will be postponed until initial building permits have been issued and construction is underway under the existing grading/redline revised plan.
6. Introduce PUD revision to the retail area. The PUD will be introduced at the next County Council session. The PUD revision is a separate revision track and unrelated to the above revisions.
7. Questions
8. Thanks.

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

Dear Mr. Schmidt,

It has been brought to my attention that CVS representatives have filed a motion for reconsideration of a Fuselage Avenue side drive thru, at the above location. They have done so after your decision of July 22, 1998 in which you granted the requested variances with the exception of a drive thru in the rear of the store. Variances were granted on the basis that the property is zoned B.L. and that practical difficulty would be suffered by the Petitioners if relief were denied. You rejected the idea of a rear drive thru and said that the adverse impacts, (noise, headlights and other increased lighting), would create an unacceptable condition for the surrounding property owners, and you stated that these conditions could not be mitigated. You further defined that the rear of the store should contain nothing more than a macadam area to allow for proper traffic circulation. It is my understanding that the revised plan submitted with a side drive thru still shows 2 lanes of traffic behind the store. I am concerned that side drive thru traffic is being routed behind the store which creates the unacceptable conditions you cited in your decision.

Though I understand why variances in this case were granted, I cannot understand why CVS representatives have asked you to second guess your decision concerning the drive thru. Certainly, if, as Mr. Wes Guckert previously testified, CVS is expecting an average of 1 car per hour at the drive thru, in a 13 1/2 hour day, CVS would not stand to lose a significant amount of business if any. I say, "if any", since the only other drug store in the area with a drive thru is a CVS located on Philadelphia Road and Middle River Road. On the other hand I am concerned that since Mr. Leslie Pittler proposed to Wand Kod that CVS would stipulate they would allow no more than 5 cars at the drive thru at a time, we may be being misled in regard to the amount of traffic a drive thru will create. In your decision you explained that 803 and 805 Fuselage Avenue can be used for parking but that the development of the site must be monitored closely to prohibit adverse impact on the residences directly across Fuselage Avenue. In my opinion to permit a side drive thru not only does nothing to honor your decision as it relates to nuisances of noise, lighting and traffic imposed on residents to the rear of the property, it intensifies the same nuisances by adding to the amount of residents affected. To allow a side drive thru creates adverse impacts on residents to the rear as well as residents on Fuselage Avenue.

As you well know, and as is evidenced by Mr. Leslie Pittler's comment to Ellen Kern concerning stipulations put on CVS employees in relation to the number of cars allowed at the drive thru, enforcement becomes a mute point. Once the Petitioner gets your okay, representatives move on to another project leaving the residents to deal with what was agreed to and what truly is. Mr. Bruce Hollingsworth testified on June 16th as the architect engineer, yet he never visited and was not familiar with the site at Philadelphia and Middle River Road. That site is still experiencing some problems and continues to undergo construction. Mr. Wes Guckert did a traffic study of the Martin Boulevard site but yet was ignorant to the fact that school bus stops are located on the corner and adjacent corners of the site. You and I both know that CVS building criteria is not so strict as to having to be located on a corner as Mrs. Donna Deerin testified. The point I'm trying to make is that you and I are both savvy enough to realize that this is the Petitioner's job. They say and do what they need to in order to begin the project. Once you say okay, we the residents are left to contend. Please trust your first instinct, I believe it to be a good one. Deny the side drive thru realizing that unless we are being misled, the drive thru will not make that big of a difference for CVS and practical difficulty would not be suffered by the Petitioner.

LINDA KIMMELL
Name

51 VEW RD BALTO, MD 21221
Address

410-685-5500 X2141
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

Dear Mr. Schmidt,

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Mr. & Mrs. John Rooney
Name
24 Box Circle 21221
Address
410 - 391 - 2139
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Judith Ann Wilson

Name

18 Red Circle Baltimore, Md. 21221

Address

410-391-7145

Phone

8/23/98

At the hearing we attended CVS testified they receive one delivery a week. This is not true. We watched the new CVS on Philadelphia Rd & Middle River Road and there were always outside trucks there. During their grand opening a Coke truck sat on the lot for one month and a ditched trailer sat there for 3 weeks. I too have seen CVS Drug Stores not located on a corner, ex Harford Road.

Thank you

Judith Ann Wilson

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Name

David C. Poling

Address

717 PUSBLAGE AVE

Phone

410 6861444

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Lynn Lewis
Name
221 Glider Dr. Balto, MD 21220
Address
410-391-5938
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

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Parcel D of Golden Tree
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Richard O'Leary
Name

11 BOX CIRCLE
Address

410-391-3787
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
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Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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~~Mrs Mrs~~ Philip J. Spore Jr.

Name

26 Box Circle Balto. md. 21221

Address

410-391-9430

Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
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803 and 805 Fuselage Avenue

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MR & MRS JAMES ANDERSON JR.
Name

30 BOX CIRCLE
Address

410-574-3193
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
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Steven F. Burrell

Name

7 Box Circle

Address

410 574-6753

Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

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Betty Skinner
Name

32 Bay Circle, Balti. Md. 21221
Address

410 391-4510
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Mr. & Mrs. Michael J. Kern
Name

28 Box Circle Balto, Md 21221
Address

(410) 687-5673
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Anita Bass
Name
7 Right Elevator Drive
Address
410) 687-6551
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Steven R. Nawrocki / Fred F. Nawrocki / Belen
Name Handwritten
714 Fuseage Ave - 21220
Address
410-574-4183
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Special Hearing and Variance
SW Corner Martin Boulevard and Compass Road
Parcel D of Golden Tree
803 and 805 Fuselage Avenue

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Mr & Mrs Joey A Bucher Sr.
Name

712 Fuselage Ave
Address

410-574-8170
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

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RICHARD MASEWSKI Rich Masewski
Name
9 Russett Ct
Address
410 686 7538
Phone

Mr. Lawrence Schmidt
Zoning Commissioner for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

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Elmer C. Leary
Name

29 Right Wing Dr. Balt Md. 21220
Address

410-687-5441
Phone

Timothy Zuh
Name

20 YAW METER DR
Address

410-238-0048
Phone

Bezma J. Hage
Name

16 Yawmeter Drive
Address

410-686-0414
Phone

Daniel Honeycutt
Name

14 YAWMETER DR
Address

(410) 687-5232
Phone

Worth A Brown
Name

16 Yawmeter Dr
Address

410-687-5790
Phone

Rufus R. Wallace
Name

16 Stabilizer Dr. Baltimore
Address

Ca 410-686-9130
Phone

William Davidson
Name

5 Right Elevator Dr Balto., 20 Md
Address

410-391-0367
Phone

Dennis Martin
Name

3 Right Elevator Dr. Balt.- Md 21220
Address

410-780-3347
Phone

William Street
Name

2 Right Elevator Dr.
Address

410-391-9398
Phone

Sherry L. Winkler
Name

702 Fuselage Ave.
Address

410-780-0285
Phone

Edward E. Hart
Name

21 Stabilizer Drive Balt. Md. 21220
Address

410 686 5149
Phone

John William Kimble

Name

29 STABILIZER DRIVE BALTO MD 21220

Address

410 686 4820

Phone

Verdie E Kimble

Name

29 STABILIZER DR BALTO, MD 21220

Address

Phone

HERMIT SNYDER

Name

43 STABILIZER DR BALTO MD 21220

Address

410-391-4841

Phone

JOHN E ZACOT

Name

100 YAWMETER DR BALTO, MD 21220

Address

410-686-6178

Phone

Colette Benner

Name

26 Yawometer Dr

Address

686-4068

Phone

Robert G. Metz

Name

23 Stabilizer Dr. Balt 21220

Address

410-682-5848

Phone

Name

Robert Z. Ball

Address

25 Rt. Elevator Dr, 410-687-2333

Phone

Reichart 17 Right Elevator Dr

Name

Baltimore md 21220

Address

4106873753

Phone

Malie E. Jones

Name

11 Right Elevator Dr. Balt. Md. 21220

Address

~~4106873753~~

Phone

RAYMOND EVIANIAK

Name

9 RIGHT ELEVATOR RD BALTO MD 21220

Address

410-687-3784

Phone

Sue Stone

Name

1 Yawmutter Dr. Balto. Md. 21220 - 410 682-3376

Address

410-682-3376

Phone

Ronald G. Anders

Name

3 Yawmutter Dr., Balto., MD 21220

Address

410-391-0336

Phone

Betty B. King

Name

804 Fuselage Avenue, Balto., MD 21220

Address

410-686-0161

Phone

Paul S. Bauer

Name

900 Fuselage ave, Balto. MD 21220

Address

410-687-4007

Phone

Mary Edwards

Name

5 Yawmutter Dr. Balto., MD 21220

Address

410-687-8703

Phone

Randall C. Hernandez

Name

545 Fuselage Ave Balto - 21221

Address

Phone

Angela E. Allen

Name

23 Compass Rd 21220

Address

Phone

Gronne C. Ryan

Name

23 Compass Rd, Balto. 21220

Address

410-391-5668

Phone

Lisa Bisasky

Name

28 Yawmeter Dr. 21220

Address

410-682-4610

Phone

Cora Barrett

Name

28 Yawmeter Dr. 21220

Address

410-682-4610

Phone

Name Stephan Wargo

Address 28 Gawmeter Dr. 21220

Phone 410-4610

Name James Barrett

Address 28 Gawmeter Dr. 21220

Phone 410-4610

Name Judy Bailey

Address 21 Compass RD 21220

Phone 410-574-4546

Name Bruce Bailey

Address 21 COMPASS RD 21220

Phone 410 574-4546

Name _____

Address _____

Phone _____

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

Edward E. Hart

VIVIAN Nawrocki

ELLEN KERN

JAMES ANDERSON JR.

Betty Skidmore

Betty B. King

Luc Stone

ROBERT L. WILSON SR

21 Stabiliz's Dr. 21220

714 Fuselage Ave 21220

28 Box Circle 21221

30 BOX CIRCLE 21221

32 Bay Circle 21221

804 Fuselage Ave. 21220

19400th Dr. 21220

18 BOX CIRCLE 21221

Protestants

PLEASE PRINT CLEARLY

~~PROTESTANTS~~ SIGN-IN SHEET

NAME	ADDRESS
✓ SHARON McDOWELL	801 Fuselage Ave
✓ ELLEN KERN	28 Box Circle
✓ EDWARD E. MART	21 STABILIZER DRIVE
✓ WANDA KOD - Aero Assoc Civic Improvement Assn	10 LEFT AILERON DR. 21220
✓ FRANK FIORI	631 FUSELAGE AVE 21221
✓ Marla Jones	705 Fuselage Ave, Baltimore 21220
✓ KATHY WHISNER	629 Fuselage Ave 21221
✓ JERRY WHISNER	629 FUSELAGE AVE 21221
✓ BETTY SKIDMORE	32 Box Circle 21221
✓ JAMES C. ANDERSON S.R.	30 Box Circle 21221
✓ Betty B. King	804 Fuselage Ave. 21220
✓ Sue Stone	1 Yawmaster Dr. 21220
✓ Anita Bass	7 Right Elevator Dr. 21220
✓ SUNTA DICKERSON	4 Yew Rd 21221
✓ EDWARD T. CARTER SR.	8 Compass Rd 21220
✓ CHRISTIANE M. CARTER	8 Compass Rd 21220
✓ ROBERT L. WILSON SR	18 BOX CIRCLE 21221
✓ JUDITH A. WILSON	18 BOX CIRCLE 21221
✓ Donald Lee Sheppard	802 Fuselage Ave 21221
✓ Robert G. Metz	23 Stabilizer Dr. 21220
✓ LOY H. ALT	19 Dihedral Dr. 21220
✓ John W. KIMBLE	29 STABILIZER DR 21220
✓ Randy Cogar	814 WAMPLER Rd 21220
✓ Lynn Lewis	281 Glider Dr. 21220
✓ Vivian Nawrocki	714 Fuselage Ave 21220



FOR PETITION

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

LEWIS HESS

WES GUCKERT

LAURIE A. MAZZOTTA

✓ BRUCE HOLLINGSWORTH

✓ TOM WOOLFOLK

✓ DONNA M. DEERIN / Blackford

P.O. Box 5890 - BALTO. 21282

via 600 40 W. CHESAPEAKE AVE.

TOWSON MD. 21204

606 PALT. AVE 402C, TOWSON 21204

129 BARNETT RD. SILVER SPRING, MD

658 KENILWORTH 21204-20201

1891 Santa Barbara Dr. Suite 201

Lancaster PA 17601



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOSEPH DEERIN LMS

1891 SANTA BARBARA DR

LANCASTER PA. 17601

Laura Miller CVS

11729 Beltsville Dr

Beltsville, MD 20705



VICTORY VILLA IMPROVEMENT ASSOCIATION INC.

Duward E. Hart President
21 Stabilizer Drive
Baltimore, Md. 21220
410-686-5149

Prot. No 1

Zoning Commissioner

We the residents of Victory Villa, Aero Acres, and Golden Tree do not want the CVS store to be built on the corner of Martin Blvd. Compass Road, and Fuselage Ave. which is the main entrance to our communities. The problems and concerns that we express are:

1 **TRAFFIC** - The intersection at Martin Blvd. and Compass Road was one of the most dangerous in Baltimore County, until we residents thru a lot of letter writing, tele con, and personal contacts persisted that left turn lanes be installed. It took several years to convince the county, because they said there was not room for the extra lane. They are in and have made a major improvement in safety and traffic flow.

2 **TOO LARGE** - The purposed building 75' X 135 'is too large for the lot; the set backs can not be met, they should meet the same restrictions as our homes; the ingress and egress is not safe; parking; noise; because of the congestion, drive thru window, pickup and deliver of supplies; and trash removal. The variances should not be granted because they will adversely affect health, safety and general welfare of the community. The 10 foot buffer in lieu of a 50 foot will deface the community and evoke substandard living conditions on the property owners who brought their homes in good faith of the county codes and has the right to be protected.

3 **ENTRANCE TO THE COMMUNITIES** - This will cause congestion in traffic coming and going out, because of the back ups into Martin Blvd. and at the four way stop sign at Fuselage Ave. and Compass Road, which is a stop for the school buses.

4 **RIGHT TURN OF F MARTIN BLVD.** - There is a right turn lane on Martin Blvd. now for Compass Road, however if another one is granted it will cause confusing because of the short distance approximate 200 ft. It will be blocking the right turn for entrance to our Communities.

5 **CONGESTION ON FUSELAGE AVE.** - Compass Road is a major throughfare in the Victory Villa community, however it is the main entrance to the south side of Victory Villa (440 Homes), Aero Acres (350 Homes), Golden Tree (+300 Homes). All of the traffic must go thru the Four way stop sign at Fuselage Ave. Compass Road is a short block (342 ft) between Martin Blvd. and Fuselage Ave., since traffic backs up now it will be a jam with ingress and egress near Martin Blvd. Fuselage Ave. is only 40 ft wide, with parking on both sides, and 173 ft long between Compass Road and Yawmeter- Box Court. This will be hav-oc for the four remaining homes in the block with tractor-trailer trying to move on such a narrow street.

6 **Victory Villa is a Historical war-time monument** - The four room crackers boxes all look alike in 1942 when they were built by the federal government as housing for war-time workers that came to build bombers at the Glen L. Martin Co. and sold to the residents in 1956. The gray walls vanished behind brick, aluminum and vinyl siding. Residents dug basement, built additions, porches, garages and remodel the homes into a good loving community. The Community should not be destroyed or defaced for the sake of a too large building that needs special exceptions and at the disruption of the residents livelihood and neighborhood, With so many drug stores in the vicinity there is no need of another.

AERO ACRES CIVIC IMPROVEMENT
ASSOCIATION
P. O. BOX 5042
BALTIMORE, MD 21220

Not Not

RE: CVS SITE PLAN
CONCERNS AND OPPOSITIONS

TRAFFIC- MULTIPLE EXITS AND ENTRANCES FROM CVS PHARMACY, EMERGENT FOOD AND MOBIL GAS INTO A SINGLE LANE ON EITHER SIDE. THERE IS LESS THAN A BLOCK BETWEEN A 4 WAY TRAFFIC SIGNAL AND 4 WAY STOP SIGN. CONGESTION AND ACCIDENTS HIGH PROBABILITY. ANYONE GOING BETWEEN THE TRAFFIC LIGHT AND FOUR WAY STOP SIGN WILL NOTICE THE BACKUPS IN BOTH DIRECTIONS. THERE WILL BE NOWHERE FOR THE VEHICLES EXITING CVS TO GO.

PROJECT SIZE NOT COMPATIBLE WITH LOT SITED. A 10 FOOT BUFFER FOR A COMMERCIAL PROPERTY TO BE FROM SOMEONE'S BACKYARD WHEN 50 FOOT IS REQUIRED IS UNACCEPTABLE. MULTIPLE VARIANCES NEEDED DUE TO LOT NOT BEING SUITABLE FOR THIS COMMERCIAL PROJECT. TO INFRINGE ON RESIDENTS PROPERTY TO COMPLETE A COMMERCIAL PROJECT IS UNNECESSARY WHEN THERE ARE SO MANY COMMERCIAL SITES AVAILABLE.

PLENTY OF COMMERCIAL PROPERTY IN COMMUNITY- CVS UNWILLING TO IMPROVE COMMUNITY BY USING CURRENT COMMERCIAL BUILDINGS AND RENOVATING THEM OR REBUILDING WITH NO VARIANCES NEEDED.

AS A COMMUNITY AS A WHOLE WE AS AN ASSOCIATION TRY TO PROTECT ONE ANOTHER'S RIGHTS. WE FEEL THAT CVS HAS NOT TAKEN THE COMMUNITY OR INDIVIDUALS CONCERNS SERIOUSLY. WE WOULD LIKE TO SEE THE BUILDING DOWNSIZED TO ALLOW AT LEAST A 25 FOOT BUFFER BETWEEN THE PARKING LOT AND RESIDENTS PROPERTY. WE WOULD ALSO LIKE TO SEE CVS IMPROVE THE TRAFFIC PATTERN TO SAFEGUARD AGAINST HEAVY CONGESTION AND MULTIPLE ACCIDENTS.

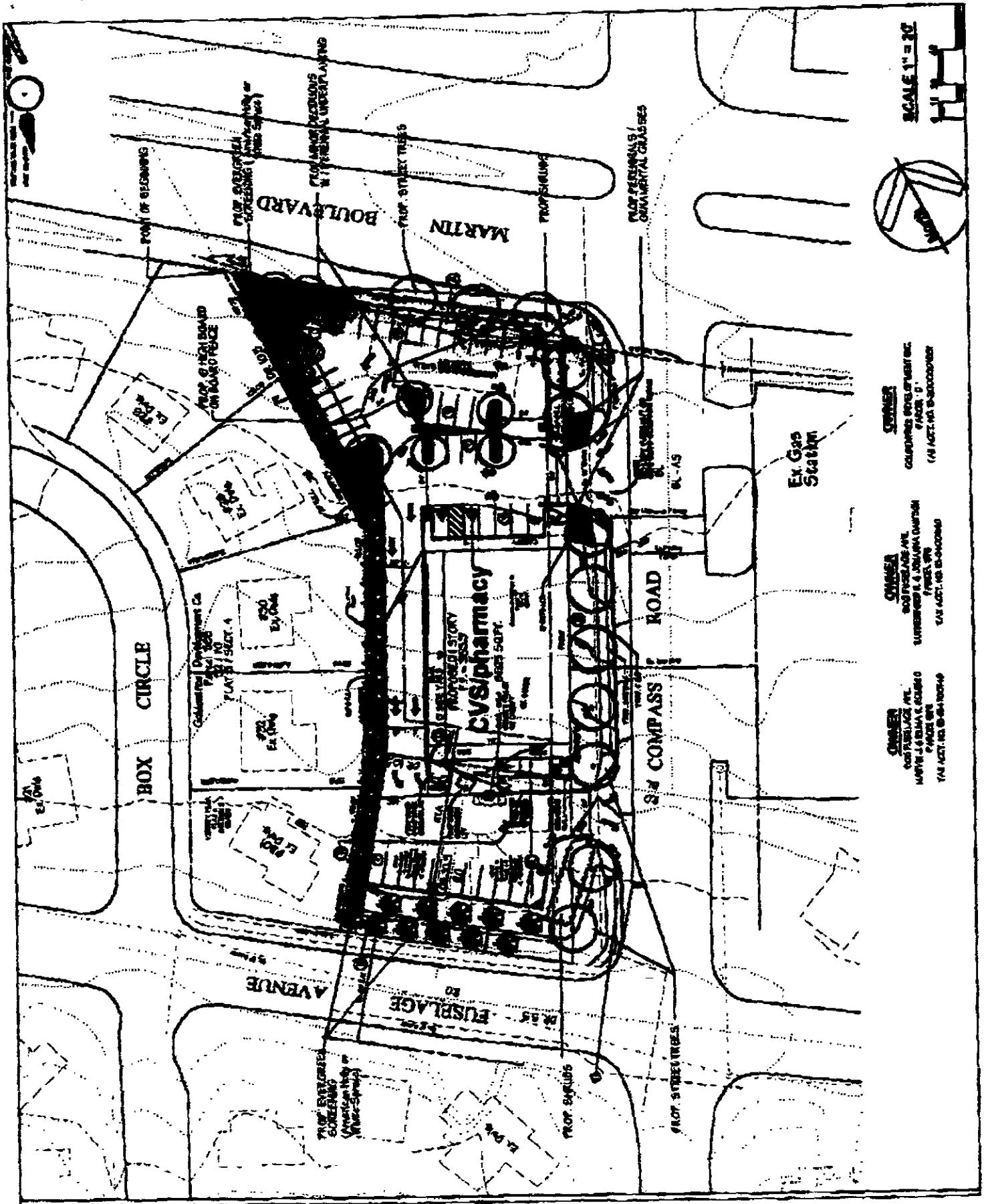
A TRAFFIC STUDY SHOULD BE COMPLETED TO PROVE THE
INACCESSIBILITY INTO THE FLOW OF TRAFFIC FROM CVS'S PLANNED
EXITS. IF THIS IS NOT POSSIBLE THEN THE ASSOCIATION FEELS THAT
CVS SHOULD USE ONE OF THE MANY COMMERCIAL BUILDINGS OR
COMMERCIAL SITES AVAILABLE AND RENOVATE AS TO CAUSE NO
HARDSHIP ON ANY ONE COMMUNITY OR INDIVIDUAL.

SINCERELY,

WANDA M. KOD
PRESIDENT
410-391-2010

AUG. 13. 1998 11:42AM

GWS SON



LESLIE M. PITTLER

ATTORNEY-AT-LAW

SUITE 610

29 WEST SUSQUEHANNA AVENUE

TOWSON, MARYLAND 21204

(410) 823-4455

FACSIMILE
(410) 583-2437

June 10, 1998

Ref. No. 2

Mr. Arnold F. "Pat" Keller
Director
Baltimore County Office of Planning
401 Bosley Avenue
Towson, Maryland 21204

Re: Proposed CVS, Martin Blvd. And Compass Road

Dear Pat:

Pursuant to the meeting held in your office on the morning of June 10, 1998, at 10:30 AM, the Developer of the above-captioned site will testify at the Hearing scheduled for June 16, 1998, as to the following:

A: The proposed square footage of the building is to be reduced from 10,100 square feet to 8600 square feet. This reduction of 1500 square feet is a concession that is rarely if ever made by CVS, but is being done as an accommodation to the neighbors of the site.

B: The Developer will erect a fence on the side of the property bordering Box Hill Circle in order to screen the site from the adjacent homes, with the fence and appropriate landscaping.

C: The dumpster serving the building will be enclosed within a masonry enclosure as well as any compacter that CVS will have on site, to match the building's texture.

D: The Developer will not increase the drainage or run-off on the adjacent neighbors homes.

E: Any sound system connected with the operation of the building will be at or below the state mandated decibel levels, and if possible eliminated altogether.

F: The Developer will have no entrance or exit onto Fuselage Avenue.

G: The large roof-top package units will be enclosed in a sufficient manner so as not to make them visible to the adjacent homes.

92 COMPREHENSIVE ZONING MAP
Request For Zoning Change
Applicant must present this form
and required supplemental material in person

Ref No 2

Baltimore County
Office of Planning and Zoning
401 Bosley Avenue
Towson, MD 21204
301-887-3480

OFFICE USE ONLY

Issue No. _____
Council District _____
Planner _____
Received on ____/____/____
Fee (non-refundable) _____
Receipt No. _____

PLEASE TYPE OR PRINT

--- Applicant Information ---

1. Golden Tree Development Company
Name
2. _____
Organization, if applicable
3. P.O. Box 5890
Mailing address
4. Baltimore, MD 21208
City, state, and zip code
5. (H) _____ (B) 256-1001
Home and business phone numbers
6. John B. Howard, Esquire and
Attorney or other representative, if any
Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
Representative's firm name (if applicable)

210 Allegheny Avenue
Address
Towson, Maryland 21204
Representative's city, state, and zip code
823-4111 ext. _____
Representative's business phone number

--- Property Information ---

7. Golden Tree Development Company
Property owner's name
8. P.O. Box 5890, Balt. MD 21208
(Number) (Zip)
Property street address and zip code
9. .7 Ac. +
Acreage or lot size of total property
10. SW corner of Martin Blvd. and Compass Rd.
Distance of property to nearest street/intersection
Name street(s)
11. 2 0 - 0 0 - 0 0 1 6 5 1
Property-tax number
12. 90 (grid 9) 13. 585
Property-tax map number Parcel number
14. F-3 15. NE 4H
1,000-scale zoning map no. 200-scale zoning map no.

FOR OFFICE USE ONLY

- | | |
|------------------------------|--------------------------|
| 16. Water-service zone _____ | Subsewershed zone _____ |
| Water-service area _____ | Sewer-service area _____ |
| Transportation zone _____ | Police Precinct _____ |
| Growth Management _____ | School district _____ |
| Area _____ | Elementary _____ |
| Critical Area _____ | Middle _____ |
| designation _____ | High _____ |

----- Zoning Request Information -----

17. RO = .7 Ac. +
Existing zoning, in acres per zone
18. Vacant
Existing use of property
retail/service/office
19. BL = .7 Ac. +
Proposed zoning, in acres per zone
20. XXXXXXXXXX
Proposed use of property
21. See Attached
Zoning history of property
22. _____
Community organizations in the area of this zoning request

THE INFORMATION SHOWN ON THIS FORM IS ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.
GOLDENTREE DEVELOPMENT COMPANY
BY: [Signature]

By: Venable, Baetjer & Howard

(Signature)

OWNER ACKNOWLEDGEMENT: Y N
Are you the owner?

If yes, review and sign below.

23. I hereby grant permission to Baltimore County for any required field inspections of my property in regard to the subject zoning request.
I hereby acknowledge that if any rezoning occurs, a change in the property tax assessment and/or transfer taxes may result for which the property owner would be responsible.
Further, I understand that if this zoning request is granted, it does not guarantee the issuance of plan approval or building permit. At the time of development processing, all County, State and Federal requirements in effect at that time must be satisfied.

Goldentree Development Company
Owner Name (Type or Print)

[Signature]
(Signature)

1992 COMPREHENSIVE ZONING PROCESS - ENVIRONMENTAL INFORMATION

1. <u> </u> DEPT	5. <u> </u> GM	Issue No. <u> </u>
2. <u> </u> AG	6. <u> </u> WM	System 36 ID: <u> </u>
3. <u> </u> EIR	7. <u> </u> AQ	Comments Due By: <u> </u>
4. <u> </u> CBCA		

APPLICANT INSTRUCTIONS: Please complete item (a) for each question. If you check "yes" to any question, please explain on the line provided. This information will be reviewed and verified by Baltimore County.

Applicant's Name: Goldentree Development Company
 Property Owner's Name: Goldentree Development Company
 Property Street Address: COMPASS RD. @ MARTIN BLVD. (S.W. CORNER)
 ADC Map Reference: Page 37 Grid E-5

1. Is this property shown in the Master Plan as a priority area for Agricultural Preservation?
 - a) Yes No ☒ Don't know
 - b) OPZ:
 - c) DEPRM:
2. Is this property or an adjacent property enrolled as a District/Easement in the Maryland Agricultural Land Preservation Program or under an Agreement with the Maryland Environmental Trust Program?
 - a) Yes No ☒ Don't know
 - b) OPZ:
 - c) DEPRM:
3. Are there intermittent streams, perennial streams, ditches or floodplains at this property or within 200 feet of this property?
 - a) Yes ☒ No Don't know
50' long drainage ditch and floodplain along Martin Blvd. frontage
 - b) OPZ:
 - c) DEPRM:
4. Are there tidal wetlands, nontidal wetlands, springs, seeps, bogs, swamps, or bottomland areas at this property or within 200 feet of this property?
 - a) Yes No ☒ Don't know
 - b) OPZ:
 - c) DEPRM:
5. Are there slopes greater than 10% or erodible soils at this property that are adjacent to streams, wetlands or floodplains?
 - a) Yes ☒ No Don't know
 - b) OPZ:
 - c) DEPRM:

6. Approximately what percent ($\pm 10\%$) of this property is wooded?

a) 60%

b) OPZ: _____

c) DEPRM: _____

7. Are there rare, threatened or endangered species habitats at this property?

a) Yes _____ No ☒ Don't know _____

b) OPZ: _____

c) DEPRM: _____

8. Is this property being used or has it been used previously for the handling, storage, stockpiling or disposal of radioactive materials, pathological materials, chemicals, petroleum products, deicing compounds, fertilizers or similar materials?

a) Yes _____ No ☒ Don't know _____

b) OPZ: _____

c) DEPRM: _____

Applicant's or Representative's Signature: _____

Date: 10/28/91

FOR OFFICE USE ONLY

OPZ Reviewer: _____

1. Is this property within 200' of a drainage divide? Yes _____ No _____

2. Is this property within 1,000' of a known groundwater contamination case?
Yes _____ No _____ ID No. _____

3. What Hydrologic Unit is this property in? I _____ II _____ III _____

4. What is the DRASTIC Index for this property? _____

DEPRM Division/Section Comments: _____

Reviewer: _____ Approved by: _____ Date: _____

Ref No 3

Thomas N. Woolfolk, L.A.

Project Manager

Towson

Mr. Woolfolk joined Stephens in 1995. His specialties include Project Planning & Management, Site Analysis & Site Planning, Stormwater Management, Sediment Control, Utility & Storm Drains, Roads & Streetscapes and Landscape Architecture.

Mr. Woolfolk has over 30 years of experience with Baltimore engineering, surveying and landscape architecture firms, including 13 years as a principal in his own firm.

Registration

Registered Landscape Architect, Maryland, 1989

Education

*Studies in Arts & Sciences, Catonsville Community College
Studies in Engineering & Surveying, Catonsville Community College*

Professional Membership

*American Society of Landscape Architects
Neighborhood Design Center
Soil & Water Conservation Society*

Zoning Testimony

Since 1980, Mr. Woolfolk has testified before various public bodies, zoning boards and other official groups. Zoning related testimony includes:

BALTIMORE COUNTY BOARD OF APPEALS:

*Glenbauer Property, 1986
Royal Farm Store, Middleborough Road, 1995*

BALTIMORE COUNTY ZONING HEARINGS AND HEARING OFFICER'S HEARINGS:

Weis Property, 1987

The Avenue at White Marsh, 1995

Owings Mills Self-Storage, 1996, 1997, 1998.

HOWARD COUNTY PLANNING BOARD:

Royal Farm Store, Glenelg, 1996

HOWARD COUNTY BOARD OF APPEALS:

Royal Farm Store, Glenelg, 1996

BALTIMORE CITY DESIGN ADVISORY PANEL

Rite Aid Store, Lauraville, 1997



EXAMPLES OF PLACES WHERE MR. GUCKERT HAS QUALIFIED AS AN EXPERT WITNESS

California

City of Milpitas, City Council

Maryland

Allegheny County Planning Board
Anne Arundel County, Board of Appeals, Circuit Court, Zoning Hearing Examiner
City of Annapolis City Council, Planning Commission
Baltimore City Board of Zoning Appeals, City Council, Federal District Court, Planning Commission
Baltimore County Board of Appeals, Circuit Court, County Council, Planning Board, Zoning Commissioner
Town of Bel Air Board of Appeals, Planning Board, Town Commissioners
Carroll County Board of Appeals, County Commissioners, Planning Board
Charles County Town of Indian Head-Mayor and City Council
Charles County Board of Appeals, County Commissioners, Planning Board
City of Frederick Board of Appeals, City Council, Planning Commission
Frederick County Board of Appeals, County Commissioners, Planning Board
Harford County Planning Commission, Zoning Hearing Examiner

Howard County Board of Appeals, Planning Board, Zoning Board
Montgomery County Board of Appeals, County Council, Zoning Hearing Examiner
Montgomery County M-NCPPC (Planning Board)
Ocean City Planning Commission, Board of Appeals
Prince George's County Council, Zoning Hearing Examiner
Prince George's County M-NCPPC (Planning Board)
St. Mary's County Planning Board
Washington County Board of Appeals

New Jersey

Holmdel Township Planning Board

Pennsylvania

City of Scranton-Board of Appeals, Planning Board
West Whiteland Township-Planning Board, Town Council

Virginia

Arlington County Board of Supervisors
Loudoun County Planning Board
Prince William County Planning Board and Board of Supervisors

REPRESENTATIVE LIST OF PROJECTS AND STUDIES

Retail Projects

Annapolis Plaza and Restaurant Park, Anne Arundel Co.
Annapolis Mall, Anne Arundel Co.
Avenue at White Marsh, Baltimore Co.
Briarcliffe Mall, Myrtle Beach, South Carolina
Cranberry Mall, Carroll Co.
Diamond Point Mall, Baltimore Co.
Festival at Riva, Anne Arundel Co.
Festival at Waldorf, Charles Co.
Great Mall of Arizona, Tempe, Arizona
Great Mall of the Bay Area, Milpitas, California
Lebanon Valley Mall, Lebanon, Pennsylvania
The Mall at Steamtown, Scranton, Pennsylvania
Montgomery Mall, Montgomery Co.
Potomac Mills, Pr. William Co., Virginia
Sam's Club, Anne Arundel Co.
Towson Town Center, Baltimore Co.
Wal-Mart Store, Anne Arundel Co.
Wheaton Plaza, Montgomery Co.
Yorkridge Shopping Center, Baltimore Co.

Office Projects

BWI Commerce Park, Anne Arundel Co.
Collington Corp. Ctr., Pr. George's Co.
Columbia Corporate Park, Howard Co.
Green Spring Station, Baltimore Co.
National Business Park, Anne Arundel Co.
Owings Mills Corp. Campus, Baltimore Co.
PortAmerica, Pr. George's Co.
Presidential Corp. Centre, Pr. George's Co.
USF&G, Baltimore City

Residential Projects

Villages of Elk Neck, Cecil Co.
Villages of Marlborough, Pr. George's Co.
Villages of Piscataway, Pr. George's Co.
Waverly Woods, Howard Co.
White Marsh, Baltimore Co.
Woodbridge, Harford Co.

Mixed-Use Projects

Bowie New Town Center, Pr. George's Co.
Chapman's Landing PUD, Charles Co.
Milestone/Marriott Properties, Montgomery Co.
Piney Orchard PUD, Anne Arundel Co.
Riverside PUD, Harford Co.

Institutional Projects

Bryn Mawr School, Baltimore City
Friends School, Baltimore City
GBMC, Baltimore Co.
Loyola High School, Baltimore Co.
McDonogh School, Baltimore Co.
Sinai Hospital, Baltimore City
St. Joseph's Hospital, Baltimore Co.
UMAB, Baltimore City
Union Memorial Hospital, Baltimore City
University of Maryland, Pr. George's Co.
Villa Julie College, Baltimore Co.
Virginia Commonwealth University, Richmond, Virginia

Bel No 6



WES GUCKERT PRESIDENT

Wes Guckert is a recognized and well respected expert in the field of traffic engineering and transportation planning. Serving as a technical advisor in the areas of traffic impact analysis, traffic signal design, traffic circulation, access studies and transportation planning, Mr. Guckert has played a major role in over 2,000 projects that span the urban and suburban areas of Maryland, Virginia, Pennsylvania, New Jersey and Delaware. As a result of his expertise, Mr. Guckert has provided consultation on projects throughout the United States.

Early in his career, Mr. Guckert served for five years with the Maryland SHA Traffic Division. Prior to founding The Traffic Group, Mr. Guckert served as a traffic engineering consultant for eight years. As Project Manager for various public agency projects, he was responsible for the Maryland 210 Bus Stop Study, the Capital Centre Access Study and the University of Maryland Access Study. He has directed the design and implementation of traffic access systems for regional projects such as National Business Park, Presidential Corporate Center, Largo Town Center, the Milestone Property, Wheaton Plaza, Salisbury Centre, PortAmerica, Bowie New Town Centre, Towson Town Center and the Annapolis Mall Expansion.

Mr. Guckert has undertaken Traffic and Transportation Studies for more than ten Wal-Mart Stores in the Maryland region, and within the last two years, The Traffic Group, Inc. has undertaken numerous studies of Value-Oriented Centers and other Regional Malls, including the Great Mall of the Bay Area (Milpitas, California); Chesapeake Factory Outlet Stores (Queenstown and Perryville, Maryland); The Mall at Steamtown (Scranton, Pennsylvania); and is working on two other Great Mall Projects in Kansas City and Tampa.

A renowned expert in the field, Mr. Guckert is often asked to serve as an expert witness, testifying before County and Municipal Boards and District Courts on traffic engineering and transportation planning issues.

In 1992, as a result of the 1990 Clean Air Act Amendments, Mr. Guckert formed "Transportation Coordinators" as a division of The Traffic Group, Inc. Transportation Coordinators provides consultation to employers as it relates to compliance with the Employee Commute Options (ECO) Program.

JOB HISTORY

1985 to Present

President, The Traffic Group, Inc

1977-1985

Traffic and Transportation Planning Consultant

1972-1977

Maryland State Highway Administration--Traffic Division
Assistant Regional Traffic Engineer

EDUCATIONAL BACKGROUND

Bachelor of Science--University of the State of New York
Civil Engineering Preparation. Johns Hopkins University,
Towson State University, and Essex Community College
Traffic Engineering Courses: Northwestern University
Traffic Institute
University of Tennessee Transportation Center
University of Maryland

AFFILIATIONS

American Planning Association (A.P.A.)
Essex Community College Foundation Board of Directors
Institute of Transportation Engineers (I.T.E.)
Life Fellow
Transportation Research Board (T.R.B.)
Urban Land Institute (U.L.I.)

I.T.E PROFESSIONAL COMMITTEES

- Committee No. 5P-5 - Capacities of Multiple Left-Turn Lanes
- Committee No 5P-07 - Traffic Counting Practices
- Committee No. 5S-1 - Capacities of Triple Left-Turn Lanes
- Internal Transportation Systems for Majority Activity Centers
- Parking Facilities for Industrial Plants
- Traffic Considerations for Special Events

PUBLICATIONS

- "The Evolution of Adequate Public Facilities and Their Effectiveness as Growth Management Tools in Maryland" (Co-Author) - I.T.E. 1991 Annual Meeting
- "Trip Generation Comparisons of Club Warehouse Stores"
- "Value-Oriented Retail Centers - A Follow-Up Report"

PUBLIC AGENCY CLIENTS

Anne Arundel County Department of Public Works
Baltimore County Department of Public Works
Calvert County Department of Planning and Zoning
City of Westminster, Carroll County
Delaware Department of Transportation
Federal Highway Administration
Maryland State Highway Administration
Maryland-National Capital Park & Planning Comm.,
Pr. George's Co. and Montgomery Co.
Montgomery County Department of Transportation
Prince George's County Department of Public Works
The Towson Partnership
Town of Bel Air, Harford County
Town of Kensington, Montgomery County
Town of Mt. Airy, Carroll County
Virginia Commonwealth University
Washington County Department of Public Works



Ref No 7

April 28, 1998

LMS Commercial Real Estate
Mr. Joe Deerin
1891 Santa Barbara Drive
Suite 201
Lancaster, PA 17601

RE: CVS - Compass Road
Baltimore County, Maryland
Our Job No.: 980408

Dear Mr. Deerin:

As requested, The Traffic Group, Inc. has undertaken an analysis to determine the impact of the proposed access to the CVS Pharmacy located in the southwest quadrant of Martin Boulevard and Compass Road in the Middle River area of Baltimore County.

We conducted turning movement traffic counts at MD 700 and Compass Road on Wednesday, April 22, 1998 from 7 AM to 10 AM and from 3 PM to 6 PM. The total vehicles observed and all the data collected is attached to this letter.

The intersection is currently operating at a Level of Service "A" during both the morning and evening peak hours and the additional traffic generated by the site will not create an adverse effect, nor will it change the level of service.

We further conducted queuing studies for traffic along northbound Compass Road approaching MD 700 and based upon that data, we recommend that left turns out of the site onto northbound Compass Road not be allowed. This movement should occur by requiring vehicles to use the by-pass lane for the pick-up window, exit onto Fuselage Avenue, make a left turn onto Fuselage Avenue, and a left turn onto northbound Compass Road to reach the Martin Boulevard traffic signal. ***The proposed exit out of the site onto northbound Compass Road is simply too close to the traffic signal to allow for satisfactory traffic movements.***

*The Traffic Group, Inc.
Suite 600
40 W. Chesapeake Avenue
Towson, Maryland 21204
410-583-8405
Fax 410-321-8458*

VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: Md.700(Martin Blvd.)
and: Compass Rd.
Location: Balto.Co.,Md.

Counted by: BM,CH
Date: April 22, 1998
Weather: Fair,Cool
Entered by: SB

Day: Wednesday



TIME	TRAFFIC FROM NORTH on: Compass Rd.				TRAFFIC FROM SOUTH on: Compass Rd.				TRAFFIC FROM EAST on: Md.700(Martin Blvd.)				TRAFFIC FROM WEST on: Md.700(Martin Blvd.)				TOTAL N + S + E + W				
	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	RIGHT	THRU	LEFT	U-TN	TOTAL	U-TN	LEFT	THRU	RIGHT	TOTAL	
AM																					
07:0-15	43	20	9		72	43	16	13	72	7	163	10	0	180	0	9	99	12	120	444	
15-30	41	34	3		78	33	19	20	72	2	202	15	0	219	0	8	96	12	116	485	
30-45	44	27	6		77	34	29	16	79	11	179	16	0	206	0	9	77	13	99	461	
45-00	33	15	2		50	36	21	16	73	5	169	9	0	183	0	8	78	17	103	409	
08:0-15	40	16	2		58	30	24	7	61	15	163	12	0	190	1	20	109	13	143	452	
15-30	36	20	17		73	31	24	9	64	12	134	8	0	154	1	8	93	9	111	402	
30-45	31	20	15		66	24	23	13	60	14	105	17	0	136	0	9	84	17	110	372	
45-00	26	18	10		54	28	26	14	68	13	121	10	0	144	0	10	89	15	114	380	
09:0-15	16	12	14		42	21	14	13	48	9	144	6	0	159	0	20	81	11	112	361	
15-30	17	7	7		31	26	16	10	52	14	89	3	0	106	0	10	78	17	105	294	
30-45	16	16	6		38	17	18	10	45	11	90	14	2	117	0	13	72	11	96	296	
45-00	14	14	10		38	11	15	11	37	10	87	16	0	113	1	14	72	7	94	282	
3 Hr Totals	357	219	101	0	677	0	334	245	152	731	123	1646	136	2	1907	3	138	1028	154	1323	4638
1 Hr Totals																					
07-08	161	96	20	0	277	0	146	85	65	296	25	713	50	0	788	0	34	350	54	438	1799
715-815	158	92	13	0	263	0	133	93	59	285	33	713	52	0	798	1	45	360	55	461	1807
730-830	153	78	27	0	258	0	131	98	48	277	43	645	45	0	733	2	45	357	52	456	1724
745-845	140	71	36	0	247	0	121	92	45	258	46	571	46	0	663	2	45	364	56	467	1635
08-09	133	74	44	0	251	0	113	97	43	253	54	523	47	0	624	2	47	375	54	478	1606
815-915	109	70	56	0	235	0	104	87	49	240	48	504	41	0	593	1	47	347	52	447	1515
830-930	90	57	46	0	193	0	99	79	50	228	50	459	36	0	545	0	49	332	60	441	1407
845-945	75	53	37	0	165	0	92	74	47	213	47	444	33	2	526	0	53	320	54	427	1331
09-10	63	49	37	0	149	0	75	63	44	182	44	410	39	2	495	1	57	303	46	407	1233
PEAK HOUR																					
715-815	158	92	13	0	263	0	133	93	59	285	33	713	52	0	798	1	45	360	55	461	1807
PM																					
03:0-15	13	30	13		56	12	34	24	70	15	111	27	5	158	1	23	139	27	190	474	
15-30	16	29	18		63	15	29	18	62	11	118	19	4	152	1	23	140	26	190	467	
30-45	16	27	16		59	13	26	19	58	13	126	13	1	153	0	32	159	24	215	485	
45-00	19	24	12		55	22	44	14	80	15	126	22	2	165	1	31	169	30	231	531	
04:0-15	15	24	13		52	17	35	15	67	21	137	24	3	185	0	46	187	33	266	570	
15-30	13	26	22		61	21	22	16	59	21	106	31	6	164	1	20	193	38	252	536	
30-45	15	25	26		66	9	28	22	59	23	114	29	4	170	0	41	198	26	265	560	
45-00	18	29	21		68	18	34	17	69	20	106	20	3	149	0	35	163	33	231	517	
05:0-15	17	27	20		64	17	30	21	68	21	103	21	2	147	0	32	156	29	217	496	
15-30	19	26	16		61	21	43	20	84	19	99	24	3	145	0	34	154	23	211	501	
30-45	19	22	18		59	22	30	22	74	15	92	36	1	144	1	32	158	33	224	501	
45-00	16	35	14		65	31	30	16	77	10	93	29	0	132	0	29	143	34	206	480	
3 Hr Totals	196	324	209	0	729	0	218	385	224	827	204	1331	295	34	1864	5	378	1959	356	2698	6118
1 Hr Totals																					
03-04	64	110	59	0	233	0	62	133	75	270	54	481	81	12	628	3	109	607	107	826	1957
315-415	66	104	59	0	229	0	67	134	66	267	60	507	78	10	655	2	132	655	113	902	2053
330-430	63	101	63	0	227	0	73	127	64	264	70	495	90	12	667	2	129	708	125	964	2122
345-445	62	99	73	0	234	0	69	129	67	265	80	483	106	15	684	2	138	747	127	1014	2197
04-05	61	104	82	0	247	0	85	119	70	254	85	463	104	16	668	1	142	741	130	1014	2183
415-515	63	107	89	0	259	0	85	114	76	255	85	429	101	15	630	1	128	710	126	965	2109
430-530	69	107	83	0	259	0	85	135	80	280	83	422	94	12	611	0	142	671	111	924	2074
445-545	73	104	75	0	252	0	78	137	80	295	75	400	101	9	585	1	133	631	118	883	2015
05-06	71	110	68	0	249	0	91	133	79	303	65	387	110	6	568	1	127	611	119	858	1978
PEAK HOUR																					
315-415	66	104	59	0	229	0	67	134	66	267	60	507	78	10	655	2	132	655	113	902	2053

CRITICAL LANE VOLUME (CLV) METHODOLOGY for MSHA



**The
Traffic
Group**

Compass Road

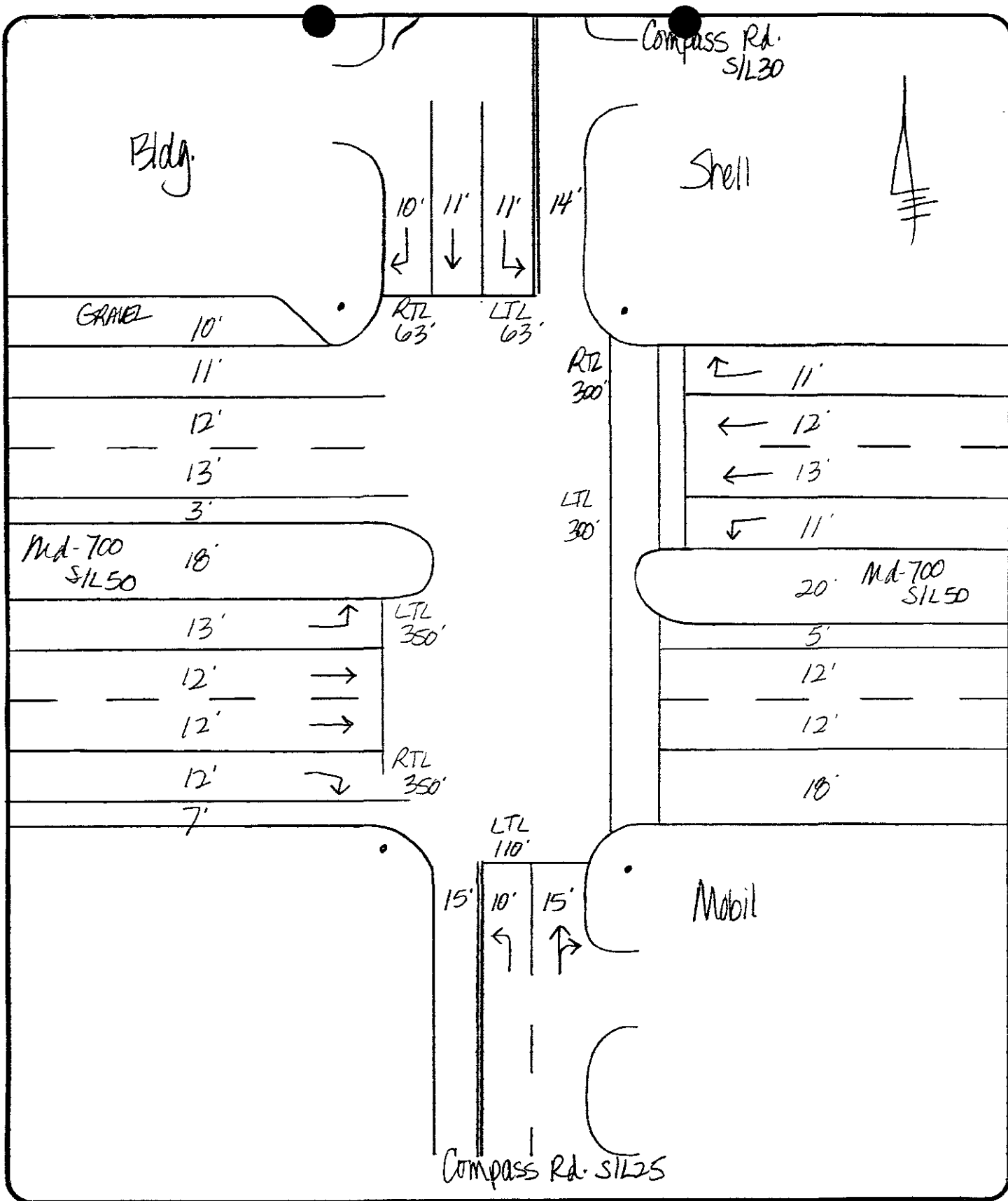
MD 700 (MARTIN BLVD.)

North Arrow

Intersection Details:

- Compass Road (Northbound):** 3 lanes (R, T, L).
 - AM: R 158, T 92, L 13
 - PM: R 62, T 99, L 73
- Compass Road (Southbound):** 3 lanes (R, T, L).
 - AM: R 133, T 93, L 59
 - PM: R 69, T 129, L 67
- MD 700 (MARTIN BLVD.) (Eastbound):** 3 lanes (R, T, L).
 - AM: R 33, T 713, L 52
 - PM: R 80, T 483, L 121
- MD 700 (MARTIN BLVD.) (Westbound):** 3 lanes (R, T, L).
 - AM: R 46, T 360, L 55
 - PM: R 140, T 747, L 127

[illegible]



THE TRAFFIC GROUP, INC.

JOB NO. 980400

BY 83 SUBJECT CVS Compass Rd.

SHEET NO. 1 OF 1

DATE 4-98

PICTURES

Bldg.

-Compass Rd.
S/L30

She/1

GRAND

10'

11.

8-10

12.

13'

3'

Med-700
\$1250

18.

13

12'

12'

5-7

12'

7.

RTL
350'

LTL
350'

RTZ
300

LTL
200'

↑ //

← 12

← 13

↙ //

20. Md-700
S/L50

5'

12

12

18. 18-20

LTL
110'

15'

6

15'

Mobil

Compass Rd. S/L25

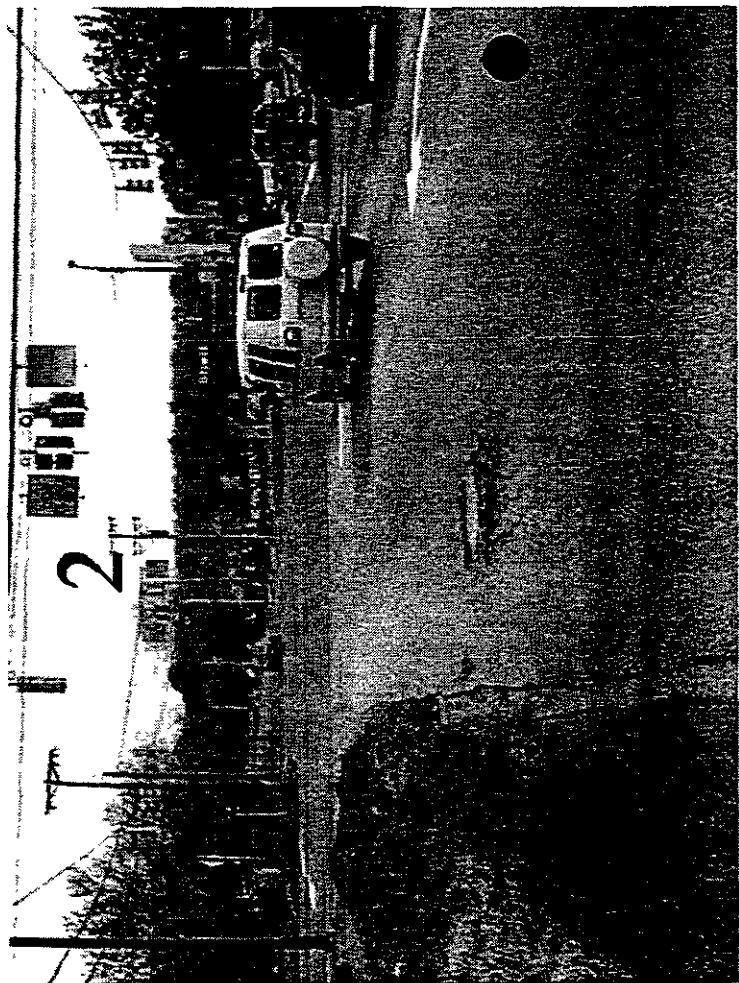
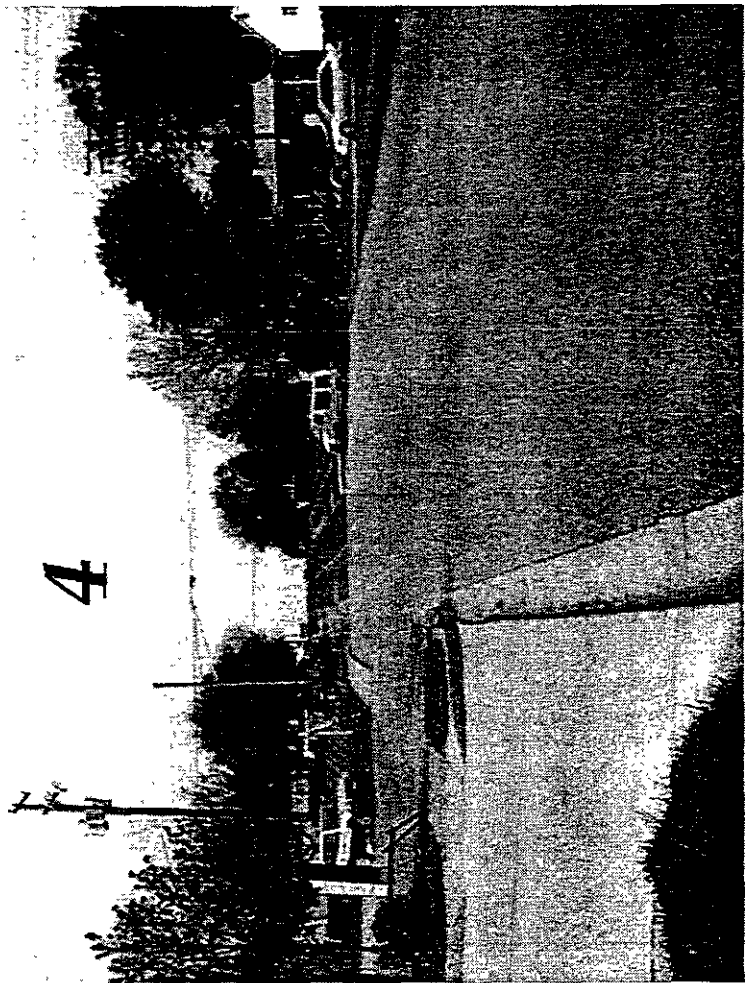
THE TRAFFIC GROUP, INC.

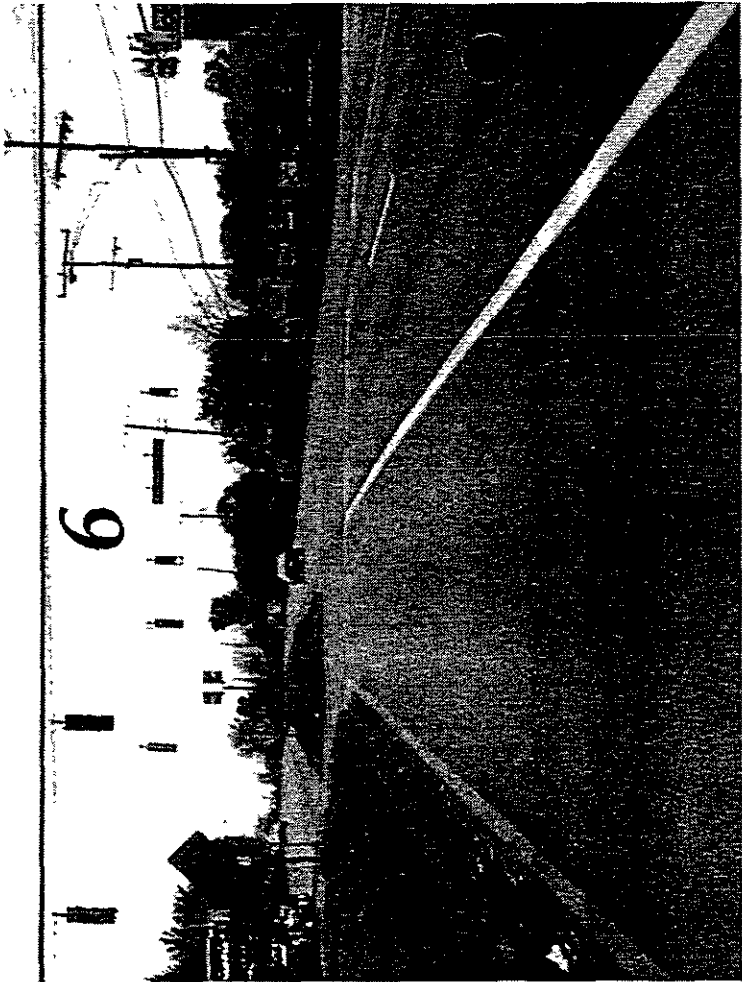
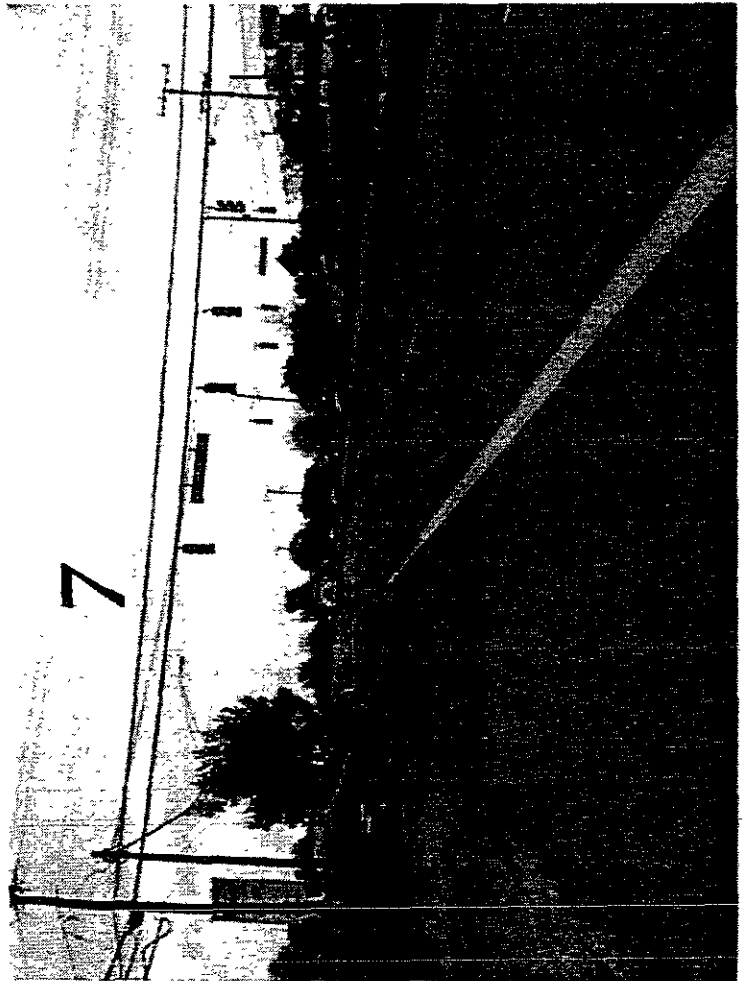
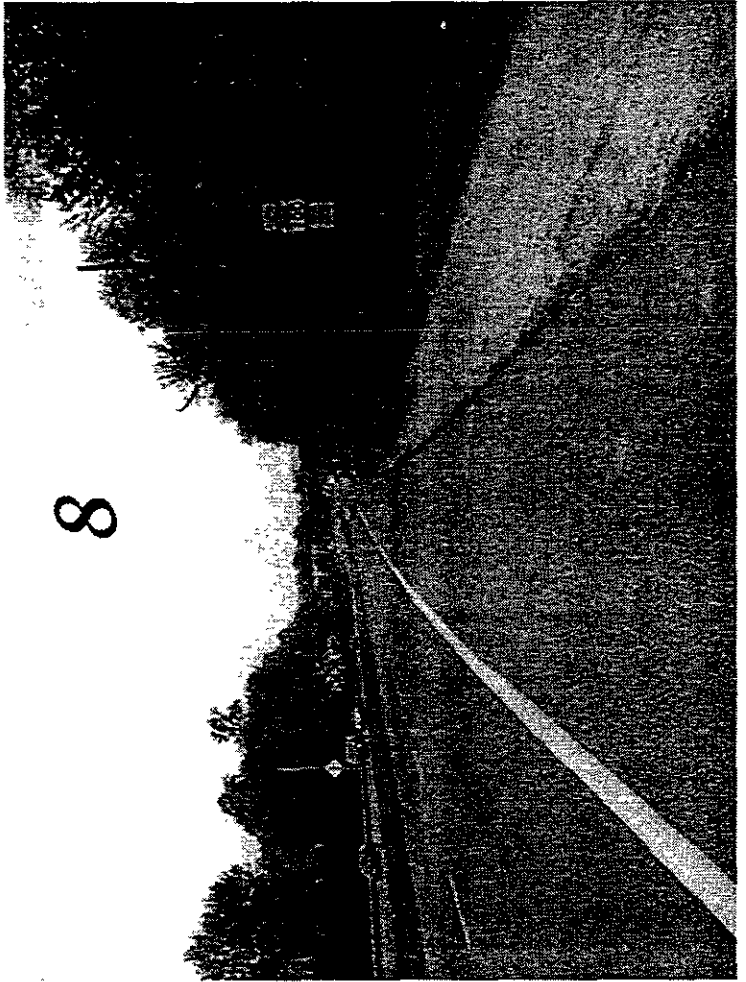
JOB NO. 980408

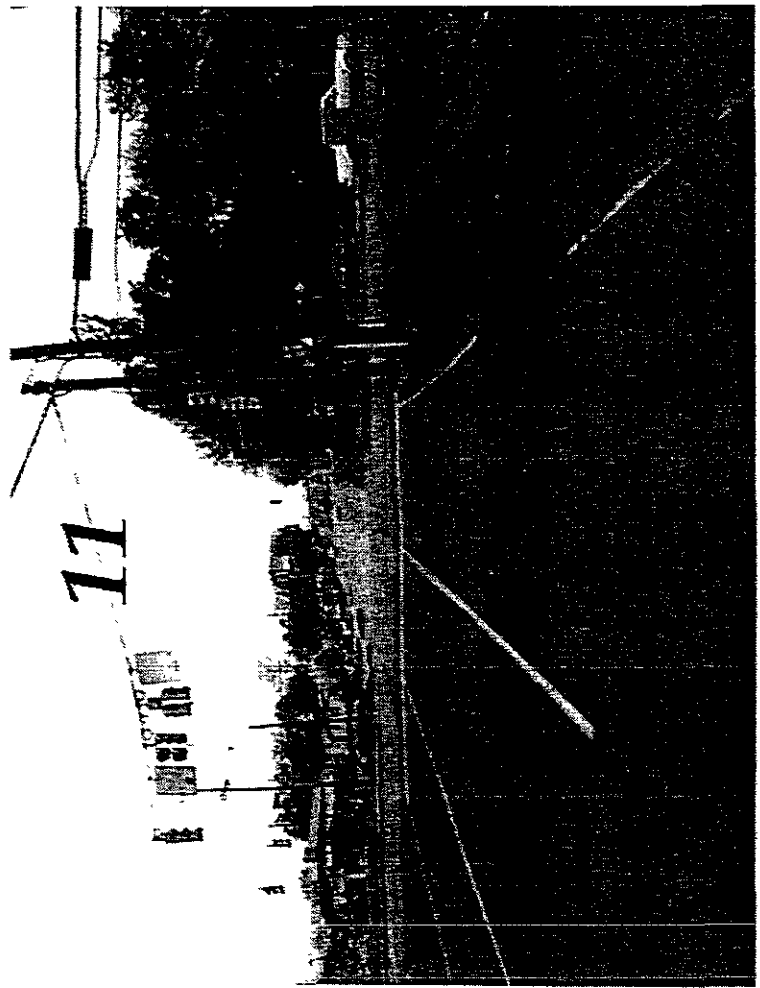
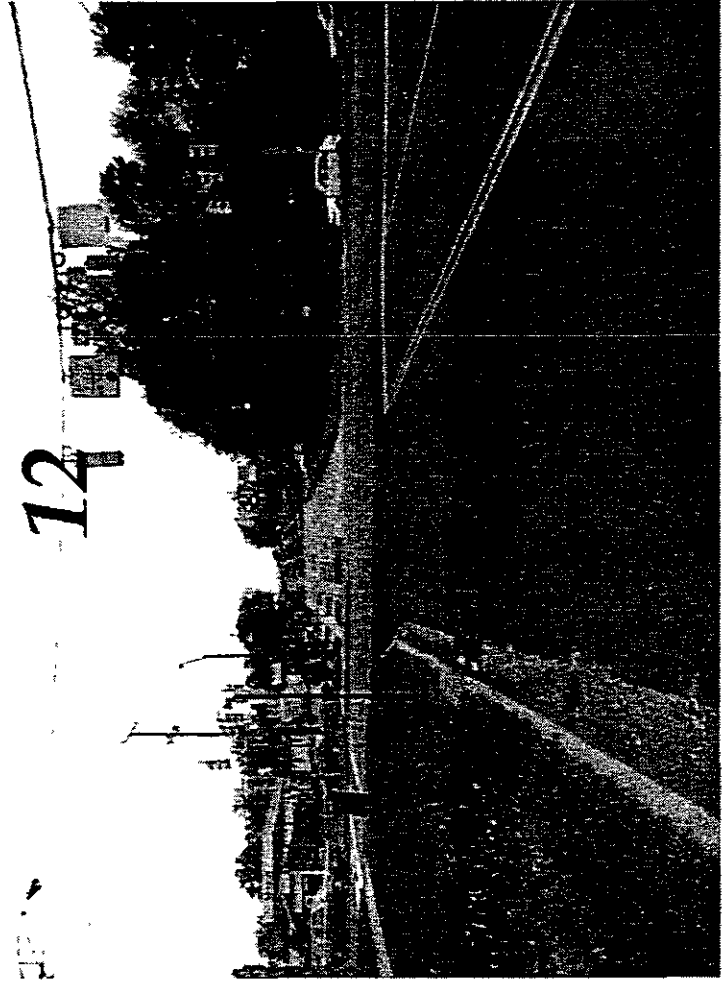
BY SB SUBJECT CVS Compass Rd.

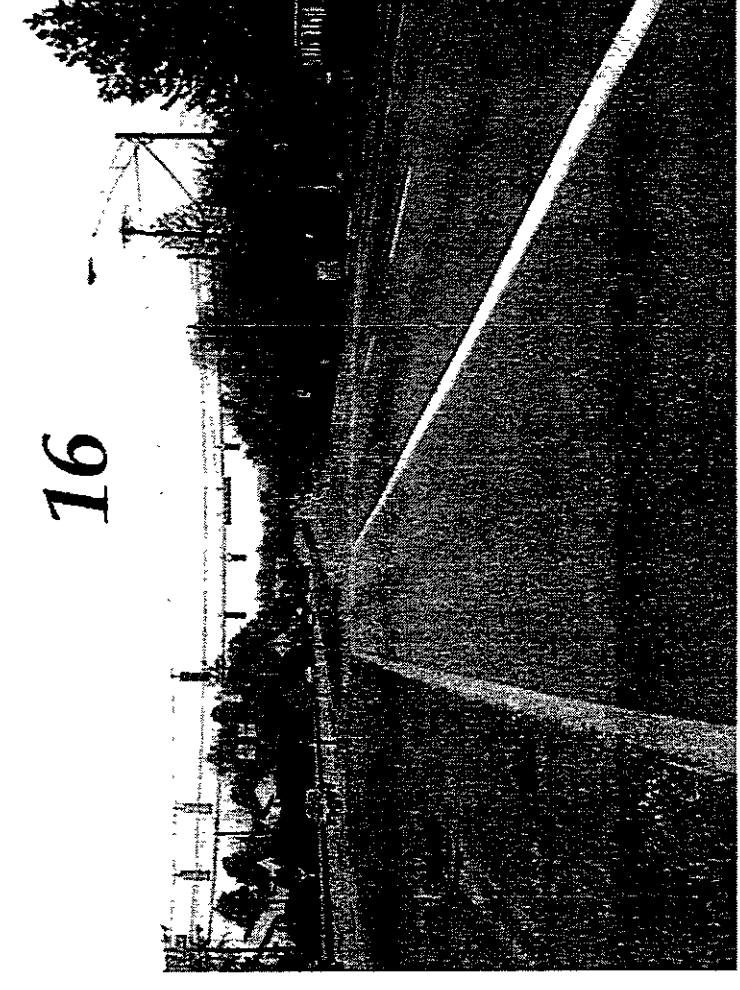
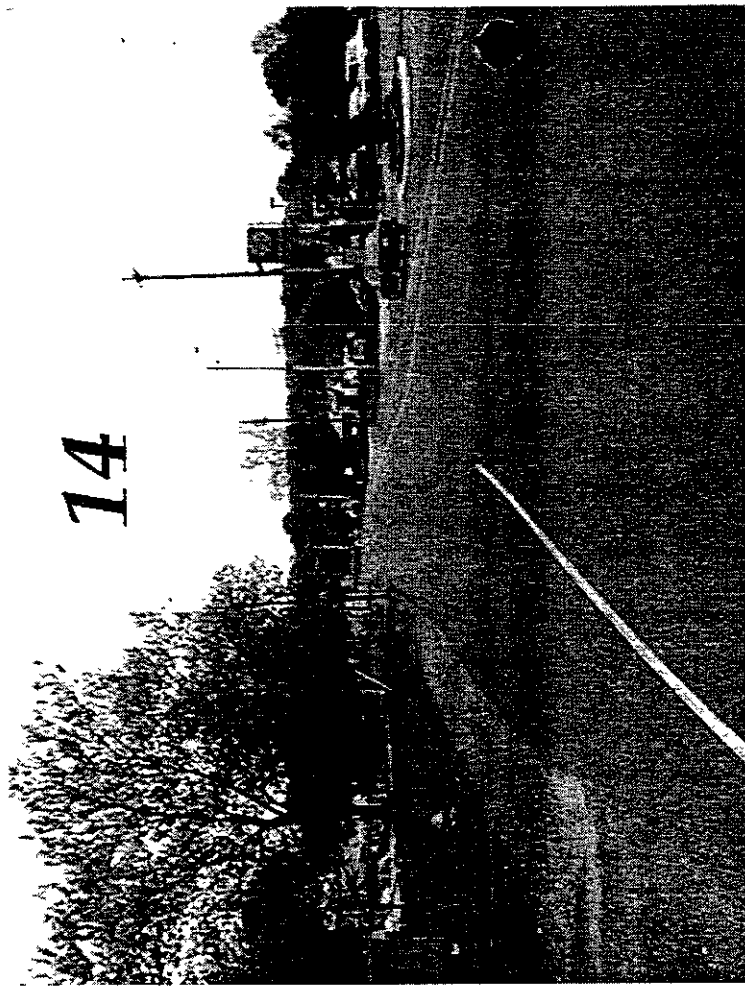
SHEET NO. 1 OF 1

DATE 04-98







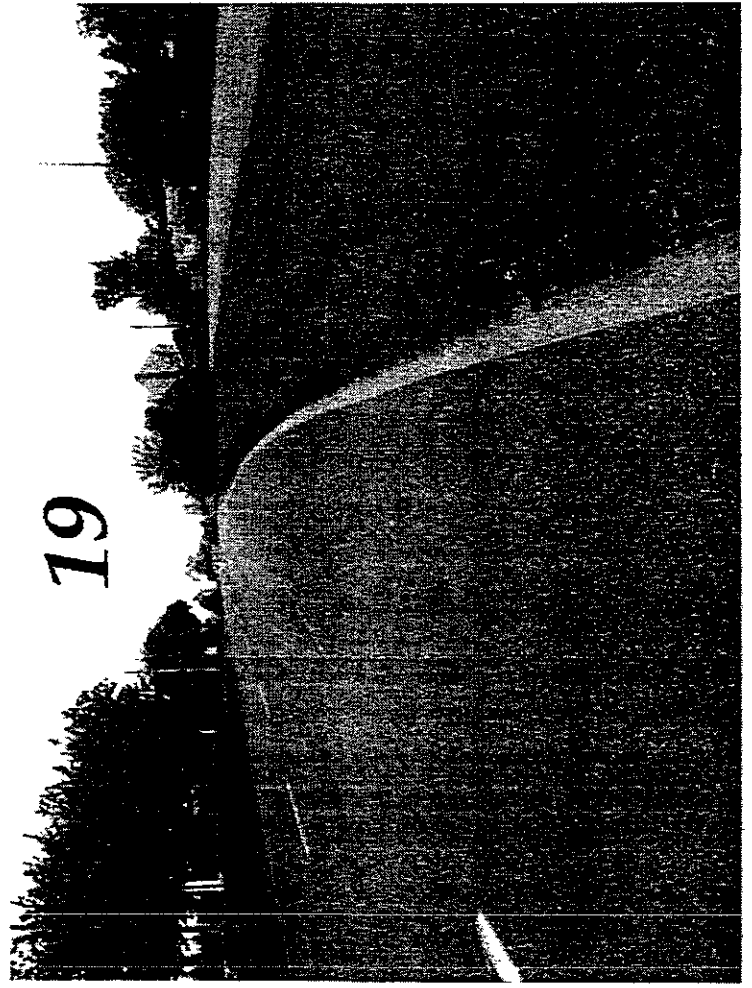




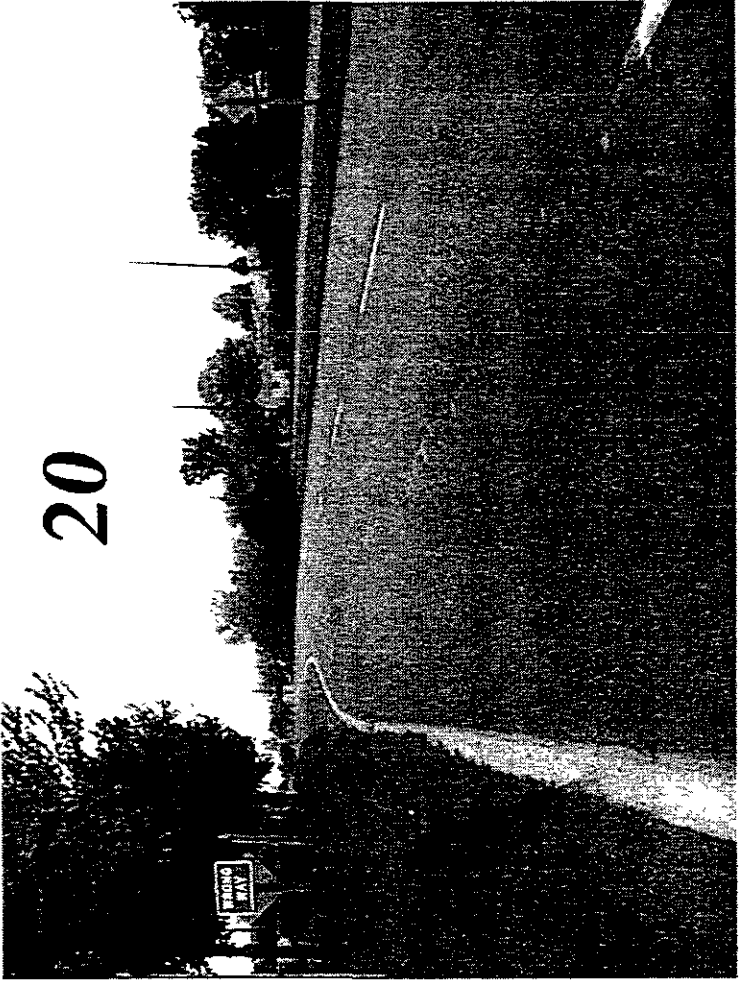
17



18



19



20

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
7am - 10am



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
7: 00	20	20
7: 02	125	20
7: 03	155	20
7: 05	20	0
7: 06	0	40
7: 07	0	0
7: 09	125	0
7: 10	75	0
7: 11	125	0
7: 12	0	0
7: 13	20	0
7: 15	40	125
7: 16	125	20
7: 18	0	20
7: 19	20	20
7: 21	40	0
7: 22	155	20
7: 24	20	40
7: 25	75	20
7: 26	75	20
7: 28	40	40
7: 29	40	40
7: 30	75	75
7: 32	125	155
7: 33	75	40
7: 35	40	0
7: 36	20	20
7: 37	20	0
7: 38	75	75
7: 40	75	0
7: 41	40	20
7: 42	75	75
7: 44	125	180
7: 46	75	125
7: 47	75	75
7: 49	40	20

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
7am - 10am



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
7: 50	125	0
7: 51	40	75
7: 53	20	20
7: 54	20	20
7: 55	75	125
7: 56	20	0
7: 57	75	40
7: 58	20	20
8: 00	20	125
8: 01	20	20
8: 03	75	40
8: 04	20	0
8: 05	40	40
8: 07	125	20
8: 08	75	75
8: 10	0	20
8: 11	20	40
8: 12	40	40
8: 13	20	40
8: 15	20	40
8: 16	75	20
8: 17	0	20
8: 19	125	125
8: 20	125	20
8: 21	40	20
8: 22	75	75
8: 24	40	155
8: 25	40	40
8: 26	20	40
8: 27	20	40
8: 28	20	0
8: 30	0	20
8: 31	20	0
8: 33	20	0
8: 34	0	75
8: 35	75	40

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
7am - 10am



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	<u>Queue Length (Feet)</u> <u>Along NB Compass Rd.</u>	<u>Queue Length (Feet)</u> <u>Along NB Compass Rd.</u>
8: 37	20	20
8: 38	40	40
8: 40	75	20
8: 42	40	125
8: 43	75	40
8: 44	125	20
8: 46	0	75
8: 47	20	20
8: 48	0	20
8: 50	40	20
8: 52	0	0
8: 53	20	40
8: 54	40	0
8: 56	40	20
8: 57	75	20
8: 59	75	125
9: 01	20	0
9: 03	20	0
9: 04	0	40
9: 05	20	20
9: 06	20	20
9: 08	40	40
9: 09	40	20
9: 10	20	0
9: 11	75	0
9: 13	20	75
9: 14	20	0
9: 15	20	0
9: 16	20	0
9: 18	20	0
9: 19	0	0
9: 20	0	40
9: 21	40	40
9: 22	20	75
9: 23	0	20
9: 24	20	0

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
7am - 10am



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
9: 25	75	20
9: 27	0	0
9: 28	155	40
9: 30	20	20
9: 31	0	20
9: 32	75	40
9: 33	40	0
9: 34	0	40
9: 36	40	40
9: 37	40	40
9: 38	40	20
9: 39	0	20
9: 40	40	0
9: 41	20	20
9: 42	0	40
9: 43	20	20
9: 44	0	40
9: 45	20	75
9: 47	125	0
9: 48	0	20
9: 49	20	40
9: 50	0	0
9: 51	0	0
9: 52	0	75
9: 53	0	0
9: 54	0	0
9: 55	20	0
9: 56	20	125
9: 58	40	155
9: 59	20	0

Avg. Queue Length (Ft) Along NB Compass Rd.Right Lane: 34.2
Max. Queue Length (Ft) Along NB Compass Rd.Right Lane: 180

Avg. Queue Length (Ft) Along NB Compass Rd.Left Lane: 41.6
Max. Queue Length (Ft) Along NB Compass Rd.Left Lane: 155

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
3pm - 6pm



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
3: 00	20	0
3: 01	20	20
3: 02	20	20
3: 04	20	20
3: 06	20	125
3: 08	40	215
3: 10	0	155
3: 11	0	40
3: 12	40	75
3: 14	75	75
3: 15	20	40
3: 17	40	40
3: 18	75	125
3: 20	20	0
3: 21	125	0
3: 23	0	75
3: 24	20	155
3: 26	0	75
3: 27	40	40
3: 28	75	40
3: 30	0	125
3: 32	0	75
3: 33	20	20
3: 35	75	155
3: 36	0	125
3: 38	40	20
3: 39	0	126
3: 41	0	40
3: 42	40	40
3: 44	40	40
3: 45	0	75
3: 47	20	75
3: 48	40	155
3: 50	20	75
3: 52	0	40
3: 53	0	75

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
3pm - 6pm



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
3: 54	75	75
3: 56	75	268
3: 58	40	155
3: 59	20	40
4: 01	20	0
4: 02	40	0
4: 03	20	0
4: 04	75	75
4: 06	40	155
4: 08	0	20
4: 09	40	40
4: 11	20	75
4: 13	40	40
4: 15	20	155
4: 16	40	75
4: 18	20	40
4: 20	20	40
4: 22	75	20
4: 24	20	125
4: 26	20	75
4: 27	75	125
4: 29	0	40
4: 30	40	125
4: 32	20	180
4: 34	0	125
4: 35	0	75
4: 37	40	20
4: 39	75	155
4: 40	20	0
4: 42	0	20
4: 44	0	180
4: 45	40	40
4: 47	40	20
4: 49	20	75
4: 50	20	20
4: 52	0	20

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
3pm - 6pm



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
4: 54	75	155
4: 55	40	155
4: 57	20	0
4: 58	125	268
5: 00	20	180
5: 02	0	40
5: 03	0	20
5: 04	75	40
5: 06	0	125
5: 08	20	40
5: 09	40	75
5: 11	20	20
5: 13	40	215
5: 15	20	75
5: 16	75	155
5: 18	20	40
5: 19	40	75
5: 21	125	125
5: 23	75	125
5: 25	125	20
5: 27	40	20
5: 28	20	155
5: 30	0	125
5: 32	40	40
5: 33	20	40
5: 35	75	125
5: 36	40	75
5: 38	75	40
5: 40	20	125
5: 41	20	75
5: 43	75	40
5: 45	40	155
5: 47	40	155
5: 49	75	40
5: 51	75	20
5: 52	0	155

COMPASS RD.@ MD.700
NORTHBOUND LANES
Wednesday - April 22, 1998
3pm - 6pm



<u>Time</u>	<u>Left Lane</u>	<u>Right Lane</u>
	Queue Length (Feet) <u>Along NB Compass Rd.</u>	Queue Length (Feet) <u>Along NB Compass Rd.</u>
5: 54	75	40
5: 55	40	40
5: 57	20	125
5: 58	125	40

Avg. Queue Length (Ft) Along NB Compass Rd.Right Lane: 79.2
Max. Queue Length (Ft) Along NB Compass Rd.Right Lane: 268

Avg. Queue Length (Ft) Along NB Compass Rd.Left Lane: 35.2
Max. Queue Length (Ft) Along NB Compass Rd.Left Lane: 125

Mr. Joe Deerin
April 28, 1998
Page 2

After you review this letter, if you have any questions, please call.

Sincerely,

John W. Guckert smb
John W. Guckert
President

JWG:smb

cc: Tom Woolfolk (fax, mail)
Les Pitler (fax, mail)

(980408/wp/Deerin)
(fax, mail)

6-02-1998 5:26PM

FROM 717 397 6756

Post-It Fax Note

7671

Date	6/5/98	# of pages	1
To	Les Pitlier		
From	Joe Decrin		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	4105832437		

ROSS*Insurance Agency*

COMPLETE INSURANCE SERVICE

1496 Lititz Pike, Lancaster, Pa. 17601 Tel.: 717-397-4729
Fax: 717-397-6756

June 2, 1998

LMS Commercial Real Estate
1891 Santa Barbara Drive
Lancaster, PA 17601

Attn: Joseph Decrin Sr.

Re: CVS - Compass Road

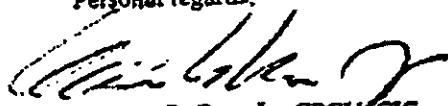
Dear Joe:

We have been in this business for almost 40 years now, and never, have we ever heard of a homeowners or dwelling fire price going up because of a retail or commercial exposure being built nearby or even next door.

I can't imagine any insurance carrier doing this, but if they were even to attempt such a change or increase in price, they would be subjecting themselves to severe penalties by the State Insurance Department, harsh public outcry and some very bad publicity. These are things that no carrier wants and all carriers work extremely hard to avoid.

To use the argument that the homeowners policies of surrounding homes will be canceled or go up in price because of a CVS store being built is absurd. If there is anything further I can do to help clarify this, please feel free to contact our office or me personally. Thank you.

Personal regards,



William R. Ross Jr., CPCU, CIC

Let No 9

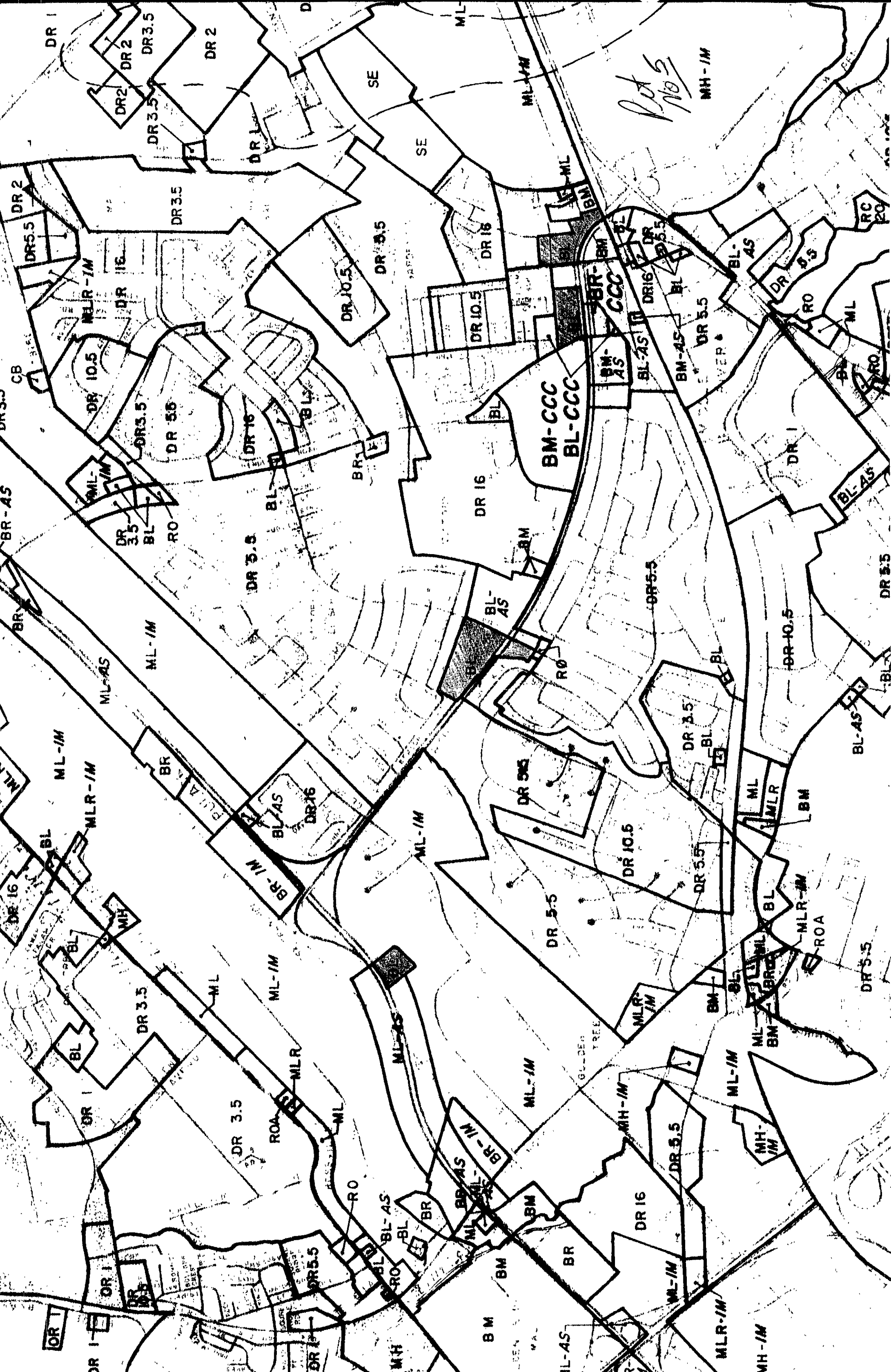
Your Independent Agent Serves You Best





Dawson/Fuselage

128 N-8



Legend

- [illegible]

Vicinity Map

Site Data

PROPERTY ZONED R-20S AND B1.
PROPERTY : 0.99 AC (GROSS SITE AREA)
0.12 OR 0.51 NET AREA
0.14 AC NET AREA
ENGINEERING USE: FUELING DOCKERS OFFICE
HEIGHT MAXIMUM 10' 0" STONE
MINIMUM SETBACKS FRONT YARD - 10'
SIDE YARDS - 20'
REAR YARD - 20'
MINIMUM SETBACKS REQUIRED: REAR SETBACK - 10'
5.5 SPACES PER 1000 SQ. FT. OF GROSS SITE AREA
PARKING PROVIDED: 43.95 SPACES
PARKING PROVIDED: 14 SPACES (INCL. 2 HANDICAPPED)
PERMITTED FLOOR AREA: 4,110 SQ. FT.
PROVIDED FLOOR AREA: 4,110 SQ. FT.

Variances

- 7 PARKING SETBACK IN LIEU OF 10 REQUIRED
BCR 409.8 - A.4
O' FRONT SETBACK IN LIEU OF 10 REQUIRED
BCR 293.1
O SIDE SETBACK IN LIEU OF 20 REQUIRED
BCR 293.2 (SEE ALSO BCR - C.1)
O BUFFER IN RESIDENTIAL TRAIL
AREA IN LIEU OF REQUIRED 50' (SEE BCR 11.1b)

**Special Hearing For
The Following:**

**COMMERCIAL LOADING / SERVICE IN RESIDENTIAL AND RO ZONES
COMMERCIAL PARKING IN RESIDENTIAL AND RO ZONES**

Zoning History:

CASE 4461 - RECLASSIFICATION FROM R-6 TO R-C ZONE
GRANTED 7/11/59

CASE 4463 RY - RECLASSIFICATION FROM R-6 TO RA ZONE
GRANTED 7/10/59

CASE 77 06A59 - SPECIAL HEARING TO APPROVE EXPANSION
OF MEDICAL OFFICES WITHOUT AN ADDITIONAL
SPECIAL EFFECTIVE DATE IN ORDER TO PERMIT A SIDE SETBACK
26' IN HEIGHT OF REQUIRED 30' AND A REAR SETBACK OF
GRANTED 11/27/76

Plat To Accompany Zoning Petition

Proposed
CVS/pharmacy

MARTIN BLVD. & COMPASS ROAD
BALTIMORE COUNTY, MARYLAND
ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 6

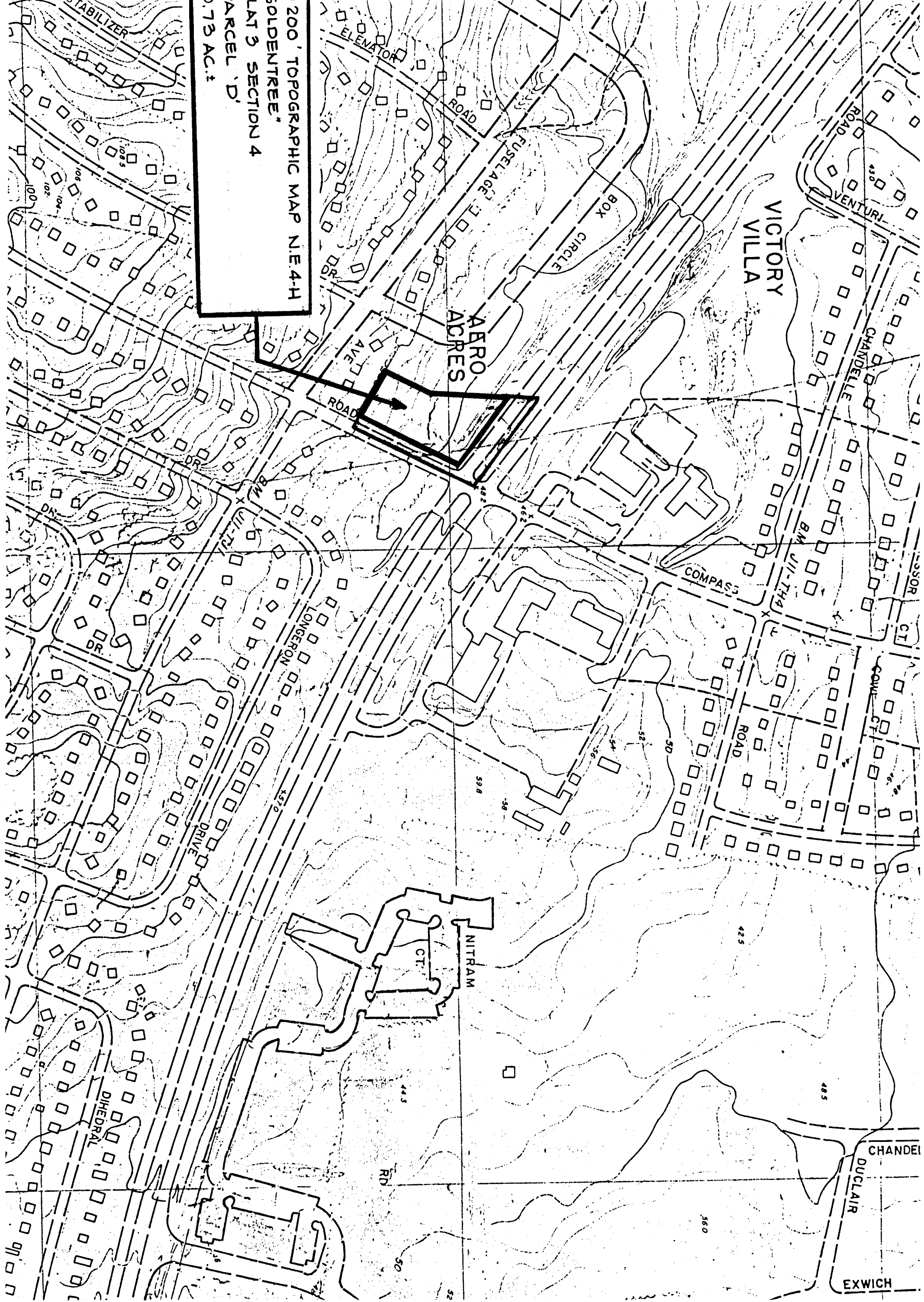


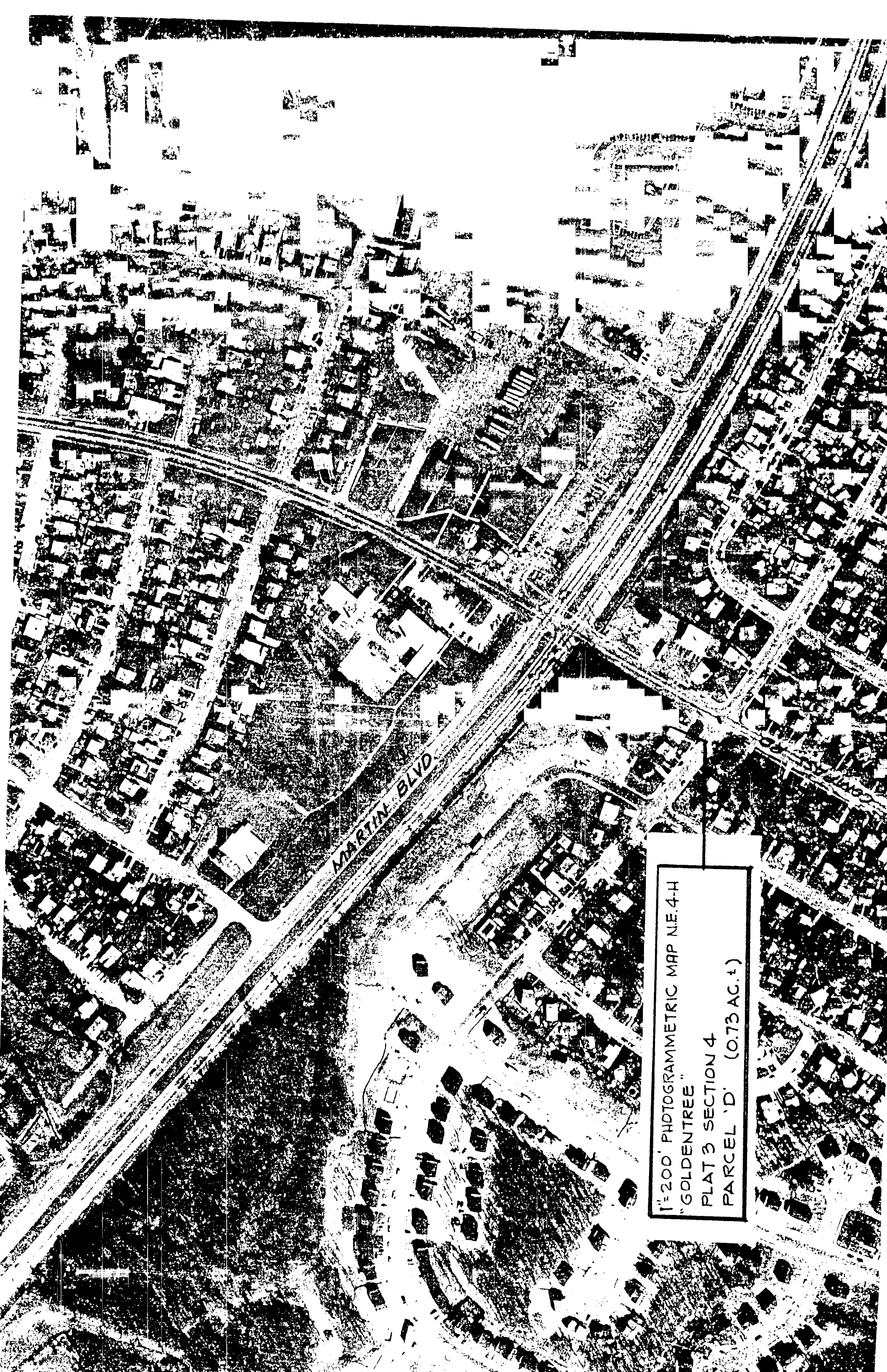
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS, LAND SURVEYORS
AND PLANNERS
655 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

[illegible]

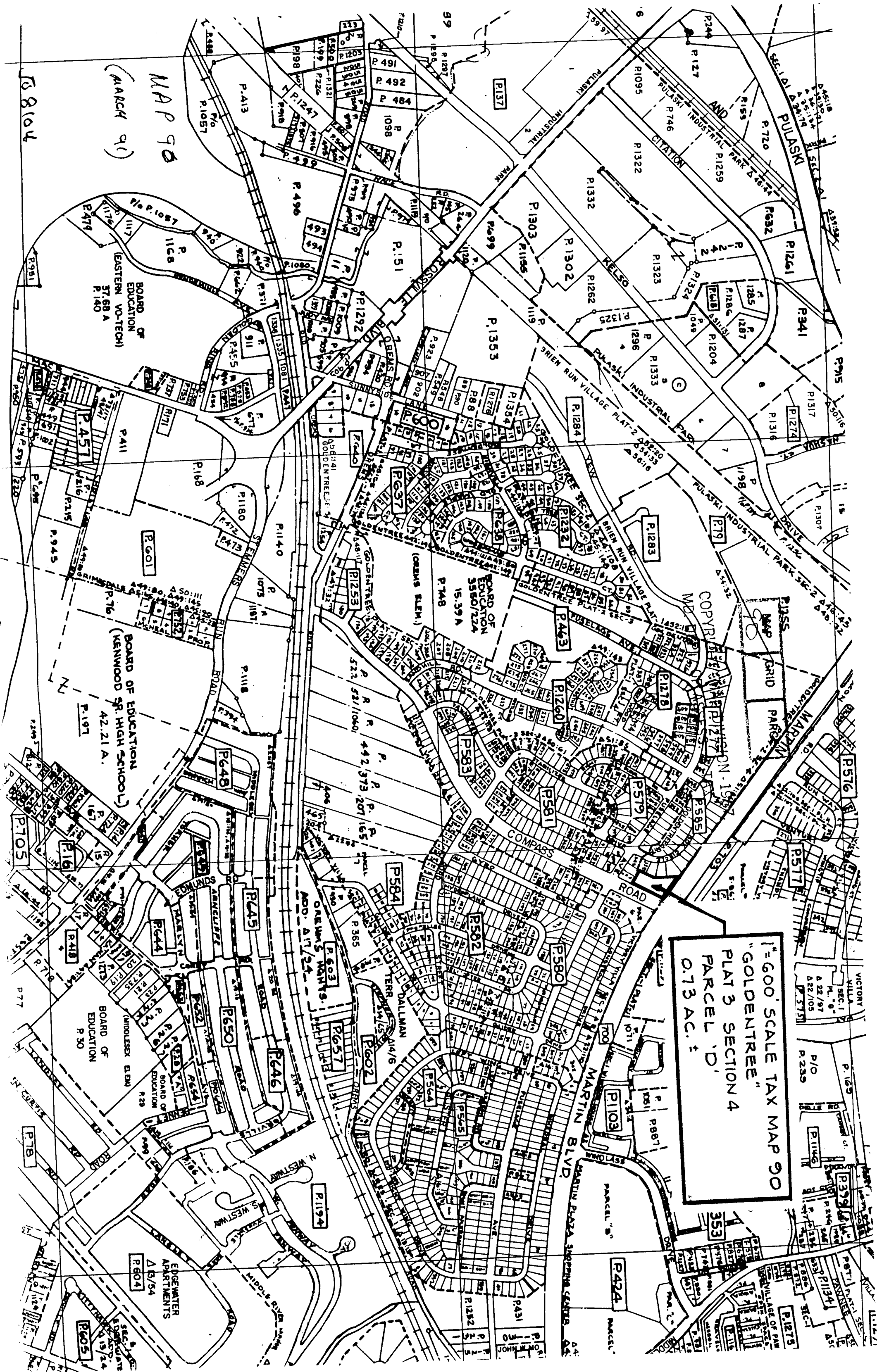
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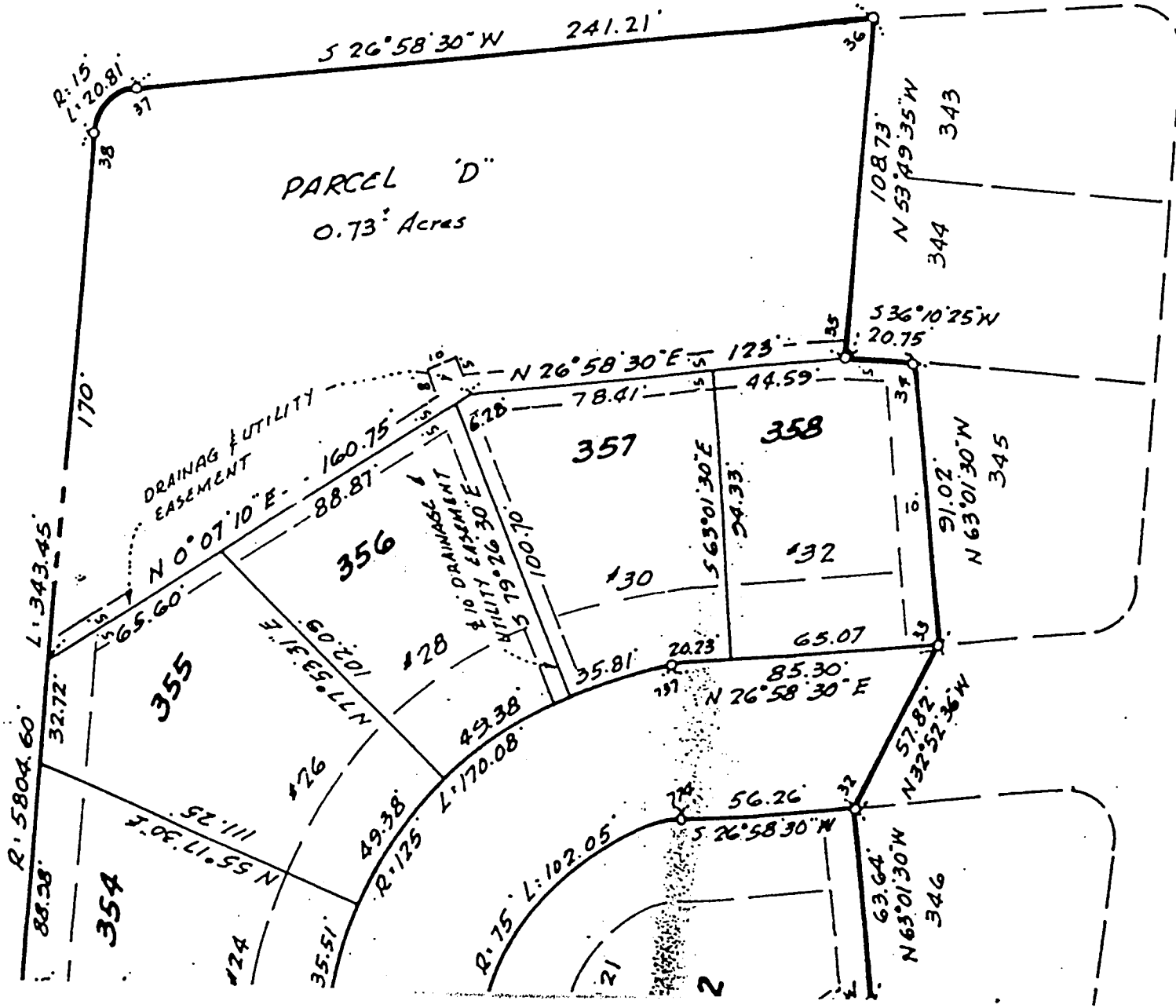




1"=200' PHOTOGRAMMETRIC MAP N.E. 4-H
"GOLDENTREE"
PLAT 3 SECTION 4
PARCEL 'D' (0.73 AC.±)



MARTIN BOULEVARD



YAW
D

E.H.K., JR. 52 FOLIO 70

Miled for record

Date JAN 9 1985
Tont

[Signature]

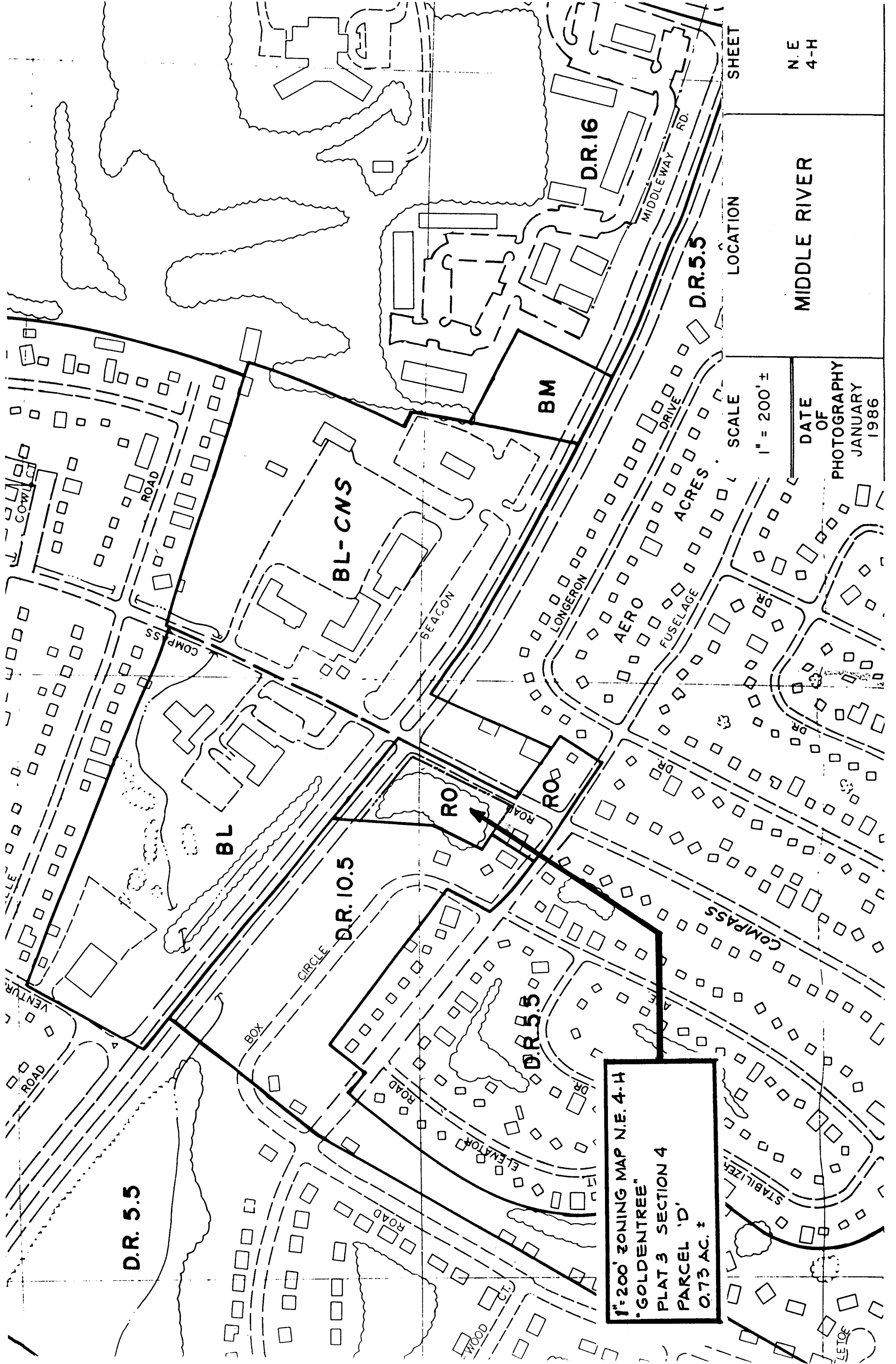
PLAT 3 - SECTION 4

"GOLDENTREE"

15 CG ELECTION DISTRICT-BALTIMORE CO., MD.

SCALE: 1"=50' DATE: MARCH 21, 1984

IN PLAT 15.00 0.00
E.H.K. JR. T 15.00
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1"=200' ZONING MAP N.E. 4-H
"GOLDENTREE"
PLAT 3 SECTION 4
PARCEL 'D'
0.73 AC. ±

LOCATION

SCALE

1" = 200' ±

N.E.
4-H

MIDDLE RIVER

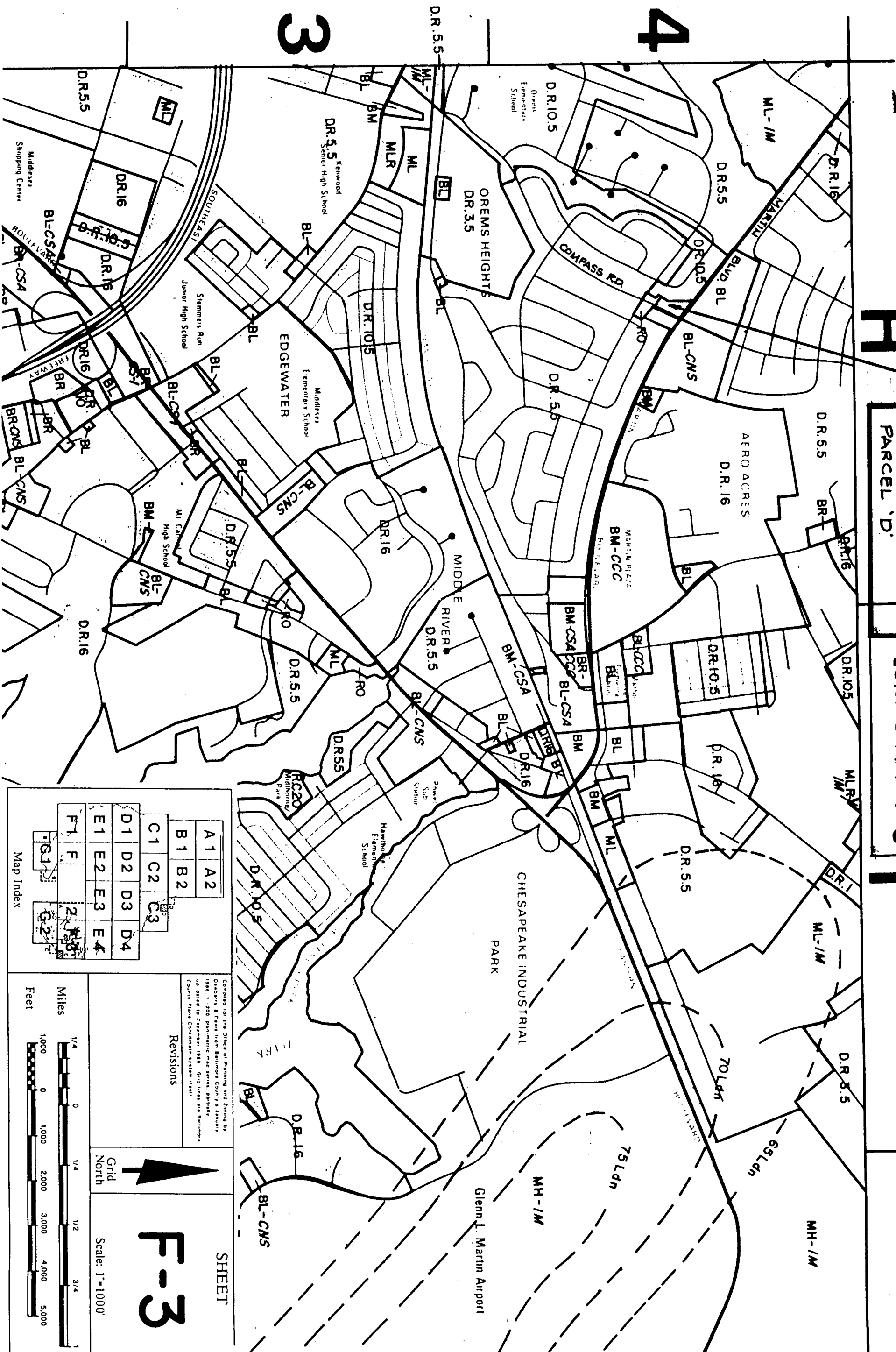
DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET

NORTH

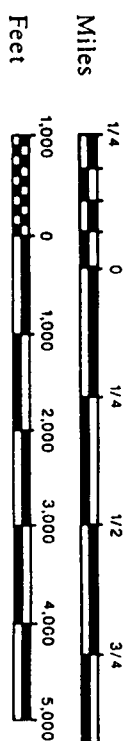
"GOLDENTREE"
PLAT 3 SECTION 4
EAK Jr. 52.70 (0.73 ac.±)
PARCEL 'D'

PART OF
1"=1000' SCALE
ZONING MAP F-3



A1	A2
B1	B2
C1	C2
D1	D2
E1	E2
F1	F2
G1	G2

Map Index



Grid North

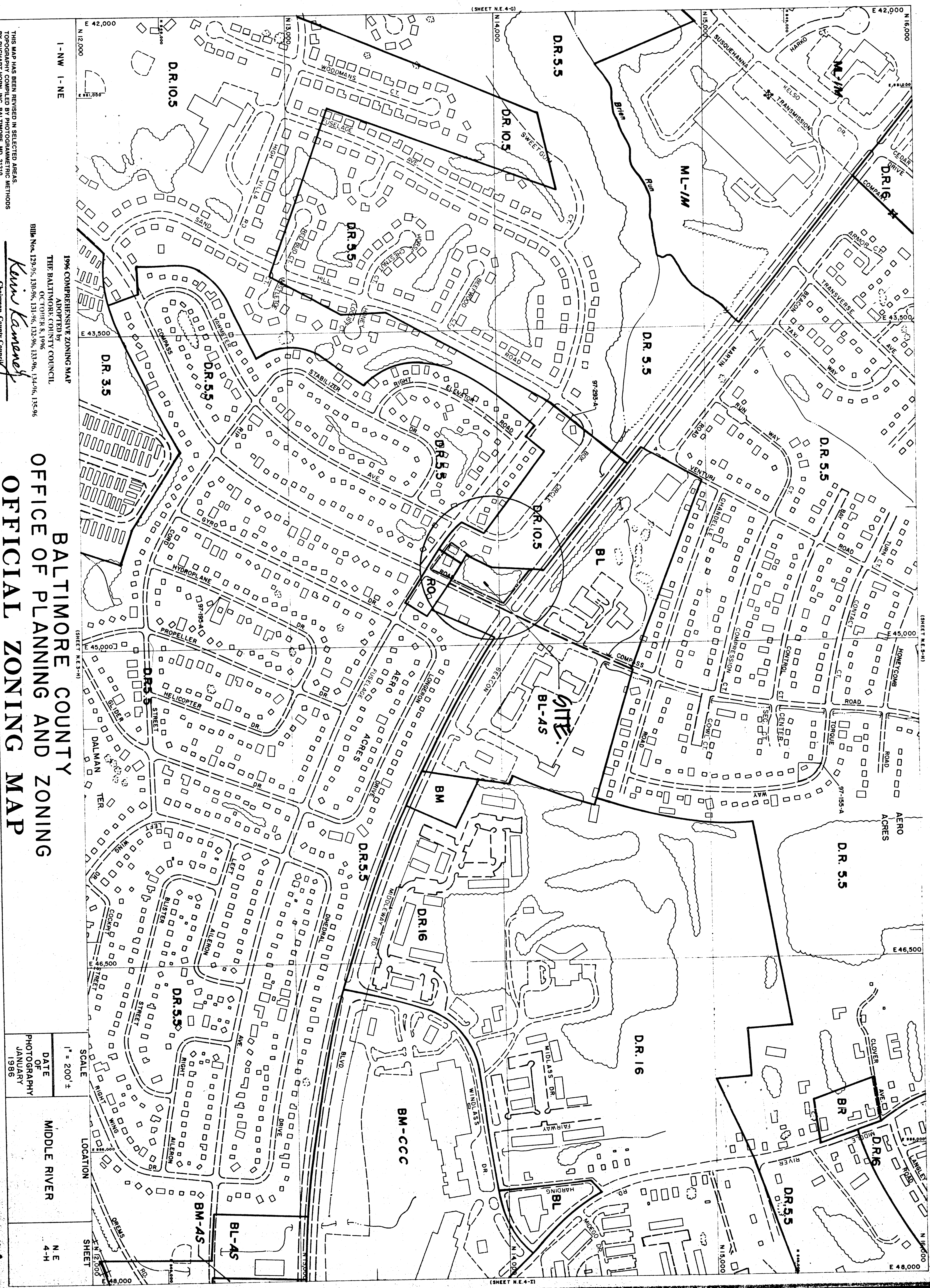
Scale: 1"=1000'

F-3

SHEET

Revisions

Compiled for the Office of Planning and Zoning by
Geography & Plans from Baltimore County's January
1986. 1:200 planimetric map series, partially
updated to February 1989. Grid lines are Baltimore
County Plan Commission system (feet).



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BICKART-JOHN, INC. BALTIMORE, MD. 21210

1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL NO. 129-95, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	MIDDLE RIVER
SHEET	N E 4-H

98-384-SPHA

CVG
Companies Pa.

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - SW/Corner Martin * ZONING COMMISSIONER
Boulevard and Compass Road * OF BALTIMORE COUNTY
(Parcel D of Goldentree and * Case No. 98-384-SPHA
803 & 805 Fuselage Avenue)
15th Election District
6th Councilmanic District

Goldentree Develop., Inc., et al *
Richard Welkowitz/Blackford Dev.
Petitioners/Contract Purchaser*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Richard Welkowitz, on behalf of Blackford Development LTD, the Contract Purchaser, and by the owners of the subject and adjoining properties, Goldentree Development, Inc., Rutherford R. and Johanna Dawson, and Marvin J. and Elma K. Rombro, through their attorney, Leslie M. Pittler, Esquire. The Petitioners seek approval of a commercial loading/service area in residential and R.O. zones and commercial parking in residential and R.O. zones, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from the B.C.Z.R. as follows: 1) From Section 409.8.a.4 to permit a parking setback of 7 feet in lieu of the required 10 feet; from Section 232.1 to permit a front setback of 0 feet in lieu of the required 10 feet; from Section 232.3 to permit a rear setback of 12 feet in lieu of the required 20 feet; from Section 232.2 (See 1B01.2.C.1.a) to permit a side setback of 0 feet in lieu of the required 20 feet; from Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 51; and, from Section 1B01.1.B.e to permit a 10-foot buffer in a residential transition area in lieu of the required 50 feet. The subject property and relief sought are more particularly described on the red-lined site plan submitted into evidence as Petitioner's Exhibit 4.

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Appearing at the hearing on behalf of the Petitions were Donna M. Deerin, a representative of Blackford Development LTD, co-Petitioner, Tom Woolfolk, Landscape Architect and project engineer with George W. Stephens, Jr. and Associates, Inc., who prepared the site plan for this property, Wes Guckert, traffic engineering expert, Bruce Hollingsworth, Architect, Lewis Hess, Laurie A. Mazzotta, and Leslie M. Pittler, Esquire, attorney for the Petitioners. Numerous individuals from the surrounding community appeared in opposition, all of whom signed the Protestant's Sign In Sheet. Among those who acted as spokespersons were Sharon McDowell, Ellen Kern and Duward E. Hart, on behalf of the Victory Villa Improvement Association, and Wanda Kod, on behalf of the Aero Acres Civic Improvement Association.

At the hearing, as a preliminary matter, Mr. Pittler amended the Petition for Variance by deleting two of the requests. Specifically, the variance seeking a 12-foot rear yard setback in lieu of the required 20 feet and the variance seeking approval of 45 parking spaces in lieu of the required 51 were deleted. Thus, there are but four variances now being requested, in addition to the special hearing relief.

Mr. Pittler also submitted a copy of his letter dated June 10, 1998 to Mr. Arnold "Pat" Keller, Director of the Office of Planning. That letter set forth a series of representations to which the Contract Purchaser/Developer will be bound. The items contained therein represent a series of what the Developer proffers are "concessions" to the neighbors who vehemently object to the proposed project. In this regard, it is to be noted that the items set forth in that letter will be incorporated as conditions to any relief granted herein. It is also to be noted that the size of the building will actually be 8,625 sq.ft., slightly larger than the 8,600 sq.ft. represented in Mr. Pittler's letter. Additionally, the

hours of operation will be from 8:00 AM to 9:30 PM as opposed to the 9:00 AM to 9:30 PM indicated under Item (i) of Mr. Pittler's letter.

Testifying in support of the project was Mr. Thomas Woolfolk, the landscape architect assigned to this project by George W. Stephens, Jr. and Associates. Mr. Woolfolk presented the site plan and generally described the subject property. As indicated above, the property is actually a compilation of three parcels which abut one another, the largest of which is located at the southwest corner of Martin Boulevard and Compass Road. The rear of the two other smaller parcels, which front on Fuselage Avenue, abut the side of the larger parcel. The three parcels contain an aggregate gross area of .99 acres, split zoned B.L., D.R. 10.5 and R.O. The predominant zoning is B.L. (.73 acres) with some D.R. 10.5 (.12 acres) and a portion of R.O. (.14 acres). As noted above, the larger of the three parcels is located immediately adjacent to Martin Boulevard and Compass Road. This parcel is owned by Goldentree Development, Inc. and contains the B.L.-zoned portion of the site. At the present time, this parcel is unimproved. In fact, after the hearing, I conducted a site visit to the property and, as far as practical, walked the site. This portion of the lot is heavily wooded and undeveloped. Additionally, there appears a culvert, or some other type of drainage system on that part of the lot which abuts Martin Boulevard. Apparently, that portion of the property will contain the underground storm water management facility. The balance of the overall tract consists of two heretofore residentially used lots, known as 803 and 805 Fuselage Avenue. The property at 803 Fuselage Avenue is zoned D.R. 10.5 and is improved with an existing dwelling presently owned by Rutherford R. and Johanna Dawson. The second lot, known as 805 Fuselage Avenue, is zoned R.O. and is improved with a structure, which at

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the time of my site visit, was being used as a doctor's office. This lot is owned by Marvin J. and Elma K. Rombro.

The Contract Purchaser proposes to develop the combined parcels with an 8,625 sq.ft. CVS/Pharmacy store, utilizing the smaller lots for parking. As a result of a great many negotiations and discussions, the store will be oriented towards Compass Road, and vehicular access to the parking lot which serves same will be by way of two curb cuts from that road. There will not be any vehicular access to the site from either Fuselage Avenue or Martin Boulevard. Mr. Woolfolk testified at length about the proposed project and the relief requested within the Petitions for Special Hearing and Variance. He indicated that the site featured a number of constraints which limited development possibilities. As I observed in the field, the site has a significant grade and rises from Martin Boulevard. Additionally, the topography of the land is uneven. Moreover, the rear of the site when viewed from Compass Road, abuts a number of residences in the Victory Villa subdivision. Obviously, these residents oppose the project, fearing a commercial intrusion onto their residential properties.

Also testifying on behalf of the Petitioner was Bruce Hollingsworth, an Architect. He described the proposed structure and CVS' attempt to design same so that it would blend with the surrounding residential community. He also indicated that there would be no external sound system and that lighting of the site will be directed towards the building and downward. In this regard, it is to be noted that the site plan shows a drive-thru window towards the rear of the proposed building. As shown on the plan, the Petitioners designed a stacking lane and by-pass lane to the rear of the site, between the property's boundary and the rear building

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line of the store. This will enable customers to pick up prescriptions without leaving their vehicles.

Extensive testimony was also received from Wes Guckert, a traffic engineer. Mr. Guckert testified extensively about traffic patterns and conditions in the area. In sum, he opined that the proposed use will not be detrimental to the surrounding locale and will not unduly cause congestion in the road system. My site visit was also helpful in examining the traffic issues. As noted above, both vehicular entrances will be from Compass Road with no access from either Martin Boulevard or Fuselage Avenue. Additionally, the intersection of Martin Boulevard and Compass Road is signalized thereby regulating traffic at that location. Moreover, the intersection of Compass Road and Fuselage Avenue is regulated by a four-way stop sign. In my judgment, this light and the stop sign system adequately control traffic so as to allow safe access/egress to and from the site.

In addition to the testimony offered by the Petitioners, there was significant testimony and evidence presented by the Protestants. On behalf of the Victory Villa Improvement Association, Duward E. Hart testified and presented a written statement summarizing his association's concerns. Primarily, the community is concerned about an overcrowding of the site with a building that is too large for the property, and an adverse impact on traffic patterns in the area. Testimony was also received from Ellen Kern, a nearby resident. She is also concerned about traffic, environmental pollution, and nuisance effects incidental to the conducting of business on this property. Sharon McDowell also testified in opposition to the request. In addition to the concerns expressed by the other

witnesses, Ms. McDowell also fears a potential increase in crime occasioned by the location of the proposed store.

The above recitation is but a summary of the testimony and evidence offered. There were numerous documentary exhibits submitted which have been considered by this Zoning Commissioner. Additionally, I conducted a site visit to the property as noted above. I found this site visit of great assistance in evaluating the relief sought in this case.

In considering the issues before me, I think it of significant note that the lion's share of the property is zoned B.L. The B.L. zoning classification stands for Business Local and is a classification which is assigned by the County Council to promote business. Thus, the nature of the proposed use is entirely consistent with the property's zoning classification. That is, the County Council has determined that this property should be zoned B.L. and, by placing that classification on this site, has recognized that the subject property is an appropriate location for business activity. In my judgment, this zoning is altogether appropriate, particularly in view of surrounding land uses. Admittedly, the property does back up to the residences in Victory Villa. However, all four of the corners adjacent to the intersection of Martin Boulevard and Compass Road are business-oriented. Immediately across Compass Road from the subject site is a service station and what appears to be an abandoned convenience store. On the other side of the site across Martin Boulevard is a County Recreation and Parks' office. Caddie-corner from this intersection is a shopping center and another gas station. Clearly, the parcels of land which surround this intersection are all business/commercial/non-residential in character. Thus, it is of particular note that the matter before me is not a Petition for Special Exception where I must consider the pro-

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priety of a proposed use. The use suggested here is permitted by right, a fact that some of the Protestants apparently do not grasp. The issue before me is whether the site can be developed in the manner proposed, with the relief needed under the Petitions for Special Hearing and Variance.

Notwithstanding the zoning of the predominant portion of the property, however, I am appreciative of the Protestants' concerns. Indeed, the property is within close proximity to a residential neighborhood, as the rear property line abuts many houses which front Box Circle in the Victory Villa subdivision. Moreover, there are residences directly across Fuselage Avenue and the site does call for the removal of two buildings which at one time were used for residential purposes. As noted above, the lot owned by Mr. & Mrs. Rombro now used as a doctor's office will be converted into a parking area as will the adjacent lot on which a dwelling presently owned by Mr. & Mrs. Dawson is located. The use of these two properties in the development of the site must be monitored closely to prohibit adverse impact on the surrounding residences.

In considering the variances requested, I am persuaded that the relief requested should be granted. In this regard, I must be guided by the requirements of Section 307 of the B.C.Z.R. as construed by the case law (See Cromwell v. Ward, 102 Md. App. 691 (1995)). That authority requires me to make a finding that the property is unique in order for variance relief to be granted. In my judgment, such a finding is easily reached. The uniqueness of this property is derived from its configuration and topography. As Mr. Woolfolk noted, the constraints associated with the development of this property are difficult. The site is particularly difficult to develop in that it tapers to its narrowest width at the cen-

ter of the site as same is viewed from Compass Road. This makes locating improvements difficult and generates much of the variance relief sought.

Additionally, I find that practical difficulty would be suffered by the Petitioners if relief were denied. To deny the variances requested would prohibit development of the property with a permitted purpose (i.e., business use). Lastly, I find that there will not be adverse impact on surrounding properties, assuming that certain restrictions are imposed. For these reasons, the variances will be granted.

As to the Petition for Special Hearing, I likewise will grant same. Development of the property would not be possible without providing sufficient parking. Even the Protestants would concede that customers of the store should park on the subject site and there should not be a spill over into their community. Thus, permitting a portion of the parking lot in a residential zone is appropriate. Moreover, the commercial loading/service area in a residential zone is acceptable. In this regard, it was indicated that deliveries will be made to the side/rear of the building at an entrance more particularly shown on the site plan. This entrance falls within the portion of the property zoned D.R. 10.5.

Therefore, upon due consideration of the testimony and evidence presented, the Petitions for Special Hearing and Variance (as amended) will be granted. In this regard, I shall incorporate the amended red-lined site plan marked as Petitioner's Exhibit 4. Additionally, pursuant to the authority conferred upon me by the Baltimore County Code and the B.C.Z.R., certain conditions and restrictions shall be added. As noted above, the terms and conditions set forth in Mr. Pittler's letter of June 10, 1998 shall be attached as conditions precedent to the relief granted. As noted above, those terms and provisions are specifically incorporated herein,

except as to the amendment of the square footage of the proposed building to 8625 sq.ft. instead of 8600 sq.ft. and the hours of operation limited to from 8:00 AM to 9:30 PM.

As an additional condition/restriction, I shall require the elimination of the drive-thru lane. In my judgment, the existence of the drive-thru window would be the single biggest negative impact upon the community and would be inappropriate here. I explain. The building is sited on the property so as to be close to Compass Road, immediately behind an area of landscaping and sidewalk adjacent to the road right-of-way. The proposed drive-thru lane is located in the rear of the property, between the CVS/Pharmacy building and the rear property line shared with a number of residences which are part of the Victory Villa subdivision. Although I applaud the Petitioners' efforts to reduce that impact by the installation of fencing and landscaping, I believe that the existence of traffic to the rear of the site immediately adjacent to the rear property line will cause adverse impacts to the residents who reside to the rear which cannot be mitigated. Although there will not be an outside sound system, there will be noises associated with customer pick-up and automobile traffic immediately adjacent to these residences. Moreover, there would be disruption caused by headlights and other increased lighting in that area. In my judgment, such a condition is unacceptable and will not be allowed. Therefore, although I approve the amended plan submitted, I will restrict the relief so as to require compliance with the terms and conditions outlined in Mr. Pittler's letter to Mr. Keller, as well as an elimination of the drive-thru lane. The rear of the site can contain a macadam area to allow for proper traffic circulation; however, that rear area should be nothing

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more than a drive aisle. Any reduction of the macadam surface in that area can more properly be used for screening purposes.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of July, 1998 that the Petition for Special Hearing seeking approval of a commercial loading/service in residential and R.O. zones and commercial parking in residential and R.O. zones, pursuant to Section 409.8.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance (as modified herein) seeking relief from the B.C.Z.R. as follows: From Section 409.8.a.4 to permit a parking setback of 7 feet in lieu of the required 10 feet; from Section 232.1 to permit a front setback of 0 feet in lieu of the required 10 feet; from Section 232.2 (See 1B01.2.C.1.a) to permit a side setback of 0 feet in lieu of the required 20 feet; and, from Section 1B01.1.B.e to permit a 10-foot buffer in a residential transition area in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 4, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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) Compliance with the terms and conditions set forth in Mr. Pittler's letter of June 10, 1998, a copy of which is attached hereto and made a part hereof. As noted above, those terms and provisions are specifically incorporated herein, except as to the increase in the size of the proposed building from 8600 sq.ft. to

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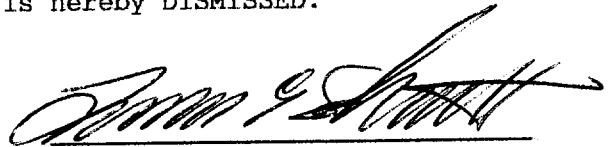
8625 sq.ft. and the hours of operation will be from 8:00 AM to 9:30 PM.

3) Development of the site is subject to the development review regulations and process set forth in Title 26 of the Baltimore County Code. (i.e., compliance with the Zoning Plans Advisory Committee comments submitted by the Office of Planning, dated June 10, 1998), a copy of which is attached hereto.

4) The drive-thru lane to the rear of the property shall be eliminated. The rear of the site can contain a macadam area to allow for proper traffic circulation; however, that area should be nothing more than a drive aisle. Any reduction of the macadam surface in that area can more properly be used for screening efforts.

5) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 232.3 to permit a rear setback of 12 feet in lieu of the required 20 feet and from Section 409.6.A.2 to permit 45 parking spaces in lieu of the required 51, be and is hereby DISMISSED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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