

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
SWC Loch Raven Boulevard		
and Taylor Avenue	*	DEPUTY ZONING COMMISSIONER
9th Election District		
4th Councilmanic District	*	OF BALTIMORE COUNTY
(6834 Loch Raven Boulevard)		
	*	CASE NO. 00-042-XA
Rite Aid of Maryland, Inc.,		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for special exception and variance filed for property located at 6834 Loch Raven Boulevard. The Petition was filed by the legal owner of the subject property, Rite Aid of Maryland, Inc. and the contract purchaser, McDonald's Corporation. The special exception request is to allow one double-face illuminated 5 x 10 ft. McDonald's outdoor advertising sign per Section 450.04.11 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variances are being requested to allow 53 parking spaces in lieu of the required 82. Originally, the Petitioner had requested 122 in lieu of 136 parking spaces, but because the property is being subdivided, they are actually asking to have 53 parking spaces in lieu of the required 82 parking spaces, which parking supports a McDonald's fast food restaurant. In addition, the Petitioner is requesting a variance from Section 450.5.A to allow 3 "Golden Arches" on the wall of the McDonald's building in lieu of the permitted 2, and to allow a fourth wall sign of 22 sq. ft. on a wall without an exterior entrance. Furthermore, a variance from Section 470.7.C.1.f. is being requested to permit an outdoor advertising sign within 40 ft. of a dual highway in lieu of the required 100 ft. Finally, a variance from Section 409.10.A to permit 4 cars stacked behind a drive-thru order board in lieu of the required 5 is being requested.

Appearing at the hearing on behalf of the request were Bharat Parikh and Carl Jenkins on behalf of McDonald's Corporation, David Martin, professional engineer with G. W. Stephens, who prepared the site plan of the property, Wayne Alden, the proprietor of the McDonald's Restaurant

ORDER RECEIVED FOR FILING
 Date 10/17/99
 By R. J. [Signature]

and Stanley Fine, attorney at law, representing the Petitioner. Appearing as interested citizens were Mike Sarkin, Donna Spicer and David Nielsen.

Testimony and evidence indicated that the property, which is the subject of this special exception and variance request, is located on the southwest corner of the intersection of Taylor Avenue and Loch Raven Boulevard in the Loch Raven area of Baltimore County. The subject property is currently improved with an abandoned Sizzler Steak House and Roy Rogers fast food restaurant. The owner and contract purchaser are desirous of tearing down the old abandoned structures and developing the site with a new McDonald's restaurant and a proposed Rite Aid Pharmacy.

The Petitioner herein, McDonald's, is interested in moving forward with the development of their one-half of this property at this time. They propose to construct a 4,017 sq. ft. McDonald's drive-thru, fast food restaurant. The front of the McDonald's restaurant would contain a playground area for small children. In addition, McDonald's proposes to share signage with the proposed Rite Aid, thereby locating a joint identification sign at the entrance to the property off of Taylor Avenue. As a result of the sign not actually being situated on McDonald's property and being located on the Rite Aid property, the sign is treated as an outdoor advertising sign.

In order to proceed with the development of the property, the special exception request is needed in order to approve the McDonald's identification sign which is actually situated on the Rite Aid property, as well as the several variance requests as indicated previously.

Several residents from the surrounding community appeared as interested citizens. These residents have been working very closely with the representatives from McDonald's, as well as Mr. Wayne Alden, the actual proprietor of this particular McDonald's store. Agreements have been reached between the parties to address the concerns of the interested citizens. Mr. Alden, as well as the representatives from McDonald's have been very accommodating to the requests made by these

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Date

10/7/99

By

R. J. J. J.

citizens. These citizens are looking forward to the development of this site which has had abandoned businesses on it for some time. They are looking forward to new life coming to the corner of this heavily traveled intersection.

As stated previously, the special exception request is for the McDonald's sign to be located along Taylor Avenue. Inasmuch as this McDonald's sign is not actually located on the McDonald's property it is classified as an outdoor advertising sign and the Petitioner is required to comply with Section 450 of the B.C.Z.R. Additionally, as per the requirements of Section 450, the Petitioner, McDonald's, will also be removing an outdoor advertising sign which is located across the street from the subject property. Therefore, I find that they have met the obligations imposed upon them by the Baltimore County Zoning Regulations as to outdoor advertising signs and also have complied with the requirements of Section 502.1.

As to the variance request, an area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject

DATE 10/17/99
BY R. Jamison

of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED this 7th day of October, 1999, by this Deputy Zoning Commissioner, that the Petitioner's Request for Special Exception to allow one double-face illuminated 5 x 10 ft. McDonald's outdoor advertising sign per Section 450.04.11 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance from: (a) Section 409.6A2 to allow 53 parking spaces in lieu of the required 82; (b) Section 450.5.A to allow 3 "Golden Arches" on the wall of the McDonald's building in lieu of the permitted 2, and to allow a fourth wall sign of 22 sq. ft. on a wall without an exterior entrance; (c) Section 470.7.C.1.f. to permit an outdoor advertising sign within 40 ft. of a dual highway in lieu of the required 100 ft.; and (d) Section 409.10.A to permit 4 cars stacked behind a drive-thru order board in lieu of the required 5, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

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. The Petitioner shall be required to install their entrance and exit signs to the subject property on low brick walls.

ORDER RECEIVED FOR FILING

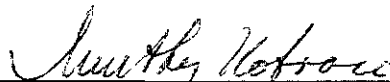
DATE

10/6/99

BY

[Signature]

3. To the extent possible, McDonald's shall move the proposed McDonald's restaurant and play area further back on the lot in an effort to provide additional open area along Loch Raven Boulevard.
4. The Petitioner shall be required to place appropriate landscaping around the dumpster pad on the subject property.
5. The Petitioner shall be required to provide a brick base at the bottom of the McDonald's freestanding sign located on the property. This would not apply to the outdoor advertising sign shared with the proposed Rite Aid Pharmacy located on the Rite Aid property.
6. The Petitioner shall continue to work with representatives of the surrounding community who appeared at the hearing as to the final design and appearance of the façade of the playground situated on the front of the McDonald's restaurant, nearest to Loch Raven Boulevard.
7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 10/7/99
By R. J. J. J.

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
SWC Loch Raven Boulevard		
and Taylor Avenue	*	DEPUTY ZONING COMMISSIONER
9th Election District		
4th Councilmanic District	*	OF BALTIMORE COUNTY
(6834 Loch Raven Boulevard)		
	*	CASE NO. 00-042-XA
Rite Aid of Maryland, Inc.,		
Petitioners	*	
* * * * *		

AMENDED ORDER

This matter came before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, Rite Aid of Maryland, Inc. and the contract purchaser, McDonald's Corporation. A hearing was held on September 15, 1999. The Petitioners' request was granted by my Order dated the 7th day of October, 1999.

Thereafter, on October 28, 1999, the Petitioner filed a Motion for Reconsideration asking for a clarification of the relief granted as to signage and to correct the section number cited by the Petitioner on its Petition for Variance.

Petitioners' specifically request in their Motion for Reconsideration that my Order correctly identify the type of signage which is to be provided by this McDonald's Restaurant. In my Order dated October 7th, 1999, I incorrectly stated that the three (3) signs in question would be "Golden Arches", which are commonly used by McDonald's Restaurants. However, in this instance, the Petitioner is proposing to install two (2) "Golden Arches" and one (1) "Playland" sign. Therefore, my previous Order shall be amended to accurately reflect that the Petitioner shall be permitted to install two (2) "Golden Arch" signs and one (1) "Playland" sign.

In addition, the Petitioner requested a variance, citing Section 470.7.C.1.f, to allow an outdoor advertising sign within 40 ft. of a dual highway. The Petitioner incorrectly cited the section of the Baltimore County Zoning Regulations (B.C.Z.R.) that applies to that particular

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Date 11/4/99

By R. J. Janssen

request. The Petition form and consequently my Order dated October 7, 1999 should be amended to accurately reflect that the Petitioners' Variance request is from Section 450.7.C.1.f. Therefore, my previous Order shall be amended to accurately reflect the proper section of the Baltimore County Zoning Regulations.

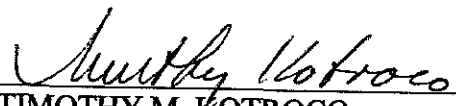
THEREFORE, IT IS ORDERED this 4th day of November, 1999, by this Deputy Zoning Commissioner, that my previous Order dated the 7th day of October, 1999, be and is hereby amended as follows:

The Petitioners' shall be permitted to install two (2) "Golden Arch" signs on the wall of the proposed McDonalds Building, along with one (1) "Playland" sign.

IT IS FURTHER ORDRED, that the Petitioners' request to allow an outdoor advertising sign within 40 ft. of a dual highway shall be changed to accurately reflect that the request was from Section 450.7.C.1.f of the Baltimore County Zoning Regulations (B.C.Z.R.).

IT IS FURTHER ORDERED, that all other terms and conditions of my previous Order dated the 7th day of October, 1999 shall remain in full force and effect.

IT IS FURTHER ORDRED that any appeal of this decision shall be made within thirty (30) days from the date of this Amended Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

COPIES RECEIVED FOR FILING

DATE 11/4/99
BY R. J. JAMESON



Baltimore County
Zoning Commissioner

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

November 3, 1999

Stanley S. Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLP
25 S. Charles Street
Baltimore, Maryland 21201

RE: Petitions for Special Exception & Variance
Case No. 00-042-XA
Property: 6834 Loch Raven Boulevard

Dear Mr. Fine:

Enclosed please find an Amended Order regarding my October 7, 1999 decision rendered in the above-captioned case.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Copies to:

Mr. Charles E. Brodsky
Rite Aid of Maryland, Inc.
P. O. Box 3165
Harrisburg, Pennsylvania 17105

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



Printed with Soybean Ink
on Recycled Paper

Mr. Bharat Parikh
McDonald's Corporation
250 W. Pratt Street, 17th Floor
Baltimore, Maryland 21201

Mr. Carl Jenkins
McDonald's Corporation
250 W. Pratt Street, 17th Floor
Baltimore, Maryland 21201

Mr. Wayne Alden
7123 Harford Road
Baltimore, Maryland 21234

Mr. David Martin
G. W. Stephens & Assoc., Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21286-3396

Mr. Michael Sarkin
1308 Putty Hill
Towson, Maryland 21286

Mr. David Nielsen
8148 Pleasant Plains
Towson, Maryland 21286

Ms. Donna Spicer
8719 Eddington Road
Baltimore, Maryland 21234

Mr. Bharat Parikh
McDonald's Corporation
250 W. Pratt Street, 17th Floor
Baltimore, Maryland 21201

Mr. Carl Jenkins
McDonald's Corporation
250 W. Pratt Street, 17th Floor
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8148 Pleasant Plains
Towson, Maryland 21286

Ms. Donna Spicer
8719 Eddington Road
Baltimore, Maryland 21234



Baltimore County
Zoning Commissioner

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

October ⁷/₈, 1999

Stanley S. Fine, Esquire
Rosenberg, Proutt, Funk & Greenberg, LLP
25 S. Charles Street
Baltimore, Maryland 21201

RE: Petitions for Special Exception & Variance
Case No. 00-042-XA
Property: 6834 Loch Raven Boulevard

Dear Mr. Fine:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception and Variance have been granted, with restrictions, in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", is written over a horizontal line.

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

Mr. Charles E. Brodsky
Rite Aid of Maryland, Inc.
P. O. Box 3165
Harrisburg, Pennsylvania 17105

Mr. Bharat Parikh
McDonald's Corporation
250 W. Pratt Street, 17th Floor
Baltimore, Maryland 21201

Mr. Carl Jenkins
McDonald's Corporation
250 W. Pratt Street, 17th Floor
Baltimore, Maryland 21201

Mr. Wayne Alden
7123 Harford Road
Baltimore, Maryland 21234

Mr. David Martin
G. W. Stephens & Assoc., Inc.
1020 Cromwell Bridge Road
Towson, Maryland 21286-3396

Mr. Michael Sarkin
1308 Putty Hill
Towson, Maryland 21286

Mr. David Nielsen
8148 Pleasant Plains
Towson, Maryland 21286

Ms. Donna Spicer
8719 Eddington Road
Baltimore, Maryland 21234



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

(to be subdivided)

for the property located at 6834 Loch Raven Blvd.

which is presently zoned BL-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

1 double faced illuminated 5' x 10' (50 sq. ft. per side) outdoor advertising sign per Section 450.04.11 BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

McDonald's Corporation

Name - Type or Print

By:

Signature

250 W. Pratt St., 17th Fl. 410-234-2772

Address

Telephone No.

Baltimore

MD

21201

City

State

Zip Code

Attorney For Petitioner:

Stanley S. Fine

Name - Type or Print

Signature

Rosenberg Proutt Funk & Greenberg, LLP

Company

25 S. Charles Street

410-727-6600

Address

Telephone No.

Baltimore

MD

21201

City

State

Zip Code

Legal Owner(s):

Rite Aid of Maryland, Inc.

Name - Type or Print

Signature

CHARLES E. BRODSKY

Name - Type or Print

AUTHORIZED REPRESENTATIVE

Signature

P.O. Box 3165

CONTACT ATTORNEY DMH

Address

Telephone No.

Harrisburg

PA

17105

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

UNAVAILABLE FOR HEARING

Reviewed By JL

Date

7/29/99

Case No. 00-42-XA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date 10/7/99

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

A2

Zoning Description
July 28, 1999

Description to accompany a Special Exception Request

6834 Loch Raven Boulevard
South East corner of Taylor Avenue and Loch Raven Boulevard
Baltimore County, Maryland
Election District 9, Councilmanic District 4
Tax Map 70 – Parcel 368

Beginning at a point located at the centerline intersections of Taylor Avenue, 90 feet wide, and Loch Raven Boulevard, 90 feet wide at the said intersection, thence N 69 degrees 22 minutes 47 seconds W, 324.11 feet to a Point of Beginning for this Special Exception, thence the following courses:

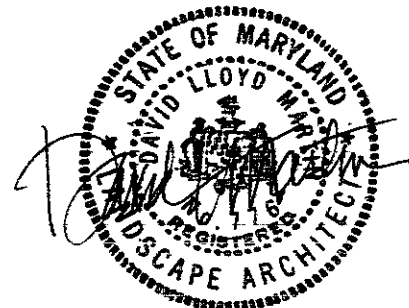
S 28 degrees 31 minutes 13 seconds W, 29.88 feet, thence N 61 degrees 28 minutes 47 seconds W, 30.00 feet, thence N 28 degrees 31 minutes 13 seconds E, 29.88 feet, thence S 61 degrees 28 minutes 47 seconds E, 30.00 feet back to the point of beginning.

Containing .021 acres (896.45) square feet of land more or less.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

00-042-XA

410-825-8120 • FAX 410-583-0288
gwstowson@erols.com



42

FROM THE OFFICE OF

GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.
CONSULTING ENGINEERS • LAND PLANNERS • LAND SURVEYORS
1020 CROMWELL BRIDGE ROAD • TOWSON, MARYLAND 21286-3396

Zoning Description
July 28, 1999

Description to accompany a Variance Request

6834 Loch Raven Boulevard
South East corner of Taylor Avenue and Loch Raven Boulevard
Baltimore County, Maryland
Election District 9, Councilmanic District 4
Tax Map 70 – Parcel 368

Beginning at a point located at the centerline intersections of Taylor Avenue, 90 feet wide, and Loch Raven Boulevard, 90 feet wide at the said intersection, thence N 81 degrees 50 minutes 08 seconds W, 136.49 feet to a Point of Beginning at the North East corner of the property, thence the following courses:

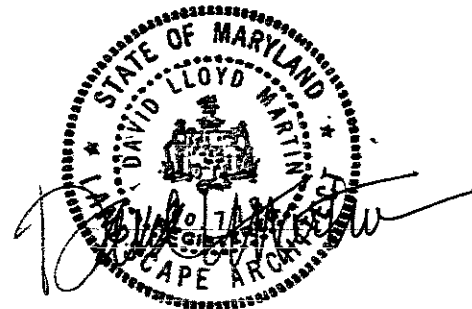
S 30 degrees 01 minutes 50 seconds W, 8.12 feet, thence S 59 degrees 58 minutes 10 seconds E, 2.02 feet, thence by a curve to the right having a radius of 83.00 feet for a distance of 128.40 feet, said curve being subtended by a chord bearing S 15 degrees 39 minutes 10 seconds E, 115.97 feet, thence S 28 degrees 39 minutes 50 seconds W, 223.76 feet, thence N 62 degrees 38 minutes 52 seconds W, 305.19 feet, thence N 28 degrees 31 minutes 13 seconds E, 344.27 feet, thence by a curve to the left having a radius 1455.50 feet for a distance of 222.99 feet, said curve being subtended by a chord bearing S 55 degrees 34 minutes 50 seconds E, 222.77 feet, thence S 59 degrees 58 minutes 10 seconds E, 1.48 feet back to the point of beginning.

Containing 2.226 acres (96,965) square feet of land more or less and as described in Liber 12707 Page 35 in the Land Records of Baltimore County.

NOTE: the above description is for zoning purposes only and is not intended to be used for conveyances or agreements.

00-042-XA

410-825-8120 • FAX 410-583-0288
gwstowson@erols.com



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

JL #42 No. 070473

DATE _____ ACCOUNT R0016150

AMOUNT \$ 550.00

RECEIVED FROM: GWS + DAVE MARTIN

FOR: XA FILING.

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
7/29/1999 7/29/1999 15:35:53
REG 4901 CASHIER JRIC JMR DOWNER
Dept 5 528 ZIRING VERIFICATION
Receipt # 111108
CR NO. 070473 OFIN

Receipt for
500.00 OK

550.00
60.00
10.00

Baltimore County, Maryland

CASHIER'S VALIDATION

00-0473-XA

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: #00-042-XA

6834 Loch Raven Boulevard

SWC Loch Raven Boulevard and Taylor Avenue

9th Election District - 4th Councilmanic District

Legal Owner: Rita Aid of Maryland, Inc.

Contract Purchaser: McDonald's Corporation

Special Exception: for 1 double-faced illuminated 5-foot by 10-foot outdoor advertising sign. **Variances:** to permit 122 parking spaces in lieu of the required 136; to permit 3 signs on the front wall in lieu of the permitted 2 signs; to permit a 4th wall sign in lieu of the maximum of 3; to permit an outdoor advertising sign within 40 feet of a dual highway in lieu of the required 100 feet; and to permit 4 cars stacked behind a drive-thru order board in lieu of the required 5.

Hearing: Wednesday, September 15, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Ave.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, please contact the Zoning Commissioner's Office at (410) 887-4366.

(2) For information concerning the file and/or hearing, contact the Zoning Review Office at (410) 887-3391.

JTU/8/743 Avin 31

C335349

CERTIFICATE OF PUBLICATION

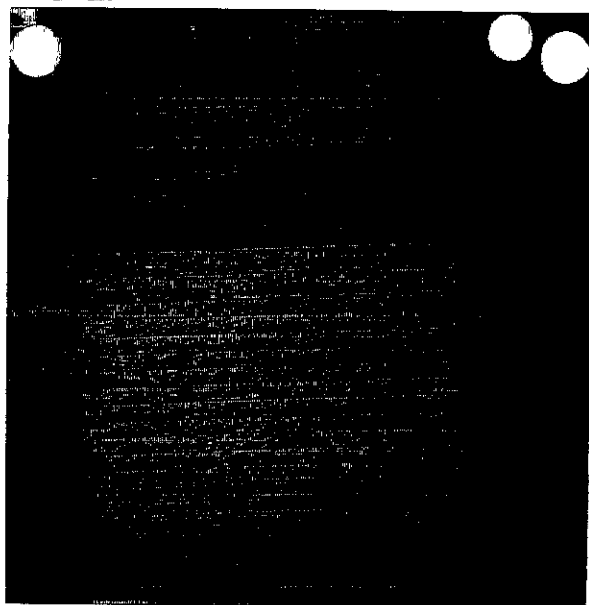
TOWSON, MD., 9/2, 1999

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 Tues. 8/31, 1999.

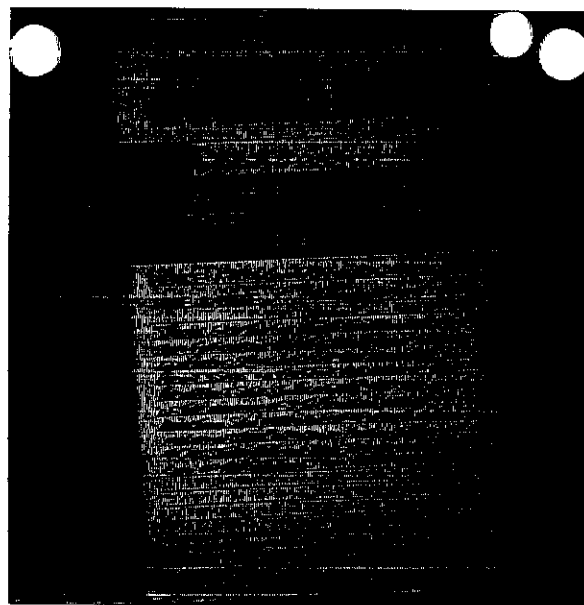
THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING



POSTED ON
TAYLOR AVE.



POSTED ON
LOCK RAVEN BLVD.

CERTIFICATE OF POSTING

RE: CASE #00-042-XA
PETITIONER/DEVELOPER:
(McDonalds Corp.)
DATE OF Hearing
(Sept. 15, 1999)

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

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
6834 Loch Raven Blvd. Baltimore, Maryland 21234_____

The sign(s) were posted on _____ 8-31-99 _____
[Month, Day, Year]

Sincerely,


[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ (410)-687-8405 _____
[Telephone Number]

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
SFC 6834 Loch Raven Boulevard,
SWC Loch Raven Blvd and Taylor Avenue
9th Election District, 4th Councilmanic

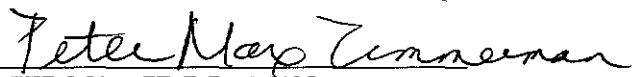
Legal Owner: Rite Aid of Maryland, Inc.
Contract Purchaser: McDonald's Corp.
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-42-XA

* * * * *

ENTRY OF APPEARANCE

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


PETER MAX ZIMMERMAN
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 19th day of August, 1999 a copy of the foregoing Entry of Appearance was mailed to Stanley S. Fine, Esq., Rosenberg, Proutt, Funk, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, attorney for Petitioners.


PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 12, 1999

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: 00-042-XA
6834 Loch Raven Boulevard
SWC Loch Raven Boulevard and Taylor Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Rite Aid of Maryland, Inc.
Contract Purchaser: McDonald's Corporation

Special Exception for 1 double-faced illuminated 5-foot by 10-foot outdoor advertising sign. Variance to permit 122 parking spaces in lieu of the required 136; to permit 3 signs on the front wall in lieu of the permitted 2 signs; to permit a 4th wall sign in lieu of the maximum of 3; to permit an outdoor advertising sign within 40 feet of a dual highway in lieu of the required 100 feet; and to permit 4 cars stacked behind a drive-thru order board in lieu of the required 5.

HEARING: Wednesday, September 15, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the initials "SJ" written below it.

Arnold Jablon
Director

c: Stanley Fine, Esquire, 25 South Charles Street, Baltimore 21201
Rite Aid of Maryland, Inc., PO Box 3165, Harrisburg, PA 17105
McDonald's Corporation, 250 W. Pratt Street, 17th Floor, Baltimore 21201
Darrell Krushensky, 1569 Cottage Lane, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY AUGUST 31, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 31, 1999 Issue – Jeffersonian

Please forward billing to:

McDonalds Corporation
250 W. Pratt Street
17th Floor
Baltimore, MD 21201

410-234-2772

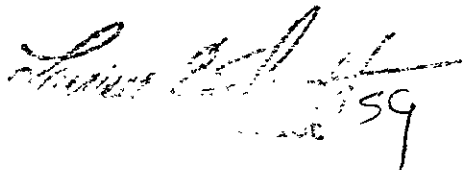
NOTICE OF ZONING HEARING

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: 00-042-XA
6834 Loch Raven Boulevard
SWC Loch Raven Boulevard and Taylor Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Rite Aid of Maryland, Inc.
Contract Purchaser: McDonald's Corporation

Special Exception for 1 double-faced illuminated 5-foot by 10-foot outdoor advertising sign. Variance to permit 122 parking spaces in lieu of the required 136; to permit 3 signs on the front wall in lieu of the permitted 2 signs; to permit a 4th wall sign in lieu of the maximum of 3; to permit an outdoor advertising sign within 40 feet of a dual highway in lieu of the required 100 feet; and to permit 4 cars stacked behind a drive-thru order board in lieu of the required 5.

HEARING: Wednesday, September 15, 1999 at 2:00 p.m. in Room 106, County Office Building, 111 West Chesapeake Avenue



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) 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 the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-42-XA

Petitioner: Rite Aid of Maryland, Inc.

Address or Location: P.O. Box 3165, Harrisburg, PA 17105

PLEASE FORWARD ADVERTISING BILL TO:

Name: McDonalds Corporation

Address: 250 W. Pratt Street, 17th Floor, Baltimore, MD 21201

Telephone Number: 410-234-2772

Sept
9/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 18, 1999

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

SUBJECT: 6834 Loch Raven Boulevard

INFORMATION:

Item Number: 00-42-XA
Petitioner: McDonald's Corporation
Property Size: 2.26 acres
Zoning: BL-CCC
Requested Action: Variance and Special Exception
Hearing Date:

REQUEST:

The variances being requested in this case are from the following sections of the BCZR: Section 409.6A2 to permit 122 parking spaces in lieu of the 136 required; Section 450.4.1 to permit three signs on the front wall of the McDonald's building in lieu of the permitted two signs; Section 450.4.15(a) to permit a rear wall sign all in lieu of the total two signs; Section 470.7.C.1 (f) to permit an outdoor advertising sign within 40 feet of a dual highway in lieu of the recognized 100 feet; and Section 409.10.A to permit four cars stacked behind a drive-thru order board in lieu of the required five. The special exception is for the purpose of permitting one double faced illuminated 5 feet by 10 feet (50 square feet per side) outdoor advertising sign per Section 450.04.11 of the BCZR.

The subject property is a 2.26 acre parcel located on the southwest corner of Loch Raven Boulevard and Taylor Avenue in the Loch Raven Commercial Revitalization District. It was formerly improved with a Roy Rogers and a Sizzler restaurant. The current applicants are proposing to raze the vacant buildings and construct a Rite Aid Pharmacy and a McDonald's restaurant with a drive thru window and a 1094 square foot indoor play structure. Although there will be two separate uses, the site currently exists as one lot of record and is owned by the Rite Aid corporation. Shared parking totaling 122 spaces will be provided on site. The

site plan also indicates that ingress and egress to the two operations will also be shared as well as the design and location of the freestanding signage.

The development of this site is significant for several reasons. In addition to being designated a commercial revitalization district, the State of Maryland and Baltimore County have budgeted six million dollars for streetscape improvements to Loch Raven Boulevard from Joppa Road to Goucher Boulevard. A central focus of the project is the creation of the "Loch Raven Town Center" at the intersection of Loch Raven Boulevard and Taylor Avenue. The town center will include the introduction of new entryways and unifying design elements to the four existing shopping centers and consistent streetscape treatment along the frontage of the four centers. Construction is scheduled to commence in the summer of 2000. In light of the significant investment planned for this area, the Office of Planning offers the following recommendations and requests that they be incorporated into the hearing officer's order:

SUMMARY OF RECOMMENDATIONS:

1. Decrease the height of the outdoor advertising sign to be located at the Taylor Avenue entrance by making it a ground mounted sign which includes landscaping around the sign base.
2. Provide a detailed landscape plan for the McDonald's parcel (plan for Rite Aid was submitted in 1997) to the Office of Planning for review and approval. The plan should comply with the Baltimore County Landscape Manual as well as the guidelines set forth in the Loch Raven Corridor Study Corridor Study produced by the Neighborhood Design Center in 1997.
3. Submit detailed building elevations indicating materials and color selection to this office for review and approval. Every effort should be made to select a color scheme, which is compatible with the newly renovated Loch Raven Plaza located directly west of the site.
4. Indicate paving materials and handicapped access on the site plan.

Section Chief

AFK:LH:lsn



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: August 16, 1999

FROM: *fwb* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: August 4, 1999

TO: Larry E. Schmidt
Zoning Commissioner

FROM: James H. Thompson - DR
Code Enforcement Supervisor

SUBJECT: ITEM NO.: 042
PETITIONER: Rite Aid of Maryland, Inc.

VIOLATION CASE NO.: 97-6288

LOCATION OF VIOLATION: SWC Loch Raven Boulevard and Taylor Avenue
(6834 Loch Raven Boulevard)

DEFENDANT(S): Rite Aid of Maryland, Inc.

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

<u>NAME</u>	<u>ADDRESS</u>
Darrell Krushensky	1569 Cottage Lane Towson, MD 21286

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Code Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/dr/lmh

00-042-XA

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: July 29, 1999

TO: Hearing Officer

FROM: John L. Lewis
Planner II
Zoning Review, PDM

SUBJECT: Case Number 00-042-XA
6834 Loch Raven Boulevard

This petition was filed showing a McDonald's sign to be removed from a McDonald's property just down the street. They are stating that this is an outdoor advertising sign being removed as required by Section 450.7.C.2 to allow the erection of a new outdoor ad sign. This sign being removed doesn't appear to me to be an outdoor ad sign and also it must be clear it is in a priority removal area. They sign they are putting up though is only an outdoor ad sign by virtue of being off-site from the McDonald's. Staff is not opposed to the granting of the special exception.

JLL:scj



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.12.99

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

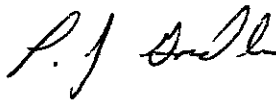
RE: Baltimore County
Item No. 042 (JLL)

Dear Ms. Stephens:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 542 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


Per Michael M. Lenhart, Chief
Engineering Access Permits Division

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



ASSOCIATES OF LOCH RAVEN VILLAGE, INC.
P. O. BOX 9721 • LOCH RAVEN, MARYLAND • 21284-1221

"The Place to Call Home"

September 15, 1999

The commercial area surrounding the intersection of Loch Raven Boulevard and Taylor Avenue is a focus of the surrounding areas' concerns. The Loch Raven Community Council (LRCC), an umbrella organization that includes the 17 communities along (and to the east and west of) Loch Raven Boulevard, has accordingly taken a leadership role in expressing these concerns and developing possible solutions. This group, along with the Associates of Loch Raven Village (ALRV-representing the largest community in the area) has operated on the belief that the health of the commercial area will determine the fate of the residential area.

Pursuant to these concerns the groups engaged in the effort to revitalize the Loch Raven Boulevard corridor. The talented architect and Design Review Commission member George Holback kindly offered his services pro bono to develop conceptual designs for the entire corridor, and it is this work that sold the idea to state and local officials. The surrounding communities have embraced these concepts as the promise of things to come, and the LRCC and ALRV have revisited them time and again in dealing with commercial redevelopment along the Boulevard. Along with the work being done by the State Highways Task Force, these conceptual drawings provide the design standards we are working to realize to bring order to chaos, and a sense of identity where none exists. This we hope will give the struggling Loch Raven commercial core a chance to once again be the anchor of an area in danger of drifting further down the road to decay.

The leadership of the LRCC and ALRV view the proposed redevelopment at the southwest corner of Loch Raven and Taylor with a mixture of eager anticipation and fear. Such redevelopment affords the only opportunity to enact any of the plans that so many have worked so long to develop. And of course redevelopment is preferable to continued decay of the properties at this most visible of intersections. But uncontrolled, unrestrained and unregulated redevelopment simply perpetuates an already unhealthy business climate, and more significantly wastes the opportunity to do something about the problem.

It is for this reason (among others) that the LRCC and ALRV pay very close attention to proposals for redevelopment in the area of the intersection. It is for this reason that the communities of the area sought out McDonald's to provide information on plans for the area around their proposed development. And it is for this reason that, when allowed to do so, comments and suggestions based on the McDonald's proposals were offered.

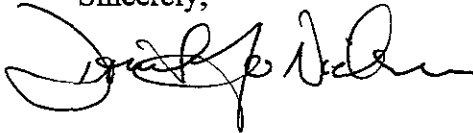
On Thursday, September 9th 1999, representatives of ALRV and LRCC met with representatives of McDonald's. Concerns about the considerable parking variance being requested were not emphasized by the community in order to better highlight the greater concerns about the signage and design of the proposed structure. In preparation for this meeting architect George Holback was consulted on the questions raised by the Planning Office, namely how does this development fit with plans for the area, and how can this fit be improved. Using drawings provided by McDonald's on September 8th, he drafted suggestions and accompanying drawings that focused on four points:

- 1) That the amenity open space provided at the rear of the structure should be shifted to the front and, pursuant to one of the priorities established for the area, an outdoor dining area be provided between the playroom and the Boulevard. Such amenities are pursued when feasible because of the opportunity afforded to create the impression of activity and liveliness on the street. It was further believed that trees and umbrellas accompanying such a dining area would help break up the monolithic and looming façade. McDonald's representatives considered the proposal but were unable to agree to any substantial concessions in this area. Their reasons had to do with the impact a switching of the amenity open space would have on the functioning of their drive-thru operations. They did agree to try to find several feet in front of the proposed play area to create some transition zone between the street and the building.
- 2) Using the façade provided by McDonald's on its site plan (which provided for detailing along the roofline and a pair of piers/pilasters to break up the windowed front), Holback filled in details, such as the use of brick on the piers and base and the incorporation of the signage into the fascia board. At the meeting McDonald's representatives announced that the elevation provided on their site plan was no longer the one they were considering. After considerable discussion about the nature of improvements being suggested for the intersection and surrounding commercial properties in the Holback and State Highways plans, McDonald's representatives agreed to consider the community's wishes on the façade issue. Since it was unlikely that agreement could be reached before the zoning hearing, both parties agreed that the community would reserve its rights to appeal any decision rendered pending the successful resolution of this issue.
- 3) The site plan shows the entries from Loch Raven Blvd and from Taylor Avenue onto the proposed parking lot and drive-thru. Mr. Holback suggested and the community agrees that these entries should be accompanied by brick markers in keeping with proposals for the other shopping areas in the intersection area. He furthermore suggested that streetside signage be lowered and incorporated into one of the entry markers. McDonald's representatives were unable to make any concessions in the area of the size or height of signage. They did agree to construct entry markers pending agreement to do the same by Rite-Aid. They further agreed to construct their streetside signs with brick monolith bases in keeping with the theme established for the area in the revitalization plan.

- 4) Finally, the strong green buffer between the McDonald's / Rite Aid site and Loch Raven Plaza evident on the landscaping plan, including a landscape buffer around three sides of the trash enclosure (seen on one of the early site plans) was applauded and its realization encouraged. On this point McDonald's representatives agreed to seek a further variance of one parking space to allow for the construction of a median protruding from the curb to allow for the third (Boulevard-facing) side of the enclosure to be masked.

The LRCC and ALRV consider these negotiations to have been constructive. Reservations about the parking variance have been set aside in hopes that a development of the site in harmony with the Loch Raven Boulevard Corridor Enhancement Plan can go forward. The community reserves its rights to appeal the granting of any variances on this project should this not prove possible.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Nielsen", written in a cursive style.

David J. Nielsen
Vice President
Associates of Loch Raven Village, Inc.

ROSENBERG PROUTT FUNK & GREENBERG, LLP

ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 FIRST MARYLAND BUILDING
25 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

(410) 727-6600

FACSIMILE: (410) 727-1115

STANLEY S. FINE

E-MAIL ADDRESS

stanley@rpfg.com

October 28, 1999

**VIA FACSIMILE AND FIRST
CLASS MAIL**

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
County Courts Building, 4th Floor
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No.: 00-042-XA
In Re: Petition for Special Exception and Petition
for Variances (6834 Loch Raven Blvd.)
Legal Owner: Rite Aid of Maryland, Inc.
Contract Purchaser: McDonald's Corp., Petitioner

Dear Mr. Kotroco:

As you know, this firm represents McDonald's Corporation in the above matter. We are in receipt of your decision dated October 7, 1999 in which you granted the Petition for Special Exception and Petition for Variances requested.

In reviewing your decision, it is possible that Baltimore County would not issue a building permit for a certain signage variance requested and approved by you in the decision. Specifically, McDonald's requested a variance from Section 450.4.I.5(a) to allow 3 signs on the front wall of the McDonald's building. In the decision, this variance request is approved and described as a variance from Section 450.5.A to allow 3 "Golden Arches" on the wall of the McDonald's building in lieu of the permitted 2. As the record and exhibits indicated, McDonald's proposed to have 2 Golden Arches and the word "Playland" on the front of the McDonald's restaurant building as 3 separate signs. Because of your reference to these signs in your decision as 3 "Golden Arches", the County may not issue the building permit for these 3 signs. In addition, McDonald's requested a variance to permit an outdoor advertising sign within 40' of a dual highway, which you granted. However, your decision referred to such variance as Section 470.7.C.1.f, when the correct reference should be Section 450.7.C.1.f.

Consequently, McDonald's is hereby requesting a Motion for Reconsideration of your decision dated October 7, 1999 in this matter for your approval of the following changes:

1. That paragraph 1, page 1 and paragraph 3, page 4 of the decision be revised to provide for a variance from Section 450.4.I.5(a) to allow 3 signs on the front wall of the McDonald's building in lieu of the permitted 2, and to allow a fourth wall

Timothy M. Kotroco
October 28, 1999
Page - 2 -

sign of 22' on a wall without an exterior entrance, in lieu of the language providing for Section 450.5.A. to allow 3 "Golden Arches" on the wall of the McDonald's building in lieu of the permitted 2.

2. To amend the reference to Section 470.7.C.1.f. as it appears in paragraph 1, page 1 and paragraph 3, page 4 of the decision to read "Section 450.7.C.1.f".

Your decision, in paragraph 6 on page 5, provides for the Petitioner to continue to work with representatives of the community concerning the final design and appearance of the McDonald's restaurant. I am pleased to inform you that McDonald's and the community representatives have met and have agreed upon a final design of the front facade of the building, which design will be incorporated as an amendment to the building permit pending before the County.

I am sending a copy of this letter Motion for Reconsideration to the community representatives who appeared at the hearing in this matter and the People's Counsel.

Thank you for your consideration.

Sincerely,


Stanley S. Fine

SSF:sac

cc: McDonald's Corporation
Mr. Michael Sarkin
Ms. Donna Spicer
Mr. David Nielsen
Peter Max Zimmerman, People's Counsel for Baltimore County

ROSENBERG PROUTT FUNK & GREENBERG, LLP

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING A PROFESSIONAL CORPORATION

2115 FIRST MARYLAND BUILDING
25 SOUTH CHARLES STREET
BALTIMORE, MARYLAND 21201

(410) 727-6600

FACSIMILE: (410) 727-1115

29

STANLEY S. FINE

E-MAIL ADDRESS

stanley@rpfg.com

November 24, 1999

VIA FACSIMILE - 410-887-3468
AND FIRST CLASS MAIL

Timothy M. Kotroco, Deputy Zoning
Commissioner for Baltimore County
County Courts Building, 4th Floor
401 Bosley Avenue
Towson, Maryland 21204

Re: Case No.: 00-042-XA
In Re: Petition for Special Exception and Petition
for Variances (6834 Loch Raven Blvd.)
Legal Owner: Rite Aid of Maryland, Inc.
Contract Purchaser: McDonald's Corp., Petitioner

Dear Mr. Kotroco:

As you know, this firm represents McDonald's Corporation in the above matter, which was approved by you by Order dated October 7, 1999 and Amended Order dated November 4, 1999.

McDonald's, in processing its building permit for the above property, requested a permit to install one (1) "Golden Arch" sign consisting of 22 square feet on each of the two side walls of the proposed restaurant building. The Zoning Office has advised that a Petition for Variance for signage on these two side walls was not requested and therefore, not granted by you in the above matter.

In making presentations to the Loch Raven Community Council and at the hearing before you on September 15, 1999, McDonald's proposed the "Golden Arch" sign of 22 square feet on each of the side walls of the building. Ms. Donna Spicer of the Loch Raven Community Council and I, by voice mail to you yesterday, confirmed these presentations.

In light of these facts, please indicate your approval of these signs on the side walls of the building as being within the spirit and intent of your decision in the above matter, and notify the Zoning Office (Mr. Craig McGraw) of same.

Timothy M. Kotroco
November 24, 1999
Page - 2 -

If there is any further information you need, please do not hesitate to contact me. Thank you for your cooperation in this matter.

Sincerely,


Stanley S. Fine

SSF:sac

cc: McDonald's Corporation (via facsimile)
Ms. Donna Spicer (via facsimile)

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DAVID MARTIN

610 STEPHENS RD
CROMWELL BRIDGE RD. 71786
250 W. PRATT ST., 1700, Baltimore, MD
21201
~~same as above~~

CARL JENKINS

BHARAT PARIKH

WAYNE ALDEN

7123 HANFORD RD

BALTIMORE, MD 21234

STANLEY FINE

25 S. CHARLES ST, SUITE 2115
BALTIMORE, MD 21201



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

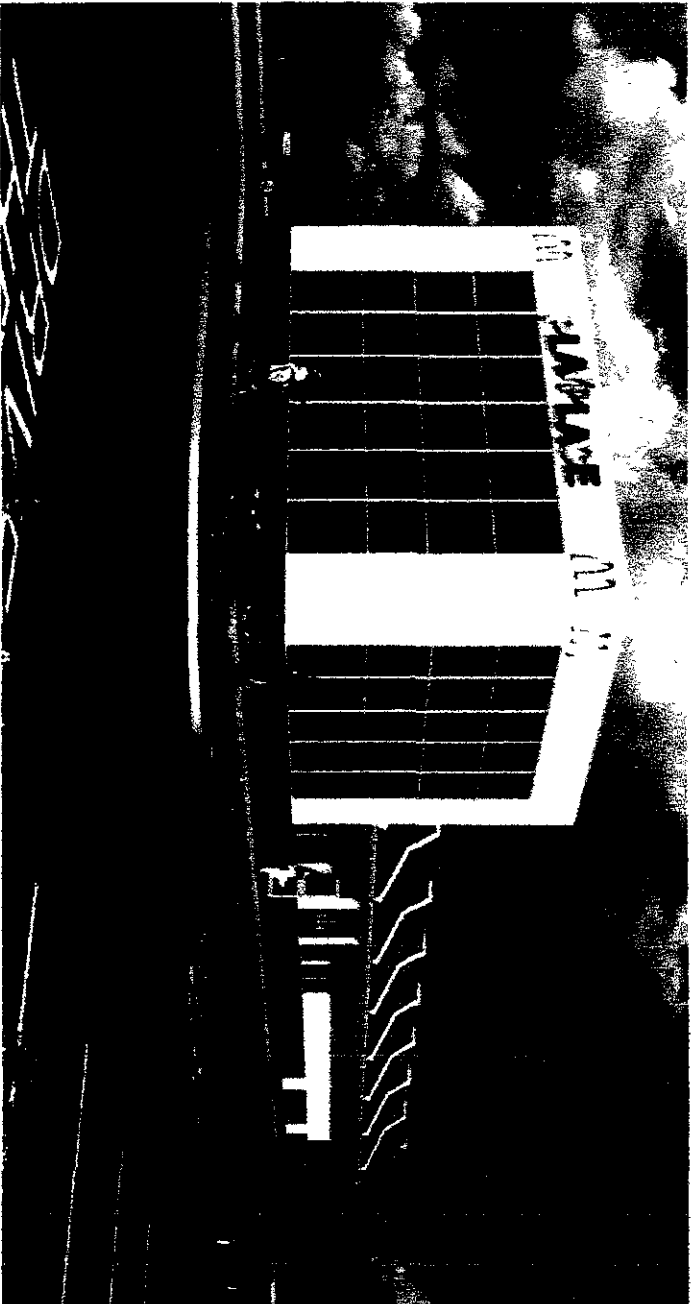
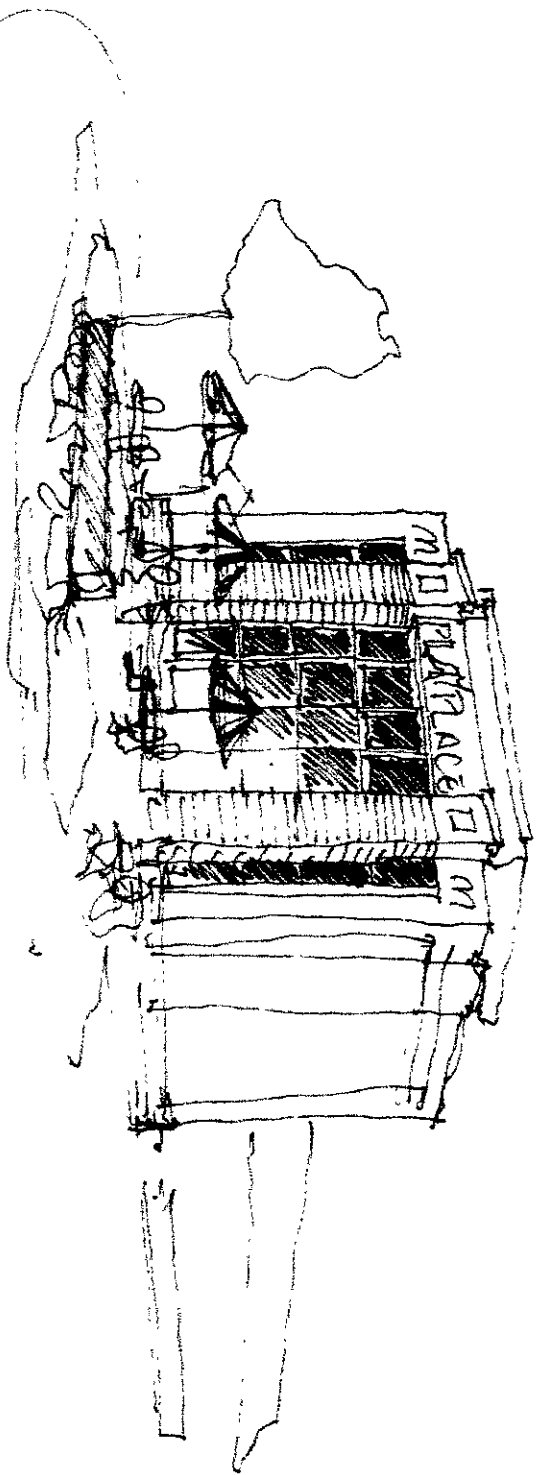
Mike Sarkin
DAVID NIELSEN
DONNA SPICER

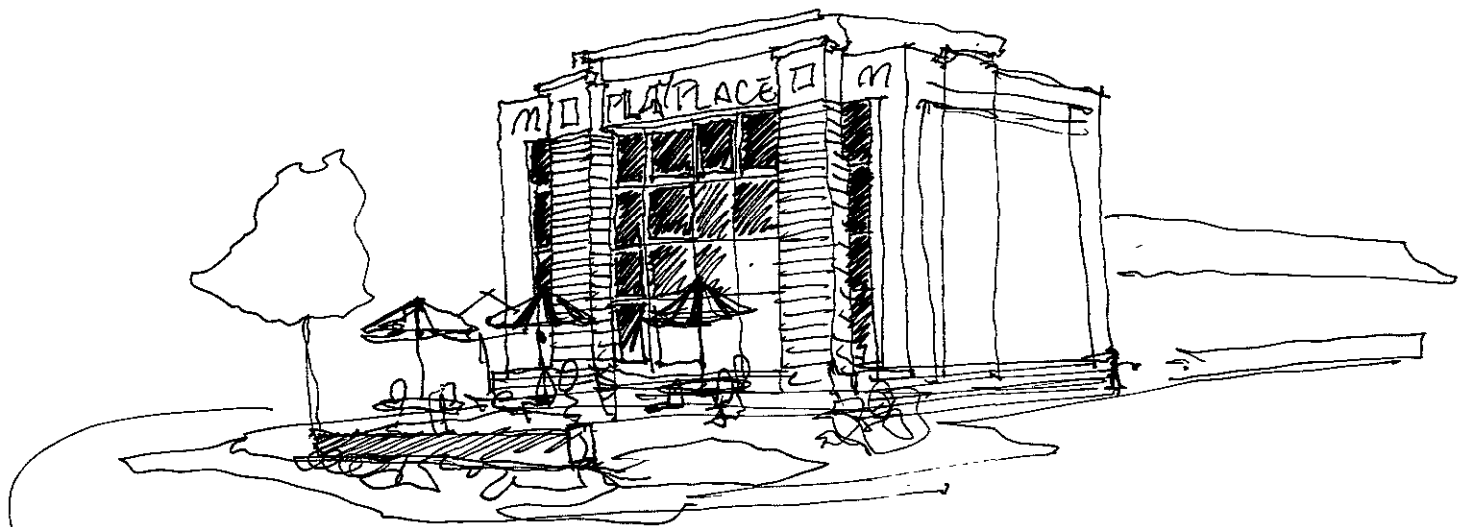
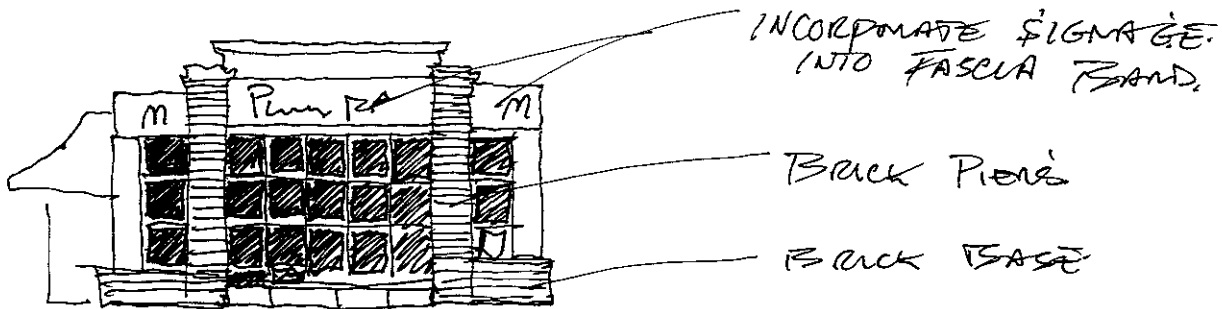
ADDRESS

1308 Perry Hill 21286
8141 PIEROUT PLAINS 21286
8719 Eddington Rd. 21234

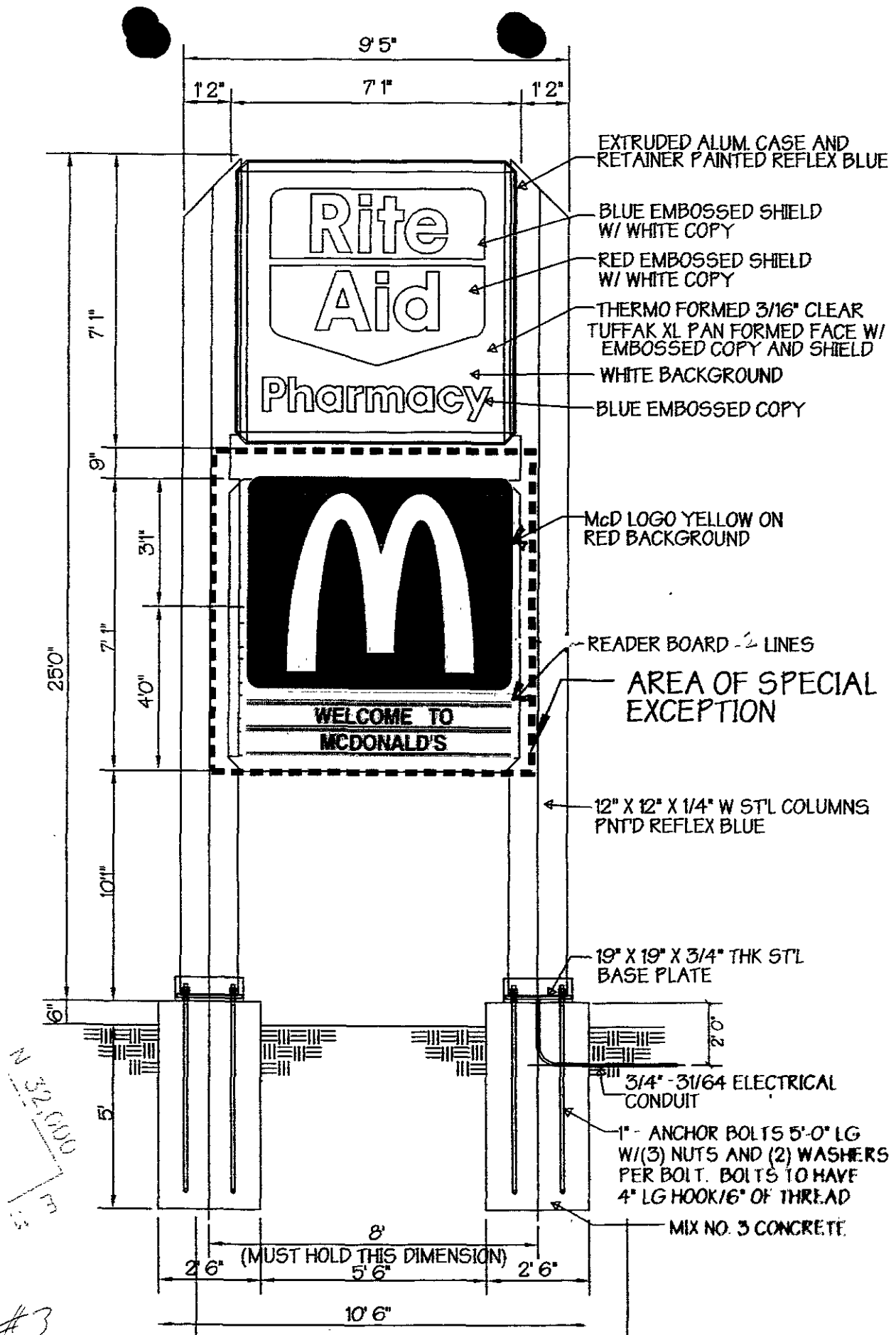
1 B

- AMENITY OPEN SPACE
- UMBRELLAS - TABLES - CHAIRS, SEATING
- LANDSCAPE w/ GREEN HOUSE ENCLOSURE.





- AMENITY OPEN SPACE
- UMBRELLAS - TABLES - CAFE, SEATING
- LANDSCAPE w/ GREEN HEDGE ENCLOSURE.



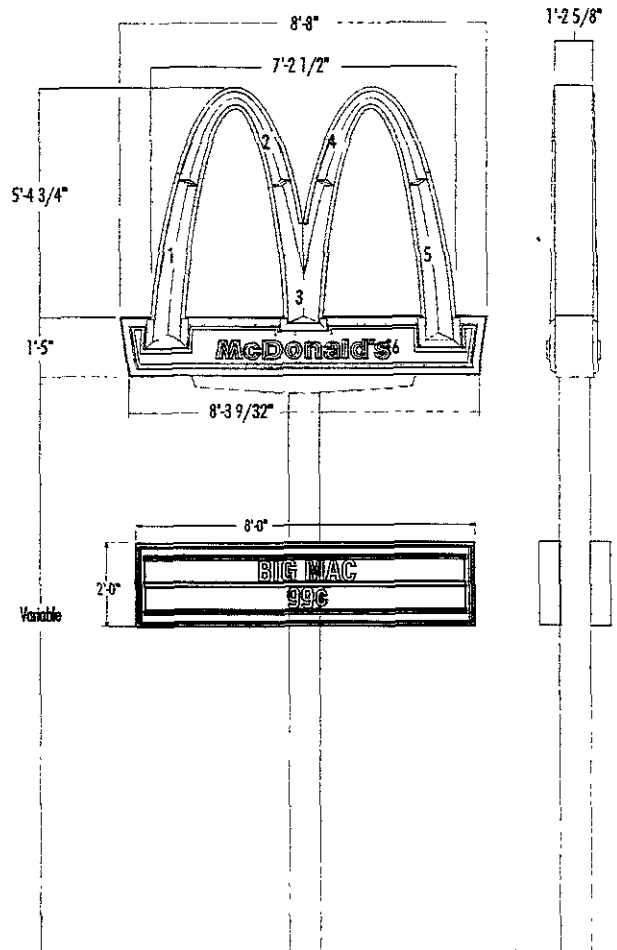
Det Ex #3

Sign Elevation

NOT TO SCALE

00-42-XA

90-40 ROAD SIGN



*Replacement panels noted

SPECIFICATIONS:

LAMPING:	ARCH	(4) F42T12/CW/HO
		(4) F24T12/CW/HO
	EMBLEM	(2) F96T12/CW/HO
BALLAST:	ARCH	(1) Magnetek 256-448-600
	EMBLEM	(1) Magnetek 256-672-600
LOAD:		5.9 Amps
CIRCUIT:		(1) 20 Amp
SQ. FT.:	ACTUAL	(26)
	ACTUAL	(43) including space between arches
	BOXED	(59)
CUSTOM		
READERBOARD		
SQ. FT.:	BOXED	(16)

Ref Ex #3

Plasti-Line, Inc.

P.O. Box 59043
Knoxville, TN 37950
1-800-444-7446



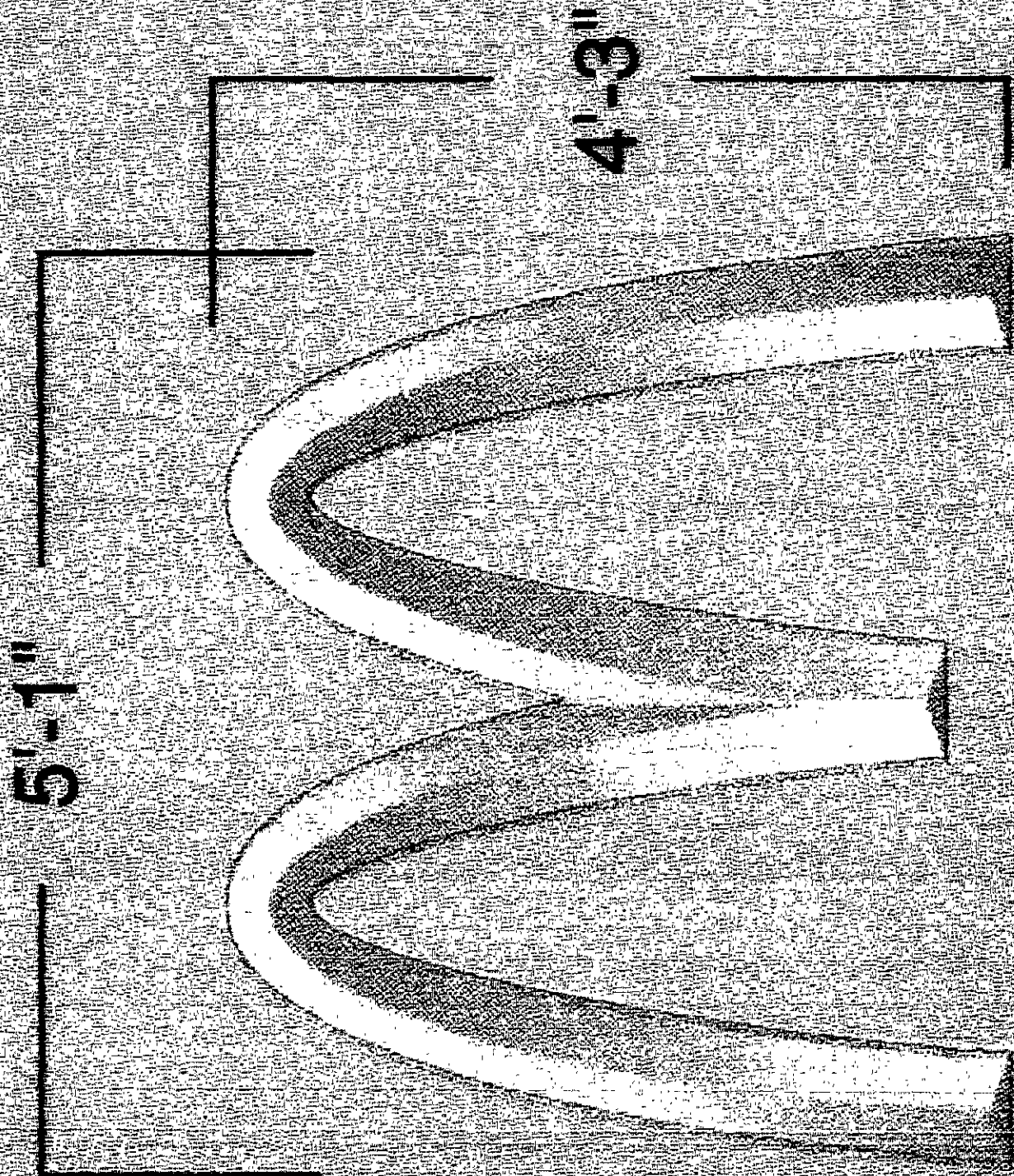
00-42-XA

Pet Ex # 3

17-7

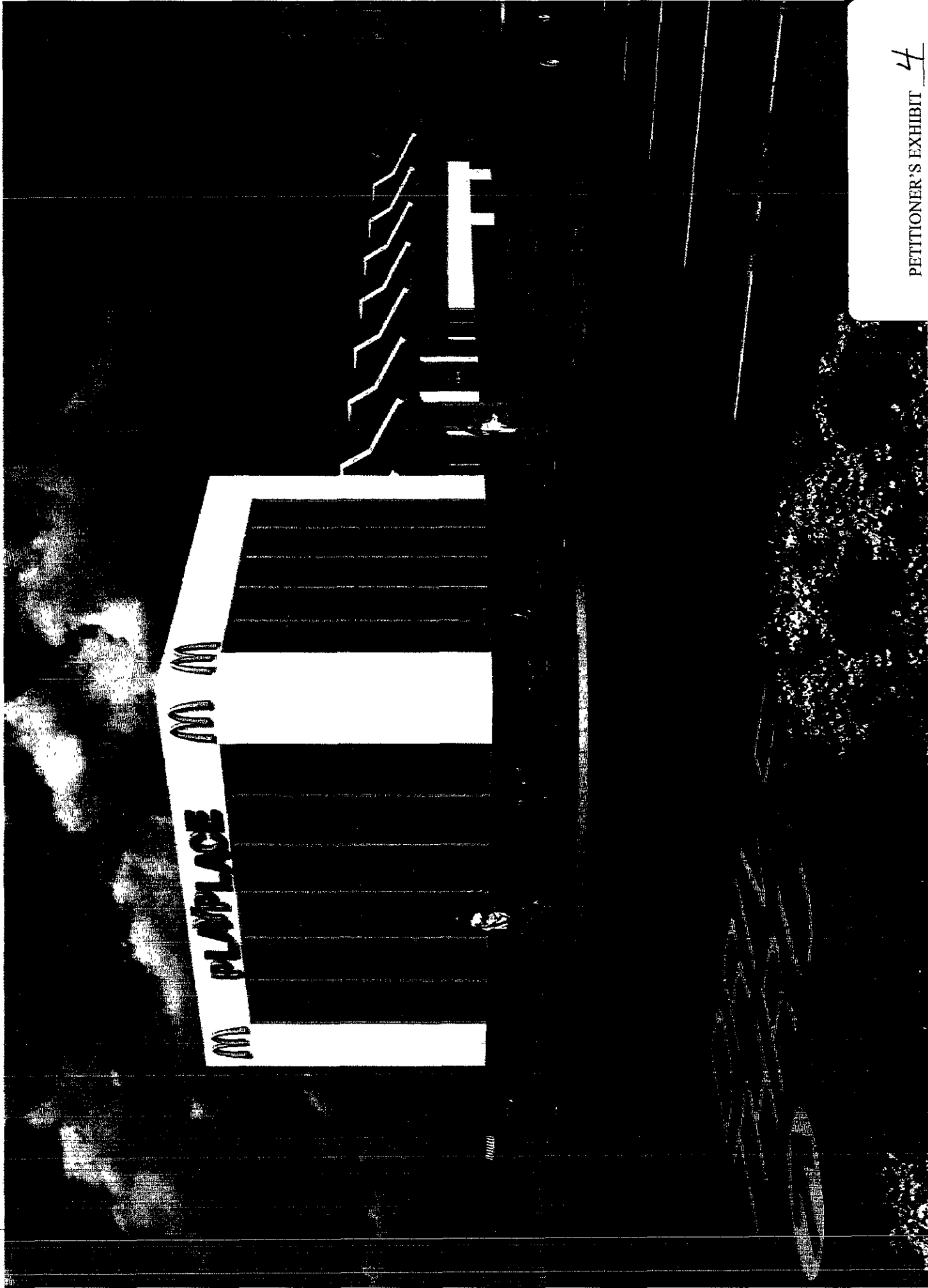
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00-42-XA



Pet Ex #3

00-42-XA





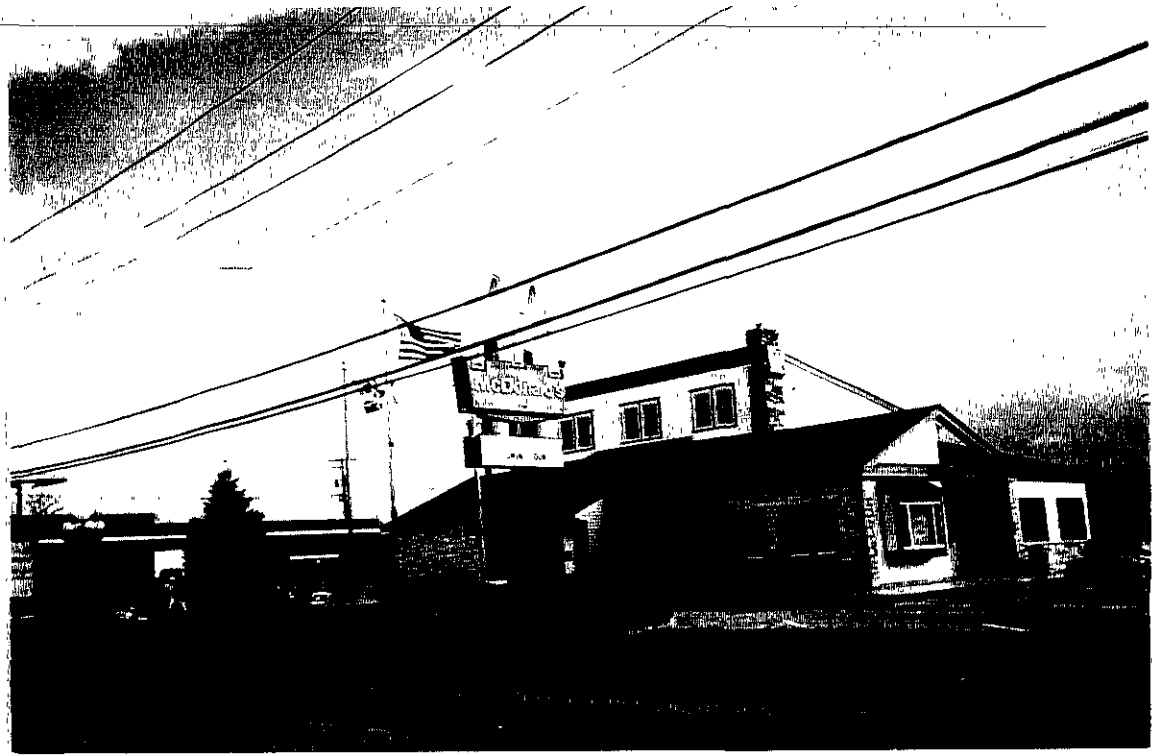
Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Printed with Soybean Ink

Photographs

Petitioner's Exhibits

1-A-N









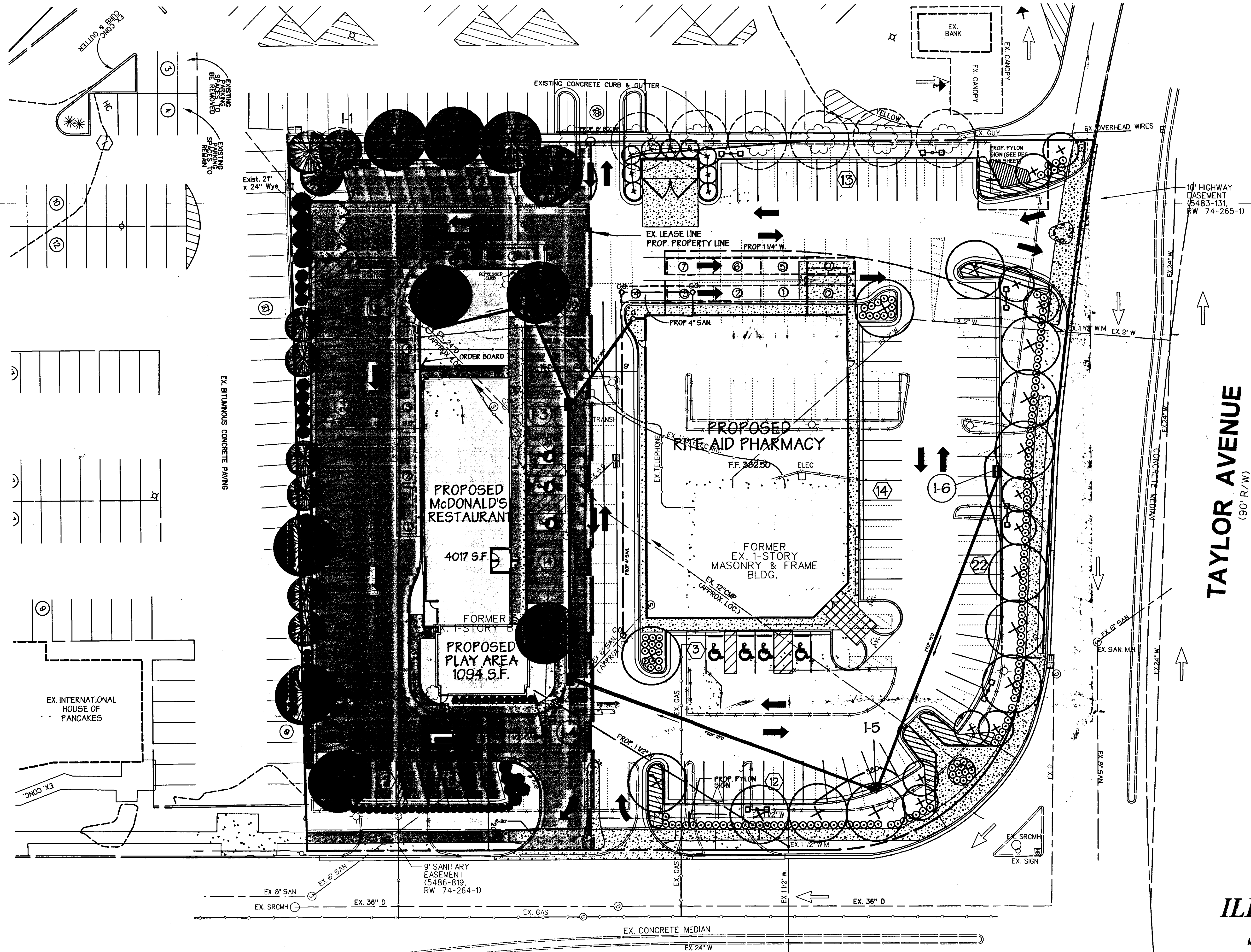












TAYLOR AVENUE
(90' R/W)

**ILLUSTRATIVE
SITE PLAN**

McDONALD'S

**LOCH RAVEN BLVD. & TAYLOR AVE.
BALTIMORE COUNTY, MARYLAND**

SCALE: 1" = 20'

DATE: APRIL 7, 1999



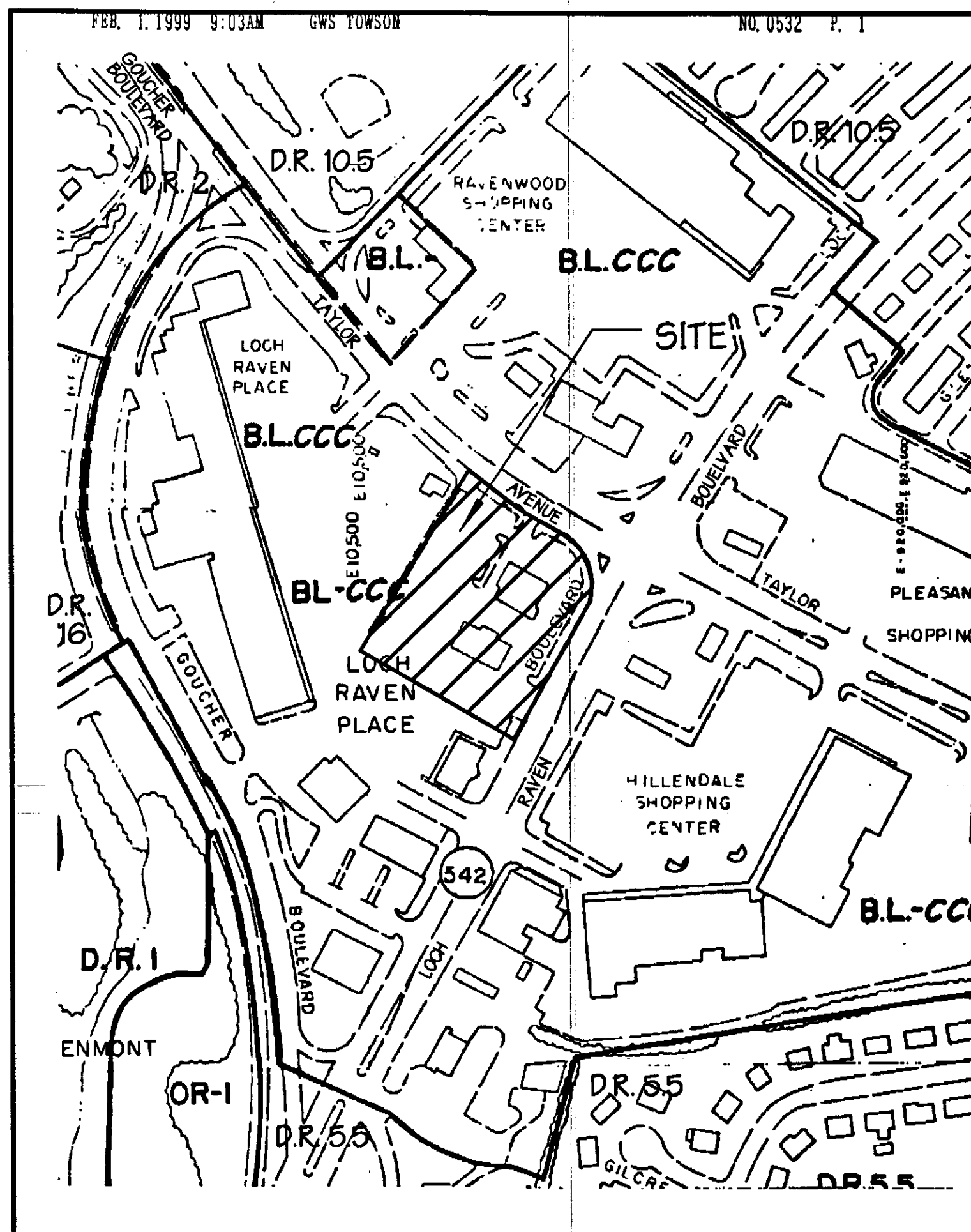
**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(410) 825-8120

**MD ROUTE 542
LOCH RAVEN BOULEVARD**
(90' R/W)

#00-042-XA

EX. F.H.

PETITIONER'S EXHIBIT 2



PART OF NE ZONING MAP 8B & 9B
SCALE: 1" = 200'

SITE DATA

SITE AREA	2,226 Ac±
EXISTING ZONING	BL-CCC
EXISTING USE	VACANT
PROPOSED USE	RITE AID PHARMACY & MCDONALD'S WITH DRIVE THRU WINDOW
DEED REFERENCE	8767/183
TAX ACCOUNT NUMBER	09-11570311

PROP. BUILDING FLOOR AREA:	
McDONALD'S	5,111 S.F.
RITE AID	10,752 S.F.
TOTAL	15,863 S.F.
FLOOR AREA RATIO	15,863 S.F. / 96,965 S.F. = 0.16 (4.0 permitted)

PARKING SPACE DIMENSIONS:

Typical Space	8'5" x 18' MIN.
Handicap Space	21' x 18' MIN. (SIDE BY SIDE)
Van Accessible Space	24' x 18' MIN. (SIDE BY SIDE)

(All spaces to be permanently striped)

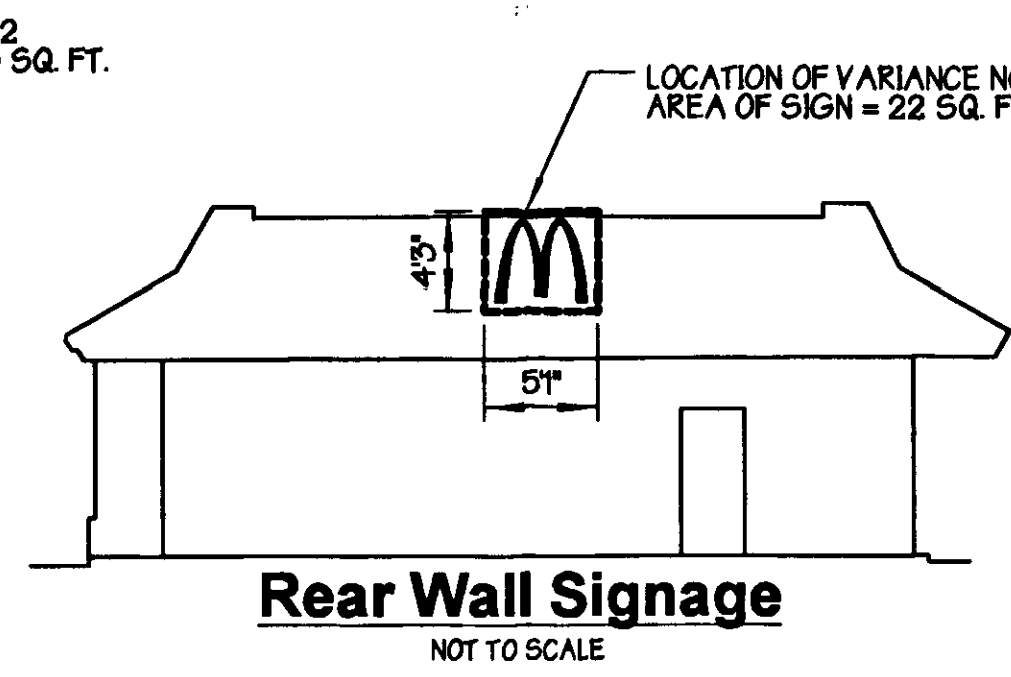
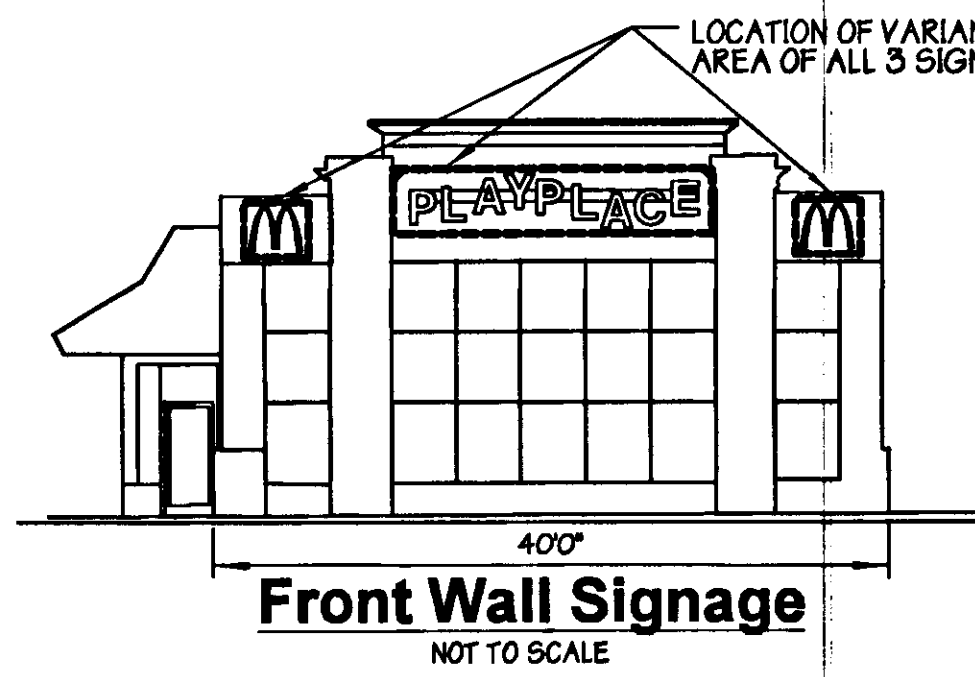
PARKING SPACES REQUIRED:

PROPOSED RITE AID PHARMACY	53.76 P.S. (10,752 S.F. @ 5 P.S./1000 S.F.)
PROPOSED MCDONALD'S RESTAURANT	81.78 P.S. (5,111 S.F. @ 16 P.S./1000 S.F.)
TOTAL	136 PARKING SPACES

PARKING SPACES PROVIDED: 122 PARKING SPACES

AMENITY OPEN SPACE REQUIRED: 3172.60 S.F. (0.2 x 15,863 S.F.)

AMENITY OPEN SPACE PROVIDED: 8100 S.F.



Section 450.6 (BCZR)
1. The light emanating or reflecting from, or projecting onto, a sign shall be shaded, shielded or directed so that its intensity does not cause a glare or a similar adverse effect on neighboring properties, highways or parking areas.
2. Projected illumination will be reasonable confined to the face of the sign.
3. All elements illuminating the sign shall be at a constant intensity.
4. Not applicable.

Section 450.6.C (BCZR)
1. The sign shall be erected in accordance with the building code of Baltimore County.
2. The sign shall be maintained at all times in accordance to Baltimore County Zoning Regulations.

Section 450.7.C.1 (BCZR)
a. The sign is located inside the urban-rural demarcation line.
b. The sign is located in a place where it can not be seen from a scenic route.
c. The sign is located more than 200' from a residential zone line. And not more than 50' from the Right of Way Line of Taylor Avenue.
d. The sign is located more than 1000' from another outdoor advertising sign.
e. The sign is located more than 100' from the intersection of Taylor Avenue and Loch Raven Blvd.
f. The sign is located less than 100' from the Right of Way of a dual highway (Taylor Ave). Distance being 40'. A variance is required. See note 5.
g. The sign is not located within a town center or revitalization area.

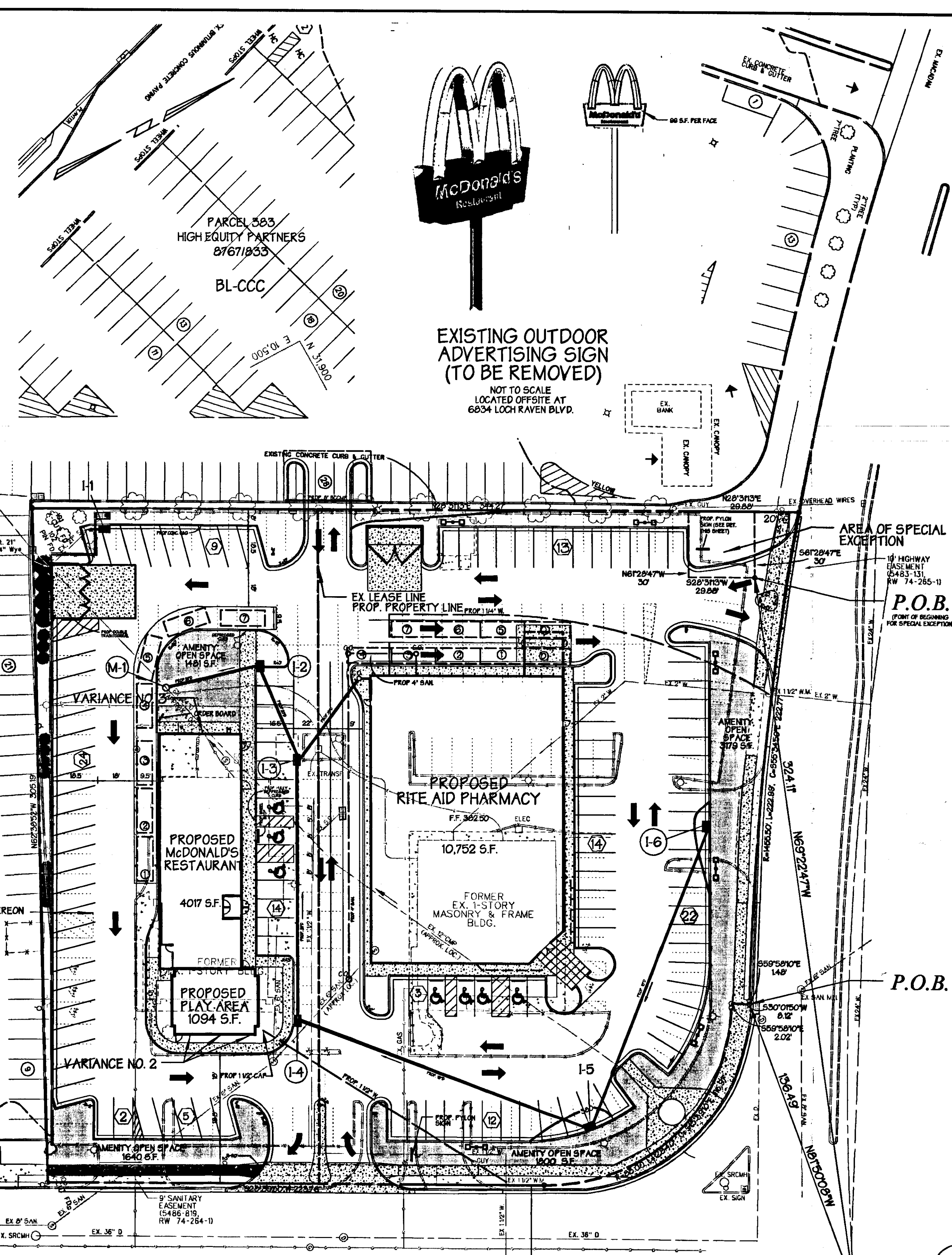
Section 450.7.C.3 (BCZR)
The sign shall comply with the license and permit requirements of the annotated code of Maryland, transportation article, title 8, subtitle 7 - regulation of outdoor advertising.

Section 450.7.4 (BCZR)
The owner of a lawfully erected and maintained outdoor advertising sign which is removed or required to be removed by the county shall be compensated pursuant to the Annotated Code of Maryland, Article 25, Section 122E.

Section 450.7.C.5
On the date the property is posted for a special exception hearing. Owners of a residentially-zoned property within 100' of the sign shall be notified in writing by certified mail of the date, place, time, subject and purpose of the special exception hearing (No residential zones are within 100' of this property).

24 ZONING NOTES: Outdoor Advertising Signs
Section 450.4(1) (BCZR) spaces, loading areas or travel aisles.
A. The sign is classified as an outdoor advertising sign.
B. The sign will be a free-standing sign.
C. This sign will be located in a BL-CCC.
D. This sign is permitted in a BL-CCC zone by special exception.
E. The maximum surface area within the face of the proposed sign shall not exceed 500 square feet.
F. There shall be only one (1) outdoor advertising sign displayed on the premises.
G. This sign shall not exceed 25 feet in height.
H. The sign shall be illuminated in accordance to the requirements of Section 450.6.B (BCZR).
I. The sign shall adhere to additional limitations as they apply to Section 450.7.C (BCZR).

Section 450.6.A (BCZR)
1. The sign shall not be located to allow clear and ample visual site lines from all existing driveways and intersections.
2. The sign does not resemble any governmental erected sign for traffic control.
3. The sign does not project into the street right-of-way.
4. The sign and its structural framework and supporting elements will not obstruct the access, lighting or air to any building, fire hydrant or standpipe.
5. The sign will be placed on a steep post with a permanent below grade footer.
6. Not applicable.
7. Not applicable.
8. The sign will not display or simulate any moving part or automatically changing message.

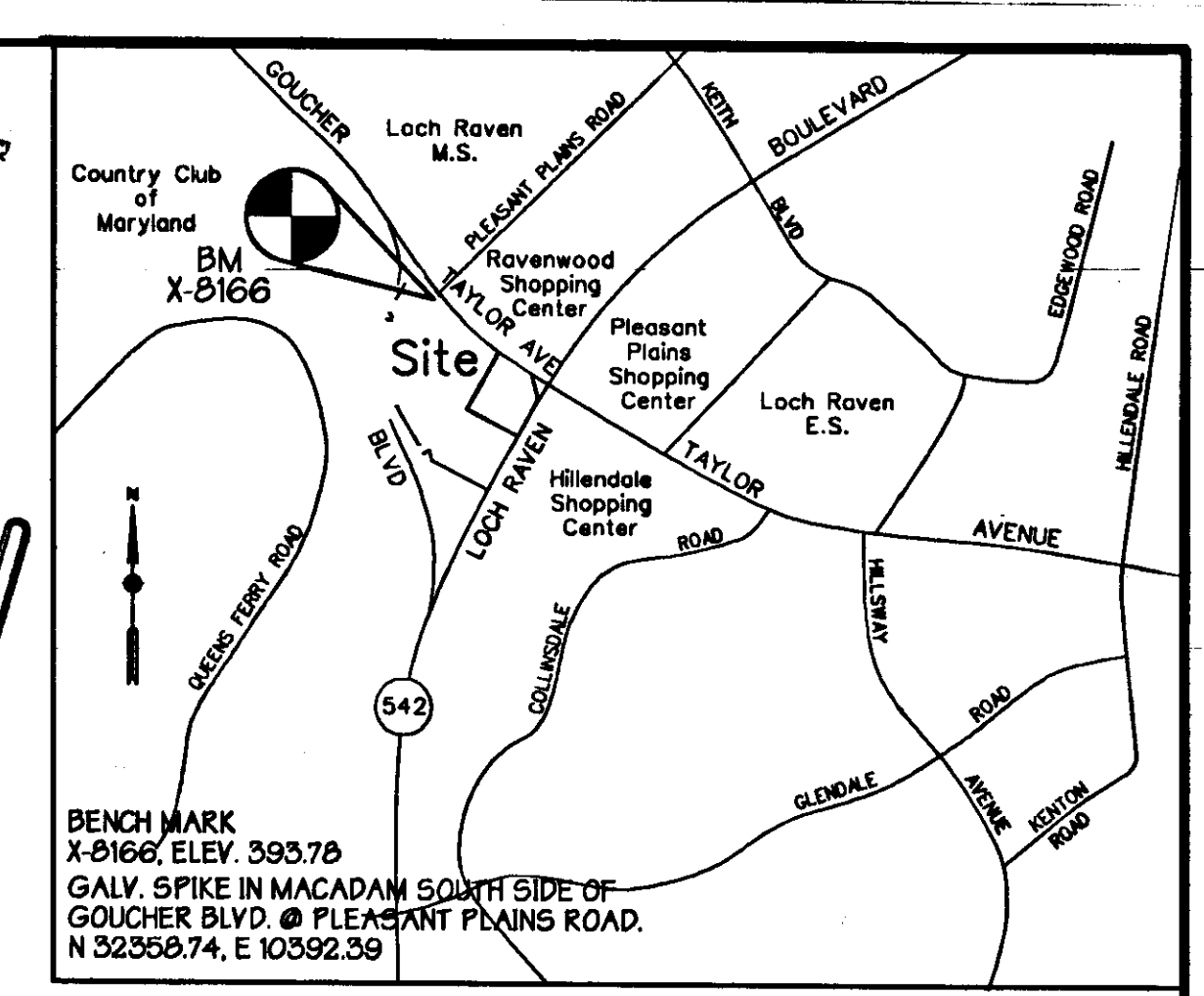


PLAN
SCALE: 1" = 30'

VARIANCES REQUESTED

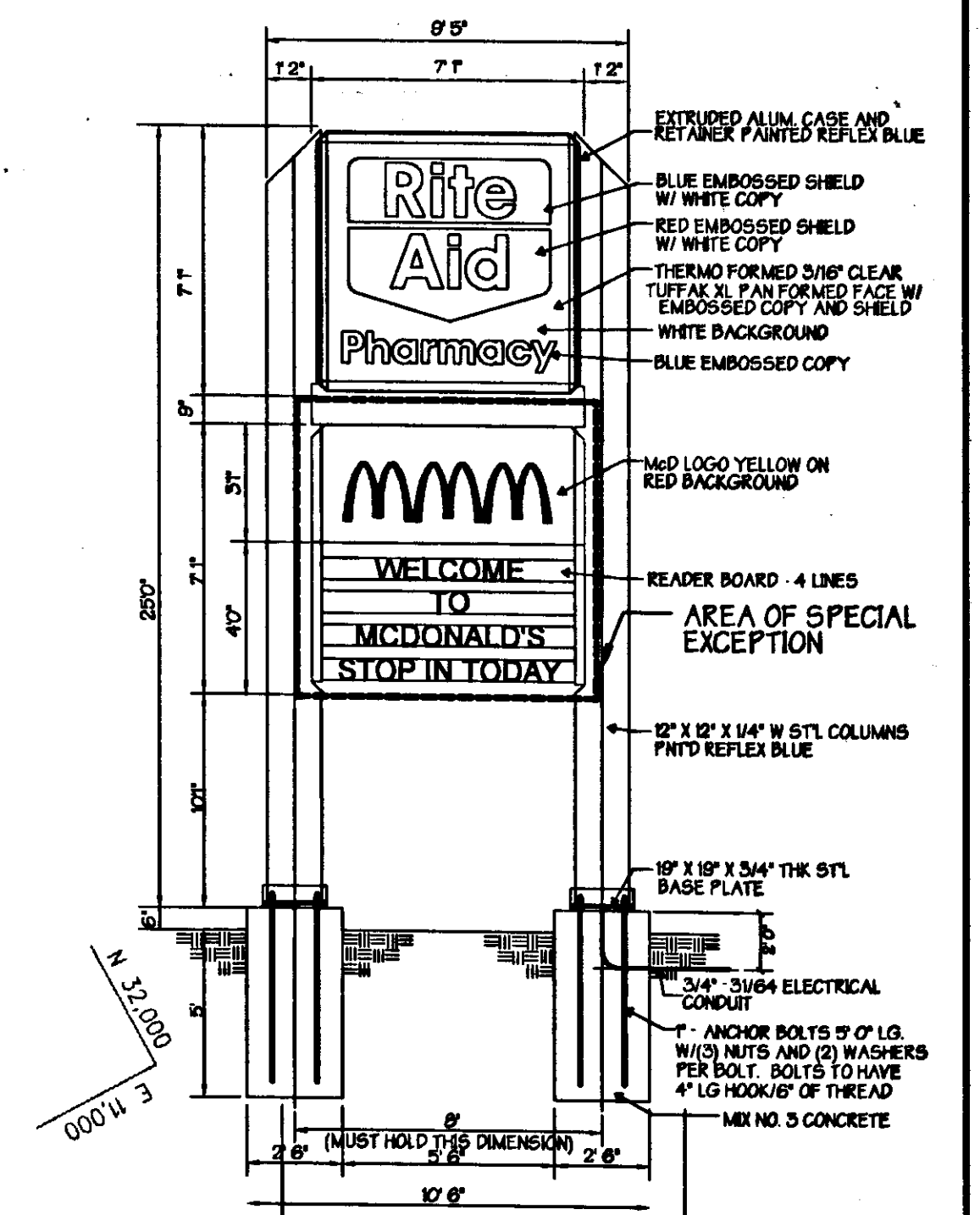
- VARIANCE TO PERMIT 122 PARKING SPACES IN LIEU OF 136 REQUIRED (SECTION 409.6A2)
- VARIANCE TO PERMIT THREE SIGNS ON THE FRONT WALL OF THE MCDONALD'S BUILDING IN LIEU OF THE PERMITTED ONE SIGN (SECTION 450.4(1) BCZR)
- VARIANCE TO PERMIT A REAR WALL SIGN (22 SF) ON A WALL WITHOUT AN EXTERIOR ENTRANCE (SECTION 450.4(1) BCZR) - ALL IN LIEU OF THE MAXIMUM OF 3.
- VARIANCE OF SECTION 470.7.C.1.1 TO PERMIT AN OUTDOOR ADVERTISING SIGN WITHIN 40' OF A DUAL HIGHWAY (TAYLOR AVENUE) IN LIEU OF THE REQUIRED 100'.
- VARIANCE OF SECTION 409.10.A TO PERMIT 4 CARS STACKED BEHIND A DRIVE THRU ORDER BOARD IN LIEU OF THE REQUIRED 5.

SPECIAL EXCEPTION REQUESTED
1. SPECIAL EXCEPTION TO PERMIT ONE DOUBLE FACED ILLUMINATED (50 SQ. FT. PER SIDE) OUTDOOR ADVERTISING SIGN PER SECTION 450.4.11 BCZR.



LEGEND

EX LEASE LINE & PROP. PROPERTY LINE	---
PROPERTY LINE	---
EX. STORM DRAINS	---
PROP. STORM DRAINS	---
EX. WATER	---
PROP. WATER	---
EX. FH	---
EX. GAS	---
EX. SANITARY	---
PROP. SANITARY	---
EX. CONC. C&G	---
PROP. C&G	---



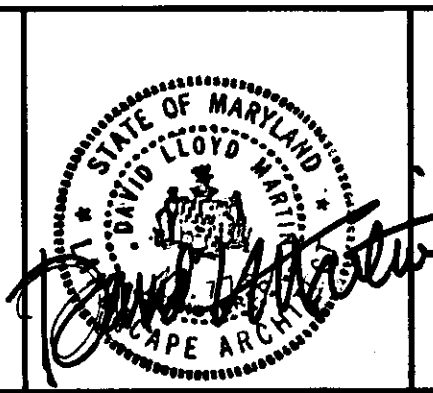
PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND PARKING & SIGN FOR VARIANCES
PROPOSED MCDONALD'S RESTAURANT & RITE AID PHARMACY

6834 LOCH RAVEN BLVD. & TAYLOR AVENUE

Election District 9
Councilmanic District 4
Scale: 1" = 30'

Tax Map 30 - Parcel 30
March 26, 1999
Sheet 1 of 1

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



DEVELOPER/LESSEE
McDONALD'S CORPORATION
250 WEST PRATT STREET, SUITE 1
BALTIMORE, MARYLAND 21201
(410) 468-1206

OWNER/LESSOR
RITE AID OF MARYLAND, INC.
4339 EBENEZER ROAD
PERRY HALL, MARYLAND 21236
(410) 529-8510