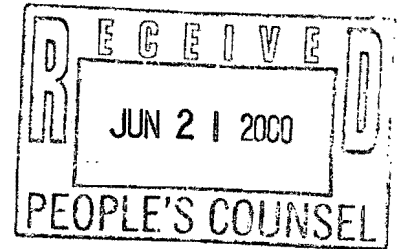


6/19/00

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
E/S Beaver Dam Road, 2000' S *
centerline of Church Lane * DEPUTY ZONING COMMISSIONER
8th Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY
(9709 Beaver Dam Road) *
* CASE NO. 00-457-X
Parkway Village, L.P. *
By: Parkway Village GP, Inc., Gen. Partnr. *
Legal Owner *
And *
Texas Station, L.L.C. *
Contract Purchaser/Lessee *
Petitioners *



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, Parkway Village, L.P. and the Lessee of the site Texas Station, L.L.C. The special exception request is for property located at 9709 Beaver Dam Road. The Petitioner is requesting approval for a fuel service station pursuant to Section 405.2B.1 of the Baltimore County Zoning Regulations with a use-in-combination convenience store larger than 1500 sq. ft.

Appearing at the hearing on behalf of the special exception request were Mark Sapperstein, representing Texas Station, L.L.C., Ed Zimmerman on behalf of 7-Eleven, Ken Schmid, traffic consultant, Mike Walkley and Joe Nolan. The Petitioner was represented by Rob Hoffman, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.522 acres, more or less, zoned ML-IM. The subject property is proposed to be developed by 7-Eleven as a combination convenience store and gasoline station. The details of the development are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. In order to proceed with the development of the site, the special exception is necessary.

COPIES RECEIVED FOR FILING

Date 6/19/00
By J.P. Jameson

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permit the use proposed in an ML-IM zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

In addition, the testimony and evidence clearly showed that the fuel service station will predominantly service the uses located within the surrounding ML district.

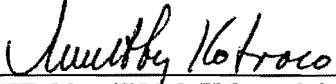
After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief request in the special exception shall be granted.

ORDER RECEIVED FOR FILING
DATE 6/19/00
BY R. J. Garrison

THEREFORE, IT IS ORDERED this 19th day of June, 2000, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request for approval of a fuel service station pursuant to Section 405.2B.1 of the Baltimore County Zoning Regulations with a use-in-combination convenience store larger than 1500 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

CASE RECEIVED FOR FILING

Date 6/19/00
by R. Johnson



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9709 Beaver Dam Road

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, ie 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 herein described property for

A Convenience Store and Fuel Service Station, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations.

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 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:

Texas Station, L.L. C.

Name - Type or Print

By:

Signature

Mark Sappenstein
28 Walker Avenue

Address Baltimore, MD 21208

Telephone No.

410-653-4600

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable, Baetjer & Howard, LLP

Company

210 Allegheny Avenue 410-494-6262

Address

Towson, Maryland 21204

Telephone No.

City

State

Zip Code

Legal Owner(s):

Parkway Village, L.P.

Name - Type or Print

By: Parkway Village GP, Inc. General Partner

Signature

By: John H. Gease, III

Name - Type or Print

Signature

807 South Park Street 770-830-1887
Carrollton, Georgia 30117

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

John H. Gease, III

Name

2011 Klein Plaza Dr., 3B 410-893-8395

Address

Forest Hill, Maryland 21050

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By BH

Date 5/4/00

Case No. 00-457-X

REV 09/15/98

see comments and

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 22, 2000

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

SUBJECT: 9709 Beaver Dam Road.

INFORMATION:

Item Number: 457

Petitioner: Parkway Village. L. P.

Zoning: MI-IM

Requested Action: Special Exception

REVISED COMMENTS

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the Special Exception to permit a convenience store and fuel service station, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulation providing the following conditions are met:

1. The building materials used for the southern and western building façades, and the supports of the gas service area canopy should be consistent with that of the existing eastern and northern facades;
2. Canopy lighting should be fully recessed;
3. Provide sidewalks along all public roads; and,
4. Submit a landscaping plan, building elevation drawings, and a proposed sign plan to the Office of Planning for review and approval prior to the issuance of any building permit.

The Office of Planning has an additional concern, which should be addressed in the action on this petition. The Development Plan for Texas Station, as approved via the DRC on 12/22/97 (Project No. VIII-695/070077C; partial copy attached), states, as part of Note 12:

D. Historic Lime Kiln Site (Lindsay's Kilns BA 2175), to be dismantled and partially reconstructed at Texas Station Park

This intention by the Petitioner was part of the information presented by Mr. Madden at the Landmarks Preservation Commission's meeting on September 11, 1997 (see attached excerpt from the minutes.)

The kiln was dismantled and the pieces were deposited in unprotected storage on the ground near the relocated Cockey cemetery site. More than 2 ½ years later, the reconstruction has not been initiated.

The Office of Planning requests, therefore, that the approval of this petition be made subject to a condition that the Petitioner present the reconstruction plans not later than the July 13, 2000 meeting of the Landmarks Preservation Commission, and the reconstruction be completed not later than three months after the Commission's approval of the plans.

Prepared by: _____

Section Chief: _____

AFK:MAC:



Baltimore County
Fire Department

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

May 16, 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: PARKWAY VILLAGE, L.P. - 457

Location: DISTRIBUTION MEETING OF May 15, 2000

Item No.: 457

Dear Ms. Stephens:

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

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
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: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: **5-15-00**

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

RE: Baltimore County
Item No. **457 BR**

Dear Ms. Jackson:

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.

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,

for Kenneth A. McDonald Jr., 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

RE: PETITION FOR SPECIAL EXCEPTION
9709 Beaver Dam Road, E/S Beaver Dam Rd,
2000' S of c/I Church Ln
8th Election District, 3rd Councilmanic

Legal Owner: Parkway Village, L.P.
Contract Purchaser: Texas Station, LLC
Petitioner(s)

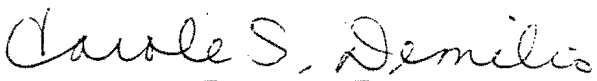
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 00-457-X

* * * * *

ENTRY OF APPEARANCE

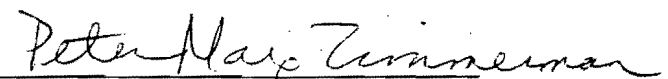
Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.


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 22nd day of May, 2000 a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner(s).


PETER MAX ZIMMERMAN