

JOHN A. OLSZEWSKI, JR. County Executive

C. PETE GUTWALD, AICP Director, Department of Permits, Approvals and Inspections

January 30, 2024

David E. Revette, P.E. Dewberry Engineers Inc. 600 Parsippany Road, Suite 301 Parsippany, NJ 07054-3715

RE: 8731 Pulaski Highway, 2001-0360-XA, Spirit and Intent Tax ID 15-07-830530, 15th Election District

Mr. Revette,

Your recent Spirit and Intent letter to Mr. Jeffrey Perlow, Chief of Zoning, has been referred to me for reply. Case # 2001-0360-XA granted permission to develop convenience store and carry-out restaurant in combination with a fuel service station. You propose to add an EVCS (Electrical Vehicle Charging Station) to the property to include:

- (i) (3) Pre-Assembled Supercharger Units
- (ii) (12) Tesla Charging Posts
- (iii) (1) Meter
- (iv) (1) Pad-Mounted Transformer

Based upon your written description of the proposal and the included red-lined plan, the Zoning Office finds your request to be within the Spirit & Intent of Zoning Case 2001-0360. As such, the Zoning Office has no issues to an Amendment to the Approved Development Plan being filed as a non-material amendment under Section 32-4-106(b)(2) of the Baltimore County Code, provided that:

- (i) The EVCS can not be near the entrance to the structure (the red-lined plan shows that they are not near the entrance).
- (ii) The EVCS can not display any changeable copy advertisements, etc.
- (iii) Adherence to a landscape plan if required by DPR.

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 the Office of Zoning Review at 410-887-3391.

Sincerely,

Jason Seidelman Zoning Review

24-0029/JSS

24.0529 JS



December 28, 2023

Jeffrey Perlow, Supervisor Zoning Review Office, Room 124 County Office Building 111 West Chesapeake Avenue Towson, MD 21204

RE:

Request for Spirit and Intent Letter

8731 Pulaski Highway, Rosedale, MD 21237

Electric Vehicle Charging Station

Zoning Districts: BM-AS, BM-IM, BR-AS and BR-AS

5th Election District, 7th Councilmanic District

Dear Mr. Perlow:

Our client, Tesla Inc. ("Tesla"), is proposing to install an electric vehicle charging station (the "EVCS") at the above-referenced property (the "Subject Property") in accordance with the preliminary plans prepared by Dewberry (the "EVCS Plans"). A copy of the EVCS Plans is enclosed with this letter.

By that certain Findings of Fact and Conclusions of Law dated May 31, 2001 (Case No. 01-360-XA), the Zoning Commissioner granted a Petition for Special Exception to permit a convenience store and carry-out restaurant in combination with a fuel service station on the Subject Property (the "Special Exception Order"). The Special Exception Order was affirmed by an order of the County Board Appeals for Baltimore County dated November 16, 2001. Copies of these orders are enclosed with the request letter.

The latest approved development plan for the Subject Property (PDM# 15-0707) is that certain 5th Amended Development Plan dated July 16, 2004 (the "Approved Development Plan").

Enclosed is a copy of the Approved Development Plan redlined to show proposed location of the EVCS.

Tesla is seeking the required approvals and permits to install the EVCS in the existing parking lot of the Subject Property in the location shown on the redlined Approved Development Plan. The EVCS Plans call for installation of:

- (i) (3) Pre-Assembled Supercharger Units
- (ii) (12) Tesla Charging Posts
- (iii) (1) Meter
- (iv) (1) Pad-Mounted Transformer

In conjunction with submitting this Request to you, Tesla is requesting an amendment to the Approved Development Plan to add the EVCS as a non-material amendment under Section 32-4-106(b)(2) of the Baltimore County Code.

Mr. Jeffrey Perlow Request for Spirit and Intent Letter December, 2023 Page 2

With respect to zoning, we are requesting a written confirmation from your office that the proposed modifications to the Approved Development Plan are minor in nature and, therefore, within the spirit and intent of the Special Exception Order or, in the alternative that the EVCS is an ancillary/accessory use to the approved principal use on the Subject Property.

We ask that you consider the following facts in granting this Request:

The EVCS will utilize the existing parking spaces at the Subject Property. There will be no structure associated with the EVCS.

Section 21-1003.2(d) of the Transportation Article of the Maryland Code provides: "A plug-in electric drive vehicle charging space shall be counted as part of the overall number of parking spaces in a parking lot for the purpose of complying with any zoning or parking laws intended to meet requirements for commercial and industrial uses under the Americans with Disabilities Act."

As noted in the Approved Development Plan, the Subject Property must contain a minimum of (34) parking spaces and there are (74) parking spaces provided. The EVCS Plans provide for no loss of parking spaces as a result of the installation of the EVCS.

Enclosed with this letter is a check in the amount of \$200.00 made payable to "Baltimore County, Maryland" for the administrative costs associated with the review. If there should be any additional information needed to complete your review, please reach out without hesitation.

Best regards

David E. Revette, P.E. Dewberry Engineers Inc.

600 Parsippany Road, Suite 301 Parsippany, NJ 07054-3715

Phone: 973-576-9639

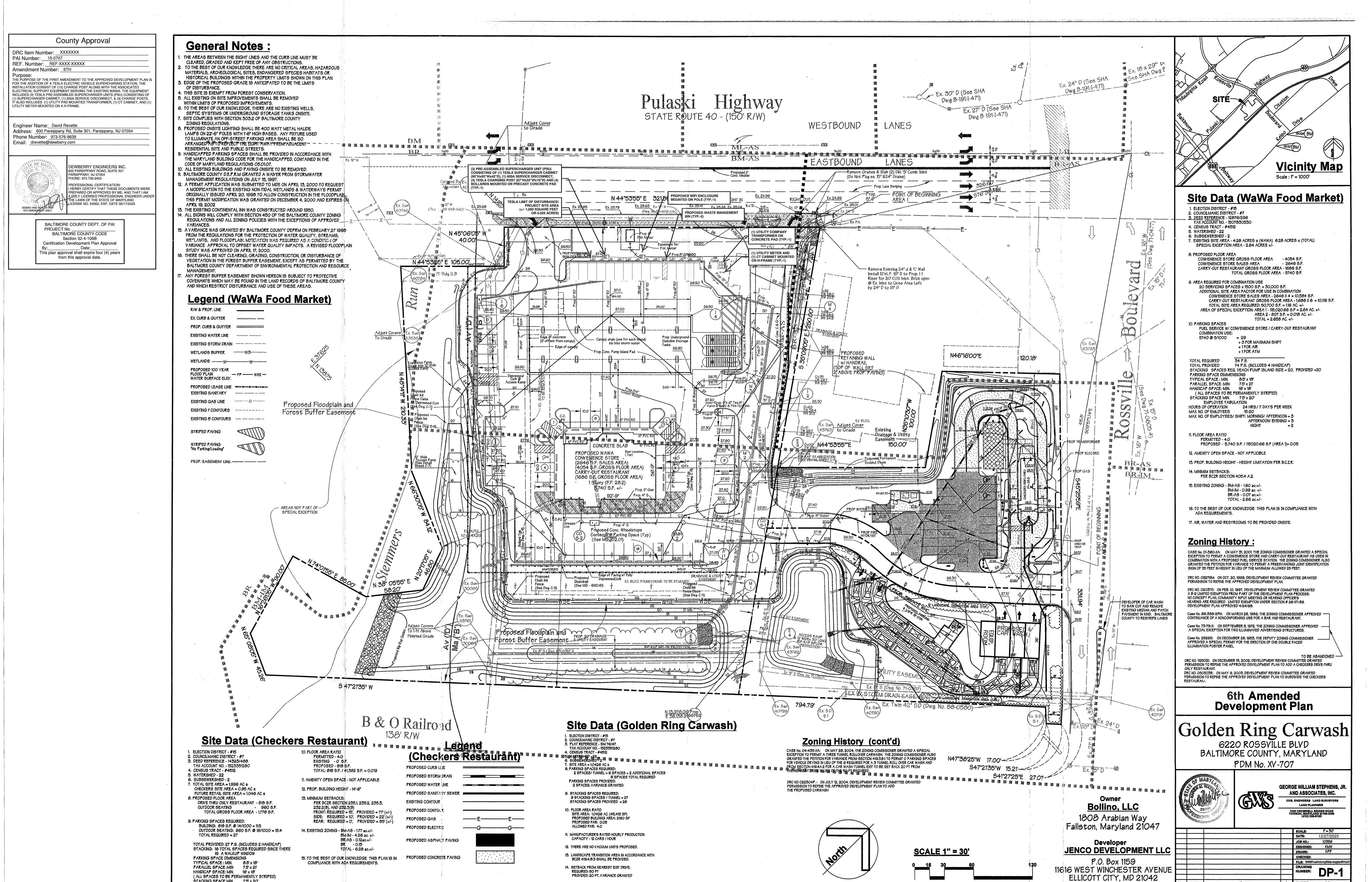
Email: drevette@dewberry.com

Enclosures:

EVCS Plans

Special Exception Order and Appeals Order Redlined Approved Development Plan





RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE SW/S Pulaski Highway & Rossville Boulevard 15th Election District, 7th Councilmanic

Legal Owner: Bollino, LLC Contract Purchaser: Wawa, Inc. Petitioners * BEFORE THE

* COUNTY BOARD OF APPEALS

* FOR

* BALTIMORE COUNTY

* Case No. 01-360-XA

<u>ORDER</u>

This matter comes before the Board as an appeal by the Office of People's Counsel of a Petition for Special Exception to permit a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station (BCZR 405.2.B.1, 405.4.E.1, and 405.4E.10), and a Petition for Variance to permit a freestanding joint identification sign of 35 feet in height in lieu of the maximum allowed 25 feet.

The Petitioner, by letter to this Board dated November 2, 2001, withdrew the Petition for Variance for the height of said sign and will now comply with the 25-foot height limit.

The Office of People's Counsel, in consideration of the withdrawal of the Petition for Variance, withdrew its appeal of the remaining Petition for Special Exception on November 9, 2001.

IT IS NOW, THEREFORE, this _______day of November, 2001, by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Variance to permit a freestanding joint identification sign of 35 feet in height in lieu of the maximum allowed 25 feet, be and is hereby voluntarily DISMISSED; and it is further

ORDERED that the Petition for Special Exception for a convenience store and carryout restaurant as uses in combination with a proposed fuel service station, granted by the Zoning Commissioner for Baltimore County in an order dated May 31, 2001, be and is hereby AFFIRMED, by virtue of the appeal thereof being voluntarily WITHDRAWN.

Any Petition for Judicial Review must be made in accordance with Rule 7-201 through 7-210 of the Maryland Rules of Procedure.

LAWRENCE S. WESCOTT, Chairman

RICHARD K. IRISH, Panel Member

CHARLES L. MARKS, Panel Member



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

November 16, 2001

Peter Max Zimmerman
People's Counsel for Baltimore County
Carole S. Demilio, Deputy People's Counsel
Room 48, Old Courthouse
400 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Bollino, LLC – Legal Owner; WaWa, Inc. – Contract Purchaser
Case No. 01-360-XA

Dear Counsel:

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

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Robert A. Hoffman, Esquire
David H. Karceski, Esquire
Salvatore J. Bollino, President
Bollino LLC
Joseph C. Losak, VP /WaWa,Inc.
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Director /Planning
Arnold Jablon, Director /PDM

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<u>01-360-XA</u>	Rossville Blvd and Pulaski 15 th E.D. Highway, SW/s Pulaski Hwy and Rossville Boulevard BOLLINO, LLC -Legal Owner; WAWA, INC C.P.
3/14/01	Petition for Special Exception filed by Petitioners to permit convenience store and carry-out restaurant in combo with proposed fuel service station and Petition for Variance to permit a freestanding sign height of 35' in lieu of maximum allowed 25', or to permit freestanding joint identification sign height of 35' in lieu of maximum allowed 25' and, if necessary, to permit freestanding enterprise sign of 150 sq. ft. in lieu of permitted 100 sq. ft. For property with more than 300 fee of frontage.
5/03/01	Findings of Fact and Conclusions of Law issued by the Zoning Commissioner in which Petitioner's request for special exception was GRANTED; variance relief from § 450.4.7.b.VII to permit freestanding joint identification sign height of 35' in lieu of maximum allowed 25' was GRANTED; and variance relief from § 450.4.5.b.V to permit freestanding enterprise sign of 150 sq. ft. in lieu of permitted 100 sq. ft. was dismissed as moot.
5/22/01	Notice of Appeal filed by the Office of People's Counsel for Baltimore County.
11/02/01	Letter from Petitioner to w/d petition
11/16/01	Order to Dismiss signed and distributed

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Bollino LLC/WaWa

11/02/01 - Letter from David Karceski, Esquire - Withdrawing Petition for Variance regarding height of sign - submitted revised signage plan; Zoning confirmed height variance no longer required; understanding that PC will withdraw appeal once receiving confirmation that Wawa has withdrawn Petition for Variance. Awaiting further communication from PC.
11/09/01 – Letter of withdrawal of appeal as to special exception filed by Office of People's Counsel: Petition for Variance

11/09/01 – Letter of withdrawal of appeal as to special exception filed by Office of People's Counsel; Petition for Variance voluntarily withdrawn by Petitioner; therefore, appeal to special exception is withdrawn by People's Counsel. Also submitted proposed Order of Dismissal in this matter. Upon review and signature, hold for any comment from counsel for Petitioner.

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE SW/S Pulaski Highway & Rossville Boulevard

15th Election District, 7th Councilmanic

Legal Owner: Bollino, LLC

Contract Purchaser: Wawa, Inc. Petitioners

BEFORE THE

* COUNTY BOARD OF APPEALS

* FOR

* BALTIMORE COUNTY

Case No. 01-360-XA

ORDER

This matter comes before the Board as an appeal by the Office of People's Counsel of a Petition for Special Exception to permit a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station (BCZR 405.2.B.1, 405.4.E.1, and 405.4E.10), and a Petition for Variance to permit a freestanding joint identification sign of 35 feet in height in lieu of the maximum allowed 25 feet.

The Petitioner, by letter to this Board dated November 2, 2001, withdrew the Petition for Variance for the height of said sign and will now comply with the 25-foot height limit.

The Office of People's Counsel, in consideration of the withdrawal of the Petition for Variance, withdrew its appeal of the remaining Petition for Special Exception on November 9, 2001.

IT IS NOW, THEREFORE, this _____ day of November, 2001, by the County Board of Appeals for Baltimore County

ORDERED that the Petition for Variance to permit a freestanding joint identification sign of 35 feet in height in lieu of the maximum allowed 25 feet, be and is hereby voluntarily DISMISSED; and it is further

ORDERED that the Petition for Special Exception for a convenience store and carryout restaurant as uses in combination with a proposed fuel service station, granted by the Zoning Commissioner for Baltimore County in an order dated May 31, 2001, be and is hereby AFFIRMED, by virtue of the appeal thereof being voluntarily WITHDRAWN.

Any Petition for Judicial Review must be made in accordance with Rule 7-201 through 7-210 of the Maryland Rules of Procedure.

RICHARD K. IRISH, Panel Member

CHARLES L. MARKS, Panel Member

Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(110) 007 2100

PETER MAX ZIMMERMAN People's Counsel November 9, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

Lawrence S. Wescott, Chairman County Board of Appeals of Baltimore County 400 Washington Avenue, Room 49 Towson, MD 21204 Hand-delivered

Re: Petitions for Special Exception and Variance SW/S Pulaski Highway & Rossville Boulevard

15th Election District, 7th Councilmanic

Legal Owner: Bollino, LLC Contract Purchaser: Wawa, Inc.

Case No.: 01-360-XA

Dear Mr. Wescott:

Enclosed is a withdrawal of our Appeal in this case, contingent on Petitioners' withdrawal of its Petition for Variance. We believe it is appropriate that an Order reflect the developments in this case, as set forth in Mr. Karceski's letter of November 2, 2001 and our enclosed letter of November 9, 2001. To that effect, we also enclose a proposed Order for approval by the County Board of Appeals.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Caroles, Demilio

Carole S. Demilio

Deputy People's Counsel

CSD/caf Enclosures

cc: David H. Karceski, Esq., Attorney for Petitioners /Arnold Jablon, Esq., Director, PDM

Baltimore County, Maryland



OFFICE OF PEOPLE'S COUNSEL

Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN People's Counsel November 9, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

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Lawrence S. Wescott, Chairman
County Board of Appeals
of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204
Hand-delivered

Re: Petitions for Special Exception and Variance

SW/S Pulaski Highway & Rossville Boulevard

15th Election District, 7th Councilmanic

Legal Owner: Bollino, LLC Contract Purchaser: Wawa, Inc.

Case No.: 01-360-XA

Dear Mr. Wescott:

On or about June 22, 2001, our office filed an appeal in the above-captioned case. We opposed the variance to increase the height of the proposed sign. We have since received Mr. Karceski's letter of November 2, 2001, withdrawing the Petition for Variance. In consideration of Petitioners' withdrawal of the Petition for Variance for height of the proposed sign, we do not believe an appeal of the Special Exception is in the public interest. We therefore withdraw our appeal in this matter.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

Marsle S. Demilio

Carole S. Demilio

Deputy People's Counsel

CSD/caf

cc: David H. Karceski, Esq., Attorney for Petitioners Arnold Jablon, Esq., Director, PDM



210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com



OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number: (410) 494-6285

dhkarceski@venable.com

VENABLE ATTORNEYS AT LAW

November 2, 2001

HAND DELIVERED

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

Lawrence S. Wescott, Chairman County Board of Appeals for Baltimore County Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Re:

Petition for Variance

Wawa, Inc.

Case No. 01-360-XA

Dear Mr. Jablon and Mr. Wescott:

On November 1, 2001, I telephoned Carole S. DeMilio, Deputy People's Counsel, regarding the above-referenced case. Ms. DeMilio was kind enough to inform me of the basis for People's Counsel's appeal to the Zoning Commissioner's Order. Specifically, People's Counsel was opposed only to the height of the free-standing sign proposed on the property.

To address People's Counsel's concerns, we submitted a revised signage plan to the Zoning Review Office showing a 25-foot high sign in compliance with the Zoning Regulations. After reviewing the revised signage plan, the Zoning Office confirmed that a height variance is no longer required. By way of this letter, we are, therefore, withdrawing our Petition for Variance regarding the height of the sign.

01-3744 NOV 5 200

DESERVATION OF PROPERTY



Arnold Jablon, Director Lawrence S. Wescott, Chairman November 2, 2001 Page 2

It is our understanding that People's Counsel intends to withdraw its appeal to the Zoning Commissioner's Order in writing once receiving confirmation that Wawa has withdrawn its Petition for Variance.

Very truly yours,

David H. Karceski

DHK

cc: Carole S. DeMilio TO1DOCS1/DHK01/#125868 v1



Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.venable.com OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Writer's Direct Number: (410) 494-6285

dhkarceski@venable.com

VENABLE ATTORNEYS AT LAW

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November 2, 2001

HAND DELIVERED

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

Lawrence S. Wescott, Chairman County Board of Appeals for Baltimore County Old Courthouse 400 Washington Avenue Towson, Maryland 21204

Re: Petition for Variance

Wawa, Inc.

Case No. 01-360-XA

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Arnold Jablon, Director Lawrence S. Wescott, Chairman November 2, 2001 Page 2

It is our understanding that People's Counsel intends to withdraw its appeal to the Zoning Commissioner's Order in writing once receiving confirmation that Wawa has withdrawn its Petition for Variance.

Very truly yours,

David H. Karceski

DHK

cc: Carole S. DeMilio TO1DOCS1/DHK01/#125868 v1

APPEAL SIGN POSTING REQUEST

CASE NO. 01-360-XA

BOLLINO, LLC -LO; WAWA, INC.-CP -- Petitioner

SW/s Pulaski Highway & Rossville Boulevard

15th Election District Appealed: 6/22/01 Attachment - (Plan to accompany Petitions - Petitioner's Exhibit No. 1) ***********COMPLETE AND RETURN BELOW INFORMATION********* CERTIFICATE OF POSTING TO: Baltimore County Board of Appeals 400 Washington Avenue, Room 49 Towson, Maryland 21204 Attention: Charlotte Radcliffe Appeals Clerk RE: Case No. 01 - 360 - XA

Petitioner/Developer:

Bolleno / Wauxa This is to certify that the necessary appeal sign(s) was posted conspicuously on property located at Pulaski Hury Near Rossville Blud-The sign(s) was posted on $\frac{7/12/01}{}$, 2001. (Signature of Sign Poster)

GARY C. FREUND

(Printed Name)



Baltimore County
Department of Permits and
Development Management

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

1

Fax: 410-887-5708

June 26, 2001

Robert A Hoffman, Esquire Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Mr. Hoffman:

RE: Case No. 01-360-XA, Rossville Boulevard & Pulaski Highway

Please be advised that an appeal of the above-referenced case was filed in this office on June 22, 2001 by Office of People's Counsel, Baltimore County, Maryland. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Arnold Jablon GDZ

Director

AJ: gdz

c: Salvatore J Bollino, President, Bollino LLC, 1818 Arabian Way, Fallston 21047 Joseph C Losak, VP, WAWA, Inc., 260 W Baltimore Pike, WaWa, PA 19063 People's Counsel

01 JUN 26 PM 3: 10

COUNTY BOARD OF ARTER

(Petition for Special Exception & Variance)
(Rossville Boulevard & Pulaski Highway)
(SW/S Pulaski Highway & Rossville Boulevard)
15th Election District — 7th Councilmanic District
Bollino, LLC - Legal Owner
WaWa, Inc. - Contract Purchaser

WaWa, Inc. - Contract Purchaser Case No.: 01-360-XA

Petition for Special Exception (dated 3/14/01)

Petition for Variance (dated 3/14/01)

Zoning Description of Property

Adjusted Zoning Description of Property

Notice of Zoning Hearing (dated 3/28/01)

Certification of Publication (The Jeffersonian issue 4/12/01)

Certificate of Posting (Patrick M O'Keefe posted 4/8/01)

Entry of Appearance by People's Counsel (dated 4/4/01)

Petitioner(s) Sign-In Sheet (1 page)

Protestant(s) Sign-In Sheet (none)

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:

- 1. Plat to Accompany Petition for Special Exception Hearing & Sign Variance (dated 3/12/01)
- 2. Floor Plan Elevations, Retail Store
- 2A.Joseph J Caloggero PE, PTOE Resume
- 3 Picture of Wawa
- 4 Comment Maryland Dept. of Transportation, State Highway Administration
- 5 Plat to Accompany Petition for Special Exception Hearing & Sign Variance (dated 5/7/01)

Protestants' Exhibits:

(none)

Miscellaneous (Not Marked as Exhibits):

(none)

Zoning Commissioner's Order (5/3/01 ~ Special Exception GRANTED; Variance Sect. 450.4.7.b.VII GRANTED; Variance Sect. 450.4.5.b.V DISMISSED AS MOOT)

Notice of Appeal received on 6/22/01 from Office of People's Counsel, Baltimore County, Maryland

c: Robert A Hoffman, Esquire, Venable Baetjer & Howard LLP, 210 Allegheny Ave, Towson 21204
Salvatore J Bollino, President, Bollino LLC, 1818 Arabian Way, Fallston 21047
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner

Arnold Jablon, Director of PDM

APPEAL

(Petition for Special Exception & Variance)
(Rossville Boulevard & Pulaski Highway)
(SW/S Pulaski Highway & Rossville Boulevard)
15th Election District – 7th Councilmanic District
Bollino, LLC - Legal Owner
WaWa, Inc. - Contract Purchaser
Case No.: 01-360-XA

Petition for Special Exception (dated 3/14/01)

Petition for Variance (dated 3/14/01)

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Zoning Advisory Committee Comments

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- 5 Plat to Accompany Petition for Special Exception Hearing & Sign Variance (dated 5/7/01)

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Miscellaneous (Not Marked as Exhibits): (none)

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Notice of Appeal received on 6/22/01 from Office of People's Counsel, Baltimore County, Maryland

c: Robert A Hoffman, Esquire, Venable Baetjer & Howard LLP, 210 Allegheny Ave, Towson 21204
Salvatore J Bollino, President, Bollino LLC, 1818 Arabian Way, Fallston 21047
People's Counsel of Baltimore County, MS #2010
Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Baltimore County, Maryland



Room 47, Old CourtHouse 400 Washington Ave. Towson, MD 21204

(410) 887-2188

June 21, 2001

CAROLE S. DEMILIO
Deputy People's Counsel

PETER MAX ZIMMERMAN People's Counsel

Arnold Jablon, Director
Department of Permits and
Development Management
111 W. Chesapeake Avenue
Towson, MD 21204

Hand-delivered

o December

Re: PETITION FOR SPECIAL EXCEPTION

PETITION FOR VARIANCE

SW/S Pulaski Highway & Rossville Boulevard

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15th Election Dist., 7th Councilmanic

Legal Owner: Bollino, LLC

Contract Purchaser: WaWa, Inc.

Case No.: 01-360-XA

Dear Mr. Jablon:

Please enter an appeal of the People's Counsel for Baltimore County to the County Board of Appeals from the Findings of Fact and Conclusions of Law dated May 31, 2001 of the Baltimore County Zoning Commissioner in the above-entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman

People's Counsel for Baltimore County

le S; Demilia

Carole S. Demilio

Deputy People's Counsel

PMZ/CSD/caf

cc: Robert A. Hoffman, Esq., Venable, Baetjer & Howard, 210 Allegheny Avenue, Towson, MD 21204 Attorney for Petitioner

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE

AND VARIANCE – SW/S Pulaski Highway

And Rossville Boulevard * ZONING COMMISSIONER

(WaWa Food Market)

15th Election District * OF BALTIMORE COUNTY

7th Council District

* Case No. 01-360-XA

Bollino, LLC, Owners;

WaWa, Inc., Developer/Contract Lessee

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Bollino, LLC, and the Contract Purchaser, WaWa, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, the Petitioners request alternative variance relief from the B.C.Z.R. as follows: from Section 450.4.5.b.VII to permit a freestanding enterprise sign height of 35 feet in lieu of the maximum allowed 25 feet, or, from Section 450.4.7.b.VII of the B.C.Z.R. to permit a freestanding joint identification sign height of 35 feet in lieu of the maximum allowed 25 feet; and, if necessary, from Section 450.4.5.b.V of the B.C.Z.R. to permit a freestanding enterprise sign of 150 sq.ft. in area in lieu of the permitted 100 sq.ft. for a property with more than 300 feet of frontage. The subject property and requested relief are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Greg Harvey, on behalf of WaWa, Inc., Contract Purchasers; Joseph J. Caloggero, Professional Traffic Engineer with The Traffic Group; and, Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing in support of the requests were Karen Watsic, Professional Engineer, and David Martin, Landscape Architect with George W. Stephens, Jr., and Associates, Inc., who prepared the site plan

for this property, and Alex Krowzow. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregularly shaped parcel containing a gross area of 6.28 acres, more or less, split zoned B.M.-I.M. (4.25 acres), B.M.-A.S. (1.80 acres), B.R. (0.12 acres), and B.R.-A.S. (0.12 acres). Although not immediately adjacent to the southwest corner of the intersection of Pulaski Highway and Rossville Boulevard, the property has frontage on both of these major highways. The rear of the property abuts the right-of-way for the B&O Railroad. The Petitioners propose to develop the site with a WaWa convenience store, carry-out restaurant, and a fuel service station. As shown on the site plan, a one-story, 5,740 sq.ft. building is proposed which will feature 2,646 sq.ft. of sales area related to the convenience store, and 1686 sq.ft. for the carry-out restaurant operation. The balance of the building will be utilized for office and accessory space. Additionally, a fuel service station is proposed to be located towards the front of the property adjacent to Pulaski Highway. The proposed improvements are generally oriented to face Pulaski Highway; however, new curb cuts are proposed for both Pulaski Highway and Rossville Boulevard to provide vehicular access to the site from both highways.

At the hearing, Counsel for the Petitioners indicated that the proposed WaWa convenience store/fuel service station would not be the only users of this site. That is, the property is large enough to accommodate the proposed convenience store/fuel service station, as well as other users. However, at the time of the hearing, it was undetermined what area of the overall property would be utilized for the special exception use proposed by the applicant. Under the original plan (Petitioners Exhibit 1), the entire site was shown encumbered by the special exception designation. Subsequent to the hearing, however, the Petitioners submitted an amended plan marked as Petitioner's Exhibit 5, which shows that only the western portion of the site will be utilized by WaWa for the proposed convenience store and fuel service station. The eastern portion of the site adjacent to Rossville Boulevard is not shown as part of the special exception request, but for a small area where the WaWa signage facing that public road will be located.

It is to be noted that the amended plan was reviewed by John Lewis of the Zoning Review Division of the Department of Permits and Development Management for technical compliance. An issue was raised as to whether or not the proposed sign should be considered an enterprise sign or a joint identification sign. Apparently, as amended, the plan meets all requirements under the B.C.Z.R., except for the two variances as set out above. The Petitioners questioned whether the second variance is necessary, given the limited area of the special exception. In my judgment, the sprit and intent of the regulation requires variance relief. Although the special exception occupies only but a small portion of the overall tract that abuts Rossville Boulevard, the intent of the legislation would require variance relief.

The variance relief primarily concerns the proposed freestanding sign for the WaWa convenience store/fuel service operation near Rossville Boulevard. Obviously, signage is needed near this access point to the property in that the special exception use is not located adjacent to Rossville Boulevard. That is, customers accessing the property from Rossville Boulevard will have to traverse the property through a driveway to reach the convenience store and fuel service pumps. As shown on Page 2 of Petitioner's Exhibit 1, the proposed sign will consist of two sections, the first of which will identify the WaWa Market and contain fuel pricing panels with a total combined sign area of 52.8 sq.ft. A second panel with a total sign area of 97.2 sq.ft. will be reserved for the future occupant of this site.

As noted above, two variances are requested. The first variance relates to the height of the proposed sign. In this regard, testimony and evidence offered revealed that the elevation of the sign was necessary, due to the additional anticipated user of the property. As noted above, the WaWa sign will include a blank panel that will be reserved for use by the other occupant of the property which will not be encumbered by the special exception. Whether the sign is deemed an enterprise sign or a joint identification sign, the height limitations remain the same. Thus, a variance from the height restrictions is necessary. However, if the proposed sign is deemed to be an enterprise sign, the alternative relief is necessary in that a maximum sign area of 100 sq.ft. is permitted for an enterprise sign, if the premises has more than 300 feet of road frontage.

ate Solven For Filling

Pursuant to Section 450.4 of the B.C.Z.R., an enterprise sign is identified as "...an accessory sign which displays the identity and which may otherwise advertise the products or services associated with the <u>individual</u> organization." (emphasis added) A joint identification sign is identified as "...an accessory sign displaying the identity of a multi-occupant non-residential development such as a shopping center, office building or office park." In my view, the proposed sign is a joint identification sign, inasmuch as there will be "multi-occupants" on the subject site. Although not a shopping center, per se, there will be multiple users on the subject property.

As to the special exception, the area at large is commercial/industrial in character. Pulaski Highway is a major thoroughfare through this portion of the County and the use proposed is consistent with the heavy volumes of traffic near this intersection. The surrounding locale also contains similar uses. Thus, I am persuaded that the use proposed is appropriate for this site. As to the variances, I am also persuaded that they should be granted. In this regard, the proposed sign appears to be in character with existing uses. The unique aspect of this property is its access to two major public roads. Additionally, the fact that there will be more than one land use on the property justifies the relief requested. In sum, I believe that the Petitioner has presented facts and circumstances consistent with the requirements of Section 307 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 set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Aday of May, 2001 that the Petition for Special Exception to permit a convenience store and carry-out restaurant as uses in combination with a proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), and in accordance with Petitioner's Exhibit 5, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.7.b.VII of the B.C.Z.R. to permit a freestanding joint identification sign of 35 feet in height in lieu of the maximum allowed 25 feet, in accordance with Page 2 of Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

CADER RECENED FOR FILLS

1) The Petitioners may apply for their permits 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.5.b.V of the B.C.Z.R. to permit a freestanding enterprise sign of 150 sq.ft. in area in lieu of the permitted 100 sq.ft. for a property with more than 300 feet of frontage, in accordance with Petitioner's Exhibit 5, be and is hereby DISMISSED AS MOOT, inasmuch as the proposed sign has been determined to be a joint identification sign.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs



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

May 31, 2001

Robert A. Hoffman, Esquire Venable, Baetjer & Howard 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE SW/S Pulaski Highway and Rossville Boulevard (WaWa Food Market) 15th Election District – 7th Council District Bollino, LLC, Owners; WaWa, Inc., Contract Purchasers - Petitioners Case No. 01-360-XA

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES:bjs

Mr. Salvatore J. Bollino, President, Bollino, LLC cc: 1818 Arabian Way, Fallston, Md. 21047 Messrs. Joseph C. Losak and Greg Harvey, WaWa, Inc.

260 West Baltimore Pike, WaWa, Pa. 19063

Mr. Joseph Caloggero, The Traffic Group, 9900(H) Franklin Sq.Dr., Baltimore, Md. 21236

Ms. Karen Watsic & Mr/David Martin, G. W. Stephens, Jr. & Assoc., Inc.

1020 Cromwell Bridge Road, Baltimore, Md. 21286

People's Counsel; Case File



Including professional corporations

210 Allegheny Avenue Post Office Box 5517 Towson, Maryland 21285-5517 (410) 494-6200, Fax (410) 821-0147 www.enable.com OFFICES IN

MARYLAND WASHINGTON, D.C. VIRGINIA

Robert A. Hoffman (410) 494-6262



May 9, 2001

Lawrence E. Schmidt, Zoning Commissioner New Courts Building 401 Bosley Avenue, 4th Floor Towson, Maryland 21204

Re: WaWa Convenience Store

Rossville Boulevard and Pulaski Highway

Case No. 01-360-XA

Dear Commissioner Schmidt:

As you will recall from the Hearing, we requested an opportunity to meet with John Lewis in the Office of Zoning to discuss a reduction in the Special Exception Area proposed on the site plan submitted as Petitioner's Exhibit 1. I am pleased to enclose a revised Exhibit and descriptions which Mr. Lewis has reviewed and that we ask you to substitute as Exhibits. Thank you for your patience.

Very truly yours,

Robert A. Hoffman

RAH:mar Encl.

TO1DOCS1/#116580 v1

2 of Spx) party



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

SOUTH OF THE INTERSECTION OF

for the property located at ROSSVILLE BLVD. AND PULASKI HWY.

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

UNAVAILABLE FOR HEARING

Reviewed By

Date 3/14/0/

which is presently zoned BM-AS, BM-IM, BR-

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

SEE ATTACHED.

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.

is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): BOLLINO, LLC WAWA, INC. Name - Type or Print Name - Type or Print Signature Signature Losak, Vice-President 260 We Baltimore Pike Salvatore J. Bollino, President 610-358-8000 Address elephone No. Name - Type or Print PA WaWa 19063 City State Zip Code Signature 1818 Arabian Way 410-879-1772 Attorney For Petitioner: Address Telephone No. Robert A. Hoffman Fallston, MD 21047 Name - Type or Print Zip Code Representative to be Contacted: Signature Robert A. Hoffman <u>Venable, Baetjer and Howard, LLP</u> Name 410-494-6200 210 Allegheny Avenue 210 Allegheny Avenue 410-494-6200 Address Telephone No. Address Telephone No. Towson, MD 21204 MD 21204 Towson. City State Zip Code City Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING

01-360 -XA

Case No.

REU 09/15/98



FOR FILING

ORDER REC

Date

R810 09 15 198

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

SOUTH OF THE INTERSECTION OF

for the property located atrossville blvd. AND PULASKI HWY.

IWe do solemnly declare and affirm, under the penalties of

is the subject of this Petition.

perjury, that i/we are the legal owner(s) of the property which

Which is presently zoned BM-AS, BM-IM, BR-AS
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

SEE ATTACHED.

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.

Contract Purchaser/Lessee: <u>Legal Owner(s):</u> BOLLINO, LLC WAWA, INC. Name - Type or Rrint Name - Type or Print BY: By: Signature Signature Jos∉ph Ø Losak, Vice-President 260 West Baltimore Pike 610-358-8000 Salvatore J. Bollino, President Address Telephone No. Name - Type or Print WaWa, PA 19063 City State Zip Code Signature 1818 Arabian Way 410-879-1772 Attorney For Petitioner: Address Telephone No. Robert A. Hoffman Fallston, 21047 MD Name - Type or Print City State Zip Code Representative to be Contacted: Signature Robert A. Hoffman Venable, Baetjer and Howard, LLP Gompany Name 210 Allegheny Avenue 410-494-6200 210 Allegheny Avenue 410-494-620D ddress Telephone No. Address Telephone No. owson, MD 21204. 21204 MD Towson, City State Zip Code City Zip Code State OFFICE USE ONLY ESTIMATED LENGTH OF HEARING Case No. 01-360-XA UNAVAILABLE FOR HEARING Date __ 3(14/01

WaWa Food Market (Store No. 558) PETITION FOR SPECIAL EXCEPTION

Special exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations.

TO1DOCS1/DHK01/#113341 v1

ORDER RECKIVED FOR FILING
Date
By



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at BLVD AND PULASKI HIGHWAY

which is presently zoned BM-AS, BM-IM, BR-AS

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 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)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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 de perjury, that I/we are is the subject of this	e the legal ov	firm, under the	e penalties of property which
Contract Purchaser/Lessee:				Legal Owner(s)	<u>:</u>		
WAWA, INC.				BOLLINO, LLC			
Name - Type of P	rint desirate	O San		Name - Type or Print By:			
Signature Jose	ph C/Losak,	Vice-Pre	sident	Signature			
	altimore Pike	•	610-358-8000	Salvatore J. E	ollino.	President	<u> </u>
Address			Telephone No.	Name - Type or Print			
WaWa,	PA		19063	Sala	ru		
City		State	Zip Code	Signature	/		
Attorney For Petitioner:			1818 Arabian W	ay	410-879		
Robert A.	Hoffman				MD		Telephone No
Name - Type or Pi		_		Fallston, City	MD	State	Zip Code
Signature		my	por	Representative	to be Con		Zip Code
Venable, B	aetjer and Ho	ward, LL	.P	Robert A. Hoff	man		
Company				Name		**	***************************************
210 Allegh	eny Avenue	410-	494-6200	210 Allegheny	Avenue	410-4	94-6200
Address			Telephone No.	Address			Telephone No.
Towson,	MD		21204	Towson,	MD		21204
City		State	Zip Code	City		State	Zip Code
				OFFICE USE ONLY			
Case No.	01-360	-XA	· · · · · · · · · · · · · · · · · · ·	ESTIMATED LEN	igth of i	HEARING .	
				UNAVAILABLE F Reviewed By	OR HEARI	NG Date _	3/14/0/



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at BLVD AND PULASKI HIGHWAY

which is presently zoned BM-AS, BM-IM, BR-AS

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 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)

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, 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.

Contract Purchaser/Lessee:

WAWA, INC.

Name - Type or Prot BY: Signature Joseph C// Losak, Vice-President 260 West Baltemore Pike 610-358-8000 Address Telephone No. WaWa, PA 19063 City State Zip Code **Attorney For Petitioner:** Robert A. Hoffman Name Type or Print Signature <u>Vehable. Baetjer and Howard. LLP</u> Company 210 Allegheny Avenue 410-494-6200 Address Telephone No. Towson, MD 21204 State Zip Code

Case No. 01-360-XA

REV 9115198

 \mathbf{K}

CHOULO THOULO

IWe 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):

BOLLINO, LLC.		-		
Name - Type or Print	<u></u>		- 	
By:				
Signature	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·		
Salvatore J. Bolli	ino, Pre	sident	,	
Name - Type or Print	2-	- 4		
Signature				
1818 Arabian Way	4	10-879-1772	- }	
Address		Teler	one No.	
Fallston,	MD	21047	7	
City	5	State	Zip Code	
Representative to be Contacted:				

	04 o Code
• -	
<u> </u>	
	
	410-494-620 Telepho 212 State

OFFICE USE ONLY

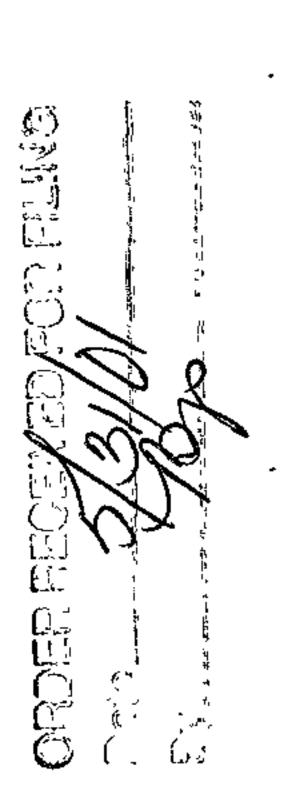
ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING			
Reviewed By IRF	Date .	3/14/	0/

WaWa Food Market (Store No. 558) PETITION FOR VARIANCE

- 1. Variance from Section 450.4.5.b.VII or Section 450.4.7.b.VII of the Baltimore County Zoning Regulations (BCZR) to permit a free-standing enterprise sign or free-standing joint identification sign of thirty-five (35) feet in height in lieu of the permitted twenty-five (25) feet.
- 2. Variance from BCZR Section 450.4.5.b.V to permit a free-standing enterprise sign with one hundred fifty (150) square feet of sign area in lieu of the permitted one hundred (100) square feet for a property with more than three hundred (300) feet of frontage (IF NEEDED).

TO1DOCS1/DHK01/#113349 v1



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



Description to Accompany Special Exception and Variance Request For Wawa, Inc.

February 20, 2001 Page -1-

Beginning at a point on the southerly right-of-way of Pulaski Highway, said point being South 76 degrees 37 minutes 14 seconds East 326.60 feet more or less, from the intersection of the centerlines of Pulaski Highway and Rossville Boulevard thence leaving said point of beginning along the following courses:

- 1, South 35 degrees 09 minutes 05 seconds East 250.00 feet, thence
- 2. North 44 degrees 53 minutes 55 seconds East 150.00 feet, thence
- 3. North 35 degrees 10 minutes 30 seconds West 100.00 feet, thence
- 4. North 46 degrees 16 minutes 00 seconds East 120.10 feet to a point on the westerly right-of-way of Rossville Boulevard, thence binding along said right-of-way the following courses
- 5. South 45 degrees 25 minutes 59 seconds East 331.94 feet, thence
- South 41 degrees 27 minutes 25 seconds East 27.01 feet, thence leaving the westerly right-of-way of Rossville Boulevard the following courses
- 7. South 47 degrees 21 minutes 35 seconds West 15.21 feet, thence
- 8. North 47 degrees 38 minutes 25 seconds West 17.00 feet, thence
- 9. South 47 degrees 21 minutes 35 seconds West 794.79 feet, thence
- 10. North 65 degrees 08 minutes 05 seconds West 45.26 feet, thence
- 11. North 16 degrees 26 minutes 05 seconds West 90.00 feet, thence
- 12. North 74 degrees 01 minutes 55 seconds East 85.00 feet, thence
- 13. North 38 degrees 05 minutes 55 seconds East 58.20 feet, thence
- 14. North 20 degrees 17 minutes 05 seconds East 46.80 feet, thence 15. North 66 degrees 30 minutes 05 seconds West 84.12 feet, thence
- 16. North 48 degrees 14 minutes 11 seconds West 210.33 feet to a point on the southerly right-of-way of Pulaski Highway, thence binding along said right-of-way the following courses
- 17. North 44 degrees 53 minutes 55 seconds East 105.00 feet, thence
- 18. North 45 degrees 06 minutes 05 seconds West 40.00 feet, thence
- 19. North 44 degrees 53 minutes 55 seconds East 321.59 feet to the point of beginning.

Containing 6.28 Acres of land more or less

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

01-360-XA

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



May 7, 2001 Page –1-

Description to Accompany
Special Exception and Variance Request
For Wawa, Inc.

AREA 1

Beginning at a point on the southerly right-of-way of Pulaski Highway, said point being South 76 degrees 37 minutes 14 seconds West 326.60 feet more or less, from the intersection of the centerlines of Pulaski Highway and Rossville Boulevard thence leaving said point of beginning along the following courses:

- 1. South 35 degrees 09 minutes 05 seconds East 250.00 feet, thence
- 2. South 44 degrees 00 minutes 53 seconds East 106.92 feet, thence
- 3. South 44 degrees 53 minutes 55 seconds West 313.07 feet, thence
- 4. North 45 degrees 06 minutes 05 seconds West 313.14 feet to a point on the westerly right-of-way of Rossville Boulevard, thence binding along said right-of-way the following courses
- 5. North 44 degrees 53 minutes 55 seconds East 36.73 feet, thence
- 6. North 45 degrees 06 minutes 05 seconds West 40.00 feet, thence
- North 44 degrees 53 minutes 55 seconds East 321.59 feet to the point of beginning.

Containing 2.64 Acres of land more or less

AREA 2

Beginning at a point on the westerly right-of-way of Rossville Boulevard, said point being South 09 degrees 57 minutes 1.74 seconds East 415.8 feet more or less, from the intersection of the centerlines of Pulaski Highway and Rossville Boulevard thence leaving said point of beginning and binding on the westerly right-of-way of Rossville Boulevard the following course:

- South 42 degrees 25 minutes 59 seconds East 19.11 feet, thence leaving said right-of-way
- 2. South 44 degrees 56 minutes 16 seconds West 42.27 feet, thence
- 3. North 45 degrees 03 minutes 44 seconds West 19.11 feet, thence
- North 44 degrees 56 minutes 16 seconds East 42.18 feet to the point of beginning.

Containing 0.18 Acre of land more or less.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 Adv	ertising:
Item Number or Case	Number: 01-360-XA
	WAWA, Fre.
Address or Location:	South of Intersection of Rossille Boulevare and
	Pulaski Highway
PLEASE FORWARD	ADVERTISING BILL TO:
Name:	My DONTERL
Address: 2	10 Augitary Avenue
	ouser Mo 21204
Telephone Number:	(410) 494-6201

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 93(D30 PAID SETEINT TON
DATE	01-006-615	GEO INTENDED SA 14/2001 (0:20/00) GEO INTENDED FOR CAUSER PRITE DES BRABET DES
AMOUNT \$ 5	<u>50, 20</u>	OPP 5 528 ZONIAL PEPTITIONTION OF LE
RECEIVED MANA Groth of Resserving 21	201 00/2010 1/20	Recept ind 1550.00 550.00 EX 50 Ga Bottomere County, Harvitand 5
OR: 020 VARIANCE & CSD S	Pres Exergana	
	ITEM = 360 TAKEN IN JA	<u> </u>
STRIBUTION HITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CARLIER'S AGE IN CO.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in <u>Towson. Maryland</u> on the property identified herein as follows:

Case: #01-360-XA

Case: #01-360-XA
Rossville Blvd, & Pulaski Hwy.
S of the intersection of Rossville Boulevard & Pulaski Highway,
SE/S Pulaski Highway 326' W of Rossville Boulevard
15 Election District - 7th Councilmanic District

Legal Owner(s): Bolling, LLC Contract Purchaser: WAWA, Inc.

Special Exception: to permit a fuel service station on an in-dividual site and a convenience store and carry-out restau-rant as uses in combination with the proposed fuel service station; Variance: to permit a free-standing enterprise sign or free standing joint identification sign of thirty-five (35) feet in height in lieu of the permitted twenty-five (25) feet and to permit a free-standing sign with one hundred fifty (150) square feet of sign area in lieu of the permitted one hundred (100) square feet for a property with more than three hundred (300) feet of frontage (IF NEEDED).

Hearing: Friday, April 27, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

4/117 April 12

C462086

CERTIFICATE OF PUBLICATION

4/13/,2001	
THIS IS TO CERTIFY, that the annexed advertisement was publis	he
n the following weekly newspaper published in Baltimore County, M	 [d.,
nce in each ofsuccessive weeks, the first publication appear	 ing
$n = 4/12 \int_{-2001}^{-2001}$	
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
☐ Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	
S. WULLING	

APPRAISION POSITING REQUEST

CASE NO 01-360-XA

BOLLINO, LICCLO, WAWA, INC. CP.- Petitioner

SW/sPulaskillighway & Rossville Boulevard

15th Election District

Appealed: 6/22/01

Attachment - (Plan to accompany Petitions)

Petitioner's Exhibit No. 1)

	Petitioner Developer WA-WA ETAL
	VBH- SO AMY DONTELL.
	Date of Hearing/Closing 4/27/01
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: Ms. Gwendolyn Stephens	
Ladies and Gentlemen.	
This letter is to certify under the penalties of perjury were posted conspicuously on the property located	
The sign(s) were posted on(Mo	8/0/ onth, Day, Year)
CONTINENTAL CONTINENTAL DEVELOPM ZONING NOTICE CAME OF SAME REAL Lesing B7: AC CASPICES REAL Lesi	Sincerely, Workel M. O'Geefo 54900 (Signature of Sign Poster and Pate) PATRICK M. O'KEEFE (Printed Name) 523 PENNY LANE (Address) HUNT VALLEY, MD. 21030 (City, State, Zip Code) 410-666:5366 ; CELL: 410-905-8571 (Telephone Number)

RE: Case No 01-360-XA





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

March 28, 2001

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: 01-360-XA

Rossville Boulevard & Pulaski Highway

S of the intersection of Rossville Boulevard & Pulaski Highway, SE/S Pulaski Highway 326' W of Rossville

Boulevard

15th Election District – 7th Councilmanic District

Legal Owner: Bollino LLC Contract Purchaser: WAWA Inc

Special Exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station; Variance to permit a free-standing enterprise sign or free standing joint identification sign of thirty-five (35) feet in height in fieu of the permitted twenty-five (25) feet and to permit a free-standing sign with one hundred fifty (150) square feet of sign area in lieu of the permitted one hundred (100) square feet for a property with more than three hundred (300) feet of frontage (IF NEEDED).

HEARING:

Friday, April 27, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

C: Robert A Hoffman, Venable Baetjer & Howard LLP, 210 Allegheny Avenue, Towson 21204

Salvatore J. Bollino, President, Bollino Inc, 1818 Arabian Way, Fallston 21047 Joseph C Losak VP, WAWA Inc, 260 W Baltimore Pike, WaWa PA 19063

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 12, 2001.

(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

Thursday, April 12, 2001 Issue – Jeffersonian

Please forward billing to:

Amy Dontell Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

410 494-6201

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326' W of Rossville Boulevard

15th Election District – 7th Councilmanic District

Legal Owner: Bollino LLC

Contract Purchaser: WAWA Inc

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HEARING: Friday, April 27, 2001 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Lawrence E. Schmid

GD7

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.



Baltimore County Department of Permits and Development Management

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

April 20, 2001

Robert A Hoffman Venable Baetjer & Howard LLP 210 Allegheny Avenue Towson MD 21204

Dear Mr. Hoffman:

RE: Case Number: 01-360-XA, Rossville Blvd & Pulaski Highway

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 13, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr. 602

Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Salvatore J Bollino, President, Bollino LLC, 1818 Arabian Way, Fallston 21047 Joseph C Losak VP, WAWA Inc, 260 W Baltimore Pike, Wawa PA 19063 People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April, 2001

Department of Permits and Development Management

FROM:

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

SUBJECT:

Rossville Blvd & Pulaski Highway

INFORMATION:

Item Number:

01-360

Petitioner:

Bollino, LLC.

Zoning:

BM-AS, BM-IM, BR-AS

Requested Action:

Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has determined that the subject building design and colors in effect serve as signage for the subject business. Therefore, this office does not support the request because the erection of additional signage would contribute to the problem related to visual clutter along the Pulaski Highway corridor.

Prepared by:

Section Chief:

AFK:MAC:



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

March 22, 2001

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: C. WILLIAM CLARK

Location: DISTRIBUTION MEETING OF March 26, 2001

Item No.: 360

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 5, 2001

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 2, 2001 Item No. 360

The Bureau of Development Plans Review has reviewed the subject zoning item.

See our file, entitled "Continental Inn", for information on the limits of 100-year flood plain passing through this site.

RWB:HJO:jrb

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams Administrator

Date: March 26, 2001

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

RE: Baltimore County

Item No. 360 (JRF)

WAWA, Inc. US 40

Mile Post 17.18

Dear Ms. Jackson:

This office has reviewed the referenced Item and has no objection to approval of the Special Exception.

However we will require the owner to obtain an access permit through our office and as a minimum the following roadway improvements will be required:

- One right/in-only for deliveries and one right/in-right/out main entrance will be allowed with the construction of a two foot wide raised median to protect the double left turn from US 40 on to Rossville Blvd.
- A traffic impact analysis will be required.
- A hydraulic analysis will be required.
- The County's approval for the Rossville connection with full directional movement at the median break.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

CC: Robert W. Bowling, P.E.

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 & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley My

DATE:

March 30, 2001

SUBJECT:

Zoning Petitions

Zoning Advisory Committee Meeting of March 26, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Item # Address	
357	8 Turk Garth	
358	1017 Windsor Road	
360	Rossville Boulevard and Pulaski Highway	
361	2910 Ridge Road	
363	405 Crisfield Road	

•		
RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE Rossville Boulevard & Pulaski Highway, S of intersection	*	ZONING COMMISSIONER
Rossville Blvd & Pulaski Hwy, SE/S Pulaski Hwy 326' W of Rossville Blvd	*	FOR
15th Election District, 7th Councilmanic	*	BALTIMORE COUNTY
Legal Owner: Bollino, LLC		•
Contract Purchaser: Wawa, Inc. Petitioner(s)	*	Case No. 01-360-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. 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

People's Counsel for Baltimore County

ole S. Demilio

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 4th day of April, 2001 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

BALTIMORE COUNTY, MARYLAND

Board of Appeals of Baltimore County Interoffice Correspondence

DATE:

February 15, 2002

TO:

Arnold Jablon, Director

Permits & Development Management

Attn.: W. Carl Richard, Jr.

FROM:

Theresa R. Shelton
Board of Appeals

SUBJECT:

CLOSED APPEAL CASE FILE

The following case has been finalized and the Board of Appeals is closing the copy of the appeal case file and returning the file that is attached herewith.

CASE NUMBER

<u>NAME</u>

LOCATION

01-360-XA

BOLLINO, LLC – LO WAWA - CP

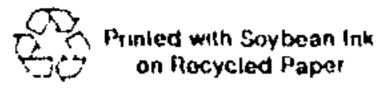
ROSSVILLE BLVD. AND **PULASKI HIGHWAY**

Attachment:

SUBJECT FILE(S) ATTACHED

PETITIONER(S) SIGN-IN SHEET

JOE CALO	AME FWAN WEY GGORD OWZOW WS/C	· · · · · · · · · · · · · · · · · · ·	ADDRESS Allegum W. BANTMONE P ERANKELN SQUAR BOX 1123 BE MOMWELL BO	LE Deivé	
DAND MA	21W				
GEORGE WILLIAM STEPHENS, JR. AND ASSOCIATES, INC.	KAREN WATSIC, P.E. ASSOCIATE/PROJECT ENGINEER Towson: 1020 Cromwell Bridge Road Towson, Maryland 21286-3396 410-825-8120 Fax 410-583-0288 gwstowson@erols.com Bel Air: 203 Fast Broadway				
CONSULTING ENGINEERS LAND PLANNERS LAND SURVEYORS	203 East Broadway Bel Air, Maryland 21014 410-879-1500 410-838-3800 Fax 410-893-0425 gwsbelair@erois.com				







JOSEPH J. CALOGGERO, P.E., P.T.O.E.

Senior Associate

Joe Caloggero is a professional traffic engineer who brings over 14 years of both technical and academic experience to The Traffic Group, Inc. His responsibilities with the firm include, but are not limited to, proposal preparation, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning, as well as attending hearings for various projects and meetings with the community.

Previously, Mr. Caloggero served as a traffic engineer for Parsons Brinckerhoff Quade & Douglas, Inc. and the Maryland State Highway Administration. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning. He has also participated in engineering training programs and researched transportation related topics.

Prior to joining The Traffic Group, Inc. some of the projects in which Mr. Caloggero served as a traffic engineer are: Southern New Jersey Light Rail Transit System project, Hudson-Bergen Light Rail Transit System project in New Jersey, Newark-Elizabeth Rail Link in New Jersey, and Newark Arena (New Jersey Nets) District Redevelopment Plan. Additionally, while working with the Maryland State Highway Administration, Mr. Caloggero has worked on Neighborhood Conservation Programs in the Maryland towns of Hancock, Clear Spring, and Lonaconing.

Job History

2000 - Present

Senior Associate - The Traffic Group, Inc.

1998 - 2000

Traffic Engineer
Parsons, Brinckerhoff, Quade & Douglas, Inc.

1993 - 1998

Traffic Engineer
Maryland State Highway Administration

Educational Background

- Masters of Science in Civil Engineering/Transportation
 West Virginia University (Expected 2001)
- Bachelors of Science in Civil Engineering
 West Virginia University

<u>Affiliations</u>

- Certified Professional Traffic Operations Engineer (P.T.O.E.)
- Registered Professional Engineer (P.E.) Maryland,
 New Jersey, Virginia, and West Virginia
- Institute of Transportation Engineers (I.T.E.)

Publications

 Co-author, "Positive Guidance in Maryland— Guidelines and Case Studies," Maryland State Highway Administration Document, July 1997. Co-author, "Highway Agency Tort Liability and Risk
Management Relative to Pedestrian Facilities,"
Proceedings of Conference on Risk Management and Tort
Liability, Pennsylvania State University, April 1993.

Representative List of Mr. Caloggero's Projects:

Festival @ Green Valley Shopping Center – Frederick County, MD
Friendship Technology Park – Washington County, MD
St. James Park – Washington County, MD
Waverley View – City of Frederick, MD

FREDERICK COUNTY TRAFFIC ENGINEERING SERVICES CONTRACTS:

Braddock Heights Traffic Safety Study
North Frederick Regional Transportation Study
South Frederick Regional Transportation Study
Urbana Regional Transportation Study
Traffic Signal Warrant Studies – Various Locations

MARYLAND STATE HIGHWAY ADMINISTRATION-ENGINEERING SERVICES, DISTRICT 6

High Accident Sections and Intersection Studies
Traffic Safety Studies
Traffic Signal Warrant Studies

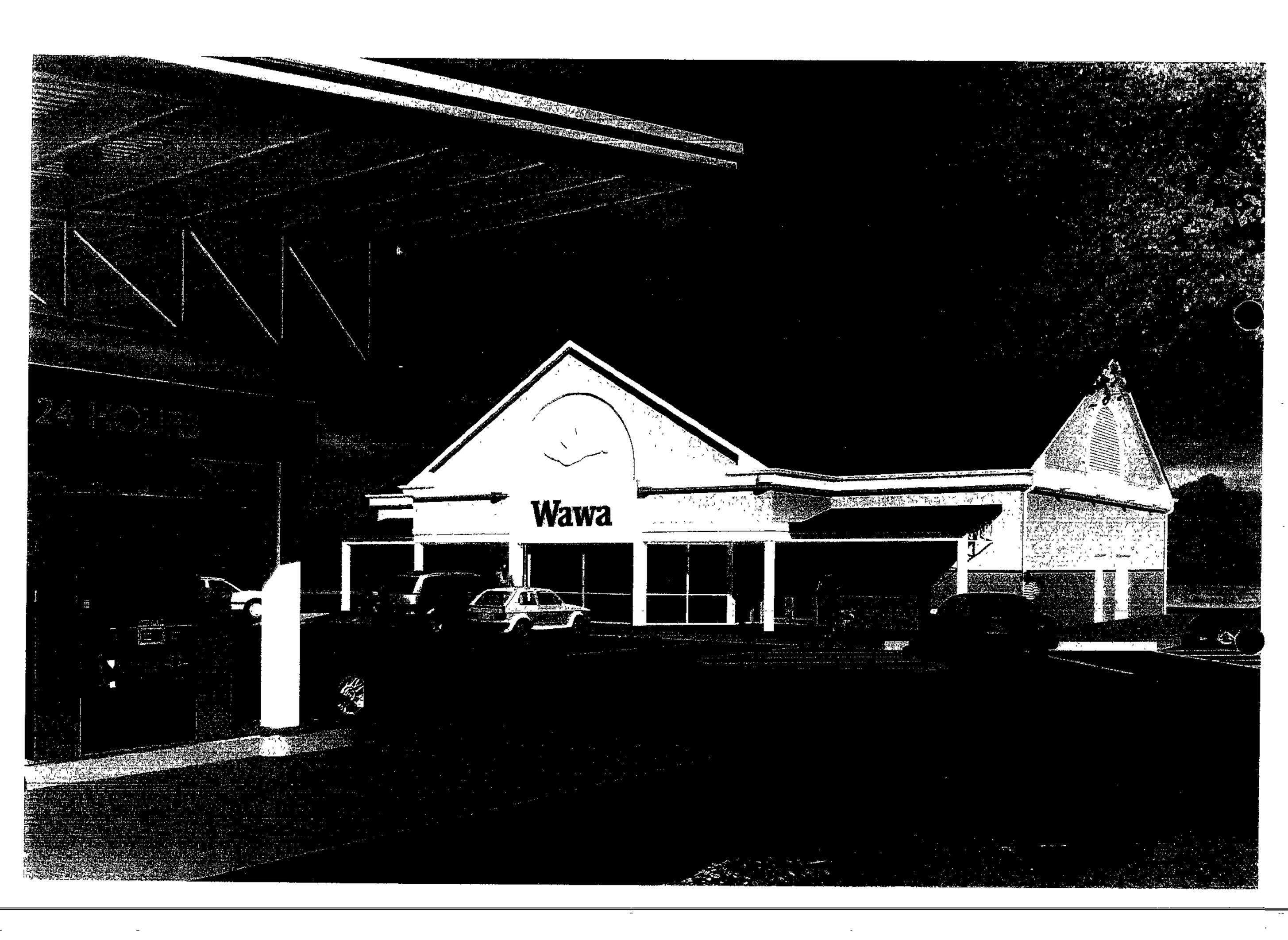
NEIGHBORHOOD CONSERVATION/STREETSCAPE PROJECTS

Havre de Grace – MD 7A – Harford County, MD

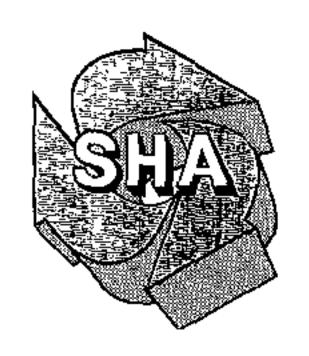
LaVale – US 40 Alt. – Allegany County, MD

Rosedale – US 40 (Pulaski Highway) – Baltimore County, MD

Towson – MD 45 – Baltimore County, MD



20/2



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F. Williams
Administrator

Date: March 26, 2001

Ms. Ronnay Jackson
Baltimore County Office of
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