

IN RE: PETITIONS FOR SPECIAL EXCEPTION,* BEFORE THE
SPECIAL HEARING & VARIANCE – S/S
Liberty Road, across from Marriott Lane,* ZONING COMMISSIONER
W of Rolling Road (8207 Liberty Road)
1st Election District * OF BALTIMORE COUNTY
2nd Council District * Case No. 01-507-XSPHA
BP Corporation
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing and Variance filed by the owners of the subject property, BP Corporation, by John R. Lombardo, Zoning and Development Manager, through their attorney, David K. Gildea, Esquire. The Petitioners request a special exception to permit a fuel service station use in combination with a convenience store/carry out restaurant, and ancillary use automatic teller machine. In addition, the Petitioners request a special hearing to approve an amendment to the previously approved special exception granted in prior Case No. 69-89-X to reflect the proposed modifications, and variance relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 80 sq.ft. of freestanding signage in lieu of the maximum allowed 75 sq.ft. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were John R. Lombardo on behalf of BP Corporation, property owners; Greg Reed, a representative of Bohler Engineering, P.C., the consultants who prepared the site plan for this property; and David K. Gildea, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is a roughly square shaped parcel located on the south side of Liberty Road, just east of Rolling Road in Randallstown.

ORDER RECEIVED FOR FILING
Date 8/20/11
By [Signature]

The property consists of a gross area of 0.742 acres, more or less, split zoned B.R.-A.S. and B.L.-A.S., and is improved with a fuel service station use in combination with a convenience store, and a freestanding automated teller machine (ATM). The Petitioners are in the process of upgrading and modernizing all of their BP/Amoco service station sites. As part of this overhaul, the Petitioners completely raze existing improvements and replace same with new buildings/equipment. At the subject location, the Petitioners propose constructing a new service station facility with five (5) gasoline pump islands offering service on both sides, and a 2,400 sq.ft. convenience store building, of which 400 sq.ft. will be utilized for a carry-out restaurant known as the Wild Bean Café, which specializes in quick food items for customers who have come to the site for fuel. That is, it is not a destination restaurant. In addition to the fuel service station and convenience store/carry-out restaurant, the Petitioners propose installing an ancillary automatic teller machine for its customers. In view of the proposed improvements, a special exception is necessary and a special hearing to amend the previously approved site plan to reflect same is required. Moreover, variance relief is necessary for the proposed new signage.

Turning first to the special exception request, Section 405 of the B.C.Z.R. governs fuel service stations. The Petitioners' proposal is not unique, but is an industry trend to redevelop sites with convenient "gas-n-go" pump islands where they no longer do automobile repairs and provide customers with other convenience services, such as mini-markets, carry-out restaurants, and automatic teller machines. Section 405.E of the B.C.Z.R. specifically provides that certain uses are permitted to be on the same site as a fuel service station. Such uses are designated as "uses in combination" with the service station, not accessory thereto. Convenience stores and restaurants are among those uses. Additionally, Section 405.D allows certain uses identified as ancillary to the primary uses on the property, and among those uses are automatic teller machines. Thus, the proposed carry-out restaurant and automatic teller machine are permitted by special exception.

It should also be noted that different types of restaurants are defined in Section 101 of the B.C.Z.R. A question arose as to what category of restaurant the Wild Bean Café falls under. Testimony indicated that the proposed carry-out restaurant is designed to provide convenient,

quick food items for customers of the fuel service operation. A carry-out restaurant is defined in Section 101 of the B.C.Z.R. as "An establishment whose principal business is the sale of ready to consume food and beverages to customers who order their food and beverages over the counter, by telephone, or by fax machine, and whose principal characteristic is that food and beverages are consumed off the premises." In my judgment, notwithstanding the fact that there is limited seating at the Wild Bean Café, it is not a standard, full-service restaurant. Based upon the testimony and evidence presented, I find that the Wild Bean Café is indeed a carry-out restaurant, not a standard restaurant, fast-food restaurant, or a fast-food restaurant, drive-thru, only. Although the proposed restaurant shares elements of all of those different types of restaurants, the unique characteristics of the Wild Bean Café, in terms of it being oriented and marketed towards patrons of the fuel service station, lead me to conclude that the carry-out restaurant definition fits this use.

As for the requested variance, testimony indicated that all existing signs are being replaced and that the proposed wall-mounted and canopy signs meet current sign requirements; however, one freestanding sign totaling 80 sq.ft. is proposed. That sign will display the prices for the different grades of gasoline offered, identify the name of the carry-out restaurant, and the credit cards accepted. Due to the fact that the subject property has less than 100 feet of road frontage, a variance is needed in order to have more than 75 sq.ft. of freestanding signage.

After due consideration of the testimony and evidence presented, I am persuaded to grant the Petitions for Special Exception, Special Hearing and Variance. In my view, the relief requested will not cause detriment to the health, safety or general welfare of the surrounding locale and meets the spirit and intent of the zoning regulations. Moreover, the proposed improvements appear to be in keeping with the on-going revitalization efforts taking place along the Liberty Road corridor. In fact, a letter of support for this project was received from the Liberty Road Business Association. There were no Protestants present, and no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. However, the Office of Planning recommended certain conditions be imposed upon approval of the relief requested relative to lighting and landscaping of the subject property. In addition, any sidewalk and

ORDER RECEIVED FOR FILING
Date 8/28/11
By [Signature]

landscaping treatment proposed by the Petitioners along Liberty Road shall be coordinated with the State Highway Administration (SHA)'s streetscape program. Thus, I will require that all landscaping for the subject site be consistent with the requirements of the SHA streetscape program. Moreover, the State Highway Administration (SHA) requested the Petitioner submit a comparative traffic study in order that they may determine whether or not an access permit will be required. Thus, I shall incorporate these comments as a restriction to the granting of the special exception and variance relief.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth herein, the special exception, special hearing and variance relief shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of August 14, 2001 that the Petition for Special Exception to allow an ancillary use automatic teller machine with an existing fuel service station use in combination with a convenience store/carry out restaurant, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve an amendment to the previously approved special exception granted in prior Case No. 69-89-X to reflect the proposed modifications, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a freestanding sign of 80 sq.ft. in lieu of the maximum allowed 75 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Prior to the issuance of any permits, the Petitioners shall comply with the recommendations made by the Office of Planning as set forth in their ZAC comment dated July 30, 2001, a copy of which is attached hereto and made a part hereof. Moreover, the Petitioners shall submit a comparative traffic study to the SHA for a determination as to whether an access permit will be required.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

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

August 20, 2001

David K. Gildea, Esquire
301 N. Charles Street, Suite 800
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL EXCEPTION, SPECIAL HEARING & VARIANCE
S/S Liberty Road, across from Marriott Lane, W of Rolling Road
(8207 Liberty Road)
1st Election District – 2nd Council District
BP Corporation - Petitioners
Case No. 01-507-XSPHA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception, Special Hearing 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,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. John R. Lombardo, BP Corporation
1 W. Pennsylvania Avenue, Towson, Md. 21204
Mr. Kenneth McDonald, Jr., Chief, Engineering Access Permits Division, SHA
P.O. Box 717, Baltimore, Md. 21203-0717
Office of Planning; People's Counsel; Case File

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



Printed with Soybean Ink
on Recycled Paper



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8207 Liberty Road

which is presently zoned BR-AS, BL-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

A fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine.

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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Gildea LLC and David K. Gildea

Name - Type or Print _____

Signature David K. Gildea

Company _____

Address 301 N. Charles St. Suite 800

Baltimore, MD 21201 234-0070

City _____ State _____ Zip Code _____

Legal Owner(s):

BP Corporation

Name - Type or Print _____

Signature John R. Lombardo

By: John R. Lombardo, Zoning and
Name - Type or Print Development Manager

Signature _____

1 W. Pennsylvania Ave. 494-3772

Address _____ Telephone No. _____

Towson, MD 21204

City _____ State _____ Zip Code _____

Representative to be Contacted:

David K. Gildea

Name _____

301 N. Charles St., Suite 800

Address _____ Telephone No. _____

Baltimore, Md 21201 234-0070

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By LTW Date 5/30/01

ORDER RECEIVED FOR FILING
Date 5/30/01
By [Signature]

01-507-XSPHA



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8207 Liberty Road

which is presently zoned BR-AS, BL-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 Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Special Hearing to amend the previously approved Special Exception granted in case number 69-89X

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

I or we, agree to pay expenses of above Special Hearing, 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Gildea LLC and David K. Gildea

Name - Type or Print

Signature

Company

101 N. Charles St., Suite 800

Address Telephone No.

Baltimore, MD 21201 234-0070

State

Zip Code

Legal Owner(s):

BP Corporation

Name - Type or Print

Signature

By: John R. Lombardo, Zoning and

Name - Type or Print Development Manager

Signature

1 W. Pennsylvania Ave. 494-3772

Address

Telephone No

Towson, MD 21204

City

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

301 N. Charles St., Suite 800

Address

Telephone No

Baltimore, MD 21201

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By CTM

Date 5/30/01

ORDER RECEIVED FOR FILING
5/30/01
Case No. 01-507-X SPHA
Date 5/30/01
By [Signature]



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8207 Liberty Road

which is presently zoned BR-AS, BL-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)

BCZR Section 450 -- to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet.

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 presented at the 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 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Gildea LLC and David K. Gildea

Name - Type or Print

Signature

Company

301 N. Charles St., Suite 800

Address

Telephone No.

Baltimore, MD 21201

234-0070

City

State

Zip Code

Legal Owner(s):

BP Corporation

Name - Type or Print

Signature

By: John R. Lombardo, Zoning and

Name - Type or Print Development Manager

Signature

Address

Telephone No

1 W. Pennsylvania Ave 494-3772

City Towson

State

Zip Code

Representative to be Contacted:

David K. Gildea

Name

301 N. Charles St., Suite 800

Address

Telephone No

Baltimore, MD 21201

234-0070

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

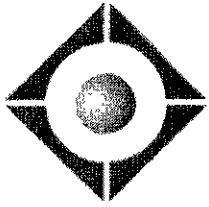
Reviewed By CTM Date 5/30/01

ORDER RECEIVED FOR FILING

Case No. 01-507-XSPHA

Date 5/30/01

By [Signature]



CONTROL POINT ASSOCIATES, INC.

BOUNDARY & TOPOGRAPHIC SURVEYS • SUBDIVISIONS • CONSTRUCTION STAKING

810 Gleneagles Court
Suite 300
Towson, MD 21286
Telephone 410.494.9445
Fax 410.821.9335

May 24, 2001

#507

**ZONING DESCRIPTION
OF THE LANDS OF
AMERICAN OIL COMPANY
FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MD**

BEGINNING AT A POINT ON THE SOUTHERNMOST SIDE OF LIBERTY ROAD, ALSO KNOWN AS MD RTE. 26, A VARIABLE WIDTH RIGHT OF WAY, AT THE INTERSECTION OF THE DIVISION LINE OF THE HEREIN DESCRIBED LANDS OF THE AMERICAN OIL COMPANY IN DEED LIBER 4731 AT FOLIO 102, AND LIBER 7817 AT FOLIO 151, WITH THE INTERSECTION OF THE LANDS OF POWER TEST REALTY COMPANY, LP IN DEED LIBER 6875 AT FOLIO 790, SAID POINT BEING FURTHER LOCATED BY THE FOLLOWING TWO (2) COURSES AND DISTANCES FROM THE INTERSECTION OF THE EASTERNMOST SIDE OF LANGREHR ROAD WITH THE SOUTHERNMOST SIDE OF LIBERTY ROAD AFORESAID,

- A. NORTH 24 DEGREES 07 MINUTES 36 SECONDS WEST 23.97 FEET; AND THENCE
- B. NORTH 65 DEGREES 32 MINUTES 40 SECONDS WEST 171.72 FEET;

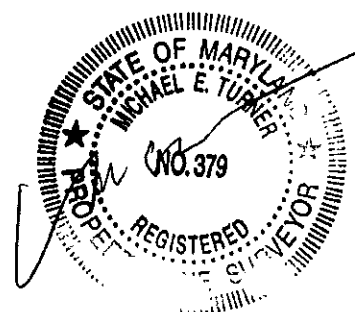
THENCE, LEAVING SAID POINT OF BEGINNING, AND LEAVING LIBERTY ROAD AFOREMENTIONED, AND BINDING ON THE POWER TEST REALTY COMPANY LANDS IN PART, AND ALSO THE LANDS OF LIBERTY WEST APARTMENTS IN LIBER 6645 AT FOLIO 578, AND REFERRING THE COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD83 NORTH VIZ;

- 1. SOUTH 29 DEGREES 30 MINUTES 33 SECONDS WEST 180.26 FEET TO AN IRON PIPE FOUND; THENCE, CONTINUING ALONG THE LANDS OF LIBERTY WEST APARTMENTS,
- 2. NORTH 65 DEGREES 32 MINUTES 40 SECONDS WEST 180.00 FEET TO A POINT; THENCE, LEAVING THE LIBERTY WEST APARTMENTS LANDS, AND BINDING ON THE LANDS OF K & K PARTNERSHIP, LLP IN DEED LIBER 12297 AT FOLIO 666,
- 3. NORTH 29 DEGREES 30 MINUTES 33 SECONDS EAST 180.26 FEET TO A POINT ON THE SOUTHERNMOST SIDE OF THE AFOREMENTIONED LIBERTY ROAD; AND THENCE, LEAVING THE K & K PARTNERSHIP LANDS, AND BINDING ON LIBERTY ROAD,
- 4. SOUTH 65 DEGREES 32 MINUTES 40 SECONDS EAST 180.00 FEET TO THE PLACE OF BEGINNING

CONTAINING IN ALL 32,320 SQUARE FEET OR 0.742 ACRES OF LAND MORE OR LESS, BEING ALL THOSE LANDS CONVEYED FROM PAUL C. BEATY AND ANNA B. BEATY TO THE AMERICAN OIL COMPANY IN A DEED DATED THE 7TH DAY OF MARCH, 1967, AND RECORDED AMONG THE LAND RECORD BOOKS OF BALTIMORE COUNTY, MARYLAND, IN DEED LIBER 4731 AT FOLIO 102, AND ALSO BEING ALL THOSE LANDS CONVEYED FROM MARY VIRGINIA KLOHR TO AMERICAN OIL COMPANY BY DEED DATED MARCH 8, 1988, AND RECORDED AMONG THE AFOREMENTIONED LAND RECORDS IN LIBER 7817 AT FOLIO 151; SAID PROPERTY BEING KNOWN AS 8207 LIBERTY ROAD, FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Prepared by: MET
Reviewed by: GSG
CP00356

#507



BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No.

92976

DATE 5/30/01 ACCOUNT ROO 006 6150AMOUNT \$ 650.00RECEIVED
FROM:

BOHLER E+IG

FOR:

SPU / SE / VAR

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 507

PAID RECEIPT

PAYMENT ACTUAL TIME
5/30/2001 5/30/2001 11:28:07

NO. 0006 CASHIER KIM KIM DRAWER

S. RECEIPT # 026007

OFLH

DOLL 5 528 ZONING VERIFICATION

CP NO. 002976

Receipt tot 650.00

650.00 OK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

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:

8207 Liberty Road
S/S Liberty Road, 195' N/W of W/S Langrehr Road, opposite Marriott Lane

2nd Election District - 2nd Councilmanic District

Legal Owner(s): BP Corporation, John R. Lombardo

Special Exception: to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use; automatic teller machine. **Variance:** to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet. **Special Hearing:** to amend the previously approved Special Exception granted in Case #69-89-X.

Hearing: Monday, July 30, 2001 at 2:00 p.m. in Room 407, County Courts Building, 481 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.

7/12/01 July 12

C480509

CERTIFICATE OF PUBLICATION

7/12/2001

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/12/2001.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01-02-507-XSPHA

Petitioner/Developer: BP CORP

JOHN R. LOMBARDO

Date of Hearing/Closing: JULY 30, 2001

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

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at 8207 LIBERTY RD

The sign(s) were posted on JULY 14, 2001
(Month, Day, Year)

Sincerely,

[Signature] 7/14/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

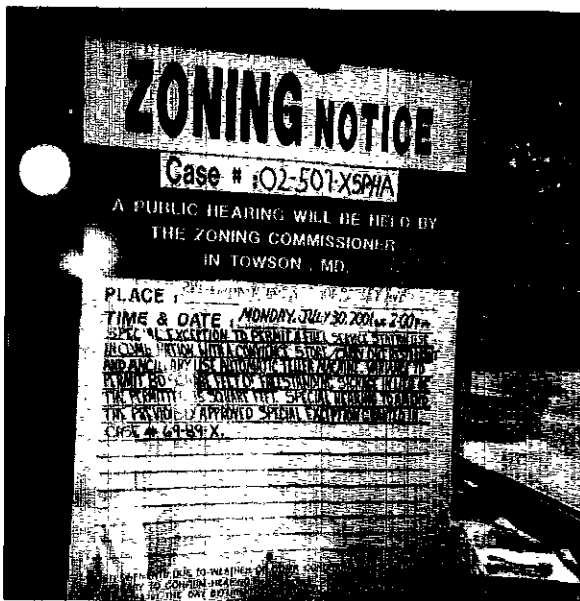
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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/neighbor 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: 01-507-SPHA
Petitioner: BP Corporation
Address or Location: 8207 Liberty Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Gildea, Gildea, LLC
Address: 301 N. Charles St. Suite 800
Baltimore, Md. 21201
Telephone Number: (410) 234-0070

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 12, 2001 Issue – Jeffersonian

Please forward billing to:

David K Gildea
Gildea LLC
301 N Charles Street
Suite 800
Baltimore MD 21201

410 234-0070

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: 01-507-XSPHA

8207 Liberty Road

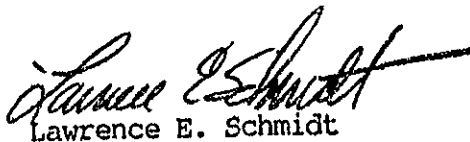
S/S Liberty Road, 195' NW of W/S Langrehr Road, opposite Marriott Lane

2nd Election District – 2nd Councilmanic District

Legal Owner: BP Corporation, John R Lombardo

Special Exception to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine. Variance to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet. Special Hearing to amend the previously approved Special Exception granted in Case # 69-89-X.

HEARING: Monday, July 30, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDS
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

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

June 25, 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: 01-507-XSPHA

8207 Liberty Road

S/S Liberty Road, 195' N/W of W/S Langrehr Road, opposite Marriott Lane

2nd Election District – 2nd Councilmanic District

Legal Owner: BP Corporation, John R Lombardo

Special Exception to permit a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine. Variance to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet. Special Hearing to amend the previously approved Special Exception granted in Case # 69-89-X.

HEARING: Monday, July 30, 2001 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue

Arnold Jablon GDR
Director

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21201
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 14, 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.



Baltimore County
Department of Permits and
Development Management

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

July 27, 2001

David K Gildea
301 N Charles Street
Suite 800
Baltimore MD 21201

Dear Mr. Gildea:

RE: Case Number: 01-507-XSPHA, 8207 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 30, 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.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: John R Lombardo, BP Corporation, 1 W Pennsylvania Ave, Towson 21204
People's Counsel



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: July 18, 2001

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

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2001
Item Nos. 502, 503, 505, 506, 507, 508,
509, 510, 511, 512, 513, 516, 517, 519,
and 520

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

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

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

June 25, 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: SEE BELOW

Location: DISTRIBUTION MEETING OF June 25, 2001

Item No.: 506, 507, 509, and 520

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.
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 JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



234-0072

BALTIMORE COUNTY, MARYLAND**INTER-OFFICE CORRESPONDENCE**

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

DATE: July 27, 2001

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

SUBJECT: 8207 Liberty Road

INFORMATION:

Item Number: 01-507-XSPHA
Petitioner: BP Corporation, c/o David K. Gildea
Property Size: .74 acres
Zoning: BL-AS, BR-AS
Requested Action: Special Exception, Special Hearing, Variance
Hearing Date: July 30, 2001

REQUEST:

The request in this case is for: 1) a special exception to allow a fuel service station use in combination with a convenience store/carry out restaurant and ancillary use automatic teller machine in the BR-AS and BL-AS zoning district, 2) a special hearing to amend the previously approved Special Exception granted in case number 69-89X, and 3) a variance from Section 450 of the BCZR to permit an 80 square foot freestanding sign in lieu of the permitted 75 square feet.

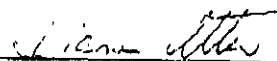
The subject property is currently improved with an existing Amoco fuel and service station. It is zoned BR-AS and BL-AS, and is located in "Node Two" of the Liberty Road Commercial Revitalization District. It is surrounded by commercial land use to the north, east and west. The property directly south of the site is zoned DR 16 and is improved by residential garden apartments. The applicant is proposing to demolish the existing station and construct a new BP fuel service station that would have five dispenser islands with 6 multi-product dispensers serving a total of ten cars, and a convenience store/carry out restaurant with an ancillary ATM machine. Sixteen parking spaces are proposed to be provided.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning recommends approval of these requests. The elevations provided by the applicant indicate that this new building will be an attractive addition to this commercial corridor. The preliminary landscape plan indicates that a substantial buffer will be planted between the fuel station and the Liberty West Apartments located to the rear of the site. Representatives for the BP Corporation have met with the appropriate organizations from the both the business and residential communities to discuss the project. As part of our recommendation for approval, this office proposes that the following conditions be included as part of the hearing officer's order:

1. Place the following note on the plan: A plan will be submitted, with the locations and details of the proposed lighting and a computerized lighting design with point by point calculations that conforms with the Illuminating Engineering Society of North America (IESNA) standards, for review and approval by the Office of Planning in conjunction with the Final Landscape Plan. All site and canopy lighting shall be full cut-off.
2. Any sidewalk and landscape treatment along the Liberty Road frontage of the site will be coordinated with the improvements planned as part of the State Highway Administration (SHA) Liberty Road Streetscape Program.

Section Chief



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 30, 2001

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

JUL 30 1

SUBJECT: 8207 Liberty Road

INFORMATION:

Item Number: 01-507

Petitioner: BP Corporation, c/o David K. Gildea

Zoning: BL-AS & BR-AS

Requested Action: Special Exception, Special Hearing, & Variance

SUMMARY OF RECOMMENDATIONS:

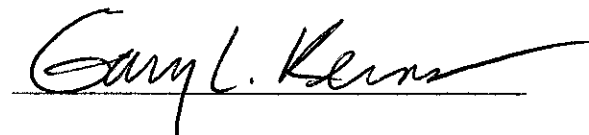
The Office of Planning recommends approval of the subject requests contingent upon the following:

1. Submit plans identifying the locations and details of the proposed lighting and a computerized lighting design with point by point calculations that conforms with the Illuminating Engineering Society of North America (IESNA) standards for review and approval by the Office of Planning in conjunction with the Final Landscape Plan. These plans shall be submitted prior to the issuance of any building permits.
2. All site and canopy lighting shall be full cut-off.
3. Any sidewalk and landscape treatment along the Liberty Road frontage of the site will be coordinated with the improvements planned as part of the State Highway Administration (SHA) Liberty Road Streetscape Program.

Prepared by:



Section Chief:
AFK:MAC:





**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: June 25, 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. 507 (LTM)
8207 Liberty RD
MD 26

Dear Ms. Jackson:

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

However, we will require the owner to submit a comparative traffic study in order to determine whether or not an access permit will be required. Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

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: Mr. Robert W. Boling, 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

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8207 Liberty Road, S/S Liberty Rd, 195' NW of W/S
Langrehr Rd, opp Marriot Ln
2nd Election District, 2nd Councilmanic

Legal Owner: BP Corporation
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-507-SPHXA

* * * * *

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 13th day of July, 2001 a copy of the foregoing Entry of Appearance was mailed to David K. Gildea, Esq., Gildea, LLC, 301 N. Charles Street, Suite 800, Baltimore, MD 21201, attorney for Petitioner(s).



PETER MAX ZIMMERMAN



**LIBERTY ROAD
BUSINESS ASSOCIATION**

9968 Liberty Road ♦ Randallstown, Maryland 21133
Tel: 410.655.7766 ♦ Fax: 410.655.8065

Handwritten: 7/30

25

July 24, 2001

Lawrence Schmidt
Zoning Commissioner
401 Bosley Ave., Room 405
Towson, MD 21204

Re: Case Number: 01-507-XSPHA

Dear Mr. Schmidt:

The Board of Directors of the Liberty Road Business Association has voted to support the SPECIAL EXCEPTION to permit a fuel service station use in combination with a convenience store/carry-out restaurant and ancillary use automatic teller machine. In addition, we also support the VARIANCE request to allow 80 sq. ft. of free-standing signage in lieu of the permitted 75 sq. ft. currently allowed for this specific project (8207 Liberty Rd., Randallstown, MD). LRBA feels that BP/Amoco's major projected investment in the renaissance of Liberty Road will greatly enhance both the business community, as well as improve the quality of life for the residential community.

Your support of this project will be greatly appreciated.

Sincerely,

Handwritten signature: Mike Chapman

Mike Chapman
President

Copy: David K. Gildea, Esq.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David K. Gildea

301 N. Charles ST. Suite 800
Baltimore, Md. 21201

GREG REED

300 GLEN EAGLES STE 300
TOWSON MD 21286

JOHN LOMBARDO

BP AMOCO, 1 W. Pennsylvania
Towson, MD 21204



Ref
No 2

connect

regular 1.32⁹

plus 1.42⁹

elite 1.52⁹

Amoco
Fuels

D.R. 5.5

D.R. 5.5

TENNIS COURT

SCOTTS BRANCH
ELEM SCHOOL

#507

ROLLING

CHURCH

LANE

LANE

N 22,000

BL

RO

D.R. 5.5

BL-AS

SITE

26

BR-AS

BR-GCC

BR

#507

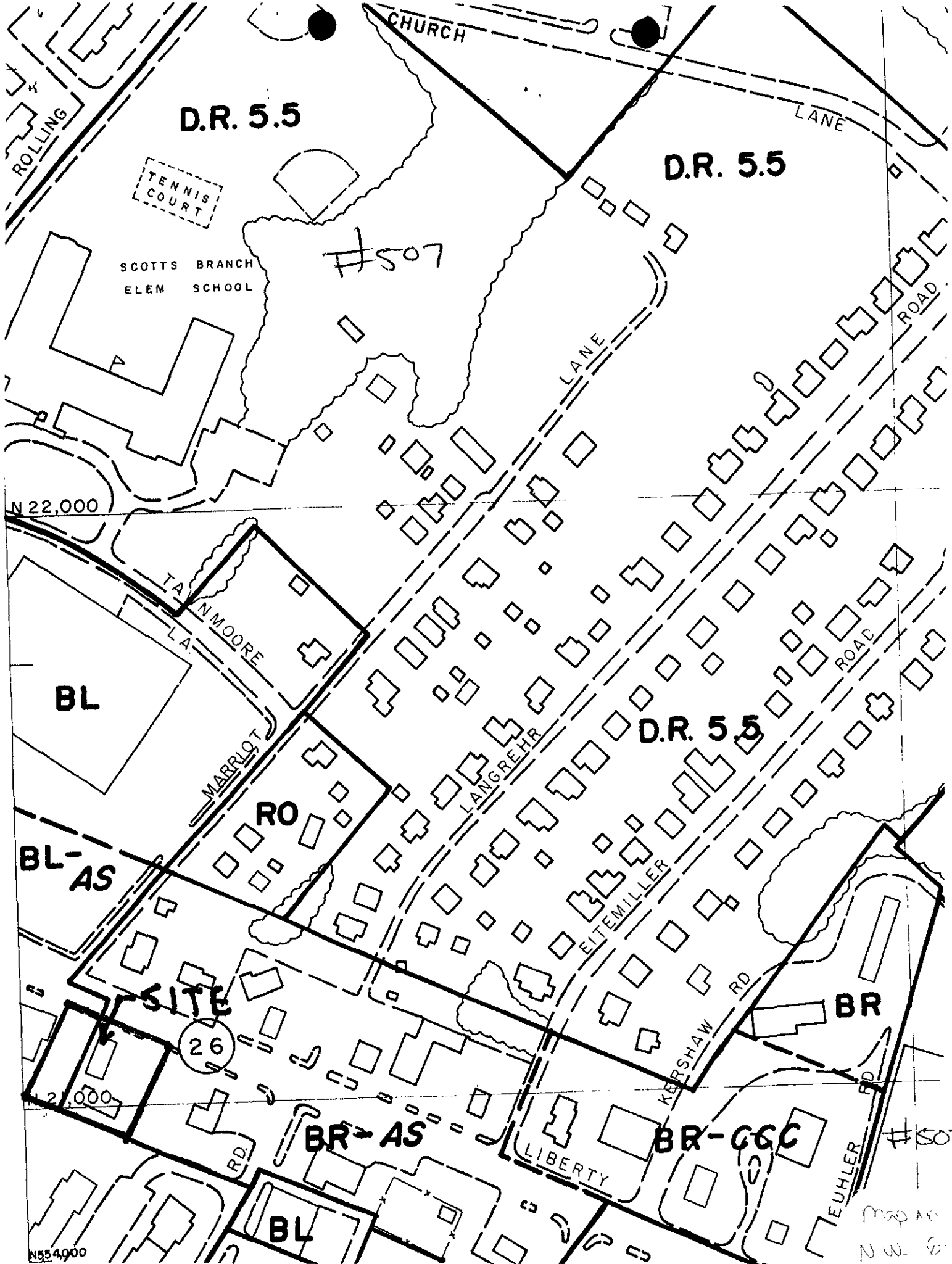
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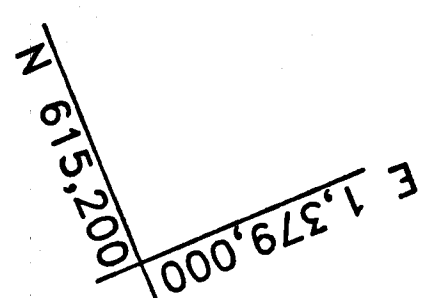
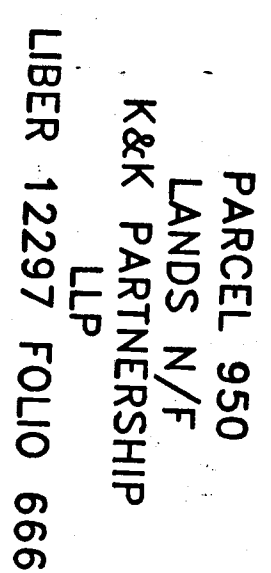
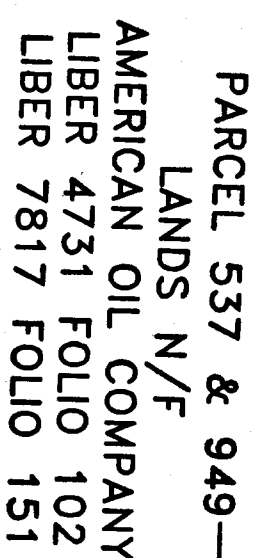
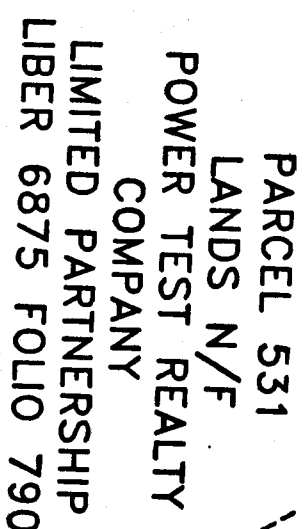
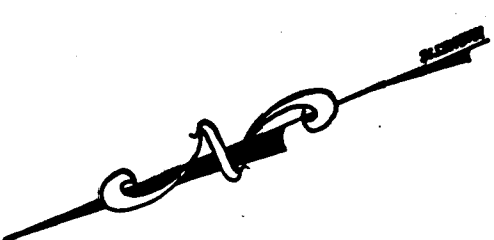
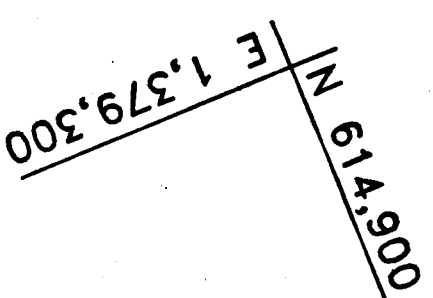
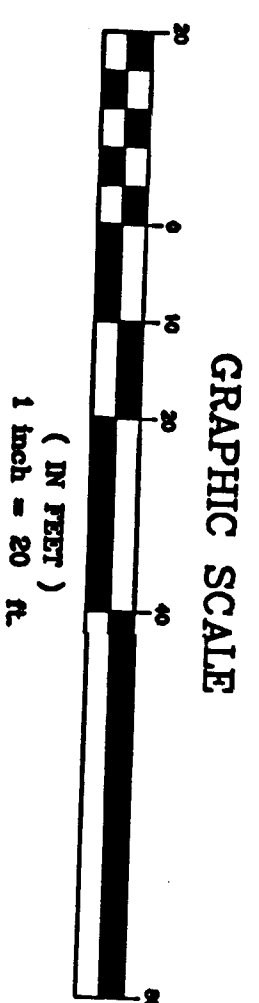
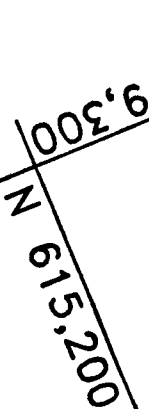
LIBERTY

TEUHLER

map no
N.W. G.C

N554,000





REQUIREMENTS	CALCULATIONS (REQUIRED/PROPOSED)	COMPLIANCE
A.3.1 PLANTING LIMIT (PV) PER 40' OF ADJACENT LOT/LINE.	URBAN ROAD: 179.32 L.F. PROVIDED: 5 PVs PARKING AREA: 3933.01 SQ. FT. REQUIRED: 786.415 SQ. FT. TOTAL: 100.00 SQ. FT. (0%) PROVIDED: 100.00 SQ. FT. REQUIRED: 1.31 PVs PROVIDED: 1 ONE, 5 DCs, 3 ACes (2.6 PV) *PLANT MATERIAL UTILIZED TO MEET REQUIREMENT.	COMPLIES
B.2.1 RESERVE 7% OF THE PARKING LOT AREA FOR INTERIOR LANDSCAPING. PLANT AT 1 PV PER 12 PARKING SPACES.		COMPLIES
H.1 A CLASS "A" SCREEN IS REQUIRED FOR DUMPSTERS. THE FUNCTION OF "CLASS A" IS TO PROVIDE A VISUAL SCREEN WHICH WILL OBTAIN THE NEEDED LEVEL OF HEIGHT, DENSITY, AND OPACITY DEPENDENT ON SITE CONDITION. 1 PV PER 15 L.F. OF THE AREA TO BE SCREENED.	LENGTH OF TRASH ENCLOSURE TO BE SCREENED: 30 L.F. REQUIRED: 2 PVs PROVIDED: 6 TDS, 2 PABs (2.2 PV)	COMPLIES
A.1.2.2 EXCEPT FOR THE REQUIRED ACCESS POINTS, A PLANTING AREA IS REQUIRED ALONG THE PERIMETER OF THE LOT. AN ALTITUDE ALONG THE LANDSCAPE AREA SHALL BE MAINTAINED WITHIN 10' OF THE FRT. SERVICE DRIVE. MINIMUM OF CAR WASH ADJUTS A PUBLIC R.O.W. LANDSCAPING ALONG THE PUBLIC R.O.W. SHALL COMPLY WITH "CLASS B" REQUIREMENTS. (SEE BELOW) MINIMUM HEIGHT OF SHRUBS AT INSTALLATION SHALL BE 18". SHRUBS MUST PROVIDE A MINIMUM 7' HIGH YARD-ROUND SCREEN AT MATURITY. ONE PV PER 15 L.F. OF THE AREA TO BE SCREENED.	LENGTH OF ROW: 179.32 L.F. REQUIRED: 12 PV PROVIDED: 8 CFS, 18 DCs, 12 ACes, 8 OX, 15 HPS (12.2 PV)	COMPLIES
K.3.3 THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6' IN ALL SDC AND REAR YARD AREAS. PLANTING COMMERCIAL OR INDUSTRIAL ZONED LAND SHALL BE VEGETATED AT THE RATE OF 1 PV PER 10'.	REQUIRED: 6' TO ADJUTING PROPERTY LINE. PROPOSED: 6' MINIMUM TO ADJUTING PROPERTY LINE. PROPERTY LINE PERMETER: 540.52 L.F. REQUIRED: 54 PV PROPOSED: 12 EXIST, EVERGREENS: 5 AR, 1 CEF, 3 OX, 1 PAB, 36 PAB, 36 DCs, 16 EDA, 38 DCs, 15 ACes, 6 OX, 5 EDA, 3 IV, 7 WY, 14 PVs, 22 SPAN, 22 ST, 14 VO, (34 PV)	COMPLIES

LANDSCAPE SCHEDULE									
KEY	QTY	BOTANICAL NAME		COMMON NAME	SIZE	REMARKS			
AR	5	ACER RUBRUM		RED MAPLE	2 1/2-3' CUL	B+B			
CR	1	CAMPANUS BETULUS 'ASTYRIANA'		PRYANALD EUROPEAN HORNBEAM	2 1/2-3' CUL	B+B			
FRS	5	FRAXINUS PESTIVANICA 'SUMMIT'		SUMMIT GREEN LARCH	2 1/2-3' CUL	B+B			
TR									
ORNDORFIA TREES									
CR	3	CORNUS ROSEA		ROSEA DOGWOOD	8'-10'	B+B			
EXTERIOR TREES									
PA8	3	PRUN. ARES		NORWAY SPRUCE	6-7'	B+B			
EXTERIOR SHRUBS									
CRS	44	CHAENACTOPHIS INFERA 'SINGOLD'		SINGOLD HEUGELIAE CRESS	15-18" SHO.	#3 CAN			
EC4	7	EDMONDUS LAUSISODORUS 'MANTINIUM'		MANTINIUM SPREADING EDMONDUS	24-30"	#5 CAN			
IC5	56	ILEX CRISTATA 'COLUMBIA'		COLUMBIA HEDGE	24-30"	#5 CAN			
JOC	27	JUNIPERUS COMMENS 'OLD GOLD'		OLD GOLD JUNIPER	15-18" SHO.	#5 CAN			
TOE	6	THILIA OCCIDENTALIS 'THEROLD'		THEOLD GREEN ARBORVITAE	5-6'	B+B			
TR8									
DECIDUOUS SHRUBS									
CA	8	CLETHRA ALNUTICA		SWAMPBERRY CLETHRA	24-30"	#3 CAN			
EAC	5	EDMONDUS ALATIS 'COMPARCIS'		SWAMP WINGED EDMONDUS	30-36"	B+B			
HPS	15	HYPERICUM PATULUM 'SUNSHINE'		SUNSHINE ST. JAMNSHORN	18-24"	#5 CAN			
IV	7	ITEA VIRGINICA 'HERBERT'S GABRIEL'		HERBERT'S VIRGINICA	24-30"	#5 CAN			
WP	7	WIKONIA PEPSIVANICA		NORWAY SPRUCE	30-36"	B+B			
PA8	14	POTENTIALIA FRONCOSA 'GOLDENREEF'		GOLDENREEF SPREADING POTENTIALIA	18-24"	#3 CAN			
SP16	22	SPERULA X BIVALVATA 'JANHOFF WATERER'		JANHOFF WATERER SPERULA	18-24"	#3 CAN			
SV	29	STERNA VILLAGUS		COMMON PURPLE STERNA	5-6'	B+B			
VO	14	VERBINA DECAUVA		ARROWWOOD VERBINA	5-6'	B+B			
TR8									
GROUND COVER									
EC4	270	EDMONDUS FORTINUS 'COLOMBUS'		PURPLE WINTEREDGERS	2 1/4" FEAT POT	2 R PLANTS			
AMV	3	JANHOFFUS HORIZONTALIS 'WILLOW'		WILLOW'S BLUE RIG JUNIPER	12-15" SPED	#2 CAN			
TR3									
PERENNIAL									
LA	25	LARGE MISCADA 'BIG BLUE'		BIG BLUE LANTANA	1 FT.	CONTAINER			

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN SHALL PREVAIL.

1 W. PENNSYLVANIA AVENUE, SUITE 95
TOWNSON, MARYLAND



**BOHLER
ENGINEERING
P.C.**

- ♦ Civil & Consulting Engineers ♦
- ♦ Professional Engineers ♦
- ♦ Environmental Engineers ♦
- ♦ Structural Engineers ♦
- ♦ Mechanical Engineers ♦

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 6402 05143
DISTRICT OF COLUMBIA LICENSE NO. E2348 1779
PENNSYLVANIA LICENSE NO. 04934-04
NEW YORK LICENSE NO. 0424-2

• 810 CLAREMONTS COURT, SUITE 300
TOWSON, MARYLAND, 21286
(410) 281-7900 FAX: (410) 281-7987

• WWW.HOURLYENGINE.COM •

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B.M. OF PLANTS
Handwritten signature
PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 140651
WELDING LICENSE NO. 40551
DISTRICT OF COLUMBIA ELECTRICIAN 14437

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