

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
and VARIANCE – NE/Cor. Security Boulevard
and Whitehead Road * ZONING COMMISSIONER
(6698 Security Boulevard)
1st Election District * OF BALTIMORE COUNTY
2nd Council District * Case No. 01-509-XA

BP Corporation
Petitioners *

* * * * *

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, 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 an ancillary use automatic teller machine with a fuel service station use in combination with a convenience store/carry out restaurant. In addition, the Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 405.4.A.3.d to permit 13 parking spaces in lieu of the required 16; from Section 450 to permit freestanding signage of 80 sq.ft. in lieu of the maximum allowed 75 sq.ft.; and, from Section 405.4.A.2.b to permit a sign setback of 6.2 feet in lieu of the required 10 feet, and a landscape setback of 6.7 feet in lieu of the required 10 feet. The subject property and requested relief are more particularly described on Page 2 of the four-page site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

It is to be noted that at the onset of the hearing, the Petitioners withdrew their request for variance relief from Section 450 of the B.C.Z.R. That Section allows up to 100 sq.ft. of freestanding signage when the property has at least 100 feet of road frontage. Due to the fact that the subject property is a corner lot and has over 100 feet of road frontage, the variance is not necessary. Thus, that request was dismissed as moot and the hearing proceeding on the remaining requests.

ORDER RECEIVED FOR FILING

Date

By

Appearing at the 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 rectangular shaped parcel located on the southeast corner of Security Boulevard and Whitehead Road in Woodlawn. The property consists of a gross area of 33,339 sq.ft., more or less, zoned B.M.-A.S. and is improved with a fuel service station use in combination with a convenience store. The Petitioners are in the process of upgrading and modernizing all of their BP/Amoco service stations. 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 six (6) gasoline pump islands providing 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. That restaurant specializes in quick food items geared to serve 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 to provide an ancillary automatic teller machine for its customers. Thus, a special exception is necessary. Moreover, variance relief is necessary in order to accommodate the new layout and construction.

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 other convenience services, such as convenience stores, 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 and 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.

In addition to the special exception, the Petitioners request relief from certain parking and setback requirements. It is to be noted that the site is unique by virtue of its corner location and topography. Specifically, the rear of the property is at a significant grade which requires that the building and pump islands be moved closer towards the road frontage. In order to maintain proper traffic circulation through the site, the number of parking spaces is reduced to 13; however, this is still a greater percentage of required spaces than is provided under the current operation. That is, at the present time, only 8 parking spaces are provided and 14 are required. Thus, the proposed operation will provide a greater percentage of the required number of parking spaces than is currently provided.

As for the requested variances from signage and landscape setback requirements, testimony indicated that all existing signs are being replaced and that the new signs will be in the

same locations, no closer to the road right-of-way than the existing signs. Moreover, it is to be noted that there is presently no landscaping on the subject site. The Petitioners propose extensive landscaping around the site to buffer the uses thereon from adjacent properties. Again, in order to maintain proper traffic circulation throughout the site and provide adequate driveway aisle widths, the variance should be granted.

After due consideration of the testimony and evidence presented, I am persuaded to grant the Petitions for Special Exception 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. There were no Protestants present, and no adverse Zoning Advisory Committee (ZAC) comments submitted by any Baltimore County reviewing agency. In fact, a favorable comment was submitted by the Office of Planning which notes that indeed, the proposal will be an improvement to the property and assist in the ongoing revitalization efforts taking place in the area. Moreover, the proposal "will be an attractive addition to this commercial corridor." However, the Office of Planning recommended that all lighting for the subject site conform to the standards established by the Illuminating Engineering Society of North America (IESNA). In addition, the Office of Planning requested that a lighting plan showing the locations and details of the proposed lighting and a computerized lighting design with point by point calculations, be submitted for review and approval by the Office of Planning with the Final Landscape Plan. The Petitioners indicated that they would comply with this recommendation. It should be noted that the lighting standards referred to in Planning's comment were established by the IESNA in 1996. Although the IESNA has apparently developed new standards, Baltimore County has not adopted those and will continue to utilize the 1996 standards. Until and unless the new standards are adopted, compliance with the currently adopted regulations is required.

A ZAC comment was also submitted by the State Highway Administration requiring as a condition to obtaining an access permit, that an operational traffic impact analysis be submitted, and that the Petitioners eliminate the entrance closest to Whitehead Road. The Petitioners had no objection to preparing the traffic analysis. However, with regard to the access points, it is to be

noted that there are presently three curb cuts into this property. One is located on Whitehead Road, and two are located on Security Boulevard. As part of the redevelopment of this site, the one access on Whitehead Road is being relocated further from the intersection, which is generally preferred by the SHA. However, their comment relates to one of the two proposed entrances off of Security Boulevard. The one access point located closer to the intersection of Whitehead Road and Security Boulevard is the one that they want eliminated; the other is located further up Security Boulevard on the east side of the property. This access point is a joint curb cut, which serves not only the subject property, but an adjacent strip shopping center. Thus, the Petitioner believes that two curb cuts are necessary on Security Boulevard in order to provide sufficient access for both the strip shopping center and the service station. Moreover, the Petitioners noted that due to the location of the new underground fuel tanks, the Petitioners would prefer to keep the curb cut closest to Security Boulevard for easier access by fuel delivery trucks and to prevent traffic congestion. I concur with the Petitioners' argument on this issue and believe that the access proposed is the most appropriate and practical. Thus, I will not require that the curb cut be eliminated as a part of this Order; however, I will leave this issue to the discretion of the SHA.

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 and variance relief, as modified, shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of September, 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 Variance seeking relief from Section 405.4.A.3.d of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 13 parking spaces in lieu of the required 16; and, from Section 405.4.A.2.b thereof to permit a sign setback of 6.2 feet in lieu of the required 10 feet, and a landscape setback of 6.7 feet in lieu of the required 10 feet, 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 submit a lighting plan showing the locations and details of the proposed lighting and a computerized lighting design with point by point calculations, for review and approval by the Office of Planning with the Final Landscape Plan.
- 3) The Petitioners shall provide an operational traffic impact analysis to the SHA.
- 4) 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.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450 to permit freestanding signage of 80 sq.ft. in lieu of the maximum allowed 75 sq.ft., be and is hereby DISMISSED AS MOOT.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/6/01
By [Signature]



**Baltimore County
Zoning Commissioner**

September 5, 2001

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

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

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
NE/Corner Security Boulevard and Whitehead Road
(6698 Security Boulevard)
1st Election District – 2nd Council District
BP Corporation - Petitioners
Case No. 01-509-XA

Dear Mr. Gildea:

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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

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





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 6698 Security Blvd.

which is presently zoned BM-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 with 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 _____

Company _____

Address 301 N. Charles Street, Suite 800

City Baltimore, Md State 21201 Zip Code 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 _____

1 W. Pennsylvania Ave. (410)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 day eve,

Baltimore, Md 21201 (410)234-0070

City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

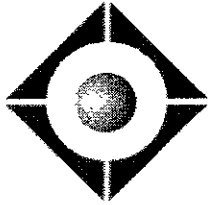
Reviewed By BR Date 5/30/01

ORDER RECEIVED FOR FILING

01-509-XA

REC-09/15/98

Date _____
By _____



CONTROL POINT ASSOCIATES, INC.

BOUNDARY & TOPOGRAPHIC SURVEYS • SUBDIVISIONS • CONSTRUCTION STAKEOUT

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

May 23, 2001

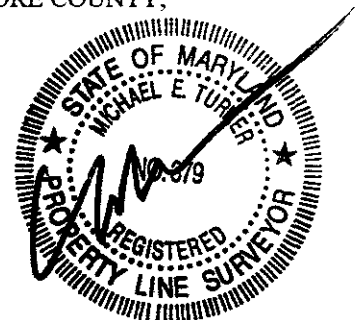
ZONING DESCRIPTION OF THE LANDS OF AMERICAN OIL COMPANY FIRST DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE NORTHERNMOST SIDE OF SECURITY BOULEVARD, AT 120 FEET WIDE, AT A POINT OF CURVATURE WHICH JOINS THE NORTHERNMOST SIDE OF SECURITY BOULEVARD WITH THE EASTERNMOST SIDE OF WHITEHEAD ROAD AT 70 FEET WIDE; THENCE, LEAVING SAID POINT OF BEGINNING, AND LEAVING THE NORTHERNMOST SIDE OF SECURITY BOULEVARD, AND BINDING ON THE EASTERNMOST SIDE OF WHITEHEAD ROAD BY THE THREE (3) FOLLOWING COURSES AND DISTANCES; AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

1. 39.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 25.00 FEET, AND A CHORD BEARING NORTH 39 DEGREES 49 MINUTES 09 SECONDS WEST 35.52 FEET;
2. NORTH 05 DEGREES 27 MINUTES 21 SECONDS EAST 121.09 FEET TO A POINT OF CURVATURE; AND THENCE,
3. 78.67 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT ON THE SOUTHERNMOST OUTLINE OF THE LANDS OF PSAF DEVELOPMENT PARTNERS, LP, IN DEED LIBER 12465 AT FOLIO 242, SAID CURVE HAVING A RADIUS OF 770.00 FEET, AND A CHORD BEARING NORTH 02 DEGREES 31 MINUTES 44 SECONDS EAST 78.64 FEET; THENCE, LEAVING WHITEHEAD ROAD, AND BINDING ON THE PSAF DEVELOPMENT PARTNERS, LP, LANDS,
4. SOUTH 86 DEGREES 04 MINUTES 06 SECONDS EAST 150.00 FEET TO A POINT; THENCE, CONTINUING ALONG THE PSAF DEVELOPMENT PARTNERS, LP LANDS, AND ALSO THE LANDS OF A AND E PARTNERS, LP, IN DEED LIBER 10780 AT FOLIO 523,
5. SOUTH 04 DEGREES 26 MINUTES 06 SECONDS WEST 225.00 FEET TO A POINT ON A CURVE ON THE NORTHERNMOST SIDE OF THE AFOREMENTIONED SECURITY BOULEVARD; THENCE, LEAVING THE A AND E PARTNERS, LP LANDS, AND BINDING ON SECURITY BOULEVARD,
6. 124.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT TO A POINT OF CURVATURE AND THE POINT OF BEGINNING, SAID CURVE HAVING A RADIUS OF 3140.00 FEET AND A CHORD BEARING NORTH 86 DEGREES 13 MINUTES 16 SECONDS WEST 124.75 FEET;

CONTAINING IN ALL 33,339 SQUARE FEET OR 0.765 ACRES OF LAND MORE OR LESS; BEING THE AMERICAN OIL LOT AS SHOWN ON THE REVISED PLAT OF MEADOWS INDUSTRIAL PARK, RECORDED AMONG THE LAND RECORD BOOKS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK 45 AT FOLIO 137; ALSO KNOWN AS 6698 SECURITY BOULEVARD, IN THE FIRST ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

Prepared by: MET
Reviewed by: GSG
CP00355



#509



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6698 Security Blvd.

which is presently zoned BM-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 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

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. 410-494-3772

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 BN

Date

5/30/01

ORDER RECEIVED FOR FILING
Date 5/15/01
By

ATTACHMENT TO PETITION FOR VARIANCE

- A. BCZR Section 405.4A.3.d - to permit 13 parking spaces in lieu of the required 16 spaces.
- B. BCZR Section 450 - to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet.
- C. BCZR Section 405.4A.2.b - to permit a 6.2 foot sign setback in lieu of the required 10 foot setback.
- D. BCZR Section 405.4A.2.b - to permit a 6.7 foot landscape setback in lieu of the required 10 foot landscape setback.

ORDER RECEIVED FOR FILING
Date 9/6/10
By [Signature]

#509

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 92977

DATE 5/30/01 ACCOUNT 17000-006-6150

AMOUNT \$ 550.00

RECEIVED FROM Bohler Eng.

FOR Special Excavation & Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

John H. S. 9

PAID RECEIPT

PAYMENT ACTUAL TIME

5/30/2001 5/30/2001 11:27:46

REC 4506 CASHIER KMDH KMDH DRAWER 4

RECEIPT # 026006

Dept 5 52B ZONING VERIFICATION

CR NO. 092977

Recpt Tot 550.00

550.00 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:

Case #01-508-XA
6698 Security Boulevard

NE/Cor. Security Boulevard & Whitehead Road
1st Election District - 2nd Councilmanic District

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

Special Exception: to allow a fuel service station with use in conjunction with a convenience store carryout, restaurant and ancillary use automatic teller machine. **Variance:** to permit 13 parking spaces in lieu of the required 16 spaces; to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet; to permit a 6.2 foot sign setback in lieu of the required 10 foot setback; to permit a 6.7 foot landscape setback in lieu of the required 10 foot landscape.

Hearing: Wednesday, August 1, 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) 887-4336.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JLU/Z/680 July 17 C#81595

CERTIFICATE OF PUBLICATION

7/19/_____, 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 7/17, 2001.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 01 - 02-509-XA

Petitioner/Developer: JOHN R.

LOMBARDO

Date of Hearing/Closing: AUGUST 4, 2001

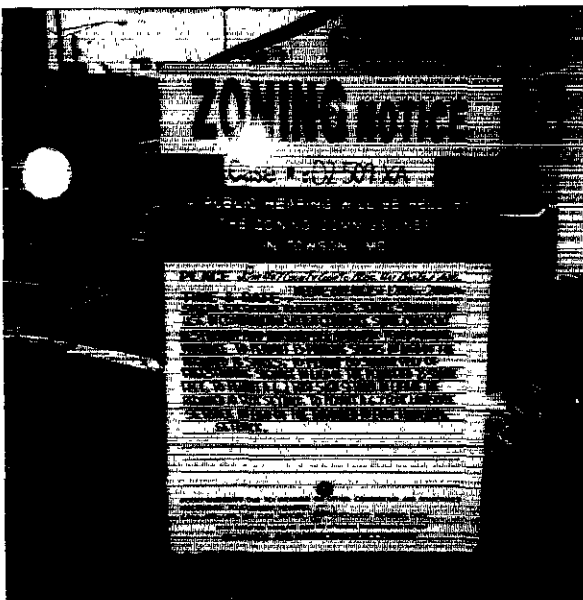
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 6698 SECURITY BLVD

The sign(s) were posted on 7/17/01
(Month, Day, Year)



Sincerely,

[Signature] 7/17/01
(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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

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

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

For Newspaper Advertising:

Item Number or Case Number: 01-509-XA
Petitioner: BP Corporation
Address or Location: 6698 Security Blvd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: David K. Gildea, Esq., Gildea, LLC
Address: 301 N. Charles St. Suite 300
Balt. MD. 21201
Telephone Number: (410) 234-0070



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: 01-509-XA
6698 Security Boulevard
NE/Cor. Security Boulevard & Whitehead Road
1st Election District – 2nd Councilmanic District
Legal Owner: John R Lombardo, BP Corporation

Special Exception to allow a fuel service station with use in combination with a convenience store carryout restaurant and ancillary use automatic teller machine. Variance to permit 13 parking spaces in lieu of the required 16 spaces; to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet; to permit a 6.2 foot sign setback in lieu of the required 10 foot setback; to permit a 6.7 foot landscape setback in lieu of the required 10 foot landscape setback.

HEARING: Wednesday, August 1, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

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

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 17, 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
Tuesday, July 17, 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: 01-509-XA

6698 Security Boulevard

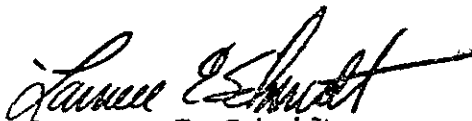
NE/Cor. Security Boulevard & Whitehead Road

1st Election District – 2nd Councilmanic District

Legal Owner: John R Lombardo, BP Corporation

Special Exception to allow a fuel service station with use in combination with a convenience store carryout restaurant and ancillary use automatic teller machine. Variance to permit 13 parking spaces in lieu of the required 16 spaces; to permit 80 square feet of freestanding signage in lieu of the permitted 75 square feet; to permit a 6.2 foot sign setback in lieu of the required 10 foot setback; to permit a 6.7 foot landscape setback in lieu of the required 10 foot landscape setback.

HEARING: Wednesday, August 1, 2001 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G12
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

July 27, 2001

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

Dear Mr. Gildea:

RE: Case Number: 01-509-XA, 6698 Security Boulevard

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



BALTIMORE COUNTY, MARYLAND

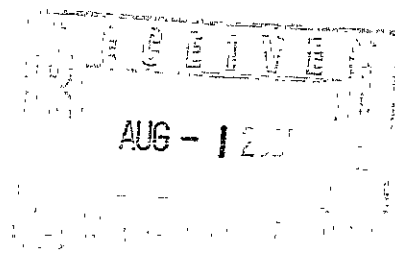
INTER-OFFICE CORRESPONDENCE

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: 6698 Security Boulevard



INFORMATION:

Item Number: 01-509-XSPHA
Petitioner: BP Corporation, c/o David K. Gildea
Property Size: .765 acres
Zoning: BM-AS,
Requested Action: Special Exception, Variance
Hearing Date: August 1, 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 BM-AS zoning district, and 2) variances from the BCZR including; Section 405.4A.3.d to permit 13 parking spaces in lieu of the required 16 spaces, Section 450 to permit 80 square feet of freestanding signage in lieu of the permitted 75 feet, Section 405.4A.2.b to permit 6.2 foot sign setback in lieu of the required 10 foot setback, and Section 405.4A.2.b to permit a 6.7 foot landscape setback in lieu of the required ten foot landscape setback.

The subject property is currently improved with an existing Amoco fuel and service station. It is zoned BM-AS. It is surrounded by commercial land use on all sides. The applicant is proposing to demolish the existing station and construct a new BP fuel service station that would have six dispenser islands with 6 multi-product dispensers serving a total of twelve cars, and a convenience store/carry out restaurant with an ancillary ATM machine. Thirteen 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. Representatives for the BP Corporation have met with the appropriate organizations from 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.

Section Chief

A handwritten signature in cursive script, appearing to read "Gary Kern", written over a horizontal line.



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. 509 (BR)
6698 Liberty RD
MD 26

Dear Ms. Jackson:

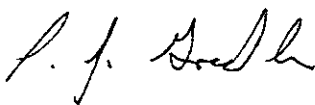
This office has reviewed the referenced item and we have no objection to approval of the special exception.

However we will require the owner to obtain an access permit and as a minimum the following will be conditioned to the permit:

- An operational traffic impact analysis will be required.
- Eliminate the entrance closest to Whitehead Rd.

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: 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 EXCEPTION
PETITION FOR VARIANCE
6698 Security Boulevard, NE Cor. Security Blvd &
Whitehead Rd
1st Election District, 2nd Councilmanic

Legal Owner: BP Corporation
Petitioner(s)

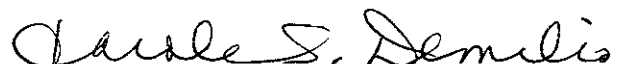
* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 01-509-XA

* * * * *

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


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

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

David K. Gilda

GREG REED

JOHN LOMBARDI

ADDRESS

301 N. Charles St. Suite 800
Baltimore, Md. ~~21201~~

810 GLEN EAGLES CT STE 300
TOWSON MD 21286

BP AMOCO, 1 W. Pennsylvania
Ave, Towson, MD 21014



