

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
Corner NE/S Liberty Road,		
E/S Marriottsville Road	*	DEPUTY ZONING COMMISSIONER
2nd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
(9860 Liberty Road)		
	*	CASE NO. 02-332-X
Rite Aid of Maryland, Inc., <i>Legal Owner</i>		
and BP Corporation, <i>Contract Purchaser/</i>	*	
<i>Lessee</i>		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, Rite Aid of Maryland, Inc. and the contract purchaser/lessee, the BP Corporation. The special exception request is to approve a fuel service station use in combination with a convenience store, carry-out restaurant and accessory ATM machine.

Appearing at the hearing on behalf of the special exception request were John Lombardo, on behalf of BP-Amoco, Ken Schmid, a traffic expert, Joseph Cronyn, a market analyst with Lipman, Frizzell & Mitchell, LLC, Greg Reed, Emily Wolfson and David Gildea, attorney at law, representing the Petitioners. Appearing in opposition to the Petitioners' request were Mr. & Mrs. Richard Buehner, Darrell Jones, Virginia Jones and Willie Gossett.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.429 acres, more or less, zoned BL-CCC. The subject property is located on the northeast corner of the intersection of Liberty Road and Marriottsville Road in Randallstown. The property is currently improved with a 20,000 sq. ft. vacant commercial retail building. This property is 1/3 of a larger overall tract which is known as the "Marriottsville Shopping Center". The remaining 2/3 of the shopping center is owned by two separate entities.

ORDER RECEIVED FOR FILING

Date

4/18/02

By

R. Jones

The development proposed by this special exception request involves only this 1/3 of the shopping center.

BP-Amoco is interested in redeveloping the subject property. They propose to tear down the 20,000 sq. ft. retail building which has been vacant for the past 7 years. This portion of the shopping center has become dilapidated and is in tremendous need of renovation and revitalization.

The Petitioner proposes to construct in place of the 20,000 sq. ft. vacant building a 4,224 sq. ft. convenience store, along with fuel pumps over which a canopy will be constructed. The details of the improvements to be made to the property are more particularly shown on Petitioner's Exhibit No. 1, the site plan submitted into evidence. In addition to the modifications to the buildings on site, the Petitioner also proposes to modify and improve the two access points which service this portion of the shopping center. Most importantly, the entrance and exit driveway along Mariottsville Road will be modified and reconfigured so as to improve traffic flow in and out of this site. At the present time, it is difficult, if not impossible, for two vehicles to pass one another while utilizing the existing access. The large commercial building that is situated on the property interferes with the free flow of traffic. In addition, the Petitioner proposes a wider turning radius for this entrance which will accommodate motorists coming and going to this center.

The second modification involving the access to this site regards the relocation of the access point from Liberty Road. That access point is proposed to be relocated further east on the site and shall be a shared access for not only this portion to be redeveloped, but also the remainder of the shopping center. The relocation of the access on Liberty Road further from the signalized intersection will increase safety and will be an improvement to that which exists on the property today.

The Petitioner agreed to submit landscaping plans and site lighting plans to Baltimore County for review and approval prior to the issuance of any building permits. In addition, the Petitioner has agreed to construct an 8 ft. high wood fence along the rear of their site to be developed and those residential properties situated immediately to the rear of this property. It should be noted that this commercial shopping center does abut residential properties to the rear of the site. Naturally, those residents are concerned that pedestrian traffic be prevented from coming into their properties. The Petitioner sees this 8 ft. high wooden fence as an appropriate landscaping feature to achieve that goal.

In addition to the testimony offered at the hearing, the Petitioner also submitted several letters of support. These letters were from adjacent property owners, the Liberty Road Business Association, the Office of Planning for Baltimore County, the Baltimore County Department of Economic Development and Ms. Emily Wolfson, an active member of the Liberty Road Community Association. Ms. Wolfson testified that her community association, as well as the Liberty Road Business Association, supports the Petitioner's special exception request. Ms. Wolfson testified that this particular corner is in great need of revitalization. In her opinion, while this might not be the most popular use with many of the surrounding neighborhoods for this corner, it is the only viable national business to have an interest in redeveloping this corner. BP-Amoco proposes to expend \$2.8 million dollars in the development of this property. Ms. Wolfson testified that this is a prime opportunity to take advantage of this redevelopment proposal, and accordingly asks that the special exception be granted. She stated that the community has been waiting 7 years for some entity to redevelop this corner and feels that it would not be in the best interest of the community to wait another 7 years or longer for a new user to have an interest in this property.

As stated previously, several representatives from the surrounding neighborhoods appeared in strong opposition to the Petitioner's request. Mr. and Mrs. Richard Buehner,

representatives of the Hernwood Heights community, appeared and testified against this proposal. Mr. and Mrs. Buehner voiced concerns regarding the traffic that will be generated by this use. They fear that motorists will have a difficult time coming in and out of this facility and getting back onto Liberty Road. Liberty Road, as is well known, is very congested with traffic, particularly during the morning and evening rush hours. It is a major commuter route for residents of Carroll County to access the Baltimore Beltway and businesses downtown. In addition, the Buehner's were concerned over parking on the site, lighting and the security measures employed by BP-Amoco. There have been a number of robberies at other businesses in the area and these citizens are concerned that this type of use will be a target for nighttime criminal activity.

Concern was also raised over what will happen to the property in the event BP-Amoco ceases doing business on the property. The Buehner's wanted assurances that in the event BP-Amoco leaves the site, the gasoline pumps be removed, all signage and underground tanks be removed from the site, along with the canopy, so as not to give the appearance of an abandoned service station similar to the old Shell Station located further west on Liberty Road. That property has been boarded up for several years and has become a blight on the community.

Finally, the Buehner's raised an issue regarding Sections 405.2 and 405.3 of the Baltimore County Zoning Regulations. Section 405.2 does not apply to the use proposed by BP-Amoco inasmuch as this particular fuel service station is not integrated with a planned shopping center or in an approved planned industrial park, or a planned drive-in cluster. Accordingly, this argument fails.

Secondly, the citizens argued that the proposed use violates Section 405.3, given the apparent abandoned service station located further west on Liberty Road. The station in question is an old Shell Gasoline Station which has been boarded up for some time. I find that Section 405.3 does not apply to this situation, in that no official or formal proceedings have been

instituted to declare the Shell Station officially abandoned, as is provided for in Section 405.7 of the Baltimore County Zoning Regulations. However, it was apparent to all in attendance that the Shell Station has ceased its operation for more than 12 months. Therefore, I shall require that proceedings commence to officially declare the Shell Station abandoned, and, if appropriate, the improvements removed. That particular process falls outside of the purpose of the special exception before me at this time and cannot be addressed by this order. It must be the subject of its own public hearing. Accordingly, I shall refer this matter to the Director of the Department of Permits and Development Management so that the appropriate proceedings may be instituted.

In addition to Mr. and Mrs. Buehner, other representatives of the surrounding communities appeared at the hearing. Mr. Darrell Jones, the President of the King's Park Community Association, appeared in strong opposition to the Petitioner's request. Mr. Jones testified that he has personally met with 7 presidents of other surrounding community associations, all of whom oppose this special exception request. Mr. Jones voiced concern over the amount of traffic that will be generated by this facility and the number of accidents that already occur at this intersection. He fears that this use will bring additional accidents and thereby subject the residents of the area to a potential of harm. He is also concerned that the convenience store will sell cigarettes and that the site will be a venue for crime and loitering. He believes the neighborhoods are already adequately serviced by the gasoline stations that are currently located along Liberty Road and that this particular request is not necessary. Mr. Jones, speaking on behalf of himself, the King's Park Community Association and the other 7 presidents who were unable to attend the hearing, asked that the special exception be denied. He believes that the community could do better with finding a more appropriate user for this corner, such as a restaurant chain or other similar commercial entity.

Also testifying in opposition to the Petitioner's request was Virginia Jones. Ms. Jones is the President of the Woodlands at Deer Park Community Association. Her association is located

behind the subject shopping center to the north of the site. Ms. Jones indicated that her association is somewhat divided over the issue. She stated that some of her members have grown tired of the abandoned 20,000 sq. ft. building on the site and would like to see a new development come to the property. However, other members of her association are concerned that this particular type of use would not be in the best interest of the community and would ultimately hurt property values. Mr. Willie Gossett also appeared and voiced his opposition for the special exception request.

It should be noted that the subject property is located within the Liberty Road Commercial Revitalization District, which is an area that has been specifically targeted for purposes of economic development. As stated previously, the site has been the host of an abandoned 20,000 sq. ft. building for the past 7 years. This property is in desperate need of new life and new development. Recently, the County provided financial assistance to the owner of the center section of the Marriottsville Shopping Center, in order for that person to make improvements and to attract the Old World Deli, a well known and viable business, to locate therein.

BP-Amoco is proposing to invest \$2.8 million dollars into this property, in hopes of providing a service to the surrounding community. These types of uses are traffic interceptors in that they service the existing traffic that already utilizes Liberty Road and Marriottsville Road. Given the high volumes of traffic on these roadways on a daily basis, this particular corner is an excellent spot for such a use. The subject corner is serviced by a traffic light, which at times should help to bring traffic to a stop, so as to permit customers and patrons to pull out onto Liberty Road. While the use proposed will cause more vehicles to pull in and out of this shopping center, so would any other commercially viable business that occupied this corner, be it a restaurant chain or drug store. Therefore, the traffic coming and going to this use should not be a reason for turning down this particular special exception request. Furthermore, it is hopeful

APPROVED
DATE 4/18/02
BY [Signature]

that bringing new patrons onto this shopping center site will also help to facilitate business for the rest of the tenants located in the remainder of the shopping center. As was stated at the hearing, this property has sat vacant for the past 7 years and is dilapidated. It is in need of revitalization. It would not be prudent to pass on this opportunity, only to have to wait possibly another 7 years for a nationally recognized business, such as BP-Amoco, to invest their money into this property. Accordingly, I find that the special exception request should be granted to allow the fuel service station uses in combination with a convenience store, carry-out restaurant and accessory ATM machine to locate on this property.

It is clear the Baltimore County Zoning Regulations permit the Petitioner's use in a BL-CCC zone by special exception. It is equally clear that the proposed use is not detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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

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

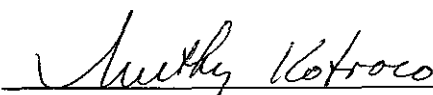
An issue arose regarding the provision of stacking spaces at the gas pumps to be installed on this property. Counsel for BP-Amoco addressed that issue at the hearing and submitted a memorandum on that topic. The manner in which the Petitioner has provided stacking spaces for the multiple product dispensers is appropriately shown on the plan and does not need to be modified. This finding is consistent with previous decisions of both this Deputy Zoning Commissioner and Zoning Commissioner Lawrence E. Schmidt.

THEREFORE, IT IS ORDERED this 18th day of April, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for special exception, for a fuel service station use in combination with a convenience store, carry-out restaurant and accessory ATM machine, be and is hereby GRANTED, subject, however, to the following conditions and restrictions:

1. The Petitioner shall be required to prepare and submit to Avery Harden, Landscape Architect for Baltimore County, a landscaping plan, as well as a lighting plan for the subject property. Said plans shall take into consideration the close proximity of the residential homes situated to the north of this site.
2. The Petitioner shall be required to submit to the State Highway Administration an access permit for that entrance proposed to be modified along Liberty Road. The State Highway Administration shall review that application to ensure that the access point is designed and constructed with the safety of those motorists using Liberty Road in mind.
3. In the event the Petitioner shall discontinue the operation of their business on this property for a period of time longer than six (6) months, the multiple product dispensers, the overhead canopy and all signage shall be removed from the property within eight (8) months from the original date that the business ceased operation. This would provide an additional sixty (60) days to the Petitioner, after the six (6) month period of inactivity to remove the improvements in question.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty

(30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

OFFICE OF THE DEPUTY ZONING COMMISSIONER
DATE 4/18/02
BY J.R. JAMESON



Baltimore County
Zoning Commissioner

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

April 18, 2002

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

RE: Petition for Special Exception
Case No. 02-332-X
Property: 9860 Liberty Road

Dear Mr. Gildea:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Special Exception has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Office of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

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

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

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



Printed with Soybean Ink
on Recycled Paper

Copies to:

John Lombardo
BP-Amoco
1 W. Pennsylvania Avenue
Towson, MD 21204

Ken Schmid
325 Gambrills Road, Suite E
Gambrills, MD 21054

Joseph M. Cronyn
8815 Centre Park Drive, Suite 200
Columbia, MD 21045

Emily Wolfson
8506 Church Lane
Randallstown, MD 21133

Greg Reed
810 Gleneagles Court, Suite 300
Towson, MD 21286

Mr. & Mrs. Buehner
c/o Hernwood Heights Community Assoc.
26 Millstone Road
Randallstown, MD 21133

Darrell L. Jones
3707 Marriottsville Road
Randallstown, MD 21133

Virginia Jones
3927 Tiverton Road
Randallstown, MD 21133

Willie Gossett
9917 Liberty Road
Randallstown, MD 21133

PETITION OF BP AMOCO
FOR SPECIAL EXCEPTION
9860 Liberty Road

* BEFORE THE ZONING
* COMMISSIONER FOR

IN CASE NO.: 02-332-X

* BALTIMORE COUNTY

MEMORANDUM IN RESPONSE TO COMMENT OF ZONING REVIEW
DEPARTMENT

The following is in response to the Memorandum submitted to this file from Donna Thompson, Planner II, of the Zoning Review Department of the Department of Permits and Development Management ("PDM") Baltimore County, Maryland, dated February 15, 2002 (See Tab A). This Memorandum from zoning referenced the Petition for Special Exception currently pending before the Zoning Commissioner.

This Petition for Special Exception is scheduled for a hearing on April 8, 2002 and concerns BP's proposal for a fuel service station use with a combination convenience store/carry out restaurant and accessory ATM machine. The current proposal for the station includes four (4) dispenser islands with eight (8) multi-product dispensers (MPDs).

The subject of the Memorandum from the PDM regards stacking spaces required for each of the fuel islands and/or MPDs proposed for this site. In her Memorandum, Ms. Thompson states PDM's position as to stacking spaces is identical to that presented by the PDM in a prior zoning case number 00-509-X. Ms. Thompson attached a position memorandum for that case written by John L. Lewis, Planner II, of the Zoning Review Department of Baltimore County, Maryland. (See Tab B) Ms. Thompson attached this memorandum due to her belief that the current station requires more stacking spaces and a similar stacking issue was present in Case 00-509-X.

I. INTRODUCTION

BP is currently proposing a fuel service station to be located at the corner of Liberty and Marriottsville Roads which will encompass a convenience store/carry out restaurant, accessory ATM machine and four (4) fuel service islands, each containing two (2) MPDs. The dispute over interpretation of the BCZR revolves around 405.4.A.3.c which outlines the requirement for stacking spaces for fuel service stations. These Regulations only require eight (8) stacking spaces to be provided by BP in order to fully service their site; however, PDM's submitted Memorandum posits sixteen (16) stacking spaces would be necessary for the same site. This position established by PDM disregards the requirements of the statute as written, and attempts to amend this Section of the Zoning Code with an illogical extension.

BP submits this Memorandum in opposition to Ms. Thompson's and Mr. Lewis' opinions expressed in the previously mentioned attached memorandums (See tabs A & B), and states for its reasoning the following.

II. ZONING MEMORANDUM FILED IN CASE NO. 00-509-X

In Mr. Lewis' Memorandum, he submits PDM previously had an incorrect interpretation of Section 405.4.A.3.(c)(2) of the Baltimore County Zoning Regulations ("BCZR") which deals with the requirements for service station stacking spaces (See Tab B). The memorandum begins "I am writing this comment to correct a previous incorrect interpretation by this office of Section 405.4.A.3(c)(2)." Mr. Lewis goes on to state

"Several times, since the adoption of Bill 172-93, this office has accepted plans which showed stacking which, after recent consideration (i.e., during the filing review of this Petition), I now believe had insufficient stacking. I am not asking that you revisit these prior approved plans, I am asking that since I have now taken considerable time to recollect and reconstruct the reasoning of the committee (of which I was a member) involved in

writing and adoption of the 1993 Fuel Service Station Regulations, that I can now clarify this point to you.”

Mr. Lewis specifically points to Section (c)(2) of the stacking regulations as containing a confusing provision in that the language provides that only one stacking space for each MPD. Mr. Lewis believes this Regulation actually intends to mean two stacking spaces per MPD are required. Mr. Lewis states, “Confusion was originally on the issue that an MPD has two fueling sides, each able to have a fueling space. When counting an MPD unit only and not considering the fact that each MPD is actually capable of dual service, a lower and insufficient stacking requirement is indicated.” (See Tab B)

III. BCZR SECTION 405.4.A.3.(c)

BCZR Section 405.4.A.3.(c) enumerates the required stacking spaces necessary for a fuel service station in the following text:

- (c) In addition to the fuel service space, at least one stacking space shall be provided:
 - (1) **for each pump island side**, at pump islands which contain multi-product dispensers (MPDs) and where a by-pass lane serves each (MPD);
 - (2) **for each MDP** in cases where there is no by-pass lane or **where a convenience store is located on the same lot;**
 - or
 - (3) for each pump, if the pump dispenses a single fuel type.

As evidenced from the text itself, this Section defines exactly how many stacking spaces are needed for each type of fuel service station configuration.

A. BP’s Proposed Fuel Service Station’s Stacking Spaces Should be Guided by Section (c)(2) of the Stacking Regulation.

BP currently proposes a fuel service station with a convenience store and four bypass lanes between four fueling islands. This station’s stacking requirements should be

guided by Section (c)(2) of the stacking regulation as that Section is specifically provided when a fuel service station does not provide a bypass lane **or** where a convenience store is located on the same lot. Although a bypass lane is provided, the use of “or” forces this station to be regulated under Section (2) due to the presence of a convenience store. As such, this Section clearly states, “**One stacking space shall be provided: (2) for each MPD in cases where there is no bypass lane or where a convenience store is located on the same lot.**” BP has eight MPDs proposed on its site and, as such, is required only to provide eight (8) stacking spaces. BP has provided eight (8) stacking spaces.

Such clear and unambiguous terms have been imposed upon fuel service stations through these Regulations as evidenced by Mr. Lewis himself in his memorandum dated May 31, 2000 (See Tab B). Attempting to amend the language contained in Section 405.4.A.3.c(2) (one stacking space for each MPD) to require two (2) stacking spaces per MPD is something only within the power of the Baltimore County Council and not authorized through the opinion of a zoning officer. Mr. Lewis’ and Ms. Thompson’s notion that BP’s current site requires 16 stacking spaces creates the illogical result that each side of a fuel service island have two stacking spaces behind the two fueling spaces already provided.

This scenario would require every fuel service station to provide forty (40) feet of stacking space behind every pump in the event there were ever thirty-two (32) automobiles all seeking to fuel up at the same time. This position is further untenable when looking at the twenty-eight (28) parking spaces required for a convenience store of which BP has complied. If the zoning officer’s interpretations were followed, a fuel service station similar to that proposed by BP with eight (8) MPDs and a convenience

store on site would need to accommodate sixty (60) automobiles on site at the same time. BP submits this type of fuel service station will never need to accommodate sixty (60) automobiles at the same time.

BP is also clearly within the requirements of (c)(2) of this Section as evidenced by the disjunctive language at the end of the Section through the use of the word “or.” The first Section provides stacking requirements when a bypass lane and MPDs are present, the second Section provides stacking requirements where there is no bypass lane or where a convenience store is located. However by using the word or in between Section 2 and Section 3 of the stacking space regulation, it is demonstrated that these separate regulations relate to the individual characteristics of each individual fuel service station. The word chosen was not “and” and, as such, the stacking regulations are not cumulative but, rather, apply only to each individual characteristics of a fuel service station.

B. Assuming Arguendo Section (c)(1) of the Stacking Regulation Applies, BP Still Provides the Necessary Stacking Spaces.

If it were to be determined that BP’s stacking requirements were guided by Section (c)(1) of the stacking regulation, due to the fuel service station providing both MPDs and a bypass lane, the requirement imposed on BP would still be eight (8) stacking spaces. This is because BP has proposed four (4) pump islands and the regulation clearly states, “**One stacking space shall be provided: (1) for each pump island side, at pumps which contain multi-product dispensers and where a bypass lane serves each.**” As BP currently proposes four (4) pump islands, and four (4) bypass lanes, as such the requirement of one stacking space per side (4 islands x 2 sides) would require BP to provide eight (8) stacking spaces. Again, BP has provided the necessary stacking spaces on this site.

C. Ruling on Case Number 00-509-X.

As stated previously, Ms. Thompson attached the Memorandum from John Lewis filed for zoning case number 00-509-X due to that case containing the exact same facts as BP's present hearing. Case number 00-509-X involved a Special Exception request for a fuel service station use with a combination convenience store/carry-out restaurant (See Tab C). The Petitioners in this case proposed four (4) fuel service islands with eight (8) MPDs in an identical manner as BP's proposal. Zoning Commissioner Timothy Kotroco ruled that providing eight (8) stacking spaces for such a configuration was in compliance with the BCZR. This ruling was expressed as Note number 16 on the site plan and stated, "This Plan was approved in Case Number 00-509-X and complies with the parking and stacking requirements for the MPDs, Signed, Timothy Kotroco." (See Tab D)

Ms. Thompson's reliance on John Lewis' Memorandum submitted in case number 00-509-X misconstrues the authority to be granted this Memorandum. Although the Zoning Commissioner ruled against the propositions contained in this Memorandum, Ms. Thompson's statement, "Attached please find a copy of an inter-office Memorandum dated May 31, 2000 to the Hearing Officer from John L. Lewis, Planner II, Zoning Review pertaining to that prior case (case number 00-509-X) in reference to stacking spaces" implies this Memorandum's opinion is conclusive. The Zoning Commissioner's findings related in Note 16 refutes Mr. Lewis' interpretation by finding where there is a convenience store on site with a fuel service station, you must count the number of MPDs to determine the correct number of stacking spaces. As this issue has already been ruled upon, Ms. Thompson's revival of this former interpretation Memorandum is misguided.

III. INTERPRETATIONS OF STATUTES BY JUDICIAL OR QUASI-JUDICIAL BODIES

The Zoning Commissioner is empowered to rule on the interpretation of certain Zoning Regulations under Sections 500.6 and 500.7 of the BCZR. This same power to interpret statutes is granted to similar bodies of the judicial branch including the Maryland State courts. However, this type of interpretational review is limited in scope and has been discussed at great length in the Maryland courts.

A. Court's Discretion to Review an Interpretation of a Statute is Limited.

There are times when courts or other quasi-judicial bodies are called upon in order to define the true intention of a statute. Usually these cases arise when two parties have differing opinions over what effect and meaning should be applied to certain language within the statute. In these limited circumstances where a clear definition is not attainable, the courts have formulated a process by which a holding can be handed down as to what exactly a statute means. When the court goes through this process it is labeled "statutory interpretation."

"Statutory interpretation" was discussed at great length in the recent Court of Appeals case, Ridge Heating, Air Conditioning & Plumbing, Inc. v. Brennen, 366 Md. 336, 783 A.2d 691 (2000). The Ridge Heating Court stated the scope of a judicial review of a statutory interpretation when it stated:

"The cardinal rule of statutory interpretation is to ascertain and give effect to the intent of a legislature. See Mayor & City Council of Baltimore v. Chase, 360 Md. 121, 128, 756 A.2d 987, 991 (2000); see also Oakes v. Connors, 339 Md. 24, 35, 660 A.2d 423, 429 (1995); Montgomery County v. Buckman, 333 Md. 516, 523, 636 A.2d 448, 451, (1994); Condon v. State, 332 Md. 481, 491, 632 A.2d 753, 755 (1993). The primary source for determining legislative intention is the language of the statute. See Marriott Employees Fed. Credit Union v. Motor Vehicle Admin., 346 Md. 437, 444-45, 697 A.2d 455, 458 (1997). To this end, we begin our inquiry with the words of the statute and, ordinarily, when the words of

the statute are clear and unambiguous, according to their commonly understood meaning, that is where our inquiry concludes. *See Oakes, supra*, 339 Md. at 35, 660 A.2d at 429; *Tidewater v. Mayor of Havre de Grace*, 337 Md. 338, 344, 653 A.2d 468, 472 (1995); *Buckman, supra*, 333 Md. at 523, 636 A.2d at 451; *Condon, supra*, 332 Md. at 491, 632 A.2d at 755; *Harris v. State*, 331 Md. 137, 145-46, 626 A.2d 946, 950 (1993). Thus, if the statutory language is plain and admits of no more than one meaning, our function is to enforce it according to its terms. *See Board of License Comm'rs v. Toye*, 354 Md. 116, 122, 729 A.2d 407, 410 (1999); *Marriott Employees Fed. Credit Union, supra*, 346 Md. at 444-45, 697 A.2d 455, 458.

The words of the statute are to be given their ordinary meaning. *See Chase, supra*, 360 Md. at 126, 756 A.2d at 990; *see also Chesapeake & Potomac Telephone Company of Maryland v. Director of Finance for Mayor & City Council of Baltimore*, 343 Md. 557, 578, 683 A.2d 512, 51(1996)."

Ridge Heating, Air Conditioning & Plumbing, Inc. v. Brennen, 366 Md. 336, 349-50, 783 A.2d 691, 699 (2000).

As this extensively supported citation demonstrates, if the words of and by themselves are clear and unambiguous a reviewing judicial body can take no further action in investigating any other interpretation other than what is contained in the text itself.

This is due to the duty being imposed upon a Court to declare laws the General Assembly (or in the instance case the Baltimore County Council) has made so as to give effect of the true legislative intent behind the statute, but if the language is of clear import, this inquiry should end. *Crawley v. General Motors Corp.*, 70 Md. App. 100, 105, 519 A.2d 1348, 1351 (Md. App. 1987)(citing *State v. Berry*, 287 Md. 491, 495-96, 413 A.2d 557 (1980); *Bledsoe v. Bledsoe*, 294 Md. 183, 189, 448 a.2d 353 (1982). The primary source from which to determine the intention of the General Assembly is from the language of the statute itself. *McAlar v. McAlar*, 298 Md. 320, 469 A.2d 1256 (1984). Section 405.4.A.3.c contains clear and unambiguous language not susceptible to various interpretations.

B. Judicial Review Into the Interpretation of Statutes Made Delve Outside of the Text of the Statute Itself Only in Limited Circumstances.

A judicial body should end its review of its interpretation of a statute when the language is on its face clear and unambiguous; however, where a statute's language is ambiguous and/or is susceptible to more than one meaning, the Court may then ascertain and give effect to the true legislative intent of the statute. *Condon, supra* at 491, 632 A.2d at 758; *Automobile Trade Ass'n of Maryland v. Harold Folk Enterprises*, 301 Md. 642, 643, 484 A.2d 612, 617 (1984). This type of uncertainty does not exist in the language of Section 405.4.A.3 and, thus, is a moot point in the case *sub judice*.

However, assuming *arguendo* a judicial body could reasonably investigate the true legislative intent of Section 405.4.A.3, this review still would not allow for the addition or extension of the requirements outlined in the text as proposed by Mr. Lewis. This is due to the fact that, "a court may neither add nor delete language so as to 'reflect an intent not evidenced in that language,' *Ridge Heating, supra*, at 350, 783 A.2d at 699 (citing *Condon, supra*, 332 Md. at 491, 632 A.2d at 755), nor may it construe the statute with 'forced or subtle interpretations that limit or extend its application.' " *Id* (quoting *Tucker v. Firemen's Fund Ins. Co.*, 308 Md. 69, 73, 517 A.2d 730, 732 (1986)). The *Ridge Heating* court went on to state that such an investigation as to the legislative intent should be invoked with caution and only should be undertaken:

"in the interest of completeness," to look at the purpose of the statute and compare the result obtained by use of its plain language with that which results when the purpose of the statute is taken into account. In other words, we emphasized the resort to legislative history is a confirmatory process; it is not undertaken to contradict the plain meaning of the statute." *Id*. [citations omitted].

A court may not, as a general rule, surmise a legislative intention contrary to the plain language of the statute or insert exceptions not made by the legislature. *Id.* Additionally, this type of investigative interpretation is a rule of construction. *Id.* Like other rules of construction, its purpose is to construe an ambiguous statute not rewrite a clear one. *Id.* (citing *Chesapeake Amusements, Inc. v. Riddle*, 363 Md. 16, 32, 766 A.2d 1036, 1046 (2001); see also *Baltimore v. Cassidy*, 338 Md. 88, 97, 656 A.2d 757, 761 (1995)).

As stated succinctly by the Court of Appeals of Maryland in *Maryland Automobile Ins. Fund v. Sun Cab Co.*, 305 Md. 807, 506 A.2d 641 (1986):

It is an elementary proposition that the Court's only determine, by construction, the scope and intent of a law when the law itself is ambiguous or doubtful. If a law is plain, and within a legislative power, it declares itself, and nothing is left for interpretation. It is as binding upon the Court as upon every citizen. To allow a Court, in such a case to say that the law must mean something different from the common import of its language, because the Court may think that the penalties are unwise or harsh, would make the judicial superior to the legislative branch of the government, and practically invest it with a law-making power. The remedy for [a disputed law] is not in interpretation, but in amendment or repeal. (emphasis added). *Id.*, at 816, 506 A.2d at 646 (citing *State v. Dugan*, 15 R.I. 403, 6 A. 787, 788 (1886)).

C. Only Limited Types of Evidence May Be Considered by a Reviewing Body When Considering Interpretation of Statutes.

Although Courts do investigate legislative intent behind interpretations of statutes in certain cases, these investigations are further limited by the types of evidence that can be analyzed. Mr. Lewis posits an understanding of the true intention of Section 405.4.A.3 due to his recollections and reconstructing of the reasoning the committee originally held in submitting proposals for fuel service station Regulations in 1993. This type of supposed omnipotent recollection is far from the allowable evidence to be heard in determining legislative intent. The evidence Courts have been allowed to consider

include official actions from the legislative bodies drafting the legislation themselves. This type of evidence encompasses bill request forms, prior legislation, legislative committee reports, bill titles, and related statutes and amendments from the bill all coming from the legislative body itself. *State v. Bell, supra*, 351 Md. at 719, 720 A.2d at 316; *see also Ogriz v. James*, 309 Md. 381, 524 A.2d 77 (1987). There is no existing authority allowing a judiciary body to conduct an investigation as the interpretation of the statute based on a subcommittee member's recollection of events that occurred eight years ago.

The Court of Special Appeals stated the reasoning behind only using these types of officially recorded documents in *Sacchet v. Blan*, 120 Md. App. 154, 156, 706 A.2d 620, 621 (1998):

In interpreting legislative intent, it is clear that Maryland usually follows what was the English rule until *Pepper v. Hart*, House of Lords, A.C. 593 (1993), under which Judges refused to utilize external aides, verbatim accounts of parliament, committee reports, and the like. The reason this rule was relaxed was because parliament has *hansard* which, like the *congressional record* is a verbatim account of the parliamentary debates, and other external aides are readily available.

In Maryland, there is no verbatim record of procedures. Only rarely are committee reports published; debate is often brief or non-existent in a legislature that meets only 90 days a year. We are usually left with no other means of interpreting statutes than the words themselves. Interpretation of the Maryland statute rests upon the proposition that the General Assembly says what it means and means what it says.

Sacchet v. Blan, 120 Md. App. 154, 156, 706 A.2d 620, 621 (1998).

Baltimore County Council, similar to the Maryland General Assembly, also produces no verbatim record of the procedures undertaken in formulating its Regulations. As such, the Zoning Commissioner and/or courts of Maryland cannot rely upon extrinsic evidence not officially produced due not only to the general Maryland rule but also out of

the concern of authenticity. Allowing one member's testimony to completely change the meaning of an existing statute is contrary to the legislative purpose the Baltimore City Council undertakes.

It should also be noted that this task force was comprised of multiple members, all of which made a joint effort to submit recommendations to the Planning Board. This Planning Board then conducted a similar exercise with several members reviewing these recommendations and passing along any further recommendations, amendments, or additions onto the County Council. The County Council then went through deliberations, amendments, and additions of its own. To say that Mr. Lewis can now be certain what each individual and committee thought, decided and intended through the entire process of establishing the fuel service station Regulations is speculative at best. Furthermore, this flawed interpretation of Section 405.4.A.3 contains no collaboration other than the individual statements from Mr. Lewis himself. As such the Zoning Commissioner should not place any persuasive weight whatsoever in this memorandum and comment from Zoning attached to our Special Exception request.

VII. CONCLUSION

WHEREFORE, for the aforementioned reasons, the Memorandum from the Department of Zoning dated February 15, 2002, submitted to the file for BP's Special Exception hearing should be disregarded. This attempt on the part of PDM to alter the clear meaning of the language of the statute itself is an over-reaching attempt with no logical or procedural justification. Section 450.4.A.3. clearly requires BP to provide eight (8) stacking spaces for the station as currently proposed, and this Regulation should be abided by. There is no ambiguity in the language of the text which will require an

investigation into the true intent of the legislature in creating this Regulation and no allowable evidence on which to investigate. As such, BP submits the current eight (8) stacking spaces as provided satisfy the Baltimore County Zoning Regulations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Gildea", written over a horizontal line.

David K. Gildea
Sebastian A. Cross
Gildea, LLC
301 North Charles Street
Suite 900
Baltimore, Maryland 21201
(410)234-0070
Attorneys for Petitioner

forms/stacking memorandum

IN RE: PETITION FOR SPECIAL EXCEPTION *
SEC Washington Boulevard *
and Lansdowne Road *
13th Election District *
1st Councilmanic District *
(3505-3507 Washington Boulevard) *

Lansdowne Building Limited Partnership *
Legal Owner and *
William Tate, General Partner *
Petitioners *

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 00-509-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, the Lansdowne Building Limited Partnership, by and through William Tate, General Partner. The special exception request is for property located at 3505-3507 Washington Boulevard, located in the Lansdowne area of Baltimore County. The subject property is zoned ML-IM. The special exception request is to permit a fuel service station in combination with a food store with a sales area larger than 1500 sq. ft.

Appearing at the hearing on behalf of the special exception request were John Kemp, on behalf of Cloverland Farms, Nick Brader and Mickey Cornelius. Rob Hoffman and Patricia Malone, attorneys at law, represented the Petitioners. A Mr. Alan Blum appeared as an interested citizen at the hearing.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.14 acres of land, more or less, zoned ML-IM. The subject property is unimproved at this time. The Petitioners are desirous of developing the subject property with a Royal Farms Convenience Store and gas station. The particulars of the design of the property were shown on Petitioners' Exhibit No. 2, a modified site plan which was submitted at the hearing before me. The purpose for modifying the site plan was to accommodate some comments issued from the Planning Office and to provide additional parking on the entire property to be developed. Originally, the

Petitioners proposed to locate the convenience store and gasoline station on only a portion of the site. However, upon further review, they have decided to utilize the entire site for the purpose of their special exception request.

In order to proceed with the development of the site, the special exception request is necessary. Furthermore, testimony revealed that the proposed use will primarily serve the other uses located within the surrounding ML zone.

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

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

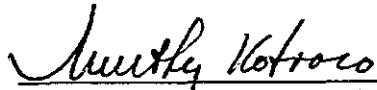
After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

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

THEREFORE, IT IS ORDERED this 27th day of July, 2000, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request to permit a fuel service station in combination with a food store with a sales area larger than 1500 sq. ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners shall submit a landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for his review and approval prior to the issuance of any building permits.

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


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

GILDEA, LLC
301 NORTH CHARLES STREET
SUITE 800
BALTIMORE, MARYLAND 21201
FAX 410-234-0072
www.gildeallc.com

DAVID K. GILDEA
DIRECT NUMBER
410-234-0070
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
DIRECT NUMBER
410-234-0071
SCROSS@GILDEALLC.COM

April 4, 2002

Deputy Zoning Commissioner Timothy Kotroco
Zoning Office
401 Bosley Avenue
4th Floor
Towson, MD 21204

APR 5

Re: 9860 Liberty Road (Liberty & Marriottsville)
Case No.: 02-332-X

Dear Deputy Zoning Commissioner Kotroco:

Enclosed please find a Memorandum in Response to Comment of Zoning Review Department to be filed in the above referenced matter.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,



Sebastian A. Cross

SAC:bhb

Enclosure

CC: Steve Klebanoff, Sumner Properties
John R. Lombardo, BP Amoco
Gregory H. Reed, Bohler Engineering
Joe Cronyn, Lipman, Frizzell & Mitchell
Kenneth W. Schmid, Traffic Concepts



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 9860 Liberty Road

which is presently zoned BL-CCC

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

A fuel service station use in combination with a convenience store/
carry-out restaurant and accessory ATM 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:

BP Corporation
Name - Type or Print
Signature
1 W. Pennsylvania Ave., Suite 900
Address Telephone No.
Towson, MD 21204 (410)494-3700
City State Zip Code

Attorney For Petitioner:

David K. Gildea
Name - Type or Print
Signature
Gildea, LLC
Company
301 N. Charles St., Suite 800
Address Telephone No.
Baltimore, MD 21201 (410)234-0070
City State Zip Code

Legal Owner(s):

Rite-Aid of Maryland, Inc.
Name - Type or Print
Signature
I. LAWRENCE GELMAN
Name - Type or Print
V.P. Real Estate - Law
Signature
30 Hunter Lane (717)975-5717
Address Telephone No.
Camp Hill PA 17011
City State Zip Code

Representative to be Contacted:

David K. Gildea
Name
301 N. Charles St., Suite 800
Address Telephone No.
Baltimore, MD 21201 (410)234-0070
City State Zip Code

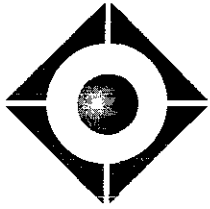
OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By D. THOMPSON Date 2/11/02

ORIGINAL FILED FOR FILING
Date 2/11/02
By [Signature]

02-332-X



CONTROL POINT ASSOCIATES, INC.

BOUNDARY & TOPOGRAPHIC SURVEYS • SUBDIVISIONS • CONSTRUCTION STAKEOUT

810 Gleneagles Court
Suite 300
Towson, MD 21286
410.494.9445
410.821.9335 fax
www.cpasurvey.com

CM01015
12/10/01

ZONING DESCRIPTION

BEGINNING AT AN IRON PIN WITH DISC FOUND ON THE NORTHEASTERNMOST SIDE OF LIBERTY ROAD, ALSO KNOWN AS MARYLAND ROUTE 26, AN 80 FOOT WIDE RIGHT OF WAY, AT THE INTERSECTION WITH THE EASTERNMOST SIDE OF MARRIOTTVILLE ROAD, A 60 FOOT RIGHT OF WAY; THENCE, LEAVING SAID POINT OF BEGINNING, AND LEAVING LIBERTY ROAD, AND BINDING ON THE EASTERNMOST SIDE OF MARRIOTTVILLE ROAD BY THE FOLLOWING FOUR (4) COURSES AND DISTANCES, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

1. NORTH 32 DEGREES 00 MINUTES 22 SECONDS EAST 7.00 FEET TO A POINT;
 2. NORTH 19 DEGREES 07 MINUTES 42 SECONDS WEST 23.43 FEET TO AN IRON PIN WITH DISC FOUND;
 3. 212.02 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO AN "X" CUT FOUND, SAID CURVE HAVING THE RADIUS OF 1279.43 FEET AND A CHORD BEARING NORTH 14 DEGREES 12 MINUTES 34 SECONDS EAST 211.78 FEET, AND THENCE;
 4. NORTH 22 DEGREES 33 MINUTES 22 SECONDS EAST 15.50 FEET TO AN IRON PIN WITH DISC FOUND;
 5. NORTH 86 DEGREES 53 MINUTES 04 SECONDS EAST 131.30 FEET;
 6. 118.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT TO A POINT OF TANGENCY, SAID CURVE HAVING A RADIUS OF 125.00 FEET AND A CHORD BEARING SOUTH 30 DEGREES 19 MINUTES 47 SECONDS EAST 114.33 FEET;
 7. SOUTH 57 DEGREES 32 MINUTES 38 SECONDS EAST 53.73 FEET;
 8. SOUTH 32 DEGREES 23 MINUTES 06 WEST 262.05 FEET TO A POINT ON THE NORTHEASTERNMOST SIDE OF THE AFOREMENTIONED LIBERTY ROAD;
 9. NORTH 57 DEGREES 32 MINUTES 38 SECONDS WEST 175.14 FEET TO THE POINT AND PLACE OF BEGINNING; AS RECORDED IN DEED LIBER 13136 FOLIO 255;
- CONTAINING IN ALL 62,254 SQUARE FEET OR 1.429 ACRES OF LAND MORE OR LESS;

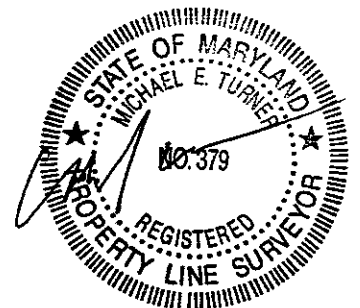
BEING LOT 1 IN THE SUBDIVISION OF THE RITE AID CORPORATION, AS RECORDED IN BALTIMORE COUNTY PLAT BOOK SM 70, FOLIO 137, ALSO KNOWN AS #9860 LIBERTY ROAD, AND LOCATED IN THE 2ND ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND..

Other Office Locations:

■ Watchung, NJ
908.668.0099

■ North Wales, PA
215 412 9055

■ Sterling, VA
703 904 9400



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 09956

DATE 2/11/02 ACCOUNT R0010066150
AMOUNT \$ 300.00

RECEIVED
FROM:

DAVID GILDEA / BOHLER ENGINEERING

FOR: PET. FOR SPECIAL EXCEPTION - 9860 LIBERTY RD.
ITEM 332
02-332-X TAKEN IN BY D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PAYMENT DATE TIME
2/11/2002 2/11/2002 11:04:10

REL 0006 CASHIER WHEN KSH DROPPED
- RECEIPT # 064914
ITEM 5 328 JURING REPRODUCTION
CR ID. 009956

Receipt for 300.00
300.00 OK 300.00 OK
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: #02-332-X
9860 Liberty Road
Corner NE/S Liberty Road,
E/S Marriottsville Road
2nd Election District
2nd Councilmanic District
Legal Owner(s): Rite-Aid of
MD Inc., I. Lawrence Gelman
Contract Purchaser:
BP Corporation

Special Exception: to use
the property for a fuel service
station use in combination
with a convenience store-
carry-out restaurant and ac-
cessory ATM machine.
**Hearing: Monday, April 8,
2002 at 9:00 a.m. in Room
407, County Courts Build-
ing, 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 con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

3/21/11 Mar. 21 CS26803

CERTIFICATE OF PUBLICATION

3/21/, 2002

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 3/21/, 2002

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-332-X

Petitioner/Developer: B.P.

CORPORATION

Date of Hearing/Closing: 4/8/02

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 9860 LIBERTY Rd

The sign(s) were posted on 3/23/02
(Month, Day, Year)

Sincerely,

[Signature] 3/23/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

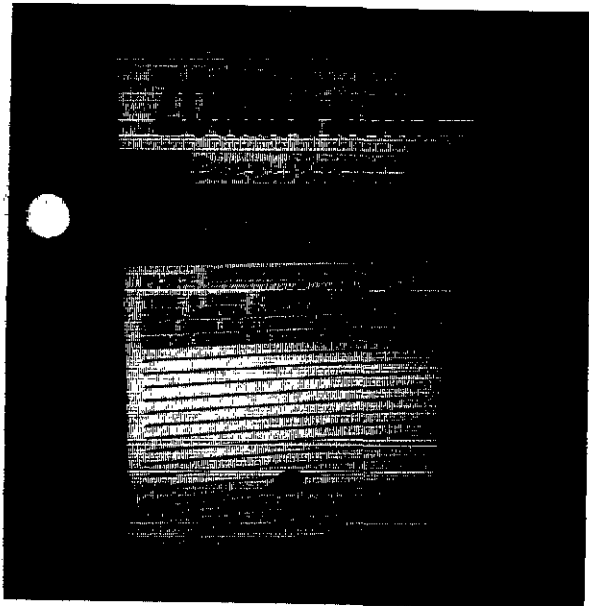
(Address)

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: 02-332-X
Petitioner: BP CORP.
Address or Location: 9860 LIBERTY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID K. GILDEA W/ GILDEA, LLC
Address: 301 N. CHARLES ST., SUITE 800
BALTO. MD 21201
Telephone Number: 410-234-0070

Revised 2/20/98 - SCJ

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 21, 2002 Issue – Jeffersonian

Please forward billing to:

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

410 234-0070

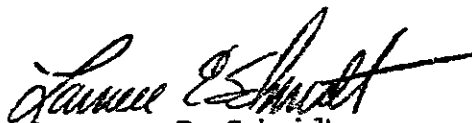
NOTICE OF ZONING HEARING

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: 02-332-X
9860 Liberty Road
Corner NE/S Liberty Road, E/S Marriottsville Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Rite-Aid of MD Inc, I. Lawrence Gelman
Contract Purchaser: BP Corporation

Special Exception to use the property for a fuel service station use in combination with a convenience store-carry-out restaurant and accessory ATM machine.

HEARING: Monday, April 8, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT G D Z
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

March 5, 2002

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: 02-332-X
9860 Liberty Road
Corner NE/S Liberty Road, E/S Marriottsville Road
2nd Election District – 2nd Councilmanic District
Legal Owner: Rite-Aid of MD Inc, I. Lawrence Gelman
Contract Purchaser: BP Corporation

Special Exception to use the property for a fuel service station use in combination with a convenience store-carry-out restaurant and accessory ATM machine.

HEARING: Monday, April 8, 2002 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon G.D.Z.
Director

C: David K Gildea, 301 N Charles Street, Site 800, Baltimore 21201
Lawrence Gelman, Rite-Aid of MD Inc, 30 Hunter Lane, Camp Hill PA 17011
BP Corporation, 1 W Pennsylvania Avenue, Suite 900, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 23, 2002.**
(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
pdmlandacq@co.ba.md.us

April 5, 2002

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

Dear Mr. Gildea:

RE: Case Number: 02-332-X, 9860 Liberty Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 11, 2002.

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,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr. *WCR*
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Rite-Aid of Maryland, Inc, I. Lawrence Gelman, 30 Hunter Lane.
Camp Hill PA 17011
BP Corp., 1 W Pennsylvania Avenue, Suite 900, Towson 21204
People's Counsel

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 1, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for *March 4, 2002*
Item Nos. 317, 331, (332) 334, 335,
336, 337, 338, 340, 341, 342, 343,
345, 348 and 349

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

RWB:HJO:cab

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *RBS*

DATE: March 27, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, 346, 348, 349

Still waiting on Agriculture Preservation Comments for 334, 335, 339.

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon
FROM: R. Bruce Seeley
DATE: April 1, 2002

Zoning Advisory Committee Meeting of March 4, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

317, 331, 332, 336-338, 340-342, 345, 346, 348, 349

No AG Comments for 334, 335, 339.



Baltimore County
Fire Department

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

February 28, 2002

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

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF March 4, 2002

Item No.: 332, 317, 336, and 338

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 Baltimore County 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

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

Jim
4/18

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 21, 2002

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

MAR 22 2002

SUBJECT: 9860 Liberty Road

INFORMATION:

Item Number: 02-332

Petitioner: Rite-Aid of Maryland, Inc.

Zoning: BL-CCC

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow a fuel service station use in combination with a convenience store/carry-out restaurant and accessory ATM machine contingent upon the following:

1. Add the following note to the plan: All site and canopy lighting shall be full cut-off.
2. Submit the following items to this office for review and approval prior to the issuance of any building permits:
 - a) A final landscape plan; and,
 - b) A lighting plan 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

Prepared by: Mark A. Cunniff

Section Chief:
AFK/LL:MAC:

Ryan L. Parker

RE: PETITION FOR SPECIAL EXCEPTION
9860 Liberty Road, Cor NE/S Liberty Rd &
E/S Marriottsville Rd
2nd Election District, 2nd Councilmanic

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

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 02-332-X

* * * * *

ENTRY OF APPEARANCE

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



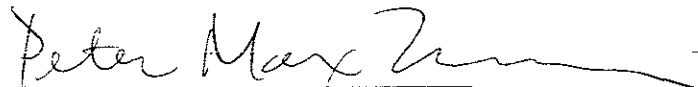
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of March, 2002 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

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: February 15, 2002

TO: Zoning Commissioner and File

FROM: Donna Thompson, Planner II, Zoning Review

SUBJECT: Petition for Special Exception, Item 332, Case No. 02-332-X
9860 Liberty Road

A petition for special exception for a fuel service station use in combination with a convenience store/carry-out restaurant and accessory ATM machine has been accepted for filing for the above referenced address. The plan submitted shows eight (8) dispenser islands with eight (8) multi-product dispensers serving a total of 16 cars at one time with a total of 8 stacking spaces. It is the understanding of this office that an additional stacking space be required for each multi-product dispenser. Therefore a total of 16 stacking spaces will be required.

This memorandum is advising you that this proposed use is basically identical to the use proposed in prior zoning case 00-509-X. Attached please find a copy of an inter-office memorandum dated May 31, 2000 to the hearing officer from John L. Lewis, Planner II with Zoning Review. pertaining to that prior case in reference to stacking spaces.

The attorney for the petitioner has been notified that this memo will be included in this file.

DT

Attachment

Cc: Attorney David K. Gildea

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 31, 2000
TO: Hearing Officer
FROM: John L. Lewis *JLL*
Planner II, Zoning Review
SUBJECT: Zoning Case 00-509-X
3505-3507 Washington Boulevard

FUEL STATION
(STACKING)

I am writing this comment to correct a previous incorrect interpretation by this office of Section 405.4.A.3.c.(2), which deals with certain requirements for service station stacking spaces.

Several times, since the adoption of Bill 172-1993, this office has accepted plans which showed stacking which, after recent reconsideration (i.e., during the filing review of this petition), I now believe had insufficient stacking. I am not asking that you revisit these prior approved plans, I am asking that since I have now taken considerable time to recollect and reconstruct the reasoning of the committee (of which I was a member) involved in the writing and adoption of the 1993 Fuel Service Station Regulations, that I can now clarify this point to you.

The site under this petition does have the room to adjust the stacking to what I believe is the necessary requirement and this was discussed with the attorney. The attorney preferred to continue with the plan as is, with the understanding that my written comments would be forthcoming.

405.4.A.3.c.(1), which begins this subsection, requires that "For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each (MPD)..." at least one stacking space shall be provided.

This makes good sense in that MPDs, which usually provide all 3 grades of fuel, will not usually require more than one stacking space along a pump island where a bypass lane is located since it is possible for a waiting vehicle to pull past a fueling vehicle by using the bypass lane to access another MPD on that side of the island.

405.4.A.3.c.(2) however serves a more complicated set of conditions. The intent here was to make sure that if a bypass lane was not provided, or a convenience store was located on site, that additional stacking beyond what was required in 405.4.A.c.(1) be provided. The reasoning here was to recognize the facts that a lack of a bypass lane to allow vehicles to pull around a fueling vehicle would create a situation where additional stacking would occur. The convenience store was also thought to create a stacking problem when persons paying for fuel also took the time to convenience shop, thereby slowing down the fueling process and needing more stacking to alleviate the problem.

The confusion was originally on the issue that a MPD has 2 fueling sides, each able to have a fueling space. When counting by MPD unit only and not considering the fact that each MPD is actually capable of dual service, a lower and insufficient stacking requirement is indicated. However, it was the intent that each MPD side have a stacking space where a bypass lane is not provided or in any case where a convenience store is located on site. Therefore, we believe this plan should be adjusted to provide for adequate stacking; i.e., stacking space for each fuel service space (each MPD side).

Thank you for your consideration of this matter.

JLL:scj

MD005552



**Baltimore County
Zoning Commissioner**

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Post-it® Fax Note 7671		Date	# of pages 11
To DAVID	From MIKE S		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		

16
18

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

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SE/Corner Philadelphia Road & Allender Road
(11625, 11629 & 11631 Philadelphia Road)
11th Election District - 5th Council District
Thomas A. Pappagallo, et al, Owners; 7-Eleven, Inc., Contract Purchasers - Petitioners
Case No. 02-203-SPHXA

Dear Mr. Hoffman:

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

cc: Mr. & Mrs. Thomas Pappagallo
2031 Sue Creek Drive, Essex, Md. 21221
Ms. Marlene Glava, 5030 Silver Spring Road, Perry Hall, Md. 21128
Mr. Tim Whittie, Bohler Eng., 810 Gleneagle Court, #300, Towson, Md. 21286
Mr. Kenneth Schmid, Traffic Concepts, Inc., 325 Gambrills Rd, #E, Gambrills, Md. 21054
Mr. Gary A. Lentz, 5652 Gunpowder Road, White Marsh, Md. 21162
Mr. Gordon Dring, 5655 Gunpowder Road, White Marsh, Md. 21162
Mr. Doug Behr, 7451 Bradshaw Road, Kingsville, Md. 21087
Messrs. John Severino & Dale Raubenstine, 11450 Pulaski Hwy., White Marsh, Md. 21162
Mr. Kenneth A. McDonald, Jr., Chief, Engineering Access Permits Div., 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

Mr. Cross
410-234-612

IN RE: PETITIONS FOR SPECIAL HEARING, * BEFORE THE
SPECIAL EXCEPTION & VARIANCE - * ZONING COMMISSIONER
SE/Corner Philadelphia Road and *
Allender Road * OF BALTIMORE COUNTY
(11625, 11629 & 11631 Philadelphia Road) *
11th Election District *
5th Council District * Case No. 02-203-SPHXA

Thomas A. Pappagallo, et ux, and *
Marlene Glava, Owners; and *
7-Eleven, Inc., Contract Purchasers *
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Thomas A. Pappagallo, Kathleen P. Pappagallo, and Marlene Glava, and the Contract Purchasers, 7-Eleven, Inc., through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to allow the required landscape transition areas and setbacks to be located within the D.R.3.5 zone, and to abandon the previously approved special exception relief in prior Case No. 97-187-X. In addition, the Petitioners request a special exception, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., and variance relief from the B.C.Z.R. as follows: From Section 405.4.5.3 to permit service station canopy signs of 311.25 sq.ft. (1 sign), and 138.33 sq.ft. (2 signs) in lieu of the maximum permitted 25 sq.ft.; from Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 15 feet, if necessary; and, from Section 405.4.A.3.c.2 to permit 6 stacking spaces in lieu of the required 12 spaces, if necessary. The subject property and requested relief are more particularly described on the two-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing in support of the requests were Thomas Pappagallo, co-owner of the subject property, Eric Roemer, a representative of 7-Eleven, Inc.,

Contract Purchasers, and Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing on behalf of the Petitioners were Tim Whittie of Bohler Engineering, the consultants who prepared the site plan for this property, and Ken Schmid of Traffic Concepts, Inc. Appearing as Protestants were Gary A. Lentz and Gordon Dring, John Severino and Dale W. Raubenstine, who own property nearby, and Doug Behr, who resides in Kingsville and appeared on behalf of the Greater Kingsville Community Association.

As shown on the site plan, the subject property is an irregularly shaped parcel located on the southeast corner of Philadelphia Road and Allender Road in White Marsh. The property contains a gross area of 1.75 acres, more or less, split zoned B.L.-A.S. and D.R.3.5. The predominant zoning is B.L.-A.S., which is a business zoning classification; however, a portion of the site along the southern and western property lines is zoned D.R.3.5. Apparently, the business zoned portion of the property was entirely zoned B.L.; however, the property was recently rezoned to add the A.S. (automotive service) district designation on the 2000 zoning maps.

As to the history of the subject site, special exception relief for an existing service garage use was granted in prior Case No. 97-187-X on December 6, 1996. Testimony in that case revealed that the Petitioners had been operating a service garage on the property for some time; however, the property was then zoned B.L. and a special exception was required in order to continue the service garage use thereon. Further testimony revealed that the service garage use was only temporary in that the Petitioners intended to develop the site with a strip shopping center. In any event, approval of the service garage use was granted and the property has been used in that fashion since that time. The owners have apparently abandoned their plans for redevelopment of the subject site and have contracted to sell the property to 7-Eleven, Inc., who wishes to convert the current use to a fuel service station use in combination with a convenience store operation. Thus, the requested special hearing, special exception and variances are necessary.

On behalf of 7-Eleven, Inc., Eric Roemer testified and described their proposal. The existing improvements will be razed and a 2900 sq.ft. 7-Eleven prototype building constructed. The store will be open 24-hours a day, 7 days a week, and provide the sale of convenience items as

well as gasoline. As shown on the plan, three different pump islands with multi-product dispensers are proposed. Mr. Roemer fully described the details of the proposed operation, including lighting, characteristics of the business, etc.

Mr. Whittie appeared and testified on behalf of Bohler Engineering. He described the layout of the proposed project, including lighting and landscaping plans. In this regard, lighting will be recessed to prevent spillage onto adjacent properties. Additionally, there will be landscaping of the site, particularly to the south and west of the property, down Allender Road. Although Philadelphia Road in this area is a commercial corridor, the site is within close proximity of residential properties and a landscape buffer will be provided to screen those properties.

Testimony was also received from Ken Schmid, a traffic engineer. He indicated that the level of service at this intersection was at an "A" grade in the morning during peak traffic hours, and at a "B" grade in the evening peak hours. Even with development in the area, acceptable levels of service will be retained. He also noted that certain road improvements will be made as part of the redevelopment of this site. Specifically, a right-turn lane will be added on Philadelphia Road to accommodate traffic turning into this site, and also traffic turning right from northbound Philadelphia Road onto Allender Road. Additionally, the intersection of Allender and Philadelphia Roads will be improved and "straightened." It appears that these upgrades will actually improve traffic conditions in the area, notwithstanding the development of the subject site.

Certain testimony was received from the opponents of the plan. Some of the testimony is not germane, specifically that regarding the economic impacts of the proposed use. The zoning regulations do not permit the Zoning Commissioner to consider the impact of the proposed use from an economic standpoint on potential competitors. However, valid concerns were expressed regarding traffic, lighting, landscaping, etc. It is also to be noted that the Petitioners have reached an agreement with the Perry Hall Improvement Association. In this regard, certain covenants have apparently been entered into with that Association regarding the use of the property, landscaping, signage, etc. With those covenants and restrictions, the Perry Hall Improvement Association supports the proposal. A representative of the Kingsville Community Association appeared in

4

opposition to the request; however, the subject property is within the confines of the Perry Hall Improvement Association, slightly outside the boundaries of the Kingsville Community Association.

Turning first to the Petition for Special Exception, I am persuaded that same should be granted. The test for whether special exception relief should be granted is set forth in Section 502.1 of the B.C.Z.R. Essentially, the applicant must show that the use can be carried out at the location proposed without detrimental impact to the health, safety and general welfare of the locale. However, as construed by the appellate courts of this State in Schultz v. Pritts, 291 Md. 1 (1981), and Mossberg v. Montgomery County, 107 Md. App. 1 (1995), it is not merely the existence of potential impacts of the use that warrant the denial of a requested special exception. That is, the Court noted that impacts from a proposed special exception use are inherent by virtue of the fact that the legislative body has designated the use as permitted only by special exception, as opposed to being permitted by right. Thus, the test is whether the anticipated impacts are more egregious at the proposed location than elsewhere in the zone. In this regard, it is to be noted that the property fronts Philadelphia Road, a major commercial corridor in this area. The recent rezoning of this property by the County Council to B.L.-A.S. is indicative of the Council's intent that a business automotive service use is appropriate here. Moreover, the fact that special exception relief for a service garage was previously granted in 1996 is significant. Although the service garage use is being discontinued, the proposed fuel service station is a similar use and special exception relief is still required, pursuant to Section 230.13 of the B.C.Z.R. Based on the totality of the testimony and evidence offered, I am persuaded that the Petition for Special Exception should be granted. In sum, I find that the Petitioners have met the standards set out in Section 502.1 of the B.C.Z.R.

Special hearing relief is also warranted. As noted above, the special exception for the service garage granted in prior Case No. 97-187-X has been abandoned by the property owner and thus, is no longer valid. As to the other special hearing relief sought, testimony from Mr. Roemer regarding the appropriateness of the landscape transition areas and setbacks was persuasive. In this regard, I am persuaded that the entrance to the site from Allender Road should be moved to

5

that location marked Alternate 30-foot Entrance. That location is further from Allender Road and thus promotes a better traffic flow situation, both internally and on the adjacent public streets. Although locating the entrance on that part of the site traverses the D.R.3.5 zoned land, it is nonetheless justified for matters of public safety and convenience. There is still a sufficient area to buffer the use, including the access road, from residential properties to the south.

Lastly, variance relief is requested for signage, landscape transition areas, and, the number of stacking spaces provided, if necessary. An examination of Section 405.4.A.3.c.1 of the B.C.Z.R. is persuasive to the Petitioners' argument that a variance from the stacking requirements is not needed. That is, the 6 stacking spaces shown on the plan are sufficient for this site (i.e., one space required for each MDP). Thus, I shall dismiss this variance as moot. The second variance request relates to canopy signage. The interpretation of the Zoning Review Division in the Department of Permits and Development Management in requesting this relief is also disputed. As shown on the schematic plans, the canopy signs will contain limited writing, but will be painted the green and red logo colors used by 7-Eleven, Inc. That the painting of the canopy in this fashion constitutes signage is questionable. In any event, upon consideration of the total sign package, I am persuaded that same is appropriate here and thus, variance relief should be granted. In this regard, I am persuaded that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. Lastly, relief will be granted as to the landscape transition areas. The unusual configuration of the property and zoning lines is persuasive to a finding that the property is unique. Moreover, I am persuaded that the Petitioners would suffer a practical difficulty if relief were denied and that relief can be granted without detrimental impact to adjacent properties.

It is to be noted that certain Zoning Advisory Committee (ZAC) comments were received from the Office of Planning and the Maryland State Highway Administration (SHA), which shall be incorporated herein and made a part hereof. The Office of Planning requires the submission of plans showing the architectural design of the building, landscaping and lighting. The review and approval of those plans by that agency is appropriate. Moreover, the Petitioners will be required to make road improvements, i.e., right lane added on Philadelphia Road and

intersection improvements to Allender Road and Philadelphia Road as required by the Department of Public Works, consistent with the SHA comments.

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 11th day of February, 2002 that the Petition for Special Hearing to permit the required landscape transition areas and setbacks to be located within the D.R.3.5 zone, in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit the abandonment of the special exception relief granted in prior Case No. 97-187-X, be and is hereby GRANTED; and,

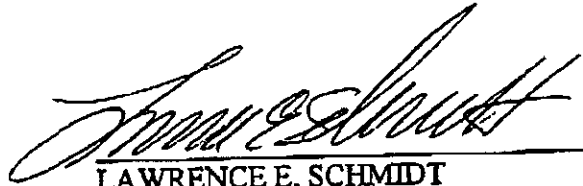
IT IS FURTHER ORDERED that the Petition for Special Exception, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fuel service station use in combination with a convenience store with a sales area larger than 1,500 sq.ft., in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the B.C.Z.R. as follows: From Section 405.4.5.3 to permit service station canopy signs of 311.25 sq.ft. (1 sign), and 138.33 sq.ft. (2 signs) in lieu of the maximum permitted 25 sq.ft., and, from Section 405.4.A.2.b to permit a landscape transition area of 0 feet in lieu of the required 15 feet, in accordance with Petitioner's Exhibits 1A and 1B, 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) Compliance with the Zoning Advisory Committee (ZAC) comments received from the Office of Planning, dated January 7, 2002, and the Maryland State Highway Administration, dated December 31, 2001, copies of which have been incorporated herein and made a part hereof.
- 3) The Petitioners will be required to make road improvements, i.e., right lane added on Philadelphia Road, and improvements to the intersection of Allender Road and Philadelphia Road as required by the Department of Public Works, consistent with the SHA comments.
- 4) When applying for a building permit, the site plan and/or 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 405.4.A.3.c.2 to permit 6 stacking spaces in lieu of the required 12 spaces, is not necessary, and as such, is hereby DISMISSED AS MOOT.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: December 31, 2001

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 202 (IL)
MD 7 @ Allender RD
Mile Post 9.37

Dear Mr. Zahner:

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

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

- The site will be restricted to one entrance on MD 7 with sufficient corner clearance.
- A traffic impact analysis to determine the required roadway improvements.
- A hydraulic analysis will be required.
- Highway widening dedication.

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,

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

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

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

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

DATE: January 7, 2002

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

SUBJECT: Philadelphia Road and Allender Road

JAN - 7 . . .

INFORMATION:

Item Number: 02-203

Petitioner: Thomas Pappagallo, Kathleen Pappagallo, and Marlene Glava

Zoning: BL-AS

Requested Action: Variance/Special Hearing/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the request to permit a convenience store larger than 1500 square feet in combination with a service station contingent upon the following:

1. Elevation drawings of the proposed structure should be submitted to this office for review and approval. The convenience store should have a brick veneer of a mat type, similar to the type used at the commercial center at New Forge Road and Philadelphia Road.
2. All lighting should be of a type, and arranged in a manner, that prevents direct or reflected glare on any portion of adjacent residential properties. Lighting shall be fully recessed into the canopy or fully shielded with a flat lens. The final development plan should indicate the chosen lighting method.
3. A copy of the landscape plan should be submitted to the Office of Planning for review and approval prior to the issuance of any permits.

Prepared by:

Mark A. Cunniff

Section Chief:
AFK:MAC:

Jeffrey W. Long

4/8/02
as
for file
close

Sent
4/8

To: Arnold Jablon
Baltimore County Zoning Commission
From: Hernwood Heights Community Association
Richard Buehner, Treasurer
Date: April 5, 2002
Pages: 1
Subject: Case # 02-332-X

The Hernwood Heights Community Association is opposed to BP-Amoco's request for zoning exception to build a gas station & convenience store on the northeast corner of Liberty Road and Marriottsville Road.

I am the treasurer of the Hernwood Heights Community Association, and my wife, Jane Buehner, is the Corresponding Secretary. We represent the Association on this issue, in place of our President, Karen Yarn, who is out of the country on vacation. We have also contacted, and indirectly represent, several neighboring community organizations.

We have serious concerns about this site, and the proposed use. Our concerns are in the categories of:

1. Traffic patterns
2. Adequate Parking
3. Lighting
4. Security
5. Demise of the station
6. Urban Sprawl

We specifically object to at least two zoning regulations that must be excepted for this use:

1. It's proximity to a residential zone (405.2)
2. It's proximity to a derelict fuel service station (405.3)

I would like to make a presentation on these issues at the hearing scheduled for Monday, April 8 at 9:00 AM. This talk will have three parts: a brief photo tour of the area, a statement of our citizen's concerns, and a direct rebuttal to the zoning exceptions requested by BP-Amoco. I believe my total presentation will take less than 20 minutes.

I can be reached at my home on (410) 521-2642. We are looking forward to Monday's hearing.

Dick Buehner



Baltimore County
Zoning Commissioner

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

October 10, 2002

Mr. Richard E. Buehner, Treasurer
Hernwood Heights Community Association
26 Millstone Road
Randallstown, Maryland 21133

Re: Petition for Special Exception
Case No. 02-332-X
Property: 9860 Liberty Road

Dear Mr. Buehner:

Thank you for your letter dated September 24, 2002 regarding the abandoned Shell station on Liberty Road. I appreciate your continued interest in this matter and your efforts to improve your community.

I have had an opportunity to discuss this issue with Mr. Arnold Jablon, the Director of Permits & Development Management. It appeared from the conversation that I had with him that the Shell station in question is not such to warrant the commencement of proceedings to declare the station abandoned. I would suggest that it might be helpful for you to contact Mr. Jablon (410-887-3353) directly and discuss this matter in more detail with him. The ultimate decision as to whether the proceedings should be instituted rests with his office and not mine.

I apologize for not being of more assistance to you in this matter. Should you wish to discuss the contents of this letter with me, feel free to call me at my office (410-887-3868).

Best of luck to you in your efforts to resolve this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj

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

Hernwood Heights Community Association

26 Millstone Road
Randallstown, MD 21133
September 24, 2002

SEP 25 2002

Timothy M. Kotroco, Deputy Zoning Commissioner
Baltimore County Zoning Commissioner
Suite 405, County Courts Building
401 Bosley Avenue
Towson, MD 21204

RE: Petition for Special Exemption
Case No. 02-332-X
Property: 9860 Liberty Road

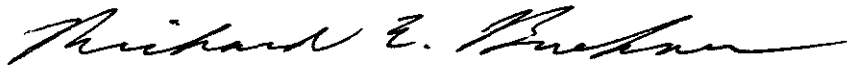
Dear Mr. Kotroco,

What is the current status of the "abandoned" Shell station on Liberty Road, across from the entrance to Hernwood Heights?

In your April 18 response to the hearing for BP/Amoco's application for a special exception, you said that you would "...require that proceedings commence to officially declare the Shell Station abandoned, and, if appropriate, the improvements removed." Where does this now stand, and is there anything that Hernwood Heights can do to expedite the removal of this eyesore?

We thank you for your kind consideration of our views, and realize that legal issues had to take precedence.

Sincerely,



Richard E. Buehner, Treasurer
Hernwood Heights Community Association

cc: Arnold Jablon

Presentation to Baltimore County Zoning Commission
re: Case # 02-332-X

Gentlemen, my name is Dick Buehner. I'm the Treasurer of the Hernwood Heights Community Association, and this is my wife, Jane, who is our Corresponding Secretary. We're representing our association on this issue in place of our President, Karen Yarn, who is out of the country. We have also contacted, and indirectly represent, several neighboring communities.

I'd like to present you with our views on the issues relevant to this case. My presentation will be in three parts: a brief photographic tour of the pertinent section of Liberty Road, a statement of our citizen's concerns, and a direct rebuttal to the zoning exceptions requested by BP-Amoco.

I. Liberty Road

This map is approximately to scale. As a reference, you'll note that the distance between the Citgo station and the Shell station is only about a quarter mile, so we're not talking great distances here. I'll present the views seen as you travel West out Liberty Road. I will later refer to all of the facilities I'm about to point out.

The first photo is dominated by the Citgo station on the right. However, if we look across Liberty Road we can see the signs for the 1st Mariner Bank, the Exxon station on the near left corner of Marriottsville Road, and the Getty station on the far left corner of Marriottsville Road.

As we progress along Liberty Road, when we look to the right we can see a strip mall with the Old World Deli. The far end of the same building would be razed for the BP-Amoco station.

Turning to the left we can now clearly see the 1st Mariner sign, the Exxon station, and the Getty station across Marriottsville Road.

As we cross Marriottsville Road we see the Susquehanna Bank, with the Food Lion behind it. In the far-left side of the photo we see the abandoned, derelict Shell station. An AMF Bowling building is also visible just beyond the Food Lion's mall.

The derelict Shell station is a community eyesore, and has been so for several years now.

Finally, just before the water tower is the Deer Park Deli & Convenience.

II. Concerns

Here is a brief summary of some concerns our neighbors have raised.

1. Traffic

The BP curb cut would be five car lengths from the corner, right about the spot where westbound drivers in the left lane notice stopped traffic signaling (or not signaling) for a left turn into Marriottsville Road. The usual reaction for most drivers is to suddenly swing into the right line, right where cars would be coming out of the station.

Cars successfully exiting the station would do one of four things:

- turn right, and then turn right again onto Marriottsville Road (despite a curb cut onto Marriottsville Road)
- turn right, and proceed westbound on Liberty Road
- turn left, onto eastbound Liberty Road,
- turn right into the LEFT lane so they can turn left onto Marriottsville Road.

In other words, almost all traffic is expected to come out onto Liberty Road, despite the curb cut onto Marriottsville Road. This behavior can be confirmed by observing the traffic at the Giant Food entrance just East of Offit Road.

Presentation to Baltimore County Zoning Commission
re: Case # 02-332-X

2. Parking

We are concerned that BP-Amoco may not provide sufficient parking facilities. The zoning codes call for more than 13 spaces for this site (405.4 A. 3. d.).

3. Lighting

There are two concerns about lighting: that it is sufficient for the tasks, but also that it does not turn the neighborhood into perpetual daylight.

4. Security

Loitering is a persistent problem. Although BP-Amoco has assured us that they would install security cameras, we wonder who will monitor them, and what will be done if questionable behavior is observed?

The 24-hour operation of an open plan convenience store is also a concern. Similar stores in the area (specifically the now-abandoned 7-11 on Marriottsville Road, and the Highs store that predated the Deer Park Deli & Convenience) appeared to be magnets for late night hold-ups.

5. Demise

When the Shell station closed it left a boarded up eyesore that is a blight on our community. At the very least we would want a guarantee from BP-Amoco that, should the facility be built, and should it subsequently fail, within six months of closing BP-Amoco would, at their expense, remove:

- the pumps
- the canopy
- the signs
- the tanks.

6. Proliferation of unnecessary commerce (Urban Sprawl)

Our last concern is of a general nature. We feel that the area is over-saturated with commerce, particularly with gas stations and convenience stores. We don't believe that BP-Amoco is offering anything that isn't already available in abundance.

III. Zoning Exceptions

It is our understanding that zoning regulations are enacted to benefit the community – that is, for the individual property owners, for their neighborhoods, and for the County as a whole. Provisions are made for exceptions to these regulations where such exceptions serve an overriding need, a need that cannot be met otherwise. Such exceptions must be to the betterment of the entire community, not to just a few individuals or to a commercial enterprise.

This BP-Amoco proposal is in clear violation of at least two Baltimore County zoning regulations: in its proximity to a residential zone (405.2), and in its proximity to an abandoned fuel service station (405.3).

The proposed site is not just near a residential zone; it directly borders on residential property. Even if the joiners favor this proposed exception, zoning is enacted for the community as a whole, and we contend that this proposal is detrimental to the community as a whole.

The proposed site is about 800 feet from a fuel service facility that has been abandoned and boarded over for several years; a property that is a blight on our community, with negative impact on our surrounding properties.

Presentation to Baltimore County Zoning Commission
re: Case # 02-332-X

To get their zoning exceptions, BP-Amoco must show a clear need for their proposed facility. They must show that their proposed services are not currently being met, and cannot be met, without these exceptions. We contend that these services not only can be met, but that they are already being met several times over:

1. Fuel service

There is already one fuel service facility about 500 feet East of the proposed site (Citgo); an abandoned fuel service facility about 800 feet west of the proposed site (Shell – who's abandoned state clearly illustrates a lack of need); and two fuel service stations at the same intersection (Exxon and Getty).

2. Convenience Store

There are existing convenience stores at Deer Park Deli & Convenience, about ¼ mile west of the proposed site; at the Exxon station, across the street from the site; at the Citgo station, 500 feet east of the site; and at the Old World Deli, which is almost next door. In addition, there is a now-derelict 7-11 store behind the Exxon station on Marriottsville Road, who's abandoned state also illustrates a lack of need for another convenience store.

3. Deli

The Old World Deli is about 100 feet east of the site; the Food Lion across the street has a deli; and the Deer Park Deli & Convenience is only about ¼ mile west of the site.

4. On-Site Bakery

The Old World Delicatessen & Bakery has an on-site bakery only 100 feet from the site; and the Food Lion across the street has an on-site bakery.

5. Groceries

Groceries are available at the Old World Deli, 100 feet from the site; the Food Lion across the street from the site, and the Deer Park Deli & Convenience, ¼ mile west of the site.

6. ATM

Six Automatic Teller Machines are available at the following locations: 1st Mariner Bank, Susquehanna Bank, Food Lion, Exxon, Citgo, and Deer Park Deli.

7. 24 Hour Operation

The Exxon station across Liberty Road is open 24 hours, and provides 24-hour convenience and carry out service. 24-hour ATM access is provided at the two banks and at the Exxon station. Although the other named facilities are not open 24 hours, many do have extended hours of operation.

Citgo	6:00 a.m. to 11:00 p.m.
Getty	7:00 a.m. to 9:00 p.m.
Food Lion	6:00 a.m. to 12 m.

In conclusion, there is clearly no overriding need for multiple special zoning exceptions for the proposed BP-Amoco facility. All of its proposed functions are already being met, arguably to excess. Granting these exceptions may benefit BP-Amoco, but only to the detriment of the surrounding area. According to Baltimore County zoning laws, this proposal is clearly illegal. We ask the Zoning Commission to uphold the law.

Sup
4/8

GILDEA, LLC
301 NORTH CHARLES STREET
SUITE 800
BALTIMORE, MARYLAND 21201
FAX 410-234-0072
www.gildeallc.com

APR 4

DAVID K. GILDEA
DIRECT NUMBER
410-234-0070
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
DIRECT NUMBER
410-234-0071
SCROSS@GILDEALLC.COM

April 1, 2002

Deputy Zoning Commissioner Timothy Kotroco
Zoning Office
401 Bosley Avenue
4th Floor
Towson, MD 21204

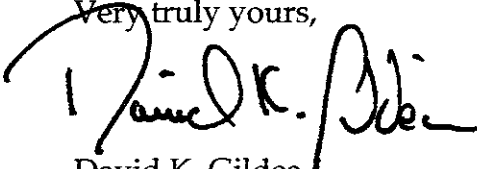
Re: 9860 Liberty Road (Liberty & Marriottsville)
Case No.: 02-332-X

Dear Deputy Zoning Commissioner Kotroco:

Enclosed please find a letter of support from Emily Wolfson regarding the above referenced matter for your files.

Should you have any questions or comments, please contact me. With kind regards, I am

Very truly yours,


David K. Gildea

DKG:bhb
Enclosure
CC: Ms. Emily Wolfson

11100 Reisterstown Road
Owings Mills, Maryland 21117
410-654-1533
fax 410-654-1535

The Max Group, Inc.

September 5, 2001

Henry Weisenberg
Liberty Road Improvement Assn.
9990 Liberty Road
Randallstown, MD 21133

Dear Henry:

It is my understanding that the LRBA will have a meeting this coming Monday evening to vote on whether it will support or oppose the proposed BP/Amoco in its pursuit of a conditional use zoning approval to locate a gas station/convenience store at the southeast corner of Liberty and Marriottsville Roads. I will attend the meeting if I can, however, if I cannot, I wanted to make sure you convey my position on the subject to the board members.

I am in favor of this proposal. It represents a sizable investment in the Liberty Road business corridor and will replace a run-down vacant building with a brand new state-of-the-art facility. Also, it takes 20,000 square feet of available space off the market which would otherwise compete with the 4,500 square feet of vacant space the church owns at the far end of Marriottsville Shopping Center and the large amount of available space in Kings Point Shopping Center. There is only so much demand for this type of space at that intersection, and this intersection is a natural for the proposed BP/Amoco.

I spent some time considering what I would do with that corner if I purchased it, and could not think of a better use than the BP/Amoco, or at least not one I thought I could reasonably expect to locate there.

I hope to see you Monday.

Sincerely,



Robert Max
President

Cc: David Stein
Emily Wolfson
Steven Klebanoff
Andrea VanArsdale

The Max Group affiliated companies

GILDEA, LLC
301 NORTH CHARLES STREET
SUITE 800
BALTIMORE, MARYLAND 21201
FAX 410-234-0072
www.gildeallc.com

DAVID K GILDEA
DIRECT NUMBER
410-234-0070
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
DIRECT NUMBER
410-234-0071
SCROSS@GILDEALLC.COM

July 20, 2001

Ms. Yvonne Fletcher
Kingspark
9943 Hoyt Circle
Randallstown, MD 21133

Re: BP/Liberty & Marriottsville (17804)

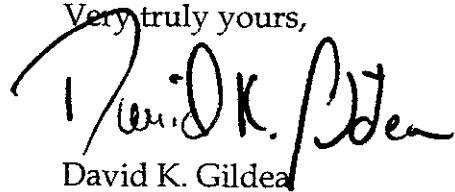
Dear Yvonne:

As we discussed in our telephone conversation on July 18, 2001, BP/Amoco would like to meet with Kingspark to discuss its proposed development of the above referenced property. As I indicated in our conversation, representatives of BP/Amoco will meet with Kingspark at your convenience. We discussed perhaps having an evening meeting.

I look forward to hearing from you regarding specific dates in the evening to hold the meeting. BP/Amoco has not filed any plans or requests with the County at this time.

With kind regards, I am

Very truly yours,



David K. Gildea

DKG:bhb

CC: The Honorable Kevin Kamenetz
Ms. Laurie Hay, Office of Planning
Jeffrey S. Bainbridge, BP/Amoco (via e-mail)
Gregory H. Reed, Bohler Engineering (via e-mail)

File
Jm
4/8

3827 Rayton Road
Randallstown, Maryland 21133
February 16, 2002

Office of Zoning Commission
401 Bosley Avenue 4th floor
Towson, Maryland 21204

FB 1 3

Case # 02-332-X

Dear Commissioner:

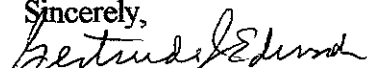
The purpose of this letter is to inform you of my support of the proposed project, ref # 02-332-X. My property line joins the property line of the proposed project.

I moved into my home in 1972. At that time Randallstown was a beautiful community with a viable shopping center. Today that shopping center is a place for drug addicts and alcoholics. The development of this project would benefit our community:

- Eliminate drug addicts and alcoholics from using this property.
- Decrease litter.
- Enhance the appearance of our community.
- Enhance the property value of home -owners in our community.
- Provide job opportunities for residences of our community.
- Make our community a safer place to live.

Thank you for your consideration of my support for this project.

Sincerely,


Gertrude J. Edwards

CC: David K. Gildea

**Baltimore County Government
Department of Economic Development**



400 Washington Avenue
Towson, MD 21204

(410) 887-8000
Fax (410) 887-8017

MEMORANDUM

To: Zoning Commissioner
Zoning Commissioner's Office

From: Andrea Van Arsdale
Revitalization Director

Date: April 2, 2002

Re: Special Exception - BP Corporation (Case Number: 02-332-X)

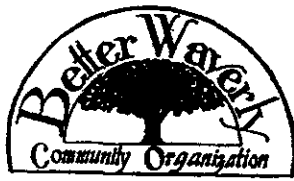
The Department of Economic Development supports the requested special exception submitted by BP Corporation. BP is requesting a special exception to use the property for a fuel service station along with a convenience store, a carryout restaurant and an ATM machine.

The subject property is located within the Liberty Road Commercial Revitalization District, an area targeted by the County to receive assistance to promote economic development. Specifically, BP wishes to locate in the Marriottsville Shopping Center. The center is divided into three sections, each with a different property owner. BP would be situated on the northern end of the center. The County has been actively involved in the revitalization of the middle section. The County provided financial assistance to the property owner of this section to renovate the building and attract The Old World Deli. The County's public investment, as well as the rest of the shopping center, is threatened by the long-term vacancy that BP would fill.

BP would invest \$2.8 million in redeveloping the property and stabilizing Marriottsville Shopping Center. The service station/convenience store would bring in additional customers to the center and also provide a fresh and modern appearance for the dilapidated site. BP would also improve the appearance of the rear of the site, which abuts a residential area. BP has agreed to landscape and maintain the land separating the commercial and residential zone, thus improving an area that is currently not maintained and prone to unregulated dumping.

For the reasons outlined above, the County supports the requested special exception in this case. Thank you for your time and attention to this important matter. If you have any questions, please call me at extension 2055.

CC: Peirce Macgill, Commercial Revitalization Specialist
David Gildea



BETTER WAVERLY COMMUNITY ORGANIZATION

P.O. Box 16007 • Baltimore, Maryland • 21218

March 28, 2002

Mr. David C. Tanner
Executive Director
Board of Municipal and Zoning Appeals
Room 1432
417 E. Fayette Street
Baltimore, Maryland 21292

Re: BP Redevelopment at 33rd and Greenmount

Dear Mr. Tanner:

The Better Waverly Community Organization represents the residents of the neighborhood bounded by 33rd Street to the North, Greenmount Avenue to the West, Exeter Hall to the South and Loch Raven Boulevard to the East. We are directly across the street from the proposed redevelopment of the gas station site.

We are writing in support of BP's revised plan for an expanded gas station, convenience store and cafe. Our residents viewed the original plan with some trepidation, fearing that it was out of scale with the neighborhood and incompatible with our urban, pedestrian-oriented, streetscape. We made our concerns known to BP and have followed with interest the discussions among BP, Waverly Improvement Association, and the Main Street program. We are pleased with BP's support for preserving the Safe and Smart Center, the additional green space, the more compatible design, and the reduction in pumps and exterior lighting. The revisions to the plan represent a great improvement and demonstrate an encouraging willingness on the part of BP to respond to community concerns.

Sincerely,

Patricia A. Henley
Co-Chair
bwco21218@msn.com

cc: David K. Gildea
Winkie Campbell-Notar



LIBERTY ROAD BUSINESS ASSOCIATION

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

March 26, 2002

MAR 27

Timothy Kotroco
Deputy Zoning Commissioner
Zoning Commissioner's Office
401 Bosley Ave., Room 405
Towson, MD 21204

Re: Case # 02-332-X

Dear Mr. Kotroco:

The Board of Directors of the Liberty Road Business Association, at its regular monthly Board Meeting on March 4, 2002, voted to support the Special Exception request for the property: 9860 Liberty Road, Randallstown, MD 21133, as a fuel service station use in combination with a convenience store/carry out restaurant and accessory ATM. In addition, the Association hopes that you will include as part of your order, the following: should the service station use cease, within six months of said shutdown, the pumps and accessory canopy would be removed. Further, that the placement of the pylon sign, which brands the service station, not obstruct the visibility of the existing signage which promotes the already established shopping center, which is in the rear of the proposed service station.

Thank you for supporting the continuing Liberty Road commercial renaissance.

Sincerely,

Richard W. Montalto, RHU
President

Copy: David Gildea, Esq.

JOSEPH M. CRONYN

Resume

Joseph Cronyn has a broad professional background in real estate research, sales and marketing, development, public policy, financing and appraisal. His experience includes market and financial feasibility analyses of major real estate projects; land acquisition and marketing for commercial and residential development; planning for mixed use development, including historic preservation concerns; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning economic and community development strategies.

PROFESSIONAL EXPERIENCE

Lipman Frizzell & Mitchell, LLC, Columbia, MD (1997 - present)

Senior Associate

Conducts market feasibility analyses for commercial and residential real estate projects throughout the Mid-Atlantic area. Analyzes commercial real estate markets and specializes in determining the economic and fiscal outcomes of real estate decision-making. Building on strong skills in economic and demographic research, also advises clients on economic development, public sector housing policy, historic preservation and fiscal impact issues. Recent assignments include:

- Celebrate Virginia North Commercial P.U.D. Feasibility, Fredericksburg VA
- Owings Mills Metro Station Master Redevelopment Plan, Baltimore County
- National Business Park Feasibility, Anne Arundel County
- Springfield & Spring Grove State Hospitals Redevelopment, Baltimore and Carroll Counties
- Convention Center Hotel Feasibility, Baltimore City
- HOPE 6 Public Housing Development: Baltimore, Hagerstown, Philadelphia
- State Housing Needs Assessment: Delaware, Maryland and Louisiana
- Bainbridge Mixed Use P.U.D. Feasibility, Cecil County
- Multifamily Rental Feasibility: Delaware, Maryland, Pennsylvania, Virginia
- Retail Market Feasibility: Baltimore, Carroll, Harford, Howard Counties
- Planning & Zoning Testimony, Washington-Baltimore Area
- Historic Preservation Legislation: Fiscal and Economic Impacts: Baltimore City and State of Maryland
- Retail Network Design, Department of Liquor Control, Montgomery County

Legg Mason Realty Group, Inc., Baltimore, MD (1989 - 1997)

Vice President

Built a professional practice within the real estate advisory subsidiary of a major regional securities firm. Served private, public and non-profit clients throughout the Mid-Atlantic states in dealing with their real estate-related issues: residential and commercial development, market and financial feasibility, fiscal and economic impacts.

Financial Associates of Maryland, Baltimore, MD (1987 - 1989)

Vice President

Responsible for land acquisition and marketing for firm specializing in real estate development and venture capital investment. Analyzed financial and sales feasibility for residential lot development and home construction projects.

Baltimore Federal Financial, F.S.A., Baltimore, MD (1982 - 1987)

Director of Sales & Marketing. Senior Vice President

Responsible for all marketing and public relations for one of the largest thrift organizations in Maryland. Directed all retail sales efforts and administration of statewide branch banking network, stock brokerage, insurance agency and business development functions.

Neighborhood Reinvestment Corporation, Washington, DC (1978 - 1982)

Assistant Director

Discovered and developed innovative urban revitalization projects throughout the United States for prominent national non-profit corporation. Supervised allocation of grant budget and researched impact of programs. Trained staff and local non-profits in real estate practices and housing finance.

Baltimore Federal Savings & Loan, Baltimore, MD (1976 - 1978)

Mortgage Underwriter and Urban Lending Coordinator

Evaluated residential purchase and rehabilitation mortgage loans for investment. Assisted in the development of urban lending techniques in cooperation with public, non-profit and private sector partners.

St. Ambrose Housing Aid Center, Baltimore, MD (1973-1976)

Principal and Housing Counselor

Counselor and non-profit real estate agent. Sold over 200 homes to low- and moderate-income families throughout the Baltimore Metropolitan Area. Researched local housing issues.

EDUCATION

Master of Business Administration
Loyola College, Executive Program, 1986

B.A. in English & Philosophy
Boston College, 1969

AFFILIATIONS

Neighborhood Housing Services of Baltimore, Chairman of the Board
Citizens Planning and Housing Association, Member
Preservation Maryland, Member
Maryland Industrial Development Association (MIDAS), Member
Regional Development Advisory Committee, Baltimore Metropolitan Council
Lambda Alpha International Land Economics Society, Member
MD Route 32 Planning Study, Land Use Expert Panel, Member
Mayor's Council on City Living (Baltimore City), Member

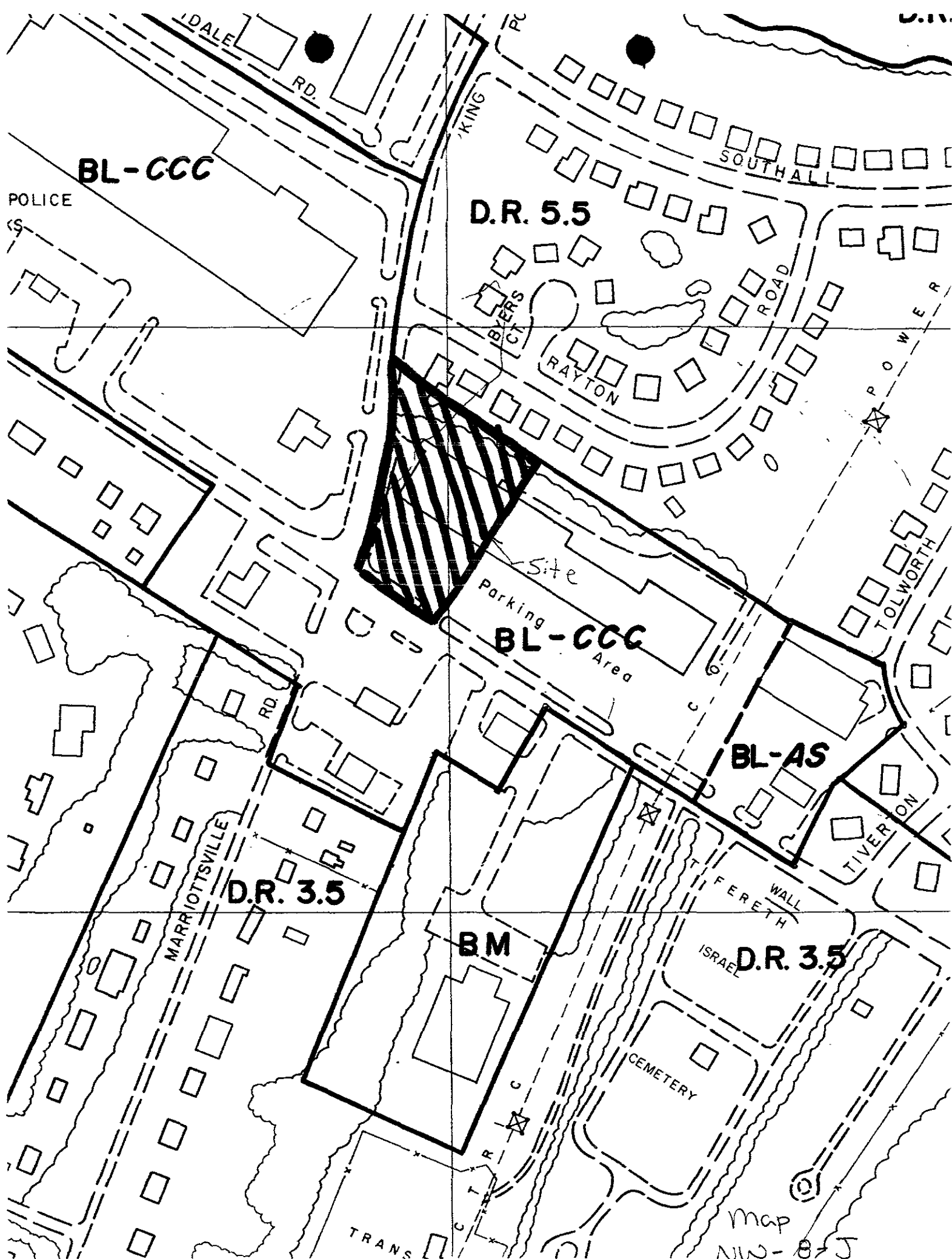
PROFESSIONAL LICENSES

State of Maryland Real Estate Agent's License

4/8/02

PROTESTANT'S SIGN-IN SHEET

[illegible]



BP at Liberty & Marriottsville Roads

Deer Park

Harrisonville

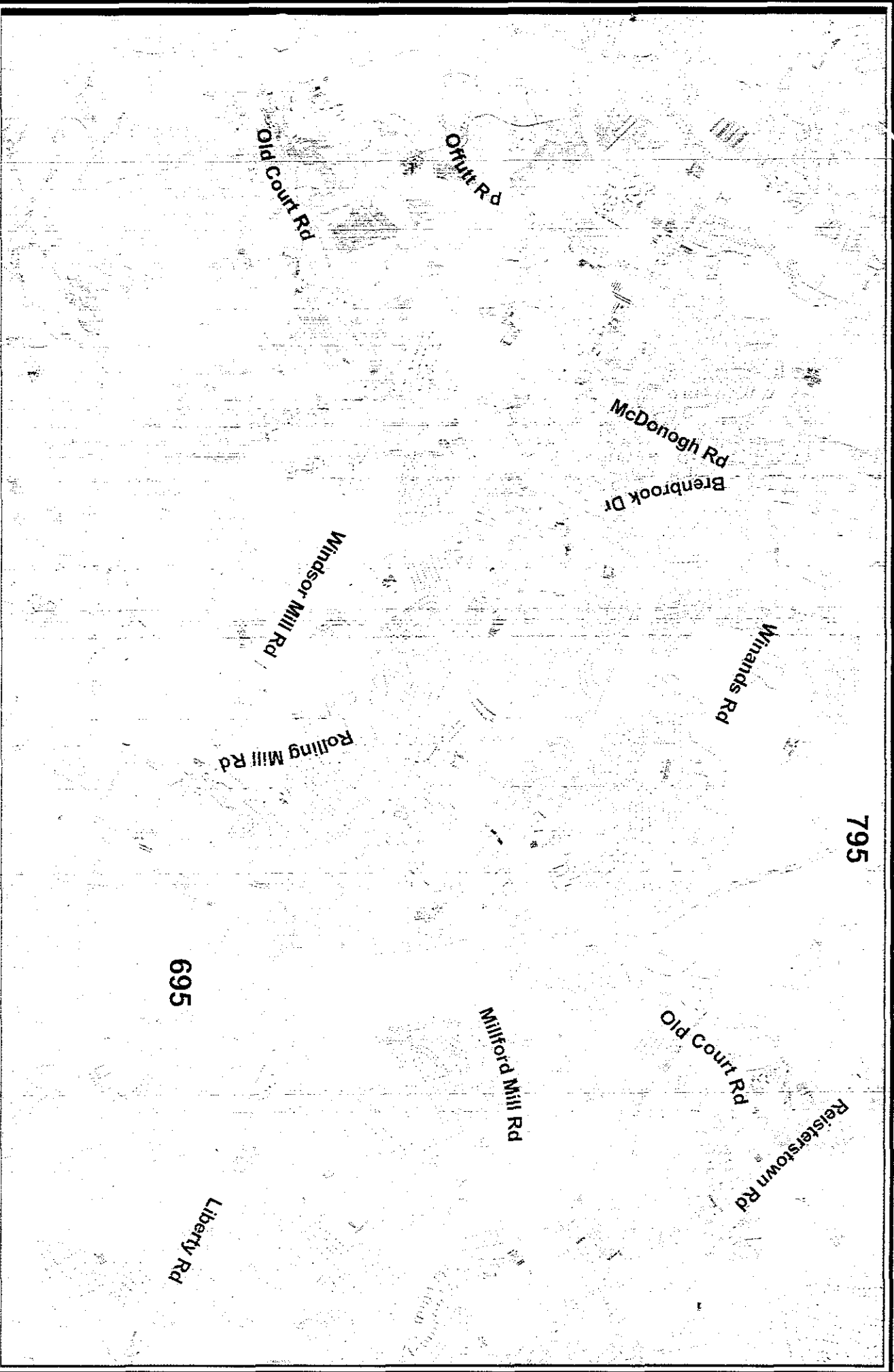
26

21133

26

SITE

Liberty Road Revitalization District Baltimore County, Maryland



4000

0

4000 Feet



Baltimore County
Department of Economic Development
August 2001

Imagery: Imagery Captured: March 2000
Copyright 2001, VARGIS, LLC All Rights Reserved
Hendron Virginia



**PROPOSED
BP GAS STATION
Liberty Road and Marriottsville Road**

NEED ANALYSIS

Prepared For:

Mr. Steve Klebanoff, President
Sumner Partners, LLC
5272 River Road
Suite 440
Bethesda, MD 20816

Submitted by:

Lipman Frizzell & Mitchell LLC
8815 Centre Park Drive
Suite 200
Columbia, Maryland 21045

April 5, 2002

Per Ex #2

PREVIOUS COMMERCIAL PERMITS

#277-63 LOCATION: 3505 WASHINGTON BOULEVARD
USE: OFFICE, WAREHOUSE AND SHOP
PETITIONER: W.B. SPITELMAN
ZONING HISTORY
NONE FOUND

SITE DATA

Lot Area: 1290 AC.
Existing Zoning: ML-1M
Counihan/District: 1
Existing Use: Vacant
Proposed Use: Convenience Store w/ Fuel Pumps
Dead Reference: 6679/234
Tax Account Numbers: 131964-0370 & 131964-0371
Ancillary Uses: Minor ancillary uses as permitted in Section 405.4.D. of the B.C.Z.R. (No additional square footage required)

Proposed Building Floor Area: 3062 SF
Total: 3062 SF
Sales: 3062 SF
Floor Area Ratio: 3062 SF ÷ 62,560 = 0.0472 (0.0472 permitted)
Proposed Building Height: 10'2"

AREA REQUIRED FOR COMBINATION USE
9 Storage Spaces x 1000 SF = 9,000 (60,000 SF. (max))
Additional Site Area Factor: 2,028 SF
4 x 3062 = 12,248 SF
Total Site Area Required: 62,560 SF
Total Site Area Provided: 62,560 SF
Area of Special Exception: 62,560 SF

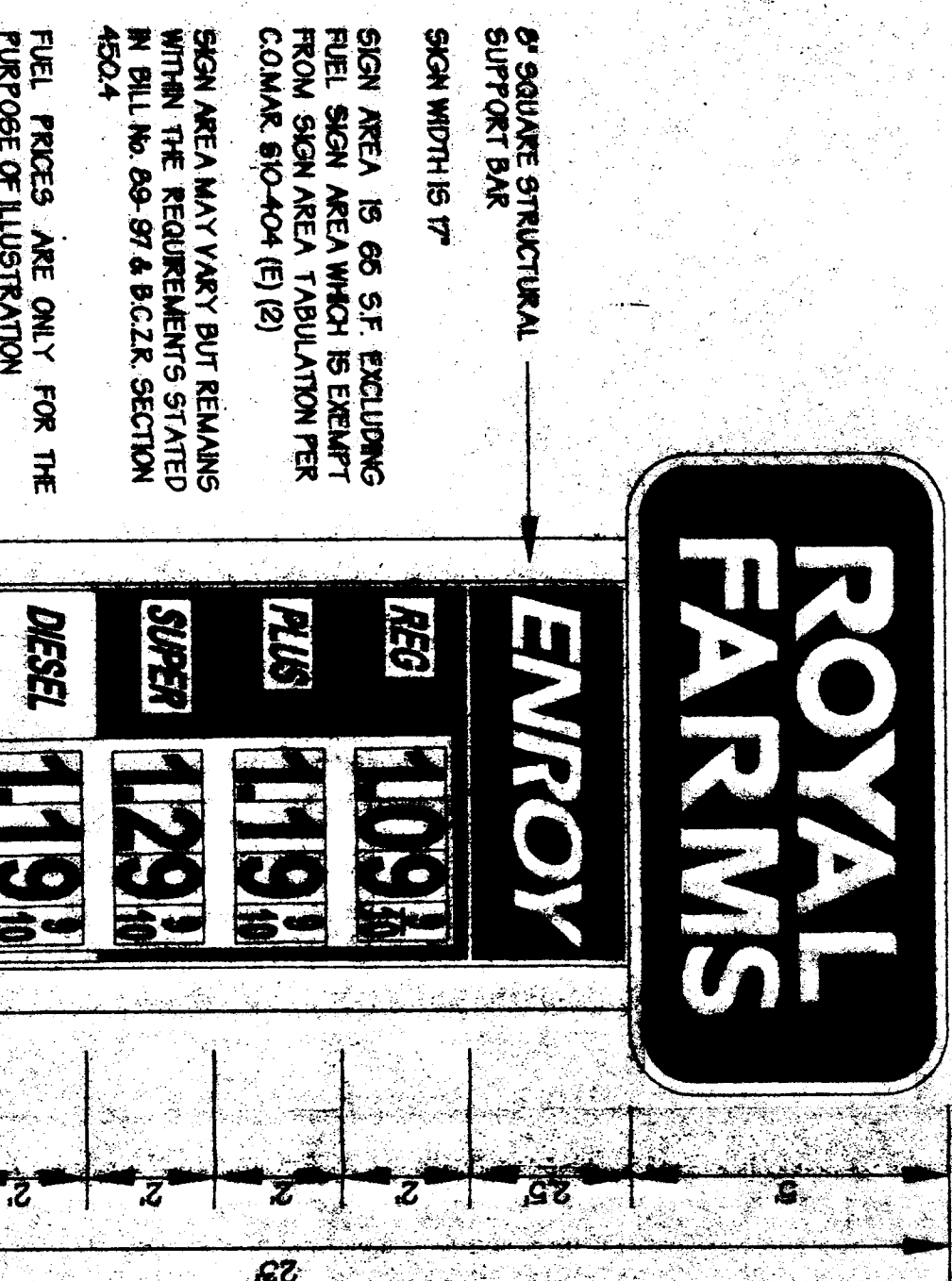
PARKING SF ACES

Fuel Services w/Combination Use:
3062 SF @ 61000 = 5
maximum employee shift: 5
air: 1
ATM (inside Store): 21
Total Required: 25
Typical Spaces: 9' x 18' or 11' x 23' (oversized vehicle spaces)
Handicap Space: 16' x 16'
(All spaces to be permanently striped)

ROYAL FARMS STORE	
Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees	45-50
Max. Number of Employees/Shift	Morning/Afternoon = 5 Afternoon/Evening = 5 Night = 5

STORE SIGN DETAIL

NO SCALE



ENROY

20 SF PROPOSED/25 SF PERMITTED
4 SIGNS PROPOSED/5 SIGNS PERMITTED

CANOPY SIGN DETAIL

NO SCALE

6' MAX
KING SUBS ROYAL FARMS 3' MAX
54 SF PROPOSED/2 x 86 BUILDING LENGTH = 172 SF ALLOWED

BUILDING FACE SIGN DETAIL

NO SCALE

GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Johns Valley 1-800-257-7777 five days prior to starting work.
3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. To our knowledge no master or by-products will be produced on the site.
5. The dumpster shall be screened.
6. See architectural plans for exact building dimensions.
7. All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential areas and public streets.
8. The proposed sign shall conform with B.C.Z.R. section 405.
9. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
10. Stormwater management will be provided.
11. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
12. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
13. The site is not within the Chesapeake Bay Critical Area.
14. Water, compressed air and public restroom shall be provided in accordance with the B.C.Z.R. section 405.
15. All proposed curb radii are 5' unless otherwise noted.
16. This plan was approved in Dec. 16, 2005-078 and complies with the zoning & site key requirements for the MPO.

L. K. Kofreco

MATIS WARFIELD, INC.
CONSULTING ENGINEERS

10540 York Road, Suite M
Baltimore, Maryland 21030

Phone: (410) 683-7094
Fax: (410) 683-1798



OWNER
Parcels 79 & 81
Lansdowne Building Limited Partnership
c/o Tate Andale Inc.
1941 Lansdowne Road
Baltimore, Maryland 21227-1707

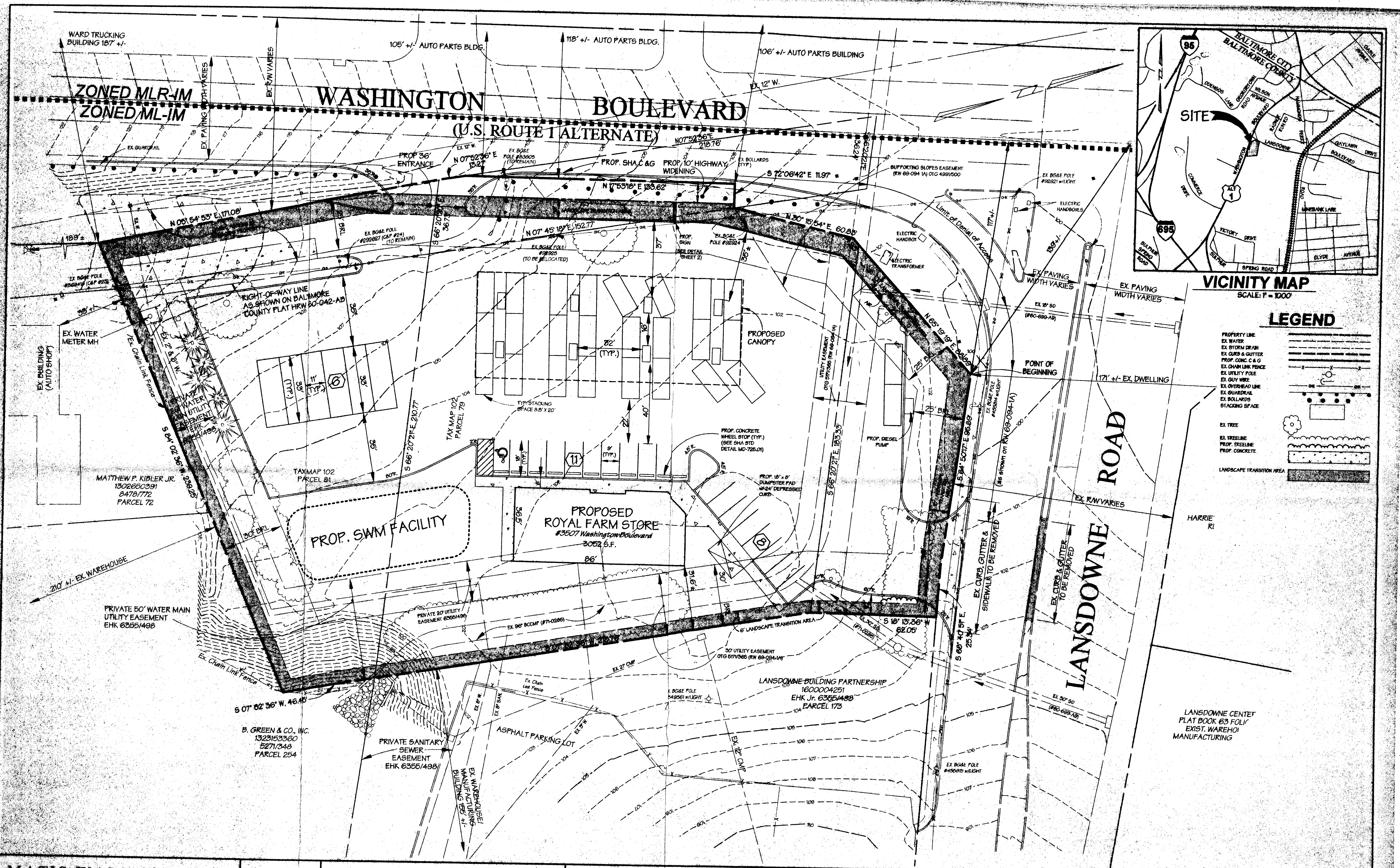
DEVELOPER
Cloverland Farms Dairy, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

SPECIAL EXCEPTION REQUESTED

A Special Exception to permit an automotive station in combination with a food store with a sales area larger than 15,000 S.F. [Section 405.4.E.1]

Plan to Accompany A Petition for Special Exception
ROYAL FARMS STORE
3505-3507 Washington Boulevard
Baltimore, Maryland 21227

Election District 13
Parcels 79 & 81
Scale: as shown
The Map 402
May 1, 2006
Sheet 1 of 3



MATIS WARFIELD, INC.
CONSULTING ENGINEERS

10540 York Road, Suite M
Hunt Valley, Maryland 21030

Phone: (410) 683-7004
Fax: (410) 683-1798



OWNER

Parcels 79 & 81
Lansdowne Building Limited Partnership
c/o Tate Andale Inc.
1941 Lansdowne Road
Baltimore, Maryland 21227-1707

DEVELOPER

Cloverland Farms Dairy, Inc.
3611 Island Avenue
Baltimore, Maryland 21211-2408
(410) 889-0200

SPECIAL EXCEPTION REQUESTED

Special Exception to permit an automotive station in combination with a food store with a sales area larger than 1500 S.F. [Section 405.4.E.1]

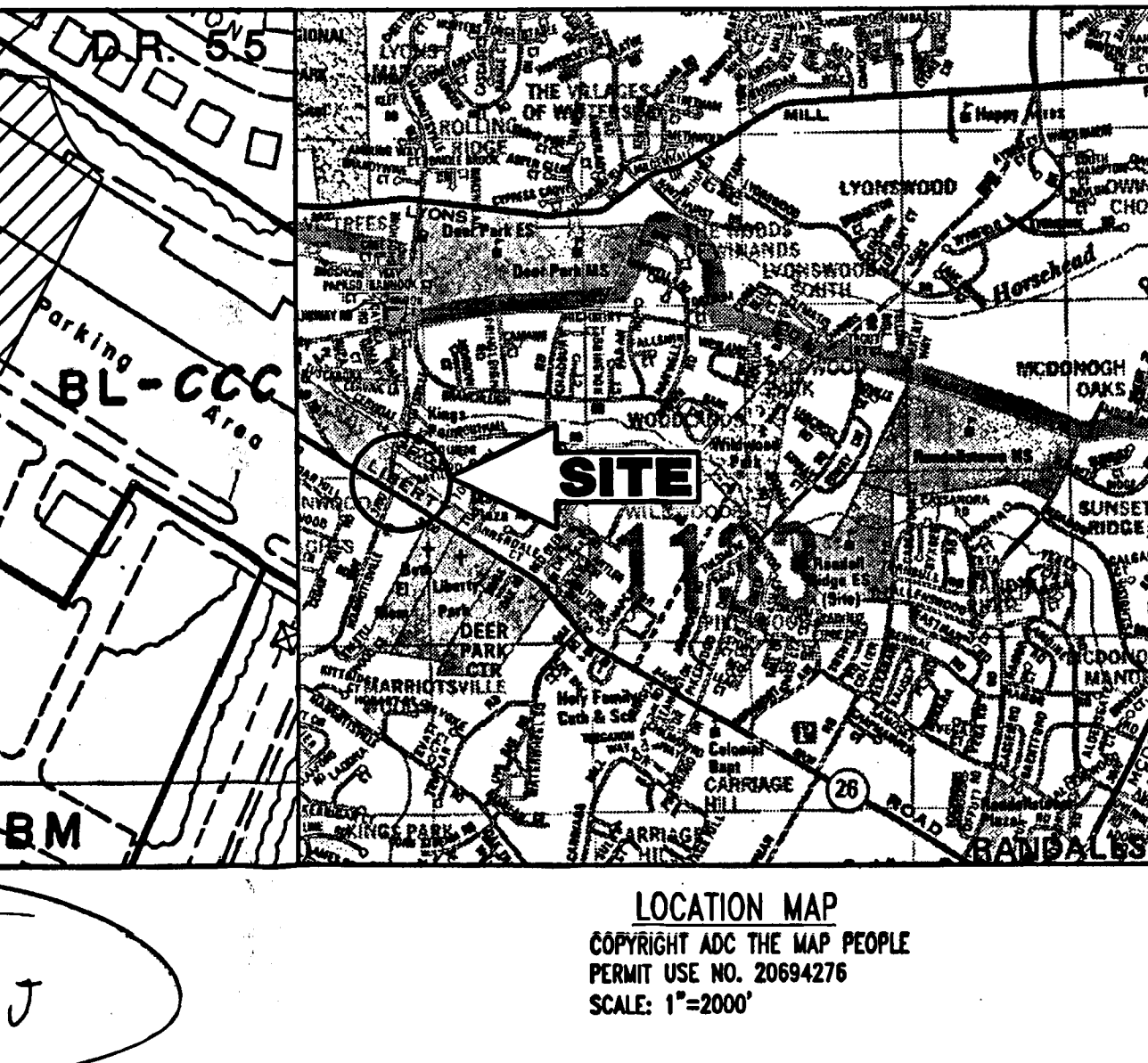
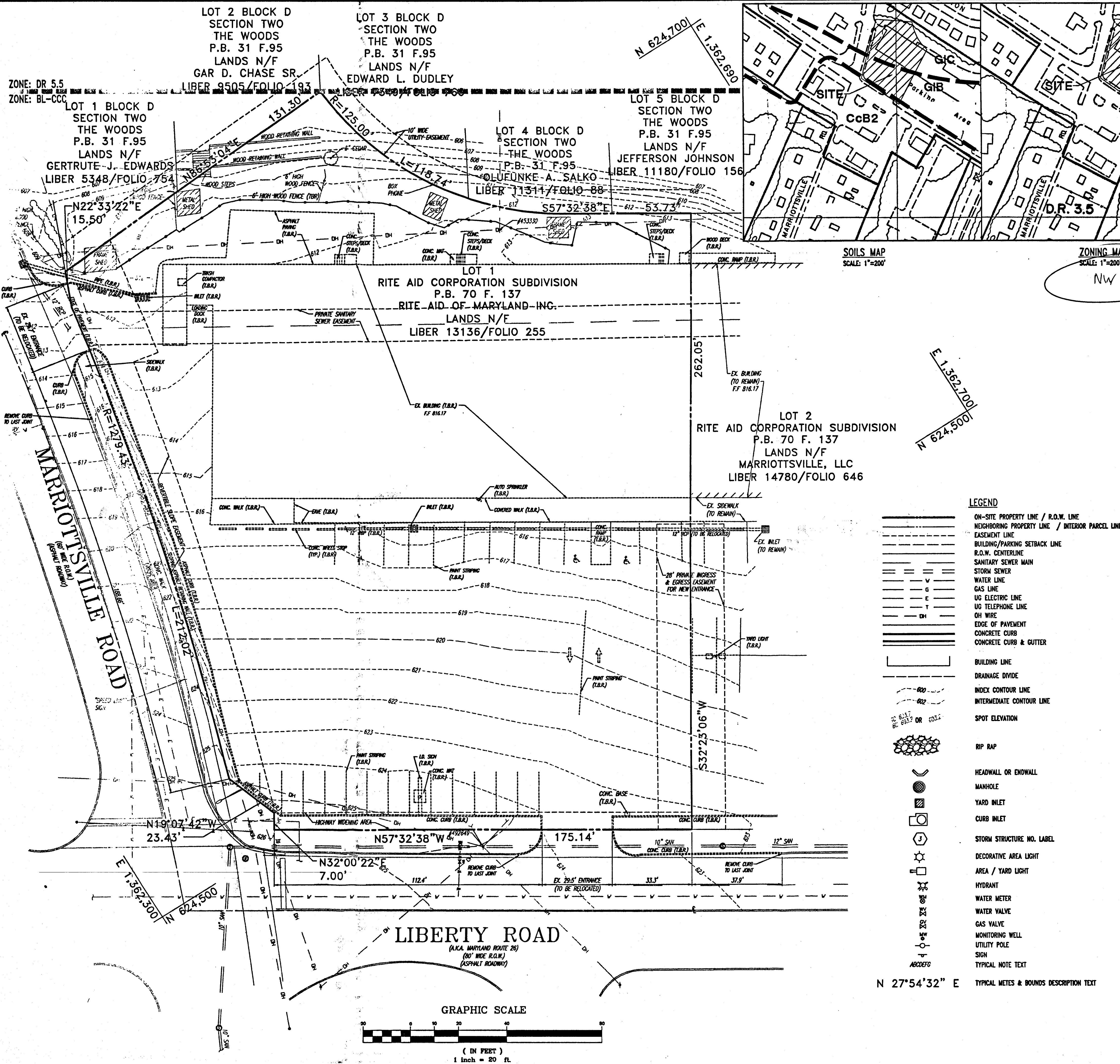
7/15/2000 Increase distance from pumps to parking spaces to 35' from 30' by slightly adjusting store location.
7/26/2000 Add two pump islands, make special exception area the entire site.

Plan to Accompany A Petition for A Special Exception

ROYAL FARMS STORE
3505-3507 Washington Boulevard
Baltimore, Maryland 21227

Election District 13
Parcels 79 & 81
Scale: 1" = 20'

Tax Map 102
May 1, 2000
Sheet 2 of 2



- NOTES:**
1. THIS PLAN IS BASED ON INFORMATION OBTAINED FROM A SURVEY PREPARED BY CONTROL POINT ASSOCIATES, INC. AND OTHER MATERIAL LISTED HEREON. FILE NO. CM01015, DATED 6-21-2001.
 2. THE PROPERTY KNOWN AS MAP 76, GRID 5, PARCEL 138, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP OF BALTIMORE COUNTY, MARYLAND.
 3. SITE AREA = 84,254 S.F. OR 1.429 ACRES ±
 4. LOCATION OF ALL UNDERGROUND UTILITIES ARE APPROXIMATE. ALL LOCATIONS AND SIZES ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND THE MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE AS-BUILT PLANS AND UTILITY MARK-OUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES.
 5. ELEVATIONS ARE BASED UPON NAVD 88 DATUM PER COUNTY BENCHMARK MONUMENT 488, ELEV=620.49
 6. PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREA OF MINIMAL FLOODING) PER REF. #2
 7. PROPERTY IS SUBJECT TO A PARKING EASEMENT PER REF #4, LIBER 6016 FOLIO 618.
 8. ALL EXISTING FEATURES TO BE REMOVED ARE DEPICTED WITH BOLD AND DASHED LINES.
- REFERENCES:**
1. THE OFFICIAL TAX MAPS OF BALTIMORE COUNTY, MARYLAND, MAP 76.
 2. MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS", PANEL 215 OF 575, COMMUNITY-PANEL NUMBER 240010 0215 B, EFFECTIVE DATE: MARCH 2, 1981.
 3. MAP ENTITLED "SECTION TWO, THE WOODLANDS", DATED MAY 26, 1966, RECORD PLAT 31-95.
 4. MAP ENTITLED "PLAN TO ACCOMPANY VARIANCE PETITION, RITE AID CORPORATION, MARIOTTSTVILLE PLAZA, 9860 LIBERTY ROAD, BALTIMORE COUNTY, MARYLAND" PREPARED BY WILLIAM MONK, INC., DATED OCTOBER 6, 1998
 5. MAP PROVIDED BY THE DEPARTMENT OF PUBLIC WORKS, SANITARY SEWERS KEY MAP, KEY MAP No. P-NW, REVISED APRIL, 1994.
 6. MAP PROVIDED BY THE DEPARTMENT OF PUBLIC WORKS, WATER KEY MAP, KEY MAP No. P-NW, REVISED SEPTEMBER 28, 1993.
 7. MAP ENTITLED "FINAL SUBDIVISION PLAT RITE AID CORPORATION, MARIOTTSTVILLE PLAZA, 9820 - 9880 LIBERTY ROAD" PREPARED BY APR ASSOCIATES, INC., LAST REVISED JULY 24, 1998, RECORD PLAT 70-137.
 8. LETTER FROM MARYLAND DEPARTMENT OF TRANSPORTATION STATING WIDTH OF ROUTE 26 TO BE 66 FEET, 33 FEET FROM CENTER OF ORIGINAL SURFACING.

- UTILITIES:**
- THE FOLLOWING COMPANIES WERE NOTIFIED BY DELMARVA MISS UTILITY SYSTEM (1-800-257-7777) AND REQUESTED TO MARK OUT UNDERGROUND FACILITIES AFFECTING AND SERVICING THIS SITE. THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON IS BASED UPON THE UTILITY COMPANIES RESPONSE TO THIS REQUEST. SERIAL NUMBER(S): 416458 & 416513
- | UTILITY COMPANY | PHONE NUMBER |
|---|----------------|
| BALTIMORE GAS & ELECTRIC | (410) 838-5000 |
| VERIZON | (800) 255-2355 |
| BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS | (410) 712-0202 |
| COMCAST CABLE T.V. OF BALTIMORE | (410) 931-4600 |

THESE PLANS ARE FOR SPECIAL EXCEPTION AND NOT TO BE UTILIZED FOR CONSTRUCTION

bp

1 W. PENNSYLVANIA AVENUE, SUITE 95
TOWSON, MARYLAND

BOHLER ENGINEERING, P.C.

• CIVIL & CONSULTING ENGINEERS •
• PROJECT MANAGERS •
• ENVIRONMENTAL & SITE PLANNERS •
• MUNICIPAL ENGINEERS •

• NEW JERSEY • NEW YORK •
• VIRGINIA • PENNSYLVANIA •
• MASSACHUSETTS • MARYLAND •

WWW.BOHLERENG.COM

• 810 G LENEAGLES COURT, SUITE 300 •
• TOWSON, MARYLAND, 21286 •
• (410) 282-7900 FAX: (410) 282-7907 •

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 6408 03438
MARYLAND LICENSE NO. 21545
DISTRICT OF COLUMBIA LICENSE NO. 18726
PENNSYLVANIA LICENSE NO. 000345-E
DELAWARE LICENSE NO. 18734

T. J. WESTIE

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 6408 03438
MARYLAND LICENSE NO. 21545
DISTRICT OF COLUMBIA LICENSE NO. 18726
PENNSYLVANIA LICENSE NO. 000345-E
DELAWARE LICENSE NO. 18734

SPECIAL EXCEPTION PLAN

4200 SERIES
WITH AN 8 MPD
DOMINO CANOPY

9860 LIBERTY ROAD

RANDALLSTOWN, MARYLAND 21133
BALTIMORE COUNTY

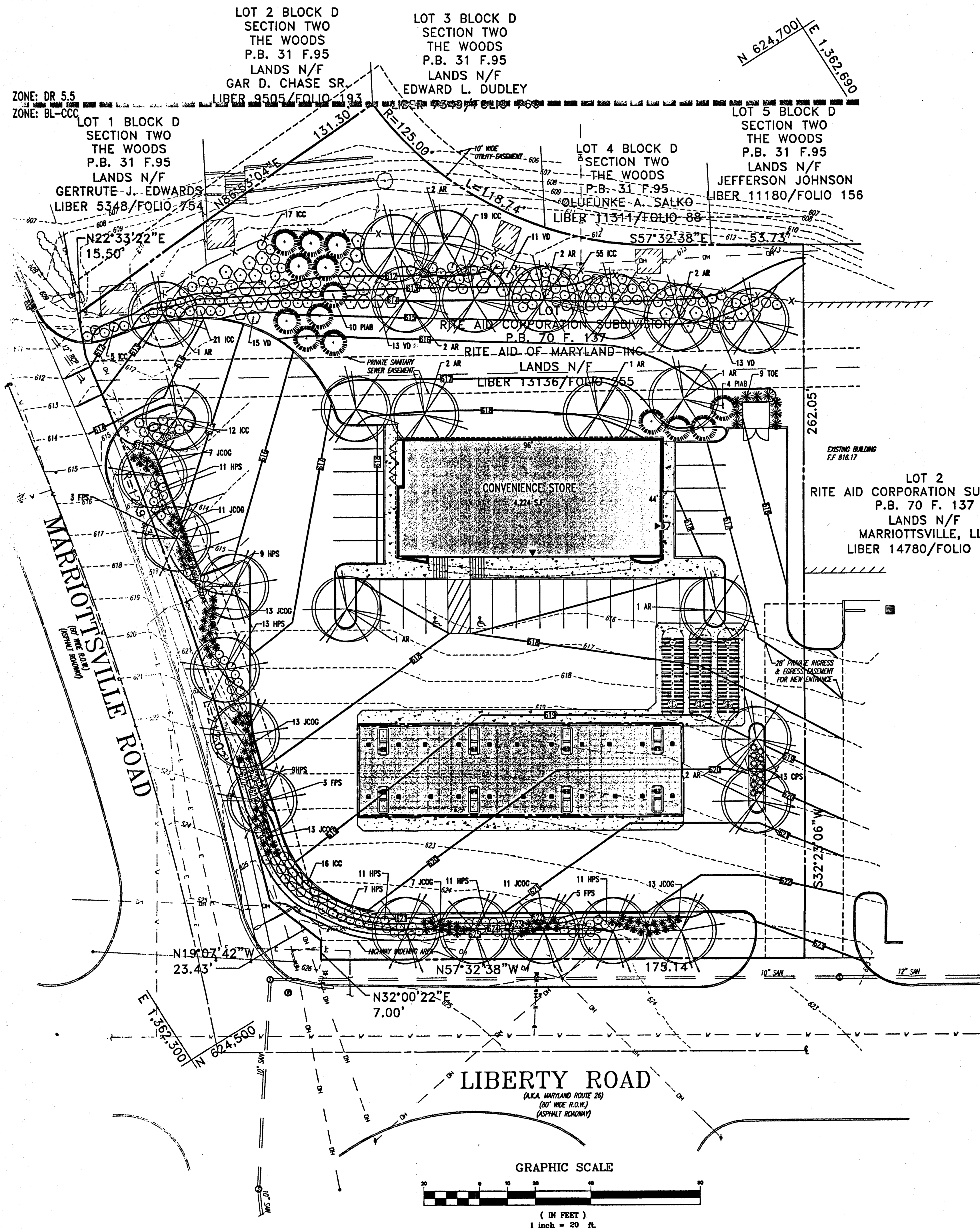
BP STORE # 17804

SCALE: 1"=20'
DATE: 1/14/02
DESIGNED BY: G.H.R.
DRAWN BY: R.L.B.
CHECKED BY: T.F.W.

EXISTING CONDITIONS PLAN

SHEET NO: 1

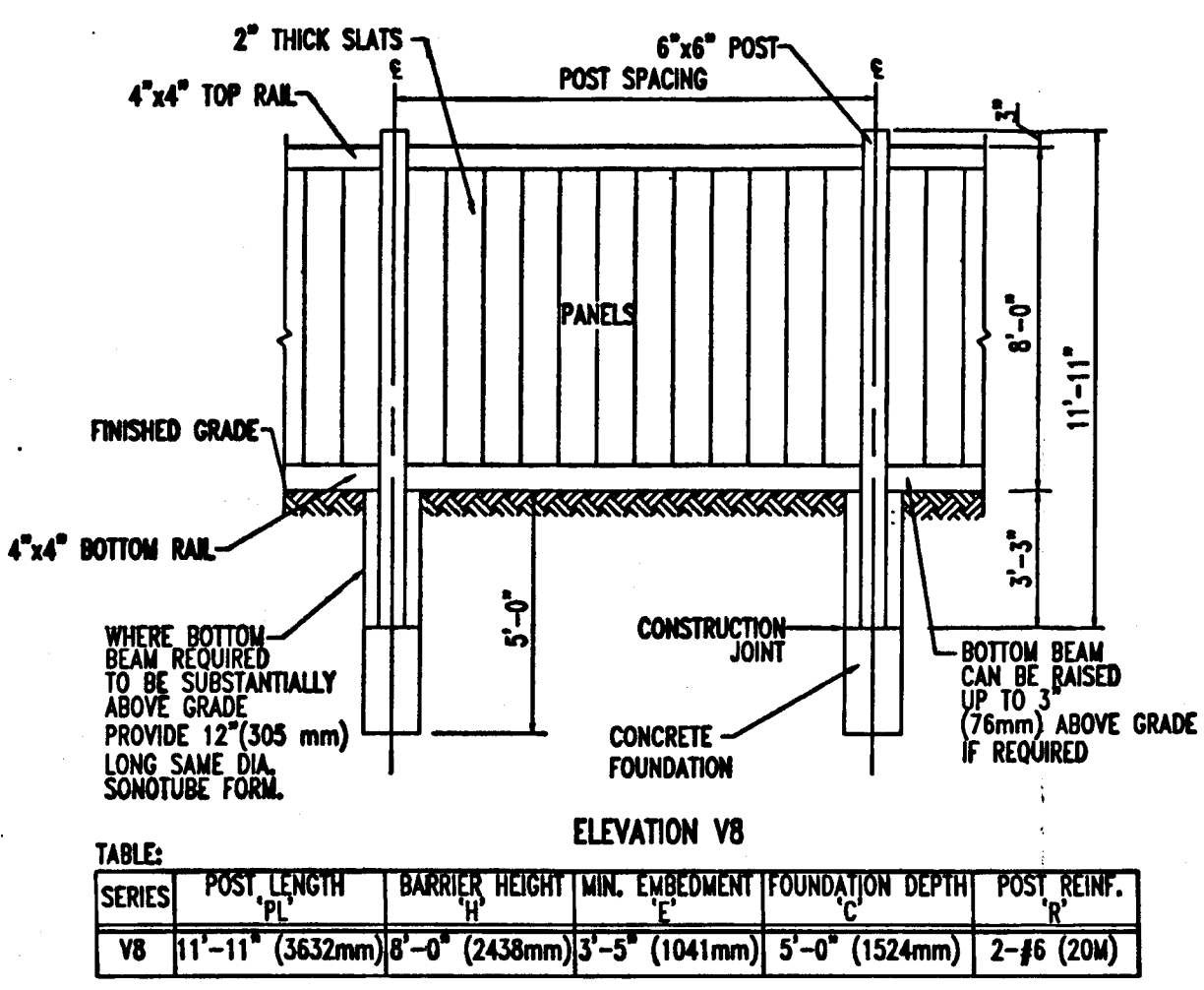
OF 4 REV. No.



REQUIREMENTS FOR PROJECT CONDITIONS		
REQUIREMENTS	CALCULATIONS (REQUIRED/PROPOSED)	COMPLIANCE
A.3. 1 PLANTING UNIT (PU) PER 40' OF ADJACENT ROADWAY.	LIBERTY ROAD: 199 L.F. REQUIRED: 5 PU PROVIDED: 5 FPS (5 PU)	COMPLIES
	MARRIOTTVILLE ROAD: 228 L.F. REQUIRED: 6 PU PROVIDED: 6 FPS (6 PU)	COMPLIES
B.2.A. RESERVE 7% OF THE PARKING LOT AREA FOR INTERIOR LANDSCAPING. PLANT AT 1 PU PER 12 PARKING SPACES.	PARKING AREA: 8,800 SQ. FT. REQUIRED 7%: 616 SQ. FT. PROVIDED: 787 SQ. FT. (9%)	COMPLIES
	TOTAL PARKING SPACES: 36 REQUIRED: 3 PU PROVIDED: 3 PU	COMPLIES
	*PLANT MATERIAL UTILIZED TO MEET REQUIREMENT.	
H. A CLASS "A" SCREEN IS REQUIRED FOR DUMPSTERS. THE FUNCTION OF "CLASS A" IS TO PROVIDE A VISUAL SCREEN WHICH WILL GIVE THE NEEDED LEVEL OF HEIGHT, DENSITY, AND OPACITY DEPENDING ON SITE CONDITION. 1 PU PER 15 L.F. OF THE AREA TO BE SCREENED.	LENGTH OF TRASH ENCLOSURE TO BE SCREENED: 30 L.F. REQUIRED: 2 PU PROVIDED: 6 TOE	COMPLIES
K.1&2. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANTING AREA IS REQUIRED ALONG THE ENTIRE PERIMETER OF AN AUTOMOTIVE USE. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 10' IF THE FUEL SERVICE STATION OR 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 3" HIGH YEAR-ROUND SCREEN AT MATURITY. ONE PU PER 15 L.F. OF THE AREA TO BE SCREENED.	LIBERTY ROAD REQUIRED: 10' TO R.O.W. PROPOSED: 10' TO R.O.W. MARRIOTTVILLE ROAD REQUIRED: 10' TO R.O.W. PROPOSED: 10' TO R.O.W. LIBERTY ROAD LENGTH OF ROW: 178 L.F. REQUIRED: 12 PU PROVIDED: 33 HPS, 31 JCQG (13 PU) MARRIOTTVILLE ROAD LENGTH OF ROW: 190 L.F. REQUIRED: 13 PU PROVIDED: 49 HPS, 57 JCQG (22 PU)	COMPLIES
K.3. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6' IN ALL SIDE AND REAR YARDS ABUTTING COMMERCIAL OR INDUSTRIALLY ZONED LAND, 10' IN ALL SIDE AND REAR YARDS ABUTTING RESIDENTIALLY ZONED LAND, AND SHALL BE VEGETATED AT THE RATE OF 1 PU PER 10'.	REQUIRED: 6' TO ABUTTING COMMERCIAL PROPERTY PROPOSED: 6' MINIMUM TO ABUTTING RESIDENTIAL PROPERTY PROPERTY LINE 10' ABUTTING RESIDENTIAL PROPERTY. PROPERTY LINE PERIMETER: 560 L.F. REQUIRED: 56 PU PROPOSED: 15 AR, 132 ICC, 14 PIAB, 52 VD, 16 MP, 13 CPS (41 PU)	COMPLIES

LANDSCAPE SCHEDULE				
KEY	QTY	BOTANICAL NAME	COMMON NAME	REMARKS
SHADE TREES				
AR	18	ACER RUBRUM	RED MAPLE	2 1/2-3" CAL. B+B
FPS	11	FRAXINUS PENSYLVANICA "SUMMIT"	SUMMIT GREEN ASH	2 1/2-3" CAL. B+B
EVERGREEN TREE				
PIAB	14	PICEA ABIES	NORWAY SPRUCE	6-7" B+B
EVERGREEN SHRUBS				
CPS	13	CHAMAECYPARIS PISIFERA "SUNGOLD"	SUNGOLD THREADED CYPRESS	15-18" SPRD. #3 CAN
ICC	145	ILEX CRENATA "COMPACTA"	COMPACT JAPANESE HOLLY	24-30" #3 CAN
JCQG	97	JUNIPERUS CHINENSIS "OLD COLD"	OLD GOLD JUNIPER	15-18" SPRD. #3 CAN
TOE	9	THUJA OCCIDENTALIS "EMERALD"	EMERALD GREEN ARBORVITAE	5-6" B+B
DECIDUOUS SHRUBS				
HPS	81	HYPERICUM PATULUM "SUNBURST"	SUNBURST ST. JOHNSWORT	18-24" #3 CAN
VD	52	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	3-4" B+B
PERENNIAL				
LM	50	LIRIOPE MUSCARI "BIG BLUE"	BIG BLUE LILYTURF	1 FT. CONTAINER

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



THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY

THESE PLANS ARE FOR SPECIAL EXCEPTION AND NOT TO BE UTILIZED FOR CONSTRUCTION

1 W. PENNSYLVANIA AVENUE, SUITE 95
TOWSON, MARYLAND

BOHLER ENGINEERING, P.C.

• CIVIL & CONSULTING ENGINEERS •
• PROJECT MANAGERS •
• ENVIRONMENTAL & SITE PLANNERS •
• MUNICIPAL ENGINEERS •

• NEW JERSEY • NEW YORK •
• VIRGINIA • PENNSYLVANIA •
• MASSACHUSETTS • MARYLAND •

• WWW.BOHLERENG.COM •

810 G LENEAGLES COURT, SUITE 300 •
TOWSON, MARYLAND, 21286 •
(410) 821-7900 FAX: (410) 821-7987 •

A.J. VOLANTH

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 0480 CS/08
MARYLAND LICENSE NO. E1348
DISTRICT OF COLUMBIA LICENSE NO. 10726
PENNSYLVANIA LICENSE NO. 048314-C
DELAWARE LICENSE NO. 10724

T.P. WHITTIE

PROFESSIONAL ENGINEER
VIRGINIA LICENSE NO. 0480 CS/08
DISTRICT OF COLUMBIA LICENSE NO. 10726

NO. DATE REVISION DESCRIPTION

CONCERN/CLARIFICATION STATEMENT:
The recipient of these materials understands that copyright in the materials is owned by BP, and also, that the materials contain privileged and confidential business information of BP. Accordingly, the recipient agrees to retain these materials in strict confidence and agree not to disclose these materials to any other party and further agrees not to make copies of the materials. The recipient agrees to use the materials only for the limited purposes for which BP has made the materials available, and recipient agrees to return all materials to BP after upon completion of the intended purpose or upon the request of BP, whichever comes first.

DEVELOPMENT INFORMATION:

SPECIAL EXCEPTION PLAN
4200 SERIES
WITH AN 8 MPD
DOMINO CANOPY

SITE ADDRESS:
9860 LIBERTY ROAD
RANDALLSTOWN, MARYLAND 21133
BALTIMORE COUNTY

BP STORE # 17804

SCALE: 1"=20' ALLIANCE TADAR: JL
DATE: 1/14/02 BP REPR: JB
DESIGNED BY: G.H.R. ALLIANCE PM: WS
DRAWN BY: R.L.B. CAD # M17012SS0
CHECKED BY: T.F.W. CAD # M0017012

DRAWING TITLE:
GRADING AND LANDSCAPE PLAN

SHEET NO:
3

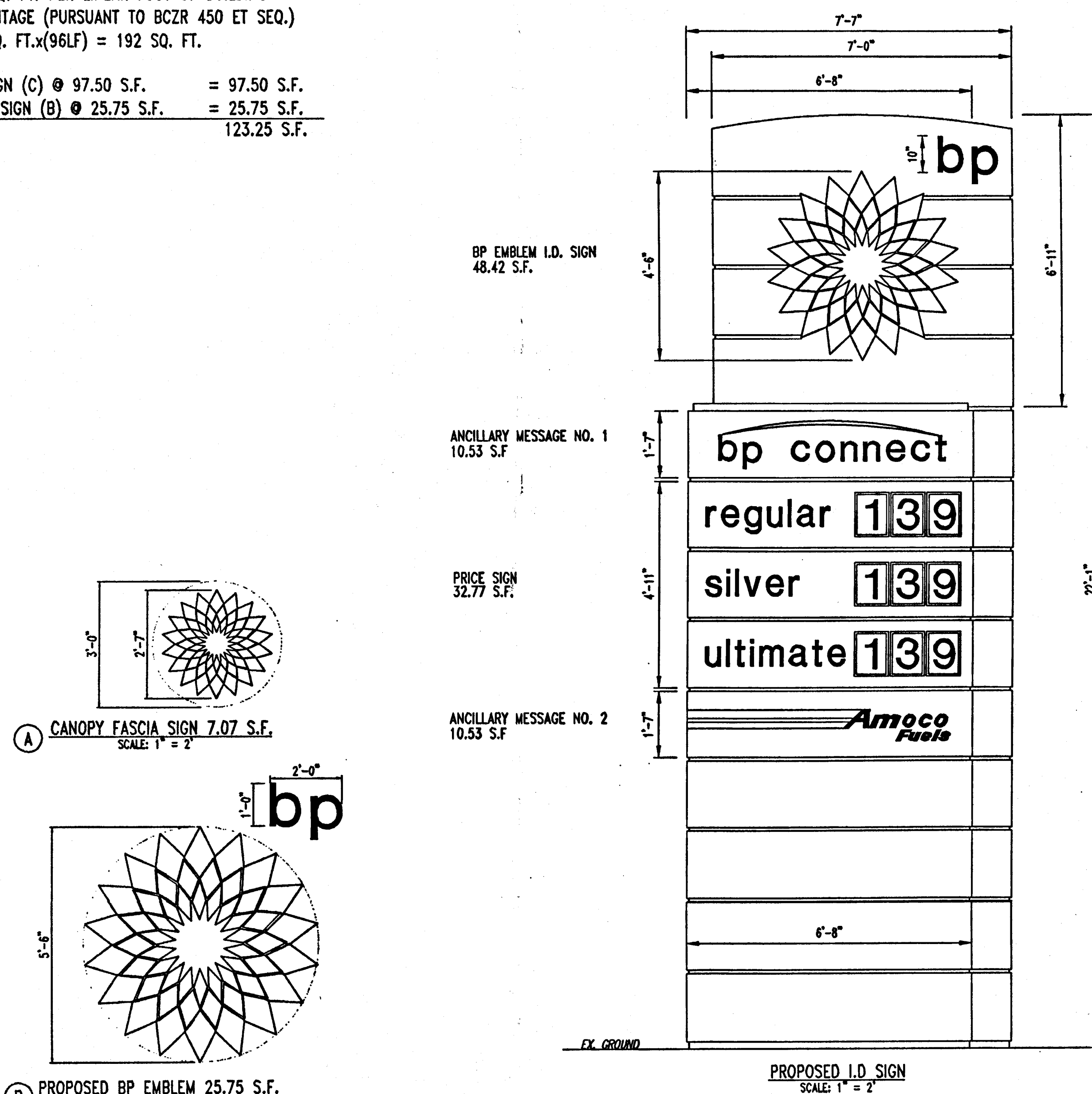
OF 4 REV. No.

SIGNAGE CALCULATIONS

- I. FREESTANDING ENTERPRISE SIGNAGE:
 A. PERMITTED: 75 SQ. FT. ON LIBERTY ROAD & 75 SQ. FT. ON MARIOTTVILLE ROAD (PURSUANT TO BCZR 450 ET SEQ.)
 B. PROPOSED:
 ONE FREESTANDING SIGN: ONE ON LIBERTY ROAD & ONE ON MARIOTTVILLE ROAD
 BP EMBLEM: 48.42 SQ. FT.
 BP CONNECT: 10.53 SQ. FT.
 AMOCO FUELS: 10.53 SQ. FT.
 PRICE: N/A
 TOTAL: 69.48 SQ. FT.

- II. SERVICE STATION/CANOPY ENTERPRISE SIGNAGE:
 A. CANOPY
 PERMITTED: SIX (6) SIGNS @ 25 SQ. FT. EACH (PURSUANT TO BCZR 450 ET SEQ.)
 PROPOSED: FOUR 7.07 SQ. FT. CANOPY FASCIA SIGNS

- III. WALL MOUNTED ENTERPRISE SIGNAGE:
 A. FRONT
 PERMITTED: 2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE (PURSUANT TO BCZR 450 ET SEQ.)
 2 SQ. FT.x(96LF) = 192 SQ. FT.
 PROPOSED:
 BUILDING SIGN (C) @ 97.50 S.F. = 97.50 S.F.
 BP EMBLEM SIGN (B) @ 25.75 S.F. = 25.75 S.F.
 TOTAL = 123.25 S.F.

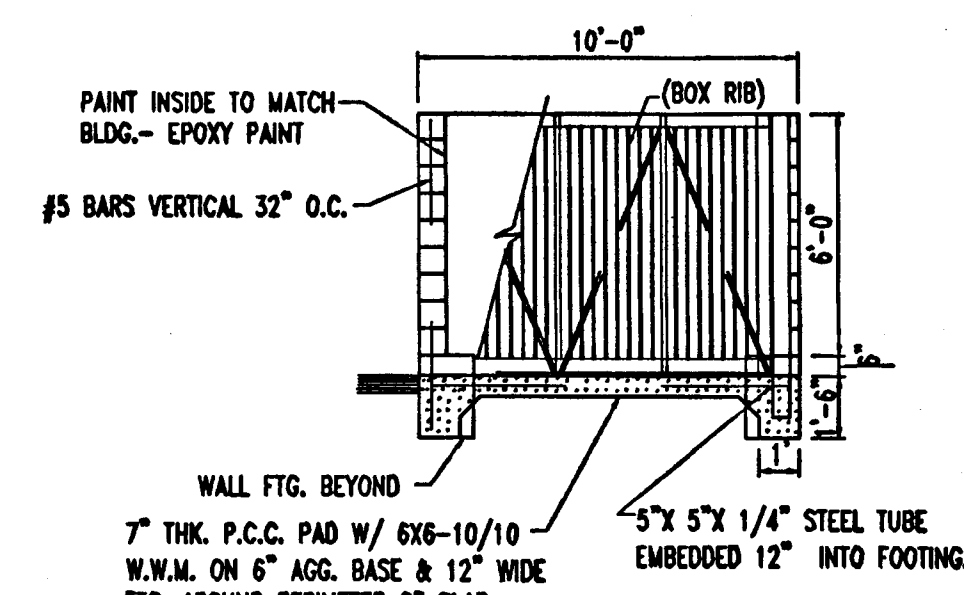
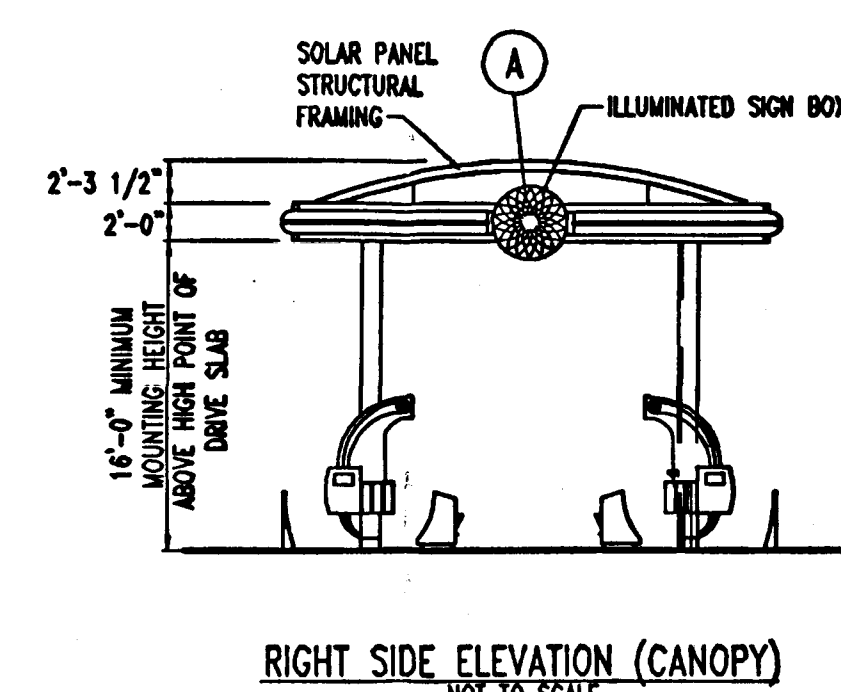
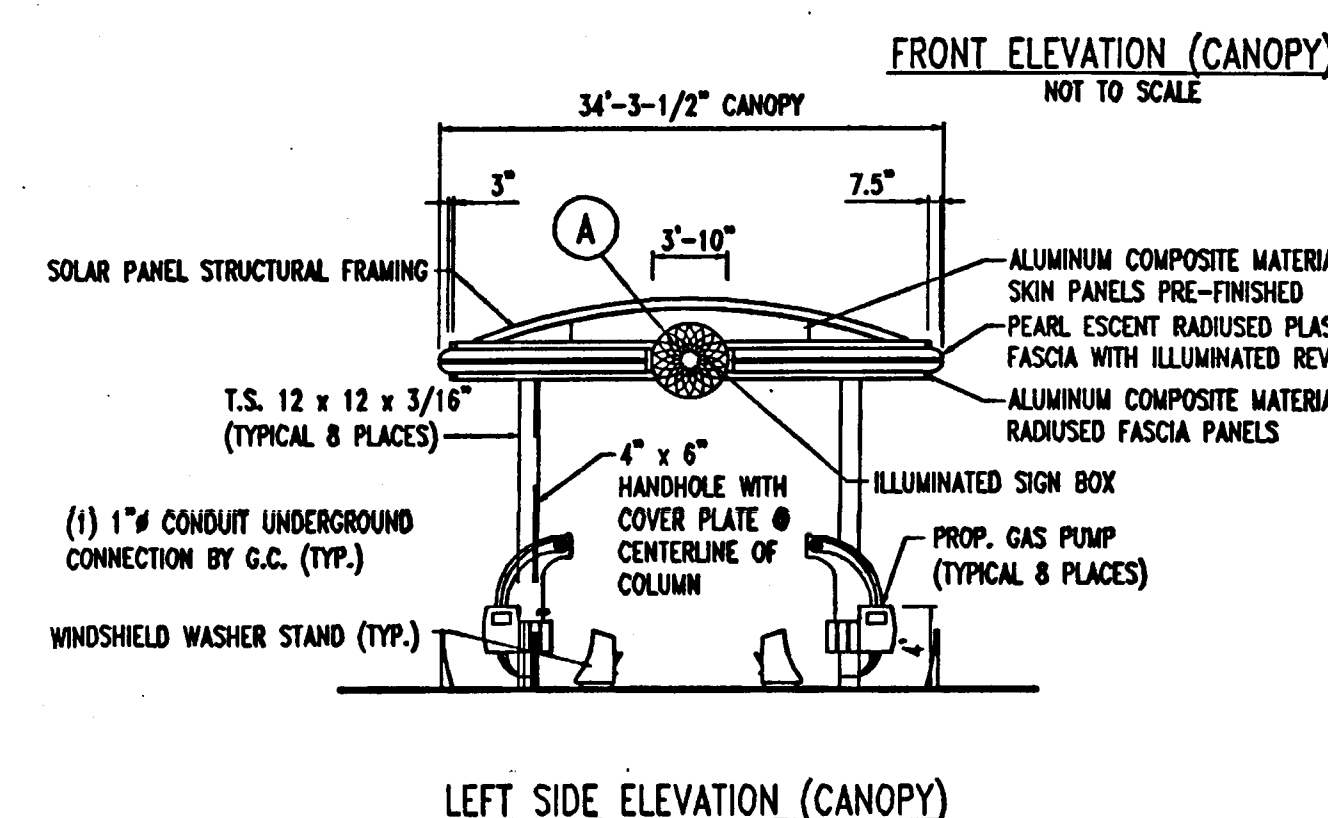
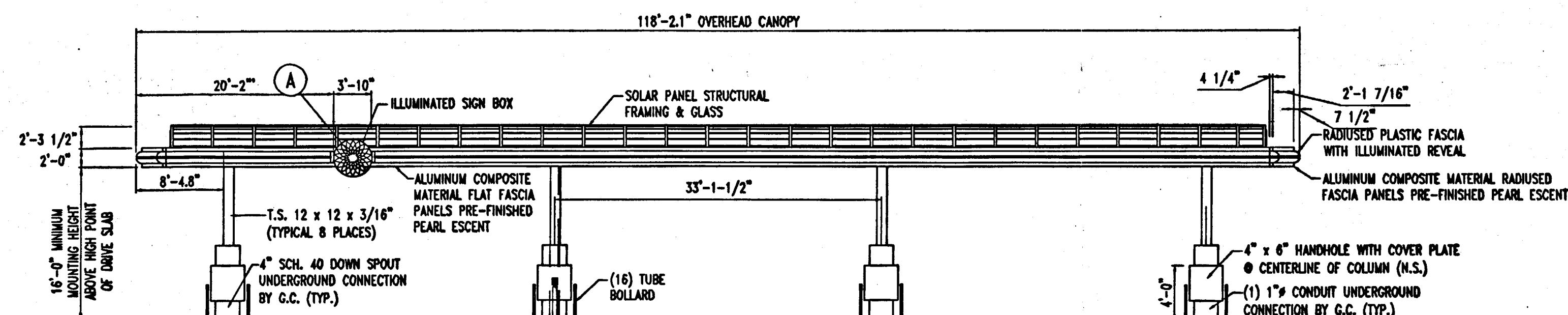
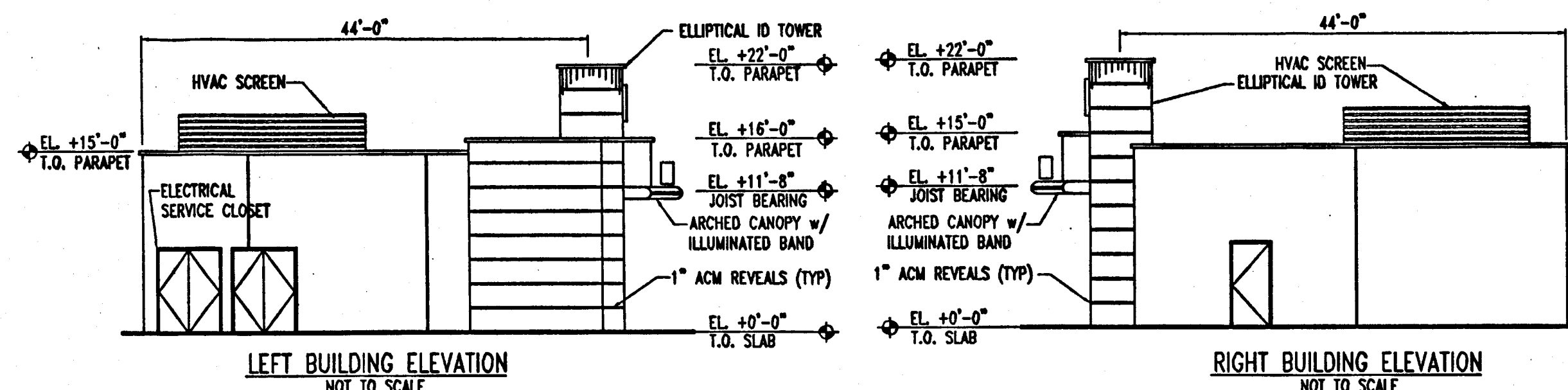
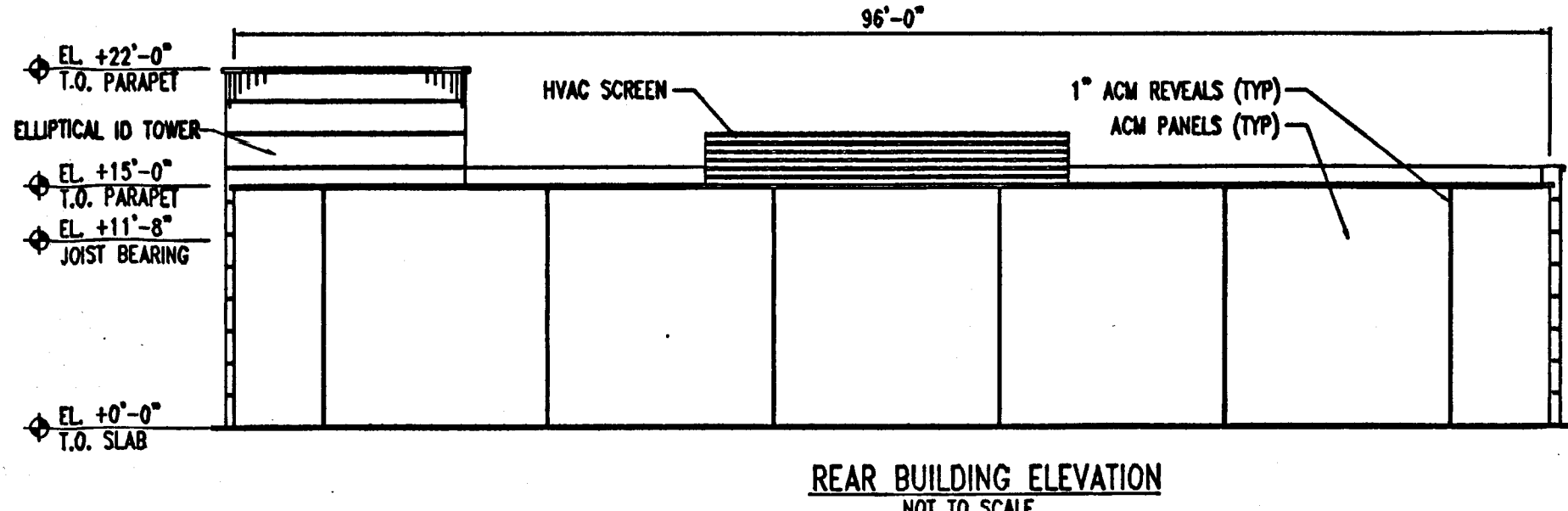
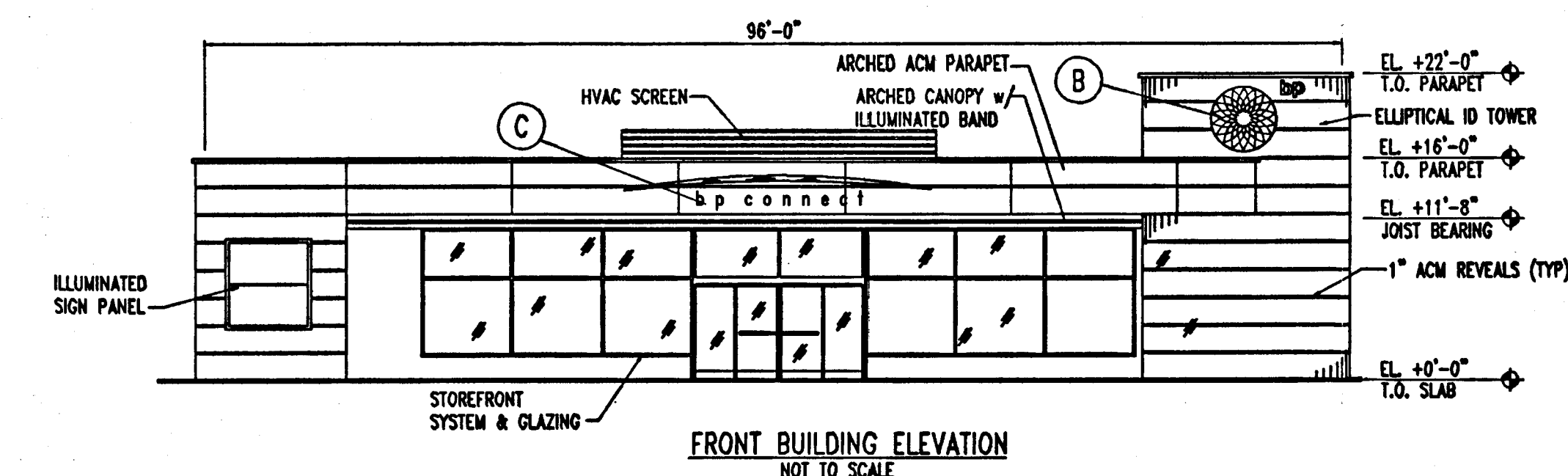


(A) CANOPY FASCIA SIGN 7.07 S.F.
SCALE: 1" = 2'

(B) PROPOSED BP EMBLEM 25.75 S.F.
SCALE: 1" = 2'



(C) PROPOSED BUILDING SIGN 97.50 S.F.
SCALE: 1" = 2'



TRASH ENCLOSURE DETAIL
NOT TO SCALE

bp
 1 W. PENNSYLVANIA AVENUE, STE. 95
 TOWSON, MARYLAND
BOHLER ENGINEERING, P.C.
 • CIVIL & CONSULTING ENGINEERS •
 • PROJECT MANAGERS •
 • ENVIRONMENTAL & SITE PLANNERS •
 • MUNICIPAL ENGINEERS •
 • NEW JERSEY • NEW YORK •
 • VIRGINIA • PENNSYLVANIA •
 • MASSACHUSETTS • MARYLAND •
 • WWW.BOHLERENG.COM •
 • 810 G LINDBERGERS COURT •
 • TOWSON, MARYLAND, 21286 •
 • (410) 821-7000 FAX: (410) 821-7087 •

A.J. VOLANTH
 PROFESSIONAL ENGINEER
 VIRGINIA LICENSE NO. 0402 031438
 MARYLAND LICENSE NO. 21342
 DISTRICT OF COLUMBIA LICENSE NO. 10728
 PENNSYLVANIA LICENSE NO. 040314-E
 DELAWARE LICENSE NO. 10734

T.F. WHITTE
 PROFESSIONAL ENGINEER
 MARYLAND LICENSE NO. 19152
 DISTRICT OF COLUMBIA LICENSE NO. 10728
 PENNSYLVANIA LICENSE NO. 040314-E
 DELAWARE LICENSE NO. 10734

CONFIDENTIALITY STATEMENT:
 The recipient of these materials understands that copyright in the materials is owned by BP, and that the materials contain privileged and confidential business information of BP. Accordingly, the recipient agrees to retain these materials in strict confidence and agrees not to disclose these materials to any other party and further agrees not to make copies of the materials. The recipient agrees to use the materials only for the limited purpose for which BP has made the materials available, and recipient agrees to return all materials to BP either upon completion of the intended purpose or upon the request of BP, whichever comes first.

SPECIAL EXCEPTION PLAN
 4200 SERIES
 WITH AN 8 MPD
 DOMINO CANOPY

SITE ADDRESS
 9860 LIBERTY ROAD
 RANDALLSTOWN, MARYLAND 21133
 BALTIMORE COUNTY

BP STORE #17804

SCALE: 1"=20'	ALLIANCE ZONE: J.F.
DATE: 1/14/01	BP REF: J.B.
DESIGNED BY: G.H.R.	ALLIANCE PM: M.S.
DRAWN BY: R.L.B.	CAD #: M1701250
CHECKED BY: T.F.W.	JOB #: WD017012

ELEVATIONS