8/5/02

IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
N/S Red Run Boulevard, W/S Church Road & approximately	*	DEPUTY ZONING COMMISSIONER
1000' S Pleasant Hill Road	*	OF BALTIMORE COUNTY
4th Election District		
3rd Councilmanic District (11050 Red Run Boulevard)	*	CASE NO. 02-344-XA
	*	
Red Run Associates, LLC, *Legal Owner* **and** BP Corporation, *Contract Purchaser/ Lessee*	*	
Petitioners	*	

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception and Variance filed by the legal owner of the subject property, Red Run Associates, LLC and the contract purchaser/lessee, The BP Corporation, requesting a special exception to approve a fuel service station use in combination with a convenience store/carry-out restaurant/rollover car wash and ancillary use ATM machine. In addition, variance relief is being requested to permit 80.01 sq. ft. of freestanding signage on Pleasant Hill Road in lieu of the required 75 ft. The petitions were prepared and filed by David K. Gildea, attorney at law, representing the Petitioner.

Appearing at the hearing in support of the zoning relief were David Scheffennecker. Jr., Alfred Barry, III, Ken Schmid, Mike Ulrich, Joseph Cronyn, Jeff Bainbridge and Greg Reed. David Gildea and Sebastian Cross, attorneys at law, appeared representing the Petitioner. Appearing in opposition to the Petitioner's request were Jeff Long, a representative of the Office of Planning and William Jones, a representative of the Department of Economic Development. Mr. Les Pittler, attorney at law, appeared representing Robert Begleiter.

8/5/02 H. Jameson

Testimony and evidence indicated that the property, which is the subject of this special exception and variance request, is located on the northwest corner of the intersection of Pleasant Hill Road and Red Run Boulevard in Owings Mills. The subject property is zoned ML-IM. The subject property comprises 6.519 acres of land out of which the Petitioner proposes to develop approximately 1 acre. The Petitioner, The BP Corporation, is interested in developing the site with a fuel service station, along with a 4,224 sq. ft. convenience store and a 792 sq. ft. car wash. The particulars of the manner in which the Petitioner proposes to develop the property are more particularly shown on Petitioner's Exhibit No. 1, the site plan of the property.

As was testified to at the hearing, the property proposed to be developed is known as "Lot 5, Riparius Center at Owings Mills". It is but one lot of a larger overall corporate office park, which comprises a portion of the Red Run Employment Corridor. The subject property has been set aside as a major corporate office park through which the county has installed a road network and underground utilities to support same. This particular developer owns approximately 100 acres of this overall corporate office park. They have lots ranging in size from 4 to 40 acres, all of which are available for sale or lease. They are interested in locating the subject fuel service station on this lot

As stated previously, Mr. Jeff Long, a representative from the Office of Planning, appeared and testified in opposition to the Petitioner's request. Mr. Long indicated that his office opposes this particular location for this use. This particular corner is the gateway to the Red Run Boulevard Corridor and is a highly visible and very prominent parcel of land. The Office of Planing envisions the subject property as being developed with a Class A office building serving as the corporate headquarters for a local or national business entity. Mr. Long indicated that his office believes this use is something that is needed within this corporate park,

however, such use would be more appropriate on a parcel of land elsewhere within the park itself. There are other lots owned by this developer that the Office of Planning would support for this particular user. However, they strongly object to locating this particular business on this corner.

Also testifying in opposition to the Petitioner's request was William Jones, representing the Department of Economic Development. Mr. Jones agreed with the Office of Planning and indicated that the subject parcel is the gateway to this corporate office park and is a highly visible and prominent corner. In the opinion of his office, this corner should not be developed with this particular use. The Department of Economic Development would prefer that this use be located elsewhere within the park.

After considering the testimony and evidence offered at the hearing, both in support and in opposition to this particular request, I find that the development of this particular parcel of property with a fuel service station use in combination with a convenience store and rollover car wash would have a greater detrimental impact on the surrounding neighborhood at this location as opposed to another site located within the ML-IM zone. Given that the use would have a greater detrimental impact at this location, the special exception request must be denied. The Petitioner should investigate situating this particular use on another parcel of land located within this corporate office park. I believe this particular use is a necessary component to a successful office park; however, it should be situated on a different parcel of land.

THEREFORE, IT IS ORDERED this 5th day of August, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for Special Exception, to approve the use of the subject property as a fuel service station use in combination with a convenience store/carryout restaurant, rollover car wash, and ancillary use ATM machine, be and is hereby DENIED.

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IT IS FURTHER ORDERED, that the Petition for Variance, to permit 80.1 sq. ft. of freestanding signage on Pleasant Hill Road in lieu of the required 75 ft., be and is hereby DENIED.

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

IN THE MATTER OF THE APPLICATION OF RED RUN ASSOCIATES LLC –LEGAL OWNER; **BP CORPORATION**–CP FOR SPECIAL EXCEPTION AND VARIANCE ON PROPERTY LOCATED ON THE N/S RED RUN BOULEVARD, W/S CHURCH ROAD AND APPROX. 1000' S PLEASANT HILL ROAD (11050 RED RUN BOULEVARD) 4TH ELECTION DISTRICT 3RD COUNCILMANIC DISTRICT	* * * * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 02-344-XA

* * * * * * * * *

OPINION

This case was appealed to the Baltimore County Board of Appeals from a decision of the Deputy Zoning Commissioner in which Petitions for Special Exception and Variance were denied on the subject property at 11050 Red Run Boulevard, Owings Mills, MD, 4th Election District, 3rd Councilmanic District.

The case was heard "de novo" over two days in public session. The Appellant /Petitioner, Red Run Associates LLC and BP Corporation, Legal Owner, was represented by Sebastian A. Cross, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the case, along with Leslie M. Pittler, Esquire, who represented the Protestants.

Briefs were filed by all parties in lieu of closing argument. Public deliberation was held on June 19, 2003.

Mr. John Lombardo was the first witness for the Petitioner. He has been the zoning/development manager for the Petitioner for a number of years and has developed similar projects for them in Maryland, including ten in Baltimore County. He described the site and the reasons why it is favorable for the Petitioner: (1) there is a strong work force in the area; (2) there is public visibility; (3) there is a viable intersection; and (4) there are viable in-and-out possibilities. The proposed store is 4,250 square feet. It would sell convenience-type goods – sodas, sandwiches, automobile merchandise, cigarettes, buns and coffee carryout. Sales of cigarettes would constitute the bulk of convenience items sold. He

estimated a two-thirds to three-fourths linkage with gasoline sales, with 25 percent usage on the convenience store side.

There would be seven gas pumps, with 14 fueling positions under a canopy, plus a car wash. He stated that this was not a food store, but more in line with a 7-Eleven type convenience store, designed for impulse, quick "in-and-out" type of patrons. Bakery goods would be made fresh on the premises from pre-mixed dough. The store would have an area for seating customers. The specific market area is the Red Run Employment Corridor.

On cross-examination Mr. Lombardo cited one Amoco station similar to the BP station proposal, but indicated that the proposal before the Board would constitute the largest BP store so far in the area. He compared the proposed store to an Exxon "Tiger" facility at York and Warren Roads, although he did not know the exact dimensions of that store. The witness acknowledged that most existing convenience stores are about 2,500 square feet, but he opined that the industry is moving in the direction of larger stores. The Petitioner presently has a contingency contract on the site, subject to zoning approval.

Mr. David Scheffenacker, president of Preston Partners, introduced Petitioner's Exhibit No. 1, a rendering of the site. He described the Red Run Corridor site in detail and stated that the Developer has already spent $25 million in the area, with a general vision to develop Class "A" office buildings. (Petitioner's Exhibit No. 2) He opined that the proposed BP project would fit in with the general character of the area and that its basic usage would come from tenants of the Employment Corridor.

He described the I-795 corridor with the developed area shown in green on the exhibit. The proposed site is a small corner property, which Mr. Scheffenacker called a "leftover piece" in which a convenience store would fit well with the surrounding environment. The property is midway in the business corridor, convenient for the local employers and keeping employees close to their work place. The witness opined that, if approved, appropriate landscaping would be installed and that the totality of the proposed project would blend in with the surrounding community.

On cross-examination the witness testified that he is a real estate broker and the Petitioner has used his firm for all Maryland-based consultations. Mr. Scheffenacker acknowledged that it is possible to build a commercial office building of approximately 55,000 square feet on the site (Petitioner's Exhibit 3)

which contains 6.5 acres. However, to a great extent, the 1.5 acres of wetlands on the site control land usage. In his opinion, the Petitioner's proposal is a proper land use; however, if denied the special exception, the Developer would build a commercial office building on the site.

On re-direct, Mr. Scheffenacker opined that the facility would principally serve the Employment Corridor area during the hours of 8:00 a.m. to 5:00 p.m. He had no opinion as to usage after 5:00 p.m. or on weekends.

The Petitioner's next witness, Mr. Gregory Reed, has been employed by BP as a civil engineer in site development for the past 12 years. He stated that he has considerable familiarity with the *Baltimore County Zoning Regulations* as well as the site. He described the Corridor (Petitioner's Exhibit #3), the M.L.-I.M. zone, and the properties on both sides of the Corridor. He prepared Petitioner's Exhibit #5, the Site Plan, and described the proposed plans with two entrances on Red Run Boulevard and one entrance from Pleasant Hill Road.

The station would have a standing canopy located on the northwest corner of the property and a car wash with stacking. He presented Petitioner's Exhibit #6 which showed the proposed landscaping plans and he stated that the plan satisfied County screening requirements.

Mr. Reed also described the general topography and the natural buffer. The proposed development would involve only 1.4 (+/-) acres of the entire 6.5 acres, with very little tree removal. All setback requirements would be satisfied. The witness went through the litany of Baltimore County's zoning regulations and § 502.1. He saw no negative impacts as each item was recited.

Also discussed by the witness was the sign variance request. The permitted square footage is 75 feet. The Petitioner has requested 80 feet to alert customers to the three facilities on site: gas, convenience store goods and the car wash.

Next Kenneth Schmid was accepted as an expert in traffic engineering. Retained by the Petitioner to examine the traffic flow in the area, he introduced Petitioner's Exhibit #8, "Functional Road Classification Map" which he had prepared. He explained and reviewed the arterial roads in the area and the collector roads. Red Run Boulevard, he stated, is an arterial road to service the Corridor, and Pleasant Hill Road is a collector road.

A traffic study (Petitioner's Exhibit #9) and report (Petitioner's Exhibit #10) were introduced which presented an analysis of traffic to and from in the area, comprised of one hour in the morning (7:30 a.m. – 8:30 a.m.) and one hour in the afternoon (4:45 p.m. – 5:45 p.m.). Using license plates to identify the various vehicles, Mr. Schmid summarized that 74 percent of those vehicles entering the Corridor stayed in the Park. Inasmuch as the store would be a typical convenience store used by patrons for get in /get out purchases, he saw no adverse traffic conditions stemming from the Petitioner's proposal. The roadway system, as an isolated corridor, would support the Petitioner's proposal and the site provides good traffic flow.

On cross-examination, the witness noted that one study was conducted on June 3 in the a.m. hours and another on June 10 in the p.m. hours. Some vehicles were missed in the study because they were going too fast to capture their license plate numbers. Weekend traffic was not considered in the study.

Mr. Joseph Cronyn, with the firm of Lipman, Frizzell, and Mitchell, and a real estate consultant for 36 years, was accepted as an expert in real estate marketing and research. In his study (Petitioner's Exhibit #12), he ascertained the origin of customers for a convenience store /gas facility at the proposed site. He outlined the area on the site plan in green. His analysis was based on market research principles, dependent on a number of factors, such as drive time, physical barriers, and road system. This site was, in his opinion, an appropriate one for the proposal because of its placement on the Red Run Boulevard, just off a major interstate highway system and drawing a considerable amount of Employment Corridor traffic. Red Run Boulevard features the entrances /exits and provides the in-corridor patrons access for the store. The only other access road is Pleasant Hill which, past Red Run Boulevard, requires passage over a one-lane bridge to Owings Mills. The primary factor was that Red Run Boulevard dominates the Corridor, designed to serve the employment area and connect to I-795. It was, as he described, "an island by design." It was the expert opinion of the witness that people will not drive out of their way for convenience goods. Convenience stores thrive on "pass-by traffic," and that this was an excellent location for such an operation.

Cross-examination was directed to the abundance of nearby facilities, with at least eight similar stations along Reisterstown Road and four along Liberty Road. Cronyn felt that frequenters of the Red Run Corridor would not leave the Corridor to use these facilities.

Petitioner's Exhibit No. 11, developed by the witness, is a study of existing and planned development in the Red Run Corridor. Mr. Cronyn estimated that the average square footage of 250 square feet per employee would result in a population of 5600 employees in the Corridor on a daily basis with a 1/3 build-out factor; at final build-out there would be 4 million square feet of space with 16,000 workers. This was based on the 9:00 a.m. to 5:00 p.m. workday, with many workers working varied hours, many after 5:00 p.m.

To further support his opinion Mr. Cronyn referred to Petitioner's Exhibit # 12, the Lipman-Frizzell study delineating where most convenience store customers originate and a profile of the average customer. With increasing demands on time, customers want more "time efficient" shopping, "in and out service" – quite suitable for workers going to and from work. There would be no adverse impacts, in Mr. Cronyn's opinion, and new businesses, looking to locate in the park, would welcome such a store.

On cross-examination by Mr. Zimmerman, Mr. Cronyn agreed that the Master Plan describes the Red Run Corridor as "a premier office area." He also agreed that Petitioner's Exhibit #11 showed 16 office buildings constructed to date.

Mr. Alfred Barry III, of A.B. Associates, was accepted as an expert in planning. He spoke first to Petitioner's Exhibit No. 13, the Baltimore County Master Plan. He described the boundaries at the proposed site, how the Master Plan calls for auxiliary services. and the differences between primary and auxiliary services. He also testified concerning the current 5,000-employee base in the Corridor. He projected 16,000 in the future. The proposed facility would serve customers employed nearby because of the ease with which they could come and go within the Corridor. The witness opined that the County requires such facilities to request a special exception. His visit to at least two other such convenience stores approved for a special exception on Crondall Lane and Beaver Dam Road affirmed his opinion that they were analogous to the one being proposed, with similar employment areas. He did not understand

Baltimore County's position that this facility on this site would be detrimental. In conclusion, he recited the elements of BCZR § 502.1 and found no adverse impacts.

On cross-examination the witness acknowledged that the square footage of the Crondall Lane and Beaver Dam Road sites is less than the BP proposal, with no seating arrangements, and that convenience stores and restaurants are different types of facilities. He indicated that he was familiar with only one or two other delis in the Corridor but he was not sure if they are restricted to the office tenants. There is also an Exxon Tiger Mart at Owings Mills, not far away, but he did not know its square footage.

Mr. Barry stated that the proposed BP station will be used primarily by the employees in the Red Run Corridor. On cross-examination by Mr. Zimmerman, he also agreed that such a use in this zone must serve "industrial uses," and this area is dominated by office usage.

The Petitioner thereupon rested his case in chief.

Mr. Jeffrey Long, an employee with the Baltimore County Office of Planning and Chief of the /Development Review Section involving special exceptions, testified against the proposal. He cited People's Counsel's Exhibit No. 1, the correspondence from the Planning Office opposing the station and accessories. Mr. Long described the area as primarily a special employment area in Baltimore County. He opined that the Baltimore County Government had spent millions of dollars on the Corridor to develop a high-class office complex with 16 buildings completed and more on the drawing board. He described one requested zoning change during the 2000 Comprehensive Map Process in which a B.L.-A.S. (fast food-gasoline station) request was denied by the County Council on a 2.8 acre parcel directly across from the subject site.

Mr. Long did not agree that the proposed operation was comparable to other similar food /gas stations in the County. He described his familiarity with a station located on Beaver Dam Road and the volume of traffic there created by the Genstar Company. Furthermore that service station predated the Hunt Valley complex and is in the vicinity of a quarry operation and the Texas Landfill. He also described other sites in the County that have similar types of operations as those proposed. Mr. Long disagreed with Mr. Barry's conclusion that the proposed station was consistent with Baltimore County's Master Plan.

People's Counsel's Exhibit # 2 (Master Plan 2010, pp 175-176) was discussed in detail by the witness, and in particular the many adverse conditions present with the BP proposal, which Mr. Long opined were more negative here than elsewhere. Alternatively, an office complex built here would be in concert with the Master Plan. He concluded that the huge expenditure of public funds to develop a super office complex was similarly compatible with that Master Plan.

Mr. Robert Pritchard, 10999 Red Run Boulevard, testified. For 3½ years he has operated the Red Run Deli which is diagonally opposite the proposed BP site. He described the basic office park environment of the Red Run Corridor and that, in his opinion, the proposed use was not permitted under the M.L.-I.M. zone. A considerable portion of his testimony was directed at the fact that he wanted to limit the amount of competition in the Corridor relative to deli operations.

Mr. William P. Jones, Baltimore County Department of Economic Development, also testified concerning the comments made by his Department to Mr. Jablon relative to the compatibility of the subject proposal with the Master Plan 2010 (Protestants' Exhibit No. 2.) It was his testimony that the Red Run Corridor was designed by the County to be a high-class office complex employing many people with skilled or semi-skilled talents. He felt that the proposed project ran afoul of the Baltimore County Master Plan; and that the proposed park (Red Run Employment Center) was quite different from Hunt Valley or White Marsh in that there were more manufacturing and retail operations in those parks than contemplated for Red Run.

The Board also heard testimony from several local residents who opposed the Petitioner's Special Exception request because of adverse traffic considerations, They also emphasized the need to protect the businesses on Reisterstown and Liberty Roads where the County is encouraging older, established firms in its revitalization efforts, but not encouraging similar businesses in the office park itself.

Protestants rested their case.

The facts of the case are relatively simple. The Petitioner /Appellant is BP Corporation. Their proposal is for a fuel service station to be located at the northeast intersection of Red Run Boulevard and Pleasant Hill Road in the Owings Mills area of Baltimore County. It is undisputed that the proposed site is zoned M.L.-I.M. and exists in the Red Run Employment Corridor which is part of the Owings Mills

Growth Area (reference Baltimore County Master Plan 2010). In addition to seven multi-product dispensers (14 pumps), a connecting convenience store and car wash are also being proposed. The *Baltimore County Zoning Regulations* (BCZR) do permit a fuel service station at the site as "auxiliary retail uses by special exception, due to the 'I.M. overlay' for this zone" (BCZR 253.2.B.1; 450.2.B.1). However, before being classified as an auxiliary retail use, the Petitioner must establish that the station "will primarily serve the industrial uses and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1).

One of the first issues the Board is required to address is the meaning of "primary" as it applies to demonstrating that the proposed facility will "primarily serve the industrial uses and related activities in the area surrounding the industrial area." The Board concurs with the digest found on page 2 of the Petitioner's Brief, that the word "primarily" is not specifically defined in the Baltimore County Code or the Baltimore County Zoning Regulations. The Board is charged, therefore, with the responsibility of applying case law to application of the term. The Board cannot disagree with the application of the term as referenced in *Schrader v. State*, 69 Md. App. 377, 517 A.2d 1139 (1997) decided by the Court of Special Appeals, State of Maryland. The common and accepted meaning was determined to be, "mainly"; principally, in quantifiable terms, "primarily" is commonly understood to suggest a figure representing more than 50 percent...we find nothing ambiguous about the term primarily as used in that definition." To that end, the Board also concurs that the burden in the instant case is to establish by the weight of the testimony and evidence that 51 percent of the business to support the proposed project would originate and serve the employment corridor itself.

There is no question that Red Run Boulevard is a roadway system that runs directly through the employment corridor in a north/south direction; and parallel to Interstate 795. It is classified as an arterial road and from the testimony and evidence provides the major connection for the employment center located along the west side of I-795. The traffic analysis prepared by Traffic Concepts, Inc. (Petitioner's Exhibit No. 10), and Exhibit 1 enclosed therein, "Federal Functional Classification – Red Run Employment Corridor, Baltimore County," dated July 8, 2002, is a particularly instructional review of the roadway system. The proposed site is situated almost in the middle of Red Run Boulevard at the

intersection of Pleasant Hill Road, which connects the employment corridor on Reisterstown Road to the east and Liberty Road (Md. 26) to the west.

An extensive perusal of the roadway system would indicate that, while some pass-through traffic would result from the Red Run traffic heading west from Reisterstown Road via Pleasant Hill Road, and simultaneously eastbound traffic from Dolfield toward Red Run Boulevard, the condition of both roadway systems is such that it would support localized traffic. With more than sufficient gas stations and convenience stores located along Liberty Road and Reisterstown Road, that traffic would not constitute the primary focus of the proposed convenience store /gas station patrons.

The Board has reviewed the testimony of Mr. Ken Schmid, an expert in traffic engineering, and the totality of his traffic study. While the Board is of the opinion that his traffic study could have given a more comprehensive analysis of traffic flow and survey times as reflected in his "Traffic Analysis," nevertheless there is enough substantive evidence to convince the Board that the bulk usage of the proposed site would come from the employment corridor. Reference is made to page 2 of the traffic study, "This survey was conducted during both the morning A.M. peak period (7:30 – 8:30) and the evening P.M. peak period (4:45 – 5:45)." That Report reflected:

1. During the AM period, a total of 1725 vehicles entered the study area. Twenty-four percent (24%) were determined to be pass-thru and seventy-six percent (76%) were determined to be captured within the employment corridor.

2. During the PM study period a total of 1768 vehicles were observed leaving the study area. Twenty-eight percent (28%) were determined to be pass-thru vehicles, while seventy-two percent (72%) were determined to be generated from within the employment corridor.

Exhibit 2 has been prepared to show the results of the study. That report describes in greater detail the analysis derived from the study.

Conclusions

The data collected indicates that the majority of traffic traveling along Red Run Boulevard and Pleasant Hill Road are traveling to and from the immediate Red Run Employment corridor. We therefore conclude, based on the customer pattern associated with the proposed convenience store, that the majority of the customers will be related to the surrounding employment uses.

The Protestants offered lay opposition based on personal observation and conclusions, but nothing substantive to refute the study other than the acknowledgement by the Petitioner that, while they would be open on a 24 /7 basis and would experience limited weekend usage, their business would still flow from the employment corridor: 51% of the business would result from and serve the employment center, with the 51% basically flowing from the Monday-Friday traffic.

Having concluded that the proposed facility would primarily serve the employment corridor, the Board found it necessary to address the issue of whether or not the facility would serve "the industrial park and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1)

Both counsel submitted extensive Briefs in response to the Board's request as to what constituted an "industrial use." The *Baltimore County Zoning Regulations* recite:

> BCZR 101: Industrial Quasi-Industrial, or Industry-Related Use: Any use listed in Section 253.1A other than Item 34; any use listed in Section 253.1B, 253.2A, or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Section 253
Manufacturing, Light (M.L.) Zone Use Regulations
[Bill No. 100-1970]

> BCZR 253.1. Uses permitted as of right. The uses listed in this section, only, shall be permitted by right in M.L. Zones, subject to any conditions hereinafter prescribed.
>
> A. The following industrial uses:
>
> 34. Offices or office building or medical clinics. **[Bill No. 37-1988]**
>
> C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: **[Bill No. 172-1993]**
>
> 12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.
>
> BCZR 253.2. Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).
>
> A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:
>
> 1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.

2. Airports, general aviation, if located in accordance with the Master Plan.

3. Excavations, controlled, involving the use of explosives (see Section 403).

4. Moving and storage establishments. **[Bill No. 18-1976]**

5. Sanitary or rubble landfills (see Section 412). **[Bill No. 97-1987]**

6. Storage, warehousing or distribution not permitted as of right.

7. Sludge disposal facility – co-landfilling (see Section 412A.2.B). **[Bill No. 46-1982]**

8. Sludge disposal facility – composting (see Section 412A.2.B). **[Bill No. 46-1982]**

9. Sludge disposal facility - handling in general (see Section 412A.2.C). **[Bill No. 46-1982]**

10. Sludge disposal facility – Incineration (see Section 412A.2.D). **[Bill No. 46-1982]**

11. Sludge disposal facility – landspreading (see Section 412A.2.E). **Bill No. 46-1982]**

12. Trucking facilities (see Sections 410 and 410A). **[Bill No. 18-1976]**

13. Truck stops. **Bill No. 18-1976]**

14. Utilities not permitted under the provisions of Section 253.1.

B. The following auxiliary services uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: **[Bill No. 172-1993]**

1. Automotive-services stations, subject, further, to the provisions of Section 405.

2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service and repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part of all of their transport. **[Bill No. 218-1980]**

C. The following auxiliary retail or service uses or semi-industrial uses,

provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: **[Bill No. 172-93]**

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

The BCZR clearly defines "industrial, quasi-industrial or industrial-related use as any use located in § 253.1.A other than item 34...." Item 34 specifically identifies "offices or office buildings or medical clinics" as not being a use permitted by right even though the zoning is prescribed as an M.L. zone. The Board is therefore presented with a quandary. The Red Run corridor is designated as an M.L.-I.M. zone. The testimony, provided by witnesses for both the Petitioner and the Protestants, is quite persuasive that at least 16 of the 20 uses currently function as office buildings, generally of the high class type desired by the County Council in the adoption of the 2010 Master Plan. The Master Plan adopted by the County Council states on page 175 that: (People's Counsel's Exhibit No. 2)

> The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." PUD-C (planned unit development commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits auxiliary commercial retail projects.

Further, page 176, the Master Plan recites:

Actions

1. Ensure that the Red Run Employment Corridor is developed for corporate office and employment uses and that the Northern Employment Corridor is developed for flex/industrial use.

   Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes.

People's Counsel in his Brief suggests that "The plain language of the statute governs in this case. While the County Council decided to allow automotive-service stations, car washes, service garages and

union halls in industrial areas, it made a conscious decision that they do not belong in areas predominantly characterized by office use." The definition afforded under BCZR 101 clearly references the fact that "offices or office buildings...are not considered as industrial uses." In fact, because an office use is not an industrial use, the evolution of the Red Run Employment Corridor to date, with such prominent companies leasing there, is significant in that the Corridor is moving in a direction as recommended by the Master Plan (high-profile national companies, such as Legg Mason, CareFirst Blue Cross /Blue Shield, Toyota Financial Services). It is evident from the testimony of Mr. Jeffrey Long, County Planner, and Mr. William Jones, Department of Economic Development for Baltimore County, that the long-range County plans call for continued development of the Corridor as a Class "A," high caliber office area that would attract companies employing individuals with attractive salaries and family supporting opportunities. It is undisputed that the subject site can support an office structure consistent with the County goals and the Master Plan.

The Board also considered the testimony of local residents and the fact that numerous fuel service stations already exist along the Reisterstown Road corridor and Liberty Road corridor (page 8, Lipman, Frizzell & Mitchell Report). The Board, in reviewing the report, has determined that sufficient fuel service stations already exist along these major arterials and the addition of the proposed BP station would adversely affect the ongoing County plans to revitalize those major roadways. The Master Plan itself calls for the Red Run Corridor to be designated as "another premier corporate office area for high quality, campus-style office /flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth producing national and regional serving companies."

The Board does wish, however, to take note of the comments made in the Brief filed by Mr. Cross, tracing the 1970 zoning code amendments; and the fact that no "industrial uses" existed in the BCZR at that time. However, at the time, the 1970 permitted uses allowed "offices and office building." The effect was that offices and office buildings were indicated by the Baltimore County Council as uses that could be "primarily served" by such auxiliary uses. The suggestion is made that an analysis of the later bill, 178-79, which appeared in 1979, was "to adopt the basic services maps and regulations and requirements pertaining thereto...by adding a new article 4A – Growth Management; by adding...new

definitions...; industrial, quasi-industrial, or industry-related use and non-industry use to § 101 of the Baltimore County Zoning Regulations." It was the contention of counsel for the Petitioner that these definitions of industrial and non-industrial, and more importantly the difference between the two, were placed in the BCZR because of their effect on auxiliary retail uses in M.L.-I.M. zones, but not because of their relationship to the new basic service regulations and requirements.

While much of what Mr. Cross indicates is correct, Bill No. 178-79 also indicates that "to implement the objectives of County-wide master plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timeliness of growth and development that is consistent with preservation, the quality of life and existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support the development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources, and with the promotion of new growth and development in appropriate areas." The intention of the County Council may be construed in many different ways. However, the Board is constrained to examine the current definitions which are applicable in this case as reflected in § 101 of the BCZR for the specifics of the statute involved.

For reasons of its own, the County Council has determined that "an office use" is not an "industrial use" even though under § 253 (Manufacturing, Light [M.L.]) zone Use Regulations (Bill No. 100-1970), item 34, "offices or office buildings or medical clinics" are "permitted as of right in M.L. zones." Again, however, under the § 101 definition, "office or office buildings" are not considered an "industrial use." This Board concurs that, while the M.L. zone has been in place in substantially the same form since 1970, when the County council enacted the BCZR 101 definitions of industrial uses in 1979, they pursued a course of action that special exceptions under BCZR 253.2.B, including automotive service stations, do not qualify where they primarily serve office centers, which is clearly evident by the testimony and evidence produced at the hearing.

For that reason alone, the Petitioner's request must be denied.

Additionally, the Board has determined that, even if permitted, the proposed use would have an adverse effect greater at the proposed location than elsewhere in the zone (*Schultz v. Pritts*, 291 Md. 1 (1981). As noted in People's Counsel's Exhibit No. 1, a letter from Mr. Robert L. Hannon, Director of Economic Development for Baltimore County, to Arnold Jablon, Director of the Department of Permits & Development Management, dated March 18, 2002:

> The Department of Economic Development opposes the petition to use to *[sic]* above referenced property for a fuel service station use in combination with a convenience store/carry out restaurant, roll-over car wash and ancillary use automatic teller machine for the following reasons:
> The original plan for Owings Mills, that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office industrial employment center in the Owings Mills growth area. The County's "Master Plan 1989-2000" and "Master Plan 2010" reinforce the office/industrial land use for the Red Run Boulevard Corridor. The proposed use is not consistent with these plans.
>
> Over the last 15 years, millions of public dollars have been spent building sewer, water and road infrastructure, etc *[sic]* to support that intended land use. The proposed use will not create the jobs that provide family supporting income that were intended.

It is obvious to the Board that the County has determined the "highest and best use" of the corridor is in the development of a high class office complex; and that the lesser use of a fuel service station/convenience store would create an adverse effect in an area specifically designed as a unique and specialized setting to attract nationally known companies with a salary structure significantly higher than that contemplated by the Petitioner's employees. Additionally, the proposed facility would have detracted from the County's Liberty Road and Reisterstown Road rehabilitative efforts.

For the reasons cited, the Board will deny the request for special exception.

Separate issues also arose as to whether or not the contemplated BP convenience store was a "food store."

Section 405.4.E(1) provides for the following use allowed by special exception in combination with fuel service stations:

> Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.

Section 405.4.E(10) provides additional special exception uses permitted in combination with fuel service station:

> Restaurant, including fast food, fast food drive-thru only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.

Therefore, counsel for Petitioner contends that both the BP Connect 2,564 square foot convenience store and 700 square foot carry-out restaurant area are permitted as a special exception use in combination with BP's proposed fuel service station (along with rest rooms 105 sq. ft; and storage 580 sq. ft.; and cashier 275 sq. ft).

This station would be located in an M.L.-I.M. zone. Fuel service stations are allowed by special exception as auxiliary retail uses in a M.L.-I.M. zone. Food stores are also permitted as auxiliary retail or service uses in M.L.-I.M. zones under § 253.1.C(12). This Section states:

> The following auxiliary retail or service uses or semi-industrial uses, provided that any such uses are located in a planned industrial park at least 25 acres in net area or in an IM district:
>
> 2. Food stores, but the gross floor area of any such store should not exceed 2,500 square feet.

As there is a 2,500 square foot limit placed on these stores, the Protestants opine that the BP Connect store is a "food store," thereby altering the proposal into a non-permitted use in an M.L.-I.M. zone. In order to assess who is correct requires an analysis of whether or not BP Connect falls into a convenience store /carry-out restaurant classification under the BCZR. In the definition section of the BCZR, § 101 defines a convenience store as:

> A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer on the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty-four-hour period.

This Section also defines a carry-out restaurant as:

> An establishment whose principle business is the sale of ready-to-consume food and beverages to consumers who order their food and beverages over the counter, by telephone or by fax machine, and who principle characteristic is that food and beverages are consumed off the premises.

The Board agrees that by the very nature of its use, convenience store patrons are essentially pass-by or frequent trip users. These types of trips traditionally are from those people who are already

driving the adjacent road system to another destination, whereas a primary trip is one made for the specific purpose, such as a workplace or doctor's office directly from home. As these customers approach the area of a convenience store, they traditionally stop in, and once the stop at the convenience store is complete, they continue onto their primary destination. In the instant case, the Petitioner is proposing that the convenience store portion of the BP Connect would provide general household items, such as sealed snacks and candy, pre-packaged foods to be prepared off-site, along with an assortment of beverages. They have indicated that these types of items serve the convenience of a consumer in need of one small specific item, and in no way handle or provide for all the general grocery needs of an individual or family. The essential ingredient of a convenience store is that only small items are being provided and within a sales area around the parameters provided within the *Baltimore County Zoning Regulations'* definition of a convenience store as supplying "refrigerated products, household items, carry-out food packages and pre-packed sealed food and meals."

The Board takes judicial notice that examples of convenience stores with which the members are familiar would be a 7-Eleven facility or a Royal Farm Store facility which generally meet the definition as provided for under BCZR § 101, that convenience stores cannot exceed a gross floor area of 5,000 square feet and are usually open for at least 12 hours in a 24-hour period; the Petitioner proposes to keep their convenience store operating on a 7/24 basis. The Board does not agree with the proposal set forth by the Protestants that this convenience store is in effect a "food store." The Board agrees with the Petitioner's arguments that stores, such as grocery stores, must have on hand a very large and diverse stock of goods, to a great extent, "food" items. The Board takes note of the Petitioner's definition of food as provided on page 842 of *Webster's Third International Dictionary* which defines food as "material consisting of carbohydrates, fats, proteins, and supplementary substances (as minerals, vitamins) that is taken or absorbed into of the body of an animal in order to sustain growth, repair and all vital processes and to furnish energy for all activity of the organism." The Board takes note that convenience stores do not carry such a large and diverse stock of food but rather are limited to convenience and impulse items, and in particular quick-serve food types. The Board has reached the conclusion that the proposed facility, if

allowed at all, would satisfy the definition of being a "convenience store" as defined under § 101 of the BCZR.

As to the carry-out facility, the Board has concerns as to the connection between the proposed convenience facility and the "carry-out" connection. The Petitioner indicates that the BP Connect store would contain the cashier portion, restrooms, general storage and a food-service component separating the store into two separate areas. The Board does not agree that these two types of facilities can be integrated by a connecting facility and that each are separate and distinct units. If such a proposal were to be contemplated, the Board would absolutely require that the two facilities be separate and distinct with separate entrances, along with separate cashier functions which would distinguish the various services that were being offered by the Petitioner.

In its final analysis, the Board is quite familiar with the responsibilities imposed upon such a body in the many cases that deal with special exception cases. These were well-recited in the Brief submitted by the People's Counsel and involved cases well-known to this Board, such as *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Mangione*, 85 Md. App. 738 (1991). Similarly the Board recognizes that the granting of any special exception request carries with it certain implied adverse effects. The key element for the Board to determine is whether or not any adverse effects which would exist if the proposal for the subject site were granted would be greater at the proposed site than anywhere else within the zone.

Here again, the Board has considered most carefully the considerations afforded by the Master Plan 2010 recently adopted by the Baltimore County Council. The Board finds that the approval of the proposed site as suggested by the Petitioner would not be within the spirit and intent of the adopted 2010 Master Plan nor would it support the efforts of revitalization in the Reisterstown Road /Liberty Road corridor.

For the reasons cited, the Board will accordingly deny the request for special exception. The Petitioner's request for a sign variance was denied below. This Board also finds that no evidence was presented by the Petitioner that this site is unique under the standards of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995), and we deny the variance request.

ORDER

THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of September, 2003, that the Petition for Special Exception in Case No. 02-344-XA be and the same is hereby **DENIED** for the reasons as stated in the aforegoing Opinion; and it is further

ORDERED that the Petitioner's request for variance relief be and the same is also **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence S. Wescott, Panel Chair

Margaret Worrall

Charles L. Marks

County Board of Appeals of Baltimore County

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

September 10, 2003

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

RE: *In the Matter: Red Run Associates LLC; BP Corporation* - Petitioner /Case No. 02-344-XA

Dear Mr. Gildea:

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

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco /trs

Kathleen C. Bianco
Administrator

Enclosure

c: Sebastian A. Cross, Esquire
John R. Lombardo /BP Corporation
Michael E. Harris /Red Run Associates, LLC
Leslie M. Pittler, Esquire
Rob Pritchard /Red Run Deli
Bill Bralove
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

RE:	PETITION FOR SPECIAL EXCEPTION & VARIANCE	*	BEFORE THE
	11050 Red Run Blvd, N/S Red Run Blvd, W/S Church Rd approx 1000' S	*	COUNTY BOARD OF APPEALS
	Pleasant Hill Road	*	FOR
	4th Election & 3rd Councilmanic Districts		
	Red Run Associates, LLC - Legal Owners	*	BALTIMORE COUNTY
	BP Corporation - Contract Purchasers		
	Petitioners	*	Case No. 02-344-XA

* * * * * * * * * * * *

PEOPLE'S COUNSEL FOR BALTIMORE COUNTY'S MEMORANDUM

The Petitioner requests approval of a special exception for an automotive-service station in an M.L. zone with I.M. district overlay under BCZR 253.2. It also incorporates a convenience store and carryout restaurant allowed in combination by special exception under BCZR 405.4E. The proposal must satisfy the specific standards of BCZR 253 and 405 and also meet the special exception criteria of BCZR 502.1.

This memorandum will focus on two threshold questions under BCZR 253 and will address key factors for the Board to consider under BCZR 502.1:

1. Does the proposed automotive-service station use satisfy the test that the "...use will serve primarily the industrial uses and related activities in the surrounding industrial area?" BCZR 253.2B
2. Is the proposed convenience store also a "food store" under the M.L. zone, and therefore limited to 2500 square feet?
3. What are the key factors to consider in review of the special exception in any event?

RECEIVED
JUN 0 2 2003
BALTIMORE COUNTY
BOARD OF APPEALS

RELEVANT BALTIMORE COUNTY ZONING REGULATIONS

"BCZR 101: Industrial Quasi-Industrial, or Industry-Related Use: Any use listed in Section 253.1.A other than Item 34; any use listed in Section 253.1B, 253.2A or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Section 253
Manufacturing, Light (M.L.) Zone Use Regulations
[Bill No. 100-1970[57]]

BCZR 253.1. Uses permitted as of right. The uses listed in this section, only, shall be permitted by right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses: [58]

34. Offices or office building or medical clinics. **[Bill No. 37-1988]**

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district.: **[Bill No. 172-1993][60]**

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

BCZR 253.2 Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The Following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:[3]

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.

2. Airports, general aviation, if located in accordance with the Master Plan.

3. Excavations, controlled, involving the use of explosives (see Section 403).

4. Moving and storage establishments. **[Bill No. 18-1976]**

5. Sanitary or rubble landfills (see Section 412). **[Bill No. 97-1987]**

6. Storage, warehousing or distribution not permitted as of right.

7. Sludge disposal facility – co-landfilling (see Section 412A.2.B). **[Bill No. 46-1982]**

8. Sludge disposal facility – composting (see Section 412A.2.B). **[Bill No. 46-1982]**

9. Sludge disposal facility – handling in general (see Section 412A.2.C). **[Bill No. 46-1982]**

10. Sludge disposal facility – Incineration (see Section 412A.2.D). **[Bill No. 46-1982]**

11. Sludge disposal facility – landspreading (see Section 412A.2.E). **[Bill No. 46-1982]**

12. Trucking facilities (see Sections 410 and 410A). **[Bill No. 18-1976]**

13. Truck stops. **[Bill No. 18-1976[18]]**

14. Utilities not permitted under the provisions of Section 253.1

B. The following auxiliary services uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: **[Bill No. 172-1993]**[19]

1. Automotive-services stations, subject, further, to the provisions of Section 405.

2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service and repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part of all of their transport. **[Bill No. 218-1980]**

4. Union halls or other places of assembly for employment-related activities."

I. THE PROPOSAL DOES NOT SERVE INDUSTRIAL USES

Petitioner proposed as its primary service area the Red Run Employment Corridor. Its Exhibit 11 is an aerial photo, which delineates the corridor boundaries and identifies land uses. Joseph Cronyn identified sixteen of the twenty uses as office buildings, generally of a high class. Planner Jeffrey Long and Economic Development Representative William Jones described the predominant office use as consistent with the intent of the M.L. – I.M. zoning and county provision of infrastructure.

Petitioner acknowledged in its testimony and exhibits that the proposal must primarily serve industrial uses in the area in order to satisfy the law of the M.L. zone. Petitioner assumed that office uses qualify as "industrial" uses for the purpose of this test. This overlooked the BCZR 101 definition of "Industrial, Quasi-Industrial, and Industry-Related Uses." It includes all M.L. zone uses permitted by right "listed in Section 253.1A, <u>other than item 34</u>; ... " (emphasis supplied). The excluded item 34 is "Offices or office buildings or medical clinics."

Mr. Cronyn was surprised, to say the least, when we questioned his assumption that office uses are "industrial uses." His report did not address the definition of industrial use. Alfred Barry, Petitioners lead planning expert, admitted that he had not reviewed the definition before arriving at his conclusion that the proposal serves industrial uses.

The plain language of the statute governs this case. While the County Council decided to allow automotive-service stations, car washes, service garages, and union halls in industrial areas, it ultimately made a conscious decision that they do not belong in areas predominantly characterized by office use.

There are logical reasons for this exclusion, such as the reasons advanced by Mr. Long and Mr. Jones in opposing this particular special exception. Whether or not one agrees with the concept, the County Council has spoken, and that is the legislative prerogative.

To further our investigation, we explored whether the term "industrial use" is employed elsewhere in the manufacturing zone law. BCZR 253.2A allows by special exception specified " . . . industrial, quasi-industrial, transportation, storage, or quasi-public uses or utilities." The listed uses are airstrips or airports; controlled excavations; moving and storage establishments; sanitary or rubble landfills; storage, warehousing or distribution not permitted by right; trucking facilities; sludge disposal facilities; truck stops; and utilities not otherwise permitted. We also found that the airstrip/airport use standard parallels the standard at issue here.

> " BCZR 253.2.A1. Uses permitted by special exception.
>
> 1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area."

In its entirety, BCZR 253.2A identifies relatively intense manufacturing uses. In general, and as to the specific airstrip or airport use, it accords with the concept that office buildings are not industrial uses.

We also looked at the office zones, including the O-3 (Office Park) zone. They do not allow automotive service stations or the other BCZR 253.2B special exception uses. This is consistent with the M.L. zone exclusion from office areas.

The M.L. zone has been in place substantially in its present form since 1970. Bill 100, 1970. The Council enacted the BCZR 101 definition of industrial use in 1979. Bill 178-79. Together, they make a legislative choice that special exceptions under BCZR 253.2B, including automotive service stations, do not qualify where they would primarily serve office centers.

* * *

It is assumed, in the above analysis that the use will primarily serve the offices in the Red Run Employment Corridor. But the proposed 24-hour, 7 day a week operation contradicts this assumption. This is yet another reason to deny this petition.

II. THE FOOD STORE SIZE LIMIT

The legislative history shows that the "convenience store" special exception under BCZR 405.6 is a modern descendant or permutation of the earlier "food store" version in the same law. Meanwhile, the County Council left the M.L. zone food store use limit unchanged. We believe that "food store" and "convenience store" overlap and are interchangeable for the purpose of the present case.

The proposed "convenience store" is primarily a food store. Most items sold are food items. It is akin to a 7-11 or Royal Farms Store. It may be that more revenue is generated by cigarettes or the lottery, but that does not make it any less of a food store.

In the M.L. zone, a food store is limited to 2,500 square feet. BCZR 253.1C.12. The current proposal for 4,200 square feet or, for 3,600 square feet along with a carryout restaurant of 600 square feet, is not allowed.

III. THE SPECIAL EXCEPTION

The County Board of Appeals is familiar with the BCZR 502.1 special exception standards and their implementation. Schultz v. Pritts. 291 Md. 1 (1981); Board of County Comm'rs v. Holbrook. 314 Md. 210 (1988); People's Counsel v. Mangione 85 Md. App. 738 (1991); People's Counsel v. Country Ridge Shopping Center 144 Md.App. 580 (2002); Futoryan v. Mayor and City Council 150 Md. App. 157 (2003). Here, if the CBA reaches the merits of the special exception, then there are several related issues to consider.

There are legitimate concerns about the compatibility and intensity of uses, both individually and in combination. The Mangione and Futoryan cases both underline that size, scale, and intensity are relevant considerations under BCZR 502.1 and/or Schultz v. Pritts. Here, the gas station is large, and will service up to 14 vehicles at a time. The convenience store/carry-out restaurant, at 4,200 square feet, is larger than past stores of that type in the M.L. zone. The car wash adds to the mix.

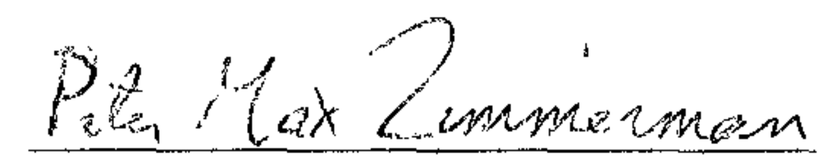
The other consideration is that the Red Run Employment Corridor is a unique new high-class office area. There is none like it elsewhere in the county. Both Mr. Long and Mr. Jones explained in detail how the proposed uses would detract from this corridor's character and also its function to provide family-supporting jobs. Mr. Long also referred to the master plan's identification of the corridor as an important feature

of the Owings Mills growth area. Their testimony supplemented their written comments. The citizens' testimony complemented expert testimony. It is also noteworthy that the Council in 2000 declined to allow business zoning across the street.

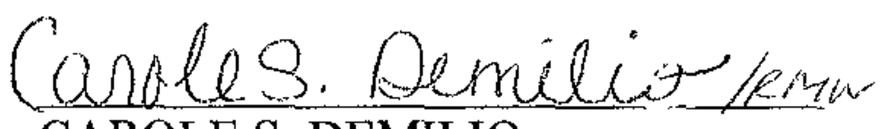
It this context, the case bears some resemblance to the Country Ridge Shopping Center case. There, the evidence showed, and the CBA majority agreed, that the proposed pawnshop would be detrimental to a neighborhood in Essex which was in a particularly sensitive part of a community conservation area slated for revitalization. While the Red Run Employment Corridor is new, it is also unique. To preserve its vitality, it likewise warrants an effort at protection in this zoning process.

CONCLUSION

For all the above reasons stated, our office respectfully requests that the petitions for special exception and variance be denied.



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 2nd day of June, 2003, a copy of the foregoing People's Counsel for Baltimore County's Memorandum was mailed first-class, postage pre-paid to: Leslie Pittler, Esquire, 29 W. Susquehanna Avenue, Suite 610, Towson, MD 21204 and to Sebastian A Cross, Esquire, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

INDUSTRIAL, QUASI-INDUSTRIAL OR INDUSTRY-RELATED USE — Any use listed in Section 253.1.A other than Item 34; any use listed in Section 253.1.B, 253.2.A or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses. **[Bill No. 178-1979]**

INDUSTRIAL SERVICE ROAD, PUBLIC — A motorway that is owned or maintained by the county, state or federal government and:

A. That was designed for the primary or exclusive use of trucks or other vehicles traveling to or from industrial uses, or that was not originally designed for that use but, because of its relation to industrial properties, is suitable for that use; and

B. Has been officially designated as a public industrial service road by the Director of Public Works[12] in conformance with the criteria stated above. (Such a designation may be appealed to the Board of Appeals, as provided under Section 602 of the Baltimore County Charter, as amended.) **[Bill No. 218-1980]**

INFECTIOUS WASTE — Any waste material or substance which is known or suspected to be contaminated with organisms capable of producing disease in humans, and as further defined in the Code of Maryland Regulations (COMAR), Title 10, Subtitle 18, Chapter 8, as amended from time to time. **[Bill No. 87-1987]**

INFECTIOUS WASTE INCINERATOR — An enclosed device or contrivance using controlled flame combustion or heat for the thermal destruction of infectious waste or other refuse. **[Bill No. 87-1987]**

INOPERATIVE MOTOR VEHICLE — Any motor vehicle that cannot be operated in its existing condition because the parts necessary for operation, including but not limited to tires, windshield, engine, drive train, driver's seat, steering wheel or column, or gas or brake pedals, are removed, destroyed, damaged or deteriorated. **[Bill No. 135-1986]**

JET-PROPELLED SKIS — A type of watercraft which consists of self-propelled water skis designed to accommodate one or two riders. For the purpose of these regulations, jet-propelled skis shall not be considered boats or recreational vehicles. **[Bill No. 54-1993]**

JUNKYARD — Any land used commercially or industrially for storage or for sale of scrap metal, wastepaper, rags or other junk, and any land, except as provided for by Section 428, used for the storage of unlicensed or inoperative motor vehicles, dismantling or storage of such vehicles or parts thereof, or used machinery, regardless of whether repair or any other type of commercial operation occurs, but excluding scrap for use in manufacturing processes on the premises or waste materials resulting from such processes or resulting from the construction or elimination of facilities for such processes. The term does not include unlicensed motor vehicles located at automotive service stations, service garages or new or used motor vehicle outdoor sales areas, or any vehicle stored pursuant to Section 405A. **[Bill No. 135-1986]**[13]

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12 Editor's Note: The title "Director of Public Works" has been substituted here for "Director of Traffic Engineering" in conformance with Section 2-78 of the Baltimore County Code, as amended.

13 Editor's Note: The former definition of "kennel," which immediately followed this definition, was repealed by Bill No. 87-2001. See now the definitions of "commercial kennel" and "private kennel."

Section 253
Manufacturing, Light (M.L.) Zone Use Regulations
[Bill No. 100-1970[57]]

253.1. Uses permitted as of right. The uses listed in this section, only, shall be permitted as of right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:[58]

1. Airplane assembly.
2. Automobile assembly.
3. Boatyards (including marinas or marine railways).
4. Bottling establishments, soft-drink.
5. Brewery, Class 5B, if within the urban rural demarcation line **[Bill No. 185-1995]**
6. Candy manufacture, packaging or treatment.
7. Carpet or rug cleaning.
8. Cellophane-products manufacture or processing-restricted production (see Section 253.3).
9. Cleaning or dyeing.
10. Concrete products manufacture, including manufacture of concrete blocks or cinder blocks.
11. Cork products manufacture or processing-restricted production (see Section 253.3).
12. Cosmetics manufacture, compounding, packaging or treatment.
13. Drug manufacture, compounding, packaging or treatment.
14. Electrical appliance assembly.
15. Enameling, japanning or lacquering.
16. Excavations, controlled, except those involving the use of explosives.
17. Fiber products manufacture or processing, including the manufacture or processing of articles made of felt or yarn, or of textiles, canvas or other cloth-restricted production (see Section 253.3).
18. Food products manufacture, compounding, packaging or treatment, including but not limited to wholesale bakeries; canning plants or packing

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[57] **Editor's Note: This bill also repealed former Subsections 253.1 through 253.5, derived from part of BCZR 1955, as amended by County Commissioners' Resolution of November 21, 1956, and County Council Bill Nos. 64-1960; 56-1061; 64-1963; 40-1967; 61-1967; and 85-1967.**

[58] ***Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.***

houses for canning, packing or processing of vegetables; creameries or milk-pasteurization or distributing stations; or cold-storage plants.

19. Fur products manufacture or processing-restricted production (see Section 253.3).

20. Glass products manufacture or processing-restricted production (see Section 253.3).

21. Grain processing, provided equipment is installed for effective precipitation and recovery of dust.

22. Greenhousing, wholesale.

23. Horn products manufacture or processing-restricted production (see Section 253.3).

24. Ice manufacture.

25. Ink blending, etc., restricted production (see Section 253.3).

26. Instrument manufacture, of precision instruments, including manufacture of watches or clocks.

27. Jewelry manufacture or processing or manufacture or processing of other articles made of precious or semiprecious metals or stones-restricted production (see Section 253.3).

28. Laboratories.

29. Leather products manufacture or processing-restricted production (see Section 253.3).

30. Lumberyards.

31. Metal products manufacture or processing, limited to the restricted production (see Section 253.3.) of articles made of sheet metal, light metal mesh, pipe, wire, rods, strips or other shapes or similar component parts.

32. Metal-stamp manufacturing.

33. Musical instruments manufacture.

34. Offices or office buildings or medical clinics. **[Bill No. 37-1988]**

35. Paint blending, etc., restricted production (see Section 253.3).

36. Paper and paperboard products manufacture or processing-restricted production (see Section 253.3).

37. Perfume manufacture, compounding, packaging or treatment.

38. Phonograph assembly.

39. Plastic products manufacture or processing-restricted production (see Section 253.3).

40. Plating, including galvanizing.

41. Poultry killing.

42. Practice or training physical conditioning facilities and fields for amateur or professional sports organizations, provided that there shall not be any accommodations for public spectators, no more than one sports organization uses such a facility at one time, and no such facility includes any lighting that would produce substantial off-site illumination, nor any provisions for selling public admissions to sports events to be conducted thereon. For the purposes of these regulations, "practice or training physical conditioning facilities and fields for amateur or professional sports organizations" may include such offices as are necessary for the administration of the organization. **[Bill No. 125-1978]**

43. Printing, lithographing or publishing plants.

44. Radio assembly or assembly of other electronic instruments or devices.

45. Research institutes.

46. Rubber-stamp manufacture and manufacture of other small molded rubber products.

47. Shell products manufacture or processing-restricted production (see Section 253.3).

48. Stone or monument works.

48. Tire retreading or recapping.

50. Tobacco products manufacture or processing-restricted production (see Section 253.3).

51. Toy manufacture or manufacture of novelties.

52. Trailer assembly, including the assembly of truck trailers or mobile homes.

53. Wax products manufacture or processing-restricted production (see Section 253.3).

54. Wood products manufacture or processing-restricted production (see Section 253.3).

55. Wrought iron products manufacture.

56. Other manufacture of articles of merchandise made from materials permitted to be used and made by processes permitted to be employed in the production activities more specifically listed above.

B. The following transportation, storage or quasi-public uses or utilities:[59]

1. Bus terminals.

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59 ***Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.***

2. Building materials storage or sales yard, general.

3. Construction equipment storage yards.

4. Aboveground electrical power, telephone or telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.

5. Cables and conduits not described under Item 4 above; gas, water or sewer mains; or storm drain system, all underground.

6. Feed or grain sales or storage.

7. Fluid storage and sale, aboveground, of flammable liquids or gases.

8. Freight storage.

9. Fuel storage and sale of solid or gaseous fuels.

10. Heliports, Type I.

11. Heliports, Type II.

12. Helistops.

13. Railroads.

14. Rail passenger stations, subject to Section 434. **[Bill No. 91-1990]**

15. Steam power plants.

16. Storage, warehousing or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. Zones; public warehousing.

17. Transit centers, subject to Section 434. **[Bill No. 91-1990]**

18. Transit facilities. **[Bill No. 91-1990]**

19. Transit storage and repair yards, subject to Section 434. **[Bill No. 91-1990]**

20. Utility service center.

21. Utility storage yards.

22. Volunteer fire company facilities.

23. Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426. **[Bill Nos. 64-1986; 30-1998]**

24. Commercial film production, subject to Section 435. **[Bill No. 57-1990]**

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: **[Bill No. 172-1993]**[60]

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60 **Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.**

1. Automobile rental agencies.
2. Bakeries, retail.
3. Barbershops.
4. Banks, savings and loan associations or other similar chartered financial institutions accepting deposits.
5. Beauty shops.
6. Carpentry or cabinetmaking shops.
7. Car wash in a planned industrial park only, subject to Section 419. **[Bill No. 172-1993]**
8. Dormitories for the housing of students attending an accredited higher-education institution are permitted in an I.M. District only, subject to Section 441. **[Bill No. 79-2002[1]]**
9. Drugstores, but the gross floor area devoted to any such store shall not exceed 1,500 square feet.
10. Electrical contractors' shops.
11. Electroplating shops.
12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.
13. Fuel service station in a planned industrial park only, subject to Section 405. **[Bill No. 172-1993]**
14. Heating or air-conditioning contractors' shops.
15. Laundry, dry-cleaning or clothing repair or alteration establishments or stations, including self-service laundry or dry-cleaning facilities.
16. Liquor or package stores.
17. Machinery sales or repair establishments.
18. Parking lots or garages.
19. Painting shops.
20. Plumbing contractors' shops.
21. Carry-out, fast food and standard restaurants, except drive-in restaurants. **[Bill No. 110-1993]**
22. Schools, including business or trade schools. **[Bill No. 79-2002]**
23. Sheet metal shops.

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[1] **Editor's Note: This bill also provided for the renumbering of former Subsection 6, Business or trade schools, as Subsection 22 and former Subsections 7, 8, and 22 through 27 accordingly.**

24. Shoe repair shops.

25. Stationery or office supply stores.

26. Taverns.

27. Truck rental and truck trailer rental agencies.

28. Dog grooming facility. **[Bill No. 72-2002]**

D. The following temporary use: carnivals, temporary, provided that no such use shall be established for more than 90 days in any one-year period.

E. Combinations of the uses listed above.

F. Accessory uses or structures, including but not limited to:[2]

1. Incidental sales (wholesale or retail).

2. Living quarters for watchmen or caretakers and their families, and accessory uses or buildings subsidiary thereto.

3. Trailers for temporary use, as permitted under Section 415.

4. Industrial medical clinics.

5. Employees' recreation facilities.

6. Excavations, uncontrolled.

7. Parking spaces (see Section 409).

8. Signs (see Section 450). **[Bill No. 89-1997]**

G. Hotels and motels when within an M.L. Zone which is part of a contiguous area of 25 acres or more of industrial zoning, and provided that the combined tract areas developed for such uses do not occupy more than 25% of the particular contiguous area of industrial zoning in which they are located. **[Bill No. 82-1984]**

253.2 Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:[3]

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.

2. Airports, general aviation, if located in accordance with the Master Plan.

3. Excavations, controlled, involving the use of explosives (see Section 403).

4. Moving and storage establishments. **[Bill No. 18-1976]**

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2 **Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.**

3 **Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.**

5. Sanitary or rubble landfills (see Section 412). **[Bill No. 97-1987]**

6. Storage, warehousing or distribution not permitted as of right.

7. Sludge disposal facility – co-landfilling (see Section 412A.2.A). **[Bill No. 46-1982]**

(Cont'd on page 2-89)

8. Sludge disposal facility – composting (see Section 412A.2.B). **[Bill No. 46-1982]**

9. Sludge disposal facility – handling in general (see Section 412A.2.C). **[Bill No. 46-1982]**

10. Sludge disposal facility – incineration (see Section 412A.2.D). **[Bill No. 46-1982]**

11. Sludge disposal facility – landspreading (see Section 412A.2.E). **[Bill No. 46-1982]**

12. Trucking facilities (see Sections 410 and 410A). **[Bill No. 18-1976]**

13. Truck stops. **[Bill No. 18-1976[18]]**

14. Utilities not permitted under the provisions of Section 253.1.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: **[Bill No. 172-1993][19]**

1. Automotive-service stations, subject, further, to the provisions of Section 405.

2. Car washes, subject, further, to the provisions of Section 419.

3. Garages, service, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport. **[Bill No. 218-1980]**

4. Union halls or other places of assembly for employment-related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception. **[Bill No. 21-1996[20]]**

1. Amusement parks.

2. Farms or limited-acreage wholesale flower farms.

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18 **Editor's Note: This bill also repealed the former entry for truck terminals.**

19 **Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.**

20 **Editor's Note: This bill reenacted this Subsection C, deleting the following entries and renumbering the rest: "baseball-batting ranges," "golf-driving ranges" and "miniature-golf courses." Original provisions of this subsection were derived from Bill No. 100-1970.**

3. Commercial kennels and private kennels, subject to Section 421. **[Bill No. 87-2001]**

4. Radio or television broadcasting studios.

5. Racetracks.

6. Riding stables, commercial.

7. Shooting ranges.

8. Trailers, nonaccessory, subject to the provisions of Section 415, except that trailer parks are not permitted.

9. Used motor vehicle outdoor sales areas.

10. Veterinarians' offices.

D. The following miscellaneous uses:[21]

1. Signs, outdoor advertising (see Section 450). **[Bill No. 89-1997]**

2. Wireless telecommunications towers, subject to Section 426. **[Bill Nos. 64-1986; 30-1998]**

3.[22] Commercial recreational facilities. **[Bill No. 21-1996]**

E. Combinations of the uses listed in this subsection or combinations of such uses with uses which are permitted as of right.

253.3 Scope of restricted production. For the purposes of this section, "restricted production" shall include only the assembly, manufacture or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating or other comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which the use may be described.)

253.4 Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, only passenger automobile accessory parking and those uses permitted in M.R. Zones, as limited by the use regulations in Section 241, are permitted. Any use other than passenger automobile accessory parking and those uses permitted in M.R. Zones as limited by the use regulations in Section 241 established within 100 feet of the right-of-way of an existing or proposed freeway or expressway so designated by the Planning Board shall be screened from the motorway in accordance with the standards and criteria contained in the Baltimore County Landscape Manual adopted pursuant to Section 26-283 of Title 26 of the Baltimore

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21 **Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.**

22 **Editor's Note: Former Subsection D.3, regarding after-hours clubs, was repealed by Bill No. 36-2000. Said bill also provided for the renumbering of former Subsection D.4 as Subsection D.3.**

County Code, 1988 Edition, as revised. Notwithstanding the foregoing, no trucking facility or part of a trucking facility may be established within 100 feet of such a right-of-way. **[Bill Nos. 176-1981; 31-1984]**

253.5 Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control.

Section 254
M.L. Zone Height Regulations
[BCZR 1955; Bill No. 56-1961[67]]

Height unlimited, except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or three stories if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Section 300).

Section 255
M.L. Zone Area Regulations
[BCZR 1955; Bill Nos. 56-1961; 85-1967]

255.1 The area regulations in the M.L. Zone shall be the same as those in B.R. Zone unless such B.R. Zone regulations conflict with the provisions of Section 255.2.[68]

255.2 Within 100 feet of any residential zone boundary or the right-of-way of any street abutting such a boundary, or within 100 feet of the right-of-way of an existing or proposed interstate highway, other freeway or expressway, which motorway is officially so designated by the State Highway Administration, Maryland Department of Transportation, and/or the county, the front, side and rear yards shall be as required in M.R. Zone (see Sections 243.1, 243.2 and 243.3).

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67 *Editor's Note: A literal reading of Section 3 of Bill No. 56-1961 would indicate that Section 254 of the Zoning* Regulations was changed to read, in its entirety, as follows: "(See Section 255.1 and 300)." It has been assumed, however, that it was not the intent of the bill to repeal the language set out here as preceding that parenthetical reference.

68 Editor's Note: Part of former Subsection 255.1, added by Bill No. 56-1961 was revised by Bill No. 85-1967 and redesignated as Subsection 255.2.

6/2/03

IN THE MATTER OF 11050 Red Run Boulevard N/S Red Run Blvd., W/S Church Rd. & approximately 1000' S. Pleasant Hill Rd 4th Election District – 3rd Councilmanic District Legal Owner: Highwoods Properties Contract Purchaser: BP Corporation	* * * * * *	BEFORE THE BOARD OF APPEALS FOR BALTIMORE COUNTY Case No.: 02-344-XA

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BALTIMORE COUNTY
BOARD OF APPEALS

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MEMORANDUM IN SUPPORT OF PETITION FOR SPECIAL EXCEPTION

I. INTRODUCTION

BP Corporation ("BP") has proposed a fuel service station to be located at the northeast intersection of Red Run Boulevard and Pleasant Hill Road in the Owings Mills area of Baltimore County. This proposed site is zoned ML-IM and exists in the Red Run Employment corridor. This station proposes a fuel service station comprising of 7 Multi-Product Dispensers ("MPDs"), a BP Connect convenience store and attached car wash. Fuel service stations are permitted on this site by special exception and, as such, in support of its Special Exception petition BP submits the following Memorandum.

II. BACKGROUND

BP's proposed fuel service station in the Red Run Employment corridor currently rests on land zoned ML-IM. This Red Run Employment corridor exists as a part of the Owings Mills Growth Area as outlined in the 2010 Baltimore County Master Plan ("Master Plan"). *See* Master Plan 2010 p. 174, et al. This corridor specifically allows fuel service stations as auxiliary retail uses by special exception, due to the IM district overlay for this zone. *See* BCZR 253.2.B.1, 450.2.B.1. With a fuel service station being classified as an auxiliary retail use, this fuel service station must also demonstrate it will "primarily serve the industrial uses and related activities in the area surrounding industrial area." *See* BCZR 253.2.B.1.

People's Counsel for Baltimore County has taken the position the language "industrial" precludes a fuel service station from being located in an ML-IM zone. This position will be invalidated through an examination of the legislative history and intent surrounding relevant portions of the Baltimore County Zoning Regulations ("BCZR"). People's Counsel has also forwarded the argument that the convenience store portion of the BP development should be considered a "food store" under the Zoning Regulations. An analysis of this erroneous position will also be made.

III. USAGE OF "INDUSTRIAL" AS APPLIED TO SECTION 253.2.B OF THE BCZR

A. Language of BCZR Section 253.2.B.

BCZR Section 253.2.B states:

> The following auxiliary service uses [are permitted], provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, it is shown that any such use will serve primarily[1] the industrial uses and related activities of the surrounding industrial area;
>
> 1. Automotive-service stations, subject, further, to provisions of Section 405.
> 2. Car washes, subject, further, to provisions of Section 419.

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[1] Primarily is not directly defined in either the Baltimore County Zoning Regulations or the Baltimore County Code itself. As such, one can look to the decisions handed down by the Maryland courts in order to glean the legal definition of primarily under Maryland law. In Schrader v. State, 69 Md. App. 377, 517 A.2d 1139 (1997), the Court of Special Appeals of Maryland decided a case that dealt precisely with the definition of primarily and gave a legal interpretation in quantifiable terms.

Schrader involved prosecution of an individual involved in a legal pyramid promotional scheme which was outlawed in Maryland. A pyramid scheme is defined as, "An operation in which a participant's compensation is to be derived primarily from recruitment of other participants in the operation, rather than from the sale of goods or services." The Court found, "The word at issue is in the statute is 'primarily'," see Schrader at 390, 517 A.2d 1146, and it was this definition which determined the outcome of the case. As the word primarily is used in Section 253.2B in a similar manner as in Schrader, the ruling can serve to clarify exactly what the definition entails.

The Court of Special Appeals found that the use of the word primarily in the pyramid prohibition statute posses a common and generically accepted meaning. Id. The Court went on to define primarily as, "mainly; principally. In quantifiable terms, 'primarily' is commonly understood to suggest a figure representing more than 50%. ...We find nothing ambiguous about the term primarily as used in that definition." Id. Therefore, the burden BP is faced with is proving that 51% of the station's business will originate and serve from the employment corridor itself. BP provided such testimony and evidence to support the notion over 51% of the fuel service station's business will come from the employees of the Red Run corridor.

BP has proposed to develop a fuel service station with accompanying car wash on an ML-IM parcel in the Red Run Employment Corridor and is allowed to do so through the Special Exception process. This corridor has not yet reached full build-out; however, currently the surrounding industrial area is primarily comprised of office uses and office buildings. People's Counsel for Baltimore County has posited the argument that due to this corridor being currently comprised primarily of office uses, a fuel service station cannot serve the "industrial uses and related activities in the surrounding area." This viewpoint erroneously utilizes the definition contained in BCZR Section 101 of "industrial uses" to eliminate office uses as being included as the type of uses that may be "primarily served" by auxiliary retail fuel service stations in an IM district.

B. Industrial Uses and BCZR Section 253.1.A.

The definition of industrial is located in Section 101 of the BCZR. This Section states

> INDUSTRIAL, QUASI-INDUSTRIAL OR INDUSTRY RELATED USE – Any use listed in **Section 253.1.A other than Item 34**; any use listed in Section 253.1.B, 253.2.A or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses. (emphasis added)

Section 253.1.A lists 56 uses permitted as of right in the ML zone, almost all of which are characterized as manufacturing, packaging or assembly type uses. Item 34 of Section 253.1.A lists "Offices or office buildings or medical clinics." Therefore, People's Counsel claims these office uses are not the type of use that can be served by the fuel service station listed in Section 253.2.B as Item 34 (offices) of Section 253.1.A is specifically not included in the definition of "industrial" in Section 101. An analysis of the legislative history and intent behind Sections 253.2.B, 253.1.A, as well as the definition of industrial uses in the BCZR reveals this position to be in error.

C. 1970 Zoning Code Amendments.

Section 253.2.B of the 1970 Baltimore County Zoning Regulations contained the first provision for allowing the auxiliary retail uses in IM zones and did so in an almost identical manner as the current BCZR Section 253.2.B. *See* Attachment 1 at 68. This Section stated:

> The following auxiliary service uses [are permitted], provided that any such use shall be located in a planned industrial park at least 25 acres in net area or an IM district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and, provided further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area;
>
> 1. Automotive-service stations, subject, further, to the provisions of Section 405.
> 2. Car washes, subject, further, to the provisions of Section 419.

Excluding the language referring to Class I Commercial Motorways, the authority for fuel service stations by special exception in IM zones is identical. At the time this provision allowing for auxiliary use fuel service stations in IM zones came into being, there was no definition of "industrial uses" listed in the BCZR. *See* Memorandum, Section III, D, *supra.* However, there were industrial uses listed allowed as of right at the time Bill 100-70 was enacted and they are almost identical to the list of allowable uses as of right in ML zones contained in the current edition of the BCZR.[2] *See* Attachment 1 at 61-65.[3] These 1970 permitted uses contained "offices and office buildings" listed as Item 33. *Id* at 64. Therefore, at the time this provision relating to auxiliary retail fuel service stations in IM districts was enacted, offices and office buildings were included by the Baltimore County legislature as uses that could be "primarily served" by such auxiliary retail use.

D. Industrial Definition Amendment.

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[2] At this time, the four major classifications of rural, residential, business and manufacturing are codified. See Attachment 1 at 3. Logically, any industrial use at the time of enactment of Bill 100-70 would correspond to the four manufacturing zones (MR, MLR, ML and MH).

[3] This Item number for office uses was renumbered as Item 34 with the addition of the new Section 5 (Brewery) by Bill 185-95.

The definition of "industrial" and "non-industrial" first appeared through amendments to the BCZR in 1979 through Bill 178-79. *See* Attachment 2. In this Bill's opening clause, it states the purpose of the Bill is to "adopt basic services, maps and regulations and requirements pertaining thereto; ... by adding new Article 4A – GROWTH MANAGEMENT; by adding... **new definitions** ...; 'Industrial, quasi-industrial, or industry related use and non-industrial and use' to Section 101 of the Baltimore County Zoning Regulations." *See Id* at 1. It was through this amendment that the current definition of "industrial" relied upon by People's Counsel first emerged. *See Id.* at 22-23. These definitions of industrial and non-industrial and, more importantly, the difference between the two, were placed in the BCZR not due to their effect on auxiliary retail uses in IM zones, but, rather, due to their relationship to the new basic service regulations and requirements.

As gleaned through an analysis of Bill 178-79, the main purpose of this legislation was to enact basic service maps and regulations and requirements pertaining to expanded residential or other "non-residential" development. This goal was primarily served by the new creation of Article 4A – GROWTH MANAGEMENT. It is in this Section, the Baltimore County legislature stated the necessity to adopt a plan to provide the necessary public facilities and services to support new development. *See Id.* at 3. In fact, the primary emphasis behind drafting this legislation is, in fact, the addition of this new Section 4A, witnessed by the volume of attention devoted to this Section.

It is here, in Section 4A01.2.B – CONTENTS OF REPORT, where the development activity was first described as industrial. *Id.* at 5-6. In particular, the main goal of Section 4A of these regulations was "hereby established to regulate residential and other non-industrial development" in the "PURPOSE AND INTENT" section of the Bill. *See Id.* at 7. This attention to clarify industrial from non-industrial was never enacted for any purpose other than to specify what type of development these amendments were concerned with.

In particular, the three sections dealing with water, sewer and transportation effects each state specifically these new regulations "are enacted to regulate non-industrial development." *Id*. At 12-14. Through these three sections the word non-industrial is used 12 times to describe the types of development. In comparison, the word industrial is used once in this Section to state reserve capacity of sewerage can be calculated after discounting industrial amounts. Absent these usages of "industrial" and "non-industrial" in Section 4A (other than those relating to their first definition) the word non-industrial is used once in the remainder of the Bill to relate Section 4A would be dealing with non-industrial development.

Clearly, these definitions became necessary as Bill 178-79 was enacted to deal with "non-industrial" development and, up until enactment of Bill 100-70, there was no definition in place to separate the exact type of development these regulations would apply to. Although perhaps commonly known, it was necessary to codify which use exactly would fall into an industrial definition in a way that would not overlap with residential and other non-manufacturing uses. This is evident when looking at the extensive list of uses referred to by the definition of "industrial," while the definition for "non-residential" simply states they are "any use other than industrial." *See* Attachment 2 at 22.

This distinction was made between industrial and non-industrial based on the types of services needed for each use, not for the purpose of auxiliary retail services primarily serving them. Upon looking at the list of 54 uses permitted as of right in the ML zones in existence at the time of Bill 178-79 passage, all of these uses are characterized as manufacturing, packaging or assembling, with the exception of office and office uses. It is important to note that the "industrial" definition eliminated office and office buildings listed in Item 33 due solely to how these uses related to the different public services required and not how these definitions related through the rest of the

BCZR's text. It is easily understood how manufacturing type uses have different requirements for basic services than uses dominated by heightened human needs and requirements.

As demonstrated previously, this prohibition of offices was retained in the definition of "industrial" without ever addressing what auxiliary retail uses could be utilized in an IM zone. As such, the legislative intent that fuel service stations be allowed as auxiliary use retail in the ML-IM zone contained in the Red Run Employment Corridor has remained intact since 1970. Substantive modifications to Section 253.2.B providing for auxiliary uses in IM zones has not been changed in 33 years and the prohibition of office buildings and office uses from those uses classified as "industrial" (nine years later) was the effect of new public service requirements and nothing more.

E. BP Satisfies the requirements of BCZR 253.2.B

When relating standards and requirements of the BCZR for certain uses, one must evaluate these requirements using the relevant section pertaining to these uses. In the case *sub justice* the pertinent section is 253- Manufacturing Light Zone Use Regulations. It is in this BCZR Section 253.1.A where, 56 of "[t]he following industrial uses" are listed. These 56 uses are characterized as industrial exemplified by the previously quoted title of that subsection. Included in these 56 "industrial" uses are "offices or office buildings or medical clinics" in item 34. For reasons stated previously, and due to the classification of industrial <u>in BCZR Section 253 itself</u> including offices as industrial use, any evaluation of which uses are referred to by BCZR Section 253.2.B should refer back to definitional section of BCZR Section 253 . Section 253 deals exclusively with auxiliary retail uses in an ML Zone and the IM overlay district and, as such, these listed uses must be primarily served. Item 34, "Offices", are clearly included in these uses. The illogical conclusion offices were not to be included would necessitate changing the title of BCZR Section 253.1.A to, "The following industrial uses and offices." Surely, this was not the intention of the legislature.

BCZR Section 253.2.B states that fuel service stations must serve primarily industrial uses **"and/or related activities in the surrounding industrial area."** As presented at the hearing, the Red Run Employment Corridor is approximately 33% built-out. As such, stating this auxiliary use could not primarily serve future manufacturing, packaging or assembly uses (that may eventually dominate the corridor) is a speculative finding. With the vast majority of the build-out yet to occur on this ML-IM land, it is impossible to predict what type of development will eventually exist in this corridor. In fact, office type uses are only one of the 56 uses permitted by right in such zones.

Section 253.2.B also states the auxiliary retail use must serve the related activities in the industrial area. As proven through various testimony and exhibits, the entire Red Run Corridor is overwhelmingly zoned ML-IM and would be considered an industrial area by Baltimore County. As such, this fuel service station can primarily serve any of the uses located within this vast industrial area. By maintaining this auxiliary use is prohibited from serving uses zoned specifically for **Manufacturing Light – Industrial Major** based on a definition that arose nine years after the original intent of automotive service stations placement in ML-IM zones, would be an extremely constrained and rigid interpretation of the true intention behind the regulations affecting auxiliary retail uses in ML-IM zones.

IV. BP CONNECT STORE IS NOT A "FOOD STORE"

A. BP Connect Store.

BP/Amoco ("BP") is proposing to construct a BP Connect convenience store/carry-out restaurant ("BP Connect") in conjunction with their fuel service station containing approximately 4,224 square feet. This store is permitted as a special exception as per Section 405.4.E(1) and 405.4.E(10). The claim has been raised by Protestants that this convenience store should be classified as a "food store" by the Board currently reviewing this appeal. Due to the nature of the

goods and services contained within the BP Connect and through an analysis of the BCZR, this characterization of a convenience store/carry-out restaurant as a food store is incorrect.

B. Store Specifications.

BP is proposing a 4,224 square foot BP Connect store to operate in conjunction with the above referenced fuel service station. Of this 4,224 square foot BP Connect, the square footage will be broken down with the following uses: the carry-out restaurant portion will contain 700 square feet, restrooms will encompass 105 square feet, the storage area for the entire BP Connect will contain 580 square feet, the cashier area will measure 275 square feet and the convenience store will contain 2,564 square feet.

Section 405.4.E(1) provides for the following use allowed by special exception in combination with fuel service stations:

> Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.

Section 405.4.E(10) provides additional special exception uses permitted in combination with fuel service station:

> Restaurant, including fast food, fast food drive-thru only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.

Therefore, both the BP Connect 2,564 square foot convenience store and 700 square foot carry-out restaurant area are permitted as a special exception use in combination with BP's proposed fuel service station.

This station is located in an ML-IM zone. Fuel service stations are allowed by special exception as auxiliary retail uses in a ML-IM zone. Food stores are also permitted as auxiliary retail or service uses in ML-IM zones under Section 253.1.C(12). This Section states,

> The following auxiliary retail or service uses or semi-industrial uses, provided that any such uses are located in a planned industrial park at least 25 acres in net area or in an IM district:
>
> 2. Food stores, but the gross floor area of any such store should not exceed 2,500 square feet.

As there is a 2,500 square foot limit placed on these stores, the Protestants in this case are attempting to incorrectly characterize the BP Connect store as a "food store" in hopes of altering the proposal into an non-permitted use in a ML-IM zone. This argument, attempting to characterize the BP Connect as a food store, is erroneous due to the following.

C. BP Connect Falls Into a Convenience Store/ Carry-Out Restaurant Classification Under the BCZR.

In the definition section of the BCZR, Section 101 defines a convenience store as:

> A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer on the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty-four-hour period.

This Section also defines a carry-out restaurant as:

> An establishment whose principle business is the sale of ready-to-consume food and beverages to consumers who order their food and beverages over the counter, by telephone or by fax machine, and whose principle characteristic is that food and beverages are consumed off the premises.

The BP Connect store will contain a cashier portion, restrooms, general storage and a food service component. This food service area of BP Connect is marked by distinctive elements separating the store into two separate areas. These characteristics allow the separate food service areas to receive the classification of a convenience store for that relevant portion and a carry-out restaurant for the other distinctive portion.

The carry-out food portion of the store will serve various hot and cold sandwiches, soups, salads and other "snack" or quickly prepared foods. Patrons will have limited seating to wait while their order for food is being processed; however, the composition of this seating area will not allow for a traditional restaurant type service to exist. This food purchased at the carry-out section of the BP Connect primarily will be taken out and eaten off the premises. Therefore, this 700 square foot carry-out section of the BP Connect contains the exact elements of serving **ready-to-consume food** to consumers to be consumed **off the premises.** These factors fulfill the required elements for a carry-out restaurant under the BCZR. Also, it should be noted that 60.7% of BP Connect's sales are for non-food or beverage items. Therefore, the majority of products purchased at a BP Connect are not food items at all. In fact, even the food and beverage sales for BP Connect entail small items normally being purchased individually and not as a large portion of a household's grocery needs.

The convenience store portion of the BP Connect will provide general household items, sealed snacks and candy, prepackaged foods to be prepared off site and an assortment of beverages. These types of items serve the convenience of a consumer in need of one small specific item, and could not provide for all of the general grocery needs of an individual or family. Again, with these types of small items only being provided in the convenience store, this sales area fits into the parameters provided in the BCZR's definition of convenience store as supplying **refrigerated products, household items, carry-out food products and prepackaged sealed food and meals.**

With these separate food service entities complying with the purpose and intent of the BCZR classifications as both a carry-out restaurant and a convenience store, any argument to the contrary is illogical. The types of products required for each portion of the food service elements of a BP Connect to be classified as a convenience store and carry-out restaurant are easily satisfied. Furthermore, BP has applied for the development of various other BP Connect stores in conjunction

with fuel service stations within Baltimore County, and has classified each of these BP Connect stores as containing a convenience store and carry-out restaurant. This classification has been approved throughout the development process by the Baltimore County Department of Planning, Baltimore County Office of Permits and Development Management and by Baltimore County Zoning Commissioners. This attempt by Protestants to classify this convenience store and carry-out restaurant portion of a BP Connect as a "food store" is an attempt to ban a use specifically allowed by special exception in conjunction with fuel service station in a ML-IM district.

D. Convenience Store and Carry-out Restaurant Specifically Provided For By Section 405 of the BCZR.

BCZR Section 405.4.E of the BCZR specifically provides for convenience stores and carry-out restaurants to exist as uses in combination with fuel service stations. The entire BCZR Section 405 deals exclusively with fuel service stations and was enacted to handle the changing nature of these uses in Baltimore County. BCZR Section 405 deals exclusively and comprehensively with regulations and concerns that arise solely from fuel service stations. As such, this Section is the highest authority as to what uses may be employed with fuel service stations. The type of convenience store/ carry-out restaurant proposed by BP is in fact employed by many other fuel service stations exhibited, not only through industry custom, but by these regulations themselves.

As demonstrated through an analysis of the BCZR, food stores of the type contemplated in the BCZR are not employed as a use in conjunction with a fuel service station. A food store or grocery store typically exists as its only separate use and are not used in conjunction with other service type facilities. The omission of food stores from an allowable use in combination with a fuel service station under Section 405 reiterates the idea that food stores are not contemplated or utilized in conjunction with fuel service stations.

E. BP Connect Stores Can't Be Classified as "Food Stores" Under Either the Baltimore County Code or the BCZR.

As mentioned previously, a food store is allowed in a ML-IM district under Section 253.1.C (12). However, nowhere in the BCZR or the BCC is "food store" defined. Both the BCZR and BCZR have previsions handling how such undefined terms should be interpreted.

Article 1 of the BCZR, Section 101 and Title 19 of the BCC, Article II, Section 19-32 both state:

> Any word or term not defined in this Section should have the ordinarily accepted definition as set forth in the most recent edition of (*Webster's Third New International Dictionary*) ("Webster's Third") of the English Language, unabridged.

This standard for interpreting undefined terms of the BCZR is also repeated in other Sections of the Code itself. See *Tit.* 26, Baltimore County Code, Art.VIII, Sec. 26-438. Therefore, it is necessary to look at Webster's Third for the proper interpretation of "food store."

A definition of food store in the conjunctive is not provided by Webster's Third and, therefore, each term must be defined separately. Page 842 of Webster's Third defines food as "material consisting of carbohydrates, fats, proteins, and supplementary substances (as minerals, vitamins) that is taken or absorbed into of the body of an animal in order to sustain growth, repair, and all vital process and to furnish energy for all activity of the organism." As the term food is easily understood and not at the crux of this argument, more particular attention should be given to the definition of store presented on page 2,253 of Webster's Third.

The most relevant definition for the type of use related to this case *sub judice*, is "store: a business establishment where goods are kept for retail sale <grocery> <furniture>; *Esp*: a retail establishment having a large diversified stock of goods." Therefore, this definition presents the traditional image of a store as a retail center for consumers, but goes further stating that such retail

establishments (such as grocery stores) should have a large diversified stock of goods. When store is used in conjunction with food (its descriptive classification), theses large, diversified goods must necessarily be food. Stated previously, BP Connect stores do not contain such a large diverse stock of food, but, rather, contain convenience items and quick serve type foods.

Furthermore, a definition of convenience store is specifically provided for in the BCZR with a precise listing of the types of items necessary to be contained within. This is also the case for carry-out restaurants. These items contained in the definition are found in BP Connect stores. Items contained in a food store are not specifically provided under the BCZR but these food stores must contain a large diversified stock of food. It is important to note that "food" is the distinguishing characteristic of the use "store." It is "food" being sold that separates this from other retail suppliers. By the nature of the products sold within BP Connect stores, an individual can recognize that a large diversity of food items are not contained at these stores. [4] BP Connect stores limit themselves to small snack items and prepackaged sealed foods not of the type or quantity contained in traditional grocery or wholesale food warehouses. The convenience aspect of BP Connect's items create a store on a smaller scale than a grocery store or "food store." Also, without providing primarily food items of the type provided at a grocery store, any argument that BP Connect stores exist as food stores should be nullified.

V. CONCLUSION

BP Corporation has proposed a fuel service station to be located in the Red Run Employment Corridor as an auxiliary service use which will serve primarily the industrial uses and related activities in the surrounding industrial area. This type of auxiliary retail use is specifically provided for by the Baltimore County Zoning Regulations (and was originally enacted) as a preferred use in

[4] Also demonstrated by the fact that the majority of sales for BP Connect are now food items.

ML-IM zones through Bill 100-70. These Regulations, originally enacted in 1970, have remained virtually unchanged for 33 years with only inconsequential modifications being made.

The argument that the mere presence of office uses and office buildings in this employment corridor prohibits this type of auxiliary use from existing in the corridor is unfounded. This constrained interpretation is based upon a reading of the current definition of industrial in BCZR Section 101 in a vacuum and not in relation to BCZR Section 253. This is because this "industrial" definition was first introduced into the Baltimore County Zoning Regulations in 1979 and was undertaken in order to clarify the difference between non-industrial and industrial uses only as they pertain to the public services required by each individual use. The definition of industrial was enacted after the regulations applying to the auxiliary retail uses in IM zones and, as such, never contemplated their effect on these other provisions of the Zoning Regulations. Office and office uses were and continue to be favored by the Baltimore County legislature as being proper uses for fuel service stations to primarily serve ML-IM areas.

Similarly, the meritless claim has been forwarded that BP's proposed convenience store portion of the development should be considered a food store on the same scale as a commonly accepted grocery store. These convenience stores serve convenience items that are known generally by the public to be of limited variety and serve limited needs. The items in this store would not be confused nor utilized by consumers to satisfy food shopping needs for an individual, much less a household. This notion is reinforced by an analysis of the definition mandated by both the Baltimore County Zoning Regulations and the Baltimore County Code as determining meaning for any words without finite definitions within the Zoning Code itself. These definitions demonstrate this food service portion of the BP development should not be considered a food store.

Fuel service stations have long been provided for by Baltimore County Council as an appropriate uses within Manufacturing Light – Industrial Major (ML-IM) districts and, as such, BP Corporation's Petition for Special Exception should be granted. The detrimental effects from this fuel service station will be no higher than is normally inherent in any other similar uses located on ML-IM land throughout the County and this store's operation will primarily serve the surrounding Red Run Employment Corridor's industrial uses and related activities.

As such, BP Corporation submits its Petition for Special Exception should be granted.

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COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1979, Legislative Day No. 20

BILL NO. 178-79

Mr. Norman W. Lauenstein, Councilman

By the County Council, October 15, 1979

A BILL
ENTITLED

AN ACT to implement various elements of the County's ~~Comprehensive~~ Master Plan, and more specifically those objectives, policies and standards relating to the assimilation, location, quantity, quality and timing of growth and development in Baltimore County, the provision of adequate public facilities to support development and the protection of agricultural and environmentally-sensitive land in the resource conservation zoning classifications, ~~and to provide for the establishment of overlay district areas and regulations and requirements pertaining thereto; to provide for a master plan consistency determination~~ AND TO ADOPT BASIC SERVICES MAPS AND REGULATIONS AND REQUIREMENTS PERTAINING THERETO; and to provide for monitoring of development activity; by adding new Article 4A - GROWTH MANAGEMENT; by repealing Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. of said regulations and enacting new Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. in lieu thereof; by adding Subsections 1A01.4, 1A02.4, 259.3 and new definitions ~~"Facilities impact use, Class A"; "Facilities impact use, Class B"~~; "Housing for the elderly"; "Industrial, quasi-industrial, or industry-related use"; and "Nonindustrial use" to Section 101, all of the Baltimore County Zoning Regulations; ~~by repealing and re-enacting with amendments Subsections 100.1.B.2, 100.1.G., 100.4, the definition of "Farm" under Section 101, and Subsection 259.2, all of the Baltimore County Zoning Regulations;~~ by repealing Subsection 1A04.3.B.2 of said regulations; and by repealing Council Bill 177-79.

NOTE: NOTICE OF AMENDMENT TO THIS BILL.
At the time of Final Reading, the Council *unanimously voted to delete pages* 3 through 43 of the bill as introduced and replace them with pages 3 through 21. For purposes of clarity and economy, the deleted pages are not included.

WHEREAS, by Article XI-A of the Maryland Constitution, the General Assembly is authorized to provide a grant of "express powers" to counties that form a charter government; and

WHEREAS, by Article 25A, Section 5 of the Annotated Code of Maryland, the General Assembly has designated the "express powers" to be granted to charter counties, which powers include the power to enact local laws for the protection and promotion of public health, safety and welfare, relating to planning, zoning and subdivision and to pass all ordinances, resolutions or bylaws that may be necessary and proper to execute and enforce any of the powers expressly enumerated; and

WHEREAS, the people of Baltimore County in accordance with the Constitution and Laws of the State of Maryland have adopted, ordained and established the Baltimore County Charter; and

WHEREAS, pursuant to provisions of the Charter and of the County Code, the County is responsible for planning for the future growth and development of the County, including the preparation of a Master Plan; and

WHEREAS, pursuant to Section 523 of the Baltimore County Charter, the Master Plan shall be a composite of mapped and written proposals setting forth comprehensive objectives, policies and standards to serve as a guide for the development of the County; and

WHEREAS, the County Council has adopted the Master Plan by Resolution No. 71 -79 dated ~~October 15~~ NOVEMBER 19, 1979; and

WHEREAS, pursuant to the Baltimore County Charter and Code, the County Council is responsible for the implementation of the Master Plan through the adoption or amendment of zoning maps and regulations, subdivision regulations, capital improvement programs and such other legislation, regulations, policies and programs which may be necessary; and

WHEREAS, said Master Plan divides the County into areas for the purpose of achieving specific plan objectives related to the location, density, timing and quantity of growth and development in such areas and the appropriate distribution of population, housing units and land uses throughout the County; and

WHEREAS, said Master Plan contains objectives, policies and standards designed to assimilate full population growth by the County representing the County's share of regional growth, to insure orderly growth and development of said population in the County; to protect valuable and irreplaceable natural, agricultural and environmental land and resources; to promote economic growth; to meet the housing needs of present and future anticipated residents; to assure that new development is adequately served by public facilities and services; to correct service and facility deficiencies in existing neighborhoods; and to promote the public health, safety and welfare of all residents of the County; now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, that a new Article 4A - GROWTH MANAGEMENT, be and it is hereby added to the Baltimore County Zoning Regulations, said new article to read as follows:

ARTICLE 4A - GROWTH MANAGEMENT

Section 4A00 - Purpose and Definitions

4A00.1 - Purpose.

The purpose and intent of this Article is to implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timing of growth and development that is consistent with preservation of the quality of life in existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support new development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources and with the promotion of new growth and development in appropriate areas.

4A00.2 - Definitions

For the purposes of this Article, certain words and terms are defined as set forth below:

1. Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual budget, for the purchase, construction, or replacement of the physical assets of the community are included as set forth in the Baltimore County Charter. Capital Improvements Program shall refer to the existing or any subsequently adopted CIP as defined herein.

~~--------2.--Development Applications.--Applications to the County for nonindustrial development approval necessary prior to and including building permit applications; includes applications for special permits, special exceptions, tentative or final subdivision approval (with or without public works agreements) and building permits when no other development approval has been required.----------~~

~~--------3.--Director.--The Director of the Office of Planning and Zoning of Baltimore County.---~~

-4- 2. Master Plan. The comprehensive plan for orderly development of the County, adopted by the County Council, pursuant to the Baltimore County Charter and Code, and including all parts and elements thereof which shall serve as the basis for land use regulations in the County.

Section 4A01 - Monitoring of Development Activity.

4A01.1 - Generally.

In order to insure consistency between the operation and effectiveness of the Growth Management process, including but not limited to zoning maps, zoning regulations, subdivision regulations, basic services mapping standards, PUD requirements, community plans, and capital improvement programs and the growth management objectives of the County-wide Master Plan, as adopted, development activity in the County shall be monitored on a semi-annual basis in order to reflect current trends and activities and to provide a basis for amendment to the County's Growth Management process and/or County-wide

Master Plan from time to time.

A. Monitoring Function.

1. The responsibility for monitoring development activity shall be with the Director of the Office of Planning and Zoning.

2. The Director of the Office of Planning and Zoning shall, semi-annually, request such information as is necessary from any and all departments of the County and State or federal agencies, as needed, in order to prepare and formulate a comprehensive report on development activity having taken place during the preceding six month period in the County and which might be expected to take place during the following six month period.

3. The report on development activity shall be completed not more than one month following the conclusion of the six-month period that is subject of the report.

4. Upon completion of the report, it shall be forwarded to the Administrative Officer, Planning Board and the County Council for review, recommendation and appropriate action, as determined by the County Council.

4A01.2 - Contents of Report.

A. The report on development activity shall include, but need not be limited to, consideration of applications for, status and disposition of requests for permit issuance or approval of the following:

1. reclassifications

2. special exceptions

3. tentative subdivisions

4. final subdivisions

5. building permits

B. Development activity shall be described by type of development as follows:

1. residential

2. office

3. commercial

4. industrial

5. public

6. other

C. Development activity shall be described and located by the growth areas referred to in the land use elements of the County-wide Master Plan.

D. Development activity shall be described by the number of acres being developed, the number and type of units being developed,~~or~~ AND by other appropriate criteria as determined by the Director of the Office of Planning and Zoning.

E. The report on development activity shall specify whether or not, and the extent to which, such development activity is consistent with the objectives of the County-wide Master Plan and elements thereof and with other adopted County plans, and the County capital improvements program, with respect to each growth area. As such, the report shall emphasize the degree of conformity between the County capital budget and long-term capital improvements program regarding the timing and sequencing of the provision of public facilities and services necessary to support development and the scope, extent and location of development activity that has actually occurred during the previous monitoring period. To the extent that the County capital budget and capital improvements program is found to be deficient in providing public facilities and services necessary to support development activity consistent with Master Plan projections and recommendations, the Director of the Office of Planning and Zoning, in conjunction with other County staff, departments, agencies and officials shall consider such deficiencies and shall recommend appropriate actions for Planning Board and County Council review and consideration.

Section 4A02 - Basic Services Maps.

4A02.1 - Purpose and intent.

The County Council finds that important public facilities in certain predominantly urban areas of the County are inadequate to serve all of the development that would be permitted under the regulations of the zones or

commercial districts within which those areas lie. Basic service maps are hereby established to regulate residential-and-other-nonindustrial development in those underserved areas to a degree commensurate with the availability of these facilities. Basic service maps are not permanent, and will be reviewed annually with reports to the County Council.

4A02.2 Conflicts.

In the event that there is any conflict between the provisions of this subsection ARTICLE and any other provisions of these zoning regulations, the provisions of this subsection- ARTICLE shall govern.

4A02.3 Adoption of Basic Services Maps.

A. The following basic services maps, which shall be in the custody of the zoning commissioner for Baltimore County, are hereby adopted and made a part of this Article:

1. Basic Service Sewerage Map, dated November 19, 1979.
2. Basic Service Water Supply Map, dated November 19, 1979.
3. Basic Service Transportation Map, dated November 19, 1979.

B. The three basic services maps shall be prepared annually in accordance with the schedule set forth below, which maps shall incorporate a delineation of adequacy and availability of water supply, sewerage, transportation services and facilities according to the standards and requirements set forth in this section.

C. The individual sewer, water supply and transportation basic services maps shall be adopted by the County Council in accordance with the procedures and requirements of this Article contrary provisions of Title 22. of the Baltimore County Code notwithstanding.

D. Boundaries as shown on the basic services maps shall be interpreted in accordance with section 100.4 of these zoning regulations.

E. 1. Before July 31, 1980, and annually thereafter, the Planning Board shall recommend to the County Council any revisions to the basic services maps. The Planning Board need not adopt a preliminary report or hold a public hearing with respect to its recommendations, although it shall allow the public a reasonable opportunity to comment before adopting the recommendations.

2. Before October 15, 1980 and annually thereafter, the County Council shall take action on said maps-with-respect-to----- AFTER CONSIDERATION OF the recommendations of the Planning

Board. The County Council shall hold one public hearing prior to adoption of said maps which hearing shall be advertised and held in accordance with Section 22-22(a) of the Baltimore County Code.

3. The basic services maps may be amended only under the annual-revision procedures set forth above except in the case of error. In such case, the maps may be corrected at any time by legislative act of the County Council, providing that the Planning Board has been given an opportunity, at a regular meeting of the board, to review and issue a report with respect to the amendment under consideration and provided that the County Council has found that an error has, in fact, been made, after consideration of the purposes of the zoning regulations and map, including the factors set forth in subsection 2-40.1(j) (Council Bill 46-79). Contrary provisions of Section 22-22 of the Code notwithstanding, only one hearing under the procedures of subsection 22-22(a) need be held before the County Council adopts a corrective amendment pursuant to this subsection, and the report of the Planning Board and any accompanying materials need not be displayed in each councilmanic district.

F. Basic services maps are not intended to permanently establish either areas of service deficiencies or areas of service availability and adequacy. Such maps will be reviewed annually, as it is the intent of the County Council that existing service deficiencies will be corrected in accordance with the Master Plan and capital improvements program. It is also recognized by the County Council that continuing development in certain areas may create service deficiencies in areas that presently have adequate levels of service. In some cases, changes in underlying zoning classifications may have to be made to better correlate development potential.

~~G. 1. Except as otherwise provided in this Article, no building permit, pursuant to subsection 500.1 of Article 5 of these Zoning Regulations, or final subdivision approval shall be granted after the effective date of this Article within a basic sewerage or basic transportation mapped area, unless the Director of the Office of Planning and Zoning has issued, upon appropriate application on forms issued by the Director, a reserve capacity use certificate for that development as follows:~~

~~a. With respect to all subdivisions recorded prior to the effective date of this Article, no building permit shall be issued which allows an extent of development exceeding that authorized by the certificate;~~

~~b. The Office of Planning and Zoning shall not approve a final~~

1.----plat for any subdivision that provides an extent of development beyond that authorized ----

2.----in the certificate;

3.----------c.--With respect to an application for development which does

4.----not require subdivision approval, no building permits shall be issued for development

5.----which allows an extent of development exceeding that authorized by the certificate.

6.----------2.---a.--An application for a reserve capacity use certificate shall

7.----be accepted by the Director of the Office of Planning and Zoning after the applicant

8.----has applied for a building permit or final subdivision approval for which the application

9.---for a reserve capacity use certificate is sought.

10.----------b.--Applications may be acted upon only according to the order in

11.----which they are accepted by the Office of Planning and Zoning.

12.----------3.---a.--Prior to January 1, 1980 no applications for a reserve capacity

13.----use certificate shall be accepted by the Office of Planning and Zoning unless the

14.----applicant has a final subdivision plat covering the subject property recorded prior

15.----to the effective date of this Article or the applicant has applied for a building

16.----permit for development of the property for which subdivision approval is not otherwise

17.----required.

18.----------b.--After January 1, 1980, applications shall be accepted pursuant

19.----to the provisions of subparagraph 1 of this paragraph 6.

20.----------4.--A reserve capacity use certificate shall authorize development only

21.----to the extent that it will not utilize more than the reserve capacity of the sewerage

22.----or the transportation network, as the case may be, of the basic services mapped area

23.----within which the property is located.--Before issuance of such a certificate, the

24.----capacity shall be determined under the formula

25.----------R = N - A + E

26.----in which

27.----------R = the reserve capacity at the time of application, in millions of

28.----------gallons per day or peak hour trips per day, as the case may be,

29.----------N = the numerical designation of the mapped area,

30.----------A = the aggregate reserve capacity already authorized by certificate

31.----------applications approved on or after the effective date of the basic

32.----------services map in question plus the aggregate reserve capacity that wil

33.----------be used by development for which certificates are not required but

34.----------which has been authorized by building permits since that date, and

~~E. the aggregate reserve capacity so authorized by issuance of certificates that have expired, as provided in this paragraph G.~~

~~5. Except as otherwise provided in Subparagraph 6, any reserve-capacity use certificate for development of a subdivision tract shall expire 9 months after the date it is issued, except to the extent that it applies to a tract or part of a tract on which substantial construction of the utilities or roads has taken place on that date or with respect to which a public works agreement has been both executed and funded, in that there has been deposited with Baltimore County money or irrevocable security in an amount sufficient to secure the construction of the public improvements covered by that agreement.~~

~~6. A reserve-capacity-use certificate pertaining to development that has been authorized by a building permit does not expire unless the building permit has expired.~~

~~7. For all sewerage allocations made by the Department of Public Works prior to the effective date of this Article, and for all development for which there is an approved and unexpired building permit issued prior to the effective date of this Article, reserve-capacity-use certificates shall be issued by the Director of the Office of Planning and Zoning without application. The effective date of issuance of such certificates shall be the effective date of this Article.~~

G. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, NO BUILDING PERMIT, PURSUANT TO SUBSECTION 500.1 OF ARTICLE 5 OF THESE ZONING REGULATIONS AND NO FINAL SUBDIVISION APPROVAL SHALL BE ISSUED OR GRANTED AFTER THE EFFECTIVE DATE OF THIS ARTICLE WITHIN A BASIC SERVICES MAPPED AREA, UNLESS THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING HAS ISSUED, UPON APPROPRIATE APPLICATION ON FORMS PREPARED BY THE DIRECTOR, A RESERVE-CAPACITY-USE CERTIFICATE FOR THAT DEVELOPMENT IN ACCORDANCE WITH THE FOLLOWING:

A. WITH RESPECT TO ALL SUBDIVISIONS RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE, NO RESERVE-CAPACITY-USE CERTIFICATE SHALL BE ISSUED WHICH ALLOWS AN EXTENT OF DEVELOPMENT EXCEEDING THAT ALLOWED IN ACCORDANCE WITH SUBPARAGRAPH 4 HEREOF.

B. WITH RESPECT TO ALL SUBDIVISIONS FINALLY APPROVED SUBSEQUENT TO THE EFFECTIVE DATE OF THIS ARTICLE, THE OFFICE OF PLANNING AND ZONING SHALL NOTIFY THE APPLICANT AS PART OF ANY SUCH FINAL SUBDIVISION APPROVAL, THE EXTENT OF DEVELOPMENT ALLOWED PURSUANT TO SUCH RESERVE-CAPACITY-USE CERTIFICATES APPLICABLE THERETO AS OF THE DATE OF FINAL SUBDIVISION APPROVAL ISSUED IN ACCORDANCE WITH SUBPARAGRAPH 4 HEREOF.

C. WITH RESPECT TO AN APPLICATION FOR A BUILDING PERMIT FOR DEVELOPMENT WHICH DOES NOT REQUIRE SUBDIVISION APPROVAL, NO RESERVE-CAPACITY-USE CERTIFICATE SHALL BE ISSUED WHICH ALLOWS AN EXTENT OF DEVELOPMENT EXCEEDING THAT ALLOWED IN ACCORDANCE WITH SUBPARAGRAPH 4 HEREOF.

2. A. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH 3, AN APPLICATION FOR A RESERVE-CAPACITY-USE CERTIFICATE SHALL BE FILED WITH THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING AFTER THE APPLICANT HAS APPLIED FOR A BUILDING PERMIT (FOR DEVELOPMENT WHICH DOES NOT OTHERWISE REQUIRE SUBDIVISION APPROVAL) OR FINAL SUBDIVISION APPROVAL FOR WHICH THE APPLICATION FOR A RESERVE-CAPACITY-USE CERTIFICATE IS SOUGHT, AND SHALL BE ACTED UPON BY THE DIRECTOR WITHIN 3 WORKING DAYS AFTER SAID FILING.

B. APPLICATIONS MAY BE ACTED UPON ONLY ACCORDING TO THE ORDER IN WHICH THEY ARE PROPERLY FILED WITH THE OFFICE OF PLANNING AND ZONING.

3. PRIOR TO JANUARY 1, 1980, NO APPLICATIONS FOR A RESERVE-CAPACITY-USE CERTIFICATE SHALL BE ACCEPTED BY THE OFFICE OF PLANNING AND ZONING UNLESS THE APPLICANT HAS A FINAL SUBDIVISION PLAT COVERING THE SUBJECT PROPERTY RECORDED PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE OR THE APPLICANT HAS APPLIED FOR A BUILDING PERMIT FOR DEVELOPMENT FOR WHICH SUBDIVISION APPROVAL IS NOT OTHERWISE REQUIRED.

4. A. A RESERVE-CAPACITY-USE CERTIFICATE SHALL AUTHORIZE DEVELOPMENT ONLY TO THE EXTENT THAT IT WILL MEET THE WATER SUPPLY STANDARDS OF SECTION 4A02.4 AND WILL NOT UTILIZE MORE THAN THE RESERVE CAPACITY OF THE SEWERAGE OR THE TRANSPORTATION NETWORK AS THE CASE MAY BE, OF THE BASIC SERVICES MAPPED AREA WITHIN WHICH THE PROPERTY IS LOCATED. BEFORE ISSUANCE OF SUCH A CERTIFICATE, THE SEWERAGE OR TRANSPORTATION CAPACITY SHALL BE DETERMINED UNDER THE FORMULA

$$R = (N - A) + E$$

IN WHICH

R = THE RESERVE CAPACITY AT THE TIME OF APPLICATION, IN MILLIONS OF GALLONS PER DAY OR PEAK-HOUR TRIPS PER DAY, AS THE CASE MAY BE;

N = THE NUMERICAL DESIGNATION OF THE MAPPED AREA;

A = THE AGGREGATE RESERVE CAPACITY ALREADY AUTHORIZED BY CERTIFICATE APPLICATIONS APPROVED ON OR AFTER THE EFFECTIVE DATE OF THE BASIC SERVICES MAP IN QUESTION PLUS THE AGGREGATE RESERVE CAPACITY THAT WILL BE USED FOR DEVELOPMENT FOR WHICH CERTIFICATES ARE NOT REQUIRED BUT WHICH HAS BEEN AUTHORIZED BY BUILDING PERMITS SINCE THAT DATE; AND

E = THE AGGREGATE RESERVE CAPACITY SO AUTHORIZED BY ISSUANCE OF CERTIFICATES THAT HAVE EXPIRED, AS PROVIDED IN THIS PARAGRAPH G.

B. IN THE EVENT THAT ANY RESERVE-CAPACITY-USE CERTIFICATE DETERMINATION RESULTS IN R EQUALLING ZERO, SUCH DETERMINATION SHALL NOT PROHIBIT THE GRANTING OF FINAL SUBDIVISION APPROVAL.

5. EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH 6, ANY RESERVE-CAPACITY-USE CERTIFICATE FOR DEVELOPMENT OF A SUBDIVISION TRACT SHALL EXPIRE 9 MONTHS AFTER THE DATE

IT IS ISSUED, EXCEPT TO THE EXTENT THAT IT APPLIES TO A TRACT OR PART OF A TRACT ON WHICH SUBSTANTIAL CONSTRUCTION OF THE UTILITIES OR ROADS HAS TAKEN PLACE ON THAT DATE OR WITH RESPECT TO WHICH A PUBLIC WORKS AGREEMENT HAS BEEN BOTH EXECUTED AND FUNDED IN THAT THERE HAS BEEN DEPOSITED WITH BALTIMORE COUNTY MONEY OR IRREVOCABLE SECURITY IN AN AMOUNT SUFFICIENT TO SECURE THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS COVERED BY THAT AGREEMENT.

6. A RESERVE-CAPACITY-USE CERTIFICATE PERTAINING TO DEVELOPMENT THAT HAS BEEN AUTHORIZED BY A BUILDING PERMIT DOES NOT EXPIRE UNLESS AND UNTIL THE BUILDING PERMIT EXPIRES.

7. FOR ALL SEWERAGE ALLOCATIONS MADE BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO NOVEMBER 19, 1979, AND FOR ALL DEVELOPMENT FOR WHICH THERE IS AN APPROVED AND UNEXPIRED BUILDING PERMIT ISSUED PRIOR TO NOVEMBER 19, 1979, AND FOR ALL DEVELOPMENT OF A SUBDIVISION TRACT OR PART OF A TRACT ON WHICH SUBSTANTIAL CONSTRUCTION OF THE UTILITIES OR ROADS HAS TAKEN PLACE PRIOR TO NOVEMBER 19, 1979 OR WITH RESPECT TO WHICH A PUBLIC WORKS AGREEMENT HAS BEEN BOTH EXECUTED AND FUNDED IN THAT THERE HAS BEEN DEPOSITED WITH BALTIMORE COUNTY MONEY OR IRREVOCABLE SECURITY IN AN AMOUNT SUFFICIENT TO SECURE THE CONSTRUCTION OF THE PUBLIC IMPROVEMENTS COVERED BY THAT AGREEMENT PRIOR TO NOVEMBER 19, 1979, RESERVE-CAPACITY-USE CERTIFICATES SHALL BE ISSUED BY THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING UPON APPLICATION REGARDLESS OF THE CIRCUMSTANCE THAT SAID ISSUANCE WOULD ALLOW AN EXTENT OF DEVELOPMENT BEYOND THAT ALLOWED PURSUANT TO SUBPARAGRAPH 4 ABOVE. THE EFFECTIVE DATE OF ISSUANCE OF SUCH CERTIFICATES SHALL BE THE EFFECTIVE DATE OF THIS ARTICLE REGARDLESS OF THE DATE OF FILING BY THE APPLICANT. ANY SUCH CERTIFICATES SHALL BE GOVERNED BY AND SUBJECT TO THE PROVISIONS OF SUBPARAGRAPHS 5 AND 6 ABOVE.

4A02.4 Basic Services Mapping Standards.

A. Generally.

The standards contained herein are intended to form the basis for the delineation of areas on the basic services maps as well as for the evaluation of development applications in accordance with the requirements of this Article.

B. Water Supply Standards.

1. Intent. The water supply standards and maps are intended to regulate nonindustrial development where there are serious deficiencies in the public water supply system, as evidenced by County tests of water flows from a substantial sample of fire hydrants.

2. Standard. Residual water pressure at the public fire hydrant nearest the site of the proposed nonindustrial development must meet the standards established by the National Board of Fire Underwriters fire flow test.

3. Exception. This subparagraph does not apply to any development application relating to a structure or structures that would not draw upon the public water supply system or which involve a residential development of no more than 3 dwellin

units on a lot of record as of the effective date of this Article or to any development in a CCC district, CSA district OR RAE zone ~~or~~ IN a town center other than a town center within a new development area so designated in the Master Plan.

C. Sewerage Standards.

1. Intent. The sewerage standards and maps are intended to regulate nonindustrial development where it has been determined that the County's share of public sewerage capacity is substantially less than the capacity necessary both to serve already established uses and to serve new uses likely to be established pursuant to this legislation.

2. Determination of Reserve Capacity. The County's share of public sewerage capacity must be capable of serving already established uses and new uses likely to be established under the provisions of this legislation.

3. Maximum Level of Nonindustrial Development. The maximum level of nonindustrial development per sewerage area shall not be greater than that capable of being provided with available sewerage capacity based on the following:

a. the County's share of the maximum reserve capacity of the sewerage in the area on the effective date of mapping of the area minus the daily quantity of sewerage from any industrial buildings for which construction permits are expected to be issued between that date and the time the "basic services" map is next revised, in millions of gallons of sewage per day, and

b. the maximum level of nonindustrial development allowable in the district as determined based on the following assumptions:

1. Each dwelling unit with 3 bedrooms or more shall be considered to result in a yield of 300 gallons of sewage per day; and

2. Each dwelling unit with less than 3 bedrooms shall be considered to result in a yield of 200 gallons of sewage per day.

3. Each square foot of gross floor area of a building or a part of a building devoted principally to retail use shall be considered to result in a yield of 0.05 gallon of sewage per day; and

4. Each square foot of gross floor area of a building or a part of a building devoted principally to office use shall be considered to result in a yield of 0.09 gallon of sewage per day.

c. The quantity of sewage yielded by a building or a part of a building to be devoted principally to ~~nonindustrial~~ uses other than dwelling or retail

or office uses shall be determined by the Department of Public Works.

4. Exception. This subparagraph does not apply to any development application relating to a structure or structures that will be situated on a lot or lots not served by a public sewerage system or which involve a residential development of no more than 3 dwelling units on a lot of record as of the effective date of this Article or to any development in a CCC district, CSA district OR RAE zone ~~or~~ IN a town center~~,~~ other than a town center within a new development area so designated in the Master Plan.

D. Transportation.

1. Intent. The transportation standards and maps are intended to regulate nonindustrial development where it has been determined that the capacity of arterial and arterial collectors- INTERSECTIONS is less than the capacity necessary to accommodate traffic both from established uses and from uses likely to be built pursuant to this Article. Such development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within ~~and~~ servin the MAPPED area will, on the date the map becomes effective, be rated at level-of-service E or F under standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences-National Research Council.

2. Determination of critical vehicle-trip number. a. For the purpose of this subparagraph, the "critical vehicle-trip number" of an intersection is determined by the formula

$$\cancel{C = \frac{E - F}{2} + E} \qquad C = \frac{F - E}{2} + E$$

in which each letter represents a number of daily vehicle trips through a given intersection at peak hour and

C = the critical vehicle-trip number;

F = that number which if reduced by one would result in a change in the intersection's level of service from F to E; and

E = that number which if reduced by one would result in a change in the intersection's level of service from E to D.

b. Determination of reserve capacity. It is intended that the reserve capacity be determined for each district by the formula

$$N = C - (T+I)$$

in which

N = reserve capacity

C = the critical vehicle-trip number for the most congested arterial

intersection in a transportation mapped area on the date the designation becomes effective;

T = the number of daily peak-hour vehicle trips, based on actual traffic counts taken by the Department of Traffic Engineering, passing through the most congested arterial intersection in a transportation mapped area; and

I = the projected number of additional daily peak-hour vehicle trips to be generated by nonindustrial developments that have been approved under the provisions of this Article and have not yet been constructed and would most likely pass through that intersection. For partially completed nonindustrial developments, the amount of peak-hour vehicle trip shall be prorated based on number of completed units or square footage.

However, if N is less than zero under the formula, the reserve capacity in the area shall be zero.

3. Maximum Level of Nonindustrial Development.

a. The level of additional nonindustrial development in a mapped area as provided above, may not exceed that which would generate the number of daily peak-hour vehicle trips equal to the reserve capacity of that mapped area, based on the following assumptions:

1. Every 100 dwelling units, other than for the elderly, shall be considered to result in the generation of 85 peak-hour vehicle trips daily;

2. Every 100 dwelling units in housing for the elderly shall be considered to result in the generation of twenty-five peak-hour vehicle trips daily;

3. Every 1000 square feet of gross floor area of a building or a part of a building devoted principally to retail use shall be considered to result in the generation of 14.70 peak-hour vehicle trips daily; and

4. Every 1000 square feet of gross floor area of a building or a part of a building devoted principally to office use shall be considered to result in the generation of 2.34 peak-hour vehicle trips daily.

b. The number of daily peak-hour vehicle trips generated by a building or a part of a building to be devoted principally to uses other than dwellings or retail or office uses shall be determined by the Department of Traffic Engineering.

4. Exception.

This subparagraph does not apply to any development application relating to a residential development of no more than 3 dwelling units on a lot of record as of the effective date of this Article or to any development in a CCC district, CSA district OR RAE zone ~~or~~ IN a town center~~,~~ other than a town center within a new development area so designated in the Master Plan.

~~4A02.5 Basic Services Determination~~

~~A. Generally~~

~~Any development application within any basic services mapped area in addition to all other requirements imposed by the zoning regulations, subdivision regulations and other County legislation and regulations, shall be subject to a basic services availability determination.~~

~~B. Scope and Applicability of Basic Services Availability Determination~~

~~The basic services availability determination shall be made by the Director of the Office of Planning and Zoning, in accordance with the basic services maps and standards set forth in this Article.~~

SECTION 2. <u>Be it further enacted</u>, that Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5, and 1A04.3.B.1 of the Baltimore County Zoning Regulations, by and they are hereby repealed and new Subsections 1A01.2.B., 1A01.2.C, 1A01.3.B., 1A02.1, 1A03.1,

1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5 and 1A04.3.B.1 are hereby enacted in lieu thereof to said regulations, to read as follows:

Section 1A01 - R.C.2 (AGRICULTURAL) ZONES

1A01.2-Use regulations.

B. Uses permitted as of right. The following uses, only, are permitted as of right in all R.C. 2 zones:

1. Dwellings, 1-family detached

2. Farms, satellite farms, farmettes, and limited-acreage wholesale flower farms (see Section 404)

3. Open space, common

4. Streets and ways

5. Telephone, telegraph, electrical-power, or other lines or cables, provided that any such line or cable is underground; underground gas, water, or sewer mains or storm drains; or other underground conduits, except interstate or international pipelines.

6. Trailers, provided that any trailer allowed under this provision must be used or stored in accordance with the provisions of paragraphs b, c, e or f of subsection 415.1 and subparagraph 415.2.a(1) or 415.3.c(1), as applicable.

7. Accessory uses or structures, including, but not limited to, the following:

a. Excavations, uncontrolled

b. Farmers' roadside stands (see Section 404)

c. Home occupations

d. Offices or studios of physicians, dentists, lawyers, architects, engineers, artists, musicians, or persons engaged in other, similar occupations, provided that the use is established within the building that serves as the owner's domicile; occupies a floor area no greater than 25% of the floor area used for residential purposes, not including garage floor area or unfinished basement space; and does not involve the employment of more than 2 nonresidents.

e. Parking space, including residential-garage space and space for recreational vehicle (see Section 415A)

f. Piers, wharves, docks and bulkheads (subject to the provisions of Section 417)

g. Radio antennas in conjunction with wireless transmitting or receiving facilities, provided that any such facility is used by a resident who has an amateur radio operator's license issued by the Federal Communications Commission. No such antenna may extend closer than the front building line to any street on which the lot may front; no rigid-structure antenna may be taller above grade level than the horizontal distance to the nearest property line or 100 feet, whichever is less; and no supporting structure may be situated within 50 feet of any property line (see also Section 400).

h. Swimming pools, tennis courts, garages, utility sheds or other accessory structures or uses (subject to the height and area provisions for buildings as set forth in Section 400)

I. TENANT HOUSES, INCLUDING TRAILERS USED AS TENANT HOUSES.

C. Uses permitted by special exception. The following uses, only, may be permitted by special exception in any R.C. 2 zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity; and, in the case of any use permitted under Item 24, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

1. Airports

2. Animal boarding places (regardless of class), kennels, veterinarians' offices, or veterinariums (see Section 421)

3. Antique shops (see Section 402B)

4. Camps, including day camps

5. Community care centers providing care for not more than 15 persons per site

6. Churches or other buildings for religious workship

7. Excavations, controlled

8. Farmers' co-op roadside stands

9. Fishing and shellfishing facilities, Class I or II

10. Golf courses or country clubs

11. Hunting or fishing preserves

12. Offices for agriculture-related uses; physicians' or dentists' offices as principal uses

13. Public-utility uses not permitted as of right

14. Research institutes (see Section 418)

15. Residential art salons (see Section 402C)

16. Restaurants or tea rooms converted from dwellings (see subsection 402.3)

17. Riding stables

18. Sanitary landfills (see Section 412)

19. Schools, including schools for agricultural training, private preparatory schools, business or trade schools, conservatories, or colleges

20. Shooting ranges, including archery, pistol, skeet, trap, or small-bore rifle ranges, or turkey shoots

21. Trailers as provided in Paragraph 415.1.d

22. Volunteer-fire-company or ambulance rescue facilities

23. Wireless transmitting or receiving facilities as principal uses

24. The following "agricultural-support" uses:

a. Farm-machinery sales, storage, or service; blacksmithing

b. Feed or grain mills or driers

c. Fertilizer sales or storage

d. Sawmills

e. Slaughter houses or manufacture, processing, or packing of fruit, vegetables, animal, or meat products, or by-products

f. Wine or spirits manufacture, including the manufacture of alcohol to be used in gasoline-alcohol mixtures, but excluding the production of those mixtures (as a principal use)

1A01.3 - Height and area regulations

B. Area regulations

1. Subdivision Lot Density.

No lot of record lying within an R.C.2 zone and having a gross area of LESS THAN 2 acres ~~or less~~ may be subdivided. No such lot having a gross area between 2 and 100 acres may be subdivided into more than 2 lots (total), and such a lot having a gross area of MORE THAN 100 acres ~~or more~~ may be subdivided only at the rate of 1

lot for each 50 acres of gross area.

2. Lot size. A lot having an area less than 1 acre may not be created in an R.C. 2 zone.

3. Setback requirements. No principal structure or dwelling (whether or not it is a principal structure) in an R.C.2 zone may be situated within 75 feet of the centerline of any street or within 35 feet of any lot line other than a street line.

4. Principal dwellings per lot. No more than 1 principal dwelling is permitted on any lot in an R.C. 2 zone.

Section 1A02 - R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.1 - Findings and Legislative Policy.

A. Declaration of findings. The County Council finds that some presently rural areas which may in the future be suitable for urban development are being preempted by sprawling development that will preclude future development of urban intensity. The Council also foresees a strong possibility that market demand, energy policies, food needs, and numerous other significant conditions may change substantially, or even drastically, with the result that the public interest would be impaired if urban development were to be allowed in some of these areas, despite their physiographic suitability to accommodate urban water-supply and sewerage systems. All of these areas are suitable for agriculture, which is the preferred use of the land in these areas, thus providing a reasonable present and future use for the land. The R.C. 3 zoning classification and its regulations are established, therefore, to prevent inappropriate sprawling development when WHERE urban development may be appropriate in the future and where the detailed planning necessary for that development must be deferred.

B. Location. The R.C. 3 classification may be applied only to land that lies beyond the Urban-Rural Demarcation Line, as established in the ~~1979-~~ 1975 Master Sewer and Water Plan, and as amended from time to time.

Section 1A03 - R.C. 4 (WATERSHED PROTECTION) ZONES

1A03.1 - Findings and Legislative Policy. The County Council finds that major, high-quality sources of water supply for the entire Baltimore metropolitan area and for other neighboring jurisdictions lie within Baltimore County and that continuing development in the critical watersheds of those water-supply sources is causing increased pollution and sedimentation in the impoundments, resulting in

increasing water-treatment costs and decreasing water-storage capacity. The R.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds.

1A03.2 - Rezoning by petition. No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:

1. That the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;

2. That the parcel lies at least 300 feet from any 1st - or 2nd - order or greater stream that flows directly into a public water reservoir;

3. That the parcel lies at least 300 feet from any 3rd - order or greater stream that flows directly or indirectly into a public water reservoir;

4. That no more than 30% of the parcel has a slope of more than 20%;

5. That the parcel does not lie within a 100-year floodplain; and

6. That, as shown by an environmental impact statement, the MANNER IN WHICH proposed reclassification will ~~not impair~~ AFFECT water quality in the watershed or any public water reservoir.

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976.

1A03.4 - Height and Area Regulations.

B. Area regulations.

1. No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no detached single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below.

2. Lot density. A lot of record in an R.C. 4 zone with a gross area of less than 6 acres may not be subdivided, and a lot of record with a gross area of ~~more than~~ 6 ACRES but not more than 10 acres may not be subdivided into more than 2 lots (total). The maximum gross density of a lot of record with a gross area of more than 10 acres is 0.2 lot per acre.

5. Coverage. No more than 10 percent of any lot in an R.C. 4 zone may be covered by impermeable surfaces (such as structures or pavement). No more than

25 per cent of the natural vegetation may be removed from any lot in an R.C. 4 zone.

Section 1A04 - R.C. 5 (RURAL - RESIDENTIAL) ZONE

1A04.3 - Height and area regulations.

B. Area regulations.

1. Lot area; density control. A lot having an area of less than 1 acre may not be created in an R.C. 5 zone. The maximum gross residential density of a lot of record is 0.667 dwellings per acre.

SECTION 3. Be it further enacted, that new Subsections 1A01.4, 1A02.4, and new definitions "Housing for the elderly", "Industrial, quasi-industrial, or industry-related uses" and "Nonindustrial uses" to Section 101, all of the Baltimore County Zoning Regulations, be and they are hereby added to said regulations, to read as follows:

Section 1A01 - R.C. 2 (AGRICULTURAL) ZONES

1A01.4 - Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these Zoning Regulations.

Section 1A02 - R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.4 - Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these Zoning Regulations.

Section 101 - DEFINITIONS

Housing for the elderly: Housing that is constructed and designated for occupancy by elderly persons under the applicable provisions of a federal housing act.

Industrial, quasi-industrial, or industry-related use: Any use listed in Paragraph 253.1.A other than Item 33; any use listed in Paragraph 253.1.B, Paragraph 253.2.A, or Subsection 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Nonindustrial use: Any use other than an industrial, quasi-industrial,

or industry-related use.

SECTION 4. Be it further enacted, that Subsection 1A04.3.B.2 of the Baltimore County Zoning Regulations, be and it is hereby repealed.

SECTION 5. Be it further enacted, that Council Bill No. 177-79 be and it is hereby repealed ~~upon the enactment of this bill.~~ EFFECTIVE 12:01 A.M. November 25, 1979.

SECTION 6. Be it further enacted, that every part of every section, subsection, sentence, clause or word of this Act is enacted independently and is therefore, severable; if any section, subsection, sentence, clause, phrase or word hereof is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions shall not be affected thereby, it being the intent of the County Council of Baltimore County, Maryland in adopting this Act that no portion thereof or provision or regulation contained therein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision or regulation.

SECTION 7. And be it further enacted, that this Act is hereby declared to be an emergency measure affecting the public health, safety or welfare, and having been passed by the affirmative vote of five members of the County Council, the same shall take effect ~~from the date of its enactment.~~ 12:01 A.M. November 25, 1979.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Mr. Bartenfelder, Councilman
(Request of County Executive)

By the County Council, July 6, 1970

A BILL
ENTITLED

AN ACT, To amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D.R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C.C.C.) Districts; to revise the use regulations in Light Manufacturing (M.L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R.A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100.1.A.2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence,

One-Family" and enacting in lieu thereof a new designation and title as follows: "ARTICLE 2-ELEVATOR-APARTMENT RESIDENCE ZONES, BUSINESS AND MANUFACTURING ZONES, AND DISTRICTS"; by repealing Sections 200 to 217 (inclusive) and enacting in lieu thereof new Sections 200, 201 and 202; by repealing and re-enacting Subsection 232.5; by redesignating existing Section 232A as Section 232B; by redesignating existing Subsections 232A.1 to 232A.6 (inclusive) as 232B.1 to 232B.6 (inclusive); by adding new Section 232A; by redesignating existing Section 235A as Section 235B; by redesignating existing Subsections 235A.1 to 235A.6 (inclusive) as 235B.1 to 235B.6 (inclusive); by adding new Section 235A; by adding new Section 238A; by redesignating existing Section 238A as Section 238B; by redesignating existing subsections 238A.1 to 238A.5 (inclusive) as 238B.1 to 238B.5 (inclusive); by deleting Section 253 and enacting in lieu thereof, new Section 253; by repealing and re-enacting with amendments Subparagraph 405.2.A.4 and Paragraph d of Subsection 409.2; by adding new Section 430; by adding new Subsection 502.4 and by adding new Section 504; all being provisions of said Baltimore County Zoning Regulations, 1955, as amended.

WHEREAS, the amendments to the zoning regulations which are contained in this Bill, having been formulated in accordance with the procedure specified in sections 22-20 and 22-21 of the Baltimore County Code, 1968, the said several public hearings required by said sections having been held after the required public notice; now, therefore

SECTION 1. Be it enacted by the County Council of Baltimore County, Maryland, That subsection 100.1.A.2 be and it is hereby repealed and re-enacted with amendments as follows:

2. Zones are as follows:

R.D.P. Zones	Rural: Deferred-Planning					
R.S.C. Zones	Rural-Suburban: Conservation					
D.R. 1 Zones	Density Residential, 1.0 Dwelling Units Per Acre					
D.R. 2 Zones	Density Residential, 2.0	"	"	"	"	
D.R. 3.5 Zones	Density Residential, 3.5	"	"	"	"	
D.R. 5.5 Zones	Density Residential, 5.5	"	"	"	"	
D.R. 10.5 Zones	Density Residential, 10.5	"	"	"	"	
D.R. 16 Zones	Density Residential, 16.0 Density	"	"	"		
R.A.E. 1 Zones	Residential, 40.0	"	"	"	"	
R.A.E. 2 Zones	Residential, 80.0	"	"	"	"	
B.L. Zones	Business, Local					
B.M. Zones	Business, Major					
B. R. Zones	Business, Roadside					
M.R. Zones	Manufacturing, Restricted					
M.L.R. Zones	Manufacturing, Light Restricted					
M.L. Zones	Manufacturing, Light					
M.H. Zones	Manufacturing, Heavy					

SECTION 2. And be it further enacted, That Article 1 be and it is hereby amended by adding sub-section 100.3A, said new sub-section to read as follows:

100.3A-The residential zones and zoning classifications as previously changed in Subsection 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G., and R.A. zones and zoning classifications established before the effective date of this subsection by the official zoning maps and amendments thereto and by Subsection 100.1 as previously enacted are also changed;

and all of them are redesignated on the effective date of this subsection as set forth below. Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private agreement, or official zoning map shall be applied to or construed as the corresponding D.R. zoning classification, as follows, to the full extent of consistent applicability:

Zones heretofore classified as R.40 are now classified as D.R. 1;
" " " " R.20 " " " " D.R. 2;
" " " " R.10 " " " " D.R. 3.5;
" " " " R. 6 " " " " D.R. 5.5;
" " " " R.G. " " " " D.R.10.5;
" " " " R.A. " " " " D.R.16.

SECTION 3. <u>And be it further enacted</u>, That Section 101 be and it is hereby amended by deleting the following terms and definitions thereof:

"Acreage, Gross Residential
Density, Gross Residential
Density, Net
Dwelling, Duplex
Dwelling, Group House
Dwelling, One-Family
Dwelling, Semi-Detached
Dwelling, Two-Family
Hospital, Class A
Hospital, Class B
Street
Subdivision, Cluster"

and by adding thereto in alphabetical order the following terms and definitions:

Accessory use or structure: A use or structure which-(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is

Section 238A-Special Regulations for C.C.C. Districts.

Contrary provisions of these Zoning Regulations notwithstanding, the regulations of this section shall apply in C.C.C. districts superimposed upon B.R. zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these Zoning Regulations.)

238A.1-Apartments shall be permitted, but only above the first story of a building.

238A.2-No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

238A.3-The maximum permitted floor area ratio for any site shall be 4.0; the specific number of density or dwelling units, as such, shall not be directly limited.

238A.4-The minimum permitted amenity open space ratio shall be 0.2.

238A.5-For all buildings containing apartments, there shall be provided at least 1.25 parking spaces for each dwelling unit. Up to 50 per cent of such spaces on any lot shall be counted in determining the number of spaces provided for commercial and office uses on the same lot. (See also Paragraph 409.2.d.)

Section 13. And be it further enacted, That Article 2 be and it is hereby amended by deleting Section 253 and by adding new Section 253 in lieu thereof, said new Section to read as follows:

Section 253-Use Regulations

253.1-Uses Permitted as of Right. The uses listed in this subsection, only, shall be permitted as of right in M.L. zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:

1. Airplane assembly

2. Automobile assembly

3. Boat yards (including marinas or marine railways)

4. Bottling establishments, soft-drink

5. Candy manufacture, packaging, or treatment

6. Carpet or rug cleaning

7. Cellophane-products manufacture or processing-restricted production (See Subsection 253.3).

8. Cleaning or dyeing

9. Concrete-products manufacture, including manufacture of concrete blocks or cinder blocks

10. Cork-products manufacture or processing-restricted production (See Subsection 253.3).

11. Cosmetics manufacture, compounding, packaging, or treatment

12. Drug manufacture, compounding, packaging, or treatment

13. Electrical-appliance assembly

14. Enameling, japanning, or lacquering

15. Excavations, controlled, except those involving the use of explosives

16. Fiber-products manufacture or processing, including the manufacture or processing of articles made of felt or yarn, or of textiles, canvas, or other cloth-restricted production (See Subsection 253.3.).

17. Food-products manufacture, compounding, packaging, or treatment, including but not limited to: wholesale bakeries; canning plants or packing houses

for canning, packing, or processing of vegetables; creameries or milk-pasteurization or-distributing stations; or cold-storage plants

18. Fur-products manufacture or processing-restricted production (See Subsection 253.3.)

19. Glass-products manufacture or processing-restricted production (See Subsection 253.3.)

20. Grain processing, provided equipment is installed for effective precipitation and recovery of dust

21. Greenhousing, wholesale

22. Horn-products manufacture or processing-restricted production (See Subsection 253.3.)

23. Ice manufacture

24. Ink blending etc.-restricted production (See Subsection 253.3.)

25. Instrument manufacture, of precision instruments, including manufacture of watches or clocks

26. Jewelry manufacture or processing, or manufacture or processing of other articles made of precious or semi-precious metals or stones-restricted production (See Subsection 253.3.)

27. Laboratories

28. Leather-products manufacture or processing-restricted production (See Subsection 253.3)

29. Lumber yards

30. Metal-products manufacture or processing, limited to the restricted production (See Subsection 253.3.) of articles made of sheet metal, light metal mesh, pipe, wire, rods, strips, or other shapes or similar component parts

31. Metal-stamp manufacturing

32. Musical-instruments manufacture

33. Offices or Office Buildings

34. Paint blending etc.-restricted production (See Subsection 253.3.)

35. Paper-and paperboard-products manufacture or processing-restricted production (See Subsection 253.3.)

36. Perfume manufacture, compounding, packaging, or treatment

37. Phonograph assembly

38. Plastic-products manufacture or processing-restricted production (See Subsection 253.3.)

39. Plating, including galvanizing

40. Poultry killing

41. Printing, lithographing, or publishing plants

42. Radio assembly, or assembly of other electronic instruments or devices

43. Research institutes

44. Rubber-stamp manufacture, and manufacture of other small molded rubber products

45. Shell-products manufacture or processing-restricted production (See Subsection 253.3.)

46. Stone or monument works

47. Tire retreading or recapping

48. Tobacco-products manufacture or processing-restricted production (See Subsection 253.3.)

49. Toy manufacture, or manufacture of novelties

50. Trailer assembly, including the assembly of truck trailers or mobile homes

51. Wax-products manufacture or processing-restricted production (See Subsection 253.3.)

52. Wood-products manufacture or processing-restricted production (See Subsection 253.3.)

53. Wrought-iron products manufacture

54. Other manufacture of articles of merchandise made from materials permitted to be used and made by processes permitted to be employed in the production activities more specifically listed above.

B. The following transportation, storage, or quasi-public uses or utilities:

1. Bus terminals

2. Building-materials storage or sales yards, general

3. Construction-equipment storage yards

4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks

5. Cables and conduits not described under item "4", above; gas, water, or sewer mains; or storm-drain systems-all underground

6. Feed or grain sales or storage

7. Fluid storage and sale, above ground, of flammable liquids or gases

8. Freight storage

9. Fuel storage and sale, of solid or gaseous fuels

10. Heliports, Type 1

11. Heliports, Type 11

12. Helistops

13. Railroads

14. Steam-power plants

15. Storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M. L. zones; public warehousing

16. Utility service centers

17. Utility storage yards

18. Volunteer-fire-company facilities

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I. M. district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway:

1. Automobile-rental agencies

2. Bakeries, retail

3. Barbershops

4. Banks, savings and loan associations, or other, similar chartered financial institutions accepting deposits

5. Beauty shops

6. Business or trade schools

7. Carpentry or cabinet-making shops

8. Drug stores, but the gross floor area devoted to any such store shall not exceed 1500 square feet

9. Electrical-contractors' shops

10. Electroplating shops

11. Food stores, but the gross floor area of any such store shall not exceed 2500 square feet

12. Heating-or air-conditioning-contractors' shops

13. Laundry, dry-cleaning, or clothing-repair or-alteration establishments or stations, including self-service laundry or dry-cleaning facilities

14. Liquor or package stores

15. Machinery-sales or-repair establishments

16. Parking lots or garages

17. Painting shops

18. Plumbing-contractors' shops

19. Restaurants, except drive-in restaurants

20. Sheet-metal shops

21. Shoe-repair shops

22. Stationery or office-supply stores

23. Taverns

24. Truck-rental and truck-trailer-rental agencies.

D. The following temporary use: Carnivals, temporary, provided that no such use shall be established for more than 90 days in any one-year period.

E. Combinations of the uses listed above.

F. Accessory uses or structures, including but not limited to:

1. Incidental sales (wholesale or retail)

2. Living quarters for watchmen or caretakers and their families, and accessory uses or buildings subsidiary thereto

3. Trailers for temporary use, as permitted under Section 415

4. Industrial medical clinics

5. Employees' recreation facilities

6. Excavations, uncontrolled

7. Parking spaces (see Section 409)

8. Signs (see Section 413).

253.2-Uses Permitted by Special Exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage, or quasi-public uses or utilities:

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area

2. Airports, general aviation, if located in accordance with the master plan

3. Excavations, controlled, involving the use of explosives (see Section 403)

4. Sanitary landfills

5. Storage, warehousing, or distribution not permitted as of right

6. Truck terminals

7. Utilities not permitted under the provisions of Subsection 253.1

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and, provided further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. Automotive-service stations, subject, further, to the provisions of Section 405

2. Car washes, subject, further, to the provisions of Section 419

3. Garages, service, including establishments for the service or repair of trucks or truck trailers

4. Motels, hotels, or apartment hotels, but the number of apartments in any apartment hotel permitted hereunder shall not exceed 10 per cent of the total number of apartments plus rooming units therein, and no more than 10 per cent of the rooming units in any such motel, hotel, or apartment hotel shall be occupied as principal places of residence.

5. Union halls or other places of assembly for employment-related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water-supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water-supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception:

1. Amusement parks
2. Baseball-batting ranges
3. Farms, or limited-acreage wholesale flower farms
4. Golf-driving ranges
5. Kennels
6. Miniature-golf courses
7. Radio or television broadcasting studios
8. Racetracks
9. Riding stables, commercial
10. Shooting ranges

11. Trailers, non-accessory, subject to the provisions of Section 415, except that trailer parks are not permitted

12. Used-motor vehicle outdoor sales areas

13. Veterinarians' offices

D. The following miscellaneous uses:

1. Signs, outdoor-advertising (see Subsection 413.3)

2. Wireless transmitting and receiving structures, except as minor accessory uses or structures (which are permitted without a special exception); provided that, for the purposes of this paragraph, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

E. Combinations of the uses listed in this subsection, or combinations of such uses with uses which are permitted as of right.

253.3-Scope of "Restricted Production." For the purposes of this section, "restricted production" shall include only the assembly, manufacture, or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating, or other, comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor-vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which they use may be described.)

253.4-Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway, which motorway is officially so designated by

Baltimore County

Suite 405, County Courts Bldg.
401 Bosley Avenue

Baltimore County, Maryland
OFFICE OF PEOPLE'S COUNSEL
Room 47, Old CourtHouse
400 Washington Ave.
Towson, MD 21204

(410) 887-2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

June 2, 2003

Kathleen Bianco, Administrator
Board of Appeal for Baltimore County
Old Courthouse
400 Washington Avenue, Rm 49
Towson, MD 21204

Re: Red Run Associates – Legal Owners; BP Corporation – Contract Purchasers
Case No.: 02-344-XA

Dear Ms. Bianco:

Enclosed please find an original and three copies of the People's Counsel for Baltimore County's Memorandum to be filed with regard to the above-captioned case.

Thank you for your consideration.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

PMZ\rmw

Enclosures

cc: Sebastian Cross, Esquire
Leslie Pitler, Esquire

RECEIVED
JUN 0 2 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Copies to:

Greg Reed
810 Gleneagles Ct, Ste 300
Towson, MD 21286

Jeff Bainbridge
One W Pennsylvania Ave., Ste 900
Towson, MD 21204

Joseph Cronyn
8815 Centre Park Dr
Columbia, MD 21045

Mike Ulrich
Ken Schmid
752 Mago Vista Rd
Arnold, MD 21012

Alfred W. Barry, III
One S. Calvert St, Ste. 1150
Baltimore, MD 21202

David Scheffennecker, Jr.
Preston Partners Inc.
2330 W. Joppa Rd, Ste 185
Lutherville, MD 21093

Jeff Long
Office of Planning

William Jones
Department of Economic Development

Leslie M. Pittler, Esquire
29 W. Susquehanna Ave, Ste 610
Towson, MD 21204

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 11050 Red Run Blvd.

which is presently zoned ML-IM

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, roll-over car wash, and ancillary use automatic teller machine.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

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

Legal Owner(s):

Red Run Associates, LLC
Name - Type or Print

Signature - SVP - Highwoods Properties, Inc.

Name - Type or Print

Signature

375 Padonia Road, West, Suite 200
Address — Telephone No.

Timonium, MD 21093
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

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

Case No. 02-344-XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By CTM Date 2/19/02

REV 09/15/98

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11050 Red Run Blvd.

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

BCZR Section 450 -- to permit 80.01 s.f. of freestanding signage on Pleasant Hill Road in lieu of the required 75 s.f.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by the zoning regulations.
I or we agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County

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

Contract Purchaser/Lessee:

BP Corporation
Name - Type or Print

John R. Lombardo
Signature

1 W. Pennsylvania Ave., Suite 900
Address — Telephone No

Towson, MD 21204 (410)494-3700
City — State — Zip Code

Legal Owner(s):

Red Run Associates, LLC
Name - Type or Print

Vice Pres.-SVP Highwoods Properties, Inc.
Signature

Name - Type or Print

Signature

375 Padonia Road, West, Suite 200
Address — Telephone No

Timonium, MD 21093
City — State — Zip Code

Attorney For Petitioner:

David K. Gildea
Name - Type or Print

David K. Gildea
Signature

Gildea, LLC
Company

301 N. Charles St., Suite 800
Address — Telephone No.

Baltimore, MD 21201 (410)234-0070
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

8/5/02 Per Company

Case No. 02-344-XA

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By CTM Date 7/19/02

REV 9/15/98

February 19, 2002

ZONING DESCRIPTION
(Special Exception & Variance)
OF PART OF THE LANDS KNOWN AS
'RIPARIUS LOT #5'
AS RECORDED IN PLAT 73, FOLIO 88
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE NORTH SIDE OF RED RUN BLVD. WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 127.00 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, PLEASANT HILL ROAD WHICH IS OF VARIABLE WIDTH.

THENCE, BINDING ON THE SOUTHERN MOST OUTLINE OF LOT 5, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

1. NORTH 67 DEGREES 29 MINUTES 56 SECONDS WEST 255.06 FEET TO A POINT;
2. NORTH 22 DEGREES 30 MINUTES 04 SECONDS EAST 199.52 FEET TO A POINT;
3. SOUTH 67 DEGREES 29 MINUTES 56 SECONDS EAST 294.44 FEET TO A POINT;
4. SOUTH 12 DEGREES 13 MINUTES 15 SECONDS EAST 159.76 FEET TO A POINT;
5. SOUTH 80 DEGREES 07 MINUTES 35 SECONDS WEST 79.36 FEET TO A POINT TO THE PLACE OF BEGINNING;

BEING PART OF LOT 5 IN THE THE RECORDED SUBDIVISION OF 'RIPARIUS AT OWINGS MILLS' AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 73, FOLIO 88, CONTAINING IN ALL 60,691 SQUARE FEET OR 1.39 ACRES OF LAND MORE OR LESS. ALSO KNOWN AS 11050 RED RUN BLVD..

Prepared by:MPS
Reviewed by:GHR

No. 21342
REGISTERED
PROFESSIONAL ENGINEER

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: #02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd , W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District - 3rd Councilmanic District
Legal Owner(s): Michael E Harris
Contract Purchaser. John R. Lombardo

Special Hearing: to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. **Variance:** to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

Hearing: Thursday, July 11, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for *special accommodations Please* Contact the Zoning Commissioner's Office at (410) 887-4386.

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

6/246 June 27 C547203

CERTIFICATE OF PUBLICATION

6/28/, 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 6/27/,2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 27, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: Thursday, July 11, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 18, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: Wednesday, July 03, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT GDZ
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.

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. #02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd., W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner(s): Michael E. Harris
Contract Purchaser(s): John R. Lombardo

Special Hearing: to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. **Variance:** to permit 80 01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

Hearing: Monday, April 15, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/297 March 28 C528780

CERTIFICATE OF PUBLICATION

3/28/, 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 3/28/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 28, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: *Monday, April 15, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401* Bosley Avenue

LAWRENCE E. SCHMIDT GDZ
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.

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 02-344-XA

Petitioner BP Corporation

Address or Location. 11050 Red Run Blvd

PLEASE FORWARD ADVERTISING BILL TO:

Name David K. Gildea / Gildea LLC

Address 301 N. Charles ST. Suite 800
Balt. Md. 21201

Telephone Number (410) 234-0070

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 10122

DATE 2/19/02 ACCOUNT R00 [illegible] 6150

AMOUNT $ 550.00

RECEIVED FROM: COHER ASSOC.

FOR: SPECIAL VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAYMENT SERIAL TIME
2/19/2002 [illegible] [illegible]
REG 0002 CASHIER [illegible] AG [illegible]
[illegible]
[illegible]
[illegible]
Rec'd Tot 550.00
550.00 CK [illegible]
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14272

DATE 8/23/01 ACCOUNT 001-006-6150

AMOUNT $ 460.00

RECEIVED FROM: Dillon

FOR: Appeal 02-344-XA

SPECIAL EXCEPTION + VARIANCE

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
BUSINESS ACTUAL TIME
08/23/2001 08/23/2001 14:24:00
ITEM# DESCR RECEIPT DRAWER 5
ACCT# 006150 8/23/2001 OFLN
MISC 5 CPK ZONING VERIFICATION
PAYMENT
Paid In $460.00
Balance Due .00
Baltimore County, Maryland

CASHIER'S VALIDATION

APPEAL SIGN POSTING REQUEST

CASE NO.: 02-344-XA

Red Run Associates LLC - LEGAL OWNERS

11050 Red Run Boulevard, Owings Mill

4th ELECTION DISTRICT APPEALED: 8/23/02

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.: 02-344-XA

Petitioner/Developer:

Red Run Assoc. LLC

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

_____

The sign was posted on 10/8, 2002

By: Gary Freund
(Signature of Sign Poster)

GARY FREUND
(Printed Name)

CERTIFICATE OF POSTING

RE: Case No.: 02-344-XA

Petitioner/Developer: JOHN R. LOMBARDO

Date of Hearing/Closing: 7/11/02

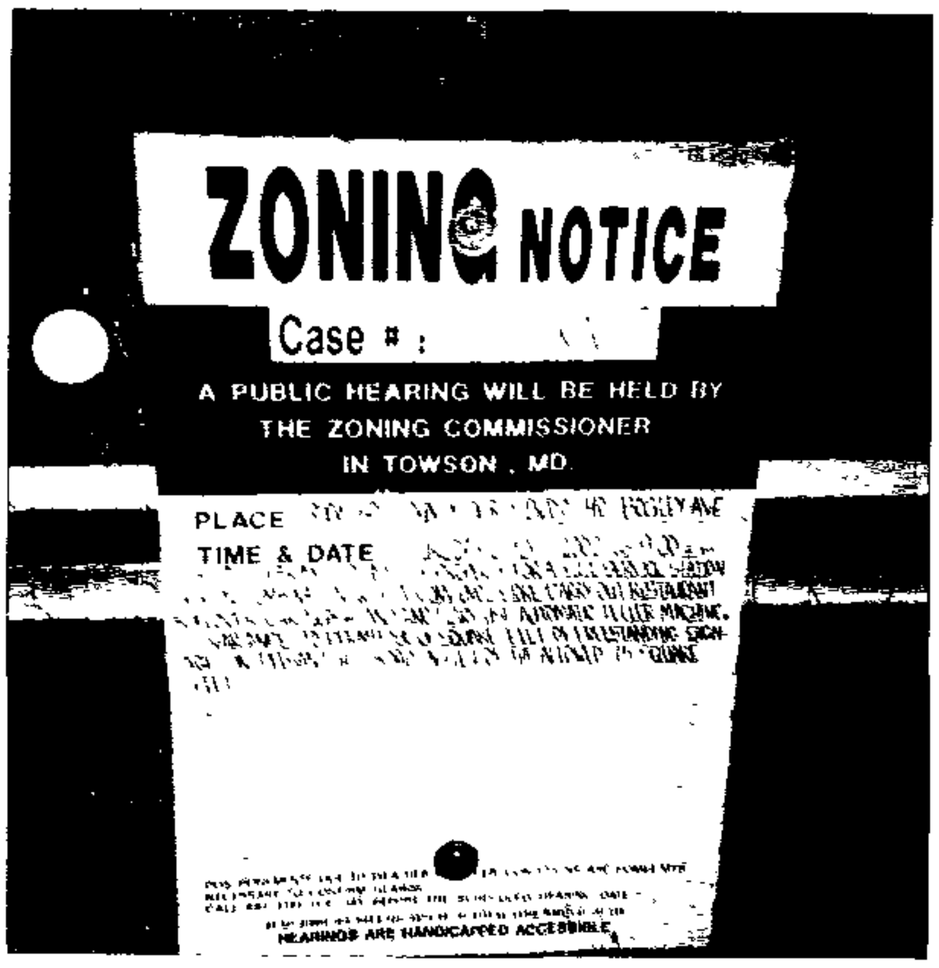
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 11050 RED RUN BLVD

The sign(s) were posted on 6/27/02
(Month, Day, Year)



Sincerely,

6/27/02
(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)

APPEAL SIGN RE-POSTING REQUEST

CASE NO.: 02-344-XA

Red Run Associates LLC - LEGAL OWNERS

11050 Red Run Boulevard, Owings Mills

4th ELECTION DISTRICT APPEALED: 8/23/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF RE-POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

RE: Case No.:_____

Petitioner/Developer:

_____

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

_____

The sign was posted on _____, 2002

By: _____
(Signature of Sign Poster)

_____
(Printed Name)

APPEAL SIGN RE-POSTING REQUEST

CASE NO.: 02-344-XA

Red Run Associates LLC - LEGAL OWNERS

11050 Red Run Boulevard, Owings Mills

4th ELECTION DISTRICT APPEALED: 8/23/2002

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

Gary:

I have a case that needs to be re-posted. It is in the 4th District on Red Run Boulevard in Owings Mills. The hearing date is currently set for May 8, 2003.
If you have any questions, please call me at 3180.
Thank-you. Theresa

Theresa R. Shelton
Baltimore County Board of Appeals
410-887-3180
FAX: 410-887-3182

Mail Envelope Properties (3E91B0CC.183 : 11 : 38449)

Subject: Re-Posting
Creation Date: 4/7/03 1:09PM
From: Theresa Shelton

Created By: tshelton@co.ba.md.us

Recipients	**Action**	**Date & Time**
co.ba.md.us COB_PO.COB_DOM GFreund (Gary Freund)	Delivered	04/07/03 01:09PM

Post Office	**Delivered**	**Route**
COB_PO.COB_DOM	04/07/03 01:09PM	co.ba.md.us

Files	**Size**	**Date & Time**
MESSAGE	322	04/07/03 01:09PM
TEXT.htm	882	

County Board of Appeals of Baltimore County

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

May 13, 2003

NOTICE OF DELIBERATION

IN THE MATTER OF:

RED RUN ASSOCIATES LLC; BP CORPORATION
Case No-02-344-XA

Having heard this matter in two days (5/08/03 and 5/13/03), public deliberation has been scheduled for the following date /time:

DATE AND TIME : THURSDAY, JUNE 19, 2003 at 9:30 a.m.

LOCATION : *Hearing Room 48, Basement, Old Courthouse*

NOTE: Closing Memos are due from counsel on Monday, June 2, 2003.
(A total of four copies [Original and 3 copies] to be filed.)

Kathleen C. Bianco
Administrator

c: Counsel for Appellant /Petitioner : David K. Gildea, Esquire
Sebastian A. Cross, Esquire
Appellant /Petitioner : John R. Lombardo /BP Corporation
Michael E. Harris /Red Run Associates, LLC

Leslie M. Pittler, Esquire
Rob Pritchard /Red Run Deli
Bill Bralove

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

fyi: S.W.C.

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on Recycled Paper

County Board of Appeals of Baltimore County

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

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

February 4, 2003

NOTICE OF ASSIGNMENT

CASE #: 02-344-XA

IN THE MATTER OF: RED RUN ASSOCIATES LLC -
–Legal Owner; BP Corporation - CP
11050 Red Run Boulevard
4th Election District; 3rd Councilmanic District

8/05/2002 – Order of D.Z.C. in which Petitions for Special and Variance were DENIED.

ASSIGNED FOR: **THURSDAY, MAY 8, 2003 at 10:00 a.m. /Day #1 and**
TUESDAY, MAY 13, 2003 at 10:00 a.m. / Day #2

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Counsel for Appellant /Petitioner : David K. Gildea, Esquire
Sebastian A. Cross, Esquire
Appellant /Petitioner : John R. Lombardo /BP Corporation
Michael E. Harris /Red Run Associates, LLC

Leslie M. Pittler, Esquire
Rob Pritchard /Red Run Deli
Bill Bralove

People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

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on Recycled Paper

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

May 16, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: Thursday, July 11, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21209
Michael E Harris, Red Run Associates LLC, 375 Padonia Road, West, Suite 200, *Timonium 21093*
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Ste 900, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 26, 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.

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on Recycled Paper

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

May 15, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: Thursday, July 11, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21209
Michael E Harris, Red Run Associates LLC, 375 Padonia Road, West, Suite 200, Timonium 21093
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Ste 900, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 26, 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.

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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

April 24, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet

HEARING: Wednesday, July 03, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director GDZ

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21209
Michael E Harris, Red Run Associates LLC, 375 Padonia Road, West, Suite 200, Timonium 21093
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Ste 900, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 18, 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.

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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 11, 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: 02-344-XA
11050 Red Run Boulevard
N/S Red Run Blvd, W/S Church Road & approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: John R Lombardo

Special Hearing to use the property for a fuel service station use in combination with a convenience store/carry-out restaurant, rollover car wash, and ancillary use automatic teller machine. Variance to permit 80.01 square feet of freestanding signage on Pleasant Hill Road in lieu of the allowed 75 square feet.

HEARING: Monday, April 15, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon GDZ
Director

C: David K Gildea, Gildea LLC, 301 N Charles St, Ste 800, Baltimore 21209
Michael E Harris, Red Run Associates LLC, 375 Padonia Road, West, Suite 200, Timonium 21093
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Ste 900, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 30, 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.

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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

July 5, 2002

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

Dear Mr. Gildea:

RE: Case Number: 02-344-XA, 11050 Red Run Boulevard

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 19, 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,

W. Carl Richards Jr.

W. Carl Richards, Jr. 6)2
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Michael E Harris, Red Run Associates, 375 Padonia Road, West, Suite 200, Timonium 21093
BP Corporation, John R Lombardo, 1 W Pennsylvania Avenue, Suite 900, Towson 21204
People's Counsel

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2002

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

SUBJECT: 11050 Red Run Boulevard

INFORMATION:

Item Number: 02-344

Petitioner: B. P. Corporation

Zoning: ML-IM

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Baltimore County Planning Office does not support the petition for a fuel service station in combination with a convenience store at the proposed location on Red Run Boulevard for the following reasons:

The original "Plan for Owings Mills" that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office/industrial employment center in the Owings Mill growth area. The County's subsequent "Master Plan 1989 – 2000" and "Master Plan 2010" reinforced the corridors intended office/industrial land-use.

During the past 15 years, millions of public dollars have been spent building the sewer, water and road infrastructure needed to support the planned employment based development. To date, development has occurred at a steady pace.

Although the Planning Office recognizes that certain ancillary uses are allowed in the ML-IM zone, the proposed fuel service station is planned for a prominent 6 acre lot at the corner of Red Run Boulevard and Pleasant Hill Rd. It is this office's position that any proposed ancillary commercial use should be integrated into the office/manufacturing campuses or on remnant parcels.

This office is of the opinion that the subject property is a prime location for class A office development and should not be developed with a use that is supposed to be incidental to the corridor's planned purpose.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W Lem

AFK/LL:MAC:

W:\DEVREV\ZAC\02-344.doc

Baltimore County
Fire Department

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

March 12, 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: Michael E. Harris - 344
Frederick L. Matusky - 350
Pamela D. Redfery - 352
Thomas M. Goins - 353
Joseph W. Schmitz, Jr. - 354
Harold C. Green - 356

Location: DISTRIBUTION MEETING OF March 11, 2002

Item No: 344, 350, 352, 353, 354, 356

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

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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 9, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
for March 11, 2002
Item No. 344

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

There are major intersection modifications that must be provided as part of this project, see Traffic Engineering for details.

RWB:CEN:cab

cc: File

ZAC-3-11-2002-ITEM NO 344-04092002.doc

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 3·8·02

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

RE: Baltimore County
Item No. 344 LTM

Dear. Mr. Zahner:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

My telephone number is _____

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS/TLT

DATE: April 9, 2002

Zoning Advisory Committee Meeting of March 11, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

333, 344, 350-355, 358, 359

Waiting on AG Comments for #356

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

August 30, 2002

Mr. Leslie M. Pittler
29 W Susquehanna Avenue
Suite 610
Towson MD 21204

Dear Mr. Pittler:

RE: Case No. 02-344-XA, 11050 Red Run Boulevard

Please be advised that an appeal of the above-referenced case was filed in this office on August 23, 2002 by David K. Gildea, on behalf of John R. Lombardo representative of BP Corporation, Contract Purchaser. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely,

Arnold Jablon
Director

AJ: GDZ

c: David K. Gildea, Gildea LLC, 301 N Charles Street, Suite 900, Baltimore 21201
Jeff Long, Planning
People's Counsel

Printed with Soybean Ink

APPEAL

Petition For Variance and
Special Exception
11050 Red Run Boulevard
N/S Red Run Boulevard, W/S Church Road &
approximately 1000' S Pleasant Hill Road
4th Election District – 3rd Councilmanic District
Red Run Associates LLC - Legal Owner
BP Corporation - Contract Purchaser
Case No.: 02-344-XA

Petition for Special Exception (dated 02/19/02)

Petition for Variance (dated 02/19/02)

Zoning Description of Property

Notice of Zoning Hearing (05/16/02)

Certification of Publication (The Jeffersonian issue dated 06/27/02)

Certificate of Posting (dated 06/27/04 posted SSG Robert Black)

Entry of Appearance by People's Counsel (dated 03/13/02)

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

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

Citizen(s) Sign-In Sheet (none)

Zoning Advisory Committee Comments

Petitioners' Exhibits:
1. Plans For Special Exception and Variance (dated 01/05/02)

Protestants' Exhibits:
1. Letter to Mr. Leslie Pittler from Vicki L. Almond President ROG Coordinating Council (dated 07/02/02)

Miscellaneous (Not Marked as Exhibits): (none)

Deputy Zoning Commissioner's Order (dated 08/05/02 – Special Exception and Variance (DENIED)

Notice of Appeal received on 08/23/02 from David K Gildea, on behalf of John R. Lombardo, representative of BP Corporation, Contract Purchaser

c: Leslie M. Pittler, 29 W Susquehanna Ave, Ste 610, Towson 21204
David K Gildea, Gildea LLC, 301 N Charles St, Ste 900, Baltimore 21201
Jeff Long, Planning
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Deputy Zoning Commissioner
Arnold Jablon, Director of PDM

date sent: 08/30/02 gdz

Case No. 02-344-XA

In the Matter of: Red Run Associates LLC – Owner;
BP Corporation –CP

SE –To approve fuel service station use in combo w/convenience store /carry out restaurant /rollover car wash and ancillary use ATM;
VAR – To permit 80.01 sq of freestanding signage on Pleasant Hill Road ilo allowed 75 sf.

8/05/2002 –D.Z.C.'s Order in which Petitions for Special Exception and Variance were DENIED.

2/04/93 --Notice of Assignment sent to following; assigned for hearing on Thursday, May 8, 2003 at 10:00 a.m. (Day #1) and Tuesday, May 13, 2003 at 10:00 a.m. (Day #2):

David K. Gildea, Esquire
Sebastian A. Cross, Esquire
John R. Lombardo /BP Corporation
Michael E. Harris /Red Run Associates, LLC
Leslie M. Pittler, Esquire
Rob Pritchard /Red Run Deli
Bill Bralove
People's Counsel for Baltimore County
Lawrence E. Schmidt /Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long /Planning
Arnold Jablon, Director /PDM

2/14/03 – Entry of Appearance filed by Sebastian A. Cross, Esquire on behalf of BP Corporation, Appellant.

5/08/03 – Board convened for hearing (Wescott, Worrall, Marks); to reconvene on 5/13/03 for day #2.

5/13/03 – Hearing concluded hearing this date (S.W.C.); memos due from parties 6/02/03; deliberation assigned for 6/19/03.
-- Notice of Deliberation sent to parties; deliberation assigned for Thursday, June 19, 2003 at 9:30 a.m. FYI copy to S.W.C.

6/02/03 – People's Counsel for Baltimore County's Memorandum filed by Peter M. Zimmerman;
-- Appellant's Memorandum in Support of Petition for Special Exception filed by Sebastian A. Cross, Esquire; and
-- Letter in Support of People's Counsel's Memorandum submitted by Leslie M. Pittler, Esquire.
Copies to 4-3-5 by memo this date.

6/19/03 – Board convened for deliberation (Wescott, Worrall, Marks); denied special exception and variance requests; Order to be issued; appellate period to run from date of written Order.

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF:	Red Run Associates LLC; BP Corporation Case No.: 02-344-XA	
DATE:	June 19, 2003	
BOARD/PANEL:	Charles L. Marks Margaret Worrall Lawrence S. Wescott	CLM MW LSW
RECORDED BY:	Theresa R. Shelton / Legal Secretary	
PURPOSE:	To deliberate the Special Exception and Variance filed by Red Run Associates to use the herein described property for a fuel service station use in combination with a convenience store / carry-out restaurant, roll-over car wash and automatic teller machine and to permit 80.01 s.f. of freestanding signage on Pleasant Hill Road ilo the req'd 75 s.f.	

PANEL MEMBERS DISCUSSED THE FOLLOWING:

SPECIAL EXCEPTION

- Definition of primary - Higher Courts define as more than 51% - major part
- That the property is only 33% built out – part of 51% is speculative – decisions are not made on "what might happen"
- Crondall Lane decision discussed (almost completely developed) – Case No.: 98-269 SPH
- Focus should be on area as it is today
- County does not refer to the site as an industrial park
- Section 101, Item 34
- IM allows offices / ML offices are permitted / does IM change focus
- Conflict between zones – what County allows and Item 34
- Master Plan compatibility
- Section 88 of Master Plan encourage office use
- Traffic Analysis / topography / nature of roads / employment
- Does 51% of business originate from employment during the week
- Primary use is to serve industrial
- Adverse impact
- Restaurant/convenience/carry-out definitions discussed
- Separate operations should have two cashiers
- Connects philosophy to gain square footage
- Highest and best use of land
- Employment center
- Class A Building
- 16 of 20 uses are offices
- County Council has designated as high grade and an adverse condition would be greater here than in other areas of the zone

- Competition is not a factor
- Concept in this zone is different (Class A)
- An office building could be built on the site
- The other 56 uses are not compatible either
- If the County wanted only first class offices, it should have been zoned that way
- Testimony given states that some offices have deli's already in place
- 253.1A inconsistent with having a first class office park
- 101 – Industrial – we have a definition and a definition has a rule
- 502.1 – this could be placed elsewhere
- Can't avoid the issue of spirit and intent
- Offices are not permitted in ML even with IM
- This office complex is contrary to zoning
- Has to serve industrial use – there is no industry – can not obtain 51% because there is no industry there
- 501.2g – inconsistent with spirit and intent of law
- Concept is fine, but in another location in the zone
- Definitely an inconsistently

VARIANCE

- No uniqueness
- Fails standards
- Moot

DECISIONS BY BOARD MEMBERS: Unanimous decision to DENY the request for Special Exception and Variance.

FINAL DECISION: That the Special Exception and Variance filed by Red Run Associates to use the herein described property for a fuel service station use in combination with a convenience store / carry-out restaurant, roll-over car wash and automatic teller machine is DENIED and the Petition for Variance to permit 80.01 s.f. of freestanding signage on Pleasant Hill Road ilo the req'd 75 s.f. is MOOT.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by this Board.

Respectfully submitted,

Theresa R. Shelton

Theresa R. Shelton
County Board of Appeals

IN RE: PETITION FOR SPECIAL HEARING & VARIANCE 11050 Red Run Boulevard 4th Election District 3rd Council District	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 02-344-XA

Michael E. Harris, Owner;
John Lombardo, Contract Purchaser

SUPBOENA

TO: ROBERT L. HANNON
DIRECTOR
DEPARTMENT OF ECONOMIC DEVELOPMENT
BALTIMORE COUNTY
OR HIS DESIGNEE

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204 and to bring all documents, Master Plans, Community Plans. including but not limited to the Owings Mills Plan and any other information that you used in determining your Comments which your Department/ Agency has filed in this case, on the 11th day of July, 2002, regarding the above-captioned case, for the purpose of testifying at the request of

Leslie M. Pittler

Mr. Sheriff / Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 2 (C)

Issued:

Zoning Commissioner/Deputy
Zoning Commissioner for Baltimore
County

IN RE: PETITION FOR SPECIAL HEARING & VARIANCE 11050 Red Run Boulevard 4th Election District 3rd Council District	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 02-344-XA

Michael E. Harris, Owner;
John Lombardo, Contract Purchaser

SUPBOENA

TO: ARNOLD F. "PAT" KELLER
DIRECTOR
OFFICE OF PLANNING, BALTIMORE COUNTY
OR HIS DESIGNEE

You are hereby summoned and commanded to be and appear personally before the Zoning Commissioner/Deputy Zoning Commissioner of Baltimore County in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204 and to bring all documents, Master Plans, Community Plans. including but not limited to the Owings Mills Plan and any other information that you used in determining your Comments which your Department/ Agency has filed in this case, on the 11th day of July, 2002, regarding the above-captioned case, for the purpose of testifying at the request of

Leslie M. Pittler

Mr. Sheriff / Private Process Server:

Please process in accordance with Zoning Commissioner's Rule 2 (C).

Issued:

Zoning Commissioner/Deputy
Zoning Commissioner for Baltimore
County

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

April 12, 2002

Mr. David K Gildea
Gildea LLC
301 N Charles Street
Suite 900
Towson MD 21204

Dear Mr. Gildea:

RE: Case Number 02-344-XA, 11050 Red Run Boulevard

The above matter, previously scheduled for Monday, April 15, 2002, has been postponed at your request. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that, as the individual requesting and receiving the postponement, the responsibility and costs associated with the appropriate posting of the property now lies with you. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with notice of the original hearing date, as quickly as possible a notice of the new hearing date should be affixed to the sign(s).

Very truly yours,

Arnold ~~Jablon~~ GDZ
Director

AJ: gdz

C: Michael E Harris, Red Run Associates LLC, 375 Padonia Road, Suite 200, Timonium 21093
John R Lombardo, BP Corp, 1 W Pennsylvania Ave, Ste 900,Towson 21204

Printed with Soybean Ink
on Recycled Paper

RE: PETITION FOR SPECIAL EXCEPTION PETITION FOR VARIANCE 11050 Red Run Boulevard, N/S Red Run Blvd, W/S Church Rd and appx 1000' S of Pleasant Hill Rd 4th Election District, 3rd Councilmanic	* * *	BEFORE THE ZONING COMMISSIONER FOR
Legal Owner: Red Run Associates LLC Contract Purchaser: BP Corp. Petitioner(s)	* *	BALTIMORE COUNTY Case No. 02-344-XA

* * * * * * * * * * * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th 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

PETER MAX ZIMMERMAN

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

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

MEMORANDUM

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

From: Robert L. Hannon RH
Director, Department of Economic Development

Date: March 18, 2002

Subject: 115050 Red Run Boulevard

Information:
Item number: ~~344~~ 344
Case number: 02-344-XA
Existing zoning: ML-IM

The Department of Economic Development opposes the petition to use to above referenced property for a fuel service station use in combination with a convenience store/carry out restaurant, roll-over car wash and ancillary use automatic teller machine for the following reasons:
The original plan for Owings Mills, that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office industrial employment center in the Owings Mills growth area. The county's "Master Plan 1989-2000" and "Master Plan 2010" reinforce the office/industrial land use for the Red Run Boulevard Corridor. The proposed use is not consistent with these plans.

Over the last 15 years, millions of public dollars have been spent building sewer, water and road infrastructure, etc to support that intended land use. The proposed use will not create the jobs that provide family supporting income that were intended.

8/26/02
WCR
To Counsel
Hardc 8/28/02
UCA

GILDEA, LLC

301 NORTH CHARLES STREET
SUITE 900
BALTIMORE, MARYLAND 21201
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

August 23, 2002

Mr. Arnold Jablon, Director
Office of Permits & Development Management
111 W. Chesapeake Avenue, Room 109
Towson, MD 21204

Re: BP/Red Run & Pleasant Hill Rd. (17674)
Petition for Special Exception, Petition for Variance
11051 Red Run Boulevard, W/S Church Rd, approx. 1000 ft. S of Pleasant Hill Rd.
4th Election District, 3rd Councilmanic District
Legal Owner: Michael E. Harris
Contract Purchaser: BP Corporation
Case No.: 02-344-XA

Dear Mr. Jablon:

Please enter an appeal on behalf of John R. Lombardo, BP Corporation, 1 West Pennsylvania Avenue, Suite 900, Towson, MD 21204, representative of BP Corporation, Contract Purchaser, from the Findings of Fact and Conclusions of Law dated August 5, 2002 of the Baltimore County Zoning Commissioner in the above entitled case. Also, please enter my appearance as counsel for Mr. Lombardo and the BP Corporation. I am located at 301 N. Charles Street, Suite 900, Baltimore, MD 21201.

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

Respectfully submitted,

David K. Gildea

DKG:bhb

CC: Peter Max Zimmerman, Esq.
Jeffrey Long
William Jones
Leslie M. Pittler, Esq.
Jeffrey S. Bainbridge, BP Amoco
John R. Lombardo, BP Amoco
Michael E. Harris, Highwood Properties
David P. Scheffenacker, Jr., Preston Partners
Karl F. Lehmann, Preston Partners
Gregory H. Reed, Bohler
Sebastian A. Cross, Esq.

RECEIVED
AUG 23 2002
DEPT OF PERMITS AND DEVELOPMENT MANAGEMENT

5/2/02 George
cc

GILDEA, LLC

301 NORTH CHARLES STREET
SUITE 900
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

May 1, 2002

Mr. Arnold Jablon
Office of Permits & Development Management
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Re: BP/Red Run & Pleasant Hill Rd. (17674)
Case No.: 02-344-XA

Dear Mr. Jablon:

I am in receipt of a Notice of Zoning Hearing for the above referenced matter. The hearing was rescheduled, at my request, to Wednesday, July 3, 2002. I have since been informed by one of our expert witnesses that he will be in Prague, Czechoslovakia and, therefore, would be unable to attend. I am respectfully requesting that the hearing be moved to Thursday, July 11, 2002 to accommodate my expert witness.

As the hearing date is three months from the date of this letter, no parties will be prejudiced by the rescheduling of the hearing.

Thank you for your consideration in this matter.

Respectfully submitted,

David K. Gildea

DKG:bhb
CC: Zoning Commissioner Lawrence E. Schmidt
George Zahner
John R. Lombardo, BP Amoco

02-1509

4/3/02
To Gross
of
f

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 1, 2002

Mr. Arnold Jablon
Office of Permits & Development Management
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Re: BP/Red Run & Pleasant Hill Rd. (17674)
Case No.: 02-344-XA

Dear Mr. Jablon:

BP hereby respectfully requests that the above referenced matter, currently scheduled for hearing on April 15, 2002, be postponed until August of 2002. No parties will be prejudiced by the granting of this postponement request.

Should you have any questions or comments, please contact me.

Respectfully submitted,

David K. Gildea

DKG:bhb
CC: Zoning Commissioner Lawrence E. Schmidt (via regular mail)
Jeffrey S. Bainbridge, BP Amoco (via facsimile)
John R. Lombardo, BP Amoco (via facsimile)
Gregory H. Reed, Bohler Engineering (via facsimile)
Warren B. Duckett, III, Esquire, Whiteford, Taylor & Preston (via facsimile)

02-1086

GILDEA, LLC

301 NORTH CHARLES STREET
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FACSIMILE 410-234-0072
www.gildeallc.com

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DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

February 12, 2003

ATTN: CLERK
Baltimore County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, MD 21204

Re: BP Corporation/Red Run & Pleasant Hill (17674)
Case No.: 02-344XA

Dear Clerk:

Please find enclosed one original and one copy of BP Corporation's Entry of Appearance. I have included the additional copy and would appreciate it if you would date stamp the copy and return it to me in the envelope provided.

Thank you for your assistance.

Very truly yours,

Sebastian A. Cross

SAC:dls
CC: Lawrence E. Schmidt, Zoning Commissioner
Pat Keller, Planning Director
Jeffrey Long, Planner
Arnold Jablon, Director/PDM
John R. Lombardo, BP Corporation
Jeffrey S. Bainbridge, BP Corporation
David P. Scheffenacker, Preston Partners
Karl F. Lehmann, Preston Partners
Michael E. Harris, Highwood Properties
Gregory G. Reed, Bohler Engineering
Alfred Barry, AB Associates
Joseph Cronyn, Lipman, Frizzell & Mitchell, LLC
Kenneth W. Schmid, The Traffic Group
Leslie M. Pittler, Esquire
Rob Pritchard, Red Run Deli
Bill Bralove
David K. Gildea
Enclosures

RECEIVED

BALTIMORE COUNTY
BOARD OF APPEALS

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

SEBASTIAN A. CROSS
SCROSS@GILDEALLC.COM

JOSEPH R. WOOLMAN, III
JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN
DHOLMAN@GILDEALLC.COM

STUART W. COX
SCOX@GILDEALLC.COM

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BALTIMORE, MARYLAND 21201
TELEPHONE 410-234-0070
FACSIMILE 410-234-0072
www.gildeallc.com

June 2, 2003

RECEIVED
JUN 0 2 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Via Hand Delivery
Ms. Kathy Bianco
Court Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

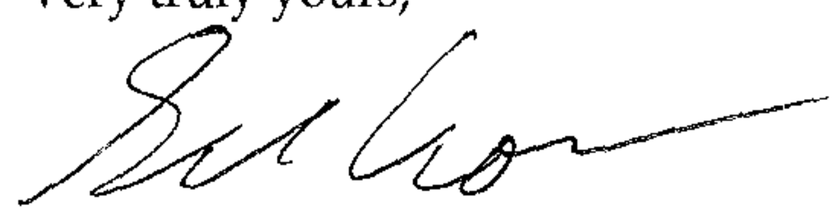
Re: BP/Red Run & Pleasant Hill (17674)
Case No. 02-344-XA

Dear Kathy:

Attached please find four copies of Appellant's Memorandum in Support of Petition for Special exception requested by the Board. A copy of this Memorandum is also being forwarded to Appellees.

Thank you for your consideration in this matter and please contact me if there is any additional information you may require.

Very truly yours,



Sebastian A. Cross

SAC:bhb
Attachments
CC: John R. Lombardo
Leslie M. Pittler, Esq.
People's Counsel, Peter Max Zimmerman, Esquire
David K. Gildea, Esquire

Leslie M Pittler P.A.
Attorney at Law
Suite 610
29 West Susquehanna Ave
Towson, Maryland 21204

RECEIVED
JUN 0 2 2003
BALTIMORE COUNTY
BOARD OF APPEALS

Telephone: 410-823-4455
Fax: 410-583-7611

June 2, 2003

County Board of Appeals
For Baltimore County
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
And Variance. Case No. 02-344-XA

Dear Mr. Chairman and Members of the Panel:

The purpose of my letter is to advise the Board that on behalf of my client, a protestant in the above-captioned matter, I hereby endorse and fully support the Memorandum filed in this matter by the People's Counsel of Baltimore County. Although fully supporting the arguments and the legal conclusions of People's Counsel, I would like to briefly mention several points.

A: I would submit that what is being proposed in this case by the Petitioner is not in fact a "convenience store". It is a food store at best, thus it is limited under the ML regulations to 2500 square feet, if allowed at all.

B: There is no evidence in the record that supports the granting of a special exception for a restaurant, as a matter of fact Mr. Cronyn in his report refers to a convenience store some 33 times and to a convenience store / restaurant only one time.

C: When asked why there is seating for twelve to fourteen people, Petitioner was unable to clearly respond, because convenience stores do not have seating.

D: The examples cited by Petitioner of similar fuel service stations / convenience stores in Baltimore County were clearly distinguished from the proposal in this case, for the reasons that none of them were serving as auxiliary uses to an office park, none of Petitioners examples had a car wash, restaurant or were they as intense as this proposal, nor were most of their cited examples in an ML or ML-IM zone and where they were so located they were serving an industrial or commercial area, not an office park.

E: The products to be sold in this so-called convenience store are well beyond the products allowed to be sold in a convenience store under the definition set forth in the Baltimore County Zoning Regulations.

F: The testimony of Mr. Long, Mr. Jones and Mr. Beglieter clearly set forth that a proposal of this nature and scope do not fall within the guidelines of the Mater Plan for the Red Run Corridor or the Owings Mill Plan.

G: The testimony of the representatives of the surrounding community were unanimous in agreeing with the representatives from Baltimore County that this proposal of the Petitioners is not in keeping with the office park use of the Red Run Corridor.

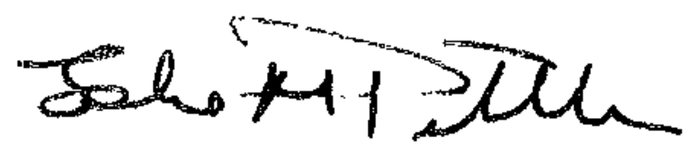
H: The record is completely void of any evidence that would satisfy a variance in this case, no evidence of the site being unique or of any practical difficulty was produced by the Petitioner.

I: Petitioner's traffic expert testified to the lack of traffic, because this is an office park, in the evenings and on the week-ends, but they will be open every day, twenty for hours a day, which defeats their position of only wanting to serve the Red Run corridor.

J: It should not be minimized that the County Council, turned down the request for rezoning for the same type of use sought by this Petitioner, for a parcel of land close to the subject site in the Red Run Corridor.

For these reasons and particularly the Section 253 issue set forth in the People's Counsel memorandum as well as the numerous examples set out in the testimony, we respectfully submit that the Petitioner's requests for special exception and variance be denied.

Very truly yours,



Leslie M. Pittler

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2003, a copy of the foregoing letter was mailed first class, postage prepaid to: Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, 400 Washington Ave., Towson, Md. 21204 and to Sebastian A. Cross, Esquire,301 N. Charles Street, Suite 900, Baltimore, Md. 21201

Leslie M. Pittler

RENEW, Inc.

The Randallstown Community Organization

January 27, 2003

#02-344-XA

Baltimore County Board of Appeals 410 887-3180
Old Courthouse Room 49
400 Washington Ave.
Towson, Maryland 21204

Gentlemen,

I am writing to request written notification of the hearing date and time for case # 02-344-XA (location Red Run Blvd. and Pleasant Hill Road).

Please mail this to:

Bill Bralove
4272 Mary Ridge Drive
Randallstown, Maryland 21133.

Thank you for cooperation.

Sincerely,

Bill Bralove

RECEIVED

JAN 0 3 2003

BALTIMORE COUNTY
BOARD OF APPEALS

4272 Mary Ridge Drive Randallstown, Maryland 21133 410 655-3955

RED RUN DELI
10999 RED RUN BOULEVARD
OWINGS MILLS MD. 21117
410-902-5900
FAX 410-902-1902

To Whom It May Concern:

Please inform me as to when the hearing for case #02-344-XA will take place.

Thank you

Rob Pritchard

Rob Pritchard

RECEIVED
NOV 0 4 2002
BALTIMORE COUNTY
BOARD OF APPEALS

LIMITED DELIVERY AREA

02-344-XA
7/11/02

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
David K. Gildea	301 N. Charles St. Suite 900
	Balt. MD. 21201
Sebastian Cross	" "
GREG REED	810 GLENEAGLES CT STE 300 TOWSON MD 21286
Jeff Bainbridge	One West Pennsylvania Ave, Suite 900
	Towson, MD 21204
Joseph Cronyn	8815 Centre Park Dr, Columbia 21045
MIKE ULRICH	752 MAGO VISTA RD
	ARNOLD MD 21012
KEN SCHMID	
ALFRED W. BARRY III	002 SOUTH CALVERT ST # 1150
	BALTO, MD 21202
DAVID P. Schaffenneker Jr.	Preston Partners Inc
	Suite 155
	2330 W. Joppa Rd.
	Lutherville, Md. 21093

Printed with Soybean Ink
on Recycled Paper

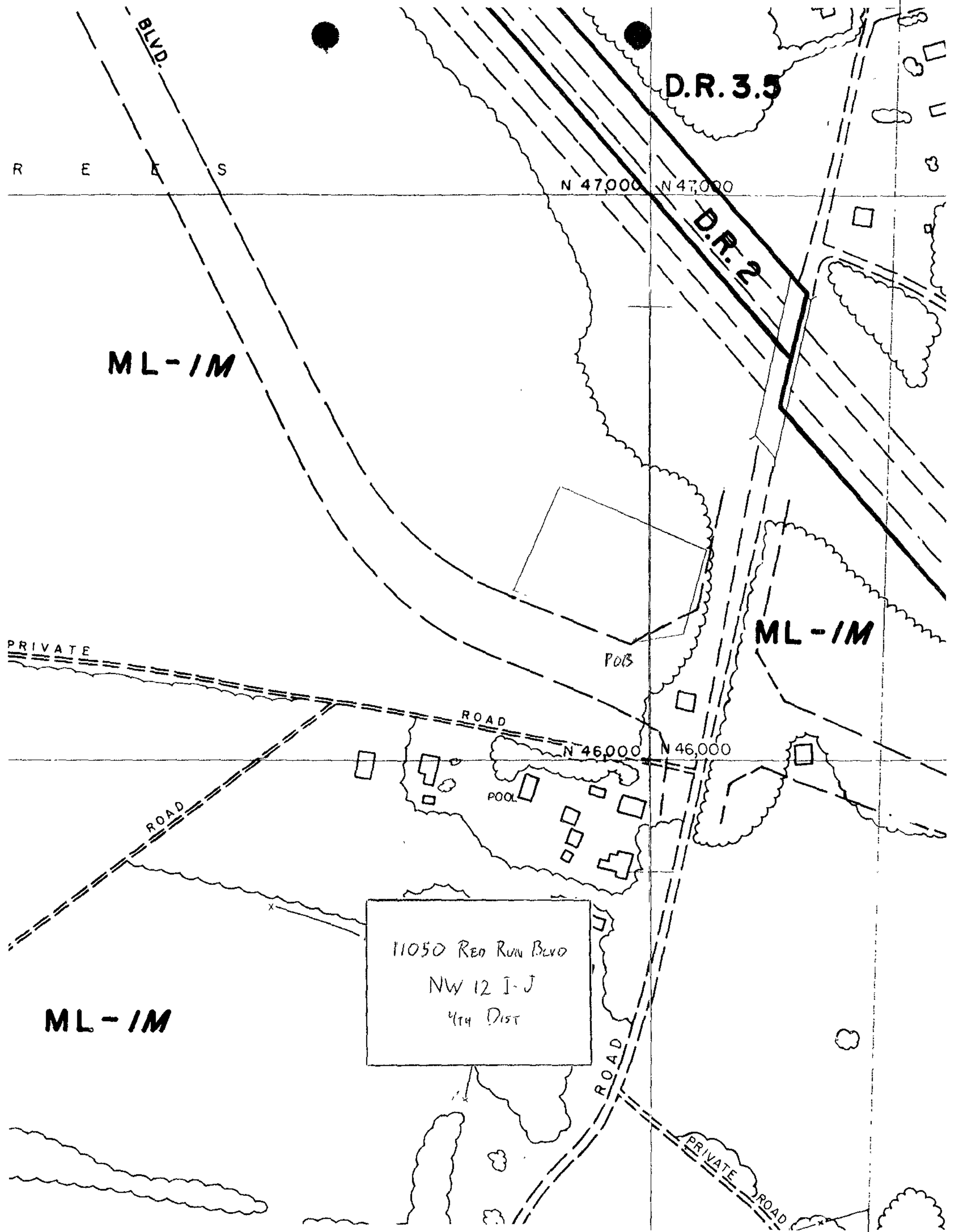
Case Number 02-344-XA
7/11/02

PLEASE *PRINT* LEGIBLY

PROTESTANT'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Leslie M. Pittler	29 W. Susquehanna Ave Ste. 610	Towson	21204

Revised 4/17/00


BLVD.
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N 47,000
D.R. 2
ML-IM
ML-IM
PRIVATE
POB
ROAD
N 46,000
N 46,000
POOL
ROAD
11050 Red Run Blvd
NW 12 I-J
4th Dist
ML-IM
ROAD
PRIVATE ROAD

Pet. #12

PROPOSED BP
FUEL SERVICE STATION & CONVENIENCE STORE

RED RUN BOULEVARD/PLEASANT HILL ROAD
OWINGS MILLS, MARYLAND

Prepared For:

Mr. John R. Lombardo
BP Corporation
15 Churchville Road
Suite 115
Bel Air, MD 21014

Submitted by:

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

May 1, 2003

Lipman Frizzell & Mitchell LLC
REAL ESTATE CONSULTANTS

M. Ronald Lipman, CRE, MAI
George P. Frizzell, CRE, MAI
Ryland L. Mitchell III, CRE, MAI
David H. Brooks, CRE, MAI
James C. Feeney, MAI
Calvin V. Thomas, Jr., MAI
Sheldon A. Stern, MAI
Joseph M. Cronyn
Kelly A. Hoffert
Nathan O. Brantley
F. Ford Dennis, Jr.
Joanne L. Andrews
Meghann K. Francis
Edward M. Steere, AICP
Stacy A. Harman
Eileen T. Thomas
Heather R. Lueben
Deborah M. Ryba, *Mgr.*

May 1, 2003

Mr. John R. Lombardo
BP Corporation
15 Churchville Road
Suite 115
Bel Air, MD 21014

SUBJECT: PROPOSED BP FUEL SERVICE STATION MARKET ANALYSIS

Dear Mr. Lombardo:

Enclosed please find Lipman Frizzell & Mitchell's analysis concerning the function of BP Corporation's proposed fuel service station and convenience store at Red Run Boulevard and Pleasant Hill Road as an auxiliary service use serving "primarily the industrial uses and related activities in the surrounding industrial area," the Red Run Employment Corridor in Owings Mills, Baltimore County. The analysis has been conducted in connection with BP's petition for a special exception and hearing before the County Board of Appeals of Baltimore County in this matter.

LF&M finds that the proposed station does serve primarily the Red Run Employment Corridor based on our analysis of: its primary market area, typical consumer behavior for fuel service station/convenience store uses, and the appropriateness of such services as part of first-class mixed use business park development. This facility will not have a detrimental effect on the Red Run Employment Corridor. The enclosed report summarizes our reasoning process.

Please call me at (410) 423-2372 should you have any questions or comments.

Sincerely,
LIPMAN FRIZZELL & MITCHELL LLC

Joseph M. Cronyn
Senior Associate

Three Centre Park • 8815 Centre Park Drive, Suite 200 • Columbia, Maryland 21045
(410) 423-2300 Fax (410) 423-2410 • (301) 565-3380 Fax (301) 587-3033 • www.lfmvalue.com

I. INTRODUCTION

Lipman Frizzell & Mitchell LLC (LF&M) has been engaged by BP Corporation (BP) in connection with its petition to the County Board of Appeals of Baltimore County for a special exception permitting the operation of a fuel service station and convenience store at the intersection of Red Run Boulevard and Pleasant Hill Road in Owings Mills, Baltimore County.

Purpose of Assignment

The proposed BP automobile service station is planned as containing the following elements: seven multi-product dispensers (MPDs) with 14 fueling positions, a convenience store/restaurant of approximately 4,224 sq.ft. and a self-service carwash facility of less than 800 sq.ft.

LF&M has been engaged to examine evidence of the function of the proposed fuel service station as an auxiliary service use serving "primarily the industrial uses and related activities in the surrounding industrial area," the Red Run Employment Corridor.

Scope of Work

In conducting this analysis LF&M has accomplished the following tasks:

- Inspected the subject site, the Red Run Employment Corridor and nearby areas within the Owings Mills Growth Area;
- Reviewed BP land plans for the site;
- Analyzed Maryland State Department of Assessment & Taxation (SDAT) records and real estate industry sources (e.g., CoStar) concerning commercial real estate development within the Red Run Employment Corridor;
- Defined a geographic market area from within which the subject typically will draw the majority of its customers;
- Reviewed traffic analyses by Traffic Concepts, Inc. to determine the characteristics of vehicular flows through the market area;
- Surveyed existing fuel service stations in nearby areas to develop information on their location and other factors;
- Drawn conclusions regarding the function of the proposed fuel service station within the Red Run Employment Corridor.

Organization of Report

Following this Section I, LF&M's report is organized in five sections as follows: Section II, site and location analysis; Section III, definition of market area; Section IV, consumer behavior analysis; Section V, contribution of auxiliary services to goals of Employment Corridor; Section VI, summary and conclusions.

Qualifications of Consultant

Lipman, Frizzell & Mitchell is a multi-faceted real estate consulting and appraisal firm serving the Mid-Atlantic since 1977. LF&M is the Region's largest real estate advisory firm, with 16 professionals in our Columbia, MD headquarters. Joseph M. Cronyn, Senior Associate, is the principal in charge of this assignment.

A brief description of the firm and Cronyn's resume are found in Appendix A at the end of this study.

II. SITE LOCATION ANALYSIS

A. Site Description

The subject property is located at the northwest corner of the intersection of Red Run Boulevard and Pleasant Hill Road. It is a site of approximately 6.519 acres, otherwise known as Riparius Lot 5, of which approximately 1.39 acres is proposed for improvement as a BP fuel station and convenience store facility. Only that smaller section is considered in the special exception application.

The property is currently vacant and unimproved. It is zoned ML-IM (Manufacturing, Light) with PUD-C (Planned Unit Development Commercial) overlay. It is located within Riparius Center, an approximately 160 acre planned business park, and within the Red Run Employment Corridor. The Corridor totals approximately 700 acres, with Red Run Boulevard as its spine. It is depicted on the following page.

Coming from the south, Red Run Boulevard rises to the intersection with Pleasant Hill Road. The BP facility structures are anticipated to be at grade with the intersection.

B. Site Access

The subject site will be entered at two points: 1) from Red Run Boulevard just north of its signalized intersection with Pleasant Hill Road and 2) from Pleasant Hill Road just east of the same intersection. Traffic at the intersection is currently controlled by 4-way stop signs and a traffic signal working on a flashing red status, which will be upgraded as traffic at the intersection increases.

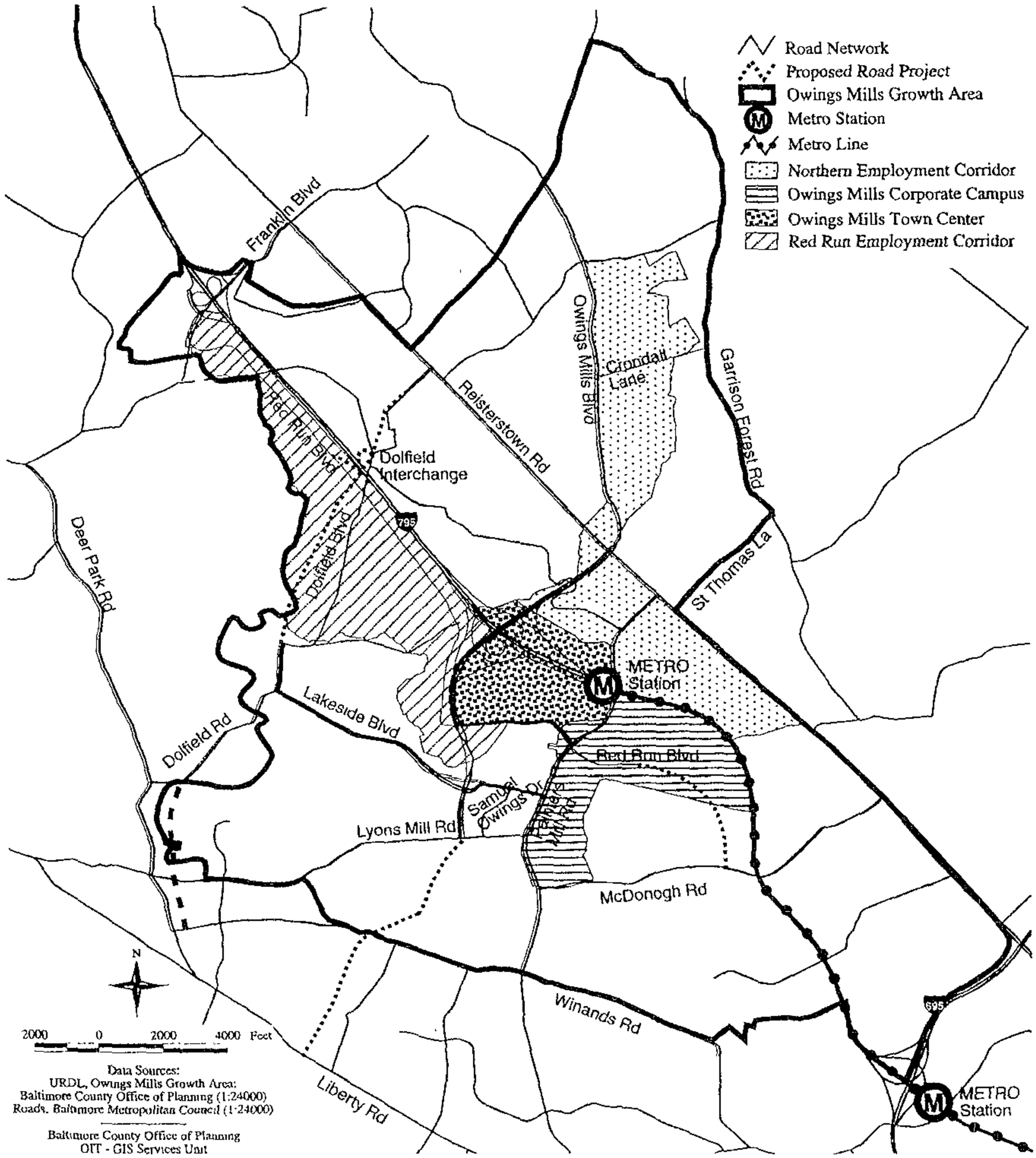
The site has good visibility from all directions. It has approximately 260 feet of frontage along Red Run Boulevard and 150 feet of frontage along Pleasant Hill Road.

Red Run Boulevard is a five-lane road for most of its length, with the center lane designated for left turns. The thoroughfare runs in a northwest-southeast orientation and has a posted speed limit of 40 MPH. About 1.5 miles to the south of the subject, the next signalized intersection is Owings Mills Boulevard in Owings Mills Town Center.

C. Surrounding Land Uses

LF&M has surveyed the subject's neighborhood and finds the following pattern of uses surrounding the property:

- To the North - The **Riparius Center** planned business community is under development immediately to the north. The four-story 126,400 sq.ft. Legg Mason building at 11155 Red Run and the three-story 115,400 sq.ft. ADP building at 11411



RED RUN EMPLOYMENT CORRIDOR
within Owings Mills Growth Area
Master Plan 2010

Red Run are prominent on the west side of the street. The **Dolfield Office Park** on Redland Court is set further off Red Run Boulevard to the west; it includes two existing office buildings totaling 152,000 sq.ft. and an additional vested development site for 69,600 sq.ft. of office space.

- To the South - South of Pleasant Hill Road there is consistent office and one-story flex product development with numerous land sites still available for construction. Business parks include: **Pleasant Hill Center** at 10989-10999 Red Run with 152,300 sq.ft. of two-story office; **Red Brook Corporate Center** with two existing multistory office buildings and one under construction totaling 258,800 sq.ft.; **10705/10711/10715 Red Run** with 291,000 sq.ft. of single-story flex product; **Merritt at Owings Mills** with the 102,000 sq.ft. two-story Care First call center at 10802 Red Run. The U.S. Postal Service and a two-story office building at 10811 Red Run are in evidence. Owings Mills Town Center is about 1.5 miles to the south.

- To the East - The property and the Employment Corridor are strictly bound to the east by I-795. Residential development to the east of I-795 is discontinuous with employment development surrounding the subject.

- To the West - Beyond Pleasant Hill Center is the 40,000 sq.ft. Harbour School at 111251 Dolfield Boulevard (Pleasant Hill Road). Following Dolfield to the west, significant land remains available to the right and the northern edge of Red Brook Corporate Center to the left. A small amount of isolated older residential use is interspersed to the left, with The Village of Mill Run elevator and townhome condominiums now under construction beyond the Employment Corridor boundary. About one mile farther to the west, a one-lane bridge now connects to Owings Mills New Town near Reese Farm Road. The Employment Corridor is divided from residential uses farther to the west in Owings Mills New Town by topographical barriers, most importantly the streambed and steep slopes of Red Run itself.

The subject, therefore, is fully integrated within the rapidly developing Red Run Employment Corridor. That Corridor lies just to the north of Owings Mills Town Center. Both are characterized by a concentration of first-class office and flex properties. Existing and authorized office development is estimated at in excess of 1.4 million square feet of leasable area. There remains significant additional unimproved land area.

D. Summary

In summary, the subject site is well located and visible on Red Run Boulevard, the only spine road unifying the Red Run Employment Corridor internally and also connecting it to Owings Mills Town Center to the south. The subject has good access from Red Run Boulevard and Pleasant Hill Road at their signalized intersection. The site is located within the distinct Red Run Employment Corridor, which has been extensively

developed with employment uses and is well defined by natural (i.e., Red Run) and manmade (i.e., I-795) barriers.

III. DEFINITION OF MARKET AREA

A. Primary Market Area

LF&M has defined the subject's primary market area as the Red Run Employment Corridor. Though BP will certainly benefit from the business of some other customers traveling through the market area, we find that the Employment Corridor boundaries reasonably define the geographic locations of the majority of the fuel service station's customers.

The market area has been determined after careful consideration of numerous factors affecting consumer behavior such as: road network, physical barriers, drive times and intervening commercial opportunities. Ultimately, the definition of a market area in Twenty-first Century suburban America is determined by the distances consumers will drive for specific types of goods and services in light of those factors.

B. Road Network

The road network serving the subject location consists of the two roads which intersect in front of the site:

- Red Run Boulevard is, far and away, the most important thoroughfare as demonstrated by its five-lane width and its status as the "front door" to the Employment Corridor's constituent business parks and individual buildings. This road is the backbone to the Corridor and the sole connection to the commercial development concentration in Owings Mills Town Center.

- Pleasant Hill Road is now a small, two-lane "east-west" connector between Reisterstown Road and Owings Mills New Town. It carries relatively little traffic due to its unimproved condition, but more importantly due to the fact that it "does not go anywhere." By this we mean that, to the east it immediately bogs down at the 2-lane bridge over I-795 which leads to an older street grid of narrow neighborhood roads with difficult access onto Reisterstown Road and to the west it connects to the back of Owings Mills New Town's residential neighborhoods with difficult access to both Town Center and the Liberty Road Corridor.

  Though planned improvements (four lanes, better configuration) to the new Dolfield Road west of the subject's intersection will make driving conditions easier someday, those improvements have not been funded. Under any circumstances, the function of the road as a minor connecting road will not change due to the reality that the 2-lane bridge and difficulties of right-of-way acquisition within the old streets to the east make it unlikely that through traffic to Reisterstown Road will be facilitated.

This road network isolates the Red Run Employment Corridor and does it by design, reinforcing its identity as a location for the development of first-class business parks within the County's Master Plan. By and large, drivers have to go out of their way to enter the area due to the fact that its primary entrances are from Owings Mills Boulevard on the south and Franklin Boulevard on the north. There are no more direct paths to the area.

C. Physical Barriers

Physical barriers defining the primary market area are of two kinds:

- Natural Barriers define the western edge of the Red Run Employment Corridor. The streambed of Red Run itself and the steep slopes bordering it create an environmental barrier which is only bridged once, at Dolfield/Pleasant Hill Road.

- Man-made Barriers dramatically define the eastern edge of the Employment Corridor. The right-of-way of I-795 creates a physical barrier which is only crossed twice by minor roads: the Pleasant Hill Road overpass and the Church Road underpass.

These physical barriers isolate the Red Run Employment Corridor, adding to the difficulty of accessing the area unless it constitutes a destination trip.

D. Drive Times

Due to the nature of the Employment Corridor's road network and its physical isolation, drive times to the area tend to be too long unless it is the destination of the trip. Drivers typically prefer paths to their destinations which are as direct and time-efficient as possible. For most drivers, there are relatively few destinations which can be reached more easily by passing through the Red Run Employment Corridor market area.

E. Intervening Opportunities

The shape of a geographic market area is also influenced by the competitive alternatives which a consumer will consider in making a decision to travel for a specific type of purchase. A consumer will typically choose to do business at the closest location which reasonably meets his/her needs and will not travel past truly competitive alternatives to make a purchase. This is true for most retail goods and services.

In this case, the competitive alternatives to the BP fuel service station and convenience store again reinforce the isolated nature of the Red Run Employment Corridor. Consumers typically will make only short trips to purchase convenience goods and

services such as those offered at the subject. For drivers into the Owings Mills area, competitive alternatives to the subject use now exist in the following locations:

- Owings Mills Town Center - An Exxon fuel service station now operates at 10375 Red Run Boulevard within the Town Center area. It has six multi-product gasoline dispensers (MPDs) and a Tiger Mart convenience store including an ATM. It is located just across from the Mall, high-rise office development and the restaurant park. It is near the Metro station and Owings Mills Corporate Campus.

- Reisterstown Road Corridor - There are numerous fuel service stations located along the Reisterstown Road Corridor between Painters Mill Road and Franklin Boulevard. LF&M counts the following eight stations:

Amoco	10231 Reisterstown Road	6 MPDs	2 service bays
Shell	10301 Reisterstown Road	4 MPDs	4 service bays
Exxon	10540 Reisterstown Road	4 MPDs	Conv. store
Crown	10615 Reisterstown Road	6 MPDs	
Sunoco	10812 Reisterstown Road	4 MPDs	2 service bays
Sunoco	11701 Reisterstown Road	4 MPDs	3 service bays
Texaco	11903 Reisterstown Road	4 MPDs	3 service bays
Exxon	11904 Reisterstown Road	6 MPDs	Conv. store, carwash

- Liberty Road Corridor - The Liberty Road Corridor is very remote to the subject location and the Red Run Employment Corridor. LF&M counts 12 existing fuel service stations between the Beltway (I-695) and the Carroll County line, but the following stations might remotely be considered as competitive alternatives to the subject:

Citgo	9802 Liberty Road	4 MPDs	Conv. store
Exxon	9835 Liberty Road	6 MPDs	Conv. store, carwash
Getty	9901 Liberty Road	4 MPDs	3 service bays
BP	9860 Liberty Road	8 MPDs	Planned

LF&M finds, therefore, that the market area is also tightly limited by competitive alternatives in all directions. Consumers will not typically travel past the above competitive alternatives to patronize a commercial use at the subject site or within the Red Run Employment Corridor, which are less conveniently located to their natural travel and shopping patterns.

F. Summary & Conclusions

In summary, LF&M finds that the definition of the subject site's market area as the Red Run Employment Corridor is reasonable and amply justified by the following factors:

- Road Network - The area's principal thoroughfares (Red Run Boulevard and Pleasant Hill Road) do not connect easily to the rest of the Owings Mills Growth Area's road network.

- Physical Barriers - Natural (i.e., Red Run) and man-made (i.e., I-795) physical barriers physically isolate the Employment Corridor.

- Drive Times - The area's isolation means that drivers will typically come to the area only if it is a destination. It is not "on the way" to anything for most auto trips.

- Intervening Alternatives - Competition in Owings Mills Town Center, the Reisterstown Road Corridor and Liberty Road Corridor effectively limit the reach of commercial uses within the Red Run Employment Corridor to the Employment Corridor itself.

LF&M, therefore, concludes that the Red Run Employment Corridor is the primary market area for the subject site. The proposed fuel service station and convenience store will draw the majority of their patronage from within the Employment Corridor.

IV. CONSUMER BEHAVIOR

A. Fuel Service/Convenience Retailing

Many observers have seen that consumer demand is changing the gasoline and convenience retailing environments, causing them to merge.

LF&M takes note, for example, of the following comments from **Restructuring: The Changing Face of Motor Gasoline Marketing**, a November 2001 article authored by the Energy Information Administration of the U.S. Department of Energy (www.eia.doe.gov). In part, the article states:

> "The traditional service station of the 1940's, 1950's, and 1960's had one or more mechanics on-duty working in one to three service bays and pumping motor gasoline from 2 or 3 islands, each with 3 pumps and 2 nozzles on teach pump. The transition from the traditional service station to the convenience store format began during the early 1970's with the rise in the availability of self-serve motor gasoline. The increased dependability and complexity of motor vehicles, especially passenger cars, contributed to the decline in the ability of service stations to sell automotive repair and maintenance services. In turn, this led to the need to replace the revenue streams these activities supplied. Convenience items supply revenue to augment the motor gasoline and lubricants revenue streams retained by the outlets (although some outlets opted just to go out of business).
>
> Replacing the traditional station was the convenience store (c-store) format in which items such as soft drinks, coffee, and cigarettes are sold inside a store that is surrounded by many gasoline pump islands. The c-store has evolved further in recent years as branded fast food stores have been combined with the c-store. This combination has expanded the offerings of the outlet by adding nationally- (or regionally-) branded fast food and automatic teller machines..."

LF&M also finds, based on the U.S. Census Bureau's **1997 Economic Census** (the most recent available), that the gasoline retailing business nationally already demonstrates the dominance of the convenience store format. Total gasoline station (NAICS 447) sales amounted to $198,165,786,000 in 1997. Of that total, gasoline stations with convenience stores (NAICS 44711) represented $127,609,117,000 or almost two-thirds (64.4%) of all sales.

The subject's format, then, also responds to the evolving needs of the consumer and to the business needs of the operator by adding convenience store services to the gasoline pumping operation.

B. Consumer Behavior

The National Association of Convenience Store's (NACS) **Future Study (2000-2005)** report, conducted by PricewaterhouseCoopers, develops a profile of the typical convenience store user. It finds that 80% of convenience store trips are not destination

trips, but are rather "something shoppers tend to do on the way someplace else." The three most important factors in deciding which convenience store to patronize are: convenient location (70.0%), "can also buy gasoline" (42.1%) and "easy in and out of the lot" (31.8%). Most convenience store shoppers have a "store set," averaging 2.5 stores, which they frequent based on location, product selection, prices, etc.

Other NACS research indicates that most convenience store shoppers patronize the convenience store closest to home or work, which is typically within a 2-mile distance of either destination. Seventy percent of shoppers are more inclined to stop at a convenience store which also sells gasoline, preferring branded over non-branded. Among convenience store shoppers, 62% of adults visit at least once a month, 43% once a week and 23% many times in an average week.

The majority of fuel service station/convenience store visits, therefore, embody fundamental consumer behaviors which follow a relatively predictable pattern:

- Not a destination trip
- Close to home or work
- Time efficiency important

We find that the subject site works well within these basic consumer behavior patterns. It will not draw "destination" trips because of its isolated location, but will accommodate the needs of employees within the Red Run Employment Corridor as part of their habitual "store set" averaging 2.5 stores. Based on common experience, most consumers' store sets include stores near their most frequent destination points: one of those stores will often be located closer to home, one will be located closer to work and so on.

The subject site is located in proximity to the offices within the Employment Corridor, offering a convenient place to stop for gasoline and convenience items towards the end of a trip to work or towards the beginning of the trip home.

LF&M notes that the Red Run Employment Corridor currently contains approximately 1.4 million square feet of existing and authorized office/flex space and is forecast by Baltimore County to contain up to 4.0 million square feet at build-out. Using the standard but, in this case, conservative (due to the presence of call centers which are more personnel intensive) rule of thumb for office space utilization of 250 sq.ft. per employee, there is space for at least 5,600 workers within the Employment Corridor today--growing to as many as 16,000 workers by build-out. The demand created by that concentration of workers is substantial and will only grow as the Employment Corridor succeeds.

C. Summary & Conclusions

LF&M finds that the contemporary fuel service station/convenience store format has evolved to meet the needs of consumers and is now the predominate model for providing such services in the U.S. We also find that typical consumer behavior for patrons of such facilities indicates that they will make purchases at a limited number of stores, usually stores located near their most frequent destinations: home and work. The current and future concentration of employment in the Employment Corridor generates substantial demand for convenience retail uses such as the subject offers.

These consumer behavior factors reinforce LF&M's earlier findings that the subject will primarily serve the circumscribed geographic area of the Red Run Employment Corridor.

V. ROLE OF AUXILIARY SERVICES

A. Master Plan 2010

Baltimore County has adopted **Master Plan 2010** as its vision and guide for development for the first decade of the 21st Century. The Plan addresses the issue of "Promoting Economic Development" within the Red Run Employment Corridor as follows:

> "The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." PUD-C (planned unit commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits non-auxiliary retail projects." (Master Plan 2010, p. 175)

The Plan calls for actions within Red Run Employment Corridor including: ensuring that it is developed for corporate office and employment uses, and that the PUD-C corporate center designation is maintained.

The Plan also addressed the issue of "Balancing Retail and Employment-Intensive Land Uses" for the Employment Corridor as follows:

> "...Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes." (Master Plan 2010, p. 176)

The Plan calls for the limitation of retail development in the Red Run Employment Corridor to auxiliary retail that is scaled to serve customers who are employed in the corridor.

B. Need for Auxiliary Uses

There is no simple formula for the amount or mix of auxiliary services which first-class business park development requires, since each business park is unique in terms of its size, mix of uses, relationship to surrounding development, etc. It is recognized, however, that a high quality of development also requires a high level of amenities in order to provide the service-enriched environment which corporations expect and

demand. Indeed, the Master Plan specifically allows for auxiliary retail uses within Red Run Employment Corridor as consistent with its vision for the area.

The BCZR also specifically allows for fuel service stations as an auxiliary use by special exception within the ML-IM zone.

Contemporary business parks--and those in the Red Run Employment Corridor are no exception--are planned entirely around the automobile. The realities of business park design include such factors as:

- All building sites are planned around the road network,
- Parking is given priority in land planning and zoning requirements,
- Public transportation is not given priority,
- Walking into or within the park is not facilitated.

Business parks planned around the automobile need to offer services to the automobile, especially when they are located in relatively isolated circumstances such as the Red Run Employment Corridor.

It is clear that fuel service stations support the needs of employees in high quality planned business environments such as Owings Mills Town Center, White Marsh and Columbia--to name a few regionally prominent examples.

C. Summary & Conclusions

LF&M finds that the Baltimore County Master Plan and zoning regulations clearly allow and even encourage the development of auxiliary uses within the ML-IM zone, the PUD-C overlay zone and specifically the Red Run Employment Corridor--when the auxiliary uses contribute to the quality of development for employment uses. We further find that a fuel service station/convenience facility is an auxiliary use which can contribute to the quality of overall development within a business park environment, especially due to the reality that such an environment is planned around the automobile. This facility will not have a detrimental effect on the Red Run Employment Corridor.

In addition, based on our understanding of its market area, the subject will not detract from the vitality of the nearby Reisterstown Road and Liberty Road commercial corridors since it will not typically be a convenient retail destination for consumers driving within those corridors.

LF&M concludes, therefore, that a fuel service station/convenience facility such as proposed by BP can be an important auxiliary use which will support the employment uses within the Red Run Employment Corridor.

VI. SUMMARY & CONCLUSIONS

Lipman Frizzell & Mitchell finds that BP's proposed fuel service station and convenience store facility at Red Run Boulevard and Pleasant Hill Road will function as an auxiliary service use serving "primarily the industrial uses and related activities in the surrounding industrial area," the Red Run Employment Corridor. We have reached that conclusion based on the following reasons:

- Definition of Market Area - The subject site's primary market area is the Red Run Employment Corridor. The market area's boundaries are determined by its road network, physical barriers, drive times, and competitive alternatives. The proposed fuel service station and convenience store will draw the majority of its patronage from within the Employment Corridor.

- Consumer Behavior - The contemporary fuel service station/convenience store format has evolved to meet the needs of consumers and is now the predominate model for providing such services in the U.S. Typical consumer behavior for patrons of such facilities indicates that they will make purchases at a limited number of stores, usually stores located near their most frequent destinations: home and work.

- Role of Auxiliary Services - The Baltimore County Master Plan and zoning regulations clearly allow and even encourage the development of auxiliary uses within the ML-IM zone, the PUD-C overlay zone and specifically the Red Run Employment Corridor--when the auxiliary uses contribute to the quality of development for employment uses. A fuel service station/convenience facility is an auxiliary use which can contribute to the quality of overall development within a business park environment, especially due to the reality that such an environment is planned around the automobile.

LF&M concludes, therefore, that a fuel service station and convenience store facility such as proposed by BP can be an important auxiliary use which will not have a detrimental effect on--indeed, will support the employment uses within the Red Run Employment Corridor.

APPENDIX A
Consultant Qualifications

Lipman Frizzell & Mitchell, LLC

Lipman, Frizzell & Mitchell is a multi-faceted real estate consulting and appraisal firm serving the Mid-Atlantic since 1977. LF&M is the Region's largest real estate advisory firm, with 16 professionals in our Columbia, MD headquarters. The firm offers advisory services including: appraisal/portfolio valuation, litigation support/expert testimony, feasibility assessment, economic and fiscal analysis, transaction consulting.

Joseph M. Cronyn

Joseph M. Cronyn is the senior consultant who completed this assignment. Mr. Cronyn has a broad professional background in real estate acquired over 30 years in the industry including: research, sales and marketing, development, financing and appraisal. His advisory assignments have encompassed: market and financial feasibility analyses of major real estate projects; land acquisition and marketing for residential development; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, non-profit and private clients concerning real estate decision-making.

Mr. Cronyn is qualified in analyzing the multitude of issues relating to residential and commercial real estate development, including: demographic and economic trends, financial analysis and property valuation, economic and fiscal impacts.

Mr. Cronyn has often conducted real estate feasibility analyses in Baltimore County. He has qualified as an expert witness in real estate economics and market analysis before the Baltimore County Zoning Commissioner and Board of Appeals. He has testified before administrative bodies concerning the public need for various kinds of commercial facilities and other planning issues in most of the jurisdictions in the Washington-Baltimore region.

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
- 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

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

QUALIFIED AS EXPERT WITNESS

Before zoning hearing examiners and/or boards of appeals: Anne Arundel County, Baltimore County, Carroll County, Frederick County, Harford County, Howard County, Prince George's County.

Per #10

TRAFFIC ANALYSIS

RED RUN BOULEVARD
Employment Corridor
Baltimore County, Maryland

May, 2003

Prepared By:

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RED RUN BOULEVARD

Traffic analysis

Introduction

Traffic Concepts, Inc. was asked to study the potential customer usage of a proposed new convenience store with gasoline sales. The new store will be located in the northeast quadrant of the Red Run Blvd. and Pleasant Hill Road intersection. This site is located central to the Red Run Blvd. Employment Corridor.

By the nature of its use, the convenience store customers are primarily pass-by/diverted trip users. Pass-by/diverted trips are those people that are already driving the adjacent road system for a primary trip to another destination, whereas a primary trip is one made for the specific purpose, such as a work place, or doctor's office directly from home. As they approach the area of the convenience store, they stop in, and once the stop at the convenience store is complete, continue onto their primary destination. Studies have shown that an average of 76% of the total customers using convenience/gasoline type of stores with the size and character of this proposal, are made up of pass-by trips.

In order for the convenience store to be built within the permitted classification, it must be shown that the use (over 50%) will primarily serve the adjacent Red Run Employment Corridor. The purpose of our analysis was to determine if the use in this location would meet this criteria.

Adjacent Road System

Red Run Boulevard runs in a north south direction and parallels I-795. Red Run Boulevard is classified as an arterial road and provides the major connection for the Employment Corridor that is located along the west side of I-795. Interchanges exist at both ends of the corridor to provide access to the higher functioning interstate road system.

In the east/west direction, Pleasant Hill Road connects the employment corridor to Reisterstown Road (MD 140) to the east and Liberty Road (MD 26) to the west. Pleasant Hill Road is classified as a major collector. The collector road provides access to the arterial road from the local road system in the same manner that Reisterstown Road is an arterial road that provides access to the interchanges at Franklin Boulevard and Owings Mills Boulevard for business and residential areas along the east side of I-795. We conclude that Reisterstown Road and Red Run Boulevard (although both arterial roadways) provide mobility for their respective developed corridors.

Red Run Boulevard was in fact, constructed primarily to provide access for the Red Run Employment Corridor. Baltimore County has long range plans to pursue a new interchange at the I-795 and Pleasant Hill Road overpass (Dolfield Boulevard). The State Highway Administration is aware of this desire, however, there have been no planning studies completed and no money budgeted to begin such studies from either agency.

Exhibit 1 has been prepared to show the relationship between the road system and the project location.

Origin/Destination Study

In order to determine whether customers that would use the new store were the same users of the adjacent Red Run Employment corridor, we needed to determine the make-up of the corridor traffic. To accomplish this, we conducted an origin/destination type survey.

Since Red Run Boulevard is the only north/south entrance/exit for the Employment Corridor, and Pleasant Hill Road is the east/west entrance/exit for the Employment Corridor, control points were established along the northern, southern, eastern, and western access points into the study area. Using tape recorders, the first three digits of the license tag for each vehicle passing the control point, as well as the time that the vehicle passed, were noted. License plates were then matched for each control point with the other control points. If a match occurred within a relatively short time frame, then the vehicle was assumed to be a pass-thru motorist. If no match was found, then the motorist was considered to originate within, or was destined to remain within the Red Run Employment Corridor. This survey was conducted during both the morning AM peak period (7:30-8:30) and the evening PM peak period (4:45-5:45). The following information summarizes the results of the study.

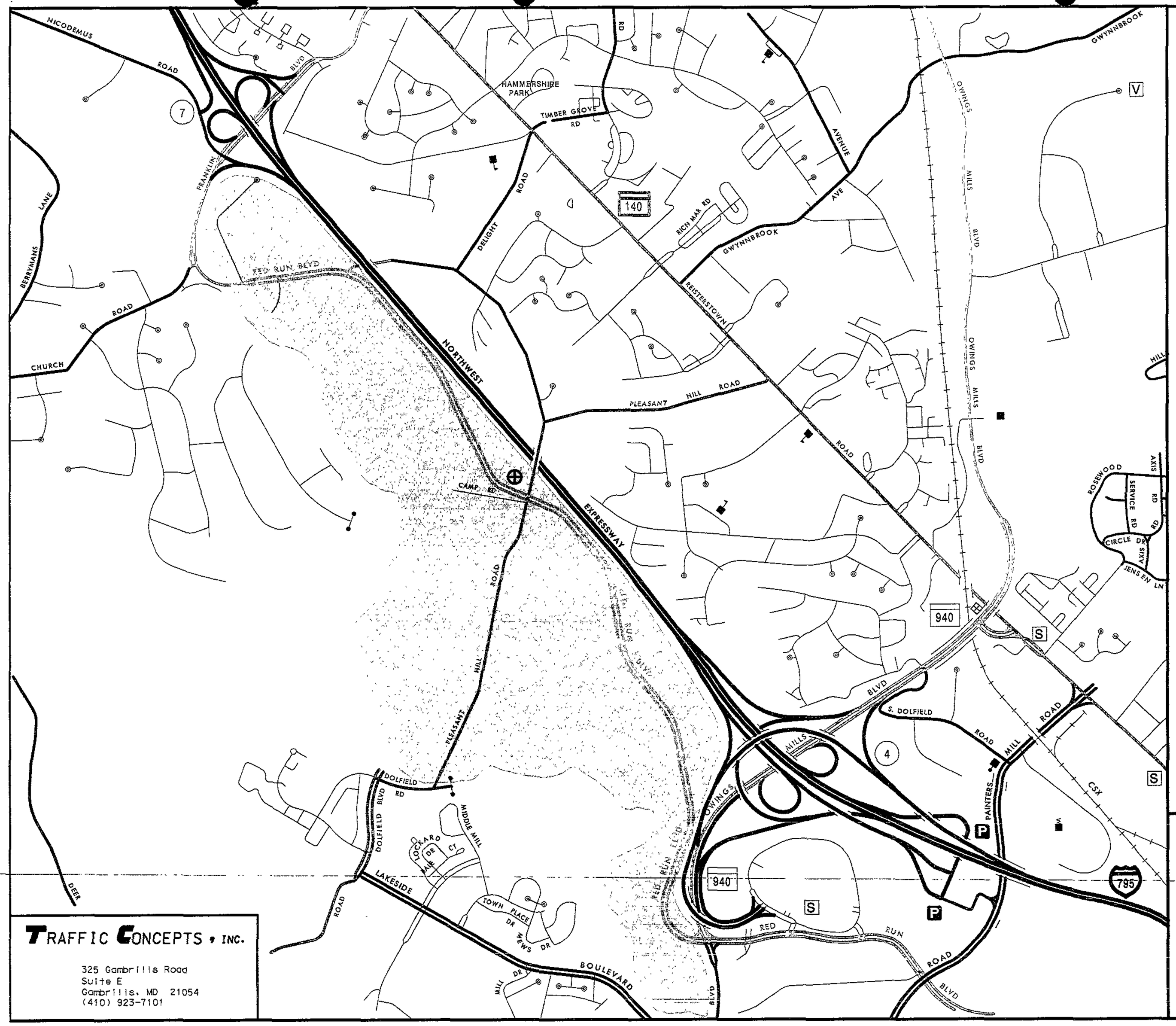
1. During the AM period, a total of 1725 vehicles entered the study area. Twenty-four percent (24%) were determined to be pass-thru and seventy-six percent (76%) were determined to be captured within the employment corridor.

2. During the PM study period a total of 1768 vehicles were observed leaving the study area. Twenty-eight percent (28%) were determined to be pass-thru vehicles, while seventy-two percent (72%) were determined to be generated from within the employment corridor.

Exhibit 2 has been prepared to show the results of the study.

Conclusions

The data collected indicates that the majority of traffic traveling along Red Run Boulevard and Pleasant Hill Road are traveling to and from the immediate Red Run Employment corridor. We therefore conclude, based on the customer pattern associated with the proposed convenience store, that the majority of the customers will be related to the surrounding employment uses.



PRIMARY URBAN INTERSTATE

SECONDARY PRINCIPAL ARTERIAL

MINOR ARTERIAL

COLLECTOR

SITE LOCATION

DENOTES RED RUN EMPLOYMENT CORRIDOR

TRAFFIC CONCEPTS, INC.

325 Gambrills Road
Suite E
Gambrills, MD 21054
(410) 923-7101

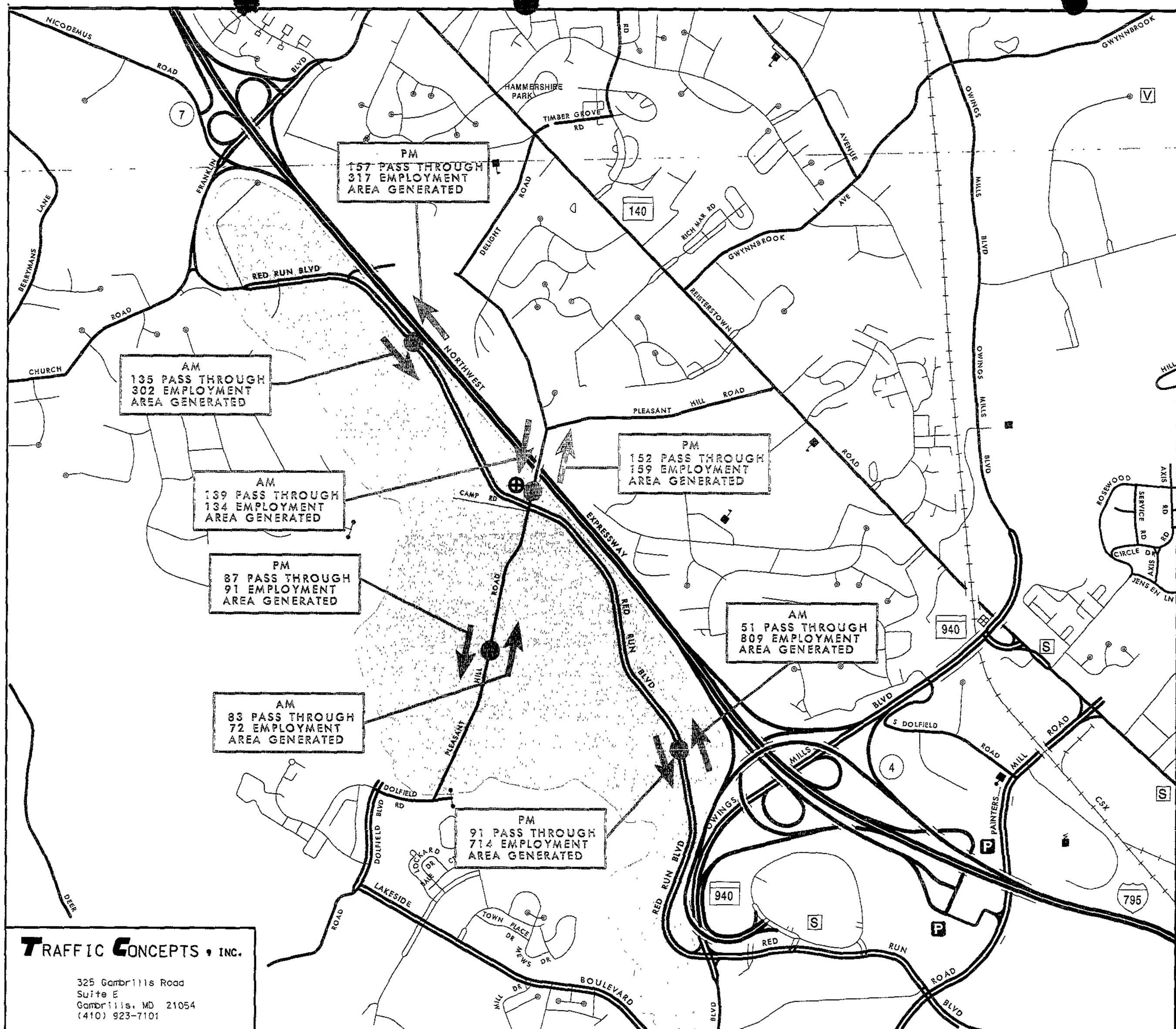
EXHIBIT I

FEDERAL FUNCTIONAL CLASSIFICATION

RED RUN EMPLOYMENT CORRIDOR

BALTIMORE COUNTY

DATE: 7-8-02 SCALE: NONE



TRAFFIC CONCEPTS, INC.

325 Gambrills Road
Suite E
Gambrills, MD 21054
(410) 923-7101

TOTAL TRAFFIC OBSERVATION

ALLSTATIONS	TOTAL	TOTAL PASS-THRU	EMPLOYMENT AREA GENERATED	PERCENT OF TOTAL PASS THROUGH
AM (IN)	1725	408	1317	24%
PM (OUT)	1768	487	1281	28%

DENOTES RED RUN EMPLOYMENT CORRIDOR

⊕ SITE LOCATION

EXHIBIT 2
ORIGIN & DESTINATION STUDY
RED RUN EMPLOYMENT CORRIDOR
BALTIMORE COUNTY

DATE: 7-8-02 SCALE: NONE

AB ASSOCIATES
COMPREHENSIVE LAND PLANNING SERVICES

One South Calvert Street / Suite 1150
Baltimore, Maryland 21202
TEL 410 547 6900
FAX 410 547 6903

Pet. #14

Alfred W Barry III
Principal

MEMORANDUM
BP/RED RUN & PLEASANT HILL
CASE No. 02-344-XA
May 7, 2003

The subject proposal before the Baltimore County Board of Appeals has been carefully reviewed in the context of the Baltimore County Master Plan and the Zoning Code. It is my opinion that the proposal is consistent with both documents and should be approved by the Board for the following reasons:

Master Plan

The adopted Baltimore County Master Plan 2010 (pp. 172-173) wisely continued the County's previously adopted strategy of directing economic growth into planned development areas. Within the general Owings Mills growth area, the Red Run Employment Corridor contains over 700 acres planned for 4 million square feet of development. To date, it is estimated that over 1.2 million square feet of development has occurred. Much of the development has been carefully designed as individual isolated corporate campuses with Class A office buildings attracting premier tenants. The existing development pattern, however, is almost entirely devoid of auxiliary retail services that are permitted under the Master Plan and which would provide employees convenient access to retail needs they typically need in a business setting. The result, so far, is a rather sterile segregated land use pattern that has not taken any advantage of newer land use strategies that feature mixed-use development patterns provided for under the PUD-C Growth Area Corporate Center (p. 175).

The subject property, at the intersection of Red Run Boulevard and Pleasant Hill Road, is at the mid point of the Red Run Employment Corridor and, thus, is ideally suited for a convenience use oriented to primarily serve the employees within the corridor. Due to its size and mid point location, it is not a "gateway" site as it has been characterized. It is estimated that over 16,000 employees will be commuting to the corridor by 2010 and the majority would be expected to access Red Run Boulevard from the two principal interchanges from 795 at either end of the corridor, Franklin Boulevard and Owings Mills Boulevard or an interchange at Dolfield Boulevard recommended in the Master Plan. These commuters would logically be expected to view the proposed use as a convenience.

The use itself is limited to 1.39 acres of a 6.5-acre site (Parcel 5), and does not preclude future development of a small office building integrated with the site plan. Such an office

use itself is not generally found within the existing corridor and would be ideal for a single user owner occupant.

Finally, the Master Plan (p. 176) calls for allowing auxiliary retail uses within the corridor that are scaled to serve customers who are employed in the corridor. It also specifically calls (p. 258) for zoning to be the major land use control. The subsequent analysis of the Zoning Code provisions reinforces the desirability of approving the proposed use.

Zoning Code

The Zoning Code specifically provides for this type of use as permitted within the ML-IM zone provided the applicant demonstrates that it will primarily serve the uses within the industrial zone. The Deputy Zoning Commissioner's ruling concedes that the proposed use is acceptable within the existing Red Run Employment Corridor but questions the specific location as having a more negative impact than an alternative, though unspecified, location. I examined a total of 13 ML-IM areas within Baltimore County where large amounts of contiguous ML-IM land could easily be construed as an employment center. These were:

- Red Run Corridor
- Owings Mills Boulevard
- Painters Mill Boulevard
- Lord Baltimore Drive
- Benson Avenue
- Washington Boulevard
- Martins Airport
- Philadelphia Road/Pulaski Highway
- Stansbury Road
- Northpoint Boulevard
- Philadelphia Road
- Greenspring Drive
- Deerco, Beaver Dam, McCormick Roads

There were four service station/convenience stores similar to the proposed BP that were identified within the ML-IM areas: a 7-11 at Crondell Lane and Owings Mills Boulevard, a 7-11 at Beaver Dam Road, a Southern States on Beaver Dam Road and a Sunoco at Timonium and Greenspring Roads. All of these are developed on similar collector roads to Red Run Boulevard with comparable proximity to expressway interchanges and employment centers, with the first three approved by the County within the last five years.

As was stated above, the proposed site is in the center of the employment corridor and, thus, would be expected to primarily serve the uses within that corridor as a significant majority (over 70%) of traffic on Red Run Boulevard is destined within the corridor. Parcel 5 is too small for the scale of building typically found within the corridor and perfectly lends itself to a smaller convenience use possibly combined with a single user office building. A further examination of the developments along Red Run Boulevard finds few potential pad sites with direct access to the Boulevard due to the existing grading of the road itself. It is difficult to imagine what impacts any other sites along the corridor would have on the area. Planning's original report accepted the feasibility of the proposed use but recommended an alternative, yet unspecified, location. This recommendation ignores the zoning standard established by Maryland courts that require a demonstration that the use must be shown to have a greater negative impact than elsewhere in the zone. No negative impact has been shown for the proposed site other than the potential impact on future development. Moreover, since the seller of the proposed site is also involved in the current development of over 1 million square feet of high quality office space within the corridor, it would seem that the Board should not substitute its judgement over either the need to service the existing and future employees or the impact on obtaining future development prospects.

In summary, the Board should reverse the decision of the Deputy Zoning Administrator and approve the subject Appeal.

Submitted by Alfred W. Barry III
Principal
AB ASSOCIATES

Philadelphia-Pulaski Employment Center

1. Extend critical infrastructure.
2. Implement the Philadelphia Road Corridor overlay district.
3. Develop transportation services between employment centers and potential employees.
4. Promote the use of the PUD-C process.

White Marsh Employment Center

1. Update and reaffirm the industrial land use policies of the Perry Hall-White Marsh Plan.
2. Complete planned infrastructure improvements, including the extension of Campbell Boulevard from Philadelphia Road (MD 7) to Pulaski Highway (US 40).
3. Recommend the extension of White Marsh Boulevard (MD 43) to Eastern Avenue (MD 150).

Middle River Employment Center

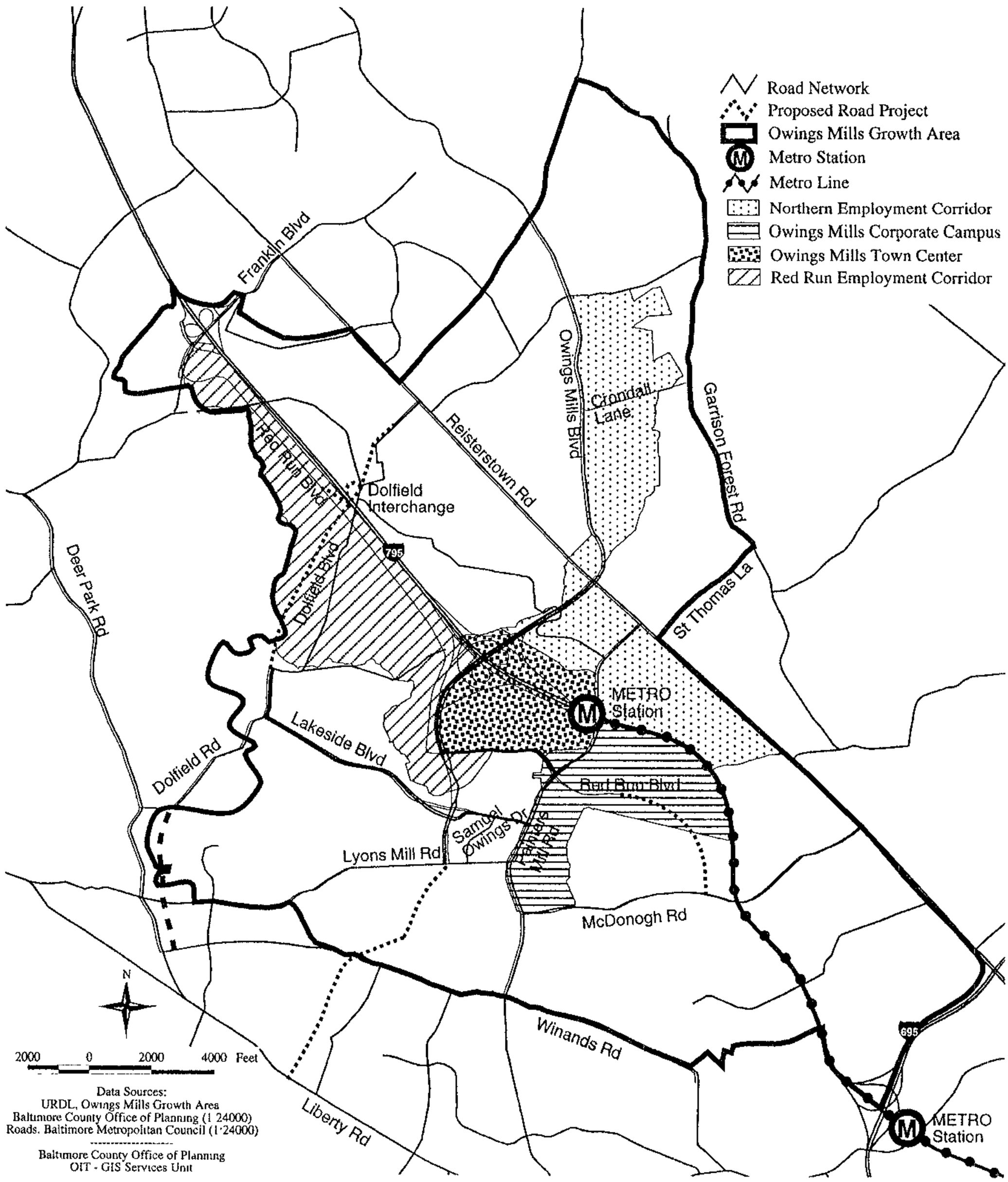
1. Extend White Marsh Boulevard (MD 43) to Eastern Avenue (MD 150).
2. Develop a mixed-use waterfront destination (see "Waterfront" section).

GROWTH AREAS

INTRODUCTION

CONCENTRATING DEVELOPMENT IN TWO GROWTH AREAS WAS A DIRECT RESPONSE TO LOW DENSITY SUBURBAN SPRAWL, WHICH IS INEFFICIENT AND COSTLY.

The growth areas, Owings Mills and Perry Hall-White Marsh, were conceived by the 1979 master plan as self-sustaining planned communities that would provide housing, employment, and a complete range of public and commercial services. Schools, parks, and a mix of housing types were to be clustered around a dense commercial core. Employment centers were designated within the growth areas and targeted for office and industrial development. Concentrating development in two growth areas was a direct response to low density suburban sprawl, which is inefficient and costly. Baltimore County and the state have invested large amounts of public money in the growth areas to make them premier locations for high quality, employment-intensive business and residential development. Private sector capital investment in the growth areas is, in turn, generating a significant share of the county's economic and employment growth (Map 22).



MAP 24
OWINGS MILLS GROWTH AREA

Actions

1. Ensure that the Red Run Employment Corridor is developed for corporate office and employment uses and that the Northern Employment Corridor is developed for flex/industrial use.
2. Maintain the PUD-C corporate center designation in the Red Run Employment Corridor and in a portion of the Northern Employment Corridor.
3. Continue to work with the Maryland Economic Development Corporation to develop a master plan for employment-intensive uses on surplus parcels at the Rosewood State Center.

Issue: Balancing Retail and Employment-Intensive Land Uses

The 1984 plan envisioned retail opportunities at the Owings Mills Mall, within the Owings Mills New Town PUD, and at the intersection of Lakeside Boulevard and Samuel Owings Drive. According to the plan, larger region-serving retail services would be provided along Reisterstown Road and Liberty Road. Nevertheless, there has been continuous pressure to convert employment designated areas into region-serving retail development, particularly in the Northern Employment Corridor. Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes.

THERE HAS BEEN CONTINUOUS PRESSURE TO CONVERT EMPLOYMENT DESIGNATED AREA SITES INTO REGION-SERVING RETAIL DEVELOPMENT.

Actions

1. Discourage additional retail development, including personal storage warehouses, in the Northern Employment Corridor, and particularly along Owings Mills Boulevard.
2. Direct any new development of large scale, off-price, "big-box" retail uses to Reisterstown Road or Liberty Road.
3. Limit retail development in the Red Run Employment Corridor to auxiliary retail that is scaled to serve customers who are employed in the corridor.

Issue: Developing the Owings Mills Town Center

The town center, which is also the terminus of the Metro rail line, should be developed as an intense mix of retail, service, office, and residential uses. Making use of structured parking, the Metro site can provide opportunities

custom single family homes, townhomes, condominiums, and apartments. When the Owings Mills growth area is fully developed it will be home to a projected 44,000 residents and provide jobs for approximately 32,000 employees.

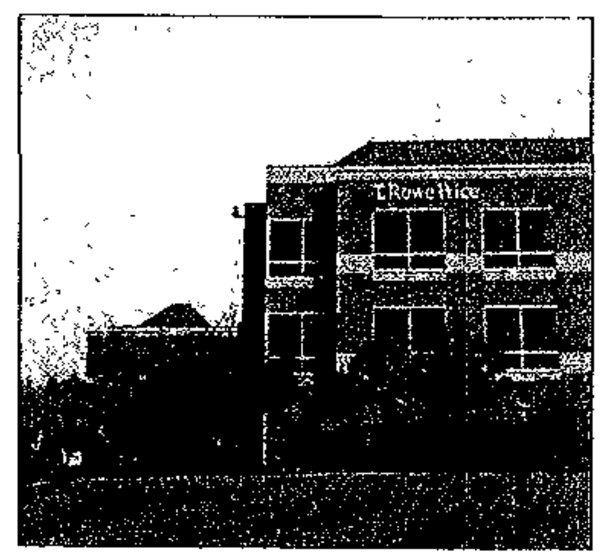
ISSUES AND ACTIONS

Issue: Promoting Economic Development

Economic development and the creation of new employment opportunities were critical components of the 1984 plan for Owings Mills. The business community that is developing is extremely diverse. Several companies have established new headquarters and regional operations centers in Owings Mills, taking advantage of the area's well educated, highly skilled work force. The Owings Mills Corporate Campus, which is almost fully developed, has attracted businesses seeking high quality office development in a campus-style environment.

The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." PUD-C (planned unit development commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits non-auxiliary commercial retail projects.

The Northern Employment Corridor consists of two areas, one south of Reisterstown Road, and the other east of Owings Mills Boulevard. The latter area is comprised, in part, of parcels determined to be surplus by the Rosewood State Center, a large medical institution. It has begun to develop with flex warehouses along Crondall Lane and should continue to develop as an employment-intensive area. The area south of Reisterstown Road consists of mixed zoning with both retail and industrial development. This area, too, should continue to emphasize employment-oriented development.



Several companies have established new headquarters and regional operations centers in Owings Mills, taking advantage of the area's well educated, highly skilled work force.

REGULATIONS

Land use and development regulations and standards are adopted by the Baltimore County Council. Certain county agencies and departments are authorized by the Council to administer or enforce these regulations and standards. The primary land use regulations and standards adopted by the Council are:

- The *Baltimore County Zoning Regulations* specify what land uses can be developed on a piece of property based on the property's designated zoning classification, as depicted on the "Baltimore County Zoning Map." The zoning regulations also contain area and setback requirements and other regulations related to site design.
- *The Development Regulations* elaborate the procedures required to subdivide and develop land, including requirements for the preparation and review of site plans, and provisions for public infrastructure to serve the new development. They also contain general design standards and the authority to create other regulations and standards, such as the *Local Open Space Manual,* the *Landscape Manual, Public Works Design Standards,* and *Environmental Standards and Requirements.* The Department of Permits and Development Management is the principal agency responsible for administering site plan review.

The authority for an agency to promulgate regulations is limited by the procedural safeguards established by the County Council to ensure that all such regulations are lawfully adopted and are within the scope of the statutory grant which authorizes their adoption.

THE MAJOR LAND USE CONTROL IN BALTIMORE COUNTY IS ZONING.

The major land use control in Baltimore County is zoning. Many of the land use policies of the master plan will be implemented through the application of zoning. Map 39, "Proposed Land Use," provides general recommendations for future land use in the county based on these policies. The map is conceptual and general; it is intended to reflect land use patterns rather than identify the land use of individual properties or parcels. The proposed map is designed to provide general rezoning recommendations for consideration in the Comprehensive Zoning Map Process, the Cycle Zoning Process, and the Out-of-Cycle Zoning Process, as well as in the review of water and sewer master plan petitions and development projects. The proposed land use map will provide the general direction for county land use decisions. The map may be amended periodically as needed.

Per. #15

Baltimore County
Department of Economic Development

400 Washington Avenue
Towson, Maryland 21204
410-887-8000
Fax: 410-887-8017
econdev@co.ba.md.us
www.co.ba.md.us

April 28, 2003

Mr. Sebastian Cross
Gildea, LLC
301 North Charles Street, Suite 900
Baltimore Maryland 21201

Dear Sebastian:

This correspondence is in response to your letter of April 21, 2003 regarding BP/Red Run & Pleasant Hill Road (17674). I am writing to clarify the Department of Economic Development's position on the referenced development.

As you are aware, a new executive administration has assumed office in Baltimore County as well as a new Executive Director of Economic Development. As is common with such changes, a general review of procedures and policies within local government is being conducted in an effort to determine the future course of action. This review should not be construed as a change in policy or procedures, but as an exploration of the status quo to determine if citizens and businesses in the County are properly served.

Your understanding that the Departments of Economic Development & Planning have raised broad questions regarding the policy towards auxiliary-use retail located in M zones is correct. Due to the time required to explore the issues related to this policy, the Department of Economic Development is unable to provide direct consideration to the BP proposal prior to the hearing scheduled for May 8, 2003. The Department has just begun its exploration of the auxiliary use policy in M zones and intends to address these issues on a countywide basis rather than individual situations.

It is important to note that although the Department of Economic Development is re-examining auxiliary-use retail in M zones, its earlier position on BP's retail use in ML-IM has not changed. The Department will not consider any change in policy prior to the completion of a thorough review, taking into account the needs of businesses and their employees, as well as working within the processes of the Executive branch of the County. Until that time, the Department's formal position against the BP retail development remains in effect.

Please do not hesitate to call if you have any questions. I look forward to discussing the County's policy on retail uses in M zones as the review gets underway.

Sincerely,

Kathleen A. Lewis
Business Development Director

cc: Mr. John R. Lombardo, BP Products North America, Inc.
Mr. Karl F. Lehmann, Preston Partners, Inc.
Mr. David P. Scheffenacker, Jr., Preston Partners, Inc.
Mr. Michael Harris, Highwoods Properties
Mr. Gregory H. Reed, Bohler Engineering
Mr. David K. Gildea, Esquire
Mr. David S. Iannucci, Baltimore County Department of Economic Development
Mr. William Jones, Baltimore County Department of Economic Development
Mr. Arnold F. Keller, Baltimore County Office of Planning
Mr. Jeffrey Long, Baltimore County Office of Planning

Prot. 1A

ROG

Reisterstown~Owings Mills~ Glyndon
Coordinating Council

May 7, 2003

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
Towson, MD 21204

Re: Case #02-344-XA

Dear Sirs:

Enclosed is a copy of a letter that the ROG Coordinating Council wrote on July 2, 2002 **not supporting** the request for a variance to the property at 11050 Red Run Blvd. At a meeting of the ROG Coordinating Council on May 5, 2003 once again we were informed that there has been a request for a variance to develop the Red Run Blvd. site. A discussion ensued, a motion was made and seconded **not to support** the request again.

ROG would like to see Red Run Blvd developed within the Master Plan before any action of this kind is taken. Furthermore, The ROG Coordinating Council authorizes this letter to be presented at the hearing regarding the above mentioned case on May 8, 2003.

Sincerely,

Vicki L. Almond

Vicki L. Almond
President
ROG Coordinating Council

P.O. Box 117 Reisterstown, Maryland 21136

Prot. 1B

RENEW, Inc.

The Randallstown Community Organization

RECEIVED
MAY 0 8 2003
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
POST-APPEAL

April 6, 2003

CASE #: 02-344-XA

ASSIGNED FOR: Thursday, May 8, 2003

RECEIVED
POST-APPEAL

County Board of Appeals of Baltimore County
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Sirs,

The Officers and Board of Directors of RENEW, Inc. have met to discuss the matter of Special Exception for 11050 Red Run Blvd, Owings Mills, Maryland.

We are opposed to granting an exception to allow a service station, cafe', and ATM on this site. We ask that the original zoning classification be left in place, as is, and the the Special Exception not be allowed.

Baltimore County designers and planners spent a great deal of time and money to create a business corridor and the change of this zoning is not suited to this property. We feel that it greatly infringes on the nearby established residential communities and would create a nuisance if the Exceptions were allowed.

Thank you for your consideration in this matter.

Respectfully,

Bill Bralove

RENEW, Inc.
Bill Bralove, President

RECEIVED
POST-APPEAL

4272 Mary Ridge Drive Randallstown, Maryland 21133 410 655-3955

Prot. #2

Baltimore County Government
Department of Economic Development

400 Washington Avenue
Towson, MD 21204

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

MEMORANDUM

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

From: Robert L. Hannon RH
Director, Department of Economic Development

Date: March 18, 2002

Subject: 115050 Red Run Boulevard

Information:
Item number: ~~344~~ 344 (MY)
Case number: 02-344-XA
Existing zoning: ML-IM

The Department of Economic Development opposes the petition to use to above referenced property for a fuel service station use in combination with a convenience store/carry out restaurant, roll-over car wash and ancillary use automatic teller machine for the following reasons:
The original plan for Owings Mills, that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office industrial employment center in the Owings Mills growth area. The county's "Master Plan 1989-2000" and "Master Plan 2010" reinforce the office/industrial land use for the Red Run Boulevard Corridor. The proposed use is not consistent with these plans.

Over the last 15 years, millions of public dollars have been spent building sewer, water and road infrastructure, etc to support that intended land use. The proposed use will not create the jobs that provide family supporting income that were intended.

Pro Ex #

ROG

Reisterstown~Owings Mills~ Glyndon Coordinating Council

July 2, 2002

Mr. Leslie Pittler
29 W. Susquehanna Ave.
Towson, MD 21204

Re: Case # 02-344-XA

Dear Mr. Pittler:

At the July 1, 2002 meeting of the Reisterstown-Owings Mills-Glyndon Coordinating Council (ROG) the property at 11050 Red Run Blvd. was discussed. The Council was informed that there has been a request for a variance to develop this site with a service station, convenience store, and ATM machine. We understand that this usage is not in compliance with the Owings Mills Master Plan.

A discussion ensued, a motion was made and seconded not to support the request for a variance. The decision was unanimous. ROG would like to state that we would like to see Red Run Blvd fully developed within the Master Plan before any action of this kind is taken.

Furthermore, The ROG Coordinating Council authorizes you to present this letter at the hearing.

Sincerely,

Vicki L. Almond

Vicki L. Almond
President
ROG Coordinating Council

P.O. Box 117 Reisterstown, Maryland 21136

Works agreement shall be reasonable in its terms and shall be drawn for the purpose of permitting the orderly development of the county. The words "multifamily or apartment house dwelling" as used in this section shall mean a building used or arranged for rental occupancy or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service or utilities in common.

SECTION 2. *And be it further enacted,* That this Act shall take effect forty-five days after its enactment.

Enacted June 16, 1967.

P.C. #3

BILL No. 40

AN ACT, To amend the Baltimore County Zoning Regulations to permit the location of automotive-service stations (hereinafter also referred to as "service stations" or "stations") in certain zones and districts only in accordance with comprehensive planning goals; to relate automotive-service stations to neighborhood, community and town centers; to regulate motor vehicle access to such uses so as to cause minimum disruption to traffic, to regulate the appearance of such uses in a manner consistent with reasonable standards; to provide for certain limitations on signs and other advertising devices used in conjunction with such uses; to permit and regulate uses ancillary to service stations; to assign responsibility for conducting service-station operations in compliance with these regulations; to allow clusters of automotive-service station and certain other vehicle oriented uses only in appropriate areas and subject to specified site standards; to prevent such concentrations of automotive-service stations as would tend to create blight and congestion and, in consequence thereof, to establish standards in determining whether a new service station will be permitted by special exception; to provide regulations and definitions for certain developments in which service stations are allowed; to provide certain regulations for drive-in restaurants; to clarify the purposes of zones and to establish districts; and to modify or provide certain other regulations relative to the foregoing, by changing the name of the Title of Section 100 "Zones and Zone Boundaries" to "Zones and Districts, Boundaries," by repealing and re-enacting with amendments Section 100.1, by adding certain new definitions to Section 101 Title "Definitions," by changing the name of the Title of Article 2 "Zones; Use, Height and Area Regulations" to "Zones and Districts: Use, Height and Area Regulations," by repealing

and re-enacting with amendments, subsections 215.3, 230.4, 230.13, 233.4, 236.4, 248.4, 253.5, 256.4, 270, 500.2a and 500.2b, by adding new Section 259, by inserting a "Statement of Purpose," under Article 4, Title "Special Regulations," immediately preceding Section 400, and by repealing and re-enacting Section 405, of said Baltimore County Zoning Regulations, 1955.

WHEREAS, the amendments to the zoning regulations which are contained in this Bill, having been formulated in accordance with the procedure specified in Sections 23-20 and 23-21 of the 1965 Cumulative Supplement to the Baltimore County Code, 1958, the said several public hearings required by said sections having been held after the required public notices; now, therefore:

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* That Section 100 of the Baltimore County Zoning Regulations titled "ZONES AND ZONE BOUNDARIES" be and it is hereby amended by repealing and re-enacting with amendments as follows:

Section 100—ZONES AND DISTRICTS: BOUNDARIES.

SECTION 2. *And be it further enacted,* That subsection 100.1 be and it is hereby repealed and re-enacted with amendments as follows:

100.1—Baltimore County is hereby divided into zones and districts in accordance with this subsection.

A. Zones.

1. For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development, and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans.

2. Zones are as follows:
R.40 Zone—Residence, one-family
R.20 Zone—Residence, one-family
R.10 Zone—Residence, one-family
R.6 Zone—Residence, one and two-family
R.G. Zone—Residence, group house
R.A. Zone—Residence, apartment
B.L. Zone—Business, local
B.M. Zone—Business, major

Service Stations) shall be permitted in conjunctio with any service station regulated under this Sub section 405.4.

1. Vehicle repair services, including self-service re pair facilities; but body and fender work an paint spraying are not permitted.
2. Sale of cigarettes, candy, soft drinks and othe items from vending machines.
3. Automobile rental, with a maximum stock of 1 cars; additional site area of 3,900 square feet.
4. Trailer rental, for trailers not exceeding ¾-to chassis weight, with a maximum stock of 20 trailers additional site area of 5,000 square feet.
5. Light-truck rental, including rental of truck equipped with campers, for trucks not exceedin 1½-ton capacity, with a maximum stock of 8 trucks additional site area of 4,000 square feet.
6. Tire sales and installation.
7. Parking of not more than six school busses additional site area of 2,600 square feet.
8. Sales of small auto parts and accessories.
9. Lawnmower sales and repairs.
10. Auto diagnostic centers (not located in customar one-car service bays): additional site area of 1,27 square feet for each automobile servicing space.
11. Christmas-tree sales.
12. Minor accessory uses, such as restrooms, sale motor oil, antifreeze, and allied products. (Suc accessory uses need not be separately identified a petition for a special exception unless require under another provision of these regulations or b the Zoning Commissioner.)

D. Uses in Combination with Service Stations. The us listed below and uses accessory thereto may be pe mitted in integral combination with such a servi station by special exception. The minimum area the site as determined under Subparagraph 405.4.A. shall be increased for each such combining use b a total of the product of the number of square fe

of gross floor area occupied by such use times the factor stated at the end of the listing for that use, where such a factor is stated.

1. Automobile-glass sales and installation establishments: 6.
2. Bicycle-sales or repair shops: 4.
3. "Carry-out" food shops: 6.
4. Car washes (see Section 419).
5. Convertible-top or seat-cover sales establishments, with installation services: 6.
6. Coal, firewood, or other heating-fuel sales establishments.
7. Drug stores: 4.
8. Food stores with less than 5,000 square feet of feet of retail sales area: 4.
9. Muffler-sales establishments with installation services: 6.
10. Restaurants or other eating places: 6.

405.5—Standards for Sites in Integral Planned Developments. All planned drive-in clusters, planned industrial parks, and planned shopping centers in which service stations are located shall comply with the applicable standards of this subsection, notwithstanding other requirements of these Regulations.

A. Site Layout and Size; Street Improvements.

1. Site Dimensions.

a. As applicable, the required gross area of any site for any planned drive-in cluster in which no uses other than service stations are located shall be increased beyond the defined three-acre minimum so that such area, in total, shall be at least:

(1) The number of square feet equal to the product of 13,000 times the total number of service stations on the site; OR

(2) The number of square feet equal to the product of 1,500 times the total of the number of fuel servicing spaces plus customary, one-car service bays,—whichever is greater.

P.C. #4

OFFICE COPY – DO NOT REMOVE

County Council of Baltimore County Maryland

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Introduced by Mr. Bartenfelder, Councilman
(Request of County Executive)

By the County Council, July 6, 1970.

A BILL

Entitled

AN ACT to amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D.R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C.C.C.) Districts; to revise the use regulations in Light Manufacturing (M.L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R.A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100. 1. A. 2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence, One-Family" and enacting in lieu thereof a new designation and title as follows:

"ARTICLE 2—ELEVATOR—APARTMENT RESIDENCE ZONES, BUSINESS AND MANUFACTURING ZONES, AND DISTRICTS"; by repealing Sections 200 to 217 (inclusive) and enacting in lieu thereof new Sections 200, 201 and 202; by repealing and re-enacting Subsection 232.5; by redesignating existing Section 232A as Section 232B; by redesignating existing Subsections 232A.1 to 232A.6 (inclusive) as 232B.1 to 232B.6 (inclusive); by adding new Section 232A; by redesignating existing Section 235A as Section 235B; by redesignating existing Subsections 235A.1 to 235A.6 (inclusive) as 235B.1 to 235B.6 (inclusive); by adding new Section 235A; by adding new Section 238A; by redesignating existing Section 238A as Section 238B; by redesignating existing subsections 238A.1 to 238A.5 (inclusive) as 238B.1 to 238B.5 (inclusive); by deleting Section 253 and enacting in lieu thereof, new Section 253; by repealing and re-enacting with amendments Subparagraph 405.2.A.4 and Paragraph d of Subsection 409.2; by adding new Section 430; by adding new Subsection 502.4 and by adding new Section 504; all being provisions of said Baltimore County Zoning Regulations, 1955, as amended.

WHEREAS, the amendments to the zoning regulations which are contained in this Bill, having been formulated in accordance with the procedure specified in sections 22-20 and 22-21 of the Baltimore County Code, 1968, the said several public hearings required by said sections having been held after the required public notice; now, therefore

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* That subsection 100.1.A.2 be and it is hereby repealed and re-enacted with amendments as follows:

2. Zones are as follows: R.D.P. Zones—Rural: Deferred-Planing; R.S.C. Zones—Rural-Suburban: Conservation; D.R. 1 Zones—Density Residential, 1.0 Dwelling Units per Acre; D.R. 2 Zones—Density Residential, 2.0 Dwelling Units Per Acre; D.R. 3.5 Zones—Density Residential, 3.5 Dwelling Units Per Acre; D.R. 5.5 Zones—Density Residential, 5.5 Dwelling Units Per Acre; D.R. 10.5 Zones—Density Residential, 10.5 Dwelling Units Per Acre; D.R. 16 Zones—Density Residential, 16.0 Density Units Per Acre; R.A.E. 1 Zones—Residential, 40.0 Density Units Per Acre; R.A.E. 2 Zones—Residential, 80.0 Density Units Per Acre; B.L. Zones—Business, Local; B.M. Zones—Business, Major; B.R. Zones—Business, Roadside; M.R. Zones—Manufacturing, Restricted; M.L.R. Zones—Manufacturing, Light Restricted; M.L. Zones—Manufacturing, Light; M.H. Zones—Manufacturing, Heavy.

SECTION 2. *And be it further enacted,* That Article 1 be and it is hereby amended by adding sub-section 100.3A, said new sub-section to read as follows:

100.3A—The residential zones and zoning classifications as previously changed in Subsection 100.3 are further changed; the R.40, R.20, R.10, R.6, R.G., and R.A. zones and zoning classifications established before the effective date of this subsection by the official zoning maps and amendments thereto and by Subsection 100.1 as previously enacted are also changed; and all of them are redesignated on the effective date of this subsection as set forth below. Any requirement, stipulation, or designation with respect to said classifications in any law, ordinance, regulation, private agreement, or official zoning map shall be applied to or construed as the corresponding D.R. zoning classification, as follows, to the full extent of consistent applicability:

Zones heretofore classified as R.40 are now classified as D.R. 1;
Zones heretofore classified as R.20 are now classified as D.R. 2;
Zones heretofore classified as R.10 are now classified as D.R. 3.5;
Zones heretofore classified as R.6 are now classified as D.R. 5.5;
Zones heretofore classified as R.G. are now classified as D.R. 10.5;
Zones heretofore classified as R.A. are now classified as D.R. 16.

SECTION 3. *And be it further enacted,* That Section 101 be and it is hereby amended by deleting the following terms and definitions thereof:

"Acreage, Gross Residential; Density, Gross Residential; Density, Net; Dwelling, Duplex; Dwelling, Group House; Dwelling, One-Family; Dwelling, Semi-Detached; Dwelling, Two-Family; Hospital, Class A; Hospital, Class B; Street; Subdivision, Cluster" and by adding thereto in alphabetical order the following terms and definitions:

Accessory use or structure: A use or structure which-(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

Apartment building: A dwelling containing three or more apartments.

Apartment, group-house: A dwelling unit which differs from a group house only in that it is situated on the same lot as the other dwelling units in the row.

distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

232A.3—The maximum permitted floor area ratio for any site shall be 4.0; the specific number of dwelling or density units, as such, shall not be directly limited.

232A.4—The *minimum permitted amenity open space ratio* shall be 0.2.

232A.5—For all buildings containing apartments, there shall be provided at least 1.25 parking spaces for each dwelling unit. Up to 50 per cent of such spaces on any lot shall be counted in determining the number of spaces provided for commercial and office uses on the same lot. (See also Paragraph 409.2.d.)

Section 10. *And be it further enacted,* That Article 2 be and it is hereby amended by adding new section 235A immediately after subsection 235.5 and by redesignating existing Section 235A as Section 235B and by redesignating subsections accordingly, said new Section 235A to read as follows:

Section 235A—*Special Regulations for C.C.C. Districts.*

Contrary provisions of these Zoning Regulations notwithstanding, the regulations of this section shall apply in C.C.C. districts superimposed upon B.M. zones. (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these Zoning Regulations.)

235A.1—Apartments shall be permitted, but only above the first story of a building.

235A.2—No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

235A.3—The specific number of dwelling or density units, as such, shall not be directly limited.

235A.4—The minimum permitted amenity open space ratio shall be 0.2.

235A.5—For all buildings containing apartments, there shall be provided at least 1.25 parking spaces for each dwelling unit. Up to 50 per cent of such spaces on any lot shall be counted in determining the number of spaces provided for commercial and office uses on the same lot. (See also Paragraph 409.2.d.)

Section 11. *And be it further enacted,* That subsection 238.5 be and it is hereby repealed and re-enacted with amendments, as follows:

238.5—Floor Area Ratio. The maximum permitted floor area ratio for any site in a B.R. zone, excepting C.C.C. and C.T. districts, shall be 2.0.

Section 12. *And be it further enacted,* That Article 2 be and it is hereby amended by adding new Section 238A immediately after subsection 238.5 and by redesignating existing Section 238A as Section 238B and by redesignating existing subsections accordingly, said new Section 238A to read as follows:

Section 238A—*Special Regulations for C.C.C. Districts.*

Contrary provisions of these Zoning Regulations notwithstanding, the regulations of this section shall apply in C.C.C. districts superimposed upon B.R. zones (All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of these Zoning Regulations.)

238A.1—Apartments shall be permitted, but only above the first story of a building.

238A.2—No apartment window facing a property line other than a street line shall be closer than 25 feet thereto. The minimum distance between the centers of facing windows of different apartments on the same lot shall be 50 feet.

238A.3—The maximum permitted floor area ratio for any site shall be 4.0; the specific number of density or dwelling units, as such, shall not be directly limited.

238A.4—The minimum permitted amenity open space ratio shall be 0.2.

238A.5—For all buildings containing apartments, there shall be provided at least 1.25 parking spaces for each dwelling unit. Up to 50 per cent of such spaces on any lot shall be counted in determining the number of spaces provided for commercial and office uses on the same lot. (See also Paragraph 409.2.d.)

Section 13. *And be it further enacted,* That Article 2 be and it is hereby amended by deleting Section 253 and by adding new Section 253 in lieu thereof, said new Section to read as follows:

Section 253—*Use Regulations*

253.1—Uses Permitted as of Right. The uses listed in this subsection, only, shall be permitted as of right in M.L. zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:

1. Airplane assembly
2. Automobile assembly

3. Boat yards (including marinas or marine railways)

4. Bottling establishments, soft-drink

5. Candy manufacture, packaging, or treatment

6. Carpet or rug cleaning

7. Cellophane-products manufacture or processing-restricted production (See Subsection 253.3).

8. Cleaning or dyeing

9. Concrete-products manufacture, including manufacture of concrete blocks or cinder blocks

10. Cork-products manufacture or processing-restricted production (See Subsection 253.3).

11. Cosmetics manufacture, compounding, packaging or treatment

12. Drug manufacture, compounding, packaging, or treatment

13. Electrical-appliance assembly

14. Enameling, japanning, or lacquering

15. Excavations, controlled, except those involving the use of explosives

16. Fiber-products manufacture or processing, including the manufacture or processing of articles made of felt or yarn, or of textiles, canvas, or other cloth-restricted production (See Subsection 253.3.).

17. Food-products manufacture, compounding, packaging, or treatment, including but not limited to: wholesale bakeries, canning plants or packing houses for canning, packing, or processing of vegetables; creameries or milk-pasteurization or-distributing stations; or cold-storage plants

18. Fur-products manufacture or processing-restricted production (See Subsection 253.3.)

19. Glass-products manufacture or processing-restricted production (See Subsection 253.3.)

20. Grain processing, provided equipment is installed for effective precipitation and recovery of dust

21. Greenhousing, wholesale

22. Horn-products manufacture or processing-restricted production (See Subsection 253.3.)

23. Ice manufacture

24. Ink blending etc.—restricted production (See Subsection 253.3)

25. Instrument manufacture, of precision instruments, including manufacture of watches or clocks

26. Jewelry manufacture or processing, or manufacture or processing of other articles made of precious or semi-precious metals or stones-restricted production (See Subsection 253.3.)

27. Laboratories

28. Leather-products manufacture or processing-restricted production (See Subsection 253.3)

29. Lumber yards

30. Metal-products manufacture or processing, limited to the restricted production (See Subsection 253.3.) of articles made of sheet metal, light metal mesh, pipe, wire, rods, strips, or other shapes or similar component parts

31. Metal-stamp manufacturing

32. Musical-instruments manufacture

33. Offices or Office Buildings

34. Paint blending etc.-restricted production (See Subsection 253.3.)

35. Paper-and paperboard-products manufacture or processing-restricted production (See Subsection 253.3.)

36. Perfume manufacture, compounding, packaging, or treatment

37. Phonograph assembly

38. Plastic-products manufacture or processing-restricted production (See Subsection 253.3.)

39. Plating, including galvanizing

40. Poultry killing

41. Printing, lithographing, or publishing plants

42. Radio assembly, or assembly of other electronic instruments or devices

43. Research institutes

44. Rubber-stamp manufacture, and manufacture of other small molded rubber products

45. Shell-products manufacture or processing-restricted production (See Subsection 253.3.)

46. Stone or monument works

47. Tire retreading or recapping

48. Tobacco-products manufacture or processing-restricted production (See Subsection 253.3.)

49. Toy manufacture, or manufacture of novelties

50. Trailer assembly, including the assembly of truck trailers or mobile homes

51. Wax-products manufacture or processing-restricted production (See Subsection 253.3.)

52. Wood-products manufacture or processing-restricted production (See Subsection 253.3.)

53. Wrought-iron products manufacture

54. Other manufacture of articles of merchandise made from materials permitted to be used and made by processes permitted to be employed in the production activities more specifically listed above.

B. The following transportation, storage, or quasi-public uses or utilities:

1. Bus terminals

2. Building-materials storage or sales yards, general

3. Construction-equipment storage yards

4. Above-ground electrical-power, telephone, or telegraph lines, except above-ground electrical-power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks

5. Cables and conduits not described under item "4", above; gas, water, or sewer mains; or storm-drain systems-all underground

6. Feed or grain sales or storage

7. Fluid storage and sale, above ground, of flammable liquids or gases

8. Freight storage

9. Fuel storage and sale, of solid or gaseous fuels

10. Heliports, Type I

11. Heliports, Type II

12. Helistops

13. Railroads

14. Steam-power plants

15. Storage, warehousing, or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. zones; public warehousing

16. Utility service centers

17. Utility storage yards

18. Volunteer-fire-company facilities

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway:

1. *Automobile-rental agencies*

2. Bakeries, retail

3. Barbershops

4. Banks, savings and loan associations, or other, similar chartered financial institutions accepting deposits

5. Beauty shops

6. Business or trade schools

7. Carpentry or cabinet-making shops

8. Drug stores, but the gross floor area devoted to any such store shall not exceed 1500 square feet

9. Electrical-contractors' shops

10. Electroplating shops

11. Food stores, but the gross floor area of any such store shall not exceed 2500 square feet

12. Heating-or air-conditioning-contractors' shops

13. Laundry, dry-cleaning, or clothing-repair or-alteration establishments or stations, including self-service laundry or dry-cleaning facilities

14. Liquor or package stores

15. Machinery-sales or-repair establishments

16. Parking lots or garages

17. Painting shops

18. Plumbing-contractors' shops

19. Restaurants, except drive-in restaurants

20. Sheet-metal shops

21. Shoe-repair shops

22. Stationery or office-supply stores

23. Taverns

24. Truck-rental and truck-trailer-rental agencies

D. The following temporary use: Carnivals, temporary, pro*vided that no such use shall be established for more than 90 days in* any one-year period.

E. Combinations of the uses listed above.

F. Accessory uses or structures, including but not limited to:

1. Incidental sales (wholesale or retail)

2. Living quarters for watchmen or caretakers and their families, and accessory uses or buildings subsidiary thereto

3. Trailers for temporary use, as permitted under Section 415

4. Industrial medical clinics

5. Employees' recreation facilities

6. Excavations, uncontrolled

7. Parking spaces (see Section 409)

8. Signs (see Section 413).

253.2—Uses Permitted by Special Exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage, or quasi-public uses or utilities:

1. *Airstrips or airports, where it is shown that such use will* serve primarily the industrial uses in the same area

2. Airports, general aviation, if located in accordance with the master plan

3. Excavations, controlled, involving the use of explosives (see Section 403)

4. Sanitary landfills

5. Storage, warehousing, or distribution not permitted as of right

6. Truck terminals

7. Utilities not permitted under the provisions of Subsection 253.1

B. The following auxiliary service uses, provided that any *such use shall be located in a planned industrial park at least 25* acres in net area or in an I.M. district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and, provided further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. *Automotive-service stations, subject, further, to the pro*visions of Section 405

2. Car washes, subject, further, to the provisions of Section 419

3. Garages, service, including establishments for the service or repair of trucks or truck trailers

4. *Motels, hotels, or apartment hotels, but the number of* apartments in any apartment hotel permitted hereunder shall not exceed 10 per cent of the total number of apartments plus rooming units therein, and no more than 10 per cent of the rooming units in any such motel, hotel, or apartment hotel shall be occupied as principal places of residence

5. *Union halls or other places of assembly for employment-*related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water-supply facilities will not be available to the site of any such use for a period of at least two years after the *time the petition is heard, and provided, further, that any such use* shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water-supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception:

1. *Amusement parks*

2. Baseball-batting ranges

3. Farms, or limited-acreage wholesale flower farms

4. Golf-driving ranges

5. Kennels

6. Miniature-golf courses

7. Radio or television broadcasting studios

8. Racetracks

9. Riding stables, commercial

10. Shooting ranges

11. Trailers, non-accessory, subject to the provisions of Section 415, except that trailer parks are not permitted

12. Used-motor vehicle outdoor sales areas

13. Veterinarians' offices

D. The following miscellaneous uses:

1. Signs, outdoor-advertising (see Subsection 413.3)

2. Wireless transmitting and receiving structures, except as minor accessory uses or structures (which are permitted without a special exception); provided that, for the purposes of this paragraph, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

E. Combinations of the uses listed in this subsection, or combinations of such uses with uses which are permitted as of right.

253.3—Scope of "Restricted Production." For the purposes of this section, "restricted production" shall include only the assembly, manufacture, or compounding of articles of merchandise from previously prepared materials, or the machining, electroplating, or other, comparable light processing or treatment of such articles; but it shall not include the manufacture of large stampings (such as motor-vehicle fenders or bodies). (However, the exclusion of a use under a particular entry, whether by virtue of a limitation to restricted production or otherwise, does not affect the applicability of any other entry under which they use may be described.)

253.4—Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway, which motorway is officially so designated by the State Roads Commission or the County, there shall be permitted only passenger-automobile accessory parking and those uses permitted in M.R. zones, as limited by the use regulations in Section 241.

253.5—Conflicts with Section 270. Wherever any provision of this section may conflict with a provision of Section 270, the provision in this section shall control.

Section 14. *And be it further enacted,* That subsection 405.2. A.4 be and it is hereby repealed and re-enacted with amendments, as follows:

4. Within a permitted parking garage in any business or manufacturing zone or any D.R. or R.A.E. zone, provided that no evidence of the service station is visible at any property line and that the number of such service stations does not exceed one for each 300 parking spaces or fraction thereof; provided further, however, that in any business or manufacturing zone, exterior signs may be permitted in accordance with the provisions of Section 413.

Section 15. *And be it further enacted,* That subsection 409.2.d be and it is hereby repealed and re-enacted with amendments, as follows:

d. Modification of Parking-Space Requirements in C.C.C. Districts or Town Centers. The Planning Board may adopt, and from time to time revise, parking-space standards for C.C.C. districts or town centers, which standards differ from the parking-space requirements otherwise applicable under these Zoning Regulations; but the provisions of the Zoning Regulations shall control unless and until the Zoning Commissioner, upon petition and after public hearing, orders that the Planning Board's standards may be applied to the subject property of the petition.

In formulating such parking-space standards, the Planning Board shall consider: any relevant surveys and studies submitted by the Baltimore County Department of Traffic Engineering; projections of transit usage; any probability of lessened parking demand as a result of integrally housed business establishments with different (complementary) peak hours; trends with respect to patterns of car ownership or usage within the areas of concern; probability of assisted ("attendant") parking, nearby parking facilities developed by the Baltimore County Revenue Authority; and other pertinent factors under which recommended decreases in parking requirements may be effected.

Section 16. *And be it further enacted,* That Article 4 be and it is hereby amended by adding new section 430, said new section to read as follows:

Section 430—*Unit Developments.*

430.1—General Provisions.

A. Legislative Statement of Findings and Policy.

1. Declaration of Findings. It is found:

a. That procedures and regulations under which land development is permitted as of right necessarily limit development opportunities, inhibit design flexibility, and, often, preclude optimum land-planning solutions to complex development problems;

b. That such procedures and regulations do not provide for the full range of nonresidential uses that may be desirable to service residential development in optimum relationship thereto; therefore, modern commercial and other nonresidential facilities in Baltimore County have not typically been well integrated with or most advantageously related to the homes they serve;

c. That the aforementioned problems become manifest only as large areas are developed, and would not be solved or substantially mitigated by regulations providing for a broad range of complemen-

P.C. #5

County Council of Baltimore County Maryland

Legislative Session 1979, Legislative Day No. 20

BILL NO. 178-79

Mr. Norman W. Lauenstein, Councilman

By the County Council, October 15, 1979

A BILL

ENTITLED

AN ACT to implement various elements of the County's ~~Comprehensive~~ Master Plan, and more specifically those objectives, policies and standards relating to the assimilation, location, quantity, quality and timing of growth and development in Baltimore County, the provision of adequate public facilities to support development and the protection of agricultural and environmentally-sensitive land in the resource conservation zoning classifications, ~~and to provide for the establishment of overlay district areas and regulations and requirements pertaining thereto; to provide for a master plan consistency determination~~ AND TO ADOPT BASIC SERVICES MAPS AND REGULATIONS AND REQUIREMENTS PERTAINING THERETO; and to provide for monitoring of development activity; by adding new Article 4A — GROWTH MANAGEMENT; by repealing Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. of said regulations and enacting new Subsections 1A01.2.B., 1A01.2.C., 1A01.3.B., 1A02.1, 1A03.1, 1A03.2, 1A03.4.B.1. and 2., 1A03.4.B.5. and 1A04.3.B.1. in lieu thereof; by adding Subsections 1A01.4, 1A02.4, ~~259.3~~ and new definitions ~~"Facilities impact use, Class A"; "Facilities impact use, Class B"~~; "Housing for the elderly"; "Industrial, quasi-industrial, or industry-related use"; and "Nonindustrial use" to Section 101, all of the Baltimore County Zoning Regulations; by ~~repealing and re-enacting with amendments Subsections 100.1.B.2,~~

water-treatment costs and decreasing water-storage capacity. The R.C. 4 zoning classification and its regulations are established to provide for the protection of the water supplies of metropolitan Baltimore and neighboring jurisdictions by preventing contamination through unsuitable types or levels of development in their watersheds.

1A03.2 — Rezoning by petition. No petition for reclassification of property in an R.C. 4 zone may be granted unless a registered professional engineer, architect, landscape architect, or land surveyor first certifies:

1. That the parcel of land under petition lies at least 200 feet from the property line of any public water reservoir;

2. That the parcel lies at least 300 feet from any 1st — or 2nd — order or greater stream that flows directly into a public water reservoir;

3. That the parcel lies at least 300 feet from any 3rd — order or greater stream that flows directly or indirectly into a public water reservoir;

4. That no more than 30% of the parcel has a slope of more than 20%;

5. That the parcel does not lie within a 100-year floodplain; and

6. That, as shown by an environmental impact statement, the MANNER IN WHICH proposed reclassification will ~~not impair~~ AFFECT water quality in the watershed or any public water reservoir.

For the purpose of this subsection, streams are classified by order as shown on the map of stream orders adopted by the Planning Board on March 25, 1976.

1A03.4 — Height and Area Regulations.

B. Area regulations.

1. No lot less than three acres in area may be hereafter created from a larger tract in an R.C. 4 zone, and no dwelling single-family dwelling may be hereafter erected on any lot of smaller area except as otherwise provided in Subsection 103.3 or in Paragraph 6, below.

2. Lot density. A lot of record in an R.C. 4 zone with a gross area of less than 6 acres may not be subdivided, and a lot of record with a gross area of ~~more than~~ 6 ACRES but not more than 10 acres may not be subdivided into more than 2 lots (total). The maximum gross density of a lot of record with a gross area of more than 10 acres is 0.2 lot per acre.

5. Coverage. No more than 10 percent of any lot in an R.C. 4 zone may be covered by impermeable surfaces (such as structures or pavement). No more than 25 per cent of the natural vegetation may be removed from any lot in an R.C. 4 zone.

Section 1A04 — R.C. 5 (RURAL — RESIDENTIAL) ZONE

1A04.3 — Height and area regulations.

B. Area regulations.

1. Lot area; density control. A lot having an area of less than 1 acre may not be created in an R.C. 5 zone. The maximum gross residential density of a lot of record is 0.667 dwellings per acre.

SECTION 3. *Be it further enacted,* that new Subsections 1A01.4, 1A02.4, and new definitions "Housing for the elderly", "Industrial, quasi-industrial, or industry-related uses" and "Nonindustrial uses" to Section 101, all of the Baltimore County Zoning Regulations, be and they are hereby added to said regulations, to read as follows:

Section 1A01 — R.C. 2 (AGRICULTURAL) ZONES

1A01.4 — Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these Zoning Regulations.

Section 1A02 — R.C. 3 (DEFERRAL OF PLANNING AND DEVELOPMENT) ZONES

1A02.4 — Maryland Agricultural Land Preservation Program. The use or development of land in an agricultural district established in accordance with Section 2-509 of the Agriculture article of the Annotated Code of Maryland, 1974, 1979 Cumulative Supplement, shall be governed by agricultural land preservation provisions enacted by the County Council pursuant to Section 2-513 of that article in the case of any conflict between those provisions and these Zoning Regulations.

Section 101 — DEFINITIONS

Housing for the elderly: Housing that is constructed and designated for occupancy by elderly persons under the applicable provisions of a federal housing act.

~~100.1.C., 100.4., the definition of "Farm" under Section 101, and Subsection 259.2, all of the Baltimore County Zoning Regulations;~~ by repealing Subsection 1A04.3.B.2 of said regulations; and by repealing Council Bill 177-79.

WHEREAS, by Article XI-A of the Maryland Constitution, the General Assembly is authorized to provide a grant of "express powers" to counties that form a charter government; and

WHEREAS, by Article 25A, Section 5 of the Annotated Code of Maryland, the General Assembly has designated the "express powers" to be granted to charter counties, which powers include the power to enact local laws for the protection and promotion of public health, safety and welfare, relating to planning, zoning and subdivision and to pass all ordinances, resolutions or bylaws that may be necessary and proper to execute and enforce any of the powers expressly enumerated; and

WHEREAS, the people of Baltimore County in accordance with the Constitution and Laws of the State of Maryland have adopted, ordained and established the Baltimore County Charter; and

WHEREAS, pursuant to provisions of the Charter and of the County Code, the County is responsible for planning for the future growth and development of the County, including the preparation of a Master Plan; and

WHEREAS, pursuant to Section 523 of the Baltimore County Charter, the Master Plan shall be a composite of mapped and written proposals setting forth comprehensive objectives, policies and standards to serve as a guide for the development of the County; and

WHEREAS, the County Council has adopted the Master Plan by Resolution No. 71-79 dated ~~October 15~~ NOVEMBER 19, 1979; and

WHEREAS, pursuant to the Baltimore County Charter and Code, the County Council is responsible for the implementation of the Master Plan through the adoption or amendment of zoning maps and regulations, subdivision regulations, capital improvement programs and such other legislation, regulations, policies and programs which may be necessary; and

WHEREAS, said Master Plan divides the County into areas for the purpose of achieving specific plan objectives related to the location, density, timing and quantity of growth and development in such areas and the appropriate distribution of

population, ~~housing~~ units and land uses throughout the County; and

WHEREAS, said Master Plan contains objectives, policies and standards designed to assimilate full population growth by the County representing the County's share of regional growth, to insure orderly growth and development of said population in the County; to protect valuable and irreplaceable natural, agricultural and environmental land and resources; to promote economic growth; to meet the housing needs of present and future anticipated residents; to assure that new development is adequately served by public facilities and services; to correct service and facility deficiencies in existing neighborhoods; and to promote the public health, safety and welfare of all residents of the County; now, therefore

SECTION 1. *Be it enacted by the County Council of Baltimore County, Maryland,* that a new Article 4A — GROWTH MANAGEMENT, be and it is hereby added to the Baltimore County Zoning Regulations, said new article to read as follows:

ARTICLE 4A — GROWTH MANAGEMENT

Section 4A00 — Purpose and Definitions

4A00.1 — Purpose.

The purpose and intent of this Article is to implement the objectives of the County-wide Master Plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timing of growth and development that is consistent with preservation of the quality of life in existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support new development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources and with the promotion of new growth and development in appropriate areas.

4A00.2 — Definitions

For the purposes of this Article, certain words and terms are defined as set forth below:

1. *Capital Improvements Program.* A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of

industrial, quasi-industrial, or industry-related use. Any use listed ~~in Paragraph 253.1.A other than Item 33, any use listed in~~ Paragraph 253.1.B, Paragraph 253.2.A, or Subsection 256.2, any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Nonindustrial use: Any use other than an industrial, quasi-industrial, or industry-related use.

SECTION 4. *Be it further enacted,* that Subsection 1A04.3.B.2 of the Baltimore County Zoning Regulations, be and it is hereby repealed.

SECTION 5. *Be it further enacted,* that Council Bill No. 177-79 be and it is hereby repealed ~~upon the enactment of this bill.~~ EFFECTIVE 12:01 A.M. November 25, 1979.

SECTION 6. *Be it further enacted,* that every part of every section, subsection, sentence, clause or word of this Act is enacted independently and is therefore, severable; if any section, subsection, sentence, clause, phrase or word hereof is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions shall not be affected thereby, it being the intent of the County Council of Baltimore County, Maryland in adopting this Act that no portion thereof or provision or regulation contained therein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion or provision or regulation.

SECTION 7. *And be it further enacted,* that this Act is hereby declared to be an emergency measure affecting the public health, safety or welfare, and having been passed by the affirmative vote of five members of the County Council, the same shall take effect ~~from the date of its enactment.~~ 12:01 A.M. November 25, 1979.

READ AND PASSED this 19th day of November, 1979.

By Order

Thomas Toporovich, Secretary

PRESENTED to the County Executive, for his approval this 21st day of November, 1979.

Thomas Toporovich, Secretary

APPROVED AND ENACTED: 11/24/79

Donald P. Hutchinson,
County Executive

I HEREBY CERTIFY THAT BILL NO. 178-79 IS TRUE AND CORRECT AND TOOK EFFECT ON NOVEMBER 25, 1979.

Norman W. Lauenstein,

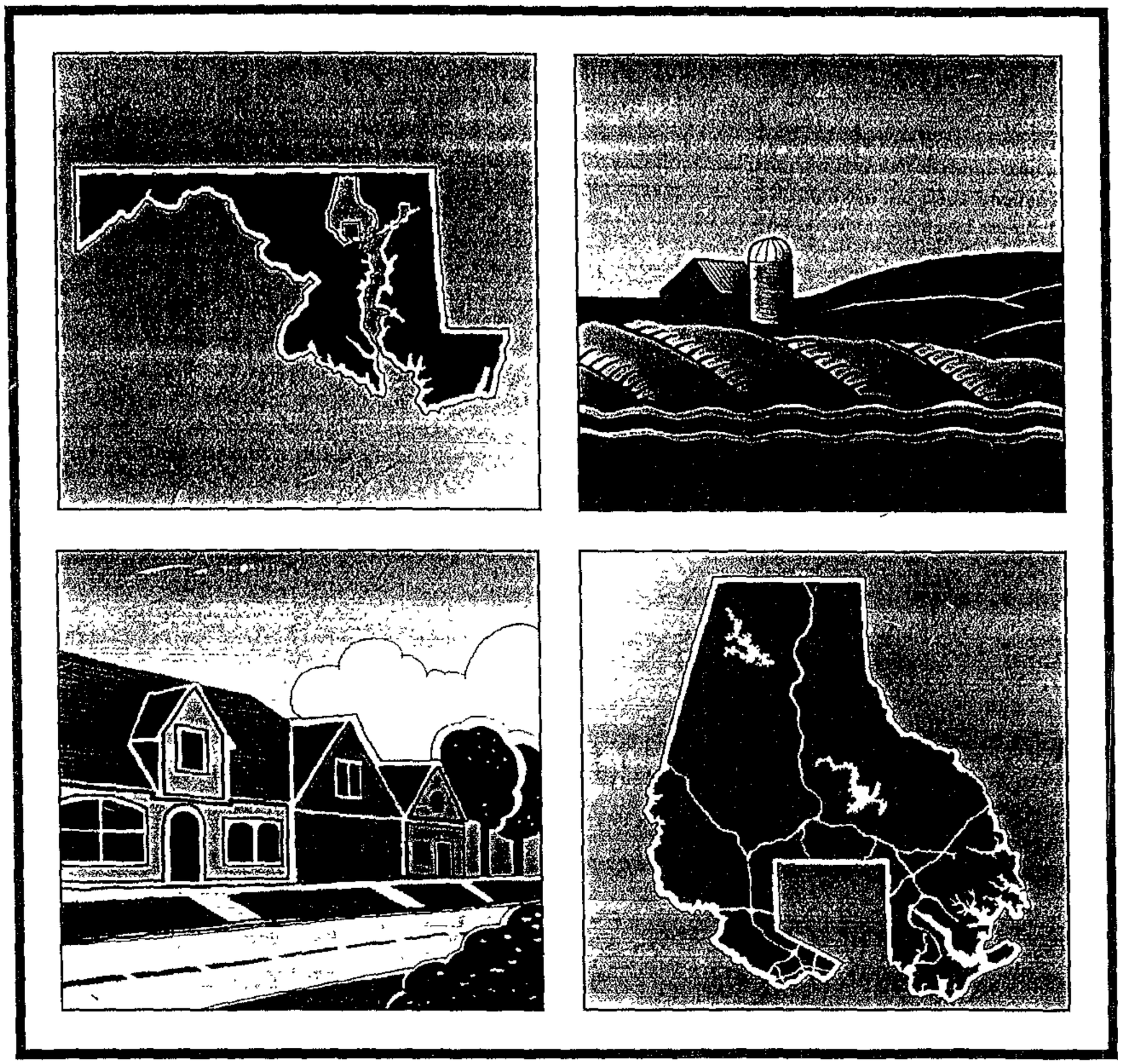
Chairman, County Council

EXPLANATION: *Italics indicate new matter added to existing law.*
[Brackets] indicate matter stricken from existing law.
CAPITALS indicate amendments to bill.
~~Strike out~~ indicates matter stricken out of bill.

P.C. #

MASTERPLAN 2010

BALTIMORE COUNTY, MARYLAND



As Adopted by Baltimore County Council

February 22, 2000

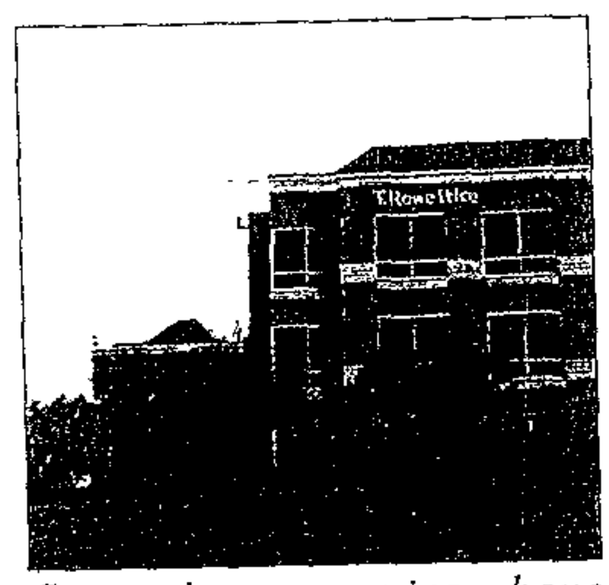
custom single family homes, townhomes, condominiums, and apartments. When the Owings Mills growth area is fully developed it will be home to a projected 44,000 residents and provide jobs for approximately 32,000 employees.

ISSUES AND ACTIONS

Issue: Promoting Economic Development

Economic development and the creation of new employment opportunities were critical components of the 1984 plan for Owings Mills. The business community that is developing is extremely diverse. Several companies have established new headquarters and regional operations centers in Owings Mills, taking advantage of the area's well educated, highly skilled work force. The Owings Mills Corporate Campus, which is almost fully developed, has attracted businesses seeking high quality office development in a campus-style environment.

The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." PUD-C (planned unit development commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits non-auxiliary commercial retail projects.



Several companies have established new headquarters and regional operations centers in Owings Mills, taking advantage of the area's well educated, highly skilled work force.

The Northern Employment Corridor consists of two areas, one south of Reisterstown Road, and the other east of Owings Mills Boulevard. The latter area is comprised, in part, of parcels determined to be surplus by the Rosewood State Center, a large medical institution. It has begun to develop with flex warehouses along Crondall Lane and should continue to develop as an employment-intensive area. The area south of Reisterstown Road consists of mixed zoning with both retail and industrial development. This area, too, should continue to emphasize employment-oriented development.

Actions

1. Ensure that the Red Run Employment Corridor is developed for corporate office and employment uses and that the Northern Employment Corridor is developed for flex/industrial use.
2. Maintain the PUD-C corporate center designation in the Red Run Employment Corridor and in a portion of the Northern Employment Corridor.
3. Continue to work with the Maryland Economic Development Corporation to develop a master plan for employment-intensive uses on surplus parcels at the Rosewood State Center.

Issue: Balancing Retail and Employment-Intensive Land Uses

The 1984 plan envisioned retail opportunities at the Owings Mills Mall, within the Owings Mills New Town PUD, and at the intersection of Lakeside Boulevard and Samuel Owings Drive. According to the plan, larger region-serving retail services would be provided along Reisterstown Road and Liberty Road. Nevertheless, there has been continuous pressure to convert employment designated areas into region-serving retail development, particularly in the Northern Employment Corridor. Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes.

THERE HAS BEEN CONTINUOUS PRESSURE TO CONVERT EMPLOYMENT DESIGNATED AREA SITES INTO REGION-SERVING RETAIL DEVELOPMENT.

Actions

1. Discourage additional retail development, including personal storage warehouses, in the Northern Employment Corridor, and particularly along Owings Mills Boulevard.
2. Direct any new development of large scale, off-price, "big-box" retail uses to Reisterstown Road or Liberty Road.
3. Limit retail development in the Red Run Employment Corridor to auxiliary retail that is scaled to serve customers who are employed in the corridor.

Issue: Developing the Owings Mills Town Center

The town center, which is also the terminus of the Metro rail line, should be developed as an intense mix of retail, service, office, and residential uses. Making use of structured parking, the Metro site can provide opportunities

P.C. #1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 13, 2002

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

SUBJECT: 11050 Red Run Boulevard

INFORMATION:

Item Number: 02-344

Petitioner: B. P. Corporation

Zoning: ML-IM

Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Baltimore County Planning Office does not support the petition for a fuel service station in combination with a convenience store at the proposed location on Red Run Boulevard for the following reasons:

The original "Plan for Owings Mills" that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office/industrial employment center in the Owings Mill growth area. The County's subsequent "Master Plan 1989 – 2000" and "Master Plan 2010" reinforced the corridors intended office/industrial land-use.

During the past 15 years, millions of public dollars have been spent building the sewer, water and road infrastructure needed to support the planned employment based development. To date, development has occurred at a steady pace.

Although the Planning Office recognizes that certain ancillary uses are allowed in the ML-IM zone, the proposed fuel service station is planned for a prominent 6 acre lot at the corner of Red Run Boulevard and Pleasant Hill Rd. It is this office's position that any proposed ancillary commercial use should be integrated into the office/manufacturing campuses or on remnant parcels.

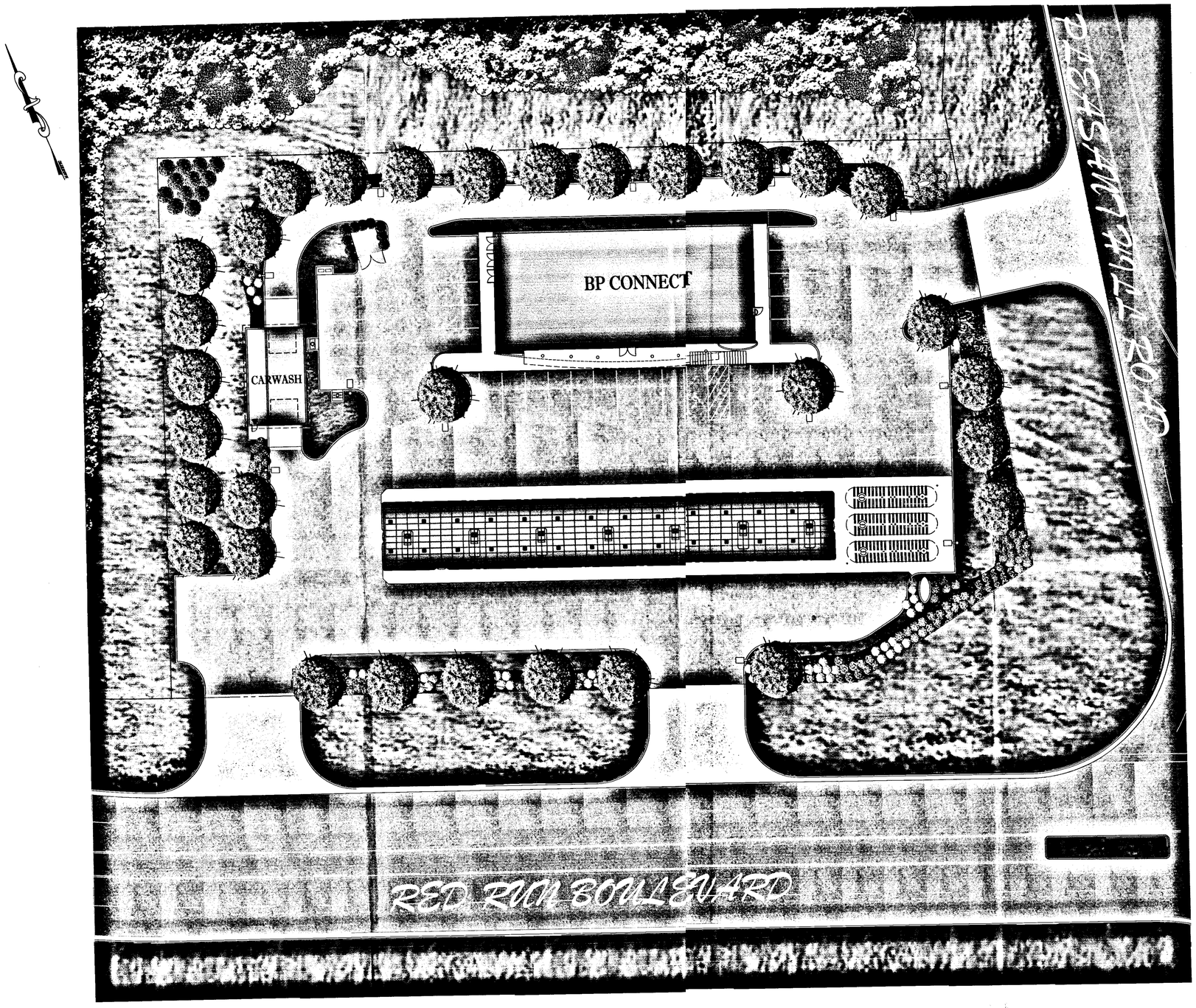
This office is of the opinion that the subject property is a prime location for class A office development and should not be developed with a use that is supposed to be incidental to the corridor's planned purpose.

Prepared by: Mark A Cunningham

Section Chief: Jeffrey W. Lon

AFK/LL:MAC:

Pet #1



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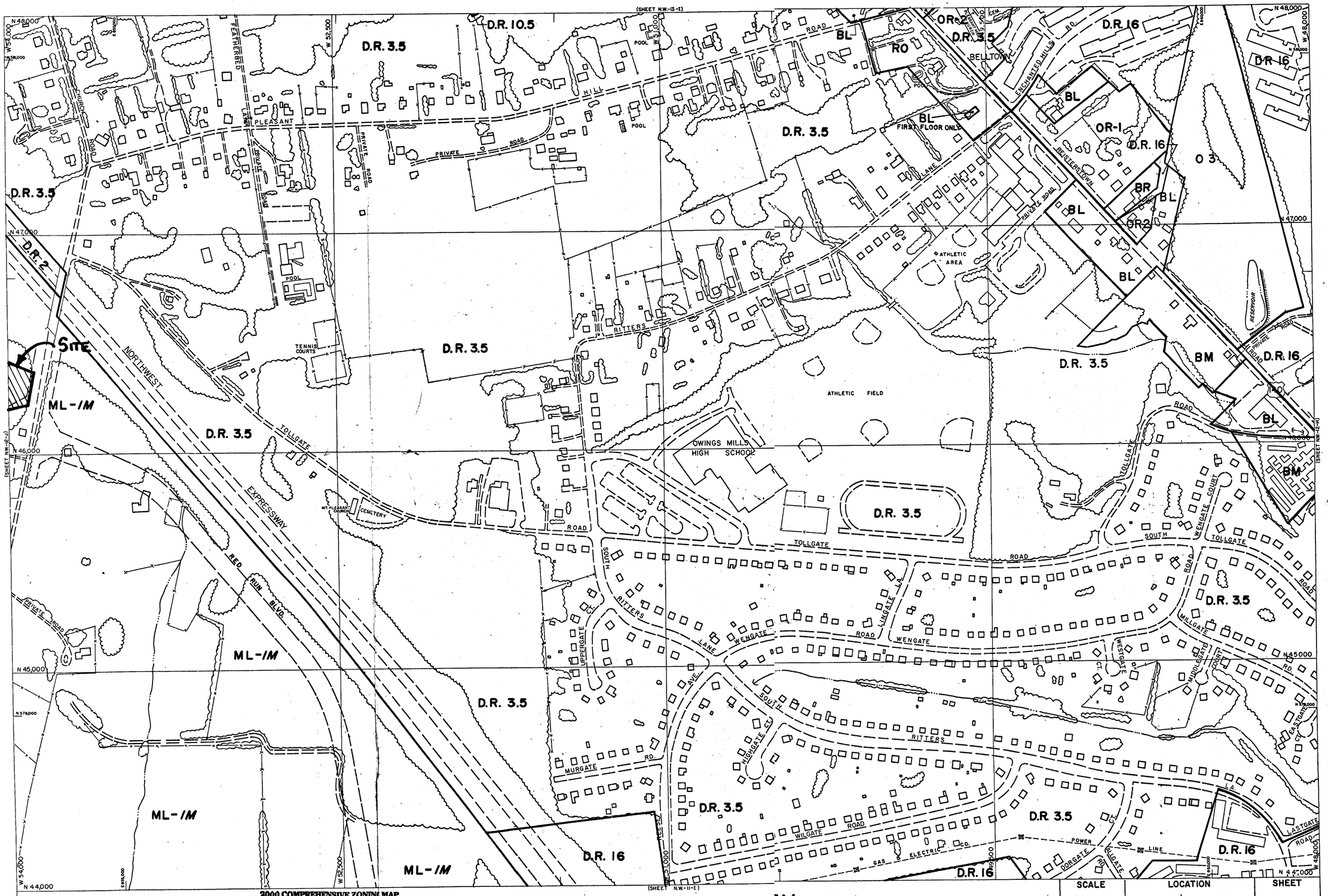
BOHLER ENGINEERING, P.C.



T-NW

T-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

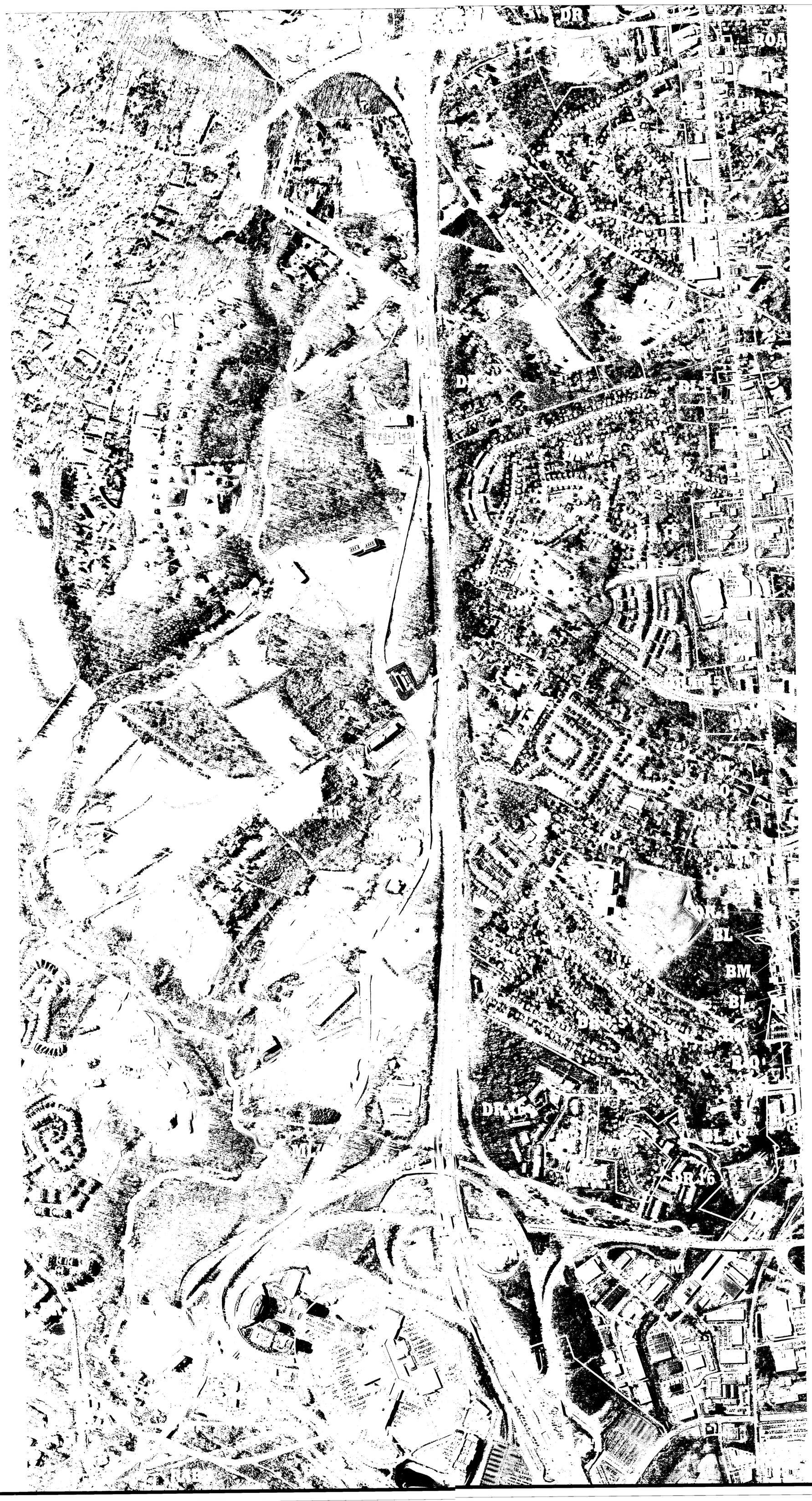
2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

Joseph Bartenfelder
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	BELLTOWN	N. W. 12-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 12 I



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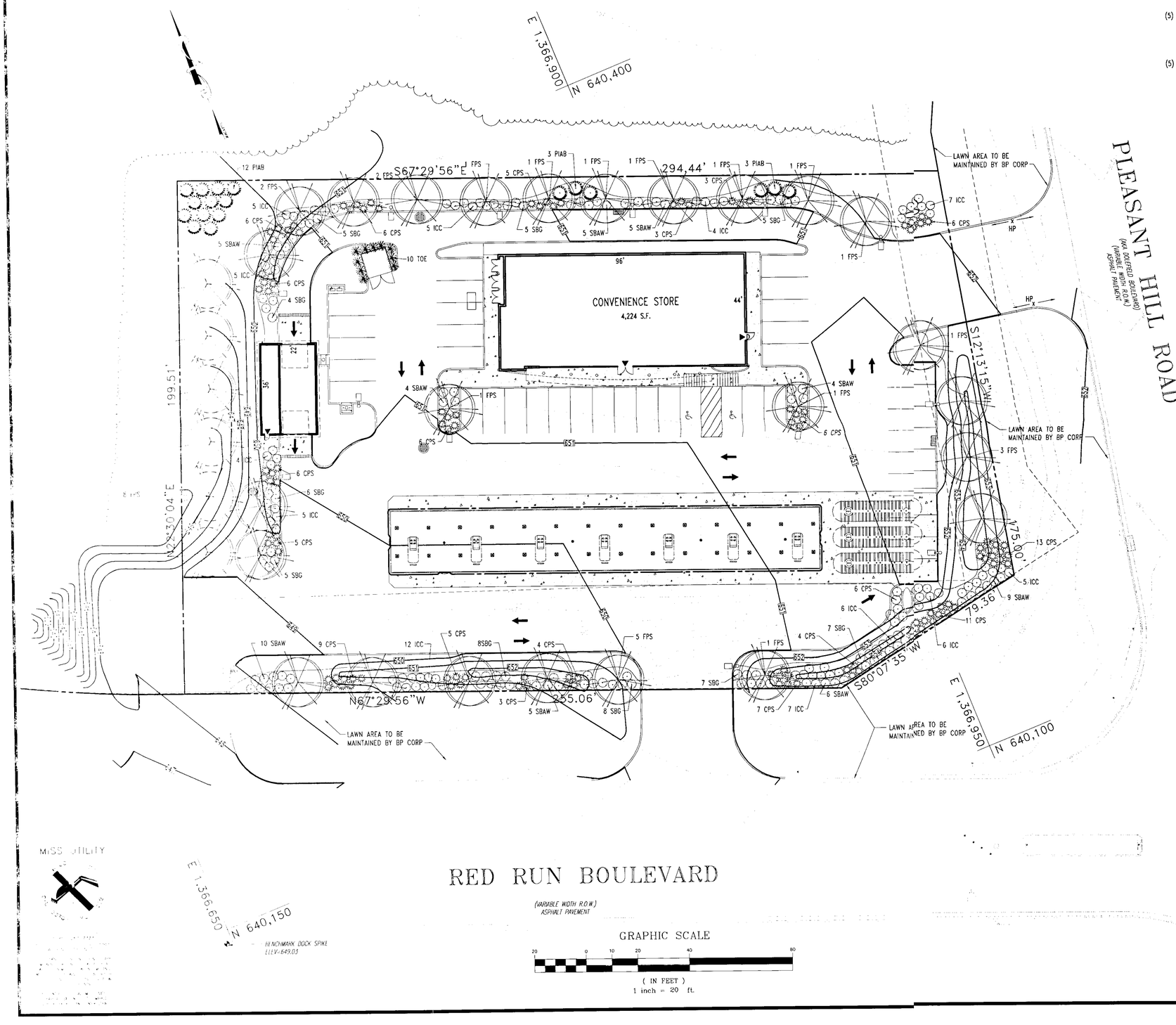
BOHLER ENGINEERING, P.C.



LANDSCAPE SCHEDULE

#/PU	KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
(1)	SHADE TREE					
	FPS	25	FRAXINUS PENSYLANICA 'SUMMIT'	SUMMIT GREEN ASH	2 1/2-3" CAL.	B+B
(1)	EVERGREEN TREE					
	PIAB	18	PICEA ABIES	WHITE PINE	6'-7'	B+B
(5)	EVERGREEN SHRUB					
	CPS	120	CHAMAECYPARIS PISEFERA 'SUNGOLD'	SUNGOLD THREADLEAF CYPRESS	15-18" SPRD.	#3 CAN
	ICC	71	ILEX CRENATA 'COMPACTA'	COMPACT JAPANESE HOLLY	24-30"	#3 CAN
	TOE	10	THUJA OCCIDENTALIS 'EMERALD'	EMERALD GREEN ARBORVITAE	5-6'	B+B
		201				
(5)	DECIDUOUS SHRUB					
	SBAW	53	SPIREA X BUMALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	18-24"	#3 CAN
	SBG	62	SPIREA X BUMALDA 'GOLDFLAME'	GOLD FLAME SPIREA	15-18"	#3 CAN
		115				

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

REQUIREMENTS FOR PROJECT CONDITIONS

REQUIREMENTS	CALCULATIONS (REQUIRED/PROPOSED)	COMPLIANCE
A.3. 1 PLANTING UNIT (PU) PER 40' OF ADJACENT ROADWAY.	PLEASENT HILL ROAD: 202 L.F. REQUIRED: 5 PU PROVIDED: 5 FPS (5 PU)	COMPLIES
	RED RUN BOULEVARD: 340 L.F. REQUIRED: 9 PU PROVIDED: 9 AR (9 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: 16,650 SQ. FT. REQUIRED 7%: 1165.5 SQ. FT. PROVIDED: 1,702 SQ. FT. (10%)	COMPLIES
	TOTAL PARKING SPACES: 39 REQUIRED: 3.3 PU PROVIDED: 4.4 PU	COMPLIES
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: 10 TOE (2 PU)	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 ABUTS A PUBLIC R.O.W. LANDSCAPING ALONG THE PUBLIC R.O.W. SHALL COMPLY WITH "CLASS B" REQUIREMENTS. (SEE BELOW)	REQUIRED: 10' TO R.O.W. PROPOSED: MINIMUM 10' TO R.O.W. ALONG BOTH PLEASENT HILL RD. AND RED RUN BLVD.	COMPLIES
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.	PLEASENT HILL RD.: 167 L.F. REQUIRED: 11.1 PU PROVIDED: 11.2 PU	COMPLIES
	RED RUN BLVD: 286.5 L.F. REQUIRED: 19.1 PU PROVIDED: 19.2 PU	COMPLIES
K.3.: THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6' IN ALL SIDE AND REAR YARDS ABUTTING COMMERCIALLY OR INDUSTRIALLY ZONED LAND, AND SHALL BE VEGETATED AT THE RATE OF 1 PU PER 10'.	REQUIRED: 6' TO ABUTTING PROPERTY LINE PROPOSED: 6' MINIMUM TO ABUTTING PROPERTY LINE.	COMPLIES
	PROPERTY LINE PERIMETER: 492.00 L.F. REQUIRED: 49.2 PU PROPOSED: 49.2 PU	WAIVER

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

CLIENT:
bp
1 W. PENNSYLVANIA AVENUE, SUITE 95
TOWSON, MARYLAND

ALLIANCE ENGINEERING CONSULTANT:
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 GLENEAGLES COURT, SUITE 300◆
◆TOWSON, MARYLAND, 21286◆
◆(410) 821-7900 FAX: (410) 821-7987◆

A.J. VOLANTH
PROFESSIONAL ENGINEER
VIRGINIA LICENSE No. 0402 031438
MARYLAND LICENSE No. 21342
DISTRICT OF COLUMBIA LICENSE No. 10726
PENNSYLVANIA LICENSE No. 048314-E
DELAWARE LICENSE No. 10734

T.F. WHITTIE
PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 19155
DISTRICT OF COLUMBIA LICENSE No. 10941

NO	DATE	REVISION DESCRIPTION

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DEVELOPMENT INFORMATION:

SPECIAL EXCEPTION PLAN
4200 SERIES WITH A CAR WASH AND A 7 MPD STARTING GATE CANOPY

SITE ADDRESS:

11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE #17674

SCALE:	1"=20'	ALLIANCE T.B.M:	J.L.
DATE:	01/02/02	BP REPM:	J.B.
DESIGNED BY:	G.H.R.	ALLIANCE PM:	M.S.
DRAWN BY:	M.J.G.	CAD #:	M07101SS0
CHECKED BY:	T.F.W.	JOB #:	MD007101

DRAWING TITLE:

GRADING PLAN & LANDSCAPING PLAN

SHEET NO:

4

OF 5 REV. No.

ZONING RULE REQUESTED
SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE CARRY OUT RESTAURANT, CAR WASH AND ANCILLARY USE AUTOMATIC TELLER MACHINE.

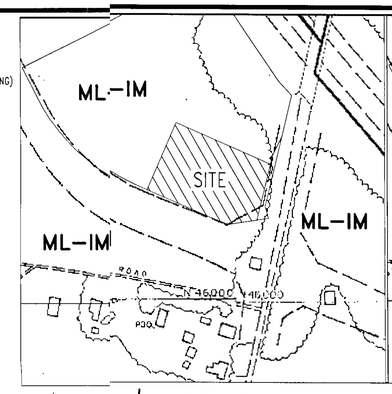
VARIANCE
A VARIANCE FROM SECTION 450.10 TO PERMIT 80.01 S.F. OF FREESTANDING SIGNAGE ON PLEASANT HILL ROAD IN LIEU OF THE PERMITTED 75 S.F.

PLAN PREPARED BY
BOHLER ENGINEERING, P.C.
810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286
ATTN: TIM WHITTIE
PHONE: 410-821-7900

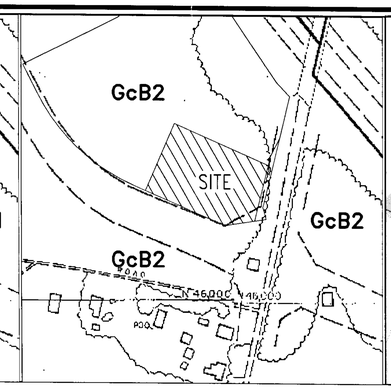
APPLICANT/DEVELOPER
BP CORPORATION
1 WEST PENNSYLVANIA AVENUE, SUITE 95
TOWSON, MARYLAND 21286
ATTN: JOHN LOMBARDO
PHONE: 410-494-3772

LEGEND

2	PARKING SPACES
←	FLOW OF TRAFFIC (NOT STRIPING)
10	MPD SERVICING
10	MPD STACKING
10	CAR WASH STACKING



ZONING MAP
SCALE: 1"=200'



SOILS MAP
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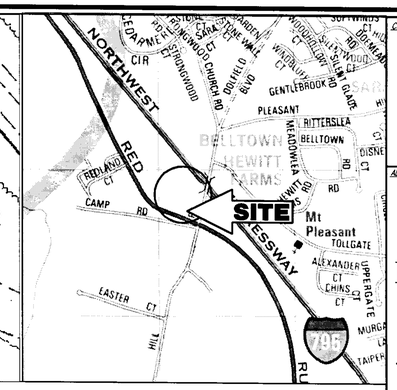
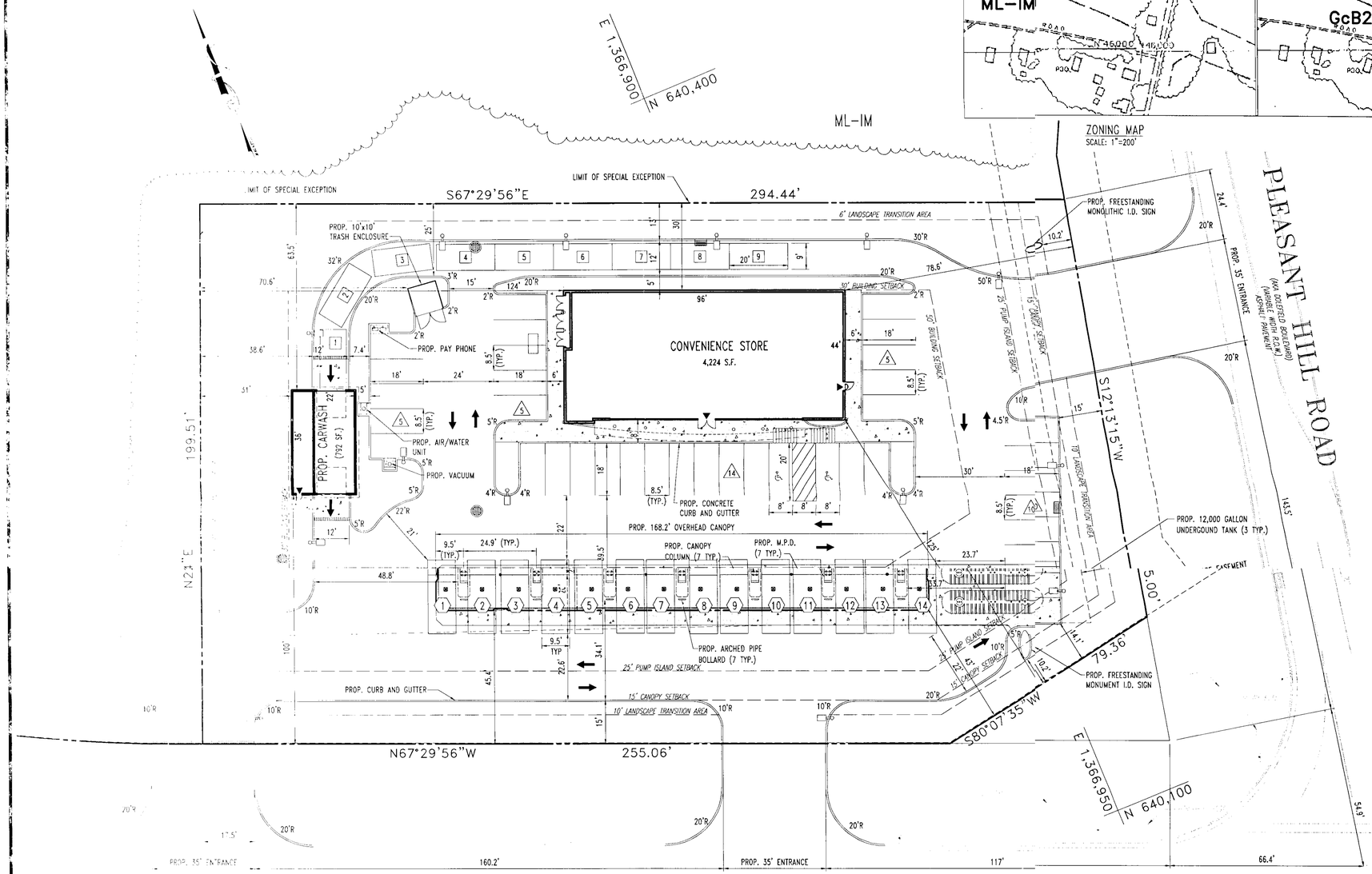
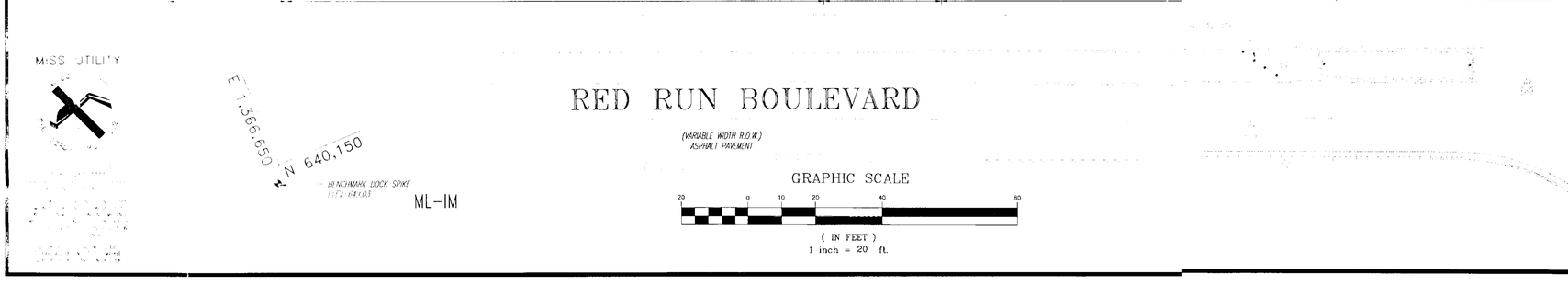


LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20694276
SCALE: 1"=1000'





ZONING NOTES

A. AREA REQUIREMENTS
1. SEVEN (7) DISPENSER ISLANDS WITH 7 MULTI-PRODUCT DISPENSERS SERVING A TOTAL OF FOURTEEN (14) CARS AT ONE TIME.
   SERVING SPACES REQUIRED = 14
   SITE AREA REQUIRED = 14 x 1,500 SQ. FT. = 21,000 SQ. FT.
2. USE IN COMBINATION WITH
   CONVENIENCE STORE: 3,624 SQ. FT. x 4 = 14,496 SQ. FT.
   CARRY OUT RESTAURANT: 600 SQ. FT. x 6 = 3,600 SQ. FT.
3. ANCILLARY USE: ATM MACHINE = 1,000 SQ. FT.
4. TOTAL SITE AREA
   REQUIRED: 40,096 SQ. FT.
   SPECIAL EXCEPTION AREA: 60,691 SQ. FT.
   TOTAL LOT AREA: 283,967 SQ. FT.

B. ACCESS POINTS
1. EXISTING: NONE
2. PROPOSED:
   A. TWO (2) 35' ENTRANCES ONTO RED RUN BOULEVARD
   B. ONE (1) 35' ENTRANCE ONTO PLEASANT HILL ROAD

C. PARKING:
1. REQUIRED:
   ONE SPACE PER EMPLOYEE ON LARGEST SHIFT:
   4 EMPLOYEES x 1 = 4 SPACES
   ONE SPACE PER AIR UNIT =
   1 AIR UNIT x 1 = 1 SPACE
   ONE SPACE PER VACUUM PAD =
   1 VACUUM PAD x 1 = 1 SPACE
   FIVE SPACES PER 1,000 SQ. FT. OF CONVENIENCE STORE
   GROSS FLOOR AREA: 3,624 SQ. FT. x 5/1,000 SQ. FT. = 18 SPACES
   FIVE SPACES PER 1,000 SQ. FT. OF CARRY OUT
   RESTAURANT FLOOR AREA 600 SQ. FT. x 5/1,000 = 3 SPACES
   FOUR SPACES PER "ROLLOVER" CAR WASH = 4 SPACES
   ONE SPACE PER ATM MACHINE: 1 SPACE

D. SITE ADDRESS
   BP CORPORATION
   11050 RED RUN BOULEVARD
   OWINGS MILLS, MARYLAND 21117

E. REQUIRED SETBACKS
1. BUILDING:
   A. TO RIGHT OF WAY = 50'
   B. TO PROPERTY LINE = 30'
2. CANOPY:
   A. TO RIGHT OF WAY = 15'
   B. TO PROPERTY LINE = 0'
3. PUMP ISLAND:
   A. TO RIGHT OF WAY = 25'
   B. TO PROPERTY LINE = 0'
4. SIGN:
   A. TO RIGHT OF WAY = 10'
   B. TO PROPERTY LINE = 0'
5. LANDSCAPE TRANSITION AREA:
   A. TO RIGHT OF WAY = 10'
   B. TO PROPERTY LINE = 6'

F. ZONING HISTORY:
SUBJECT SITE PART OF LOT 5 OF RIPARIUS CENTER AT OWINGS MILLS SIXTH CRG REFINEMENT (CRG# 89074) AND ZONING CASE #90-295-SPHA (ORDER DATED 5/24/01)

SITE INFORMATION

THIS PLAN REFERENCES A SURVEY BY:

MORRIS AND RITCHIE ASSOCIATES.
110 WEST RD
TOWSON, MD 21264

1. ZONE: ML-IM (MANUFACTURING LIGHT-INDUSTRIAL MAJOR)
2. NET SITE AREA: 283,967 SQ. FT. OR 6.519 AC.
   (SPECIAL EXCEPTION AREA: 60,691 SQ. FT. OR 1.39 AC.)
3. EXISTING FLOOR AREA: 0 SQ. FT.
4. PROPOSED FLOOR AREA CONVENIENCE STORE: 3,624 SQ. FT.
   RESTAURANT: 600 SQ. FT.
   CAR WASH: 792 SQ. FT.
5. PERMITTED FLOOR AREA RATIO: 4.0
6. EXISTING FLOOR AREA RATIO: 0.0
7. PROPOSED FLOOR AREA RATIO: 0.013
8. PLAT REFERENCE: 73/88
9. OWNER: RED RUN ASSOCIATES, L.L.C.
10. TAX ACCOUNT NUMBER: 23-00009190
11. ELECTION DISTRICT: 04
12. COUNCILMANIC DISTRICT: 3RD
13. WATERSHED: 28
14. SUBSEWERSHED: 66
15. PARKING FOR ATM MACHINE: ONE SPACE FOR ANCILLARY ATM MACHINE.
17. CENSUS TRACT: 4041
18. IMPERVIOUS AREA: 42,412 SF. OR 0.97 AC.
19. LANDSCAPE AREA: 11,406 SF. OR 0.26 AC.
20. SITE IS LOCATED IN FLOOD HAZARD ZONE C (AREAS OF MINIMAL FLOODING) PER F.E.M.A. MAP PANEL 220 OF 575, COMMUNITY PANEL NUMBER 240010 0220 C
21. WETLANDS HAVE BEEN DELINEATED ON "FIRST AMENDED FINAL PLAT LOTS 5&6: RIPARIUS CENTER AT OWINGS MILLS".
22. COMPRESSED AIR, WATER AND RESTROOM FACILITIES WILL BE AVAILABLE FOR CUSTOMER USE.
23. STORAGE OF RENTAL TRUCKS IS NOT PROPOSED AS PART OF THIS APPLICATION.
24. THE PROPERTY IS LOCATED WITHIN THE RIPARIUS CENTER AT OWINGS MILLS PLANNED INDUSTRIAL PARK
25. HOURS OF OPERATION: 24 HOURS A DAY, 7 DAYS A WEEK
26. FOREST CONSERVATION NOT REQUIRED PER CRG# 89074.

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

CLIENT:
bp
1 W. PENNSYLVANIA AVENUE, SUITE 95
TOWSON, MARYLAND

ALLIANCE ENGINEERING CONSULTANT:
BOHLER ENGINEERING, P.C.
• CIVIL & CONSULTING ENGINEERS •
• PROJECT MANAGERS •
• ENVIRONMENTAL & SITE PLANNERS •
• MUNICIPAL ENGINEERS •
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• WWW.BOHLERENG.COM •
• 810 G LENEAGLES COURT, SUITE 300 •
• TOWSON, MARYLAND, 21286 •
• (410) 821-7900 FAX: (410) 821-7987 •

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MARYLAND LICENSE No. 21342
DISTRICT OF COLUMBIA LICENSE No. 10726
PENNSYLVANIA LICENSE No. 048314-E
DELAVARE LICENSE No. 10734

T.F. WHITTIE
PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 19155
DISTRICT OF COLUMBIA LICENSE No. 10941

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DEVELOPMENT INFORMATION:

SPECIAL EXCEPTION PLAN
4200 SERIES WITH A CAR WASH AND A 7 MPD STARTING GATE CANOPY

SITE ADDRESS:

11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE #17674

SCALE:	1"=20'	ALLIANCE ZAZOM:	J.L.
DATE:	01/02/02	BP REPM:	J.B.
DESIGNED BY:	G.H.R.	ALLIANCE PM:	M.S.
DRAWN BY:	M.J.G.	CAD #:	M07101SS0
CHECKED BY:	T.F.W.	JOB #:	MD007101

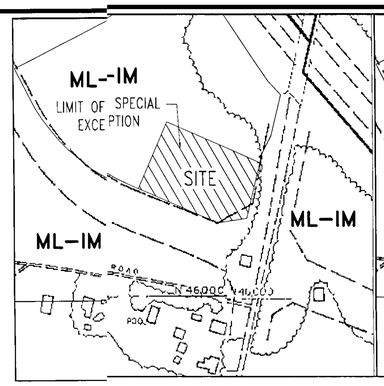
DRAWING TITLE:

SITE PLAN

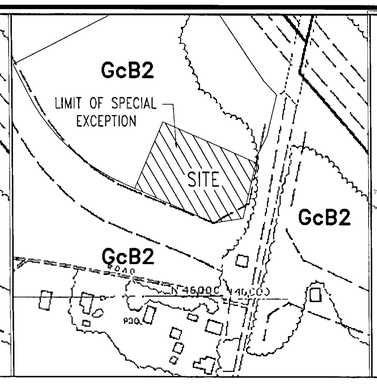
SHEET NO:

3

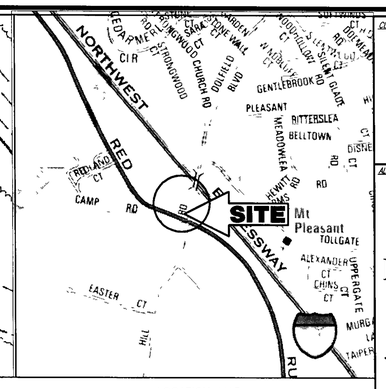
OF 5 REV. No.



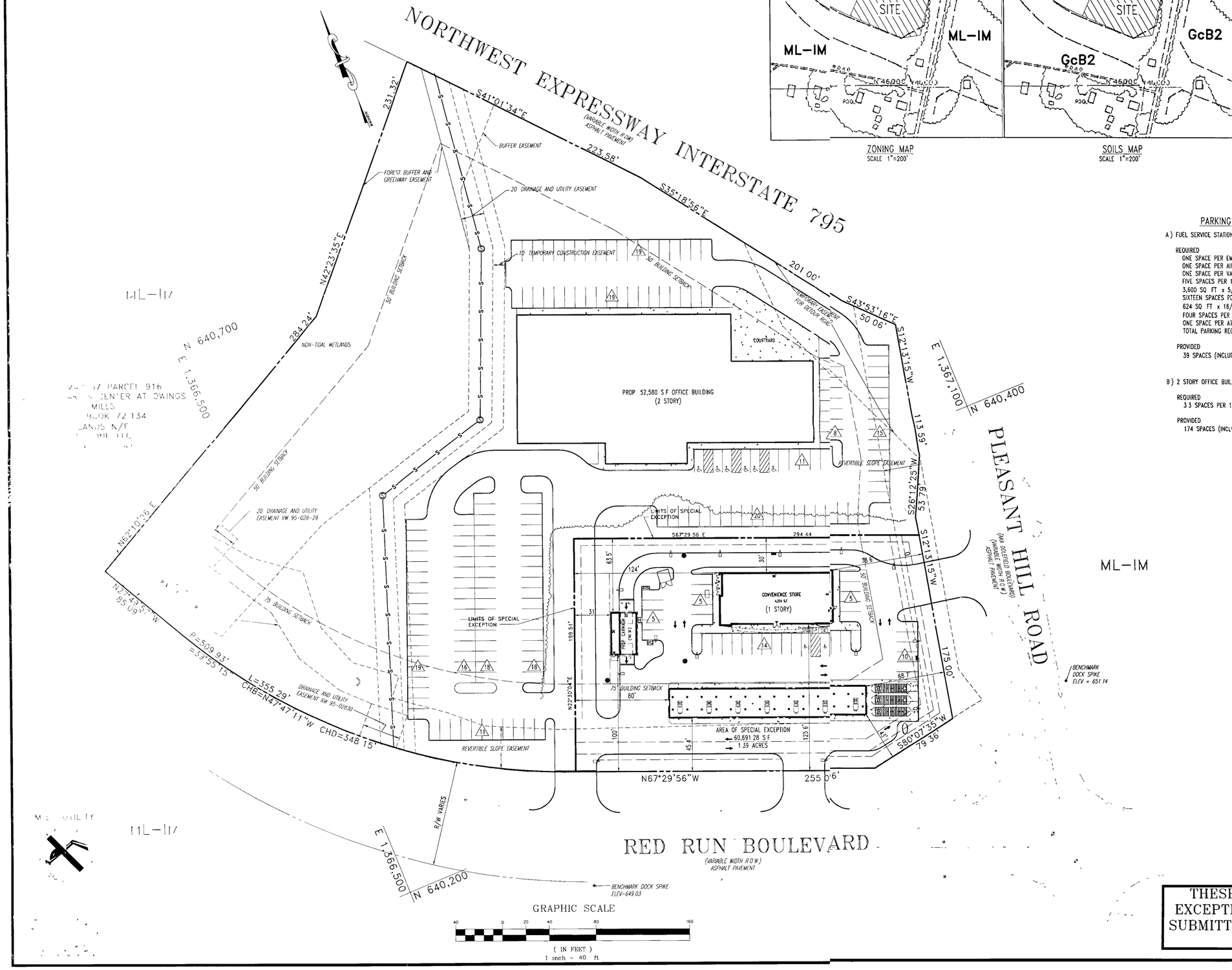
ZONING MAP
SCALE 1"=200'



SOILS MAP
SCALE 1"=200'



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO 20694276
SCALE 1"=1000'



PARKING TABULATIONS

A) FUEL SERVICE STATION/CONVENIENCE STORE

REQUIRED
ONE SPACE PER EMPLOYEE ON LARGEST SHIFT 4 EMPLOYEES x 1 = 4 SPACES
ONE SPACE PER AIR UNIT = 1 AIR UNIT x 1 = 1 SPACE
ONE SPACE PER VACUUM PAD = 1 VACUUM PAD x 1 = 1 SPACE
FIVE SPACES PER 1,000 SQ FT OF CONVENIENCE STORE GROSS FLOOR AREA
3,600 SQ FT x 5/1,000 SQ FT = 18 SPACES
SIXTEEN SPACES PER 1,000 SQ FT OF RESTAURANT FLOOR AREA
624 SQ FT x 16/1,000 = 10 SPACES
FOUR SPACES PER "ROLLOVER" CAR WASH = 4 SPACES
ONE SPACE PER AIM MACHINE 1 SPACE
TOTAL PARKING REQUIRED 39 SPACES

PROVIDED
39 SPACES (INCLUDING 2 HANDICAPPED SPACES)

B) 2 STORY OFFICE BUILDING

REQUIRED
3.3 SPACES PER 1,000 S.F. OF BUILDING SPACE = 174 SPACES

PROVIDED
174 SPACES (INCLUDING 6 HANDICAPPED SPACES)

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bp
1 W PENNSYLVANIA AVENUE, SUITE 95
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NO	DATE	REVISION DESCRIPTION

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DEVELOPMENT INFORMATION
SPECIAL EXCEPTION PLAN
4200 SERIES WITH
A CAR WASH AND A 7 MPD
STARTING GATE CANOPY

SITE ADDRESS
11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE # 17674

SCALE	1"=40'	ALLIANCE ZBOM	J.L.
DATE	02/06/02	BP REPM	J.B.
DESIGNED BY	M.P.S.	ALLIANCE PM	M.S.
DRAWN BY	R.L.B.	CAD #	M07101OS0
CHECKED BY	T.F.W.	JOB #	MD007101

DRAWING TITLE
OVERALL CONCEPT PLAN

SHEET NO
1
OF 1
REV No

SIGNAGE CALCULATIONS

I. PER FREESTANDING ENTERPRISE SIGNAGE

A. PERMITTED 75 SQ. FT. (PURSUANT TO BCZR 450 ET SEQ.) ALONG PLEASANT HILL ROAD

B. PROPOSED

ONE FREESTANDING MONOLITHIC I.D. SIGN (E)

BP EMBLEM	48.42 SQ. FT.
BP CONNECT	10.53 SQ. FT.
CAR WASH	10.53 SQ. FT.
AMOCO FUELS	10.53 SQ. FT.
EX. GF	N/A
TOTAL	80.01 SQ. FT.

A. PERMITTED 100 SQ. FT. (PURSUANT TO BCZR 450 ET SEQ.) ALONG RED RUN BLVD

B. PROPOSED

ONE FREESTANDING MONUMENT I.D. SIGN (F)

BP ID SIGN	22.32 SQ. FT.
CONNECT SIGN	8.11 SQ. FT.
EX. GF	N/A
TOTAL	30.43 SQ. FT.

II. FREESTANDING/CANOPY ENTERPRISE SIGNAGE

A. CANOPY

PERMITTED 4x/6x SIGNS @ 25 SQ. FT. EACH (PURSUANT TO BCZR 450 ET SEQ.)

PROPOSED FOUR 7.07 SQ. FT. CANOPY FASCIA SIGNS (A)

III. WALL MOUNTED ENTERPRISE SIGNAGE

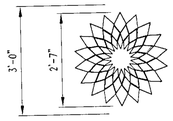
A. FRONT

PERMITTED 2 SQ. FT. PER LINEAR FOOT OF BUILDING FRONTAGE (PURSUANT TO BCZR 450 ET SEQ.)

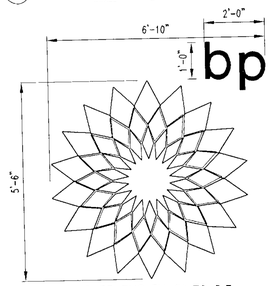
2 SQ. FT. x(96LF + 22LF) = 236 SQ. FT.

PROPOSED

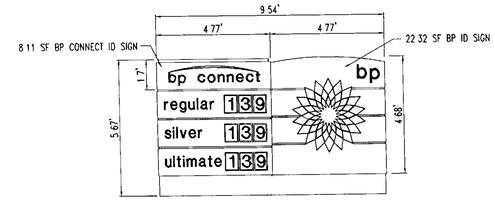
BUILDING SIGN (C)	= 97.50 SQ. FT.
BP EMBLEM SIGN (B)	= 25.76 SQ. FT.
CAR WASH SIGN (D)	= 57.00 SQ. FT.
TOTAL =	180.26 SQ. FT.



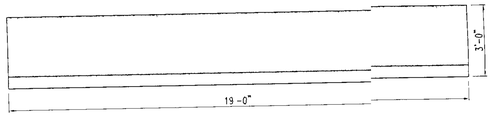
(A) CANOPY FASCIA SIGN 7.07 S.F.
SCALE 1" = 2'



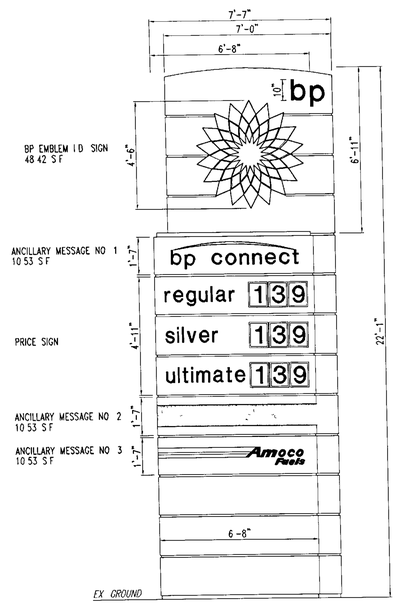
(B) PROPOSED BP EMBLEM 25.76 S.F.
SCALE 1" = 2'



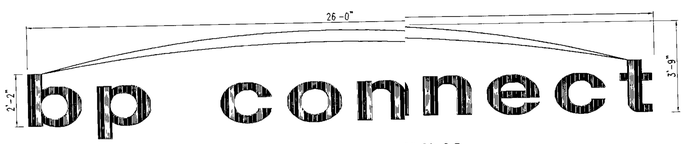
(F) PROPOSED MONUMENT I.D. SIGN 30.43 S.F. (RED RUN BOULEVARD)
SCALE 1" = 3'



(D) CAR WASH SIGN 57.00 S.F.
SCALE 1" = 3'



(E) PROPOSED MONOLITHIC I.D. SIGN 80.01 S.F.
SCALE 1" = 3' (PLEASANT HILL ROAD)



(C) PROPOSED BUILDING SIGN @97.50 S.F.
SCALE 1" = 3

CLIENT

bp

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DEVELOPMENT INFORMATION

SPECIAL EXCEPTION PLAN
4200 SERIES WITH
A CAR WASH AND A 7 MPD
STARTING GATE CANOPY

SITE ADDRESS

11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE # 17674

SCALE	AS NOTED	ALLIANCE ZACHP	J.L.
DATE	01/02/02	BP REPRE.	J.B.
DESIGNED BY	G.H.R.	ALLIANCE PM.	M.S.
DRAWN BY	M.J.G.	CAD #	M07101SE
CHECKED BY	T.F.W.	JOB #	M0007101

DRAWING TITLE

SIGNAGE PLAN

SHEET NO.

5

OF 5 REV. No.

TRAFFIC CONCEPTS, INC.

TOTAL TRAFFIC OBSERVATION

ALLSTATIONS	TOTAL	TOTAL PASS-THRU	EMPLOYMENT AREA GENERATED	PERCENT OF TOTAL PASS THROUGH
AM (IN)	1725	408	1317	24%
PM (OUT)	1768	487	1281	28%

DENOTES RED RUN EMPLOYMENT CORRIDOR

SITE LOCATION

EXHIBIT 2
ORIGIN & DESTINATION STUDY
RED RUN EMPLOYMENT CORRIDOR
BALTIMORE COUNTY

DATE: 7-8-02 SCALE: NONE

PRIMARY URBAN INTERSTATE

SECONDARY PRINCIPAL ARTERIAL

MINOR ARTERIAL

COLLECTOR

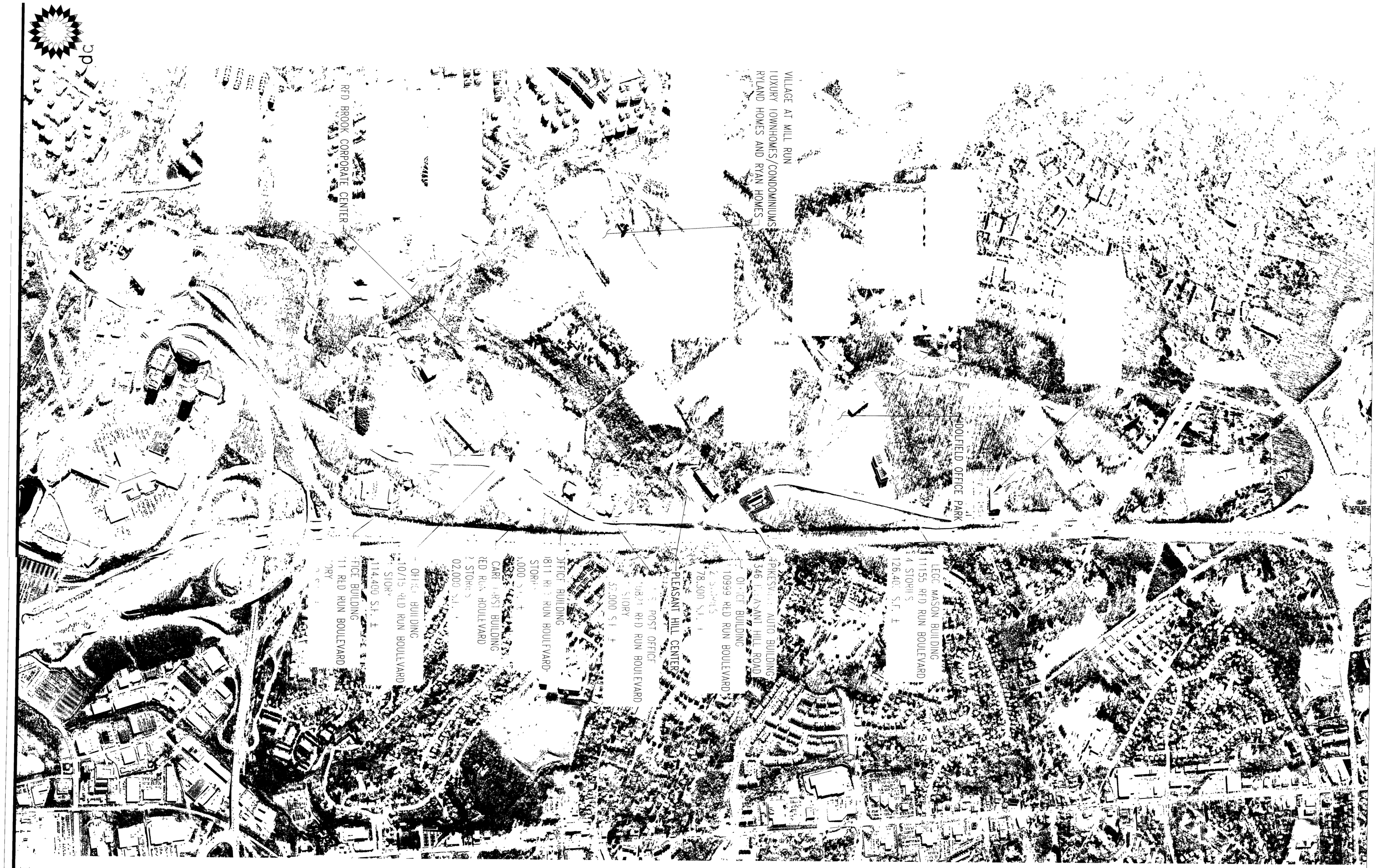
SITE LOCATION

DENOTES RED RUN EMPLOYMENT CORRIDOR

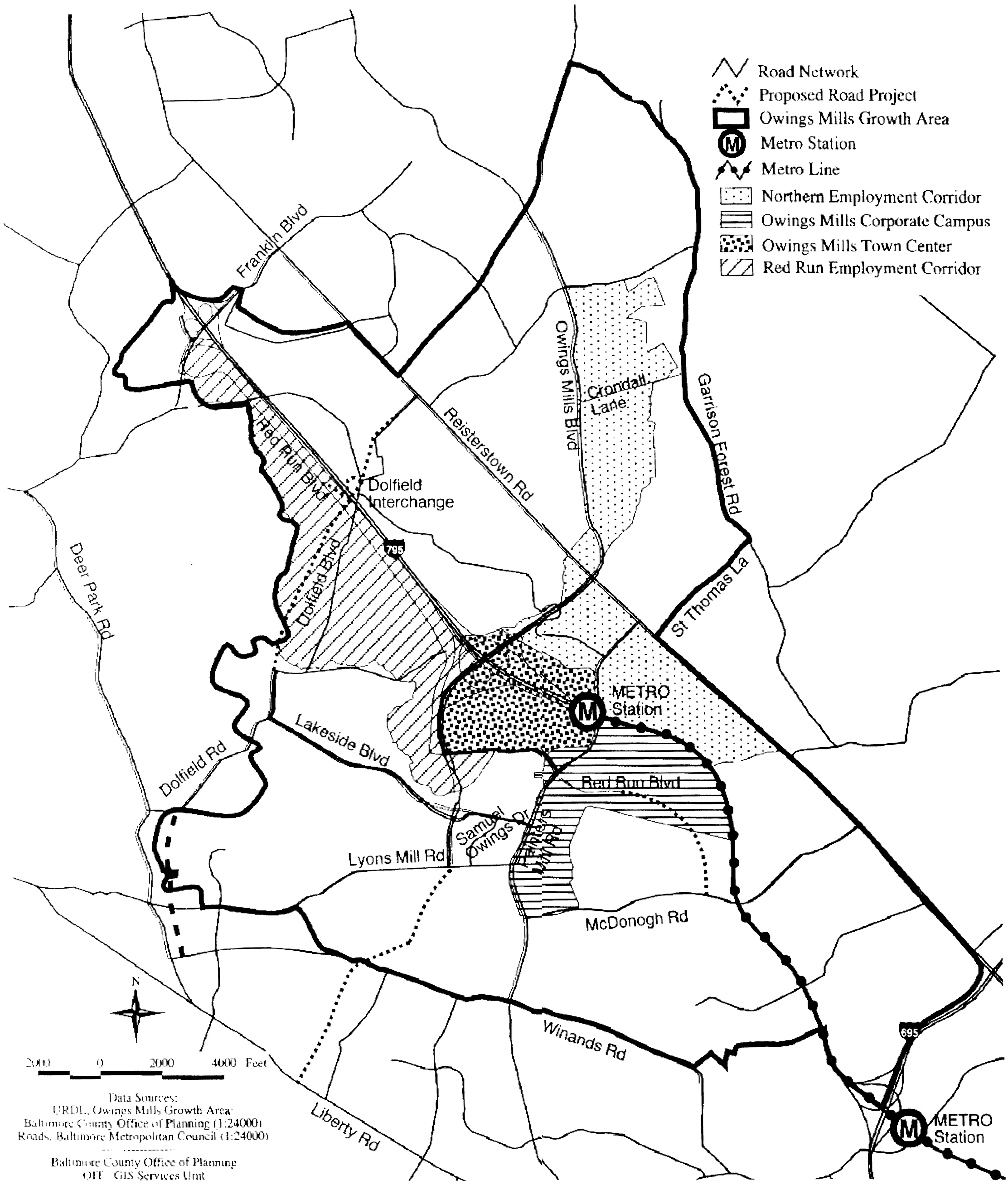
TRAFFIC CONCEPTS, INC.

EXHIBIT 1
FEDERAL FUNCTIONAL CLASSIFICATION
RED RUN EMPLOYMENT CORRIDOR
BALTIMORE COUNTY

DATE: 7-8-02 SCALE: NONE



BOHLER ENGINEERING, P.C.



MASTER PLAN 2010
OWINGS MILLS GROWTH AREA

bp

BOHLER ENGINEERING, P.C.

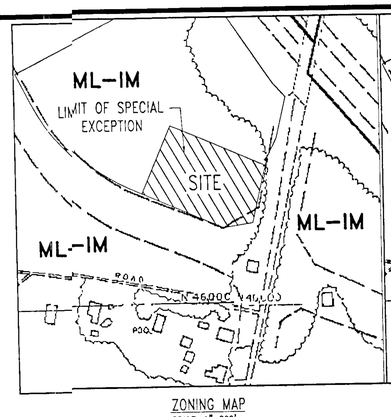
LEGEND

ON-SITE PROPERTY LINE / R.O.W. LINE
NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE
EASEMENT LINE
EXISTING PARCEL SETBACK LINE
R.O.W. CENTERLINE
SANITARY SEWER MAIN
STORM SEWER
WATER LINE
GAS LINE
UG ELECTRIC LINE
UG TELEPHONE LINE
CONTOUR
EDGE OF PAVEMENT
CONCRETE CURB
CONCRETE CURB & GUTTER
DRAINAGE DIVIDE
INDEX CONTOUR LINE
INTERMEDIATE CONTOUR LINE
SPOT ELEVATION
RIP RAP
HEADWALL OR ENDWALL
MANHOLE
YARD INLET
CURB INLET
AREA / YARD LIGHT
HYDRANT
WATER METER
WATER VALVE
GAS VALVE
UTILITY POLE
SIGN
TYPICAL NOTE TEXT
N 27°54'32" E TYPICAL METES & BOUNDS DESCRIPTION TEXT

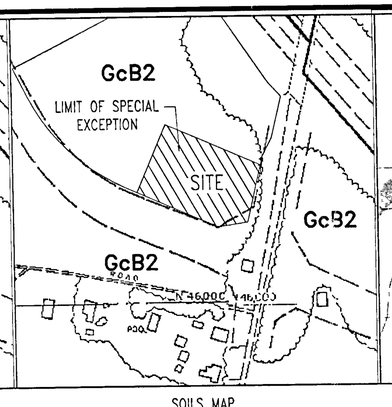
UTILITIES

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) 802029

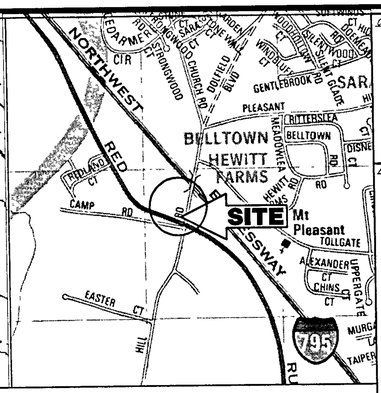
UTILITY COMPANY	PHONE NUMBER
BALTIMORE GAS & ELECTRIC	(410) 838-5000
VERIZON	(800) 255-2355
DEPARTMENT OF PUBLIC WORKS	(410) 712-0202
COMCAST OF BALTIMORE	(410) 931-4600
COMCAST CABLEVISION	(410) 931-4600



ZONING MAP
SCALE 1"=200'



SOILS MAP
SCALE 1"=200'



LOCATION MAP
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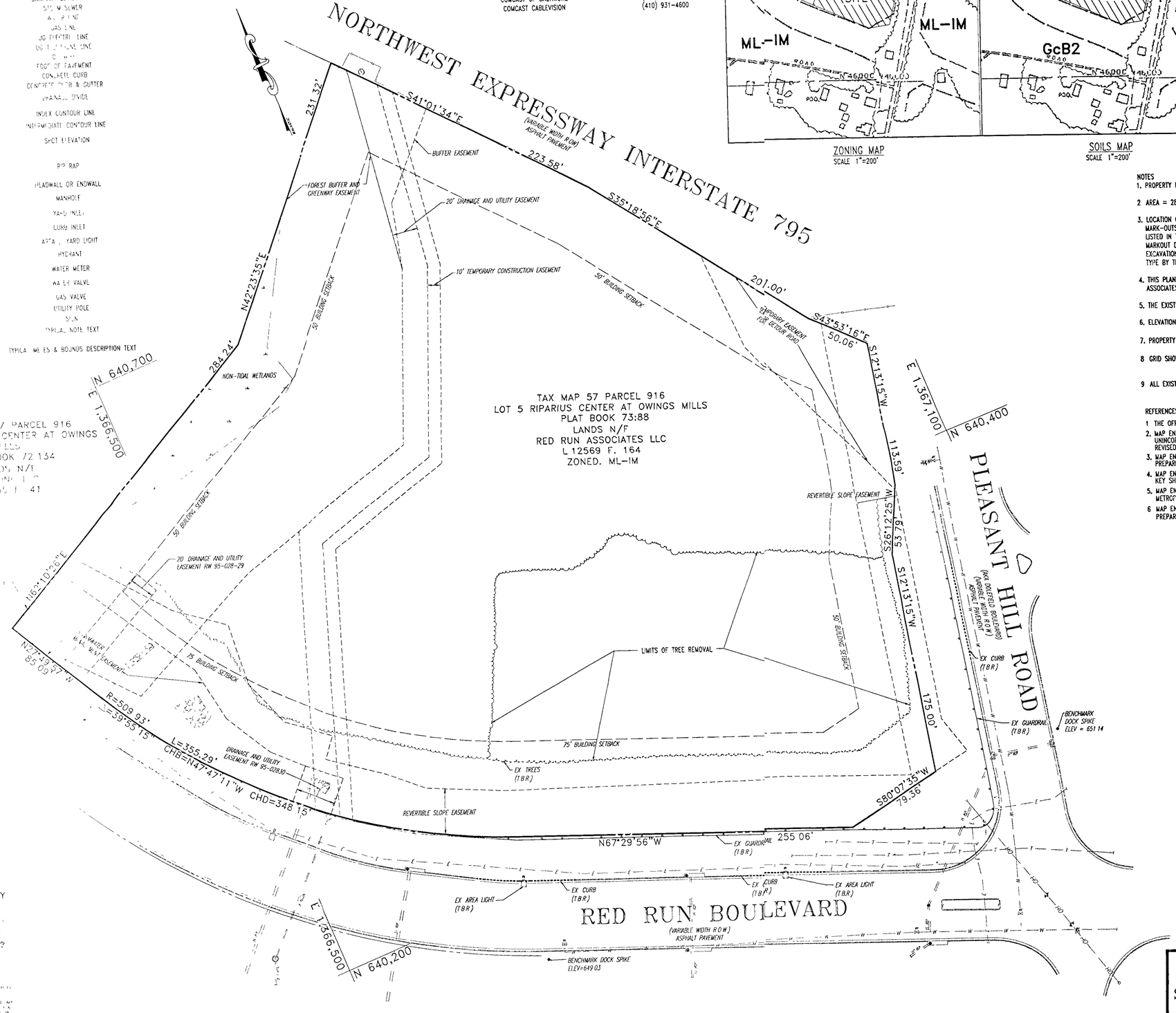
PERMIT USE NO 20694276
SCALE 1"=1000'



NOTES

1. PROPERTY KNOWN AS LOT 5, RIPARIUS CENTER AT OWINGS MILLS, TAX MAP 57 GRID 13, PART OF PARCEL 916
2. AREA = 283,946 S.F. OR 6.519 AC
3. 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 ASBUILT PLANS AND UTILITY MARKOUT 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
4. THIS PLAN IS BASED ON INFORMATION PROVIDED BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.
5. THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY.
6. ELEVATIONS ARE BASED UPON NAVD 88 DATUM PER BALTIMORE COUNTY, MONUMENT BCO 600, ELEV. 677.74.
7. PROPERTY IS LOCATED IN FLOOD HAZARD ZONE C (AREAS OF MINIMAL FLOODING) PER REF. #2
8. GRID SHOWN IS BASED ON MARYLAND NAD 83/91 MERIDIAN PER BALTIMORE COUNTY, MONUMENTS BCO # 599 & 600.
9. ALL EXISTING FEATURES TO BE REMOVED ARE DASHED AND BOLD.

REFERENCES

1. THE OFFICIAL TAX MAPS OF BALTIMORE COUNTY, MARYLAND, MAP 57
2. MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS", PANEL 220 OF 575, COMMUNITY-PANEL NUMBER 240010 0220 C, MAP REVISED SEPTEMBER 1, 1992
3. MAP ENTITLED "FIRST AMENDED FINAL PLAT LOTS 5 & 6, RIPARIUS CENTER AT OWINGS MILLS," PREPARED BY MRA, INC., DATED JANUARY 3, 2001, RECORD PLAT NO. 73-88
4. MAP ENTITLED "BALTIMORE COUNTY METROPOLITAN DISTRICT, KEY MAP, SANITARY SEWERS," KEY SHEET T S W
5. MAP ENTITLED "WATER MAINS KEY MAP GENERAL ENGINEERING OFFICE BALTIMORE COUNTY METROPOLITAN DISTRICT, MARYLAND, KEY SHEET T SW, LAST REVISED MAY 9, 1997.
6. MAP ENTITLED " RIPARIUS CENTER AT OWINGS MILLS SIXTH CRG REFINEMENT," PREPARED BY MRA, INC., JOB NUMBER 10538, REVISED MARCH 7, 2000

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NO	DATE	REVISION DESCRIPTION

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4200 SERIES WITH
A CAR WASH AND A 7 MPD
STARTING GATE CANOPY

SITE ADDRESS

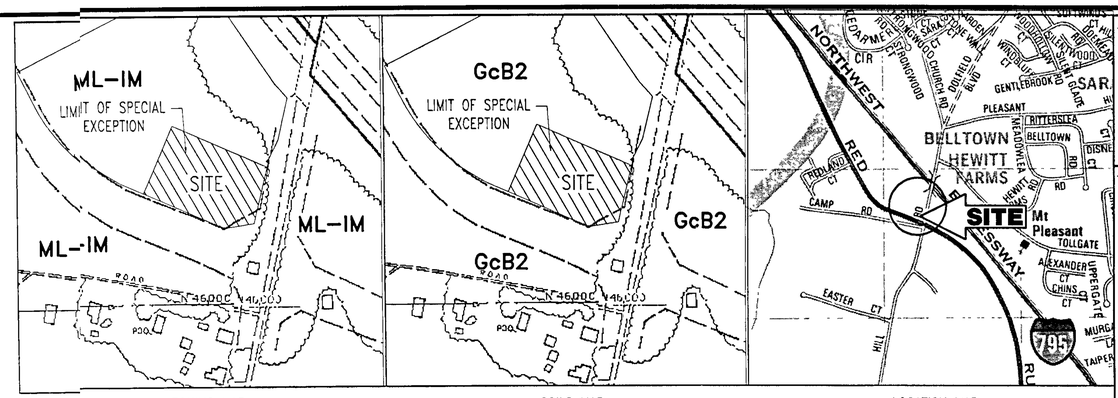
11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE # 17674

SCALE	1"=40'	ALLIANCE ENGINEER	J.L.
DATE	1/05/02	BP REPRESENTATIVE	J.B.
DESIGNED BY	M.P.S.	ALLIANCE PM	M.S.
DRAWN BY	F.L.T.	CAD #	M071010S0
CHECKED BY	T.F.W.	JOB #	MD007101

DRAWING TITLE
EXISTING CONDITIONS PLAN

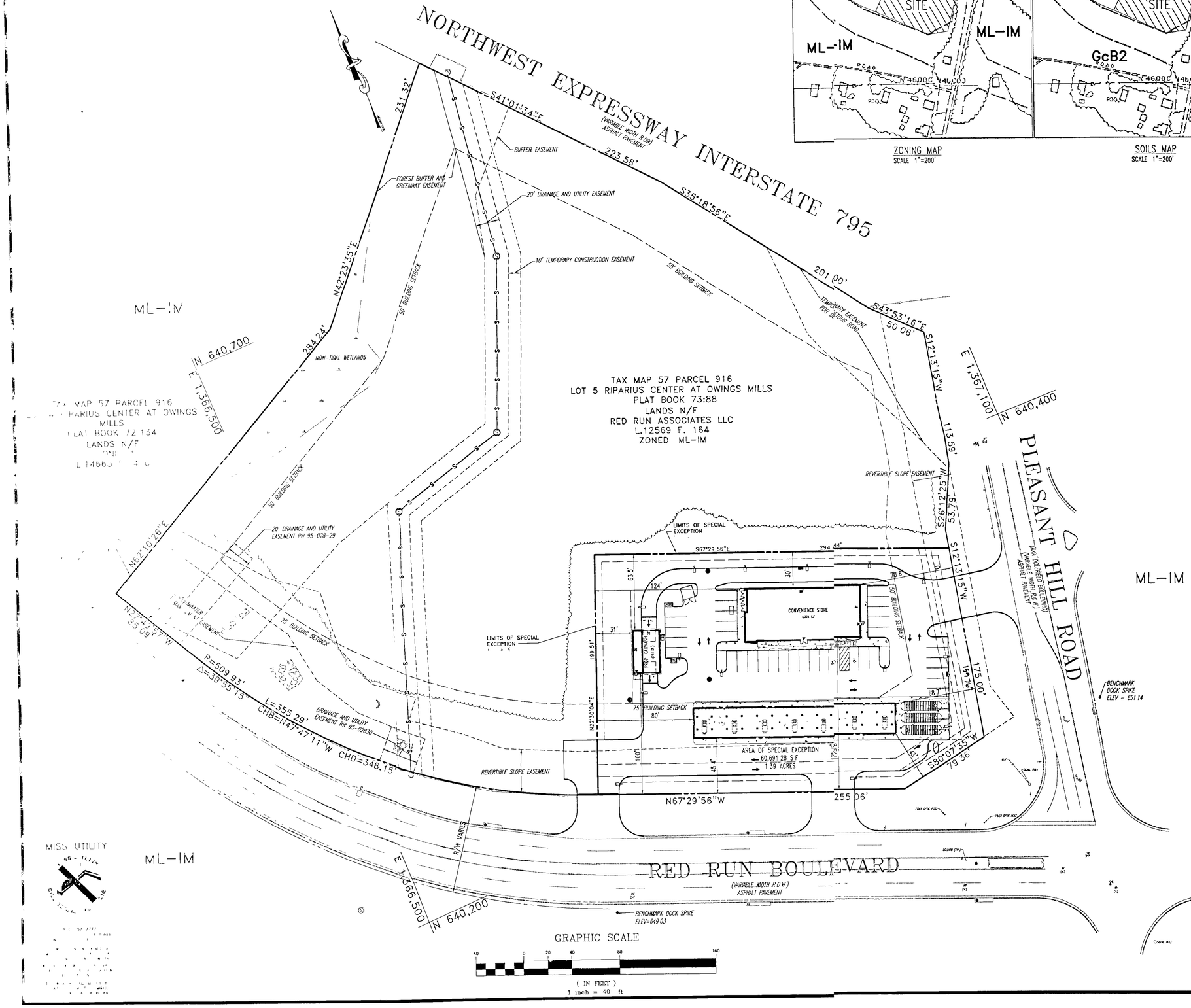
SHEET NO.
1
OF 5
REV. No.



ZONING MAP
SCALE 1"=200'

SOILS MAP
SCALE 1"=200'

LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO 20694276
SCALE 1"=1000'



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DELAVARE LICENSE No. 10734

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DEVELOPMENT INFORMATION

SPECIAL EXCEPTION PLAN
4200 SERIES WITH
A CAR WASH AND A 7 MPD
STARTING GATE CANOPY

SITE ADDRESS

11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE # 17674

SCALE	1"=40'	ALLIANCE ZAGME	J.L.
DATE	1/05/02	BP REPAC	J.B
DESIGNED BY	M.P.S.	ALLIANCE PMC	M.S
DRAWN BY	F.L.T.	CAD #	M071010S0
CHECKED BY	T.F.W.	JOB #	MD007101

DRAWING TITLE

OVERALL SITE PLAN

SHEET NO

2

OF 5 REV. No

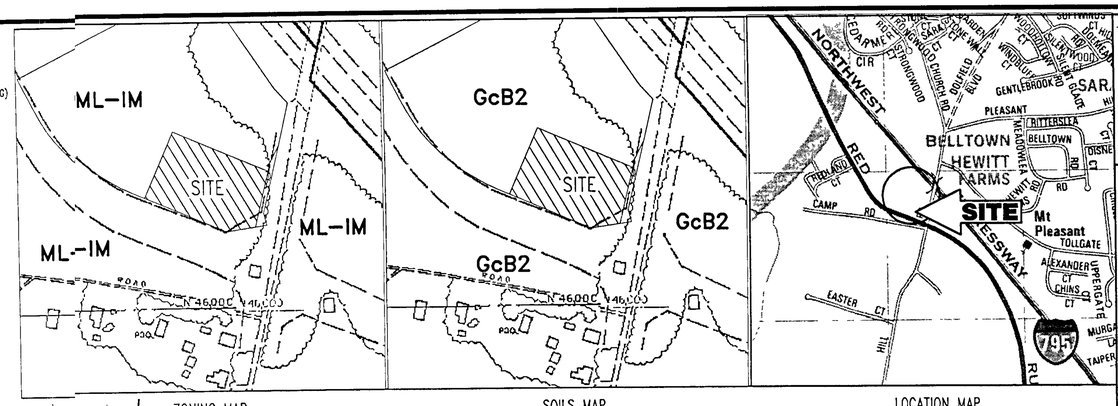
REQUESTED
SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE CARRY OUT RESTAURANT, CAR WASH AND ANCILLARY USE AUTOMATIC TELLER MACHINE

VARIANCE
FROM SECTION 450 TO PERMIT 80 01 S F OF FREESTANDING SIGNAGE ON PLEASANT HILL ROAD IN LIEU OF THE PERMITTED 75 S F

PLAN PREPARED BY
BOHLER ENGINEERING P C
810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286
ATTN TIM WHITTIE
PHONE 410-821-7900

APPLICANT/DEVELOPER
BP CORPORATION
1 WEST PENNSYLVANIA AVENUE,
SUITE 95
TOWSON, MARYLAND 21286
ATTN JOHN LOMBARDO
PHONE 410-494-3772

LEGEND
- PARKING SPACES
- FLOW OF TRAFFIC (NOT STRIPING)
- MPD SERVICING
- MPD STACKING
- CAR WASH STACKING



ZONING MAP
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SOILS MAP
SCALE 1"=200'

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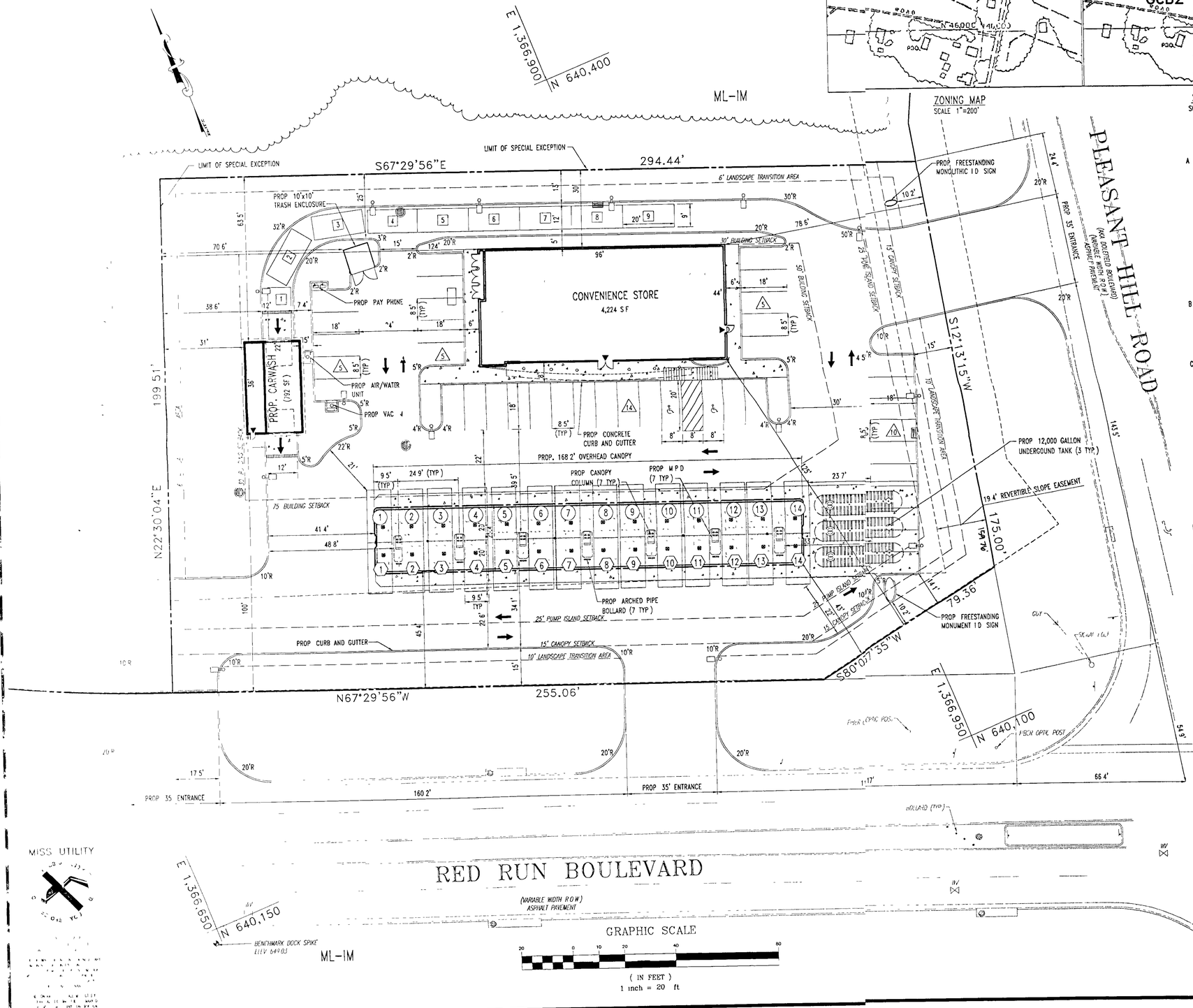

MISS UTILITY

ZONING NOTES

A AREA REQUIREMENTS
1 SEVEN (7) DISPENSER ISLANDS WITH 7 MULTI-PRODUCT DISPENSERS SERVING A TOTAL OF FOURTEEN (14) CARS AT ONE TIME
SERVING SPACES REQUIRED = 14
SITE AREA REQUIRED = 14 x 1,500 SQ FT = 21,000 SQ FT

2 USE IN COMBINATION WITH
CONVENIENCE STORE 3,624 SQ FT x 4 = 14,496 SQ FT
CARRY OUT RESTAURANT 600 SQ FT x 6 = 3,600 SQ FT.

3. ANCILLARY USE ATM MACHINE = 1,000 SQ FT

4 TOTAL SITE AREA
REQUIRED 40,096 SQ FT.
SPECIAL EXCEPTION AREA 60,691 SQ FT
TOTAL LOT AREA 283,967 SQ FT

B ACCESS POINTS
1 EXISTING NONE

2. PROPOSED
A. TWO (2) 35' ENTRANCES ONTO RED RUN BOULEVARD
B ONE (1) 35' ENTRANCE ONTO PLEASANT HILL ROAD

C PARKING
1 REQUIRED
ONE SPACE PER EMPLOYEE ON LARGEST SHIFT
4 EMPLOYEES x 1 = 4 SPACES
ONE SPACE PER AIR UNIT =
1 AIR UNIT x 1 = 1 SPACE
ONE SPACE PER VACUUM PAD =
1 VACUUM PAD x 1 = 1 SPACE
FIVE SPACES PER 1,000 SQ FT. OF CONVENIENCE STORE
GROSS FLOOR AREA 3,624 SQ. FT x 5/1,000 SQ FT. = 18 SPACES
FIVE SPACES PER 1,000 SQ FT OF CARRY OUT
RESTAURANT FLOOR AREA 600 SQ FT x 5/1,000 = 3 SPACES
FOUR SPACES PER "ROLLOVER" CAR WASH = 4 SPACES
ONE SPACE PER ATM MACHINE- 1 SPACE
TOTAL PARKING REQUIRED. 32 SPACES

2 PROVIDED
39 SPACES (INCLUDING 2 HANDICAPPED SPACES)

D SITE ADDRESS
BP CORPORATION
11050 RED RUN BOULEVARD
OWINGS MILLS, MARYLAND 21117

E. REQUIRED SETBACKS
1 BUILDING
A. TO RIGHT OF WAY = 50'
B TO PROPERTY LINE = 30'
2 CANOPY
A TO RIGHT OF WAY = 15'
B TO PROPERTY LINE = 0'
3 PUMP ISLAND
A TO RIGHT OF WAY = 25'
B TO PROPERTY LINE = 0'
4 SIGN
A. TO RIGHT OF WAY = 10'
B TO PROPERTY LINE = 0'
5. LANDSCAPE TRANSITION AREA
A. TO RIGHT OF WAY = 10'
B TO PROPERTY LINE = 6'

F ZONING HISTORY
SUBJECT SITE PART OF LOT 5 OF RIARIUS CENTER AT OWINGS MILLS SIXTH CRG REFINEMENT (CRG#89074) AND ZONING CASE #90-295-SPHA (ORDER DATED 5/24/01)

SITE INFORMATION

THIS PLAN REFERENCES A SURVEY BY

MORRIS AND RITCHIE ASSOCIATES
110 WEST RD
TOWSON, MD 21264

1 ZONE ML-IM (MANUFACTURING LIGHT-INDUSTRIAL MAJOR)

2 NET SITE AREA 283,967 SQ FT OR 6 519 AC
(SPECIAL EXCEPTION AREA. 60,691 SQ. FT. OR 1.39 AC.)

3 EXISTING FLOOR AREA. 0 SQ. FT

4 PROPOSED FLOOR AREA CONVENIENCE STORE 3,624 SQ. FT.
RESTAURANT. 600 SQ FT
CAR WASH 792 SQ FT

5 PERMITTED FLOOR AREA RATIO 4 0

6. EXISTING FLOOR AREA RATIO. 0.0

7 PROPOSED FLOOR AREA RATIO· 0 013

8 PLAT REFERENCE 73/88

9 OWNER RED RUN ASSOCIATES, L.L.C.

10 TAX ACCOUNT NUMBER 23-00009190

11 ELECTION DISTRICT 04

12. COUNCILMANIC DISTRICT· 3RD

13. WATERSHED· 28

14 SUBSEWERSHED 66

15 EXISTING USE UNDEVELOPED LOT

16 PROPOSED USE FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE,CARRY-OUT RESTAURANT AND CAR WASH AND AN ANCILLARY ATM MACHINE

17 CENSUS TRACT. 4041

18 IMPERVIOUS AREA: 42,412 SF OR 0 97 AC

19 LANDSCAPE AREA 11,406 SF OR 0.26 AC

20 SITE IS LOCATED IN FLOOD HAZARD ZONE C (AREAS OF MINIMAL
FLOODING) PER F E M A. MAP PANEL 220 OF 575, COMMUNITY PANEL NUMBER 240010 0220 C

21. WETLANDS HAVE BEEN DELINEATED ON "FIRST AMENDED FINAL PLAT LOTS 5&6 RIPARIUS CENTER AT OWINGS MILLS"

22 COMPRESSED AIR, WATER AND RESTROOM FACILITIES WILL BE AVAILABLE FOR CUSTOMER USE

23 STORAGE OF RENTAL TRUCKS IS NOT PROPOSED AS PART OF THIS APPLICATION

24 THE PROPERTY IS LOCATED WITHIN THE RIPARIUS CENTER AT OWINGS MILLS PLANNED INDUSTRIAL PARK

25 HOURS OF OPERATION 24 HOURS A DAY, 7 DAYS A WEEK

26 FOREST CONSERVATION NOT REQUIRED PER CRG# 89074

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DEVELOPMENT INFORMATION
SPECIAL EXCEPTION PLAN
4200 SERIES WITH A CAR WASH AND A 7 MPD STARTING GATE CANOPY

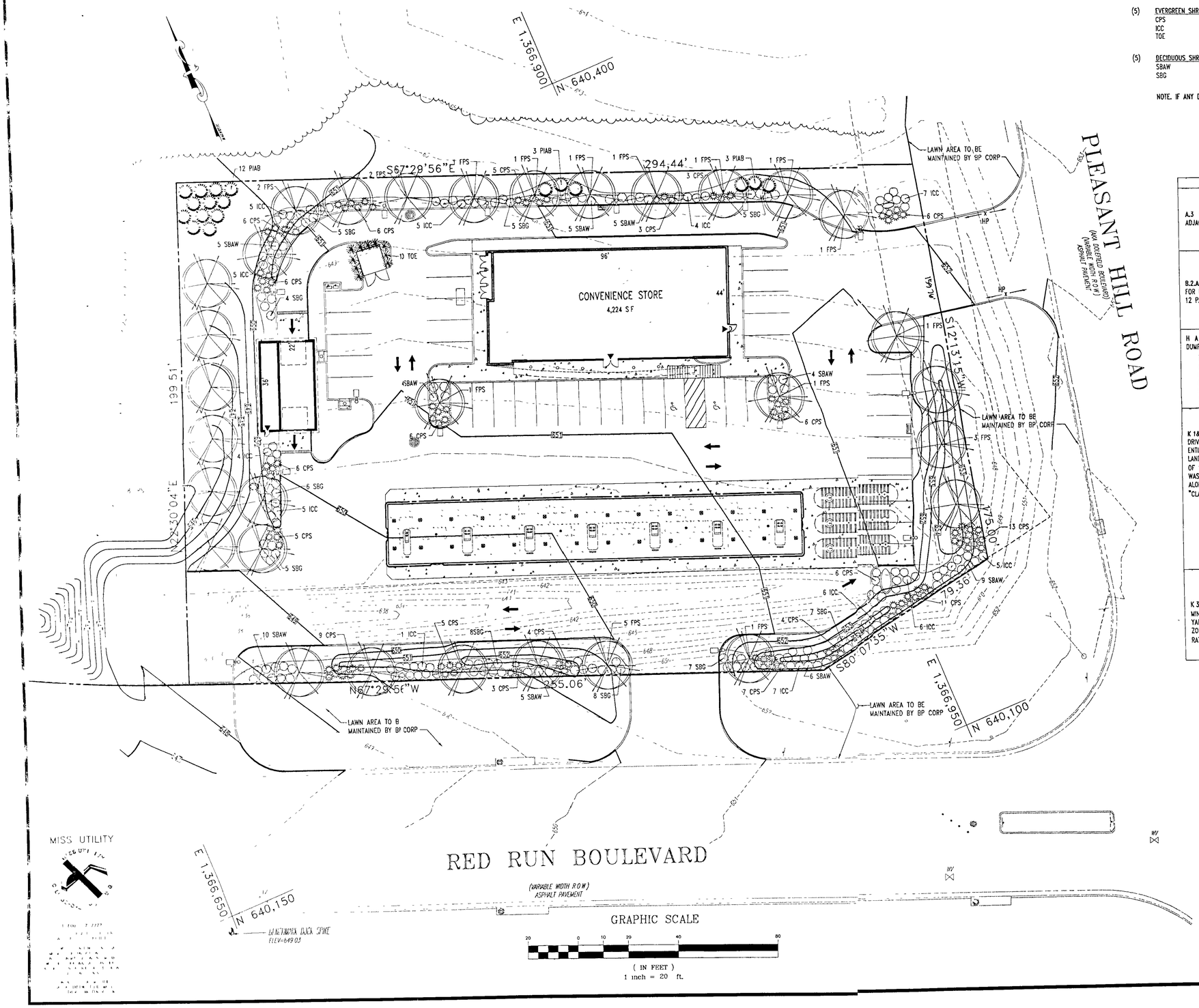
SITE ADDRESS
11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE #17674

SCALE	1"=20'	ALLIANCE ZAP#	J.L.
DATE	01/02/02	BP REP#	J.B.
DESIGNED BY	G H.R.	ALLIANCE PM	M.S.
DRAWN BY	M J G.	CAD #	M07101SS0
CHECKED BY	T F W.	JOB #	M0007101

DRAWING TITLE
SITE PLAN

SHEET NO
3
OF 5
REV. No.



LANDSCAPE SCHEDULE

#/PU	KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
(1)	SHADE TREE					
	FPS	25	FRAXINUS PENSYLANICA 'SUMMIT'	SUMMIT GREEN ASH	2 1/2-3" CAL.	B+B
(1)	EVERGREEN TREE					
	PIAB	18	PICEA ABIES	WHITE PINE	6'-7'	B+B
(5)	EVERGREEN SHRUB					
	CPS	120	CHAMAECYPARIS PISEFERA 'SUNGOLD'	SUNGOLD THREADLEAF CYPRESS	15-18" SPRD	#3 CAN
	ICC	71	ILEX CRENATA 'COMPACTA'	COMPACT JAPANESE HOLLY	24-30"	#3 CAN
	TOE	10	THUJA OCCIDENTALIS 'EMERALD'	EMERALD GREEN ARBORVITAE	5-6'	B+B
		201				
(5)	DECIDUOUS SHRUB					
	SBAW	53	SPIREA X BUMALDA 'ANTHONY WATERER'	ANTHONY WATERER SPIREA	18-24"	#3 CAN
	SBG	62	SPIREA X BUMALDA 'GOLDFLAME'	GOLD FLAME SPIREA	15-18"	#3 CAN
		115				

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

REQUIREMENTS FOR PROJECT CONDITIONS

REQUIREMENTS	CALCULATIONS (REQUIRED/PROPOSED)	COMPLIANCE
A.3 1 PLANTING UNIT (PU) PER 40' OF ADJACENT ROADWAY	PLEASENT HILL ROAD 202 L.F REQUIRED 5 PU PROVIDED 5 FPS (5 PU)	COMPLIES
	RED RUN BOULEVARD 340 L.F REQUIRED 9 PU PROVIDED 9 AR (9 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 16,650 SQ FT. REQUIRED 7%· 1165 5 SQ FT PROVIDED 1,702 SQ FT (10%)	COMPLIES
	TOTAL PARKING SPACES: 39 REQUIRED 3 3 PU PROVIDED 4 4 PU	COMPLIES
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 10 TOE (2 PU)	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 ABUTS A PUBLIC R O W LANDSCAPING ALONG THE PUBLIC R O W SHALL COMPLY WITH "CLASS B" REQUIREMENTS (SEE BELOW)	REQUIRED· 10' TO R O W PROPOSED MINIMUM 10' TO R O W ALONG BOTH PLEASENT HILL RD AND RED RUN BLVD	COMPLIES
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	PLEASENT HILL RD· 167 L.F REQUIRED 11 1 PU PROVIDED· 11 2 PU	COMPLIES
	RED RUN BLVD 286 5 L.F. REQUIRED. 19.1 PU PROVIDED 19.2 PU	COMPLIES
K 3 THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6' IN ALL SIDE AND REAR YARDS ABUTTING COMMERCIALLY OR INDUSTRIALLY ZONED LAND, AND SHALL BE VEGETATED AT THE RATE OF 1 PU PER 10'	REQUIRED 6' TO ABUTTING PROPERTY LINE PROPOSED 6' MINIMUM TO ABUTTING PROPERTY LINE	COMPLIES
	PROPERTY LINE PERIMETER· 492 00 L.F REQUIRED 49 2 PU PROPOSED 49 2 PU	WAIVER

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SITE ADDRESS

11050 RED RUN BLVD
OWINGS MILLS, MARYLAND
BALTIMORE COUNTY

STORE #17674

SCALE	1"=20'	ALLIANCE ZONE	J.L.
DATE	01/02/02	BP REPR.	J.B.
DESIGNED BY	G.H.R.	ALLIANCE PM	M.S.
DRAWN BY	M.J.G.	CAD #	M07101SS0
CHECKED BY	T.F.W.	JOB #	MD007101

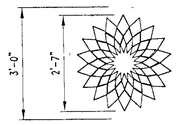
DRAWING TITLE

GRADING PLAN & LANDSCAPING PLAN

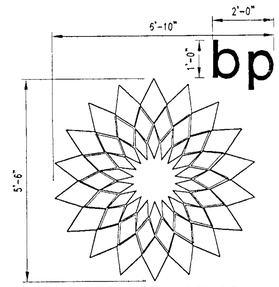
SHEET NO

4

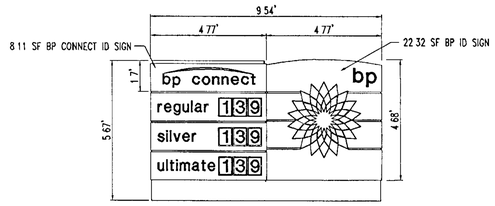
OF 5 REV. No.



(A) CANOPY FASCIA SIGN 7 07 S F
SCALE 1" = 2'



(B) PROPOSED BP EMBLEM 25.76 S F
SCALE 1" = 2'



(F) PROPOSED MONUMENT I.D. SIGN 30.43 S.F. (RED RUN BOULEVARD)
SCALE 1" = 3'

SIGNAGE CALCULATIONS

I FREESTANDING ENTERPRISE SIGNAGE

A PERMITTED 75 SQ FT (PURSUANT TO BCZR 450 ET SEQ.) ALONG PLEASANT HILL ROAD

B PROPOSED

ONE FREESTANDING MONOLITHIC I D SIGN (E)

BP EMBLEM	48 42 SQ FT.
BP CONNECT	10 53 SQ. FT.
CAR WASH	10 53 SQ FT.
AMOCO FUELS	10 53 SQ. FT.
PRICE	N/A
TOTAL	80 01 SQ FT

A PERMITTED 100 SQ FT (PURSUANT TO BCZR 450 ET SEQ.) ALONG RED RUN BLVD.

B PROPOSED

ONE FREESTANDING MONUMENT I D SIGN (F)

BP ID SIGN	22 32 SQ FT
BP CONNECT SIGN	8.11 SQ FT
	N/A
TOTAL	30 43 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 (A)

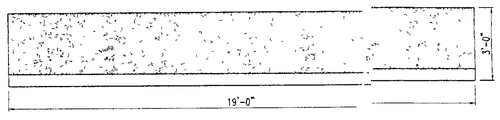
III WALL MOUNTED ENTERPRISE SIGNAGE

A FRONT

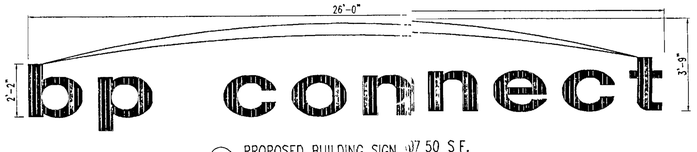
PERMITTED 2 SQ FT PER LINEAR FOOT OF BUILDING FRONTAGE (PURSUANT TO BCZR 450 ET SEQ.)
2 SQ FT x(96LF + 22LF) = 236 SQ FT

PROPOSED

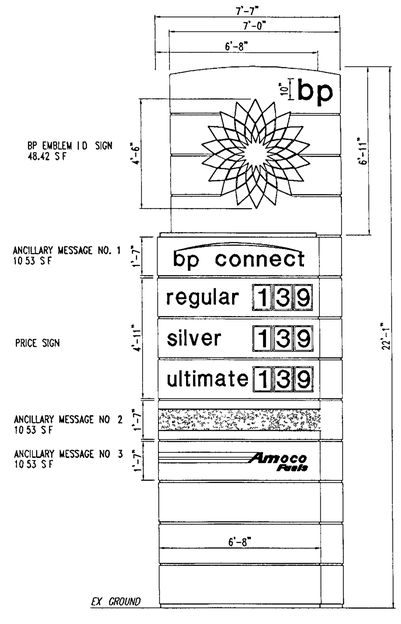
BUILDING SIGN (C)	= 97.50 SQ. FT.
BP EMBLEM SIGN (B)	= 25 76 SQ FT
CAR WASH SIGN (D)	= 57 00 SQ FT.
TOTAL =	180.26 SQ. FT



(D) CAR WASH SIGN 57 00 S F
SCALE 1" = 3'



(C) PROPOSED BUILDING SIGN 97 50 S F.
SCALE 1" = 3'



(E) PROPOSED MONOLITHIC I.D. SIGN 80.01 S F.
SCALE 1" = 3' (PLEASANT HILL ROAD)

CLIENT

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1 W PENNSYLVANIA AVENUE, STE 95
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STARTING GATE CANOPY

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BALTIMORE COUNTY

STORE # 17674

SCALE	AS NOTED	ALLIANCE ZAOM	J.L.
DATE	01/02/02	BP REPW	J B.
DESIGNED BY	G.H R	ALLIANCE PM	M.S.
DRAWN BY	M J G	CAD #	M07101SE
CHECKED BY	T F W.	JOB #	MD007101

DRAWING TITLE

SIGNAGE PLAN

SHEET NO.

5

OF 5 REV. No