IN RE: PETITION FOR SPECIAL EXCEPTION NW/Corner Westminster Pike & Hanover Road (10 Westminster Pike & 15 Hanover Road) 4th Election District 3rd Council District	* * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
Hazel V. Gies, Owner; Cloverland Farms Dairy, Inc., Contract Purchaser	* *	Case No. 03-024-X

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the subject property, Hazel V. Gies, and the Contract Purchasers, Cloverland Farms Dairy, Inc., through their attorney Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a fuel service station and a convenience store as uses in combination, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Edward L. Gies, the property owner's son; John Kemp, Executive Vice President of Cloverland Farms Dairy, Inc., the Contract Purchasers, and their attorneys Robert A. Hoffman, Esquire, and David Karceski, Esquire. Also appearing on behalf of the Petitioners were Ken Schmid, a traffic engineer, Bob Sheeseley, an environmental expert, and Nick Brader, a Civil Engineer with Matis Warfield who prepared the site plan for this property. Larry Hammond, Esquire, appeared on behalf of the local business community. There were no Protestants or other interested persons present.

The subject property is an irregularly shaped parcel located at the northwest corner of the apex created by the convergence of Hanover Road (Maryland Route 30), Westminster Pike (Maryland Route 140), and Main Street in Reisterstown. The property is actually comprised of two parcels, identified as Lots A and B, presently owned by Hazel V. Gies. Lot A, also known as 10 Westminister Pike, is the larger of the two parcels and is located immediately adjacent to the intersection. For many years, Lot A was improved with a gasoline service station which served as

ORDER RECEIVED FOR FILING
Date 4/24/03
By

a landmark in the Reisterstown community. Most recently, a Shell station operated on the property; however, that business closed approximately 2 years ago. Lot B actually abuts Hanover Road (Maryland Route 30) and is located immediately adjacent to Lot A. Lot B, also known as 15 Hanover Road, is a rectangular shaped parcel that is improved with a Royal Farms store which has existed on the property for some time.

This property was the subject of prior Case No. 01-262-SPHXA wherein the Petitioners sought alternative relief to permit the consolidation of Lots A and B and the redevelopment of the site with a combination fuel service station and convenience store. Specifically, the Petitioners requested a special hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of a convenience store with **less** than 1500 sq.ft. of sales floor area, as an ancillary use, pursuant to Section 405.6.a.1 of the B.C.Z.R. In the alternative, a special exception was requested to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **greater** than 1500 sq.ft. of sales floor area as a use in combination, pursuant tot Section 405.4.e.1. In addition, a series of variances were requested for existing conditions on the property. By Order of the undersigned on February 27, 2001, the special hearing relief was dismissed as moot and the special exception, pursuant to Section 405 4.e.1 was granted, along with the requested variances. The Office of People's Counsel filed an appeal of that decision and the matter is still pending.

Although it appears largely a matter of semantics, apparently the Office of People's Counsel avers that the phrasing of the relief previously granted is improper. Rather than litigate the matter at the Board of Appeals, the Petitioners have re-filed their Petition for Special Exception, seeking approval to "permit a fuel service station and convenience store" as uses in combination, pursuant to Sections 405.2.b.1 and 405.4.e.1 of the B.C.Z.R." It is of note that the original Petition sought relief from the same Section as in the instant case (405.4.e.1); however, the prior case sought approval to expand and reconstruct the existing service station; a description that has been deleted in the instant Petition.

Insofar as the test for special exception relief, as set out in Section 502.1 of the B.C.Z.R., the Findings of Fact and Conclusions of Law are identical in the instant case as those

made in Case No. 01-262-SPHXA. I therefore incorporate those findings in this decision. Specifically, I find that the relief requested will not be detrimental to the health, safety and general welfare of the locale and should be granted.

Finally, it is to be noted that certain restrictions were entered in the prior Order. Testimony and evidence presented in the instant case indicated that Restrictions 2, 3 and 4 have been satisfied. They include the submission of building elevation drawings, lighting and landscape plans, and sign package proposals for review and approval by the Office of Planning. Also, those restrictions dictated that certain access points would be approved by the Maryland State Highway Administration (SHA). It was also required that the Petitioners meet certain concerns identified by the Department of Environmental Protection and Resource Management (DEPRM) and the Maryland Department of the Environment (MDE). Since those conditions have been satisfied, they need not be reincorporated herein.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of September, 2002 that the Petition for Special Exception to permit a fuel service station and a convenience store as uses in combination, pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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

2) Compliance with all other terms and conditions of the Order issued February 27, 2001.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 9/24/02
By

Baltimore County
Zoning Commissioner

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

September 24, 2002

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

RE: PETITION FOR SPECIAL EXCEPTION
NW/Corner Westminster Pike and Hanover Road
(10 Westminster Pike and 15 Hanover Road)
4th Election District – 3rd Council District
Hazel V. Gies, Owner; Cloverland Farms Dairy, Inc., Contract Purchaser - Petitioners
Case No. 03-024-X

Dear Messrs. Hoffman & Karceski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Ms. Hazel Gies, 23 Wolf Avenue, Reisterstown, Md. 21136
Mr. Edward L. Gies, 115 Gwynnbrook Avenue, Owings Mills, Md. 21117
Mr. John Kemp, Exec, V.P., Cloverland Farms, 3611 Roland Ave., Baltimore, Md. 21211
Mr. Ken Schmid, 325 Gambrills Road, Suite E, Gambrills, Md. 21054
Mr. Nick Brader, 10540 York Road, Suite M, Hunt Valley, Md. 21030
Larry Hammond, Esquire, 465 Main Street, Reisterstown, Md. 21136
Mr. Robert Sheeseley, 8354 Chestnut Farm Lane, Ellicott City, Md. 21043
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 15 Hanover Road/10 Westminster Pike

which is presently zoned BL-AS

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

SEE ATTACHED

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

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:

Cloverland Farms Dairy, Inc.
Name - Type or Print

By: John M. Kemp
Signature John M. Kemp, Executive Vice-President

3611 Roland Avenue 410-889-0200
Address Telephone No.

Baltimore, MD 21211-2408
City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Signature

Venable, Baetjer and Howard, LLP
Company

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

Legal Owner(s):

Hazel V. Gies
Name - Type or Print

Hazel V. Gies
Signature

Name - Type or Print

Signature

23 Wolf Avenue 410-356-7291
Address Telephone No.

Reisterstown MD 21136
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

210 Allegheny Avenue 410-494-6200
Address Telephone No.

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By SDT **Date** 07-12-07

Case No. 03-24-X

ORDER RECEIVED FOR FILING
Date 9/24/02
By

220 09/15/98

PETITION FOR SPECIAL EXCEPTION
15 Hanover Road/10 Westminster Pike

Special exception to permit a fuel service station and a convenience store as a use in combination pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations.

ORDER RECEIVED FOR FILING
Date 9/24/12
By

TO1DOCS1/DHK01/#140796 v1

03-24x

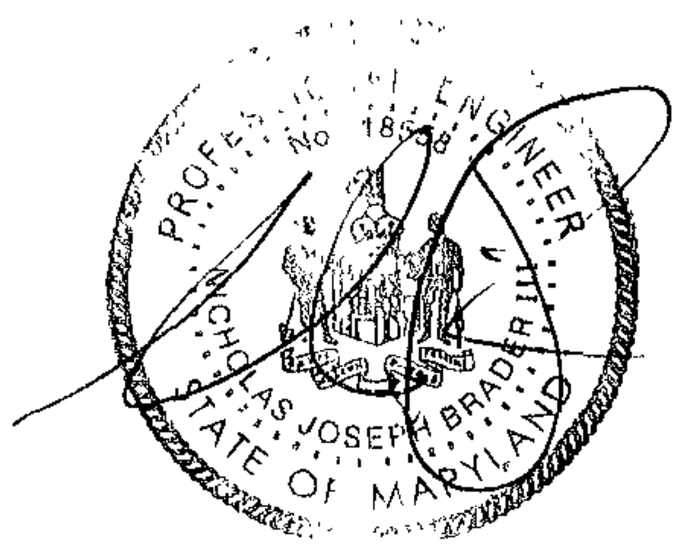
July 8, 2002

ZONING DESCRIPTION
TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION
ROYAL FARM STORE
10-15 WESTMINSTER PIKE
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the northerly Right of Way line of Westminster Pike (Maryland Route 140) at the intersection with Hanover Road (Maryland Route 30) as shown on Record E.H.K., Jr. 51 folio 40 said point of beginning being designated as point 4 on said plat, running thence and binding on the northerly side of Westminster Pike, (1) North 56 degrees 02 minutes 14 seconds West 179.65 feet, thence leaving Westminster Pike and running for the lines of this zoning description (2) North 33 degrees 57 minutes 46 seconds East 80.84 feet, (3) North 06 degrees 35 minutes 34 seconds West 19.23 feet, (4) North 02 degrees 17 minutes 12 seconds East 27.00 feet, (5) North 54 degrees 01 minutes 28 seconds West 42.02 feet, (6) North 35 degrees 58 minutes 32 seconds East 32.54 feet, (7) South 02 degrees 04 minutes 37 seconds East 35.48 feet, (8) South 87 degrees 42 minutes 48 seconds East 165.24 feet to the West side of Hanover Road (Maryland Route 30), thence running and binding on the west side of Hanover Road, (9) South 05 degrees 59 minutes 22 seconds West 148.07 feet, (10) southwesterly by a curve to the left having a radius of 914.47 feet for a distance of 61.39 feet subtended by a chord with the bearing South 04 degrees 03 minutes 57.5 seconds West 61.40 feet and (11) South 62 degrees 25 minutes 51 seconds West 30.16 feet to the place of beginning.

Containing 0.698 Acres of Land, more or less.

Note: This description only satisfies the requirements of a Zoning Petition and is not to be used for the purposes of conveyance.



03-24-X

BALTIMORE COUNTY, MARYLAND 03-24-02
OFFICE OF BUDGET & FINANCE **No.** 14394
MISCELLANEOUS RECEIPT

DATE 7-12-02 ACCOUNT R 001 006 615

AMOUNT $ 300.00

RECEIVED FROM: Cloverland Farms Inc.

FOR: Special Exception 300
Total 300

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME
7/15/2002	7/12/2002	15:23:35

REG W002 MATI JEVA JEE DRAWER 2
>>RECEIPT # 211432 7/12/2002 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 014394
Recpt Tot $300.00
300.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case. #03-024-X
15Hanover Road/10 Westminster
N/w corner Westmoreland Pike and Hanover Road
3rd Election District
4th Councilmanic District
Legal Owner(s): Hazel V. Gies
Special Exception: to permit a fuel service station and a convenience store as a use in combination pursuant to Section 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations.
Hearing: Monday, September 9, 2002 at 10:00 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.
8/296 Aug 22 C557637

CERTIFICATE OF PUBLICATION

8/22/, 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 8/22/, 2002.

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

L. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 03-024-X

Petitioner/Developer: _____

Hazel V. Gies

Date of Hearing/Closing: 9-9-02

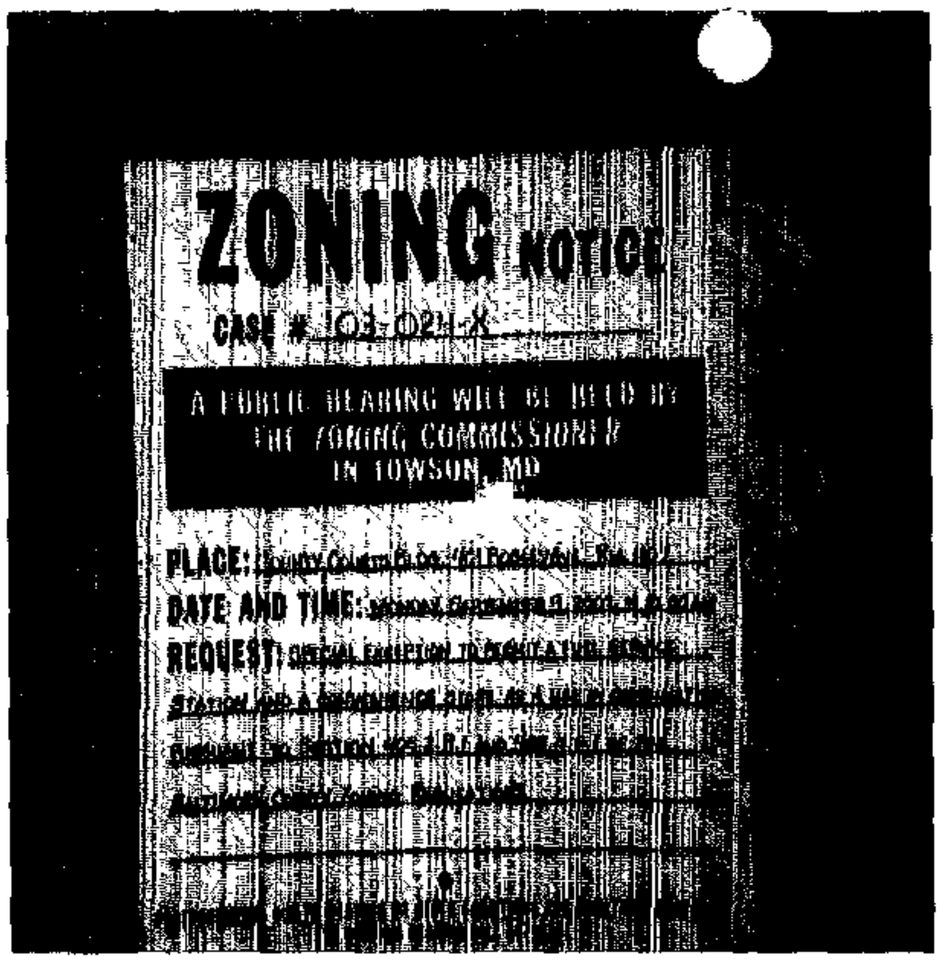
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

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 the corner of 15 Hanover Rd. and Westminster Pike, Reisterstown, MD 21136

The sign(s) were posted on August 19, 2002
(Month, Day, Year)



Sincerely,

Stacy Gardner 8/19/02
(Signature of Sign Poster and Date)

Stacy Gardner
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784
(City, State, Zip Code)

410-781-4000
(Telephone Number)

RE:	PETITION FOR SPECIAL EXCEPTION 15 Hanover Rd./10 Westminister N/w corner Westmoreland Pike & Hanover Rd. 3rd Election District 4th Councilmanic District Legal Owner: Hazel V. Gies Contract Purchaser:John M. Kemp Exe VP Petitioner: Cloverland Farms Dairy, Inc.	* * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-024-X

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

ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of July, 2002, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, VENABLE, BAETJER & HOWARD, LLP. 210 Allegheny Avenue, Towson, Maryland 21204 Attorney for Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 22, 2002 Issue – Jeffersonian

Please forward billing to:

Robert A. Hoffman 410-494-6200
Venable, Baetler and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

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: 03-024-x
15 Hanover Road/10 Westminster
N/w corner Westmoreland Pike and Hanover Road
Election District 3rd Councilmanic District 4th
Legal Owner: Hazel V. Gies

SPECIAL EXCEPTION to permit a fuel service station and a convenience store as a use in combination pursuant to Section 405.2.B.1 and 405.4.E.1. of the Baltimore County Zoning Regulations.

HEARING: Monday, September 9, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

July 25, 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: 03-024-x
15 Hanover Road/10 Westminster
N/w corner Westmoreland Pike and Hanover Road
Election District 3rd Councilmanic District 4th
Legal Owner: Hazel V. Gies

SPECIAL EXCEPTION to permit a fuel service station and a convenience store as a use in combination pursuant to Section 405.2.B.1 and 405.4.E.1. of the Baltimore County Zoning Regulations.

HEARING: Monday, September 9, 2002 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Robert A. Hoffman, Venable, Baetjer and Howard, LLP 210 Allegheny Avenue, Towson, MD 21204
Hazel V. Gies, 23 Wolf Avenue, Reisterstown, MD 21136

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY, Saturday, August 24, 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

Printed with Soybean Ink
on Recycled Paper

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: 03-24 X

Petitioner: CLOVERLAND FARMS DAIRY, INC.

Address or Location: 15 HANOVER ROAD / 10 WEST MINSTER PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: AMY DON TELL

Address: 210 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204

Telephone Number: (410) 994-6244

Revised 2/20/98 - SCJ

03-24-X

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

September 6, 2002

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

Dear Mr. Hoffman:

RE: Case Number: 03-024-X, 15 Hanover Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 12, 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. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Hazel V Gies, 23 Wolf Avenue, Reisterstown 21136
Cloverland Farms Dairy Inc, John M Kemp EVP, 3611 Roland Avenue, Baltimore 21211-2408
People's Counsel

Printed with Soybean Ink
on Recycled Paper

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

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

July 23,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF July 23, 2002

Item No.: 017, 024, 026

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 21, 2002

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

SUBJECT: Zoning Advisory Committee Meeting
For July 29, 2002
Item Nos. 017, 018, 019, 020, 022, 023,
024, 025, 027, 028, and 029

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS | TGT

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 22, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

(24)

17,19,20,22-30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 26, 2002

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

SUBJECT: Zoning Advisory Petition(s): **Case(s)02-544 & 03-024**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7·19·02

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

RE: Baltimore County
Item No. 024 JRA

Dear Mr. Zahner:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/~~US~~ 30,
are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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

Case Number _____

PLEASE ***PRINT*** LEGIBLY

PETITIONER'S SIGN-IN SHEET

Name	Address	City, State	Zip Code
Rob Hoffman	210 Allegheny	Towson	21204
Bob Sheesley	8354 Chesswood Farm Ln Ellicott City		21043
Larry Hammond	465 Main Street	Reisterstown MD	21136
Ken Schmid	325 Gambrills Rd Suite E Gambrills, Md 21054		
Nick Brader	10540 York Rd Suite M, Hunt Valley, MD		21030
David Karczesin	210 Allegheny Ave	Towson MD	21204
Edward L Hess	115 Gargamtrook Ave	Owings Mills Md	21117
John Kemp	3611 Roland Ave.	Balto, Md.	21211

Revised 4/17/00

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - NW/Corner Westminster Pike and Hanover Road (10 Westminster Pike and 15 Hanover Road) 4th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 01-262-SPHXA
Hazel V. Gies, Owner; Cloverland Farms Dairy, Inc., Contract Purchaser	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owner of the subject property, Hazel V. Gies, and the Contract Purchaser, Cloverland Farms Dairy, Inc., by John M. Kemp, Executive Vice President, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **less** than 1500 sq.ft. of sales floor area as determined by the Zoning Commissioner, as an ancillary use, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), or, in the alternative, a special exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **greater** than 1500 sq.ft. of sales floor area as a use in combination, pursuant to Section 405.4.E.1 of the B.C.Z.R. In addition, the Petitioners request a variance from Section 405.4.A.2.a of the B.C.Z.R. to permit a minimum distance between the existing convenience store and a street right-of-way of 20 feet in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a minimum landscape transition area width of 5 feet in lieu of the required 10 feet for a fuel service station abutting a public right-of-way, and of 0 feet in lieu of the required 6 feet for a side yard abutting non-residentially zoned land; and, from Section 409.8.A.4 to permit a minimum distance between surface parking and the right-of-way line of a public street of 7 feet in lieu of the required 10 feet. It is to be noted that the Petitioners requested the special exception

and variance relief only on an as-needed basis. The Petitioner asserts that this relief is not necessary if the special hearing is granted. The subject property and relief requested are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibits 1A and 1B.

Appearing at the requisite public hearing on behalf of the Petitioners were Edward L. Gies, the property owner's son, John M. Kemp, Executive Vice President of Cloverland Farms Dairy, Inc., Contract Purchaser, and Peter W. Ratcliffe. Also appearing in support of the request were Ken Schmid, a Traffic Engineer, and Nick Brader, Civil Engineer with Matis Warfield who prepared the site plan. The Petitioners were represented by David Karceski, Esquire, and Robert Hoffman, Esquire. Appearing as an interested person in the matter was Scott Carothers, a nearby resident of the area.

The subject property under consideration is an irregularly shaped parcel located at the northwest corner of the apex created by the convergence of Hanover Road (Maryland Route 30), Westminster Pike (Maryland Route 140), and Main Street in Reisterstown. The property is actually comprised of two parcels, identified as Lots A and B presently owned by Hazel V. Gies. Lot A, also known as 10 Westminster Pike, is the larger of the two parcels and is located immediately adjacent to the intersection. For many years, Lot A was improved with a gasoline service station which served as a landmark in the Reisterstown community. Most recently, a Shell station operated on the property; however, that business closed approximately six months ago. Presently, the property is not in active use, but is used for storage. Lot B actually abuts Hanover Road (Maryland Route 30) and is located immediately adjacent to Lot A. Lot B, also known as 15 Hanover Road, is a rectangularly shaped parcel improved with a Royal Farms store which has existed on the property for some time.

Reflecting the recent trend, the Petitioners propose to consolidate Lots A and B into a single parcel and redevelop the site with a combination fuel service station and convenience store. The building footprint of the existing Royal Farms store on Lot B will remain the same and the building will neither be relocated nor enlarged; however, certain exterior changes are proposed to

modernize the building and to make it more aesthetically pleasing. As to Lot A, that site will be redeveloped with new pump islands and a kiosk.

As noted above, the applicants seek relief in the alternative. The determination of the relief required is primarily dictated by the size of the sales area of the convenience store. If the sales area is determined to be less than 1500 sq.ft., then the convenience store is permitted as an ancillary use to the fuel service station, pursuant to the special hearing. If the area of the convenience store is determined to be greater than 1500 sq.ft., then a special exception is required. In addition, variance relief is requested to legitimize existing conditions on the property.

Petitioner's Exhibit 1A shows the floor plan of the existing convenience store. That plan shows the building's gross area of 2305 sq.ft. and a sales floor area of 1352 sq.ft. The sales area, however, does not incorporate the large freezer area, cash register area, rest rooms or offices.

Upon review of the testimony and evidence offered, as well as the site plan, I am persuaded that the Petitioners have improperly calculated the sales floor area. Although it could be argued that the freezer is for storage purposes, the items stored therein are sold to the general public. Moreover, it seems obvious that the cash register area is an integral part of the sales operation of the site. Thus, I would exclude only the restrooms and offices from a determination of the gross sales floor area. Applying this methodology, it is my judgment that the total square footage of the sales area is greater than 1500 sq.ft. Thus, a special exception is necessary.

The undisputed testimony and evidence presented was clear that the subject site has been used in the proposed fashion for many years. Although historically Lot A has operated as a separate business from Lot B, it is apparent that the overall site has housed both a fuel service station and convenience store operation for some time. There was no testimony or evidence presented to indicate that these uses have been detrimental to the health, safety or general welfare of the surrounding locale. To the contrary, it is found that these are appropriate and reasonable uses for this "downtown" Reisterstown area. Thus, the Petition for Special Exception will be approved to permit the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store greater than 1500 sq.ft. of sales floor area as a use in

combination as permitted under Section 405.4.E.1 of the B.C.Z.R. The alternative special hearing relief seeking approval of a convenience store of less than 1500 sq.ft. as an ancillary use is denied as moot.

As noted above, variance relief is also requested for certain existing conditions. These variances are necessary in view of the redevelopment of the property. The first variance seeks relief to permit a minimum distance of 20 feet between the existing convenience store and the right-of-way for Hanover Road. This variance request relates to the east side of the building. As noted above, the building will not be enlarged and the footprint will remain the same. Relocation of the building to meet the required setback is neither practical nor warranted.

The second variance request seeks relief for certain landscape transition areas. The reduced 5-foot variance relates to existing conditions adjacent to the property's frontage along Hanover Road and is warranted so as to accommodate the existing points of vehicular access and internal driveway. The 0-foot setback is actually fictional in that it relates to the internal lot line between Lots A and B.

Finally, the third variance relates to a distance of 7 feet between surface parking for a non-residential use and the right-of-way for Hanover Road in lieu of the required 10-foot setback. Again, this variance relates to existing conditions on-site.

Based upon the testimony and evidence presented, I am persuaded to grant the variance relief. The site is unique by virtue of its configuration, orientation, and location immediately adjacent to this intersection, and its historic use. Moreover, the Petitioners would suffer a practical difficulty if relief were denied in that existing buildings need be relocated. Finally, there will be no detrimental impact caused by the grant of the variance on the surrounding locale. In sum, the Petitioner's proposal appears to be an appropriate redevelopment of the subject site.

It is to be noted that the Office of Planning generally endorses the proposal; however, requests authorization to review and approve elevation drawings, lighting details, sign package, and landscaping plans in view of the substantial investment that Baltimore County has made to revitalize this older community. I concur that the Office of Planning should have some reasonable

participation and review of these items to insure that the development is consistent with revitalization efforts in the area. However, this review should be reasonably balanced to consider the historic use of the property and location of existing structures. Also, the concerns of the community are warranted. In this regard, Counsel for the Petitioners proffered that the community requested additional on-site lighting to provide security for this downtown area. This may be at odds with the Office of Plannings' schematic approach. In any event, I will require the Petitioners to submit its final drawings relative to building elevation, lighting, landscaping and signage to the Office of Planning for their review and consideration.

Additionally, it is to be noted that the State Highway Administration (SHA) may require a reconfiguration of existing access points. The Petitioners shall be required to pursue and resolve this issue with the SHA. I will leave it to that State agency for a final determination as to proper points of access from the State roads over which this agency has jurisdiction.

Finally, contemporaneously with the public hearing held in this matter, communication was received from Baltimore County's Department of Environmental Protection and Resource Management (DEPRM) regarding this site. That communication indicates that Lot A (10 Westminster Pike) was contaminated by periodic leakage during its use as a fuel service station. Apparently, the Maryland Department of Environment has assumed control over whatever cleanup and/or remediation efforts are necessary. DEPRM has deferred to MDE and by its Zoning Advisory Committee (ZAC) comment, dated February 26, 2001, recommends that the location of monitoring wells be shown on all plans and that prior to the issuance of any permits, MDE's directives be satisfied. I concur that such a restriction is appropriate and will incorporate same.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of February, 2001 that the Petition for Special Exception to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store with **greater** than 1500 sq.ft. of sales floor area as a use in combination,

pursuant to Section 405.4.E.1 of the B.C.Z.R., in accordance with Petitioner's Exhibits 1A and 1B, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.a of the B.C.Z.R. to permit a minimum distance between the existing convenience store and a street right-of-way of 20 feet in lieu of the required 35 feet; from Section 405.4.A.2.b to permit a minimum landscape transition area width of 5 feet in lieu of the required 10 feet for a fuel service station abutting a public right-of-way, and of 0 feet in lieu of the required 6 feet for a side yard abutting non-residentially zoned land; and, from Section 409.8.A.4 to permit a minimum distance between the surface parking and the right-of-way line of a public street of 7 feet in lieu of the required 10 feet, in accordance with Petitioner's Exhibits 1A and B, be and is hereby GRANTED, subject to the following restrictions:

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

2) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings, lighting plan, landscaping plan, and sign package proposals to the Office of Planning for review and approval.

3) Prior to the issuance of any permits, the Petitioners shall obtain written approval from the SHA relative to the appropriateness of the existing/ proposed access points. In the event a reconfiguration of those access points is deemed necessary, it shall be at the discretion of the SHA.

4) Pursuant to the Zoning Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM), dated February 26, 2001, (copy attached hereto) the Petitioners shall amend any plans submitted to show the location of monitoring wells. In addition, the Petitioners shall comply with all requirements of the Maryland Department of the Environment (MDE) as to remediation efforts and/or clean-up of this site, prior to the issuance of any permits.

5) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Special Hearing to approve the expansion/reconstruction of the existing fuel service station and the addition of an existing convenience store of <u>less</u> than 1500 sq.ft. of sales floor area as determined by the Zoning Commissioner as an ancillary use, pursuant to Section 405.6.A.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby DISMISSED AS MOOT.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED
FEB 26

TO: Lawrence E. Schmidt

FROM: R. Bruce Seeley

DATE: February 26, 2001

SUBJECT: Zoning Item #262
5 Hanover Pike/10 Westminster Pike
Royal Farms Store

Zoning Advisory Committee Meeting of January 8, 2001

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

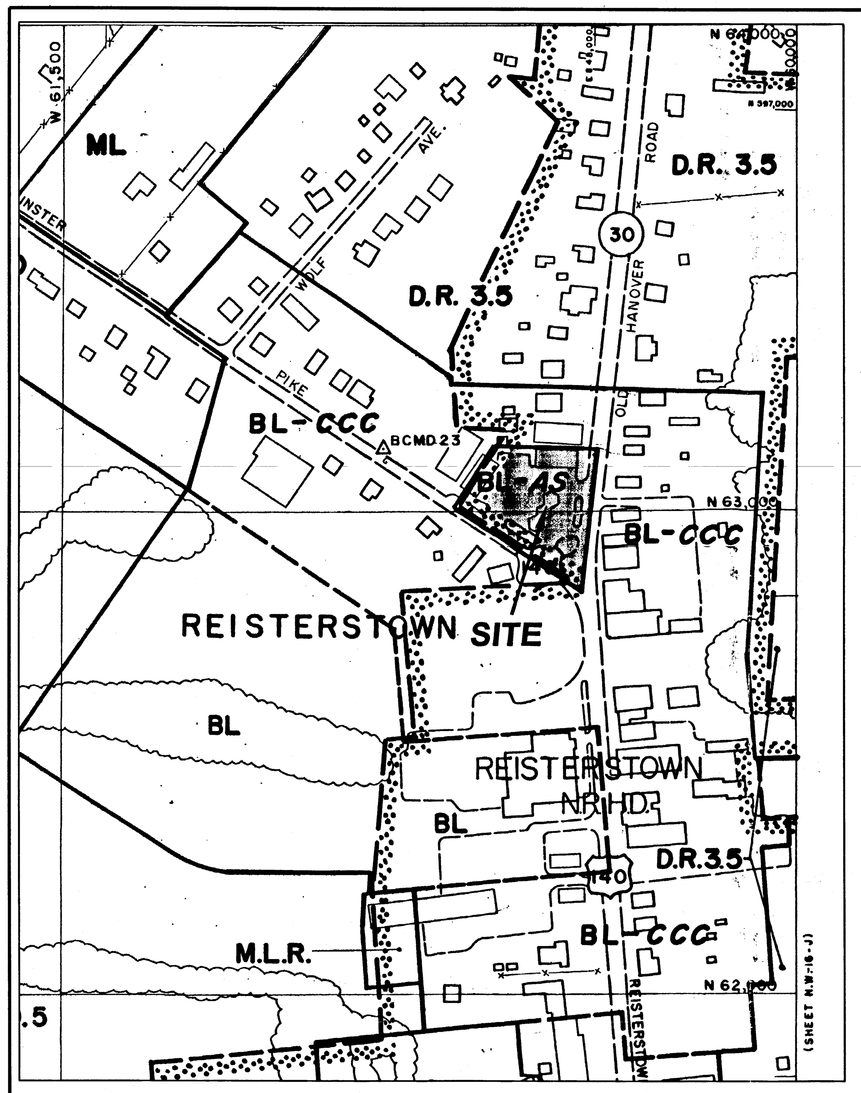
_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

__X__ An active groundwater contamination investigation is currently being conducted on site by the Maryland Department of the Environment (MDE). No building permits will be issued by DEPRM until approval is given by MDE.

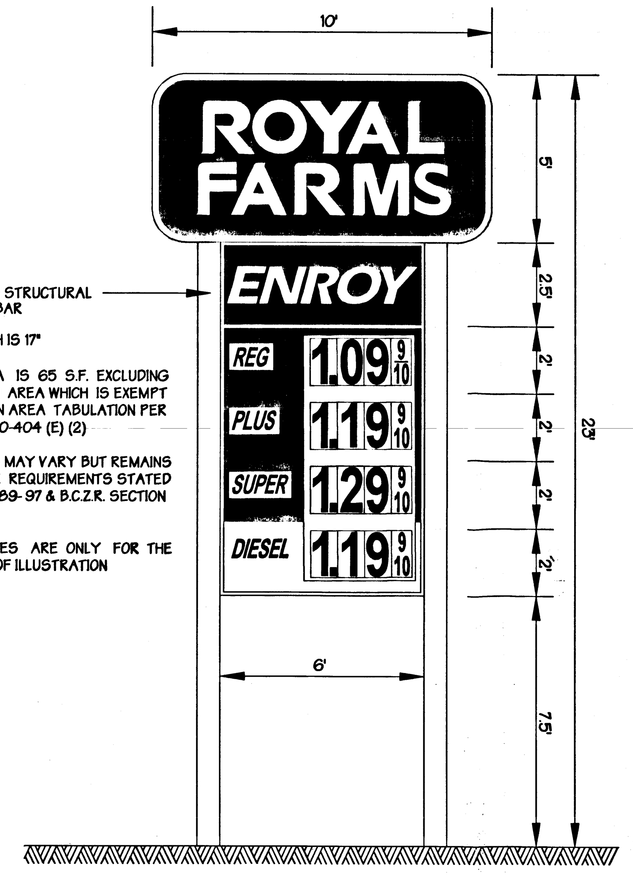
__X__ Any monitoring wells on site must be shown and labeled on all plans submitted to DEPRM for review.

Reviewer: R. Bruce Seeley Date: February 26, 2001



PART OF 2000 ZONING MAP S.W. 16-K

1" = 200'



STORE SIGN DETAIL

NO SCALE

CANOPY SIGN DETAIL

NO SCALE

54 S.F PROPOSED/ 2 x 75'(BUILDING LENGTH) = 150 S.F. ALLOWED

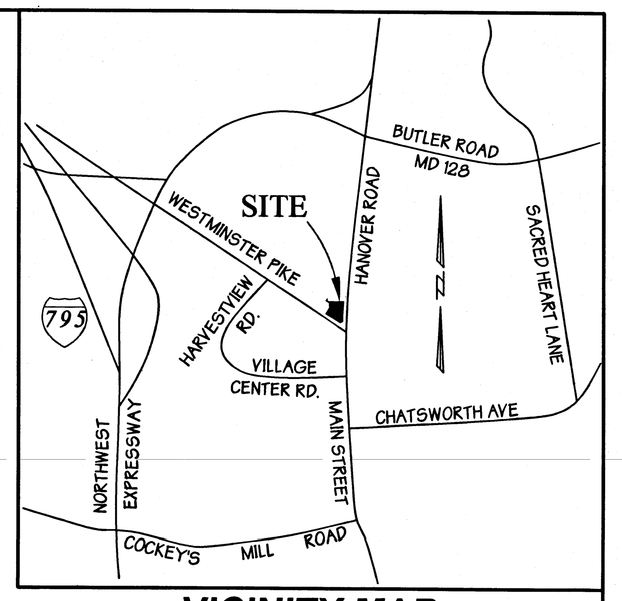
BUILDING FACE SIGN DETAIL

NO SCALE

SITE DATA

Lot Area	0.698 AC., 30,409 S.F (Lot A and Lot B)
Existing Zoning	BL-AS
Councilmanic District	3
Existing Use	Fuel Service, Convenience Store
Proposed Use	Fuel Service, Convenience Store
Deed Reference	8035/096 PLAT EHK JR. 51/40
Tax Account Numbers	04 1900012142 & 04 1900012143
Ancillarly Uses	Minor ancillary uses as permitted in Section 405.4.D. of the B.C.Z.R. (No additional square footage required)
Proposed Building Floor Area	
Total	2305 S.F.
Sales Floor Area	1900 S.F.
Floor Area Ratio	2305 S.F. + 30,409 S.F. = 0.08(3.0 permitted)
Proposed Building Height	18'±
AREA REQUIRED FOR COMBINATION USE	
12 Servicing Spaces x 1500 S.F.	= 18,000 S.F.
Additional Site Area Factor:	
4 x 1900	7,600 S.F.
Total Site Area Required	25,600 S.F.
Total Site Area Provided	30,409 S.F.
Area of Special Exception (Lot A and Lot B)	30,409 S.F.
PARKING SPACES	
Fuel Service w/Combination Use:	
2305 S.F. @ 5/1000	12
maximum employee shift	2
air	1
Total Required	15
Total Provided	15
PARKING SPACE DIMENSIONS:	
Typical Space	9' x 18'
Handicap Space	13' x 18' (Existing)
(All spaces to be permanently striped)	

ROYAL FARMS STORE	
Hours of Operation	24 Hours/7 Days per Week
Max. Number of Employees/Shift	Morning/Afternoon = 2 Afternoon/Evening = 2 Night = 2



VICINITY MAP

SCALE: 1" = 1000'

GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. The site has an existing dumpster area.
5. See architectural plans for exact building dimensions.
6. All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets.
7. The proposed sign shall conform with B.C.Z.R.section 450.
8. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
9. A storm water management waiver was granted on May 2, 2001.
10. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
11. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
12. The site is not within the Chesapeake Bay Critical Area.
13. Water, compressed air and public restrooms shall be provided in accordance with the B.C.Z.R. section 405.
14. All proposed curb radii are 5' unless otherwise noted.
15. The site is not within a 100 year floodplain.

ZONING HISTORY, CRG HISTORY & PERMIT HISTORY

ISSUE 3-140 CZMP 2000 - BL- AS ZONING WAS RETAINED ON THIS SITE BUT WAS CHANGED TO BL-CCC ON ADJACENT PROPERTY (SEE MAP ABOVE)

CASE # 83 - 185 - XSPHA BOARD OF APPEALS FOUND THAT THE NON-CONFORMING SERVICE STATION USE HAD EXISTED SINCE THE 1930'S AND GRANTED IT THE RIGHT TO CONTINUE. THE EXPANDED SITE PLAN WAS APPROVED AS WELL AS A VARIANCE TO PERMIT 0' CURB TANGENT LENGTHS. A "MORE IN KEEPING" PLAN WAS APPROVED 6/20/01 PURSUANT TO THIS CASE TO ALLOW FOR THE RECONSTRUCTION OF THE SITE.

CASE #01-262-SPHXA : A SPECIAL EXCEPTION WAS GRANTED TO APPROVE THE EXPANSION/ RECONSTRUCTION OF THE EXISTING FUEL SERVICE STATION AND THE ADDITION OF A CONVENIENCE STORE AS A COMBINATION USE. VARIANCES WERE GRANTED TO ALLOW A SETBACK OF 20 FEET TO THE RIGHT OF WAY FOR THE EXISTING CONVENIENCE STORE IN LIEU OF THE REQUIRED 35 FEET, TO PERMIT LANDSCAPE TRANSITION AREA OF 5 FEET TO THE RIGHT OF WAY IN LIEU OF THE REQUIRED 10 FEET, TO PERMIT A LANDSCAPE TRANSITION AREA OF 0 FEET TO ABUTTING NON RESIDENTIAL LAND IN LIEU OF THE REQUIRED 6 FEET AND TO PERMIT A MINIMUM DISTANCE OF 7 FEET BETWEEN PARKING AND THE RIGHT OF WAY LINE IN LIEU OF THE REQUIRED 10 FEET. RESTRICTION INCLUDE PROCEEDING AT RISK UNTIL EXPIRATION OF APPEAL PERIOD, REVIEW OF BUILING ELEVATIONS, LANDSCAPING, ETC. BY THE OFFICE OF PLANNING, OBTAIN SHA APPROVAL FOR ENTRANCES, INDICATE ANY MONITORING WELLS AND REFERENCE THE ZONING ORDER WHEN APPLYING FOR PERMITS. THE SPECIAL HEARING TO ALLOW THE EXPANSION/RECONSTRUCTION OF THE EXISTING FUEL SERVICE STATION AND THE ADDITION OF A CONVENIENCE STORE WITH A SALES AREA OF LESS THAN 1500 S.F. WAS DISMISSED AS MOOT.

CRG APPROVAL DATES: 6/9/86, FIRST REFINEMENT 6/9/98, SECOND REFINEMENT 7/3/01

BUILDING PERMITS : B456079, CANOPY OVER GAS PUMPS - COMPLETED MARCH 2002
B458070, STORE RENOVATION - COMPLETED MARCH 2002

STATE HIGHWAY ACCESS PERMIT B-B-7902-01 ISSUED 10/23/01 - WORK COMPLETED MARCH 2002.

Lot No 1

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

PROFESSIONAL ENGINEER No. 18558 JOSEPH BRUCE MATIS STATE OF MARYLAND

OWNER

Lot A and Lot B
Hazel V. Gies
23 Wolf Avenue
Reisterstown, Maryland 21136-1028

DEVELOPER

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

PETITION FOR SPECIAL EXCEPTION

Special Exception to permit a fuel service station and an existing convenience store as a use in combination pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations.

Plan to Accompany A Petition for Special Exception

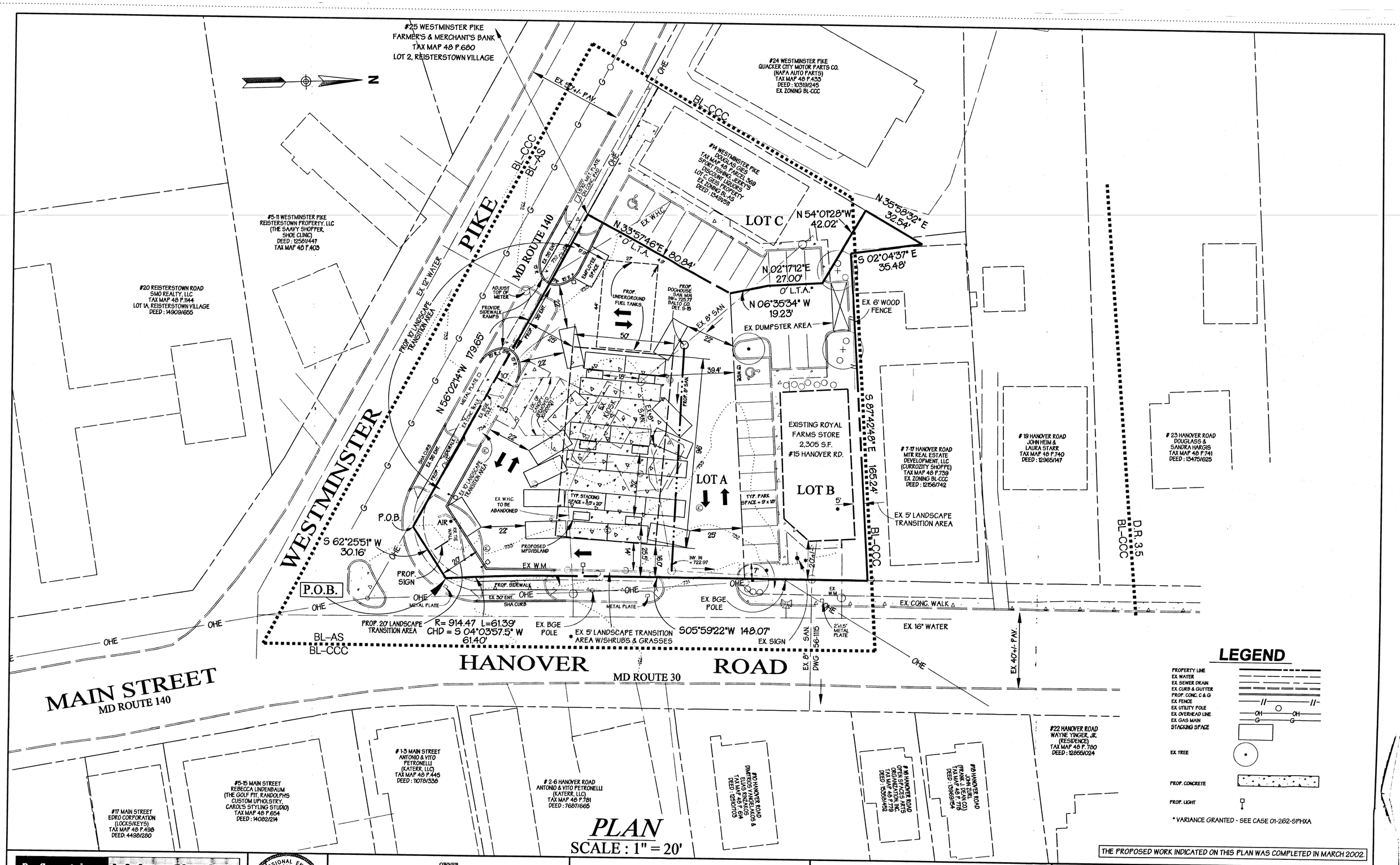
ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
July 9, 2002
Sheet 1 of 3

03-324-X



Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

PROFESSIONAL ENGINEER No. 18558 — JOSEPH BROOKS III — STATE OF MARYLAND

OWNER
Lot A and Lot B
Hazel V. Gies
23 Wolf Avenue
Reisterstown, Maryland 21136-1028

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

PETITION FOR SPECIAL EXCEPTION

Special Exception to permit a fuel service station and an existing convenience store as a use in combination pursuant to Sections 405.2.B.1 and 405.4.E.1 of the Baltimore County Zoning Regulations.

Plan to Accompany A Petition for Special Exception

ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
July 9, 2002
Sheet 2 of 3

SPECIFICATIONS FOR PLANTING

PLANT IDENTIFICATION:
All plants shall be properly marked for identification and checking.

USE OF PLANT MATERIAL:
The contractor will verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and place all plants required to complete the work as shown in the drawings. Substitutions will not be permitted unless proof of the unavailability of specified material is satisfactorily established to the Landscape Architect in writing. Unauthorized substitutions will be rejected and removed at the Contractor's expense.

PLANT QUANTITY:
All plants shall be grown, hardy to the climate, and free from injurious insects or eggs, healthy, vigorous, well rooted, free from defects, such as knots, sun scald, windburn, abrasions, disfigurement, pests, eggs, or diseases. Plants shall have been grown under climatic conditions similar to those in the locality of the project for a minimum of two years. Plants shall be free of defects and shall conform to the accepted commercial standards for size, vigor, and quality. Plants will be inspected for compliance with specifications at the place of growth or at the place of delivery. The origin of the plants shall be proved upon request. Plants not meeting specifications will be rejected and removed from the site at the Contractor's expense.

All plants shall be balled and burlapped or container grown unless otherwise specified. All plants shall be watered before and after planting in accordance with the Contract Specifications. Container grown stock shall be well established in the container in which it is shipped. Container grown stock shall be free of roots girdling the root ball. Plants shall be delivered in such a manner as to prevent injury or breakage to branches and shall be properly protected from drying out and from exposure to sun and wind during transportation and while being stored prior to planting.

PLANT SPACING:
Plants standing in rows or patterns must be spaced as shown on the plans. No substitutions will be made without approval of the Landscape Architect.

SOIL MIX:
Soil mix will be 3/3 existing soil and 1/3 soil mold or equal organic amended, approximately equal parts by volume.

SOIL TEST:
The soil mix shall conform to the American Association of Nurserymen specifications entitled "Minimum Standards for Nursery Stock, ANSI Z60, latest edition.

EXCAVATION:
Holes for all plants shall be 12" larger in diameter than root of ball or container and shall have vertical sides. Plants shall be placed in the center of hole when the root diameter does not exceed the depth of the planting hole. In a depth of 12" plus shall be 12" larger than average root spread of plant hole. A 12" layer of organic material (i.e., leaf mold, peat moss, composted bark) shall be placed in the bottom of the hole.

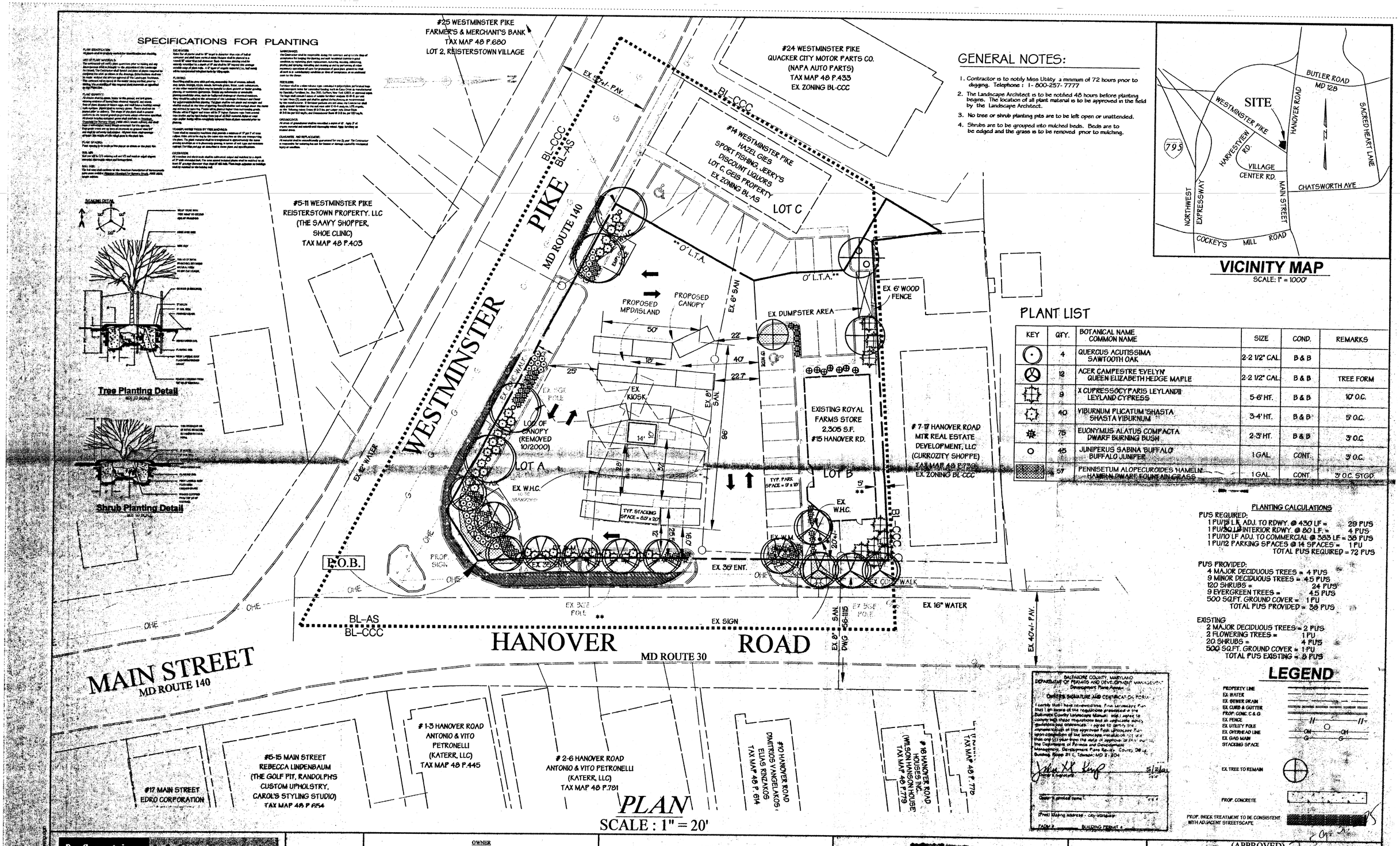
PLANTING:
Shrubs shall be grown with soil ball, reasonably free of stones, subsoil, clay, lumps, brushes, roots, weeds, harmful grubs, larvae, eggs, adult insects, or any other material unsuitable to be placed in plant growth or hinder planting, growth, or maintenance operations. Shrubs shall be well-rooted or sufficiently developed to support healthy growth. Shrubs shall be free of defects, such as knots, sun scald, windburn, abrasions, disfigurement, pests, eggs, or diseases. Shrubs shall be balled and burlapped or container grown. Shrubs shall be well established in the container in which they are shipped. Container grown stock shall be free of roots girdling the root ball. Plant holes shall be excavated to a depth equal to the depth of the root ball and 12" larger than the root ball. Plants shall be delivered in such a manner as to prevent injury or breakage to branches and shall be properly protected from drying out and from exposure to sun and wind during transportation and while being stored prior to planting.

MULCHING:
The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and such incidental items in good condition and in a satisfactory condition. Mulch shall be applied to all shrub, perennial and annual beds, and shall be maintained by the contractor. It shall be the contractor's responsibility to take the necessary precautions of care for protection of good plant growth so that all work is in satisfactory condition at time of acceptance, at no additional cost to the owner.

FERTILIZER:
Fertilizer shall be a slow release type contained in polyethylene perforated bags with convenient tabs for convenient handling, such as Easy Gro, or manufactured by Specialty Fertilizer, Inc., Box 2005, Buffalo, New York 14205, or approved equal. The bags shall contain 1 ounce of soluble fertilizer material 10-10-5 per unit for use three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer pellets are not used, the Contractor shall apply granular fertilizer to the root zone with 10-6-4 analysis, 10% organic, 50% slow release, at the rate of 20 lbs. per 1,000 sq.ft., and shall apply 8-24-24 per 100 sq.ft., and Diammonium Sulfate 21-0-0 lbs. per 100 sq.ft.

GROUNDCOVER:
All areas of groundcover shall be mulched a depth of 3". Apply 2" of organic material and water until thoroughly wetted. Apply fertilizer as stated above.

GUARANTEE AND REPLACEMENT:
All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for replacing dead or for losses or damage caused by mechanical injury or condition.



GENERAL NOTES:

1. Contractor is to notify Miss Utility a minimum of 72 hours prior to digging. Telephone : 1- 800-257- 7777
2. The Landscape Architect is to be notified 48 hours before planting begins. The location of all plant material is to be approved in the field by the Landscape Architect.
3. No tree or shrub planting pits are to be left open or unattended.
4. Shrubs are to be grouped into mulched beds. Beds are to be edged and the grass is to be removed prior to mulching.

VICINITY MAP

SCALE: 1" = 1000'

PLANT LIST

KEY	QTY.	BOTANICAL NAME / COMMON NAME	SIZE	COND.	REMARKS
	4	QUERCUS ACUTISSIMA / SAWTOOTH OAK	2-2 1/2" CAL.	B & B	
	12	ACER CAMPESTRE 'EVELYN' / QUEEN ELIZABETH HEDGE MAPLE	2-2 1/2" CAL.	B & B	TREE FORM
	9	X CUPRESSOCYPARIS LEYLANDII / LEYLAND CYPRESS	5-6' HT.	B & B	10' O.C.
	40	VIBURNUM PLICATUM 'SHASTA / SHASTA VIBURNUM	3-4' HT.	B & B	5' O.C.
	76	EUONYMUS ALATUS COMPACTA / DWARF BURNING BUSH	2-3' HT.	B & B	3' O.C.
	45	JUNIPERUS SABINA 'BUFFALO' / BUFFALO JUNIPER	1 GAL.	CONT.	3' O.C.
	57	PENNISETUM ALOPECUROIDES 'HAMELN' / HAMELN DWARF FOUNTAIN GRASS	1 GAL.	CONT.	3' O.C. STGD.

PLANTING CALCULATIONS

PU'S REQUIRED:
1 PU/13 L.F. ADJ. TO RDWY. @ 430' LF = 29 PU'S
1 PU/20 L.F. INTERIOR RDWY. @ 80 L.F. = 4 PU'S
1 PU/10 LF ADJ. TO COMMERCIAL @ 383 LF = 38 PU'S
1 PU/12 PARKING SPACES @ 14 SPACES = 1 PU
TOTAL PU'S REQUIRED = 72 PU'S

PU'S PROVIDED:
4 MAJOR DECIDUOUS TREES = 4 PU'S
9 MINOR DECIDUOUS TREES = 4.5 PU'S
120 SHRUBS = 24 PU'S
9 EVERGREEN TREES = 4.5 PU'S
500 SQ.FT. GROUND COVER = 1 PU
TOTAL PU'S PROVIDED = 38 PU'S

EXISTING
2 MAJOR DECIDUOUS TREES = 2 PU'S
2 FLOWERING TREES = 1 PU
20 SHRUBS = 4 PU'S
500 SQ.FT. GROUND COVER = 1 PU
TOTAL PU'S EXISTING = 8 PU'S

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
Development Plan Review
OWNER'S SIGNATURE AND CERTIFICATION FORM
I certify that I have reviewed this final landscape plan that I am aware of the regulations presented in the Baltimore County Landscape Manual, and I agree to comply with these regulations and all applicable zoning guidelines and criteriaand I agree to certify the implementation of the approved final landscape plan upon completion of the landscape installation not later than one (1) year from the date of approval of the Department of Permits and Development Management, Development Plans Review, County Office Building, Room 21 1, Towson, MD 21204
John XX Kemp 5/2/01
Owner's printed name
(Print) Mailing address - city, state, zip
FAX No. BUILDING PERMIT #

LEGEND

PROPERTY LINE
EX. WATER
EX. SEWER DRAIN
EX. CURB & GUTTER
PROP. CONC. C & G
EX. FENCE
EX. UTILITY POLE
EX. OVERHEAD LINE
EX. GAS MAIN
STACKING SPACE
EX. TREE TO REMAIN
PROP. CONCRETE
PROP. BRICK TREATMENT TO BE CONSISTENT WITH ADJACENT STREETSCAPE

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com

OWNER
Lot A and Lot B
Hazel V. Gies
23 Wolf Avenue
Reisterstown, Maryland 21136-1028

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

[redacted]
7-6-01

(APPROVED)
FINAL LANDSCAPE PLAN

ROYAL FARMS STORE

15 Hanover Road/10 Westminster Pike
Reisterstown, Maryland 21136

Election District 4
Parcel 369
Scale: as shown

Tax Map 48
November 20, 2000
~~Sheet 3 of 3~~