IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – SW/S Reisterstown Road, Opposite Gwynnbrook Avenue (11120 Reisterstown Road) 4th Election District 3rd Council District	*	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY
	*	Case No. 03-364-SPHA
GH Reisterstown Properties, LLC, Owners; Shoppers Food Warehouse Corp., Lessees	*	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject property, GH Reisterstown Properties, LLC, Owners, and the Shoppers Food Warehouse Corporation, Contract Lessees, through their attorney, David K. Gildea, Esquire. The Petitioners request a special hearing to approve an amendment to the previously approved site plan and parking variances granted in prior Case No. 00-095-SPHA. In addition, variance relief is requested from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), Parking for General Retail Use, to permit 305 parking spaces in lieu of the required 372. 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 R. Kevin Small, Vice President of Store Development for Shoppers Food Warehouse Corporation, Contract Lessees; Geoff Glazer with Kann & Associates, Inc., the architectural consultants who prepared the site plan for this property; and, David K. Gildea, Esquire, attorney for the Petitioners. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest side of Reisterstown Road, across from its intersection with Gywnnbrook Road in Reisterstown. The property contains a gross area of 9.6 acres, more or less,

ORDER RECEIVED FOR FILING
Date 7/9/03
By

zoned B.M. Presently, the site is improved with a 58,200 sq.ft. grocery store occupied by a Metro Food Market, and a separate 13,300 sq.ft. building, which contains a number of retail uses, including a dry cleaners and liquor store, etc. The property was the subject of prior zoning Case No. 98-459-A in which variance relief was granted by Deputy Zoning Commissioner Timothy Kotroco to allow 305 parking spaces in lieu of the required 369 on July 13, 1998. Thereafter, on November 9, 1999, the undersigned Zoning Commissioner granted special hearing and variance relief in Case No. 00-095-SPHA to allow 15 of the 305 parking spaces to be small car spaces with dimensions slightly less than the minimum required and to allow access to parking spaces through a vehicular driveway.

The Petitioners now come before me seeking relief to permit redevelopment of the subject site. The Metro Food Market is undergoing an extensive re-branding effort, including a change in name to Shoppers Food Warehouse. As part of its makeover, a portion of the façade of the existing food store building will be changed. Specifically, a 527 sq.ft. area of the canopy will be enclosed to provide additional interior space for the store. As a result of this enclosure the total square footage of the store will be increased and an additional 3 parking spaces will be required. That is, under the parking regulations set out in Section 409 of the B.C.Z.R., the number of parking spaces required is dependent upon the square footage of the retail area. Whereas, 369 spaces were required under the prior plan, 372 are no required as a result of the proposed 527 sq.ft. of additional retail area.

Testimony and evidence was offered that the 305 spaces provided are more than sufficient to accommodate the use. Apparently, there is no overcrowding at the site at the present time. It was also noted that the retail uses within the freestanding building are typically active accessory uses to the major food store tenant. Additionally, the changes to the façade will result in multiple entrances to the food store which should spread parking throughout the existing lot. Moreover, the façade of the building will be changed to reflect the new name and will be more architecturally and aesthetically pleasing.

Based upon the testimony and evidence presented, I am easily persuaded that the Petitions for Special Hearing and Variance should be granted. In my judgment, the Petitioners have presented testimony sufficient to meet the standards of Sections 307 and 502.1 of the B.C.Z.R. As noted above, there were no Protestants present and no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency. The subject property is surrounded by a number of retail uses, including a Target store on the adjacent lot. Thus, it appears that relief can be granted without detrimental impact on adjacent properties.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of April 2003 that the Petition for Special Hearing to approve an amendment to the previously approved site plan and parking variances granted in prior Case No. 00-095-SPHA, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), Parking for General Retail Use, to permit 305 parking spaces in lieu of the required 372, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 4/9/03
By

Baltimore County
Zoning Commissioner

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

April 9, 2003

David K. Gildea, Esquire
301 N. Charles Street, Suite 900
Baltimore, Maryland 21201

RE: PETITIONS FOR SPECIAL HEARING & VARIANCE
SW/S Reisterstown Road, Opposite Gwynnbrook Avenue
(11120 Reisterstown Road)
4th Election District – 3rd Council District
GH Reisterstown Properties, LLC, Owners;
Shoppers Food Warehouse Corp., Lessees - Petitioners
Case No. 03-364-SPHA

Dear Mr. Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Philip Markovitz, Harrison & Grass
20 Erford Road, Lemoyne, PA 17043
Mr. R. Kevin Small, V.P., Store Development, Shoppers Food Warehouse Corp.
4600 Forbes Boulevard, Lanham, MD 20706
Mr. Geoff Glazer, Kann & Assoc., 33 S. Gay Street, Baltimore, MD 21202
People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11120 Reisterstown Road

which is presently zoned BM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

An amendment to the previously approved site plan and parking variances granted in prior case No. 00-095-SPHA.

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

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

Contract Purchaser/Lessee:

R.Kevin Small, V.P. Store Development
Name - Type or Print

Signature

Shoppers Food Warehouse Corp.
4600 Forbes Boulevard (301)306-8677
Address Telephone No.

Lanham, MD 20706
City State Zip Code

Legal Owner(s):

GH Reisterstown Properties, LLC
Name - Type or Print ~~Timothy C. Harrison~~

By: Philip Markowitz
Signature

Philip Markowitz
Name - Type or Print

Signature

c/o Harrison & Gross
20 Erford Road (717)737-7800
Address Telephone No.

Lemoyne, PA 17043
City State Zip Code

Attorney For Petitioner:

David K. Gildea
Name - Type or Print

Signature

Gildea, LLC
Company

301 N.Charles St., Suite 900
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 900
Address Telephone No.

Baltimore, MD 21201 (410)234-0070
City State Zip Code

ORDER RECEIVED FOR FILING
Date 4/9/03
By

Case No. 03-364-SPHA

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SDA Date 02-06-03

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11120 Reisterstown Road

which is presently zoned BM

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

409.6(A)(2) Parking for gerneral retail use, to permit a total of 305 parking spaces in lieu of the required 372.

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

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 zonir 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:

R.Kevin Small, V.P., Store Development
Name - Type or Print

Signature

Shoppers Food Warehouse Corp.
4600 Forbes Boulevard (301)306-8677
Address Telephone No.

Lanham, MD 20706
City State Zip Code

Legal Owner(s):

Reisterstown
GH Properties, LLC
Name - Type or Print ~~Timothy C. Harrison~~

By: Philip Markowitz
Signature

Philip Markovitz
Name - Type or Print

Signature c/o Harrison & Gross
20 Erford Road (717) 737-7800
Address Telephone N

Lemoyne, PA 17043
City State Zip Co

Attorney For Petitioner:

David K.Gildea
Name - Type or Print

Signature

Gildea,LLC
Company

301 N.Charles St.,Suite 900
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 900
Address Telephone N

Baltimore,MD 21201 (410) 234-007
City State Zip Co

ORDER RECEIVED FOR FILING
Date 11/19/03
By

Case No. 03-364-SPHA

REV 9/15/98

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____
Reviewed By SDT Date 03-06-03

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

EXHIBIT A

DESCRIPTION

Description of 9.612 Acres of Land

Beginning for the same at pipe found on the westerly side of Reisterstown Road (Maryland Route 140) the said pipe being the end of the first line of a Deed to Margaret C. Nelson dated September 10, 1907 and recorded in the Land Record of Baltimore County, Maryland in Liber W.P.C. 319 at folio 336, thence from the POINT OF BEGINNING so fixed, and binding on the said westerly right of way of Reisterstown Road the following three courses and distances viz:

1. South 44° 06' 31" East, 159.72 feet, to a pipe found,

2. South 43° 40' 47" East, 101.60 feet, to a pipe found,

3. South 43° 05' 58" East, 361.94 feet, thence leaving the said right of way of Reisterstown Road and binding on the northerly lines of the Plat entitled "First Amended Plat 1 of 4, Pleasant Hills" recorded in the aforementioned Land Records in Plat Book S.M. 61, folio 54,

4. South 45° 44' 04" West, 767.15 feet, thence leaving the said Plat 1 of 4 and binding on the easterly line of a Plat entitled "First Amended Plat 3 of 4, Pleasant Hills" recorded in the aforementioned Land Records in Plat Book S.M. 61, folio 123,

5. North 43° 12' 12" West, 469.38 feet, thence leaving the said Plat and binding reversely on part of the third line of a Deed to Harry H. Nelson, dated May 29, 1877 and recorded in the aforementioned Land Records in Liber J.B. 101 at folio 562,

6. North 46° 09' 57" East, 385.54 feet to a 2" pipe found, thence binding reversely on the third line of Deed to Jacob B. Hunt and Ella R. Hunt, dated July 15, 1922 and recorded in the aforementioned Land Records in Liber W.P.C. 560, at folio 255,

7. North 43° 33' 04" West, 159.62 feet to a pipe found, thence binding reversely on the second line of a Deed to Elmer C. Wilmer and Artie M. Wilmer dated July 15, 1919 and recorded in the aforesaid Land Records in Liber W.P.C. 513 at folio 478,

8. North 46° 09' 48" East, 379.78 feet to the POINT OF BEGINNING.

Containing 418,700 square feet or 9.612 acres of Land more or less.

Being seven parcels of land in Baltimore County, Maryland, recorded in the Land Records of Baltimore County as follows:

1. Liber 5482, Folio 593, October 7, 1974 conveyance to Louis E. Fritz and Mary Jane Fritz.

110 West Road, Suite 245, Towson, MD 21204 (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD (410) 515-9000 ✦ ***Annapolis Junction, MD (410) 792-9792*** ✦ ***Towson, MD (410) 821-1690*** ✦ ***Wilmington, DE (302) 326-2200***

Visit us on the web at www.mragta.com

03-364 SPHA

2. Liber 9936, Folio 593, July 21, 1993 conveyance to Louis E. Fritz and Mary Jane Fritz

3. Liber 4459, Folio 45, May 19, 1965 conveyance to Anna N. Yeager.

4. Liber 5615, Folio 192, March 12 1976 conveyance to Louis E. Fritz, Sr. and Mary Jane Fritz.
5. Liber 6173, Folio 307, June 7 1980 conveyance to Jerry Lee Watson.

6. Liber 11079, Folio 510, December 29,1994 conveyance to Kathleen DuChane, Marcene Dolgoff, Dorothy Featherston, and Carey Witte.

7. Liber 7495, Folio 23, April 11, 1987 conveyance to Ko-Pen Wong and Shu-Lian Wong.

Subject to Covenants and Restrictions set forth by Declaration of October 4, 1996, by the above listed owners and recorded in the aforementioned Land Records in Liber 11896, at folio 596 and Liber 11910 at folio 702, and such other covenants, easements and restrictions of record insofar as the same may be still in force and applicable.

MLR: kaw\s\Kellie's Docs\Exhibit A\020503

STATE OF MARYLAND
MICHAEL LEE
11041
PROFESSIONAL LAND SURVEYOR

2/5/03

03-364. Sprint

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: #03-364-SPHA
11120 Reisterstown Road
S/west side of Reisterstown Road opposite of Gwynbrook Avenue
4th Election District - 3rd Councilmanic District
Legal Owner(s): GH Reisterstown Properties, LLC, Philip Markovitz
Contract Purchaser: Shoppers Food Warehouse Corp., R. Kevin Small, V.P., Store Development

Special Hearing: to approve an amendment to the previously approved site plan and parking variance granted in prior Case No. 00-095-SPHA. **Variance:** to permit 305 parking spaces in lieu of the required 372.

Hearing: Tuesday, April 1, 2003 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.

JT 3/697 March 18 C592896

CERTIFICATE OF PUBLICATION

3/21/, 2003

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 3/18/, 2003.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 19333

DATE 02-05 03 ACCOUNT R001-06-650

AMOUNT $ 650.00

RECEIVED FROM: NANN ASSOC.

FOR: C: UAU. 325.00
C: SPEC HEARING 325.00
TOTAL 650.00

STAT.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

CASHIER'S VALIDATION

03 364 SPUD.

CERTIFICATE OF POSTING

RE: Case No.: 03-364-SPHA

Petitioner/Developer: SHOPPERS FOOD WAREHOUSE CORP; R. KEVIN SMALL

Date of Hearing/Closing: 4/1/03

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 11120 REISTERSTOWN RD

The sign(s) were posted on 3/16/03
(Month, Day, Year)

Sincerely,

3/16/03
(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)

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

February 14, 2003

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: 03-364-SPHA
11120 Reisterstown Road
S/west side of Reisterstown Road opposite of Gwynbrook Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: GH Reisterstown Properties, LLC, Philip Markovitz
Contract Purchaser: Shoppers Food Warehouse Corp., R. Kevin Small, V. P., Store Development

Special Hearing to approve an amendment to the previously approved site plan and parking variance granted in prior Case No. 00-095-SPHA. Variance to permit 305 parking spaces in lieu of the required 372.

Hearings: Tuesday, April 1, 2003 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

AJ:rlh

C: GH Reisterstown Properties, LLC, Philip Markovitz, C/o Harrison & Grass,
20 Erford Road, Lemoyne, PA 17043
David K. Gildea, 301 N. Charles Street, Suite 900, Baltimore 21201
R. Kevin Small, V. P., Store Development, Shoppers Food Warehouse Corp.,
4600 Forbes Boulevard, Lanham 20706

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 17, 2003.**
(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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 18, 2003 Issue - Jeffersonian

Please forward billing to:
David Gildea
301 N. Charles Street, Suite 900
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: 03-364-SPHA
11120 Reisterstown Road
S/west side of Reisterstown Road opposite of Gwynbrook Avenue
4th Election District – 3rd Councilmanic District
Legal Owner: GH Reisterstown Properties, LLC, Philip Markovitz
Contract Purchaser: Shoppers Food Warehouse Corp., R. Kevin Small, V. P., Store Development

Special Hearing to approve an amendment to the previously approved site plan and parking variance granted in prior Case No. 00-095-SPHA. Variance to permit 305 parking spaces in lieu of the required 372.

Hearings: Tuesday, April 1, 2003 at 9:00 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.

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: 03-364 SPHA.

Petitioner: G.H. REISTERSTOWN PROPERTIES L.L.C. (PHILLIP MARKOWITZ)

Address or Location: 11120 REISTERSTOWN RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID GILDEA (GILDEA LLC)

Address: 301 N. CHARLES ST., SUITE 900
BALTIMORE, MD. 21201.

Telephone Number: 410-234-0076

Revised 2/20/98 - SCJ

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

March 28, 2003

David K. Gildea
Gildea, LLC
301 N. Charles Street, Suite 900
Baltimore, MD 21201

Dear Mr. Gildea:

RE: Case Number: 03-364-SPHA, 11120 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 6, 2003.

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.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel
R. Kevin Small, V.P. Shoppers Food Warehouse Corp., 4600 Forbes Blvd., Lanham MD 21201
GH Reisterstown Properties, LLC., Philip Markovitz, c/o Harrison & Grass, 20 Erford Rd., Lemoyne PA 17043

MARYLAND DEPARTMENT OF TRANSPORTATION
Robert L. Ehrlich, Jr., *Governor* • Michael S. Steele, *Lt. Governor* • Trent M. Kittleman, *Acting Secretary*

Date: 2.19.03

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

RE: Baltimore County
Item No. 364 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~~ 140.
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

Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

February 14, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: February 18, 2003

Item No.: 361-364, 367 & 368, 370 & 371

Dear Ms. Hart:

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.

7. *The Fire Marshal's Office has no comments at this time.*

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 3, 2003

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-364 - Administrative Variance**
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

RECEIVED
MAR 3 2003
ZONING COMMISSIONER

Section Chief: Lynn Lanham

AFK/LL:MAC

W \DEVREV\ZAC\nocomment doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 27, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For February 24, 2003
Item Nos. 361, 362, 363, 364, 365, 366,
367, 368, 369, 370, and 371

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

RWB:CEN:jrb

cc: File

RE:	PETITION FOR SPECIAL HEARING AND VARIANCE	*	BEFORE THE
	11120 Reisterstown Rd; SW side Reisterstown Rd opposite of Gynnnbrook Ave	*	ZONING COMMISSIONER
	4th Election & 3rd Councilmanic Districts	*	FOR
	Legal Owner(s): Philip Markovitz, GH Reisterstown Properties, LLC	*	BALTIMORE COUNTY
	Contract Purchaser(s): R. Kevin Smal, VP Store Development	*	03-364-SPHA
	Petitioners		

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

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
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 20th day of February, 2003, a copy of the foregoing Entry of Appearance was mailed to David K Gildea, Esquire, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Maryland Department of Planning

Audrey E. Scott
Secretary

Florence E. Burian
Deputy Secretary

February 21, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Room 111
Mail Stop # 1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda, 02/24/03 re: case numbers 03-361-A, 03-362-SPHA, 03-363-A, 03-364-SPHA, 03-365-SPHXA, 03-366-SPH, 03-367-SPHA, 03-368-A, 03-369-A, 03-370-A, 03-371-SPH**

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 02/21/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

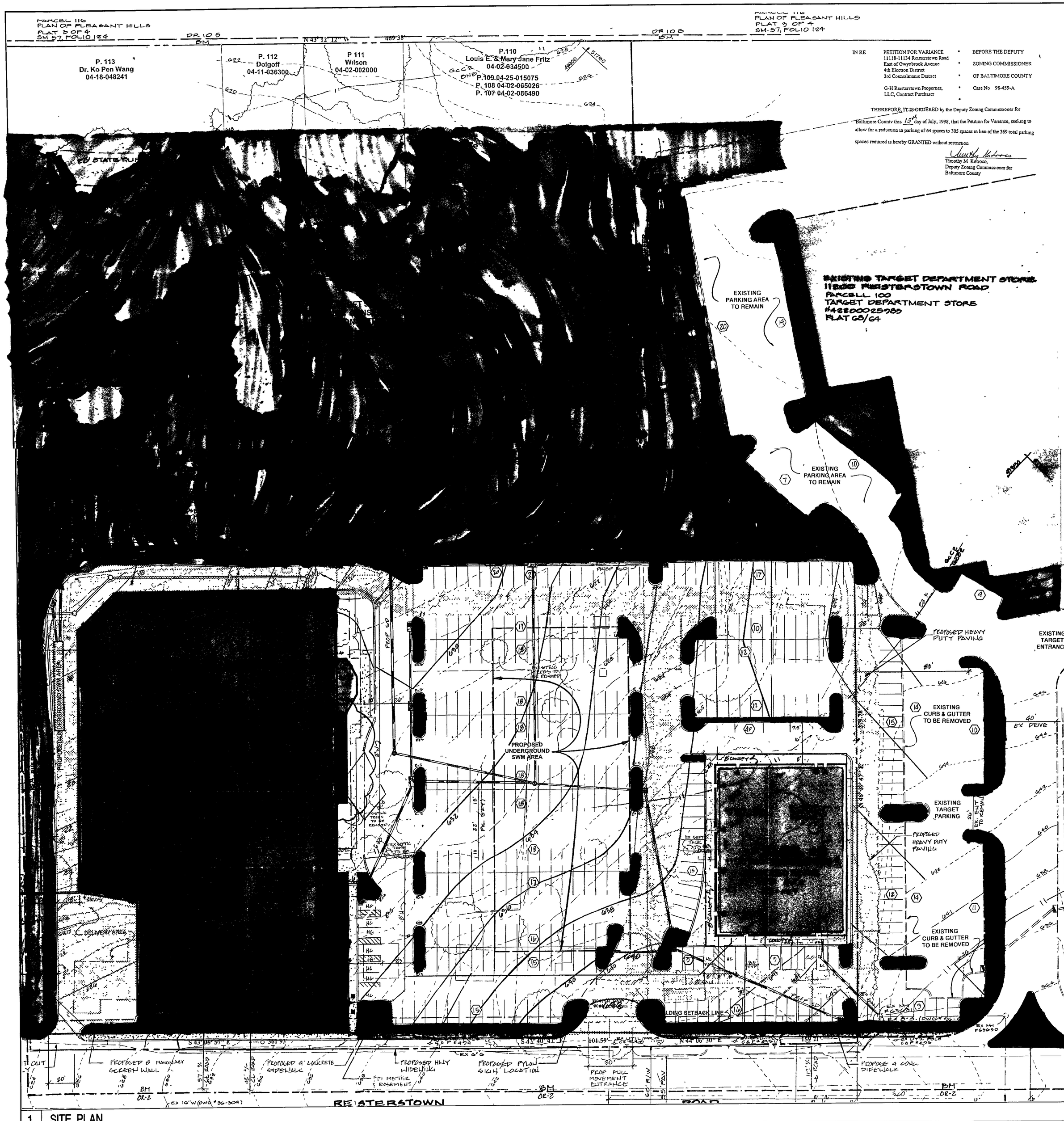
cc: Mike Nortrup

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
David K. Gildea	301 N. Charles ST. Suite 900	Balt. MD 21201	davidgildea@gildeallc.com
R Kevin Small	4600 Forbes Blvd,	Lanham MD 20706	Kevin.Small@ShoppersFood.com
Geoff Glazer	33 S. Gay St c/o Kann & Assoc	Balt. MD 21202	gglazer@KA-Architects.com



1 SITE PLAN

SCALE 1" = 30'-0"

IN RE PETITION FOR VARIANCE
11118-11134 Reisterstown Road
East of Owynbrook Avenue
4th Election District
3rd Councilmanic District

G-H Reisterstown Properties, LLC, Contract Purchaser

* BEFORE THE DEPUTY
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No 98-459-A

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 1998, that the Petition for Variance, seeking to allow for a reduction in parking of 64 spaces to 305 spaces in lieu of the 369 total parking spaces required is hereby GRANTED without restriction

Timothy M. Kotroco,
Deputy Zoning Commissioner for
Baltimore County

GENERAL NOTES

1 Contract Purchaser: Harrison & Grass, 20 Erford Road, Lemoyne, Pennsylvania 17043, (717) 737-7800, Attention Mr Tim Harrison

2 Plan prepared by: Morris & Ritchie Associates, Inc, 110 West Road, Suite 105, Towson, Maryland 21204, (410) 821-1690, Attention Mr Timothy Madden, Principal

3 Site Data

Gross area		9 6	Acres ±
Net Buildable Area		5 5	Acres ±
Existing Zoning	BM (Business Major)	9 6	Acres ±
Election District		4	
Councilmanic District		3	
Census Tract		4041	
Watershed		Gwynns Falls	
Zoning Map		NW 13-E	
Tax Map		#58 grids 7 & 8	

Parcel	Tax Account No.
107	04-02 086490
108	04-02 065026
109	04-25-015075
110	04-02-034500
111	04 02-002000
112	04 11 036300
113	04-18 048241

4 Parking required: 72,072 SF @ 5 0 per 1000 SF = 361 P S
Parking proposed on site 305 spaces (include 9 handicap spaces)
Parking proposed offsite 20 spaces (two employee spaces, not counted as provided spaces See parking Variance Order on this sheet)

5 BM Zone Setback Requirements: The front of the proposed building faces north, towards the Target site and the side yard faces Rte 140

Front yard: 15' minimum building front to property line (40' minimum building to street centerline)

Side yard: 0' building to interior property line; 10' building to corner property line; 40 min Building to street centerline

NOTE The building facade facing Route 140 is the side yard

Rear yard: (adjacent to a residential zone) 20' building to property line

F A R. permitted 4 0
F A R. proposed 72,072 / 17 7 0 Gross Acres = 0.208 F A R

6 Proposed development A 55,200 SF Grocery store, and a 19,500SF retail space with off-street parking and associated utilities is proposed on this BM zoned property The proposed buildings will be one story (less than 40' in height)

7 There are no 100 year F E.M.A floodplains on this site (Panel No 240010 0220 C)

8 The survey - established location of field delineated nontidal wetland (72+/- acres) is shown on the plan

9 There are no known regulated plant or wildlife or habitats associated with this site

10 The four known sewage disposal systems have been shown on the plan Existing septic tanks will be pumped and removed at time of razing or grading which ever comes first Existing public sanitary sewer is on the adjoining Pleasant Hills side and the property line of the Target Store. public water is located on Reisterstown Road There are no known wells on site The existing dwellings were all served by public water

11 There are no known archeological sites on this property

12 Boundary and topographic information shown on this plan is by Morris and Ritchie Associates.

13 The proposed forest buffer has been shown on the plan. A special variance was received from DEPRM by letter dated 10/04/96

14 Access One new full movement access is proposed 320' south of the existing Target Entrance A truck exit is also proposed along Reisterstown Road The new ingress and egress will meet the criteria required by the State Highway Administration for highway widening.

15 All signage will be in accordance with Section 450 of the B C.Z.R A free standing joint identification sign 25 ft in height, double faced pylon sign along Reisterstown Road of 150 sf per side Note, if intended users require additional signage a sign variance will be required at a future date

16 Utilities All water and sewer to be public

17 The proposed building will meet all building and fire code requirements

18 Landscaping will be provided in accordance with the Baltimore County Landscape Manual

19 All exterior lighting will be arranged so as to reflect light away from adjacent residential sites and public streets

20 All existing on site structures are to be razed as shown.

21 There are no known underground storage tanks on site.

22. Previous Zoning Hearings

Case No R 87 257 (3/20/87)
A reclassification request for property zoned DR 16 & 10 5 to R.O zoning was dismissed by petitioner

Case No 3420 RS (4/4/55)
Zoning Commissioner Order denied reclassification request from an 'A' residence zone to an 'B' commercial zone and for a special permit to allow a gasoline station

Case No 5753 (4/1/63)
Zoning Commissioner Order denied reclassification request from R-10 zone to a BL zone

23 The parking layout on this plan was approved by the zoning commissioner as exhibit 'A in zoning Case No 98-459-A

24 This site is currently served by the "M-16" Mass Transit Administration (MTA) bus route, with designated stops at Owynbrook Ave and Feuchtwood Lane. No additional bus stops or new transit amenities (bus Shelter) are proposed as part of this project

25 This project generates 4,098 ADT'S.

26 For Forest Conservation Notes please refer to sheet 4 and 5 of 5

27 The reconstruction of the Target on site parking areas shall be the subject of a reciprocal agreement with Target.

28 The development of this property is subject to a covenant agreement recorded in the land records of Baltimore County 10 04 96 ref 0011896 356

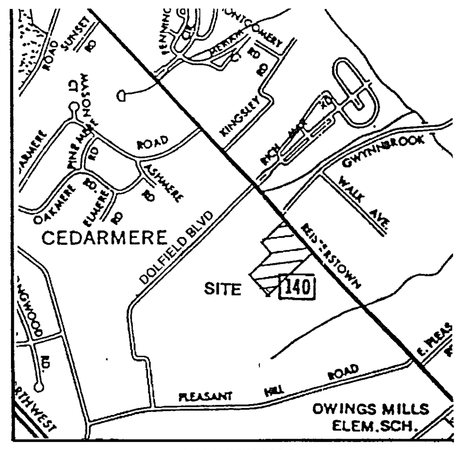
29 Application for an access permit has been made with MSHA Improvements to MD Rte 140 (Reisterstown Road) will be made in accordance with MSHA requirements

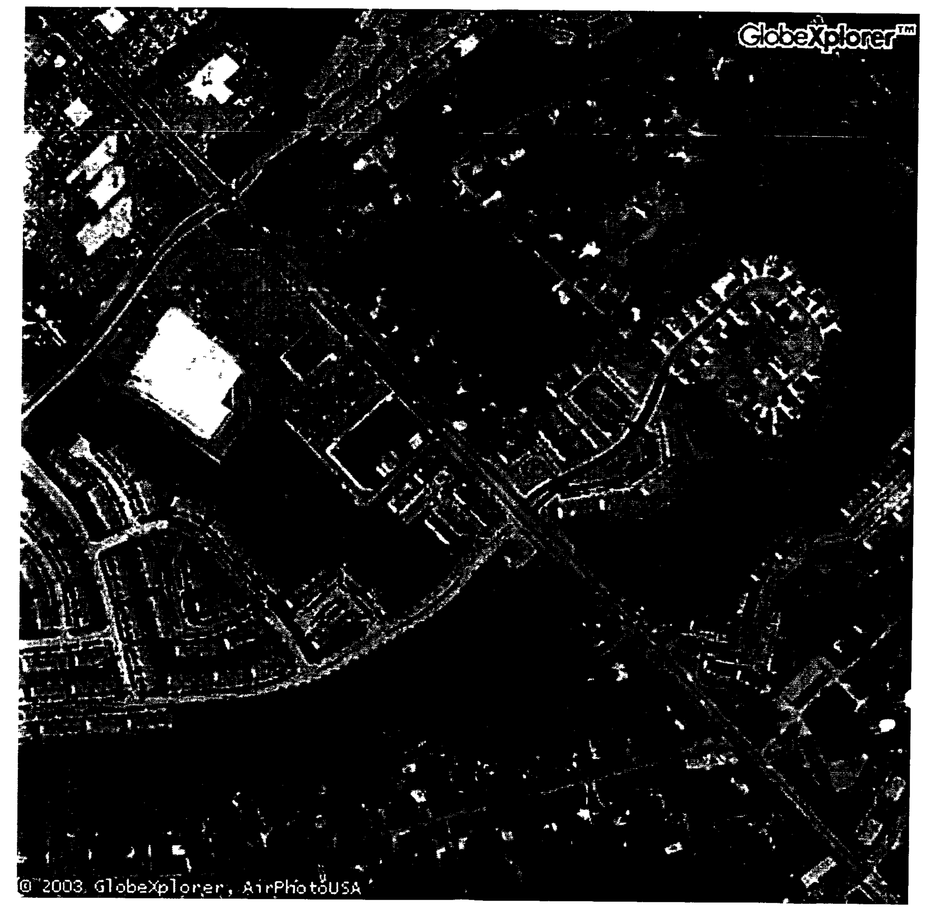
30 The Target Development Plan will be amended after the Metro Square Development Plan is approved by Baltimore County

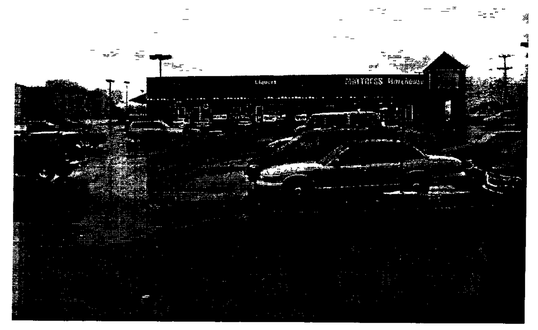
31 This plan represents the development proposed for both the Wang and Fritz properties (DRC #'s 10207 L.& 09027.J) PDM# IV-454

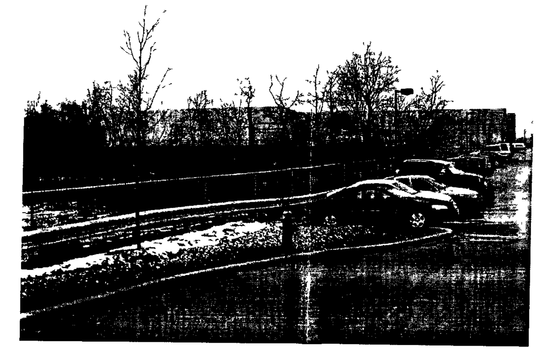
32 A timber decorative fence with more redwood qualities equal to the "Flywal Post and Panel System" manufactured by Hoover Wood Products, Inc. Of Thomson Ga. The fence shall be 12 feet in height and shall run the full length of the building and the delivery area. The fence will be located between the landscaped buffer area and the service drive

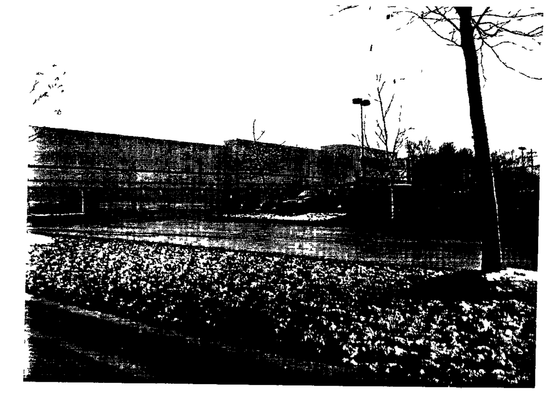
33 Handicapped parking spaces shall be provided in accordance with the Maryland Code for the Handicapped, COMAR 05 02.02


CEDARMERE
SITE 140
OWINGS MILLS ELEM. SCH.
PLEASANT HILL ROAD
DOLFIELD BLVD
OWYNBROOK
WALL AVE
REISTERSTOWN
FENCHURCH
FENCHURCH WOODS
FENCHURCH MANOR
FENCHURCH MILL
FENCHURCH MEADOW
FENCHURCH ROAD
FENCHURCH CREST
FENCHURCH MANOR
FENCHURCH MILL
FENCHURCH MEADOW
FENCHURCH ROAD
FENCHURCH CREST
FENCHURCH WOODS





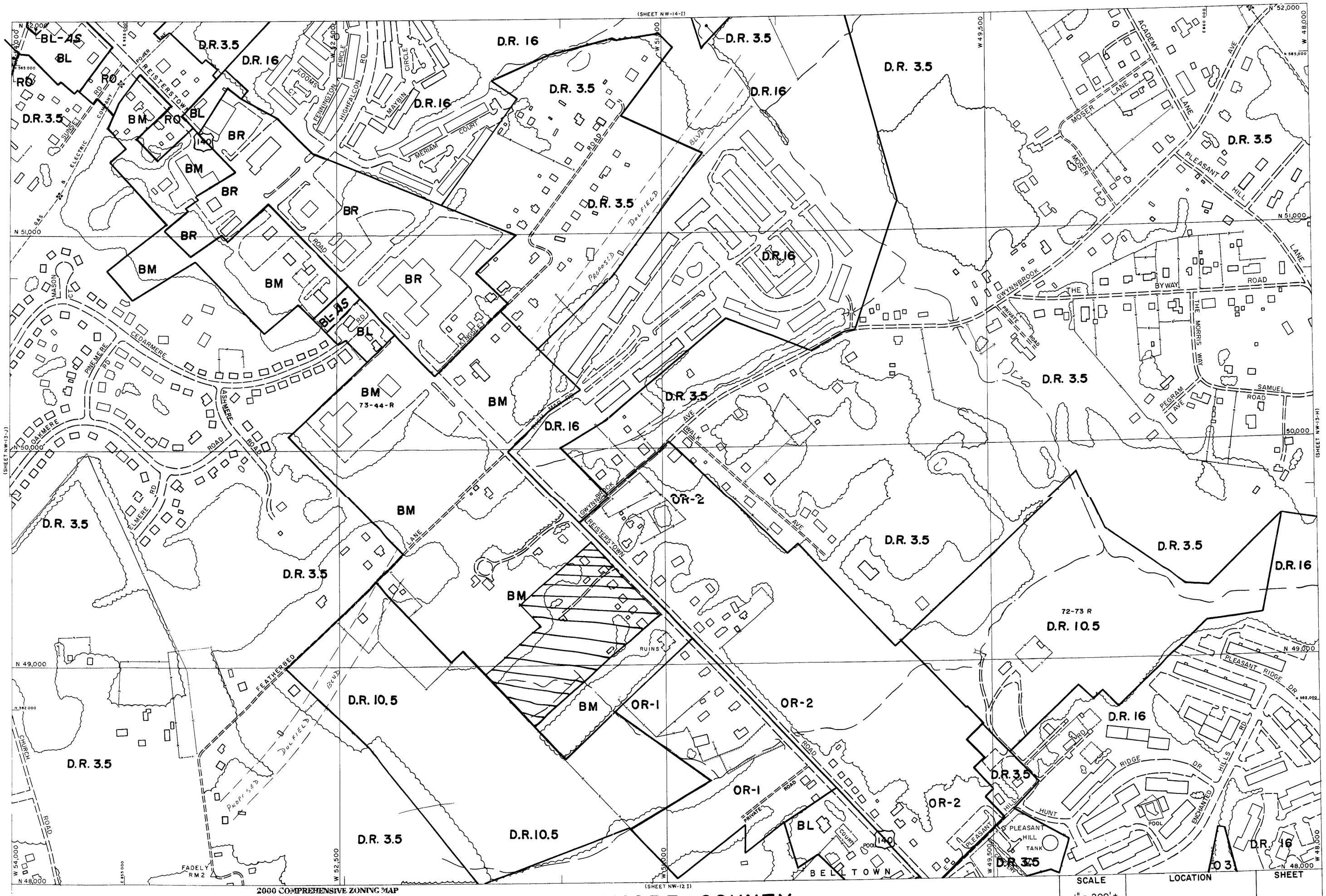




Shoppers Food Warehouse
11120 Reisterstown Road, Owings Mills, MD

Kann & Associates, Inc.
33 South Gay Street
Suite 400
Baltimore, MD 21202
410-234-0900
410-539-4921 Fax

Architecture
Planning
Preservation
Interior Design
Graphic Design



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 16, 2000
BILLS NOS. 87-00, 88-00, 89-00 & 90-00 52-00, 93-00,

Chairman, County Council

T-NW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC BALTIMORE, MD 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'±	BELLTOWN	NW 13-I
DATE OF PHOTOGRAPHY JANUARY 1986		

NW 13 I