IN RE: PETITION FOR VARIANCES

31 York Road

9th Election District

5TH Councilmanic District

BEFORE THE

ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Estate of Sol Goldman, Owner

Frontier Development, Contract

Purchaser/Petitioner

* Case No.: 03-544-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Variances for the property located at 31 York Road in Towson. The Petition is filed by Frontier Development, contract purchaser of the subject property. Seven variances are sought: 1) a variance from Section 409.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 6 stacking spaces in lieu of the required 7 stacking spaces; 2) a variance from Section 409.10 of the B.C.Z.R. to permit 3 stacking spaces behind the order board in lieu of the required 5 stacking spaces; 3) a variance from Section 409.8.A.1 of the B.C.Z.R. to permit a 4.7 landscape buffer in lieu of the required 10 foot landscape buffer along York Road; 4) a variance from Section 409.8.A.1 of the B.C.Z.R. to permit a 5 foot landscape buffer in lieu of the required 6 foot landscape buffer along the northern property line; 5) a variance from Section 409.6.A.2 of the B.C.Z.R. to permit 15 parking spaces in lieu of the required 30 parking spaces; 6) a variance from Section 232.3.B of the B.C.Z.R. to permit a 17.2 foot rear yard setback in lieu of the required 20 foot rear yard setback; and, 7) a variance from Section 409.8.A.1 to permit a 6 foot landscape buffer in lieu of the required 10 foot landscape buffer along the westerly property line. I amended at the hearing variance number 6 to permit a 16.2 foot rear yard setback in lieu of the required 20 foot rear yard setback and variance number 7 to permit a 5 foot landscape buffer in lieu of the required 10 foot landscape buffer along the westerly property line for the reasons hereinafter set forth.

ORUER RECHING FOR FILING Date

Appearing at the requisite public hearing held for this case was Eric Gordon, President of Frontier Development, Petitioner. Also present was Gregory Reed from Bohler Engineering, P.C., the preparer of the site plan. The Petitioner was represented by David K. Gildea, Esquire. Francis X. Borgerding, Jr., Esquire represented The Greater Towson Council of Community Associations, Inc. Also present on behalf of The Greater Towson Council of Community Associations, Inc. were Donald R. Wright, President, J. Donald Gerding, Zoning Committee Chair who assisted Mr. Borgerding in the presentation, and Richard Parsons, Zoning Committee Deputy Chair. Also present on behalf of the Greater Towson Committee, Inc. was Robert E. Latshaw, Jr. Also present was Dean Merritt, a resident of the Burkleigh Square community.

The subject property is the former Crown site located at the northwest corner of the intersection of York Road and Burke Avenue across from Towson University. The property is approximately 0.401 acres in area, zoned BM-AS. This portion of York Road is designated as being within the Towson Commercial Revitalization District and within the Design Review Panel review area of Baltimore County.

The site was previously improved by a Crown Central Petroleum Corp. fuel service station. Presently, the site consists of a concrete pad, Crown Central Petroleum Corp. having removed all above ground structures. Except for the seasonal utilization of the site for the operation of a snowball stand, the site has been in disuse for several years.

The Petitioner is a preferred developer for Starbucks Coffee Co. and intends to redevelop the site for its use as a freestanding, drive-thru Starbucks Coffee shop with a 1,650 square foot building and indoor and outdoor seating for its customers. The subject property and the relief requested are more particularly shown on Petitioner's Exhibit 1, which includes the revised site and landscape thans. Further, the proposed building to be erected upon the site is more particularly shown on

Petitioner's Exhibit 2, which depict the rendered building elevations that have been approved by Donald R. Wright, President of The Greater Towson Council of Community Associations, Inc., and Robert E. Latshaw, Jr. on behalf of the Greater Towson Committee, Inc. as the accepted design criteria for the structure.

The Petitioner, understanding the importance of this site to Baltimore County and the Towson community, has invested significant time in presenting the proposed project to Baltimore County, Councilman Vincent J. Gardina, and the Towson Revitalization Partnership, which consists of representatives of various Baltimore County agencies, local business leaders and community association leaders. In addition, the Petitioner presented the project for review on two separate occasions to the Design Review Panel. The Petitioner has revised its site plan and rendered building elevations to comply with the comments offered by these various groups and agencies, which could feasibly be accommodated.

The representatives of The Greater Towson Council of Community Associations, Inc. and the Greater Towson Committee, Inc. who presented at the hearing requested the following accommodations: 1) that the existing curb cut located on York Road closest to the intersection of York Road and Burke Avenue be eliminated; and, 2) that Starbucks prohibit its employees from parking on the site. The Petitioner indicated that it will eliminate the existing curb cut located closest to the intersection of York Road and Burke Avenue and that Starbucks will establish a policy that prohibits its employees from parking on the site. There was also some concern expressed with the tendency of patrons to exit the site westbound onto Burke Avenue and to make a U-turn at the first median break to regain access to York Road possibly creating a dangerous traffic situation. This Zoning Commissioner will recommend to the Department of Public Works that a "no U-turn" sign be erected at the median break to address this concern.

ORDER RESENTED FOR FILING

Zoning Advisory Committee (ZAC) comments were received from the Office of Planning, and, based upon the comments issued as a result of the Design Review Panel hearing held May 28, 2003, and the Design Review Panel hearing held June 17, 2003, in addition to its review of the revised site plan and rendered building elevations, the Office of Planning recommended approval of the requested variances provided the Petitioner comply with the following conditions: 1) Provide a plan at 1/4" = 1"scale of the proposed gateway treatment of the corner of York Road and Burke Avenue that includes the proposed crosswalk, walls, sign, landscaping, etc.; 2) Provide a minimum 7 foot wide sidewalk along the full length of York Road. Although the sidewalk width varies along York Road, maintain a minimum dimension of 7 feet. A portion of this sidewalk must be located outside of the public rightof-way in order to accommodate this width; 3) The dumpster enclosure materials should be the same as the proposed HVAC condenser unit enclosures; 4) Provide a different material, such as interlocking pavers or color stamped concrete coordinated with the crosswalks, for the drive-lane on the east side of the building to establish a pedestrian zone between the building entrance and patio and the public sidewalk; 5) Relocate the proposed crosswalk on the south and east corner to connect with the existing crosswalks on Burke Avenue and York Road. This crosswalk should be incorporated into a walled treatment for this corner that will include a Towson gateway sign;

- 6) Reduce the drive lane located along the eastern edge of the site from 16 feet wide to 15 feet wide to allow for a larger pedestrian and patio area adjacent to the building on the east and south sides;
- 7) Eliminate the south two parallel parking spaces adjacent to York Road and then enlarge the patio and pedestrian area; 8) Reduce landscape area to 4 feet adjacent to existing wall on the west property boundary. Add the area gained to the east side pedestrian/patio area; 9) Remove gates for the echanical area or continue the architectural treatment around; 10) Add trees next to stacking lane; 11) Add a hedge in front of the wall and trees all along the wall and along the north property

boundary; 12) Add tree adjacent to the entrance to the proposed drive through; 13) Add windows on north and west elevation of the clerestory; 14) Reduce the color range in the brick to provide a more urban look; and, 15) Raise awnings located over the pick-up window in order to remove the sign bar regulating vehicular clearance.

The Petitioner testified that it will comply with each of the conditions as set forth by the Office of Planning except for condition numbers 5, 6, 7, 8 and 15. I find this to be reasonable for the reasons stated below.

With respect to comment number 5, I find that the existing site plan accomplishes the effect of creating a significant landscape feature of the project on the south and east corner of the site, and the inclusion of a crosswalk in that location would diminish its value as a landscape feature.

With respect to comment number 6 and 8, the conditions imposed by the Office of Planning would create an adverse impact upon the circulation of the site. Therefore, the Petitioner has agreed to move the building one foot (1.0') back towards the westerly property line, and I find that this will achieve the Office of Planning's goal of providing a larger pedestrian and patio area. This accommodation necessitated my amending the rear yard setback variance and landscape buffer variance as stated above.

With respect to comment number 7, the site is small, and there are significant constraints on parking as evidenced by the proposed site plan. I am not inclined to place further constraints upon the parking situation by recommending additional elimination of parking spaces in the interest of enlarging the pedestrian and patio area.

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With respect to comment number 15, I find that the proposed awnings accomplish the reasonable purpose of protecting the servers from the elements, and the height of the awnings proposed by the Petitioner is proper.

In addition to comments from the Office of Planning, a memorandum of support dated May 19, 2003 was received from Andrea Van Arsdale, Director, Commercial Revitalization Program, Department of Economic Development, a copy of which is attached hereto and made a part hereof. I find the Department of Economic Development's endorsement of the Petitioner's variance requests strongly compelling. The rationale for the support offered by the Department of Economic Development, which rationale was echoed by petitioner through its counsel, is persuasive given the proper characterization of the property as a "derelict site" within the Towson Commercial Revitalization District and critical opportunity area for redevelopment. Moreover, I concur with the Department of Economic Development's conclusion that the addition of a Starbucks Coffee shop on this site will dramatically improve the "gateway to Towson" and should attract other high quality retail uses to the area. Finally, I find that the site is small and uniquely configured requiring variance relief to make redevelopment possible.

Based upon the testimony and evidence presented, I am persuaded to grant the zoning relief requested. I find that the Petitioner has met the requirements of Section 307 of the B.C.Z.R. I find that the nature of the use, the configuration of the property, and the additional constraints associated with the site as evidenced by the site's disuse for nearly 5 years are all persuasive factors that the design of the building and location thereof are appropriate. I find that the property is unique, that a practical difficulty would result if relief were denied, and that the requested variances may be granted without adverse impact to the surrounding locale or injury to public health, safety and general effere.

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 day of July, 2003, that the Petition for Variances seeking relief from the B.C.Z.R. as follows: From Section 409.10 of the B.C.Z.R. to permit 6 stacking spaces in lieu of the required 7 stacking spaces; from Section 409.10 of the B.C.Z.R. to permit 3 stacking spaces behind the order board in lieu of the required 5 stacking spaces; from Section 409.8.A.1 of the B.C.Z.R. to permit a 4.7 landscape buffer in lieu of the required 10 foot landscape buffer along York Road; from Section 409.8.A.1 of the B.C.Z.R. to permit a 5 foot landscape buffer in lieu of the required 6 foot landscape buffer along the northern property line; from Section 409.6.A.2 of the B.C.Z.R. to permit 15 parking spaces in lieu of the required 30 parking spaces; from Section 232.3.B of the B.C.Z.R. to permit a 16.2 foot rear yard setback in lieu of the required 20 foot rear yard setback, as amended; and, from Section 409.8.A.1 to permit a 5 foot landscape buffer in lieu of the required 10 foot landscape buffer along the westerly property line, as amended, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

- The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.
- The existing curb cut located on York Road closest to the intersection of York Road and Burke Avenue be climinated.
- 3) Starbucks establish a policy that prohibits its employees from parking on the site.

ORDER RECEIVED FOR FILING Date

By

- 4) Compliance with the ZAC comments submitted by the Office of Planning dated June 30, 2003, a copy of which is attached hereto and made a part hereof, except that Petitioner shall not have to comply with comments 5, 6, 7, 8 and 15 specifically addressed in this Order.
- The Petitioner shall submit an amended Site Plan incorporating the changes necessitated by compliance with the ZAC comments within thirty (30) days of the date of this Order.
- When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the conditions of this Order.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County



July 28, 2003

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

Fax: 410-887-3468

D. Dusky Holman, Esquire Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

RE: PETITION FOR VARIANCE

N/S Burke Avenue, 50' W of York Road

(31 York Road)

9th Election District – 5th Council District

Estate of Sol Goldman - Petitioner

Case No. 03-544-A

Dear Mr. Holman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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. Louisa Little, Windsor Corporation, 640 5th Avenue, New York, NY 10019

Mr. Eric Gordon, President, Frontier Development

10 South New River Drive, Suite 104, Fort Lauderdale, FL 33301

Mr. Greg Reed, 810 Gleneagles Court, Suite 300, Towson, Md. 21286

Mr. Donald Gerding, 335 Old Trail, Baltimore, Md. 21212

Mr. Richard Parsons, 412 Woodbine Avenue, Towson, Md. 21204

Mr. Robert E. Latshaw, Jr., Greater Towson Comm., 502 Baltimore Ave., Towson, Md. 21204

Mr. Dean Merritt, 61 Burkleigh Road, Towson, Md. 21286

Mr. Don Wright, 403 Woodbine Avenue, Towson, Md. 21204

People's Counsel; Case File



Letition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 31 York Road

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AL SELECTE	12	presently	1	zonea	211	HU	

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

See Attached

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

To be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

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

Contract Purchaser/Lessee:

Signature Eric Goro	ion, P	residen	 	
10 South New I				
Address			Telephone No.	ı
Fort Lauderda	<u>le,</u> F	1 33301	(954)832-	9
City		State	Zip Code	٠
Attorney For Petitic	oner:			
D. Dusky Holman	3			
Name - Type or Print				
'N N / Y/	/			
Signature Signature	man		 	
Gildea, LLd				
Company				-
301 N.Charles	Stre	et, Sui	te 900	
Address			Telephone No.	-
Baltimore, MD	2120	1 (410		Ì
City		State	Zip Code	-
			•	

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

Legal Owner(s):

City

——————————————————————————————————————	
Estate of Sol Goldn	nan
Name - Type or Print	·····
Jauisa Pittle	
Signature Louisa Little-1	PersonalRen
	ersonarkep.
Name - Type or Print	······
Signature	
Windsor Corp., 640	5th Ave.
Address	Telephone
New York, NY 10019	

Representative to be Contacted:

D.Dusky Holman	1	
Name		
301 N.Charles	Street, Sui	te 900
Address		Telephone
Baltimore, MD	21201 (410)	234-00
City	State	Zip C

(212) 265-22

Zip C

State

OFFICE USE ONLY

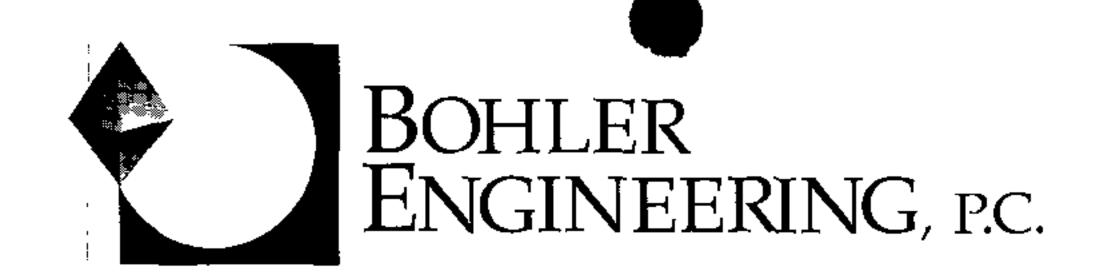
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leviewed By	JNP	Date	0/10/02

ORDER RECE

REV 9/15/98

Attachment to Petition for Variance

- 1. Section 409.10 -- to permit 6 stacking spaces in lieu of the required 7 stacking spaces.
- 2. Section 409.10 -- to permit 3 stacking spaces behind the order board in lieu of the required 5 stacking spaces.
- 3. Section 409.8.A.1 -- to permit a 4.7 foot landscape buffer in lieu of the required 10 foot landscape buffer along York Road.
- 4. Section 409.8.A.1 -- to permit a 5 foot landscape buffer in lieu of the required 6 foot landscape buffer along the northern property line.
- 5. Section 409.6.A.2 -- to permit 15 parking spaces in lieu of the required 30 parking spaces.
- 6. Section 232.3.B -- to permit a 17.2 foot rear yard setback in lieu of the required 20 foot rear yard setback.
- 7. Section 409.8.A.1 -- to permit a 6 foot landscape buffer in lieu of the required 10 foot landscape buffer along the westerly property line.



810 Gleneagles Court, Suite 300 Towson, MD 21286 410 821.7900 410.821 7987 fax md@bohlereng.com

May 1, 2003

ZONING DESCRIPTION
OF PART OF THE LANDS KNOWN AS
PARCEL 973, TAX MAP 70
AS RECORDED IN LIBER 7233 FOLIO 38
BALTIMORE COUNTY, MARYLAND
5TH COUNCILMANIC DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF BURKE AVENUE WHICH IS OF VARIABLE WIDTH AT THE DISTANCE OF 50 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, MD ROUTE 45 (YORK ROAD) WHICH IS OF VARIABLE WIDTH.

THENCE, BINDING ON THE SOUTHERN MOST OUTLINE OF PARCEL 973, AND REFERRING SAID COURSES AND DISTANCES TO THE MARYLAND STATE GRID MERIDIAN NAD 83 NORTH VIZ;

- 1. NORTH 84 DEGREES 55 MINUTES 36 SECONDS WEST; 27.76 FEET TO A POINT.
- 2. CURVING TOWARDS THE NORTH WITH A RADIUS OF 402.74 FEET FOR A DISTANCE OF 47.22 FEET, THE CHORD OF SAID ARC BEING NORTH 74 DEGREES 30 MINUTES 16 SECONDS WEST; 47.19 FEET TO A POINT.
- 3. NORTH 10 DEGREES 58 MINUTES 05 SECONDS EAST; 213.32 FEET TO A POINT.
- 4. SOUTH 69 DEGREES 45 MINUTES 40 SECONDS EAST; 85.27 FEET TO A POINT.
- 5. SOUTH 10 DEGREES 58 MINUTES 05 SECONDS WEST; 178.90 FEET TO A POINT.
- 6. NORTH 79 DEGREES 07 MINUTES 29 SECONDS WEST; 0.71 FEET TO A POINT.
- 7. SOUTH 10 DEGREES 52 MINUTES 31 SECONDS WEST; 5.50 FEET TO A POINT.
- 8. CURING TOWARDS THE WEST WITH A RADIUS OF 19.00 FEET FOR A DISTANCE OF 19.11 FEET, THE CHORD OF SAID ARC BEING SOUTH 39 DEGREES 41 MINUTES 21 SECONDS WEST; 18.31 FEET TO A POINT TO THE PLACE OF BEGINNING.

BEING ALSO KNOWN AS PARCEL 973 AS RECORDED IN BALTIMORE COUNTY LIBER 7233 FOLIO 38. CONTAINING IN ALL 17,499 SQUARE FEET OR 0,40 ACRES OF LAND MORE OR LESS.

Prepared by: MG Reviewed by: GHR

Other Office Locations:

■ Watchung, NJ 908.668 8300 ■ North Wales, PA 215 393 8300

■ Melville, NY 631 872.2000

■ Sterling, VA 703,709 9500 ■ Southboro, MA 508 480 9900 ■ Albany, NY 518 438 9900

■ Center Valley, PA 610 797 3000

BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	No. 23556	PAID RECEIPT UNDERS ACTUAL TIME IAU
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DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER		CASHIER'S VALIDATION

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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: #03-544-A

31 York Road

N/side of Burke Avenue, 50 feet west of York Road (MD Route 45)

9th Election District - 5th Councilmanic District Legal Owner(s). Estate of Sol Goldman, Louisa Little,

Personal Rep

Contract Purchaser Frontier Development, Eric Gordon, President

Variance: to permit 6 stack parking spaces in lieu of the required 7 stack spaces. To permit 3 stack spaces behind the order board in lieu of the required 5 stack spaces. To permit a 4.7 foot landscape buffer in lieu of the required 10 foot. To permit a 5 foot landscape buffer in lieu of the required 6 foot. To permit 15 parking spaces in lieu of the required 30 parking spaces. To permit a 17.2 foot rear yard setback in lieu of the required 20 foot. To permit a 6 foot landscape buffer in lieu of the required 10 feet.

Hearing: Wednesday, July 2, 2003 at 11:00 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 Com missioner's Office at (410) 887-4386

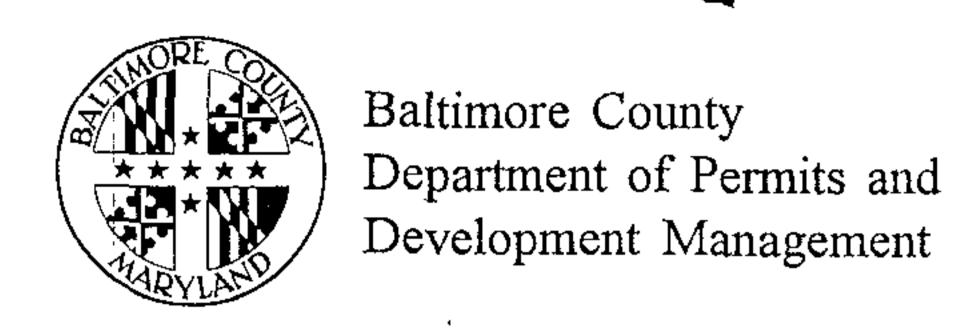
(2) For information concerning the File and/or Hearing Contact the Zoning Review Office at (410) 887-3391. JT 6/723 June 17

CERTIFICATE OF PUBLICATION

<u>6/19/_,2003</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County Md
once in each ofsuccessive weeks, the first publication appearing on _6 17,20_03.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

CERTIFICATE OF POSTING

	RE: Case No.: 03-544-A
	Petitioner/Developer: FRONTIER
	ERIC GORDON, PRESID.
	Date of Hearing/Closing: $\frac{7/2-/03}{}$
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	• •
This letter is to certify under the penalties of perjury the posted conspicuously on the property located at:	at the necessary sign(s) required by law were
3/ YORK RD	
	······································
The cian(c) were nected on	10/03
The sign(s) were posted on(Mont	h, Day, Year)
Sincer	ely,
	1-11/1
	1/1/02
	(Signature of Sign Poster) (Date)
	SSG Robert Black
	(Print Name)
HEARING CONTROL OF STREET	1508 Leslie Road
	(Address)
	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353

Fax: 410-887-5708

May 27, 2003

NOTICE OF ZONING HEARING

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CASE NUMBER: 03-544-A

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N/side of Burke Avenue, 50 feet west of York Road (MD Route 45)

9th Election District – 5th Councilmanic

Legal Owner: Estate of Sol Goldman, Louisa Little, Personal Rep. Contract Purchaser: Frontier Development, Eric Gordon, President

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Hearings:

Wednesday, July 2, 2003 at 11:00 in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon

Director

AJ:rlh

C: D. Dusty Holman, Gildea, LLC, 301 N. Charles Street, Suite 900, Baltimore 21201 Louisa Little, Personal Representative of the Estate of Sol Goldman, Windsor Corp., 640 5th Avenue, New York, NY 10019 Frontier Development, Eric Gordon, President, 10 South New River Drive, Suite 104, Fort Lauderdale, FL 33301

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

TO:

PATUXENT PUBLISHING COMPANY

Tuesday, June 17, 2003 Issue - Jeffersonian

Please forward billing to:

D. Dusty Holman

410-234-0070

Gildea, LLC

301 North Charles Street, Suite 900

Baltimore, MD 21201

NOTICE OF ZONING HEARING

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Hearings:

Wednesday, July 2, 2003 at 11:00 in Room 407, County Courts Building, 401

Bosley Avenue

LAWRENCE E. SCHMIDT

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ZONING COMMISSIONER FOR BALTIMORE COUNTY

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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 03-544-4
Petitioner: ESTATE OF SOL GOLDMAN
Address or Location: 31 YORK ROAD
PLEASE FORWARD ADVERTISING BILL TO:
Name: D. Dusky Holman
Address: Gildea, LLC
301 North Charles Street, Suite 900
Baltimore, Maryland 21201
Telephone Number: <u>4/0 - 23 4 - 0070</u>



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

June 27, 2003

D. Dusky Holman Gildea, LLC 301 N. Charles Street, Suite 900 Baltimore, MD 21201

Dear Mr. Holman:

RE: Case Number: 03-544-A, 31 York Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 15, 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
Estate of Sol Goldman, Louisa Little, Personal Rep., Windsor Corp., 640 5th Ave.,
New York, New York 10019
Frontier Development, Eric Gordon, 10 South New River Dr., Ste. 104,
Fort Lauderdale, Florida 33301

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



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 May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

Item No.:

(544), 547-551

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.

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

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Neil J. Pederson, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: June 2, 2003

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE: Baltimore County
Item No. 544 (JNP)
MD 45
31 York RD

Mile Post 1.65

Dear Ms. Hart:

This office has reviewed the referenced Item and has no objection for approval to the Special Variance and Petition for Variance.

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

- The closure of the existing entrance closest to Burke Avenue.
- A hydraulic review may be required.

Please have their representative contact this office regarding the roadway improvements conditioned to the permit.

Should any additional information be required please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: June 30, 2003

RECEIVED

JUL - 1 2003

ZONING COMMISSIONER

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Starbucks Coffee Shop

INFORMATION:

31 York Road

Towson, Maryland

Item Number:

03-544

Petitioner:

D. Dusky Holman

Zoning:

BM-AS (Business Major-Automotive Service)

Requested Action:

Administrative Variances

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has received the petitioners request for the following variances:

- 1. Section 409.10 to permit 6 stack-parking spaces in lieu of the required 7 stacking spaces.
- 2. Section 409.10 to permit 3 stacking spaces behind the order board in lieu of the required 5 stacking spaces.
- 3. Section 409.8.A.1 to permit a 4.7-foot landscape buffer in lieu of the required 10-foot landscape buffer along York Road.
- 4. Section 409.8.A.1 to permit a 5-foot landscape buffer in lieu of the required 6-foot landscape buffer along the northern property line.
- 5. Section 409.6.A.2 to permit 15 parking spaces in lieu of the required 30 parking spaces.
- 6. Section 232.3.B to permit a 17.2-foot rear yard setback in lieu of the required 20-foot rear yard setback.
- 7. Section 409.8.A.1 to permit a 6-foot landscape buffer in lieu of the required 10-foot landscape buffer along the westerly property line.

This project was subject to review by the Design Review Panel, initially on May 28, 2003 and again with revised architectural elevations and site plans on June 17, 2003. The comments and conditions are based on the plans and elevations submitted on June 17, 2003 (see attached).

The Office of Planning has reviewed these requests and recommends approval provided the following conditions are met:

- 1. Provide a plan at 1/4" = 1' scale of the proposed gateway treatment of the corner of York Road and Burke Avenue that includes the proposed crosswalk, walls, sign, landscaping, etc.
- 2. Provide a minimum 7 foot wide sidewalk along the full length of York Road. Although the sidewalk width varies along York Road, maintain a minimum dimension of 7 feet. A portion of this sidewalk must be located outside of the public right-of-way in order to accommodate this width.
- 3. The dumpster enclosure materials should be the same as the proposed HVAC condenser unit enclosures.
- 4. Provide a different material, such as interlocking pavers or color stamped concrete coordinated with the crosswalks, for the drive-lane on the east side of the building to establish a pedestrian zone between the building entrance and patio and the public sidewalk.
- 5. Relocate the proposed crosswalk on the south and east corner to connect with the existing crosswalks on Burke Avenue and York Road. This crosswalk should be incorporated into a walled treatment for this corner that will include a Towson gateway sign.
- 6. Reduce the drive lane located along the eastern edge of the site from 16 feet wide to 15 feet wide to allow for a larger pedestrian and patio area adjacent to the building on the east and south sides.
- 7. Eliminate the south two parallel parking spaces adjacent to York Road and then enlarge the patio and pedestrian area.
- 8. Reduce landscape area to 4 feet adjacent to existing wall on the west property boundary. Add the area gained to the east side pedestrian/patio area.
- 9. Remove gates for the mechanical area or continue the architectural treatment around.
- 10. Add trees next to stacking lane.
- 11. Add a hedge in front of the wall and trees all along the wall and along the north property boundary.
- 12. Add tree adjacent to the entrance to the proposed drive through.
- 13. Add windows on north and west elevation of the clerestory.
- 14. Reduce the color range in the brick to provide a more urban look.

15. Raise awnings located over the pick-up window in order to remove the sign bar regulating vehicular clearance.

Section Chief:

AFK/LL:ASR:kma

Attachment

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE

DESIGN REVIEW COMMENTS

TO:

Lynn Lanham, Section Chief

DATE: June 30, 2003

Development Review Section

Office of Planning

FROM:

Anne Roane, Planner

Design Review Panel

SUBJECT:

Minutes Design Review Panel Meeting of June 17, 2003

Second Review

PROJECT NAME:

Starbucks Coffee Shop

York Road, Towson

PROJECT #:

DRP 440, PDM# 03-544

PROJECT TYPE:

Design Review Panel

DESIGN REVIEW PANEL MEMBERS IN ATTENDANCE:

Sally Malena, Nikolaus Philipsen, Steve Ziger

PROJECT DESCRIPTION:

The applicant proposes to build a 1650 square foot restaurant with a drive-thru on a site located on the northwest corner of York Road and Burke Avenue. The site is zoned BM-AS and is within the boundaries of the Towson Community Plan. Variances for parking, vehicular stacking, and required landscape buffer will be necessary with the plan presented.

PROJECT CHANGES:

The applicant presented the following changes in response to the Design Review Panel's initial review of the project.

- 1. The vehicular entrances have been reduced in width from 35 feet to 30 feet wide.
- 2. Decorative lighting fixtures have been added to the building and site plan.
- 3. Stamped concrete defines the crosswalks at two locations.
- 4. An easement for a Towson identification sign has been provided at the corner of York Road and Burke Avenue.
- 5. The existing trees are shown along York Road.
- 6. The architectural changes include:
 - a. The addition of a watertable.

Subject: Minutes (Design Review Panel Meeting)

Project Name: Starbucks Project #: 440

b. Greater articulation of the facade and the addition of pillars.

- c. The window elements match on the north and west elevations.
- d. The HVAC units have been relocated and screened within a building projection on the north elevation.

DESIGN REVIEW PANEL COMMENTS:

The Design Review Panel had previously suggested that a connection be provided between the adjacent Burkeshire Conference Center and the proposed Starbucks site. The applicant team responded that this was not supported by the State Highway Administration due to potential traffic generated by the conference center. The team also noted the economic hardship of relocating the existing transformers necessary for this connection. The Design Review Panel had suggested that the building be relocated closer to the corner of York Road and Burke Avenue. Although the applicant presented a site plan with the building relocated adjacent to York Road, conflicts with the proposed entrance off of Burke Avenue and the drive-through access were not acceptable and the design was rejected by the applicant.

The Design Review Panel was appreciative of the architectural changes but were still concerned about the dominance of the vehicular circulation at the expense of the pedestrian.

The following issues and recommendations were identified at the DRP meeting. These recommendations are advisory to the Office of Planning and may be incorporated with Planning's review of the Development Plan.

- 1. Provide a different material for the drive lane between the crosswalks that is more pedestrian such as interlocking pavers or color stamped concrete.
- Relocate the proposed crosswalk on the south and east corner to connect with the
 existing crosswalks on Burke Avenue and York Road. This crosswalk should be
 incorporated into a walled treatment for this corner that will include a Towson gateway
 sign.
- 3. Reduce the drive lane located along the eastern edge of the site from 16 feet wide to 15 feet wide to allow for a larger pedestrian and patio area adjacent to the building on the east and south sides.
- 4. Eliminate the south two parallel parking spaces and then enlarge the patio and pedestrian area adjacent to York Road.
- 5. Reduce the landscape area to 4 feet adjacent to the wall along the west property boundary. Add the area gained to the east side pedestrian/patio area.
- 6. Remove the gates for the mechanical area or continue the architectural treatment around.
- 7. Add trees next to the stacking lane.
- 8. Add a hedge in front of the wall and trees all along the wall and along the north property boundary.
- 9. Add trees adjacent to the entrance to the proposed drive-through.
- 10. Add windows on the north and west elevation of the clerestory.

Subject: Minutes (Designative View Panel Meeting)

Project Name: Starbucks

A.

Project #: 440

11. Reduce the color range of the brick to provide a more urban look.

- 12. Raise the awnings located over the pick-up window in order to remove the regulating vehicular clearance sign bar.
- 13. Investigate relocating the three angled parking spaces from the east to the west side of the building.

DISPOSITION:

Approved subject to the conditions listed above.

Anne Roane

AR:kma

C: DRP Members in attendance
Councilman Vince Gardina, Baltimore County Council
Lynn Lanham, Baltimore County Office of Planning

Karin Brown, Baltimore County Office of Planning

Andrea VanArsdale, Baltimore County Office of Economic Development Don Rascoe, Baltimore County Department of Permits and Development

David K. Gildea, Gildea, LLC

Gregory H. Reed, Bohler Engineering

Greg Simpson, Cuhaci & Peterson, Architects

Douglas Satzman, Starbucks Coffee Company

Eric Gordon, Frontier Development

Charles E. McMahon, Towson Revitalization Partnership

RECEIVED

MAY 2 0 2003

INTER-OFFICE MEMORANDUM

TO:

Baltimore County Zoning Commissioner

FROM:

Andrea Van Arsdale

Andrea Van Arsdale / Director, Commercial Revitalization Program ZONNG COMMSSIONER

SUBJECT:

Frontier Development/ Starbucks – Towson

Number 03 - 544 - A

DATE:

May 19, 2003

The Department of Economic Development strongly endorses the variance requests to enable the redevelopment of 31 York Road into a new Starbucks Coffee. This site is within the Towson Commercial Revitalization District and has been identified by the County and the Greater Towson Committee as a critical opportunity area for redevelopment. For more than 5 years, the site has remained vacant and been an eyesore at the entrance to Towson's business and residential communities as well as Towson University. There have been several attempts to purchase and redevelop the site, including a major effort by Towson University with funding assistance from Baltimore County, but none have been successful. Starbucks Coffee will be a complementary use to the University, dramatically improve the gateway to Towson, and, as a nationally recognized business, should greatly aid in attracting other high caliber retail uses to Towson.

The site is small and uniquely configured, with little depth to York Road. Redevelopment in older established business districts can be significantly hindered by small, narrow lot sizes that do not meet modern building and parking standards. Redevelopment of such sites with desirable modern uses is almost impossible without variance relief. This is certainly the case of the 31 York Road site.

The Towson business community, residential neighborhoods, Baltimore County, and the State of Maryland have invested much hard work and capital into revitalizing Towson. This type of project -- the redevelopment of a derelict site into a new, high quality use -is what will really make a difference in the long term economic viability of the area.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 30, 2003

Department of Permits & Development Management

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 2, 2003 Item Nos. 544, 345, 546, 547, 548,

549, and 551

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 VARIANCE * BEFORE THE
31 York Road; N/side Burke Ave, 50' W
York Rd (MD Route 45) * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts
Legal Owner(s): Estate of Sol Goldman, * FOR
Louisa Little, Personal Representative
Contract Purchaser: Eric Gordon, President, * BALTIMORE COUNTY
Frontier Development

Petitioner(s)

* * * * * * * *

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

03-544-A

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 29th day of May, 2003, a copy of the foregoing Entry of Appearance was mailed to, D. Dusky Holman, Esquire, Gildea, LLC, 301 N Charles Street, Suite 900, Baltimore, MD 21201, Attorney for Petitioner(s).

ETER MAX ZIMMERMAN

People's Counsel for Baltimore County

GILDEA. LLC

DAVID K. GILDEA DAVIDGILDEA GILDEALLC.COM

301 NORTH CHARLES STREET

SUITE 900

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM BALTIMORE, MARYLAND 21201

TELEPHONE 410-234-0070 **FACSIMILE 410-234-0072**

www.gildeallc.com

STUART W. COX SCOX@GILDEALLC.COM

D. DUSKY HOLMAN

JOSEPH R. WOOLMAN, III

JWOOLMAN@GILDEALLC.COM

DHOLMAN@GILDEALLC.COM

July 10, 2003

Hand-delivered

J. Donald Gerding, Zoning Committee Chair

The Greater Towson Council of Community Associations, Inc.

335 Old Trail

Baltimore, Maryland 21212

RE:

Starbucks/31 York Road

Dear Don:

As per your request, I am enclosing herewith three (3) copies of the proposed Zoning Order, which incorporates the changes you have suggested and those suggested by Mr. Latshaw of the Greater Towson Committee, Inc. In addition, I have included copies of the ZAC comments issued by the Office of Planning and the memorandum of support issued by Andrea Van Arsdale of the Department of Economic Development, both of which were referenced in the proposed Order. I will forward via facsimile the enclosed documents for Mr. Borgerding's review as well. It is my understanding that he will be returning to his office on Monday and will review the proposed Order at that time.

Kindly contact me, or have Mr. Borgerding contact me on Monday to let me know if the proposed Order is satisfactory. Again, I would like to thank you for your assistance, input and cooperation in this matter and look forward to working with you and your association on future projects. With kind regards, I remain

D. Dusley John

Enc.

CC:

Lawrence E. Schmidt, Zoning Commissioner

Eric Gordon, Frontier Development

David K. Gildea, Esquire

GILDEA. LLC

DAVID K. GILDEA DAVIDGILDEACGILDEALLC.COM

301 NORTH CHARLES STREET

SUITE 900

SEBASTIAN A. CROSS SCROSS@GILDEALLC.COM BALTIMORE, MARYLAND 21201 **TELEPHONE 410-234-0070**

FACSIMILE 410-234-0072

JOSEPH R. WOOLMAN, III JWOOLMAN GILDEALLC.COM www.gildeallc.com

DHOLMAN GILDEALLC.COM

July 8, 2003

RECEIVED

JUL 1 0 2003

ZONING COMMISSIONER

STUART W. COX SCOX GILDEALLC.COM

D. DUSKY HOLMAN

Hand-delivered

J. Donald Gerding, Zoning Committee Chair The Greater Towson Council of Community Associations, Inc. 335 Old Trail

Baltimore, Maryland 21212

RE: Starbucks/31 York Road

Dear Don:

It was a pleasure speaking with you today. Pursuant to our conversation, please find herewith the proposed Zoning Order that Zoning Commissioner Lawrence E. Schmidt requested we prepare. Kindly review the enclosed draft Order to ensure that it accurately reflects the terms agreed upon at the hearing on July 2, 2003.

Upon review, please contact me to discuss any proposed changes, or to indicate that the draft Order is satisfactory as presented. On behalf of our client, Frontier Development, I would like to thank you for your cooperation and courtesy in this matter. I look forward to working with you on future projects that will further revitalize the Towson community and surrounding areas. With kind regards, I am

Very truly yours,

DDH:dls

Enc.

CC:

Lawrence E. Schmidt, Zoning Commissioner

Eric Gordon, Frontier Development

David K. Gildea, Esquire



REPRESENTING MORE THAN 20 COMMUNITIES

PO BOX 5421, TOWSON, MD. 21285-5421 410-296-6732 drigsby@comcast.net

RESOLVED: That the GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc. shall, from January 16, 2003 to January 31, 2004, assign official responsibility for review, representation, and action on all zoning and development matters to the EXECUTIVE BOARD and the Chair and Deputy Chairs of the Zoning Committee, which consist of the following members:

> Donald R. Wright, President Judy Gregory, Treasurer

Stacy Weiss, Corresponding Secretary

J. Donald Gerding, Zoning Committee Chair . o 4/10.825.0894 Phone
Richard Parsons, Zoning Committee Deputy Chair

| 335 Old Wall
| Baltimore, 21212

AS WITNESS: Our hands and seal this 16th day of January 2003

ATTEST: GREATER TOWSON COUNCIL OF COMMUNITY ASSOCIATIONS, Inc.

President

RANCIS X. BORGERDING, JR.

Attorney at Law

Mercantile Building - Suite 600 409 Washington Avenue Towson, Maryland 21204 (410) 296-6820 Fax (410) 296-6884

June 27, 2003

HAND-DELIVERED

Timothy M. Kotroco, Director
Baltimore County Department
of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RECEIVED

JUN 2 7 2003

ZONING COMMISSIONER

RE: Case No.: 03-544A

Property: 31 York Road

Legal Owner: Estate of Sol Goldman, Louisa Little,

Personal Representative

Contract Purchaser: Frontier Development, Eric Gordon,

President

Hearing Date: Wednesday, July 2, 2003 @ 11:00 A.M.

Room 407 - County Courts Building

Dear Mr. Kotroco:

I am writing on behalf of my clients, The Greater Towson Council of Community Association, Inc., to request a short postponement of the above-referenced hearing. The reason for the requested postponement is that I have just been retained to represent my client in relation to the above-referenced hearing scheduled for Wednesday, July 2, 2003, at 11:00 A.M. Accordingly, a postponement would allow for sufficient time for preparation. In addition, my clients hope to use a short postponement to review the proposed relief requested by the Petitioner with the goal of attempting to resolve any issues that they may have with the proposed relief prior to the rescheduled hearing date. If this postponement is granted, I will seek, on behalf of my client, to coordinate with your office, as well as counsel for the Petitioner, to orchestrate the rescheduled hearing within a short period of time.

Timothy Kotroco, Director Page 2 June 27, 2003

Thank you for your consideration with regard to this matter.

Very truly yours,

FRANCIS X. BORGERDING, JR.

FXBJr:bjk

cc: D. Dusty Holman, Esquire

Larry Schmidt - Starbucks/31 York Road

From: "Dusky Holman" <dholman@gildeallc.com>

To: "Lawrence E. Schmidt" < lschmidt@co.ba.md.us>

Date: 7/28/2003 9:40 AM
Subject: Starbucks/31 York Road

"Greg Reed" <greed@bohlereng.com>, "Robert E. Latshaw, Jr." <reljr@latshaw.net>, "Andrea Van Arsdale"

<avanarsdale@co.ba.md.us>, "David K. Gildea" <davidgildea@gildeallc.com>, "Douglas Satzman"

<dsatzman@starbucks.com>, "Eric Gordon" <egordon30@msn.com>

Dear Larry:

CC:

Attached hereto please find the revised Zoning Order, which incorporates the changes of which we spoke on Friday, July 25th. As per your request, I contacted Frank Borgerding, Esquire, counsel to The Greater Towson Council of Community Associations, Inc., to obtain his approval of the contemplated changes, and he consented to same. Thank you again for your expeditious response. Should you have any questions, or should additional changes be necessary, please do not hesitate to contact me. With kind regards, I remain

Very truly yours,

D. Dusky Holman

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

Telephone: 410-234-0070 Fax: 410-234-0072

This email contains information from the law firm of Gildea, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this email in error, please notify Gildea, LLC by telephone (410-234-0070) immediately.

GILDEA. LLC

DAVID K. GILDEA
DAVIDGILDEA@GILDEALLC.COM

301 NORTH CHARLES STREET SUITE 900

SEBASTIAN A. CROSS SCROSSØGILDEALLC.COM BALTIMORE, MARYLAND 21201 TELEPHONE 410-234-0070

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM FACSIMILE 410-234-0072
www.gildeallc.com

D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM RECEIVED

JUL 25 2003

STUART W. COX SCOX@GILDEALLC.COM

July 23, 2003

ZONING COMMISSIONER

Mr. Lawrence E. Schmidt Baltimore County Zoning Commissioner 401 Bosley Avenue, Fourth Floor Towson, Maryland 21204

RE: Frontier Development/31 York Road

Case No.: 03-544-A

Dear Larry:

Per your request, please find herewith the draft Order I have prepared regarding the Zoning Hearing held July 2, 2003 on the above referenced project. The contents of the Order have been negotiated and approved by representatives of The Greater Towson Council of Community Associations, Inc. and The Greater Towson Committee, specifically, Francis X. Borgerding, Jr., Esquire, J. Donald Gerding and Robert E. Latshaw, Jr.

There is one minor discrepancy I would like to point out that will need to be resolved prior to execution of the final Order. ZAC Comment #8 requested that our client "Reduce landscape area to 4 feet adjacent to existing wall on the west property boundary. Add the area gained to the east side pedestrian/patio area." At the hearing, the parties agreed that the landscape area on the west property boundary was to be reduced to five (5) feet, rather than four (4) feet. Although our client states that it will comply with all ZAC Comment requests except those specifically addressed in the Order, it is impossible to comply with Comment #8. The reason I did not address this issue in the draft Order is due to the fact that no testimony was elicited at the hearing regarding that issue. Please let me know how you would like to handle that issue. I will amend the Order accordingly.

Upon review of the enclosed, please contact me to discuss any changes to the Order you deem necessary. We appreciate your assistance in this matter and facilitating its final resolution. I look

Mr. Lawrence E. Schmidt July 23, 2003 Page 2

forward to your reply. With kind regards, I remain

Very truly yours,

D. Dusky Holman

DDH:dls

CC: Andrea Van Arsdale, Economic Development

Eric Gordon, Frontier Development

Greg Reed, Bohler Engineering

Francis X. Borgerding, Esquire

J. Donald Gerding, The Greater Towson Council of Community Associations, Inc.

Robert E. Latshaw, Jr., The Greater Towson Committee

David K. Gildea, Esquire

	NAME S			
CASE	NUMBER	03-	544	1-A
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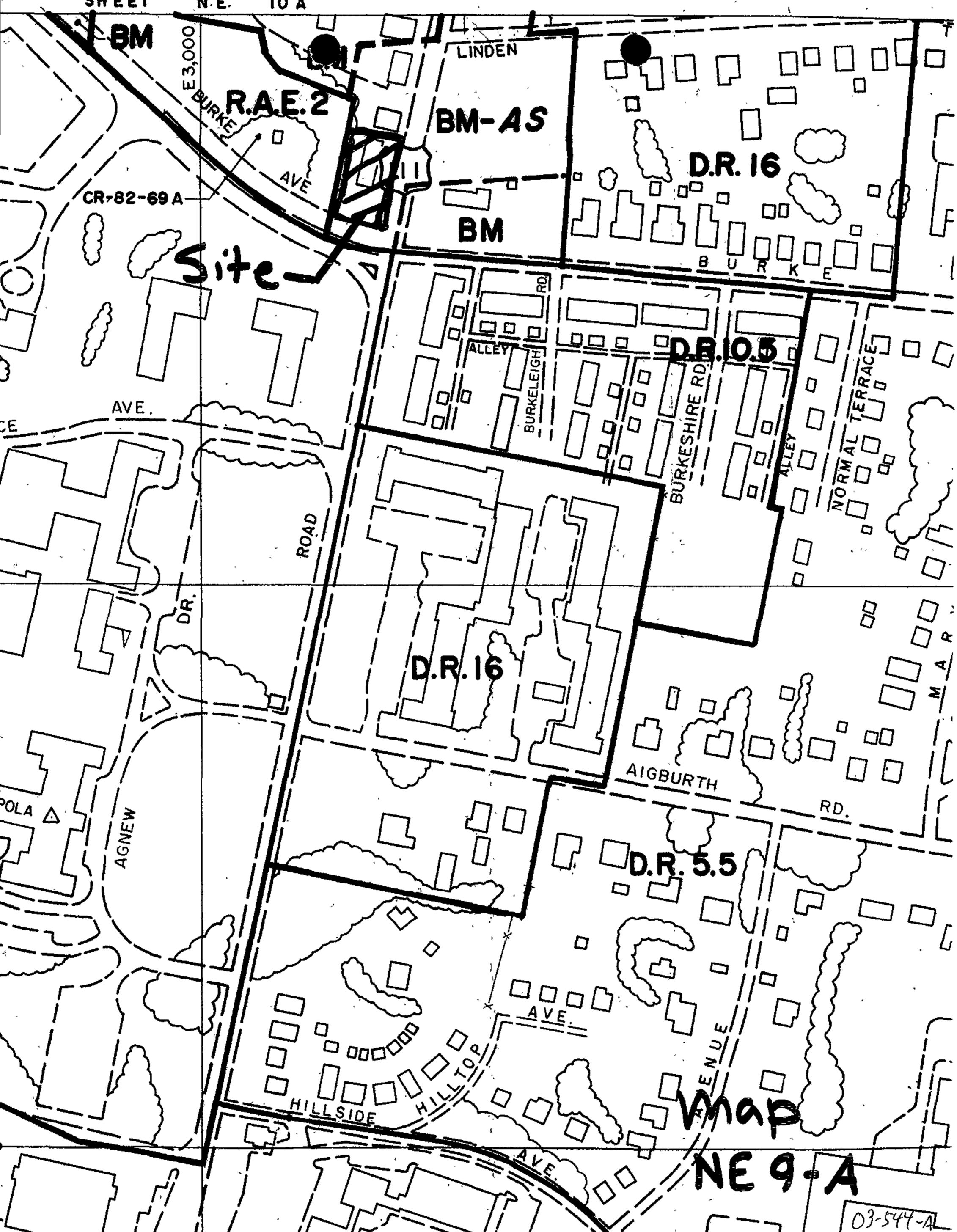
CITIZEN'S SIGN-IN SHEET

Donald Gender 335 Old Troul Rolling and 21212 — Mad COPT of Funding plans A 12 words in the Towson 1200 Raisons & COPN net FORGOT E. LATSHAW, In SCENTER TOWER COMM. 503 STATINGS DEC YELL COLFShaw, net CON Mescrit 61 B-1Neigh Rd Towson, MD 21286 Vudeon Recomment, net Don WEIGHT HOS CHOPSINE PLR Towson, MD 21286 Vudeon Recomment.	NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
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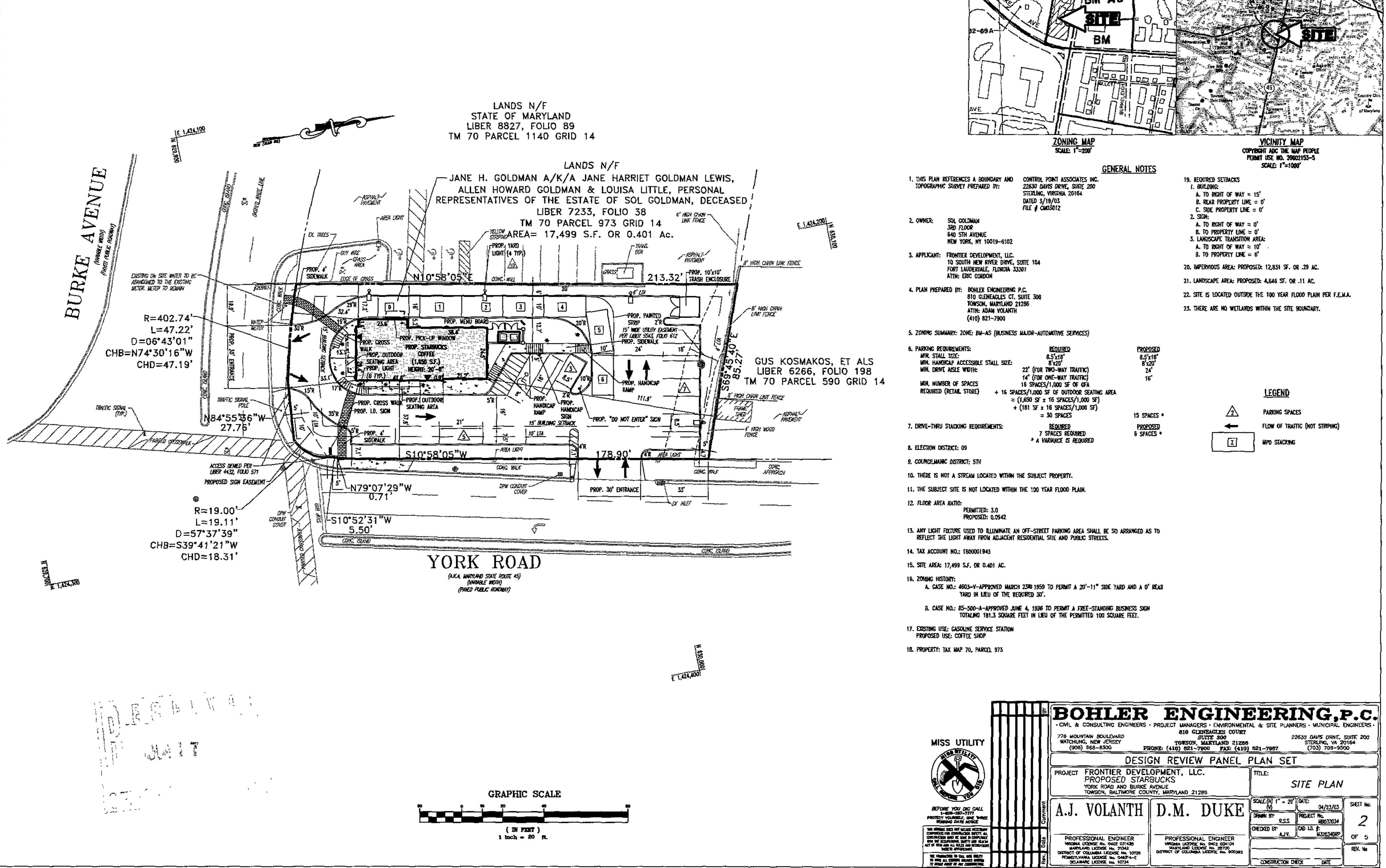
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CASE NUMBER	03-544-A
DATE ZIDIA	1

PETITIONER'S SIGN-IN SHEET

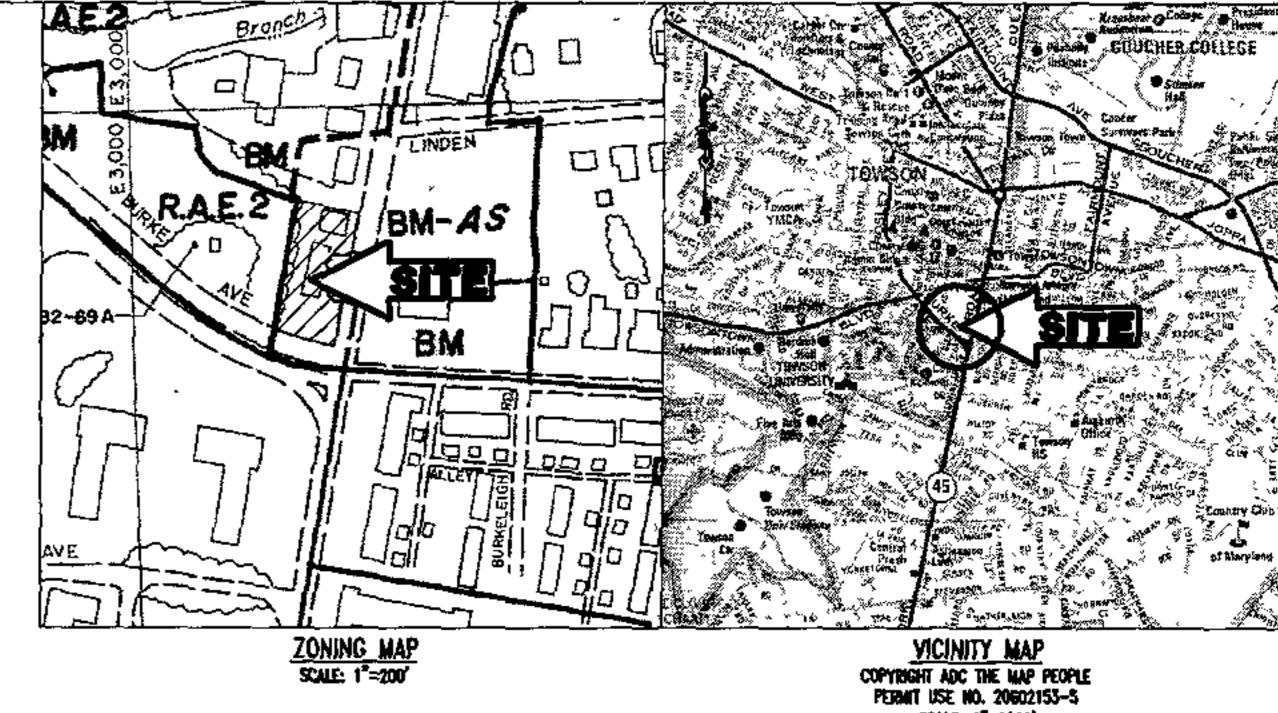
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
GREG REED	810 GLENEAGLES CT. STE 300	TOWSUL MD 21286	GREED & BOHLERENG .COM
Eric Gordon	10 South New River Drive surpeloy	Ff. Landerdale FC 33501	
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20. IMPERVIOUS AREA: PROPOSED: 12,831 SF. OR .29 AC.

21. LANDSCAPE AREA: PROPOSED: 4,645 SF. OR .11 AC.

22. SITE IS LOCATED OUTSIDE THE 100 YEAR FLOOD PLAIN PER F.E.N.A.

23. THERE ARE NO WETLANDS WITHIN THE SITE BOUNDARY.

LEGEND

PARKING SPACES

FLOW OF TRAFFIC (NOT STRIPING)

PROFESSIONAL ENGINEER
WACHIA LICENSE No. 0402 034104
HARYLAND LICENSE No. 25720
DISTRICT OF COLUMBIA LICENSE No. 900302

REV. No CONSTRUCTION CHECK DATE

SITE PLAN

