ORDER RECEIVED FOR FILING

IN RE: PETITIONS FOR SPECIAL HEARING,

SPECIAL EXCEPTION & VARIANCE -

SE/Corner Scott Moore Way and

Honeygo Boulevard

(9414 Scott Moore Way)

11th Election District

5th Council District

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 04-558-SPHXA

Honeygo Village Center, LLC Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property, Honeygo Village Center, LLC, and the Contract Lessees, Eastern Petroleum Corporation, through their attorney, Stuart D. Kaplow, Esquire. Special Exception relief is requested, pursuant to Section 405.4.E.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a fuel service station use in combination with a convenience store, with a sales area larger than 1500 sq.ft. on the subject property, and to allow a fuel service station use in combination with a carryout restaurant, pursuant to Section 405.4.E.10 of the B.C.Z.R.. In addition to the special exception, special hearing and variance relief is requested, as amended in open hearing. As amended, special hearing relief is requested: 1) to confirm the prior approved use permit, issued in Cases Nos. XI-843 and 00-202-SPH, pursuant to Section 409.8.B of the B.C.Z.R. authorizing business parking in a residential zone, and specifically, the 9 off-street parking spaces located in the D.R.10.5-H zone; and, 2) to approve an amendment to the First Amended Final Development Plan for the Honeygo Village Center, Lot 7, pursuant to Section 1B01.3.A.7 of the B.C.Z.R. Lastly, a series of variances' have been requested and are more particularly described on Amended Attachment A of the Petition for Variance, a copy of which is attached hereto. The subject property and requested relief, as amended, 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 Jonathan Mayers on behalf of Honeygo Village Center, LLC, property owners; John Hollander, on behalf of Eastern Petroleum Corporation, Lessees; William P. Monk and Jim Hermann with Morris & Ritchie Associates, Inc., the consultants who prepared the site plan for this property; and Stuart Kaplow, Esquire, attorney for the Petitioners. Appearing as interested citizens were Renee Ryan who resides in the vicinity, David Meadows, Esquire, who appeared on behalf of the Baltimore County Savings Bank, which will be developing an adjacent pad site, and William Libercci, a representative of the Perry Hall Improvement Association (PHIA).

The property under consideration is a rectangular shaped parcel located on the east side of Honeygo Boulevard, between Scott Moore Way and Honeygo Center Drive in Perry Hall. The property contains approximately 1.07 acres in area, split zoned B.L.-H and D.R.10.5-H and is presently unimproved. The predominant zoning of the property is B.L. and the H District overlay indicates that the site is located within the Honeygo District in Perry Hall. The property is actually part of a larger overall tract that has been developed as the Honeygo Village Center which is an integrated development consisting of a residential subdivision and a retail/commercial core. An aerial photograph of the Honeygo Village Center, as is presently under construction, was submitted as Petitioner's Exhibit 7. That photograph shows that much of the commercial center is under roof and near completion. Additionally, a portion of the residential component of the site (townhouses) is also finished and other areas are being graded or remain under construction.

The subject 1.07-acre parcel is located within that portion of the overall tract that abuts Honeygo Boulevard. The property abuts Scott Moore Way to the north, Honeygo Boulevard to the west, Honeygo Village Drive to the south, and a large parking field that serves the Honeygo Village Center to the east. In any event, the Petitioners are desirous of developing the site with a fuel service station operation with a convenience store and rollover car wash facility as accessory components. As shown on the site plan, the central portion of the lot will contain four fuel pump islands and an overhead canopy to protect customers from the elements. The northern portion of the site will be developed with a convenience store, containing 2,931 sq.ft. in area, which features

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a small carryout restaurant, and to the south, a separate rollover car wash facility. Further south of the proposed operation, a small pad site will be developed with a Baltimore County Savings Bank,

As noted above, special exception relief is requested to allow the proposed fuel service operation, which is permitted by right, in combination with a convenience store with a sales area larger than 1500 sq.ft. Special exception relief is also necessary for the proposed carryout restaurant component of the convenience store. Based upon the testimony and evidence offered, I am easily persuaded that the special exception relief should be granted. The proposed use is entirely consistent with the development of the overall tract. As noted above, the property is located immediately adjacent to a proposed bank building, and a large parking field to the east of the property serves the Honeygo Village commercial center. Additionally, it is to be noted that the project has been designed to be compatible with the overall Honeygo Village development. Specifically, there will be no direct access into the site from Honeygo Boulevard. Rather, patrons will enter the site from either the parking field, or a curb cut from Scott Moore Way. Additionally, it was indicated that the proposed buildings have been designed to be compatible with the theme of the Village Center, and there will also be significant landscaping provided to buffer the use. Based on all of these factors, I find that the Petitioner has complied with the requirements of Section 502.1 of the B.C.Z.R. and that special exception relief should be granted.

Likewise, special hearing relief shall also be granted. As noted above, relief is requested to allow 9 of the off-street parking spaces within that portion of the site zoned D.R.10.5-H. This arrangement was previously approved in Case No. XI-843 and associated zoning Case No. 00-202-SPH. Additionally, relief is requested to formally approve the First Amended Final Development Plan for this lot, also known as Lot 7 of the Honeygo Village Center.

In considering the special hearing requests, it is also to be noted that the Office of Planning has comprehensively reviewed the proposal and their Zoning Advisory Committee (ZAC) comments support the request. In this regard, it bears repeating that the buildings have been designed to be compatible with existing and proposed improvements within the Village Center and there is substantial landscaping proposed (see Petitioner's Exhibit 6) to buffer the use.

Finally, the Petitioners have requested a series of variances as indicated in Amended Attachment A to the Petition for Variance. These variance requests relate to a variety of issues regarding setbacks, signage, orientation of the car wash building, and stacking spaces. Testimony was offered on these issues by the Developer's consultants. They opined that the subject property is unique, given its unusual configuration and shape. It was also testified that a finding of uniqueness was appropriate, based upon the fact that the property is part of an overall tract that is being comprehensively developed as an integrated residential/commercial center. Testimony and evidence was also offered that these unique factors drive the need for the variance. Finally, it was indicated that variance relief could be granted without detrimental impacts upon the surrounding locale.

As noted above, Ms. Ryan appeared from the surrounding locale. She is not opposed to the plan, per se, however, raised several questions and made several comments regarding the plan. Mr. Libercci on behalf of the Perry Hall Improvement Association indicated that his organization supports the project. In accordance with the Order issued by the undersigned Hearing Officer in Case No. XI-843 and 00-202-SPH on January 6, 2000, the PHIA was given the opportunity to review and comment on all proposed signage. That opportunity has been provided in this case, and Mr. Libercci indicated that his association is not opposed to the proposed sign package.

Based upon all of the testimony and evidence offered, I am persuaded to grant the requested relief, as amended. I find that the Petitioners have met the requirements of law, pursuant to Sections 502.1 and 307 of the B.C.Z.R. for special exception and variance relief to be granted. Moreover, I find that the special hearing relief is appropriate and should likewise be granted.

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.

this ______ day of September 2004 that the Petition for Special Exception seeking approval of a fuel service station use in combination with a convenience store, with a sales area larger than 1500 sq.ft., pursuant to Section 405.4.E.1 of the B.C.Z.R., and to allow a fuel service station use in

combination with a carry-out restaurant, pursuant to Section 405.4.E.10 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing seeking relief as amended as follows: 1) to confirm the prior approved use permit, issued in Cases Nos. XI-843 and 00-202-SPH, pursuant to Section 409.8.B of the B.C.Z.R. authorizing business parking in a residential zone and specifically, the 9 off-street parking spaces located in the D.R.10.5-H zone; and, 2) to approve an amendment to the First Amended Final Development Plan for the Honeygo Village Center, Lot 7, pursuant to Section 1B01.3.A.7 of the B.C.Z.R., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief as more particularly described on Amended Attachment A of the Petition for Variance, 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, the 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.

AWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

September 3, 2004

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21286

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE SE/Corner Scott Moore Way and Honeygo Boulevard (9414 Scott Moore Way)

11th Election District – 5th Council District Honeygo Village Center, LLC - Petitioners Case No. 04-558-SPHXA

Dear Mr. Kaplow:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance, as amended, 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. Jonathan Mayers, Honeygo Village Center, LLC 4750 Owings Mills Boulevard, Owings Mills, Md. 21117 Mr. John Hollander, Eastern Petroleum Corporation

1915 Lincoln Drive, Annapolis, Md. 21401

Messrs. William P. Monk & Jim Hermann, Morris & Ritchie Assoc., Inc. 1220-C E. Joppa Road, Towson, Md. 21286

David Meadows, Esquire, 4111 E. Joppa Road, Baltimore, Md. 21236

Mr. William Libercci, 19 Shawn Court, Baltimore, Md. 21236

Ms. Renee Ryan, 9902 Redwing Drive, Perry Hall, Md. 21128

People's Counsel; Case File



Visit the County's Website at www.baltimorecountyonline.info



FOR FILING

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 9414 Scon Moore Way
which is presently zoned BL-H, DR 10.5-H

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

SEE ATTINUMENT # 1

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: Legal Owner(s): EASTERN PETROLEUM CORPORATION HONEYBO VILLAGE CENTED, LLC Name - Type or Print Name - Type or Print Signature STOTHERLIEF THROUD B. YOUNGLING, PRESIDENT JOSH FLOWER, MMNGING MEMBER 410-295-1245 LINCOLN DRIVE Address Telephone No. Name - Type or Print $\mathbb{C}\mathcal{M}$ ANNROUS 2401 City State Zip Code Signature 4750 Owines Mins Bind 410-356-9900 **Attorney For Petitioner:** Address Telephone No. STUNDE D. KAPLOW Onins Mus ND 71115 Name - Type or Print City State Zip Code Representative to be Contacted: Signature STUDER D. KAPLOW STUNDT D. KAPLOW, P.A. Company 40-335-3910 15 E. CHESAPENKE AVE 15 E. CHESNIFAKE ME 339 3910 410 Address Telephone No. Address Telephone No. MD \mathcal{CM} 21286 21286 NOTING Lockwol State Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING CUP Jase No. 04 358 - 374 xx UNAVAILABLE FOR HEARING _____ Reviewed By JL Date 6/22/04 REV 9/15/98

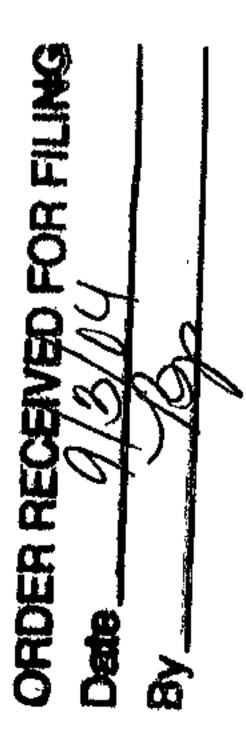
Attachment 1 Petition for Special Hearing

- 1. To confirm the prior approved use permit, by the hearing officer in Case nos. XI-843 and 00-202-SPH, pursuant to BCZR Section 409.8.B authorizing business parking in a residential zone, and specifically the 9 off-street parking spaces located in the DR 10.5H zone, within a planned shopping center, to serve a fuel service station (permitted as of right in the BL-H zone) and the then contemplated, and now requested special exception uses.
- 2. To approve a principal pedestrian access, as provided on the site plan, as in compliance with BCZR 409.10.B, and the limitation of crossing a car wash stacking lane.
- 3. To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the 1st Amended Final Development Plan Lot 7 Honeygo Village Center, approved April 24, 2003, such that the FDP will be consistent with the site plan that is the subject of this petition.



AMENDED PETITION FOR SPECIAL HEARING

- 1. To confirm the prior approved use permit, by the hearing officer in Case nos. XI-843 and 00-202-SPH, pursuant to BCZR Section 409.8.B authorizing business parking in a residential zone, and specifically the 9 off-street parking spaces located in the DR 10.5H zone, within a planned shopping center, to serve a fuel service station (permitted as of right in the BL-H zone) and the then contemplated, and now requested special exception uses.
- 2. To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the 1st Amended Final Development Plan Lot 7 Honeygo Village Center, approved April 24, 2003, such that the FDP will be consistent with the site plan that is the subject of this petition.





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 944 Scott Moone Way

which is presently zoned &L-H, DRIO.5-H.
This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

SEE ATTACHMENT # 1

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

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

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

Contract Purchaser/Lessee:	Legal Owner(s):
INSTERN PETROLEUM CORJORATION	HOWEYGE CENTER, UC
Name - Type of Print	Name - Type or Print
Signakire MAROLD 6. YOYNGUND, DRESIDENT	Signature Josep Frances, MNUNLING MEMBER
1915 LINCOLN DENE 410.295-1245	
Address Telephone No	lo. Name - Type or Print
Annopous MD 21401	
City State Zip Cod	de Signature
Attorney For Petitioner:	4750 Oninos Mins Bus 410.856-9900
AT 25 2/12/17	Address Telephone No
Name - Type or Print	City Chines Hus MD 21117- State Zip Code
	F
Signature	Representative to be Contacted:
STURET D. KARON, P.A.	STUDET D. KAPLOW
Company	Name
15 E. CHESKRERKE ANE 410-339-3510	
Address Telephone No.	o. Address Telephone No.
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	Reviewed By JL Date 6/02/04
REV 09/15/98	Reviewed by Date

ORDER REGENCED FOR FILMS

Attachment 1 Petition for Special Exception

A. Special Exception, pursuant to BCZR Section 405.4.E.1, for a fuel service station (permitted as of right) in combination with a convenience store with a sales area larger than 1,500 square feet; and,

B. Special Exception, pursuant to BCZR Section 405.4.E.10, for a fuel service station (permitted as of right) in combination with a carry-out restaurant.





FILMS

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9414 Scott Hooke Way
which is presently zoned BL-H, DR 10.5-14

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

SEE ATTACHMENT A

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

SEE ATMUNENT B

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

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

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

Contract Purchaser/Lessee: <u>Legal Owner(s):</u> THOSTERN PETENTEUM HONEYGO VIUNDE CENTER, LIC CORPORATIONS Name - Type or Print Name - Type or Frint SV. BITH BUTE MAROLD 6. YOUNGLIND, PRESIDENT JOSE FINLER MANNOING MANSER LINCOLN DRNE 410-255-1245 1915 Telephone No. Address Name - Type or Print $\mathcal{M}\mathcal{D}$ 2401 AUNAPOUS Zip Code State Signature 47500 MWGS MIUS BLUD. 410-356-9900 Attorney For Petitioner: Address Telephone No. STULLET J. KAPUGAI Ownes 2m7 Mus Name - Type or Print City Zip Code Representative to be Contacted: Signature STEARE D. KARLOW STUNET D KARLOW, P.A. Name Company 40339.3910 15 E. CHESNOFAKE AVE. E. CHESAPENKE AVE 400 339 . 3910 Telephone No. Address Address Telephone No. MD MD 21286 S1286 Mosmal *Choiston* City State City Zip Code State Zip Code OFFICE USE ONLY ESTIMATED LENGTH OF HEARING 04-538. SPHKA case No. UNAVAILABLE FOR HEARING Reviewed By ___ Date _(00 2-00) REV 9/15/98

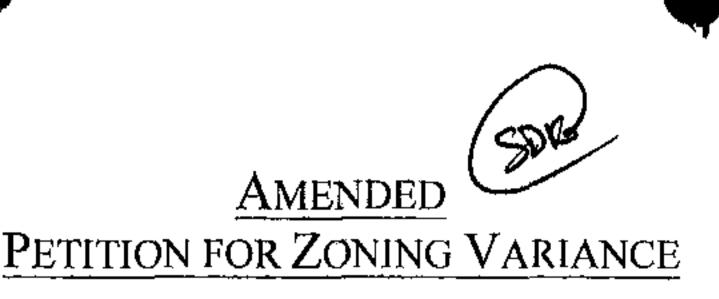
Attachment A Petition for Zoning Variance

- 1. Variance from BCZR Section 405.2.A.1 to permit a fuel service station, in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.
- 2. Variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 73 feet in lieu of the maximum permitted 15 feet setback.
- 3. Variance from BCZR Sections 405.4.A.2.b and Section 419.4.B.3 to permit as little as a 0 feet landscape transition area, between commercial uses (as depicted on the site plan), for a fuel service station in combination with a car wash, in lieu of the required 6 feet landscape transition area.
- 4. Variance from BCZR Section 259.9.B.5.c-to permit a 25 feet wide landscape buffer between a parking facility (i.e., parking spaces) and the Honeygo Boulevard public right-of-way in lieu of the required 40 feet.
- 5. Variance from BCZR Section 259.9.D.1 to permit a freestanding enterprise sign (i.e., a monument gas price sign) where none is permitted.
- 6. Variance from BCZR Section 259.9.D.6 to permit 10 wall mounted enterprise signs with a total area of 172 square feet, in lieu of the permitted 1 sign with an area of 160 square feet.
- 7. Variance from BCZR Section 405.4.A.3.c.(2) to permit 1 stacking space per multi-product dispensers, where a convenience store is located on the same lot, in lieu of the required 2 spaces.
- 8. Variance from BCZR Section 419.3.B to permit drive aisles as narrow as 8 feet wide, within the on-site circulation pattern, in lieu of the width required by BCZR Section 409.4 of as much as 22 feet.
- 9. Variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility to be set back 25 feet in lieu of the required minimum of 50 feet from the nearest exit drive.
- 10. Variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 87 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.
- 11. Variance from BCZR Section 419.3.D.1 to permit 7 stacking spaces for a roll-over car wash in lieu of the required 9 stacking spaces.

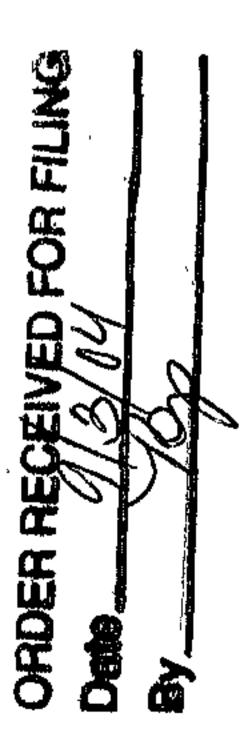
Attachment B Petition for Zoning Variance

This commercial property that is the subject of an approved development plan is unique and unusual in a manner different from the nature of the surrounding properties (i.e., topography, shape, historical significance, etc.) such that the uniqueness causes the zoning regulations to impact disproportionately upon the property. And practical difficulty or undue hardship resulting from the disproportionate impact of the ordinance caused by the property's uniqueness exists. All of which will be demonstrated at the public hearing on this Petition.





- 1. Variance from BCZR Section 405.2.A.1 to permit a fuel service station, in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.
- 2. Variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 72 feet in lieu of the maximum permitted 15 feet setback.
- 3. Variance from BCZR Sections 405.4.A.2.b and Section 419.4.B.3 to permit as little as a 0 feet landscape transition area, between commercial uses (as depicted on the site plan), for a fuel service station in combination with a car wash, in lieu of the required 6 feet landscape transition area.
- 4. Variance from BCZR Section 259.9.D.1 to permit a freestanding enterprise sign (i.e., a monument gas price sign) where none is permitted.
- 5. Variance from BCZR Section 259.9.D.6 to permit 6 wall mounted enterprise signs with a total area of 116 square feet, in lieu of the permitted 1 sign with an area of 160 square feet.
- 6. Variance from BCZR Section 405.4.A.3.c.(2) to permit 1 stacking space per multiproduct dispensers, where a convenience store is located on the same lot, in lieu of the required 2 spaces.
- 7. Variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility to be set back 43 feet in lieu of the required minimum of 50 feet from the nearest exit drive.
- 8. Variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 81 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.
- 9. Variance from BCZR Section 419.3.D.1 to permit 6 stacking spaces for a roll-over car wash in lieu of the required 9 stacking spaces.



MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS



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Zoning Description

Beginning at a point located on the southerly side of Scott Moore Way which has a width of 60 feet at the distance of 190 feet easterly of the centerline of the nearest intersecting street, Honeygo Boulevard which has a variable width. Thence the following courses and distances:

South 01 degrees 31 minutes 26 seconds East, 315.00 feet; South 88 degrees 28 minutes 34 seconds West, 101.42 feet; North 53 degrees 35 minutes 55 seconds West, 49.49 feet; South 88 degrees 54 minutes 11 seconds West, 42.06 feet; Northeasterly by a non-tangential curve to the left having a radius of 1315.24 feet, an arc length of 223.57 feet, the chord of said arc bearing North 06 degrees 49 minutes 50 seconds East, 223.30 feet; Northeasterly by a compounded curve to the left having a radius of 1260.26 feet, an arc length of 24.31 feet, the chord of said arc bearing North 00 degrees 23 minutes 45 seconds East, 24.31 feet; North 44 degrees 09 minutes 35 seconds East, 55.89 feet; North 88 degrees 28 minutes 34 seconds East, 109.27 feet to the point and place of beginning, being known and designated as #9414 Scott Moore Way and a portion of #5000 Honeygo Center Drive.

Containing 48,445 square feet or 1.1121 acres of land and being located in the Eleventh Election District of Baltimore County, Maryland.



1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

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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: #04-558-SPHX

9414 Scott Moore Way
S/east corner of Scott Moore Way and Honeygo Blvd.
11th Election District - 5th Councilmanic District
Legal Owner(s): Honeygo Village Centers, LLC, Josh
Fidler, Managing Member
Contract Purchaser: Eastern Petroleum Corp., Harold

Youngling, President

Special Hearing: to confirm the prior approved use permit, authorizing business parking in a residential zone specifically the 9 off-street parking spaces and the ten contemplated, and now requested special exception uses.

Special Exception: for a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a fuel service station in combination with a carry-out restaurant. Variance: to permit fuel service station to be located 0 ft. from a residentially zoned property in fleu of the required setback of 100 ft. To permit an increased front of building to right-of-way setback of 73 ft. in lieu of the maximum permitted 15 ft. setback. To permit as little as 0 feet landscape transition area in lieu of the required 6 ft. To permit a 25 ft. wide landscape buffer in lieu of the required 40 ft. To permit a freestanding enterprise sign where none is permitted. To permit 10 wall mounted enterprise signs with a total area of 172 sq. ft., in lieu of the permitted 1 sign with an area of 160 sq. ft. To permit a 1 stacking parking space per multi-product dispensers, in lieu of the required 2 spaces. To permit drive alsles as narrow as 8 ft wide in lieu of as much as 22 ft. To permit a tunnel exit of a car wash facility to be set back 25 feet in lieu of the required minimum of 50 ft, from the nearest exit drive. To permit a tunnel entrance of a car wash facility to be set back 87 ft, where it is not otherwise permitted to face that adjacent property. To permit 7 stacking spaces for a roll-over car wash in lieu of the required 9 spaces. Hearing: Tuesday, July 6, 2004 at 2:00 p.m. in Room

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.

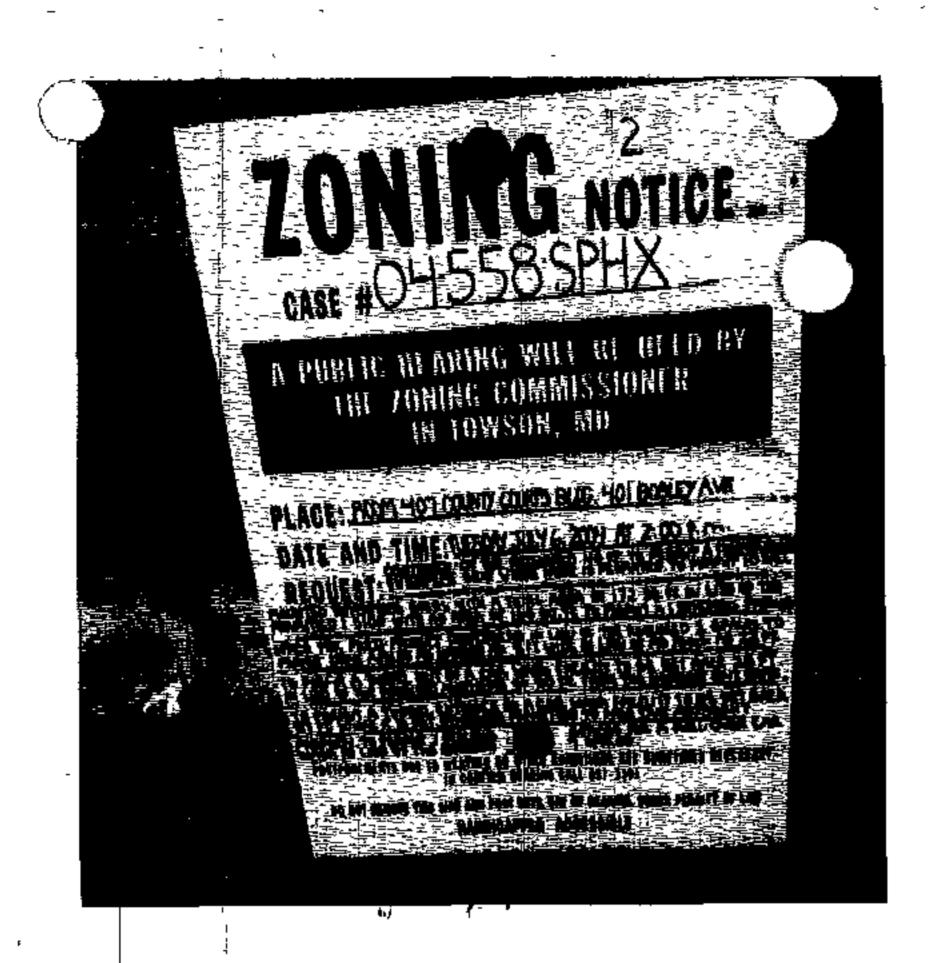
407, County Courts Building, 401 Bosley Avenue.

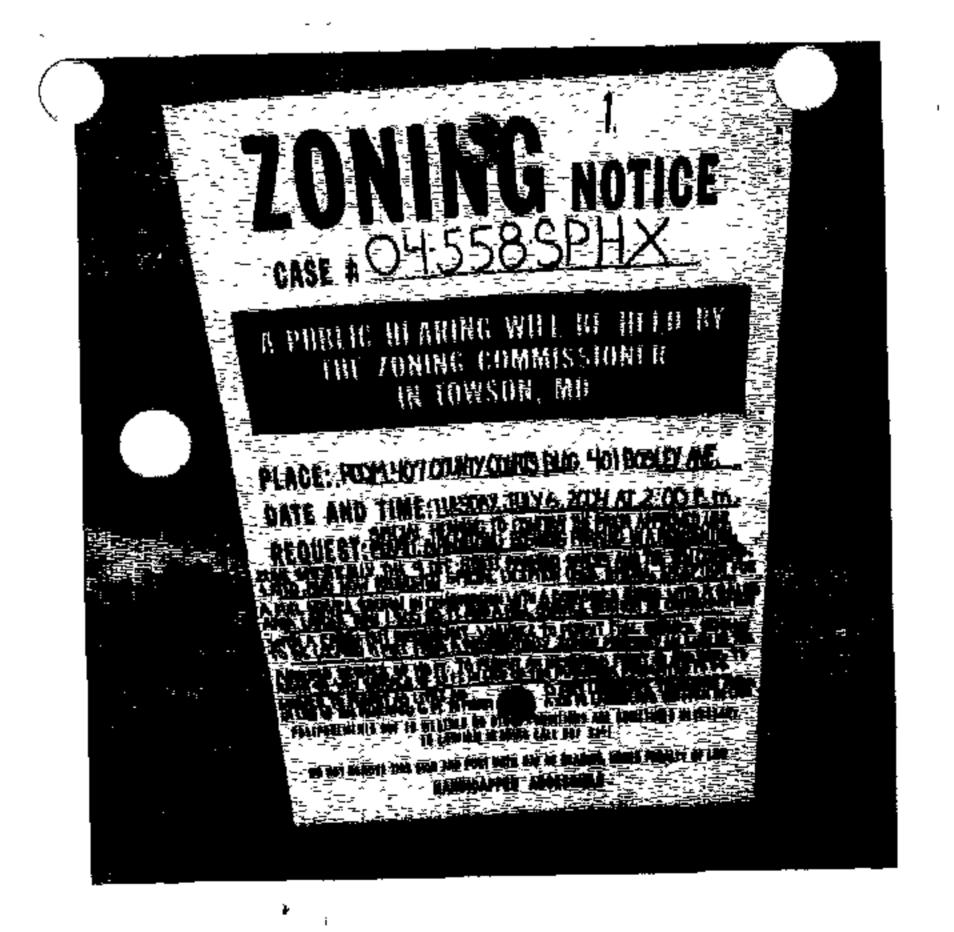
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391 JT/6/769 June 22

CERTIFICATE OF PUBLICATION

625,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.
once in each ofsuccessive weeks, the first publication appearing
n 622 ,2004.
The Jeffersonian
☐ Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
☐ NE Booster/Reporter
☐ North County News
Philorma

LEGAL ADVERTISING





CERTIFICATE OF POSTING

	RE: Case No. 04-558-5PHX
	Petitioner/Developer: EASTERN Pe
	HAROLD YOUNGLING, PRES.
	Date of Hearing/Closing: JULY 6, Z
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	, , , , , , , , , , , , , , , , , , ,
This letter is to certify under the penalties of posted conspicuously on the property located	perjury that the necessary sign(s) required by law were at:
9414 Sco	TT MOORE WAY
The sign(s) were posted on	JUE 21, 2004 (Month, Day, Year) Sincerely,
	(Signature of Sign Poster) (Date)
* *	SSG Robert Black
	(Print Name)
•	1508 Leslie Road
	(Address)
, , ,	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, June 22, 2004 Issue - Jeffersonian

Please forward billing to: Savid Tarar

1109 North Echo Court Towson, MD 21286 410-428-3000

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: 04-558-SPHX

9414 Scott Moore Way

S/east corner of Scott Moore Way and Honeygo Blvd.

11th Election District -- 5th Councilmanic District

Legal Owners: Honeygo Village Centers, LLC, Josh Fidler, Managing Member Contract Purchaser: Eastern Petroleum Corp., Harold Youngling, President

Special Hearing to confirm the prior approved use permit, authorizing business parking in a residential zone specifically the 9 off-street parking spaces and the ten contemplated, and now requested special exception uses. Special Exception for a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a fuel service station in combination with a carry-out restaurant. Variance to permit fuel service station to be located 0 ft. from a residentially zoned property in lieu of the required setback of 100 ft. To permit an increased front of building to right-of-way setback of 73 ft. in lieu of the maximum permitted 15 ft. setback. To permit as little as 0 feet landscape transition area in lieu of the required 6 ft. To permit a 25 ft. wide landscape buffer in lieu of the required 40 ft. To permit a freestanding enterprise sign where none is permitted. To permit 10 wall mounted enterprise signs with a total area of 172 sq. ft., in lieu of the permitted 1 sign with an area of 160 sq. ft. To permit a 1 stacking parking space per multi-product dispensers, in lieu of the required 2 spaces. To permit drive aisles as narrow as 8 ft. wide in lieu of as much as 22 ft. To permit a tunnel exit of a car wash facility to be set back 25 feet in lieu of the required minimum of 50 ft. from the nearest exit drive. To permit a tunnel entrance of a car wash facility to be set back 87 ft. where it is not otherwise permitted to face that adjacent property. To permit 7 stacking spaces for a roll-over car wash in lieu of the required 9 spaces.

Hearing: Tuesday, July 6, 2004 at 2:00 p.m. in Room 407, County Courts Building,

_401 Bosley Avenue

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.

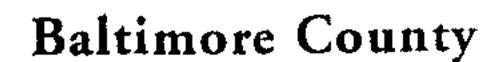
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Director's Office County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708





James T Smith, Jr., County Executive Timothy M Kotroco, Director

June 7, 2004

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: 04-558-SPHX

9414 Scott Moore Way

S/east corner of Scott Moore Way and Honeygo Blvd.

11th Election District – 5th Councilmanic District

Legal Owners: Honeygo Village Centers, LLC, Josh Fidler, Managing Member Contract Purchaser: Eastern Petroleum Corp., Harold Youngling, President

Special Hearing to confirm the prior approved use permit, authorizing business parking in a residential zone specifically the 9 off-street parking spaces and the ten contemplated, and now requested special exception uses. Special Exception for a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a fuel service station in combination with a carry-out restaurant. Variance to permit fuel service station to be located 0 ft. from a residentially zoned property in lieu of the required setback of 100 ft. To permit an increased front of building to right-of-way setback of 73 ft. in lieu of the maximum permitted 15 ft. setback. To permit as little as 0 feet landscape transition area in lieu of the required 6 ft. To permit a 25 ft. wide landscape buffer in lieu of the required 40 ft. To permit a freestanding enterprise sign where none is permitted. To permit 10 wall mounted enterprise signs with a total area of 172 sq. ft., in lieu of the permitted 1 sign with an area of 160 sq. ft. To permit a 1 stacking parking space per multi-product dispensers, in lieu of the required 2 spaces. To permit drive aisles as narrow as 8 ft. wide in lieu of as much as 22 ft. To permit a tunnel exit of a car wash facility to be set back 25 feet in lieu of the required minimum of 50 ft. from the nearest exit drive. To permit a tunnel entrance of a car wash facility to be set back 87 ft. where it is not otherwise permitted to face that adjacent property. To permit 7 stacking spaces for a roll-over car wash in lieu of the required 9 spaces.

Hearing: Tuesday, July 6, 2004 at 2:00 p.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Stuart Kaplow, 15 E. Chesapeake Avenue, Towson 21286
Josh Fidler, Honeygo Village Center, 4750 Owings Mills Blvd., Owings Mills 21117
Harold Youngling, 1915 Lincoln Drive, Annapolis 21401

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 21, 2004.

- (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.



Visit the County's Website at www.baltimorecountyonline.info

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: 14-555-SHXA
Petitioner: ENSTERN POTROLEUM CORPORATION
Address or Location: Homeylo Viune Conte &
PLEASE FORWARD ADVERTISING BILL TO: Name: Me Said Taeae
Address: 1109 NORTH ECHO CT.
Towson, MD 21286
Telephone Number: 410 - 428 - 3000

Department of Permissand Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

June 28, 2004

Stuart D. Kaplow 15 E. Chesapeake Avenue Towson, Maryland 21286

Dear Mr. Kaplow:

RE: Case Number:04-558-SPHXA, 9414 Scott Moore Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 2, 2004.

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.

W. Callinal D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Honeygo Village Center, LLC 4750 Owings Mills Road Owings Mills 21117 Eastern Petroleum Corporation 1915 Lincoln Drive Annapolis 21401



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

June 8, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 7, 2004

Item No.:

(558)

Dear Ms. Hart:

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: July 1, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 14, 2004

Item Nos. 540, 542, 543, 544, 545, 546, 547, 548, 549, 552, 553, and 558

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

June 22, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of June 7, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-540

04-542

04-543

04-544

04-545

04-546

04-547

04-549 04-551

04-552

04-558

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

DATE: June 14, 2004

RECEIVED

JUN 1 7 2004
ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9414 Scott More Way

Honeygo Village Center

PDM#: XI-843

INFORMATION:

Item Number: .

4-558

Petitioner:

Honeygo Village Center, LLC.

Zoning:

BL-H/DR 10.5-H

Requested Action:

Variance/Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and offers the following comments:

- 1. Staff does not oppose the requested variance from BCZR Section 405.2.A.1 to permit a fuel service station in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.
- 2. Staff does not oppose the requested variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 73 feet in lieu of the maximum permitted 15 feet.
- 3. Staff does not oppose the requested variance from BCZR Sections 405.4.A.2.b and 419.4.B.3 to permit as little as 0 feet landscape transition area between commercial uses (as depicted on the site plan), for a fuel service station in combination with a car wash, in lieu of the required 6 feet.
- Staff does not support the requested variance from BCZR Section 259.9.B.5.c to permit a 25 feet wide landscape buffer between a parking facility (i.e. parking spaces) and the Honeygo Boulevard public right-of-way in lieu of the required 40 feet.

- 5. Staff does not oppose the requested variance from BCZR Section 259.9.D. 1 to permit a freestanding enterprise sign, where non is permitted.
- 6. Staff does not oppose the requested variance from BCZR Section 259.9.D.6 to permit 10 wall mounted enterprise signs with a total area of 172 square feet in lieu of the required 160 feet.
- 7. Staff does not oppose the requested variance from BCZR Section 405.4.A.3.(2) to permit 1 stacking parking space per multi-product dispensers, where a convenience store is located on the same lot, in lieu of the minimum required 2 spaces.
- 8. Staff does not oppose the requested variance from BCZR Section 419.3.B to permit drive aisles as narrow as 8 feet, within the on-site circulation pattern, in lieu of the width required by BCZR Section 409.4 of as much as 22 feet.
- 9. Staff does not oppose the requested variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility to be set back 25 feet in lieu of the required minimum of 50 feet from the nearest exit drive.
- 10. Staff does not oppose the requested variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 87 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.
- 11. Staff does not oppose the requested variance from BCZR Section 419.3.D.1 to permit 7 stacking spaces for a roll-over car wash in lieu of the minimum required 9 stacking spaces.
- 12. Staff does not oppose the requested special exception, pursuant to BCZR Section 405.4.E.1, for a fuel service station (permitted as of right) in combination with a convenience store with a sales area larger than 1,500 square feet; and
- 13. Staff does not oppose the requested special exception, pursuant to BCZR Section 405.4.E.10, for a fuel service station in combination with a carry-out restaurant.
- 14. The Office of Planning has reviewed the proposed architectural elevations and materials (sheet 3) and recommends approval consistent with the October 10, 2002 Zoning Commissioner's order in case 03-026SPHA. The order states that: "Building elevations drawings for both the residential and commercial development proposed for this site shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits."

Prepared by:

Division Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

DATE: August 4, 2004

RECEIVED

AUG 1 0 2004

SUBJECT:

9414 Scott More Way

---- - ----- ALTERNATION OF THE TRANSPORT ACTION OF A COMMISSION ACTION OF A COMMISSION OF A C

Gas and C-Store (Mol #14-55%)
PDM # XI-843 The Office of Planning has reviewed the revised architectural elevations and materials dated 7/28/2004 and recommends approval consistent with the October 10, 2002 Zoning Commissioner's order in case 03-026SPHA. The order states that: "Building elevations drawings for both the residential and commercial development proposed for this site shall be submitted to the Office of Planning for review and approval

prior to the issuance of any permits."

AFK/LL

C: Stuart Kaplow



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

6.5.04

Ms. Kristen Matthews Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 558

Dear. Ms. Matthews:

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

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

Very truly yours,

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

RE: PETITION FOR SPECIAL HEARING
SPECIAL EXCEPTION & VARIANCE
9414 Scott Moore Way; SE corner of Scott
Moore Way and Honeygo Boulevard
11th Election & 5th Councilmanic Districts
Legal Owner(s): Honeygo Village Center,
LLC by Josh Fidler, Managing Member
Contract Purchaser(s): Eastern Petroleum
Corp, by Harold G Youngling, President
Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

04-558-SPHXA

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

Paople's Counsel for Baltimore Count

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2004, a copy of the foregoing Entry of Appearance was mailed to Stuart D. Kaplow, Esquire, 15 E. Chesapeake Avenue, Towson, MD 21286, Attorney for Petitioner(s).

RECEIVED

JUN 1 5 2004

Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

July 14, 2004

Stuart D. Kaplow, Esquire 15 E. Chesapeake Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE

SE/Corner Scott Moore Way and Honeygo Boulevard

(9414 Scott Moore Way)

11th Election District – 5th Council District

Honeygo Village Center, LLC, Owners; Eastern Petroleum Corp., Lessees

Case No. 04-558-SPHXA

Dear Mr. Kaplow:

This letter is to confirm that the hearing in the above-captioned matter was postponed in open hearing on Tuesday, July 6, 2004 and by agreement of all parties, was rescheduled for Tuesday, August 10, 2004 at 2:00 PM in Room 407 of the Circuit Courts Building. It is also to be noted that it will not be necessary to re-post or re-advertise the property.

Should anyone have any questions on the subject, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: Mr. William Libercci, Sr.

19 Shawn Court, Baltimore, Md. 21236

Ms. Renee Ryan, 9902 Redwing Drive, Perry Hall, Md. 21128

ase File



Visit the County's Website at www.baltimorecountyonline.info

STUART D. KAPLOW, P.A.

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

550

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

May 12, 2004

Via Hand Delivery

Department of Permits and Development Management Attn: Mr. W. Carl Richards, Jr. 111 West Chesapeake Avenue Towson, Maryland 21204

Re: Petitions for Special Exception, Variance and Special Hearing

Honeygo Village Center Gas and C-Store

Dear Carl:

Please accept for drop off (expedited) filing the following petitions for a Special Exception, Variance, and Special Hearing such that the Honeygo Village Center site, depicted on the approved development plan, as a fuel service station in combination with a convenience store (greater than 1,500 square feet) and in combination with a full service car wash, can now obtain the required zoning relief. Specifically, please find enclosed:

3 each, original Petitions for Special Exception, Variance and Special Hearing;

12 copies of the Plan to accompany the Petitions;

1 200' scale zoning map with the lot indicated;

3 legal descriptions for the Petitions;

1 advertising form; and

1 check payable to Baltimore County in the amount of \$800.

There are no violations on this property. And be aware that John Lewis has been kind enough to meet with us on these several Petitions.

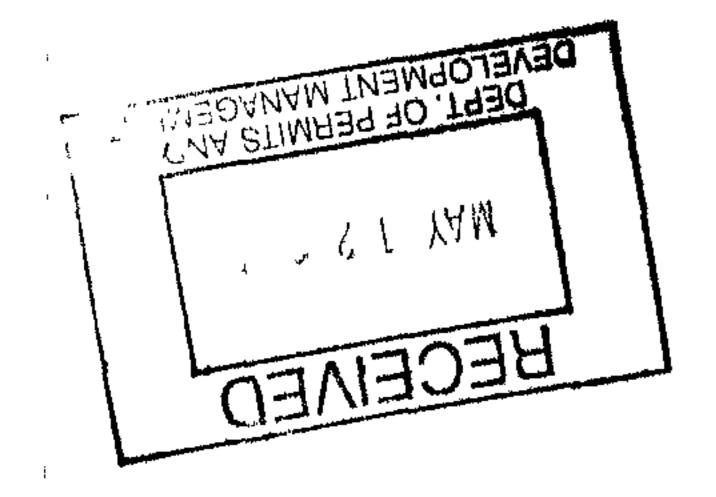
Thank you in advance for your courtesies. If there are any issues with this request, please have someone give me a call.

Sincercly

Kaplów

SDK:tbm Enclosures

cc: Mr. Sajid Tarar



STUART D. KAPLOW, P.A.

STUART D KAPLO

ATTORNEYS AT LAW
15 EAST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21286-5306
TELEPHONE 410-339-3910
FACSIMILE 410-339-3912
E-MAIL SKAPLOW@STUARTKAPLOW.COM

STUART D. KAPLOW

WWW.STUARTKAPLOW.COM

July 2, 2004

Via Facsimile 410-887-3468
Lawrence E. Schmidt, Zoning Commissioner
401 Bosley Avenue, 4th Floor
Towson, Maryland 21286

Re: Case No. 04-558-SPHX 9414 Scott Moore Way

Dear Mr. Schmidt:

I apologize in advance for this request upon short notice, but in an effort to permit continue discussions with representatives of the Perry Hall Improvement Association, by this letter I am requesting a postponement of the above note matter scheduled for hearing before you on Tuesday, July 6th.

I telephoned your office earlier today and spoke with Bette Schuhmann, and advised her of my intention to seek this postponement. I have also advised the representatives of the Perry Hall Improvement Association.

My client thinks it is very important to make every effort to attempt to reach consensus with the community and while the Perry Hall Improvement Association had previously endorsed and supported the project, we learned, only earlier this week, that there was a change in position by the Association. After a hastily arranged meeting last evening, the Association, while generally supportive of the project, was not supporting two of the specific zoning variances requested. We would like an opportunity to attempt to seek an amicable resolution that addresses the Association's concerns.

I will, of course, appear at the scheduled hearing time to formally requested this postponement. Thank you for your consideration of this request.

Muart D. Kaplow

SDK:tbm

cc:

Timothy Kotroco, Director, via fax 410-887-5708

04/22/2004

60:60

DØ2





IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, MD 21128

phia@mail.bcpl.net

www.bcpl.net/~phia

VIA FACSIMILE and U.S. Mail 410-295-6831

Timothy Kotroco, Director Department of Permits and Development Management 111 West Chesapeake Avenue Towson, MD 21204

Re:

Eastern Petroleum Corporation

Honeygo Village Center

Dear Mr. Kotroco:

I am writing in my capacity as President of the Perry Hall Improvement Association with respect to Eastern Petroleum Corporation's proposed fuel service station, C-store, and car wash in the Honeygo Village Center.

As you might be aware, the Hearing Officer's Order of January 6, 2000 required in relevant part, that:

> 7.a The developer shall be required to submit all proposed signage for the property to the PHIA for their review and comment.

The PHIA finds the proposed signs acceptable and generally finds the architecture of the proposed structures acceptable and, accordingly, we approve of this project.

Sincerely,

Dennis Eckard (OB)

President

CC: John Hollender Eastern Petroleum Corp. 1915 Lincoln Drive Annapolis, MD 21401

to 1d Mr. Mr. 18 n Rea 76

Flor Charactury |CMISTIN

PLEASE PRINT CLEARLY

CASE NUMBER

PETITIONER'S SIGN-IN SHEET

E- MAIL	SKARan estrant KARam. earl	monk@magta.com	Man & Man	Mach's . Con									
CITY, STATE, ZIP	bausan MA 21286	DN 212	LUR MD	M									
ADDRESS	LS E CHOSAREMES AWS	1220-C E. JOHA ROLD	1895 FOFN MILL ROAD	4750 Owings Mills Blud									
NAME	Shine Tapla	Bile Mark	11m Frankon	Jonathan Mayers	1. July 1 per Clarader								

PLEASE PRINT CLEARLY

	4
1	0
	٣
NAME	7
CASE NAM CASE NUM	DATE

CITIZEN'S SIGN-IN SHEET

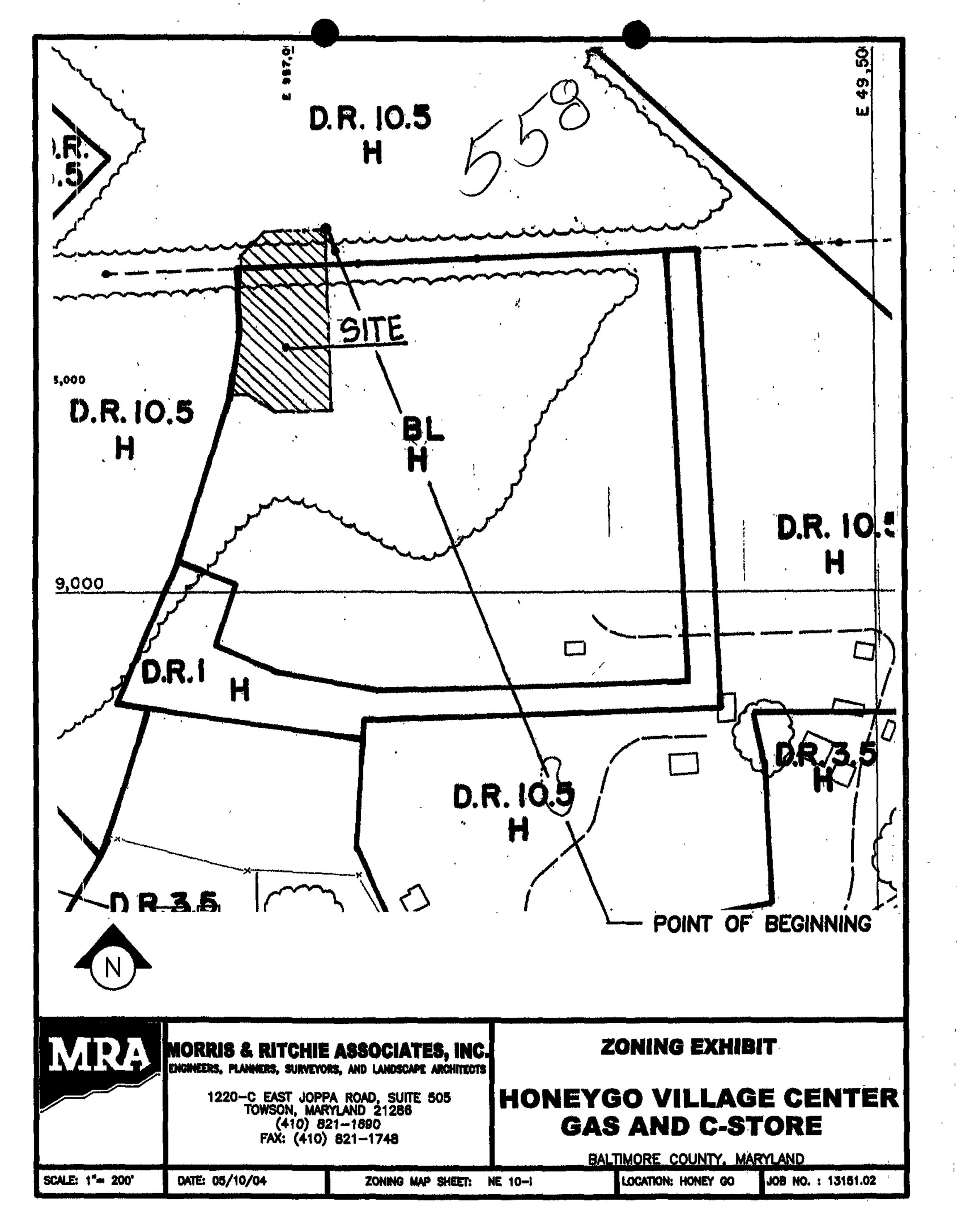
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7,	Bet MD. 21236.									
ADDRESS	19 Shrimner									
NAME	BAKGSOWY (DOVENOR)			•				4		

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CAST NAME	CASE NUMBER	DATE

CITIZEN'S SIGN-IN SHEET

E- MAIL													
CITY, STATE, ZIP	PEREY HALL MA. 21/28		*		-		•		Age of the state o				
ADDRESS	9902 Redwing De.	l I											
NAME	RENEE RYAN												



MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS

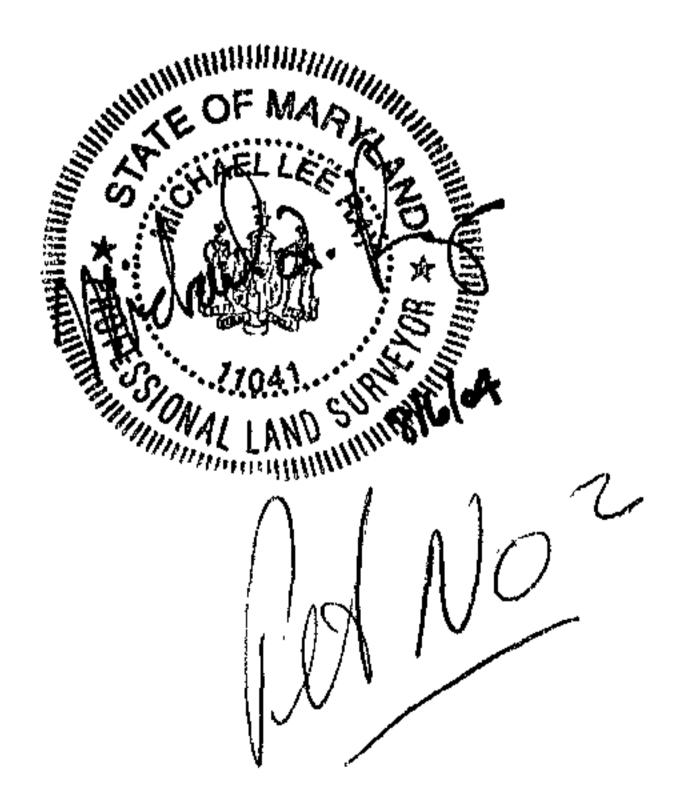


Zoning Description

Beginning at a point located on the southerly side of Scott Moore Way which has a width of 60 feet at the distance of 190 feet easterly of the centerline of the nearest intersecting street, Honeygo Boulevard which has a variable width. **Thence** the following courses and distances:

South 01 degrees 31 minutes 26 seconds East, 297.00 feet; South 88 degrees 27 minutes 50 seconds West, 127.12 feet; North 56 degrees 33 minutes 14 seconds West, 21.77 feet; South 88 degrees 54 minutes 11 seconds West, 37.56 feet; Northeasterly by a non-tangential curve to the left having a radius of 1315.24 feet, an arc length of 223.56 feet, the chord of said arc bearing North 06 degrees 49 minutes 49 seconds East, 223.30 feet; Northeasterly by a compounded curve to the left having a radius of 1260.26 feet, an arc length of 24.31 feet, the chord of said arc bearing North 00 degrees 23 minutes 45 seconds East, 24.31 feet; North 44 degrees 09 minutes 35 seconds East, 55.89 feet; North 88 degrees 28 minutes 34 seconds East, 109.27 feet to the point and place of beginning, being known and designated as #9414 Scott Moore Way and a portion of #5000 Honeygo Center Drive.

Containing 46,457 square feet or 1.0665 acres of land and being located in the Eleventh Election District of Baltimore County, Maryland.



AMENDED PETITION FOR SPECIAL HEARING

- 1. To confirm the prior approved use permit, by the hearing officer in Case nos. XI-843 and 00-202-SPH, pursuant to BCZR Section 409.8.B authorizing business parking in a residential zone, and specifically the 9 off-street parking spaces located in the DR 10.5H zone, within a planned shopping center, to serve a fuel service station (permitted as of right in the BL-H zone) and the then contemplated, and now requested special exception uses.
- 2. To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the 1st Amended Final Development Plan Lot 7 Honeygo Village Center, approved April 24, 2003, such that the FDP will be consistent with the site plan that is the subject of this petition.

1

301

AMENDED PETITION FOR ZONING VARIANCE

- 1. Variance from BCZR Section 405.2.A.1 to permit a fuel service station, in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.
- 2. Variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 72 feet in lieu of the maximum permitted 15 feet setback.
- 3. Variance from BCZR Sections 405.4.A.2.b and Section 419.4.B.3 to permit as little as a 0 feet landscape transition area, between commercial uses (as depicted on the site plan), for a fuel service station in combination with a car wash, in lieu of the required 6 feet landscape transition area.
- 4. Variance from BCZR Section 259.9.D.1 to permit a freestanding enterprise sign (i.e., a monument gas price sign) where none is permitted.
- 5. Variance from BCZR Section 259.9.D.6 to permit 6 wall mounted enterprise signs with a total area of 116 square feet, in lieu of the permitted 1 sign with an area of 160 square feet.
- 6. Variance from BCZR Section 405.4.A.3.c.(2) to permit 1 stacking space per multiproduct dispensers, where a convenience store is located on the same lot, in lieu of the required 2 spaces.
- 7. Variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility to be set back 43 feet in lieu of the required minimum of 50 feet from the nearest exit drive.
- 8. Variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 81 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.
- 9. Variance from BCZR Section 419.3.D.1 to permit 6 stacking spaces for a roll-over car wash in lieu of the required 9 stacking spaces.

100



P.O. Box 63 Perry Hall, MD 21128

phia@mail.bcpl.net

www.bcpl.net/~phia

July 26,2004

Timothy Kotroco, Director Dep't of Permits and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

Re:

Eastern Petroleum Corporation

Honeygo Village Center

Dear Mr. Kotroco:

I am writing on behalf of the Perry Hall Improvement Association with respect to Eastern Petroleum Corporation's proposed 'fuel service station, C-store and car wash' in the Honeygo Village Center.

As you may be aware, the Hearing Officer's order of January 6, 2000 required in relevant part, that:

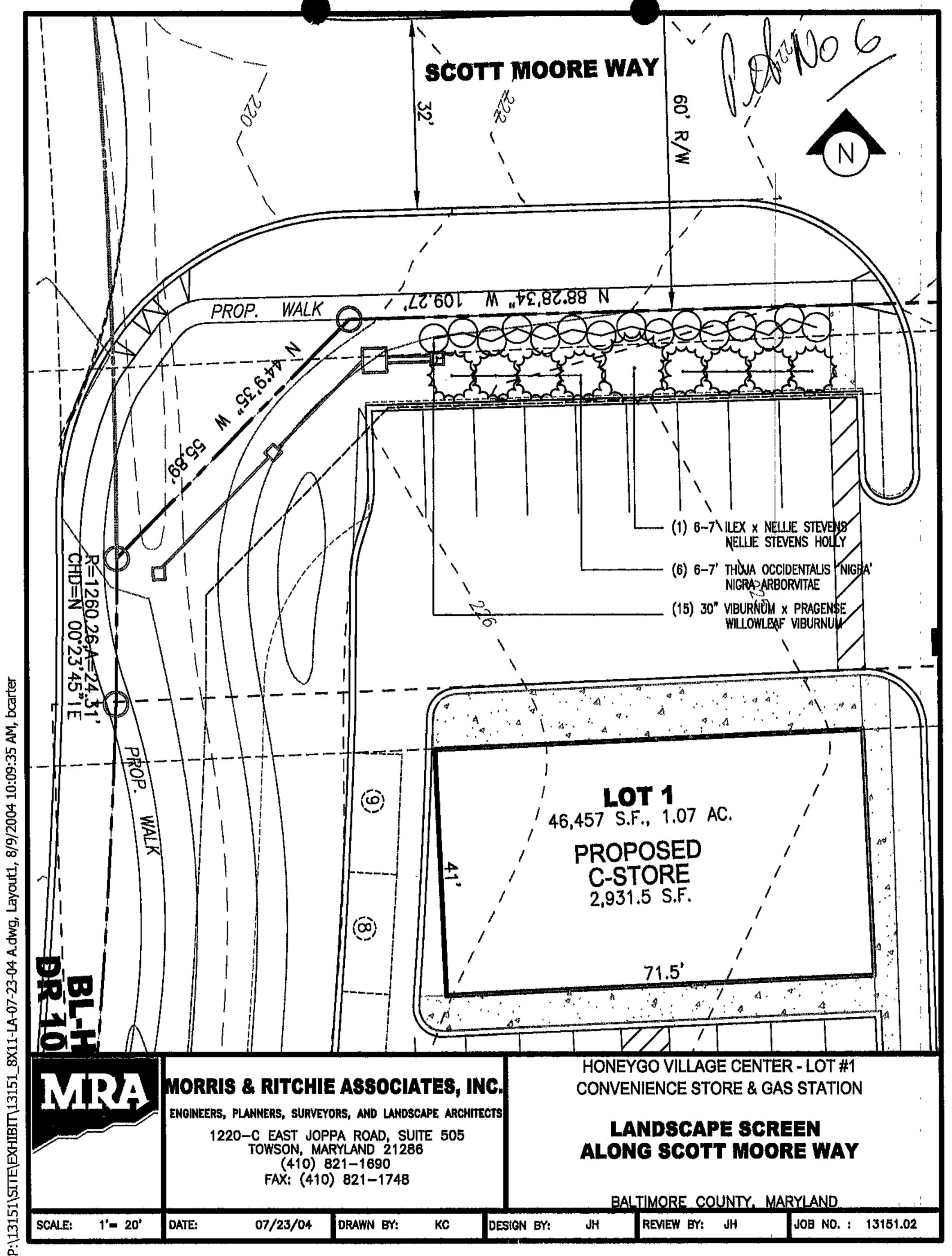
7.a. The Developer shall be required to submit all proposed signage for the property to the PHIA for their review and comment.

The PHIA finds the proposed signs acceptable and generally finds the architecture of the proposed structures acceptable and, accordingly we urge approval of this project by an order that includes a requirement for certain landscaping (as will be presented at the hearing on the pending zoning petitions).

Sincerely,

William M. Libercci, Sr. Vice President

cc: Stuart D. Kaplow, Esquire



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2004

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9414 Scott More Way

Honeygo Village Center

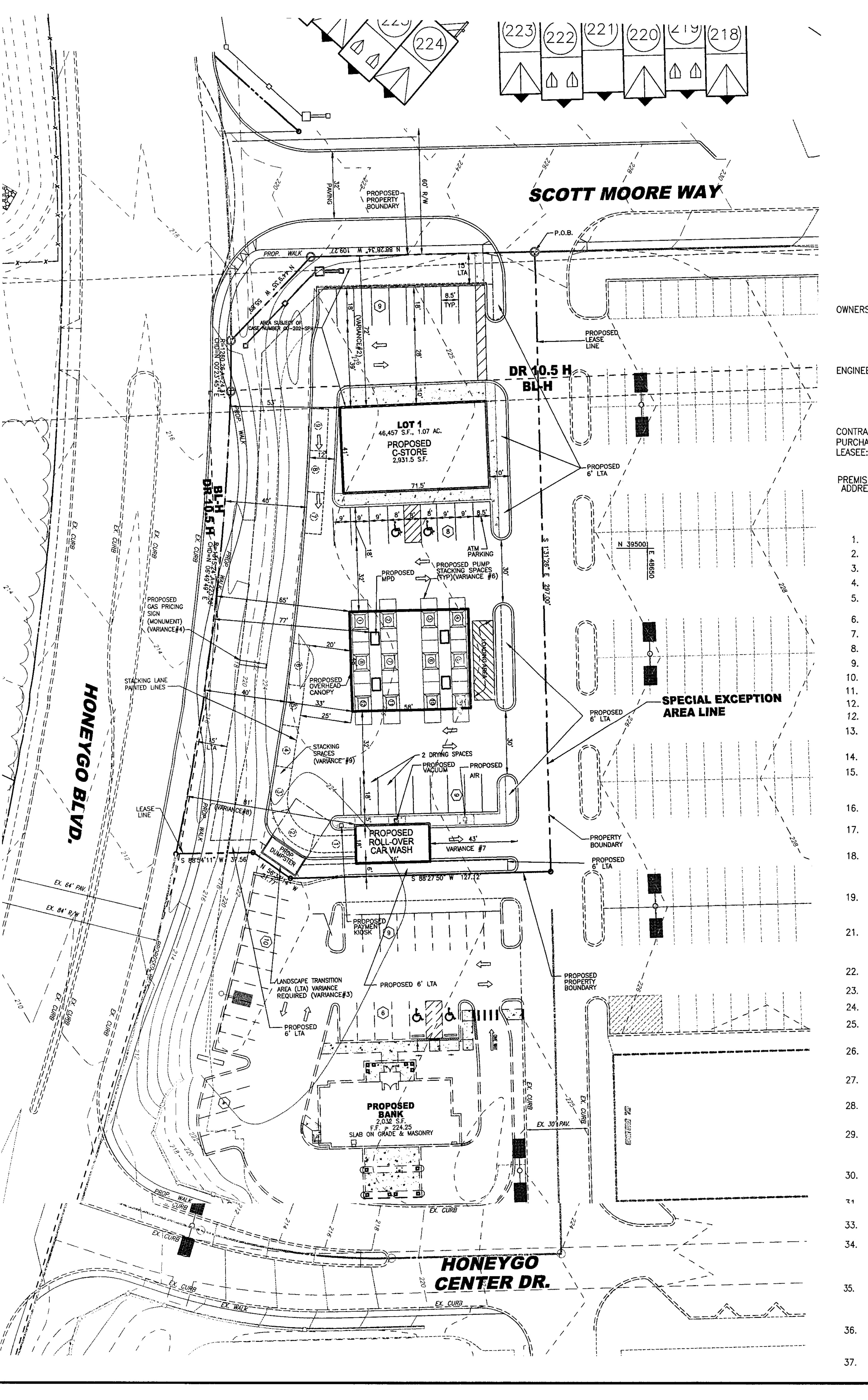
Gas and C-Store PDM # XI-843

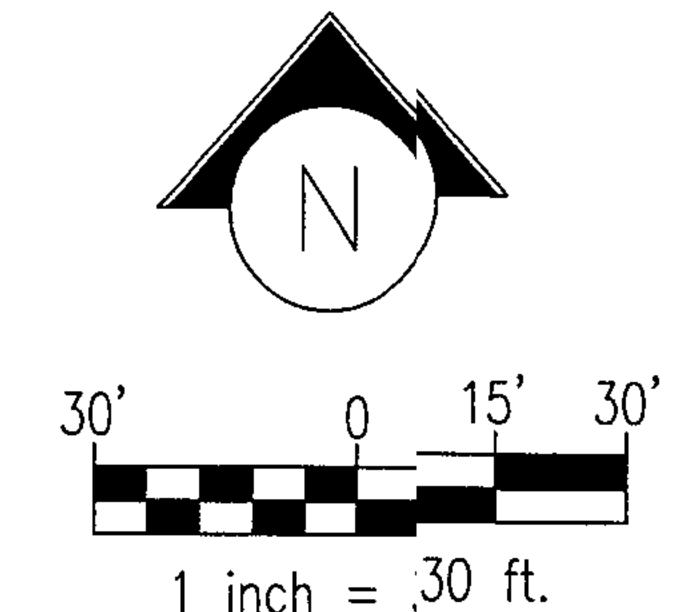
The Office of Planning has reviewed the revised architectural elevations and materials dated 7/28/2004 and recommends approval consistent with the October 10, 2002 Zoning Commissioner's order in case 03-026SPHA. The order states that: "Building elevations drawings for both the residential and commercial development proposed for this site shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits."

Division Chief:

AFK/LL

C: Stuart Kaplow





OWNER / DESIGN CONSULTANT:

WNERS: HONEYGO VILLAGE CENTER, I^{LLC}
4750 OWINGS MILLS BLVD.
OWINGS MILLS, MD. 21117
TAX. ACCOUNT # 24000031(⁰⁵
ATTN: JONATHAN MAYERS

IGINEER: MORRIS & RITCHIE ASSOCIATES, IN 1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
(410) 821-1690
ATTN: BILL MONK

CONTRACT/ EASTERN PETROLEUM CORPORATIOI^N
PURCHASER/ 1915 LINCOLN DRIVE ANNAPOLIS,
LEASEE: MARYLAND 21401
ATTN: JOHN HOLLENDER

SENERAL NOTES:

9414 SCOTT MOORE WAY

1.	ZONING: (BL-H , DR 10).5-H)
2.	SITE AREA : = $=$ 1.07 AC. $-$ 46,457 S.F. \pm
3.	LOCATION: ADC MAP 29, GRID G-5/6 & H-5/6
4.	BALTIMORE COUNTY SOILS SURVEY MAPS 30, 31, 36 & 37
5.	TAX MAP: 72, GRID 11, PA\RCEL 35, LOT 1
6.	DEED REFERENCES: 12293/4/45, 8078/672, 8398/761
7.	PLAT REFERENCES: 75/109

8. CENSUS TRACT: 4113.04
 9. WATERSHED: HONEYGO RUN
 10. SUBSEWERSHED: HONEYGO RU^{JN}

11. SEWAGE PLAN DESIGNATION: S-1 Map S-17B

12. WATER SUPPLY PLAN DESIGNATION: W-1 Map W-17B

12. WATER SUPPLY PLAN DESIGNATION: W-1 Map W-17B

13. ELECTION DISTRICT: 11TH
 COUNCILMANIC DISTRICT: 5
 14. EXISTING USE: VACANT

PROPOSED USE: AUTOMOBILE FUEL SERVICE STATION WITH CONVENIENCE STORE, CARRYOUT RESTAURANT AND ROLL OVER CAR WASH.

PROPOSED BUILDING AREA: 2,931.5 SF. (41'x71.5')

THIS SITE SHALL BE SERVICED BY PUBLIC WATER

AND SEWER.

F.A.R.: MAXIMUM PERMITTED: $3.0 (3.0 \times 46,457 = 139,371\pm SF)$ PROPOSED: 0.063 (2931.5 / 46,457 = 0.063.)

9. SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL EXCEPT AS ADDRESSED ON THESE PLANS.

21. THE SITE IS NOT WITHIN A MOFRATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4A02 (BC^{ZZR}).

22. THE SITE IS NOT IN A 100 YEAR FLOODPLAIN.

THERE ARE NO NON-TIDAL WEITLANDS ON THIS SITE.

THERE ARE NO FOREST BUFFEIRS ON THIS SITE.

THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.

THERE ARE NO KNOWN HISTOR^{NICAL} STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIA^{ATED} WITH THIS SITE.

THERE ARE NO KNOWN EXISTIN^{IG} WELLS OR SEPTIC FIELDS

WITHIN 100' OF THIS PROPERTY
BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING

AND FIRE CODE REQUIREMENTS.

ALL LIGHTING SHALL CONFORM TO IES STANDARDS

(ILLUMINATING ENGINEERING SOCCIETY OF NORTH AMERICA)

MAXIMUM HT. 18' PER SECTION 405.4.C.1.d (BCZR)

ALL PAVING SHALL BE BITUMIN(OUS DUST-FREE SURFACE AND PERMANENTLY STRIPED.

OVERACL ASSECTED OF DEVOLENAL EXCEPTION.

NO PREVIOUS COMMERCIAL PERMITS FOR LOT #1.

NOTE#CC COMES FROM THE APPROVED DEVELOPMENT PLANS.
CC. A SPECIAL EXCEPTION WILL- BE REQUIRED TO PERMIT A GAS
STATION TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL ZONE.

THE PROPOSED SIGNAGE SIZES SHOWN ON THE ATTACHED EXHIBIT 3 (SHEET 3 OF 3) ARE:

1. MAIN SIGNS OVER ENTRANCES $2^{2'}-6''$ X 12'=30 SF (2 SIGNS - TOTAL 60 SF)

2. SECONDARY SIGNS 2' X $7'=1^{14}$ SF EACH (4 SIGNS - TOTAL 56 SF)

THE REQUIRED PARKING FOR THE ENTIRE HONEYGO VILLAGE CENTER IS 854 PARKING SPACES. THE PROPOSED NUMBER OF PARKING SPACES PROPOSED INCLUDING THIS PROJECT IS 868.

THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

SITE LEGEND

P ^a CAM	PROP. CURB & GUTTER		SETBACK LINES
8" SAN.	EX. SANITARY	***********	PROP. STREAM LINES
PROP. 8º SAN.	PROP. SANITARY		LOTLINES
18" S.D.	EX. STORM DRAIN		EX. PROPERTY LINE
PROP. 15' RCCP	PROP. STORM DRAIN		EX. R/W
10" W	EX. WATER		EX. 2' CONTOUR EX. 10' CONTOUR
PROP. 10" W	PROP. WATER		· · · · · · · · · · · · · · · · · ·
m	EX. WOODS LINE / VEGETATION		PROP. 2' CONTOUR PROP. 10' CONTOUR
سسس	PROP. WOODS LINE		EX., CURB & GUTTER
	100 YR. FLOOD PLAIN		PROP. ROADS CENTERLINE
	LIMIT OF FOREST BUFFER		PROP. BUILDING
	WETLANDS	ML-IM	ZONING LINE
	WETLANDS BUFFER	BM-IM	
	UTILITY EASEMENT		PROPOSED PUBLIC UTILITY DRAINAGE EASEMENT

= 46,457 SF

= 26

SECTION 405 (FUEL SERVICE STATIONS) ZONING NOTES

THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE SITE (SECTION 405.3)

REQUIRED SITE AREA:

FUEL SERVICE STATION (8 FUELING POSITIONS x 1,500 SF)

CONVENIENCE STORE (4 x 1,931.5 SF)

CARRYOUT RESTAUARANT (6 x 1000 SF)

ATM (1000 SF PER ATM)

ROLL-OVER CAR WASH

TOTAL AREA REQUIRED

= 12,000 SF

= 7,726 SF.

= 6,000 SF.

= 1,000 SF.

= 1,000 SF.

= NO ADDITIONAL S.F.

BUILDING SETBACKS (TO PROPERTY LIMITS):

TOTAL AREA PROVIDED

	<u>BUIL</u>	DING	<u>CAN</u>	<u>OPY</u>	<u>Fuel</u> i	<u>PUMPS</u>	CAR WASH		
4	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	REQUIRED	PROVIDED	
FRONT	15'	72'	15'	65'	25'	77'	30'	81'	
SIDE (STREET)	35'	44'	N/A	N/A	N/A	N/A	N/A	N/A	

PARKING CALCULATION:

1. PARKING REQUIRED:

CONVENIENCE STORE (1931.5 SF @ 5/1000) = 10

CARRYOUT RESTAURANT (1000 SF @ 5/1000) = 5

(NO SEATING)

1/EMPLOYEE ON LARGEST SHIFT = 4

1 SPACE FOR ATM = 1

1 SPACE/AIR UNIT = 1

CAR WASH DRYING SPACES = 2

CAR WASH VACUUM CLEANER = 1

ADDITIONAL REQUIRED (ROLL-OVER CAR WASH) = 2

TOTAL PARKING REQUIRED = 26

E. A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS

INCLUDING 2 HANDICAP SPACES

PARKING PROVIDED:

SECTION 419 (ROLL-OVER CAR WASH)

A. STACKING REQUIRED (8'x20') = 9 SPACES
B. STACKING PROVIDED = 6 SPACES
C. HOURLY RATED CAPACITY = 14 VEHICLES

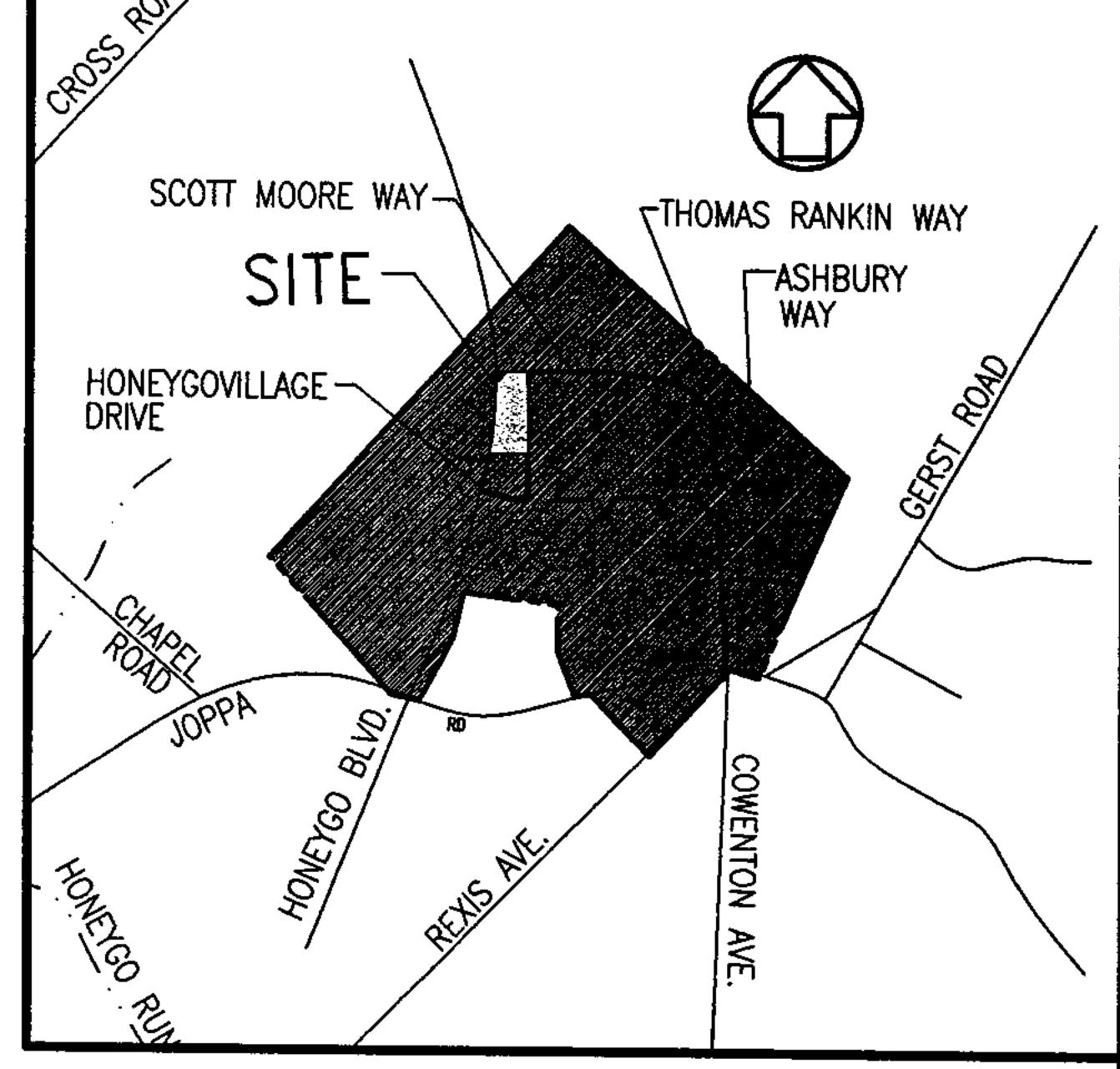
WASHTECH - LASERWASH G5

BASIC 150 SECONDS 2.30 MINUTES
DELUXE 217 SECONDS 3:47 MINUTES
ULTIMATE 262 SECONDS 4:25 MINUTES
ADD AN ADDITIONAL 45 SECONDS TO EACH TIME FOR CUSTOMER PAYMENT AND DRIVING IN AND OUT.

THIS IS IN LINE WITH THE AUTOMATIC CAR WASH INDUSTRY
AVERAGE OF TURNING OVER A CAR EVERY THREE AND ONE—HALF MINUTES OR
FOURTEEN CARS PER HOUR WHEN UNDER MAXIMUM VOLUME DEMANDS.

SIGNAGE TABLE (SEE EXHIBIT 3 (SHEET 3 OF 3))

BUILDING SIDE	# SIGNS	SIGN AREA #	TOTAL #	LENGTH	PERMITTED #
FRONT (NORTH)	1	30	30	80	160
FRONT (NORTH)	2	14	28		
TOTAL	3		58		
FRONT (SOUTH)	1	30	30		. -
FRONT (SOUTH)	2	14	28		
TOTAL	3		58		
HONEYGO BLVD. SIDE (WEST)	0.	0	Q		



VICINITY MAP

Petition for Special Exception

A. Special Exception, pursuant to BCZR Section 405.4.E.1, for a fuel service station (permitted as of right) in combination with a convenience store with a sales area larger than 1,500 square feet; and,

B. Special Exception, pursuant to BCZR Section 405.4.E.10, for a fuel service station (permitted as of right) in combination with a carry-out restaurant.

Petition for Zoning Variance

1. Variance from BCZR Section 405.2.A.1 to permit a fuel service station, in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.

 Variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 72 feet in lieu of the maximum permitted 15 feet setback.

3. Variance from BCZR Sections 405.4.A.2.b and Section 419.4.B.3 to permit as little as a 0 feet landscape transition area, between commercial uses (as depicted on the site plan), for a fuel service station in combination with a car wash, in lieu of the required 6 feet landscape transition area.

4. Variance from BCZR Section 259.9.D.1 to permit a freestanding enterprise sign (i.e., a monument gas price sign) where none is permitted.

5. Variance from BCZR Section 259.9.D.6 to permit 6 wall mounted enterprise signs with a total area of 116 square feet, in lieu of the permitted 1 sign with an area of 160 square feet.

6. Variance from BCZR Section 405.4.A.3.c.(2) to permit 1 stacking space per multiproduct dispensers, where a convenience store is located on the same lot, in lieu of the required 2 spaces.

7. Variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility

to be set back 43 feet in lieu of the required minimum of 50 feet from the nearest exit drive.

8. Variance from BCZR Section 419 4 B 1 to permit a typical entrance of a convent.

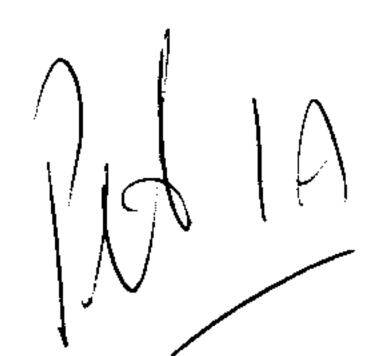
8. Variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 81 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.

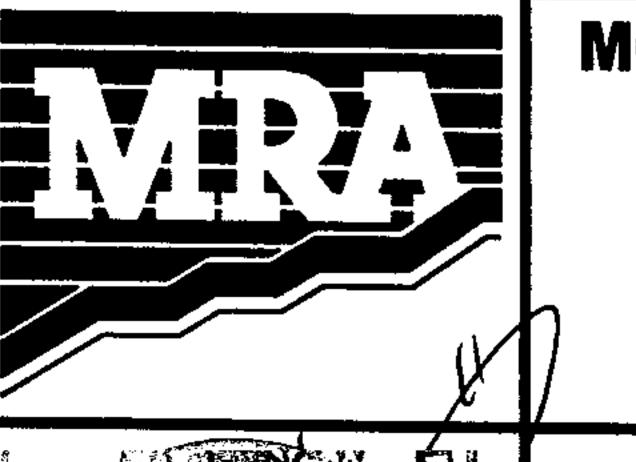
Variance from BCZR Section 419.3.D.1 to permit 6 stacking spaces for a roll-over car wash in lieu of the required 9 stacking spaces.

Petition for Special Hearing

1. To confirm the prior approved use permit, by the hearing officer in Case nos. XI-843 and 00-202-SPH, pursuant to BCZR Section 409.8.B authorizing business parking in a residential zone, and specifically the 9 off-street parking spaces located in the DR 10.5H zone, within a planned shopping center, to serve a fuel service station (permitted as of right in the BL-H zone) and the then contemplated, and now requested special exception

2. To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the 1st Amended Final Development Plan Lot 7 Honeygo Village Center, approved April 24, 2003, such that the FDP will be consistent with the site plan that is the subject of this petition.





MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

110 WEST ROAD SUITE 245 TOWSON, MARYLAND 21204 (410) 821-1690 FAX (410) 821-1748

GAS AND C-STORE

9414 SCOTT MOORE WAY

11TH ELECTION DISTRICT
5TH COUNCILMATIC DISTRICT
BALTIMORE COUNTY, MARYLAND

	REVISIONS	JOB NO.:	13151.01
′ 04	REVISIONS PER PERRY HALL IMPROVEMENT COUNCIL & COUNTY COMMENTS		1"= 30'
		DATE:	04/12/04
		DRAWN BY:	KC
		DESIGN BY:	JVH
		REVIEW BY:	ВМ
		SHEET:	1 OF 1

IN RE: PETITIONS FOR SPECIAL HEARING BEFORE THE
AND VARIANCE - E/S Joppa Road,
N/S Joppa Road, 75' W of Gerst Road ZONING COMM ZONING COMMISSIONER (Honeygo Village Center)

11th Election District

5th Council District OF BALTIMORE COUNTY Case No. 03-026-SPHA Rita Limited Partnership

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this May of October, 2002 that the Petition for Special Hearing to approve a modification of standards, pursuant to the Comprehensive Manual of Development Policies (C.M.D.P.); to amend the locations of business parking in a residential zone, previously approved in Case No. 00-202-SPH; and, to amend the latest approved development plan for Honeygo Village, Lots 7 and 8 thereof, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) in accordance with the Schedule (Exhibit 1) attached to the Petition for Variance, a copy of which is attached hereto and made a part hereof, in accordance with Petitioner's Exhibits 1 and 2, 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.
- 2) Building elevation drawings for both the residential and commercial development proposed for this site shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Use Permit Approved:

From BCZR Section 409.8.B to approve a use permit to allow business parking in a residential zone. The following areas are affected by the variance request:

- Forty-nine (49) parking spaces located in DR 10.5-H zone, south of proposed Scott
- Thirty-four (34) parking spaces located in DR 10 zone, east of Honeygo Boulevard, and adjacent to Lots 3 & 4.
- Twenty-five (25) parking spaces located in DR 1-H zone, west of proposed Scott Moore Way, and east of proposed grocery store.
- Ten (10) parking spaces located in DR 1-H zone, west of proposed Scott Moore Way and south east of proposed retail office building adjacent to the Francis Ashbury Way

BEFORE THE IN RE: DEVELOPMENT PLAN HEARING N/S Joppa Road,75' W of Intersection of Gerst Road HEARING OFFICER 11th Election District
5th Councilmanic District OF BALTIMORE COUNTY (Honeygo Village Center) Case Nos. XI-843 & #00-202-SPH Rita Limited Partnership Petitioner/Developer

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

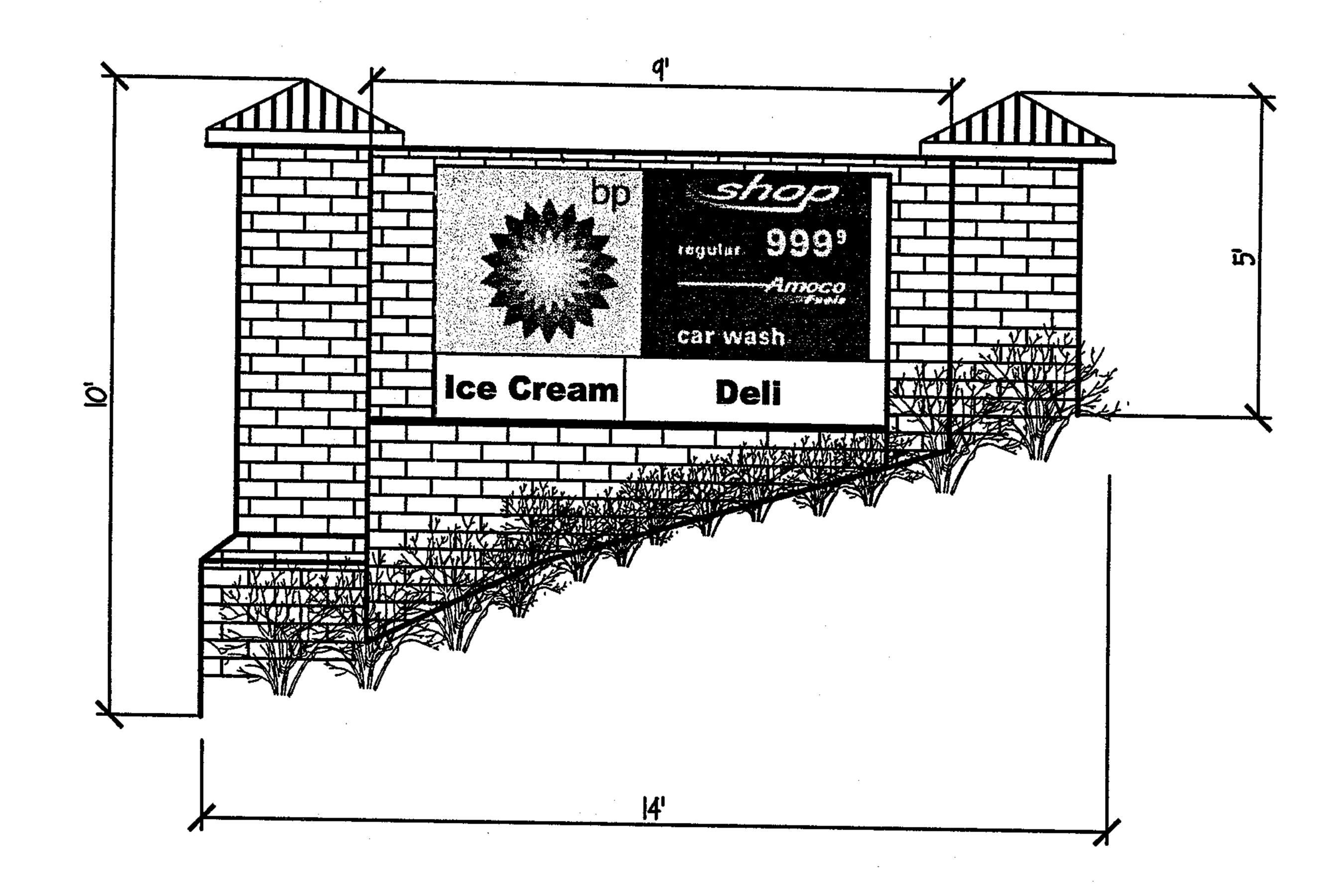
THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this _____day of January, 2000, that the Development Plan submitted into evidence as Developer's Exhibits 1A and 1B, be and it is hereby APPROVED and the Special Hearing Request to allow commercial parking within the residential zone shall also be The relief granted herein is contingent upon the following conditions and restrictions:

- i) The Petitioners may apply for their building permit and be granted same upon proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Developer shall be responsible for the cost and installation of the traffic signal located at the intersection of Honeygo Boulevard and Honeygo Village Avenue. The Developer shall not be responsible to pay for the cost and installation of the traffic light at the intersection of Honeygo Boulevard and
- 3) The Developer shall be required to submit to the Department of Public Works a vertical study of the design of Joppa Road between its intersection with Honeygo Boulevard and Cowenton Avenue. This vertical study must be submitted to the Department of Public Works within the time frame requested
- 4) The Developer shall be required to appropriate \$60,000 for the purpose of subject site. The final design of this pavilion/amphitheater shall be at the discretion of the Department of Recreation & Parks working in conjunction with the officers of the Perry Hall Improvement Association. In addition to the pavilion/amphitheater, the Developer shall also provide urban furniture elsewhere in the open space areas located within this development.
- 5) The Developer shall be permitted to utilize a portion of the commercially. zoned property not necessary for open space calculations to allow enough density to meet the 400 apartment units proposed.
- 6) Prior to the recordation of a record plat for the subject development, the Developer shall be required to revise the grading around the forest conservation and forest buffer areas shown on the plan to the satisfaction 'the Department of Environmental Protection and Resource Management. \ addition, the Developer shall provide revisions to the Forest Conservation. Plan in accordance with the requirements of DEPRM. Finally, the Developer shall follow through with their forest buffer variance request to allow a pond to be filled in on the subject property.
- 7) In accordance with the request of the Perry Hall Improvement Association (PHIA), the Developer shall perform the following:
- a. The Developer shall be required to submit all proposed signage for the property to the PHIA for their review and comment. The Developer shall be required to continue to work with the PHIA in the design and improvements to the open space areas within this development. addition, the Developer shall continue to work with the PHIA regarding the design and construction of the roundabout at the intersection of Joppa Road, Cowenton Avenue and Rexis Avenue. In the event the parties are unable to agree on an appropriate design for these amenities, then either party may request a special hearing before this Deputy Zoning Commissioner/Hearing Officer for final resolution of their dispute.
- b. The Developer shall protect and preserve the natural vegetative buffer along Joppa Road to the extent possible, to provide natural screening to the proposed development. The Developer shall be required to provide and install the landscape burm and plantings around the Camp Chapei United Methodist Church as is shown on the landscape plan submitted at the hearing. Said landscaping shall be installed at the next appropriate. planting season or at a time mutually agreed upon by the Developer and the Camp Chapel United Methodist Church.
 - c. The Developer must strictly adhere to the Honeygo Design Guidelines regarding the design of the structures to be built on the subject property. Any modifications to these Honeygo Guidelines must first be approved by the Office of Planning, the Perry Hall Improvement Association and the Design Review Panel, if necessary.
 - d. The Developer proposes to construct 400 apartment units on the subject property. Assurances were made that these apartment units will be of high quality and design. This Hearing Officer looks upon, with disfavor, the construction of additional apartment units in Baltimore County. Older, poorly maintained and managed apartment complexes have contributed to the problems plaguing our older communities. However, in this instance, the zoning of this property does permit apartments to be constructed. 1 ensure that these apartment units will be of high quality and design, the Developer shall submit, prior to the issuance of any building permits, elevation drawings of the apartment buildings themselves, specific floor plans, square footage, number of bedrooms per unit, and the building materials to be used in the construction of the buildings themselves, to the Office of Planning for their review and approval. In addition, each apartment building must contain at least one elevator to serve the residents
- 8) The Developer shall not impede the base level flow of water that currently enters into the pond on the property owned by Patrick Durkin. Mr. Durkin relies upon that pond to irrigate his stock in his landscaping business. Therefore, the base level flow of water entering the Durkin pond shall not be reduced by this Developer.
- 9) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the

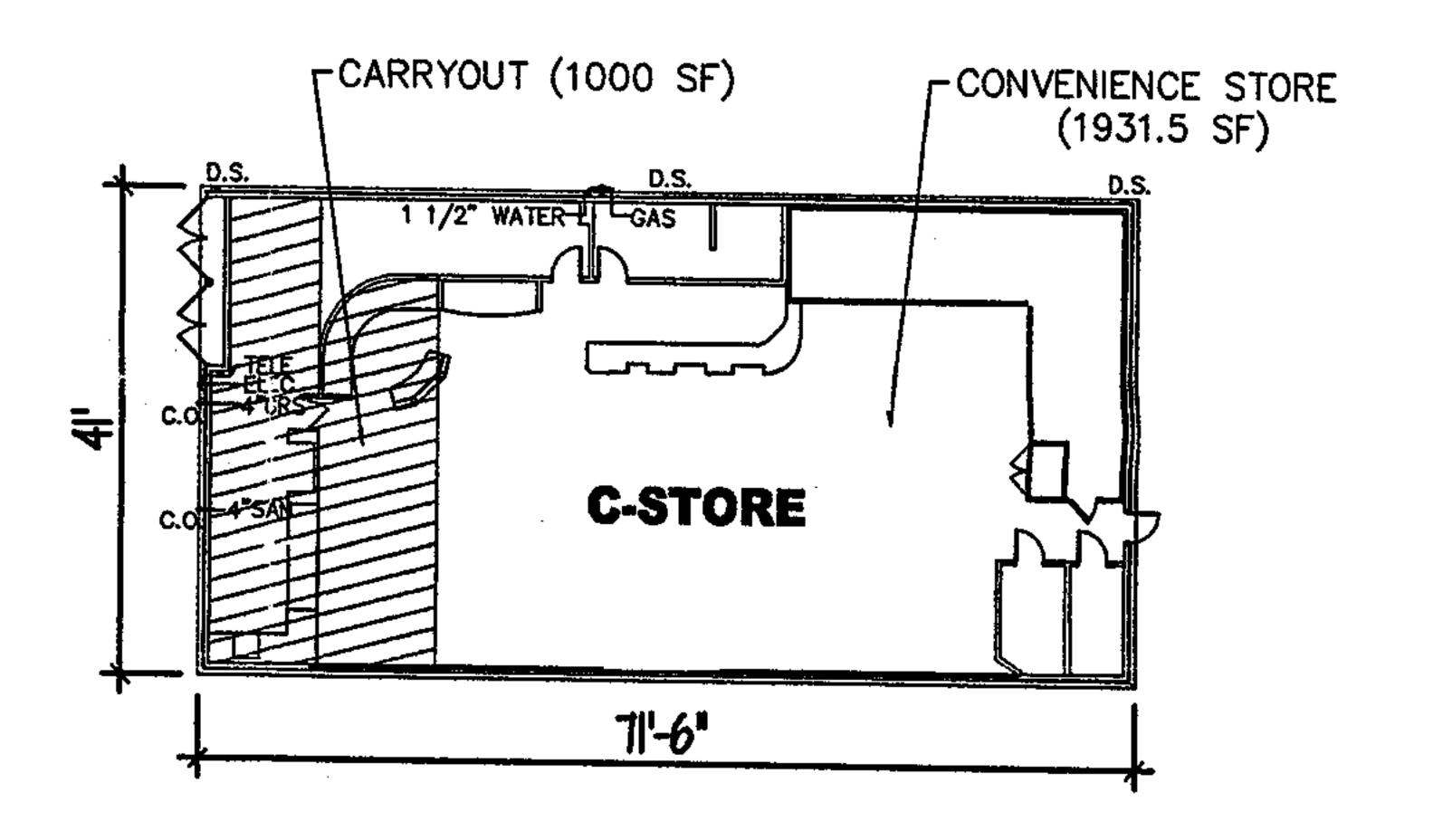
Baltimore County Code and the applicable provisions of law.

TIMOTHY M. KOTROCO



GAS PRICING SIGN

SCALE: 1"=2'



C-STORE FLOOR PLAN



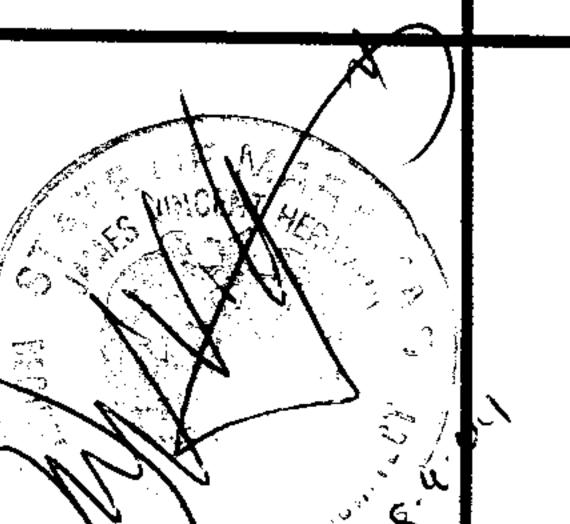


MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

110 WEST ROAD SUITE 245 TOWSON, MARYLAND 21204 (410) 821-1690 FAX (410) 821-1748

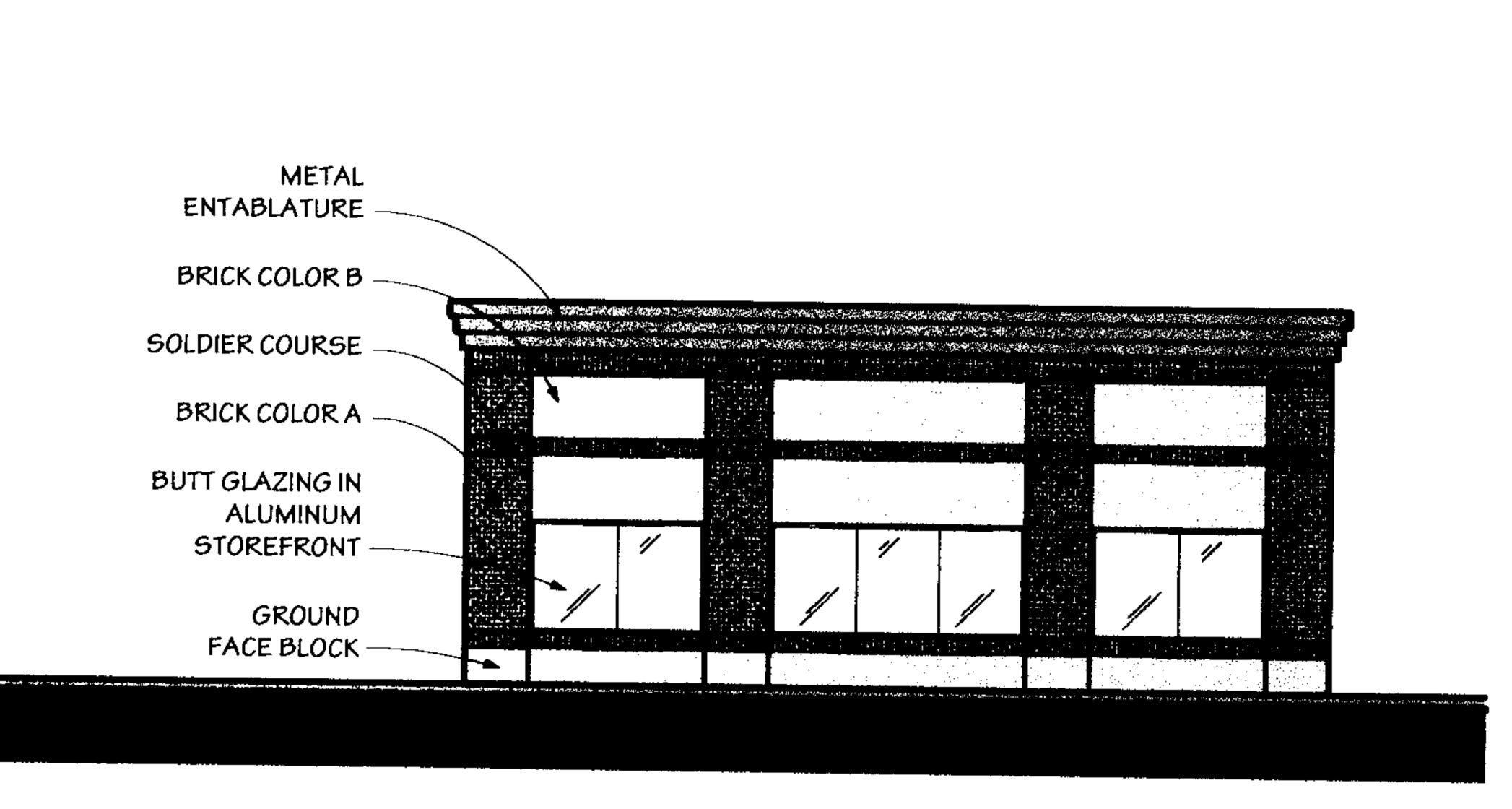
AMENDED PLAN TO ACCOMPANY



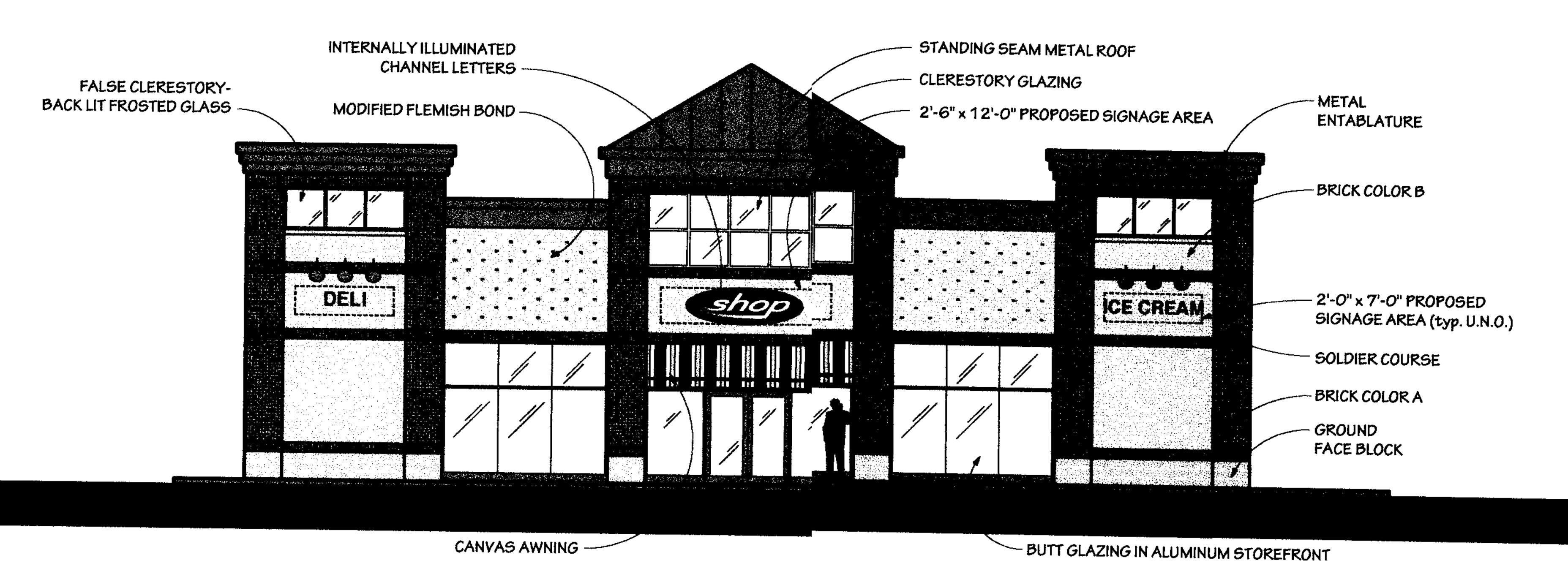
SPECIAL EXCEPTION, VARIANCE AND SPECIAL HEARING APPLICATION HONEYGO VILLAGE CENTER GAS AND C-STORE

9414 SCOTT MOORE WAY 11TH ELECTION DISTRICT 5TH COUNCILMATIC DISTRICT BALTIMORE COUNTY, MARYLAND

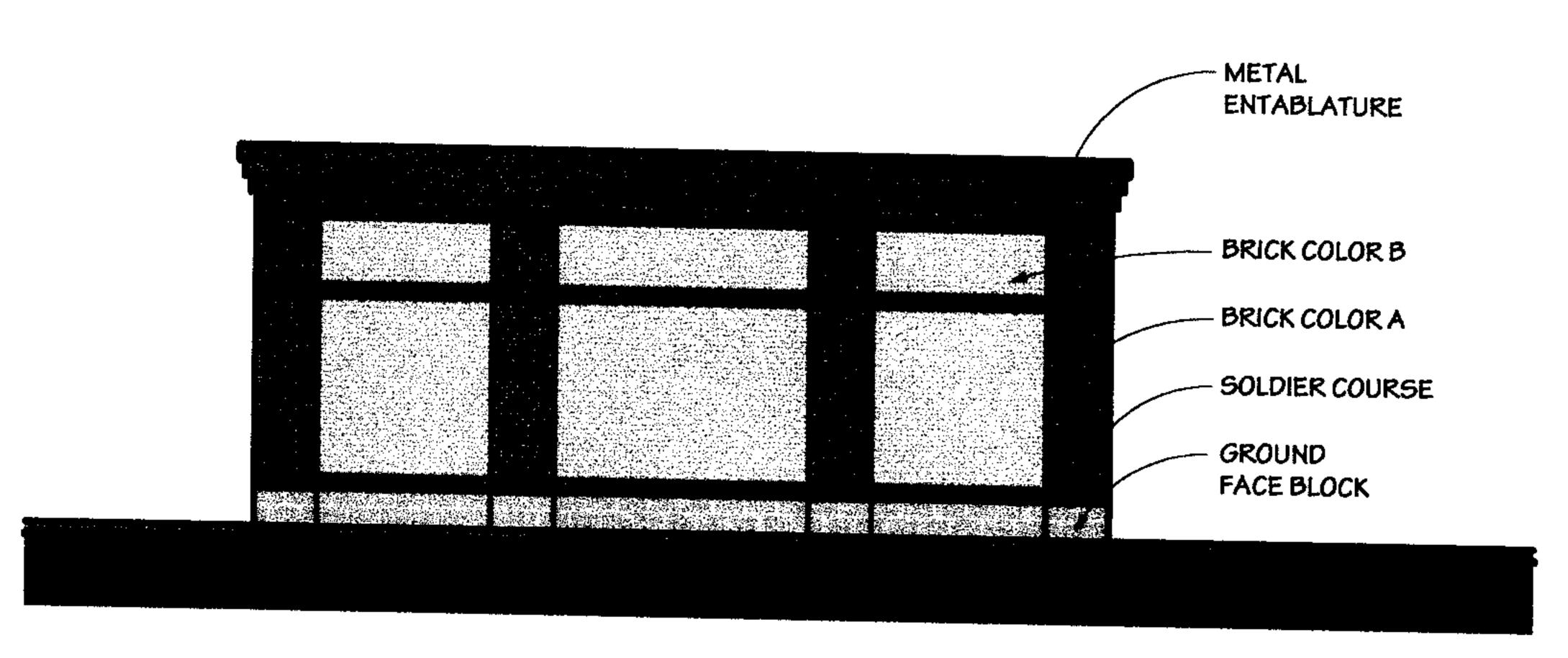
DATE	REVISIONS	JOB NO.:	13151.01
12/23/02	REVISIONS PER COUNTY COMMENTS	SCALE:	1"= 20'
09/12/03	RELOCATE LEASE LINE	DATE:	03/23/04
06/01/04	REVISIONS PER COUNTY COMMENTS	DRAWN BY:	
07/28/04	REVISIONS PER PERRYHALL IMPROVEMENT COUNCIL & COUNTY COMMENTS	DESIGN BY:	JVH
		REVIEW BY:	ВМ
		SHEET:	2 OF 3



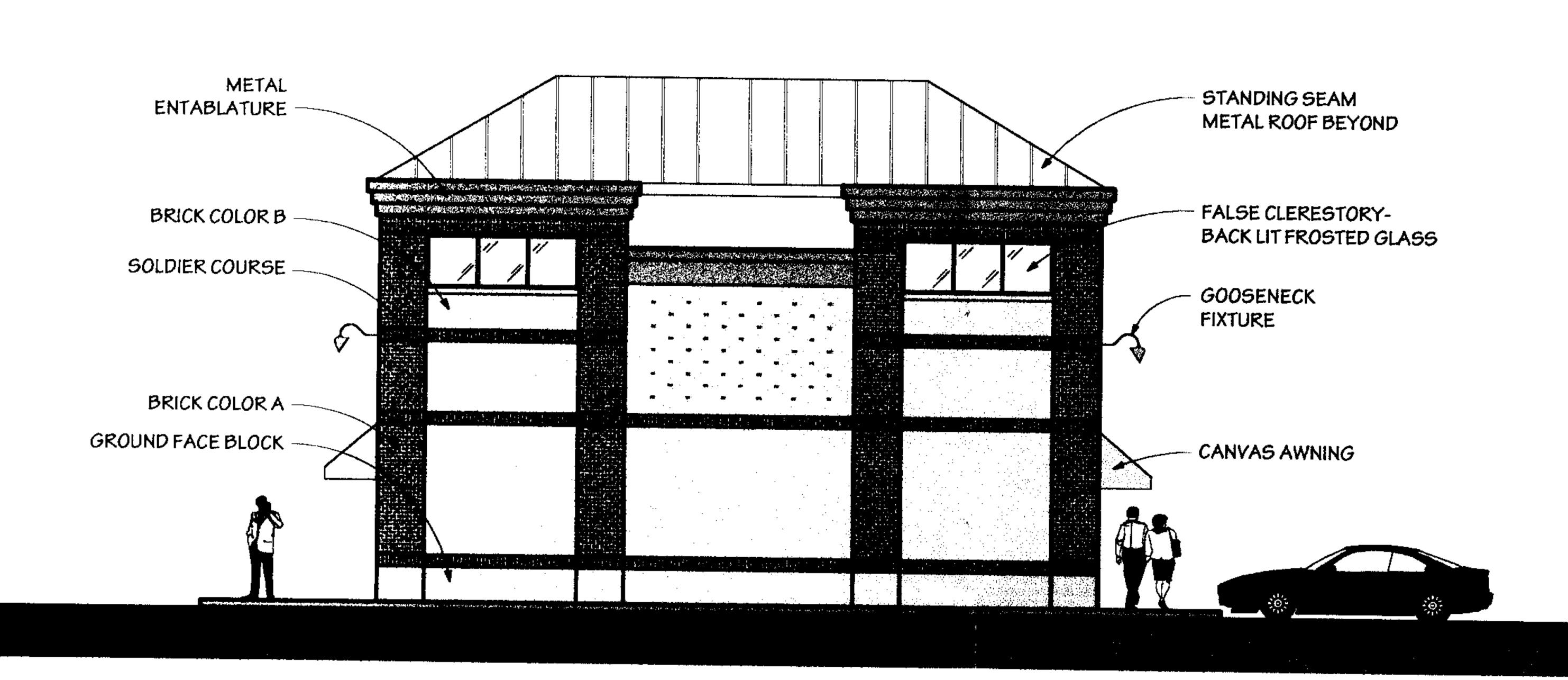
North Car Wash Elevation



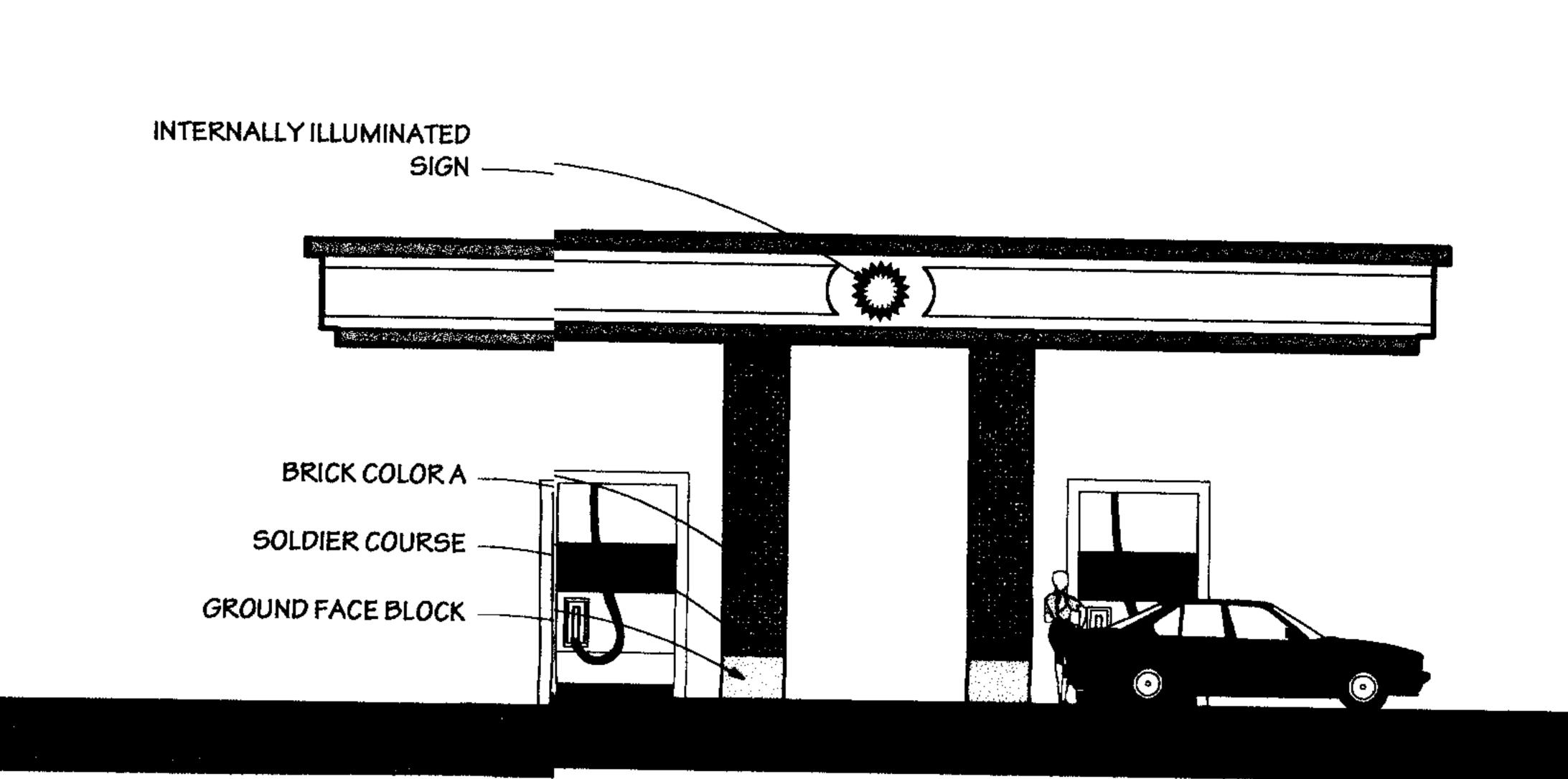
North & South Convenience Store Elevation



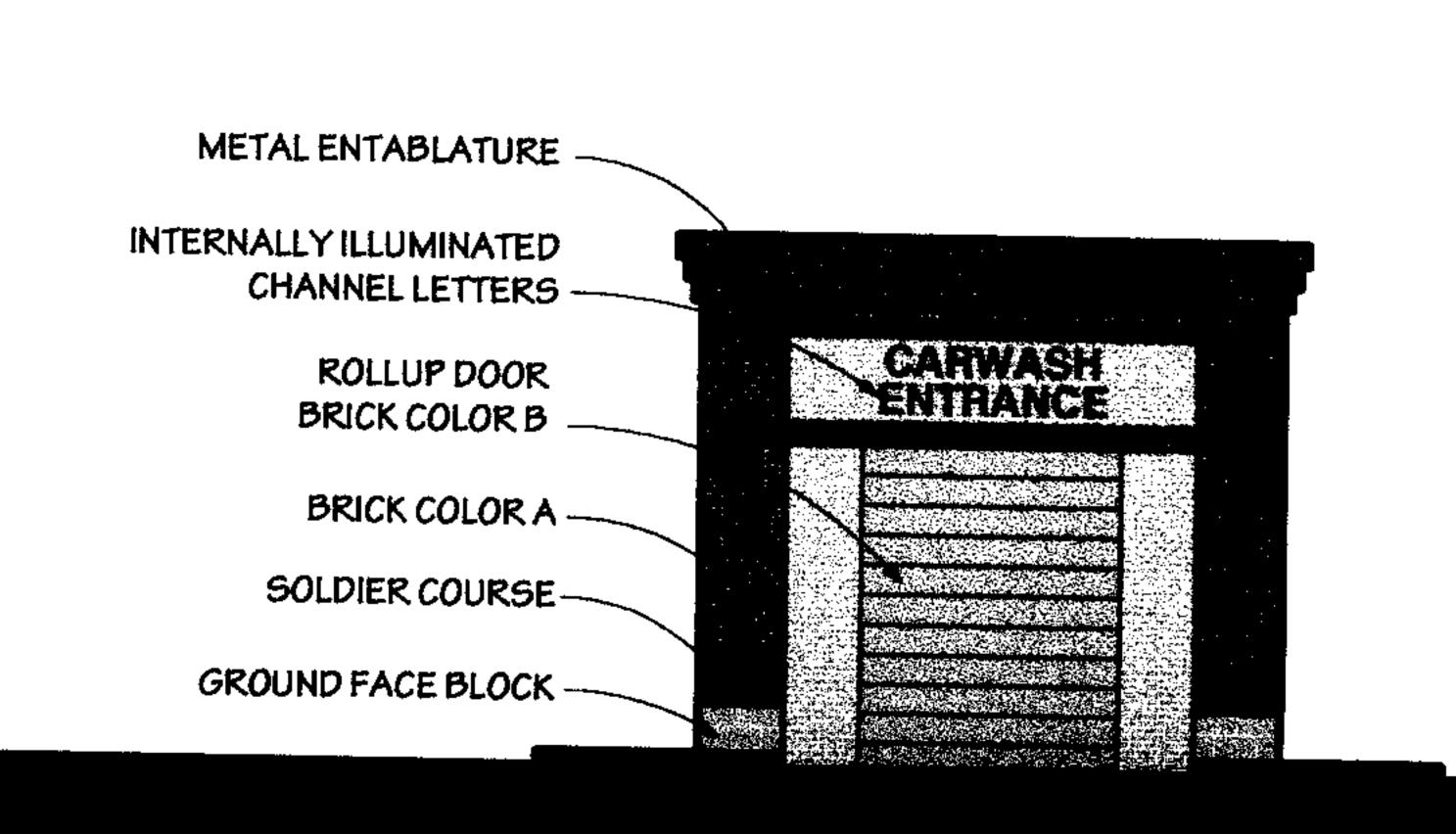
South Car Wash Elevation



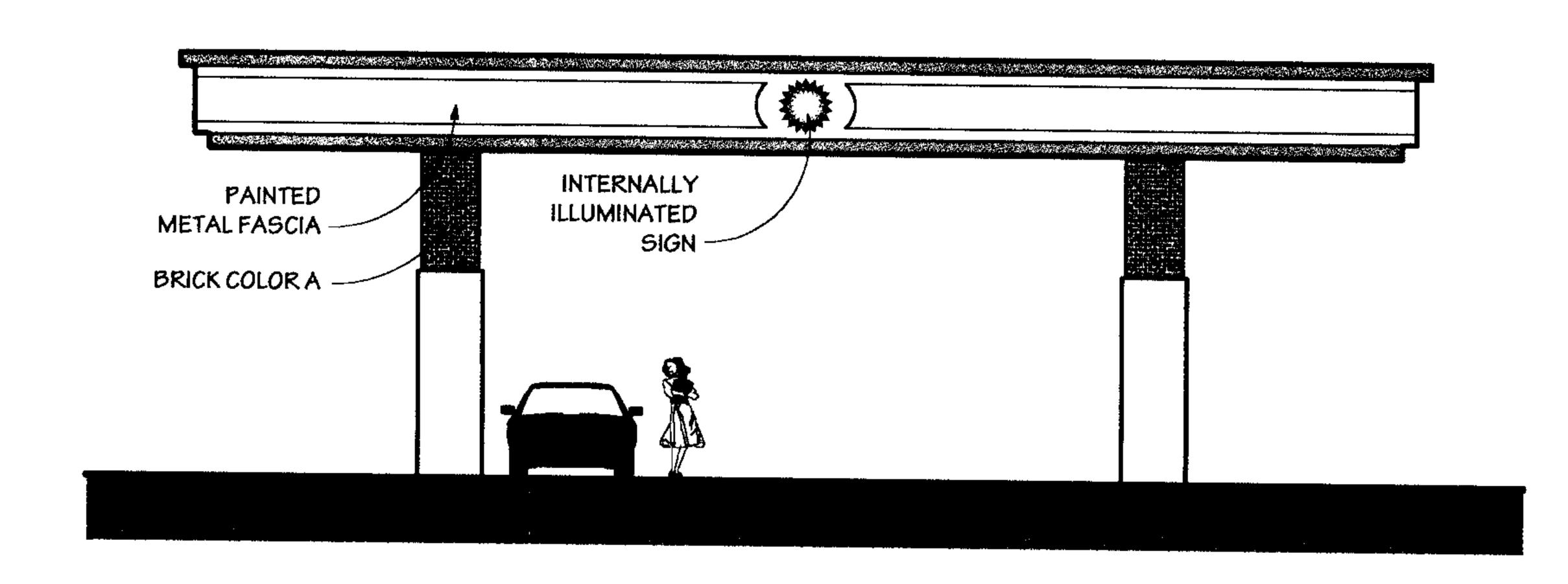
East & West Convenience Store Elevation



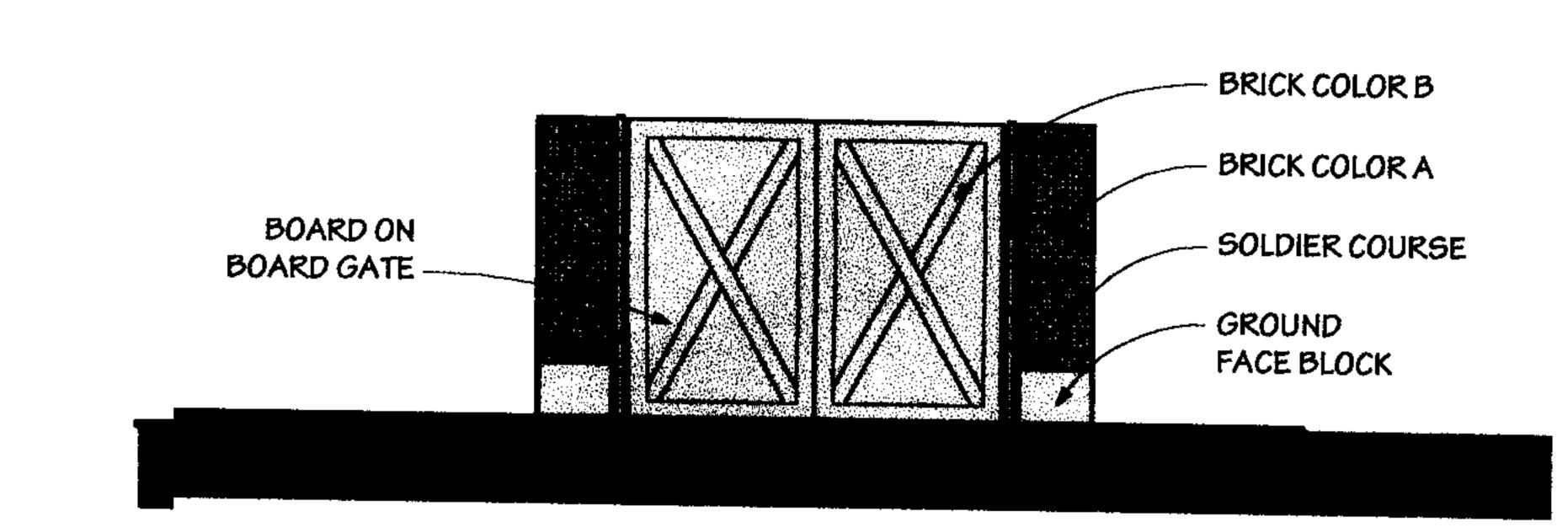
East & West Pump Canopy Elevation



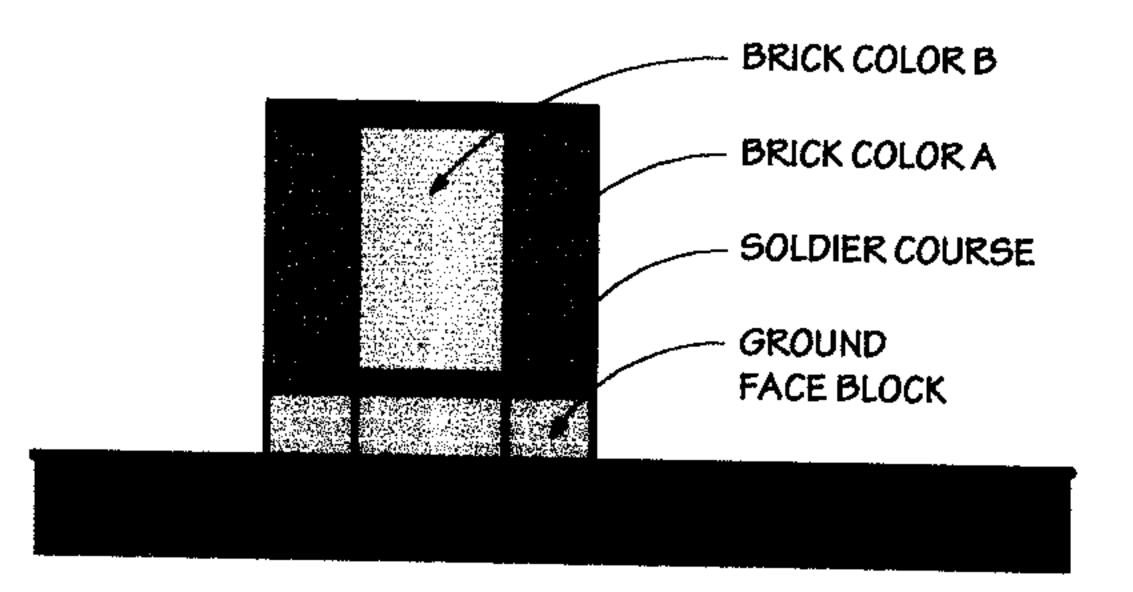
West Car Wash Elevation



North & South Pump Canopy Elevation



North Dumpster Elevation



East & West Dumpster Elevation



Honeygo Convenience Store

at Honeygo Village Center

10 May 2004

Scale: 1/8" = 1'-0"

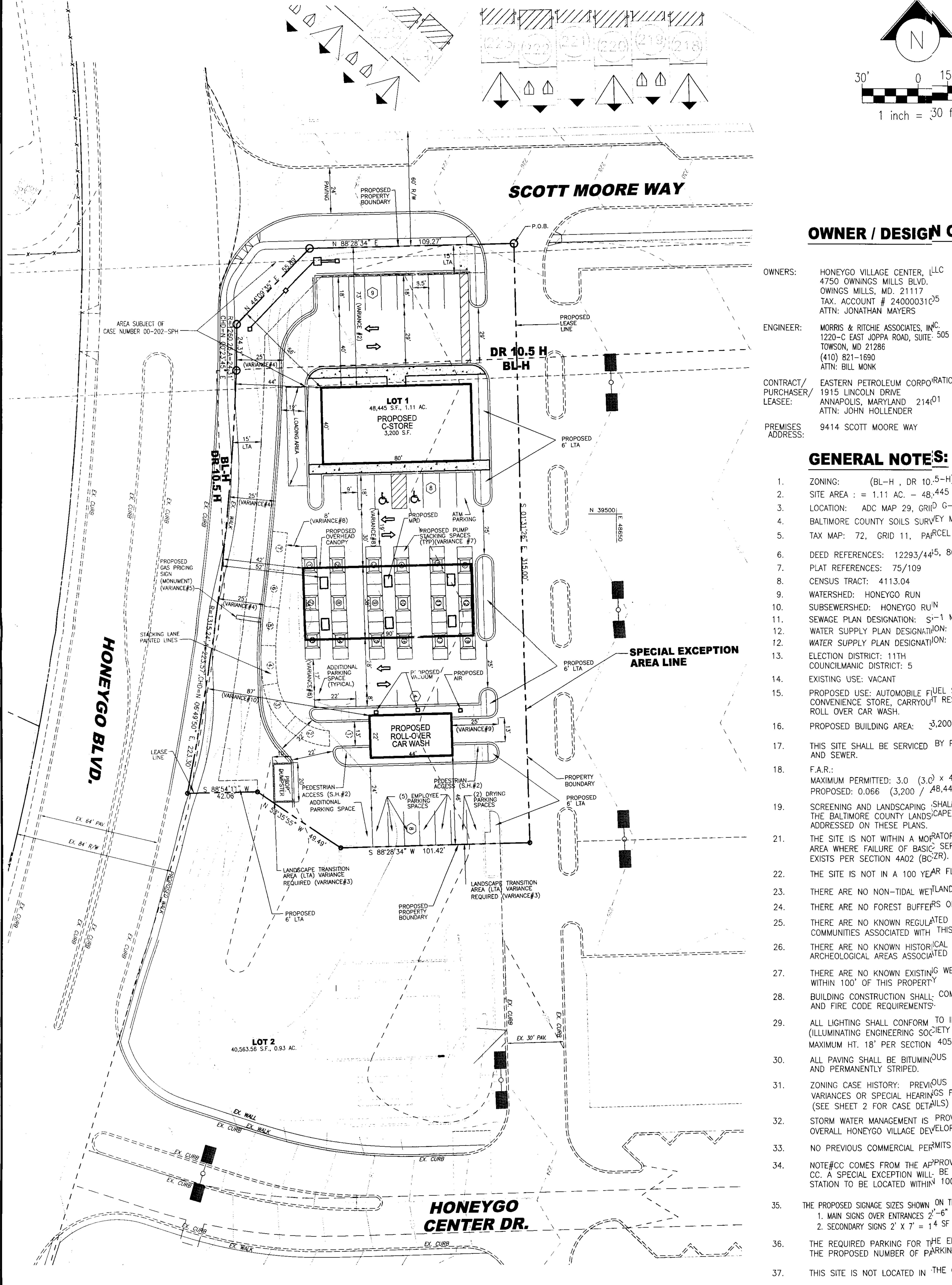
Exhibit 3 (Sheet 3 of 3)

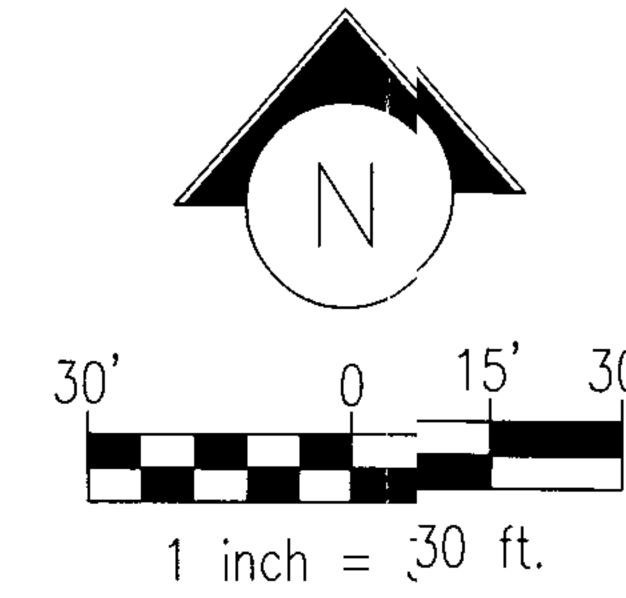
EASTERN PETROLEUM CORPORATION 1915 Lincoln Drive Annapolis, Maryland 21401

Revision 07/28/04 Per County Comments.

MORRIS & RITCHIE ASSOCIATES, INC.

1220-C East Joppa Road, Suite 505 Towson, Maryland 21286 410-821-1748 Fax





OWNER / DESIGN CONSULTANT:

HONEYGO VILLAGE CENTER, LLLC 4750 OWNINGS MILLS BLVD. OWINGS MILLS, MD. 21117 TAX. ACCOUNT # 24000031 $C^{0.5}$ ATTN: JONATHAN MAYERS

MORRIS & RITCHIE ASSOCIATES, IN^{IC}. 1220-C EAST JOPPA ROAD, SUITE: 505 TOWSON, MD 21286 (410) 821-1690 ATTN: BILL MONK

EASTERN PETROLEUM CORPO^{IRATION} PURCHASÉR/ 1915 LINCOLN DRIVE ANNAPOLIS, MARYLAND 214(01 ATTN: JOHN HOLLENDER

(BL−H , DR 10.⁵−H) SITE AREA : = $1.11 \text{ AC.} - 48,445 \text{ S.F.} \pm$ LOCATION: ADC MAP 29, GRI(D G-5/6 & H-5/6 BALTIMORE COUNTY SOILS SURVEY MAPS 30, 31, 36 & 37

TAX MAP: 72, GRID 11, PAIRCEL 35, LOT 1 DEED REFERENCES: 12293/44¹⁵, 8078/672, 8398/761

PLAT REFERENCES: 75/109

WATERSHED: HONEYGO RUN SUBSEWERSHED: HONEYGO RUIN

SEWAGE PLAN DESIGNATION: S:-1 Map S-17B WATER SUPPLY PLAN DESIGNATION: W-1 Map W-17B WATER SUPPLY PLAN DESIGNATION: W-1 Map W-17B ELECTION DISTRICT: 11TH

COUNCILMANIC DISTRICT: 5 EXISTING USE: VACANT

PROPOSED USE: AUTOMOBILE FIUEL SERVICE STATION WITH CONVENIENCE STORE, CARRYOU^{IT} RESTAURANT AND ROLL OVER CAR WASH.

PROPOSED BUILDING AREA: 3,200 SF. (40'x80')

THIS SITE SHALL BE SERVICED BY PUBLIC WATER

MAXIMUM PERMITTED: $3.0 (3.0^{\circ}) \times 48,447 = 145,341 \pm SF$ PROPOSED: 0.066 (3,200)/A8,447 = 0.066.

SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL EXCEPT AS ADDRESSED ON THESE PLANS.

THE SITE IS NOT WITHIN A MOFRATORIUM AREA OR IN AN AREA WHERE FAILURE OF BASIC SERVICES MAPS CURRENTLY EXISTS PER SECTION 4A02 (BC^{;ZR}).

THE SITE IS NOT IN A 100 YEAR FLOODPLAIN.

THERE ARE NO NON-TIDAL WETTLANDS ON THIS SITE.

THERE ARE NO FOREST BUFFERS ON THIS SITE.

THERE ARE NO KNOWN REGULATED PLANT OR WILDLIFE COMMUNITIES ASSOCIATED WITH THIS SITE.

THERE ARE NO KNOWN HISTORI^{ICAL} STRUCTURE OR ARCHEOLOGICAL AREAS ASSOCIA^ITED WITH THIS SITE.

THERE ARE NO KNOWN EXISTINIG WELLS OR SEPTIC FIELDS WITHIN 100' OF THIS PROPERTY

BUILDING CONSTRUCTION SHALL COMPLY WITH BUILDING AND FIRE CODE REQUIREMENTS'

(ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA) MAXIMUM HT. 18' PER SECTION 405.4.C.1.d (BCZR)

ALL PAVING SHALL BE BITUMIN(DUS DUST-FREE SURFACE AND PERMANENTLY STRIPED. ZONING CASE HISTORY: PREVIOUS SPECIAL EXCEPTION,

VARIANCES OR SPECIAL HEARINIGS FOR THIS SITE. (SEE SHEET 2 FOR CASE DETA^{AILS)}

STORM WATER MANAGEMENT IS PROVIDED AS PART OF THE OVERALL HONEYGO VILLAGE DEVELOPMENT.

NO PREVIOUS COMMERCIAL PERMITS FOR LOT #1.

CC. A SPECIAL EXCEPTION WILL BE REQUIRED TO PERMIT A GAS STATION TO BE LOCATED WITHIN 100 FEET OF A RESIDENTIAL ZONE.

THE PROPOSED SIGNAGE SIZES SHOWN ON THE ATTACHED EXHIBIT 3 (SHEET 3 OF 3) ARE:

1. MAIN SIGNS OVER ENTRANCES $2^{2'}-6''$ X 12' = 30 SF (2 SIGNS - TOTAL 60 SF) 2. SECONDARY SIGNS 2' X 7' = 14 SF EACH (8 SIGNS - TOTAL 112 SF)

THE REQUIRED PARKING FOR THE ENTIRE HONEYGO VILLAGE CENTER IS 857 PARKING SPACES. THE PROPOSED NUMBER OF PARKING SPACES PROPOSED INCLUDING THIS PROJECT IS 874.

37. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.

_____8" SAN.______ EX. SANITARY PROP. 8' SAN —- 18" S.D. EX. STORM DRAIN PROP. 15" RCCP PROP. STORM DRAIN EX. 2' CONTOUR EX. IO' CONTOUR PROP. 10" W PROP. WATER EX. WOODS LINE / VEGETATION EX.. CURB & GUTTER PROP. ROADS CENTERLINE 100 YR. FLOOD PLAIN ML-IM ZONING LINE UTILITY EASEMENT PROPOSED PUBLIC UTILITY &
DRAINAGE EASEMENT

= 33,800 SF

= 48,447 SF

= 29

SECTION 405 (FUEL SERVICE STATIONS) **ZONING NOTES**

THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITHIN 1 MILE OF THE SITE (SECTION 405.3)

REQUIRED SITE AREA: FUEL SERVICE STATION (12 FUELING POSITIONS x 1,500 SF) CONVENIENCE STORE (4 x 2,200 SF) = 8,800 SF CARRYOUT RESTAUARANT (6 x 1000 SF) = 6,000 SF. ATM (1000 SF PER ATM) = 1,000 SF. ROLL-OVER CAR WASH = NO ADDITIONAL S.F. TOTAL AREA REQUIRED

BUILDING SETBACKS (TO PROPERTY LIMITS):

TOTAL AREA PROVIDED

STACKING FOR FUEL PUMPS SHALL COMPLY WITH SECTION 405.4A.3c, BCZR.

PARKING CALCULATION:

PARKING REQUIRED: CONVENIENCE STORE (2,200 SF @ 5/1000) CARRYOUT RESTAURANT (1000 SF @ 5/1000) (NO SEATING) 1/EMPLOYEE ON LARGEST SHIFT 1 SPACE FOR ATM 1 SPACE/AIR UNIT CAR WASH DRYING SPACES CAR WASH VACUUM CLEANER ADDITIONAL REQUIRED (ROLL-OVER CAR WASH) TOTAL PARKING REQUIRED = 29 PARKING PROVIDED:

A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS

INCLUDING 2 HANDICAP SPACES

SECTION 419 (ROLL-OVER CAR WASH)

STACKING REQUIRED (8'x20') = 9 SPACES = 7 SPACES STACKING PROVIDED

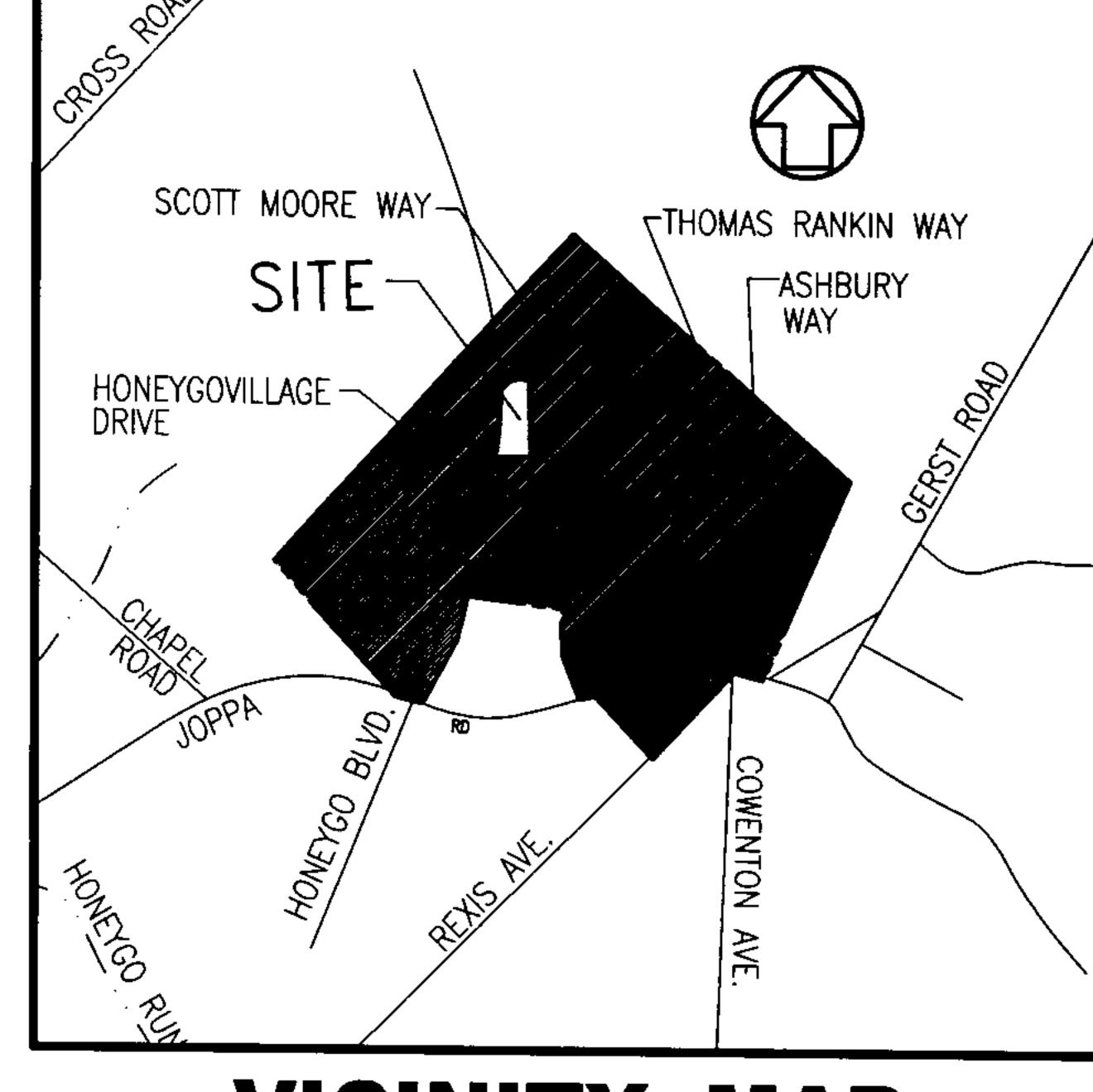
= 15 VEHICLES HOURLY RATED CAPACITY

- LASERWASH 4000

2.75 MINUTES 3.20 MINUTES 4.00 MINUTES

ADD AN ADDITIONAL 45 SECONDS TO EACH TIME FOR CUSTOMER PAYMENT AND DRIVING IN AND OUT. THIS IS IN LINE WITH THE AUTOMATIC CAR WASH INDUSTRY AVERAGE OF TURNING OVER A CAR EVERY FOUR MINUTES OR FIFTEEN CARS PER HOUR WHEN UNDER MAXIMUM VOLUME DEMANDS.

BUILDING SIDE	# SIGNS	SIGN AREA #	TOTAL #	LENGTH	PERMITTED #
FRONT (NORTH)	1	30	30	80	160
FRONT (NORTH)	2	14	28		
TOTAL	3		58		
FRONT (SOUTH)	1	30	30		· · · · · · · · · · · · · · · · · · ·
FRONT (SOUTH)	2	14	28		
TOTAL	3		58		
HONEYGO BLVD. SIDE (WEST)	2	14	28		
SHOPPING CENTER SIDE (EAST)	2	14	28		· · · · · · · · · · · · · · · · · · ·



Petition for Special Exception

A. Special Exception, pursuant to BCZR Section 405.4.E.1, for a fuel service station (permitted as of right) in combination with a convenience store with a sales area larger than 1.500 square feet; and

B. Special Exception, pursuant to BCZR Section 405.4.E.10, for a fuel service station (permitted as of right) in combination with a carry-out restaurant.

Petition for Zoning Variance

. Variance from BCZR Section 405.2.A.1 to permit a fuel service station, in a planned shopping center, to be located 0 feet from a residentially zoned property in lieu of the required setback of 100 feet.

2. Variance from BCZR Section 259.9.B.5.b to permit an increased front of building to right-of-way setback of 73 feet in lieu of the maximum permitted 15 feet setback.

3. Variance from BCZR Sections 405.4.A.2.b and Section 419.4.B.3 to permit as little as a 0 feet landscape transition area, between commercial uses (as depicted on the site plan), for a fuel service station in combination with a ear wash, in lieu of the required 6 feet landscape transition area.

4. Variance from BCZR Section 259.9.B.5.e to permit a 25 feet wide landscape buffer between a parking facility (i.e., parking spaces) and the Honeygo Boulevard public rightof-way in lieu of the required 40 feet.

5. Variance from BCZR Section 259.9.D.1 to permit a freestanding enterprise sign (i.e., a monument gas price sign) where none is permitted.

6. Variance from BCZR Section 259.9.D.6 to permit 10 wall mounted enterprise signs with a total area of 172 square feet, in lieu of the permitted 1 sign with an area of 160

. Variance from BCZR Section 405.4.A.3.c.(2) to permit 1 stacking space per multi-

product dispensers, where a convenience store is located on the same lot, in licu of the 8. Variance from BCZR Section 419.3.B to permit drive aisles as narrow as 8 feet wide.

within the on-site circulation pattern, in lieu of the width required by BCZR Section 409.4 of as much as 22 feet. 9. Variance from BCZR Section 419.4.A.2 to permit a tunnel exit of a car wash facility

to be set back 25 feet in lieu of the required minimum of 50 feet from the nearest exit

10. Variance from BCZR Section 419.4.B.1 to permit a tunnel entrance of a car wash facility to be set back 87 feet from an adjacent residentially zoned property, where it is not otherwise permitted to face that adjacent property.

11. Variance from BCZR Section 419.3.D.1 to permit 7 stacking spaces for a roll-over car wash in lieu of the required 9 stacking spaces.

Petition for Special Hearing

.. To confirm the prior approved use permit, by the hearing officer in Case nos. XI-843 and 00-202-SPH, pursuant to BCZR Section 409.8.B authorizing business parking in a residential zone, and specifically the 9 off-street parking spaces located in the DR 10.5H zone, within a planned shopping center, to serve a fuel service station (permitted as of right in the BL-H zone) and the then contemplated, and now requested special exception

2. To approve a principal pedestrian access, as provided on the site plan, as in compliance with BCZR 409.10.B. and the limitation of crossing a car wash stacking lane.

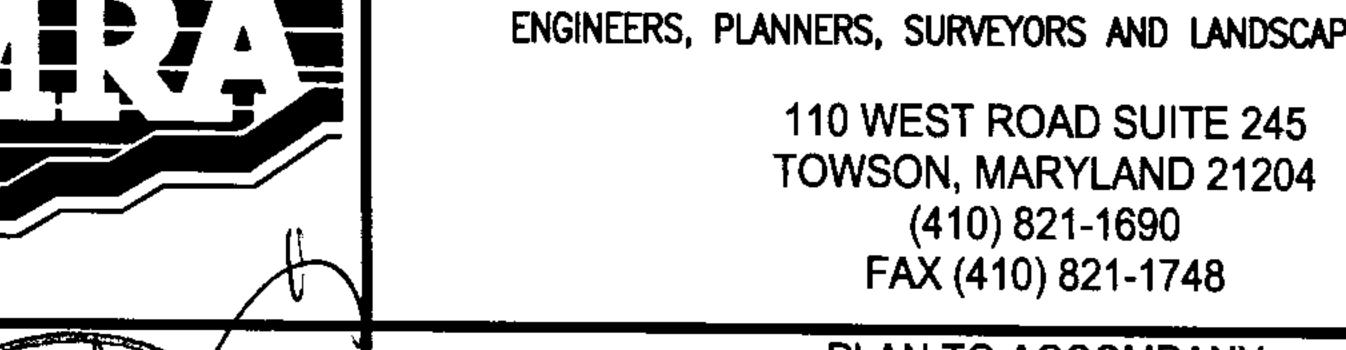
3. To approve the amendment of an approved final development plan, pursuant to BCZR Section 1B01.3.A.7, for the 1st Amended Final Development Plan Lot 7 Honeygo Village Center, approved April 24, 2003, such that the FDP will be consistent with the site plan that is the subject of this petition.

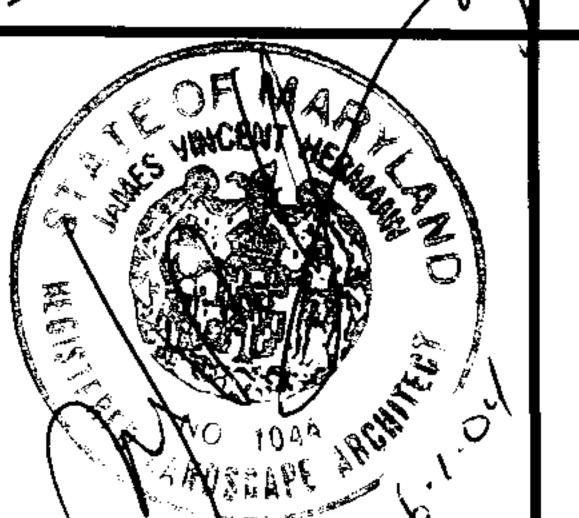
SIGNAGE TABLE (SEE EXHIBIT 3 (SHEET 3 OF 3))

PRELIMINARY DRAFT



MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS





PLAN TO ACCOMPANY SPECIAL EXCEPTION, VARIANCE AND

SPECIAL HEARING APPLICATION HONEYGO VILLAGE CENTER

GAS AND C-STORE

9414 SCOTT MOORE WAY

DAJE	REVISIONS	JOB NO.: 13151.01
/23/02	REVISIONS PER COUNTY COMMENTS	SCALE: 1"= 30"
11/04 12	nevisione our Courty Connents	DATE: 04/12/0
, , 		DRAWN BY: KC
		DESIGN BY: BM
		REVIEW BY: BM

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE AND VARIANCE - E/S Joppa Road, N/S Joppa Road, 75' W of Gerst Road * ZONING COMMISSIONER OF BALTIMORE COUNTY 11th Election District 5th Council District Case No. 03-026-SPHA Rita Limited Partnership

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Moday of October, 2002 that the Petition for Special Hearing to approve a modification of standards, pursuant to the Comprehensive Manual of Development Policies (C.M.D.P.); to amend the locations of business parking in a residential zone, previously approved in Case No. 00-202-SPH; and, to amend the latest approved development plan for Honeygo Village, Lots 7 and 8 thereof, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) in accordance with the Schedule (Exhibit 1) attached to the Petition for Variance, a copy of which is attached hereto and made a part hereof, in accordance with Petitioner's Exhibits 1 and 2, 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.

2) Building elevation drawings for both the residential and commercial development proposed for this site shall be submitted to the Office of Planning for review and approval prior to the issuance of any permits.

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

Use Permit Approved:

From BCZR Section 409 8 B to approve a use permit to allow business parking in a residential zone. The following areas are affected by the variance request:

- Forty-nine (49) parking spaces located in DR 10.5-H zone, south of proposed Scott Thirty-four (34) parking spaces located in DR 10 zone, east of Honeygo Boulevard, and
- adjacent to Lots 3 & 4. Twenty-five (25) parking spaces located in DR 1-H zone, west of proposed Scott Moore
- Way, and east of proposed grocery store Ten (10) parking spaces located in DR 1-H zone, west of proposed Scott Moore Way and south east of proposed retail office building adjacent to the Francis Ashbury Way

IN RE: DEVELOPMENT PLAN HEARING N/S Joppa Road,75' W of Intersection of Gerst Road 11th Election District

 OF BALTIMORE COUNTY 5th Councilmanic District (Honeygo Village Center) Case Nos. XI-843 & #00-202-SPH

Rita Limited Partnership Petitioner/Developer

* * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER

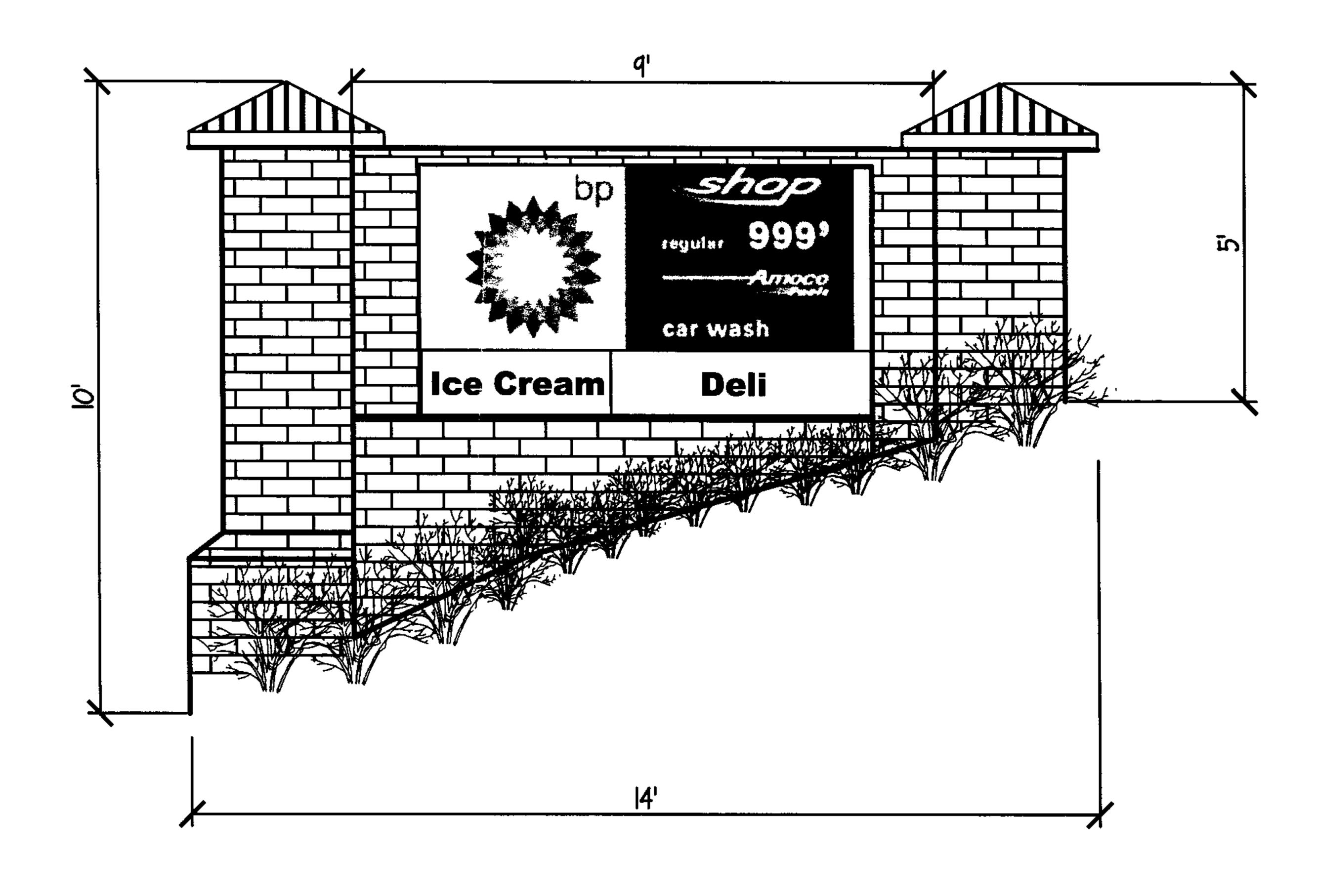
BEFORE THE

HEARING OFFICER

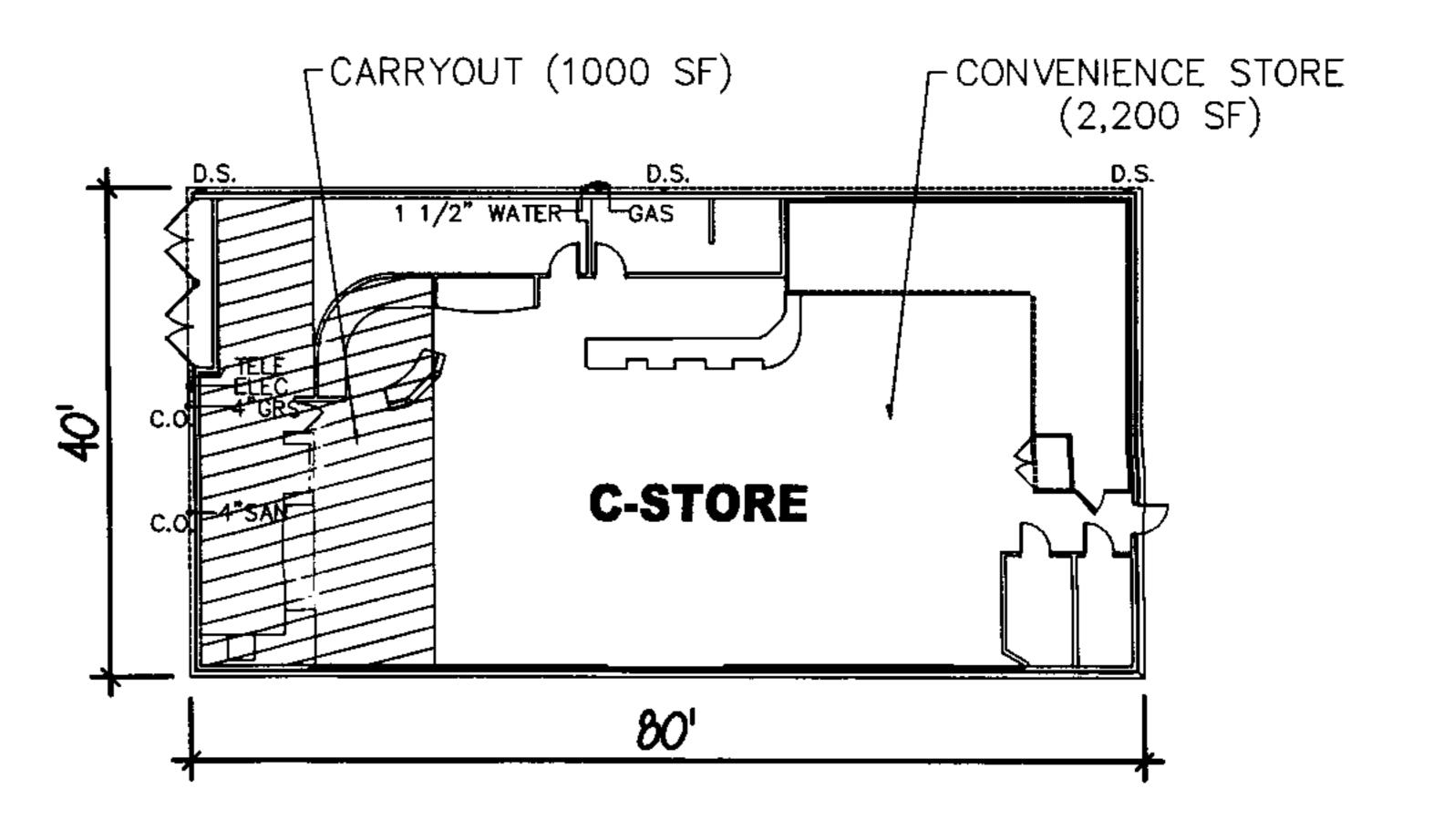
THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County this day of January, 2000, that the Development Plan submitted into evidence as Developer's Exhibits 1A and 1B, be and it is hereby APPROVED and the Special Hearing Request to allow commercial parking within the residential zone shall also be restrictions:

- receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Developer shall be responsible for the cost and installation of the traffic signal located at the intersection of Honeygo Boulevard and Honeygo Village Avenue. The Developer shall not be responsible to pay for the cost and installation of the traffic light at the intersection of Honeygo Boulevard and
- The Developer shall be required to submit to the Department of Public Works a vertical study of the design of Joppa Road between its intersection with Honeygo Boulevard and Cowenton Avenue. This vertical study must be submitted to the Department of Public Works within the time frame requested
- 4) The Developer shall be required to appropriate \$60,000 for the purpose of constructing a pavilion/amphitheater within the open space located on the subject site. The final design of this pavilion/amphitheater shall be at the discretion of the Department of Recreation & Parks working in conjunction with the officers of the Perry Hall Improvement Association. In addition to the pavilion/amphitheater, the Developer shall also provide urban furniture elsewhere in the open space areas located within this development.
- 5) The Developer shall be permitted to utilize a portion of the commercially zoned property not necessary for open space calculations to allow enough density to meet the 400 apartment units proposed.
- 6) Prior to the recordation of a record plat for the subject development, the Developer shall be required to revise the grading around the forest conservation and forest buffer areas shown on the plan to the satisfaction of the Department of Environmental Protection and Resource Management. addition, the Developer shall provide revisions to the Forest Conservation Plan in accordance with the requirements of DEPRM. Finally, the Developer shall follow through with their forest buffer variance request to allow a pond to be filled in on the subject property.
- 7) In accordance with the request of the Perry Hall Improvement Association (PHIA), the Developer shall perform the following:
- a. The Developer shall be required to submit all proposed signage for the property to the PHIA for their review and comment." The Developer shall be required to continue to work with the PHIA in the design and improvements to the open space areas within this development. addition, the Developer shall continue to work with the PHIA regarding the design and construction of the roundabout at the intersection of Joppa Road, Cowenton Avenue and Rexis Avenue. In the event the parties are unable to agree on an appropriate design for these amenities, then either
- b. The Developer shall protect and preserve the natural vegetative buffer along Joppa Road to the extent possible, to provide natural screening to the proposed development. The Developer shall be required to provide and install the landscape burm and plantings around the Camp Chapel United Methodist Church as is shown on the landscape plan submitted at the hearing. Said landscaping shall be installed at the next appropriate planting season or at a time mutually agreed upon by the Developer and the Camp Chapel United Methodist Church.
- c. The Developer must strictly adhere to the Honeygo Design Guidelines regarding the design of the structures to be built on the subject property. Any modifications to these Honeygo Guidelines must first be approved by the Office of Planning, the Perry Hall Improvement Association and the
- the zoning of this property does permit apartments to be constructed. To ensure that these apartment units will be of high quality and design, the Developer shall submit, prior to the issuance of any building permits, elevation drawings of the apartment buildings themselves, specific floor plans, square footage, number of bedrooms per unit, and the building materials to be used in the construction of the buildings themselves, to the Office of Planning for their review and approval. In addition, each
- 8) The Developer shall not impede the base level flow of water that currently enters into the pond on the property owned by Patrick Durkin. Mr. Durkin relies upon that pond to irrigate his stock in his landscaping business. Therefore, the base level flow of water entering the Durkin pond shall not be
- 9) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

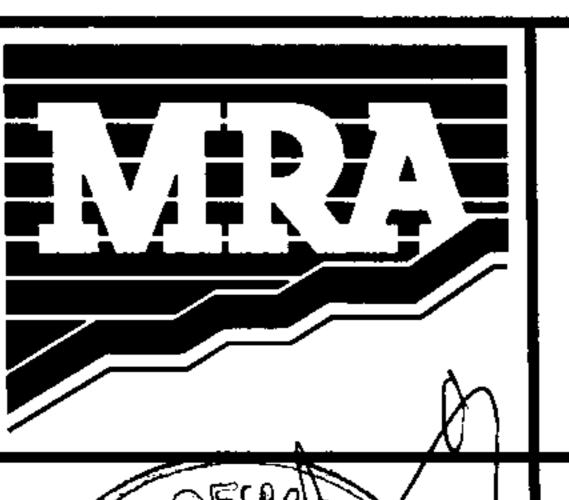
Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



GAS PRICING SIGN



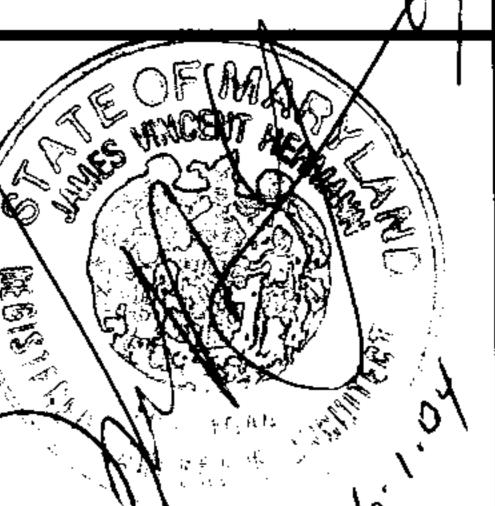
C-STORE FLOOR PLAN



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

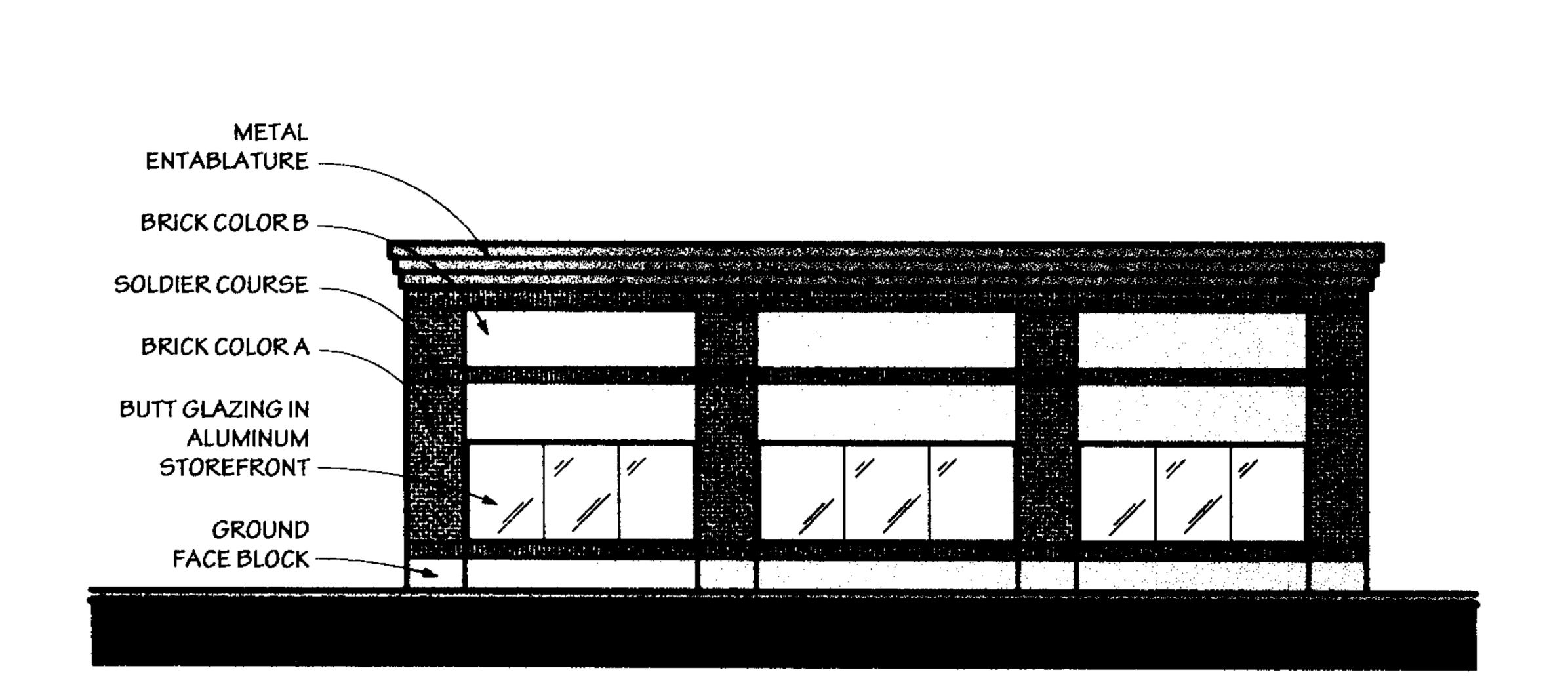
110 WEST ROAD SUITE 245 TOWSON, MARYLAND 21204 (410) 821-1690 FAX (410) 821-1748



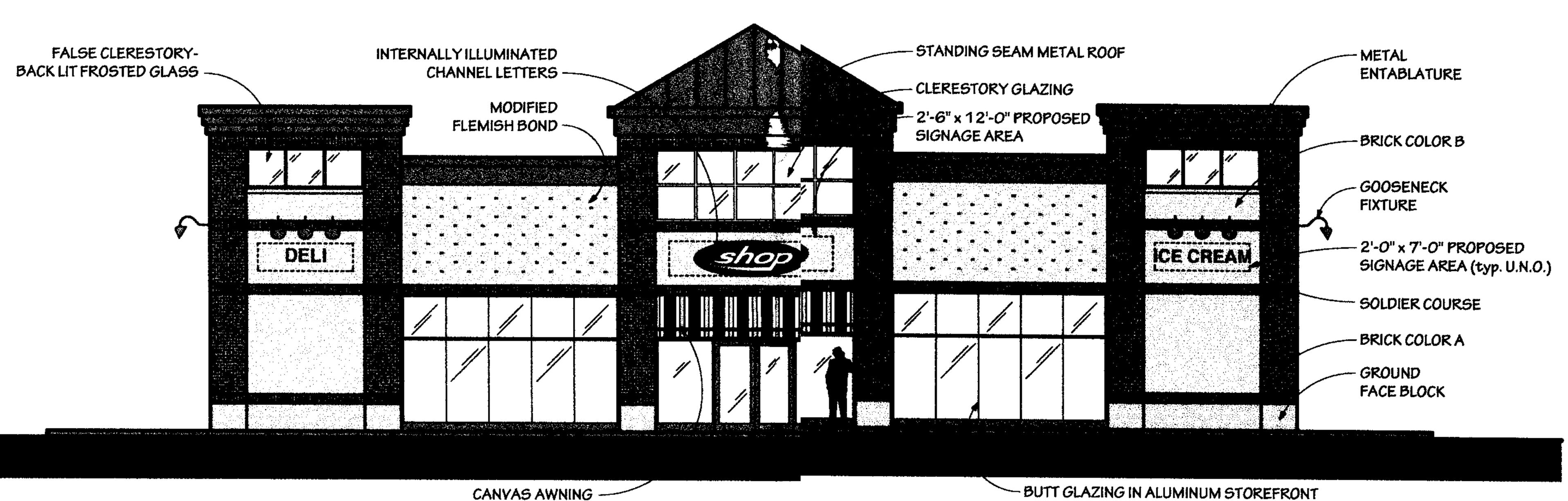
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HONEYGO VILLAGE CENTER GAS AND C-STORE 9414 SCOTT MOORE WAY

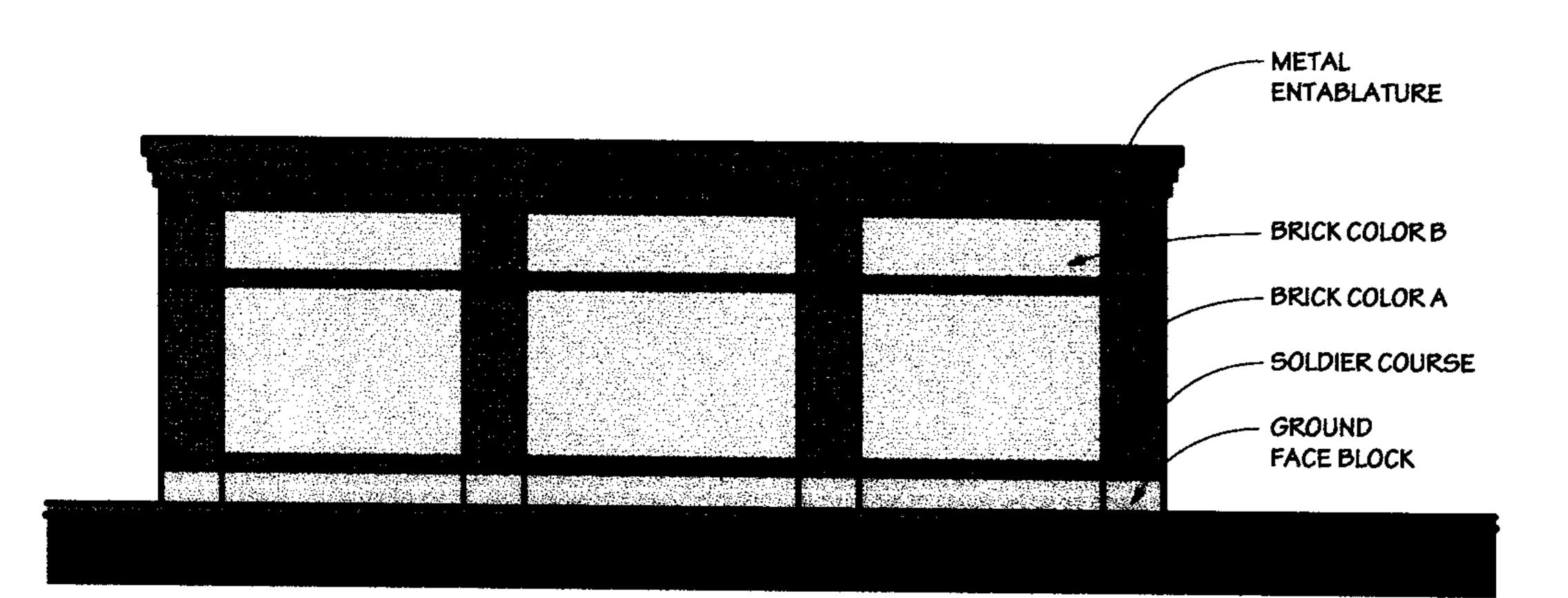
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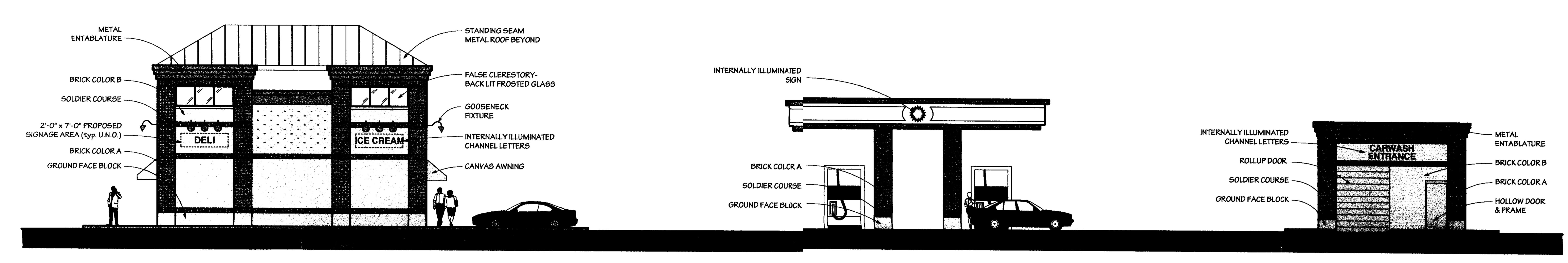
North Car Wash Elevation



North & South Convenience Store Elevation



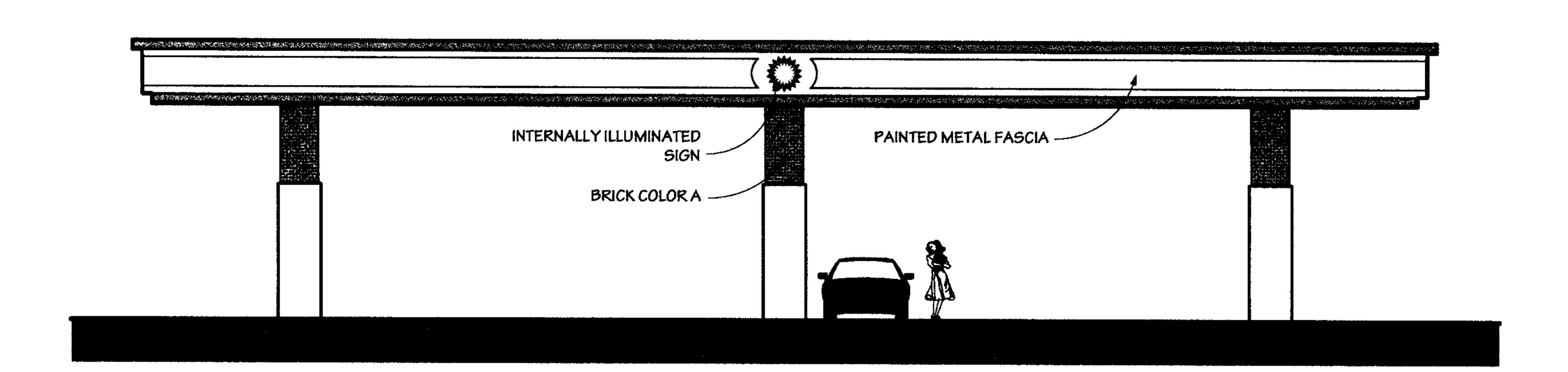
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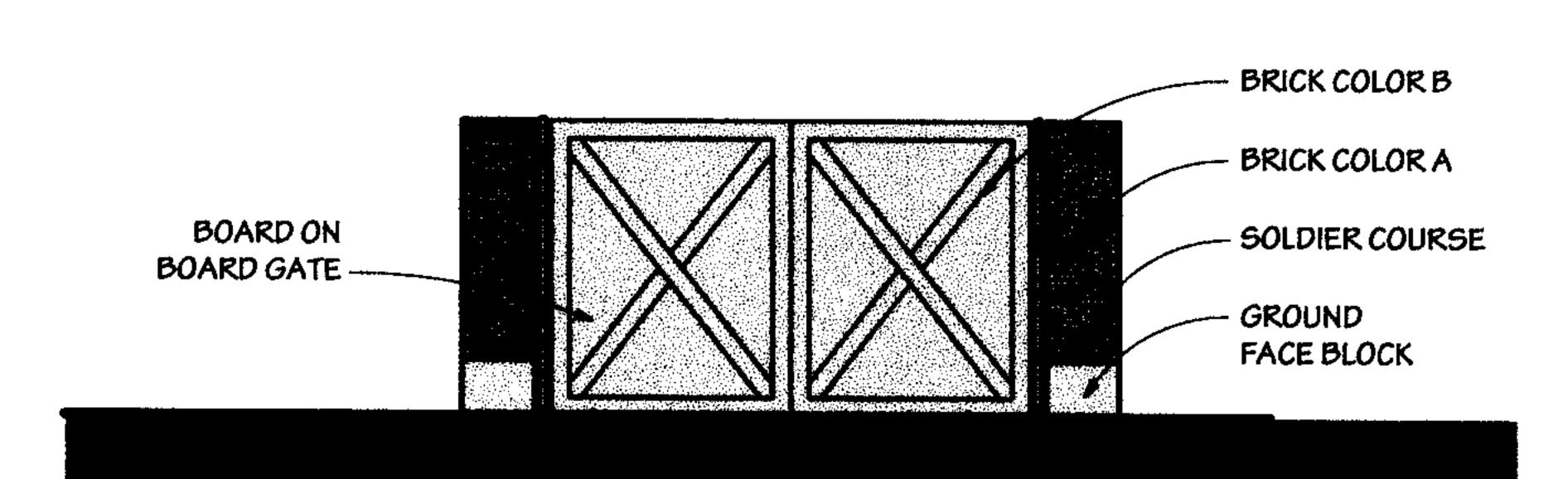
East & West Convenience Store Elevation

East & West Pump Canopy Elevation

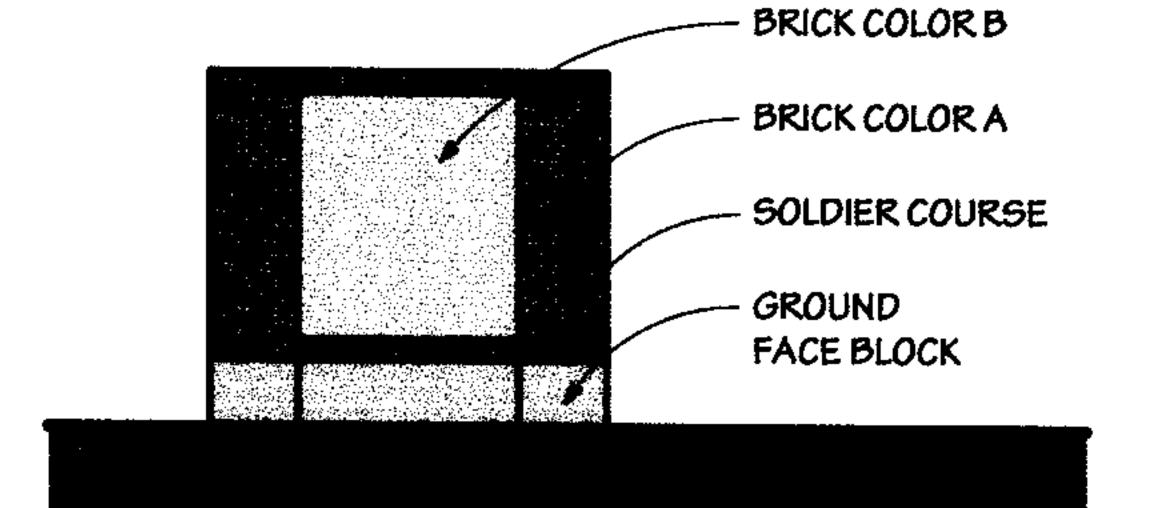
West Car Wash Elevation



North & South Pump Canopy Elevation



North Dumpster Elevation



East & West Dumpster Elevation

Honeygo Convenience Store

at Honeygo Village Center

10 May 2004

EXHIBIT 3 (SHEET 3 0F 3)

Scale: 1/8" = 1'-0"

EASTERN PETROLEUM CORPORATION 1915 Lincoln Drive Annapolis, Maryland 21401

MORRIS & RITCHIE ASSOCIATES, INC.

1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax

6/1/21 Parisions par County Comment

