IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE – E/S Pleasant Hill Road,

100' N of the c/l Red Run Boulevard

(10988 Red Run Boulevard)

4<sup>th</sup> Election District

4<sup>th</sup> Council District

Pleasant Hill Limited Liability Partnership Petitioners BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 05-409-XA

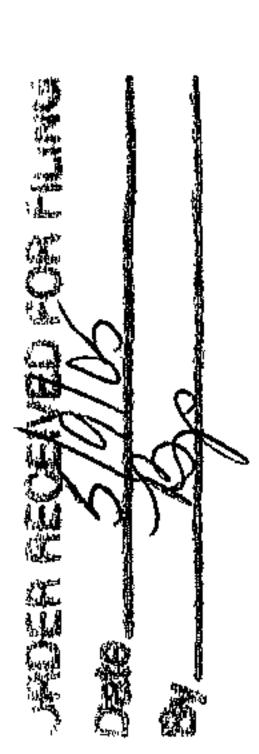
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#### **AMENDED ORDER**

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by Pleasant Hill L.L.P., owners of the subject property, through their attorney, Robert A. Hoffman, Esquire. The Petitioners sought special exception for a proposed fuel service station, convenience store with a sales area greater than 1500 sq.ft. and carryout restaurant as uses in combination, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.). Variance relief was also requested to allow an increase in the number of wall-mounted enterprise signs permitted and from landscape transition area requirements, in accordance with the four-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibits 1A through 4D.

Pursuant to my Opinion and Order dated April 27, 2005, the relief requested was granted, subject to certain conditions. Subsequent to the issuance of said Order, Counsel for the Petitioners advised this Zoning Commissioner that the Order inadvertently granted the special exception for a convenience store with a sales area <u>less</u> than 1500 sq.ft., and requested that an Amended Order be issued to correct the error.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2 day of May 2005 that the Order issued April 27, 2005 be and the same is hereby AMENDED to reflect that the convenience store will have a sales area greater than 1500 sq.ft., in accordance with the following:



THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this \_\_\_\_\_\_ day of May 2005 that the Petition for Special Exception to permit a fuel service station on an individual site and a convenience store of greater than 1500 sq.ft. and carryout restaurant, as uses in combination with the proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1A through 1C, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that all other terms and conditions of the relief granted in the Order dated April 27, 2005 shall remain in full force and effect.

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Robert A. Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, Md. 21204 Mr. Arthur Adler, Pleasant Hill LLP, 100 Painters Mill Road, Owings Mills, Md. 21117 Mr. John Kemp, Exec, V.P., Cloverland Farms, 3611 Roland Ave., Baltimore, Md. 21211

Mr. Ken Schmid, 325 Gambrills Road, Suite E, Gambrills, Md. 21054

Mr. Steve Warfield & Ms. Gwenn Crupi, Matis & Warfield, Inc.

10540 York Road, Suite M, Hunt Valley, Md. 21030

Mr. Martin Stein, 5 Church Road, Owings Mills, Md. 21117

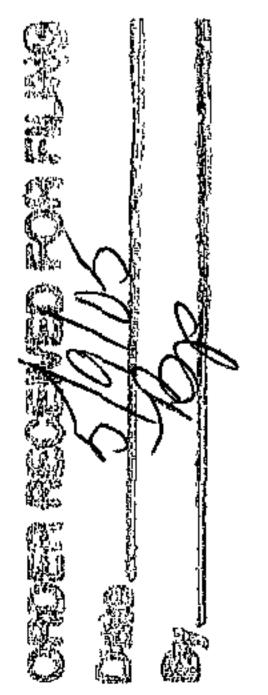
Mr. Bill Bralove, 4272 Mary Ridge Drive, Randallstown, Md. 21133

Mr. Bob Begleiter, 11700-D Reisterstown Road, Reisterstown, Md. 21136

Mr. Rob Pritchard, 10999 Red Run Boulevard, Owings Mills, Md. 21117

Mr. Malik Imran, 10375 Red Run Boulevard, Owings Mills, Md. 21117

People's Counsel; Case File



IN RE: PETITIONS FOR SPECIAL EXCEPTION \*

AND VARIANCE - E/S Pleasant Hill Road,

100' N of the c/l Red Run Boulevard

(10988 Red Run Boulevard)

4<sup>th</sup> Election District

4<sup>th</sup> Council District

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ZONING COMMISSIONER

**BEFORE THE** 

OF BALTIMORE COUNTY

Case No. 05-409-XA

Pleasant Hill Limited Liability Partnership Petitioners

\* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owners of the subject property, Pleasant Hill Limited Liability Partnership, by Arthur Adler, Partner, through their attorney, Robert A. Hoffman, Esquire. The Petitioners request a special exception to permit a fuel service station on an individual site and a convenience store (with a sales area greater than 1500 sq.ft.) and carryout restaurant, as uses in combination, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested from Section 450.4.5.a of the B.C.Z.R. to permit seven wall-mounted enterprise signs (no more than three on a façade) in lieu of the maximum allowed three wall-mounted enterprise signs (no more than two on a façade) for the proposed fuel service station; and, from Section 405.4.A.2.b of the B.C.Z.R., if deemed necessary, to permit a landscape transition area of 0 feet in lieu of the minimum required 6 feet. The subject property and requested relief are more particularly described on the four-page site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibits 1A through 4D.

Appearing at the requisite public hearing in support of the request were Arthur Adler, Managing Member of Pleasant Hill LLP, property owners; John Kemp, Executive Vice President of Cloverland Farms Dairy, Inc., the Proprietor of the proposed Royal Farms Store on this site; and Robert A. Hoffman, Esquire, attorney for the Petitioners. Also appearing were Steve



Warfield and Gwenn Crupi, representatives of Matis Warfield, Inc., the consultants who prepared the site plan for this property; and Kenneth Schmid, a traffic consultant with Traffic Concepts, Inc. Appearing as interested citizens/Protestants were Martin Stein, whose written testimony and photographs were submitted into evidence as Protestants Exhibits 1 and 2, and Bill Bralove, a community activist. Also appearing in opposition were Bob Begleiter, Rob Pritchard, and Malik Imran, nearby business owners/competitors. In addition, Dana Cavey, another nearby business owner, faxed a letter, which was received during the hearing and marked as Protestants' Exhibit 4.

Testimony and evidence offered disclosed that the subject property is an irregular shaped parcel located on the northeast corner of Red Run Boulevard and Pleasant Hill Road, immediately adjacent to the Northwest Expressway (I-795) in Owings Mills. The property is comprised of two lots, identified as Lots 3A and 3B on the site plan; however, the relief requested relates to Lot 3A, only. Lot 3A contains a gross area of 1.969 acres, more or less, zoned B.M.-A.S, and is located immediately adjacent to the intersection of Red Run Boulevard and Pleasant Hill Road. The Petitioners propose to develop Lot 3A with a Royal Farms Convenience Store/Carryout Restaurant of approximately 5,000 sq.ft., with a small amount of floor area, approximately 600 sq.ft., devoted to a fuel service station. As shown on Petitioner's Exhibit 1B, Lot 3A will have access to Pleasant Hill Road and share access to Red Run Boulevard with any use on Lot 3B. Area photographs, marked as Petitioner's Exhibits 3, 4, and 5 provide a panoramic view of the relationship of the proposed use to other uses in the vicinity. In accordance with the Zoning Advisory Committee (ZAC) comment submitted by the Bureau of Development Plans Review, access to Pleasant Hill Road will be restricted to right-turn in/right turn out, only.

The B.M.-A.S. (Business Major-Auto Services) zoning classification, which was placed on the property during the 2004 Comprehensive Zoning Map Process, permits the proposed use upon satisfaction of the special exception requirements set forth in Section 502.1 of the B.C.Z.R.

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Testimony was presented as to whether a convenience store/fuel service station at the subject location would have a detrimental impact on traffic conditions in the area. On this issue, the Petitioner produced the testimony of Mr. Kenneth Schmid, an expert traffic consultant. His testimony, despite the Protestants' concerns to the contrary, was convincing that the proposed use would not generate new trips to the area, but rather would tend to draw from passing vehicles on their way to or from surrounding businesses and offices. Mr. Schmid further confirmed that the nearby intersections are currently operating at satisfactory levels of service and will continue to do so, even with the proposed Royal Farms Store. I find his testimony to be convincing and find that there will be no adverse impacts in terms of traffic.

Regarding the special exception request, most of the issues raised by the attending community members and businessmen revolved around the idea that there was no need for another convenience store/fuel service station in the area. Their cumulative testimony can be summarized in two categories. First, they felt betrayed when the zoning of this property was changed during the 2004 Comprehensive Zoning Map process permitting the proposed use. They did not believe that an economic need was present to support another business like the Royal Farms Store and argued that the original Master Plan stated that the Red Run Boulevard corridor was to be used for business offices. Each believed that there would be an economic impact as the Royal Farms Store would not have a positive effect on the community in the sense that the "pie" would not get any bigger, just get divided differently and detract from the other businesses in the area. The second area of concern could be summarized as public safety issues brought about by the heavy traffic volumes during morning and evening rush hours through the intersection at the subject location. In his written and photographic evidence submitted, Mr. Stein thought that the sight lines were insufficient for cars approaching this intersection from the south due to a curve in the road and the topography of the land. As noted above, Mr. Schmid disagreed with these contentions.

To meet the special exception requirements set forth in Section 502.1, the Petitioner must demonstrate to the satisfaction of the Zoning Commissioner that the proposed use; 1) will

not be detrimental to the health, safety and general welfare of the community; 2) will not adversely affect traffic or the roads; 3) will not create a potential hazard from fire, panic, or other danger; 4) will not tend to overcrowd the land or create an undue concentration of population; 5) will not interfere with the adequate provision of public facilities; 6) will not interfere with adequate light and air; 7) is consistent with the property's zoning classification and the zoning regulations in general; and, 8) is consistent with any applicable impermeable surface and vegetation retention provisions.

I have reviewed the criteria set forth in Section 502.1 of the B.C.Z.R. and find that the proposed use satisfies each of the criteria outlined in that Section and the case law set forth in Schultz v. Pritts. 432 A.2d 1319 (1981) as the leading authority. The evidence and testimony demonstrated that while the proposed Royal Farms Store is located in close proximity to office and business uses, it is a significant distance from any residential use, the closest of which is on the opposite side of the Northwest Expressway (I-795). For this reason, I find that the use, as proposed, will not have an adverse impact on the health, safety and general welfare of the surrounding locale. Rather, I find that the proposed use would be a benefit to the business and office uses in the area and would have no impact on the more distant residential uses.

Based on the proffer made by Mr. Hoffman on behalf of Mr. Kemp and Mr. Warfield, I find that the proposed use will not create a potential hazard from fire, panic or other danger. The facility will meet all applicable fire and life safety code requirements. I also find that the proposed Royal Farms Store will not result in an overcrowding of the land and/or undue concentration of population in the area. The use more than meets the minimum site area required by the zoning regulations. I also find that the use will not interfere with the requirements for adequate light and air, nor will it interfere with the adequate provisions for public facilities, conveniences or improvements. I find that the proposed use is consistent with the purposes of the property's zoning classification. In fact, the property was rezoned in the fall of 2004 precisely for this type of use. Lastly, because there are no applicable impermeable surface and vegetative requirements for this zone, I find that this proposal meets the final condition of

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Section 502.1. Had the property not been rezoned in 2004 to its current B.M.-A.S. zoning classification, the contentions and testimony of the Protestants may have had some relevance to the proposed special exception use. The prior M.L.-I.M. zoning classification would have required the Petitioner to demonstrate that the proposed use would "serve primarily the industrial uses and related activities in the surrounding industrial area." However, with the rezoning to B.M.-A.S., the Petitioners are under no obligation to prove that there is a need for the proposed use in order to obtain the special exception approval.

For all of these reasons, I am persuaded to grant the special exception and will approve the proposed fuel service station, and convenience store with a sales area larger than 1500 sq.ft. and a carryout restaurant as uses in combination therewith.

Turning to the Petition for Variance, the Petitioners seek relief as set forth above to allow a 0-foot landscape transition area between the uses located on Lots 3A and 3B. The Zoning Commissioner is permitted to grant variances from the zoning regulations, pursuant to Section 307 thereof, upon a finding that special circumstances exist and that requiring strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioner. The Petitioner first argued against the need for this variance because the regulations do not require the landscaping at "required access driveways." (See Section 405.4.A.2.a of the B.C.Z.R.) In support of this argument, the Petitioner argued a portion of the Baltimore County Landscape Manual wherein the statement is made that "Where parking lots are interconnected, the 6-foot landscape strip between paved surfaces may be eliminated." (See Petitioner's Exhibit 8).

While I find this argument to have some merit, rather than deciding that issue, I find that sufficient evidence and justification exists to grant the requested variance. Lot 3A is proposed to be developed as an integrated site with Lot 3B, not as two separate and unrelated parcels. The site as a whole will have a better traffic flow without a landscape transition area blocking access between the two lots. A transition area between the Royal Farms Store and the

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proposed office or retail use on Lot 3B (shown as a one-story bank on Petitioner's Exhibit 1B) therefore is unnecessary and would serve no purpose. Thus, I will grant the requested variance.

The Petitioner has also requested a variance to have more wall-mounted enterprise signs for the fuel service station than is currently permitted under the zoning regulations. Signage is regulated under Section 450 of the B.C.Z.R. The proposed signs are considered enterprise signs, which are defined as accessory signs that display the identity of a business and which may otherwise advertise products and/or services associated with a business.

In support of the sign variance, the Petitioner presented the proposed sign package on Petitioner's Exhibit 1D and explained that Royal Farms desires several wall-mounted signs to advertise services or products offered inside the store. I find that the proposed signage is reasonable given the use of the property and commercial nature of the surrounding area. The signs are not out of scale, in view of the size of the proposed building, and are not visually disruptive. Moreover, the Petitioner would suffer a practical difficulty if relief was denied, given the need for visibility of the use, and the proposed signs would not cause a detrimental impact on any adjacent property. It is also to be noted that there were no adverse ZAC comments concerning the signage. I will, therefore, grant the requested variance.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21 day of April 2005 that the Petition for Special Exception to permit a fuel service station on an individual site and a convenience store of less than 1500 sq.ft. and carryout restaurant, as uses in combination with the proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1A through 1C, be and is hereby GRANTED; and,

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IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.5.a of the B.C.Z.R. to permit seven wall-mounted enterprise signs (no more than

three on a façade) in lieu of the maximum allowed three wall-mounted enterprise signs (no more than two on a façade) for the proposed fuel service station; and, from Section 405.4.A.2.b of the B.C.Z.R. to permit a landscape transition area of 0 feet in lieu of the minimum required 6 feet, in accordance with Petitioner's Exhibit 1D, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for building permit and be granted same upon receipt of this Order; however, Petitioner is 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) Access for the fuel service station from Red Run Boulevard shall be right-turn in/right-turn out, only, pursuant to the Zoning Advisory Committee (ZAC) comment submitted by the Bureau of Development Plans Review, dated March 8, 2005.

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.

Zoning Commissioner for Baltimore County

WJW: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 -William J. Wiseman III, Zoning Commissioner

April 27, 2005

Robert A. Hoffman, Esquire Venable, LLP 210 Allegheny Avenue Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION and VARIANCE NE/Corner Red Run Boulevard and Pleasant Hill Road (10988 Red Run Boulevard)

4<sup>th</sup> Election District – 4<sup>th</sup> Council District
Pleasant Hill LLP - Petitioners
Case No. 05-409-XA

Dear Mr. Hoffman:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: Mr. Arthur Adler, Pleasant Hill LLP, 100 Painters Mill Road, Owings Mills, Md. 21117

Mr. John Kemp, Exec, V.P., Cloverland Farms, 3611 Roland Ave., Baltimore, Md. 21211

Mr. Ken Schmid, 325 Gambrills Road, Suite E, Gambrills, Md. 21054

Mr. Steve Warfield & Ms. Gwenn Crupi, Matis & Warfield, Inc.

10540 York Road, Suite M, Hunt Valley, Md. 21030

Mr. Martin Stein, 5 Church Road, Owings Mills, Md. 21117

Mr. Bill Bralove, 4272 Mary Ridge Drive, Randallstown, Md. 21133

Mr. Bob Begleiter, 11700-D Reisterstown Road, Reisterstown, Md. 21136

Mr. Rob Pritchard, 10999 Red Run Boulevard, Owings Mills, Md. 21117

Mr. Malik Imran, 1037 Red Run Boulevard, Owings Mills, Md. 21117

People's Counsel; Case File



# Petition for Special Exception

to the Zoning Commissioner of Baltimore Count

for the property located at 10988 Red Run Boulevard

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

See Attached

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

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

			I/We do solemnly declar perjury, that I/we are the subject of this Pe	e legal owner(s) of the	e penalties of property which
Contract Purcha	ser/Lessee:	•	Legal Owner(s):		χQ · .
Name - Type or Print		<del></del>	Pleasant Hill Li Name - Type or Print	mited Liability	Partnershi
Signature	<del></del>	**************************************	Signature	<del></del>	
Address		Telephone No.	Arthur Adler, Pa	rtner	
City	State	Zip Code	Signature	· · · · · · · · · · · · · · · · · · ·	
Attorney For Per	titioner:	-	100 Painters Mil	1 Road (410)	<u>363-3434</u>
Robert A. Hof	fman/David H. K	Karceski	Address Owings Mills,	MD 21117	Telephone No.
Name - Type or Print			City	State	Zip Code
Signature	······································	······································	Representative to	be Contacted:	
_Venable LLP			Dobost A Haffman		,
Company		<del></del>	Robert A. Hoffma Name	<u> </u>	
210 Allegheny	Avenue (41	0) 494-6200	210 Allegheny Av	enue (410	) 494-6200
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REV 09/15/98			# <del> </del>		1 1

## PETITION FOR SPECIAL EXCEPTION ATTACHED SHEET

#### 10988 Red Run Boulevard

Special Exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.



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# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 10988 Red Run Boulevard which is presently zoned BM-AS

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

See Attached

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

To Be Determined at Hearing

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

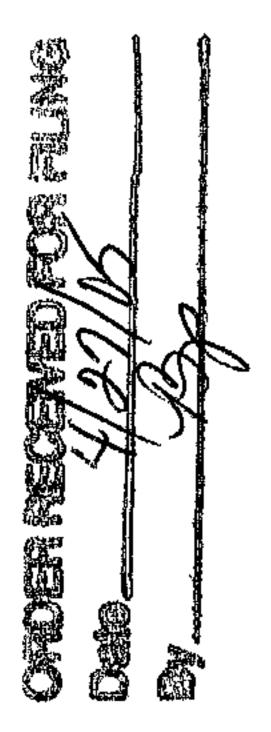
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

	-	I/We do solemnly declare perjury, that I/we are the least the subject of this Petitic	egal owner(s) of the	ne penalties of property which
Contract Purchaser/Lessee:		Legal Owner(s):		LTD.
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Signature	<u> </u>	Signature	<u></u>	
Address	Telephone No.	Arthur Adler, Par Name - Topor Print	tner	<u>-</u>
City	Zip Code	Signatura		
Attorney For Petitioner:		100 Painters Mill Address	Road (410)	363-3434 Telephone No.
Robert A. Hoffman/David H. Karce	eski	Owings Mills,	MD	21117
Name - Type or Print		City	State	Zip Code
Signature	<del></del>	Representative to be	e Contacted:	
Venable LLP	- -	Robert A. Hoffman		
Company 210 Allegheny Avenue (410)	494-6200	Name	/ / 1	0) 101 6000
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Case No. 05-409 -XA  Rev 9115198		UNAVAILABLE FOR PREVIEWED BY	HEARING Date	2 14 05

#### PETITION FOR VARIANCE ATTACHED SHEET

#### 10988 Red Run Boulevard

- 1. Variance to permit a total of 7 fuel service station wall-mounted enterprise signs (no more than 3 on a façade) in lieu of the permitted 3 wall-mounted enterprise signs (no more than 2 on a façade), pursuant to Baltimore County Zoning Regulations ("B.C.Z.R.") Section 405.4.5.a
- 2. Variance, if necessary, to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area. from B.C.Z.R. Section 405.4.A.2.b.



## Matis Warfield

consulting engineers

## ZONING DESCRIPTION to Accompany Petition For Variance and Special Exception Request

Beginning at a point on the east side of Pleasant Hill Road which is 65.5-feet wide at the distance of 100(+/-)-feet north of the centerline of the nearest improved intersecting street, Red Run Boulevard, which has a variable width. Thence the following courses and distances:

R=10042.00', L=20.18', CHD=N 12° 05'01" E 20.18'; N 12° 02' 17" E 130.80'; N 16° 22' 36" E 146.68'; S 43° 40' 55" E 225.28'; S 40° 49' 11" E 150.21'; S 53° 56' 04" W 37.61'; N 67° 33' 42" W 39.15'; S 27° 50' 56" W 144.65'; N 61° 22' 26" W 46.11'; N 67° 29' 27" W 139.84'; N 25° 35' 15" W 52.87' to the place of beginning,

Containing 1.5857-acres±, and being proposed Lot #3A, a portion of existing Lot 3 in the subdivision known as Pleasant Hill Center, as recorded in Baltimore County Plat Book #73, Folio #3. Also known as 10988 Red Run Boulevard, and located in the 4th Election District.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED

FOR CONVEYANCES OR AGREEMENTS



Matis Warfield, Inc.

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

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: #05-409-XA

10988 Red Run Boulevard

Corner E/side of Pleasant Hill and N/east side of Red Bun Boulevard

Run Boulevard

Run Boulevard

4th Election District — 4th Councilmanic District The Legal Owner(s): Pleasant Hill Limited Liability Ltd. Partnership, Arthur Adler, Pres.

Special Exception: to permit a fuel service station on an individual site and a convenience store and carry out restaurant as uses in combination with the proposed fuel service station. Variance: to permit a total of 7 fuel service station wall mounted enterprise signs in lieuCof the permitted three wall mounted enterprise signs and the permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area.

Hearing: Wednesday, April 6, 2005 at 9:00 a.mil.tin Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN 👵

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handidapped Accessible; for special accommodations Please Contact the Zoning

Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zonling Review Office at (410) 887-3394

#### CERTIFICATE OF PUBLICATION

323,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $322$ ,2005.
The Jeffersonian  Arbutus Times  Catonsville Times  Towson Times  Owings Mills Times
□ NE Booster/Reporter
☐ North County News
Dulling.

LEGAL ADVERTISING

DISTRIBUTION OF TOTAL COL る。本本にいる。 

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## CERTIFICATE OF POSTING

		RE: Case No.: 05-409	-XA_
*	- - <u>-</u> **	Petitioner/Developer: PL	EASANT
		HILL CIMITED  ARTHOR ADLEIL  Date of Hearing/Closing:	PILES
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Lowson, Maryland 21204		Ap	120 GJZ0
ATTN: Kristen Matthews {(410) 887-3.	394}		
Ladies and Gentlemen:	,	•	-
This letter is to certify under the penalti posted conspicuously on the property lo		the necessary sign(s) required	by law were
10988	RED RUN	J BLVD -	·
* ************************************			
The sign(s) were posted on	3/21/	05.	4
4.5	(Month,	Day, Year)	**
_	Sincerely	<b>y</b> , .	- ;
		Robert Black (Signature of Sign Poster)	3/22/05 (Date)
	s.c.	SSG Robert Black	,
	•	(Print Name)	***
(2010年 - 1944年 1942年 1942年 - 1942年 - 1943年 1943年 - 1943年 19		1508 Leslie Road	نم
		(Address)	
	-	Dundalk, Maryland 2122	<b>22</b>
	•	(City, State, Zip Code	)
		(410) 282-7940	
		(Telephone Number)	<del></del>
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MAR 2 3 2005

# 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



#### **Baltimore County**

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

March 2, 2005

#### **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: 05-409-XA

10988 Red Run Boulevard

Corner E/side of Pleasant Hill and N/east side of Red Run Boulevard

4<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owners: Pleasant Hill Limited Liability Ltd. Partnership, Arthur Adler, Pres.

Special Exception to permit a fuel service station on an individual site and a convenience store and carry out restaurant as uses in combination with the proposed fuel service station.

Variance to permit a total of 7 fuel service station wall mounted enterprise signs in lieu of the permitted three wall mounted enterprise signs and to permit a 0 foot landscape transition area in lieu of the required 6 foot landscape transition area.

Hearing: Wednesday, April 6, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

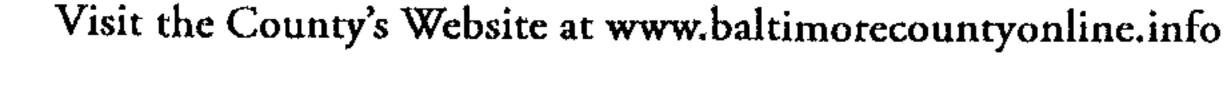
Director

TK:klm

C: Robert Hoffman/David Karceski, 210 Allegheny Ave., Towson 21204 Arthur Adler, 100 Painters Mill Road, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 22, 2005.

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



TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 22, 2005 Issue - Jeffersonian

Please forward billing to:

Amy Dontell Venable, LLP 210 Allegheny Avenue Towson, MD 21204

410-494-6244

#### **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:

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Hearing: Wednesday, April 6, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM WISEMAN

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

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



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <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: 05-409-XA LIMITED
Petitioner: Pleasant Hill Limited Liability Partnership
Address or Location: 10988 Red Run Blvd.
PLEASE FORWARD ADVERTISING BILL TO:
Name: Amy Dontell
Address: Venalde, LLP
210 Allegheny Avenue
Towson, Baltimore 21204
Telephone Number: 410-494-6244

## Department of Permits are Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



## Baltimore County

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

March 29, 2005

Robert A. Hoffman Venable, LLP. 210 Allegheny Avenue Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 05-409-XA, 10988 Red Run Blvd.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 14, 2005.

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. Callill Jours, Callill Callille.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Karceski Venable, LLP. 210 Allegheny Avenue Towson 21204
Pleasant Hill Limited Liability Partnership Arthur Adler 100 Painters Mill Road Owings Mills 21117



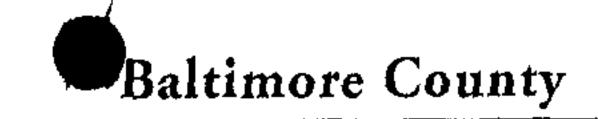
Visit the County's Website at www.baltimorecountyonline.info

#### Fire Department



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





James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: February 28, 2005

Item No.: 409

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Franklin J. Cook Fire Marshal's Office (0)410-887-4881 (C)443-829-2946 MS-1102F

cc: File



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

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 8, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For March 8, 2005 Item No. 409

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

The access for the gas station off Red Run Boulevard shall be a right-in, right-out

access.

RWB:CEN:jrb

cc: File



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

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

#### Maryland Department of Transportation

Date: March 2, 2005

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

RE: Baltimore County

Item No. 409 (DT) 10988 Red Run Blvd.

Dear. Ms. Matthews:

We have reviewed the referenced concept plan and have no objection to approval.

However the owner may be required to obtain a District Permit regarding any development improvements or construction activity which would affect the I-795 right-of-way.

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

Very truly yours,

Steven D. Foster, Chief

J. J. Houdler

Engineering Access Permits Division

RE:

PETITION FOR SPECIAL EXCEPTION

AND VARIANCE

10988 Red Run Blvd; Corner E/side Pleasant\*

Hill Road & NE/side Red Run Blvd

4<sup>th</sup> Election & 4<sup>th</sup> Councilmanic Districts

Legal Owner(s): Pleasant Hill Limited

Liability Partnership by Arthur Adler, Partner\*

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

05-409-XA

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 and all documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2<sup>nd</sup> day of March, 2005, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per....

Kristen Matthews - Case #: 05-409-XA

Page 1

From:

"Gregory Mamayek" <mamayek@hotmail.com>

To:

<kmatthews@co.ba md.us>

Date:

4/4/2005 10:17:41 AM

Subject:

Case #: 05-409-XA

Dear Ms. Matthews:

We are against this exception as that area is too congested. In addition, there are no traffic lights.

http://www.mapquest.com/directions/main.adp?go=1&do=nw&un=m&cl=EN&ct=NA&rsres=1&1y=US&1a= 114+sunnyking+dr&1c=reisterstown&1s=md&1z=21136&1eh=&2y=US&2a=10988+red+run+bivd&2c=owi ngs+mills&2s=md&2z=21117&2ah=

In short, phhhbbbbtttttttt (e.g. respberry)

Thank you for listening.

:)

Cordially, Greg A+ BS MCSE Web Developer

From:

"Gregory Mamayek" <mamayek@hotmail.com>

To:

<kmatthews@co.ba.md.us>

Date:

4/4/2005 10:17:41 AM

Subject:

Case #: 05-409-XA

Dear Ms. Matthews:

We are against this exception as that area is too congested. In addition, there are no traffic lights.

http://www.mapquest.com/directions/main.adp?go=1&do=nw&un=m&cl=EN&ct=NA&rsres=1&1y=US&1a=114+sunnyking+dr&1c=reisterstown&1s=md&1z=21136&1ah=&2y=US&2a=10988+red+run+blvd&2c=owings+mills&2s=md&2z=21117&2ah=

In short, phhhbbbbttttttt! (e.g. raspberry)

Thank you for listening.

:)

Cordially, Greg A+ BS MCSE Web Developer

# BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr J

DATE:

March 15, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 28, 2005

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

05-407

05-409

05-413

05-414

05-415

Reviewers:

Sue Farinetti, Dave Lykens

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



THE COPYTO ZOWING FILE WITH RED LINED PLAN 05-409-XA

JAMES T. SMITH, JR. County Executive

March 9, 2007

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

Venable LLP 210 Allegheny Ave. PO Box 5517 Towson MD 21285

Re: Royal Farms Store 10988 Red Run Blvd. 4<sup>th</sup> ED

Dear Mr. Karcheski:

This is a response to your letter to Mr. Timothy Kotroco, Director of Permits Development Management, who has authorized this reply. The letter was accompanied by a red lined site plan from Case # 05-409-XA with a copy of the order. You requested that certain changes in the signs that were the subject of variances be approved as being within the spirit and intent of said approved plan and order.

The case was heard before the Zoning Commissioner, Mr. William Wiseman. The Staff has discussed the removal of sign G (left face) and the installation of sign R1 (front face) as well as the slight shifting of sign type H on its' same facade with the Commissioner. Mr. Wiseman agrees that the changes are within the spirit and intent of his order and a new zoning hearing will not be necessary.

A copy of this letter along with the red lined plan is being placed in the zoning hearing file. Please document this response on all future plans accompanying sign permits.

Please be aware that this response is limited to zoning issues only. I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

Sincerely,

John Lewis Planner II

Zoning Review

JL/07-271

Mr. B. LL Weisman:

Denn Sin:

I was part of the apposition against the Payor 1 From stone being Suilt at Red Run Blud and Pleasant Hill Rd. I'm mud because 3 yas ago we Deat Blan and at that time the country planning office, Mn. Long, and Economic Development office, un Jones. SAID NO because they didn't Ject it was a proper use for the Red Run Consider. What's Changed? yes 175 Called people with money can consinue to chan; the nules no matten who it effects. This As soning WAS SHUCK in at the BASH troop of the last day in th Joning map Change And even un oliveris flice is Surphised at the intended use, We were told & the MASSER planshows that heal Run Blue was being planned con a flice Connidon + that business like the proposed Convincence 5 don/ gas shakion will be left on ileistension The As I SAID at The meeting the planned size 4 this structured for it inste a Truck Step type openation and look. It does not belong on. Red Run Blud, <u>peniud</u> o

The appasition Lawren Seems to think that we are all asleep by saying that the planned store will not increase the intersection traffic t that people certificate to the store from their fices. Eves time? Why one they weesday 750, wo we into this location if they think dothing is going to happen.

• •

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To Mn. BILL Weisman FAX 410-887-3467. Recove +6 05-409 XA

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Pen Bul Begle, tun

(Sonny 14's not typed but I never lenned)

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CASE NAME
CASE NUMBER 05-409 XX
DATE

# CITIZEN'S SIGN-IN SHEET

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ADDRESS SCHUTCH Road UTING DIRESTA 10889 RULL 10889 RULL 10889 RULL 10889 RULL 10889 RULL 10899 RULL 10899 RULL 10899 RULL 10895 RULL 10895 RULL 10895 RULL 10899 RUL	rganization
Martin Stein 2017 BRAWE 2018 Decent	RENEW, Inc.  The Randallstown Community Organ Bill Bralove President 4272 Mary Ridge Drive Randallstown, Maryland 21133 Phone: 410 655-3955 Fax: 410 655-0774 E-mail: billbralove@hotmail.com

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 05-409 XA
DATE

PETITIONER'S SIGN-IN SHEET

4 RA HOFFMAN & Venable. Com 1211 John Kimpa Royd Feams. Com trackic. concepts econcest. net	77 arthur o devits soun. con			
TOWSON MO 2/20 FOUNDER Betts. MJ 2 Gambirils My 21054	Owings Mulls, mh Ull			
210 A PUNNY BUL 3611 Reland AVE 325 Saubrille RI Site of 10540 York Rose Switch	100 Parters Wh 11 Ste 900			
KOD HOTHING STEWN STEWN STEWN LANTIEWN	Harry Cours			

TAPE START \_\_\_\_\_\_\_ Tape 106 Side 1

END \_\_\_\_\_\_\_ 3" \_\_\_\_\_\_

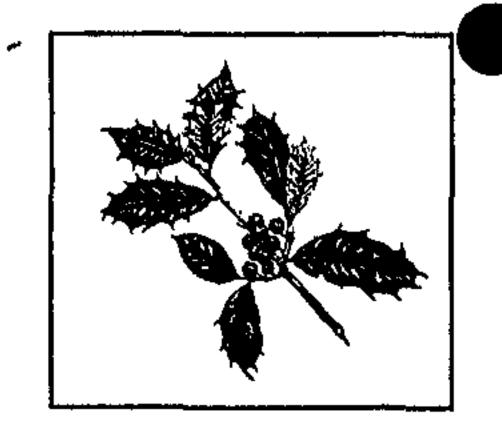
Case No.: \_\_\_\_\_\_ 05-409- XA 10988 Red Run Blod

#### **Exhibit Sheet**

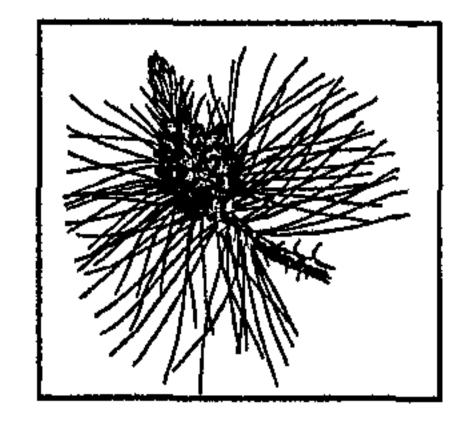
#### Petitioner/Developer

#### Protestant.

No. 1	1-B - COVER BEDLINE 1-B - SITE PLAN-DETAILS OF US 1-C- FLOOR PLAN 1-D- ELGNATIONS- SIGN AND	Photo's OVER BRIDGE
No. 2	200 scale ZONING MAP	Latter
No. 3	Gerial Photographs. Roducedby Mr. Warfuld	Matro Center Pins
No. 4	acrial Expanding surround, Location and USES IN AREA	
No. 5	Panaramic VIEW of PROPOSED SITE	
No. 6	As PHIS SHOWS Buffers and s	eo tanks
No. 7	Resume - Kennoch Schmid	
No. 8	lauscope Manual	
No. 9	Mr War fields Pasune	
No. 10		
No. 11		
No. 12		











# Baltimore County Landscape Manual

Adopted by Regulation 60-00 August 7, 2000 and as Amended

#### Requirements for Project Conditions

#### Condition B: Parking Lots

#### Standards

- 1. Perimeter Screening
  - a. Adjacent to public right-of-way, screening shall comply with "Class B" requirements.
  - b. Adjacent to commercial properties, a six-foot landscape strip between paved surfaces and lot lines or lease lines adjacent to commercial uses or zones is required. Similar industrial uses are exempt. Plant at:

One PU per 20 linear feet of parking perimeter.

Where parking lots are interconnected, the 6-foot landscape strip between paved surfaces may be eliminated.

- c. Adjacent to residential and institutional properties, "Class A" screening is required.
  - (1) For sites one acre or greater, a 15-foot landscape strip is required where RTA does not apply.



Fences screen parking lots from adjacent residential areas.

- (2) For redevelopment in commercial corridors, a brick or split-face block wall may be considered as an alternative where the minimum 10-foot landscape strip is not feasible.
- d. For the RO, SE, CB, and BLR zones and the CR district, use the landscape buffer or landscaped setback widths specified in the zoning regulations.

#### 2. Interior Landscaping

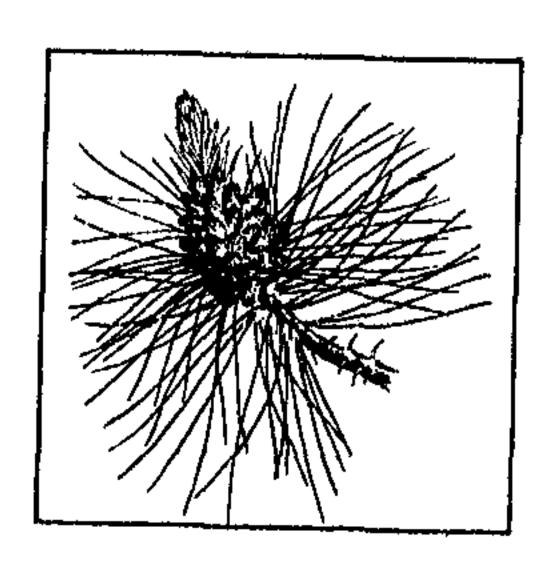
a. Reserve 7% of the parking lot area for interior landscaping. Plant at:

One PU per 12 parking spaces.

- Landscape islands and medians shall be mounded and planted with living ground covers or turf.
- c. The minimum width of parking lot medians or islands shall be 9 feet from face of curb to face of curb.
- d. When parking spaces abut a building, the face of the curb or parking lot edge shall be a minimum of 6 feet from the face of the building.
- e. Parking lots containing 15 or fewer spaces and containing less than 6000 square feet of paved area are exempt from providing interior landscaping.
- f. Landscape islands are required for:
  - (1) every 12 parking spaces in multifamily residential; and
  - (2) every 10 parking spaces in commercial parking lots in the Honeygo Overlay District.
- g. Parking lot medians are required between rows of parking in multifamily parking lots in the Honeygo Overlay District.

**UAL 19** 

Apes Buildings is allowed in The use



#### PART III:

Requirements for Project Conditions

Professional Resume of Kenneth W. Schmid 11022 Pfeffers Road Kingville, MD 21087

#### EXPERIENCE

#### January 1993 - Present

Traffic Concepts, Inc. 325 Gambrills Road, Suite E Gambrills, MD 21054

Owner, Vice-President

Provides traffic engineering consultant services to the public and private sectors including:

Expert testimony before the County Zoning Officer and Board of Appeals for Special Exception and Rezoning cases. Development of Feasibility Analysis including access alternatives and the assessment of the impact of pertinent Adequate Public Facilities legislation of local governments on potential development sites. Development of Traffic Impact Studies including critical lane, highway capacity, and signal warrant analysis; recommendations of road improvements necessary to meet various Adequate Public Facility criteria and leading negotiations with government agencies to secure waivers for Adequate Public Facilities legislation. Design and preparation of traffic signal, maintenance of traffic, pavement marking, and road improvement concept plans. Preparation of technical and price proposals.

#### December 1989 - January 1993

Ronald W. Johnson Associates, Inc. 2661 Riva Road, Suite 420 Annapolis, MD 21401

Chief - Traffic Engineering Division

PETITIONER'S

EXHIBIT NO.

Started and developed the traffic engineering division at this consulting firm. Duties included: Directing the activities of the Traffic Engineering Division. Providing expert testimony at over 30 Special Exception, Rezoning, and Appeal cases. Development of more than 130 feasibility and Traffic Impact Studies. Design and preparation of traffic signal designs, maintenance of traffic, and road improvement concept plans.

#### December 1986 - November 1989

Anne Arundel County Department of Public Works Traffic Engineering Division Annapolis, MD 21401

Traffic Engineer III and IV

Supervised the daily operations of the Development and Operation Section of the Traffic Engineering Division. This included full responsibility for reviewing and recommending approval or denial of Rezoning and Special Exception cases, subdivisions, and building permit applications. Supervised the activity of three engineers, seven traffic analysts. Duties included traffic control design and implementation throughout the County, for example traffic control design for the Baltimore & Annapolis Hiker/Biker trail.

#### <u>July 1984 - December 1986</u>

Maryland State Highway Administration District #5 Office Annapolis, MD 21401

Traffic Engineer III

Duties included traffic signal design, construction inspection, and conducting various traffic engineering studies in order to make recommendations to the District Traffic Engineers.

#### May 1981 – July 1984

Maryland State Highway Administration Office of Traffic and Safety Hanover, MD 21076

Traffic Engineer I and II

Duties included developing signal design and signalization plans, reviewing signal design plans submitted by consultants, and developing equipment and construction design specifications. The development of traffic signal and traffic signal system timing often required the consideration of pedestrians and bicycle routes throughout the major highway system.

#### **EDUCATION**

Baltimore Polytechnic Institute, 1976 graduate

Essex Community College, 1976 - 1978

University of Maryland, 1981 graduate

Bachelor of Science - Civil Engineering

Various Continuing Education courses in the traffic engineering and highway design field.

#### **PUBLICATIONS**

Developed the Signal Design Manual currently in use by the Maryland State Highway Administration Office of Traffic and Safety

#### <u>AFFILIATIONS</u>

Institute of Transportation Engineers, 1985 - Present

National Federation of Independent Businesses, 1993 - Present

#### Accepted as an expert in the traffic engineering field in the following jurisdictions:

City of Annapolis
City of Elkton
City of Frederick
City of Salisbury
Town of Bel Air
Town of Bowie
Town of Easton
Anne Arundel County
Baltimore County
Calvert County
Caroline County

Carroll County
Cecil County
Charles County
Frederick County
Harford County
Howard County
Kent County
Prince George's County
Queen Anne's County
St. Mary's
Talbot County

#### REFERENCES:

Mr. Harry Blumenthal Blumenthal & Delavan, P.A. 170 Jennifer Road, Suite 240 P.O. Box 868 Annapolis, MD 21401-6484 (410) 573-2900

Mr. Gary Westholm Powell and Westholm, Inc. 2661 Riva Road, Suite 300 Annapolis, MD 21401 (410) 974-6850 Alan Hyatt Hyatt, Peters & Weber 1919 West Street Annapolis, MD 21401 (410) 266-0626

Lawrence Elliott
MSHA - District 5
138 Defense Highway
Annapolis, MD 21401
(410) 841-5450

Stephen A. Warfield, P.E. 10540 York Road, Suite M Hunt Valley, Maryland 21030 (410) 683-7004

#### **Professional Registration**

Registered Professional Engineer - Civil Engineering 1995 - Maryland P.B. # 21162

#### Education

Master of Environmental Engineering - 1994- Johns Hopkins University B.S. Civil Engineering - 1990 - University of Maryland, College Park

#### Professional Experience

12/94-Present

Matis Warfield, Inc.; 10540 York Road, Suite M; Hunt Valley, Maryland 21030; Currently employed as a principal at Matis Warfield, Inc. Responsible for civil engineering services for the development community. Responsibilities include; design, development, and permitting for site development projects. Responsibilities include; concept plans, development plans, zoning plans, floodplain studies, open channels, stormwater management facilities, storm drain systems, erosion and sediment control plans, highways, pumping stations, utilities, specification development, cost estimating, grading, alternatives analysis, critical area analysis, project management, computer programming, marketing, administration, client relations, etc.

5/91-12/94

Gannett Fleming, Inc.; Suite 200; East Quadrangle; The Village of Cross Keys; Baltimore, Maryland 21210: Supervisors: Fred Wagner-Project Manager, and Dave Ross-Office Manager

Employed as a project engineer by Gannett Fleming, Inc., Baltimore Maryland. Responsible for design and specification development for water treatment plant process design, wastewater treatment plant process and site design, pumping station design, open channel design, stormwater management design, erosion and sediment control design,

drainage studies, alternatives analysis, and highway designs.

6/90-5/91

George William Stephens, & Associates, Inc.; 658 Kenilworth Drive; Towson, Maryland 21204: Supervisor: Tapobrata Chakrabarti, Partner

Employed as a design engineer by George William Stephens Jr. & Associates, Inc., Towson, Maryland. Performed floodplain studies, designed stormwater management facilities, and designed open channel flow systems for residential, commercial, and industrial development projects. Responsibilities also included development of computer programs to aid stormwater management design.

#### Professional Affiliations

Baltimore County Engineers Association Maryland Association of Home Builders

5 Church Road Owings Mills, MD 21117 April 5, 2005

Baltimore County Zoning Commissioners Baltimore County Courthouse, 401 Bosley Avenue, room 407 Towson, MD 21204

#### Re: Case #: 05-409XA for Rezoning SW corner of Red Run Boulevard & Pleasant Hill Road

Sirs:

I am requesting that the Zoning Commissioners not permit the rezoning of the subject property for the development of a seven bay service station, convenience store and carryout restaurant at the subject property without further study of the site.

The site has previously been zoned for office and other uses not disjunctive with both the character of the adjoining properties and residential neighborhood [see photos #s 6 & 7] just across I-795.

The proposed development will open the area for extensive commercial rezoning of properties the limitations of which will be determined by developers both adjacent to the subject property, but more so running further north on Red Run Boulevard.

The current roadways running north from Red Run Boulevard on Pleasant Hill Road have extremely limited lines of sight [such as is shown in photos #s 1, 2, 5 & 7] the bridge over I-795 to the intersection of Pleasant Hill Road.

Furthermore the line of sight of cars approaching the intersection from the south (Owings Mills Boulevard) is obscured both by the curve of the road and the topography of the land. See Photo #8.

The lines of sight are sufficiently obscured by the rise of the Pleasant Hill Road bridge that cars entering Pleasant Hill Road from Tollgate Road to be positioned past the stop line at the intersection and partially block both intersecting roads [see photos #s 1, 2 & 5].

The traffic volume during morning and evening rush hours through the intersection would significantly complicated and made more dangerous by siting a 24-hour a day commercial operation proximate and with flow-through traffic from two streets and four directions.

Please keep in mind that residents from Tollgate Road up to Pleasant Hill and Church Roads until the intersection at the newest developments, past Cedarmere Circle, are living on the unimproved road [see photos #s 1 & 2], without benefit of curbing and parking. They are therefor forced to park off street and increased traffic depended on by the businesses proposed make more difficult and dangerous entry and exit from parking into the roadway.

The two-lane bridge has a rise in elevation that blocks lines of sight [see photos #s 1, 2, 5 & 7] for a significant time (considering the speed of traffic) from both directions.

During the morning and evening rush-hours Pleasant Hill and Church Roads, have become a pass-through conduit from Red Run Boulevard through residential neighborhoods with single lanes of traffic in each direction, old-growth trees and shrubbery, and rises and dips in the roadway due to the topography and the roads alignments.

Prior to permitting the rezoning and development to proceed forthwith the public safety issue of increasing traffic flows into and out of the already congested intersection of Red Run Boulevard & Pleasant Hill Road.

PROTESTANT'S

EXHIBIT NO.

The Zoning Commissioners should have traffic count studies of the intersection, have surveys of the lines of sight to determined if the proposed variance and development provide traffic the margins of safety needed to protect County residents. If not rezoning is being considered without all of the information needed to make a wise decision in a matter that will impact those who need to use the roadways in the community.

Additionally, unless and until the developer has had performed geological studies to determine the substrata and the underground water flows the petroleum storage tanks may pollute the groundwater which ultimately finds its way into the tributaries, rivers, and ultimately the Chesapeake Bay. Leaking fuel tanks have an adverse impact on the health and wellbeing of Baltimore County residents. Have such studies been performed and the results evaluated as to the potential public safety impact?

Please observe the photographs attached as exhibits and determine for yourselves whether automatically granting zoning variance for the subject property is in order. I believe that additional study of the site, the traffic flows, the limited lines of sight, the connection and proximity of the subject property in relationship to the residential neighborhood it abuts require closer scrutiny than may be permitted in the zoning variance hearing are prudent and incumbent.

For all of the foregoing reasons I believe that the zoning variance for case #05-409XA should not be granted during and as a result of the hearing on April 6, 2005, pending the performance of the recommended studies and the resulting information obtained and evaluated by professional engineers and consultants (owe ated toxid-parties).

Thank you for your time and the full consideration of all of the facts and circumstances bearing on your decision. The favor of a written response is requested.

Attachments: Photographs of roadways and properties adjoining the subject property

ery truly yours

laftin H Stein

Franklin Blvd Exxon 11904 Reisterstown Rd Reisterstown, MD 21136

Fax 410-526-6176

Bill Weisman

Fax: 410-887-3468 Re case # 05-409XA

April 6, 2005

Dear Mr. Weisman,

I am concerned about the proposed approval of the Royal Farms store on Red Run Blvd in Owings Mills, MD. I own and operate an Exxon station about 2 miles away on Franklin Blvd. I would like you to think about the affect that a business like Royal Farms would have on me as well as the community for the following reasons.

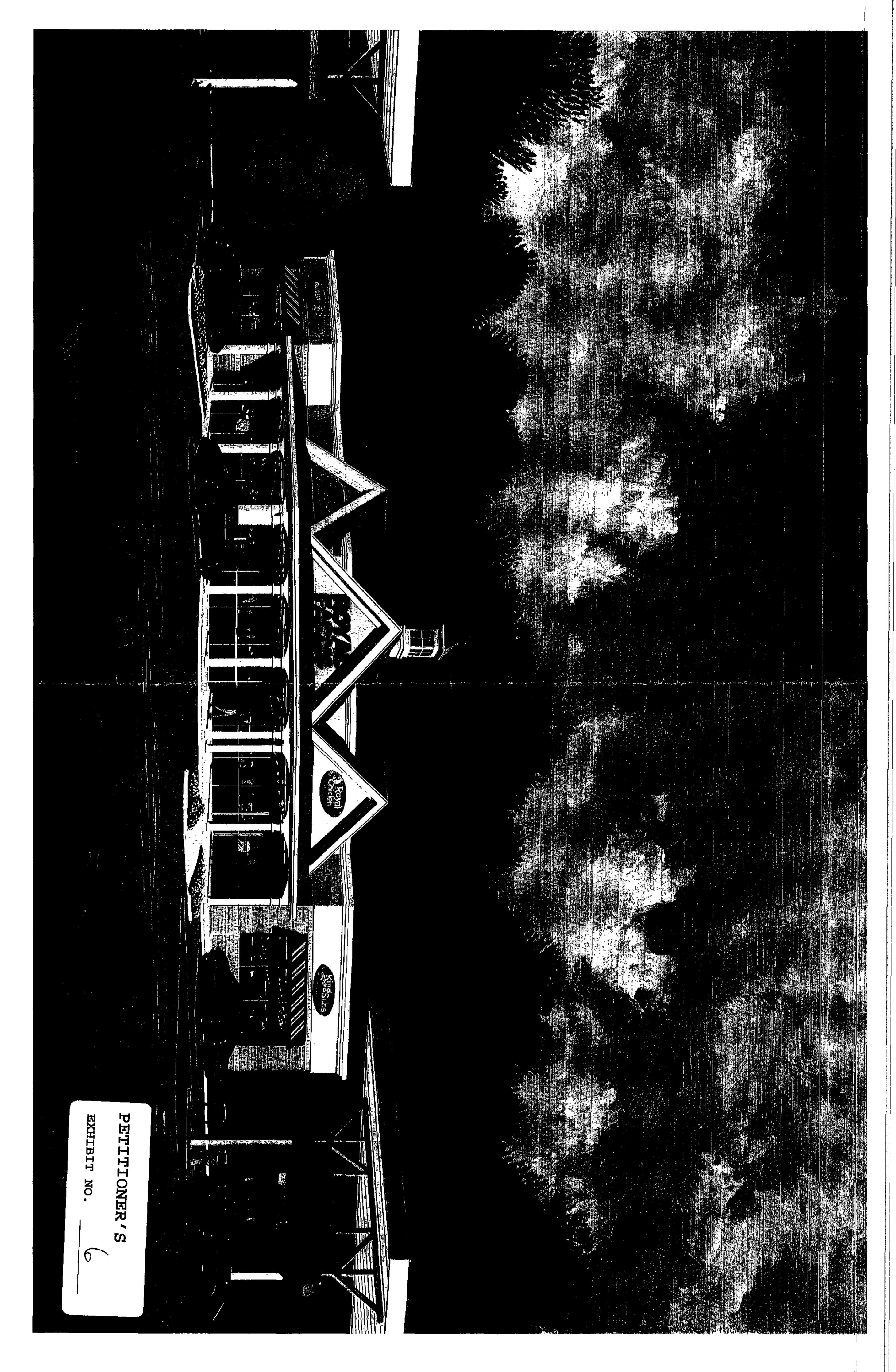
- The economic need is not present in the community to support another business like Royal Farms. This is proven by the fact that at least 2 gas stations have closed permanently on Reisterstown Road. The building of 795 took business focus off Reisterstown Road and now after years those businesses have struggled to survive.
- The master plan for the county states that the Red Run corridor be a business/office area. The addition of a very large retail store does not fit in with that plan. As well, the look of a retail site with 24 lighting, signage in bright colors and delivery and service vehicles on the property all detract from the business/office buildings that are now on the Red Run corridor.
- The economic impact of Royal Farms would not have a positive affect on the county in the sense that the "pie" would not get bigger just be divided differently. There would be no additional tax revenue that would be generated just taking some from one to give to another.
- The Royal Farms site would possibly be a target for robbery and vandals due to the fact that it would exist in an area that becomes mostly vacant after business hours. It is not safe for a business to exist in an area that is so isolated from other retail sites that have similar hours of operation.

Please consider these points as you move towards making a decision on the appeal.

Thank you.

Diana Cavey

Profestants Explisit 4

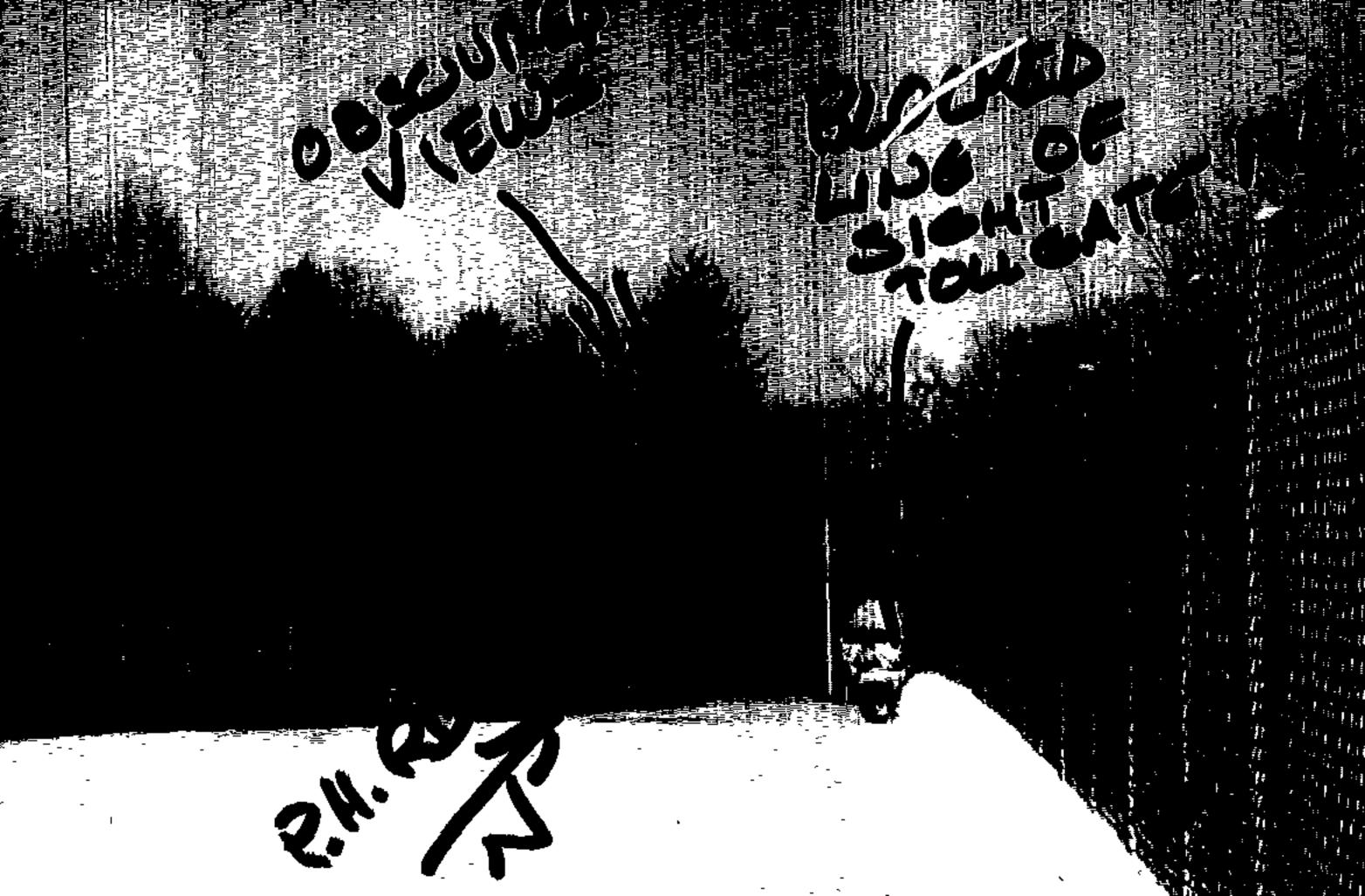


### PHOTOGRAPHS IN SUPPORT OF DENIAL FOR REZONING CASE # 05-409KA RED RUN BUD + PLEASANT HILL ROAD

PROTESTANT'	S
	1

EXHIBIT NO.

1



## PLEASANT HILL RD N. ACROSS BRIDGE TO TO LLGATE RD. CAR JUTTING INTO RD.

MQ 4/5/05



INTERSECTION PLEASANT HILL + TOLLGATE ROADS LIMITED LINE OF SIGHT WITH BRIDGE LOOWING U.

> W8-4/5/0S





CURB CUTS ON PLEASANT HILL SIDE OF SUBJECT FROP. WHERE RD NARROWS FOR BRIDGE. VIEW TOWARD A: 100 mm - 100 mm RED RUN

4/5/05



#### INTERSECTIONS TOLLGATE + PLEASANT HILL ROADS VIEW SUBJ. PROP. BRIDGE RISES TO OBSLURE DRIVERS VIEW



UIEW ACROSS SUBT PROPERTY TO RESIDENCES AT TOLLGATE + PLEASALT HILL ROAD MITERSECTION

W/5/25



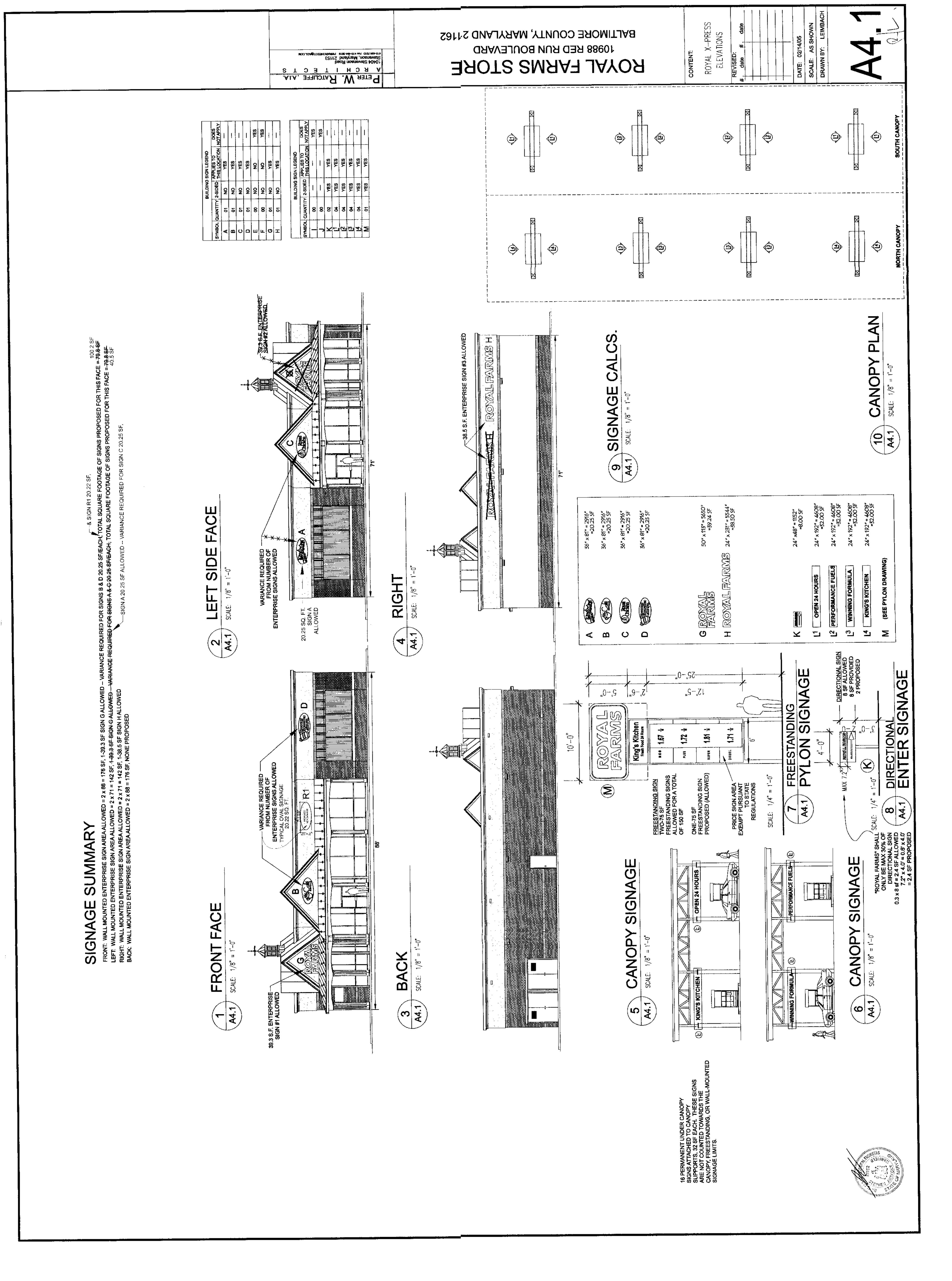
SUBJECT PROPERTY WITH INTERSECTION + BRIDGE LOCKING N. TOWARD PLEASANT HILL+ CHURCH RDS. PROXIMITY TO BRIDGE + RESIDENCES

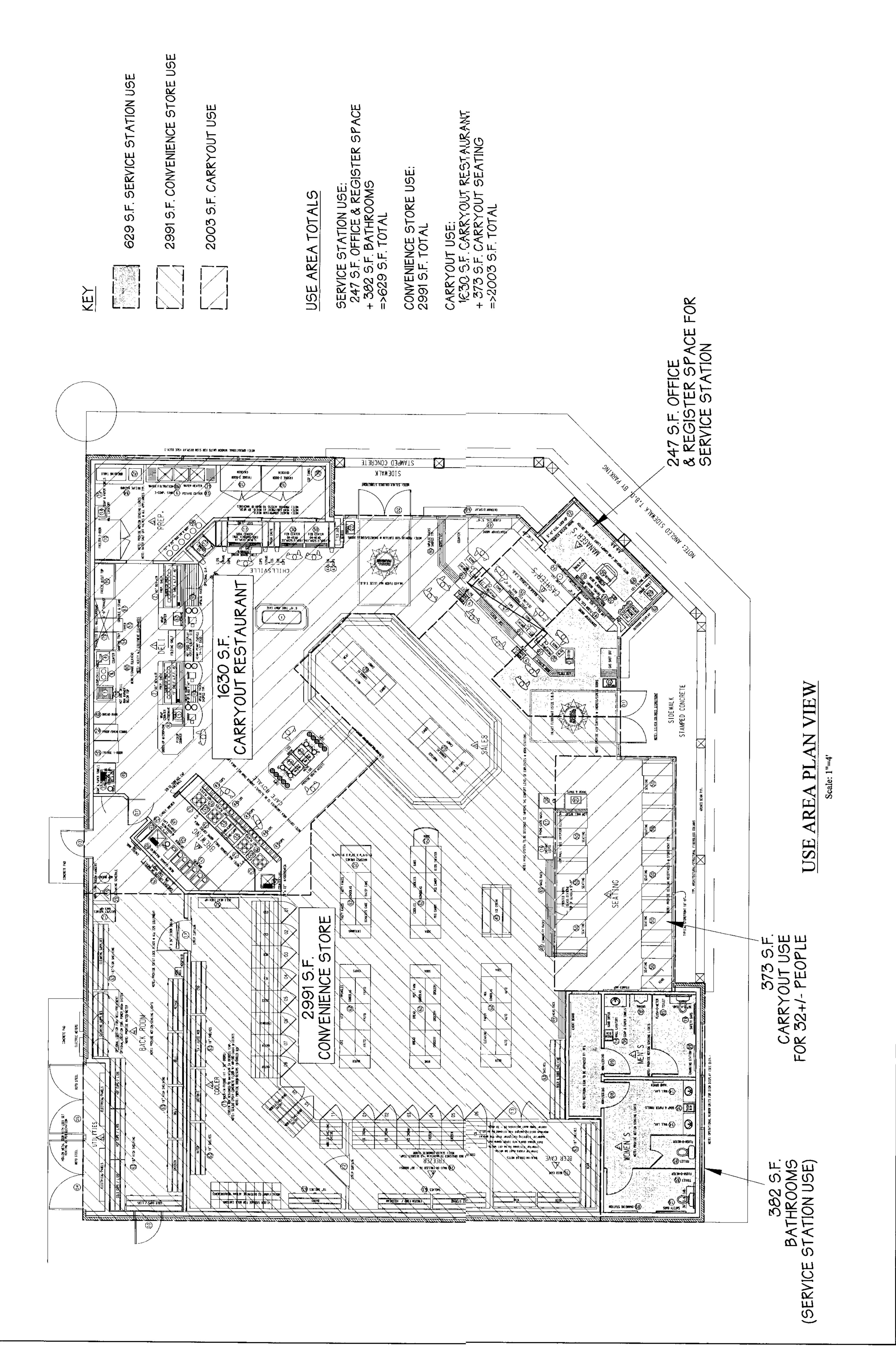
4/5/65



RED RUN BLUD LOOKING S. TOWARD O.M. BLUD. CURB IN ROAD WITH LTD. LINE OF SIGHT

4/5/05

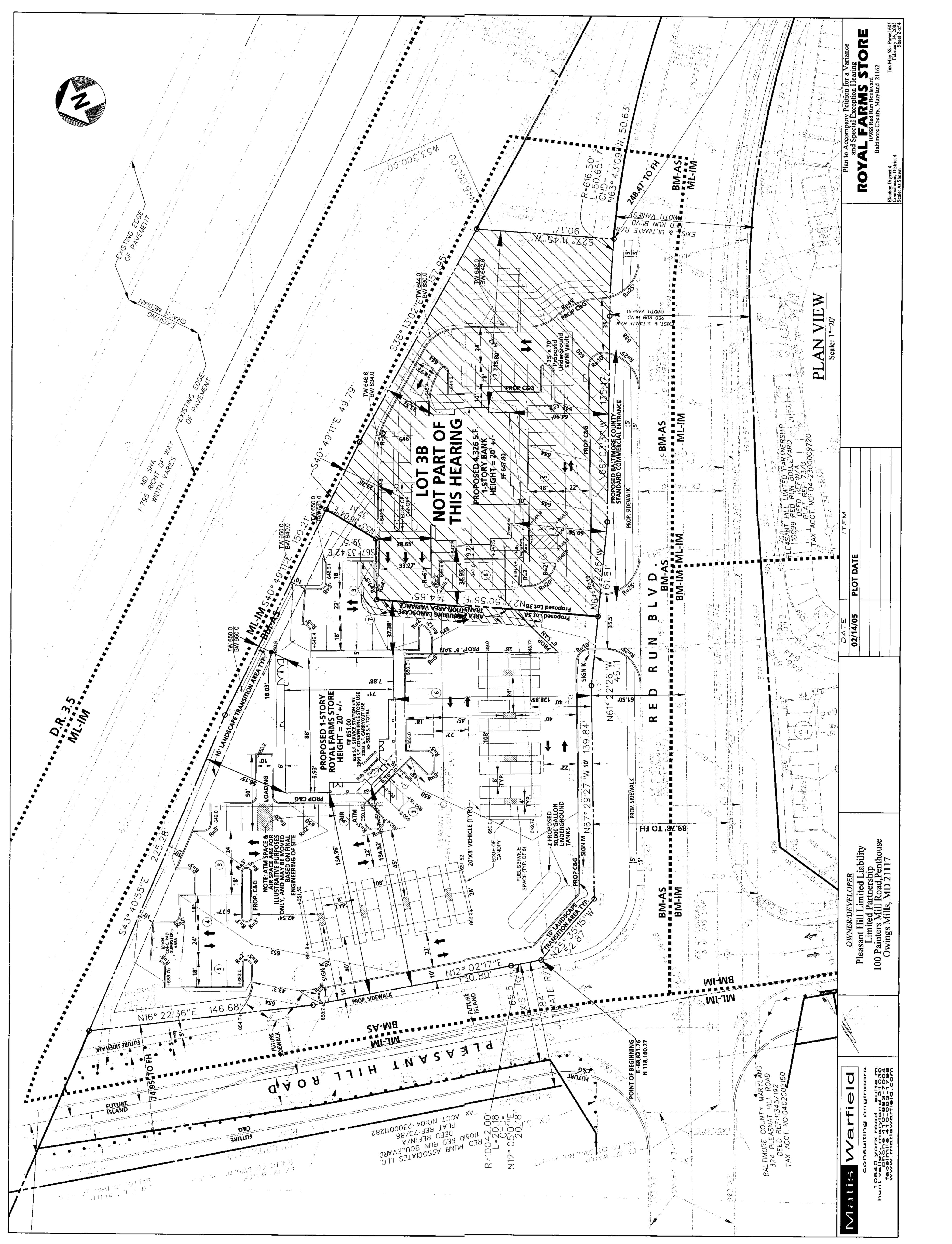




CIT

10540 york road sulte m nt valley, maryland 21030 phone 410-683-7004 facsimile 410-683-1798 www.matiswarfleid.com

Pleasant Hill Limited Liability
Limited Partnership
100 Painters Mill Road, Penthou
Owings Mills, MD 21117 100



# **BCZR SECTION 405.4 STANDARDS:**

DATA

let Area of Proposed Lot 3A... Existing Zoning..... .85,779 S.F. (1.969 Ac. +/-) Blvd. R/W & 30ft of Picasan

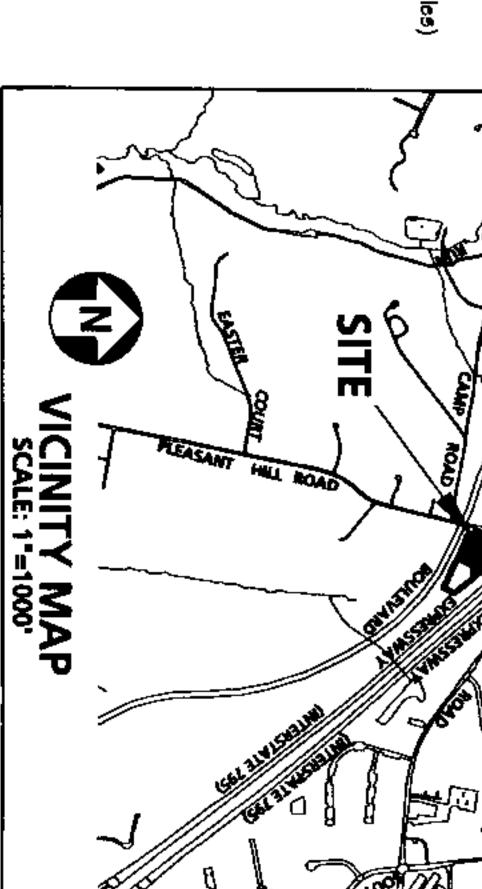
Plat Reference ...
Tax Account Numb
Tax Map. ......
Parcel .....
Parcel .....
Existing Use ....
Proposed Use ....

oposed Bull 2991 S.F. Convenience Store Use 2003 S.F. Carryout Use 629 S.F. Service Station Use => 5623 S.F. Total for Lot 3A 5623 S.F. / 85,779 S.F. = 0.07 (4.0 NA

SITE AREA REQUIRED FOR COMBIN. 8 Fuel Servicing Spaces x 15008.F.; ATION USE (LOT 3A): 12,000 S.F. (service station use) => use 15,000 S.F. minimum (servic

VRKING SPACE DIMI yal Farms: Typical Space ..... Handicap Space .... Il parking shall be peri 

. 69,074 S.F. (1.586 Ac. +/-)
BM-AS (MAP N.W. 12-1)
(Existing lines of Zoning obtain 73/3
04-2300009722



BENCH MARK

HUB #17926'A\* ELEY.=661.655

N-49.950.87 W-45,347.05

DESCRIPTION: SQUARE CUT ON THE SE CORNER

OF THE TOP CONCRETE WALL OF THE BRIDGE OVER
1-795 ON PLEASANT HILL ROAD, SOUTH OF TOLLGATE RO COORDINATES, BEARINGS, AND ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY CONTROL

## CRG, WAIVERS:

ment to site to accome reconfigure the site.

20NING HEARINGS, CRG
12/30/93 Original CRG Approval
4/14/97 DRC Meeting for first refinement to site to at final Red Run Bivd. alignment, and to reconfigure the sitem T on agenda.
6/8/97. First refinement, plan slaned, & approved.
8/17/98 DRC Meeting for second refinement, on curren the size of the building and modify the parking layout 8/31/98 Approval letter from PDM issued 12/14/98 DRC Meeting to superceed the previous seco This refinement was for the same modifications to a proposed at the 8/17/98 DRC meeting with the addit the proposed at the 8/17/98 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting with the addit the proposed at the 17/198 DRC meeting to the provide addition to 17/199 Approval letter from PDM issued 4/120/199 Second refinement plan signed & approved 2004 CZMP Issue 4-016 ceed the previous second refinement.
ame modifications to current lot 3 as
meeting with the addition of subdividing
ind adding retaining walls, and parking, item urrent lot 3, to change yout. Item F on agenda

OMMERCIAL currently active PERMITS

#### ZONING TITION S

ervice station on an inc staurant as uses in cor lant to Sections 405.2 / Zoning Regulations. Individual site and a combination with the 5.2.8.1, 405.4.E.1, and

1. MOVE THE ALLOWED TYPE H SIGN ON THE RIGHT SIDE ELEVATION FROM THE CENTER OF THE WALL TO THE RIGHT SIDE OF THE WALL.

2. RELABLED SIGN ON LEFT ELEVATION FROM VARIANCE TO ALLOWED.

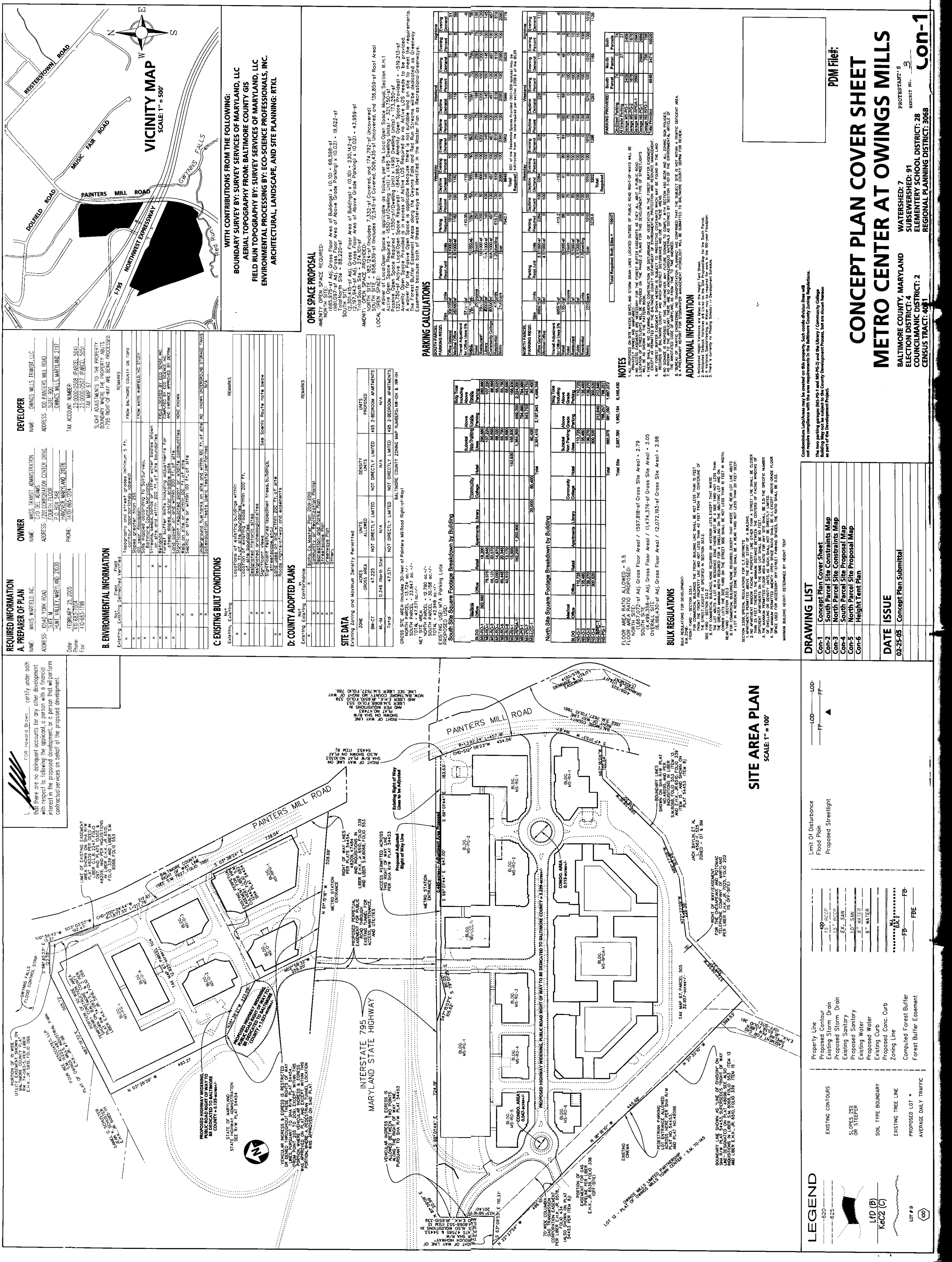
3. REMOVE TYPE G SIGN ON LEFT SIDE FACE ELEVATION AND REPLACE WITH TYPE R1 SIGN ON FRONT ELEVATION. NO CHANGE TO THE NUMBER OF SIGN VARIANCED BECAUSE THE APPROVED VARIANCE FOR SIGN A IS PROPOSED TO BE MOVED TO THE FRONT ELEVATION.

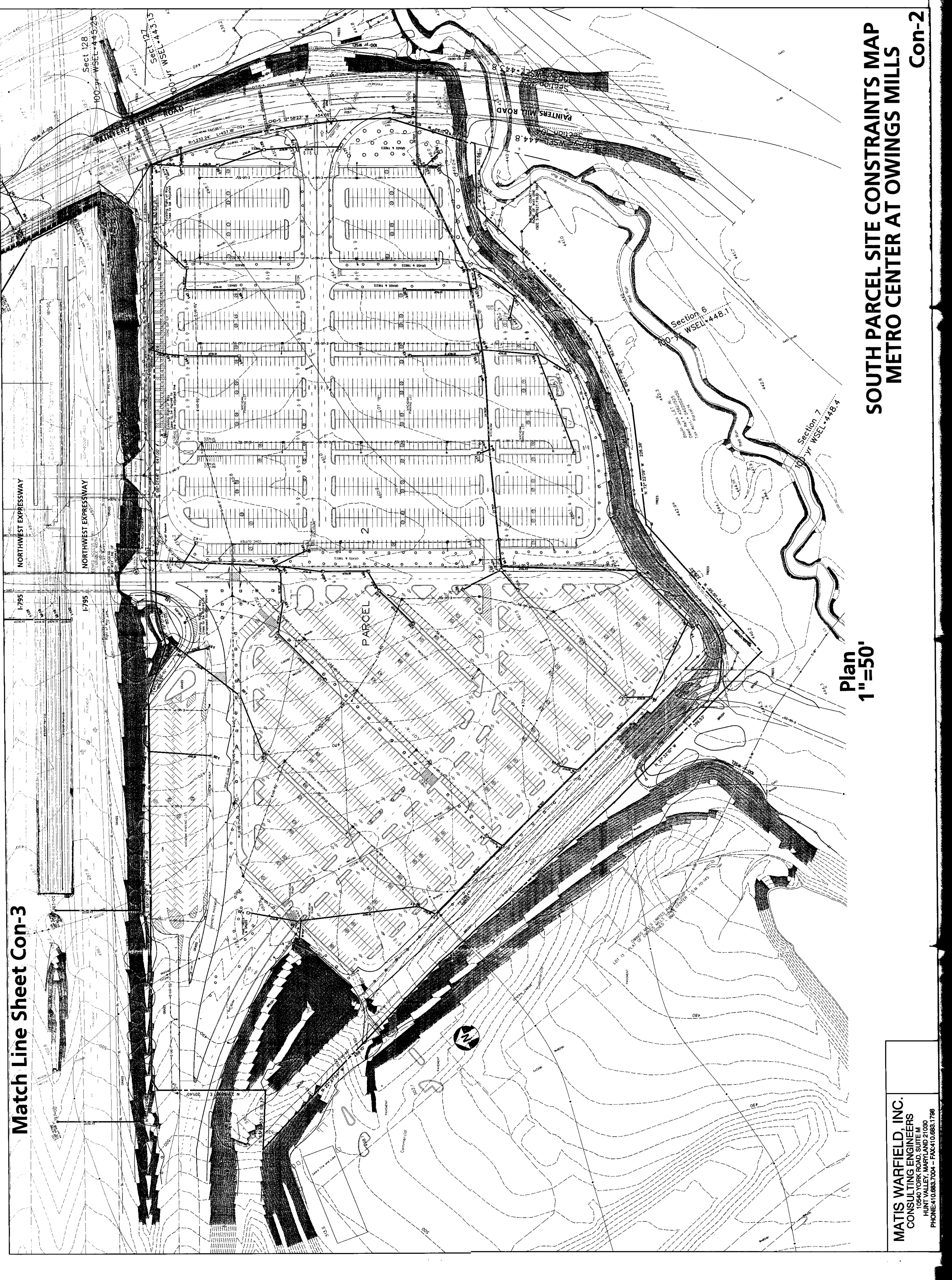
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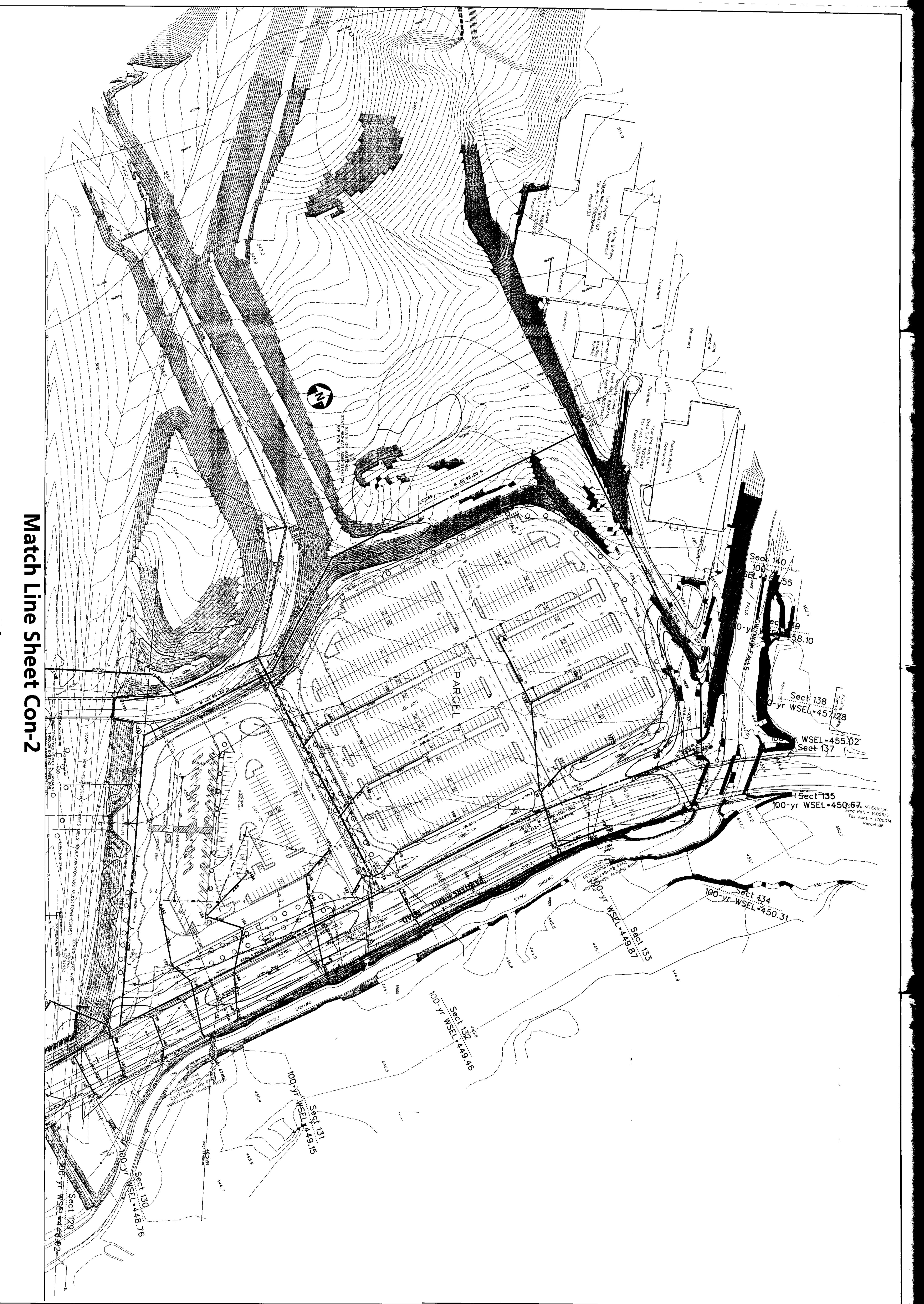
on for a Variance on Hearing IS STORE

valley, maryland 21030 valley, maryland 21030 phone 410-683-7004 facsimile 410-683-1798 www.matiswarfield.com

ward nd 21117 Tax Map 58 - Parcel 605 February 14, 2005 Sheet 1 of 4



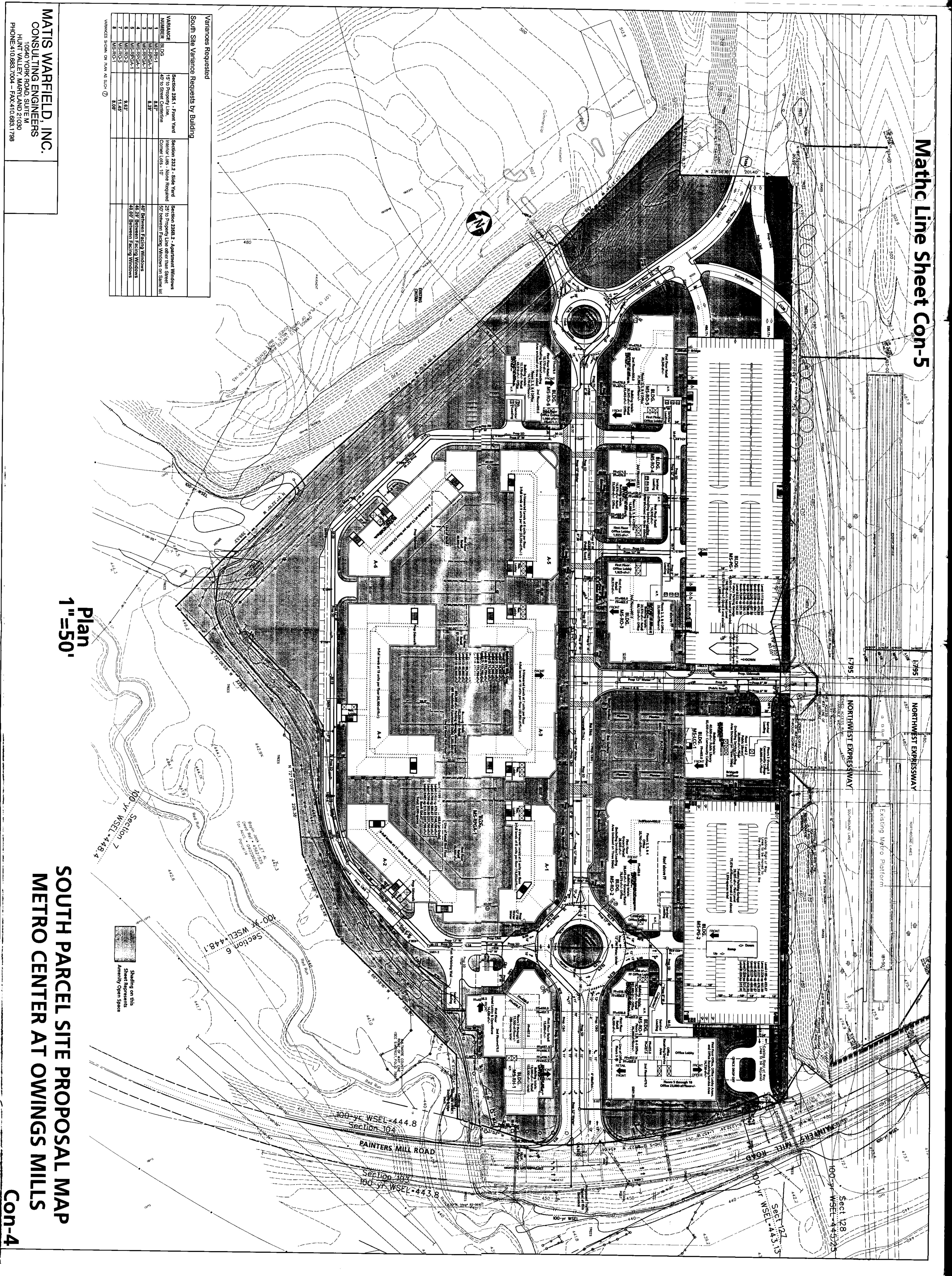


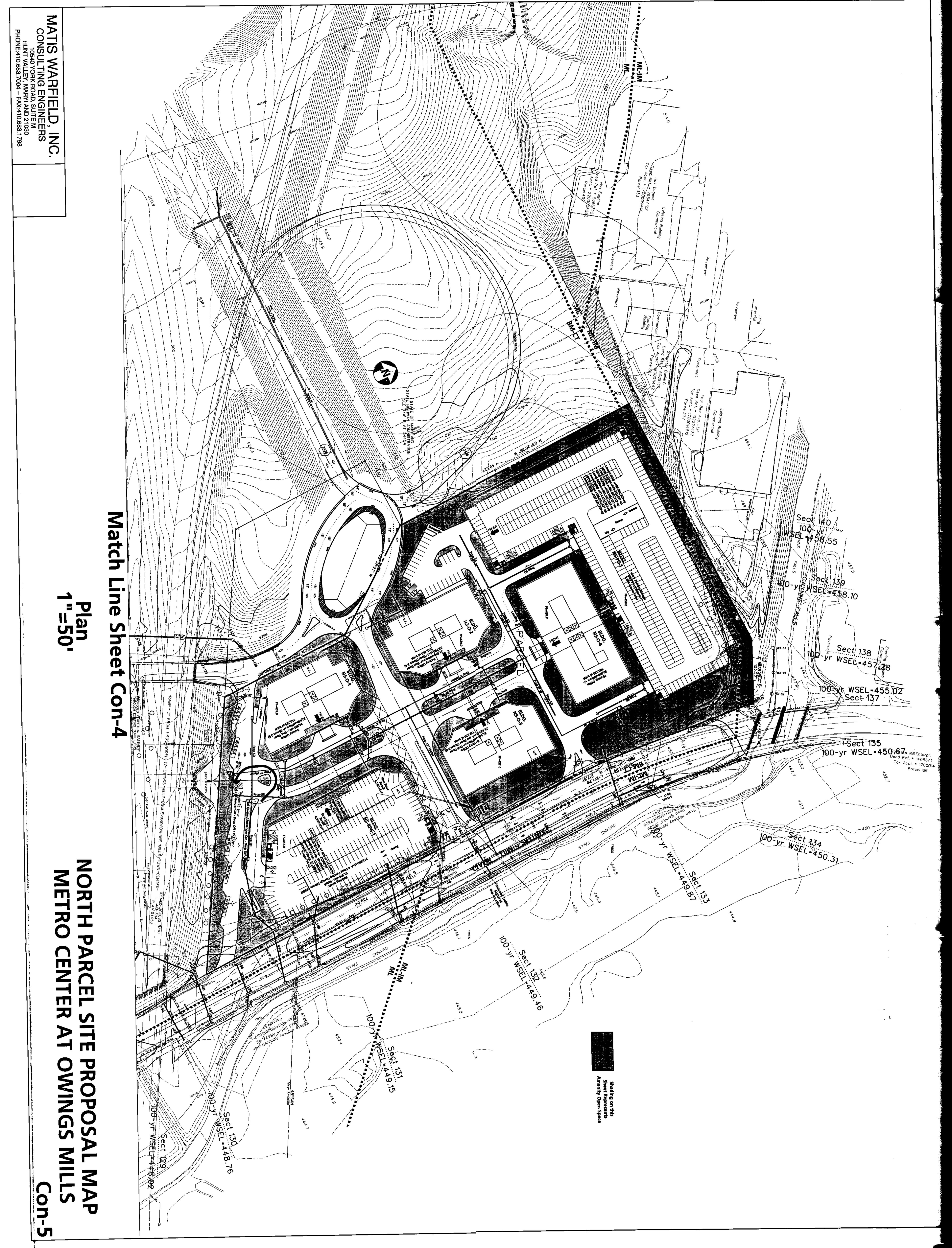


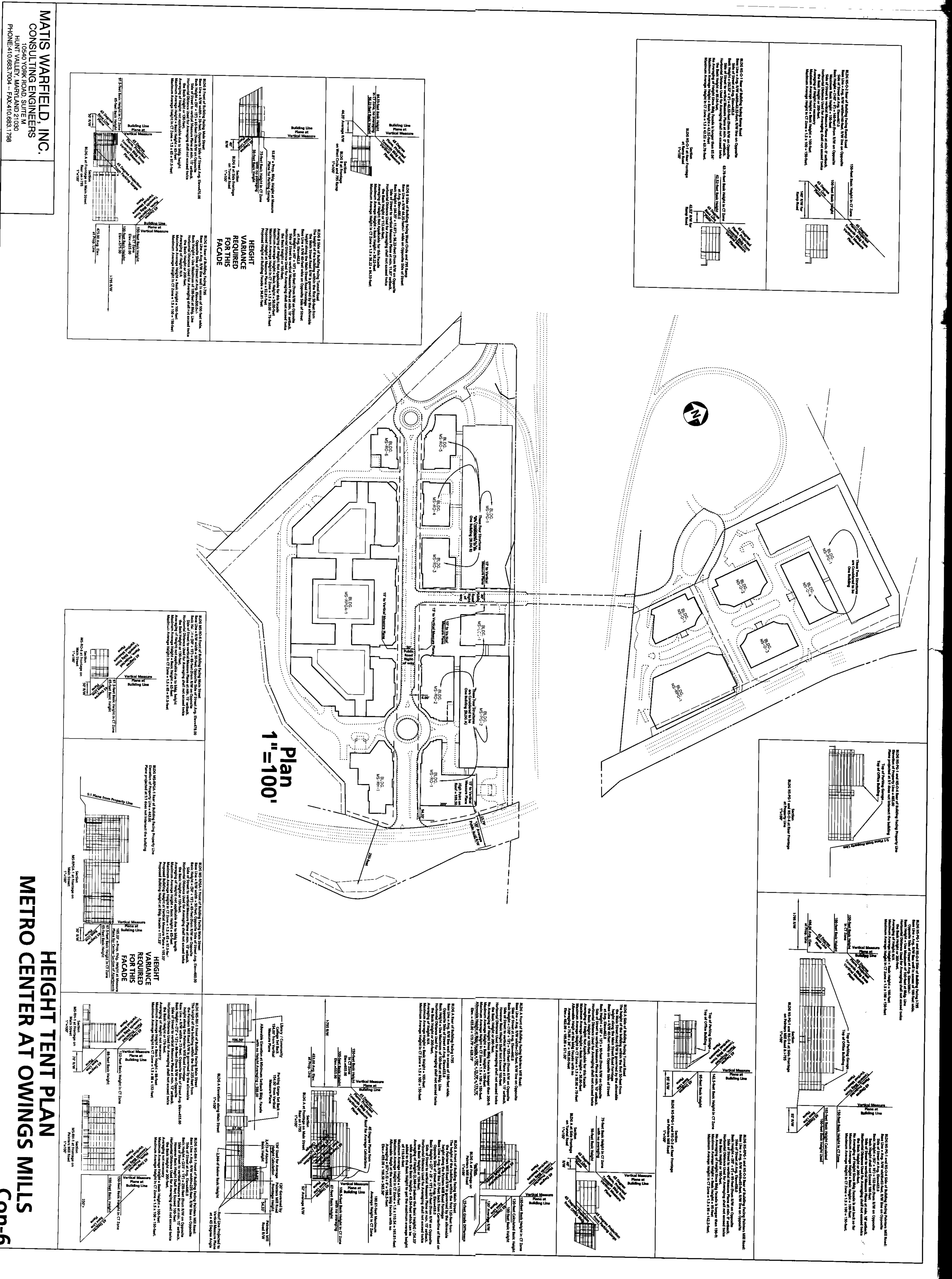
MATIS WARFIELD, INC.
CONSULTING ENGINEERS
10540 YORK ROAD, SUITE M
HUNT VALLEY, MARYLAND 21030
PHONE:410.683.7004 -- FAX:410.683.1798

1 "=50

NORTH PARCEL SITE CONSTRAINTS MAP
METRO CENTER AT OWINGS MILLS





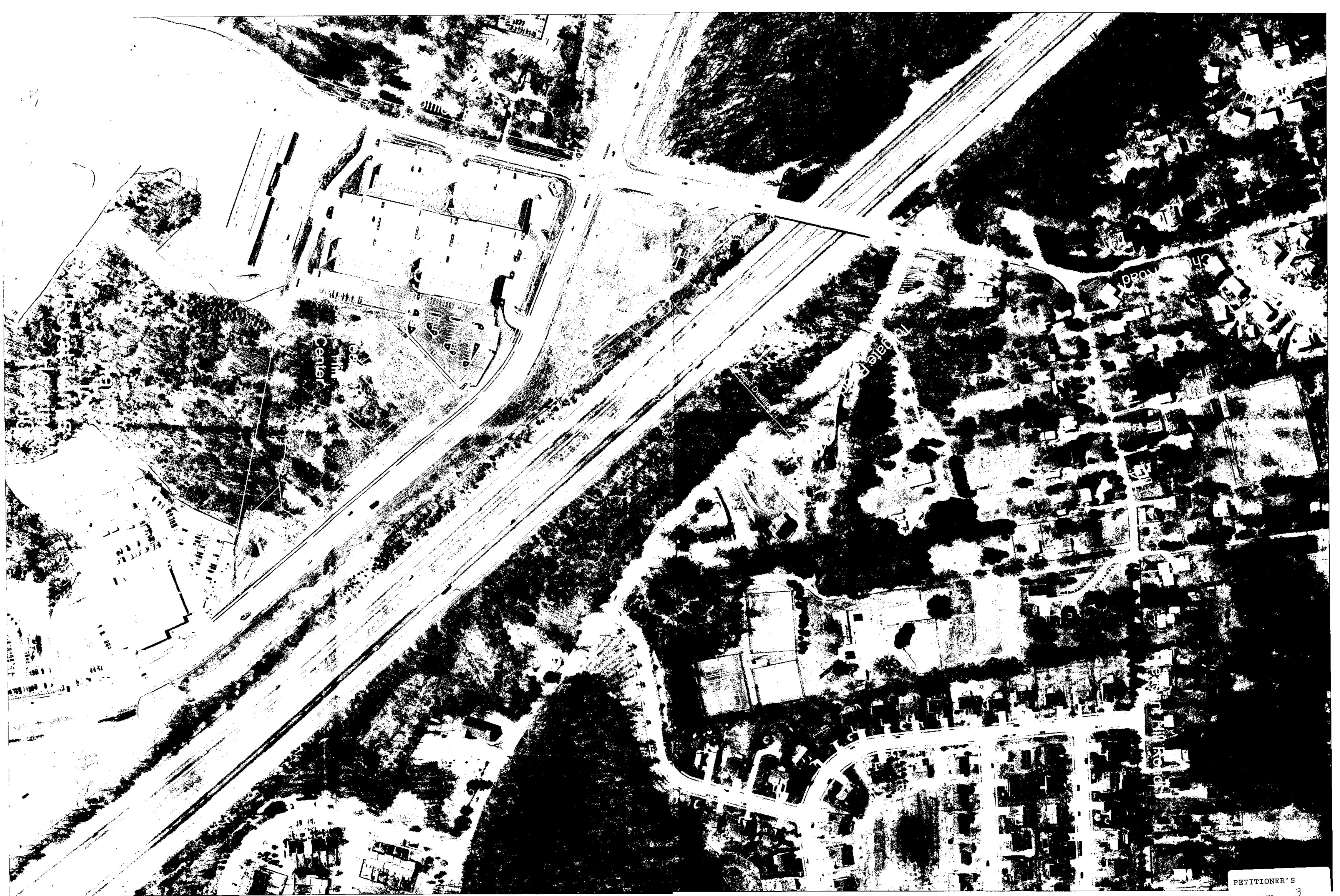




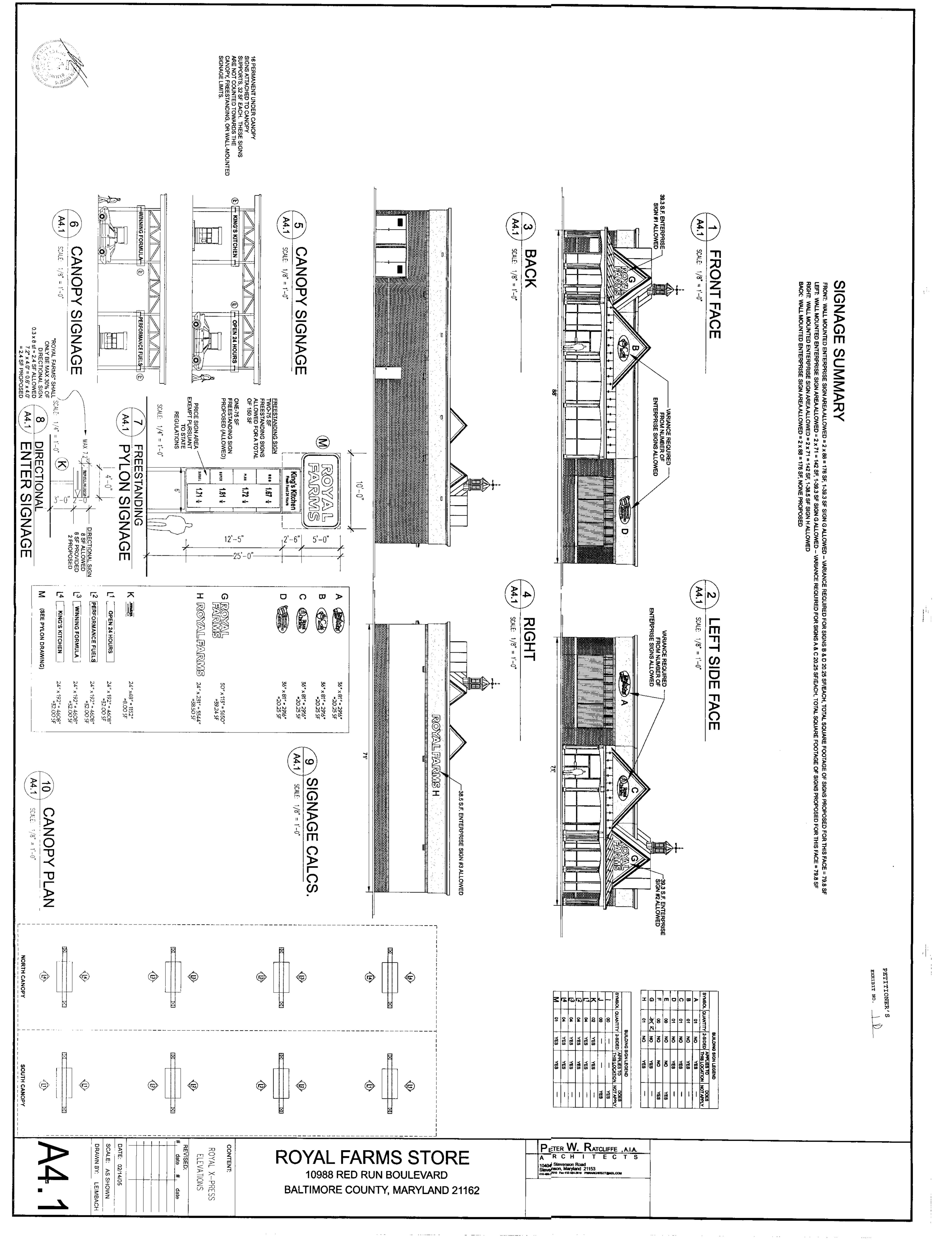


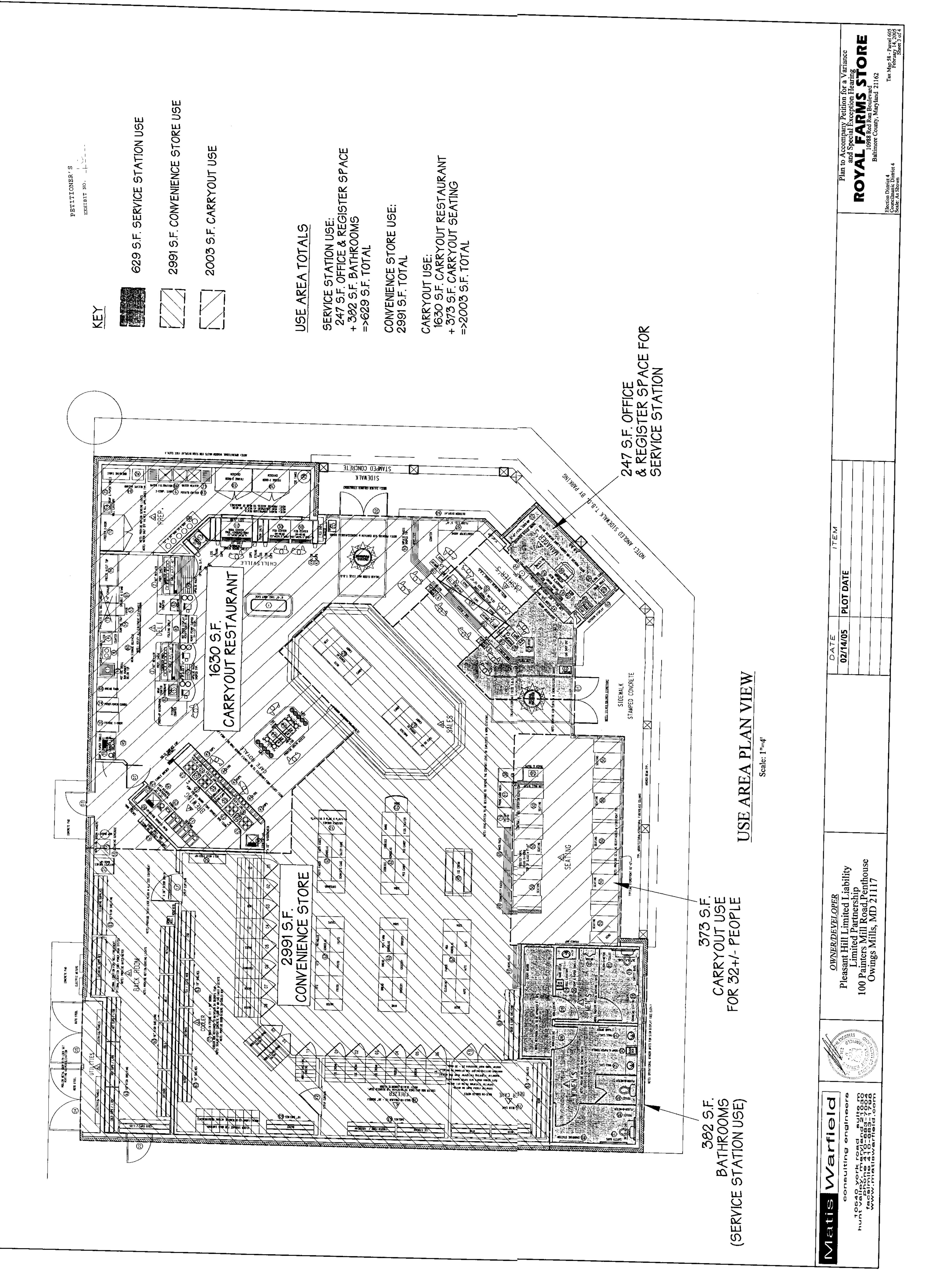


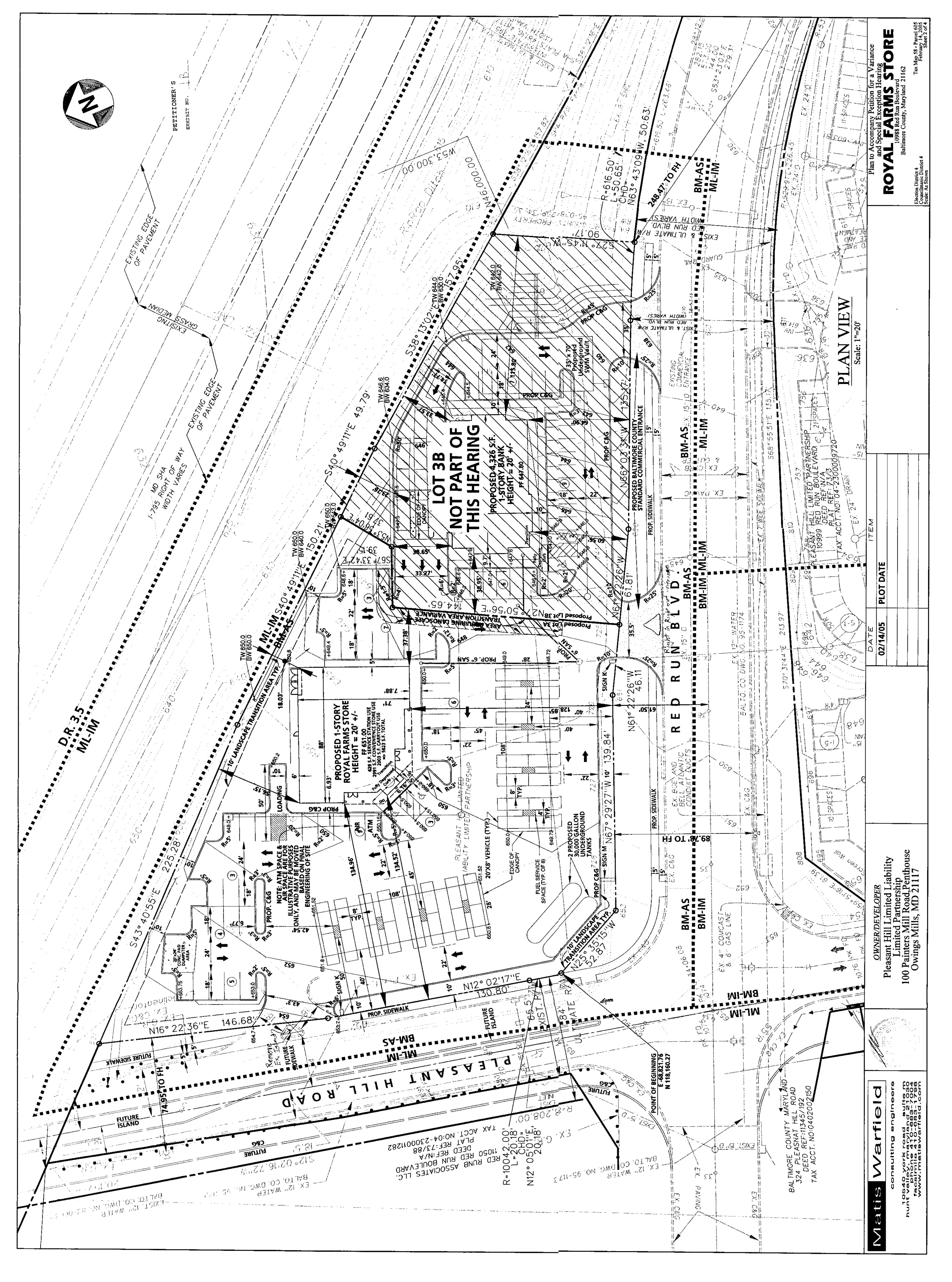




**X** 







## BCZR SECTION 405.4 STANDARDS:

405.4.A.1 Minimum service station site area = 15,000s.f. or 1,500 times the of fuel service spaces plus areas required for uses under BCZR sections 405.4.D or 405.4.E

DATA

-- 69,074 S.F. (1586 Ac. +/-)
BM-AS (MAP N.W. 12-1)
(Existing lines of Zoning obta
73/3
04-2300009722
58
605 Lot 3
Vacant/Temporary Contracto

Floor Area Ratio ...... Existing Building Height ... Proposed Building Height ... oposed Building I

BENCH MARK
HUB #17926"A" ELEY.=661.655
N-49,950.87 W-45,347.05
DESCRIPTION: SQUARE CUT ON THE SE CORNER
OF THE TOP CONCRETE WALL OF THE BRIDGE OVER
1-795 ON PLEASANT HILL ROAD. SOUTH OF TOLLGATE ROAD COORDINATES, BEARINGS, AND ELEVATIONS SHOWN HEREON ARE BASED ON BALTIMORE COUNTY CONTROL

VICINITY MAP

## WAIVERS:

20NING HEARINGS, CRG, W
12/30/93 Original CRG Approval
4/14/97 DRC Meeting for first refinement to site to accomode
final Red Run Bivd. alignment, and to reconfigure the site.
'Item' I on agenda.
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8/3/198 Approval letter from PDM issued
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This refinement was for the same modifications to current k
proposed at the 8/17/98 DRC meeting with the addition of si
the property into three lots and adding retaining walls, and pa
E on agenda.
17/99 Approval letter from PDM issued
4/20/99 Second refinement plan signed & approved
2004 CZMP Issue 4-016
Property rezoned from ML-IM to BM-AS proved lent, on current lot 3, to change parking layout. Item F on agenda

oval letter from PDM Issued icond refinement plan signed & apilesue 4-016
rezoned from ML-IM to BM-AS

PREVIOUS COMMERCIAL
Grading Permit #8306067 currently active PERMITS

## ZONING

Special exception to permit a fuel service station on an individual site and a convenience store and carry-out restaurant as uses in combination with the proposed fuel service station, pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baitimore County Zoning Regulations.

pany Petition for a Variance ial Exception Hearing

ARMS STORE
Red Run Boulevard
County, Maryland 21117

10540 york road suite m int vailey, maryland 21030 phone 410-683-7004 facsimile 410-683-1798 www.matiswarfield.com

onsulting enginee

field

Tax Map 58 - Parcel 605 February 14, 2005 Sheet 1 of 4