IN RE: PETITION FOR SPECIAL EXCEPTION West Side of MD 43, 133.77' West of Centerline of Crossroads Circle 15th Election District 6th Councilmanic District **(11905 Market Way)** BC Area 3 Lot 1, LLC By: Middle River-MIE Area 2/3, LLC, Mgr. By: BC @ 95 Investors-Area 2/3, LLC Mgr. By: Edward St. John, LLC, Mgr. *Legal Owners* **and** Wawa, Inc., *Lessee* *Petitioners*	* * * * * * * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-355-X

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, BC Area 3 Lot 1, LLC, by Middle River-MIE Area 2/3, LLC, Manager, and by BC @ 95 Investors-Area 2/3, LLC, Manager, and by Edward St. John, LLC, Manager, Legal Owners, and Wawa, Inc., by Joseph Losak, Vice President of Real Estate, Lessee. The Petitioners are requesting a special exception for property located at 11905 Market Way in the Middle River area of Baltimore County. The special exception request is to use the property for a fuel station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on January 30, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 31, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

ORDER RECEIVED FOR FILING
Date 2-24-06
By

Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

A. Be detrimental to the health, safety or general welfare of the locality involved;
B. Tend to create congestion in roads, streets or alleys therein;
C. Create a potential hazard from fire, panic or other danger;
D. Tend to overcrowd land and cause undue concentration of population;
E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
F. Interfere with adequate light and air; [Bill No. 45-1982]
G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the sprit and intent of these Zoning Regulations; [Bill No. 45-1982]
H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 zone. [Bill No. 74-2000]

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated February 15, 2006, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing in support of the request were Gregory T. Harvey, Adrienne Imburgia and Bruce Rice from Wawa, Inc., Lessee. Also appearing at the hearing on behalf of the Petitioner was Nick Brader, P.E. from Matis Warfield, who prepared the site plan. David Karceski, Esquire and Arnold Jablon, Esquire represented the Petitioners. Rick Cobert from the Department of Economic Development attended the hearing as well as Lauren Taylor from The Jeffersonian. There were no protestants or citizens at the hearing. Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Mr. Karceski proffered that this property contains 14.215 acres and is zoned ML-IM, MD 43 (Rt. 43 Overlay District). The Petitioners request approval of a special exception on 2.1 acres of the

ORDER RECEIVED FOR FILING
Date 2-24-06
By Debra Jones

tract for a fuel service station in combination with a convenience store to be operated by Wawa, Inc. The property is located on Rt. 43 extended at its intersection with Market Way. See Petitioner's Exhibit 1, sheets 1 through 4. All access to the fuel pumps and convenience store will be through Market Way.

Mr. Karceski indicated that the original plan submitted to the County had parking along Rt. 43. The Planning Office requested and the Petitioner agreed to relocate these spaces on the site to allow for a wider landscape buffer along Rt. 43 as shown. The revised site plan incorporates all Planning Office comments including the sidewalk and additional landscaping along Market Way. See Petitioner's Exhibit 2, Landscape Plan. Mr. Karceski indicated that no variances were being requested and that the buildings and service station met all applicable setback and height regulations. He noted that there were no abandoned fuel service stations in the vicinity of the proposed station as Rt. 43 is a new road. He further opined that the fuel service station and convenience store would primarily serve the new industrial developments along Rt 43.

In regard to the criteria of Section 502.1 of the B.C.Z.R., Mr. Karceski opined that the proposed use met each criteria as there is a surplus of parking on site, there would be no adverse impact on public facilities, these uses are not true traffic generators, and the site is surrounded by commercial and industrial uses and zoned property.

Mr. Cobert from the Department of Economic Development indicated that his Department supported the request, that the new business would generate $3 million in capital investment and result in 50 to 75 new jobs. He noted that this specific tract has been set aside for retail uses in the overall plan for Rt. 43 extended and so will not take away industrial sites from the complex. Rather, he opined that this station and convenience store would serve the employees of the industrial complex so that unlike other industrial developments in the County, employees will not have to leave the complex for lunch or fuel. He lauded Wawa for low fuel prices and clean efficient operations.

ORDER RECEIVED FOR FILING
Date 2-24-09
By

Findings of Fact and Conclusions of Law

Mr. Cobert provides important reassurance that the site is not one of the primary industrial bays of the Rt. 43 corridor. Rather, the site has been planned as an accessory retail site. I also note that the Petitioner accepted the Planning Office comments providing a larger landscape buffer along Rt. 43 and Market Way. There are no residential developments in the area which the County has designated as a major industrial corridor. As such, the impact on the community is negligible. There is no evidence of any abandoned fuel service station on this very new Rt. 43.

Considering all the testimony and evidence, I find that the revised site plan presented as Exhibit 1 meets the criteria for special exceptions. The plan will not adversely affect the community and is within the spirit and intent of the ML-IM, and MD 43 Overlay regulations.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' request for special exception should be granted.

THEREFORE, IT IS ORDERED, this 24 day of February, 2006, by the Deputy Zoning Commissioner, that the Petitioners' request for special exception to use the property for a fuel station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject, however, to the following conditions:

1. The Petitioners may apply for their 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 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 Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated February 15, 2006, a copy of which is attached hereto and made a part hereof.

ORDER RECEIVED FOR FILING
Date 2-24-06
By

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

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 2-24-08
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

February 27, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

David Karceski, Esq.
Arnold Jablon, Esq.
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

Re: Petition for Special Exception
Case No. 06-355-X
Property: 11905 Market Way

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case. The petition for special exception has been granted with conditions in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:dlw
Enclosure

c: Gregory T. Harvey and Adrienne Imburgia, Wawa, Inc., 260 W. Baltimore Pike, Wawa, PA 19063
Bruce Rice, Wawa, Inc., P.O. Box 448, Riderwood, MD 21139
Nick Brader, P.E., Matis Warfield, 10540 York Road, Suite M, Cockeysville, MD 21030
Rick Cobert, Department of Economic Development, 400 Washington Avenue, Towson, MD 21204
Lauren Taylor, The Jeffersonian, 409 Washington Avenue, Towson, MD 21204
People's Counsel; Case File

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 11905 Market Way

which is presently zoned ML-IM-MD43

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 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:

SEE ATTACHED
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

SEE ATTACHED
Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Robert A. Hoffman
Name - Type or Print

Robert A. Hoffman
Signature

Venable LLP
Company

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

Towson, MD 21204
City State Zip Code

Representative to be Contacted:

Robert A. Hoffman
Name

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

Towson, MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SDM Date 01-20-06

Case No. 06-355-X

ORDER RECEIVED FOR FILING
Date 2-24-06
By

2R/09/15/98

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 1

Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant.

06-355-X

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 2

Lessee:

Wawa, Inc.

By: _____
Joseph Losak, Vice President of Real Estate

Address: 260 West Baltimore Pike
Wawa, PA 91063
(410) 823-4363

#219038 v1

OG-355-X

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 3

Legal Owner(s):

BC Area 3 Lot 1, LLC
By: Middle River-MIE Area 2/3, LLC, Manager
By: BC @ 95 Investors-Area 2/3, LLC, Manager
By: Edward St. John, LLC, Manager

By: _____
Edward A. St. John, General Manager

Address: 2560 Lord Baltimore Drive
Baltimore, MD 21244
(410) 788-0100

#219038 v1

06-355-A

Description to Accompany A Petition for A Special Exception January 10, 2006

Beginning at a point on the west side of Maryland Route 43, a variable width State Road, at the distance of 133.77' ± westerly of the centerline of the nearest intersecting street of Crossroads Circle that is of variable width. Thence the following courses and distances:

1.) South 01° 28' 19" West 60.67' running with the Right of Way line of MD Route 43,

2.) South 41° 15' 43" East 8.31' along part of the 182.10' line along MD Route 43 and thence leaving said Right of Way for the following courses ,

3.) South 36° 07' 37" West 253.83',

4.) North 53° 52' 24" West 296.96' ,

5.) North 36°07'37" East 312.63' to the west side of the MD Route 43 Right of Way thence binding on the said Right of Way by a curve to the right with a,

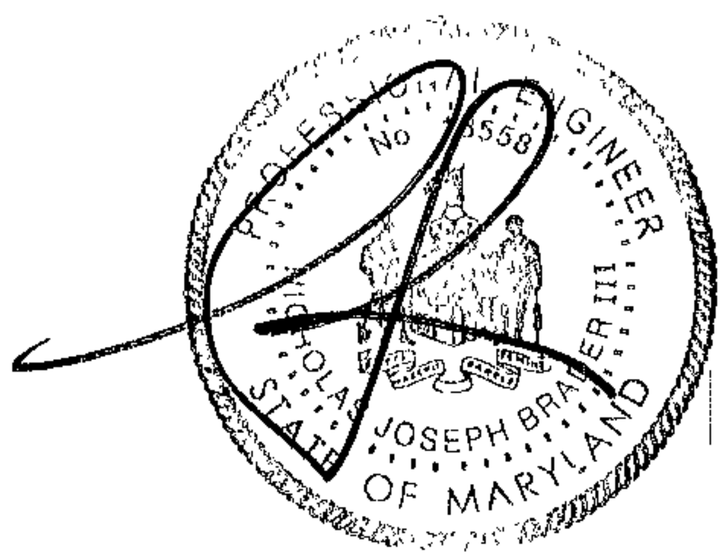
6.) Radius of 1,226.57' for a length of 254.91' and with a chord of South 52°16'41" East 254.45' to the place of beginning.

As recorded in Deed Liber 16351, Folio 092.

Being a part of Lot 1 , Area 3 in the subdivision of Baltimore Crossroads @ 95, as recorded in Baltimore County Plat Book SM 78 Folio 50 containing 91,485 S.F. or 2.100 acres of land more or less.

Also known as 11905 Market Way and located in the 15th Election District.

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



06-555-X

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: #06-355-X
11905 Market Way
West side of MD 43, 133.77 feet west of centerline of Crossroads Circle
15th Election District - 6th Councilmanic District
Legal Owner(s): BC Area 3 Lot 1, LLC, Middle River-MIE Area 2/3, LLC, Mgr., BC @ 95 Investors-Area 2/3 LLC, Mgr. & Edward A. St. John, LLC, Mgr.
Lessee: WAWA, Inc. c/o Joseph Losak, Vice President of Real Estate

Special Exception: pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 & 405.4.E.10 of the B.C.Z.R. for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant.

Hearing: Thursday, February 16, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 1/811 Jan. 31 82912

CERTIFICATE OF PUBLICATION

2/2/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/31/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

06-355-X

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2056

DATE 01 30 06 ACCOUNT R001 C016 GRC

AMOUNT $ 350 00

RECEIVED FROM: Venable LLP

FOR: Spec Exception Hearing
Inst. Tolle
Development
1996 Harness Way

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

SDA

PAID RECEIPT
DATE/TIME ACTUAL TIME DRW
1/30/2006 1/30/2006 11:29:36 5
REC NUMB AMOUNT PAID REF
2056RECEIPT # 2056 1/30/2006 DRLW
Dept 05 SDA ZONING VERIFICATION
CR 60. 002376
Recpt for $350.00
$350.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-355-X

Petitioner/Developer: BC AREA 3 LOT 1, LLC
MIDDLE RIVER - MIE AREA 2/3, LLC MGR
BC @ 95 INVESTORS AREA 2/3 LLC MGR + EDWARD
A ST JOHN, LLC MGR

Date of Hearing/Closing: FEB 16, 2006

WAWA INC

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

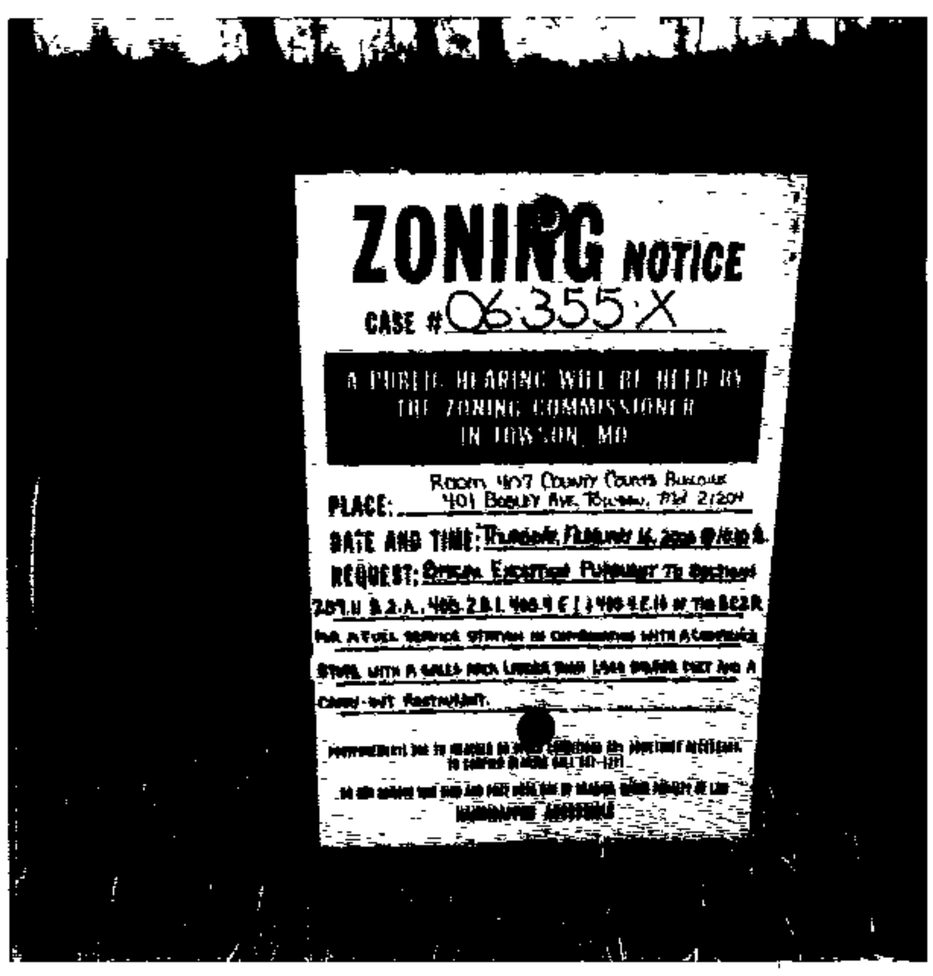
ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 11905 MARKET WAY

The sign(s) were posted on 1/30/06
(Month, Day, Year)

Sincerely,



Robert Black 1/30/06
(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)

11905 MARKET WAY

FEB 2 2006

Department of Permits and 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

January 24, 2006

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: 06-355-X
11905 Market Way
West side of MD 43, 133.77 feet west of centerline of Crossroads Circle
15th Election District, 6th Councilmanic District
Legal Owners: BC Area 3 Lot 1, LLC, Middle River-MIE Area 2/3, LLC, Mgr.,
BC @ 95 Investors-Area 2/3 LLC, Mgr. & Edward A. St. John, LLC Mgr.
Lessee: WAWA, Inc. c/o Joseph Losak, Vice-President of Real Estate

Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 & 405.4.E.10 of the B.C.Z.R. for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant.

Hearing: Thursday, February 16, 2006 @ 10:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj

C: Robert A. Hoffman, Esq., Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204
WAWA, Inc., c/o Joseph Losak, Vice-Pres. Real Estate, 260 West Baltimore Pike, Wawa, PA 91063
BC Area 3, Lot 1, LLC, c/o Edward A. St. John, Gen. Mgr., 2560 Lord Baltimore Dr., Baltimore, MD 21244

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, FEBRUARY 1, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 31, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell (410-494-6244)
210 Allegheny Avenue
Towson, MD 21204

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-355-X
11905 Market Way
West side of MD 43, 133.77 feet west of centerline of Crossroads Circle
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Legal Owners: BC Area 3 Lot 1, LLC, Middle River-MIE Area 2/3, LLC, Mgr.,
BC @ 95 Investors-Area 2/3 LLC, Mgr. & Edward A. St. John, LLC Mgr.
Lessee: WAWA, Inc. c/o Joseph Losak, Vice-President of Real Estate

Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 & 405.4.E.10 of the B.C.Z.R. for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant.

Hearing: Thursday, February 16, 2006 @ 10:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 21204

WILLIAM J. WISEMAN, III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: OG-355-X

Petitioner: BC Area 3 Lot 1, LLC

Address or Location: 11905 Market Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dontell

Address: 210 Allegheny Avenue
Towson Maryland 21204

Telephone Number: (410) 494 6244

Revised 7/11/05 - SCJ

OG-355-X

Department of Permits and 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

February 13, 2006

Robert A. Hoffman
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Hoffman:

RE: Case Number: 06-355-X, 11905 Market Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 20, 2006.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Joseph Losak 260 W. Baltimore Pike Wawa, PA 91063
Edward A. St. John 2560 Lord Baltimore Drive Baltimore 21244

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: February 15, 2006

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

RECEIVED

FEB 1 6 2006

ZONING COMMISSIONER

SUBJECT: 11905 Market Way

INFORMATION:

Item Number: 06- 355

Petitioner: Joseph Losak, VP of Real Estate

Zoning: ML-IM-MD43

SUMMARY OF RECOMMENDATIONS:
The petitioner met with the Office of Planning regarding the subject petition. Subsequent to the aforementioned meeting the petitioner agreed to make revisions to the original site plan the revisions are as follows:

- The relocation of select parking spaces
- Providing a landscape buffer along Maryland RT 43
- Provide a sidewalk and retain the existing 10 foot area for a hiker/biker tail along the MD Route 43
- Add additional landscaping and a sidewalk at the edge of the proposed parking area bordering Market Way.

As such, The Office of Planning supports the subject request based on the revisions to the site plan as outlined above.

Prepared by: [signature]

Division Chief: [signature]
AFK/LL: CM

W:\DEVREV\ZAC\6-355.doc

ORDER RECEIVED FOR FILING
Date 2-24-06
By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: February 13, 2006

FROM: Dennis A. Kennedy, DAK Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 6, 2006
Item Nos. 346, 347, 348, 350, 351, 353, and 355

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

RECEIVED
FEB 1 : 2006
ZONING

DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-02132006.doc

Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

January 26, 2006

ATTENTION: Zoning Review planners

Distribution Meeting of: January 30, 2006

Item No.: 355

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.

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.

Acting Lieutenant William F Connolly
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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

SHA
State Highway Administration
Driven to Excel

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

Maryland Department of Transportation

Date: 1.26.06

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

RE: Baltimore County
Item No. 355 JRA

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR SPECIAL EXCEPTION 11905 Market Way; W/S MD 43, 133.77' W c/line Crossroads Circle 15th Election & 6th Councilmanic Districts Legal Owner(s): BC Area 3, Lot 1, LLC - - Edward St. John, General Manager Petitioner(s)	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 06-355-X

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

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of February, 2005, a copy of the foregoing Entry of Appearance was mailed Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204 , Attorney for Petitioner(s).

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

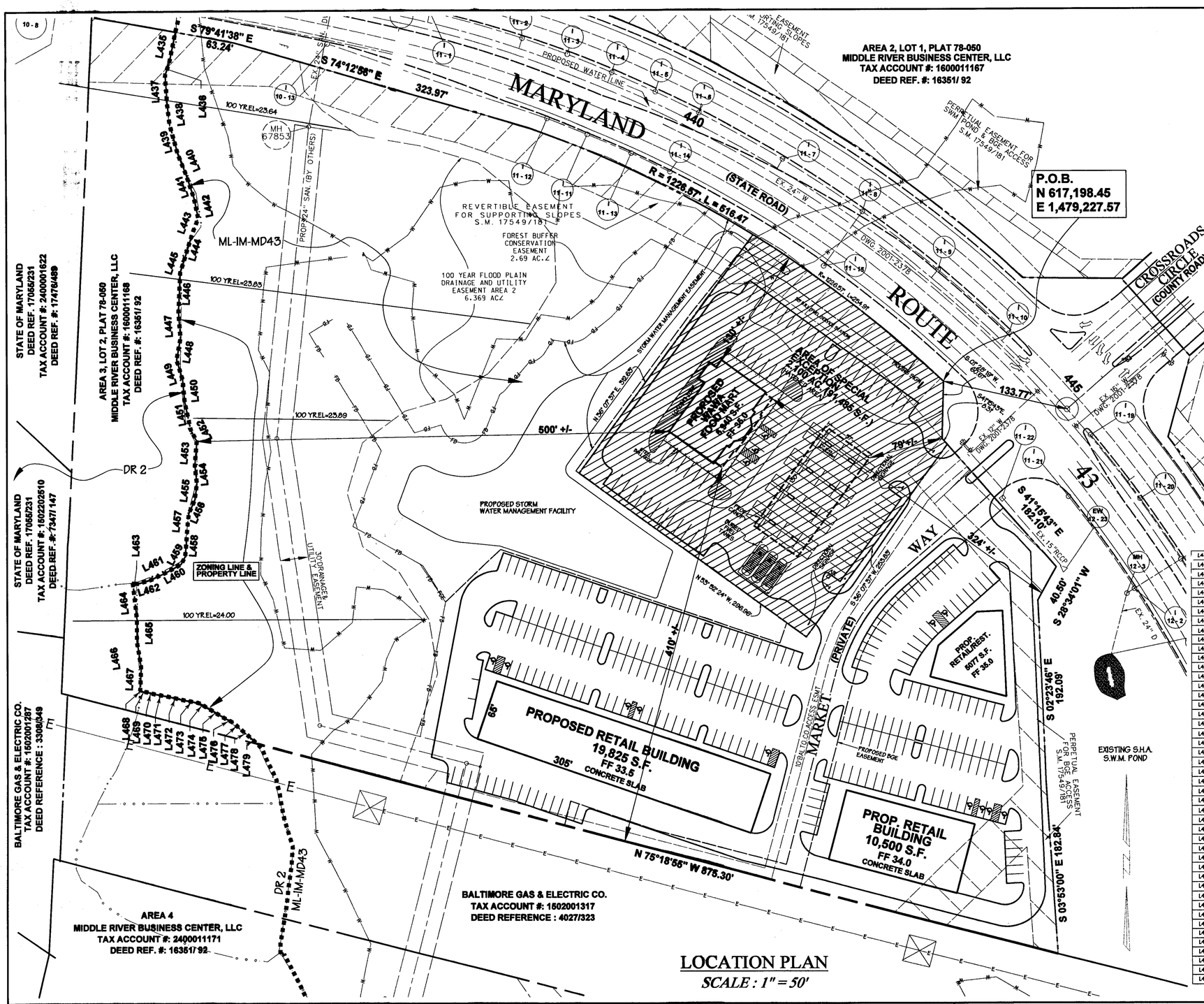
RECEIVED
FEB 0 6 2006
Per.....

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 06-355-X
DATE 2/16/06

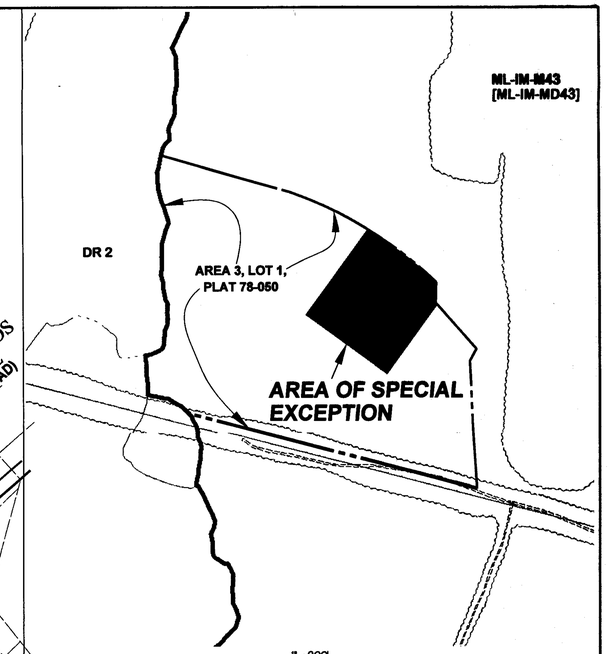
PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
WAWA			
GREGORY T. HARVEY	260 W. BALTIMORE PIKE	WAWA PA 19063	GREGORY.T.HARVEY@WAWA.COM
ADRIENNE IMBURGIA - Real Estate	WA#1 "	" "	ADRIENNE.IMBURGIA@WAWA.COM
BRUCE RICE - WAWA	P.O. BOX 448	Elkerwood MD 21139	BRUCE.S.RICE@WAWA.COM
NICK BRADER - Site Plan	10540 YORK RD STEM	COCKEYSVILLE, MD 21030	nick@matisweafield.com
DAVID KARCESKY	210 ALLEGHENY AVENUE	TOWSON, MD 21204	dhkarcesky@venable.com
ARNOLD JABLON			ajablon@venable.com
Rick Cobert - Economic Develop	400 Washington Ave	Towson	rcobert@co.ba.md.us
Lauren Taylor	409 Washing Ave. 21204	The Jeffersonian	ltaylor@patuxent.com



LOCATION PLAN

SCALE : 1" = 50'



1" = 200'

PART OF 2004 ZONING MAP 083A2 AND 083A3

GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
3. Is is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. To our knowledge no wastes or by-products will be produced on the Site..
5. See architectural plans for exact building dimensions.
6. All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sitces and public streets.
7. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
8. Storm water management has been approved.
9. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
10. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
11. The site is not within the Chesapeake Bay Critical Area.
12. The site shall comply with the Pattern Book for Baltimore Crossroads @ 95.
13. Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
14. Previous commercial permits: grading permit : B611865 (issued), storm water management permit B611865 (pending)
15. Hearings:DRC Request 032106M approved a limited exemption from Section 32-4-106(a)(1)(v).

LINE TABLE

L434	S 14°09'07" W	1.54'
L435	S 12°07'14" W	30.36'
L436	S 16°30'55" W	13.39'
L437	S 03°49'45" E	31.62'
L438	S 06°22'54" E	19.12'
L439	S 14°59'15" E	32.97'
L440	S 21°51'43" E	22.83'
L441	S 18°16'50" E	26.72'
L442	S 11°20'28" E	21.61'
L443	S 20°37'42" W	16.17'
L444	S 16°56'16" W	28.75'
L445	S 18°29'45" W	13.39'
L446	S 02°52'39" W	42.43'
L447	S 04°29'44" E	27.59'
L448	S 10°22'16" W	23.64'
L449	S 16°44'51" E	22.12'
L450	S 05°12'28" E	23.41'
L451	S 11°54'47" E	30.28'
L452	S 26°41'29" E	14.19'
L453	S 04°47'10" W	25.47'
L454	S 06°23'56" E	19.19'
L455	S 07°09'07" W	17.07'
L456	S 23°17'56" W	16.13'
L457	S 05°58'53" W	19.16'
L458	S 04°25'07" W	27.58'
L459	S 26°41'13" W	9.45'
L460	S 60°16'41" W	17.13'
L461	S 63°26'30" W	19.87'
L462	S 74°02'12" W	15.47'
L463	N 63°22'52" W	4.75'
L464	S 06°07'59" E	40.47'
L465	S 00°00'00" W	23.26'
L466	S 06°47'13" E	27.82'
L467	S 02°35'22" W	24.90'
L468	S 33°34'22" E	0.68'
L469	S 53°32'28" E	8.67'
L470	S 74°43'25" E	6.29'
L471	S 79°57'51" E	12.57'
L472	S 77°01'58" E	19.50'
L473	S 79°19'25" E	15.62'
L474	S 56°19'22" E	8.58'
L475	S 58°36'51" E	23.87'
L476	S 63°24'32" E	9.79'
L477	S 47°50'19" E	9.78'
L478	S 49°22'46" E	14.49'
L479	S 46°44'20" E	9.19'

SITE DATA

Site Area	619,195 S.F. - 14.215 Ac.
Area of Special Exception	91,485 S.F. - 2.100 Ac.
Existing Zoning	ML-IM-MD43
Councimanic District	6th
Existing Use	Vacant
Proposed Use	Convenience Store w/Fuel Pumps & Carry Out Food
Deed Reference	16351/92
Plat Reference	SM 78-050
Tax Account Numbers	2400001168
Ancillary Uses	Minor ancillary uses as permitted in Section 405.4.D. of the B.C.Z.R. (No additional square footage required)
Convenience Store	4329 S.F.
Service Station uses	861 S.F.
Carry-Out Food	750 S.F.
Total Floor Area Ratio	5940 S.F. ÷ 619,195 = 0.01 (3.0 permitted)
Proposed Building Height	31

AREA REQUIRED FOR COMBINATION USE

16 Servicing Spaces x 1500 S.F.	24,000 S.F.
Convenience Store: 4 x 4329	17,316 S.F.
Carry Out Food: 6 x 750	4,500 S.F.
Additional Area for ATM:	1,000 S.F.
Total Site Area Required	46,816 S.F.
Area of Special Exception	91,485 S.F.

PARKING SPACES

Retail/Carry Out Food:	
5940 S.F. @ 51000	30
maximum employee shift	10
air	1
ATM	1
Total Required	42
Total Provided	70

PARKING SPACE DIMENSIONS:

Typical Space	10' x 20'
Handicap Space	15' x 20'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:

1Per pump island side required	16
Provided	16

STACKING SPACES:

1 Per pump island side	16
Provided	16

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

PROFESSIONAL ENGINEER No. 18648 MICHAEL JOSEPH BRADY STATE OF MARYLAND

AREA 3, LOT 1, PLAT 78-050
TAX ACCOUNT #: 1600011168
DEED REF. #: 16351/ 92

OWNER
BC Area 3 Lot 1, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

APPLICANT
Wawa, Inc.
260 W. Baltimore Pike
Wawa, PA 19063
(610) 558-8000

PETITION FOR SPECIAL EXCEPTION

1. Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant.

SHEET INDEX

1. LOCATION PLAN AND SITE DATA
2. ZONING PLAT
3. SCHEMATIC LANDSCAPE PLAN
4. SIGNAGE PLAN

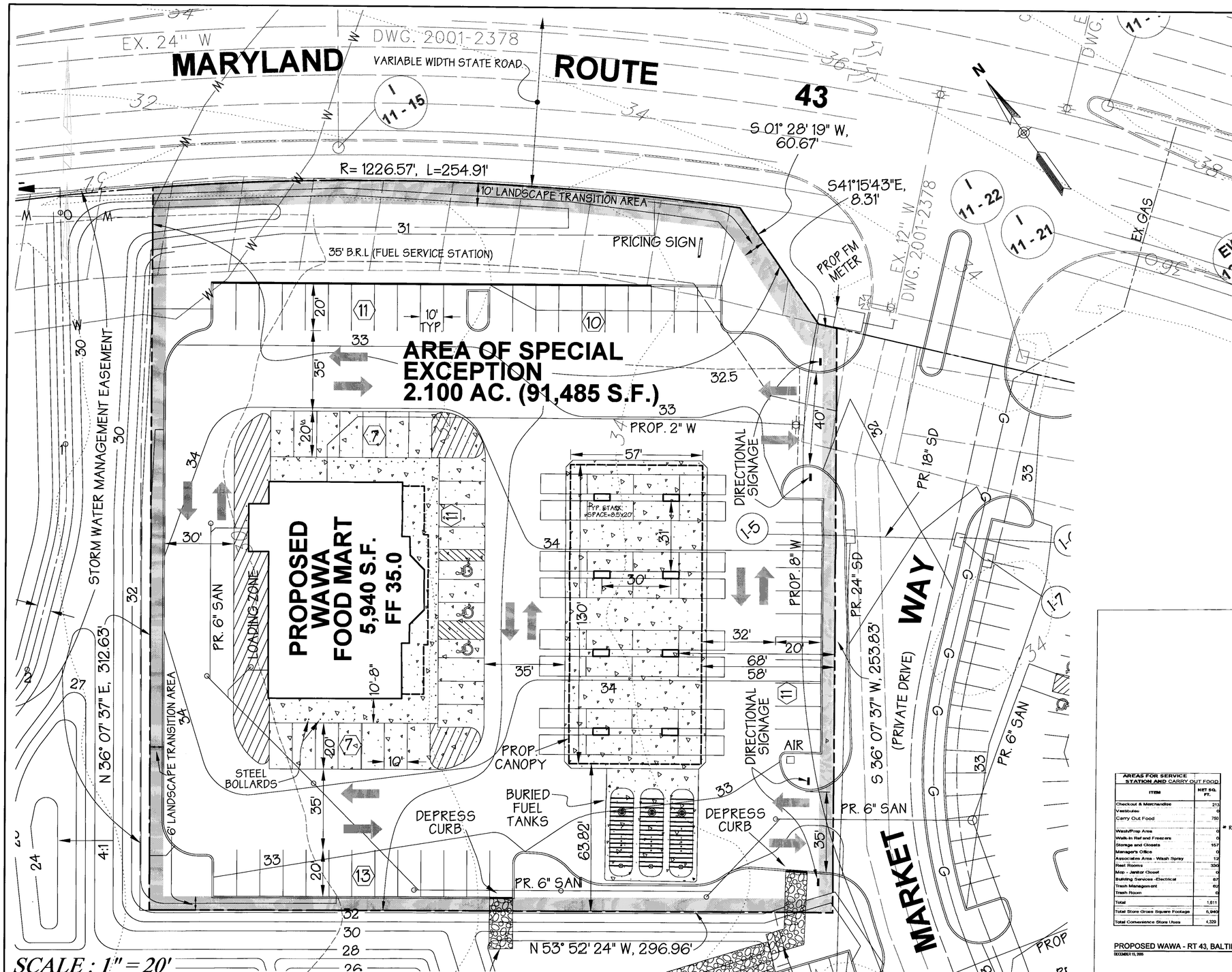
Plan to Accompany A Petition for a Special Exception

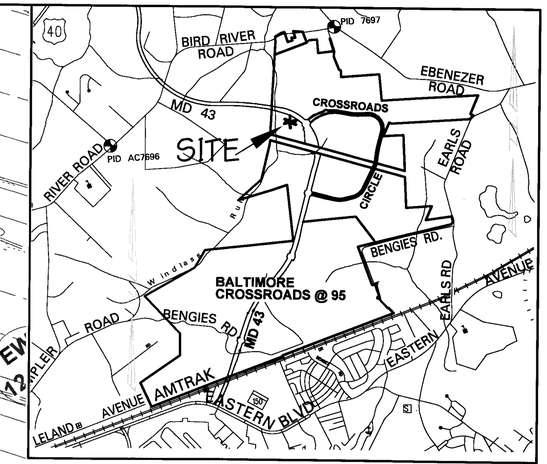
WAWA STORE

Baltimore Crossroads Area 3, Lot 1
11905 Market Way

Tax Map 83
Parcel 147
Scale: 1" = 50'

Election District 15
January 10, 2006
Sheet 1 of 4



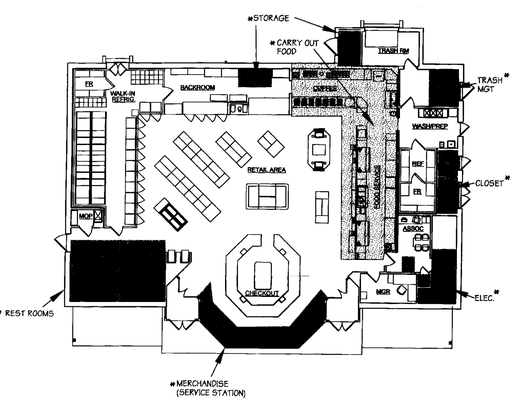


VICINITY MAP

SCALE: 1" = 2000'

LEGEND

PROPERTY LINE
EX. FIRE HYDRANT
EX. WATER
EX. STORM DRAIN
EX. SANITARY
PROP. WATER
PROP. STORM DRAIN
PROP. SANITARY
EX. CURB & GUTTER
PROP. CONC. C & G
EX. TELEPHONE MANHOLE
EX. CHAIN LINK FENCE
EX. PARKING LOT LIGHT
EX. UTILITY POLE
EX. GUY WIRE
EX. OVERHEAD LINE
EX. ZONING LINE
PROP. CONCRETE
ZONED BL AS
LANDSCAPE TRANSITION AREA



AREAS FOR SERVICE STATION AND CARRY OUT FOOD	
ITEM	NET SQ. FT.
Checkout & Merchandise	213
Vestibules	0
Carry Out Food	750
Wash/Prep Area	0
Walk-In Ref and Freezers	0
Storage and Closets	157
Manager's Office	0
Associates Area - Wash Spray	12
Rest Rooms	330
Mop - Janitor Closet	0
Building Services -Electrical	87
Trash Management	62
Trash Room	0
Total	1,611
Total Store Gross Square Footage	5,940
Total Convenience Store Uses	4,329

*SERVICE STATION/CARRY OUT FOOD AREAS

PROPOSED WAWA - RT 43, BALTIMORE COUNTY, MD

DECEMBER 15, 2005 SCALE: N.T.S.

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

PROFESSIONAL ENGINEER No. 16558 JOSEPH K. SINSKEY STATE OF MARYLAND

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Plan to Accompany A Petition for a Special Exception

WAWA STORE

Baltimore Crossroads Area 3, Lot 1
11905 Market Way

Tax Map 83
Parcel 147
Scale: 1" = 20'

Election District 15
January 10, 2006
Sheet 2 of 4

06-355-X

MD ROUTE 43

EX. 24" W

DWG. 2001-2378

OPEN CHANNEL - ReV

PRICING SIGN

PROP FM METER

EX. 12" W DWG. 2001-2378

EX. 15" RCCP

AREA OF SPECIAL EXCEPTION
2.100 AC. (91,485 S.F.)

SWM POND NOT IN THIS SITE DEVELOPMENT

STORM WATER MANAGEMENT EASEMENT

PROP. 2" W

DIRECTIONAL SIGNAGE

PROPOSED WAWA FOOD MART
5,940 S.F.
FF 35.0

PR. 6" SAN

LOADING ZONE

94'-0"

58'-0"

STEEL BOLLARDS

PROP. CANOPY

BURIED FUEL TANKS

DEPRESS CURB

PR. 6" SAN

FOREBAY

24' FOREBAY

4:1

PROP. 8" W

(PRIVATE DRIVE)

WAY

MARKET

DEPRESS CURB

PROP. RETAIL/REST.
5077 S.F.
FF 35.0

PR. 6" W

PROP. 8" W

LEGEND

PROPERTY LINE	
EX. FIRE HYDRANT	
EX. WATER	
EX. STORM DRAIN	
EX. SANITARY	
PROP. WATER	
PROP. STORM DRAIN	
PROP. SANITARY	
EX. CURB & GUTTER	
PROP. CONC. C & G	
EX. TELEPHONE MANHOLE	
EX. CHAIN LINK FENCE	
EX. PARKING LOT LIGHT	
EX. UTILITY POLE	
EX. GUY WIRE	
EX. OVERHEAD LINE	
EX. ZONING LINE	
PROP. CONCRETE	ZONED BL,AS

LEGEND

MAJOR DECIDUOUS TREE

MINOR DECIDUOUS TREE

EVERGREEN TREE

SHRUB

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	369 LF	9.2
B	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	313 LF	7.8
C	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
D	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
E	PARKING LOT INTERIOR	1 PU / 12 SPACES	70 SPACES	5.8
F	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	110 LF	5.5
G	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	222 LF	11.1
TOTAL REQUIRED / TOTAL PROPOSED 46 / 48				

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SCALE : 1" = 20'

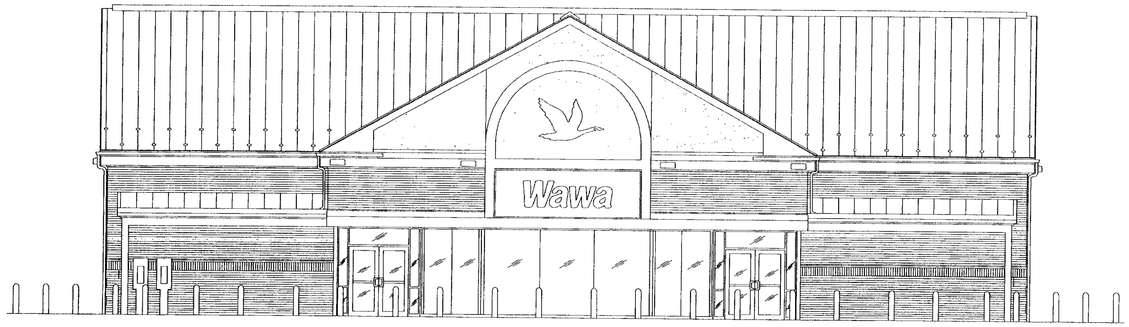
SCHEMATIC LANDSCAPE PLAN

WAWA STORE

Baltimore Crossroads Area 3, Lot 1
11905 Market Way

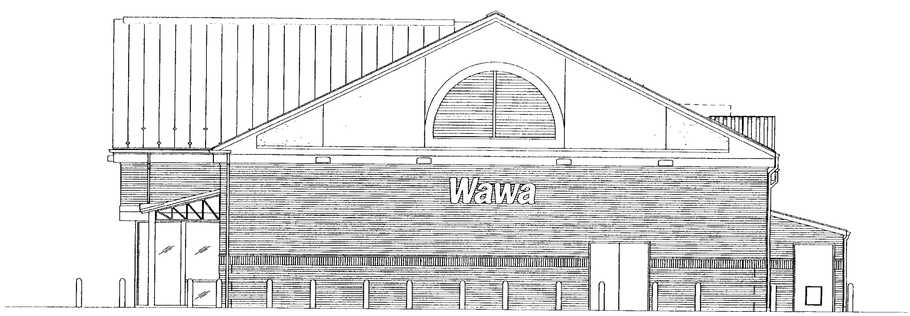
Tax Map 83
Parcel 147
Scale: 1" = 20'

Election District 15
January 10, 2006
Sheet 3 of 4



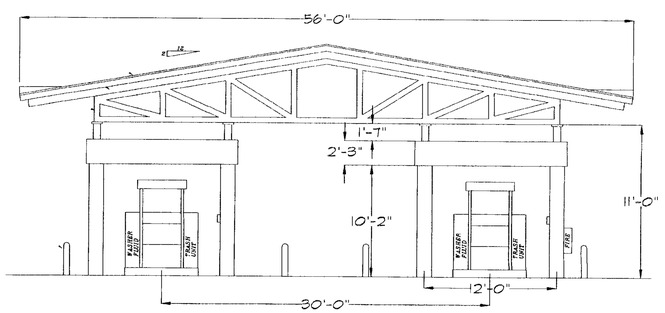
STORE - FRONT ELEVATION

N.T.S.



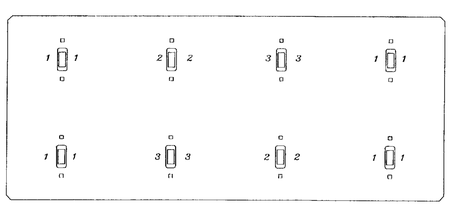
STORE - RIGHT SIDE ELEVATION

N.T.S.



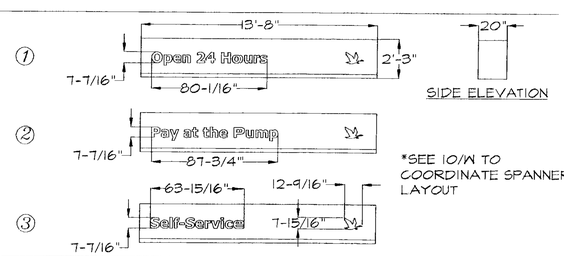
CANOPY - SIDE ELEVATION

N.T.S.



MPD PLAN (FOR SPANNER COORDINATION)

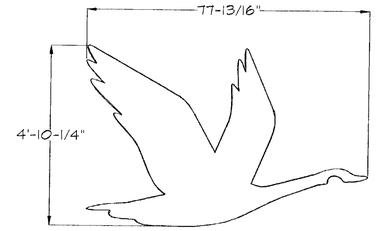
N.T.S.



*SEE 10/W TO COORDINATE SPANNER LAYOUT

SPANNERS

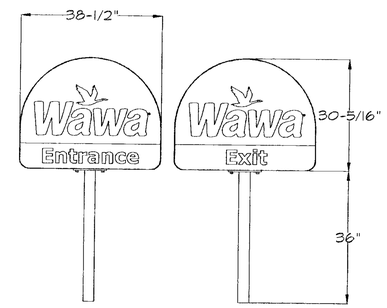
N.T.S.



NOTE: INTERNALLY ILLUMINATED

GOOSE LOGO

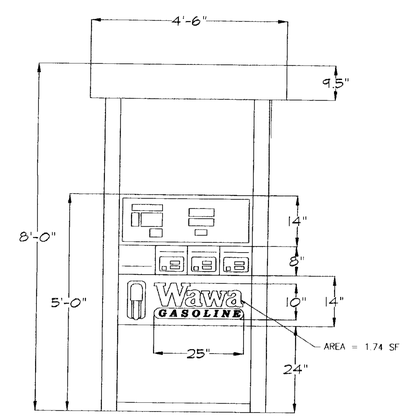
N.T.S.



NOTE: INTERNALLY ILLUMINATED (4 total)

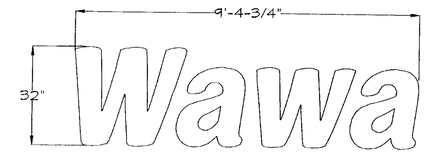
DIRECTIONAL SIGNS

N.T.S.



TYPICAL GAS PUMP

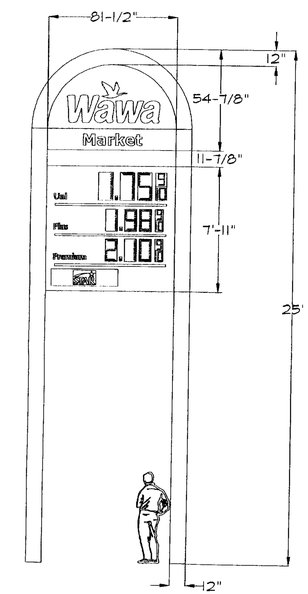
N.T.S.



NOTE: INTERNALLY ILLUMINATED (2 per site)

CHANNEL LETTERS

N.T.S.



NOTE: INTERNALLY ILLUMINATED; LED PRICING

PRICING SIGN

N.T.S.

THIS IS TO BE UTILIZED FOR SIGNAGE INFORMATION ONLY

PER B.C.Z.R. SECTION 259.11.D: SIGNAGE SHALL COMPLY WITH THE PATTERN BOOK [FOR BALTIMORE CROSSROADS@95]

NO.	DATE	REVISION	BY

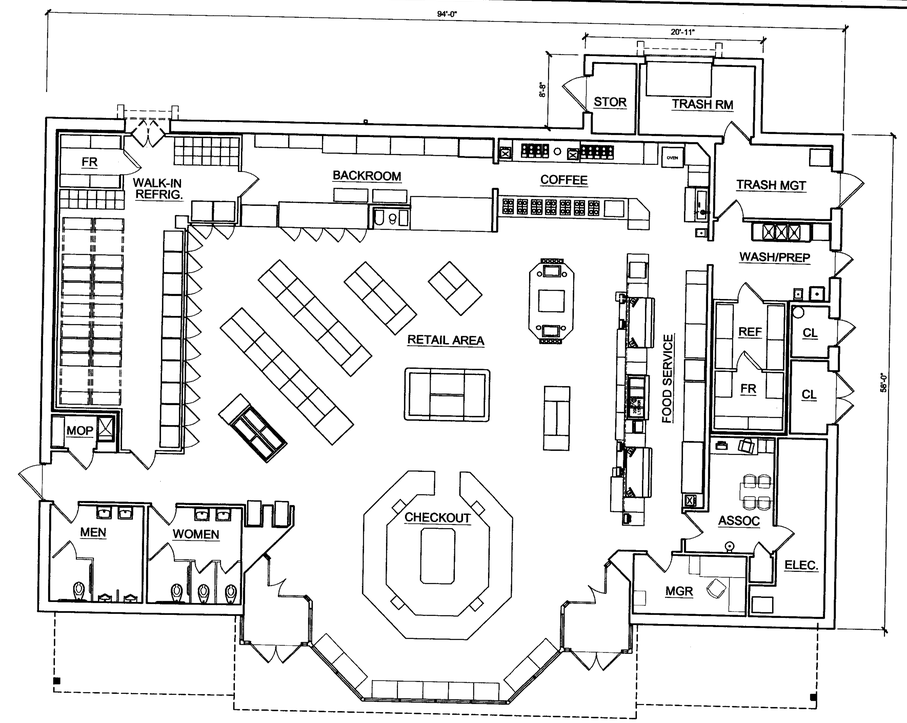
PROPOSED WAWA FOOD MARKET

RT 43 CROSSROADS @ 95
WHITEMARSH, MD BALTIMORE

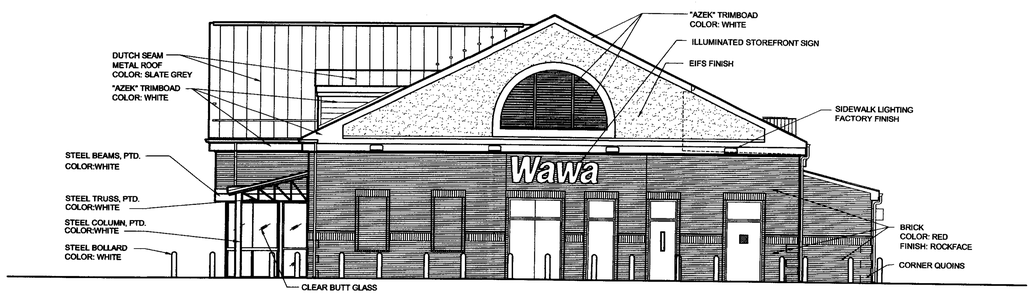
PROJECT NO.
SCALE: NTS
DATE: 12/06/05
DRAWN BY: AMI
CHECKED BY:
DRAWING NO.

WAWA INC. ENGINEERING DEPT.
260 W. BALTIMORE PIKE
WAWA PA. 19063
(610) 358-8000 fax(610) 358-8828

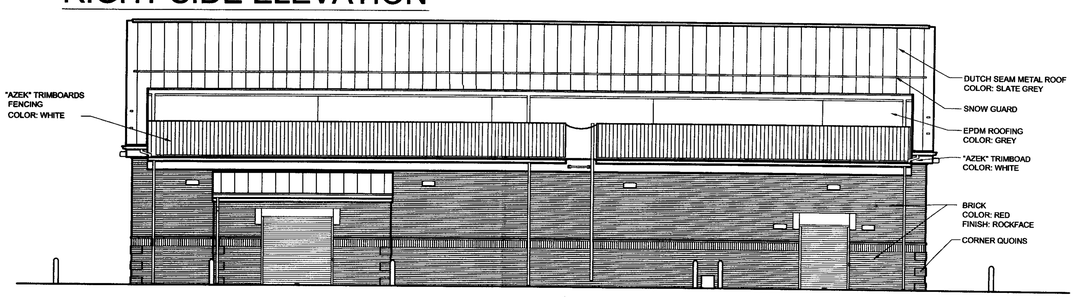
SHEET NO. 4 of 4



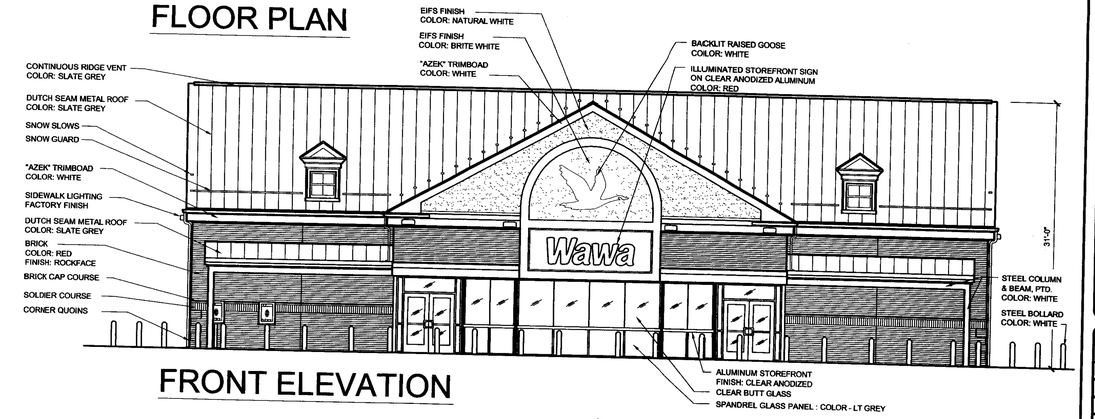
FLOOR PLAN



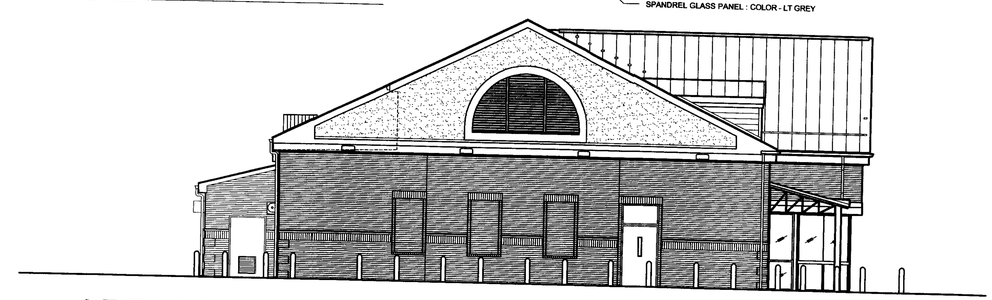
RIGHT SIDE ELEVATION



REAR ELEVATION



FRONT ELEVATION



LEFT SIDE ELEVATION

SIMILAR TO RIGHT SIDE ELEVATION

lynchmartinez • ARCHITECTS LLC
Raymond C. Lynch : NJ 06465 PA 17564; VA 002495 NH 02567B
James P. Dodd : PA 011557x
20 South Maple Street Suite 200 Ambler, PA 19002 ph 215.646.9530 fax 215.646.9531 www.lynchmartinez.com
Cesar R. Martinez : CT: 5828 DE 4017

6014-R

WAWA FOOD MARKET
ROUTE 43, AREA 3
BALTIMORE COUNTY
MARYLAND

BUILDING FLOOR PLAN AND EXTERIOR ELEVATIONS

JOB NO.:	2005.RWB
SCALE:	1/8"=1'-0"
PROG. BY:	OM
DATE:	15 DEC 05
REVISED:	09 DEC 06

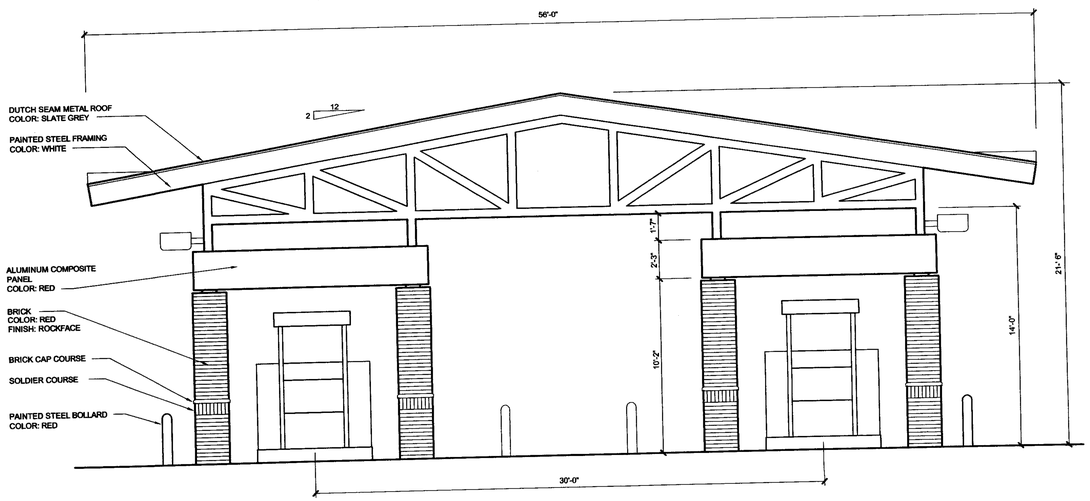
STORE NO.
RWB
BALTIMORE CO., MD
Wawa

F:\WAWA\ZONING\RWB-ZONT.DWG

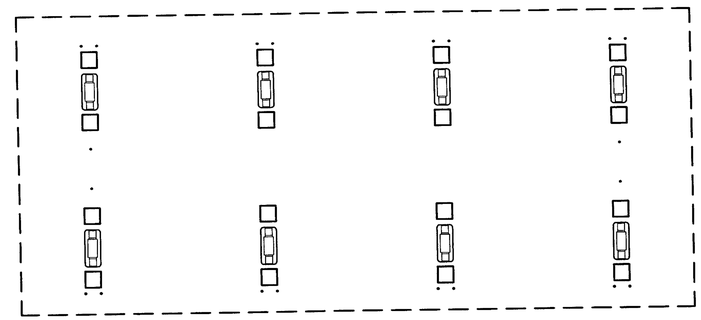
Z1

1 OF 2

PET. EX. No. 3

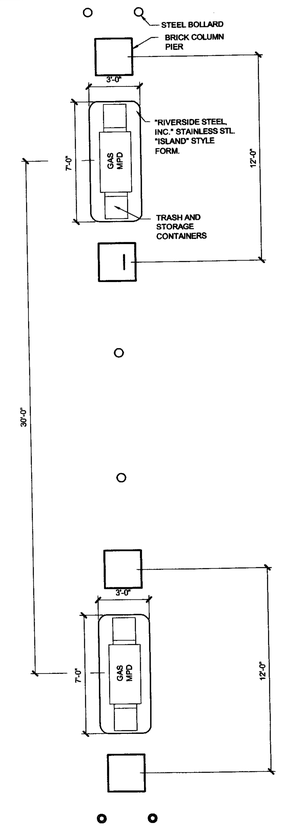


SIDE ELEVATION

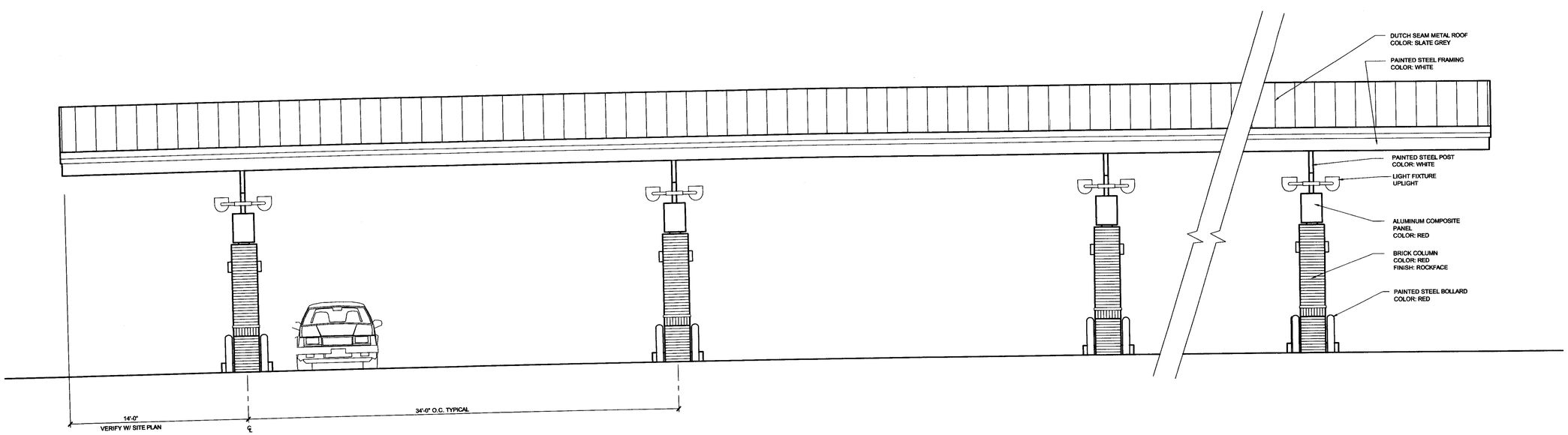


PLAN

NOT TO SCALE



ISLAND PLAN



STREET ELEVATION

lynchmartinez • ARCHITECTS LLC
Cesar R. Martinez : NJ 08-649 PA 7154A VA 008495 NY 026479
Raymond C. Lynch : NJ 08114 MD 60146 CT 5628 DE 4017
James P. Dodd : PA 011537A
20 South Maple Street Suite 200
Ambler, PA 19002
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lmmdprojects@aol.com

ARCHITECTURAL REGISTRATION BOARD
6014-R
STATE OF MARYLAND

WAWA FOOD MARKET
ROUTE 43 AREA 5
BALTIMORE COUNTY,
MARYLAND

CANOPY
ELEVATIONS
AND
DETAILS

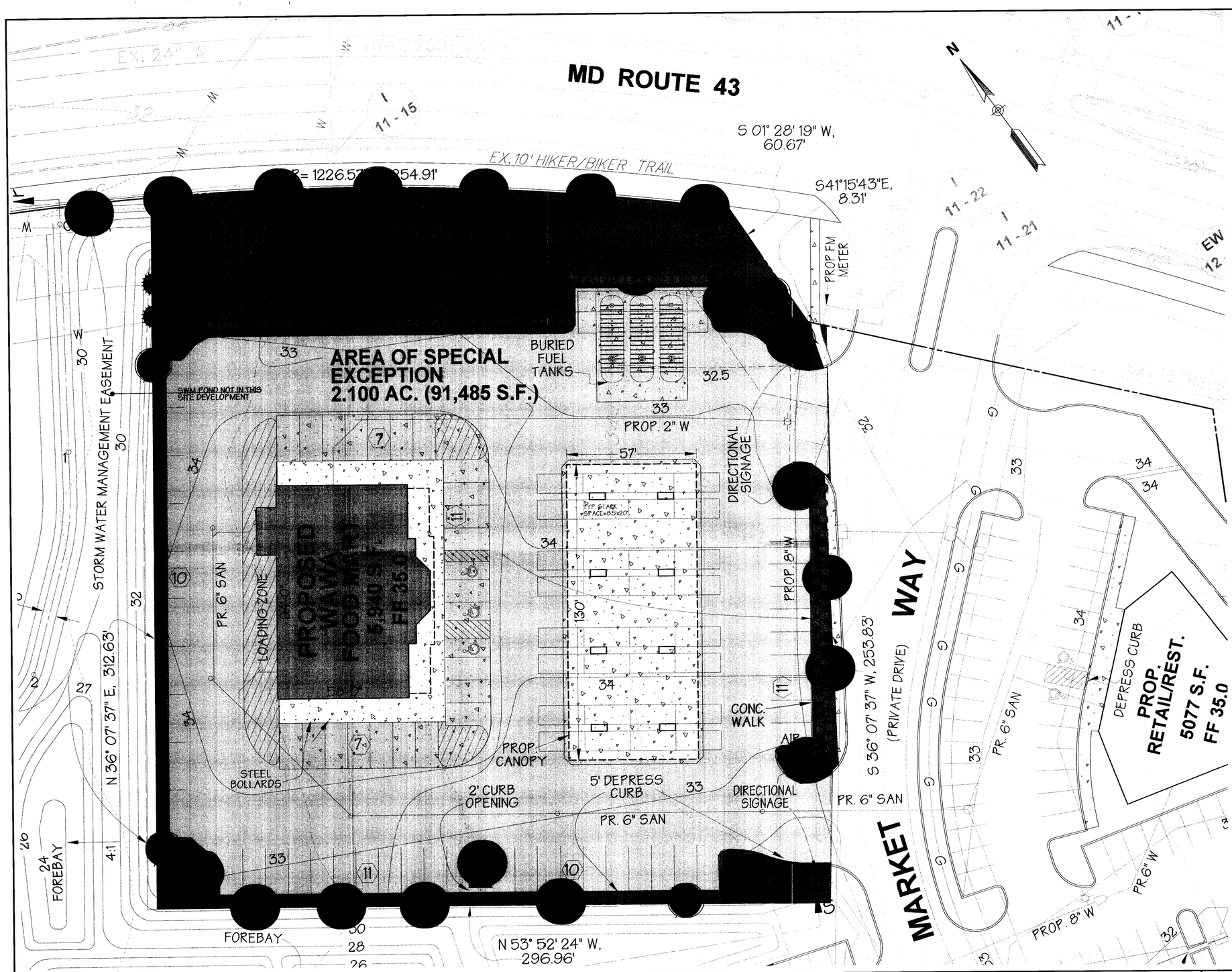
JOB NO.:	2005.RWB
SCALE:	AS NOTED
PROG. BY:	OM
DATE:	15 DEC 05
REVISED:	09 FEB 06

STORE NO.
RWB
BALTIMORE CO., MD
Wawa

H:\WAWA\ZONING\RWB-zone2.DWG

Z2

2 OF 2



LEGEND

PROPERTY LINE
EX FIRE HYDRANT
EX WATER
EX STORM DRAIN
EX SANITARY
PROP. WATER
PROP. STORM DRAIN
PROP. SANITARY
EX CURB & GUTTER
PROP. CONC. C & G
EX TELEPHONE MANHOLE
EX CHAIN LINK FENCE
EX PARKING LOT LIGHT
EX UTILITY POLE
EX GUY WIRE
EX OVERHEAD LINE
EX ZONING LINE
ZONED BL-AS
PROP. CONCRETE

LEGEND

MAJOR DECIDUOUS TREE
MINOR DECIDUOUS TREE
EVERGREEN TREE
SHRUB

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	369 LF	9.2
B	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	313 LF	7.8
C	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
D	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
E	PARKING LOT INTERIOR	1 PU / 12 SPACES	70 SPACES	5.8
F	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	110 LF	5.5
G	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU /20 LF	222 LF	11.1
TOTAL REQUIRED / TOTAL PROPOSED 48 / 51				

Matis Warfield
consulting engineers
10540 york road suite m
hunt valley, maryland 21030
phone 410-683-7904
facsimile 410-683-1798
www.matiswarfield.com

PETITION FOR SPECIAL EXCEPTION

1. Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant.

SCALE : 1" = 20'

2/8/06 Reconfigure parking per Office of Planning and revise number of parking spaces provided. Add sidewalk to connect to MD 43. Move location of underground tanks. Adjust landscaping accordingly.

2/16/06 Add shrubs along Market Way.

SCHEMATIC LANDSCAPE PLAN

WAWA STORE

Baltimore Crossroads Area 3, Lot 1
11905 Market Way

Tax Map 83
Parcel 147
Scale: 1" = 20'

Election District 15
January 10, 2006
Sheet 3 of 4

PET. EX. 2