IN RE: PETITION FOR VARIANCE

Southwest Side of Reisterstown Road, 1100'

Northwest of Centerline of Kenmar Avenue

4th Election District

4th Councilmanic District

(9746-9750 Reisterstown Road)

\* CASE NO. 06-402-A

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Garrison Realty Investors, LLC, Legal Owners
Sam's Real Estate Business Trust,

\*
Contract Purchaser/Lessee

Petitioners

\*

\*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Garrison Realty Investors, LLC, c/o Cordish Company, Legal Owners, and Sam's Real Estate Business Trust, Contract Purchaser of the subject property. The variance request is for property located at 9746-9750 Reisterstown Road in the Owings Mills area of Baltimore County. The variance request is from Section 409.6A(2) of the Baltimore County Zoning Regulations (B.C.Z.R), to allow 1,364 parking spaces for a shopping center and fuel service station in lieu of 1,464 spaces required.

#### **Amended Petition**

At the outset of the hearing, Mr. Lanzi indicated that the proposed fuel service station would displace 100 parking spaces on the existing parking field of 1464 spaces. However in addition to removing these spaces Mr. Lanzi indicated that the service station itself required two spaces for employees. Consequently the Petitioner amended its request to provide 1364 spaces in lieu of 1466 spaces. The protestants did not object to this minor change.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Michele Wright, Glenn Cook, Steve Warfield of Matis Warfield, Inc. who prepared the site plan, attended the hearing. J. Neil Lanzi, Esq. represented the Petitioners. Thomas Whitcomb, Jr. Thomas Whitcomb Sr. and Malik Imran appeared at the hearing in opposition to the requests. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

#### **Zoning Advisory Committee**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the State Highway Administration dated March 23, 2006 (revised) and the Office of Planning dated March 17, 2006, copies of which are attached hereto and made a part hereof.

#### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

# 

#### **Testimony and Evidence**

The subject property contains 21.68 acres which was rezoned to BM from ML-IM and MLR in the 2000 comprehensive mapping process. Thereafter the property was improved with very large retail store with a Wal Mart on the top floor and Sam's Club on the bottom floor. Both are open and operational. The Petitioner provided more parking than was needed (1464 spaces) for these two stores.

Now the Petitioner would like to build a fuel service station for customers of these two stores on a little used portion of the parking lot as shown in exhibit 1. Also see exhibit 2, a larger detail of the proposed fuel station. Mr. Lanzi presented a letter dated February 24, 2005 from the Planning Office which indicated that the property had been designated as a "planned shopping center" and therefore a fuel service station could be erected by right. See exhibit 5.

Mr. Warfield described the many commercial and industrial uses surrounding the property as well as the railroad tracks and gas pipelines bordering the property. See photographs of surrounding roadways and uses, exhibit 3. The proposed fuel service station would occupy the far corner of the parking lot which is bordered on two sides by woods and on the other side by the remaining parking lot. See exhibit 4 A and 4 B. He opined that the proposed use was compatible with the commercial uses on the property and the uses on the adjoining properties. Finally he noted that service station would actually reduce the impervious area as compared to a parking lot and that the storm water runoff would handled by the underground storm water management facilities of the center. There is a small storm water management facility for water quality on the plan.

Mr. Warfield opined that the proposed fuel service station would meet all requirements of Section 405 of the regulations. He noted that there would be no repairs of vehicles on the fuel

service station area although the Center has some limited repair capabilities. He noted that this portion of the parking lot is little used as it is quite a distance to the two stores. He opined that even with the loss of 100 spaces, the Center still had more than adequate parking for customers. He also indicated that there was no land available adjacent to the property which could be obtained to increase the existing parking lot and that the proposed use would not be detrimental to the neighborhood.

Upon questioning by the protestants, Mr. Warfield noted that there would be no danger to the environment due to flooding from nearby streams and flood plains. He noted that a full study of the flood plain was completed for the Wal Mart project which showed this area was not subject to flooding as the parking lot was well above the flood plain.

Ms. Wright who represented Wal Mart testified that there would be no food, vending or service at the fuel service station. One attendant would operate the station from the enclosed office/pay location. The station would meet all environmental standards. Hours would be from 6 Am to 9:30 PM everyday except Sunday when the hours would be 9 AM t 7 PM. She presented a letter of support from the Chamber of Commerce, exhibit 7 and noted that the plan had been presented to the Reisterstown Owings Mills Glyndon Council who had no objection. Finally she noted that the proposed station would not be visible from Reisterstown Road nor would there be signs on Reisterstown Road so that it would not attract travelers.

Mr. Cook, registered professional traffic engineer, testified that there would be no adverse impact on traffic in the area, there were no deficient trafficsheds in the area or failing intersections. He opined the 94 % of customers of the proposed fuel service station will come from customers of Wal Mart and Sam's Club. Upon questioning by the protestants, he denied that there were failing intersections in the area according to Baltimore County in spite of testimony by the protestants that the State was widening Reisterstown Road to relieve failing intersections.

testimony by the protestants that the State was widening Reisterstown Road to relieve failing intersections. At this point in the hearing, the parties had a general discussion of the differences in rating intersection between the State and County.

The protestants own competing fuel service stations on Reisterstown Road. They pointed out that there are 12 or 13 gas stations on Reisterstown Road now so that there is no need for another one. They noted that two stations recently went out of business. They also recalled the many floods in the immediate area of the proposed station and opined the proposed use would be flooded out periodically.

#### Findings of Fact and Conclusions of Law

I can sympathize with the protestants who own fuel service stations on Reisterstown Road not wanting any further dilution of their customer base. Two such stations have recently closed. Yet economic need is not a criteria which supports or prevents variances. Again they testified that the State is taking frontage of their properties on Reisterstown Road to improve failing intersections. As strange as it may seem to them, the County does not show these intersections failing probably due to the different intersection rating systems. Finally Mr. Warfield indicated that this portion of the parking lot is not in the flood plain and so the underground tanks will not be endangered by flooding. I hope he's right about this because if 33,000 gallons of gasoline spill into the headwaters of the Gwynns Falls or Jones Falls due to flood there would be serious environmental consequences.

I find the property unique in a zoning sense in that this is a small tail on a very large commercial enterprise. This section of the parking lot is oddly shaped and far enough away from the stores to be rarely used. The overall property is surrounded by railroad, gas lines, commercial and industrial uses. I find that the Petitioner would suffer hardship and practical

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difficulty as there is no other land available in the area which could be purchased to provide the lost parking spaces and two additional spaces.

Finally I find that the variance can be granted within the spirit and intent of the BM regulations where fuel service stations can be erected by right. I do not believe that there will be an adverse affect on the community given the industrial and commercial uses in the area. Ih regard to impact, I note there will be no signage on Reisterstown Road so that travelers will not know the station exists unless they are also customers of the Wal Mart/ Sam's Club stores. Frankly the site is so remote and invisible, I wonder if it can be financially successful. This is not for me to say of course, as neither need for additional stations nor likely business success need be shown for variance relief in this zone.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this \_\_\_\_\_\_ day of April, 2006, that the variance request from Section 409.6A(2) of the Baltimore County Zoning Regulations (B.C.Z.R), to allow 1,364 parking spaces for a shopping center and fuel service station in lieu of 1,466 spaces required, be and are hereby GRANTED subject to the following conditions:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until 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 comply with the ZAC comment submitted by the Office of Planning, dated March 27, 2006, a copy of which is attached and made a part hereof prior to issuing a building permit.
- 3. There shall be no signage on Reisterstown Road announcing the fuel service station.

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

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

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw



JAMES T. SMITH, JR. County Executive

April 12, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

J. Neil Lanzi, Esquire 409 Washington Avenue Suite 617 Towson, Maryland 21204

Re: Petition for Variance
Case No. 06-402-A
Property: 9746-9750 Reisterstown Road

Dear Mr. Lanzi:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance 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

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Garrison Realty Investors, LLC, c/o Glen Weinberg, Authorized Person, 601 E. Pratt St., 6<sup>th</sup> Floor, Baltimore, MD 21202-3111

Martin Gilbert, Jr., Sam's Real Estate Business Trust, 702 SW 8<sup>th</sup> Street, Bentonville, AK 72716-0500

Michele Wright, 102 Trout Lily Drive, Corington, VA 24426

Glenn Cook, 9900 Franklin Square Drive, Suite H, Baltimore, MD 21236

Steve Warfield, Matis Warfield, 10540 York Road, Suite M, Hunt Valley, MD 21030

Thomas G. Whitcomb, Sr., & Thomas G. Whitcomb, Jr., 10231 Reisterstown Road, Owings Mills, MD 21117

Malik Imran, 10540 Reisterstown Road, Owings Mills, MD 21117

People's Counsel; Case File; Avery Harden, Balto. Co. Landscape Architect



# Petition for Variance

#### to the Zoning Commissioner of Baltimore County

for the property located at 9746-9750 Reisterstown Road

which is presently zoned BM

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

409.6A(2) of the BCZR to allow 1364 parking spaces for a shopping center and fuel service station in lieu of 1464 spaces required.

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

See attached

DESIGNATION OF THE PROPERTY OF

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

Contract Purchaser/Lessee:
Sam's Real Estate Business Trust
Name - Type of Print BY: Martin Gilbert, Jr.
Signature
702 SW 8th Street
Address Telephone No.
Bentonville, AK 72716-0500
City State Zip Code
Attorney For Petitioner:
J. Neil Lanzi
Name - Type or Print
Signature J. Neil Lanzi, P.A.
Company 409 Washington Ave Ste 617 410-296-0686
Address Telephone No. Towson, MD 21204
City State Zip Code
Case No. 06-602-64
R80 9115198

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.

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Legal	ΙO	Wn	er(:	s):

City

Garrison	Realty	Investors,	LLC c/	0

Name - We or Frint	Cordish Company	<del></del>
Signature Glen <b>k</b> Weinberg,	Managing-Hombon	zersom

Name - Type or Print

Signature 410-752-5444 601 E. Pratt St, 6th Fl

Address Telephone No. Baltimore, MD 21202-3111

State

City

#### Representative to be Contacted:

J. Neil Lanzi		
Name 409 Washington Ave,	Ste 617	410-296-0686
Address Towson, MD 21204		Telephone No.
City	State	Zip Code

#### OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING Reviewed By 570-7 Date 07-16-06

06-402-(-)

Zip Code

#### PETITION FOR VARIANCE

Petitioner, Sam's Real Estate Business Trust, for the property known as 9750 Reisterstown Road, hereby petitions the Zoning Commissioner for the following variance from the Baltimore County Zoning Regulations:

Variance from Section 409.6 A(2) to allow 1364 parking spaces for an existing shopping center with a proposed fueling station in lieu of 1464 spaces required.

Previous Cases 02-413-A and 02-414-A for sign variances are not affected by proposed fuel service station.

The Zoning Commissioner has the power to grant variances in cases where strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty or unreasonable hardship to Petitioner. Petitioner further states the granting of the variances requested will provide substantial justice to the Petitioner and will allow for the observance of the spirit of the BCZR while maintaining the security of the public safety and welfare.

## Matis Warfield

consulting engineers

#### **ZONING DESCRIPTION**

Beginning at a point on the southwest side of Reisterstown Road (MD Route 140) which is 66-feet wide at the distance of 1100-feet northwest of the centerline of the nearest improved intersecting street, Kenmar Avenue, which is 30-feet± wide. Thence the following courses and distances:

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S 62° 25' 50" W 167.62';
S 72° 28' 50" W 46.67';
S 56° 23' 50" W 10.00';
S 34° 23' 50" W 11.58';
S 0° 48' 50" W 21.50';
S 62° 38' 50" W 75.17';
S 42° 05' 51" W 247.90';
S 65° 13' 40" E 183.63';
S 52° 32' 20" W 572.35';
S 06° 42' 40" E 319.50';
S 83° 17' 20" W 75.50';
S 06° 42' 40" E 37.33';
S 34° 43' 47" W 181.49';
ARC WITH A RADIUS OF 2914.68' LENGTH: 788.17' (CHORD: N 33° 35' 42" W);
N 41° 20' 30" W 813.04';
N 34° 44' 30" E 290.87';
S 65° 16' 30" E 859.60';
S 65° 16' 30" E 408.29';
N 43° 05' 00" E 576.62';
S 48° 42' 40" E 167.72';
To the point of beginning,
As recorded in Deed Liber 14284, Folio 480
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Containing 21.56-acres±. Also known as 9746 Reisterstown Road, Garrison Realty Investors, LLC Property and located in the 4<sup>th</sup> Election District.

Matis Warfield, Inc.

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

#### 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: #06-402-A

9746-9750 Relsterstown Road Southwest side of Relsterstown Road, 1100 feet north-

west centerline of Kenmar Avenue

4th Election District - 4th Councilmanic District

Legal Owner(s): Garrison Realty Investors, LLC,

c/o Cordish Company

Contract Purchaser: Sam's Real Estate Business Trust,

By: Martin Gilbert, Jr.

Variance: to permit 1364 parking spaces for a shopping center and fuel service station in fleu of 1464 spaces required.

Hearing: Thursday, March 23, 2006 at 11:00 a.m. 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 accommodations Please Contact the Zoning Com-

missioner'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/3/628 Mar. 7

#### CERTIFICATE OF PUBLICATION

39,2006	   
THIS IS TO CERTIFY, that the annexed advertisement wa	s published
n the following weekly newspaper published in Baltimore Co	ounty, Md.,
once in each ofsuccessive weeks, the first publication	i appearing
on $3/7/2006$ .	
The Jeffersonian	1
Arbutus Times  Catanguilla Times	
Catonsville Times Towson Times	! !
Owings Mills Times	
□ NE Booster/Reporter	
☐ North County News	i
1/1/1/ M. San	نام المناسبة على ال

LEGAL ADVERTISING

			CASHIER'S WALDATION
MISCELLANEOUS RECEIPT ACCOUNT	AMOUNT \$	RECEIVED	DASTRIBUTION PHAK - AGENCY YELLOW - CUSTOMER

#### CERTIFICATE OF POSTING

RE: Case No.: 26-40Z-A

Petitioner/Developer: SAM'S REAC

ESTATE BUSINESS TRUST

Date of Hearing/Closing: 3-23-06

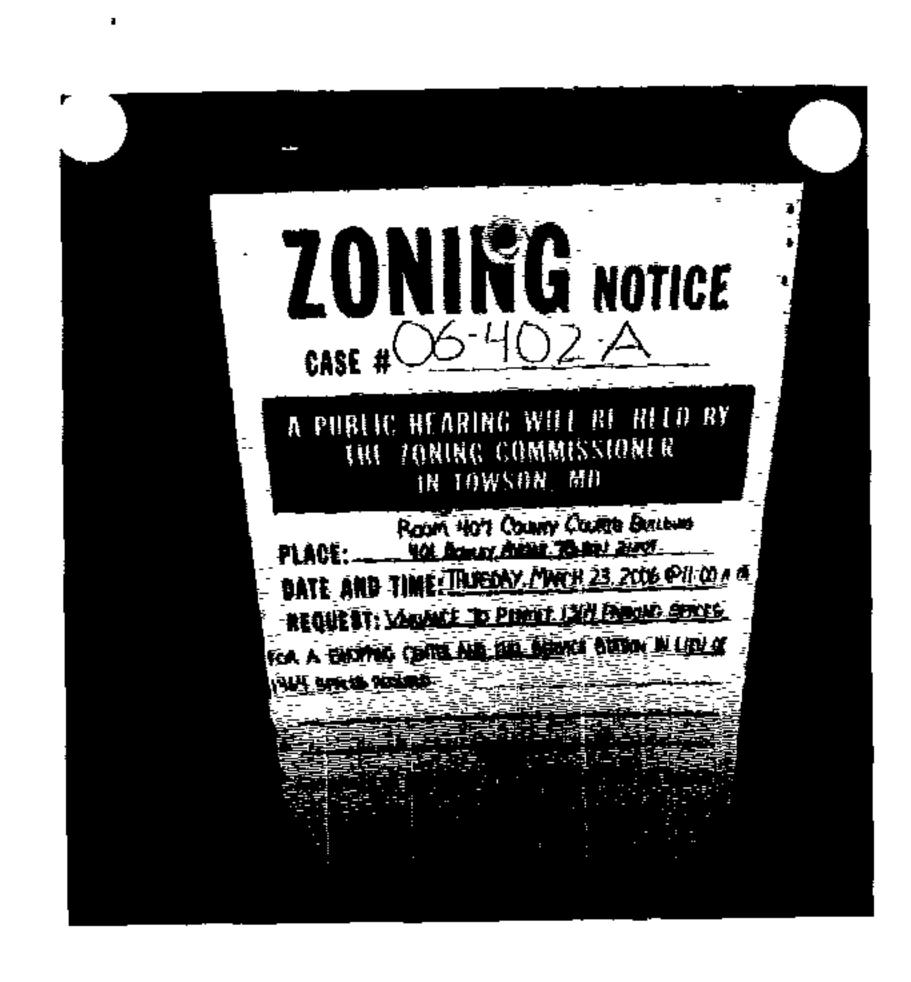
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204

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

Ladies and Gentlemen:

45

Sincerely,



(Signature of Sign Poster) (Date)
SSG Robert Black
(Print Name)
1508 Leslie Road
(Address)
Dundalk, Maryland 21222
(City, State, Zip Code)
(410) 282-7940
(Telephône Number)

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is utility 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: 06-407-6
Petitioner: Sam's Road Estate Business Trust
Address or Location: 9746-9750 Reislenstown Road
PLEASE FORWARD ADVERTISING BILL TO:
Name: JNP12 (anzi
Address: 409 Washington Owenus Suit 617
Towson MD 21204
100 00 00
Telephone Number: $40$ 296 0686

Revised 2/20/98 - SCJ

#### 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

February 27, 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: 06-402-A

9746-9750 Reisterstown Road

Southwest side of Reisterstown Road, 1100 feet northwest centerline of Kenmar Avenue

4th Election District—4th Councilmanic District

Legal Owners: Garrison Realty Investors, LLC, c/o Cordish Company

Contract Purchaser: Sam's Real Estate Business Trust, By: Martin Gilbert, Jr.

Variance to permit 1364 parking spaces for a shopping center and fuel service station in lieu of 1464 spaces required.

Hearing: Thursday, March 23, 2006 @ 11:00 a.m., Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

Timothy Kotroco Director

TK: raj

C: J. Neil Lanzi, Esquire, J. Neil Lanzi, P.A., 409 Washington Ave., Ste., 617, Towson, MD 21204 Garrison Realty Investors, LLC, c/o Cordish Company, Glenn Weinberg, 601 E. Pratt St., 6<sup>th</sup> Fl, Baltimore, MD 21202-3111 Sam's Real Estate Business Trust, By: Martin Gilbert, Jr., 702 SW 8<sup>th</sup> St., Bentonville, AK 72716-0500

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 8, 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, March 7, 2006 Issue - Jeffersonian

Please forward billing to:

J. Neil, Lanzi, Esq.

(410-296-0686)

409 Washington Avenue, Ste. 617

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: 06-402-A

9746-9750 Reisterstown Road

Southwest side of Reisterstown Road, 1100 feet northwest centerline of Kenmar Avenue 4th Election District—4th Councilmanic District

Legal Owners: Garrison Realty Investors, LLC, c/o Cordish Company

Contract Purchaser: Sam's Real Estate Business Trust, By: Martin Gilbert, Jr.

Variance to permit 1364 parking spaces for a shopping center and fuel service station in lieu of 1464 spaces required.

Hearing: Thursday, March 23, 2006 @ 11:00 a.m., 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 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

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 20, 2006

J. Neil Lanzi, P.A. 409 Washington Avenue, Ste 617 Towson, MD 21204

Dear Mr. Lanzi:

RE: Case Number: 06-402-A, 9746-9750 Reisterstown Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 16, 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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Garrison Realty Investors, LLC c/o Glenn Weinberg 601 E. Pratt St., 6<sup>th</sup> Floor Baltimore

21202

Sam's Real Estate Business Trust 702 SW 8th Street Bentonville, AK 72716-0500



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

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**DATE:** March 17, 2006

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9746-9750 Reisterstown Road

INFORMATION:

Item Number:

6-402

Petitioner:

Garrison Realty Investors, LLC

Zoning:

BM

Requested Action:

Variance

The property in question is improved with a Wal-Mart and Sam's Club, which has been determined to be a planned shopping center. The proposed fuel service station is permitted as a matter of right. The site is within the northern employment center of the Owings Mills Growth area.

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested parking variance for 1364 parking spaces in lieu of the required 1464 parking spaces subject to the following:

A final landscape plan and lighting plan should be submitted for review and approval by the County's Landscape Architect.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

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FK/LL: CM

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State Driven to Excel

Administration (

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

Maryland Department of Transportation

March 2, 2006

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

RE:

Baltimore County
Item No. 402 (JRA)

9746-9750 Reisterstown Road

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. However, the owner/developer will be required to obtain an access permit for the required entrance improvements along MD 140.

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,

Steven D. Foster, Chief

Engineering Access Permits Division



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

Maryland Department of Transportation

Date: March 23, 2006

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

RE: Baltimore County

Item No. 06-402-A (JRA) 9746-50 Reisterstown RD

REVISED

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD 140 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

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

Very truly yours,

Steven D. Foster, Chief

f. f. Stredlen

Engineering Access Permits Division

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** March 7, 2006

Department of Permits & Development Management

FROM:

Dennis Λ. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 6, 2006

Item Nos. 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 398, 399, 401, 402, 403

404, 405, and 406

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

DAK:CEN:clw cc: File

ZAC-NO COMMENTS-03072006

#### Fire Department

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



#### Baltimore County

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

County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 February 28,2006

ATTENTION: Zoning Review planners

Distribution Meeting of: February 27,2006

Item No.: 387, 388, 389, 390, 391, 392, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405 and 406

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office Phone(0)410-887-4881 Mail Stop - 1102F

cc: File



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

RE: PETITION FOR VARIANCE

9746-9750 Reisterstown Road; SW/S

Reisterstown Rd, 1100' NW Kenmar Avenue\*

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

Legal Owner(s): Garrison Realty Investers,

LLC c/o Cordish Company

Contract Purchaser(s): Sam's Real Estate

Business Trust, by Martin Gilbert, Jr.

Petitioner(s)

**BEFORE THE** 

ZONING COMMISSIONER

**FOR** 

**BALTIMORE COUNTY** 

06-402-A

#### 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 2nd day of March, 2006, a copy of the foregoing Entry of Appearance was mailed to, J. Neil Lanzi, Esquire, 409 Washington Avenue, Suite 617, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 0 2 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

ax almonermour

Rebin -

pehhan Item (06-402-A) before you pot it in for hearing can you call voor ni proposed adates. I have Deveral witherson (du) of toum) t I went to chack their weredule 00 we don't have to postpose the heaving.

Carcel Jehn and to leave to be well to be we

P. D. 50 M

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PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

# CITIZEN'S SIGN-IN SHEET

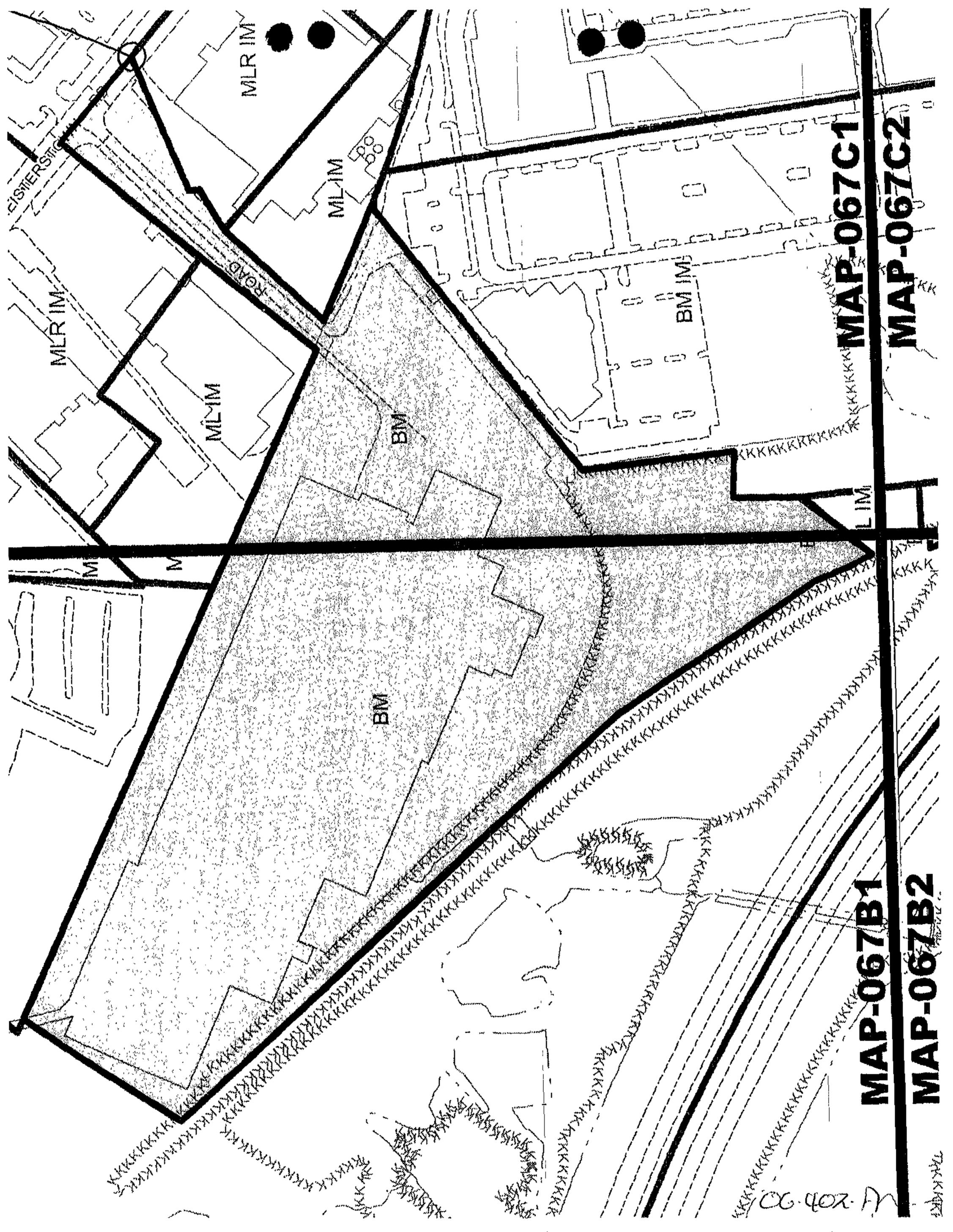
E-MAIL	This, teambs@ Ha. aom	malikinnen @ Verizonine									
CITY, STATE, ZIP	Chainson Milk Mal 21117	12									
ADDRESS	10231 Rojsterstown Rd 10231 Renterstown Rd	O Reis									
NAME	Thomas Gwhitembin	2 (									

PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

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NAME	Michale Wight	ن اود بر معاون	Dell Canzi	Steve Wartill									



#### Office of Planning

401 Bosley Avenue, Suite 406 Towson, Maryland 21204 Tel: 410-887-3211 • Fax: 410-887-5862 E-mail: planning@co.ba.md.us



# Glennore County

James T. Smith, Jr., County Executive Arnold F. 'Pat' Keller, Ill, Director

February 24, 2005

Received

MAR 1 4 2005

CORESTATES, GA

Ms. Michele Wright Core States Engineering 7 Jones Street, Suite C Norcross, GA 30071

Re: Sam's Fueling Station, DRC #111504E Garrison Realty Investors, LLC PDM # IV-659 Limited Exemption #01007

Dear Ms Wright,

The Development Plan known as the Garrison Realty Investors, LLC Property is designated as a planned shopping center. The plan was reviewed and approved by the Office of Planning as a "planned shopping center" on March 9, 2001. The proposed fuel service station at the location shown on the plan (south corner of the Sam's lot) is acceptable to the Office of Planning and can proceed as a matter of right as a refinement to the Development Plan, subject to other agency review.

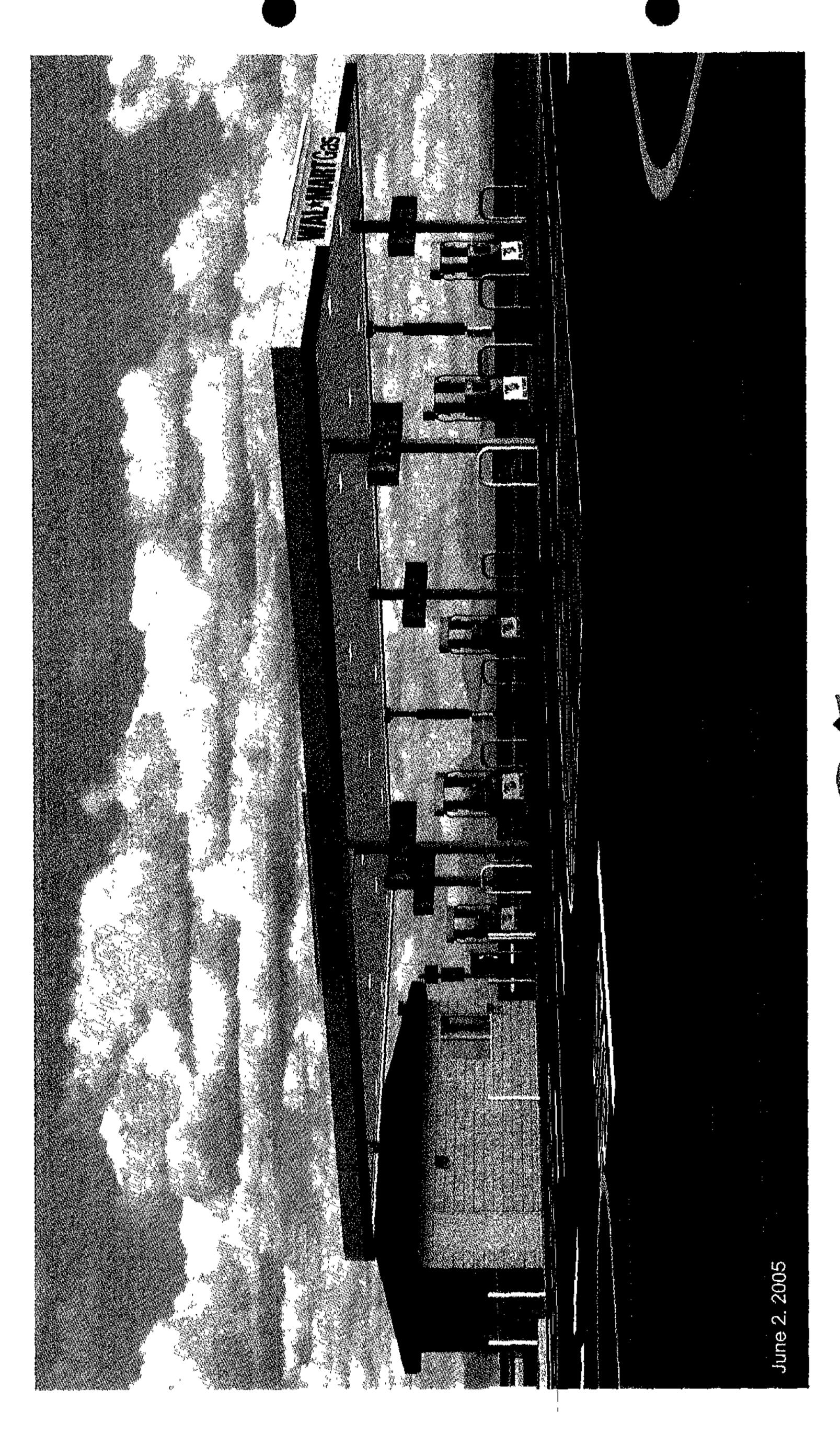
Sincerely,

Amold F. 'Pat' Keller, III Director

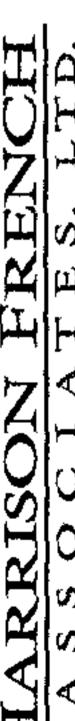
AFK:LL:11

C: Don Rascoe, PDM

Pit #5



Owning Mills, MD SAM'S CLUB # 4766





PAGE



#### REISTERSTOWN . OWINGS MILLS . GLYNDON CHAMBER OF COMMERCE

66 Painters Mill Road, Suite 1 . Owings Mills, MD 21117-3641 410-356-2888 • Fax 410-356-5112 E-mail: roung@romgchamber.org . Web addross: romgchamber.org

James Carroll, President James Carroll CPA L.L.C.

Brian A. Ditto, Executive Director Carolyn B. Eighler, Provident-Elect Brangfeld Motor Campany

Glerm Barnes, 1st Vice Proclident Long & Poster Real Briate, Inc.

Lindsay Jones, 2<sup>nd</sup> Vice President Paturent Publishing Company

James B. Miele, Tressurer Waddell & Road Financial Svos., Inc.

Raphol L. Heird Formers & Merchants Bank Noti M.Lovy, Socretary Levy, Mann, Capton & Polashuk, LLP

Brian D. Litofaky, Past Provident Crown Trophy

Christy L. Levine Surqueharma Bank

Manuel Bramao Hunangeon Learning Center

Kavin Buchay Dwings Mills Moll

Lynette R. Cohen Division of Rehab Services

Joyge Chape Bany Muvere

William W Kooney Keeney Architects

Juseph Kontoff 88&T

Sharon Knaskamp Atrium Village

Bill Loomhardt Hillon Garden Inn Owinge Mills

Barry Luciani Susquehanna Bank

Patrico McKlernan T. Roby Price Associatos, Inc.

Lyle Montanyo Cattler-Montanys, Inc.

Patty & Polmer Regal Bank & Trust

Anne Paulus GoToMyTown.com

Alico Rold Companionate Tue Service

Kirsten flauter Manpower International, Inc.

Ruth Blivink ICS Insurance Inc.

Nanoy Volpitta ImageLine On Hold

Erik (). Woxler Northwest Hospital Center/ 1. (faBridge Health

Kon Williams BUCS Federal Bank March 22, 2006

To Whom It May Concern:

Case #06-402-A

On behalf of the 300-member Reisterstown-Owings Mills-Glyndon Chamber of Commerce, I am writing to express the support of our organization for the proposed Sam's Club fuel service station. Members of the chamber's Legislative/Economic Development/Zoning Committee have met with representatives of Sam's Club to review the site plan and discuss the reduction in parking spaces. We believe the reduced number of spaces will have minimal impact on both the business and the public Furthermore, we were comfortable with the Club's response to our questions about traffic, Reisterstown Road signage, environmental and lighting/personal safety issues.

Thank you for your time in reviewing this matter. Should you have questions about our position or need to reach us, please feel free to do so.

Buil Dille Brian A. Ditto

**Executive Director** 



#### **Baltimore County Signalized Intersections**

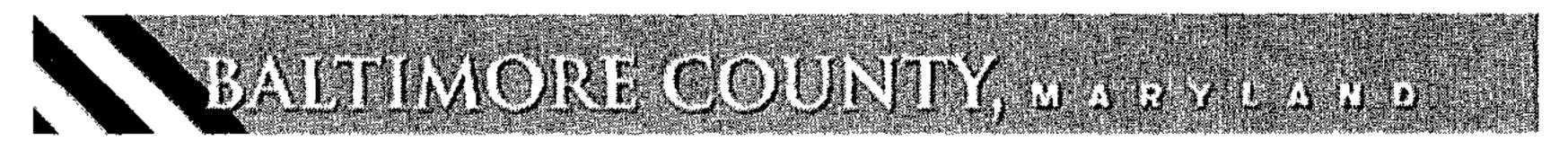
#### A|B|C|D|E|F|G|H|I|J|K|L|M|N|O|P|Q|R|S|T|U|V|W|X|Y|Z

Numeric Roads

R

Road Name	Second Road	Third Road	Previous LOS	Current LOS
Radecke Ave	St Regis Rd		A	В
Radio Tower Dr	Stevenson Rd		В	С
Regester Ave	Sherwood Rd		Α	A
Regester Ave	York Rd		A	A
Reisterstown Rd	Hilton Hotel	Target		A
Reisterstown Rd	Reisterstown SC	Franklin HS	Α	В
Reisterstown Rd	Rosewood Ln		В	В
Reisterstown Rd	Sam's Club	Toyota Ent		A
Reisterstown Rd	Sherwood Ave		A	A
Reisterstown Rd	St Thomas SC		Α	В
Reisterstown Rd	Straw Hat Rd	Tollgate S Rd	A	A
Reisterstown Rd	Sudbrook Ln	Sudbrook Ln E	В	В
Reisterstown Rd	Valley Center SC		Α	A
Reisterstown Rd	Woodholme SC		Α	A
Reisterstown Rd	Home Depot			В
Ridge Rd	Rossville Blvd	ECC Ent	A	Α
Ridgebrook Rd	York Rd			С
Ridgely Rd	York Rd		С	С
Rolling Rd N	40 West SC	Giant Food Ent	В	В
Rolling Rd N	Rolling Bend Rd	Security Sq Mall Ent	С	В
Rolling Rd N	Security Blvd		С	С
Rolling Rd	Tudsbury Rd		В	В
Rolling Rd S	Campus Dr	Valley Rd	В	С
Rolling Rd S	Wilkens Ave		Α	В
Rolling Rd	Windsor Blvd		В	В
Rolling Rd	Windsor Mill Rd		D	D
Rossville Blvd	Stemmers Run Rd		A	В
Rossville Blvd	Yellow Brick Rd	Centre @ Golden Ring Ent	С	Α

Revised June 21, 2005



#### **Baltimore County Signalized Intersections**

#### A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

#### **Numeric Roads**

P

Road Name	Second Road	Third Road	Fourth Road	Previous LOS	Current
Padonia Rd W	Tullamore Rd	Tullamore Ct		A	Α
Padonia Rd	York Rd			D	D
Painters Mill Rd	Metro N Lot			Α	Α
Painters Mill Rd	Metro S Lot			Α	Α
Painters Mill Rd	Red Run Blvd			В	С
Painters Mill Rd	Reisterstown Rd			В	С
Parallel Dr	Woodlawn Dr	Security West Bldg		В	Α
Park Heights Ave	Slade Ave			Α	В
Pennsylvania Ave W	Washington Ave			А	Α
Pennsylvania Ave	York Rd			Α	Α
Perimeter E Dr	Security Blvd			Α	A
Perring Pkwy	Putty Hill Ave			D	D
Perring Pkwy	Taylor Ave			С	С
Perry Hall Blvd	Ridge Rd			A	Α
Perry Hall Blvd	Silver Spring Rd			Α	A
Perry Hall Blvd	White Marsh Blvd			В	С
Perry Hall Blvd	White Marsh Mall Ent			В	В
Perry Hills Rd	IIVVOITE MATSO RIVO - I	Belair Rd West Ramp		Α	Α
Philadelphia Rd	Rossville Blvd			С	В
Philadelphia Rd	Seling Ave			Α	Α
Pleasant Plains Rd	Putty Hill Ave			В	С
Pot Spring Rd	Ridgely Rd E			A	В
Pot Spring Rd	Timonium Rd E			В	В
Pulaski Hwy	66th St			В	С
Pulaski Hwy	68th St			A	Α
Pulaski Hwy	Centre @ Golden Ring			A	Α
Pulaski Hwy	Rossville Blvd			C	C
Pulaski Hwy	White Marsh Blvd Ramp			Α	С
Putty Hill Ave	Rolling Crest Way	Rossville Blvd	Walther Blvd	С	В

Revised June 21, 2005



#### **Baltimore County Signalized Intersections**

#### A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

#### **Numeric Roads**

0

Road Name	Second Road	Third Road	Previous LOS	Current LOS
Oakleigh Rd	Perring Pkwy		Α	Α
Oakleigh Rd	Putty Hill Ave		В	Α
Oakleigh Rd	Taylor Ave		В	Α
Oakleigh Rd	White Oak Ave		В	Α
Old Court Rd	Metro Parking Lot Ent		Α	Α
Old Court Rd	Park Heights Ave		С	С
Old Court Rd	Reisterstown Rd		В	В
Old Court Rd	Scotts Level Rd		В	В
Old Court Rd	Stevenson Rd		В	Α
Old Court Rd	Seven Mile Ln			В
Old Court Rd	Sudbrook Ln E		В	В
Old Court Rd	Towne Center Pl		Α	Α
Old Court Rd	Winands Rd		В	В
Old Eastern Ave	Southeast Blvd		A	В
Old Frederick Rd	Rolling Rd N		В	В
Old Harford Rd	Putty Hill Ave		В	В
Old Harford Rd	Taylor Ave		В	С
Old Milford Mill Rd	Reisterstown Rd	Safeway Ent	Α	Α
Old Pimlico Rd	Smith Ave		В	С
Old Washington Blvd	Sulphur Spring Rd	Washington Blvd	В	В
Orems Rd	Rossville Blvd		Α	В
Osler Dr	Towsontown Blvd W		В	С
Osler Dr	TSU Parking Lot Ent		С	С
Owings Mills Blvd	Blvd Corportate Park Ent			В
Owings Mills Blvd	Red Run Blvd		Α	С
Owings Mills Blvd	Reisterstown Rd Ramp		Α	Α
Owings Mills Blvd	Timber Grove Rd		Α	Α
Owings Mills Blvd Ramp	Reisterstown Rd	Garrison Forest PL2	В	В

Revised June 20, 2005



## **Baltimore County Signalized Intersections**

## A | B | C | D | E | F | G | H | I | J | K | L | M | N | O | P | Q | R | S | T | U | V | W | X | Y | Z

## Numeric Roads

G

Road Name	Second Road	Third Road	Previous LOS	Current LOS
Galloway Ave	York Rd		Α	Α
Garrison View Rd	Reisterstown Rd	Sweetheart Paper Co	Α	A
German Hill Rd	Merritt Blvd		С	С
German Hill Rd	Plainfield Rd		Α	A
Glen Keith Blvd	Loch Raven Blvd		Α	Α
Glenwood Rd	Old Eastern Ave	Selig Ave	Α	В
Golden Ring Rd	Kenwood Ave		С	С
Golden Ring Rd	Philadelphia Rd		D	D
Golden Ring Rd	Weyburn Rd		В	В
Gores Mill Rd	Westminster Pike		Α	Α
Goucher Blvd	Prince Rd	Acorn Cir	А	A
Goucher Blvd	Joppa Rd E		С	С
Goucher Blvd	Loch Raven Blvd		Α	A
Goucher Blvd	Providence Rd		В	C
Goucher Blvd	Putty Hill Ave		С	В
Goucher Blvd	Taylor Ave		A	A
Greene Tree Rd	Hooks Ln	Commerce Ctr Ent	В	С
Greenpoint Rd	Padonia Rd W		Α	Α
Greenridge Rd	York Rd		C	Α
Greens Ln	Liberty Rd	McDonogh Rd	Α	В
Greenside Dr	Padonia Rd E	Padonia Village SC	С	В
Greenside Dr	Warren Rd		В	В
Greenspring Ave	Green Summit Rd		] A	A
Greenspring Ave	Greenspring Valley Rd		В	С
Greenspring Ave	Old Court Rd		С	C
Greenspring Ave	Smith Ave		В	С
Greenspring Ave	Willow Glen Dr		Α	A
Greenspring Dr	Harrisburg Expwy Ramp			( A
Greenspring Dr	Timonium Rd W		C	C
Greenspring Valley Rd	Park Heights Ave		В	C
Greenspring Valley Rd	Reisterstown Rd		Α	В
Greenwood Pl	Greenwood Rd	Old Court Rd	][ A	С
Groffs Mill Rd	Lakeside Blvd		Α	A
Gwynn Oak Ave	Security Blvd		A	В
Gwynn Oak Ave	Windsor Mill Rd	Englewood Ave	В	В
Gwynnbrook Ave	Owings Mills Blvd		F	A





