



KATHERINE A. KLAUSMEIER
County Executive

C. PETE GUTWALD, AICP
*Director, Department of Permits,
Approvals and Inspections*

June 6, 2025

StanCorp Mortgage Investors, LLC
Attn: Julie Wilhelm
19225 NW Tanasbourne Dr, 3rd Floor
Hillsboro, OR 97124

RE: Zoning Verification
2845 N. Rolling Road
Tax Account # 2500005423
2nd Election District

To Whom It May Concern:

Your letter to the Director of Permits and Development Management has been referred to me for reply. Based on the information contained in the BCZR (Baltimore County Zoning Regulations) the following has been determined.

The property located on 2845 N Rolling Rd is zoned B.M. A.S. (Business Major, Automotive Service) as per the official Baltimore County Zoning Map 087C2 (copy enclosed). The use of a convenience store on this property is allowed pursuant to zoning case 2006-0449-X which granted a special exception, which states: "Petition for Special Exception to permit the fuel service station pursuant to Baltimore County Zoning Regulations (BCZR) 253.2B.1 in combination with a convenience store with a sales area floor area larger than 1,500sq.ft., and a carryout restaurant pursuant to BCZR 405.2B.1, 405.4E.1 and 405.4E.10". Uses of the property will be as permitted and restricted by Section 233 and 405 of the Baltimore County Zoning Regulations (BCZR). For a complete list of permitted uses by right or by Special Exception, please visit our website at https://library.municode.com/md/baltimore_county/codes/zoning_regulations. Guidelines for rebuilding after damage or destruction may be found in Section 104.2 of the BCZR.

A hearing case has been found for this property; Case #'s: 2006-0449-X (copy enclosed).

The Division of Code Inspections and Enforcement has indicated that there are no violations. To obtain information regarding code violations, contact Code Enforcement at 410-887-3351. The Division of Building Inspections has indicated that there are no violations. To obtain information regarding building violations, contact Matthew Gawel, Chief of Building Inspections, at 410-887-3953.

Certificates of Occupancy may be obtained from the Division of Building Inspections. Failure to possess the Certificate of Occupancy in no way constitutes a violation of Baltimore County's Zoning Regulations or County Codes. To obtain a copy of the Certificate of Occupancy and for building inspection procedures, contact Matthew Gawel, Chief of Building Inspections, at 410-887-3953.

For information regarding Fire Code violations, contact John Bryant (liaison to the Fire Marshalls Office) at 410-887-3987.

Information regarding right of way, sidewalk and roadway widening can be obtained by contacting the Department of Public Works, Highways Department at 410-887-3560.

For information regarding environmental questions, contact the Department of Environmental Protection and Resource Management at 410-887-3980.

Provided the property was developed and occupied in accordance with the Baltimore County approved development plan and all subsequent construction permit applications adhered to the approved development plan, then all current uses and structures meet the requirements of the BCZR and the present uses and structures on the property are in compliance with the applicable zoning regulations. Any changes to the property such as new structures or change in use may require a Development Review Committee review and/or Zoning Hearings.

This site is not part of a Planned Unit Development. For information regarding rezoning, contact the Planning Department at 410-887-3211.

THE FOREGOING IS MERELY AN INFORMAL OPINION; IT IS NOT AN EXPERT OR LEGAL OPINION. IT IS NOT INTENDED TO BE RELIED ON AS EXPERT OR LEGAL ADVICE, AND IS NOT LEGALLY OR FACTUALLY BINDING ON BALTIMORE COUNTY OR ANY OF ITS OFFICIALS, AGENTS, OR EMPLOYEES. BALTIMORE COUNTY EXPRESSLY DISCLAIMS ANY AND ALL LIABILITY ARISING OUT OF, OR IN ANY WAY CONNECTED WITH THE INFORMATION PROVIDED IN THIS DOCUMENT, OR ANY INTERPRETATION THEREOF.

Sincerely,

Casey Potter

Casey Potter
Zoning Review

3/25/09

IN THE
COURT OF SPECIAL APPEALS OF MARYLAND

September Term, 2008

No. 01534

THOMAS WHITTEN, ET UX.,

Appellants

v.

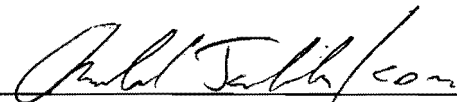
WINDSOR ROLLING ROAD PROPERTY, LLC,
Appellee

On Appeal from the Circuit Court for Baltimore County
(Mickey J. Norman, Judge)

DISMISSAL OF APPEAL BY APPELLANTS BY
STIPULATION OF THE PARTIES

Now come the parties by their undersigned counsel who pursuant to Maryland
Rule 8-601 dismiss the within appeal with prejudice. The parties agree to each pay their
own costs for this appeal.

RECEIVED
CLERK'S OFFICE
2009 MAR 30 P 12:23
LESLIE O. GRADET, CLERK
COURT OF SPECIAL APPEALS



Arnold Jablon, Esquire
Christopher Mudd, Esquire
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204
Attorneys for Appellee
Windsor Rolling Road Property, LLC



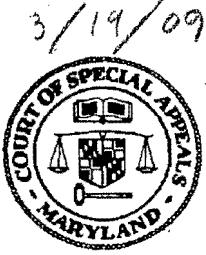
Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
(410) 296-8823
Attorney for Appellants
Thomas Whitten and Martha Whitten

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of March, 2009 a copy of the foregoing Dismissal of Appeal by Appellants by Stipulation of the Parties was sent by first class mail, postage prepaid, to Arnold Jablon, Esquire, Christopher Mudd, Esquire and Venable LLP, 210 Allegheny Avenue, Towson, Maryland 21204, attorney for Appellee.



Michael P. Tanczyn



MANDATE

Court of Special Appeals

Maryland Relay Service
1-800-735-2258
TT/VOICE

No. 01534, September Term, 2008

Thomas Whitten et ux.
vs.
Windsor Rolling Road Property, LLC

JUDGMENT: March 30, 2009: "Dismissal of Appeal by Appellants by Stipulation of the Parties" filed jointly by counsel. Appeal dismissed. MD Rule 8-601.

March 30, 2009: Mandate issued.

From the Circuit Court: for **BALTIMORE COUNTY**
03C080001060

STATEMENT OF COSTS:

Appellant(s):

Lower Court Costs-	60.00
Steno Costs of Appellant-	97.50
Filing Fee of Appellant-	50.00

FILED JUN 02 2009

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this **thirtieth** day of **March** **2009**

Leslie D. Gradet
Clerk of the Court of Special Appeals

COSTS SHOWN ON THIS MANDATE ARE TO BE SETTLED BETWEEN COUNSEL AND NOT THROUGH THIS OFFICE.

10/11/2008

2/21/08

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
THOMAS WHITTEN & MARTHA WHITTEN
L/O 2845 ROLLING ROAD

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49*
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO.: 03-C-08-1060

IN THE MATTER OF :
WINDSOR ROLLING ROAD PROPERTY - L/O
WAWA, INC. - C.P. FOR A SPECIAL
EXCEPTION ON PROPERTY LOCATED ON
THE SE/COR OF ROLLING ROAD & WINDSOR*
BOULEVARD (2845 ROLLING ROAD)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 06-449-X

RECEIVED AND FILED

2008 MAR 21 AM 11:54

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

* * * * *

**PROCEEDINGS BEFORE THE ZONING COMMISSIONER
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY:**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the County Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Department of Permits and Development Management and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD APPEALS
AND DEPARTMENT OF PERMITS & LICENSES OF BALTIMORE COUNTY**

06-449-X

March 15, 2006	Petition for Special Exception to use the described property for a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. feet. And a carry-out restaurant, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.
March 27, 2006	Entry of Appearance filed by People's Counsel for Baltimore County
April 24, 2006	Notice of Zoning Hearing
May 15, 2006	Certificate of Posting
May 16, 2006	Publication in newspaper
May 25, 2006	ZAC Summary of Comments
May 30, 2006	Hearing Held before the Zoning Commissioner
July 20, 2006	Findings of Fact and Conclusions of Law issued by the Zoning Commission. Petition for Special Exception APPROVED with restrictions.
August 18, 2006	Notice of Appeal filed by Michael P. Tanczyn, Esq. on behalf of Thomas and Martha Whitten.
Oct. 17, 2006	File received in the Board of Appeals.
July 25, 2007	Hearing by Board of Appeals /Day #1 (Copy of Transcript)
August 1, 2007	Hearing by Board of Appeals /Day #2
April 3, 2003	Hearing by Board of Appeals /Day #3/Hearing concluded (Copy of Transcript)

Petitioner's Exhibits

- | | |
|------|------------------------------------|
| 1.A. | Site Plan – Entire Site. |
| B | More detailed view of Wawa's site. |
| C | Schematic Landscape |
| D. | Signage Plan |

- 2 Crynon's C.U.
- 3 Cronyn's Request
- 4 Letter from Balto. County, D. Iannucci to D. Karceski Esq.
- 5 Aerial View of Site and Vicinity
- 6 Landscape Plan
7. A thru H. Photo's of Site
- 8 Resume of Robert Schmidt
- 9 Petition for Special Exception for car wash.
- 10 Zoning Commissioner's Decision in Case NO.: 07-245-X

**Protestant's
Exhibits**

- 1 Four pictures – Windsor Blvd to Rolling Road
- 2 Four pictures – Rolling Road – Sky Water Tower
- 3 Aerial GIS series 2005
4. Baltimore County Turning Movement Count Data – Intersection of Rolling Road/Windsor Blvd.
5. Peak Hour Turning Movement Count Rolling Road @ Windsor Blvd.
6. Traffic Volumes – Traffic Concepts, Inc. Windsor Blvd/Rolling Road
7. Balto. Co. Traffic Engrg – Turning Movement Count Data – 7/8/2004
8. Traffic Concepts, Inc. – Traffic Volumes
9. Peak Hour Turning Movement Count – Windsor Blvd @ Lord Baltimore Drive.
10. Summary of Trip Generation Calculation – 5/9/2006.
11. Balto. Co. Turning Movement Count Data – 7/25/2007
12. Deed 2/28/1980 of Whitten's House
13. Photos – 4
- 14 Photos – 4
- 15.. Photos – 2
16. Resume – Jack Dillion of Jack Dillion & Assocites, LLC
17. Deed and Partial Release of Mortgage
18. Previous Deed – 11/8/1978
19. Deed/Covenants and Restrictions - 5/18/1973
20. Aerial photo location Liberty @ I-70.
- 21.A Tax Map
- 21.B. Map for Rutherford – highlighted parcel 47
22. Excerpt for County Map.
23. None

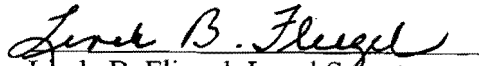
Oct. 1, 2007	Protestants' Memorandum filed by Michael Tanczyn Esq., on behalf of Mr. & Mrs. Whitten; Iftikar Ahmad, and Sajid Chaudhry.
	Petitioners' Post-Hearing Memorandum filed by Arnold Jablon and David Karceski, on behalf of Petitioners, Windsor Rolling Road Property LLC, L/O, and Wawa, Inc., contract lessee.
November 8, 2007	Board convened for Public Deliberation.
December 27, 2007	Board of Appeals issued its Opinion and Order <i>GRANTING</i> the Petition for Special Exception.
January 25, 2008	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Michael P. Tanczyn, Esq. and received notification from the Circuit Court under Civil Action No.: 3-C-08-1060.
February 7, 2008	Preliminary Motion to Dismiss Petition for Judicial Review and the Response to Petition for Judicial Review filed by Michael P. Tanczyn, Esq.
February 12, 2008	Certificate of Notice sent to interested parties.
February 15, 2008	Response to Petition for Judicial Review filed by Arnold Jablon, Esq.
March 19, 2008	Transcript of Proceedings filed.
March 21, 2008	Record of Proceedings filed in the Circuit Court for Baltimore County.

Record of Proceedings pursuant to which said Order was entered and upon

Windsor Rolling Road Property
Circuit Court Case No.: 03-C-08-1373
Board of Appeals Case No.: 06-449-X

which said Board acted are hereby forwarded to the Court, together with exhibits entered before the Board.

Respectfully submitted,



Linda B. Fliegel, Legal Secretary
County Board of Appeals of Baltimore County
400 Washington Avenue, Room 49
Towson, MD 21204 (410) 887-3180

Michael Tanczyn, Esquire
Thomas & Martha Whitten
Sajid Chaudhry
Iftikar Ahmad
Arnold Jablon, Esquire
Windsor Rolling Road Property LLC/Edward St. John LLC
Tom Pilon
WaWa, PA/Joseph Losak, VP/Real Estate
Arshad Ransha
Abdul Rauf
Khalid Azam
Jack Dillion
Nickolas Johnson, VP
Nicholas Brader, III, PE/
Kenneth Schmid
Joseph M. Cronyn

2/12/08
IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

PETITION OF:
THOMAS WHITTEN & MARTHA WHITTEN
L/O 2845 ROLLING ROAD

FOR JUDICIAL REVIEW OF THE OPINION OF
THE COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY
OLD COURTHOUSE, ROOM 49*
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

CIVIL ACTION
NO. : 03-C-08-1060

IN THE MATTER OF :
WINDSOR ROLLING ROAD PROPERTY - L/O
WAWA, INC. - C.P. FOR A SPECIAL
EXCEPTION ON PROPERTY LOCATED ON
THE SE/COR OF ROLLING ROAD & WINDSOR*
BOULEVARD (2845 ROLLING ROAD)

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

BOARD OF APPEALS CASE NO.: 06-449-X

* * * * *

CERTIFICATE OF NOTICE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the County Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

Michael Tanczyn, Esquire
606 Baltimore Avenue - Suite 106
Towson, MD 21204

Thomas & Martha Whitten
30 Rollwin Road
Baltimore, MD 21244

Sajid Chaudhry
2701 Rolling Road
Baltimore, MD 21244

RECEIVED AND FILED

2008 FEB 12 PM 12:14

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY

Iftikar Ahmad
2701 Rolling Road
Baltimore, MD 21244

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

Windsor Rolling Road Property LLC/Edward St. John LLC/
Gerald Wit, VP
29 Spring Hill Farm Court
Cockeysville, MD 21030

Tom Pilon
2560 Lord Baltimore Drive
Baltimore, MD 21244

WaWa, PA/Joseph Losak, VP/Real Estate
260 West Baltimore Pike
WaWa, PA 91063

Arshad Ransha
5900 Johnnycake Road
Baltimore, MD 21207

Abdul Rauf
6725 Dogwood Road
Baltimore, MD 21207

Khalid Azam
7415 Windsor Mill Road
Baltimore, MD 21244

Jack Dillion
Jack Dillion and Associates
118 W. Pennsylvania Avenue
Towson, MD 21204-4518

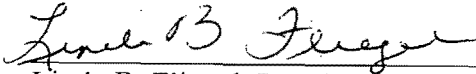
Nickolas Johnson, VP
Claybrooke Community Assoc.
2751 Claybrooke Drive
Baltimore, MD 21244

Nicholas Brader, III, PE/
Matis-Warfield, Inc.
10545 York Road – Suite M
Hunt Valley, MD 21030

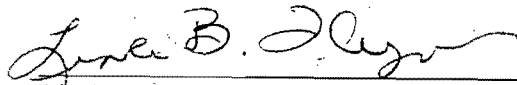
Kenneth Schmid
Traffic Concepts, Inc.
325 Gambrills Road – Suite E
Gambrills, MD 21054

Joseph M. Cronyn
Lipman Frizzel & Mitchell, LLC
8815 Centre Park Drive #200
Columbia, MD 21045

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.


Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)

I HEREBY CERTIFY that on this 12th day of February, 2008, a copy of the foregoing Certificate of Notice has been mailed: Michael Tanczyn, Esquire, 606 Baltimore Avenue - Suite 106, Towson, MD 21204, Thomas & Martha Whitten, 30 Rollwin Road, Baltimore, MD 21244, Sajid Chaudhry, 2701 Rolling Road, Baltimore, MD 21244, Iftikar Ahmad, 2701 Rolling Road, Baltimore, MD 21244, Arnold Jablon, Esquire, Venable, Baetjer & Howard, LLP, 210 Allegheny Avenue, Towson, MD 21204, Windsor Rolling Road Property LLC/Edward St. John LLC/Gerald Wit, VP, 29 Spring Hill Farm Court, Cockeysville, MD 21030, Tom Pilon, 2560 Lord Baltimore Drive, Baltimore, MD 21244, WaWa, PA/Joseph Losak, VP/Real Estate, 260 West Baltimore Pike, WaWa, PA 91063, Arshad Ransha, 5900 Johnnycake Road, Baltimore, MD 21207, Abdul Rauf, 6725 Dogwood Road, Baltimore, MD 21207, Khalid Azam, 7415 Windsor Mill Road, Baltimore, MD 21244, Jack Dillion, Jack Dillion and Associates, 118 W. Pennsylvania Avenue, Towson, MD 21204-4518, Nickolas Johnson, VP, Claybrooke Community Assoc., 2751 Claybrooke Drive, Baltimore, MD 21244, Nicholas Brader, III, PE, Matis-Warfield, Inc., 10545 York Road – Suite M, Hunt Valley, MD 21030, Kenneth Schmid, Traffic Concepts, Inc., 325 Gambrills Road – Suite E, Gambrills, MD 21054, Joseph M. Cronyn, Lipman Frizzel & Mitchell, LLC, 8815 Centre Park Drive #200, Columbia, MD 21045.


Linda B. Fliegel, Legal Secretary
County Board of Appeals, Room 49
Old Courthouse, 400 Washington Avenue
Towson, MD 21204 (410-887-3180)



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 12, 2008

Arnold Jablon, Esquire
David Karceski, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Circuit Court Civil Action No. 03-C-08-1060
Petition for Judicial Review
Windsor Rolling Road Property
Board of Appeals Case No.: 06-449-X

Dear Messrs. Jablon & David Karceski:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed on January 25, 2008 in the Circuit Court for Baltimore County, and received in the Board of Appeals on February 7, 2008, from the decision of the County Board of Appeals rendered in the above matter. Any party wishing to oppose the petition must file a response within 30 days after the date of this letter, pursuant to the Maryland Rules.

Please note that any documents filed in this matter, including, but not limited to, any other Petition for Judicial Review, must be filed under Civil Action No. 03-C-08-1060.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Legal Secretary

lbf

Enclosure

C: Michael P. Tanczyn, Esq.
Thomas & Martha Whitten
Windsor Rolling Road Property, LLC
Woodland Services, LLC
Tom Pilon/Nicholas Brader, III
Sajid Chaudhry/Iftikar Ahmad
Jack Dillion
WaWa, PA/Joseph Losak V.P.
Real Estate

Khalid Azam/Arshad Ransha/Abdul Rauf
Joseph M. Cronyn/Lipman Frizzell & Mitchell, LLC
Kenneth Schmid
Ken Colbert
People's Counsel for Balto. Co.
William W. Wiseman, III/Zon. Comm.
Pat Keller/Dir. Planning
Timothy M. Kotroco/Dir. PDM





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

February 12, 2008

Michael P. Tanczyn, Esquire
606 Baltimore Avenue – Suite 106
Towson, MD 21204-4026

RE: Circuit Court Civil Action No. 03-C-08-1060
Petition for Judicial Review
Windsor Rolling Road Property
Board of Appeals Case No.: 06-449-X

Dear: Mr. Tanczyn:

In accordance with the Maryland Rules, the County Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review which you have taken to the Circuit Court for Baltimore County in the above-entitled matter within sixty days. The cost of the transcript of the record must be paid by you and must be paid in time to transmit same to the Circuit Court within the sixty day timeframe, as stated in the Maryland Rules.

The Court Reporter that you need to contact to obtain the transcript and make arrangement for payment is as follows:

CAROLYN PEATT
TELEPHONE: 410- 486-8209
HEARING DATE: July 25th and Aug. 1, 2007

This office has also notified Ms. Peatt that a transcript on the above captioned matter is due by April 3, 2008, for filing in the Circuit Court. A copy of your Petition, which includes your telephone number, has been provided to the Court Reporter, which enables her to contact you for payment provisions.

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Linda B. Fliegel
Legal Secretary

/lbf

Enclosure

c: Carolyn Peatt, Court Reporter
Arnold Jablon, Esquire/David Karceski, Esq.

1/25/08
IN THE MATTER OF:

2845 Rolling Road
2nd Election District
4th Councilmanic District

Legal Owners/Petitioners
Thomas Whitten and Martha Whitten

Case No.: 06-449-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. C-08-1060

* * * * *
PETITION FOR JUDICIAL REVIEW

NOW COMES Thomas Whitten and Martha Whitten, Petitioners, by their attorney, Michael P. Tanczyn, and in accordance with Rule 7-202 of the Maryland Rules of Procedure, who state they were a party to the agency proceedings below and seek Judicial review of the decisions contained in the Opinion and Order of the Board of Appeals for Baltimore County issued December 27, 2007.

RECEIVED

FEB 07 2008

**BALTIMORE COUNTY
BOARD OF APPEALS**

Michael P. Tanczyn
Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
(410) 296-8823
Attorney for Petitioners

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2008, a copy of the foregoing Petition for Judicial Review was mailed by first class mail, postage prepaid, to Board of Appeals of Baltimore County, Attn: Ms. Kathy Bianco, Administrative Secretary, Room 49, 400 Washington Avenue, Towson, MD 21204; to Arnold Jablon, Esquire, and David Karceski, Esquire, of Venable, LLP, 210 Allegany Avenue, Towson, MD 21204; and to Peter Max Zimmerman, Esquire, People's Counsel for Baltimore County, Room 47, 400 Washington Avenue, Towson, MD 21204.

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2008 JAN 25 PM 3: 23

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY
ANH

Michael P. Tanczyn
Michael P. Tanczyn, Esquire

RECEIVED

JAN 25 2008

BALTIMORE COUNTY
BOARD OF APPEALS

IN THE MATTER OF:

2845 Rolling Road
2nd Election District
4th Councilmanic District

Legal Owners/Petitioners
Thomas Whitten and Martha Whitten

Case No.: 06-449-X

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No. _____

* * * * *
PETITION FOR JUDICIAL REVIEW

NOW COMES Thomas Whitten and Martha Whitten, Petitioners, by their attorney, Michael P. Tanczyn, and in accordance with Rule 7-202 of the Maryland Rules of Procedure, who state they were a party to the agency proceedings below and seek Judicial review of the decisions contained in the Opinion and Order of the Board of Appeals for Baltimore County issued December 27, 2007.



Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
(410) 296-8823
Attorney for Petitioners

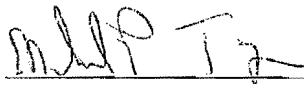
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RECEIVED AND FILED

2008 JAN 25 PM 3: 23

CLERK OF THE CIRCUIT COURT
BALTIMORE COUNTY



Michael P. Tanczyn, Esquire

Hearing Dates
7/25/07 - 8/01/07
C.P. C.P.

12/27/07

IN THE MATTER OF THE
THE APPLICATION OF
WINDSOR ROLLING ROAD PROPERTY -
LO; WAWA, INC. - C.P. FOR A
SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SE/COR OF ROLLING
ROAD AND WINDSOR BOULEVARD
2845 ROLLING ROAD

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 06-449-X

*

* * * * *

OPINION

This matter is before the Board on an appeal from the Zoning Commissioner's Order in which a special exception was granted with restrictions. A de novo hearing was held before the Board on July 25 and August 1, 2007. Briefs were filed on October 1, 2007, and deliberation was held November 8, 2007.

Petitioners were represented by Arnold Jablon, Esquire, and David Karceski, Esquire, of Venable, LLP. Protestants were represented by Michael P. Tanczyn, Esquire.

Background

Windsor Rolling Road Property, LLC (hereinafter referred to as Petitioner or "WRRP"), owns a 1.85-acre parcel zoned M.L.-I.M. located on the southeast corner of the intersection of Rolling Road and Windsor Boulevard. This property is located within and on the edge of the Windsor Industrial Park. The property is surrounded on the north, south, and east by M.L.-I.M. (Manufacturing, Light - Industrial, Major) industrial properties. Residential homes are located on the opposite side of Rolling Road to the west of the property.

Wawa intends to lease the property from Windsor Rolling Road, LLC, and construct and operate a fuel service station and convenience store with a sales floor in excess of 1,500 sq. ft. Petitioner's request is for a special exception for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 sq. ft. and a carryout restaurant pursuant to §§ 253.2.B, 405.2B.1, 405.4E.1, and 405.4E.10 of the *Baltimore County Zoning Regulations* (BCZR). Wawa's proposed fuel service station

must, therefore, satisfy the requirements of BCZR § 502.1A through I. Additionally, it must meet the requirements of BCZR § 405.4E.1 through E.10, which permits certain other uses in combination with a fuel service station. These uses include a convenience store with a sales floor area larger than 1,500 sq. ft. and carryout service and other types of restaurants. These uses require special exception approval as well pursuant to § BCZR 502.1.

In addition to the requirements of § 502.1, for a fuel service station proposed on an individual site with an I.M. overlay district, the zoning regulations require that “it serve primarily the industrial uses and related activities in the surrounding industrial area.” (BCZR § 253.2B)

Protestants, Thomas and Martha Whitten, are property owners who reside on Rollwin Road, which connects to Rolling Road north of its intersection with Windsor Boulevard, the location of the subject site. Sajid Chaudhry and Iftikhar Ahmad, the other Protestants, are owners of the existing fuel service station located at 2701 Rolling Road, known as the Osprey station. The Osprey station is located on the same side of Rolling Road as the proposed Wawa station and is approximately ¼ mile from the proposed site.

Evidence Presented

PETITIONER'S CASE

Petitioners submitted evidence through the testimony of Gerard Wit, Senior Vice President for WRRP, and experts Nicholas J. Brader III, Professional Engineer, Kenneth W. Schmid, Traffic Engineer, and Joseph M. Cronyn, a real estate economist and market analyst.

Mr. Wit testified that the proposed site is located on the edge of the Rutherford-Windsor Corporate Park. Significant employers in the Park include Verizon, Baltimore Gas and Electric, Provident Bank, and the Federal Bureau of Investigation. Other major employers outside of the formal boundaries of the Park but within the overall M.L.-I.M. zone area include the Social Security Administration on Security Boulevard and the Health Care Finance Administration (HFCA) with access to Dogwood Road. Wit testified that there were only a limited number of restaurants located within the Rutherford-Windsor Corporate Park area.

Convenient dining opportunities available to employees and visitors to the industrial park were referred to as few and far between. Mr. Wit indicated that he had observed lines of individuals out the door of several restaurants every day. He felt that the limited dining opportunities make it difficult for WRRP to attract potential tenants when a leasing opportunity is available within the Rutherford Business Park.

Wit stated that the gasoline station would be located at one of the entrances to the business park on Rolling Road. He felt that employees in the business park would utilize the gasoline station and also would utilize the carryout services since the restaurant opportunities within the Rutherford Business Park were quite limited. Wawa intends to construct a 5,940 sq. ft. building of which 4,329 sq. ft. would be devoted to a convenience store and 750 sq. ft. to a carryout restaurant. That restaurant will offer breakfast, lunch, and dinner items. In addition, Wawa proposes to provide six fuel- pump islands with 12 fueling spaces and further improve the site with surface parking and vehicular access drives to both Rolling Road and Windsor Boulevard. Mr. Brader testified that the proposed layout for the fuel service station meets all of the applicable parking area and bulk and signage regulations that apply to the site. There are no variances requested for the site.

Petitioners' witnesses testified with respect to the elements necessary to meet the requirements of § 502.1 of the BCZR. Mr. Brader testified that the plan as presented by Petitioner would have no detrimental impact on the safety and general welfare of the locality (§ 502.1A). Mr. Schmid testified with respect to § 502.1B concerning congestions in roads, streets or alleys. He had visited the proposed Wawa site on approximately five occasions. He examined the surrounding roadways, the existing traffic patterns, and reviewed the County's Basic Services Maps for verification of levels of service at the intersection of these roads. In his opinion, the Wawa store would not generally tend to increase the amount of traffic that would traverse Rolling Road or Windsor Boulevard. In his opinion, convenience stores associated with gas stations, such as proposed for the Wawa site, do not generate trips but mainly are sustained by what are called pass-by trips or diverted trips. These are cars already traveling along the site that leave the road to go

in to obtain gas or a convenience item in the store. They generally are not destination trips which are created by stores such as WalMart or Target. In his opinion, traffic generated by the new Wawa store would be minimal, with approximately 85 to 90% of the trips generated by the site to be of the pass-by or diverted nature. He felt that any amount of new traffic placed on the road system by the minimal use would have little impact on the adjacent intersections. In addition, the intersection at Rolling Road and Windsor Boulevard is considered to be an "A" traffic section, which is the highest level of service. The intersection of Lord Baltimore Drive and Windsor Boulevard is rated by Baltimore County as Level "C." Lord Baltimore Drive is approximately two blocks from Rolling Road and goes through the Rutherford-Windsor Industrial Park. Mr. Schmid felt that the intersection of Rolling Road and Windsor Boulevard, which had the benefit of a traffic signal, makes it a good location for the use in comparison with a mid-block fuel service station without the control provided by a traffic signal. He stated that access to both roadways would be "full movement access" and designed to meet the County's standards with regard to commercial access. The automobile sight lines from the proposed access points onto Rolling Road and Windsor Boulevard would be adequate and require County approval. Schmid felt that the ingress and egress to the site would be well designed and could handle the type of traffic that the use would generate.

Concerning § 502.1C – potential for fire, panic or other danger, Mr. Brader, who has worked on numerous fuel service stations, confirmed that the special exception uses would comply with the applicable regulations that govern building permits. Any changes necessary to the configuration of Rolling Road or Windsor Boulevard to accommodate the proposed uses and access points proposed on both roadways would be designed to meet applicable Baltimore County standards. The site meets all the applicable and bulk regulations that pertain to the proposed use on-site circulation as required by the zoning regulations, and for these reasons, Mr. Brader felt that there was no potential hazard for fire, panic, or other danger. In addition, the Fire Department did not issue any adverse Zoning Advisory Committee comments on this particular matter.

Mr. Brader also testified that he felt that the proposed service station and uses in combination would not overcrowd the land or cause undue concentration of population under § 502.1B. The proposed use meets or exceeds all the applicable area and bulk regulations and fuel service station parking and stacking requirements and meets the minimum requirement for site area setbacks and landscape transition area requirements.

In response to § 502.1E – adequate provisions of public services, Mr. Brader felt that the proposed special exception uses would have no impact on adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements. There would be no more than ten employees on the site at any time and therefore it would have no impact on public transportation, nor would it impact County schools in any way. It would be served by public utilities, and public water and sewer lines are located within the roadbed of Windsor Boulevard.

Mr. Brader also testified concerning § 502.1F –interference with adequate light and air. His opinion was that there would be no interference with adequate light and air since the proposed height of the convenience store and restaurant was one story as shown on the plat. Other than the canopy over the fuel pump islands, the height of the building was limited to the height of the convenience store. In addition, the total site area devoted to the proposed site is 80,630 sq. ft. The zoning regulations require only 45,816 sq. ft. to support the fuel service station and uses in combination therewith. The proposed building will occupy only 10 percent of the overall special exception area. Therefore, in Mr. Bader's opinion, there would be no interference with adequate light and air.

Mr. Brader also felt that the proposed use of the subject property was consistent with the property's zoning classification and not inconsistent with the spirit and intent of the zoning regulations under § 502.1G. Bader testified that the I.M. overlay district has a very limited purpose, primarily to allow certain automotive related uses in the County's manufacturing zones. The proposed fuel service station and uses in combination are permitted by special exception on the subject site because of its I.M. district. Additionally,

the site's I.M. overlay district imposes a requirement that the proposed special exception uses serve primarily the industrial uses and related activities in the surrounding industrial area. Mr. Cronyn, the Petitioners' real estate economist and market analyst, and Mr. Wit testified with respect to the satisfaction of this requirement.

Mr. Cronyn prepared a demand analysis that provided an analysis of the demand for a gasoline fuel service station in the area. He offered testimony to explain the conclusions and felt that the primary demand is going to be derived from the industrial zone for this particular location, and that approximately 2/3 of the demand would be coming from the industrial zone in the market area.

Protestants' Evidence

Thomas Whitten testified that he had resided on Rollwin Road since 1980. He testified with respect to the width of Rolling Road just north of Windsor Boulevard and identified pictures showing the character of the road, the width of the road, and the lack of a shoulder or sidewalks in that area just north of the proposed site. He stated that traffic is heavy during the rush hour and particularly between 4:00 p.m. and 5:00 p.m. He stated that the traffic backs up on Rolling Road in the evening and that he could not even get out of his house between 4:00 p.m. and 7:00 p.m. Mr. Whitten was concerned about deaf people that walk in the area and that the proposed Wawa site would create more traffic during rush hour as people would pull off to get something to eat or to obtain gasoline. There are several handicapped people in the area, and he was concerned for their safety.

Iftikhar Ahmad testified that he owned the Osprey station south of the proposed site. Mr. Ahmad was very candid in that his concern was the competition that Wawa would provide to his station. He stated that he has been operating for approximately 5 years and has seen the traffic increase. He also stated that a majority of his business came from the industrial park. He had people walking to the store and some came in cars. Jell Vending, located in the industrial park, buys gas and convenience items at his store. He stated that there is a service road south of the Osprey station that goes into the industrial park, and a number of

people use that road to get to his station. The rest of the people come along from Windsor Boulevard or Rolling Road.

The third witness presented by the Protestants was Jack Dillon, an expert in planning and land use. Mr. Dillon stated that he had visited the site on several occasions and that in his estimation there were 350 acres covering the industrial park, but that the primary area for servicing the industrial park was Lord Baltimore Drive, which runs through the industrial park. In his opinion, there were three service stations that serviced the industrial park. One station was the Osprey station on Rolling Road, the second was an Exxon station at the intersection of Rolling Road and Windsor Mill Road north of the site, and the third was a Sunoco station below Security Boulevard on Rolling Road at least ½ mile away. In addition, Mr. Dillon testified with respect to § 502.1. He felt that the location of the Wawa store at the place designated would be detrimental to the health, safety and welfare of the community. He stated that it would create congestion in streets and alleys and would be inconsistent with the purpose of the zoning classification. He did not feel that it would be primarily serving the industrial park in accordance with § 253.2B. In addition, Mr. Dillon cited three sites within the industrial park that he felt would be more appropriate for the location of a service station rather than at the intersection of Windsor Boulevard and North Rolling Road, lots 47 and 61 were not at intersections and Mr. Dillon did not know whether the first lot was available nor did he know whether the size would be acceptable for either of these lots. In addition, regarding the third lot, he was not sure if it was within the industrial park or outside the industrial park.

Decision

The Board has reviewed the testimony and evidence presented by both parties and is of the opinion that the special exception should be granted. The testimony of Petitioners' witnesses Brader and Wit clearly show that the proposed fuel station and convenience store will primarily serve the individuals within the Rutherford-Windsor Industrial Park. This testimony is supported even by the witnesses for the Protestants. Mr. Ahmad, one of the owners of the Osprey station, testified that he was concerned about the competition

that would be provided by the Wawa store. He stated that a large amount of his business came from the industrial park and he was afraid of losing it. The Court of Appeals has ruled that competition is no basis for protesting the granting of a special exception. [See *Kreatchman v. Ramsburg, et al*, 224 Md. 209.] The testimony of Mr. Ahmad supports the testimony of Petitioners' witnesses that a large amount of business will be generated by the industrial park. In addition, Mr. Dillon testified that the fuel stations servicing the industrial park were the Osprey station, an Exxon station at the corner of Windsor Mill and Rolling Road north of the proposed site, and a Sunoco station on Rolling Road south of Security Boulevard, which is south of the proposed site. It is obvious to the Board that a Wawa station at the corner of Windsor Boulevard and Rolling Road would be far more convenient for individuals in the industrial park than a station at the corner of North Rolling Road and Windsor Boulevard, approximately ½ mile above the proposed site, or the station below Security Boulevard, which is at least ½ to ¾ mile from the site. Since the owner of the Osprey station indicates that a large amount of his business comes from the industrial park, it therefore follows that the Wawa station would also obtain a large amount of business from the industrial park. In addition, the testimony of Mr. Wit with respect to the number of restaurants or eating establishments available in the industrial park indicates that an additional carryout store would be welcome in that area.

With respect to the other aspects of § 502.1, the majority of Protestants' testimony centered on the traffic issue. There is no question that the traffic on Rolling Road is quite heavy, particularly during the morning and evening rush hours. Mr. Whitten's concern about deaf and other types of handicapped individuals is certainly laudable, however the location of the Wawa store at the proposed site would have no effect on the safety of these particular individuals. In addition, the Board credits the testimony of Mr. Schmid that the Wawa store will not generate a significant amount of additional traffic to warrant denying the special exception. It is apparent that the additional traffic, if any, will be generated by "passer-by" trips rather than destination type trips as would be generated by a large department store or other type of retail

operation.

Finally, the Protestants argue that there are facts and circumstances that show that the particular use proposed at this particular location would have an adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone (*Schultz v. Pritts*, 291 Md. 1 at 11 (1981)). In support of this position, Protestants cite that there are three other lots where they contend that the proposed Wawa fuel station and convenience store could be located, which would be more convenient and better-suited to the health and safety of the community. Two of the lots are within the Rutherford-Windsor Industrial Park and it is questionable whether the third is located within the park or not.

The language of *Schultz v. Pritts* appears to have been misinterpreted by a number of practitioners in the field since the issuance of the decision. The Board does not feel that it is the obligation of a Petitioner to seek out additional sites within the particular zone involved in order to determine whether or not the site they have selected is more or less favorable than the proposed two or three sites that might be able to accommodate the business seeking the special exception. The Board does not feel that the Petitioner is obligated to seek out other sites to make such a determination. By the very nature of a special exception, there will be adverse effects visited upon the surrounding communities. The question that must be answered is whether or not the adverse effects at the particular location make it less desirable to locate the business at that particular place rather than located somewhere else within the particular zone where the adverse effects might not be as great. The Board finds that there are no adverse effects at the proposed location that make it less desirable to operate the business there than elsewhere in the zone.

The Board agrees with the Zoning Commissioner that the Petitioners do not have the burden to present comparative testimony or evidence relating to anticipated adverse effects of the proposed use on other similar parcels within the zone. The Board cites the statement set forth by the Court of Special Appeals in *Lucas v. People's Counsel for Baltimore County*, 147 Md.App. 209 (2002) where the Court stated:

The Board recognized that finding a better site was not the issue. We believe that that the Board applied the appropriate standard. (*Lucas* at 240)

Further, the Board finds that the appropriate standard has been applied in this matter and that the special exception should be granted.

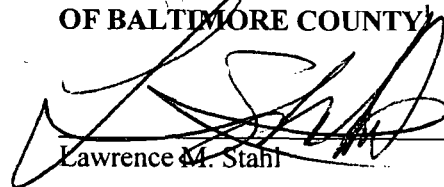
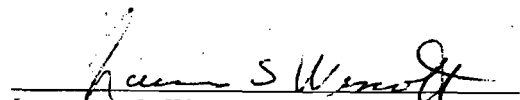
ORDER

IT IS THEREFORE this 27th day of December, 2007 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit the fuel service station pursuant to *Baltimore County Zoning Regulations* (BCZR) § 253.2B.1 in combination with a convenience store with a sales area floor area larger than 1,500 sq. ft., and a carryout restaurant pursuant to BCZR § 405.2B.1, 405.4E.1 and 405.4E.10 is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence M. Stahl
Lawrence S. Wescott

¹ This case was originally heard and publicly deliberated by a panel comprised of three members of the Board of Appeals of Baltimore County; viz., Margaret Brassil, Ph.D., Chairperson; Lawrence M. Stahl; and Lawrence S. Wescott. However, prior to public deliberation, Dr. Brassil resigned from the Board of Appeals effective 9/28/07. The two remaining panel members, Mr. Stahl and Mr. Wescott, publicly deliberated this matter on 11/08/07 and reached the above unanimous decision at that public deliberation.

12/27/07



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 27, 2007

Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: *In the Matter of: Windsor Rolling Road LLC – LO;*
Wawa, Inc. –CP Case No. 06-449-X

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. **Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

Enclosure

c: Thomas and Martha Whitten
Sajid Chaudhry
Iftikar Ahmad
Jack Dillon
Nickolas Johnson, Vice President /Claybrook Community Association
Arshad Ransha
Abdul Rauf
Khalid Azam
Arnold Jablon, Esquire
Windsor Rolling Road Property LLC / Edward St. John LLC /Gerard Wit, VP
Tom Pilon
Wawa, PA /Joseph Losak, VP /Real Estate
Nicholas Brader III, PE /Matis-Warfield, Inc.
Kenneth Schmid /Traffic Concepts, Inc.
Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



10/1/07

IN THE MATTER OF

WINDSOR ROLLING ROAD PROPERTY

Legal Owner: WAWA, INC. - C.P. /.

Lessee

SE/cor Rolling Road and Windsor

Boulevard

2nd Election District

4th Councilmanic District

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BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

Case No. 06-449-X

July 25, 2007

RECEIVED

OCT 01 2007

BALTIMORE COUNTY
BOARD OF APPEALS

PROTESTANTS' MEMORANDUM

NOW COMES Mr. and Mrs. Thomas Whitten, Iftikar Ahmad and Sajid Chaudhry, Protestants, by their attorney, Michael P. Tanczyn, submits this Memorandum to assist the Board in its deliberation for this case.

Statement of the Case

This matter involves the *de novo* appeal of the Zoning Commissioner's grant of a Special Exception for a C-store with carry-out restaurant and gas and go fuel service station at the southwest corner of Rolling Road and Windsor Boulevard. The hearing was conducted before the Board of Appeals on July 25, 2007 and August 1, 2007.

Statement of Facts

Gerard Wit testified for Petitioners. He is a Senior Vice President for Windsor Rolling Property, LLC, the proposed Lessor seeking to obtain zoning approval for the 1.8 acre parcel at the southwest corner of Windsor Boulevard and Rolling Road in the Rutherford Industrial Park (T9-11). Rutherford Business Park is contiguous to Windsor Corporate Center, all of which was zoned ML-

IM (T11, 12, 16). McCormick Properties had developed the original industrial park beginning in the early 1970s and created 1.5 million square feet of industrial area and office space to 1989 (T15). He testified there was heavy traffic on Rolling Road as well as Lord Baltimore Drive. Lord Baltimore Drive didn't even exist seven years ago and it has become a heavily traveled road through the middle of the corporate park (T20). He described traffic at that intersection as heavy (T21). He testified as to the need for the proposed convenience store/gas station (T23) as providing dining opportunities to supplement those located at the southern end of the industrial park on Dogwood Road. He estimated there were approximately 5,000 employees in the Rutherford Business Park (T28) with Windsor employers employing another 2,000 to 2,500 employees (T28). He testified the hours of operation of the industrial park were Monday to Friday, 8 a.m. to 5 p.m., or 8 a.m. to 6 p.m. (T30); that there was considerable drop off on the weekends (T31). He believed the Osprey site was not part of the approved industrial park (T34), but then acknowledged it was part of another industrial park called the Merritt Windsor Corporate Park (T35-36). He testified that he resided in Cockeysville and traveled the Beltway to get off at Liberty Road and come down Lord Baltimore Drive to his St. John's offices on Lord Baltimore Drive (T38). He had done no studies to determine travel routes of any of the tenants or their employees (T38), nor to identify those corporate tenants or property owners in the park that had cafeterias or number of employees who brought their lunch to work (T38-39). He was unaware of the Tiger Mart at the Exxon at the intersection of Windsor Mill and Rolling Roads (T41), or of eateries on Windsor Mill Road in the vicinity of Rolling Road (T42). He was unaware of whether BGE fueled its own vehicle fleet (T44), and had done no studies to determine where corporate tenants fueled their vehicles (T45). He testified he primarily used Lord Baltimore and was generally unfamiliar with other roads in the neighborhood since he used Lord

Baltimore primarily (T46). He had not studied traffic volumes as recorded by Baltimore County for the neighborhoods (T47). He had no data to suggest by percentage or number the employees or visitors coming to the industrial park from the Rolling Road gateway (T47). He was unaware that parking was prohibited on both sides of Windsor Boulevard adjacent to the subject site or that there was a bus stop directly across from Petitioner's site on Windsor Boulevard (T47-48). He was unaware of the speed limit on Windsor Boulevard (T48) or on Rolling Road. He was aware of the residential uses on the west side of Rolling Road across from the subject site (T49). He believed that the traffic in the neighborhood had grown steadily on Lord Baltimore Drive as people discovered it connects Liberty Road and Security Boulevard (T51). He had done no studies or surveys with tenants or property owners to see what the hours of operation were (T52), and he was unfamiliar with the zoning classifications in the neighborhood in the vicinity of the subject site or the residential communities in the neighborhood. He was unaware of the number or location of any fuel tanks in the corporate park that had motor fuel stored in them (T55), and had not done any surveys to determine that. He agreed the Osprey was the only fuel service station on the western boundary of the industrial park (T56), but had not done any license plate surveys or checks to determine how many of the park employees, visitors or guests utilized the Osprey (T56).

Joseph Cronyn provided a market analysis. He is a partner in Lipman, Frizell & Mitchell, a commercial appraisal and real estate consulting firm (T61). He had visited the site approximately five or six times since being retained (T71) and presented his marketing report which concluded that 64.9 percent of the business of the WAWA, if approved, would come from the industrial park (T76). He defined the primary marketing area as being bounded by the Baltimore Beltway on the east, Dogwood Road on the south, Rolling Road on the west, and Windsor Mill Road on the north (T78).

He identified the two sources of demand within the primary marketing area as the residents of the residential area west of Rolling Road, as well as the industrial park users (T78-79). He could not and therefore did not calculate visitors to the park in his consumer numbers (T81). His estimate that 2/3 of the park demand would be served by the WAWA was based on his assumption that there were three gas stations located in the primary market area and that the WAWA would have to compete with the other two stations for the existing demand (T82). The source of his documentation included his interview with Mr. Wit of St. John's Properties (T90) who believed that BGE fueled their service fleet from their own gasoline pumps (T91). It was his understanding that, other than BGE, no fueling was being conducted within the industrial park by any other tenant or owner (T92). When questioned about the difference in his figures between his 2006 and 2007 market analysis which were both based on the 2000 census (T95), he explained that by dividing the GIS boundaries, more homes or more vehicles are captured on one side of the line or the other (T97, 98), even though he utilized the same primary market area for both studies (T100). He estimated 40 percent of the consumers would purchase fuel closer to home; 40 percent closer to work; and 20 percent somewhere in between (T100). He acknowledged the Osprey C-store and service station was the only gasoline service station presently located within the industrial zone (T102), and was unaware of the gas station on Dogwood Road at the southern end of the park (T103). He acknowledged if a majority of the persons coming to the industrial park from the north or south came by way of the Beltway or Lord Baltimore Drive they wouldn't be anywhere close to the proposed site on their way to work in the industrial park (T108). He further acknowledged their gasoline needs have been met prior to this time without the WAWA being present since the industrial park was build out (T109). He had made no inquiry of employees, visitors, or St. John's Properties, to establish where people utilizing the

park are getting their gasoline currently (T110). He was unaware what percent of the industrial area was already being served by the Osprey (T115) based on his assumption that any new station such as the WAWA would provide competition and would take a portion of the business (T115-116). He testified that he had traveled by way of Rolling Road as well as Lord Baltimore Drive from north to south to get to the industrial park (T119), and had not reviewed any Baltimore County traffic data as to either of those movements.

Nicholas Brader, Professional Engineer, testified that he had prepared the site plan for this site which was zoned ML-IM and comprised 1.8 acres $\pm$ (T127). He testified the WAWA C-store was going to be approximately 5,940 square feet (T141) and that would include a carry-out restaurant (T151). When asked if the proposed uses at that location would have any greater impact at this location and elsewhere in similar properties in the zone, he initially answered there would be no greater impact here than anywhere else (T157). He testified that the contiguous IM industrial area was 250 to 300 acres (T161) and he pointed out the limits of the Windsor Corporate Park and the Rutherford Business Center (T162). He acknowledged the Osprey Center is also part of the Rutherford Business Center South (T170), but was unaware of any cross easements by declaration affecting either the subject site or the Osprey (T171-172). He was aware of the "no parking" restrictions on Windsor Boulevard adjacent to the Petitioner's site and the location of the No. 77 bus stop across the street from the entrance to Petitioner's site (T177-178). He identified the residential zoning line as running down the middle of Rolling Road adjacent to the Petitioner's site (T182). He had not traveled the entire distance between Liberty Road and Security on both Rolling Road and Lord Baltimore Drive during rush hours (Day 2/T5). He identified Rolling Road as four lanes south of Windsor Boulevard in the immediate neighborhood and two lanes north of Windsor Boulevard

near the Petitioner's site (Day 2/T7), and that there were no sidewalks on Windsor Boulevard down to Lord Baltimore Drive (T9). He did not recall if Rolling Road going towards Windsor Mill above the site was lacking sidewalks or shoulders (T12). He testified there were no provisions on the plans for receptacles where customers of the WAWA could deposit trash when they exit the store (T15). He testified he was retained by the Petitioner sometime early in 2006 (T21) and had visited the property between 20 and 30 times since he was retained (T21). He had originally been retained to do the work on the office buildings constructed on Windsor Boulevard immediately due east of the Petitioner's site (T22); and he acknowledged that the 300 to 350 acre ML-IM park area was within the URDL (T24). He made no efforts to search for alternative sites to locate the WAWA further within the ML-IM zone instead of on the periphery (T24), and made no search for a better site within the ML-IM zone (T25). He testified he had never seen emergency vehicles on Rolling Road struggling to get through stopped traffic (T29); and he acknowledged that between Windsor Mill and Windsor Boulevard on Rolling Road there was no road access directly into the industrial park which would require that traffic to go through the residential community (T32); and he confirmed that Rollwin Road from Rolling Road terminates in a short distance at Windsor Mill (T32). Kenneth Schmide, the Petitioner's traffic expert, testified that he believed the site was surrounded by industrial uses and ML-IM zoning (T43) for the site which he had visited five times since being retained (T43). He believed that the traffic service rating at the intersection of Windsor Mill and Rolling Road was rated at a D level of service (T53) and that Rolling Road in that area carried a significant amount of traffic, approximately 24,000 cars per day. During peak times he believed it would be difficult to make a left-turn from there onto Rolling Road (T56). He acknowledged Protestants' Exhibits 4 through 7 which were from his files at the prior hearing, including Baltimore County turning

movement counts for the intersections of Rolling and Windsor and Lord Baltimore and Windsor (T61, 62, 65, 66, 68, 69). He calculated for the intersection of Lord Baltimore and Windsor Boulevard a B level of traffic service in the morning and a C level of service in the afternoon (T73), and he acknowledged on Lord Baltimore at Windsor Mill there were two lanes northbound and southbound in each direction (T74). He acknowledged the most recent traffic count for Lord Baltimore Drive and Windsor Boulevard done by Baltimore County Traffic Engineering for turning movement count data at Lord Baltimore Drive and Windsor Boulevard (T77-78) which indicated the level of traffic service had decreased from the prior turning movement data to a C level of service which meant more traffic on Lord Baltimore Drive since the previous studies several years ago (T78). He was unfamiliar with the traffic level of service at Liberty coming off the Beltway onto Lord Baltimore Drive (T84) or of any work done at that vicinity completed in the last year to improve traffic conditions (T84). He had driven the Rolling Road corridor north of Windsor Mill Road out to Liberty Road and from Lord Baltimore Drive from Windsor Mill Road out to Liberty Road (T86). He acknowledged that Rolling Road between Liberty Road and Security Boulevard did not meet the definition of an arterial road as set forth in the Baltimore County Zoning Regulations under Section 101 (T88-91) because on Rolling Road the speed limits are below 40 mph and narrow and are now four or more lanes and has no shoulder and no sidewalks (T88-89). He agreed that Lord Baltimore Drive bisects or cuts through the industrial park area more directly than Rolling Road does on the periphery of the industrial park (T100). He testified he did not look at any other sites within the industrial zone to assess traffic conditions as opposed to putting the WAWA at this location and specifically didn't look at siting the station on Lord Baltimore Drive (T106) because when he was hired he wasn't asked to say where was the best place to put it; he was asked to study a specific

location (T106).

Thomas Whitten, Jr., a Protestant, had resided at Rollwin Road since 1980 in Hebbville Park (T108-109). He testified to the narrow width of Rolling Road just north of Windsor Boulevard (T112); identified pictures showing the character of the road, the width of the road, and the lack of a shoulder or sidewalks in that area just north of the Petitioner's site (T112-113). He testified based on his long years of residence that he witnessed great traffic congestion on Rolling Road and during rush hour. He testified that he goes out a different way (T115). He testified Rollwin Road connects from Rolling Road to Windsor Mill Road which historically had been a shortcut for police and fireman to go down as a narrow road (T116) populated by special needs persons with hearing disabilities and other handicaps (T116-118). He testified Rollwin Road, the shortcut, was very narrow and two cars couldn't drive past each other at the same time (T118-119) and was built without sidewalks on either side of the road (T119). He had seen emergency vehicles cut through Rollwin when traffic is backed up on Rolling (T119) and when there was an accident on Rollwin, people had to use the grass and people's property to pull over because there was no shoulder and people are stuck when that occurs (T120). His concerns were for the safety of deaf people, both pedestrian and otherwise, such as himself who have driver's licenses (T121-124). He believed that locating the WAWA at this location would increase traffic in the area (T125). He testified there were numerous places to eat in the vicinity of Windsor Mill Road in the primary market area, many of which were carry-out (T124).

Iftikar Ahmad testified as the co-owner of 2701 Rolling Road, the Osprey station, that he had been at the site for the previous four years almost every day (T128-129). He testified that the customers coming to the Osprey came from the industrial park based on his direct observations

(T130-133). He testified that he had observed on Rolling Road in the vicinity of Windsor Boulevard northbound traffic staying in the lane and cutting off drivers on Rolling Road past the intersection particularly during rush hour (T133). He observed an accident in that intersection in 2007 (T134). He anticipated the area would go crazy with traffic because WAWA brings more traffic based on their marketing philosophy (T134, 136). He testified since the Osprey opened in 2002, that his business caused a slight increase in the traffic on Rolling Road (T146).

Jack Dillon, admitted as a Planning Expert, next testified for the Protestants. Mr. Dillon, in preparation for his testimony, had reviewed the back property title for the WAWA site (T164-165) and had familiarized himself with the neighborhood, the site and the area since May or June of 2006. He had traveled the road network between Security Boulevard to Liberty Road on both Rolling Road and Lord Baltimore Drive (T166). He noted the facilities presently servicing the IM district and reviewed the Zoning Regulations and the basic services maps (T167). He described the IM district as 350 acres, all contiguous and zoned ML-IM (T168) and considered it one industrial zone.

In his testimony his objections were based first on his reading of BCZR 253.2b which describes permitted auxiliary uses in an ML Zone subject to the standards (T170-173). He described the industrial park as having developed over a long period of time from the late 1960s to the early 1970s through the present (T171). He questioned whether with the existing Osprey station the WAWA site would primarily serve the industrial uses in the park (T172-176). He next expressed his opinion that Lord Baltimore Drive was the primary access because it links Liberty Road with Security Boulevard closer to the Beltway than does Rolling Road for access and as a better road on which to locate the WAWA (T176-180). He contrasted Lord Baltimore Drive with Rolling Road with Lord Baltimore being a four lane very wide road with excellent travel capacity and access to

and through the industrial park (T178), and from Windsor Mill Road up to Liberty Road when going through the residential neighborhood there as a two lane road. He testified Rolling Road was narrower beginning at Windsor Mill Road. It twists and turns on the path of the original Rolling Road which had been an Indian path at an earlier time (T179). He found the fuel service facilities currently serving the industrial park to be the Exxon station at Windsor Mill and Rolling Road, the Osprey on Rolling Road below Windsor Boulevard, a Sunoco just below Security Boulevard on Rolling, as well as another service station off Dogwood Road inside the Beltway just east of the industrial park (T183). In his opinion as an expert planner, he believed the placement of two fuel service facilities almost next to each other would create the types of problems voiced under Bill 40 back in 1967 when the service station regulations were amended (T184, 181-182). When he considered alternative sites within the same industrial park where a WAWA could be located which would better primarily serve the industrial park (T184), he found three sites on Lord Baltimore drive that he felt would fit the criteria: lot 47, lot 19, and on the north side of Windsor Boulevard east of Lord Baltimore Drive (T187, 189-191). He expressed his expert opinion that the adverse effects at the proposed site under the Shultz v. Pritts standard could be eliminated, alleviated or avoided if one of the other sites mentioned on Lord Baltimore Drive were to be utilized (T195-199). He believed in order to meet the BCZR 253.2b definition that a service facility be located to primarily serve the industrial park that it would be more incumbent with the prior construction of the Osprey station to locate the second one in a way or place that is more internal to the park as the basis for his opinion that any of those three sites would be a better location for the WAWA than the proposed site given the traffic conditions and road conditions of Rolling Road in the vicinity of Petitioner's site (T198-201).

The question presented is: Did the Petitioner's choice of a specific site located on the western boundary of the relevant ML-IM industrial park which caused Petitioner to exclude consideration of any other site, cause Petitioner to fail to meet its burden under Schultz v. Pritts to analyze whether the adverse impacts presented in the evidence before the Board of Appeals could be obviated, minimized or eliminated if one of three alternate sites located within the same ML-IM industrial park and on the main thoroughfare of Lord Baltimore Drive were chosen as the location for the proposed WAWA?

Argument

By single shooting its desired site, Petitioner overlooked its responsibilities to consider adverse impacts at the site chosen compared to other available sites within the ML-IM zone on Lord Baltimore Drive, the central thoroughfare in the 300+ acre contiguous industrial park and therefore Petitioner should be denied the Special Exception request to locate the WAWA on the inferior Rolling Road intersection chosen.

No matter whether the Board of Appeals looks at the road network servicing the industrial park from the Beltway west to Rolling Road between Liberty and Security Boulevard, or from any review of the testimony of witnesses for both Petitioner and Protestants, what must strike the Board is the stark contrast between the quality and condition and character of the main north-south thoroughfares of Lord Baltimore Drive and Rolling Road. Lord Baltimore Drive within the industrial park meets the definitions of an arterial road while Rolling Road does not. Those criteria include the requirement for speed limits over 40 mph and for at least four travel lanes would qualify for an arterial road. While Petitioner's witnesses agreed as to the character and nature of the road, the traffic expert attempted to embroider the new amended arterial road definition, i.e., that of a

functional arterial road. The BCZR Section 101 definitions set forth the definitions. The aerial and other photographs amply illustrate for the Board the stark difference in the character not only of the two roads, but the absence of sidewalks or shoulders on Rolling Road, particularly significant and problematic in the residential areas immediately north of the Petitioner's site on Rolling Road. Rolling Road telescopes to two lanes without shoulders much as it has been from its original creation more than a century ago.

There is no dispute that when traveling southbound from Liberty Road while there are numerous turn-offs within the industrial park directly off Lord Baltimore Drive, the first opportunity a southbound traveler on Rolling Road would have to enter the industrial park would be at Windsor Boulevard from the north. It is not anywhere close to a fairly debatable issue as to which roadway is superior in terms of providing better service to the industrial park. Rolling Road also runs through more residential areas than does Lord Baltimore Drive once the industrial park is reached from the north on Lord Baltimore Drive. Lord Baltimore Drive, according to the testimony of Mr. Wit, was specifically extended in order to take the pressure off Rolling Road and to better serve the industrial park. While it has, he believed, achieved that effect, the latest traffic count from July of 2007 for the intersection of Windsor Boulevard and Lord Baltimore Drive indicates that the traffic levels are increasing on Lord Baltimore Drive showing that it has become the predominate route of choice for those who work in the industrial park coming from the Baltimore Beltway or the north and south of the industrial park area. The Board will note from the testimony and the aerial exhibits that Windsor Boulevard west of Rolling Road dead ends into the Diamond Ridge Golf Course and the residential uses west of Rolling Road.

The Petitioner's selection of a specific site blinded them to their responsibilities to

entertain the possibility that there would either be adverse effects at this site or that those adverse effects would be worse at this site than if the proposed WAWA were located elsewhere in the industrial zone. There is no dispute and therefore no question that this 300-350 acre contiguous IM district is primarily served by Lord Baltimore Drive between Liberty Road and Security Boulevard. Similarly, there is no serious debate or dispute that neither the Petitioner, based on the testimony of Mr. Wit, nor any of its expert witnesses, Mr. Cronyn, Mr. Schmide and Mr. Brader, ever considered or was asked to consider alternative sites such as the three sites identified by Protestants' expert Jack Dillon on Lord Baltimore Drive. To the contrary, Petitioner's witnesses stated either they were not asked to do so or did not do so and therefore their opinion testimony that there were no other sites within the industrial zone better suited for locating this WAWA did not stand up to questions asked on cross examination. The cross examination of all of those witnesses, except Mr. Dillon, revealed to the Board that no such possibility was contemplated, let alone studied. Mr. Dillon's testimony conversely revealed that from a planning perspective it was a bad idea to site or locate two large gas stations side by side on the western periphery of the industrial park when the divisions of BCZR 253.2b require that auxiliary services such as those proposed by the WAWA are to be designed in order to provide more than half their business by serving the industrial park tenants and visitors.

Mr. Dillon identified three sites of at least an acre and a half or larger in size located right on the prime north-south route of Lord Baltimore Drive. He described those sites as generally level and rectangular, large enough to accommodate the proposed WAWA site. Petitioner's witnesses' testimony that the adverse effects at the subject site would be no worse at any other location won't hold water because they never even studied it. Petitioner's witnesses merely said it. An expert's

opinion is only as good as the underpinnings for the opinion. If an expert witness does not bother to ever study a question, that expert's opinion on the question should only be considered by the Board based on the effort put forth by the expert prior to answering the question.

The Schultz v. Pritts standard was cited with approval fairly recently in the case of AT&T Wireless Services v. Mayor and City Council of Baltimore, 123 Md.App. 681, 720 A.2d 925. In that case the Court cited with approval the testimony before the hearing board that alternative sites had been studied and that less intrusive sites had been identified for consideration. That simply did not occur in this case, nor was there any contention by the Petitioner that they attempted to do so before expressing their opinions. In Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981),

“The duties given to the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan...The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal. These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied.” Schultz, supra, 291 Md. at 11-12, quoted with approval in AT&T Wireless, supra, at 691-692.

The Court of Special Appeals continued its analysis saying:

“In short the test, as developed in *Schultz* is not whether a special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects are implied in all special exceptions. The standard to be considered by the Board is whether the adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily

associated with that use elsewhere within the R-1 zone.” Mossburg v. Montgomery County, 107 Md.App. 1, 8-9, 666 A.2d 1253 (1995), cert. denied, 341 Md. 649, 672 A.2d 623 (1996); AT&T Wireless, supra, at 692, quoting Schultz.

On the issue of adverse effects, the ground level pictures as well as the aerial exhibits introduced give the Board a bird’s eye macro view as well as the on the ground comparison between the quality, character and traffic capacity of the newer Lord Baltimore Drive and the meandering, narrow, Rolling Road. Those pictures also set forth for the Board the proximity of the affected residential areas which are generally along the western border of the industrial park in the residentially zoned areas to the west of Rolling Road and to the north of Windsor Boulevard. The testimony of the Whittens and Mr. Ahmad as to the tremendous Rolling Road traffic and the affect that the telescoping nature of Rolling Road just north of Windsor Boulevard has on the traffic was testified to eloquently by the Protestants’ witnesses, the Whittens and Mr. Ahmad. Conversely, the Petitioner’s witnesses had not observed much of what the Protestants testified to, nor had they made any study to discover the true conditions.

Once the Board determines that Lord Baltimore Drive is more central and certainly located within the ML-IM district, the comparison of the two roads weighs in favor of locating the proposed WAWA on Lord Baltimore Drive rather than Petitioner’s predetermined location, Rolling Road and Windsor Boulevard. Because of Petitioner’s determination where they wanted to locate it, Petitioner’s blinded themselves to the requirements of Schultz and made no attempt to study the realities of traffic capacity on Rolling Road and Lord Baltimore Drive which became apparent once

Petitioner's witnesses were cross examined when they readily admitted they had not done so. The matter of considering adverse impacts on a particular site against the adverse effects if the site were to be located elsewhere in the zone was considered under the aforesaid Schultz v. Pritts standard in the case of People's Counsel for Baltimore County v. Country Ridge Shopping Center, Inc., 144 Md. App. 580, 799 A.2nd 425. (2002). That case dealt with a proposed location of a pawn shop in the eastern area of Baltimore County. In that case, the Board of Appeals concluded the pawn shop would have an unduly adverse impact in the intended location. People's Counsel, supra, at 585-586. The Board should consider the goals set forth in the obvious requirements of BCZR 253.2b, that fuel service stations are to derive and to be established as auxiliary uses in a IM district, and that 51 percent of their business or more will come from the industrial park in which they are located. To place two fuel service stations on the western periphery of the 350 acre contiguous industrial park while there are three sites on Lord Baltimore Drive centrally located which would cause the traffic generated by each fuel service station to be ameliorated by geographic dispersion of the fuel service sites points up that the concentration at this half block of two fuel service stations is a bad idea and will cause adverse impacts based on the existing and projected traffic flows on narrow Rolling Road. The road according to Protestants' witnesses backs up in the morning and the evening and in the area of the narrowing particularly so. That clearly could be avoided as an adverse effect at Petitioner's chosen site had Petitioner attempted to study or actually located the proposed WAWA on Lord Baltimore Drive. Petitioner's expert witness said it directly: that the matter had to do more with competition by placing the station at the corner adjacent to the existing Osprey than in deciding whether there was a better location for it which he did not do. He was not alone. None of Petitioner's expert witnesses did so.

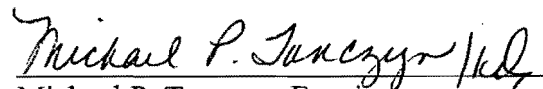
The Court of Special Appeals in the pawn shop case differentiated between its earlier decision finding the Baltimore County Government had been unduly restrictive in their construction of the exemption for relocation of existing pawn shops from the need of any special exception applicant to otherwise meet the requirements of Schults v. Pritts. People's Counsel, supra, at 587. The Court said in that case as in all zoning cases, "we will accept the agencies conclusions (Board of Appeals) if they are based on substantial evidence and if reasoning minds could reach the same conclusion based on the record." People's Counsel, supra, at 593. As applied to the current case, the Petitioner's paid their lip service to Shultz v. Pritts requirements having determined before submitting its application that it wanted a particular site to be approved next to or very close to an identical operation which had operated for five years to the time of hearing. When the Board of Appeals considers Petitioner's request, it is to draw all reasonable inferences from facts and circumstances presented before it in reaching its conclusion as to whether the Petitioner has met its factual burden. People's Counsel for Baltimore County v. Mangione, 85 Md.App. 738, 584 A.2d 1318 (1991). Further, the assessment of the adverse effects is to be made on a case by case analysis and the zoning body in the application of this expertise is to recognize the effects of the proposed use that it considers common to that use regardless of where it may be located in the applicable zone. Sharp v. Howard County Board of Appeals, 98 Md.App. 57, 632 A.2d 248 (1993).

Protestants' expert Mr. Dillon went through the process and located three vacant, level, rectangular sites on the main thoroughfare, Lord Baltimore Drive, which none of Petitioner's witnesses was aware of or had considered for the reasons already stated. Mr. Dillon then reasoned and fairly inferred that in order to meet the requirement that 51 percent of its business would come from the industrial park, that the Petitioners in the WAWA case should have taken account of the

existing Osprey also located in the industrial park and looked for and found any of the alternative sites which Mr. Dillon found as located on a better road with more traffic capacity which met the definition of an arterial street which Rolling Road did not. The facts and circumstances showing the adverse effects on the community were testified to by the Whittens and Mr. Ahmad. They were studiously ignored by Petitioner's witnesses, as well as Petitioner through its representative. The provisions of BCZR Section 502.1 were not met by Petitioner because of the Petitioner's failure to even consider adverse effects or alternative locations within the zone for a basis of comparison. The Court of Special Appeals has found and recognized that traffic impact is a sufficient basis to deny a zoning application including an application for a special exception. Templeton v. County Council, 21 Md.App. 636, 321 A.2d 778 (1974), Temmink v. Board of Zoning Appeals, 212 Md. 6, 128 A.2d 256 (1956), Hardesty v. Zoning Board, 211 Md. 172, 126 A.2d 621 (1956), quoted with approval in Schultz v. Pritts, supra, at 18.

Conclusion

For the authorities cited, Protestants respectfully request the Board of Appeals to deny the Special Exception.



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Towson, MD 21204
410-296-8823
Attorney for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of October, 2007, a copy of the foregoing Memorandum was sent First Class Mail, Postage Prepaid, to Arnold Jablon, Esquire, and David

Karceski, Esquire, Venable, LLP, 210 Allegany Avenue, Towson, MD 21204.

Michael P. Tanczyn /nd/
Michael P. Tanczyn

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October 1, 2007

County Board of Appeals of Baltimore County
Attn: Kathleen C. Bianco, Administrator
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

Re: Case No. 06-449-X
In the Matter of Windsor Rolling Road Property -
Legal Owner: WAWA, Inc. - C.P./Lessee

Dear Kathy:

Enclosed please find original and three copies of the Protestants' Memorandum in the above-referenced case.

Very truly yours,


Michael P. Tanczyn, Esquire

MPT:kds

Encl.

cc: Arnold Jablon, Esquire
David Karceski, Esquire
Clients

RECEIVED
OCT 01 2007
BALTIMORE COUNTY
BOARD OF APPEALS

10/1/07

IN THE MATTER OF WINDSOR
ROLLING ROAD PROPERTY, LLC,
PETITION FOR SPECIAL
EXCEPTION
FOR PROPERTY LOCATED AT
2845 ROLLING ROAD

2nd Election District
4th Councilmanic District

Windsor Rolling Road Property, LLC,
Legal Owner

Wawa, Inc.,
Contract Lessee

* BEFORE THE COUNTY
* BOARD OF APPEALS OF
* BALTIMORE COUNTY
*

* Case No. 06-449-X
*

RECEIVED

OCT 01 2007

BALTIMORE COUNTY
BOARD OF APPEALS

* * * * *

PETITIONERS' POST-HEARING MEMORANDUM

Petitioners Windsor Rolling Road Property, LLC ("WRRP"), legal owner, and Wawa, Inc. ("Wawa"), contract lessee, by Arnold Jablon and David H. Karceski with Venable, LLP, their attorneys, respectfully submit this Post-Hearing Memorandum in support of their Petition for Special Exception, as follows:

INTRODUCTION

The subject site is zoned ML-IM (Manufacturing, Light – Industrial, Major). Section 405 of the Baltimore County Zoning Regulations ("Zoning Regulations" or "BCZR") is specific to fuel service stations, and Section 405.2.B.1 permits a fuel service station on an individual site in the ML-IM zone by special exception. Wawa's proposed fuel service station must, therefore, satisfy the requirements of BCZR Section 502.1(A) through (I). Additionally, BCZR Sections 405.4.E.1 through E.10 permit certain other uses in combination with a fuel service station. These "uses in combination" include a convenience store with a sales floor

area larger than 1,500 square feet and carryout and certain other types of restaurants. Fuel service station “uses in combination” require special exception approval as well, pursuant to BCZR Section 502.1. *See* Memorandum Exhibit No. 1 (BCZR Section 405, Regulations for Fuel Service Stations). In addition to the requirements of Section 502.1, for a fuel service station proposed on an individual site with an IM overlay district, the Zoning Regulations require that it “serve primarily the industrial uses and related activities in the surrounding industrial area.” *See* Memorandum Exhibit No. 2 (BCZR Section 253.2.B).

This case involves a Petition for Special Exception filed by WRRP and Wawa for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Zoning Regulations. The subject property is located at the intersection of Rolling Road and Windsor Boulevard in the Woodlawn area of Baltimore County. *See* Petitioners’ Exhibit No. (“Petitioners”) 1 (Site Plan). The Zoning Commissioner for Baltimore County conducted a public hearing on the Petition for Special Exception and, on July 20, 2006, issued his Findings of Fact and Conclusions of Law granting the requested relief for the proposed fuel service station and uses in combination. *See* Memorandum Exhibit No. 3 (Zoning Commissioner’s Order).

On August 18, 2006, counsel for Protestants filed an appeal to the Zoning Commissioner’s decision in this case to the County Board of Appeals for Baltimore County (“Board of Appeals” or “Board”) on behalf of Thomas Whitten, Martha Whitten, Sajid Chaudhry, and Iftikhar Ahmad. Protestants, Thomas and Martha Whitten and Iftikhar Ahmad, appeared before the Board of Appeals in opposition to Petitioners’ requested relief. Mr.

Iftikhar and his partner, Sajid Chaudhry, are the owners/operators of an existing fuel service station located at 2701 Rolling Road, known as the Osprey station. (T. 8/1/07, p. 128) The Osprey station is located on the same side of Rolling Road as Wawa's proposed station and would be in close proximity to it. *See* Petitioners' 5 (Aerial Photograph/Special Exception Market Area). Mr. and Mrs. Whitten reside on Rollwin Road, which connects to Rolling Road north of its intersection with Windsor Boulevard, the location of the subject site. (T. 8/1/07, p. 110); *See also* Petitioners' 5 and Protestants' 13 (Photographs of Whitten Property).

On July 25, 2007 and August 1, 2007, the Board of Appeals conducted a *de novo* hearing on the requested special exception relief.¹ At the hearing, Petitioners produced strong and substantial evidence through the testimony of Gerard Wit, Senior Vice President for WRRP, and Petitioners' experts, Nicholas J. Brader, III, professional engineer, Kenneth W. Schmid, traffic engineer, and Joseph M. Cronyn, real estate economist/market analyst, and through the introduction of various exhibits to demonstrate that the Board of Appeals should grant the Petition for Special Exception for approval of the proposed fuel service station in combination with a convenience store and carryout restaurant.

STATEMENT OF THE FACTS

The subject site is located within an overall area of ML-IM zoned land containing approximately 300± contiguous acres. (T. 7/25/07, pp. 161-163) Testimony provided on behalf of Petitioners identified this area generally as the Rutherford/Windsor Corporate Parks

¹ With their Memorandum, Petitioners have provided to the Board of Appeals a copy of the hearing transcript.

area. (T. 7/25/07, p. 13) Significant employers, including Verizon, Baltimore Gas & Electric, Provident Bank, and the Federal Bureau of Investigation, were identified as being located within the limits of these two industrial parks. (T. 7/25/07, pp. 17-18, 132) Other major employers outside of the formal boundaries of the parks but within the overall ML-IM zoned area include the Social Security Administration on Security Boulevard and the Health Care Finance Administration with access to Dogwood Road. (T. 7/25/07, pp. 38-39)

Only a limited number of restaurant uses are located within the Rutherford/Windsor Corporate Parks area. (T. 7/25/07, p. 18) Convenient dining opportunities available to employees and visitors of the industrial parks were referred to by Mr. Wit as “few and far between” with “lines out the door every day.” (T. 7/25/07, pp. 18, 23, 57) These limited dining opportunities make it difficult for WRRP to attract potential tenants when a leasing opportunity is available within the Rutherford Business Park. (T. 7/25/07, p. 58)

Wawa intends to lease from WRRP a 1.851 acre lot, located at the southern corner of the intersection of Rolling Road and Windsor Boulevard. (T. 7/25/07, p. 127); *See* Petitioners’ 1 and 7 (Site Photographs). This corner of Rolling Road and Windsor Boulevard is controlled by a traffic light and was identified as one of two “gateway” entrances to the Rutherford/Windsor Corporate Parks area. (T. 7/25/07, pp. 30, 43, 47) On this 1.851 acre site, Wawa intends to construct a 5,940 square foot building, of which 4,329 square feet would be devoted to a convenience store and 750 square feet a carryout restaurant. *See Id.*; (T. 7/25/07, p. 128) The convenience store will offer “convenience items,” including beverages and various food products. (T. 7/25/07, pp. 15, 151) The carryout restaurant component of the building will offer breakfast, lunch, and dinner items. (T. 7/25/07, p. 15)

Wawa also proposes to provide six (6) fuel pump islands with twelve (12) fueling spaces and further improve the site with surface parking and vehicular access drives to both Rolling Road and Windsor Boulevard. *See* Petitioners' 1; (T. 7/27/07, p. 128) The proposed layout for Wawa's fuel service station meets all the applicable parking, area and bulk, and signage regulations that apply to the site and, as such, Petitioners' 1 is a variance-free site plan. (T. 7/25/07, pp. 130-131, 142, 144-150) Only the requested special exception is required for approval of Petitioners' site plan.

The Osprey fuel service station is also located on the southeastern side of Rolling Road approximately one quarter (1/4) of a mile from the subject site. *See* Petitioners' 5. In addition to its fuel service, the Osprey is improved with a convenience store and carryout restaurant as well. (T. 8/1/07, pp. 128-129) It, therefore, offers the very same services that Petitioners intend to provide on the subject site. *See* Petitioners' 1. Mr. Ahmad testified that his opposition to the instant Petition for Special Exception for Wawa is based on competition with his Osprey station. (T. 8/1/07, p. 139)

Protestants Thomas and Martha Whitten reside on Rollwin Road, located north of the subject site. (T. 8/1/07, p. 110). Mr. and Mrs. Whitten testified before this Board regarding their concerns related to Wawa's proposed special exception uses. (T. 8/1/07, pp. 109-127) The Whittens' testimony highlighted certain existing conditions, the traffic patterns and traffic volume on Rolling Road. In addition, they expressed concern for the safety of hearing-impaired people that live near their residence. In particular, Mr. Whitten explained that one of his neighbors walks from Rollwin Road to the Osprey station along Rolling Road, without the benefit of a sidewalk. (T. 8/1/07, pp. 112-121) With regard to the proposed Wawa, the

Whittens further testified to their belief that it would create more traffic. (T. 8/1/07, pp. 122-124)

ARGUMENT

I. Based on the Overwhelming Evidence Presented before the Board of Appeals, Petitioners Are Entitled to the Requested Special Exception.

Special exceptions in Baltimore County are approved in accordance with BCZR Section 502.1. According to the well-developed law of Maryland, a special exception is a “valid zoning mechanism” whereby a particular use is presumed to be valid and is presumed to be consistent with the general welfare, absent facts or circumstances sufficient to negate that presumption. *Schultz v. Pritts*, 291 Md. 1, 11 (1981). Although *Schultz v. Pritts* is the seminal case on special exceptions, in several recent decisions, the Court of Appeals and Court of Special Appeals have reiterated the standard relating to the grant or denial of a special exception. *Mayor & Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 541-543 (2002); *Lucas v. People’s Counsel for Baltimore County*, 147 Md. App. 209, 237-239, (2002); *Hayfields, Inc. v. Valleys Planning Council, Inc.*, 122 Md. App. 616, 640-641 (1998).

As the Court of Appeals explained in *Rylyns Enterprises*:

...a special exception use is an additional use which the controlling zoning ordinance states will be allowed in a given zone unless there is showing that the use would have unique adverse affects [sic] on the neighboring properties within the zone.

372 Md. at 542 (emphasis added). Recent appellate decisions have served to emphasize that, once a petitioner demonstrates that the proposed use satisfies the specific requirements of the

applicable ordinance, the special exception must be granted unless “there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.” *Id.* at 542 (*quoting Schultz*, 291 Md. at 11) (emphasis added).

To defeat a special exception, therefore, a protestant must do more than show that the use may have adverse effects that are common to the use generally. *Rylyns Enterprises*, 372 Md. at 542; *Schultz*, 291 Md. at 14, 22-23; *Lucas*, 147 Md. App. at 238-239. “The disqualifying adverse effect or effects must be more than mere annoyance. Classifying such uses as special exceptions or conditional uses (as opposed to permitted uses) assumes that those uses will include some adverse impacts.” *Rylyns Enterprises*, 372 Md. at 542 (emphasis added). A disqualifying adverse impact, therefore, must be something more than what is ordinarily expected and it must be unique to that particular location. *Id.* at 542. *See also Lucas*, 147 Md. App. at 238-239; *Hayfields*, 122 Md. App. at 640-641. As outlined below, Petitioners produced strong and substantial evidence at the hearing before the Board demonstrating that the proposed fuel service station and carryout restaurant and convenience store meet the applicable standards pertaining to these uses and that the proposal satisfies the requirements of Section 502.1.

1A. Petitioners Demonstrated Compliance with BCZR Section 502.1.

Petitioners examined the proposed Wawa station in the context of BZCR, Section 502.1 and established before this Board that it would have little or no impact on the

surrounding community. Petitioners are thus entitled to the relief requested by way of their Petition for Special Exception as it relates to BCZR, Section 502.1.

Section 502.1.A: Health, Safety, and General Welfare of the Locality

With the exception of traffic concerns, which are addressed below, Protestants raised no real concerns over any potential impact the proposed special exception uses would have on the surrounding locale.

Nicholas Brader, professional engineer, testified on behalf of Petitioners and confirmed that the proposed special exception uses, as shown on Petitioners' 1, would have no detrimental impact on the health, safety, and general welfare of the locality. (T. 7/25/07, pp. 152-153) This Board accepted Mr. Brader as a professional engineer with expertise in the Baltimore County Zoning Regulations and, particularly, Section 502.1, the fuel service station regulations contained in Sections 405, and Section 253. Protestants produced no compelling testimony, expert or otherwise, to contradict the clear and unambiguous testimony presented by Petitioners on this point. As to the traffic concerns raised by Protestants, no evidence was presented to refute Petitioners' conclusion that there would be no adverse impact on the health, safety, or general welfare of the locality involved. Kenneth Schmid, accepted as traffic engineer, testified there would be no adverse impact from a traffic standpoint. (T. 8/1/07, pp. 48, 58) Mr. Schmid's testimony is reviewed in detail below, in the context of BCZR, Section 502.1.B.

Section 502.1.B: Congestion in Roads, Streets, or Alleys

Protestants offered no expert testimony or evidence through a traffic engineer on any impact the proposed use would have on the surrounding roads, streets, and alleys in the vicinity of the site. The testimony Protestants did provide this Board related to the existing traffic on Rolling Road and their belief that Wawa's station would increase traffic on Rolling Road. This testimony and the expert testimony of Petitioners' witness Kenneth Schmid are outlined below.

Protestants Thomas and Martha Whitten described the existing traffic on Rolling Road near their residence as "heavy." (T. 8/1/07, pp. 114-115) This existing traffic makes it difficult for the Whittens to exit their neighborhood onto Rolling Road and, because of that Rolling Road traffic, they also are concerned for the safety of hearing-impaired individuals that walk from Rollwin Road to the Osprey station. (T. 8/1/07, pp. 115, 116-118, 122) Mr. Whitten testified that the Osprey station did not add any traffic to Rolling Road, but he believes that the proposed Wawa station will create more traffic on Rolling Road. (T. 8/1/07, pp. 125-126) Mr. Whitten did not offer any evidence in support of this assertion.

Mr. Ahmad testified that he visits the Osprey station "almost every day" and his station has only had a "slight increase" in traffic on Rolling Road. (T. 8/1/07, pp. 129, 146) The Osprey station includes a convenience store, carryout restaurant, and rollover car wash. *See* Petitioners' 10 (Case No. 07-245-X / Order for Osprey Station), p. 3. Osprey customers "buy gas, they buy sandwiches, they buy convenience items." (T. 8/1/07, p. 131) Further, Mr. Ahmad testified that Osprey station customers have no difficulty exiting the station and making a left onto Rolling Road. (T. 8/1/07, p. 160) This testimony described Osprey as

providing the same services proposed by Wawa and one additional service, a rollover carwash. However, Mr. Ahmad testified that the “area is going to go crazy” because Wawa will bring more traffic to the Rolling Road. (T. 8/1/07, p. 134) Mr. Ahmad did not provide this Board any evidence in support of his position.

Protestants also offered Jack Dillon as an expert in planning, and this Board accepted Mr. Dillon to testify regarding “planning and the regs, but *not* traffic.” (T. 8/1/07, p. 163) In fact, Chairman Wescott reminded Protestants’ counsel to “stay clear of traffic [issues]” during direct examination of Mr. Dillon. (T. 8/1/07, p. 198) Although not qualified to testify regarding traffic, Mr. Dillon suggested, as a planner, that Wawa would increase traffic at the intersection of Rolling Road and Windsor Boulevard and “present some additional traffic hazards.” (T. 8/1/07, pp. 197, 200) No basis was provided to support these statements.

Kenneth Schmid, Petitioners’ traffic engineer, testified to his familiarity with the subject property and surrounding road system. Mr. Schmid has been a practicing traffic engineer since 1981 and has testified numerous times before this Board and the Zoning Commissioner for Baltimore County. (T. 8/1/07, pp. 39-41); *See also* Petitioners’ 8 (K. Schmid Resume). In twenty (20) to twenty-five (25) of these zoning cases, his testimony was specific to fuel service stations. (T. 8/1/07, pp. 39-41) The Board accepted him in this case as a traffic engineer and “particularly relating to [BCZR] 502.1.” (T. 8/1/07, p. 42)

Mr. Schmid established his familiarity with the site and the proposed Wawa station. (T. 8/1/07, pp. 42-44) He visited the site in preparation for this case specifically about five (5) times. (T. 8/1/07, p. 43) For this project, Mr. Schmid examined the surrounding roadways, the existing traffic patterns of those roadways, and reviewed Baltimore County’s basic

services maps for verification of levels of service at the intersections of those roads. (T. 8/1/07, pp. 43-44, 46) In addition to these existing conditions, he considered the number of trips the proposed use would generate, traffic patterns normally associated with fuel service stations and convenience stores similar to Wawa's, and the access points proposed on Rolling Road and Windsor Boulevard to serve the site. (T. 8/1/07, pp. 45-47) This analysis enabled Mr. Schmid to render an opinion in the context of BCZR Section 502.1.B.

Mr. Schmid reported to this Board his conclusion that the proposed use, drawing from the existing traffic on the surrounding road system, will not tend to create congestion in the roads, streets or alleys that surround the site. (T. 8/1/07, p. 57) To arrive at this conclusion, Mr. Schmid explained to the Board the nature of the traffic the Wawa station would generate. "Every use and every type of different development has traffic patterns associated with it." (T. 8/1/07, p. 45) Mr. Schmid identified the proposed use's traffic pattern as "a big factor in this case" and described it as follows:

Well, by nature, convenience stores with gas sales, or convenience stores on its own really don't generate a lot of new vehicular trips to a road system. They are mainly, for the most part, what we call pass-by trips or diverted trips. Those are cars that are already traveling along the road system to another primary purpose, and they visit the site as an ancillary visit along a greater purpose trip. So from the standpoint of creating new traffic to an area road system, they generate very little new traffic.

* * * *

The majority of the trips, eighty five, ninety percent of the trips generated by this site are either pass-by or diverted trips. So from the standpoint of over-burdening the existing facility, the amount of new traffic to be put on the road system by this use is minimal and should have very little impact on the adjacent intersections, let alone the intersections further away.

(T. 8/1/07, pp. 49-50) Due to this traffic pattern, Mr. Schmid did not need to examine the roads of the surrounding intersections a great distance from the site to arrive at his conclusion.

(T. 8/1/07, pp. 44-45)

Mr. Schmid also addressed the existing traffic on the nearby roadways and the flow of traffic through the intersection of those roadways. (T. 8/1/07, pp. 51-53) The site is not located in a deficient traffic shed. (T. 8/1/07, p. 52) There is "heavy traffic" through the intersection of Lord Baltimore Drive and Windsor Boulevard. (T. 8/1/07, p. 51) That intersection is signalized and is "somewhat orderly and works well." (T. 8/1/07, p. 51) The intersection of Windsor Boulevard and Rolling Road also "work[s] rather well." (T. 8/1/07, p. 51) He described this intersection as a "fairly high volume intersection" consistent with where fuel service stations are usually located. (T. 8/1/07, p. 43) The intersection of Lord Baltimore Drive and Windsor Boulevard is rated by Baltimore County as a level "C" intersection and the intersection of Rolling Road and Windsor Boulevard a level of service "A." (T. 8/1/07, p. 52) The intersection of Windsor Mill Road and Rolling Road is a level "D" intersection. This intersection is north of the subject site and a good distance from it. *See* Petitioners' 5. None of these intersections are failing intersections by Baltimore County standards. (T. 8/1/07, p. 53); *See also* Memorandum Exhibit No. 4 (BCZR Section 4A02.4.D).

After addressing the adequacy of the surrounding roadways, Mr. Schmid testified regarding the subject site's access to Rolling Road and Windsor Boulevard. The intersection of these roads has the benefit of a traffic signal, which makes it a "good location" for the use in comparison to a mid-block fuel service station without the control provided by a traffic

light. (T. 8/1/07, p. 56) Access to both roadways would be "full movement access" and "designed to meet the county standard in regard to commercial access." (T. 8/1/07, pp. 54-55) Automobile sight lines from the proposed access points onto Rolling Road and Windsor Boulevard would also be adequate and will require Baltimore County approval. (T. 8/1/07, pp. 55-56) Based on his site observations, Mr. Schmid opined that ingress and egress to the site would be well-designed to handle the type of traffic this use would generate, which he again described as "diverted trips into the site and back out to the road system." (T. 8/1/07, p. 57)

On cross-examination of Mr. Schmid, Protestants' counsel was unable to diffuse his conclusion of no adverse impact. Counsel for Protestants raised two traffic related issues in his attempt to do so. First, Protestants questioned Mr. Schmid's position that the proposed Wawa station would primarily attract "passer-by trips." (T. 8/1/07, pp. 58-59) Mr. Schmid supported his position citing the trip generation data for the use provided by the Institute of Transportation Engineers and numerous studies conducted regarding fuel service station trip generation. (T. 8/1/07, p. 59) Protestants did not present trip generation data to the Board to dispute this.

Second, Protestants' counsel questioned Mr. Schmid on the impact the proposed Wawa station would have given its close proximity to the existing Osprey Station. (T. 8/1/07, p. 105) Protestants' witness Mr. Dillon had raised this issue as well, without any traffic data to support his position. (T. 8/01/07, p. 184) Mr. Schmid responded that there would be no issue with the proximity of the two stations to each other provided the access points for Wawa's station are designed properly. (T. 8/1/07, p. 105) He had previously testified that the

access points for the subject site, sight lines from those access points, and the location at a lighted intersection would make this site appropriate for the proposed Wawa. (T. 8/1/07, pp. 55-57) Again, Protestants did not offer any expert testimony contrary to Mr. Schmid's opinion.

Section 502.1.C: Potential for Fire, Panic, or other Danger

Mr. Brader, who has worked on numerous fuel service stations, confirmed that the proposed special exception uses would comply with the applicable regulations that govern building permits. (T. 8/1/07, p. 153) Petitioners' site will also utilize the surrounding roads as now configured. *See* Petitioners' 1. No change to the configuration of Rolling Road or Windsor Boulevard is necessary to accommodate the proposed use and the access points proposed on both roadways will be designed to meet applicable Baltimore County standards as well. (T. 8/1/07, p. 55); *See also* Petitioners' 1. In addition, Petitioners' site plan meets all the applicable area and bulk regulations that pertain to the proposed use so on-site circulation as required by the Zoning Regulations will be provided. (T. 8/1/07, p. 155) For these reasons, no potential hazard from fire, panic, or other danger should occur for the on-site building and fueling stations or the existing road system. The Fire Department did not issue an adverse Zoning Advisory Committee comment in this case, and Protestants presented no evidence to the contrary. *See* Memorandum Exhibit No. 5.

Section 502.1.D: Overcrowd the Land or Cause Undue Concentration of Population

Mr. Brader testified that the proposed fuel service station and its uses in combination, as shown on Petitioners' 1, will not overcrowd the land or cause an undue concentration of population. (T. 7/25/07, p. 155) In support of his opinion, Mr. Brader indicated that no variances are required for the proposed layout for Wawa's station. (T. 7/25/07, p. 155) The proposed use "meets or exceeds" all the applicable area and bulk regulations specific to the property's ML-IM zoning as well as the Fuel Service Stations Regulations. (T. 7/25/07, p. 155); *See also* Petitioners' 1. Mr. Brader prepared Petitioners' 1 and testified in specific detail before this Board regarding site plan compliance with the fuel service station parking and stacking space requirements, required minimum site area and setbacks, and landscape transition area requirements. (T. 7/25/07, pp. 146-149)

Therefore, the proposed use will not tend to overcrowd the land or cause an undue concentration of population, and BCZR Section 502.1.D is satisfied. Protestants did not offer any expert or other testimony or evidence to prove otherwise before this Board.

Section 502.1.E: Adequate Provisions of Public Services

Mr. Brader stated his opinion that the proposed special exception uses will have no impact on adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements. (T. 7/25/07, p. 155) The site is proposed for a fuel service station in combination with a carryout restaurant and convenience store; there will be no impact on the County's schools. (T. 7/25/07, p. 155) There will be no

more than ten (10) employees on site at any one time; there will be no impact on public transportation. This site will be served by public utilities. Public water and sewer lines are located within the road bed of Windsor Boulevard. *See* Petitioners' 1.

Again, Protestants raised no concerns regarding adequacy of any of the public services listed in BCZR, Section 502.1.E.

Section 502.1.F: Interfere with Adequate Light and Air

Mr. Brader likewise testified that the proposed uses would not interfere with adequate light and air. (T. 7/25/07, pp. 155-156) For Mr. Brader to reach his conclusion, he considered the height of the proposed convenience store/carryout restaurant structure, as shown on Petitioners' 1. (T. 7/25/07, pp. 155-156) Other than the canopy over the fuel pump islands, this "one-story building" is the only structure to be built on site. (T. 7/25/07, p. 155) Mr. Brader also referred to the amount of site area required to support the proposed special exception uses. Petitioners' 1 provides that the total site area devoted to the proposed special exception uses is 80,630 square feet. *See* Petitioners' 1. The Zoning Regulations require only 40,816 square feet to support the fuel services station and uses in combination with it. *See* Id. Additionally, the only building proposed will occupy less than ten (10) percent of the overall special exception area. *See* Id.

Section 502.1.G: Consistent with the Property's Zoning Classification and not Inconsistent with the Spirit and Intent of the Zoning Regulations

Mr. Brader confirmed that the use of the subject property for the proposed fuel service

station and uses in combination is consistent with the property's ML-IM zoning classification and with the spirit and intent of the Baltimore County Zoning Regulations generally. (T. 7/25/07, p. 156) The IM overlay district has a very limited purpose, primarily to allow for certain automotive-related uses in the County's manufacturing zones. *See* Memorandum Exhibit No. 2. The proposed fuel service station and uses in combination are permitted by special exception on the subject site because of its IM district. Further, the proposed layout meets or exceeds all applicable setback and area requirements of the Zoning Regulations.

Additionally, this site's IM overlay district imposes the requirement that the proposed special exception uses serve primarily the industrial uses and related activities in the surrounding industrial area. *See* Memorandum Exhibit No. 2. Through the testimony of Mr. Cronyn, Petitioners' real estate economist/market analyst, and Mr. Wit, Petitioners satisfied this requirement. A review of Mr. Cronyn's testimony is contained in Section IV of this Memorandum.

Section 502.1.H: Impermeable Surface/Vegetative Retention Provisions

Section 502.1.H of the Zoning Regulations is not applicable to the subject property. The property's ML-IM zoning does not restrict the amount of impermeable surface permitted on the property nor does it contain a requirement for the retention of vegetation. There are landscape transition area requirements for fuel service stations. *See* Memorandum Exhibit No. 1 (Section 405.4.A). Mr. Brader testified that Petitioners' site plan provides for the required landscape transition areas, which are six (6) feet along adjacent commercial property and ten (10) feet along road rights-of-way. (T. 7/25/07, pp. 147-148); *See also* Petitioners'

1B.

Section 502.1.I: Detrimental to Environmental and Natural Resources of the Site and Vicinity in an RC2, RC4, RC5, or RC7 Zone

Section 502.1.I of the Zoning Regulations is not applicable to the subject property. No part of the site is zoned any of the Resource Conservation classifications to which this subsection of 502.1 applies. The site is zoned ML-IM. *See* Petitioners' 1A.

IB. This Board Should Disregard the Testimony of Protestant Ahmad.

Protestant Ahmad admitted, on cross-examination by Petitioners' counsel, that one of his primary reasons for opposing the instant Petition for Special Exception is the competition expected from Wawa's proposed fuel service station. (T. 8/1/07, p. 139) In fact, Mr. Ahmad initiated contact with a representative for Wawa to discuss sale of his Osprey station to Wawa. (T. 8/1/07, p. 141) The Maryland Court of Appeals has long held that "the prevention of competition is not a proper element of zoning." *Kreatchman v. Ramsburg*, 224 Md. 209, 219 (1961) (determining protestant lacked standing to appeal where his only articulable interest in opposing zoning petition was in preventing proposed business' competition with his business). As Mr. Ahmad's interest is no different than that of the protestant in *Kreatchman*, this Board should likewise decline to consider Mr. Ahmad's appeal.

II. "Need" for Petitioners' Special Exception Uses is not a Requirement in the ML-IM Zone.

Counsel for Protestants, during his opening statement, suggested that "need" must be established for a fuel service station to be located in an ML-IM zone. (T. 7/25/07, pp. 7-8) "Need" is not a requirement for a fuel service station and the proposed uses in combination in

the ML-IM zone. Period! The zoning requirements for these special exception uses in the ML-IM zone are contained in BCZR Sections 405 and 253.2.B, which lists certain automotive uses permitted in the ML-IM zone. *See* Memorandum Exhibit Nos. 1 and 2. Neither of these sections of the Zoning Regulations impose a requirement of “need” for the services the proposed fuel service station would provide. Rather, it is only the CR overlay district that contains this additional requirement of need. *See* Memorandum Exhibit No. 7 (259.3.E, Special Regulations for CR Districts); and *In the Matter of the Application of Seven Kids, LLC*, CBA Nos. 99-127 and 99-128, p. 10 (wherein the Board indicated that “need” is an additional requirement for granting a fuel service station special exception in a CR overlay district).

III. Petitioners’ Special Exception Uses are Permitted by BCZR Section 405.2.B.1 on an “Individual Site.”

Petitioners filed their Petition for Special Exception under Section 405.2.B.1 of the Zoning Regulations for a fuel service station and uses in combination on an individual site. Protestants argue that this Board may not grant the requested special exception, pursuant to this section of the Zoning Regulations, due to the site’s location within an industrial park. Their position is that Wawa’s station is only permitted pursuant to Section 405.2.A, which permits fuel service by right.

Contrary to Protestants’ position, a reading of Sections 405.2.A and 2.B of the Zoning Regulations makes clear that a fuel service station is permitted on the subject site in two different ways. BCZR Section 405.2.A permits a fuel service station by right and certain uses in combination by special exception, if the site is part of a planned shopping center, planned

industrial park, or planned drive-in cluster *and* no part of the lot is within 100 feet of any residentially zoned property. Agreed, the subject site is located within the boundaries of an industrial park. However, BCZR Section 405.2.B provides an alternative way for fuel service station approval. It permits a fuel service station by special exception on an individual site with one of the required overlay districts. *See* Memorandum Exhibit No. 1 (Section 405, Fuel Service Stations Regulations). The IM district is one of the qualifying districts. *See Id.* The criterion that differentiates the two sections is obvious. Section 405.2.A permits the proposed fuel service station by right. Section 405.2.B requires a special exception.

“Just in the English Language.”

Mr. Brader had testified that the subject site meets the requirements of BCZR Section 405.2.B. (T. 7/25/07, pp. 187-188) Simply stated, it is an individual site located within an industrial park. (T. 7/25/07, pp. 187-188) Counsel for Protestants questioned Mr. Brader on the subject site’s compliance with Section 405.2.B.

Question. Is there anything in the regulations – feel free to look through mine if you care to – that you rely on for drawing that distinction?

In response to Mr. Tanczyn asking how the subject site could qualify as an individual site, pursuant to Section 405.2.B, Mr. Brader responded:

Answer. Just the English language.

(T. 7/25/07, p. 188) The applicability of Section 405.2.B to the subject property as an “individual site” was clear to Mr. Brader. There is no definition for individual site contained in Section 101 of the Zoning Regulations, however, the Wawa station will be located on its

own lot recorded in the Land Records for Baltimore County. In fact, it is identified on Petitioners' site plan as a separate lot, "Lot B-10," which is proposed to include the special exception area for the fuel service station and its uses in combination only. *See* Petitioners' 1A. Once recorded, this lot may be leased or sold and mortgaged independently. There is no support in the Zoning Regulations for the suggestion that a lot containing only a fuel service station and its combination uses is anything other than an individual site.

Protestants were unable to produce an credible expert testimony to refute Mr. Brader's opinion that the subject site qualifies as an "individual site" for special exception approval, pursuant to BCZR Section 405.2.B.1.

IV. Petitioners Have Provided Substantial Evidence to Prove that the Proposed Special Exception Uses Will Serve Primarily the Surrounding Industrial Area.

As briefly described above, in order to meet their burden before the Board, Petitioners must prove that the proposed use will satisfy the requirements of BCZR Section 253.2.B. Specifically, Petitioners must prove that the special exception uses will "serve primarily the industrial uses and related activities in the surrounding industrial area." BCZR Section 253.2.B. As described in detail below, Petitioners presented substantial evidence to satisfy their burden and, therefore, the Board should approve the Petition for Special Exception.

In the course of describing the parameters of the Rutherford/Windsor Corporate Parks area, Mr. Wit keenly identified the site of the proposed Wawa to be "the gateway to that entire employment zoned area." (T. 7/25/07, p. 30). Due to its proposed location at "the gateway" to the surrounding industrial area, it naturally follows that the Wawa would be found to serve primarily that area. Indeed, that is what Petitioners' evidence confirmed, and what

Protestants, in effect, admitted when putting on their case.

Perhaps the most telling testimony offered on this issue came from Mr. Ahmad. When he described the nature and source of his business, he verified that the Osprey station served primarily the corporate park. Specifically, he stated on direct examination that “[t]he majority of the business comes from the park.” (T. 8/1/07, p. 130). Following this clear-cut example of the source of business that an existing fuel service station/convenience store/carryout restaurant near the Rutherford/Windsor Corporate Parks area experiences, it would be difficult to argue that the proposed Wawa, located at a gateway entrance to the park area, would be any different.

If there is any doubt, Petitioners presented two witnesses who opined that the proposed Wawa would serve primarily the Rutherford/Windsor Corporate Parks area. First, Mr. Wit, on behalf of WRRP, addressed the convenience store/carryout restaurant aspect of the proposed Wawa. He explained that his office is located within the Rutherford/Windsor Corporate Parks area and that he has been involved with the park from its inception. (T. 7/25/07, p. 13). Based on his intimate knowledge of the parks and surrounding areas, he concluded that this part of the Wawa would be used largely by the tenants of the Rutherford/Windsor Corporate Parks area. (T. 7/25/07, pp. 22-23). As a tenant of the park himself, Mr. Wit shared his own frustration that “it’s very difficult to get something to eat in a short period of time at the two buildings that exist [nearby] that are trying to serve” the parks. (T. 7/25/07, p. 23).² He noted that those limited existing food options are overcrowded by

² He was referring to two buildings on the edge of the park that contain a few convenience store / fast food options for tenants of the park.

users from the park, which is why he had no difficulty opining that, in providing an additional mealtime option, the Wawa “would be largely [utilized by] the people who come to work every day in the million-five square foot of the Rutherford Business Park, [or] the approximate million square foot of Windsor Corporate Park.” (T. 7/25/07, p. 23).

With regard to the fuel service station aspect of the proposed Wawa, Petitioners presented Mr. Joseph Cronyn, who the Board accepted as an expert in market analysis and market feasibility, demographics, and planning and real estate research. (T. 7/25/07, p. 64, 69). In preparation for the hearing, Mr. Cronyn prepared a “Demand Analysis,” which provides “an analysis of the demand for a gasoline fuel service station” and which was submitted into evidence as Petitioners’ 3. During the hearing, Mr. Cronyn offered testimony to explain the conclusions he reached in conducting the Demand Analysis, including his conclusion “that the primary demand is, at this location, is going to be derived from the industrial zone.” (T. 7/25/07, p. 82). In fact, he testified – over five straight pages of the transcript – the exact steps he took and calculations he made in arriving at that conclusion. (T. 7/25/07, pp. 77-82). When specifically asked whether the Wawa would meet the “serve primarily” requirement of BCZR Section 253.2.B, he opined “that approximately two-thirds of the demand is coming from the industrial zone” in this market area, as he defined it (T. 7/25/07, p. 83).

Protestants attempted to deflect Petitioners’ strong evidence through the testimony of their own Planning expert, Mr. Jack Dillon. Specifically, Mr. Dillon attempted to convince the Board that the proposed Wawa site would not serve primarily the surrounding industrial area because there are three other vacant sites nearby that, in his opinion, would better serve

the area. (T. 8/1/07, pp. 186-87). At the same time, however, he identified three existing fuel service stations – the Osprey, an Exxon at Windsor Mill Road and Rolling Road, and a Sunoco at Security Boulevard and Rolling Road – that he considered to be “primary and [to] service the area.” (T. 8/1/07, p. 183). For Mr. Dillon to opine that the proposed Wawa site – located at “the gateway” to the industrial area – would not serve primarily that area, while a Sunoco and Exxon that are much further from the industrial area would serve that area, is unreasonable.

If Protestants consider the Osprey and other nearby fuel service stations to serve primarily the surrounding industrial area – as both Messrs. Ahmed and Dillon have admitted – the proposed Wawa station, located at a gateway entrance to the industrial area, must likewise serve primarily that area. Protestants cannot escape their own admissions and they have otherwise failed to rebut Petitioners’ strong evidence proving the proposed Wawa will serve primarily the surrounding industrial area.³

³ It should also be noted that, by way of a letter dated May 26, 2006, the Baltimore County Department of Economic Development has expressed its support for Petitioners’ proposed special exception uses. (See Petitioners’ 4). The Director of that Department, David Iannucci, specifically noted the site is located “at one of the primary vehicular entrances to” “one of the County’s major employment centers.” See *Id.* He indicated that the use was “appropriate” at the proposed location and that it “will provide retail services that enhance the business environment within this employment center.” See *Id.* Ultimately, he stated that it was his Department’s position “that the use will primarily serve the uses within the overall industrial zone in which it would be located.” See *Id.*

CONCLUSION

During the two days of testimony before the Board of Appeals, Petitioners demonstrated, through strong and substantial evidence, that they are entitled to the requested special exception relief. The Petitioners, therefore, respectfully request that the Board of Appeals approve the Petition for Special Exception for the proposed Wawa station.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of October, 2007, a copy of the foregoing PETITIONERS' POST-HEARING MEMORANDUM was mailed, first-class delivery, postage prepaid, to Michael P. Tanczyn, Esquire, 606 Baltimore Avenue, Suite 106, Towson, Maryland 21204-4098, Attorney for the Protestants.



ARNOLD JABLON

TOIDOC51/250308

§ 404

BALTIMORE COUNTY ZONING REGULATIONS

§ 405

for review. The Director of Permits and Development Management shall allow the Board a maximum of 30 days, before taking action, to comment on an alleged violation. [Bill Nos. 51-1993; 74-1999]

Section 405
Fuel Service Stations
[Bill No. 172-1993²]

405.1 Statement of legislative findings and policy.

- A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.
- B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.
- C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.
- D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

405.2 Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no part of the lot is within 100 feet of a residentially zoned property and is integrated with and located:
 - 1. In a planned shopping center of which at least 20% has been constructed at the time the building permit for the fuel service station is issued, but not to

² Editor's Note: This bill also repealed former Section 405, which was part of BCZR 1955, as amended by Resolution, November 21, 1956, and Bill Nos. 40-1967; 69-1968.

§ 253

ZONE AND DISTRICT REGULATIONS

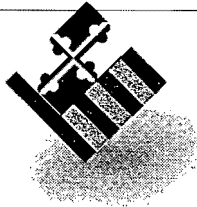
§ 253

8. Sludge disposal facility – composting (see Section 412A.2.B). [Bill No. 46-1982]
 9. Sludge disposal facility – handling in general (see Section 412A.2.C). [Bill No. 46-1982]
 10. Sludge disposal facility – incineration (see Section 412A.2.D). [Bill No. 46-1982]
 11. Sludge disposal facility – landspreading (see Section 412A.2.E). [Bill No. 46-1982]
 12. Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976]
 13. Truck stops. [Bill No. 18-1976¹⁵]
 14. Utilities not permitted under the provisions of Section 253.1.
- B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993]¹⁶
1. Automotive-service stations, subject, further, to the provisions of Section 405.
 2. Car washes, subject, further, to the provisions of Section 419.
 3. Garages, service, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport. [Bill No. 218-1980]
 4. Union halls or other places of assembly for employment-related activities.
- C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception. [Bill No. 21-1996¹⁷]
1. Amusement parks.
 2. Farms or limited-acreage wholesale flower farms.

¹⁵ Editor's Note: This bill also repealed the former entry for truck terminals.

¹⁶ Editor's Note: All provisions of this subsection are originally from Bill No. 100-1970, except as otherwise noted.

¹⁷ Editor's Note: This bill reenacted this Subsection C, deleting the following entries and renumbering the rest: "baseball-batting ranges," "golf-driving ranges" and "miniature-golf courses." Original provisions of this subsection were derived from Bill No. 100-1970.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 20, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold Jablon, Esquire
Robert Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL EXCEPTION**
S/E Corner of Rolling Road & Windsor Blvd.
(2845 Rolling Road)
2nd Election District – 4th Council District
Windsor Rolling Road Property LLC, by Edward St. John – Legal Owner;
Wawa, Inc., by Joseph Losak, V.P., Contract Purchaser
Case No. 06-449-X

Dear Messrs. Jablon and Hoffman:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Gerard Wit, Vice President of St. John Properties,
29 Springhill Farm Court, Cockeysville, Md. 21030
Nicholas J. Brader, III, Matis-Warfield, Inc., 10545 York Road,
Suite M., Hunt Valley, Md. 21030
Kenneth W. Schmid, Traffic Concepts, 325 Gambrills Road,
Suite E, Gambrills, Md. 21054
Joseph M. Cronyn, Lipman Frizzell & Mitchell, LLC,
8815 Centre Park Drive, #200, Columbia, Md. 21045
Sajid Chaudhry and Iftikhar Ahmad, 2701 Rolling Road,
Baltimore, Md. 21244
G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803,
Towson, Maryland 21204
Jack Dillon, 207 Courtland Avenue, Towson, Md. 21204
Nickolas Johnson, V.P., Claybrooke HOA, 2751 Claybrooke Drive,
Baltimore, Md. 21244
Mr. & Mrs. Thomas Whitten, 30 Rollwin Road, Baltimore, Md. 21244
Arshad Ransha, 5900 Johnnycake Road, Baltimore, Md. 21207
Abdul Rauf, 6725 Dogwood Road, Baltimore, Md. 21207
Khalid Azam, 7415 Windsor Mill Road, Baltimore, Md. 21244
Tom Pilon, 2560 Lord Baltimore Drive, Baltimore, Md. 21244
People's Counsel; Case File

§ 4A02

GROWTH MANAGEMENT

§ 4A02

- a. The county's share of the maximum reserve capacity of the sewerage in the area on the effective date of mapping of the area minus the daily quantity of sewerage from any industrial buildings for which construction permits are expected to be issued between that date and the time the "basic services" map is next revised, in millions of gallons of sewerage per day,, and
 - b. The maximum level of nonindustrial development allowable in the district as determined based on the following assumptions:
 - (1) Each dwelling unit with three bedrooms or more shall be considered to result in a yield of 225 gallons of sewage per day.
 - (2) Each dwelling unit with less than three bedrooms shall be considered to result in a yield of 200 gallons of sewage per day.
 - (3) Each square foot of gross floor area of a building or a part of a building devoted principally to retail use shall be considered to result in a yield of 0.05 gallon of sewage per day.
 - (4) Each square foot of gross floor area of a building or a part of a building devoted principally to office use shall be considered to result in a yield of 0.09 gallon of sewage per day.
 - c. The quantity of sewage yielded by a building or a part of a building to be devoted principally to uses other than dwelling or retail or office uses shall be determined by the Department of Public Works.
4. Exception. This subsection does not apply to any development that will not be served by a public sewerage system.
- D. Transportation.
1. Intent. The transportation standards and maps are intended to regulate nonindustrial development where it has been determined that the capacity of arterial and arterial collector intersections is less than the capacity necessary to accommodate traffic both from established uses and from uses likely to be built pursuant to this article. Such development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the map becomes effective, be rated at level-of-service E or F under standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences National Research Council.
 2. Determination of critical vehicle-trip number.
 - a. For the purpose of this paragraph, the "critical vehicle-trip number" of an intersection is determined by the formula:

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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442, 443, 444, 445, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

209]

Syllabus.

impropriety on the part of the court with respect to either of the alleged prejudicial remarks. The remarks the judge made to the mother were in fact caused by her continued interference with the orderly procedures of the court and the comments he made on the evidence were neither improper nor unfair in the circumstances.

(iv)

Even though the principal contention of the Kujawas is that the amount of the damages awarded by the jury was grossly inadequate, they utterly fail to present a sufficient basis for a review of the claim by this Court. Ordinarily, the question of whether a verdict is either excessive or inadequate is one for the trial court, in the exercise of its sound discretion, to decide on a motion for a new trial. We see nothing in the record to take this case out of the general rule.

(v)

This final question involves the propriety of granting the motion for the judgment *n.o.v.* in favor of the transit company. Since a new trial is not to be awarded, it appears that the Kujawas concede that they are no longer concerned as to whether the judgment *n.o.v.* should stand or fall. And since Ford, the other appellee, did not appeal from the order granting *n.o.v.*, we conclude we do not reach the question.

All judgments, including the judgment *n.o.v.*, will be affirmed.

*Judgments affirmed, the appellants
to pay the costs.*

KREATCHMAN v. RAMSBURG ET AL.

[No. 79, September Term, 1960.]

APPEAL—Interest Of Appellant To Maintain—Question For This Court And One Which Trial Court Would Not Have Had Power To Decide—Limitation In Maryland Rule 885 Against This Court's Deciding Any Question Not Tried And Decided Below Has No Application. The sufficiency of the appellant's in-

224 Md.—14

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Dr. Raymond M.
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Atl. 648 (1922).

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weak. We agree.
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See also *Browner*
926). In fairness
d that we find no

§ 259

BALTIMORE COUNTY ZONING REGULATIONS

§ 259

- b. The storage area shall not cover more than 15% of the lot, except as determined by the Zoning Commissioner in a special exception hearing; and
 - c. The storage area shall be screened by a fence in association with plantings.
- 7. Signs and displays. Signs are permitted, subject to Section 450 and the following additional restrictions: **[Bill No. 89-1997]**
 - a. Only one wall-mounted enterprise sign which does not project more than six inches from the building and does not have a surface area exceeding eight square feet is permitted.
 - b. Only one freestanding enterprise sign with a surface area of no more than 25 square feet per side is permitted. The sign shall be integrated with the landscaping, and the location shall be approved by the Director of the Office of Planning
 - c. No sign shall be illuminated unless approved by the Zoning Commissioner after a hearing.
 - d. Display of goods, vehicles and equipment is permitted in the front yard, but not more than five feet in front of the required front building line.
- 8. Relationship to surrounding neighborhoods. New buildings or additions shall be appropriate pursuant to § 32-4-402 of the Baltimore County Code. **[Bill No. 137-2004]**
- 9. Auto service stations are subject to the provisions of Section 405.
- D. Procedure for obtaining plan approval in a C.R. District.
 - 1. If a County Review Group (CRG) plan is required, the plan shall be approved prior to the granting of a special exception in a C.R. District.
 - 2. When a special exception is required, the CRG shall also find that the proposed development satisfies the requirements of Subsection E below.
- E. Additional requirements for the granting of a special exception in a C.R. District. In addition to the requirements generally imposed in the issuance of special exceptions by Section 502.1, the following requirements shall apply to the granting of special exceptions in C.R. Districts:
 - 1. The petitioner shall document the need for the development at the proposed location.
 - 2. The proposed development shall take into account existing and proposed roads, topography, existing vegetation, soil types and the configuration of the site. The proposed development will not disturb slopes with grades exceeding 25%; will minimize disturbance to vegetated areas, wetlands and streams; and will not result in undue site disturbance or excessive erosion

7/20/06

IN RE: **PETITION FOR SPECIAL EXCEPTION***

S/E Corner of Rolling Road & Windsor Blvd.

(2845 Rolling Road)

2nd Election District

4th Council District

Windsor Rolling Road Property LLC, by

Edward St. John, *Legal Owner*;

Wawa, Inc., by Joseph Losak, V.P.,

Contract Purchaser

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 06-449-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the property, Windsor Rolling Road Property LLC, legal owner, and Wawa, Inc., the lessee, through their attorney, Arnold Jablon, Esquire. Windsor Rolling Road Property, LLC owns a 1.85 acre parcel zoned ML-IM, located on the southeast corner of the intersection of Rolling Road and Windsor Boulevard (the "Property"). The Property is located within and on the edge of the Windsor Industrial Park. To the north, south, and east, the site is surrounded by ML-IM zoned, industrial properties. Residential uses are located on the opposite side of Rolling Road to the west of the Property. Wawa, Inc. intends to lease the Property from Windsor Rolling Road Property, LLC and construct and operate thereon a fuel service station and certain uses in combination, the details of which are shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibits 1A through 1D. Specifically, Petitioners request is for a special exception 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, pursuant to Sections 253.2.B, 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

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By [Signature]

Appearing at the requisite public hearings in support of the requested relief were Gerard Wit, Vice President of St. John Properties; Nicholas J. Brader, III, professional engineer with Matis-Warfield, Inc., who prepared the site plan filed in this case; Kenneth W. Schmid, traffic engineer and Vice President of Traffic Concepts, Inc.; Joseph M. Cronyn, real estate economist and market analyst with Lipman Frizzell & Mitchell, LLC; and Arnold Jablon, Esquire, attorney for Petitioner. Sajid Chaudhry and Iftikhar Ahmad, owners of an Osprey fuel service station located nearby the proposed Wawa site, appeared as Protestants, represented by G. Macy Nelson, Esquire. Jack Dillon, a land planner, also attended the hearing on behalf of Protestants. Several other interested persons, including Nickolas Johnson, Vice President of the Claybrook Community Association, Thomas and Martha Whitten, Arshad Ransha, Abdul Rauf, and Khalid Azam, appeared at the hearing. Thomas Whitten, who resides north of the site at 30 Rollwin Road, was the only interested person who testified and he offered testimony regarding his concerns over traffic issues.

Testimony and evidence offered by the Petitioners, including an explanation and examination of the site plan, indicated that the Property is presently unimproved. Petitioners intend to install six fuel pump islands covered by a canopy and a 5,940 square foot convenience store / carry-out restaurant. Nicholas Brader, qualified as a civil engineer and a zoning expert in the area of the special regulation set forth in B.C.Z.R. Section 405, testified that he supervised the preparation of the site plan and that it complies with the site plan checklist and the zoning regulations. He specifically confirmed that the site plan and the proposed use comply with each requirement outlined in B.C.Z.R. Section 405. He also opined that the proposed use meets the general special exception requirements of B.C.Z.R. Section 502.1 and the specific requirements of B.C.Z.R. Section 253.2.B for special exceptions in the ML-IM zone. Gerard Wit confirmed

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BY [Signature]

the proposed use, described the surrounding industrial park uses, and indicated that he felt the Wawa was an appropriate use for the proposed site because it would accommodate the needs of the employees in the surrounding industrial parks. Kenneth Schmid and Joseph Cronyn testified regarding traffic issues and marketing issues, respectively, and specific relevant portions of their testimony are discussed below.

After Petitioners presented their case in support of the special exceptions, Protestants presented evidence and testimony from Sajid Chaudhry and Jack Dillon, making three main arguments in opposition to the petition. First, Protestants argue that Petitioners failed to prove the proposed use will “serve primarily the industrial uses and related activities in the surrounding industrial area,” as required by B.C.Z.R. Section 253.2.B. Next, Protestants argue that Petitioners are obligated to use market data to prove “need” for the proposed fuel service station, pursuant to B.C.Z.R. Section 405.3, which they did not do. Lastly, Protestants argue that Petitioners failed to meet the special exception standard, pursuant to B.C.Z.R. Section 502.1 and *Schultz v. Pritts*, 291 Md. 1 (1981), with regard to the adverse traffic effects of the proposed use. I address each of these arguments separately and for the reasons discussed below, I will grant Petitioners’ Petition for Special Exception.

I. PRIMARILY SERVING SURROUNDING INDUSTRIAL USES

Protestants argue that Petitioners have failed to prove that the proposed Wawa will “serve primarily the industrial uses and related activities in the surrounding industrial area,” as required by B.C.Z.R. Section 253.2.B. The thrust of Protestants’ argument is that, despite the site location in an industrial park and the surrounding ML-IM zoned properties, the Wawa will ultimately primarily serve the nearby residential uses, rather than persons working in the

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industrial park and offices within the ML-IM zone. Protestants offered no compelling testimony in support of their position. I find that Petitioners have sufficiently proven otherwise.

Protestants' witness, Jack Dillon, testified that the Wawa will primarily serve the many vehicles that travel along Rolling Road daily, most of which, he argues, belong to residents of nearby neighborhoods. He insists that vehicles traveling to and from the industrial uses are more likely to use other roads within the ML-IM zone and, therefore, will not frequent the Wawa. While qualified as an expert in land planning, Mr. Dillon has no expertise with regard to traffic patterns, real estate market analysis, or any type of marketing in general. On the other hand, Petitioners' witness, Joseph Cronyn, who was qualified as an expert in marketing for commercial development, opined that, despite the nearby residential uses, the Wawa will primarily serve the large employment base of the surrounding industrial uses and, thereby, satisfy the requirements of B.C.Z.R. Section 253.2.B. Mr. Cronyn offered a telling report into evidence that supported his conclusion, and he provided a detailed explanation of how he made the calculations in the report and how he reached his ultimate conclusion regarding the primary demand. He based his opinion on the well-founded estimation that the nearby neighborhood residents would consume 918,000 gallons of gasoline per year, compared to the two million gallons of gasoline per year that the employees of the surrounding industrial and office uses would consume.

These numbers tell the story. I find, based on Mr. Cronyn's testimony, that his calculations fairly and accurately depict the likely market demand the proposed Wawa will have at the proposed location. Based on the calculations, I further find that at least two-thirds of Wawa's business will come from the employees of the industrial park – the surrounding industrial uses. While Mr. Cronyn's numbers are more tailored to the fuel service station use, I believe the majority of the convenience store / carry-out restaurant patrons will be those who

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come to the Wawa to fill-up their vehicles. That is, few people will travel to the Wawa solely for the convenience store / carry-out restaurant; and those who will do so will most likely be industrial park employees on their lunch break. I should note that Mr. Dillon admitted during his testimony that he never viewed Mr. Cronyn's report. Consequently, based on Mr. Cronyn's testimony, I find that the Wawa will "serve primarily the industrial uses and related activities in the surrounding industrial area," as required by B.C.Z.R. Section 253.2.B.

II. NEED AND ABANDONMENT

Protestants argue that, pursuant to B.C.Z.R. Section 405.3, Petitioners must present market data to demonstrate need for the proposed Wawa, which Petitioners did not do. Section 405, which generally regulates the development and removal of fuel service stations, contains certain provisions that require demonstration of need for such uses. Specifically, Section 405.3 states:

A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

Protestants assert that, because there exists an abandoned fuel service station within a one-half mile radius of the proposed Wawa location, there is no need for the Wawa, unless Petitioner presents market data proving otherwise. Petitioners offer two arguments in rebuttal.

Petitioners first note that Protestants incorrectly presume there is an "abandoned fuel service station" within a one-half mile radius of the Property. Petitioners have aptly observed that a factual dispute exists over the distance between the proposed Wawa site and an existing service garage, the Windsor Mill Getty, which was once a fuel service station. Protestants insist that the uses are 0.4 miles apart and Petitioners' expert, Nicholas Brader, testified that he drove

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the distance between the two and they are more than 0.5 miles apart. While I acknowledge the differing measurements and the general importance of the correct measurement, for the reasons described below, the actual distance between the two uses is of no moment in this case.

Petitioners' second argument – that the Windsor Mill Getty cannot be considered an “abandoned fuel service station” for purposes of B.C.Z.R. Section 405.3 – presents the operative issue. There is no dispute that the Windsor Mill Getty, located at the intersection of Windsor Mill Road and Cresson Avenue, once operated as a “fuel service station,” as contemplated by Section 405. It would appear that, at some point, the property ceased operation as a fuel service station and thereafter was converted to an existing service garage. There is a dispute, however, over whether the existing service garage can be deemed an “abandoned fuel service station,” for purposes of Section 405.3. Protestants claim that once the owners of the service garage ceased to use the property as a fuel service station, they deserted that use and, so long as the property is not used as a fuel service station, it is deemed an “abandoned fuel service station” – that is, once abandoned, always abandoned. Petitioners, on the other hand, argue that, to be considered an “abandoned fuel service station,” the property must *presently* be used for *no purpose* and, therefore, because the owners of the subject property have effectively converted the fuel service station use into an existing service garage use, it is not an “abandoned fuel service station.”

I agree with Petitioners and find that the fuel service station use was *converted* into a service garage use – not abandoned – and, therefore, the Windsor Mill Getty is not an “abandoned fuel service station” for purposes of B.C.Z.R. Section 405.3. As explained by the Board of Appeals in the case cited by Protestants – *In the Matter of the Application of Seven Kids, LLC* – “[B.C.Z.R.] Section 405.3 does not set forth a valid definition of abandoned gas stations.” Board Opinion at 10. However, the Board in that case declared “the three long-

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abandoned stations [in the vicinity of the proposed location] including the one abandoned at the proposed site, would [not] qualify as abandoned stations within the meaning of Section 405.3.” Id. at 10-11. Clearly, timing is a major factor in determining whether or not the fuel service station use has been “abandoned.”

Additionally, the County Council’s reference in Section 405.3 to Section 405.7 and its use of present tense language indicates intent that the “presence” of an “abandoned fuel service station” requires an existing structure, formerly used as a fuel service station, which, at the current time, is not used for any purpose. Section 405.7 – which identifies and discusses “abandonment” of fuel service stations for the purpose of determining when a special exception for a fuel service station should be terminated and when the station should be removed – implies that, to be considered “abandoned,” the property upon which a fuel service station formerly operated must be vacant and not used for any purpose. Even Protestants’ witness, Jack Dillon, agreed on cross examination that the word “presence [as used in the B.C.Z.R.] would mean presently.”

Furthermore, in determining when a special exception is considered terminated, Section 405.7.C specifically distinguishes between “abandonment” and “conversion” of fuel service stations. Section 405.8 also indicates that the law favors conversion of fuel service stations into alternative uses, as opposed to abandonment of fuel service stations altogether.

For the above stated reasons, I find that, in this case, the existing Windsor Mill service garage – no matter its distance from the proposed Wawa – cannot be considered an “abandoned fuel service station” for purposes of 405.3. The Windsor Mill site has been *converted* and, therefore, it is not *presently* an “abandoned fuel service station.”

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Alternatively, Protestants, based on their interpretations of B.C.Z.R. 405.3 and *Seven Kids*, argue that, regardless of whether an "abandoned fuel service station" exists nearby the Property, Petitioners must proactively demonstrate "need" for the Wawa. I also reject this argument. Protestants have misconstrued both Section 405.3 and *Seven Kids*. With regard to 405.3, the plain language of that section only requires a showing of need when "abandoned fuel service stations" exist within designated distances; if no such abandoned uses exist, a petitioner plainly has no obligation to show need. In *Seven Kids*, the proposed location for the fuel service station was in the BL-CR zone. As the Board noted there, B.C.Z.R. Section 259.3.E specifically requires a petitioner for special exception in a *CR district* to prove "need for the development at the proposed location." Board Opinion at 10. In the instant case, because Petitioners' Property is not in the CR district, Section 259.3.E does not apply and, therefore, the Board's holding in *Seven Kids* with regard to proving need does not apply. No authority exists to require Petitioners to prove need for the proposed fuel service station in the ML-IM zone. Because, as determined above, there exists no "abandoned fuel service station" in the vicinity of the proposed Wawa, the need provisions of 405.3 are not invoked, and, therefore, Petitioners have no obligation to provide a market analysis to demonstrate need.

III. SPECIAL EXCEPTION STANDARD

Protestants argue, based on their interpretation of *Lucas v. People's Counsel for Baltimore County*, 147 Md. App. 209 (2002), that, in presenting their case in support of their petition for special exception, Petitioners must compare the adverse effects of the proposed use at the proposed site with the adverse effects of the proposed use at other ML zoned sites in Baltimore County. Petitioners argue this standard is overly burdensome and is not the standard mandated by the seminal special exception case, *Schultz v. Pritts*, 291 Md. 1 (1981).

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According to Petitioners, the *Schultz* standard requires a landowner seeking a special exception to identify the adverse effects inherent to the proposed special exception use and to compare those inherent effects with the anticipated adverse effects the proposed use will have at the proposed location. So long as the anticipated adverse effects of the proposed use at the proposed location are *no greater than* the identified inherent adverse effects, Petitioners assert that the petition for special exception should be granted. Additionally, Petitioners maintain that landowners have no duty or burden to compare the anticipated adverse effects at the proposed site with the anticipated adverse effects of the proposed use at various other sites throughout Baltimore County. After reviewing the case law, I find that Petitioners have properly articulated the *Schultz* standard.

The *Schultz* standard is clear and has been cited and followed by Maryland courts, including the *Lucas* court, since its inception:

“[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.*”

Lucas, 147 Md. App. at 238 (quoting *Schultz* 291 Md. at 22-23) (emphasis added). As Petitioners state, this standard requires identification of the adverse effects inherent to the proposed special exception use – that is, effects that the use would have, regardless of where in the zone the use were employed – and sufficient evidence to prove that the adverse effects resulting from the proposed use *at the proposed location* will not exceed the identified inherent effects. In practice, and based on my understanding of *Schultz*, Petitioners do *not* have the burden to present comparative testimony or evidence relating to anticipated adverse effects of the proposed use on other similar parcels within the zone. While such evidence may be helpful and

probative in certain cases, it is certainly not required, as it is not necessarily dispositive of the case.

Protestants argue that evidence showing “fewer” anticipated adverse effects of a proposed use at an alternative site requires denial of a petition for special exception. Protestants seem to insinuate that, pursuant to *Lucas*, if a “better” site – that is, a site where the anticipated adverse impacts appear to be fewer in number or lesser in intensity than those anticipated at the proposed location – exists elsewhere in the zone, then the petition for special exception must be denied. However, the *Lucas* court specifically stated, “the Board recognized that *finding a better site was not the issue*. We believe that the Board applied the appropriate standard.” *Lucas* 147 Md. App. at 240 (emphasis added). Therefore, I find that just because the use at an alternate site may cause fewer impacts, that does *not* necessarily mean that the impacts at the proposed location are *greater than those inherent in the use* – the standard mandated by *Schultz*. The instant case provides a perfect illustration.

The contentious issue in the present case relates to traffic and Petitioners' corresponding obligation to prove that the Wawa will not "tend to create congestion in roads, streets or alleys therein," pursuant to B.C.Z.R. Section 502.1.B. Petitioners and Protestants each presented evidence and arguments relating to how the proposed Wawa would affect traffic. Protestants' witness, Jack Dillon, testified that the proposed location was near an intersection with a “D rating” – which, on a scale of A to F, is poor – while, other compatible parcels in the zone were nearby intersections with “A ratings.” Based solely on this testimony, counsel for Protestants argues that locating the Wawa on parcels nearby the "A intersections" would have fewer effects on traffic than if the Wawa were located at the proposed location, nearby the "D intersection."

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For this reason, counsel argues the petition for special exception should be denied. This argument, however, is incomplete and inaccurate.

The argument ignores the testimony of Petitioners' traffic expert, Kenneth Schmid, who opined that, regardless of the rating of nearby intersections, the traffic *generated by the Wawa* will be *minimal*. Mr. Schmid specifically testified that locating the Wawa at the proposed site would not generate a "great deal of new traffic" and will not tend to create congestion on the surrounding roads. Even more, as Mr. Schmid indicated, building the Wawa at the proposed location, even with the nearby "D intersection," will not cause any adverse impacts to traffic. Protestants *disregard* the actual *effects the Wawa will have on traffic* and, instead, focus on the nearby intersections, insisting that, because other locations are nearby "better" intersections, they are "better" locations for the Wawa than the proposed site and, therefore, the Petition for Special Exception should be denied. This argument is not consistent with the *Schultz* standard outlined above and Protestants have not otherwise provided any evidence or testimony to compel me to find that the traffic generated by the Wawa at the proposed location will be any greater than that inherent to a fuel service station use. Therefore, based on Mr. Schmid's testimony, I find that locating the Wawa on the southeast corner of Rolling Road and Windsor Boulevard will not "tend to create congestion in roads, streets or alleys," above and beyond such effects that may be inherent in the use.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Special Exception shall be granted.

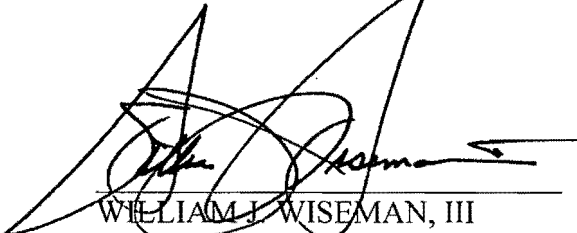
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 2006, that the Petition for Special Exception for a fuel service station,

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Date 7-20-06
By [Signature]

pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 253.2.B.1, and in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant, pursuant to B.C.Z.R. Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 in accordance with Petitioners' Exhibits 1A through 1D, be and is hereby GRANTED, subject to the following restriction:

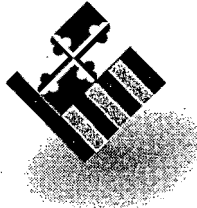
- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason this order is reversed, the Petitioner shall be required to return, and be responsible for returning said property to its original condition.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7-20-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 20, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Arnold Jablon, Esquire
Robert Hoffman, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

RE: **PETITION FOR SPECIAL EXCEPTION**
S/E Corner of Rolling Road & Windsor Blvd.
(2845 Rolling Road)
2nd Election District – 4th Council District
Windsor Rolling Road Property LLC, by Edward St. John – Legal Owner;
Wawa, Inc., by Joseph Losak, V.P., Contract Purchaser
Case No. 06-449-X

Dear Messrs. Jablon and Hoffman:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized "X" mark.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Gerard Wit, Vice President of St. John Properties,
29 Springhill Farm Court, Cockeysville, Md. 21030
Nicholas J. Brader, III, Matis-Warfield, Inc., 10545 York Road,
Suite M., Hunt Valley, Md. 21030
Kenneth W. Schmid, Traffic Concepts, 325 Gambrills Road,
Suite E, Gambrills, Md. 21054
Joseph M. Cronyn, Lipman Frizzell & Mitchell, LLC,
8815 Centre Park Drive, #200, Columbia, Md. 21045
Sajid Chaudhry and Iftikhar Ahmad, 2701 Rolling Road,
Baltimore, Md. 21244
G. Macy Nelson, Esquire, 401 Washington Avenue, Suite 803,
Towson, Maryland 21204
Jack Dillon, 207 Courtland Avenue, Towson, Md. 21204
Nickolas Johnson, V.P., Claybrooke HOA, 2751 Claybrooke Drive,
Baltimore, Md. 21244
Mr. & Mrs. Thomas Whitten, 30 Rollwin Road, Baltimore, Md. 21244
Arshad Ransha, 5900 Johnnycake Road, Baltimore, Md. 21207
Abdul Rauf, 6725 Dogwood Road, Baltimore, Md. 21207
Khalid Azam, 7415 Windsor Mill Road, Baltimore, Md. 21244
Tom Pilon, 2560 Lord Baltimore Drive, Baltimore, Md. 21244
People's Counsel; Case File

6/6/06

G. MACY NELSON
ATTORNEY AT LAW

BW
6/22
2:00

TELEPHONE
(410) 296-8166, EXT. 290

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

FACSIMILE
(410) 825-0670

RECEIVED

June 6, 2006

JUN 6 2006

ZONING COMMISSIONER

Mr. William Wiseman
Zoning Commission Office
400 Washington Avenue
Towson, Maryland 21204

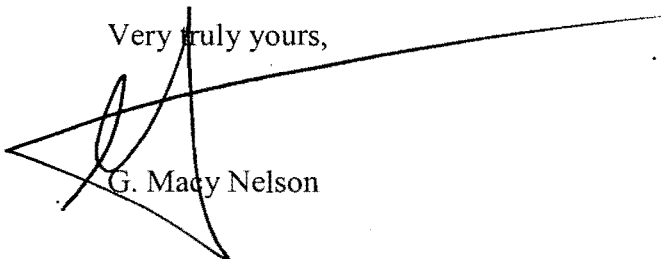
RE: *Case No. 06-449-X*
2845 Rolling Road (Southeast corner of Rolling Road and Windsor Boulevard)
Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John
Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Dear Mr. Wiseman:

As we discussed, please find enclosed the following:

1. Affidavit of Richard Klein;
2. Summary of Opinion of Jack Dillon; and
3. Board of Appeals Opinion In the Matter of the Application of Seven Kids, LLC., Case No. 99-199-X, CBA-99-127, CBA-99-128 (2000).

Very truly yours,



G. Macy Nelson

GMN:ro
Enclosures
cc: Arnold Jablon, Esquire

AFFIDAVIT

I, Richard Klein, being over the age of eighteen and competent to testify, make the following affidavit. My statements are based on my personal knowledge.

1. In my opinion, the site located at 7234 Windsor Mill Road at the intersection of Cresson Road appears to be an abandoned gas station.

2. The site is located 0.41 miles from the proposed Wawa at Rolling Road and Windsor Boulevard. I located this site by driving all roads within one mile of the proposed Wawa site.

3. On May 6, 2006, I saw evidence at the site that the fuel pumps had been removed. Specifically, I saw two footprints in front of the building where gas pump islands clearly had been present. I also saw one free-standing sign at the front curb of the site on Windsor Mill Road. The sign reads: "Windsor Auto Foreign & Domestic 265-7153." This phone number is listed in the name of Windsor Mill Getty.

4. I then went to the State Department of Assessment and Taxation and learned that the County Use code assigned to this property is for a "service station" (code 20).

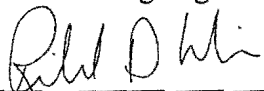
5. I also learned that in 1963 a special exception was granted to operate a fuel service station at this location (Case 5744XA).

6. I viewed the Baltimore County GIS aerial photo of the site, which was taken in 2000. The photo shows the fuel pumps missing. Therefore, I concluded that the fuel service station has been in-operational for at least twelve months.

7. According to Mr. Lloyd Moxley of the Baltimore County Department of Permits and Development Management, his office has not received a notice of termination for the service station use at this site.

I declare under the penalty of perjury that the foregoing is true and correct.

June 5, 2006
Date



Richard Klein

6/6/06
Re: Petition for Special Exception 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 for the property located at 2845 Rolling Road, which is presently zoned ML-IM.
Petitioner: Windsor Rolling Road Property, LLC (legal owner).

**BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY**

Case No. 06-449X

SUMMARY OF OPINION OF JACK DILLON

Introduction

Protestants engaged Jack Dillon, 207 Courtland Avenue, Towson, Maryland 21204 to review Case No. 06-449X. Case No. 06-449X is a petition for a fuel service station in combination with a convenience store (Wawa) with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Section 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations ("BCZR"). The proposed site for this facility is located at the south-east corner of Rolling Road and Windsor Boulevard in the Fourth Councilmanic District and is part of the Rutherford Business Center (RBC South). RBC South is considered to be a planned industrial park, is zoned ML-IM [Manufacturing Light with an Industrial Major District overlay], and is larger than 25 acres.

The Protestants asked Jack Dillon to address the following five questions:

1. Does § 405.3 require the applicant to prove need?
2. Does the application for Special Exception comply with § 253.2.B?
3. Are there alternate sites within the industrial park where a Wawa could be located that would primarily serve the industrial and related uses in the surrounding industrial area?
4. Does the application for the Special Exception comply with the requirements of *Schultz v. Pritts*?
5. Does the application for the Special Exception comply with the requirements of § 502.1?

Mr. Dillon's opinions with respect to each question are summarized in the five sections below.

1. Does § 405.3 require the Applicant to prove need?

BCZR § 405.3 states:

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the

presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

Jack Dillon will express the opinion that § 405.3 requires the applicant to affirmatively prove that need for an additional service station exists at the proposed site. If the applicant fails to provide evidence of need, the special exception request must be denied. If evidence of abandoned gas station(s) within a one-half-mile or one-mile radius of the proposed site is presented, a presumption of no need for an additional gas station arises and the applicant may rebut that presumption with market data.

Jack Dillon based his opinion on a reading of the statute as well as the Board of Appeals opinion In the Matter of the Application of Seven Kids, LLC, Case No. 99-199-X, CBA-99-127, CBA-99-128 (2000). In that case, the Board cited *Lucky Stores v. Board of Appeals*, 270 Md. 513 (1973), where the court stated that the petitioner "clearly had the burden of proof to establish need by a preponderance of the evidence." Seven Kids, p. 12.

2. Does the application for Special Exception comply with § 253.2.B?

BCZR § 253.2.B (emphasis added) states:

Uses permitted by special exception. The uses listed in the subsection are permitted by special exception only (see Section 502).

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; **provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:** [Bill No. 172-1993]

1. Automotive-service stations, subject, further, to the provisions of Section 405.

Therefore, the questions that must be addressed include: (1) What does it mean to "primarily serve" the industrial uses in the surrounding industrial area? What is considered the surrounding industrial area? (2) Will the proposed Wawa/service station primarily serve the industrial uses and related activities in the surrounding industrial area, or will it serve another constituency?

Mr. Dillon will express the opinion that § 253.2.B requires that the “primary” purpose of the proposed use is to provide this kind of service to those working, visiting or passing through the industrial park, as opposed nearby residents or other constituencies. The “industrial area” only includes industrial uses defined in BCZR § 101. The “industrial area” does not include any of the residential area, which in this case is both west and north of the proposed site.

The proposed site is located on a corner lot at the edge of the ML-IM zone. The site has frontage on both Windsor Boulevard, which is one of the access roads into the industrial park, and Rolling Road, a well traveled arterial road that draws traffic from a much wider area, including residential land. Rolling Road is much more heavily traveled than the park’s interior roads such as Lord Baltimore Drive. Mr. Dillon will opine that the proposed use would primarily serve the larger non-industrial/residential constituency that travels Rolling Road because of the larger volume of thru traffic at the proposed site due to its location at the edge of the ML-IM zone. In addition, the Wawa would draw a higher number of customers because of its name recognition.

3. Are there alternate sites within the ML-IM zone where a Wawa could be located that would primarily serve the industrial and related uses in the surrounding industrial area?

Mr. Dillon conducted a windshield survey of the area inside the industrial park and surrounding area. The industrial land which makes up this industrial park (ML-IM zone) is quite large and has been developing over a long period of time (40 yrs. +/-). In many ways, the “park” has matured and continues to expand within its boundaries.

RBC South: Boundaries and Access Roads

The boundaries of the “park” are: I-695 to the east; Security Boulevard to the south; Windsor Mill Road to the north; Rolling Road to the west. There are two residential areas adjacent to the “park” at the intersections of Dogwood Road and Rolling Road, and Windsor Boulevard and Rolling Road.

The “park” is served by two north-south access roads: Ambassador Road and Lord Baltimore Drive. Access from the east and west is from Security Boulevard, Dogwood Road, Tudsbury Road and Windsor Boulevard between Rolling Road and Windsor Mill Road. The major collector road for the “park” is Lord Baltimore Drive, which extends almost a mile from Dogwood Road to Windsor Mill Road.

RBC South: Services

This "park" contains approximately 395 acres of land and improved with over 50 buildings that contain large manufacturing facilities, independent office buildings and flex office/warehouse buildings. There are only a few commercial convenience stores inside the park and no fuel service stations.

RBC South: Traffic Congestion

The current basic service maps for transportation adopted by Baltimore County, which are based on a scale of A through F (with F indicating the highest level of congestion), identify a significant portion of the industrial park and surrounding area as within traffic-sheds with a D or F level of service. The proposed site is located in a traffic-shed with a D level of service.

RBC South: Alternative Sites

Mr. Dillon's windshield survey identified three alternate sites, all within the "park" boundary. One site is ideally located along Lord Baltimore Drive opposite Tudsbury Road, practically in the center of the "park." This alternative site is also outside of the D level of service area. This site, in Mr. Dillon's opinion, would clearly serve the primary industrial area. The tax map (#87) identifies this particular parcel as # 61. The map shows a small corner of the site as a cemetery, but Mr. Dillon did not notice any evidence of a cemetery during his initial visit. He returned on June 2, 2006 and found a series of old stone fence posts or gate posts in the vicinity of the area shown on the tax map. This entire area consists of wooded land and undergrowth. He saw no evidence of head stones or any obvious indication of a cemetery. This information reinforces his initial concept that this site (parcel #61) would be a preferable site over the proposed site.

4. Does the application for the Special Exception comply with the requirements of *Schultz v. Pritts*?

There are approximately 8,000 acres of land zoned ML-IM in Baltimore County. A large portion of those 8,000 acres is in traffic-sheds where the traffic level of service is A, B, or C. Another portion of the 8,000 acres of land zoned ML-IM is in areas where the traffic level of service is D, E, or F. Mr. Dillon determined that a many of the 8,000 ML-IM acres are not within a traffic-shed with a level of service of D or lower and are thus not subject to the traffic congestion present at the proposed site. Furthermore, a significant portion of the 8,000 ML-IM acres contains large parcels in which a service station could be located on the interior of the parcel, and not on the edge the parcel abutting a

residential area like the proposed site. Placement of the station in the interior of an industrially-zoned area would ensure that the service station would have a lesser impact on any residential neighborhood.

Mr. Dillon will express the opinion that the proposed use will cause greater adverse effects at the proposed site than it would if it were located elsewhere in the same zone.

5. Does the application for the Special Exception comply with the requirements of § 502.1?

With respect to § 502.1, Mr. Dillon will express the opinion that items B and G are the two areas that the proposed use would be in conflict with the BCZR. Section 502.1 states:

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

B. Tend to create congestion in roads, streets or alleys therein;

G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]

With respect to item B, Rolling Road is heavily traveled road that narrows down from a four lane road to a two lane road. Mr. Dillon will opine that introducing a use like this at this location will have an adverse impact because of the potential for increased turning movements close to the intersection of Windsor Boulevard

With respect to item G, the service station in combination with a convenience store is only permitted in the ML-IM zone when it can be shown that it will primarily serve the industrial uses and related activities in the surrounding industrial area. (Sec 253.2B) The proposed site is on the outer edge of the industrial park and is directly south and directly east of residentially zoned and developed land. Therefore, Mr. Dillon will opine that the proposed site will not primarily serve the industrial uses and related activities in the surrounding industrial area, but instead will serve the residential area.

Conclusion

I reserve the right to request that Mr. Dillon continue the analysis beyond what he has prepared thus far.

Respectfully submitted,



G. Macy Nelson
Suite 803
401 Washington Avenue
Towson, Maryland 21204
(410) 296-8166
Attorney for Protestants

IN THE MATTER OF
THE APPLICATION OF
SEVEN KIDS, LLC -LEGAL OWNER;
CLOVERLAND FARMS DAIRY, INC. -
CONTRACT PURCHASER FOR SPECIAL
EXCEPTION ON PROPERTY LOCATED ON
THE SW/C SUNSHINE AVENUE AND
HARFORD ROAD AND REQUEST
FOR LIMITED EXEMPTION /DRC NO.
02089F AND DRC NO. 07069E
11TH ELECTION DISTRICT
5TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 99-199-X;
* Case No. ~~CBA-99-127~~; and
* Case No. CBA-99-128

* * * * *

OPINION

This case is before the Board on an appeal by the Greater Kingsville Community Association from a decision of the Deputy Zoning Commissioner issued on April 30, 1999 granting a special exception to permit an automobile service station use in combination with a food store having a sales area larger than 1,500 sq. ft. The Deputy Zoning Commissioner attached 14 conditions and restrictions to the approval. The Greater Kingsville Community Association, herein referred to as the "Protestants," was represented by J. Carroll Holzer, HOLZER AND LEE, and the Petitioner, Seven Kids, LLC /Cloverland Farms Dairy, Inc. (Royal Farm Store), was represented by Robert A. Hoffman and VENABLE, BAETJER AND HOWARD, LLP.

In addition, the case involved the Petitioner's request to the Director of the Department of Permits & Development Management (DPDM) to process its development plan for the Royal Farm Store both in the original form with fuel pumps and in an alternate form without fuel pumps, in accordance with a limited exemption under Section 26-171 of the *Baltimore County Code* ("the Code"). Arnold Jablon, Director of DPDM, approved a limited exemption for the original plan with fuel pumps on June 11, 1999, and also for the alternate plan without fuel pumps on July 2, 1999. These approvals were also appealed by the Protestants to the Board of Appeals. The Board decided to hold one hearing with respect to all three cases.

②

PETITION

CORRESPONDENCE



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 2845 Rolling Road

which is presently zoned ML-IM

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, I, owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto: made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use herein described property 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, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

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

Attorney For Petitioner:

Arnold Jablon / David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson, MD 21204

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

Representative to be Contacted:

David H. Karceski

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 BH

Date 3/15/06

Case No. 06-449-X

220 09/15/98

ORDER RECEIVED FOR FILING

Date 7-20-09

By [Signature]

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 1

Lessee:

Wawa, Inc.

By: Joseph C. Losak
Joseph Losak, Vice President of Real Estate

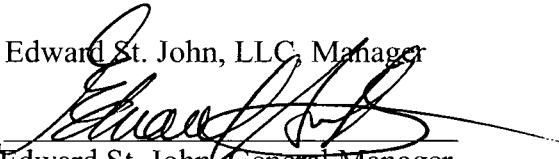
Address: 260 West Baltimore Pike
Wawa, PA 91063
(410) 823 4363

**PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 2**

Legal Owner:

WINDSOR ROLLING ROAD PROPERTY, LLC

By: Edward St. John, LLC Manager

By: 
Edward St. John, General Manager

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

Description to Accompany A Petition for A Special Exception

March 14, 2006

Beginning at a point on the east side of Rolling Road, a 70 foot wide County Road, at the distance of 57.17' ± south easterly of the centerline of the nearest intersecting street of Windsor Boulevard that is of variable width. Thence the following courses and distances:

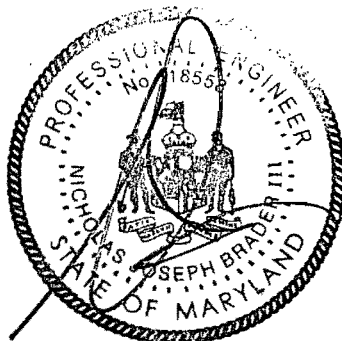
- 1.) North 55° 42' 19" East 18.40' running with the Right of Way line of Windsor Boulevard,
- 2.) South 89° 47' 11" East 280.59' thence leaving said Right of Way of Windsor Boulevard for the following courses ,
- 3.) South 00° 00' 00" East 257.05',
- 4.) South 82° 22' 13" West 279.77' to the east side of Rolling Road thence binding on the said Right of Way of Rolling Road by a curve to the left with a,
- 5.) Radius of 1,397.39' for a length of 244.13' and with a chord of North 04°26'41" West 243.82' continuing along said Right of Way,
- 6.) North 00°33'36" East 41.80' to the place of beginning.

As recorded in Deed Liber 22716, Folio 270.

Being a part of Lot B-2 , R.B.C. South, as recorded in Baltimore County Plat Book SM 71 Folio 08 containing 80,630 S.F. or 1.851 acres of land more or less. The described area is intended to be recorded as Lot B-10.

Also known as 2845 Rolling Road and located in the 2nd Election District.

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



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: #06-449-X

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

Legal Owner(s): Windsor Rolling Road Property, LLC, by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception: to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Tuesday, May 30, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN,

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/6/03 May 16

95274

CERTIFICATE OF PUBLICATION

5/18/, 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 5/16/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 06-449-X

Petitioner/Developer: WAWA, INC

JOSEPH LOSAK, V.P.

Date of Hearing/Closing: 5-30-06

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:

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:

2845 ROLLING RD

The sign(s) were posted on 5-15-06
(Month, Day, Year)

Sincerely,

Robert Black 5-16-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

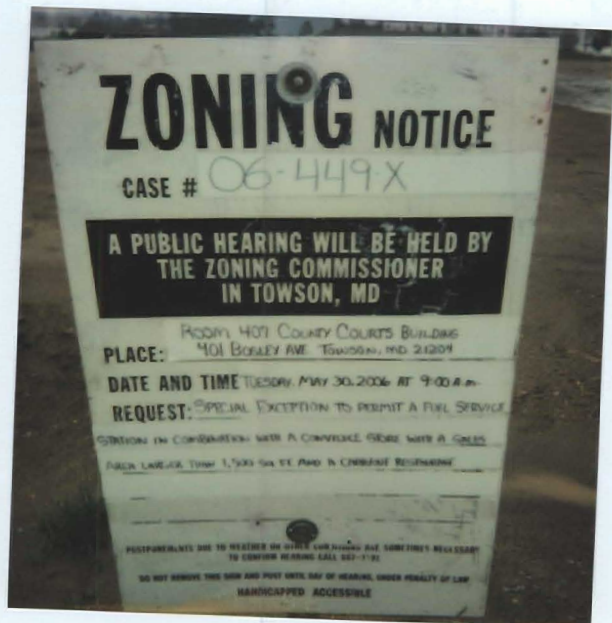
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



Requested: 1/24/2007

33-AS
pic 3

APPEAL SIGN POSTING REQUEST

CASE NO. 06-449-X

2845 ROLLING ROAD

2ND ELECTION DISTRICT

APPEALED: 8/18/2006

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*****COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, MD 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 06-449-X

LEGAL OWNER: WINDSOR ROLLING ROAD PROPERTY

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

2845 ROLLING ROAD

The sign was posted on 4-6-07, 2007.

By: [Signature]
(Signature of Sign Poster)

JASON SEIDELMAN
(Print Name)

MAP
33 AS

OFFICE LEASE
410-788-0100

 **ST. JOHN**
PROPERTIES
stjohnpropertiesinc.com

OFFICE LEASE
410-788-0100

 **ST. JOHN**
PROPERTIES
stjohnpropertiesinc.com

ZONING APPEAL
PUBLIC HEARING
CASE NUMBER
06-449X
FOR INFORMATION CALL
410-887-3180
DO NOT REMOVE
UNDER PENALTY OF LAW
BALTIMORE COUNTY BOARD OF APPEALS





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

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

April 24, 2006

NEW 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: 06-449-X

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Tuesday, May 30, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244
Joseph Losak, 260 West Baltimore Pike, Wawa, PA 91063

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY **MONDAY, MAY 15, 2006**.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 1, 2007

NOTICE OF ASSIGNMENT

CASE #: 06-449-X

IN THE MATTER OF: WINDSOR ROLLING ROAD PROPERTY –
Legal Owner; WAWA, INC. – C.P. /Lessee
SE/cor Rolling Road nad Windsor Boulevard
2nd E; 4th C

7/20/06 - J.C.'s Order in which requested special hearing was GRANTED
with restrictions.

ASSIGNED FOR:

WEDNESDAY, JULY 25, 2007 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants
Appellants /Protestants

Jack Dillon
Nickolas Johnson, Vice President
Claybrook Community Association

: Michael P. Tanczyn, Esquire
: Thomas and Martha Whitten
Sajid Chaudhry
Iftikar Ahmad

Arshad Ransha Abdul Rauf
Khalid Azam

Counsel for Petitioners
Petitioners

: Arnold Jablon, Esquire
: Windsor Rolling Road Property LLC /
Edward St. John LLC /Gerard Wit, VP
Tom Pilon
Wawa, PA /Joseph Losak, VP /Real Estate

Nicholas Brader III, PE /Matis-Warfield, Inc.
Kenneth Schmid /Traffic Concepts, Inc.
Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

*Revised
6/21/07 to
reflect 7/25
and 8/01 - #1
#2*





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

June 21, 2007

AMENDED NOTICE OF ASSIGNMENT

CASE #: 06-449-X

IN THE MATTER OF: WINDSOR ROLLING ROAD PROPERTY –
Legal Owner; WAWA, INC. – C.P. /Lessee
SE/cor Rolling Road nad Windsor Boulevard
2nd E; 4th C

7/20/06 - J.C.'s Order in which requested special hearing was GRANTED
with restrictions.

ASSIGNED FOR:

WEDNESDAY, JULY 25, 2007 at 10:00 a.m. Day #1
WEDNESDAY, AUGUST 1, 2007 at 10 a.m. /Day #2

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the
advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be
in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted
within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to
hearing date.

Kathleen C. Bianco, Administrator

c: Counsel for Appellants /Protestants	: Michael P. Tanczyn, Esquire
Appellants /Protestants	: Thomas and Martha Whitten
	Sajid Chaudhry
	Iftikar Ahmad
Jack Dillon	
Nickolas Johnson, Vice President	Arshad Ransha Abdul Rauf
Claybrook Community Association	Khalid Azam
Counsel for Petitioners	: Arnold Jablon, Esquire
Petitioners	: Windsor Rolling Road Property LLC /
	Edward St. John LLC /Gerard Wit, VP
	Tom Pilon
	Wawa, PA /Joseph Losak, VP /Real Estate
Nicholas Brader III, PE /Matis-Warfield, Inc.	
Kenneth Schmid /Traffic Concepts, Inc.	
Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC	
Office of People's Counsel	
William J. Wiseman III /Zoning Commissioner	
Pat Keller, Planning Director	
Timothy M. Kotroco, Director /PDM	





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

August 3, 2007

NOTICE OF DELIBERATION

IN THE MATTER OF:

WINDSOR ROLLING ROAD PROPERTY - LEGAL OWNER;
WAWA, INC. - CONTRACT PURCHASER
Case No. 06-449-X

Having heard this matter on 7/25/07 and 8/01/07, public deliberation has been scheduled for the following date and time:

DATE AND TIME : THURSDAY, NOVEMBER 1, 2007 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs are due on Monday, October 1, 2007
(Original and three [3] copies)

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants
Appellants /Protestants

: Michael P. Tanczyn, Esquire
: Thomas and Martha Whitten
Sajid Chaudhry
Iftikar Ahmad

Jack Dillon
Nickolas Johnson, Vice President
Claybrook Community Association

Arshad Ransha Abdul Rauf
Khalid Azam

Counsel for Petitioners
Petitioners

: Arnold Jablon, Esquire
: Windsor Rolling Road Property LLC /
Edward St. John LLC /Gerard Wit, VP
Tom Pilon
Wawa, PA /Joseph Losak, VP /Real Estate

Nicholas Brader III, PE /Matis-Warfield, Inc.
Kenneth Schmid /Traffic Concepts, Inc.
Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

FYI: 5-2-3

*Administratively
postponed -
reassigned
to 11-08-07,
K.*





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

October 11, 2007

NOTICE OF POSTPONEMENT - DELIBERATION

IN THE MATTER OF:

WINDSOR ROLLING ROAD PROPERTY - LEGAL OWNER;
WAWA, INC. - CONTRACT PURCHASER
Case No. 06-449-X

which had been scheduled for deliberation on 11/01/07 has been ADMINISTRATIVELY POSTPONED due to Board scheduling changes; and has been reassigned to the following date and time (heard on 7/25/07 and 8/01/07):

DATE AND TIME : THURSDAY, NOVEMBER 8, 2007 at 9:00 a.m.

LOCATION : Hearing Room 48, Basement, Old Courthouse

NOTE: Closing briefs were filed on October 1, 2007

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Kathleen C. Bianco
Administrator

c: Counsel for Appellants /Protestants Appellants /Protestants	: Michael P. Tanczyn, Esquire Thomas and Martha Whitten Sajid Chaudhry Iftikar Ahmad
Jack Dillon Nickolas Johnson, Vice President Claybrook Community Association	Arshad Ransha Abdul Rauf Khalid Azam
Counsel for Petitioners Petitioners	: Arnold Jablon, Esquire Windsor Rolling Road Property LLC / Edward St. John LLC /Gerard Wit, VP Tom Pilon Wawa, PA /Joseph Losak, VP /Real Estate
Nicholas Brader III, PE /Matis-Warfield, Inc. Kenneth Schmid /Traffic Concepts, Inc. Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC	
Office of People's Counsel William J. Wiseman III /Zoning Commissioner Pat Keller, Planning Director Timothy M. Kotroco, Director /PDM	

FYI: 5-2-3



**Department of Permits
Development Management**



Baltimore County

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

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

May 25, 2006

Arnold Jablon
David Karceski
Venable, Inc.
210 Allegheny Avenue
Baltimore, MD 21204

Dear Mr. Jablon and Mr. Karceski:

RE: Case Number: 06-449-X,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Wawa, Inc. Joseph Losak, Vice President of Real Estate 260 West Baltimore Pike
Wawa, PA 91063

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 3, 2006

FROM: ^{DMK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2006
Item Nos. 442, 443, 444, 445, 447, 448,
449, 450, 452, 453, 454, 455, and 456

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-04032006.doc

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



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

Maryland Department of Transportation

Date: 3-24-06

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

RE: Baltimore County
Item No. 449 BPR

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

March 29, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: March 27, 2006

Item Numbers: 442, 443, 444, 445, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
2845 Rolling Road; SE corner Rolling Road		
& Windsor Boulevard	*	ZONING COMMISSIONER
2 nd Election & 4 th Councilmanic Districts		
Legal Owner(s): Windsor Rolling Road	*	FOR
Property, LLC by Edward St. John, LLC		
Contract Purchaser(s): Wawa, Inc	*	BALTIMORE COUNTY
by Joseph Losak, VP of Real Estate		
Petitioner(s)	*	06-449-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 27th day of March, 2005, a copy of the foregoing Entry of Appearance was mailed David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

MAR 27 2005

Per.....

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

**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*

October 16, 2006

Arnold Jablon
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Jablon:

RE: Case: 06-449-X, 2845 Rolling Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 18, 2006 from Michael Tanczyn. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

c: William J. Wiseman III, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Gerard Wit
Nicholas Brader
Kenneth Schmid
Joseph Cronyn
Sajid Chaudhry & Iftikhar Ahmad
G. Macy Nelson
Jack Dillon
Nickolas Johnson
Mr. & Mrs. Thomas Whitten
Arshad Ransha
Abdul Rauf
Khalid Azam
Tom Pilon

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



APPEAL

Petition for Special Exception
2845 Rolling Road
S/east corner of Rolling Road and Windsor Boulevard
2nd Election District – 4th Councilmanic District
Legal Owners: Windsor Rolling Road Property
Contract Purchaser: Wawa, Inc.

Case No.: 06-449-X

- ✓ Petition for Special Exception (March 15, 2006)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (April 24, 2006)
- ✓ Certification of Publication (The Jeffersonian – May 16, 2006)
- ✓ Certificate of Posting (May 15, 2006) by SSG Robert Black
- ✓ Entry of Appearance by People's Counsel (March 27, 2006)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- ✓ Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments
- Petitioners' Exhibit
 - ✓ 1. Site Plan *1A-10*
 - ✓ 2. Colorized Copy of Exhibit 1C *schematic map*
 - ✓ 3. Zoning Map
 - ✓ 4. Aerial Photograph
 - ✓ 5. Photographs (A thru E)
 - ✓ 6. Kenneth Schmid's Resume
 - ✓ 7. Joseph Cronyn's Resume
 - ✓ 8. Demand Analysis
 - ✓ 9. Letter dated May 26, 2006 from Dept. of Economic Development
 - ✓ 10. Photographs (A thru O) *(1 add'l photo unmarked)*
- Protestants' Exhibits:
 - ✓ 1. Photograph (Windsor Getty)
 - ✓ 2. Map
 - ✓ 3. Dept of Assessments & Taxation Property Search
 - ✓ 4. Classification Codes
 - ✓ 5. Traffic Counts
 - ✓ 6. Peak Hour Turning Movement Count
 - ✓ 7. Critical Lane Analysis
 - ✓ 8. Traffic Counts
 - ✓ 9. Critical Lane Analysis
 - ✓ 10. Peak Hour Turning Movement Count
 - ✓ 11. Trip Generation Calculation
 - ✓ 12. Jack Dillon's Report (May/June 2006)
 - ✓ 13. GIS Map
 - ✓ 14. Aerial Photograph
 - ✓ 15. Blow up Aerial Photograph listed above
 - ✓ 16. Summary of Opinion of Jack Dillon
- Miscellaneous (Not Marked as Exhibit)
 - ✓ 1. Board of Appeals Opinion (CBA-04-136 & 04-337-SPHXA)
 - ✓ 2. Memorandum Opinion & Order (03-C-05-007730)
 - ✓ 3. Letter dated June 6, 2006 from G. Macy Nelson
 - ✓ 4. Miscellaneous Correspondence *6/29/06-3*
- ✓ Zoning Commissioner's Order (GRANTED w/Rest. – July 20, 2006)
- ✓ Notice of Appeal received on August 18, 2006 from Michael Tanczyn

C: People's Counsel of Baltimore County, MS #2010 ✓
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM ✓
Gerard Wit ✓
Nicholas Brader ✓
Kenneth Schmid ✓
Joseph Cronyn ✓
Sajid Chaudhry & Iftikhar Ahmad ✓
G. Macy Nelson ✓
Jack Dillon ✓
Nickolas Johnson ✓
Mr. & Mrs. Thomas Whitten ✓
Arshad Ransha ✓
Abdul Rauf ✓
Khalid Azam ✓
Tom Pilon ✓

Date sent October 16, 2006, klm

RECEIVED

OCT 17 2006

BALTIMORE COUNTY
BOARD OF APPEALS

CASE #: 06-449-X

IN THE MATTER OF: WINDSOR ROLLING ROAD PROPERTY –
Legal Owner; WAWA, INC. – C.P./Lessee
SE/cor Rolling Road and Windsor Boulevard
2nd E; 4th C

SE – For fuel service station in combination with a convenience store with sales floor area larger than 1,500 sq. ft. and a carry-out restaurant.

7/20/06 - Z.C.'s Order in which requested special hearing was GRANTED with restrictions.

NOTE: Included in the notice of appeal from Mr. Tanczyn is a request that the special needs of Mr. Whitten, who is hard of hearing, and Mrs. Whitten, who is deaf, be accommodated "by the presence of a qualified person in American Sign Language, not only for their testimony but so they can understand the rest of the proceedings...."

- Inquiry made through Law Office as to steps needed to accommodate the above special needs; have such services been provided within the County previously; what is procurement procedure for the service. Will be advised in sufficient time to allow such a person to be available for the hearing.

5/01/07 --Notice of Assignment sent to following; assigned for hearing on Wednesday, July 25, 2007 at 10:00 a.m.:

Michael P. Tanczyn, Esquire
Thomas and Martha Whitten
Sajid Chaudhry
Iftikar Ahmad

Jack Dillon

Nickolas Johnson, Vice President
Claybrook Community Association

Arshad Ransha
Khalid Azam

Abdul Rauf

Arnold Jablon, Esquire
Windsor Rolling Road Property LLC /
Edward St. John LLC /Gerard Wit, VP
Tom Pilon

Wawa, PA /Joseph Losak, VP /Real Estate

Nicholas Brader III, PE /Matis-Warfield, Inc.

Kenneth Schmid /Traffic Concepts, Inc.

Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC

Office of People's Counsel

William J. Wiseman III /Zoning Commissioner

Pat Keller, Planning Director

Timothy M. Kotroco, Director /PDM

6/21/07 – Revised Notice of Assignment - adding Wednesday, August 1, 2007 as day #2 in this matter, retaining Wednesday, July 25, 2007 as hearing day #1.

6/26/07 – Letter from M. Tanczyn regarding sign language interpreter for his clients in the subject matter. T/C to Mr. Tanczyn – this office is currently investigating method by which this will be accomplished in time for the 7/25/07 hearing day #1 in this case.

7/02/07 – Purchase Requisition to S. Myer – Purchasing – for interpreter services as requested – copy of request letters and hearing notice sent with requisition. Conversations with Steve Myer regarding cost – detailed on requisition – two interpreters are needed; includes gas and mileage.

7/13/07 – Received Purchase Order from OBF – Hearing and Speech Agency to provide services. T/C to Steve Myer – left message re next step in assuring that interpreters are here for dates requested. Also e-mail to N. West confirming that PO has been received; will finalize arrangements on Monday /confirm; to meet ADA.

7/16/07 – Telephone call to Hearing and Speech Agency – Jaime – she needs additional information (had not received P.O.; call to Steve – he'll FAX copy to her). Info she needs includes dates, time, exact location, names of individuals requiring assistance.

7/16/07 – Letter to Jaime – Hearing and Speech Agency, with blind copy to SM and NCW; time, place, location, individuals requiring assistance; included copy of purchase order, billing address (OBF) and copy of assignment notice. Received telephone message from Jaime at 3 p.m. – received letter; will provide interpreters on 7/25/07 and 8/01/07 as requested.

7/23/07 – E-mail confirmation from The Hearing and Speech Agency – two interpreters (Jon Barad and Sheryl Cooper) have been assigned for the hearing dates of 7/25/07 and 8/01/07. FAX confirmation sent to Mr. Tanczyn this date in response to telephone call from his client regarding status of interpreter request.

7/25/07 – Board convened for hearing (Brassil, Stahl, Wescott). Interpreters contracted from The Hearing and Speech Agency appeared as indicated above. Day #1 was concluded this date; Board to convene on Wednesday, August 1, 2007 at 10 a.m. for day #2 as previously assigned.

8/01/07 – Board convened for day #2 (5-2-3 -with continued attendance by interpreters for Mr. and Mrs. Whitten); concluded case this date; memos due 10/01/07; public deliberation to be assigned and notice sent.

8/03/07 – Notice of Deliberation sent to parties; public deliberation assigned for Thursday, November 1, 2007 at 9:00 a.m. FYI copy to 5-2-3.

10/01/07 – Protestants' Memorandum filed by Michael Tanczyn, Esquire, on behalf of M/M Whitten; Iftikar Ahmad, and Sajid Chaudhry.

-- Petitioners' Post-Hearing Memorandum filed by Arnold Jablon and David Karceski, VENABLE LLP, on behalf of Petitioners, Windsor Rolling Road Property LLC, LO, and Wawa, Inc., contract lessee.

10/11/07 – Notice of Postponement – Deliberation sent to parties this date. Public deliberation administratively postponed and reassigned to Thursday, November 8, 2007 at 9:00 a.m. due to Board scheduling changes. FYI copy sent to Board members Wescott and Stahl (Brassil comprised third member; resigned effective 9/28/07). Copies of memos filed 10/01/07 also sent to 3 and 2 this date; extra copy retained in file.

Received 8/25/09

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

08/25/09

Case Number: 03-C-08-001060 AA OTH
Date Filed: 01/25/2008
Status: Closed/Inactive
Judge Assigned: To Be Assigned,
Location :
CTS Start : 01/25/08 Target : 07/23/09

In the Matter of Thomas Whitten, et al

CASE HISTORY

OTHER REFERENCE NUMBERS

Description	Number
Administrative Agency	06-449-X
Case Folder ID	C08001060V01

INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
PET 001	Whitten, Thomas		CT JA 09/08/08	02/05/08
		Party ID: 1224624		
	Capacity : Legal Owners			
Attorney:	0012544 Tanczyn, Michael P	Appear: 02/05/2008		02/05/08
	Michael P. Tanczyn, P.A.			
	606 Baltimore Avenue			
	Suite 106			
	Baltimore, MD 21204			
	(410)296-8823			
PET 002	Whitten, Martha		CT JA 09/08/08	02/05/08
		Party ID: 1224625		
	Capacity : Legal Owners			

Attorney: 0012544 Tanczyn, Michael P
 Michael P. Tanczyn, P.A.
 606 Baltimore Avenue
 Suite 106
 Baltimore, MD 21204
 (410)296-8823

Appear: 02/05/2008

02/05/08

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
RES 001	Windsor Rolling Road Property L L C		CT JA 09/08/08	03/17/08
		Party ID: 1239241		
	Attorney: 0024987 Jablon, Arnold 10616 Beaver Dam Road Hunt Valley, MD 21030 (410)785-0024		Appear: 02/14/2008	03/17/08
RES 002	Wawa Inc		CT JA 09/08/08	03/17/08
		Party ID: 1239242		
	Attorney: 0024987 Jablon, Arnold 10616 Beaver Dam Road Hunt Valley, MD 21030 (410)785-0024		Appear: 02/14/2008	03/17/08
ADA 001	Board Of Appeals For Baltimore County		CT JA 09/08/08	02/05/08
		Party ID: 1224626		
	Mail: 400 Washington Avenue Room 49 Towson, MD 21204		02/05/08	02/05/08 ANH

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
08/11/08	09:30A	CR08	Civil Non-Jury Trial	Y	MJN	01 /01	MK
			Held/Concluded 08/11/08 E M.Norman	Y			
Stenographer(s): Randy K. Mackubin							

DISPOSITION HISTORY

Disp Date	Disp Code	Description	Stage Code	Description	Activity User	Date
09/08/08	JA	Judgment Affirmed	CT	AFTER TRIAL/HEARING	EMH	09/08/08
09/08/08	JA	Judgment Affirmed	CT	AFTER TRIAL/HEARING	JA	08/24/09

JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal	RSN
TBA To Be Assigned.	J	02/05/08		

DOCUMENT TRACKING

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0001000	Petition for Judicial Review	01/25/08	02/05/08	PET001	TBA	09/08/08	ANH EMH
0001001	Answer Filed by RES001-Windsor Rolling Road Property L L C. RES002-Wawa Inc	02/14/08	03/17/08	RES001	TBA	09/08/08	TRY EMH
0001002	Memorandum in Opposition to Petition for Judicial Review with exhibits Filed by RES001-Windsor Rolling Road Property L L C. RES002-Wawa Inc	05/23/08	06/06/08	RES001	TBA	09/08/08	TRY EMH
0002000	Certificate of Notice	02/12/08	03/15/08	000	TBA	09/08/08	NF EMH
0003000	Transcript of Record from Adm Agency*	03/21/08	03/25/08	ADA001	TBA	09/08/08	TRY EMH
0004000	Notice of Transcript of Record Sent	03/25/08	03/25/08	ADA001	TBA	03/25/08	TRY
0005000	Notice of Transcript of Record Sent	03/25/08	03/25/08	PET001	TBA	03/25/08	TRY
0006000	Notice of Transcript of Record Sent	03/25/08	03/25/08	PET002	TBA	03/25/08	TRY
0007000	Notice of Transcript of Record Sent	03/25/08	03/25/08	RES001	TBA	03/25/08	TRY
0008000	Notice of Transcript of Record Sent	03/25/08	03/25/08	RES002	TBA	03/25/08	TRY
0009000	Scheduling Order	04/24/08	04/24/08	000	TBA	04/24/08	MK
0010000	Appellant's Memorandum Filed by PET001-Whitten, PET002-Whitten Filed by Attorney: Michael P Tanczyn Esq, Michael P Tanczyn Esq	04/21/08	04/26/08	PET001	TBA	04/26/08	JAM
0011000	Memorandum in Support of Petition for Judicial Review* Filed by PET001-Whitten, PET002-Whitten	05/27/08	06/07/08	PET001	TBA	06/07/08	TRY
0012000	Open Court Proceeding August 11, 2008 Hon. Mickey J. Norman Hearing had in re: adminsrative appeal. Hearing had in re: Court's ruling to be filed.	08/11/08	08/11/08	000	MJN	09/08/08	ED EMH

Num/Seq	Description	Filed	Entered	Party	Jdg Ruling	Closed	User ID
0013000	Notice of Appeal to COSA or COA 13W 6-5 *	08/29/08	08/29/08	000	TBA	09/08/08	EMH EMH
0014000	Pre Trial Hearing Letter Issued	08/29/08	08/29/08	000	TBA	08/29/08	JJ
0015000	Order affirming decision of the Balt Co Board of Appeals *	09/08/08	09/08/08	000	MJN Affirmed	09/08/08	EMH EMH
0016000	Order to proceed w/out prehearing conf.	10/17/08	10/17/08	000	TBA	09/08/08	JJ JA
0017000	Original Record sent to COSA SENT CERTIFIED 70063450000334619515 ONE VOLUME, ONE TRANSCRIPT, ONE EXHIBIT	12/11/08	12/11/08	000	TBA	09/08/08	JJ JA
0018000	Mandate Received from Court of Special Appeals - March 30, 2009 Dismissal of Appeal by Appellants by Stipulation of the Parties filed jointly by counsel. Appeal dismissed MD Rule 8-601	06/02/09	06/05/09	000	TBA	09/08/08	LAC JA

TICKLE

Code	Tickle Name	Status	Expires	#Days	AutoExpire	GoAhead	From	Type	Num	Seq
1ANS	1st Answer Tickle	CLOSED	02/14/08	0	no	no		DANS D	001	001
1YRT	One Year Tickle (Jud	CLOSED	01/24/09	365	no	no		DAAA D	001	000
EXPU	Exhibit Pickup Notic	CLOSED	11/07/08	30	no	no			000	000
SLTR	Set List For Trial	CANCEL	02/14/08	0	yes	no		1ANS T	001	001
SLTR	Set List For Trial	CANCEL	03/21/08	0	yes	no		DTRA D	003	000

EXHIBITS

Line #	Marked	Code	Description	SpH	Sloc	NoticeDt	Disp Dt	Dis By
000		ADA 001	Board Of Appeals For Baltimore					
		B	RETURNED 8/24/09			08/24/09	0	cb

DIFFERENTIATED CASE MANAGEMENT**TRACKS AND MILESTONES**

03-C-08-001060 Date: 08/25/09 Time: 10:48

Page: 5

Track : R1 Description: EXPEDITED APPEAL TRACK Custom: Yes
Assign Date: 04/24/08 Order Date : 04/24/08
Start Date : 04/24/08 Remove Date:

Milestone	Scheduled	Target	Actual	Status
Motions to Dismiss under MD. Rule 2-322(	05/09/08	09/08/08	CLOSED	
All Motions (excluding Motions in Limine	07/02/08	09/08/08	CLOSED	
TRIAL DATE is	08/11/08	07/23/08	08/11/08	REACHED

ACCOUNTING SUMMARY

NON-INVOICED OBLIGATIONS AND PAYMENTS

Date	Rcpt/Initials	Acct	Desc	Debit	Credit	MOP	Balance
----	-----	----	----	----	-----	---	-----
01/29/08	200800002368/CPM	1102	CF-Civil Fil	.00	80.00	CK	-80.00
01/29/08	200800002368/CPM	1500	Appearance F	.00	10.00	CK	-90.00
01/29/08	200800002368/CPM	1265	MLSC	.00	25.00	CK	-115.00
02/05/08		1102	CF-Civil Fil	80.00	.00		-35.00
02/05/08		1265	MLSC	25.00	.00		-10.00
02/05/08		1500	Appearance F	10.00	.00		.00
08/29/08	200800021451/TW	1161	CF-Appeal Fe	.00	60.00	CK	-60.00
08/29/08	200800021451/TW	1151	Ct Sp App Fe	.00	50.00	CK	-110.00

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

Case Number: 03-C-08-001060

TO: BOARD OF APPEALS FOR BALTIMORE COUNTY
400 Washington Avenue
Room 49
Towson, MD 21204

RECEIVED

MAR 27 2008

BALTIMORE COUNTY
BOARD OF APPEALS

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

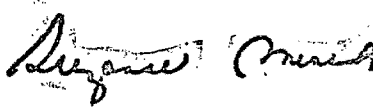
N O T I C E O F R E C O R D

Case Number: 03-C-08-001060 AA
Administrative Agency : 06-449-X
C I V I L

In the Matter of Thomas Whitten, et al

Notice

Pursuant to Maryland Rule 7-206(e), you are advised that the Record of Proceedings was filed on the 21st day of March, 2008.

Suzanne Mensh
Clerk of the Circuit Court, per 21

Date issued: 03/25/08

TO: BOARD OF APPEALS FOR BALTIMORE COUNTY
400 Washington Avenue
Room 49
Towson, MD 21204

NOTICE OF CIVIL TRACK ASSIGNMENT AND SCHEDULING ORDER

CIRCUIT COURT FOR BALTIMORE COUNTY
CIVIL ASSIGNMENT OFFICE
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

RECEIVED
Assignment Date: 04/24/08
APR 29 2008

BALTIMORE COUNTY
BOARD OF APPEALS

Board Of Appeals For Baltimore County
400 Washington Avenue
Room 49
Towson MD 21204

Case Title: In the Matter of Thomas Whitten, et al
Case No: 03-C-08-001060 AA

The above case has been assigned to the EXPEDITED APPEAL TRACK. Should you have any questions concerning your track assignment, please contact: Joy M Keller at (410) 887-3233.
You must notify this Coordinator within 15 days of the receipt of this Order as to any conflicts with the following dates:

SCHEDULING ORDER

1. Motions to Dismiss under MD. Rule 2-322(b) are due by..... 05/09/08
 2. All Motions (excluding Motions in Limine) are due by..... 07/02/08
 3. TRIAL DATE is..... 08/11/08
- Civil Non-Jury Trial; Start Time: 09:30AM; To Be Assigned; 1/2 HOUR ADMINISTRATIVE APPEAL

Honorable John Grason Turnbull II
Judge

Postponement Policy: No postponements of dates under this order will be approved except for undue hardship or emergency situations. All requests for postponement must be submitted in writing with a copy to all counsel/parties involved. All requests for postponement must be approved by the Judge.

Settlement Conference (Room 507): All counsel and their clients **MUST** attend the settlement conference **in person**. All insurance representatives **MUST** attend this conference **in person** as well. Failure to attend may result in sanctions by the Court. Settlement hearing dates may be continued by Settlement Judges as long as trial dates are not affected. (Call [410] 887-2920 for more information.)

Special Assistance Needs: If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the Americans with Disabilities Act, please contact the Civil Assignment Office at (410)-887-2660 or use the Court's TDD line, (410)-887-3018, or the Voice/TDD M.D. Relay Service, (800) 735-2258.

Voluntary Dismissal: Per Md. Rule 2-506, after an answer or motion for summary judgment is filed, a plaintiff may dismiss an action without leave of court by filing a stipulation of dismissal signed by all parties who have appeared in the action. The stipulation shall be filed with the Clerk's Office. Also, unless otherwise provided by stipulation or order of court, the dismissing party is responsible for all costs of the action.

Court Costs: All court costs **MUST** be paid on the date of the settlement conference or trial.

Camera Phones Prohibited: Pursuant to Md. Rule 16-109 b.3., cameras and recording equipment are strictly prohibited in courtrooms

and adjacent hallways. This means that camera cell phones should not be brought with you on the day of your hearing to the Courthouse.

cc: Michael P Tanczyn Esq

cc: Arnold Jablon Esq

Issue Date 04/24/08

G. MACY NELSON

ATTORNEY AT LAW

SUITE, 803

401 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

www.gmacynelson.com

gmacynelson@gmacynelson.com

TELEPHONE

(410) 296-8166, EXT. 290

FACSIMILE

(410) 825-0670

June 29, 2006

RECEIVED

HAND-DELIVERED

William Wiseman, Esquire
Zoning Commission Office
400 Washington Avenue
Towson, Maryland 21204

JUN 29 2006

ZONING COMMISSIONER

RE: *Case No. 06-449-X*
2845 Rolling Road (Southeast corner of Rolling Road and Windsor Boulevard)
Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John
Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Dear Mr. Wiseman:

During Mr. Jablon's opening statement, he referred to a recent decision in the *Loyola* case. I thought it would be helpful if you had the relevant decisions from the *Loyola* case. I have enclosed a copy of the Board's decision approving the special exception. I have also enclosed the Circuit Court's Opinion which remanded the Board's decision. Significantly, the Circuit Court relied on the *Lucas* case. The Court stated:

This Court has reviewed the *Schultz* case and its progeny and finds that the Board misinterpreted *Schultz* and made an absolute error of law. It is clear to this Court that *Schultz* and *Lucas* intend for the geographic scope of review in determining whether to grant or deny a special exception to be a zone-wide analysis. While there are some narrower, "local" factors to consider when evaluating the appropriateness of a special exception use, as enumerated in BCZR Section 502.1, the primary geographic scope is a broad review. The Board failed to follow the *Schultz* test in considering *Loyola*'s Petition for Special Exception. The Court is remand-

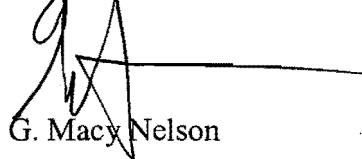
William Wiseman, Esquire
June 29, 2006
Page 2

ing this case to the Board to conduct a broader *Schultz*
analysis.

Circuit Court Opinion, Pgs. 6-7.

Although Loyola has appealed that decision, I believe that the Court of Special Appeals' decision in Lucas and the Circuit Court decision in Loyola control the Wawa case.

Very truly yours,



G. Macy Nelson

GMN:ro
Enclosures
cc: Arnold Jablon, Esquire (w/enclosures)

Wawa(Baltimore County): Ltr to Wiseman 6.28.06

IN THE MATTER OF
LOYOLA COLLEGE SPIRITUAL
RETREAT CENTER; LOYOLA COLLEGE
IN MARYLAND -DEVELOPER, N & S/S
STABLERSVILLE ROAD @ NE/COR
YORK ROAD
7TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

RE: DEVELOPMENT PLAN APPROVAL
AND PETITIONS FOR SPECIAL
HEARING AND SPECIAL EXCEPTION

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. CBA-04-136
and
* Case No. 04-337-SPHX

* * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal of the Hearing Officer/Zoning Commissioner's order dated June 10, 2004. That Order granted the approval of a development plan and Special Exception sought by Loyola College in Maryland for the subject property at the north and south sides of Stablersville Road at the northeast corner of York Road.

The *de novo* hearing on the special exception and appeal on the record for the development plan were combined and heard over six days, starting on September 14, 2004 and continuing on September 15, September 29, September 30, and December 7, 2004, and January 4, 2005. A public deliberation on both was held on March 24, 2005.

Petitioner was represented by Robert A. Hoffman, Esquire; Arnold Jablon, Esquire; and Thomas Lingan, Esquire, of Venable, L.L.P. Protestants, Citizens Against Loyola Multi-Use Center, were represented by G. Macy Nelson, Esquire.

The Facts/Background

Loyola College of Baltimore Maryland ("Loyola") contracted to buy property in northern Baltimore County, from the estate of Marion Clark & Eleanor Duvall Spruill, W. Duvall Spruill, Personal Representative. The entire property is 107.68 acres, zoned R.C. 2, of which 54 acres are to be retained by the Spruill/Clark family for agricultural use. Loyola College seeks to build a Retreat Center ("LRC") on the remaining 53 acres.

RECEIVED JUN 22 2005

IN THE MATTER OF:

CITIZENS AGAINST LOYOLA
MULTI USE CENTER, ET AL

04-337-SPH

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NO: 03-C-05-007730

* * * * *

MEMORANDUM OPINION AND ORDER

This matter comes before the Court for judicial review of a decision by the County Board of Appeals of Baltimore County ("Board"). In its June 21, 2005 opinion, the Board granted Respondent Loyola College in Maryland's ("Loyola") Petition for Special Exception to permit a college in the R.C.2 zone of Baltimore County pursuant to Baltimore County Zoning Regulations ("BCZR") §1A01.2.C.23 as well as its Petition for Special Hearing. In that opinion, the Board also affirmed the Hearing Officer's June 10, 2004 decision approving Loyola's development plan and ordered that relief granted by the Board be subject to restrictions within the agreement between Loyola and two community associations, the Maryland Line Area Association, Inc. and the Parkton Area Preservation Association, Inc.

Citizens Against Loyola Multi-Use Center, et al ("Citizens") and People's Counsel for Baltimore County ("People's Counsel") filed Petitions for Judicial Review on July 15, 2005 and July 19, 2005, respectively. Citizens' and People's Counsel's interests and arguments overlap substantially.

Citizens raised the following three issues in its Petition for Judicial Review:

- 1) Loyola incorrectly states the requirements for compliance with *Schultz v. Pritts* and with BCZR §1A01.2.C.
- 2) The Board shifted the burden of proof with respect to §502.1.

RECEIVED MAY 09 2006

TO: William J. Wiseman III, Zoning Commissioner

DATE: 6/29/06

FROM: Ked Whitmore

RE: Further case law for proposed WaWa on Rolling Road, Case No. 06-449-X

After reading the Circuit Court decision (*Loyola v. Citizens Against Loyola Multi-Use Center*) presented by Mr. Nelson, counsel for Protestant, it is not clear whether the findings of law in this case are on point with the facts of Case No. 06-449-X.

The Circuit Court determined that, as per *Schultz v. Pritz*, for a variance to be valid, the Developer must show that the negative effects resulting from the location of the development will not be greater than the negative effects inherent in such a development in the zone. This showing must be made as to the effects on the zone as a whole through a zone-wide analysis, rather than just the area near the development.

The issue is whether the study done by Developer (if any) determining that the development at the proposed site will not have any more negative impact on the area

The case law seems to be very clear on this point, through *Schultz*, *Loyola*, and *Lucas*, and based on these cases I think if this development is approved without a proper analysis of the negative impacts of a WaWa at the proposed site as opposed to its placement elsewhere in the same zoning, there is a possibility that the decision may be reversed. If such a study has not been done, I would suggest that Arnold Jablon be notified of the deficiency in his presentation and have an opportunity to remedy it. The fact that the issue was not brought up and emphasized by Mr. Nelson during the hearing makes it appear, to me, as though the lack of any study has more to do with an oversight on the developer's part rather than a problem with meeting the requirements. Thus, the remedy should be simply to add such a study to the developer's case, either before it closes or by keeping the record open.

TO: William J. Wiseman III, Zoning Commissioner

DATE: 6/29/06

FROM: Ked Whitmore

RE: Case law for proposed WaWa on Rolling Road, Case No. 06-449-X

After reading the Court of Special Appeals decision (*Lucas v. People's Counsel*) presented by Mr. Nelson, counsel for Protestant, it is not clear whether the findings of law in this case are on point with the facts of Case No. 06-449-X.

The Court in *Lucas* held that for a special exception to be appropriate, it must be shown that nothing exists to make the development at the proposed site have a greater negative impact than if the development was located within that same zone generally. There, the Court held that the Zoning Commission properly applied the special exception standard in their decision when they found that a proposed airstrip would have a heavier adverse effect at the farm where it was proposed to be built than it would if built in the R.C. 2 zone generally; an airstrip would have inherently negative effects on an area zoned R.C. 2, but this particular site would create problems beyond those inherent effects. The burden of showing that these negative impacts will not be greater lies with the Developer.

The issue here, then, is whether or not the WaWa's construction at the proposed site on Rolling Road would have a greater adverse effect on the area than it would if built in a C.R. zone generally. I missed the beginning of the case, but the part that I was present for did not convince me that any special facet of the proposed site for the WaWa would create a negative impact greater than the negative impacts inherent with the construction of a service station in a C.R. zone generally.

Westlaw.

807 A.2d 1176

Page 1

147 Md.App. 209, 807 A.2d 1176
(Cite as: 147 Md.App. 209, 807 A.2d 1176)

H**Briefs and Other Related Documents**

Court of Special Appeals of Maryland.
Dale LUCAS, Individually, etc.,

v.

PEOPLE'S COUNSEL FOR BALTIMORE
COUNTY, et al.
No. 156, Sept. Term, 2001.

Sept. 26, 2002.

Landowner that operated thoroughbred horse farm sought review of county board of appeals' determination that a proposed facility consisting of helicopter landing pad and a landing strip for fixed-wing aircraft was not an airport for purposes of a special exception within resource conservation-agriculture zone. The Circuit Court, Baltimore County, John O. Hennegan, J., affirmed. Landowner appealed. The Court of Special Appeals, Kenney, J., held that: (1) proposed facility was not an "airport" under special exception regulation; (2) definition of "airport" under special exception regulation does not include general helicopter operations; (3) lack of requisite precision in board's definition of the special exception relevant area did not require remand; and (4) board's error in using peak noise level standard rather than average noise level standard in its impact analysis did not require remand.

Affirmed.

West Headnotes**[1] Zoning and Planning 414 ⇐703**

414 Zoning and Planning
414X Judicial Review or Relief
414X(C) Scope of Review
414X(C)4 Questions of Fact
414k703 k. Substantial Evidence. Most
Cited Cases

Substantial evidence test for reviewing zoning board's findings of fact and resolution of mixed questions of law and fact is an assessment of whether record before board contained at least a little more than a scintilla of evidence to support board's scrutinized action.

[2] Zoning and Planning 414 ⇐747

414 Zoning and Planning
414X Judicial Review or Relief
414X(E) Further Review
414k745 Scope and Extent of Review
414k747 k. Questions of Fact;
Findings. Most Cited Cases
Existence of substantial evidence to support zoning board's findings of fact and resolution of mixed questions of law and fact pushes board's decision into the unassailable realm of a judgment call, one for which Court of Special Appeals may not substitute its own exercise of discretion.

[3] Administrative Law and Procedure 15A ⇐683

15A Administrative Law and Procedure
15AV Judicial Review of Administrative
Decisions
15AV(A) In General
15Ak681 Further Review
15Ak683 k. Scope. Most Cited Cases
On review of decision of administrative agency, Court of Special Appeals reevaluates, under the same standards, the decision of agency, not that of circuit court.

[4] Zoning and Planning 414 ⇐481

414 Zoning and Planning
414IX Variances or Exceptions
414IX(A) In General
414k481 k. Nature and Necessity in
General. Most Cited Cases

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BW
6/22

G. MACY NELSON
ATTORNEY AT LAW

TELEPHONE
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401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
www.gmacynelson.com
gmacynelson@gmacynelson.com

FACSIMILE
(410) 825-0670

June 23, 2006

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JUN 23 2006

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William Wiseman, Esquire
Zoning Commission Office
400 Washington Avenue
Towson, Maryland 21204

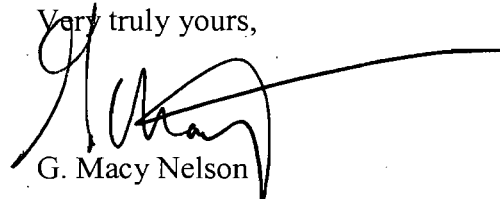
ZONING COMMISSIONER

RE: *Case No. 06-449-X*
2845 Rolling Road (Southeast corner of Rolling Road and Windsor Boulevard)
Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John
Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Dear Mr. Wiseman:

During my closing argument yesterday, I addressed the Lucas case but did not give you the citation. In *Lucas v. People's Counsel*, 147 Md. App. 209, 239-40, 807 A.2d., 1176 (2002), the Court of Special Appeals approved the Board of Appeals' imposition of the burden of proof on the Applicant to establish that the impact factor caused by the proposed use is no greater at the proposed site than the same use elsewhere in the zone. I have also enclosed a copy of the decision of the Board of Appeals in the Lucas case for your review.

Very truly yours,



G. Macy Nelson

GMN:ro
Enclosure
cc: Arnold Jablon, Esquire

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF		
<u>EDGAR LUCAS /PETITIONER</u>	*	COUNTY BOARD OF APPEALS
FOR SPECIAL HEARING AND		
SPECIAL EXCEPTION ON PROPERTY	*	OF
LOCATED ON THE SOUTH SIDE		
GREENSPRING VALLEY ROAD, N/S	*	BALTIMORE COUNTY
HILLSIDE ROAD, W OF FALLS ROAD		
(901 GREENSPRING VALLEY ROAD)	*	CASE NO. 98-294-SPHX
3RD ELECTION DISTRICT		
3RD COUNCILMANIC DISTRICT	*	

* * * * *

O P I N I O N

This case comes before the Board of Appeals for Baltimore County based on an appeal from a decision of the Deputy Zoning Commissioner. Counsel present for hearings were: G. Scott Barhight, Esquire, and David Gildea, Esquire, representing the Petitioner; G. Macy Nelson, Esquire, representing the Appellants /Protestants, the Valleys Planning Council and various individuals, including Deirdre Smith, Douglas Carroll, Susan and Steven Immelt, and William Brewster; along with Peter Max Zimmerman, People's Counsel for Baltimore County, and Carole S. Demilio, Deputy People's Counsel.

Mr. Edgar Lucas, the original Petitioner, passed away on January 30, 1999 after the filing of the Petition, and Mr. Dale Lucas, one of the Personal Representatives of the estate, requested permission to continue the case on behalf of the Personal Representatives, with such permission being granted subject to Letters of Administration being provided to complete the Board's file. This was subsequently done and admitted as Petitioner's Exhibit No. 4.

Each counsel offered initial opening statements as to what would be presented during the course of the hearings and is

From: Kedrick Whitmore
To: Wiseman, Bill
Date: 06/30/06 10:09:20 AM
Subject: language for wawa - definition of "abandoned"

The term abandoned is not defined in the Baltimore County Zoning Regulations. Webster's Dictionary defines the word as meaning "given up," and as synonymous with "deserted" and "forsaken."

Clearly, the property in question has not been given up, deserted, or forsaken. Despite its past use as a gas station, it is currently in use as service garage. Such use does not conform to the definition of abandoned. Therefore, I cannot find that the property in question should be classified as an abandoned gas station.

SPECIAL EXCEPTION/CONDITIONAL USE

TEST: GREATER ADVERSE EFFECT AT THIS LOCATION THAN IT
WOULD HAVE AT SOME OTHER LOCATION WITHIN THE ZONE
(COMPERATIVE DEGREE OF ADVERSE IMPACT)

ADVERSE EFFECTS -
Common to _____ zone

vs.

ADVERSE EFFECTS -
Unique to this site

1.	Other Areas within Industrial Park. More Centrally Located not near the failed shd or D or worse	Negative impact at this location - in an area of Level Service D NOT Primarily Serving Industrial uses
2.		
3.		
4.		
5.		
6.		

Days Cove Reclamation v. Queen Anne's' Co. 146 Md App 469 (2002)
Board of County Commissioners for Cecil County v. Holbrook 314 Md 210 (1988)
Schultz v. Pritts, 291Md 1 (1981)

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204
Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827
Email: mptlaw@verizon.net

June 25, 2007

County Board of Appeals of Baltimore County
Attn: Kathleen C. Bianco, Administrator
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED
JUN 26 2007
BALTIMORE COUNTY
BOARD OF APPEALS

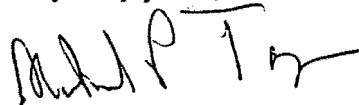
Re: Case No. 06-449-X
In the Matter of Windsor Rolling Road Property -
Legal Owner: WAWA, Inc. - C.P./Lessee

Dear Kathy:

My clients are legally deaf for years and require specific accommodations so that they can understand the proceedings before the Board of Appeals scheduled to begin July 25 and to be continued on August 1, 2007. When I visited them in their home they have extensive provisions hooked up to their home phone lines which translates voice into graphic words so that they can converse. When they are in the presence of the speaker they must be able to have a clear view so that they can attempt to lip read from anyone who is speaking, not just those from the witness stand to include the Board panel and counsel for both parties. Has the Board ever provided a sign language interpreter for someone who is profoundly deaf? If so, we would make such a request for this hearing from someone who is skilled in American Sign Language.

Thank you for any assistance you can provide to accommodate my clients' physical disabilities.

Very truly yours,



Michael P. Tanczyn, Esquire

MPT:kds

Encl.

cc: Clients

Arnold Jablon, Esquire

06-449-X1

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue

Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

August 18, 2006

*Rec'd
8/13/06
JLM*

VIA HAND DELIVERY

The Honorable Timothy Kotroco, Esquire
Room 109
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception
S/E Corner of Rolling Road & Windsor Blvd.
(2845 Rolling Road)
2nd Election District - 4th Council District
Windsor Rolling Road Property LLC, by Edward St. John - Legal Owner;
Wawa, Inc., by Joseph Losak, V.P., Contract Purchaser

Dear Mr. Kotroco:

Please note an appeal from the Decision and Order dated July 20, 2006 of the Zoning Commissioner in the above-referenced matter, on behalf of my clients named hereinafter, to the Board of Appeals of Baltimore County.

My clients are Thomas Whitten and Martha Whitten, 30 Rollwin Road, Baltimore, Maryland 21244, Sajid Chaudhry, 2701 Rolling Road, Baltimore, Maryland 21244, and Iftikar Ahmad, 2701 Rolling Road, Baltimore, Maryland 21244. I believe Mr. and Mrs. Thomas Whitten have special needs because she is deaf and he is hard of hearing. Because of that, I wish to request that their special needs be accommodated by the presence of a qualified person in American Sign Language, not only for their testimony but so they can understand the rest of the proceedings before the Board of Appeals. Please advise how this need can be met.

Enclosed you will find our check for costs. Please advise us of all hearing dates and contact us when necessary for scheduling the hearing on this appeal.

Thank you for your assistance in this regard.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn, Esquire

Page Two
The Honorable Timothy Ketroco, Esquire
August 18, 2006

MPT/cbl

Encl.

cc: Mr. and Mrs. Thomas Whitten
Mr. Sajid Chaudhry
Mr. Iftikar Ahmad
People's Counsel
Arnold Jablon, Esquire
Robert A. Hoffman, Esquire
Macy Nelson, Esquire

COUNTY BOARD OF APPEALS

ROOM 49, OLD COURTHOUSE •
400 WASHINGTON AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

HEARING AND SPEECH AGENCY
INTERPRETER SERVICES
ATTN: JAIME

FAX : 410-318-6759

FROM:

KATHLEEN BIANCO
FAX: 410-887-3182

TELEPHONE: 410-887-3180

DATE:

JULY 16, 2007

TOTAL NO. OF PAGES INCLUDING
COVER: ~~TWO (2)~~ FIVE (5)

RE: REQUEST FOR INTERPRETERS;
BALTIMORE COUNTY PO #3029352

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL

PER OUR DISCUSSION THIS AFTERNOON, I AM PROVIDING YOU WITH A
COPY OF THE ATTACHED LETTER, THE ORIGINAL OF WHICH WAS SENT
TO YOU VIA US MAIL THIS AFTERNOON.

SHOULD YOU HAVE ANY QUESTIONS, PLEASE CONTACT ME.

*Second attempt
at fax*



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

July 16, 2007



Hearing and Speech Agency
of Metropolitan Baltimore
5900 Metro Drive
Baltimore, MD 21215
ATTN: Jaime

RE: *In the Matter of: Windsor Rolling Road Property*
Interpreter Services /July 25 and August 1, 2007

Dear Jaime:

Per our conversation this afternoon, and in accordance with the enclosed Purchase Order # 3029352, this letter will confirm that your agency will provide two interpreters conversant in American Sign Language for the subject **hearing scheduled before the Board of Appeals on Wednesday, July 25, 2007, 10 a.m. to 4 p.m. and on Wednesday, August 1, 2007, 10 a.m. to 4 p.m.**

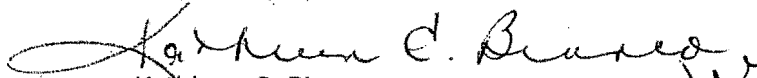
A request for this service was made to the Board by Michael P. Tanczyn, Esquire, on behalf of his clients, Thomas and Martha Whitten, Appellants to this matter (Mrs. Whitten is deaf and Mr. Whitten is hard of hearing).

I've also enclosed a copy of the Notice of Assignment for hearing before the Board, scheduled to begin at 10 a.m. on both dates. **The Board's hearing room is located in Room 49, Old Courthouse, 400 Washington Avenue, Towson, MD 21204.**

Services are to be billed to Baltimore County's Office of Budget and Finance --Disbursements, 400 Washington Avenue, Room 148, Towson, MD 21204, as indicated on the attached Purchase Order, per the stated fee schedule.

Should you have any questions, please call me at 410-887-3180. I can also be reached via e-mail at kbianco@baltimorecountymd.gov. Please confirm receipt of this letter to assure that the interpreters will be in attendance on the dates of July 25 and August 1, 2007 as indicated above.

Very truly yours,


Kathleen C. Bianco
Administrator

*Confirmed by
phone message
Jaime 3:00 pm
7-16-07*

Enclosures



Printed with Soybean Ink
on Recycled Paper

*bcc: Steve M.
Nance W.*

Kathleen Bianco - Job Confirmation: July 25 & Aug 1, 2007

From: "Marie Burkman" <mburkman@hasa.org>
To: <kbianco@baltimorecountymd.gov>
Date: 7/23/2007 9:10 AM
Subject: Job Confirmation: July 25 & Aug 1, 2007

Interpreter Confirmation: Baltimore County Office of Budget and Finance**Requester: Kathleen C. Bianco****Assignment Details:**

Date: Wednesday, July 25, 2007 and Wednesday, August 1, 2007
Time: 10:00am - 4:00pm

Deaf Individual(s): Martha and Thomas Whitten

Description: Appellants in the matter of: Windsor Rolling Road Property
Case# 07-332-SPHA

Location: County Board of Appeals
400 Washington Ave. Room 49
Old Courthouse
Towson, MD 21204

Interpreter(s): Jon Barad and Sheryl Cooper**Additional Information:****Special Notes:****Job Number: 1012982**

If you have any questions please feel free to contact me at 410-318-6780 ext 118
Have a great day!

Marie Burkman
Customer Service
CIRS

NOTE: The information contained in this message may be **CONFIDENTIAL** and is for the intended addressee only. Any unauthorized use, dissemination of the information, or copying of this message is prohibited. If you are not the intended addressee please notify the sender immediately and delete this message

COUNTY BOARD OF APPEALS

FACSIMILE TRANSMITTAL SHEET

TO:
MICHAEL TANCZYN, ESQUIRE

FROM:
KATHLEEN BIANCO

FAX NUMBER:
410-296-8827

DATE:
JULY 23, 2007

COMPANY:

TOTAL NO. OF PAGES INCLUDING
COVER:
ONE (1)

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:
07-332-SPHA

RE:
WINDSOR ROLLING ROAD PROPERTY
/INTERPRETER SERVICES

YOUR REFERENCE NUMBER:

URGENT FOR REVIEW FOR YOUR RECORDS PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

PERSONAL AND CONFIDENTIAL

Michael:

I've received an e-mail from The Hearing and Speech Agency confirming that two interpreters have been assigned for the subject hearing scheduled for 7/25/07 and 8/01/07 (Jon Barad and Sheryl Cooper). We will have their services from 10 a.m. to 4 p.m. both dates, as needed.

Mr. Whitten had telephoned inquiring as to the status of an interpreter – I assured him we were working on it and would let him know. If you would be so kind as to confirm this with him, I would be most grateful.

Please call me if you have any questions.

kathi



ROOM 49, OLD COURTHOUSE • 400 WASHINGTON AVENUE •
TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

COUNTY BOARD OF APPEALS

ROOM 49, OLD COURTHOUSE •
400 WASHINGTON AVENUE • TOWSON, MD 21204
PHONE: 410-887-3180 • FAX: 410-887-3182

FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

NANCY C WEST ESQUIRE
FAX : 410-296-0931

FROM:

KATHLEEN BIANCO
FAX : 410-887-3182

TELEPHONE: 410-887-3180

DATE:

JULY 23, 2007

TOTAL NO. OF PAGES INCLUDING
COVER:
THREE (3)

RE: CONFIRMATION – INTERPRETERS
FOR 7/25 AND 8/01/07 – AND FAX TO
MICHAEL TANCZYN

URGENT

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

PERSONAL AND CONFIDENTIAL



NANCY:

FYI – ATTACHED IS A COPY OF THE CONFIRMING E-MAIL I RECEIVED
TODAY FROM THE HEARING AND SPEECH AGENCY.

I'VE ALSO ATTACHED FYI A COPY OF THE FAX THAT I SENT TO MIKE
TANCZYN THIS MORNING CONFIRMING THE INTERPRETERS – IN
RESPONSE TO A CALL I RECEIVED FROM HIS CLIENT.

CALL ME IF YOU SEE ANYTHING STRANGE RE THE CONFIRMATION – IT
LOOKS WELL-ORGANIZED AND ACCURATE TO ME.

THANKS FOR ALL YOUR HELP.

kathi

Attachments (2)

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Windsor Rolling Road Property – L/O
Wawa, Inc. – C/P
Case No.: 06-449-X

DATE: November 8, 2007

BOARD/PANEL: Lawrence S. Wescott, Panel Chairman
Lawrence M. Stahl

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: Petition for Special Exception 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, pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

- | | | | |
|----|-------------------|----|-----------------------|
| 1) | Section 501.1 | 3) | Section 405.4.E.1 and |
| 2) | Section 405.2.B.1 | 4) | Section 405.4.E.10 |

STANDING

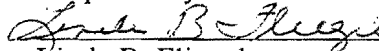
- Proposed use of the subject property is consistent with zoning classification
- The only criteria, under 501, that may have appeared to be an issue was traffic. Testimony was given that the location of the station, with convenience store, was located at an intersection and that the signal would be beneficial for easing incoming and out going vehicles.
- Mr. Ahmad raised concerns that it would impact on his business.
- Mr. Stahl stated that the business is no more onerous at this location than another and that the market place will shake out if a Wawa's is put there.
- Business would primarily service the industrial park, and that it is not a Walmart where it will be drawing additional people into the area.
- Additionally, competition is not a basis for appeal.
- Testimony was given that the fuel station/combo should not be a detriment to the area.

DECISION BY BOARD MEMBERS: The Board felt that the Petitioners met the criteria necessary and that it was clear that they are within their rights to be there.

FINAL DECISION: After a thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to *GRANT* Petitioners Petition for Special Exception to permit a fuel service station in combination with a convenience store.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted



Linda B. Fliegel

County Board of Appeals

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

DATE: December 16, 2009

TO: Timothy Kotroco, Director
Permits & Development Management

FROM: Suriny Cannington, Legal Secretary
Board of Appeals

SUBJECT: **CLOSED APPEAL CASE FILES/CASES DISMISSED**

The following list of cases are closed as of today.

<u>Case Number</u>	<u>Name</u>
06-449-X	Windsor Rolling Road, LLC

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
SADID CHAUDHURY	2701 ROLLING RD	BALTIMORE MD 21244	SADID212GADL.COM
IFTIKHAR AHMAD	2701 ROLLING RD	BALTIMORE MD 21244	YAHAMA@C-MAIL.COM
NICKLAS JOHNSON Vice Pres HOA Claybrook	2751 Claybrooke DR	BALTIMORE MD 21244	NICKLASJOHNSON@HOTMAIL.COM
THOMAS & MARTHA WHITTEN	30 Rollwin Rd	BALTO MD 21244	TW41TTEN30@yahoo.com
ARSHAD RANJHA	5900 Johnny CAR. RD	Baltimore MD 21207	Ranjha RAO.COM
ABDUL RAUF	6725 DOGWOOD RD	BALTIMORE MD - 21207	
KHALID AZAM	7415 Windsor Mill Road	Baltimore MD 21244	
Jack Dillon G. Macy Nelson Esq.			
VP of CLAYBROOK Community Assoc. - Single Family (North + West of Rolling Rd + Town Home Community) and Windsor)			

3

PETITIONER'S
EXHIBITS

Verified
7/25/07

Case # 76/07 WILSON Rolling Road Property

Op-449-X Petitioner Exhibits

✓ Pet Ex 1 A-H) Site Plan - Entire Site.

IB - } More Detailed view of WA WA 500

IC - } Conceptual Landscaping.

ID - } Grading Plan

✓ Pet Ex 2 - CRONY & C.V.

✓ Pet Ex 3 - CRONY's Report.

✓ Pet Ex 4 - Letter from B Co. D. Iannucci to D. Karschke

✓ Pet Ex 5 - AERIAL VIEW OF SITE & VICINITY

✓ Pet Ex 6 - Landscaping Plan

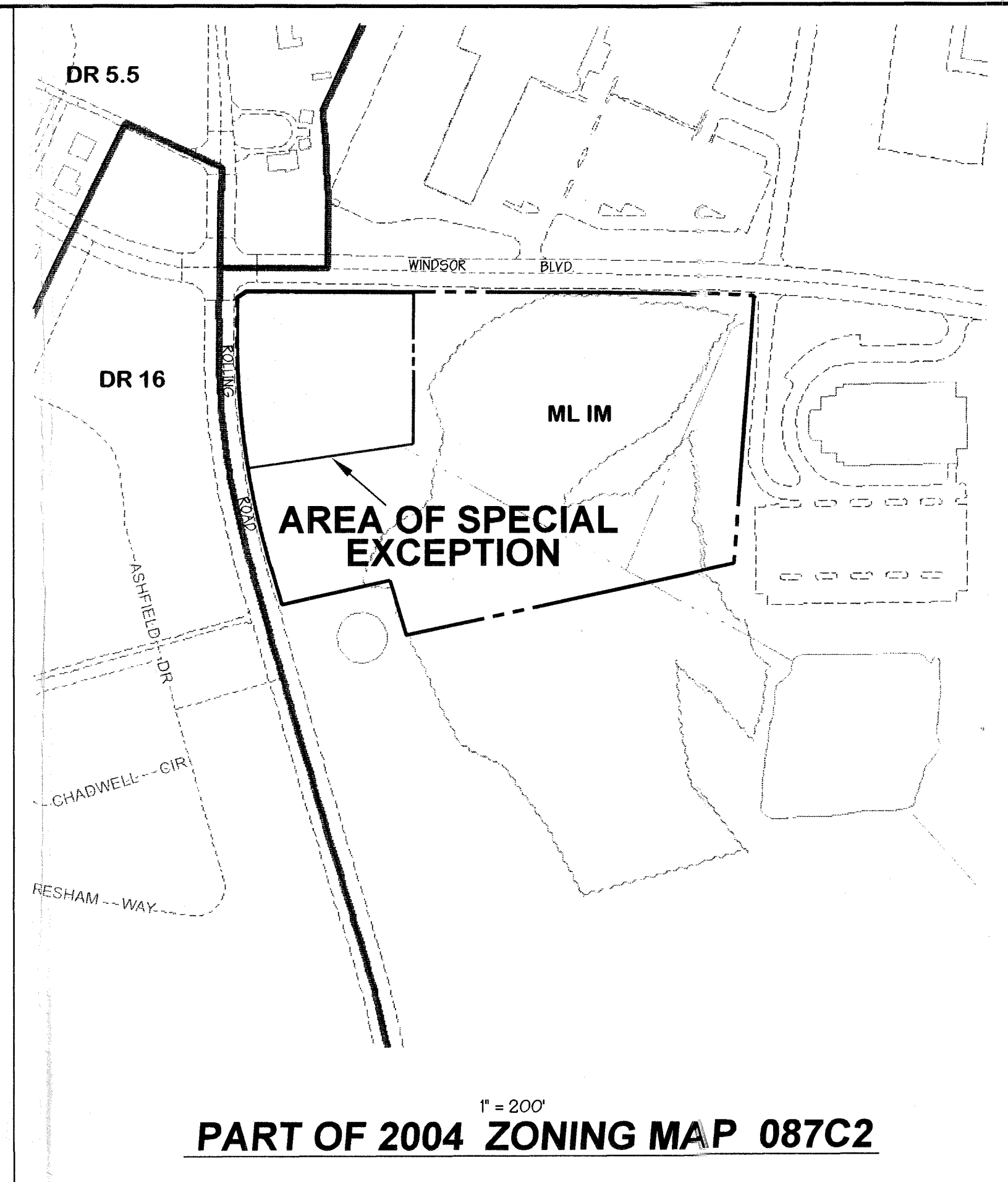
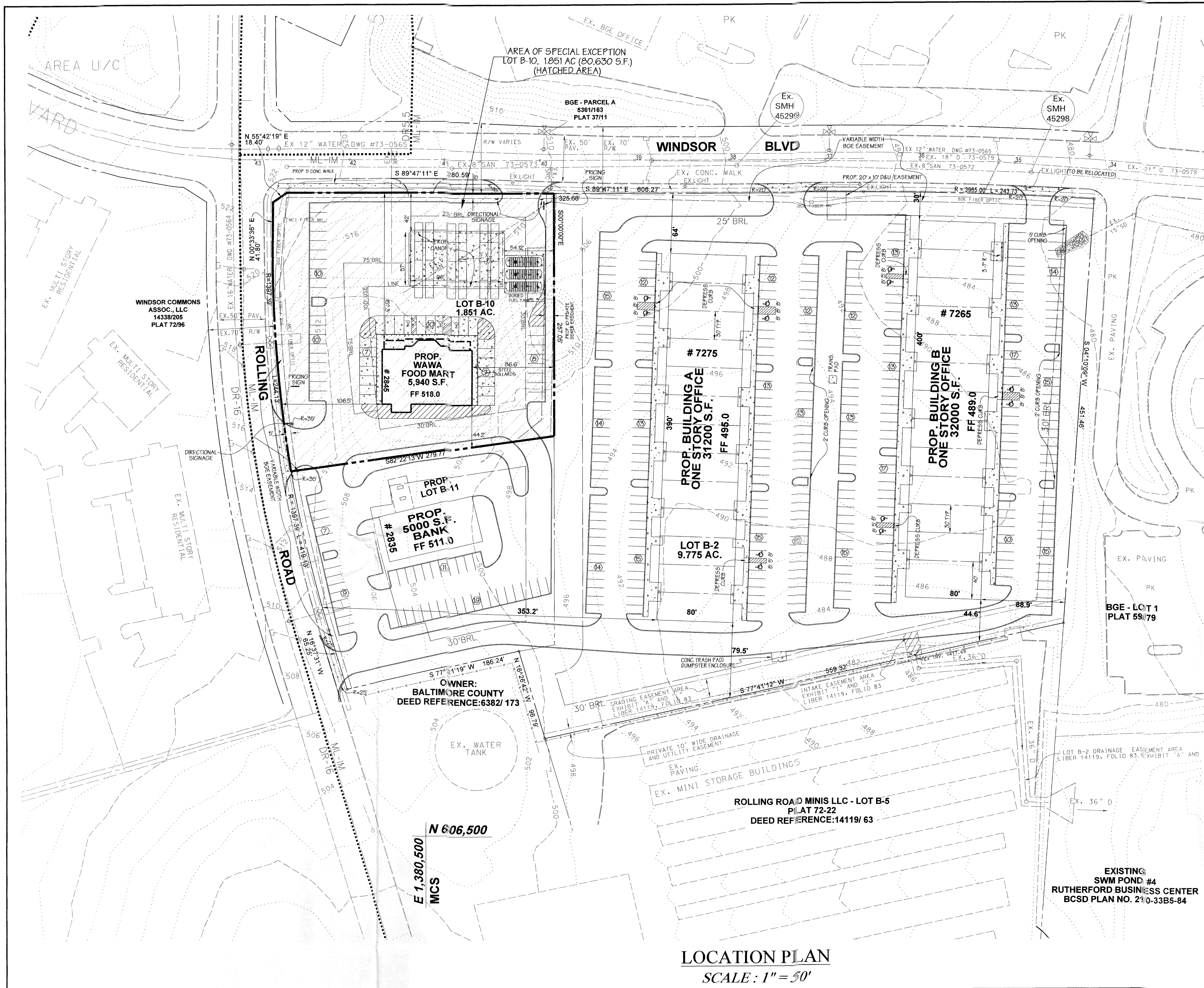
✓ Pet Ex 7 A-H - Photos of site.

✓ Pet Ex 8 - Resume - Robert Schmidt.

✓ Pet Ex 9 - Petition for Spec Exemption from La Vista

✓ Pet Ex 10 - ZC Decision in case No. 07-245-X

Verified
8/10/07



GENERAL NOTES

- All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
- The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
- It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
- To our knowledge no wastes or by-products will be produced on the Site.
- See architectural plans for exact building dimensions.
- All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets.
- The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
- Storm water management is provided in a regional facility, water quality to be provided onsite for service station area (hotspot) per DEPRM policy.
- Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
- The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
- The site is not within the Chesapeake Bay Critical Area or within a 100 year floodplain.
- Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
- Previous commercial permits: grading permit: B605790 (currently active)
- Hearings: DRC Request 041105C approved a CRG Refinement.

SITE DATA

Site Area	425,799 S.F. - 9,775 Ac. (EXISTING LOT B-2)
Area of Special Exception	80,630 S.F. - 1.851 Ac. (AND PROPOSED LOT B-10)
Existing Zoning	ML-IM
Councilmanic District	4th
Existing Use	Vacant
Proposed Use	Convenience Store w/ Fuel Pumps & Carry Out Food
Deed Reference	22716/270
Plat Reference	7108 - LOT B-2
Tax Account Numbers	02-2300004226
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. + 80,630 = 0.074 (3.0 permitted)
Proposed Building Height	31'

AREA REQUIRED FOR COMBINATION USE

12 Servicing Spaces x 1500 S.F.	18,000 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	40,816 S.F.
Area of Special Exception	80,630 S.F.

PARKING SPACES

Retail/Carry Out Food	30
3340 S.F. @ 51000	10
maximum employee shift-	1
air	1
ATM	1
Total Required	42
Total Provided	52

PARKING SPACE DIMENSIONS:

Typical Space	10' x 18'
Handicap Space	13' x 18'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:

1 Per pump island side required	12
Provided	12

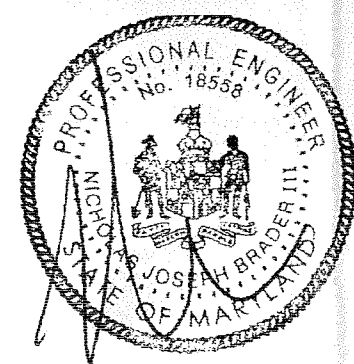
STACKING SPACES:

1 Per pump island side	12
Provided	12

PETITIONER'S EXHIBIT 1A-1D

Matis Warfield
consulting engineers

10540 York Road Suite M
Hunt Valley, Maryland 21030
phone 410-683-7004
facsimile 410-683-1798
www.matiswarfield.com



OWNER / APPLICANT
Windsor Rolling Road Property, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

PETITION FOR SPECIAL EXCEPTION

- Special Exception Request is 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 pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

SHEET INDEX

- LOCATION PLAN AND SITE DATA
- ZONING PLAT
- SCHEMATIC LANDSCAPE PLAN
- SIGNAGE PLAN

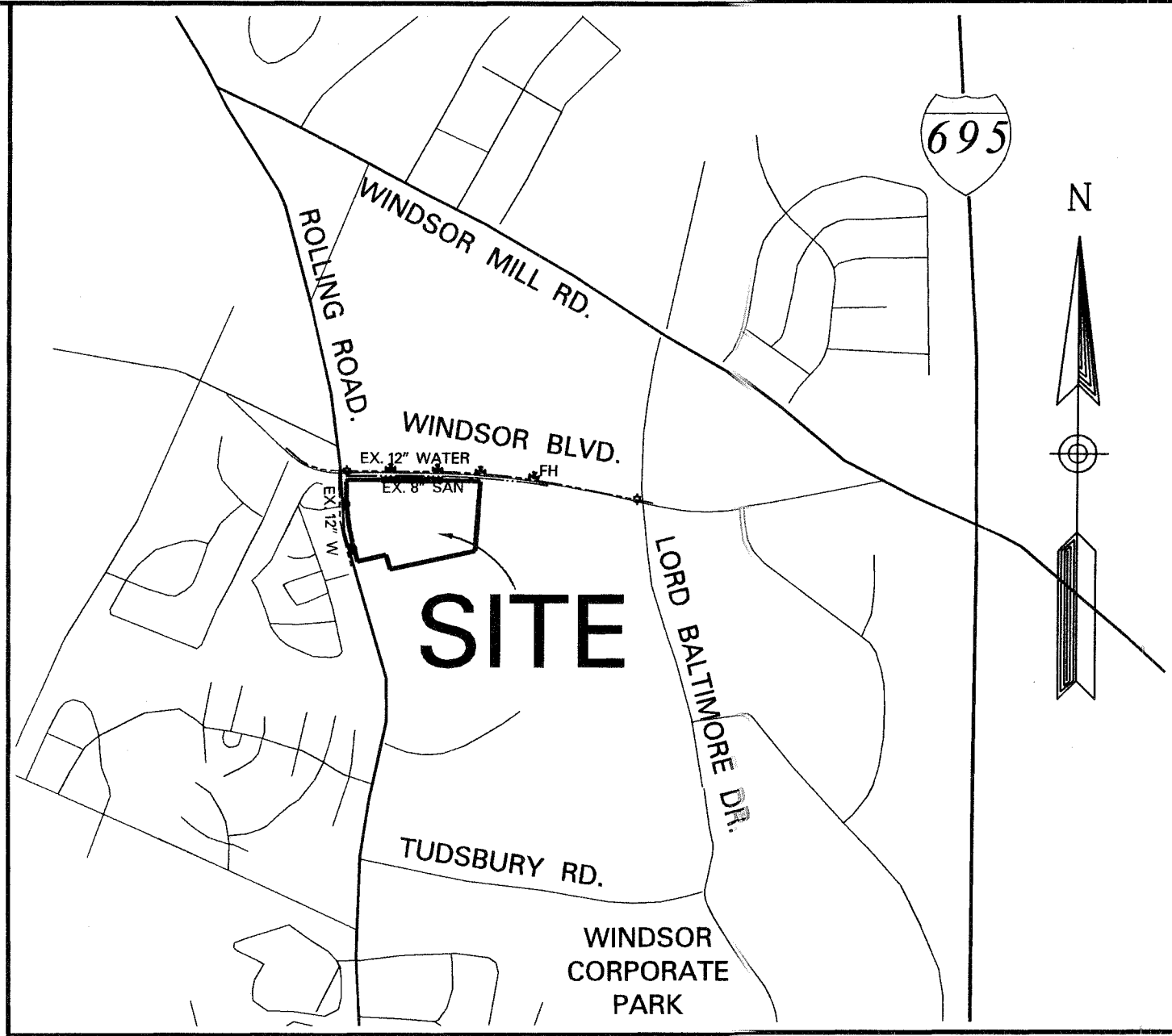
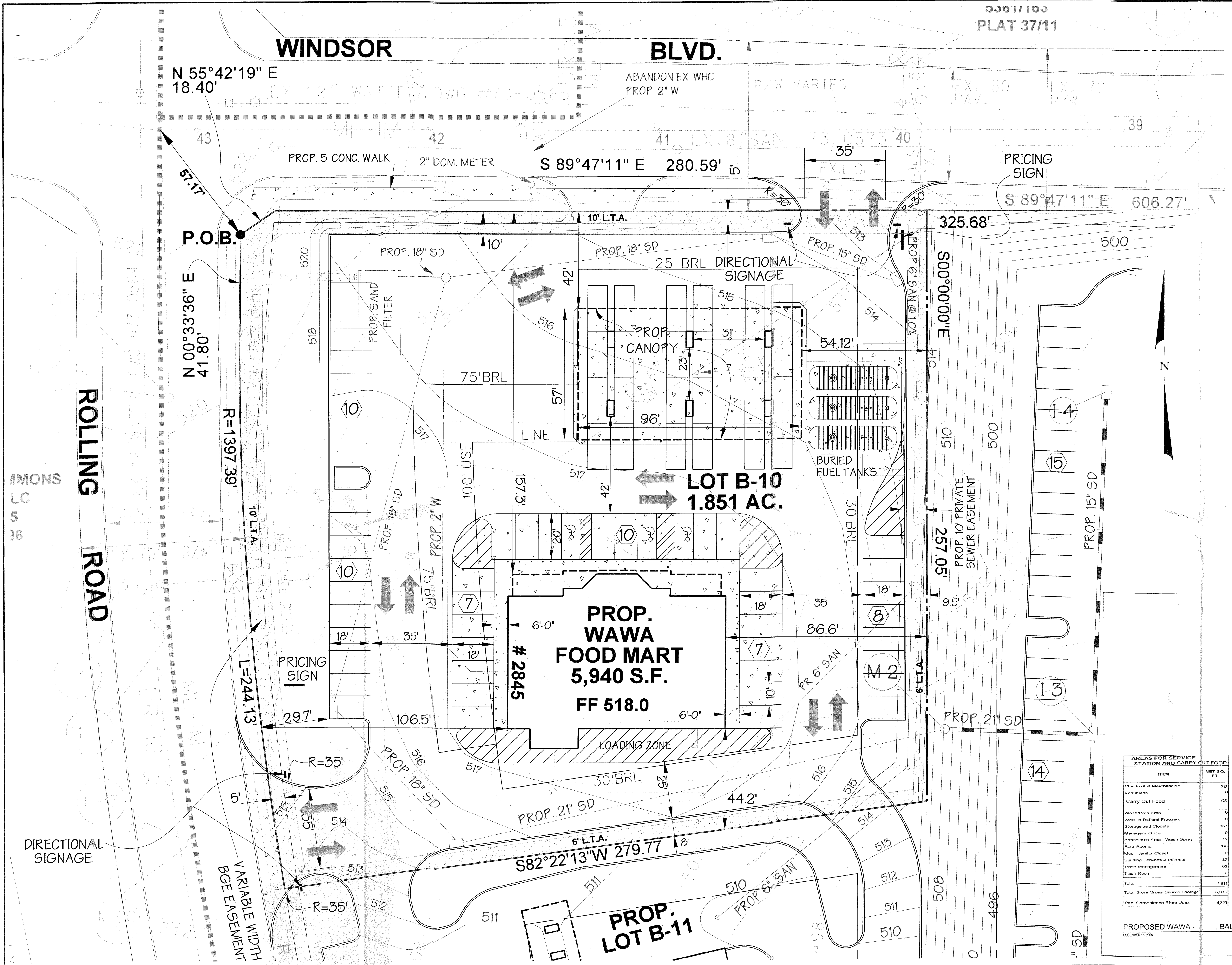
Plan to Accompany A Petition for a
Special Exception

WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 50'

Election District 2
March 13, 2006
Sheet 1 of 4



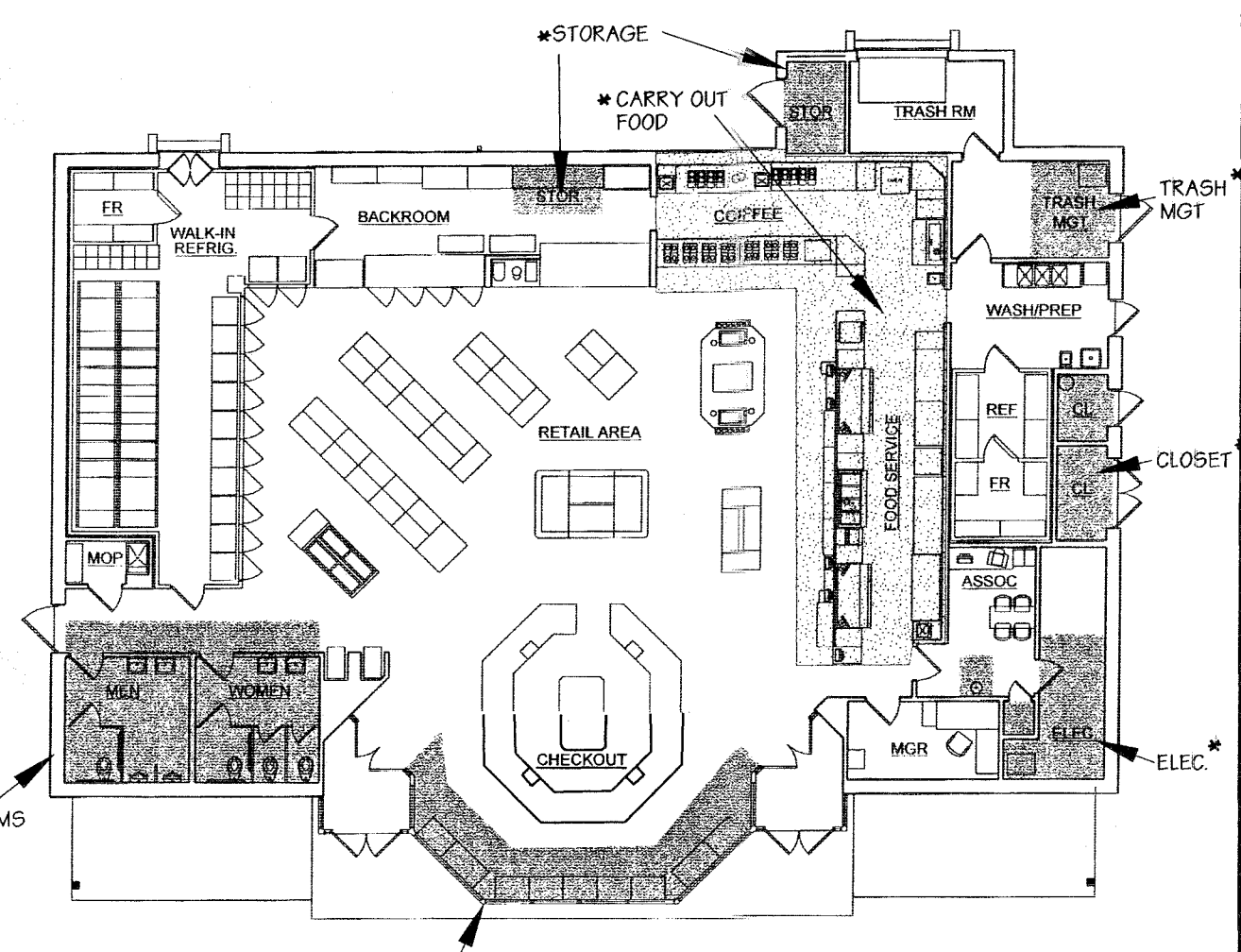
VICINITY MAP

SCALE: 1" = 1000'

LEGEND

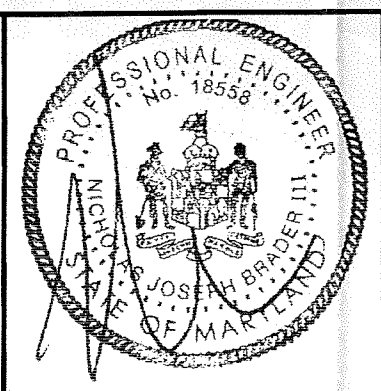
- PROPERTY LINE
- EX. FIRE HYDRANT
- EX. WATER
- EX. STORM DRAIN
- EX. SANITARY
- PROP. WATER
- PROP. STORM DRAIN
- PROP. SANITARY
- EX. CURB & GUTTER
- PROP. CONC. C & G
- EX. TELEPHONE MANHOLE
- EX. CHAIN LINK FENCE
- EX. PARKING LOT LIGHT
- EX. UTILITY POLE
- EX. GUY WIRE
- EX. OVERHEAD LINE
- EX. ZONING LINE
- PROP. CONCRETE
- 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	12
Associates Area - Wash Spray	12
Rest Rooms	336
Map - Janitor Closet	0
Building Services - Electrical	87
Trash Management	69
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

Matis Warfield
consulting engineers
10540 York Road, Suite M
Hunt Valley, Maryland 21038
phone 410-683-7000
facsimile 410-683-1798
www.matiswarfield.com



OWNER / APPLICANT
Windsor Rolling Road Property, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

PETITION FOR SPECIAL EXCEPTION

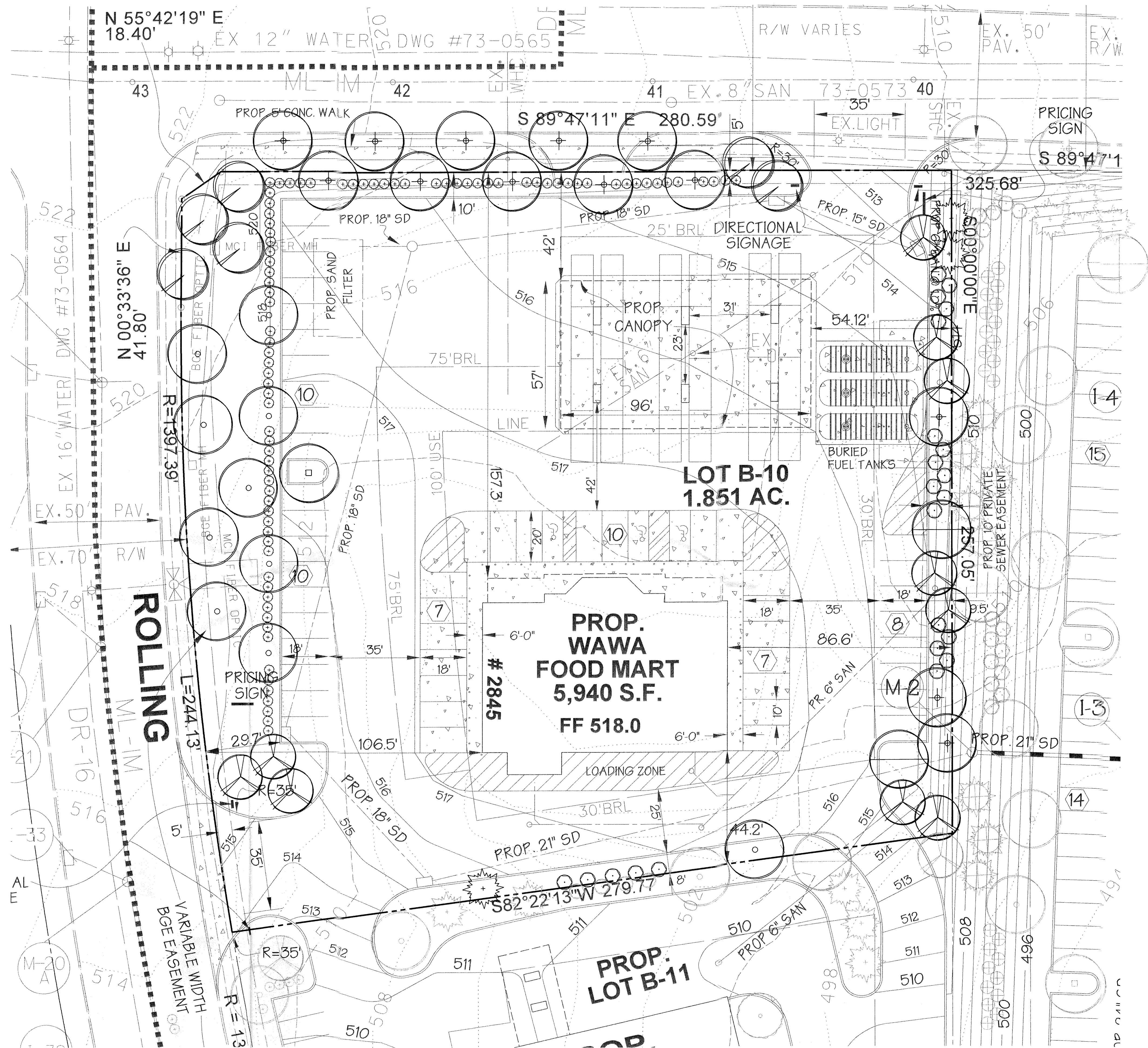
- Special Exception Request is for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

Plan to Accompany A Petition for a Special Exception

WAWA STORE
#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 2 of 4



Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21086
Phone 410-683-7704
Facsimile 410-683-1798
www.matiswarfield.com

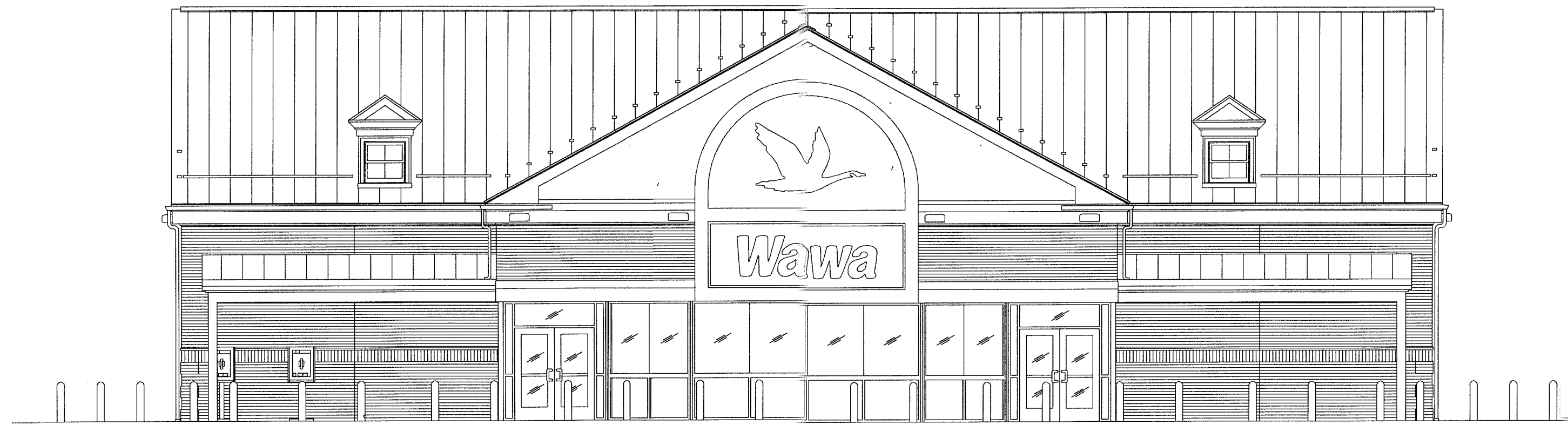
HUMAN & ROLHE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

SCHEMATIC LANDSCAPE PLAN **WAWA STORE**

#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'

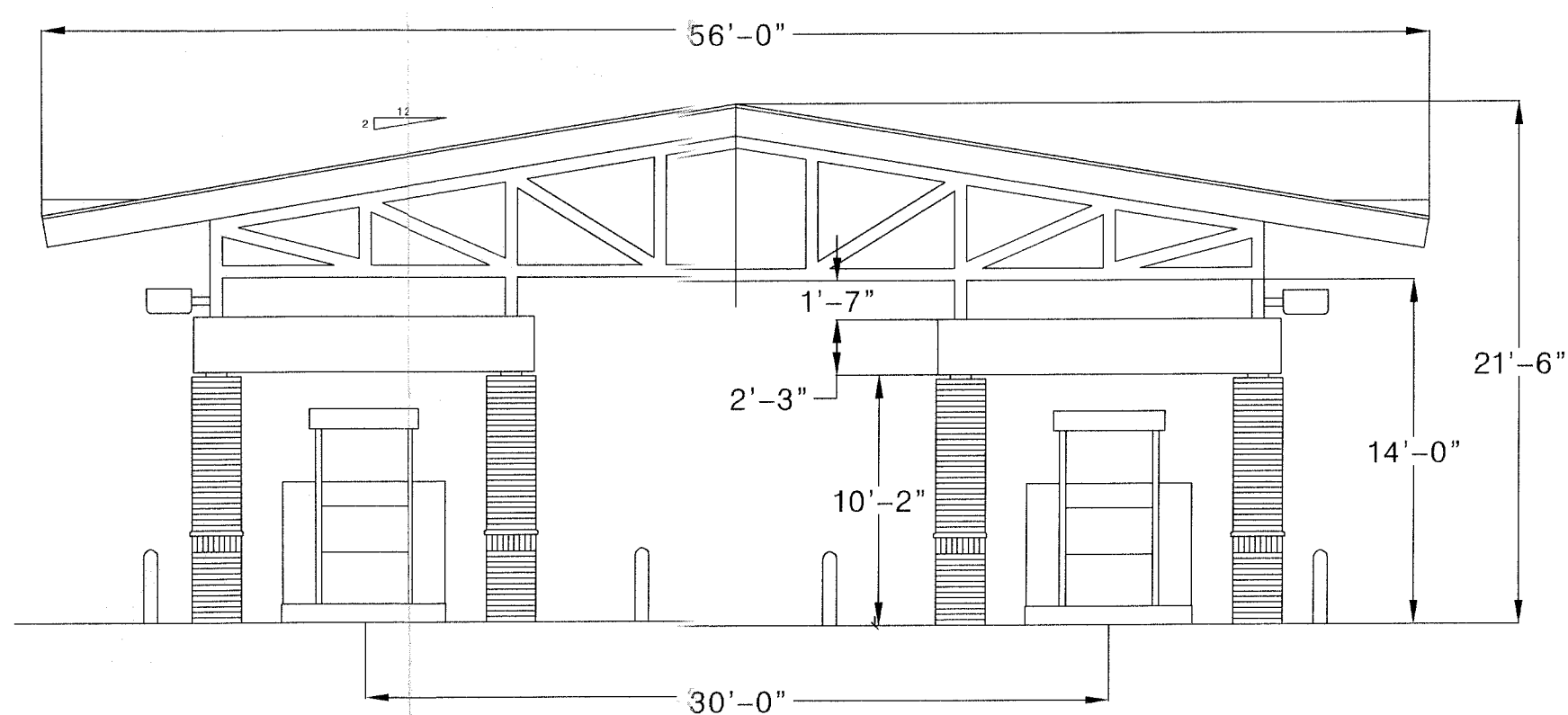
Election District 2
March 13, 2006
Sheet 3 of 4



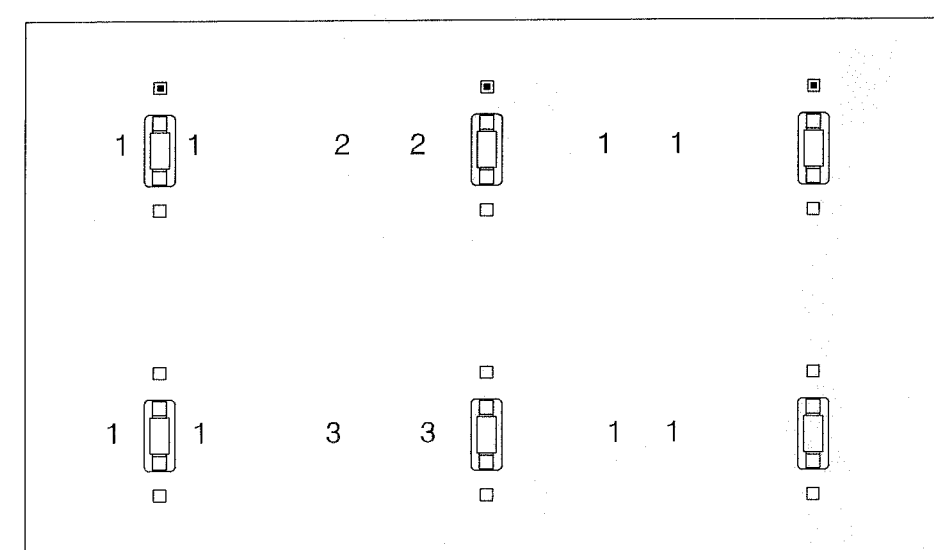
STORE - FRONT ELEVATION
N.T.S.



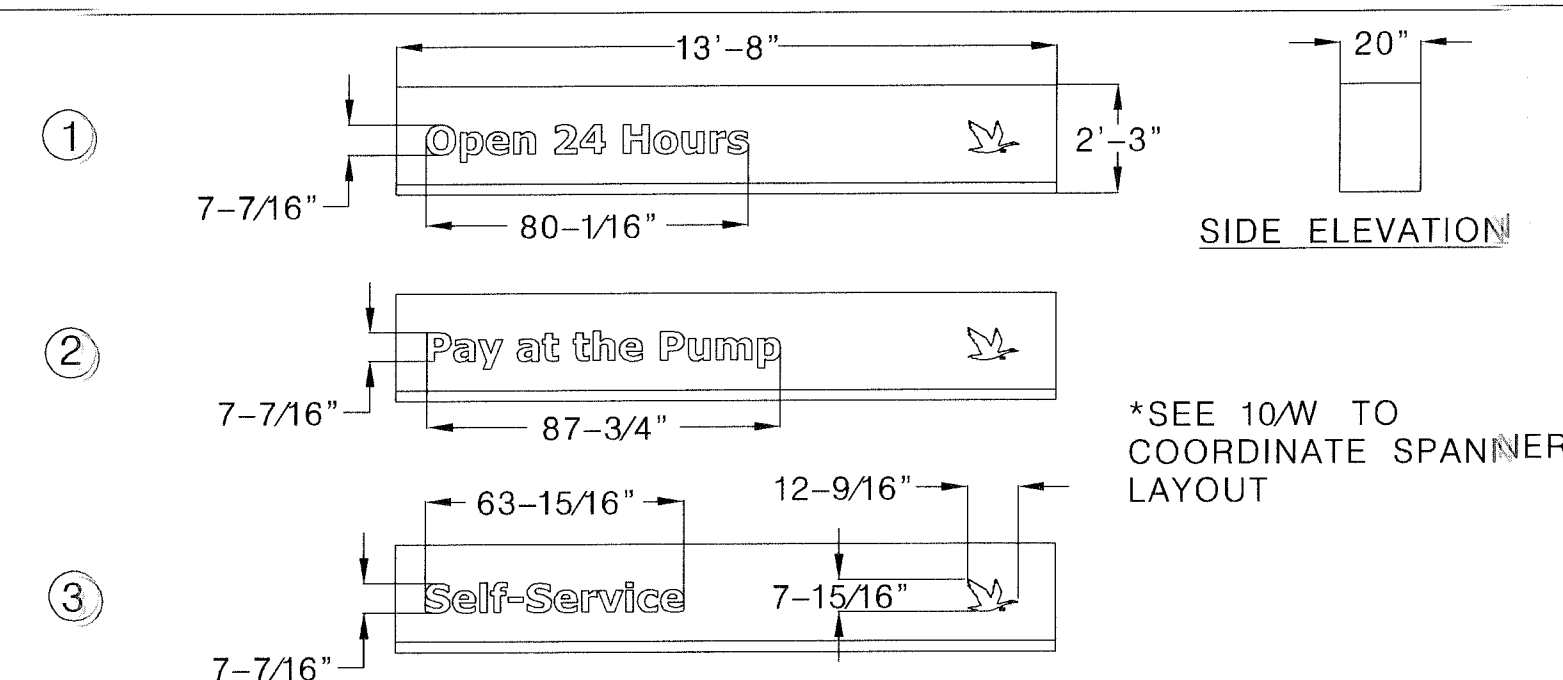
STORE - RIGHT SIDE ELEVATION
N.T.S.



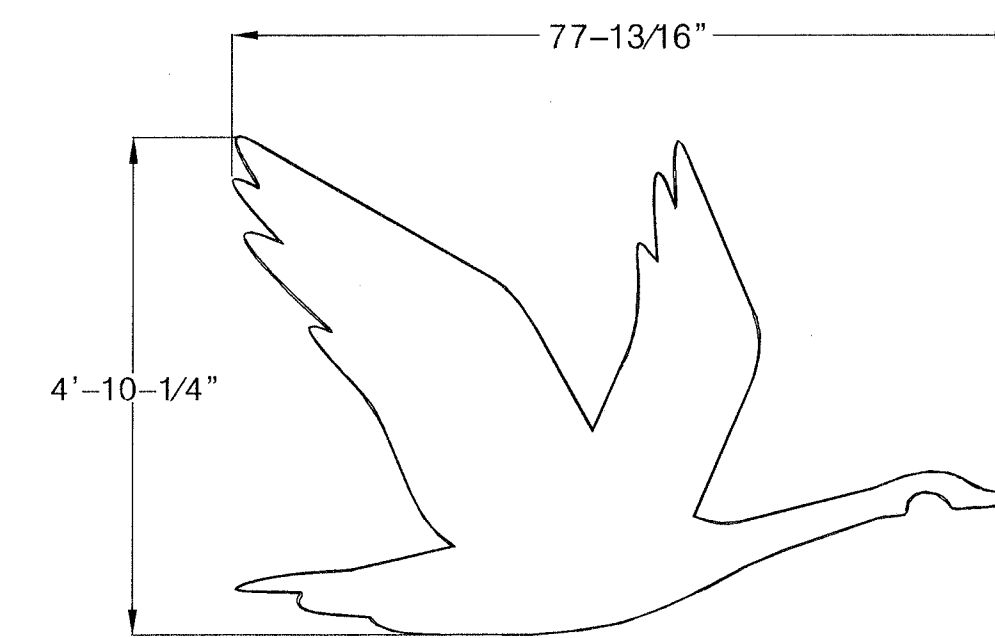
CANOPY - SIDE ELEVATION
N.T.S.



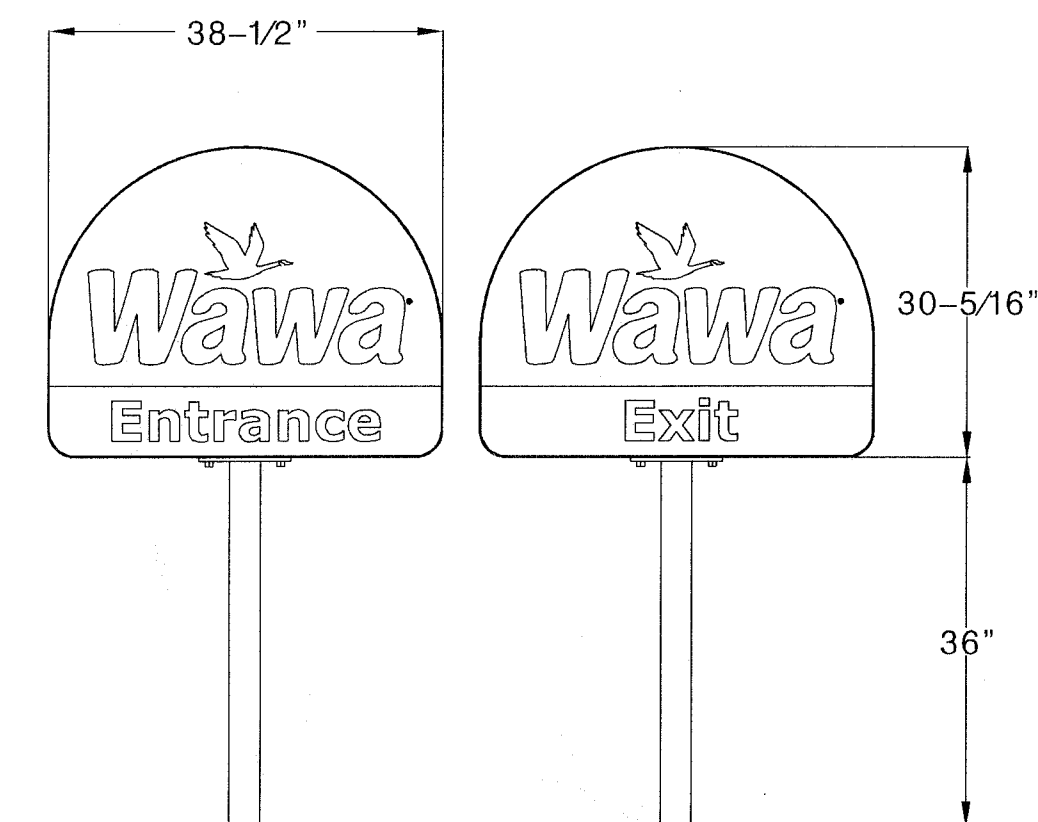
MPD PLAN (FOR SPANNER COORDINATION)
N.T.S.



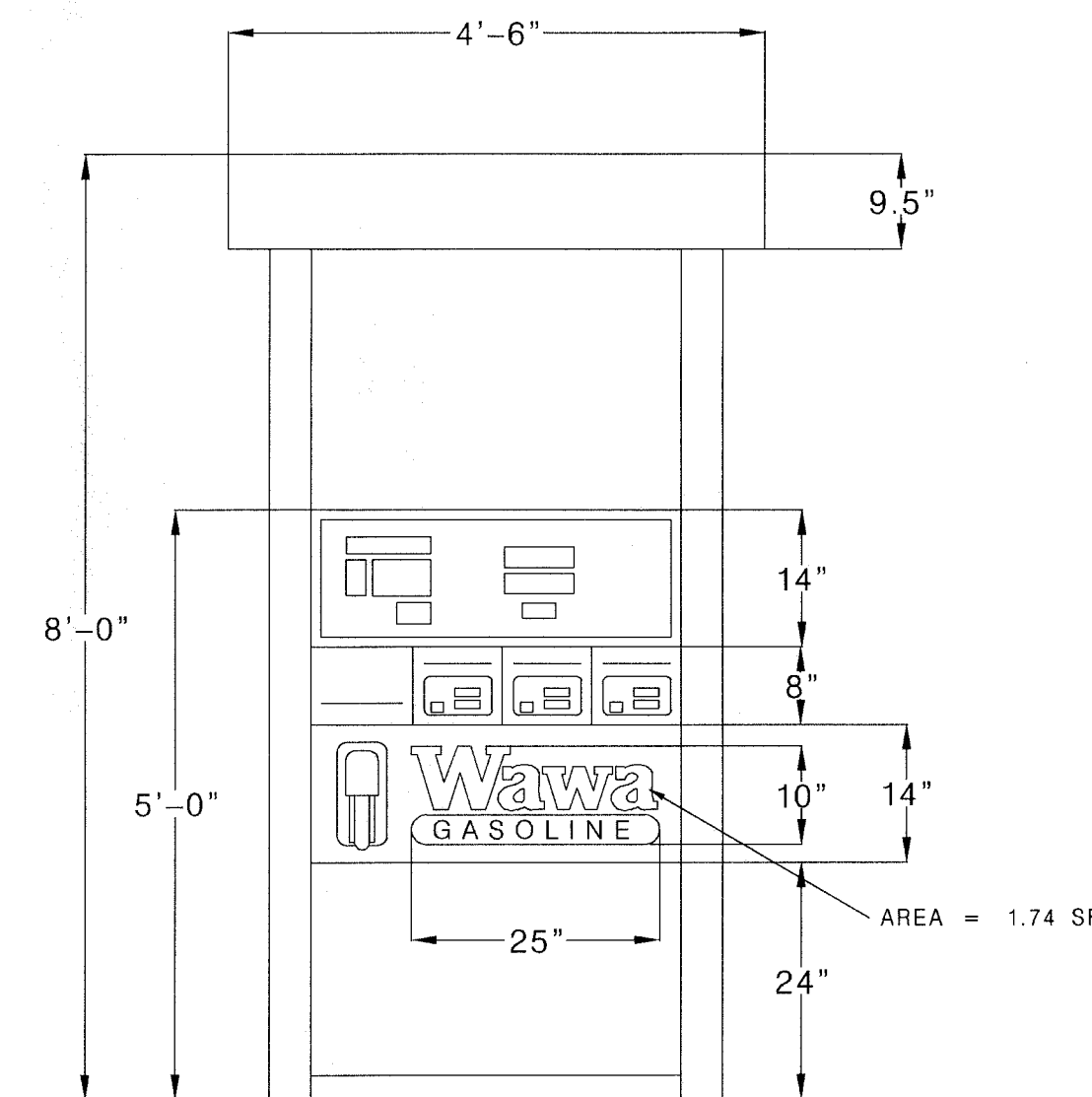
SPANNERS
N.T.S.



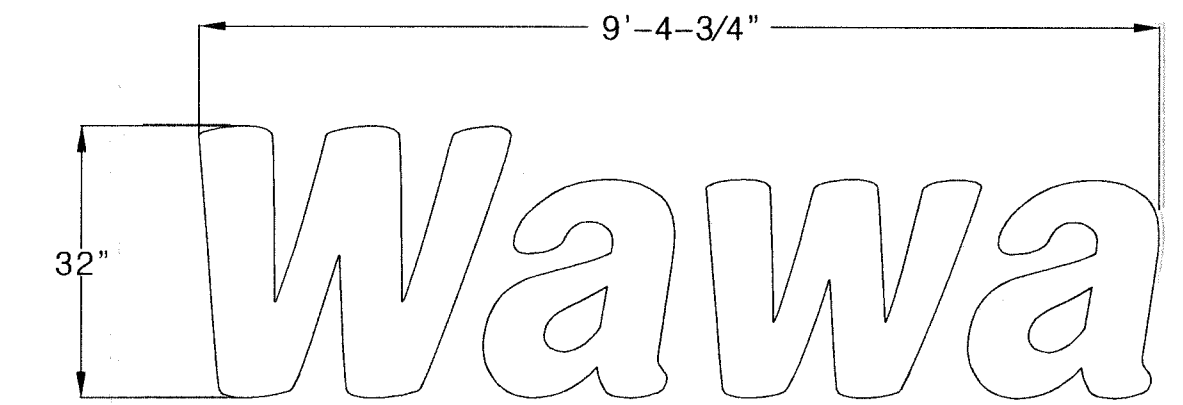
NOTE: INTERNALLY ILLUMINATED
GOOSE LOGO
N.T.S.



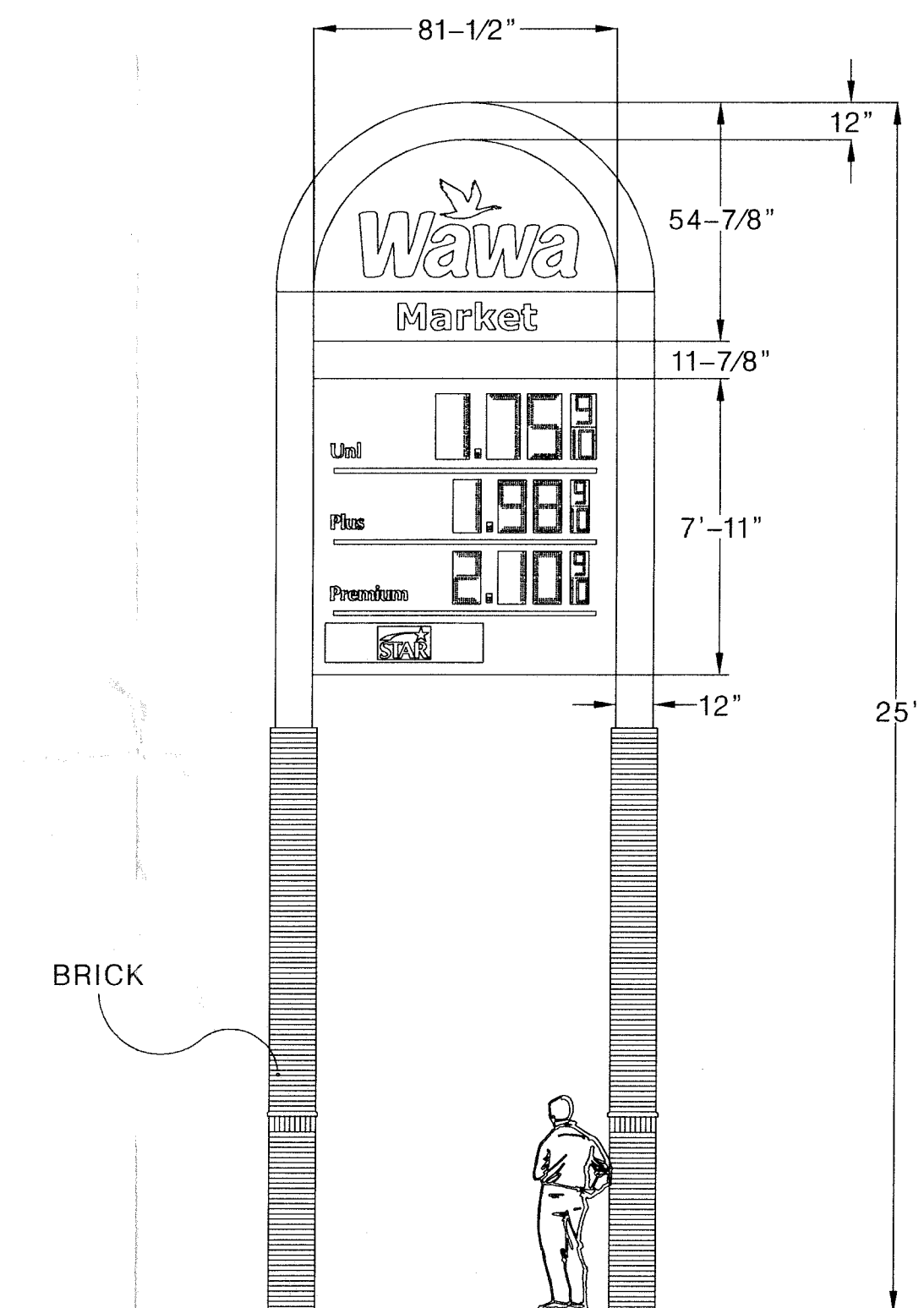
NOTE: INTERNALLY ILLUMINATED (4 total)
DIRECTIONAL SIGNS
N.T.S.



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.

**ALL SIGNAGE TO BE IN COMPLIANCE
WITH B.C.Z.R. SECTION 450**

NO.	DATE	REVISION	BY
1	03/14/06	PROPOSED WAWA FOOD MARKET	AM
2		2845 ROLLING ROAD	
3		BALTIMORE COUNTY, MD	
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Qualifications of Consultant
JOSEPH M. CRONYN

Cronyn has more than three decades of professional experience in real estate research, sales and marketing, development, public policy, financing and appraisal. His experience includes market and financial feasibility analyses of major real estate projects; land acquisition and marketing for commercial and residential development; planning for mixed use development, including historic preservation concerns; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, nonprofit and private clients concerning economic and community development strategies.

PROFESSIONAL EXPERIENCE

Lipman Frizzell & Mitchell, LLC, Columbia, MD (2003 - present), *Partner*
(1997 - 2003), *Senior Associate*
Legg Mason Realty Group, Inc., Baltimore, MD (1989-1997), *Vice President*
Financial Associates of Maryland, Baltimore, MD (1987-1989), *Vice President*
Baltimore Federal Financial, F.S.A., Baltimore, MD (1982-1987), *Sr. Vice President*
Neighborhood Reinvestment Corporation, Washington, DC (1978-1982), *Asst. Director*
Baltimore Federal Savings & Loan, Baltimore, MD (1976-1978), *Mortgage Underwriter*

EDUCATION

Master of Business Administration, Loyola College, Executive Program, 1986
Bachelor's Degree, English & Philosophy, Boston College, 1969

AFFILIATIONS

Neighborhood Housing Services of Baltimore, Chairman of the Board emeritus
Citizens Planning and Housing Association, Member
National Trust for Historic Preservation, Member
Maryland Economic Development Association (MEDA), Member
Lambda Alpha International Land Economics Society, Baltimore Chapter, Director
Maryland Affordable Housing Coalition, Member

PROFESSIONAL LICENSES

State of Maryland Real Estate Agent's License

QUALIFIED AS EXPERT WITNESS

Before Maryland public administrative bodies, zoning hearing examiners and/or boards of appeals: Anne Arundel County, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Prince George's County

**PROPOSED WAWA
CONVENIENCE STORE
2845 Rolling Road
Baltimore County, MD**

DEMAND ANALYSIS

Prepared For:

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore MD 21244

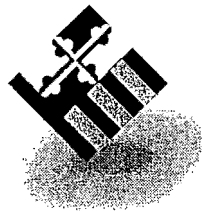
Submitted by:

Lipman Frizzell & Mitchell LLC
8815 Centre Park Drive
Suite 200
Columbia, Maryland 21045

July 25, 2007

Ref Ex 3

~~PET 147~~



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
*Executive Director
Department of Economic Development*

May 26, 2006

Mr. David H. Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

As Director of the Baltimore County Department of Economic Development, I understand that St. John Properties filed a Petition for Special Exception in the above-referenced case for a fuel service station in combination with a convenience store and carry-out restaurant to be located at 2845 Rolling Road.

The Department supports the construction of a fuel service station as an appropriate use at this location. The site is zoned ML-IM. Pursuant to the ML-IM zoning regulations, a fuel service station is permitted and, therefore, "appropriate" in the ML-IM zone if it "will primarily serve the industrial uses and related activities in the surrounding industrial area."

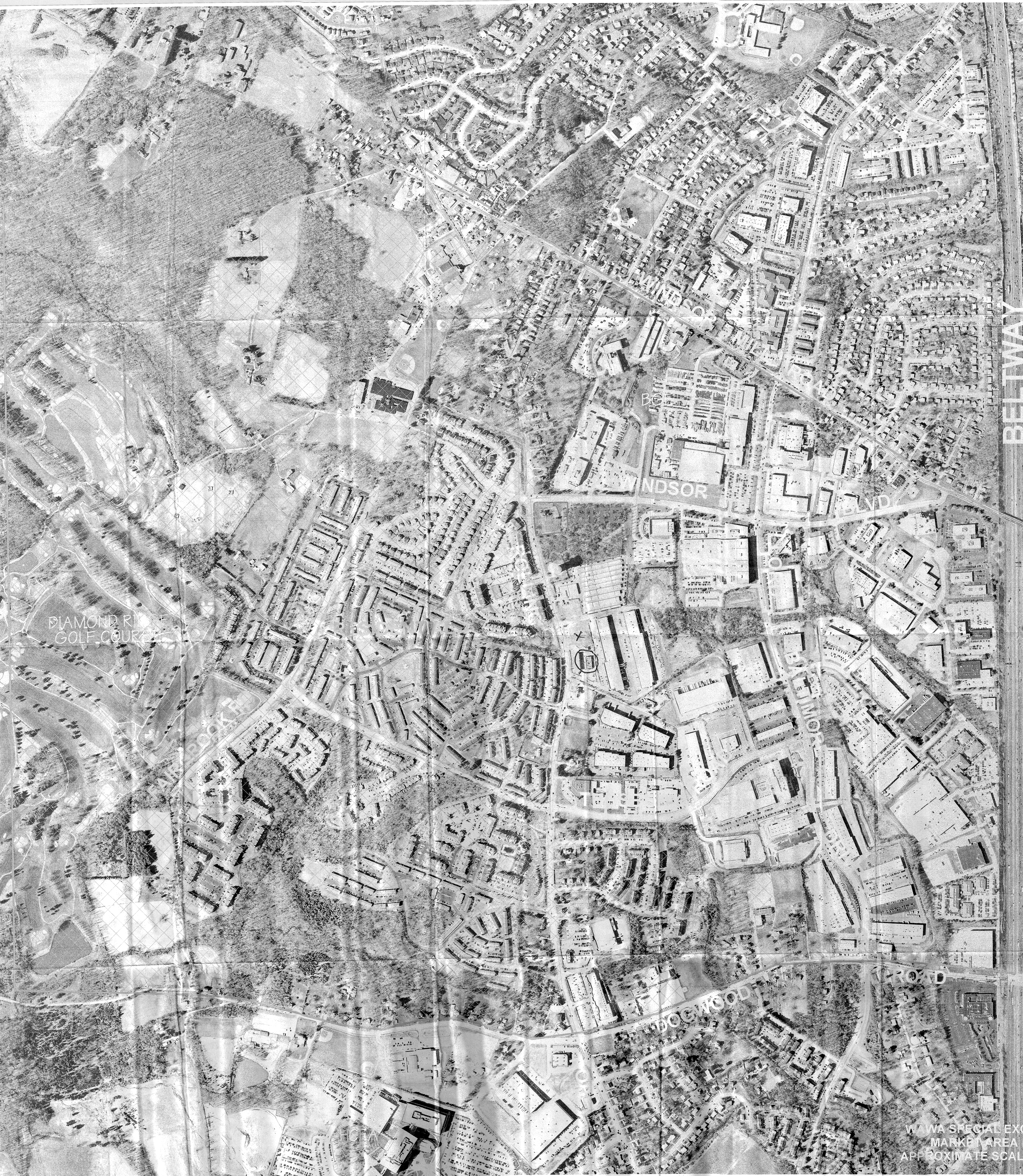
The Department notes that the site is located within one of the County's major employment centers, which is industrially zoned in its entirety. This overall industrial area includes in excess of 6,000 employees. Companies and federal institutions within this employment center include BGE, FBI, Social Security Administration, Siemens Building Technologies, and other important employers. In addition, the intersection of Windsor Boulevard and Dogwood Road is located at one of the primary vehicular entrances to the employment center.

The Department of Economic Development believes that the proposed use will provide retail services that enhance the business environment within this employment center. At this location, it is this Department's position that the use will primarily serve the uses within the overall industrial zone in which it would be located.

In conclusion, the Department of Economic Development supports your position in the above referenced case.

Sincerely,

David S. Iannucci
Director



ROLLING ROAD

WINDSOR BLVD.



KEY

	MAJOR DECIDUOUS TREES
	ORNAMENTAL TREES
	EVERGREEN TREES
	SHRUBS
	PLANTING BY OTHERS

Landscape Calculations

Interior Roadway: 1 PU/20 Lf. @ 395 Lf. =	20 PU's
Adjacent Roadway: 1 PU/40 Lf. @ 560 Lf. =	14 PU's

Parking Spaces:

1 PU/12 Spaces @ 52 spaces =	4 PU's
Automotive Use Adjacent to Public Road: (Class 'B')	
1 PU/15 Lf. @ 476 Lf. =	32 PU's
Automotive Use Adjacent to Commercial Use:	
1 PU/10 Lf. @ 536 Lf. =	54 PU's

Total PU's Required: 124 PU's

PETITIONER'S EXHIBIT b

SCHEMATIC LANDSCAPE PLAN WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 3 of 4

Matis Warfield

consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21103
phone 410-683-7100
facsimile 410-683-1796
www.matiswarfield.com

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885



PETITIONER'S EXHIBIT 7A-H

7B











74



7H



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

EXPERIENCE

January 1993 – Present

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

Owner, Vice-President

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

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

December 1989 – January 1993

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

Chief – Traffic Engineering Division

IN RE: **PETITION FOR SPECIAL EXCEPTION ***

E/S Rolling Road, 1,100' N of the c/l

Tudsbury Road

(2701 Rolling Road)

2nd Election District

4th Council District

Woodland Services, LLC

Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 07-245-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by Sajid Choudhry, managing member of the owner of the subject property, Woodland Services, LLC, through its attorney, Michael P. Tanczyn, Esquire. The Petition requests special exception approval of an existing car wash pursuant to Section 253.2.B (1) & (2) of the Baltimore County Zoning Regulations (B.C.Z.R.). The subject car wash was originally shown on a site plan in Case No. 02-016-X as a use in combination, with the uses approved by Order in that case. On July 26, 2006, however, Deputy Zoning Commissioner John V. Murphy determined that the public had not been properly notified of the proposed car wash and accordingly, that this Commission had no jurisdiction to hear that aspect of the special exception request. He ruled that the car wash be closed or the instant petition filed and public notice given. The car wash herein, as originally shown on the site plan in 2001, is for a use in combination with those other uses approved in Case No. 02-016-X.¹ In any event, the subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 3.

¹ In trying to resolve ongoing disputes between Windsor Rolling Road Property, LLC & WAWA, Inc. (2845 Rolling Road – Case No. 06-449-X) and Woodland Services, LLC & Osprey Food Market (2701 Rolling Road (Case Nos. 06-583-SPH and 07-245-X) over-competing business interests for market share in the area, this Commission recognizes that it could make a bad situation worse. This opinion follows a careful and rational look at all of the exhibits, code enforcement actions, testimony and arguments of counsel as well as the pertinent history set forth in the opinions and Orders of this Commission originating in September 2001. It is hoped and suggested that the parties sit down together and find a way for their businesses to co-exist without carrying the fight further to the Board of Appeals and possibly for judicial review.

pet EXH 10

④

PROTESTANT'S
EXHIBITS

Unperf 7/25/07

7/25/07

UNOSOR ROLLING ROAD PROPERTY

Case No. 06-449-X PROTESTANTS EXHIBITS

- ✓ PRG T. 1 - 4 pictures - photos - Unnosor Blvd looking to R Rd.
- ✓ " 2 - 4 pictures - Rolling Rd. showing Unnosor Towers.
- ✓ " 3 - Aerial GIS series 2005 - Parcel 05742. Shows Pet. Site.

✓ Part Bd 4 - Patton Co. Turning Movement Count Data -
Intersecting Rolling Rd. x Unnosor Blvd 6/6/05.

✓ Bd 5 - Peak H. - Turning Movement Count - 4/11/2006 by
Traffic Concepts Firm

✓ Bd 6 - Traffic Volume - - Traffic Concepts Firm
Rolling Rd x Unnosor Blvd.

✓ Bd 7 - Patton Co. Traffic Eng Data L.B. Dr x Unnosor Blvd
7/8/2004

✓ Bd 8 - Traffic Concept Traffic Vol. L.B. Dr x
Unnosor Blvd.

✓ Bd 9 - Peak Hour Turning Movement Count Unnosor Blvd
L.B. Drive 5/3/2006 - Traffic Concepts

✓ Bd 10 - ^{SUMMARY} Surveying 16 center calculations 5/29/06

✓ Bd 11 - Patton Co. Turning Movement Count - Patton Co.
C level. Study dated 7/25/07 data
of Count

✓ Part Bd 12 - Deed 2/28/80. of Whitten 3 Hous

✓ 13 - Photos 4 photos - Hous.

✓ 14 - " 2 photos - Rolling Rd x Unnosor Blvd

✓ 15 - " 2 photos - Rolling Rd to Rolling Rd

✓ PRG T. 16 A - Resurvey John Dillon

✓ Part 17 - Deed - for parcels sprayed

✓ 18 - Previous deed 11/8/78 -

✓ 19 - Covenants & Restrictions in deed 11/8/83 5/18/93

✓ 20 - Aerial photo between Liberty & P 70.
2nd page identifies roads.

✓ Part 21 - A - Except for Aerial map: showing lots adjacent
lots for location of W.A. W.A.

21-B - Except for Rutherford land lots - parcel 47
3-6

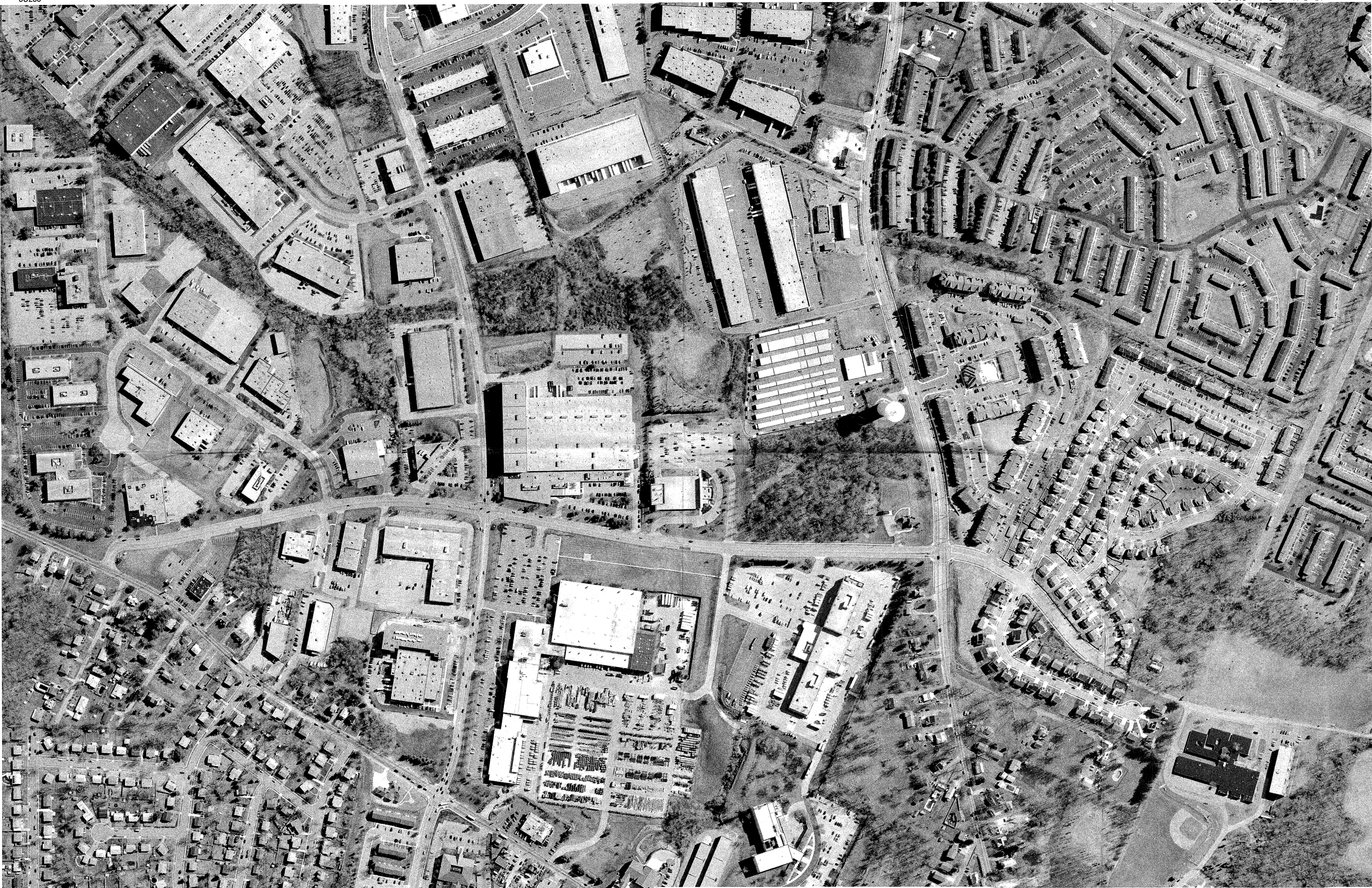
8/1/07 Windsor Policy Ad Projects
06-449-X Potentially Excludes IT

For ID Prot 22 - Except for Conting Maps: Shiny Notes
only Distinct

Prot Ex 23 -
none







Map Produced By Baltimore County GIS Services
Date of Imagery: 2005

1 inch equals 200 feet

087C2

PROTESTANT'S
EXHIBIT NO. 14

Part of 3

hl#

BALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

Proterand
2x #5
Prd Bd 4

LOCATION ROLLING RD- WINDSOR BLVD

COUNTY SIGNAL NUMBER TMC

C408

ROAD NAME	ROLLING RD				ROLLING RD				N + S TOTAL	WINDSOR BLVD				WINDSOR BLVD				E + W TOTAL	GRAND TOTAL
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
	AM	L	S	R	TOTAL	L	S	R		TOTAL	L	S	R	TOTAL	L	S	R		
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	2	89	34	125	28	194	1	221	346	5	10	13	28	32	10	11	53	81	427
7:15-7:30	4	112	43	159	25	231	2	258	417	5	10	9	24	30	3	7	40	64	481
7:30-7:45	2	92	47	141	33	246	5	284	425	8	9	11	26	38	2	9	48	75	500
7:45-8:00	5	115	58	176	17	217	0	234	410	1	11	11	23	53	3	3	59	82	492
8:00-8:15	1	114	48	163	21	228	2	251	414	4	9	15	28	42	3	12	57	85	499
8:15-8:30	6	106	53	165	16	202	5	223	388	3	9	5	17	50	6	13	69	88	474
8:30-8:45	8	124	44	176	17	174	1	192	368	8	8	9	25	35	4	11	50	75	443
8:45-9:00	7	119	49	175	13	181	3	207	382	5	8	7	20	42	5	9	58	76	458

AM HOUR TOTALS

AM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	2	89	34	125	26	194	1	221	346	5	10	13	28	32	10	11	53	81	427
6:30-7:30	6	201	77	284	51	425	3	479	783	10	20	22	52	82	13	18	93	145	908
6:45-7:45	8	293	124	425	84	671	8	783	1188	16	29	33	78	100	15	27	142	220	1408
7:00-8:00	13	408	180	601	101	888	8	997	1598	17	40	44	101	153	18	30	201	302	1900
7:15-8:15	12	433	194	639	98	922	9	1027	1666	16	39	48	101	163	11	31	205	306	1972
7:30-8:30	14	427	204	645	87	893	12	992	1637	14	38	42	94	163	14	37	234	328	1985
7:45-8:45	20	459	201	680	71	821	8	900	1580	16	37	40	93	180	18	39	235	328	1908
8:00-9:00	22	463	194	679	67	795	11	873	1552	20	34	38	90	168	18	45	232	322	1874

NORTHBOUND

SOUTHBOUND

EASTBOUND

WESTBOUND

PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	10	194	44	248	8	134	2	142	390	3	5	4	12	46	8	24	78	90	480
4:15-4:30	13	204	43	260	8	153	5	164	424	3	8	4	15	42	9	20	71	87	511
4:30-4:45	5	210	44	259	5	132	2	139	398	7	3	10	20	44	18	17	79	99	497
4:45-5:00	15	221	39	275	8	161	6	173	448	1	3	5	9	46	7	22	75	84	532
5:00-5:15	13	234	50	297	3	157	3	163	460	8	8	10	24	58	5	43	106	130	590
5:15-5:30	8	238	37	281	6	180	8	202	483	7	5	2	14	46	8	10	64	78	581
5:30-5:45	18	212	47	275	4	178	5	187	462	8	2	4	14	48	8	15	69	83	545
5:45-6:00	12	207	41	260	5	181	5	191	451	8	1	4	11	40	7	10	57	68	519

PM HOUR TOTALS

PM	L	S	R	TOTAL	L	S	R	TOTAL	N + S TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	E + W TOTAL	GRAND TOTAL
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	10	194	44	248	6	134	2	142	390	3	5	4	12	46	8	24	78	90	480
3:30-4:30	23	398	87	508	12	287	7	306	814	6	14	8	28	88	17	44	149	177	991
3:45-4:45	28	808	131	967	17	419	8	445	1212	13	17	18	48	132	35	81	228	276	1488
4:00-5:00	43	829	170	1042	23	580	15	618	1660	14	20	23	57	178	42	83	303	360	2020
4:15-5:15	46	869	176	1091	20	603	16	639	1730	19	21	29	69	190	39	102	331	400	2130
4:30-5:30	41	801	170	1012	20	640	17	677	1789	23	17	27	67	194	38	92	324	391	2180
4:45-5:45	52	803	173	1128	19	656	20	725	1853	24	16	21	61	198	26	90	314	375	2228
5:00-6:00	49	889	175	1113	18	706	19	743	1858	29	14	20	63	192	26	78	298	359	2215

Prd
Bd
4

PEAK HOUR TURNING MOVEMENT COUNT

INTERSECTION: ROLLING ROAD @ WINDSOR BLVD.

COUNTY: BALTIMORE

COUNT BY: L. CAREY; B. PAGE

DATE: APRIL 11, 2006

WEATHER: CLEAR

DAY: TUESDAY

TIME	ROLLING ROAD NORTHBOUND			ROLLING ROAD SOUTHBOUND			WINDSOR BLVD EASTBOUND			WINDSOR BLVD WESTBOUND			TOTAL
	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	
AM													
7:00-7:15	1	76	42	26	155	3	5	5	7	34	6	1	361
7:15-7:30	5	84	32	37	245	0	5	13	15	28	2	5	471
7:30-7:45	5	96	50	29	237	1	4	14	22	33	10	8	509
7:45-8:00	10	105	48	28	235	1	10	10	18	41	10	11	527
8:00-8:15	9	109	52	27	229	1	8	12	12	39	8	10	516
8:15-8:30	7	112	37	25	174	1	6	14	9	40	3	9	437
8:30-8:45	7	110	55	29	169	1	4	3	9	25	6	14	432
8:45-9:00	2	94	52	24	124	0	3	8	9	29	4	4	353
PEAK HR 7:15-8:15	29	394	182	121	946	3	27	49	67	141	30	34	PHF 0.96
TOTALS													
PM													
4:00-4:15	10	210	49	9	139	4	5	6	4	59	4	33	532
4:15-4:30	7	235	51	8	129	5	1	4	9	55	12	19	535
4:30-4:45	7	254	63	4	137	3	2	3	6	53	11	37	580
4:45-5:00	5	251	49	6	128	4	5	6	4	42	10	17	527
5:00-5:15	7	230	50	7	146	2	2	3	11	48	13	34	553
5:15-5:30	9	257	56	6	172	2	3	5	6	58	4	18	596
5:30-5:45	12	232	51	7	174	2	8	12	10	48	13	17	586
5:45-6:00	11	240	60	6	184	5	6	7	9	53	13	25	619
PEAK HR 5:00-6:00	39	959	217	26	676	11	19	27	36	207	43	94	PHF 0.99
TOTALS													

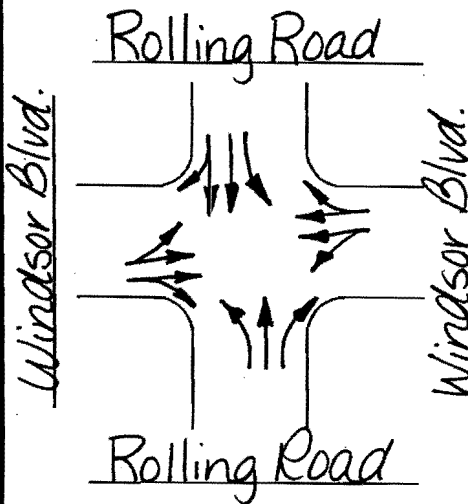
TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE E
GAMBRILLS, MARYLAND 21054
(410) 923-7101 FAX (410) 923-6473
E-MAIL TRAFFIC.CONCEPTS@COMCAST.NET

M:\05-1882

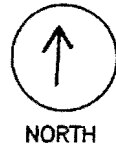
Plat Bd 5
~~PROTESTANT~~ 2K #6

TRAFFIC **C**ONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



EB Windsor

AM PM
 LEFT VOL 27 19
 ADJ. FAC. 1.1 1.1
 ADJ. VOL 30 21
 SHD. VOL 116 63
 TOT. VOL 146 84

PM AM

19 27
 27 49
 36 67

AM PM
 LEFT VOL
 ADJ. FAC.
 ADJ. VOL
 SHD. VOL
 TOT. VOL

AM PM

AM PM

AM PM

AM PM

3 11
 946 676
 121 26

39 29
 959 394
 217 182

39 29
 959 394
 217 182

AM PM
 LEFT VOL
 ADJ. FAC.
 ADJ. VOL
 SHD. VOL
 TOT. VOL

AM PM

34 94
 30 43
 141 207

WB Windsor

AM PM
 LEFT VOL 141 207
 ADJ. FAC. 1.1 1.1
 ADJ. VOL 155 228
 SHD. VOL 64 137
 TOT. VOL 219 365

TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =		CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB	$394 * 1.0 + 121 * 1.0$	515
	SB	$(946 + 3) * .55 + 29 * 1.0$	551*
	EB	$146 * .55 + 141 * 1.0$	221*
	WB	$219 * .55 + 27 * 1.0$	147
PM	NB	$959 * 1.0 + 26 * 1.0$	985*
	SB	$(676 + 11) * .55 + 39 * 1.0$	417
	EB	$84 * .55 + 207 * 1.0$	253*
	WB	$365 * .55 + 19 * 1.0$	220
			1238

CRITICAL LANE ANALYSIS

Prepared By: J. Hohman Condition: Existing

PR
 PL
 #8

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

Prnt Bdn
 PROTESTANT
 SK #8

LOCATION LORD BALTIMORE DR- WINDSOR BLVD

DATE OF COUNT

A.M. 7/8/2004

P.M. 7/8/2004

ROAD NAME	LORD BALTIMORE DR				LORD BALTIMORE DR				N + S TOTAL	WINDSOR BLVD				WINDSOR BLVD				E + W TOTAL	GRAND TOTAL
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
	AM	L	S	R	TOTAL	L	S	R		TOTAL	L	S	R	TOTAL	L	S	R		
8:00-8:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-8:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30-8:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	12	52	18	82	13	85	21	119	201	12	25	20	57	22	33	4	59	118	317
7:15-7:30	12	59	24	95	21	94	18	133	228	10	25	20	55	36	20	2	58	113	341
7:30-7:45	10	59	22	91	16	100	20	136	227	17	38	18	74	33	33	0	66	140	387
7:45-8:00	13	98	40	151	17	128	21	164	315	20	42	27	89	43	24	5	72	181	478
8:00-8:15	11	91	24	126	14	130	11	155	281	29	33	18	78	47	39	5	91	169	450
8:15-8:30	15	90	29	134	15	98	15	128	262	15	34	21	70	35	30	3	68	138	400
8:30-8:45	12	71	23	106	16	91	14	121	227	11	31	15	57	30	51	4	85	142	369
8:45-9:00	11	73	20	104	21	87	17	125	229	9	28	13	50	26	20	4	52	102	331

AM HOUR TOTALS

8:00-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-9:15	12	52	18	82	13	85	21	119	201	12	25	20	57	22	33	4	59	116	317
8:30-9:30	24	111	42	177	34	179	39	252	429	22	50	40	112	58	53	6	117	229	858
8:45-9:45	34	170	84	268	50	279	59	388	856	38	89	58	186	91	86	6	183	369	1026
7:00-8:00	47	268	104	419	87	485	80	552	971	59	131	85	275	134	110	11	255	530	1501
7:15-8:15	46	307	110	463	68	450	70	588	1051	78	138	81	296	159	116	12	287	583	1634
7:30-8:30	49	338	115	502	62	454	87	583	1085	81	148	82	311	158	128	13	297	608	1693
7:45-8:45	51	350	116	517	82	445	81	588	1085	75	140	79	294	155	144	17	318	610	1695
8:00-9:00	49	325	98	470	66	406	57	529	899	64	128	65	255	140	140	18	298	551	1550

NORTHBOUND

SOUTHBOUND

EASTBOUND

WESTBOUND

N + S
TOTALE + W
TOTALGRAND
TOTAL

PM	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	L	S	R	TOTAL	L	S	R	TOTAL	TOTAL	TOTAL
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	30	151	40	221	3	78	18	99	320	33	33	17	83	18	47	13	78	159	479
4:15-4:30	12	75	37	124	5	78	14	95	218	21	36	8	65	23	38	11	70	135	354
4:30-4:45	35	127	48	208	9	88	25	120	328	27	48	18	91	43	42	14	99	190	518
4:45-5:00	21	119	43	183	8	87	10	105	288	28	37	11	76	44	38	10	90	186	454
5:00-5:15	46	182	48	254	9	127	26	182	416	19	34	11	64	55	54	23	132	196	812
5:15-5:30	36	127	60	223	15	95	28	138	381	38	40	9	85	46	44	12	102	187	548
5:30-5:45	38	155	49	242	14	108	18	140	382	24	39	13	76	42	45	5	92	188	550
5:45-6:00	27	138	49	214	7	74	18	97	311	21	37	15	73	48	38	8	80	183	474

PM HOUR TOTALS

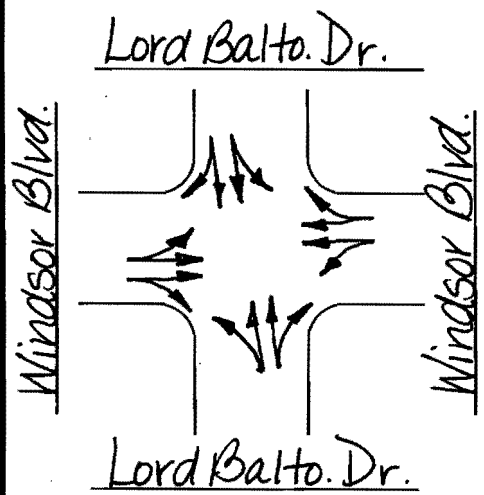
3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	30	151	40	221	3	78	18	99	320	33	33	17	83	18	47	13	78	159	479
3:30-4:30	42	228	77	345	8	154	32	194	539	54	89	25	148	39	83	24	146	294	833
3:45-4:45	77	353	123	553	17	240	57	314	867	81	117	41	239	82	125	38	245	484	1351
4:00-5:00	98	472	188	736	25	327	67	419	1155	109	154	52	315	126	181	48	335	650	1805
4:15-5:15	114	483	172	769	31	376	75	482	1251	95	155	48	298	185	188	58	391	687	1938
4:30-5:30	138	535	195	868	41	385	89	525	1393	110	159	47	316	188	176	59	423	739	2132
4:45-5:45	141	583	198	902	46	417	82	545	1447	107	150	44	301	187	179	50	416	717	2184
5:00-6:00	147	582	204	933	45	404	88	537	1470	100	150	48	298	189	181	46	416	714	2184

Prnt
 #8

Prot Bldg
PR 155mm 24 #9

TRAFFIC CONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



EB Windsor

	AM	PM
LEFT VOL	107	156
ADJ. FAC.	1.1	2.0
ADJ. VOL	118	312
SHD. VOL	326	238
TOT. VOL	444	550

106	88
749	545
57	7

SB Lord Balto.

	AM	PM
LEFT VOL	57	7
ADJ. FAC.	2.0	4.0
ADJ. VOL	114	28
SHD. VOL	855	633
TOT. VOL	969	661

156	107
178	204
60	122

27	70
159	171
199	178

NB Lord Balto.

	AM	PM
LEFT VOL	49	95
ADJ. FAC.	4.0	3.0
ADJ. VOL	196	285
SHD. VOL	505	915
TOT. VOL	701	1200

95	49
686	379
229	126

WB Windsor

	AM	PM
LEFT VOL	199	178
ADJ. FAC.	2.0	2.6
ADJ. VOL	398	356
SHD. VOL	186	241
TOT. VOL	584	597

		TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =	CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB	$701 * .55 + 57 * 1.0$	443	
	SB	$969 * .55 + 49 * 1.0$	582*	
	EB	$444 * .55 + 199 * 1.0$	443*	B
	WB	$584 * .55 + 107 * 1.0$	428	1025
PM	NB	$1200 * .55 + 7 * 1.0$	667*	
	SB	$661 * .55 + 95 * 1.0$	459	
	EB	$550 * .55 + 178 * 1.0$	481	C
	WB	$597 * .55 + 156 * 1.0$	484*	1151

CRITICAL LANE ANALYSIS

Prepared By: J. Hohman Condition: Existing

Prot
Bldg

Post 029
 RETURNED ER #

10

PEAK HOUR TURNING MOVEMENT COUNT

INTERSECTION: WINDSOR BLVD. @ LORD BALTIMORE DRIVE

COUNTY: BALTIMORE

COUNT BY: B. PAGE; G. WALSH; V. WALSH; J. SCHMID

DATE: MAY 3, 2006

WEATHER: CLEAR

DAY: WEDNESDAY

TIME	LORD BALTIMORE DR NORTHBOUND			LORD BALTIMORE DR SOUTHBOUND			WINDSOR BLVD EASTBOUND			WINDSOR BLVD WESTBOUND			TOTAL
	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	
AM													
7:00-7:15	13	55	30	9	170	21	15	29	29	17	18	4	410
7:15-7:30	13	78	21	13	137	41	19	41	37	43	22	5	470
7:30-7:45	23	67	23	12	150	28	21	55	35	40	38	5	497
7:45-8:00	15	112	38	18	203	19	27	45	31	49	30	7	594
8:00-8:15	18	90	28	9	205	30	26	51	39	49	52	8	605
8:15-8:30	9	86	27	12	170	37	27	51	24	55	40	5	543
8:30-8:45	7	91	33	18	171	20	27	57	28	46	37	7	542
8:45-9:00	15	85	31	20	128	19	25	41	34	37	33	3	471
PEAK HR 7:45-8:45	49	379	126	57	749	106	107	204	122	199	159	27	PHF 0.96
TOTALS													
PM													
4:00-4:15	21	145	62	5	150	33	26	44	22	39	43	20	610
4:15-4:30	14	154	49	7	121	29	30	46	17	37	30	13	547
4:30-4:45	26	172	55	3	144	22	38	44	22	33	30	18	607
4:45-5:00	21	190	60	2	123	20	40	45	18	45	46	17	627
5:00-5:15	23	167	64	1	137	17	39	50	9	55	50	23	635
5:15-5:30	25	157	50	1	141	29	39	39	11	45	45	12	594
5:30-5:45	18	171	70	1	106	18	40	45	15	42	38	14	578
5:45-6:00	17	132	31	2	112	20	31	33	10	32	39	5	464
PEAK HR 4:30-5:30	95	686	229	7	545	88	156	178	60	178	171	70	PHF 0.97
TOTALS													

TRAFFIC CONCEPTS, INC.
 325 GAMBRILLS ROAD, SUITE E
 GAMBRILLS, MARYLAND 21054
 (410) 923-7101 FAX (410) 923-6473
 E-MAIL TRAFFIC.CONCEPTS @ COMCAST.NET

M:105-1882

Bldg

Summary of Trip Generation Calculation
 For 5.94 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps
 May 29, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	5023
7-9 AM Peak Hour Enter	22.79	0.00	1.00	135
7-9 AM Peak Hour Exit	22.79	0.00	1.00	135
7-9 AM Peak Hour Total	45.58	18.50	1.00	271
4-6 PM Peak Hour Enter	30.31	0.00	1.00	180
4-6 PM Peak Hour Exit	30.31	0.00	1.00	180
4-6 PM Peak Hour Total	60.61	35.37	1.00	360
AM Pk Hr, Generator, Enter	22.61	0.00	1.00	134
AM Pk Hr, Generator, Exit	22.61	0.00	1.00	134
AM Pk Hr, Generator, Total	45.23	18.52	1.00	269
PM Pk Hr, Generator, Enter	31.29	0.00	1.00	186
PM Pk Hr, Generator, Exit	31.29	0.00	1.00	186
PM Pk Hr, Generator, Total	62.57	36.32	1.00	372
Saturday 2-Way Volume	1448.33	735.17	1.00	8603
Saturday Peak Hour Enter	28.90	0.00	1.00	172
Saturday Peak Hour Exit	26.68	0.00	1.00	158
Saturday Peak Hour Total	55.58	0.00	1.00	330
Sunday 2-Way Volume	1182.08	608.38	1.00	7022
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

BD
 Prot & W 10
~~PROTESTANT~~
 #11

8/1/07 - 507

COUNT DATA
AS REQUESTEDBALTIMORE COUNTY TRAFFIC ENGINEERING
TURNING MOVEMENT COUNT DATA

Post Ad 11

LOCATION LORD BALTIMORE DR & WINDSOR BLVD

DATE OF COUNT

A.M. 7/25/2007
P.M. 7/25/2007

ROADS:	LORD BALTO. DR				LORD BALTO. DR				N+S TOTAL	WINDSOR BLVD				WINDSOR BLVD				E+W TOTAL		GRAND TOTAL
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND						
AM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL			
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7:00-7:15	11	48	13	72	12	117	20	149	221	9	12	11	32	24	25	9	58	90	311	
7:15-7:30	9	79	11	99	14	138	31	183	282	19	37	22	78	42	20	1	63	141	423	
7:30-7:45	14	75	19	108	16	140	30	186	294	28	39	15	82	32	52	3	87	169	463	
7:45-8:00	19	107	25	151	9	179	29	217	368	29	51	16	96	41	29	2	72	168	536	
8:00-8:15	9	97	21	127	21	175	23	219	346	29	31	23	83	47	22	4	73	156	502	
8:15-8:30	11	71	27	109	14	195	27	236	345	28	45	21	94	43	41	1	85	179	524	
8:30-8:45	10	85	25	120	14	140	22	176	296	27	28	15	70	42	28	6	76	148	442	
8:45-9:00	8	80	16	104	10	110	16	136	240	24	34	10	68	42	22	6	70	138	378	

AM HOUR TOTALS

6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	11	48	13	72		12	117	20	149	221	9	12	11	32	24	25	9	58	311
6:30-7:30	20	127	24	171		26	255	51	332	503	28	49	33	110	66	45	10	121	734
6:45-7:45	36	202	43	279		42	395	81	518	797	56	88	48	192	98	97	13	208	1197
7:00-8:00	53	309	68	430		51	574	110	735	1165	85	139	64	288	139	126	15	280	1733
7:15-8:15	51	358	76	485		60	632	113	805	1290	105	158	76	339	162	123	10	295	1924
7:30-8:30	53	350	92	495		60	689	109	858	1353	114	166	75	355	163	144	10	317	2025
7:45-8:45	49	360	98	507		58	689	101	848	1355	113	155	75	343	173	120	13	306	2004
8:00-9:00	38	333	89	460		59	620	88	767	1227	108	138	69	315	174	113	17	304	1846

	NORTHBOUND				SOUTHBOUND				N+S TOTAL	EASTBOUND				WESTBOUND				E+W GRAND TOTAL TOTAL	
	PM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL	
3:00-3:15		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	25	167	27	219		4	104	15	123	342	16	32	13	61	25	32	14	71	474
4:15-4:30	10	134	43	187		7	80	14	101	288	21	35	11	67	33	46	11	90	445
4:30-4:45	28	175	42	245		3	137	15	155	400	28	55	17	100	37	34	19	90	590
4:45-5:00	21	135	55	211		2	82	17	101	312	35	41	23	99	45	33	15	93	504
5:00-5:15	33	181	58	275		0	128	19	147	422	41	37	17	95	46	48	21	115	632
5:15-5:30	15	141	57	213		4	113	24	141	354	22	34	10	66	40	36	11	87	507
5:30-5:45	16	156	38	220		4	98	14	116	336	36	36	10	82	40	26	20	86	504
5:45-6:00	21	151	41	213		8	88	12	108	321	31	33	12	76	38	31	13	82	479

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	25	167	27	219		4	104	15	123	342	16	32	13	61	25	32	14	71	474
3:30-4:30	35	301	70	406		11	184	29	224	630	37	67	24	128	58	78	25	161	919
3:45-4:45	63	476	112	651		14	321	44	379	1030	65	122	41	228	95	112	44	251	1509
4:00-5:00	84	611	167	862		16	403	61	480	1342	100	163	64	327	140	145	58	344	2013
4:15-5:15	92	628	198	918		12	427	65	504	1422	125	168	68	361	161	161	66	388	2171
4:30-5:30	97	635	212	944		9	480	75	544	1488	126	187	67	360	168	151	66	385	2233
4:45-5:45	85	626	208	919		10	421	74	505	1424	134	148	60	342	171	143	67	381	2147
5:00-6:00	85	642	194	921		16	427	69	512	1433	130	140	49	319	164	141	65	370	2122

Received Time Aug. 1, 7:45AM

Post #11

Real Estate Title Company

Agents; Lawyers Title, Richmond, Virginia

FIZ SIMPLE DEED REV. 1-80

App. No. 118538

This Deed, Made this 28th day of February

in the year one thousand nine hundred and eighty-

by and between

JOHN W. ABBOTT and DOROTHY E. ABBOTT, his wife,

of Baltimore County

in the State of Maryland, of the first part, and

THOMAS R. WHITTEN, JR. and MARTHA E. WHITTEN, his wife,

of the second part.

WITNESSETH that in consideration of the sum of \$ 16,000.00 , which is the actual consideration paid or to be paid, the receipt of which is hereby acknowledged, the said part ~~ies~~ of the first part do grant and convey unto the said part ~~ies~~ of the second part, as tenants by the entirety,

their assigns, the survivor of them and the survivor's

personal representatives and assigns, in fee simple, all that lot of ground situate in

Baltimore County,

State of Maryland, and described as follows:

BEING KNOWN AND DESIGNATED as Lots 17 and 18, as shown on the Plat of "Habbville Park", which Plat is recorded among the Land Records of Baltimore County in Plat Book WPC 8, folio 74.

BEING the same lot of ground which by Deed dated May 25, 1966 and recorded among the Land Records of Baltimore County in Liber OTG 4622, folio 70, was granted and conveyed by William A. Lehnert and Alice D. Lehnert, his wife, unto the grantors herein.

BEING also part of the property described in a Deed dated October 17, 1962 and recorded among the Land Records of Baltimore County in Liber WJR 4060, folio 392, from Charles R. Carter and Norma V. Carter, his wife, unto the grantors herein.

[illegible]

Post Bld 12



8/10/13



Part 14



Part 15

Jack Dillon & Associates, LLC

410-337-5455 Fax 410-337-5476 410-221-0060

jackdillon1@verizon.net

***Baltimore County
118 W. Pennsylvania Ave.
Towson, Maryland 21204***

***Dorchester County
922 Parson Drive
Madison, Maryland 21648***

RESUME OF JACK DILLON

***Jack Dillon, APA
President, Jack Dillon & Associates, LLC***

EDUCATION

***B.S. in Business Management
University of Baltimore, MD***

***Graduate Program in Urban Planning
Georgia Institute of Technology, Atlanta, GA***

***Graduate Para Legal Program
University of Maryland, University College
Baltimore, MD***

***Graduate Program in Landscape Architecture
Morgan State University, Baltimore, MD
(Did not complete program)***

GENERAL EXPERIENCE

Mr. Dillon, a reputable and dedicated planning professional, has been involved in many aspects of planning including community planning, commercial revitalization, environmental planning, roadway corridor planning, master plans, agricultural, rural and open space planning, waterfront planning and general land use and zoning. He has specialized in local land use and zoning issues and land preservation.

In addition, he has taught planning and zoning related subjects at Catonsville Community College, University of Maryland at Baltimore and Towson University. Mr. Dillon has extensive experience in working with citizen groups in the planning process and has been accepted as an expert witness in many zoning and planning cases in Maryland.

Prot EN 16/17

THIS DEED AND PARTIAL RELEASE OF MORTGAGE, Made this 12th day of October in the year two thousand five, by and between **BALTIMORE GAS AND ELECTRIC COMPANY, a body corporate of the State of Maryland**, party of the first part, hereinafter referred to as "Grantor", **DEUTSCHE BANK TRUST COMPANY AMERICAS, (formerly known as Bankers Trust Company)**, a body corporate of the State of New York, party of the second part, hereinafter referred to as "Trustee", and **WINDSOR ROLLING ROAD PROPERTY, LLC, a Maryland limited liability company**, party of the third part, hereinafter referred to as "Grantee".

WITNESSETH:

WHEREAS, the Trustee is the holder of a Mortgage Deed of Trust from the said Grantor dated February 1, 1919 given to secure the First Refunding Mortgage Bonds as therein provided and recorded among the Land Records of Baltimore County in Liber WPC No. 555, folio 1, etc. and Supplemental Indentures thereto, all recorded among the Land Records of Baltimore County, Maryland.

NOW THEREFORE, in consideration of the sum of **ONE MILLION SEVEN HUNDRED THOUSAND DOLLARS AND NO DOLLARS (\$1,700,000.00)**, and other valuable considerations, the said Grantor does hereby grant and convey unto to the said Grantee, its successors and/or assigns, in fee simple, all that parcel of ground situate, lying and being in the Eighth Election District of Baltimore County, Maryland and more particularly described on the metes and bounds description prepared by Leo W. Rader Surveyors, Inc. dated May 18, 2005 attached hereto and made a part hereof as Exhibit 'A'.

FOR TITLE to the herein described property see the following:

Deed dated November 8, 1978 and recorded among the Land Records of Baltimore County in Liber 5956, folio 956 by and between Maryland Properties, Inc. and Baltimore Gas and Electric Company.

Deed dated October 4, 1984 and recorded among the Land Records of Baltimore County in Liber 6801, folio 734 by and between Melvin E. Schisler and Ralph E. Deitz, Trustees under the Last Will and Testament of G. Edward Schisler, Bankers Trust Company and Baltimore Gas and Electric Company.

TOGETHER WITH the buildings and improvements thereupon and the rights, alleys, ways, waters privileges, appurtenances and advantages to the same belonging or in anywise appertaining. **RESERVING TO GRANTOR**, its successors, licensees and assigns, a perpetual easement containing 0.2251 acres to operate, maintain, install, construct, and repair underground electric and/or telecommunications facilities located as shown on the plat prepared by Leo W. Rader Surveyors, Inc., dated May 18, 2005 attached hereto and made a part hereof as Exhibit 'B'. The easements reserved hereby to the Grantor are hereby reserved together with the right to have access at all times across the land hereby conveyed to install, maintain, construct and repair the facilities within the easement area, plus such adjacent temporary construction easements as may be reasonably necessary from time to time. Grantor shall repair any damage done to the conveyed

Print 4
17 15B

Application No. H-97006
Written By: RBK/lys

THIS DEED, Made this ^{8th} day of NOVEMBER, in the year one thousand nine hundred and seventy-eight, by and between MARYLAND PROPERTIES, INC., a body corporate of the State of Maryland, party of the first part; BANKERS TRUST COMPANY, a corporation of the State of New York, party of the second part, Trustee; and BALTIMORE GAS AND ELECTRIC COMPANY, a corporation of the State of Maryland, party of the third part.

WHEREAS, the said party of the third part, by its original indenture dated February 1, 1919 and recorded among the Mortgage Records of Baltimore County in Liber W.P.C. No. 555, folio 1, etc., and supplemental indentures thereto, conveyed to the said party of the second part, Trustee, for the uses and purposes therein set forth, all the property of the said Baltimore Gas and Electric Company then owned or thereafter to be acquired by it; and

WHEREAS, in order to vest the title to the property hereinafter described in the said party of the second part, as Trustee under said original indenture dated February 1, 1919 and indentures supplemental thereto, it is now proposed to grant and convey the property hereinafter described directly to the said party of the second part, as such Trustee, and to the said party of the third part, subject, in all respects, to the right, title and interest of the said party of the second part, as such Trustee.

NOW THEREFORE, THIS DEED WITNESSETH: That in consideration of the premises and of the sum of Two Million Sixty Two Thousand Eight Hundred Sixty Dollars (\$2,062,860.00), and other valuable considerations, this day paid,

the receipt whereof is hereby acknowledged, the said party of the first part does hereby grant and convey unto the said Bankers Trust Company, Trustee under the aforesaid original indenture dated February 1, 1919, and indentures supplemental thereto, and its successors in said trust, for the uses and purposes and upon the trusts in said indentures set forth and subject to the interest and estate so vested in Bankers Trust Company, Trustee, unto the said Baltimore Gas and Electric Company, its successors and assigns, in fee simple, all that parcel of land situate in the Second Election District of Baltimore County, State of Maryland, and described as follows, that is to say:-

BEGINNING for the same on the south side of Windsor Boulevard, seventy feet wide and at the northwest corner of the land shown on the plat titled "Amended Plat 2, Section Two, Security Industrial Park" and recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr., No. 37, page 104, running thence binding on said south side of Windsor Boulevard, two courses: (1) South 89 degrees 32' minutes 40" East 168.20 feet and (2) easterly by a curve to the right with the radius of 3965.00 feet, the arc distance of 644.13 feet the chord of said arc being South 84 degrees 53' minutes 26" East 643.42 feet thence four courses: (3) South 00 degrees 44' minutes 46" East 808.07 feet; (4) South 82 degrees 22' minutes 16" East 234.88 feet; (5) easterly by a curve to the left with the radius of 975.00 feet the arc distance of 8.15 feet the chord of said arc being South 82 degrees 36' minutes

Print 24 10/10
17

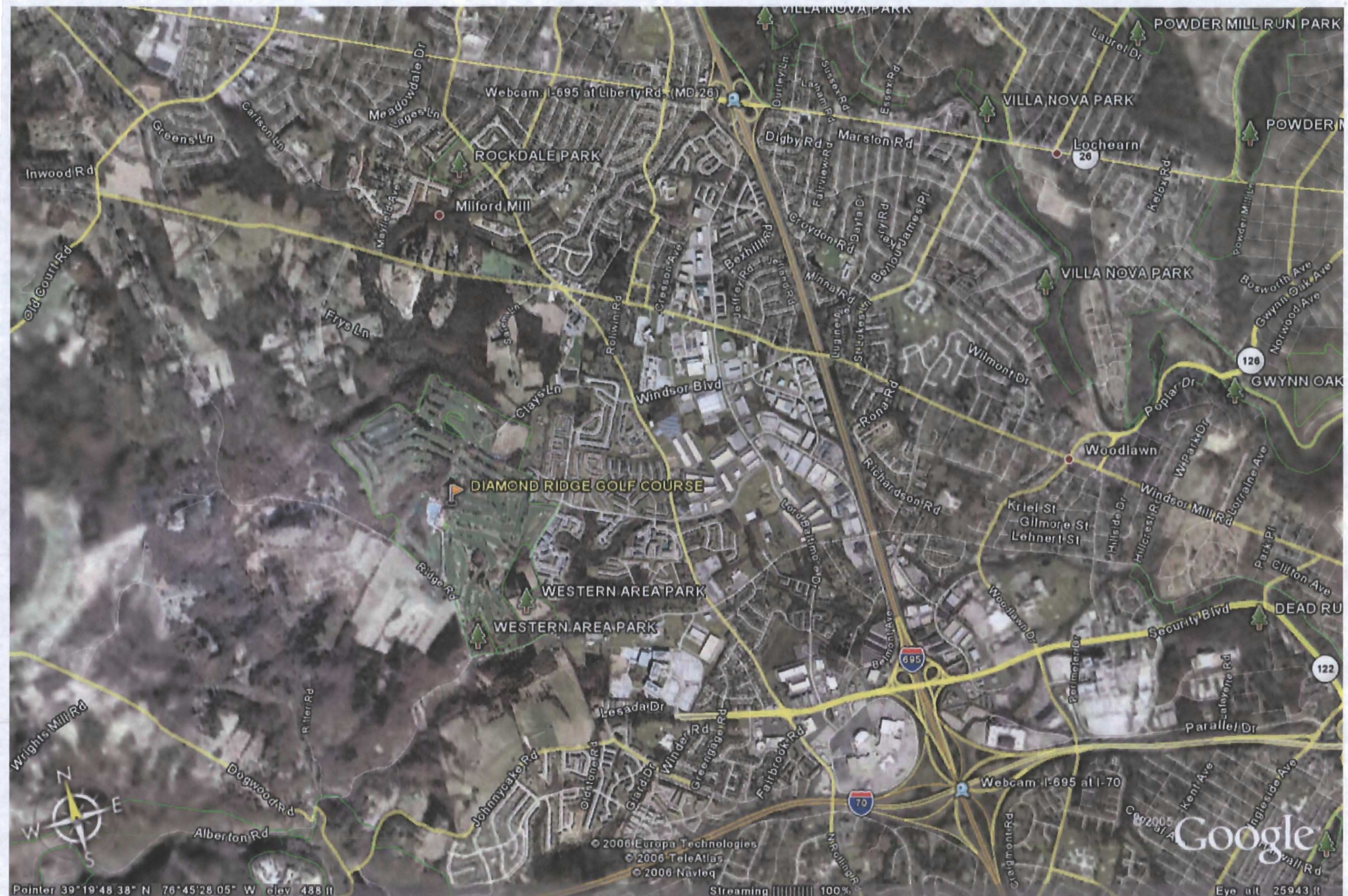
H-80143
TJC:sad

THIS DEED, Made this 18th day of May, 1973, by and between
 MARYLAND PROPERTIES, INC., a body corporate of the State of Maryland, party of the first
 part; WHEELER HOLDING, INC, a body corporate of the State of Maryland, party of the
 second part; THE EQUITABLE TRUST COMPANY, a body corporate of the State of Maryland,
 party of the third part; ALLAN L. BERMAN, MERRILL L. BANK, HERBERT BANK, ALBERT SHAPIRO,
 HENRY SHAPIRO, LESTER MATZ and J. WALTER JONES, Co-Partners trading as BER-JO ASSOCIATES,
 parties of the fourth part; and ALLAN L. BERMAN, MERRILL L. BANK, HERBERT BANK, ALBERT
 SHAPIRO, HENRY SHAPIRO, LESTER MATZ, J. WALTER JONES and JOHN W. ARMIGER, Co-Partners
 trading as BER-BANK ASSOCIATES, parties of the fifth part.

WHEREAS, Maryland Properties, Inc. (herein called "Developer") is the fee simple
 owner of all those parcels of land situate in the Second Election District of Baltimore
 County, State of Maryland, being all those parcels of land acquired by Maryland Properties,
 Inc. by the following Deeds:

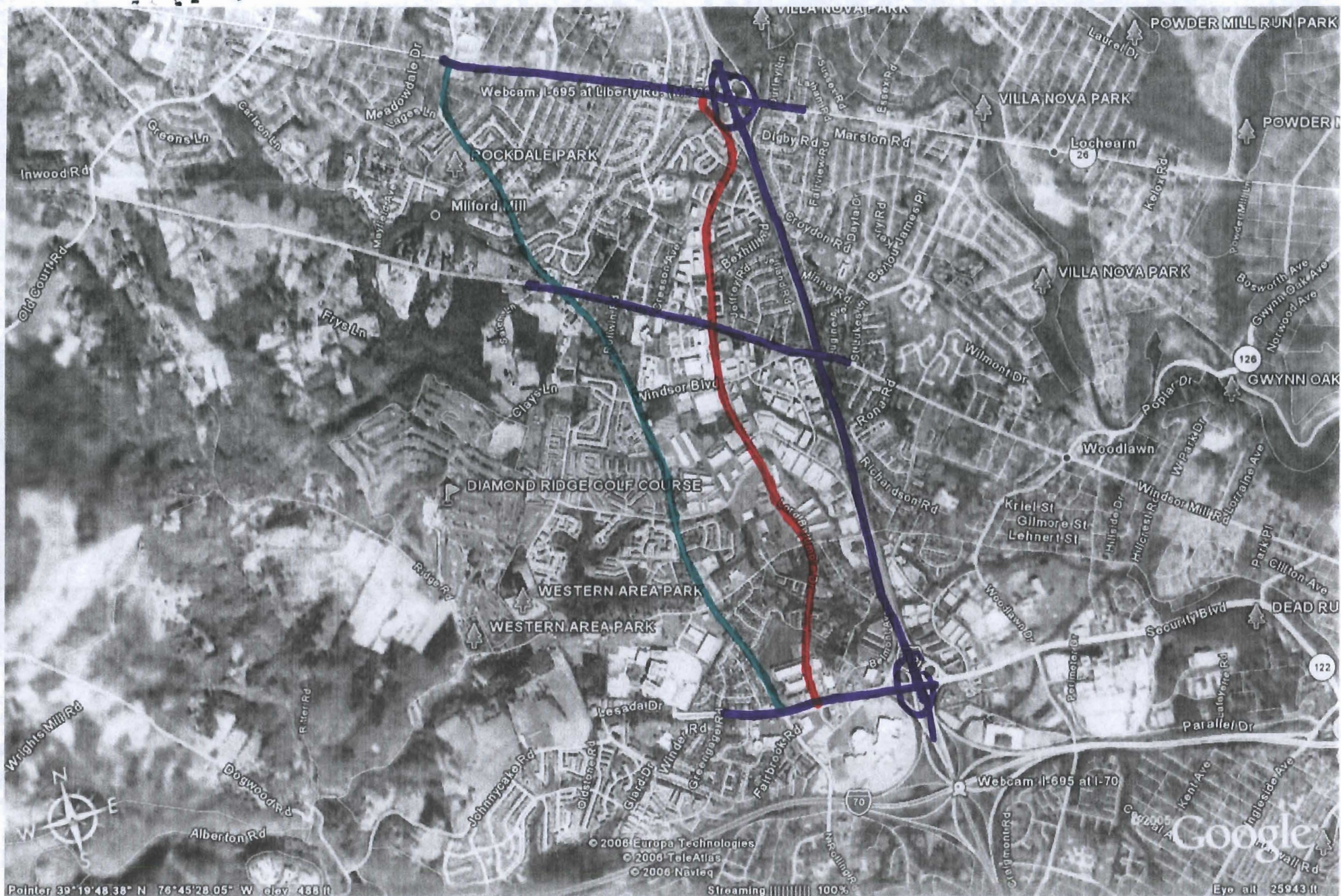
1. Deed dated March 23, 1967 and recorded among the Land Records of Baltimore
 County in Liber OTG No. 4737, folio 88 from Allan L. Berman, Et al, Co-Partners trading
 as Ber-Jo Associates,
2. Deed dated March 23, 1967 and recorded as aforesaid in Liber OTG No. 4737,
 folio 107 from Allan L. Berman, et al, Co-Partners trading as Ber-Bank Associates,
3. Deed dated March 23, 1967 and recorded in Liber OTG No. 4737, folio 287
 from A. Frederick Schisler and wife,
4. Deed dated March 27, 1967 and recorded in Liber OTG No. 4737, folio 200
 from Gilbert H. Cullen and wife,
5. Deed dated March 23, 1967 and recorded in Liber OTG No. 4736, folio 504
 from The I. R. L Real Estate Corp.,
6. Deed dated July 17, 1967 and recorded in Liber OTG No. 4782, folio 397
 from Leo Knoedler and wife,
7. Deed dated July 17, 1967 and recorded in Liber OTG No. 4782, folio 382
 from Viola Euler,
8. Deed dated July 17, 1967 and recorded in Liber OTG No. 4782, folio 367
 from Lewis M. White and wife,
9. Deed dated January 9, 1968 and recorded in Liber OTG No. 4839, folio 496
 from Eunice Schisler,
10. Deed dated January 9, 1968 and recorded in Liber OTG No. 4839, folio 499
 from Melvin E. Schisler and wife,
11. Deed dated October 14, 1968 and recorded in Liber OTG No. 4944, folio 148
 from the State Roads Commission of Maryland,
 12. Deed dated March 28, 1967 and recorded in Liber OTG No. 4737, folio 608
 from G. Edward Schisler; and
 WHEREAS, it is the intention of the parties hereto, by this Deed, to provide
 for certain Restrictive Covenants, which will be applicable to the parcels of land
 hereinabove described.

NOW, THEREFORE, THIS DEED, WITNESSETH: that in consideration of the sum of
 Five Dollars, the receipt whereof is hereby acknowledged, and of the mutual covenants
 and agreements hereinafter contained, Maryland Properties, Inc. does hereby grant and
 convey unto Wheeler Holding, Inc., its successors and assigns, in fee simple, subject
 to the covenants and the restrictions hereinafter contained, all those parcels of



Plot Ex 20

Plot Ex 20

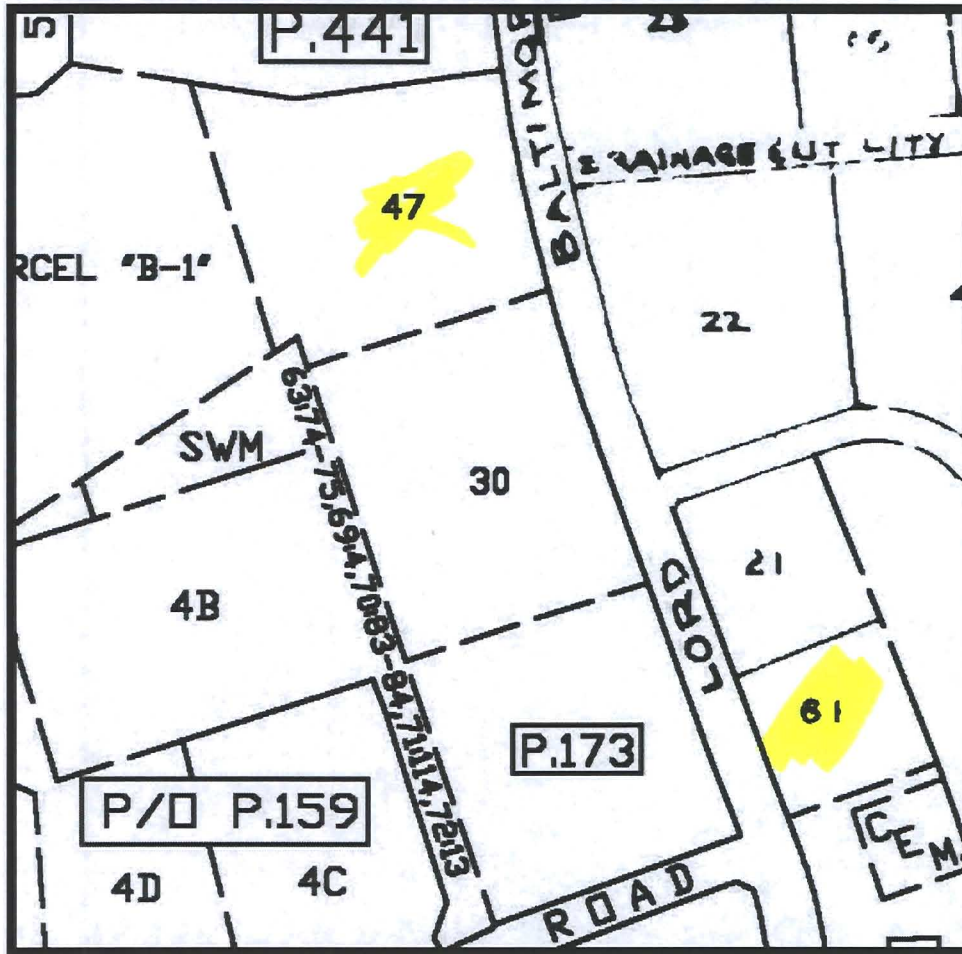




Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

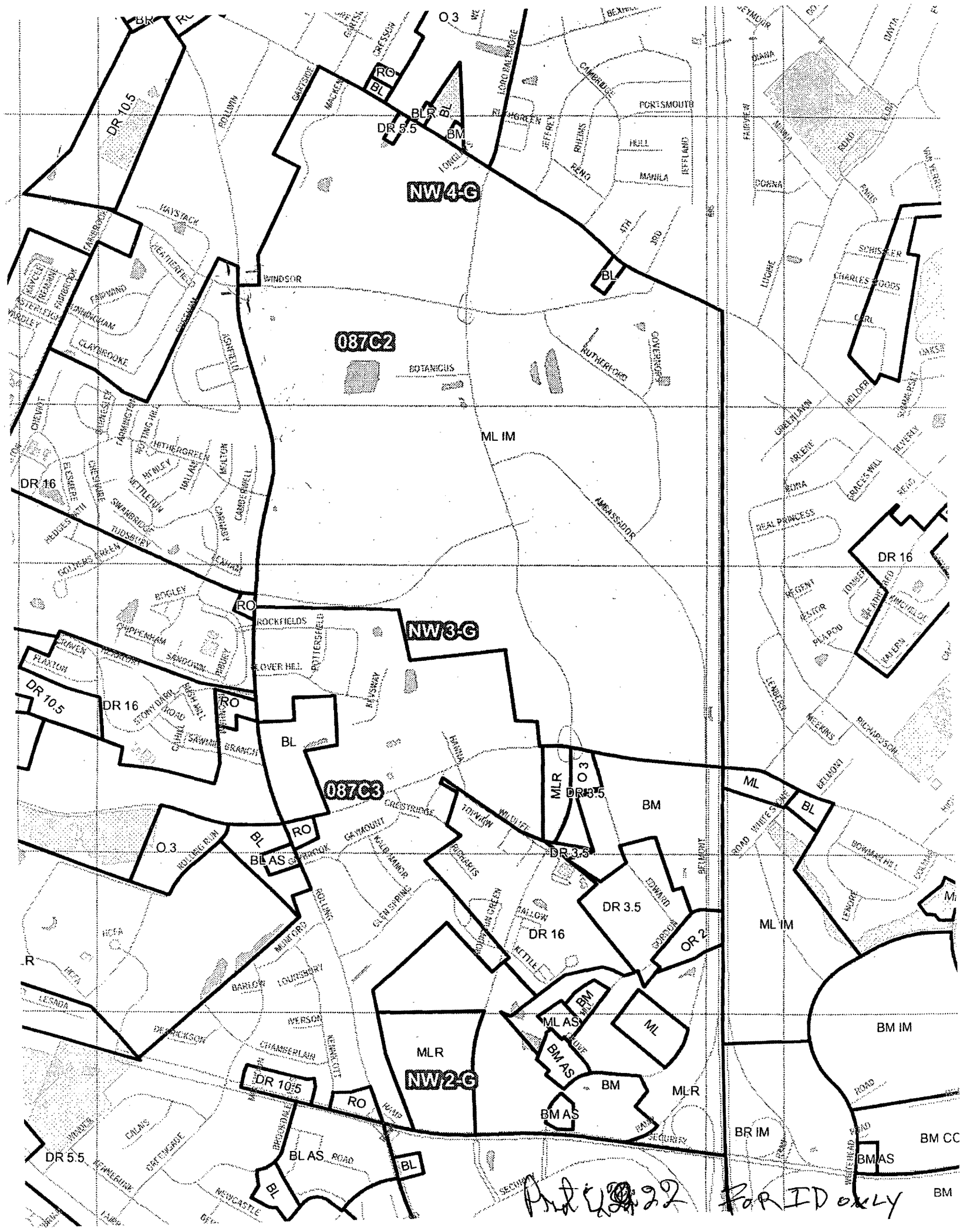
District - 02 Account Number - 1900001447



Property maps provided courtesy of the Maryland Department of Planning ©2006.
For more information on electronic mapping applications, visit the Maryland Department of Planning web site at
www.mdp.state.md.us/webcom/index.html



Printed 2/2/07



Ant 22 For ID only

⑤

PETITIONER'S /
DEVELOPER'S
EXHIBITS

Case No.:

06-449 X

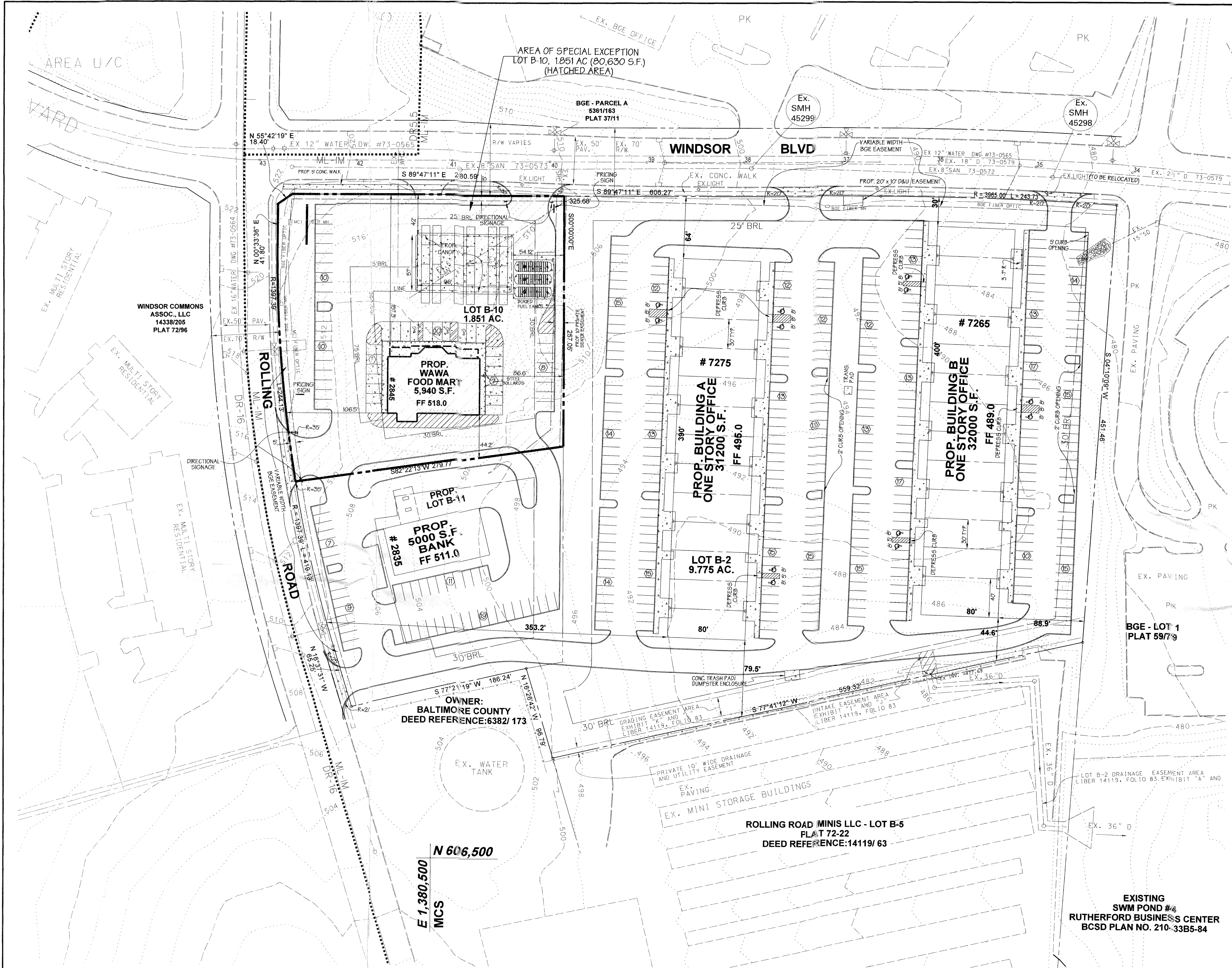
Exhibit Sheet

Petitioner/Developer

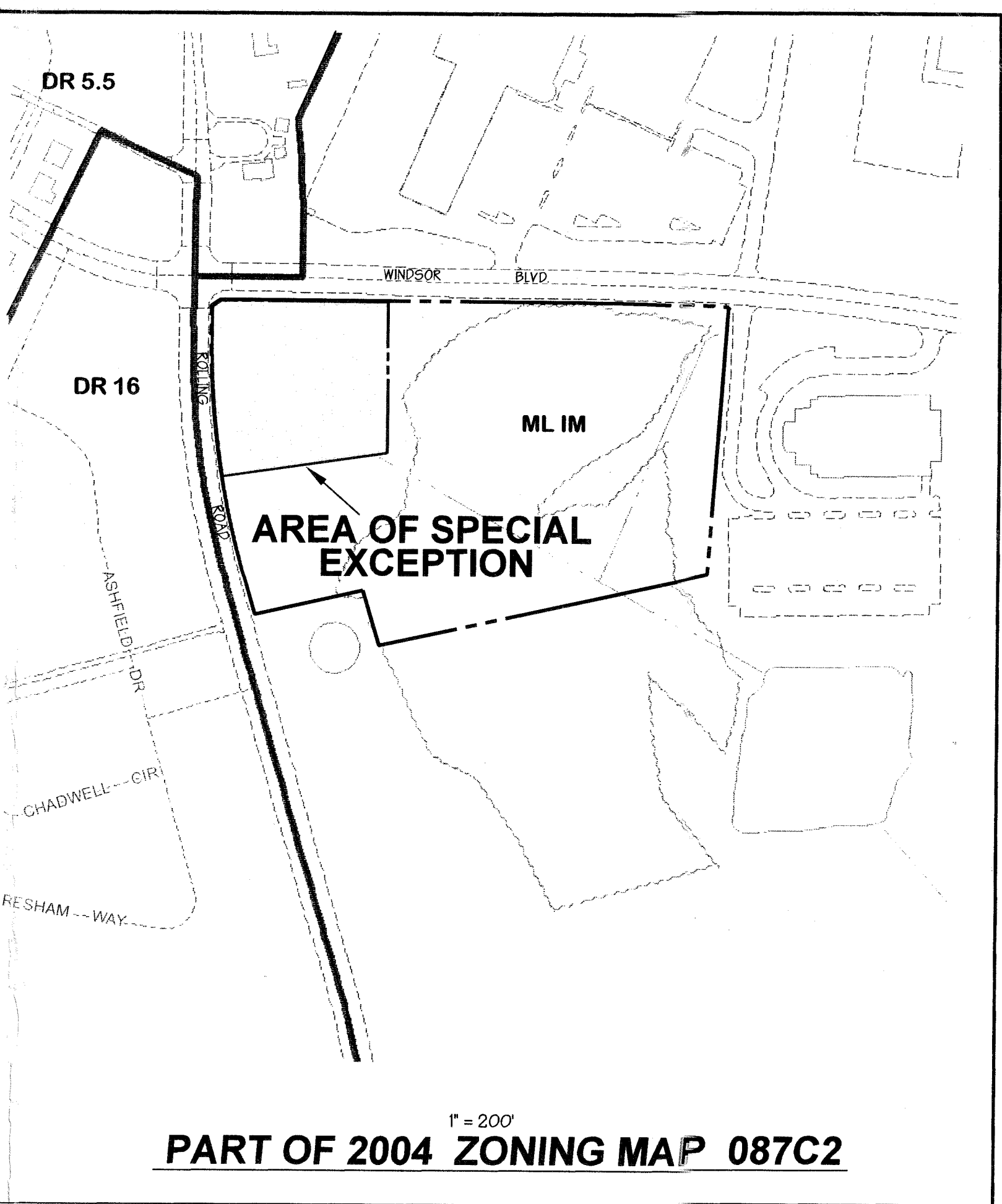
Protestant

No. 1	SITE PLAN - 4 Pages 1A thru 1D	PHOTO - WINDSOR/GETTY AT Windsor Mill & Crescent WITHIN 1/2 MILE
No. 2	COLORIZED COPY OF EXHIBIT OF 1C	MAP - WINDSOR MILL & CRESCENT 1/2 MILE RADIUS FROM SITE
No. 3	Collectively SA thru 5A ZONING MAP - 5-11-06 (PRINT DATE) GIS MAP	MD. DEPT. ASSESSMENT & TAXATION 7234 Windsor Mill Rd
No. 4	AERIAL PHOTOGRAPH	CLASSIFICATION CODES #20 = SERVICE STATION
No. 5	Collectively SA thru 5E WINDSOR AUTO 5/30/06 - TAKEN	TRAFFIC COUNTS 6/05 - County - Double Cycle Critical Lane Methodology 4/06 - Schmidt's Count
No. 6	SCHMID - Traffic Concepts RESUME	Traffic Counts - Schmidt's Count Critical Lane Volume = "C" LEVEL SERVICE
No. 7	JOSEPH M. CRONYN CONSULTANT - RESUME	Traffic Count - Traffic Concepts Critical Lane Count
No. 8	MR. CRONYN'S ANALYSIS OF PROPOSED WAWA	County Traffic Count Windsor
No. 9	DEPT. OF Economic & Dev. Management Letter	Critical Lane Analysis Windsor
No. 10	Collectively A thru O Photographs taken 5/24/06 of SITE	Count Sheet from Windsor Blvd
No. 11		Trip Generation Grid from Manual - for typical uses.
No. 12		JACK DILLONS REPORT

#11
IDENTIFICATION
ONLY



LOCATION PLAN
SCALE: 1" = 50'



GENERAL NOTES

- All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
- The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
- It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
- To our knowledge no wastes or by-products will be produced on the Site.
- See architectural plans for exact building dimensions.
- All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets.
- The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
- Storm water management is provided in a regional facility, water quality to be provided onsite for service station area (hotspot) per DEPRM policy.
- Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
- The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
- The site is not within the Chesapeake Bay Critical Area or within a 100 year floodplain.
- Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
- Previous commercial permits: grading permit: B605790 (currently active)
- Hearings/DRC Request: 041105C approved a CRG Refinement.

SITE DATA

Site Area	425,799 S.F. - 9.775 Ac. (EXISTING LOT B-2)
Area of Special Exception	80,630 S.F. - 1.861 Ac. (AND PROPOSED LOT B-10)
Existing Zoning	MLIM
Councilmanic District	4th
Existing Use	Vacant
Proposed Use	Convenience Store w/Fuel Pumps & Carry Out Food
Deed Reference	22716/270
Plat Reference	710B - LOT B-2
Tax Account Numbers	02-25000/04226
Ancillary Uses	405.4.D. of the B.C.Z.R. (No additional square footage required)
Convenience Store	4329 S.F.
Service Station uses	961 S.F.
Carry-Out Food	750 S.F.
Total Floor Area Ratio	5940 S.F. ÷ 80,630 = 0.074 (3.0 permitted)
Proposed Building Height	31

AREA REQUIRED FOR COMBINATION USE

12 Servicing Spaces x 1500 S.F.	18,000 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	40,816 S.F.
Area of Special Exception	80,630 S.F.

PARKING SPACES

Retail/Carry Out Food:	
5940 S.F. @ 51/1000	30
maximum employee shift:	10
air	1
ATM	1
Total Required	42
Total Provided	62

PARKING SPACE DIMENSIONS:

Typical Space	10' x 18'
Handicap Space	13' x 18'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:

1 Per pump island side required	12
Provided	12

STACKING SPACES:

1 Per pump island side	12
Provided	12

PETITIONER'S
EXHIBIT NO. 1 *Actual ID*

Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
Phone: 410-683-7000
Facsimile: 410-683-1798
www.matiswarfield.com

OWNER / APPLICANT
Windsor Rolling Road Property, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

PETITION FOR SPECIAL EXCEPTION

1. Special Exception Request is 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 pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

SHEET INDEX

- LOCATION PLAN AND SITE DATA
- ZONING PLAT
- SCHEMATIC LANDSCAPE PLAN
- SIGNAGE PLAN

Plan to Accompany A Petition for a Special Exception

WAWA STORE
#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 50'

Election District 2
March 13, 2006
Sheet 1 of 4

pet EXH 100

WINDSOR

BLVD.

3301/103
PLAT 37/11

N 55°42'19" E
18.40'

N 00°33'36" E
41.80'

P.O.B.

R=1397.39'

L=244.13'

PROP. 5' CONC. WALK

2" DOM. METER

S 89°47'11" E 280.59'

10' L.T.A.

R/W VARIES

EX. 50' PAV.

EX. 70' R/W

PRICING SIGN

S 89°47'11" E 606.27'

325.68'

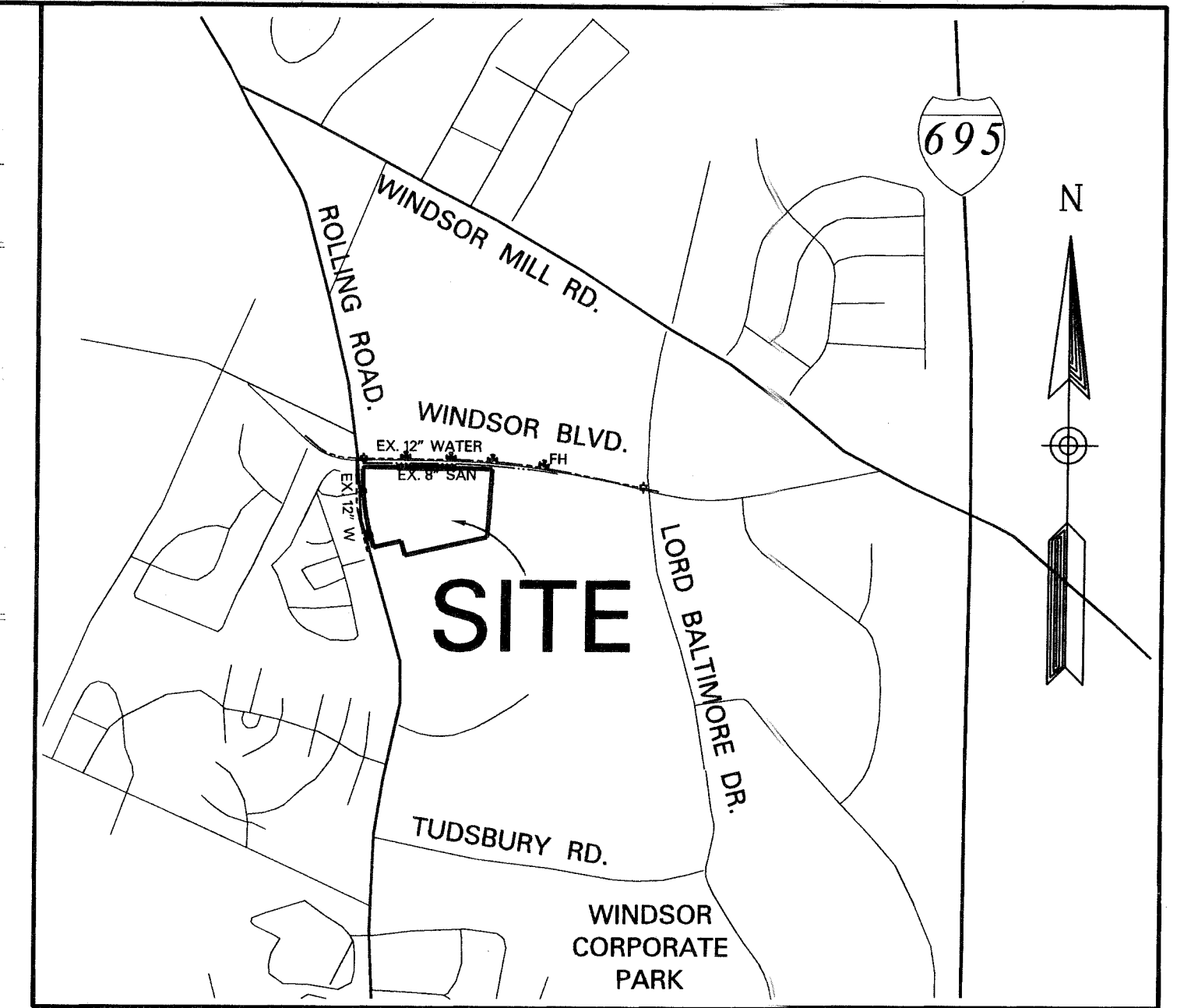
S00°00'00"E

PROP. 10' PRIVATE
SEWER EASEMENT

257.05'

PROP. 15" SD

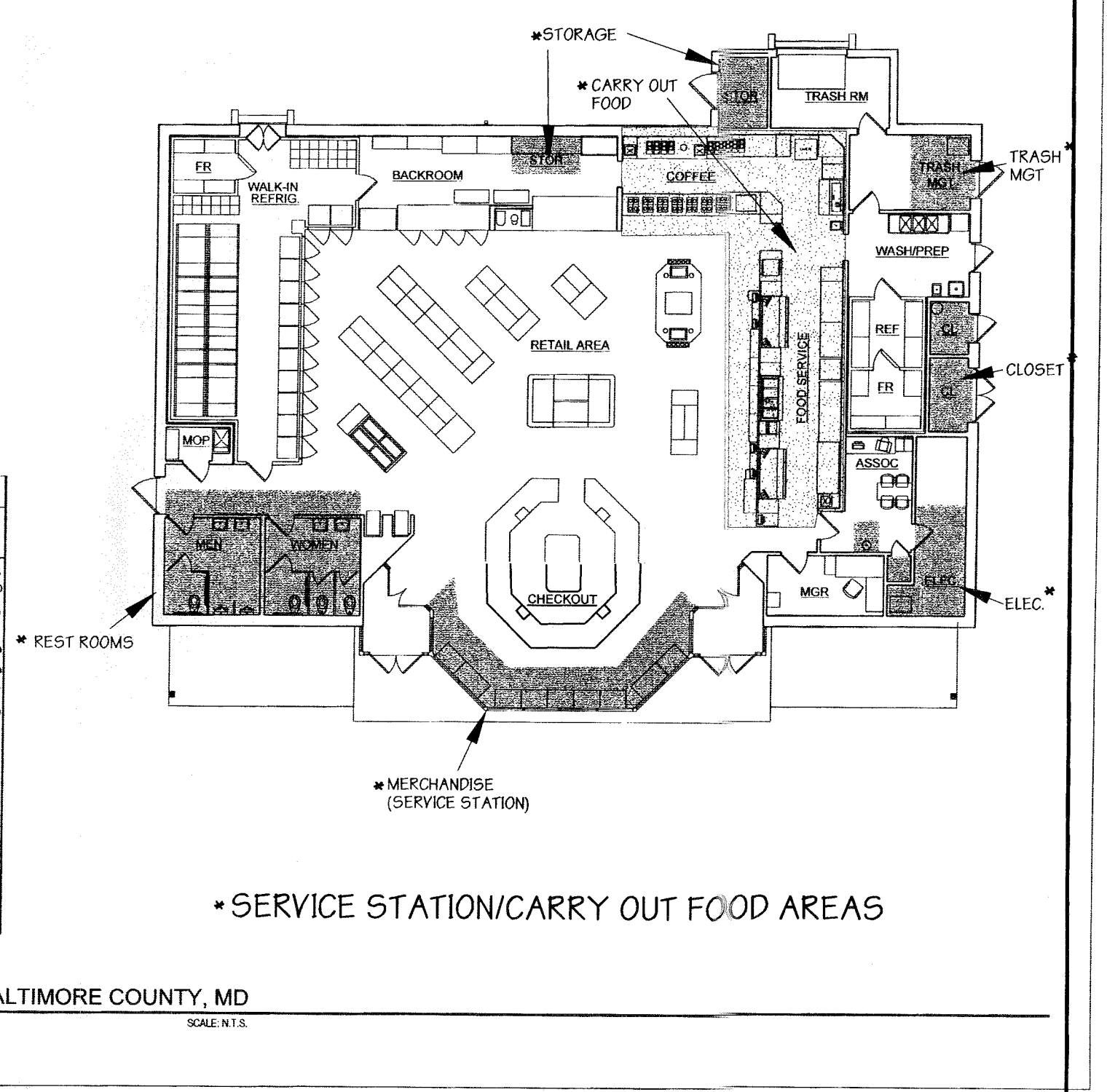
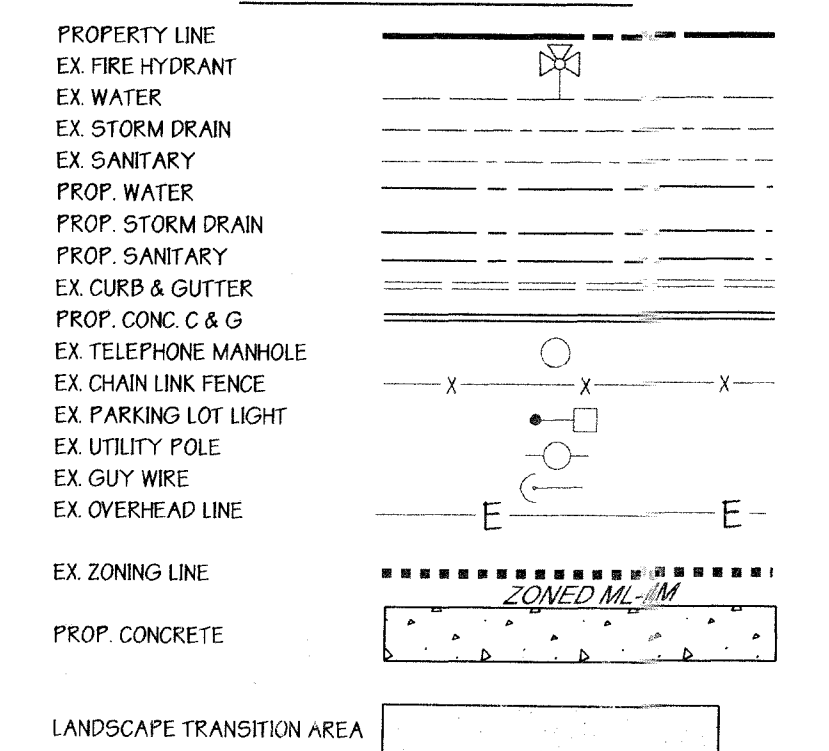
N



VICINITY MAP

SCALE: 1" = 1000'

LEGEND



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
Waste in Ref and Freezers	0
Storage and Closets	167
Manager's Office	0
Associate Area - Wash Spray	12
Rest Rooms	330
Wip - Janitor Closet	0
Building Services - Electrical	87
Trash Management	89
Trash Room	0
Total	1,611
Total Store Gross Square Footage	5,940
Total Commerce Store Uses	4,328

PROPOSED WAWA - BALTIMORE COUNTY, MD
REVISED TO 2006

*SERVICE STATION/CARRY OUT FOOD AREAS

ROLLING ROAD

AMONS
LC
5
36

DIRECTIONAL
SIGNAGE

VARIABLE WIDTH
BOE EASEMENT

PROP. WAWA
FOOD MART
5,940 S.F.
FF 518.0

2845

LOT B-10
1.851 AC.

PROP.
LOT B-11

S82°22'13"W 279.77'

PROP. 21" SD

30'BRL

6'-0"

18'

35'

106.5'

29.7'

PRICING SIGN

10' L.T.A.

EX. 70' R/W

EX. 50' PAV.

10' L.T.A.

PROP. 18" SD

PROP. 2" W

75'BRL

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

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10' L.T.A.

PROP. 18" SD

10' L.T.A.

PROP. 18" SD

10' L.T.A.

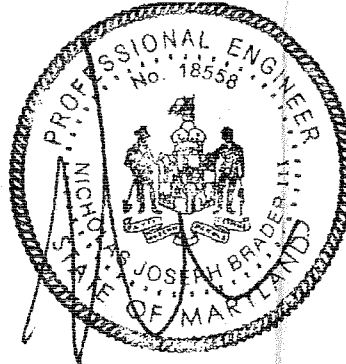
PROP. 18" SD

10' L.T.A.

PROP. 18" SD

Matis Warfield
consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21036
phone 410-883-1000
fax 410-883-1001
www.matiswarfield.com



OWNER / APPLICANT
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2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

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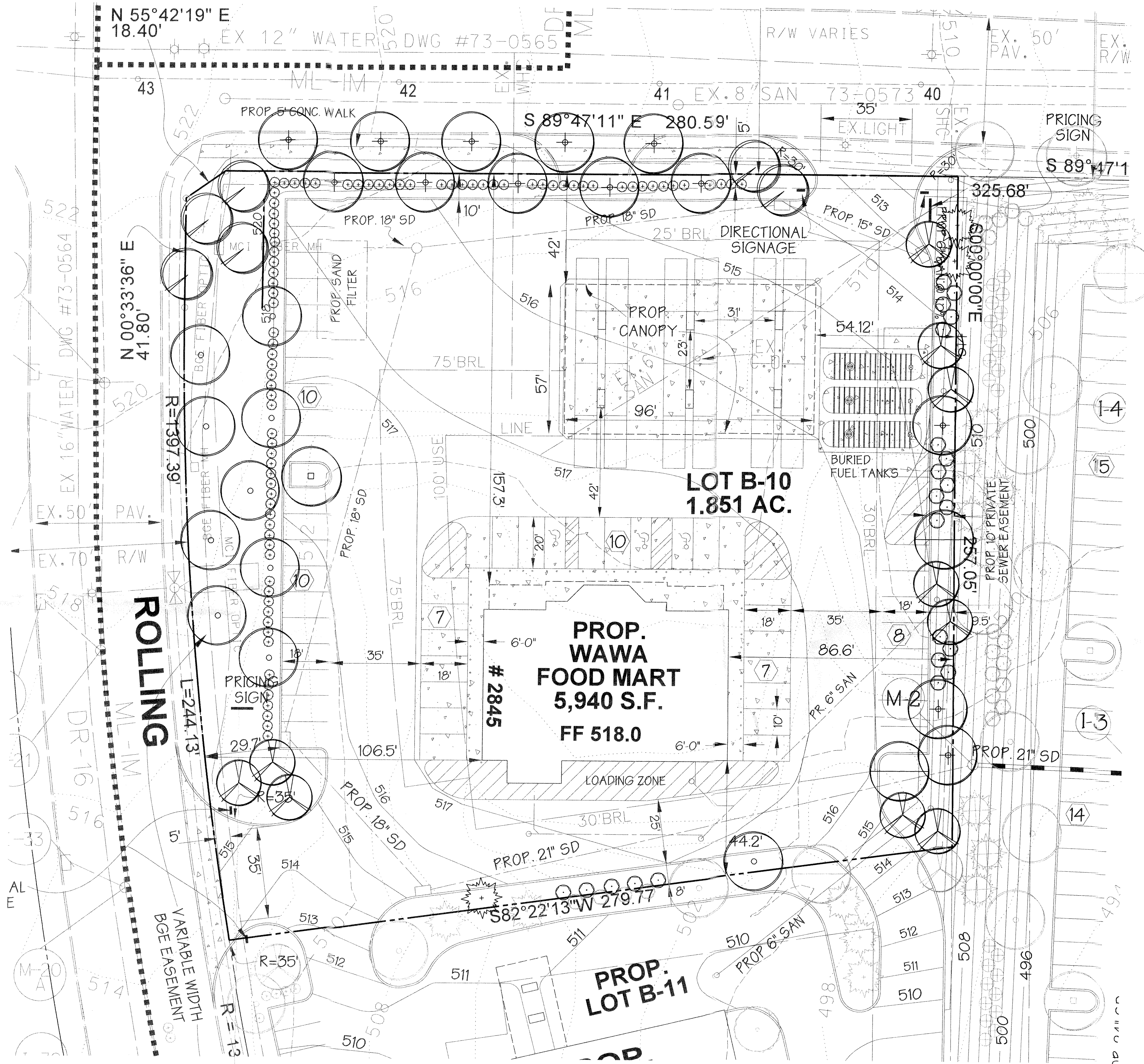
Plan to Accompany A Petition for a Special Exception

WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 2 of 4



KEY

	MAJOR DECIDUOUS TREES
	ORNAMENTAL TREES
	EVERGREEN TREES
	SHRUBS
	PLANTING BY OTHERS

Landscape Calculations

Interior Roadway: 1 PU/20 Lf. @ 395 Lf. =	20 PUs
Adjacent Roadway: 1 PU/40 Lf. @ 560 Lf. =	14 PUs
Parking Spaces:	
1 PU/12 Spaces @ 52 spaces =	4 PUs
Automotive Use Adjacent to Public Road: (Class "B")	
1 PU/15 Lf. @ 476 Lf. =	32 PUs
Automotive Use Adjacent to Commercial Use:	
1 PU/10 Lf. @ 536 Lf. =	54 PUs
Total PUs Required:	124 PUs

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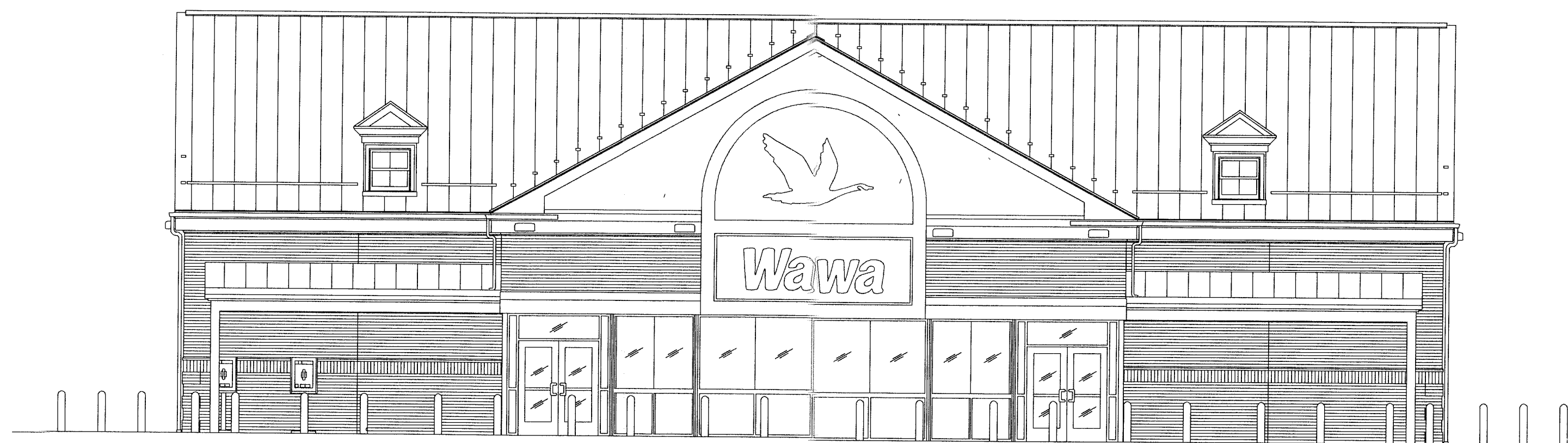
HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

SCHEMATIC LANDSCAPE PLAN
WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 20'

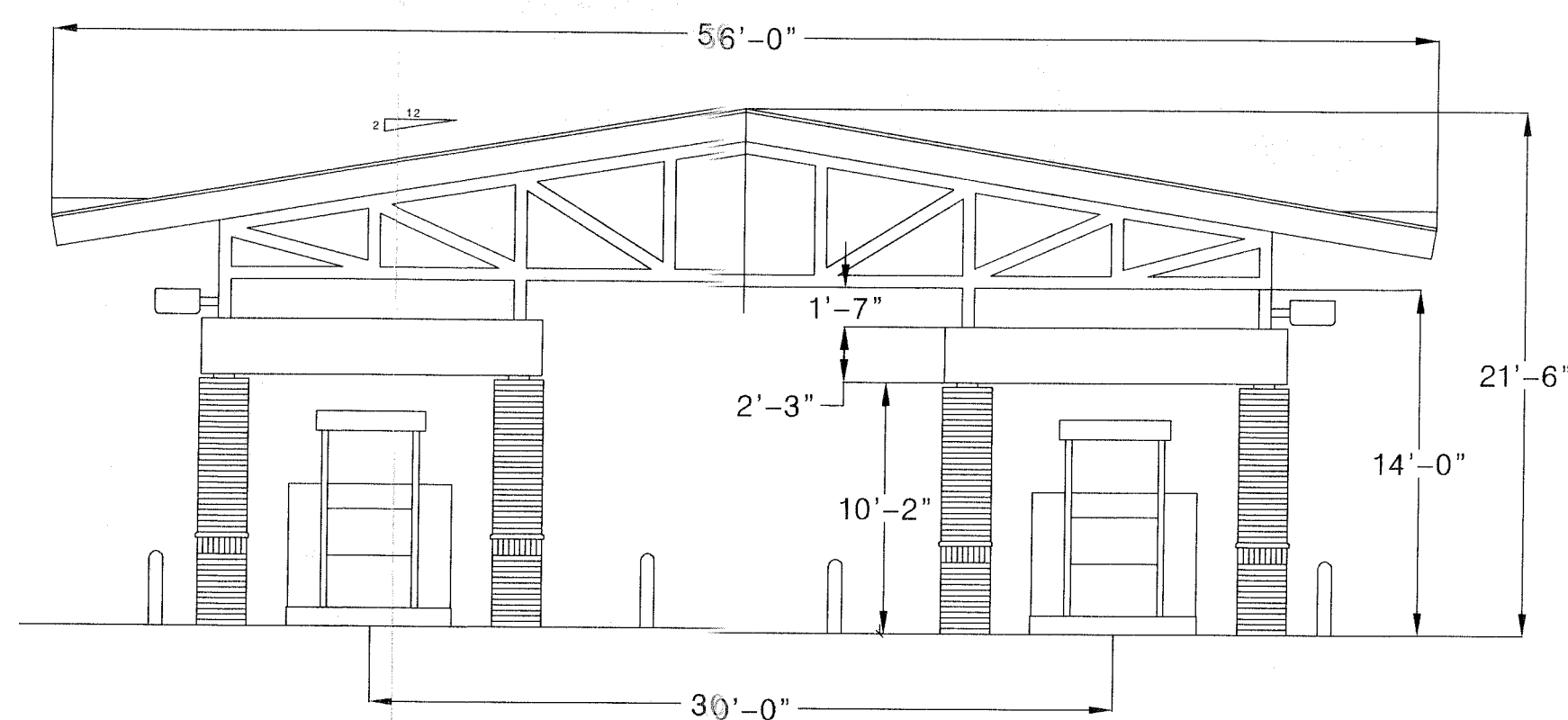
Election District 2
March 13, 2006
Sheet 3 of 4



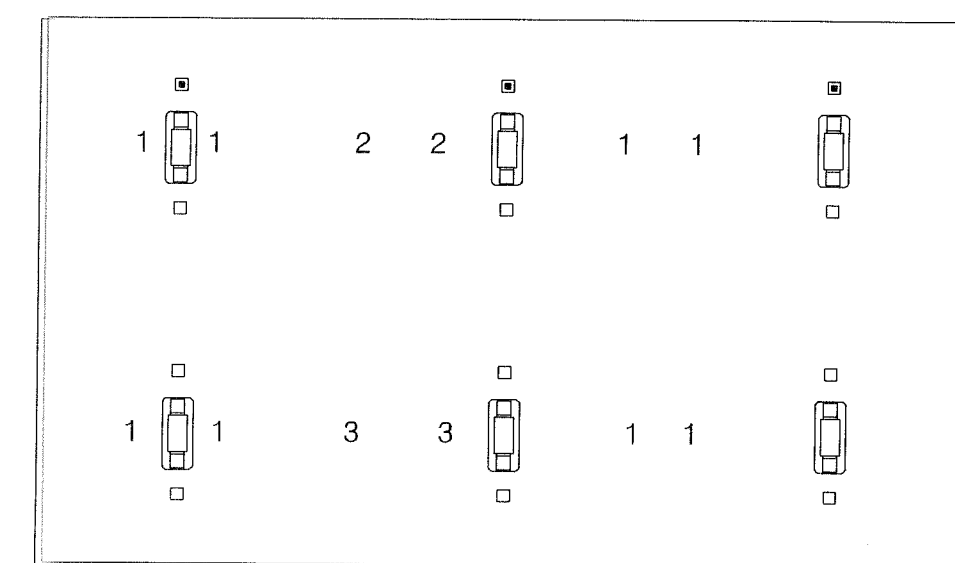
STORE - FRONT ELEVATION
N.T.S.



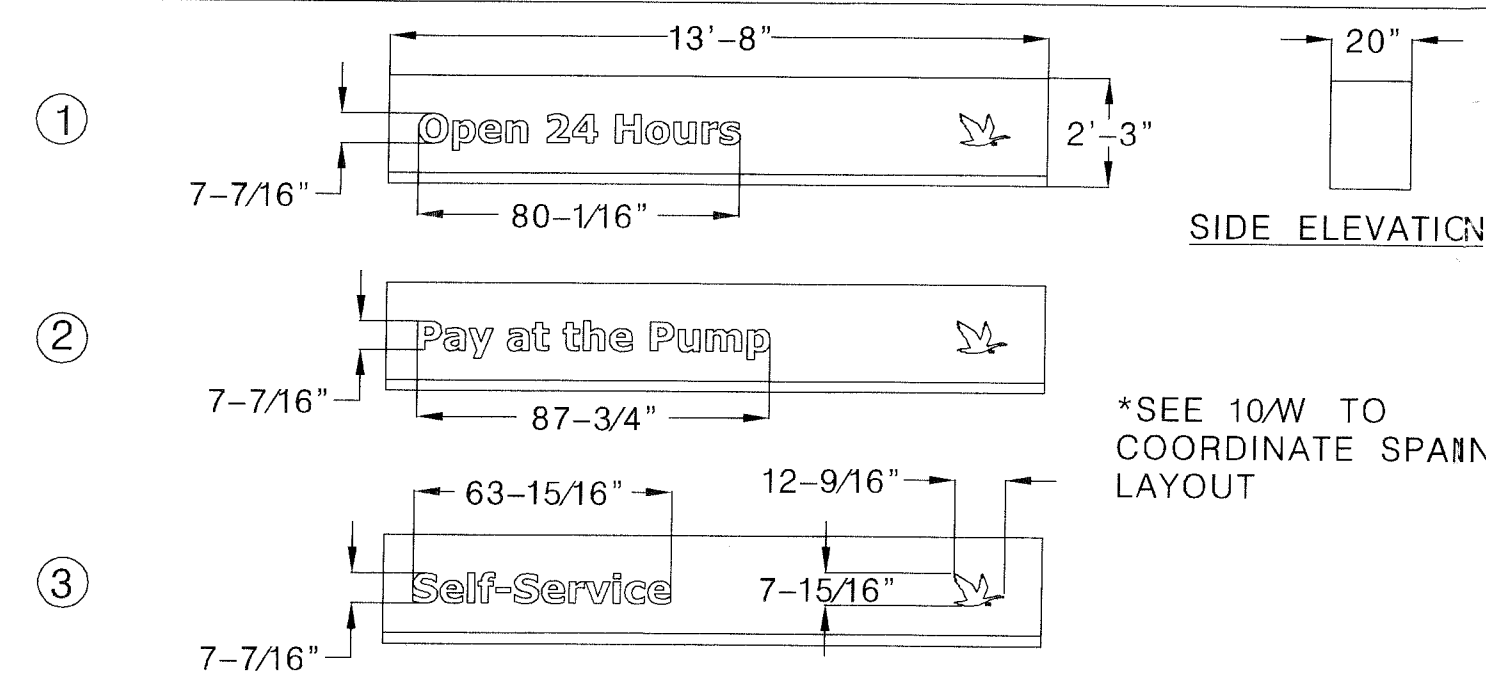
STORE - RIGHT SIDE ELEVATION
N.T.S.



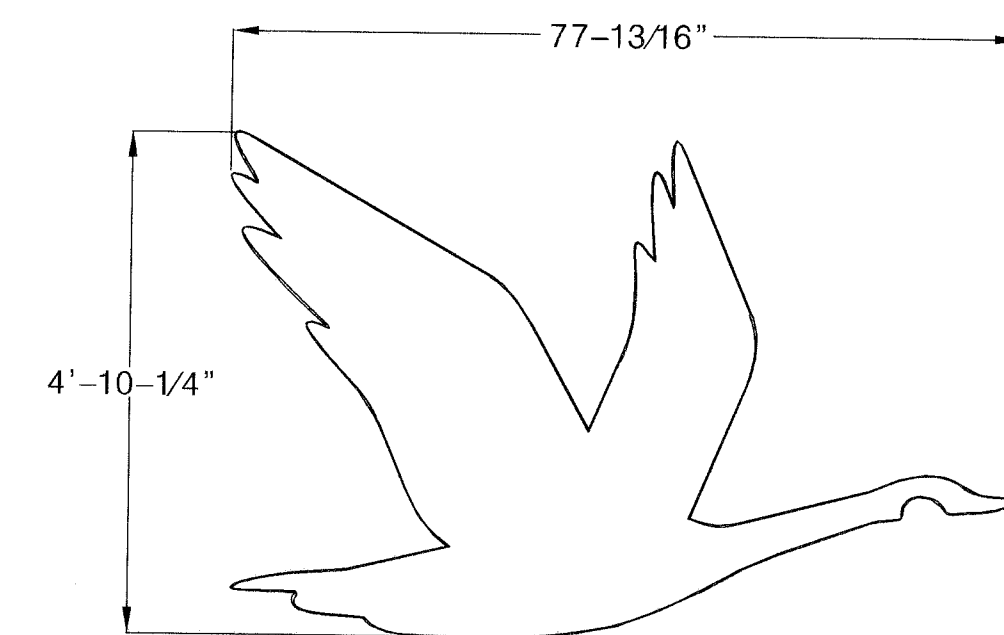
CANOPY - SIDE ELEVATION
N.T.S.



MPD PLAN (FOR SPANNER COORDINATION)
N.T.S.

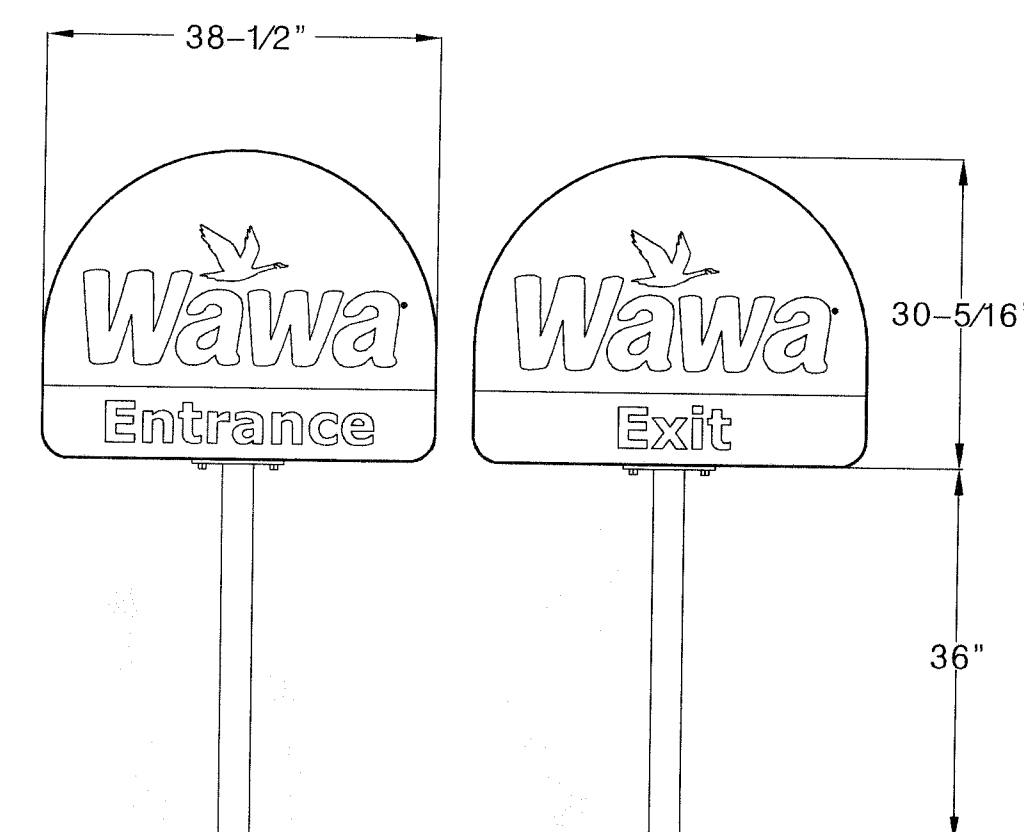


SPANNERS
N.T.S.



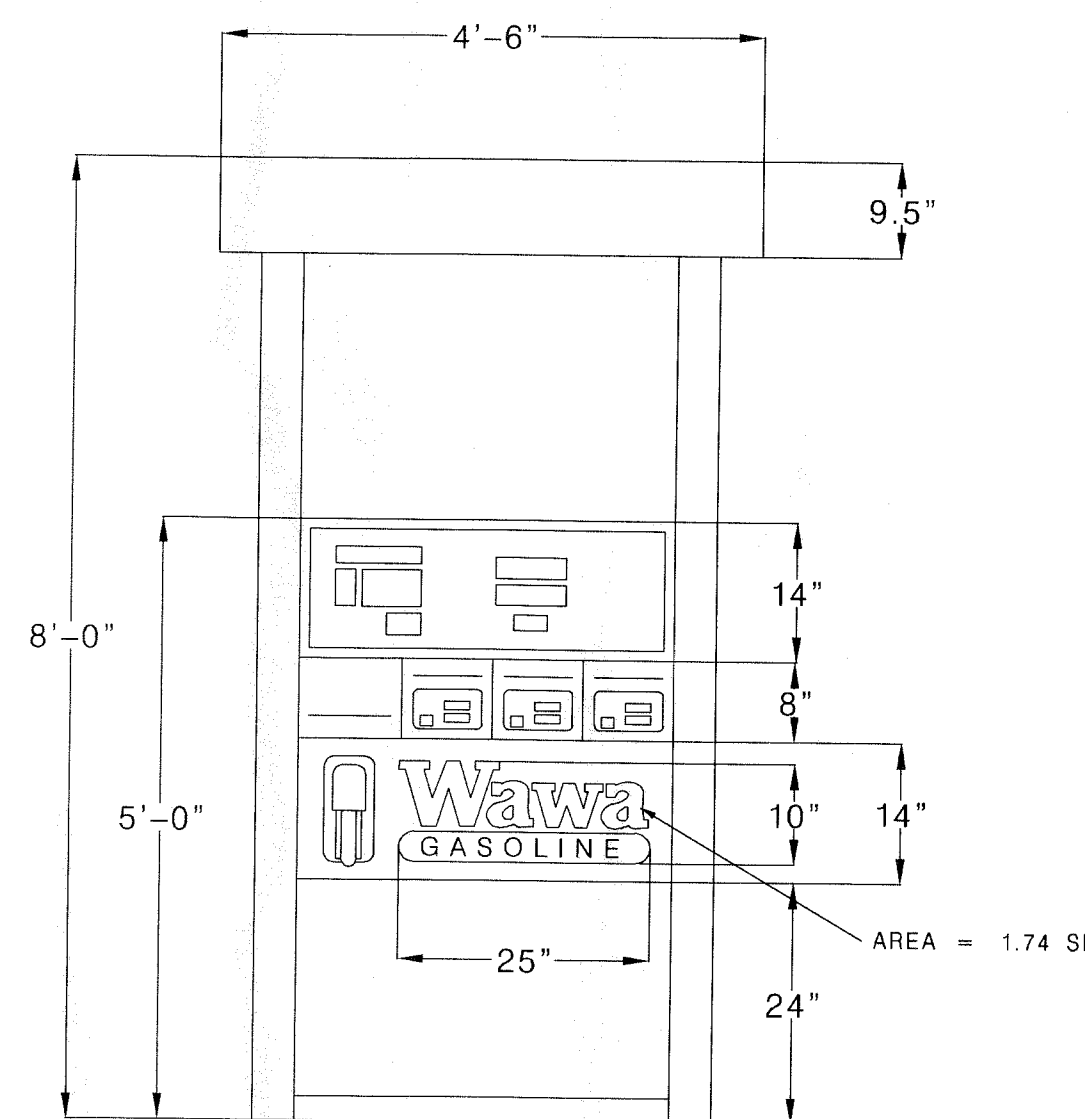
NOTE: INTERNALLY ILLUMINATED

GOOSE LOGO
N.T.S.

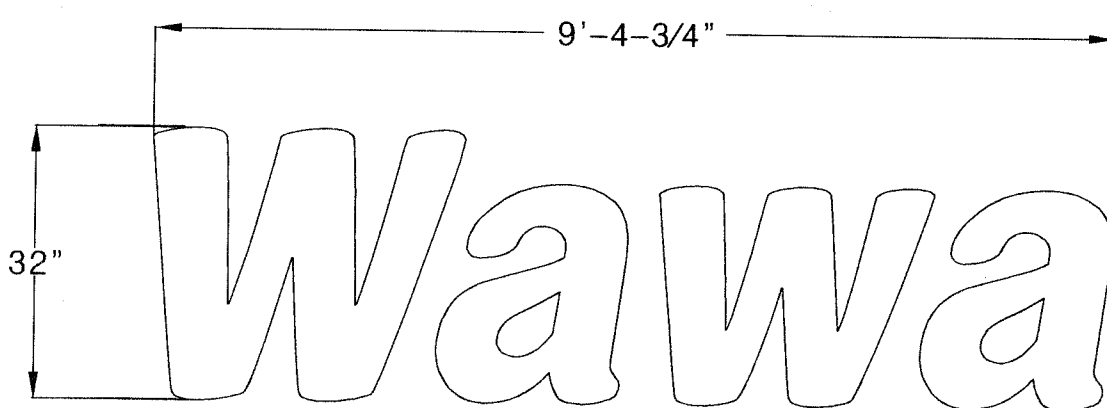


NOTE: INTERNALLY ILLUMINATED (4 total)

DIRECTIONAL SIGNS
N.T.S.

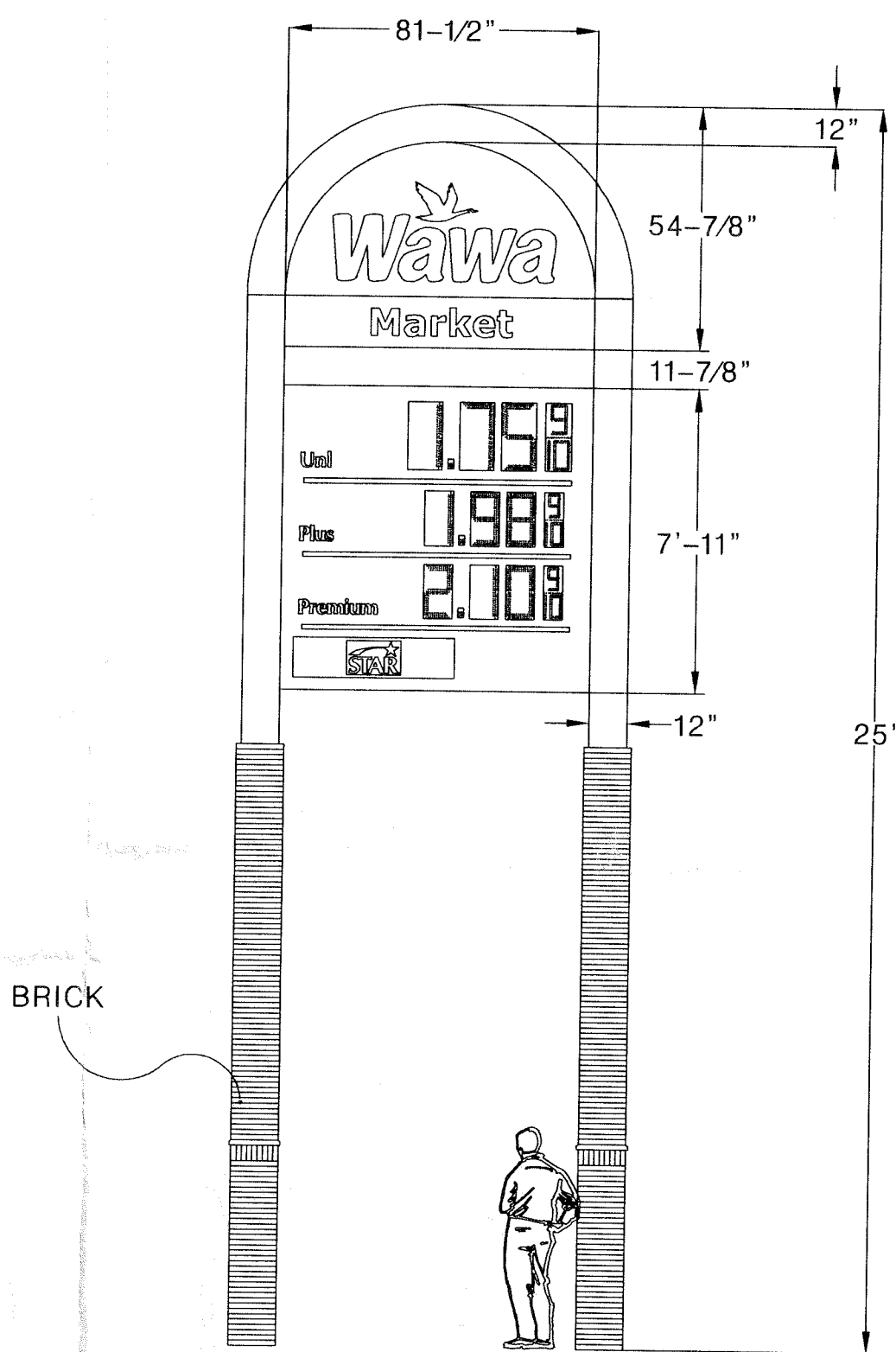


TYPICAL GAS PUMP
N.T.S.



NOTE: INTERNALLY ILLUMINATED (2 per site)

CHANNEL LETTERS
N.T.S.



NOTE: INTERNALLY ILLUMINATED; LED PRICING

PRICING SIGN
N.T.S.

ALL SIGNAGE TO BE IN COMPLIANCE
WITH B.C.Z.R. SECTION 450

NO.	DATE	REVISION	BY
1	03/14/06	PROPOSED WAWA FOOD MARKET	AM
2	03/14/06	2845 ROLLING ROAD	AM
3	03/14/06	BALTIMORE COUNTY, MD	AM
4	03/14/06	WAWA INC. ENGINEERING DEPT.	AM
5	03/14/06	260 W. BALTIMORE PIKE	AM
6	03/14/06	WAWA PA. 19063	AM
7	03/14/06	(610) 358-8000	AM
8	03/14/06	fax (610) 358-8828	AM

DEL FKA 100



DIAMOND RIDGE
GOLF COURSE

FAIRBROOK RD

THE UNIVERSITY OF CHICAGO

ROLLING

Site

INDSOR

B
G
I

WINDSOR

An aerial photograph of a residential neighborhood. A road, labeled 'MILL ROAD' in large, white, sans-serif capital letters, runs diagonally from the bottom left towards the top right. The road is flanked by houses and trees. The overall image has a grainy, high-contrast appearance.

LORD

BLVD

An aerial photograph of a city street, likely in Baltimore, with a large, semi-transparent 'BALTIMORE' watermark overlaid diagonally across the image. The watermark is in a bold, sans-serif font. The background shows a street with buildings, trees, and a sidewalk. The image is in black and white.

ROAD



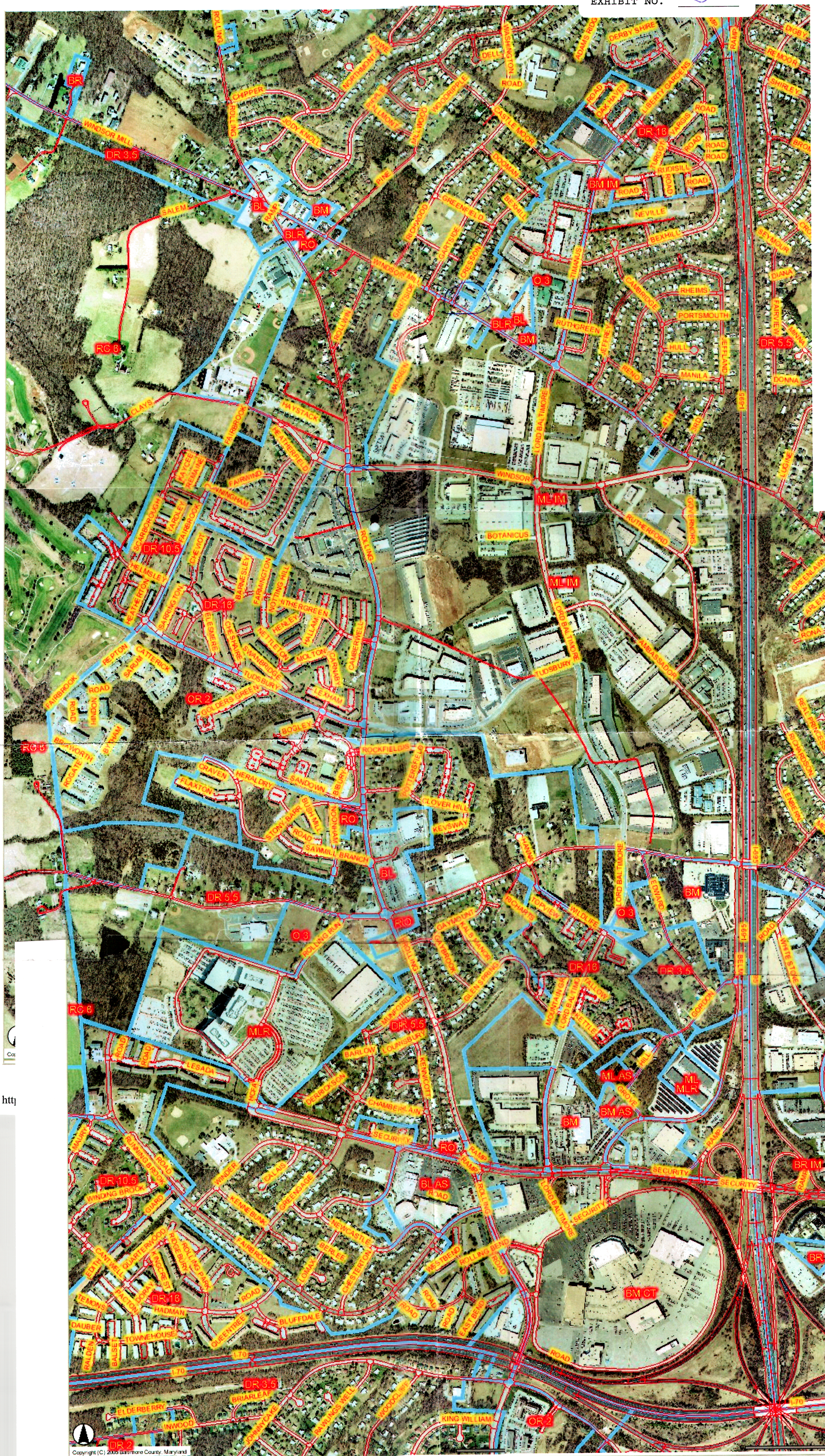
DOGMOOD

ROAD

BELTWAY

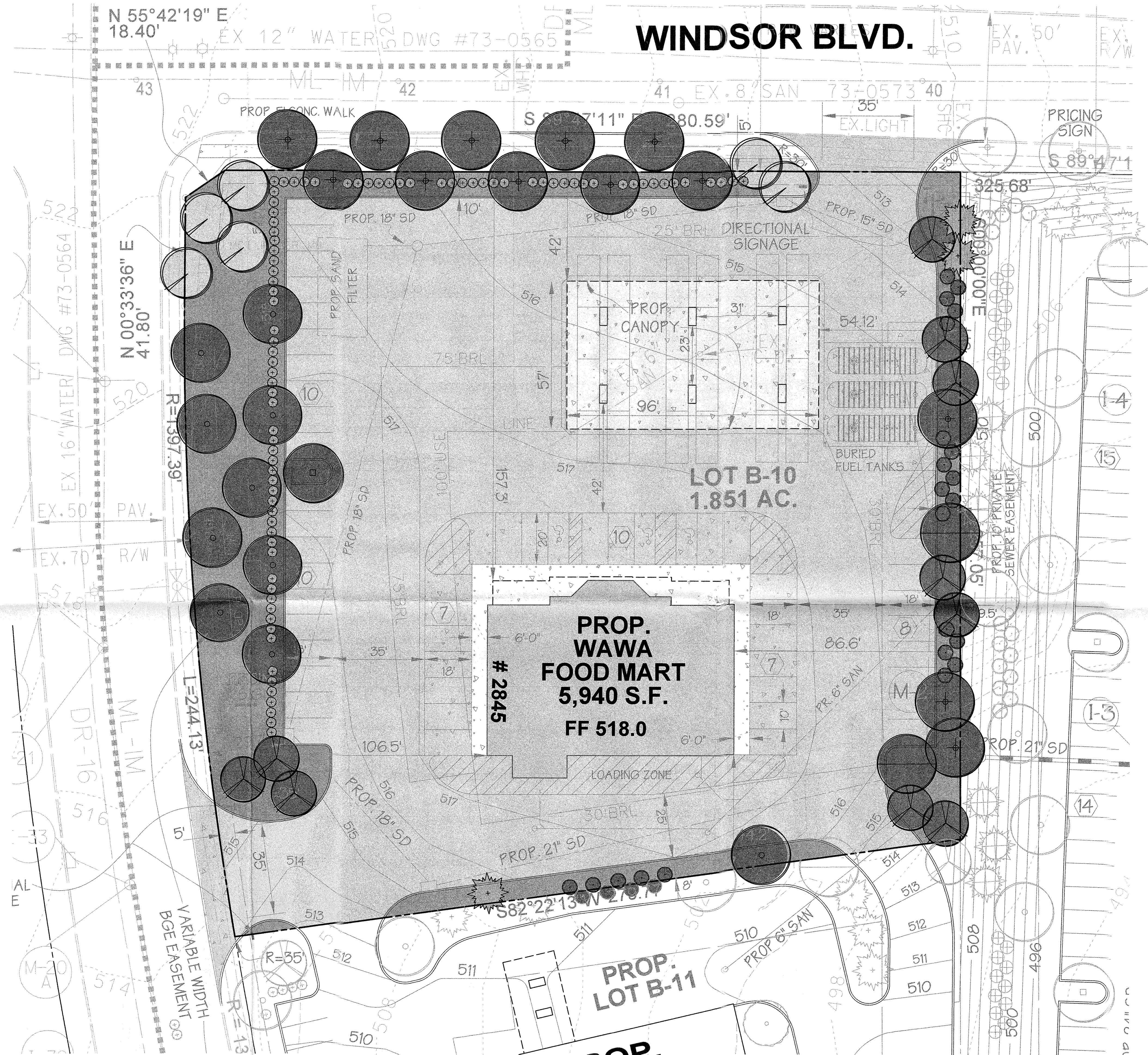
MAWA SPECIAL EXCEPTION

3



ROLLING ROAD

WINDSOR BLVD.



KEY

- MAJOR DECIDUOUS TREES
- ORNAMENTAL TREES
- EVERGREEN TREES
- SHRUBS
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WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 3 of 4

PREP BY 2



PETITIONER'S

EXHIBIT NO. 5(a)



PRA EXH 5 (b)



PET EXN 5(C)



pet EXM - 5(2)



PR4 EXH 5(e)

May 1981 – July 1984

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

Traffic Engineer I and II

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

EDUCATION

Baltimore Polytechnic Institute, 1976 graduate

Essex Community College, 1976 – 1978

University of Maryland, 1981 graduate
Bachelor of Science – Civil Engineering

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

PUBLICATIONS

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

AFFILIATIONS

Institute of Transportation Engineers, 1985 – Present

National Federation of Independent Businesses, 1993 – Present

Qualifications of Consultant
JOSEPH M. CRONYN

Cronyn has more than three decades of professional experience in real estate research, sales and marketing, development, public policy, financing and appraisal. His experience includes market and financial feasibility analyses of major real estate projects; land acquisition and marketing for commercial and residential development; planning for mixed use development, including historic preservation concerns; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, nonprofit and private clients concerning economic and community development strategies.

PROFESSIONAL EXPERIENCE

Lipman Frizzell & Mitchell, LLC, Columbia, MD (2003 - present), *Partner*
(1997 - 2003), *Senior Associate*
Legg Mason Realty Group, Inc., Baltimore, MD (1989-1997), *Vice President*
Financial Associates of Maryland, Baltimore, MD (1987-1989), *Vice President*
Baltimore Federal Financial, F.S.A., Baltimore, MD (1982-1987), *Sr. Vice President*
Neighborhood Reinvestment Corporation, Washington, DC (1978-1982), *Asst. Director*
Baltimore Federal Savings & Loan, Baltimore, MD (1976-1978), *Mortgage Underwriter*

EDUCATION

Master of Business Administration, Loyola College, Executive Program, 1986
Bachelor's Degree, English & Philosophy, Boston College, 1969

AFFILIATIONS

Neighborhood Housing Services of Baltimore, Chairman of the Board emeritus
Citizens Planning and Housing Association, Member
National Trust for Historic Preservation, Member
Maryland Economic Development Association (MEDA), Member
Lambda Alpha International Land Economics Society, Baltimore Chapter, Director
Maryland Affordable Housing Coalition, Member

PROFESSIONAL LICENSES

State of Maryland Real Estate Agent's License

QUALIFIED AS EXPERT WITNESS

Before Maryland public administrative bodies, zoning hearing examiners and/or boards of appeals: Anne Arundel County, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Prince George's County

PET EXH 

Lipman Frizzell & Mitchell LLC

**PROPOSED WAWA
CONVENIENCE STORE
2845 Rolling Road
Baltimore County, MD**

DEMAND ANALYSIS

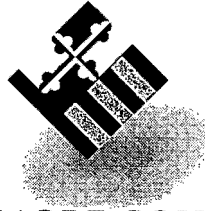
Prepared For:

St. John Properties, Inc.
2560 Lord Baltimore Drive
Baltimore MD 21244

Submitted by:

Lipman Frizzell & Mitchell LLC
8815 Centre Park Drive
Suite 200
Columbia, Maryland 21045

May 30, 2006



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

May 26, 2006

Mr. David H. Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

As Director of the Baltimore County Department of Economic Development, I understand that St. John Properties filed a Petition for Special Exception in the above-referenced case for a fuel service station in combination with a convenience store and carry-out restaurant to be located at 2845 Rolling Road.

The Department supports the construction of a fuel service station as an appropriate use at this location. The site is zoned ML-IM. Pursuant to the ML-IM zoning regulations, a fuel service station is permitted and, therefore, "appropriate" in the ML-IM zone if it "will primarily serve the industrial uses and related activities in the surrounding industrial area."

The Department notes that the site is located within one of the County's major employment centers, which is industrially zoned in its entirety. This overall industrial area includes in excess of 6,000 employees. Companies and federal institutions within this employment center include BGE, FBI, Social Security Administration, Siemens Building Technologies, and other important employers. In addition, the intersection of Windsor Boulevard and Dogwood Road is located at one of the primary vehicular entrances to the employment center.

The Department of Economic Development believes that the proposed use will provide retail services that enhance the business environment within this employment center. At this location, it is this Department's position that the use will primarily serve the uses within the overall industrial zone in which it would be located.

In conclusion, the Department of Economic Development supports your position in the above referenced case.

Sincerely,

David Iannucci

David S. Iannucci
Director



PET EXH 10 a

⑥

PROTESTANT'S

EXHIBITS

TRANSCRIPTS

Case No.:

06-449 X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN - 4 Pages 1A thru 1D	At PHOTO - WINDSOR/GETTY Windsor Mill & Crescent WITHIN 1/2 MILE
No. 2	COLORIZED COPY OF EXHIBIT of 1C	MAP - WINDSOR MILL & CRESCENT 1/2 MILE RADIUS FROM SITE
No. 3	Collectively SA thru SE ZONING MAP - 5-11-06 (PRINT DATE) GIS MAP	MD. DEPT. ASSESSMENT & TAXATION 7234 Windsor Mill Rd
No. 4	AERIAL PHOTOGRAPH	CLASSIFICATION CODES #20 = SERVICE STATION
No. 5	Collectively SA thru SE WINDSOR AUTO 5/30/06 - TAKEN	TRAFFIC COUNTS 6/05 - County - Double Cycle Critical Lane Methodology 4/06 - Schmidt Count
No. 6	SCHMID - Traffic Concepts RESUME	Traffic Counts - Schmidt's Count Critical Lane Volume = "C" LEVEL SERVICE
No. 7	JOSEPH M. CRONYN CONSULTANT - RESUME	Traffic Count - Traffic Concepts Critical Lane Count
No. 8	MR. CRONYN'S ANALYSIS OF PROPOSED NAWA	County Traffic Count Windsor
No. 9	DEPT. of Economic & Dev. Management Letter	Critical Lane Analysis Windsor
No. 10	Collectively A thru O Photographs taken 5/24/06 of SITE	Count Sheet from Windsor Blvd
No. 11		Trip Generation Grid from Manual - for typical uses.
No. 12		JACK DILLONS REPORT

#11
IDENTIFICATION
ONLY

Case No.: _____

Exhibit Sheet - Continued

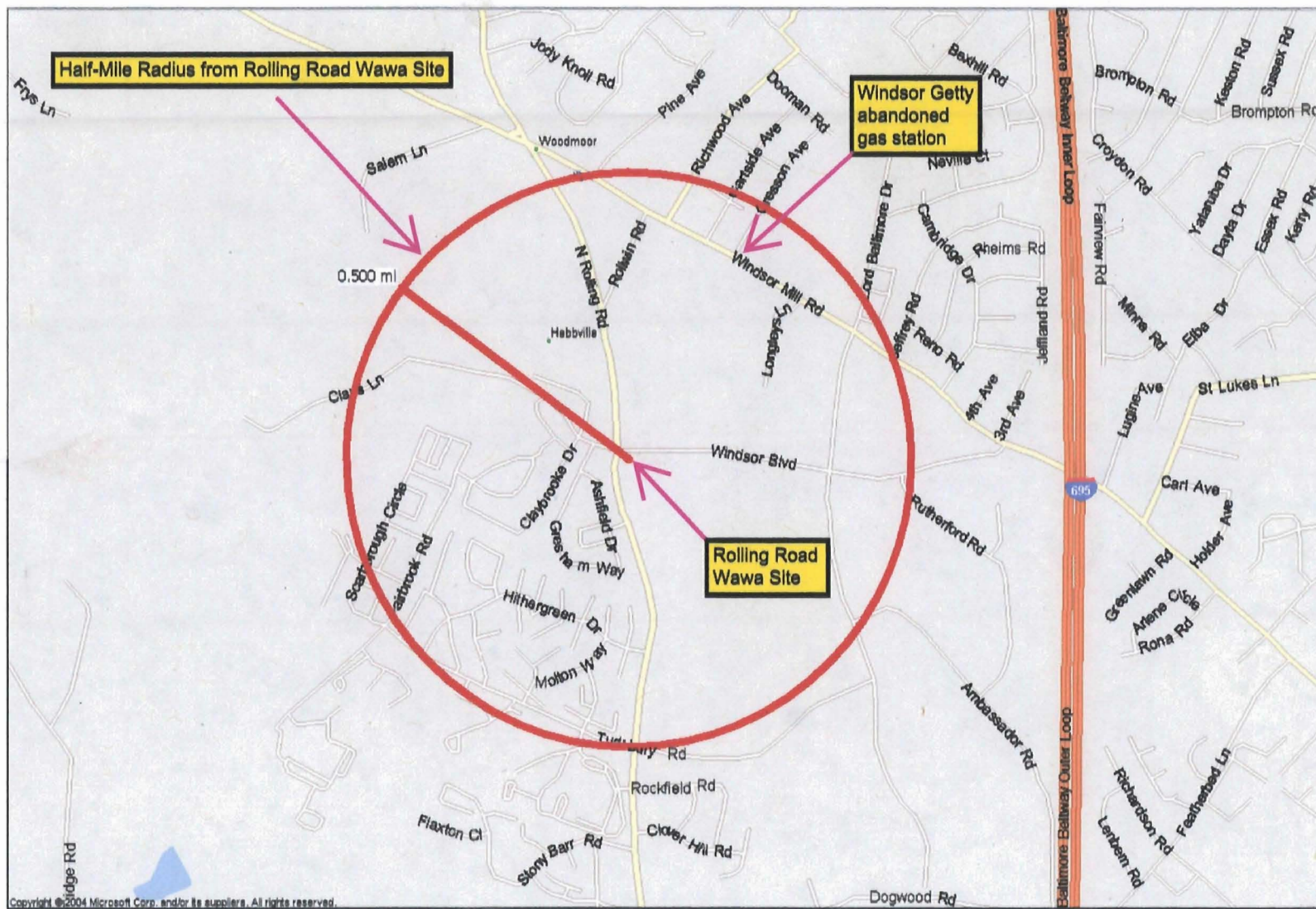
Petitioner/Developer

Protestant

No. 13		GIS MAP MLTM ZONES NOTED IN RED
No. 14		Aerial Photograph → GIS-MAP. ORTO
No. 15		BLOW-UP of Exhibit 14 - GISMAP.
No. 16		Summary of DILLONS OPINION
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		



2006.05.06



PROSAND 24 #2 2

PROTESTANTS 24 #3



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New](#)
[Search](#)
[Ground](#)
[Rent](#)

Account Identifier: District - 02 **Account Number -** 0219390610

Owner Information

Owner Name: HONG HWA S
HONG KYUS
Use: COMMERCIAL
Principal Residence: NO
Mailing Address: 6714 DARWOOD DR
BALTIMORE MD 21209
Deed Reference: 1) / 8666/ 575
2)

Location & Structure Information

Premises Address
7234 WINDSOR MILL RD

Legal Description
PT LT 1-4
NE COR CRESSON ST
GREENFIELD

Map Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
87	12	361				1	1	Plat Ref: 8/ 96

Special Tax Areas	Town Ad Valorem Tax Class	Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1956	1,120 SF.	18,869.00 SF	20
Stories	Basement		Type		Exterior

Value Information

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2004	As Of 07/01/2005	As Of 07/01/2006
Land:	116,300	116,300		
Improvements:	59,700	62,700		
Total:	176,000	179,000	178,000	179,000
Preferential Land:	0	0	0	0

Transfer Information

Seller: OBRIEN DANIEL JOSEPH,SR	Date: 12/06/1990	Price: \$200,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 8666/ 575	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments County	Class	07/01/2005	07/01/2006
	000	0	0

CLASSIFICATION CODES

- | | |
|----------------------------------|-------------------------------------|
| 04 - RESIDENTIAL | 26 - TIRE CENTER |
| 05 - AGRICULTURAL | 27 - COUNTRY CLUB |
| 06 - COMMERCIAL | 28 - GOLF COURSE |
| 07 - INDUSTRIAL | 29 - MARINA/BOATYARD/WATERFRONT |
| 08 - PUBLIC UTILITY | 30 - RESTAURANT/TAVERN/WATERFRONT |
| 09 - RAILROAD/OPERATING | 31 - COMMERCIAL/WATERFRONT |
| 10 - RAILROAD/NON-OPERATING | 32 - INDUSTRIAL/WATERFRONT |
| 11 - APARTMENTS - GARDEN/HI-RISE | 33 - R/A - RESIDENTIAL/AGRICULTURAL |
| 12 - APARTMENTS - MIXED | 34 - WATERFRONT/RESIDENTIAL |
| 13 - APARTMENTS - TOWNHOUSES | 35 - WATERFRONT/AGRICULTURAL |
| 14 - SHOPPING CENTER | 36 - CONDOMINIUMS |
| 15 - OFFICE BUILDING | 37 - H.O. ASSOCIATION |
| 16 - BANK | 38 - FOREST CONSERVATION/MANAGM'T |
| 17 - POST OFFICE | |
| 18 - DEPARTMENT STORE | |
| 19 - TRAILER PARK | |
| 20 - SERVICE STATION | |
| 21 - MOTEL | |
| 22 - AUTO -SALES/SERVICES | |
| 23 - RESTAURANT/TAVERN | |
| 24 - RESTAURANT/DRIVE - IN | |
| 25 - FUNERAL HOME | |

PROTESTANT # 4

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

PROTESTANT
2x #65

LOCATION ROLLING RD-WINDSOR BLVD

COUNTY SIGNAL NUMBER TMC

C408

ROAD NAME	ROLLING RD				ROLLING RD					N + S TOTAL	WINDSOR BLVD				WINDSOR BLVD				E + W TOTAL	GRAND TOTAL
	NORTHBOUND				SOUTHBOUND						EASTBOUND				WESTBOUND					
	AM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL		
8:00-8:15		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-8:30		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:30-8:45		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45-9:00		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	2	88	34	125	28	194	1	221	346	5	10	13	28	32	10	11	53	81	427	
7:15-7:30	4	112	43	159	25	231	2	258	417	5	10	9	24	30	3	7	40	64	481	
7:30-7:45	2	82	47	141	33	246	5	284	425	8	9	11	26	38	2	9	49	75	500	
7:45-8:00	5	115	58	176	17	217	0	234	410	1	11	11	23	53	3	3	58	82	492	
8:00-8:15	1	114	48	163	21	228	2	251	414	4	9	15	28	42	3	12	57	85	489	
8:15-8:30	6	106	53	165	18	202	5	223	388	3	9	5	17	50	6	13	69	88	474	
8:30-8:45	8	124	44	176	17	174	1	192	388	8	8	9	25	35	4	11	50	75	443	
8:45-9:00	7	119	49	175	13	181	3	207	382	5	8	7	20	42	5	9	58	78	458	

AM HOUR TOTALS

8:00-9:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:15-9:15	2	88	34	125	28	194	1	221	346	5	10	13	28	32	10	11	53	81	427
8:30-9:30	8	201	77	284	51	425	3	479	783	10	20	22	52	82	13	18	93	145	908
8:45-9:45	8	253	124	425	84	671	8	783	1188	16	29	33	78	100	15	27	142	220	1408
7:00-8:00	13	408	180	601	101	888	8	997	1588	17	40	44	101	153	18	30	201	302	1900
7:15-8:15	12	433	194	639	98	822	9	1027	1666	18	39	48	101	183	11	31	205	308	1972
7:30-8:30	14	427	204	645	87	893	12	992	1637	14	38	42	94	183	14	37	234	328	1985
7:45-8:45	20	459	201	680	71	821	8	900	1580	18	37	40	93	180	18	39	235	328	1908
8:00-9:00	22	463	194	679	67	795	11	873	1552	20	34	38	90	188	18	45	232	322	1874

	NORTHBOUND				SOUTHBOUND				N + S TOTAL	EASTBOUND				WESTBOUND				E + W TOTAL	GRAND TOTAL
PM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL		
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	10	194	44	248	8	134	2	142	390	3	5	4	12	46	8	24	78	90	480
4:15-4:30	13	204	43	260	8	153	5	164	424	3	8	4	18	42	9	20	71	87	511
4:30-4:45	5	210	44	259	5	132	2	139	398	7	3	10	20	44	18	17	79	99	497
4:45-5:00	15	221	39	275	8	161	6	173	448	1	3	5	9	46	7	22	75	84	532
5:00-5:15	13	234	50	297	3	157	3	163	460	8	8	10	24	58	5	43	106	130	590
5:15-5:30	8	238	37	281	6	190	8	202	483	7	5	2	14	46	8	10	64	78	581
5:30-5:45	18	212	47	275	4	178	5	187	462	8	2	4	14	48	8	15	69	83	545
5:45-6:00	12	207	41	260	5	181	5	191	451	8	1	4	11	40	7	10	57	68	519

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	10	194	44	248	8	134	2	142	390	3	5	4	12	46	8	24	78	90	480
3:30-4:30	23	398	87	508	12	287	7	306	814	6	14	8	28	88	17	44	148	177	991
3:45-4:45	28	808	131	767	17	418	8	445	1212	13	17	18	48	132	35	81	228	276	1488
4:00-5:00	43	829	170	1042	23	580	15	618	1660	14	20	23	57	178	42	83	303	380	2020
4:15-5:15	46	869	176	1091	20	603	16	639	1730	19	21	29	69	190	39	102	331	400	2130
4:30-5:30	41	801	170	1112	20	640	17	677	1788	23	17	27	67	194	38	82	324	391	2180
4:45-5:45	52	903	173	1128	19	886	20	725	1853	24	16	21	61	198	26	90	314	375	2228
5:00-6:00	49	889	175	1113	18	786	19	743	1858	29	14	20	63	192	28	78	298	359	2215

PEAK HOUR TURNING MOVEMENT COUNT

INTERSECTION: ROLLING ROAD @ WINDSOR BLVD.

COUNTY: BALTIMORE

COUNT BY: L. CAREY; B. PAGE

DATE: APRIL 11, 2006

WEATHER: CLEAR

DAY: TUESDAY

TIME	ROLLING ROAD NORTHBOUND			ROLLING ROAD SOUTHBOUND			WINDSOR BLVD EASTBOUND			WINDSOR BLVD WESTBOUND			TOTAL
	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	
AM													
7:00-7:15	1	76	42	26	155	3	5	5	7	34	6	1	361
7:15-7:30	5	84	32	37	245	0	5	13	15	28	2	5	471
7:30-7:45	5	96	50	29	237	1	4	14	22	33	10	8	509
7:45-8:00	10	105	48	28	235	1	10	10	18	41	10	11	527
8:00-8:15	9	109	52	27	229	1	8	12	12	39	8	10	516
8:15-8:30	7	112	37	25	174	1	6	14	9	40	3	9	437
8:30-8:45	7	110	55	29	169	1	4	3	9	25	6	14	432
8:45-9:00	2	94	52	24	124	0	3	8	9	29	4	4	353
PEAK HR 7:15-8:15	29	394	182	121	946	3	27	49	67	141	30	34	PHF 0.96
TOTALS													
PM													
4:00-4:15	10	210	49	9	139	4	5	6	4	59	4	33	532
4:15-4:30	7	235	51	8	129	5	1	4	9	55	12	19	535
4:30-4:45	7	254	63	4	137	3	2	3	6	53	11	37	580
4:45-5:00	5	251	49	6	128	4	5	6	4	42	10	17	527
5:00-5:15	7	230	50	7	146	2	2	3	11	48	13	34	553
5:15-5:30	9	257	56	6	172	2	3	5	6	58	4	18	596
5:30-5:45	12	232	51	7	174	2	8	12	10	48	13	17	586
5:45-6:00	11	240	60	6	184	5	6	7	9	53	13	25	619
PEAK HR 5:00-6:00	39	959	217	26	676	11	19	27	36	207	43	94	PHF 0.99
TOTALS													

TRAFFIC CONCEPTS, INC.
 325 GAMBRILLS ROAD, SUITE E
 GAMBRILLS, MARYLAND 21054
 (410) 923-7101 FAX (410) 923-6473
 E-MAIL TRAFFIC.CONCEPTS @ COMCAST.NET

M:\05-1882

PROTESTANT' ex #6

#12

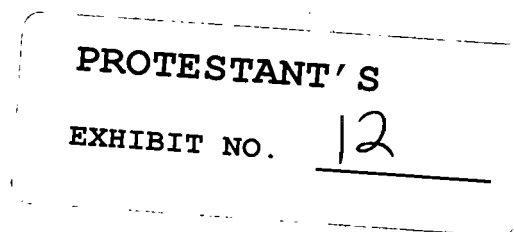
Jack Dillon & Associates, LLC
207 Courtland Ave. Towson, MD 21204
Phone 410-337-5455 Fax 410-337-5476

Report

To: G. Macy Nelson, esq.
From: Jack Dillon
Date: May/June 2006
Re: Case No 06-449X; Windsor Rolling Road Property, LLC
& Wawa Inc.

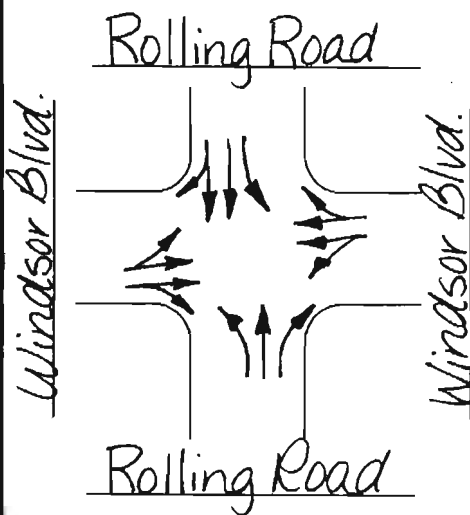
I am preparing this preliminary report on rather quick notice as I was only recently brought into this case and have had only a brief time period to spend on preparing this analysis. Therefore, I reserve the right to continue the analysis beyond what I have prepared thus far.

This is a petition for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Section's 405.2B.1, 405.4E1 and 405.4E.10 of the Baltimore County Zoning Regulations. The proposed site for this facility is located at the south-east corner of Rolling Road and Windsor Blvd. in the Fourth Councilmanic District and is part of the Rutherford Business Center, RBC South



TRAFFIC CONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



EB Windsor

AM PM
LEFT VOL 27 19
ADJ. FAC. 1.1 1.1
ADJ. VOL 30 21
SHD. VOL 116 63
TOT. VOL 146 84

PM AM

19 27
27 49
36 67

AM PM

LEFT VOL
ADJ. FAC.
ADJ. VOL
SHD. VOL
TOT. VOL

AM PM

11
3
946
676
121
26

AM PM

LEFT VOL
ADJ. FAC.
ADJ. VOL
SHD. VOL
TOT. VOL

AM PM

34 94
30 43
141 207

WB Windsor

AM PM
LEFT VOL 141 207
ADJ. FAC. 1.1 1.1
ADJ. VOL 155 228
SHD. VOL 64 137
TOT. VOL 219 365

PM AM

39 29
959 394
217 182

	TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =	CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB $394 * 1.0 + 121 * 1.0$	515	
	SB $(946 + 3) * .55 + 29 * 1.0$	551*	
	EB $146 * .55 + 141 * 1.0$	221*	A
	WB $219 * .55 + 27 * 1.0$	147	772
PM	NB $959 * 1.0 + 26 * 1.0$	985*	
	SB $(676 + 11) * .55 + 39 * 1.0$	417	
	EB $84 * .55 + 207 * 1.0$	253*	C
	WB $365 * .55 + 19 * 1.0$	220	1238

CRITICAL LANE ANALYSIS

Prepared By: J. Hohman

Condition: Existing

BALTIMORE COUNTY TRAFFIC ENGINEERING TURNING MOVEMENT COUNT DATA

PROTESTANT
SK #8

LOCATION LORD BALTIMORE DR. WINDSOR BLVD

DATE OF COUNT

A.M. 7/8/2004

P.M. 7/8/2004

ROAD NAME	LORD BALTIMORE DR				LORD BALTIMORE DR				N + S TOTAL	WINDSOR BLVD				WINDSOR BLVD				E + W TOTAL	GRAND TOTAL
	NORTHBOUND				SOUTHBOUND					EASTBOUND				WESTBOUND					
AM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL		
6:00-6:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-6:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:30-6:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:45-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7:00-7:15	12	52	18	82	13	85	21	118	201	12	25	20	57	22	33	4	59	118	317
7:15-7:30	12	59	24	95	21	94	18	133	228	10	25	20	55	36	20	2	58	113	341
7:30-7:45	10	59	22	91	16	100	20	136	227	17	38	18	74	33	33	0	66	140	367
7:45-8:00	13	98	40	151	17	128	21	164	315	20	42	27	89	43	24	5	72	181	478
8:00-8:15	11	91	24	126	14	130	11	155	281	29	33	18	78	47	39	5	91	188	450
8:15-8:30	15	90	29	134	15	98	15	128	262	15	34	21	70	35	30	3	68	138	400
8:30-8:45	12	71	23	106	16	91	14	121	227	11	31	15	57	30	51	4	85	142	369
8:45-9:00	11	73	20	104	21	87	17	125	229	9	28	13	50	28	20	4	52	102	331

AM HOUR TOTALS

6:00-7:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
6:15-7:15	12	52	18	82	13	85	21	118	201	12	25	20	57	22	33	4	59	118	317
6:30-7:30	24	111	42	177	34	179	39	252	429	22	50	40	112	58	53	6	117	229	858
6:45-7:45	34	170	84	268	50	279	59	388	658	39	89	58	186	91	88	6	183	369	1025
7:00-8:00	47	288	104	419	87	405	80	552	971	58	131	85	275	134	110	11	255	530	1501
7:15-8:15	46	307	110	463	68	450	70	588	1051	78	138	81	296	159	116	12	287	583	1634
7:30-8:30	48	338	115	502	62	454	87	583	1085	81	148	82	311	158	128	13	297	608	1693
7:45-8:45	51	350	118	517	82	445	81	588	1085	75	140	78	294	155	144	17	318	610	1695
8:00-9:00	48	325	96	470	88	408	57	529	999	84	128	65	255	140	140	18	298	551	1550

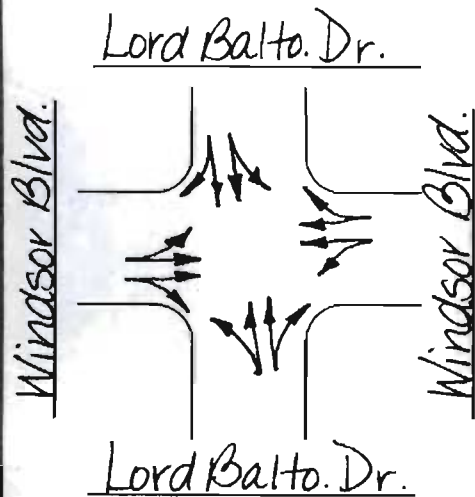
	NORTHBOUND				SOUTHBOUND				N + S TOTAL	EASTBOUND				WESTBOUND				E + W TOTAL	GRAND TOTAL
PM	L	S	R	TOTAL	L	S	R	TOTAL		L	S	R	TOTAL	L	S	R	TOTAL		
3:00-3:15	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-3:30	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:30-3:45	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:45-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
4:00-4:15	30	151	40	221	3	78	18	99	320	33	33	17	83	18	47	13	76	159	479
4:15-4:30	12	75	37	124	5	76	14	95	219	21	36	8	65	23	38	11	70	135	354
4:30-4:45	35	127	48	208	9	88	25	120	328	27	48	18	91	43	42	14	99	190	518
4:45-5:00	21	119	43	183	8	87	10	105	288	28	37	11	76	44	38	10	90	186	454
5:00-5:15	48	182	48	254	9	127	26	182	416	18	34	11	64	55	54	23	132	198	612
5:15-5:30	36	127	60	223	15	95	28	138	381	38	40	9	85	46	44	12	102	187	548
5:30-5:45	38	155	49	242	14	108	18	140	382	24	38	13	76	42	45	5	92	188	550
5:45-6:00	27	138	49	214	7	74	18	97	311	21	37	15	73	48	38	8	80	183	474

PM HOUR TOTALS

3:00-4:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
3:15-4:15	30	151	40	221	3	78	18	99	320	33	33	17	83	18	47	13	76	159	479
3:30-4:30	42	228	77	345	8	154	32	194	539	54	88	25	148	39	83	24	146	294	833
3:45-4:45	77	353	123	553	17	240	57	314	867	81	117	41	239	82	125	38	245	484	1351
4:00-5:00	98	472	188	738	25	327	67	419	1155	108	154	52	315	128	181	48	335	650	1805
4:15-5:15	114	483	172	768	31	376	75	482	1251	95	155	46	296	185	188	58	391	887	1938
4:30-5:30	138	535	195	868	41	395	88	525	1393	110	159	47	316	188	176	59	423	739	2132
4:45-5:45	141	583	198	902	46	417	82	545	1447	107	150	44	301	187	179	50	416	717	2184
5:00-6:00	147	582	204	933	45	404	88	537	1470	100	150	48	298	189	181	46	416	714	2184

TRAFFIC CONCEPTS, Inc.

LANE CONFIGURATION



TRAFFIC VOLUMES



EB Windsor

	AM	PM
LEFT VOL	107	156
ADJ. FAC.	1.1	2.0
ADJ. VOL	118	312
SHD. VOL	326	238
TOT. VOL	444	550

PM AM

106	88
749	545
57	7

SB Lord Balto.

	AM	PM
LEFT VOL	57	7
ADJ. FAC.	2.0	4.0
ADJ. VOL	114	28
SHD. VOL	855	633
TOT. VOL	969	661

AM PM

156	107
178	204
60	122

27	70
159	171
199	178

NB Lord Balto.

	AM	PM
LEFT VOL	49	95
ADJ. FAC.	4.0	3.0
ADJ. VOL	196	285
SHD. VOL	505	915
TOT. VOL	701	1200

PM AM

95	49
686	379
229	126

WB Windsor

	AM	PM
LEFT VOL	199	178
ADJ. FAC.	2.0	2.0
ADJ. VOL	398	356
SHD. VOL	186	241
TOT. VOL	584	597

	TOTAL VOLUME * LUF + OPPOSING LEFTS * LUF =	CRITICAL LANE VOLUME	LEVEL OF SERVICE
AM	NB 701 * .55 + 57 * 1.0	443	
	SB 969 * .55 + 49 * 1.0	582*	
	EB 444 * .55 + 199 * 1.0	443*	B
	WB 584 * .55 + 107 * 1.0	428	1025
PM	NB 1200 * .55 + 7 * 1.0	667*	
	SB 661 * .55 + 95 * 1.0	459	
	EB 550 * .55 + 178 * 1.0	481	C
	WB 597 * .55 + 156 * 1.0	484*	1151

CRITICAL LANE ANALYSIS

Prepared By: J. Hohman Condition: Existing

PEAK HOUR TURNING MOVEMENT COUNT

INTERSECTION: WINDSOR BLVD. @ LORD BALTIMORE DRIVE

COUNTY: BALTIMORE

COUNT BY: B. PAGE; G. WALSH; V. WALSH; J. SCHMID

DATE: MAY 3, 2006

WEATHER: CLEAR

DAY: WEDNESDAY

TIME	LORD BALTIMORE DR NORTHBOUND			LORD BALTIMORE DR SOUTHBOUND			WINDSOR BLVD EASTBOUND			WINDSOR BLVD WESTBOUND			TOTAL
	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	LEFT	THRU	RIGHT	
AM													
7:00-7:15	13	55	30	9	170	21	15	29	29	17	18	4	410
7:15-7:30	13	78	21	13	137	41	19	41	37	43	22	5	470
7:30-7:45	23	67	23	12	150	28	21	55	35	40	38	5	497
7:45-8:00	15	112	38	18	203	19	27	45	31	49	30	7	594
8:00-8:15	18	90	28	9	205	30	26	51	39	49	52	8	605
8:15-8:30	9	86	27	12	170	37	27	51	24	55	40	5	543
8:30-8:45	7	91	33	18	171	20	27	57	28	46	37	7	542
8:45-9:00	15	85	31	20	128	19	25	41	34	37	33	3	471
PEAK HR 7:45-8:45 TOTALS	49	379	126	57	749	106	107	204	122	199	159	27	PHF 0.96
PM													
4:00-4:15	21	145	62	5	150	33	26	44	22	39	43	20	610
4:15-4:30	14	154	49	7	121	29	30	46	17	37	30	13	547
4:30-4:45	26	172	55	3	144	22	38	44	22	33	30	18	607
4:45-5:00	21	190	60	2	123	20	40	45	18	45	46	17	627
5:00-5:15	23	167	64	1	137	17	39	50	9	55	50	23	635
5:15-5:30	25	157	50	1	141	29	39	39	11	45	45	12	594
5:30-5:45	18	171	70	1	106	18	40	45	15	42	38	14	578
5:45-6:00	17	132	31	2	112	20	31	33	10	32	39	5	464
PEAK HR 4:30-5:30 TOTALS	95	686	229	7	545	88	156	178	60	178	171	70	PHF 0.97

TRAFFIC CONCEPTS, INC.

325 GAMBRILLS ROAD, SUITE E

GAMBRILLS, MARYLAND 21054

(410) 923-7101 FAX (410) 923-6473

E-MAIL TRAFFIC.CONCEPTS @ COMCAST.NET

M:105-1882

Summary of Trip Generation Calculation
 For 5.94 Th.Gr.Sq.Ft. of Convenience Market with Gasoline Pumps
 May 29, 2006

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	845.60	163.67	1.00	5023
7-9 AM Peak Hour Enter	22.79	0.00	1.00	135
7-9 AM Peak Hour Exit	22.79	0.00	1.00	135
7-9 AM Peak Hour Total	45.58	18.50	1.00	271
4-6 PM Peak Hour Enter	30.31	0.00	1.00	180
4-6 PM Peak Hour Exit	30.31	0.00	1.00	180
4-6 PM Peak Hour Total	60.61	35.37	1.00	360
AM Pk Hr, Generator, Enter	22.61	0.00	1.00	134
AM Pk Hr, Generator, Exit	22.61	0.00	1.00	134
AM Pk Hr, Generator, Total	45.23	18.52	1.00	269
PM Pk Hr, Generator, Enter	31.29	0.00	1.00	186
PM Pk Hr, Generator, Exit	31.29	0.00	1.00	186
PM Pk Hr, Generator, Total	62.57	36.32	1.00	372
Saturday 2-Way Volume	1448.33	735.17	1.00	8603
Saturday Peak Hour Enter	28.90	0.00	1.00	172
Saturday Peak Hour Exit	26.68	0.00	1.00	158
Saturday Peak Hour Total	55.58	0.00	1.00	330
Sunday 2-Way Volume	1182.08	608.38	1.00	7022
Sunday Peak Hour Enter	0.00	0.00	1.00	0
Sunday Peak Hour Exit	0.00	0.00	1.00	0
Sunday Peak Hour Total	0.00	0.00	1.00	0

Note: A zero indicates no data available.
 Source: Institute of Transportation Engineers
 Trip Generation, 7th Edition, 2003.

TRIP GENERATION BY MICROTRANS

*PROTESTANTS
 or # 11*

#12

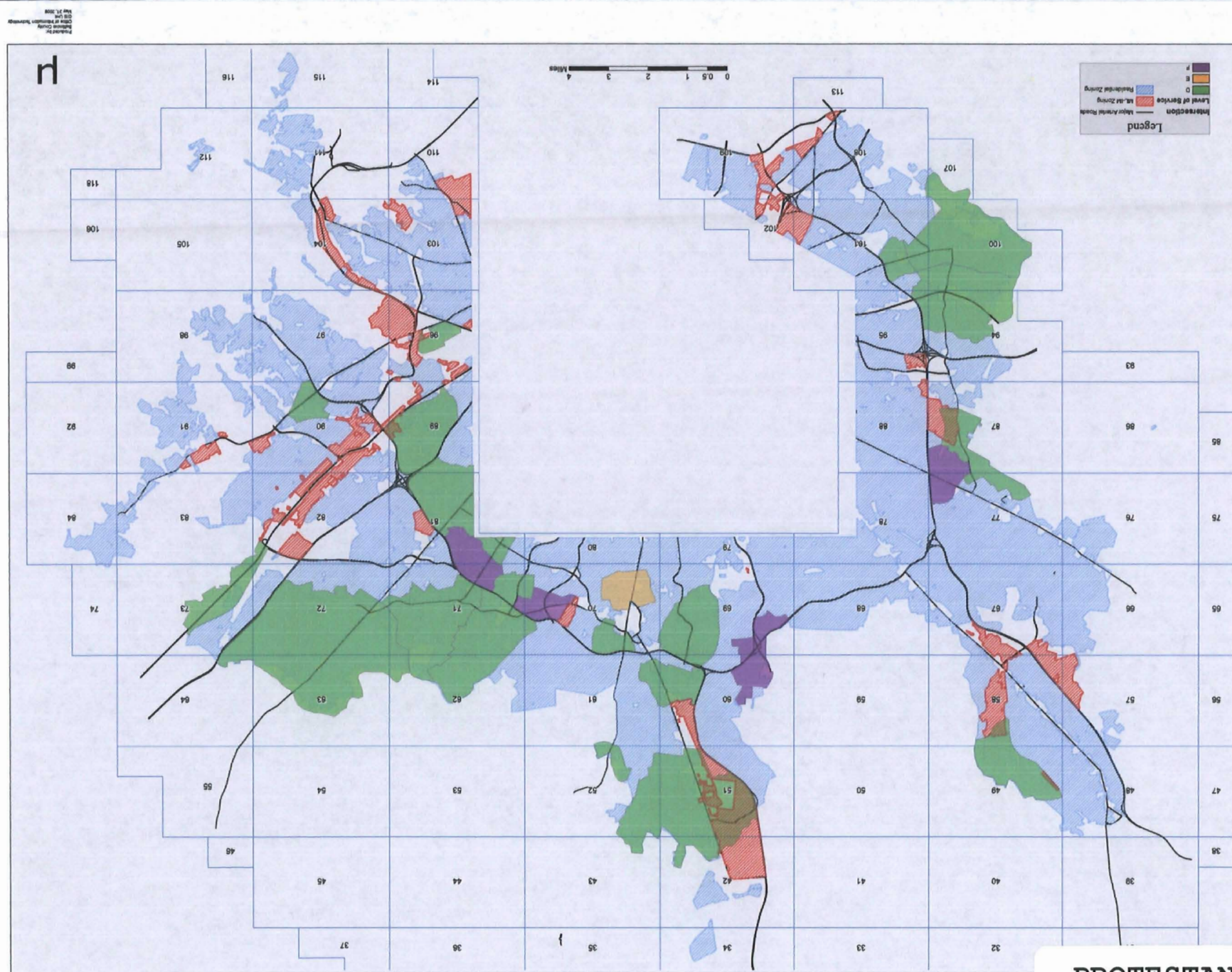
Jack Dillon & Associates, LLC
207 Courtland Ave. Towson, MD 21204
Phone 410-337-5455 Fax 410-337-5476

Report

To: G. Macy Nelson, esq.
From: Jack Dillon
Date: May/June 2006
Re: Case No 06-449X; Windsor Rolling Road Property, LLC
& Wawa Inc.

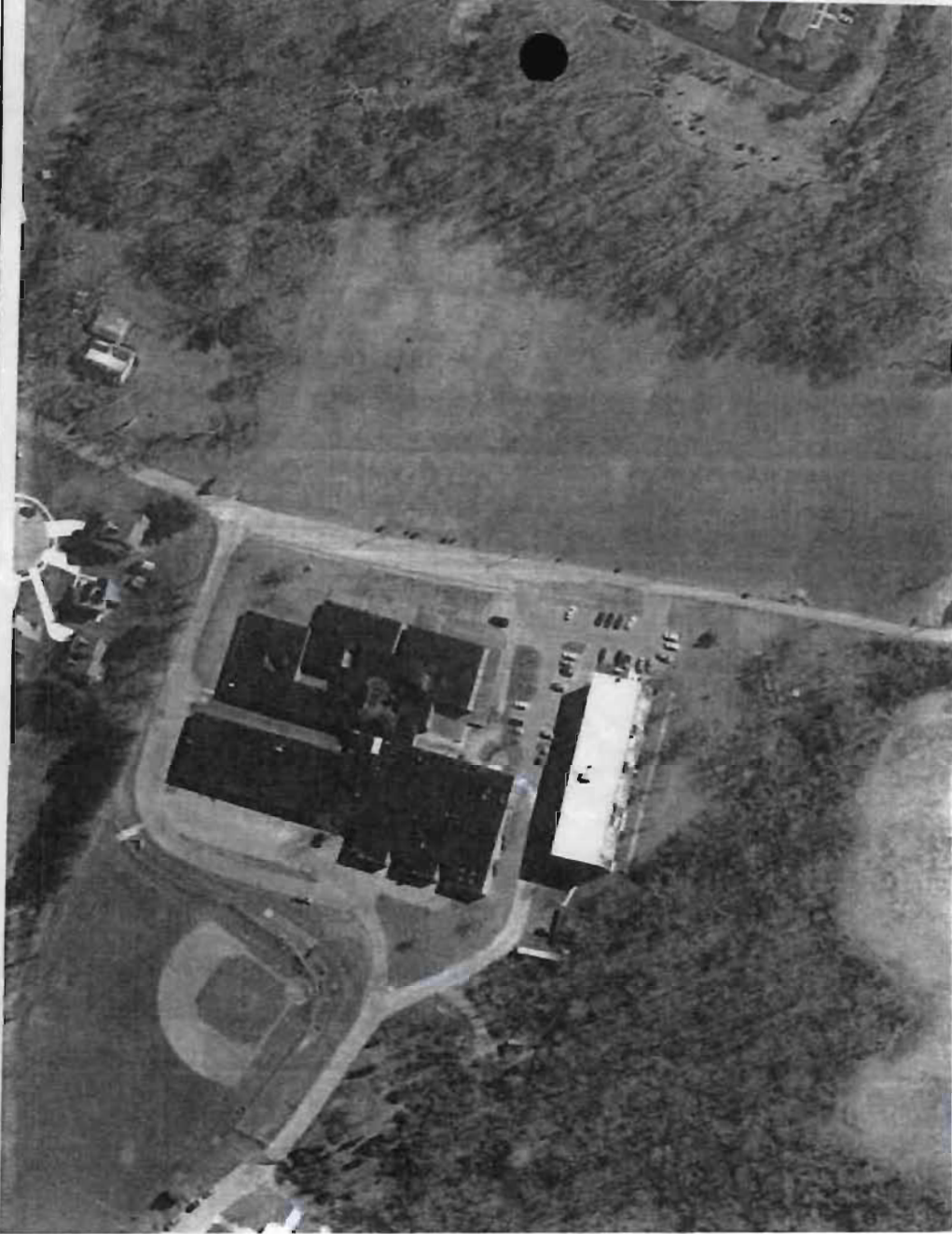
I am preparing this preliminary report on rather quick notice as I was only recently brought into this case and have had only a brief time period to spend on preparing this analysis. Therefore, I reserve the right to continue the analysis beyond what I have prepared thus far.

This is a petition for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Section's 405.2B.1, 405.4E1 and 405.4E.10 of the Baltimore County Zoning Regulations. The proposed site for this facility is located at the south-east corner of Rolling Road and Windsor Blvd. in the Fourth Councilmanic District and is part of the Rutherford Business Center, RBC South



PROTESTANT'S

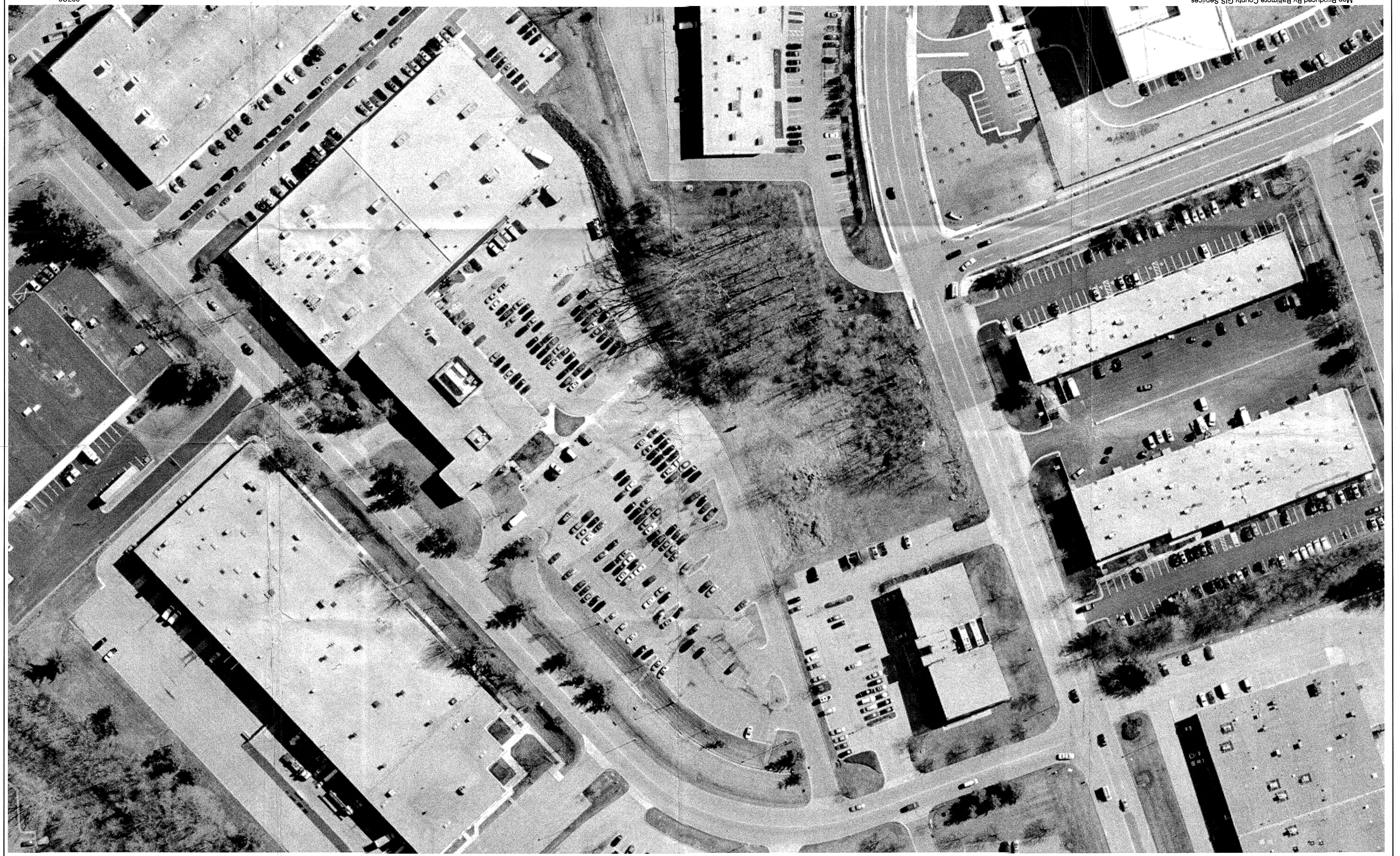
EXHIBIT NO. 13



PROTESTANT' S

EXHIBIT NO. 14

hl#



Re: Petition for Special Exception 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 for the property located at 2845 Rolling Road, which is presently zoned ML-IM.
Petitioner: Windsor Rolling Road Property, LLC (legal owner).

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 06-449X

SUMMARY OF OPINION OF JACK DILLON

Introduction

Protestants engaged Jack Dillon, 207 Courtland Avenue, Towson, Maryland 21204 to review Case No. 06-449X. Case No. 06-449X is a petition for a fuel service station in combination with a convenience store (Wawa) with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Section 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations ("BCZR"). The proposed site for this facility is located at the south-east corner of Rolling Road and Windsor Boulevard in the Fourth Councilmanic District and is part of the Rutherford Business Center (RBC South). RBC South is considered to be a planned industrial park, is zoned ML-IM [Manufacturing Light with an Industrial Major District overlay], and is larger than 25 acres.

The Protestants asked Jack Dillon to address the following five questions:

1. Does § 405.3 require the applicant to prove need?
2. Does the application for Special Exception comply with § 253.2.B?
3. Are there alternate sites within the industrial park where a Wawa could be located that would primarily serve the industrial and related uses in the surrounding industrial area?
4. Does the application for the Special Exception comply with the requirements of *Schultz v. Pritts*?
5. Does the application for the Special Exception comply with the requirements of § 502.1?

Mr. Dillon's opinions with respect to each question are summarized in the five sections below.

1. Does § 405.3 require the Applicant to prove need?

BCZR § 405.3 states:

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the

PROTESTANT'S

EXHIBIT NO.

16

Re: Petition for Special Exception 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 for the property located at 2845 Rolling Road, which is presently zoned ML-IM.
Petitioner: Windsor Rolling Road Property, LLC (legal owner).

BEFORE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 06-449X

SUMMARY OF OPINION OF JACK DILLON

Introduction

Protestants engaged Jack Dillon, 207 Courtland Avenue, Towson, Maryland 21204 to review Case No. 06-449X. Case No. 06-449X is a petition for a fuel service station in combination with a convenience store (Wawa) with a sales area larger than 1,500 square feet and a carryout restaurant, pursuant to Section 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations ("BCZR"). The proposed site for this facility is located at the south-east corner of Rolling Road and Windsor Boulevard in the Fourth Councilmanic District and is part of the Rutherford Business Center (RBC South). RBC South is considered to be a planned industrial park, is zoned ML-IM [Manufacturing Light with an Industrial Major District overlay], and is larger than 25 acres.

The Protestants asked Jack Dillon to address the following five questions:

1. Does § 405.3 require the applicant to prove need?
2. Does the application for Special Exception comply with § 253.2.B?
3. Are there alternate sites within the industrial park where a Wawa could be located that would primarily serve the industrial and related uses in the surrounding industrial area?
4. Does the application for the Special Exception comply with the requirements of *Schultz v. Pritts*?
5. Does the application for the Special Exception comply with the requirements of § 502.1?

Mr. Dillon's opinions with respect to each question are summarized in the five sections below.

1. Does § 405.3 require the Applicant to prove need?

BCZR § 405.3 states:

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the

PROTESTANT'S

EXHIBIT NO. 16

IN THE MATTER OF: * BEFORE THE
WINDSOR ROLLING ROAD PROPERTY * COUNTY BOARD OF APPEALS
Legal Owner; WAWA, INC. - C.P./ * OF
Lessee * BALTIMORE COUNTY
SE/cor Rolling Road and Windsor * Case No. 06-449-X
Boulevard * July 25, 2007
2nd Election District *
4th Councilmanic Distric *

* * * * *

The above-entitled matter came on for hearing
before the County Board of Appeals of Baltimore County at
the Old Courthouse, 400 Washington Avenue, Towson,
Maryland 21204, at 10 o'clock a.m., July 25, 2007.

* * * * *

ORIGINAL

Reported by:

C.E. Peatt

* COUNTY BOARD OF APPEALS

★ OF

* BALTIMORE COUNTY

* Case No. 06-449-X

* August 1, 2007

*

★

* * * * *

* * * * *

C.E. Peatt

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: #06-449-X

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

2nd Election District - 4th Councilmanic District

Legal Owner(s): Windsor Rolling Road Property, LLC,

by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception: to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Wednesday, April 26, 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/101 April 13 91187

CERTIFICATE OF PUBLICATION

4/13/2006

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 4/13/2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

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: **906-440-X**

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

Legal Owner(s): Windsor Rolling Road Property, LLC, by Edward St John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception: to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Tuesday, May 30, 2006 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM WISEMAN

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/873 May 16

95274

CERTIFICATE OF PUBLICATION

5/18/, 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 5/16/, 2006.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 4954

DATE 3/15/01 ACCOUNT K001-006-613

AMOUNT \$ 380.00

RECEIVED FROM: Vanable, 47, and Hana. LLP

FOR: Spec. Exemption

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 449

PAID RECEIPT

BUSINESS - DATE - TIME - FROM
1 - 100000 - 100000 - 100000
ALL MOUNT - 100000 - 100000
RECEIVED - 100000 - 100000
Dept - 100000 - 100000
Ch - 100000
Receipt - 100000
100000 - 100000
100000 - 100000

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-449-X

Petitioner/Developer: WAWA, INC

JOSEPH LOSAK VP

Date of Hearing/Closing: APRIL 26, 2006

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

ATTN: Kristea 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: _____

2845 ROLLING RD

The sign(s) were posted on 4-11-06
(Month, Day, Year)

Sincerely,

Robert Black 4-12-06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

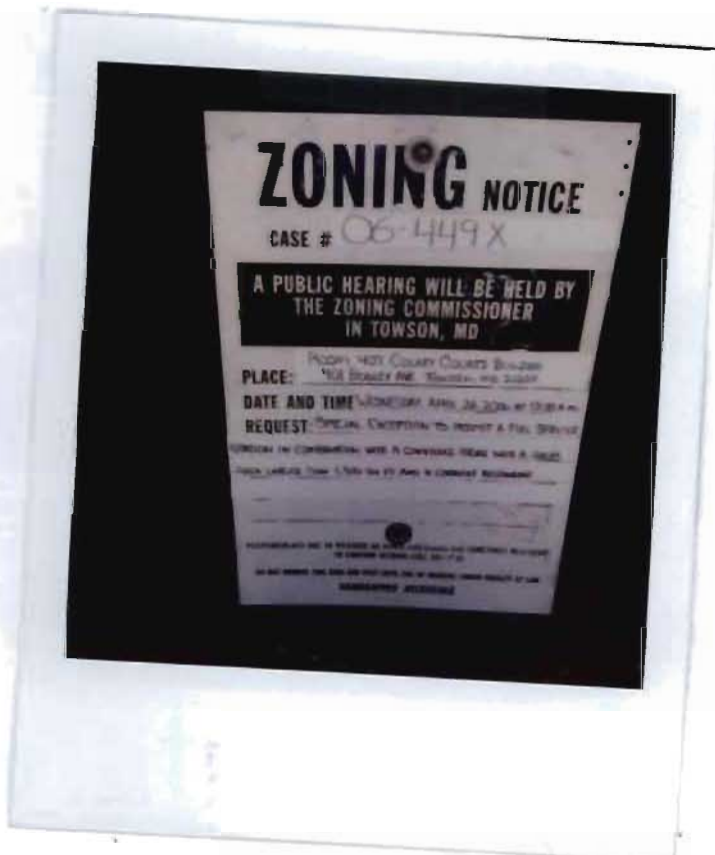
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 06-449-X
Petitioner: Windsor Rolling Road Property, LLC
Address or Location: 2845 Rolling Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Donte
Address: Venable, LLP
210 Allegheny Ave.
Towson, Maryland 21204
Telephone Number: (410) 494-6244

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 13, 2006 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

NOTICE OF ZONING HEARING

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

CASE NUMBER: 06-449-X

2845 Rolling Road

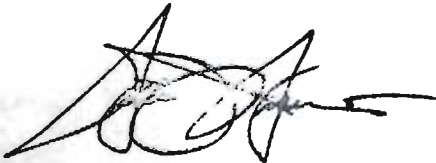
Southeast corner of Rolling Road and Windsor Boulevard

Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Wednesday, April 26, 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 ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**Department of Permits and
Development Management**

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



Baltimore County

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

March 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: 06-449-X

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Wednesday, April 26, 2006 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy M. Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244
Joseph Losak, 260 West Baltimore Pike, Wawa, PA 91063

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, APRIL 13, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

April 24, 2006

NEW 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: 06-449-X

2845 Rolling Road

Southeast corner of Rolling Road and Windsor Boulevard

Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John

Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Special Exception to permit a fuel service station in combination with a convenience store with a sales area larger than 1,500 sq. ft. and a carryout restaurant.

Hearing: Tuesday, May 30, 2006 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, Venable, 210 Allegheny Avenue, Towson 21204
Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244
Joseph Losak, 260 West Baltimore Pike, Wawa, PA 91063

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY **MONDAY, MAY 15, 2006**.
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 2, 2006

Arnold Jablon, Esquire
Venable, Baetjer & Howard, LLP
210 Allegheny Avenue
Towson, Maryland 21204

G. Macy Nelson
401 Washington Avenue
Suite 803
Towson, Maryland 21204

Nicholas Johnson
V.P., Claybrooke Community Association
2751 Claybrooke Drive
Baltimore, Maryland 21244

RE: **PETITION FOR SPECIAL EXCEPTION**
Southeast corner of Rolling Road & Windsor Boulevard
(2845 Rolling Road)
Windsor Rolling Road Property, LLC, by Edward St. John – Petitioners;
Wawa, Inc., by Joseph Losak, V.P. – Contract Purchaser
Case No. 06-449-X

Dear Messrs. Jablon, Nelson and Johnson:

This letter is to confirm that the above-captioned matter, which was scheduled for a public hearing on Tuesday, May 30, 2006, was opened and continued. Please be advised that the hearing has been rescheduled for **Thursday, June 22, 2006 at 2:00 P.M., in the Permits & Development Management Hearing Room 116** (which is the small room usually used by Rick Wisnom in zoning enforcement matters) of the County Office Building, 111 W. Chesapeake Avenue, in Towson. It will not be necessary to re-advertise or re-post the property.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III".
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: People's Counsel; Kristen Matthews, PDM; Case File

BW
5/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 26, 2006

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

RECEIVED

MAY 26 2006

SUBJECT: 2845 Rolling Road

INFORMATION:

Item Number: 6-449

Petitioner: Windsor Rolling Road Property LLC

Zoning: ML-IM

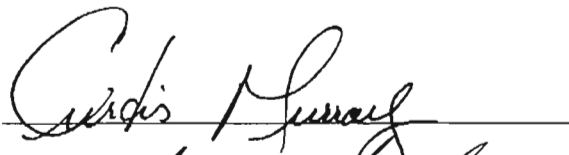
Requested Action: Special Exception

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

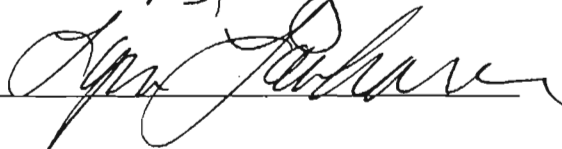
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



APPEAL

Petition for Special Exception
2845 Rolling Road
S/east corner of Rolling Road and Windsor Boulevard
2nd Election District – 4th Councilmanic District
Legal Owners: Windsor Rolling Road Property
Contract Purchaser: Wawa, Inc.

Case No.: 06-449-X

Petition for Special Exception (March 15, 2006)

Zoning Description of Property

Notice of Zoning Hearing (April 24, 2006)

Certification of Publication (The Jeffersonian – May 16, 2006)

Certificate of Posting (May 15, 2006) by SSG Robert Black

Entry of Appearance by People's Counsel (March 27, 2006)

Petitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

Citizen(s) Sign-In Sheet – One Sheet

Zoning Advisory Committee Comments

Petitioners' Exhibit

1. Site Plan
2. Colorized Copy of Exhibit 1C
3. Zoning Map
4. Aerial Photograph
5. Photographs (A thru E)
6. Kenneth Schmid's Resume
7. Joseph Cronyn's Resume
8. Demand Analysis
9. Letter dated May 26, 2006 from Dept. of Economic Development
10. Photographs (A thru O)

Protestants' Exhibits:

1. Photograph (Windsor Getty)
2. Map
3. Dept of Assessments & Taxation Property Search
4. Classification Codes
5. Traffic Counts
6. Peak Hour Turning Movement Count
7. Critical Lane Analysis
8. Traffic Counts
9. Critical Lane Analysis
10. Peak Hour Turning Movement Count
11. Trip Generation Calculation
12. Jack Dillon's Report (May/June 2006)
13. GIS Map
14. Aerial Photograph
15. Blow up Aerial Photograph listed above
16. Summary of Opinion of Jack Dillon

Miscellaneous (Not Marked as Exhibit)

1. Board of Appeals Opinion (CBA-04-136 & 04-337-SPHXA)
2. Memorandum Opinion & Order (03-C-05-007730)
3. Letter dated June 6, 2006 from G. Macy Nelson
4. Miscellaneous Correspondence

Zoning Commissioner's Order (GRANTED w/Rest. – July 20, 2006)

Notice of Appeal received on August 18, 2006 from Michael Tanczyn

C: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Gerard Wit
Nicholas Brader
Kenneth Schmid
Joseph Cronyn
Sajid Chaudhry & Itikhar Ahmad
G. Macy Nelson
Jack Dillon
Nickolas Johnson
Mr. & Mrs. Thomas Whitten
Arshad Ransha
Abdul Rauf
Khalid Azam
Tom Pilon

Date sent October 16, 2006, klm

G. MACY NELSON
ATTORNEY AT LAW

TELEPHONE
(410) 296-8166

SUITE 803
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

FACSIMILE
(410) 825-0670

April 12, 2006

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

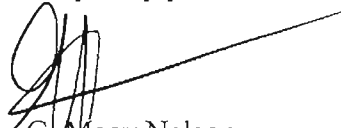
RE: *Case No. 06-449-X*
2845 Rolling Road (Southeast corner of Rolling Road and Windsor Boulevard)
Legal Owners: Windsor Rolling Road Property, LLC, by Edward St. John
Contract Purchaser: Wawa, Inc., by Joseph Losak, V.P.

Dear Mr. Kotroco:

I am writing to enter my appearance on behalf of Sajid Chaudhry, Khalid Azam and Iftikhar Ahmad. A review of the file indicates that a hearing is scheduled for April 26, 2006 at 10:00 a.m. in Room 407. I am writing to request a change in that date because I have a professional conflict with a commitment in the case of *Crampton vs. Griffith Oil*. I will also try to telephone Arnold Jablon to discuss the scheduling issue with him.

Thank you for your anticipated cooperation in this regard.

Very truly yours,


G. Macy Nelson

GMN:ro
cc: Arnold Jablon, Esquire

*Kriston:
OK to postpone. Call
Macy Nelson to see if
he has worked out a
new date w/ Mr.
Jablon.
T-*

*To: Kriston
4/13/06
m*



210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517

Telephone 410-494-6200
Facsimile 410-821-0147

www.venable.com

(410) 494-6244

aldontell@venable.com

June 5, 2006

Via Hand-Delivery

W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building - Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No.: 06-449-X
Location: 2845 Rolling Road

Dear Mr. Richards:

I would like to obtain a copy of the Zoning hearing cassette tape(s) for the above-referenced hearing which was held on Tuesday, May 30, 2006, in Room 407 of the County Courts Building. Please contact me when the tape(s) are ready, and I will bring a check to cover the reproduction cost.

Thank you for your assistance with this matter.

Very truly yours,

Amy L. Dontell
Paralegal

ALD
TO1DOCS1/#230179v1

MARYLAND VIRGINIA WASHINGTON, DC

o Per Patti Zook, Dave to p/u today.

BW
6/22
To: DD
6/7/06
www.venable.com

3048
RECEIVED

JUN 16 2006

ZONING COMMISSIONER

06-449-XI

LAW OFFICES
MICHAEL P. TANCZYN, P.A.

Suite 106 • 606 Baltimore Avenue
Towson, Maryland 21204

Phone: (410) 296-8823 • (410) 296-8824 • Fax: (410) 296-8827

August 18, 2006

Rec'd
8/13/06
JLR

VIA HAND DELIVERY

The Honorable Timothy Kotroco, Esquire
Room 109
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception
S/E Corner of Rolling Road & Windsor Blvd.
(2845 Rolling Road)
2nd Election District - 4th Council District
Windsor Rolling Road Property LLC, by Edward St. John - Legal Owner;
Wawa, Inc., by Joseph Losak, V.P., Contract Purchaser

Dear Mr. Kotroco:

Please note an appeal from the Decision and Order dated July 20, 2006 of the Zoning Commissioner in the above-referenced matter, on behalf of my clients named hereinafter, to the Board of Appeals of Baltimore County.

My clients are Thomas Whitten and Martha Whitten, 30 Rollwin Road, Baltimore, Maryland 21244, Sajid Chaudhry, 2701 Rolling Road, Baltimore, Maryland 21244, and Iftikar Ahmad, 2701 Rolling Road, Baltimore, Maryland 21244. I believe Mr. and Mrs. Thomas Whitten have special needs because she is deaf and he is hard of hearing. Because of that, I wish to request that their special needs be accommodated by the presence of a qualified person in American Sign Language, not only for their testimony but so they can understand the rest of the proceedings before the Board of Appeals. Please advise how this need can be met.

Enclosed you will find our check for costs. Please advise us of all hearing dates and contact us when necessary for scheduling the hearing on this appeal.

Thank you for your assistance in this regard.

Very truly yours,


Michael P. Tanczyn, Esquire

Page Two

The Honorable Timothy Ketroco, Esquire
August 18, 2006

MPT/cbl

Encl.

cc: Mr. and Mrs. Thomas Whitten
Mr. Sajid Chaudhry
Mr. Ifikar Ahmad
People's Counsel
Arnold Jablon, Esquire
Robert A. Hoffman, Esquire
Macy Nelson, Esquire

IMPORTANT MESSAGE

FOR Bill

DATE _____ TIME 11:54 A.M.
P.M.

M Armed & Dangerous

OF _____

PHONE _____

AREA CODE

NUMBER

EXTENSION

☐ FAX

☐ MOBILE _____

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE Bill - He would

like to set 06-449-X

in for June 22nd - however,

both Rm. 407 + 106 are not

avail. @ 2pm. He wants me

to get Rick Wisnom's Rm.

SIGNED Jebbie OR Conf. Rm.



I wanted to see how you
feel about this first
before doing so. He
claims there's a
receiving machine, etc.

Please advise
as to how you'd like
me to proceed.

Deb.

Case No.:

06-449 X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN - 4 Pages 1A thru 1D	AT Photo - WINDSOR/GETTY Windsor ^{MILL} & Crescent WITHIN 1/2 mile
No. 2	COLORIZED COPY OF EXHIBIT OF 1C	MAP - WINDSOR MILL & CRESCENT 1/2 MILE RADIUS FROM SITE
No. 3	Collectively SA thru SE ZONING MAP - 5-11-06 GIS MAP (PRINT DATE)	MD. DEPT. ASSESSMENT & TAXATION 7234 Windsor Mill Rd
No. 4	AERIAL PHOTOGRAPH	CLASSIFICATION CODES #20 = SERVICE STATION
No. 5	Collectively SA thru SE WINDSOR AUTO 5/30/06 - TAKEN	TRAFFIC COUNTS 6/05 - County - Double Cycle Critical Lane Methodology 4/06 - Schmede Count
No. 6	SCHMID - Traffic Concepts RESUME	Traffic Counts - Schmid's Count Critical Lane Volume = "C" LEVEL SERVICE
No. 7	JOSEPH M. CRONYN CONSULTANT - RESUME	Traffic Count - Traffic Concepts Critical Lane Count
No. 8	MR. CRONYN'S ANALYSIS OF PROPOSED WAWA	County Traffic Count Windsor
No. 9	DEPT. OF Economic & Dev. Management Letter	Critical Lane Analysis Windsor
No. 10	Collectively A thru O Photographs taken 5/24/06 of SITE	Count Sheet from Windsor Blvd
No. 11		Trip Generator Grid from Manual - for typical uses.
No. 12		JACK DILLONS REPORT

#11
IDENTIFICATION
ONLY

Case No.: _____

Exhibit Sheet - Continued

Petitioner/Developer

Protestant

No. 13		GIS MAP MLTM ZONES NOTED IN RED
No. 14		Aerial Photograph → GIS-MAP- ORTO
No. 15		BLOW-UP of Exhibit 14 - GISMAP.
No. 16		Summary of DILLONS OPINION
No. 17		
No. 18		
No. 19		
No. 20		
No. 21		
No. 22		
No. 23		
No. 24		

11. The site is not within the Chesapeake Bay Critical
12. Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
13. Previous commercial permits: grading permit: B605790 (currently active)
14. Hearings: DRC Request 041105C approved a CRG Refinement

SITE DATA

Site Area	425,799 S.F. - 9.775 Ac. (EXISTING LOT B-2)
Area of Special Exception	80,630 S.F. - 1.851 Ac. (AND PROPOSED LOT B-10)
Existing Zoning	ML-1M
Councilmanic District	4th
Existing Use	Vacant
Proposed Use	Convenience Store w/Fuel Pumps & Carry Out Food
Deed Reference	22716/270
Plat Reference	71/08 - LOT B-2
Tax Account Numbers	02-2300004226
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. + 80,630 = 0.074 (3.0 permitted)
Proposed Building Height	31'

AREA REQUIRED FOR COMBINATION USE

12 Servicing Spaces x 1500 S.F.	18,000 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	40,816 S.F.
Area of Special Exception	80,630 S.F.

PARKING SPACES

Retail/Carry Out Food:	
5940 S.F. @ 5/1000	30
maximum employee shift	10
air	1
ATM	1
Total Required	42
Total Provided	52

PARKING SPACE DIMENSIONS:

Typical Space	10' x 18'
Handicap Space	13' x 18'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:

1 Per pump island side required	12
Provided	12

PETITIONER'S

STACKING SPACES:

1 Per pump island side	12
Provided	12

EXHIBIT NO. / A thru D

Plan to Accompany A Petition for a
Special Exception

WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 50'

Election District 2
March 13, 2006
Sheet 1 of 4

PRF EXH (a)

PRF EXH

Landscape Calculations

Interior Roadway: 1 PU/20 Lf. @ 395 Lf. = 20 PU's

Adjacent Roadway: 1 PU/40 Lf. @ 560 Lf. = 14 PU's

Parking Spaces:

1 PU/12 Spaces @ 52 spaces = 4 PU's

Automotive Use Adjacent to Public Road: (Class 'B')

1 PU/15 Lf. @ 476 Lf. = 32 PU's

Automotive Use Adjacent to Commercial Use:

1 PU/10 Lf. @ 536 Lf. = 54 PU's

Total PU's Required: 124 PU's

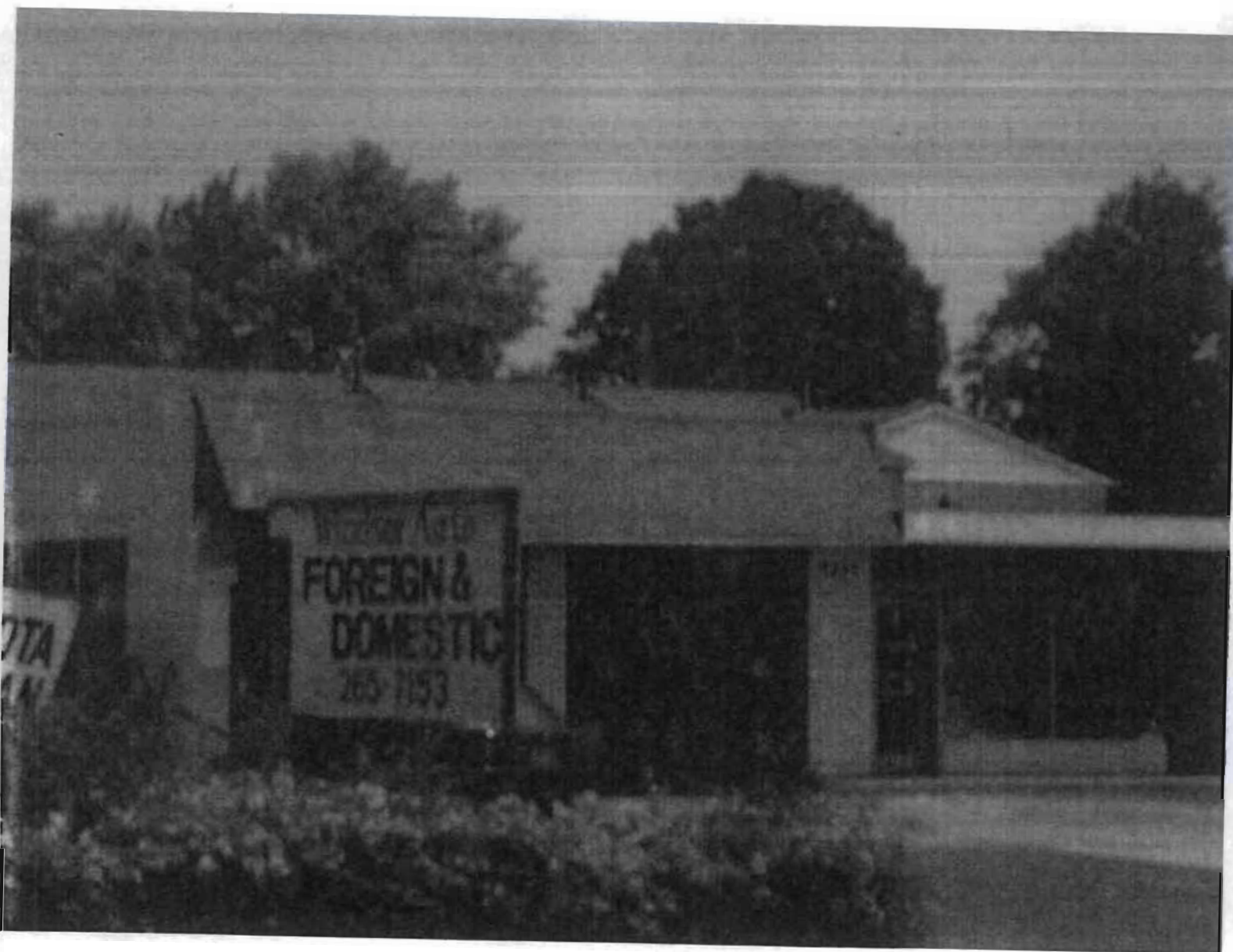
SCHEMATIC LANDSCAPE PLAN WAWA STORE

#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 3 of 4

PIET EXH 2



PETITIONER'S

EXHIBIT NO. 5(a)

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

EXPERIENCE

January 1993 – Present

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

Owner, Vice-President

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

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

December 1989 – January 1993

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

Chief – Traffic Engineering Division

PRET EXH 6

Qualifications of Consultant
JOSEPH M. CRONYN

Cronyn has more than three decades of professional experience in real estate research, sales and marketing, development, public policy, financing and appraisal. His experience includes market and financial feasibility analyses of major real estate projects; land acquisition and marketing for commercial and residential development; planning for mixed use development, including historic preservation concerns; tax-motivated and conventional financing for single family and multifamily residential projects; and advising public, nonprofit and private clients concerning economic and community development strategies.

PROFESSIONAL EXPERIENCE

Lipman Frizzell & Mitchell, LLC, Columbia, MD (2003 - present), *Partner*
(1997 - 2003), *Senior Associate*
Legg Mason Realty Group, Inc., Baltimore, MD (1989-1997), *Vice President*
Financial Associates of Maryland, Baltimore, MD (1987-1989), *Vice President*
Baltimore Federal Financial, F.S.A., Baltimore, MD (1982-1987), *Sr. Vice President*
Neighborhood Reinvestment Corporation, Washington, DC (1978-1982), *Asst. Director*
Baltimore Federal Savings & Loan, Baltimore, MD (1976-1978), *Mortgage Underwriter*

EDUCATION

Master of Business Administration, Loyola College, Executive Program, 1986
Bachelor's Degree, English & Philosophy, Boston College, 1969

AFFILIATIONS

Neighborhood Housing Services of Baltimore, Chairman of the Board emeritus
Citizens Planning and Housing Association, Member
National Trust for Historic Preservation, Member
Maryland Economic Development Association (MEDA), Member
Lambda Alpha International Land Economics Society, Baltimore Chapter, Director
Maryland Affordable Housing Coalition, Member

PROFESSIONAL LICENSES

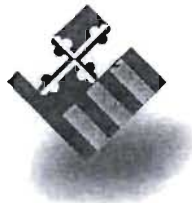
State of Maryland Real Estate Agent's License

QUALIFIED AS EXPERT WITNESS

Before Maryland public administrative bodies, zoning hearing examiners and/or boards of appeals: Anne Arundel County, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Prince George's County

PET EXH 8

PET EXH 9



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
*Executive Director
Department of Economic Development*

May 26, 2006

Mr. David H. Karceski
Venable LLP
210 Allegheny Avenue
Towson, MD 21204

Dear Mr. Karceski:

As Director of the Baltimore County Department of Economic Development, I understand that St. John Properties filed a Petition for Special Exception in the above-referenced case for a fuel service station in combination with a convenience store and carry-out restaurant to be located at 2845 Rolling Road.

The Department supports the construction of a fuel service station as an appropriate use at this location. The site is zoned ML-IM. Pursuant to the ML-IM zoning regulations, a fuel service station is permitted and, therefore, "appropriate" in the ML-IM zone if it "will primarily serve the industrial uses and related activities in the surrounding industrial area."

The Department notes that the site is located within one of the County's major employment centers, which is industrially zoned in its entirety. This overall industrial area includes in excess of 6,000 employees. Companies and federal institutions within this employment center include BGE, FBI, Social Security Administration, Siemens Building Technologies, and other important employers. In addition, the intersection of Windsor Boulevard and Dogwood Road is located at one of the primary vehicular entrances to the employment center.

The Department of Economic Development believes that the proposed use will provide retail services that enhance the business environment within this employment center. At this location, it is this Department's position that the use will primarily serve the uses within the overall industrial zone in which it would be located.

In conclusion, the Department of Economic Development supports your position in the above referenced case.

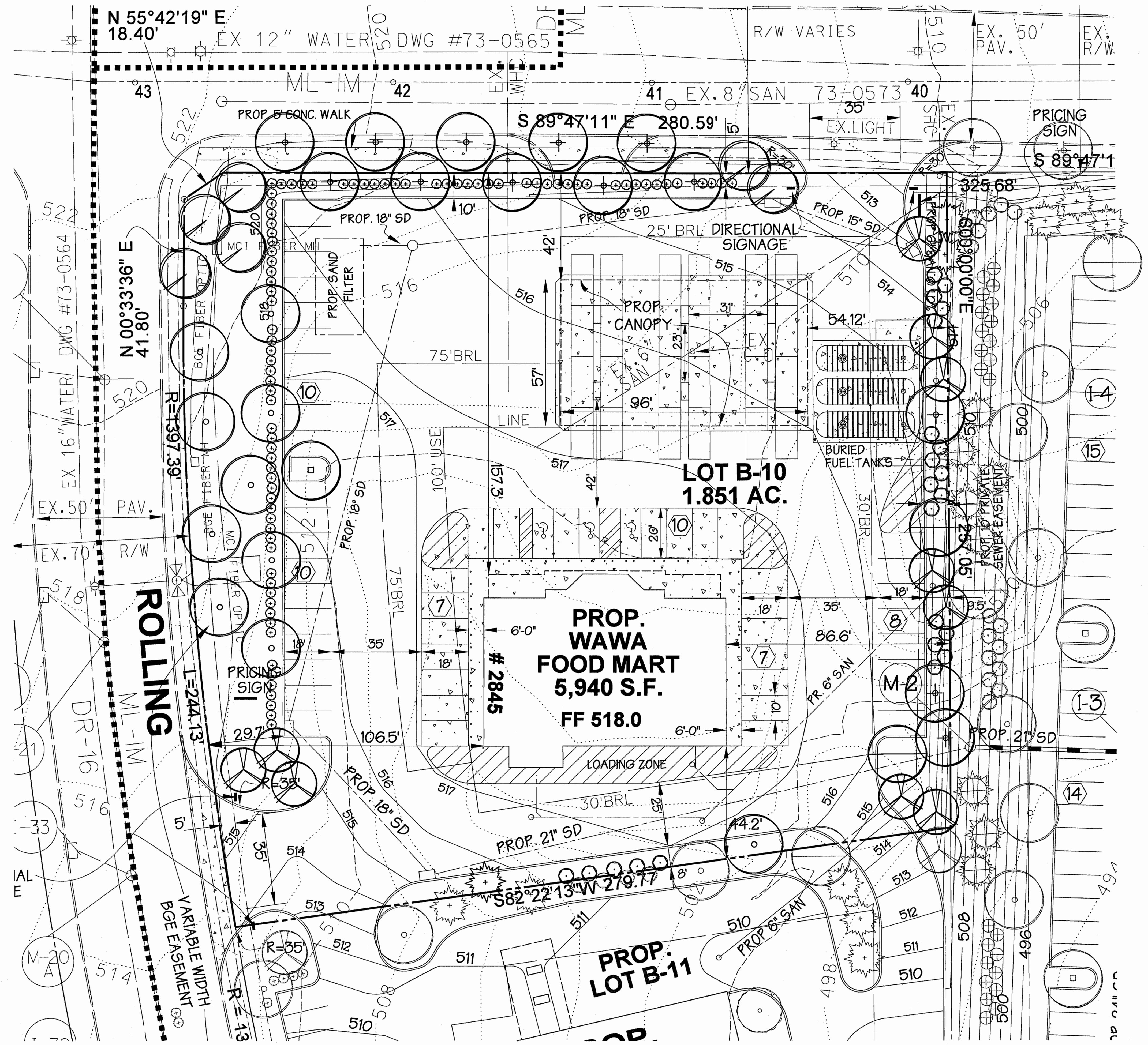
Sincerely,

David S. Iannucci
Director

Petitioners 9



DET EXH 10 a



KEY

	MAJOR DECIDUOUS TREES
	ORNAMENTAL TREES
	EVERGREEN TREES
	SHRUBS
	PLANTING BY OTHERS

Landscape Calculations

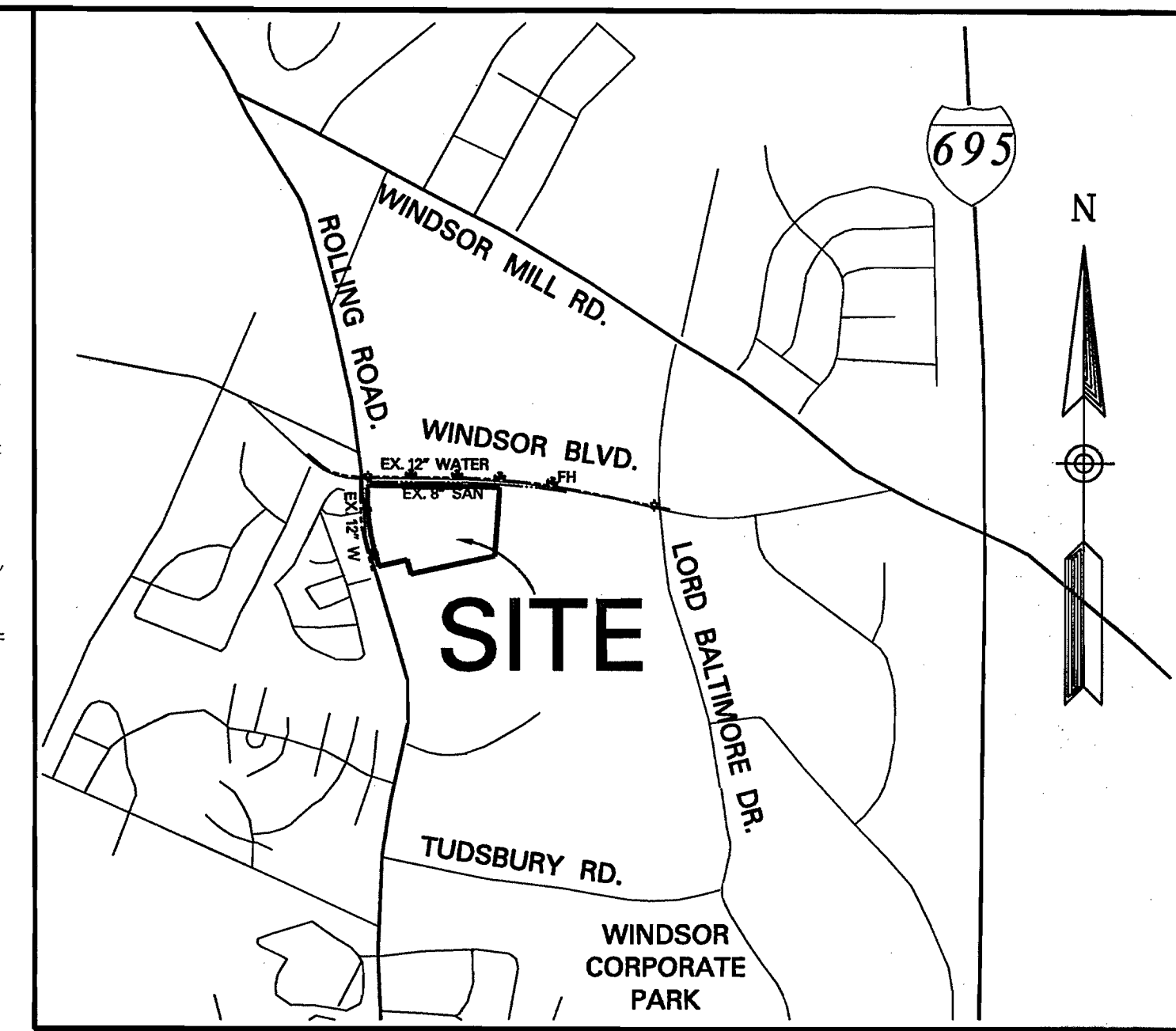
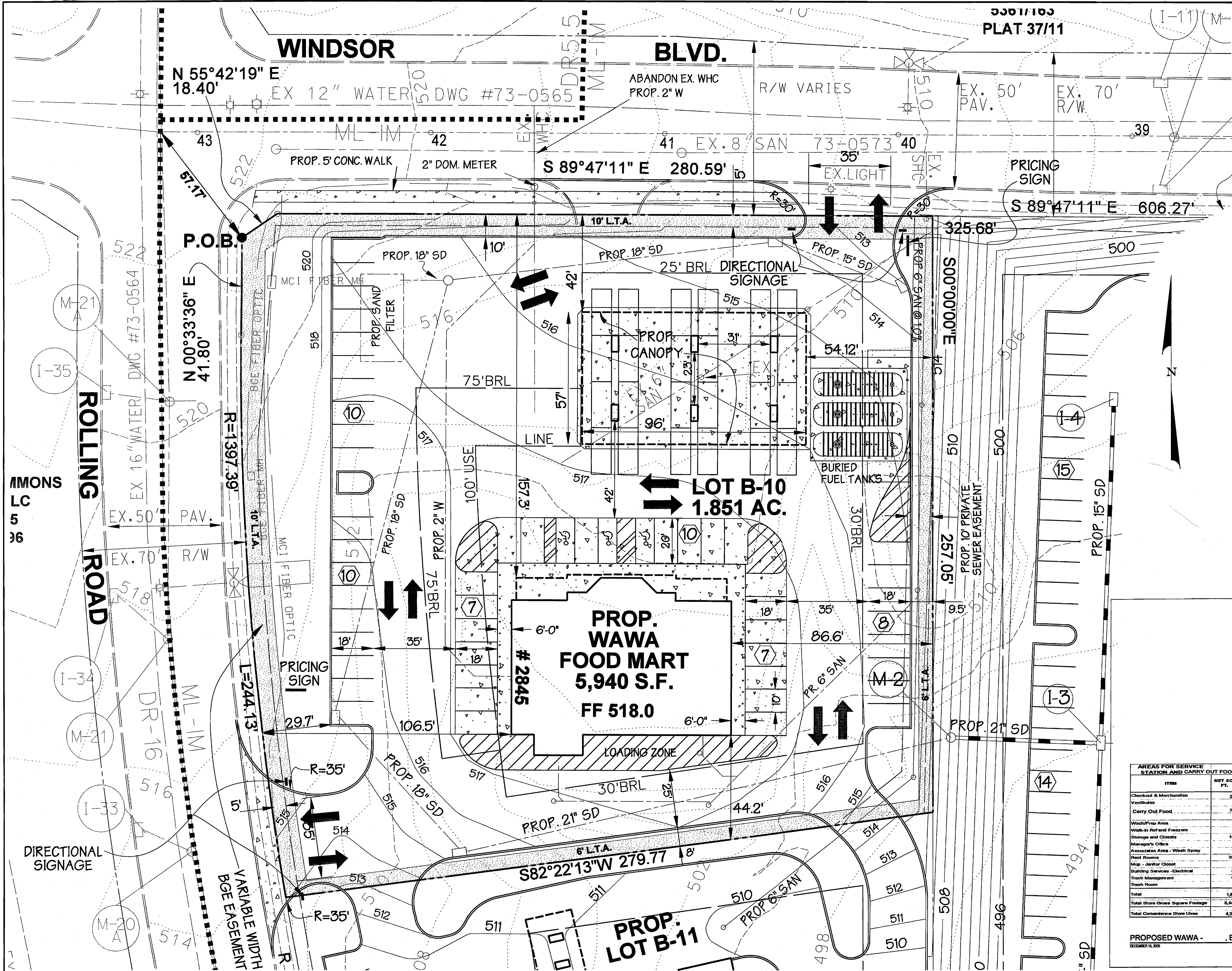
Interior Roadway: 1 PU/20 Lf. @ 395 Lf. =	20 PUs
Adjacent Roadway: 1 PU/40 Lf. @ 560 Lf. =	14 PUs
Parking Spaces:	
1 PU/12 Spaces @ 52 spaces =	4 PUs
Automotive Use Adjacent to Public Road: (Class 'B')	
1 PU/15 Lf. @ 476 Lf. =	32 PUs
Automotive Use Adjacent to Commercial Use:	
1 PU/10 Lf. @ 536 Lf. =	54 PUs
Total PUs Required:	124 PUs

Matis Warfield
consulting engineers
10540 York Road, Suite 100
Hunt Valley, Maryland 21756
Phone 410-688-7004
Facsimile 410-688-1798
www.matiswarfield.com

HUMAN & ROHDE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21286
410 825 3885

SCHEMATIC LANDSCAPE PLAN
WAWA STORE
#2845 Rolling Road
Baltimore, MD

Tax Map 8 7
Parcel 739
Scale: 1" = 20'
Election District 2
March 13, 2006
Sheet 3 of 4



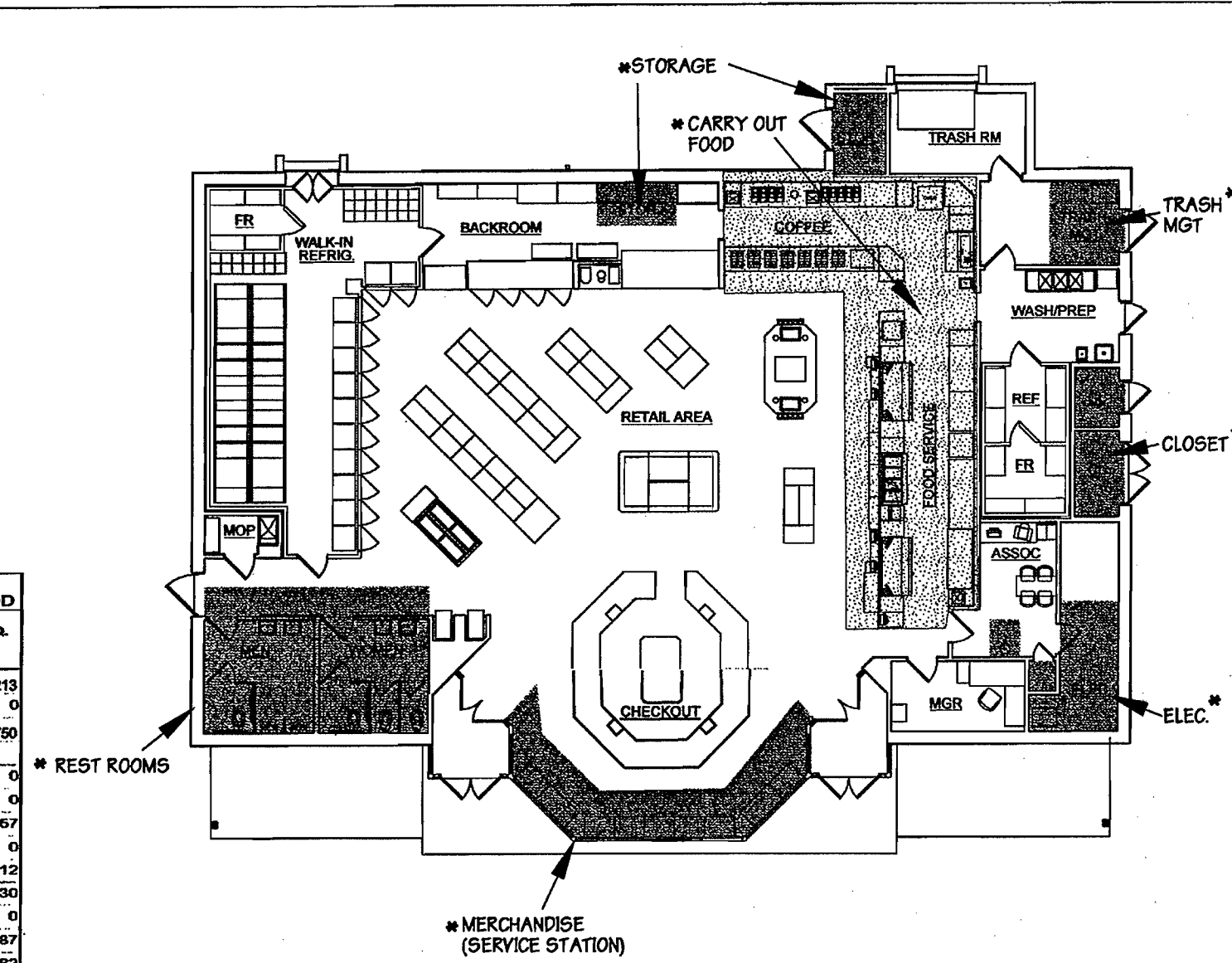
VICINITY MAP
SCALE: 1" = 1000'

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
- LANDSCAPE TRANSITION AREA

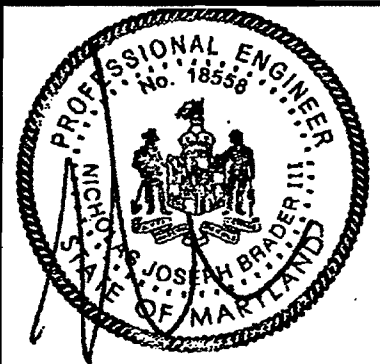
AREAS FOR SERVICE STATION AND CARRY OUT FOOD	
ITEM	NET SQ. FT.
Checkout & Merchandise	218
Vestibules	0
Carry Out Food	789
Wash/Prep Area	0
Walk-in Ref and Freezers	0
Storage and Closets	167
Manager's Office	0
Associates Area - Wash Spray	12
Rest Rooms	330
Map - Janitor Closet	0
Building Services - Electrical	57
Trash Management	62
Trash Room	0
Total	1,611
Total Store Gross Square Footage	5,940
Total Convenience Store Uses	4,328

PROPOSED WAWA - , BALTIMORE COUNTY, MD
DECEMBER 15, 2005



* SERVICE STATION/CARRY OUT FOOD AREAS

Matis Warfield
consulting engineers
10540 York Road, Suite 100
Hunt Valley, Maryland 21106
Phone 410-683-1100
Facsimile 410-683-1100
www.matiswarfield.com



OWNER / APPLICANT
Windsor Rolling Road Property, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

PETITION FOR SPECIAL EXCEPTION

1. Special Exception Request is 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 pursuant to Sections 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations.

Plan to Accompany A Petition for a Special Exception

WAWA STORE
#2845 Rolling Road
Baltimore, MD

Tax Map 87
Parcel 739
Scale: 1" = 20'

Election District 2
March 13, 2006
Sheet 2 of 4

