

DONALD I. MOHLER III County Executive

September 25, 2018

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

brr 600 Chestnut Street Suite 630 Philadelphia, Pennsylvania Attention: Colby Vickers

Re:

Spirit and Intent Letter Wal-Mart (RM), Store 2577 1 Frankel Way Cockeysville, Maryland 21030 Case #2007-0578-A Tax ID. Number: 2400006874 8th Election District

To Whom It May Concern:

Your Spirit and Intent letter sent to Arnold Jablon., Director of Permits, Administration and Inspections has been referred to me for reply. Based upon the information provided therein, and our research of the zoning records, the following has been determined:

- 1. The proposed wall sign changes outlined in your letter result in a decrease in total sign area from 468.45sf to 402.9sf and maintain the same number of signs 9, therefore your request does meet the spirit and intent of the Zoning Order Case no. 2007-0578-A.
- 2. Your letter, the accompanied photos, site plan and a copy of this response will be made a permanent part of the above listed case file for future reference.
- 3. Additionally, please be advised that any future changes to the size or amount of signs will require new variances with new exhibits.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact the Office of Zoning Review at 410-887-3391.

Very truly yours

Leonard Wasilewski

Planner II Zoning Review

c.c. File/18-349

Case File: 2007-0578-A



#18-349

#### **Spirit and Intent Letter**

September 10th, 2018

Leonard Wasilewski 111 W Chesapeake Ave #105 Towson, MD 21204

Re: Walmart - Cockeysville, MD - Store 2577

Dear Mr. Wasilewski,

In reference to the above-mentioned location, it is our proposal to update the existing signage. Walmart is currently undergoing a nationwide re-branding campaign as part of it's mission to make shopping a more convenient and enjoyable process for customers. Even with our proposed changes, it is our intent to keep within the spirit and intent of the original signage variance for this property (Zoning Order Case no. 2007-0578-A).

Previously, in 2012, a proposed reduction of total signs from 10 to 9 and a reduction in total sign area from 450.32 square feet to 431.32 square feet was approved. As a part of the upcoming remodel project, we are proposing to keep the total number of signs the same, but we will be reducing the total sign area from 431.32 square feet to 402.90 square feet. We will be removing all existing wall mounted signage and replacing with new, albeit nearly identical, signs. Please find Exhibits 1 - 5 following this letter that show, in greater detail, current vs. proposed signage along with their respective locations on the building.

We hope you will agree that the changes we are proposing, which reduce the overall square footage by 28.42 square feet, keeps with the spirit and intent of the previous variance approval. We respectively request, on behalf of our client, your approval. Please feel free to contact me with any questions or concerns you may have and if any further clarification is needed. I look forward to hearing from you soon and we appreciate your time and consideration.

Sincerely

Colby Vickers 215-606-3722

colby.vickers@brrarch.com

12-109

#### **EXHIBIT 1**

	EXISTI	NG SIG	SNAG	E SC	HEDU	LE						NEV	V SIGN	AGE	SCHE	DULE				
SIGNAGE	QTY	LIGHTED	COLO	OR I	SIZE	AREA		TOTAL A	REA		SIGNAGE	QTY	LIGHTED	COL	OR	SIZE	AREA	(SF)	TOTAL A	REA
FRONT SIGNAGE				LENGI	H						FRONT SIGNAGE				LENGTH					
Walmart	1	LED	WHITE	28.43	\$55.5	157.44	SF	157.44	SF	Bks-for-Bks	Walmart	1	LED		28.69	80°5.5	157.44	SF	157.44	SF
Spark	1	LED	YELLOW	7.13	8.0'	57.00	ŞF	57.00	SF	replacement	Spark	1	LED	YELLOW	7.13	€ 5.0°	57.00	SF	57.00	SF
< Pharmacy Drive-Thru	1	NO	WHITE	100	31 40 15	42.11	SF	42.11	SF	replaced by	Spark Pickup	1	NO		11.75	1205 2.8°	41.86	SF	41.86	SF
Market	1	NO	WHITE	8.42	25° 25'	17.97	SF	17.97	SF	replaced by	Grocery	1	NO	WHITE	1.70	2.0	26.27	SF	26.27	SF
Home & Pharmacy	1	NO	WHITE	22.41	20 20	61.85	SF	61.85	SF	replaced by	Home & Pharmacy	1	NO	WHITE	72.43	150" 2.5		SF	60.74	SF
Outdoor Living	1	NO		19-13	200 2.0	49.47	SF	49.47	SF	replaced by	Lawn & Garden	1	NO	WHITE	18.13	20° Z.D	37.34	SF	37.34	SF
TOTAL FRONT SIGNAGE	110							385.84	SF		TOTAL FRONT SIGNAGE								380.65	SF
PHARMACY DRIVE-THRU	SIGNAGE										PHARMACY DRIVE-THRU	SIGNAGE								
Enter	1	NO	WHITE	3.18	486" [.01	3.24	SF	3.24	SF	replaced by	Enter	1	NO	WHITE	3.15	D Lo'	3.20	SF	3.20	SF
Exit	1	NO	WHITE	2.25	1.01	2.34	SF	2.34	SF	replaced by	Exit	1	NO	WHITE	2.26	G 1.5°	2.29	SF	2.29	SF
Pharmacy Drive-Thru	1	NO	WHITE	19.25	##6" [.5"	39.90	SF	39.90	SF	replaced by	Pharmacy Drive-Thru	1	NO	WHITE	12.51	10	16.76	SF	16.76	SF
TOTAL REAR SIGNAGE			-	-				45.48	SF		TOTAL REAR SIGNAGE				•				22.25	SF
TOTAL BUILDING SIGNAG	E							431.32	SF		TOTAL BUILDING SIGNA	GE							402.90	SF

SUMMARY: 2007 VARIANCE APPROVED 12 SIGNS (RIGHT, LEFT AND FRONT FACADE); 1 SIGN AT 190 SF. 4 DIRECTIONAL SIGNS WERE PROPOSED.

CURRENT SIGNAGE: 9 SIGNS (2 DIRECTIONAL SIGNS); 1 SIGN AT 157.44 SF

PROPOSED SIGNAGE: 9 SIGNS (2 DIRECTIONAL SIGNS); 1 SIGN AT 157.44 SF

\*Note: Walmart has revised it's font slightly (excluding Walmart Spark sign). This results in signs that read the same having smaller square footage



KEVIN KAMENETZ County Executive

ARNOLD JABLON

Deputy Administrative Officer Director, Department of Permits, Approvals & Inspections

February 29, 2012

PB2 Architecture + Engineering 710 West Roselawn Drive Rodgers, Arkansas 72756 Attention: Amy Miles, Sign Coordinator

Re: Spirit and Intent Letter
Wal-Mart (RM), Store 2577
1 Frankel Way
Cockeysville, Maryland 21030
Case #2007-0578-A

13<sup>th</sup> Election District

Dear Mr. Brown,

Your spirit and intent letter sent to Arnold Jablon, Director of Permits, Approvals and Inspections has been referred to me for reply. Based upon the information provided therein, and our research of the zoning records, the following has been determined:

- 1. The proposed wall sign changes outlined in your letter and Exhibit 1 result in a decrease in total sign area from 450.32 square feet to 431.32 square feet and a reduction in the number of signs from 10 to 9, therefore your request does meet the spirit and intent of the Zoning Order Case no. 2007-0578-A.
- 2. Your letter, Exhibits 1 thru 7, and a copy of this response will be made a permanent part of the above listed case file for future reference.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact the Office of Zoning Review at 410-887-3391.

Very truly yours,

Leonard Wasilewski

Planner II Zoning Review

c.c. File 12-109/lw

Case File: 2007-0578-A

#### WALMART #2577 - COCKEYSVILLE MD COMPARISON BUILDING SIGNAGE SCHEDULES

SIGNAGE LOCATION	QTY	COLOR	SIZE	INDIVID ARE		TOTAL A	REA	M. J.
FRONT SIGNAGE		50		Me C				573 C
WAL*MART	1	RED	5'-0"	190.00	SF	190.00	SF	replaced by
SUPERCENTER	1	RED	2'-0"	39.00	SF	39.00	SF	replaced by
Food Center	1	WHITE	2'-0"	32.17	SF	32.17	SF	replaced by
Retail Center	1	WHITE	2'-0"	34.95	SF	34.95	SF	replaced by
Garden Center	1	WHITE	2'-0"	38.33	SF	38.33	SF	replaced by
Pharmacy Drive-Thru	1	RED	1'-6"	31.00	SF	31.00	SF	moved from canopy to b
TOTAL FRONT SIGNAGE	Barrier F			We let We		365.45	SF	
PHARMACY DRIVE-THRU SIGN	AGE	7						B. W
WAL*MART	1	RED	2'-6"	48.20	SF	48.20	SF	not used
Pharmacy Drive-Thru	1	RED	1'-6"	31.00	SF	31.00	SF	replaced by
DIRECTIONAL SIGNS AT PHAR	MACY DRIV	/F-THRU						6 - 1
Exit	1	RED	1'-0"	2.42	SF	2.42	SF	replaced by
Enter	1	RED	1'-0"	3.25	SF	3.25	SF	replaced by
TOTAL PHARMACY DRIVE-THR	II SIGNAGI			STATE OF STREET		84.87	SF	-

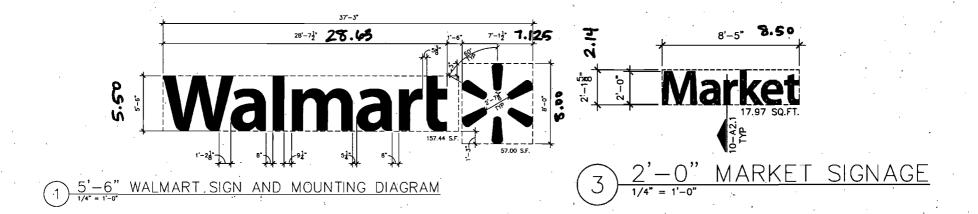
SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVID	00.000	TOTAL A	REA
FRONT SIGNAGE				V # 50	- 1 - 10	1		
Walmart	1	LED	WHITE	5'-6"	157.44	SF	157.44	SF
Spark	1	LED	YELLOW	8'-0"	57.00	SF	57.00	SF
Market	1	N/A	WHITE	2'-0"	17.97	SF	17.97	SF
Home & Pharmacy	1	N/A	WHITE	2'-0"	61.85	SF	61.85	SF
Outdoor Living	1	N/A	WHITE	2'-0"	49.47	SF	49.47	SF
< Pharmacy Drive-Thru	1	N/A	WHITE	1'-6"	42.11	SF	42.11	SF
TOTAL FRONT SIGNAGE	2.15	THE PLANT	17.70				385.84	SF
PHARMACY DRIVE-THRU	SIGNAGE							
Pharmacy Drive-Thru	1	N/A	WHITE	1'-6"	39.90	SF	39.90	SF
DIRECTIONAL SIGNS AT P	HARMAC	V DRIVE TH	DII					
Exit	1	N/A	WHITE	1'-0"	2.34	SF	2.34	SF
nter	1	N/A	WHITE	1'-0"	3.24	SF	3.24	SF
TOTAL PHARMACY DRIVE	THRUS	GNAGE	all and the latest	THE THE			45.48	SF

2007 VARIANCE APPROVED 12 SIGNS (right, left and front façade); 1 SIGN AT 190 SF. 4 directional signs were proposed.

EXISTING ON BUILDING: 8 SIGNS; 1 SIGN AT 190 SF plus 2 directional signs

NEW: 7 SIGNS; 1 SIGN AT 157 SF plus 2 directional signs

Exhibit 2





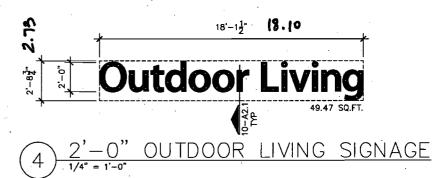
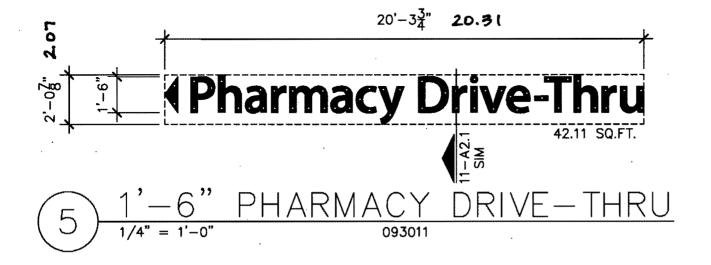
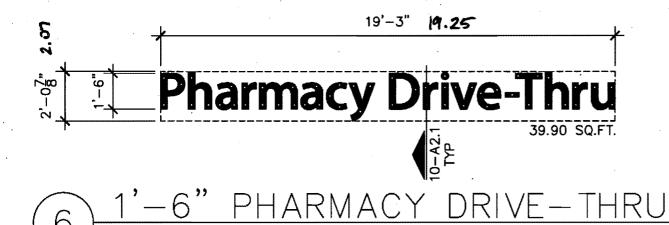


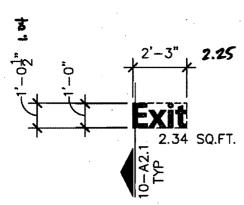
Exhibit 3



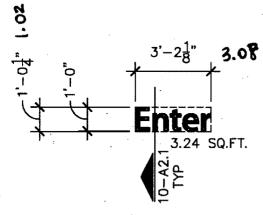


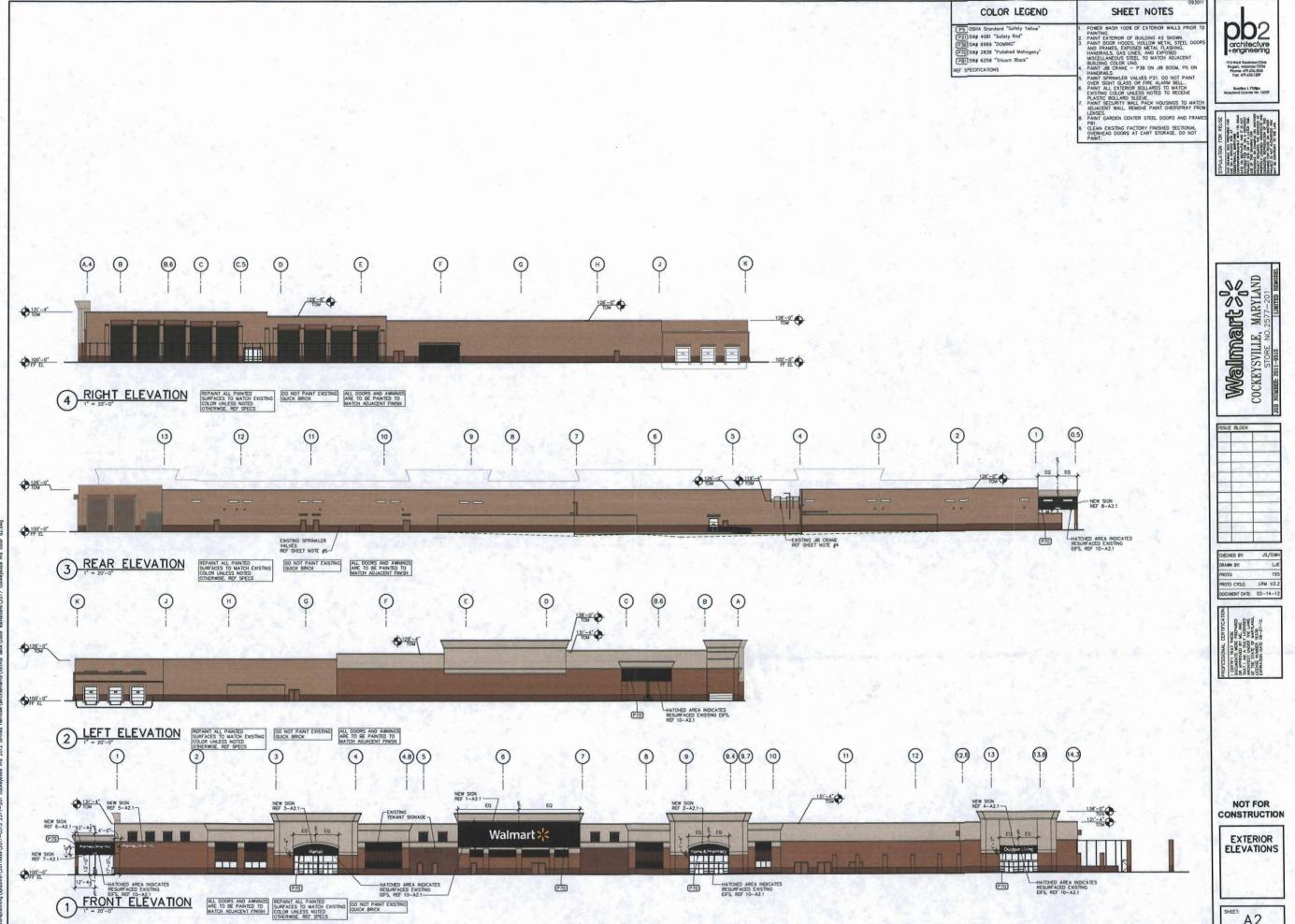
#### Front Pharmacy Drive-Thru Canopy



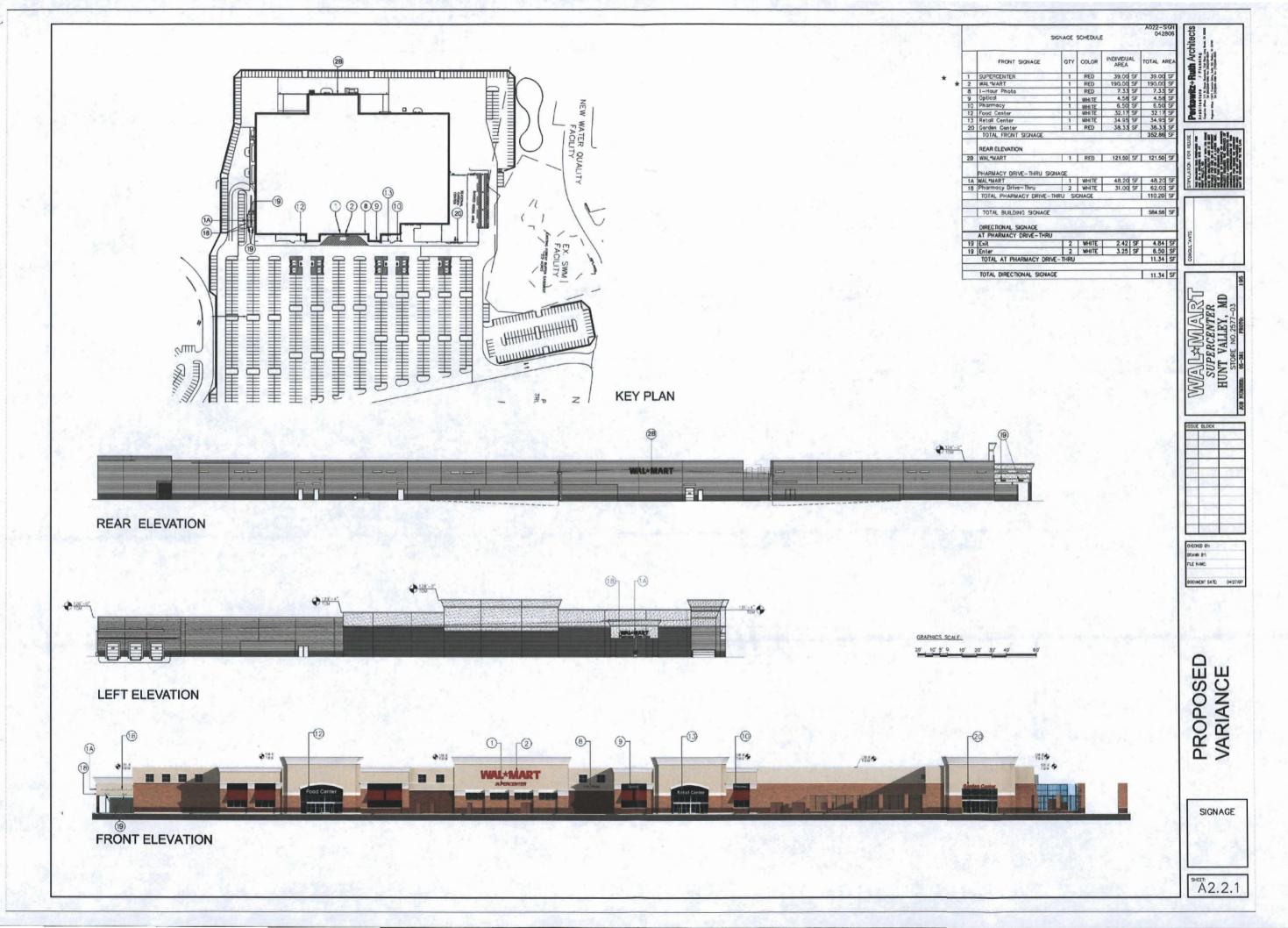


#### Rear Pharmacy Drive-Thru Canopy





A2



IN RE: PETITION FOR VARIANCE

W/Side York Road, 870' S Warren Road (1 Frankel Way)

8<sup>th</sup> Election District 3<sup>rd</sup> Council District

1.5

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REF York Road, LLC, Legal Owner Wal-Mart Stores East LP, Lessee Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF

\* BALTIMORE COUNTY

Case No. 07-578-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner of Baltimore County for consideration of a Petition for Variance filed by the lessee, Wal-Mart Stores East, LP, along with the legal owner of the property, REF York Road, LLC, by and through their attorneys, Robert A. Hoffman, Esquire and Venable LLP. Petitioners request a variance from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit additional wall-mounted signage for a new Wal-Mart Supercenter store. Specifically, Petitioner is requesting variances to permit: (1) twelve wall-mounted enterprise signs on the rear, left, and front facades of the building on which three wall-mounted enterprise signs (no more than two per façade) are permitted by right; and (2) to permit a wall-mounted enterprise sign of 190 square feet in lieu of the maximum permitted 150 square feet. The subject property and requested relief are more particularly described on the site plan, which was submitted into evidence and marked as Petitioners' Exhibit Nos. 1A - 1D.

At the requisite public hearing, Robert A. Hoffman, Esquire appeared as attorney for Petitioners as well as Thomas Kleine, Esquire of Troutman Sanders LLP, Corporate Counsel for Wal-Mart. Also appearing in support of the Petition for Variance were Rhoda Washington, a representative of Wal-Mart, and Ron Moore and Christina Sorrento, Esquire, project architects

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with Perkowitz and Ruth. Bob Frankel attended on behalf of the legal owner. Eric Rockel attended the hearing as President of the Greater Towson Community Association. No other interested persons were present, and the hearing proceeded on a proffer from counsel for Petitioner.

The testimony and evidence offered disclosed that the 25.88± acre subject property is located east of I-83, between Beaver Dam Road and York Road, in the Hunt Valley area of the County. The site is being developed for a Wal-Mart Supercenter store. The property is splitzoned B.M.-I.M., B.M.-A.S., and B.R. The Wal-Mart store and its accessory parking are located within the B.M.-I.M. zoned portion of the property. An aerial photograph was submitted as Petitioners' Exhibit 2 and helps place the site into context in terms of the surrounding uses. To the east of the property are automobile dealerships that front on York Road. Industrial and other business-zoned uses are located to the north, west, and south of the site.

The requested variance relief pertains to wall-mounted signage for the new Wal-Mart store. As explained by the Wal-Mart representatives, the proposed "superstore" contains not only the traditional retail store items, but also offers groceries and various services, such as a pharmacy and garden center, all within a single structure approximately 224,767± square feet in size. Wal-Mart's proposed sign package, which is the subject of the Petition for Variance, includes specific, targeted signage to assist its customers and to direct them to the location within the building of the products or services they need.

As explained by the project architect, Ron Moore, the majority of the proposed signs are for the purpose of directing customers once they are on site, not drawing them into the site. These signs display certain aspects of Wal-Mart's business contained within the store, specifically the retail, garden, and food centers of the Supercenter and its pharmacy, optical, and

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one-hour photo services. The nine (9) enterprise signs proposed on the east or front façade of the building will face the center's parking lot. One enterprise sign is also proposed on the west/ rear façade of the building, and two enterprise signs are proposed on the south side façade. As indicated on the site plan, other directional signs are proposed for the front and rear façades, which do not require variances.

Without a variance, the requested number of signs and the proposed configuration of such enterprise signage would not be permitted by B.C.Z.R. Section 450.4.5(a), which governs commercial signage for retail centers on individual lots. The proposed signs are "enterprise" signs, which are defined as those which display the identity of a business or advertise products or services associated with a business. *See* B.C.Z.R. Section 450.4.5. Section 450.4.5(a) permits only three wall-mounted signs for a retail building such as this Wal-Mart Supercenter store, and no single sign may exceed 150 square feet in total sign face area. Additionally, the total area of all wall-mounted enterprise signs on any one façade may not exceed two times the length of the wall to which they are affixed.

A strict interpretation of Baltimore County's sign regulations, therefore, would only allow three wall-mounted signs for this entire Supercenter and no more than two of those would be permitted on any one façade of this 224,767 square-foot, multi-use structure. Additionally, this Supercenter's proposed "Wal-Mart" enterprise sign on front façade would be limited to 150 square feet in size, despite the fact that the front façade's more than 600 foot length would otherwise permit 1,200 feet of sign area. Clearly, the Zoning Regulations do not take into account large retail stores such as this one.

The arrangement of Wal-Mart's multiple uses within a single structure of this size represents a departure from the configuration of other strip retail centers found in Baltimore

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County, which have traditionally contained smaller storefronts, each being entitled to their own separate wall-mounted signs. Under the proposed request, the total sign face area on the three façades where enterprise signs are requested will not exceed the maximum sign face area permitted by right (two times the length of the wall).

After the proffer by Mr. Hoffman, Mr. Rockel indicated his concern regarding the total number of signs proposed for this Wal-Mart and the size of one sign in particular, the 190 square foot "Wal-Mart" sign on the front of the building. In response to Mr. Rockel's concerns, Petitioners provided testimony regarding the limited visibility of this structure from the surrounding roads.

Having considered all of the evidence and testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan and the colored elevations presented by Perkowitz and Ruth, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed signs are appropriate, given the use of the property and the commercial nature of the area. The signs are certainly not out of scale, given the size of the building and its location on the property, nor are they inappropriately large or visually disruptive. I do not take Mr. Rockel's concerns for the proposed signage lightly. However, given the number of services this Wal-Mart will provide at this location and the limited visibility of the building from York Road and other surrounding roadways, I find the instant request to be appropriate.

I note, from the site plan, that the building is located a significant distance from York Road, and the proposed signage provides only limited visibility to its travelers, especially in light of the property's grades and the positioning of the building on the site. This is further evidence that the purpose of the signage is primarily directional in nature. Moreover, specific testimony and evidence was offered that the property is uniquely situated, given the nature of the use on it,

and that Petitioner would suffer a practical difficulty if the relief was denied. I also noted that there are no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County's reviewing agencies.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of September 2007, that the Petition for Variance, seeking relief as shown on the site plan entered into evidence as Petitioners' Exhibit Nos. 1A - 1D, from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow: (1) twelve wall-mounted enterprise signs on the rear, left, and front facades of the building on which three wall-mounted enterprise signs (no more than two per façade) are permitted by right; and (2) a wall-mounted enterprise sign of 190 square feet in lieu of the permitted 150 square feet, be and is hereby GRANTED, subject to the following restriction:

Petitioner may apply for building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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 relief granted herein shall be rescinded.

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.

MILLIAM J WISEMAN, III Zoning Commissioner

for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 17, 2007

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

**RE: PETITION FOR VARIANCE** 

W/Side York Road, 870' S Warren Road

(1 Frankel Way)

8th Election District - 3rd Council District

REF York Road, LLC, Legal Owner; Wal-Mart Stores East LP, Lessee- Petitioners

Case No. 07-578-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance 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. WISHMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw Enclosure

C: Thomas Kleine, Esquire, Troutman Sanders LLP, 222 Central Park Avenue, Virginia Beach, VA 23462 Ron Moore, Christina Sorrento, Esquire, Eileen Hughes, Elaina B. Ricks & Bari R. Brooks, Perkowitz and Ruth Architects, 11911 Freedom Drive, Suite 1120, Reston, VA 20190 Brian Bailey & Erin Giannetti, 176 Main Street, Suite B, Annapolis, Md. 21401 REF York Road, LLC, Robert E. Frankel, Managing Member, 10260 York Road, Cockeysville, Md. 21030 Wal-Mart Stores East, LP, John Clarke, Regional Vice President, Design & Real Estate, 2001 S.E. 10th Street, Mail Stop #0550, Benton, Arkansas 72716-0550 Eric Rockel, 1610 Riderwood Drive, Lutherville, Md. 21093 People's Counsel; File



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at '1 Frankel Way

which is presently zoned BM-IM, BM-AS, BR

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

See Attached

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

To be determined at hearing.

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

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

			perjury, that I/we are is the subject of this	eciare and amm, under e the legal owner(s) of the Petition.	the penalties of he property which
Contract Purchaser/Le	ssee:		Legal Owner(s)	• •	•
See Attached			See Attach	ed	
Name - Type or Print		<del></del>	Name - Type or Print	<del></del>	<del></del>
Signature	——————————————————————————————————————	<del></del>	Signature	<del></del>	<del></del>
Address	· <del></del>	Telephone No.	Name - Type or Print	<del></del>	<del></del>
City	State	Zip Code	Signature	<del></del>	<del></del>
Attorney For Petitioner Robert A. Hoffman, Es			Address	<u> </u>	Telephone No.
Name - Type of rint	Hohn	-/1	City	State	Zip Code
Signature			Representative	to be Contacted:	
Venable, LLP			Robert A. Ho	ffman	
Company 210 Allegheny Avenue	(410)	494-6200	Name 210 Alleghen	y Avenue	(410) 494-6200
Address Towson,	Maryland	Telephone No. 21204	Address Towson	Maryland	Telephone No. 21204
City	State	Zip Code	City	State	Zip Code
			<u>of</u>	FICE USE ONLY	•
Case No. 07-5	78A	• • • ·	ESTIMATED LEN	IGTH OF HEARING	<del></del>
REV 9115198			UNAVAILABLE FOR	OR HEARING Date	6/52/07
	ECEIVED F	or filing			
	0	~ -~1		•	

#### Petition for Variance

#### 1 Frankel Way

Variance from Section 450.4.5.(a) of the Baltimore County Zoning Regulations ("BCZR") to permit twelve wall-mounted enterprise signs on the rear, left, and front elevation façades of the building, in lieu of the three wall-mounted enterprise signs (no more than two per façade) permitted.

Variance from Section 450.4.5.(a) of the BCZR to permit a wall-mounted enterprise sign of 190 square feet, in lieu of the permitted 150 square feet.

(SEE ATTACHED SHEET FOR DETAILED SIGNAGE LIST)

#### LEFT ELEVATION FAÇADE

Variance from Section 450.4.5(a) of the BCZR to permit a fourth wall-mounted enterprise sign of 31 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 18 – Pharmacy Drive-Thru).

#### FRONT ELEVATION FAÇADE

Variance from Section 450.4.5(a) of the BCZR to permit a fifth wall-mounted enterprise sign of 31 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 18 – Pharmacy Drive-Thru).

Variance from Section 450.4.5(a) of the BCZR to permit a sixth wall-mounted enterprise sign of 32.17 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 12 – Food Center).

Variance from Section 450.4.5(a) of the BCZR to permit a seventh wall-mounted enterprise sign of 39 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 1 – SUPERCENTER).

Variance from Section 450.4.5(a) of the BCZR to permit an eighth wall-mounted enterprise sign of 7.33 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 8 – 1-Hr. Photo).

Variance from Section 450.4.5(a) of the BCZR to permit a ninth wall-mounted enterprise sign of 4.58 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 9 – Optical).

Variance from Section 450.4.5(a) of the BCZR to permit a tenth wall-mounted enterprise sign of 34.95 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 13 – Retail Center).

Variance from Section 450.4.5(a) of the BCZR to permit an eleventh wall-mounted enterprise sign of 6.5 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 10 – Pharmacy).

Variance from Section 450.4.5(a) of the BCZR to permit a twelfth wall-mounted enterprise sign of 38.33 square feet, in lieu of the three wall-mounted enterprise signs (no more than two per single façade) permitted (Sign # 20 – Garden Center).

Variance from Section 450.4.5(a) of the BCZR to permit a wall-mounted enterprise sign of 190 square feet, in lieu of the permitted 150 square feet (Sign # 2A – WAL\*MART).

# PETITION FOR VARIANCE SIGNATURE PAGE

1 Frankel Way Cockeysville, Maryland 21030

LEGAL OWNER:

REF York Road, LLC

By: Robert E. Frankel, Managing Member

10260 York Road

Cockeysville, Maryland 21030

(410) 666-6060

# PETITION FOR VARIANCE SIGNATURE PAGE

1 Frankel Way Cockeysville, Maryland 21030

#### LESSEE:

Wal-Mart Stores East, LP A Delaware limited partnership

By: WSE Management, LLC, its General Partner

Ry: John Clarke

Regional Vice President,

Design and Real Estate

2001 S.E. 10th Street, Mail Stop #0550

Bentonville, Arkansas 72716-0550

Tel: 479-273-8106 (Attn: Brian Hooper)

Approved as to legal terms only

WAL-MART LEGAL DEPT

Date:



323 West Stone Ave Greenville, SC 29609

Tel: (864) 271-4924 Fax: (864) 233-0315

ifreeland@worldnet.att.net

All of that certain lot or parcel of land situated, lying and being in Baltimore County, Maryland, 8th Election District,

and being more particularly described as follows:

BEING KNOWN AND DESIGNATED as "New Lot 1B", containing 1,127,729 square feet or 25.889 acres, more or less, as set forth and shown on the plat entitled, "Resubdivision of Parcel 1 -AAI. Corporation -Previously Recorded as 4th Amended Subdivision of AAI CORPORATION recorded in Plat Book S.M. No. 70 at page 68", dated July 1,2004 and recorded in Plat Book S.M. No. 77 at folio 18, among the Land Records of Baltimore County, Maryland and being more particularly described by metes and bounds as follows:

BEGINNING for the same at a point at the northwestern most corner of the aforementioned Parcel 1, said point being also at the end of the western most or N 03 degrees: 43' 51" W 2030.98 foot line of the aforementioned Parcel 1, thence running with and binding on the outline of the abovementioned Parcel 1 the following (25) twenty-five courses & distances, to-wit; thence running with the lines of Baltimore County (Liber 4753 Fólio 537, Liber 3713 Folio 417) South 85 degrees 13 minutes 45 seconds East 182.03 feet; thence North 04 degrees 46 minutes 25 seconds East 45.00 feet; thence South 85 degrees 28 minutes 02 seconds East 13.54 feet; thence with a curve of the left having a radius of 384.49' and an arc length of 278.08' and being subtended by a chord of North 74 degrees 03 minutes 26 seconds East 272.06 feet; thence with a curve to the right having a radius of 334.52' and an arc length of 183.35' and being subtended by a chord of North 69 degrees 02 minutes 22 seconds East 181.06 feet; thence South 85 degrees 13 minutes 12 seconds East 216.56 feet; thence running with the line of Timonium LLC, Liber 14119 Folio 216, South 14 degrees 51 minutes 25 seconds East 677.59 feet; thence running with the lines of Frankel Properties LLC, Liber 15528 Folio 359, South 18 degrees 41 minutes 17 seconds East 315.75 feet; thence North 71 degrees 18 minutes 43 seconds East 96.17 feet; thence with a curve to the left having a radius of 77.00' and an arc length of 40.73 and being subtended by a chord of North 03 degrees 29 minutes 02 seconds West 40.26 feet; thence with a curve to the right having a radius of 170.00' and an arc length of 267.04' and being subtended by a chord of North 26 degrees 18 minutes 11 seconds East 240.42 feet; thence North 71 degrees 17 minutes 23 seconds East 74.99 feet; thence North 26 degrees 18 minutes 43 seconds East 35.36 feet; thence with the western right of way of York Road (MD S.R. 45) South 18 degrees 39 minutes 49 seconds East 100.06 feet; thence running with the lines of Frankel Properties LLC Liber 15528 Folio 359, North 63 degrees 41 minutes 17 seconds West 35.36 feet; thence South



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ifreeland@worldnet.att.net

71 degrees 20 minutes 16 seconds West 74.94 feet; thence with a curve to the left having a radius of 120.00' and an arc length of 149.77' and being subtended by a chord of South 35 degrees 32 minutes 47 seconds West 140.24 feet; thence South 15 degrees 27 minutes 08 seconds East 98.13 feet; thence South 17 degrees 59 minutes 40 seconds East 148.43 feet; thence South 19 degrees 52 minutes 56 seconds East 106.97 feet; thence South 17 degrees 04 minutes 17 seconds East 32.79 feet; thence North 74 degrees 15 minutes 46 seconds East 220.06 feet; thence with the western right of way of York Road (MD S.R. 45) South 18 degrees 45 minutes 35 seconds East 119.95 feet; thence North 63 degrees 37 minutes 06 seconds West 28.22 feet; thence South 71 degrees 17 minutes 40 seconds West 202.27 feet; thence running with the lines of Aircraft Armaments Inc. Plat Book 77 Page 18; North 79 degrees 09 minutes 34 seconds West 115.88 feet; thence North 03 degrees 34 minutes 05 seconds West 57.58 feet; thence North 75 degrees 43 minutes 19 seconds West 160.19 feet; thence North 61 degrees 04 minutes 22 seconds West 153.66 feet; thence with a curve to the left having a radius of 151.90' and an arc length of 81.52' and being subtended by a chord of North 79 degrees 56 minutes 45 seconds West 80.55 feet; thence South 86 degrees 11 minutes 31 seconds West 381.07 feet, thence North 53 degrees 53 minutes 16 seconds West 47.13 feet, thence South 86 degrees 17 minutes 27 seconds. West 434.08 feet; thence running with the eastern right of way of Mass Transit Administration Liber 8506 Folio 307, North 03 degrees 43 minutes 51 seconds West, 973.40 feet to the point of beginning.



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# NOTICEDEZONING HEARING

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

Case: # 07-574-A

Frankei Way
West side of York Road, 870 feet south of Warren Road
Bth Election District ——3rd Councilmanic District
Legal Owner(s): REF York Road, LLC
Legal Owner(s): REF York Road, LLC
Lessee: Wal-Mart Stores, East, LP
Variance: to permit tweive wall-mounted enterprise signs on the rear, left and front elevation facades of the signs on the rear, left and front elevation facades of the building, in tieu of the tree wall-mounted enterprise signs (no more than two per facade) permitted and to permit a wall-mounted enterprise sign of 190 square feet, the permitted 150 square feet.

Hearing: Tuesday, August 26, 2007 at 11:00 a.m.in From 407 County Courts Building, Averen 21204

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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 8/642 August 14

145260

# TE OF PUBLICATION

Y, that the annexed advertisement was published successive weeks, the first publication appearing in the following weekly newspaper published in Baltimore County, Md., THIS IS TO CERTIF once in each of

The Jeffersonian

20

Arbutus Times

Catonsville Times

Towson Times

Owings Mills Times

North County News

NE Booster/Reporter

Mulus

LEGAL ADVERTISING

### CERTIFICATE OF POSTING

	RE: Case No.:
	Petitioner/Developer: WAL MA
	STORES, EAST, LP
	Date of Hearing/Closing: 8-28
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:	
1 FRANKEL U	UAY
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The sign(s) were posted on	8-13-07
	(Month, Day, Year)
70NIKG NOTICE	Sincerely,  Robert Bluct 8-14- (Signature of Sign Poster) (Date)
ZONING NOTICE CASE # 07578 A	Sincerely,  Robert Bluel 8-14- (Signature of Sign Poster)  SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD ROOM MOT COURT COURT DIRECT	Sincerely,  Robert Bluct 8-14- (Signature of Sign Poster) (Date)
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A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD  ROOM 407 County Counts Bonding PLACE: 401 BONETY AND TOWN AND 27801  DATE AND TIME: RESONA ANNOT 28 2323 AT AN AN AREQUEST: Whenance to become high theory with the property of the desired of the demandary o	Sincerely,  Robert Black  (Signature of Sign Poster)  SSG Robert Black  (Print Name)  1508 Leslie Road  (Address)
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JAMES T. SMITH, JR. County Executive

July 11, 2007
TIMOTHY M. KOTROGO, Director
Department of Permits and
Development Management

#### 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: 07-578-A

1 Frankel Way

West side of York Road, 870 feet south of Warren Road

8<sup>th</sup> Election District –3<sup>rd</sup> Councilmanic District

Legal Owners: REF York Road, LLC Lessee: Wal-Mart Stores, East, LP

<u>Variance</u> to permit twelve wall-mounted enterprise signs on the rear, left and front elevation facades of the building, in lieu of the tree wall-mounted enterprise signs (no more than two per façade) permitted and to permit a wall-mounted enterprise sign of 190 square feet, in lieu of the permitted 150 square feet.

Hearing: Tuesday, August 28, 2007 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Robert Frankel, 10260 York Road, Cockeysville 21030
Brian Hooper, 2001 S.E. 10<sup>th</sup> Street, Mail Stop #0550, Bentonville, Arkansas 72716-0550

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 13, 2007.

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

TO: PATUXENT PUBLISHING COMPANY

Tuesday, August 14, 2007 Issue - Jeffersonian

Please forward billing to:

Amy Dontell 210 Allegheny Avenue Towson, MD 21204 410-494-6244

#### **NOTICE OF ZONING HEARING**

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

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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

#### **ZONING REVIEW**

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:
Item Number or Case Number: 07-578-A
Petitioner: WAKMART REF YORK RD, LLC
Address or Location: / FRANKEL WAY
PLEASE FORWARD ADVERTISING BILL TO:
Name: Amy Contell
Address: 210 Allegheny Avenue
Tauson 40. 21204
Telephone Number: (410) 494 - 10 244



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

August 22, 2007

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

Dear Mr. Hoffman:

RE: Case Number: 07-578-A, 1 Frankel Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf Enclosures

c: People's Counsel

REF York Road, LLC Robert E. Frankel, Managing Member 10260 York Road Cockeysville 21030

Wal-Mart Stores East, LP John Clarke, Regional Vice President 2001 S.E. 10<sup>th</sup> Street, Mail Stop #0550 Bentonville, Arkansas 72716-0550

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III Director, Office of Planning **DATE:** July 17, 2007

IECEIVE JUL 2 0 2007

BY:\_\_\_\_

SUBJECT:

Zoning Advisory Petition(s): Case(s) 07-578- Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 5, 2007

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 9, 2007

Item Nos. 07-456, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588,589, 590, 591, 592, and 594

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-07052007.doc



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

#### Maryland Department of Transportation

July 5, 2007

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

RE: Baltimore County

Item No. 07-578-A MD 45 (York Road) at Warren Road

Wal-Mart Store-Hunt Valley

1 Frankel Way

Variance- To permit signs ......

Dear Ms. Matthews:

This is in reference to our ongoing review of the ZAC Agenda plan on the subject of the above captioned. We understand that the aforementioned submission illustrates request to a permit wall-mounted sign as shown on the plan to accompany petition for variance.

Based on a review and evaluation of existing conditions, this office has determined that the proposed improvements do not affect access to a State road. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 07-5,78-A. Please include our remarks in your staff report to the Zoning Commissioner.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (<u>mbailey@sha.state.md.us</u>). Thank you for your attention.

Very truly yours,

Steven D. Foster Engineering Acc

Engineering Access Permits

Division

#### SDF/MB

Cc: Mr. Charles A. Garcia, Consultant Engineer, Freeland & Kauffman, Inc.

Ms. Erin Kuhn, ADE-Traffic, SHA

Mr. John Murphy, Zoning Commissioner, Baltimore County

Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

#### 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 July 3, 2007

ATTENTION: Zohing Review Planners

Distribution Meeting Of: July 2, 2007

Item Number: 573 through 578 and 580 through 594

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 VARIANCE** 

1 Frankel Way; W/S York Road,

870' S Warren Road

8<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): REF York Road, LLC

Contract Purchaser(s): Wal-Mart Stores, East

Petitioner(s)

BEFORE THE BOARD

OF APPEALS

FOR

**BALTIMORE COUNTY** 

07-578-A

#### ENTRY OF APPEARANCE

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel
Old Courthouse Room 47

Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204

(410) 887-2188

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of July, 2007, a copy of the foregoing Entry of Appearance was mailed to, Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JUL 1 & 2007

HER MAX ZIMMERMAN

People's Counsel for Baltimore County

Рег.....

Case No.: 07-578-A 1 FRANKEL WAY

## Exhibit Sheet

## Petitioner/Developer

Protestant

No. 1	1A-1D Site PLAN	
No. 2	ZONING MAP LOCATION OF EXISTING USES	
No. 3	-7.3176	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11	· · · · · · · · · · · · · · · · · · ·	
No. 12		

## PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER 07- 578 A
DATE

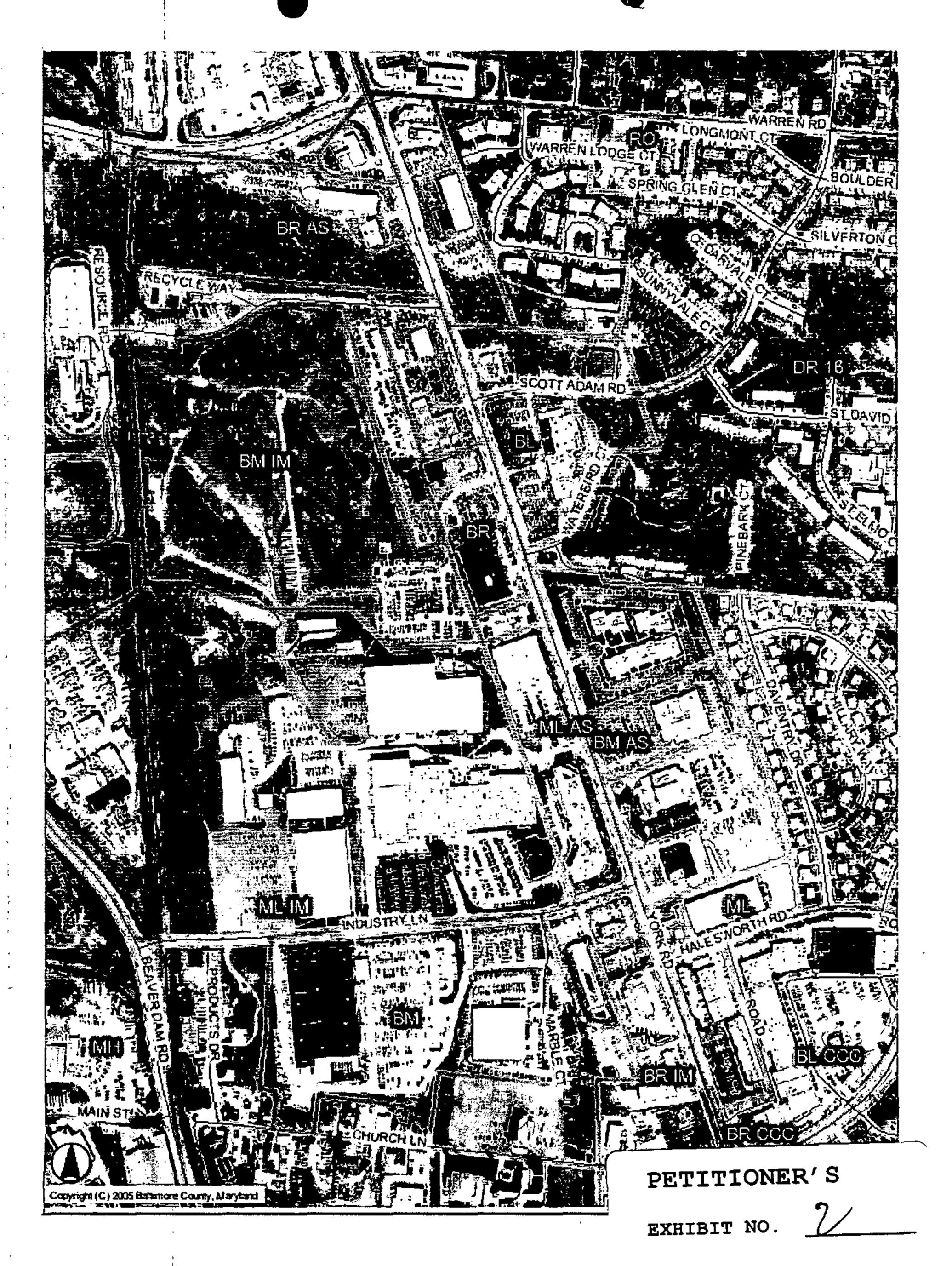
ETITIONER'S SIGN-IN SHEET

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Christing Society Row Model  Elwing Power  E	EANAIL FILMINE

CASE NAME 8-28-07
CASE NUMBER 07-5784
DATE

## CITIZEN'S SIGN-IN SHEET

E- MAIL										
CITY, STATE, ZIP	Lumber/16 1410 21093									
	1610 Eldueused Dewe									
NAME.	Eevi Bakel									



http://bamaps1.baltimorecountymd.gov/arcims\_path/bcgims?ServiceName=Zoning&Clien... 8/22/2007

