IN RE: PETITION FOR VARIANCE
Corner SE/S Pulaski Highway and
SW/S Rossville Boulevard
(8733 Pulaski Highway)
15<sup>th</sup> Election District
7<sup>th</sup> Council District

Commerce Bank, N.A., *Owner* Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-259-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Commerce Bank, N.A., by and through its attorney David H. Karceski, Esquire with Venable LLP. The Petitioner requests a variance from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four (4) wall-mounted enterprise signs, in lieu of the three (3) wall-mounted enterprise signs (no more than two (2) per façade) permitted. The subject property and requested relief are more particularly described on a two page site plan and separate colored site layout, which were submitted into evidence and marked as Petitioner's Exhibits 1A-1B and 2, respectively.

Appearing at the requisite public hearing in support of the request were Michael Powell, construction manager for Commerce Bank, N.A.; John W. Clapsaddle, professional engineer, Scott R. Wolford, landscape architect, and Daniel M. Blevins, project manager, all with Patton Harris Rust & Associates, PC, the firm responsible for preparation of the site plan. David H. Karceski, Esquire appeared on behalf of Petitioner. Although present, Rick Cobert, Business Development Representative for the Baltimore County Department of Economic Development, and Sheldon Epstein, Chief of Sewer Design, Bureau of Engineering and Construction, with the Department of Public Works, both having participated in Case No. 08-321-SPH offered no



Date 3-4-58

comments in the instant sign variance case. There were no Protestants or other interested persons in attendance at the hearing.

The testimony and evidence offered disclosed that the 1.01-acre property is zoned B.R.-A.S. and located in Rosedale on the south side of Pulaski Highway, west of Rossville Boulevard and known as 8733 Pulaski Highway. The site is presently unimproved, but Petitioner will be constructing a new bank thereon, the building elevation for same was submitted into evidence as Petitioner's Exhibit 4. An aerial photograph, submitted as Petitioner's Exhibit 3, helps to demonstrate the irregular shape of the property and its unique positioning, bounded by two (2) public roads on two (2) sides and the shared commercial access drive on its remaining two (2) sides.

The requested variance relief pertains to one (1) wall-mounted enterprise sign for the bank. Petitioner intends to install this sign on a façade of the bank that faces the shared-commercial access drive and an adjacent Wawa fuel service station/convenience store. The proposed sign and façade is shown on Petitioner's Exhibit 4.

The testimony and evidence establishes that the specific need for the variance is generated by the uniqueness of the property. Specifically, the fact that the subject property fronts on two (2) different public roads and is adjacent to two (2) existing commercial sites and a shared commercial access drive on the remaining two (2) sides, makes the bank visible from all four (4) sides and contributes to the uniqueness of the property. The testimony further indicated that, for proper identification of the bank on the subject property and in connection with on-site vehicular circulation and surrounding off-site traffic patterns, the signage requested by Petitioner is necessary. A strict interpretation of the zoning regulations would only allow three (3) signs for the entire building, which would make it difficult for Petitioner to identify this commercial use on its public road frontages and the surrounding vehicular access drives.

Detail RECEIVED FOR FILMS

After due consideration of the testimony and evidence presented, I am persuaded to grant the petition for variance. Based on my review of the site plan, the colored site layout, and the colored elevation, I find the requirements of B.C.Z.R. Section 307.1 to be satisfied. The proposed sign is appropriate, given the uniqueness of the site. The subject property is visible on multiple frontages, which necessitates an additional sign to assure proper identification of the use. Furthermore, I find that, in adding one (1) more sign than that permitted under the regulations, Petitioner has managed to do so tastefully; all proposed signage is attractive and appropriately sized. In short, I find that Petitioner has succeeded in proposing the minimum amount of signage (both in scale and in number) that will enable sufficient identification of the site.

It should be noted that a Zoning Advisory Committee (ZAC) comment was received from the Office of Planning that suggested Petitioner remove existing fencing along the perimeter of the site and connect the site, by way of internal sidewalks, to the adjacent commercial uses in order to promote pedestrian access. However, it was learned at the hearing that Planning withdrew this comment after they learned that the existing fencing is not on Petitioner's property and that there are certain on-site grading issues that are otherwise prohibitive of installing interior connective sidewalks. Nevertheless, my review of Petitioner's Exhibit 1A confirms that Petitioner will provide adequate pedestrian access to the existing sidewalks along Pulaski Highway and Rossville Boulevard, which sidewalks, in turn, connect to the adjacent commercial uses. Therefore, I find that the Office of Planning's comment has been satisfied, and I further note that there were no additional adverse ZAC comments submitted by any County reviewing agency.

Pursuant to the advertisement, posting of the property and public hearing held on this Petition, and for the reasons set forth above, the relief requested shall be granted.

SA 4-88

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of March 2008, that the Petition for Variance, seeking relief from Section

450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit four (4) wallmounted enterprise signs, in lieu of the three (3) wall-mounted enterprise signs (no more than
two (2) per façade) permitted, in accordance with Petitioner's Exhibit 1A-1B and 2 respectively,
be and is hereby GRANTED, subject to the following restrictions:

1. 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.

WILLIAM J WISEMAN, III

Zoning Commissioner for Baltimore County



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

March 4, 2008

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

RE:

PETITION FOR VARIANCE

Corner SE/S Pulaski Highway and SW/S Rossville Boulevard (8733 Pulaski Highway)
15<sup>th</sup> Election District - 7<sup>th</sup> Council District
Commerce Bank, N.A., *Owner* - Petitioner
Case No. 08-259-A

Dear Mr. Karceski:

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 July yours,

Zoning Commissioner for Baltimore County

WJW:dlw Enclosure

c: Scott R. Wolford, RLA, AICP, Vice President, Patton Harris Rust & Associates, PC, 8818 Centre Park Drive, Suite 200, Columbia, MD 21045

Michael Powell, Construction Manager, Commerce Bank, N.A., 9000 Atrium Way, Mt. Laurel, NJ 20878

John W. Clapsaddle, PE, Director of Engineering, Patton Harris Rust & Associates, PC, 8818 Centre Park Drive, Suite 200, Columbia, MD 21045

Daniel M. Blevins, Senior Project Manager, Patton Harris Rust & Associates, PC, 8818 Centre Park Drive, Suite 200, Columbia, MD 21045

Rick Cobert, Business Development Representative, Baltimore County Department of Economic Development

Sheldon Epstein, Chief of Sewer Design, Bureau of Engineering and Construction,
Department of Public Works

People's Counsel; File



# **Petition for Variance**

to the Zoning Commissioner of Baltimore County for the property located at SE side of Pulaski Hwy., SE corner of Pulaski Hwy. & Rossville Blvd.

which is presently zoned BR-AS

Deed Reference: 26274 / 307 Tax Account # 1519323030

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 SHEET

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 the hearing.

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

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

|                                 |             |               | I/We do solemnly declare and a<br>perjury, that I/we are the legal o<br>is the subject of this Petition. |                |               |  |  |
|---------------------------------|-------------|---------------|--|----------------|---------------|--|--|
| Contract Purchaser/Less         | ee:         |               | Legal Owner(s):  |                |               |  |  |
|                                 |             |               | Commerce Bank, N.A.  |                |               |  |  |
| Name - Type or Print            |             |               | Name - Type or Print   | .((            | THE .         |  |  |
| Signature                       | _           |               | Signature  |                | THE STREET    |  |  |
|                                 |             |               | Michael Powell, Facilities O   | fficer         |               |  |  |
| Address                         | _           | Telephone No. | Name - Type or Print   | 1              |               |  |  |
| City                            | State       | Zip Code      | Signature  |                |               |  |  |
| Attorney For Petitioner:        |             |               | 9000 Atrium Way  |                |               |  |  |
|                                 |             |               | Address  |                | Telephone No. |  |  |
| David H. Karceski, Es           | squire      |               | Mt. Laurel   | NJ             | 20878         |  |  |
| Name - Type or Pant             |             |               | City   | State          | Zip Code      |  |  |
| 00                              |             |               | Representative to be Co  | ntacted:       |               |  |  |
| Signature Venable LLP           |             |               | David H. Karceski, Esc   | quire          |               |  |  |
| Company<br>210 Allegheny Avenue |             | 410-494-6200  | Name<br>210 Allegheny Avenue   |                | 410-494-6200  |  |  |
| Address                         |             | Telephone No. | Address  |                | Telephone No. |  |  |
| Towson                          | MD          | 21204         | Towson   | MD             | 21204         |  |  |
| City                            | State       | Zip Code      | City   | State          | Zip Code      |  |  |
| Case No. 128-259-               | Ĺ           |               | Office Use Only  | ALTERNATION IN |               |  |  |
|                                 |             | Unav          | nated Length of Hearingailable For Hearing   | /              |               |  |  |
| REV 8/20/07                     | COM Windows | Revi          | ewed by / / Date   | 12/6           |               |  |  |

# **Petition for Variance**

SE side of Pulaski Hwy., SE corner of Pulaski Highway & Rossville Blvd.

Variance from Section 450.4.5.(a) of the Baltimore County Zoning Regulations ("BCZR") to permit four wall-mounted enterprise signs, in lieu of the three wall-mounted enterprise signs (no more than two per façade) permitted.

Item # 259

### **Zoning Description**

BEGINNING FOR THE SAME AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF PULASKI HIGHWAY (U.S. ROUTE 40), EXISTING 150 FEET RIGHT OF WAY, AS SHOWN ON STATE ROADS COMMISSION PLAT NO. 1364, THENCE LEAVING THE SOUTHEASTERLY RIGHT-OF-WAY OF PULASKI HIGHWAY;

- 1) SOUTH 35°26'38" EAST, 30.00 FEET TO A POINT, SAID POINT BEING ON THE LINE OF TRUNCATION BETWEEN THE SOUTHERLY RIGHT-OF-WAY OF PULASKI HIGHWAY (U.S. ROUTE 40) AND THE WESTERLY RIGHT-OF-WAY OF ROSSVILLE BOULEVARD, EXISTING RIGHT OF WAY VARIES, AS SHOWN ON PLAT RW 66-210-49A; THENCE RUNNING WITH AND BINDING ON SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES:
  - 2) SOUTH 86°03'38" EAST, 146.28 FEET TO A POINT, AND
- 3) SOUTH 44°01'33" EAST, 10.00 FEET TO A POINT, THENCE LEAVING THE WESTERLY RIGHT-OF-WAY OF ROSSVILLE BOULEVARD AND RUNNING THE FOLLOWING THREE (3) COURSES:
- 4) SOUTH 45°58'17" WEST, 115.86 FEET TO A REBAR AND CAP, FOUND AND HELD, THENCE;
- 5) SOUTH  $35^{\circ}26'38"$  EAST, 100.00 FEET TO A REBAR AND CAP, FOUND AND HELD, THENCE;
- 6) SOUTH 44°36'22" WEST, 150.00 FEET TO A REBAR AND CAP, FOUND AND HELD, THENCE;
- 7) NORTH 35°26'38" WEST, 250.00 FEET TO A POINT, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF PULASKI HIGHWAY (U.S. ROUTE 40), THENCE RUNNING, REVERSELY, WITH AND BINDING ON THE SOUTHERLY RIGHT-OF-WAY OF PULASKI HIGHWAY (U.S. ROUTE 40), THE FOLLOWING COURSE:
  - 8) NORTH 44°36'22" EAST, 150.00 FEET TO THE POINT OF BEGINNING.

THE AREA OF LAND CONTAINED BY THE FOREGOING AMOUNTS TO 44,299 SQUARE FEET OR 1.0170 ACRES OF LAND, TOGETHER WITH AND SUBJECT TO APPURTENANCES AND ENCUMBRANCES OF RECORD OR USE.

15th Election Dist I hereby certify, that this Metes and Bounds Description was prepared under my responsible charge, and is in compliance with the regulations set forth in Chapter 06,

The Councilmanic Dist Regulation .12 of the Minimum Standards of Practice of Maryland.

Arthur M. Botterill Date: Professional Land Surveyor

Maryland Registration No. 10886

Item #259

#### 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:

Casa: #08-259-A

SE/side of Pulaski Highway, SE corner of Pulaski Highway & Rossville Blvd.

S/west corner of Pulaski Highway and Rossville Blvd. 15th Election District-7th Councilmanic District

Legal Owner(s): Commerce Bank, N.A.

Variance: to permit four wall-mounted enterprise signs, in lieu of the three wall-mounted enterprise signs (no more than two per facade) permitted.

Hearing: Wednesday, February 20, 2008 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

#### WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT/2/642 Feb 5

# **CERTIFICATE OF PUBLICATION**

| A CONTRACTOR OF THE CONTRACTOR |
|--|
| 27, 2008   |
| THIS IS TO CERTIFY, that the annexed advertisement was published   |
| in the following weekly newspaper published in Baltimore County, Md.,  |
| once in each ofsuccessive weeks, the first publication appearing   |
| on 2 5 ,20 <u>08</u> .   |
| XI The Jeffersonian  |
| ☐ Arbutus Times  |
| ☐ Catonsville Times  |
| ☐ Towson Times   |
| ☐ Owings Mills Times   |
| ☐ NE Booster/Reporter  |
| ☐ North County News  |
|  |

LEGAL ADVERTISING

J. Wilkingon

| OFFICE       | OF BU | OUNTY,<br>DGET AI<br>US REC | ND FINA  |               |            |              | No. Date:  | 8741    | 7 1207     | PAID RECEIPT<br>DESP ACTION<br>2007 12/05/2007 1   |
|--------------|-------|-----------------------------|----------|---------------|------------|--------------|------------|---------|------------|--|
| Fund         | Agcy  | Orgn                        | Sub Orgn | Rev<br>Source | Sub<br>Rev | Rept<br>Catg | BS<br>Acct | Amount  | Dept CH 18 | 2 Most JEMA JE<br>FI 6 COZZAZ 12/08/<br>5 NCS JUNIDA VENZ<br>1087/HI<br>SECRET LOT<br>13/20/ UK<br>Maltipore Coenty, M |
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# **CERTIFICATE OF POSTING**

|   | RE: Case No.: 08-259-A   |
|---|--|
|   | Petitioner/Developer: Commence   |
|   | BANK, N.A.   |
|   | Date of Hearing/Closing: 2-20-   |
| Baltimore County Department of<br>Permits and Development Management<br>County Office Building, Room 111<br>111 West Chesapeake Avenue<br>Fowson, Maryland 21204  |  |
| ATTN: Kristen Matthews {(410) 887-3394}   | Assert The Control of |
| Ladies and Gentlemen:   |  |
| posted conspicuously on the property located at:  SE SIDE OF POLAS  | KI HWY SE CORNER OF  |
| The sign(s) were posted on  | 2-4-08   |
|   | (Month, Day, Year) Sincerely,  |
|   | Robert Bleek 2-5-08  |
|   | (Signature of Sign Poster) (Date)  SSG Robert Black  |
|   | (Print Name)   |
| ZONING NOTICE  CASE * 08259 A   | 1508 Leslie Road   |
| A PUBLIC HEARING WILL BE HELD BY  | (Address)  |
| Topin the Please Care Swam  | Dundalk, Maryland 21222  |
| PLACE: DATE AND THEE EXTENSION OF SIZE OF STATE | (City, State, Zip Code)  |
| nutric (50 pers law let 193 source)   | (410) 282-7940   |
| MATERIAL AND  | (Telephone Number)   |



JAMES T. SMITH, JR. County Executive

December 28, 2007
TIMOTHY M. KOTROCO, 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: 08-259-A

SE/side of Pulaski Highway, SE corner of Pulaski Highway & Rossville Blvd. S/west corner of Pulaski Highway and Rossville Blvd. 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Commerce Bank, N.A.

<u>Variance</u> to permit four wall-mounted enterprise signs, in lieu of the three wall-mounted enterprise signs (no more than two per façade) permitted.

Hearing: Wednesday, February 20, 2008 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204 Michael Powell, Commerce Bank, 9000 Atrium Way, Mt. Laurel NJ 20878

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 5, 2008.

- (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, February 5, 2008 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: 08-259-A

SE/side of Pulaski Highway, SE corner of Pulaski Highway & Rossville Blvd. S/west corner of Pulaski Highway and Rossville Blvd. 15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

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WILLIAMS WAS EMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

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(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.

| Item Number or Case Number: 08-259-A           |  |
|--|--|
| Petitioner: Commerce Bank                      |  |
| Address or Location: 8733 Pulaski Hwy          |  |
|  |  |
| PLEASE FORWARD ADVERTISING BILL TO:            |  |
|  |  |
| Name: Any Contell                              |  |
| Name: Any Contell Address: 210 Alegheny Avenue |  |
|  |  |
| Address: 210 Allegheny Avenue                  |  |



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

February 12, 2008

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

Dear Mr. Karceski:

RE: Case Number: 08-259-A, SE side of Pulaski Hwy, SE corner of Pulaski Hwy, & Rossville Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 6, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel

Commerce Bank, N.A. Michael Powell, Facilities Officer 9000 Atrium Way Mt. Laurel, NJ 20878

# **BALTIMORE COUNTY, MARYLAND**

### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: January 3, 2008

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 24, 2007 Item Nos. 08-257, 259, 260, 261, 262, 263, 265, 266, 267, 268, 269, 270, 271, 272, and 274

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- 01032008.doc



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

County Office Building, Room 111, 2007
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

December 28, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 17, 2007

Item Number: 257 259 260, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File



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

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

Maryland Department of Transportation

January 4, 2008

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

RE: Baltimore County

Item No. 08-259-A US 40 (Pulaski Hwy.) at Rossville Boulevard 7333 Pulaski Hwy

Commerce Bank-Golden Ring

Variance-

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on January 3, 2008. A field inspection and internal review reveals that the existing entrance onto US 40 (Pulaski Highway) not consistent with current State Highway Administration requirements. Based on available the SHA has issued a permit for improvements within the US 40 right-of-way. Therefore, this office has no objection to Commerce Bank, Case Number 08-259-A approval.

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

Very truly yours,

Steven D. Foster, Chief Engineering Access Permits

Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA

Mr. Michael Pasquariello, Utility Engineer, SHA

# 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: January 28, 2008

BY:\_\_\_\_

SUBJECT:

Zoning Advisory Petition(s): Case(s) 08-259- Variance

The Office of Planning has reviewed the above referenced case(s) and offers the following:

The Office of Planning does not oppose the petitioner's request for additional signage for a new bank provided the following condition is met:

Remove existing fence and show pedestrian access to adjacent restaurants.

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

CM/LL

RE: PETITION FOR VARIANCE
SE/S Pulaski Highway SE com

SE/S Pulaski Highway, SE corner of Pulaski

Highway & Rossville Blvd

15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts Legal Owner(s): Commerce Bank, N.A.

Petitioner(s)

**BEFORE THE** 

**ZONING COMMISSIONER** 

FOR

**BALTIMORE COUNTY** 

08-259-A

## **ENTRY OF APPEARANCE**

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

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

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

# **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 2nd day of January, 2008, a copy of the foregoing Entry of Appearance was mailed to, David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

....1 0 2 2008

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

# PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER 3-321-871
DATE 2 20108

# PETITIONER'S SIGN-IN SHEET

| NAME               | ADDRESS  | CITY, STATE, ZIP   | E- MAIL   |
|--------------------|--|--|---|
| John Clapsaddle    | 8818 Centre Park Drive   | Columbia, MD 21045   | john. clapsaddie ephra.com  |
| M.Kir Powell       | 9000 Atour Way   | mit Laurel, NJ 08054   | michael, Buelle yes rate con  |
| DAN BLEVINS        | 8818 CENTRE PARK DRIVE   | COLUMBIA, MD. 21045  | daniel blevins cohra som  |
| SCOTT WOLFDAD      | 8818 CENTRE PARA DRIVE   | '  | SCOTT. WOLFORDS PHEN  |
| DAVID KARCESKY     | 210 Altegheny Ave  | TOWSON MI) 21204   | - d Karus 42 com  |
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|                    | L  | r* ;   | , L'  |
|                    | Scott R. Wolford, RLA, AICP Vice President   |  | John W. Clapsaddle, PE<br>Director of Engineering   |
|                    |  | -  |   |
| P <sub>H</sub> R+A | 8818 Centre Park Drive, Suite 200 Columbia, Maryland 21045 T 410.997.8900 F 410.997.9282 C 301.922.0204 E Scott.Wolford@phra.com | -  | 8818 Centre Park Drive Columbia, Maryland 21045 7 410,997 8900 F 410,997.9282 C 443,386 0629 E John.Clapsaddle@phro.com |
| Engineers. Surveyo | irs, Planners. Londscape Architects.   | Engineers. Surveyors.  | Planners Landscape Architects.  |
|                    |  |  |   |
|                    |  | Daniel M. Blevins<br>Senior Project Manager  |   |
| · .                | P <sub>H</sub> R+Λ   | 8818 Centre Pork Drive, Suite 200<br>Columbia, Moryland 21045<br>T 410.997.8900<br>F 410.997.9282<br>E Daniel.Blevins@phra.com | -   |
|                    | Engineers Surveyors  | Planners Landscape Architects  |   |

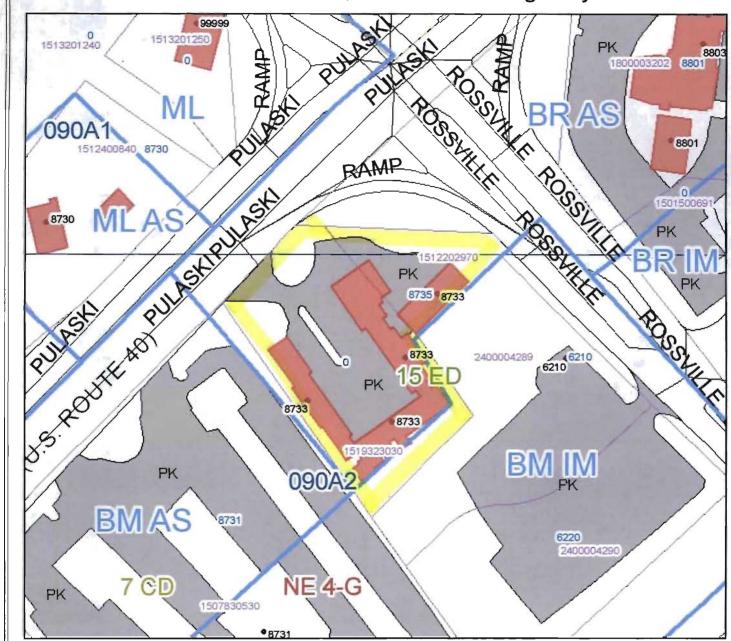
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| DATE        |   |   |   | • |

# COUNTY REPRESENTATIVE'S SIGN-IN SHEET

| NAME                           | ADDRESS            | CITY, STATE, ZIP | E- MAIL                                  |
|--------------------------------|--------------------|------------------|--|
| SHELDON EPSTEIN<br>Brok Cobert | COUNTY OFFICE BLDG |                  | Sepstein@ballingrecountryll your chunger |
| Rich Cobert                    | Ralt Coy Eim Dev.  |                  | r & obert @ balhore contyal. I got       |
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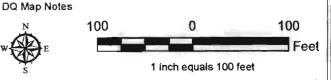
# Commerce Bank, 8733 Pulaski Highway





Publication Date: December 06, 2007 Publication Agency: Department of Permits & Development Management Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot





Item #259

Case No.: 08-259-A Commerce Bank

# **Exhibit Sheet**

# Petitioner/Developer

# Protestant

| No. 1  | 1A - SITE PLAN   |      |
|--------|--|------|
|        | 1B- SIGN DEFAIL  |      |
| No. 2  | COLORIZED - SITE LAYOUT  |      |
| No. 3  | AERIAL VIEW SITE !<br>SUMBUNDING AREA  |      |
| No. 4  | SIDE BUILDING ELEV.<br>W/SIDE - SIGN DETAIL (SIGN-G)                           |      |
| No. 5  | STA AMENDER DEVELOPMENT<br>PLAN WAMM FUEL SERVICE STA<br>CARWAGH CHECKERS DOWN | THEU |
| No. 6  | Scott R. WOLFORD AICP, RLA   |      |
|        | RESUME - UP RHR : A  |      |
| No. 7  |  |      |
| No. 8  |  |      |
| No. 9  |  |      |
| No. 10 |  |      |
| No. 11 |  |      |
| No. 12 |  |      |
|        |  |      |

#### Company Title

Vice President/ Director of Maryland Operations

#### Education

- MS, Landscape Architect and Environmental Planning, 1985
- BS. Landscupe Architecture, 1978

#### Registration/Certification

- Registered Landscape Architect, Maryland, 1988, #797
- Registered Landscape Architect, Prinsylvania, 1989, #001081-R
- American Institute of Certified Planners, 1990

- Poolesville, Muryland Phanning Commission, Via Chairman, 1997-
- Urban Lund Institute
- Society for Cullege and University Plouning
- Maryland-Nations Capital Binliane Industry Association
- American Society of Lundscape Architects
- American Planning Association

#### Summary

Mr. Wolford is a Vice President and the Director of Patron Harris Rust & Associates, pc, Maryland operations. His responsibilities include coordination of all Maryland-based projects including directing the activities of a staff of 130 engineers, planners, landscape architects, utility designers, environmentalists and surveyors in the six Maryland offices. Specific tasks include participation in County Master Plans, Rezoning and Special Exceptions, Variances and Departures and Zoning Relief. In this position coordination with other design consultants and team professionals is required to make a unified comprehensive presentation, and to build cases for favorable approval. This roles includes extensive knowledge of the Special Exception process, subdivision process, as well as Planning Board, Zoning Hearing Examiner and Board of Zoning Appeal presentations.

#### Relevant Experience

Greenhorne & O'Mara, Inc. - Montgomery County, Maryland Director of Planning

Responsibilities included development of feasibility studies, participation in master plan preparation, rezonings and special exceptions, public presentations, conceptual and final designs, construction documents, specifications, environmental analysis, wetland investigation, forest stand delineation, and tree conservation plans. These projects included elderly housing, golf courses, residential communities, office parks and commercial and industrial facilities.

Greenman-Pedersen, Inc. (GPI) - Laurel, Maryland Director of Planning

Responsibilities included feasibility studies, master planning, rezonings, public presentations, conceptual and final designs, environmental analysis, wetland investigation, forest stand delineation, and tree conservation plans. These services are provided to public agencies and private ventures. Responsibilities included scheduling of personnel and projects, executing contracts and proposals, marketing, project accounting, hiring, management and education of staff, and client relations. Included in responsibilities was testimony to boards and commissions.

Kidde Consultants, Inc. - Laurel, Maryland Project Manager of Planning

Responsibilities included the overall scheduling and coordination of landscape architecture and planning projects. Those projects included a residential and mixed-use communities, commercial and retail development projects, institutional developments, and park and recreational facilities. Duties included feasibility studies and reports, preliminary and final design layouts, public presentations, construction drawings and specifications, stormwater management and utility plans, and environmental analysis including wetland and tree stand delineation.

PETITIONER'S 8-259

EXHIBIT NO.



#### The Collaborative, Inc. - Salt Lake City, Utah Senior Landscape Architect/Planner

Activities performed within the office involved a complete synthesis of information obtained from in-house designers and outside consultants to result in a final design reflecting a unified effort. Responsibilities included the complete planning, design and coordination of projects for the City, State and Federal Agencies as well as private development of preliminary designs along with the recommendations for final improvements. Duties also included the preparation of accompanying construction documents including grading, layout, planting design, irrigation systems, specifications and cost estimates. Responsible for client coordination and contractor compliance to construction documents and on-site inspections. The projects ranged in scale from large military installation planning to small city park improvements and included retail mall developments, recreation facilities, commercial centers, and institutional facilities. Responsible for graphic illustrations and written and verbal presentations to government agencies, development boards, community bodies and private clients.

#### Karsten Hansen and Associates – Salt Lake City, Utah Project Landscape Architect

Responsible for presentations and preliminary drawings, and the preparation and coordination of complete working drawings packages including grading, stormwater retention, layout, irrigation, plating and details as well as the accompanying specifications and inspections. Duties also included general office, residential, commercial, industrial, governmental, institutional and recreational with work completed in all phases and scales of development.

### David C. Racker and Associates – Salt Lake City, Utah Staff Landscape Architect

Responsibilities as Staff Landscape Architect involved all phases and scales of landscape architecture and land planning with emphasis on construction detailing, planting and irrigation system design, specifications and project inspections. The projects ranged from small scale residential to large corporate headquarters and included institutional facilities and government projects.

#### Dell R Cook and Associates - Salt Lake City, Utah Staff Landscape Architect

Responsibilities in the design and supervision of projects in commercial, industrial and residential work, duties included design of planting and irrigation systems, on-site construction inspections, and preparation of construction documents including specifications and maintenance manuals.

## Specific Significant Zoning Cases

#### "The Orchards" - Berryville, Virginia

Planned Unit Development, 200 acres. Project included 450 – 500,000 square feet of office. 150,00 square feet retail, two church sites, recreation and 495 units of residential. The residential includes single family in varying lot sizes, attached units and senior citizen housing.

- Brandywine Commerce Center Prince George's County, Maryland 275-acre office and industrial park, zone I-3 and EIA. Conceptual planning site analysis and design guidelines.
- Summit Creek Prince George's County, Maryland
  280-acre Comprehensive Design Zone R-R to R-S1.6 residential lots. Site analysis and Basic Plan drawings. Prepared the test that included Basic Plan, master plan compliance, site analysis and introduction.
- Tattan Property Prince George's County, Maryland
  250-acre rezoning from R-R to R-M, R-S and L-A-C. Prepared Basic Plan, master plan compliance, site analysis and other components drawing and test for submission.
- <u>Laurel Tower</u> City of Laurel, Maryland
   Twin Towers for total of 200 units, side and rear yard variance applied for and granted.

## Additional projects involving right-of-way acquisition include:

|   | Rexford Parcel           | City of Greenbelt                       |
|---|--------------------------|---|
| = | Obar Property            | Maryland State Highway Administration   |
| • | School House Property    | Maryland State Highway Administration   |
|   | 301 Property             | Maryland State Highway Administration   |
| • | Roswell Parcel           | Maryland State Highway Administration   |
| • | Carlin Property          | Maryland State Highway Administration   |
|   | Free State Parcel        | Maryland State Highway Administration   |
|   | Nash/301 Property        | Maryland State Highway Administration   |
| ¥ | Jamison Property         | Washington Suburban Sanitary Commission |
| • | Moshkelgosha Property    | Washington Suburban Sanitary Commission |
| • | Brightseat Road Property | City Corporation                        |
|   | Maryland Route 32        | Maryland State Highway Administration   |
|   |                          |   |

#### Recent Testimony

 Deputy Zoning Commissioner - Hearing Officer For Baltimore County, Maryland

Applicant:

Esplanade Development, LLC 4750 Owings Mills Boulevard Owings Mills, MD 21117

Special Hearing pursuant to Section 209.2 of The Baltimore County Zoning Ordinance to Develop 493 Condominiums and 100,000 square feet of office space.

Zoning Hearing Examiner - Prince George's County, Maryland

Applicant:

Poretsky Palmer LLC Palmer Land LLC 6939 Georgia Avenue, NW Washington, DC 20012-2456

Special Exception Application No S.E. 4467: A Special Exception for a Planned Retirement Community.

Board of Zoning Appeals – Montgomery County, Maryland

Applicant:

J. Kirby Development, LLC 2205 Warwick Way Suite 210 Marriottsville, MD 21104

dment/Development Plan No. G. 803 to the E

Local Map Amendment/Development Plan No. G-803 to the PD-9 Zone for a 4 story, 104 dwelling unit senior adult living facility.

Board of Zoning Appeals - Montgomery County, Maryland

Applicant:

Howard Hughes Medical Institute 4000 Jones Bridge Road

Chevy Chase, MD 20815

Special Exception Application No.: S-1565-A Special Exception Modification to increase the land area and construct a headquarters building with underground parking for a charitable or philanthropic institution.

Board of Zoning Appeals – Montgomery County, Maryland

Applicant

J. Kirby Development, LLC 2205 Warwick Way

Suite 210

Marriottsville, MD 21004

Special Exception Application No.: S-2554 for Special Exception for housing for the elderly for 86 independent apartment units.

Board of Appeals - Calvert County, Maryland

Applicant

Patuxent Companies 2124 Priest Bridge Road

Suite 18

Crofton, MD 21114

Special Exception Application No.: 02-2842 to install a drip irrigation wastewater treatment facility for the Calvert Gateway Town Center in Dunkirk, Maryland.

Board of Zoning Appeals – Montgomery County, Maryland

Applicant:

Norbeck Village Association Limited Partnership

Stavrou Senior Communities, LLC 5100 Forbes Boulevard, Suite 101

Lanham, MD 20706

Special Exception Application No.: S-2459 for Special Exception for housing for the elderly for 130 independent apartment units.

Board of Zoning Appeals - Montgomery County, Maryland

Applicant:

Norbeck Village Association Limited Partnership

Victory Housing

5430 Grosvenor Lane, Suite 210

Bethesda, MD 20814

Special Exception Application No.: S-2460 for Special Exception for domiciliary care home for 30 assisted living apartment units.

Board of Appeals – Calvert County, Maryland

Applicant:

Safeway, Inc.

4551 Forbes Boulevard Lanham, MD 20706

Special Exception Application No.: 00.2676. Special Exception for construction and operation of an automobile filling station.

Zoning Hearing Examiner – Montgomery County, Maryland

Applicant:

IDI Maryland, Inc. 14901 Pennfield Circle

Silver Spring, MD 20006

Zoning Application No.: G-782 to rezone property from RE to PRC and to be included in Leisure World.

Prince George's County District Council

Applicant

Ryko Development, Inc.



8133 Leesburg Pike Suite 300 Vienna, VA 22182

Basic Plan Amendment No.: 4-98063 for 1,209.01 acres of R5 1.6 - 2.6 for 2,400 single family homes with an 18-hole golf course.

 Zoning Hearing Examiner - Prince George's County, Maryland Prince George's County District Council

Applicant.

Stavrou Senior Communities, LLC

5100 Forbes Boulevard

Suite 101

Lanham, MD 20706

Zoning Map Amendment No. 4-9935 and Zoning Map Amendment A-9839-C for a comprehensive design plan for 856 units in a mixed retirement development.

Zoning Hearing Examiner - Prince George's County, Maryland

Applicant

National Harmony Memorial Park Capital Heights, MD 20785

Special Exception No. 4313 for cometery expansion, funeral home and crematorium.

Board of Zoning Appeals - City of Laurel, Maryland

Applicant:

Louise V. Donaldson 313 Talbot Avenue Laurel, MD 20707

Special Exception No. 604 for expansion of a funeral home in the R55 zone.

Zoning Hearing Examiner – Prince George's County, Maryland

Applicant:

Washington Homes, Inc. 1802 Brightseat Road Landover, MD 20785

Zoning Map Amendment No. A9774.

Zoning Hearing Examiner - Prince George's County, Maryland

Applicant:

Washington Homes, Inc. 1802 Brightseat Road Landover, MD 20785

Zoning Map Amendment No. A9775.

Zoning Hearing Examiner - Prince George's County, Maryland

Applicant:

City of Greenbelt 25 Crescent Road Greenbelt, MD 20770

Special Exception No. SE-4202 adult day care in accordance with Sections 27-317 and 27-332 of the zoning ordinance.

Zoning Hearing Examiner – Prince George's County, Maryland

Applicant:

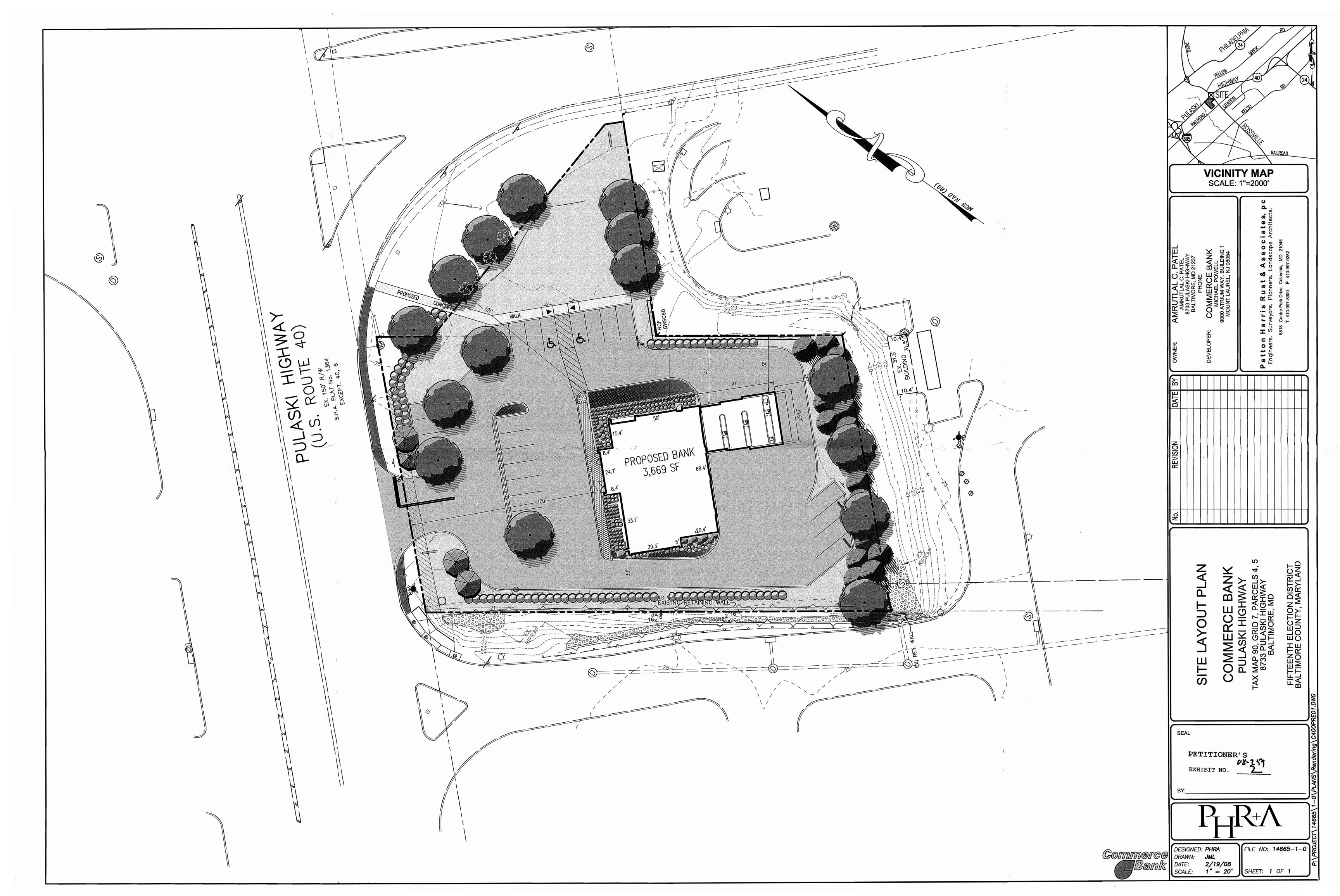
Curtis Regency, LLC

49 Old Solomon's Island Road

Suite 301

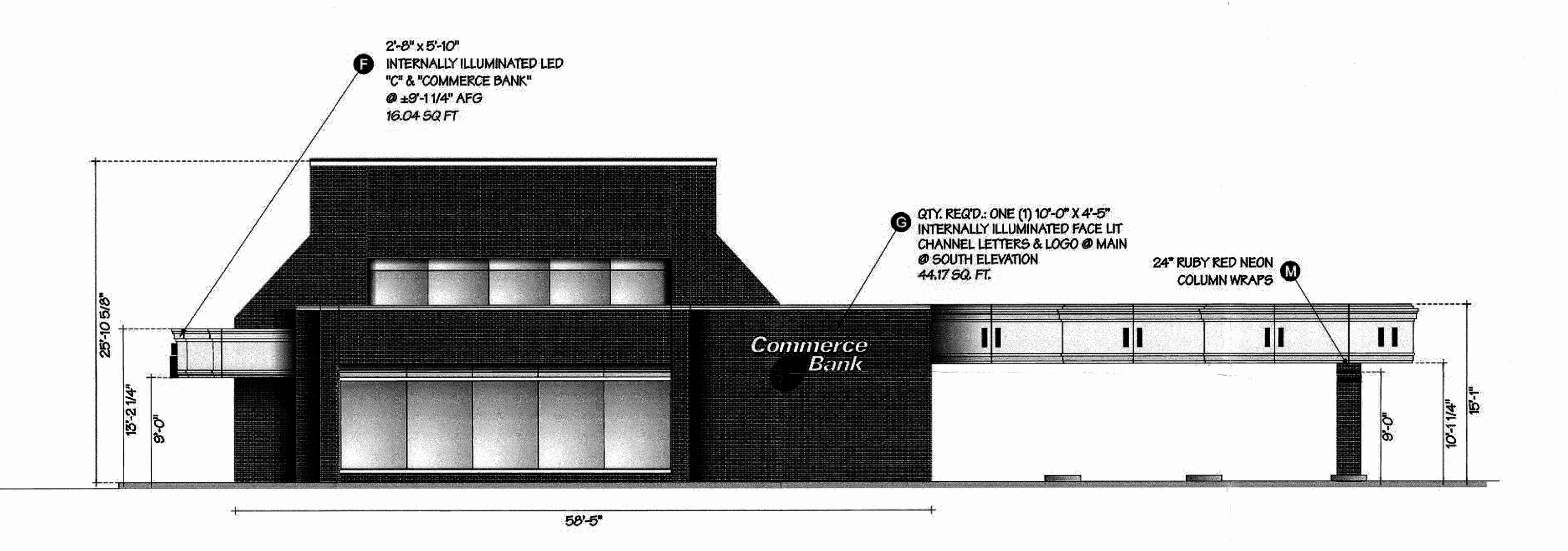
Annapolis, MD 21041

Special Exception amendment for a medical/residential campus SE-3270.



COMMERCE BANK - ROSEDALE 4 LANE REAR DRIVE THRU

GEM



# SIDE ELEVATION - TYPICAL 4 LANE REAR DRIVE-THRU

Scale: 3/32"=1'-0"

SIGN & SERVICE

CLIENT & LOCATION Commerce **J**Bank

COMMERCE BANK - ROSEDALE 8733 PULASKI HIGHWAY

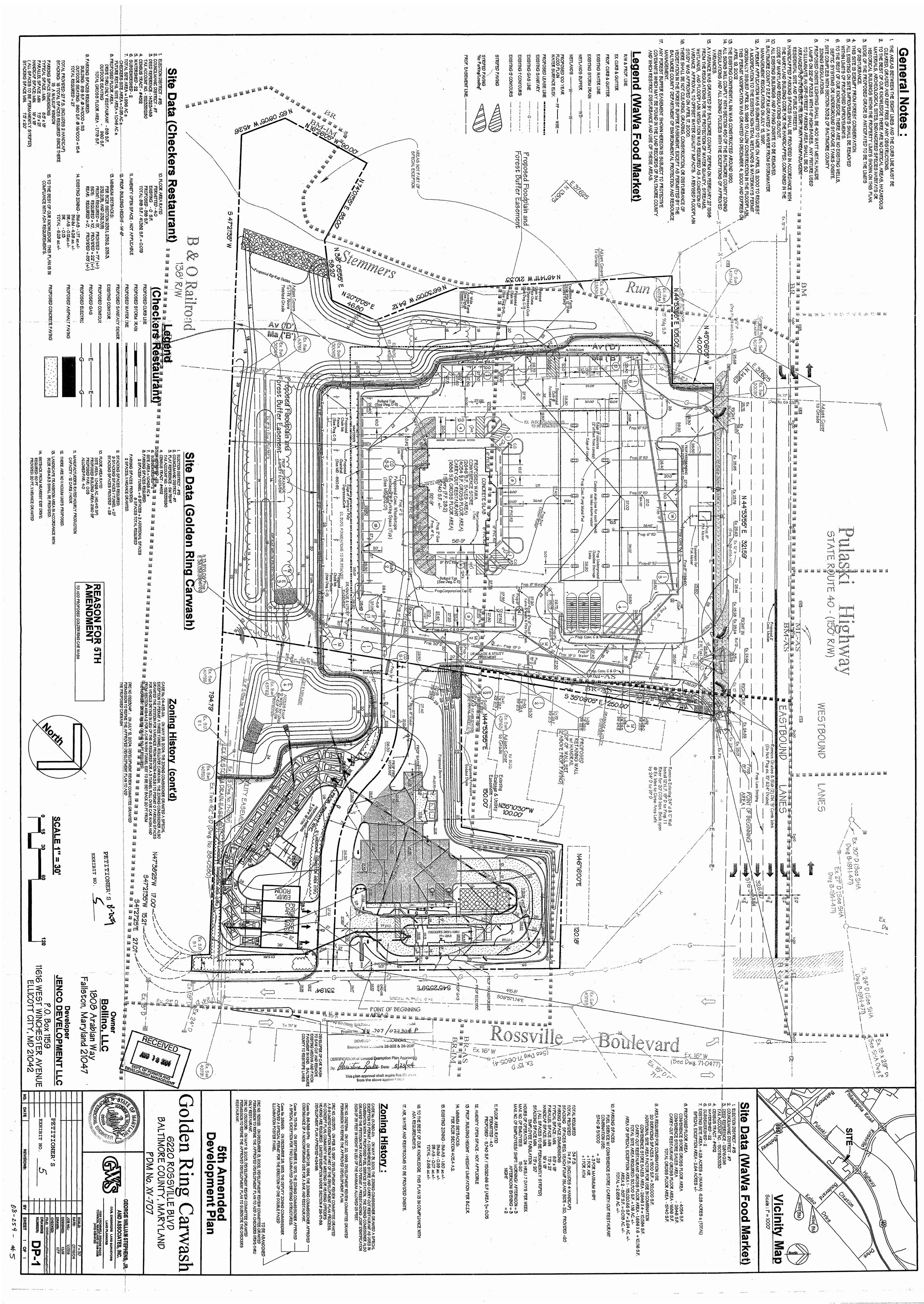
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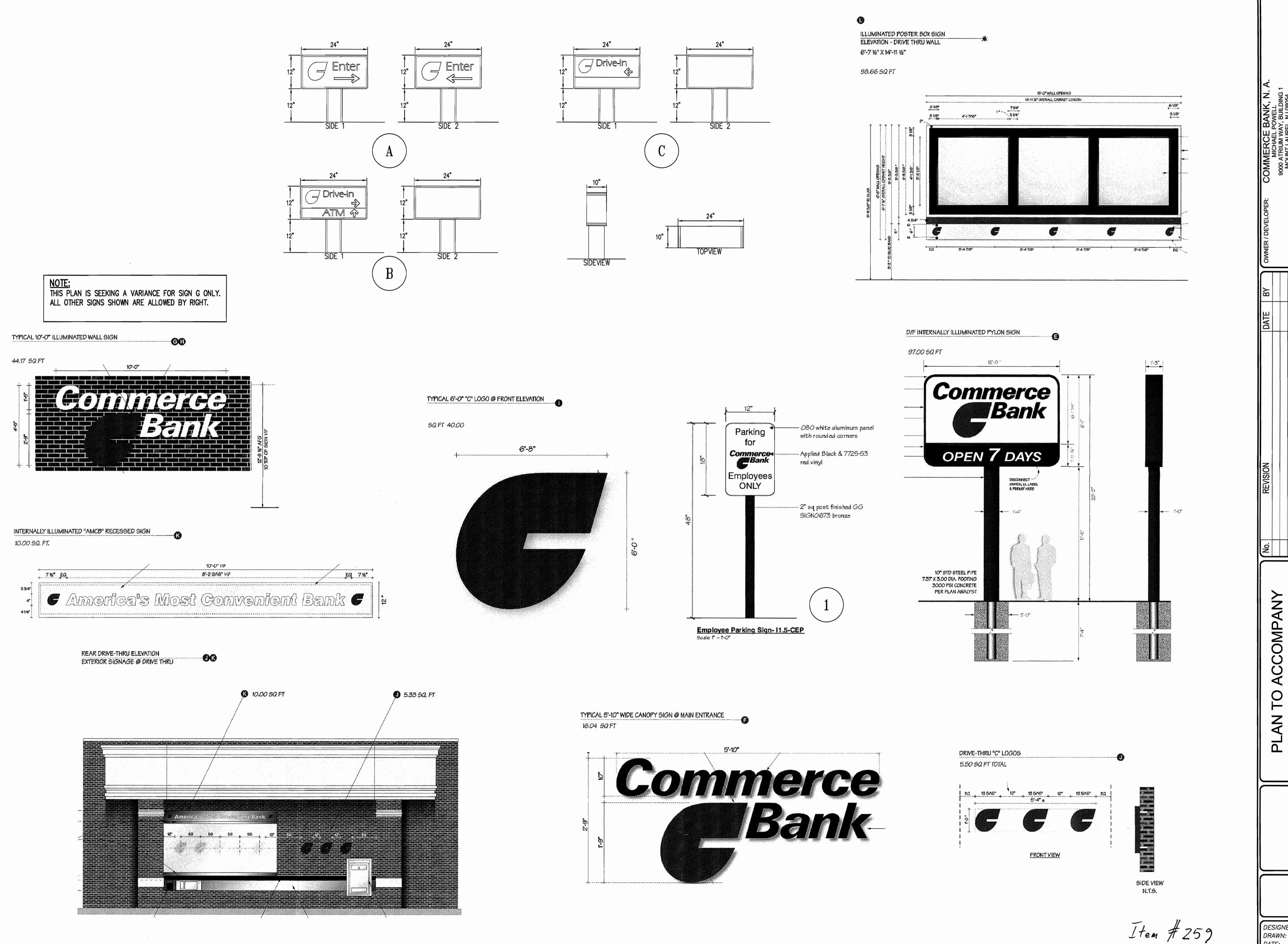
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REVIEWED BY

REVISION

SEG. NO. SHEET NO. ROSEDALE, MD G. NETHEN AS NOTED





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DATE: 12/07/07
SCALE: 1" = 20'

FILE NO: 14665-1-0 C-6.04

**\ssociates, pc** andscape Architects. a, MD 21045

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