

IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE

E/S Dulaney Valley Rd., SW/S Fairmount Ave. *
(Towson Town Center - *
825 Dulaney Valley Rd.) *

BEFORE THE

ZONING COMMISSIONER

OF

9th Election District *
5th Council District *

BALTIMORE COUNTY

Case No. 08-312-SPHA

Towson TC, LLC
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Towson TC, LLC, by and through its attorneys David H. Karceski and Michael H. Davis with Venable LLP. By reason of Petitioner's filing for revision to the comprehensive signage package approved in Case No. 07-481-SPHA, special hearing relief is requested to approve an amendment to the approved site plan in Case No. 07-481-SPHA. As filed, additional variance relief from the sign regulations contained in the Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) is also requested for the Town Center's consolidated sign proposal as follows:

WEST SIDE ELEVATION – MALL ADDITION (Dulaney Valley Road)

Enterprise Signage - From Section 450.4.5.d to allow 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage - From Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet.

Joint Identification Signage - From Section 450.4.7.b to allow a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of the permitted 150 square feet and from Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

ORDER RECEIVED FOR FILING
Date 3-20-08
By [Signature]

NORTH SIDE ELEVATION – SECTION A (Fairmount Avenue)

Enterprise Signage - From Section 450.4.5.d to allow 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Joint Identification Signage - From Section 450.4.7.a to allow 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12%.

Directional Signage - From Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet.

NORTH SIDE ELEVATION – SECTION B (Fairmount Avenue)

Directional Signage - From Section 450.4.3 to allow a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted.

Directory Signage - From Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet.

SOUTH SIDE ELEVATION (Interior of Mall Property)

Enterprise Signage - From Section 450.4.5.d to allow 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage - From Section 450.4.3 to allow a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

The subject property and the proposed signs delineated above are more particularly described on the nine-page, sign variance/site plan and detailed pattern book for the Towson Town Center Shopping Center submitted into evidence and marked as Petitioner's Exhibits 1 and 3, respectively.

Appearing at the requisite public hearing in support of the requests were Mitchell J. Kellman, land planner and zoning expert with Century Engineering, Inc., Adam J. Morman, R.L.A., a senior landscape architect with Daft-McCune-Walker, Inc., the firm that prepared the sign variance/site plan for this property, and David Lazas, General Growth Properties' project

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Date 3-20-08
By [Signature]

manager for the Town Center. Michael H. Davis, Esquire and David H. Karceski, Esquire represented the Petitioner.

Richard Parsons attended the public hearing on behalf of the Greater Towson Council of Community Associations (GTCCA). As Zoning Chairman for the organization, Mr. Parsons testified that the GTCCA met with the Petitioner regarding this case to review and discuss the proposed updated sign package and that his organization does not object to the relief being requested. It is important to note that the GTCCA also did not object to sign variances granted in prior Case No. 07-481-SPHA and attended and participated in the public hearing before me in that case as well.

As explained in prior Case No. 07-481-SPHXA, this Town Center signage is requested in connection with the redevelopment of a portion of the Town Center located at the intersection of Dulaney Valley Road and Fairmount Avenue. At this location, an addition to the Town Center is now under construction and the signage proposed will identify the Town Center and certain future tenants. In the prior sign variance case, Case No. 07-481-SPHA, a comprehensive sign package was approved for the Town Center to allow for signage on this Town Center addition. In the instant matter, Petitioner requests revisions to the sign package approved in the prior case relating to certain tenant signage and identification signage for the Town Center.

As I found in the 2007 sign case, an examination of Petitioner's Exhibit 1 discloses that the overall Town Center property is irregularly-shaped and the vicinity map highlights the area of focus for this hearing as being at the intersection of Fairmount Avenue and Dulaney Valley Road in Towson. The entire site is zoned B.M.-C.T. (Business, Major-Commercial, Town-Center Core) and consists of approximately 31.79 acres. The Town Center has existed at this

CHANDLER RECEIVED FOR FILING
Date 3-28-08
BY 3

location since 1959 and is a landmark in the area, providing numerous major department stores and specialty retail stores, as well as off-street parking to support the mall and its tenants.

By way of brief zoning history, Petitioner obtained zoning relief in Case No. 07-124-A for the improvements underway on the northwestern corner of the property, along its Dulaney Valley Road and Fairmount Avenue frontages. In that case, the Order approved a building setback variance for redevelopment of this corner of the Town Center. As illustrated on page 2 of Petitioner's Exhibit 1, the plan shows this addition layout and the components of it, including retail and restaurant tenant spaces, as well as additional structured parking.

Petitioner now comes before me and seeks to amend the site plan approved in Case No. 07-481-SPHA, which will be granted. The site plan changes relate only to signage and not the building addition location. Related to this ongoing redevelopment project and the setback variance obtained previously, Petitioner, as outlined above, seeks relief from the requirements of B.C.Z.R. Section 450 for certain revisions to signage approved in the 2007 sign case for completion of its revitalized Town Center. As established in the 2007 case, on the west side elevation fronting on Dulaney Valley Road, the north side elevation fronting on Fairmount Avenue, and the south elevation, Petitioner plans signage identifying the Town Center, restaurant and retail tenants, and parking garages' entrances. See Pages 5 through 9 of Petitioner's Exhibit 1. In addition to these signs, Petitioner plans to install certain directional signage for pedestrian and vehicular traffic. In this regard, the Office of Planning in its Zoning Advisory Committee (ZAC) comment, dated July 10, 2007, commented that the requested sign relief is part of a comprehensive enhancement plan for the Town Center that will achieve the street presence and urban setting appropriate at this location. One of Planning's preliminary concerns for these signs was that they might impede pedestrian traffic. The Office of Planning, however, confirmed in its

CASE RECEIVED FOR FILING

Date 3-20-08

By 123

ZAC comment that the granting of this request will in no way impede the pedestrian travel ways that surround the Town Center and will assist pedestrian way-finding into the Town Center. Planning did not issue an updated ZAC comment in the instant case to address the revisions to Petitioner's sign package, however, a review of Petitioner's updated sign package indicates that it does comply with Planning's July, 2007 ZAC comment.

As previously established in the 2007 sign case and in providing a foundation for this updated variance relief, Petitioner offered the testimony of Mitchell J. Kellman, its expert land planner. His testimony focused on the unique nature of the property, the history of the Towson Town Center, and its function as a destination center bounded by major roads on all sides. Referring to Petitioner's Exhibit 1, Mr. Kellman further explained the site's irregular configuration and location within Towson's only CT district. It was his expert opinion that this redevelopment of the Towson Town Center is appropriately a part of Towson's Revitalization District as well. Mr. Lazas, the project manager, summarized the Town Center's intent in completing this aspect of the redevelopment from an aesthetic standpoint. He testified that, at the time of the 2007 sign case, some of the future tenants had not yet been identified and certain sign locations for other tenants were conceptual and, therefore, require revision. The sign variance/site plan and pattern book indicate the updated sign locations and sign face areas for the Town Center signage, which is sufficient for this hearing. Sign details are also again provided for each Town Center sign proposed. See Petitioner's Exhibit 3. The majority of the tenant sign details identify a specific tenant, while others are generically labeled, i.e., "Restaurant #1" or "Retail." As recognized by a note on page 9 of Petitioner's Exhibit 1, any tenant signs not yet reviewed and approved by the County's Design Review Panel will require review and approval by the DRP following this hearing.

CASE FILED FOR FILING
Date 3-20-08
By [Signature]

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. It is clear that the B.C.Z.R. sign ordinance has its limitations, especially with respect to a site as large as a regional mall. I continue to be impressed with this proposed redevelopment of the Town Center and the revisions to the sign package approved in 2007 sign case are in keeping with this high-quality redevelopment. Moreover, the participation throughout this process by the GTCCA is significant. It is apparent to me that the requested relief is consistent with the County's redevelopment goals for this property within Towson's CT district. The nature of this commercial use, size and configuration of the property, and the constraints associated with the site are all persuasive factors making relief appropriate. I find that the property is unique and practical difficulty would result if the relief were denied. Furthermore, the Petition for Variance can be granted without any adverse impact to the surrounding locale. A review of Petitioner's Exhibit 2 (Aerial Location Map) illustrates that the property is located in the center of Towson's town center overlay district and, as such, this updated sign package, as I determined in the 2007 sign case, will complement the surrounding similar commercial and high-density residential uses of the Towson core. As the comprehensive sign package was in the 2007 sign case, this revised sign package is desirable from an aesthetic standpoint and important to the economic growth of Towson.

Pursuant to the advertising, posting of the property, and public hearing held on the Petitions, and for the reasons set forth above, the variance and special hearing relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County on this 20th day of March 2008, that the Special Hearing relief requested to approve an amendment to the site plan approved in Case No. 07-481-SPHA, be and is hereby granted; and

IT IS FURTHER ORDERED that the Petition for Variance requesting allowance of the Town Center's updated sign package and relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, in accordance with the nine-page site plan (Petitioner's Exhibit 1) and pattern book (Petitioner's Exhibit 3), as follows:

WEST SIDE ELEVATION – MALL ADDITION (Dulaney Valley Road)

Enterprise Signage

From Section 450.4.5.d to allow 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

From Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet.

Joint Identification Signage

From Section 450.4.7.b to allow a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of the permitted 150 square feet.

From Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

NORTH SIDE ELEVATION – SECTION A (Fairmount Avenue)

Enterprise Signage

From Section 450.4.5.d to allow 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

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From Section 450.4.7.a to allow 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12%.

Directional Signage

From Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet.

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Date 3-20-08
By [Signature]

NORTH SIDE ELEVATION – SECTION B (Fairmount Avenue)

Directional Signage

From Section 450.4.3 to allow a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted.

Directory Signage

From Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet.

SOUTH SIDE ELEVATION (Interior of Mall Property)

Enterprise Signage

From Section 450.4.5.d to allow 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted.

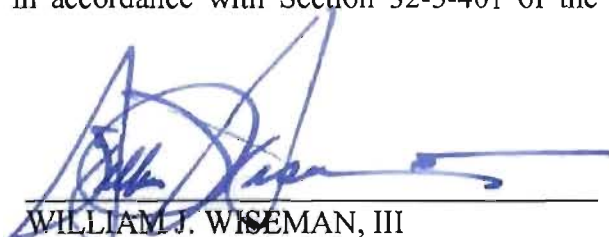
Directional Signage

From Section 450.4.3 to allow a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

IT IS FURTHER ORDERED, for the reasons stated above that this decision is subject to the following condition precedent to the relief granted:

1. Petitioner may apply for permits and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Any appeal of this Order must be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 3-22-08
By [Signature]

BW 3/10 9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 13, 2008

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

SUBJECT: 425 Dulaney Valley Road

INFORMATION:

Item Number: 8-312

Petitioner: David R. Rummel

Zoning: BM-CT

Requested Action: Variance

RECEIVED
FEB 26 2008

BY:

SUMMARY OF RECOMMENDATIONS:

The subject property has gone before the Baltimore County Design Review Panel for multiple site additions and revisions. Included in that package were the subject sign elevations. The Office of Planning supports the petitioner's request for sign variances, as it is consistent with the disposition of the Design Review Panel.

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

Reviewed by:

Candis Murray

Division Chief:
AFK/LL: CM

Tyler Lark



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

March 5, 2008

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

Dear Mr. Davis and Mr. Karceski:

RE: Case Number: 08-312-SPHA, 825 Dulaney Valley Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 16, 2008. 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



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

State Highway
Administration

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

Maryland Department of Transportation

February 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. 08-312-SPHA
MD 147 (Dulaney Valley RD)
at Fairmount Avenue
Towson Town Center Property
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 31, 2008. A field inspection and internal review reveals that the existing entrance onto MD 147 (Dulaney Valley Road) is consistent with current State Highway Administration requirements. Therefore, this office has no objection to Towson Town Center property, Case Number 08-312-SPHA 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 (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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

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



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

January 29, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2008

Item Number:

298, 299, 300, 301, 302, 303, 305, 306, 307, 308, 309, 310, 311, 312, 314, 315,
316, 317, 318, 319, 320, 322, 323, 324

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 4, 2008
Item Nos. 08-298, 299, 300, 301, 302, 304,
306, 307, 308, 309, 310, 311, 312, 313, 314,
316, 317, 318, 319, 320, 321, 322 and 323

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

DAK:CEN:cab
cc: File
ZAC-NO COMMENTS- 02042008.doc

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: #08-312-SPHA

825 Dulaney Valley Road

E/side of Dulaney Valley Road, s/west of Fairmount Avenue

9th Election District - 5th Councilmanic District

Legal Owner(s): Towson TC, LLC by Bernard Freilbaum

Special Hearing: to amend the site plans approved in Case 07-481-SPHA. Variance - West Side Elevation - Mall Addition: (Enterprise) To permit 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Directional) to permit wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet and (Joint Identification) to permit a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of permitted 150 square feet and to permit 1 wall-mounted joint identification sign in lieu of the 0 signs permitted. North side elevation "A" Fairmount Avenue: (Enterprise) To permit 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Joint Identification) to permit 3 wall-mounted joint identification signs to occupy no more than 27% of the facade in lieu of the permitted 12% and (Directional) to permit wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet. North Side Elevation - "B" - Fairmount Avenue: (Directional) to permit a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted and (Directory) to permit a directory sign 8 feet in height in lieu of the permitted 6 feet. South Side Elevation - Interior Mall: (Enterprise) to permit 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Directional) to permit a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

Hearing: Monday, March 10, 2008 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

2/345 Feb. 21

164239

CERTIFICATE OF PUBLICATION

2/21/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/19/2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 08-312-SPHA

Petitioner/Developer: TOWSON, LLC

BERNARD FREIBAUER

Date of Hearing/Closing: 3-10-08

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

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

Ladies and Gentlemen:

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

825 DULANEY VALLEY RD

The sign(s) were posted on _____

3-23-08

(Month, Day, Year)

Sincerely,

SSG Robert A Black
1508 Leslie Road
Dundalk, MD 21222

410-282-7940

Robert Black

(Signature of Sign Poster)

2-26-08

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE

825 Dulaney Valley Road; E/S Dulaney Valley
Road, SW/S Fairmount Avenue
9th Election & 5th Councilmanic Districts
Legal Owner(s): Towson TC, LLC
by Bernard Freibaum

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-312-SPHA

* * * * *

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/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of January, 2008, a copy of the foregoing Entry of Appearance was mailed Michael H. Davis, Esquire and David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED

JAN 25 2008

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

February 1, 2008

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: 08-312-SPHA

825 Dulaney Valley Road
E/side of Dulaney Valley Road, s/west of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Towson TC, LLC by Bernard Freibaum

Special Hearing to amend the site plans approved in Case 07-481-SPHA. Variance - West Side Elevation - Mall Addition: (Enterprise) To permit 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Directional) to permit wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet and (Joint Identification) to permit a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of permitted 150 square feet and to permit 1 wall-mounted joint identification sign in lieu of the 0 signs permitted. North Side Elevation "A" Fairmount Avenue: (Enterprise) To permit 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Joint Identification) to permit 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12% and (Directional) to permit wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet. North Side Elevation - "B" - Fairmount Avenue: (Directional) to permit a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted and (Directory) to permit a directory sign 8 feet in height in lieu of the permitted 6 feet. South Side Elevation - Interior Mall: (Enterprise) to permit 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted and (Directional) to permit a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

Hearing: Monday, March 10, 2008 at 9:00 a.m. in Room 407, County Courts Bldg.,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Michael Davis/David Karceski, 210 Allegheny Avenue, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 23, 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
Thursday, February 21, 2008 Issue - Jeffersonian

Please forward billing to:
Amy Dontell
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

NOTICE OF ZONING HEARING

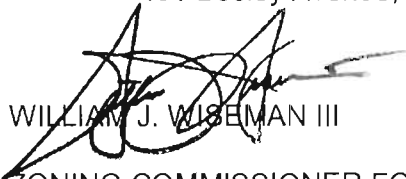
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401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 08-312-SP4A
Petitioner: General Growth Properties
Address or Location: 825 Dalaney Valley Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dorte
Address: 210 Allegheny Ave.
Towson, MD 21204
Telephone Number: (410) 494-6244

CASE NAME Tongson Farm Center
CASE NUMBER 08-312-584A
DATE 3/10/08
ET _____

[illegible]

Mitchell J. Kellman
MANAGER OF ZONING SERVICES

01/2008

YEARS OF PLANNING/ZONING EXPERIENCE: 20

YEARS WITH CENTURY: .5

YEARS WITH OTHER FIRMS: 19.5

EDUCATION

B.A. Geography & Environmental Planning, Urban Planning, Towson University
M.A. Geography & Environmental Planning, Urban Planning, Towson University

WORK EXPERIENCE

2007-Present	Century Engineering
2000-2007	Daft Mc-Cune Walker, Inc.
1988-2000	Baltimore County Office of Permits and Development Management- Development Control

PROFESSIONAL AFFILIATIONS:

AMERICAN PLANNING ASSOCIATION, National and Maryland
BALTIMORE ECONOMIC FORUM, Baltimore County, MD

EXPERIENCE

Mr. Kellman has over 11 years of experience working in zoning administration and subdivision regulation for the public sector; 9 of those years were with Baltimore County Office of Planning and Zoning (now Permits and Development Management). His responsibilities include review, approval and signatory powers on behalf of the Director for Final Development Plans and Record Plats. He represented the Zoning Review Office on the County Development Review Committee, a body reviewing the procedural compliance of all development submissions. Review of petitions and site plans filed for zoning hearing approvals were within his authority. Additionally, he supervised county review staff, met with professionals and public on development project matters, and made determinations regarding developments and their compliance with county regulations. In working in the private sector, he has extensive experience in testifying before the Baltimore County Planning Board, Zoning Commissioner, Hearing Officer, and Board of Appeals for Zoning Variances, Special Exceptions, Special Hearings, Development Hearings, and Zoning Reclassifications. He also regularly represents the company at the Baltimore County Development Review Committee meetings.

As Employed within Private Sector- Review all Plans and Plats for Zoning and Development Regulations, Testify at Hearings before The Zoning Commissioner and Baltimore County Board of Appeals. Present proposals to the Baltimore County Development Review Committee (DRC). File Zoning Petitions with Baltimore County.

PARTIAL LIST OF PROJECTS

ANNE ARUNDEL COUNTY:

PRESTON GATEWAY AT PINEY RUN, Anne Arundel County, Maryland – Review Plans to Accompany Building Permit Application for compliance with the Zoning Regulations, including but not limited to the use and bulk requirements. Review proposed lot line adjustments to assure new lots (lines) comply with the zoning regulations with respect to the existing on site buildings. Advise the client accordingly.

PETITIONER'S

EXHIBIT NO. 4

BALTIMORE COUNTY:

CHARLESTOWN RETIREMENT COMMUNITY, Baltimore County, MD As Employed by Baltimore County – Review building permits, Final Development Plans, Record Plats, Sign for the Director of Permits and Development Management Final, Development Plans and Record Plats. Review and Accept, on behalf of Baltimore County, Zoning Variance Petitions. Testify at Baltimore County Planning Board on Amendments to Final Development Plan.

LOYOLA COLLEGE RETREAT CENTER, Baltimore County Maryland – Review New Retreat Proposal for Zoning and Development Regulations Compliance. Testify before the Baltimore County Zoning Commissioner and Baltimore County Board of Appeals. File Zoning Petition Application with Baltimore County.

HUNT VALLEY TOWN CENTER RESIDENTIAL and COMMERCIAL – Review both the Residential and Commercial for Zoning and Development Regulation Compliance. Testify before the Zoning Commissioner for the Commercial Component and before the Zoning Commissioner and Baltimore County Board of Appeals for Residential Component. Present proposals before the DRC and coordinate with Baltimore County Agency Representatives for project phase approvals

GBMC, Baltimore County, MD

GOUCHER COLLEGE, Baltimore County, MD

HOPEWELL POINT, Baltimore County, MD

NORTHWEST HOSPITAL, Baltimore County, MD

NOTRE DAME PREPARATORY SCHOOL, Baltimore County, MD

OAKCREST VILLAGE RETIREMENT COMMUNITY, Baltimore County, MD

SAINT JOSEPH HOSPITAL, Baltimore County, MD

SHEPPARD AND ENOCH PRATT HOSPITAL, Baltimore County, MD

T ROWE PRICE, Baltimore County, MD

TOWSON TOWN CENTER, Baltimore County, MD

WATERVIEW, Baltimore County, MD

WHITE MARSH MALL, Baltimore County, MD

WIRELESS TRANSMITTING and RECEIVING STRUCTURES – T MOBILE, ATT, and SPRINT



ADAM J. MORMAN, R.L.A.
Senior Landscape Architect

Licensure and Accreditation

Registered Landscape Architect, Maryland #3189
Certified Landscape Architect, Virginia #1123
Maryland Licensed Contractor, MHIC #87881

Education

West Virginia University, BS, Landscape Architecture

Professional Summary

Adam Moman has been involved with the planning and preparation of Site Development Plans for various residential and commercial projects. He has worked on diverse types of projects including many Planned Unit Developments (PUD's), Traditional Neighborhood Designs (TND's), Town Center's as well as traditional subdivisions. Other areas of expertise are Community Identity and Design Guidelines, Hardscape and Streetscape Design, and Amenities and Public Spaces.

Through his own landscape architecture and construction firm, he was able to learn hands on in the field how landscape designs should be approached and ultimately implemented correctly for long term project success. He has had the opportunity to work closely with countless manufactures, suppliers and contractors to help foster numerous successful projects.

Partial List of Projects

Lakelands, Gaithersburg, MD
Villages of Urbana, Frederick, MD
Adamstown Commons, Adamstown, MD
Clarksburg Highlands, Clarksburg, MD
Cabin Branch, Clarksburg, MD
Parklands, Gaithersburg, MD
Galyn Manor, Brunswick, MD
Towson Town Center, Towson, MD
Palisades of Towson, Towson, MD
Cowenton South, Baltimore, MD
Garrison Forrest School, Baltimore, MD

Professional Experience

Daft-McCune-Walker, Inc., Towson, Maryland, 2006-Present
Pavers Plus, Frederick, Maryland 2005-2006
LandMatters, Inc., Frederick, Maryland 2003-2005
Rodgers Consulting, Gaithersburg, Maryland 2000-2003

PETITIONER'S

EXHIBIT NO. 5

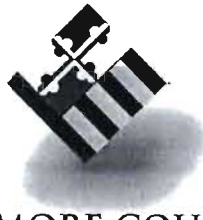
Case No.: 08-312-SPHA TOWSON TOWN CENTER

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	9 Page Site Plan (Page 5 sign detail location)	
No. 2	Aerial - Location of Neighborhood.	
No. 3	Sign Pattern Book	
No. 4	Mitch KELLMAN Resume	
No. 5	ADAM MORMAN Resume	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

March 20, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

David Karceski, Esquire
Mike Davis, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

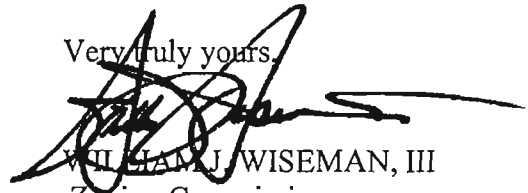
RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
E/S Dulaney Valley Rd., SW/S Fairmount Ave.
(Towson Town Center - 825 Dulaney Valley Rd.)
9th Election District - 5th Council District
Towson TC, LLC - Petitioner
Case No. 08-312-SPHA

Dear Messrs. Karceski and Davis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted, in accordance with the attached Order.

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

Very truly yours,


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Mitchell J. Kellman, Century Engineering, Inc., 10710 Gilroy Road,
Hunt Valley, MD 21031
Adam J. Morman, R.L.A., Daft-McCune-Walker, Inc., 200 East Pennsylvania Avenue,
Towson, MD 21286
David M. Lazas, Director, Development, General Growth Properties, Inc.
10275 Little Patuxent Parkway, Columbia, MD 21044
Dick Parsons, 412 Woodbine Avenue, Towson, MD 21204
People's Counsel; Office of Planning; Case File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 825 Dulaney Valley Road

which is presently zoned BM-CT

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

Special Hearing to amend the site plan approved in Case No. 07-481-SPHA.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael H. Davis/David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Michael H. Davis

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 08-312-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JF

Date 1/16/08

ORIGINAL RECEIVED FOR FILING

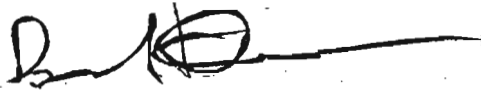
Date 3-20-08

By WV

SIGNATURE PAGE TO
PETITION FOR SPECIAL HEARING

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By: 
Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 825 Dulaney Valley Road
which is presently zoned BM-CT

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

Special Hearing to amend the site plan approved in Case No. 07-481-SPHA.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael H. Davis/David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Michael H. Davis

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 08-312-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JE

Date 1/16/08

ORDER RECEIVED FOR FILING

Date 3-20-08

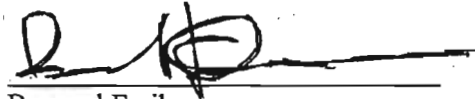
By OW

**SIGNATURE PAGE TO
PETITION FOR SPECIAL HEARING**

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By:


Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 825 Dulaney Valley Road
which is presently zoned BM-CT

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

Special Hearing to amend the site plan approved in Case No. 07-481-SPHA.

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

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

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael H. Davis/David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Michael H. Davis

Name

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 08-312-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By JP Date 1/16/08

ORDER RECEIVED FOR FILING

Date 3-20-08

By [Signature]

**SIGNATURE PAGE TO
PETITION FOR SPECIAL HEARING**

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By:



Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 825 Dulaney Valley Road
which is presently zoned BM-CT

Deed Reference: _____ / _____ Tax Account # _____

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael H. Davis/David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Michael H. Davis

Name

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 08-312-SHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JF

Date 1/16/08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-20-08

By BW

**SIGNATURE PAGE TO
PETITION FOR VARIANCE**

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By: 
Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149

PETITION FOR VARIANCE

Towson Town Center
825 Dulaney Valley Road

WEST SIDE ELEVATION – MALL ADDITION (Dulaney Valley Road)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet.

Joint Identification Signage

Variance from BCZR Section 450.4.7.b to allow a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of permitted 150 square feet.

Variance from BCZR Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

NORTH SIDE ELEVATION – SECTION A (Fairmount Avenue)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Joint Identification Signage

Variance from BCZR Section 450.4.7.a to allow 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12%.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet.

NORTH SIDE ELEVATION – SECTION B (Fairmount Avenue)

Directional Signage

Variance from BCZR Section 450.4.3 to allow a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted.

Directory Signage

Variance from BCZR Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet.

SOUTH SIDE ELEVATION (Interior of Mall Property)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 825 Dulaney Valley Road
which is presently zoned BM-CT

Deed Reference: _____ / _____ Tax Account # _____

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Michael H. Davis/David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Michael H. Davis

Name

210 Allegheny Avenue 410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 08-312-JPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by JF

Date 1/14/08

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-20-08

By DW

**SIGNATURE PAGE TO
PETITION FOR VARIANCE**

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By:



Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149

PETITION FOR VARIANCE

Towson Town Center
825 Dulaney Valley Road

WEST SIDE ELEVATION – MALL ADDITION (Dulaney Valley Road)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet.

Joint Identification Signage

Variance from BCZR Section 450.4.7.b to allow a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of permitted 150 square feet.

Variance from BCZR Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

NORTH SIDE ELEVATION – SECTION A (Fairmount Avenue)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Joint Identification Signage

Variance from BCZR Section 450.4.7.a to allow 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12%.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet.

NORTH SIDE ELEVATION – SECTION B (Fairmount Avenue)

Directional Signage

Variance from BCZR Section 450.4.3 to allow a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted.

Directory Signage

Variance from BCZR Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet.

SOUTH SIDE ELEVATION (Interior of Mall Property)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

By

**SIGNATURE PAGE TO
PETITION FOR VARIANCE**

Towson Town Center
825 Dulaney Valley Road

TOWSON TC, LLC
(a Maryland limited liability company)

By: 
Bernard Freibaum
Authorized Officer

Contact:

David M. Lazas
Director, Development
General Growth Properties, Inc.
10275 Little Patuxent Parkway
Columbia, Maryland 21044
(410)-992-6149

PETITION FOR VARIANCE

Towson Town Center
825 Dulaney Valley Road

WEST SIDE ELEVATION – MALL ADDITION (Dulaney Valley Road)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 7 wall-mounted and canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet per sign in lieu of the permitted 8 square feet.

Joint Identification Signage

Variance from BCZR Section 450.4.7.b to allow a free-standing joint identification sign with a maximum sign face area of 242 square feet in lieu of permitted 150 square feet.

Variance from BCZR Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

NORTH SIDE ELEVATION – SECTION A (Fairmount Avenue)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 canopy enterprise signs for a separate commercial entity, without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Joint Identification Signage

Variance from BCZR Section 450.4.7.a to allow 3 wall-mounted joint identification signs to occupy no more than 27% of the façade in lieu of the permitted 12%.

Directional Signage

Variance from BCZR Section 450.4.3 to allow wall-mounted directional signage with a maximum sign face area of 16 square feet in lieu of the permitted 8 square feet.

NORTH SIDE ELEVATION – SECTION B (Fairmount Avenue)

Directional Signage

Variance from BCZR Section 450.4.3 to allow a wall-mounted directional sign with a maximum sign face area of 15 square feet in lieu of the 8 square feet permitted.

Directory Signage

Variance from BCZR Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet.

SOUTH SIDE ELEVATION (Interior of Mall Property)

Enterprise Signage

Variance from BCZR Section 450.4.5.d to allow 2 wall-mounted and 3 canopy enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance, in lieu of the 0 signs permitted.

Directional Signage

Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a maximum sign face area of 50 square feet in lieu of the permitted 8 square feet.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **09703**

Date:

1-15-08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	000			650				650.00

Total: **650.00**

Rec

From:

VENDLE, LLP

For:

825 DULANEY VALLEY RD

Payment for 4-10-07 & Special Hearing

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED BY: [Signature]
 DATE: 1-15-08
 AMOUNT: \$650.00
 BALTIMORE COUNTY, MARYLAND

**CASHIER'S
 VALIDATION**

Description

For A Variance

25.256 Acre Parcel, Comprising Lots 1 and 2

"Towson Town Center"

East Side of Dulaney Valley Road

Southwest Side of Fairmount Avenue

Ninth Election District, Baltimore County, Maryland

Beginning for the same on the east side of Dulaney Valley Road (variable width right-of-way) as laid out and shown on the plat entitled "Amended Plat 2 of 3, Towson Town Center" and recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 65, Folio 27, at the point designated "BN131" on said plat, thence leaving said point of beginning and binding on the said east side of said Dulaney Valley Road, referring all courses of this description to the Grid Meridian established in the Maryland Coordinate System, the three following courses and distances, viz: (1) North 13 degrees 55 minutes 39 seconds East 3.72 feet, thence (2) North 07 degrees 37 minutes 24 seconds East 41.00 feet, and thence (3) North 10 degrees 18 minutes 58 seconds East 64.34 feet, thence leaving said Dulaney Valley Road and binding on the outline of Lot 4 as laid out and shown on said plat, the three following courses and distances, viz: (4) South 82 degrees 04 minutes 01 second East 142.52 feet, thence (5) North 09 degrees 17 minutes 11 seconds East 152.77 feet, and thence (6) North 80 degrees 42 minutes 44 seconds West 142.48 feet to intersect the east side of said Dulaney Valley Road, thence binding thereon, the eight following courses and distances, viz: (7) North 09 degrees 20 minutes 25 seconds

East 14.67 feet, thence (8) North 09 degrees 54 minutes 45 seconds East 50.04 feet, thence (9) North 08 degrees 45 minutes 02 seconds East 10.15 feet, thence (10) North 18 degrees 42 minutes 01 second East 111.83 feet, thence (11) North 06 degrees 54 minutes 36 seconds East 72.68 feet, thence (12) South 83 degrees 05 minutes 24 seconds East 26.00 feet, thence (13) North 52 degrees 37 minutes 08 seconds East 17.18 feet, and thence (14) North 08 degrees 26 minutes 09 seconds East 25.99 feet to intersect the southerly side of Fairmount Avenue (variable width right-of-way), thence binding thereon on the eight following courses and distances, viz: (15) South 81 degrees 33 minutes 51 seconds East 183.77 feet to a point of curvature, thence (16) Southeasterly, by a line curving to the right, having a radius of 1583.02 feet, for a distance of 136.06 feet (the arc of said curve being subtended by a chord bearing South 79 degrees 06 minutes 08 seconds East 136.02 feet) to a point of nontangency, thence (17) South 68 degrees 11 minutes 44 seconds East 82.54 feet to a point of nontangency, thence (18) Southeasterly, by a line curving to the right, having a radius of 1573.02 feet, for a distance of 348.58 feet (the arc of said curve being subtended by a chord bearing South 67 degrees 18 minutes 58 seconds East 347.87 feet), thence (19) South 29 degrees 01 minute 56 seconds West 21.00 feet to a point of nontangency, thence (20) Southeasterly, by a line curving to the right, having a radius of 1552.02 feet, for a distance of 20.00 feet (the arc of said curve being subtended by a chord bearing South 60 degrees 35 minutes 55 seconds East 20.00 feet) to a point of nontangency, thence (21) North 29 degrees 46 minutes 15 seconds East 20.00 feet to a point of nontangency, and thence (22) Southeasterly, by a line curving to the right, having a radius of 1572.02 feet, for a distance of 60.01 feet (the arc of said curve being subtended by a chord bearing South 59 degrees 08 minutes 09 seconds East 60.01 feet) to a point of compound curvature at the point designated "RW23" as shown on said plat entitled "Amended Plat 3 of 3, Towson Town Center," which plat is recorded among the Land Records of Baltimore County, Maryland, in Plat Book S.M. 65, Folio 28, thence continuing

to bind on the southerly side of said Fairmount Avenue, the five following courses and distances, viz: (23) Southeasterly, by a line curving to the right, having a radius of 1232.26 feet, for a distance of 608.87 feet (the arc of said curve being subtended by a chord bearing South 43 degrees 53 minutes 13 seconds East 602.69 feet) to a point of nontangency, thence (24) South 60 degrees 16 minutes 06 seconds West 5.00 feet to a point of nontangency, thence (25) Southeasterly, by a line curving to the right, having a radius of 1227.26 feet, for a distance of 20.00 feet (the arc of said curve being subtended by a chord bearing South 29 degrees 15 minutes 54 seconds East 20.00 feet) to a point of nontangency, thence (26) North 61 degrees 12 minutes 06 seconds East 16.00 feet, and thence (27) Southeasterly, by a line curving to the right, having a radius of 1243.26 feet, for a distance of 345.83 feet (the arc of said curve being subtended by a chord bearing South 20 degrees 49 minutes 47 seconds East 344.71 feet) to a point of nontangency, thence leaving said Fairmount Avenue and binding on the south boundary of the land shown on the said plat and on the plat entitled "Amended Plat 1 of 3, Towson Town Center," which plat is recorded among the aforesaid Land Records in Plat Book S.M. 65, Folio 26, the seven following courses and distances, viz: (28) North 70 degrees 22 minutes 12 seconds West 190.08 feet, thence (29) South 84 degrees 25 minutes 48 seconds West 556.83 feet, thence (30) South 03 degrees 48 minutes 32 seconds East 25.01 feet, thence (31) South 84 degrees 25 minutes 48 seconds West 275.19 feet, thence binding on the east boundary line of the land shown on said last mentioned plat, (32) South 03 degrees 54 minutes 02 seconds East 282.92 feet, thence (33) South 84 degrees 17 minutes 54 seconds West 2.94 feet to a point of curvature, and thence (34) Westerly, by a line curving to the right, having a radius of 5687.30 feet, for a distance of 157.04 feet, (the arc of said curve subtended by a chord bearing South 85 degrees 05 minutes 22 seconds West 157.04 feet) to a point of nontangency, thence binding on the outlines of the Joppa Development Parcel 1 as laid out and shown on said plat, the eight following courses and distances, viz: (35) North 41

degrees 05 minutes 58 seconds East 71.36 feet, thence (36) North 03 degrees 54 minutes 02 seconds West 185.45 feet, thence (37) North 69 degrees 00 minutes 18 seconds West 41.49, thence (38) North 32 degrees 08 minutes 06 seconds West 41.19 feet, thence (39) North 05 degrees 34 minutes 12 seconds West 27.58 feet, thence (40) South 84 degrees 25 minutes 48 seconds West 75.25 feet, thence (41) South 06 degrees 17 minutes 45 seconds West 177.66 feet, and thence (42) North 83 degrees 42 minutes 15 seconds West 286.10 feet to intersect the hereinmentioned Dulaney Valley Road, thence binding on a part of the east side of Dulaney Valley Road as laid out and shown on said plat, the three following courses and distances, viz: (43) North 11 degrees 00 minutes 17 seconds East 239.95 feet, thence (44) North 02 degrees 53 minutes 38 seconds West 73.56 feet, and thence (45) North 06 degrees 27 minutes 17 seconds East 10.35 feet, thence binding on the Lot 1 as laid out and shown on said plat, the five following courses and distances, viz: (46) South 83 degrees 29 minutes 42 seconds East 243.42 feet, and thence (47) North 06 degrees 30 minutes 18 seconds East 349.18 feet, thence (48) North 83 degrees 23 minutes 42 seconds West 131.65 feet, thence (49) South 06 degrees 36 minutes 18 seconds West 12.31 feet, and thence (50) North 83 degrees 29 minutes 42 seconds West 124.82 feet to the point of beginning; containing 25.256 acres of land, more or less.

Being and comprising Lots 1 and 2, "Towson Town Center" as laid out and shown on plats recorded among the Land Records of Baltimore County, Maryland, in Plat Book 65, Folios 26, 27, and 28.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

February 6, 2007

Project No. 80051.Z1 (L80051.Z1-1)



IN RE: PETITIONS FOR SPECIAL HEARING	*	BEFORE THE
AND VARIANCE		
E/S Dulaney Valley Rd., SW/S Fairmount Ave.	*	ZONING COMMISSIONER
(Towson Town Center –		
825 Dulaney Valley Rd.)	*	OF
9 th Election District	*	BALTIMORE COUNTY
5 th Council District		
	*	Case No. 07-481-SPHA
Towson TC, LLC		
Petitioner	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owner of the subject property, Towson TC, LLC, by and through its attorneys Robert A. Hoffman, Esquire and Venable LLP. By reason of Petitioner's filing of a comprehensive signage package, special hearing relief is requested to approve an amendment to the previously approved site plan in Case No. 07-124-A. As filed, variance relief from the sign regulations contained in Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.) is requested for the Town Center's consolidated sign proposal as follows:

WEST SIDE ELEVATION – MALL ADDITION - Dulaney Valley Road

Enterprise Signage

From Section 450.4.5.d to allow a maximum of 1,390 square feet of wall-mounted and canopy enterprise signage on a façade 400 feet in length in lieu of the permitted 800 square feet; and to allow 32 wall-mounted and canopy enterprise signs for 7 separate commercial entities, each without a separate exterior customer entrance.

Directional Signage

From Section 450.4.3 to allow freestanding directional signage 12 feet in height with maximum sign face areas of 40 and 48 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Directory Signage

From Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet; and from Sections 450.4.4 and 450.7.A.1 to allow directory sign lettering for tenants/locations to be no more than 4 inches in height and other sign lettering no more than 6 inches in height in lieu of the permitted 2 inches for tenants/locations and 3 inches for other sign lettering.

Joint Identification Signage

From 450.4.7.a to allow 3 wall-mounted joint identification signs in lieu of the permitted 1 sign.

WEST SIDE ELEVATION – MACY'S - Dulaney Valley Road

Enterprise Signage

From Section 450.4.5.d to allow 1 wall-mounted enterprise sign for a separate commercial entity without a separate exterior customer entrance.

NORTH SIDE ELEVATION – SECTION A - Fairmount Avenue

Enterprise Signage

From Section 450.4.5.d to allow a maximum of 550 square feet of wall-mounted enterprise signage on a façade 130 feet in length in lieu of the permitted 260 square feet; and to allow 7 wall-mounted enterprise signs for 5 separate commercial entities, each without a separate exterior customer entrance.

Joint Identification Signage

From Section 450.4.7.a to allow 1 wall-mounted joint identification sign to occupy no more than 23% of the façade in lieu of the permitted 12%.

NORTH SIDE ELEVATION – SECTION B - Fairmount Avenue

Directional Signage

From Section 450.4.3 to allow wall-mounted directional signage 24, 72, and 104 square feet per sign in lieu of the 8 square feet permitted; and to allow freestanding directional signage 12 feet in height with maximum sign face areas of 40 and 48 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Joint Identification Signage

From Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

SOUTH SIDE ELEVATION - Interior of Mall Property

Enterprise Signage

From Section 450.4.5.d to allow 3 wall-mounted enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance.

Directional Signage

From Section 450.4.3 to allow a freestanding directional sign 7 feet in height with a maximum sign face area of 40 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Joint Identification Signage

From Section 450.4.7.b to allow 6 freestanding joint identification signs with a total sign face area of 155 square feet in lieu of the 0 signs permitted; and from Section 450.4.7.a to allow a 245 square foot wall-mounted joint identification sign in lieu of the 0 signs permitted.

The subject property and the proposed signs delineated above are more particularly described on the nine-page, sign variance/site plan and detailed pattern book for the Towson Town Center Shopping Center submitted into evidence and marked as Petitioner's Exhibits 1 and 2, respectively.¹

Appearing at the requisite public hearing in support of the requests were Mitchell J. Kellman, land planner and zoning expert with Daft-McCune-Walker, Inc., the firm that prepared the sign variance/site plan for this property, and Richard Cataffa, General Growth Properties' design manager for this project. Michael H. Davis, Esquire and David H. Karceski, Esquire represented the Petitioner.

¹ As will be discussed in the body of this Order, three minor redlined revisions were made to the sign variance/site plan at the onset of the hearing. These changes in essence reduce the extent of relief being requested.

Richard Parsons attended the public hearing on behalf of the Greater Towson Council of Community Associations (GTCCA). As Zoning Chairman for the organization, Mr. Parsons testified that the GTCCA has met with Petitioner on two prior occasions to review and discuss the proposed sign package and that his organization does not object to the relief being requested.

The Town Center signage is requested in connection with the redevelopment of a portion of the Town Center located at the intersection of Dulaney Valley Road and Fairmount Avenue. At this location, an addition to the Town Center is now under construction and the signage proposed will identify the Town Center and certain future tenants. As more particularly shown on Petitioner's Exhibit No. 1, three minor redlined revisions were made to the comprehensive sign package. *See* page 5 – Exhibit 1. First, on the Town Center's new south side elevation, a wall-mounted joint identification sign has been relabeled a freestanding joint identification sign. This sign will be attached to an architectural element of the Town Center addition rather than a building wall and, for that reason, Petitioner made this redlined change. Second, on the west side elevation of the sign variance/site plan by notation indicates the number and total sign face area of awning signs to be installed at a certain location on this façade. That note has been redlined to indicate a reduction in the number of these signs proposed (from 20 to 10) and their total sign area (from 200± square feet to 100± square feet) and a rectangular box provided within which they will be located. Third, on the north side elevation, two wall-mounted enterprise signs have been relocated slightly, although their sign face areas have not changed. All of these plan revisions are also reflected in the pattern book (Petitioner's Exhibit 2) prepared for the public hearing in this case and presented to the Office of Planning for its comments prior to the hearing.

An examination of Petitioner's Exhibit 1 discloses that the overall Town Center property is irregularly-shaped and the vicinity map highlights the area of focus for this hearing as being

the intersection of Fairmount Avenue and Dulaney Valley Road in Towson. The entire site is zoned B.M.-C.T. (Business, Major-Commercial, Town-Center Core) and consists of approximately 31.79 acres. The Town Center has existed at this location since 1959 and is a landmark in the area, providing numerous major department stores and specialty retail stores, as well as off-street parking to support the mall and its tenants.

By way of brief history, Petitioner obtained zoning relief in Case No. 07-124-A for the improvements underway on the northwestern corner of the property, along its Dulaney Valley Road and Fairmount Avenue frontages. In that case, the Order approved a building setback variance for redevelopment of this corner of the Town Center. As illustrated on page 2 of Exhibit 1, the plan shows this addition layout and the components of it, including retail and restaurant tenant spaces, as well as additional structured parking.

Petitioner now comes before me and seeks to amend the site plan approved in Case No. 07-124-A, which will be granted. Related to this ongoing redevelopment project and the setback variance obtained previously, Petitioner, as outlined above, seeks relief from the requirements of B.C.Z.R. Section 450 for signage on the revitalized Town Center. On the west side elevation fronting on Dulaney Valley Road, the north side elevation fronting on Fairmount Avenue, and the south elevation, Petitioner plans signage identifying the Town Center, restaurant and retail tenants, and parking garages' entrances. See Petitioner's Exhibit 2. In addition to these signs, Petitioner plans to install certain directional signage for pedestrian and vehicular traffic. In this regard, the Office of Planning in its Zoning Advisory Committee (ZAC) comment, dated July 10, 2007, noted that this building addition and consolidated signage package has been reviewed and approved by the Baltimore County Design Review Panel (DRP). Planning commented that the requested sign relief is part of a comprehensive enhancement plan for the Town Center that will

achieve the street presence and urban setting appropriate at this location. One of Planning's preliminary concerns for these signs was that they might impede pedestrian traffic. The Office of Planning, however, confirms in its ZAC comment that the granting of this request will in no way impede the pedestrian travel ways that surround the Town Center and will assist pedestrian way-finding into the Town Center. As stated previously, the Office of Planning relied on the pattern book (Petitioner's Exhibit 2) in making these comments and supports the proposal.

In providing a foundation for the variance relief, Petitioner first offered the testimony of Mitchell J. Kellman, its expert land planner. His testimony focused on the unique nature of the property. Mr. Kellman reviewed the history of the Towson Town Center and its function as a destination center bounded by major roads on all sides. As shown on Petitioner's Exhibit 1, he explained the site's irregular configuration and location within Towson's only CT district. He then further indicated that this redevelopment of Town Center is appropriately a part of Towson's Revitalization District as well. Mr. Cataffa, the project design manager, summarized the Town Center's intent in completing this aspect of the redevelopment from an aesthetic standpoint. He testified that while some of the future tenants are identified in Petitioner's Exhibits 1 and 2, not all of the commercial space that is part of the addition has been leased. The sign variance/site plan and pattern book show the proposed sign locations and sign face areas for the proposed Town Center signage, which is sufficient for this hearing. Sign details are also provided for each Town Center sign proposed. See Petitioner's Exhibit 2. The majority of the tenant sign details identify a specific tenant, while others are generically labeled, i.e., "Restaurant # 1" or "Retail." As recognized by a note on page 9 of Petitioner's Exhibit 1, individual tenant signs will be later reviewed and approved by the County's Design Review Panel. Adjustments to tenant signage may result from these DRP reviews or by the request of future tenants prior to that DRP review

process. Mr. Cataffa stated that the sign package, as submitted, is consistent with the overall design quality desired by the DRP and adds architectural interest to the Malls façade.

Based on the testimony and evidence offered, I am persuaded to grant the requested relief. While the variance on its face appears to be excessive, it is also clear that the B.C.Z.R. sign ordinance has its limitations, especially with respect to a site as large as a regional mall. I am impressed with this proposed redevelopment of the Town Center and the support it has received from the Office of Planning. Moreover, the participation throughout this process by the GTCCA is also significant. It is apparent to me that the requested relief is consistent with the County's redevelopment goals for this property within Towson's CT district. The nature of this commercial use, size and configuration of the property, and the constraints associated with the site are all persuasive factors making relief appropriate. I find that the property is unique and practical difficulty would result if the relief is denied. Furthermore, the Petition for Variance can be granted without any adverse impact to the surrounding locale. A review of Petitioner's Exhibit 3 (County Zoning Map) illustrates that the property is located in the center of Towson's town center overlay district and, as such, will complement the surrounding similar commercial and high-density residential uses of the Towson core. In addition, as stated above, the Office of Planning has found that the proposed signage would have no adverse impact on pedestrian travel, and would actually enhance pedestrian way-finding. The comprehensive and consolidated sign package is desirable from an aesthetic standpoint and important to the economic growth of Towson.

Pursuant to the advertising, posting of the property, and public hearing held on the Petitions, and for the reasons set forth above, the variance and special hearing relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County on this 3rd day of August 2007, that the Special Hearing relief requested to approve an amendment to the site plan approved in Case No. 07-124-A, be and is hereby granted; and

IT IS FURTHER ORDERED that the amended Petition for Variance requesting allowance of the Town Center's sign package and relief from Section 450 of the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, in accordance with Petitioner's nine-page redlined plan (Exhibit 1) and pattern book (Exhibit 2), as follows:

WEST SIDE ELEVATION – MALL ADDITION - Dulaney Valley Road

Enterprise Signage

From Section 450.4.5.d to allow a maximum of 1,390 square feet of wall-mounted and canopy enterprise signage on a façade 400 feet in length in lieu of the permitted 800 square feet; and to allow 23 wall-mounted and canopy enterprise signs for 7 separate commercial entities, each without a separate exterior customer entrance.

Directional Signage

From Section 450.4.3 to allow freestanding directional signage 12 feet in height with maximum sign face areas of 40 and 48 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Directory Signage

From Section 450.4.4 to allow a directory sign 8 feet in height in lieu of the permitted 6 feet; and from Sections 450.4.4 and 450.7.A.1 to allow directory sign lettering for tenants/locations to be no more than 4 inches in height and other sign lettering no more than 6 inches in height in lieu of the permitted 2 inches for tenants/locations and 3 inches for other sign lettering.

Joint Identification Signage

From 450.4.7.a to allow 3 wall-mounted joint identification signs in lieu of the permitted 1 sign.

WEST SIDE ELEVATION – MACY'S - Dulaney Valley Road

Enterprise Signage

From Section 450.4.5.d to allow 1 wall-mounted enterprise sign for a separate commercial entity without a separate exterior customer entrance.

NORTH SIDE ELEVATION – SECTION A - Fairmount Avenue

Enterprise Signage

From Section 450.4.5.d to allow a maximum of 550 square feet of wall-mounted enterprise signage on a façade 130 feet in length in lieu of the permitted 260 square feet; and to allow 7 wall-mounted enterprise signs for 5 separate commercial entities, each without a separate exterior customer entrance.

Joint Identification Signage

From Section 450.4.7.a to allow 1 wall-mounted joint identification sign to occupy no more than 23% of the façade in lieu of the permitted 12%.

NORTH SIDE ELEVATION – SECTION B - Fairmount Avenue

Directional Signage

From Section 450.4.3 to allow wall-mounted directional signage 24, 72, and 104 square feet per sign in lieu of the 8 square feet permitted; and to allow freestanding directional signage 12 feet in height with maximum sign face areas of 40 and 48 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Joint Identification Signage

From Section 450.4.7.a to allow 1 wall-mounted joint identification sign in lieu of the 0 signs permitted.

SOUTH SIDE ELEVATION - Interior of Mall Property

Enterprise Signage

From Section 450.4.5.d to allow 3 wall-mounted enterprise signs for 2 separate commercial entities, each without a separate exterior customer entrance.

Directional Signage

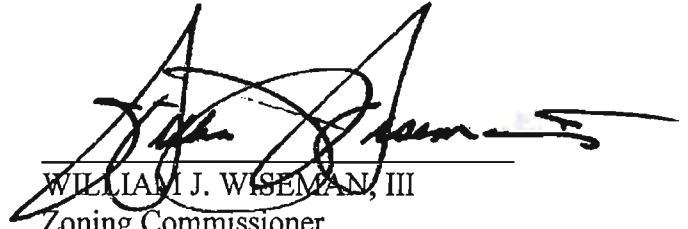
From Section 450.4.3 to allow a freestanding directional sign 7 feet in height with a maximum sign face area of 40 square feet per sign in lieu of the permitted 6-foot height and 8 square feet.

Joint Identification Signage

From Section 450.4.7.b to allow 7 freestanding joint identification signs with a total sign face area of 400 square feet in lieu of the 0 signs permitted.

- Petitioner may apply for permits and be granted the same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RAE 2

2200004243

2200004242

PK

Pt. Bk. 62 Folio 25
2200004244

903

FAIRMOUNT AVE

FAIRMOUNT AVE

1900011869

PK

PK

PK

5 CD 9 ED
NE 10-A

070A1

Flood Zone X

PK

BM CT

PK

Pt. Bk. 65 Folio 26

2200016232

PK

PK

Pt. Bk. 65 Folio 27
2200016235

TOWSONTOWN CENTRE-HAHN SECTION (PDM File/Project #)

#312

PK

PK

2200016233

825

DULANEY VALLEY RD

