

IN RE: PETITION FOR SPECIAL HEARING *

Corner SE/S Pulaski Highway and

SW/S Rossville Boulevard *

(8733 Pulaski Highway)

15th Election District *

7th Council District *

Commerce Bank, N.A., *Owner*

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 08-321-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by the legal owner of the subject property, Commerce Bank, N.A., by and through its attorney Arnold Jablon, Esquire with Venable LLP. The Petitioner requests a special hearing for a waiver pursuant to Section 500.6 of Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code (B.C.C.) for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain. The subject property and requested relief are more particularly described on a two page site plan, which was submitted into evidence and marked as Petitioner's Exhibits 1A-1B.

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 the preparation of the site plan. David H. Karceski, Esquire appeared on behalf of the Petitioner. Rick Cobert, Business Development Representative for the Baltimore County Department of Economic Development, and Sheldon

COPIES RECEIVED FOR FILING

Date

3-4-08

By

Epstein, Chief of Sewer Design, Bureau of Engineering and Construction, with the Department of Public Works, appeared and participated in the hearing. 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 surrounding area is made up of predominantly industrial and commercial uses. Petitioner's Exhibit 2 is an aerial photograph/zoning map obtained from the Office of Planning's website, which identifies the surrounding zoning classifications and provides an overhead view of the built-out conditions of surrounding properties. The prior use of the property was a motel, known as the "Christlen Motel." This use, which dated back to the 1950's, was identified as dilapidated and in need of replacement by a higher and better use along this employment corridor.

Petitioner now seeks to improve the property and, in doing so, make an investment in the Rosedale area through the redevelopment of it. Commerce Bank proposes to replace the motel that was partially impacted by the 100-year riverine floodplain, with a new one-story bank building complete with customer drive-thru lanes outside of the floodplain area to be reconfigured by way of this project. The proposed redevelopment of the property is illustrated on Petitioner's Exhibit 1B. The new building, approximately 3,669 square feet, more or less, in size, will be of solid masonry construction and will have a floor elevated at least 2 feet above the 100-year flood elevation with no basement area. Petitioner also proposes additional site work on the property, including grading and the installation of signage, utilities, parking, road improvements, landscaping, and other related site work.

Section 32-4-414 of the Baltimore County Code (B.C.C.) regulates development in a riverine floodplain. Moreover, the Floodplain Management Program, as set out in Sections 32-8-

301 and 32-8-303 of the B.C.C., provides for the ability to request a waiver from these regulations. Because a portion of the property is impacted by a 100-year riverine floodplain associated with Stemmers Run, to do the proposed work, Petitioner is required to obtain the waiver filed in this case before proceeding.

The testimony of Mr. Cobert, on behalf of the Department of Economic Development, emphasized that redevelopment of the site with the proposed use is important from an economic development perspective. Mr. Cobert identified this section of Pulaski Highway as one of Baltimore County's only two "job creation corridors" and testified that auxiliary service uses, including banks, are essential to support the workforce that populates this particular job creation corridor. For this reason and due to the significant upgrade the proposed redevelopment represents, the Department of Economic Development supports the requested petition for special hearing. *See* Petitioner's Exhibit 4.

The Department of Public Works (DPW) also issued a written comment in this case in support of approval of the requested floodplain waiver. The Director of DPW, Edward Adams, prepared a memorandum dated February 19, 2008 to Timothy M. Kotroco, Director of the Department of Permits and Development Management. The Director's memorandum (Petitioner's Exhibit 3) while recommending the instant waiver requests that I attach certain conditions to my Order. First, Mr. Adams requested that Petitioner add a note to the plan certifying that the proposed redevelopment will not create "any negative offsite impact to the floodplain water surface elevation." Mr. Clapsaddle, Petitioner's engineer, added an appropriate note to Petitioner's Exhibit 1B at the onset of the hearing which was then verified and approved by Mr. Epstein. Second, Mr. Adams' memorandum requested that Petitioner provide documentation to DPW in order to confirm there will indeed be no offsite negative impact created by redevelopment of the site and that Petitioner should apply for removal of the

ORDER RECEIVED FOR FILING
Date 3-4-08
By [Signature]

floodplain designation from the site based upon the documentation Petitioner will provide to DPW. Third, the County intends to restudy the Stemmers Run floodplain, and Mr. Adams requests that Petitioner contribute to this County study because the proposed development will result in an increase in the cost of the study. I will require that Petitioner comply with these requests and will incorporate a copy of the memorandum to my Order ensuring compliance.

After due consideration of the testimony and evidence presented, I am persuaded to grant the petition for special hearing. I find that Petitioner, through its consultants, has demonstrated that its request meets the standards for granting a waiver under B.C.C. Sections 32-4-107 and 32-8-303. The Petitioner has articulated good and sufficient reasons for the waiver and that a denial of the waiver would result in exceptional hardship. If the proposed work is allowed, Commerce Bank will be making a considerable investment in the property and redevelopment of it will be in furtherance of the County's designation of Pulaski Highway as a job creation corridor. An obsolete, outdated use will be replaced with a modern building built to current standards. Further, the proposed site and road work will only improve the situation on the property and not incur public expense or create a nuisance.

Based on the evidence presented at the hearing, I also find that the proposed site work will not adversely impact any downstream properties or public safety. Further, the proposed work will not result in any significant change to the floodplain elevation and will not negatively impact any other property owner. For all these reasons, I find that Petitioner is, thus, entitled to the relief requested by way of the petition for special hearing.

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.

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

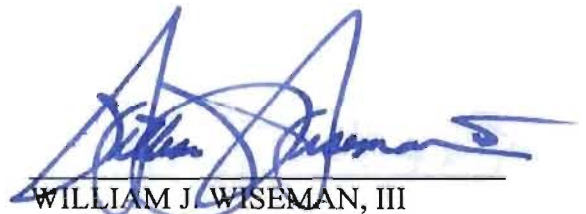
4th day of March 2008, that the Petition for Special Hearing for a waiver, pursuant to

ORDER RECEIVED FOR FILING
Date 3-4-08
By 3

Section 500.6 of Baltimore County Zoning Regulations (B.C.Z.R.), Section 3112.2 of the Baltimore County Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code (B.C.C.), for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain, in accordance with Petitioner's Exhibits 1A-1B, is hereby GRANTED, subject to the following conditions:

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.
2. Compliance with the three (3) requests contained in the February 19, 2008, memorandum submitted by the Department of Public Works to the Department of Permits and Development Management, a copy of which is attached hereto and made a part hereof.
3. When applying for permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be 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 3-4-08
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 4, 2008

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

RE: PETITION FOR SPECIAL HEARING
Corner SE/S Pulaski Highway and SW/S Rossville Boulevard
(8733 Pulaski Highway)
15th Election District - 7th Council District
Commerce Bank, N.A., *Owner* - Petitioner
Case No. 08-321-SPH

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted with conditions, 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
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; DPW; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8733 Pulaski Highway

which is presently zoned BR-AS

(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)

SEE ATTACHED

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 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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon, Esquire

Name - Type or Print

Signature

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6200

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Commerce Bank, N.A.

Name - Type or Print

Signature

Signature

Arnold Jablon, Esquire

Name - Type or Print

Signature

9000 Atrium Way

410-494-6200

Address

Telephone No.

Mt. Laurel

NJ

20878

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon, Esquire

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.

08-321-SPH

REV 9/15/98

DROP OFF (NO REVIEW)

UNAVAILABLE FOR HEARING

Reviewed By

JNP

Date

1/18/08

ORDER RECEIVED FOR FILING

Date

3-4-08

By

SW

PETITION FOR SPECIAL HEARING
8733 Pulaski Highway

Special Hearing for a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations, Section 3112.2 of the Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain.

#254097

08-321-SPH
DROP OFF (NO REVIEW)

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°26'38" EAST, 100.00 FEET TO A REBAR AND CAP, FOUND AND HELD, THENCE;

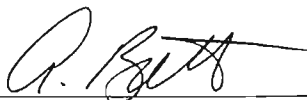
6) SOUTH 44°36'22" WEST, 150.00 FEET TO A REBAR AND CAP, FOUND AND HELD, THENCE;

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:

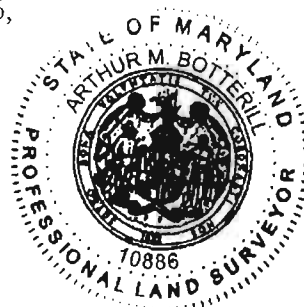
8) NORTH 44°36'22" EAST, 150.00 FEET TO THE POINT OF BEGINNING.

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.

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,
Regulation .12 of the Minimum Standards
of Practice of Maryland.

 12/27/07

Arthur M. Botterill Date:
Professional Land Surveyor
Maryland Registration No. 10886



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: #08-321-SPH

8733 Pulaski Highway

Corner of S/east of Pulaski Highway and s/west side of Rossville Boulevard

15th Election District - 7th Councilmanic District

Legal Owner(s): Commerce Bank

Special Hearing: for a waiver pursuant to Section 500.6 of the BCZR, Section 3112.2 of the Building Code, and Section 32-4-414, 32-8-301 and 32-4-107 of the Baltimore County Code for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities and other site work and the construction of portions of a building, related parking, a stormwater management facility, and are retaining wall, within the floodplain.

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) 887-4386.

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

JT 2/6/62 Feb. 5

162715

CERTIFICATE OF PUBLICATION

2/7/2008

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 2/5/2008.

- ☒ 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.: 08-321-SPH

Petitioner/Developer: Commerce Bank

Date of Hearing/Closing: 2-20-08

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:

8733 Pulaski Hwy

This is on

2-4-08
(Month, Day, Year)

Sincerely,



Robert Black 2-5-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 09748

PAID RECEIPT

Date: 1/18/08 BUSINESS ACTUAL TIME
 1/23/2008 1/18/2008 13:21:40

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
004	006			6150				325.00

Total: 325.00

Rec

From:

Venable, LLP

For:

SPH - 8733 Pulaski Highway
 08-321-SPH (Commerce Bank, NA)
 DROP OFF (NO REVIEW)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

REG 0802 MAIL JEVA JEE
 >>RECEIPT # 558728 1/18/2008 OF
 CR NO. 009748
 Recpt Tot \$325.00
 \$325.00 CK \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

ENABLE LLP

005463

OUR REF. NUMBER	YOUR INVOICE NUMBER	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN	NET CHECK AMOUNT
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01/07/08 - \$325.00 (ALD)

74515:235223 - Commerce Bank /General Land Use

Baltimore County, MD

Special hearing filing fee

08-321-SPH

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.

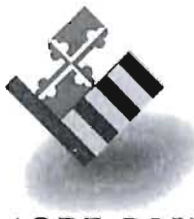
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 08-321-SPM DROP-OFF (NO REVIEW)
Petitioner: Commerce Bank, NA
Address or Location: 8733 Pulaski Highway

PLEASE FORWARD ADVERTISING BILL TO:

Name: Amy Dantell
Address: 210 Allegheny Avenue
Towson, MD. 21204
Telephone Number: (410) 494-16244



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 28, 2008
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: 08-321-SPH

8733 Pulaski Highway

Corner of S/east of Pulaski Highway and s/west side of Rossville Boulevard

15th Election District – 7th Councilmanic District

Legal Owners: Commerce Bank

Special Hearing for a waiver pursuant to Section 500.6 of the BCZR, Section 3112.2 of the Building Code, and Sections 32-4-414, 32-8-301 and 32-4-107 of the Baltimore County Code for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities and other site work and the construction of portions of a building, related parking, a stormwater management facility, and are retaining wall, within the floodplain.

Hearing: Wednesday, February 26, 2008 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
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
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: 08-321-SPH

8733 Pulaski Highway

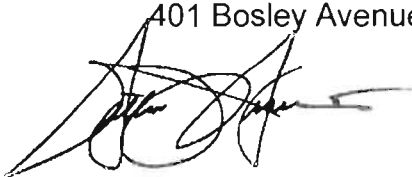
Corner of S/east of Pulaski Highway and s/west side of Rossville Boulevard

15th Election District – 7th Councilmanic District

Legal Owners: Commerce Bank

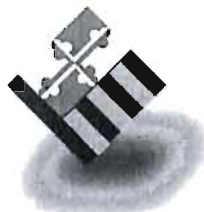
Special Hearing for a waiver pursuant to Section 500.6 of the BCZR, Section 3112.2 of the Building Code, and Sections 32-4-414, 32-8-301 and 32-4-107 of the Baltimore County Code for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities and other site work and the construction of portions of a building, related parking, a stormwater management facility, and are retaining wall, within the floodplain.

Hearing: Wednesday, February 26, 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 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.



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 12, 2008

Arnold Jablon, Esquire
Venable LLP
210 Allegheny Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

RE: Case Number: 08-321-SPH, 8733 Pulaski Highway

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 18, 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
Commerce Bank, N.A. 9000 Atrium Way Mt. Laurel, NJ 20878

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2008

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

RECEIVED
FEB 26 2008

BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-321- Special Hearing**

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

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

Prepared By:

Carol Murray

Division Chief:

John Alexander

CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 1, 2008

FROM: Dennis A. Kennedy, Supervisor ^{DM}
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



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: 304,313,321

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.

3. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

cc: File

BW 2/20
2-2008

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
JAN 30 2008

BY:

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JWL*

DATE: January 29, 2008

SUBJECT: Zoning Item # 08-321-SPH
Address 8733 Pulaski Highway
(Commerce Bank)

Zoning Advisory Committee Meeting of January 28, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

 X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Development of this site would require a variance to Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands, and Floodplains. Plans and information must include required and proposed Forest Buffers and proposed mitigation. There are no guarantees of variance approval. The floodplains shown must be accepted by Baltimore County Public Works.

Reviewer: Paul A. Dennis

Date: 1/29/08

BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: February 19, 2008

SUBJECT: Case No. 08-321-SPH
8733 Pulaski Highway
Commerce Bank

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

Case No. 08-321-SPH involves a waiver to floodplain regulations (specifically Section 32-4-414 BCC concerning development in the riverine floodplain). The subject project was found to be in the riverine floodplain as mapped on the Federal Flood Insurance Rate Map (FIRM), Panel 240010-0430B dated March 2, 1981, and as also shown on plate 28 of the Report on Stemmers Run Flood Plain Study by Baker-Wibberly & Associates dated June 1975 as prepared for Baltimore County Department of Public Works.

The applicant had received a building permit (B681872) by relying on a later flood plain study prepared by another engineer to support nearby commercial development by grading and filling in the floodplain area. There were no records found of an approved waiver for the grading and construction in the floodplain for those projects. The reason for the present waiver request is to allow the subject site to be developed in areas presently mapped as 100-year floodplain.

Conditions for approval recommendation:

1. The petitioner should provide a certification on the plan by a licensed Professional Engineer that the grading and other development requested for this site and for this project does not create any negative impact offsite to the floodplain water surface elevation. The intention of this is to prevent any liability against the County due to losses incurred by other properties in the vicinity during a 100-year flood event.

ORDER RECEIVED FOR FILING
Date 3-4-08
By [Signature]

2. The petitioner's engineer shall provide full documentation supporting Condition 1. The petitioner is responsible to apply to the Federal Emergency Management Agency to amend the FIRM map to remove the floodplain designation from the site based on this documentation.
3. Baltimore County Bureau of Engineering & Construction, Storm Drain Design Section, has identified a project in its budget to restudy the Stemmers Run floodplain. Since the development of this site will change the topography as compared to the 2005 Aerial Photography used in the County's planimetric topography maps, additional field survey work and floodplain modeling will be required as a result of this specific project. The petitioner is requested to submit a nonrefundable fixed deposit of \$15,000 to compensate the County for the increased cost of this floodplain study, to be deposited prior to issuance of Use & Occupancy Permit.

This department recommends approval of the waiver as requested, subject to the conditions noted above, and requests that the conditions be included in the Zoning Commissioner's order.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Bill Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; David Karceski, Venable; Dan Blevins, Patton, Harris Rust & Associates

ORDER RECEIVED FOR FILING

Date 3-4-08

By 03



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 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.08-321-SPH
8733 Pulaski Highway
Commerce Bank, N.A.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property accesses a State roadway and the entrance appears adequate. Also, the entrance is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 08-321-SPH.

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

Very truly yours,

for Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
8733 Pulaski Highway; Corner SE/S Pulaski *
Highway & SW/S Rossville Blvd * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts *
Legal Owner(s): Commerce Bank, N.A. * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-321-SPH

* * * * *

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

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 to, Arnold Jablon, 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

From: Debra Wiley
To: Murray, Curtis
Date: 02/15/08 9:53:38 AM
Subject: Planning Comment Needed for Bill - 08-321-SPH

Good Morning Curtis,

Bill has a hearing scheduled for next Wednesday, Feb. 20th @ 10 AM and 08-321-SPH is a companion case to 08-259-A at the same hearing time. They both pertain to the Commerce Bank, N.A., 8733 Pulaski Highway. Can your office provide a comment on this ? Details are below for your convenience:

CASE NUMBER: 8-321-SPH

8733 Pulaski Highway

Location: Corner of SE side of Pulaski Highway and SW side of Rossville Blvd.

15th Election District, 7th Councilmanic District

Legal Owner: Commerce Bank, N.A.

SPECIAL HEARING For a waiver pursuant to Section 500.6 of the Baltimore County Zoning Regulations, Section 3112.2 of the Building Code, and Sections 32-4-414, 32-8-301 et seq., and 32-4-107 of the Baltimore County Code for a redevelopment site located in a riverine floodplain to allow grading, paving, curbing, guttering, signage, landscaping, utilities, and other site work and the construction of portions of a building, related parking, a stormwater management facility, and a retaining wall, within the floodplain.

Hearing: Wednesday, 2/20/2008 at 10:00:00 AM, County Courts Building, 401 Bosley Avenue, Room 407, Towson 21204

Thanks and have a great day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
401 Bosley Avenue, Room 405
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov



January 11, 2008

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Office:

Please be advised that the undersigned has authorized Arnold Jablon, Esquire, Venable LLP, 210 Allegheny Avenue, Towson, Maryland 21204, to be the attorney-in-fact and attorney-at-law for Commerce Bank, N.A., and, on behalf of Commerce Bank, N.A., to file the attached petition for zoning relief. Commerce Bank, N.A. hereby understands that the relief requested is for property it owns and it hereby and herewith acknowledges its express permission for said petition to be filed on its behalf. The petition to be filed is for property located at 8733 Pulaski Highway, which is owned by Commerce Bank, N.A. Commerce Bank, N.A.

Commerce Bank

A handwritten signature in blue ink, appearing to read "Michael Powell".

Michael Powell
Facilities Officer

9000 Atrium Way
Mount Laurel, NJ 08054
888-751-9000

DROP OFF (NO REVIEW) 08-321-SPH

Arnold E. Jablon

(410) 494-6298

aejablon@venable.com

January 16, 2008

HAND DELIVERED

Mr. W. Carl Richards
Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Hearing
Petitioner: Commerce Bank, N.A.
Location: 8733 Pulaski Highway

Dear Mr. Richards:

I am drop filing the enclosed Petition for Special Hearing for the above-referenced property. With this letter, I have enclosed the following documents:

1. Petition for Special Hearing (3)
2. Affidavit for Petition Signature
3. Zoning Descriptions (3)
4. Site Plans (15)
5. Zoning Map
5. Newspaper advertising form
6. Check in the amount of \$325.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,


Arnold E. Jablon

ADJ:cdm

Enclosures

TO1DOCS1/#254395v1

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

Commencement
8-321-5741
2/20/08
And
08-259-A

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

✓ John Clapsaddle	8818 Centre Park Drive	Columbia, MD 21045	john.clapsaddle@phra.com
✓ Mike Powell	9000 Atrium Way	Mt Laurel, NJ 08054	michael.Powell@yabank.com
✓ DAN BLEVINS	8818 CENTRE PARK DRIVE	COLUMBIA, MD. 21045	daniel.blevins@phra.com
✓ SCOTT WOLFORD	8818 CENTRE PARK DRIVE	COLUMBIA, MD. 21045	SCOTT.WOLFORD@PHR
✓ DAVID KARCESKI	210 Allegheny Ave	Towson MD 21204	dKarceski@overdale.com

Scott R. Wolford, RIA, AICP

PHRA

8818 Centre Park Drive
Columbia, Maryland 21045
T 410 997 8900
F 410 997 9282
E info@phra.com

Engineers, Planners, and Landscape Architects

John W. Clapsaddle, PE
Civil & Mechanical Engineering

PHRA

8818 Centre Park Drive
Columbia, Maryland
T 410 997 8900
F 410 997 9282
C 443 186 0229
E info@phra.com

Engineers, Planners, and Landscape Architects

Daniel M. Blevins

PHRA

8818 Centre Park Drive, Suite 200
Columbia, Maryland 21045
T 410 997 8900
F 410 997 9282
E Daniel.Blevins@phra.com

Engineers, Planners, and Landscape Architects

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME _____

CITY, STATE, ZIP

[illegible]

Case No.:

08-321-SPH Commerce Bank

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - SITE PLAN - EXISTING FLOODPLAIN DELINEATION 1B - Amended - Proposed SITE PLAN - Floodplain Delineation following Construction & filling)	
No. 2	Aerial View of Site	
No. 3	WAIVER RECOMMENDATION WITH CONDITIONS from Edward Adams Public Works 2/19/08	
No. 4	Economic Directors - DAVID IANNUCCI's 2/15/08 Endorsement of Commerce Banks Proposal	
No. 5	RESUME RHRA HYDROLOGY EXPERT JOHN W. CLAPSADLE PE	
No. 6	STEMMERS RUN FLOOD PLAIN STUDY DRAINAGE AREA DELINEATION	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



BALTIMORE COUNTY, MARYLAND

INTER OFFICE CORRESPONDENCE

TO: Timothy Kotroco, Director,
Permits & Development Management

ATTN: Kristen Matthews
MS 1105

FROM: Edward Adams, Director,
Public Works



DATE: February 19, 2008

SUBJECT: Case No. 08-321-SPH
8733 Pulaski Highway
Commerce Bank

Section 32-8-303 (c) of the Baltimore County Code concerning waivers to the floodplain regulations says, "In considering a waiver action, comments from the state coordinating office and the County Department of Public Works shall be taken into account and maintained with the permit file." This memo is the comment from the Department of Public Works for the subject waiver.

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The applicant had received a building permit (B681872) by relying on a later flood plain study prepared by another engineer to support nearby commercial development by grading and filling in the floodplain area. There were no records found of an approved waiver for the grading and construction in the floodplain for those projects. The reason for the present waiver request is to allow the subject site to be developed in areas presently mapped as 100-year floodplain.

Conditions for approval recommendation:

1. The petitioner should provide a certification on the plan by a licensed Professional Engineer that the grading and other development requested for this site and for this project does not create any negative impact offsite to the floodplain water surface elevation. The intention of this is to prevent any liability against the County due to losses incurred by other properties in the vicinity during a 100-year flood event.

PETITIONER' S

EXHIBIT NO. 3

2. The petitioner's engineer shall provide full documentation supporting Condition 1. The petitioner is responsible to apply to the Federal Emergency Management Agency to amend the FIRM map to remove the floodplain designation from the site based on this documentation.
3. Baltimore County Bureau of Engineering & Construction, Storm Drain Design Section, **has** identified a project in its budget to restudy the Stemmers Run floodplain. Since **the** development of this site will change the topography as compared to the 2005 Aerial Photography used in the County's planimetric topography maps, additional field survey work and floodplain modeling will be required as a result of this specific project. The petitioner is requested to submit a nonrefundable fixed deposit of \$15,000 to compensate the County for the increased cost of this floodplain study, to be deposited prior to issuance of Use & Occupancy Permit.

This department recommends approval of the waiver as requested, subject to the conditions noted above, and requests that the conditions be included in the Zoning Commissioner's order.

ECA/DLT/s

CC: Kevin Wagner, State Coordinating Office, Maryland Department of Natural Resources; Bill Wiseman, Zoning Commissioner; Peter Zimmerman, Peoples Counsel; Dennis Kennedy, Chief, Development Plan Review Bureau; David Karceski, Venable; Dan Blevins, Patton, Harris Rust & Associates



BALTIMORE COUNTY
MARYLAND

MEMORANDUM

TO: Commerce Bank
FROM: David Iannucci, Executive Director, DED
RE: 8733 Pulaski Highway/ Commerce Bank flood plain waiver request
DATE: February 15, 2008

Venable LLC has contacted our department on your behalf concerning the zoning special hearing for this project. We understand that Commerce Bank seeks to redevelop the former Christiana Motel as a new banking center for their firm. The case information is:

CASE NUMBER: 8-321-SPH Corner of s/east side of Pulaski Highway and s/west side of Rossville Boulevard. 15th Election District Legal Owner: Commerce Bank, N.A.

We understand that Commerce Bank will build a new banking center at this corner of Pulaski Highway and Rossville Boulevard. The area has enjoyed resurgence since the Golden Ring shopping center was redeveloped in 2004. The site is currently an older one-story motel surrounded by an influx of new retail businesses.

Our department endorses Commerce Bank's request to utilize this site. The location is zoned for retail use (BR-AS), and the immediate area provides many retail establishments for the neighboring community.

CC: David Karceski, Esquire, Venable LLC

PETITIONER' S

EXHIBIT NO. 4

7. Brief resume of key persons specialists and individual consultants anticipated for this project.

a. Name & Title:

John W. Clapsaddle, PE
Senior Project Manager

b. Project Assignment:

Senior Engineer responsible for design of all components of site civil elements and for training and quality control of other staff in Columbia and Germantown offices

c. Name of Firm with which associated:



Patton Harris Rust & Associates, pc

d. Years experience: With This Firm 7 With Other Firms 25

e. Education: Degree(s)/Year/Specialization

BS/1982/Civil Engineering from Virginia Polytechnic Institute, Blacksburg Virginia.

f. Active Registration: Year first Registered/Discipline

1989/Professional Engineer/Maryland/16956

1998/Professional Engineer/Pennsylvania/053937-E

1998/Professional Engineer/Virginia/032535

g. Other Experience and Qualifications relevant to the proposed project:

Mr. Clapsaddle is a graduate engineer with a background in hydrologic and hydraulic design, site and utility engineering and construction management. He is a senior project manager in our Columbia, Maryland office with design experience in floodplain analysis, stormwater management, site layout, site grading, storm drain, water, sewer, and sediment control. He is familiar with all elements of civil site design including proposal writing, specifications writing, and permit processing as well as client and agency contact and coordination.

9500 Centre Clubhouse – Howard County, MD

Project Manager for the site civil designs as part of a design/build team for golf course and clubhouse. Prepared complete construction documents and provided construction inspection.

Developmental Services Group – Howard County, MD

Provided complete site engineering designs for the approximate 50,000 square foot building including layout, grading, stormwater management and all utility connections.

PETITIONER' S

EXHIBIT NO.

5

Dorsey Business Center – Howard County, MD

Design of vertical profiles, pavement and storm drainage for Deer Path Road as well as three stormwater retention ponds for the overall development.

Henson Creek #22 – Prince George's County – MD

Design of a stormwater retention pond for 300-acre watershed.

Pines of Laurel – Prince George's County, MD

Design Engineer responsible for the design of a 650 unit planned subdivision on 100 acres in southern Laurel, Maryland. This project includes three stormwater management ponds, public road and storm drain design. Mr. Clapsaddle is coordinating all designs and approvals for permitting through Prince George's County and Maryland State Highway Administration.

Germantown Post Office – Germantown, MD

Complete construction documents for new Postal Facility on 5-acre site. Site included 200 parking spaces including customer parking similar to kiss and ride facility. Sediment/Erosion control, water quality control, sanitary storm drain, landscape, lighting and specifications were included in the package.

Residence Inn – Baltimore, MD

Involved in project management of civil engineering designs. Designs included stormwater management, storm drain, water, sewer and sediment control.

Hampshire Village at Norbeck – Montgomery County, MD

Prepared the design plans for a new stormwater management pond meeting the 2000 Maryland Stormwater Management regulations.

Hampton Property - Prince George's County, MD

Design Engineer responsible for street grade design and plan processing for a 275 lot residential subdivision.

Quince Orchard Road Improvements - North Potomac, MD

Design Engineer for lane design, horizontal and vertical alignment studies, traffic control and intersection design.

McDonald's Restaurants – Howard and Montgomery Counties, MD

Provided comprehensive site engineering for prototypical restaurant sites. Site work included all plan preparation, permitting and construction services.

Columbia Neighborhood Pools – Howard County, MD

All engineering design work for stormwater management meeting state design criteria, utilities and site grading.

Windsor Crossing - Prince George's County, MD

125-dwelling unit independent living elderly facility, 123-dwelling unit garaged rental apartment, 95 for sale a garaged five-plex condominiums, community center and outdoor pool. Redevelopment of existing 500-unit abandoned apartment complex in Suitland Maryland. Assisted in the preparation of new legislation of redevelopment in Prince George's County. Preparation and processing of construction document for project.

Maryland Department of Transportation - BWI Airport, MD.

Design Engineer responsible for the preparation of preliminary site and road designs for the new MDOT/MAA headquarters building at BWI Airport. Mr. Clapsaddle was responsible for preparation of preliminary road alignments to meet AASHTO requirements and the preparation of the wetland permit applications for impact to wetlands of special state concern.

Maryland Route 355 - Frederick County, MD

Project Manager for alignment studies for portions of the new Route 355 bypass for Urbana, Maryland. Responsibilities included layout of horizontal and vertical alignments for Route 355 and a portion of Route 80 using AASHTO criterion including super-elevation design.

Prince George's County Courthouse - Upper Marlboro, MD

Project Manager responsible for a new addition to the County courthouse building which included modifications to the surrounding road network, parking lot, utilities and stormwater management. Mr. Clapsaddle was also responsible for design of the traffic control plan used for the construction of the proposed road improvements to Water Street and Judges Drive adjacent to the project. The task included processing of plans through County agencies for approvals and permitting.

Pines of Laurel - Prince George's County, MD

Design of intersection improvement plans for three intersections in conjunction with the development of the property. The designs included widening on Van Dusen Road at Virginia Manor Road, Van Dusen Road at Contee Road and Contee Road near the entrance to the site. Each design included design of geometry, vertical alignments, signage and striping. The project also included the design of a traffic control plan for installation of water line within Virginia Manor Road for applications necessary for the street construction permit. Project also included design of three stormwater management ponds one of which was classified as "b" requiring detailed analysis based on TR-60 (probable maximum storm passage) and dam breach analysis using the HEC-RAS computer model.

Rosedale Estates - Prince George's County, MD

Project Manager for engineering design for this 21 lot townhouse development in Oxon Hill, Maryland. Project included design of road grades, sediment control, water, sewer, storm drain, traffic control and stormwater management. A traffic control plan was designed to allow construction of the water line connection in Henson Valley Way.

Bellefonte Property - Clinton, Maryland

Design of road improvements for Woodyard Road (Maryland Route 223) including acceleration and deceleration lanes, left turn and bypass lanes necessary for accommodation of additional site generated traffic. Project director overseeing design, submittal and permitting process for two stormwater management ponds reviewed and approved by both Prince George's County and Soil Conservation District. Also included in this project was analysis of dam breach flows downstream to determine impacts to roads and structures. This study included using HEC-RAS for stage-discharge curve development and TR-66 in analyzing valley storage during a dam breach.

Olney Manor - Montgomery County, MD

Preliminary design of road improvements for Georgia Avenue (Maryland Route 97) including acceleration and deceleration lanes, left turn lane and site access geometry to accommodate site traffic ingress and egress within the existing road network.

US Route 29 @ Tech Road - Howard County, MD

Design Engineer responsible for roadway widening and interchange design. Developed complete design for widening all required right-of-way takings and easements.

Columbia Road - Howard County, MD

Design Engineer responsible for roadway reconstruction. Developed contract plans and documents for roadway improvement. Plans included full design, hydraulics and stormwater management. In addition, designed vertical profile, pavement and storm drainage between Ten Mills Road at Maryland 108 for HRDC.

Maryland 51 - Allegany County, MD

Engineer of Record for all widening road improvements including storm drainage, cross drains and associated easements.

Mexico Farms Road - Allegany County, MD

Intersection improvements for a county roadway including negotiations with adjacent property owners for easement, right-of-way and access requirements.

7. Brief resume of key persons, specialists and individual consultants anticipated for this project

Task included defining right-of-way requirements for dedication purposes. Also included stormwater management, sediment and erosion control and utility relocations.

B&A Trail – Anne Arundel County, MD

Design Engineer responsible for hydraulics/hydrology and culverts for engineering design of 4.3 miles of bicycle trail including pedestrian bridges.

Sandy Point State Park – Maryland Department of General Services

Site improvements for East and South Beach including parking facilities for approximately 1,300 vehicles. The site work involved coordination with Critical Areas Commission to reduce pollutant run-off as well as approval by Maryland Department of the Environment.

Fairway Hills Golf Course – Howard County, MD

Involved construction administration and permit processing through Maryland Department of Natural Resources for this 18 hole course which includes stormwater retention facilities, bridges, utility work, site, road and parking design.

Open-End Engineering Contract, Columbia Association – Howard County, MD

Performed engineering services including grading plans, stormwater management and sediment and erosion control for bikeways, overpasses, swimming pools, tot lots, paved pathways and other recreational facilities.

Choice Mainstay – Mount Laurel, NJ

Mr. Clapsaddle developed conceptual plans for this hotel to accommodate a stormwater management pond for a dual lot development package and designed the final stormwater package.

Residence Inn Hotel – Langhorne, PA

Responsible for stormwater management basin design to control stormwater runoff. Mr. Clapsaddle created an innovative design technique on this project to economize an extensive piping requirement and save the developer substantial costs. SCS TR-20 was used to model the watershed.

Residence Inn and Courtyard Hotels – Richmond, VA

Involved in project management of two hotel sites for Marriott International. Responsible for overseeing design of storm drain, grading, utilities and sediment control. Coordinated efforts of engineer, architect, owner and contractor.

Residence Inn – Baltimore, MD

Involved in project management of civil engineering designs. Designs included stormwater management, storm drain, water, sewer and sediment control.

Development Services Group Office Building – Howard County, MD

Provided complete site engineering designs for the approximate 50,000 square foot building including layout, grading, stormwater management and all utility connections.

NACM – Howard County, MD

Responsible for developing SDP drawings for review and approval through Howard County. Construction documents also included red-line changes to the public water and sewer drawings.

Elkhorne Office Building – Howard County, MD

Engineer of Record for construction documents and permitting through County. Redline process was utilized to expedite the permitting process.

Marriott Brighton Gardens – Montgomery County, MD

Engineer of Record for senior living facility services including survey, wetland delineation, civil-site engineering, bridge design, utilities, stormwater management including sand filters, and construction administration observation and certification. Permitting and coordination with M-NCPPC, Montgomery County Public Works, SCD, MDOT, WSSC and miscellaneous utilities also performed. Included in this project was preparation of floodplain analysis for a tributary to Rock Creek to analyze flows through the proposed bridge crossing the stream.

Ruby Tuesday – Annapolis, MD

Provided comprehensive site engineering for prototypical restaurant site. Site work included all plan preparation, permitting and construction support services.

Pittsburgh-to-Washington Trail – Somerset County, PA

Project Engineer responsible for 5.6-mile rail-trail near Pittsburgh, Pennsylvania. Assisted with development of storm drainage plans and grading plans.

Timbers at Troy Clubhouse – Howard County, MD

Part of a design/build team for golf course, maintenance building and clubhouse. Site engineering for clubhouse, maintenance building and associated parking. Prepared complete construction documents and provided construction inspection.

Pheasant Ridge Pathway – Columbia, MD

Completed hydraulic studies necessary to model the effect of a new pedestrian bridge for the Pheasant Ridge neighborhood. Studies included the development of a HEC-RAS model of the stream prior to bridge construction to mimic the approved floodplain study in the absence of the previous hydraulic input and the development of a second model with the proposed bridge in place.

Allegheny Highlands Trail – Confluence, PA

Participated in the design team for a 5.6 mile section of the trail south of Influence, Pennsylvania. Responsibilities included field review of drainage issues preliminary design of culverts and ditches necessary to provide adequate drainage along the pathway.

Rockville Bicycle Beltway – Rockville, MD

Participated in preliminary studies to determine the optimal alignment of the proposed bicycle beltway to follow existing trails, walks and pathways in the Rockville area. This project consisted of two 10-mile urban bikeways by the City of Rockville, which incorporated portions of existing pathway systems along Gude Drive and Wooten Parkway.

Dyson Road Improvements – Prince George's County, MD

Prepared preliminary designs for Dyson Road improvements east of Route 5 including line and grade establishment. Preliminary designs included incorporation of a bike lane along the west bound travel lane.

Pedestrian Pathways – Columbia, MD

Participated in the design of several pathway projects for the Columbia Association. Responsibilities included design of grading, sediment control, hydraulic analysis, and preparation of construction documents. Neighborhoods included Clary's Forest, Hickory Ridge, Pheasant Ridge and Wilde Lake.

Storage USA – Burtonsville, MD

Project Engineer responsible for the design of a Storage USA located on Dino Drive. Responsibilities included design of the extension of Dino Drive, grading, sediment control and utilities.

Shady Grove Executive Center – Rockville, Maryland

Project Engineer for design of utilities including underground stormwater management.

Prince George's County Courthouse – Prince George's County, MD

This project included site design services in support of an addition to the Marbury Wing of the courthouse. The building improvements were necessary to provide additional offices and courtrooms. The site work included modifications necessary to narrow an existing county roadway and the addition of a new parking lot. To accommodate the new building, design for the relocation of an 8-inch water line was completed. As part of the redevelopment of this area, new storm drain and stormwater management systems were also required. This task included design of new stormwater management facilities meeting the Maryland 2000 Stormwater Design Manual. PHRA coordinated with the gas and electric company in order to relocate their utilities as well. As part of this same project interior renovations to the Duvall Wing were proposed. This work included upgrade to the fire sprinkler systems which required design of a new water line connection. Other minor site improvements were made for the Duvall project such as sidewalks, drainage and landscaping.

Pollekoff Property – Hyattstown, Maryland

Preliminary design of stormwater management facilities for a preliminary site plan submitted to Frederick County for review.

Nickles Property – Laurel, Maryland

Design of storm drain systems, streets and stormwater management facilities for this 34 lot subdivision. The stormwater management pond was designed with a micro-pool and provides management of the 2-, 10- and 100-year storms. The embankment meets MD-378 criteria. This project included detailed analysis the effects of a dam breach on the downstream properties. The dam breach analysis included use of the HEC-RAS computer model to analyze the characteristics of the resulting flow in the stream.

Georgetown Boathouse – Washington DC

Prepared an analysis of the 100-year floodplain from the Potomac River and analysis of the flow characteristics before and after installation of the boathouse building. Analysis included study of the velocities and shear stresses resulting on the neighboring Washington Canoe Club building.

Xander Property – Accokeek, Maryland

Design of storm drain systems, streets and stormwater management facilities for this 21 lot subdivision. The stormwater management systems include two stormwater management ponds, one dry pond and one pond with a micro-pool. Both ponds provide quality and quantity management and attenuate the 2-, 10- and 100-year storms. Both ponds meet requirements of MD-378. One of the ponds was designed as a class b pond and has been reviewed and approved by MDE. Analysis of the ponds included preparation of dam breach studies to show the effect downstream of a simultaneous breach of the pond embankment. This study included use of the HEC-RAS computer model.

Friends Community School – Greenbelt, Maryland

Responsible for design of five stormwater management bioretention devices for Quaker school project which included LEED certification through the Green Building Council.

Steed Road Property (Branch Hill) – Clinton, Maryland

Design of a stormwater management pond to provide water quality and quantity meeting the requirements of MD-378 and the 2000 Maryland Stormwater Design Manual. Project director overseeing design of roads, storm drain, water and sewer design for 45 lot subdivision.

Wheaton Park Shopping Center – Wheaton, Maryland

Design engineer for storm drain design to alleviate flooding problem in the parking lot due to clogged pipes and non-viable drainage systems.

PEPCO Dickerson Facility – Dickerson, Maryland

Preparation of floodplain study for Little Monocacy River and six tributaries through the property using HEC-RAS computer models to determine floodplain elevations for designation on recorded plats prior to property sale.

Esplanade at Red Run – Owings Mills, Maryland

Responsible for design of three stormwater management ponds, sediment control and utility design for large residential and commercial project adjacent to Red Run. Studies included analysis of dam breach results and anticipated flooding potential from simultaneous breach of pond embankments. HEC-RAS computer model was used in this analysis to determine stage-discharge curves for Red Run.

Rock Creek International School – Washington DC

Assistance in processing of utility drawing through WASA for approval of meter vault required for school opening.

Bowie Town Center – Bowie, Maryland

Engineer responsible for design of all storm drain and stormwater management facilities on the project which included two underground infiltration facilities. This project also included detailed analysis of a split flow design in order to direct the appropriate flow to the State Highway drainage system, neither one of which was adequately sized to handle the entire site flows.

Chestnut Oaks – Ft. Washington, Maryland

Project director for multi-story condominium building which included installation of three underground stormwater management facilities and two bioretention facilities.

Randolph Manor – Silver Spring, Maryland

Project director overseeing design of stormwater management facilities for this multi-story age restricted housing facility.

Olney Manor – Olney, Maryland

Project director overseeing design of stormwater management facilities for this multi-story age restricted housing facility.

St. Louis Church – Clarksville, Maryland

Project engineer for design of parking lot and underground stormwater management facilities for expansion to the existing church.



PETITIONER'S

EXHIBIT NO. 6

BALTIMORE COUNTY, MARYLAND
STEMMERS RUN FLOOD PLAIN STUDY

LOCATION MAP

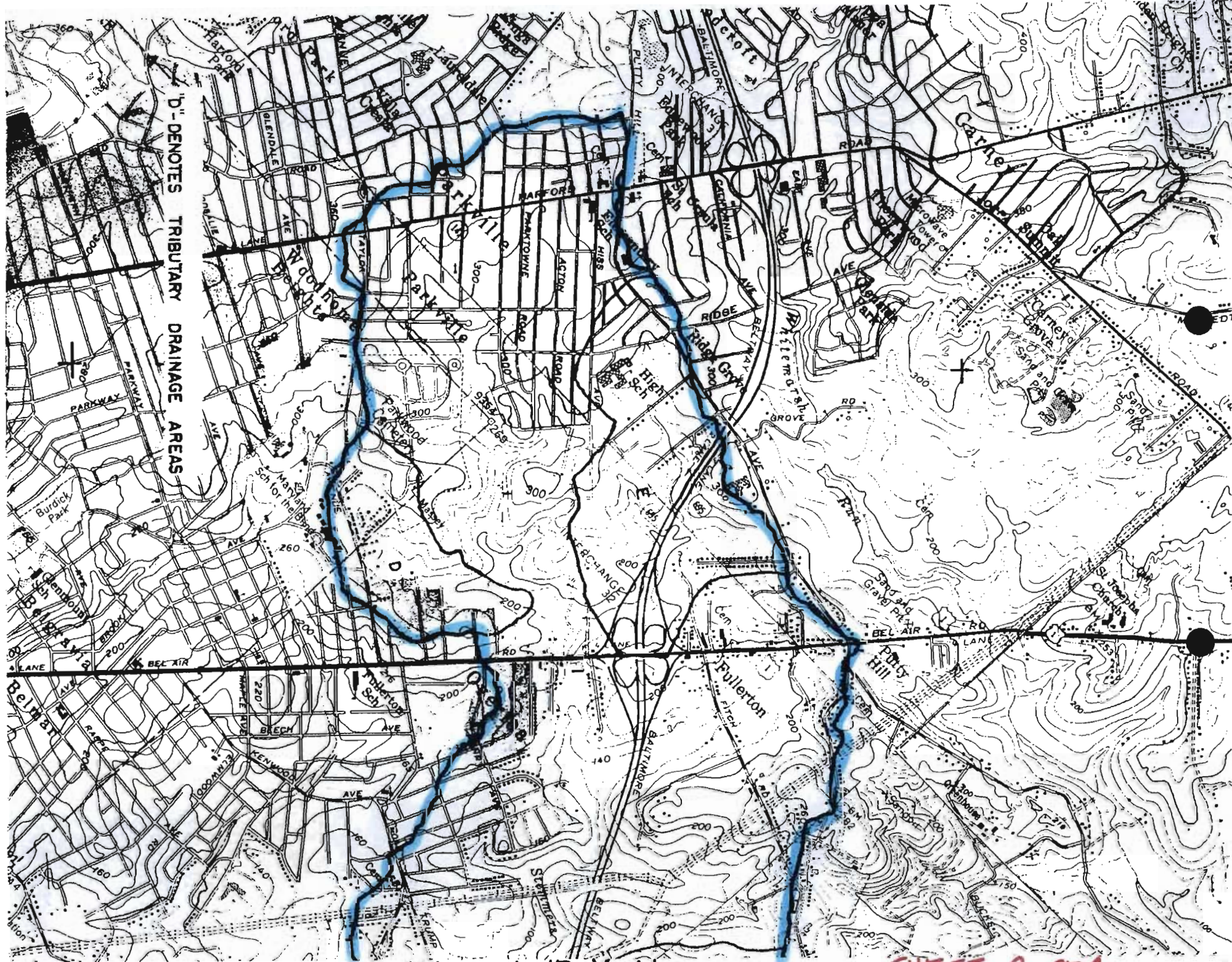
BAKER-WIBBERLEY & ASSOCIATES, INC.

HAGERSTOWN, MARYLAND

SCALE 1:250,000

PLATE I

SHEET 1 OF 4

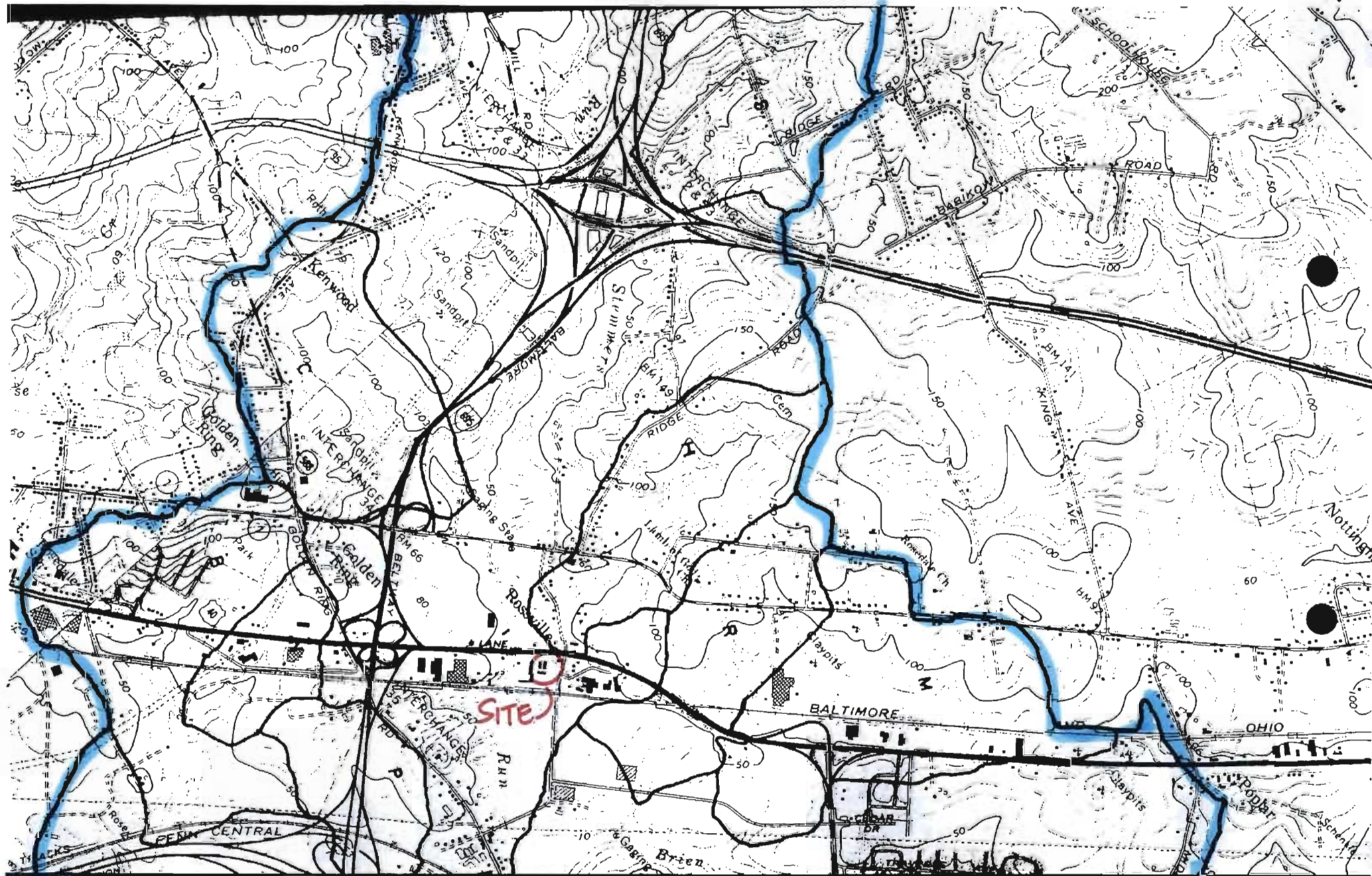


"D" DENOTES TRIBUTARY DRAINAGE AREAS

MATCH LINE A-A

SHEET 2 OF 4

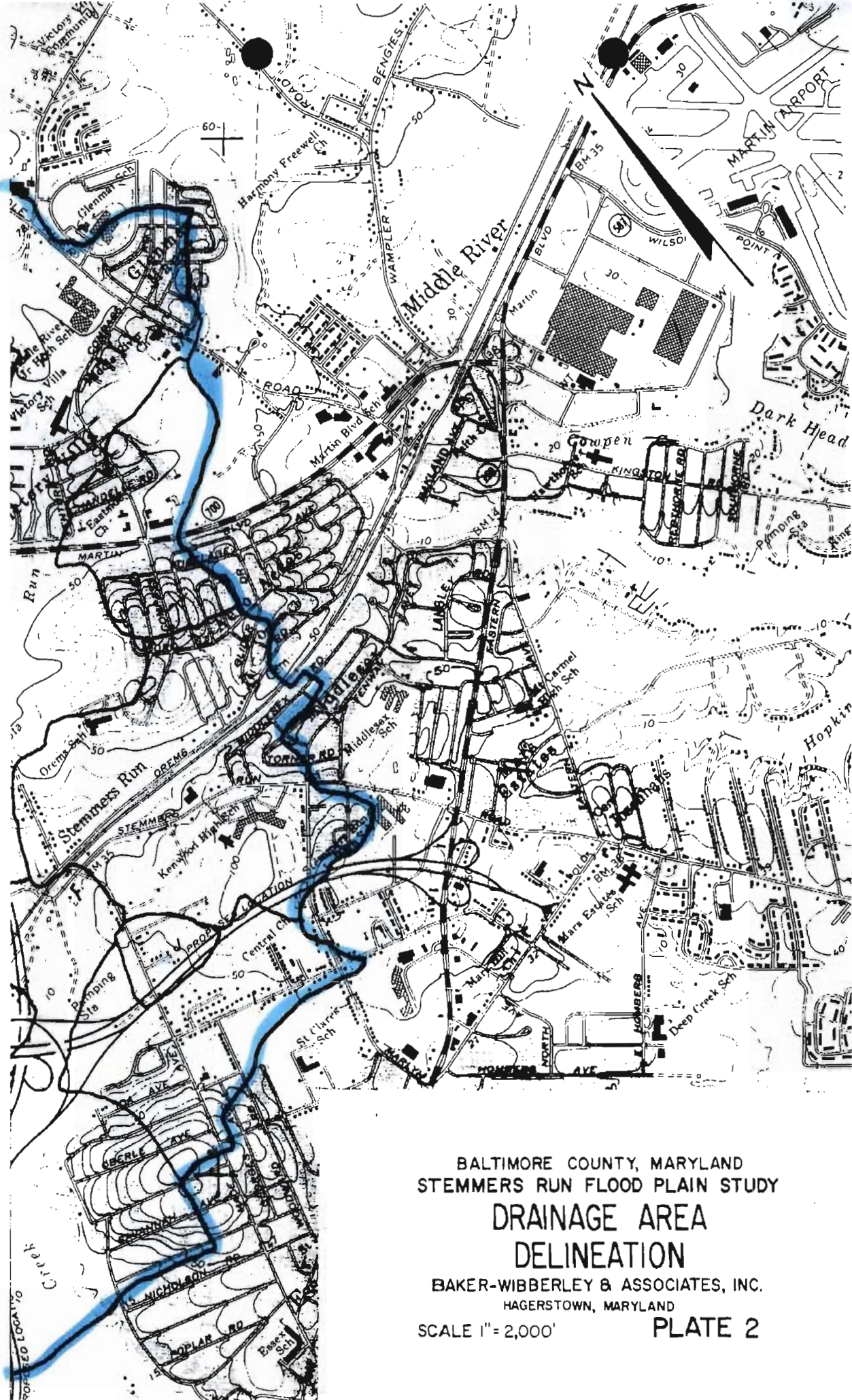
MATCH LINE 'A-A'



MATCH LINE 'B-B'

SHEET 3 OF 4

MATCH LINE 'B-B'



BALTIMORE COUNTY, MARYLAND
STEMMERS RUN FLOOD PLAIN STUDY
DRAINAGE AREA
DELINEATION

BAKER-WIBBERLEY & ASSOCIATES, INC.
HAGERSTOWN, MARYLAND

SCALE 1" = 2,000'

PLATE 2

SHEET 4 OF 4

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 8733 PULASKI HIGHWAY
SUBDIVISION NAME GOLDEN RING
PLAT BOOK # 26274 FOLIO # 307 LOT # -- SECTION # --
OWNER COMMERCE BANK NA

FLOODPLAIN NOTE

THE FLOODPLAIN ELEVATION SHOWN HEREON IS BASED ON THE APPROVED "REVISED FLOODPLAIN STUDY FOR CONTINENTAL INN", DATED MARCH 21, 2000 AS PREPARED BY GEORGE W. STEPHENS ASSOCIATES, AND THE "STEMMERS RUN FLOODPLAIN STUDY", DATED JUNE 1975 AS PREPARED BY BAKER-WIBBERLEY AND ASSOCIATES. THE PREVIOUS FLOODPLAIN STUDIES WERE BASED ON THE BALTIMORE COUNTY SURVEY CONTROL (BCSC). THIS DRAWING IS BASED ON NORTH AMERICAN VERTICAL DATUM (NAVD 88) ALL FLOODPLAIN ELEVATIONS WHICH WERE BASED ON BCSC, HAVE BEEN REDUCED BY 1.7 FEET FOR COMPARISON TO NAVD 88.

BR DEVELOPMENT STANDARDS (Section 236):

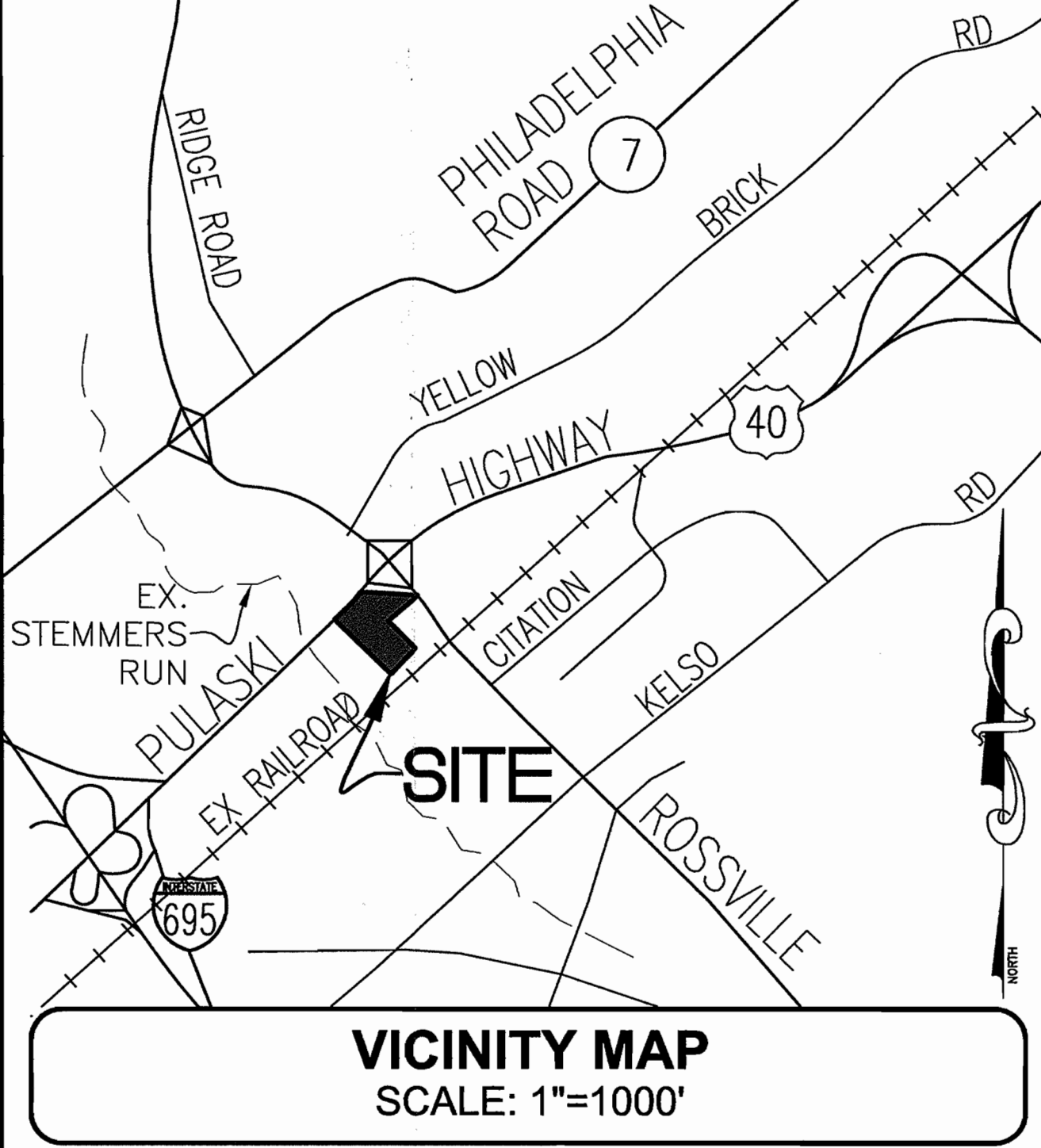
Maximum Height Limitations:
Max. Height = setback from ROW (±99') 28'
Maximum Floor Area Ratio:
2.0 0.08
Stacking Space Requirements:
5 spaces for first station and 2 per additional station 11 Stacking spaces are shown on the site plan.
(5 + (3x2))=11 spaces at 20'x8.5'

PARKING SCHEDULE:

Bank:
Total floor area proposed: 3,669 SF
Required Parking Spaces: 3.3 space per 1,000 SF of floor area (3,669/1,000)x3.3=12.11 spaces
Proposed Parking Spaces: 27 total spaces
25 Regular Spaces @ (8.5' x 18')
2 Handicapped Van Spaces (8' x 18' loading area)

GENERAL NOTES:

- 1" topography and boundary by Patton Harris Rust and Associates, October 2006.
- Existing Zoning: Business, Roadside- Automotive Service District (BR-AS)
- Gross Tract Area: 1.01 acres ± (Parcels 4 & 5)
- Election District: 15
- Tax Map No. 90, Grid 7, Parcels 4 & 5
- ADC Map: Baltimore County Map 37, Grid 5-5
- Existing Use: Motel (Motel Christien)
- Proposed Use: Bank
- Existing Forest Cover: None
- There are no known historic features on this site, or adjacent to this site.
- There are no cemeteries located on or adjacent to the site.
- Planner/Engineer:
Patton Harris Rust & Associates, Inc.
8818 Centre Park Drive, Suite 200
Columbia, Maryland 21045
T: 410.997.8900 F: 410.997.9282
- The soil types present are:
Ma Made Land
*From Soil Survey-Baltimore County Maryland
- FIRM Community Panel # 240010 0430 B (March 2, 1981)
- Watershed: Back River
- Councilmanic District: 7th
- DRC Request (DRC No. 112706F) is associated with this project and received Approval of Limited Exemption under Section 32-4-106(a)(1)(vi) by way of letter dated December 5, 2006.



LOCATION INFORMATION

ELECTION DISTRICT:	15	
COUNCILMANIC DISTRICT:	7	
1"=200' SCALE MAP #	37 B5	
ZONING	BR-AS	
LOT SIZE:	<u>1.01 ±</u> ACREAGE	<u>44,300</u> SQUARE FEET
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
		YES
CHESAPEAKE BAY CRITICAL AREA		☐
100 YEAR FLOOD PLAIN		☒
HISTORIC PROPERTY / BUILDING		☐
PRIOR ZONING HEARING	(SEE ZONING HISTORY BELOW)	

ZONING OFFICE USE ONLY

REVIEWED ITEM # CASE #

ZONING HISTORY

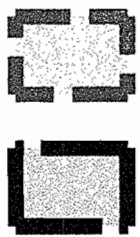
- Case No. 3318-S
Petition for Special Permit to use the land for a hotel. Granted on January 21, 1955.
- Case No. 4482-V
Petition for Variance to allow front building lines of 27 and 35 feet instead of the required 50 feet. Granted on December 4, 1958.
- Case No. 64-36-R
Petition for Zoning Reclassification to have property rezoned from R-6 and B.L. to M.L. Granted on February 5, 1964.
- Case No. 75-278-A
Petition for Variance to permit setbacks of 15 feet and 30 feet from the front property line on a dual highway in lieu of the required 50 feet; distances of 14 feet and 28 feet between buildings in lieu of the required 60 feet; and a setback of 5 feet from the rear property line in lieu of the required 30 feet. Granted on June 12, 1975.
- Case No. 86-368-SPH
Petition for Special Hearing to approve continuance of a non-conforming use of a restaurant and bar. Granted on March 28, 1986.

GRAPHIC SCALE



I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 16952 EXPIRATION DATE: 12/31/08

PETITIONER'S 3-321
EXHIBIT NO. 1A



EXISTING 100 YR FLOODPLAIN FREE BOARD AREA

EXISTING 100 YR WATER SURFACE ELEVATION AREA

EXHIBIT TO ACCOMPANY
PETITION FOR
ZONING SPECIAL HEARING
COMMERCE BANK
PULASKI HIGHWAY
TAX MAP 90, GRID 7, PARCEL 4, 5
8733 PULASKI HIGHWAY
BALTIMORE, MD
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



PHR+A

DESIGNED: DMB
DRAWN: SGM
DATE: 01/03/08
SCALE: 1" = 20'

FILE NO: 14665-1-0
SHEET: 1 OF 2

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 8733 PULASKI HIGHWAY
SUBDIVISION NAME GOLDEN RING
PLAT BOOK # 26274, FOLIO # 307, LOT # SECTION #
OWNER COMMERCE BANK NA

FLOODPLAIN NOTE:

USING THE APPROVED REVISED FLOODPLAIN STUDY BY GW STEPHENS DATED MARCH 21, 2000 (WHICH SHOWS "INEFFECTIVE FLOW" IN THE CHANNEL ADJACENT TO THE SITE) TO EVALUATE IMPACTS FROM GRADING, FILL AND / OR ALTERATION TO THE 100-YEAR FLOODPLAIN OF RECORD WE HAVE DETERMINED THERE ARE NO ADDITIONAL ADVERSE OFFSITE IMPACTS, DUE TO THE DEVELOPMENT OF THIS SITE.

BR DEVELOPMENT STANDARDS (Section 236):

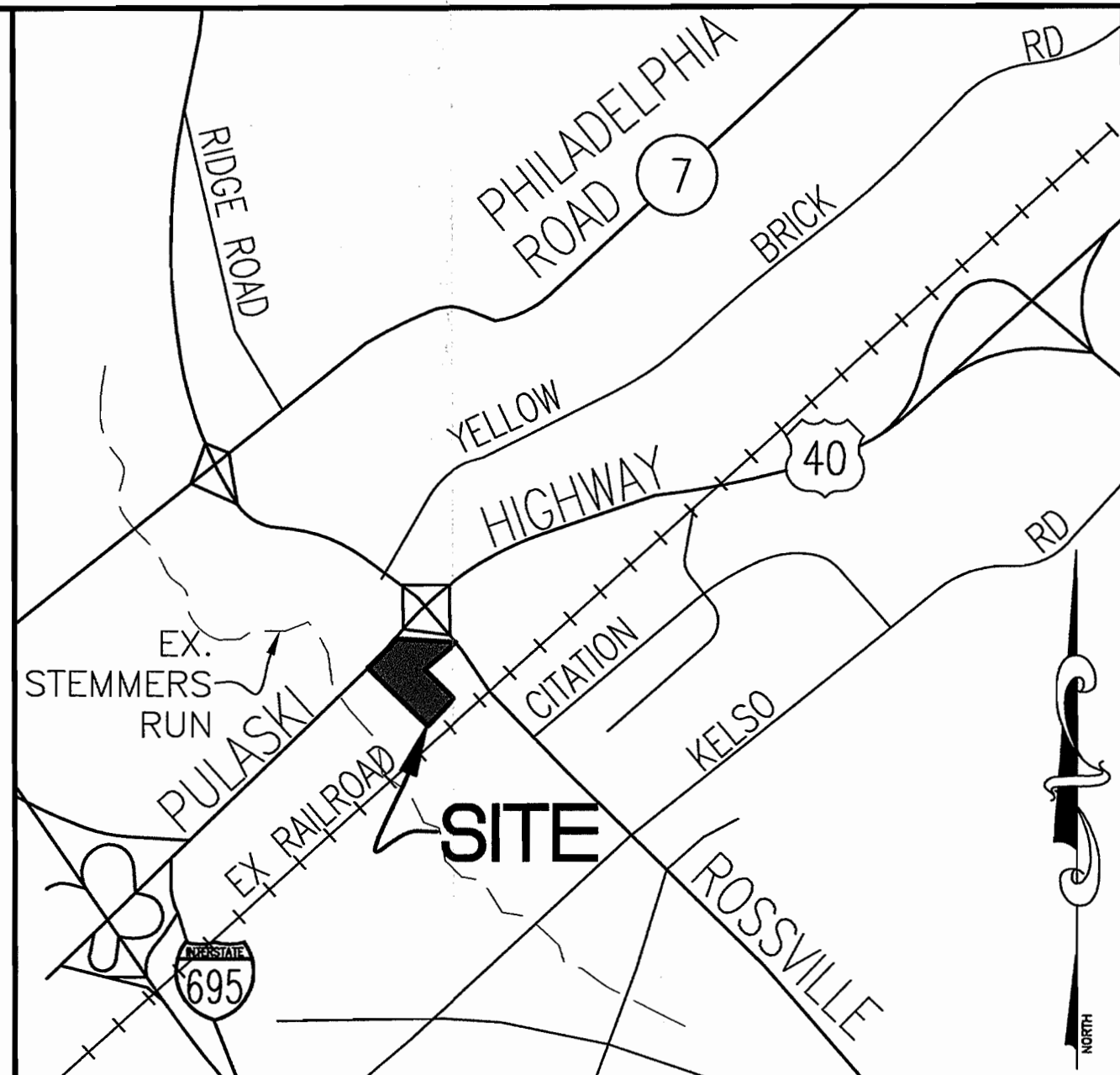
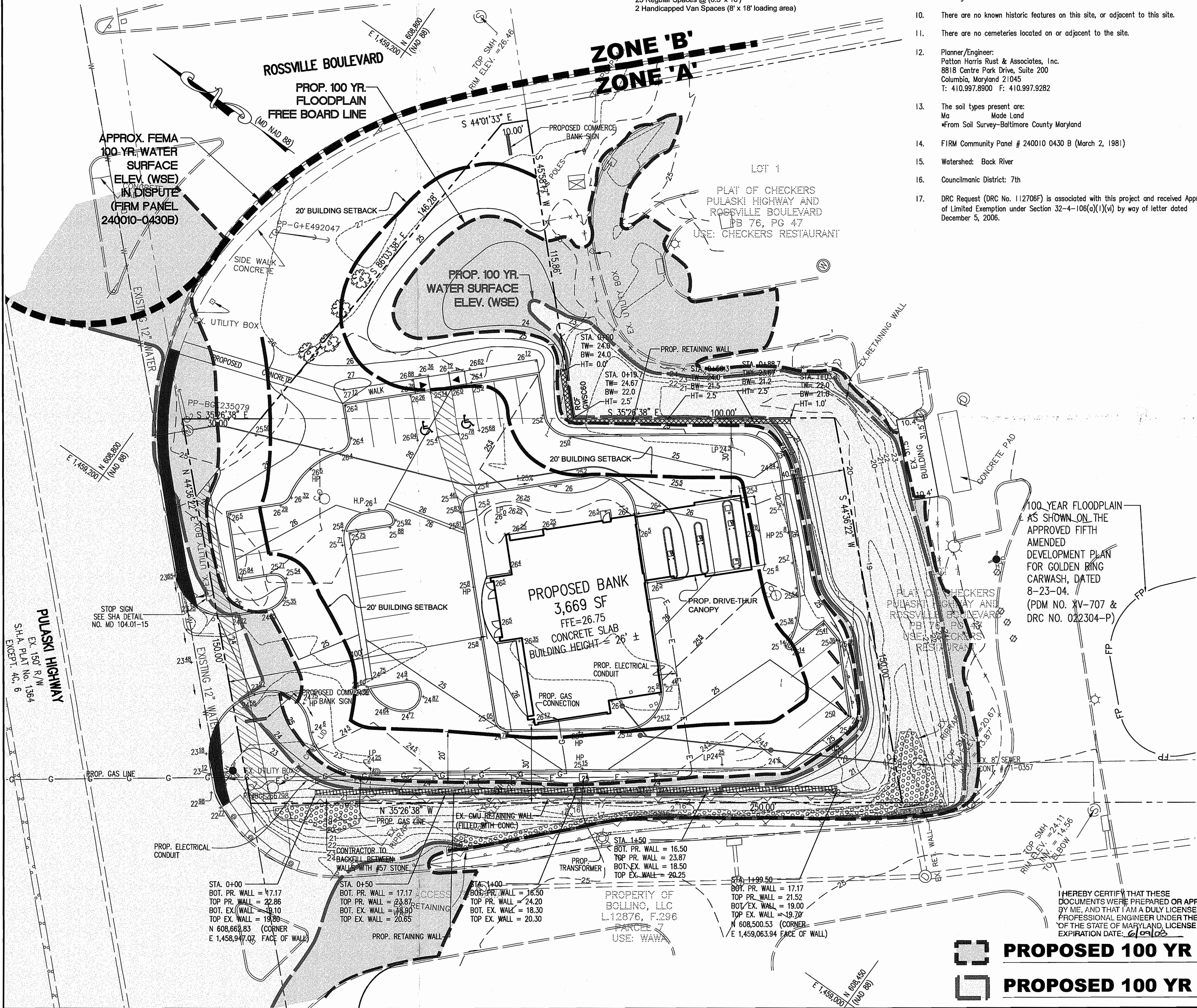
Maximum Height Limitations:
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Maximum Floor Area Ratio:
2.0 0.08
Stacking Space Requirements:
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- Councilmanic District: 7th
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VICINITY MAP
SCALE: 1"=1000'

LOCATION INFORMATION

ELECTION DISTRICT:	15
COUNCILMANIC DISTRICT:	7
1"=200' SCALE MAP #	37 BS
ZONING	BR-AS
LOT SIZE:	1.01 +/- ACREAGE
	44,300 SQUARE FEET
SEWER	☒ PUBLIC
WATER	☒ PRIVATE
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☒ YES ☐ NO
HISTORIC PROPERTY / BUILDING	☐ YES ☒ NO
PRIOR ZONING HEARING	(SEE ZONING HISTORY BELOW)

ZONING OFFICE USE ONLY

REVIEWED	ITEM #	CASE #
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ZONING HISTORY

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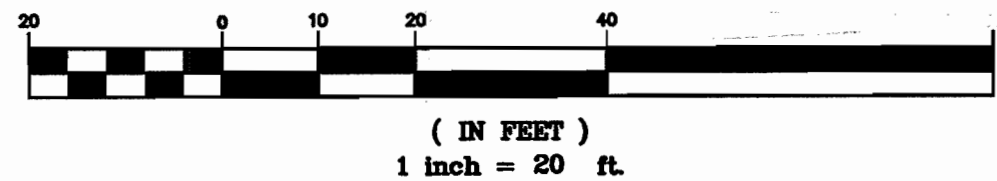
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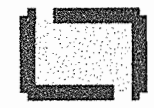
PETITIONER'S

EXHIBIT NO. 1 B

GRAPHIC SCALE



PROPOSED 100 YR FLOODPLAIN FREE BOARD AREA



PROPOSED 100 YR WATER SURFACE ELEVATION AREA

EXHIBIT TO ACCOMPANY
PETITION FOR
ZONING SPECIAL HEARING

COMMERCE BANK
PULASKI HIGHWAY
TAX MAP 90, GRID 7, PARCEL 4, 5
8733 PULASKI HIGHWAY
BALTIMORE, MD
FIFTEENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND



P.H.R.+A

DESIGNED: DMB
DRAWN: SCM
DATE: 01/03/08
SCALE: 1" = 20'

FILE NO: 14665-1-0
SHEET: 2 OF 2

Patton Harris Rust & Associates, pc
Engineers, Surveyors, Planners, Landscape Architects.
8818 Centre Park Drive Columbia, MD 21045
T: 410-997-8900 F: 410-997-9282

OWNER / DEVELOPER:
COMMERCE BANK, N.A.
MICHAEL POWELL
9000 ATRIUM WAY, BUILDING 1
MOUNT LAUREL, NJ 08054