



KEVIN KAMENETZ
County Executive

December 4, 2017

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

Gary Getz, AIA
Morris & Ritchie Associates, Inc
Engineers, Planners, Surveyors and Landscape Architects
1220-C East Joppa Road, Suite 505
Towson, Maryland 21286

RE: Spirit and Intent Request, Case # 2008-0336-A
Dundalk Plaza Shopping Center
12th Election District

To Whom it May Concern:

Your recent letter to Arnold Jablon, Director of Permits, Approvals and Inspections, was forwarded to me for reply. Based upon the information provided therein, my review of the available zoning records the following has been determined:

The Red Line Plan submitted showing the proposed parking spaces increased to 990 spaces and the required 1020 spaces was reviewed by this Office. It was noted that the proposed changes is considered to be within the spirit and intent of zoning case No. 2008-0336-A.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Hucik", is written over the typed name.

Gary Hucik
Planner
Zoning Review

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



REVISED - November 30, 2017

Mr. Carl Richards
Baltimore County Zoning Review
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Request for Spirit and Intent Letter
1401-1417 Merritt Boulevard, Baltimore, MD

Dear Mr. Richards,

Morris & Ritchie Associates, Inc. represents the legal owner of 1401-1417 Merritt Blvd, also known as Dundalk Plaza Shopping Center, located about 0.8 miles south of I-695.

Our client will soon complete a multi-million dollar renovation of the 183,829 square foot shopping center. The work includes the complete renovation of the $\pm 1,350$ linear foot façade, and provisions for the relocation of tenants and accommodations for new tenants. As part of the work, the parking lot is being repaved and restriped. Due to overly wide drive aisles and parking spaces that existed, 35 new parking spaces will be added after restriping, for a new total of 990 spaces.

I am writing to confirm that these site renovations are within the spirit and intent of the zoning order granted in Case No. 2008-0336-A. More specifically, Case No. 2008-0336-A allowed the existing parking count of 954 spaces to suffice, when the amount of parking required by itemizing the specific uses in the shopping center called for 984 space, a 30 space decrease.

We believe the parking now required when itemizing the requirements of the individual tenants, should be 1,020 spaces, which, when reduced by 30 spaces yields the 990 spaces that we are now providing.

I have enclosed a redline of the site plan entitled "Plan to Accompany Spirit and Intent Letter", which shows the previously approved site plan and the proposed improvements shown in red. Also enclosed is the itemized list of required parking for the current and proposed tenants in the shopping center, summing up to 1,020 spaces.

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ♦ Baltimore, MD ♦ Laurel, MD ♦ Towson, MD ♦ Georgetown, DE ♦ New Castle, DE ♦ Sterling, VA ♦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

If you are in agreement kindly countersign this letter confirming that the proposed uses and parking counts are within the spirit and intent of the relief granted in Case No. 2008-0336-A.

Sincerely,

Morris & Ritchie Associates, Inc.



Gary D. Getz, AIA
Principal

Encl: Plan to Accompany Spirit and Intent Letter
Existing/Proposed Tenant List with Parking Requirements
Case No. 2008-0336A
Zoning Verification Letter dated 1/11/17

Agreed and Accepted:

W. Carl Richards
Zoning Review Office

Date

IN RE: PETITION FOR VARIANCE
E side Merritt Boulevard, 440 feet S
of c/l German Hill Road
12th Election District
7th Councilmanic District
(1401 Merritt Boulevard)

Oekos Management Corporation;
Sid Roros, Vice President
Legal Property Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 08-336-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Sid Roros, Vice President, on behalf of the legal owner of the subject property, Petitioner Oekos Management Corporation. Petitioner is requesting variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 954 parking spaces in lieu of the required 984 spaces. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Sid Roros on behalf of Petitioner Oekos Management Corporation, Petitioner's attorney, Jennifer R. Busse, Esquire, and Bill Monk with Morris & Ritchie Associates, Inc., the consulting firm that prepared the site plan. Also appearing in support of the requested relief were Dharmesh Shah, employed with Planet Fitness, the proposed tenant of Petitioner, Peter Powell with Beck, Powell & Parsons, Petitioner's architectural consultant, Keith Barnett with KLN Retail, Petitioner's commercial real estate firm, and Chris McCollum with the Baltimore County Department of Economic Development. There were no Protestants or other interested citizens in attendance at the hearing, and there were no adverse Zoning Advisory Committee comments received.

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The hearing proceeded by way of a modified proffer from Ms. Busse and from Mr. Monk. Testimony and evidence offered revealed that the subject property is a large commercial parcel containing approximately 17.21 gross acres and 16.19 net acres, zoned B.M. (Business, Major). The property is developed as the Dundalk Plaza shopping center and contains a total of 185,502 square feet of building area and located in the Dundalk area of Baltimore County. The site plan depicts the subject property and surrounding area.

Petitioner is a Columbia, Maryland based company that owns approximately 1.4 million square feet of property between Wilmington, Delaware and Fredericksburg, Virginia. Petitioner has owned the subject property since 2004 and in addition to this shopping center, owns two other shopping centers in Baltimore County. The shopping center is an older center and has been at this location for decades. Since its purchase of the shopping center, Petitioner has made a number of upgrades and improvements, including a new roof over the entire shopping center.

Petitioner now proposes to locate Planet Fitness, an athletic club, within a 14,072 square foot area that has been vacant for some time. Other tenants at the shopping center include a grocery store, a discount clothing store, a video rental store, a restaurant, a carryout restaurant, a bank, a furniture store, and other various retail stores. Mr. Monk described the topography of the site as unique in the slope of the center and its relationship to Merritt Boulevard, which is unusual compared to other similarly developed parcels in the area. The existing parking lot servicing the shopping center is located along the front, sides and rear of the shopping center. It is connected to the parking lot of the adjoining shopping center to the south. There are a total of 954 parking spaces currently provided.

A photograph was presented of the property showing the location of the proposed athletic club tenant within the shopping center, and was marked and accepted into evidence as Petitioner's Exhibit 2. The site is already fully developed and with the exception of some

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landscaping, is entirely paved. The proposed tenant will be centrally located on the site but more toward the south side of the property as shown on the site plan. This is the area of the site where there is parking at both the front and rear of the shopping center -- in close proximity to the proposed athletic club.

The proposed tenant, Planet Fitness, is a fast growing athletic club which currently has two other Baltimore County locations, one in Lutherville and the other in Glen Burnie. Mr. Shah noted that the facility will typically have three employees at one time on site and the expected hours of operation are 5:00 AM to 10:00PM Mondays through Thursdays, 5:00 AM to 9:00 PM on Fridays, and 7:00 AM to 7:00 PM during the weekends. Ultimately, Planet Fitness desires to operate 24 hours a day at this location, as they do at their other locations. In fact, Planet Fitness has already received a fair amount of interest by clients with regard to its plans to locate at the property. There will be approximately 80 pieces of cardio equipment and the club will not operate any exercise classes, nor will it offer a daycare component for its clients. There will be a few tanning beds and showers for use by clients. Based on the practices of clients at the other facilities, Planet Fitness expects clients will spend an average of 30 minutes at the facility at any one time, and that the club's busiest times will be in the evenings and on weekends.

It was noted during the hearing that the Baltimore County Department of Economic Development supports the location of the Planet Fitness at the Dundalk Plaza. Chris McCollum is a Commercial Revitalization Specialist with the County's Department of Economic Development and submitted a letter in support of Petitioner's requested parking variance. The Department encourages uses which will likely stimulate growth, and it is anticipated that the location of Planet Fitness at this shopping center will be positive for the community, not only by providing a useful service but also by drawing additional customers to the existing tenants at Dundalk Plaza and the surrounding area. For example, Planet Fitness clients will likely take

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advantage of the retail and service uses at Dundalk Plaza such as the grocery store, bank, carryout restaurant, etc.

Section 409.6A.2 of the B.C.Z.R. contains the current regulations for shopping centers. New shopping centers containing 180,387 square feet are required to provide parking at a rate of five spaces per 1,000 square feet or 902 spaces instead of the 954 spaces provided. Because this shopping center predates the current regulations it provides parking based on the individual tenants. Section 409.6A.4 of the B.C.Z.R. requires athletic clubs to provide 10 parking spaces per 1,000 square feet of building area. Because Planet Fitness proposes to occupy a 14,072 square foot area, the regulations require 141 parking spaces be provided for the athletic club use. Consequently, based on the per use parking calculation the center would be required to provide 984 spaces total.

The reasoning behind the change in the calculations for large shopping centers appears fairly intuitive. Larger centers generally have multiple uses, and those uses have varying times of peak traffic. Also, there are so many parking spaces required under the five spaces for every 1,000 square feet requirement that there will seldom be a time where there is no parking available. Even restaurants, which by themselves require 16 spaces per 1,000 square feet are included in the five spaces per 1,000 square feet large shopping center calculations. Indeed, it seems reasonable going forward not to require a center to readjust its plan every time a tenant changes.

This particular athletic club proposes to offer only 80 pieces of cardio equipment and since there will be no exercise classes at this location, the requirement of 141 parking spaces appears excessive given the likely use patterns. Even if one assumes there is no car-pooling and no one walking or biking to the club for additional exercise from the adjacent residential community, the idea that over 100 people would be using this facility at any one time appears

farfetched. If the facility becomes so crowded that there is a waiting line for every piece of equipment, people would be expected to either stop coming or to adjust their times to hours when it is less crowded.

There is no evidence that the subject property is providing insufficient parking, and there have been no complaints to this effect. To the contrary, the shopping center appears to be doing well. Finally, it is apparent from the hours of operation that the peak times of customer use for this tenant will vary significantly from the peak hours of customer use for many of the other tenants in the center.

In the overall context of the size of the parking facility, the requested 3% deviation in parking proposed from that which is required under the old regulations is very minor -- the variance request is for only 30 spaces. As noted, if this center were built today, no variance would be necessary. In that sense, the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. In addition, the proposed athletic club will provide the community with a positive service which will likely act as an economic stimulus for the area. Hence, knowing that the athletic club's clients will essentially self-police the parking issue, the benefits here outweigh any other issues.

Considering the uncontroverted testimony and evidence presented at the hearing, I find that the subject property has characteristics which are unique, thereby meeting the first prong of the test set forth in *Cromwell v. Ward*, 107 Md. App. 691 (1995) and contained in Section 307.1 of the B.C.Z.R. Specifically, I find that the topography of the property and the existing conditions including the positioning of the existing building and parking create a unique situation that generates a practical difficulty in meeting the bulk and setback requirements. I further find that consistent with the test articulated in *McLean v. Soley*, 270 Md. 208 (1973), compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property

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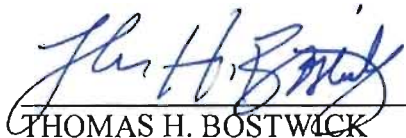
for a permitted purpose, the granting of the variance will do substantial justice to the applicant as well as to others in the area, and the relief sought is within the spirit of the ordinance and will not be injurious to the public safety and welfare. *Id.* at 214-215.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 14th day of March, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 954 parking spaces in lieu of the required 984 spaces be and is hereby GRANTED, subject to the following.

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING
3-14-08




Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1401 Merritt Boulevard

which is presently zoned BM

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)

409.6A.2 to permit 954 parking spaces in lieu of the required 984 spaces.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) The use, an athlete/fitness center is permitted by right. However, it requires twice the number of parking spaces as a conventional retail use. The shopping center provides over 950 parking spaces, while the variance request is limited to 30 spaces. This amounts to a 3% deviation from the code. This is the minimum relief needed. Strict compliance with the requirement would unreasonably prevent a (permitted) use of the property.

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Oekos Management Corporation

Sid Roros

Name - Type or Print

Signature

Name - Type or Print

Signature

5565 Sterrett Place, Ste404 410-740-5057

Address

Telephone No.

Columbia

MD

21044

City

State

Zip Code

Representative to be Contacted:

Bill Monk

Morris & Ritchie Associates, Inc.

Name

1220-C East Joppa Rd., Ste 505 410-821-1690

Address

Telephone No.

Towson

MD

21286

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 1/30/08

Case No. 08-336-A

REV 9/15/98

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3-14-08

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MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



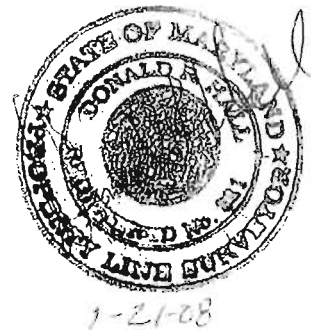
January 21, 2008

ZONING DESCRIPTION

BEGINNING for at a point on the easterly right of way of Merritt Boulevard, variable width, 64 feet from the center of said road, approximately 440 feet south of the center of German Hill Road, 70 feet wide, said point also being at the northwesterly most corner of Lot One as shown on a Plat entitled "Resubdivision Plat of Laurelwood" and recorded among the Land Records of Baltimore County, Maryland in Plat Book O.T.G. No. 30 folio 56, running thence the following courses and distances, viz:

North 75°06'22" East 256.23 feet; By a non-tangent curve to the right with a radius of 225.03 feet and an arc length of 132.53 feet, said curve being subtended by a chord bearing North 01°58'42" East 130.63 feet, to a point of tangency; North 18°51'03" East 61.44 feet; North 26°08'57" West 21.21 feet; South 71°08'57" East 90.00 feet; South 63°51'03" West 21.21 feet; South 18°51'03" West 61.44 feet, to a point of curvature; By a tangent curve to the left with a radius of 165.03 feet and an arc length of 97.20 feet, said curve being subtended by a chord bearing South 01°58'42" West 95.80 feet, to a point of tangency; South 14°53'38" East 38.35 feet; South 71°08'57" East 139.51 feet; South 14°53'38" East 1484.00 feet; South 75°06'22" West 437.00 feet; North 14°53'38" West 1523.64 feet and North 11°19'04" West 76.36 feet, to the place of beginning, having an address of 1401 Merritt Boulevard and being located on the easterly side of Merritt Boulevard.

CONTAINING an area of 701,713 square feet or 16.109 acres of land, more or less, and being located in the Twelfth Election District, Seventh Councilmanic District, Baltimore County, Maryland.



08-336-A

1220-C East. Joppa Road, Suite 505, Towson, MD 21286

(410) 821-1690 Fax: (410) 821-1748 www.mraqta.com

Abingdon, MD	+	Laurel, MD	+	Towson, MD	+	Georgetown, DE	+	Wilmington, DE	+	York, PA
(410) 515-9000		(410) 792-9792		(410) 821-1690		(302) 855-5734		(302) 326-2200		(717) 751-6073

**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: #08-338-A

1401 Merritt Boulevard
E/side of Merritt Blvd., 440
feet south of centerline of
German Hill Road
12th Election District
7th Councilmanic District
Legal Owner(s): Oekos
Management Corporation,
Sld Roros

Variance: to permit 954
parking spaces in lieu of
the required 984 spaces.

**Hearing: Tuesday, March
4, 2008 at 11:00 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 accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-3868.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

JT/2/750 Feb 19 164317

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

1003

Date:

11/30/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	0006			150				325.00

Total:

325.00

Rec

From:

DEKOS JENDALK LLC

For:

FEIN # 3216 08-10-A

4001 IMPERIAL - 2013

2 THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 08-336-A

Petitioner/Developer: OEROS

MGMT. CORP., SID ROROS

Date of Hearing/Closing: 3-4-08

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: _____

1401 MERRITT BLVD

The sign(s) were posted on 2-18-08
(Month, Day, Year)

Sincerely,

Robert Black 2-18-08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

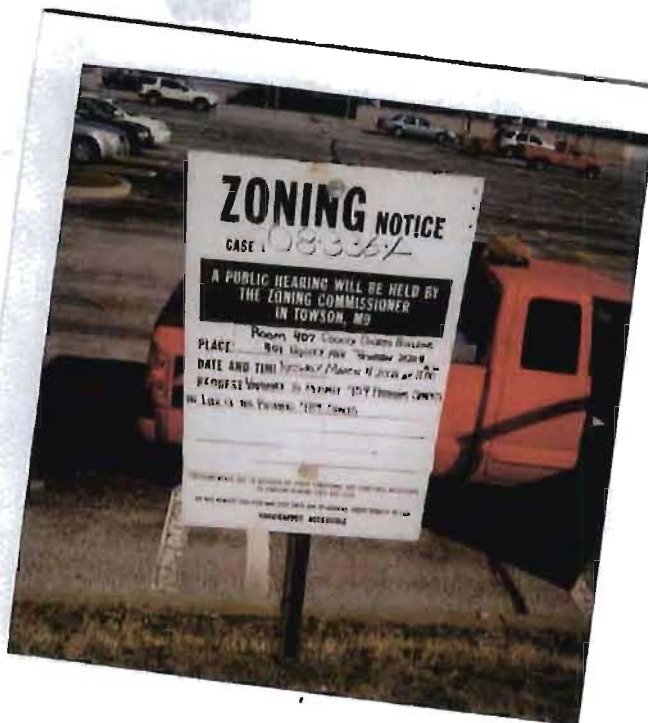
(Address)

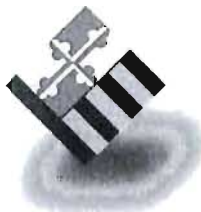
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

February 6, 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: 08-336-A

1401 Merritt Boulevard

E/side of Merritt Blvd., 440 feet south of centerline of German Hill Road

12th Election District – 7th Councilmanic District

Legal Owners: Oekos Management Corporation, Sid Roros

Variance to permit 954 parking spaces in lieu of the required 984 spaces.

Hearing: Tuesday, March 4, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sid Roros, 5565 Sterrett Place, Ste. 404, Columbia 21044

Bill Monk, Morris & Assoc., 1220C East Joppa Road, Ste. 505, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, FEBRUARY 18, 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 19, 2008 Issue - Jeffersonian

Please forward billing to:

Bill Monk
Morris & Associates
1220-C East Joppa Road, Ste. 505
Towson, MD 21286

410-821-1690

NOTICE OF ZONING HEARING

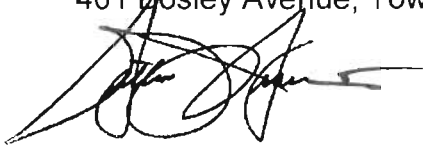
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 08-336-A

1401 Merritt Boulevard
E/side of Merritt Blvd., 440 feet south of centerline of German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: Oekos Management Corporation, Sid Roros

Variance to permit 954 parking spaces in lieu of the required 984 spaces.

Hearing: Tuesday, March 4, 2008 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
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: 08-336 -A

Petitioner: OEROS MGMT CORP

Address or Location: 1401 MERRITT BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. BILL MONK

Address: MORRIS & RITCHIE ASSOC, INC.

1220-C E. JOPPA RD., SUITE 505

TOWSON, MD 21286

Telephone Number: 410-821-1690

Revised 7/11/05 - SCJ



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 27, 2008

Oekos Management Corporation
Sid Roros
5565 Sterrett Place, Ste 404
Columbia, MD 21044

Dear Mr. Roros:

RE: Case Number: 08-336-A, 1401 Merritt Boulevard

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 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
Bill Monk Morris & Ritchis Associates, Inc. 1220-C East Joppa Rd, Ste 505 Towson 21286



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

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

Maryland Department of Transportation

Date: FEB. 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. 08-336A
MD 157
1401 MERRITT BOULEVARD
DEKOS MANAGEMENT CORP.
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 02-01. A field inspection and internal review reveals that the existing entrance onto MD 157 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 1401 MERRITT BLVD, Case Number 08-336A 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 (mibailey@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, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 7, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For February 11, 2008
Item Nos. 07-456, 08-325, 326, 328, 329,
330, 331, 333, 334, 335, 336, 338, and 339

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 02072008.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

February 11, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 04, 2008

Item Number: 325, 326, 328, 329, 330, 331, 332, 333, 334, 335, 336, 338, 339

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

TB 3/4 11AM

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) 08-336- Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:

John Alexander

CM/LL

RE: PETITION FOR VARIANCE * BEFORE THE
1401 Merritt Boulevard; E/S Merritt Blvd, *
440' S c/line German Hill Road * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts *
Legal Owner(s): Oekos Management Corp. * FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-336-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

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 6th day of February, 2008, a copy of the foregoing Entry of Appearance was mailed to William Monk, Morris Ritchie Associates, 1220-C East Joppa Road, Suite 505, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

FEB - 6 2008

Per.....

TB 3/4
11am



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
Executive Director
Department of Economic Development

March 3, 2008

Baltimore County
Office of the Zoning Commissioner
County Courts Building
401 Bosley Avenue, Room 407
Towson, MD 21204

RECEIVED
MAR 05 2008

BY:.....

Re: Case No. 08-336-A

Dear Commissioner Wiseman,

I am writing to express support for the proposed Planet Fitness that desires to occupy a 14,072 square foot space in the 180,037 square foot Dundalk Plaza shopping center at 1401 Merritt Blvd. The Department of Economic Development encourages uses which stimulate the growth and redevelopment of existing shopping centers. We believe that the athletic club's clients will take advantage of the other services and retail opportunities at Dundalk Plaza. We are aware of the requested parking variance and are not concerned that the proposed use will result in a parking deficiency since the variance request amounts to only a three percent deviation and the shopping center provides over 950 parking spaces.

If you have any questions or concerns, please feel free to contact me directly at 410-887-8011 or via electronic mail at cmccollum@baltimorecountymd.gov.

Best regards,

William C. McCollum
Commercial Revitalization Specialist
Department of Economic Development

WHITEFORD, TAYLOR & PRESTON L.L.P.

210 WEST PENNSYLVANIA AVENUE, SUITE 400
TOWSON, MARYLAND 21204-4515
MAIN TELEPHONE (410) 832-2000
FACSIMILE (410) 832-2015

JENNIFER R. BUSSE
DIRECT LINE (410) 832-2077
DIRECT FAX (410) 339-4027
jbusse@wtplaw.com

BALTIMORE, MD
COLUMBIA, MD
FALLS CHURCH, VA
TOWSON, MD
WASHINGTON, DC
WILMINGTON, DE*

WWW.WTPLAW.COM
(800) 987-8705

February 27, 2008

Andrea Freeburger
Baltimore County Office of Permits & Development Management
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

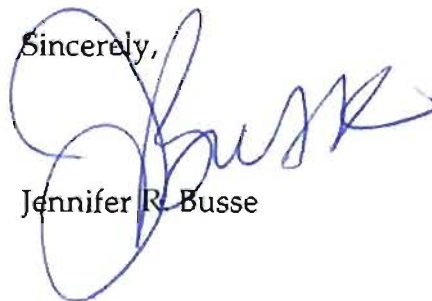
Re: Entry of Appearance
Case No. 08-336-A
Our File No. 83317/1

Dear Andrea:

Thank you for speaking with me yesterday in this regard. As requested, I am, by way of this letter, providing you with my formal notice that I am now representing the Petitioner in the above-referenced case. The hearing is set for March 4, 2008. Please put this letter in your file and copy me on all future correspondence with regard to this matter.

Thank you for your attention to this matter. Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Jennifer R. Busse

JRB:tdm

cc: William P. Monk
Sid Roros

398308

MORRIS & RITCHIE ASSOCIATES, INC.



ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

TRANSMITTAL

Date: January 23, 2008
To: Permits and Development Management

Sent Via: ☐ Mail
☐ Pick-up
☒ Messenger
☐ Fed Ex
☐ Fax - # Pages
(including cover)

Fax #:
From: Bill Monk

Project #:
Project 1401 Merritt Blvd/Dundalk Plaza/Planet
Fitness

Copies To: File

☐ Approval	☐ Record	☐ Per your request
☒ Review & Comment	☒ Use & Information	☐ Distribution

<u>COPIES</u>	<u>SHEETS</u>	<u>DATE</u>	<u>DESCRIPTION</u>
3	1		Variance Application
3	1		Zoning Description
1	1		Zoning Map
14	1		Plat to Accompany Variance Application
			Filing Fee (Check)

COMMENTS:

1220-C East Joppa Road, Suite 505, Towson, Maryland 21286 Tel. (410) 821-1690 Fax: (410) 821-1748

Abingdon, MD • Annapolis Junction, MD • Towson, MD • Wilmington, DE • Georgetown, DE
(410) 515-9000 (410) 792-9792 (410) 821-1690 (302) 326-2200 (302) 855-5734

Visit us on the web at www.mragta.com

CASE NAME 1401 Merritt Blvd
CASE NUMBER 08-336-A
DATE 3/4/08

PETITIONER'S SIGN-IN SHEET

[illegible]



PETITIONER'S EXHIBIT

NO. 2

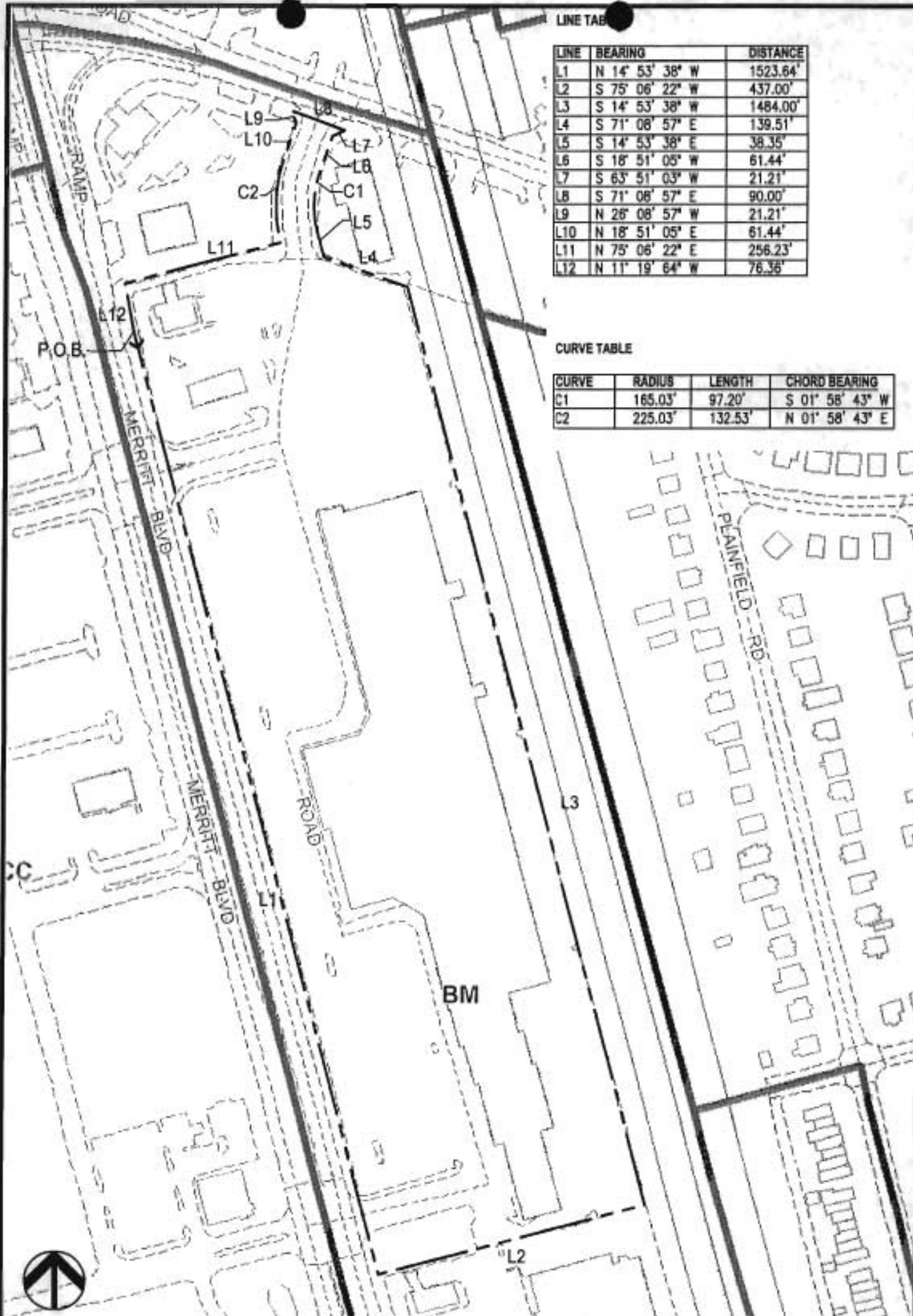


LINE TABLE

LINE	BEARING	DISTANCE
L1	N 14° 53' 38" W	1523.64'
L2	S 75° 06' 22" W	437.00'
L3	S 14° 53' 38" W	1484.00'
L4	S 71° 08' 57" E	139.51'
L5	S 14° 53' 38" E	38.35'
L6	S 18° 51' 05" W	61.44'
L7	S 63° 51' 03" W	21.21'
L8	S 71° 08' 57" E	90.00'
L9	N 28° 08' 57" W	21.21'
L10	N 18° 51' 05" E	61.44'
L11	N 75° 06' 22" E	256.23'
L12	N 11° 19' 64" W	76.36'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING
C1	165.03'	97.20'	S 01° 58' 43" W
C2	225.03'	132.53'	N 01° 58' 43" E



Baltimore County
Office of Planning and Zoning
Official Zoning Map

Scale
1" = 200'
0 100 200 400
Feet

Legend

- Zoning
- Buildings
- Streams
- Roads

Plan Sheet: 100C1

The zoning depicted on this application is subject to the zoning map of Baltimore County, Maryland, as amended by the County Council on August 21, 2014. The zoning map of Baltimore County is available at the County Council's website: www.baltimorecountymd.gov. The zoning map of Baltimore County is also available at the County Council's website: www.baltimorecountymd.gov. The zoning map of Baltimore County is also available at the County Council's website: www.baltimorecountymd.gov.

MRA

MORRIS & RITCHIE ASSOCIATES, INC.
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MRAGTA.COM

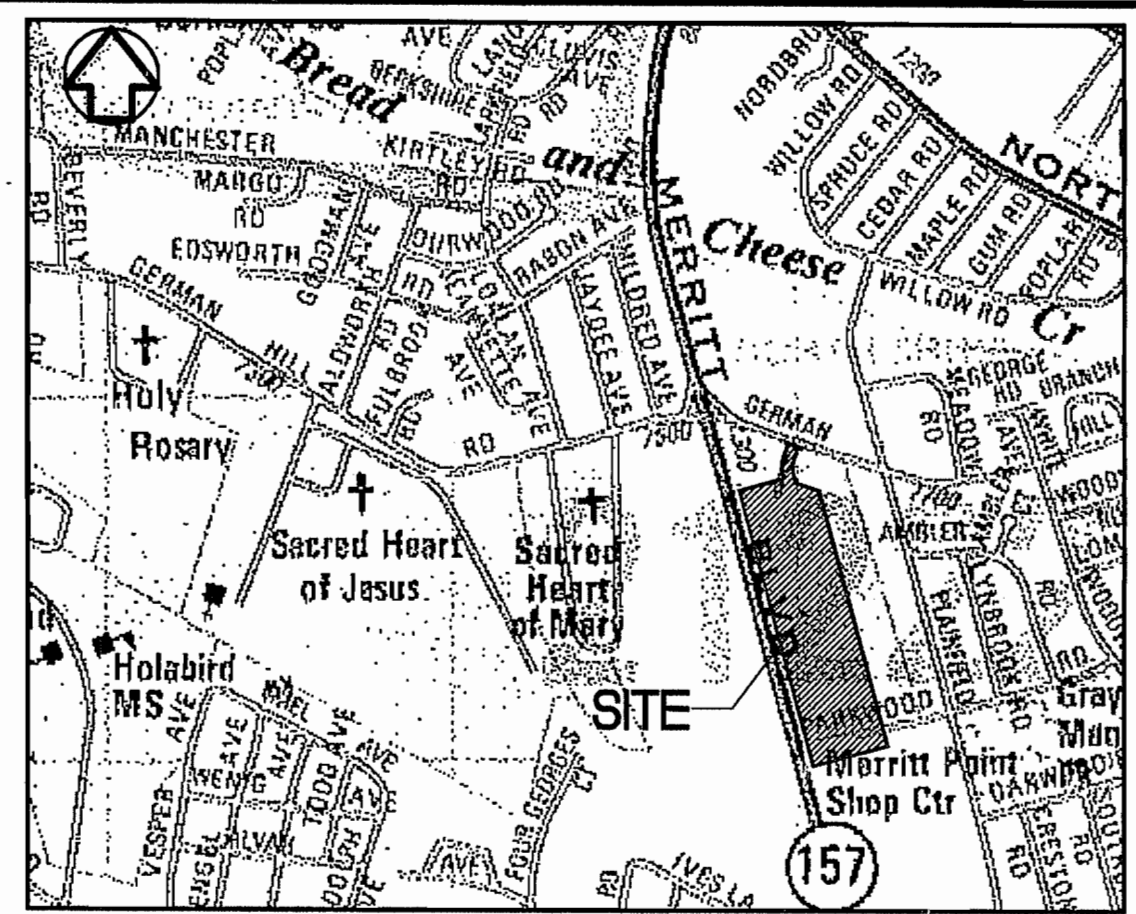
ZONING MAP

DUNDALK PLAZA
PLANET FITNESS ATHLETIC CLUB

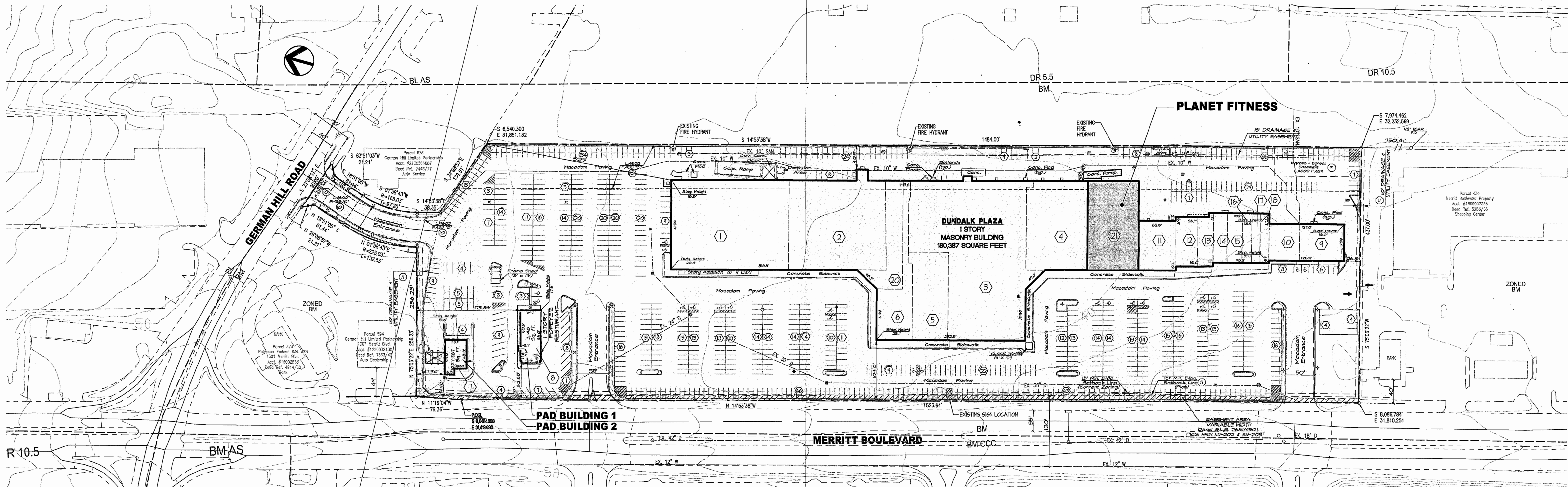
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 200' DATE: 01/17/2008 DRAWN BY: LRK DESIGN BY: WPM REVIEW BY: WPM JOB NO.: 15935

08-336-A



VICINITY MAP
SCALE: 1"=1000'



1. SITE DATA: TAX MAP - 103 GRID - 5 PARCEL - 434
ELECTION DISTRICT 12;
COUNCILMANIC DISTRICT 7
TAX ACCOUNT NUMBER: 1220027000
DEED REFERENCE: LIBER 20541 FOLIO 471
PLAT BOOK 31, FOLIO 56
GROSS PARCEL AREA: 17.21 AC. (749,708 SQ. FT.)
NET PARCEL AREA: 16.109 AC. (701,708 SQ. FT.)
ZONING: BM (BUSINESS MAJOR)
2. PROPERTY ADDRESS: 1401 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222
3. PROPERTY OWNER: OEKOS MANAGEMENT CORPORATION
5565 STERRETT PLACE STE 404
COLUMBIA, MARYLAND 21044
4. THERE ARE NO KNOWN EXISTING WELL OR SEPTIC AREAS FOUND ON SITE. PUBLIC WATER AND SEWER SERVE THIS SITE.
5. NO BUILDINGS ON THIS SITE ARE A NATIONAL HISTORIC LANDMARK OR LISTED ON THE MARYLAND HISTORIC TRUST INVENTORY. THE SITE IS NOT WITHIN A HISTORIC DISTRICT.
6. FIRE HYDRANTS ON AND ADJACENT TO SITE ARE AS SHOWN ON THE PLAN.
7. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 450 BCZR.
8. ANY FIXTURE USED TO ILLUMINATE OFF-STREET PARKING AREAS SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.

9. THE SITE IS NOT WITHIN A 100-YEAR FLOODPLAIN OR THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SITE IS NOT WITHIN A BASIC SERVICE DEFICIENT AREA.
11. PREVIOUS COMMERCIAL PERMIT NUMBERS FROM THE YEAR 2000 TO PRESENT FOR INTERIOR ALTERATIONS AND BUILDING CONSTRUCTION: B664694, B661420, B631535, B626211, B529544, B471008, B476204, B495936, B530147, B568330, B578320, B593096, B593925, B599053.
12. NO FEES ARE DELINQUENT.
13. AMENITY OPEN SPACE: NONE REQUIRED
14. ZONING HISTORY: CASE 88-337-A: VARIANCE FOR PARKING WAS DISMISSED ON JUNE 19, 1989.
15. BUILDING AREA
- | SHOPPING CENTER | 180,387 SF |
|-----------------|------------|
| PAD BUILDING 1 | 3,146 SF |
| PAD BUILDING 2 | 1,967 SF |
| TOTAL | 185,502 SF |
16. BUILDING SETBACKS
- | | REQUIRED | PROVIDED |
|---------------|----------|-----------------------|
| FRONT | 44'± | 41'± (PAD BUILDING 2) |
| INTERIOR SIDE | 0' | 26'± |
| REAR | 0' | 40'± |
- * BASED UPON SECTION 303.2 (FRONT YARD AVERAGING)
17. F.A.R.
- | | PERMITTED | PROVIDED |
|--|-----------|----------|
| | 4.0 | .25 |

PARKING:

PARKING REQUIREMENTS

AREA	BUILDING AREA	USE TYPE	CRITERIA	SPACES
1. Save-A-Lot	31,288 SF	Retail	5/1000	156
2. AJ Wright	25,000 SF	Retail	5/1000	125
3. Ollie's	44,060 SF	Retail	5/1000	220
4. Just Cabinets	15,107 SF	Retail	5/1000	76
5. Vacancy	8,929 SF	Retail	5/1000	47
6. Blockbuster	6,370 SF	Retail	5/1000	32
7. Thompson Dodge (Pad Building 2)	1,700 SF	Automotive	5/1000	9
8. Popeye's (Pad Building 1)	2,892 SF	Restaurant	18/1000	48
9. Mattress Discounters	4,387 SF	Furniture	2.5/1000	11
10. Payless Shoes	3,179 SF	Retail	5/1000	16
11. Colortyme	5,288 SF	Retail	5/1000	26
12. Dots	3,149 SF	Retail	5/1000	16
13. Record & Tape Traders	2,262 SF	Retail	5/1000	11
14. iKnow Wireless	1,749 SF	Retail	5/1000	9
15. L&N Nails	2,284 SF	Retail	5/1000	11
16. Subway	1,275 SF	Carryout Restaurant	5/1000	6
17. Red Wing Shoes	1,346 SF	Retail	5/1000	7
18. Tobacco Outlet	1,346 SF	Retail	5/1000	7
20. Landmark Financial	3,085 SF	Bank	3.3/1000	10
21. Planet Fitness	14,072 SF	Athletic Club	10/1000	141
TOTAL SPACE COUNT				984

PARKING PROVIDED:

PARKING DEFICIENCY

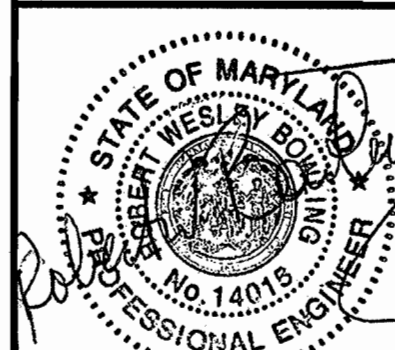
CONVENTIONAL PARKING SPACES	932
HANDICAPPED PARKING SPACES	22
TOTAL PARKING SPACES	954

(984-954) 30 PARKING SPACES

NO ADDITIONS, BUILDING ENLARGEMENTS, OR NEW PAD SITES ARE PROPOSED AS PART OF THIS APPLICATION. NO MODIFICATIONS TO THE PARKING LOT, NOR DRIVEWAYS (ACCESSING PUBLIC STREETS) ARE PROPOSED, NOR RESTRIPIING OF THE PARKING LOTS. ONLY INTERIOR ALTERATIONS AND EXTERIOR FACADE IMPROVEMENTS ARE PROPOSED.



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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PLAN TO ACCOMPANY VARIANCE APPLICATION FOR
PLANET FITNESS ATHLETIC CLUB

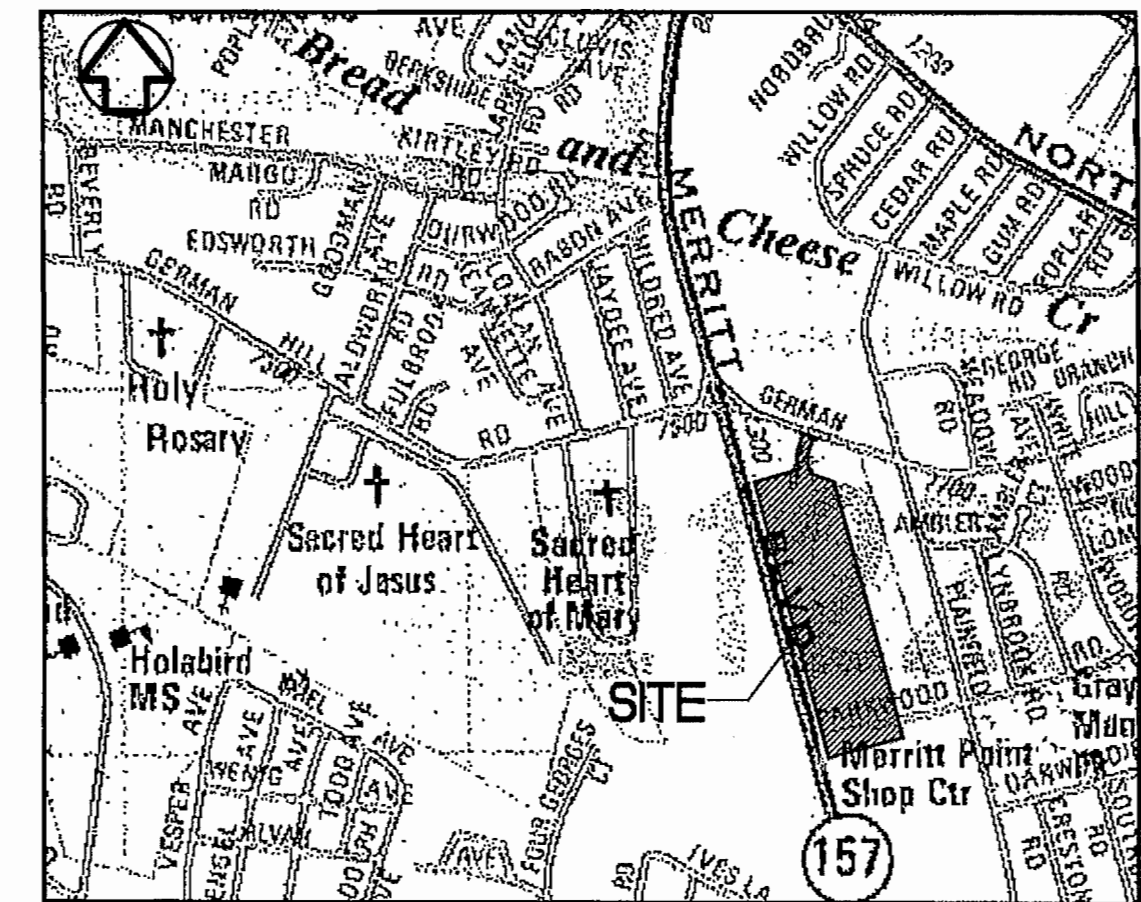
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BALTIMORE COUNTY, MARYLAND

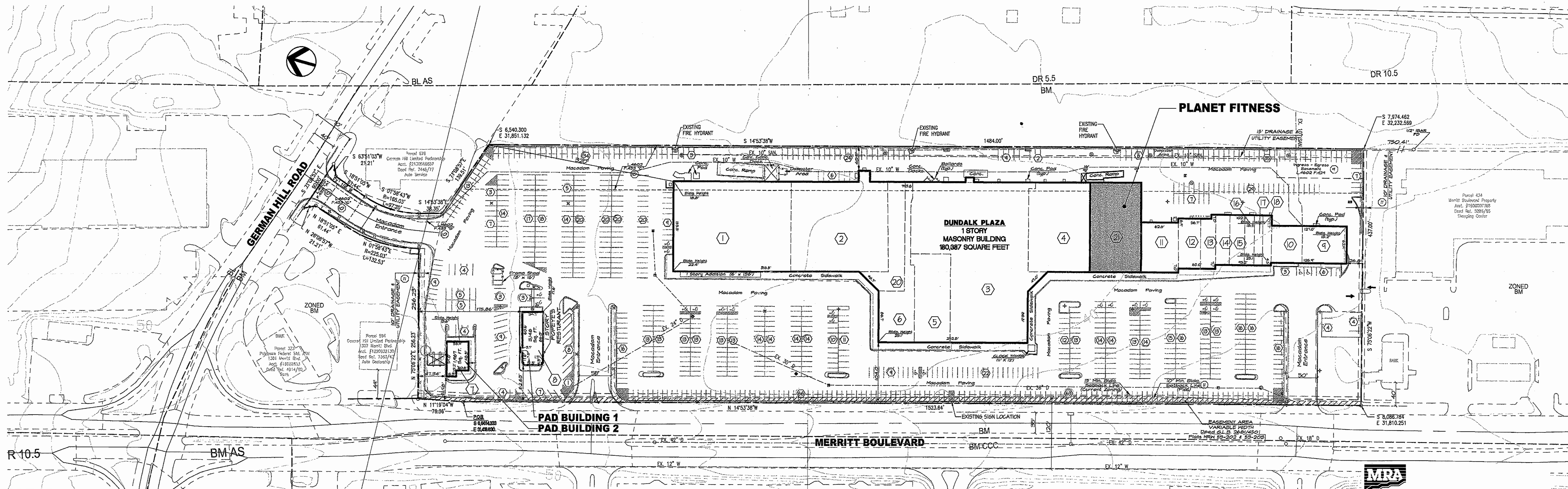
ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

DATE	REVISIONS	JOB NO.: 15935
		SCALE: 1"= 80'
		DATE: 01/17/2008
		DRAWN BY: LRK
		DESIGN BY: WPM
		REVIEW BY: WPM
		SHEET: 1 OF 1



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PERMITTED 4.0
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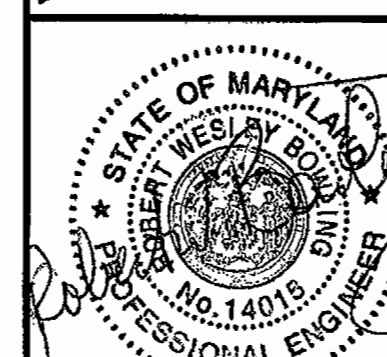


PETITIONER'S EXHIBIT

NO. 1



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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
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