

IN RE: PETITION FOR VARIANCE

NW side of Pulaski Hwy., 673 feet.
SW of Rossville Blvd
15th Election District
7th Councilmanic District
(8670 Pulaski Highway)

Troy Faulkner, Director of Real Estate;
Aldi, Inc.-Frederick Division
Legal Property Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 08-445-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 Troy Faulkner on behalf of the legal property owner, Aldi, Inc. Petitioner is requesting variance relief from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four wall-mounted enterprise signs, in lieu of the permitted three wall-mounted enterprise signs (no more than two per façade). The subject property and the requested relief are more fully described on the site plan and the architectural elevations, which were marked and accepted into evidence as Petitioner's Exhibits 1A and 1B, respectively.

Appearing at the requisite public hearing in support of the variance request was Troy Faulkner, Director of Real Estate for Petitioner Aldi, Inc.-Frederick Division. Appearing as attorneys for Petitioner were David H. Karceski, Esquire and Christopher Mudd, Esquire. Also appearing in support of the requested relief was Rick Richardson with Richardson Engineering, LLC, the engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence were offered by way of a proffer from Mr. Karceski and revealed that the subject property consists of approximately 0.616 acre, on which the Aldi Food Market is situated. It is located within the 6.011 acre "Golden Ring Commons" shopping center, northwest

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6-9-08
[Signature]

of the intersection of Pulaski Highway and Rossville Boulevard, in the Rosedale area of Baltimore County. The shopping center property, which is zoned B.M., is uniquely shaped like an arrow and is bounded by Pulaski Highway to the southeast, Stemmers Run to the east, and Yellow Brick Road (a private feeder road for the "Center at Golden Ring," formerly known as the "Golden Ring Mall") to the northwest. An aerial photograph, marked and accepted into evidence as Petitioner's Exhibit 2, helps to identify the location of the site, which is directly across Yellow Brick Road from the Center at Golden Ring. The site is undergoing certain redevelopment efforts, including the addition of the Aldi Food Market that is due to open in Mid-June, 2008. Photographs of the Aldi, including views of the site from adjacent roadways, were marked and accepted into evidence as Petitioner's Exhibits 4A, 4B, and 4C. These photographs, together with the aerial photograph, help demonstrate both the unusual shape and constraints of the site.

The requested variance relief pertains to wall-mounted signage for the Aldi. Petitioner intends to install four wall-mounted enterprise signs (two signs each on two separate façades) on the Aldi food market building; however, the regulations only permit three wall-mounted enterprise signs (and no more than two per façade) to be installed by right. Photographs of the proposed signs were marked and accepted into evidence as Petitioner's Exhibits 5A and 5B and color elevations of the proposed signs were marked and accepted into evidence as Petitioner's Exhibit 6. As these exhibits indicate, there are two proposed signs -- one stating "Aldi" and the other stating "Food Market" -- that will work in tandem; one wall-mounted and the other an awning sign to convey the tenant name and nature of its commercial use. The tandem signs are to be installed on the two facades that meet at the southern-most corner of the building, which is where the store entrance is located. One of the façades is fairly internal to the shopping center, with limited visibility from Pulaski Highway. The other façade is visible from Yellow Brick Road.

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Further testimony and evidence indicated that the specific need for the variance is generated by the uniqueness of the property. Specifically, (a) the irregular arrow shape of the shopping center property, (b) the existing site constraints, including Stemmers Run to the east of the site, a floodplain easement that is 1.5 acres in size and comprises approximately one quarter of the entire shopping center area, and an out parcel along the shopping center's Pulaski Highway frontage, and (c) the configuration of the surrounding public roads, are all factors that contribute to the uniqueness of the subject property. Although Golden Ring Commons is located near the intersection of two busy public roads -- Pulaski Highway and Rossville Boulevard -- the above-described factors nevertheless limit the visibility of the Aldi at this particular site, such that vehicles on these roads will have a difficult time identifying the Aldi use. The stream and floodplain easement, and the accompanying vegetation in those areas hamper visibility from Rossville Boulevard, while the out parcel along Pulaski Highway, in combination with the change in grade along Pulaski Highway from Interstate 695 to the site, significantly limit the Aldi's visibility from that public road.

A strict interpretation of the B.C.Z.R. would only allow three wall-mounted enterprise signs, which makes well-designed signage for the Aldi difficult. Petitioner would be in a position of having to combine two signs on one of the façades into one sign, which would force a less than desirable sign package on the building. It is important to note that the Office of Planning supports the requested variance following a review of Petitioner's application and sign elevations. It is essential for Petitioner to display its signage on both façades to accomplish exposure on its two main frontages -- in this case the private feeder road (Yellow Brick Road) and Pulaski Highway. Petitioner's signage, as requested, allows potential patrons to identify both the store's brand and its function as a food market through a well-designed sign package.

~~NOT RELEVANT FOR PLANNING~~
6-9-08
PB

After considering all of the evidence and proffered testimony on this issue, I am persuaded to grant the Petition for Variance. Based on my review of the site plan, the aerial photograph, the site photographs, and the colored sign elevations, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. In addition, the proposed signs are appropriate, given the unique shape and constraints of the site as well as the configuration of the surrounding roads. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore, I find the property unique in a zoning sense and the requirements of Section 307.1 of the B.C.Z.R. to be satisfied.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Petitioner's request will allow an appropriate sign package for the Aldi Food Market use, which would not be possible without the requested variance. I also observe that, for all intents and purposes, the proposed signs, while technically separate signs under the B.C.Z.R. definition, appear as though they are actually only one sign and communicate one message. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. In particular, I find that the signs should have absolutely no adverse impact on the surrounding properties; rather, the ability to properly identify the use in a tasteful manner should actually provide a benefit to the general public.

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.

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THEREFORE, IT IS ORDERED this 9th day of June, 2008 by this Deputy Zoning Commissioner, that Petitioner's Variance request, as shown on the site plan and elevations accepted into evidence as Petitioner's Exhibits 1A and 1B, respectively, from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit four wall-mounted enterprise signs, in lieu of the permitted three wall-mounted enterprise signs (no more than two per façade) be and is hereby GRANTED, subject to the following.

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner 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

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69-08
pz



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 9, 2008

DAVID KARCESKI, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Variance
Case No. 08-445-A
Property: 8670 Pulaski Highway

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over a circular stamp or seal.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Troy Faulkner, 8751 Gas House Pike, Frederick MD 21701
Rick Richardson, Richardson Engineering, Inc., 30 East Padonia Road, Suite 500,
Timonium MD 21030



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 8670 Pulaski Highway
which is presently zoned BM

Deed Reference: 25969 / 167 Tax Account # 2500002690

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

See attached.

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

To be determined at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

8751 Gas House Pike (301) 360-7915

Address

Telephone No.

Fredrick

MD

21701

City

State

Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 Allegheny Avenue

410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2008-0445-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by D.T. Date 3/24/08

REV 8/20/07

DROP OFF

STAMP RECEIVED FOR FILING

6-9-08

pm

Petition for Variance

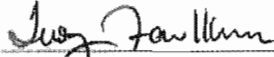
8670 Pulaski Highway

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

**Petition for Variance
Signature Page**

8670 Pulaski Highway

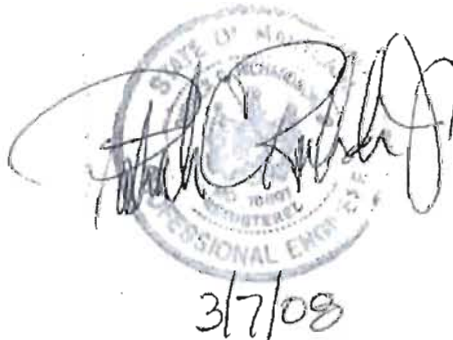
Legal Owner:



Troy Paulkner, Director of Real Estate
Aldi Inc-Frederick Division
8751 Gas House Pike
Frederick, MD 21701
(301)360-9915

**ZONING DESCRIPTION
GOLDEN RING COMMONS
8670 PULASKI HIGHWAY
15TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the Northwest side of Pulaski Highway, 150 feet wide; at a distance of 673 feet, more or less, as measured southwesterly along said northwest side of Pulaski Highway from its intersection with the center line of Rossville Boulevard; and running the following courses and distances, North 45 degrees 10 minutes 24 seconds West 272.40 feet, South 44 degrees 49 minutes 36 seconds West 42.15 feet to the point of beginning for Unit 3, (1) South 44 degrees 49 minutes 34 seconds West 154.17 feet, (2) North 45 degrees 10 minutes 26 seconds West 174.00 feet, (3) North 44 degrees 49 minutes 34 seconds East 154.17 feet, (4) South 45 degrees 10 minutes 26 seconds East 174.00 feet to the point of beginning of Unit 3. Being Unit #3 in the subdivision of 8660 Pulaski Land Condominium as recorded in Baltimore County Plat Book #31, Folio #282, containing an area of 0.616 acres of land, more or less.



A circular professional engineer seal for the State of Maryland is visible, with a handwritten signature over it. Below the seal, the date "3/7/08" is handwritten.

2008-0445-A

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: #2008-0445-A

8670 Pulaski Highway

N/west side of Pulaski Highway, 673 feet s/west of Rossville Boulevard

15th Election District — 7th Councilmanic District

Legal Owner(s): Troy Faulkner, Aldi, Inc., Frederick Division

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

Hearing: Wednesday, May 28, 2008 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake 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 5/6/3 May 13

172981

CERTIFICATE OF PUBLICATION

5/15/, 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 5/13/, 2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **12113**

Date: **3/24/08**

PAID RECEIPT

BUSINESS ACTUAL TIME IGN
 3/26/2008 3/25/2008 10:39:32 7
 502 WALTON JENI JEE
 >>RECEIPT # 570125 3/25/2008 OFLH
 Rept 5 528 ZIMING VERIFICATION
 012113
 Recpt Tot 8475.00
 9325.00 CA 8.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325.00

Total: **325.00**

Rec

From: **VENABLE LLP**

For:

OR-445-A (2008-0445-H)
8670 POLASKI BLVD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0445-A

Petitioner/Developer: TROY

FAULKNER, ALDI INC
FREDRICK DIVISION

Date of Hearing/Closing: 5-28-08

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:

8670 PULASKI HWY

The sign(s) were posted on 5-13-08
(Month, Day, Year)

Sincerely,

Robert Black 5-14-08
(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)



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: 2008-0445-A

Petitioner: ALDI INC - FREDERICK DIVISION

Address or Location: 8670 PULASKI HWY

PLEASE FORWARD ADVERTISING BILL TO:

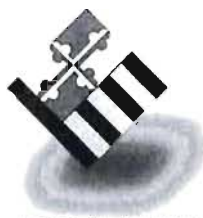
Name: AMY DONTILL

Address: VENABLE LLP

210 ALLEGHENY AVE.

TOWSON, MD 21205-5517 21204

Telephone Number: _____



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

April 8, 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: 2008-0445-A

8670 Pulaski Highway

N/west side of Pulaski Highway, 673 feet s/west of Rossville Boulevard

15th Election District – 7th Councilmanic District

Legal Owners: Troy Faulkner, Aldi Inc., Frederick Division

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

Hearing: Wednesday, May 28, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204
Troy Faulkner, Aldi, Inc., 8751 Gas House Pike, Frederick 21701

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 13, 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, May 13, 2008 Issue - Jeffersonian

Please forward billing to:

Amy Dontell
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

410-494-6285

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: 2008-0445-A

8670 Pulaski Highway

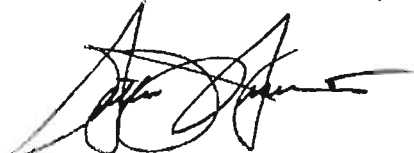
N/west side of Pulaski Highway, 673 feet s/west of Rossville Boulevard

15th Election District – 7th Councilmanic District

Legal Owners: Troy Faulkner, Aldi Inc., Frederick Division

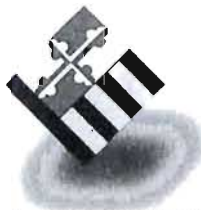
Variance to permit four wall-mounted enterprise signs, in lieu of the three wall-mounted enterprise signs (no more than two per façade) permitted.

Hearing: Wednesday, May 28, 2008 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake 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

Troy Faulkner

8751 Gas House Pike

Fredrick, MD 21701

TIMOTHY M. KOTROCO, *Director*

*Department of Permits and
Development Management*

May 22, 2008

Dear Troy Faulkner

RE: Case Number:2008-0445-A , Address: 8751 Gas House Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 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
David H. Karceski, 210 Allegheny Ave., Towson, MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 17, 2008

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

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APR 23 2008

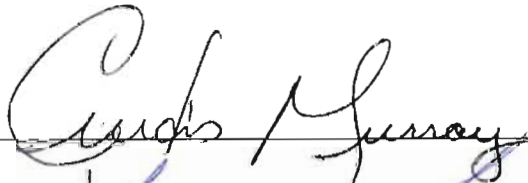
BY:.....

SUBJECT: Zoning Advisory Petition(s): **Case(s) 08-445- Variance**

The Office of Planning has reviewed the above referenced case(s) and supports the petitioner's request.

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:



Division Chief:
CM/LL





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
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 4, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 31, 2008

Item Number: 441,442,443,444,445,446,447,449

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File

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



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

April 11, 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. 08-0445-A
US 40 (Pulaski Highway)
673 southwest of Rossville Blvd
Variance
Mile Post 14.93

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 08-0445-A on the subject of the above captioned, which was received on March 31st. The plan illustrates proposal for a retail food store with surface parking area.

We have completed a cursory review of the site plan as well as existing field conditions. The following comments are offered for your consideration:

- The subject property is located on the northwest side of US 40 (Pulaski Highway). Our State Highway Location reference indicates that US 40 (Pulaski Highway) is principle arterial divided highway. The Annual Average Daily Traffic volume on this section of US 40 is 36,825 vehicle trips per day.
- Based on the proposed use the entrance shown on the plan is consistent with State Highway Access Manual guidelines. State Highway Administration (SHA) – Access Permit No. B-B-9332-07 was issued for work within the US 40 (Pulaski Hwy.) right-of-way. The permit includes but is not limited to improvements associated with this site such as pavement widening, side walk & handicap ramps as well as storm drain upgrades.

In conclusion- The SHA has no objection to Aldi Food Store at Golden Ring Commons Item No. 08-0445-A approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

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 (m Bailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steven D. Foster'.

For Steven D. Foster, Chief
Engineering Access Permits
Division

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 7, 2008
Items Nos. 08-441, 442, 443, 445,
446, 447, 448, and 449

DATE: April 1, 2008

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

DAK:CEN:lrk

cc: File

ZAC-04072008-NO COMMENTS

RE: PETITION FOR VARIANCE * BEFORE THE
8670 Pulaski Highway; NW/S Pulaski
Highway, 673' SW of Rossville Boulevard * ZONING COMMISSIONER
15th Election & 7th Councilmanic Districts
Legal Owner(s): Aldi, Inc-Frederick Division* FOR
Petitioner(s) * BALTIMORE COUNTY
* 08-445-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.

RECEIVED
APR 03 2008
Per *[Signature]*

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

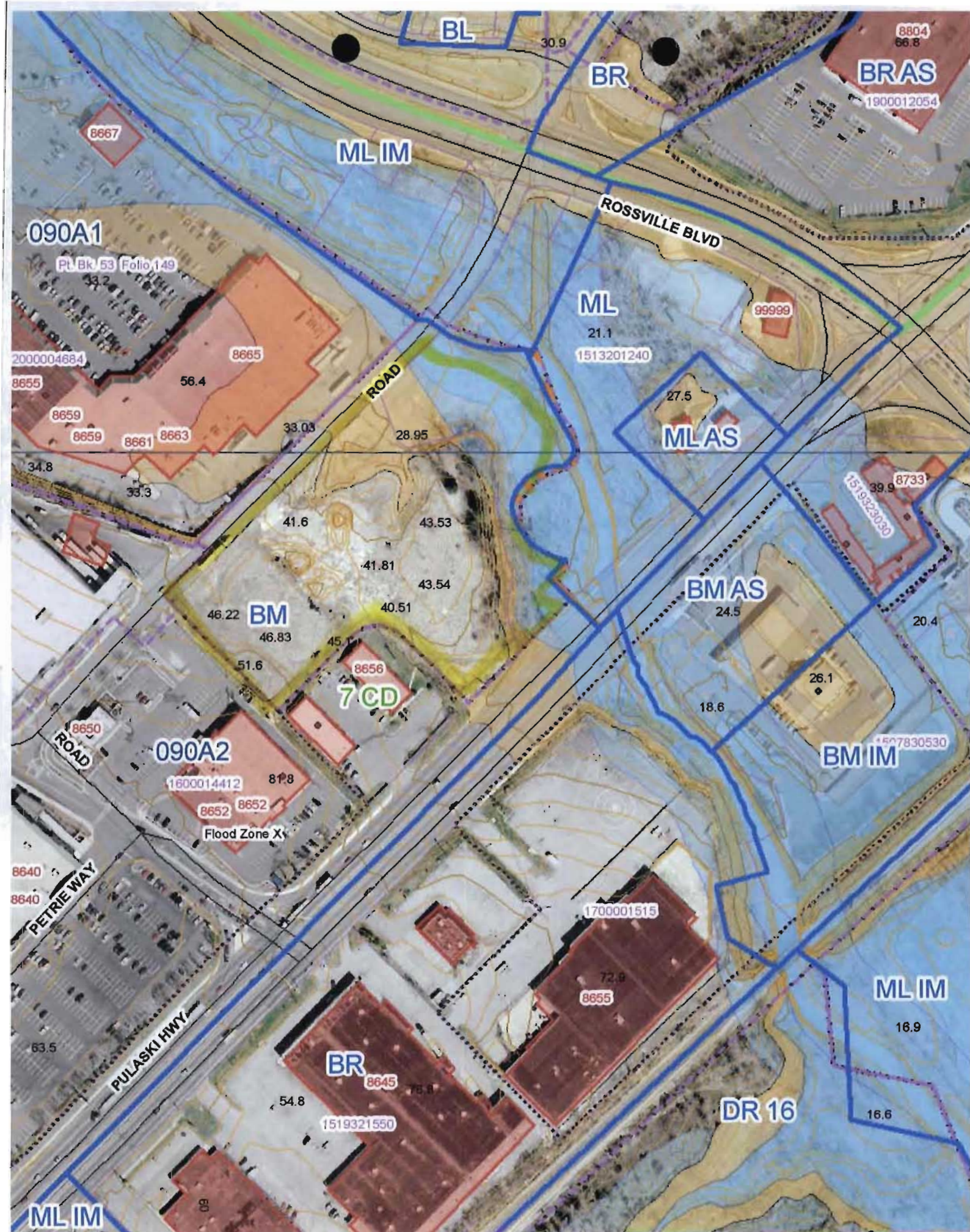
I HEREBY CERTIFY that on this 3rd day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 670 Bulat Aring
CASE NUMBER 2008-0445-A
DATE 5/28/08

[illegible]



Case No.:

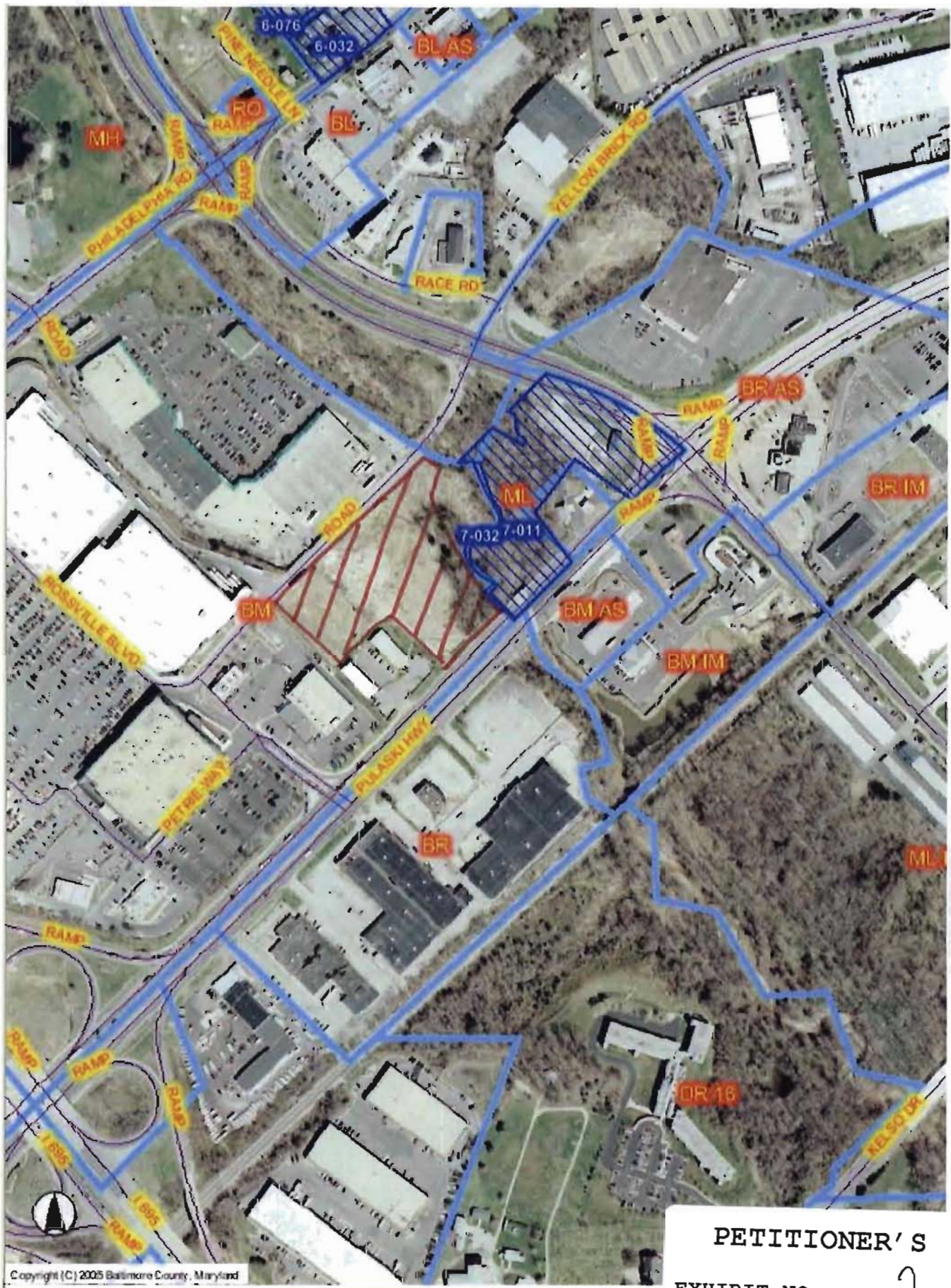
08-445-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1 A+B	A - site plan B - elevations	
No. 2	aerial photo	
No. 3	Aldi Marketing materials	
No. 4 A+B	photos from Delaski Highway showing approach	
No. 5 A+B	photos of store and signs	
No. 6	color rendering of signs and building site	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		





ALDI



Troy Faulkner
Director of Real Estate

ALDI Inc.
8751 Gas House Pike
Frederick, MD 21701

301/360-9915 Ext. 123
Fax 301/662-3658
t.faulkner@aldi.us



Find an ALDI Store

We've been waiting for you!
Find an ALDI store near you
and start shopping ALDI
smart!

Have You Shopped ALDI Before

There's no other store like
ALDI, and no better way to
save, so SHOP ALDI
SMART!



Flowers Available Thursday, May 15th

Special Purchases from May 11, 2008

**10" Flowering
Hanging Basket**

each \$ 5.99 *

Our Latest Commercials

Four new TV commercials
that celebrate why you
already shop at ALDI!



Special Purchases from May 18, 2008

**Vanderwall
Pop Up Gazebo**

PETITIONER'S

EXHIBIT NO.

3

each **\$ 49.99 ***



ALDI Flower Delivery

Pick an occasion—and let us make the arrangements!



ALDI Meal Planner

Receive compliments with fresh fruits and tasty pastry dessert recipes!



ALDI Grocery Selections

Take a look at our grocery products available everyday!

* Available while quantities last. All products may not be available in all stores.

© 2008 by ALDI



Welcome to ALDI

You are here: [Home page](#) Company

So much more than your everyday store.

ALDI was founded on the belief that people, wherever they live, should have the opportunity to buy everyday groceries of the highest quality at the lowest possible prices. What began as a simple model for a discount grocery store is now embraced by millions of smart shoppers around the world.

Today, ALDI is a leader in the international grocery retailing industry, serving Europe, the USA and Australia. Streamlined processes, a private-label brand strategy, a selective and reliable product assortment and double-guarantee philosophy have made it virtually impossible for competitors to match the widespread appeal of ALDI. With more than 850 stores in the US, consumers of every persuasion are enjoying up to 50% savings on 90% of their weekly shopping needs—Incredible Value Every Day.



Our Latest Commercials

Discover what it means to
"Shop ALDI Smart!"



What is ALDI?

Trace the ALDI journey from
good idea to global
phenomenon.



Double Guarantee

Satisfaction guaranteed.
You can say that again.



FAQs

The info is valuable. The
answers are free!



Customer Service

**We stand by our high
quality, our low prices.**

**Employment Opportunities**

**Learn the secrets behind
those ALDI staff smiles.**

**Supplier Opportunities**

**See how a partnership with
ALDI puts you in good
company.**

**Real Estate Opportunities**

**ALDI keeps growing. So do
your opportunities!**

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Welcome to ALDI

You are here: [Home page](#) [Company](#) [What is ALDI?](#)

What is ALDI?



Our Philosophy: "Incredible Value Every Day."

To millions of consumers around the world, ALDI is simply the smartest way to buy groceries.

ALDI entered the U.S. market in 1976, with a handful of stores in southeastern Iowa. Now, more than 850 U.S. ALDI stores are spreading the savings from Kansas to the East Coast. In its 2007 report, Supermarket News ranked ALDI 24th in U.S. grocery chains in terms of gross sales—a considerable accomplishment given our limited assortment and low prices.

At ALDI, our philosophy is also the foundation for our less-is-more approach to grocery retailing. Everything we do, from selecting suppliers to scouting locations to building and operating stores, facilitates savings substantial enough to impact your every-day living.

We concentrate purchasing power, carrying only 1,300 or so of your most frequently purchased grocery and household items, nearly all under our own private labels. As a result, we get the lowest prices from our suppliers—and pass the savings on to you.

We streamline operations, eliminating every feature that increases cost—and prices. (See the Shopping Smarter section for details.) When you shop at ALDI, you pay for food—not frills.

We adhere to stringent quality standards. Every product we sell must match or exceed the leading national brand in taste, appearance, and/or performance. Our premium produce is shipped faster and smarter, so it comes to your table fresher and cheaper. We're so sure of the quality of what we sell that we back it with our exclusive [Double Guarantee](#). So you can always shop ALDI with confidence.

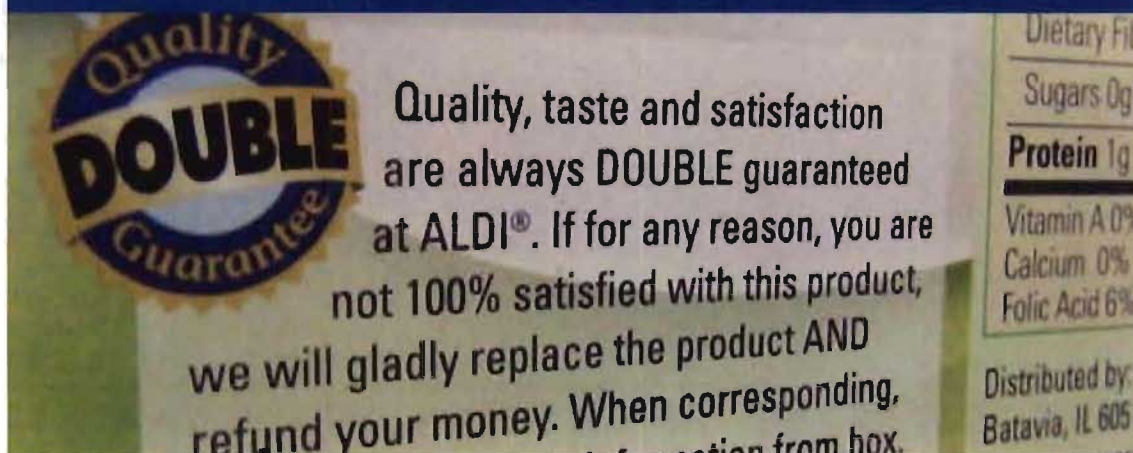
These practices unique to ALDI add up to big savings for our customers. In fact, our everyday low prices are usually lower than supermarket "sale" prices. And that's "Incredible Value Every Day."



Welcome to ALDI

You are here: [Home page](#) [Company](#) [Double Guarantee](#)

Double Guarantee



Guaranteed. And that goes double for you.

When formulating selections for our private label assortment, ALDI partners with the best suppliers in the world—even some of the same ones that produce national brands. Try our brands with confidence! We back every regularly stocked private label food and non-food item* with this Double Guarantee:

Quality, taste and satisfaction are always DOUBLE guaranteed at ALDI. If for any reason, you are not 100% satisfied with any product, we will gladly replace the product AND refund your money.

Simply return the item to your nearest ALDI store.

*(Non-Food Special Purchase items and alcohol not included)



Welcome to ALDI

You are here: [Home page](#) Shopping Smarter

Shopping Smarter



Shopping Smarter.

It begins the day you decide to become a smarter shopper. The moment it occurs to you that thumbing through newspapers for sales or clipping coupons or using your preferred shopper card is costing you more in time and trouble than the money you're saving. Then it hits you. Smarter shoppers go to smarter stores.

Smarter shoppers know better than to pay extra at stores where baggers bag groceries and employees chase carts in the parking lot, or the cost of national brand marketing raises prices. They know where to buy private label brands that actually exceed the quality of national brands at a fraction of the cost.

So smarter shoppers shop where select inventory increases buying power and lowers prices, saving them up to 50% over supermarket prices. That's a smart cartful whether you're a growing family, a working single, a senior on a fixed income, or a baby boomer socking it away for retirement.

Smarter shoppers just "get it." And they get it at ALDI.

Take the tour by visiting [Have You Shopped ALDI Before?](#)



Welcome to ALDI

You are here: [Home page](#) [Company](#) [FAQs](#)

FAQs



We have answers to your Frequently Asked Questions.

What is ALDI?

ALDI is a discount grocery chain that operates over 850 stores in 27 states. Through select inventory, private labeling and unique buying opportunities, we're able to offer our customers the highest quality everyday items at the lowest possible prices—Incredible Value Every Day. [Click here](#) to see a map of where we operate and our divisional locations. [Click here](#) to find the ALDI store nearest you.

Does ALDI carry brand names?

ALDI carries mostly private label brands. These items are produced to meet our stringent quality standards, and are sold only in ALDI stores. Our purchasing power and relationships with suppliers allow us to negotiate low prices—which means big savings for you.

On occasion, you will find a national brand at ALDI. These are usually "special purchases"—limited-time offers of products that score you huge savings, but are only available while supplies last.

If you don't have the brands I know, how can I be sure of the quality?

ALDI partners with the best suppliers in the country—often the same ones that produce national brands. What's more, we back every regularly stocked food and non-food item with our Double Guarantee. If you're not satisfied for any reason, simply return the unused portion (or even the empty package) with the receipt to the store. We'll refund your money and give you a replacement product.

You say you have beer and wine, but I can't find it in my store. Why not?

We have to get special licenses to sell beer and wine on a store-by-store basis. The process takes longer in some localities than others. Rest assured that it's our desire to provide each ALDI store with our complete product line and will continue to work to achieve this. Check our [store locator](#) to see if your store, or a store near you, carries wine and beer.

How much of my weekly shopping can I do at ALDI?

That will depend on you, but our customers find they can do as much as 90% of their weekly shopping at ALDI. We carry everything from fresh meat and produce to frozen foods to dairy, bakery, canned goods, and paper products. Visit our [Grocery Selections](#) section to learn more.

Why do I need a quarter to use a shopping cart at ALDI?

At ALDI, we cut costs every way we can to keep prices low. Our shopping cart deposit system is a good example. You insert a quarter to release a cart. When you return the cart, you get your quarter back. This system cuts down on the labor of collecting carts left in the parking lot, damage to cars, and we pass the savings on to you.

Why do you charge for shopping bags?

We don't hide the cost of bags in our prices like other stores do. You can bring your own bags, or buy our paper, plastic, or insulated bags for a very nominal charge. Of course, we encourage you to reuse and recycle bags.

In addition to all of the "green" you save at ALDI, you'll be doing your part to save our planet by shopping here. Our smaller, energy-saving stores, recycled bags and cartons all contribute to conservation.

Loyal ALDI shoppers appreciate our simplified shopping process, and the pride they can feel by being responsible and forward-thinking consumers. You'll feel it too, when you start saving up to 50% on everyday needs and find that it is "easy being green."

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Welcome to ALDI

You are here: [Home page](#) [Company](#) [Customer Service](#)

Customer Service



Incredible Courtesy Every Day.

ALDI is committed to your complete satisfaction, and your local ALDI store manager can resolve most issues quickly. Since your time is valuable, we've addressed the most frequent customer issues below for your convenience.

For product refunds and replacements under our Double Guarantee:

Return the package with your receipt, and any unused product to your local ALDI Store Manager. He/She will issue a refund and replacement.

All non-food Special Purchase return and exchanges require a receipt.

Always retain the packaging and sales receipt for these products. Most of our private label items and national brand offerings are covered by a manufacturers' limited warranty. Please consult the instruction manual or warranty card that came with the product to determine how to make a warranty claim—usually by using a toll-free number or the manufacturer's website.

If a product is defective upon first use (e.g., it is damaged or does not work when you take it out of the package), you may return it to your ALDI store, with the original packaging and receipt, for a full refund.

If the item fails during its limited warranty period, please write first to the manufacturer to resolve your claim. If you are unable to achieve satisfactory results, write to ALDI at the address below. Include:

- Your name, address, and phone number
- A description of the defective item (e.g., Crofton hand blender) and the ALDI item code found on the package.
- A description of the defect (what went wrong).
- A copy of your receipt.

If you contact ALDI about a warranty issue, do not enclose the defective item when you first write to us. We will contact you if we need you to return it.

Computer/Electronic Return Policy

Returns will be honored within 90 days of the original purchase date. Price Adjustments will be honored within 30 days of the original purchase date if we advertise a lower retail price.

DVD/Software Return Policy

Returns will be honored within 14 days of the original purchase date. Open DVD/Software is non-refundable, and defective DVD/Software may only be exchanged for the same title.

To comment, make a suggestion, or ask for additional help:

Please write to us at:

Customer Relations
ALDI Inc.
1200 N. Kirk Rd.
Batavia, IL 60510

We promise to respond in a timely manner.

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PETITIONER'S
EXHIBIT NO. 4A

PETITIONER'S



EXHIBIT NO.

5A

PETITIONER'S

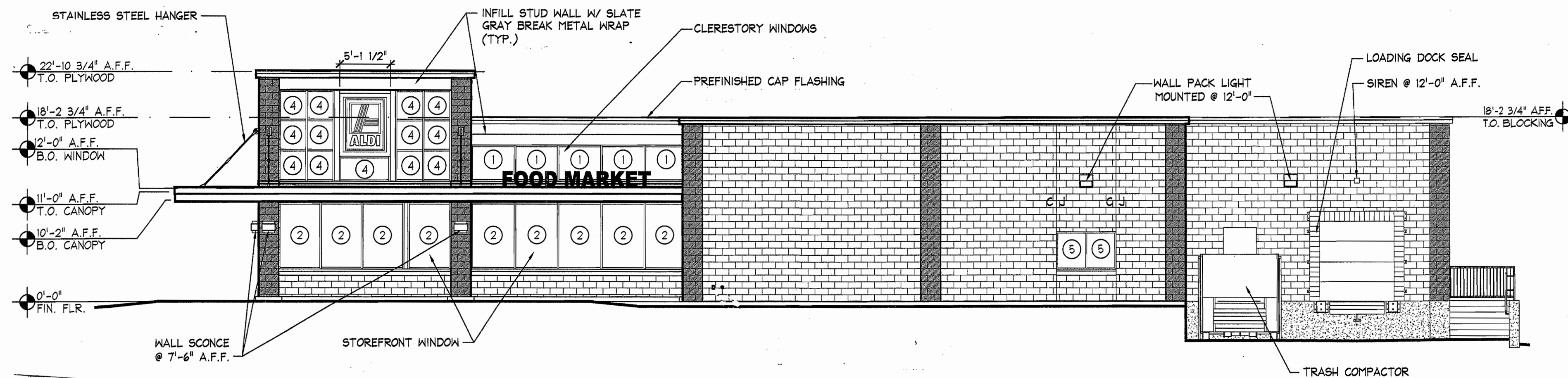




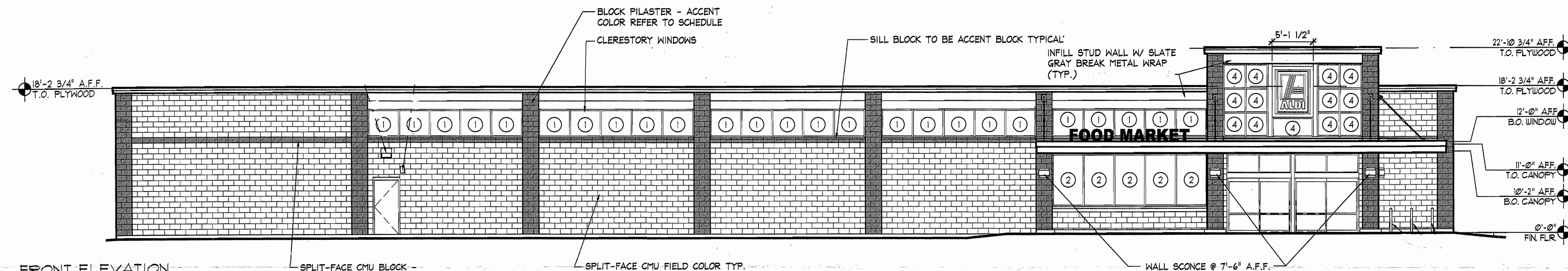
PERMIT NO.

58

PETITIONER'S



RIGHT ELEVATION
SCALE: 1/8" = 1'-0"

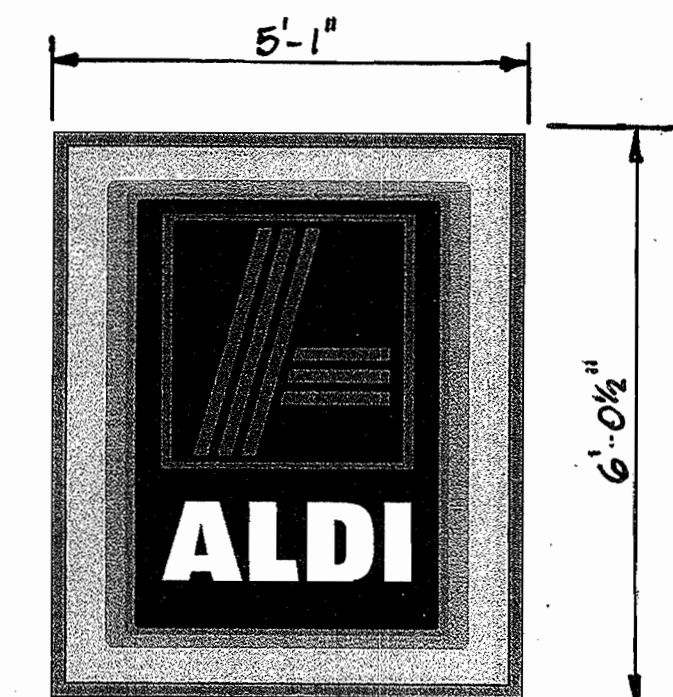
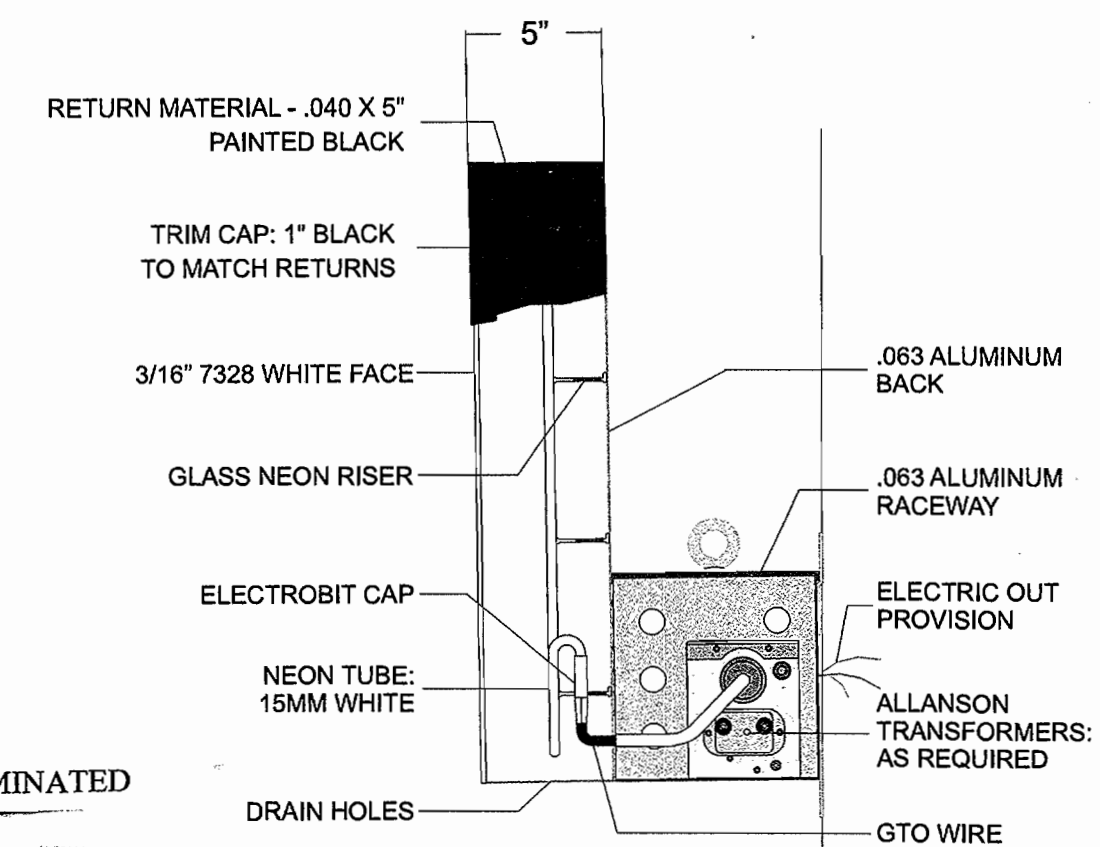


FRONT ELEVATION
SCALE: 1/8" = 1'-0"

15'-0"
1'-6" **FOOD MARKET**

SIGN DETAIL

EACH SIGN IS 22.5 SF IN AREA
ONE ON EACH BUILDING FACE
2 SIGNS FOR A TOTAL OF 45 SF
EACH SIGN TO BE INTERNALLY ILLUMINATED



ALDI I.D. SIGN DETAIL

EACH SIGN IS 30.7 SF IN AREA
ONE ON EACH BUILDING FACE
2 SIGNS FOR A TOTAL OF 61.4 SF
EACH SIGN TO BE INTERNALLY ILLUMINATED



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

**ALDI FOOD STORE AT
GOLDEN RING COMMONS**
8670 PULASKI HIGHWAY
(U.S. ROUTE #40)

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

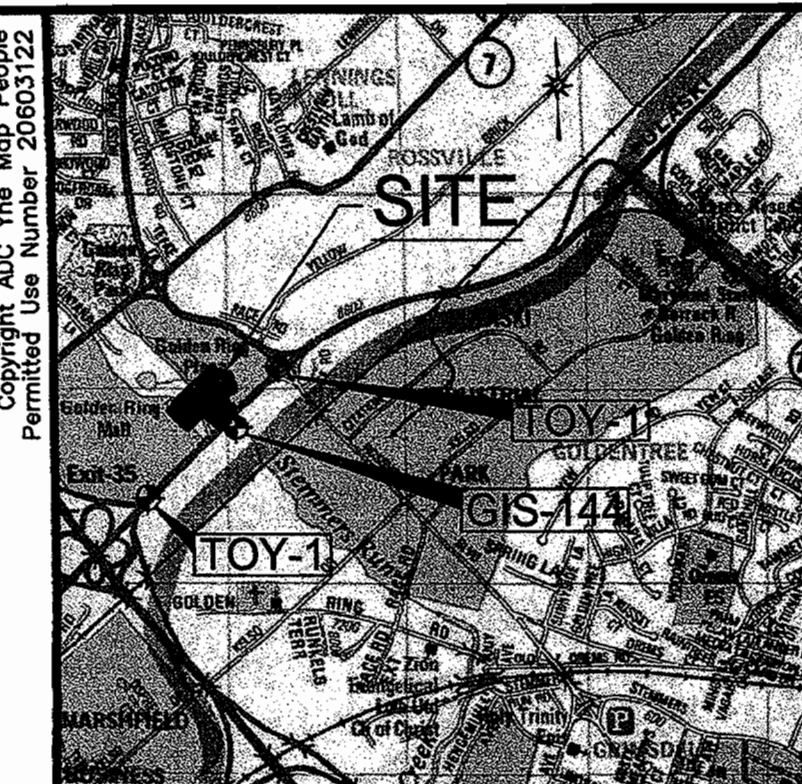
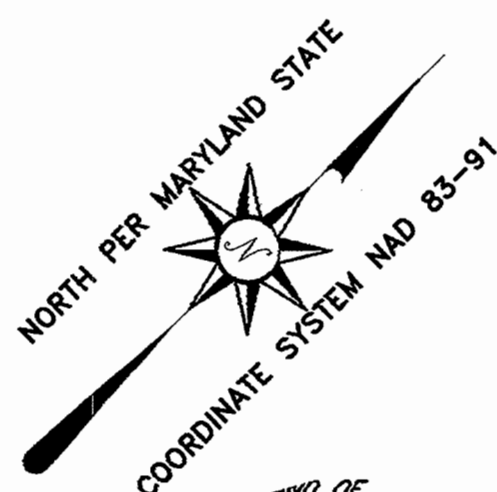
REVISIONS	PETITIONER'S	DRAWN BY:	DESIGNED BY:	SCALE:
		SDF	PCR	AS SHOWN
	EXHIBIT NO. <u>1B</u>	DATE:	JOB NO.:	SHEET NO.:
		02-21-08	08013	2 OF 2

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 44°25'4" E	145.48
L2	N 45°13'3" W	172.94
L3	N 45°10'26" W	268.95
L4	N 40°29'34" E	107.36
L5	N 72°48'40" W	26.93
L6	N 44°30'3" E	510.11
L7	S 63°37'4" E	84.25
L8	S 79°47'17" E	75.22
L9	S 18°18'55" E	10.28
L10	S 20°01'55" E	82.83
L11	N 10°10'10" E	10.01
L12	S 14°25'12" E	31.39
L13	S 28°32'06" W	30.01
L14	S 71°53'04" W	52.78
L15	S 52°39'32" W	29.29
L16	S 34°22'3" W	28.27
L17	S 34°12'0" W	28.27
L18	S 22°14'28" W	28.24
L19	S 39°28'21" E	10.74
L20	S 62°25'07" E	60.13
L21	S 44°39'36" W	21.00
L22	S 44°39'36" W	21.00
L23	S 44°39'36" W	21.00

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	30.00'	8.04'	8.02'	S 37°01'54" E	15°21'47"
C2	60.00'	94.22'	84.87'	S 89°43'40" E	90°01'24"
C3	505.14'	35.69'	35.68'	S 42°48'08" W	04°02'52"
C4	495.67'	41.47'	41.46'	S 51°12'48" F	04°47'38"



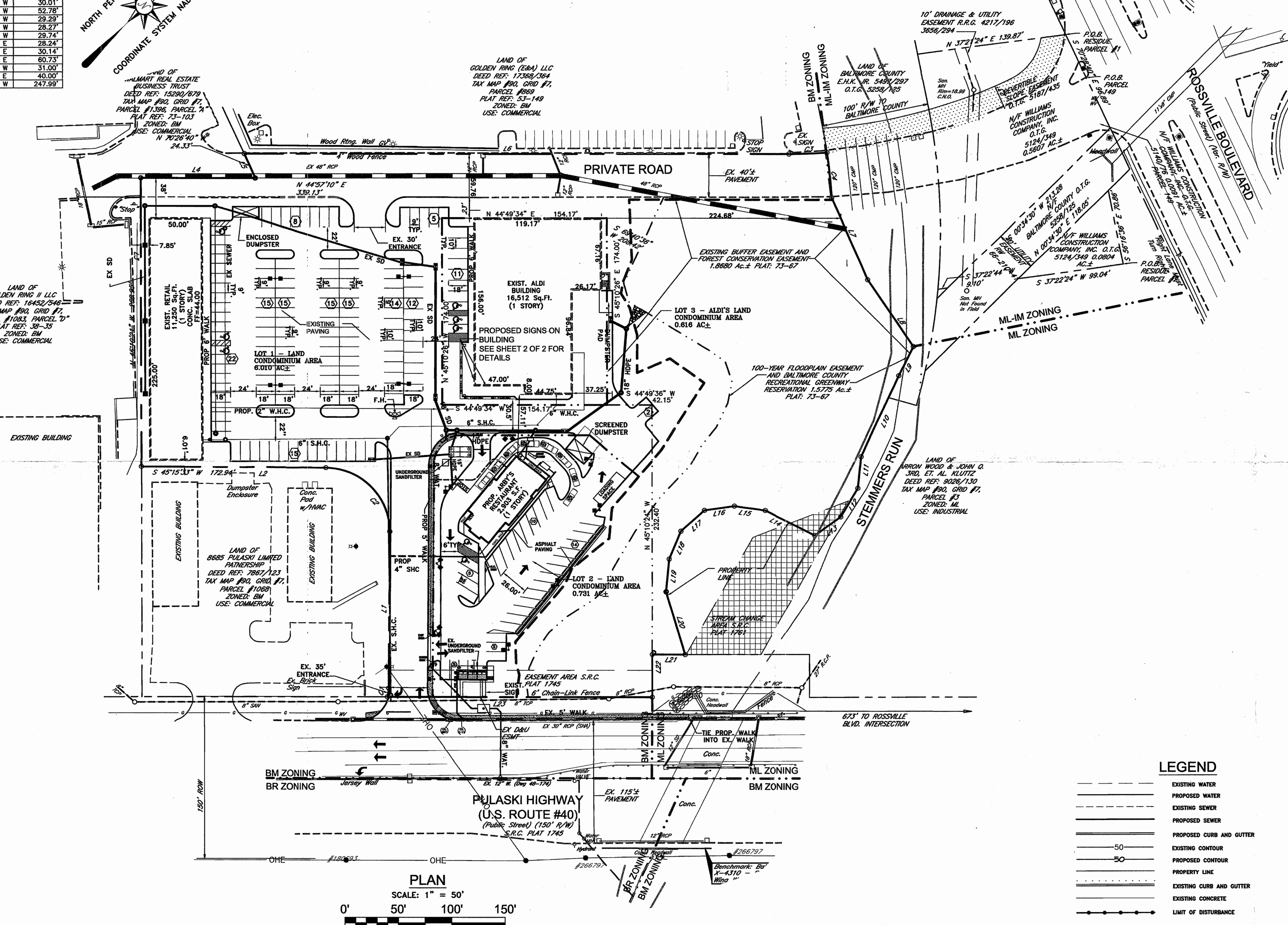
GENERAL NOTES

1. OWNER: LOT 3 — ALDI, INC.
2700 SAUCON VALLEY RD
CENTER VALLEY PA 18034—9340

LOTS 1 & 2 — VEI STEMMERS RUN LLC
C/O VANGUARD EQUITIES INC.
#1500 SERPENTINE ROAD, SUITE 100
BALTIMORE, MD 21209—2010
2. DEVELOPER: VANGUARD EQUITIES, INC.
1500 SERPENTINE ROAD, SUITE 100
BALTIMORE, MD 21209—2010
3. SITE AREA: 261,830 Sq.Ft. or 6.011 Ac±.
ALDI LAND CONDO AREA: 26,825 Sq.Ft. or 0.616 Ac±.
4. CENSUS TRACT: 4512
5. COUNCILMAN'S DISTRICT: 7h
6. ELECTION DISTRICT: 15th
7. WATERSHED: BACK RIVER #22
8. SUBSEWERED: STEMMERS RUN #2
9. DRAWING BASED ON A FIELD SURVEY BY BARAKOS—LANDINO SURVEY, INC. ON SEPTEMBER 21—23 & 27, 1999.
10. TAX MAP: #90, PARCEL: #866
11. TAX ACCOUNT #'S: 15 2500002690,
12. ZONING: BM
(PER 1"—200' ZONING MAP #090A1)
13. USES:
EXISTING: USE IS VACANT (PREVIOUS BUILDING REMOVED)
PROPOSED: RETAIL (PERMITTED BY RIGHT)
14. THERE ARE NO KNOWN HISTORIC BUILDINGS, ARCHAEOLOGICAL SITES, SCENIC VIEWS OR SIGNIFICANT FEATURES LOCATED ON OR ADJACENT TO THE SITE.
15. THERE ARE NO KNOWN HAZARDOUS MATERIALS ON SITE.
16. THE PROPOSED DEVELOPMENT WAS GRANTED A STORMWATER MANAGEMENT WAIVER ON 4—14—00 IN ACCORDANCE WITH SECTION 14—155C1 OF THE BALTIMORE COUNTY CODE.
17. ON FEBRUARY 22, 2000, THE DRC DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF A LIMITED EXEMPTION UNDER SECTION 26—171 (B) (9). ON MARCH 7, 2000, THE RECOMMENDATIONS OF THE DRC WERE ADOPTED BY THE DIRECTOR OF PDM.
18. FEBRUARY 21, 2006, THE DRC DETERMINED THAT THIS PROJECT MEETS THE REQUIREMENTS OF REFINEMENT TO THE DEVELOPMENT PLAN UNDER SECTION 32—4—106(b)(2). ON MARCH 1, 2006, THE RECOMMENDATIONS OF THE DRC WERE ADOPTED BY THE DIRECTOR OF PDM. DRC NUMBER: 022106P, PDM NUMBER: XV—755
19. THERE ARE NO KNOWN DESIGNATED AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH UNDER THE PROCEDURES OF SECTION 5—611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND AS FROM TIME TO TIME AMENDED, AND AS MAPPED AND AVAILABLE FOR INSPECTION BY THE OFFICE OF PLANNING.
20. THE AVERAGE DAILY TRIPS ATTRIBUTABLE TO THE DEVELOPMENT ON THIS SITE ARE (117.9/1000 Sq.Ft.) = 3535.
21. ALL UNDERGROUND STORAGE TANKS HAVE BEEN REMOVED OR ABANDONED IN PLACE AS PART OF THE PHASE II ENVIRONMENTAL ASSESSMENT. A CERTIFICATE OF CLOSURE WAS ISSUED BY M.D.E. ON JULY 10, 1998.
22. A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT FROM REGULATIONS FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS, THE FOREST BUFFER, SEWERAGE AND BUILDING SETBACK SHOWN HEREON ARE EFFECTIVE. ON THE FACT THAT THIS VARIANCE WAS GRANTED, CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS.
23. PREVIOUS PERMITS:
ARBY'S RESTAURANT; BUILDING #657417
GRADING PERMIT #B676493
STORMWATER MANAGEMENT PERMIT #B676494

LOCATION MAP

SCALE: 1" = 200'



ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	PARKING REQUIRED BY COUNTY	RETAIL=27,762 Sq.Ft. @ 1000=139 FAST FOOD=2903 Sq.Ft. @ 16/1000=147 TOTAL REQUIRED = 186	186	N/A
2	MINIMUM PARKING DIMENSIONS	8.5 FEET x 18 FEET	8.5 FEET x 18 FEET	N/A
3	MINIMUM AISLE WIDTH	22 FEET	22 FEET	N/A
4	MINIMUM FRONT SETBACK	10 FEET	31 FEET	N/A
5	MINIMUM SIDE SETBACK	NO MINIMUM	N/A	N/A
6	MINIMUM REAR SETBACK	NO MINIMUM	N/A	N/A
7	LOADING BERTHS	N/A	2 LOADING BERTH	N/A

PROFESSIONAL CERTIFICATION:
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 NUMBER 16597,
EXPIRATION DATE: 08-01-2009



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

ALDI FOOD STORE AT
GOLDEN RING COMMONS

8670 PULASKI HIGHWAY
(U.S. ROUTE #40)

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

REVISIONS PETITIONER'S EXHIBIT NO. <u>1A</u>		DRAWN BY: CND	DESIGNED BY: PCR	SCALE: 1" = 50'
		DATE: 02-21-08	JOB NO.: 08013	SHEET NO.: 1 OF 2

2008-0445-