

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
N side of Security Blvd., NW corner of		
Security Blvd. and Woodlawn Drive	*	DEPUTY ZONING
1 st Election District		
4 th Councilmanic District	*	COMMISSIONER
(6600 Security Boulevard)		
	*	FOR BALTIMORE COUNTY
Steve Stookey, Manager, Eng. & Envmtal		
Services; SMO Realty LLC	*	
<i>Petitioner</i>		
	*	Case No. 2008-0483-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Hearing filed by Steve Stookey, Manager, Engineering & Environmental Services and SMO Realty LLC, the legal property owner. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to modify previous approvals granted in Case No. 94-503-SPHXA for the addition of two fuel pumps, and pursuant to Section 409.12 of the B.C.Z.R. for approval of a modified parking plan. The subject property and 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 requested special hearing was Petitioner Steve Stookey, Manager, Engineering & Environmental Services and SMO Realty LLC, and Sebastian A. Cross, Esquire, attorney for Petitioner. Also appearing in support of the requested relief was Matt Allen with Bohler Engineering, the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance as the hearing.

NOTED FOR FILED
 6-25-08
 [Signature]

The testimony and evidence offered revealed that the subject property is an irregular-shaped parcel containing 30,819 square feet or 0.71 acres and contains an existing fuel service station with a convenience store, accessory use carwash and ATM machine. The property is located at the corner of Woodlawn Drive and Security Boulevard on the northeast side, east of the Interstate 695 beltway in the Woodlawn area of the County. The subject parcel is part of the Meadows Park Shopping Center located to the immediate northwest.

Further evidence revealed that the service station has existed and was first approved in 1963 and was remodeled in 1983. Thereafter, zoning relief was requested in 1994 to allow a car wash and permit related variances for landscaping and parking and stacking spaces for the car wash and fuel service station in Case No. 94-503-SPHXA. At this point, Petitioner desires to add an underground diesel storage tank and a related diesel pump at the southeast corner of the property, adjacent to the existing fuel islands and canopy cover. As shown on the site plan, Petitioner also desires to add a gasoline fuel pump near the northwest corner of the property, just below the existing car wash, again adjacent to existing fuel islands and canopy cover. This requires additional fuel and stacking spaces and a realignment of some existing parking spaces, as well as the adding of three spaces. Aerial photographs marked and accepted into evidence as Petitioner's Exhibits 2A through 2D show the appearance of the site and existing improvements.

Mr. Allen's proffered testimony indicates that the property has the capacity for the proposed improvements and will not overcrowd the land. The existing means of ingress and egress will remain the same and most of the existing parking will also stay the same. As for parking, the evidence indicated that currently there are eight spaces including one handicapped space. As a result of the proposed improvements, the property will require three additional spaces for a total of 11 spaces. The plan is to keep the five existing spaces in the upper right

NOTED RECEIVED FOR FILING

6-25-08

jm

(northeast) corner of the property and to keep the existing two spaces at the lower right (southeast) corner of the property, but move them slightly north (a bit closer to the concrete island entrance at Woodlawn Drive) to provide better flow through the fueling areas. Petitioner also plans to add one space next to the handicapped space and two spaces next to the car wash. The property, including the proposed improvements will meet all required setbacks and no other zoning relief is necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 23, 2008 which indicates that they do not oppose Petitioner's request, provided additional landscaping is added to the subject site. The existing landscape treatments need upgrading and refurbishing. The Office of Planning requests a condition that Petitioner provide for review and approval of a landscape plan showing existing and proposed landscaping. Comments from the State Highway Administration (SHA) dated April 22, 2008 indicate that SHA has determined that the existing entrances at the site are consistent with State Highway Access Manual requirements for commercial two-way ingress/egress, and that based on their guidelines and regulations, SHA finds Petitioner's proposal acceptable. Hence, SHA has no objection to the Petition.

As to the special hearing for approval of a modified parking plan pursuant to Section 409.12 of the B.C.Z.R., and in accordance with Section 409.8.B.1.e of the B.C.Z.R., I find that the proposed parking modifications are appropriate and will provide the required number of parking spaces, while also providing adequate traffic flow through the property. The means of ingress and egress at Woodlawn Drive and Security Boulevard will be unchanged and unaffected by the modifications.

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16-25-08

I also find that the modified parking plan will be in keeping with the character of surrounding businesses and other structures in the vicinity and will not have a negative impact on the community. In particular, the modified parking plan will not be detrimental to the health, safety and general welfare of the surrounding community and will not negatively impact the criteria set forth in Section 502.1 of the B.C.Z.R.

As to the special hearing to approve an amendment to the approvals granted in previous zoning Case No. 94-503-SPHX, this is a technical request that naturally flows from the approval of the modified parking plan, and shall be granted as well. This will serve to memorialize the changes and modifications to the prior zoning case that have been granted in the instant matter.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 25th day of June, 2008 that Petitioner's request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to modify previous approvals granted in Case No. 94-503-SPHXA for the addition of two fuel pumps, and pursuant to Section 409.12 of the B.C.Z.R. for approval of a modified parking plan, be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Petitioner shall submit to the Office of Planning for review and approval a landscape plan showing the existing and proposed landscaping on the site.

FROM RECEIVED FOR FILED

6-25-08

ym

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

ORDER RECEIVED FOR FILING

6-25-08

pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

June 25, 2008

SEBASTIAN CROSS, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Petition for Special Hearing
Case No. 2008-0483-SPH
Property: 6600 Security Boulevard

Dear Mr. Cross:

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,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Steve Stookey, Manager, Eng. & Envmtal Services, SMO Realty LLC, 6355 Crain Highway,
LaPlata MD 20646
Matt Allen, Bohler Engineering, 810 Gleneagles Court #300, Towson MD 21286



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6600 Security Boulevard
which is presently zoned BM-CCC

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

1. Request for Special Hearing to modify previous approvals granted in Case No. 94-503-SPHXA for the addition of two fuel pumps;
2. As per BCZR Section 409.12 for approval of a modified parking plan.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print _____ City _____
Signature _____
Gildea & Schmidt, LLC
Company _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

Steve Stookey, Manager, Eng. & Envmtal Services
Name - Type or Print _____
Signature _____
SMO Realty LLC
Name - Type or Print _____
Signature _____
6355 Crain Highway 301-932-3671
Address _____ Telephone No. _____
LaPlata MD 20646
State _____ Zip Code _____

Representative to be Contacted:

Sebastian A. Cross
Name _____
600 Washington Avenue, Suite 200 (410) 821-0070
Address _____ Telephone No. _____
Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By A. Tsuc Date 04/15/2008



BOHLER
ENGINEERING

10 Gleneagles Court, Suite 300
Towson, MD 21286
PHONE 410.821.7900
FAX 410.821.7987

DESCRIPTION TO ACCOMPANY PETITION FOR SPECIAL HEARING

SMO REALTY LLC, PETITIONER
6600 SECURITY BOULEVARD
BALTIMORE MD 21207
ELECTION DISTRICT 1
COUNCILMANIC DISTRICT 4

Beginning at a point on the north side of Security Boulevard, MD Route 122, (120-foot right of way) at a point of intersection with the fillet leading from the west side of Woodlawn Drive (80-foot right of way) and running thence on the northern right of way South 84° 19' 46" East 150.00 feet to a point, thence leaving said right of way and running North 04° 13' 21" East 149.94 feet to a point, thence running North 68° 05' 27" East 186.48 feet to a point west side of Woodlawn Drive, thence binding on the west side of said right of way by a curve to the right with a radius of 1,060.00 feet and a length of 119.83 feet, with a tangent running South 04° 01' 13" East 119.77 feet to a point, thence by a curve to the right with a radius of 92.00 feet and a length of 95.04 feet, with a tangent running South 28° 49' 00" East 90.87 feet to the point of beginning.

The site contains 30,819 square feet, or 0.71 acres of land, more or less.



08-0483-SPH

OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------------|--------------------------------|---------------------------------|----------------------------------|---------------------------------------|-------------------------------------|
| • Southborough, MA
508.480.9900 | • Albany, NY
518.438.0000 | • Purchase, NY
914.251.9800 | • Ronkonkoma, NY
631.738.1200 | • Warren, NJ
908.668.8100 | • Center Valley, PA
810.709.9971 |
| • Chalfont, PA
215.996.9100 | • Sterling, VA
703.703.9500 | • Warrenton, VA
540.343.4500 | • Bowie, MD
301.809.4600 | • Fort Lauderdale, FL
954.201.7000 | |

CIVIL AND CONSULTING ENGINEERS • SURVEYORS • PROJECT MANAGERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com

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: # 2008-0483-SPH

6800 Security Boulevard

N/side of Security Boulevard, n/west corner of Security Boulevard and Woodlawn Drive

1st Election District - 4th Councilmanic District

Legal Owner(s): Steve Stookey, SMO Realty, Inc.

Special Hearing: to approve the request to modify previous approvals granted in Case 94-503-SPHXA for the addition of two fuel pumps; as per BCZR Section 409.12 for approval of a modified parking plan.

Hearing: Thursday, June 19, 2008 at 9:00 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) 887-4388.

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

JT 6/605 June 3

174898

CERTIFICATE OF PUBLICATION

6/5/2008

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 6/3/2008.

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

J. Wilkins

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. 12143

Date: 4/15/08

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/15/2008 4/15/2008 14:15:16
 WALKIN JRIC JHR
 >>RECEIPT # 371143 4/15/2008
 Dept 5 528 ZONING VERIFICATION
 017413
 Recpt Tot \$325.00
 \$325.00 CR \$4.00 CA
 Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				325

Total: 913.25

Rec From: Gulden + Schmidt, LLC

For: 6600 Security Blvd

DISTRIBUTION
 WHITE - CASHIER

08-0483-SPH
 PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No.: 2008-0483-SPH

Petitioner/Developer: STEVE

STOCKEY, SMO REALTY

Date of Hearing/Closing: JUNE 19, 2008

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:

6600 SECURITY BOULEVARD

The sign(s) were posted on

6-4-08

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

6-8-08
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

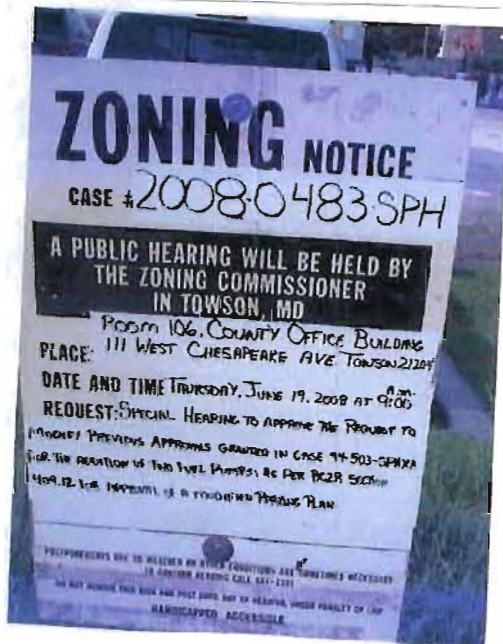
(Address)

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.

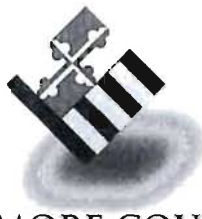
For Newspaper Advertising:

Item Number or Case Number: 08-0483-SPH
Petitioner: SMD REALTY LLC
Address or Location: 6600 SECURITY BLVD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Gilbert Schmidt LLC
Address: 600 Washington Ave, St. 200
Towson MD 21204
Telephone Number: 410-821-0070

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 2, 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: 2008-0483-SPH

6600 Security Boulevard

N/side of Security Boulevard, n/west corner of Security Boulevard and Woodlawn Drive

1st Election District – 4th Councilmanic District

Legal Owners: Steve Stookey, SMO Realty, Inc.

Special Hearing to approve the request to modify previous approvals granted in Case 94-503-SPHXA for the addition of two fuel pumps; as per BCZR Section 409.12 for approval of a modified parking plan.

Hearing: Thursday, June 19, 2008 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204
Steve Stookey, SMO Realty, Inc., 6355 Crain Highway, La Plata 20646

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JUNE 4, 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, June 3, 2008 Issue - Jeffersonian

Please forward billing to:
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2008-0483-SPH

6600 Security Boulevard

N/side of Security Boulevard, n/west corner of Security Boulevard and Woodlawn Drive
1st Election District – 4th Councilmanic District

Legal Owners: Steve Stookey, SMO Realty, Inc.

Special Hearing to approve the request to modify previous approvals granted in Case 94-503-SPHXA for the addition of two fuel pumps; as per BCZR Section 409.12 for approval of a modified parking plan.

Hearing: Thursday, June 19, 2008 at 9:00 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

Sebastian A. Cross

Gildea & Schmidt, LLC

600 Washington Ave. Suite 200

Towson, MD 21204

TIMOTHY M. KOTROCO, *Director*

*Department of Permits and
Development Management*

June 11, 2008

Dear: Sebastian A. Cross

RE: Case Number 2008-0483-SPH, Address: 6600 Security Blvd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 15, 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:lnw

Enclosures

c: People's Counsel
Steve Stookey, SMO Realty LLC, 6355 Crain Highway, LaPlata, MD 20646

TB 6/19
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 23, 2008

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

SUBJECT: 6600 Security Boulevard
INFORMATION:

Item Number: 8-483

Petitioner: SMO Realty LLC

Zoning: BM-CCC

Requested Action: Special Hearing



BY:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioners request for special hearing and has the following comments:

This office does not oppose the petitioner's requested relief provided additional landscaping is added to the subject site. The existing landscape treatments need upgrading and refurbishing. Provide for review and approval a landscape plan showing existing and proposed landscaping.

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

Reviewed by:

A handwritten signature in blue ink, appearing to read "Curtis Murray", written over a horizontal line.

Division Chief:
AFK/LL: CM

A handwritten signature in blue ink, appearing to read "John F. Keller", written over a horizontal line.



BALTIMORE COUNTY

M A R Y L A N D

JAMEST. 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 24, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 21, 2008

Item Number: 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481,
482, 483, 484, 485, 486 and 488

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

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

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

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 28, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For April 28, 2008
Item No.: 08-470, 471, 472, 474, 475, 476,
477, 478, 479, 480, 481, 482, 483, 484,
485, 486, 487, and 488.

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

DAK:CEN:lrk
cc: File

ZAC-04282008-NO COMMENTS

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



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

Maryland Department of Transportation

April 22, 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. 08-483-SPH
MD 122 (Security Boulevard)
at Woodlawn Drive
SMO 6600 Security Boulevard
Special Hearing

Dear Ms. Matthews:

Thank you for the opportunity to review of the plan to accompany petition for Special Hearing, which was received April 15th. We understand that this plan illustrates a proposal for the addition of two fuel pumps and a 10,000 gallon diesel on the existing SMO fuel service station.

We have completed a cursory review of the site plan as well as existing conditions. Access onto the property is currently served by a 30' wide commercial entrance onto Woodlawn Drive and one directional (inbound only and outbound only) entrance the MD 122 (Security Boulevard). The State Highway Administration (SHA) has determined that the existing entrances are consistent with State Highway Access Manual requirements for commercial two-way ingress/egress. Based on our guidelines and regulations we find the proposal acceptable. Therefore, this office has no object to Case Number 8-483-SPH approval. Kindly, forward our comments to the Zoning Reviewer Planner.

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

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Dennis A. Kennedy, Permits & Plans Review, Baltimore County
Mr. Joe Merrey, Permits & Development Management, Balto. Co.
Mr. David Malkowski, District Engineer, SHA

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
6600 Security Boulevard; N/S Security Blvd,
NW corner of Security Blvd & Woodlawn Dr* ZONING COMMISSIONER
1st Election & 4th Councilmanic Districts
Legal Owner(s): SMO Realty, LLC by * FOR
Steve Stookey, Manager
Petitioner(s) * BALTIMORE COUNTY
* 08-483-SPH

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

APR 28 2008

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of April, 2008, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 08-483-SPH
DATE 6-19-08

[illegible]

Case No.: 08-483-504

Exhibit Sheet

Petitioner/Developer

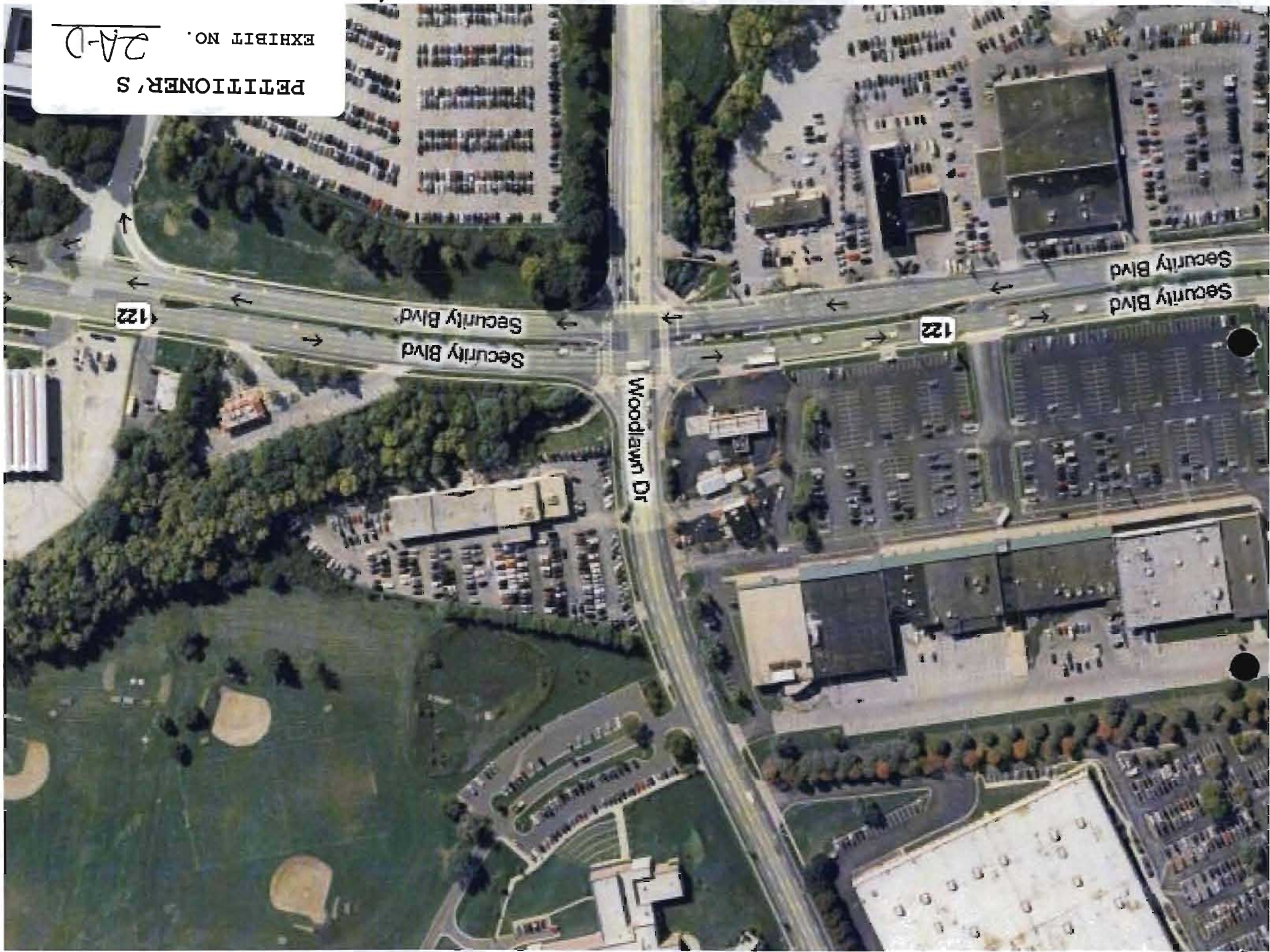
Protestant

No. 1		
No. 2	<i>site plan</i>	
A-D	<i>aerial photos of site</i>	
No. 3	<i>perm 1994 order</i>	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

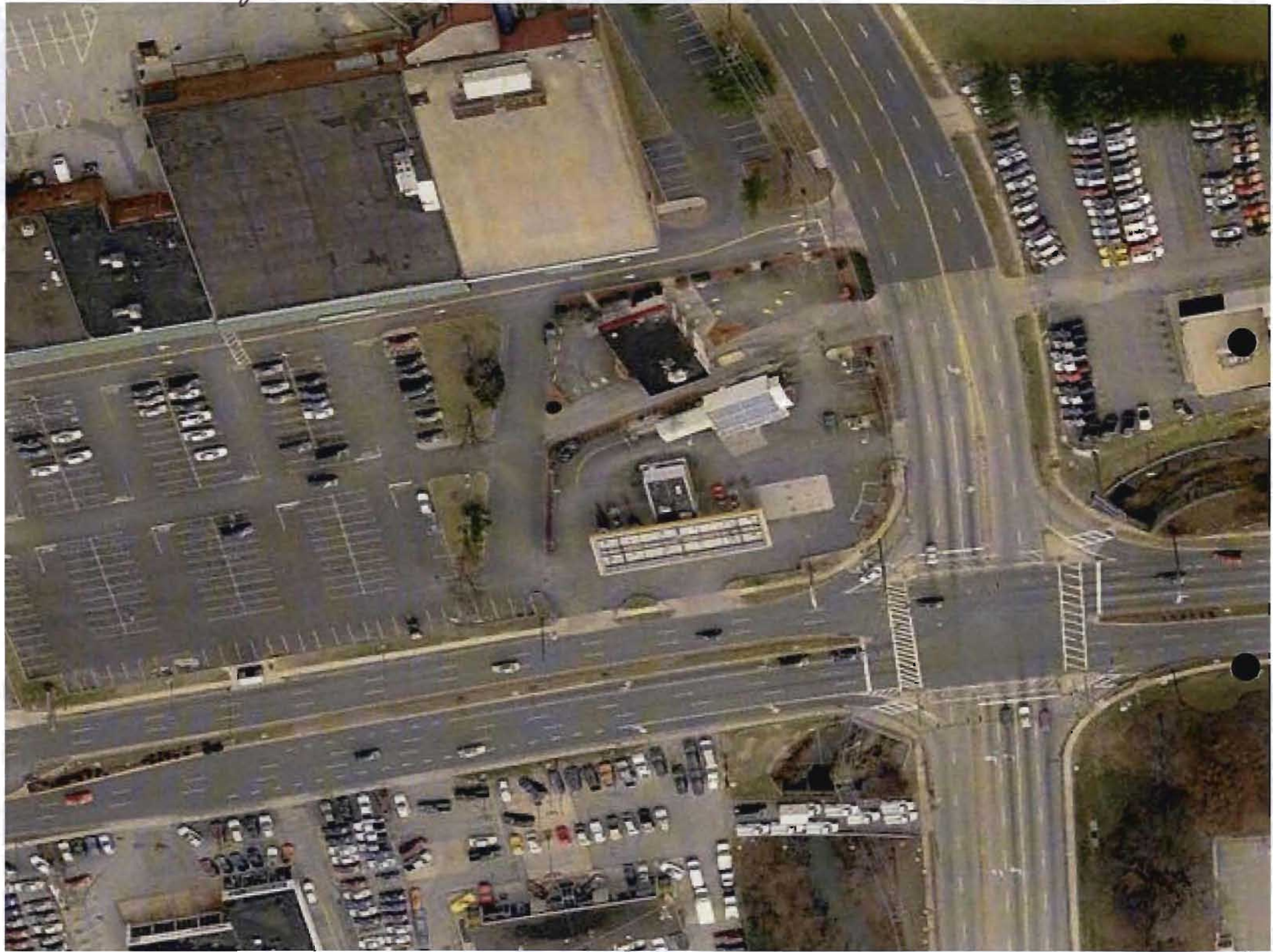
EXHIBIT NO.

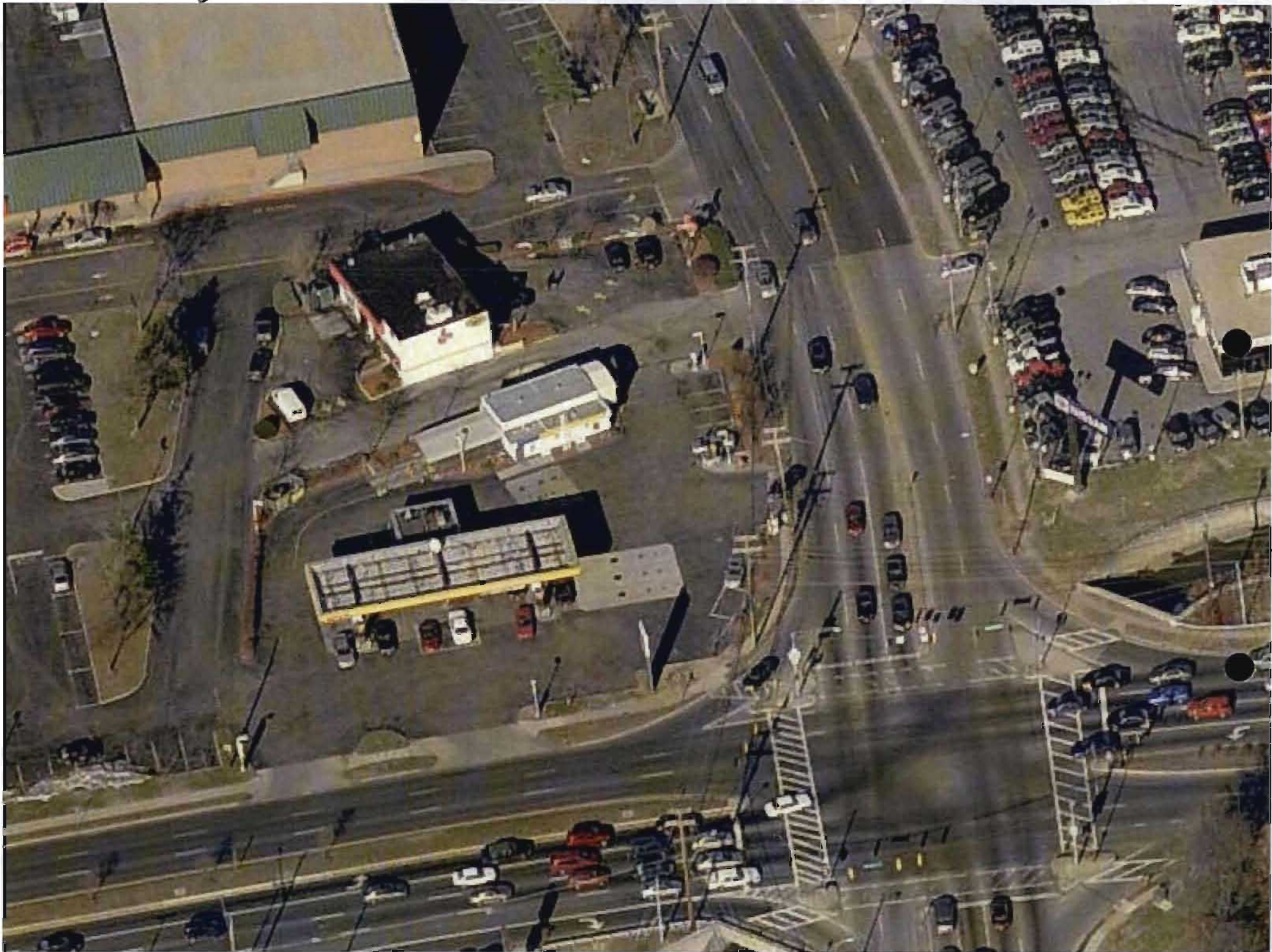
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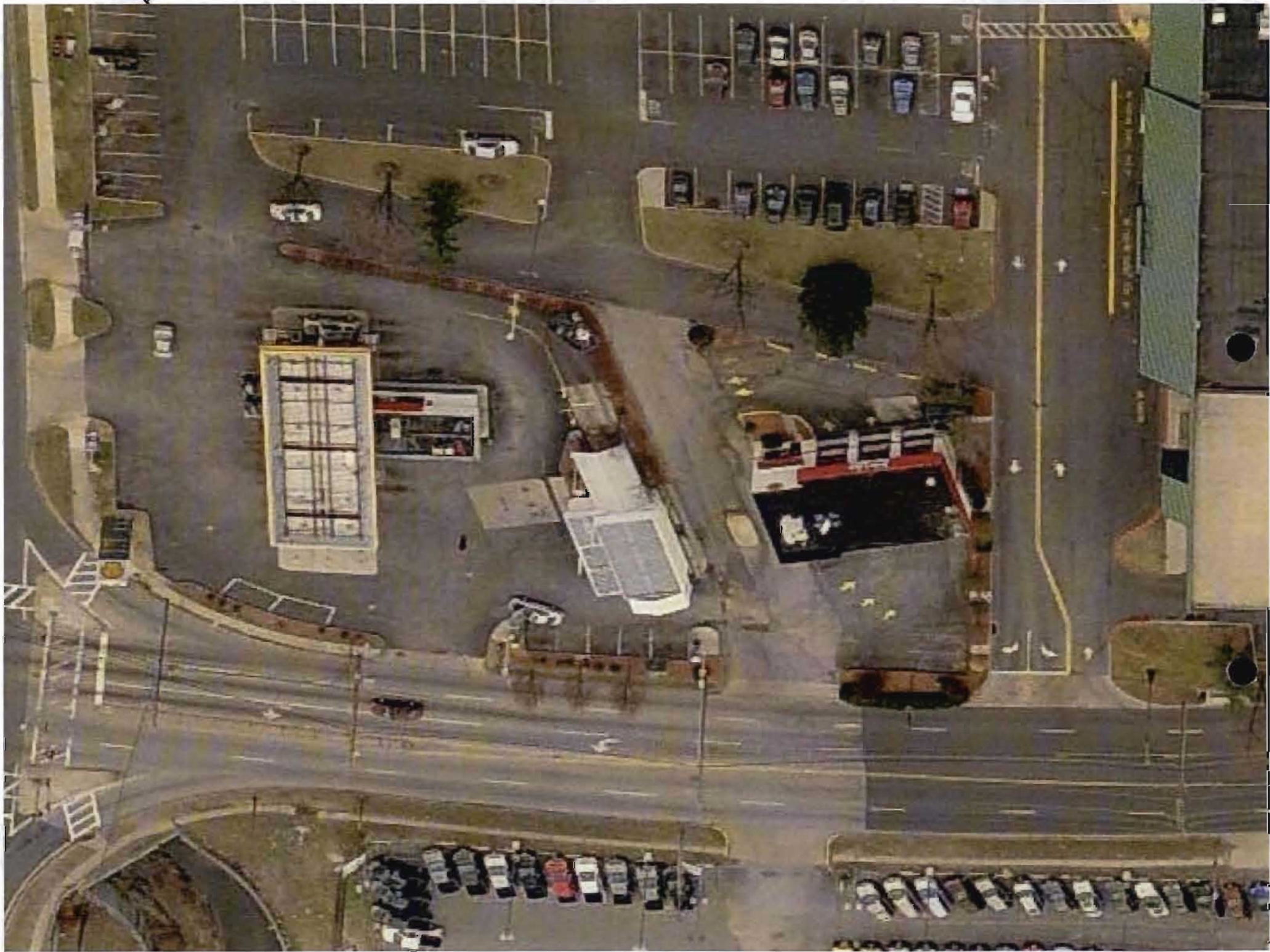
PETITIONER'S



8







PETITIONER'S

94-503-SPHXA

EXHIBIT NO.

3

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

IT IS THEREFORE ORDERED, by the Zoning Commissioner for Baltimore County, this 27th day of July 1994, that, pursuant to the Petition for Special Hearing, approval to amend the previously approved plan in case No. 85-56-X, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to allow a car wash use in combination with an existing service station, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that a Petition for Zoning Variance from Section 419.4 of the Baltimore County Zoning Regulations (BCZR) to allow a car wash tunnel exist 9 ft. from the nearest exit drive (to a shopping center), in lieu of the required 50 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 405.4.A.2.(b) of the BCZR to allow a minimum two ft. wide landscape transition area for a fuel service station along the public right of way, in lieu of the permitted 10 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 419.4.B.3.(b) of the BCZR to allow as close as a 0 ft. wide landscape transition area for a car wash in lieu of the 6 ft. permitted, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 419.3.A(1) to allow seven stacking spaces for the rollover car wash, in lieu of the permitted nine stacking spaces, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 409.8.A(4) of the BCZR to allow 7 ft. between parking and a public street right of way in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the

ORDER RECEIVED FOR FILING

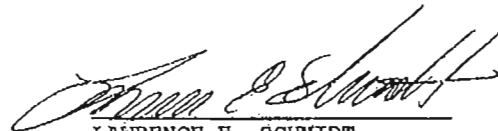
Date

By

following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the site shall be in accordance with the revised site plan marked as Petitioner's Exhibit No. 2.
3. The Petitioner shall relocate the car vacuum units previously shown in the car wash stacking lane as shown on the revised site plan.
4. Landscaping shall as shown on the revised site plan.
5. There shall be no use of temporary signs on said property.

LES:mmm



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

ORDER RECEIVED FOR FILING

Date

By

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DR 9.5

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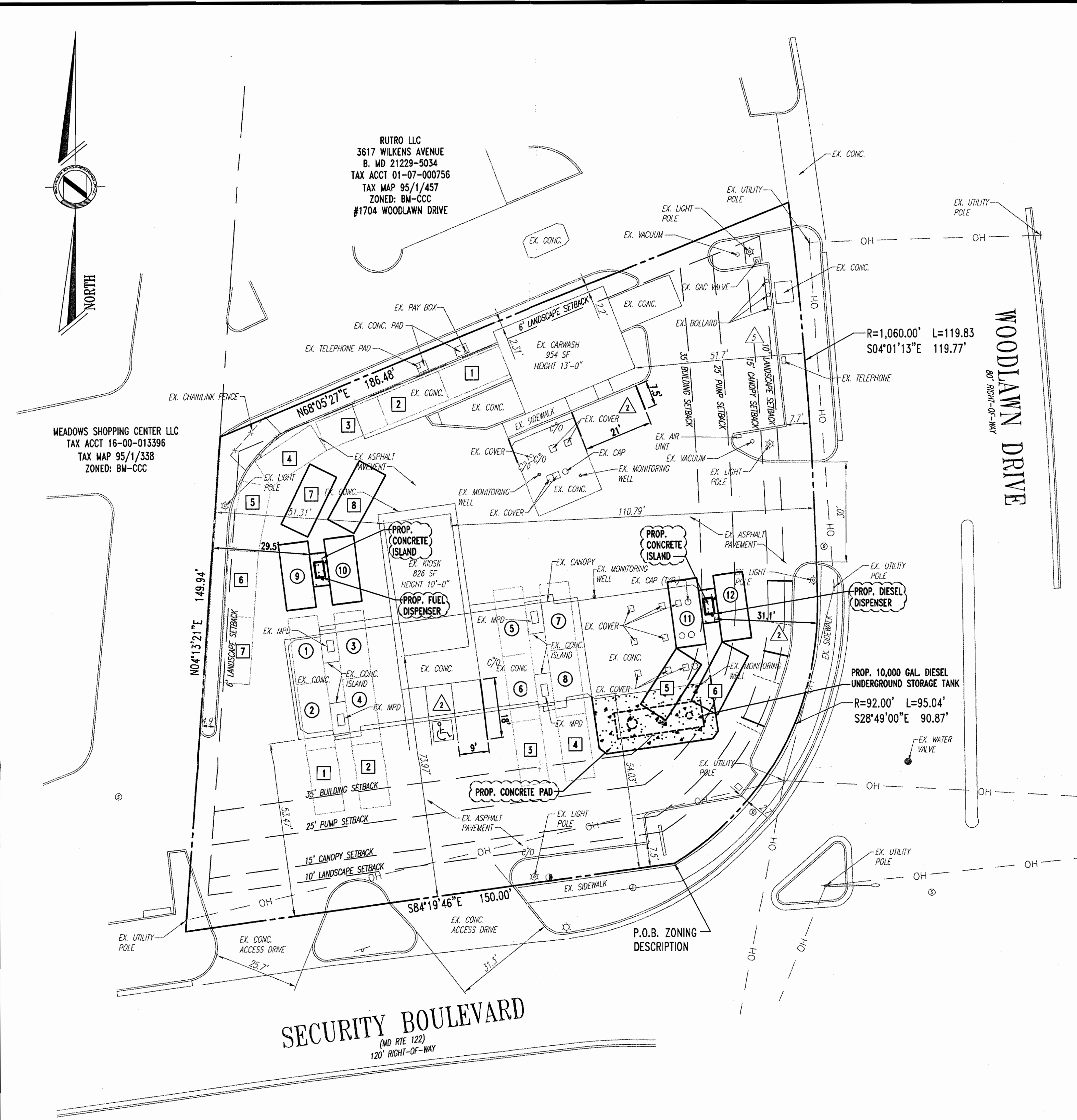
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WHITEHEAD

BR

08-0483-SPH

MAP 095 A1



LEGEND

- 1 PROPOSED STACKING SPACES = 15 SPACES
- 2 PROPOSED FUELING SPACES = 12 SPACES
- 3 EXISTING PARKING SPACES = 11 SPACES

SITE INFORMATION

1. ZONE: BM-CCC (MAP NO. 095 A 1)
2. GASOLINE SERVICE STATION AREA: 30,819 S.F. OR 0.71 AC.
3. EXISTING USE: FUEL SERVICE STATION WITH A CONVENIENCE STORE AND ACCESSORY USE CARWASH AND ATM MACHINE.
4. PROPOSED USE: FUEL SERVICE STATION WITH A CONVENIENCE STORE AND ACCESSORY USE CARWASH AND ATM MACHINE.
5. EXISTING FLOOR AREA:
KIOSK - 826 SF
CARWASH - 954 SF
TOTAL - 1,780 SF
6. PROPOSED FLOOR AREA:
KIOSK - 826 SF
CARWASH - 954 SF
TOTAL - 1,780 SF
7. PERMITTED FLOOR AREA RATIO: 4.0
8. EXISTING FLOOR AREA RATIO: 0.05
9. PROPOSED FLOOR AREA RATIO: 0.05
10. DEED REFERENCE: LIBER 26211, FOLIO 214

11. OWNER: SMO REALTY LLC
P.O. BOX 2810
LAPLATA, MD 20646

12. TAX ACCT. NO. - 01-2100000290

13. ELECTION DISTRICT: 1

14. COUNCILMANIC DISTRICT: 4

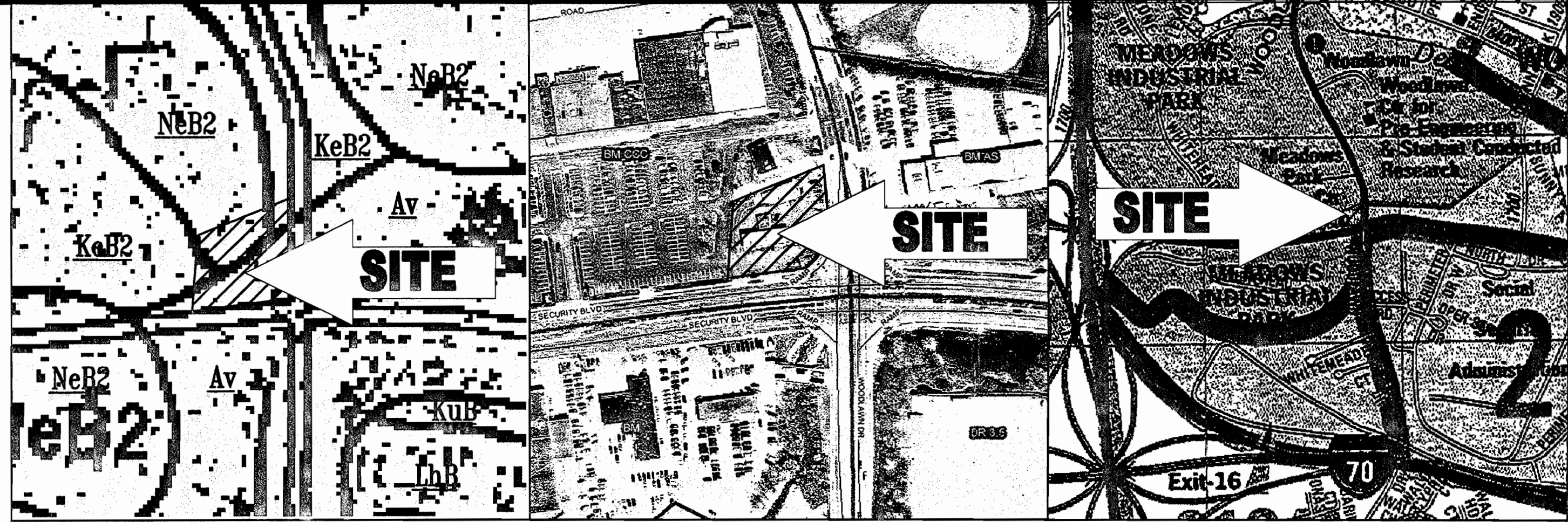
15. WATERSHED: GWYNNS FALLS

16. SUBWERSHED: 68

17. CENSUS TRACT: 401102

18. THERE ARE NO WETLANDS WITHIN THIS SITE BOUNDARY.

19. THE SITE IS SERVED BY PUBLIC WATER AND SEWER.



SOILS MAP
SCALE: 1"=200'

SOILS TYPES
KsB2 - KELLY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED
NsB2 - NESHAMINY SILT LOAM, 3 TO 8 PERCENT SLOPES, MODERATELY ERODED
Av - ALLUVIAL LAND

ZONING MAP
SCALE: 1"=200'
MAP NO. 095 A 1

LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

- ZONING NOTES**
- 1.) SITE AREA
A. EXISTING: FOUR (4) MULTIPRODUCT DISPENSERS SERVING A TOTAL OF EIGHT (8) CARS AT ONE TIME
SERVICING SPACES REQUIRED = 8
SITE AREA REQUIRED = 8 x 1,500 SF = 12,000 SF
PROPOSED: TWO (2) ADDITIONAL MULTIPRODUCT DISPENSERS SERVING A TOTAL OF FOUR (4) CARS AT ONE TIME
SERVICING SPACES REQUIRED = 4
SITE AREA REQUIRED = 4 x 1,500 SF = 6,000 SF
B.) ANCILLARY USE: ATM MACHINE = 1,000 SF
C.) CONVENIENCE STORE 826 S.F. X 4 = 3,304 S.F.
D.) TOTAL SITE AREA:
REQUIRED - 12,000 + 6,000 + 1,000 + 3,304 = 22,304 SF
PROVIDED - 30,819 SF
 - 2.) ACCESS POINTS:
A. EXISTING: ONE (1) RIGHT-IN/RIGHT-OUT ENTRANCE OFF SECURITY BOULEVARD
ONE (1) 30' ENTRANCE OFF WOODLAWN DRIVE
TWO (2) INTERNAL CONNECTIONS TO ADJOINING SHOPPING CENTER
B. PROPOSED: EXISTING ENTRANCES TO REMAIN
 - 3.) PARKING: (SERVICE STATION ONLY)
REQUIRED:
ONE (1) SPACE PER EMPLOYEE ON LARGEST SHIFT = 1 SPACE
ONE (1) SPACE PER AIR/VACUUM/WATER UNIT = 2 SPACES
THREE (3) SPACES PER 1,000 SF OF CONVENIENCE STORE GROSS FLOOR AREA
= (826 SF)(3 SPACE/1,000 SF) = 3 SPACES
ONE (1) SPACE PER ATM MACHINE = 1 SPACE
TWO (2) SPACES PER ROLLOVER CARWASH = 2 SPACES
TWO (2) DRYING SPACES PER ROLLOVER CARWASH = 2 SPACES
TOTAL SPACES REQUIRED = 11 SPACES
PROVIDED: ELEVEN (11) TOTAL SPACES (INCLUDING ONE (1) HANDICAP SPACE)
 - 4.) RESTROOM FACILITIES ARE PROVIDED.
 - 5.) REQUIRED SETBACKS:
A. BUILDING:
1. TO RIGHT OF WAY: 35' REQUIRED 51.70'±
B. CANOPY:
1. TO RIGHT OF WAY: 15' REQUIRED 53.47'±
C. PUMP:
1. TO RIGHT OF WAY: 25' REQUIRED 31.10'±
D. LANDSCAPE TRANSITION AREA:
1. TO RIGHT OF WAY: 10' REQUIRED 2.7' (EXISTING TO REMAIN)
TO OTHER BOUNDARIES: 6' REQUIRED 2.2' (EXISTING TO REMAIN)
 - 6.) ZONING HISTORY:
CASE NO. 94-503-SPHXA (ORDER DATED 7/27/94)
ZONING COMMISSIONER GRANTED:
SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE NO. 85-56-X;
SPECIAL EXCEPTION TO ALLOW A CAR WASH USE IN COMBINATION WITH AN EXISTING SERVICE STATION;
VARIANCE TO ALLOW:
1.) SECTION 419.4 TO PERMIT A 9' CARWASH TUNNEL EXIT IN LIEU OF THE REQUIRED 50' TO THE NEAREST DRIVE.
2.) SECTION 405.4.A.2.(b) TO PERMIT A MINIMUM 2' LANDSCAPE TRANSITION AREA ALONG THE PUBLIC RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10' LANDSCAPE TRANSITION AREA.
3.) SECTION 419.4.B.3.(b) TO PERMIT A 0' WIDE LANDSCAPE TRANSITION AREA FOR THE CARWASH IN LIEU OF THE REQUIRED 6' LANDSCAPE TRANSITION AREA.
4.) SECTION 419.3.A(1) TO PERMIT SEVEN STACKING SPACES FOR THE ROLLOVER CARWASH IN LIEU OF THE REQUIRED 9 STACKING SPACES.
5.) SECTION 409.8.A(4) TO PERMIT 7' BETWEEN PARKING AND PUBLIC STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10'
SUBJECT TO THE FOLLOWING CONDITIONS:
1. THE PETITIONER MAY APPLY FOR HIS BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELLATE PROCESS FROM THIS ORDER HAS EXPIRED. IF FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. DEVELOPMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH THE REVISED SITE PLAN MARKED PETITIONER'S EXHIBIT NO. 2.
3. THE PETITIONER SHALL RELOCATE THE CAR VACUUM UNITS PREVIOUSLY SHOWN IN THE CAR WASH STACKING LANE AS SHOWN ON THE REVISED SITE PLAN.
4. LANDSCAPING SHALL BE AS SHOWN ON THE REVISED SITE PLAN.
5. THERE SHALL BE NO USE OF TEMPORARY SIGNS ON SAID PROPERTY.
CASE NO. 85-56-X (ORDER DATED 8/30/84)
ZONING COMMISSIONER GRANTED:
SPECIAL EXCEPTION FOR USE OF A FOOD STORE WITH LESS THAN 5000 SQUARE FEET IN COMBINATION WITH AN EXISTING SERVICE STATION UNDER SECTION 405.4(D.8)
CASE NO. 77-48-A (ORDER DATED 9/2/76)
DEPUTY ZONING COMMISSIONER GRANTED:
VARIANCE TO PERMIT A FREE STANDING SIGN OF 112 SQUARE FEET IN LIEU OF THE PERMITTED 100 SQUARE FEET.
CASE NO. 5816-X (ORDER DATED 4/9/83)
ZONING COMMISSIONER GRANTED:
SPECIAL EXCEPTION FOR AN AUTOMOTIVE STATION
7.) ZONING REQUEST
APPROVAL FROM PERMITS AND DEVELOPMENT MANAGEMENT, ACCORDING TO SECTION 405.6 FOR AN EXPANSION OF AN EXISTING USE.
SPECIAL HEARING TO MODIFY PREVIOUS APPROVALS GRANTED IN CASE NO. 94-503-SPHXA FOR THE ADDITION OF TWO FUEL PUMPS; AND APPROVAL OF A MODIFIED PARKING PLAN AS PER SECTION 409.12.

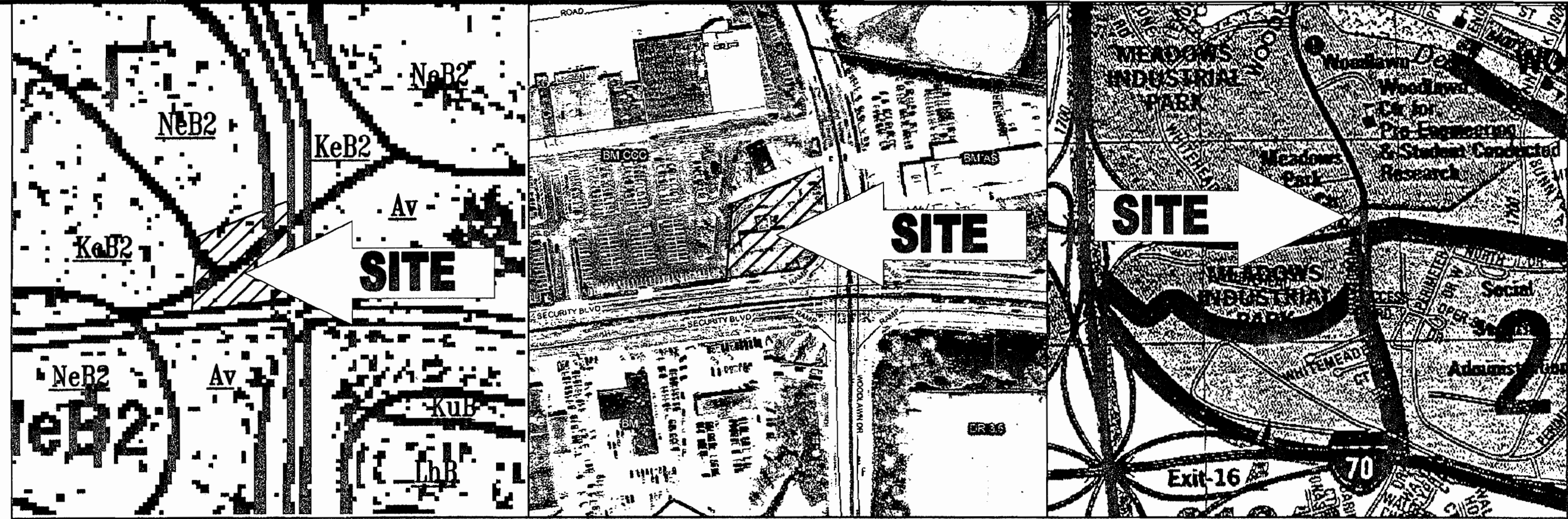
PETITIONER'S
EXHIBIT NO. 1

PROFESSIONAL CERTIFICATION
I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28567, EXPIRATION DATE: 4/16/09

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL ENGINEERS
LANDSCAPE ARCHITECTS

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• TOWSON, MD
• PINEVILLE, VA
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PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

ZONING NOTES CONTINUED

- 6.) ZONING HISTORY:
CASE NO. 94-503-SPHXA (ORDER DATED 7/27/94)
ZONING COMMISSIONER GRANTED:
SPECIAL HEARING TO AMEND THE PREVIOUSLY APPROVED PLAN IN CASE NO. 85-56-X;
SPECIAL EXCEPTION TO ALLOW A CAR WASH USE IN COMBINATION WITH AN EXISTING
SERVICE STATION;
VARIANCE TO ALLOW:

1.) SECTION 419.4 TO PERMIT A 9' CARWASH TUNNEL EXIT IN LIEU OF THE REQUIRED 50' TO THE NEAREST DRIVE.
2.) SECTION 405.4.A.2.(b) TO PERMIT A MINIMUM 2' LANDSCAPE TRANSITION AREA ALONG THE PUBLIC RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10' LANDSCAPE TRANSITION AREA.
3.) SECTION 419.4.B.3.(b) TO PERMIT A 0' WIDE LANDSCAPE TRANSITION AREA FOR THE CARWASH IN LIEU OF THE REQUIRED 6' LANDSCAPE TRANSITION AREA.
4.) SECTION 419.3.A.(1) TO PERMIT SEVEN STACKING SPACES FOR THE ROLLOVER CARWASH IN LIEU OF THE REQUIRED 9 STACKING SPACES.
5.) SECTION 409.8.A.(4) TO PERMIT 7' BETWEEN PARKING AND PUBLIC STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 10'
SUBJECT TO THE FOLLOWING CONDITIONS:
1. THE PETITIONER MAY APPLY FOR HIS BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, PETITIONER IS HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS ITS OWN RISK UNTIL SUCH TIME AS THE 30 DAY APPELATE PROCESS FOR THIS ORDER HAS EXPIRED; IF FOR WHATEVER REASON, THIS ORDER IS REVERSED, THE PETITIONER WOULD BE REQUIRED TO RETURN, AND BE RESPONSIBLE FOR RETURNING, SAID PROPERTY TO ITS ORIGINAL CONDITION.
2. DEVELOPMENT OF THIS SITE SHALL BE IN ACCORDANCE WITH THE REVISED SITE PLAN MARKED PETITIONER'S EXHIBIT NO. 2.
3. THE PETITIONER SHALL RELOCATE THE CAR VACUUM UNITS PREVIOUSLY SHOWN IN THE CAR WASH STACKING LANE AS SHOWN ON THE REVISED SITE PLAN.
4. LANDSCAPING SHALL BE AS SHOWN ON THE REVISED SITE PLAN.
5. THERE SHALL BE NO USE OF TEMPORARY SIGNS ON SAID PROPERTY.

CASE NO. 85-56-X (ORDER DATED 8/30/84)
ZONING COMMISSIONER GRANTED:
SPECIAL EXCEPTION FOR USE OF A FOOD STORE WITH LESS THAN 5000 SQUARE FEET IN COMBINATION WITH AN EXISTING SERVICE STATION UNDER SECTION 405.4.(D.B)

CASE NO. 77-48-A (ORDER DATED 9/2/76)
DEPUTY ZONING COMMISSIONER GRANTED:
VARIANCE TO PERMIT A FREE STANDING SIGN OF 112 SQUARE FEET IN LIEU OF THE PERMITTED 100 SQUARE FEET.

CASE NO. 5816-X (ORDER DATED 4/9/63)
ZONING COMMISSIONER GRANTED:
SPECIAL EXCEPTION FOR AN AUTOMOTIVE STATION

7.) ZONING REQUEST
APPROVAL FROM PERMITS AND DEVELOPMENT MANAGEMENT, ACCORDING TO SECTION 405.6 FOR AN EXPANSION OF AN EXISTING USE.

SPECIAL HEARING TO MODIFY PREVIOUS APPROVALS GRANTED IN CASE NO. 94-503-SPHXA FOR THE ADDITION OF TWO FUEL PUMPS; AND APPROVAL OF A MODIFIED PARKING PLAN AS PER SECTION 409.12.

[illegible]

PROJECT No.:	MD082012
DRAWN BY:	PAB
CHECKED BY:	MBR
DATE:	04/03/08
SCALE:	1"=20'
CAD I.D.:	SS1

EXISTING SMO
FUEL SERVICE
STATION


BOHLER
 ENGINEERING

STATE OF MARYLAND

PROFESSIONAL ENGINEER

MARYLAND LICENSE NO. 00067

PENNSYLVANIA LICENSE NO. 061707

DISTRICT OF COLUMBIA LICENSE NO. 900965

VIRGINIA LICENSE NO. 0402 039979

DELAWARE LICENSE NO. 13499

WORKING DAYS NOTICE
THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.

THE CONTRACTOR TO CALL MISS UTILITY TO HAVE ALL EXISTING UTILITIES MARKED 48 HOURS PRIOR TO ANY CONSTRUCTION.

I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28567, EXPIRATION DATE: 4/16/09

SHEET TITLE:

SHEET NUMBER:

1
OF 1

08-0483-SPH

- 1.) ZONE: BM-CCC (MAP NO. 095 A 1)
- 2.) GASOLINE SERVICE STATION AREA: 30,819
- 3.) EXISTING USE: FUEL SERVICE STATION WITH
AND ACCESSORY USE CARW.
- 4.) PROPOSED USE: FUEL SERVICE STATION WITH
AND ACCESSORY USE CARW.
- 5.) EXISTING FLOOR AREA:
KIOSK - 826 SF
CARWASH - 954 SF
TOTAL - 1,780 SF
- 6.) PROPOSED FLOOR AREA:
KIOSK - 826 SF
CARWASH - 954 SF
TOTAL - 1,780 SF
- 7.) PERMITTED FLOOR AREA RATIO: 4.0
- 8.) EXISTING FLOOR AREA RATIO: 0.05
- 9.) PROPOSED FLOOR AREA RATIO: 0.05
- 10.) DEED REFERENCE: LIBER 26211, FOLIO 214

- 11.) OWNER: SMO REALTY LLC
P.O. BOX 2810
LAPLATA, MD 20646
- 12.) TAX ACCT. NO. - 01-2100000290
- 13.) ELECTION DISTRICT: 1
- 14.) COUNCILMANIC DISTRICT: 4
- 15.) WATERSHED: GWYNNNS FALLS
- 16.) SUBSEWERSHED: 68
- 17.) CENSUS TRACT: 401102
- 18.) THERE ARE NO WETLANDS WITHIN THIS SITE BOUNDARY.
- 19.) THE SITE IS SERVED BY PUBLIC WATER AND SEWER.

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.