

IN RE: **PETITION FOR VARIANCE**
S/E Corner of Reisterstown and
Featherbed Lane
(1120 Reisterstown Rd)
4th Election District
2nd Council District
Target Corporation
Petitioner

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2008-0533-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Target Corporation (Target), by and through its attorney Jeffery H. Scherr, Esquire. As filed, the Petitioner requested relief from Sections 235.4 and 409.6.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 451 off-street parking spaces (however, amended to 442) in lieu of the required 572 spaces to serve the property. The subject property and requested relief are more particularly described on the original and redlined site plans which were accepted into evidence and marked as Petitioner's Exhibits 1 and 2, respectively.

Appearing at the requisite public hearing in support of the request were John Haller, Real Estate Manager of Target, David Kim, Executive Asset Team Leader for this property, Theresa Lower, P.E. and Kyle Burchard, P.E. of Vanasse Hangen Brustlin, Inc., the engineering consultants who prepared the site plans for this site. Jeffery H. Scherr, Esquire appeared as attorney for Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence revealed the subject property is irregularly shaped and located at the corner of Reisterstown Road and Dolfield Lane in northwest Baltimore County. The entire site is zoned B.M. (Business, Major) and consists of approximately 11.38 acres improved with an existing Target Store consisting of 100,486 gross floor area square footage. The store has been

By 1002
Date 6-18-08
RECEIVED FOR FILING

at this location since 1996 and is well-known. As illustrated on Petitioner's Exhibits 1 and 2, in addition to the store, the site is improved with an existing off-street parking field.

In its petition for variance filed in the instant case, the Petitioner had requested a parking variance for the property to accommodate certain structural improvements to the Target Store. As indicated above, the initial petition sought relief to provide 451 parking spaces in lieu of the required 572 spaces. The amended redlined site plan (Petitioner's Exhibit 2) and the orally amended petition requested a further reduction of 9 spaces to accommodate truck turning radius at the northeastern corner of the store. As shown on the site plans, the existing store will be expanded by 13,878 gross square feet. The evidence presented showed that the expansion is necessary to meet customer demand for additional products, additional aisle space to make the store less crowded and cramped, to expand the store entry, to relocate restrooms, guest services and food service allowing it to compete with the larger "big box" stores in the area. Indeed the other Target Store in Reisterstown is approximately 126,000 gross square feet; 26,000 square feet larger than this store. In connection with these improvements, the proposed parking variance is requested.

There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any of the County reviewing agencies. Moreover, Petitioner presented evidence demonstrating that, unlike other properties in the immediate vicinity, this property sits on a hill, has significant retaining walls around two-thirds of the site as well as existing forest conservation and buffer areas at the front and rear of the site.

The question to be considered is whether sufficient parking will exist when the Petitioner completes the proposed improvements. In this regard, Petitioner offered the testimony of Messers. Haller, Kim and Ms. Lower as well as introducing Petitioner's Exhibit 3. Petitioner's exhibits and the testimony of these witnesses indicate that the present store parking is now underutilized on a consistent basis. There is also the presence of existing public transportation

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Date 6-18-08
By [signature]

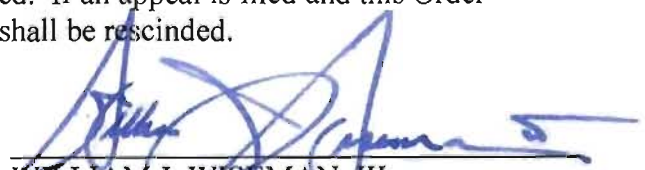
that serves the store with a stop directly in front of the store on Reisterstown Road which contributes to this significant underutilization. Petitioner's Exhibit 3 documents that on "Black Friday" November 23, 2007 at 11:00 A.M. the store parking lot spaces were 53.1% vacant and at 3:00 P.M. that day the store parking lot spaces were 54.8% vacant. Furthermore, the testimony of Mr. Haller was that, with the proposed improvements, the parking provided on Petitioner's Exhibit 1 would be more than adequate to serve the Target store and its customers.

Based upon the testimony and evidence offered, I am easily persuaded to grant the requested variance relief. I find that the Petitioner meets the requirements of Section 307 of the zoning regulations in regard to its variance request. The nature and operation of this commercial use, size and configuration of the property, and constraints associated with the site are all persuasive factors that a grant of the petition for variance is appropriate. I find that the property is unique and practical difficulty would result, if the relief is denied.

Pursuant to the advertisement, posting of the property, and public hearing held on this petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, on this 18th day of June 2008, that the Petition for Variance pursuant to Section 409.6A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 442 off-street parking spaces in lieu of the required 572 spaces, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; subject to the following condition:

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


WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

RECEIVED FOR FILING
Date 6-18-08
By [signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 18, 2008

Jeffrey H. Scherr, Esquire
Kramon and Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202

RE: PETITION FOR VARIANCE

S/E Corner of Reisterstown and Featherbed Lane
(1120 Reisterstown Rd)
4th Election District - 2nd Council District
Target Corporation – Petitioner
Case No. 2008-0533-A

Dear Mr. Scherr:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted with a condition, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: John Haller, Real Estate Manager, Target Corporation, 1000 Nicollet Mall,
TPN-12F, Minneapolis, MN 55403
David Kim, Executive Asset Team Leader, Target Corporation,
11120 Reisterstown Road, Owings Mills, MD 21117
Theresa Lower, P.E. & Kyle Burchard, P.E., Vanasse Hangen Brustlin, Inc.,
8300 Boone Blvd., Suite 700, Vienna, VA 22182-2624
People's Counsel; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11200 Reisterstown Road
which is presently zoned BM

Deed Reference: Multiple Deeds Tax Account # 2200025983

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.)

Reasons to be presented at the 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:

Jeffrey H. Scherr, Esquire
Name - Type or Print _____
Signature _____
Kramon & Graham, P.A.
Company _____
One South Street, Suite 2800 410-752-6030
Address _____ Telephone No. _____
Baltimore MD 21202
City _____ State _____ Zip Code _____

Legal Owner(s):

TARGET CORPORATION
Name - Type or Print _____
Signature _____ JOHN HALLER, REAL ESTATE MANAGER
Name - Type or Print _____

Signature _____
1000 Nicollet Mall, TPN-12F (612) 761-2058
Address _____ Telephone No. _____
Minneapolis MN 55403
City _____ State _____ Zip Code _____

Representative to be Contacted:

Kyle Burchard, P.E. (Vanasse Hanger Brustlin, Inc.)
Name _____
8300 Boone Blvd, Suite 700 703-847-3071
Address _____ Telephone No. _____
Vienna VA 22182
City _____ State _____ Zip Code _____

Case No. 2008-0533-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by BH Date 5/13/08

REV 3/20/07

ORDER RECEIVED FOR FILING

Date 6-18-08

By [Signature]

Attachment for the Petition for Variance for 11200 Reisterstown Road

⁴⁴²
To permit 451 parking spaces in lieu of the required 592 parking spaces, as per Sections 235.4 and 409 of the BCZR.



Johnson ♦ Bernat ♦ Associates, Inc.

**DESCRIPTION OF THE LAND OF
DAYTON HUDSON CORPORATION'S
OWINGS MILLS TARGET STORE SITE
FOURTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND**

BEING the same land as shown on "Final Plat, Target Store-Owings Mills", as recorded among the Land Records of Baltimore County, Maryland, in Plat Book SM 68 at Folio 64 and more particularly described as follows:

Beginning at a point in the westerly line of the land of now or formerly Louis and Mary Jane Fritz at an angle point in the southerly right-of-way line of Reisterstown Road, MD Route 140, as widen with plat recorded in Plat Book SM 68 at Folio 64; thence departing the line of Reisterstown Road and binding with the westerly and southerly lines of the land of now or formerly Louis and Mary Jane Fritz

1. South $46^{\circ} 08' 07''$ West, 374.15 feet to a corner and
2. South $43^{\circ} 35' 56''$ East, 159.60 feet to a corner in the westerly line of the land of now or formerly Anna M. Yeager; thence departing the line of now or formerly Fritz and binding with the westerly line of the land of now or formerly Anna M. Yeager
3. South $46^{\circ} 08' 07''$ West, 379.54 feet to a corner of now or formerly Yeager in the northerly line of the land of the Pleasant Hills HOA open space; thence departing the line of now or formerly Yeager and binding with the northerly lines of the land of the HOA the following courses and distances
4. North $44^{\circ} 16' 37''$ West, 208.93 feet to a corner
5. South $45^{\circ} 40' 25''$ West, 82.50 feet to a corner and
6. North $44^{\circ} 19' 45''$ West, 436.81 feet to a point in the easterly line of Dolfield Boulevard as previously widen in Liber 9522 at Folio 700 and Liber 9603 at Folio 40; then departing the line of the land of the Pleasant Hills HOA and binding with the easterly lines of Dolfield Boulevard the following courses and distances
7. North $45^{\circ} 54' 41''$ East, 88.00 feet to point of curvature; thence
8. Along the arc of a curve to the left with a radius of 1042.00 feet, a delta of $9^{\circ} 47' 45''$, a tangent length of 89.29 feet, a chord direction of North $41^{\circ} 00' 48''$ East and chord length of 177.94 feet a distance of 178.15 feet to a point of tangency; thence
9. North $36^{\circ} 06' 56''$ East, 291.27 feet and

Engineering ♦ Surveying ♦ Planning

1395 Piccard Drive, Suite 350 ♦ Rockville, MD 20850 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax
www.jba-inc.net

10. North $46^{\circ} 08' 07''$ East, 145.42 feet to a point of curvature and widening as recorded in Plat Book SM 68 at Folio 64; thence continuing with the westerly line of Reisterstown Road
11. Along the arc of a curve to the right with a radius of 642.00 feet, a delta of $04^{\circ} 06' 51''$, a tangent length of 23.06 feet, a chord direction of North $54^{\circ} 18' 43''$ East and chord length of 46.09 feet a distance of 46.10 feet to a point of tangency; thence
12. North $56^{\circ} 22' 08''$ East, 82.35 feet and
13. South $83^{\circ} 37' 52''$ East, 31.11 feet to a point in the southerly right-of-way line of the aforementioned Reisterstown Road; thence
14. South $43^{\circ} 37' 52''$ East, 507.27 feet the **POINT OF BEGINNING**, containing 11.375 acres of land.


Johnson ♦ Bernat ♦ Associates, Inc.
Adam S. Bernat, L.S.

4/1/2008
Date:



S:\Proj\06-092 - Target Owings Mill\LEGAL DESCRIPTION\TARGER STORE.doc

Engineering ♦ Surveying ♦ Planning

1395 Piccard Drive, Suite 350 ♦ Rockville, MD 20850 ♦ (301) 963-1133 ♦ (301) 963-6306 Fax
www.jba-inc.net

**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: #2008-0533-A

11200 Reisterstown Road
S/east corner of Reisterstown
Road and Featherbed Lane
4th Election District
2nd Councilmanic District
Legal Owner(s): Target
Corporation

Variance: to permit 451
parking spaces in lieu of
the required 592 parking
spaces, as per sections
235.4 and 409 of the BCZR.

Hearing: Tuesday, June
3, 2008 at 2:00 p.m. in
Room 108, County Office
Building, 111 West Ches-
apeake Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

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

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

JT 5/724 May 20 173837

CERTIFICATE OF PUBLICATION

5/22/, 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 5/20/, 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. **3963**

Date: 5/12/08

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

5/12/2008 5/12/2008 15:46:43 1

REC-001 WALKIN JRIC JNR

>>RECEIPT # 374125 5/12/2008 OFLA

Dept 5 528 ZONING VERIFICATION

013963

Recpt Tot \$325.00

\$325.00 CK \$1.00 CA

Baltimore County, Maryland

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				\$ 225.00

Total: \$ 225.00

Rec

From: K. Varma & Graham PA

For:

Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

Item # 0533

KRAMON & GRAHAM, P.A.

VENDOR NO: BAL001

NAME: Baltimore County, Maryland

CHECK DATE: 5/9/2008

11033

REFERENCE	INV DATE	INV DESCRIPTION	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
07630; 5/9/08	5/9/2008	File Zoning Petition	325.00	0.00	325.00
TOTAL >			325.00	0.00	325.00

KRAMON & GRAHAM, P.A.
ONE SOUTH STREET, SUITE 2600
BALTIMORE, MD 21202-3201

PNC Bank, N.A.
Baltimore, Maryland
7-61-52

11033

DATE	5/9/2008
AMOUNT	***325.00

PAY Three Hundred Twenty-Five and 00/100*****

TO THE ORDER OF Baltimore County, Maryland

*** COPY ***

KRAMON & GRAHAM, P.A.

VENDOR NO: BAL001

NAME: Baltimore County, Maryland

CHECK DATE: 5/9/2008

11033

REFERENCE	INV DATE	INV DESCRIPTION	GROSS AMOUNT	DISCOUNT TAKEN	NET AMOUNT PAID
07630; 5/9/08	5/9/2008	File Zoning Petition	325.00	0.00	325.00
TOTAL >			325.00	0.00	325.00

CERTIFICATE OF POSTING

RE: Case No.: 2008-0533-A

Petitioner/Developer: TARGET

COOP

Date of Hearing/Closing: June 3, 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:

11200 REISTERSTOWN RD

The sign(s) were posted on 5-19-08
(Month, Day, Year)

Sincerely,

Robert Black 5-20-08
(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/neighbor 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: 2008-0533-A

Petitioner: Target Corp. - John Haller

Address or Location: 11200 Reisterstown Rd.

PLEASE FORWARD ADVERTISING BILL TO:

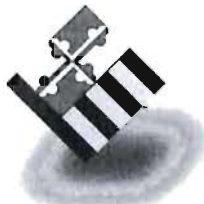
Name: Brian Southard

Address: 1 South Street, Suite 2600

Baltimore, MD 21202

Telephone Number: 410-752-6030

Revised 2/20/98 - SCJ



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 14, 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: 2008-0533-A

11200 Reisterstown Road

S/east corner of Reisterstown Road and Featherbed Lane

4th Election District – 2nd Councilmanic District

Legal Owners: Target Corporation

Variance to permit 451 parking spaces in lieu of the required 592 parking spaces, as per sections 235.4 and 409 of the BCZR.

Hearing: Tuesday, June 3, 2008 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jeffrey Scherr, Kramon & Graham, One South Street, Ste. 2600, Baltimore 21202

John Haller, 1000 Nicollet Mall, TPN-12F, Minneapolis MN 55403

Kyle Burchard, 8300 Boone Blvd., Ste. 700, Vienna VA 22182

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MAY 19, 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 20, 2008 Issue - Jeffersonian

Please forward billing to:
Brian Southard
Kramon & Graham
One South Street, Ste. 2600
Baltimore, MD 21202

410-752-6030

NOTICE OF ZONING HEARING

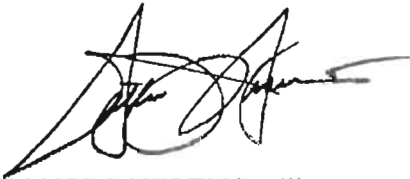
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S/east corner of Reisterstown Road and Featherbed Lane
4th Election District – 2nd Councilmanic District
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Hearing: Tuesday, June 3, 2008 at 2:00 p.m. in Room 106, County Office Building,
111 West 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

Jeffery H. Schern, Esquire
Kramon & Graham, P.A.
One South Street, Suite 2600
Baltimore, MD 21202

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 28, 2008

Dear: Jeffery H. Schern, Esquire

RE: Case Number 2008-0533-A, Address: 11200 Reisterstown Rd

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 13, 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
Target Corporation, 1000 Nicollet Mall, TPN-12F, Minneapolis, MN 55403
Kyle Burchard P.E., Vanasse Hanger Brustlin, INC., 8300 Boone Blvd. Suite 700,
Vienna, VA 22182

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2008

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

SUBJECT: 11200 Reisterstown Road
INFORMATION:

Item Number: 8-533

Petitioner: Target Corporation

Zoning: BM

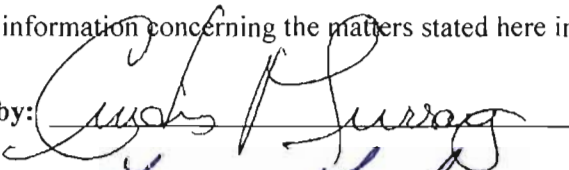
Requested Action: Variance

The proposal is to add front and side additions totaling 13,878 square feet to the existing Target retail building. This is a minor 13.8% expansion.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the requested parking variance for a total of 451 parking spaces in lieu of the required 592 parking spaces.

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

Reviewed by: 

Division Chief: 
AFK/LL: CM





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

May 20, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: May 19, 2008

Item No.: 518, 520-528, 530, and 532-534.

533

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



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

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

Maryland Department of Transportation

Date: May 20, 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. B-533-A
11200 REGISTERSTOWN RD
MD 140
TARGET CORP. PROPERTY
VARIANCE

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 5/19/08. A field inspection and internal review reveals that the existing entrance onto MD140 is consistent with current State Highway Administration requirements. Therefore, this office has no objection to 11200 REGISTERSTOWN RD, Case Number B-533-A approval.

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

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

My telephone number/toll-free number is _____

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

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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 26, 2008
Item Nos. 08-520, 521, 522, 523, 524,
525, 526, 527, 528, 532, 533, and 534

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

ZAC-05212008-NO COMMENTS
DAK:CEN:lrk
cc: File

RE: PETITION FOR VARIANCE
11200 Reisterstown Road; SE corner of
Reisterstown Road & Featherbed Lane
4th Election & 2nd Councilmanic Districts
Legal Owner(s): Target Corporation
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-533-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JUN 02 2008

Per.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of June, 2008, a copy of the foregoing Entry of Appearance was mailed to Kyle Buchard, P.E., 8300 Boone Blvd, Suite 700, Vienna, VA 22182 & Jeffrey Scherr, Esquire, Kramon & Graham, P.A. One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Case No.: 2008-0533-A 11200 Reisterstown Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Variance Plat	
No. 2	RED LINED SITE PLAN	
No. 3	Parking Analysis 11-23-07	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

5/30

IN RE: DEVELOPMENT PLAN HEARING	* BEFORE THE HEARING OFFICER/
SW/S Reisterstown Rd.E of Dolfield	
Blvd (11200 Reisterstown Rd.)	* ZONING COMMISSIONER
4th Election District	
3rd Councilmanic District	* OF BALTIMORE COUNTY
Target Store (Owings Mills)	
Applicant	* Case No. IV-454

* * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Hearing Officer for consideration of the Development Plan submitted by Morris and Ritchie Associates, Inc., for the proposed development of the subject property by Dayton/Hudson Corporation with a 100,000 sq. ft. department store, in accordance with the development plans submitted into evidence as Developer's Exhibit No. 3. The property is located in Owings Mills and bears the address, 11200 Reisterstown Road. The subject site is approximately 11.5 acres of land that is zoned B.M. (+/- 11.3 acres) and D.R. 10.5 (+/- 0.2 acres).

Appearing at the Hearing Officer's hearing required by Section 26-206 of the Baltimore County Code (hereinafter "Code") was Forrest Russell on behalf of Dayton Hudson Corporation, trading as Target Department Store. Also appearing was Timothy Madden, the engineer who prepared the development plan, from Morris and Ritchie Associates, Inc. The Developer was represented by G. Scott Barhight, Esquire. Also present were numerous representatives of the various Baltimore County and State agencies which evaluated the project. These included Joseph V. Maranto, the Project Manager, Francis Morsey from the Office of Planning and Zoning, Les Schreiber from the Department of Public Works, R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), and Steve Mandras and Bob Small from the State Highway Administration. Numerous citizens from the surrounding locale appeared and participated in

Park property immediately to the northwest. However, numerous residential communities lie immediately to the interior on both sides of Reisterstown Road.

The Developer proposes construction of a 100,000 sq. ft. department store. Target is a national company which is now establishing its retail presence in the Maryland area. The store will sell various retail goods and considers among its competitors K-Mart, Wal-Mart and the Ames chain retail stores. Two means of vehicular access will serve the store. The primary access will be to the north of the site from Dolfield Boulevard. Significant improvements are planned to the intersection of Dolfield Blvd. and Reisterstown Road in part to accommodate this access. A secondary access will be provided from Reisterstown Road. However, that access will be designed to allow only right in/right out traffic. Thus, customers wishing to enter the site from the northbound direction of Reisterstown Road must proceed to the Dolfield Boulevard entrance and customers exiting the site intending on traveling northbound on Reisterstown Road cannot use the Reisterstown Road access point.

A large parking area is shown on the site plan and will provide parking for 500 cars. Moreover, a significant amount of landscaping and buffering is proposed, particularly on the rear side of the site facing the Pleasant Hills townhouse community. Mr. Madden described four tiers of landscaping which will be employed in that portion of the site to buffer the use from this residential community to the rear.

The Protestants who oppose the project primarily cited four areas of concern as a basis for their opposition. These included issues relating to traffic, a feared detrimental effect on property values, a concern that the project was incompatible with the community and a belief that the project constitutes a threat to the general health, safety and welfare of the community. However, as an undercurrent to all of these concerns is

a statute denotes a mandatory direction. Bright v. Unsat. C. & J. Fund Board, 275 Md. 165 (1975) Thus, the Hearing Officer must approve a plan which complies with the regulations, policies and rules which the County has adopted. The Hearing Officer's discretion is, therefore, limited. In this case, the uncontradicted testimony of Mr. Madden was that there were no unresolved development plan issues and that the plan was indeed in compliance with all rules, policies and regulations of Baltimore County. Moreover, the County representatives who were present corroborated that all County standards were satisfied and that Developer's Exhibit No. 3 (development plan) was in compliance with each department's regulations and standards of review.

Armed with this uncontradicted testimony, the Developer argues that this Hearing Officer is required to approve the plan. That is, it is urged that the Hearing Officer's discretion is limited and that a plan which features no unresolved issues must be approved.

The Protestants, for their part, would give the Hearing Officer more discretion. The Protestants cite the general policies and purposes of the development regulations as set forth in Section 26-166 and 26-167. The Protestants note that those sections state the goals of the development regulations and that the Hearing Officer is required to abide by those goals.

This is a significant issue. Unfortunately for the Protestants, I believe that their assessment of the law is incorrect. As much as this Hearing Officer would prefer to expand his authority, to adopt the Protestants' theory of the law would, in my view, be contrary to the plain meaning of the statute.

It is a cardinal rule of statutory construction that the regularly and ordinarily accepted definitions of the words used be applied. State v. Fabritz, 276 Md. 416 (1975) Section 26-206 of the Code is clear. If

development review standards found in Section 26-206 of the Code. In addition to meeting all policies, rules and regulations, a developer must show that the proposed development is compatible with the surrounding locale. The required compatibility finding is limited, however, to only certain circumstances. For example, only development in R.C, R.O., O.R-1, O.R.-2, 0-3, S.E. or O-T zones is the subject of the compatibility standards. Moreover, cluster subdivisions, property within the C.R. district or PUD development must also meet the compatibility standards. The difference between Glyn Garth and Target is clear. In Glyn Garth, this Hearing Officer was required, per Section 26-282 of the Code, to apply the compatibility standards. In considering the Target store, application of such standards is not required. Thus, comparison of this Hearing Officer's standard of review between Target and Glyn Garth is misplaced.

However, the Protestants are not without a potential means of relief. Although Section 26-206 mandates approval of a plan which complies with development regulations, policies and rules; Section 26-206(0) allows the Hearing Officer to impose such conditions as may be deemed necessary to protect the surrounding or neighboring properties. It is of note that conditions can be imposed only if a plan is approved. Thus, this Hearing Officer can impose conditions or restrictions in approving the Target project if such issues are raised by an interested party and are factually determined to be necessary to protect the surrounding locale.

Two restrictions will be imposed here as agreed to during the hearing by the Developer. First, it is manifestly clear that the primary access to the site will be through the entrance/exit on Dolfield Boulevard. As clearly noted within the Developer's Memorandum of Law, construction need be undertaken to improve Dolfield Boulevard and the access. Clearly, the store should be "open for business" only when the necessary road improvements and access point have been sufficiently improved to permit safe

property was so designated. The zoning of this property is not residential and a residential use of the site would be contrary to the property's actual zoning classification. I am appreciative of the Protestants' concerns and agree many people would prefer not to live adjacent to a major retail center. However, the inference that the project should be denied on this basis, is improper. Again, it need be emphasized that the zoning classification of the property is what it is and that the site is located along a major arterial and commercial corridor in northwestern Baltimore County. The inherent effects on the utilization of the property for a permissible use are not sufficient to warrant a denial of the development plan. The Protestants must appreciate that, unlike a special exception case, the development regulations carry their own standard of review.

As to the Protestant's specific concerns, I do not find that they warrant denial of the plan. Traffic on Reisterstown Road is indeed busy and often congested. The development and construction of I-795 was, in part, response to that issue. During my site visit, traffic conditions were acceptable. There are no doubt certain times when traffic conditions are difficult.

However, on balance, the traffic issue is not a basis on which to deny the plan. The basic services legislation within the Baltimore County Zoning Regulations (BCZR-Section 4A02) establishes standards to prohibit development when transportation services and facilities are insufficient to support the development. The standards have not been met or exceeded here.

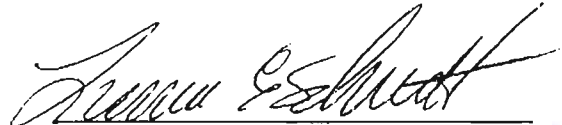
The testimony of West Guckert, the Developer's Traffic Engineer, was also persuasive. Although he acknowledged the traffic volumes, he opined that the additional traffic generated by the project would not overwhelm the traffic infrastructure. Lastly, I do not read the traffic reports and documents submitted by the Protestants as they do. Those reports, in my

have been improved, in a manner sufficient to permit safe access to the site.

2. The hours of operation of the loading dock shall be limited to 8:00 A.M. through 12:00 P.M. Monday through Saturday. No tractor trailers or trucks may park at the loading dock except during those hours. Moreover, such tractor trailers or trucks serving the Target store shall not park on any of the public streets in the general vicinity awaiting the unloading times.

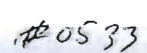
IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm



TARGET CORPORATION



Analysis of Parking Usage November 23, 2007

Target Store (T-1045)
11200 Reisterstown Rd
Owings Mills, MD 21117

PETITIONER' S

EXHIBIT NO. 3



Analysis of Parking Usage During Peak Demand

Target Store (T-1045)
11200 Reisterstown Rd
Owings Mills, MD 21117

Summary of Analysis and Findings

- Target employees photographed and counted the number of cars parked at the Owings Mills Target store on November 23, 2007, which was the day after Thanksgiving (“Black Friday”).
 - Photographs and counts were taken at both 11 a.m. and 3 p.m.
- Sales and transaction data confirm that “Black Friday” was one of the busiest days in 2007.
 - “Black Friday” had the highest sales of all of 2007. Sales were over 3 times the average daily sales for the year.
 - “Black Friday” had the second highest number of daily transactions. It was a very close second to December 22 (Saturday before Christmas).
- Target found an overabundance of unoccupied spaces at both times.
 - At 11 a.m., 281 parking spaces were unoccupied, meaning 53.1% of the parking lot stalls was vacant.
 - At 3 p.m., 290 parking spaces were unoccupied, meaning 54.8% of the parking lot stalls was vacant.



VHIB

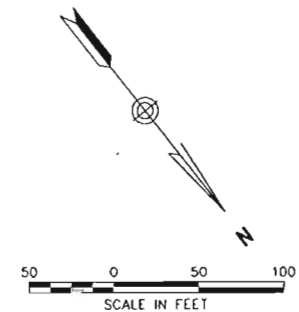
Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

8300 Bourne Blvd., Suite 700
Vienna, Virginia 22182-2624
703.847.3071 & FAX 703.847.0298
Contact: Kyle Burchard P.E.

TARGET.

1000 Nicollet Mall, TPN-12H
Minneapolis, Minnesota 55403
612.761.3184 & FAX 612.761.3727
Contact: Perri Hille



Designed by	KB	Drawn by	KB	Checked by	KB
CAD checked by	KB	Approved by	KB		
Scale	1"=10'	Date	May 15, 2008		
Project Title					

T1045 Target Expansion

11200 Reisterstown Road

Owings Mills, Maryland 21117

Baltimore County

Issued for

Conceptual Use Only

Working Title

Existing Base Survey

Drawing Number

Sv-1

Sheet 1 of 1

Project Number
32717.00

Picture #1 (11 a.m.)
Facing West



Picture #2 (11 a.m.)
Facing West



Picture #3 (11 a.m.)
Facing Northwest



Picture #4 (11 a.m.)
Facing North



Picture #5 (11 a.m.)
Facing Northeast



Picture #6 (11 a.m.)
Facing Northeast



Picture #7 (11 a.m.)
Facing Northeast



Picture #8 (11 a.m.)
Facing Northeast



Picture #9 (11 a.m.)
Facing Northeast



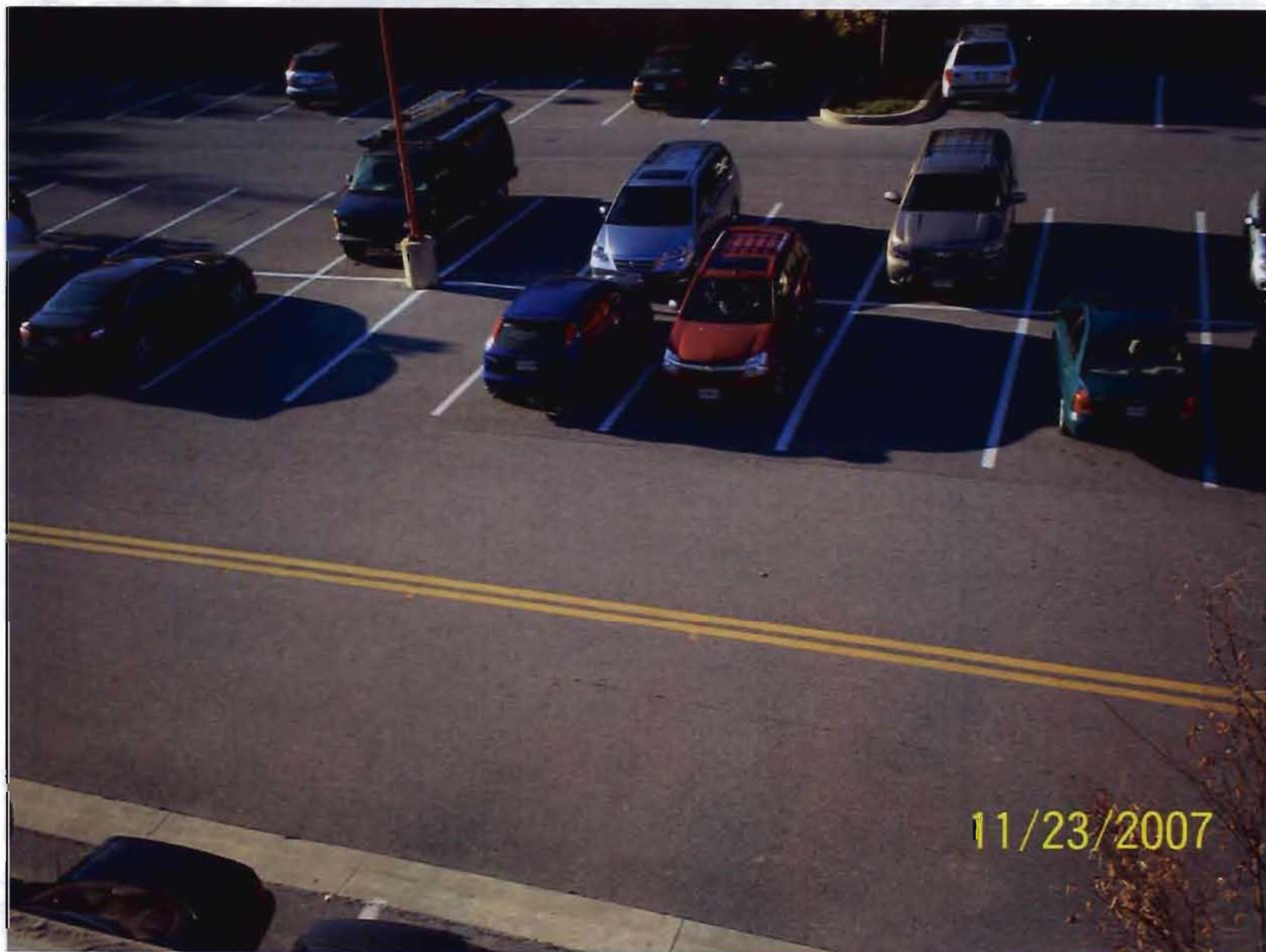
Picture #10 (11 a.m.)
Facing East



Picture #11 (3 p.m.)
Facing West



Picture #12 (3 p.m.)
Facing Northwest



Picture #13 (3 p.m.)
Facing Northwest



Picture #14 (3 p.m.)
Facing Northwest



Picture #15 (3 p.m.)
Facing North



Picture #16 (3 p.m.)
Facing Northeast



Picture #17 (3 p.m.)
Facing Northeast



Picture #18 (3 p.m.)
Facing East



Picture #19 (3 p.m.)
Facing East



Picture #20 (3 p.m.)
Facing East



Picture #21 (3 p.m.)
Facing East





NUMBER	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD	BEARING
C1	1042.00	09°47'45"	178.15	89.29	177.93	N 40°45'21" E
C2	642.00	04°06'51"	46.10	23.06	46.09	N 54°03'16" E

Parking Data					
BUILDING	GROSS FLOOR AREA SQUARE FOOTAGE	PARCEL ACREAGE	PARKING REQUIRED	PARKING PROVIDED	PARKING PROVIDED RATIO PER 1000
EXISTING TARGET	100,495	—	503	531	5.28
TARGET ADDITION	13,878	—	69	~78	—
TOTALS	114,364	—	572	442	3.75

NOTE:

1. PARKING SPACES SHOWN ARE 9'X18
2. PARKING CALCULATION $114,364 \text{ SF} \div 5.0 \text{ SPACES/1000 GLA} = 572 \text{ SPACES}$
3. INCLUDES ACCESSIBLE PARKING SPACES
4. INCLUDES CART CORRALS

Zoning Summary Chart

Zoning District(s): BM Business Major Overlay District(s): None		
Zoning Regulation Requirements	Required	Provided
MIN. LOT AREA	N/A	11.38 AC
FRONTAGE	N/A	748.94 FT
FRONT YARD SETBACK	15 FT	> 15 FT
SIDE YARD SETBACK	0 FT	> 0 FT
REAR YARD SETBACK	20 FT	> 20 FT
MAX. FLOOR AREA RATIO	0.3	((14,364 CSF BLDG AREA)/(954,518 CSF SITE AREA)=0.23
MAX. BUILDING HEIGHT	HEIGHT TYP <100 FT	26 FT

LOCATION INFORMATION

ELECTION DISTRICT	4TH
PRECINCT	1
LEGISLATIVE DISTRICT	11
CONGRESSIONAL DISTRICT	3
COUNCILMANIC DISTRICT	2
1"=200' MAP #	
ZONING	05BA2
LOT SIZE	BM
LOT SIZE	11.38 ACRES
LOT SIZE	495,518 SQUARE FEET

PUBLIC SEWER IS CURRENTLY PROVIDED TO THE SITE
PUBLIC WATER IS CURRENTLY PROVIDED TO THE SITE

NO CHESAPEAKE CRITICAL AREAS ON THE SITE
NO 100 YEAR FLOOD PLAINS ON THE SITE
NO HISTORICAL PROPERTY/BUILDING ON THE SITE

ZONING HISTORY

Cose No. IV-454 (September 18, 1995)
Zoning Commissioner approved development plan.

CBA-95-186 (November 29, 1995)
Board of Appeals for Baltimore County affirmed
Zoning Commissioner's approval of development plan.

(3-C-95-011912) (June 19, 1996)
Circuit Court for Baltimore County affirmed Board of
Appeals ruling.

Professur für Psychologie, Universität Bonn, Postfach 120150, D-53115 Bonn

PETITIONER' S

EXHIBIT NO.

2

PV-1

2717.00

27171-PLAT-COLOR.dwg

Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

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Vienna, Virginia 22182-2624
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Contact: Kyle Burchard P.E.



1000 Nicollet Mall, TPN-12H
Minneapolis, Minnesota 55403
612 761 3184 & FAX 612 761 3727
Contact: Perri Hite

ORIGINAL



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TARGET ADDITION	13,878	—	89	-78	—
TOTALS	114,364	—	572	451	3.94

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REAR YARD SETBACK	20 FT	> 20 FT
MAX. FLOOR AREA RATIO	0.3	(118,833 GSF BLDG AREA)/495519 GSF SITE AREA)=0.24
MAX. BUILDING HEIGHT	HIGHT TENT <100 FT	26 FT

LOCATION INFORMATION

ELECTION DISTRICT	4TH
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LEGISLATIVE DISTRICT	11
CONGRESSIONAL DISTRICT	3
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1"=200' MAP#	058A2
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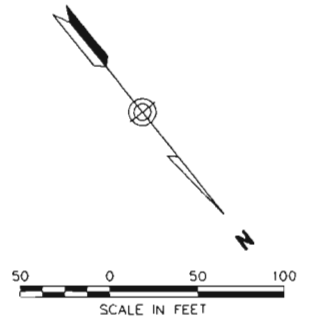
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PETITIONER' S

EXHIBIT NO.

1



KB	KB	KB

1°=50' April 2 2008

T1045 Target Expansion

11200 Reisterstown Road
Owings Mills, Maryland 21117
Baltimore County

Plan to Accompany Variance Hearing

Plat to Accompany Petition for Parking Variance



PV-1

717.00

7171-PLAT.dwg

