

IN RE: **PETITION FOR VARIANCE**

W/S York Road, 380' feet N c/line of
Timonium Road
(2116 York Road)

8th Election District
3rd Council District

McDonald's Corporation
Petitioner

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2008-0574-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, McDonald's Corporation, through its attorney, Stanley S. Fine, Esquire, for property located at 2116 York Road. Relief is requested from seven (7) sections of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, Petitioner requests relief as follows: From Section 409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71; from Section 409.11 requiring adequate space for off-street loading and unloading operations; from Section 450.4.5.A to permit five (5) enterprise signs on the building facades in lieu of the permitted three (3) signs; from Section 450.4.3 to permit a "canopy" style directional sign in lieu of the permitted wall-mounted or free-standing sign; from Section 450.5.B.3.b to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; from Section 450.4.5.B to permit a free-standing enterprise sign of 94 square feet in lieu of the permitted 75 square feet, and finally from Section 303.2 to permit a front yard (depth) setback of 47.5 feet in lieu of the required 70 feet. The subject property and requested relief are more particularly described on the elevation sign drawings, signage details, and the site plan which were accepted into evidence as Petitioner's Exhibits 5, 6 and 9, respectively.

RECEIVED FOR FILING
Date 9-9-08
By 193

Appearing at the requisite public hearing in support of the request were Stanley S. Fine, Esquire and Caroline L. Hecker, Esquire, attorneys for McDonald's Corporation; Mark Furr, owner-operator of the existing McDonald's at the subject location; Lee May, Area Construction Manager for McDonald's Corporation; and Iwona Rostek-Zarska and Valek Zarski of Baltimore Land Design Group, Inc., the consulting engineers who prepared the site plan for this property. There were no Protestants or other interested persons in attendance.

Testimony and evidence presented at the hearing disclosed that McDonald's proposes to demolish the existing restaurant and rebuild a new restaurant in its place. The existing structure in this regard opened for business in August of 1970. Having operating continuously since that time, the current restaurant has become operationally inadequate and out-of-date. The proposed structure will occupy approximately the same footprint as the existing structure (*See* proposed conditions marked as Petitioner's Exhibit 3), and will be a more modern facility that will comport with the revitalized character of the surrounding community. Elevations illustrating the proposed structure were accepted into evidence as Petitioner's Exhibit 4. Mr. May, Area Construction Manager for McDonald's, testified that the new structure will have a contemporary, upscale look, with a "café" type interior customer area decorated with tasteful colors and materials. The structure will have a brick exterior, and the mansard roof with white beams will be removed. The structure will also include a variety of "green building" features, including a high-efficiency HVAC system, a ThermoPlastic Olefin (TPO) reflective roof, awnings to reduce solar heat gain, masonry walls, and two-speed grill exhausts, among others. The new building will also be entirely ADA-compliant. Finally, unlike the existing restaurant, the new restaurant will not have a "PlayPlace".

RECEIVED FOR FILING
Date 9-9-08
By [signature]

Ms. Rostek-Zarska was accepted as an expert in site engineering, and testified that certain characteristics of the lot, including the size and location of the present structure impose restraints on the proposed new construction that make the requested variances necessary. The existing McDonald's restaurant building, shown on the Existing Conditions Sheet (Petitioner's Exhibit 1), is situated 43 feet from York Road. This building, along with the stacking lane for the drive-thru, occupies most of the lot. B.C.Z.R. Section 303.2 provides that the front yard must not be less than the average depth of the front yards of all improved lots within 200 feet on either side of this lot. This would require a 70-foot front yard setback, which is not feasible given the configuration of the lot, and which is not currently provided by the existing building. The proposed structure cannot be situated further back from York Road while maintaining both the stacking lane for the drive-thru isle and parking in the rear. Accordingly, a variance from the regulations of Section 303.2 to permit at 47.5-foot front yard depth in lieu of the required 70-foot front yard is the minimum variance relief necessary to permit the construction of the new McDonald's.

Likewise, Section 409.6.A.2 would require McDonald's to provide 71 parking spaces on the property to accommodate the fast-food restaurant use. McDonald's currently provides 72 spaces. In support of its request for a variance from the off-street parking requirements, McDonald's submitted a parking study report conducted by Street Traffic Studies, Ltd. (Petitioner's Exhibit 8.) This study examined the use of the existing McDonald's parking lot during peak hours, and found that a maximum of 41 cars were parked in the parking lot at any one time. The study therefore concluded that adequate parking exists at this site to accommodate peak demand periods. It is also to be noted that this McDonald's currently does approximately 58% of its business at the drive-thru window. Mr. Furr, owner-operator of the existing

RECEIVED FOR FILING
Date 9-9-08
BY [signature]

McDonald's at this location, testified that with the more efficient new restaurant, he expects an increase in the amount of drive-thru business to approximately 60%. This increase in drive-thru business will lessen the demand for off-street parking. Additionally, Mr. Furr testified that, in his experience operating this McDonald's, families with children who utilize the "PlayPlace" tend to stay longer than customers who come simply to eat. The removal of the "PlayPlace" at this location, therefore, is also expected to lessen the demand for off-street parking. Finally, as the proposed new restaurant will seat fewer patrons than the existing restaurant (106 seats compared to the proposed 92 seats), the reduction in off-street parking spaces to 49 spaces is expected to sufficiently accommodate the reduced seating capacity of the restaurant.

Section 409.11 of the B.C.Z.R. requires McDonald's to provide adequate space for loading and unloading operations at this location. McDonald's has proposed a loading area next to the stacking lane for the drive-thru as illustrated on Petitioner's Exhibit 9. Although access to the loading area may occasionally be blocked by cars occupying the stacking lane, Mr. Furr testified that loading and unloading operations will occur while the restaurant is closed or during off-peak hours so as to minimize any impact or conflict with the drive-thru lane. Moreover, due to the configuration of the lot, there is no other place to locate the loading area. The granting of this variance to permit the loading area in this location is also the minimum variance relief necessary.

Petitioner also seeks variances from B.C.Z.R. Section 450.4.5.A to permit five (5) enterprise signs on building facades in lieu of the permitted three (3) signs; from Section 450.4.3 to permit a "canopy" style directional sign in lieu of the permitted wall-mounted or free-standing sign; from Section 450.5.B.3.6 to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy, and from Section 450.4.5.B to permit a free-

By _____
Date 9-9-08
103
RECEIVED FOR FILING

standing enterprise sign of 94 square feet in lieu of the permitted 75 square feet. These signs are McDonald's standard signage package, and the restaurant at this location would deviate from the standard style of other McDonald's restaurants if the proposed signs were not permitted. Additionally, it should be noted that the proposed 94-square foot free-standing sign represents a reduction by more than half from the existing 198-square foot free-standing sign that it will replace.

After due consideration of the testimony and evidence presented, it is clear that the requested variances meet the standards set forth in B.C.Z.R. Section 307. The property is unique by nature of its shallow depth. The existing building, located 43 feet from York Road, further contributes to the site's uniqueness and imposes certain constraints on the development of the property. These different features of the property and structure drive the need for variance relief, and I find that the Petitioner has satisfied its burden. The constraints imposed by these features would create a practical difficulty for the Petitioner if strict compliance with the regulations were required. I find that the use proposed will not be detrimental to the surrounding locale, and will meet the spirit and intent of the B.C.Z.R. I will therefore grant the requested relief.

The Office of Planning issued a Zoning Advisory Committee (ZAC) comment indicating that it does not oppose the requested variances, but requests the attachment of certain conditions to their approval. Similarly, the State Highway Administration (SHA) issued a ZAC comment requesting the inclusion of a condition to the approval of the variances. Petitioner consents to these conditions, and they will therefore be incorporated herein.

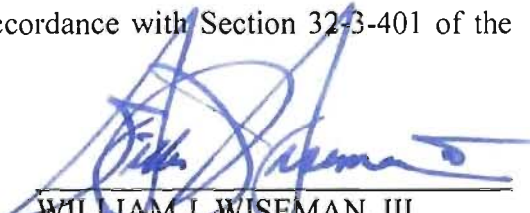
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and for the reasons set forth above, the variance relief requested shall be granted.

RECEIVED FOR FILING
Date 9-9-08
By [signature]

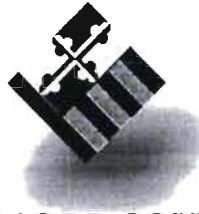
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th of September 2008, that the Petitions for Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 49 off-street parking spaces in lieu of the required 71; from Section 409.11 requiring adequate space for off-street loading and unloading operations; from Section 450.4.5.A to permit five (5) enterprise signs on the building facades in lieu of the permitted three (3) signs; from Section 450.4.3 to permit a "canopy" style directional sign in lieu of the permitted wall-mounted or free-standing sign; from Section 450.5.B.3.b to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; from Section 450.4.5.B to permit a free-standing enterprise sign of 94 square feet in lieu of the permitted 75 square feet, and finally from Section 303.2 to permit a front yard (depth) setback of 47.5 feet in lieu of the required 70 feet, all in accordance with Petitioner's Exhibit 9, be and is hereby GRANTED, subject to the following conditions:

1. The enterprise free-standing changeable copy sign shall have no flashing or strobe lights and only change once per hour as adopted and recommended by the Baltimore County Planning Board;
2. The proposed architecture and elevations should be similar to the plan that was shown to the Office of Planning in May of 2008 and conform to the Hunt Valley/Timonium guidelines;
3. The shrubs on the landscape plan are to be carried to the front of the parking area, and
4. Petitioner will coordinate with the State Highway Administration (SHA) regarding any SHA Engineering Access Permits that may be required for improvements along the property fronting on MD 45 (York Road).

Any appeal of this decision must be taken in accordance with Section 32-3-401 of the Baltimore County Code.


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

RECEIVED FOR FILING
Date 9-9-08
BY [signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

September 9, 2008

WILLIAM J. WISEMAN III
Zoning Commissioner

Stanley S. Fine, Esquire
Caroline L. Hecker, Esquire
Rosenberg, Martin, Greenberg, LLP
Suite 2115
25 South Charles Street
Baltimore, Maryland 21201-3305

RE: **PETITION FOR VARIANCE**
W/S York Road, 380' feet N c/line of Timonium Road
(2116 York Road)
8th Election District - 3rd Council District
McDonald's Corporation – *Petitioner*
Case No. 2008-0574-A

Dear Counsel:

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

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Mark Furr, 8017 Dorsey Run Road, #A4, Jessup, MD 20794
Lee May, Area Construction Manager, McDonald's Corporation, 6903 Rockledge Drive,
Suite 1100, Bethesda, MD 20817
Iwona Rostek-Zarska & Valek Zarski, Baltimore Land Design Group, Inc.,
222 Schilling Circle, Suite 105, Hunt Valley, MD 21030
Steven D. Foster, Chief, Engineering Access Permits Division, Maryland Department of
Transportation, SHA, 707 N. Calvert St., Baltimore, MD 21202
People's Counsel; Office of Planning; File



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 2116 York Road
which is presently zoned BR-IM

Deed Reference: 1 2 0 9 6 / 1 2 5 Tax Account # 0 8 0 6 0 4 5 4 0 2
1 2 0 9 6 / 1 2 2

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

409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71; Section 409.11 requiring adequate space for loading and unloading operations; Section 450.4.5.A to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; Section 450.4.3 to permit a "canopy"-type directional sign in lieu of the permitted wall-mounted or free-standing sign; Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; Section 450.4.5.B to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and Section 303.2 to permit a 47.5 ft. front yard depth in lieu of the required 70 ft. (the average front yard depths of the adjacent properties).

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

The property is currently improved with a 1-story McDonald's restaurant, and was granted an off-street parking variance to permit 70 parking spaces in lieu of the required 83 in Case No. 91-296-A. The property is unique, and without the requested variances, the proposed restaurant could not be constructed.

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:

N/A

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Stanley S. Fine

Name - Type or Print

Signature

Rosenberg Martin Greenberg, LLP

Company

Suite 2115

25 S. Charles Street

410-727-6600

Address

Telephone No.

Baltimore

MD

21201

City

State

Zip Code

Legal Owner(s):

McDonald's Corporation

Name - Type or Print

Signature

LEE MAY

Signature

Suite 1100

6903 Rockledge Drive

240-497-3626

Address

Telephone No.

Bethesda

MD

20817

City

State

Zip Code

Representative to be Contacted:

Lee May, Area Construction Manager

Name

Suite 1100

6903 Rockledge Drive

301-651-9998

Address

Telephone No.

Bethesda

State

20817

City

State

Zip Code

Case No. 2008-0594-A

Office Use Only

Estimated Length of Hearing

ORDER RECEIVED FOR FILING

Date

9-9-08

Reviewed by

A. Tsui

Date

6/12/08

REV 8/20/07

By

[Signature]

**DESCRIPTION TO ACCOMPANY ZONING PETITIONS
FOR ZONING VARIANCES
MCDONALD'S RESTAURANT
2116 YORK ROAD, TIMONIUM, MARYLAND 21093
8TH ELECTION DISTRICT; 3RD CONCILMANIC DISTRICT**

June 11, 2008

Beginning at a point on the west side of York Road, variable in width, said point being located northwesterly 380 feet, more or less, from the centerline of Timonium Road thence running the following courses and distances:

1. South 70° 19' 23" West 219.86 feet, more or less, to a point; thence,
2. North 19° 09' 27" West 184.25 feet, more or less, to a point; thence,
3. North 70° 20' 08" East 220.23', more or less, to a point; thence,
4. South 19° 02' 27" East 184.21', more or less, to the point of beginning.

Containing 40,537 square fee or 0.93 acres of land, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



2008-0574-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No.

Date:

06/12/08

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001			6152				3.36

Total:

3.36

Rec
From:

BALTIMORE LAND DESIGN GROUP

For:

2116 YORK RD

2005-0594-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
VALIDATION**

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: # 2008-0574-A

2116 York Road

W/side of York Road, 380 feet north of centerline of Timonium Road

8th Election District — 3rd Councilmanic District

Legal Owner(s): McDonald's Corporation, Lee May

Variance: to permit 49 off-street parking spaces in lieu of the required 71, section 409.11 required adequate space for loading and unloading operations, to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a "canopy" type directional sign in lieu of the permitted wall mounted or free standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and to permit a 47.5 ft. front yard depth in lieu of the required 70 ft. (average front yard depths of the adjacent properties).

Hearing: Thursday, August 21, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building, 105 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 8/6/07 Aug. 5

179919

CERTIFICATE OF PUBLICATION

8/7/2008

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/5/2008.

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

S. Wilkins

LEGAL ADVERTISING

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 that is the subject of an upcoming zoning hearing. For those petitions that 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: 2008-0574-A

Petitioner: Stanley S. Fine

Address or Location: 25 South Charles Street, Suite 2115
Baltimore, Maryland 21201-3305

Please Forward Advertising Bill to:

Name: Stanley S. Fine

Address: 25 South Charles Street

Suite 2115

Baltimore, MD 21201-3305

Telephone: 410-727-6600



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

NOTICE OF ZONING HEARING

July 3, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

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: 2008-0574-A

2116 York Road

W/side of York Road, 380 feet north of centerline of Timonium Road

8th Election District – 3rd Councilmanic District

Legal Owners: McDonald's Corporation, Lee May

Variance to permit 49 off-street parking spaces in lieu of the required 71, section 409.11 required adequate space for loading and unloading operations, to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a "canopy" type directional sign in lieu of the permitted wall mounted or free standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and to permit a 47.5 ft front yard depth in lieu of the required 70 ft. (average front yard depths of the adjacent properties).

Hearing: Thursday, August 21, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Stanley Fine, 25 S. Charles Street, Ste. 2115, Baltimore 21201
Lee May, McDonald's Corp., 6903 Rockledge Drive, Ste. 1100, Bethesda 20817

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 6, 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, August 5, 2008 Issue - Jeffersonian

Please forward billing to:

Stanley Fine
25 S. Charles Street, Ste. 2115
Baltimore, MD 21201

410-727-6600

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: 2008-0574-A

2116 York Road

W/side of York Road, 380 feet north of centerline of Timonium Road

8th Election District – 3rd Councilmanic District

Legal Owners: McDonald's Corporation, Lee May

Variance to permit 49 off-street parking spaces in lieu of the required 71, section 409.11 required adequate space for loading and unloading operations, to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; to permit a "canopy" type directional sign in lieu of the permitted wall mounted or free standing sign; to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and to permit a 47.5 ft front yard depth in lieu of the required 70 ft. (average front yard depths of the adjacent properties).

Hearing: Thursday, August 21, 2008 at 9:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 13, 2008

Stanley S. Fine
Rosenberg Martin Greenbergs, LLP
25 S. Charles St. Suite 2115
Baltimore, MD 21201

Dear: Stanley S. Fine

RE: Case Number 2008-0574-A, 2116 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 12, 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.

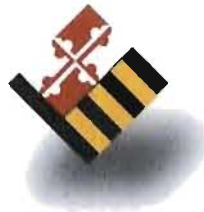
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Lee May: McDonald's Corporation, 6903 Rockledge Dr., Bethesda, MD 20817



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

July 3, 2008, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 23, 2008

Item Number: 0572, 0573, 0574, 0576, 0577, 0578, 0579, 0580

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

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

SUBJECT: 2116 York Rd

INFORMATION:

Item Number: 08-574

Petitioner: McDonald's Corporation

Zoning: BR-IM

Requested Action: Variance

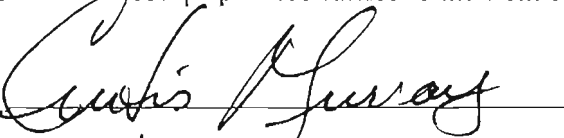
The petitioner requests variances from the following sections of the BCZR. Section 409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71; Section 409.11 requiring adequate space for loading and unloading operations; Section 450.4.5.A to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; Section 450.4.3 to permit a "canopy"- type directional sign in lieu of the permitted wall-mounted or free-standing sign; Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; Section 450.4.5.B to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and Section 303.2 to permit a 47.5 front yard setback in lieu of the required 70 ft.(the average front-yard setbacks of the adjacent properties).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variances provided the following conditions are met:

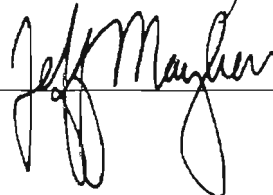
1. The enterprise freestanding changeable copy sign has no flashing or strobe lights and only changes once per hour as adopted by the Baltimore County Planning Board.
2. The proposed architecture and elevations should be similar to the plan that was shown to the Office of Planning in May of 2008 and conforms to the Hunt Valley/Timonium guidelines.
3. The shrubs on the landscape plan are carried to the front of the parking area.

Prepared By:



Division Chief:

AFK: CM



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 30, 2008
Item Nos. 08-0572, 0573, 0574, 0576,
0577, 0578, and 0579

DATE: June 26, 2008

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

DAK:CEN:lrk

cc: File

ZAC-06262008-NO COMMENTS



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

State Highway
Administration

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

Maryland Department of Transportation
June 24, 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. 2008-0574-A
MD 45 (York Road)
Opposite Gerard Avenue
McDonald's - Timonium
Variance

Dear Ms. Matthews:

Thank you for the opportunity to review the ZAC Agenda Case Number 2008-0574- 2116 York Road property, which was received on June 23. We understand that this application illustrates a proposal to redevelop an existing fast food restaurant with drive thru and surface parking as depicted on the plat to accompany zoning petitions dated May, 2008.

We have completed a review of the referenced plan and as well as a field inspection. The results of the review reveal that a permit issued by SHA Engineering Access Permits may be required for improvements along the property fronting MD 45 (York Road). Therefore, this office request that the County require coordination with SHA as a condition of Variance Case No.2008-0574-Approval for McDonald's 2116 York Road location. Please include our comments in staff report to the Zoning Hearing Officer.

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

Very truly yours,


Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: McDonald Corporation, Owner/Applicant
Mr. David Malkowski, District Engineer, SHA
Ms. Iwona Rostek-Zarska, Consultant Engineer, Building Land Design Group, Inc.
Mr. Joseph Merrey, Department of Permits & Development Management, Baltimore County

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



BW 8/21
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 8, 2008

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

SUBJECT: 2116 York Rd

RECEIVED
JUL 14 2008

INFORMATION:

BY:

Item Number: 08-574
Petitioner: McDonald's Corporation
Zoning: BR-IM
Requested Action: Variance

The petitioner requests variances from the following sections of the BCZR. Section 409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71; Section 409.11 requiring adequate space for loading and unloading operations; Section 450.4.5.A to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; Section 450.4.3 to permit a "canopy"- type directional sign in lieu of the permitted wall-mounted or free-standing sign; Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; Section 450.4.5.B to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and Section 303.2 to permit a 47.5 front yard setback in lieu of the required 70 ft.(the average front-yard setbacks of the adjacent properties).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the requested variances provided the following conditions are met:

1. The enterprise freestanding changeable copy sign has no flashing or strobe lights and only changes once per hour as adopted by the Baltimore County Planning Board.
2. The proposed architecture and elevations should be similar to the plan that was shown to the Office of Planning in May of 2008 and conforms to the Hunt Valley/Timonium guidelines.
3. The shrubs on the landscape plan are carried to the front of the parking area.

Prepared By:

Chris Murray

Division Chief:

AFK: CM

Jeff Mayhew

RE: PETITION FOR VARIANCE
2116 York Road; W/S York Road, 380' N
c/line of Timonium Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): McDonald's Corporation
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 08-574-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

JUL 01 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Lee May, 6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817 and Stanley Fine, Esquire, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 7, 2008

REVISED: May 1, 2009

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

SUBJECT: 2116 York Rd- Additional Comments

RECEIVED

MAY 01 2009

INFORMATION:

Item Number: 08-574
Petitioner: McDonald's Corporation
Property Size: 40,536 square feet
Zoning: BR-IM
Requested Action: Variance
Hearing Date:

ZONING COMMISSIONER

The petitioner requests variances from the following sections of the BCZR. Section 409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71; Section 409.11 requiring adequate space for loading and unloading operations; Section 450.4.5.A to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs; Section 450.4.3 to permit a "canopy"- type directional sign in lieu of the permitted wall-mounted or free-standing sign; Section 450.5.B.3.b to permit erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy; Section 450.4.5.B to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft.; and Section 303.2 to permit a 47.5 front yard setback in lieu of the required 70 ft.(the average front-yard setbacks of the adjacent properties).

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not object to the requested variances provided the following conditions are met:

1. The enterprise freestanding changeable copy sign has no flashing or strobe lights and only changes once per hour as adopted by the Baltimore county Planning Board.
2. The proposed architecture and elevations should be similar to the plan that was shown to the Office of Planning in May of 2008 and conforms to the Hunt Valley/Timonium guidelines.
3. The shrubs on the landscape plan are carried to the front of the parking area.

Additional Comments:

The Petitioner contacted the Office of Planning through e-mail on April 28, 2009. They were proposing to upgrade the finish on the arcades from E.I.F.S. (synthetic stucco) to a cultured stone. They felt that the cultured stone is more durable and has a more natural appearance. The proposed cultured stone is Cobblefield, Texas Cream CSV-2083 by Owings Corning. The Planning Office has reviewed the proposal and feels that this change will not alter the character of the renovations or is in opposition to the Hunt Valley/Timonium Master Plan façade guidelines and therefore supports the request.

Prepared By: _____

Jessie Ball

Section Chief: _____

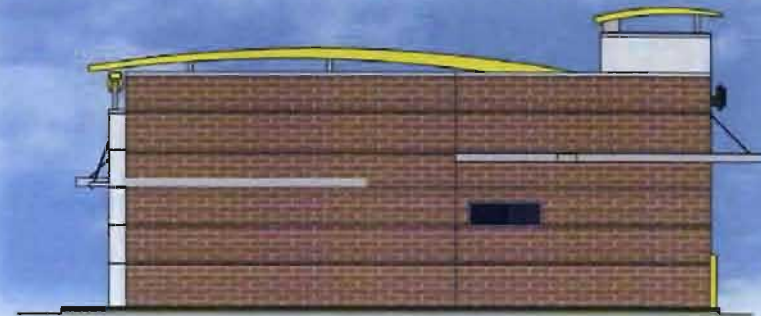
AFK:jb

Lucy Fisher

Original elevations



FRONT ELEVATION



REAR ELEVATION



NON DRIVE-THRU SIDE ELEVATION



DRIVE-THRU SIDE ELEVATION

• proposed upgrade





8/15 11:47 AM

Left voice mail msg. for Stanley Fine (410-727-6600) that file is missing proof of sign posting on property and that if he could give office a call to let us know status or have his sign poster fax proof.

Debbie

Missing
Sign Posting
8/15

CASE NAME The Donnas's Corp.
CASE NUMBER 8-21-08
DATE 2008-0574-A

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 08 **Account Number -** 0806045402

Owner Information

Owner Name:	MCDONALDS CORPORATION C/O FURR INC	Use:	COMMERCIAL
Mailing Address:	8017 DORSEY RUN ROAD STE A3 JESSUP MD 20794-9372	Principal Residence:	NO
		Deed Reference:	1) /12096/ 125 2) /12096/ 122

Location & Structure Information

Premises Address

2116 YORK RD
TIMONIUM MD 21093-3108

Legal Description

.9306 AC SWS YORK RO
400 N TIMONIUM RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
60	6	228						2	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1970	4,380 SF	40,536.00 SF	24

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2007	07/01/2008
Land	740,800	916,400		
Improvements:	513,800	617,400		
Total:	1,254,600	1,533,800	1,254,600	1,347,666
Preferential Land:	0	0	0	0

Transfer Information

Seller: W A MANAGEMENT CO INC	Date: 03/25/1997	Price: \$422,787
Type: NOT ARMS-LENGTH	Deed1: /12096/ 125	Deed2: /12096/ 122
Seller: MCDONALDS CORPOR ATION	Date: 12/31/1971	Price: \$301,991
Type: IMPROVED ARMS-LENGTH	Deed1: / 5241/ 155	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

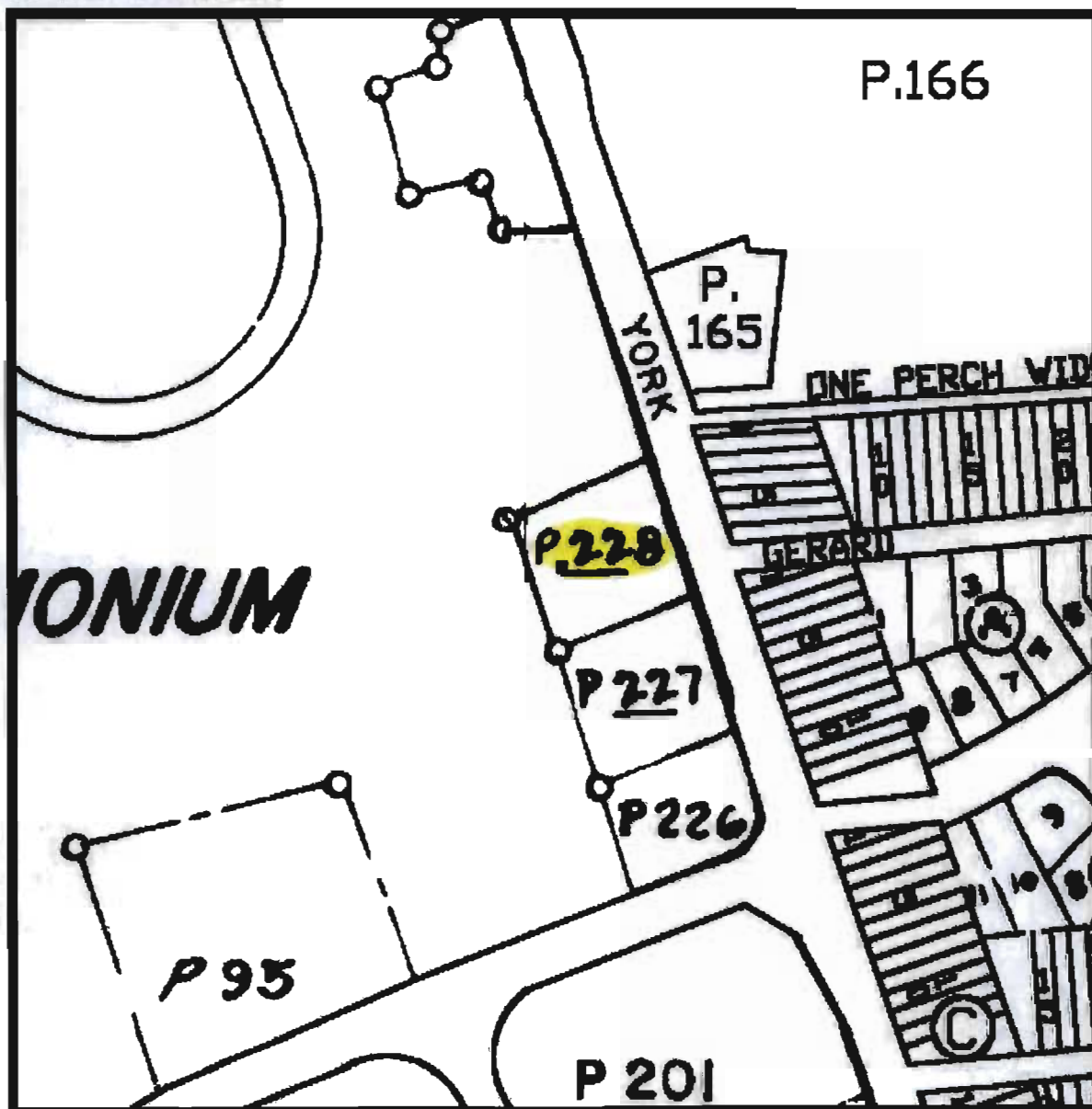
Partial Exempt Assessments	Class	07/01/2007	07/01/2008
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *



District - 08 Account Number - 0806045402



Property maps provided courtesy of the Maryland Department of Planning ©2004.
For more information on electronic mapping applications, visit the Maryland Department of Planning web
site at www.mdp.state.md.us/tax_mos.htm



Case No.: 2008-0574-A 2116 York RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1		
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

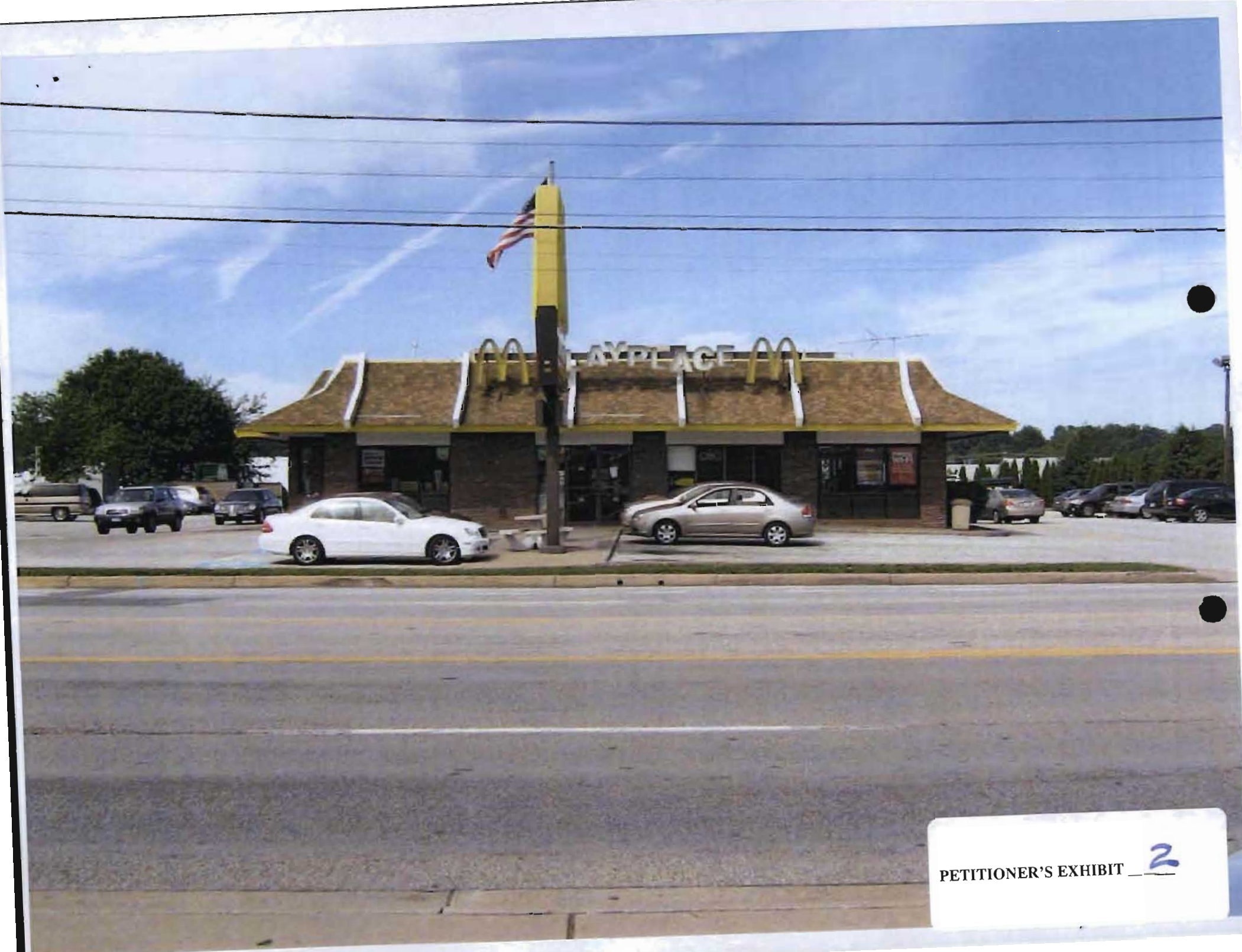
BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 2116 YORK ROAD

August 21, 2008

PETITIONER'S EXHIBITS

1. Existing Conditions
2. Photographs
3. Proposed Conditions
4. Elevations
5. Signage Plan
6. Free-standing Sign Details
7. Interior Layout
8. Traffic Study
9. Plat to Accompany Zoning Petition
10. Testimony of Petitioner's Witnesses

























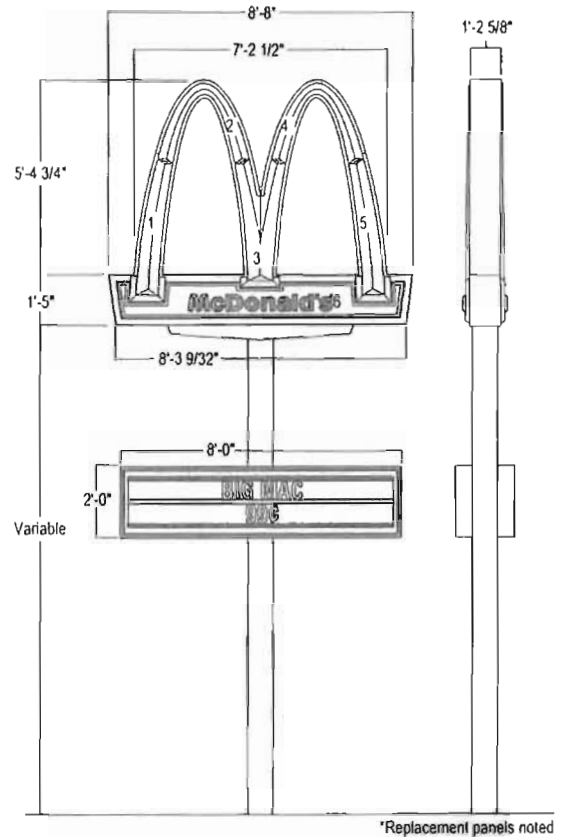
TUES NEW HAPPY MEAL
NIGHT 5PM











SPECIFICATIONS:

LAMPING:	ARCH (4) F42T12/CW/HO
	(4) F24T12/CW/HO
	EMBLEM (2) F96T12/CW/HO
BALLAST:	ARCH (1) Magnetek 256-448-600
	EMBLEM (1) Magnetek 256-672-600
LOAD:	5.9 Amps
CIRCUIT:	(1) 20 Amp
SQ. FT.:	ACTUAL (26)
	ACTUAL (43) incl. space between arches
	BOXED (59)
CUSTOM	
READERBOARD	
SQ. FT.:	BOXED (16)

PETITIONER'S EXHIBIT

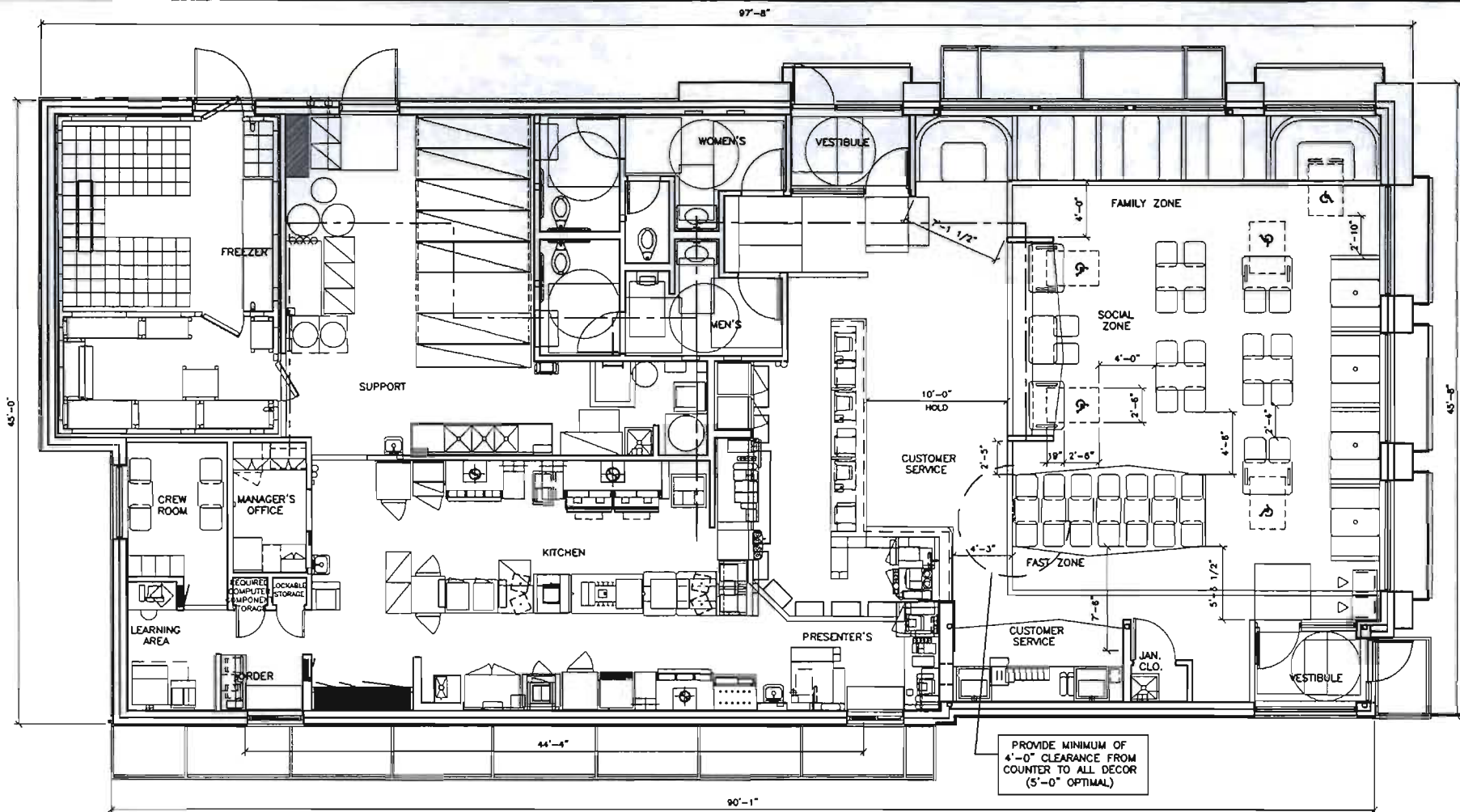
6



90-40 ROAD SIGN



PO Box 55243
Houston, TX 77255-0243
1 (800) 444-7666
www.imagepoint.com



FURNITURE LAYOUT
Not To Scale

4587-WW BUILDING PLAN (VESTIBULES)
90 SEATS (5 ACCESSIBLE SEATS)

THIS DRAWING IS FOR
REFERENCE ONLY.

SEATING LAYOUT IS SCHEMATIC, THE FINAL
SEATING LAYOUT TO BE PROVIDED BY OTHERS.



Street Traffic Studies, Ltd.

June 3, 2008

Lee May
Area Construction Manager
McDonald's USA, LLC.
2708 Mount Olive Court
Mount Airy, Maryland 21771

RE: York Road McDonald's
STS No.: 5581

Dear Mr. May:

Enclosed are the parking lot summaries for the inventory conducted on Friday and Saturday, May 30 and 31, 2008 at the existing McDonald's Restaurant at 2116 York Road.

The parking inventory revealed that there are 72 marked parking spaces available at the existing site. A parking survey conducted on Friday, May 30, 2008 between the hours of 10:00 AM to 3:00 PM revealed that no more than 41 of the available 72 spaces were occupied at any one time. During the parking survey on Saturday, May 31, 2008 conducted between the hours of 7:00 AM to 2:00 PM, no more than 33 parking spaces were ever occupied at any one time.

In view of the available data, it is concluded that adequate parking exists on site to accommodate the peak demand periods.

Pleaser review the enclosed summaries and let me know if you have any questions or comments.

Sincerely,

Mike Nalepa
Senior Traffic Engineer

Enclosure

PETITIONER'S EXHIBIT 8

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD
VEHICLE TURNING MOVEMENT COUNT - SUMMARY

Intersection of: McDonald's Parking Lot Occupancy Study
and: 2116 York Rd
Counted by: PWC (72 SPACES TOTAL)

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

Location : Baltimore Co
Date : 5/30/08
Weather : Clear
Entered by: CFC

STSLTD STSLTD STSLTD STSLTD STSLTD

Day: Friday

STREET
TRAFFIC
STUDIES
LTD

TIME	Total number of Occupied Spaces				on:				on:				on:				TOTAL N + S + E + W
	TOTAL				TOTAL				TOTAL				TOTAL				
AM																	
10:00-15	19	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	19
15-30	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
30-45	16	0	0	16	0	0	0	0	0	0	0	0	0	0	0	0	16
45-00	9	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
11:00-15	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
15-30	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11
30-45	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11
45-00	25	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	25
12:00-15	27	0	0	27	0	0	0	0	0	0	0	0	0	0	0	0	27
15-30	31	0	0	31	0	0	0	0	0	0	0	0	0	0	0	0	31
30-45	41	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	41
45-00	26	0	0	26	0	0	0	0	0	0	0	0	0	0	0	0	26
01:00-15	28	0	0	28	0	0	0	0	0	0	0	0	0	0	0	0	28
15-30	26	0	0	26	0	0	0	0	0	0	0	0	0	0	0	0	26
30-45	25	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	25
45-00	19	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	19
02:00-15	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
15-30	9	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
30-45	8	0	0	8	0	3	0	0	0	0	0	0	0	0	0	0	8
45-00	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
PM																	
5 HOUR																	
TOTALS	379	0	0	379	0	0	0	0	0	0	0	0	0	0	0	0	379
1 HOUR																	
TOTALS																	
10-11	58	0	0	58	0	0	0	0	0	0	0	0	0	0	0	0	58
1015-1115	49	0	0	49	0	0	0	0	0	0	0	0	0	0	0	0	49
1030-1130	46	0	0	46	0	0	0	0	0	0	0	0	0	0	0	0	46
1045-1145	41	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	41
11-12	57	0	0	57	0	0	0	0	0	0	0	0	0	0	0	0	57
1115-1215	74	0	0	74	0	0	0	0	0	0	0	0	0	0	0	0	74
1130-1230	94	0	0	94	0	0	0	0	0	0	0	0	0	0	0	0	94
1145-1245	124	0	0	124	0	0	0	0	0	0	0	0	0	0	0	0	124
12-01	125	0	0	125	0	0	0	0	0	0	0	0	0	0	0	0	125
1215-115	126	0	0	126	0	0	0	0	0	0	0	0	0	0	0	0	126
1230-130	121	0	0	121	0	0	0	0	0	0	0	0	0	0	0	0	121
1245-145	105	0	0	105	0	0	0	0	0	0	0	0	0	0	0	0	105
01-02	98	0	0	98	0	0	0	0	0	0	0	0	0	0	0	0	98
115-215	84	0	0	84	0	0	0	0	0	0	0	0	0	0	0	0	84
130-230	67	0	0	67	0	0	0	0	0	0	0	0	0	0	0	0	67
145-245	50	0	0	50	0	0	0	0	0	0	0	0	0	0	0	0	50
02-03	41	0	0	41	0	0	0	0	0	0	0	0	0	0	0	0	41
PEAK HOUR																	
1215-115	126	0	0	126	0	0	0	0	0	0	0	0	0	0	0	0	126

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD
VEHICLE TURNING MOVEMENT COUNT - SUMMARY

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD

Intersection of: McDonald's Parking Lot Occupancy Study
and: 2116 York Rd
Counted by: PWC

(72 SPACES TOTAL)

Location : Baltimore Co
Date : 5/31/08
Weather : Clear
Entered by: CFC

Day: Saturday

STREET
TRAFFIC
STUDIES
LTD

TIME	Total number of Occupied Spaces																TOTAL N + S + E + W
	on:				on:				on:				on:				
	TOTAL				TOTAL				TOTAL				TOTAL				
AM																	
07:00-15	6	0	0	6	0	0	0	0	0	0	0	0	0	0	0	0	6
15-30	3	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	3
30-45	7	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
45-00	5	0	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5
08:00-15	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
15-30	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
30-45	15	0	0	15	0	0	0	0	0	0	0	0	0	0	0	0	15
45-00	20	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	20
09:00-15	22	0	0	22	0	0	0	0	0	0	0	0	0	0	0	0	22
15-30	24	0	0	24	0	0	0	0	0	0	0	0	0	0	0	0	24
30-45	30	0	0	30	0	0	0	0	0	0	0	0	0	0	0	0	30
45-00	33	0	0	33	0	0	0	0	0	0	0	0	0	0	0	0	33
10:00-15	29	0	0	29	0	0	0	0	0	0	0	0	0	0	0	0	29
15-30	27	0	0	27	0	0	0	0	0	0	0	0	0	0	0	0	27
30-45	20	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	20
45-00	21	0	0	21	0	0	0	0	0	0	0	0	0	0	0	0	21
11:00-15	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
15-30	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
30-45	18	0	0	18	0	0	0	0	0	0	0	0	0	0	0	0	18
45-00	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
12:00-15	19	0	0	19	0	0	0	0	0	0	0	0	0	0	0	0	19
15-30	20	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	20
30-45	18	0	0	18	0	0	0	0	0	0	0	0	0	0	0	0	18
45-00	14	0	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14
01:00-15	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	0	10
15-30	9	0	0	9	0	0	0	0	0	0	0	0	0	0	0	0	9
30-45	13	0	0	13	0	0	0	0	0	0	0	0	0	0	0	0	13
45-00	11	0	0	11	0	0	0	0	0	0	0	0	0	0	0	0	11
PM																	
7 HOUR																	
TOTALS	456	0	0	456	0	0	0	0	0	0	0	0	0	0	0	0	456
1 HOUR																	
TOTALS																	
07-08	21	0	0	21	0	0	0	0	0	0	0	0	0	0	0	0	21
715-815	25	0	0	25	0	0	0	0	0	0	0	0	0	0	0	0	25
730-830	32	0	0	32	0	0	0	0	0	0	0	0	0	0	0	0	32
745-845	40	0	0	40	0	0	0	0	0	0	0	0	0	0	0	0	40
08-09	55	0	0	55	0	0	0	0	0	0	0	0	0	0	0	0	55
815-915	67	0	0	67	0	0	0	0	0	0	0	0	0	0	0	0	67
830-930	81	0	0	81	0	0	0	0	0	0	0	0	0	0	0	0	81
845-945	96	0	0	96	0	0	0	0	0	0	0	0	0	0	0	0	96
09-10	109	0	0	109	0	0	0	0	0	0	0	0	0	0	0	0	109
915-1015	116	0	0	116	0	0	0	0	0	0	0	0	0	0	0	0	116
930-1030	119	0	0	119	0	0	0	0	0	0	0	0	0	0	0	0	119
945-1045	109	0	0	109	0	0	0	0	0	0	0	0	0	0	0	0	109
10-11	97	0	0	97	0	0	0	0	0	0	0	0	0	0	0	0	97
1015-1115	82	0	0	82	0	0	0	0	0	0	0	0	0	0	0	0	82
1030-1130	69	0	0	69	0	0	0	0	0	0	0	0	0	0	0	0	69
1045-1145	67	0	0	67	0	0	0	0	0	0	0	0	0	0	0	0	67
11-12	60	0	0	60	0	0	0	0	0	0	0	0	0	0	0	0	60
1115-1215	65	0	0	65	0	0	0	0	0	0	0	0	0	0	0	0	65
1130-1230	71	0	0	71	0	0	0	0	0	0	0	0	0	0	0	0	71
1145-1245	71	0	0	71	0	0	0	0	0	0	0	0	0	0	0	0	71
12-01	71	0	0	71	0	0	0	0	0	0	0	0	0	0	0	0	71
1215-115	62	0	0	62	0	0	0	0	0	0	0	0	0	0	0	0	62
1230-130	51	0	0	51	0	0	0	0	0	0	0	0	0	0	0	0	51
1245-145	46	0	0	46	0	0	0	0	0	0	0	0	0	0	0	0	46
01-02	43	0	0	43	0	0	0	0	0	0	0	0	0	0	0	0	43
PEAK HOUR																	
930-1030	119	0	0	119	0	0	0	0	0	0	0	0	0	0	0	0	119

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD STSLTD

STSLTD STSLTD STSLTD STSLTD STSLTD



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 2116 YORK ROAD

August 21, 2008

LEE MAY – TESTIMONY

Name: Lee May

Address:

Employer, employer's address: McDonald's Corporation
6903 Rockledge Drive, Ste. 1100
Bethesda, MD 20817

Your job title and responsibilities at McDonalds: Area Construction Manager

Are you familiar with the petition before the Zoning Commissioner? Yes

What is the location that is the subject of the petition? 2116 York Road

What is your interest in the property? McDonald's Corp. owns the property.

What is at this location currently?

There is an existing McDonald's restaurant at this location.

How long has that McDonald's been operating at that location?

Since August of 1970 (approximately 38 years).

What is McDonald's proposing to do at this location?

Demolish the existing restaurant and build a new McDonald's restaurant.

Describe existing conditions at the McDonalds.

EXHIBIT 1 – EXISTING CONDITIONS

(Explain access, parking, location of improvements, size and shape of property)

Identify photographs of McDonald's at 2116 York Road.

EXHIBIT 2 – PHOTOS

PETITIONER'S

EXHIBIT NO.

10

What are the adjoining properties to the McDonald's at this location?

The property is bordered by the Fairgrounds on the north, and a BP gas station on the south.

Why are you proposing a new McDonald's?

The existing structure is almost 40 years old and is operationally inadequate. The surrounding neighborhood has experienced a revitalization in recent years, and the proposed new restaurant will comport with the more contemporary character of the community. Additionally, the proposed new restaurant will be a much more efficient building, both operationally and in terms of energy usage.

What is being proposed at this location?

EXHIBIT 3 – PROPOSED CONDITIONS

We are proposing to demolish the existing McDonald's restaurant and rebuild a new McDonald's restaurant in the same location. Unlike the existing McDonald's, the new McDonald's will not have a PlayPlace.

Show elevations of new McDonald's – highlight the features of the new building.

EXHIBIT 4 - ELEVATIONS

- Contemporary, upscale look – moving away from the bright, plastic look of the old McDonald's restaurants.
 - “Café”-type customer area - tasteful colors and materials; limited branding.
- Brick exterior (as opposed to painted red and white).
- Remove mansard roof with white beams.
- “Green building” features: (now standard for new McDonald's)
 - High-efficiency HVAC system
 - TPO reflective roof to reduce energy costs
 - Awnings – reduce solar heat gain
 - Masonry walls – thermal properties
 - Two-speed grill exhausts
 - Auto-sensor lavatory faucets
 - Fluorescent lighting
 - Cardboard recycling
- The new building will be entirely ADA-compliant.

Explain the sign package:

EXHIBIT 5 – SIGNAGE PACKAGE

EXHIBIT 6 – FREE-STANDING SIGN DETAILS

What is existing?

The existing McDonald's has one 198 square foot free-standing enterprise sign along York Road, as well an enterprise sign along the York Road façade of the building.

What is proposed?

We are proposing to replace the 198 square foot free-standing enterprise sign with a 94 square foot free-standing enterprise sign, which would be a reduction in size of the free-standing sign by more than half.

We are also proposing 5 enterprise signs on the faces of the buildings: 2 signs on the front of the building; 2 signs on the drive-thru side of the building; and 1 sign on the non-drive-thru side of the building.

Additionally, we are proposing "canopy"-style directional signs on the front and non-drive-thru sides of the building. These signs, one on each side, will have the word "Welcome" above the face of the canopy, rather than printed directly on the face of the canopy.

Why?

This is McDonald's standard signage plan for new restaurants, and will bring this restaurant up-to-date and into conformity with other new McDonald's restaurants.

Describe how proposed construction will improve the operation.

The proposed construction will modernize the building and make it function better. Additionally, we are implementing as many "green building" items in our design as possible, which will make the new building much more energy efficient than the existing one.

How many parking spaces are you proposing with the new structure?

49 spaces.

How many seats are there in the existing restaurant? 106

How many seats will there be in the proposed restaurant? 92

EXHIBIT 6 – INTERIOR LAYOUT

What is the amount of capital investment for this project?

Approximately \$2.15 million

If the petitions are approved, what is the plan for implementation?

If the petitions are approved, we will apply for permits and begin demolition as soon as possible. We expect to begin construction in April 2009, which should take approximately 3.5 to 4 months to complete.



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 2116 YORK ROAD

August 21, 2008

MARK FURR – TESTIMONY

Name: Mark Furr

Address:

Employer, employer's address: McDonald's
2116 York Road
Timonium, MD 21093

Your job title and responsibilities at McDonalds:

Owner/operator of 6 McDonald's restaurants, one of which is located at 2116 York Road.

How long have you owned and operated the McDonald's at 2116 York Road?

Since October 2003 – almost 5 years.

Have any parking studies been completed relating to the existing McDonald's?

Yes.

EXHIBIT 7 – PARKING STUDY

When was this parking study conducted?

Friday, May 30th, between 10:00 a.m. and 3:00 pm., and on Saturday, May 31st, 2008 between 7:00 a.m. and 2:00 p.m.

Why was the parking study conducted at those times?

These dates and times were chosen because this McDonald's has its busiest hours on Fridays at lunch time and on Saturday mornings. Additionally, we wanted to conduct the parking study while school was in session, because the restaurant

typically does less business in the summer months while many people are on vacation.

What did this parking study reveal?

The parking study, conducted by Street Traffic Studies, Ltd., indicated that there are 72 marked parking spaces on the property. Between the hours of 10:00 a.m. and 3:00 p.m. on Friday, no more than 41 of these spaces were occupied at any time. Between 7:00 a.m. and 2:00 p.m. on Saturday, no more than 33 spaces were occupied at any one time. As a result Street Traffic Studies, Ltd. concluded that adequate parking exists on site to accommodate the peak parking demands.

What percentage of your business is done at the drive-thru window?

Currently, 58% of our business is done at the drive-thru. However, with the new building, we are expecting an increase to about 60% of our business being done at the drive-thru.

In your experience operating this McDonald's, have you ever encountered a problem relating to the amount of parking provided?

No.

Based on your experience operating this McDonald's, do you believe that the 49 parking spaces to be provided will adequately meet the parking demands of the restaurant?

Yes. Since we do a substantial amount of business at the drive-thru windows, the demands of this restaurant do not require as much parking as the Zoning Regulations would require. The new restaurant will also have fewer seats (reduced from 106 to 92), and therefore will accommodate fewer customers and have a lower demand for parking. Additionally, families with small children often stay longer at the PlayPlace than patrons who come to the restaurant simply to eat. Because we are removing the PlayPlace from this location, we expect the parking demand to be lower.



BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 2116 YORK ROAD

August 21, 2008

IWONA ZARSKA – TESTIMONY

Name: Iwona Zarska

Address:

Employer, employer's address: Baltimore Land Design Group
222 Schilling Circle, Ste. 105
Hunt Valley, MD 21030

What is your job title?

Please describe the nature of the services you provide.

Have you ever testified as an expert witness in the field of site engineering before the Zoning Commissioner of Baltimore County?

Yes.

Have you ever been accepted an approved as such an expert witness?

Yes.

I offer Ms. Zarska as an expert witness in site engineering.

Are you familiar with the petition before the Zoning Commissioner? Yes.

What has been your involvement with this project?

As a result of the Petitioner's application, what variances are being requested?

1. Section 409.6.A.2 to permit 49 off-street parking spaces in lieu of the required 71;
2. Section 409.11 requiring adequate space for loading and unloading operations;
3. Section 450.4.5.A to permit 5 enterprise signs on the building facades in lieu of the permitted 3 signs;
4. Section 450.4.3 to permit a "canopy" type directional sign in lieu of the permitted wall-mounted or free-standing sign;

5. Section 450.5.B.3.b to permit the erection of the sign above the face of the canopy in lieu of its erection on the face of the canopy.
6. Section 450.4.5.B to permit a free-standing enterprise sign of 94 sq. ft. in lieu of the permitted 75 sq. ft., which will replace the existing 198 sq. foot sign.
7. Section 303.2 to permit a 47.5-foot front yard in lieu of the required 70 feet (the average front yard depths of the adjacent properties).

Please identify the requested variances on the Plat to Accompany Zoning Petition.

EXHIBIT 8 – PLAT TO ACCOMPANY ZONING PETITION

Is the subject property peculiar, unusual, or unique when compared to other properties in the neighborhood?

Yes. The subject property is improved with an existing structure, which McDonald's proposes to demolish and replace with a new restaurant in the same location as the existing one. However, the size and location of the existing building impose certain constraints on the proposed new construction. The existing building is located close to York Road and, with the stacking lane for the drive-thru, occupies most of the lot. The shallowness of the lot prevents the proposed building from being situated further back from York Road, as there would not be space for both the stacking lane for the drive-thru and parking in the rear if the building were located any further back.

Since you have indicated that the property is peculiar, unusual, or unique, would strict compliance with the Baltimore County Zoning Regulations result in a practical difficulty or unreasonable hardship to the Petitioner?

Yes.

Parking: The Zoning Regulations would require 71 parking spaces; however, the dimensions of the property only permit 49 off-street parking spaces. Without the parking variance, McDonald's would not be able to reconstruct a restaurant on this property.

Loading Area: The Zoning Regulations require adequate space for loading and unloading operations. McDonald's has proposed a loading area next to the stacking lane for the drive-thru, and intends for the majority of loading and unloading operations to occur while the restaurant is closed or during non-peak hours so as to minimize the impact on the drive-thru lane.

Front Yard: The Zoning Regulations would require that the front yard not be less than the average depth of the front yards of all improved lots within 200 feet on either side of this lot, which would be 70 feet. A 70-foot front yard is not feasible on this property, however, due to the size and location of the existing structure, which has a slightly smaller front yard than the 47.5-foot yard the proposed structure will have. Additionally, the building cannot be set back any further from York Road if parking spaces are to be maintained in the rear.

Signs:

- The Zoning Regulations permit 3 enterprise signs on the building facades; McDonald's, however, is proposing 5 enterprise signs on the building facades.
- The Zoning Regulations permit wall-mounted or free-standing directional signs; McDonald's, however, proposes a "canopy"-type directional sign.
- The Zoning Regulations permit a sign to be erected on the face of a canopy; McDonald's, however, proposes to erect a sign above the face of the canopy.
- The Zoning Regulations would permit a free-standing enterprise sign of 75 square feet; McDonald's, however, propose a 94-square foot free-standing enterprise sign to replace the existing 198-square foot free-standing sign.

The strict application of the Zoning Regulations would create practical difficulties for McDonald's, as this restaurant would deviate from the standard style of other McDonald's restaurants if the proposed signs were not permitted.

Would the granting of the variance be injurious to the use and enjoyment of the other property owners in the immediate vicinity, or substantially diminish and impair property values in the neighborhood?

The granting of the variance will likely improve property values in the neighborhood, as the new restaurant will be more modern and attractive than the existing one and comport with the revitalized character of the surrounding community. As the requested variances will permit McDonald's to rebuild a new restaurant in the same location as the existing one, there will be no greater impact on the use and enjoyment of the neighboring properties than that created by the existing restaurant.

Would the granting of the variances impair an adequate supply of light and air to adjacent property, or overcrowd the land, or create an undue concentration of population, or substantially increase the congestion of the streets, or create hazardous traffic conditions, or increase the danger of fire, or otherwise endanger the public safety?

The granting of the variances will not impair the supply of light and air to the adjacent properties any more than the existing restaurant does, nor will these variances cause an overcrowding of the land. Similarly, the granting of the variances will have no effect on the concentration of population, congestion of the streets, traffic conditions, or the danger of fire, nor will they endanger the public safety in any manner.

Would the granting of the variances adversely affect transportation or unduly burden water, sewers, school, park, or other public facilities?

The granting of the variances will not have any impact on transportation, nor will they burden water, sewers, school, park, or other public facilities.

Would the granting of the variances be in strict harmony with the spirit and intent of the BCZR?

The granting of these variances is in harmony with the purpose of the Zoning Regulations, as they will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting McDonald's to replace an outdated restaurant with a more modern, attractive one. This will improve the general welfare of the surrounding neighborhood.

Would the granting of the variances cause any injury to the public health, safety, or general welfare?

The granting of the variances will not cause any injury to the public health, safety, or general welfare.

Landscape Notes

A. STANDARDS:

- ALL PLANT MATERIAL, CONSTRUCTION METHODS AND MATERIAL PLACEMENT SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF "AMERICAN STANDARD FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC., THE "LANDSCAPE SPECIFICATION GUIDELINES FOR BALTIMORE-WASHINGTON METROPOLITAN AREAS."
- ALL TREES SHALL BE DELIVERED TO THE SITE BALLED AND BURLAPPED. ALL SHRUBS SHALL BE BALLED AND BURLAPPED OR IN CONTAINERS. ALL GRASSES & PERENNIALS SHALL BE IN CONTAINERS.

B. MAINTENANCE:

- AFTER THE PLANTING HAS BEEN APPROVED BY THE LANDSCAPE ARCHITECT AND THE OWNER, THE MAINTENANCE OF WATERING AND WEEDING OF SUCH PLANTS AND PLANTED AREAS SHALL BE PROVIDED BY THE OWNER. SINCE THE PLANTS ARE TO BE GUARANTEED BY THE CONTRACTOR, THE CONTRACTOR SHALL PERIODICALLY CHECK THE MAINTENANCE CONDUCTED BY THE OWNER. IF THE CONTRACTOR IS NOT SATISFIED WITH THE MAINTENANCE OF THE PLANTS, A WRITTEN REPORT IN TRIPPLICATE, STATING APPROPRIATE CHANGES SHALL BE GIVEN IMMEDIATELY TO THE LANDSCAPE ARCHITECT. TWO COPIES WILL BE FORWARDED TO THE OWNER, BEGUN MAINTENANCE IMMEDIATELY AFTER PLANTING.
- MAINTAIN TREES UNTIL FINAL ACCEPTANCE, BUT IN NO CASE, LESS THAN 60 DAYS AFTER FINAL ACCEPTANCE OF PLANTING. MAINTAIN ALL PLANTS BY PRUNING, CULTIVATING AND WEEDING AS REQUIRED FOR HEALTHY GROWTH. RESTORE PLANTING SAUCERS, TIGHTEN AND REPAIR GUY SUPPORTS AND RESET TREES TO PROPER GRADES OR VERTICAL POSITIONS AS REQUIRED. RESTORE OR REPLACE DAMAGED WRAPPINGS. SPRAY AS REQUIRED TO KEEP ALL PLANTS FREE OF INSECTS AND DISEASE.

C. WATERING

- IN THE ABSENCE OF ADEQUATE RAINFALL, WATERING SHALL BE PERFORMED DAILY OR AS OFTEN AS NECESSARY DURING THE FIRST WEEK AND IN SUFFICIENT QUANTITIES TO MAINTAIN MOIST SOIL TO A DEPTH OF 4 INCHES. WATERING SHALL NOT BE DONE DURING THE HEAT OF THE DAY. CONTRACTOR SHALL PROVIDE A SEPARATE LUMP SUM PRICE IN THE OVERALL LANDSCAPE BID FOR WATERING TO ALL NEW PLANTINGS DURING ONE GROWING SEASON.

D. EXCAVATION:

- DEPTH AND WIDTH OF EXCAVATION FOR PLANTING OF ALL PLANTS SHALL BE TO TWICE THE DEPTH AND WIDTH OF ROOT BALL OR CONTAINER OF PLANT TO BE INSTALLED, EXCEPT AS NOTED ON DETAILS.

E. TOPSOIL, PLANTING MIX, FERTILIZER, MULCH AND SOIL AMENDMENTS:

- ALL TOPSOIL SHALL BE WELL GRADED LOAM OF GOOD UNIFORM QUALITY AND SHALL BE A NATURAL FRIABLE SOIL FREE OF OBJECTS LARGER THAN ONE INCH IN ANY DIMENSION AND FREE OF TOXIC SUBSTANCES, WEEDS AND ANY MATERIAL OR SUBSTANCES THAT MAY BE HARMFUL TO PLANT GROWTH. TOPSOIL SHALL CONTAIN AT LEAST ORGANIC MATTER IF SUFFICIENT TOPSOIL IS NOT AVAILABLE ON THE SITE TO MEET THE DEPTH AS SPECIFIED HEREIN, THE CONTRACTOR SHALL FURNISH ADDITIONAL TOPSOIL. PRIOR TO TOPSOIL DELIVERY, THE CONTRACTOR SHALL OBTAIN THE LANDSCAPE ARCHITECT'S APPROVAL OF THE SOURCE FROM WHICH TOPSOIL IS TO BE FURNISHED.
- FOR PLANTING MIX, MIX THOROUGHLY 2/3 APPROVED TOPSOIL (SEE "TOPSOIL") AND 1/3 APPROVED ORGANIC MATTER.
- FERTILIZER TABLETS OR SPIKES TO BE PLACED AT EACH TREE AND SHRUB AT A RATE OF 1 PER 2" OF TRUNK CALIPER OR GALLON OF ROOTBALL. TABLETS OR SPIKES SHALL NOT BE IN CONTACT WITH THE ROOTBALL.
- MULCH MATERIAL SHALL BE OF UNIFORM SIZE, FINE SHREDDED, TANBARK, HARDWOOD MULCH OR APPROVED EQUAL. MULCH SHALL BE A REDDISH DARK BROWN COLOR AND SHALL BE LAID TO A UNIFORM MINIMUM DEPTH OF 2 INCHES. MULCH AREAS AROUND TREES AT THE RATE OF 1" OF DIAMETER PER OF TRUNK CALIPER.

- HYDROGEL ABSORBENT MATERIAL SHALL BE ADDED TO THE PLANTING HOLE FOR EACH TREE AND SHRUB AT THE RATE OF 4 OUNCES PER 2-1/2" CALIPER OR GALLON OF ROOTBALL. HYDROGEL MATERIAL SHALL BE VITERRA "GELSCAPE," "TERRASORB," OR APPROVED EQUAL.

F. SUBSTITUTIONS:

- IF A PLANT IS FOUND NOT TO BE SUITABLE OR AVAILABLE, THE LANDSCAPE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE BIDDING. THE OWNER OR LANDSCAPE ARCHITECT WILL THEN SELECT A REASONABLE ALTERNATE OR INFORM ALL LANDSCAPE CONTRACTORS OF THE AVAILABILITY OF THE ORIGINAL PLANT.

G. PRUNING, CLEANUP, PROTECTION OF EXISTING MATERIALS AND RESTORATION:

- THE CONTRACTOR SHALL PRUNE PLANT MATERIAL WITHIN TWO (2) DAYS OF INSTALLATION IN ACCORDANCE WITH THE DETAILS AND AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
- DURING COURSE OF PLANTING, EXCESS AND WASTE MATERIALS SHALL BE CONTINUOUSLY AND PROMPTLY REMOVED. LAWN AREAS KEPT CLEAR AND ALL REASONABLE PRECAUTIONS TAKEN TO AVOID DAMAGE TO ANY EXISTING LAWNS, PAVING, ETC. NOT SCHEDULED FOR REMOVAL. WHEN PLANTING IN AN AREA HAS BEEN COMPLETED, THE AREA SHALL BE CLEANED UP THOROUGHLY. DEBRIS, RUBBISH, SUBSOIL AND WASTE MATERIALS SHALL BE CLEANED UP AND REMOVED FROM THE PROPERTY. EXISTING GRASS AREAS WHICH HAVE BEEN INJURED BY THE WORK SHALL BE REGRADED AND SODDED TO MATCH THE EXISTING LAWN. THE ENTIRE AREA SHALL BE NEAT AND CLEAN TO THE SATISFACTION OF THE LANDSCAPE ARCHITECT.

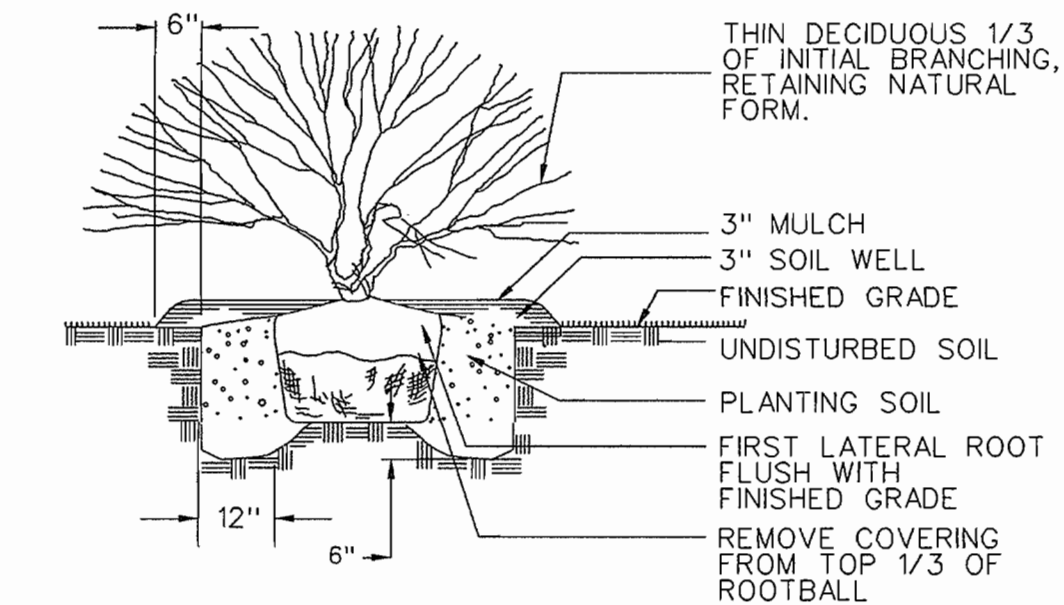
- CONTRACTOR SHALL, AT ALL TIMES, PROTECT ALL PLANTS AND LAWNS FROM DAMAGE. THE MOVING OF HEAVY EQUIPMENT MATERIAL OVER THE LAWN AREAS SHALL BE DONE ON PLANKS OR PONTOONS.

- THE CONTRACTOR SHALL RESTORE TO THEIR ORIGINAL CONDITION ALL PAVEMENTS, SODDED OR PLANTED AREAS, STRUCTURES OR SUBSTRUCTURES, NOT SCHEDULED FOR REMOVAL, WHICH ARE DISTURBED BY THE CONTRACTOR DURING PLANTING OPERATIONS. SUCH RESTORATION SHALL BE IN A MANNER SATISFACTORY TO THE LANDSCAPE ARCHITECT AND AT NO ADDITIONAL COST TO THE OWNER.

H. FINAL INSPECTION AND GUARANTEE:

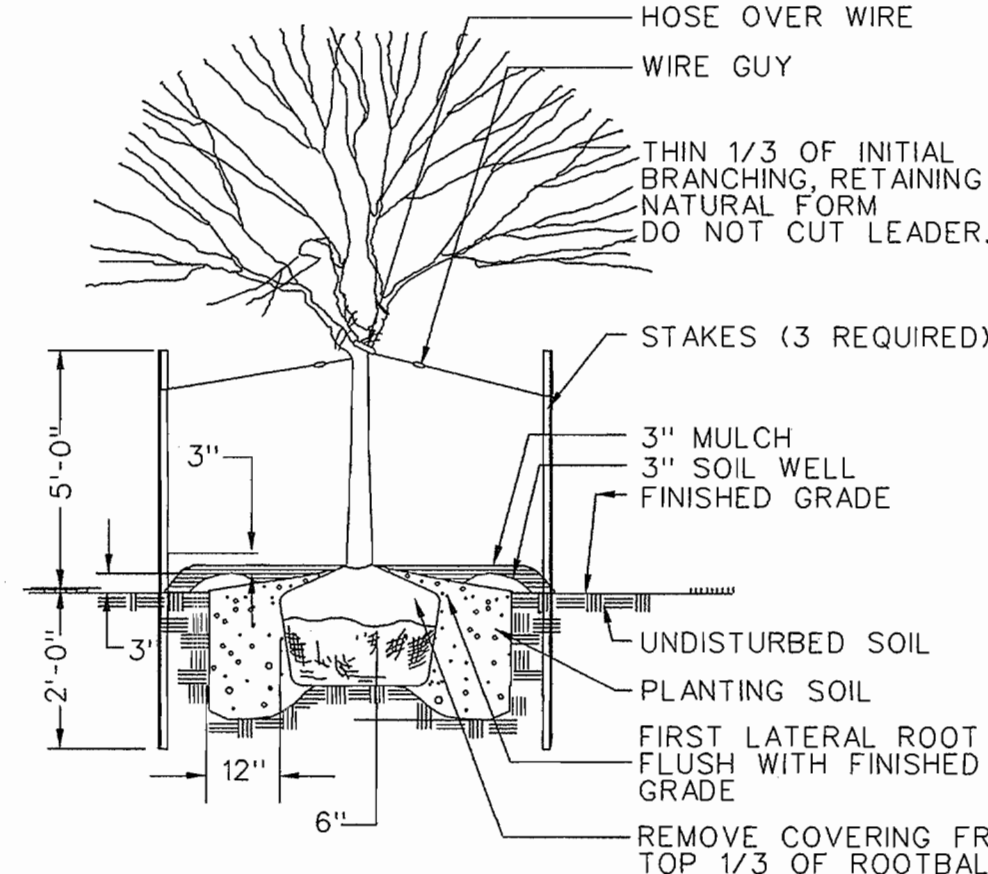
- AFTER PLANTING IS COMPLETED (INCLUDING MULCHING AND CLEAN-UP) THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING TO REQUEST FINAL INSPECTION OF THE TOTAL PLANTING. THE LANDSCAPE ARCHITECT SHALL MAKE A FINAL INSPECTION VISIT AS SOON AS POSSIBLE. LANDSCAPE ARCHITECT SHALL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, WHEN ALL WORK IS SATISFACTORILY COMPLETE. IF WORK IS NOT SATISFACTORILY COMPLETE, THE LANDSCAPE ARCHITECT WILL NOTIFY THE LANDSCAPE CONTRACTOR, IN WRITING, AS TO THE DEFICIENCIES IN THE WORK AND THE NECESSARY CORRECTIVE MEASURES. THE LANDSCAPE CONTRACTOR WILL BE GIVEN A REASONABLE AMOUNT OF TIME TO CORRECT THE DEFICIENCIES, AND ANOTHER FINAL INSPECTION WILL BE SCHEDULED BY THE LANDSCAPE ARCHITECT.

- ALL PLANT MATERIAL AND LAWN AREAS SHALL BE GUARANTEED TO BE IN A VIGOROUS GROWING CONDITION ONE YEAR FROM THE DATE OF FINAL INSPECTION AND ACCEPTANCE. AT THE TERMINATION OF THIS PERIOD, THE CONTRACTOR SHALL HAVE THE PRECEDING MAINTENANCE SCHEDULE. ANY PLANTS INFECTED WITH DISEASE OR INSECTS WILL BE REMOVED OR TREATED. ALL DEAD OR UNACCEPTABLE PLANTS WILL BE REPLACED BY THE SAME PLANTS AND SIZES DESIGNATED ON THE PLANT LIST. THESE PLANTS SHALL BE PLANTED, MULCHED AND GUARANTEED HEREIN AND WITHOUT EXTRA COMPENSATION TO THE CONTRACTOR. AT THE COMPLETION OF ALL SUCH WORK AND WITH THE APPROVAL OF THE LANDSCAPE ARCHITECT, THE CONTRACT WILL BE CONSIDERED COMPLETE.



SHRUB PLANTING DETAIL

SCALE: N.T.S.



TREE PLANTING DETAIL

SCALE: N.T.S.

NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

222 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21080
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2010.

OWNER

MCDONALD'S CORPORATION

AMF O HARE AIRPORT 19-221
PO BOX 66207
CHICAGO, ILLINOIS 60666

DEVELOPER / APPLICANT

MCDONALD'S CORPORATION

BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DATE

ITEM

LANDSCAPE PLAN
MCDONALD'S
#2116 YORK ROAD
TIMONIUM, MARYLAND, 21093

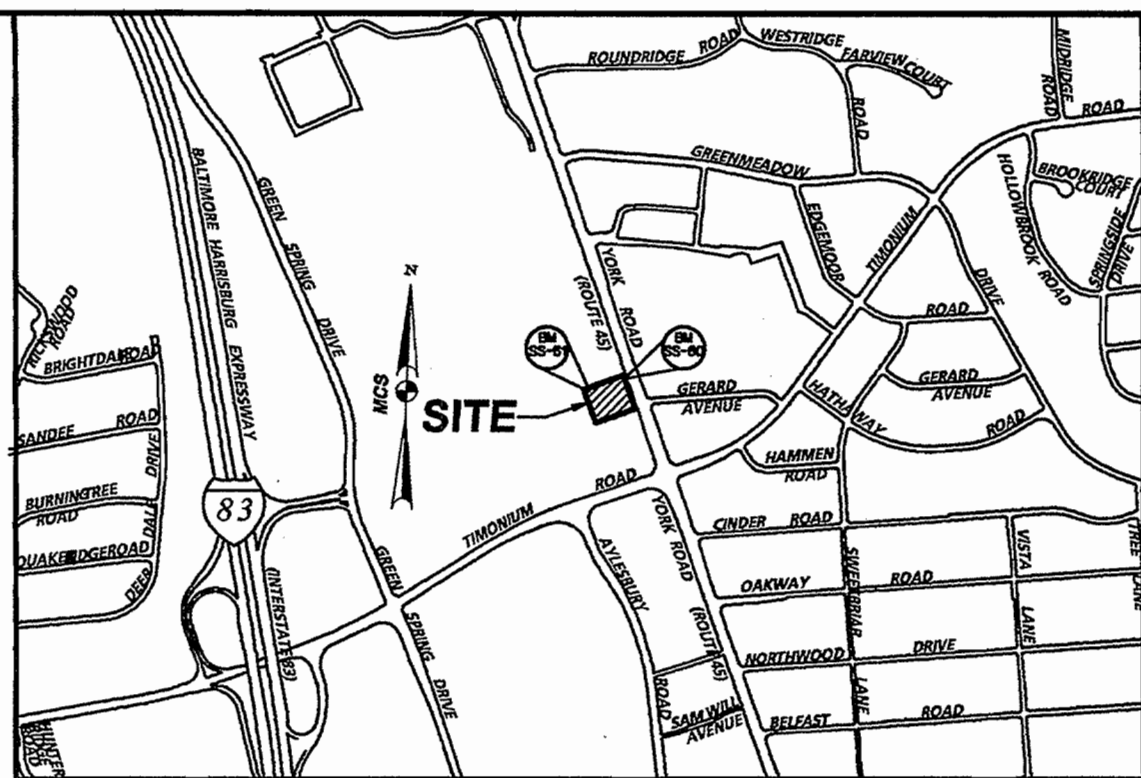
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

DATE: MAY, 2008

DRAWING NO.

C-3

SHEET 3 OF 3



VICINITY MAP

SCALE: 1" = 1000'

PLANT LIST

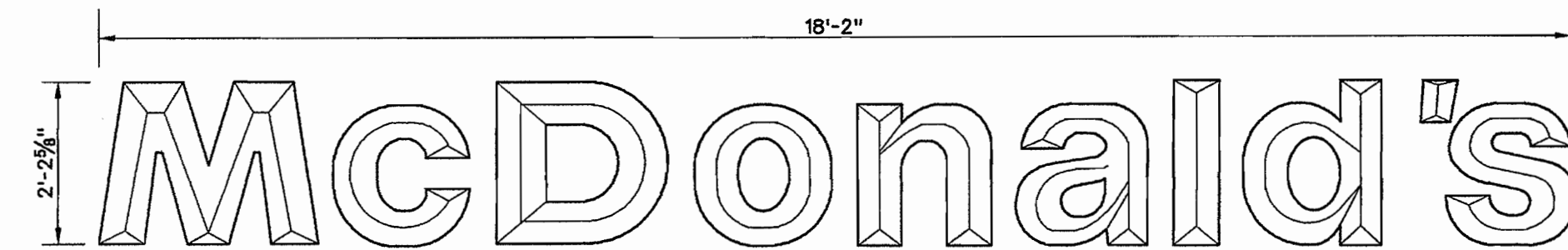
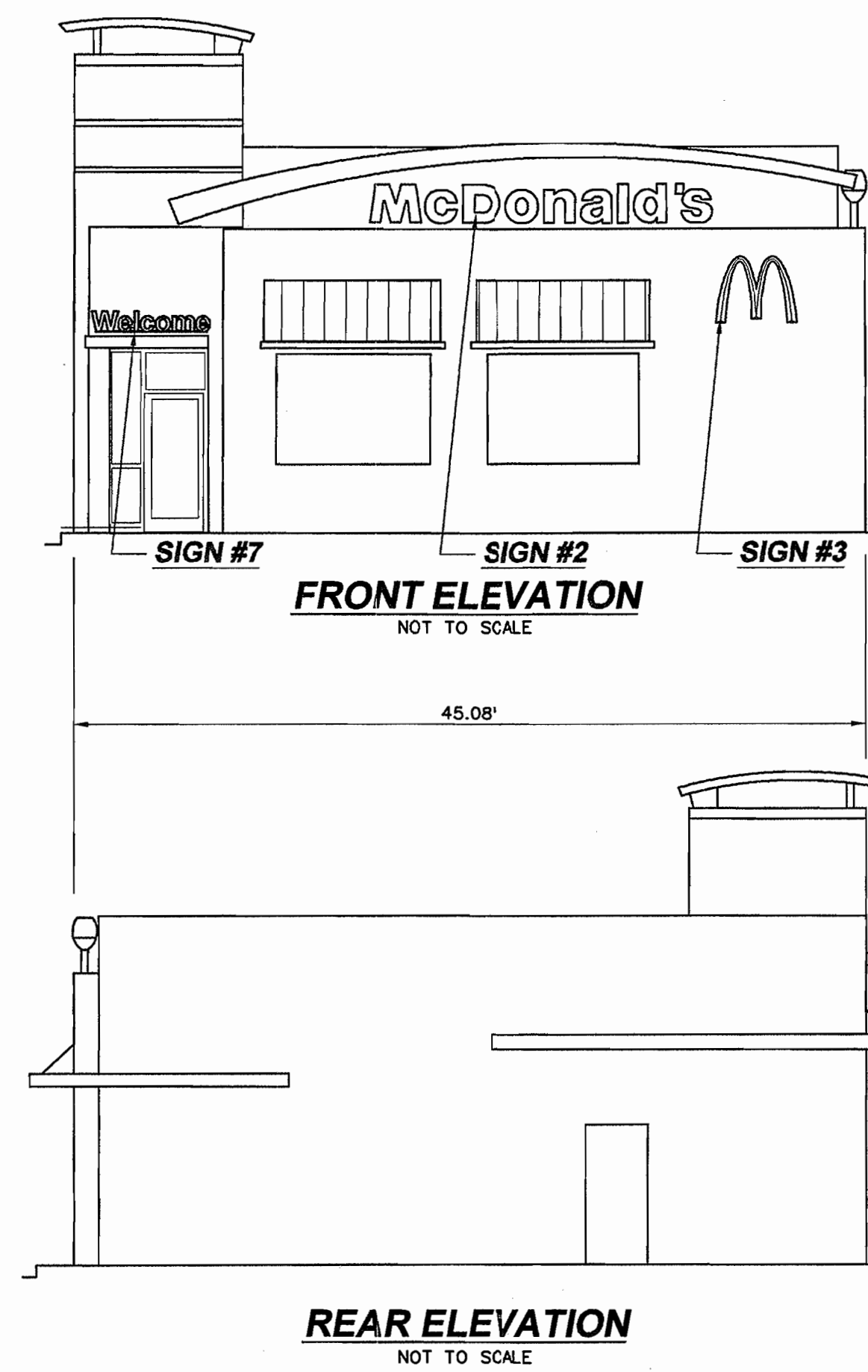
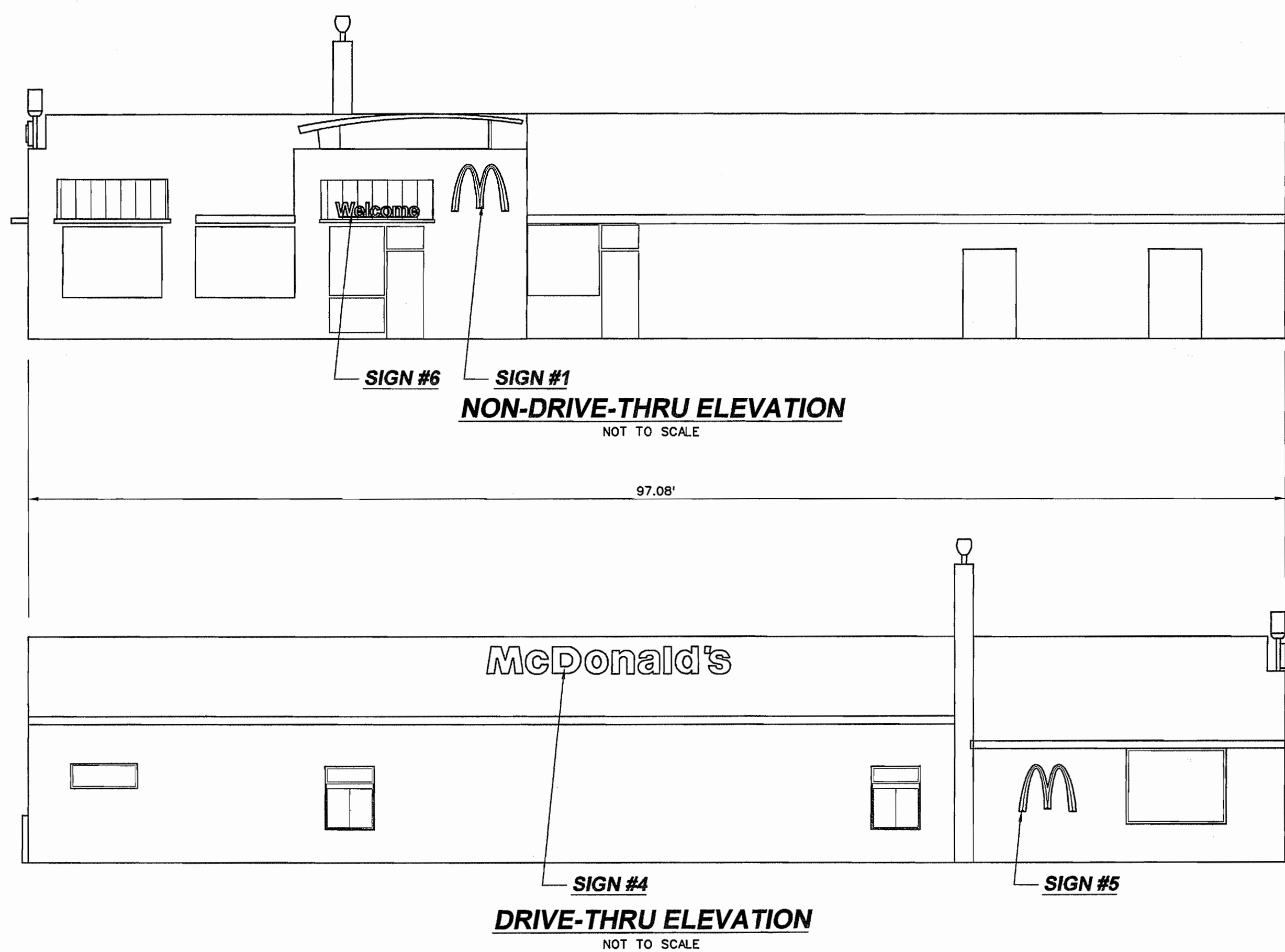
KEY	QUANTITY	BOTANICAL NAME COMMON NAME	SIZE	COND.	REMARKS
5	5	GLEDITSIA TRIA. INERMIS 'SHADEMASTER' SHADEMASTER HONEYLOCUST		B & B	
8	8	ULMUS X 'PATRIOT' PATRIOT ELM		B & B	
6	6	ILEX 'NELLIE R. STEVENS' 'NELLIE R. STEVENS'	6-7 HT.	B & B	
CA	15	CORNUS ALBA 'BAILHALO' IVORY HALO DOGWOOD		B & B	
JS	62	JUNIPERUS SABINA 'TAMARISCIFOLIA' TAM'S JUNIPER		B & B	
EK	44	EUONYMUS KIAUTSCHOVICUS 'MANHATTAN' MANHATTAN EUONYMUS		B & B	
LM	220	LIRIOPE MUSCARI VARIEGATA' VARIEGATED LIRIOPE		B & B	
HP	60	HEUCHERA 'PALACE PURPLE' 'PALACE PURPLE' CORAL BELLS'		B & B	

NOTES

- CONTRACTOR IS TO NOTIFY MISS UTILITY A MINIMUM OF 72 HOURS PRIOR TO DIGGING. TELEPHONE: 1-800-257-7777
- THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED 48 HOURS BEFORE PLANTING BEGINS. THE LOCATION OF ALL PLANT MATERIAL IS TO BE APPROVED IN THE FIELD BY THE LANDSCAPE ARCHITECT.
- THIS PLAN IS FOR PLANTING ONLY.
- NO TREE OR SHRUB PLANTING PITS ARE TO BE LEFT OPEN OR UNATTENDED.
- SHRUBS ARE TO BE GROUPED INTO MULCHED BEDS. BEDS ARE TO BE EDGED AND THE GRASS IS TO BE KILLED OR REMOVED PRIOR TO MULCHING.
- ANY EXISTING SOIL CONDITIONS THAT MAY POSE A THREAT TO THE LIFE AND HEALTH OF THE PLANT MATERIAL MUST BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT BY THE LANDSCAPE CONTRACTOR PRIOR TO THE INSTALLATION OF THE PLANT MATERIAL.

PLANTING CALCULATIONS

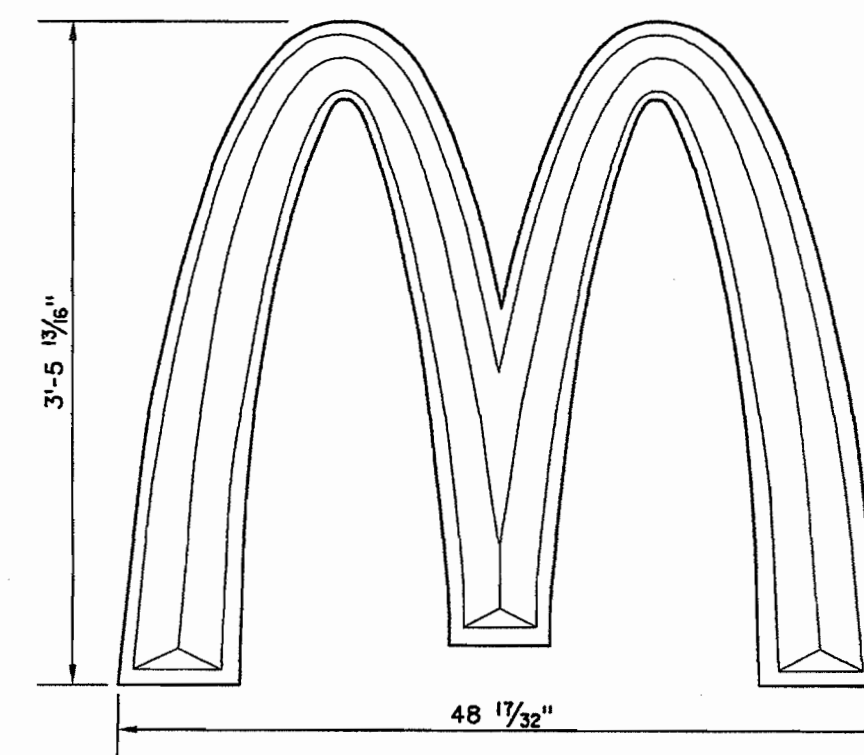
KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	188 LF	4.7
B	INTERIOR ROADWAY	1 PU / 20 LF	73 LF	3.7
C	PARKING PERIMETER	1 PU / 20 LF	160 LF	8
D	PARKING PERIMETER	1 PU / 20 LF	126 LF	6.3
E	PARKING PERIMETER	1 PU / 20 LF	173 LF	8.7
F	PARKING LOT INTERIOR	1 PU / 12 SPACES	49 SPACES	4
G	SCREEN DUMPSTER	1 PU / 15 LF	51 LF	3.4
TOTAL REQUIRED / TOTAL PROPOSED			39 / 40 P.U.'S	



SPECIFICATIONS
RACEWAY MOUNT FORMED KYDEX HOUSING
FORMED POLYCARBONATE FACES
H.O. FLUORESCENT ILLUMINATION
RACEWAY PAINTED GREY
40.29 SF

SIGN #2 & #4

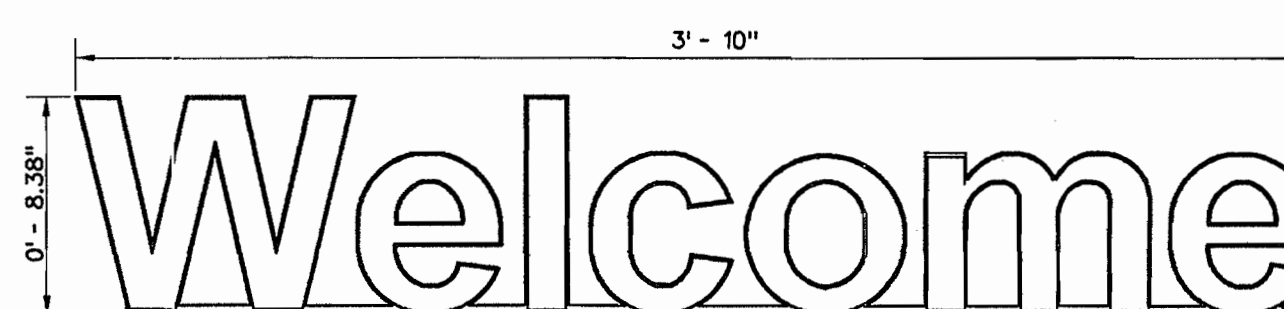
NOT TO SCALE
UNIBODY ELEMENT
FRONT & DRIVE THRU ELEVATIONS
- ENTERPRISE SIGN
- WALL-MOUNTED



SPECIFICATIONS
LAMPING: 13 MM NEON (WHITE)
TRANSFORMER: (1) FRANCE DEIG 75/30
LOAD: 0.75 AMP'S
CIRCUIT: (1) 20 AMP
SQ.FT.: BOXED 14.09

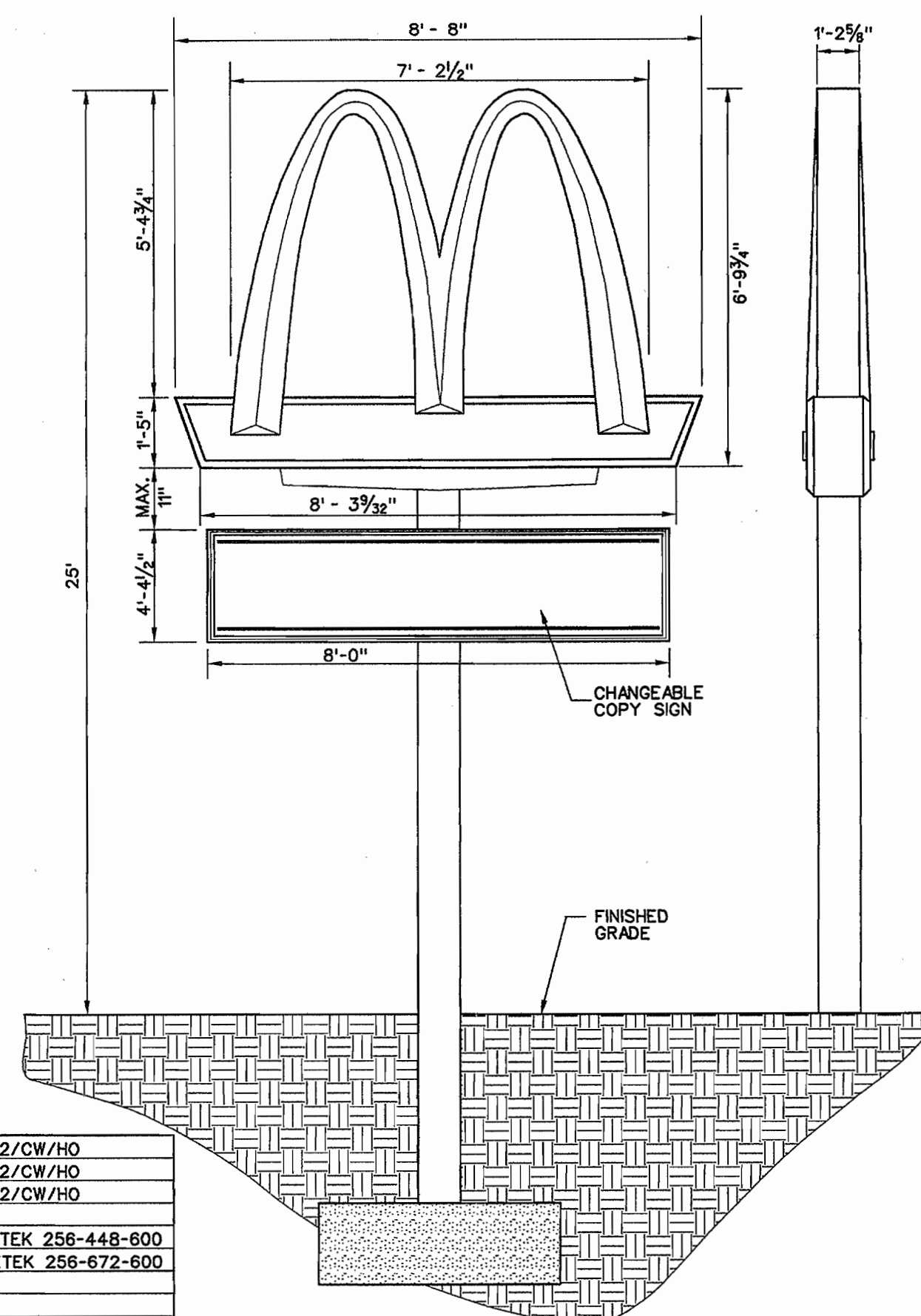
SIGN #1, SIGN #3 AND SIGN #5

NOT TO SCALE
48" ILLUMINATED ARCH LOGO
- ENTERPRISE SIGN
- WALL-MOUNTED



SIGN #6 & #7

NOT TO SCALE
NON-ILLUMINATED WELCOME LETTERS
2.79SF
- DIRECTIONAL SIGN
- MAX. ALL < 3 SF



SIGN #8

ENTERPRISE FREESTANDING (PYLON) SIGN

90-50 ROAD SIGN
NOT TO SCALE

SPECIFICATIONS
LAMPING: ARCH (4) F42T12/CW/HO
(4) F24T12/CW/HO
EMBLEM (2) F96T12/CW/HO
BALLAST: ARCH (1) MAGNETEK 256-448-600
EMBLEM (1) MAGNETEK 256-672-600
LOAD: 5.9 AMP'S
CIRCUIT: (1) 20 AMP

ZONING HISTORY

CASE NO. 91-296-A

IN RE: PETITION FOR ZONING VARIANCE
W/S York Road, 376' N of the
c/l of Timonium Road
(2116 York Road)
8th Election District
3rd Councilmanic District
Christiana International Corp.
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-296-A
Deputy Zoning Commissioner
for Baltimore County

AMENDED ORDER

WHEREAS, the Petitioners requested a variance to permit 70 off-street parking spaces in lieu of the required 83, a distance of 3 feet between buildings (cashier's booth and restaurant) in lieu of the minimum required 6(0) feet, 2 stacking spaces behind the Menu Board in lieu of the required 5, and a parking space within 1.5 feet of the right-of-way line of York Road in lieu of the required minimum of 10 feet, in accordance with the plan submitted and marked Petitioner's Exhibit 1; and,
WHEREAS, due to a typographical error, the Petition filed and the advertising and posting of the property erroneously reflected the variance to the distance between buildings requested was in lieu of the minimum required 6 feet, and not 60 feet as required by Sections 102.2 and 238.2 of the B.C.Z.R.; and,
WHEREAS, at the hearing held on the matter, the regulation from which the relief was being requested was cited appropriately and Petitioner's Exhibit 1 accurately reflected the variance requested at a distance of 3 ft. in lieu of the required 60 ft. between buildings; and,
WHEREAS, the relief sought was granted, subject to restrictions, by Order issued April 17, 1991; and,
WHEREAS, subsequent to the relief being granted, the error was discovered and an amended Order deemed appropriate;

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of May, 1991 that the Order issued April 17, 1991 be AMENDED to reflect that the variance relief requested and granted for a distance between buildings of 3 feet is in lieu of the required 60 feet, as set forth in Sections 102.2 and 238.2 of the B.C.Z.R.; and,
IT IS FURTHER ORDERED that all other conditions and restrictions contained in the Order issued April 17, 1991 shall remain in full force and effect.

AMN:hjs
cc: E. Harrison Stone, Esquire
102 W. Pennsylvania Avenue
Towson, Md. 21204
People's Counsel; File

ANN H. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

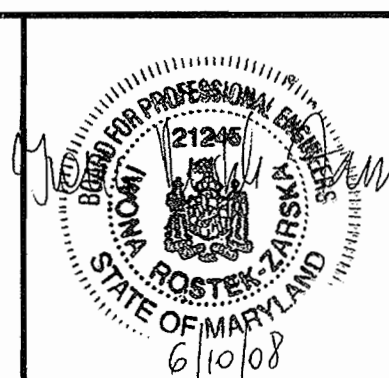
NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

222 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21086
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2010.

OWNER

MCDONALD'S CORPORATION
AMF O HARE AIRPORT 19-221
PO BOX 66207
CHICAGO, ILLINOIS 60666

DEVELOPER / APPLICANT

MCDONALD'S CORPORATION
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3626

DATE	ITEM

PLAT TO ACCOMPANY ZONING PETITIONS

MCDONALD'S
#2116 YORK ROAD
TIMONIUM, MARYLAND, 21093

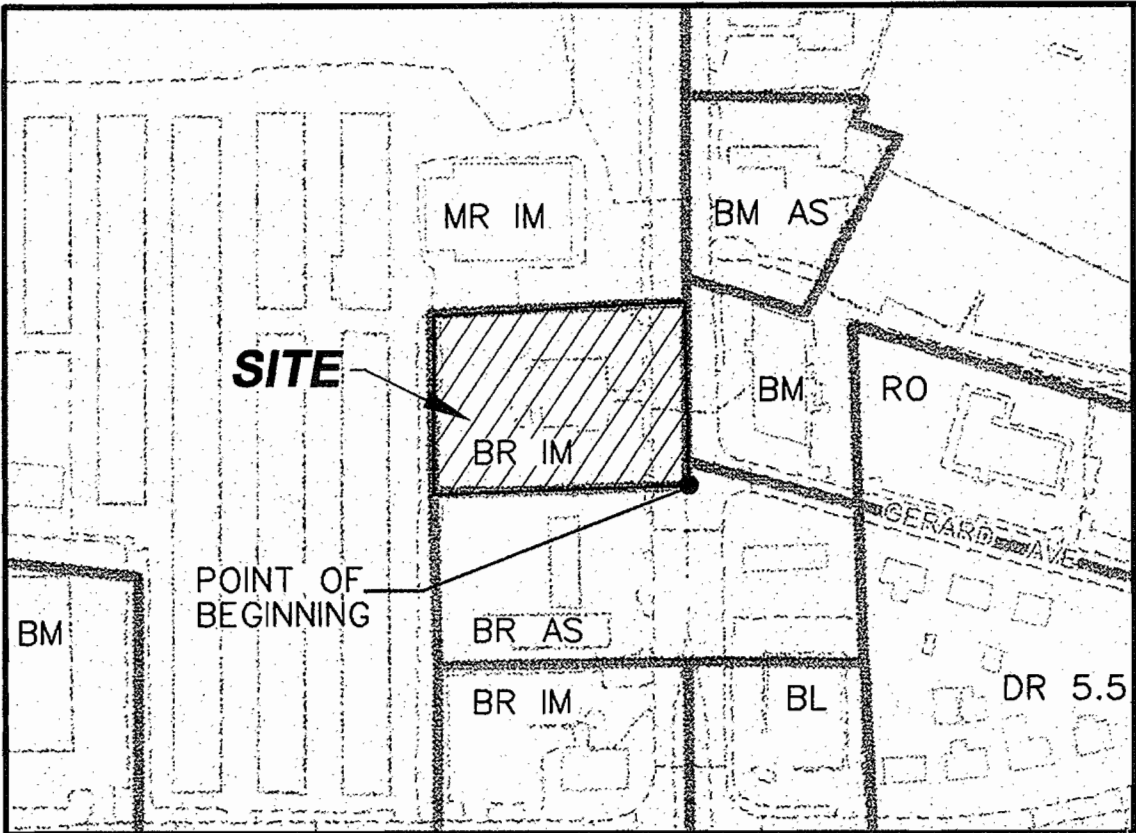
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

DATE: MAY, 2008

DRAWING NO.

C-2

SHEET 2 OF 3



ZONING MAP (MAP: 060 C1)
SCALE: 1" = 200'

LEGEND

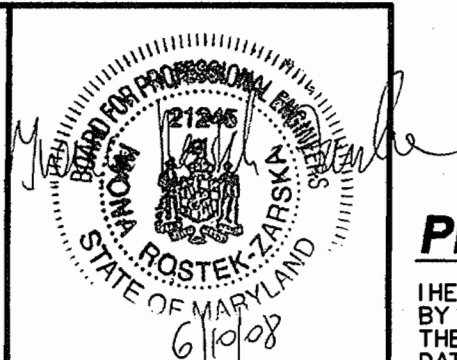
RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. STORM DRAIN	EX. 15" D
EX. SANITARY SEWER, MANHOLE & CLEANOUT	EX. 8" S
EX. WATER MAIN, VALVE & FIRE HYDRANT	EX. 8" W
EX. TREE	380
EX. INDEX COUNTERS	382
EX. INTERMEDIATE COUNTERS	382
ZONING LINE	BR-IM BR-AS

ZONING HEARING REQUESTS

- HEARING FOR ZONING VARIANCES
 - VARIANCE FOR PARKING REQUIREMENT:
 - VARIANCE FROM SECTION 409.6.A.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW 49 SPACES IN LIEU OF THE REQUIRED 71 SPACES.
 - VARIANCE FOR OFF-STREET LOADING REQUIREMENT:
 - VARIANCE FROM SECTION 409.11 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO NOT HAVING ADEQUATE SPACE FOR LOADING AND UNLOADING OPERATIONS.
 - VARIANCE FOR B.L. ZONE AREA REQUIREMENT:
 - VARIANCE FROM SECTION 303.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A 47.5 FT. FRONT YARD DEPTH IN LIEU OF THE REQUIRED 70 FT. (THE AVERAGE FRONT YARD DEPTHS OF ADJACENT PROPERTIES).
 - VARIANCE FOR SIGN REQUIREMENT:
 - VARIANCE FROM SECTION 450.4.5.A OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW FIVE (5) ENTERPRISE SIGNS ON THE BUILDING FACADES IN LIEU OF THE ALLOWED THREE (3) SIGNS. (SIGNS #1, #2, #3, #4, AND #5)
 - VARIANCE FROM SECTION 450.4.3 OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW A "CANOPY" TYPE DIRECTIONAL SIGN IN LIEU OF THE ALLOWED WALL MOUNTED OR FREESTANDING SIGN. (SIGNS #6 & #7)
 - VARIANCE FROM SECTION 450.5.B.3.B OF THE BALTIMORE COUNTY ZONING REGULATIONS TO ALLOW ERECTION OF THE SIGN ABOVE FACE OF THE CANOPY IN LIEU OF ITS ERECTION ON THE FACE OF CANOPY. (SIGNS #6 & #7)
 - VARIANCE FROM SECTION 450.4.5.B TO PERMIT A FREE STANDING ENTERPRISE SIGN HAVING A FACE/AREA OF 94 SF IN LIEU OF THE PERMITTED FACE/AREA OF 75 SF (SIGN #8)

NOTE:
THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.

BLDG
Baltimore Land Design Group Inc.
Consulting Engineers
222 SCHILLING CIRCLE SUITE 105 • HUNT VALLEY, MARYLAND 21093
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM

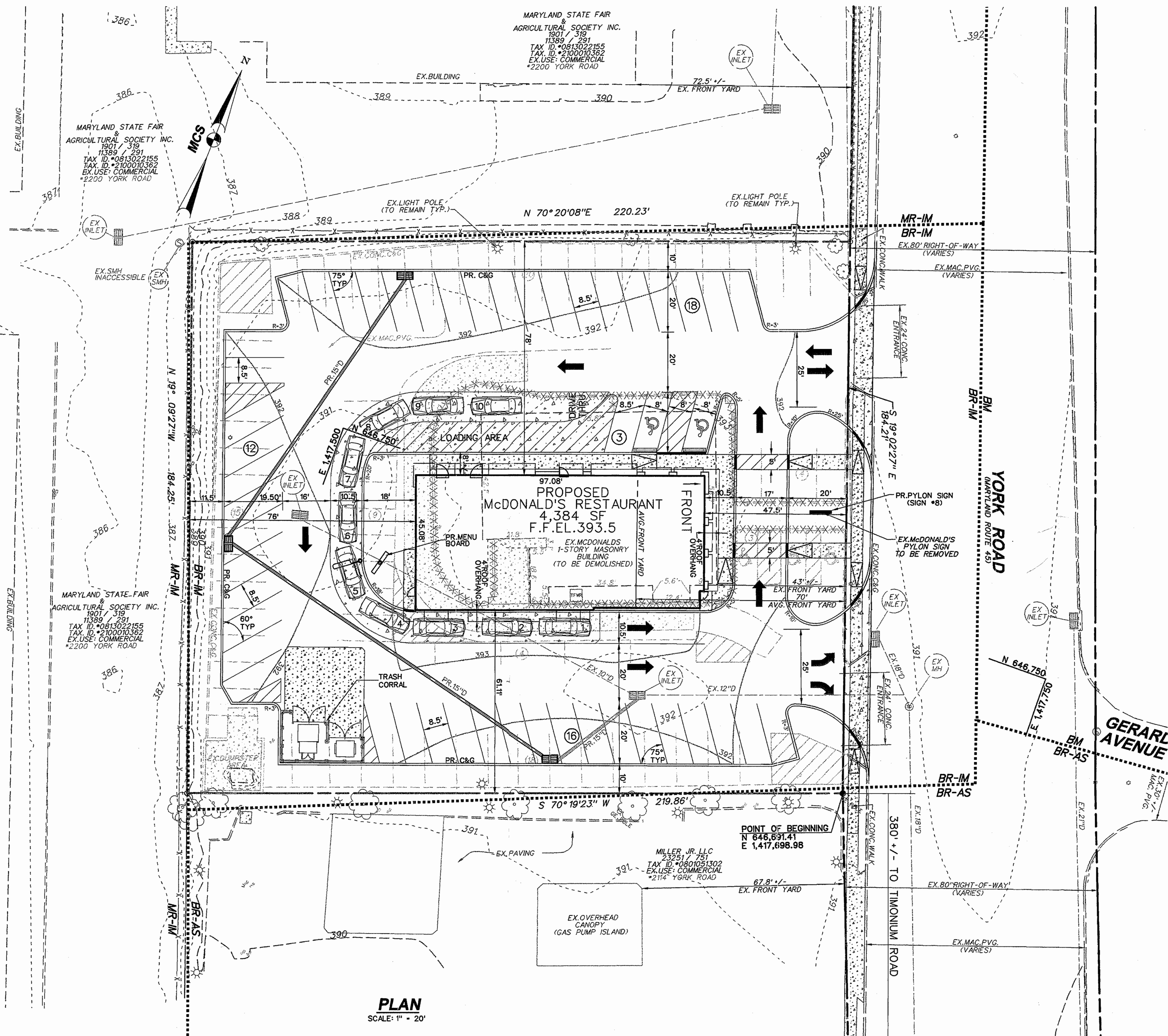


PROFESSIONAL CERTIFICATION

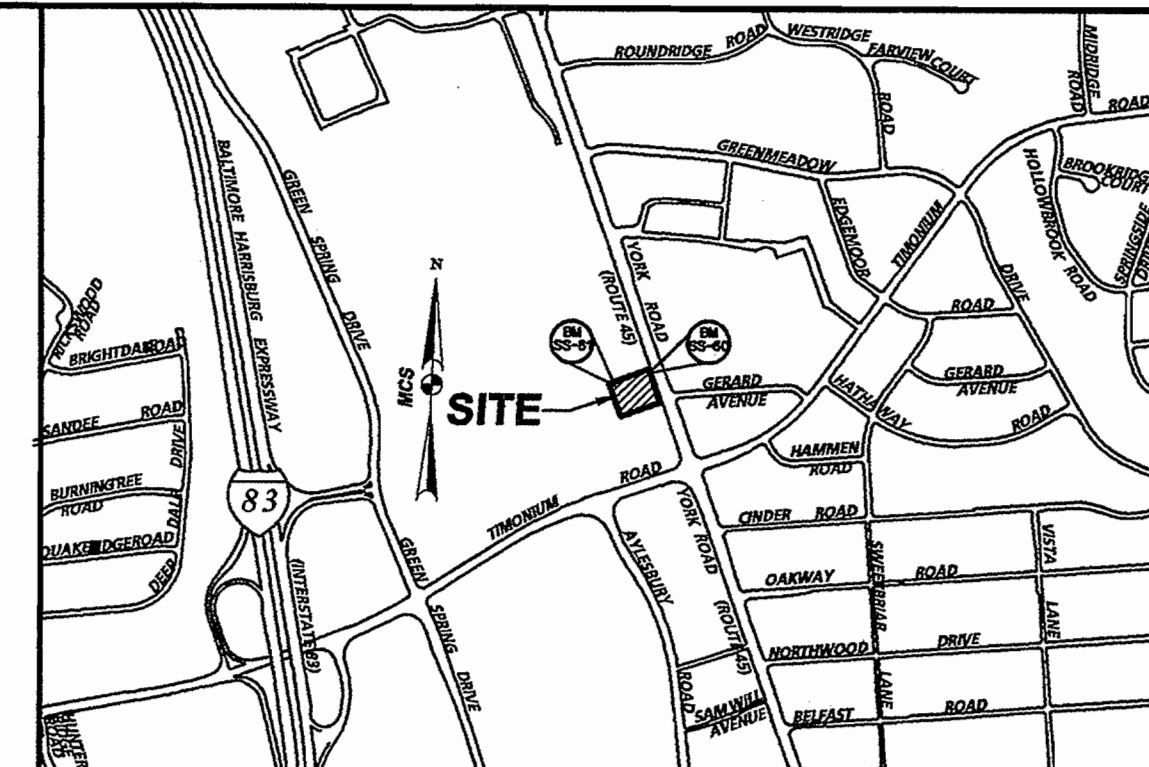
HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2010.

PREVIOUS ZONING HISTORY

- LIMITED EXEMPTION UNDER SECTION 26-17(i)(7) FOR ADDITION (913.5 SF) TO EXISTING 3,495 SF BUILDING APPROVED BY DRC ON OCTOBER 24, 1994.
- CASE #70-31-R- PETITION FOR ZONING RECLASSIFICATION TO REZONE PROPERTY FROM MR ZONE TO BR ZONE GRANTED ON SEPTEMBER 4, 1969
- CASE #91-296-A- PETITION FOR ZONING VARIANCE TO PERMIT 70 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 83, A DISTANCE OF 3 FEET BETWEEN BUILDINGS (CASHIERS BOOTH AND RESTAURANT) IN LIEU OF THE MINIMUM REQUIRED 6 FEET, 2 STACKING SPACES BEHIND THE MENU BOARD IN LIEU OF THE REQUIRED 5, AND A PARKING SPACE WITHIN 1.5 FEET OF THE RIGHT-OF-WAY LINE OF YORK ROAD IN LIEU OF THE REQUIRED MINIMUM OF 10 FEET WAS GRANTED ON MAY 1, 1991. (SEE SHEET 2 OF 3 FOR DETAILS).



PLAN
SCALE: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'

BENCH MARK

SS60 MAG NAIL N648847.525 E117643.053 EL. = 391.49
MAG NAIL SET ON WEST SIDE YORK ROAD, 4' +/- WEST OF EDGE CONCRETE APRON,
20.9' SE OF BGE POLE #498228 & 57.3' +/- NE OF NORTHERNMOST BUILDING CORNER
OF McDONALD'S.

SS61 MAG NAIL N648770.589 E117481.424 EL. = 391.86
MAG NAIL SET 204' WEST OF WEST SIDE CURB YORK ROAD, 35.4' SE OF SEWER
MANHOLE, 14.7' +/- SE OF NORTHERN ON SIDE FACE CURB & 80.9' +/- NW OF
NORTHERNMOST BUILDING CORNER OF McDONALD'S.

SITE DATA

- SITE AREA = 40,536 SF OR 0.931AC
- OWNER:
MCDONALD'S CORPORATION
AMF O HARE AIRPORT 19-221
P.O. BOX 66207
CHICAGO, ILLINOIS 60666
- TAX MAP REFERENCES:
TAX ACCT. #: 0806045402
MAP: 601 GRID: 061 PARCEL: 228
- DEED REFERENCES: 12096 / 125 & 12096 / 122
- ELECTION DISTRICT: 8; COUNCILMANIC DISTRICT: 3
- EXISTING ZONING: BR-IM, MAP #080C1
- EXISTING USE: McDONALD'S RESTAURANT - TO BE RAZED
PROPOSED USE: McDONALD'S RESTAURANT
- CENSUS TRACT: 408505
WATERSERVICE AREA: TOWSON FOURTH ZONE
SEWERSHED: 57 N
TRANSPORTATION ZONE: 0502
ZIP CODE: 21093
WATERSHED: JONES FALLS
- MINIMUM SETBACK REQUIREMENTS (BR-IM ZONE):
FRONT: 25 FT OR AVERAGE OF FRONT YARDS ON ADJACENT
PROPERTIES (VARIANCE REQUESTED)
SIDE & REAR: 30 FT
- BUILDING HEIGHT:
PROPOSED: 20 FT
- FLOOR AREA RATIO:
MAX. PERMITTED: 2.0
PROPOSED: 4,384 SF / 40,537 SF = 0.11
- ADT:
890 / 1,000 SF GROSS LEASABLE AREA -
(4384SF) = 2412 DAILY TRIPS
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY
LANDSCAPE MANUAL, SEE SHEET 3 OF 3 FOR PRELIMINARY LANDSCAPE PLAN.
- STORM WATER MANAGEMENT:
THIS SITE IS A RE-DEVELOPMENT. EXISTING IMPERVIOUS AREAS WITHIN THE LIMIT
OF DISTURBANCE WILL BE REDUCED AT LEAST 20% TO MEET WATER QUALITY VOLUME
(WQV) REQUIREMENTS.
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS,
ARCHEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS
ON SITE.
- FOREST CONSERVATION REQUIREMENTS:
EXEMPT: THE PROPOSED DEVELOPMENT IS LOCATED ON A SINGLE LOT THAT
EXISTED BEFORE JANUARY 1, 1993 AND LIMIT OF DISTURBANCE IS LESS THAN
40,000 SF.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN
POLICIES, EXCEPT THOSE LISTED UNDER "ZONING HEARING REQUESTS" ON THIS SHEET.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PREMISES IS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE
RATE MAP FOR BALTIMORE COUNTY, MARYLAND COMMUNITY PANEL
NUMBER 240010 0235 B, EFFECTIVE DATE, MARCH 2, 1981 AND DESIGNATED AS
ZONE C (AREAS OF MINIMAL FLOODING).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- LIGHTING SHALL BE ERECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL
AREAS AND PUBLIC ROADS.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM A BOUNDARY SURVEY PREPARED
BY SURVEY SERVICES OF MD, DATED APRIL 11, 2008.

PARKING REQUIREMENTS

PARKING SPACES REQUIRED: 4,384 SF @ 16 PS / 1,000 SF = 71 P.S.
PARKING SPACES PROVIDED: 49 PS (INCL. 2 HDPC)
SEE "ZONING HEARING REQUESTS" THIS SHEET

PETITIONER'S EXHIBIT 9

DESIGN & DRAWINGS ARE
BASED ON MARYLAND
COORDINATE SYSTEM

DRAWING NO.

C-1

PLAT TO ACCOMPANY ZONING PETITIONS
MCDONALD'S
#2116 YORK ROAD
TIMONIUM, MARYLAND, 21093

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

DATE: MAY, 2008

SHEET 1 OF 3