

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

W side of Whitehead Road, 1000 +/- feet N
of Security Blvd.
1st Election District
4th Councilmanic District
(1716 Whitehead Road)

1708-1716 Whitehead LLC
Petitioner/Legal Owner
Skateworks LLC
Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* **Case No. 2009-0013-X**
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by the legal owner of the subject property, 1708-1716 Whitehead LLC, and the lessee, Skateworks LLC. Petitioner is requesting a Special Exception pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an arcade located in a skating rink. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception was Petitioner Carolyn Pratt, managing member of the proposed lessee, Skateworks LLC, and Thomas A. Church, with Development Engineering Consultants, Inc., the professional engineer who prepared the site plan. Arnold Jablon, Esquire, appeared as Petitioner's attorney. Also in attendance were David Green with the Baltimore County Office of Planning and Pierce Macgill with the Baltimore County Department of Economic Development.

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9-18-08

pm

Testimony and evidence revealed that the subject property is rectangular in shape, contains 3.211 acres of land and is zoned BR-IM. The property is situated on the west side of Whitehead Road, north of Security Blvd. and east of Interstate 695 in the Woodlawn area of Baltimore County. The property is improved with two abutting warehouse style buildings that are one-story each. The building that is the subject of this special exception request fronts on Whitehead Road; the second building is located to the rear of the property.

Mr. Jablon proffered the testimony of Mr. Church, who would be accepted as an expert witness and is familiar with the site and the B.C.Z.R. as it relates to the proposed use. Mr. Jablon indicated that a skating rink (roller rink) is permitted in a B.R. zone and will be the principle use at this location. Ms. Pratt is the managing member of Skateworks LLC. Skateworks LLC desires to open a skating (roller) rink at this location. Petitioner has invested substantial resources already to renovate the building and make it suitable for the proposed use. As shown on the site plan, the building is 61,542 square feet, of which 35,226 square feet will be for the skating rink. In addition to the skating rink, Petitioner also proposes an arcade. This will enable the Petitioner to generate additional revenue to finance the continued improvements to the building, as well as to provide patrons with additional entertainment options. Fifty (50) arcade machines are proposed and will be family style machines appropriate for children and teenagers. Approximately 2,125 square feet of the building is proposed for the arcade area.

Petitioner's Exhibit 2 is an aerial photograph that illustrates the commercial and industrial character of the area. Interstate 695 borders the property to the west and large commercial buildings border the property to the north, south and east. The subject property is not near residential areas so there will be no impact to residential neighborhoods. The proposed roller skating rink and the requested arcade therein has widespread support throughout the community.

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In particular, the project received written support from the Woodlawn Estates Home Association (WEHA); the Woodlawn Community Education and Development Association, Inc.; the Security Woodlawn Business Association; the Honorable Adrienne A. Jones, Speaker Pro Tem of the Maryland House of Delegates, whose District includes the subject property; and the Baltimore County Office of Community Conservation. These letters were marked and accepted into evidence as Petitioner's Exhibits 3 through 7, respectively. In addition, Pierce Macgill with the Baltimore County Department of Economic Development appeared and testified in support of the project. David Green, with the Office of Planning, also appeared and expressed support for the project.

Mr. Jablon proffered that if called to testify, Mr. Church would indicate that the proposed arcade of up to 50 family oriented amusement devices would not be detrimental to the health, safety, or general welfare of the locale, nor would the arcade have any negative impacts on the community. Mr. Church would further testify that the proposed arcade use would meet all criteria set forth in Section 502.1 of the B.C.Z.R. and would be consistent with the property's zoning classification and within the spirit and intent of the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

Based on the testimony and evidence, I am persuaded to grant the requested relief for an arcade consisting of up to 50 family oriented amusement devices that are appropriate for children and teenagers. Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.) permits an arcade by special exception in the B.L., B.M. or B.R. Zones as the sole principal use or in

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[Signature]

combination with one or more of the entertainment, leisure, or recreation uses provided for in Section 422.A of the B.C.Z.R.

In my judgment, the proposed arcade will not be detrimental to the community, and based on the letters in support of the skating rink project, will prove to be in an asset to the community in providing family oriented entertainment alternatives for local residences in Woodlawn.

I also find that the proposed use meets the special exception criteria set forth in Section 502.1 of the B.C.Z.R. Finally, I find that the arcade use at the subject location will not have any adverse impacts above and beyond those inherently associated with such use irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981).

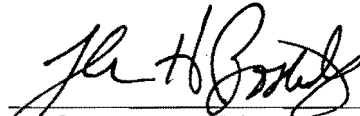
Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special exception request should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 18th day of September, 2008 that Petitioner's request for a Special Exception pursuant to Section 423.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an arcade located in a skating rink be and is hereby GRANTED, subject to the following conditions:

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

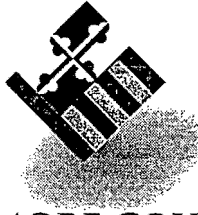
COPIES RECEIVED FOR FILED
9-18-08
[Signature]

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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9.18.08
B



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 18, 2008

ARNOLD JABLON, ESQUIRE
VENABLE LLP
210 ALLEGHENY AVENUE
TOWSON, MD 21204

Re: Petition for Special Exception
Case No. 2009-0013-X
Property: 1716 Whitehead Road

Dear Mr. Jablon:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz
Enclosure

- c: Thomas A. Church, Development Engineering Consultants, Inc., 6603 York Road, Baltimore, MD 21212
Carolyn Pratt, Skateworks LLC, 1716 Whitehead Road, Woodlawn MD 21207
Mrs. Van Ross, President, Woodlawn Community Education & Development Association, Inc., PO Box 47702, Baltimore MD 21244
Michelle Smith Billups, Executive Director, Security Woodlawn Business Association, PO Box 26545, Gwynn Oak MD 21207
The Honorable Adrienne A. Jones, Speaker Pro Tem, Maryland House of Delegates, 2 West Rolling Crossroads, Suite 205, Baltimore MD 21228
Tony Baysmore, Western Sector Coordinator, Baltimore County Office of Community Conservation
Pierce Macgill, Baltimore County Department of Economic Development
Dave Green, Baltimore County Office of Planning



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 1716 Whitehead Road

which is presently zoned BR-IM

Deed Reference: 2542 / 553 Tax Account # 08-005580

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

to permit an arcade located in skating rink, pursuant to section 423 B, BCZR

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

I, or we, agree to pay expenses of above Special Exception, 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.

Contract Purchaser/Lessee:

Skateworks LLC

Name - Type or Print

Signature

9602 Mendoza Rd

Address

Telephone No.

Randallstown, Md 21133

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable, LLP

Company

210 Allegheny Ave., 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

Case No. 2009 - 0013 - X

REV 07/27/2007

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.

Legal Owner(s):

1708-1716 Whitehead LLC

Name - Type or Print

Signature

Name - Type or Print

Signature

11403 Cronridge Dr

Address

Telephone No.

Owings Mills, md 21117

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 Allegheny Ave 410 494 6298

Address

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JF Date 7-16-08

DROP-OFF

DEVELOPMENT ENGINEERING CONSULTANTS, INC.

Site Engineers & Surveyors

6603 York Road
Baltimore, Maryland 21212
(410) 377-2600
(410) 377-2625 Fax

ZONING DESCRIPTION

FOR

#1716- #1718 WHITEHEAD ROAD

Beginning for the same at a point on the west side of Whitehead Road, 70' wide, said point being 1,000' more or less northerly from the center line of Security Boulevard, 120' wide, thence leaving the west side of Whitehead Road and running along the following courses and distances:

- 1) South 85 degrees 16 minutes 14 seconds West, 560.94 feet,
- 2) North 19 degrees 41 minutes 31 seconds West, 167.10 feet, and
- 3) North 88 degrees 29 minutes 01 seconds East, 554.95 feet,

back to the west side of Whitehead Road. Thence along the west side of Whitehead Road by a curve to the left with a radius of 700.00 feet and an arc length of 224.00 feet to the point of beginning.

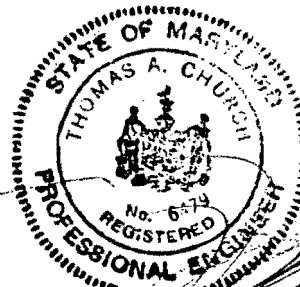
Containing 124,185 square feet (2.851 acres more or less).

Being the same property as described in a Deed dated March 29, 2007, and recorded in the Land Records of Baltimore County in Liber 25421, Folio 553

Also known as #1716 - #1718 Whitehead Road located in the 1st. Election District of Baltimore County.

June 19, 2008

Our Contract No.: 08-113



**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT**

No. **18507**

Date: **7-16-08**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
7/17/2008 7/16/2008 14:27:35 5

REG CODE WALKIN KENT KBE
RECEIPT # 6349349 7/16/2008 DELH

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	001	001	001	6157				350.00

Total: **350.00**

Rec
From: **VENARUE LLP**

For: **Petition for Special Excavation**
for Whitehead Rd.
Meeting Case # 2007-0013-X

5 528 ZONING VERIFICATION
CR # 019507
Recpt Tot \$350.00
\$350.00 CK \$0.00 CA
Baltimore County, Maryland

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: # 2009-0013-X

1716 Whitehead Road

W/side of Whitehead Road at a distance of 1000 +/- feet north from Security Boulevard

1st Election District

4th Councilmanic District

Legal Owner(s): 1708-1716

Whitehead LLC

Contract Purchaser:

Skateworks, LLC.

Special Exception: to permit an arcade located in skating rink.

Hearing: Friday, September 12, 2008 at 11:00 a.m. In Room 104, 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 8/747 Aug. 26 181717

CERTIFICATE OF PUBLICATION

8/28/2008

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 8/26/2008.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0013-X

Petitioner/Developer: _____

Skateworks, LLC

Date of Hearing/Closing: Sept. 12, 08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews

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: _____

1716 Whitehead Road

The sign(s) were posted on Aug. 27, 2008
(Month, Day, Year)

Sincerely,

Robert Black Aug. 28, 08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

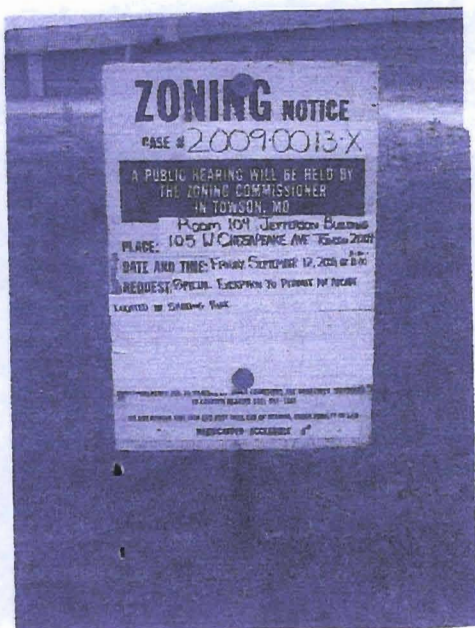
(Address)

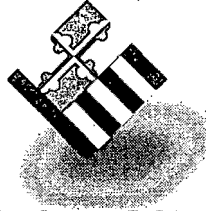
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

August 7, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0013-X

1716 Whitehead Road

W/side of Whitehead Road at a distance of 1000 +/- feet north from Security Boulevard

Legal Owners: 1708-1716 Whitehead LLC

Contract Purchaser: Skateworks, LLC

Special Exception to permit an arcade located in skating rink.

Hearing: Friday, September 12, 2008 at 11:00 a.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 Allegheny Avenue, Towson 21204
1708-1716 Whitehead LLC, 11403 Cronridge Drive, Owings Mills 21117
Skateworks, LLC 9602 Mendoza Road, Randallstown 21133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 27, 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 26, 2008 Issue - Jeffersonian

Please forward billing to:
Development Engineering Consultants
6603 York Road
Towson, MD 21204

410-377-2600

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: 2009-0013-X

1716 Whitehead Road

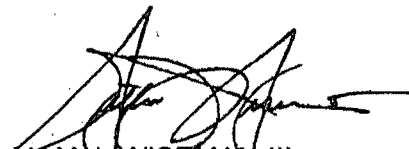
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105 W. Chesapeake Avenue, Towson 21204



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.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

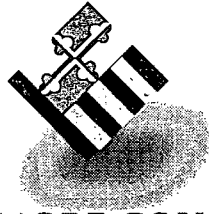
For Newspaper Advertising:

Item Number or Case Number: 2009 - 0013 - X
Petitioner: SKATEWORKS, LLC
Address or Location: 1716 WHITMEND RD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DEVELOPMENT ENVIRONMENTAL CONSULTANTS, INC
Address: 6603 YORK RD
TOWSON

Telephone Number: 410 377 2600



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

September 4, 2008

Arnold Jablon
Venable, LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2009-0013-X, 1716 Whitehead Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 16, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
1708-1716 Whitehead LLC, 11403 Cronridge Dr., Owings Mill, MD 21117
Skateworks LLC, 9602 Mendoza Rd., Randallstown, MD 21133

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: July 29, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For August 4, 2008
Item Nos. 2009-0011, 0012, 0013, 0014,
0015, 0016, 0017, and 0018

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

DAK:CEN:lrk

cc: File

ZAC- 07292008-NO COMMENTS

TB 9/12
11am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 8, 2008

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

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AUG 18 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-013- Variance**

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

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

Prepared By:

Curtis Murray

Division Chief:
CM/LL

Anna Parker

TB 9/12

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWC
DATE: August 19, 2008
SUBJECT: Zoning Item # 09-013-X
Address 1716 Whitehead Road
(1708-1716 Whitehead Road, LLC)

RECEIVED
AUG 19 2008

BY:

Zoning Advisory Committee Meeting of July 27, 2008

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

_____ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Livingston

Date: Aug 19, 2008



JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 29, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 27, 2008

Item No.: 2009-0013-X and 2009-0017-X

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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

State Highway
Administration

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

Maryland Department of Transportation

Date: 7-28-2009

Ms. Kristen Matthews
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No ~~2009-0013-X~~
1708-1716 WHITEHEAD RD
SKATEWORKS, LLC
SPECIAL EXCEPTION

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. ~~2009-0013-X~~

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
1716 Whitehead Road; W/S Whitehead Rd, *
1000' N Security Blvd * ZONING COMMISSIONER
1st Election & 4th Councilmanic Districts.
Legal Owner(s): 1708-1716 Whitehead LLC * FOR
Contract Purchaser(s): Skateworks, LLC
Petitioner(s) * BALTIMORE COUNTY
* 09-013-X

* * * * *

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 documentation filed in the case.

RECEIVED
JUL 30 2008

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

July 15, 2008

HAND DELIVERED

Mr. W. Carl Richards, Jr., Supervisor
Zoning Review Office
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Petition for Special Exception
Petitioner: 1708-1716 Whitehead LLC
Location: 1716 Whitehead Road

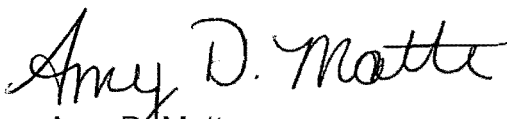
Dear Mr. Richards:

I am drop filing the enclosed Petition for Special Exception for the above-referenced property. This property is not in violation of any zoning laws. With this letter, I have enclosed the following documents:

1. Petition for Special Exception (3)
2. Zoning Descriptions (3)
3. Site Plans (12)
4. Newspaper advertising form (1)
5. Signature Authorization Form (1)
6. Check in the amount of \$380.00

If you have any questions or concerns regarding this filing, please give me a call.

Very truly yours,


Amy D. Matte
Paralegal

cc: Arnold Jablon, Esquire
Enclosures

TO1DOCS1/#261287v1



July 11, 2008

Venable, LLP
210 Allegheny Ave.
Towson, MD 21204
Attention: Mr. Arnold Jablon

**RE: Skateworks
1716 Whitehead Road**

To Whom It May Concern:

As authorized representatives of 1708-1716 Whitehead Road, LLC, owners of 1716 Whitehead Road, we acknowledge and confirm the current lease with Skateworks, LLC for 1716 Whitehead Road, Suite B.

We further acknowledge and approve a portion of the Skateworks space for an arcade use.

Thank you,
ARC MANAGEMENT, LLC


Christopher K. Coffman
Senior Property Manager

Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and propose to lease and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 1716 Whitehead Road _____, property we own and propose to lease

Further, the undersigned is the contract purchaser of said property, and hereby and herewith authorize Mr. Jablon to be my attorney-in-fact and attorney-at-law and represent us in this matter.

1708-1716 Whitehead LLC (owner)

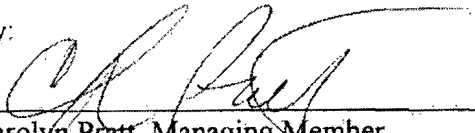
By: _____, Managing Member

_____(Date)

11403 Cronridge Dr, Owings Mills, 21117
address

Skateworks, LLC (Lessee)

By:



Carolyn Pratt, Managing Member
9602 Mendoza Rd, Randallstown, Md 21133

Section 502.1 of the B.C.Z.R.

In granting any special exception, the Zoning Commissioner and the County Board of Appeals, upon appeal, shall be governed by the following principles and conditions.

502.1 Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:

- A. Be detrimental to the health, safety or general welfare of the locality involved;
- B. Tend to create congestion in roads, streets or alleys therein;
- C. Create a potential hazard from fire, panic or other danger;
- D. Tend to overcrowd land and cause undue concentration of population;
- E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
- F. Interfere with adequate light and air; [Bill No. 45-1982]
- G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations; [Bill No. 45-1982]
- H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor [Bill No. 45-1982]
- I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone. [Bill No. 74-2000]

See also, Schultz v. Pritts, 291 Md. 1 (1981)

The Court's analysis can be boiled down to the paragraph beginning at page 15 which states:

“[a] special exception use has an adverse effect and must be denied when it is determined from the facts and circumstances that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, these cases establish that the **appropriate standard** to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is **whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.**

CASE NAME _____
CASE NUMBER 2009-0013-X
DATE 9-12-08

[illegible]

Case No.: 2009-0013-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Aerial Photo	
No. 3	Letter of support	
No. 4	Letter of support	
No. 5	Letter of support	
No. 6	Letter of support	
No. 7	Letter of support	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Woodlawn's on the MOVE!

Woodlawn Estates Home Association (WEHA)

Mrs. Van Ross, President

Mr. Dallas Griffin, Vice-President

Mrs. Evelyn Jackson

(Under the Umbrella of the Woodlawn Community Education
and Development Association, Inc.)

April 1, 2008

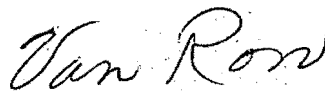
Ms. Carolyn Pratt, General Manager
Skateworks
1716 Whitehead Road
Baltimore, MD 21207

Dear Ms. Pratt:

This letter is being written to inform you that the Woodlawn Estates Home Association is in *full support* and views Skateworks as a *welcome addition* and *great asset* into our Community.

We are *excited* about the benefits and impact this will be for the Community.

Sincerely,



Mrs. Van Ross, President

cc:
Woodlawn Estates Home Association Board
Delegate Adrienne Jones, Pro Speaker Tem
Mr. Duane Baysmore, Baltimore County Conservation Office

PETITIONER'S

EXHIBIT NO.

3

W

C

Woodlawn Community Education and Development Association, Inc.

P.O. Box 47702

Baltimore, MD 21244

Phone: (410) 298-5307

Fax: (410) 594-9120

April 1, 2008

Ms. Carolyn Pratt, General Manager
Skateworks
1716 Whitehead Road
Baltimore, MD 21207

Dear Ms. Pratt:

This letter is being written to inform you that the Woodlawn Community Education and Development Association, Inc., is in *full support* and views Skateworks as a welcome addition and *great asset* into our Community.

We are excited about the benefits and impact this will be for the Greater Woodlawn Community.

Sincerely,



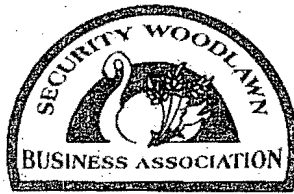
Mrs. Van Ross
Founder and President

cc:
WCEDA Executive Board
Delegate Adrienne Jones, Pro Speaker Tem
Mr. Duane Baysmore, Baltimore County Conservation Office

PETITIONER'S

EXHIBIT NO.

4



**P.O. Box 26545
Gwynn Oak, MD
21207**

April 1, 2008

**Skate Works
1716 Whitehead Road
Woodlawn, MD 21207**

To Whom This May Concern:

Please be advised that Skate Works is a member in good standing in the Security Woodlawn Business Association. As a community and business organization, we are excited by the opportunities and welcome the high visibility this endeavor brings. We are focused on the positive energy, details in organization and extraordinary attention to the security of our young people. It is imperative that our young people see new businesses growing and the process it takes to get them from concept to actualization. This is an unprecedented opportunity to do just that!

We welcome Skate Works into the Security Woodlawn Business family and request that whatever needs doing, be done swiftly and correctly so this wonderful facility can be enjoyed by all this summer.

Sincerely,

Michelle Smith Billups

Michelle Smith Billups
Executive Director
Security Woodlawn Business Association

PETITIONER'S
EXHIBIT NO. 5

ADRIENNE A. JONES
10th Legislative District
Baltimore County

Speaker Pro Tem

Appropriations Committee

Subcommittees

Chair, Capital Budget

Education & Economic Development

Oversight Committee on Personnel

Rules and Executive
Nominations Committee

Legislative Policy Committee

Chair, Joint Committee on Fair Practices

Joint Committee on Legislative Ethics

Spending Affordability Committee



The Maryland House of Delegates
ANNAPOLIS, MARYLAND 21401

Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 312
Annapolis, Maryland 21401
410-841-3391 • Fax 410-841-3157
E-Mail Adrienne.Jones@house.state.md.us

District Office
2 West Rolling Crossroads
Suite 205
Baltimore, Maryland 21228
410-744-1300 • Fax 410-744-1356

September 14, 2007

To Whom It May Concern,

I am writing this letter in support of SkateWorks, LLC in the construction of a roller skating rink to be located at 1716 Whitehead Road in Woodlawn, Maryland 21207.

The SkateWorks project would provide a safe and productive outlet for Woodlawn area youth and teens and would also encourage and promote family friendly recreation. The community could benefit greatly from an activity center that would provide an opportunity for socializing and a fun way to exercise. It is for these reasons that I gladly write this letter of support.

If I can be of assistance in the future, please do not hesitate to contact the District Office at (410) 744-1300 or via email at adrienne.jones@house.state.md.us.

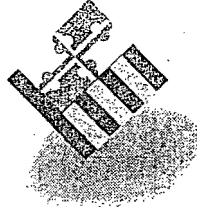
Sincerely,

A handwritten signature in cursive script that reads "Adrienne A. Jones".

Delegate Adrienne A. Jones
Speaker Pro Tem

PETITIONER'S

EXHIBIT NO. 6



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

MARY L. HARVEY, Director
Office of Community Conservation

September 28, 2007

To Whom It May Concern:

I am writing this letter to support SkateWorks, LLC in the construction of a roller skating rink to be located at 1716 Whitehead Road in Woodlawn, Maryland 21207.

The children and families of this Woodlawn community would benefit from the SkateWorks because it would provide a place to go for fun and exercise. The project would allow the Woodlawn community a safe recreation area for all to use. I write this letter of support to help benefit the community.

If I can be of further assistance, feel free to contact me at the Baltimore County Office of Community Conservation at 410-887-4040 or via email dbaysmore@baltimorecountymd.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tony Baysmore".

Tony Baysmore
Western Sector Coordinator

PETITIONER'S
EXHIBIT NO. 7

PLAT TO ACCOMPANY PETITION FOR ZONING: ☐ VARIANCE, ☒ SPECIAL EXCEPTION

GENERAL NOTES

- 1) THIS SITE IS NOT AFFECTED BY A 100 YEAR FLOODPLAIN.
- 2) ALL PROPOSED SIGNS SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS.
- 3) ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL PROPERTIES AND PUBLIC STREETS.
- 4) BITUMINOUS CONCRETE SHALL BE THE PAVING TYPE USED FOR TRAVEL WAYS AND PARKING AREAS. PARKING SPACES SHALL BE STRIPED.
- 5) ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH BALTIMORE COUNTY STANDARD CONSTRUCTION SPECIFICATIONS AND STANDARD DETAILS, DATED FEBRUARY 2000 (AS AMENDED).
- 6) TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO KNOWN CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITAT, HAZARDOUS MATERIALS, UNDERGROUND STORAGE TANKS, WELLS, OR SEPTIC SYSTEMS OR AREAS ONSITE.

PARKING DATA (FOR #1716-1718 WHITEHEAD RD.)

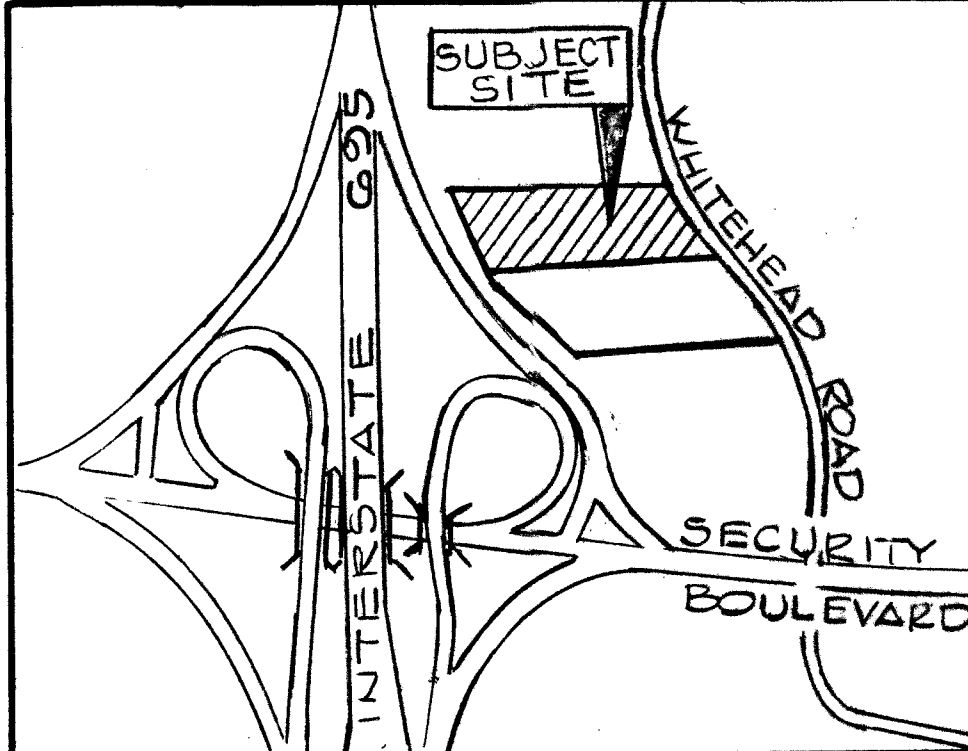
REQUIRED: (PRIOR TO SHARED PARKING ADJUSTMENT)

• SKATING RINK =	(35,226 S.F. X 5) / 1,000 =	176.13 = 177	186
• ARCADE =	(2,125 S.F. X 4) / 1,000 =	8.50 = 9	
• WAREHOUSE =	5 EMPLOYEES X 1 =	5.00 = 5	8
• OFFICE =	(900 S.F. X 3.3) / 1,000 =	2.97 = 3	
		TOTAL = 194	

PROVIDED: SEE "SHARED PARKING TABULATION"

FLOOR AREA RATIO (FAR)

FAR = 61,542 S.F. / 139,865 S.F. = 0.44
0.44 = FAR



VICINITY MAP
SCALE: 1" = 500'

LOCATION INFORMATION

ELECTION DISTRICT NO.: 1
COUNCILMANIC DISTRICT NO.: 4
ZONING: **BR-1M**
(REFERENCE MAP(S): 095A1)
AREA OF SITE: (SUBJECT SITE)
NET = 124,185 SF = 2.85 AC.
GROSS = 139,865 SF = 3.21 AC.

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
	YES	NO
CHESAPEAKE AREA CRITICAL AREA	☐	☒
AREA DESIGNATION: N/A		
100 YEAR FLOODPLAIN	☐	☒
HISTORIC PROPERTY / BUILDING	☐	☒
PRIOR ZONING HEARINGS: THERE NO PRIOR ZONING HEARINGS FOR THIS SITE ON FILE W/ BALTO. CO. ZONING DEPT.		
PREVIOUS COMMERCIAL PERMITS: SEE SEPARATE LIST		

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
-------------	--------	--------

PROPERTY DATA - SUBJECT SITE
OWNER: 1708-1716 WHITEHEAD LLC
ADDRESS: P.O. BOX 1467
11403 CROWNBRIDGE DR.
OWINGS MILLS, MD, 21117
PHONE: 410-949-4127
TAX ACCT. NOS.: 01-08-005580
DEED REF.: 25421/553

PETITIONER'S
EXHIBIT NO. 1

CASE NO: 2009-0013-X

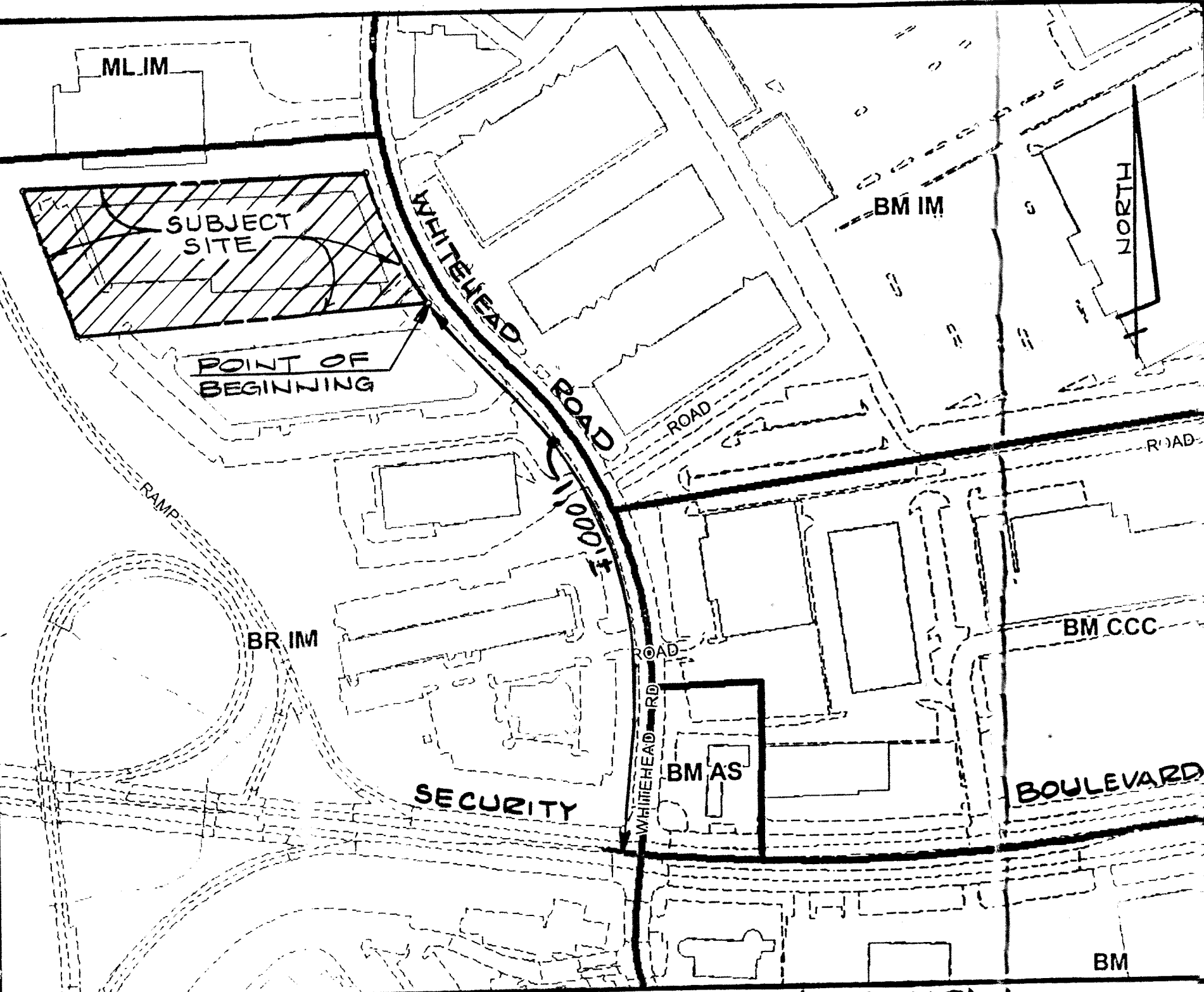
SHARED PARKING TABULATION

TIME	Weekday		Weekend		Nighttime (Midnight to 6:00 a.m.)
	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	Daytime (6:00 a.m. to 6:00 p.m.)	Evening (6:00 p.m. to midnight)	
Office or industrial	100%	100%	100%	100%	5%
Theater, commercial recreation, night-club or tavern	40%	100%	80%	100%	10%
	38	3.80 (4)	3.80 (4)	1.90 (2)	1.90 (2)
	74.4 (75)	186	148.8 (149)	186	18.6 (19)
Total Req'd.	38+75 = 113	4+186 = 190	4+149 = 153	2+186 = 188	2+19 = 21

TOTAL OFFICE / INDUSTRIAL PARKING = 38
(30 FOR #1708 WHITEHEAD RD. +
8 FOR #1716-1718 WHITEHEAD RD. = 38)
TOTAL RECREATIONAL PARKING = 186
(FOR #1716-1718 WHITEHEAD RD.)

TOTAL PROVIDED = 210 (INCLUDES 5 HANDICAPPED SPACES W/ 3 BEING VAN ACCESSIBLE).

* INDICATES OFF-SITE PARKING FOR USE BY #1716 WHITEHEAD RD.



ZONING MAP (REF MAP 095A1)
SCALE: 1" = 200'

PREVIOUS COMMERCIAL PERMITS

PERMIT # / CONTROL #	USE / PURPOSE
C-305-66	CONSTRUCT MFG WAREHOUSE
C-100-71	CHANGE FROM OFFICE TO RETAIL
C-82-83	CONSTRUCT ADDITION

#1706 WHITEHEAD RD
TAYLOR ENTERPRISES
C/O FMJAY ENGINEERING
01-05-090010
14578/481