

**IN RE: PETITION FOR SPECIAL
EXCEPTION**

W side of MD Route 43, 133.77 feet W of
c/l of Crossroads Circle
15th Election District
6th Councilmanic District
(11905 Market Way)

Edward St. John, LLC, et al.
Legal Owner

Wawa, Inc.
Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

*
*
* **Case No. 2009-92-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 Edward A. St. John, General Manager, on behalf of the legal owner of the subject property, Edward St. John, LLC, et al. Special Exception relief is requested pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant. 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 Bruce Rice on behalf of Petitioner Wawa, Inc., the company that is leasing the subject property, and Arnold Jablon, Esquire and David Karceski, Esquire with Venable, LLP, attorneys for Petitioner. Also appearing in support of the requested relief was Nick Brader, P.E. with Matis Warfield, the civil engineer who prepared the site plan, and Rick Cobert with the

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Baltimore County Department of Economic Development, who testified in favor of the requested relief. There were no Protestants or other interested persons in attendance at the hearing.

This case represents the second request for special exception on the subject property. In Case Number 06-355-X, the same Petitioner requested, and this office granted, a special exception to permit nearly the identical relief that is again requested in the case at hand. Throughout both cases, Wawa, Inc. has been proposing to construct a fuel service station in combination with a convenience store and carry-out restaurant at the subject location. While the requested relief was granted in the prior case, due to slowing economic conditions, development was not completed within two years as required by Section 502.3 of the B.C.Z.R., which states that a special exception which has not been utilized within a period of two years from the date of the final order granting such relief is void. Thus, Petitioner filed the instant petition for special exception requesting that this office once again permit the property to be developed as depicted on the current site plan, and as previously granted in Case Number 06-355-X. At the public hearing, Mr. Jablon also made an oral request that if the special exception is granted, that this office use the authority contained within Section 502.3 of the B.C.Z.R. to grant Petitioner a period of five years from the date of this final order to utilize the special exception.

The majority of the Petitioner's case came in the form of a proffer from Mr. Jablon. The testimony and evidence revealed that the subject property is square-shaped and contains approximately 14.215 acres of land, more or less, zoned ML-IM, MD 43 (Route 43 Overlay District). The property is located on MD Route 43 extended at its intersection with a new street known as Market Way in the White Marsh/Middle River area of Baltimore County. Petitioner requests approval of a special exception on 2.1 acres of the tract for a fuel service station in combination with a convenience store and carry-out restaurant to be operated by Wawa, Inc. A

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blowup of the area pertaining to the special exception was marked and accepted into evidence as Petitioner's Exhibit 2. The evidence revealed that the property is to be improved with a one-story building approximately 5,589 square feet in size, with approximately 4,060 square feet utilized for the convenience store, 750 square feet for the carry-out, and 779 feet for service station uses. Petitioner also submitted a wealth of documents describing the subject property including elevations and signage, an aerial photograph, a landscape plan that conforms to the Office of Planning Comments, and several photographs. These documents were respectively marked and accepted into evidence as Petitioner's Exhibits 2, 3, 4, 6, and 7.

Additional testimony was received from Mr. Cobert who represented the Baltimore County Department of Economic Development and indicated that Petitioner's request will help fulfill the purposes of the Overlay District by creating jobs and fueling the local economy. Mr. Cobert noted that this specific tract has been set aside for retail uses in the overall plan for MD Route 43 extended, and as such will not take away industrial sites from the complex. Rather, Mr. Cobert opined that this station and convenience store would serve the employees of the industrial complex so that unlike other industrial developments in the County, employees will not have to leave the complex for lunch or fuel. Mr. Cobert also indicated that he has worked with Wawa, Inc. on other occasions in the past, and lauded the company for maintaining low fuel prices and clean, efficient operations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated November 6, 2008, which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, must comply with the Forest Conservation Regulations, and must comply with the

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Chesapeake Bay Critical Area Regulations. Comments were received from the Office of Planning dated September 4, 2008, which indicate that Petitioner met with the Office regarding the previously submitted Case 06-355-X, which was approved on February 26, 2006, but has since expired. As noted in the previous request, Petitioner agreed to provide a landscape buffer, sidewalk, and add additional landscaping and a sidewalk at the edge of the proposed parking area bordering Market Way. Therefore, based on the information above, the Planning Office finds the development is consistent with The Middle River Employment Center Area Plan, adopted by the Baltimore County Council on August 5, 2002 and September 3, 2002. Architecture and signage should comply with the Baltimore County Crossroads @ 95 Pattern Book.

Based on the testimony and evidence presented, I am persuaded to grant the petition for special exception. This office previously reviewed the criteria of Section 502.1 of the B.C.Z.R. and found that Petitioner's request met all of the requirements for a special exception. While these requirements were once again reviewed, I cannot find any evidence to revisit or overturn the prior findings of this office. Mr. Jablon indicated that the only substantive change to the site plan in the instant case is that the proposed building is slightly smaller than the structure that was proposed in Case Number 06-355-X. Thus, I am persuaded that, as then-Deputy Zoning Commissioner John V. Murphy previously determined, the proposed use will not be detrimental to the health, safety or general welfare of the locale, and that the use will not have any negative effects on the special exception criteria set forth in Section 502.1 of the B.C.Z.R. As for Mr. Jablon's request to extend the time for utilizing the special exception for up to five years, I find nothing in the B.C.Z.R. that would prevent the granting of this request, nor any evidence in the record that would weigh against granting the request. Hence, this request shall also be granted.

APPROPRIATELY REVIEWED FOR PLANNING
12.8.08
[Signature]

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 and the request for extension of time to utilize the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 8th day of December, 2008 that Petitioner's request for a Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant be and is hereby GRANTED; and

IT IS FURTHER ORDERED pursuant to Section 502.3 of the B.C.Z.R. that Petitioner's request to have up to five years from the date of this final order to utilize the special exception be and is hereby GRANTED.

All relief granted is 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.
2. 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).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. 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).

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5. Architecture and signage shall comply with the Baltimore County Crossroads @ 95 Pattern Book.

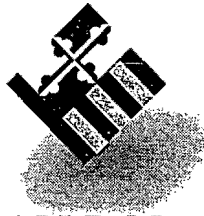
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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12 8 08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 8, 2008

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

Re: Petition for Special Exception
Case No. 2009-0092-X
Property: 11905 Market Way

Dear Messrs. Jablon and Karceski:

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "John H. Bostwick", written over the typed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Nick Brader, Matis Warfield, 10540 York Road, Suite M, Hunt Valley MD 21030
Bruce Rice, PO Box 448, Riderwood MD 21139
Rick Cobert, Baltimore County Department of Economic Development



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 11905 Market Way

which is presently zoned ML-IM-MD43

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

SEE ATTACHED

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 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:

SEE ATTACHED

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Robert A. Hoffman

Name - Type or Print

Signature

Venable LLP

Company

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Robert A. Hoffman

Name

210 Allegheny Avenue

(410) 494-6200

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 10/1/08

Case No. 2009-0092-X

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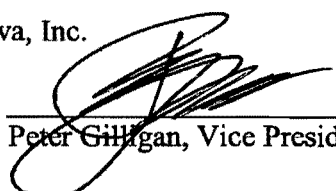
**PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 1**

Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant.

**PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 2**

Lessee:

Wawa, Inc.

By: 

Peter Gilligan, Vice President of Real Estate

Address: 260 West Baltimore Pike
Wawa, PA 91063
(410) 823-4363

2009-0092-X

PETITION FOR SPECIAL EXCEPTION
ATTACHED SHEET 3

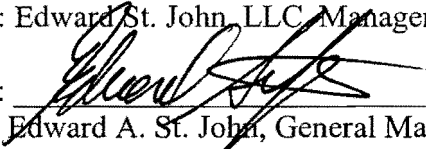
Legal Owner(s):

BC Area 3 Lot 1, LLC

By: Middle River-MIE Area 2/3, LLC, Manager

By: BC @ 95 Investors-Area 2/3, LLC, Manager

By: Edward St. John, LLC Manager

By: 

Edward A. St. John, General Manager

Address: 2560 Lord Baltimore Drive
Baltimore, MD 21244
(410) 788-0100

Description to Accompany A Petition for A Special Exception

September 22, 2008

Beginning at a point on the west side of Maryland Route 43, a variable width State Road, at the distance of 133.77' ± westerly of the centerline of the nearest intersecting street of Crossroads Circle that is of variable width. Thence the following courses and distances:

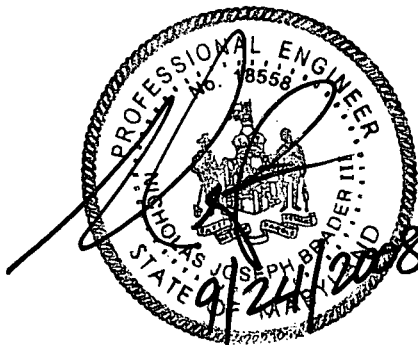
- 1.) South 01° 28' 19" West 60.67' running with the Right of Way line of MD Route 43,
- 2.) South 41° 15' 43" East 8.31' along part of the 182.10' line along MD Route 43 and thence leaving said Right of Way for the following courses ,
- 3.) South 36° 07' 37" West 253.83' ,
- 4.) North 53° 52' 24" West 296.96' ,
- 5.) North 36° 07' 37" East 312.63' to the west side of the MD Route 43 Right of Way thence binding on the said Right of Way by a curve to the right with a,
- 6.) Radius of 1,226.57' for a length of 254.91' and with a chord of South 52° 16' 41" East 254.45' to the place of beginning.

As recorded in Deed Liber 23257, Folio 084.

Being a part of Lot 1 , Area 3 in the subdivision of Baltimore Crossroads @ 95, as recorded in Baltimore County Plat Book SM 78 Folio 50 containing 91,485 S.F. or 2.100 acres of land more or less.

Also known as 11905 Market Way and located in the 15th Election District.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED
TO BE USED FOR CONVEYANCES OR AGREEMENTS



2009-0092-X

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

No. 101108

Date: 10/1/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	8012	0000		0150					380.00

Total: 380.00

Rec From: VENABLE, LP

For: 2009-0042-A
11905 MARKET WAY

D THOMPSON

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**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: #2009-0092-X

11905 Market Way
W/side of MD Route 43, 133.7
feet west of centerline of
Crossroads Circle
15th Election District
6th Councilmanic District
Legal Owner(s): BC Area 3, Lot
1, LLC, by Edward St. John
Lessee: Wawa, Inc.
Special Exception: for a fuel
service station in combination
with a convenience store with a
sales area larger than 1,500
square feet and carry-out res-
taurant.

**Hearing: Wednesday, De-
cember 3, 2008 at 9:00 a.m.
In Room 104, Jefferson
Building, 105 West Chesa-
peake 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 concern-
ing the File and/or Hearing,
Contact the Zoning Review Of-
fice at (410) 887-3391.

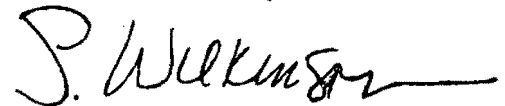
JT 11/695 Nov. 18 188811

CERTIFICATE OF PUBLICATION

11/20/, 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 11/18/, 2008.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2009-0092-X

Petitioner/Developer: _____

BC area 3, Lot 1, LLC, by Edward St. John WaWa, Inc.

Date of Hearing/Closing: Dec 3, 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: _____

11905 Market Way

The sign(s) were posted on Nov 18, 08
(Month, Day, Year)

Sincerely,

08

Robert Black Nov 24, 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)

ZONING NOTICE

CASE # 2009-0092 X

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

Room 104, JEFFERSON BUILDING
PLACE 105 WEST CHESAPEAKE AVE, TOWSON 21204

DATE AND TIME: WEDNESDAY, DECEMBER 3, 2008 AT 9:00 A.M.

REQUEST: SPECIAL EXCEPTION FOR A FUEL SERVICE STATION
IN COMBINATION WITH A CONVENIENCE STORE WITH A SALES AREA
LARGER THAN 1,500 SQUARE FEET AND CARRY-OUT RESTAURANT

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 442-3191

NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Patricia Zook - FW: Case No. 2009-0092-X

From: "Matte, Amy D." <admatte@venable.com>
To: <pzook@baltimorecountymd.gov>
Date: 12/1/2008 11:48 AM
Subject: FW: Case No. 2009-0092-X

Patti:

As requested, attached please find a copy of the Certificate of Posting for the above-referenced Case.

If you need anything else, please do not hesitate to contact me.

Thank you.

Amy D. Matte, Paralegal
Venable, LLP
210 Allegheny Avenue
Towson, Maryland 21204
(410) 494-6244

U.S. Treasury Circular 230 Notice: Any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding penalties that may be imposed under the Internal Revenue Code or by any other applicable tax authority; or (b) promoting, marketing or recommending to another party any tax-related matter addressed herein. We provide this disclosure on all outbound e-mails to assure compliance with new standards of professional practice, pursuant to which certain tax advice must satisfy requirements as to form and substance.

This electronic mail transmission may contain confidential or privileged information. If you believe you have received this message in error, please notify the sender by reply transmission and delete the message without copying or disclosing it.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 18, 2008 Issue - Jeffersonian

Please forward billing to:

Amy Matte
210 Allegheny Avenue
Towson, MD 21204

410-494-6244

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: 2009-0092-X

11905 Market Way

W/side of MD Route 43, 133.7 feet west of centerline of Crossroads Circle

15th Election District – 6th Councilmanic District

Legal Owners: BC Area 3, Lot 1, LLC, by Edward St. John

Lessee: Wawa, Inc.

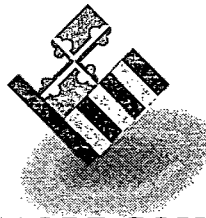
Special Exception for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant.

Hearing: Wednesday, December 3, 2008 at 9:00 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 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

October 27, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

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CASE NUMBER: 2009-0092-X

11905 Market Way

W/side of MD Route 43, 133.7 feet west of centerline of Crossroads Circle

15th Election District – 6th Councilmanic District

Legal Owners: BC Area 3, Lot 1, LLC, by Edward St. John

Lessee: Wawa, Inc.

Special Exception for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant.

Hearing: Wednesday, December 3, 2008 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

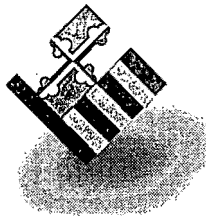
A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Robert Hoffman, 210 Allegheny Avenue, Towson 21204
Peter Gilligan, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 91063
Edward St. John, 2560 Lord Baltimore Drive, Baltimore 21244

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 18, 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 26, 2008

Robert A. Hoffman
Venable LLP
210 Allegheny Ave.
Towson, MD 21204

Dear: Robert A. Hoffman

RE: Case Number 2009-0092-X, 11905 Market Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 1, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Edward A. St. John, 2560 Lord Baltimore Dr., Baltimore, MD 21244
Peter Gilligan, 260 West Baltimore Pike, Wawa, PA 91063

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 4, 2008

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

SUBJECT: 11905 Market Way

INFORMATION:

Item Number: 9-092

Petitioner: WaWa, Inc c/o Peter Gilligan

Zoning: ML-IM, MD 43

Requested Action: Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales area larger than 1.500 square feet and a carry-out restaurant.

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NOV 20 2008

BY: _____

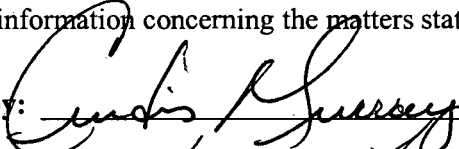
SUMMARY OF RECOMMENDATIONS:

The subject property is a 14.215-acre site known as Lot 1 of Area 3, Baltimore Crossroads. The applicant is proposing a Special Exception be granted for a 2.1-acre area within the site located in the northeast corner on Maryland Route 43 and Market Way. Improvements to the designated area of the unimproved site include: 1) a 4060 square foot convenience store with a 750 square foot carry out restaurant, 2) a fuel service operation with 8 pump islands and 3) fifty nine parking spaces to serve the retail operations.

The applicants met with the Office of Planning regarding previously submitted case 06-355X which was approved on 2/26/06, but has since expired. As noted in the previous request, the applicant has agreed to provide a landscape buffer, sidewalk, and add additional landscaping and a sidewalk at the edge of the proposed parking area bordering Market Way.

Therefore based on the information above the Office of Planning finds the following development is consistent with The Middle River Employment Center Area Plan, adopted by the Baltimore County Council on August 5, 2002 and September 3, 2002. Architecture and signage should comply with the Baltimore County Crossroads @ 95-pattern book.

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

Prepared by: 

Division Chief: 
AFK/LL: CM

BALTIMORE COUNTY, MARYLAND**Inter-Office Correspondence****RECEIVED**
NOV 07 2008

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 6, 2008

SUBJECT: Zoning Item # 09-092-X
Address 11905 Market Way
(Gilligan Property)

BY:.....

Zoning Advisory Committee Meeting of October 20, 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: JW L

Date: 11/6/08

S:\Devcoord\1 ZAC-Zoning Petitions\ZAC 2009\ZAC 09-092-X 11905 Market Way.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 22, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For October 27, 2008
Item Nos. 09-047, 080, 091, 092, 093,
094, 095, 096, 097, 098 & 099

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

DAK:CEN:cab
cc: File
ZAC-10272008-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

Date: Oct. 20, 2008

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

RE: Baltimore County
Item No. ~~2009-0097-X~~
11905 MARKET WAY
ST JOHN PROPERTY
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. ~~2009-0097-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB



RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
11905 Market Way ; W/S MD Route 43, *
133.77' W c/line of Crossroads Circle * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Edward A. St. John * FOR
Contract Purchaser(s): Peter Gilligan *
Petitioner(s) * BALTIMORE COUNTY
* 09-092-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.

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

OCT 28 2008

CERTIFICATE OF SERVICE

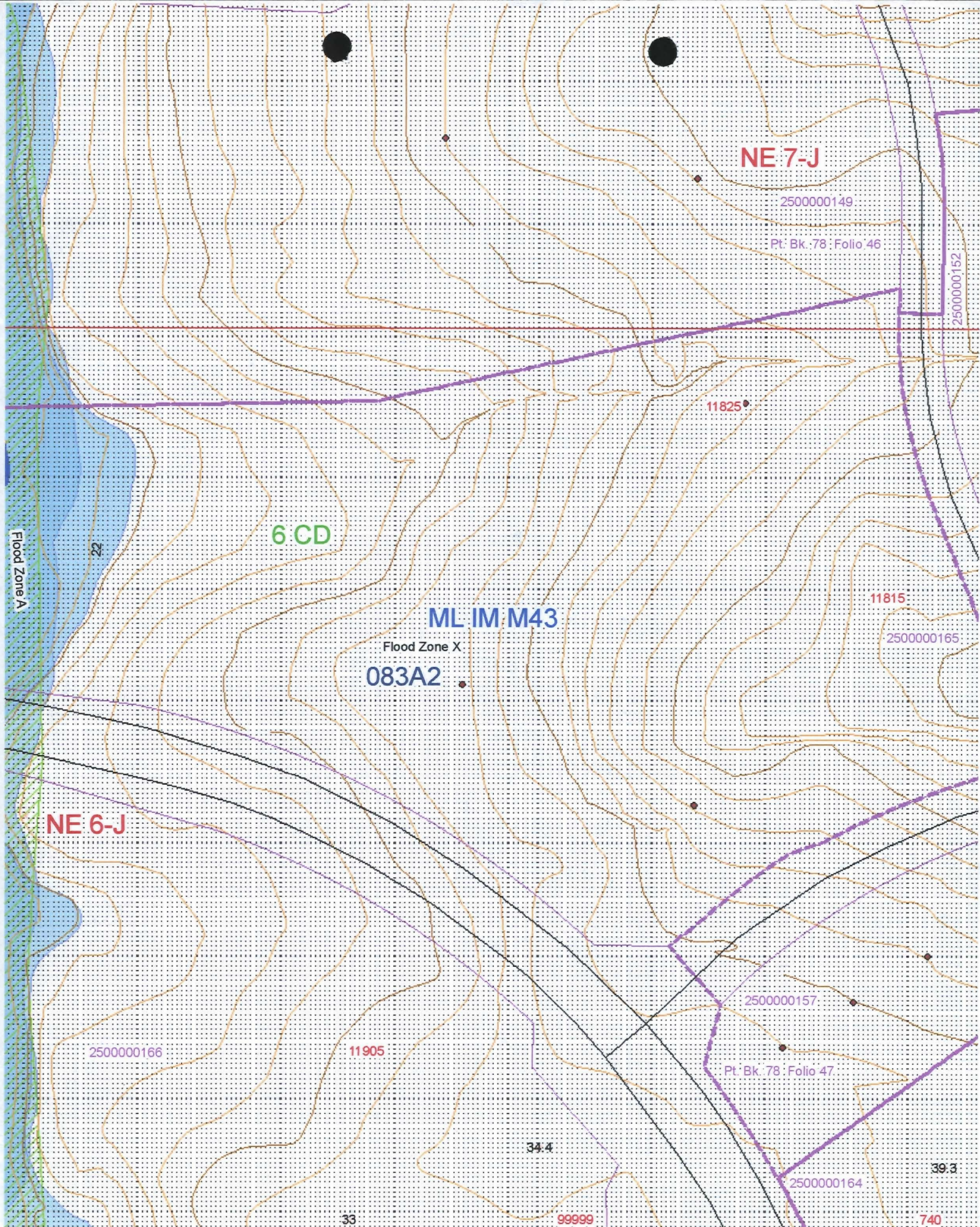
I HEREBY CERTIFY that on this 28th day of October, 2008, a copy of the foregoing Entry of Appearance was mailed to Robert A Hoffman, Esquire, Venable, LLP, 210 Allegheny Avenue, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 11905 Market Way
CASE NUMBER 2009-92-A
DATE 12/3/08
ET

[illegible]



2009-0092-X

Case No.: 2009-0092-X

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	BLOWUP OF X AREA	
No. 3	ELEVATIONS & SIGNAGE	
No. 4	AERIAL PHOTOGRAPH	
No. 5	PRIOR CASE 06-355-X	
No. 6	LANDSCAPE PLAN	
No. 7	PHOTOS OF SITE	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



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PETITIONER'S EXHIBIT 4

IN RE: PETITION FOR SPECIAL EXCEPTION *
West Side of MD 43, 133.77' West of *
Centerline of Crossroads Circle *
15th Election District *
6th Councilmanic District *
(11905 Market Way) *

BEFORE THE _____

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

BC Area 3 Lot 1, LLC
By: Middle River-MIE Area 2/3, LLC, Mgr. *
By: BC @ 95 Investors-Area 2/3, LLC Mgr. *
By: Edward St. John, LLC, Mgr. *

CASE NO. 06-355-X

Legal Owners
and
Wawa, Inc., Lessee
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owners of the subject property, BC Area 3 Lot 1, LLC, by Middle River-MIE Area 2/3, LLC, Manager, and by BC @ 95 Investors-Area 2/3, LLC, Manager, and by Edward St. John, LLC, Manager, Legal Owners, and Wawa, Inc., by Joseph Losak, Vice President of Real Estate, Lessee. The Petitioners are requesting a special exception for property located at 11905 Market Way in the Middle River area of Baltimore County. The special exception request is to use the property for a fuel station in combination with a convenience store with a sales area larger than 1,500 square feet and a carry-out restaurant pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The property was posted with Notice of Hearing on January 30, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on January 31, 2006 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 502.1 of the B.C.Z.R. - *Special Exceptions*

PETITIONER'S EXHIBIT 5



PETITIONER' S
EXHIBIT NO. 7













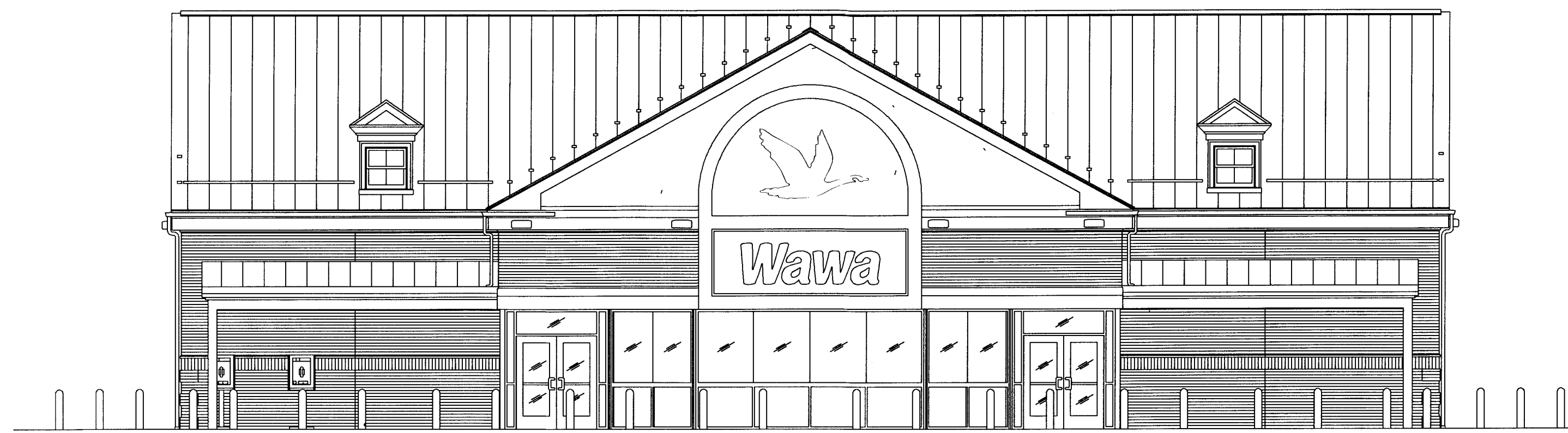












STORE - FRONT ELEVATION

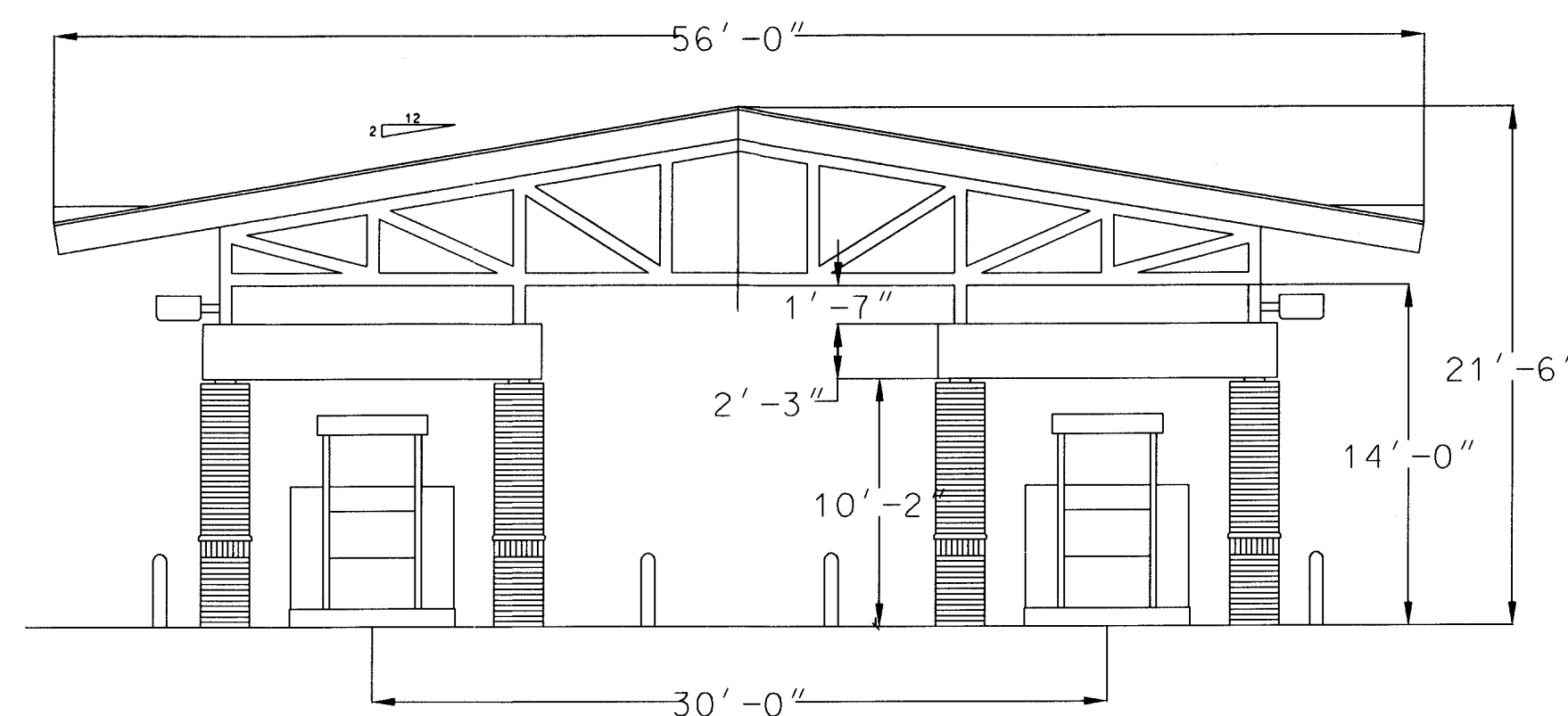
N.T.S.

A STREET ADDRESS NUMBER PER BALTIMORE CROSSROADS PATTERN BOOK PAGE 35 & 36 TO BE ADDED TO THE FACADE



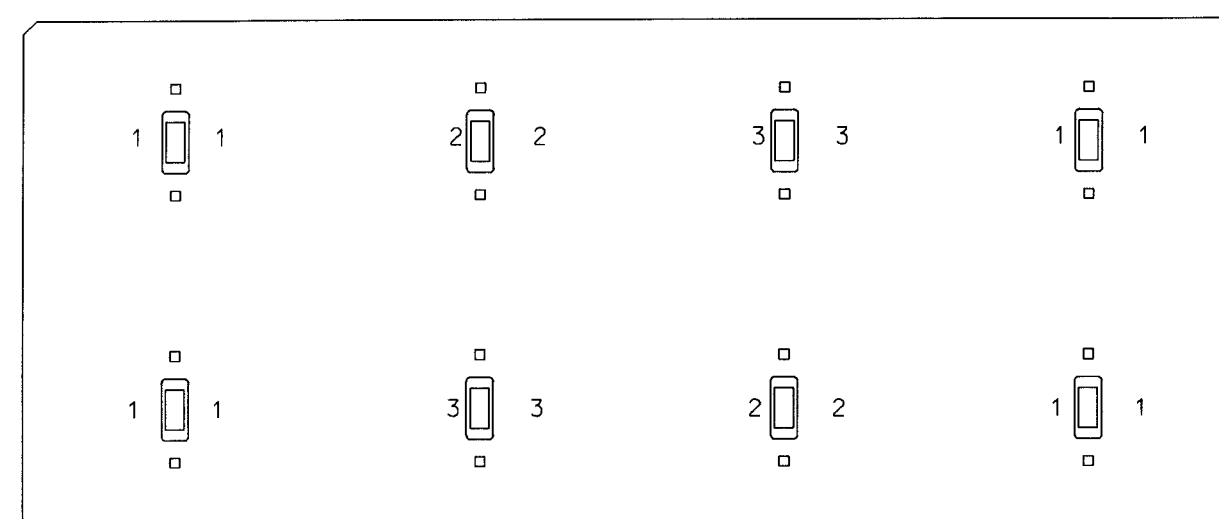
STORE - RIGHT SIDE ELEVATION

N.T.S.



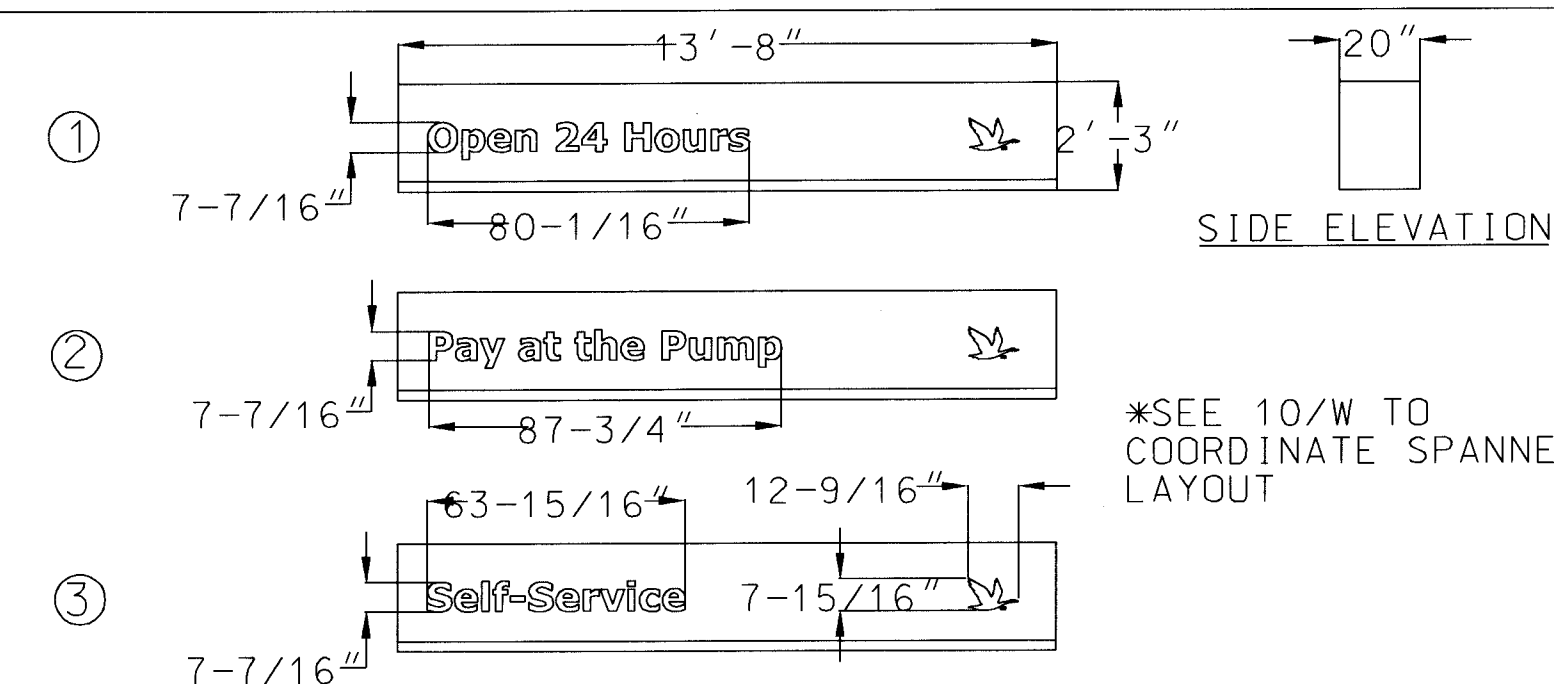
CANOPY - SIDE ELEVATION

N.T.S.



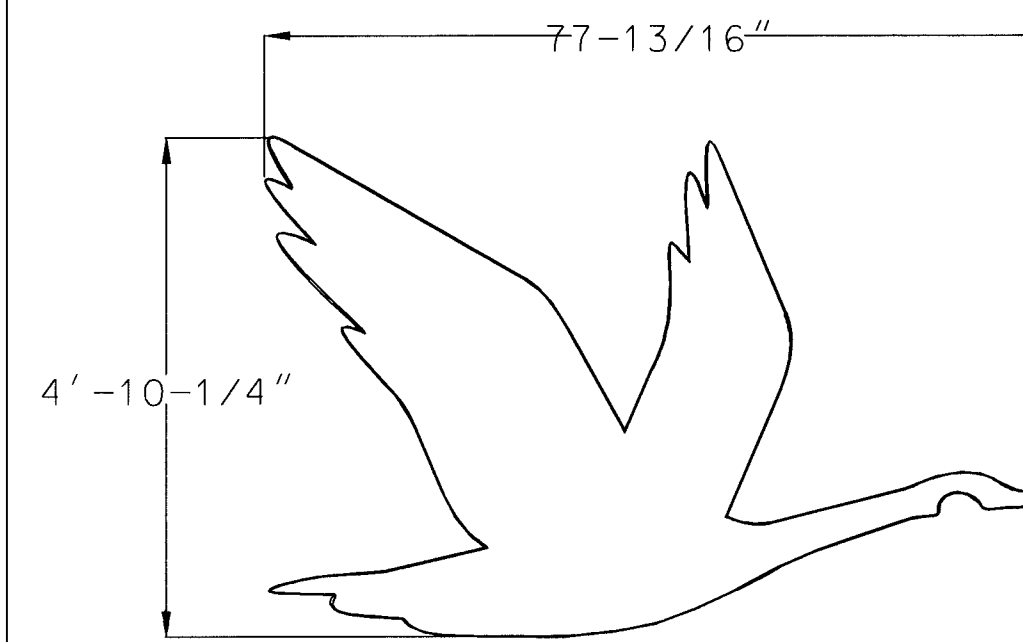
MPD PLAN (FOR SPANNER COORDINATION)

N.T.S.



SPANNERS

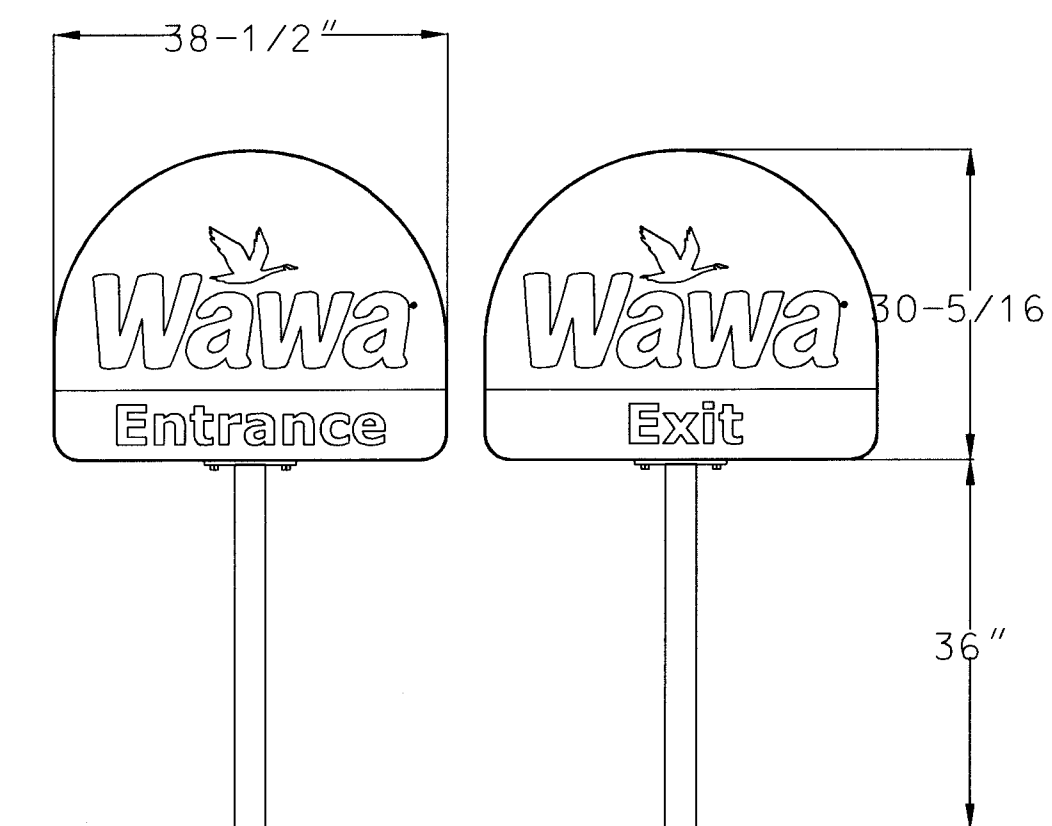
N.T.S.



NOTE: INTERNALLY ILLUMINATED

GOOSE LOGO

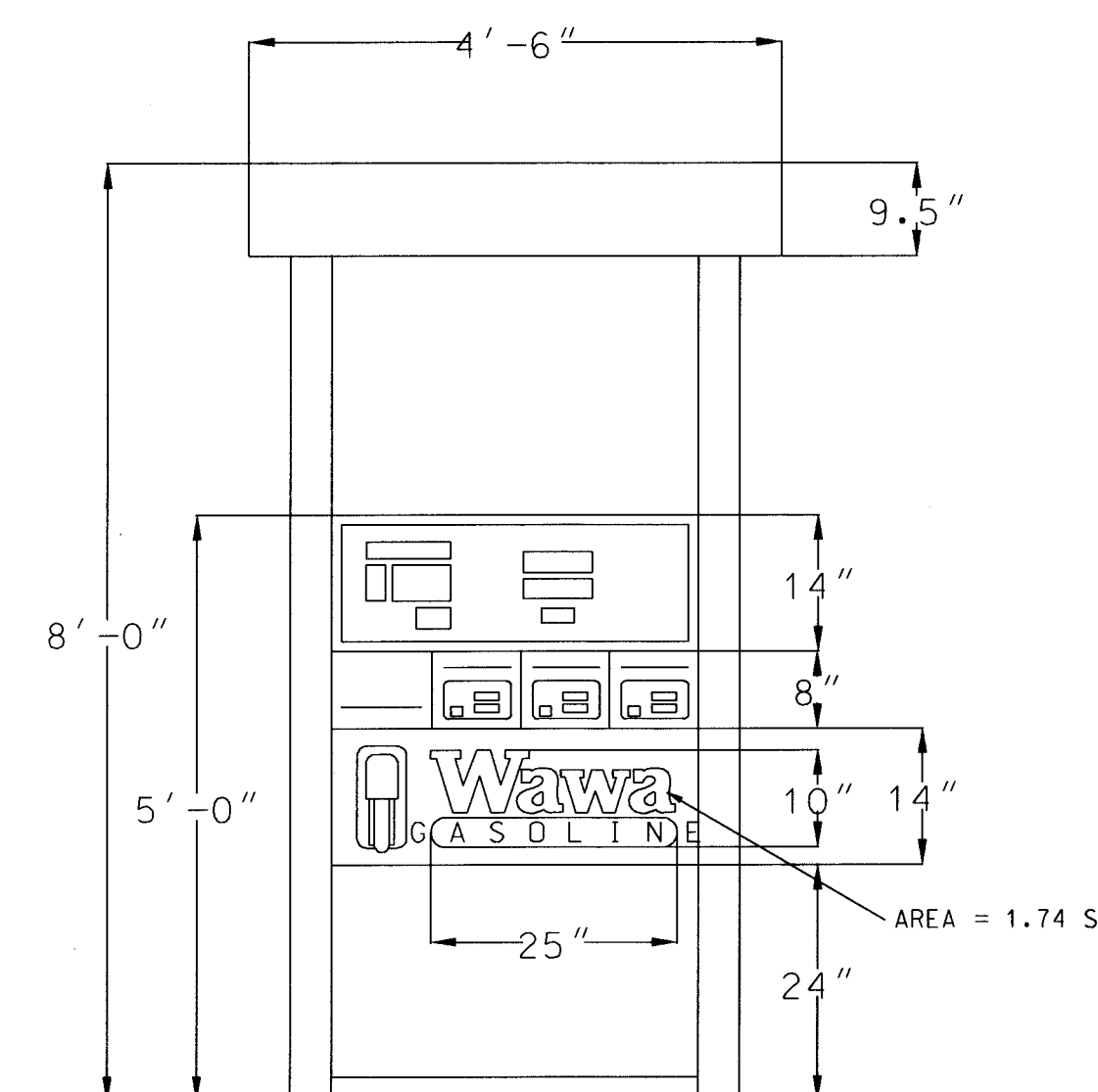
N.T.S.



NOTE: INTERNALLY ILLUMINATED (4 total)

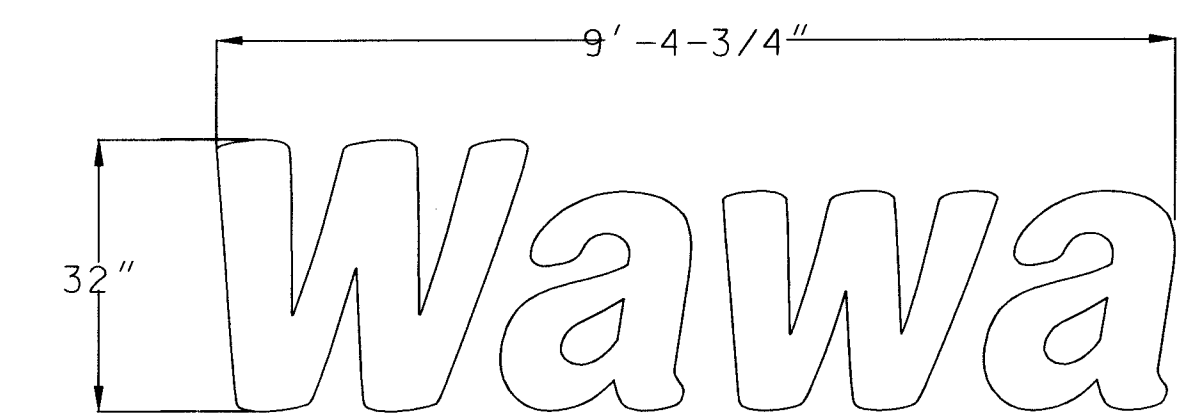
DIRECTIONAL SIGNS

N.T.S.



TYPICAL GAS PUMP

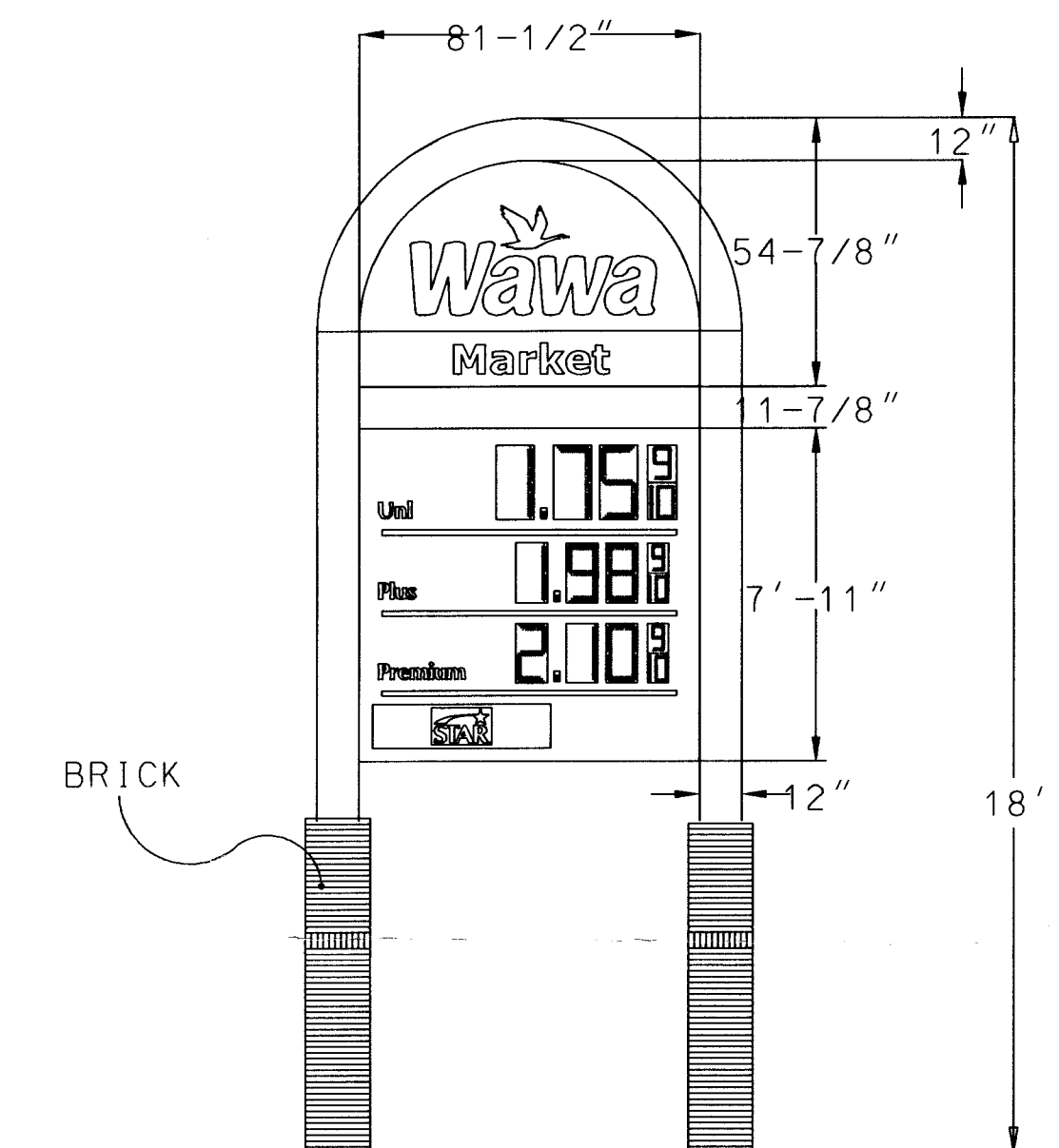
N.T.S.



NOTE: INTERNALLY ILLUMINATED (2 per site)

CHANNEL LETTERS

N.T.S.



NOTE: INTERNALLY ILLUMINATED; LED PRICING

PRICING SIGN

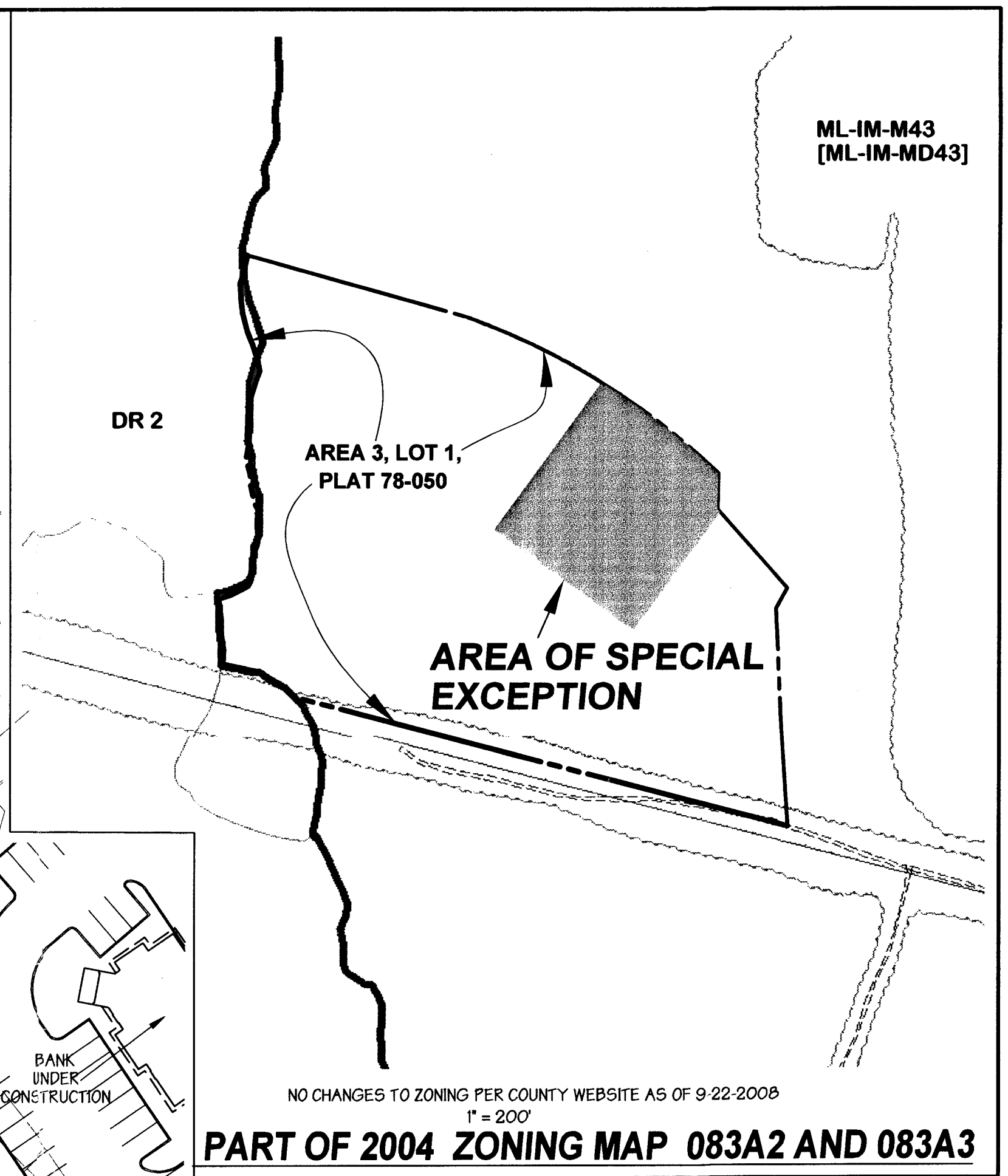
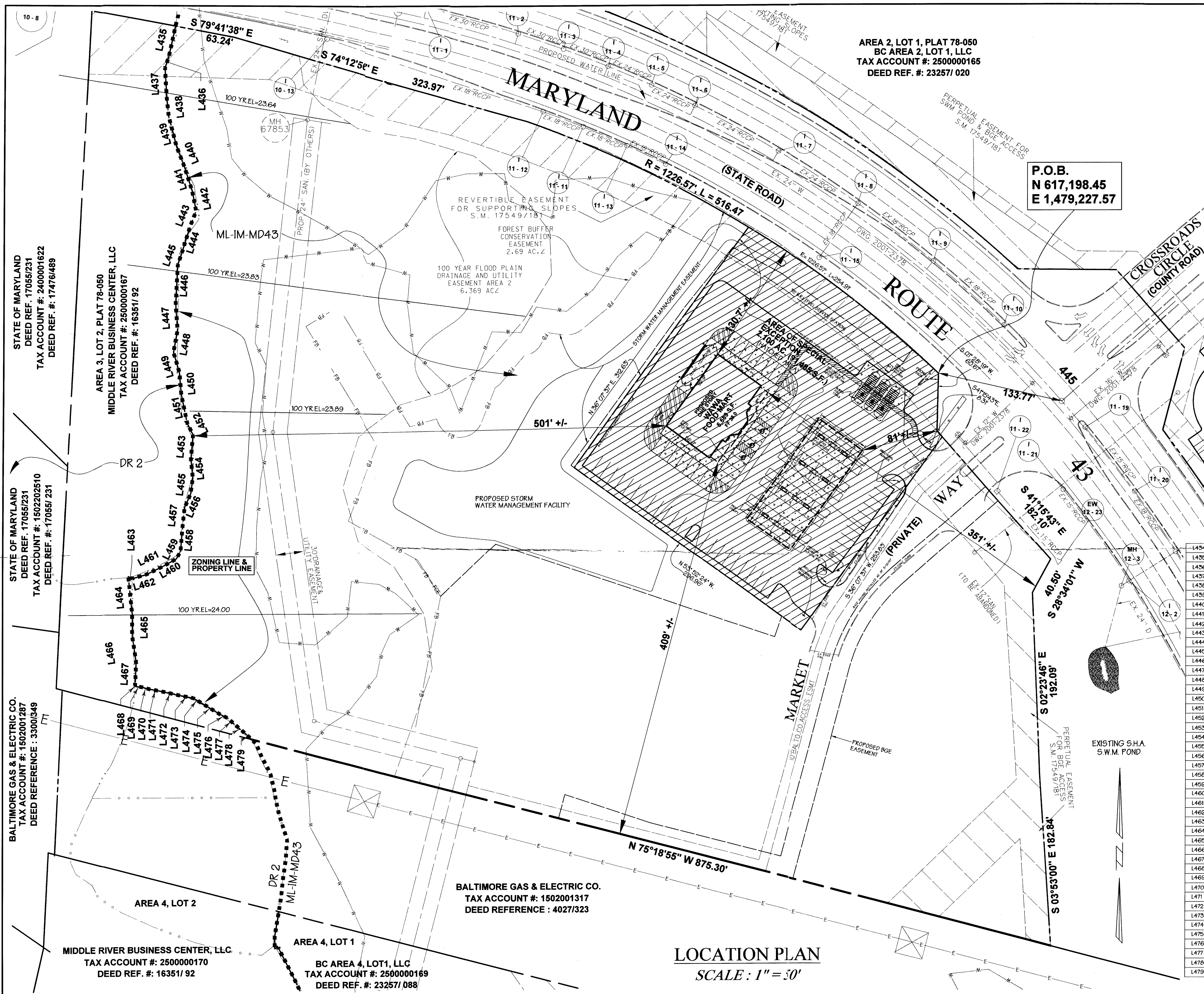
N.T.S.

NOTE: THIS SHEET TO BE UTILIZED FOR SIGNAGE INFORMATION ONLY.

PER B.C.Z.R. SECTION 259.11.D:
SIGNAGE SHALL COMPLY WITH
THE PATTERN BOOK (FOR
BALTIMORE CROSSROADS @ 95)

2	09/22/08	COMPLY WITH BCOC COMMENTS OF 4/10/2008	NB
1	02/14/06	ADDED BRICK TO PRICE SIGN	AMI
NO.	DATE	REVISION	BY
PROPOSED WAWA FOOD MARKET			PROJECT NO.
RT 43 CROSSROADS @ 95			SCALE: AS NOTED
WHITEMARSH, MD BALTIMORE			DATE: 02/08/06
			DRAWN BY: AMI
			CHECKED BY:
			DRAWING NO.
WAWA INC. ENGINEERING DEPT.			SHEET NO.
260 W. BALTIMORE PIKE			4 of 4
WAWA PA. 19063			
(610) 358-8000			
fax (610) 358-8828			

PET EXH 5



GENERAL NOTES

1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
2. The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
4. To our knowledge no wastes or by-products will be produced on the Site.
5. See architectural plans for exact building dimensions.
6. All fixtures used to illuminate the off-street parking area shall be arranged as to reflect the light away from residential sites and public streets.
7. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
8. Storm water management has been approved.
9. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
10. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
11. The site is not within the Chesapeake Bay Critical Area.
12. The site shall comply with the Pattern Book for Baltimore Crossroads @ 95.
13. Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
14. Previous commercial permits: grading permit: B611895 (issued), storm water management permit B611895 (issued), Building Permit for Wawa B681334 (pending).
15. Hearings: DKG Request 032105M approved a limited exemption from Section 32.4.106(a)(1)(v). Case 06-355-X Special Exception for Wawa Convenience Store Approved 2/24/2006 (expired).

SITE DATA

Site Area	619,195 S.F. - 14.215 Ac.
Area of Special Exception	91,495 S.F. - 2.100 Ac.
Existing Zoning	ML-IM-MD43
Councilmanic District	6th
Existing Use	Vacant
Proposed Use	Convenience Store w/Fuel Pumps & Carry Out Food
Deed Reference	23257/084
Plat Reference	SM 78-050
Tax Account Numbers	2500000166
Ancillary Uses	Minor ancillary uses as permitted in Section 405.4.D of the B.C.Z.R. (No additional square footage required)
Convenience Store	40,650 S.F.
Service Station uses	773 S.F.
Carry-Out Food	750 S.F.
Total Floor Area Ratio	55,899 S.F. + 619,195 = 0.01 (3.0 permitted)
Proposed Building Height	31'

AREA REQUIRED FOR COMBINATION USE	
16 Servicing Spaces x 1500 S.F.	24,000 S.F.
Convenience Store: 4 x 4060	16,240 S.F.
Carry Out Food: 6 x 750	4,500 S.F.
Additional Area for ATM	1,000 S.F.
Total Site Area Required	45,740 S.F.
Area of Special Exception	91,495 S.F.

PARKING SPACES	
Retail/Carry Out Food:	
55,899 S.F. @ 510/1000	28
maximum employee shift	10
air	1
ATM	1
Total Required	40
Total Provided	39

PARKING SPACE DIMENSIONS:	
Typical Space	10' x 20'
Handicap Space	13' x 20'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:	
1 Per pump island side required	16
Provided	16

STACKING SPACES:	
1 Per pump island side	16
Provided	16

Matis Warfield
consulting engineers
10540 York Road, Suite M
Hunt Valley, Maryland 21030
Phone 410-688-7000
Facsimile 410-688-1798
www.matiswarfield.com

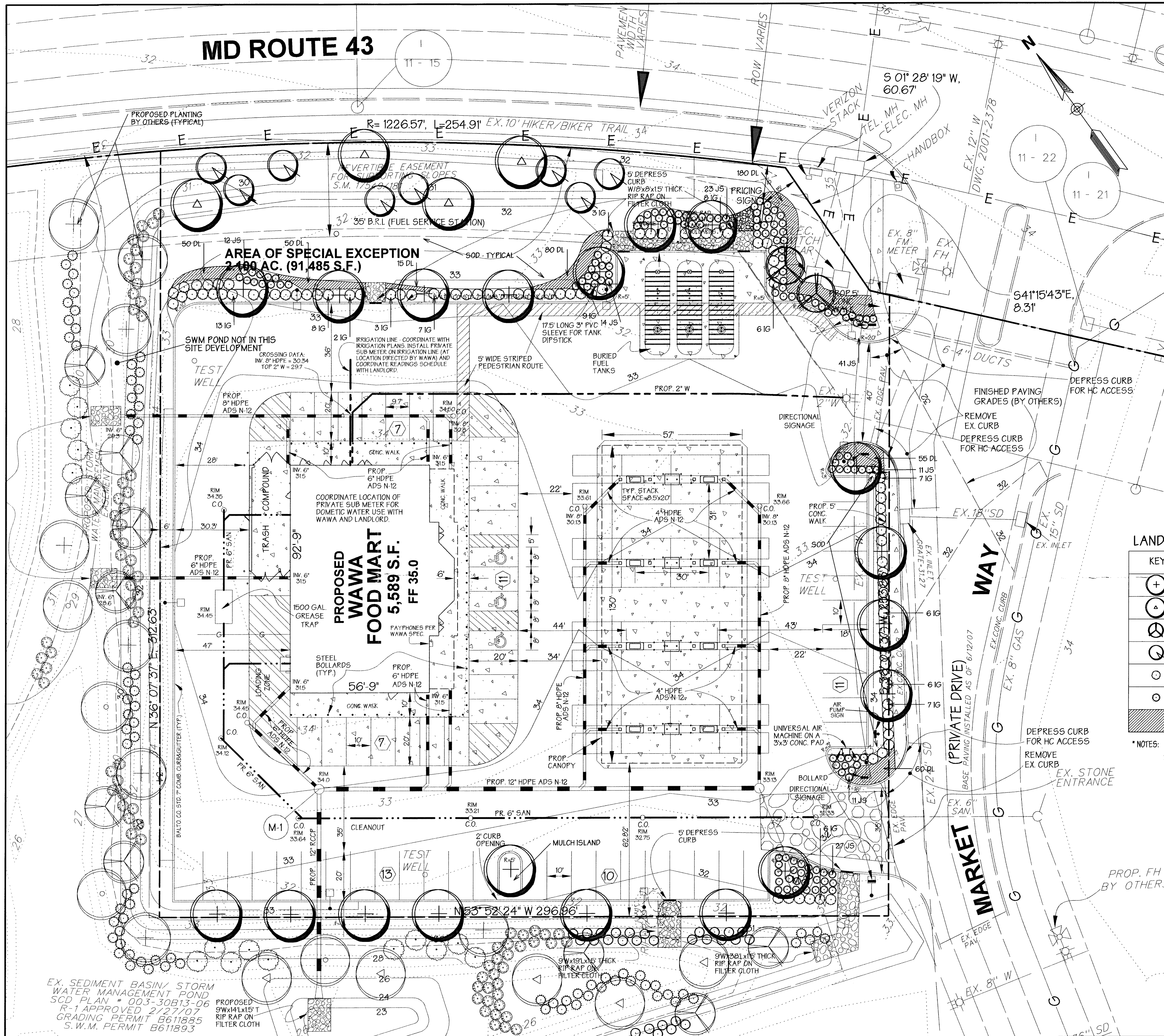
OWNER
BC Area 3 Lot 1, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

APPLICANT
Wawa, Inc.
260 W. Baltimore Pike
Wawa, PA 19063
(610) 358-8000

PETITION FOR SPECIAL EXCEPTION
1. Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant.

SHEET INDEX
1. LOCATION PLAN AND SITE DATA
2. ZONING PLAT
3. APPROVED LANDSCAPE PLAN (SHEET 1 of 2)
4. SIGNAGE PLAN

Plan to Accompany A Petition for a Special Exception
WAWA STORE
Baltimore Crossroads Area 3, Lot 1
11905 Market Way
Tax Map 83
Parcel 147
Scale: 1" = 50'
Election District 15
September 22, 2008
Sheet 1 of 4
PETITIONER'S EXHIBIT L As Filed



LEGEND

PROPERTY LINE	
EX. FIRE HYDRANT	
EX. WATER	
EX. STORM DRAIN	
EX. SANITARY	
PROP. WATER	
PROP. STORM DRAIN	
PROP. SANITARY	
EX. CURB & GUTTER	
PROP. CONC. C & G	
EX. TELEPHONE MANHOLE	
EX. CHAIN LINK FENCE	
EX. PARKING LOT LIGHT	
EX. UTILITY POLE	
EX. GUY WIRE	
EX. OVERHEAD LINE	
EX. ZONING LINE	
PROP. CONCRETE	

LANDSCAPE PLANT LIST

KEY	QTY	BOTANICAL NAME COMMON NAME	SIZE	COND	REMARKS
+	19	ACER x 'FREEMAN' 'AUTUMN BLAZE' 'AUTUMN BLAZE' RED MAPLE	2 1/2' CAL.	B & B	FULL SPECIMEN
△	4	PLATANUS x ACERIFOLIA 'BLOODGOOD' LONDON PLANE TREE	2 1/2' CAL.	B & B	FULL SPECIMEN
⊗	2	PRUNUS 'SERRULATA' KWANZAN KWANZAN CHERRY	2 1/2' CAL.	B & B	FULL SPECIMEN
⊙	8	MAGNOLIA VIGINIANA SWEETBAY MAGNOLIA	8-10' HT.	B & B	(3-STEM SPECIMEN)
⊖	91	ILEX GLABRA 'NIGRA' NIGRA INK BERRY	24-30' HT.	CONT.	4' O.C.
⊙	139	JUNIPERUS SABINA 'BROADMORE' BROADMORE JUNIPER	18-24' SPD.	CONT.	3' O.C.
⊙	475	HEMEROCALIS 'STELLA DORO' STELLA DORO DAYLILY	#1	CONT.	18" O.C.

* NOTES: 1. ALL PROPOSED PLANT MATERIAL IS IN COMPLIANCE WITH M.A.A. REQUIREMENTS.
2. ALL PROPOSED TURF AREAS WITHIN THE LEASE LINES ARE TO BE SODDED.

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	369 LF	9.2
B	ADJACENT PUBLIC ROADWAY	1 PU / 40 LF	313 LF	7.8
C	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
D	INTERIOR ROADWAY	1 PU / 20 LF	90 LF	4.5
E	PARKING LOT INTERIOR	1 PU / 12 SPACES	70 SPACES	5.8
F	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 20 LF	110 LF	5.5
G	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 20 LF	222 LF	11.1
TOTAL REQUIRED / TOTAL PROPOSED 48 / 50				

Matis Warfield

consulting engineers

10540 York Road, Suite M
Hunt Valley, Maryland 21030
Phone 410-683-7904
Fax 410-683-1799
www.matiswarfield.com

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

FINAL LANDSCAPE PLAN

WAWA STORE

Baltimore Crossroads Area 3, Lot 1

11905 Market Way

Tax Map 83

Parcel 147

Scale: 1" = 20'

Election District 15

September 22, 2008

Sheet 3 of 4

PETITIONER'S EXHIBIT 6