

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

S/S Baltimore National Pike (U.S. Route 40)*
52' E centerline of Geipe Road
(6323 Baltimore National Pike) *

1st Election District *
1st Council District *

Piekarski Properties, LLC, *Legal Owner*
40 Geipe, LLC, *Contract Purchaser* *

Petitioners *

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2009-0141-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Piekarski Properties, LLC, the owner, and 40 Geipe, LLC, contract purchaser, by and through their attorney, David H. Karceski, Esquire with Venable LLP. Petitioners request a special hearing from Section 409.10.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve three (3) stacking spaces, not including the space next to the transaction station, for a pharmacy drive-up window. Additionally, Petitioners request, pursuant to Section 409.6.A.2 of the B.C.Z.R, a variance to allow 61 parking spaces in lieu of the required 73 parking spaces. The subject property and the requested relief are more particularly described on the redlined site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of these petitions were David H. Karceski, Esquire and Kedrick N. Whitmore, Esquire, attorneys for the Petitioners; Daniel Klein, managing member of 40 Geipe, LLC, contract purchaser; Kenneth J. Colbert, P.E., with Colbert Matz Rosenfelt, Inc., the engineer who prepared the site plan, and Peirce Macgill, a Commercial

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By _____

Revitalization Specialist representing the Department of Economic Development. There were no Protestants or other interested persons present.

Testimony and evidence revealed that the subject property is located directly south of Baltimore National Pike (Route 40), in close proximity to the intersection of Route 40 and Rolling Road in the Catonsville area of Baltimore County. The property is bounded on its south and east sides by the existing 40 West Shopping Center. Geipe Road borders the western edge of the property, proceeding south from an intersection with Route 40 and then looping east around the 10.4± acre 40 West Shopping Center and the subject property to connect with Rolling Road southeast of the tract.

The property at issue is a rectangular shaped parcel containing a net area of 1.38 acres, more or less, zoned B.R.-C.C.C. (Business, Roadside – Commercial, Community Core). The site is currently improved with an auto body shop known as Pie's Auto Body Specialists, Inc. and a truck cap and trailer sales facility t/a Cap World. *See* Petitioners' Exhibit 4A. 40 Geipe, LLC proposes to raze the existing buildings and erect a 14,409± square foot Walgreens drugstore on the property, complete with a customer drive-through lane for its pharmacy services. As illustrated on the redlined site plan, the proposed Walgreens will be set back from its main road frontage, Route 40, about 120 feet, and off-street parking will be located in front of the building, on its west side, and behind the building in the vicinity of the building's drive-through lane. Access to the site now exists on the property's Route 40 and Geipe Road frontages. There are two (2) existing entrances on Route 40 and three (3) existing entrances on Geipe Road. As part of the redevelopment proposal, Petitioners intend to eliminate one (1) access point on Route 40 and two (2) access points on Geipe Road, leaving only one (1) ingress and egress point on Route 40 and one (1) on Geipe Road. As noted above, an aerial photograph, submitted as Petitioners'

Exhibit 3, shows that Geipe Road loops around the subject property and the 40 West Shopping Center, creating an "island" that integrates the subject site with this larger neighboring commercial area.

Turning next to Petitioners' Exhibit 5, one of the County's revitalization district maps, the site is shown as part of the Baltimore National Pike Revitalization District. According to Article 26 of the Baltimore County Code (B.C.C.), the County encourages redevelopment of properties located within established revitalization districts. Photographs submitted as Petitioners' Exhibits 4A through 4C show the existing conditions of the site and demonstrate that it is an excellent candidate for redevelopment. In addition, Mr. Macgill testified that his department supports Petitioners variance and special hearing requests, and that the proposed redevelopment furthers the County's goal of commercial redevelopment in this revitalization area.

The requested variance relief pertains to off-street parking for the proposed Walgreens. Petitioners are seeking approval for a total of 61 parking spaces in lieu of the required 73 spaces. The parking regulations require that five (5) spaces be provided for every 1,000 square feet of gross floor area contained within a retail building. Because the proposed Walgreens will have 14,409± square feet of gross floor area, Petitioners are required under the parking regulations to provide 73 parking spaces. Therefore, Petitioners have requested a variance to provide 12 fewer parking spaces than required by the parking regulations.

It was explained during the hearing that the unique features of this site justify the requested variance. As made clear by the evidence and testimony presented, the site cannot be examined in isolation, but must be considered a functional part of the larger commercial "island" containing all that area between Rolling Road, Route 40, and Geipe Road. As noted, this island-

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shaped area is also zoned B.R.-C.C.C. in its entirety and contains approximately 11.38± acres of land. Mr. Colbert conducted a study of the area surrounding the subject site, which revealed that this integrated layout is unique and not found elsewhere on Route 40 in the vicinity of the site. Furthermore, the configuration of this "island," as evidenced by plats marked Petitioners' Exhibit 7A and 7B, was effectively created in 1961 and 1963 with the recordation of these plats, lumping the properties together and integrating them in an enclave fashion from the surrounding area. The interconnected nature of the site with the larger B.R.-C.C.C. zoned "island" as a whole is further advanced by Petitioner's intention to install a vehicular access drive and sidewalk between the subject site and the 40 West Shopping Center. This will allow for a cross-flow of customers between the properties. The subject property will, therefore, operate as an integral part of a larger commercial area making it unique with respect to the requested parking variance.

Petitioners then explained that the uniqueness of the property would result in a practical difficulty in complying with the parking regulations, if interpreted strictly. As stated, cross-flow of customers between this site and the other adjacent commercial uses will be made possible by Petitioners proposed driveway and sidewalk connection. Additionally, Petitioners plan a drive-through pharmacy window at the rear of the property, which will provide customers another way to patronize the store without using any of its off-street parking. With these site features, a strict interpretation of the applicable parking regulations would require Petitioners to install more parking spaces than necessary for the proposed development. This practical difficulty is further demonstrated by a letter from Walgreens' Senior Real Estate Manager Matthew Harris, (Exhibit 10), explaining that in Walgreens' experience no more than 30 to 40 parking spaces are typically needed for their stores during peak shopping hours. Petitioners explained that the proposed building is smaller than a standard Walgreens building, meaning that even less than 30 to 40

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parking spaces may be necessary. These facts demonstrate that less parking is required by Walgreens to operate at this location than the parking regulations otherwise contemplate.

With regard to any adverse impact, the site photos collectively presented as Petitioners' Exhibit 4 show that the property is presently improved with commercial, automotive-related uses, and that Petitioners proposed retail use would be a much more attractive alternative. Additionally, Petitioners will be required to prepare a landscape plan in accordance with the County's Landscape Manual for review and approval by the County's Landscape Architect Avery Harden prior to issuance of a building permit. This landscaping together with the proposed elimination of an existing access point on Route 40 represents the opportunity for a further upgrade of the site from Route 40, the site's main road frontage. It is Petitioners position that redevelopment of the site will be an improvement within this revitalization district rather than resulting in any adverse impact.

Zoning Advisory Committee (ZAC) comments issued by certain reviewing County agencies were received by this Commission and are made a part of this case file. Comments were received from the Department of Environmental Protection and Resource Management (DEPRM), dated December 23, 2008, which indicate that the property must comply with the Forest Conservation Regulations. The State Highway Administration (SHA) provided comments, dated December 5, 2008, requesting that certain conditions be placed upon approval of the requested relief. Specifically, SHA addressed entrances to the site along Geipe Road and Route 40, and that Petitioners be required to obtain a permit from SHA prior to constructing improvements within the Route 40 right-of-way. Beyond these, no substantive comments were received.

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After due consideration of the testimony and evidence presented, it is clear that Petitioners have met the standards set forth in B.C.Z.R. Section 307, and that the variance relief should be granted. The subject property is unique because of its location within the "island" created by the loop of Geipe Road, and its integration with the 40 West Shopping Center. It is also clear that, based on the unique features of the site, requiring Petitioners to adhere strictly to the requirements of the B.C.Z.R. would cause a practical difficulty. Finally, I find that no adverse impact will result if the requested relief is granted. As evidenced by the existing site photos (Petitioners' Exhibit 4) and the sample Walgreens building elevations (Petitioners' Exhibit 9), Petitioners redevelopment of this site will result in an attractive retail use that will benefit the surrounding area and be consistent with the goals of the County's revitalization districts.

Turning to the special hearing, Petitioners seeks a determination in accordance with Section 409.10.A, which allows the Zoning Commissioner to determine the appropriate number of stacking spaces for the use's drive-through lane. Here, Petitioners request that three (3) stacking spaces be approved to serve its pharmacy drive-through. Walgreens' letter (Petitioners' Exhibit 10) indicates that, in its experience, three (3) stacking spaces will be sufficient for the pharmacy drive-through. I find, based on the testimony offered by Petitioners that relates to this request and Petitioners' Exhibit 10, that the proposed number of stacking spaces is appropriate for this use, and that in combination with the stacking space bypass lane provided on the site plan the drive-through lane will function properly. I am, therefore, persuaded that three (3) stacking spaces is an appropriate number at this site.

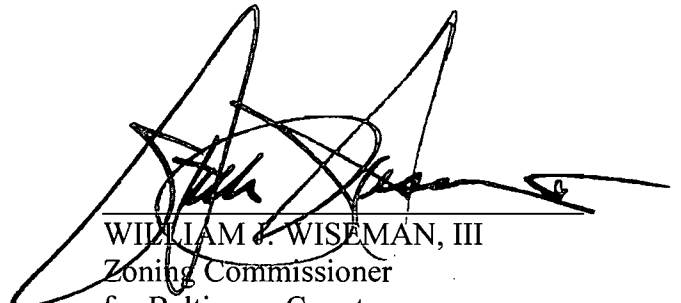
Pursuant to the advertisement, posting of the property, and hearing on these petitions held, and for the reasons set forth herein, the relief requested shall be granted.

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By _____

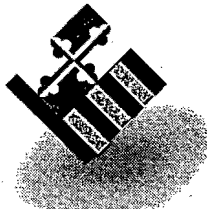
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of February, 2009 that the Petition for Special Hearing seeking a determination pursuant to Section 409.10.A of the B.C.Z.R. for a finding that three (3) stacking spaces, not including the space next to the transaction station, for a pharmacy drive-up window, are sufficient, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 61 parking spaces in lieu of the required 73 parking spaces, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following conditions:

1. The Petitioners may apply for their necessary permits and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
2. The re-development of this site must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
3. Prior to constructing improvements within the Baltimore National Pike (Route 40) right-of-way, the Petitioners shall obtain an access permit in compliance with the ZAC comment submitted by Steven D. Foster, Chief, Engineering Access Permits Division of the State Highway Administration, dated December 5, 2008.


WILLIAM F. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date _____
By _____



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 5, 2009

David H. Karceski, Esquire
Kedrick N. Whitmore, Esquire
Venable, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
S/S Baltimore National Pike (U.S. Route 40), 52' E centerline of Geipe Road
(6323 Baltimore National Pike)
1st Election District - 1st Council District
Piekarski Properties, LLC, *Legal Owner*; 40 Geipe, LLC, *Contract Purchaser* - Petitioners
Case No. 2009-0141-SPHA

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Daniel Klein, 40 Geipe, LLC, 11299 Owings Mills Boulevard, Suite 200, Owings Mills, MD 21117
- Kenneth J. Colbert, P.E., Colbert Matz Rosenfelt, Inc., 2835 Smith Avenue, Suite G,
Baltimore, MD 21209
- Steven D. Foster, Chief, Engineering Access Permits Division, SHA, Maryland Department of
Transportation, 707 North Calvert Street, Baltimore, MD 21202
- Peirce Macgill, Commercial Revitalization Specialist, Department of Economic Development
People's Counsel; DEPRM; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 6323 Baltimore National Pike

which is presently zoned BR-CCC

Deed Reference 91309 / 600 Tax Account # 1900014160

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

Three stacking spaces, not including the space next to the transaction station, for a pharmacy drive-up window, in accordance with Section 409.10.A., BCZR.

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

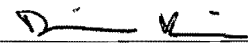
I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Daniel Klein, Member
40 Geipe, LLC

Name - Type or Print



Signature

11299 Owings Mills Boulevard, #200 410-902-0290

Address. Telephone No.

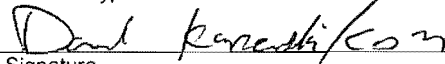
Owings Mills MD 21117

City State Zip Code

Attorney For Petitioner:

David Karceski, Esq.

Name - Type or Print



Signature

Venable, LLC

Company

210 Allegheny Avenue 410-494-6285

Address. Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Carey Piekarski
Piekarski Properties, LLC

Name - Type or Print



Signature

Name - Type or Print

Signature

3420 Ellicott Center Drive 410-404-6061

Address. Telephone No.

Ellicott City MD 21043

City State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G 410-653-3838

Address. Telephone No.

Baltimore MD 21209

City State Zip Code

Case No. 2009-0141-SPHA

ORDER RECEIVED FOR FILING

Date 2-5-09

By 10W

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 11/12/08



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6323 Baltimore National Pike

which is presently zoned BR-CCC

Deed Reference 19309 / 600 Tax Account # 1900014160

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 of thereof, hereby petition for a Variance from Section(s)

See Attached.

Of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

Reasons to be presented at the hearing.

Property 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:

Daniel Klein, Member
40 Geipe, LLC

Name - Type or Print

D. Klein

Signature

11299 Owings Mills Boulevard #200 410-902-0290

Address. Telephone No.

Owings Mills MD 21117

City State Zip Code

Attorney For Petitioner:

David Karceski, Esq.

Name - Type or Print

David Karceski/Con

Signature

Venable, LLC

Company

210 Allegheny Avenue 410-494-6285

Address. Telephone No.

Towson MD 21204

City State Zip Code

Legal Owner(s):

Carey Piekarski
Piekarski Properties, LLC

Name - Type or Print

Carey Piekarski

Signature

Name - Type or Print

Signature

3420 Ellicott Center Drive

410-404-6061

Address.

Telephone No.

Ellicott City

MD 21043

City

State Zip Code

Representative to be Contacted:

Kenneth J. Colbert, P.E.

COLBERT MATZ ROSENFELT, INC

2835 Smith Avenue, Suite G

410-653-3838

Address

Telephone No.

Baltimore

MD 21209

City

State Zip Code

Case No. 2009-0141-SPHA

OFFICE RECEIVED FOR FILING

Date 2-5-09

By DW

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

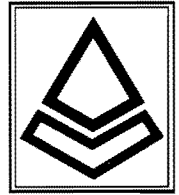
UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 11/12/08

ATTACHMENT TO VARIANCE PETITION
6323 BALTIMORE NATIONAL PIKE

Variance from Section 409.6.A.2, BCZR, to permit 61 parking spaces in lieu of 73 required.

2009-0141-SPHA

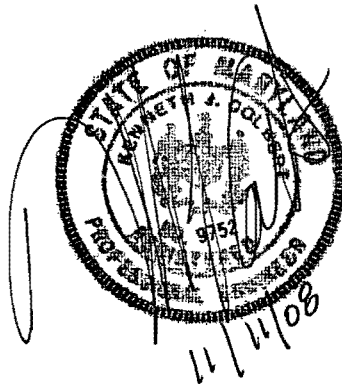


ZONING DESCRIPTION 6323 BALTIMORE NATIONAL PIKE

Beginning at a point on the south side of Baltimore National Pike U.S. Route 40), which is 100 feet wide, at a distance of 52 feet, more or less, east of the centerline of Geipe Road, which is of varying width.

Being Lot 1 of the Geipe Tract, as recorded in Baltimore County Plat Book 28, page 10.

Also known as 6323 Baltimore National Pike and located in the 1st Election District, 1st Councilmanic District.



**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: # 2009-0141-SPH

6323 Baltimore National Pike

S/side of Baltimore National Pike, 52 +/- feet east of centerline of Gelpe Road

1st Election District — 1st Councilmanic District

Legal Owner(s): Carey Plekarski Properties, LLC

Special Hearing: to permit three stacking spaces, not including the space next to the transaction station, for a pharmacy drive up window. **Variance:** to permit 61 parking spaces in lieu of the 73 required.

Hearing: Wednesday, January 28, 2009 at 10:00 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 1/664 Jan. 13

192085

CERTIFICATE OF PUBLICATION

1/15/2009

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 1/13/2009.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 01/08/09

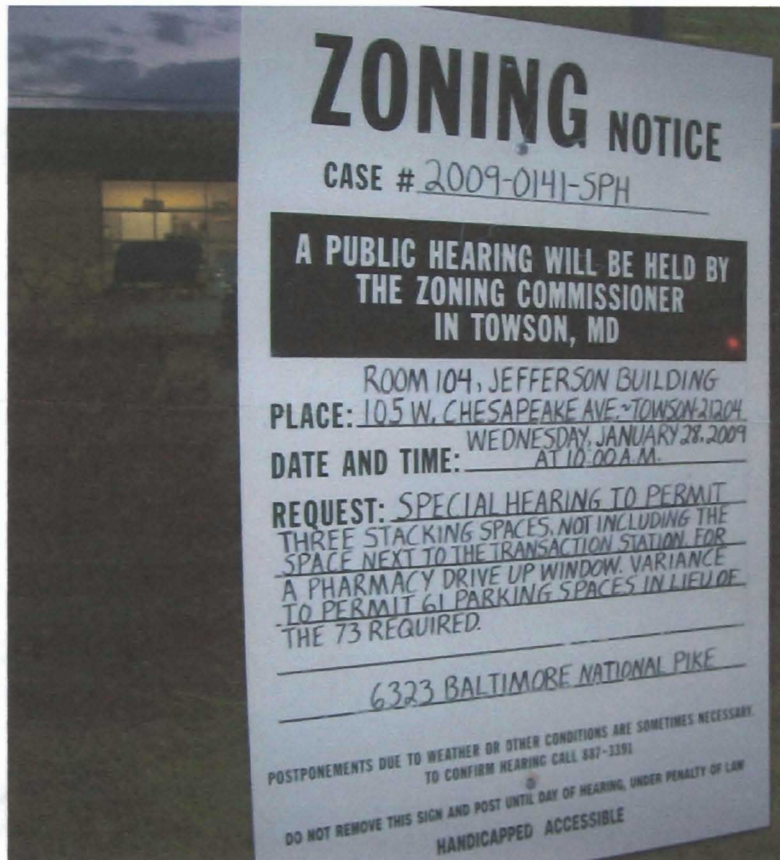
Case Number: 2009-0141-SPH

Petitioner / Developer: DAVID KARCESKI, ESQ.~DANIEL KLEIN~
CAREY PIEKARSKI~KENNETH COLBERT

Date of Hearing (Closing): JANUARY 28, 2009

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
6323 BALTIMORE NATIONAL PIKE & GEIPE ROAD-(ON-SITE)

The sign(s) were posted on: JANUARY 8, 2009



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

Posted @ 6323 Baltimore National Pike

ZONING NOTICE
CASE # 2009-0141-SPH

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

ROOM 104, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE. TOWSON 21204
DATE AND TIME: WEDNESDAY, JANUARY 28, 2009
AT 10:00 A.M.

REQUEST: SPECIAL HEARING TO PERMIT
THREE STACKING SPACES NOT INCLUDING
THE SPACE NEXT TO THE TRANSACTION
STATION, FOR A PHARMACY DRIVE UP WINDOW.
VARIANCE TO PERMIT 61 PARKING SPACES
IN LIEU OF THE 73 REQUIRED

6323 BALTIMORE NATIONAL PIKE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING. UNLESS
HANDICAPPED SIGN

Posted @ Geipe Road (ON-SITE)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 13, 2009 Issue - Jeffersonian

Please forward billing to:

Daniel Klein
Metropolitan Management
11299 Owings Mills Blvd., #200
Owings Mills, MD 21117

410-902-0290

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: 2009-0141-SPH

6323 Baltimore National Pike

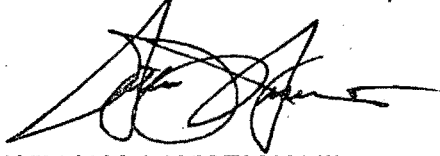
S/side of Baltimore National Pike, 52 +/- feet east of centerline of Geipe Road

1st Councilmanic District – 1st Election District

Legal Owners: Carey Piekarski Properties, LLC

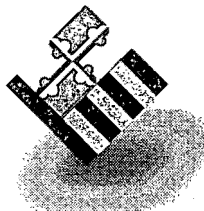
Special Hearing to permit three stacking spaces, not including the space next to the transaction station, for a pharmacy drive up window. Variance to permit 61 parking spaces in lieu of the 73 required.

Hearing: Wednesday, January 28, 2009 at 10:00 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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

December 18, 2008
TIMOTHY M. KOTROCO, *Director*
*Department of Permits and
Development Management*

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2009-0141-SPH

6323 Baltimore National Pike

S/side of Baltimore National Pike, 52 +/- feet east of centerline of Geipe Road

1st Councilmanic District – 1st Election District

Legal Owners: Carey Piekarski Properties, LLC

Special Hearing to permit three stacking spaces, not including the space next to the transaction station, for a pharmacy drive up window. Variance to permit 61 parking spaces in lieu of the 73 required.

Hearing: Wednesday, January 28, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 Allegheny Avenue, Towson 21204

Daniel Klein, 11299 Owings Mills Blvd., #200, Owings Mills 21117

Carey Piekarski, Piekarski Properties, LLC, 3420 Ellicott City Drive, Ellicott City 21043

Kenneth Colbert, 2835 Smith Avenue, Ste. G., Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 13, 2009.**
- (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.

**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: 2009-0141-SPHA
Petitioner: Daniel Klein, 40 Geipe, LLC
Address or Location: 6323 Baltimore National Pike

PLEASE FORWARD ADVERTISING BILL TO:

Name: Daniel Klein
Address: Metropolitan Management
11299 Owings Mills Blvd. # 200
Owings Mills, Md 21117
Telephone Number: 410-902-0290



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
January 22, 2009

David Karceski
Venable, LLC
210 Allegheny Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2009-0141-SPHA, 6323 Baltimore National Pike

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

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", written over a faint circular stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Piekarski Properties, LLC; 3420 Ellicott Center Dr.; Ellicott City, MD 21043
40 Geipe, LLC; 11299 Owing Mills Blvd #200; Owings Mills, MD 21117
Keneth J. Colbert; 2835 Smith Ave. Ste. G; Baltimore, MD 21209

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

BW
1-28-09
10am
RECEIVED
DEC 2 2008

BY: _____

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: December 23, 2008

SUBJECT: Zoning Item # 09-141-SPHA
Address 6323 Baltimore National Pike
(Piekarski Properties, LLC)

Zoning Advisory Committee Meeting of November 24, 2008.

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

X 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).

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

Additional Comments:

Forest Conservation may be addressed by requesting a waiver to the regulations since the redevelopment would occur over impervious surface, purchasing 0.2-ac of credit in a DEPRM-approved retention bank, or paying a \$3485 fee in lieu of afforestation.

Reviewer: Glenn Shaffer

Date: December 5, 2008



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

State Highway
Administration

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

Maryland Department of Transportation

December 5, 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. 2009-0141-SPHA
US 40 (Balto. Nat. Pike)
6323 Baltimore National Pike
Piekarski Properties, LLC
Special Hearing, Variance –
Mile Post 1.67

Dear Ms. Matthews:

Thank you for the opportunity to review ZAC Agenda Plan 2009-0141-SPHA on the subject of the above captioned, which was received on December 1st. The plan illustrates proposal for variance to permit 61 parking spaces in lieu of 73 required parking spaces, special hearing to permit stacking spaces for a pharmacy drive up window. Also, we, note that the plan reflects a proposed 14,409 square feet food-pharmacy retail store with surface parking.

We have completed a cursory review of the site plan as well as existing field conditions. The following comments are offered for your consideration:

- The subject property is located on the south side of US 40(Baltimore National Pike) at Geipe Road. Our State Highway Location Reference indicates that US 40 (Baltimore National Pike) is a principle arterial divided state highway. The Annual Average Daily Traffic volume on this section of US 40 is 39,582 vehicle trips per day. Geipe Road is identified as a local County Road. Improvements to the entrance at this location are subject to Baltimore County rules and regulations.
- Based on the proposed use an entrance shown on the plan to access the property fronting US 40 appears consistent with State Highway Access Manual Guidelines. A thorough plan review by State Highway (SHA) is necessary to determine adequacy of a full depth commercial entrance with 25' curb radii, sidewalk, and ADA Handicap Ramps.
- The applicant must file an application and plan package with SHA for a permit to construct improvements within the US 40 right-of-way. Other improvements associated with this site such as closing the existing west entrance, handicap accessibility and storm drain upgrades maybe required.

In conclusion- We request that the above comments be a condition of Piekarski Properties, LLC 6323 Baltimore National Pike Item No. 2209-0141-SPHA approval. Please include our remarks in your staff report to the Zoning Hearing Examiner.

My telephone number/toll-free number is _____

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

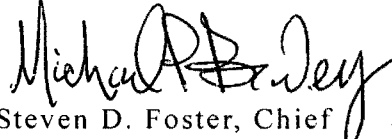
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



Ms. Kristen Matthews
December 5, 2008
Item No. 2009-0141-SPHA

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,



*For*¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. Ken J. Colbert, Engineer, Colbert Matz & Rosenfelt, Inc.
Mr. Dennis A. Kennedy, Development Plans Review, Baltimore County
Ms. Erin Kuhn, ADE-Traffic, SHA
Mr. David Malkowski, District Engineer, SHA
Mr. Carey Piekarski, Owner, Piekarski Properties, LLC

BW 1/28 10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 3, 2008

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

RECEIVED

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 09-141- Variance and Special Hearing**

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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:

Curtis R. Surry

Division Chief:
CM/LL

John Sanborn

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
6323 Baltimore National Pike; S/S Baltimore * ZONING COMMISSIONER
National Pike, 52' E c/line of Geipe Road *
1st Election & 1st Councilmanic Districts * FOR
Legal Owner(s): Piekarski Properties, LLC *
Contract Purchaser(s): 40 Geipe LLC * BALTIMORE COUNTY
Petitioner(s) *
09-141-SPHA

* * * * *

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/ documentation filed in the case.

RECEIVED

DEC 09 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 9th day of December, 2008, a copy of the foregoing Entry of Appearance was mailed to Kenneth Colbert, P.E., Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, David Karceski, 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

Bill Wiseman - 09-141

From: Dennis Kennedy
To: Wiseman, Bill
Date: 01/27/09 3:20 PM
Subject: 09-141

Bill:
We had no comment on this item.
Dennis



BALTIMORE COUNTY
OFFICE OF THE ZONING COMMISSIONER
JEFFERSON BUILDING, SUITE 103
105 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

FAX COVER SHEET

DATE: 1-23-09

NO. OF PAGES INCLUDING COVER SHEET: 3

TO: Kael Whitmore

FROM: Debbie Wiley

PHONE: _____

FAX NO.: 410.821.0147

MESSAGE:

2009-0141-SPH A
Comments I have put aside w/o
having rec'd the file.

REMARKS: ☐ URGENT ☐ FOR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT
☐ PLEASE REPLY ☐ PLEASE RECYCLE

CASE NAME Route 40/Walgreens
CASE NUMBER 2009-0141-SPHA
DATE 1/28/09

[illegible]

Case No.: 2009-0141 - SPHA

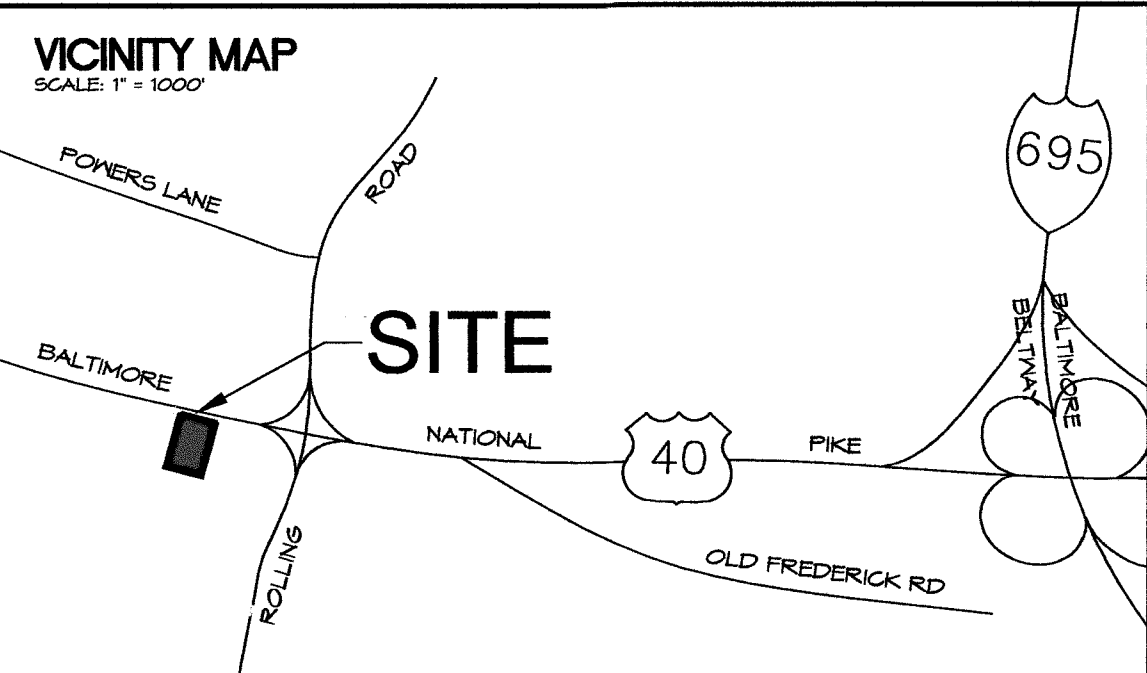
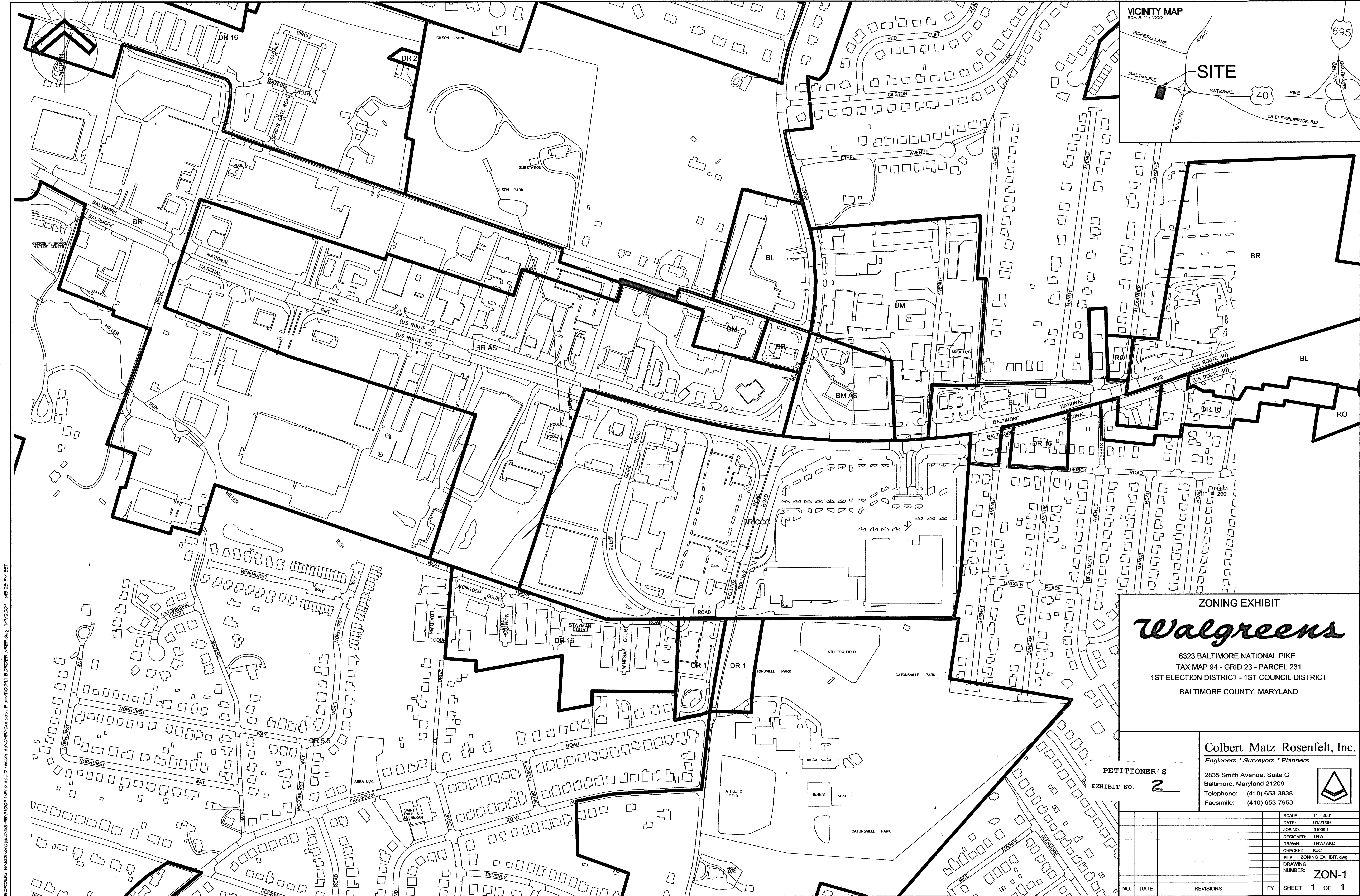
6323 BALTO NAT'L PIKE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Red lined - SITE PLAN	
No. 2	ZONING MAP	
No. 3	AERIAL PHOTOGRAPH	
No. 4 A, B and C	PHOTO'S - EXISTING CONDITIONS	
No. 5	Balto. County Reconfiguration District MAP	
No. 6	Resume Collist	
No. 7	GEIPE TRACK SUBDIVISION Sect 1 Sect 2	
No. 8	EXISTING AERIAL DESCRIBING USES	
No. 9	Example of Elevation Drawings	
No. 10	Walgreens Letter RE PARKING USES	
No. 11		
No. 12		



ZONING EXHIBIT

Walgreens

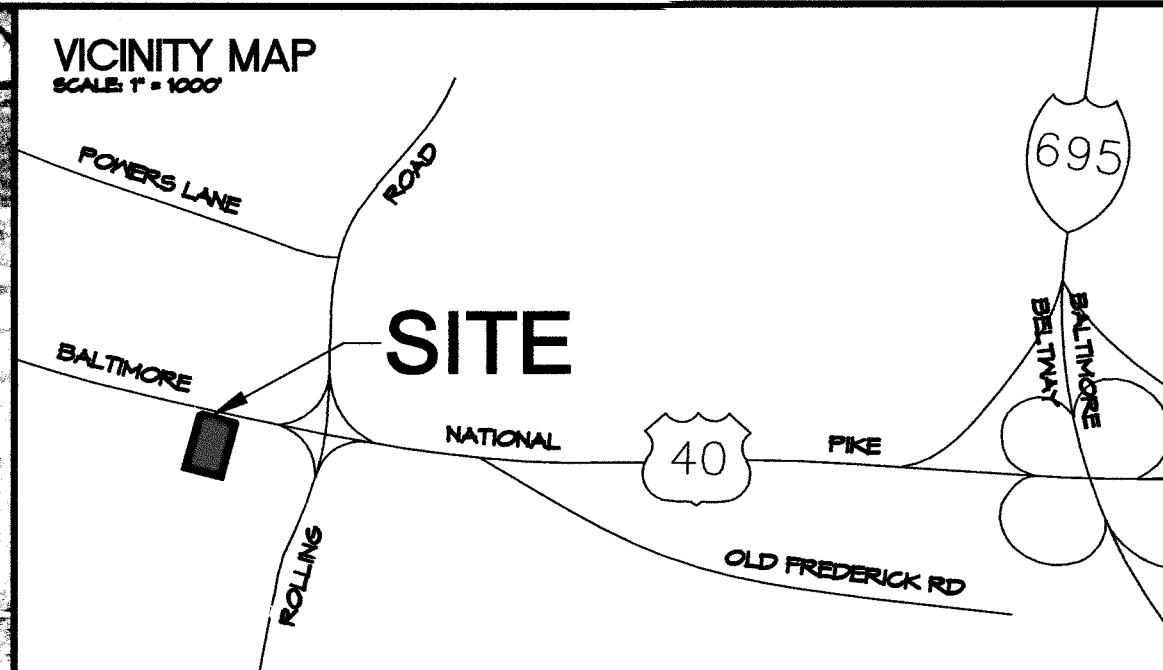
6323 BALTIMORE NATIONAL PIKE
TAX MAP 94 - GRID 23 - PARCEL 231
1ST ELECTION DISTRICT - 1ST COUNCIL DISTRICT
BALTIMORE COUNTY, MARYLAND

PETITIONER'S
EXHIBIT NO. 2

Colbert Matz Rosenfelt, Inc.
Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.		DATE	REVISIONS:	BY	SHEET
					1 OF 1
SCALE:		1" = 200'			
DATE:		01/21/09			
JOB NO.:		91009.1			
DESIGNED:		TNW			
DRAWN:		TNW/ARC			
CHECKED:		KJC			
FILE:		ZONING EXHIBIT.dwg			
DRAWING NUMBER:		ZON-1			



PROPOSED AERIAL EXHIBIT

Walgreens

6323 BALTIMORE NATIONAL PIKE
TAX MAP 94 - GRID 23 - PARCEL 231
1ST ELECTION DISTRICT - 1ST COUNCIL DISTRICT
BALTIMORE COUNTY, MARYLAND

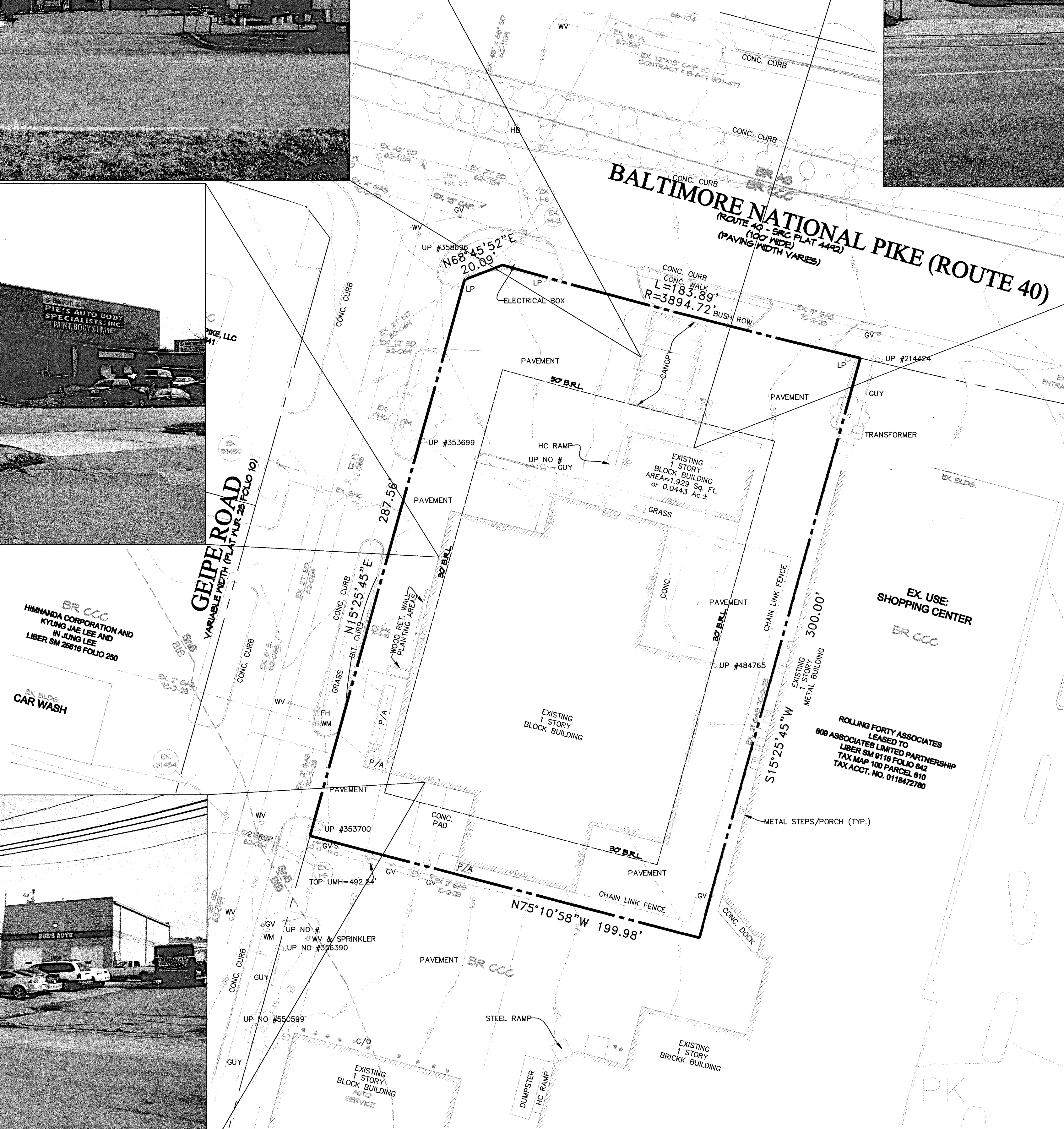
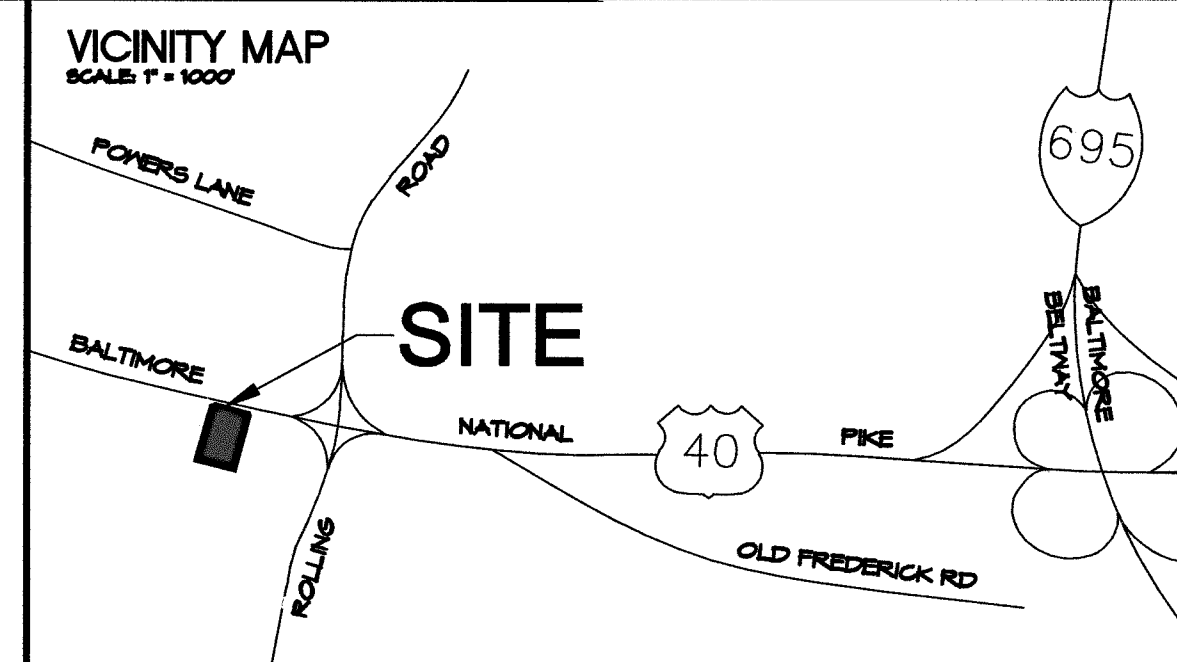
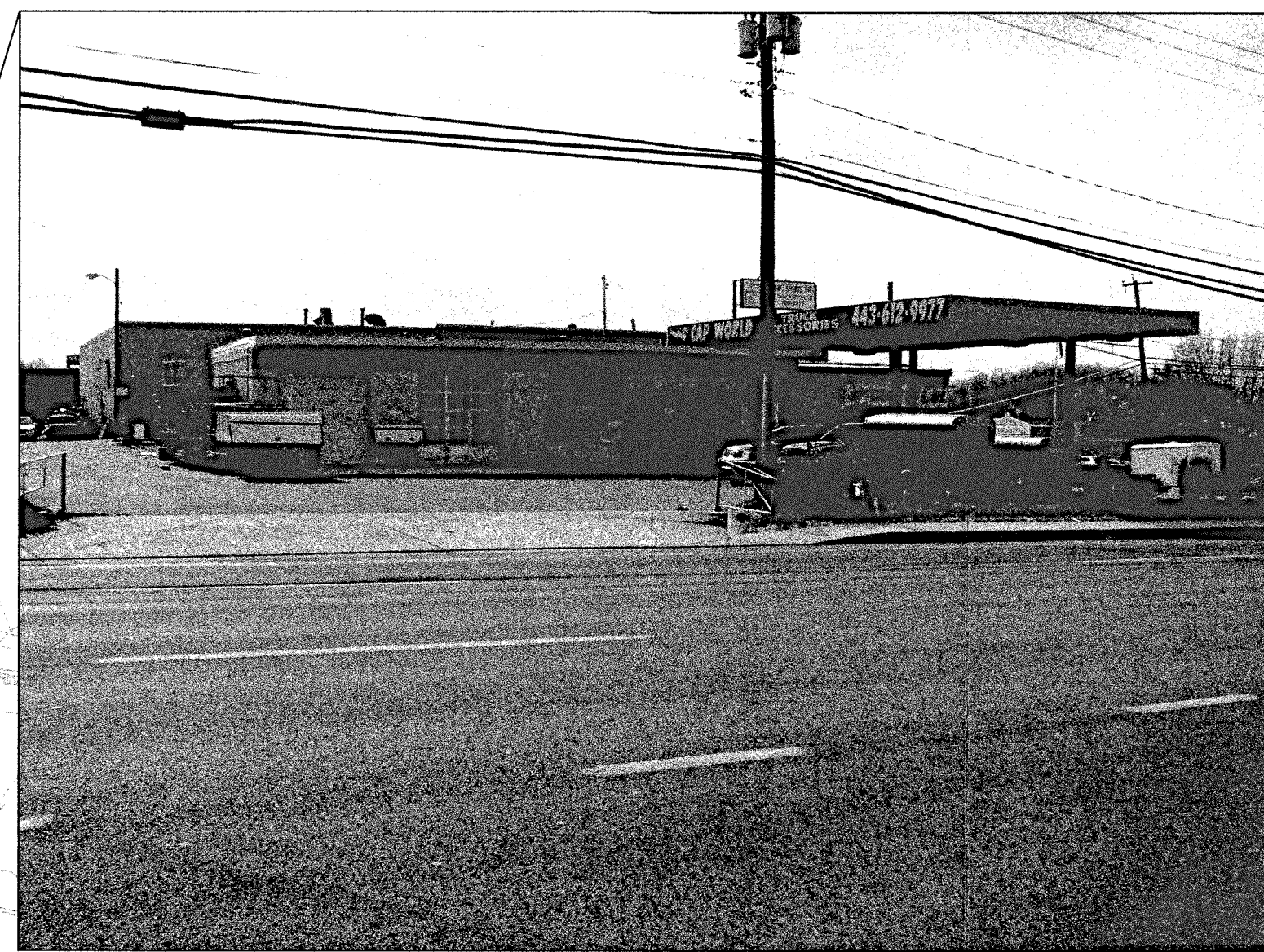
PETITIONER'S
EXHIBIT NO. **3**

Colbert Matz Rosenfelt, Inc.
Engineers • Surveyors • Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

NO.	DATE	REVISIONS	BY	SHEET
				2 OF 2

SCALE: 1" = 100'
DATE: 01/21/09
JOB NO.: 9109.1
DESIGNED: TNW
DRAWN: TNW/AC
CHECKED: KJC
FILE: AERIAL PHOTO EXHIBIT.dwg
DRAWING NUMBER: AER-2



Walgreens

6323 BALTIMORE NATIONAL PIKE
TAX MAP 94 - GRID 23 - PARCEL 231
1ST ELECTION DISTRICT - 1ST COUNCIL DISTRICT
BALTIMORE COUNTY, MARYLAND

Engineers * Surveyors * Planners

2835 Smith Avenue, Suite G
Baltimore, Maryland 21209
Telephone: (410) 653-3838
Facsimile: (410) 653-7953

EXHIBIT NO. 4A

						SCALE: 1" = 30'
						DATE: 01/21/09
						JOB NO.: 91009.1
						DESIGNED: TNN
						DRAWN: TNNW /AKC
						CHECKED: KJC
						FILE: 91009.1 DEV. dwg
						DRAWING NUMBER:
						EX-1
NO.	DATE		REVISIONS:	BY	SHEET	1 OF 1



100_1584.JPG 2009/01/26 13:49:57



PETITIONER' S

EXHIBIT NO. **4B**

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100_1586.JPG 2009/01/26 13:51:44

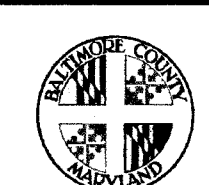


PETITIONER'S
EXHIBIT NO. 4C

100_1619.JPG 2009/01/26 15:13:33

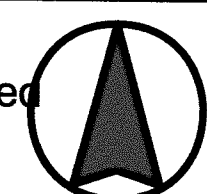
Baltimore National Pike Revitalization District Baltimore County, Maryland



 Baltimore County
Department of Economic Development
December 2003

1000 0 1000 2000 Feet

Imagery: Imagery Captured: March 2000
Copyright 2001. VARGIS, LLC All Rights Reserved
Herndon Virginia



PETITIONER'S
EXHIBIT NO. 5

RESUME

PROFESSIONAL BACKGROUND AND EXPERIENCE

KENNETH J. COLBERT
2835 SMITH AVENUE, SUITE G
BALTIMORE, MD 21209

PROFESSIONAL STATUS: Professional Engineer, Maryland, PE No. 9752

EDUCATION: University of Missouri-Rolla
Rolla, Missouri
B.S. in Civil Engineering

PROFESSIONAL BACKGROUND AND EXPERIENCE:

Practiced in the field of Civil Engineering and Site Planning for Land Development projects since 1968.
Accepted as an expert in those areas, and testified before the following:

Anne Arundel County Administrative Hearing Officer
Anne Arundel County Board of Appeals
City of Annapolis City Council
City of Annapolis Planning Commission
Baltimore County Board of Appeals
Baltimore County Zoning Commissioner
Baltimore City Board of Municipal Zoning Appeals
Cecil County Board of Appeals
City of Elkton Planning Board
City of Elkton City Council
City of Gaithersburg Planning Board
City of Gaithersburg City Council
Harford County Board of Appeals
Howard County Hearing Examiner
Howard County Board of Appeals
Montgomery County Planning Board
Montgomery County Hearing Examiner
Montgomery County Board of Appeals
City of Rockville Planning Commission
City of Rockville Board of Appeals
City of Westminster Planning Board

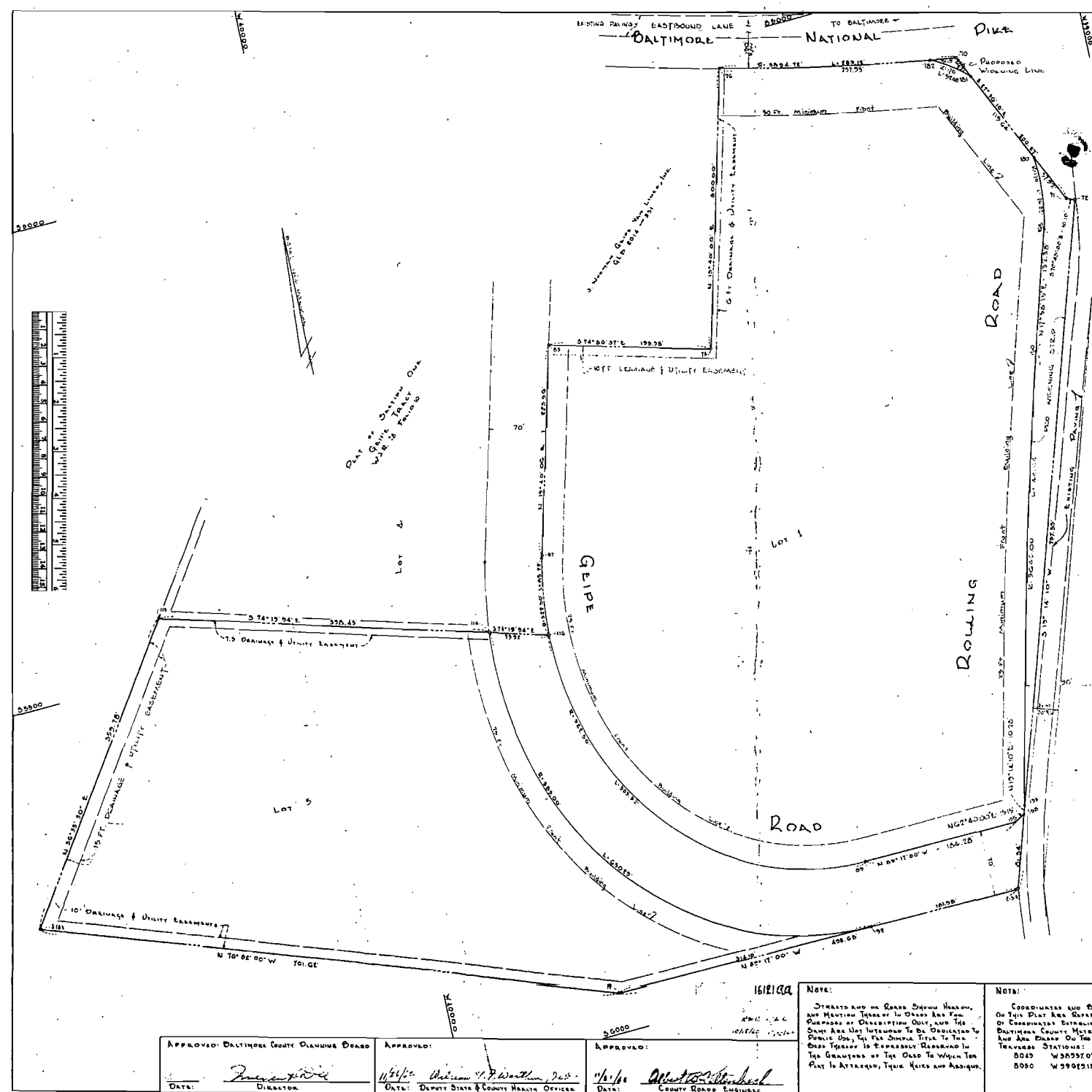
Testified as an expert witness in the field of Civil Engineering for Land Development in the District Courts of Baltimore County and Howard County.

PETITIONER'S

EXHIBIT NO. 6

R.R.G. No. 29

6



COORDINATES

NR	WEST	SOUTH	NR	WEST	SOUTH
3-103	40494.87	5718.50	05	59715.90	57207.92
05-0	59890.87	5964.07	07	59719.78	5486.90
07	59755.01	5950.41	09	59407.50	5092.59
09	59195.79	5087.49	11	59471.94	5752.40
11	59068.00	5074.99	13	59090.99	5947.11
13	59095.56	5108.95	15	59140.97	5489.80
15	59510.30	5915.27	17	59785.75	5907.00
17	59445.10	5930.42	19	59181.46	5414.05
19	59266.15	4970.17	21	59089.04	5019.02
21	59240.57	5057.07	23	59145.42	5111.15
23	59090.99	5108.95	25	59186.50	5007.34
25	59203.04	5054.05			

CURVE DATA

FROM	TO	RADIUS	ARC	Δ	T.D.	CHORD
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09	116	92250	888.93	05° 40' 44"	321.44	544° 22' 50" E 455.94
11	14	80500	93740.00	41.41	542° 13' 00" E 562.27	
14	17	12250	882.18	10° 00' 18"	41.60	500° 09' 59" W 664.51
17	18	11000	9200	17° 35' 14"	34.75	550° 19' 47" E 51.00
18	19	11000	1622	75° 41' 25"	30.76	505° 07' 35" W 16.59
19	19	3645.08	481.04	4° 42' 57"	240.07	119° 31' 46" E 480.00

NOTE: Proposed Future Q/W Line As Indicated By And Dependent To Be Shown By The Engineering Department of Baltimore County.

R.R.G. 29 FOLIO 6
RECEIVED FOR RECORD
JAN 7 1961
same day recorded in 1144
R.R.G. 30
One of the
Baltimore County and
Annapolis, Md.

PLAT OF SECTION TWO
"GEIPE TRACT"
1st ELECTION DISTRICT
BALTIMORE COUNTY, MD.
Dec. 23, 1961

DEVELOPER
ROLLING ROAD REALTY COMPANY
6525 BALTIMORE NATIONAL PIKE
BALTIMORE 20, MARYLAND

OWNERS CERTIFICATE:
The Requirements of Section 17B, Article II, of The Annotated Code of Maryland (Public Law 1961 Supplement) as far as they relate to the preparation of this plat have been complied with.
ROLLING ROAD REALTY COMPANY

SURVEYOR CERTIFICATE:
I, JOHN C. CHILDS, JR., A Registered Land Surveyor in the State of Maryland, do hereby certify that the above shown plat was laid out and the plat thereon prepared in accordance with the provisions of the Law relating to the Surveying in and about the State of Maryland, and that the same is a true and correct copy of the original survey and plat on file in my office.
JAN 7 1961
J. C. CHILDS, JR.
REGISTERED LAND SURVEYOR, 1958

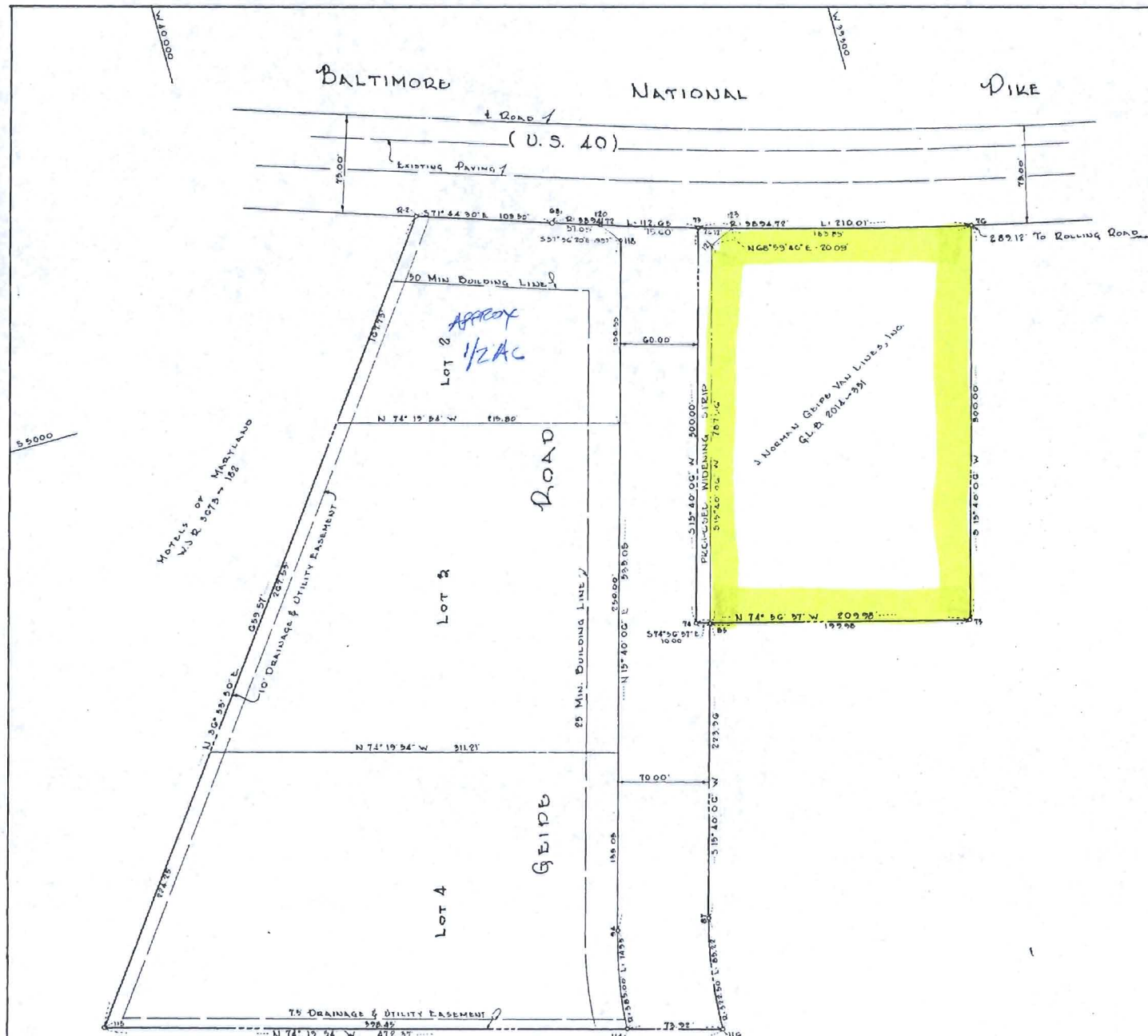
MATZ, CHILDS & ASSOCIATES
2129 N. CHARLES STREET
BALTIMORE 10, MARYLAND
Computer: NEW DRAWING OLD CHILDS: OLD

APPROVED: BALTIMORE COUNTY PLANNING BOARD
APPROVED: *[Signature]*
DATE: *[Date]*
APPROVED: *[Signature]*
DATE: *[Date]*
APPROVED: *[Signature]*
DATE: *[Date]*

NOTE:
STRAITS AND OR CROSS SECTIONS HEREON, AND MEASUREMENTS THEREON, ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE DATA ARE NOT INTENDED TO BE USED FOR PUBLIC USE, FOR THE PURPOSES OF THE TRACT THEREON IS EXPRESSLY RESERVED TO THE GRANTORS OF THE OARS TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.

NOTE:
COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE SUBMITTED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVELING STATIONS:
8045 W 50551.01 50555.61
8080 W 50501.15 54956.89

7A



CURVE DATA					
FROM	TO	RADIUS	ARC	Δ	T.D.
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71	74	3894.72	532.50	18° 08' 22"	42.86
74	76	3894.72	74.95	11° 09' 06"	97.59
CHORD					
S 72° 00' 51" E - 37.05					
S 74° 56' 57" E - 209.98					
S 08° 08' 35" W - 84.97					
S 10° 05' 33" W - 74.82					

COORDINATES					
N	WEST	SOUTH	N	WEST	SOUTH
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69	39749.41	4942.19	94	39849.82	5473.45
70	39641.94	4975.87	114	39896.93	5547.11
71	39522.96	5004.72	115	40240.57	5499.50
72	39400.16	5029.27	116	39785.73	5507.08
73	39273.16	5050.42	117	39632.38	4978.72
85	39713.30	5267.54	118	39702.42	4969.32
			120	39714.63	4955.57

W.J.R. 28 FOLIO 10

RECEIVED for Record
DEC 1 1961 at 11:19 AM
same day recorded in Liber
W.J.R. No. 16119
One of the Records of
Baltimore County and ex-
amined, per

Walter J. R. Smith
Clerk

PLAT OF SECTION ONE
"GEIDE TRACT"
1ST ELECTION DISTRICT BALTIMORE COUNTY, MD
SCALE: 1" = 50' OCT. 6, 1961

PETITIONER'S

EXHIBIT NO.

7B

DEVELOPER
ROLLING ROAD REALTY COMPANY
6325 BALTIMORE NATIONAL PIKE
BALTIMORE 28, MARYLAND

APPROVED: BALTIMORE COUNTY PLANNING BOARD 11/28/61 DATE: 11/28/61 DIRECTOR	APPROVED: 11/28/61 DATE: 11/28/61 DEPUTY STATE & COUNTY HEALTH OFFICER	APPROVED: 11/29/61 DATE: 11/29/61 COUNTY ENGINEER	SURVEYOR'S CERTIFICATE: I, JOHN C. CHILDS, JR., A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN Laid Out, AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE LAW RELATING TO THE SUBDIVISION OF LAND KNOWN AS HOUSE BILL #459, CHAPTER 1010 OF THE ACTS OF 1945, AND SUBSEQUENT AMENDATORY ACTS. 11/27/61 DATE REGISTERED LAND SURVEYOR #5672
NOTE: STREETS AND OR ROADS SHOWN HEREON, AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY, AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE, THE TITLE SIMPLE TITLE TO THE DEEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.	NOTE: COORDINATES AND BEARINGS SHOWN ON THIS PLAT ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVEL STATIONS: 8049 W 38257.07 S 5085.81 8050 W 39629.15 S 8955.29	OWNERS CERTIFICATE: THE REQUIREMENTS OF SECTION 72-D, ARTICLE 17, OF THE ANNOTATED CODE OF MARYLAND (FLUKE 1947 SUPPLEMENT) AS FAR AS THEY RELATE TO THE PREPARATION OF THIS PLAT HAVE BEEN COMPLIED WITH. ROLLING ROAD REALTY COMPANY OWNER: _____ DATE: _____	MATZ, CHILDS & ASSOCIATES 2129 N. CHARLES STREET BALTIMORE 18, MARYLAND COMPUTED H.G.W. DRAWN: G.L.S. CHECKED: J.O. 50145 MSA 55J123X-3897



January 21, 2009

Mr. Dan Klein
Metropolitan Management
11299 Owings Mills Blvd., Suite 200
Owings Mills, MD 21117

RE: Proposed Walgreens: SEC Geipe & U.S. 40, Catonsville, Maryland.

Dear Dan,

Regarding the above referenced location, Walgreens' data for our Baltimore area stores indicates the following:

- A typical Walgreen customer averages approximately seven minutes while shopping.
- Peak shopping times typically require a need for 30 to 40 parking spaces.

We have found that our Baltimore stores are sufficiently served by the parking that is provided, especially since the parking spaces are conveniently located in close proximity to the store entrance. Specifically, with respect to the proposed location at Geipe & U.S. 40, the site plan will have 61 parking spaces, which is more than adequate to meet our customer demand at this store. Additionally, the three (3) stacking spaces shown on the site plan for our pharmacy drive-thru are suitable for our needs.

Please let me know if you have any questions.

Sincerely,

Matthew S. Harris
Senior Real Estate Manager

PETITIONER'S

EXHIBIT NO.

10