

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

SE side of Philadelphia Road, 130 feet SW
of the c/l of Rosedale Heights Avenue
15th Election District
7th Councilmanic District
(7520 Pulaski Highway)

SMO, Inc.
Legal Owner

B.M. Donuts, Inc.
Lessee

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* **CASE NO. 2009-0148-SPHX**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Special Exception filed by the legal property owner, SMO, Inc., and the proposed lessee, B.M. Donuts, Inc. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of a proposed fast food restaurant by special exception. The Special Exception was filed in accordance with the criteria set forth in Section 502.1 of the B.C.Z.R. to permit a fast food restaurant (Dunkin Donuts) with a drive-through window and carry out in combination with an existing fuel service station. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 3.

Appearing at the requisite public hearing in support of the Special Hearing and Special Exception requests was Bill Grevey on behalf of the legal owner, SMO, Inc., Akash Patel on behalf of the proposed lessee, B.M. Donuts, Inc., and Shane Clark on behalf of the corporate

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franchisor, Dunkin Brands, Inc. (hereinafter referred to collectively as "Petitioners"). Robert W. Taylor, Jr., Esquire appeared as attorney for Petitioners. Also appearing in support of the requested relief was Charles V. Main with McKee & Associates, Inc., the professional engineer who prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the subject property is rectangular-shaped and contains approximately 1.3912 acres, more or less, zoned B.L.-A.S., B.R.-A.S. and B.L. The B.L. and B.R. Zones denote Business, Local and Business, Roadside, respectively, and portions of the property are superimposed with the A.S. District overlay, which further refines the land use regulation to "automotive services." The property is located on the north side of Pulaski Highway (U.S. Route 40) and is also bordered to the north by Philadelphia Road (MD Route 7), east of Interstate 95 near the Baltimore County/City line, in the Rosedale area of Baltimore County. The property is also adjacent to the Rosedale Industrial Park located immediately to the south. As shown on the site plan, the property is improved with an existing one-story building approximately 15 feet in height and 2,250 square feet in area, with existing fuel service pumps and a canopy cover and vehicle parking and stacking areas, and is presently utilized as a fuel service station with ancillary convenience store. The property was once part of a larger tract that was subdivided and is now two separate properties, with the second property located immediately to the east of the subject property.¹

¹ This eastern side of what was once a 2.3 acre tract (consisting of approximately 0.95 acre) was the location of a Wendy's fast food restaurant a number of years ago. That property was owned by SMO Realty, LLC and after the restaurant closed, they along with the contract purchaser, Fitzgerald Electric through FEC Corporation, sought to utilize the property for a contractor's storage yard. As reflected on the site plan, in Case No. 2005-0179-X, then-Deputy Zoning Commissioner John V. Murphy issued an Order dated December 2004 granting the request.

At this juncture, Petitioners desire to add a Dunkin Donuts fast food restaurant to the property in combination with the existing fuel service station. Petitioners submitted a Commercial Lease Agreement that was marked and accepted into evidence as Petitioners' Exhibit 1. This agreement dated October 28, 2008 is between SMO, Inc. and B.M. Donuts, Inc. for the use of approximately 800 square feet of space within the existing convenience store building for the Dunkin Donuts.

The fuel service station and ancillary convenience store was originally approved in 1971. Because of the addition of the new fast food restaurant use, the special hearing is requested to amend the previously approved site plan from 1971 to include the planned restaurant use. In addition, although the previous site plan met the then-applicable Regulations, the existing canopy does not meet some of today's setback requirements; hence the special hearing is also requested to approve the previously approved fuel service station and convenience store as nonconforming. It should be noted there are no changes proposed to the layout or configuration of the fuel pumps, parking, or to the existing convenience store building -- the only alteration is the addition to the interior of the building of a fast food restaurant with drive through window and carry out as a use in combination with the existing fuel service station and ancillary convenience store.

In addition, the special exception is requested to approve the planned fast food restaurant. Section 405 of the B.C.Z.R. governs fuel service stations generally; in particular, Section 405.6.A.3 of the B.C.Z.R. states that any of the "uses in combination with" fuel service stations listed in Section 405.4.E of the B.C.Z.R. may be added to any such station provided that a special exception is granted and the provisions of Section 405.4 are met. Moreover, Section 405.4.E.10 of the B.C.Z.R. specifically allows a fast food restaurant by special exception.

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Called as a witness in support of the requested relief was Bill Grevey, Wholesale Area Manager in the Baltimore Region for SMO, Inc. Mr. Grevey indicated that SMO, Inc. acquired the subject property from Motiva, Inc. in 2000. The property was utilized at that time as a fuel service station and convenience store. As the current owner of the property, SMO, Inc. is supportive of the instant zoning requests in order to amend the previous plan and add the Dunkin Donuts fast food restaurant to the existing convenience store building.

Also testifying in support of the requested relief was Charles V. Main, the professional engineer with McKee & Associates, Inc. Mr. Main was offered and accepted as an expert in civil engineering, land use and development, and interpretation of the Baltimore County Zoning Regulations. A copy of his resume was also submitted and marked and accepted into evidence as Petitioners' Exhibit 2. Mr. Main referred to the previous site plan, which was attached to Petitioners' Exhibit 3, and indicated that the current plan agrees with the plan approved in 1971.

He reiterated that in 1971, the site plan was approved for a fuel service station and convenience store with the same layout and configuration as today, and that this would continue going forward. An aerial photograph of the property and a ground level photograph of the fuel pumps and convenience store were marked and accepted into evidence as Petitioners' Exhibits 4A and 4B, respectively. The only change in use would be the addition of the Dunkin Donuts, which would be internal to the building and would have no detrimental impacts to the site. The site would have sufficient parking, stacking spaces, and internal circulation, and would have the same access point as the previous plan approved by the Office of Planning and Zoning on May 24, 1971. Finally, Mr. Main offered his opinion that the proposed additional fast food restaurant use would not be detrimental to the health, safety, or general welfare of the locale, and would not

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have any negative impacts on the special exception criteria set forth in Section 502.1 of the B.C.Z.R.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Department of Environmental Protection and Resource Management dated January 20, 2009 which indicate that the property must comply with the Forest Conservation Regulations. Comments were received from the State Highway Administration (SHA) dated December 23, 2008 which indicate that a field inspection and internal review reveals that existing access points onto U.S. Route 40 (Pulaski Highway) must be upgraded to be compliant with current State Highway Administration guidelines. SHA also indicates that as a condition of approval for the proposed Dunkin Donuts at the subject location, that Petitioners must contact the SHA in order to obtain an entrance permit.

Turning first to the Special Exception request, I am persuaded to grant this relief to permit a fast food restaurant at this location in combination with the existing fuel service station. The evidence indicates that the proposed restaurant with drive through window and carry out would not be detrimental to the health, safety, or general welfare of the locale, would not overcrowd the land, is consistent with the property's Zoning classification, and would not negatively impact any of the other criteria set forth in Section 502.1 of the B.C.Z.R. The area of the special exception use will be internal to the existing convenience store building and there appears to be sufficient parking, stacking spaces for the gas pumps, and internal circulation for customers utilizing the fuel service, convenience store, and/or the proposed fast food restaurant.

Turning now to the petition for Special Hearing, I shall grant this relief as well. The request for the amendment to the previous 1971 plan naturally flows from the granting of the aforementioned special exception. In addition, I shall approve the existing layout and

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configuration of the property, including the existing improvements, as nonconforming. These improvements were in conformance with the Regulations when approved in 1971 and shall be permitted to continue.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered by Petitioners, I find that Petitioners' requests for special exception and special hearing should be granted.

THEREFORE, IT IS ORDERED this 9th day of March, 2009 by the Deputy Zoning Commissioner, that Petitioner's request for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of the proposed fast food restaurant by special exception be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Special Exception request pursuant to Section 405.4.E.10 of the B.C.Z.R. to permit a fast food restaurant (Dunkin Donuts) with a drive-through window and carry out in combination with an existing fuel service station be and is hereby GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, 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. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Petitioners are to contact Environmental Impact Review to discuss the proposed work and how these regulations may apply.

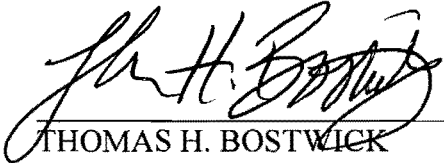
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3. A field inspection and internal review by the State Highway Administration (SHA) reveals that existing access points onto U.S. Route 40 (Pulaski Highway) must be upgraded to be compliant with current State Highway Administration guidelines. Consistent with the SHA's ZAC comment, Petitioners shall contact the SHA in order to obtain an entrance permit. In particular, Petitioners can contact Michael Bailey at (410) 545-5593 or 1-800-876-4742 (ext. 5593) or email him at mbailey@sha.state.md.us.

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

Order.



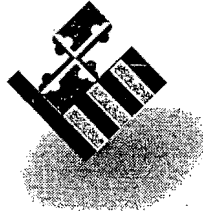
THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

March 9, 2009

ROBERT W. TAYLOR, JR., ESQUIRE
FRANCAMANO BUTLER MELFA & TAYLOR PA
407 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Special Exception
Case No. 2009-0148-SPHX
Property: 7520 Pulaski Highway

Dear Mr. Taylor:

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 "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Charles V. Main II, McKee & Associates, Inc., 5 Shawan Road, Suite 1, Cockeysville MD 21030
Akash Patel, 5050 Springhouse Circle, Rosedale MD 21237
Bill Grevey, SMO Incorporated, 6355 Crain Highway, LaPlata MD 20646
Shane Clark, 315 Canterfield Road, Annapolis MD 21403



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7520 Pulaski Highway, Baltimore, MD 21237

which is presently zoned BL-AS/BR-AS/BL

(This petition must be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

The existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of the proposed fast food restaurant by special exception.

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:

B.M. Donuts, Inc.

Name - Type or Print

Neereth B. Patel president

Signature

Address 7520 Pulaski Highway

Telephone No.

Baltimore, Maryland 21237

City

State

Zip Code

Attorney For Petitioner:

ROBERT W. TAYLOR, JR.

Name - Type or Print

Robert W. Taylor, Jr.

Signature

Company Francomano, Butler, Helfa & Taylor, P.A.

Address 407 W. Pennsylvania Avenue

Telephone No.

Towson, Maryland 21204

City

State

Zip Code

(410) 337-0900

Legal Owner(s):

SMO Incorporated

Name - Type or Print

G.M. Antosh - RE MGR.

Signature

Address 6355 Crain Highway, P.O. Box 2810

Telephone No.

LaPlata, Maryland 20646

City

State

Zip Code

Representative to be Contacted:

Charles V. Main, II, P.E.

Name

Address 5 Shawan Road, Suite 1

Telephone No.

Cockeysville, Maryland 21030

City

State

Zip Code

(410) 527-1555

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No.

2009-0148-SPHX

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

A. T. S. H. I.

Date

12/17/08

FOR PLANNING

3.9.09

PM



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 7520 Pulaski Highway

which is presently zoned BL/BL-AS/BR-AS

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

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 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:

B.M. DONUTS, INC.
Name - Type or Print
Signature [Signature] Vice President
Address 7520 Pulaski Highway Telephone No.
BALTIMORE, MARYLAND
City State Zip Code

Attorney For Petitioner:

ROBERT W. TAYLOR, JR.
Name - Type or Print
Signature [Signature]
Company FRANCOMANO, BUTLER, MELFA & TAYLOR, P.A.
Address 407 W. Pennsylvania Avenue Telephone No.
Towson, Maryland 21204 (410) 337-0900
City State Zip Code

Legal Owner(s):

SMO INCORPORATED
Name - Type or Print
Signature [Signature]
G.M. ANTOSH
Name - Type or Print
Signature
6355 Crain Highway, P.O. Box 2810
Address Telephone No.
LaPlata, Maryland 20646
City State Zip Code

Representative to be Contacted:

CHARLES V. MAIN, II, P.E.
Name
5 Shawan Road, Suite 1
Address Telephone No.
Cockeysville, Maryland 21030 (410) 527-1555
City State Zip Code

OFFICE USE ONLY

Case No. 2009-0148X - SPHX

2009/09/15/98

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By A. TSUI Date 11/21/2009

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3-9-09

[Signature]

IN RE:
PETITION FOR SPECIAL EXCEPTION

7520 PULASKI HIGHWAY

SMO, INCORPORATED (Legal Owner)
By: G. M. Antosh, Real Estate Manager

AND

BM DONUTS, INC.
d/b/a DUNKIN DONUTS

Tenant/Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* CASE NO:

*

*

*

*

* * * * *

PETITION FOR SPECIAL EXCEPTION

To The Zoning Commissioner of Baltimore County,

SMO, Incorporated, the Legal Owner of the property located in Baltimore County at 7520 Pulaski Highway and which is described in the description and plat attached hereto and made a part hereof, hereby petitions for a Special Exception under Section 502 of the Baltimore County Zoning Regulations to approve; a special exception to permit a fast food restaurant (Dunkin Donuts) with a drive through window and carry out in combination with an existing fuel service station.

1. Zoning History- The existing site is zoned BL/BL-AS/BRAS. The site has operated as a fuel service station-with the existing building pumps and canopy since before 1993.

The adjacent site 7520-A Pulaski Highway, was also owned by Petitioner, then known as SMO Realty, LLC, and was the subject of a Petition for Special Exception (Case No: 05-179-X) which allowed the repair of a former Wendy's fast food restaurant

2009-0148-~~SPH~~SPHX

and the conversion of the parcel to a contractors storage yard prior to its sale to Fitzgerald Electric.

The proposed use meets the criteria for a special exception as set forth in BCZR Section 502.1 (A-1).

Wherefore, for the foregoing reason, the undersigned Petitioner and Legal Owner both join in this request that a Special Exception be granted for the property at 7520 Pulaski Highway allowing for a fast food restaurant with a drive through window and carry-out in combination with the existing service station use, be permitted subject to such conditions and restrictions as the Zoning Commissioner deems necessary or advisable.

BM Donuts, Inc.
Tenant

By: Naresh B. Patel
Naresh Patel, President

SMO, INCORPORATED

By: G.M. Antosh
G.M. Antosh, Real Estate Manager

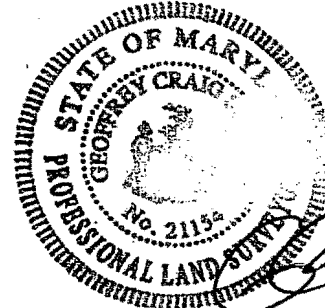
Robert W. Taylor, Jr.
Robert W. Taylor, Jr.
Francomano, Butler, Melfa & Taylor, P.A.
407 W. Pennsylvania Avenue
Towson, Maryland 21204
(410)337-0900
Attorney for Petitioners

2009-0148-SPHX

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

**ZONING DESCRIPTION
7520 PULASKI HIGHWAY
15TH ELECTION DISTRICT
BALTIMORE COUNTY, MD**



BEGINNING at a point on the Southeast side of Philadelphia Road, 60 feet wide, said point being situated 130' +/- southwesterly from the centerline extension of Rosedale Heights Avenue. Being Lot 1 as shown on subdivision plat, SMO Realty, LLC Property recorded in Baltimore County Plat Book S.M. 78, page 158 and containing 60,599 sf or 1.3912 acres of land, more or less.

Being known as 7520 Pulaski Highway and lying in the 15th Election District, 7th Councilmanic District.

2009-0148-SPHX

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: #2009-0148-SPHX

7520 Pulaski Highway

S/east side of Philadelphia Road, 130 feet s/west of centerline of Rosedale Heights Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): SMO Incorporated

Contract Purchaser: B.M. Donuts, Inc.

Special Hearing: to permit an existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of the proposed fast restaurant by special exception. **Special Exception:** to approve a proposed drive-thru restaurant in combination with an existing fuel service station.

Hearing: Friday, February 13, 2009 at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special 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.

1/515 Jan. 29

193113

CERTIFICATE OF PUBLICATION

1/30/, 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 1/29/, 2009.

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

J. Wilkins

LEGAL ADVERTISING

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

No. 380

Date: 12/11/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	406	0000		6150					325

Total: 325

Rec

From: TAGRUTIBEN PATEL

For: 1520 PULASKI HWY 21237

2009-0148-SPHX

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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

No. 31498

Date: 11/19/08

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	406	0000		6150					380.00

Total: 380.00

Rec

From:

For: 1520 PULASKI HWY

2009-0148-SPHX

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRU
 5/26/2009 5/26/2009 12:00:15 1

D/WS01 WALKIN JRIC JHR

RECEIPT # 418464 5/26/2009 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 039862

Recpt Tot \$50.00

\$50.00 CK \$1.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source	Sub Rev	Obj	Sub Obj	Dept C	Amount
001	806	0000		6157					30

Rec From

C. Charles W. Jones - Jr

For

2520 Potholes Highway

2019-0148

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PLEASE PRESS HARD!!!

**CASHIER'S
 VALIDATION**

WILLIAM D. GULICK, JR
Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue
Baltimore, MD 21234

DATE: FEB 3, 2009

TO: BALTO. COUNTY
PDM/ZONING OFFICE

Re: 2009-0148-SPHX
7520 FULASKI HIGHWAY

ATTENTION: MS. KRISTEN MATTHEWS

() We are submitting

() We are returning

() We are forwarding

() Herewith

() Under separate cover

No.	Description
1	CERT OF POSTING
2	SITE PHOTOS

☒ For processing

☒ For your use

() For your review

() Please call when ready

() Please return to this office

() In accordance with your request

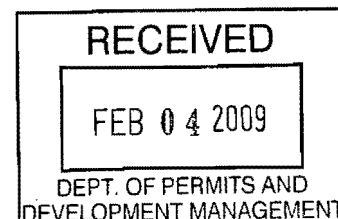
Remarks :

For further information, please contact the writer at this office.

Very truly yours,

William D. Gulick, Jr.

C.C. MR. ROBERT TAYLOR, JR.
MR. CHARLES MAIN



CERTIFICATE OF POSTING

Department of Permits & Development Management
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

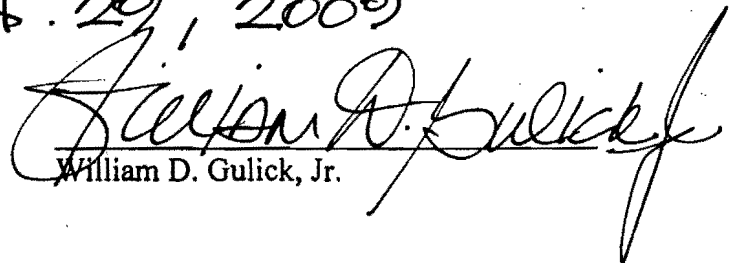
Date: FEB. 3, 2009

ZONING OFFICE
Attention: MS. KRISTEN MATTHEWS

Re: Case Number: 2009-0148-SPHX
Petitioner/Developer: SMO INCORPORATED AND B.M. DONUTS, INC.
Date of Hearing/Closing: FRIDAY FEB. 13, 2009 @ 9:00 AM

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: 7520 PULASKI HIGHWAY

The sign (s) were posted on: JAN. 29, 2009


William D. Gulick, Jr.

2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2009-0148-5PHX

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

COUNTY OFFICE BUILDING, ROOM 106
111 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: FRIDAY, 5:00 AM
FEBRUARY 13, 2009

REQUEST: SPECIAL HEARING TO PERMIT AN
EXISTING FUEL SERVICE STATION WITH
AN ALLIANT CONVENIENCE STORE AS PREVIOUSLY APPROVED
AS SHOWN ON THE 1971 SITE PLAN NOTWITHSTANDING THE
ADDITION OF THE PROPOSED FAST RESTAURANT BY SPECIAL
EXCEPTION.

SPECIAL EXCEPTION TO APPROVE A PROPOSED
DINE-IN/THRU RESTAURANT IN COMBINATION WITH AN
EXISTING FUEL SERVICE STATION.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CANCEL HEARING CALL 761-1291

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



PULASKI HIGHWAY

WILLIAM D. GULICK, JR

Baltimore County Approved Sign Poster

410-530-6293

2944 Edgewood Avenue
Baltimore, MD 21234

DATE: FEB 3, 2009

TO: BALTO. COUNTY
PDM/ZONING OFFICE

Re: 2009-0148-SPHX
7520 PULASKI HIGHWAY

ATTENTION: MS. KRISTEN MATTHEWS

() We are submitting () We are returning () We are forwarding

() Herewith () Under separate cover

No.	Description
1	CERT OF POSTING
2	SITE PHOTOS

☒ For processing ☒ For your use () For your review

() Please call when ready () Please return to this office () In accordance with your request

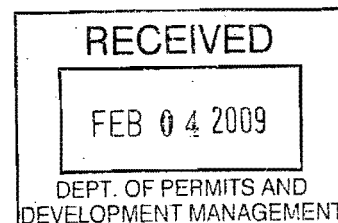
Remarks :

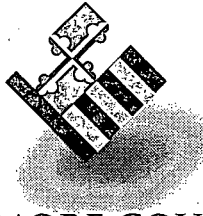
For further information, please contact the writer at this office.

Very truly yours,

William D. Gulick, Jr.

C.C. MR. ROBERT TAYLOR, JR.
MR. CHARLES MAIN





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

January 15, 2009
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: 2009-0148-SPHX

7520 Pulaski Highway

S/east side of Philadelphia Road, 130 feet s/west of centerline of Rosedale Heights Avenue
15th Election District – 7th Councilmanic District

Legal Owners: SMO Incorporated

Contract Purchaser: B.M. Donuts, Inc.

Special Hearing to permit an existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of the proposed fast restaurant by special exception. Special Exception to approved a proposed drive-thru restaurant in combination with an existing fuel service station.

Hearing: Friday, February 13, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Robert Taylor, Jr., 407 W. Pennsylvania Avenue, Towson 21204
G.M. Antosh, SMO Inc., 6355 Crain Highway, P.O. Box 2810, LaPlata 20646
B.M. Donuts, Inc., 7520 Pulaski Highway, Baltimore 21237
Charles Main, 5 Shawan Road, Ste. 1, Cockeysville 21030

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 29, 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.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 29, 2009 Issue - Jeffersonian

Please forward billing to:

Robert Taylor, Jr.
407 W. Pennsylvania Avenue
Towson, MD 21204

410-337-0900

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: 2009-0148-SPHX

7520 Pulaski Highway

S/east side of Philadelphia Road, 130 feet s/west of centerline of Rosedale Heights Avenue

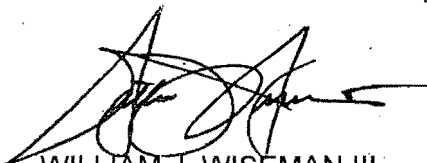
15th Election District – 7th Councilmanic District

Legal Owners: SMO Incorporated

Contract Purchaser: B.M. Donuts, Inc.

Special Hearing to permit an existing fuel service station with ancillary convenience store as previously approved as shown on the 1971 site plan notwithstanding the addition of the proposed fast restaurant by special exception. Special Exception to approved a proposed drive-thru restaurant in combination with an existing fuel service station.

Hearing: Friday, February 13, 2009 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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.

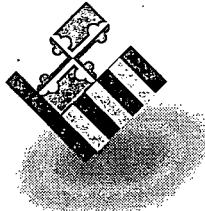
OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2009-0148-SPHX
Petitioner: B. M. Donuts, Inc.
Address or Location: 7520 Pulaski Highway Balto, Md.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Robert W. Taylor
Address: Grancomano, Butler, Melfs Taylor P.A.
407 W. Pennsylvania Avenue
Towson, Md. 21204
Telephone Number: 410-337-0900



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
February 3, 2009

Robert W. Taylor
407 W. Pennsylvania Ave.
Towson, MD 21204

Dear: Robert W. Taylor

RE: Case Number 2009-0148-SPHX, 7520 Pulaski Hwy.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 17, 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
SMO Incorporated; 6355 Crain Hwy; P.O. Box 2810; LaPlata, MD 20646
B.M. Donuts, Inc.; 7520 Pulaski Hwy; Baltimore, MD 21237
Charles V. Main, II; 5 Shawan Rd. Ste. 1; Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 5, 2009

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

SUBJECT: 7520 Pulaski Highway

INFORMATION:

Item Number: 9-148

Petitioner: SMO Inc. for Dunkin Donuts

Zoning: BL-AS, BR-AS and BL

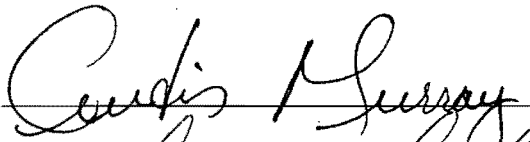
Requested Action:

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This office does not oppose the petitioner's request. The site is largely developed and surrounded by commercially or industrially zoned property. The plan shows that all traffic and proposed development is on currently developed land. Landscaping should be provided on the north and west sides of the stacking lane, as shown on the previously approved "more-in-keeping" plan (issued in error).

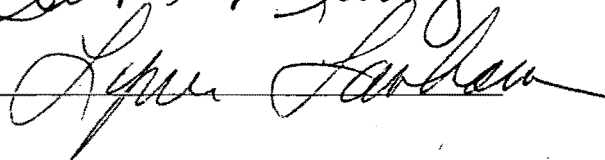
For further information concerning the matters stated here in, please contact John Alexander at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



TB
2-13-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: January 20, 2009

SUBJECT: Zoning Item # 09-148-X
Address 7520 Pulaski Highway
(SMO Inc. Property)

Zoning Advisory Committee Meeting of December 22, 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). Please contact Environmental Impact Review to discuss proposed work and how these regulations may apply.

Additional Comments:

Reviewer: Paul Dennis

Date: January 20, 2009

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 6, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 29, 2008
Item Nos. 2009-0148, 0162, 0167, 0168,
0169, 0170, 0171, and 0173.

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

DAK:CEN:lrk
cc: File
ZAC-122908 -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

December 23, 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. 2009-0148-X
US 40 (Pulaski Hwy)
4000' S. of Rosedale Ave
Dunkin Donuts-Rosedale
7520 Pulaski Highway
Mile Post 13.64

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for special exception and special hearing exception on the subject of the above captioned, which was received on December 23rd. A field inspection and internal review reveals that existing access points onto US 40 (Pulaski Hwy) must be upgraded to be compliant with current State Highway Administration guidelines. As a condition of approval for the proposed Dunkin Donuts-Rosedale located at 7520 Pulaski Highway, Case Number 2009-0148-X the applicant must contact the State Highway Administration to obtain an entrance permit.

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

Very truly yours,

^{For} Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

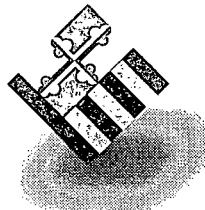
Cc: Mr. Charlie V. Main, Engineer, McKee & Associates, Inc.
Mr. David Malkowski, District Engineer, SHA
Mr. Joe Merrey, Baltimore County Department of Permits & Development Management
Mr. Michael Pasquariello, Utility Engineer, SHA

My telephone number/toll-free number is _____

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

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





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
May 28, 2009

Mckee & Associates, Inc.
Shawan Place, Suite 1
5 Shawan Road
Cockeysville, Maryland 21030
Attn: Mr. Charles V. Main, II

Re: Spirit and Intent
7520 Pulaski Highway
Zoning Case No. 2009-0148-SPHX
MAI No. 08-095D

Dear Mr. Main:

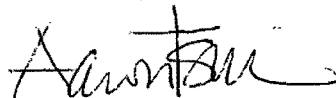
This is a response to your letter dated May 19, 2009 to the Zoning Office and the Zoning Supervisor has authorized this reply.

You have requested a determination that the proposed change from the site plan approved in the above referenced case be approved as being within the Spirit and Intent of the Zoning Commissioner's approved plan and order. Your plan and letter indicate adjustments to the approved plan that the building has been revised to 2,440 s.f. from 2,250 s.f., the drive-through lane has been moved slightly to allow a better turning movement, additional parking space has been added to accommodate the increased building size, and a directional sign has been added to the exit of the drive-through lane. The plan also added a sidewalk along Pulaski Highway as requested by the State Highway Administration.

I have discussed the issue with the Deputy Zoning Commissioner and based on your information he has agreed that the proposed adjustments are within the Spirit and Intent of the granted zoning order. The revised plans and this letter are being placed in the zoning case records for permanent inclusion. Please document this response on all future plans/permits submitted for future review or approval. Please also be aware that this Spirit and Intent approval is for zoning issues only and it is not intended for any other agency.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions please do not hesitate to contact me at 410-887-3391.

Yours truly,

A handwritten signature in black ink, appearing to read 'Aaron Tsui', with a stylized flourish at the end.

Aaron Tsui
Planner II, Zoning Review

cc. Case file 2009-0148-SPHX

09-131

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
7520 Pulaski Highway; SE/S of Philadelphia* ZONING COMMISSIONER
Rd, 130' SW c/line of Rosedale Heights Ave *
15th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): SMO Incorporated *
Contract Puchaser(s): B.M. Donuts, Inc * BALTIMORE COUNTY
Petitioner(s) *
* 09-148-SPHX

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 07 2009

.....

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 7th day of January, 2009, a copy of the foregoing Entry of Appearance was mailed to Charles Main, II, P.E., 5 Shawan Road, Suite 1, Cockeysville, Maryland 21030 and Robert Taylor, Esquire, Francomano, Butler, Melfa & Taylor, P.A., 407 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

McKEE & ASSOCIATES, INC.

Engineering • Surveying • Environmental Planning
Real Estate Development

STI
To: AT
5/21/09
~

May 19, 2009

Mr. Aaron Tsui
Baltimore County
Department of Permits and Development Management
Zoning Review Office
111 West Chesapeake Ave.
Towson, MD 21204

Re: 7520 Pulaski Highway
Case No. 2009-0148-SPHX
MAI No. 08-095D

Dear Mr. Tusi:

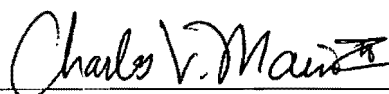
McKee & Associates, Inc. is requesting that certain adjustments to the site plan for 7520 Pulaski Highway be considered as being in accordance with the spirit and intent of the Deputy Commissioner's order in Case No. 2009-0148-SPX. The adjustments are:

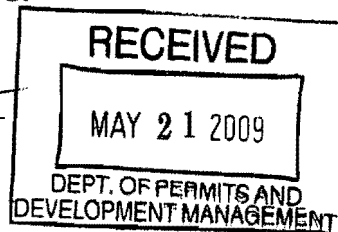
- 1) The building has been revised to 2,440-sf from 2,250-sf.
- 2) The drive through lane has been moved slightly to allow a better turning movement.
- 3) An additional parking space been added to accommodate the increased building size.
- 4) A directional sign has been added to the exit of the drive through lane.

These revisions are to address architectural considerations. No revisions were made to the site area (required or provided), number of fuel service spaces, fuel pumps, or canopy. Also, a sidewalk has been added along Pulaski Highway as requested by the State Highway Administration.

It is our belief that these modifications are within the spirit and intent of the Deputy Zoning Commissioner's order. There were no Protestants or interested persons other than the Petitioners in attendance at the hearing. Attached are two revised plans and two redlined plans from special exception case number 2009-0148-SPHX.

Sincerely,
MCKEE & ASSOCIATES, INC.


Charles V. Main, II



Cc: Mr. Naresh Patel
Mr. Robert W. Taylor, Jr., Esquire

Shawan Place • Suite 1 • 5 Shawan Road • Cockeysville, MD 21030
Tel: 410-527-1555 • Fax: 410-527-1563 • E-Mail: @mckeeinc.com

09-131

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

May 22, 2009

Mr. Aaron Tsui
Baltimore County
Department of Permits and Development Management
Zoning Review Office
111 West Chesapeake Ave.
Towson, MD 21204

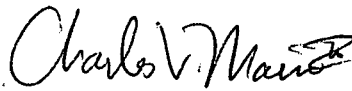
Re: 7520 Pulaski Highway
Case No. 2009-0148-SPHX
MAI No. 08-095D

Dear Mr. Tusi:

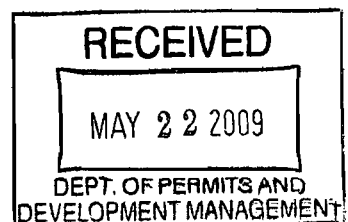
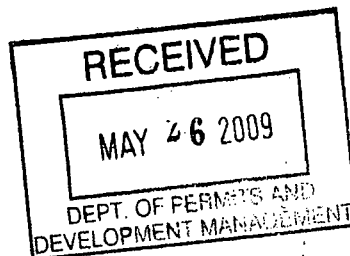
Attached is a \$50 check to cover the Spirit and Intent request submitted yesterday related to exception case number 2009-0148-SPHX.

Please call with any questions.

Sincerely,
MCKEE & ASSOCIATES, INC.



Charles V. Main, II



CASE NAME B.M. Donuts / SMO
CASE NUMBER 2009-0148 SPK
DATE 2/13/09

[illegible]

Case No.:

2009-0148-SPHX

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	<i>Photo of the Lease Agreement</i>	
No. 2	<i>Resume</i>	
No. 3	<i>Site Plan</i>	
No. 4 A+B	<i>- Aerial Photo - Photo of front of store</i>	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

COMMERCIAL LEASE AGREEMENT

THIS LEASE is made this 9th day of October, 2008 (the "Effective Date"), between SMO, INCORPORATED, a Maryland corporation, hereinafter called LANDLORD, having an office at 6355 Crain Highway, P. O. Box 2810, La Plata, Maryland 20646, and BM Donuts Inc., hereinafter called TENANT pertaining to a portion of the "Property" at:

7520 PULASKI HWY., BALTIMORE COUNTY, BALTIMORE, MD.

1. PREMISES:

Landlord hereby leases to Tenant, for specific use, approximately 800 square feet of space within the convenience store building at the Property (hereinafter called the "Premises").

2. TERM:

The term of this Lease shall be for Ten (10) Years (the Fixed Term") beginning upon satisfaction of the Conditions Precedent defined in Section 5 (the Lease Commencement Date"). The parties will confirm by letter agreement the Lease Commencement Date at which time the Tenant shall post a Security Deposit of \$4,000 to be held by Landlord throughout the term of the Lease.

3. OPTIONS TO EXTEND:

Tenant is hereby granted the option of extending the lease term for two (2) additional periods of five (5) years each [Lease Option Period(s)] to become effective after the Fixed Term expires, under the same terms and conditions of the Lease. Unless Tenant delivers to Landlord written notice of its decision not to exercise a Lease Option no later than one hundred twenty (120) days prior to the expiration of the then-existing Fixed Term or Lease Option Period, it is understood and agreed by the parties that the option privilege shall be construed to have been exercised by Tenant. In the event that Tenant gives proper and timely written notice to Landlord of its decision to not exercise its Lease Option(s), the Lease shall terminate upon the expiration of the then existing lease term.

4. RENTAL SCHEDULE:

Time Period	Annual Rent	Monthly Installment
First 5 years	\$48,000	\$4,000
Second 5 years	\$50,400	\$4,200
First Renewal Option	\$52,920	\$4,410
Second Renewal Option	\$55,560	\$4,630

PETITIONER' S

EXHIBIT NO. 1

McKEE & ASSOCIATES, INC.

*Engineering • Surveying • Environmental Planning
Real Estate Development*

PETITIONER'S

EXHIBIT NO.

2

Charles V. Main II, PE

Vice President - Engineering

Education

Washington College, BA in Mathematics

Active Registration

Maryland Professional Engineer no. 20784

Professional Affiliations

American Society of Civil Engineers

National Society of Professional Engineers

Professional Experience

McKee & Associates, Inc. (1992-1995 and 2008-Present)

Daft-McCune, Walker, Inc. (1989-1992, 1995-2000, 2001-2008)

Frederick Ward Associates, Inc. (2000-2001)

Greenhorne & O'Mara, Inc. (1988-1989)

G.W. Stephens, Jr. & Associates, Inc. (1984-1988)

Whitman, Requardt & Associates (1978-1984)

Responsibilities

- Feasibility studies, economic analysis, private and public engineering designs & specifications, construction period services and engineering standards of the company.
- Project management including preparation of proposals, local development process, expert witness at zoning & land development hearings, construction drawings, permits, agreements and close-out process.

Notable Projects

- Towson Promenade, Multi-family Building, Towson, MD
- Bonnie View Estates, Residential Subdivision, Pikesville, MD
- Highpointe, Multi-family development, Hunt Valley, MD
- Foxtail Center, Shopping Center, Timonium, MD
- Towson Town Center, Various Mall Expansions, Towson, MD
- Garrison Forest School, Various Campus Improvements, Garrison, MD



ZONING STATUS

Existing Zoning: SR with Special Exception for Service Station
 Existing District: S-1

AREA REQUIREMENTS

3 Dispenser Islands with 9 Dual Dispenser Pumps and
 9 Single Dispenser Pumps capable of servicing 12
 cars at any one time

Total Servicing Spaces: 12

Total Servicing Bays: 0

Total Pumps and Spaces: 12

Site Area Required: 12 x 1500 S.F. = 18000 S.F.

Proposed Ancillary Uses: Vending Machines and Mirrors
 Accessory Uses: see 40940

Additional Area Required: None

Proposed Combination Uses: None

Total Area Required: 18000 S.F.

Total Area of Tract: 30000 S.F.

ACCESS POINTS

Number of Driveways on Front Street: 3

Times: 55' 195' required width

Actual Site Width: 400.00'

LANDSCAPING

Area (A) 3500 SF Island on Front of Site betw Entrances

Area (B) 200 SF Island on S.W. Corner of Site

Total Area 3700 SF = 12.33 % of Tract

5% of Tract: 1500 SF

Landscaping consists of Low Growing Evergreens and Grass

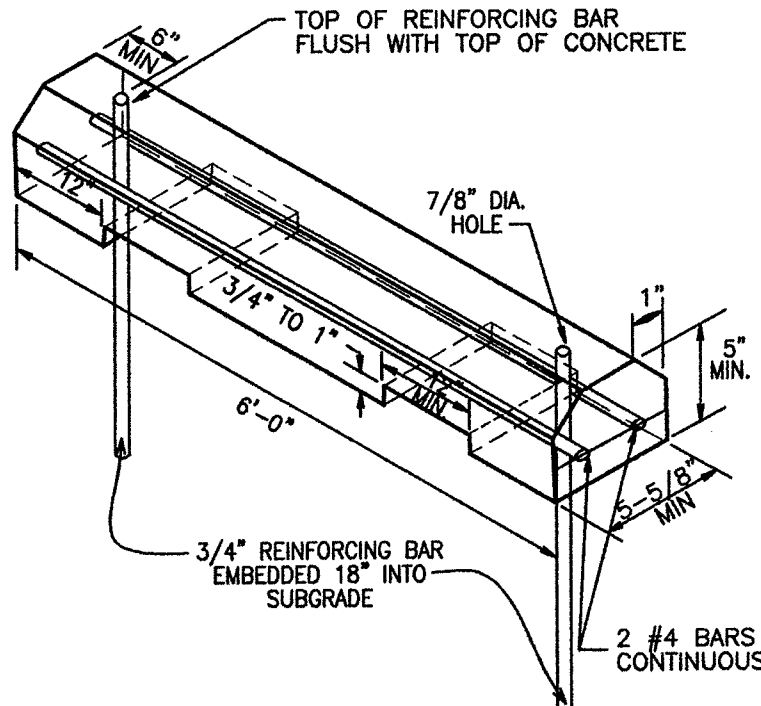
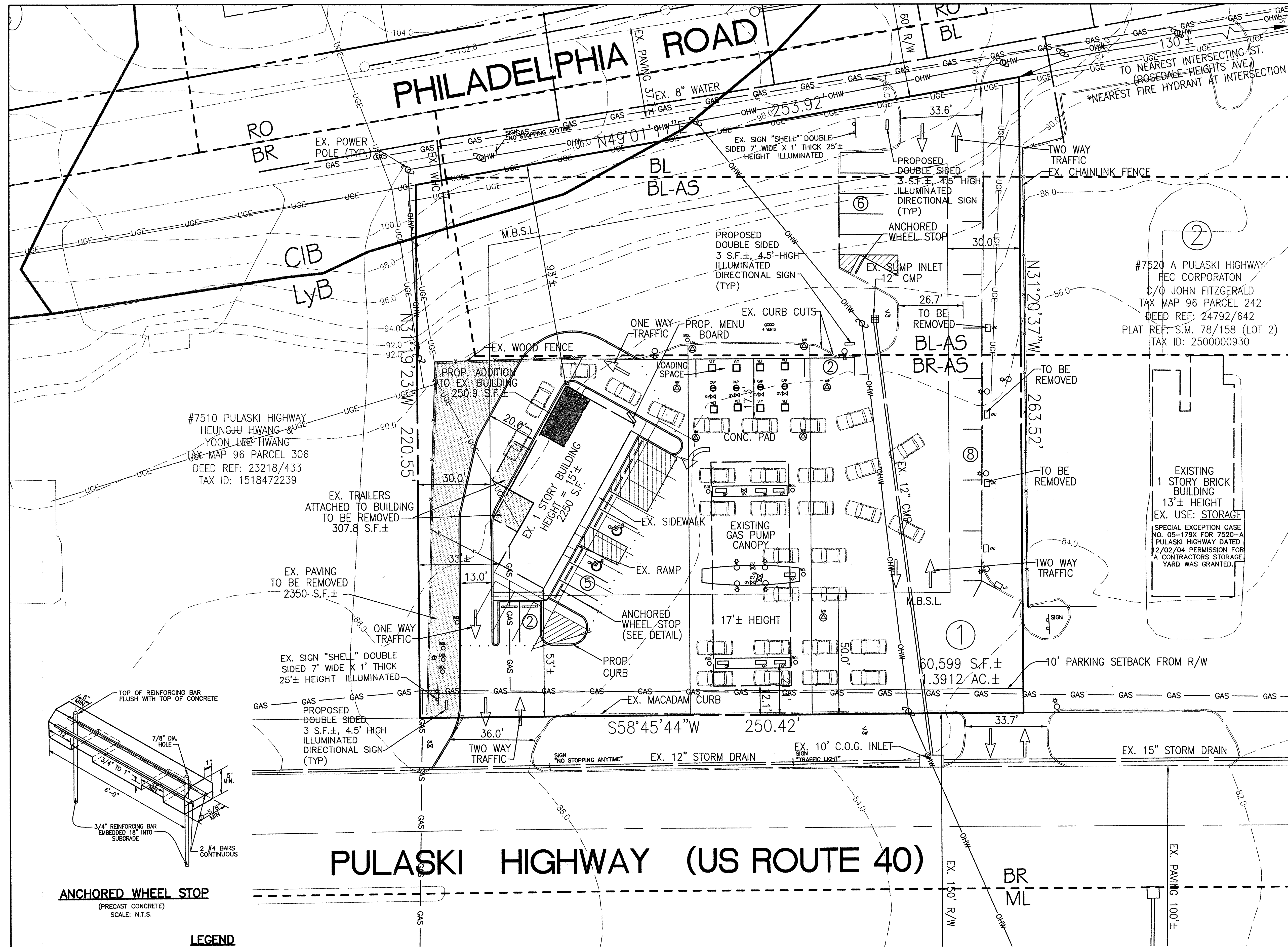
LIGHTING

Fluorescent Lights mounted on underside of Canopy

PARKING :

Parking spaces required at these spaces for each bay = 0

Exhibit B



ANCHORED WHEEL STOP
(PRECAST CONCRETE)
SCALE: N.T.S.

LEGEND

- EX. CONTOURS 390
PROP. CONTOURS 380
SOIL TYPES BaA, MhB
EX. OVERHEAD WIRES OHW
PROPERTY LINE PL
ZONING LINE RO
EX. CURB
PROP. CURB
EX. UNDERGROUND ELECTRIC UGE
EX. WATER
EX. SEWER
EX. STORM DRAIN

- MONITORING WELL MW
GUY WIRE GW
LIGHT POLE
VAULT VLT
GAS FILLER CAP

- GAS VALVE
AIR COMPRESSOR
VACUUM
BOLLARD
SIGNS
GAS PUMP

- GV
AIR
VAC
BOL
GP

PARKING REQUIREMENTS

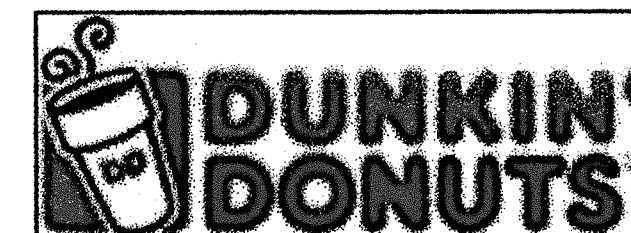
TYPE OF USE	GROSS FLOOR AREA	PARKING REQUIRED	PARKING PROVIDED
RESTAURANT 16/1000 SF	1000 SF	16 SPACES	16 SPACES
FUEL SERVICE 3/1000 SF	1250 SF	3.75 SPACES	4 SPACES
VACUUM/AIR 1 PER UNIT		2 SPACES	2 SPACES
FUEL SERVICE EMPLOYEES		1 SPACE	1 SPACE
TOTAL	2250 SF	22.75 SPACES	23 SPACES

DATA SOURCES:

TOPOGRAPHY - GIS
BOUNDARY - PLAT W/ COORDINATES
UTILITIES - ALTA/ACSM LAND TITLE SURVEY
(PREPARED BY LDE INC. 10/04/00)
UNDERGROUND UTILITIES HAVE NOT BEEN INVESTIGATED
AND ARE NOT SHOWN ON THIS PLAN.

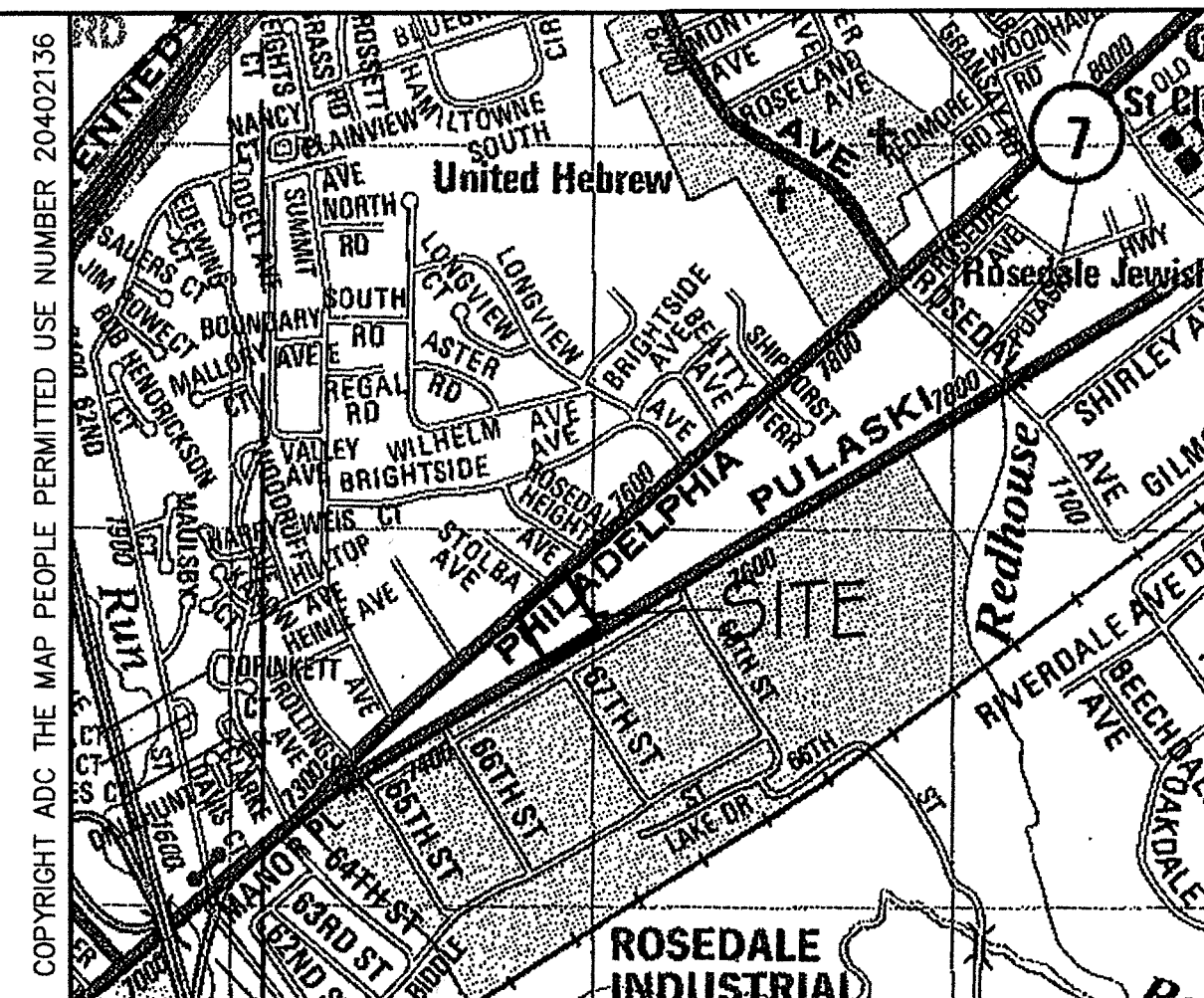
IMPERVIOUS CALCULATIONS - WITHIN LIMITS OF DISTURBANCE

	BUILDING	PAVING	SIDEWALK	TOTAL	% DECREASE
EXISTING IMPERVIOUS	2250 SF±	7655 SF±	645 SF±	10550 SF±	
PROPOSED IMPERVIOUS	2195 SF±	5105 SF±	345 SF±	7645 SF±	27.5%



CHARLES V. MAIN II
MARYLAND PE REG. NO. 20784

SHEET 1 OF 1
COMPUTED BY: JRO
DRAWN BY: JRO
CHECKED BY: CVM
JOB NO.: 08-095



VICINITY MAP
SCALE: 1"=1000'

GENERAL NOTES

- OWNER: SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
LAPLATA, MD 20646
- ADDRESS: 7520 PULASKI HIGHWAY
BALTIMORE, MD 21237
- THIS SITE OPERATES ON PUBLIC WATER AND PUBLIC SEWER SYSTEMS. PROPOSED EXPANSION TO BE SERVED BY EXISTING INTERNAL WATER & SEWER.
- THIS SITE DOES NOT LIE IN A 100 YEAR FLOOD PLAIN.
- THERE ARE NO HISTORICAL BUILDINGS OR LANDMARKS ON THE SUBJECT PROPERTY.
- THERE ARE NO ARCHEOLOGICAL SITES ON THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- PREVIOUS PERMITS: SIGN - B436219 & B520693
PUMP ISLAND - B436206
CANOPY - B436209
- THERE IS NO PREVIOUS ZONING HISTORY.
- THE EXISTING FUEL SERVICE STATION, CANOPY AND FUEL PUMPS ARE SHOWN ON A SITE PLAN APPROVED BY THE OFFICE OF PLANNING AND ZONING DATED 5-24-1971.
- IN ACCORDANCE WITH SECTION 500.7 A SPECIAL HEARING IS REQUESTED TO APPROVE THE EXISTING FUEL SERVICE STATION WITH ANCILLARY CONVENIENCE STORE AS PREVIOUSLY APPROVED AS SHOWN ON THE 1971 SITE PLAN NOTWITHSTANDING THE ADDITION OF THE PROPOSED FAST FOOD RESTAURANT BY SPECIAL EXCEPTION.
- STACKING FOR RESTAURANT (FAST FOOD) = 7 PER STATION, 5 OF WHICH MUST BE BEHIND THE ORDER BOARD.

SITE DATA

- EXISTING ZONING: BL-AS/ BR-AS/ BL
- SITE AREA: 1.3912 AC. (60,599 S.F.±)
- EXISTING USE: SERVICE - FUEL SERVICE STATION
- PROPOSED USE: SERVICE - FUEL SERVICE STATION AND FAST FOOD RESTAURANT
- PROPOSED FLOOR AREA: 1000 SF RESTAURANT
1250 SF FUEL SERVICE STATION AND CONVENIENCE STORE
2250 SF TOTAL
- ELECTION DISTRICT: 15TH
- COUNCILMANIC DISTRICT: 7TH
- 2000 CENSUS TRACT: 450100
- 2000 CENSUS BLOCK: 240054501002
- REGIONAL PLANNING DISTRICT: 326
- WATERSHED: BACK RIVER
- WATER SERVICE AREA: FIRST ZONE
- SEWERSHED: 45
- TRANSPORTATION ZONE: 0714
- ZIP CODE: 21237
- TAX ACCOUNT No.: 25000000929
- DEED REFERENCE: 26209/470
- TAX MAP: 96 PARCEL: 242
- F.A.R. = 2200/60599 = 0.036
- ZONING MAP: 096-B1

PETITIONER'S
EXHIBIT NO. 3

OWNER
SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
LAPLATA MD, 20646

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING & SPECIAL EXCEPTION

7520 PULASKI HIGHWAY

DUNKIN' DONUTS - ROSEDALE

SCALE: 1"=20'
SHEET 1 OF 2

DATE: DECEMBER 9, 2008

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1 COCKEYSVILLE, MARYLAND 21030
TELEPHONE: (410) 527-1555 FACSIMILE: (410) 527-1563

405.4 STANDARDS

B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

2.Signs. Signs are permitted, subject to Section 450. [Bill No. 89-1997]

3.Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

1.Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.

a)Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.

b)All service and repairs shall take place within completely enclosed buildings.

c)The combined area for sales, display and customer waiting room may not exceed 500 square feet.

d)Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.

2.Convenience store with a sales area of up to 1,500 square feet inclusive of accessory storage. An additional site area of four times the square footage of the convenience store's sales area shall be provided.

3Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.

4.Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.

5.Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.9.

6.The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.

7.The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.

Proposed is a use in combination fast food restaurant by Special Exception.

NOTE:

OTHER THAN FOR FAST FOOD RESTAURANT STACKING AND PARKING SETBACKS, LANDSCAPING, ACCESS, INTERNAL CIRCULATION AND VEHICLE RESERVOIR CAPACITY SHALL BE AS SHOWN ON THE APPROVED SITE PLAN DATED 5-24-71 WITH MINOR CHANGES AS SHOWN ON THE SPECIAL HEARING / SPECIAL EXCEPTION PLAN.

FUEL SERVICE STATION TABLE

DISPENSER ISLANDS	3
DISPENSER PUMPS	5 TRIPLE AND 2 SINGLE
CONVENIENCE STORE	1,470 TO 1,250 S.F.
FUEL SERVICE SPACES	10
AREA REQUIRED	10 X 1,500 = 15,000 S.F.(min.)
RESTAURANT AREA	1,000 S.F.
AREA REQUIRED	6 X 1,000 = 6,000 S.F.
TOTAL RESTAURANT & FUEL SERVICE AREA REQUIRED	21,000 S.F.
AREA PROVIDED	55,804 S.F.

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING & SPECIAL EXCEPTION
7520 PULASKI HIGHWAY
DUNKIN DONUTS - ROSEDALE

SHEET 2 OF 2

DATE: DECEMBER 9, 2008



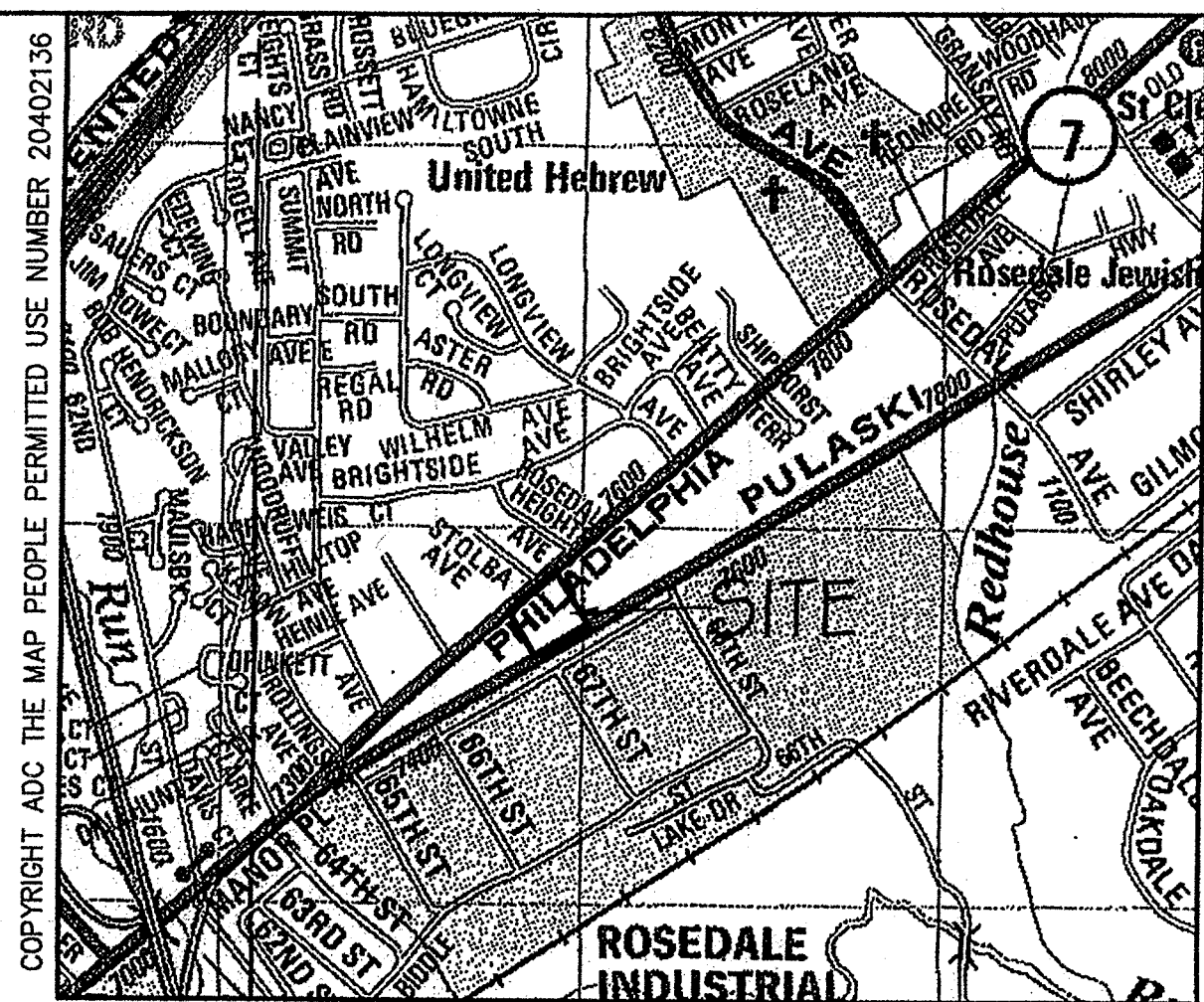
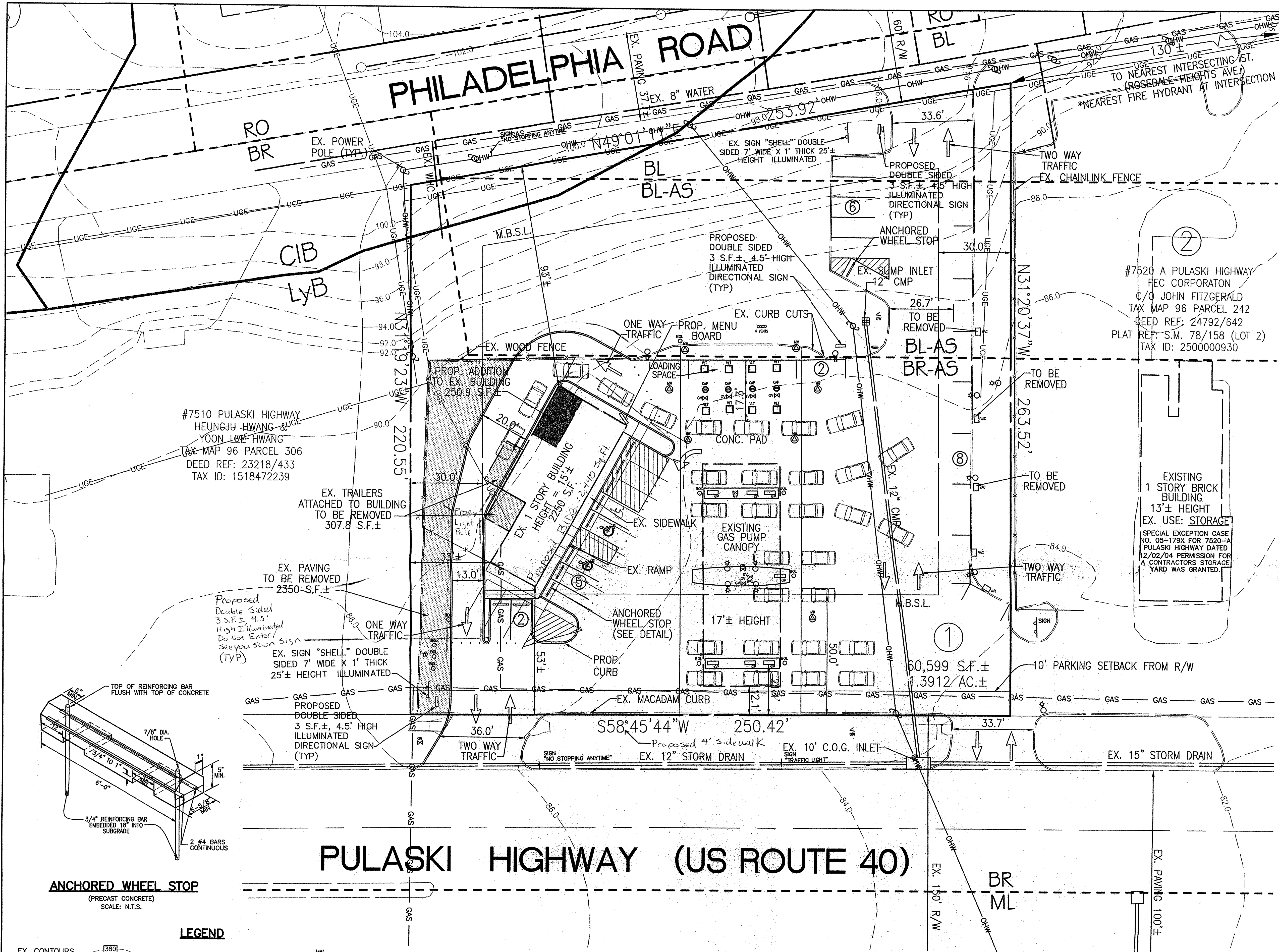
OWNER
SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
LAPLATA MD, 20646

CHARLES V. MAIN II
MARYLAND PE REG. No. 20784
DATE

SHEET 1 OF 1
COMPUTED BY: JRO
DRAWN BY: JRO
CHECKED BY: CVM
JOB No.: 08-095

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

Natural Resource Planning - Real Estate Development
5 SHAWAN ROAD, Suite 1
TELEPHONE: (410) 527-1555
COCKEYSVILLE, MARYLAND 21030
FACSIMILE: (410) 527-1563



- GENERAL NOTES**
- OWNER: SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
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- EXISTING ZONING: BL-AS/ BR-AS/ BL
 - SITE AREA: 1.3912 AC. (60,599 S.F.±)
 - EXISTING USE: SERVICE - FUEL SERVICE STATION
 - PROPOSED USE: SERVICE - FUEL SERVICE STATION AND FAST FOOD RESTAURANT
 - PROPOSED FLOOR AREA: 1000 SF RESTAURANT
1250 SF FUEL SERVICE STATION AND CONVENIENCE STORE
2250 SF TOTAL
 - ELECTION DISTRICT: 15TH
 - COUNCILMANIC DISTRICT: 7TH
 - 2000 CENSUS TRACT: 450100
 - 2000 CENSUS BLOCK: 240054501002
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 - WATERSHED: BACK RIVER
 - WATER SERVICE AREA: FIRST ZONE
 - SEWERSHED: 45
 - TRANSPORTATION ZONE: 0714
 - ZIP CODE: 21237
 - TAX ACCOUNT No.: 2500000929
 - DEED REFERENCE: 26209/470
 - TAX MAP: 96 PARCEL: 242
 - F.A.R. = 2200/60599 = 0.036
 - ZONING MAP: 096-B1
- OWNER**
SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
LAPLATA MD, 20646

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING & SPECIAL EXCEPTION
7520 PULASKI HIGHWAY
DUNKIN' DONUTS - ROSEDALE

SCALE: 1"=20'
SHEET 1 OF 2

DATE: DECEMBER 9, 2008

McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

RECEIVED
MAY 21 2009

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

CHARLES V. MAIN II
MARYLAND PE REG. No. 20784

DATE

SHEET 1 OF 1

COMPUTED BY: JRO

DRAWN BY: JRO

CHECKED BY: CVM

JOB No.: 06-095

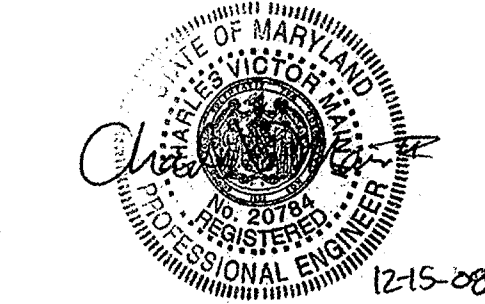
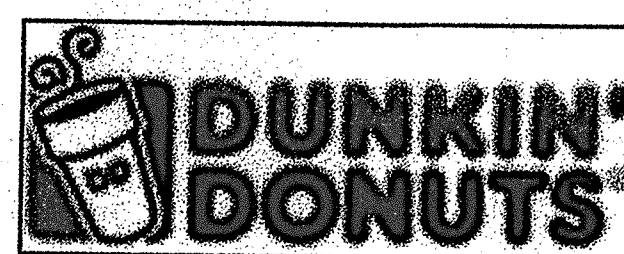
PARKING REQUIREMENTS

TYPE OF USE	GROSS FLOOR AREA	PARKING REQUIRED	PARKING PROVIDED
RESTAURANT 16/1000 SF	1000 SF	16 SPACES	16 SPACES
FUEL SERVICE 3/1000 SF	1250 SF	3.75 SPACES	4 SPACES
VACUUM/AIR 1 PER UNIT		2 SPACES	2 SPACES
FUEL SERVICE EMPLOYEES		1 SPACE	1 SPACE
TOTAL	2250 SF	22.75 SPACES	23 SPACES

IMPERVIOUS CALCULATIONS - WITHIN LIMITS OF DISTURBANCE

	BUILDING	PAVING	SIDEWALK	TOTAL	% DECREASE
EXISTING IMPERVIOUS	2250 SF±	7655 SF±	645 SF±	10550 SF±	
PROPOSED IMPERVIOUS	2195 SF±	5105 SF±	345 SF±	7645 SF±	27.5%

DATA SOURCES:
TOPOGRAPHY - GIS
BOUNDARY - PLAT W/ COORDINATES
UTILITIES - ALTA/ACSM LAND TITLE SURVEY (PREPARED BY LDE INC. 10/04/00)
UNDERGROUND UTILITIES HAVE NOT BEEN INVESTIGATED AND ARE NOT SHOWN ON THIS PLAN.





Plan Sheet: 096B1

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04 adopted by the County Council on August 31, 2004. The action associated with County Council Bill 130-04 adopted on December 6, 2004 is also depicted. In addition, County Board of Appeals actions from MC 05-01, MC 05-02, MC 05-03, and MC 05-04 on February 9, 2005 are represented in this application.

Legend

- Zoning
- Buildings
- Streams
- Roads
- Vegetation
- Rail Lines

Baltimore County Office of Planning and Zoning Official Zoning Map

089B3	089C3	090A3	090B3
096B1	096C1	097A1	097B1
096B2	096C2	097A2	097B2

Scale
1" = 200'
0 100 200 400
Feet

1

2009-0148-SPHX

Data Sources:
Planometric Data - Baltimore County
OT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

405.4 STANDARDS

B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.

2.Signs. Signs are permitted, subject to Section 450. [Bill No. 89-1997]

3.Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.

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 - a)Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b)All service and repairs shall take place within completely enclosed buildings.
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- 7.The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.

Proposed is a use in combination fast food restuarant by Special Exception.

NOTE:

OTHER THAN FOR FAST FOOD RESTAURANT STACKING AND PARKING SETBACKS, LANDSCAPING, ACCESS, INTERNAL CIRCULATION AND VEHICLE RESERVOIR CAPACITY SHALL BE AS SHOWN ON THE APPROVED SITE PLAN DATED 5-24-71 WITH MINOR CHANGES AS SHOWN ON THE SPECIAL HEARING / SPECIAL EXCEPTION PLAN.

FUEL SERVICE STATION TABLE

DISPENSER ISLANDS	3
DISPENSER PUMPS	5 TRIPLE AND 2 SINGLE
CONVENIENCE STORE	1,250 S.F.
FUEL SERVICE SPACES	10
AREA REQUIRED	10 X 1,500 = 15,000 S.F.(min.)
RESTAURANT AREA	1,000 S.F.
AREA REQUIRED	6 X 1,000 = 6,000 S.F.
TOTAL RESTAURANT & FUEL SERVICE AREA REQUIRED	21,000 S.F.
AREA PROVIDED	55,804 S.F.

PLAN TO ACCOMPANY PETITION
FOR SPECIAL HEARING & SPECIAL EXCEPTION

7520 PULASKI HIGHWAY

DUNKIN DONUTS - ROSEDALE

SHEET 2 OF 2

DATE: DECEMBER 9, 2008



OWNER
SMO INCORPORATED
C/O THE WILLIS GROUP
6355 CRAIN HIGHWAY
LAPLATA MD, 20646

CHARLES V. MAIN II
MARYLAND PE REG. No. 20784

DATE

SHEET 1 OF 1	COMPUTED BY: JRO	DRAWN BY: JRO	CHECKED BY: CVM	JOB No.: 08-095
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McKEE & ASSOCIATES, INC.
Engineering - Land Planning - Land Surveying

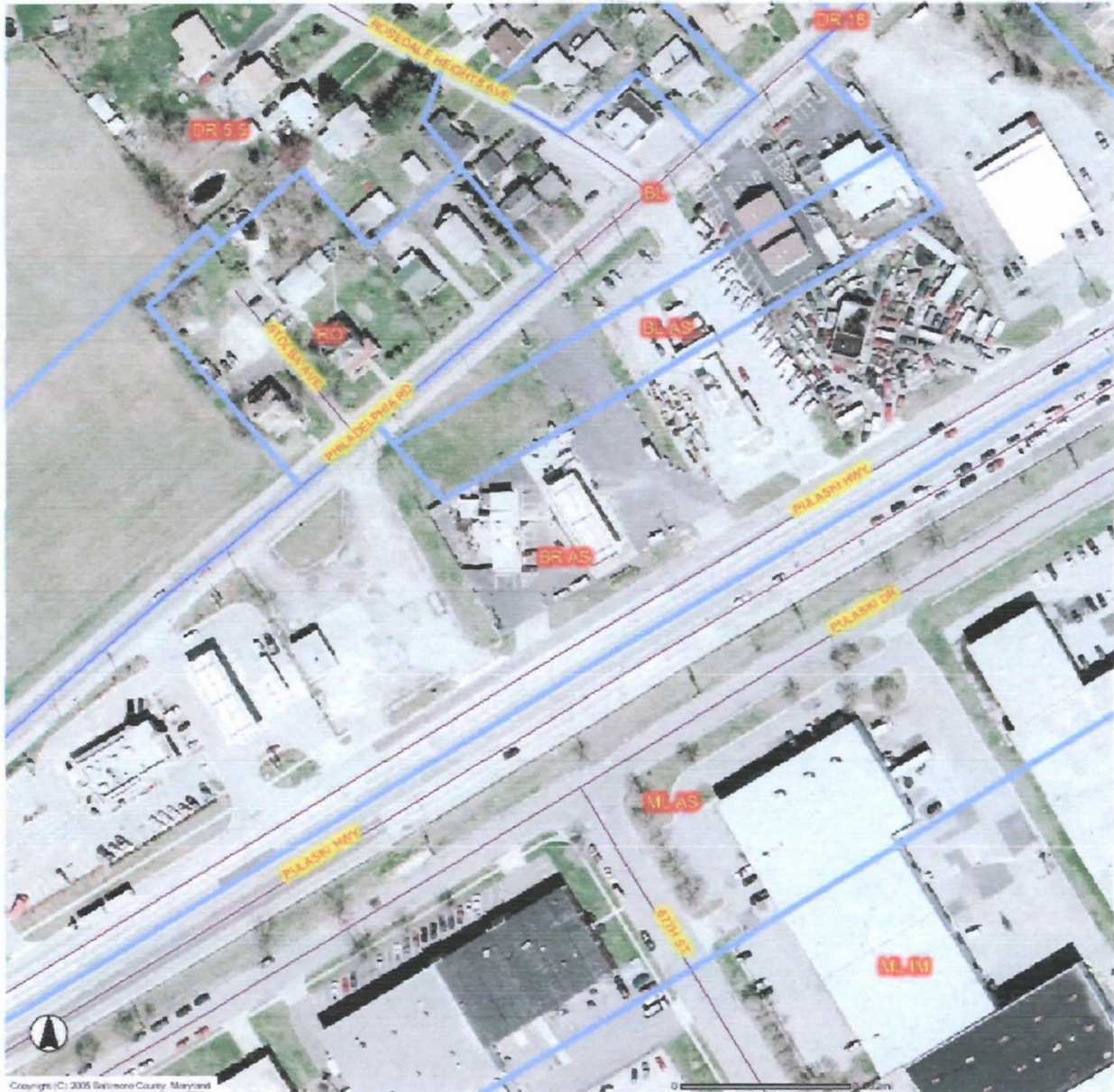
Natural Resource Planning - Real Estate Development
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McKEE & ASSOCIATES, INC.
Engineering • Surveying • Real Estate Development
Environmental Planning

5 SHAWAN ROAD, SUITE 1
Tel: 410-527-1555

COCKEYSVILLE, MD 21030
Fax: 410-527-1563



7520 PULASKI HIGHWAY
(From Baltimore County My Neighborhood)

7520 Pulaski Highway
CASE No: 2009-0148-SPHX

EXHIBIT No. 4A

McKEE & ASSOCIATES, INC.
*Engineering • Surveying • Real Estate Development
Environmental Planning*

5 SHAWAN ROAD, SUITE 1
Tel: 410-527-1555

COCKEYSVILLE, MD 21030
Fax: 410-527-1563



7520 PULASKI HIGHWAY (FRONT OF STORE)

7520 Pulaski Highway
CASE No: 2009-0148-SPHX

EXHIBIT No. 4B