

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

E side of Merritt Blvd.; 238 feet N of the
c/l of German Hill Road
12th Election District
7th Councilmanic District
(1115-1211 Merritt Blvd.)

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

*

**James Sylvia, Senior Vice President,
Dundalk Acquisition, LLC**
Petitioner

* Case No. 2010-0104-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by James Sylvia, Senior Vice President, Real Estate, on behalf of the legal owner of the property, Dundalk Acquisition, LLC. Petitioner is requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to amend the site plan approved in Case No. 04-145-XA. Petitioner is also requesting Variance relief as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to permit a total of 469 off-street parking spaces in lieu of the required 601 parking spaces¹; and
- From Section 450.4.3 of the B.C.Z.R. to allow a freestanding directional sign with a sign face area of 9.2 square feet in lieu of the permitted 8 square feet and a height of 12 feet in lieu of the permitted 6 feet.

The subject property and requested relief are more fully described on the four page redlined site plan that was marked and accepted into evidence as Petitioner's Exhibits 1A through 1D.

¹ As will be referenced further in this Order, Petitioner submitted a redlined Petition for Variance, which seeks variance relief to permit a total of 470 off-street parking spaces in lieu of the required 602 parking spaces.

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At the requisite public hearing, David H. Karceski, Esquire and Christopher Mudd, Esquire with Venable LLP appeared as attorneys for Petitioner. Also appearing in support of the requested relief were Rubin Bard, Director of Real Estate for Giant Food, Laura Duggan with Keypoint Partners, the property manager for the subject property, and Dean Smith and Lee Ann Gudorp with Vanasse Hangen Brustlin, Inc., the engineers who prepared the site plan to accompany the zoning relief. Upon receipt of his resume, which was marked and accepted into evidence as Petitioner's Exhibit 3, Mr. Smith was offered and accepted as an expert in the field of professional engineering, with particular knowledge of the Zoning Regulations. There were no Protestants or other interested persons in attendance.

At the outset of the hearing, Mr. Karceski submitted a redlined Petition for Variance that was marked and accepted into evidence as Petitioner's Exhibit 2. This redlined Petition clarified that the parking variance request was to permit a total of 470 off-street parking spaces in lieu of the required 602 parking spaces; despite this redline change, the requested parking variance is for the same number of parking spaces as originally requested. Additionally, Mr. Karceski explained that there were a few minor redlined changes to the site plan relating to the proper identification of an existing tenant and slight adjustments to the proposed improvements.

In addition to explaining the redlined changes, Mr. Karceski proceeded by way of a combination of a proffer and testimony from Petitioner's witnesses. The testimony and evidence revealed that the subject property, known as the Merritt Manor Shopping Center, is comprised of approximately 10.67 acres, situated at the northeast corner of the intersection of Merritt Boulevard and German Hill Road, in the Dundalk area of Baltimore County. The subject property is zoned B.L. (Business, Local), as is shown and indicated on the aerial photograph/zoning map that was marked and accepted into evidence as Petitioner's Exhibit 5. As explained by Mr. Karceski, the

redlined site plan and Petitioner's Exhibit 5 help demonstrate some of the unique aspects of the property. These include: its diamond or "kite" shape; the noticeable portions of property immediately adjacent to the intersection of Merritt Boulevard and German Hill Road and along the northern boundary of the property that appear to have been "cut out" from the overall site, and are under separate ownership; and the location of a 100 year floodplain, which runs through the property and effectively separates the northeastern corner of the property from the remainder of the site. Additionally, it was noted that there is a significant grade change along Merritt Boulevard, just south of its intersection with German Hill Road, which, together with the irregular shape of the property, limits visibility into the site for motorists traveling northbound along Merritt Boulevard.

The property is presently improved with a main shopping center building containing approximately 84,354 square feet of gross floor area and a stand alone pad site used by a bank. The anchor tenant is a Gold's Gym health club, and there are numerous other tenant spaces within the shopping center occupied by retailers, office uses, and restaurants; the center was accurately described as a suburban convenience shopping center. Photographs of the subject property, marked and accepted into evidence as Petitioner's Exhibit 6, provide a clear depiction of the shopping center, the site's access points, its off-street parking, and the character of the surrounding area.

At this juncture, Petitioner proposes to construct a new fuel service station along the property's Merritt Boulevard frontage, as shown on the redlined site plan. Petitioner's Exhibit 1B of the site plan shows a detail of the facility's layout, which includes six fuel pump dispensers, a small attendant's kiosk, and customer restroom, all situated under a fuel canopy. The facility will have two vehicular access points connecting it to the off-street parking and the internal access

drives that serve the overall shopping center. Petitioner's Exhibit 1C provides elevations for the canopy, kiosk, and a typical fuel pump dispenser, and includes a sign detail for the canopy for illustrative purposes.

Mr. Karceski went on to explain how the proposed fueling facility is permitted on this shopping center property. Section 405.2 of the B.C.Z.R. governs the locations where fuel service stations are allowed. For example, where an individual property or lot is zoned such that it has a certain overlay district (e.g., an "AS" or "Automotive Services" overlay district), a fuel service station is permitted by special exception. Section 405.2 also permits a fueling facility by right under certain circumstances, as in this case, where the use is proposed within a planned shopping center, which is a defined term in Section 101 of the B.C.Z.R. A note on the redlined site plan indicates that the Office of Planning approved the Merritt Manor Shopping Center as a planned shopping center in June, 2009, as required by the B.C.Z.R. Hence, the proposed fueling facility is permitted in this instance and does not require a special exception.

Although the use described above is permitted by right, Mr. Karceski and Mr. Smith, Petitioner's engineer, identified certain variances required for the proposed fueling facility, which are the subject of this hearing. Mr. Karceski explained that the parking regulations contained in Section 409 of the B.C.Z.R. require a total of 602 parking spaces for the site and that 470 spaces will be provided. Additionally, Petitioner proposes a single freestanding directional sign along an internal access drive within the center's parking field and presented Petitioner's Exhibit 1D, which contains a detail for the proposed sign. This sign location is in close proximity to both of the fueling facility's access points within the center, consistent with the directional purpose of the sign. The detail shows that the sign is proposed to be 12 feet tall, in lieu of the maximum permitted 6 feet, but that it will contain both the fuel prices and a 9.2 square foot sign face area

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devoted to the "Giant" brand logo and a directional arrow, in lieu of the permitted 8 square feet. As a result, Petitioner requires additional variance relief for the proposed directional sign.

Further testimony and evidence indicated that the specific need for the variances is generated by the uniqueness of the subject property. With regard to the parking variance, it is the property's irregular shape together with the identified site constraints that render it unique. I should note that in 2004 in Case No. 04-145-XA, then-Deputy Zoning Commissioner John V. Murphy granted a prior parking variance, citing the irregular shape of the property and, in particular, the unique "cut-outs" on the northern and southern edges of the site. With regard to the sign variance, again the property is unique due to its shape, and in combination with its relationship to the surrounding roadways and the intervening property at the intersection of Merritt Boulevard and German Hill Road. Additionally, it is at this intersection that a significant change in grade occurs, which limits visibility into the site. According to Mr. Smith, these factors require special consideration for the single directional sign proposed to provide adequate direction for motorists desiring to enter the site.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comment from the Office of Planning dated October 14, 2009 indicates that Office does not oppose Petitioner's requests. The remaining comments also indicate no opposition or other recommendations concerning the requested relief.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. As to the request for special hearing, but virtue of the instant variance relief and the site plan accepted into evidence as Petitioner's Exhibits 1A through 1D, Petitioner simply desires to update the previously adopted site plan from the 2004 zoning case. The special hearing

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is also required by the Zoning Review Office in order to provide a consistent paper trail and properly account for all zoning relief associated with the property.

As to the Petition for Variance, having heard the testimony and evidence, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. I agree with Petitioner that the variance requests are driven by the unusual shape of the property and its site constraints identified during the testimony, and conclude that the subject property is unique in a zoning sense.

I also find that a strict interpretation of the B.C.Z.R. would impose a practical difficulty and unreasonable hardship upon Petitioner. Regarding the parking variance, although the B.C.Z.R. requires a total of 602 parking spaces, Petitioner's witnesses, Dean Smith and Laura Duggan, opined that the parking regulations require more parking than is actually needed at the site. Having the benefit of a historical perspective on the parking situation is also instructive here. In particular, Ms. Duggan, who has been the property manager for this site for over four years, confirmed that she has never observed any parking problems and that, with the addition of the fueling facility, there will still be more than adequate parking. Mr. Smith also confirmed that the fueling facility by itself would not generate the need for any additional parking spaces. Moreover, in Case No. 04-145-XA, the Deputy Zoning Commissioner specifically found, as remains the case today, that there were no adjacent properties available to supplement the shopping center's onsite parking, which contributed to the practical difficulty in meeting the parking requirements. This evidence certainly demonstrates a practical difficulty for Petitioner.

As for the sign variance, in my view, the limited visibility into the site necessitates the requested directional sign in order to provide adequate direction for motorists. Mr. Karceski noted that, typically, a fuel service station on a stand-alone site would be permitted to have one 25-foot

tall enterprise sign (per public road frontage) and several wall-mounted enterprise signs by right for any onsite related buildings, which would help provide adequate identification for the use; however, in this instance, I believe that the fueling facility layout and its location within a shopping center does not allow for installation of freestanding or wall-mounted enterprise signage and, as a result, installation of a directional sign is the only practicable substitute.

Finally, I find that the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. As the evidence showed, the parking variance only affects the subject site and the amount of parking that will be provided will adequately serve the site. Additionally, the requested sign, as designed, will have no adverse impact on the surrounding uses along this well-traveled commercial corridor. In my judgment, Petitioner made the proper decision to request a modest directional sign and has taken care to propose the minimal amount of signage necessary to provide adequate identification and direction for the fueling facility. In fact, Petitioner specifically elected to combine the "Giant" brand logo and directional arrow with the fuel pricing on the same sign, so as to avoid the installation of multiple signs. Thus, I find that the variance requests can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as interpreted in *Cromwell v. Ward*, 102 Md.App. 691 (1995).

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioner's special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of December, 2009 that Petitioner's Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve

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an amendment to the site plan approved in Case No. 04-145-XA be and is hereby **GRANTED**;
and

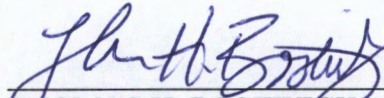
IT IS FURTHER ORDERED that Petitioner's redlined Variance requests as follows:

- From Section 409.6.A.2 of the B.C.Z.R. to permit a total of 470 off-street parking spaces in lieu of the required 602 parking spaces; and
- From Section 450.4.3 of the B.C.Z.R. to allow a freestanding directional sign with a sign face area of 9.2 square feet in lieu of the permitted 8 square feet and a height of 12 feet in lieu of the permitted 6 feet, be and are hereby **GRANTED** in accordance with the site plan accepted into evidence as Petitioner's Exhibits 1A through 1D.

The relief granted herein is subject to the following conditions:

1. Petitioner is advised that it may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

December 11, 2009

DAVID H. KARCESKI, ESQUIRE
CHRISTOPHER MUDD, ESQUIRE
VENABLE LLP
210 WEST PENNSYLVANIA AVENUE
TOWSON MD 21204

Re: Petition for Special Hearing and Variance
Case No. 2010-0104-SPHA
Property: 1115-1211 Merritt Blvd.

Dear Messrs. Karceski and Mudd:

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".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: C. Dean Smith, Vanasse Hangen Brustlin, Inc., 8300 Boone Blvd., Suite 700, Vienna VA 22182
Lee An Gudorp, Vanasse Hangen Brustlin, Inc., 8300 Boone Blvd., Suite 700, Vienna VA 22182
Rubin Bard, Director of Real Estate, Stop & Shop, 8301 Professional Place, Suite 115, Landover MD 20785
Laura Duggan, Property Manager, Keypoint Partners, 4201 Northview Drive, Suite 404, Bowie MD 20716



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SEE ATTACHED SHEET 2
which is presently zoned 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)

An amendment to the site plan approved in Case No. 04-145-XA.

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:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

David H. Karceski

Name - Type or Print _____

Signature _____

Venable LLP
Company _____

210 W. Pennsylvania Ave. 410-494-6285
Address _____ Telephone No. _____

Towson MD 21204
City _____ State _____ Zip Code _____

Legal Owner(s):

SEE ATTACHED SHEET 1

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Representative to be Contacted:

David H. Karceski
Name _____

210 W. Pennsylvania Ave. 410-494-6285
Address _____ Telephone No. _____

Towson MD 21204
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0104-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By KID Date 9/23/09

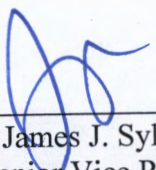
12-11-09

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Petition for Special Hearing
Attached Sheet 1

Legal Owner:

DUNDALK ACQUISITION, LLC,
a Maryland limited liability company

By: 

Name: James J. Sylvia

Title: Senior Vice President, Real Estate

Address: 1385 Hancock Street

Quincy, Massachusetts 02169 – 5103

617-770-6225

Petition for Special Hearing
Attached Sheet 2

1115 Merritt Boulevard, 1119-1121 Merritt Boulevard, 1131 Merritt Boulevard, 1135 Merritt Boulevard, 1139-1141 Merritt Boulevard, 1145 Merritt Boulevard, 1149 Merritt Boulevard, 1153 Merritt Boulevard, 1157 Merritt Boulevard, 1163 Merritt Boulevard, 1167 Merritt Boulevard, 1171 Merritt Boulevard, 1175 Merritt Boulevard, 1179 Merritt Boulevard, 1183 Merritt Boulevard, 1197 Merritt Boulevard, 1201 Merritt Boulevard, 1205 Merritt Boulevard, and 1211 Merritt Boulevard.



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at SEE ATTACHED SHEET 3

which is presently zoned BL

Deed Reference: 27126 / 286 Tax Account # 1213056523

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

SEE ATTACHED SHEET 1

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

DAVID H. KARCESKI

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave. 410-492-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 2

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

DAVID H. KARCESKI

Name

210 W. Pennsylvania Ave. 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2010-0104-SPHA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

9/23/09

12-11-09

P2

Petition for Variance
Attached Sheet 1

1. Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations ("BCZR") to permit a total of 469 off-street parking spaces in lieu of the required 601 parking spaces.
2. Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a sign face area of 9.2 square feet, in lieu of the permitted 8 square feet, and a height of 12 feet, in lieu of the permitted 6 feet.

Petition for Variance
Attached Sheet 2

Legal Owner:

DUNDALK ACQUISITION, LLC,
a Maryland limited liability company

By: _____

mm
sgc Name: James J. Sylvia

Title: Senior Vice President, Real Estate

Address: 1385 Hancock Street

Quincy, Massachusetts 02169 – 5103

617-770-6225

Petition for Variance
Attached Sheet 3

1115 Merritt Boulevard, 1119-1121 Merritt Boulevard, 1131 Merritt Boulevard, 1135 Merritt Boulevard, 1139-1141 Merritt Boulevard, 1145 Merritt Boulevard, 1149 Merritt Boulevard, 1153 Merritt Boulevard, 1157 Merritt Boulevard, 1163 Merritt Boulevard, 1167 Merritt Boulevard, 1171 Merritt Boulevard, 1175 Merritt Boulevard, 1179 Merritt Boulevard, 1183 Merritt Boulevard, 1197 Merritt Boulevard, 1201 Merritt Boulevard, 1205 Merritt Boulevard, and 1211 Merritt Boulevard.

RED LINED



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at SEE ATTACHED SHEET 3
which is presently zoned BL

Deed Reference: 27126 / 286 Tax Account # 1213056523

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

SEE ATTACHED SHEET 1

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

TO BE DETERMINED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

DAVID H. KARCESKI

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave. 410-492-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 2

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

DAVID H. KARCESKI

Name

210 W. Pennsylvania Ave. 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. _____

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by _____

PETITIONER'S

EXHIBIT NO. 2

PROPERTY DESCRIPTION
FOR MERRITT MANOR SHOPPING CENTER

BEING ALL OF THAT PARCEL OR TRACT OF LAND DESCRIBED AS EXHIBIT 'A' IN A CONVEYANCE TO WILLIAM T. KEMPER FROM GFS REALTY, INC., BY A DEED DATED SEPTEMBER 1, 1976 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN LIBER 5691 AT PAGE 611 AND BEING MORE PARTICULARLY DESCRIBED AS NOW SURVEYED IN THE MERIDIAN AS ESTABLISHED BY THE MARYLAND STATE GRID AS DEFINED BY THE NORTH AMERICAN DATUM OF 1983 AND ADJUSTED IN 1991 (NAD 83/91) AS FOLLOWS

BEGINNING FOR THE SAME AT AN IRON PIPE FOUND AT THE BEGINNING OF THE 1ST OR NORTH 14°53'38" WEST, 92.90 FEET OF SAID EXHIBIT 'A', SAID POINT ALSO BEING THE END OF THE 1ST OR SOUTH 80°39'34" WEST 128.44 FEET LEASE LINE OF A PARCEL DESCRIBED IN A LEASE FROM RUBIN PASAREW AND LYON A. MILLER TO ESSO STANDARD OIL COMPANY, DATED OCTOBER 21, 1955 AND RECORDED AMONG THE AFOREMENTIONED LAND RECORDS IN LIBER 2923 AT FOLIO 489; SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF MERRITT BOULEVARD 70.00 FEET OPPOSITE BASE LINE OF RIGHT-OF-WAY STATION 98+57.10, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWING NUMBER HRW 53-204-3 BY DEED DATED MAY 28, 1959 AND RECORDED IN LIBER 3544, AT FOLIO 442; AND THENCE RUNNING WITH AND ALONG THE AFORESAID EASTERLY RIGHT OF WAY LINE OF MERRITT BOULEVARD AS SHOWN ON THE THREE LISTED BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWING NUMBERS: 1. HRW 53-204-3, 2. HRW 55-013-1, REVISED JULY 15, 1958; AND 3. HRW 55-013-2, REVISED DECEMBER 18, 1958, THE FOLLOWING EIGHT (8) COURSES AND DISTANCES AND ALSO RUNNING WITH AND ALONG THE OUTLINE OF SAID EXHIBIT 'A', THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES

1) NORTH 15°18'27" WEST, 92.92 FEET TO A POINT; THENCE

2) NORTH 18°52'53" WEST, 160.31 FEET TO A POINT; THENCE

3) NORTH 15°18'27" WEST 490.00 FEET TO A POINT; THENCE

4) NORTH 33°51'30" EAST, 17.27 FEET TO A POINT; THENCE

5) SOUTH 56°18'27" EAST, 34.00 FEET TO AN IRON PIPE FOUND; THENCE

6) NORTH 27°59'49" WEST, 126.50 FEET TO A POINT; THENCE

7) NORTH 56°18'27" WEST, 10.00 FEET TO A POINT; THENCE

8) 37.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE DEFLECTING TO THE RIGHT HAVING A RADIUS OF 1,849.86 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 12°49'39" WEST, 37.60 FEET TO THE WESTERLY END OF THE 12TH OR SOUTH 82°37'26" WEST, 57.33 FEET LINE OF A CONVEYANCE TO ISTAR BOWLING CENTERS II, LP, BY A DEED DATED FEBRUARY 7, 2004 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 19774 AT FOLIO 454; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE AND RUNNING REVERSELY WITH AND ALONG THE 12TH THRU 8TH LINES OF SAID LIBER 19774 AT FOLIO 454, THE FOLLOWING FIVE (5) COURSES AND DISTANCES

9) NORTH 82°12'37" EAST, 57.16 FEET TO A POINT; THENCE

10) SOUTH 28°04'23" EAST 134.73 FEET TO A POINT; THENCE

11) SOUTH 28°04'23" EAST 118.19 FEET TO AN IRON PIPE FOUND; THENCE

12) NORTH 74°41'33" EAST, 79.80 FEET TO A POINT; THENCE

13) NORTH 74°41'33" EAST, 286.96 FEET TO AN IRON PIPE FOUND; THENCE

14) SOUTH 15°47'15" EAST, 1,141.42 FEET AN IRON PIPE FOUND AT THE NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD AS SHOWN ON TWO BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWINGS NUMBERED HRW 53-204-2 AND HRW 53-204-4 BY DEED DATED SEPTEMBER 27, 1959 AND RECORDED IN THE AFOREMENTIONED LAND RECORDS IN LIBER 3616, AT FOLIO 68, SAID POINT OF INTERSECTION BEING 35.00 FEET OPPOSITE BASE LINE OF RIGHT OF WAY STATION 2+17.29 AS SHOWN ON THE ABOVE RIGHT OF WAY DRAWINGS; THENCE RUNNING WITH PART OF SAID NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD, THE TWO (2) FOLLOWING COURSES AND DISTANCES

15) NORTH 71°33'46" WEST 172.08 FEET TO A POINT; THENCE

16) NORTH 69°34'49" WEST, 286.17 FEET TO AN IRON PIPE FOUND AT A POINT ON THE LAST OR NORTH 09°20'26" WEST, 218.84 FOOT LEASE LINE, EXTENDED REVERSELY OF THE ABOVEMENTIONED LEASE TO ESSO STANDARD OIL COMPANY (LIBER 2923 AT FOLIO 489); THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD AND RUNNING WITH SAID EXTENDED LAST LINE AND WITH THE AFOREMENTIONED FIRST LINE OF SAID LEASE, THE FOLLOWING TWO (2) COURSES AND DISTANCES

17) NORTH 09°45'15" WEST, 224.39 FEET TO AN IRON PIPE FOUND; THENCE

18) SOUTH 80°14'45" WEST, 128.45 FEET TO THE PLACE OF BEGINNING CONTAINING A COMPUTED AREA OF 465,150 SQFT OR 10.6784 ACRES OF LAND.

GLWGUTSCHICK, LITTLE & WEBER, P.A.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

January 24, 2008

Description of the
William T. Kemper Property

Liber 5691 Folio 611

Election District No. 12
Baltimore County, Maryland

BEING ALL OF THAT PARCEL OR TRACT OF LAND DESCRIBED AS EXHIBIT 'A' IN A CONVEYANCE TO WILLIAM T. KEMPER FROM GFS REALTY, INC., BY A DEED DATED SEPTEMBER 1, 1976 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY MARYLAND IN LIBER 5691 AT PAGE 611 AND BEING MORE PARTICULARLY DESCRIBED AS NOW SURVEYED IN THE MERIDIAN AS ESTABLISHED BY THE MARYLAND STATE GRID AS DEFINED BY THE NORTH AMERICAN DATUM OF 1983 AND ADJUSTED IN 1991 (NAD 83/91) AS FOLLOWS BEGINNING FOR THE SAME AT AN IRON PIPE FOUND AT THE BEGINNING OF THE 1ST OR NORTH 14°53'38" WEST, 92.90 FEET OF SAID EXHIBIT 'A', SAID POINT ALSO BEING THE END OF THE 1ST OR SOUTH 80°39'34" WEST 128.44 FEET LEASE LINE OF A PARCEL DESCRIBED IN A LEASE FROM RUBIN PASAREW AND LYON A. MILLER TO ESSO STANDARD OIL COMPANY, DATED OCTOBER 21, 1955 AND RECORDED AMONG THE AFOREMENTIONED LAND RECORDS IN LIBER 2923 AT FOLIO 489; SAID POINT ALSO BEING ON THE EASTERLY RIGHT OF WAY LINE OF MERRITT BOULEVARD 70.00 FEET OPPOSITE BASE LINE OF RIGHT-OF-WAY STATION 98+57.10, AS SHOWN ON THE BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWING NUMBER HRW 53-204-3 BY DEED DATED MAY 28, 1959 AND RECORDED IN LIBER 3544, AT FOLIO 442; AND THENCE RUNNING WITH AND ALONG THE AFORESAID EASTERLY RIGHT OF WAY LINE OF MERRITT BOULEVARD AS SHOWN ON THE THREE LISTED BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWING NUMBERS: 1. HRW 53-204-3, 2. HRW 55-013-1, REVISED JULY 15, 1958; AND 3. HRW 55-013-2, REVISED DECEMBER 18, 1958, THE FOLLOWING EIGHT (8) COURSES AND DISTANCES AND ALSO RUNNING WITH AND ALONG THE OUTLINE OF SAID EXHIBIT 'A', THE FOLLOWING EIGHTEEN (18) COURSES AND DISTANCES

- 1) NORTH 15°18'27" WEST, 92.92 FEET TO A POINT; THENCE
- 2) NORTH 18°52'53" WEST, 160.31 FEET TO A POINT; THENCE
- 3) NORTH 15°18'27" WEST 490.00 FEET TO A POINT; THENCE
- 4) NORTH 33°51'30" EAST, 17.27 FEET TO A POINT; THENCE
- 5) SOUTH 56°18'27" EAST, 34.00 FEET TO AN IRON PIPE FOUND; THENCE
- 6) NORTH 27°59'49" WEST, 126.50 FEET TO A POINT; THENCE
- 7) NORTH 56°18'27" WEST, 10.00 FEET TO A POINT; THENCE
- 8) 37.60 FEET ALONG THE ARC OF A NON-TANGENTIAL CURVE DEFLECTING TO THE RIGHT HAVING A RADIUS OF 1,849.86 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 12°49'39" WEST, 37.60 FEET TO THE WESTERLY END OF THE 12TH OR SOUTH 82°37'26" WEST, 57.33 FEET LINE OF A CONVEYANCE TO ISTAR BOWLING CENTERS II, LP, BY A DEED DATED FEBRUARY 7, 2004 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN LIBER 19774 AT FOLIO 454; THENCE LEAVING SAID EASTERLY RIGHT OF WAY LINE AND RUNNING REVERSELY WITH

AND ALONG THE 12TH THRU 8TH LINES OF SAID LIBER 19774 AT FOLIO 454, THE FOLLOWING FIVE (5) COURSES AND DISTANCES

- 9) NORTH 82°12'37" EAST, 57.16 FEET TO A POINT; THENCE
- 10) SOUTH 28°04'23" EAST 134.73 FEET TO A POINT; THENCE
- 11) SOUTH 28°04'23" EAST 118.19 FEET TO AN IRON PIPE FOUND; THENCE
- 12) NORTH 74°41'33" EAST, 79.80 FEET TO A POINT; THENCE
- 13) NORTH 74°41'33" EAST, 286.96 FEET TO AN IRON PIPE FOUND; THENCE
- 14) SOUTH 15°47'15" EAST, 1,141.42 FEET AN IRON PIPE FOUND AT THE NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD AS SHOWN ON TWO BALTIMORE COUNTY BUREAU OF LAND ACQUISITION DRAWINGS NUMBERED HRW 53-204-2 AND HRW 53-204-4 BY DEED DATED SEPTEMBER 27, 1959 AND RECORDED IN THE AFOREMENTIONED LAND RECORDS IN LIBER 3616, AT FOLIO 68, SAID POINT OF INTERSECTION BEING 35.00 FEET OPPOSITE BASE LINE OF RIGHT OF WAY STATION 2+17.29 AS SHOWN ON THE ABOVE RIGHT OF WAY DRAWINGS; THENCE RUNNING WITH PART OF SAID NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD, THE TWO (2) FOLLOWING COURSES AND DISTANCES
- 15) NORTH 71°33'46" WEST 172.08 FEET TO A POINT; THENCE
- 16) NORTH 69°34'49" WEST, 286.17 FEET TO AN IRON PIPE FOUND AT A POINT ON THE LAST OR NORTH 09°20'26" WEST, 218.84 FOOT LEASE LINE, EXTENDED REVERSELY OF THE ABOVEMENTIONED LEASE TO ESSO STANDARD OIL COMPANY (LIBER 2923 AT FOLIO 489); THENCE LEAVING THE NORTHERLY RIGHT OF WAY LINE OF GERMAN HILL ROAD AND RUNNING WITH SAID EXTENDED LAST LINE AND WITH THE AFOREMENTIONED FIRST LINE OF SAID LEASE, THE FOLLOWING TWO (2) COURSES AND DISTANCES
- 17) NORTH 09°45'15" WEST, 224.39 FEET TO AN IRON PIPE FOUND; THENCE
- 18) SOUTH 80°14'45" WEST, 128.45 FEET TO THE PLACE OF BEGINNING CONTAINING A COMPUTED AREA OF 465,150 SQFT OR 10.6784 ACRES OF LAND.

The licensee was in responsible charge over the preparation of the metes and bounds description and the surveying work reflected in it, all in compliance with requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12.



David Samuel Weber
16 OCT. 2009

**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: 2010-0104-SPH#A
Petitioner: Dundalk Acquisition LLC
Address or Location: 1131 Merritt Boulevard

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: Venable LLP
210 W. Pennsylvania Ave Suite 500
Towson Maryland 21204
Telephone Number: (410) 494 6204

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

No. 45750

Date: 1/1/01

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				

Total: 2500

Rec From: _____

For: 2000 - Agency - Yellow - Customer

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0104-SPHA

Merritt Boulevard

E/side of Merritt Boulevard, 238 feet north of the centerline of German Hill Road

12th Election District - 7th Councilmanic District

Legal Owner(s): Dundalk Acquisition, LLC

Special Hearing: for an amendment to the site plan approved in case 04-145-XA. **Variance:** to permit a total of 469 off street parking spaces in lieu of the required 601 parking spaces. To allow a freestanding directional sign with a sign face area of 9.2 square feet, in lieu of the permitted 8 square feet, and a height of 12 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, December 2, 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/11/817 Nov 17

21558

CERTIFICATE OF PUBLICATION

11/19/, 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 11/17/, 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

RE Proposed 2010-0104-SPHA

Petitioner/Developer: __

Dundalk Acquisition, LLC

Date of Hearing/closing: December 2 2009

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

Attn; Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were
Merritt Boulevard

The sign(s) were posted on November 17 2009
(Month, Day, Year)

Sincerely,

Robert Black

Nov 20, 2009

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2010-0104-SPHA

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

PLACE: Room 104 JEFFERSON BUILDING 21204
105 WEST CHESAPEAKE AVE. TOWSON

DATE AND TIME: WEDNESDAY DECEMBER 2, 2009 AT 10:00 A.M.

REQUEST: SPECIAL HEARING FOR AN AMENDMENT TO THE SITE PLAN
APPROVED IN CASE 04-145-XA. VARIANCE TO PERMIT A TOTAL OF
469 OFF STREET PARKING SPACES IN LIEU OF THE REQUIRED 601
PARKING SPACES. TO ALLOW A FREESTANDING DIRECTIONAL SIGN WITH A SIGN
FACE AREA OF 9.2 SQUARE FEET, IN LIEU OF THE PERMITTED 8 SQUARE
FEET, AND A HEIGHT OF 12 FEET, IN LIEU OF THE PERMITTED 6 FEET

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, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
October 29, 2009

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: 2010-0104-SPHA

Merritt Boulevard

E/side of Merritt Boulevard, 238 feet north of the centerline of German Hill Road

12th Election District – 7th Councilmanic District

Legal Owners: Dundalk Acquisition, LLC

Special Hearing for an amendment to the site plan approved in case 04-145-XA. Variance to permit a total of 469 off street parking spaces in lieu of the required 601 parking spaces. To allow a freestanding directional sign with a sign face area of 9.2 square feet, in lieu of the permitted 8 square feet, and a height of 12 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, December 2, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
James Sylvia, 1385 Hancock Street, Quincy, Massachusetts 02169-5103

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 17, 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
Tuesday, November 17, 2009 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore

410-494-6204

Venable, LLP

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2010-0104-SPHA

Merritt Boulevard

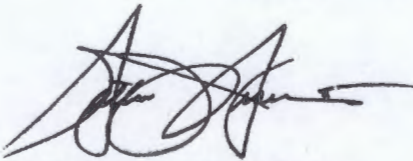
E/side of Merritt Boulevard, 238 feet north of the centerline of German Hill Road

12th Election District – 7th Councilmanic District

Legal Owners: Dundalk Acquisition, LLC

Special Hearing for an amendment to the site plan approved in case 04-145-XA. Variance to permit a total of 469 off street parking spaces in lieu of the required 601 parking spaces. To allow a freestanding directional sign with a sign face area of 9.2 square feet, in lieu of the permitted 8 square feet, and a height of 12 feet, in lieu of the permitted 6 feet.

Hearing: Wednesday, December 2, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 24, 2009

David Karceski
Venable, LLP
210 W. Pennsylvania Ave.
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-0104-SPHA, 1105; 1119- 1121; 1131; 1135; 1139-1141; 1145; 1149; 1153; 1157; 1163; 1167; 1171; 1175; 1179; 1183; 1197; 1201; 1205 and 1211 Merritt Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 23, 2009. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Dundalk Acquisition, LLC; 1385 Hancock St.; Quincy Massachusetts 02169-5103

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 14, 2009

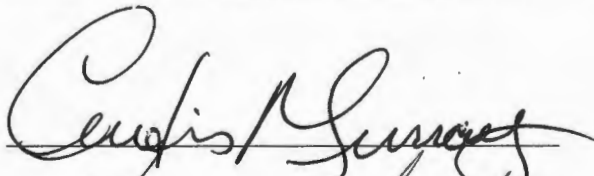
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-104- Variance and Special Hearing**

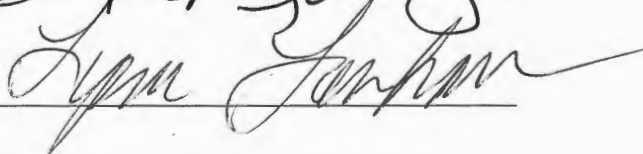
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:



Division Chief:
CM/LL





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 8, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 5. 2009

ItemNumbers

0006,0034,0088,0096,0097,0098,0099,0100,0102,0103,0104,0106,0107,0108,0109,0111,0113 and 0115

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: October 9, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For October 19, 2009
Item Nos. 10-006, 034, 096, 097, 098, 099, 100, 101,
102, 103, 104, 105, 106, 107, 108, 109, 113 and 115

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

DAK:CEN:kmf

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10192009.b -NO COMMENTS.doc

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Date: OCTOBER 7, 2009

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

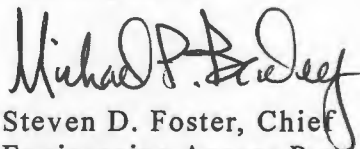
RE: Baltimore County
Item No. 2010-0104-SPHA
MERRITT BLVD.
SYLVIA PROPERTY
VARIANCE SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0104-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).

Very truly yours,

For 
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
Merritt Boulevard; E/S Merritt Blvd, 238' N * ZONING COMMISSIONER
of c/line German Hill Road *
12th Election & 7th Councilmanic Districts * FOR
Legal Owner(s): James Sylvia *
Petitioner(s) * BALTIMORE COUNTY
* 10-104-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

OCT 14 2009

F.....

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 14th day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 Allegheny Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME STOP & SHOP/MERRITT BLVD
CASE NUMBER 2010-104-SP4A
DATE 12/2/09

[illegible]

Case No.: 2010-0104-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	redlined site plan	
No. 2	amended Pet for Varnish	
No. 3	Dean Smith's resume w/ VHB	
No. 4	sign elevations and renderings	
No. 5	aerial photo of area	
No. 6	photographs	
No. 7	Truck turning plan	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

RED LINED



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at SEE ATTACHED SHEET 3

which is presently zoned BL

Deed Reference: 27126 / 286 Tax Account # 1213056523

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

SEE ATTACHED SHEET 1

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

DAVID H. KARCESKI

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave. 410-492-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

SEE ATTACHED SHEET 2

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

DAVID H. KARCESKI

Name

210 W. Pennsylvania Ave. 410-494-6285

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. _____

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by _____

PETITIONER'S

EXHIBIT NO. 2

Petition for Variance
Attached Sheet 1

1. Variance from Section 409.6.A.2 of the Baltimore County Zoning Regulations ("BCZR") to permit a total of ~~469~~ off-street parking spaces in lieu of the required ~~601~~ parking spaces.

~~470~~

~~602~~

2. Variance from BCZR Section 450.4.3 to allow a freestanding directional sign with a sign face area of 9.2 square feet, in lieu of the permitted 8 square feet, and a height of 12 feet, in lieu of the permitted 6 feet.

Petition for Variance
Attached Sheet 2

Legal Owner:

DUNDALK ACQUISITION, LLC,
a Maryland limited liability company

By: _____

Name: James J. Sylvia

Title: Senior Vice President, Real Estate

Address: 1385 Hancock Street

Quincy, Massachusetts 02169 – 5103
617-770-6225

Petition for Variance
Attached Sheet 3

1115 Merritt Boulevard, 1119-1121 Merritt Boulevard, 1131 Merritt Boulevard, 1135 Merritt Boulevard, 1139-1141 Merritt Boulevard, 1145 Merritt Boulevard, 1149 Merritt Boulevard, 1153 Merritt Boulevard, 1157 Merritt Boulevard, 1163 Merritt Boulevard, 1167 Merritt Boulevard, 1171 Merritt Boulevard, 1175 Merritt Boulevard, 1179 Merritt Boulevard, 1183 Merritt Boulevard, 1197 Merritt Boulevard, 1201 Merritt Boulevard, 1205 Merritt Boulevard, and 1211 Merritt Boulevard.

C. Dean Smith, P.E.

Senior Project Manager

Giant Fuel Facility Projects, Various in MD, VA, and DE

As Project Manager, Mr. Smith has assisted the client through land use petition processes, site design, land development permitting, environmental permitting and construction for several sites in Maryland, Virginia, and Delaware. This has included testimony at public hearings and presentations at community information meetings.

Bonita Commons, Bonita Springs, FL

As Project Manager, Mr. Smith assisted the client through rezoning, site design, land development permitting, environmental permitting and construction for this 75,000 square foot retail plaza. The project is adjacent to Spring Creek, a Florida Outstanding Water, and its surrounding natural habitat. Due to constraints created by these sensitive lands, site design included innovative stormwater treatment areas that mimicked the adjacent natural systems and an extensive retaining wall system to minimize the project's impacts to wetlands and floodplain areas..

Villagio, Estero, FL

Mr. Smith assisted the developer through rezoning, site design, land development permitting, environmental permitting and construction for this 692 dwelling unit condominium project on a 68 acre site bordering the North Branch of the Estero River. The Estero River's importance as a regional drainage feature for the vicinity called for design sensitivity to environmental issues as well as stormwater conveyance and capacity issues. Mr. Smith guided the project through a rigorous local, state and federal environmental and stormwater management permitting process.

Bonita Springs Fire Station # 4, Bonita Springs, FL

The Bonita Springs Fire Control and Rescue District called on Mr. Smith to assist with design and permitting for their 30,000 square foot administrative, training and residence structure on a 13.5 acre site in Bonita Springs, Florida. Project management responsibilities including all project phases, including rezoning, site design, environmental permitting, development permitting and construction oversight through occupancy of the facility in 2007.

Home Depot Bonita Beach Road, Bonita Springs, FL

Mr. Smith provided rezoning, site design and engineering, commercial subdivision layout, environmental permitting, and construction oversight functions for this 36.3 acre project containing a 150,000 Home Depot with Garden Center and 6 commercial outparcels. Following completion and occupancy of the project, Mr. Smith was later requested to provide assistance for traffic signal coordination, permitting and design.

Coastal Village, Estero, Florida

Mr. Smith assisted the client with site design and engineering, environmental permitting, development permitting, and construction oversight for this 200 unit student housing project serving the Florida Gulf Coast University, part of the Florida State University system.

CR/SR 951 Widening

An 18.6 acre road widening project (4 to 6 lanes) including site design and engineering, environmental permitting and Department of Transportation permitting.

Tamiami Crossing ERP

A 24.5 acre project with up to 235,000 square feet of commercial and retail uses including rezoning site design and engineering, and environmental permitting.

Mr. Smith has over 25 years of experience as an engineer concentrated mainly in land development design, permitting and project management. He is pleased to have recently joined VHB in Vienna, VA. Areas of expertise include parking and site layout, surface water management system design, water and sanitary sewer design, roadway design, traffic signal design, water and sanitary sewer design, as well as transportation engineering studies and reports. Mr. Smith is also well versed in land use and zoning issues, having testified in numerous public hearing venues. His project management experience has encompassed residential, commercial, industrial and municipal projects.

PETITIONER' S

EXHIBIT NO.

3

Estero Group Industrial Planned Development

A 318 acre commercial mining site including rezoning, site design and engineering, environmental permitting and development permitting.

Dean Street Mixed Use Planned Development

Two projects including a total of 17.5 acres for mixed use containing 232 residential units and up to 33,000 square feet of commercial and retail uses including rezoning, site design and engineering, environmental permitting and development permitting.

7/85-5/89 U.S. Department of Energy West Mifflin, Pennsylvania

Field Auditor/Nuclear Engineer: Responsible for review and auditing of government contractor operations and research activities for the Naval Nuclear Program at Bettis Atomic Power Laboratories. Reviewed adequacy of project management, quality control measures, and technical procedures. Prepared detailed reports of findings. Reviewed and approved capital improvement budget requests.

7/82-8/84 Pure Carbon Company St. Marys, Pennsylvania

Research and Development Engineer: Conducted material design and testing for carbon, silicon and graphite wearing applications, including bearings, electrical brushes and gaskets. Responsible for report preparation outlining test results. Developed database for documenting material mix production results and wear test trial outcome. Reviewed production procedures regarding reliability, quality control and cost effectiveness.

1989-2005 Q. Grady Minor & Associates, P.A. Bonita Springs, Florida

Vice President/Principal Engineer: Responsible for design and permitting of land development projects in both Lee and Collier Counties (Florida). Projects have included residential, commercial, industrial and municipal developments. Expertise includes transportation engineering studies and reports, traffic signal design, roadway design, water and sanitary sewage design, surface water management system design, site design and permitting. rezoning including items such as Comprehensive Plan & Map Amendments, Planned Development Rezoning and Special Exceptions including testifying at public hearings. Environmental Permitting including site design for water management and drainage, master utility layout, surface water modeling and processing through the State Water Management District and Army Corps of Engineers. Development Permitting including the detailed engineering design of infrastructure including site planning, drainage, and water & sewer utilities. Construction oversight including cost estimates, contract preparation, site inspection and certification of improvements to governing agencies. Also responsible for management and maintenance of Novell Network, Windows networking, print services, equipment specification and ordering, as well as technical supervision of computer aided design and drafting (AutoCAD) technicians.

.....

Education	M.B.A., University of Pittsburgh, 1985 B.S., Chemical Engineering, University of Pittsburgh, 1982
Registration	Professional Engineer, Civil Engineering, Florida, 1990
Affiliations	Institute of Transportation Engineers, 1990



PETITIONER'S

EXHIBIT NO.

5



Plan Sheet: 096C3

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

096B2	096C2	097A2	097B2
096B3	096C3	097A3	097B3
103B1	103C1	104A1	104B1

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



Plan Sheet: 103C1

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

Legend

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

Baltimore County Office of Planning and Zoning Official Zoning Map

096B3	096C3	097A3	097B3
103B1	103C1	104A1	104B1
103B2	103C2	104A2	104B2

Scale

1" = 200'

0 100 200 400
Feet



Data Sources:
Planimetric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008

Item #0104



Site Photos

Merritt Manor Shopping Center
Dundalk, Baltimore County, Maryland



View of entrance closest to the proposed fuel facility.



View of proposed fuel facility location and existing Gold's Gym.



Another view of the proposed fuel facility location.



A view of the proposed fuel facility location with adjacent auto glass store



Site Photos

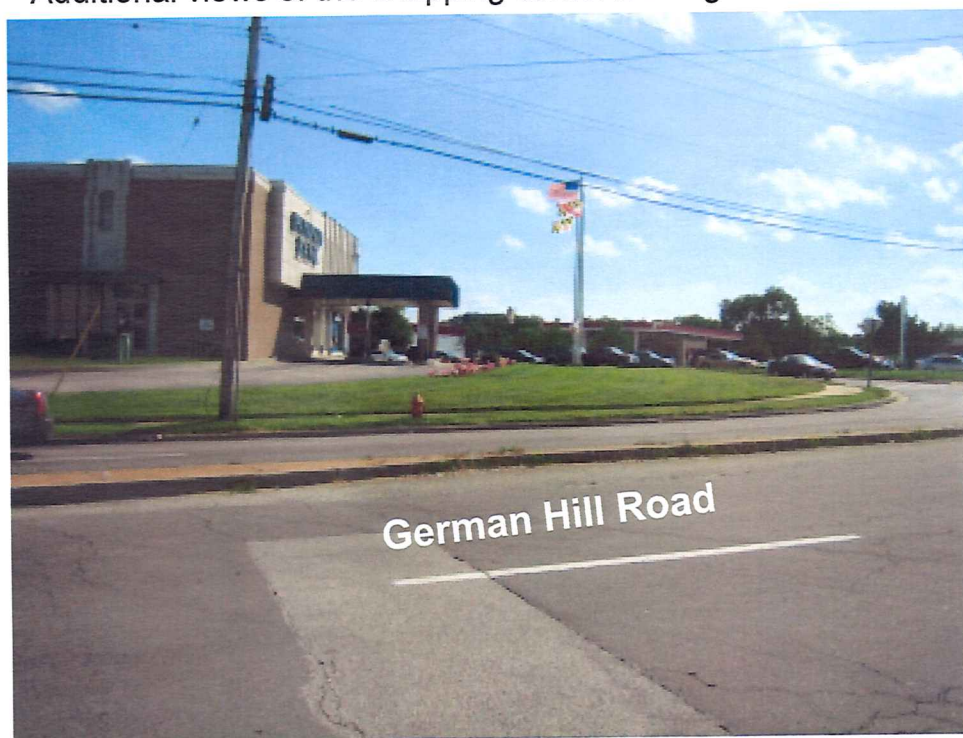
Merritt Manor Shopping Center
Dundalk, Baltimore County, Maryland



Additional views of the shopping center looking north.



Additional views of the shopping center looking east.



View of retail bank along German Hill Road to the southeast



View of the intersection of Merritt Blvd and German Hill Road to the south.



Site Photos

Merritt Manor Shopping Center
Dundalk, Baltimore County, Maryland



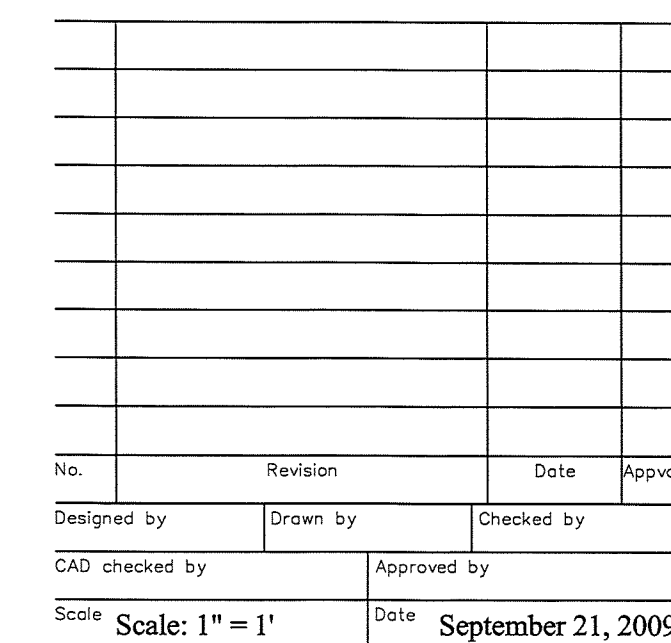
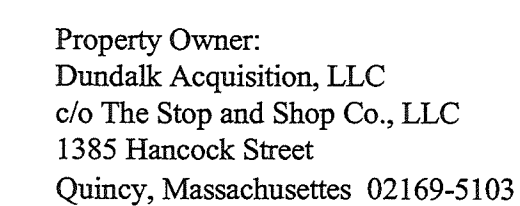
View of the AMF bowling alley to the north.



View of electric transmission wires to the east.



8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
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**Proposed Giant
Fuel Facility #363
Merritt Manor Shopping Center
1131 Merritt Boulevard
Dundalk, Baltimore County, Maryland**

County Review

Not Approved for Construction

Plan to Accompany Petition for Variance and Special Hearing

Drawing Number

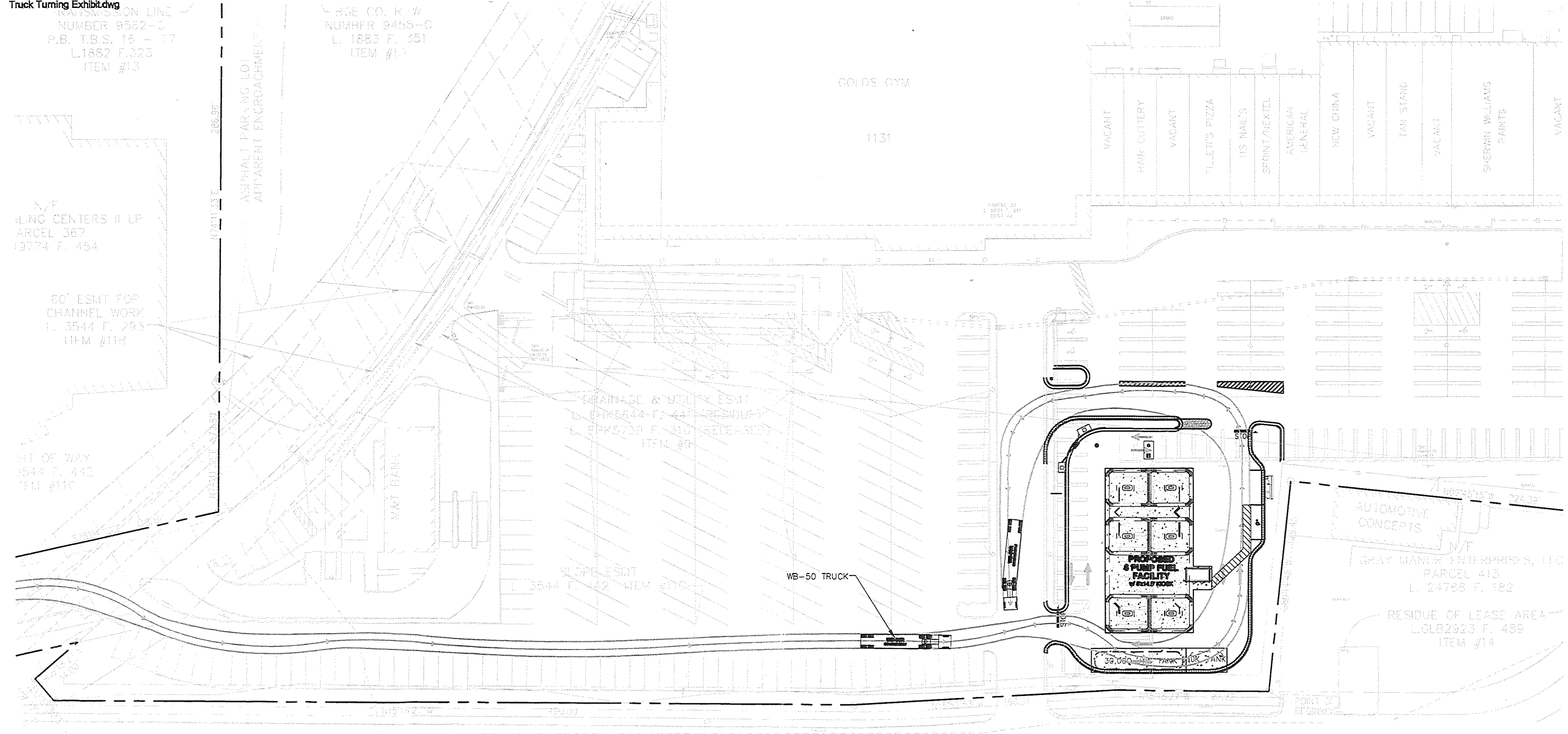
Z-4

Sheet 4 of 4

Project Number
37934.38

COLORS PORTRAYED ARE REPRESENTATIONAL UNLESS NOTED; ACTUAL COLOR SAMPLES AVAILABLE UPON REQUEST.
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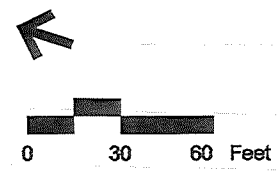
3793438-ZONING.DWG



MERRITT BOULEVARD

R/W PLAT No.'s HRW 53-204-3 & HRW 55-013-1 & HRW 55-013-2

VARIABLE WIDTH R/W
PUBLIC RIGHT-OF-WAY



EXISTING ALLEY

PETITIONER'S
EXHIBIT NO. 7

Vanasse Hangen Brustlin, Inc.

Figure 3 December 2, 2009

Truck Turning Exhibit
Proposed Giant Fuel Facility #363
Merritt Manor Shopping Center
Dundalk, Baltimore County, MD

CUSTOMER NAME Stop & Shop Supermarket Co.	
PHONE NUMBER	
SITE/STORE NAME Giant #363 Fuel Facility	
CITY/STATE Dundalk, MD	DRAWING DATE 09/08/09
SALES REP ER	ACCT/PROJ MGR
NAVISION NUMBER 33074-001	COMPLETION DATE

REVISION HISTORY		
REV. #	DRAWING DATE	DRAWING # REPLACED

ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE

TIME MANAGEMENT DEVICE		
PHOTO CELL	TIME CLOCK	NONE

CLIENT/LANDLORD APPROVAL		
☐ APPROVED	☐ APPROVED AS NOTED	☐ DIS-APPROVED REVISE & RESUBMIT
CLIENT SIGNATURE	DATE	
LANDLORD SIGNATURE	DATE	



ELEVATION DETAIL TOP qty 10
SCALE: 3" = 1'



ELEVATION DETAIL BOTTOM qty 10
SCALE: 3"=1'

SIZE As Noted
1st or 2nd Surface 1st Surface
GRAPHICS Applied 3M 230-43 trans. tomato red, trans custom orange/yellow,
SPECIFICATION 3M 230-106 trans apple green, trans custom purple.
INSTALL METHOD apply graphics to clean surface



TOP application



BOTTOM application

TYP. ELEVATION
SCALE: NTS

4C

SIGN TYPE -Vinyl Logo (Mntd to existing pumps)	QTY 24
DRAWING NUMBER 4977SM	SHEET NUMBER 4 of 4

CUSTOMER NAME Stop & Shop Supermarket Co.	
PHONE NUMBER	
SITE/STORE NAME Giant #363 Fuel Facility	
CITY/STATE Dundalk, MD	DRAWING DATE 09/08/09
SALES REP ER	ACCT/PROJ MGR
NAVISION NUMBER 33074-001	COMPLETION DATE

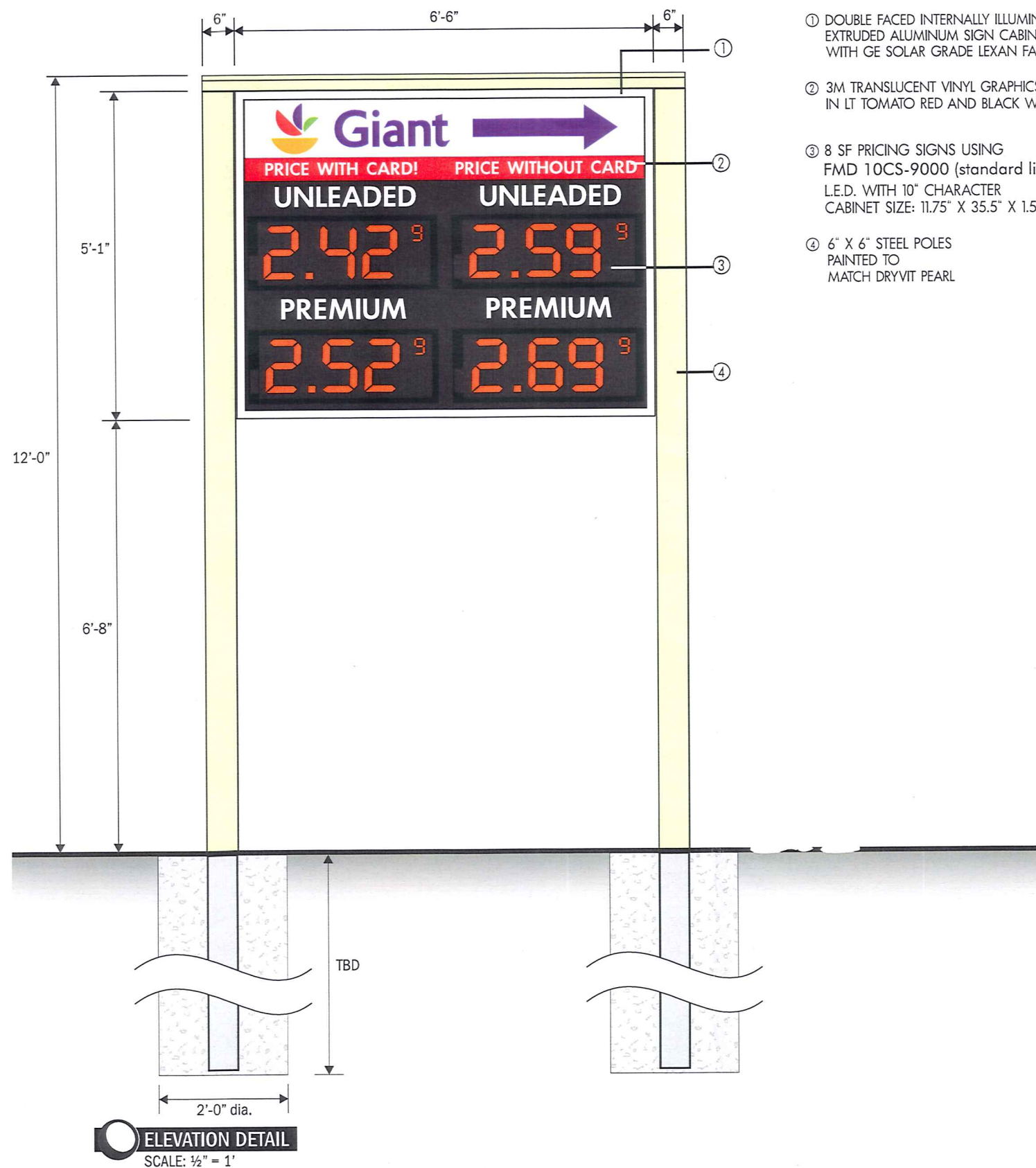
REVISION HISTORY		
REV. #	DRAWING DATE	DRAWING # REPLACED

ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE

TIME MANAGEMENT DEVICE		
PHOTO CELL	TIME CLOCK	NONE

CLIENT/LANDLORD APPROVAL		
☐ APPROVED	☐ APPROVED AS NOTED	☐ DIS-APPROVED REVISE & RESUBMIT

CLIENT SIGNATURE	DATE
LANDLORD SIGNATURE	DATE

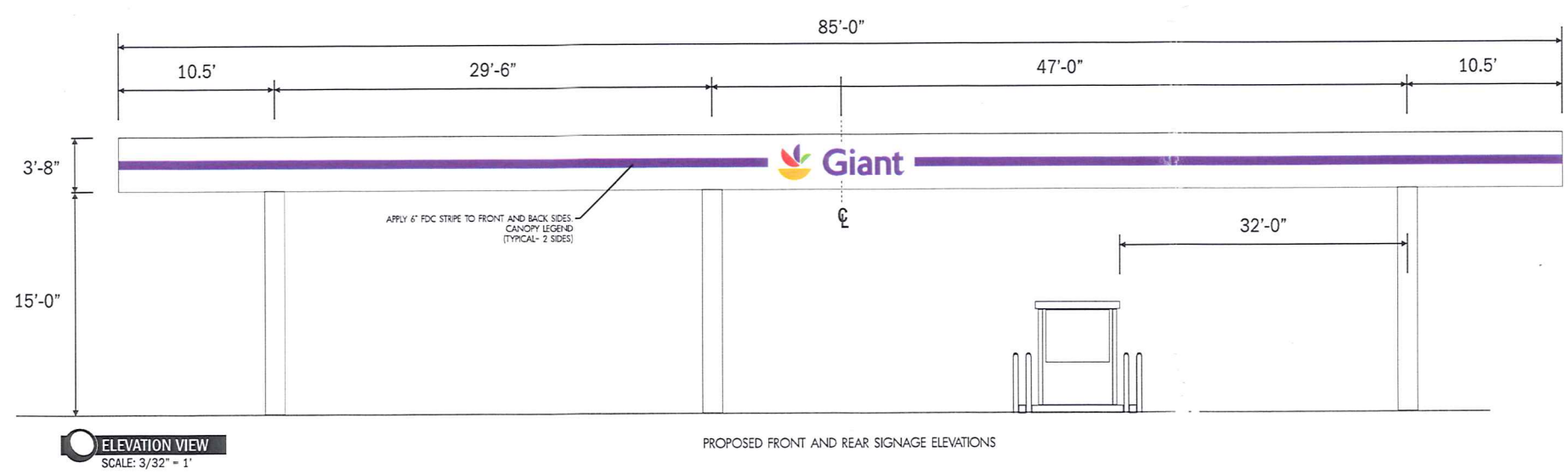
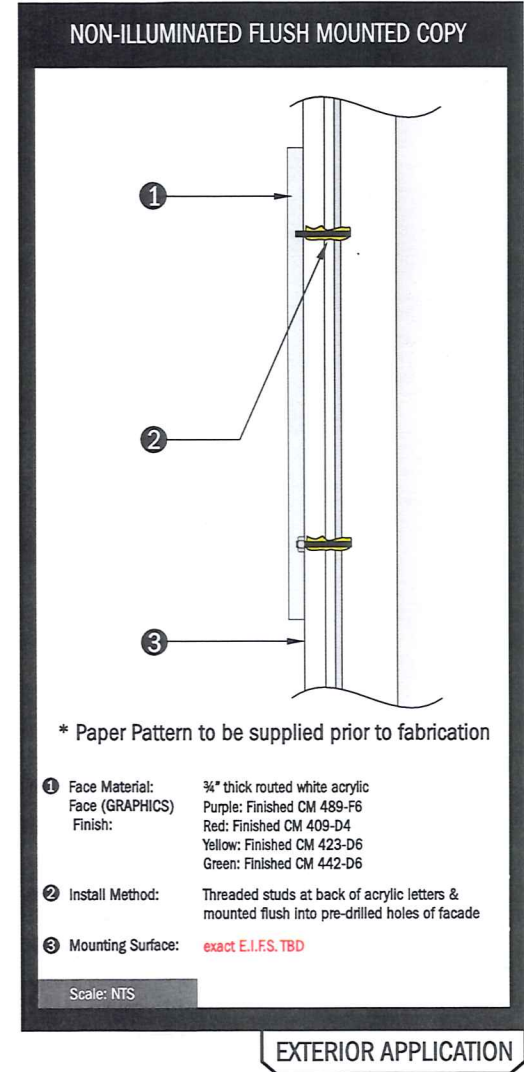


- ① DOUBLE FACED INTERNALLY ILLUMINATED, EXTRUDED ALUMINUM SIGN CABINET WITH GE SOLAR GRADE LEXAN FACES
- ② 3M TRANSLUCENT VINYL GRAPHICS IN LT TOMATO RED AND BLACK WHERE NEEDED
- ③ 8 SF PRICING SIGNS USING FMD 10CS-9000 (standard lid) by future media L.E.D. WITH 10" CHARACTER CABINET SIZE: 11.75" X 35.5" X 1.5"
- ④ 6" X 6" STEEL POLES PAINTED TO MATCH DRYVIT PEARL

4B

SIGN TYPE -S/F Freestanding Pylon Identity	QTY 1
DRAWING NUMBER 4977SM	SHEET NUMBER 2 of 4

CUSTOMER NAME Stop & Shop Supermarket Co.		
PHONE NUMBER		
SITE/STORE NAME Giant #363 Fuel Facility		
CITY/STATE Dundalk, MD	DRAWING DATE 09/08/09	
SALES REP ER	ACCT/PROJ MGR	
NAVISION NUMBER 33074-001	COMPLETION DATE	
REVISION HISTORY		
REV. #	DRAWING DATE	DRAWING # REPLACED
ELECTRICAL REQUIREMENTS		
SIGN TYPE	AMPS	VOLTAGE
TIME MANAGEMENT DEVICE		
PHOTO CELL	TIME CLOCK	NONE
CLIENT/LANDLORD APPROVAL		
☐ APPROVED	☐ APPROVED AS NOTED	☐ DIS-APPROVED REVISE & RESUBMIT
CLIENT SIGNATURE	DATE	
LANDLORD SIGNATURE	DATE	



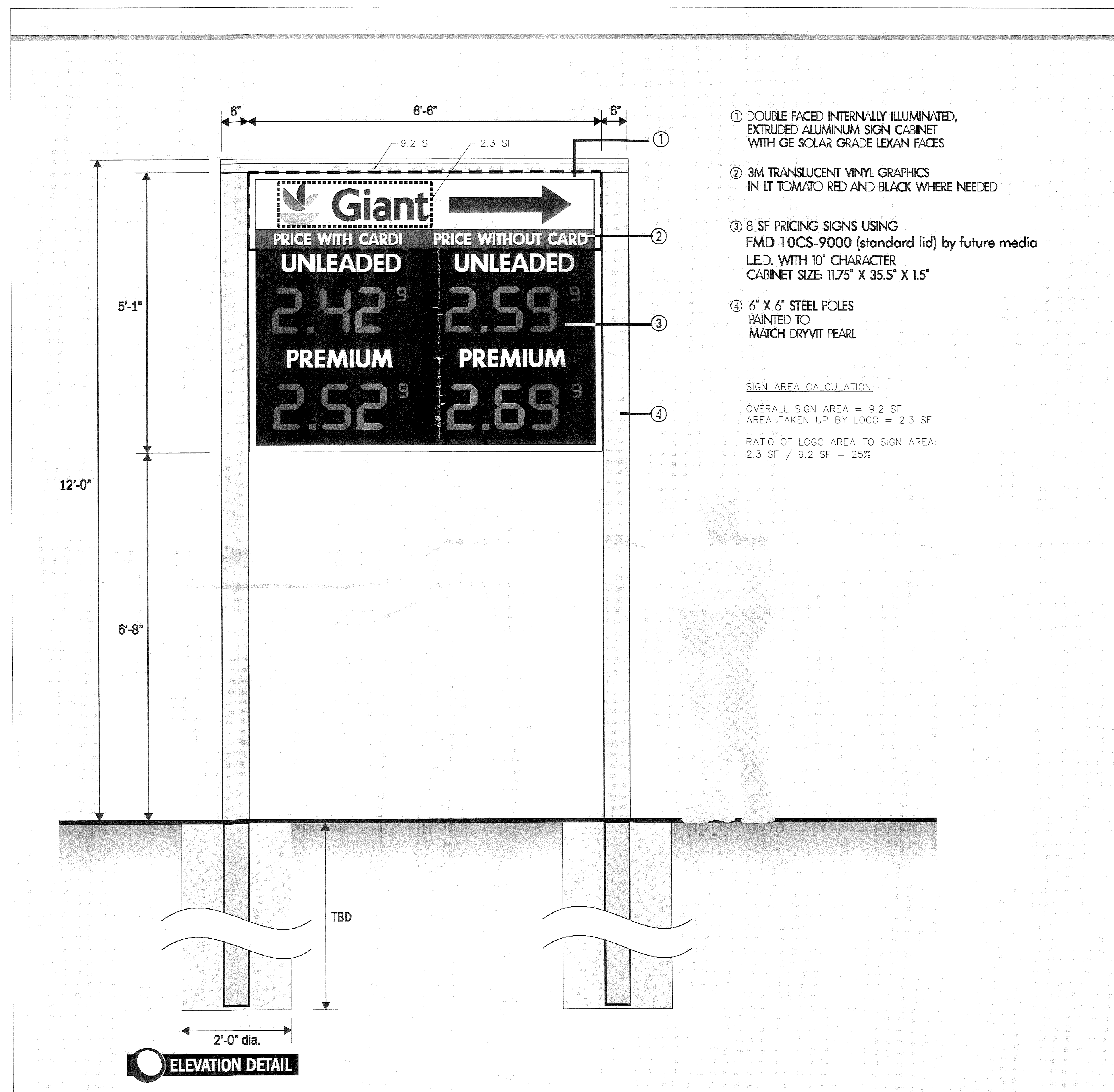
PETITIONER'S
EXHIBIT NO. 4A

SIGN TYPE -Routed Letters / Logo (Mtd. to Existing Facade)	QTY 1
DRAWING NUMBER 4977SM	SHEET NUMBER 1 of 4

8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
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Property Owner:
Dundalk Acquisition, LLC
c/o The Stop and Shop Co., LLC
1385 Hancock Street
Quincy, Massachusetts 02169-5103

[illegible]

**Proposed Giant
Fuel Facility #363
Merritt Manor Shopping Center
1131 Merritt Boulevard
Dundalk, Baltimore County, Maryland**

County Review

Not Approved for Construction

Plan to Accompany Petition for Variance and Special Hearing

Drawing Number

Z-4

Sheet 4 of 4

Project Number
37934.38

3793438-ZONING.DWG

Item #0104



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CUSTOMER NAME

Stop & Shop Supermarket Co.
PHONE NUMBER

Giant #363 Fuel Facility	
CITY/STATE	DRAWING DATE

ER	PROJECT NUMBER
MANION NUMBER	COMPLETION DATE

REVISION HISTORY		

REV. #	DRAWING DATE	DRAWING # REPLACED
--------	--------------	--------------------

SIGN TYPE	AMPS	VOLTAGE
120V 15A 60Hz		

PHOTO CELL		TIME CLOCK		NONE
------------	--	------------	--	------

☐ APPROVED ☐ APPROVED AS NOTED ☐ DIS-APPROVED
REVISE & RESUBMIT

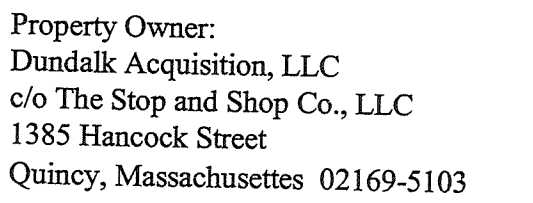
LANDLORD SIGNATURE _____ DATE _____

SIGN TYPE	CITY
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(Mntd to existing pumps)

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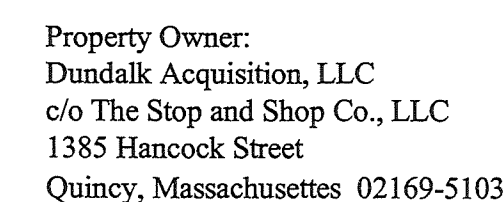
4977SM 4 of 4

Item # 0104

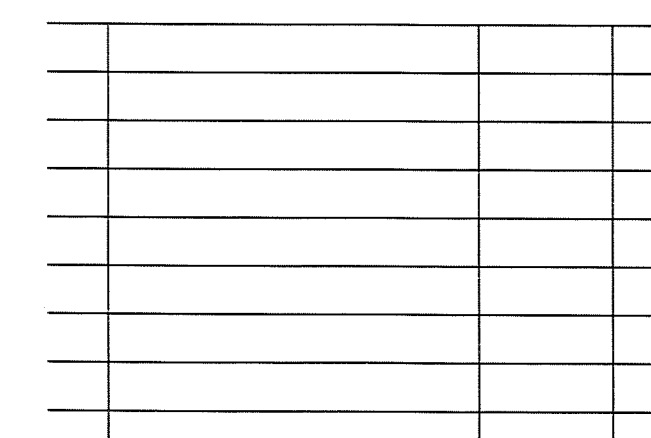
Item # 0104



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ZONING LINES ARE FROM THE PLANS ENTITLED
"BALTIMORE COUNTY OF PLANNING AND ZONING
OFFICIAL ZONING MAP", PLAN SHEET 103C1 & 096C3.



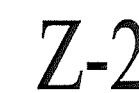
No.	Revision	Date	App
Designed by	Drawn by	Checked by	
CAD checked by		Approved by	
Scale 1"=20'		Date September 21, 200	

**Proposed Giant
Fuel Facility #363
Merritt Manor Shopping Center
1131 Merritt Boulevard
Dundalk, Baltimore County, Maryland**

County Review

Not Approved for Construction

Plan to Accompany Petition for Variance and Special Hearing



Sheet 2 of 4

Project Number
7034.38

9/21/09

I hereby certify that these documents were prepared or approved by me,
and that I am a duly licensed professional engineer under the laws of the
State of Maryland. License No. 32135. Expiration Date: 8/15/2011

Item #0104

379.34.38-ZONING.DW

Zoning Summary

Zoning District:	Business Local (BL)	
Zoning Regulation Requirements	Required	Provided
MIN. LOT AREA*	18,000 SF	24,100 SF
FRONT YARD SETBACK	10 FT, 40 FT**	66.45 FT, 136.48 FT
SIDE YARD SETBACK	0 FT	52 FT
REAR YARD SETBACK	0 FT	310.88 FT
FRONT YARD LTA*	10 FT	10 FT
SIDE YARD LTA*	6 FT	6 FT
MIN. CANOPY SETBACK**	15 FT	36.1 FT
MIN. GAS PUMP SETBACK**	25 FT	45.13 FT
MIN. BUILDING SETBACK**	35 FT	66.45 FT
MAX. BUILDING HEIGHT	40 FT	18.67 FT
MAX. BUILDING COVERAGE/FAR	3.0	0.19****

- * REQUIRED FOR FUEL CENTERS ONLY
- ** REQUIRED FOR MERRITT BLVD RIGHT OF WAY ONLY
- *** 10 FT FROM PROPERTY LINE AND 40 FEET FROM CENTER LINE OF STREET
- ****ALL BUILDINGS ARE SINGLE STORY THEREFORE FLOOR AREA RATIO = 86,826 SF / 465,150 SF = 0.186

Parking Summary

Parking Regulation Requirements	Required	Provided
STANDARD SPACE DIMENSIONS	8.5'x16', 8.5'x18'	9'x16', 9'x20'
STANDARD SPACES	589	480 451
STANDARD ACCESSIBLE SPACES *	10	15
VAN ACCESSIBLE SPACES	2	4
TOTAL SPACES	601 602	505 470

- * ADA/STATE/LOCAL REQUIREMENTS
- ** A PARKING VARIANCE OF 132 SPACES IS REQUESTED.

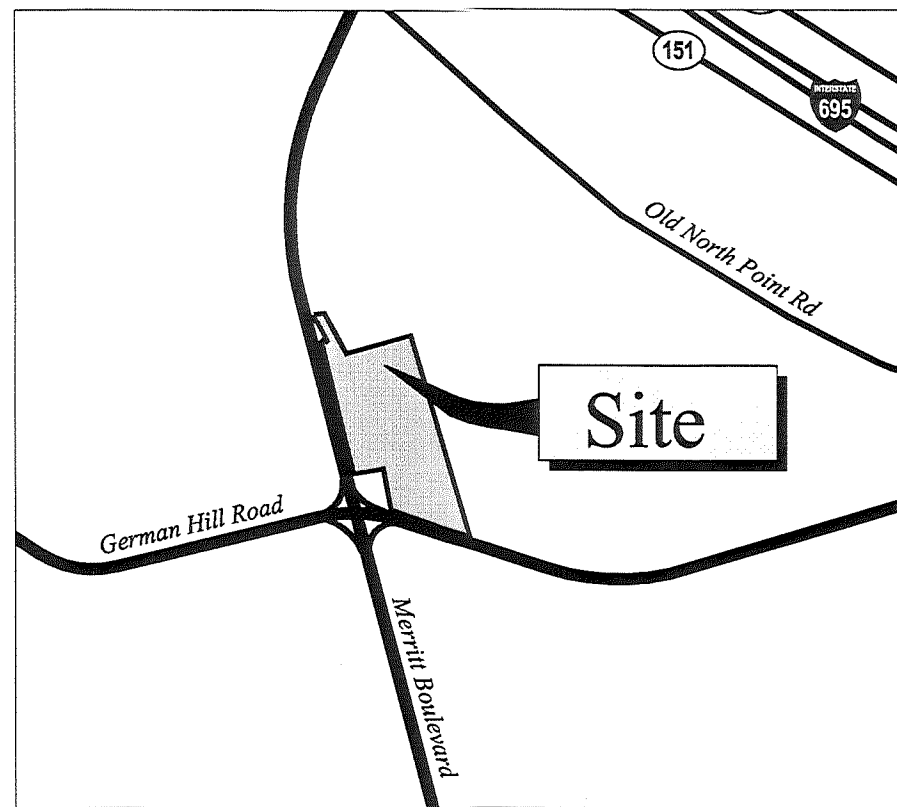
Site Summary

OWNER/APPLICANT:	DUNDALK ACQUISITION, LLC C/O STOP AND SHOP SUPERMARKET 1385 HANCOCK STREET, 10TH FL QUINCY, MA 02169 ATTN: MARC MARROCCO	PREVIOUS COMMERCIAL PERMITS:	B000185 C-2381-88 B029276 C-1613-89 B046766 C-0381-90 B048916 C-506-90 B052102 C-0671-90 B066320 C-1422-90 B066323 C-1422-90 B122974 C-489-92 B131749 C-867-92 B161710 C-655-93 B190313 C- B213504 C- B255168 C- B355600 C- B535905 COC- B538845 COC- B684403 C-
TAX ACCOUNT NUMBER:	12-13-056523 (TAX MAP 103, GRID 5, PARCEL 33)		
SITE ADDRESS:	1131 MERRITT BOULEVARD		
COUNCILMATIC DISTRICT:	7TH		
ELECTION DISTRICT:	12TH		
SITE ACREAGE:	465,150 SF / 10.67 AC.		
PROPOSED USE:	6 PUMP FUEL FACILITY		
NUMBER OF EMPLOYEES:	1 PER SHIFT		
EXISTING WELLS OR SEPTIC SYSTEMS:	NONE		
CURRENT ZONING:	BUSINESS LOCAL (BL)		
EXISTING ZONING CASES:	CASE 04-145-XA - SPECIAL EXCEPTION FOR COMMUNITY BUILDING (HEALTH CLUB) AND VARIANCE TO ALLOW 512 PARKING SPACES IN LIEU OF REQUIRED 542 PARKING SPACES, GRANTED NOVEMBER 2003. CASE 77-88-A - VARIANCE TO PERMIT SIGN LOCATED OPPOSITE RESIDENTIAL DISTRICT, GRANTED NOVEMBER 1976 CASE 4153 - SPECIAL EXCEPTION FOR SERVICE STATION, GRANTED JUNE 1957 CASE 4101 - SPECIAL EXCEPTION FOR GAS STATION, WITHDRAWN MARCH 1957 CASE 2392 - ZONING RECLASSIFICATION ("D" RESIDENTIAL TO "E" COMMERCIAL), GRANTED NOVEMBER 1952	BASIC SERVICE MAPS:	THE PROJECT IS NOT LOCATED WITHIN A DEFICIENT AREA BASED ON THE BASIC SERVICE MAPS.
		ADDITIONAL ZONING INFORMATION:	SITE WAS APPROVED AS A PLANNED SHOPPING CENTER, JUNE 2009.

Parking Requirements Tabulation

Tenant Use	GFA (SF)	Parking Generation	Required Spaces
BANK	2356	3.3 SP/1000	8
DENTIST/PODIATRIST	2512	4.5 SP/1000	12
WORK OUT AREA	29100	10 SP/1000	291
RETAIL	2200	5 SP/1000	11
OFFICE/BUSINESS	9300	3.3 SP/1000	31
COMBINED GOLD'S GYM TOTAL	40600	MIXED	333*
VACANT	1600	5 SP/1000	8
HAIR CUTTERY	1600	5 SP/1000	8
VACANT NUTRISHOP	1600	5 SP/1000	8
FILETTI'S PIZZA	2000	16 SP/1000	32
US NAILS	1200	5 SP/1000	6
SPRINT/NEXTEL	1200	5 SP/1000	6
AMERICAN GENERAL	2000	3.3 SP/1000	7
NEW CHINA RESTAURANT	2000	16 SP/1000	32
VACANT	2000	5 SP/1000	10
TAN STAND	2200	3.3 SP/1000	8
VACANT	1800	5 SP/1000	9
SHERWIN WILLIAMS PAINTS	5000	5 SP/1000	25
VACANT	3000	5 SP/1000	15
VACANT	3540	5 SP/1000	18
VACANT	3544	5 SP/1000	18
VACANT	3300	5 SP/1000	17
LESLIE'S POOL AND SPA	3658	5 SP/1000	19
PROPOSED FUEL SERVICE STATION	116	**	23
TOTAL	86826	PER TENANT	23 per 602

*GOLD'S GYM PARKING TABULATION IS TAKEN FROM APPROVED ZONING CASE 04-145-XA
**1 SP/ EMPLOYEE ON LARGEST SHIFT PLUS 1 SP/ AIR COMPRESSOR



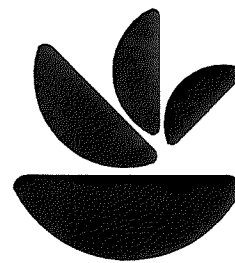
Site Vicinity Map



Vanasse Hangen Brustlin, Inc.

Transportation
Land Development
Environmental Services

8300 Boone Boulevard, Suite 700
Vienna, Virginia 22182
703.847.3071 • FAX 703.847.0298



Giant

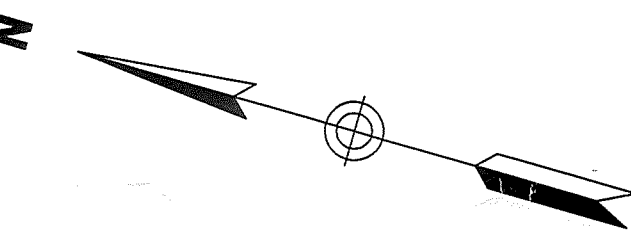
Property Owner:
Dundalk Acquisition, LLC
c/o The Stop and Shop Co., LLC
1385 Hancock Street
Quincy, Massachusetts 02169-5103

EXISTING CONDITIONS NOTES:

BASE PLAN: EXISTING CONDITIONS SHOWN HEREON ARE BASED ON PLAN TITLED "ALTA/ACSM LAND SURVEY MERRITT PARK SHOPPING CENTER" PREPARED BY GLW GUTSCHICK, LITTLE AND WEBER, P.A. AND DATED OCTOBER 2007. SUPPLEMENTAL INFORMATION PROVIDED BY A SITE VISIT BY VHB PERSONNEL IN JULY 2009.

UNDERGROUND UTILITIES: APPROXIMATE LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM PLAN ENTITLED "OVERALL SITE PLAN MERRITT MANOR SHOPPING CENTER" BY GLW GUTSCHICK, LITTLE AND WEBER, P.A. DATED OCTOBER 2005. ALL UTILITY LOCATIONS AND DEPTHS TO BE FIELD VERIFIED PRIOR TO START OF CONSTRUCTION.

ZONING INFORMATION: ZONING LINES ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSES ONLY. ZONING LINES ARE FROM THE PLANS ENTITLED "BALTIMORE COUNTY OF PLANNING AND ZONING OFFICIAL ZONING MAP", PLAN SHEET 103C1 & 096C3.



No.	Revision	Date	Appr.
Designed by	Drawn by	Checked by	
CAD checked by	Approved by		
Scale 1"=50'	Date September 21, 2009		
Project Title			

Proposed Giant
Fuel Facility #363
Merritt Manor Shopping Center
1131 Merritt Boulevard
Dundalk, Baltimore County, Maryland
Issued for

County Review

Not Approved for Construction
Drawing Title

Plan to Accompany
Petition for Variance
and Special Hearing



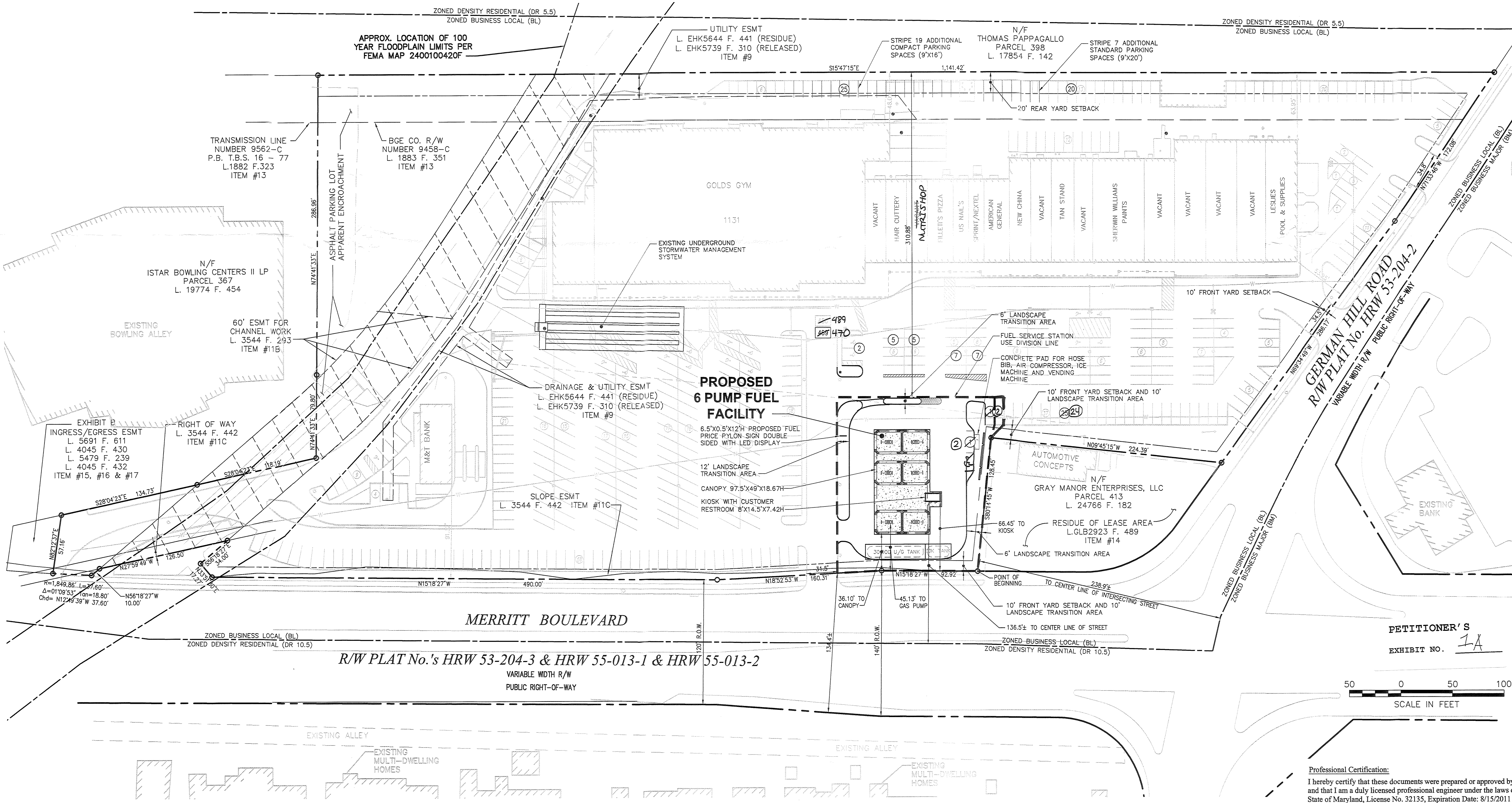
Z-1

Sheet of 1 4

Project Number 37934.38

9/21/09

Professional Certification:
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 32135, Expiration Date: 8/15/2011



PETITIONER'S
EXHIBIT NO. 1A

SCALE IN FEET
0 50 100

Drawing Number

Zoning District:	Business Local (BL)	
Zoning Regulation Requirements	Required	Provided
MIN. LOT AREA*	18,000 SF	24,100 SF
FRONT YARD SETBACK	10 FT, 40 FT***	66.45 FT, 136.48
SIDE YARD SETBACK	0 FT	52 FT
REAR YARD SETBACK	0 FT	310.88 FT
FRONT YARD SETBACK	10 FT	10 FT
SIDE YARD LTA*	6 FT	6 FT
MIN. CANOPY SETBACK**	15 FT	36.1 FT
MIN. GAS PUMP SETBACK**	25 FT	45.13 FT
MIN. BUILDING SETBACK**	35 FT	66.45 FT
MAX. BUILDING HEIGHT	40 FT	18.67 FT
MAX. BUILDING COVERAGE/FAR	3.0	1.09****

Parking Regulation Requirements	Required	Provided
STANDARD SPACE DIMENSIONS	8.5'X16', 8.5'X18'	9'X16', 9'X20'
STANDARD SPACES	589	450
STANDARD ACCESSIBLE SPACES *	10	15
VAN ACCESSIBLE SPACES	2	4
TOTAL SPACES	601	469**

9/21/09