

IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION AND VARIANCE

N/Side Liberty Road (Md. Rte. 26), NW
Corner of Liberty and Rolling Roads
(8212 Liberty Road)

2nd Election District
4th Council District

Anna B. Beaty, et al, *Legal Owners*
Macro Holdings, LLC, *Contract Lessee*
Petitioners

BEFORE THE
ZONING COMMISSIONER
FOR
BALTIMORE COUNTY

Case No. 2010-0116-SPHXA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the property owners¹ and the contract lessee, Macro Holdings, LLC. Petitioners request special hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a modified parking plan pursuant to Section 409.12.B of the B.C.Z.R. In addition, Petitioners request special exception relief to approve a drive-in restaurant pursuant to Section 230.3 of the B.C.Z.R. Finally, Petitioners request a variance, in the alternative in the event the modified parking plan is not approved as part of the special hearing request, to permit 394 parking spaces in lieu of the required 500 pursuant to B.C.Z.R. Section 409.6.A.2, and to permit the drive-through lane to cross the principal pedestrian access to the facility pursuant to B.C.Z.R. Section 409.10.B. The subject property and requested relief are more fully described on the two-page site plan, which was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requested relief were Sean

¹ The shopping center at 8212 Liberty Road is held in trust by Raymond H. Beaty, Anna B. Beaty, and Jacqueline Anne Mickiewicz.

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Date

By

1-5-10

623

Martin and David Crocetti, representatives of Macro Holdings, LLC, the contract lessee, who were represented by Sebastian A. Cross, Esquire, of Gildea and Schmidt, LLC. Also present at the hearing were Adam Volanth and Joseph J. Ucciferro, P.E. of Bohler Engineering, the civil engineers/land development consultants who prepared the plan; Kenneth W. Schmid of Traffic Concepts, Inc., who prepared a parking study; Mark McFadden with the Liberty Road Business Association and John F. McPhaul, President of the Liberty Road Community Council, participated at the hearing and submitted letters of support. See Petitioners' Exhibit 6. The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated November 16, 2009 which indicated support for the relief requested under the subject petitions. Area Planner David Green also testified in support of the project, as did Pierce McGill from the Baltimore County Department of Economic Development.

Testimony and evidence offered revealed the subject property is in the Randallstown area of western Baltimore County, consisting of a shopping center containing 6.6 acres, more or less, improved with approximately 93,400 square feet of enclosed retail space. The site is split zoned B.L.-A.S. and B.L. and is in the commercial corridor of Liberty Road and surrounded by other business uses. The shopping center has been operating since 1972, with no significant improvements being made to the site since that time. The petition before me is for an approximate 1,645 square foot development for a drive-in restaurant to be placed in the front portion of the existing shopping center parking lot. As the development is classified as a "drive-in" restaurant, it requires a special exception. It should be noted that this special exception would not be necessary if a drive-through restaurant (per B.C.Z.R. Section 230.1) were

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requested; however, the operation falls under the older 1967 definition of drive-in², due to the unique characteristic that some cars park outside and food is taken out to these parked cars, rather than a drive "through" delivery lane. Other than this food delivery occurring to parked cars, the characteristics of this operation are basically identical to other fast-food restaurants which, again, are permitted in the underlying zone. The proposed operation is the same as other operations in Baltimore County and Randallstown and meets all bulk regulations including setbacks and drive aisles. Testimony and evidence disclosed that this operation would have no greater detrimental impact than other "fast food" operations in similarly zoned property in the County or the surrounding commercial corridor of Randallstown. Furthermore, this proposed restaurant was supported by the relevant community groups, Office of Planning and the Department of Economic Development. It is also of note that Marco Holdings has proposed significant upgrades including landscaping and increased pervious surface to the proposed pad site and the remaining shopping center in response to contacts with the Office of Planning. This capital investment and improvement to an aged facility is the type of revitalization desired by Baltimore County, particularly in the Randallstown Revitalization District. Mr. Ucciferro further opined that the proposed Sonic Drive-In Restaurant would conform to and meet all of the criteria set forth in B.C.Z.R. Section 502.1 as interpreted by the Court of Appeals in *People's Counsel for Baltimore v. Loyola College*, 406 Md. 54, and, if granted, would be consistent with the properties' zoning classifications and within the spirit and intent of the B.C.Z.R.

Special hearing relief is also requested as set forth above to approve a modified parking plan, to accommodate the proposed parking for the restaurant in the parking field for the shopping center. In support of this request, Petitioners submitted as Exhibit 7 a parking survey

² A Drive-In Restaurant is defined in B.C.Z.R. Section 101 as: "A retail outlet where food and beverages are sold to a substantial extent for consumption by customers in parked motor vehicles".

prepared by Traffic Concepts, Inc., which demonstrated that currently during peak hours, only 40% of the existing parking is utilized. Testimony from Ken Schmid, who prepared the survey, included his opinion that the parking field as proposed would not cause a detriment to surrounding traffic or interior circulation. This site is an older center which is limited in terms of available space to provide for parking. As such, a modified parking plan is proper for this type of redevelopment of an older center. Two stores sharing the parking lot include a grocery store and an Ollie's outlet. The uses will be a mix restaurant and retail and based on his expertise, Mr. Schmid sees this as an overlapping of uses for parking purposes. Specifically, he indicated that although some customers will patronize the Sonic Restaurant and shopping area separately, very often, customers that visit the property will patronize both the retail area and the restaurant all at once. As a practical matter, this overlapping of uses will reduce the actual number of parking spaces required to support these uses. In his opinion, Mr. Schmid believes the number of parking spaces provided will be sufficient to meet the needs of the uses and the modified parking plan as shown on the site plan meets the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. For all of these reasons, I believe that the relief requested should be granted. Having ruled on the propriety of the special hearing relief, I find the variance request, filed in the alternative, is rendered moot.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this 5th day of January 2010, that the Petition for Special Hearing, pursuant to Section 409.12.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve a modified

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BY [signature]

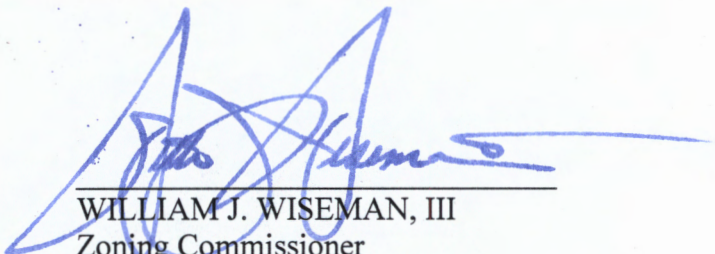
parking plan with the drive-through lane crossing the principal pedestrian access to the facility pursuant to B.C.Z.R. Section 409.10.B, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that the Petition for Special Exception to permit the use of the described property for a drive-in restaurant pursuant to B.C.Z.R. Section 230.3 as shown on Petitioners' Exhibit(s) 1 (site plan), 9 (landscape plan), and 10 (building elevations), be and is hereby GRANTED, subject to the following restriction:

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

IT IS FURTHER ORDERED that the Petition for Variance, filed in the alternative, to permit 394 parking spaces in lieu of the required 500 spaces pursuant to B.C.Z.R. Section 409.6.A.2, is hereby DISMISSED as MOOT.

Any appeal of this decision shall be taken in accordance with Section 32-3-401 of the Baltimore County Code (B.C.C.).



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 1-5-10
By 103



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 5, 2010

Sebastian A. Cross, Esquire
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

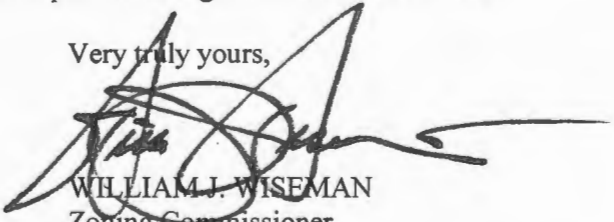
RE: **PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCE**
N/Side Liberty Road, NW Corner of Liberty and Rolling Roads
(8212 Liberty Road)
2nd Election District - 4th Council District
Anna B. Beauty, *Legal Owner*;
Macro Holdings, LLC, *Contract Lessee* – Petitioners
Case No. 2010-0116-SPHXA

Dear Mr. Cross:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,


WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Sean Martin & David Crocetti, Macro Holdings, LLC, 802 Ingleside Avenue, Baltimore, MD 21228
Adam Volanth & Joseph J. Ucciferro, Bohler Engineering, 901 Dulaney Valley Road, Suite 801,
Towson, MD 21204
Kenneth W. Schmid, Traffic Concepts, Inc., 325 Gambrills Road, Suite 13, Gambrills, MD 21054
John McPhaul, President, Liberty Road Community Council, 3627 Forest Garden Avenue,
Gwynn Oak, MD 21207
Mark McFadden, Liberty Road Business Association, P.O. Box 1417, Owings Mills, MD 21117
Peirce Macgill, Department of Economic Development; David A. Green, Office of Planning
People's Counsel; Stephen E. Weber, Traffic Engineering, DPW; DEPRM; DPR; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8212 Liberty Road

which is presently zoned BL-AS and BL

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

PLEASE 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 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:

Macro Holdings, LLC by: David Crocetti, Member

Name - Type or Print

Signature

802 Ingleside Avenue

Address

Baltimore

City

MD

State

Telephone No.

21228

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

Address

Towson

City

(410) 821-0070

Telephone No.

MD

State

21204

Zip Code

Legal Owner(s):

Anna B. Beaty, Trustee

Name - Type or Print

Signature

Anna B. Beaty, Trustee

Signature

Jacqueline A. Mickiewicz, Trustee

Signature

2738 Old Ferry Connection

Address

Supply

NC

State

28462

Zip Code

Telephone No.

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

Address

Towson

City

(410) 821-0070

Telephone No.

MD

State

21204

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date

Case No. 2010-0116-SPHA

REV 9/15/98

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR SPECIAL HEARING

8212 Liberty Road

2nd Election District

4th Councilmanic District

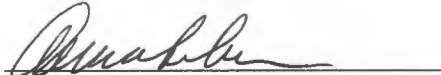
1. In the alternative to the Petition for Variance, to approve a modified parking plan pursuant to B.C.Z.R. Section 409.12.b.
2. For such other and further relief as may be required by the Zoning Commissioner.

Signature Attachment to Petition for Special Hearing

8212 Liberty Road
2nd Election District
4th Councilmanic District

Long Term Lessee:

Liberty Marriotts Lane Company
a Maryland General Partnership



Name: Alvin Schuster

Title: Partner

11710 Reisterstown Rd., Ste. 201
Reisterstown, MD 21136

Phone Number: 410-833-8380



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8212 Liberty Road

which is presently zoned BL-AS and BL

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

PLEASE 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:

Macro Holdings, LLC by: David Crocetti, Member

Name - Type or Print

Signature

802 Ingleside Avenue

Address

Telephone No.

Baltimore

MD

21228

City

State

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Anna B. Beaty, Trustee

Name - Type or Print

Signature

Jacqueline A. Mickiewicz

Name - Type or Print

Signature

2738 Old Ferry Connection

Address

Telephone No.

Supply

NC

28462

State

Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By

Date

Case No. 2010-0116-SPHA

REV 09/15/98

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR SPECIAL EXCEPTION

8212 Liberty Road

2nd Election District

4th Councilmanic District

1. To approve a drive-in restaurant in accordance with B.C.Z.R. Section 230.3.
2. For such other and further relief as may be required by the Zoning Commissioner.

Signature Attachment to Petition for Special Exception

8212 Liberty Road
2nd Election District
4th Councilmanic District

Long Term Lessee:

Liberty Marriotts Lane Company
a Maryland General Partnership



Name: Alvin Schuster

Title: Partner

11710 Reisterstown Rd., Ste. 201
Reisterstown, MD 21136

Phone Number: 410-833-8380



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 8212 Liberty Road

which is presently zoned: BL-AS and BL

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):

PLEASE SEE ATTACHED

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

TO BE PRESENTED 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:

Macro Holdings, LLC by: David Crocetti, Member

Name - Type or Print

Signature

802 Ingleside Avenue

Address

Baltimore

City

MD

State

Telephone No.

21228

Zip Code

Attorney For Petitioner:

Sebastian A. Cross

Name - Type or Print

Signature

Gildea & Schmidt, LLC

Company

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

City

MD

State

Telephone No.

21204

Zip Code

Legal Owner(s):

Anna B. Beaty, Trustee

Name - Type or Print

Signature

Jacqueline A. Mickiewicz

Name - Type or Print

Jacqueline A. Mickiewicz, Trustee

Signature

2738 Old Ferry Connection

Address

Supply

City

NC

State

28462

Zip Code

Telephone No.

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC

Name

600 Washington Avenue, Suite 200

(410) 821-0070

Address

Towson

City

MD

State

Telephone No.

21204

Zip Code

OFFICE USE ONLY

Case No. 2010-0116 SPHA

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By [Signature]

Date 10/22/09

REV 9/15/98

UNDER RECEIVED FOR FILING

Date 1-5-10

By [Signature]

ATTACHMENT TO PETITION FOR VARIANCE

8212 Liberty Road
2nd Election District
4th Councilmanic District

In the alternative to the Petition for Special Hearing:

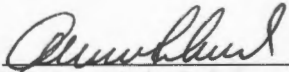
1. To permit 394 parking spaces in lieu of the required 500 pursuant to B.C.Z.R. Section 409.6.A.2.
2. To permit the drive-through lane to cross the principal pedestrian access to the facility pursuant to B.C.Z.R. Section 409.10.B.
3. For such other and further relief as may be required by the Zoning Commissioner.

Signature Attachment to Petition for Variance

8212 Liberty Road
2nd Election District
4th Councilmanic District

Long Term Lessee:

Liberty Marriotts Lane Company
a Maryland General Partnership



Name: Alvin Schuster

Title: Partner

11710 Reisterstown Rd., Ste. 201
Reisterstown, MD 21136

Phone Number: 410-833-8380



BOHLER

ENGINEERING

22630 Davis Drive, Suite 200

Sterling, VA 20164

PHONE 703.709.9500

FAX 703.709.9501

METES AND BOUNDS DESCRIPTION PROPOSED LEASE AREA

PART OF THE LAND OF
ANNA B. BEATY, TRUSTEE
LIBER 23092 FOLIO 20
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT IN THE NORTHERLY RIGHT-OF-WAY LIMITS OF LIBERTY ROAD – MD RTE. 26 (80' WIDE RIGHT-OF-WAY), WHICH IS 111 FEET EAST OF THE INTERSECTION OF SAID LIBERTY ROAD WITH ROLLING ROAD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE LANDS OF PNC BANK NATIONAL ASSOCIATION, FORMERLY MERCANTILE SAFE DEPOSIT AND TRUST COMPANY (LIBER 5399 FOLIO 724) ON THE WEST, AND THE LANDS OF ANNA B. BEATY, TRUSTEE (LIBER 23092 FOLIO 20) ON THE EAST;

1. NORTH 31 DEGREES – 23 MINUTES – 56 SECONDS EAST, 170.46 FEET, THENCE DEPARTING SAID DIVISION LINE, THROUGH THE LANDS OF SAID ANNA B. BEATY, TRUSTEE, THE FOLLOWING THREE COURSES AND DISTANCES;
2. NORTH 31 DEGREES – 23 MINUTES – 56 SECONDS EAST, 6.98 FEET TO A POINT, THENCE;
3. CONTINUING, SOUTH 64 DEGREES – 45 MINUTES – 11 SECONDS EAST, 198.18 FEET TO A POINT, THENCE;
4. CONTINUING, SOUTH 25 DEGREES – 17 MINUTES – 32 SECONDS WEST, 173.92 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LIMITS OF SAID LIBERTY ROAD, THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LIMITS, THE FOLLOWING FOUR COURSES AND DISTANCES;
5. NORTH 65 DEGREES – 59 MINUTES – 47 SECONDS WEST, 72.20 FEET TO A POINT, THENCE;
6. CONTINUING, NORTH 65 DEGREES – 50 MINUTES – 19 SECONDS WEST, 20.57 FEET TO A POINT, THENCE;
7. CONTINUING, NORTH 66 DEGREES – 08 MINUTES – 52 SECONDS WEST, 60.18 FEET TO A POINT OF CURVATURE, THENCE;
8. CONTINUING, 64.16 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 11,419.16 FEET, A CENTRAL ANGLE OF 00 DEGREES – 19 MINUTES – 19 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 63 DEGREES – 55 MINUTES – 53 SECONDS WEST, 64.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 36,532 SQUARE FEET OR 0.839 ACRES AND BEING PART OF THE SAME LAND AS DESCRIBED IN LIBER 23092 FOLIO 20.

2010-0116-SPHA

OTHER OFFICE LOCATIONS:

• Southborough, MA
508.480.9900

• Albany, NY
518.438.9900

• White Plains, NY
914.286.2700

• Ronkonkoma, NY
631.738.1200

• Warren, NJ
908.668.8300

• Center Valley, PA
508.709.9901

• Chalfont, PA
215.996.9100

• Philadelphia, PA
215.996.9100

• Towson, MD
410.821.7900

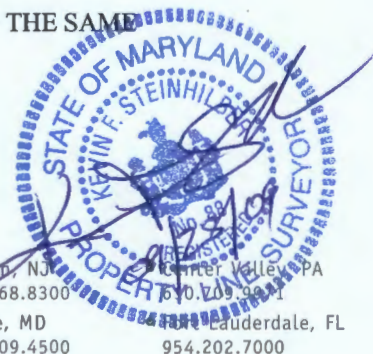
• Warrenton, VA
540.349.4500

• Bowie, MD
301.809.4500

• Caudeville, FL
954.202.7000

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**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/neighbor 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: 2010-0116-SPHA

Petitioner: MACRO HOLDINGS, LLC

Address or Location: 8212 LIBERTY ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: GILDEA + SCHMIDT, LLC

Address: 600 WASHINGTON AVENUE

SUITE 200

TOWSON, MD 21204

Telephone Number: (410) 821-0070

Revised 7/11/05 - SCJ

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

No. **45910**

Date: **10/1/09**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	206	0000		6150					800.00

Total: **800.00**

Rec From: **Gildner & Schmitt LLC**

For: **8212 Liberty Rd.**

2010-0116-SPHA

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACCT# TIME DAY

10/01/2009 10/01/2009 13:51:13 2

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10/01/2009 10/01/2009 13:51:13 2

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE 2010-0116-SPHXA

Petitioner/Developer: Macro Holding, LLC

Date of Hearing/closing December 16, 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
8212 Liberty Road

The sign(s) were posted on November 28 2009
(Month, Day, Year)

Sincerely,

Robert Black Dec. 2 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 # 2010-0116-SPHXA

**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 16, 2009 AT 10:00 A.M.

REQUEST SPECIAL HEARING IN THE ALTERNATIVE TO THE PETITION FOR
VARIANCE TO APPROVE A MODIFIED PARKING PLAN FOR SUCH

OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER. SPECIAL EXCEPTION TO APPROVE A DRIVE-IN RESTAURANT IN ACCORDANCE WITH BCZR SECTION 230.3.2. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

VARIANCE TO PERMIT 394 PARKING SPACES IN LIEU OF THE REQUIRED 500 SPACES. TO PERMIT THE DRIVE THROUGH LANE TO CROSS THE PRINCIPAL PEDESTRIAN ACCESS TO THE FACILITY FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391

NOT REMOVE THIS SIGN 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 Permitting 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: 2010-0116-SPHXA

8212 Liberty Road

N/side of Liberty Road, n/east corner of Liberty Road and Rolling Road

2nd Election District – 4th Councilmanic District

Legal Owners: Anna B. Beauty

Contract Purchaser: Macro Holding, LLC

Special Hearing in the alternative to the petition for variance, to approve a modified parking plan, for such other and further relief as may be required by the Zoning Commissioner. Special Exception to approve a drive-in restaurant in accordance with BCZR section 230.3.2, for such other and further relief as may be required by the Zoning Commissioner. Variance to permit 394 parking spaces in lieu of the required 500 spaces; to permit the drive through lane to cross the principal pedestrian access to the facility; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, December 16, 2009 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, 600 Washington Avenue, Ste. 200, Towson 21204

David Crocetti, Macro Holdings, LLC, 802 Ingleside Avenue, Baltimore 21228

Anna Beatty, 2738 Old Ferry Connection, Supply, NC 28462

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 28, 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: Daily Record PUBLISHING COMPANY
Wednesday, November 25, 2009 Issue – Daily Record

Please forward billing to:
Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2010-0116-SPHXA

8212 Liberty Road

N/side of Liberty Road, n/east corner of Liberty Road and Rolling Road

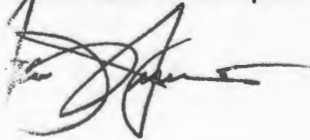
2nd Election District – 4th Councilmanic District

Legal Owners: Anna B. Beauty

Contract Purchaser: Macro Holding, LLC

Special Hearing in the alternative to the petition for variance, to approve a modified parking plan, for such other and further relief as may be required by the Zoning Commissioner. Special Exception to approve a drive-in restaurant in accordance with BCZR section 230.3.2, for such other and further relief as may be required by the Zoning Commissioner. Variance to permit 394 parking spaces in lieu of the required 500 spaces; to permit the drive through lane to cross the principal pedestrian access to the facility; for such other and further relief as may be required by the Zoning Commissioner.

Hearing: Wednesday, December 16, 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

December 9, 2009

Sebastian A. Cross
Gildea & Schmidt, LLC
600 Washington Ave. Ste 200
Towson, MD 21204

Dear: Sebastian A. Cross

RE: Case Number 2010-0116-SPHA, 8212 Liberty Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 01, 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
Anna B. Beaty; 2738 Old Ferry Connection; Supply, NC 28462
David Crocetti; Marco Holding, LLC; 802 Ingleside Ave.; Baltimore, MD 21228

BW 12/16
10am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 16, 2009

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

RECEIVED

SUBJECT: 8212 Liberty Road

NOV 23 2009

INFORMATION:

ZONING COMMISSIONER

Item Number: 10-116

Petitioner: Macro-Holding, LLC by David Crocetti

Zoning: BL, BL-AS

Requested Action(s):

Special Hearing

1. In the alternative to the Petition for Variance, to approve a modified parking plan pursuant to B.C.Z. R. Section 409.12.b.
2. For such other and further relief as may be required by the Zoning Commissioner.

Variance:

1. To permit 394 parking spaces I lieu of the required 500 parking spaces pursuant to B.C.Z.R. Section 409.6.A.2.
2. To permit a drive-through lane to cross the principal pedestrian access to the facility pursuant to B.C.Z.R.
3. For such other and further relief as may be required by the Zoning Commissioner.

Special Exception

1. To approve a Drive-in Restaurant in accordance with B.C.Z.R. Section 230.3.
2. For such other and further relief as may be required by the Zoning Commissioner.

SUMMARY OF RECOMMENDATIONS:

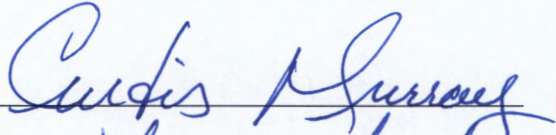
The site is located in a Master Plan designated "Commercial Revitalization District" (CRD). The intent of the CRD is to attract and expand existing businesses along the county's commercial corridors. Master Plan 2010 (page 163) states "To maintain the continued viability of the County's commercial corridors, efforts must continue to direct the most intensive commercial development to major nodes, and to make shopping centers along commercial corridors more inviting and convenient." The addition of the proposed drive-through restaurant could contribute to efforts to attract new customers and thus businesses to the Liberty Road Corridor.

The Office of Planning recommends approval of the proposed drive-through restaurant provided the following conditions are met:

- Provide building elevations of all sides including materials for the proposed drive through restaurant. Additionally a signage package should also be prepared.
- An enhanced landscape plan to include additional trees and compact dense screening along the edges of the proposed site to clearly delineated and support traffic flow
- Use best practices in storm water management to compliment the design of the proposed site. Grey water technology should be considered for irrigation purposes.

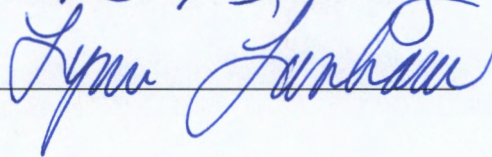
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:

AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: LEAVE BLANK

SUBJECT: Zoning Item # 10-116-SPHXA
Address 8212 Liberty Road
(Beauty Property)

Zoning Advisory Committee Meeting of October 12, 2009

_____ 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).

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

Additional Comments:

Reviewer: Glenn Shaffer *GS*

Date: October 16, 2009

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 13, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2009
Item No.: 10-116

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The petitioner is advised that this site is in an "Area of Special Concern" for sewer. His engineer should contact the Bureau of Engineering with projected wastewater flows to determine what will be required before a building permit will be approved.

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-item no 2010-0116.10262009.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 23, 2009
Item Nos. 2010-116, 140, 141,
142, 143, 144, 146 and 147

DATE: November 17, 2009

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

DAK: ~~CEN~~: cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-11232009 -NO COMMENTS.doc



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

November 18, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 9. 2009

Item Numbers: 0116

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.

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

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

cc: File



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: OCTOBER 12, 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. 2010-0116-SPHXA
MD 26
8212 LIBERTY ROAD
MARCO HOLDINGS, LLC
SPECIAL EXCEPTION
VARIANCE
SPECIAL HEARING

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10/08/09. A field inspection and internal review reveals that an entrance onto MD 26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for 8212 LIBERTY RD, Case Number 2010-0116-SPHXA.

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 email him at (mbailey@sha.state.md.us). Thank you for your attention.

Very truly yours,

Foster
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

Cc: Mr. David Malkowski, District Engineer, SHA
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.sha.maryland.gov

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

November 12, 2009

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

RE: Baltimore County
Case No. 2010-0116-SPHXA
MD 26 (Liberty Road)
at Rolling Road
Sonic- Fast Food Restaurant
Special Exception -
Special Hearing -

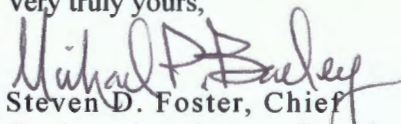
Dear Ms. Matthews:

Thank you for the opportunity to review the site plan to accompany petition for special exception and special hearing for 8212 Liberty Road, which was received on November 9, 2009. It is my understanding that the developer proposes to build 1-story 1,645 s/f Sonic Restaurant with drive thru service and surface parking for 34 vehicles on an existing shopping center out lot.

We have completed a cursory review of the site plan and existing site conditions. Access to the property is served by a 35' wide entrance onto MD 26 (Liberty Road), a 24' wide shared use entrance onto Liberty Road near Rolling Road, as well as one entrance on Rolling Road and Marriott Lane. The field assessment reveals that the existing entrances onto Liberty Road appear adequate. However, the State Highway Administration (SHA) is concerned about the effect additional trips created by the Sonic development will have on traffic operations. Therefore, the SHA request that Baltimore County require the developer to provide a traffic impact study or traffic data for review and comment. Please include our remarks in your staff report to the Zoning Reviewer Planner in the matter of Case Number 2010-0116-SPHXA.

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 ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

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

Ms. Kristen Matthews
Case No 2010-0116-SPHXA
SONIC
Page 2

SDF/MB

Cc: Macro Holdings, LLC, Applicant
Ms Erin Kuhn, ADE-Traffic, SHA
Mr. Dennis A. Kennedy, Development Plans Review, Baltimore County
Mr. David Malkowski, District Engineer, SHA
Mr. Eric Tombs, Traffic Manager, SHA
Mr. Joseph J. Ucciferro, Engineer, Bohler Engineering

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SPECIAL EXCEPTION & VARIANCE *
8212 Liberty Road; N/S Liberty Road, NW * ZONING COMMISSIONER
corner of Liberty Road & Rolling Road *
2nd Election & 4th Councilmanic Districts * FOR
Legal Owner: Anna Beauty
Contract Purchaser(s): Marco Holdings, LLC* BALTIMORE COUNTY
Petitioner(s) *
10-116-SPHXA

* * * * *

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 22 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 22nd day of October, 2009, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

October 27, 2009

Sent Via Hand Delivery

Mr. Leonard Wasilewski
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

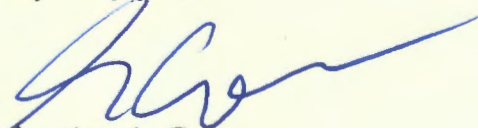
**Re: Zoning Petitions for 8212 Liberty Road
Macro Holdings, LLC**

Dear Mr. Wasilewski:

Attached please find the executed petitions filed for the above referenced property on October 1, 2009. As discussed with you at the filing, these petitions have now been executed properly by the owner and may be included within the zoning case file.

If you have any comments or questions regarding this, please feel free to contact me.
With kind regards, I remain

Very truly yours,



Sebastian A. Cross

SAC:kmb

Enclosure

CC: David Crocetti, Macro Holdings, LLC
Sean Martin, Macro Holdings, LLC
Joe Ucciferro, Bohler Engineering, P.C.



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

November 5, 2009

HAND DELIVERED

William J. Wiseman, III, Zoning Commissioner
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RECEIVED

NOV 05 2009

ZONING COMMISSIONER

Re: PETITION FOR SPECIAL HEARING, SPECIAL
EXCEPTION AND VARIANCE
Anna Beaty, Trustee- Legal Owners &
Marco Holdings, LLC-Contract Purchasers
8212 Liberty Road
Case No: 10-116-SPHXA

Dear Mr. Wiseman,

We asked Stephen E. Weber, Chief of Traffic Engineering, to review the petition and site plan in this case for any traffic/parking issues. As a result, he sent the enclosed e-mail dated November 3, 2009, which is self-explanatory. As is our custom, we forward it to you for consideration. A hearing date has not been set yet.

Please note that Mr. Weber emphasizes that attention must be paid to the future impact of any potential changes to the existing shopping center uses. Moreover, any new or additional use (bank branch, fast food, etc.) would likely present problems and strain the parking situation. He concludes,

"Given that the County would have no future control over the exact stores occupying the space, the analysis of this request needs to be based on reasonable possibilities of future uses, not just an examination of the current situation. Obviously we don't want a situation being created where employees of these commercial enterprises would start being shifted by their employers out onto the adjoining public streets and neighborhoods."

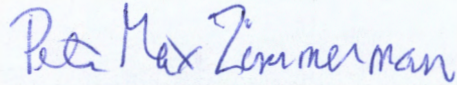
William J. Wiseman, III, Zoning Commissioner

November 5, 2009

Page 2

Thank you for your consideration.

Sincerely,



Peter Max Zimmerman

People's Counsel for Baltimore County

PMZ/rmw

cc: Sebastian A. Cross, Esquire
Stephen E. Weber, Division of Traffic Engineering

From: Stephen Weber
To: People's Counsel
CC: Dennis Kennedy
Date: 11/3/2009 9:52 PM
Subject: Fwd: 10-116-SPHA - 8212 Liberty Rd, 21133
Attachments: 10-116-SPHA Petition.pdf

Dear Mr. Zimmerman:

Please be advised that we have reviewed the subject plan for a Sonic Drive-In restaurant to be placed in the front portion of an existing shopping center parking lot, which currently provides two stores, a Shoppers grocery store and an Ollie's outlet. The major issue with regard to this request, from a traffic standpoint, is the amount of parking provided. Currently the site just meets its parking requirements for the size of the shopping center. However, as is the case with parking demands within shopping centers, it is heavily influenced by the exact type and/or brand of stores which exist.

The current demands placed on the parking lot with the current two stores is relatively low with generally a significant excess of empty parking spaces. While the request for a parking variance of 394 spaces in lieu of the required 500 spaces is significant, based on the existing utilization of the lot we would not find this request to be too concerning. Even if there were changes in use of the existing stores to ones which would tend to generate a higher demand, there would continue to be allowance for accommodating a significant parking demand increase even with the parking lot remaining after construction of a Sonic Drive-In.

Therefore, we do not have any significant concern with the level of relief being requested with this proposal. However, if there were any future intents to similarly remove other portions of the remaining parking lot to place another small use (bank branch, fast food, etc.) on it, we do feel that going much beyond a 20% reduction in the required parking demand for a shopping center in this area would present potential problems, even if not immediately. The overall parking utilization on the property would start to become heavily dependent upon the exact stores occupying retail space. Given that the County would have no future control over the exact stores occupying the space, the analysis of this request needs to be based on reasonable possibilities of future uses, not just an examination of the current situation. Obviously we do not want a situation being created where employees of these commercial enterprises would start being shifted by their employers out onto the adjoining public streets and neighborhoods.

Should you have any questions or wish to discuss this matter further, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

>>> People's Counsel 10/22/09 11:31 AM >>>
Mr. Weber,

Attached you will find the Petitions for Special Hearing and Variance in the above case. Please review and let our office know if there are any traffic concerns.

Thank you in advance.
Peter Max Zimmerman

Rebecca M. Wheatley
Legal Secretary
Office of the People's Counsel for Baltimore County
410-887-2188 Phone
410-823-4236 Fax

From: Dennis Kennedy
To: Wiley, Debra
Date: 12/10/2009 3:13 PM
Subject: item 2010-0116

Deb:

I look into this and discovered that the zoning office sent the item to us twice, and of course, I had two different answers. It's a good thing that they didn't send it to us a third or fourth time. Anyway, my October comment is only advisory and does not affect any of the petitioner's requests. And the November one actually said that we had no comment, so, in a way, both sets of comments are good. But please just ask Bill to read the October comment so that the petitioner is made aware of the sewer situation. Thanks and sorry for the confusion.

Dennis Kennedy

BW 12/16
10AM

November 11, 2009

Honorable William J. Wiseman, III
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

NOV 24 2009

ZONING COMMISSIONER

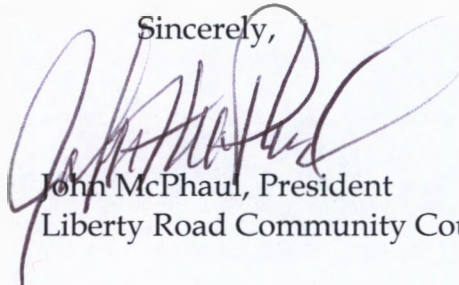
**Re: Macro Holdings, LLC/8212 Liberty Road
Case No.: 2010-0116-SPHA**

Dear Commissioner Wiseman:

This letter serves as support for the above referenced development on behalf of the Liberty Road Community Council. The Council has reviewed the proposed development and met with the applicant and believe the proposed operation will be an asset to our community as an enhancement of both the developed site and the remainder of the overall center.

This type of revitalization is encouraged by our Council along Liberty Road and as such, we ask that you consider approval of the proposed Sonic operation.

Sincerely,



John McPhaul, President
Liberty Road Community Council

CC: David Green, Office of Planning
David Crocetti, Macro Holdings, LLC
Sean Martin, Macro Holdings, LLC
Joe Ucciferro, Bohler Engineering, P.C.
Sebastian A. Cross, Esquire
David K. Gildea, Esquire

CASE NAME 8212 Liberty Rd.
CASE NUMBER 2010-016-SPHKA
DATE 12-16-09

[illegible]

CASE NAME 8212 Liberty Rd.
CASE NUMBER 2010-0116-SPTXK
DATE 12-16-09

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 02 **Account Number -** 1600006187

Owner Information

Owner Name: BEATY ANNA B BEATY RAYMOND
 MICKIEWICZ JACQUELINE ANNE TR, ETAL
Use: COMMERCIAL
Mailing Address: 2738 OLD FERRY CONNECTION
 SUPPLY NC 28462-2297
Principal Residence: NO
Deed Reference: 1) /23092/ 20
 2)

Location & Structure Information

Premises Address
 8212 LIBERTY RD
 BALTIMORE MD 21244-3035
Legal Description
 6.6295 AC NES
 LIBERTY RD
 NW COR MARRIOTT'S LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
77	23	407						1	Plat Ref:

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1972	94,851 SF	6.63 AC	06

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2007	Phase-in Assessments As Of 07/01/2009	As Of 07/01/2010
Land	1,026,000	1,026,000		
Improvements:	3,064,100	3,064,100		
Total:	4,090,100	4,090,100	4,090,100	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BEATY ANNA B BEATY RAYMOND	Date: 12/19/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /23092/ 20	Deed2:
Seller: BEATY PAUL C	Date: 06/09/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /20206/ 114	Deed2: /20206/ 107
Seller: LIBERTY MARRIOTT'S	Date: 06/09/2004	Price: \$0
Type: NOT ARMS-LENGTH	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

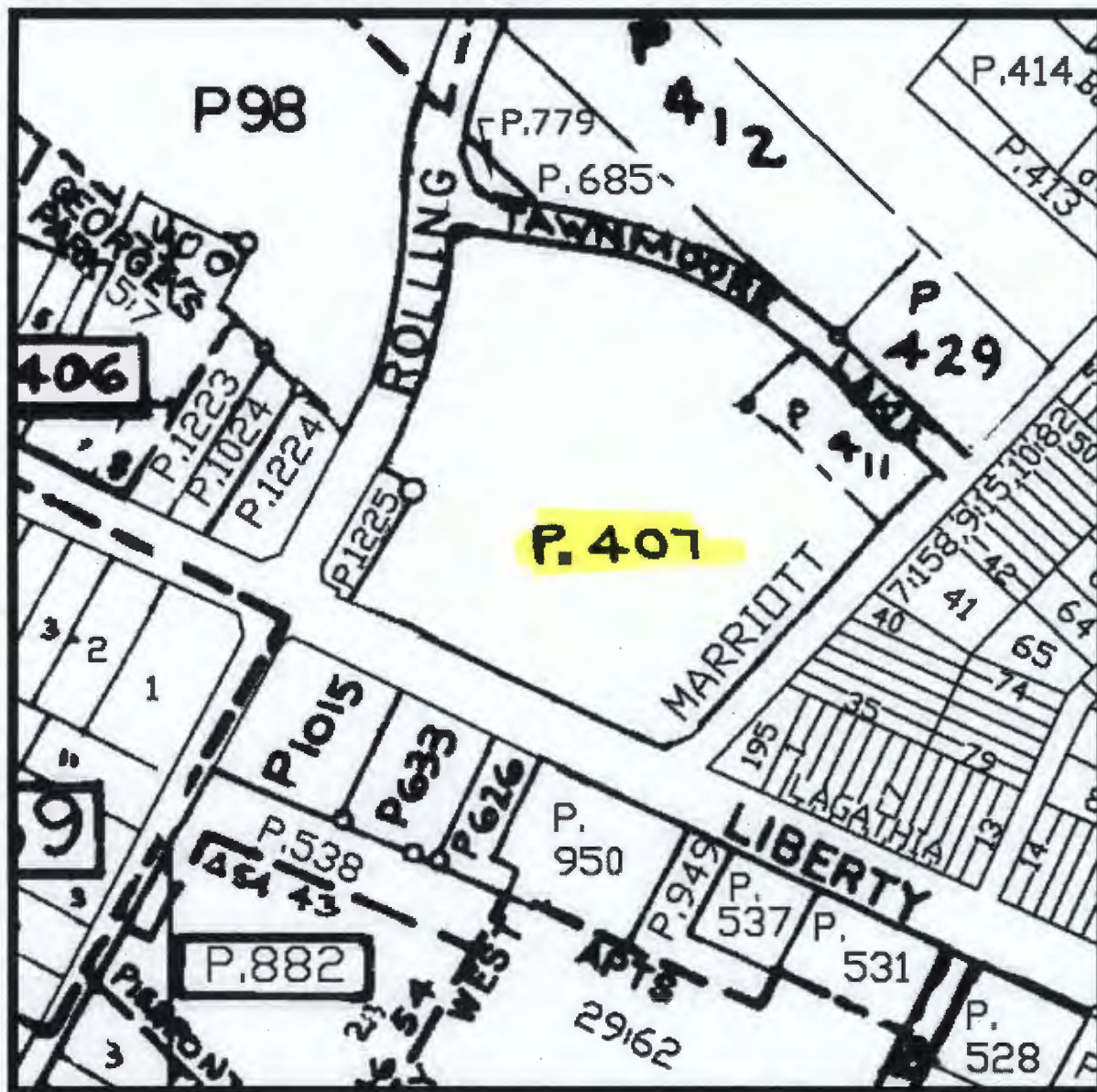
Special Tax Recapture:
 * NONE *



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

District - 02 Account Number - 1600006187



Property maps provided courtesy of the Maryland Department of Planning ©2008.
 For more information on electronic mapping applications, visit the Maryland Department of Planning
 web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

Case No.: 2010 - 0116 8212 Liberty RD

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	2 Page Site Plan	
No. 2	Aerial	
No. 3 A thru D.	Aerial of Site Photos + Commercial Corridor to I-695	
No. 4	ZONING MAP	
No. 5	CLOSE-UP SITE PLAN	
No. 6	Community Organization Community Council ^{SUPPORT} & BUSINESS ASSOC	
No. 7	Traffic Concepts INC PARKING STUDIES	
No. 8	Landscaping Agreement of Property owner	
No. 9 A+B	Landscape Plan increases impervious	
No. 10 2 Pages	Elevation Drawings	
No. 11		
No. 12		



PETITIONER' S

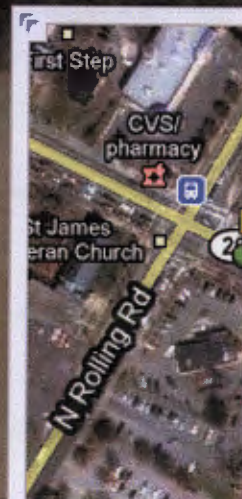
EXHIBIT NO.

3

Athru D









**LIBERTY ROAD
BUSINESS ASSOCIATION**

"In Business For Your Business"
P.O. Box 1417
Randallstown Maryland 21133
Tel: 410-655-7766 • Fax: 410-655-7767

BW 12/16
10am

November 11, 2009

Honorable William J. Wiseman, III
Zoning Commissioner
Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED

NOV 30 2009

**Re: Macro Holdings, LLC/8212 Liberty Road
Case No.: 2010-0116-SPHA**

ZONING COMMISSIONER

Dear Commissioner Wiseman:

This letter serves as support for the proposed development of a Sonic restaurant at 8212 Liberty Road. Our Association has met with the applicant and supports this improvement for the existing center and Liberty Road corridor. This type of investment along Liberty Road is desired by our Association and will enhance the surrounding neighborhood.

As such, this letter asks the proposed development to be approved as proposed.

Sincerely,

Denise Murphy
Executive Director
Liberty Road Business Association

CC: David Green, Office of Planning
David Crocetti, Macro Holdings, LLC
Sean Martin, Macro Holdings, LLC
Joe Ucciferro, Bohler Engineering, P.C.
Sebastian A. Cross, Esquire
David K. Gildea, Esquire

PETITIONER'S

E-mail: LRBA@verizon.net
Website: LRBA.biz

EXHIBIT NO.

6

TRAFFIC CONCEPTS, INC.

Traffic Impact Studies • Feasibility • Traffic Signal Design • Expert Testimony

October 23, 2009

Mr. Sean Martin
Mr. David Crocetti
Macro Holdings, LLC
802 Ingleside Avenue
Baltimore, MD 21228

RE: Proposed Sonic
Randallstown, MD
Existing Parking Study

Dear Mr. Martin & Mr. Crocetti:

As requested, Traffic Concepts, Inc. has conducted a parking survey of the existing shopping center located in the northeast quadrant of the intersection of MD 26 (Liberty Road) @ Rolling Road in Randallstown. The existing center consists of a Shopper's Food Warehouse and Ollie's Bargain Outlet store. Based on our field survey of the parking lot, there are currently 424 available parking spaces for the center. It is our understanding that the existing delivery area in the rear of the Ollie's store may be reconfigured to add employee parking spaces. However, the 424 available parking spaces assumed in our parking study do not include this proposed reconfiguration.

Our parking studies were conducted on Thursday, October 8, 2009 and Friday, October 9, 2009 from 11:00 AM to 2:00 PM and from 4:00 PM to 7:00 PM. We also conducted a parking study on Saturday, October 10, 2009. The majority of vehicles were parked in the areas very near the stores, and also to the right of the Shopper's Food Warehouse.

Assuming the existing 424 available parking spaces, the parking studies indicate that the highest use of all times studied was Saturday at 1:30 PM with 171 parked vehicles. This indicates that 40.33% of the existing parking was utilized, leaving 253 empty spaces during this peak time period.

PETITIONER' S

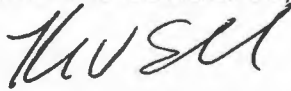
EXHIBIT NO. 7

Mr. Sean Martin
Mr. David Crocetti
October 23, 2009
Page -2-

We have attached copies of the parking study data for your use. If you have any questions or require additional information, please do not hesitate to contact our office at your convenience.

Sincerely,

TRAFFIC CONCEPTS, INC.

A handwritten signature in black ink, appearing to read "KWSchmid", written over the printed name.

By: Kenneth W. Schmid
KSchmid@traffic-concepts.com

Cc: Mr. Joe Ucciferro (Bohler Engineering)

PARKING LOT OCCUPANCY COUNT

PARKING LOT: SHOPPER'S/OLLIE'S LOT

COUNTY: BALTIMORE

COUNT BY: J. BRASHEARS

DATE: OCTOBER 8, 2009

WEATHER: CLEAR

DAY: THURSDAY

TIME	CARS IN LOT	% OF LOT FILLED (424 TOTAL SPACES)
11:00	128	30.19%
11:30	106	25.00%
12:00	109	25.71%
12:30	140	33.02%
1:00	120	28.30%
1:30	125	29.48%
2:00	130	30.66%
4:00	128	30.19%
4:30	139	32.78%
5:00	140	33.02%
5:30	146	34.43%
6:00	145	34.20%
6:30	154	36.32%
7:00	159	37.50%

TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE B
GAMBRILLS, MARYLAND 21054
(410) 923-7101 FAX (410) 923-6473
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

M:\2542

PARKING LOT OCCUPANCY COUNT

PARKING LOT: SHOPPER'S/OLLIE'S LOT

COUNTY: BALTIMORE

COUNT BY: K. BRASHEARS

DATE: OCTOBER 9, 2009

WEATHER: CLEAR

DAY: FRIDAY

TIME	CARS IN LOT	% OF LOT FILLED (424 TOTAL SPACES)
11:00	113	26.65%
11:30	133	31.37%
12:00	143	33.73%
12:30	166	39.15%
1:00	147	34.67%
1:30	152	35.85%
2:00	149	35.14%
4:00	136	32.08%
4:30	140	33.02%
5:00	130	30.66%
5:30	133	31.37%
6:00	136	32.08%
6:30	140	33.02%
7:00	130	30.66%

TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE B
GAMBRILLS, MARYLAND 21054
(410) 923-7101 FAX (410) 923-6473
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

M:\2542

PARKING LOT OCCUPANCY COUNT

PARKING LOT: SHOPPER'S/OLLIE'S LOT

COUNTY: BALTIMORE

COUNT BY: M. POWELL

DATE: OCTOBER 10, 2009

WEATHER: CLEAR

DAY: SATURDAY

TIME	CARS IN LOT	% OF LOT FILLED (424 TOTAL SPACES)
11:00	131	30.90%
11:30	159	37.50%
12:00	165	38.92%
12:30	162	38.21%
1:00	167	39.39%
1:30	171	40.33%
2:00	163	38.44%

TRAFFIC CONCEPTS, INC.
325 GAMBRILLS ROAD, SUITE B
GAMBRILLS, MARYLAND 21054
(410) 923-7101 FAX (410) 923-6473
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

M:\2542

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE K. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

November 12, 2009

Mr. David Green
Planner - 4th District
Baltimore County Office of Planning
105 West Chesapeake Avenue, Suite 101
Towson, MD 21204

Re: Macro Holdings, LLC/8212 Liberty Road
Case No.: 2010-0116-SPHA

PETITIONER'S

EXHIBIT NO. 8

Dear Mr. Green:

This letter serves to follow up on our November 5, 2009 meeting in your office regarding the above referenced project. At this meeting, your office requested particular improvements be made to the proposed development with emphasis placed upon "green" elements to the proposed pad-site and shopping center. As a result of these requests, and upon consultation with both our client and Bohler Engineering, the following improvements are proposed and demonstrated on the attached site plan. If these improvements satisfy your concerns, this enhanced site plan will be submitted at our zoning hearing with a request that any approval be conditioned on the terms outlined in this letter and demonstrated on the attached site plan.

This amended site plan provides proposed landscaping along the western boundary of the pad-site and Liberty Road frontage for the entire shopping center. Additionally, the entrance corridor will be enhanced with landscaping along the main access drive to establish an improved and consistent feel. This proposed landscaping will provide approximately 12% additional pervious surface to the disturbed area and will serve as a vast improvement to current site conditions. Additionally, roof top stormwater will be treated by underground rock trenches that will serve to reduce total runoff and increase infiltration and recharge. Providing these rock trenches was determined to be the best option for treating stormwater after considering other options including bio-retention, grass swale, sand filter and rain garden. It should be noted that these rock trenches are self sustaining and the proposed landscaping are all native species and therefore should thrive in the current environment.

Additionally, trash receptacles have also been provided on the plan to handle any debris from pedestrian foot traffic. We assume these site improvements satisfy the concerns

David Green
November 12, 2009
Page 2

expressed by your office and ask for confirmation of same by execution of this document where indicated below. Once returned to this office, we will submit this letter and attachments at the zoning hearing.

It was a pleasure working with you on our development proposal and remain open to any further suggestions/comments you may have. As always, I am

Very truly yours,



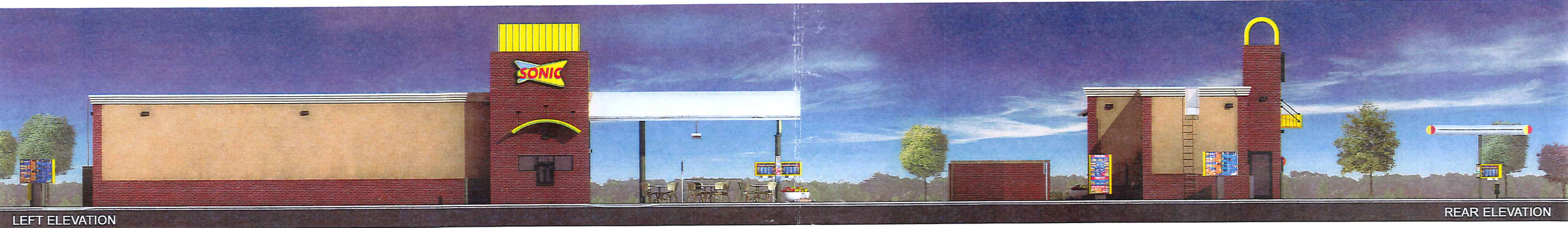
Sebastian A. Cross

SAC: jkl
Enclosure

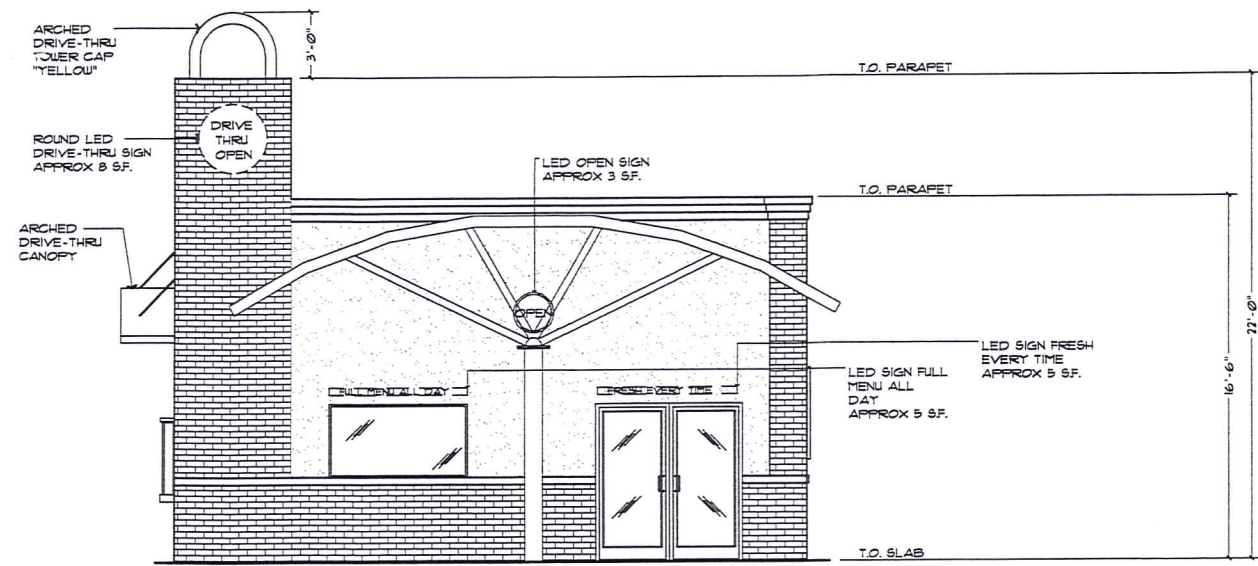
CC: David Crocetti, Macro Holdings, LLC
Sean Martin, Macro Holdings, LLC
Matt Allen, Bohler Engineering, P.C.
Joe Ucciferro, Bohler Engineering, P.C.
David K. Gildea, Esquire

AGREED & ACCEPTED

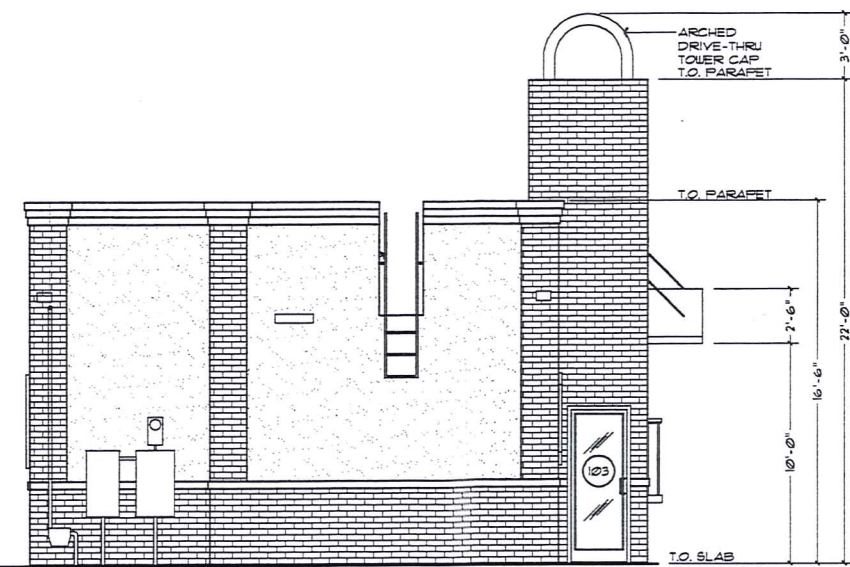
David Green
Planner - 4th District
Baltimore County Office of Planning



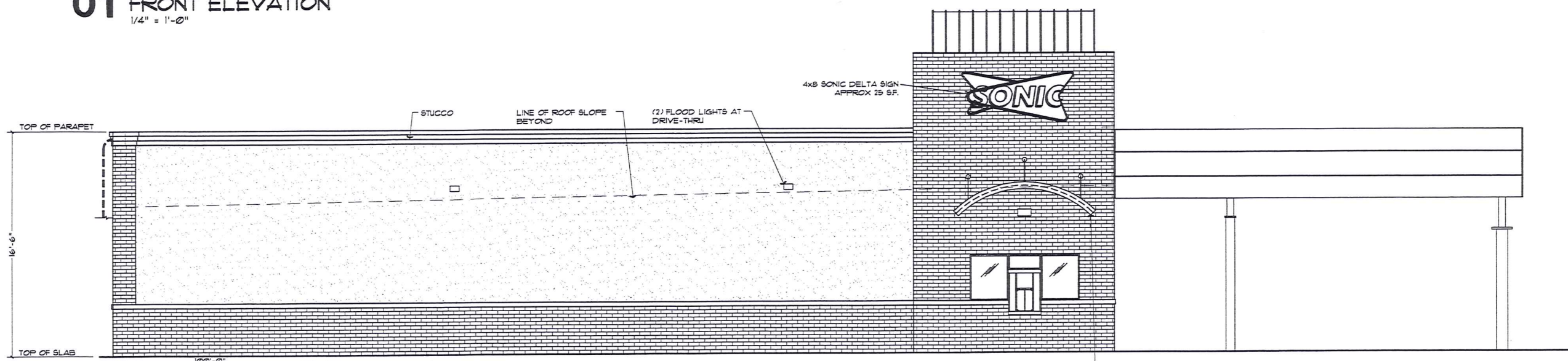
BUILDING ELEVATIONS FOR
RANDALLSTOWN, MD



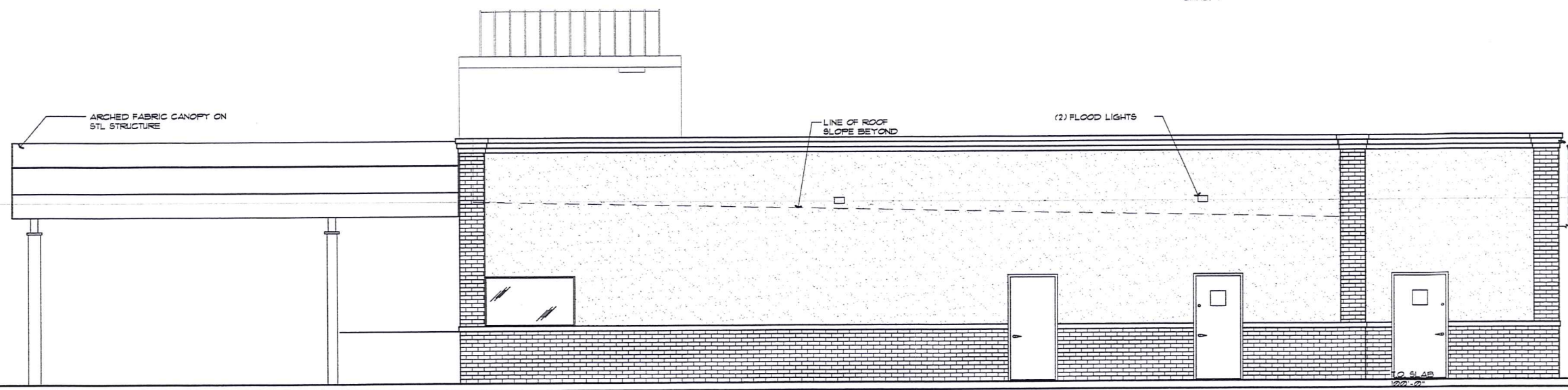
01 FRONT ELEVATION
1/4" = 1'-0"



02 REAR ELEVATION
1/4" = 1'-0"



03 LEFT ELEVATION
1/4" = 1'-0"



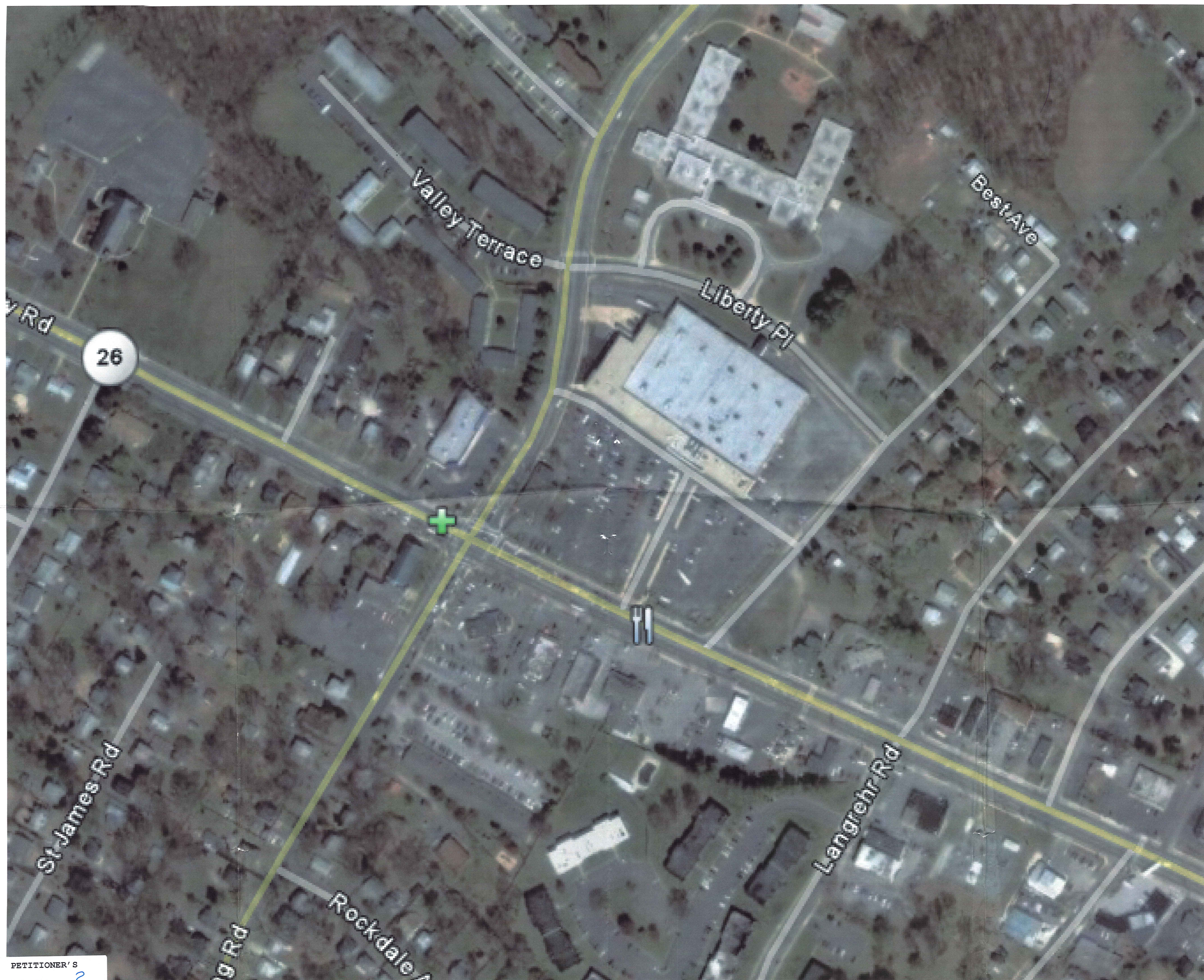
04 RIGHT ELEVATION
1/4" = 1'-0"

SONIC CORPORATION
3000 JOHNNY BENCH DR
OKLAHOMA CITY, OK 73164
OFFICE: 405-225-5000
FAX: 405-225-5931
COPYRIGHT 1980-2009 AMERICA'S DRIVE-IN CORP
THESE DRAWINGS ARE NOT TO BE USED FOR ANY PURPOSE
OTHER THAN THE SPECIFIC PROJECT AND LOCATION
CONSTRUCTION OF THE DRIVE-IN AT THE SPECIFIED LOCATION

SONIC DRIVE-IN
BUILDING TYPE:
LIBERTY RD-HD RTE. 26
BALTIMORE, MD
EXTERIOR ELEVATIONS

SHEET
A-2
DWG:
DATE
SEPTEMBER 30, 2009

NO	DATE	REVISIONS
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		





Plan Sheet: 077C3

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

077A2	077B2	077C2	078A2	078B2
077A3	077B3	077C3	078A3	078B3
087A1	087B1	087C1	088A1	088B1

Scale

1" = 200'

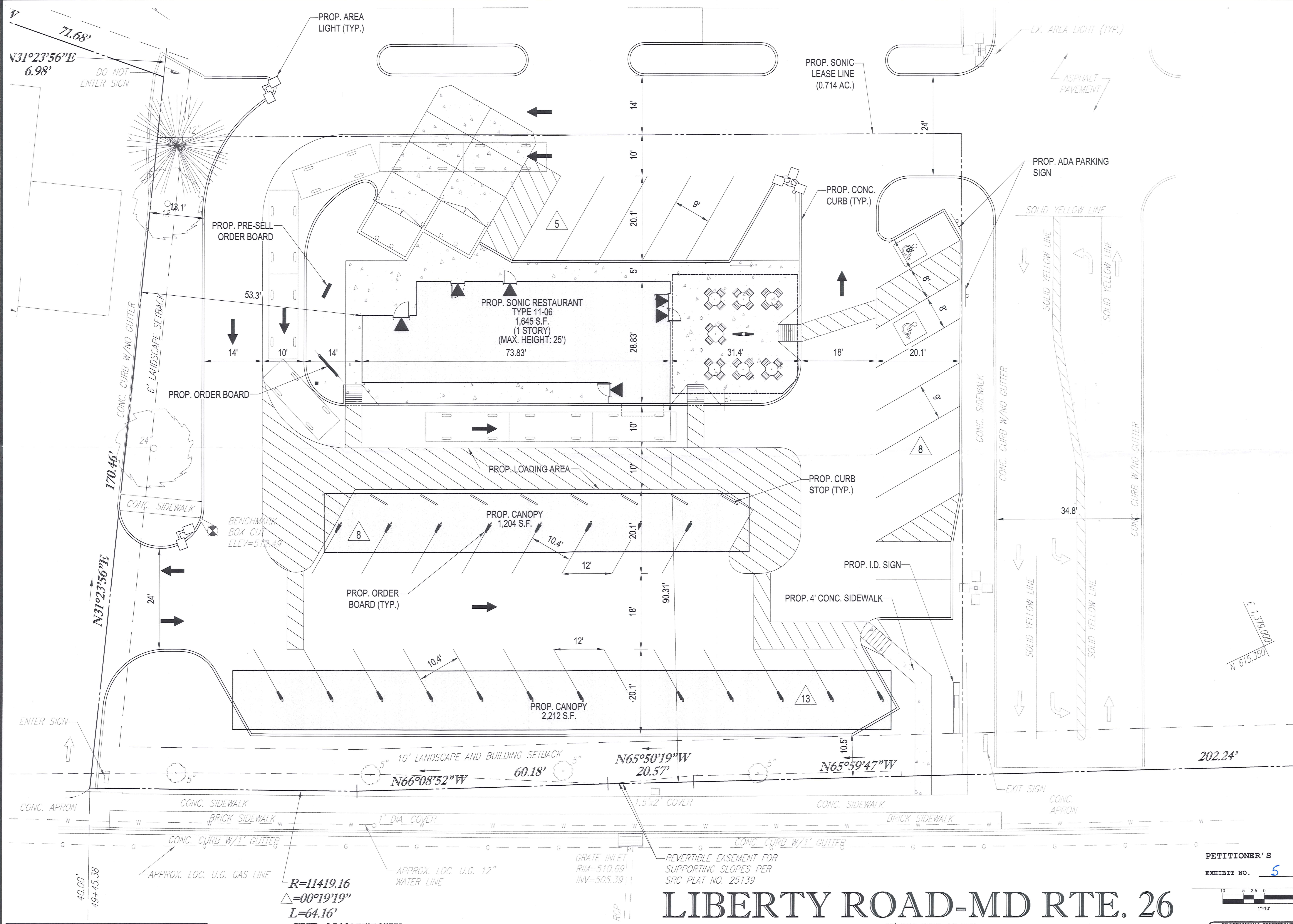
0 100 200 400
Feet



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

PETITIONER'S

EXHIBIT NO. 4



1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THE PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEPICTED BY THE DRAWINGS AND IN FULL COMPLIANCE WITH ALL APPLICABLE REGULATIONS AND ORDINANCES.

LIBERTY ROAD-MD RTE. 26

PETITIONER'S
EXHIBIT NO. **5**

10 5 2.5 0 10
1"=10'

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, 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. 36964 EXPIRATION DATE: 6/30/2010

BOHLER ENGINEERING
CORPORATE OFFICE:
♦ WARREN, NJ
OFFICES:
BOSTON, MA
CHICAGO, IL
DENVER, CO
FORT LAUDERDALE, FL
HARTFORD, CT
LOS ANGELES, CA
MIAMI, FL
NEW YORK, NY
PHILADELPHIA, PA
PORTLAND, ME
SAN FRANCISCO, CA
WASHINGTON, DC
WHITE PLAINS, NY
WILMINGTON, DE
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS			
REV	DATE	COMMENT	BY
1	10/07/09	REVISED LEASE AREA	TAR

THE FOLLOWING STATES REQUIRE NOTIFICATION BY ERI/AVIATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE 811) (MD: 1-800-246-6448) (PA: 1-800-443-1776) (VA: 1-800-552-7001) (DE: 1-800-257-7777) (DE: 1-800-282-2828)

NOT APPROVED FOR CONSTRUCTION
PROJECT No.: MD092011
DRAWN BY: RLB
CHECKED BY: CWA
DATE: 09/18/09
SCALE: 1"=20'
CAD I.D.: CCO

SITE PLAN
FOR
SONIC
8212 LIBERTY ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND 21244

BOHLER ENGINEERING
810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286
Phone: (410) 82-7900
Fax: (410) 82-7987
www.BohlerEngineering.com

J.J. UCCIFERRO
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 36964

SHEET TITLE:
PLAN TO ACCOMPANY PETITION FOR A SPECIAL EXCEPTION AND VARIANCE HEARING

SHEET NUMBER:
1
OF 2



SITE INFORMATION

- [illegible]

LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE 611) (WV 1-800-245-4848) (PA 1-800-242-1776) (VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8822)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD092011
DRAWN BY:	RLB
CHECKED BY:	CWA
DATE:	09/18/09
SCALE:	1"=20'
CAD I.D.:	CCO

PROJECT:

**SITE
PLAN**

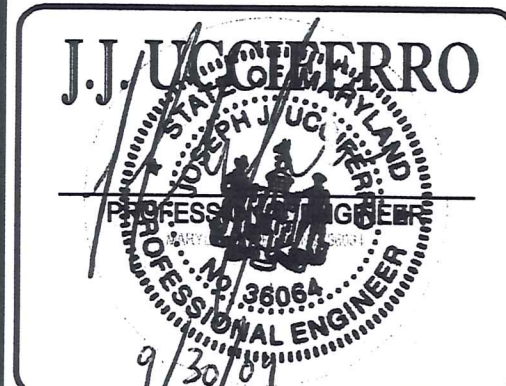
— FOR —

SONIC

8212 LIBERTY ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND 21244



**810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286**
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com



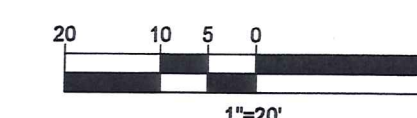
SHEET TITLE:
**PLAN TO ACCOMPANY
PETITION FOR A
SPECIAL EXCEPTION
AND VARIANCE
HEARING**

SHEET NUMBER: _____

1
OF 2

PETITIONER'S

EXHIBIT NO. 1



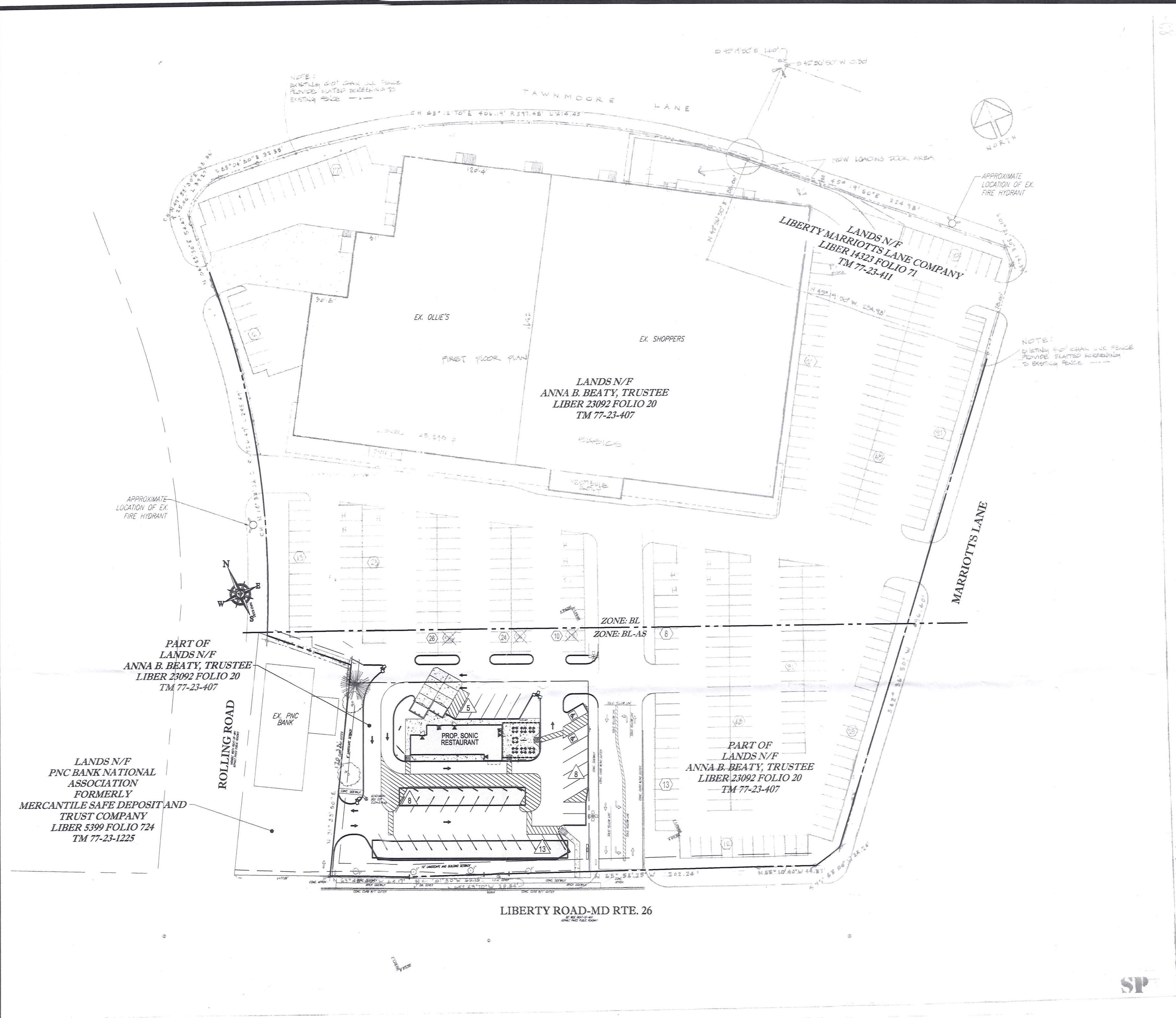
PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND, LICENSE NO. 380
EXPIRATION DATE: 6/28/2010

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

2010-0116-SPH

OF

OF

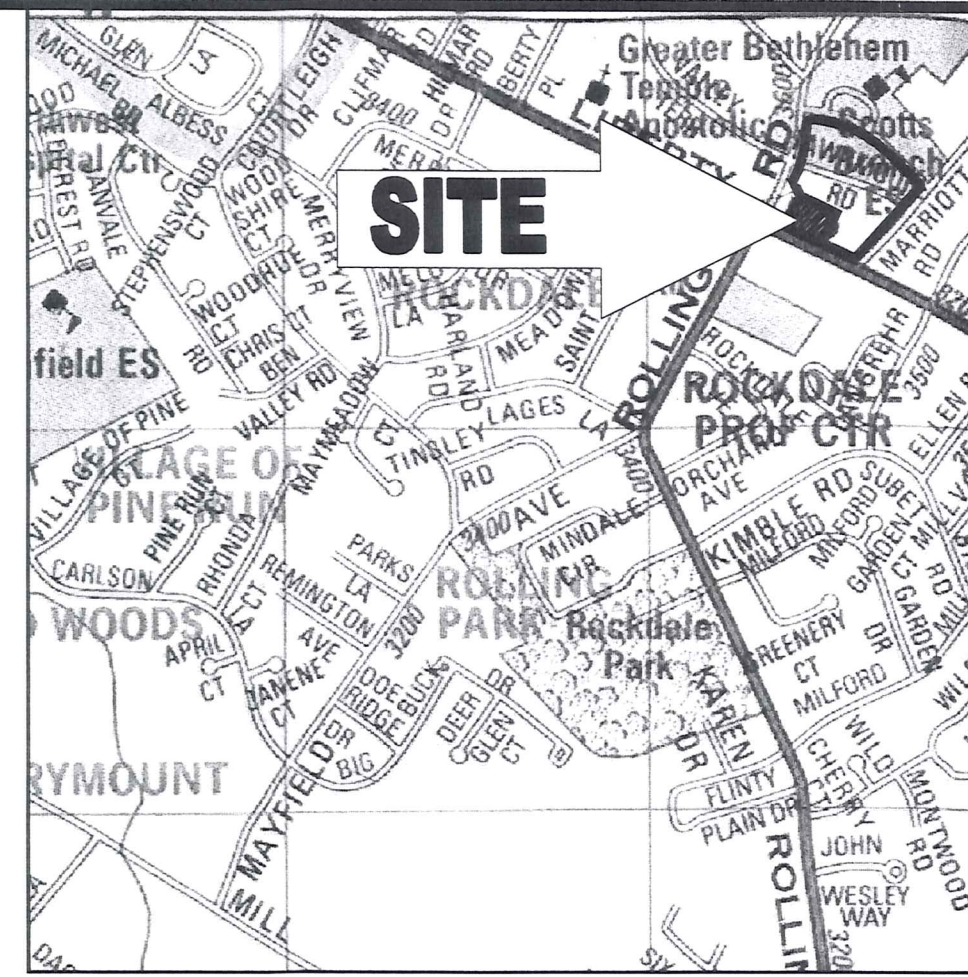


SITE INFORMATION

- THIS PLAN IS BASED ON THE FOLLOWING DOCUMENTS:
A TITLE SURVEY BY: BOHLER ENGINEERING
TITLE: PARTIAL BOUNDARY & TOPOGRAPHIC SURVEY, MACRO HOLDINGS, LLC.
PROJECT NO.: MD092011.SR
DATE: 08/28/09
A SITE PLAN BY: UNKNOWN
TITLE: ALTERATIONS TO LIONEL, 8212 LIBERTY RD, BALTIMORE COUNTY, MD, ELECTION DISTRICT NOW 3
LAST REVISED: 04/10/09
- SITE ADDRESS:
8212 LIBERTY ROAD
BALTIMORE, MARYLAND 21244
NW CORNER MARIOTT'S LANE
- SITE TABULATIONS:
PROP. SONIC LEASE AREA: 31,086 S.F. OR 0.714 AC.
PROP. REMAINING SHOPPING CENTER: 267,695 S.F. OR 6.116 AC.
TOTAL SITE AREA: 288,781 S.F. OR 6.630 AC.
- OWNER:
ANNA B. BEATY, TRUSTEE
2738 OLD FERRY CONNECTION
SUPPLY, NORTH CAROLINA 28462
- APPLICANT:
MACRO HOLDINGS, LLC
802 INGLESDALE AVENUE
BALTIMORE, MD 21228
- COUNTY INFORMATION
TAX MAP: 77
PARCEL: 407
CENSUS TRACT: 402307
WATERSHED: GWYNNS FALLS
WATER SERVICE AREA: PIKESVILLE FOURTH ZONE
SEWER: 84
TRANSPORTATION ZONE: 0630
COUNTY COUNCIL DISTRICT: 4
ELECTION DISTRICT: 2ND
PLANNING DISTRICT: 319
PLANNER: DAVID GREEN
- NEIGHBORHOOD: RANDALLSTOWN / ROCKDALE
- COMMUNITY ASSOCIATIONS
LIBERTY ROAD BUSINESS ASSOCIATION
LIBERTY ROAD COMMUNITY COUNCIL
ROCKDALE CIVIC AND COMMUNITY ASSOCIATION, INC.
- STATE LEGISLATIVE DISTRICT: 10TH
- TAX ACCOUNT NO.: 1600006187
- EXISTING USE: SHOPPING CENTER PARKING FIELD
PROPOSED USE: DRIVE-IN FAST FOOD RESTAURANT
- PREVIOUS ZONING CASES:
A. CASE NO.: 45-0600 PETITION FOR SPECIAL PERMIT FOR FUEL SERVICE STATION GRANTED BY ZONING COMMISSIONER 5/8/46
B. CASE NO.: 50-1847 PETITION FOR SPECIAL EXCEPTION TO PERMIT A DUPLEX DWELLING WITH A SETBACK OF 9.7 FT. FROM SIDE STREET IN LIEU OF THE REQUIRED 15 FT. AND A REAR YARD SETBACK OF 5 FT. IN LIEU OF THE REQUIRED 15 FT. GRANTED BY ZONING COMMISSIONER 11/21/50
C. CASE NO.: 70-13 PETITION FOR A RECLASSIFICATION OF 1.956 AC FROM RA TO BL ZONE GRANTED BY ZONING COMMISSIONER 7/25/69, APPEALED AND BOA UPHELD DECISION 12/12/69
- ZONE: SPLIT ZONED
BL (BUSINESS LOCAL)
BL-AS (BUSINESS LOCAL AUTOMOTIVE SERVICE)
- THIS PLAN IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) PER PLAN FEMA MAP 2400100360F, DATED SEPTEMBER 28, 2008.
- THERE ARE NO WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A WATER, SEWER OR TRANSPORTATION DEFICIENT AREA PER THE 2008 BASIC SERVICES MAPS.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A HISTORIC DISTRICT.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE LIBERTY ROAD REVITALIZATION PLAN AREA.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE METROPOLITAN DISTRICT.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE URBAN RENEWAL DEMARCATION LINE.
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE DESIGN REVIEW PANEL AREA.
- LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.
- LIGHTING ON THE SPECIAL EXCEPTION SITE WILL BE PROVIDED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL HANDICAP SPACES ARE IN CONFORMANCE WITH THE ADA CODE OF MARYLAND REGULATIONS 05.01.07.
- PREVIOUS COMMERCIAL PERMITS:
A. B681676
B. B688768
C. B690797
- BUILDING AREA:
EXISTING: 93,400 S.F.
PROPOSED: 1,845 S.F.
TOTAL: 95,045 S.F.
- SETBACKS: (FOR SONIC LEASE AREA ONLY)
BUILDING: REQUIRED PROVIDED
NORTH: N/A N/A
SOUTH: 10' 90.31'
EAST: N/A N/A
WEST: 0' 53.30'
- LANDSCAPING:
NORTH: N/A N/A
SOUTH: 10' 10.00"
EAST: N/A N/A
WEST: 6' 12.63"
- * LANDSCAPING SETBACKS LISTED IN NOTES ARE TO BACK OF CURB DIMENSIONS SHOWN ON PLAN ARE TO FACE OF CURB.
- PARKING:
REQUIRED:
SHOPPING CENTER: 1/200 S.F. = 467 SPACES
DRIVE-IN RESTAURANT: 20/1,000 S.F. = 33 SPACES
TOTAL REQUIRED: 500 SPACES
PROPOSED:
EXISTING PARKING: 470 SPACES
EXISTING PARKING REMOVED: 110 SPACES
PROPOSED PARKING FOR SONIC: 34 SPACES
TOTAL PROPOSED: 394 SPACES
- FLOOR AREA RATIO:
MAX ALLOWABLE FOR SHOPPING CENTER: 3.0
PROPOSED:
EXISTING SHOPPING CENTER: 93,400 S.F.
PROPOSED SONIC: 1,845 S.F.
TOTAL: 95,045 S.F.
TOTAL FLOOR AREA 95,045 S.F. / TOTAL SITE AREA 288,781 = 0.329
- SITE IS SERVED BY PUBLIC WATER AND SEWER.

RELIEF REQUESTED:

- TO APPROVE A DRIVE-IN RESTAURANT IN ACCORDANCE WITH B.C.Z.R. SECTION 230.3.
- IN THE ALTERNATIVE PETITION FOR VARIANCE, TO APPROVE A MODIFIED PARKING PLAN PURSUANT TO B.C.Z.R. SECTION 409.12.B.
- IN THE ALTERNATIVE TO THE PETITION FOR SPECIAL HEARING, TO PERMIT 394 PARKING SPACES IN LIEU OF THE REQUIRED 500 PURSUANT TO B.C.Z.R. SECTION 409.6.A.2.
- FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ZONING COMMISSIONER.



LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=1000'

BOHLER ENGINEERING

CORPORATE OFFICE:
WARREN, NJ

OFFICES:
SOUTH BRIDGE, MA
BOWEN, MD
STERLING, VA
WILMINGTON, DE
ROCKFORD, IL
CENTRAL VALLEY, PA
PHILADELPHIA, PA

PROJ. MGRS:
MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

CIVIL & CONSULTING ENGINEERS
SURVEYORS

REVISIONS			
REV	DATE	COMMENT	BY

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE, ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE 811) (WV 1-800-346-4448) (PA 1-800-346-1775) (VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-382-8555)

NOT APPROVED FOR CONSTRUCTION

PROJECT NO.: MD092011
DRAWN BY: RLB
CHECKED BY: CWA
DATE: 09/18/09
SCALE: 1"=20'
CAD I.D.: CCC

OVERALL SITE PLAN
FOR
SONIC

8212 LIBERTY ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND 21244

BOHLER ENGINEERING

810 GLENEAGLES COURT, SUITE 300
TOWSON, MARYLAND 21286
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com

J.J. UCCIFERRO

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 15014

SHEET TITLE:
PLAN TO ACCOMPANY
PETITION FOR A
SPECIAL EXCEPTION
AND VARIANCE
HEARING

SHEET NUMBER:
2
OF 2

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, 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. 38864, EXPIRATION DATE: 6/30/2010

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK. PRIOR TO THE INITIATION OF CONSTRUCTION, THE CONTRACTOR SHALL CONSULT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION, FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL, BUILDING AND CODES.



SONIC

8212 LIBERTY ROAD
 BOHLER ENGINEERING
 MD092011
 BALTIMORE, BALTIMORE COUNTY

11-04-2009
 1" = 40'
 MARYLAND

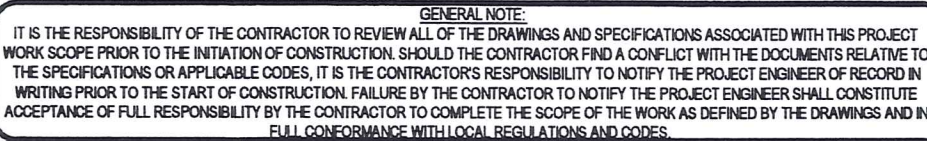


NORTH

SONIC

8212 LIBERTY ROAD
 BOHLER ENGINEERING
 MD092011
 BALTIMORE, BALTIMORE COUNTY

11-04-2009
 1" = 40'
 MARYLAND



THIS PLAN IS BASED ON THE FOLLOWING DOCUMENTS:

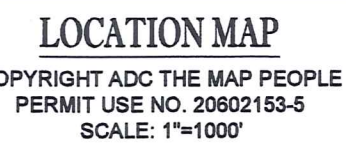
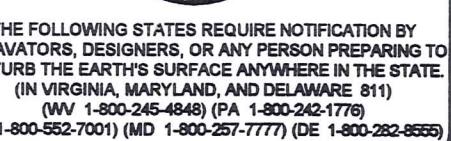
A TITLE SURVEY BY: BOHLER ENGINEERING
 TITLE: PARTIAL BOUNDARY & TOPOGRAPHIC SURVEY, MACRO HOLDINGS, LLC.
 PROJECT NO.: MD092011.SR
 DATE: 08/26/09

A SITE PLAN BY: UNKNOWN
 TITLE: ALTERATIONS TO LIONEL, 8212 LIBERTY RD, BALTIMORE COUNTY, MD, ELECTION DISTRICT NO# 3
 LAST REVISED: 04/10/89

- SITE ADDRESS:
 8212 LIBERTY ROAD
 BALTIMORE, MARYLAND 21244
 NW CORNER MARRIOTT'S LANE
- SITE TABULATIONS:
 PROP. SONIC LEASE AREA: 36,528 S.F. OR 0.839 AC.
 PROP. REMAINING SHOPPING CENTER: 282,263 S.F. OR 5.791 AC.
 TOTAL SITE AREA: 288,781 S.F. OR 6.630 AC.
- OWNER:
 ANNA B. BEATY, TRUSTEE
 2738 OLD FERRY CONNECTION
 SUPPLY, NORTH CAROLINA 28462
- APPLICANT:
 MACRO HOLDINGS, LLC
 802 INGLESDALE AVENUE
 BALTIMORE, MD 21228
- COUNTY INFORMATION
 TAX MAP: 77
 PARCEL: 407
 CENSUS TRACT: 402307
 WATERSHED: GWYNNNS FALLS
 WATER SERVICE AREA: PIKESVILLE FOURTH ZONE
 SEWERAGE: 84
 TRANSPORTATION ZONE: 0830
 COUNTY COUNCIL DISTRICT: 4
 ELECTION DISTRICT: 2ND
 PLANNING DISTRICT: 319
 PLANNER: DAVID GREEN
- NEIGHBORHOOD: RANDALLSTOWN / ROCKDALE
- COMMUNITY ASSOCIATIONS
 LIBERTY ROAD BUSINESS ASSOCIATION
 LIBERTY ROAD COMMUNITY COUNCIL
 ROCKDALE CIVIC AND COMMUNITY ASSOCIATION, INC.
- STATE LEGISLATIVE DISTRICT: 10TH
- TAX ACCOUNT NO.: 1800008187
- EXISTING USE: SHOPPING CENTER PARKING FIELD
 PROPOSED USE: DRIVE-IN FAST FOOD RESTAURANT
- PREVIOUS ZONING CASES:
 A. CASE NO.: 48-0600
 PETITION FOR SPECIAL PERMIT FOR FUEL SERVICE STATION GRANTED BY ZONING COMMISSIONER 5/8/46
 B. CASE NO.: 50-1847
 PETITION FOR SPECIAL EXCEPTION TO PERMIT A DUPLEX DWELLING WITH A SETBACK OF 8.7 FT. FROM SIDE STREET IN LIEU OF THE REQUIRED 15 FT. AND A REAR YARD SETBACK OF 5 FT. IN LIEU OF THE REQUIRED 15 FT. GRANTED BY ZONING COMMISSIONER 11/21/50
 C. CASE NO.: 70-13
 PETITION FOR A RECLASSIFICATION OF 1.958 AC FROM RA TO BL ZONE GRANTED BY ZONING COMMISSIONER 7/25/66, APPEALED AND BOA UPHOLDED DECISION 12/12/69
- ZONE: SPLIT ZONED
 BL (BUSINESS LOCAL)
 BL-AS (BUSINESS LOCAL AUTOMOTIVE SERVICE)
- THIS PLAN IS LOCATED IN ZONE X (AREAS OF MINIMAL FLOODING) PER PLAN FEMA MAP 2400100380F, DATED SEPTEMBER 26, 2008.
- THERE ARE NO WETLANDS LOCATED WITHIN THE SITE BOUNDARY.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A WATER, SEWER OR TRANSPORTATION DEFICIENT AREA PER THE 2008 BASIC SERVICES MAPS.
- THE SUBJECT SITE IS NOT LOCATED WITHIN A HISTORIC DISTRICT.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE LIBERTY ROAD REVITALIZATION PLAN AREA.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE METROPOLITAN DISTRICT.
- THE SUBJECT PARCEL IS LOCATED WITHIN THE URBAN RENEWAL DEMARCATION LINE.
- THE SUBJECT SITE IS NOT LOCATED WITHIN THE DESIGN REVIEW PANEL AREA.
- LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.
- LIGHTING ON THE SPECIAL EXCEPTION SITE WILL BE PROVIDED TO REFLECT LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- ALL HANDICAP SPACES ARE IN CONFORMANCE WITH THE ADA CODE OF MARYLAND REGULATIONS 05.01.07.
- PREVIOUS COMMERCIAL PERMITS:
 A. B681675
 B. B686768
 C. B680797
- BUILDING AREA:
 EXISTING: 93,400 S.F.
 PROPOSED: 1,845 S.F.
 TOTAL: 95,045 S.F.
- SETBACKS: (FOR SONIC LEASE AREA ONLY)

BUILDING:	REQUIRED	PROVIDED
NORTH	N/A	N/A
SOUTH	10'	90.31'
EAST	N/A	N/A
WEST	0'	53.30'

LANDSCAPING:	N/A	N/A
NORTH	N/A	N/A
SOUTH	10'	10.00"
EAST	N/A	110 SPACES
WEST	6'	34 SPACES
	12.83"	
- * LANDSCAPING SETBACKS LISTED IN NOTES ARE TO BACK OF CURB DIMENSIONS SHOWN ON PLAN AREA TO FACE OF CURB.
- PARKING:
 REQUIRED:
 SHOPPING CENTER: 1/200 S.F. = 467 SPACES
 DRIVE-IN RESTAURANT: 201,000 S.F. = 33 SPACES
 TOTAL REQUIRED: 500 SPACES
 PROPOSED:
 EXISTING PARKING: 470 SPACES
 EXISTING PARKING REMOVED: 110 SPACES
 PROPOSED PARKING FOR SONIC: 34 SPACES
 TOTAL PROPOSED: 394 SPACES
- FLOOR AREA RATIO:
 MAX ALLOWABLE FOR SHOPPING CENTER: 3.0
 PROPOSED:
 EXISTING SHOPPING CENTER: 93,400 S.F.
 PROPOSED SONIC: 1,845 S.F.
 TOTAL: 95,045 S.F.
 TOTAL FLOOR AREA 95,045 S.F. / TOTAL SITE AREA 288,781 = 0.329
- SITE IS SERVED BY PUBLIC WATER AND SEWER.

[illegible]

PROJECT No.:	MD092011
DRAWN BY:	RLB
CHECKED BY:	CWA
DATE:	09/18/09
SCALE:	1"=20'
AD I.D.:	CC0

8212 LIBERTY ROAD
BALTIMORE COUNTY
BALTIMORE, MARYLAND 21244



SHEET NUMBER: 2 OF 2

PROFESSIONAL CERTIFICATION
I, JOSEPH J. UCCIFERRO, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT
AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND, LICENSE NO. 38064,
EXPIRATION DATE: 6/25/2010

2016-0116-SPHA