

**IN RE: DEVELOPMENT PLAN HEARING
& PETITION FOR SPECIAL HEARING**

NE corner of York Road and
Halesworth Road
8th Election District
3rd Councilmanic District
(10111, 10125 and 10131 York Road
and 10 Halesworth Road)

**Anderson Automotive, Inc. and
Anderson Motors, LLC by
Bruce Mortimer**
Applicant/Developer

* BEFORE THE
* HEARING OFFICER
* FOR
* BALTIMORE COUNTY
*

* HOH Case No. 08-848 (formerly
* VIII-796 and VIII-848) and
* Zoning Case No. 2010-0161-SPH

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**HEARING OFFICER'S COMBINED ZONING RELIEF AND
DEVELOPMENT PLAN OPINION ORDER**

I. Introduction

This matter comes before this Deputy Zoning Commissioner/Hearing Officer for Baltimore County for a public hearing on a development proposal submitted in accordance with the development review and approval process contained in Article 32, Title 4, of the Baltimore County Code ("B.C.C.") and a related zoning Petition for Special Hearing. Anderson Automotive, Inc. and Anderson Motors, LLC, the developer of the subject property (hereinafter "the Developer"), submitted for approval a redlined Amended Development Plan prepared by Matis Warfield, Inc., known as the "ANDERSON GM - PDM #08-796 1ST MATERIAL AMENDMENT -AND- PLAN TO ACCOMPANY PETITION FOR SPECIAL HEARING / 1ST MATERIAL AMENDMENT TO THE DEVELOPMENT PLAN TO COMBINE PDM NOS. VIII-796 AND VIII-848" (hereinafter referred to as the "redlined Anderson GM PUD Development Plan" or the "Amended Development Plan") for property located at the northeast corner of York Road and Halesworth Road in the Cockeysville / Hunt Valley area of Baltimore

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County.

In the instant matter, the Developer proposes to amend and combine two previously approved Development Plans. The two plans involved are the "Anderson Hummer PUD-C" Development Plan and the "Anderson Honda PUD" Concept Plan. The Anderson Hummer PUD-C was built out and continues to operate, while the approved Anderson Honda PUD development was never constructed. The Developer now wishes to place the Honda dealership into the existing General Motors ("GM") dealership building located immediately north of the two PUD sites.¹ Correspondingly, the Developer is proposing to relocate the GM dealership to the existing Hummer building. In order to accommodate the influx of General Motors vehicles into the Hummer building (which would continue to sell Hummers and Saabs as well), a 19,824 square foot addition to the rear of the existing building will be constructed. The façade of the existing Hummer showroom will be modified to more clearly indicate that GM is the principal franchise operating out of this building. Additional changes being proposed for the subject property include, among other things, an expansion of the inventory storage / automobile storage areas, to compensate for the area lost by the proposed addition, as well as additional landscaping. It should also be noted that a small portion of the 19,824 square foot addition is proposed to extend across the existing Anderson Hummer PUD-C boundary into the Anderson Honda PUD boundary. The previously approved 47,750 square foot building included in the area that was the subject of the Anderson Honda PUD would not be built out as part of this proposed development.

In order to facilitate the aforementioned material amendments and to make future references to the property and its attendant uses less cumbersome and confusing, the Developer is also requesting certain zoning relief and has filed a Special Hearing request pursuant to Section

¹ The existing GM dealership at 10139 York Road is not the subject of the instant request for approval. It was originally reviewed and approved as a standard Development Plan (i.e. it was not reviewed as a PUD).

500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve the following:

- The amendment of the "Anderson Hummer PUD-C" Development Plan previously approved in Case No. VIII-796 by Deputy Zoning Commissioner John V. Murphy's Hearing Officer's Opinion and Development Plan Order dated October 31, 2003 and the "Anderson Honda PUD" Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner John V. Murphy's Hearing Officer's Review and Approval Order dated February 20, 2007 ("Prior PUD Approvals") in accordance with Section 430 of the B.C.Z.R. and Section 32-4-241, et seq. of the Baltimore County Code ("B.C.C."); and
- The consolidation of the prior PUD approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 in accordance with Section 430 of the B.C.Z.R. and Section 32-4-241, et seq. of the B.C.C.; and
- The material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VIII-848); and
- The consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. 08-848; and
- For such other and further relief as the Zoning Commissioner may require.

Details of the proposed development and the requested zoning relief are more fully depicted on the redlined "Anderson GM PUD" Development Plan that was accepted into evidence as Developer's Exhibit 1.²

The property was posted with the Notice of Hearing Officer's Hearing on December 15, 2009 for 20 working days prior to the hearing, in order to inform all interested citizens of the date and location of the hearing. In addition, notice of the zoning hearing was timely posted on the property on December 31, 2009 and was timely published in *The Jeffersonian* in accordance with the County Code.

² The Petition for Special Hearing specifically requests that the PDM files be consolidated into PDM No. VIII-848, while the Development Plan seems to be consolidating them into PDM No. VIII-796.

II. History of Property and Procedural Background

The aforementioned Hummer dealership portion of this matter was originally proposed as a Planned Unit Development – Commercial, or “PUD-C” in 2003 under Case No. VIII-796.³ At that time, the PUD-C plan processing mechanism was similar to the present development plan process. The PUD-C process was created by Bill No. 47-1994 and codified in Section 440 of the B.C.Z.R. It was the PUD process until 2005.

Pursuant to this process, a concept plan of the proposed development was prepared and a Concept Plan Conference (“CPC”) was held on March 31, 2003 at 11:00 AM in the County Office Building. As the name suggests, the concept plan is a schematic representation of the proposed development and was initially reviewed by representatives of the Developer and the reviewing County Agencies at the CPC. Thereafter, as was also required in the development review process, notice of a Community Input Meeting (“CIM”) was posted and scheduled during evening hours at a location near the proposed development. The CIM would provide residents of the area an opportunity to review and comment firsthand on the Concept Plan. In this case, the CIM was held on April 28, 2003 at 7:00 PM at the Cockeysville Public Library located at 9833 Greenside Drive, where representatives of the Developer and the County attended, as well as a number of interested persons from the community. Subsequently, a Development Plan was prepared based upon the comments received at the CPC and the CIM, and the Development Plan was submitted for further review at a Development Plan Conference (“DPC”). At the DPC, the Developer’s consultants and County agency representatives further reviewed and scrutinized the plan. The DPC occurred on October 8, 2003 at 9:00 AM. Thereafter, a Hearing Officer’s Hearing was held to consider this

³ For many years, the nomenclature for Development Plan Hearings used by the Department of Permits and Development Management (“PDM”) utilized “Roman Numerals” to identify the election district from which the proposal originated, followed by the more traditional “numbers” to designate the case numbers assigned by PDM. More recently, however, PDM has utilized numbers only; hence, the Case No. VIII-796 is now recognized as simply Case No. 08-796.

PUD-C proposal on October 30, 2003 in Room 106 of the County Office Building located at 111 West Chesapeake Avenue in Towson. As originally proposed in the PUD-C, the Developer sought to develop the property at 10125 York Road, zoned M.L.-I.M., into an 11,500 square foot automotive showroom and a demonstration area for Hummer vehicles. This PUD-C was approved by then-Deputy Zoning Commissioner John V. Murphy in a Hearing Officer's Opinion & Development Plan Order dated October 31, 2003 ("Hummer PUD-C").

Presently, the PUD process has changed several times since the Hummer PUD-C approval. In 2004, the PUD process was modified by Bill No. 19-2004. Thereafter, the County Council completely reworked the PUD process when it passed Bill No. 130-2005. Bill No. 130-2005 put in place what is, essentially, the current PUD mechanism. It involves passage of a County Council Resolution, submission of a concept plan, a CPC, a CIM, presentation of the plan to the Planning Board followed by a public hearing and vote, then Hearing Officer review and approval of the PUD Concept Plan.

In 2007, the Developer proposed a second PUD known as the Anderson Honda PUD on the same property as the subject property that is located at the northeast corner of York Road and Halesworth Road and extends around the Anderson Hummer PUD-C boundary. Previously, the Anderson Honda PUD site had been used as a fuel service and automotive repair station, and also was improved with a warehouse style building with an indoor sports facility, including miniature golf, video games, batting cages, etc. The Anderson Honda PUD called for development of the property into a 47,750 square foot showroom and service facility with associated parking, landscaping and circulation.

The Anderson Honda PUD first received authorization to proceed by County Council Resolution No. 64-2006. Following a CPC and CIM, the Office of Planning presented the PUD to

the Planning Board. Following a public hearing on January 18, 2007, the Planning Board approved the PUD Concept Plan. The matter came before then-Deputy Zoning Commissioner John V. Murphy for review in accordance with Section 32-4-246 of the B.C.C. In Case No. VIII-848, Mr. Murphy issued an Order dated February 20, 2007 approving the PUD Concept Plan.⁴

Presently, the Developer -- desiring to reconfigure its existing dealerships -- seeks to amend, among other things, the previously approved "Anderson Hummer PUD-C" Development Plan. The Development Plan amendment was initially proposed as a plan refinement (also known as a non-material amendment) and the request to proceed as a refinement was granted by the Director of PDM, Timothy M. Kotroco, on May 22, 2009 (following the Development Review Committee's ("DRC") review and determination that the refinement was suitable for a limited exemption under Sections 32-4-106(b)(2) and 32-4-162) of the B.C.C.⁵ That approval, however, was timely appealed by Eric Rockel, individually and as President of the Greater Timonium Community Council ("GTCC"), to the Baltimore County Board of Appeals in Case No. CBA-09-022. People's Counsel for Baltimore County, Peter Max Zimmerman, also entered his appearance thereafter. At that point, the Developer had to decide whether to proceed with the plan as a material amendment, subject to the full review process, or litigate the limited exemption (non-material amendment) approval that had been appealed.⁶ Having amicably worked with People's

⁴ Although approved, the Anderson Honda PUD was never built out and the site has remained largely unimproved. Subsequent to the Anderson Honda PUD's approval, Bill No. 55-2007 was passed. Bill No. 55-2007 retained the current PUD process created in Bill No. 130-2005, while adding some substantive elements.

⁵ Limited exemptions were also approved by the DRC/Director of PDM for the proposed amendments to the Anderson Honda PUD Concept Plan and existing GM Development Plan. The existing GM Development Plan, which is not included in the instant request for relief, continues to be processed as a refinement. The Developer is seeking approval of the amendment of the Anderson Honda PUD Concept Plan as part of this relief.

⁶ Ms. Demilio, Deputy People's Counsel, requested that the record reflect that the Developer's current proposal was originally processed as a request for "refinement" of the previously approved "Anderson Hummer PUD-C" Development Plan and "Anderson Honda PUD" Concept Plan and that it was only after Mr. Rockel and her Office's intervention and appeal to the Board of Appeals that the Developer agreed to proceed by way of a request for material amendment, thus requiring a DPC and combined zoning and development approval. Ms. Demilio added that her Office's appeal was principally concerned with the process (i.e. she wanted the public to be afforded an opportunity to consider the proposal at a DPC and public hearing).

Counsel and Mr. Rockel regarding the substantive relief needed to approve the proposed development, and only differing initially as to the proper procedural mechanism, the Developer elected to proceed with the same proposed development, but as material amendment.⁷

III. Hearing Officer's Hearing on Amended Development Plan

The Developer simultaneously filed the Amended Development Plan and Plan to Accompany Petition for Special Hearing. The Developer has attended and participated in a DPC, which was held on December 23, 2009 at 9:00 AM in the County Office Building, and a combined Hearing Officer's Hearing to consider the requested zoning relief and Development Plan approval that took place on January 15, 2010 in Room 106 of the County Office Building located at 111 West Chesapeake Avenue. Section 32-4-230 of the B.C.C. allows the Developer to proceed with the hearings on the proposed Amended Development Plan and the request for zoning relief in one combined Zoning Commissioner's/Hearing Officer's Hearing.

Appearing at the requisite public hearing in support of the Amended Development Plan and request for zoning relief on behalf of both the Developer and the legal owners of 10131 York Road (BKL York I, LLC) and 10125 York Road (BKL York III, LLC) was Bruce Mortimer, Managing Member of those entities. Appearing on behalf of the legal owner of 10 Halesworth Road and 10111 York Road (the Estate of Julius and Tony W. Mandel) was Deborah C. Dopkin, Esquire.⁸ Jason T. Vettori, Esquire and David K. Gildea, Esquire, appeared as attorneys for the Developer. Also appearing in support of the Amended Development Plan and request for zoning relief was James E. Matis with Matis Warfield, Inc., the professional engineer who prepared the Amended Development Plan and the Plan to Accompany the Petition for Special Hearing. Carole

⁷ As indicated in the previous footnote, the amendment of the Anderson Honda PUD Concept Plan was packaged with the instant request for relief.

⁸ As part of the proposed development, it is understood that the Estate of Julius and Tony W. Mandel intends to sell the properties at 10 Halesworth Avenue and 10111 York Road to the Developer.

S. Demilio, Esquire, appeared on behalf of the Office of People's Counsel, and Eric Rockel appeared as an interested citizen and in his capacity as President of the GTCC. Jim Rogers, Sr., of 10102 Daventry Drive (located in the Monterey Improvement Association residential neighborhood adjacent to the subject properties), also appeared as an interested citizen, as did Chris Harvey, Secretary to the Monterey Improvement Association.

Numerous representatives of the various Baltimore County agencies, who reviewed the Amended Development Plan and zoning Petition, also attended the hearing, including the following individuals from the Department of Permits and Development Management: Colleen Kelly (Project Manager), Geoff Rice (Development Plans Review), Joe Merrey (Office of Zoning Review), and Ron Goodwin (Bureau of Land Acquisition). Also appearing on behalf of the County were David Lykens from the Department of Environmental Protection and Resource Management ("DEPRM"); and Curtis Murray from the Office of Planning. As there was no Open Space requirement for this proposal, no appearances were made from the Department of Recreation and Parks. In addition, written comments were received from the Baltimore County Fire Marshal's Office and the Maryland State Highway Administration. These and other agency remarks are contained within the case file.

It should be noted at this juncture that the role of the reviewing County agencies in the development review and approval process is to perform an independent and thorough review of the Development Plan as it pertains to their specific areas of concern and expertise. The agencies specifically comment on whether the plan complies with all applicable Federal, State, and/or County laws, policies, rules and regulations pertaining to development and related issues. In addition, these agencies carry out this role throughout the entire development plan review and approval process, which includes providing input to the Hearing Officer either in writing or in

person at the hearing. It should also be noted that continued review of the plan is undertaken after the Hearing Officer's Hearing during the Phase II review of the project. This continues until a plat is recorded in the Land Records of Baltimore County and permits are issued for construction.

Pursuant to Sections 32-4-227 and 32-4-228 of the B.C.C., which regulate the conduct of the Hearing Officer's Hearing, I am required first to identify any unresolved comments or issues as of the date of the hearing. Upon inquiry of the Developer's attorney, Mr. Vettori, he indicated it was his understanding that all agency comments had been addressed on the redlined Amended Development Plan. Mr. Vettori also reiterated that a related request for special hearing had been filed pertaining to portions of the proposed development as well as existing conditions. Mr. Vettori indicated the reasons in support of this request would be expounded on during a proffer of testimony and evidence, and Mr. Matis' presentation of the plan.

I then asked the particular agencies to state whether they had any outstanding issues. I have summarized their responses below:

Recreation and Parks: Colleen Kelly appeared on behalf of Bruce Gill from the Department of Recreation and Parks and indicated that the project is not subject to the Adequate Public Facilities Act, Bill No. 110-1999, hence no required Open Space areas were delineated on the plan. Therefore, Recreation and Parks offered no recommendations or comments concerning the redlined Amended Development Plan.

Planning Office: Curtis Murray appeared on behalf of the Office of Planning. Mr. Murray indicated that his department recommended approval of the redlined Amended Development Plan. He added that he has met with the Developer regarding his department's request that vehicles not be parked in the right-of-way in front of the structure. He marked the area on the redlined Amended Development Plan that was entered into evidence.

Development Plans Review (Public Works): Geoff Rice appeared on behalf of the Bureau of Development Plans Review. Mr. Rice confirmed that the Developer's plan met all of his department's requirements and comments, and that his department recommended approval of the redlined Amended Development Plan.

DEPRM: David Lykens appeared on behalf of DEPRM. Mr. Lykens confirmed that the Developer's plan met all of his department's requirements and comments, and that his department recommended approval of the redlined Amended Development Plan.

Office of Zoning Review: Joe Merrey appeared on behalf of the Office of Zoning Review. Mr. Merrey indicated that his office had no outstanding issues with the plan and that, subject to approval of the related special hearing requests, his department recommended approval of the redlined Amended Development Plan.

Land Acquisition: Ron Goodwin appeared on behalf of the Bureau of Land Acquisition. Mr. Goodwin indicated that there was no land dedication associated with this plan so there were no outstanding issues from his agency and recommended approval of the plan, provided drainage and utility easements were provided.

The Baltimore County Code clearly provides that the "Hearing Officer shall grant approval of a development plan that complies with these development regulations and applicable policies, rules and regulations." See, Section 32-4-229 of the B.C.C. After due consideration of the testimony and evidence presented by the Developer, the exhibits offered at the hearing, and confirmation from the various County agencies that the development plan satisfies those agencies' requirements, I find that the Developer has satisfied its burden of proof and, therefore, is entitled to approval of the Redlined 1st Amended Material Amendment to the Development Plan.

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IV. Zoning Commissioner's Hearing on Petition for Special Hearing

The Developer has also requested certain zoning relief. Zoning relief is typically sought to modify development and zoning regulations as well as uses. The PUD process already affords the Developer this opportunity; however, in the instant matter, special hearing relief is necessary due to the absence of a legislatively created amendment process for PUDs to materially amend and consolidate the instant approvals and their corresponding development plans.⁹ The special hearing, as previously indicated, is requested to amend the prior Hummer and Honda PUD approvals, the corresponding Development and Concept Plans, respectively, and to combine both the amended PUD approvals and amended Development Plans in accordance with the current PUD and development plan process, pursuant to Section 430 of the B.C.Z.R. and Section 32-4-241, et. seq. of the B.C.C.

A. Material Amendment of PUD Approval Standard of Review

Pursuant to Section 500.7 of the B.C.Z.R., the Zoning Commissioner "shall have the authority to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations ..." In the instant matter, the Zoning Commissioner may approve the special hearing relief requested including, but not limited to a material amendment to a PUD approval if he makes the following findings:

- (1) The proposed development meets the intent, purpose, conditions, and standards of BCC § 32-4-245;
- (2) The proposed development will conform with Section 502.1.A, B, C, D, E and F of the Baltimore County Zoning Regulations and will constitute a good design, use, and layout of the proposed site;
- (3) There is a reasonable expectation that the proposed development, including development schedules contained in

⁹ It should be noted that the limited exemption for the Anderson Honda PUD Concept Plan was not appealed. The Developer, nonetheless, has submitted same for Hearing Officer/Zoning Commissioner approval.

the concept plan, will be developed to the full extent of the plan;

- (4) Subject to the provisions of § 32-4-242(c)(2), the development is in compliance with Section 430 of the Baltimore County Zoning Regulations; and
- (5) The plan is in conformance with the goals, objectives, and recommendations of the Master Plan or area plans.

With respect to each of these findings, it is instructive that all of the County agencies referenced herein not only reviewed the Amended Development Plan and offered DPC Comments supporting the proposal, but they also offered Zoning Advisory Committee ("ZAC") comments that were nearly identical to their DPC Comments. With regard to the required findings, the Developer adopted and incorporated the findings made in the prior PUD approvals, as more fully set forth in the prior PUD approval Pattern Books. The Consolidated and Supplemental PUD Pattern Book dated November 17, 2009 that was marked and accepted into evidence as Developer's Exhibit 3 gives a detailed accounting of how the proposal meets the PUD criteria.

B. Modification of Standards and Compliance with Section 32-4-245 of the B.C.C.

There was ample testimony and evidence to support the finding that the PUD meets the intent, purpose, conditions, and standards of Section 32-4-245 of the B.C.C. The proposal abides by the height, area, setbacks, parking, open space and other zoning and development requirements of the underlying zones, as evidenced by the B.C.Z.R. – PUD standards chart on the redlined Amended Development Plan. The only development standard Petitioner seeks to modify, as permitted by Section 32-4-245(c)(3) of the BCC, is with respect to the proposed signage.

As indicated through testimony and evidence, a GM free-standing enterprise sign will be added to the already existing free-standing enterprise signs for Hummer and Saab. The GM, Hummer and Saab franchises are being consolidated into the existing Hummer (proposed GM)

showroom and service facility. This facility consists of an existing 11,500 square foot structure with a proposed 19,824 square foot addition. Minor façade work is proposed as well to signal the conversion of the structure to primarily a GM facility. As part of the proposed façade work, three wall mounted enterprise signs are being proposed. The three freestanding enterprise signs and three wall mounted enterprise signs are the subject of the requested modification of standards. According to Section 32-4-245(c)(3) of the B.C.C., the Planning Board may approve a modification of standards if it is necessary to achieve the intent and purpose of Section 32-4-245 and a community benefit is being provided. The Developer requested a modification of standards as follows:

1. Three (3) freestanding enterprise signs (Signs A, B & C) in lieu of the maximum permitted one (1) freestanding enterprise sign (Section 450.4.5(b)(vi) of the B.C.Z.R.).
2. A maximum height of 26 feet in lieu of the maximum permitted height of 25 feet for Sign A, a freestanding enterprise sign (Section 450.4.5(b)(vii) of the B.C.Z.R.).
3. 160 square feet (measuring one side/face) in lieu of the maximum permitted area/face of 100 square feet (because premises has more than 300 feet of frontage) for Sign A, a freestanding enterprise sign (Section 450.4.5(b)(v) of the B.C.Z.R.).
4. Three (3) enterprise signs wallmounted, projecting, canopy on a single façade in lieu of the maximum permitted two (2) enterprise signs wall-mounted, projecting, canopy per façade (Section 450.4.5(a)(vi) of the B.C.Z.R.).

Initially, the modification of standards is predicated upon a finding that it is necessary to achieve the intent and purpose of Section 32-4-245 of the B.C.C. In support of the requested modifications, the Developer testified that the dealership lies at the crest of a hill along York Road and the relief requested is the minimum necessary to give notice to customers trying to locate the dealership. The Developer further indicated that, while Section 450.4.5(g)(vi) of the B.C.Z.R.

may permit the three proposed freestanding enterprise signs without a modification of standards, out an abundance of caution, a modification of standards was requested to allow three freestanding enterprise signs in lieu of the maximum permitted one. Similarly, while the "service" sign could arguably be considered a directional sign (which would necessitate a modification of standards for the square footage of its face, per Section 450.4.3(v) of the B.C.Z.R., the Developer requested a modification to permit the three proposed wall mounted enterprise signs in lieu of the two such permitted signs. In addition to the justification detailed in the Consolidated and Supplemental PUD Pattern Book (page 8), the Developer offered testimony in support of the wallmounted signs. The subject site, among other things, lies at the crest of a hill and the significant screening, coupled with the arched facade design sufficiently demonstrates the necessity for the proposed signage. These modifications are also consistent with the signage approved in the prior PUD approvals.¹⁰

C. Community Benefit

In addition to demonstrating the modifications requested are necessary to achieve the intent and purpose of Section 32-4-245 of the B.C.Z.R., Section 32-4-245(c)(3) also predicates approval of the modification of standards upon a community benefit being provided. Each PUD and/or amendment to a PUD should be considered on its individual merits with respect to the community benefit to be provided.

In furtherance of the fact that the redevelopment meets the PUD criteria, Rick Cobert with the Baltimore County Department of Economic Development, testified how the proposal would revitalize this commercial corridor, create jobs (temporary and permanent) and serve as a catalyst for future sign designs. A Memorandum dated January 15, 2010 from Director David Iannucci

¹⁰ Furthermore, while not relevant to a finding of a modification of standards pursuant to Section 33-4-245 of the BCC as noted by Deputy People's Counsel Ms. Demilio, the record makes clear the modification of standards is necessary per the three franchises' nationwide requirement for a dealership.

reiterating these points was marked and accepted into evidence as Developer's Exhibit 5. The County agencies, through DPC and ZAC comments and corroborating testimony, have clearly indicated that there are no unresolved comments or conditions regarding the proposal. Furthermore, the present proposal is 27,926 square feet less than what was previously approved (47,750 square foot previously approved Honda PUD showroom – 19,824 square foot proposed GM showroom addition).

As previously noted, the instant redevelopment proposal is an amendment of two prior PUD approvals. While an amendment is not in and of itself exempt from an additional community benefit, the Developer set forth the following in support of its contention that a sufficient community benefit has been provided already.

The Developer gave an extensive account of the history of the dealership, including but not limited to benefits which were conferred upon the community. Chris Harvey with the Monterey Improvement Association corroborated this testimony. He attested to Mr. Mortimer's proactive approach and extensive efforts in meeting with the community to discuss their concerns before seeking plan approval each and every time he has processed a plan. He further discussed how Mr. Mortimer is developing the once-dated and dysfunctional site in such a way that the community's concerns were satisfactorily addressed. In fact, at this juncture, the parties have entered into an agreement entitled "Second Amendment to Declaration of Covenants, Conditions, and Restrictions" dated April 18, 2009 that was marked and accepted into evidence as Developer's Exhibit 4. This agreement further modifies the restrictive covenant originally executed and recorded as part of the Hummer PUD-C approval, and is further evidence of the fact that Mr. Mortimer met with the Monterey Improvement Association prior to the submission of the Amended Development Plan for review and approval. Although entered into evidence as the

hearing, compliance with the terms and conditions of this agreement shall be a condition of Plan approval and the granting of the zoning relief, and shall be made a part of this Order and incorporated herein.

In addition to the \$30,000 gift to the Cockeysville Branch of the Baltimore County Public Library as part of the Hummer PUD-C approval, the Developer has provided a 50 foot by 100 foot buffer along the eastern portion of the site. This buffer has a sizable berm, extensive landscaping, and a fence -- all of which serve to insulate the residential community from the commercial corridor. According to the Developer's representatives, the fence was constructed at a cost of \$30,000. The fence was constructed as a benefit to the community and as a good will gesture. In addition, as shown on the plan, several trees and bushes are being planted throughout the site at the Developer's expense. In my judgment, no further benefit, above and beyond what the Developer has already provided, is necessary at this time.

D. Conformance with Special Exception Standards

On Page 20 of the Supplemental PUD Pattern Book, in a section entitled Special Exception Standards Report, the Developer sets forth how the proposed development will conform to Section 502.1.A, B, C, D, E and F of the B.C.Z.R. and will constitute a good design, use and layout of the proposed site. The proposed development will not be detrimental to the health, safety or general welfare of the locality as it is merely a reconfiguration of the previously approved automobile dealership. Furthermore, it will represent a net decrease in square footage from what was previously approved. The automobile dealership includes a landscaped buffer and other amenities.

It will not tend to create congestion on roads and streets. The Prior PUD Pattern Books demonstrate that the automobile dealership will not create congestion on the surrounding roads and streets. The entrance location at York Road already exists. The internal right of way was

designed in such a way that loading and unloading inventory will not adversely impact traffic on York Road. It will not create a potential hazard from fire or other danger. There are no other buildings in the immediate vicinity of the proposed addition to the existing structure, and the proposal meets or exceeds fire code requirements. It will not tend to overcrowd land and create undue concentration of population. The proposed floor area ratio ("FAR") for the development is 0.19 -- far below the allowable 2.0. It will not interfere with adequate provision for schools, parks, water, sewerage, transportation or other public requirements, as described above. The instant proposal has less of an impact upon parks, water and sewerage, transportation and other public requirements than the automobile dealerships approved under the prior PUD approvals due to the fact that the square footage is being reduced. There will be no impact upon schools, as this is a commercial development. It will not interfere with adequate light and air. The proposed placement of the addition is oriented a sufficient distance from the residential community to the east. The existing buffer with its berm, fence, and landscaping stands out in the corridor as an example of how a commercial use can coexist with adjoining residential uses. Less than 10% of the permitted FAR is being utilized. Furthermore, the use will constitute a good design, use and layout of the site. Evidence of this can be found in the fact that the restrictive covenant was amended to accommodate the proposal. The testimony of Mr. Harvey, as well as the testimony of Mr. Cobert and other Baltimore County agency representatives also supports such a finding.

V. Other Issues

A. Reasonable Expectation of Construction

The testimony and evidence clearly support a finding that there is a reasonable expectation the proposal will be developed to the full extent of the plan. GM and Honda have authorized the proposed plan. The Developer has been trying to process this plan for approximately a year now,

because he believes this will give the dealership the greatest chance for prosperity going forward.

B. Compliance with Section 430 of the B.C.Z.R.

Section 430 of the B.C.Z.R. is principally concerned with uses. Having already approved the automobile dealership use in the prior PUD approvals, the use of the site has not changed in this respect. In addition, no density has been added (as contemplated by Section 32-4-242(c)(2) of the B.C.C.), as the instant development is commercial.

C. Master Plan Conformance

The compatibility of the proposal with the Master Plan is demonstrated on page 22 of the Consolidated and Supplemental PUD Pattern Book. The exhibit on page 21 illustrates how Anderson lies squarely in the middle of a commercial corridor. In light of the surrounding zoning, which has been in place since the 1970s, a commercial use -- particularly one that has been in place for several years -- is clearly compatible with the character of the commercial corridor. Furthermore, it will advance many goals of the Master Plan (namely economic development and corridor improvement). Finally, it conforms to key policies and specific concerns expressed in the more locally focused Hunt Valley/Timonium Master Plan.

VI. Conclusion

For each of the foregoing reasons, I am persuaded to grant the requested special hearing relief. The requested special hearing relief will facilitate the reconfiguration of the franchises on an already existing automobile dealership campus. The reconfiguration will ensure that the dealership will continue to serve the community. The Anderson Hummer PUD-C and Honda PUD approvals will hereafter be referred to as the "Anderson GM PUD." The corresponding Development Plan will be referred to as the "Anderson GM PUD Development Plan."

Lastly, it should be noted that my decisions with regard to the Petition for Special Hearing and the Hearing Officer's Hearing considering the proposed redevelopment are treated differently for appeal purposes. The decisions as to the zoning Petitions are made by me sitting as Deputy Zoning Commissioner. An appeal from those decisions is a *de novo* appeal to the Board of Appeals of Baltimore County. The decision as to approval of the Amended Development Plan is made by me sitting as Hearing Officer for Baltimore County. An appeal from that decision is on the record to the Board of Appeals pursuant to Section 32-4-281 of the B.C.C. Both appeals must be filed within 30 days from the date of this Order.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the Baltimore County Code, the Anderson GM PUD Development Plan shall be approved consistent with the comments contained herein. The requested special hearing relief "for such other and further relief as the Zoning Commissioner may require" is dismissed as moot. All other special hearing relief shall be granted.

THEREFORE, IT IS ORDERED by this Hearing Officer/Deputy Zoning Commissioner for Baltimore County, this 29th day of January, 2010, that the redlined "ANDERSON GM PUD Development Plan" for the Developer, marked and accepted into evidence as Developer's Exhibit 1, be and is hereby **APPROVED**; and

IT IS FURTHER ORDERED by this Deputy Zoning Commissioner that the Special Hearing relief requested as follows:

- The amendment of the "Anderson Hummer PUD-C" Development Plan previously approved in Case No. VIII-796 by Deputy Zoning Commissioner John V. Murphy's Hearing Officer's Opinion and Development Plan Order dated October 31, 2003 and the "Anderson Honda PUD" Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner John V. Murphy's Hearing Officer's Review and Approval

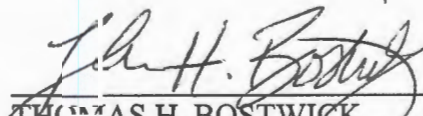
Order date February 20, 2007 ("Prior PUD Approvals") in accordance with Section 430 of the B.C.Z.R. and Section 32-4-241, et seq. of the Baltimore County Code ("B.C.C."); and

- The consolidation of the prior PUD approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 in accordance with Section 430 of the B.C.Z.R. and Section 32-4-241, et seq. of the B.C.C.; and
- The material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VIII-848); and
- The consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. 08-848,

be and are hereby **GRANTED**.

The aforementioned approval and relief granted herein shall be subject to the following as conditions precedent:

1. Any appeal of this decision must be taken within thirty (30) days from the date of this Order. If an appeal of this decision is not taken within the time prescribed, then this decision shall constitute a final Order as to the Zoning relief requested and a final Development Plan Order as to the Hearing Officer's Hearing, and shall be subject to the appeal provisions contained in the Baltimore County Zoning Regulations and Section 32-4-281 of the Baltimore County Code.
2. The Developer shall comply with the terms of the "Second Amendment to Declaration of Covenants, Conditions and Restrictions" dated April 18, 2009 by BKL York I, LLC for the benefit of Monterey Improvement Association, attached hereto as Developer's Exhibit 4 and incorporated herein, and said agreement shall be enforceable by Baltimore County.


THOMAS H. BOSTWICK
Hearing Officer/Deputy Zoning Commissioner
for Baltimore County

THB:pz

1-29-10

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SECOND AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made as of this 18th day of April, 2009, by BKL YORK I, LLC, a Maryland limited liability company (the "Declarant") for the benefit of MONTEREY IMPROVEMENT ASSOCIATION, an unincorporated homeowners' association (the "Beneficiary").

Explanatory Statement

A. Declarant and Beneficiary are parties to that Declaration of Covenants, Conditions and Restrictions dated October 22, 2003, and recorded among the Land Records of Baltimore County, Maryland, at Liber SM No. 19302, folio 359, as amended by Amendment to Declaration of Covenants, Conditions and Restrictions dated July 29, 2006, and recorded among the Land Records of Baltimore County, Maryland, at Liber SM No. 24318, folio 225 (collectively, the "Declaration").

B. The parties desire to amend the Declaration as hereinafter set forth.

Amendment to Declaration

NOW, THEREFORE, Declarant and Beneficiary agree that the Declaration shall be amended as hereinafter set forth.

1. Use of the Property.

Section 1 of the Declaration is amended to provide that during the Term of the Declaration the Property shall be used for parking, storage, and public display and presentation of motor vehicles. In addition, a portion of the Property (the "Overlap Area", defined below) may be used to support the location of a structure to be used in connection with the sales and servicing of automobiles, as provided in Section 2.2.

2. Incidental Structures.

Section 2 of the Declaration is amended and restated in its entirety, as follows:

2.1. Structures may be erected or placed on the Property incidental to the use permitted under Section 1, such as, by way of example, a guard house or gatekeeper's office and tool shed or the like.

2.2. As shown on Exhibit A attached to this Second Amendment to Declaration, a portion of the automotive sales and service structure to be erected at 10125 York Road and 10131 York Road is intended to extend over the western boundary of the Property at 10131 York Road. The area of overlap (the "Overlap Area") is approximately 20,000 sq. ft. generally in the area as shown on Exhibit A attached hereto. The Overlap Area may be used

to support the automotive sales and service structure to be erected substantially upon 10125 York Road and 10131 York Road, to be used in connection with the sales and servicing of automobiles.

3. Effective Date.

The provisions of this Second Amendment to Declaration shall not take effect until:

(a) applicable governmental authorities shall have granted final approval of a Planned Unit Development for the construction and operation of a sales and service facility on 10125 York Road and 10131 York Road,

(b) applicable governmental authorities shall have granted Final Development Plan approval with respect to the construction and operation of a sales and service facility on 10125 York Road and 10131 York Road,

(c) all required building and grading permits shall have been granted with respect to such construction; and

(d) final certificates of use and occupancy shall have been granted with respect to the sales and service facility to be constructed on 10125 York Road and 10131 York Road pursuant to such approvals.

4. Declaration otherwise to remain in force and effect.

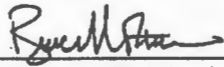
Except as set forth above the Declaration shall remain in full force and effect and unimpaired by this Amendment to Declaration.

[Signatures follow on next page]

IN TESTIMONY WHEREOF, the Declarant and Beneficiary have caused their duly authorized officers to set their hands and seals hereto as of the day and year first above written.

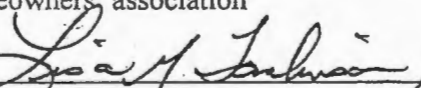
DECLARANT:

BKL YORK I, LLC, a Maryland limited liability company

By: 
Bruce R. Mortimer, Manager

BENEFICIARY:

MONTEREY IMPROVEMENT
ASSOCIATION, an unincorporated
homeowners' association

By:  Lisa M. Johnson, Pres
Authorized officer

1-29-10

ACKNOWLEDGEMENTS

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 18th day of April, 2009, before me, the undersigned authority, personally appeared Bruce Mortimer, and such person made acknowledgement to be the above-named officer of BKL YORK I, LLC, a Maryland limited liability company, and that such person, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of said entity as such duly authorized officer.

WITNESS my hand and Notarial Seal.

Christian D. Harney
Notary Public
My Commission Expires: 9-19-2009

STATE OF MARYLAND, COUNTY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 18th day of April, 2009, before me, the undersigned authority, personally appeared Lisa Tomlinson, and such person made acknowledgement to be the above-named officer of MONTEREY IMPROVEMENT ASSOCIATION, an unincorporated homeowners' association, and that such person, as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of said entity as such duly authorized officer.

WITNESS my hand and Notarial Seal.

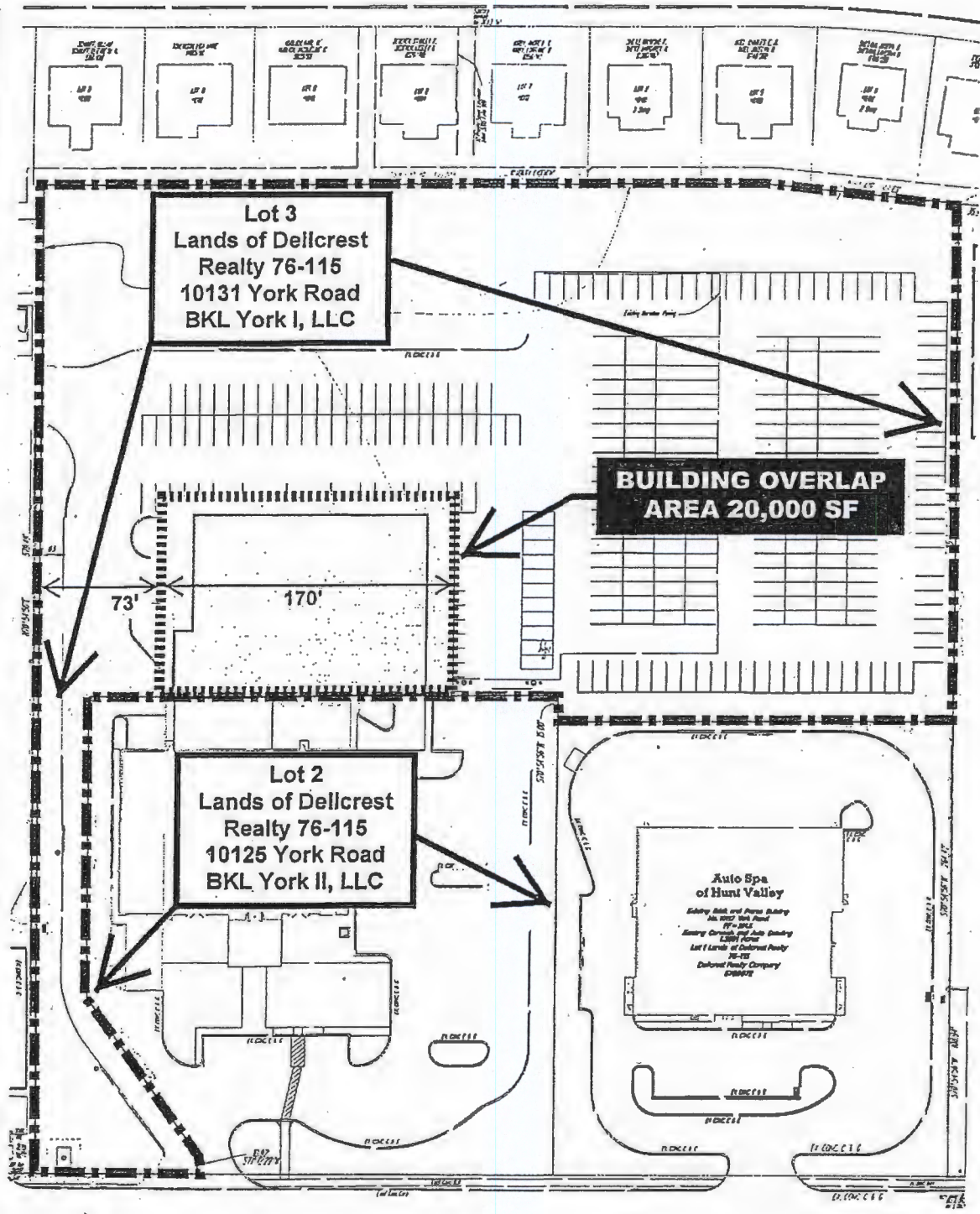
Christian D. Harney
Notary Public
My Commission Expires: 9-19-2009

1-29-10

102

EXHIBIT A TO ACCOMPANY SECOND AMENDMENT OF DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS BETWEEN
BKL YORK I, LLC AND MONTEREY IMPROVEMENT ASSOCIATION

Davenport Drive



4-17-09

1-29-10



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

January 29, 2010

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

DEBORAH DOPKIN, ESQUIRE
409 WASHINGTON AVENUE
SUITE 1000
TOWSON, MD 21204

DAVID K. GILDEA, ESQUIRE
JASON T. VETTORI, ESQUIRE
GILDEA & SCHMIDT, LLC
600 WASHINGTON AVENUE, SUITE 200
TOWSON, MD 21204

Re: Development Plan Hearing - Anderson Automotive, Inc. and Anderson Motors, LLC
HOH Case No. 08-848 (formerly VIII-796 and VIII-848) and
Zoning Case No. 2010-0161-SPH

Dear Ms. Dopkin and Messrs. Gildea and Vettori:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved, in accordance with the attached Order.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "T. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: James E. Matis, Matis Warfield, Inc., 10540 York Road, Suite M, Hunt Valley MD 21030
Bruce Mortimer, Anderson Automotive Group, 10139 York Road, Cockeysville MD 21030
Chris Harvey, 10105 Daventry Drive, Cockeysville MD 21030
Eric Rockel, 1610 Riderwood Drive, Lutherville MD 21093
Jim Rogers, Sr., 10102 Daventry Drive, Cockeysville MD 21030
People's Counsel for Baltimore County
Rick Cobert, Baltimore County Department of Economic Development



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10111, 10125 & 10131 York Road, 10 Halesworth Road
which is presently zoned ML, ML-IM, and BR-IM

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:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Jason T. Vettori

Name - Type or Print

City

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):

Please see attached signature page.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

State

Zip Code

Representative to be Contacted:

Jason T. Vettori, 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 11/25/09

DROP - OFF

Case No. 2010-0161-JPH

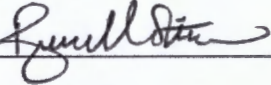
Anderson Automotive
10111, 10125 & 10131 York Road,
10 Halesworth Road

1. The amendment of the "Anderson Hummer" PUD-C Development Plan previously approved in Case No. VIII-796 by Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Opinion and Development Plan Order dated October 31, 2003 and the "Anderson Honda" PUD Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Review and Approval Order dated February 20, 2007 ("Prior PUD Approvals"), in accordance with BCZR § 430 and BCC § 32-4-241, et seq.; and
2. The consolidation of the Prior PUD Approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848, in accordance with BCZR § 430 and BCC § 32-4-241, et seq.; and
3. Material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VII-848) in accordance with BCC § 32-4-262(1); and
4. The consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848; and
5. For such other and further relief as the Zoning Commissioner may require.

PETITION FOR SPECIAL HEARING
SIGNATURE PAGE
(Legal Owners)

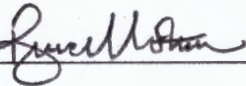
Legal Owner(s):
10131 York Road

Bruce Mortimer, AUTHORIZED REPRESENTATIVE
BKL York I, LLC

By: 

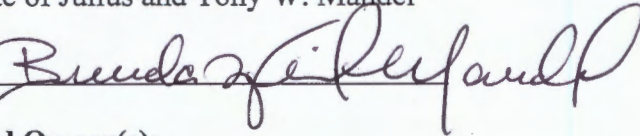
Legal Owner(s):
10125 York Road

Bruce Mortimer, AUTHORIZED REPRESENTATIVE
BKL York III, LLC

By: 

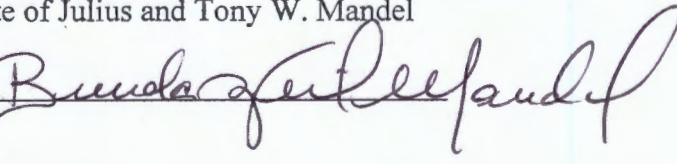
Legal Owner(s):
10 Halesworth Road

Brenda Weil Mandel, AUTHORIZED REPRESENTATIVE
Estate of Julius and Tony W. Mandel

By: 

Legal Owner(s):
10111 York Road

Brenda Weil Mandel, AUTHORIZED REPRESENTATIVE
Estate of Julius and Tony W. Mandel

By: 

November 18, 2009

**Description to Accompany Zoning Petition For Special Hearing
Nos. 10111, 10125 and 10139 York Road + No. 10 Halesworth Road**

Beginning for the same on the east side of York Road, State Route 45, said point located at the end of the cutoff extending from Halesworth Road, and North 24° 20" East 58 feet more or less from the point of intersection of the centerlines of York Road and Halesworth Road, running thence and binding on the east side of York Road

- 
1. **North 18° 59' 30" West 176.85 feet** to a point, thence leaving said east side of York Road and running thence the three following courses viz:
 2. **North 70° 54' 56" East 264.42 feet** to a point, and
 3. **North 19° 05' 04" West 230.65 feet** to a point, and
 4. **South 70° 54' 56" West 264.05 feet** to a point on the east side of York Road, running thence and binding on the east side of York Road the two following courses viz:
 5. **North 18° 59' 30" West 40.46 feet** to a point, and
 6. **North 18° 47' 31" West 264.09 feet** to a point, thence leaving said east side of York Road and running thence the four following courses viz:
 7. **North 70° 54' 56" East 579.49 feet** to a point, and
 8. **South 19° 05' 04" East 422.00 feet** to a point, and
 9. **South 13° 20' 04" East 149.69 feet** to a point, and
 10. **South 07° 35' 04" East 158.97 feet** to a point on the north side of Halesworth Road, running thence and binding along the north side of Halesworth Road the two following courses viz:
 11. by a curve to the right having a **radius of 700.00 feet for an arc distance of 25.12 feet** to a point, thence
 12. **South 71° 05' 46" West 495.19** to a point at the beginning of the cutoff leading to York Road, thence binding on said cutoff
 13. **North 68° 16' 47" West 19.25 feet** to the place of beginning.

Containing 8.1370 acres more or less.

This description is intended for zoning purposes only and is not intended for use in conveyance of land.



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: #2010-0161-SPH

10111, 10125 & 10131 York Road

10 Halesworth Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Bruce Mortimer, Brenda Weill Mandel

Special Hearing: for the amendment of the "Anderson Hummer" PUD-C Development Plan previously approved in Case No. VIII-796 by the Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Opinion and Development Plan order dated October 31, 2003 and the "Anderson Honda" PUD Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Review and Approval order dated February 20, 2007 (Prior PUD Approvals); the consolidation of the PUD approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VIII-848); the consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and for such other and further relief as the Zoning Commissioner may require.

Hearing: Friday, January 15, 2010, at 9:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/556 Dec. 31

225494

CERTIFICATE OF PUBLICATION

12/31/2009

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 12/31/2009.

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

J. Wilkinson

LEGAL ADVERTISING

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

No. **47678**

Date: **11-25-09**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 12/04/2009 12/03/2009 09:18:51 2
 REG MS02 WALKIN JEVA JEE
 >>RECEIPT # 663823 12/03/2009 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 047678
 Recpt Tot \$325.00
 \$325.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				325.00

Total: **325.00**

Rec From: **Gildea + Schmidt LLC**
 For: **Petition for Special Hearing**
Case # 2010-0161-3PH

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

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

No. 17

Date: 11-25-07

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	500	0000		6150					325.00

Total: 325.00

Rec

From: Gilder + Schmidt LLC

For:

Refunding for Special 11-07
CD # 2010-0161-004

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

2010-0161-SPH

RE: Case No.: _____

Petitioner/Developer: _____
Bruce Mortimer, Brenda Weil Mandel

January 15, 2010
Date of Hearing/Closing: _____

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 posted conspicuously on the property located at: _____

10111, 10125 & 10131 York Road



December 31, 2009

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black

Jan 5, 2010

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

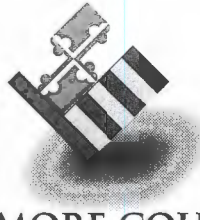
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



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: 2010-0161-SPH

10111, 10125 & 10131 York Road

10 Halesworth Road

8th Election District – 3rd Councilmanic District

Legal Owners: Bruce Mortimer, Brenda Weil Mandel

Special Hearing for the amendment of the "Anderson Hummer" PUD-C Development Plan previously approved in Case No. VIII-796 by the Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Opinion and Development Plan order dated October 31, 2003 and the "Anderson Honda" PUD Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Review and Approval order dated February 20, 2007 (Prior PUD Approvals); the consolidation of the PUD approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VIII-848); the consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and for such other and further relief as the Zoning Commissioner may require.

Hearing: Friday, January 15, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jason Vettori, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 31, 2009.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 31, 2009 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

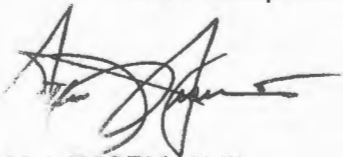
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CASE NUMBER: 2010-0161-SPH

10111, 10125 & 10131 York Road
10 Halesworth Road
8th Election District – 3rd Councilmanic District
Legal Owners: Bruce Mortimer, Brenda Weil Mandel

Special Hearing for the amendment of the "Anderson Hummer" PUD-C Development Plan previously approved in Case No. VIII-796 by the Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Opinion and Development Plan order dated October 31, 2003 and the "Anderson Honda" PUD Concept Plan previously approved in Case No. VIII-848 by Deputy Zoning Commissioner for Baltimore County John V. Murphy's Hearing Officer's Review and Approval order dated February 20, 2007 (Prior PUD Approvals); the consolidation of the PUD approvals for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and material amendments to non-residential Development Plans (PDM Nos. VIII-796 and VIII-848); the consolidation of PDM files for PDM Nos. VIII-796 and VIII-848 into PDM No. VIII-848 and for such other and further relief as the Zoning Commissioner may require.

Hearing: Friday, January 15, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2010-0161-SPH

Petitioner: ANDERSON AUTOMOTIVE

Address or Location: 10131 YORK ROAD, 10125 YORK ROAD, 10 HALESWORTH, 10111 YORK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: JASON T. VETTORI

Address: GILDEA & SCHMIDT, LLC

600 WASHINGTON AVE., STE. 200

TOWSON, MD 21286

Telephone Number: _____



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 12, 2010

Jason Vettori
Gildea & Schmidt, LLC
600 Washington Ave. Ste. 200
Towson, MD 21204

Dear: Jason Vettori

RE: Case Number 2010-0161-SPH, 10111, 10125 & 10131 York Rd.; 10 Halesworth Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 25, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For December 21, 2009
Item Nos. 2010-0150, 152, 156, 157,
158, 159, 160, 161, 163, 164 and 165

DATE: December 10, 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-12212009 -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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0152, 0156, 0157, 0158, 0160, 0161, 0162, 0163, 0164, 0165

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

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

December 10, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: December 6th 2009

Item Numbers: 0150, 0159, 0161

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Dec 11, 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. 2010-0161-SPH
MD 45 (York Rd) / ALESWORTH RD
ANDERSON AUTOMOTIVE
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 12/7/09. A field inspection and internal review reveals that an entrance onto MD 45 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for ANDERSON AUTOMOTIVE Case Number 2010-0161-SPH.

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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Fd 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 410.545.0900 • www.sha.maryland.gov

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
10111, 10125 & 10131 York Rd, 10 Halesworth *
Road; NE cor of York & Halesworth Road * ZONING COMMISSIONER
8th Election & 3rd Councilmanic Districts *
Legal Owner(s): Anderson Automotive * FOR
Petitioner(s) *
BALTIMORE COUNTY
*
10-161-SPH

* * * * *

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

DEC 08 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
1105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of December, 2009, a copy of the foregoing Entry of Appearance was mailed to Jason T. Vettori 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

TB
1-15-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JAN 22 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: January 22, 2010
SUBJECT: Zoning Item # 10-161-SPH
Address Northeast corner of York Road and Halesworth Road
(Anderson Automotive Property)

Zoning Advisory Committee Meeting of December 6, 2009.

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

Reviewer: Regina Esslinger

Date: December 23, 2009

DEBORAH C. DOPKIN, P.A.

ATTORNEY AT LAW

409 WASHINGTON AVENUE, SUITE 1000

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0200

FACSIMILE 410-823-8509

e-mail ddopkin@dopkinlaw.com

DEBORAH C. DOPKIN

February 5, 2010

RECEIVED

FEB 08 2010

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

ZONING COMMISSIONER

RE: Development Plan Hearing
Anderson Automotive, Inc. and
Anderson Motors, LLC
Zoning Case No. 2010-0161-SPH

Dear Mr. Bostwick:

Thank you for providing me with a copy of your decision in the above captioned matter.

At the hearing, I had raised an issue regarding access to Halesworth Road from the property known as 10 Halesworth Road. In particular, I had asked that in the unlikely event the Petitioner does not acquire 10 Halesworth Road, the property owner be allowed to reopen access from that parcel to Halesworth Road without the necessity of a further hearing.

In reviewing your order, there is no reference to this request, though my understanding at the hearing was that the request would be accommodated.

I have brought this matter to the attention of James Matis, who prepared the plan, and he is proposing that the final plan include a note to effect future access as requested.

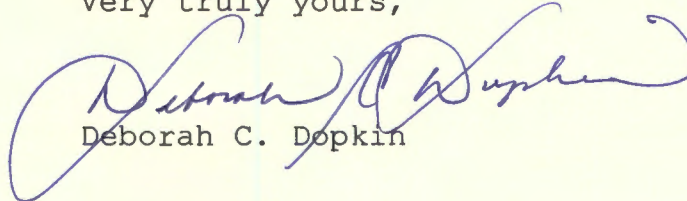
The purpose of this letter is to ask that you note the file or issue an amended order to address this issue. My client has no desire to delay the process for Mr. Mortimer, but we do feel access to Halesworth Road is an issue worth properly documenting.

Thomas H. Bostwick, Esquire
Deputy Zoning Commissioner
February 5, 2010
Page 2

I would appreciate your confirming that such a note on the plan is consistent with your order and it in the case file for future reference.

Thanking you in advance, I am

Very truly yours,



Deborah C. Dopkin

DCD/kmc

cc: Ms. Brenda W. Mandel
David K. Gildea, Esquire
Jason T. Vettori, Esquire
Mr. James E. Matis
Mr. Bruce Mortimer
People's Counsel for Baltimore County

C:\docs\KMC\KMC\DCD\LETTERS 2010\bostwick thomas 02 04 09.wpd

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

November 19, 2009

Via Hand Delivery

Timothy M. Kotroco

Director

Department of Permits and Development Management

111 W. Chesapeake Avenue, Room 105

Towson, MD 21204

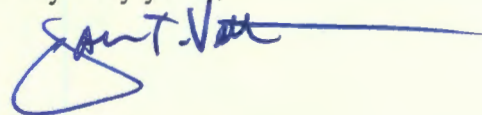
**Re: Anderson Campus
10 Halesworth Road, 10125, 10111 and 10131 York Road**

Dear Mr. Kotroco:

Enclosed herein please find three (3) Petitions for Special Hearing with original signatures, twelve (12) copies of the sealed Plat, one (1) copy of the 1" = 200' scale official zoning map, three (3) copies of a sealed description of the property, a completed copy of the advertising form and a check made payable to Baltimore County, Maryland for the filing fee. Please assign a case number to this request for zoning relief.

In addition, a Development Plan is being filed simultaneously with the instant request for zoning relief. We hereby request a combined zoning and Development Plan approval hearing, under BCC § 32-4-230, regarding the subject site. Thank you for your assistance in this regard. Please feel free to contact the undersigned with any comments, questions or concerns.

Very truly yours,



Jason T. Vettori

JTV: sf

Enclosure

CC: Donald Rascoe, Department of Permits and Development Management
Arnold F. Keller, Office of Planning
Lynn Lanham, Office of Planning
Peter Max Zimmerman, People's Counsel for Baltimore County
Chris Harvey, Monterey Community Association
Eric Rockel, Greater Timonium Community Council
Deborah C. Dopkin, Esquire
Lawrence F. Haislip, Esquire
Bruce Mortimer, Anderson Automotive
Jim Matis, Matis Warfield, Inc.
David K. Gildea, Esquire

October 20, 2010

William J. Wiseman, III
Zoning Commissioner
Jefferson Building, Room 105
105 W. Chesapeake Avenue
Towson MD 21203

Re: Anderson Honda Variance Request

Dear Mr. Wiseman,

The Monterey Improvement Association (MIA) represents eighty-nine homes on Daventry Drive, Hillary Way, and Charington Road. This community is located directly to the east of the Anderson of Hunt Valley (Anderson) automotive dealerships.

The MIA has been in regular contact with Bruce Mortimer, with Anderson, and his representatives since his involvement with the General Motors (GM) dealership. He has held community meetings and freely provided information regarding all of his development plans. The same holds true of the current development plan whereby he moved the GM dealership to the Hummer/Saab location, and his redevelopment of the GM property to the Honda dealership currently being built.

It was no surprise that the MIA was contacted recently to meet with Bruce Mortimer, James Matis of Matis Warfield Inc, and Eric Rockel of the Greater Timonium Community Council to discuss the signage to be erected at the Honda dealership and the variance that would be requested. The proposed signage was reviewed by myself and Mr. Rockel. There was no opposition raised at that meeting to the proposals. In particular the erection of a changeable copy sign was discussed. Mr. Rockel inquired that the signage would not exceed message change limits that would violate the current regulations. Mr. Mortimer indicated that he would not seek to have messages change more than four times per day. Based on that assurance, Mr. Rockel and myself did not foresee any issues with the signage proposed and the variance request to be presented. The MIA therefore supports the request.

Sincerely,

Christian D. Harvey

Christian D. Harvey
Secretary
Monterey Improvement Association
10105 Daventry Drive
Cockeysville MD 21030

Cc:

✓ Timothy M. Kotroco, Director of the Department of Permits and Development Management
111 W. Chesapeake Avenue, Room 105
Towson, Maryland 21204

Arnold F. "Pat" Keller, Director of the Office of Planning
Jefferson Building
105 W. Chesapeake Avenue, Room 103
Towson, MD 21204

*To Carl Richards
Please place this in
the sign variance file
for Anderson Honda
TJ*



2010 - 0161

Page 1 of 2

10111 - 10131

Curtis J. Murray, Office of Planning
Jefferson Building
105 W. Chesapeake Avenue, Room 103
Towson, MD 21204

Jessie Bialek, Office of Planning
Jefferson Building
105 W. Chesapeake Avenue, Room 103
Towson, MD 21204

Rick Cobert, Department of Economic Development
400 Washington Avenue, Mezzanine
Towson, MD 21204

Eric Rockel
The Greater Timonium Community Council, Inc.
9B Ridgely Road, Box 276
Timonium, MD 21093

Bruce Mortimer
Anderson Automotive Group
115 West 25th Street
Baltimore, MD 21218

James E. Matis
Matis Warfield, Inc.
10540 York Road, Suite M
Hunt Valley, MD 21030

David K. Gildea & Jason T. Vettori
Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
Phone: (410) 821-0070
Facsimile: (410) 821-0071
<http://gildeallc.com>

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SECOND AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made as of this 13th day of April, 2009, by BKL YORK I, LLC, a Maryland limited liability company (the "Declarant") for the benefit of MONTEREY IMPROVEMENT ASSOCIATION, an unincorporated homeowners' association (the "Beneficiary").

Explanatory Statement

A. Declarant and Beneficiary are parties to that Declaration of Covenants, Conditions and Restrictions dated October 22, 2003, and recorded among the Land Records of Baltimore County, Maryland, at Liber SM No. 19302, folio 359, as amended by Amendment to Declaration of Covenants, Conditions and Restrictions dated July 29, 2006, and recorded among the Land Records of Baltimore County, Maryland, at Liber SM No. 24318, folio 225 (collectively, the "Declaration").

B. The parties desire to amend the Declaration as hereinafter set forth.

Amendment to Declaration

NOW, THEREFORE, Declarant and Beneficiary agree that the Declaration shall be amended as hereinafter set forth.

1. Use of the Property.

Section 1 of the Declaration is amended to provide that during the Term of the Declaration the Property shall be used for parking, storage, and public display and presentation of motor vehicles. In addition, a portion of the Property (the "Overlap Area", defined below) may be used to support the location of a structure to be used in connection with the sales and servicing of automobiles, as provided in Section 2.2.

2. Incidental Structures.

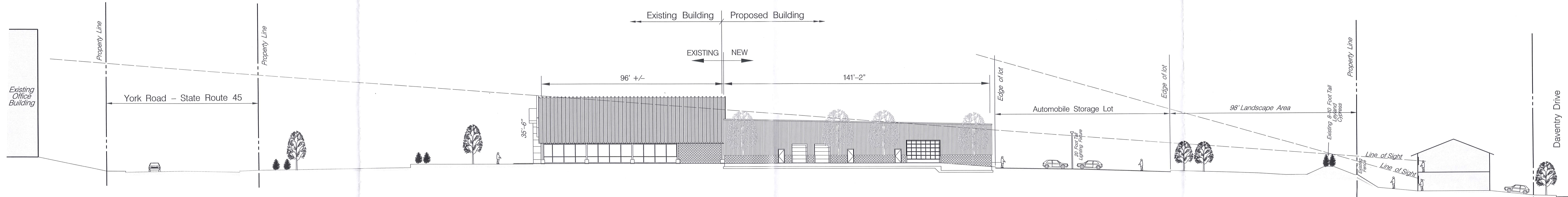
Section 2 of the Declaration is amended and restated in its entirety, as follows:

2.1. Structures may be erected or placed on the Property incidental to the use permitted under Section 1, such as, by way of example, a guard house or gatekeeper's office and tool shed or the like.

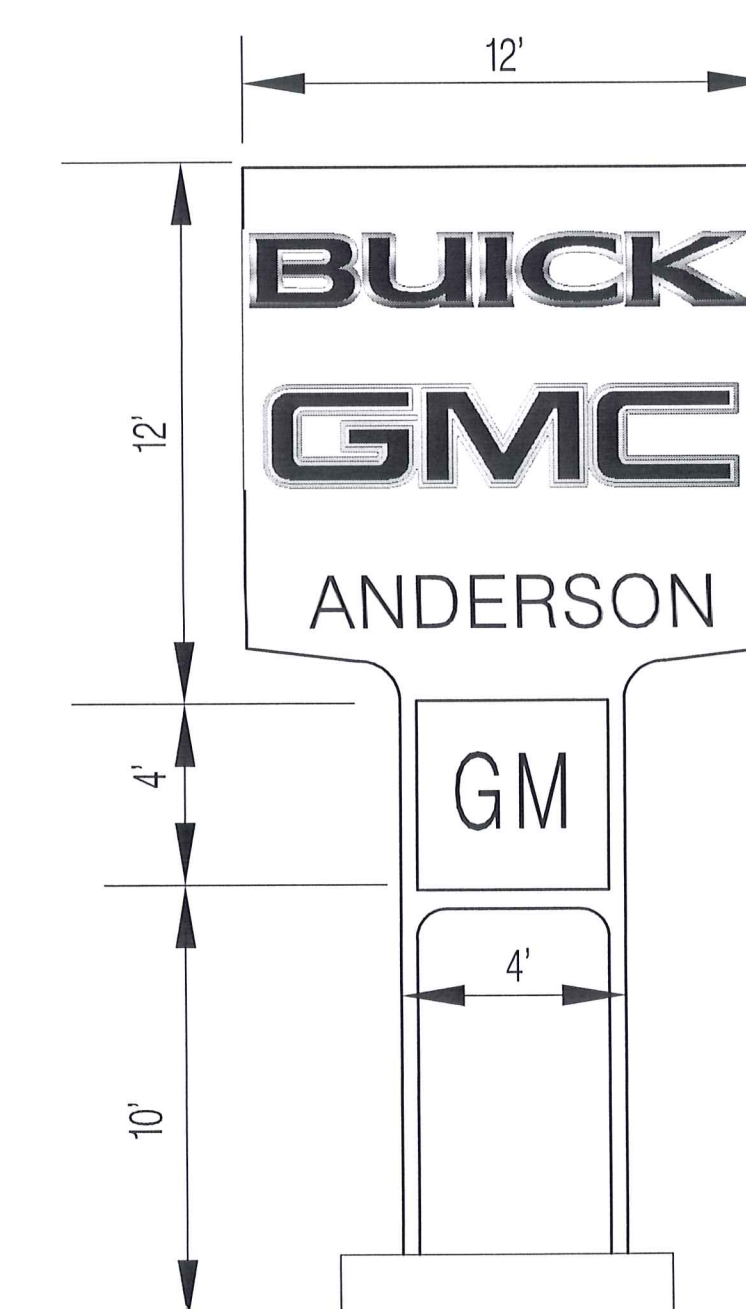
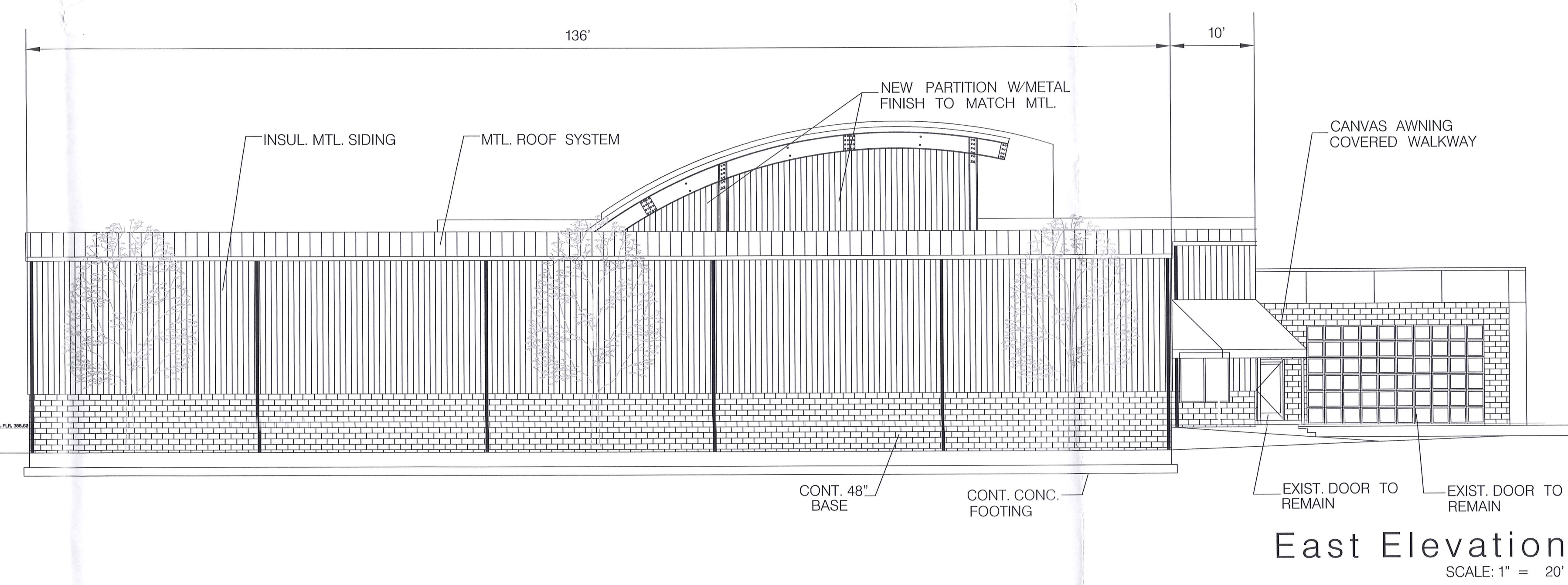
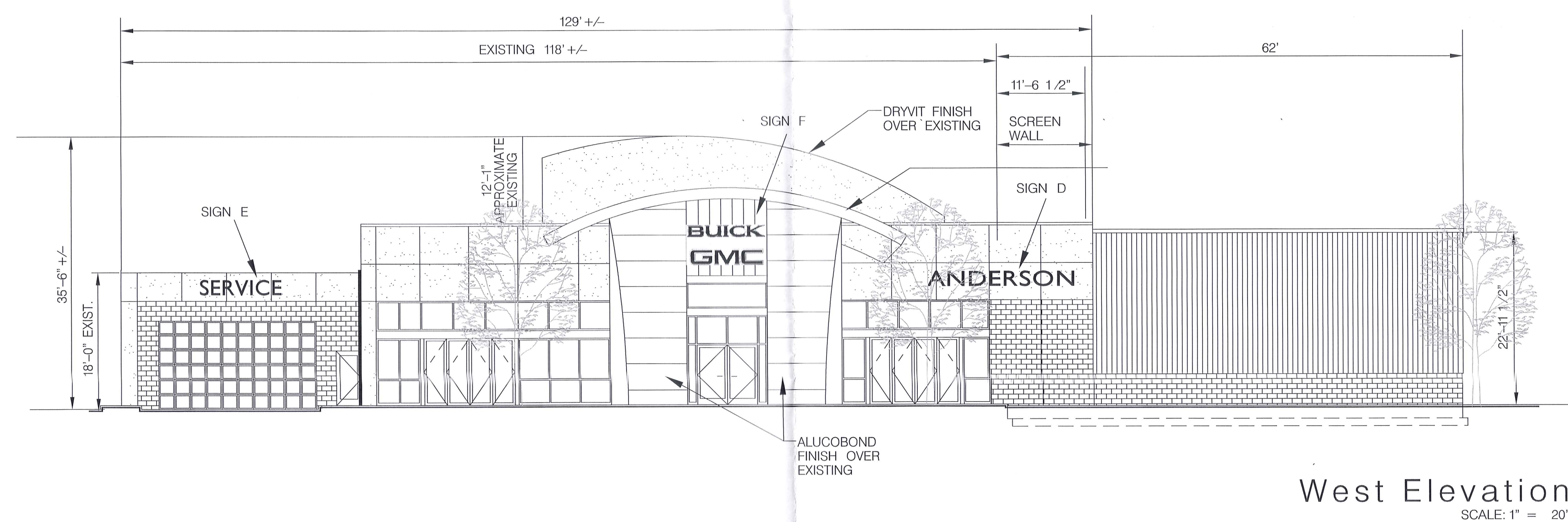
2.2. As shown on Exhibit A attached to this Second Amendment to Declaration, a portion of the automotive sales and service structure to be erected at 10125 York Road and 10131 York Road is intended to extend over the western boundary of the Property at 10131 York Road. The area of overlap (the "Overlap Area") is approximately 20,000 sq. ft. generally in the area as shown on Exhibit A attached hereto. The Overlap Area may be used

PETITIONER'S

EXHIBIT NO. 4



Section Through Property Looking Northward Scale 1 inch = 20 feet (Horz. and Vert.)

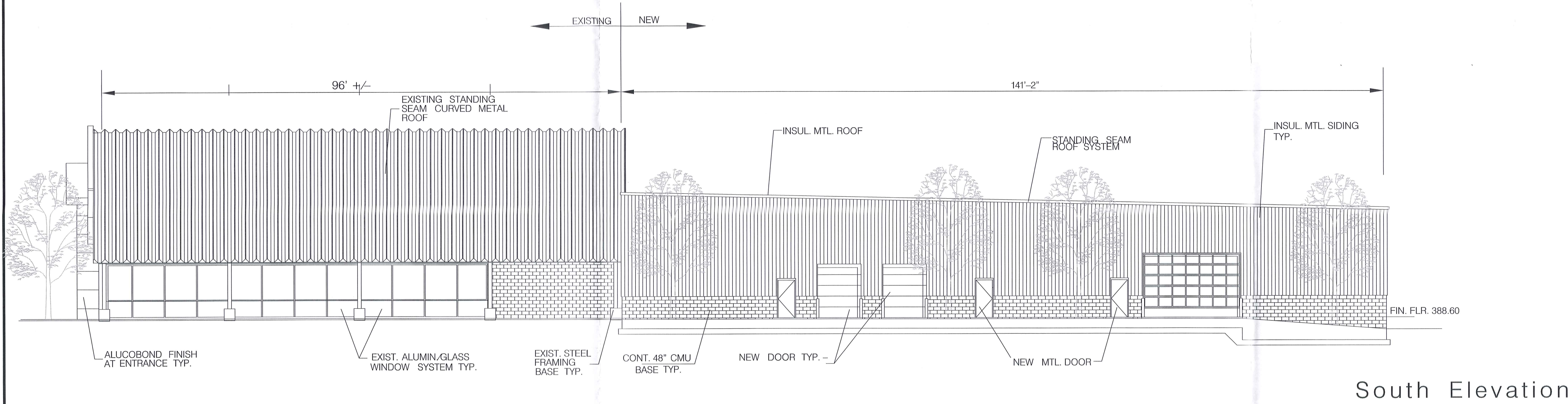


Sign A

160 sf Each Face
Sign Double Faced
Internally Illuminated

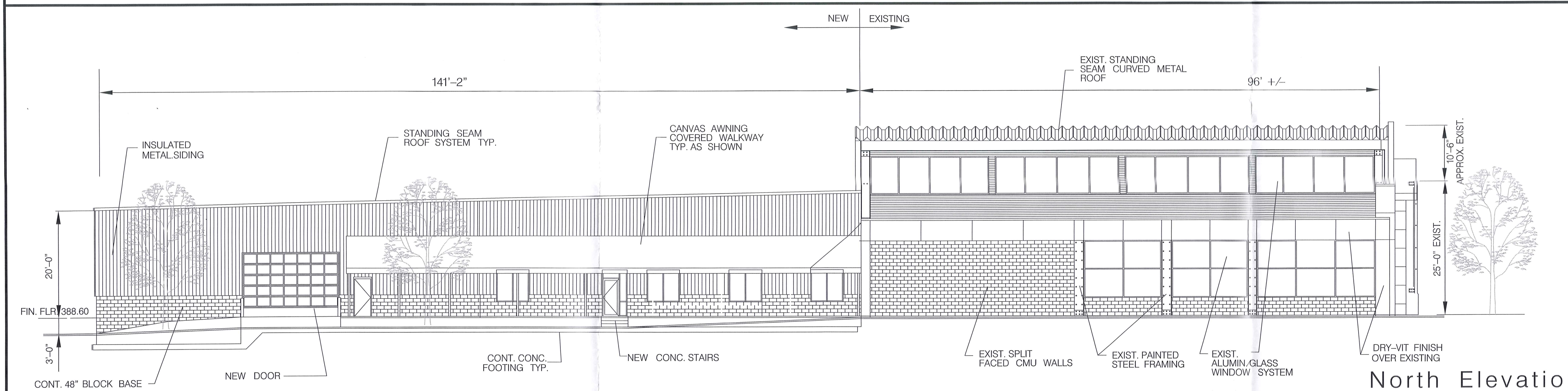
263 sf Aggregate Total of Freestanding Enterprise counting one face /side of each sign

Freestanding Enterprise Sign Details NTS



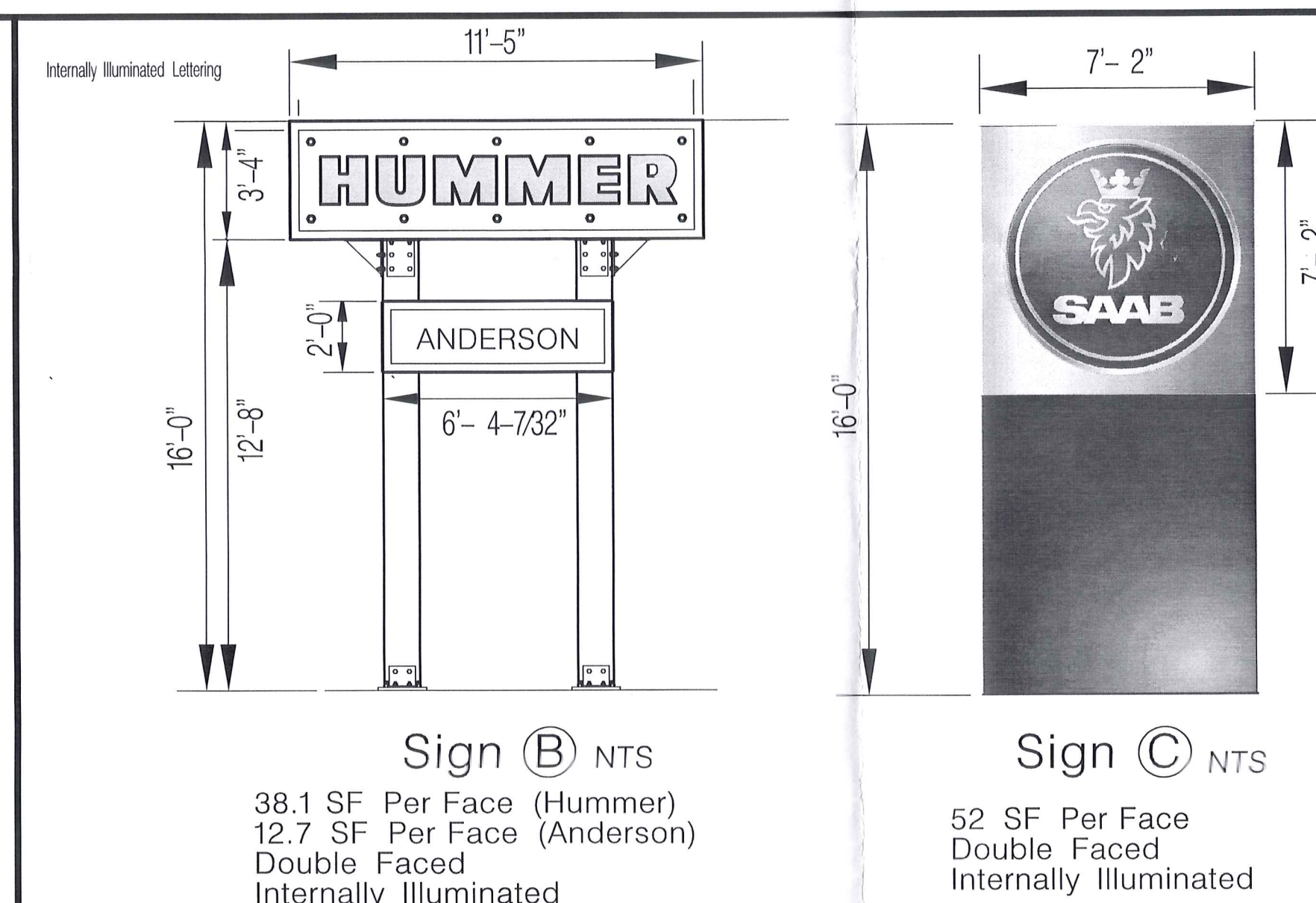
South Elevation

SCALE: 1" = 20'



North Elevation

SCALE: 1" = 20'

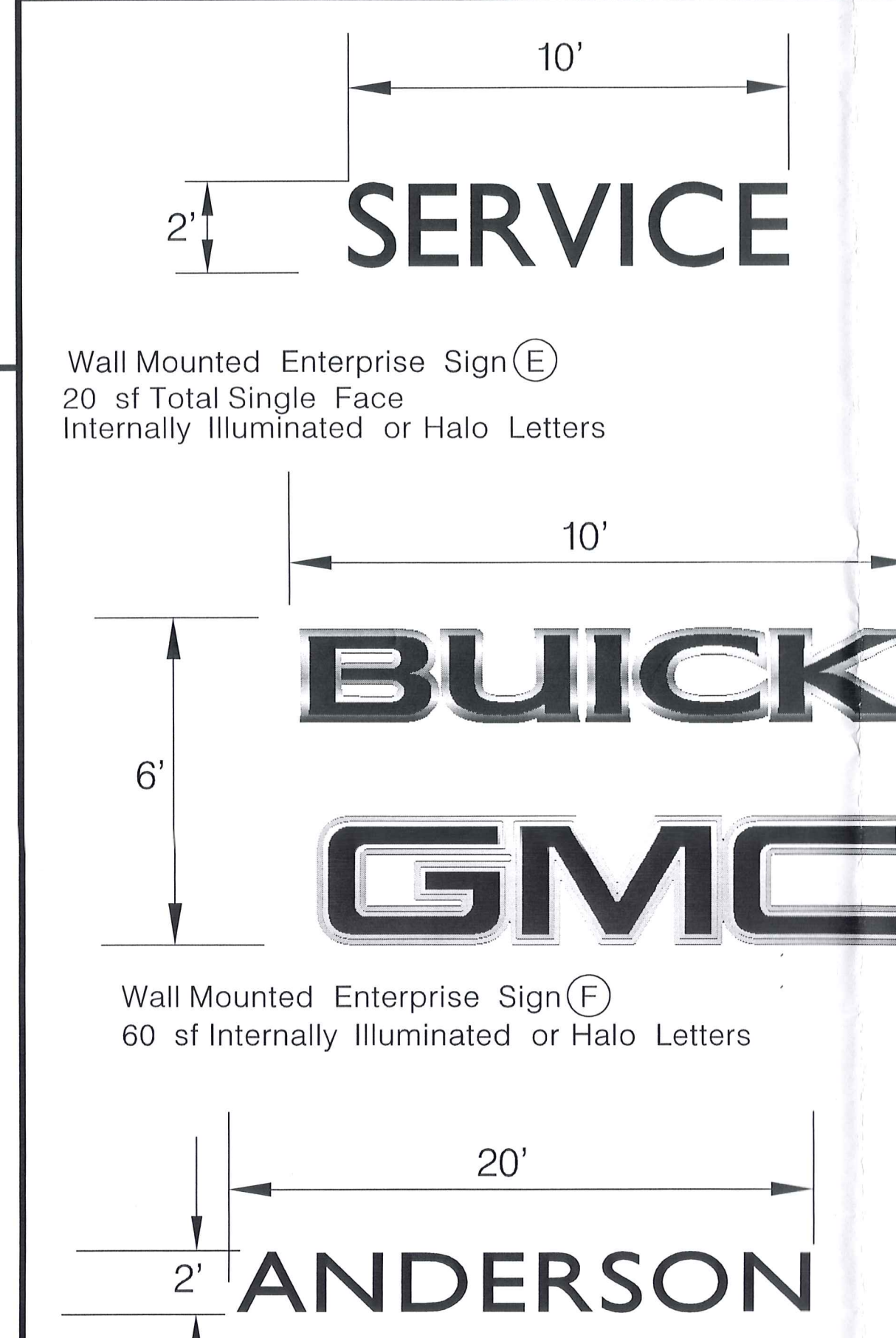


Sign B NTS

38.1 SF Per Face (Hummer)
12.7 SF Per Face (Anderson)
Double Faced
Internally Illuminated

Sign C NTS

52 SF Per Face
Double Faced
Internally Illuminated



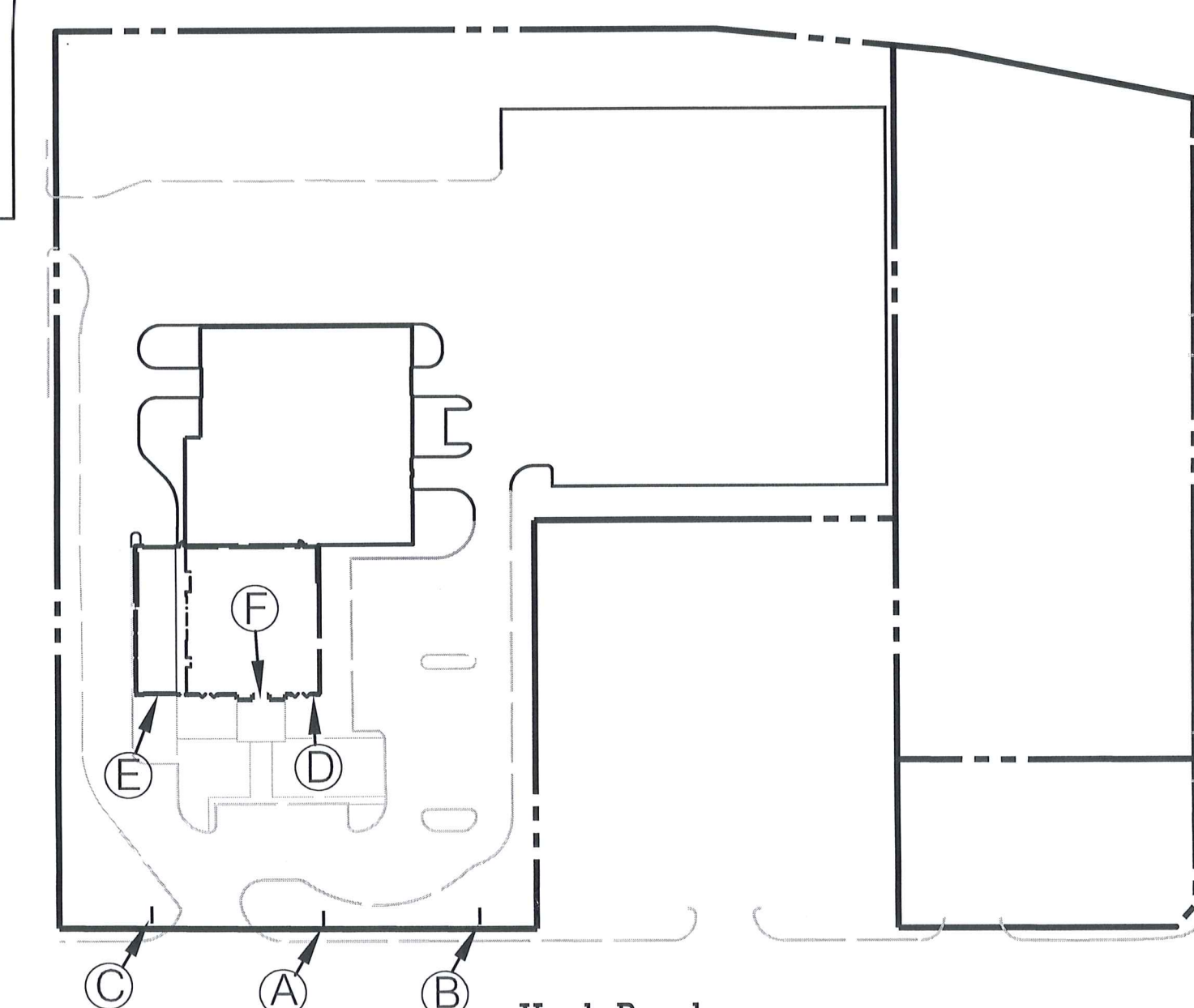
Wall Mounted Enterprise Sign D
20 sf Total Single Face
Internally Illuminated or Halo Letters

Wall Mounted Enterprise Sign E
60 sf Internally Illuminated or Halo Letters

Wall Mounted Enterprise Sign F
66 sf Internally Illuminated or Halo Letters

120 sf Total of Wall Mounted Enterprise Signage
258 sf permitted (2 x 129' length of facade)

Wall Mounted Enterprise Sign Details NTS



Signage Key Map NTS

MATISWARFIELD
Consulting Engineers

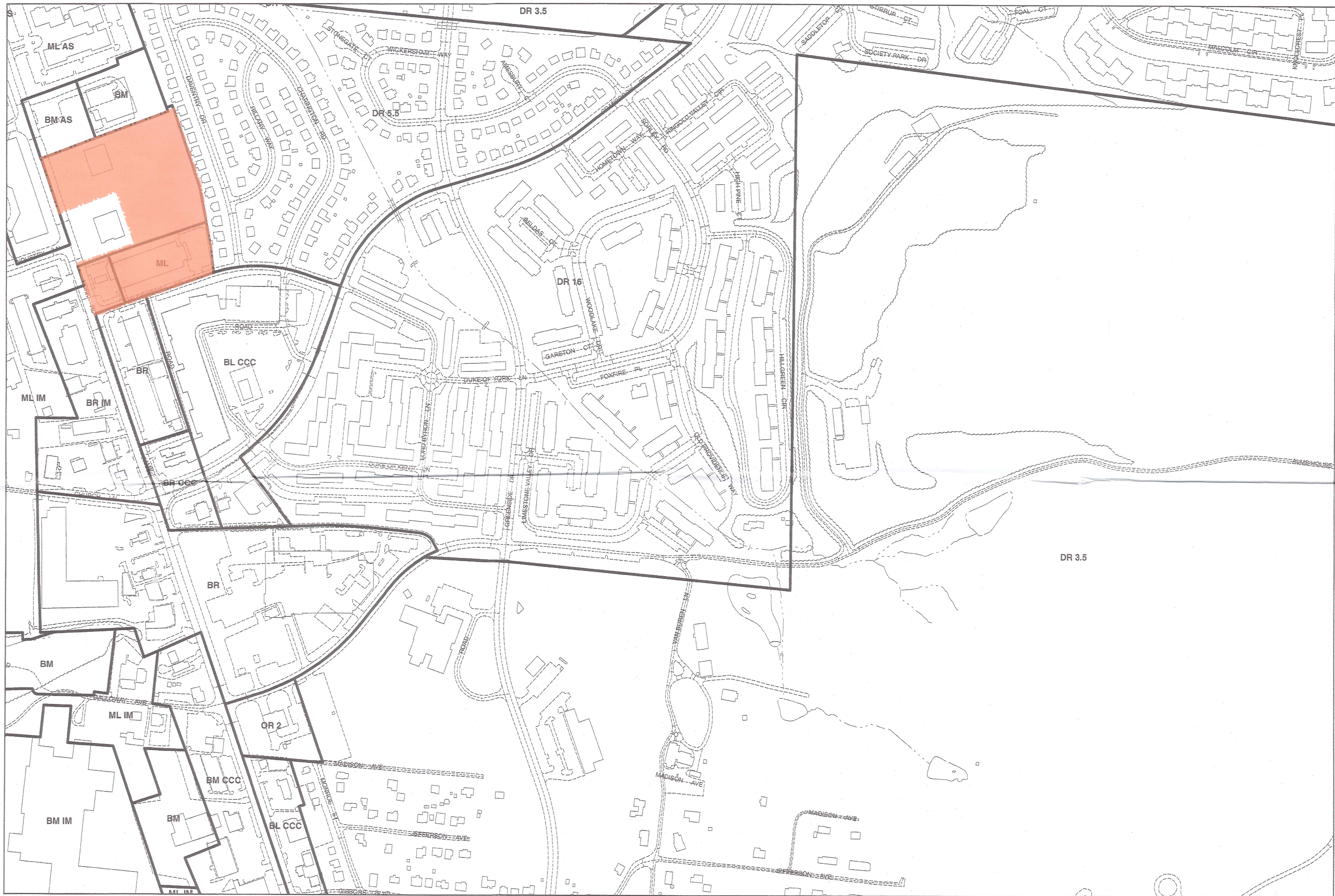
10540 York Road Suite M Hunt Valley, Maryland 21030
410.683.7004 PHONE 410.683.1798 FAX
www.matiswarfield.com



"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. 18848, Expiration Date: 09-19-10."

DATE	ISSUE
11-18-09	CHECKPRINT SUBMISSION

Details
Plan to Accompany Petition for
Special Hearing for
1st Material Amendment
to the Development Plan and
to Combine PDM No. VIII- 796 and 848
ANDERSON GM
FKA Anderson Hummer PUD-C 10125 York Road
and Anderson Honda PUD 10 Halesworth Road
10111 & 10131 York Road
Baltimore County, Maryland
Election District No. 8
Councilmanic District 3
Sheet 2 of 2



Plan Sheet: 051C2

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

051A1	051B1	051C1	052A1	052B1
051A2	051B2	051C2	052A2	052B2
051A3	051B3	051C3	052A3	052B3

Scale

1" = 200'

0 100 200 400 Feet



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

