

IN THE MATTER OF
THE APPLICATION OF
QUARTNER COMMERCIAL PROPERTIES /
- LEGAL OWNER
PETITIONER FOR SPECIAL EXCEPTION
AND VARIANCE ON THE
PROPERTY LOCATED ON THE S/S OF
BALTIMORE NATIONAL PIKE
(5509 BALTIMORE NATIONAL PIKE)

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 10-182-XA

1ST ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Catonsville Carwash, LLC, through Appellants Counsel, Howard L. Alderman, Jr., Esquire, from a decision of the Zoning Commissioner dated February 16, 2010, in which the requested zoning relief was granted with restrictions.

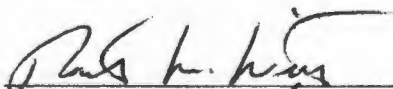
WHEREAS, the Board is in receipt of a Notice of Dismissal of appeal filed on April 26, 2010, by Howard L. Alderman, Jr., Esquire, Counsel for Catonsville Carwash, LLC, the sole Appellant (copies of which are attached hereto and made a part hereof); and

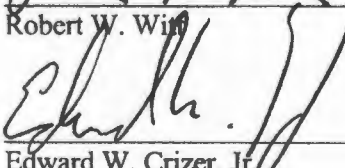
WHEREAS, said Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of April 23, 2010,

IT IS ORDERED this 19th day of May, 2010 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 10-182-XA be and the same are hereby **DISMISSED**.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Lawrence S. Wescott, Chairman


Robert W. Wirt


Edward W. Crizer, Jr.



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 19, 2010

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
502 Washington Avenue, 8TH Floor
Towson, MD 21204

RE: *In the Matter of: Quartner Commercial Properties, LLC*
Case No.: 10-182-XA

Dear Mr. Alderman:

Enclosed please find a copy of the Dismissal Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Theresa R. Shelton".

Theresa R. Shelton
Administrator

Enclosure: Order of Dismissal

c (w/Encl.): Jon Quartner – (via e-mail and US Mail)
Brian Childress and David Hamil, P.E.
Marc A. Tyndale
Ryan J. Potter
Mary Kay Barrick
Arnold E Jablon, Esquire
David Farrell

Office of People's Counsel
Timothy Kotroco, Director/PDM
Avery Harden/PDM
John E. Beverungen, County Attorney

William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney

Jon Quartner
Quartner Commercial Properties LLC
PO Box 1001
Timonium Md 21094

Brian Childress and David Hamil, P.E.
Thaler and Associates, Inc.
7115 Ambassador Road
Baltimore MD 21244

Marc A. Tyndale
Car Wash Systems, Inc.
7604 Allentown Boulevard
Harrisburg, PA 17112

Ryan J. Potter
Gallagher, Evelius & Jones, LLP
218 North Charles Street, Suite 400
Baltimore, MD 21201

Mary Kay Barrick
Saint Agnes Parish
5422 Old Frederick Road
Baltimore, MD 21229

Howard L. Alderman, Jr., Esquire
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502 Washington Avenue, 8TH Floor
Towson, MD 21204

ARNOLD E JABLON ESQUIRE
VENABLE LLP
210 W. PENNSYLVANIA AVE, STE 500
TOWSON MD 21204

David Farrell
Catonsville Carwash, LLC
11616 Winchester Lane
Ellicott City, MD 21042

Office of People's Counsel
Timothy Kotroco, Director/PDM
Avery Harden/PDM
John E. Beverungen, County Attorney

William J. Wiseman, III, Zoning Commissioner
Arnold F. "Pat" Keller, Director/Planning
Nancy West, Assistant County Attorney

**IN RE: PETITIONS FOR SPECIAL EXCEPTION
and VARIANCE**

S/S Baltimore National Pike, 343' W c/line

St. Agnes Lane

(5509 Baltimore National Pike)

1st Election District

1st Councilmanic District

Quartrner Commercial Properties, LLC,

Legal Owner

BEFORE THE

COUNTY BOARD OF

APPEALS FOR

BALTIMORE COUNTY

Case No.: 2010-0182-XA

ORDER

Upon the filing of a *Dismissal of Appeal* by the sole appellant in this case, it is by the County Board of Appeals for Baltimore County this _____ day of _____, 2010,

ORDERED that the appeal of the February 16, 2010 decision of the Zoning Commissioner for Baltimore County in Case No. 2010-0182-XA, be and the same is hereby **DISMISSED**.

COUNTY BOARD OF APPEALS:

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 23, 2010

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BALTIMORE COUNTY
BOARD OF APPEALS

VIA TELEFAX & REGULAR MAIL

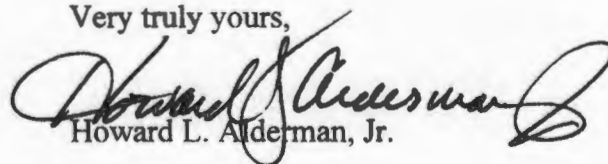
County Board of Appeals for Baltimore County
Attn: Ms. Theresa R. Shelton, Administrator
The Jefferson Building
105 West Chesapeake Avenue, Suite 203
Towson, Maryland 21204

RE: ***Quartner Commercial Properties, LLC, Legal Owner***
Case No. 2010-0182-XA
Dismissal of Appeal

Dear Ms. Shelton:

Enclosed, please accept for filing on behalf of Catonsville Carwash, LLC, the sole appellant in the above referenced case, Appellant's *Notice of Dismissal of Appeal* and proposed Order for the Board's consideration. Please advise the Board members that both the Notice and the proposed Order have been reviewed and approved by counsel for the Petitioner, Arnold E. Jablon, Esquire. Should you or any member of the Board desire additional information in this regard, please do not hesitate to contact me.

Very truly yours,


Howard L. Alderman, Jr.

HLA/gk

c: Catonsville Carwash, LLC
Arnold E. Jablon, Esquire
Peter Max Zimmerman, People's Counsel

IN RE: PETITIONS FOR SPECIAL EXCEPTION
and VARIANCE
S/S Baltimore National Pike, 343' W c/line
St. Agnes Lane
(5509 Baltimore National Pike)
1st Election District
1st Councilmanic District

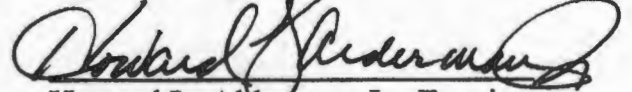
Quartner Commercial Properties, LLC,
Legal Owner

BEFORE THE
COUNTY BOARD OF
APPEALS FOR
BALTIMORE COUNTY

Case No.: 2010-0182-XA

NOTICE OF DISMISSAL OF APPEAL

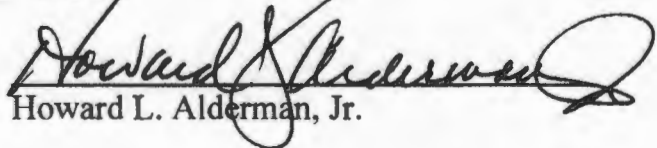
Catonsville Carwash, LLC, Appellant, in accordance with the *Rules of Practice and Procedure of the Baltimore County Board of Appeals*, Rule 3.a, hereby dismisses the above-captioned appeal. No cross appeal has been filed in these proceedings.



Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
410-321-0600
Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of April, 2010, a copy of the foregoing *Notice of Dismissal of Appeal* was mailed, postage prepaid, First Class United States Mail to Arnold E. Jablon, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, Maryland 21204 and to Catonsville Carwash, LLC, Attn: David Farrell, Member, 11616 Winchester Lane, Ellicott City, Maryland 21042.



Howard L. Alderman, Jr.

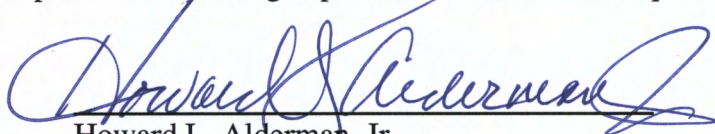
**IN RE: PETITIONS FOR SPECIAL EXCEPTION
and VARIANCE
S/S Baltimore National Pike, 343' W c/line
St. Agnes Lane
(5509 Baltimore National Pike)
1st Election District
1st Councilmanic District**

***Quartner Commercial Properties, LLC,*
Legal Owner**

**BEFORE THE
DEPUTY ZONING
COMMISSIONER OF
BALTIMORE COUNTY
Case No.: 2010-0182-XA**

NOTICE OF APPEAL TO COUNTY BOARD OF APPEALS

Catonsville Carwash, LLC, a Maryland limited liability company, owner of property in the neighborhood and a participant to the proceedings before the Zoning Commissioner, pursuant to Baltimore County Code §32-3-401 and Section 500.10 of the Baltimore County Zoning Regulations, being aggrieved by the decision of said Zoning Commissioner, hereby notes an appeal to the County Board of Appeals for Baltimore County of the *Findings of Fact and Conclusions of Law* of the Zoning Commissioner for Baltimore County, rendered on February 16, 2010, granting the Special Exception relief requested and granting in part and dismissing in part the Variance relief requested.



Howard L. Alderman, Jr.
Levin & Gann, P.A.
8th Floor, Nottingham Centre
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410.321.0600 [voice]
410.296.2801 [fax]
halderman@LevinGann.com [e-mail]

Attorneys for Catonsville Carwash, LLC

DATED: March 15, 2010

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MAY 14 2010

**BALTIMORE COUNTY
BOARD OF APPEALS**

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
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TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

March 15, 2010

Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 105
Towson, Maryland 21204

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MAY 14 2010
BALTIMORE COUNTY
BOARD OF APPEALS

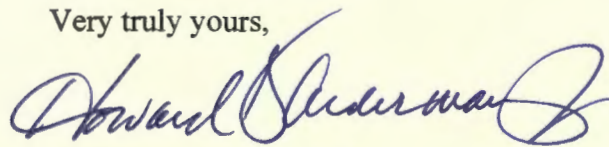
RE: 5509 Baltimore National Pike
Case No. 2010-0182-XA
Notice of Appeal

Dear Mr. Kotroco:

Enclosed, please find and docket a Notice of Appeal to the County Board of Appeals of the above-referenced case, filed on behalf Catonsville Carwash, LLC. Also enclosed is this firm's check in the amount of \$400, representing the appeal fee and sign posting fee per Mr. Jun Fernando of your staff.

Should you need any additional information in this regard, please do not hesitate to contact me. Otherwise, please forward the entire file to the Board of Appeals for processing.

Very truly yours,

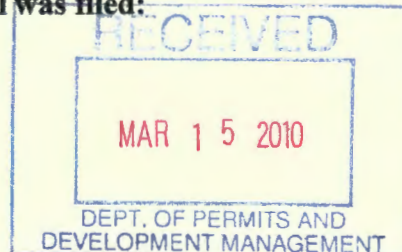


Howard L. Alderman, Jr.

HLA/gk
Enclosures (2)
c (w/Notice of Appeal):

Catonsville Carwash, LLC
Arnold Jablon, Esquire

**Stamp here and initial indicating date
appeal was filed:**



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

S/S Baltimore National Pike, 343' W c/line *
St. Agnes Lane
(5509 Baltimore National Pike) *
1st Election District
1st Council District *

Quartner Commercial Properties, LLC *
Petitioner *

BEFORE THE

ZONING COMMISSIONER

FOR

BALTIMORE COUNTY

Case No. 2010-0182-XA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Exception and Variance filed by the owner of the property, Quartner Commercial Properties, LLC, through its managing member, Jon Quartner, and their attorney, Arnold E. Jablon, Esquire of Venable, LLP. The Petitioner requests a special exception to permit a combination roll-over and self-service car wash, pursuant to Sections 233.3 and 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). In addition, variance relief is requested pursuant to Sections 307.1 and 419.4.B.3 of the B.C.Z.R. to permit a landscape transition area (LTA) a minimum of 4 feet in the rear yard and a minimum of zero (0) feet in a side yard that abuts non-residentially zoned land in lieu of the required 6 feet. The subject property and requested relief are more particularly described on the two page red-lined site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1A and 1B.

Appearing at the requisite public hearing in support of the request were Jon Quartner, on behalf of the property owner, Brian Childress and David Hamil, P.E., both registered professional

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Date

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civil engineers¹ with D.S. Thaler & Associates, Inc., the consultants who prepared the site plan(s) for this property, and Marc A. Tyndale, with Car Wash Systems, Inc., an expert in the development and design of car wash operations. The Petitioner was represented by David Karceski, Esquire and Arnold Jablon, Esquire. Appearing as a concerned adjacent property owner was David Farrell, who operates the Catonsville Car Wash just west of the subject property. A letter was received from Ryan J. Potter, Esquire, counsel to both the Roman Catholic Archbishop of Baltimore and St. Agnes Catholic Church, which is located near the subject property. The letter indicated that the Church was not aware of the proposal here and requested that the Church be noted as an interested party and be provided a copy of the decision rendered herein. However, received from the Petitioner was a letter from Mary Kay Barrick, Business Manager of Saint Agnes Parish, dated January 29, 2010, in which she acknowledges the proposal and complements the Petitioner for its improvements to the area and its sensitivity to the needs of the community. *See* Petitioner's Exhibit 6.

There were no adverse Zoning Advisory Committee (ZAC) comments received from any of the County reviewing agencies, although the Office of Planning did submit a recommendation. *See* Dennis Wertz's comment, dated February 2, 2010, in which the Director of Planning opposed the intended size of a large, pole-mounted sign, 50 square feet per face and 25 feet in height, to be located on Saint Agnes Lane, and recommended in its place a "monument" style sign with a maximum size of 25 square feet per face and a maximum height of 6 feet. The Office of Planning also requested that building elevations be submitted for review and approval prior to the issuance of any building permits. Provided these comments are addressed, the Office of Planning did not oppose

Messrs. Hamil and Childress are recognized and accepted as expert witnesses on land use and zoning - specifically as to B.C.Z.R. Sections 233, 419, 307.1 and 502.1.

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the special exception or the variances requested.

Testimony and evidence offered revealed that the requested relief involves Lot 2, known as 5507-5509 Baltimore National Pike (according to Mr. Quartner, the property is known by both numbers), as more particularly shown on Petitioner's Exhibits 1A (the site plan), 2 (the site plan with the internal automobile circulation illustrated in red) and 3 (the site plan with the parking spaces and stacking spaces color coded). Inasmuch as the three exhibits contain identical information, for ease of reference, the site plan referred to hereafter shall be Exhibit 2, except as otherwise cited. Lot 2 is 1.43 acres in area, is an irregular shaped corner parcel located on the southwest corner of Baltimore National Pike (US Route 40 - Pulaski Highway), a four lane highway, divided by a median strip, running east and west, and Saint Agnes Lane, which runs north and south between Old Frederick Road and Baltimore National Pike. The lot of record immediately to the west of Lot 2, and identified as Lot 1 on Petitioner's Exhibit 2, and known as 5511 Baltimore National Pike, is improved with a laundromat also owned by the Petitioner. The laundromat has access from Baltimore National Pike and from Old Frederick Road by way of a 24 foot paved drive. The access from Baltimore National Pike is by a 35 foot wide paved ingress and egress shared by Lot 1 and Lot 2. The access provided to Lot 1 from Old Frederick Road is by way of a 24 foot existing paved driveway, and extends to Lot 2 by a 24 foot paved drive aisle that runs behind the laundromat to Lot 2. Thus, Lot 2 has access as illustrated on Exhibit 2 from three locations - Baltimore National Pike, Saint Agnes Lane and Old Frederick Road. Ingress to Lots 1 and 2 from Baltimore National Pike is right-turn only and egress is also right turn only.

An appreciation of the properties past history and use is relevant and briefly outlined. In 2003, the Petitioner submitted a development plan for a retail center, which included Lots 1 and 2.

On Lot 1 was proposed as an AutoZone and for Lot 2 for a fuel service station and convenience store. The proposed development plan was approved. Subsequently, in Case No 04-033-SPHXA, a special exception was granted to permit the fuel service station as a use-in-combination with a convenience store with a sales area of larger than 1,500 square feet and a variance to permit a landscape transition area abutting a non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way; as well as variances to canopy signage. *See* Petitioner's Exhibit 7. The development plan was later amended by substituting the proposed AutoZone store on Lot 1 with the laundromat. *See* Petitioner's Exhibit 8. The existing retail buildings on Lot 2 were razed and Lot 2 is currently vacant. *See* Petitioner's Exhibit 9, photos of the site.

Should the present relief be granted, the Petitioner would abandon the special exception and variances approved in Case No. 04-033-SPHXA.

The subject property is surrounded by commercial uses, as shown on the numerous photographs submitted, of the commercialization of the immediate neighborhood. There are no residential zones or uses adjacent to the subject property. The nearest residentially zoned property is to the southwest of Old Frederick Road, Western Star Cemetery, which is far removed from the subject property. On the corner of Saint Agnes Lane and Baltimore National Pike, opposite the subject site and to its east, is Saint Agnes Church. To the west of the site is Mr. Farrell's business, also a car wash operation. *See* Petitioner's Exhibit 2.

The entire neighboring area, on both sides of Baltimore National Pike, including St Agnes, is zoned B.M.-C.C.C. *See* Petitioner's Exhibit 4, an aerial of the area. The subject property is included within a revitalization district, *See* Petitioner's Exhibit 5.

Testimony indicated that the subject site was improved with various commercial uses, including a restaurant, when the Petitioner purchased the property, which included Lots 1 and 2. After the development plan and special exception were approved, the Petitioner cleared both Lots 1 and 2 and constructed the laundromat on Lot 1 (*See photograph Exhibit 9*).

Mr. Jablon proffered, and Mr. Quartner confirmed, that the Petitioner has invested approximately \$6,000,000 in the entire property (which includes the land costs and the construction costs of the laundromat on Lot 1), and projects that the Petitioner will invest about \$1,500,000 in the construction of the car wash on Lot 2. He further confirmed that there will be approximately 12 employees between the car wash and laundry operations. There will always be at least one employee for the car wash at any given time. The car wash is projected to operate seven days per week, 24 hours per day.

Mr. Jablon proffered, and Mr. Hamil agreed, that the proposed car wash operation would include two types of car washes – six self-service and three roll-over. No full-service will be provided. Mr. Hamil confirmed the property is zoned B.M.-C.C.C., surrounded by B.M.-C.C.C. to the east and west and to the north and south. He confirmed that adjoining 5509 Baltimore National Pike (Lot 2) to the west is 5511 (Lot 1), also owned by the Petitioner, and is currently being used as the laundromat. To the east, as stated above, on the corner opposite on Saint Agnes Lane, is the Church. There are two variances requested, one is for a 0 foot side yard LTA instead of 6 foot required if abutting non-residentially zoned land by B.C.Z.R. Section 419.4.B.3. The side yard referred to, as shown on Petitioner's Exhibit 2, is to the west of the proposed car wash and to the property line separating Lots 1 and 2. Out of an abundance of caution, Mr. Jablon explained that the request for this variance was because Lot 1 and Lot 2 are separately recorded lots of record but he

believes a variance to the side yard is not required since both Lots 1 and 2 are owned by the same party. The second variance requested is for an LTA of 4 feet in the rear yard in lieu of the required 6 feet.

Mr. Hamil confirmed the subject property does not abut any residentially zoned property. He further confirmed that the special exception was required by B.C.Z.R. Section 233 (B.M. zone) and 419.1.

Mr. Jablon proffered, and referred to Petitioner's Exhibit 1B, stating that the proposed car wash would require 33 parking spaces and 34 would be provided. In addition, 41 stacking spaces would be required and 41 provided. No parking or stacking space variance is needed.

In support of the variances requested, Mr. Jablon further proffered, and Mr. Hamil confirmed, there is compliance with all of the requirements necessitated by Sections 419, et. seq., *the car wash regulations contained in the B.C.Z.R.*, but for the LTA setbacks as described above. No other variances are needed. Mr. Hamil opined the property has several unusual characteristics that drive the need for these variances. Most notably, as shown on the site plan, is the size, shape and location of the subject property. Lot 2 is a corner lot with access from three streets. It is important also that both Lots 1 and 2 were historically commercial uses and, as indicated by St. Agnes's Ms. Barrick, the Petitioner's improvements have "definitely" enhanced the area and there is no new impervious areas to be created.

In terms of practical difficulty, Mr. Jablon pointed out that both LTA variances are requested so as not to impact the access lanes already in place. To provide a 6 foot LTA to the side of the proposed car wash would reduce the drive aisle significantly and would cause the need for a drive aisle variance. To provide a 6 foot LTA to the rear would require alteration of the alignment of the

existing access lanes to Saint Agnes Lane already existing from Lot 1. *See* Petitioner's Exhibit 2, which illustrates the traffic flow on site, and Petitioner's Exhibit 3, which illustrates the parking and stacking layout. As shown on these plans, 10 foot wide medians with plantings, as required by the Baltimore County Landscape Manual, are provided with the drive aisles between the medians and the property lines. If the variances were denied, the aisles would be reduced for no reason and variances would still be needed.

It is important also to note that in Case No. 04-033- SPHXA, a 0 foot LTA abutting the non-residentially zoned property was granted. *Uniqueness and practical difficulty* were found to exist then and the site has not changed.

Further, testimony was provided by Marc Tyndale.² He testified that he is knowledgeable about roll-over and self-service car washes, and their noise levels. He testified that the noise levels created by either would not be significant at any distance. It was his opinion that any noise emanating from the car wash operation would not be discernable at any property line. The doors on the car wash tunnels coupled with the normal decibel level of traffic on Baltimore National Pike and the distances from the tunnels to Baltimore National Pike, St. Agnes Lane or to Old Frederick Road mitigate against any identifiable noise.

It was the opinions of Messrs. Hamil and Tyndale that there would be no adverse impact on the community by the car wash operations. Mr. Hamil testified that the granting of the variances will have no detrimental impact on the surrounding locale and would not be detrimental to the health, safety or general welfare of the locale and would have no negative impact on the community. Mr. Hamil stated that it was his opinion that the strictures of B.C.Z.R. Section 307.1 were satisfied and

² Mr. Tyndale is an expert in car washes. His resume was submitted as Petitioner's Exhibit 11.

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Date 2-16-10

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that a practical difficulty would exist if the variances were to be denied. It was his opinion that the properties were unique in a zoning sense, restating the uniqueness of the property. Mr. Jablon also pointed out that the proposed car wash operation would certainly be no more intrusive than the fuel service use approved in the prior zoning case, which was not appealed. In both instances, the uses are not traffic generators but utilize existing traffic volume.

As to the request for a special exception, Mr. Hamil testified that the proposed use for a car wash would conform to and meet all of the criteria set forth in Section 502.1 indicating that there would be no adverse impact if granted and, if granted, would be consistent with the properties' zoning classification and within the spirit and intent of the B.C.Z.R. It was his opinion that the proposed use would not cause any greater adverse impact or effects at this location than elsewhere in the same zone. The existence of a car wash nearby and the commercial nature of the area coupled with road network confirm that, in his opinion, the use is appropriate at this location.

The ZAC comments were received and are made part of the record of this case. Comments were received from the Office of Planning, and, as stated above, indicated no opposition but did make certain recommendations. Mr. Jablon stated, and Mr. Quartner agreed, that there were no objections to them. Mr. Hamil red-lined Petitioner's Exhibit 1B to amend the pole mounted sign as shown to be on St. Agnes Lane from 50 square feet per face and 25 feet in height to a "monument style sign with a maximum size of 25 square feet per face and a maximum height of 6 feet". Due to the subject property being located on Baltimore National Pike (US Route 40 - a State road), the State Highway Administration (SHA) provided its comment and specifically does not oppose the requested relief.

Finally, inasmuch as the Petitioner owns Lot 1 as well as Lot 2, I believe the zoning merger

doctrine applies. B.C.Z.R. Section 419.4.B.3 provides that there be a 6 foot LTA in a side yard abutting a non-residential property. I find that this specific variance request is not required. Zoning merger occurs as a result of a property owner's use of contiguous lots under the same ownership. *Friends of the Ridge v. Baltimore Gas & Electric Co*, 352 Md. 645 (1999). Both lots are owned by the same party, and effectively are merged by their use. For zoning purposes, 5511 and 5509 Baltimore National Pike shall be considered as one lot, and, therefore, no side yard variance is necessary to Section 419.4.B.3. Alternatively, even if the doctrine of zoning merger does not apply, I find that the proposed side yard LTA of 0 feet satisfies the criteria required by B.C.Z.R. Section 307.1, and would be in strict harmony with the spirit and intent of zoning regulations, specifically Section 419.4.B.3.

Considering all the testimony and the evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure that is the subject of the variances requested. Clearly, the subject property has constraints that are inherent to the property. Its irregular rectangular shape, its frontage on two roads with access from a third, the location of the existing laundromat on Lot 1, the granting of the previous zoning relief in Case No. 04-033-SPHXA, and the approval of the Development Plans, is persuasive to a finding that the properties are unique in a zoning sense. I further find that the strict application of the limitations imposed by Section 419.4.B.3 for a 6 foot rear yard LTA in lieu of the requested 4 feet would cause practical difficulty.

I find that the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Thus, I find that these variance(s) can be granted in such a manner as to meet the requirements of Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals in

Cromwell v. Ward, 102 Md. App 691 (1995).

Further, I find the proposed car wash will not be detrimental to the community. I find that the proposed use meets the special exception criteria set forth in B.C.Z.R. Section 502.1. The use at the subject location will not have any adverse impacts above and beyond those inherently associated with such a use irrespective of its location within the zone.

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 16th day of February 2010, that the Petition for Special Exception to permit a combination roll-over and self-service car wash, pursuant to Sections 233.3 and 419.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibit 1A and 1B, be and is hereby GRANTED; and further, upon vesting of the special exception use granted herein and pursuant to B.C.Z.R. Section 502.3, the Petitioner will abandon the special exception use granted in Case No. 04-033-SPHXA; and

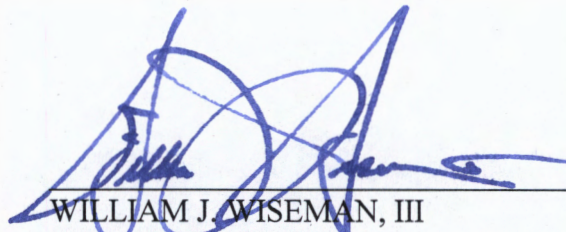
IT IS FURTHER ORDERED that the Petition for Variance, pursuant to Section 419.4.B.3 of the B.C.Z.R., to permit a landscape transition area (LTA) a minimum of 4 feet in the rear yard in lieu of the required 6 feet abutting non-residentially zoned land, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for a building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at its own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

2. Petitioner shall submit building elevations including freestanding enterprise and monument style sign elevations to the Office of Planning prior to issuance of any building permits. Petitioner's amended site plan, Exhibit 1B, reflecting red-lined sign changes is approved and made part of this Order.
3. Petitioner shall submit to the Baltimore County Landscape Architect a landscape and lighting plan for review and approval.
4. The special exception use granted herein shall be valid for a period not to exceed five years from the date this Order becomes final, pursuant to B.C.Z.R. Section 502.3.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 419.4.B.3 to permit the side yard landscape transition area (LTA) abutting non-residentially zoned property (west side) of 0 feet in lieu of the required 6 feet, as shown as Petitioner's Exhibit 2, is permitted as of right and, therefore, shall be DISMISSED AS MOOT.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

2-16-10

By

193



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 16, 2010

David H. Karceski, Esquire
Arnold E. Jablon, Esquire
Venable, LLP
210 West Pennsylvania Avenue, Suite 500
Towson, MD 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
S/S Baltimore National Pike, 343' W c/line St. Agnes Lane
(5509 Baltimore National Pike)
1st Election District - 1st Council District
Quartner Commercial Properties, LLC; *Legal Owner*
Case No. 2010-0182-XA

Dear Counsel:

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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a circular stamp or seal.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

- c: Jon Quartner, Quartner Commercial Properties, LLC, P.O. Box 1001, Timonium, MD 21094
Brian Childress & David Hamil, P.E., D.S. Thaler & Associates, Inc., 7115 Ambassador Road,
Baltimore, MD 21244
Marc A. Tyndale, Car Wash Systems, Inc., 7604 Allentown Boulevard, Harrisburg, PA 17112
David Farrell, 11616 West Winchester Lane, Ellicott City, MD 21042
Ryan J. Potter, Gallagher, Evelius & Jones, LLP, 218 North Charles Street,
Suite 400, Baltimore, MD 21201
Mary Kay Barrick, Saint Agnes Parish, 5422 Old Frederick Road, Baltimore, MD 21229
People's Counsel; Office of Planning; Avery Harden, DPDM; File



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property
located at 5509 Baltimore National Pike

which is presently zoned BM-CCC

Deed Reference: 26693 / 1 Tax Account # 2500004165

Deed Reference: 27291/191 Tax Account # 1800004837

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

SEE ATTACHED

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print _____

Signature _____

Venable LLP

Company _____

210 W. Pennsylvania Ave., Suite 500 410-494-6298

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

Case No. 2010-0182-XA

ORDER RECEIVED FOR FILING

REV 07/27/2007

Date 2-16-10

By OW

Legal Owner(s):

Quartrner Commercial Properties, LLC

Name - Type or Print _____

Signature _____

By: [Signature]

Name - Type or Print _____

Signature _____

P.O. Box 1001 410-252-4877 Ext. 4

Address _____ Telephone No. _____

Timonium MD 21094

City _____ State _____ Zip Code _____

Representative to be Contacted:

Arnold Jablon

Name _____

210 W. Pennsylvania Ave., Suite 500 410-494-6298

Address _____ Telephone No. _____

Towson MD 21204

City _____ State _____ Zip Code _____

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By D.T. Date 2/16/09

DROP-OFF

Petition for Special Exception
Attached Sheet
5509 Baltimore National Pike

Special exception to permit a combination roll-over and self-service car wash pursuant to Sections 233.3 and 419.1 of the Baltimore County Zoning Regulations ("BCZR") and further, upon approval and vesting of the special exception pursuant to BCZR Section 502.3, Petitioner will abandon the special exception granted in Case No. 04-033-SPHXA.

2010-0182-XA



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 5509 Baltimore National Pike
which is presently zoned BM-CCC

Deed Reference: 26693 / 1 Tax Account # 2500004165

Deed Reference: 27291/191 Tax Account # 1800004837

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

SEE ATTACHED

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

TO BE DETERMINED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Arnold Jablon

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6298

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Legal Owner(s):

Quarner Commercial Properties, LLC

Name - Type or Print

Signature

By:

Name - Type or Print

Signature

P.O. Box 1001

410-252-4877 Ext. 4

Address

Telephone No.

Timonium

MD

21094

City

State

Zip Code

Representative to be Contacted:

Arnold Jablon

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6298

Address

Telephone No.

Towson

MD

21204

City

State

Zip Code

Case No. 2010-0182-XA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by

D.T.

Date

12/16/09

DROP-OFF

REV 8/20/07

ORDER RECEIVED FOR FILING

Date

2-16-10

By

[Signature]

Petition for Variance
Attached Sheet
5509 Baltimore National Pike

Variance from Section 419.4.B.3 of the Baltimore County Zoning Regulations to permit a landscape transition area a minimum of 4 feet in the rear yard and a minimum of 0 feet in a side yard abutting non-residentially zoned land in lieu of the required 6 feet.

2010-0182-XA

October 12, 2009

ZONING DESCRIPTION

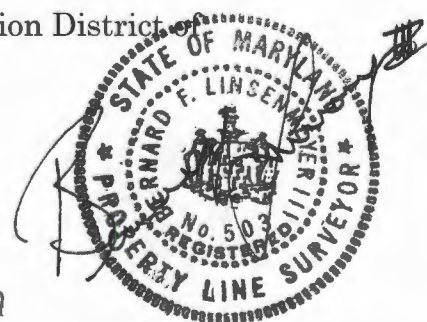
SAINT AGNES RETAIL CENTER (Lot No. 2)

Being for the same on the southerly side of Baltimore National Pike
(US Route 40), 150 feet wide at a point distant 343 feet westerly from the centerline
of St. Agnes Lane, thence running the following eleven (11) courses and distances:

1. Northeasterly 178.66 feet by a curve to the right, having a radius of 14,248.95 feet and a chord bearing North 76°15'24" East 178.66 feet to a point; thence,
2. South 50°27'17" East 135.66 feet, more or less, to a point; thence,
3. South 07°49'10" West 5.63 feet, more or less, to a point; thence,
4. North 85°40'50" West 13.28 feet, more or less, to a point; thence,
5. South 07°49'10" West 190.47 feet, more or less, to a point; thence,
6. South 82°22'10" West 60.03 feet, more or less, to a point; thence,
7. South 08°49'10" West 41.71 feet, more or less, to a point; thence,
8. South 82°22'10" West 75.75 feet, more or less, to a point; thence,
9. North 07°37'50" West 40.00 feet, more or less, to a point; thence,
10. South 82°22'10" West 22.87 feet, more or less, to a point; thence,
11. North 14°55'48" West 268.92 feet, more or less, to the point of beginning.

Containing 62,215 square feet or 1.43 acres of land, more or less.

Located in the First Councilmanic District of the First Election District of
Baltimore County, Maryland.



2010-0182-XA

**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: 2010-0182-XA

Petitioner: QUARTER COMMERCIAL PROPERTIES, LLC

Address or Location: 5509 BALTIMORE NATIONAL PIKE

PLEASE FORWARD ADVERTISING BILL TO:

Name: ARNOLD JABLON

Address: VENABLE LLP

210 W. PENNSYLVANIA AVE., SUITE 500

TOWSON, MD 21204

Telephone Number: 410-494-6298

Revised 2/20/98 - SCJ

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

No.

52100

Date:

3/18/10

PAID RECEIPT

BUSINESS ACTUAL TIME DWN
3/18/2010 3/18/2010 11:05:31 1

REG #SD1 WALKIN JRIC JHR
RECEIPT # 451996 3/18/2010 10:11

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	106	0000		6000				400.00

5 528 ZONING VERIFICATION
052100

Recpt Tot \$400.00
\$400.00 CR \$400.00 CA
Baltimore County, Maryland

Total:

400.00

Rec

From: Levin + Gann

For:

Appeal
5509 Baltimore National Rte
2010-0127-1A

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. 22307

Date: 11-1-91

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	202	0000		30						705.00

Total: 705.00

Rec

From: 12105-1

For: 110-1-91-01

D. Thompson

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

THE DAILY RECORD

Baltimore, January 20, 2010

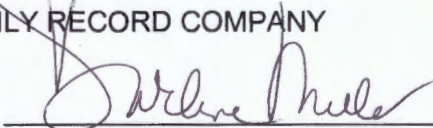
Case #201-0182-XA - 5509
Baltimore National Pike

Inv:# 30437149

We hereby certify that the annexed advertisement of Case #201-0182-XA - 5509 Baltimore National Pike was published in THE DAILY RECORD, a daily newspaper published in the City and County of Baltimore on 01/20/2010.

First insertion January 20, 2010

THE DAILY RECORD COMPANY

Per 

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: 2010-0182-XA

5509 Baltimore National Pike

S/side of Baltimore National Pike, 343 feet west of the centerline of St. Agnes Lane

1st Election District - 1st Councilmanic District

Legal Owners: Quarter Commercial Properties, LLC

Variance to permit a landscape transition area a minimum of 4 feet in the rear yard and a minimum of 0 feet in a side yard abutting non-residentially zoned land in lieu of the required 6 feet. Special Exception to permit a combination roll-over and self-service car wash and further, upon approval and vesting of the special exception. The petitioner will abandon the special exception grant in case no. 04-033-SPHYA.

Hearing: Wednesday, February 3, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

WILLIAM J. WISEMAN III,

ZONING COMMISSIONER FOR BALTIMORE COUNTY.

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ja20

CERTIFICATE OF POSTING

2010-0182-XA

RE: Case No.: _____

Petitioner/Developer: _____
Quartner Commercial Properties

February 3, 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: _____
5509 Baltimore National Pike

January 20 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Jan 20, 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)

s Lane

ZONING NOTICE

CASE # 2010-0182 XA

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

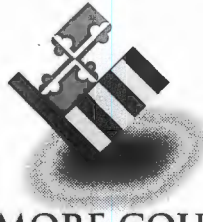
PLACE: ROOM 104, JEFFERSON BUILDING
100 WEST CHESHAMPTON AVE. TOWSON 21204

DATE AND TIME: WEDNESDAY, FEBRUARY 3, 2010 AT 9:00 A.M.

REQUEST: VARIANCE TO PERMIT A LANDSCAPE TRANSITION AREA
A MINIMUM OF 4 FEET IN THE REAR YARD AND A MINIMUM OF 0
FEET IN A SIDE YARD ADJOINING NON-RESIDENTIALLY ZONED LAND IN
LIEU OF THE REQUIRED 6 FEET. SPECIAL EXCEPTION TO PERMIT A
COMBINATION ROLL-OVER AND SELF-SERVICE CAR WASH AND FURTHER
UPON APPROVAL AND VESTING OF THE SPECIAL EXCEPTION THE
PETITIONER WILL ABANDON THE SPECIAL EXCEPTION GRANT IN CASE NO
04-033-SPAXA.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3301

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



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

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: 2010-0182-XA

5509 Baltimore National Pike

S/side of Baltimore National Pike, 343 feet west of the centerline of St. Agnes Lane

1st Election District – 1st Councilmanic District

Legal Owners: Quartner Commercial Properties, LLC

Variance to permit a landscape transition area a minimum of 4 feet in the rear yard and a minimum of 0 feet in a side yard abutting non-residentially zoned land in lieu of the required 6 feet. Special Exception to permit a combination roll-over and self-service car wash and further, upon approval and vesting of the special exception. The petitioner will abandon the special exception grant in case no. 04-033-SPHXA.

Hearing: Wednesday, February 3, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Arnold Jablon, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Quartner Commercial Prop., P.O. Box 1001, Timonium 21094

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., JANUARY 20, 2010.**
- (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, January 20, 2010 Issue

Please forward billing to:

Arnold Jablon
Venable
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6298

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: 2010-0182-XA

5509 Baltimore National Pike

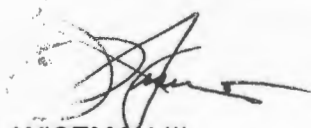
S/side of Baltimore National Pike, 343 feet west of the centerline of St. Agnes Lane

1st Election District – 1st Councilmanic District

Legal Owners: Quartner Commercial Properties, LLC

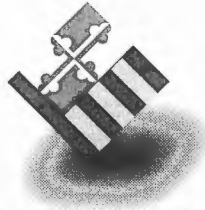
Variance to permit a landscape transition area a minimum of 4 feet in the rear yard and a minimum of 0 feet in a side yard abutting non-residentially zoned land in lieu of the required 6 feet. Special Exception to permit a combination roll-over and self-service car wash and further, upon approval and vesting of the special exception. The petitioner will abandon the special exception grant in case no. 04-033-SPHXA.

Hearing: Wednesday, February 3, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

January 25, 2010

Arnold Jablon
Venable, LLP
210 Pennsylvania Ave. Ste. 500
Towson, MD 21204

Dear: Arnold Jablon

RE: Case Number 2010-0182-XA, 5509 Baltimore National Pike

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 16, 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
Quartner Commercial Properties, LLC; P.O. Box 1001; Timonium, MD 21094

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For January 25, 2010
Item Nos. 2010-0182, 183, 184
and 187

DATE: January 13, 2010

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-01252010 -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

January 20, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 11 2010

Item Numbers: 0182, 0184

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: Jan. 11, 2010

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

RE: Baltimore County
Item No. 2010-0182-XA
US 40 (PULASKI HWY)
5509 Balto. Nat'l Pike
QUARTER COMM. PROP, LLC
VARIANCE
SPECIAL EXCEPTION-

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 01/11/2010. A field inspection and internal review reveals that an entrance onto US 40 Is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for QUARTER COMM. PROP. Case Number 2010-0182-XA.

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 "Michael P. Bailey", is written over a printed name.

For 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 2, 2010

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

RECEIVED

SUBJECT: 5509 Baltimore National Pike

FEB 02 2010

Item Number: 10-182

ZONING COMMISSIONER

Petitioner: Quartner Commercial Properties, LLC

Zoning: BM-CCC

Requested Action: Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request, accompanying site plan and offers the following comments:

The subject property is located on the southwest corner of Baltimore National Pike and Saint Agnes Lane within the Baltimore National Pike Commercial Revitalization District. Currently the site is unimproved, as the old existing structures have been demolished.

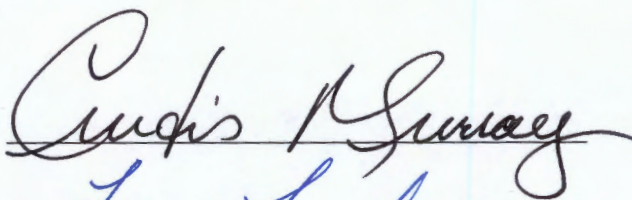
Sheets 1 and 2 of the petitioner's plat show the location of two proposed freestanding signs. One of the proposed signs will be located along Baltimore National Pike and the other proposed sign will be located along Saint Agnes Lane. An elevation drawing for these signs is shown on sheet 2 of the plat. The elevation drawing depicts a large (50 square feet per face), tall (25 feet), pole mounted sign with interior illumination.

The Office of Planning opposes a large, pole-mounted sign along Saint Agnes Lane. A large enterprise sign is not needed at this location, and it would adversely impact a historic property located on the opposite side of Saint Agnes Lane. Saint Agnes Lane is a minor road. The Saint Agnes Church and School Complex is located on the other side of this road opposite the proposed sign and car wash. This complex is listed on the Maryland Inventory of Historic Properties (MIHP Site No. BA-3190). If the petitioner desires to erect an enterprise sign along Saint Agnes Lane, it should be an attractive "monument" style sign with a maximum size of 25 square feet per face and a maximum height of 6 feet.

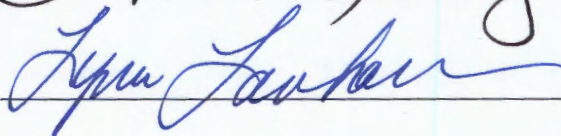
Building elevations and freestanding enterprise sign elevations should be submitted to the Office of Planning for review and approval prior to the issuance of any building permits. Avery Harden, Baltimore County Landscape Architect should review and approve a landscape and lighting plan. Provided the aforementioned comments are addressed the Office of Planning does not oppose the requested Special Exception and Variance.

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

Prepared by:

Handwritten signature of Curtis R. Sumay in black ink, written over a horizontal line.

Division Chief:
AFK/LL: CM

Handwritten signature of Lynn Lark in blue ink, written over a horizontal line.

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 02 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: February 2, 2010

SUBJECT: Zoning Item # 10-182-XA
Address 5509 Baltimore National Pike
(Quartner Commercial Properties, LLC)

Zoning Advisory Committee Meeting of January 11, 2010

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

Reviewer: JWL

Date: 2/2/10

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
AND VARIANCE		
5509 Baltimore National Pike; S/S Baltimore	*	ZONING COMMISSIONER
National Pike, 343' W c/line St. Agnes Lane		
1 st Election & 1 st Councilmanic Districts	*	FOR
Legal Owner(s): Quartner Commercial Properties		
Petitioner(s)	*	BALTIMORE COUNTY
	*	10-182-XA

* * * * *

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.

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

RECEIVED

JAN 15 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2010, a copy of the foregoing Entry of Appearance was mailed to Arnold Jablon, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

From: "Howard Alderman" <halderman@levingann.com>
To: <kmatthews@baltimorecountymd.gov>
Date: 02/01/10 4:35 PM
Subject: 2010-0182-XA
CC: "Donald Rascoe" <drascoe@baltimorecountymd.gov>, <jlewis@baltimorecounty...

Kristen:

My client has seen a zoning sign posted and has attempted to find out what relief is requested. The **Case No. is 2010-0182-XA** and the sign states that the hearing is this Wednesday. I've looked at the County's web site and cannot find any reference to such a hearing.

Can you please fax (or email) to me the hearing notice so that I may call my client back?

Thanks,
Howard

Howard L. Alderman, Jr., Esquire
Levin & Gann, PA
Nottingham Centre, 8th Floor
502 Washington Avenue
Towson, Maryland 21204
☎: 410-321-0600 (voice)
☎: 410-296-2801 (fax)
✉: halderman@LevinGann.com
Website: www.LevinGann.com

This email is confidential, intended only for the named recipient(s) above and may contain information that is privileged, attorney work product or exempt from disclosure under applicable law. If you have received this message in error or are not the named recipient(s), please notify immediately the sender at 410-321-0600 and delete this email message from your computer as any and all unauthorized distribution or use of this message is strictly prohibited. Thank you.

Circular 230 Disclosure: Pursuant to recently-enacted U.S. Treasury Department Regulations, we are now required to advise you that, unless otherwise expressly indicated, any federal tax advice contained in this communication, including attachments and enclosures, is not intended or written to be used, and may not be used, for the purpose of either (i) avoiding tax-related penalties under the U.S. Internal Revenue Code or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

NOTE: If a file in Adobe/PDF format is attached to this message and you do not have the software to open it, you may download and install the software at no cost from the following:

<http://www.adobe.com/products/acrobat/readstep2.html>

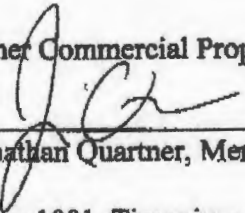
Zoning Office
Department of Permits and Development Management
111 West Chesapeake Ave
Towson, Maryland 21204

Zoning Office:

Please be advised that we, the undersigned, have authorized Arnold Jablon, Esq., Venable, LLP, 210 Allegheny Ave., Towson, Maryland 21204, to be our attorney-in-fact and attorney-at-law and on our behalf file the attached petitions for zoning relief. We hereby understand that the relief requested is for property we own and lease and we hereby and herewith acknowledge our express permission for said petitions to be filed on our behalf. The petition(s) filed are for property located at 5509 Baltimore National Pike, property we own.

Further, the undersigned is the owner of said property, and hereby and herewith authorize Mr. Jablon to be our attorney-in-fact and attorney-at-law and represent us in this matter.

Quartner Commercial Properties, LLC (owner)

By: 

Jonathan Quartner, Member

P O Box 1001, Timonium, Maryland 21094
address

12/12/09 (Date)

2010-0182-XA

From: Debra Wiley
To: Murray, Curtis
Date: 1/28/2010 3:51 PM
Subject: OP Comment Needed

Murray
OP

Hi Curtis,

In reviewing next week's case files, it appears Bill will need an OP comment for his hearing scheduled on Wed., 2/3 @ 9 AM. I have provided a case description for your convenience as follows:

Case No. 2010-0182-XA

5509 Baltimore National Pike

S/side of Baltimore National Pike, 343 feet west of the centerline of St. Agnes Lane

1st Election District - 1st Council District

Legal Owners: Quartner Commercial Properties, LLC

Variance to permit a landscape transition area a minimum of 4 feet in the rear yard and a minimum of 0 feet in a side yard abutting non-residentially zoned land in lieu of the required 6 feet.

Special Exception to permit a combination roll-over and self-service car wash and further, upon approval and vesting of the special exception, the petitioner will abandon the special exception grant in Case No. 04-033-SPHXA.

Hearing: Wed., Feb. 3, 2010 at 9:00 AM, Rm. 104, Jefferson Bldg., 105 W. Chesapeake Ave., Towson 21204

Thanks and have a wonderful evening !

Debbie Wiley
 Legal Administrative Secretary
 Office of the Zoning Commissioner
 105 West Chesapeake Avenue, Suite 103
 Towson, Md. 21204
 410-887-3868
 410-887-3468 (fax)
 dwiley@baltimorecountymd.gov

<u>2010-0182-XA</u>		
DPR	1-13	No comments
FD	1-20	Comply w/ Code
SHA	1-11	No objection
Notice	Posting	PC appearance

Bill Wiseman - RE: Case No. 2010-0182-XA -- 5509 Baltimore National Pike

From: "Ryan J. Potter" <rpotter@GEJLAW.com>
To: "Bill Wiseman" <wwiseman@baltimorecountymd.gov>
Date: 2/3/2010 10:00 AM
Subject: RE: Case No. 2010-0182-XA -- 5509 Baltimore National Pike
CC: "Debra Wiley" <dwiley@baltimorecountymd.gov>

Thanks very much.

Ryan J. Potter
TEL: 410 951 1404 / FAX: 410 468 2786
218 N Charles Street, Suite 400, Baltimore, MD 21201
rpotter@gejlaw.com

GALLAGHER EVELIUS & JONES LLP
ATTORNEYS AT LAW

IRS CIRCULAR 230 NOTICE: Any U.S. tax advice contained in this communication (or in any attachment) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding federal tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This email transmission may contain CONFIDENTIAL and PRIVILEGED information. If you are not the intended recipient, please notify the sender by email, do not disseminate and delete immediately.

From: Bill Wiseman [mailto:wwiseman@baltimorecountymd.gov]
Sent: Wednesday, February 03, 2010 7:52 AM
To: Ryan J. Potter
Cc: Debra Wiley
Subject: Re: Case No. 2010-0182-XA -- 5509 Baltimore National Pike

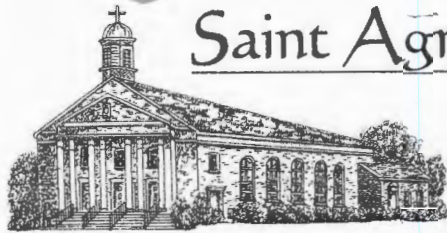
Your enclosed letter received and will be placed in file. A copy of the decision will be sent on to you.

Bill

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

Ph: 410-887-3868 Fax: 410-887-3468
wwiseman@baltimorecountymd.gov

>>> "Ryan J. Potter" 02/02/10 8:26 PM >>>



Saint Agnes Parish

5422 Old Frederick Road
Baltimore, MD 21229
410-744-2900

January 29, 2010

Baltimore County Zoning Commission
400 Washington Avenue
Towson, MD 21204

To Whom It May Concern,

I am writing this letter regarding the property located at 5509 Baltimore National Pike in Catonsville, owned by Quartner Commercial Properties. I am the business manager for St. Agnes Church, which is located next door to this property. I believe the improvements that have been made to 5511 Baltimore National Pike and the proposed improvement to 5509 are definitely an enhancement to the area. Mr. Quartner has been extremely sensitive to the needs of our community in planning the development of his property. He has been very open in his plans for the property and has expressed an interest in fundraising opportunities for our school and youth group with his planned car wash. I look forward to working with him in this effort.

Sincerely,

Mary Kay Barrick

Mary Kay Barrick

Business Manager

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

RYAN J. POTTER
rpotter@gejlaw.com
direct dial: 410 951 1404
fax: 410 468 2786

February 2, 2010

Via Electronic Mail
and Federal Express

William J. Wiseman, III
Zoning Commissioner of Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

FEB 04 2010

ZONING COMMISSIONER

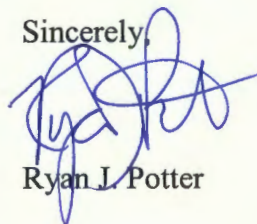
Re: Case No. 2010-0182-XA
5509 Baltimore National Pike

Dear Mr. Wiseman:

Our firm serves as counsel to both the Roman Catholic Archbishop of Baltimore and St. Agnes Catholic Church, which is located in the immediate vicinity of the above-referenced property, on the opposite side of St. Agnes Lane. In 2004, our client participated in proceedings before the Zoning Commissioner (Case No. 04-033-SPHXA) in relation to a proposed development project on the subject site, which ultimately failed to come to fruition. We have just learned that a public hearing is scheduled for 9 a.m. tomorrow morning, to review new requests for a variance and a special exception associated with a self-service car wash operation on the property. We have had no interaction with the applicant about the specifics of the current proposal, and unfortunately, the Pastor of St. Agnes parish, Fr. Timothy Fell, is unavailable to attend tomorrow's hearing on such short notice. Nevertheless, I ask respectfully that you note St. Agnes Catholic Church as an interested party in this matter, and that you kindly provide me with a copy of any decision that might be rendered.

I thank you in advance for your assistance, and should you require any further information from my client, please do not hesitate to contact me at your convenience.

Sincerely,



Ryan J. Potter

cc: Rev. Timothy J. Fell
Mr. Nolan McCoy

394185
000100-0001



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

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

Account Identifier: District - 01 **Account Number -** 2500004165

Owner Information

Owner Name:	QUARTNER COMMERCIAL PROPERTIES LLC	Use:	COMMERCIAL
Mailing Address:	PO BOX 1001 TIMONIUM MD 21094-1001	Principal Residence:	NO
		Deed Reference:	1) 2)

Location & Structure Information

Premises Address	Legal Description
5507 BALTO NATL PIKE	1.3860AC SS
BALTIMORE 21229	5507-5509 BALTO NATL PK
	SAINT AGNES RETAIL CTR

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
95	21	510					2	3	Plat Ref: 78/ 353

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		1.39 AC	06
Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	417,000	556,000		
Improvements:	0	0		
Total:	417,000	556,000	463,333	509,666
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	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 *

1.3860
 1.2176
 2.6036

CASE NAME 5509 Balt. Nat'l Bk
CASE NUMBER 10-182
DATE 2/3/10

[illegible]

CASE NAME 5509 Balto. Note Pile
CASE NUMBER 2010-0182-XA
DATE 2-3-10

[illegible]

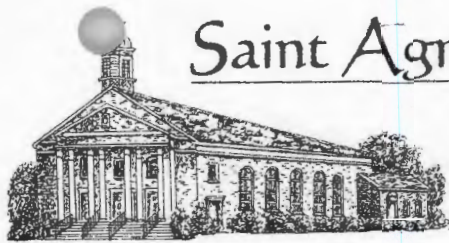
Case No.: 2010-0182-XA 5509 BALTIMORE NATIONAL PIKE

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	1A - Page 1 - Site Plan Filed 1B -	
No. 2	Redlined Site Plan CIRCULATION - LANDSCAPING	
No. 3	Colorized - Site Plan PARKING & STACKING DETAIL	
No. 4	Aerial Exhibit	
No. 5	Commercial Revitalization District	
No. 6	Letter of Support St. AGNES CHURCH	
No. 7	ORDER 04-033-SAHXA	
No. 8	DEV. PLAN APPROVED PROJECT 01-566	
No. 9 Arthur K	Photo's	
No. 10	Resume - David HAMIL (FE)	
No. 11	NOISE LEVEL STUDY RESUME - David Hamil MARC HAMIL	
No. 12	NOISE LEVEL STUDY	



Saint Agnes Parish

5422 Old Frederick Road
Baltimore, MD 21229
410-744-2900

January 29, 2010

Baltimore County Zoning Commission
400 Washington Avenue
Towson, MD 21204

To Whom It May Concern,

I am writing this letter regarding the property located at 5509 Baltimore National Pike in Catonsville, owned by Quartner Commercial Properties. I am the business manager for St. Agnes Church, which is located next door to this property. I believe the improvements that have been made to 5511 Baltimore National Pike and the proposed improvement to 5509 are definitely an enhancement to the area. Mr. Quartner has been extremely sensitive to the needs of our community in planning the development of his property. He has been very open in his plans for the property and has expressed an interest in fundraising opportunities for our school and youth group with his planned car wash. I look forward to working with him in this effort.

Sincerely,

Mary Kay Barrick

Mary Kay Barrick

Business Manager

PETITIONER'S EXHIBIT 6

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 21, 2003

Patricia A. Malone, Esquire
Venable, Baetjer & Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE
SW/Corner Baltimore National Pike & St. Agnes Lane
(Parcels 235, 273, 279 & 300, aka 5501-5511 Old Frederick Road, and
Parcel 326, aka 5500 Old Frederick Road)
1st Election District – 1st Council District
Walter R. Mohler, Trustee, et al & Damian Birchess & Christine L. Commerford, Owners;
Q-C Enterprises, Inc., Contract Purchasers - Petitioners
Case No. 04-033-SPHXA

Dear Ms. Malone:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Variance have been granted, 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 dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Walter Mohler, 2 Spring House Road, Lutherville, Md. 21093
Dr. Damian Birchess & Christine Commerford, 5411 Old Frederick Rd., #18, Baltimore, Md. 21229
Mr. Eric Chadwick, 110 Old Padonia Road, Suite LL, Baltimore, Md. 21030
Mr. Andrew Ferretti, 849 International Drive, Suite 215, Linthicum, Md. 21090
Mr. Ken Schmid, 325 Gambrills Road, Suite E, Gambrills, Md. 21054
Mr. Eric Roemer, 2711 Easton Road, Willow Grove, Pa. 19090
Ryan Potter, Esq., Gallagher Evelius Jones, 218 N. Charles St., #400, Baltimore, Md. 21201
Mr. John McCaul & Sister Magdalene Buckmeister, St. Agnes School,
603 St. Agnes Lane, Baltimore, Md. 21229
Office of Planning; People's Counsel; Case: File

Received

PETITIONER'S EXHIBIT 7

INC.

Visit the County's Website at www.baltimorecountymd.gov



IN RE: PETITIONS FOR SPECIAL HEARING,	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE -	*	
SW/Corner Baltimore National Pike	*	ZONING COMMISSIONER
(Maryland Route 40) and St. Agnes Lane	*	
(Parcels 235, 273, 279 & 300, aka	*	OF BALTIMORE COUNTY
5501-5511 Old Frederick Rd., and		
Parcel 326, aka 5500 Old Frederick Rd.)*		Case No. 04-033-SPHXA
1 st Election District/1 st Council District	*	
	*	
Walter R. Mohler, Trustee and Bank of	*	
America, N.A., Owners,	*	
(Parcels 235, 273, 279 & 300)	*	
Damian Birchess, M.D. and Christine L.	*	
Commerford, Owners (Parcel 326)	*	
Q-C Enterprises, Inc., Contract Purchasers/	*	
Developers	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing, Special Exception and Variance filed by the owners of the subject property and the Contract Purchasers/Developers identified above, through their attorney Robert A. Hoffman, Esquire. The Petitioners request special hearing relief, pursuant to Section 500.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the B.C.Z.R. In addition the Petitioners request a determination that the proposed joint identification sign for the subject fuel service station/convenience store and the retail establishment is permitted by right. A special exception is requested to permit a proposed fuel service station as a use in combination with a convenience store with a sales area larger than 1500 sq.ft., pursuant to Section 405.2.B.1 and 405.4.E.1 of the B.C.Z.R. Finally, variance relief is requested, if necessary, from Section 405.4.A.2.b of the B.C.Z.R. to permit a landscape transition area abutting non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way; and, from Section 405.4.5.e to permit two fuel service station canopy signs of 245 sq.ft. each and two fuel service station canopy signs of 44 sq.ft. each, in lieu of the permitted four fuel service station canopy signs of 25 sq.ft. each. The

subject property and requested relief are more particularly described on the amended site plan marked as Petitioner's Exhibit 2, which reflects the proposed development of this project as agreed upon following negotiations between the Petitioners and the adjacent property owners.

Appearing at the requisite public hearing in support of the request were Walter Mohler, Trustee; H. Eric Chadwick on behalf of Q-C Enterprises, Inc., Contract Purchasers; Eric Roemer, on behalf of 7-Eleven Corporation; Ken Schmid, Traffic Engineer; Andrew Feretti, the Professional Engineer who prepared the site plan for this property; and Patricia A. Malone, Esquire, attorney for the Petitioners. Also appearing in support of the request were James W. Mohler, and Arthur W. Putzel. Appearing as interested citizens were John McCaul, Principal, and Sister Magdalene Buckmeister of St. Agnes School, adjacent property owner, and their attorney, Ryan Potter, Esquire.

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest corner of Baltimore National Pike (Maryland Route 40) and St. Agnes Lane in Catonsville. The property is comprised of five separate parcels, four of which (Parcels 235, 273, 279 & 300) are owned by Walter R. Mohler and Bank of America as Trustees, and the fifth parcel (Parcel 326), which is owned by Damian E. Birchess and Christine L. Commerford. The overall tract contains 3.039 acres, more or less, zoned B.M.-C.C.C. and is improved with several block buildings which are currently vacant; however, were previously used over the years for commercial and retail purposes. The Petitioners have contracted to sell the entire tract to Q-C Enterprises, Inc., who proposes a major redevelopment of the site with a 7-Eleven Convenience Store and fuel service station, and an Auto Zone store.

For purposes related to the subject Petitions, the property has been bifurcated into two separate parts. As shown on the site plan, approximately one-half of the overall tract will be excluded from the proposed special exception area and developed with an Auto Zone automotive parts store. The Auto Zone building will be 90' x 60' in dimension (5400 sq.ft. in area) and oriented to face Baltimore National Pike. Additionally, there will be 32 parking spaces to serve that store. The remainder of the site will contain the fuel service operation/convenience store and unrelated retail use. This portion of the site will be improved with a building 4703 sq.ft. in area. A

part of that building (2,980 sq.ft.) will contain a 7-Eleven convenience store. The remaining 1,723 sq.ft. will be occupied by a retail use unrelated to the 7-Eleven store; either a sub shop or other similar use. The balance of this portion of the site will contain 16 multi-product fuel dispensers, parking and drive areas.

A special exception is necessary for the proposed fuel service operation use in combination with the proposed convenience store with a sales area greater than 1500 sq.ft. It appears that this use is appropriate, given the commercial uses in the vicinity and the location of the property immediately adjacent to Baltimore National Pike, which is a highly traveled roadway. I am persuaded that the special exception requirements of Section 502.1 of the B.C.Z.R. have been met and that the proposed fuel service station/convenience store use will not be detrimental to the health, safety or general welfare of the locale. Moreover, the proposal complies with the requirements of Section 405 for a fuel service operation.

Special hearing relief is requested to clarify the application of Section 405.4.e of the B.C.Z.R., which allows certain uses in combination with a fuel service station operation. As noted above, a single building is proposed with a common wall separating the 7-Eleven store from the yet to be identified tenant of the retail space. The Petitioners request a finding that the proposed retail use is not a use in combination with the fuel service operation in that they are not related to one another and will be managed and operated separately. Based upon the testimony and evidence offered, I am persuaded to grant this relief. Even though the retail use will be located within the same building footprint as the convenience store, it is clear that it will be a separate use unrelated to the fuel service operation/convenience store. Thus, the relief requested should be granted.¹

The Petitioners also seek approval that the proposed identification sign for the 7-Eleven store/fuel service station operation and the yet to be identified retail tenant is a joint identification sign and as such, is permitted by right. The proposed sign is more particularly described on Page 2 of the amended plan marked as Petitioner's Exhibit 2. It is clear that the sign, by definition, is a joint identification sign and is permitted as of right.

¹ See, also, the decision rendered by the Co. Board of Appeals in Case No. 00-309-A wherein under similar circumstances, the Board held that separate/unrelated uses on the same lot were not uses in combination.

Lastly, variance relief is requested from the landscape transition area requirements. In this regard, the Petitioner argued that relief might not be necessary due to the peculiar nature of the property. Specifically, Section 405.4.A.2b of the B.C.Z.R. could be interpreted to require a landscape transition area between the two uses proposed within the one building. Obviously, landscaping cannot be provided between the two uses unless the building is separated. In addition, landscaping cannot be provided between the special exception area and the proposed Auto Zone store in that the uses are located on the same lot and utilize the same vehicular access. Nonetheless, in order to resolve this issue, variance relief will be granted to waive/modify the landscape transition area requirements between the two separate uses within the one building and the special exception use and the Auto Zone store. The unique layout of this property and proposed uses easily justify variance relief.

The final variance request relates to the proposed canopy signage for the fuel service station operation. In this regard, there have been numerous prior cases before the Zoning Commissioner seeking an interpretation of the sign regulations for canopy signs and questions raised regarding whether the painting and striping as part of the logo of those canopy signs should be calculated as part of the actual lettering. In those cases, the Zoning Commissioner's office has consistently held that painting and striping should not be counted as signage. The Office of People's Counsel disagrees. To resolve that issue in this case, I will grant the requested variance. I find that there is sufficient testimony and evidence in the record to satisfy the requirements of Section 307.1 of the B.C.Z.R. I am persuaded that the signs as proposed are appropriate in this instance and should be approved.

It should be noted that the amended plan marked as Petitioner's Exhibit 2 resulted after negotiations and substantial discussions between the adjacent St. Agnes School and the Petitioners over the proposed redevelopment of this site. An agreement was entered into between the parties and a series of restrictions reflecting that agreement have been incorporated herein as requested by the parties. I concur that these restrictions are appropriate, pursuant to Section 502.2 of the B.C.Z.R. Moreover, the Zoning Advisory Committee (ZAC) comments submitted by the Office of Planning shall be adopted and incorporated herein as restrictions to the relief granted.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October 2003 that the Petition for Special Hearing to approve that the proposed fuel service station/convenience store is a separate operation from the adjoining retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the B.C.Z.R., be and is hereby GRANTED; and,

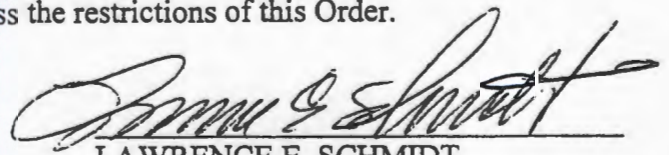
IT IS FURTHER ORDERED that the proposed joint identification sign for the subject fuel service station/convenience store and the retail establishment is permitted by right, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a proposed fuel service station as a use in combination with a convenience store with a sales area larger than 1500 sq.ft., pursuant to Section 405.2.B.1 and 405.4.E.1 of the B.C.Z.R., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.b of the B.C.Z.R. to permit a landscape transition area abutting non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way; and, from Section 405.4.5.e to permit two fuel service station canopy signs of 245 sq.ft. each and two fuel service station canopy signs of 44 sq.ft. each, in lieu of the permitted four fuel service station canopy signs of 25 sq.ft. each, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) There shall be no public address system outside the buildings; however, an intercom system can be provided at the fuel pump island to assist patrons.

- 3) There will be no outside pay phones on the 7-Eleven property and no outside vacuum cleaners.
- 4) A landscape buffer of 19 feet will be provided along St. Agnes Lane across from St. Agnes School and taper to a width of 10 feet near the corner at Baltimore National Pike as shown on Petitioner's Exhibit 2. The intent of this restriction is to have the buffer at the maximum width possible in this area, dependent upon any improvements that may be required by the Maryland State Highway Administration (SHA) to Baltimore National Pike. This restriction may be modified, if required, by SHA.
- 5) The Petitioners shall provide a sidewalk connection and appropriate crosswalks from the public sidewalk to the building entrance.
- 6) Trash removal/pick-up will be at reasonable hours so as not to be disruptive to the neighbors. Moreover, the dumpster enclosure shall be constructed of similar materials as the building.
- 7) All lighting on the site will be designed so as not to shine and/or reflect onto adjacent properties.
- 8) A barrier shall be installed to prevent vehicular access from the adjacent car wash through the subject property to St. Agnes Lane.
- 9) The Petitioners shall consult with Ray Heil, Baltimore County Street Coordinator for Baltimore National Pike (Maryland Route 40) improvements to prepare a landscape plan that addresses the total area between the curb along St. Agnes Lane and Route 40 and the proposed site improvements.
- 10) The Petitioners shall submit architectural elevations of all facades and signs, as well as a landscape plan and lighting plan to the Office of Planning prior to the issuance of any building permits. Said architectural elevations shall be substantially similar to those submitted at the hearing and marked as Petitioner's Exhibits 2 and 5.
- 11) The Petitioners shall contact the Baltimore County Police Department and establish a community police station on-site at the 7-Eleven store, if practical.
- 12) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

PROFESSIONAL QUALIFICATIONS

David A. Hamil, P.E.

Senior Vice President, Chief Engineer, Land Development Engineering
7115 Ambassador Road, P.O. Box 47428
Baltimore, Maryland 21244-7428

EDUCATION

- BSCE, Johns Hopkins University - 1980;
- Tau Beta Pi - Engineering Honor Society
- EIT Certified - 1982

EMPLOYMENT HISTORY

Apr 2004 to Present	Senior Vice President, Chief Engineer – <i>D.S. Thaler & Associates, Inc</i>
Apr 2003 to Apr 2004	Vice President, Chief Engineer – <i>D.S. Thaler & Associates, Inc.</i>
Jan 2001 to Apr 2003	Senior Project Manager -- <i>D.S. Thaler & Associates, Inc.</i>
1996 to Jan 2001	Project Manager, <i>David S. Thaler and Associates, Inc.</i>
1985-1996	Site Development Engineer/Project Manager, <i>Landtech Corporation/The Tech Group, Inc.</i>
1976-1985	Design Engineer, <i>Dewberry & Davis.</i>
1971-1976	Draftsman, Design Draftsman, Designer, <i>Purdum and Jeschke</i>

PROFESSIONAL REGISTRATION

- Registered Professional Engineer
Maryland Registration No. 22056
Virginia Registration No. 0402 038290

WORK HISTORY AND EXPERIENCE

Mr. Hamil was initially employed with D.S. Thaler & Associates as a Project Manager. Since his initial employment in 1996 he has been promoted to the position of Senior Project Manager, and subsequently promoted to the position of Vice President and Chief Engineer, Land Development Engineering. In addition to his project Engineering responsibilities, Mr. Hamil is responsible for supervising and assigning personnel to a variety of projects and tasks; coordinating work efforts among the various departments, including Planning and Surveying; monitoring budgets and reviewing the project costreports necessary for the issuance of invoices.

Before joining D.S. Thaler & Associates, Inc. in October, 1996, Mr. Hamil was Site Development Engineer at *Landtech Corporation/The Tech Group* where his

PETITIONER'S EXHIBIT 10

responsibilities extended through all phases of project development from site planning and layout to final design and engineering, County and State processing for approvals and construction coordination. Mr. Hamil's experienced in residential and commercial roadway and drainage plans, water and sewer plans, storm water and water quality management systems, and construction stakeout coordination and document preparation.

His road design experience includes widening studies for existing County and State roadways, final construction documents, utility relocations, and traffic control plans.

Mr. Hamil has storm water management experience in both regional and local systems.

Mr. Hamil is also experienced in condominium plat preparation.

While at **Landtech Corporation/The Tech Group, Inc.**, Mr. Hamil was also a Project Manger. His responsibilities included supervising and coordinating engineering design and final plan preparation for multiple projects. His duties included supervising CADD operators and designers, coordinating with surveys, geotech, and clients. As Project Manager, Mr. Hamil maintained direct communication with the clients on schedules and project status and kept them informed of issues arising from agency review and attended meetings with or on behalf of the client for resolution of issues leading to project and permit approval.

Additional responsibilities included interpreting and incorporating County Codes and regulations, critical area legislation, County and State tree bill requirements and preparing forest conservation easement documents.

<u>Representative Projects::</u>	Riva Trace, PUD	Tidewater Colony of Annapolis
(The Tech Group)	Riva 400 Office Park	St. Stephens Estates
	Russett, PUD, Phase III	Cambria
	Windgate Condominium	Schoolers Pond

While at **Dewberry & Davis**, Mr. Hamil was a Design Engineer. His responsibilities included design, plan preparation and computations for processing through and approval by various County and State agencies. He was responsible for supervising the design and drafting efforts on projects assigned to him.

<u>Representative Projects::</u>	South River Landing Park Plaza	
(Dewberry and Davis)	The Key School Addition	Ritchie Highway Widening
	Bayberry Hills	
	Part of the Design Team for the Dulles Toll Road Facility	

While at **Purdum and Jeschke**, Mr. Hamil was a Draftsman, Design Draftsman, Designer where his duties and responsibilities increased significantly as he progressed through the Bachelor's Degree Program at the Johns Hopkins University.

KEY SKILLS AND EXPERIENCE:

- Personnel, project, and client management.
- Site grading plans.
- Condominium plats.
- Site Development and layout studies based on local regulatory requirements.
- Provide internal peer review of technical and agency processing issues .
- Assisting in contract preparation and invoicing.
- Project budget monitoring and maintaining focus on scope of services in contracts.
- Training of support staff.

Marc A. Tyndale
Harrisburg, Pennsylvania
marct@carwashsystemsinc.com
800-540-7567

Executive with significant experience in all aspects of the carwash industry including design, new construction, site conversions, operations, distribution and business development.

EXPERIENCE

VP, Sales & Marketing; Owner
1994 to Present

Car Wash Systems, Inc.
Harrisburg, PA

Car Wash Systems, Inc. is an equipment dealer serving Pennsylvania, Maryland, New Jersey, New York, and Delaware. Exclusive representative and second largest dealer in the United States for the Jim Coleman Company, Houston Texas. Car Wash Systems, Inc. specializes in the development of self-serve coin operated carwashes and self serve in-bay (rollover) automatics.

Owner/Operator
1993 to Present

Own and operate four locations in Central Pennsylvania totaling ten in-bay (rollover) automatics and twelve self-serve wand bays: Fast Lane Auto Washes, Mill Street Car Wash and Hershey Car Wash.

QUALIFICATIONS

- Expertise in development and design criteria necessary for a successful carwash operation from the ground up.
- Extensive experience in pre-planning, layout, stacking, building design, lighting design, electrical/mechanical design, and proper use of building materials, security, and aesthetics for multiple carwash sites throughout a five-state area.
- Extensive experience in site selection, competition surveys, and customer preparedness for the carwash industry.
- Extensive experience in value engineering projects through utility efficiencies, water saving techniques, and materials comparisons.
- Extensive day-to-day experience of all equipment processes gained from selling, installing, and servicing all aspects of the modern carwash.

ACCOMPLISHMENTS

- Ranked #18 on "Central Pennsylvania's Fastest Growing Companies" list; 2008 and 2009
- Second highest domestic sales for the Jim Coleman Company; 2008 and 2009
- Jim Coleman Co. Bronze member for development of innovative sites; multiple years
- Distributor Advisory Group for new product development, Jim Coleman Company
- Biological Water Reclamation Master Certification, Huron Valley Sales
- Recognized in 2009 for use of Green Principles in carwash design
- Member, International Car Wash Association
- Member, PA Associated Builders and Contractors
- Federal Government certified contractor
- Past Board Member, Car Wash Association of Pennsylvania
- Past Panelist for New Investor Seminars, Northeast Carwash Association

EDUCATION

Bachelor of Science/Bachelor of Arts
Business Administration

Methodist University, NC, 1993

PETITIONER'S

EXHIBIT NO. 11

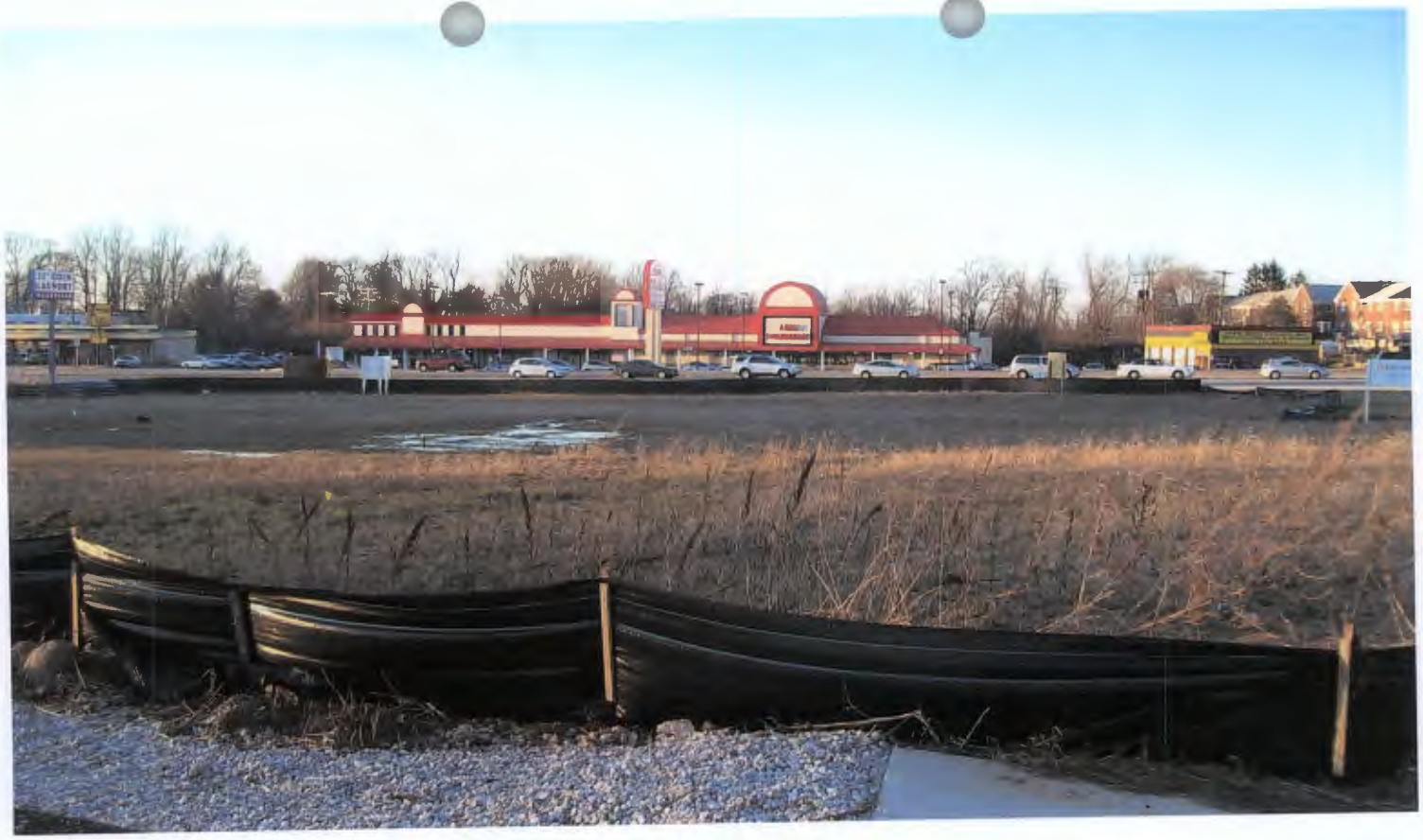
(a)



(b)



(c)



(d)



(e)



(A)



(g)



(h)



(1)



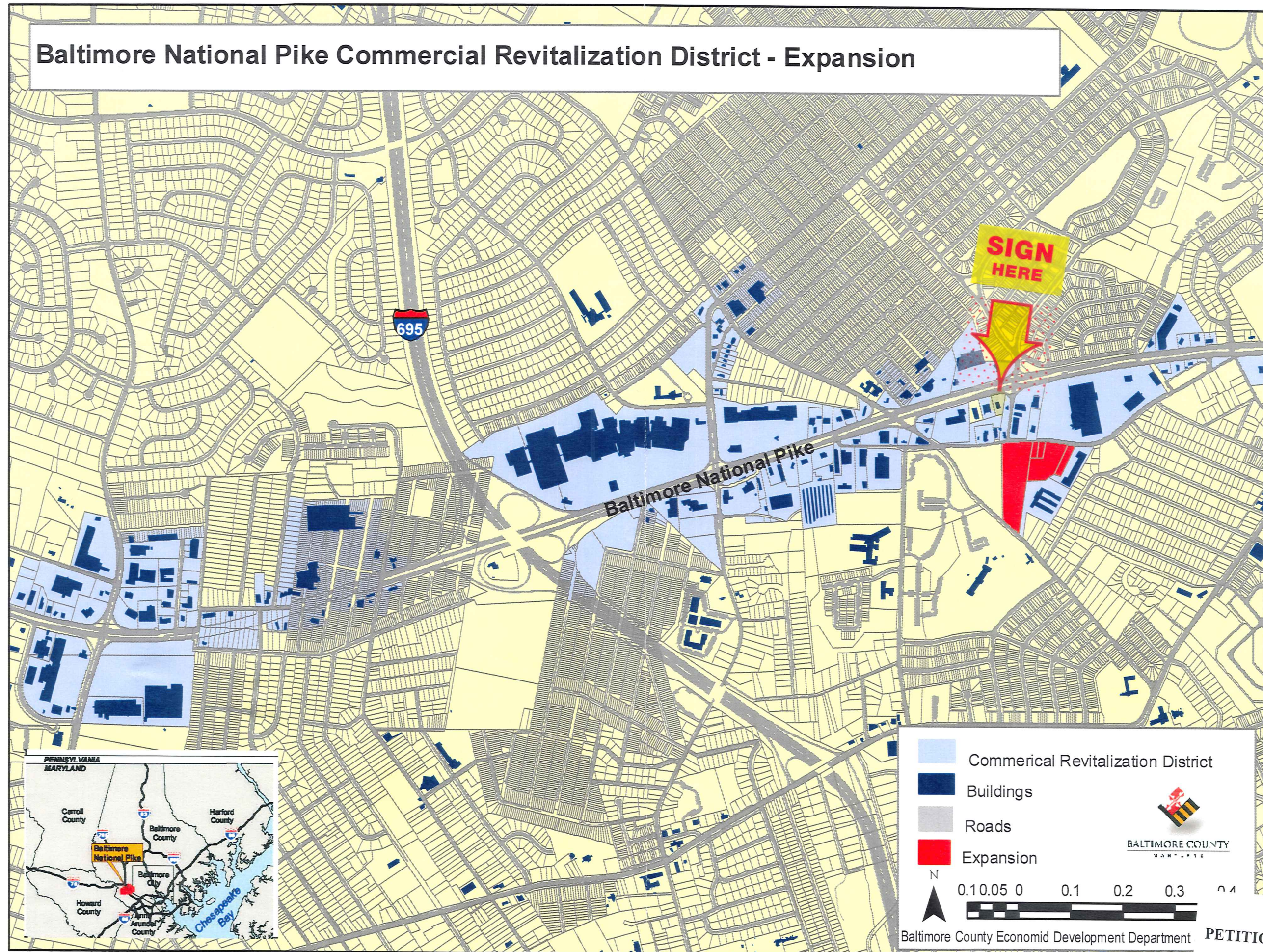
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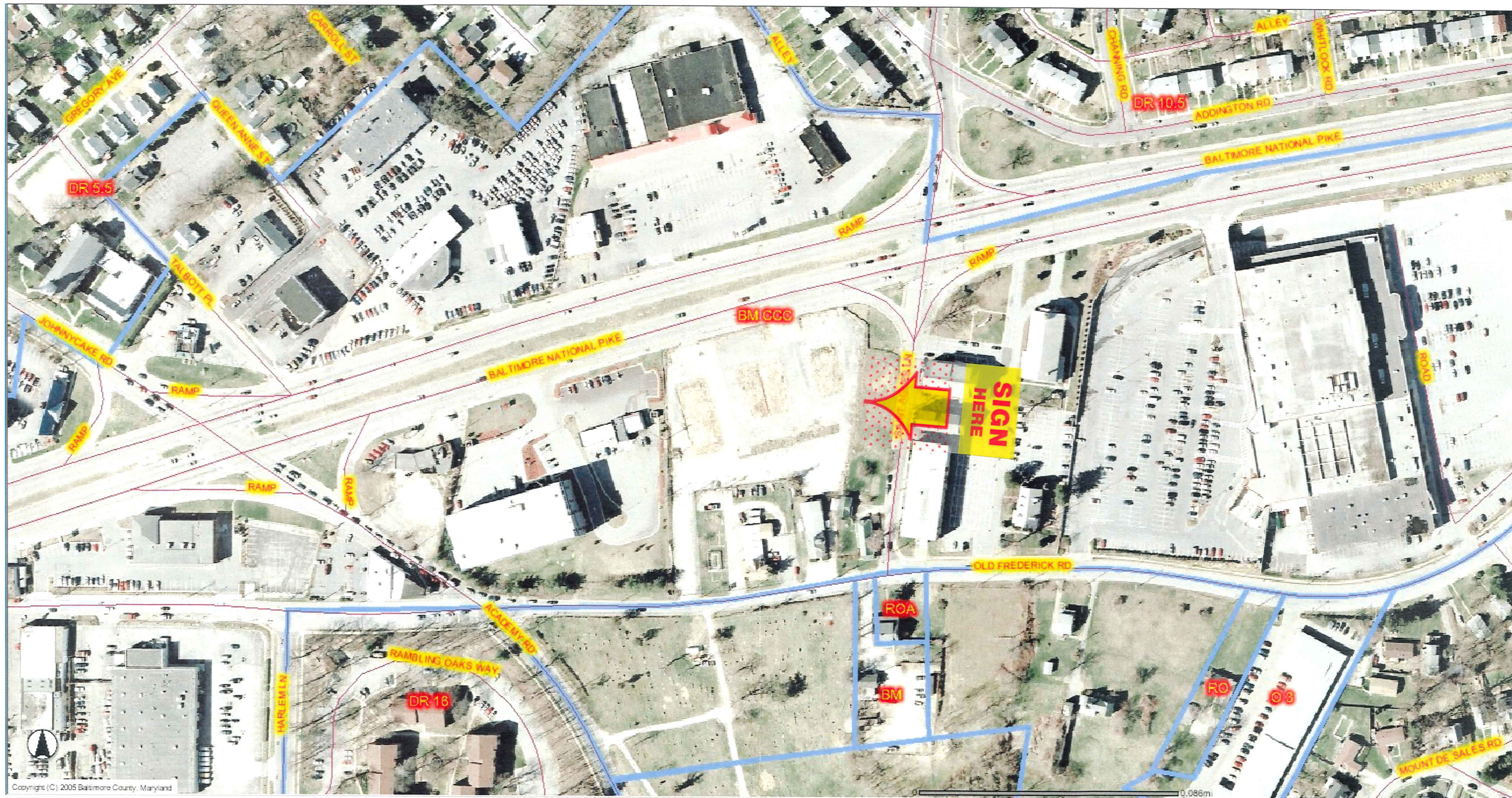


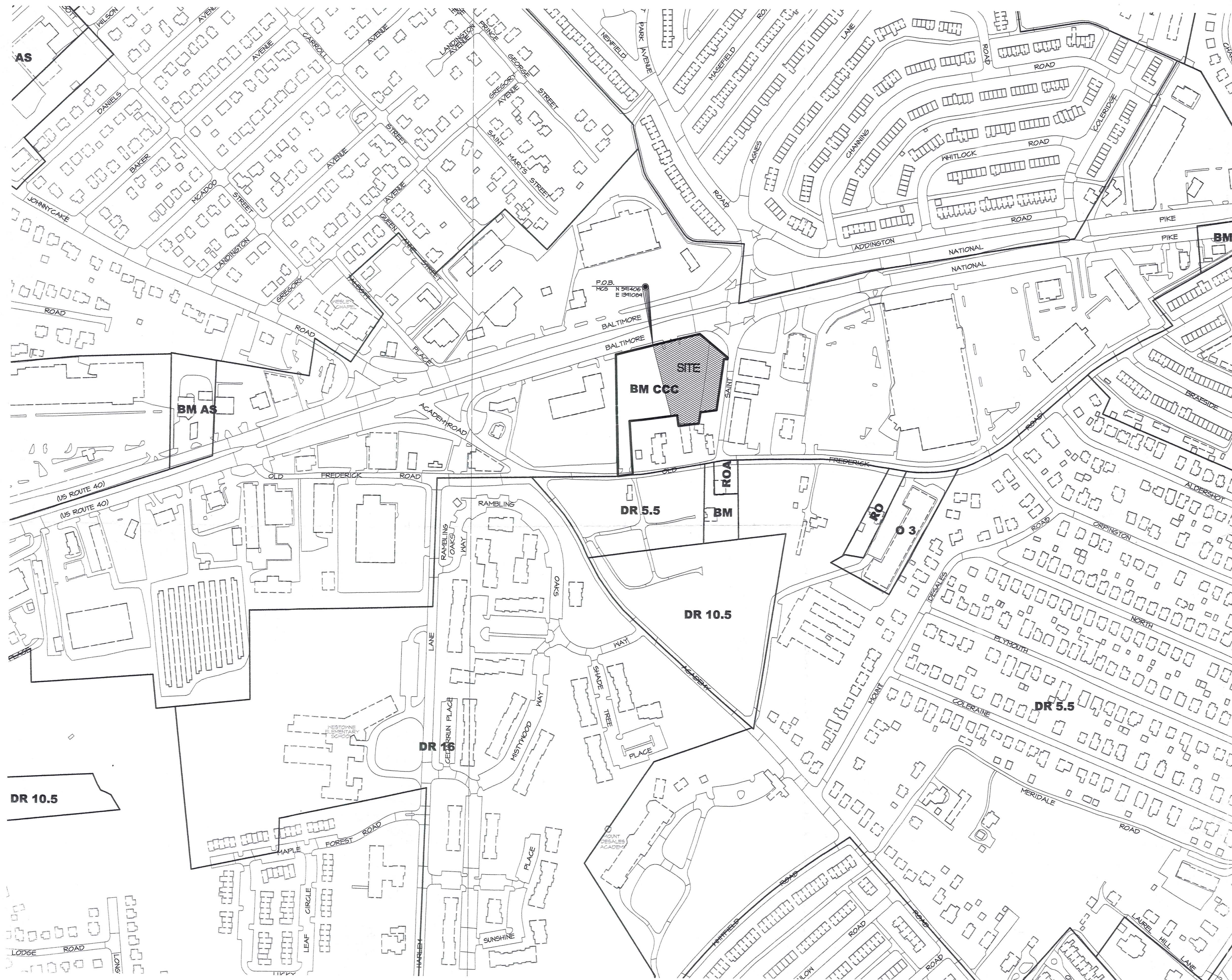
Baltimore National Pike Commercial Revitalization District - Expansion



Baltimore County Economic Development Department

PETITIONER'S EXHIBIT





D. S. THALER & ASSOC., INC.

SURVEYORS
LAND PLANNERS

CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

1115 AMBASSADOR ROAD
P.O. BOX 11111
BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR (410) 944-3641

REVISIONS
Date Description

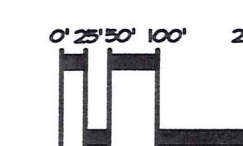
2008 BALTIMORE COUNTY ZONING MAP
TO ACCOMPANY ZONING PETITION

(615 TILE: 045A3 & 045B3)

SAINT AGNES RETAIL CENTER



NORTH



SCALE: 1"=200'

SCALE: 1"=200'
DATE: OCT. 12, 2009
SHEET: 1 OF 1

GENERAL NOTES

1. DEVELOPMENT NAME: ST. AGNES RETAIL CENTER

2. APPLICANT:
QUARTNER COMMERCIAL PROPERTIES, LLC
4508 DEERCO ROAD
TINONIUM, MD 21049
(410) 252-4877 EXT. 4

3. OWNERS:
P. 510 (R500 OLD FREDERICK ROAD)
LOT 1 & 2
QUARTNER COMMERCIAL PROPERTIES, LLC
4508 DEERCO ROAD
TINONIUM, MD 21049
(410) 252-4877 EXT. 4
P. 510 (R500 OLD FREDERICK ROAD)
LOT 3
DARTLINE BROSSE AND
CHRISTINE L. COMMERFORD
6054 OLD FREDERICK ROAD
SITE B
BALTIMORE, MD 21224

PARCEL	TAX ACCOUNT #	RECORD PLAT	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 510	2500004166	18/93	1981	45-21	33-F13
P. 510	2500004165	18/93	2008	45-21	33-F13
P. 510	2500004164	18/93	2008	45-21	33-F13

5. PLAN PREPARED BY:
D.S. Thaler & Associates, Inc.
715 Ambassador Road,
P.O. Box 474220
Baltimore, Maryland 21244
ATTN: Brian Chisholm or David A. Hamill, P.E.
(410) 444-3647

Boundary: D. S. Thaler & Associates, Inc. (March 2004)
Topography: D. S. Thaler & Associates, Inc. (April 2004)
Utilities: Baltimore County Key Map (H-NE & 6-NH)
Baltimore County Design Drawings as noted.
Zoning: Baltimore County 200 Zoning Map (2008) (SH-IE & SH-F)
Soils: U.S.D.A. Baltimore County Soil Survey Manual (Map 43)
Floodplain: N/A
Wetlands: To the best of our knowledge, there are no wetlands on-site.
Delineation: To the best of our knowledge, no 100-year Floodplain exists on this site.
Forest Stand: There are no known Forest Stands within the site boundaries.
Historic District: This property is not within an historic district.
Zoning History: The known zoning history is shown herein.
(Zoning Case No. 04-033-SPHXA & 06-114-SPH)

Special District: This property is within the Catonsville - Paradise Revitalization Area.

6. GENERAL DATA:

Election District: 01
Census Tract: 4007102
Geographic District: 1
Watershed: Gwynn Falls
Subwatershed: T1D

7. SITE INFORMATION:

A. Acreage: Gross = 3.14 Acs.
Net = 2.08 Acs.

B. Existing Zoning: BM-CCC @ 3.14 Acs.
(Business Major-Commercial Community Core)

C. Floor Area Ratio: BM-CCC Zoning = 4.0 Maximum

Proposed: Lot #1 = 0.18
Proposed: Lot #2 = 0.08

D. Parking:

T-ELEVEN
Required: 1 per Employee on largest shift = 2 Spaces
5 per 1000 SF of G.F.A. (2,880 SF) = 15 Spaces
1 per Service Air Unit = 1 Space
Total Required = 18 Spaces
Total Provided = 28 Spaces

SUDSVILLE
Required: 5 per 1000 SF of G.F.A. (4,854 SF) = 47 Spaces
Total Provided = 56 Spaces (INCLUDES 6 SPACES ON LOT #2)

RETAIL
Required: 5 per 1000 SF of G.F.A. (1,125 SF) = 4 Spaces
Total Provided = 4 Spaces

E. Stacking Spaces:

Required: 1 per each HPD (Multi Purpose Dispenser) where a Convenience Store is located on the same lot = 0 Spaces
Total Provided = 0 Stacking Spaces

F. Open Space:

"All Open Space shall be in compliance with the Baltimore County Zoning Regulations, Section 235.A See 3 of 3 for Open Space Locations.

T-ELEVEN
Required: Amenity Open Space Ratio = 0.2 x Gross Floor Area (GFA)
2,880 SF x 0.2 = 576 SF
Proposed: 576 SF

SUDSVILLE
Required: Amenity Open Space Ratio = 0.2 x GFA
4,854 SF x 0.2 = 970 SF
Proposed: 1,012 SF

RETAIL
Required: Amenity Open Space Ratio = 0.2 x GFA
1,125 SF x 0.2 = 225 SF
Proposed: 345 SF

TOTAL
Required: 2,813 SF
Proposed: 2,933 SF

8. UTILITIES:

Existing public water and sewer is available to this site.
On-site utilities will be private.

9. USE:

EXISTING use is Commercial, Mahadagelos Restaurant, Bn Golf Center, Henna Restaurant & 2 Dwellings.
PROPOSED use is Commercial, Laundromat, Fuel Service Station/Convenience Store, Retail Establishment & 1 Existing Dwelling to remain.

10. AVERAGE DAILY TRIPS (ADTS):

Average daily trips as calculated from the Baltimore County Comprehensive Manual of Development Policy:
Convenience Store/Fuel Station: 845 ADT/1000 SF = 2510 ADT
Retail: 51 ADT/1000 SF = 565 ADT
TOTAL: = 3075 ADT

11. STORMWATER MANAGEMENT:

Stormwater management will conform to Baltimore County Standards.
Stormwater management will be provided by impervious area reduction and a Filter Strip with a Pao Gravel Divulph for pretreatment purposes.
Preliminary hydrology computations have been provided with the filing of the Development Plan.
The Hydrology Report verifies that the outfalls are suitable.
Grading shown is schematic only.

12. GRADING:

Existing vegetation will be retained in areas not needed for construction or grading. Existing vegetation consists of street trees and landscaping.

13. VEGETATION:

There are no known underground storage tanks/as noted on plan. Storage tanks shall be installed for the service station during the site grading.
There are no known existing wells or septic systems on site. Existing buildings are served by public water and sewer. The existing used connections will be abandoned prior to Record Plat.

14. STORAGE TANKS:

A Proposed lighting plan will be submitted to the office of Planning for review and approval prior to the issuance of a Building Permit.

15. LIGHTING:

There are no known critical areas, archaeological sites, endangered species, or hazardous materials on the site.
As known to the applicant, location and description of hazardous materials as defined by Section 1-102 of the Environmental Article of the Annotated Code of Maryland, as from time to time amended.

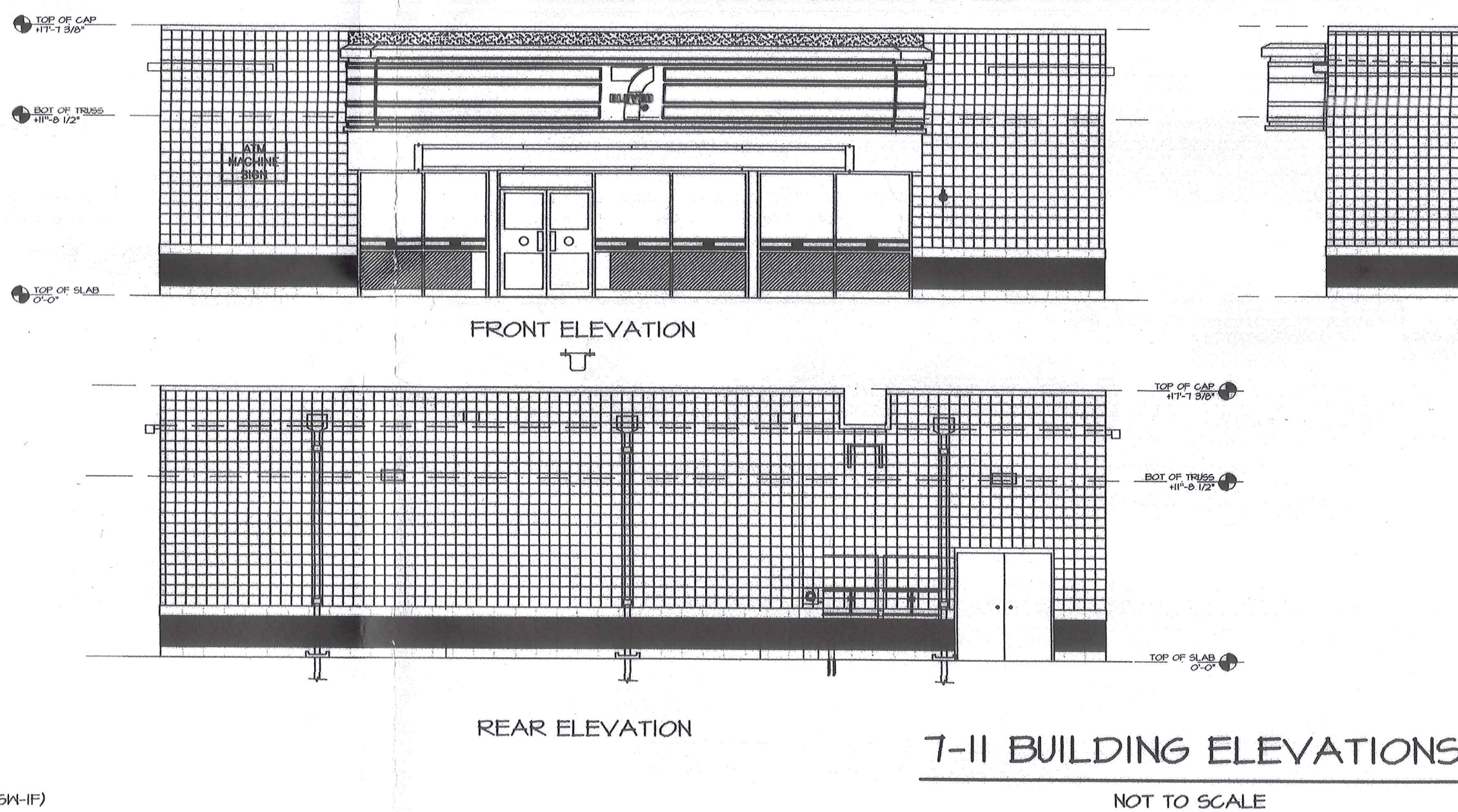
16. ENVIRONMENTAL:

This site does not lie within the limits of the Chesapeake Bay Critical Area. No additional information is requested by the Department of Environmental Protection and Resource Management to determine compliance with the Critical Area Local Protection Program pursuant to Section 33-2105.

17. SIGNS:

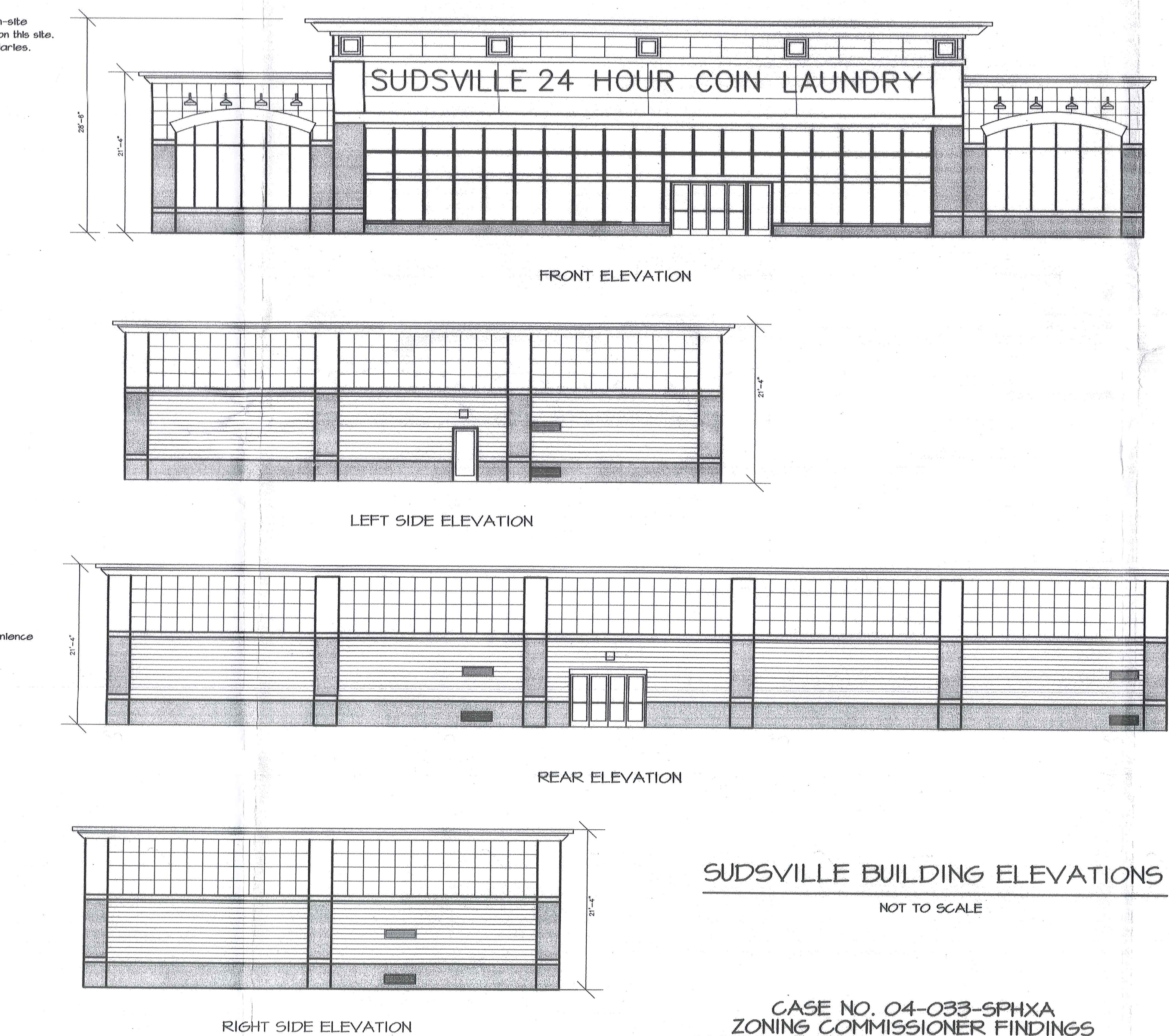
Signs shall conform with BCZR Section 450, all zoning policies and the Zoning Commissioner's Design Case No. 04-033-SPHXA as shown herein.

18. Maximum building height allowed is 35 feet. 28'-6" high buildings are proposed.



7-II BUILDING ELEVATIONS

NOT TO SCALE



SUDSVILLE BUILDING ELEVATIONS

NOT TO SCALE

CASE NO. 04-033-SPHXA ZONING COMMISSIONER FINDINGS OCTOBER 21, 2003

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October 2003 that the Petition for Special Hearing to approve that the proposed fuel service station/convenience store is a separate operation from the existing retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the proposed joint identification sign for the subject fuel service station/convenience store and the retail establishment is permitted by right, and as such, the Petition for Special Hearing is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a proposed fuel service station as a use in combination with a convenience store with a sales area larger than 1500 sq.ft., pursuant to Section 405.2.BJ and 405.4.EJ of the BCZR, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4A.2b of the BCZR to permit a landscape transition area existing non-residentially zoned property of 0 feet in lieu of the required 6 feet and 0 feet in lieu of the required 10 feet along a public right-of-way and from Section 405.4.5a to permit two feet of the permitted four feet fuel service station canopy signs of 44 sq.ft. each in lieu of the permitted four feet fuel service station canopy signs of 25 sq.ft. each, be and is hereby GRANTED, subject to the following restrictions:

- "The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded."
- "There shall be no public address system outside the building; however, an intercom system can be provided at the fuel pump island to assist patrons."
- "There shall be no public address system outside the building; however, an intercom system can be provided at the fuel pump island to assist patrons."
- "There shall be no outside phone on the T-Eleven property and no outside vacuum cleaners."
- "A landscape buffer of 15 feet will be provided along St. Agnes Lane across from St. Agnes School and Leger to a width of 10 feet near the corner at Baltimore National Pike as shown on Petitioner's Exhibit 2. The intent of this restriction is to have the buffer at the maximum width possible in this area, dependent upon any improvements that may be required by the Maryland State Highway Administration (SHA) to Baltimore National Pike. This restriction may be modified, if required, by SHA."
- "The Petitioners shall provide a sidewalk connection and appropriate crosswalks from the public sidewalk to the building entrance."
- "Trash removal/pick-up will be at reasonable hours so as not to be disruptive to neighbors. Moreover, the dumpster enclosure shall be constructed of similar materials as the building."
- "All lighting on the site will be designed so as not to shine and/or reflect onto adjacent properties."
- "A barrier shall be installed to prevent vehicular access from the adjacent car wash through the subject property to St. Agnes Lane."
- "The Petitioners shall consult with Ray Hill, Baltimore County Street Coordinator for Baltimore National Pike (Maryland Route 40) improvements to prepare a landscape plan that addresses the total area between the curb along St. Agnes Lane and Route 40 and the proposed site improvements."
- "The Petitioners shall submit architectural elevations of all facades and signs, as well as a landscape plan and lighting plan to the Office of Planning prior to the issuance of any building permits. Said architectural elevations shall be substantially similar to those submitted at the hearing and marked as Petitioner's Exhibits 2 and 3."
- "The Petitioners shall contact the Baltimore County Police Department and establish a community police station on-site at the T-Eleven Store, if practical."
- "When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order."

Baltimore County Government
Department of Permits and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 410-887-3335

October 27, 2008

D.S. Thaler & Associates, Inc.
715 Ambassador Road
Baltimore, MD 21244

RE: Saint Agnes Retail Center
1st amended development plan
PDM Number: 1-516
DRG Number: 04-033-SPHXA, Dist. 1C1

Dear Sir or Madam:

Pursuant to Article 25A, Section 5 (1) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 37-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of those departments. The purpose of the DRC is to ensure compliance with Section 32-4-106(b)(2) and Section 32-4-202 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on October 14, 2008, and made the following recommendation:

The DRC has determined that your project meets the requirements of the ordinance to the development plan, under Section 32-4-106(b)(2). It is necessary to submit two plans to the Department of Environmental Protection and Resource Management, and one plan to the Office of Planning, and PDM's Office of Zoning for further review. Please submit a copy of this DRC letter to each plan and forward to Room 1325, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

After recitation of any outstanding issues, please submit a copy of this letter, and ten copies of the plan to this office, Room 1325, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 27th day of October 2008, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-compliance permits that may be required in accordance with County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to the permit approval. For further information, contact Mike Bailey at 410-545-5600.

Sincerely,
Timothy Kotroco
Director

TK:WTSdk
c: Sharon E. Miller
File
Mike Bailey

CASE NO. 06-114-SPM ZONING COMMISSIONER FINDINGS NOVEMBER 16, 2003

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 16th day of November, 2003, that the Petitioners' request for special hearing relief filed pursuant to Section 507.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an extension of the utilization period for the special exception granted in Case No. 04-033-SPHXA from two years to five years and to approve minor changes to the site plan, be and is hereby GRANTED subject to the following conditions contained in Case No. 04-033-SPHXA reported here for convenience:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk and the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded."
- There shall be no public address system outside the building; however, an intercom system can be provided at the fuel pump island to assist patrons."
- There shall be no outside phone on the T-Eleven property and no outside vacuum cleaners."
- A landscape buffer of 15 feet will be provided along St. Agnes Lane across from St. Agnes School and Leger to a width of 10 feet near the corner at Baltimore National Pike as shown on Petitioner's Exhibit 2. The intent of this restriction is to have the buffer at the maximum width possible in this area, dependent upon any improvements that may be required by the Maryland State Highway Administration (SHA) to Baltimore National Pike. This restriction may be modified, if required, by SHA."
- The Petitioners shall provide a sidewalk connection and appropriate crosswalks from the public sidewalk to the building entrance."
- Trash removal/pick-up will be at reasonable hours so as not to be disruptive to the neighbors. Moreover, the dumpster enclosure shall be constructed of similar materials as the building."
- All lighting on the site will be designed so as not to shine and/or reflect onto adjacent properties."
- A barrier shall be installed to prevent vehicular access from the adjacent car wash through the subject property to St. Agnes Lane."
- The Petitioners shall consult with Ray Hill, Baltimore County Street Coordinator for Baltimore National Pike (Maryland Route 40) improvements to prepare a landscape plan that addresses the total area between the curb along St. Agnes Lane and Route 40 and the proposed site improvements."
- The Petitioners shall submit architectural elevations of all facades and signs, as well as a landscape plan and lighting plan to the Office of Planning prior to the issuance of any building permits. Said architectural elevations shall be substantially similar to those submitted at the hearing and marked as Petitioner's Exhibits 2 and 3."
- The Petitioners shall contact the Baltimore County Police Department and establish a community police station on-site at the T-Eleven Store, if practical."
- When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order."

SOILS				
SYMBOL	NAME	HOMES IV SLOPE	HOMES IV SLOPE	STREETS & PARKWAYS
C1B	Chillum-Urban land complex, 0-5% slopes	Slight	Slight	Moderate
C1D	Chillum-Urban land complex, 5-15% slopes	Moderate	Moderate	Severe
A1B	Aldino-Urban land complex, 0-5% slopes	Moderate	Slight	Moderate

PROJECT NAME:
SAINT AGNES RETAIL CENTER

PLAN TITLE:
1ST AMENDED DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN

SITE ADDRESS:
5500 OLD FREDERICK ROAD
604 SAINT AGNES LANE

CONCILING DIST.:
PDM # 1-516 DRG # 04053A & 10406B
ZONING CASE # 04-033-SPHXA & 06-114-SPM

APPLICANT:
QUARTNER COMMERCIAL PROPERTIES, LLC
4508 DEERCO ROAD
TINONIUM, MD 21049
(410) 252-4877 EXT. 4

REVISIONS:

BALTIMORE COUNTY DEPT. OF PDM
Project No. 04-033-SPHXA

BALTIMORE COUNTY CODE
Section 32-4-106B

CERTIFICATION DEVELOPMENT PLAN APPROVED
By: [Signature] Date: 11/16/03
This plan approval expires four (4) years from the approval date.

D.S. THALER & ASSOC., INC.

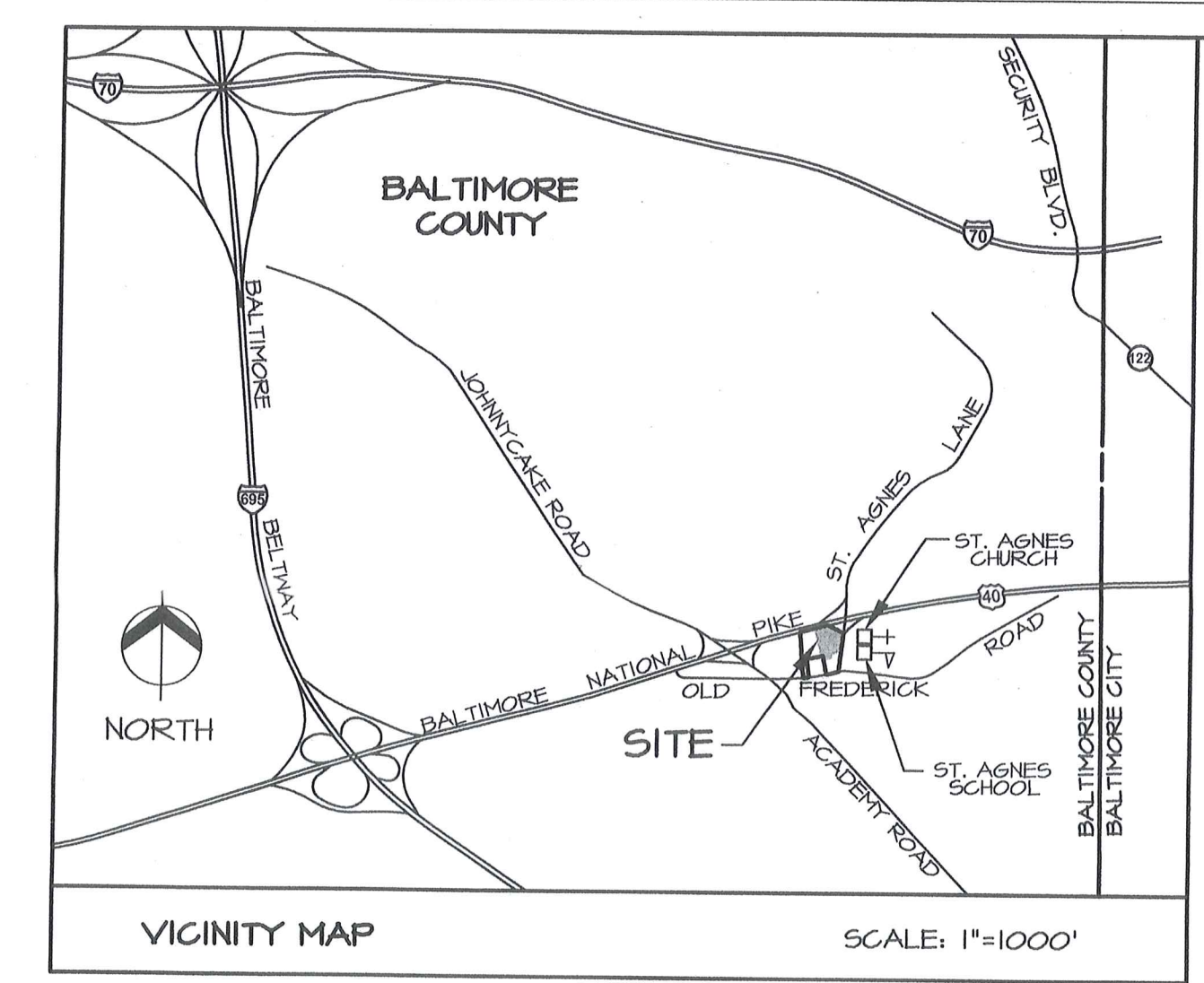
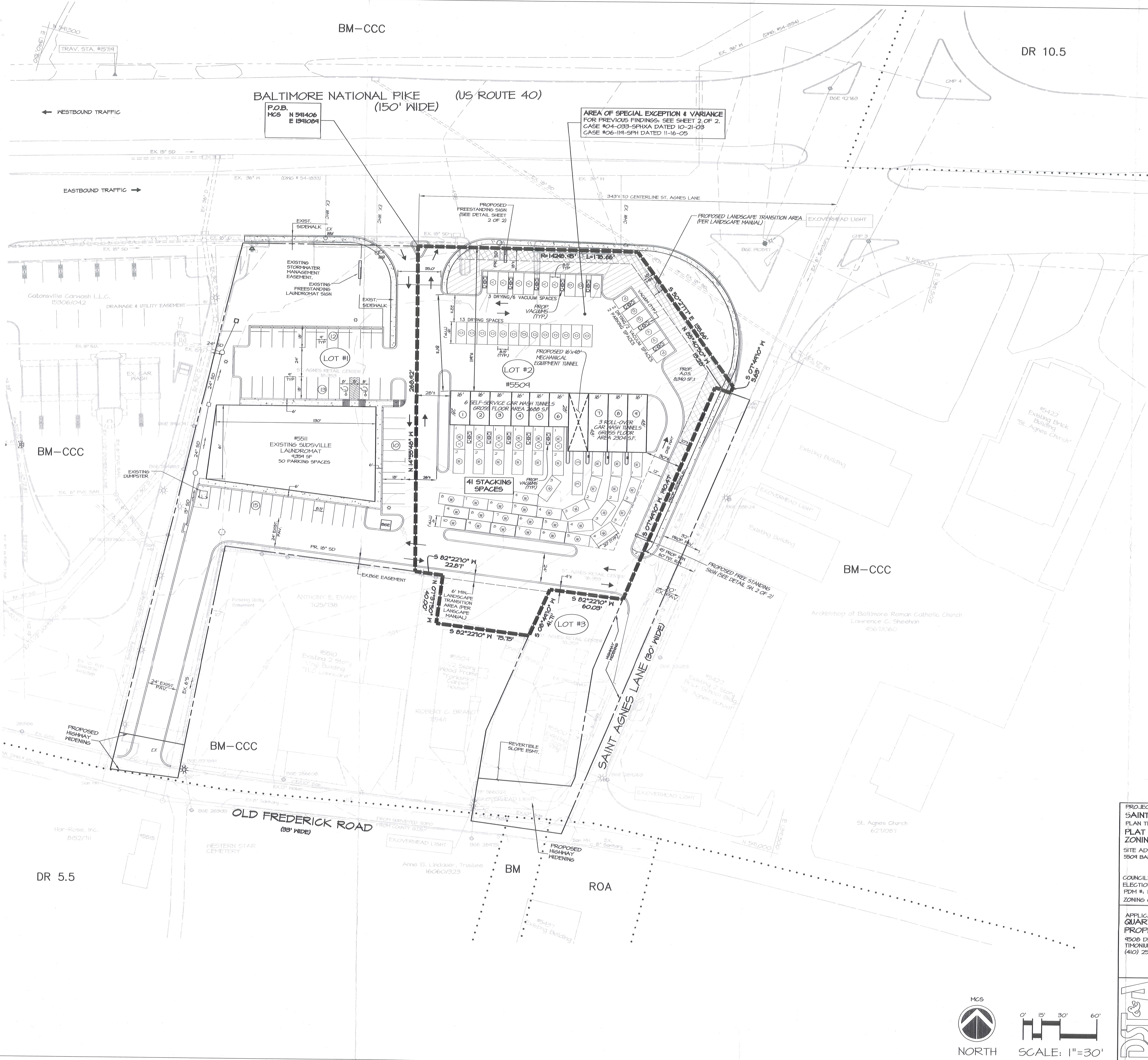
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS

SURVEYORS
LAND PLANNERS

715 AMBASSADOR ROAD
P.O. BOX 474220
BALTIMORE, MARYLAND 21244-7420
(410) 444-3647, (410) 444-3647

1ST AMENDED DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN SAINT AGNES RETAIL CENTER

DATE: 05/10/04
SCALE: AS SHOWN
PROJ. NO. 027771
PDM # 1-516
SHEET 2 OF 3



LEGEND

EXISTING

- UTILITY POLE (W/ OVERHEAD LIGHT IF NOTED)
- EASEMENT
- CONTOUR
- TRACT BOUNDARY
- SOILS
- WATER
- ROAD
- SANITARY SEWER
- STORM DRAIN
- TREES
- ZONING
- WATER VALVE
- FIRE HYDRANT
- LIGHT

PROPOSED

- SANITARY SEWER
- PROPERTY LINE
- AMENITY OPEN SPACE (A.O.S.)
- AREA OF SPECIAL EXCEPTION
- LANDSCAPE BUFFER AREA
- SIDEWALK
- STACKING SPACE FOR CAR WASH TUNNELS
- STACKING SPACE FOR SELF SERVICE CAR WASH TUNNEL WITH PERMITTED PARKING SPACE FOR VACUUM USE
- PARKING SPACE FOR DRYING CARS
- PARKING SPACE FOR VACUUM USE
- PARKING SPACE
- VACUUM CLEANER UNIT
- ROLL OVER CAR WASH COIN OPERATOR

REQUIRED SETBACKS (B.C.Z.R. SECTION 235)

FRONT (TO CENTERLINE STREET)	40'
STREET SIDE	10'
SIDE INTERIOR	0'
REAR	0'

ZONING HISTORY:

SPECIAL EXCEPTION CASE: 104-033-SPHX DATED 10-29-2003 (APPROVED) (SEE SHT. 2 OF 2)
106-114-SFH DATED 11-16-2005 (APPROVED)
104-033-SPHX DATED 10-29-2003 (APPROVED)
106-114-SFH DATED 11-16-2005 (APPROVED)
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104-033-SPHX DATED 10-29-2003 (APPROVED)
106-114-SFH DATED 11-16-2005 (APPROVED)

PLAT TO ACCOMPANY ZONING PETITION

SAINT AGNES RETAIL CENTER

PROJECT NAME: SAINT AGNES RETAIL CENTER
PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITION
SITE ADDRESS: 5504 BALTIMORE NATIONAL PIKE

COUNCILMANIC DIST.: 1
ELECTION DIST.: 1
PDM #: 1-516
ZONING CASE #: 04-033-SPHX & 06-114-SFH

APPLICANT: QUARTNER COMMERCIAL PROPERTIES, LLC
4500 DEEREGO ROAD
TIMONIUM, MD 21093
(410) 252-4871 EXT. 4

REVISIONS:

NO.	DESCRIPTION

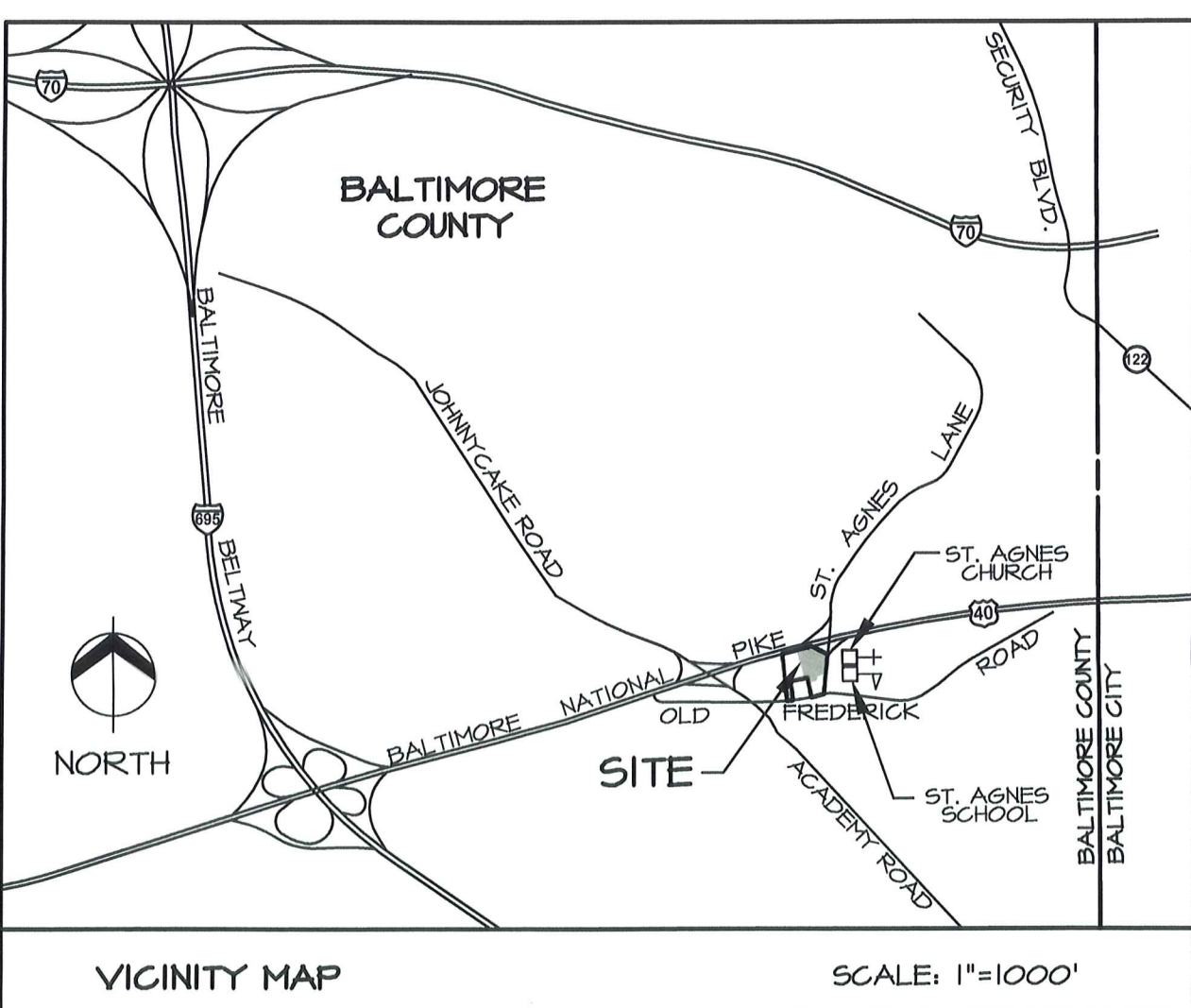
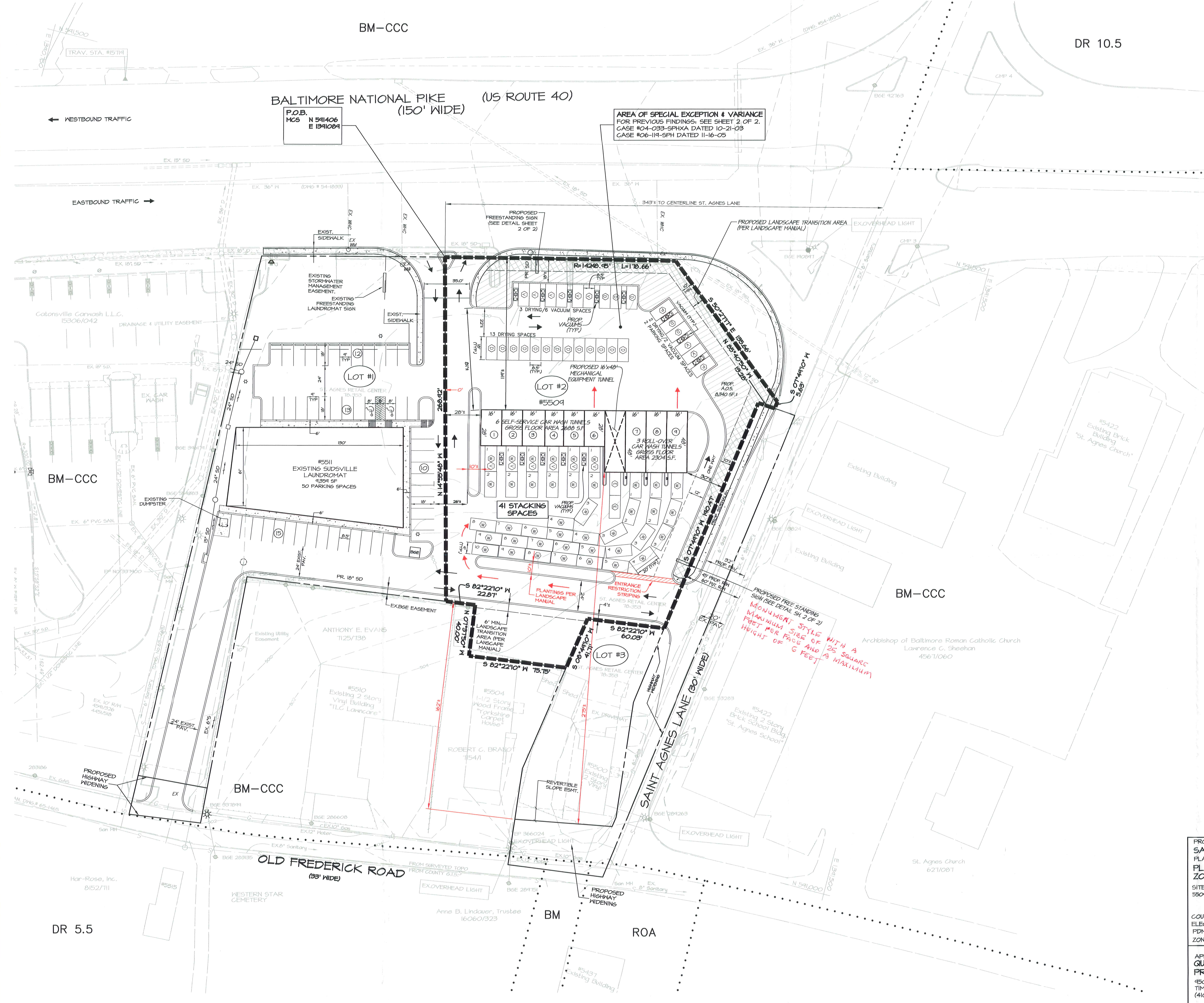
PETITIONER'S EXHIBIT NO.: 1A

2010-0182-XA

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD
P.O. BOX 41429
BALTIMORE, MARYLAND 21244-7429
(410) 444-ENGR, (410) 444-3647

SURVEYORS LAND PLANNERS

DATE: 12/07/09
SCALE: 1" = 30'
PROJ. NO.: 02777
PDM #: 1-516
SHEET 1 OF 2



LEGEND

EXISTING

- UTILITY POLE / OVERHEAD LIGHT (P NOTED)
- EASEMENT
- CONTOUR
- TRACT BOUNDARY
- SOILS
- WATER
- ROAD
- SANITARY SEWER
- STORM DRAIN
- TREES
- ZONING
- WATER VALVE
- FIRE HYDRANT
- LIGHT

PROPOSED

- SANITARY SEWER
- BROKEN DRAIN
- SIDEWALK
- PROPERTY LINE
- CONTOUR
- LIGHT
- AMENITY OPEN SPACE (A.O.S.)
- AREA OF SPECIAL EXCEPTION
- LANDSCAPE BUFFER AREA

REQUIRED SETBACKS (B.C.Z.R. SECTION 235)

FRONT (TO CENTERLINE STREET)	40'
STREET SIDE	10'
SIDE INTERIOR	0'
REAR	0'

ZONING HISTORY:

SPECIAL EXCEPTION CASE: #04-033-SPHXA DATED 10-23-2003 (APPROVED) (SEE SHT. 2 OF 2)
 #06-114-SPH DATED 11-16-2005 (APPROVED)
 DRG: #041503A LIMITED EXEMPTION 11-18-2005 (APPROVED)
 (SEE SHT. 2 OF 2) #014088 REFINEMENT DATED 10-21-2008 (APPROVED)
 DEVELOPMENT PLAN: LIMITED EXEMPTION 06-21-2004 (APPROVED)
 1ST. AMENDED PLAN 12-19-2008 (APPROVED)

PLAT TO ACCOMPANY ZONING PETITION

SAINT AGNES RETAIL CENTER

PROJECT NAME: SAINT AGNES RETAIL CENTER
PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITION
SITE ADDRESS: 5504 BALTIMORE NATIONAL PIKE

COUNCILMANIC DIST.: 1
ELECTION DIST.: 1
PDM #: 1-516 **DRG #:** 041503A & 1014088
ZONING CASE #: 04-033-SPHXA & 06-114 SPH

APPLICANT: QUARTNER COMMERCIAL PROPERTIES, LLC
 4508 DEERE ROAD
 TIMONIUM, MD 21043
 (410) 252-4871 EXT.4

REVISIONS:

D.S. THALER & ASSOC., INC.
 CIVIL ENGINEERS LANDSCAPE ARCHITECTS SURVEYORS LAND PLANNERS

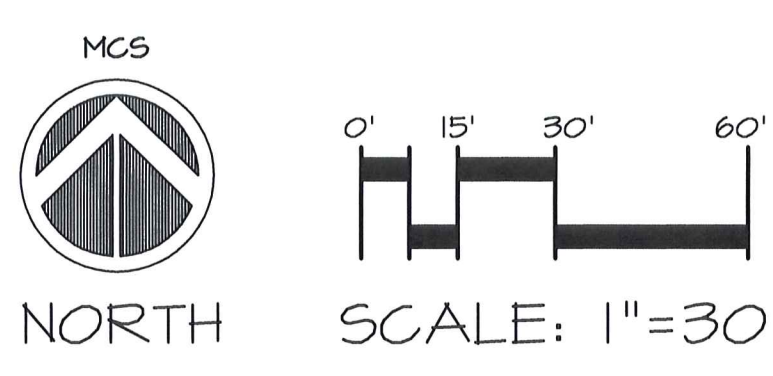
7115 AMBASSADOR ROAD
 P.O. BOX 41428
 BALTIMORE, MARYLAND 21244-7428
 (410) 444-ENGR, (410) 444-3647

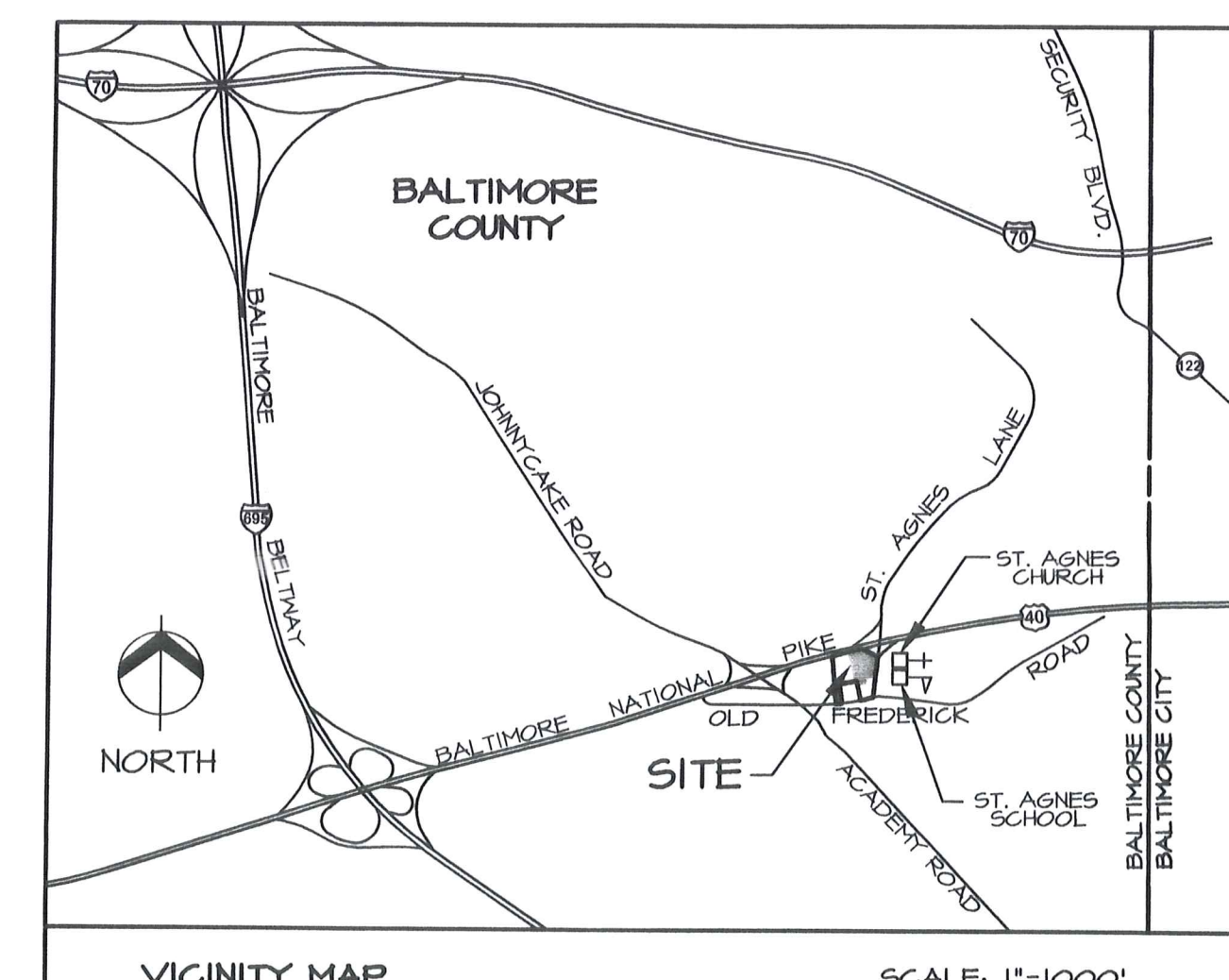
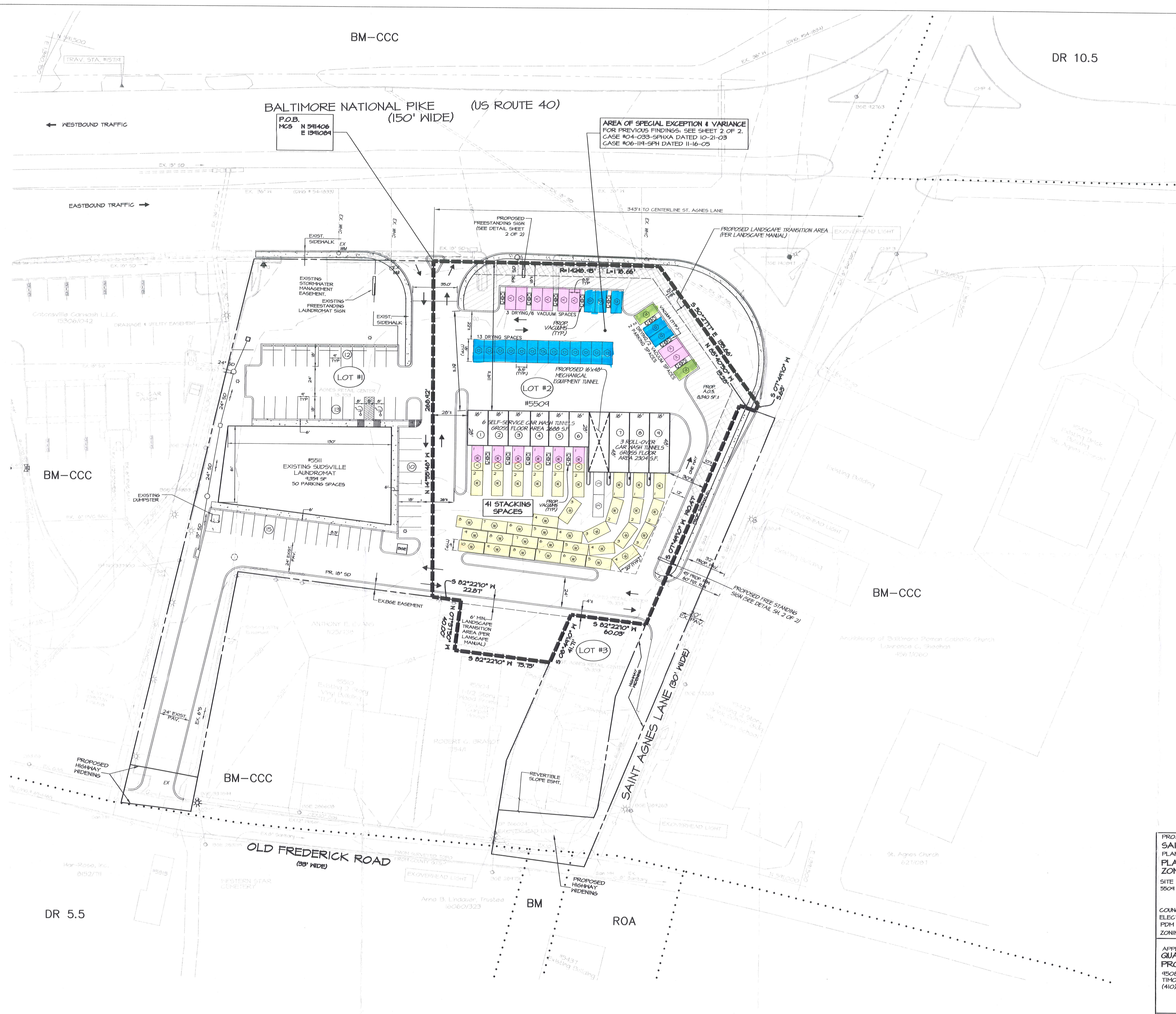
DATE: 12.07.04
SCALE: 1" = 30'
PROJ. NO.: 02771
PDM#: 1-516
SHEET: 1 OF 2

PETITIONER'S EXHIBIT **2**

DR 5.5

DR 10.5





LEGEND

EXISTING

- UTILITY POLE W/ OVERHEAD LIGHT (IF NOTED)
- EASEMENT
- CONTOUR
- TRACT BOUNDARY
- SOILS
- WATER
- ROAD
- SANITARY SEWER
- STORM DRAIN
- TREES
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PROPOSED

- SANITARY SEWER
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- VACUUM CLEANER UNIT
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REQUIRED SETBACKS (B.C.Z.R. SECTION 235)

	40'
FRONT (TO CENTERLINE STREET)	40'
STREET SIDE	10'
SIDE INTERIOR	0'
REAR	0'

ZONING HISTORY:

SPECIAL EXCEPTION CASE (SEE SHT. 2 OF 2)	10-23-2003 (APPROVED)
10-23-2003 (APPROVED)	10-23-2003 (APPROVED)
10-23-2003 (APPROVED)	10-23-2003 (APPROVED)
10-23-2003 (APPROVED)	10-23-2003 (APPROVED)

PLAT TO ACCOMPANY ZONING PETITION

SAINT AGNES RETAIL CENTER

PROJECT NAME: SAINT AGNES RETAIL CENTER
PLAN TITLE: PLAT TO ACCOMPANY ZONING PETITION
SITE ADDRESS: 5504 BALTIMORE NATIONAL PIKE

COUNCILMANIC DIST.: 1
ELECTION DIST.: 1-516
DRG. #: 04-033-SPHXA & 06-119-SPH
ZONING CASE #: 04-033-SPHXA & 06-119-SPH

APPLICANT: QUARTNER COMMERCIAL PROPERTIES, LLC
9508 DEERCO ROAD
TIMONIUM, MD 21043
(410) 252-4877 EXT. 4

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
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P.O. BOX 47428
BALTIMORE, MARYLAND 21244-7428
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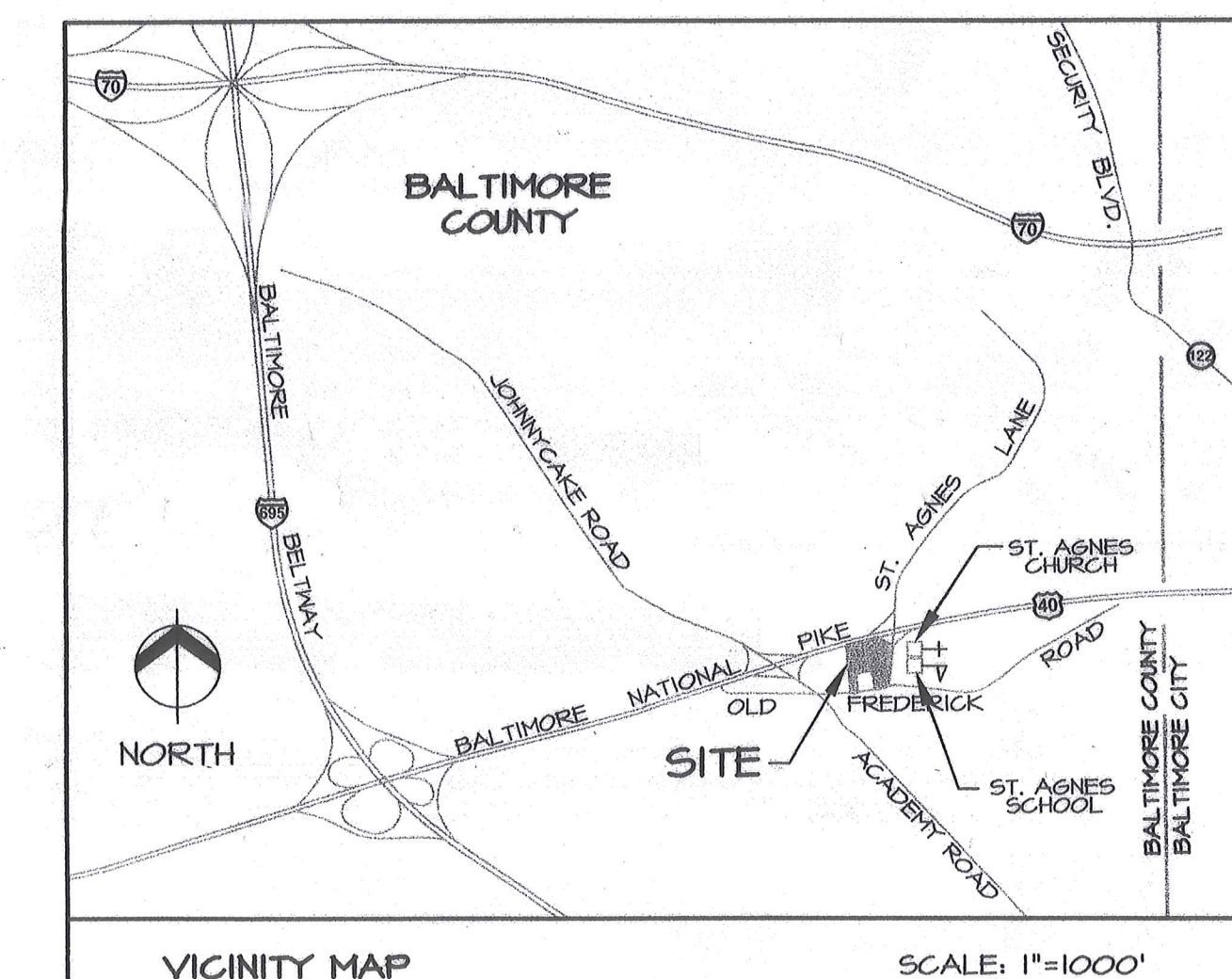
REVISIONS:

NO.	DESCRIPTION	DATE
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2	REVISED PER CITY COMMENTS	01/08/05
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100	REVISED PER CITY COMMENTS	02/01/05

PETITIONER'S EXHIBIT

DATE: 12/01/04
SCALE: 1" = 30'
PROJ. NO.: 02777
PD#: 1-516
SHEET: 1 OF 2

1ST AMENDED DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN
SAINT AGNES RETAIL CENTER



LEGEND	
EXISTING	PROPOSED
UTILITY POLE WITH OVERHEAD LIGHT (IF NOTED)	WATER
EASEMENT	ROAD
CONTOUR	SANITARY SEWER
TRACT BOUNDARY	STORM DRAIN
SOILS	TREES
FIRE HYDRANT	PROPERTY LINE
SANITARY SEWER	CONTOUR
STORM DRAIN	LIGHT
WATER	SIDEWALK
	AMENITY OPEN SPACE
	AREA OF SPECIAL EXCEPTION
	LANDSCAPE BUFFER AREA

REQUIRED SETBACKS (B.C.Z.R. SECTION 235)	
FRONT (TO CENTERLINE STREET)	40'
STREET SIDE	10'
SIDE INTERIOR	0'
REAR	0'
FUEL SERVICE STATION (B.C.Z.R. SECTION 405.4.A.2.d)	
MAIN STRUCTURE FROM STREET R.O.W.	35'
FUEL PUMP FROM STREET R.O.W.	25'
CANOPY FROM STREET R.O.W.	15'

REASONS FOR 1ST. AMENDMENT
Revisions 10-16-08 DRG# 101408B, DIST. 1C1 CHANGE BUILDING ON LOT #1 FROM AUTOZONE TO SUBVILLE LAUNDROMAT, ENLARGE BUILDING FOOTPRINT & REVISED ASSOCIATED PARKING & UTILITY LAYOUTS. ADD ZONING CASE # DRG FINDINGS, CHANGE OWNER INFORMATION & GENERAL NOTES 2 THROUGH 5, 7, & 9.

1st. AMENDED DEVELOPMENT PLAN CERTIFICATION
I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE DRG RECOMMENDATION DATED 10/21/08 AND HAVE PREPARED WITH DUE DILIGENCE THIS 1st. AMENDED DEVELOPMENT PLAN PURSUANT TO THE DRG FINDINGS.

Stacy A. Marthur, R.L.A. 12.11.08 (DATE)

LIMITED EXEMPTION DEVELOPMENT PLAN
I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE FOLLOWING AGENCY COMMENTS:

DEPRM:	DATED 3/10/2004
PLANNING:	DATED 3/15/2004
ZONING:	DATED 3/10/2004
DEV. PLANS REVIEW:	DATED 3/28/2004
STATE HIGHWAY ADMINISTRATION:	DATED 3/18/2004

AND HAVE PREPARED WITH DUE DILIGENCE THIS LIMITED EXEMPTION DEVELOPMENT PLAN PURSUANT TO THOSE AGENCY COMMENTS.

David D. Thaler 6/11/04 (DATE)

PROJECT NAME:
SAINT AGNES RETAIL CENTER

PLAN TITLE:
1ST AMENDED DEVELOPMENT PLAN & SCHEMATIC LANDSCAPE PLAN

SITE ADDRESS:
5501, 5504 & 5511 BALTIMORE NATIONAL PIKE
3500 OLD FREDERICK ROAD
604 SAINT AGNES LANE

COUNCILMANIC DIST.: 1
ELECTION DIST.: 1-516
PDM #: 1-516 DRG # 041503A & 101408B
ZONING CASE #: 04-033-SP1XA & 06-114-SPM

APPLICANT:
QUARTNER COMMERCIAL PROPERTIES, LLC
4508 DEERCO ROAD
TIMONIUM, MD 21045
(410) 232-4871 EXT.4

REVISIONS:

NO.	DESCRIPTION	DATE
1	1st. AMENDED DEVELOPMENT PLAN	12/11/08

BALTIMORE COUNTY DEPT. OF PDM
Project No. 01-566
BALTIMORE COUNTY CODE
Section 32-4-106B

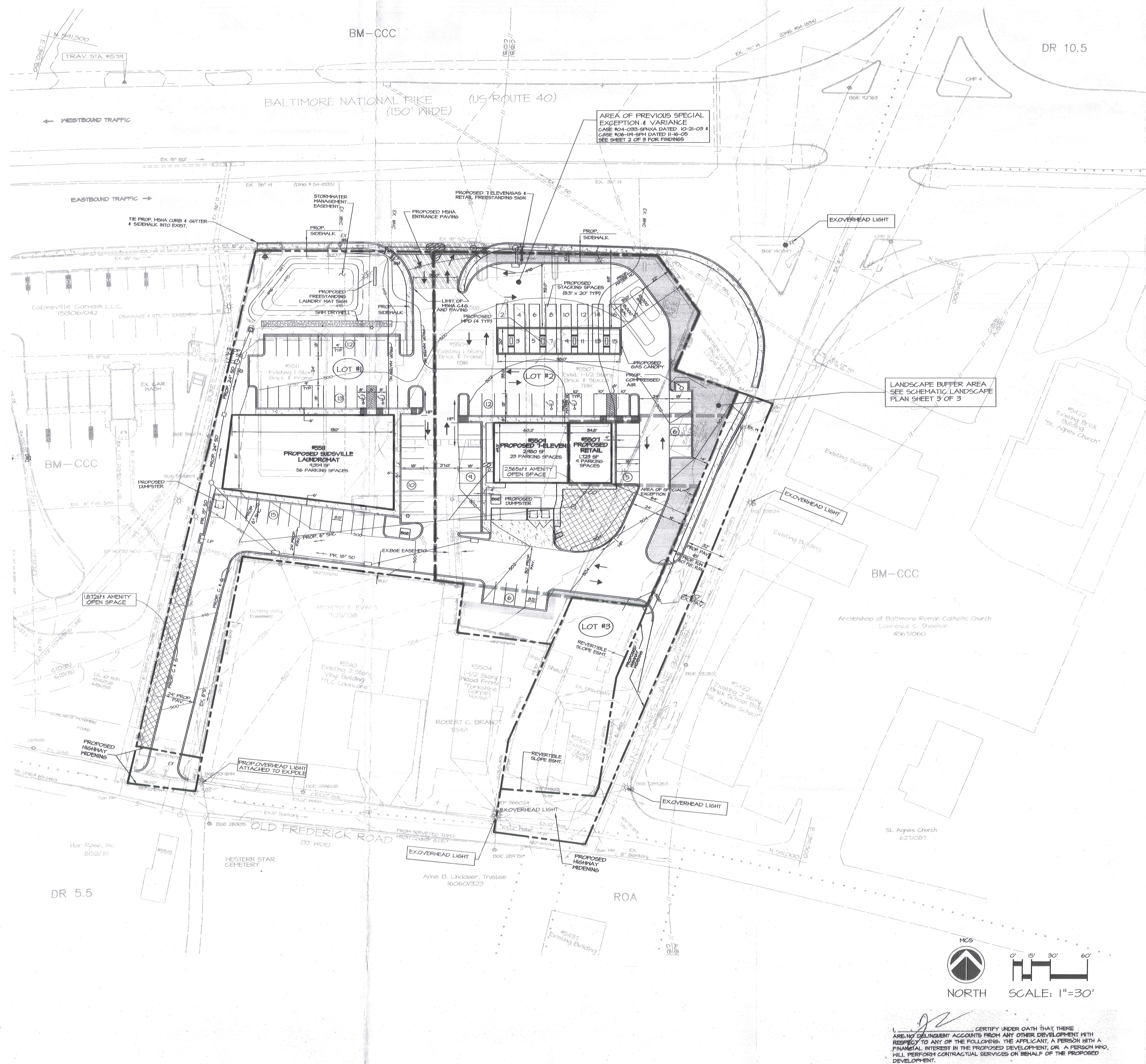
CERTIFICATION DEVELOPMENT PLAN Approval
By: *David D. Thaler* Date: 12/11/08
This plan approval shall expire 10 years from this approval date.

D.S. THALER & ASSOC., INC.

CIVIL ENGINEERS LANDSCAPE ARCHITECTS	SURVEYORS LAND PLANNERS
--	-----------------------------------

THIS AMBASSADOR ROAD
P.O. BOX 47420
BALTIMORE, MARYLAND 21244-7420
(410) 444-ENGR, (410) 444-5647

DATE: 05.17.04
SCALE: 1" = 30'
PROJ. NO.: 02777
PDM#: 1-516
SHEET: 1 OF 3



I, *David D. Thaler*, CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FROM ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

GENERAL NOTES

1. DEVELOPMENT NAME: ST. AGNES RETAIL CENTER

2. APPLICANT/ OWNER:
QUARTNER COMMERCIAL PROPERTIES, LLC
PO BOX 1001
TIMONUM, MD 21094
(410) 252-4871 EXT.4

3. PROPERTY REFERENCES:

PARCEL	TAX ACCOUNT #	RECORD PLAT	HELD SINCE	TAX MAP-GRID	ADC MAP
P. 510	2800004865	76/958	2008	45-21	38-FB
P.326	1800004831		2008	45-21	38-FB

4. PLAN PREPARED BY:

D.S. Thaler & Associates, Inc.
7115 Ambassador Road,
P.O. Box 47428
Baltimore, Maryland 21244
ATTN: Brian Childress or Stacey McArthur, RLA.
(410) 444-3641

Boundary: D.S. Thaler & Associates, Inc. (March 2004)
Topography: D.S. Thaler & Associates, Inc. (April 2004)
Utilities: Baltimore County Key Map (H-NE & G-NW)
Baltimore County Design Drawings as noted.
Zoning: Baltimore County 200 Scale Zoning Map (2008) 615 Use (CBA3 & CBBB3)
Floodplain: No 100-year Floodplain exists on this site, per
FIRM map 4240010-0390 B, Panel 390 of 575.
Historic District: This property is not within an historic district.
Zoning History: The known zoning history is shown hereon.

Special District: This property is within the Catonsville - Paradise Revitalization Area.

5. GENERAL DATA:

Election District: 1 Watershed: 679th Falls
Census Tract: 4007.02 Subwatershed: 71D
Constituent District: 1

6. SITE INFORMATION:

A. Acreage of Special Exception: Gross = 1.43 Acs
Net = 1.43 Acs

B. Existing Zoning: BM-CCG @ 1.43 Acs
(Business Major-Commercial Community Core)

C. Floor Area Ratio: Allowed: BM-CCG Zoning = 4.0 Maximum or 241,663 sq ft
Proposed: Lot #2 = 0.06 (4,942 sq ft / 62,240.8 sq ft = 0.08)

D. OFF STREET PARKING AND STACKING REQUIREMENTS (BCZR SECTION 414.3)

STACKING:
4 spaces per Roll-Over Car Wash x 3 Tunnels = 21 STACKING SPACES
4 spaces for the first tunnel of Self-Service Car Wash,
and 2 spaces for each additional tunnel = 14 STACKING SPACES
1st tunnel = 4 and
2 tunnels @ 2 spaces each = 10

TOTAL STACKING SPACES REQUIRED = 41 STACKING SPACES
TOTAL STACKING SPACES PROVIDED = 41 STACKING SPACES

PARKING:
DRYING: 2 parking spaces to allow drying per each tunnel
of a self-service or roll-over car wash
4 tunnels @ 2 spaces each = 16 PARKING SPACES (PROVIDED)

VACUUM: 1 parking space per vacuum cleaner unit
except a stacking space in a Self-Service Car Wash
may be used to serve as a parking space for the
Vacuum Cleaner Unit. 1 Vacuum Cleaner Unit @ 1 space each = 14 PARKING SPACES (PROVIDED)

Two additional parking spaces at a roll-over car wash = 2 PARKING SPACES (PROVIDED)

TOTAL PARKING SPACES REQUIRED = 33 PARKING SPACES
TOTAL PARKING SPACES PROVIDED = 34 PARKING SPACES

NOTE: total stacking spaces provided (marked with an 'X')
(including 6 stacking spaces used in combination for
vacuum cleaner parking spaces- marked
with a 'V' and 'V'-at a self service car wash)

E. Open Space: *All Open Space shall be in compliance with the Baltimore County Zoning
Regulations, Section 235.A

Required: Gross Floor Area x 0.2 or
Amenity Open Space: 4,942 sq ft x 0.2 = 988.4 sq ft
Proposed: 6,340 sq ft
Amenity Open Space:

8. UTILITIES: Existing public water and sewer are available to this site.
On-site utilities will be private.

4. USE: EXISTING: vacant
PROPOSED: car wash (Open 24 Hours)

10. AVERAGE DAILY TRIPS (ADT): Average daily trips as calculated from the Baltimore
County Comprehensive Manual of Development Policy
TRIPS (ADT): 845 ADT/1000 SF = 2.58 ADT

11. ENVIRONMENTAL: There are no known critical areas, archaeological sites,
endangered species, or hazardous materials on the site.
*As known to the applicant, location and description of
hazardous materials as defined by Section 1-101 of the
Environmental Article of the annotated Code of Maryland,
as from time to time amended.
This site does not lie within the limits of the Chesapeake Bay Critical Area.
No additional information is requested by the Department of Environmental
Protection and Resource Management to determine compliance with the Critical
Area Local Protection Program pursuant to Section 33-2-101.

12. SIGNS: Signs shall conform with BCZR Section 450, all zoning policies and the Zoning
Commissioner Findings Case No. 04-033-SPHXA as shown hereon.

13. Maximum building height allowed is 35 feet. Proposed building height is 19'4".
14. Sidewalks shall be provided on Route 40 and along a portion of St. Agnes Lane, as shown on plan.

15. The limitations established by the Courts, County Board of Appeals, Planning Board or
Zoning Commissioner which would limit proposed development on site are shown hereon.

16. There are no Residential Transition Areas (RTAs) on site.

17. All proposed roads are private. The site fronts on Route 40, a major arterial road, and
is adjacent to St. Agnes Lane, which is neither a major arterial or a collector road.

18. The Bureau of Traffic Engineering and Planning has confirmed that the subject site not within a
traffic deficient area.
19. Access via U.S. Route 40 and St. Agnes Lane to be provided by the Developer for the
proposed uses. A common access easement will be required.

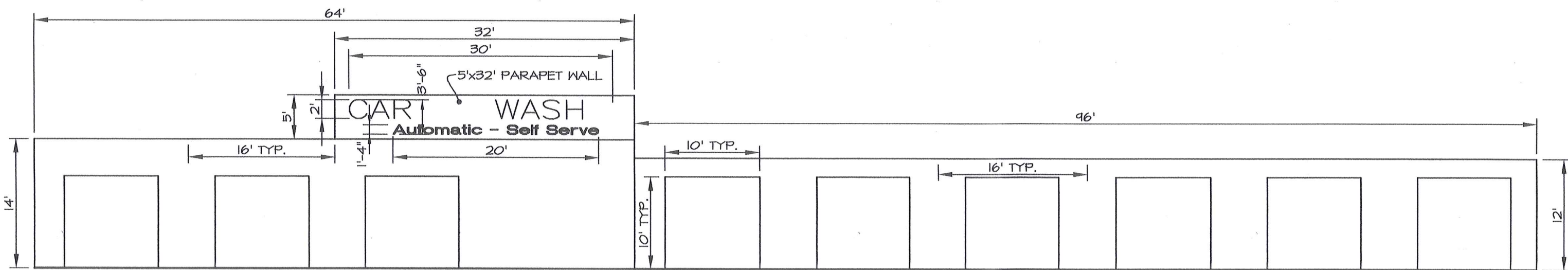
20. Manufacturer's Rated Hourly Production Capacity:

Roll Over: 10-12 cars per hour
Self Service: 12-14 cars per hour

21. Landscaping to be accordance with the Baltimore County Landscape Manual. The landscape
transition area shall be vegetated and screened in accordance with the Landscape Manual
requirements for automotive uses per section 405.4.A.2.c of the Baltimore County Zoning
Regulations. See inset for proposed Schematic Landscaping.

AUTOMOTIVE USES:

(Condition K)
1. Along Public ROH @ 1 PU/15 LF 508 LF/15 = 33.9 PU.
(10' Min. Landscape Buffer)
2. Side and Rear Yards Abutting Commercial Use
1 PU/10 LF (6' Min. Landscape Buffer) 157 LF/10 = 15.7 PU.
Total Required: 49.6 PU.
Total Proposed: 50.0 PU.



SCHEMATIC BUILDING ELEVATION AND WALL MOUNTED SIGN DETAIL

(N.T.S.)

CASE NO. 04-033-SPHXA
ZONING COMMISSIONER FINDINGS
OCTOBER 21, 2003

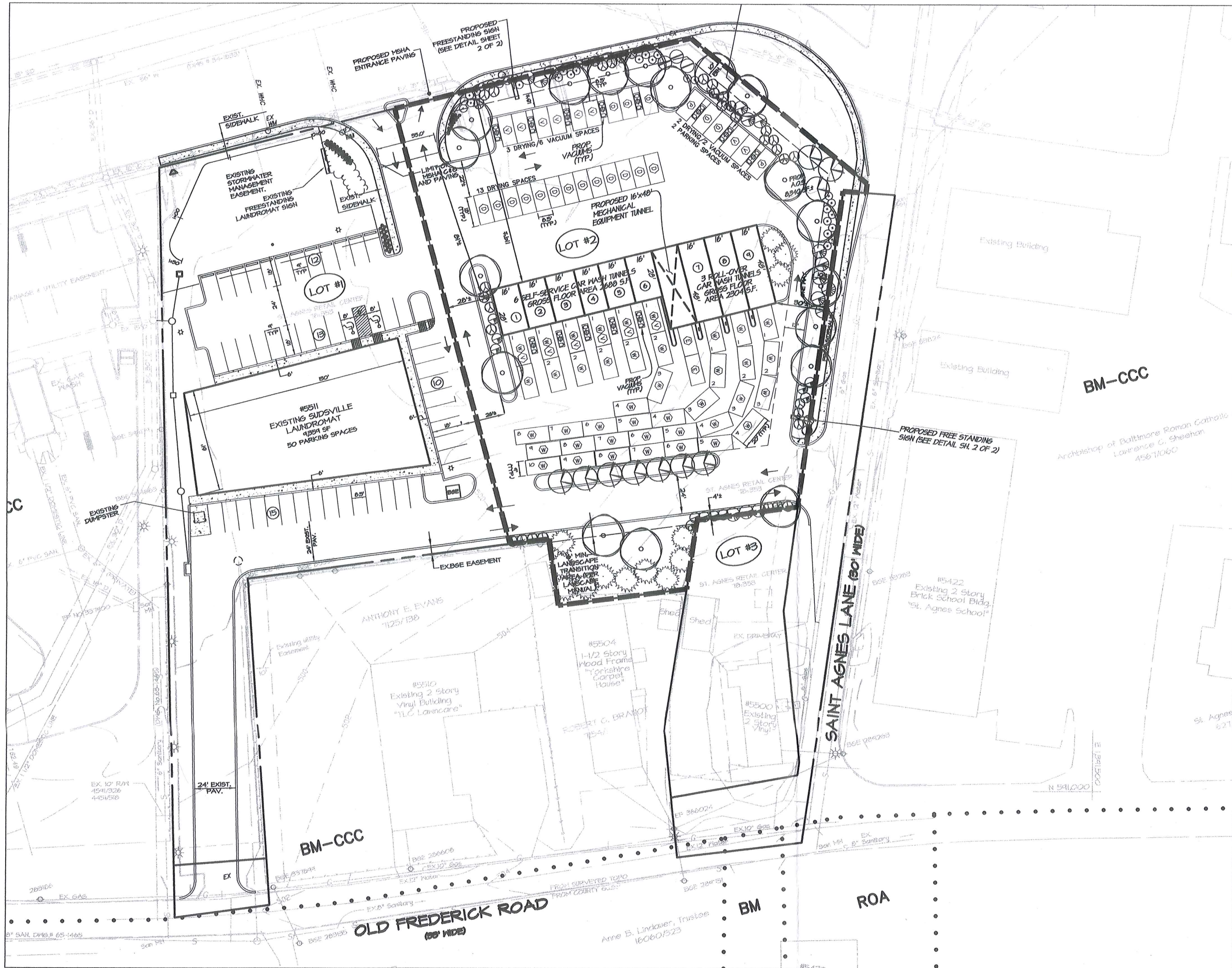
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of October 2003 that the
Petition for Special Hearing to approve that the proposed fuel service station/convenience store is a separate
petition from the adjoining retail establishment and is not a "use in combination" pursuant to Section 405.4.E of the
BCZR, be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that the proposed joint identification sign for the subject fuel service station/convenience
store and the retail establishment is permitted by right, and as such, the Petition for Special Hearing is hereby
GRANTED, and,

IT IS FURTHER ORDERED that the Petition for Special Hearing to permit a proposed fuel service station as a
use in combination with a convenience store with a sales area larger than 1500 sq.ft. pursuant to Section 405.2.B.1
and 405.4.E.1 of the BCZR, be and is hereby GRANTED, and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 405.4.A.2.b of the BCZR to
permit a landscape transition area abutting non-residentially zoned property of 0 feet in lieu of the required 6 feet
and 0 feet in lieu of the required 10 feet along a public, right-of-way and, from Section 405.4.5.a to permit two fuel
service station canopy signs of 245 sq.ft. each and two fuel service station canopy signs of 44 sq.ft. each, in lieu
of the permitted four fuel service station canopy signs of 25 sq.ft. each, be and is hereby GRANTED, subject to the
following restrictions:

- "The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however,
the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day
appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed,
the relief granted herein shall be rescinded."
- "There shall be no public address system outside the buildings; however, an intercom system can be provided
at the fuel pump island to assist patrons."
- "There will be no outside pay phones on the 7-Eleven property and no outside vacuum cleaners."
- "A landscape buffer of 19 feet will be provided along St. Agnes Lane across from St. Agnes School and
topper to a width of 10 feet near the corner at Baltimore National Pike as shown on Petitioner's Exhibit 2.
The intent of this restriction is to have the buffer at the maximum width possible in this area, dependent upon
any improvements that may be required by the Maryland State Highway Administration (SHA) to Baltimore
National Pike. This restriction may be modified, if required, by SHA."
- "The Petitioners shall provide a sidewalk connection and appropriate crosswalks from the public sidewalk
to the building entrance."
- "Trash removal/pick-up will be at reasonable hours so as not to be disruptive to neighbors. Moreover, the
dumpster enclosure shall be constructed of similar materials as the building."
- "All lighting on the site will be designed so as not to shine and/or reflect onto adjacent properties."
- "A barrier shall be installed to prevent vehicular access from the adjacent car wash through the subject
property to St. Agnes Lane."
- "The Petitioners shall consult with Ray Hill, Baltimore County Street Coordinator for Baltimore National Pike
(Maryland Route 40) improvements to prepare a landscape plan that addresses the total area between
the curb along St. Agnes Lane and Route 40 and the proposed site improvements."
- "The Petitioners shall submit architectural elevations of all facades and signs, as well as a landscape plan
and lighting plan to the Office of Planning prior to the issuance of any building permits. Said architectural
elevations shall be substantially similar to those submitted at the hearing and marked as Petitioner's
Exhibits 2 and 5."
- "The Petitioners shall contact the Baltimore County Police Department and establish a community police station
on-site at the 7-Eleven store, if practical."
- "When applying for a building permit, the site plan filed must reference this case and set forth and address
the restrictions of this Order."



SCHEMATIC LANDSCAPE PLAN

SCALE: 1" = 50'

CASE NO. 06-119 SPH
ZONING COMMISSIONER FINDINGS
NOVEMBER 16, 2005

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore
County this 16th day of November, 2005, that the Petitioners' request for special hearing relief
filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve
an extension of the utilization period for the special exception granted in Case No. 04-033 SPHXA
from two years to five years and to approve minor changes to the site plan, be and is hereby
GRANTED subject to the following conditions from Case no. 04-033 SPHXA repeated here for
convenience:

- The Petitioners may apply for their building permit and be granted same upon receipt
of this Order; however, the Petitioners are hereby made aware that proceeding at this
time is at their own risk until the 30-day appeal period from the date of this Order
has expired. If an appeal is filed and this Order is reversed, the relief granted herein
shall be rescinded.
- There shall be no public address system outside the buildings; however, an intercom
system can be provided at the fuel pump island to assist patrons.
- There will be no outside pay phones on the 7-Eleven property and no outside
vacuum cleaners.
- A landscape buffer of 19 feet will be provided along St. Agnes Lane across from St.
Agnes School and top to a width of 10 feet near the corner at Baltimore National
Pike as shown on Petitioner's Exhibit 2. The intent of this restriction is to have the
buffer at the maximum width possible in this area, dependent upon any
improvements that may be required by the Maryland State Highway Administration
(SHA) to Baltimore National Pike. This restriction may be modified, if required, by
SHA.
- The Petitioners shall provide a sidewalk connection and appropriate crosswalks from
the public sidewalk to the building entrance.
- Trash removal/pick-up will be at reasonable hours so as not to be disruptive to the
neighbors. Moreover, the dumpster enclosure shall be constructed of similar
materials as the building.
- All lighting on the site will be designed so as not to shine and/or reflect onto adjacent
properties.
- A barrier shall be installed to prevent vehicular access from the adjacent car wash
through the subject property to St. Agnes Lane.
- The Petitioners shall consult with Ray Hill, Baltimore County Street Coordinator for
Baltimore National Pike (Maryland Route 40) improvements to prepare a landscape
plan that addresses the total area between the curb along St. Agnes Lane and Route
40 and the proposed site improvements.
- The Petitioners shall submit architectural elevations of all facades and signs, as well
as a landscape plan and lighting plan to the Office of Planning prior to the issuance
of any building permits. Said architectural elevations shall be substantially similar to
those submitted at the hearing and marked as Petitioner's Exhibits 2 and 5.
- The Petitioners shall contact the Baltimore County Police Department and establish a
community police station on-site at the 7-Eleven store, if practical.
- When applying for a building permit, the site plan filed must reference this case and
set forth and address the restrictions of this Order.

DRC #101408B

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

October 27, 2008

D.S. Thaler & Associates, Inc.
7115 Ambassador Road
Baltimore, MD 21244

410-887-3335

Received
Q-CENTERPRISES, INC.

111 West Chesapeake Avenue
Towson, MD 21204

November 18, 2003

Q-C Enterprises, Inc.
110-140 Old Pasadena Road
Hunt Valley, MD 21036

RE: Saint Agnes Retail Center
Baltimore National Pike & St. Agnes
PDM Number: 1-566
DRC Number: 101408B; Dist. 1C1

Dear Sir or Madam:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland, and as
provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101,
32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an
administrative order and decision on the request for issuance, renewal, or modification of a
license, permit, approval, exemption, waiver, or other form of permission you filed with
this department.

Your request has been submitted for careful review and consideration to the
Development Review Committee (DRC), which is composed of representatives from
each of these departments involved in land-use decisions. These representatives are
designees of the directors of these departments. The purpose of the DRC is to ensure
compliance with Section 32-1-106 (X2) and Section 32-4-383 of the Baltimore County
Code and to make recommendations to the Director, Department of Permits and
Development Management (PDM).

The DRC has, in fact, met in an open meeting on October 14, 2008, and made the
following recommendations:

The DRC has determined that your project meets the requirements of refinement
to the development plan, under Section 32-4-383(b)(2). It is necessary to submit two
plans to the Department of Environmental Protection and Resource Management, and one
plan to the Office of Planning, and PDM's Office of Zoning for further review. Please
submit a copy of this DRC letter to each plan and forward to Room 123, County Office
Building, 111 West Chesapeake Avenue, Towson, MD 21204.

After resolution of any outstanding issues, please submit a copy of this letter, and
two copies of the plan to this office, Room 123, for signature.

I have reviewed the recommendations carefully, and I have determined to adopt
the recommendations set forth above. It is this 27th day of October 2008, ordered and
decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this
project, your application will be processed subject to the conditions set forth above and
any plans, securities, or non-county permits that may be required in accordance with
County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway
Administration requires the plan to be reviewed prior to the permit approval. For further
information, contact Mike Bailey at 410-515-5600.

Sincerely,
Timothy Ketmoo
Director

TK-WTS:dk
cc: Sharon E. Miller
File: Mike Bailey

DRC #091503A

Baltimore County Government
Department of Permits and
Development Management

111 West Chesapeake Avenue
Towson, MD 21204

November 18, 2003

Q-C Enterprises, Inc.
110-140 Old Pasadena Road
Hunt Valley, MD 21036

RE: Saint Agnes Retail Center
Baltimore National Pike & St. Agnes
PDM Number 091503A; Dist. 1C1

Dear Madam or Sir:

Pursuant to Article 25A, Section 5(U) of the Annotated Code of Maryland, and as
provided in Section 602 (d) of the Baltimore County Charter, and Section 26-132 of the
Baltimore County Code, this letter constitutes an administrative order and decision on the
request for issuance, renewal, or modification of a license, permit, approval, exemption,
waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the
Development Review Committee (DRC), which is composed of representatives from
each of these departments involved in land-use decisions. These representatives are
designees of the directors of these departments. The purpose of the DRC is to ensure
compliance with Section 26-171 and Section 26-211 of the Baltimore County Code and
to make recommendations to the Director, Department of Permits and Development
Management.

The DRC has, in fact, met in an open meeting on November 3, 2003, and made
the following recommendations:

The DRC has determined that your project meets the requirements of a limited
exception under Section 26-171 (d)(1).

In order to further process your development plan, submit a completed, sealed,
and signed copy of the development plan checklist, along with two check prints of the
plan, prepared in accordance with Section 26-203 of the development regulations, and a
copy of this letter to this office.

I have reviewed the recommendations carefully, and I have determined to adopt
the recommendations set forth above. It is this 3rd day of November 2003, ordered and
decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this
project, your application will be processed subject to the conditions set forth above and
any plans, securities, or non-county permits that may be required in accordance with
County, State, or Federal regulations.

Additionally, this project is located on a state road; therefore, the State Highway
Administration requires the plan to be reviewed prior to the permit approval. For further
information, contact Larry Gredlein at 410-545-5600.

Sincerely,
Timothy Ketmoo
Director

TK-DTR:dk
cc: File: Larry Gredlein

PROJECT NAME:
SAINT AGNES RETAIL CENTER
PLAN TITLE:
PLAT TO ACCOMPANY
ZONING PETITION
SITE ADDRESS:
5504 BALTIMORE NATIONAL PIKE

COUNCILMANIC DIST.: 1
ELECTION DIST.: 1
PDM #: 1-516 DRC #: 091503A & 101408B
ZONING CASE #: 04-033-SPHXA & 06-119 SPH

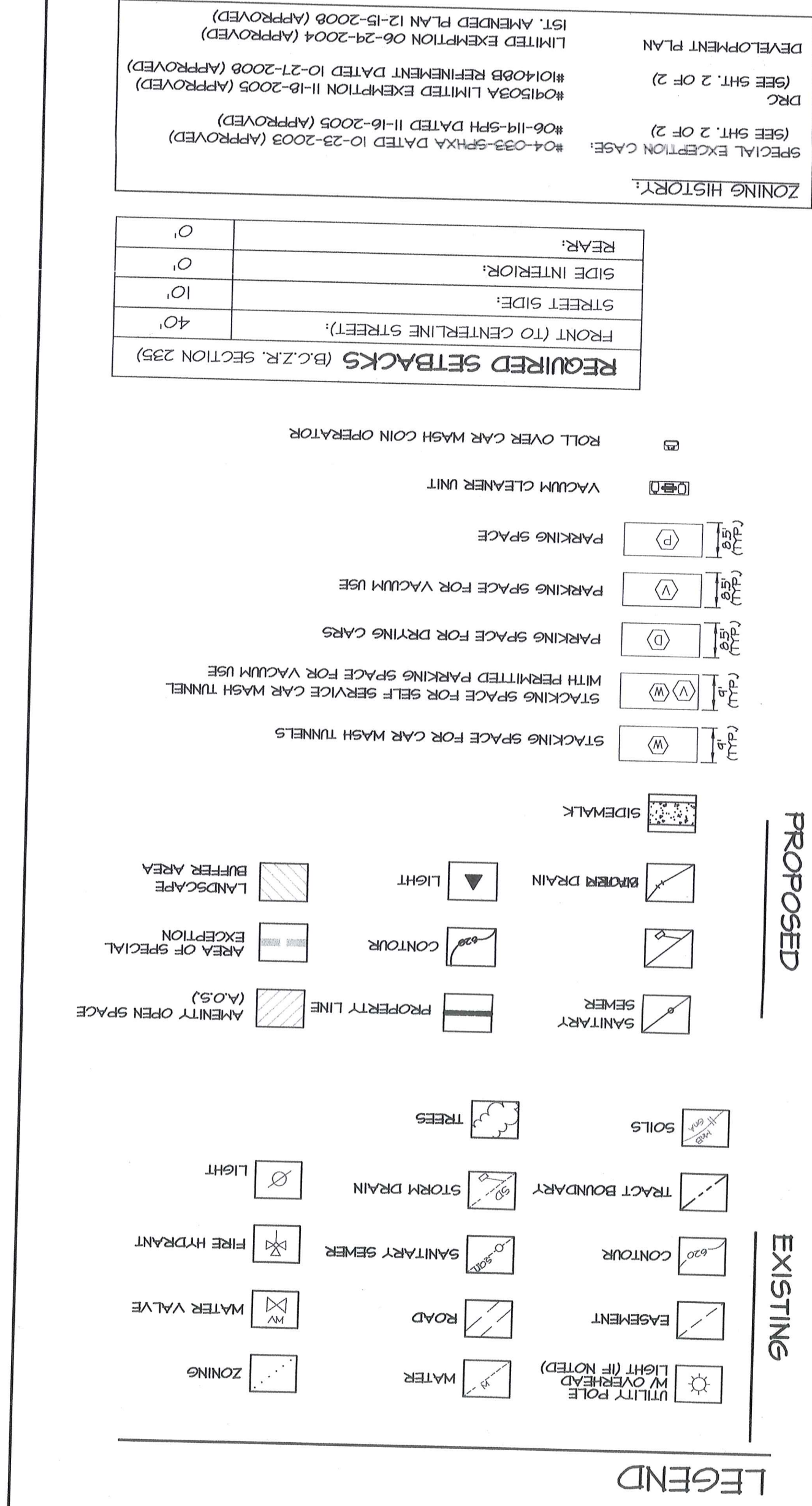
APPLICANT:
QUARTNER COMMERCIAL
PROPERTIES, LLC
4508 DEERCO ROAD
TIMONUM, MD 21093
(410) 252-4871 EXT.4

D.S. THALER & ASSOC., INC.
CIVIL ENGINEERS
LANDSCAPE ARCHITECTS
7115 AMBASSADOR ROAD
P.O. BOX 47428
BALTIMORE, MARYLAND 21244-1428
(410) 444-ENGR, (410) 444-3641

SURVEYORS
LAND PLANNERS

DATE: 12/01/04
SCALE: AS SHOWN
PROJ. NO. 027171
PDM# 1-516
SHEET 2 OF 2
Lic. 220516 Exp. 7/31/10

PLAT TO ACCOMPANY ZONING PETITION
SAINT AGNES RETAIL CENTER



ZONING HISTORY	
SPECIAL EXCEPTION CASE:	(SEE SH-1, 2 OF 2)
#04-033-SPEX-A DATED 10-23-2003 (APPROVED)	
#06-114-SFH DATED 11-16-2005 (APPROVED)	
#03054A LIMITED DEVELOPMENT	(SEE SH-1, 2 OF 2)
#104000 REINSTATEMENT DATED 10-21-2006 (APPROVED)	
LIMITED DEVELOPMENT 06-24-2004 (APPROVED)	
1ST AMENDED PLAN 12-15-2008 (APPROVED)	

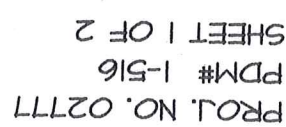
ZONING HISTORIC
SPECIAL EXCEPT
(SEE SHT. 2 OF 2)
DRG
(SEE SHT. 2 OF 2)
DEVELOPMENT PL

ANIC DIST.: 1
DIST.: 1
516 DRC #: 091503A & 101408B
ASE #: 04-033-SPHXA & 06-119 SPH

ERECO ROAD
MD 21093
-4877 EXT.4

D.S. THALER & ASSOC. INC.

D.S. THALER & ASSOC. INC.



BALTIMORE, MARYLAND 21244-7428
(410) 944-ENGR, (410) 944-3647



BALTIMORE NATIONAL PIKE
(150' WIDE)
(US ROUTE 40)

AREA OF SPECIAL EXCEPTION & VARIANCE
FOR PREVIOUS FINDINGS, SEE SHEET 2 OF 2.
CASE #04-033-SPHXA DATED 10-21-03
CASE #06-114-SPH DATED 11-16-05

AL PIKE
(150' WIDE)

WESTBOUND TRAFFIC →

BM-CCC

DR 5.5

BM-CCC