

IN RE: **PETITION FOR VARIANCE**
N/Side Radcliffe Road, 176' N of
Fairmount Avenue
(1015 York Road)

9th Election District
5th Council District

Round Hollow, LLC, *Legal Owner*
Safeway, Inc., *Lessee*
Petitioner

*

*

*

*

*

*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0187-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by Petitioner, Safeway, Inc. through its Director of Construction Joseph Sullivan, and its attorney, Sebastian A. Cross with Gildea & Schmidt, LLC. The Petition was also signed by Wilbur E. Simmons, III, on behalf of the property owner, Round Hollow, LLC. Petitioner, pursuant to Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) requests a variance to: (1) permit a total of six (6) wall mounted signs in lieu of the permitted three (3); (2) approve five (5) wall mounted signs on a single façade in lieu of two (2) per façade, and (3) allow two (2) signs of 285 square feet each in lieu of the maximum permitted 150 square feet per sign. The subject property and requested relief are more particularly described on the site plan and sign elevations submitted, which were accepted into evidence and marked as Petitioner's Exhibits 1 and 4 respectively.

Appearing at the requisite public hearing in support of the request were Michelle Shelton, real estate manager for Safeway, and John Adair, Safeway's store designer for Store No. 2979¹.

Safeway, Inc. operates nine (9) stores in Baltimore County. This, the 10th store, will be located within the Towson Commercial Revitalization District and will reuse a long vacant existing building. Safeway is making a significant capital investment in the District and will add a new full-service grocery store to serve the needs of the residents occupying over 1,100 new units in the three-apartment buildings recently completed in the area.

ORDER RECEIVED FOR FILING

Date

By

3-2-10
1023

Also appearing were Adam Volanth and Michael Gessell with Bohler Engineering, the civil engineers/land development consultants who prepared the plan. Sebastian A. Cross, Esquire and David Gildea, Esquire, represented the Petitioner. There were no Protestants or other interested persons present, however, it is noted that Richard Parsons, on behalf of the Greater Towson Council of Community Associations (GTCCA), arrived at the conclusion of the hearing, reviewed exhibits and indicated no opposition to the proposed sign package

Mr. Cross proffered the evidence presented at the hearing, and the proffer and exhibits presented were accepted by this Zoning Commissioner. The property at issue in this case is an assemblage of five (5) lots located at the southeast corner of York Road (MD Route 140) and the on-ramp to the Baltimore Beltway (I-695) in Baltimore County. The property consists of 8.5 acres within the B.R. zoning classification. The property has been used as a shopping center known as "Radcliff Center" for many years. There have been a number of "anchor" stores within this center over the years, including more recently the COMP USA and Linens-N-Things stores, which have closed. The other lots are also improved with several free-standing pad sites. Important to the relief requested the Wachovia Bank and CVS pharmacy are positioned on Lots 4 and 5 and located on either side of Radcliff Road that serves as the ingress and egress to the subject Lot 1B. This lot (1B) with its associated uses (Starbucks Coffee, pharmacy, grocery store, Signature Café and Bergmann's Dry Cleaners) are set back well off of York Road some 80 feet and 70 feet from the on-ramp to the Baltimore Beltway. The signs are needed to reflect a change in the retail operations with the specialty uses being incorporated within the larger retail anchor store rather than in separate adjacent units as is found in older strip centers. Both John Adaire, Safeway's store designer, and Michelle Shelton, the real estate representative, state that the overall design package and signs are formulated to reposition the site as a successful

ORDER RECEIVED FOR FILING

Date

3-2-10

By

contributor to the revitalization of Towson and to better compete with the large "big boxes" such as Target and Wal-Mart that offer overlapping products and services.

Over the years the Radcliff Center has seen varying degrees of success as a shopping center. Recently, however, since the improvements on Lot 1B became abandoned and unoccupied when COMP USA and Linens-N-Things moved out, the site has received a great deal of attention for its role in the revitalization of the Towson area of Baltimore County due to the selection of this location by Safeway, Inc. for one of its full service grocery stores. As outlined above, preparations are underway for this Safeway Store with its associated uses to be located within the shopping center. Mr. Cross proffered, and Ms. VanArsdale and Cynthia Bledsoe² confirmed, that there has been significant cooperation between the Petitioner and Baltimore County on the redevelopment of this center which will serve the premises and many other nearby properties.

The site's 446 parking space field has 240 feet of frontage along Radcliff Road that circles behind the CVS pharmacy and Wachovia Bank building. As shown on the site plan (Exhibit 1) and the various aerial photographs and pictures submitted (Exhibits 2, 5 and 6), the Safeway store will be set back a total of 440 feet from Fairmount Avenue at the closest point. Views of the store's front wall-mounted (coffee, pharmacy, grocery, café and cleaners) enterprise signs on the building to be occupied by Safeway and associated uses as shown on Exhibit 4 are obstructed by existing structures located closer to the road, as well as by mature landscaping and a change in elevation between York Road and I-695 and the Safeway store.

² Andrea VanArsdale is the Director of the Commercial Revitalization Program for Baltimore County's Department of Economic Development. Cynthia W. Bledsoe is the Executive Director of the Greater Towson Committee (GTC). Their testimony and support can be found in Petitioner's 7A and 7B.

3-2-10
DB

Accordingly, while traveling along these roadways, which are major, high speed thoroughfares, a driver will have a view of the wall-mounted "Safeway" enterprise signs at a distance of approximately 500 feet for a very short period of time – no more than a moment or two if traveling at a reasonable speed. Indeed, whether traveling in a direction from east to west or north to south, a driver will not have a view of the wall-mounted "Safeway" signs until after the driver would have had to make a turn from Fairmount Avenue onto Radcliff Road, that forms a center drive isle accessing the shopping center. Likewise, while traveling from the west in an easterly direction on I-695 such a driver, keeping up with the flow of traffic, would have only a moment or two to view the rear wall-mounted "Safeway" sign and likely not enough time to do anything other than to establish a fix on the store's location for future access. Finally, while traveling north and south on York Road, a driver would have virtually no view of the wall-mounted Safeway enterprise signs, despite the entrance to the shopping center from the northbound lanes of York Road.³

These factors are persuasive that additional signage in the form requested by the Petitioner in items 1, 2 and 3 of its petition is necessary and warranted with regard to the anchor Safeway store. The two (2) signs that are the subject of the 285 square foot face depicting "Safeway" on the front and rear elevations are less or a reduction in the wall-mounted signage that previously existed for the COMP USA and Linens-N-Things. Specifically, I find that the proposed sign elevations as shown on the site plan and on Petitioner's Exhibit 4 will make the signage more visible to passers-by and thereby alleviate some of the effects of the peculiarities of this property created by the off-site constraints, i.e., the building's large setback and limited view shed from public thoroughfares. I note that the proposed design is Safeway's

Similar to the blocked front views caused by the CVS pharmacy and Wachovia Bank, the M&T Bank and vacant Tweeter Stereo & Video store to the west of the subject property block the side views from York Road.

latest prototype of sign, which I consider significant in conveying the importance of this use in Baltimore County's goal of economic revitalization of the area. Furthermore, the wall-mounted signs as requested by the Petitioner will likewise increase the visibility of the use(s) in a manner which will assist with the flow of traffic and draw attention to the use.

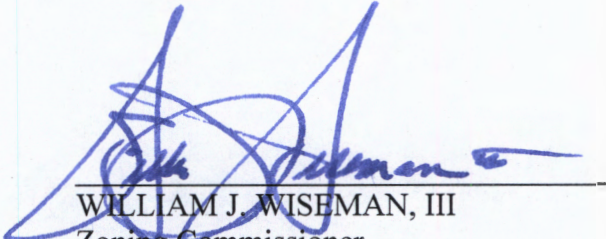
Based upon the testimony and evidence offered, I am persuaded to grant the petition for variance. In my judgment, the Petitioner has established that this property is unique and that variance relief is justified to mitigate the practical difficulty which strict adherence to the zoning regulations would inevitably create. I am further satisfied that the Petitioner has complied with the standards set forth in Section 307 of the B.C.Z.R., including establishing that the relief can be granted in such a way that the spirit of the B.C.Z.R. will be observed and public safety and welfare secured. A sign variance, such as those requested by the Petitioner in this case, may be granted where the strict application of the Zoning Regulations would cause practical difficulty to the Petitioner and its property. *McLean v. Soley*, 270 Md. 208 (1973).

Pursuant to the advertisement, posting of the property, and public hearing held on this Petition, 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 2nd day of March 2010 that the Petition for Variance seeking relief from Section 450.4.5(a) of the Baltimore County Zoning Regulations (B.C.Z.R.) to: (1) permit a total of six (6) wall mounted signs in lieu of the permitted three (3); (2) approve five (5) wall mounted signs on a single façade in lieu of two (2) per façade, and (3) allow two (2) signs of 285 square feet each in lieu of the maximum permitted 150 square feet per sign, in accordance with Petitioner's Exhibits 1 (site plan) and 4 (sign detail), be and is hereby GRANTED, subject to the following restriction:

1. The Petitioner may apply for its permits and may be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 3-2-10
By WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 2, 2010

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

RE: PETITION FOR VARIANCE

N/Side Radcliffe Road, 176' N of Fairmount Avenue
(1015 York Road)
9th Election District - 5th Council District
Round Hollow, LLC, *Legal Owner*; Safeway, *Contract Purchaser* - Petitioners
Case No. 2010-0187-A

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 "Bill Wiseman", written over a large, stylized "A" that serves as a background for the signature.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Michelle Shelton, Safeway, 4551 Fordes Boulevard, Lanham, MD 20706
John Adair, 301 East Germantown Pike, Norristown, PA 19401
Adam Volanth & Michael Gessell, Bohler Engineering, 901 Dulaney Valley Road,
Towson, MD 21204
Cynthia W. Bledsoe, Executive Director, Greater Towson Committee, 102 West
Pennsylvania Avenue, Towson, MD 21204
People's Counsel; Andrea VanArsdale, EDC; Office of Planning; File



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at: 1017 York Road

which is presently zoned: BR

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

PLEASE SEE ATTACHED

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Safeway, Inc. *JOSEPH SULLIVAN, DIRECTOR OF CONSTRUCTION, LEASES DIVISION*
Name - Type or Print
Signature
4551 Fordes Boulevard 301-918-6946
Address Telephone No.
Lanham MD 20706
City State Zip Code

Attorney For Petitioner:

Sebastian A. Cross
Name - Type or Print
Signature
Gildea & Schmidt, LLC
Company
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

Legal Owner(s):

SEE ATTACHED PAGE
Name - Type or Print
Signature
170 W. Ridgley Road 410-684-2000
Address Telephone No.
Lutherville MD 21093
City State Zip Code

Representative to be Contacted:

Sebastian A. Cross, Gildea & Schmidt, LLC
Name
600 Washington Avenue, Suite 200 (410) 821-0070
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

Case No. 2010-0187-A

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JNP Date 12/29/09

REV 9/15/98

ORDER RECEIVED FOR FILING

Date 3-2-10

By [Signature]

**Attachment to Petition for Variance
1015 York Road
9th Election District
5th Councilmanic District**

- 1) To permit a total of six wall mounted signs in lieu of the permitted three pursuant to BCZR Section 450.4.5(a);
- 2) To permit five wall mounted signs on a single façade in lieu of two per façade pursuant to BCZR Section 450.4.5(a); and
- 3) To permit two signs of 285 sq. ft. each in lieu of the maximum permitted 150 sq. ft. per sign pursuant to BCZR section 450.4.5(a).

~~2010-0179-A~~

2010-0187-A

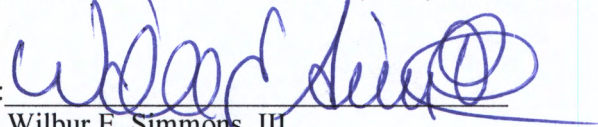
SIGNATURE PAGE FOR PETITION FOR VARIANCE
SAFEWAY, INC. – STORE #2979

ROUND HOLLOW, LLC

By: Kimco Income Fund I, L.P., its Sole Member

By: Kimco Income Fund I GP, Inc., its General Partner

By:

A handwritten signature in blue ink, appearing to read 'Wilbur E. Simmons, III', written over a horizontal line.

Wilbur E. Simmons, III
Vice President

2010-0187-A



BOHLER

ENGINEERING

901 Dulaney Valley Road, Suite 801
Towson, MD 21204
PHONE 410.821.7900
FAX 410.821.7987

December 15, 2009

ZONING DESCRIPTION
PARCEL 191, TAX MAP 70 GRID 1 WITH DEED REFERENCE 12265/598,
NORTH OF THE INTERSECTION OF
FAIRMOUNT AVENUE AND RADCLIFFE ROAD
BALTIMORE COUNTY, MARYLAND
9TH DISTRICT

BEGINNING AT A POINT ON THE NORTH SIDE OF RADCLIFFE ROAD WHICH IS 48-FEET WIDE AT THE DISTANCE OF 176-FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET FAIRMOUNT AVENUE WHICH IS A VARIABLE WIDTH RIGHT-OF-WAY. THENCE THE FOLLOWING COURSES AND DISTANCES:

1. NORTH 31 DEGREES 28 MINUTES 48 SECONDS WEST; 12.69 FEET TO A POINT.
2. NORTH 56 DEGREES 40 MINUTES 05 SECONDS WEST; 53.03 FEET TO A POINT.
3. CURVING TOWARDS THE EAST WITH A RADIUS OF 230.50 FEET FOR A DISTANCE OF 187.45 FEET, THE CHORD OF SAID ARC BEING NORTH 76 DEGREES 56 MINUTES 25 SECONDS WEST; 182.33 TO A POINT.
4. NORTH 31 DEGREES 51 MINUTES 58 SECONDS WEST; 183.78 FEET TO A POINT.
5. SOUTH 58 DEGREES 08 MINUTES 02 SECONDS WEST; 19.88 FEET TO A POINT.
6. NORTH 31 DEGREES 51 MINUTES 58 SECONDS WEST; 114.57 FEET TO A POINT;
7. NORTH 67 DEGREES 15 MINUTES 04 SECONDS WEST; 34.34 FEET TO A POINT;
8. NORTH 31 DEGREES 51 MINUTES 58 SECONDS WEST; 101.49 FEET TO A POINT.
9. NORTH 57 DEGREES 47 MINUTES 02 SECONDS EAST; 373.65 FEET TO A POINT.
10. SOUTH 32 DEGREES 12 MINUTES 58 SECONDS EAST; 667.52 FEET TO A POINT.
11. SOUTH 80 DEGREES 46 MINUTES 57 SECONDS WEST; 124.14 FEET TO A POINT.
12. SOUTH 58 DEGREES 08 MINUTES 02 SECONDS WEST; 100.00 FEET TO A POINT
13. SOUTH 58 DEGREES 08 MINUTES 02 SECONDS WEST; 11.90 FEET TO A POINT OF BEGINNING.

BEING ALSO KNOWN AS LOT 1B, IN THE SUBDIVISION OF EDWIN K. & THOMAS M. GONTRUM RECORDED IN BALTIMORE COUNTY PLAT BOOK 44, FOLIO 128, CONTAINING 213, 182 SQUARE FEET OR 4.894 ACRES MORE OR LESS. ALSO KNOWN AS 1015 YORK ROAD AND LOCATED IN THE 9TH ELECTION DISTRICT.



OTHER OFFICE LOCATIONS:

- | | | | | | |
|------------------------------------|------------------------------|----------------------------------|---------------------------------|---------------------------------------|--------------------------------|
| • Southborough, MA
508.480.9900 | • Albany, NY
518.438.9900 | • Ronkonkoma, NY
631.738.1200 | • Warren, NJ
908.668.8300 | • Center Valley, PA
610.709.9971 | • Chalfont, PA
215.996.9100 |
| • Philadelphia, PA
267.402.3400 | • Bowie, MD
301.809.4500 | • Sterling, VA
703.709.9500 | • Warrenton, VA
540.349.4500 | • Fort Lauderdale, FL
954.202.7000 | |

CIVIL AND CONSULTING ENGINEERS • SURVEYORS • PROJECT MANAGERS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com

2010-0189-A

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 2010-0187-A PC
Petitioner: Round Hollow, LLC
Address or Location: 1015 York Road

PLEASE FORWARD ADVERTISING BILL TO

Name: Debbie Starett
Address: 600 Washington Ave.
Ste 200
Towson, MD 21204
Telephone Number: 410-821-0070

**CASHIER'S
VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2010-0187-A

1015 York Road

N/Side of Radcliffe Road, 176 feet north of Fairmount Avenue

9th Election District — 5th Councilmanic District

Legal Owner(s): Round Hollow, LLC

Contract Purchaser: Safeway, Inc.

Variance: to permit a total of six wall mounted signs in lieu of the permitted three; to permit five wall mounted signs on a single facade in lieu of two per facade; to permit two signs of 285 square feet each in lieu of the maximum permitted 150 square feet per sign.

Hearing: Monday, February 22, 2010 at 2:00 p.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.

2/040 February 4

228690

CERTIFICATE OF PUBLICATION

2/4/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/4/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2010-0187-A

RE: Case No.: _____

Petitioner/Developer: _____
Safeway, Inc.

February 22 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: _____
1015 York Road

February 6 2010,
The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

Robert Black Feb 8 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)

ZONING NOTICE

CASE #

2010-0187A

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

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

DATE AND TIME MONDAY, FEBRUARY 22, 2010 AT 2:00^{P.m.}

REQUEST: VARIANCE TO PERMIT A TOTAL OF SIX WALL MOUNTED
SIGNS IN LIEU OF THE PERMITTED THREE; TO PERMIT FIVE WALL MOUNTED
SIGNS ON A SINGLE FACADE IN LIEU OF TWO PER FACADE; TO PERMIT
TWO SIGNS OF 285 SQUARE FEET EACH IN LIEU OF THE MAXIMUM
PERMITTED 150 SQUARE FEET PER SIGN.

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

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

HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 4, 2010 Issue - Jeffersonian

Please forward billing to:
Debbie Sterett
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

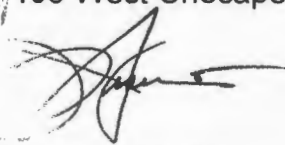
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0187-A

1015 York Road
N/side of Radcliffe Road, 176 feet north of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Round Hollow, LLC
Contract Purchaser: Safeway, Inc.

Variance to permit a total of six wall mounted signs in lieu of the permitted three; to permit five wall mounted signs on a single façade in lieu of two per façade; to permit two signs of 285 square feet each in lieu of the maximum permitted 150 square feet per sign.

Hearing: Monday, February 22, 2010 at 2:00 p.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 26, 2010

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: 2010-0187-A

1015 York Road

N/side of Radcliffe Road, 176 feet north of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Round Hollow, LLC

Contract Purchaser: Safeway, Inc.

Variance to permit a total of six wall mounted signs in lieu of the permitted three; to permit five wall mounted signs on a single façade in lieu of two per façade; to permit two signs of 285 square feet each in lieu of the maximum permitted 150 square feet per sign.

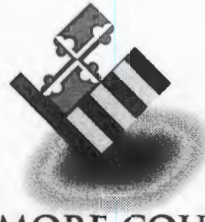
Hearing: Monday, February 22, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Sebastian Cross, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204
Wilbur Simmons, III, Kimco Income Fund, 170 W. Ridgley Road, Lutherville 21093
Joseph Sullivan, Safeway, Inc., 4551 Fordes Blvd., Lanham 20706

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 6, 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.



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

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

Dear: Sebastian Cross

RE: Case Number 2010-0187-A, 1015 York Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 29, 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
Wilbur Simmons; 170 W. Ridgley Rd.; Lutherville, MD 21093
Safeway, Inc; 4551 fordes Blvd.; Lanham, MD 20706

BW 2/22
2pm

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

SUBJECT: 1015 York Road

INFORMATION:

Item Number: 10-187

Petitioner: Safeway, Inc c/o Joseph Sullivan, Director of Construction, Easter Division

Zoning: BR

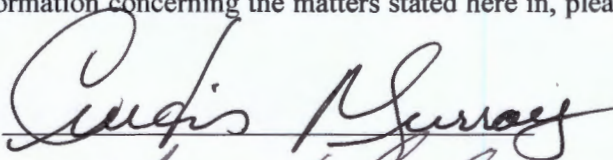
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

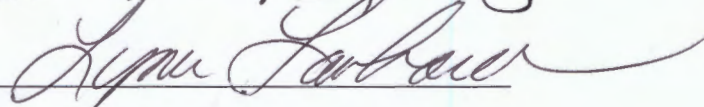
The Office of Planning has reviewed the petitioner's request, accompanying sign elevations and site plan. The Office of Planning does not oppose the requested variances.

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

Prepared by:



Division Chief:
AFK/LL: CM



RECEIVED

FEB 03 2010

ZONING COMMISSIONER

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 # 10-187-A
Address 1015 York Road
(Round Hollow, LLC Property)

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



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: 0179, 0183, 0185, 0186, 0187 and 0188

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

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4831 (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

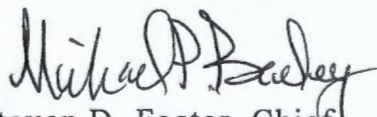
RE: Baltimore County
Item No. 2010-0187-A
MD140 (York Rd)
1819 YORK ROAD
SAFEWAY, INC.
VARIANCE -

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 MD45 is consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for SAFEWAY, INC., Case Number 2010-0187-A.

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,


For ¹Steven 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
Interoffice Memorandum

DATE: December 29, 2009

TO: William J. Wiseman
Zoning Commissioner

FROM: Jeffrey Perlow, Planner II
Zoning Review Office, PDM 

SUBJECT: 2010-0187-A
1015 York Road (Round Hollow, LLC)

Please be advised that the site plans and elevation drawings in this case incorrectly refer to the street address for the subject property as 1017 York Road, which is a different building on an adjacent parcel. The petitioner's attorney indicated that he would correct this at the hearing and advise you of same at that time.

RE: PETITION FOR VARIANCE * BEFORE THE
1015 York Road; N/S Radcliffe Road, 176' N *
of Pairmount Avenue * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Round Hollow, LLC * FOR
Contract Purchaser(s): Safeway, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 10-187-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 15 2010



Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of January, 2010, a copy of the foregoing Entry of Appearance was mailed to Sebastian A. Cross, Esquire, Gildea & Schmidt LLC, 600 Washington Avenue, Suite 200, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

GILDEA & SCHMIDT, LLC

600 WASHINGTON AVENUE

SUITE 200

TOWSON, MARYLAND 21204

TELEPHONE 410-821-0070

FACSIMILE 410-821-0071

www.gildeallc.com

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

D. DUSKY HOLMAN

SEBASTIAN A. CROSS

CHARLES B. MAREK, III

JASON T. VETTORI

December 29, 2009

Sent hand delivery

W. Carl Richards, Jr.

Zoning Review Supervisor

Permits and Development Management

111 W. Chesapeake Avenue

Towson MD 21204

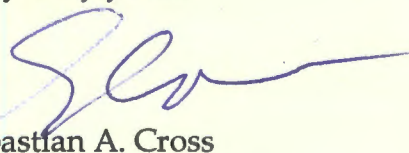
Re: Safeway, Inc./Radcliffe Center - Store #2979
Case 2010-0187A SC

Dear Mr. Richards:

This letter is to confirm that Safeway is the lessee of the site located at 1017 York Road, which is the subject of the above referenced case. Safeway has rented the site from the landlord, Round Hollow, LLC. Neither Starbucks, Bergman's Dry Cleaners nor Signature Café will enter into a lease agreement with the landlord for space at this location.

If you have any questions regarding this matter, please contact me. As always, I am

Very truly yours,



Sebastian A. Cross

SAC: sf

CC: Renee Montgomery, Safeway, Inc.
Michael Gardiner, Kerley Signs, Inc.
David K. Gildea, Esquire

2010-0187-A

CASE NAME 1015 York Rd.
CASE NUMBER 2010-0187-A
DATE 2-22-10

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Sebastian Cross	600 Washington Ave St. 200	TOWSON MD 21204	SC1055@gibbel.com
Michelle Seltzer	4551 Forbes Blvd.	Lanham, MD 207010	Michelle.Seltzer@Safeway.com
1/2 mile from Gibbel	600 Washington Ave St. 200	Towson, MD 21204	dgibbel@gibbel.com
ADAM VOLANTH	901 Dulaney Valley Rd	Towson, MD	AVolanth@Bohlereng.com
John Adair	431 Patrick Pl Chalfont	Chalfont 18914	John.adair@safeway.com
Michael Gesell	901 Dulaney Valley Road	Towson, MD	mgessel@Bohlereng.com
Patrick Place			
Real Estate Rep - Safeway			
Bohler eng.			
Stone designer			
301 E. Germantown Pike			
Norristown, PA 19401			
Bohler			

2/24 - above info. obtained from Sebastian
10:23 Am



Case No.: 200-0187-A 1015 York Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	Aerial Photographs	
No. 3	ZONING MAP Commercial Corridor	
No. 4	SIGNAGE PACKAGE	
No. 5	Photo's	
No. 6	SCALE of Signs - Compare to existing is smaller	
No. 7 A → B →	LETTERS OF SUPPORT Economic Dev. GTC	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

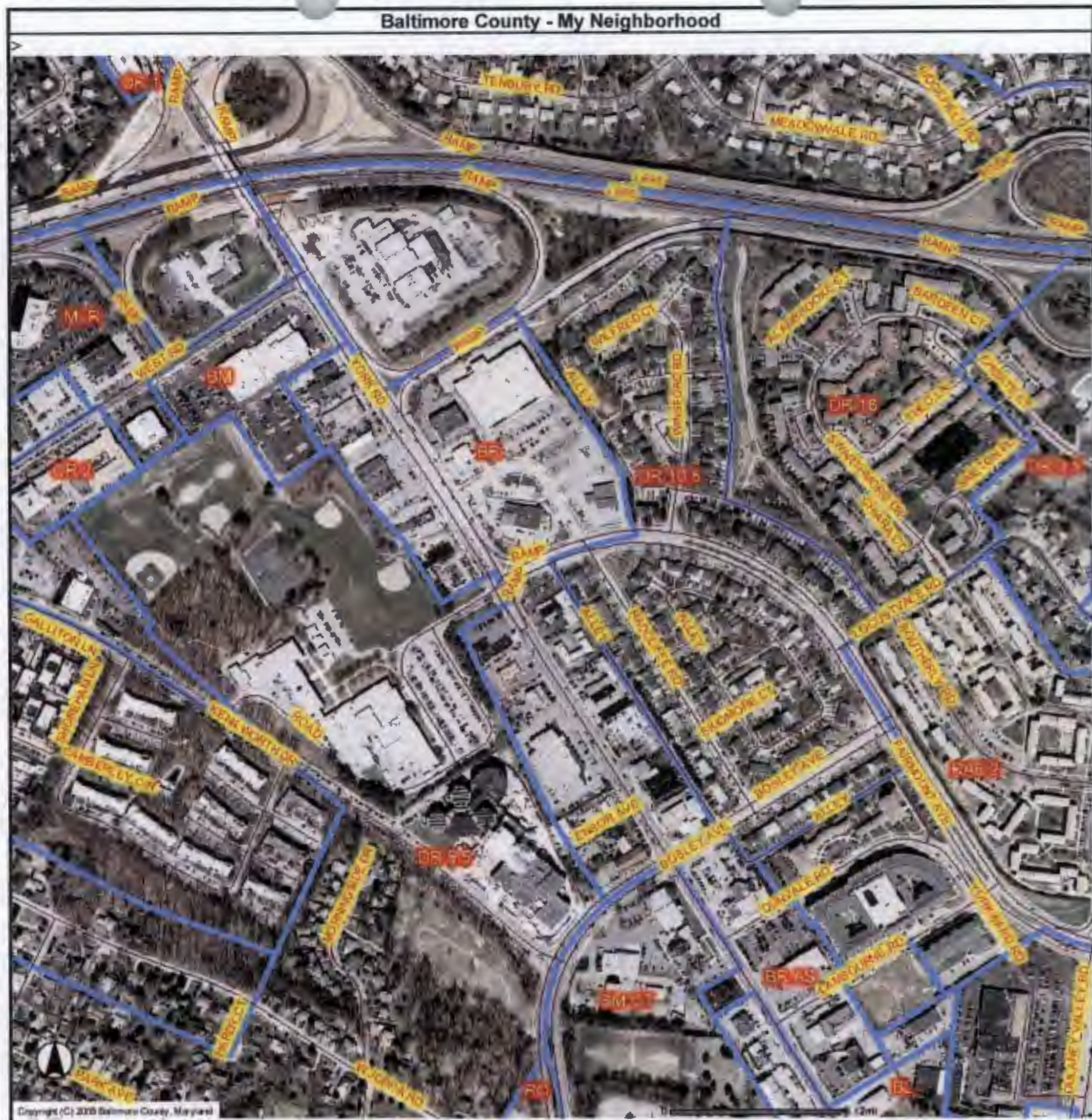


PETITIONER'S

EXHIBIT NO.

2





PETITIONER'S

EXHIBIT NO.

3



PETITIONER' S

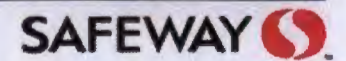
EXHIBIT NO. 5







RADCLIFFE CENTER RETAIL
TOWSON MARYLAND
PHOTO #1 (LOOKING NORTHEAST FROM
CARVER SCHOOL ROAD)





PETITIONER' S

EXHIBIT NO.

6

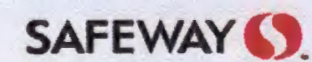


PETITIONER' S

EXHIBIT NO. 6



RADCLIFFE RETAIL CENTER
TOWSON MARYLAND
PHOTO #7 (LOOKING NORTH FROM
FAIRMOUNT AVENUE)







 **BOHLER**
ENGINEERING

RADCLIFFE RETAIL CENTER
TOWSON MARYLAND
PHOTO #5
(LOOKING SOUTH FROM I - 695 EXIT 26B)

SAFeway 



BALTIMORE COUNTY

MARYLAND

JAMES T. SMITH, JR.
County Executive

DAVID S. IANNUCCI
*Executive Director
Department of Economic Development*

February 19, 2010

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

Dear Mr. Cross:

The Department of Economic Development has reviewed the 1015 York Road Safeway sign variance request and the accompanying elevations and supports the proposed changes.

The site is within the Towson Commercial Revitalization District and as such, is a priority area for reinvestment and redevelopment. The project will reuse a long vacant existing building, make a significant capital investment in the District, and add a new full service grocery store to serve the needs of the residents occupying over 1,100 new units in the three apartment buildings recently completed or under construction in Towson. In these very difficult economic times, this type of confidence in the Towson market reinforces further public and private investment in the area.

The signs needed for the associated uses (coffee, café, pharmacy) reflect a change in retail operations with specialty uses being incorporated within larger retail anchors rather than in separate adjacent units, as is found in older strip centers. This should enable grocery stores to better compete with the large "big boxes" such as Target and WalMart that offer overlapping products and services.

The signs are part of an overall design package that helps to reposition this site as a successful contributor to the revitalization of Towson and as such, the Department supports the variances.

Regards,

Andrea Van Arsdale
Director, Commercial
Revitalization Program

PETITIONER'S

EXHIBIT NO.

7A

THE GREATER
TOWSON COMMITTEE



www.greatertowson.com

February 22, 2010

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

RE: SAFEWAY Case Number 2010-0187-A

Dear Commissioner Wiseman:

In regard to the above referenced case, involving SAFEWAY, this letter serves to advise that the Greater Towson Committee, Inc. (GTC) supports the requested variance for signage for this project.

The GTC is an economic development non-profit organization, promoting the urban redevelopment and revitalization of Towson, in the 5th Councilmanic District of Baltimore County. The GTC also serves as a resource for information on best practices in urban planning and development.

The project, located at 1017 York Road, is in keeping with the type and quality of development we envision and support for Towson. The signage variances requested for the quantity of and dimensions of signage do not hinder or compromise the project's merits in our viewpoint.

The GTC respectfully asks that the request for variance be granted.

Sincerely,

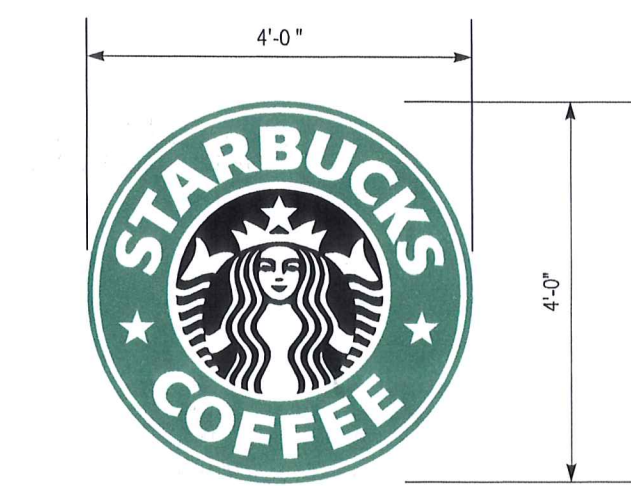
A handwritten signature in cursive script that reads "Cynthia W. Bledsoe".

Cynthia W. Bledsoe
Executive Director

PETITIONER' S

EXHIBIT NO.

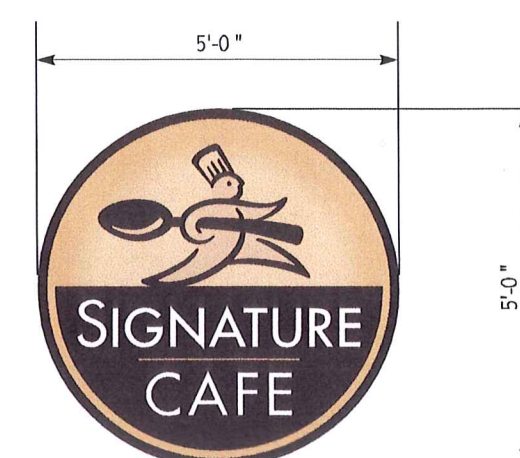
7B



STARBUCKS SIGN
SCALE: 1/2"=1'-0"

PHARMACY SIGN
SCALE: 1/2"=1'-0"

34.45 SQ. FT.



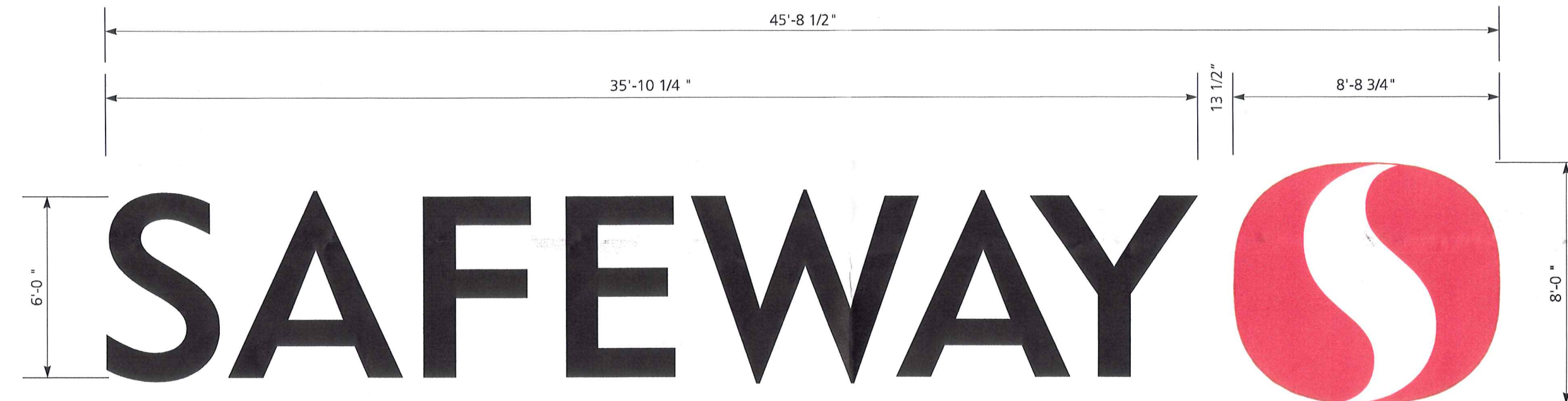
Signature Cafe Sign
Scale: 3/8"=1'-0"

25 SQ. FT.

Square Footage Chart

Safeway (front)	284.96 SF
Safeway (rear)	284.96 SF
Starbucks	16.00 SF
Signature Cafe	25.00 SF
Pharmacy	34.45 SF
Bergmann's	39.33 SF

Total Square Footage = 684.70 SF



SAFEWAY SIGN
SCALE: 1/4"=1'-0"

284.96 SF

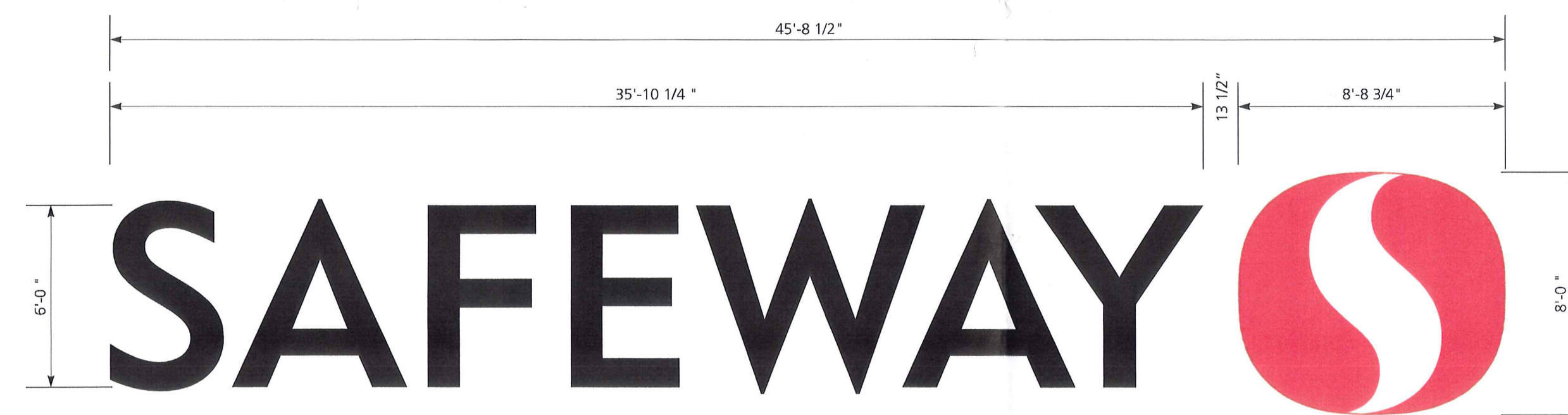


BERGMANN'S SIGN
SCALE: 3/8"=1'-0"

39.33 SQ. FT.

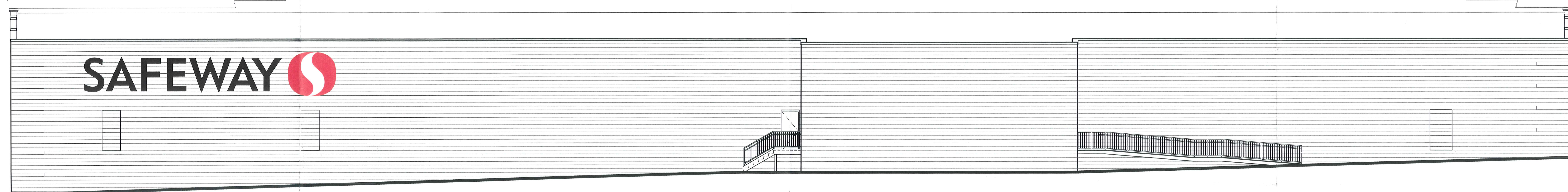


Storefront Elevation
SCALE: 1/8"=1'-0"



SAFEWAY SIGN
SCALE: 1/4"=1'-0"

284.96 SF



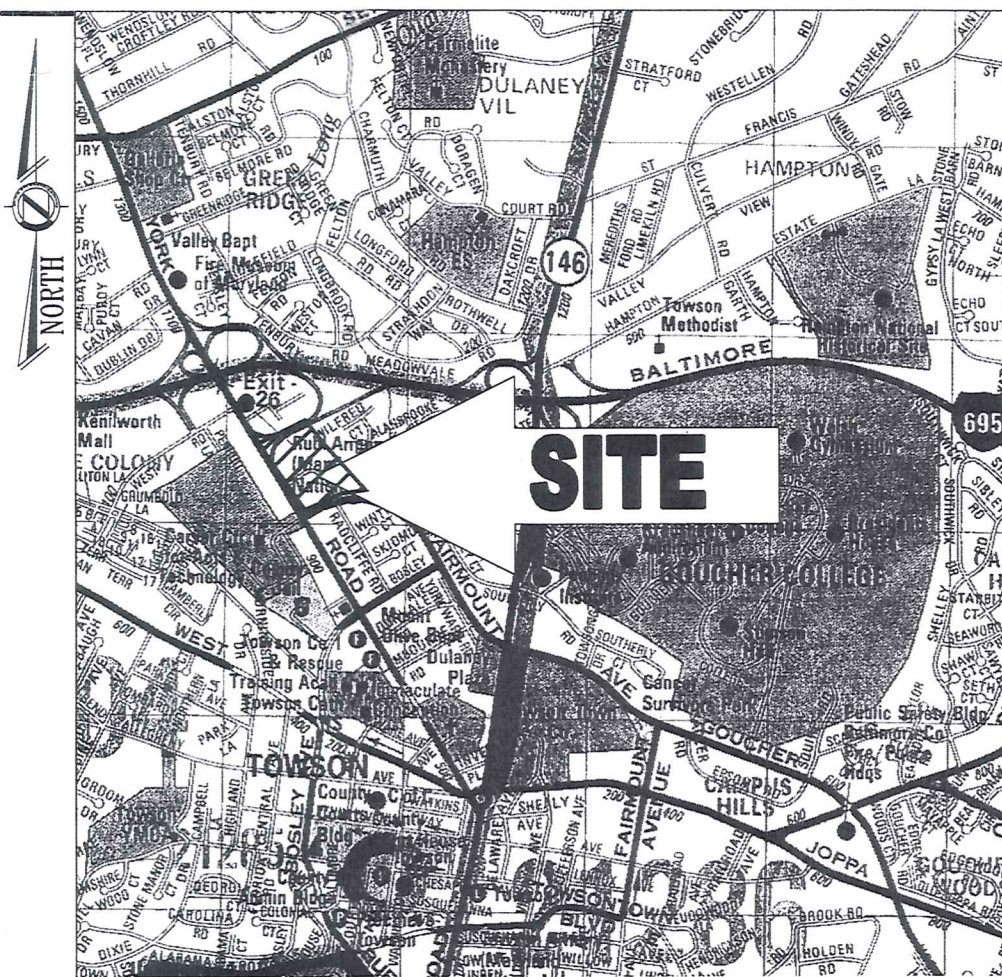
Storefront Elevation
SCALE: 1/8"=1'-0"

PROJECT MGR: Michael Gardner	PROPOSED SIGNAGE	CLIENT:	NOTES	Customer must approve sketch prior to fabrication of sign. Customer is responsible for proofreading and checking copy for any and all spelling and grammatical errors. KSI will not be responsible for these errors. Note that colors shown on this drawing are only a representation. Actual colors may vary. If exact match is needed- please inform the salesperson. Please initial in box provided. Signed copy must be returned to KSI salesperson or mail or fax to office.
PROJECT NO: 37312 rev2	PROJECT:	SAFEWAY 		CUSTOMER'S APPROVAL
SCALE: As Noted	Store #2979	4551 Forbes Blvd.		DESIGN PROPERTY OF KERLEY SIGNS, INC.
DATE: 12/11/2009	1017 York Road	Lanham, MD		Not to be reproduced or photocopied without the expressed written consent of Kerley Signs, Inc. The use of this document for bidding purposes to other companies or if the design is reproduced in any form without permission from Kerley Signs, Inc., the customer will be required to pay for this design.
FILE NAME: Towson2979	Towson MD 21204			Copyright© KERLEY SIGNS, INC. 2009
DRAWN BY: R. King				7650 Preston Drive, Landover, Md. 20785 (301)773-6800 FAX: (301)773-3465



SITE KEYNOTES

- 1 DIRECTIONAL ARROW
- 2 SLOW LINE GRAPHIC
- 3 STOP LINE GRAPHIC
- 4 PAINTED HANDICAP PARKING SYMBOL
- 5 STANDARD PARKING STALL & STRIPING
- 6 DIRECTIONAL SIGNAGE
- 7 HANDICAP RAMP WITH DETECTABLE WARNING SURFACE
- 8 GREASE INTERCEPTOR (REFER TO ARCHITECTURAL PLANS FOR DETAIL)
- 9 6" CONCRETE HEADER CURB
- 10 CART CORRAL
- 11 SITE AREA LIGHT
- 12 BOLLARD
- 13 TRASH COMPACTOR
- 14 4" WIDE WHITE PAVEMENT MARKING (TRUCK ALIGNMENT STRIPING AT LOADING DOCK)
- 15 TYPICAL SIDEWALK
- 16 5' WIDE CONCRETE SIDEWALK
- 17 RELOCATED FIRE HYDRANT
- 18 SITE CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR THE EXACT DIMENSIONS OF THE BUILDING AND THE LOCATION OF DOORWAYS, UTILITIES, ETC.
- 19 THE CONTRACTOR SHALL INSTALL NECESSARY TRAFFIC CONTROL, SAFETY BARRICADES, LIGHTING, AND OTHER REQUIRED CONTROL MEASURES TO SECURE THE WORK AREA FROM EXISTING TRAFFIC AND TO ASSURE PUBLIC SAFETY.
- 20 DEPRESSED CURB
- 21 RELOCATED 6" WOOD FENCE
- 22 RELOCATED 6" CHAINLINK FENCE
- 23 5' CROSSWALK
- 24 35' CROSSWALK
- 25 VENDORS RAMP (REFER TO ARCHITECTURALS FOR DETAIL)
- 26 LANDSCAPE AREA
- 27 5' TRANSITION FROM DEPRESSED CURB TO FULL 6" CURB
- 28 SAWCUT LINE
- 29 TYPE 'A' MANHOLE (BALTIMORE COUNTY STD. D-2.07)
- 30 WATER VALVE
- 31 CLEANOUT
- 32 HIGH BACK CURB WITH SAFETY RAIL
- 33 CONCRETE APRON
- 34 BALTIMORE COUNTY STANDARD CURB AND GUTTER
- 35 BALTIMORE COUNTY STANDARD PAVEMENT (REFER TO APPROVED PUBLIC ROAD PLAN)



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

BOHLER ENGINEERING

OFFICES:

- STERLING, VA
- WILMINGTON, DE
- PHILADELPHIA, PA
- NEW YORK, NY
- ALBANY, NY
- POUGHKEEPSIE, NY
- CHARTER, PA
- ENTER VALLEY, PA

CIVIL & CONSULTING ENGINEERS

SURVEYORS

PROJECT MANAGERS

ENVIRONMENTAL ENGINEERS

LANDSCAPE ARCHITECTS

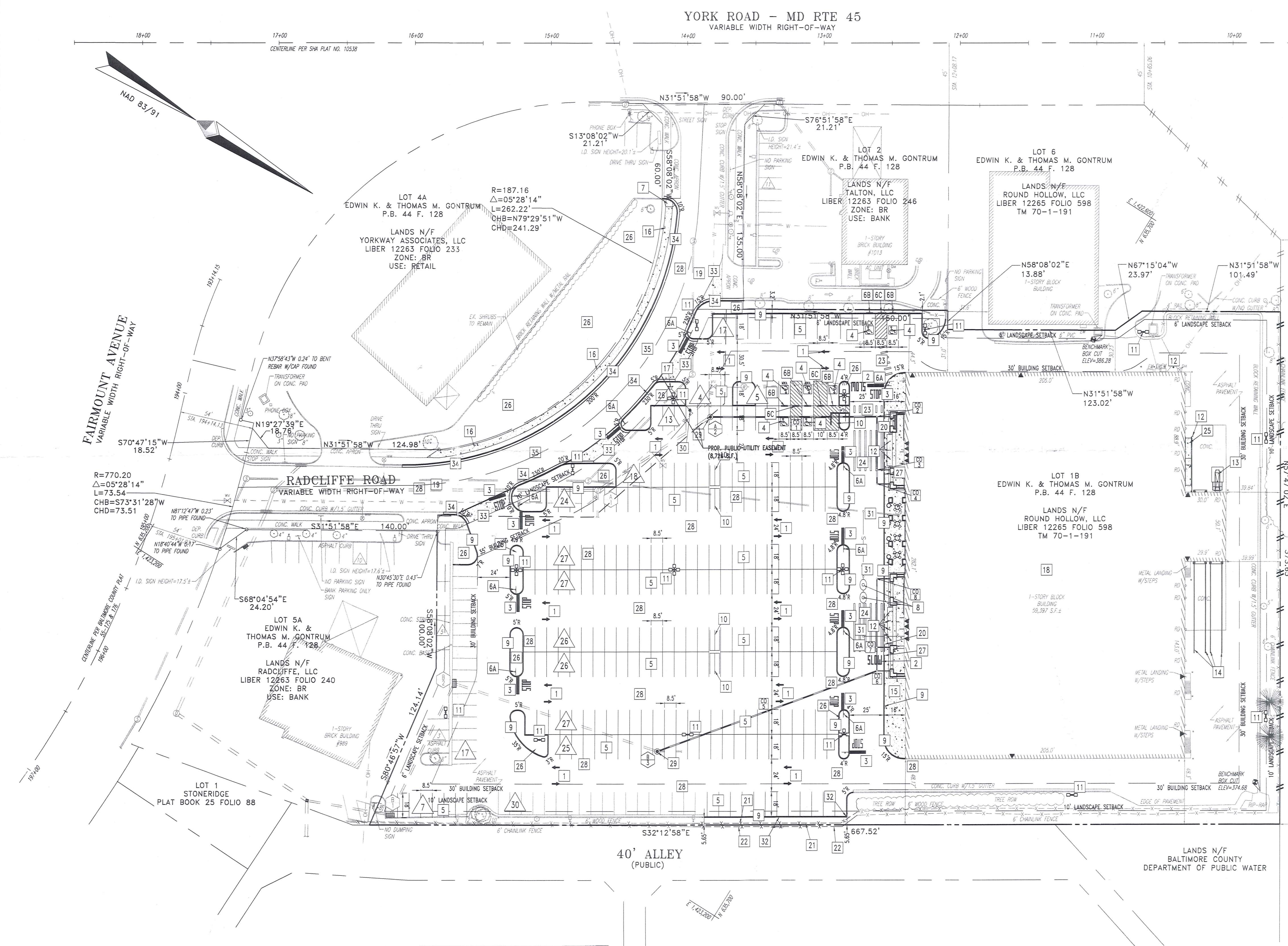
SITE PLAN GENERAL NOTES

- THIS PLAN IS BASED ON A FIELD SURVEY BY:
BOHLER ENGINEERING
ENTITLED: "BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY, SAFEWAY, INC. YORK ROAD-MD ROUTE 45 AND FAIRMOUNT AVENUE NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND"
FILE NO.: S085636
DATED: 5/5/2009
- ALL ELEVATIONS SHOWN ARE BASED ON THE SURVEYOR'S BENCHMARK, AS REFERENCED IN THE SURVEY, AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO GROUNDBREAK.
- OWNER:
ROUND HOLLOW LLC.
C/O KIMCO REALTY CORPORATION
3333 NEW HYDE PARK ROAD,
SUITE 100
NEW HYDE PARK, NY 11042-11205
CONTACT: GEOFFREY GLAZIER
PHONE: 410-684-2000
- APPLICANT:
SAFEMAY
301 E. GERMANTOWN PIKE
NORRISTOWN, PA 19401
CONTACT: JOHN ADAR
PHONE: 610-313-6161
- PARCEL DATA:
TAX MAP/OPIN: 70
GRID: 1
PARCEL: 191
LOTS: 1A AND 3
ELECTION DISTRICT: 9TH
COUNCILMANIC DISTRICT: 5TH
ZONE: BR (BUSINESS, ROADSIDE)
PROPOSED USE: RETAIL BUILDING
- BULK REQUIREMENTS:

	ALLOWED/REQUIRED	PROVIDED
A. MIN. BUILDING SETBACK		
FRONT SETBACK (FAIRMOUNT ROAD)	25'	486.74'
SIDE SETBACK (40' ALLEY)	30'	48.17'
SIDE SETBACK (YORK ROAD)	30'	30.21'
REAR SETBACK	30'	39.84'
B. MIN. PARKING SETBACK		
FRONT SETBACK (FAIRMOUNT ROAD)	10'	0' (EX. ENTRANCE)
SIDE SETBACK (40' ALLEY)	10'	5.64'
SIDE SETBACK (YORK ROAD)	10'	0' (EX. ENTRANCE)
REAR SETBACK	10'	13.04'
C. FLOOR AREA RATIO (F.A.R.)	2.0	0.30
D. MIN. PARKING SPACE DIMENSIONS	8.5'x18'	9'x18'
E. MIN. DRIVE AISLE	22'	24'
F. MAX. BUILDING HEIGHT	NOT TO EXCEED 2 STORIES	30'

- * - EX. SETBACK IS AN APPROVED NON-COMPLIANCE SETBACK PER DRC APPROVAL LETTER DATED MAY 12, 2009.
- ** - PLAN VIEW ANNOTATED TO FACE OF CURB. SETBACK NOTED ABOVE IS TO BACK OF CURB

INTERSTATE 695 - BALTIMORE BELTWAY (ON RAMP)



PARKING CALCULATIONS

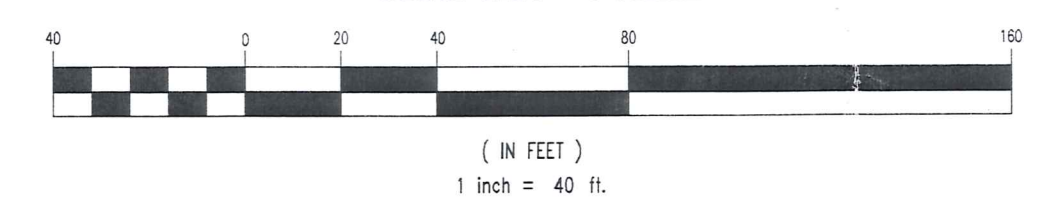
USE	SQ. FOOTAGE	REQUIRED	REQ'D SPACES	SPACES PROVIDED
LOT 4A	10,125 S.F.	511,000 S.F.	51	51
LOT 2	58,569 S.F.	3,311,000 S.F.	19	40
LOT 1B	58,310 S.F.	3,311,000 S.F.	297	302
LOT 5A	30,000 S.F.	3,311,000 S.F.	10	16
LOT 6	11,367 S.F.	511,000 S.F.	57	35
TOTAL			434	448

NOTE: A RECIPROCAL PARKING AGREEMENT EXISTS BETWEEN THE OWNERS OF LOT 1A, 2, 3, 4 & 5A.
ALL PARKING SPACES ARE LOCATED WITHIN 500 FEET OF A BUILDING ENTRANCE.

ZONING RELIEF REQUESTED

- TO PERMIT SIX WALL MOUNTED SIGNS IN LIEU OF THREE AS PER BCZR SECTION 450.
- TO PERMIT FIVE WALL MOUNTED SIGNS ON A SINGLE FACADE IN LIEU OF 2 AS PER BCZR SECTION 450, AND
- TO PERMIT TWO 285 SQ. FT. SIGNS IN LIEU OF THE MAXIMUM PERMITTED 150 SQ. FT. EACH AS PER BCZR SECTION 450.

GRAPHIC SCALE



PROFESSIONAL CERTIFICATION

I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28567, EXPIRATION DATE: 4/16/11

REVISIONS

REV.	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	M0089006
DRAWN BY:	M.T.S.
CHECKED BY:	M.T.S.
DATE:	1/14/09
SCALE:	1"=40'
CAD L.D.:	SVO

VARIANCE PLAN

FOR

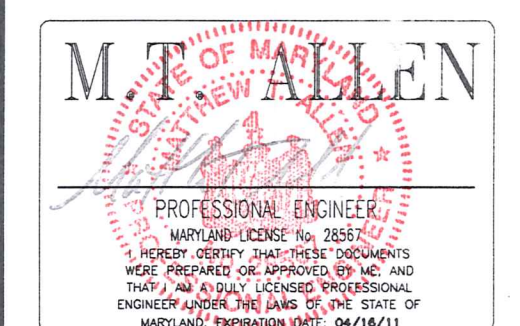


RADCLIFFE CENTER
Store No.: 2979

1017 YORK ROAD
TOWSON, MARYLAND 21204
BALTIMORE COUNTY

BOHLER ENGINEERING

810 GLENDALES COURT
SUITE 300
TOWSON, MARYLAND 21286
Ph: (410) 821-7900
Fx: (410) 821-7987
www.bohlerengineering.com



SHEET TITLE: PLAN TO ACCOMPANY SIGN VARIANCE

SHEET NUMBER:

PETITIONER'S

EXHIBIT NO.

2010-0187-A

1	DIRECTIONAL ARROW	6B	HANDICAP SIGN (BOLLARD MOUNTED)
2	SLOW LINE GRAPHIC	6C	"NO PARKING IN ACCESS AISLE" (BOLLARD MOUNTED)
3	STOP LINE GRAPHIC	7	HANDICAP RAMP WITH DETECTABLE WARNING SURFACE
4	PAINTED HANDICAP PARKING SYMBOL	8	GREASE INTERCEPTOR (REFER TO ARCHITECTURAL PLANS FOR DETAILS)
5	STANDARD PARKING STALL & STRIPING	9	6" CONCRETE HEADER CURB
6	DIRECTIONAL SIGNAGE	10	CART CORRAL
ALL SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION.		11	SITE AREA LIGHT
6A	"STOP" SIGN	12	BOLLARD

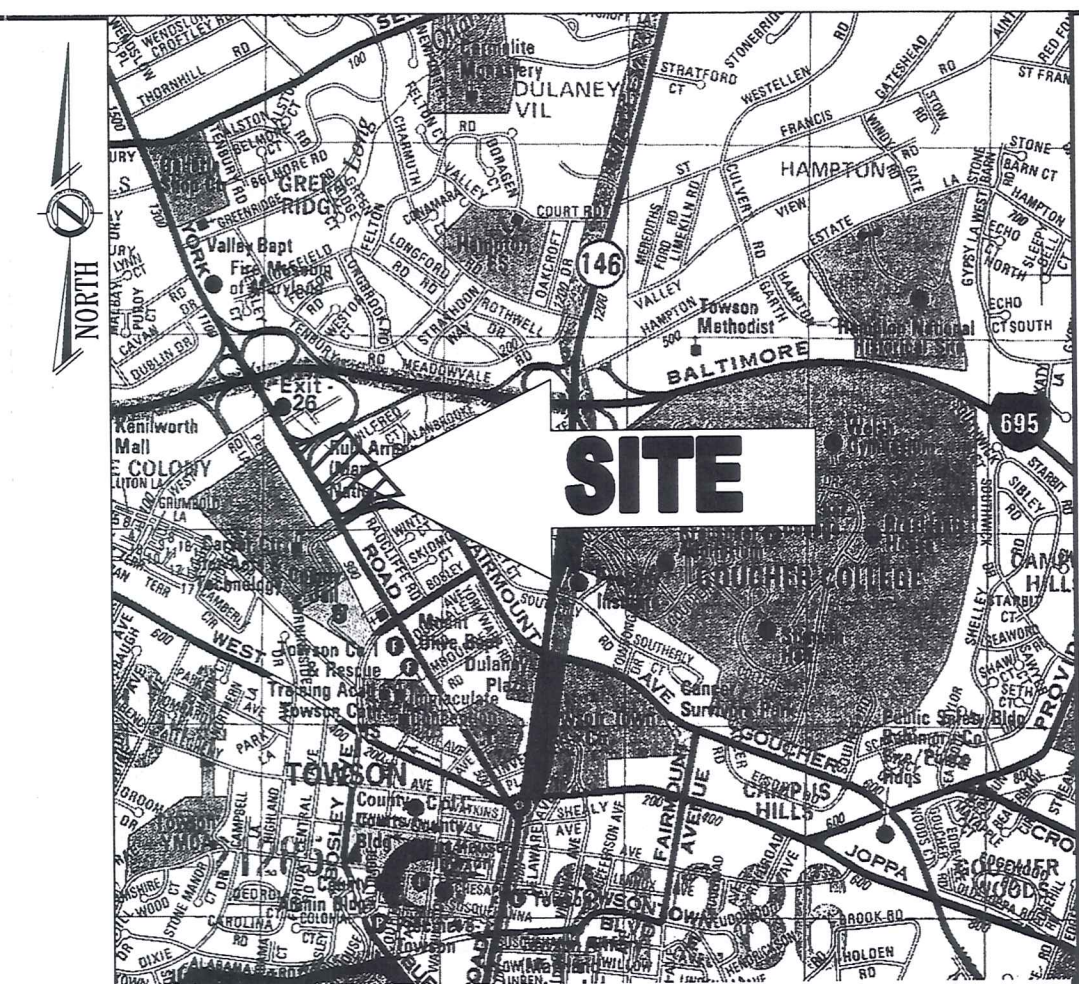
- | | |
|----|--|
| 13 | TRASH COMPACTOR |
| 14 | 4" WIDE WHITE PAVEMENT MARKING (TRUCK ALIGNMENT STRIPING AT LOADING DOCK) |
| 15 | TYPICAL SIDEWALK |
| 16 | 5' WIDE CONCRETE SIDEWALK |
| 17 | RELOCATED FIRE HYDRANT |
| 18 | SEE CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR THE EXACT DIMENSIONS OF THE BUILDING AND THE LOCATION OF DOORWAYS, UTILITIES, ETC. |

19 THE CONTRACTOR SHALL INSTALL NECESSARY TRAFFIC CONTROL, SAFETY BARRICADES, LIGHTING, AND OTHER REQUIRED CONTROL MEASURES TO SECURE THE WORK AREA FROM EXISTING TRAFFIC AND TO ASSURE PUBLIC SAFETY.

- | | |
|----|---|
| 20 | DEPRESSED CURB |
| 21 | RELOCATED 6' WOOD FENCE |
| 22 | RELOCATED 6' CHAINLINK FENCE |
| 23 | 5' CROSSWALK |
| 24 | 35' CROSSWALK |
| 25 | VENDORS RAMP (REFER TO ARCHITECTURALS FOR DETAIL) |

- | | |
|----|--|
| 26 | LANDSCAPE AREA |
| 27 | 5' TRANSITION FROM DEPRESSED CURB TO FULL 6" CURB |
| 28 | SAWCUT LINE |
| 29 | TYPE 'A' MANHOLE
(BALTIMORE COUNTY STD. D-2.07) |
| 30 | WATER VALVE |
| 31 | CLEANOUT |
| 32 | HIGH BACK CURB WITH SAFETY RAIL |
| 33 | CONCRETE APRON |

- 34 BALTIMORE COUNTY STANDARD CURB AND GUTTER
- 35 BALTIMORE COUNTY STANDARD PAVEMENT
(REFER TO APPROVED PUBLIC ROAD PLAN)



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

1. THIS PLAN IS BASED ON A FIELD SURVEY BY:

- BOHLER ENGINEERING
 ENTITLED: "BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY,
 SAFEWAY, INC. YORK ROAD-MD ROUTE 45 AND FAIRMOUNT AVENUE
 NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND"
 FILE NO: S085636
 DATED: 5/5/2009
2. ALL ELEVATIONS SHOWN ARE BASED ON THE SURVEYOR'S BENCHMARK, AS REFERENCED IN THE SURVEY, AND MUST BE VERIFIED BY THE GENERAL CONTRACTOR PRIOR TO GROUNDBREAK.
3. OWNER:
 ROUND HOLLOW LLC.
 C/O KIMCO REALTY CORPORATION
 3333 NEW HYDE PARK ROAD,
 SUITE 100
 NEW HYDE PARK, NY 11042-11205
 CONTACT: GEOFFREY GLAZIER
 PHONE: 410-684-2000
4. APPLICANT:
 SAFEWAY
 301 E. GERMANTOWN PIKE
 NORRISTOWN, PA 19401
 CONTACT: JOHN ADAM
 PHONE: 610-315-8167
5. PARCEL DATA:
 TAX MAP/GPIN: 70
 GRID: 1
 PARCEL: 191
 LOTS: 1A AND 3
 ELECTION DISTRICT: 9TH
 COUNCILMANC DISTRICT: 5TH
 ZONE: BR (BUSINESS, ROADSIDE)
 PROPOSED USE: RETAIL BUILDING
- | 6. BULK REQUIREMENTS: | | <u>ALLOWED/REQUIRED</u> | <u>PROVIDED</u> |
|----------------------------------|-------------------------|-------------------------|-----------------|
| A. MIN. BUILDING SETBACK | | | |
| FRONT SETBACK (FAIRMOUNT ROAD) | 25' | 486.74' | |
| SIDE SETBACK (40' ALLEY) | 30' | 48.17' | |
| SIDE SETBACK (YORK ROAD) | 30' | 30.21' | |
| REAR SETBACK | 30' | 39.84' | |
| B. MIN. PARKING SETBACK | | | |
| FRONT SETBACK (FAIRMOUNT ROAD) | 10' | 0' (EX. ENTRANCE) | |
| SIDE SETBACK (40' ALLEY) | 10' | 5.84* | |
| SIDE SETBACK (YORK ROAD) | 10' | 0' (EX. ENTRANCE) | |
| REAR SETBACK | 10' | 13.04' | |
| C. FLOOR AREA RATIO (F.A.R.) | 2.0 | 0.30 | |
| D. MIN. PARKING SPACE DIMENSIONS | 8.5'x18' | 9'x18' | |
| E. MIN. DRIVE AISLE | 22' | 24' | |
| F. MAX. BUILDING HEIGHT | NOT TO EXCEED 2 STORIES | 30' | |
- CONTRACTING PER STATE PLAN NO. 102538

* - EX. SETBACK IS AN APPROVED NON-COMPLIANCE SETBACK PER DRC APPROVAL LETTER DATED MAY 12, 2009.
 ** - PLAN VIEW ANNOTATED TO FACE OF CURB. SETBACK NOTED ABOVE IS TO BACK OF CURB

<u>ALLOWED/REQUIRED</u>	<u>PROVIDED</u>
25'	486.74'
30'	48.17'
30'	30.21'
30'	39.84'
10'	0' (EX. ENTRANCE)
10'	5.84'*
10'	0' (EX. ENTRANCE)
10'	13.04'
2.0	0.30
8.5'x18'	9'x18'
22'	24'
NOT TO EXCEED 2 STORIES	30'

PETITIONER'S
EXHIBIT NO. 1



I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 28567, EXPIRATION DATE: 4/16/11

1. TO PERMIT SIX WALL MOUNTED SIGNS IN LIEU OF THREE AS PER BCZR SECTION 450.
2. TO PERMIT FIVE WALL MOUNTED SIGNS ON A SINGLE FACADE IN LIEU OF 2 AS PER BCZR SECTION 450, AND
3. TO PERMIT TWO 285 SQ. FT. SIGNS IN LIEU OF THE MAXIMUM PERMITTED 150 SQ. F. EACH AS PER BCZR SECTION 450.

(IN FEET)
1 inch = 40 ft.

PARKING CALCULATIONS				
USE	SQ. FOOTAGE	REQUIRED	REQ'D SPACES	SPACES PROVIDED
LOT 4A	10,125 S.F.	41,000 S.F.	51	12
LOT 2	2,880 S.F.	234,000 S.F.	18	40
LOT 1B	59,340 S.F.	47,000 S.F.	297	302
LOT 1A	5,000 S.F.	500,000 S.F.	12	12
LOT 6	11,367 S.F.	81,000 S.F.	57	35
TOTAL 5			525	446

NOTE: A RECIPROCAL PARKING AGREEMENT EXISTS BETWEEN THE OWNERS OF LOT 1A, 2, 3, 4 & 5A. THEREFORE, THE TOTAL REQUIRED PARKING SPACES ARE IN EXCESS OF THE REQUIRED 525 SPACES.

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


BOHLER
ENGINEERING

CIVIL & CONSULTING ENGINEERS

SURVEYORS

PROJECT MANAGERS

ENVIRONMENTAL ENGINEERS

LANDSCAPE ARCHITECTS

OFFICES:

◆ WARREN, NJ ◆ SOUTHERDORGH, MA ◆ STERLING, VA
◆ BOWIE, MD ◆ TOWSON, MD ◆ ARLINGTON, VA
◆ ALBANY, NY ◆ PURCHAST, NY ◆ FORT LAUDERDALE, FL
◆ ROCKAWAY, NJ ◆ ROKOMONKA, IN ◆ CENT VALLEY, PA
◆ CHICAGO, PA

THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN ARE PROPRIETARY AND SHALL NOT BE COPIED OR USED FOR ANY PURPOSE, BEHOLDING PRIOR WRITTEN AUTHORIZATION FROM THE ENGINEERING FIRM. ANY UNAUTHORIZED REPRODUCTION, COPIING, OR SCANNING SHALL BE ILLEGAL. THE CONSTRUCTION HAZARDS

REVISIONS

[illegible]

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD089006
DRAWN BY:	M.J.G.
CHECKED BY:	M.J.G.
DATE:	12/14/09
SCALE:	1"=40'
CAD I.D.:	SV0

PROJECT: VARIANCE PLAN

— FOR

RADCLIFFE CENTER
Store No. : 2070

1017 YORK ROAD
TOWSON, MARYLAND 21204
BALTIMORE COUNTY



810 GLENEAGLES COURT
SUITE 300
TOWSON, MARYLAND 21286
PH: (410) 821-7900
FX: (410) 821-7987
www.bohlerengineering.com

M.T. ALLEN

PROFESSIONAL ENGINEER
MARYLAND LICENSE No. 28567
I HEREBY CERTIFY THAT THESE DOCUMENTS
WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND. EXPIRATION DATE: 06/16/11

SHEET TITLE:

PLAN TO ACCOMPANY
SIGN VARIANCE

SHEET NUMBER:

1
DF 1