

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

S/S North Point Boulevard (MD Rte. 151) *
2,080' SE of c/line of Merritt Boulevard *
(MD Rte. 157) *
(2399 North Point Boulevard) *

15th Election District *
7th Council District *
Wal-Mart Real Estate Business Trust *
(Store No. 2435) *
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2010-0302-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the Petitioner, Wal-Mart Real Estate Business Trust (Wal-Mart), through its real estate design manager, Debbie Campbell, and Corporate Counsel Thomas C. Kleine, Esquire with Troutman Sanders, LLP. The Petitions were also signed by the adjacent property owner's managing member William Fleischer on behalf of the North Point Shopping Center, LLC. Wal-Mart, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requests a special hearing for an interpretation as to whether its store will be considered a single or multi-tenant commercial building under the Zoning Regulations. This interpretation is necessary because the Petitioner currently leases space within the store building to a "Subway" restaurant (though Subway does not, and is not proposed to have any signage on the façade of the building). Following the above determination, variance relief is requested from B.C.Z.R. Section 450.4 to permit the following: (a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single façade (if the store is considered a single-tenant commercial building), or the one (1) permitted (if the store is considered a multi-tenant commercial building); (b) if the store is considered a single-tenant

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commercial building, a "Walmart" wall-mounted enterprise sign that is 158.39 square feet in area, instead of the 150 square feet permitted, (c) a freestanding enterprise sign 30 feet in height, in lieu of the 25 feet permitted, (d) a freestanding enterprise sign that identifies only one (1) commercial establishment in a shopping center, in lieu of the permitted joint identification sign that identifies multiple commercial establishments in a shopping center, (e) a freestanding enterprise sign containing 80 square feet in area, which is in addition to three (3) other existing freestanding signs serving other establishments in the shopping center that together exceed 150 square feet in area, in lieu of the 150 square feet of freestanding signage that is permitted for a shopping center, and (f) a second freestanding enterprise sign along the shopping center's North Point Boulevard frontage, instead of the one (1) sign permitted along this frontage (there is an existing joint identification sign located at the main shopping center entrance along North Point Boulevard). The subject property and requested relief are more particularly described on the site plan and colorized sign package elevations, which were submitted into evidence and marked as Petitioner's Exhibits 1 and 2 respectively.

Appearing at the requisite public hearing in support of the requests were Michael J. Birkland, licensed professional engineer with Bowman Consulting Group, Ltd., the firm responsible for the preparation of the site plan filed in this case and Thomas Kleine, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

An appreciation of the property's past history and use is relevant and is briefly outlined. Wal-Mart has owned the property (8.68 acres, split-zoned B.L. [Business, Local] and B.L.-A.S. [Business, Local - Automotive Services District] since 1998¹. It has operated its approximate 140,000 square foot one-story retail store/Store No. 2435) in Dundalk at 2399 North Point

¹ This property is identified on Maryland Tax Map 96, Grid 24 as Parcels 230, 246, 248, 178, and 247, and is adjacent to Parcel Nos. 115, 116 and 120, and, if combined, form some 34.49 acres that are often referred to as the North Point Shopping Center premises.

Boulevard since that time. Wal-Mart had filed a request for development plan approval and a petition for special hearing in Case Nos. XV-688 & 97-354-X and obtained approval to do so on May 28, 1997 by then Zoning Commissioner Lawrence E. Schmidt. Specifically, he allowed the Wal-Mart store and service garage to operate as a "single business" as part of the North Point Plaza Shopping Center redevelopment.² Thereafter, Wal-Mart razed houses as well as an old movie theatre building and built its proposed store on the western side of the center. Vehicular access to the site was, and remains today, by way of two (2) arterial roads. To the north from Interstate 695 via North Point Boulevard, a major roadway in eastern Baltimore County. On the other side of the tract, to the south, the property abuts on North Point Road. As shown on Petitioner's Exhibit 1, there were and still exist two (2) buildings on the North Point Shopping Center, LLC property known as 2317 and 2401 North Point Boulevard. The strip center at 2317 accommodates the following: Citifinancial, Bally's (fitness center), ALDI (grocery store), Caldarazzo's Pizzeria, Rent-A-Center, Equitable Trust Mortgage Corporation and Dollar Tree. The building at 2401 contains the North Point Flea Market and Green Room Billards. In any event, it should be noted that the Wal-Mart store at this location has been a successful endeavor employing approximately 328 employees with sales revenue equal to or exceeding other larger Wal-Mart "super stores" in this region of the County. The store's existing signage (372.22 square feet) approved under the old sign regulations and their locations are shown on the Harrison French Associates (HFA) sign package submittal (Petitioner's Exhibit 2).

Wal-Mart has now totally renovated its Store No. 2435 both inside and out and comes before me for approval of its new signage that its architects and engineers believe will more closely reflect the spirit and intent of the current (B.C.Z.R. Section 450.4) regulations. Mr.

² The Order(s) of May 28, 1997 became final upon the Board of Appeals dismissal of an appeal filed by The Miller Family Limited Partnership on August 19, 1999 (See County Board of Appeals Case No. CBA-97-120). This creates a presumption of correctness as to Wal-Mart's being a single business facility in the shopping center.

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Kleine presented persuasive testimony and evidence that the new signage (249.97 square feet) will be compatible with this commercial corridor, reduce clutter and decrease existing signage by some 122 square feet. *See* Petitioner's Exhibit 2 – Sign Elevations.

Before applying a strict interpretation of the current Baltimore County's sign regulations via-a-vis this type of large retail store, it is necessary to consider the features of this commercial building, the uses taking place within, the components of a structure this size, customer access points and the retail services offered within. It is apparent that this Wal-Mart store and other large retail box stores represent a departure from the configuration of other retail centers found in Baltimore County, which have traditionally contained smaller store fronts each having an exterior entrance and therefore entitled to their own separate wall-mounted signs. In other words, the interpretation issues presented by way of the special hearing (multi or single tenant) requires an examination of the words contained in the regulations, the definitions provided, and facts and circumstances that are peculiar to this type of structure.

As is often the case with cases presenting difficult legal issues, the relevant facts are relatively simple and not in dispute. As noted above, Wal-Mart owns the subject property at 2399 North Point Boulevard consisting of 8.68 acres of area upon which its commercial building is built.³ Therefore, no lease agreement exists between Wal-Mart and a third party property owner. As illustrated on the site plan, there is only one (1) exterior customer entrance to the building. There is but one lease or tenant within the Wal-Mart store building – Subway – that provides restaurant services. It is clear that the space occupied by Subway does not share a common wall with any of the other Wal-Mart uses conducted in the building. Subway does not have nor is it proposed that they will have any signage on the building's façade. These factors

³ A small portion of the Wal-Mart store encroaches onto an adjacent parcel owned by North Point Shopping Center, LLC (which is also a party to this application) and is governed by a reciprocal easement agreement.

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render a finding that this store is a single-tenant commercial building and therefore entitled to the signage set forth in the Table of Sign Regulations – Chart Attachment 1 of B.C.Z.R. Section 450.4. *See* particularly 450.4.1.5(a) - Wall-Mounted and 450.4.1.5(b) - Freestanding. In my view, this interpretation will not be detrimental to the health, safety or general welfare of the locale.

As to the zoning variances outlined above, two (2) relate to wall-mounted signs proposed on the building's front facade.⁴ The other four (4) relate to the reconfigured freestanding enterprise sign identifying Wal-Mart's establishment and located in the northwest corner on the south side of North Point Boulevard – (MD. Rte. 151) adjacent to I-695. This pylon sign is 30 feet high with a 4' x 20' (80 square feet) illuminated cabinet at the top that provides needed visibility, especially from I-695, to assist individuals interested in coming to the property. This sign has existed at this location for more than a decade and is at a height that protrudes over the top of the mature trees covering this portion of the site. Wal-Mart has freshened up the wording and current brand logo in conformity with its 2009 updated signage package. *See* Petitioner's Exhibit 2, Page 2. These final requests [(c) through (f)] recognize the need to bring the Wal-Mart store's existing freestanding signage into conformance with current B.C.Z.R. Section 450 standards. Several of North Point Shopping Center's signs were permitted or variances under B.C.Z.R. Section 413 prior to October 19, 1977. The Office of Planning, in its Zoning Advisory Committee (ZAC) comment dated June 22, 2010, supports the sign variance requests and further indicates a desire that any future development of the larger site to be more pedestrian friendly

⁴ Wal-Mart requests three (3) wall-mounted signs on the front (southern) façade in lieu of the two (2) permitted. One sign is the word "Walmart" that is 5'-6 $\frac{3}{8}$ " tall x 28'-7 $\frac{1}{2}$ " long (158.39 square feet); the second is a brand logo resembling a "yellow spark" - 7'-1 $\frac{1}{2}$ " x 8' (57 square feet). These two (2) signs will be placed over the main entrance doorways. The third sign is actually on the building's western wall behind the outside live goods display area. This is in the area of the Auto Center and the words "Tire & Lube" - 2' x 13'-6 $\frac{3}{8}$ " (27.10 square feet) will be placed over the three (3) garage bay doors. This third sign for the auto center signage is arguably not currently visible from any "highway". It would therefore be exempt from the requirements of B.C.Z.R. Section 450. *See* 450.2.C – Exemptions.

and incorporate a mixed design of buildings "up to 5 stories in height". It was obvious that the Office of Planning views the Wal-Mart store as part of the shopping center. This position is no doubt supported by the shared parking arrangement used on the center's premises.

The legal standards for granting a sign variance are set forth in *Trinity Assembly of God of Baltimore City v. People's Counsel for Baltimore County*, whereby the Court stated, that it involves essentially two things (1) uniqueness; and (2) practical difficulty. 407 Md. 53, 80, 962 A.2d 404, 420 (2008). For a property to be unique "a property must 'have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.'" *Id.* Practical difficulty is determined itself by looking at several factors including, (i) whether compliance with the strict letter of the restrictions would be unnecessarily burdensome, (ii) whether substantial justice is achieved for other property owners as well as the applicant, and (iii) whether the spirit and intent of the regulation are observed. *Id.* at 83-84, 962 A.2d at 422.

Counsel for Petitioner discussed the three (3) wall-mounted signs proposed in addition to the existing, freestanding sign, which was approved but will become nonconforming and subject to the abatement provisions of B.C.Z.R. Section 450.8.D in 2012. In keeping with Wal-Mart's 46-year history, the company's architects freshen up signage packages and logos periodically. The "Walmart" and "spark" have been redesigned for this site in keeping with the new 2009 standards. In fact, as set forth above, there will be a reduction in sign clutter and a decrease of 122 square feet of signage from what previously existed at this location. Moreover, if the distance between the "Walmart lettering" and the new logo "spark" would have been less than 1'

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rather than the 1'-6" as shown, than the entire signage would be counted as one (1) sign rather than two (2). The testimony further indicated that for proper identification of the store on this property and in connection with on-site vehicular circulation and surrounding off-site traffic patterns, the signage requested is necessary. A strict interpretation of the Zoning Regulations would allow only two (2) wall-mounted signs for the entire building which would make it difficult for Wal-Mart to identify its commercial use on its public road frontages and the surrounding vehicle access drives. To the north is North Point Boulevard and I-695 and to the south is North Point Road. The building sign variance relief pertains to a wall-mounted sign or a third sign for Wal-Mart's tire & lube operation (which arguably cannot be seen from the public road) and an additional 8.39 square feet of sign space in addition to the 150 square feet allowed that is needed to complete the word "Walmart" as designed by the architect. In my opinion, the Zoning Regulations did not take into account this type of large retail store and I find that these signs are not out of scale given their size and location on the property.

Likewise, I believe a variance for the freestanding pylon sign at a height of 30 feet is necessary. This height allows a driver to catch a glimpse of the Wal-Mart store location from I-695 and have time to safely cross over the three (3) lanes of traffic on North Point Boulevard to enter the site. The sign's square footage has been reduced by removing the "pill box" structure that used to say "Pharmacy-Optical". As shown on photographs, the five (5) feet of additional height is justifiable due to the mature trees that grow around the base and in the area of the sign that would have to be removed. *See, McLean v. Soley*, 270 Md. 208 (1973) - trees contribute to the greater public benefit and should be preserved. In this regard, the sign is not a detriment to the area and can't be seen by the closest neighbors residing some distance away on the south side of North Point Road. There is no increase in signs (or proliferation) along either North Point

Boulevard or North Point Road. I am convinced that allowing the requested variances would be in the public interest as well as within the spirit and intent of the controls and policies of the sign regulations. The Petitioner has satisfied the requirements of B.C.Z.R. Section 307.1.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the existing store has been determined to be a single commercial building, and the variances shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of July 2010 that the Petition for Special Hearing requesting an interpretation as to whether the store located at 2399 North Point Boulevard is considered a single or multi-tenant commercial building, has, after consideration of the testimony and evidence offered, been adjudicated to be a single tenant commercial building; and

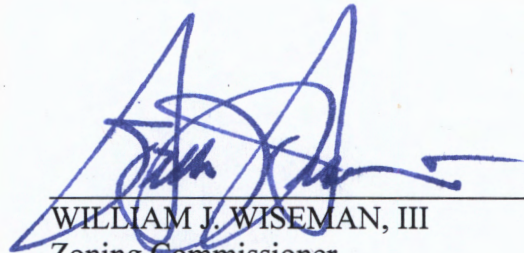
IT IS FURTHER ORDERED that the Petition for Variance, seeking relief from Sections 450.4.1.5(a) and 450.4.1.5(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit: (a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single facade; (b) a "Walmart" wall-mounted enterprise sign that is 158.39 square feet in area, instead of the 150 square feet permitted; (c) a freestanding enterprise sign 30 feet in height, in lieu of the 25 feet permitted; (d) a freestanding enterprise sign that identifies only one (1) commercial establishment in a shopping center, in lieu of the permitted joint identification sign that identifies multiple commercial establishments in a shopping center; (e) a freestanding enterprise sign containing 80 square feet in area, which is in addition to three (3) other existing freestanding signs serving other establishments in the shopping center that together exceed 150 square feet in area, in lieu of the 150 square feet of freestanding signage that is permitted for a shopping center, and (f) a second freestanding enterprise sign along the

shopping center's North Point Boulevard frontage, instead of the one (1) sign permitted along this frontage, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner(s) is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner(s) is 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 for whatever reason, this Order is reversed, Petitioner(s) would be required to return, and be responsible for returning, said property to its original condition.
2. No sub-tenant shall be allowed exterior wall signage without a public hearing and the granting of a variance to do so.

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

WJW:dlw


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 7-20-10

By [Signature]



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

July 21, 2010

Thomas C. Kleine, Esquire
Troutman Sanders, LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462

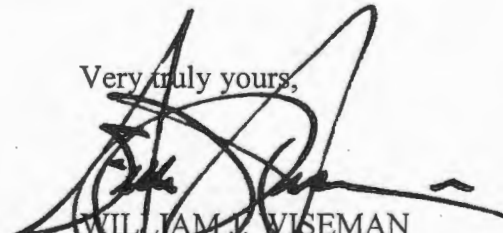
RE: **PETITIONS FOR SPECIAL HEARING AND VARIANCE**
S/S North Point Boulevard (MD Rte. 151), 2,080' SE of c/line of
Merritt Boulevard (MD Rte. 157)
(2399 North Point Boulevard)
15th Election District - 7th Council District
Wal-Mart Real Estate Business Trust (Store No. 2435) - *Petitioner*
Case No. 2010-0302-SPHA

Dear Mr. Sanders:

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

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

Very truly yours,


WILLIAM J. WISEMAN
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Michael J. Birkland, P.E., Bowman Consulting Group, Ltd., 4020 Thunderbolt Place,
Suite 300, Chantilly, VA 20151
People's Counsel, Office of Planning, File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 2399 North Point Boulevard
which is presently zoned BL/BLAS

Deed Reference: 12952 / 084 Tax Account # 1519391790

(See attached sheet for additional deed references and tax account numbers.)

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:

Thomas C. Kleine, Esq.

Name - Type or Print

Signature

Troutman Sanders LLP

Company

222 Central Park Ave., #2000 757-687-7789

Address

Telephone No.

Virginia Beach, VA 23462

City

State

Zip Code

Legal Owner(s):

See attached.

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Thomas C. Kleine, Esq.

Name

222 Central Park Ave., #2000 757-687-7789

Address

Telephone No.

Virginia Beach, VA 23462

City

State

Zip Code

Case No. 7210-0302-SPHA

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REV 8/20/07

Date 7-21-10

By [Signature]

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by A-TSUH Date 5/6/2010

ACCOUNT NUMBER

1518103120
1518103100
1518103130
1518103110
1519391791

DEED REFERENCE

12952/64
12952/74
12952/79
12952/59
21493/736

397705v1

2010-0302-SPHA

**Petition for Variance
Signature Page**

2399 North Point Boulevard

LEGAL OWNER:

WAL-MART REAL ESTATE BUSINESS TRUST

By: Debbie Campbell on behalf of Wal-Mart RE Business Trust

Print: DEBBIE Campbell

Its: Walmart Design Manager

**Petition for Variance
Signature Page**

2399 North Point Boulevard

LEGAL OWNER:

NORTH POINT SHOPPING CENTER, LLC

By: _____

Print: _____

Its: _____



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 2399 North Point Boulevard
which is presently zoned BL/BLAS

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Thomas C. Kleine, Esq.

Name - Type or Print _____
Signature TC Kleine
Troutman Sanders LLP
Company
222 Central Park Ave., #2000 757-687-7789
Address _____ Telephone No. _____
Virginia Beach, VA 23462
City _____ State _____ Zip Code _____

Date 7-21-10

By low

Case No. 2010-0302-SPHX
REV 9/15/98

Legal Owner(s):

See attached.

Name - Type or Print _____
Signature _____
Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Representative to be Contacted:

Thomas C. Kleine, Esq.

Name
222 Central Park Ave., #2000 757-687-7789
Address _____ Telephone No. _____
Virginia Beach, VA 23462
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By A. TSHI Date 5/6/2010

**Petition for Special Hearing
Signature Page**

2399 North Point Boulevard

LEGAL OWNER:

WAL-MART REAL ESTATE BUSINESS TRUST

By: Debbie Campbell on behalf of Wal-Mart RE Business Trust

Print: DEBBIE CAMPBELL

Its: Design Manager

**Petition for Special Hearing
Signature Page**

2399 North Point Boulevard

LEGAL OWNER:

NORTH POINT SHOPPING CENTER, LLC

By: _____

Print: _____

Its: _____

Petition for Variance

2399 North Point Road

For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests variances from Section 450.4 of the Baltimore County Zoning Regulations to permit the following:

Wall-Mounted Enterprise Signs.

(a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single façade (if the store is considered a single-tenant commercial building), or the one (1) permitted (if the store is considered a multi-tenant commercial building); and

(b) if the store is considered a single-tenant commercial building, a "Walmart" wall-mounted enterprise sign that is 158.38 square feet in area, instead of the one-hundred fifty (150) square feet permitted; and

Freestanding Enterprise Sign.

(c) a freestanding enterprise sign thirty feet (30') in height, in lieu of the twenty-five feet (25') permitted; and

(d) a freestanding enterprise sign that identifies only one commercial establishment in a shopping center, in lieu of a permitted joint identification sign that identifies multiple commercial establishments in a shopping center; and

(e) a freestanding enterprise sign containing eighty (80) square feet in area, which is in addition to three (3) other existing freestanding signs serving other establishments in the shopping center that together exceed one-hundred fifty (150) square feet in area, in lieu of the one-hundred fifty (150) square feet of freestanding signage that is permitted for a shopping center; and

(f) a second freestanding enterprise sign along the shopping center's North Point Boulevard Frontage, instead of the one sign permitted along this frontage (there is an existing joint identification sign located at the main shopping center entrance along North Point Boulevard).

Special Hearing. Contemporaneously with this variance request, the Petitioner will request an interpretation from the County Zoning Commissioner as to whether the store will be considered a single or multi-tenant commercial building under the Zoning Ordinance. This interpretation is necessary because the Petitioner currently leases space within the store building to a "Subway" restaurant (though Subway does not, and is not proposed to have any signage on the façade of the building).

Petition for Variance

2399 North Point Road

For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests variances from Section 450.4 of the Baltimore County Zoning Regulations to permit the following:

Wall-Mounted Enterprise Signs.

(a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single façade (if the store is considered a single-tenant commercial building), or the one (1) permitted (if the store is considered a multi-tenant commercial building); and

(b) if the store is considered a single-tenant commercial building, a "Walmart" wall-mounted enterprise sign that is 158.38 square feet in area, instead of the one-hundred fifty (150) square feet permitted; and

Freestanding Enterprise Sign.

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(f) a second freestanding enterprise sign along the shopping center's North Point Boulevard Frontage, instead of the one sign permitted along this frontage (there is an existing joint identification sign located at the main shopping center entrance along North Point Boulevard).

— back to yellow

Special Hearing. Contemporaneously with this variance request, the Petitioner will request an interpretation from the County Zoning Commissioner as to whether the store will be considered a single or multi-tenant commercial building under the Zoning ^{Regulations} Ordinance. This interpretation is necessary because the Petitioner currently leases space within the store building to a "Subway" restaurant (though Subway does not, and is not proposed to have any signage on the façade of the building).

back to yellow sheet.

Used for posting

Variance

- 1(a) 3 wall-mounted signs on one façade wall in lieu of 2¹ 1² permitted (if multi-tenant)³; or
- 1(b) 1 – 158 square ~~feet~~⁴ foot⁵ wall-mounted sign in lieu of 150 square feet permitted, and 3 wall-mounted signs on one facade wall in lieu of 2 permitted (if single tenant)⁶;
- 2 A 30 feet high freestanding sign in lieu of 25 feet high permitted;
- 3 A single freestanding sign with one commercial establishment in lieu of required joint I.D. sign;
- 4 An 80 square ~~feet~~⁷ foot⁸ freestanding sign in addition to 3 existing freestanding signs ~~in exceed~~⁹ that together total more than 150 square feet, in lieu of the¹⁰ 150 total¹¹ square feet-as¹² permitted;
- 5 A second freestanding sign along North Point Blvd instead of one permitted.

Special Hearing

Request an interpretation as to whether the store will be considered a single or multi-tenant commercial building.

ZONING DESCRIPTION

BEGINNING FOR THE SAME AT A POINT IN NORTH POINT ROAD, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY, AT A DISTANCE OF 40 FEET SOUTH-EASTERLY OF THE CENTERLINE OF CEDAR ROAD WHICH IS 50 FEET WIDE; THENCE LEAVING SAID ROAD AND BINDING WITH THE PROPERTY BEING DESCRIBED HEREIN, THE FOLLOWING TWO COURSES AND DISTANCES

N 37°51'42" E 273.75 FEET TO A POINT; THENCE

N 37°54'10" E 605.65 FEET TO A POINT ON THE SOUTH SIDE OF NORTH POINT BOULEVARD, ROUTE 151, WHICH IS 150 FEET WIDE, AT A DISTANCE OF 2,080 FEET SOUTH-EASTERLY OF THE CENTERLINE OF MERRITT BOULEVARD, ROUTE 157, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY; THENCE WITH THE SOUTH SIDE OF NORTH POINT BOULEVARD, THE LIMITS OF THE PROPERTY BEING DESCRIBED HEREIN, THE FOLLOWING SIX COURSES AND DISTANCES

S 58°05'34" E 344.88 FEET TO A POINT; THENCE

S 58°04'47" E 745.12 FEET TO A POINT; THENCE

S 58°04'47" E 550.00 FEET TO A POINT; THENCE

S 58°05'00" E 288.95 FEET TO A POINT; THENCE

S 31°55'01" W 27.00 FEET TO A POINT; THENCE

S 58°04'59" E 59.33 FEET TO A POINT; THENCE

S 55°17'34" W 684.31 FEET TO A POINT ON THE NORTHERLY SIDE OF NORTH POINT ROAD, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY; THENCE WITH SAID ROAD

87.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 339.00 FEET TO A POINT; THENCE

N 80°25'47" W 90.00 FEET TO A POINT; THENCE

295.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 961.00 FEET TO A POINT; THENCE

N 62°47'47" W 173.24 FEET TO A POINT; THENCE

N 62°47'47" W 563.62 FEET TO A POINT; THENCE

S 08°22'31" W 14.64 FEET TO A POINT; THENCE

N 72°05'55" W 78.93 FEET TO A POINT; THENCE

N 59°59'51" W 283.93 FEET TO A POINT; THENCE

2010-0302-SPHA

N 56°50'48" W 95.64 FEET TO A POINT; THENCE

N 55°58'10" W 94.85 FEET TO A POINT; THENCE

N 55°41'00" W 74.91 FEET TO THE POINT OF BEGINNING, CONTAINING 1,520,479 SQUARE FEET OR 34.9054 ACRES OF LAND MORE OR LESS.

BEING ALL THOSE SIX PARCELS OF LAND IN THE 15TH ELECTION DISTRICT CONVEYED BY VARIOUS GRANTORS TO WAL-MART REAL ESTATE BUSINESS TRUST BY DEEDS DATED JUNE 18, 1998 RECORDED IN DEED BOOK 12952 PAGES 59 THRU 88 AND ALL THOSE TWO PARCELS OF LAND CONVEYED TO NORTH POINT SHOPPING CENTER, LLC BY DEED DATED JUNE 28, 2004 RECORDED IN DEED BOOK 21493 PAGES 736 THRU 744 AND ALL THAT PARCEL CONVEYED TO MILLER REAL ESTATE COMPANY BY DEED DATED JANUARY 26, 1989 RECORDED IN DEED BOOK 8101 PAGES 712 THRU 715 ALL AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.

THIS DESCRIPTION IS BASED ON THE DEEDS REFERENCED AND NOT A BOUNDARY SURVEY AND WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE PROPERTIES DESCRIBED HEREIN ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, DEEDS, RIGHTS AND OTHER MATTERS OF RECORD.



2018-0302-SPHA

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood property owners relative to property that is the subject of an upcoming zoning hearing. For those petitions that 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:

2010-0302-SPHA

Petitioner: Wal-Mart Real Estate Business Trust

Address or Location:

2399 North Point Boulevard

Please Forward Advertising Bill to:

Name: Thomas C. Kleine, Esq.

Address: 222 Central Park Avenue, Suite 2000

Virginia Beach, Virginia 23462

Telephone: (757) 687-7789

No. 53914

Date:

53914

PAID DECEMBER 1971

项目	数量	单位	金额
----	----	----	----

1996/2000: 5/99, 2000: 12, 2000:

100% 50% 0% 50% 100%

Epidemiol. Infect. (2006), **134**, 79–87. © 2005 Cambridge University Press
doi:10.1017/S0950268805005294 Printed in the United Kingdom

**CASHIER'S
VALIDATION**

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

No.

Date:

53914

PAID DECEMBER 1971

项目	数量	单位	金额
----	----	----	----

1996/2000: 5/99, 2000: 12, 2000:

100% 50% 0% 50% 100%

Epidemiol. Infect. (2006), **134**, 79–87. © 2005 Cambridge University Press
doi:10.1017/S0950268805005294 Printed in the United Kingdom

**CASHIER'S
VALIDATION**

Rec

From:

For:

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

+ - CERTIFICATE OF POSTING

2010-0302-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Wal-Mart Real Estate Business Trust & North Point Shopping Center

Clos

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: # 2010-0302-SPHA

2399 North Point Boulevard

N/side of North Point Blvd., 40 feet south of the centerline of Cedar Avenue

2nd Election District — 7th Councilmanic District

Legal Owner(s): Wal-Mart Real Estate Business Trust & North Point Shopping Center

Special Hearing: for a request of interpretation as to whether the store will be considered a single or multi-tenant commercial building. **Variance:** for 3 wall-mounted signs on one facade wall in lieu of 1 permitted (if multi-tenant) or 1 - 158 square foot wall-mounted sign in lieu of the 150 square feet permitted and 3 wall mounted signs on one facade wall in lieu of 3 permitted (if single tenant); a 30 foot high freestanding sign in lieu of 25 foot high sign; an 80 square foot freestanding sign in addition to 3 existing freestanding signs that together total more than 150 square feet in lieu of the 150 total square feet permitted; for a second freestanding sign along North Point Blvd. instead of one permitted.

Hearing: Friday, July 9, 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.

6/486 June 24

244648

CERTIFICATE OF PUBLICATION

6/24/, 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 6/24/, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

(Telephone Number)

ZONING NOTICE

CASE #2010-0302-SPHA

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

Room 104 Jefferson Building
PLACE: 105 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME FRIDAY JULY 9, 2010 AT 2:00 P.M.

REQUEST: SPECIAL HEARING FOR A REQUEST OF INTERPRETATION AS TO WHETHER THE STORE WILL BE CONSIDERED A SINGLE OR MULTI-TENANT COMMERCIAL BUILDING. VARIANCE FOR 3 WALL-MOUNTED SIGNS ON ONE FACADE WALL IN LIEU OF 1 PERMITTED (IF MULTI-TENANT) OR 1-150 SQUARE FOOT WALL-MOUNTED SIGN IN LIEU OF THE 150 SQUARE FOOT PERMITTED AND 3 WALL-MOUNTED SIGNS ON ONE FACADE WALL IN LIEU OF 3 PERMITTED (IF SINGLE TENANT). A 30 FOOT HIGH FREESTANDING SIGN OF 25 FOOT HIGH SIGN OR 80 SQUARE FOOT FREESTANDING SIGN IN ADDITION TO 3 EXISTING FREESTANDING SIGNS THAT TOGETHER TOTAL MORE THAN 150 SQUARE FEET IN LIEU OF THE 150 TOTAL SQUARE FEET THAT IS PERMITTED. SIGN A SECOND FREESTANDING SIGN MORE THAN 150 SQUARE FEET IN LIEU OF THE 150 TOTAL SQUARE FEET THAT IS PERMITTED. SIGN B

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIME NECESSARY TO CONFORM HEARIN CALL 827-3391

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

ZONING NOTICE

CASE # 2010-0302-SPHA

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

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

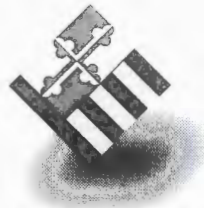
DATE AND TIME: FRIDAY, JULY 9, 2010 AT 2:00 P.M.

REQUEST: SPECIAL HEARING FOR A REQUEST OF INTERPRETATION AS TO WHETHER THE STORE WILL BE CONSIDERED A SINGLE OR MULTI-TENANT COMMERCIAL BUILDING. VARIANCE FOR 3 WALL MOUNTED SIGNS ON ONE FACADE WALL IN LIEU OF 1 PERMITTED (IF MULTI-TENANT) OR 1-158 SQUARE FOOT WALL MOUNTED SIGN IN LIEU OF 150 SQUARE FEET PERMITTED AND 3 WALL MOUNTED SIGNS ON ONE FACADE WALL IN LIEU OF 3 PERMITTED (IF SINGLE TENANT). A 30 FOOT HIGH FREESTANDING SIGN IN LIEU OF 25 FOOT HIGH SIGN AND 80 SQUARE FOOT FREESTANDING SIGN IN ADDITION TO 3 EXISTING FREESTANDING SIGNS THAT TOGETHER TOTAL MORE THAN 150 SQUARE FEET IN LIEU OF THE 150 TOTAL SQUARE FEET PERMITTED, FOR A SECOND FREESTANDING SIGN ALONG NORTH POINT BOULEVARD INSTEAD OF ONE PERMITTED.

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

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

HANDICAPPED ACCESSIBLE



BALTIMORE COUNTY

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: 2010-0302-SPHA

2399 North Point Boulevard

N/side of North Point Blvd., 40 feet south of the centerline of Cedar Avenue

2nd Election District – 7th Councilmanic District

Legal Owners: Wal-Mart Real Estate Business Trust & North Point Shopping Center

Special Hearing for a request of interpretation as to whether the store will be considered a single or multi-tenant commercial building. Variance for 3 wall-mounted signs on one façade wall in lieu of 1 permitted (if multi-tenant) or 1-158 square foot wall-mounted sign in lieu of the 150 square feet permitted and 3 wall mounted signs on one façade wall in lieu of 3 permitted (if single tenant); a 30 foot high freestanding sign in lieu of 25 foot high sign; an 80 square foot freestanding sign in addition to 3 existing freestanding signs that together total more than 150 square feet in lieu of the 150 total square feet permitted; for a second freestanding sign along North Point Blvd. instead of one permitted.

Hearing: Friday, July 9, 2010 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in cursive.

Timothy Kotroco
Director

TK:kl

C: Thomas Kleine, 222 Central Park Ave., #2000, Virginia Beach, VA 23462

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JUNE 24, 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: PATUXENT PUBLISHING COMPANY
Thursday, June 24, 2010 Issue - Jeffersonian

Please forward billing to:

Thomas Kleine, Esq.
Troutman Sanders, LLP
222 Central Avenue, #2000
Virginia Beach, VA 23462

757-687-7789

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: 2010-0302-SPHA

2399 North Point Boulevard

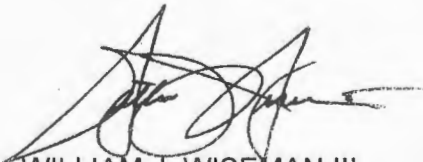
N/side of North Point Blvd., 40 feet south of the centerline of Cedar Avenue

2nd Election District – 7th Councilmanic District

Legal Owners: Wal-Mart Real Estate Business Trust & North Point Shopping Center

Special Hearing for a request of interpretation as to whether the store will be considered a single or multi-tenant commercial building. Variance for 3 wall-mounted signs on one façade wall in lieu of 1 permitted (if multi-tenant) or 1-158 square foot wall-mounted sign in lieu of the 150 square feet permitted and 3 wall mounted signs on one façade wall in lieu of 3 permitted (if single tenant); a 30 foot high freestanding sign in lieu of 25 foot high sign; an 80 square foot freestanding sign in addition to 3 existing freestanding signs that together total more than 150 square feet in lieu of the 150 total square feet permitted; for a second freestanding sign along North Point Blvd. instead of one permitted.

Hearing: Friday, July 9, 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

July 2, 2010

Thomas C. Kleine
Troutman Sanders, LLP
222 Central Park Ave.
Virginia Beach, VA 23462

Dear: Thomas C. Kleine

RE: Case Number 2010-0302-SPHA, 2399 North Point Blvd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 6, 2010. 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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 7, 2010
Item Nos. 2010- 302, 305, 309, 313,
314, 315, 316, 317, 318, 319, 320 &
321

DATE: May 27, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-006072010 -NO COMMENTS.doc



BALTIMORE COUNTY
MARYLAND

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 24th, 2010

Item Numbers: 0302, 0314, 0319

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: 06-01-2010

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

RE: Baltimore County
Item No. 2010-0302-SHA
MD 151 (NORTH POINT BLVD)
2399 NORTH POINT BLVD
WAL-MART & NORTH POINT
SHOPPING CENTER
VARIANCE & SPECIAL HANDLING -

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 5-27-2010. A field inspection and internal review reveals that an entrance onto MD 151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for WAL-MART NORTH POINT, Case Number 2010-0302-SHA.

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 (m Bailey@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 the typed name of Steven D. Foster.

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

BW 7-9-10 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2010

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

SUBJECT: 2399 North Point Boulevard

INFORMATION:

Item Number: 10-302

Petitioner: North Point Shopping Center, LLC

Zoning: BL and BL-AS

Requested Action: Special Hearing and Variance

SUMMARY OF RECOMMENDATIONS:

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

The subject property and landscaping is clean and well maintained. The existing landscaping is reaching maturity, is sparsely distributed and is surrounded by turf. The Office of Planning offers no comment as to whether the store is a single or multi-unit commercial structure. This office supports the sign variances subject to the following:

- Supplement the landscaping around the existing and proposed freestanding signs and entrances.
- Future development of the larger site should be a more pedestrian friendly mixed design of buildings up to 5 stories in height.

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

Prepared by:

Candis K. Luning

Division Chief:
AFK/LL: CM

John Alexander

RECEIVED

JUN 22 2010

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 15 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 14, 2010

SUBJECT: Zoning Item # 10-302-SPHA
Address 2399 North Point Boulevard
(Wal Mart & North Point Shopping Center, LLC)

Zoning Advisory Committee Meeting of May 24, 2010

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

Reviewer: JWL Date: 6/10/2010

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
2399 North Point Blvd; N/S North Point Blvd, * ZONING COMMISSIONER
40' S of c/line of Cedar Avenue *
2nd Election & 7th Councilmanic Districts * FOR
Legal Owner(s): Walmart Real Estate Business *
Trust & North Point Shopping Center, LLC * BALTIMORE COUNTY
Petitioner(s) *
10-302-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAY 28 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 28th day of May, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

7-9 2pm

CASE NO. 2010- 0302-SPHACHECKLISTComment
ReceivedDepartmentSupport/Oppose
No Comment5-27

DEVELOPMENT PLANS REVIEW

No Comments6-14

DEPRM

No Comments5-27

FIRE DEPARTMENT

Comply w/ Code6-22

PLANNING

(if not received, date e-mail sent _____)

Store - Single (multi - NO comment)
Sign Variance - Supports6-1

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2002-184-SPH, BPA-Dismissal, CBA-97-120, HOA + SPH, XV-688 +, 97-384-X)

NEWSPAPER ADVERTISEMENT

Date: 6-24-10

SIGN POSTING

Date: 6-24-10previous but not
pertaining specific
to "Wickman"
just the
property
91-461-SPH

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



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

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

Account Identifier: District - 15 Account Number - 1502005900

Owner Information

Owner Name: MILLER REAL ESTATE COMPANY **Use:** COMMERCIAL
Mailing Address: SUITE 311 **Principal Residence:** NO
 300 E JOPPA RD **Deed Reference:** 1) / 8101/ 712
 TOWSON MD 21286-3301 2)

Location & Structure Information

Premises Address **Legal Description**
 2401 OLD NORTH POINT RD 9.584 AC NS
 OLD NORTH POINT RD
 5740 SE MERRITT BLVD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
96	24	115						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1962	111,435 SF	9.58 AC	18

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of	Phase-in Assessments As Of	Value As Of
		01/01/2009	07/01/2009	07/01/2010
Land	1,916,000	2,624,400		
Improvements:	1,762,500	1,920,300		
Total:	3,678,500	4,544,700	3,967,233	4,255,966
Preferential Land:	0	0	0	0

Transfer Information

Seller:	Date:	Price:
MILLER REALTY CO RP	02/13/1989	\$0
Type: NOT ARMS-LENGTH	Deed1: / 8101/ 712	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:

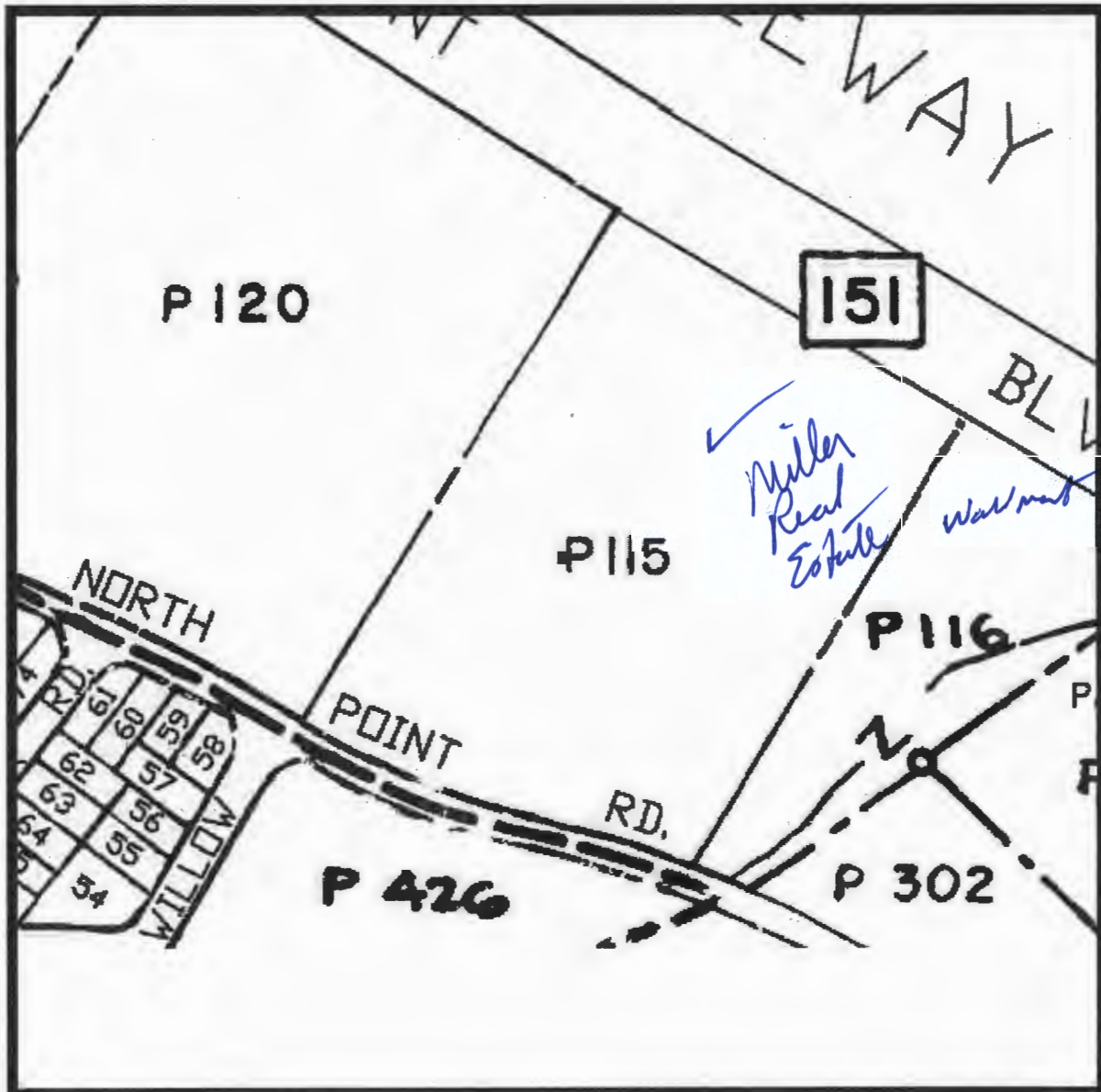
Special Tax Recapture:
 * NONE *



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

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

District - 15 Account Number - 1502005900



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



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

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

Account Identifier: District - 15 Account Number - 1519391791

Owner Information

Owner Name: NORTH POINT SHOPPING CENTER LLC **Use:** COMMERCIAL
Mailing Address: 9690 DEERCO RD SUITE 820 **Principal Residence:** NO
 TIMONIUM MD 21093-6930 **Deed Reference:** 1) /21493/ 736
 2)

Location & Structure Information

Premises Address **Legal Description**
 2317 NORTH POINT BLVD 13.032 AC SS
 BALTIMORE MD 21222-1623 NORTH POINT BLVD
 2350 E MERRITT BLVD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
96	24	120						3	Plat Ref:

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1962	72,052 SF	13.03 AC	14

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	2,606,000	2,945,400			
Improvements:	1,425,600	1,544,400			
Total:	4,031,600	4,489,800	4,184,333	4,337,066	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: SIEGEL JEROME A BOND FRANK	Date: 03/02/2005	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: /21493/ 736	Deed2:
Seller: SIEGEL JEROME A	Date: 04/24/1985	Price: \$0
Type: NOT ARMS-LENGTH	Deed1: / 6903/ 205	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:

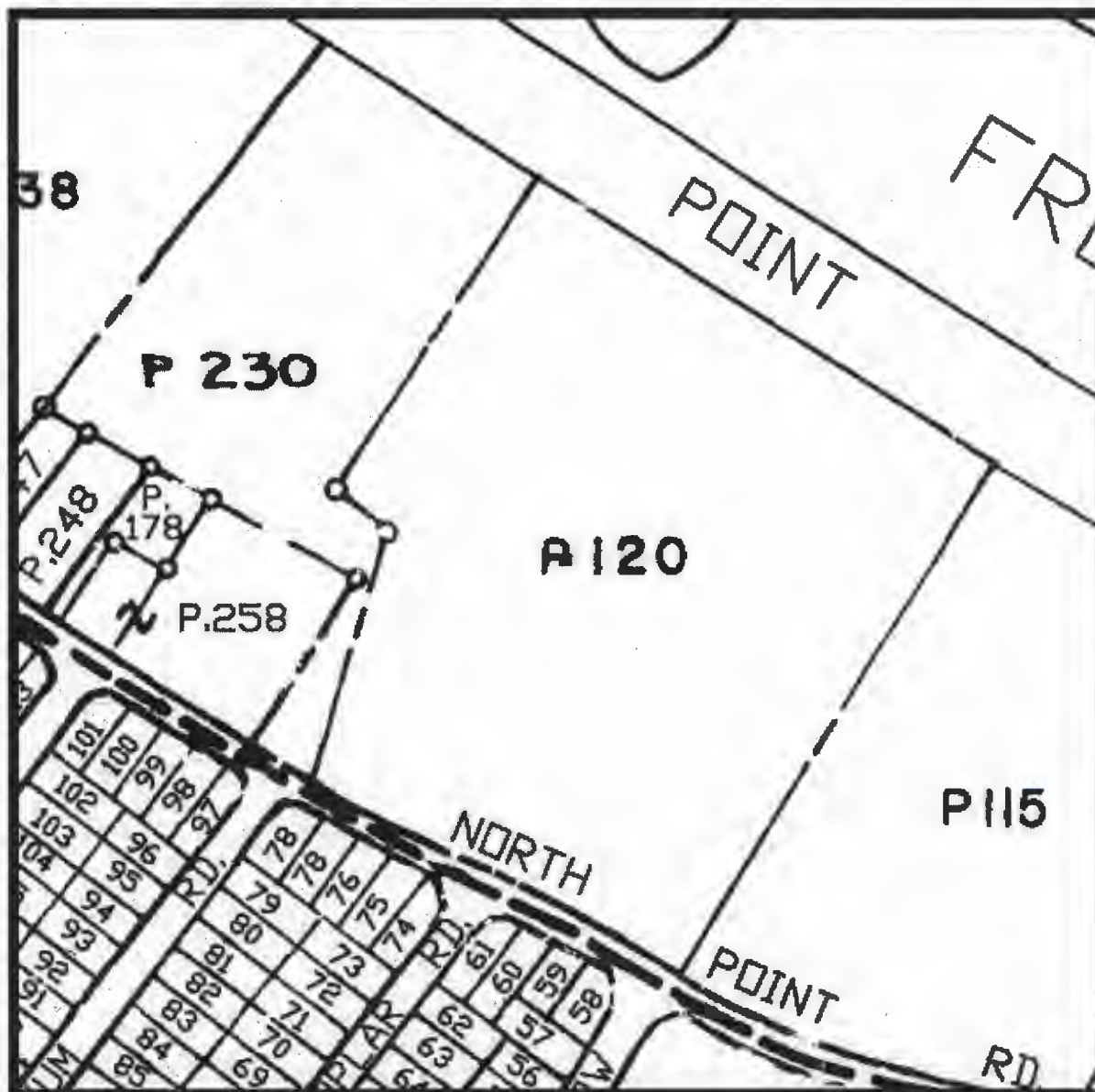
Special Tax Recapture:
 * NONE *



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District - 15 **Account Number - 1519391791**



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Account Identifier: District - 15 Account Number - 1501990000

Owner Information

Owner Name:	WAL-MART REAL ESTATE C/O WAL MRT STORES #01-2435	Use:	COMMERCIAL
Mailing Address:	P O BOX 8050 MS 0555 BENTONVILLE AR 72712-8050	Principal Residence:	NO
		Deed Reference:	1) /12952/ 69 2)

Location & Structure Information

Premises Address	Legal Description
NORTH POINT BLVD	3.258 AC NES NORTH POINT RD 2640FT SE NORDBRUCH AVE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
96	24	116						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		3.31 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	94,500	134,500		
Improvements:	0	0		
Total:	94,500	134,500	107,833	121,166
Preferential Land:	0	0	0	0

Transfer Information

Seller: AYCOTH ROBERT J	Date: 06/18/1998	Price: \$51,000
Type: NOT ARMS-LENGTH	Deed1: /12952/ 69	Deed2:
Seller: COMBINE HOLDING CO	Date: 05/26/1981	Price: \$15,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 6289/ 700	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:

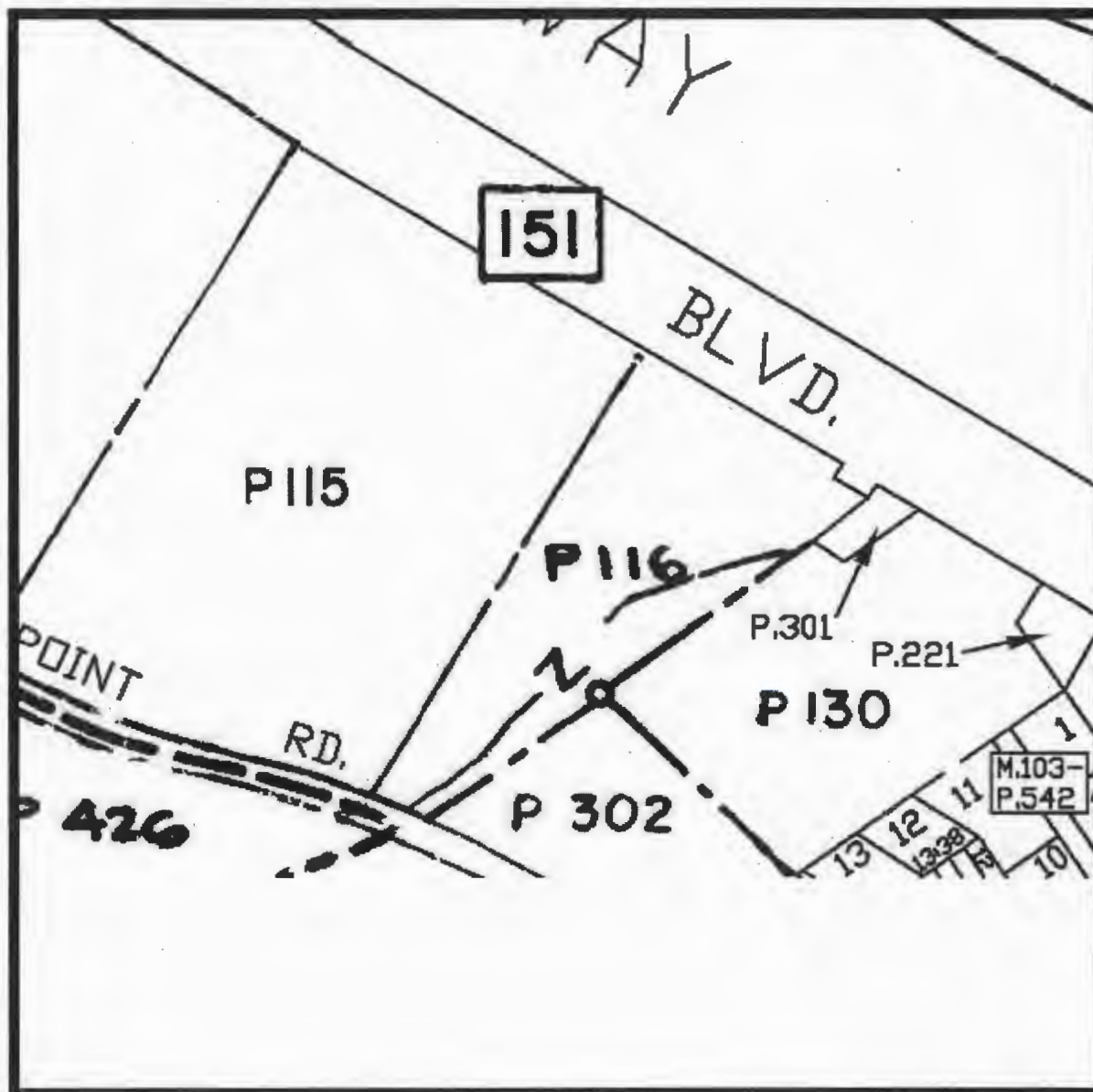
Special Tax Recapture:
 * NONE *



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District - 15 **Account Number - 1501990000**



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Account Identifier: District - 15 **Account Number -** 1519391790

Owner Information

Owner Name:	WAL-MART REAL ESTATE C/O WAL MART STORES 01-2435	Use:	COMMERCIAL
Mailing Address:	P O BOX 8050 MS 0555 BENTONVILLE AR 72712-8050	Principal Residence:	NO
		Deed Reference:	1) /12952/ 84 2)

Location & Structure Information

Premises Address	Legal Description
NORTH POINT RD	5.460 AC NES NORTH POINT RD N OF BREAD & CHEESE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
96	24	230						3	Plat Ref:

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1999	125,986 SF	5.46 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	1,092,000	1,638,000		
Improvements:	7,555,800	7,605,700		
Total:	8,647,800	9,243,700	8,846,433	9,045,066
Preferential Land:	0	0	0	0

Transfer Information

Seller: SIEGEL JEROME A	Date: 06/18/1998	Price: \$1,870,000
Type: UNIMPROVED ARMS-LENGTH	Deed1: /12952/ 84	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:

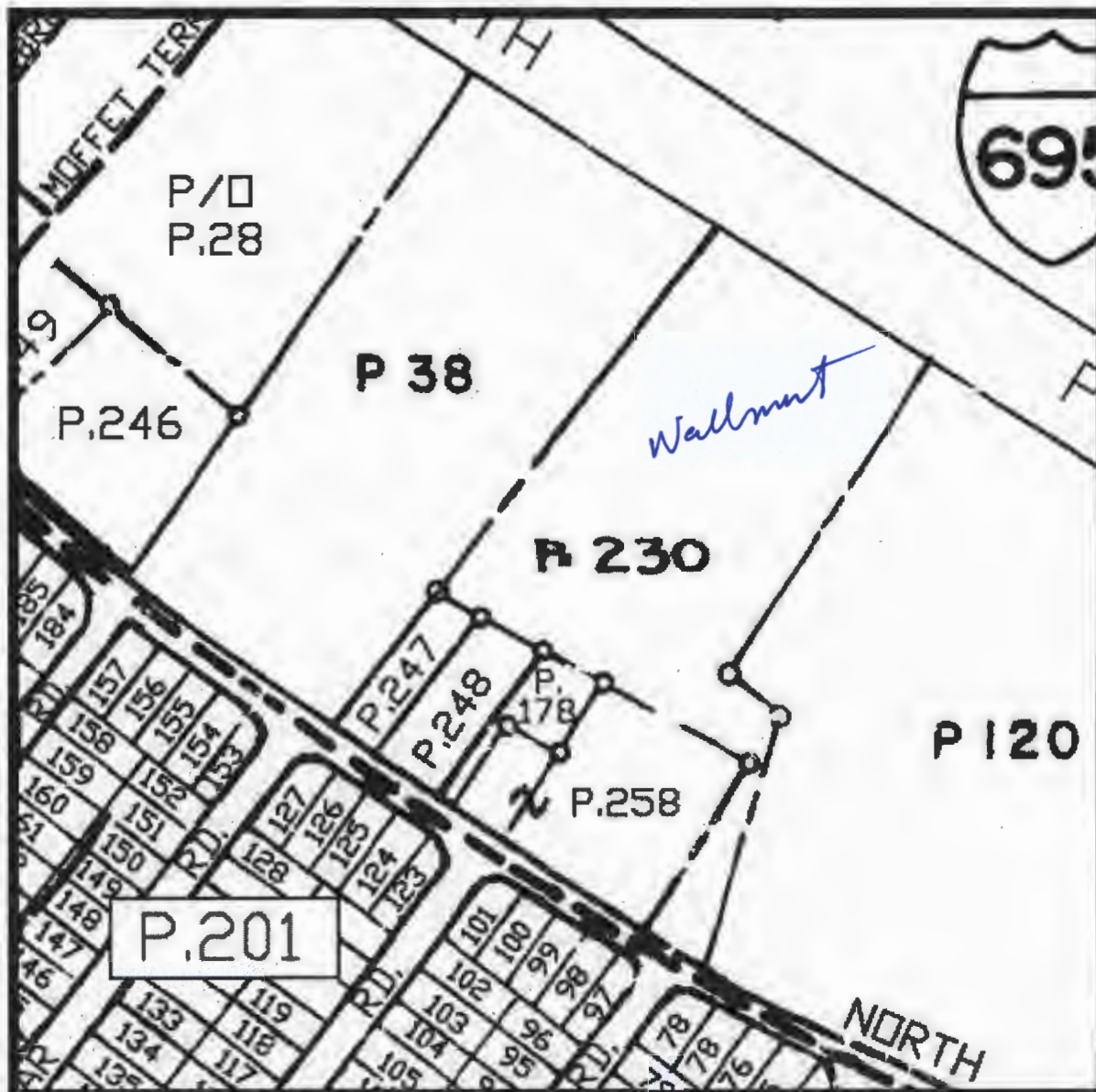
Special Tax Recapture:
 * NONE *



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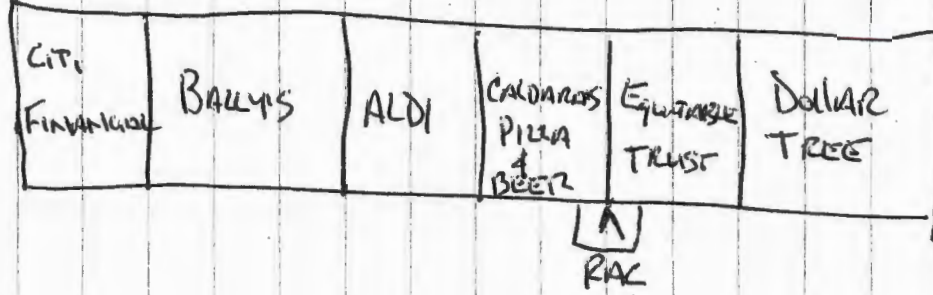
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

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N. PT. ROAD

N. PT. SIC
Flea Mkt
CHANGE
COPY

Dollar
TREE



WAL-MART

N. PT. FLEA MKT.

GREEN
Room

N. PT. SIC

X

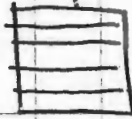
X

BEER / PIZZA

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ALDI

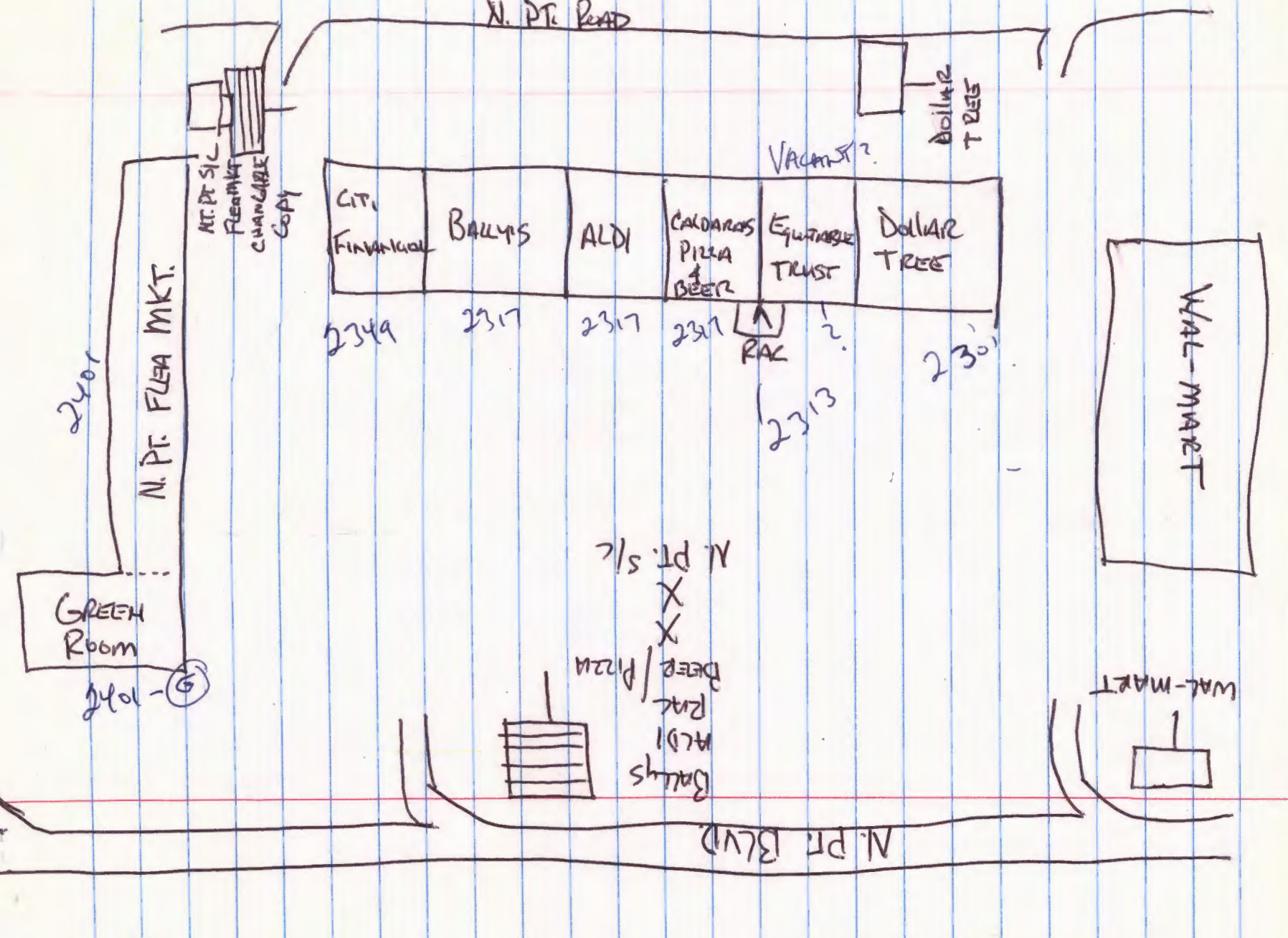
BALLY'S



N. PT. BLVD

WAL-MART





Prior
Cases

2002

IN F

HEARING
900' E

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-184-SPH

centerline of Noradbach Avenue
15th Election District
6th Councilmanic District
(2399 North Point Boulevard)

Wal-Mart Stores, Inc.
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, Wal-Mart Stores, Inc., requesting approval for the temporary use of storage trailers on property located at 2399 North Point Boulevard. The Petitioner seeks approval to utilize these temporary trailers each and every year commencing September 1st and terminating on December 31st in each year.

Appearing at the hearing on behalf of the special hearing request were Lynn Earnest, the store manager for Wal-Mart, Brenda McGee, an employee of Wal-Mart and nearby resident and Alan Betten, attorney at law, representing the Petitioner. There were no Protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is the site of the Wal-Mart retail store located in the Dundalk area between North Point Boulevard and Old North Point Road, north of their intersections with German Hill Road. The property is improved with a Wal-Mart retail store and accessory parking.

Testimony and evidence offered by Ms. Earnest, the store manager, demonstrated that the Wal-Mart store at this location has been a very successful endeavor. This particular store exceeds all other Wal-Mart stores in sales revenue for this particular region of the country. In addition to this huge sales volume, Ms. Earnest testified that many of the residents and citizens

ADDED TO FILE FOR FILING

Date 1/14/02

By [Signature]

of this area take advantage of the layaway program that Wal-Mart offers during the holiday season. The number of items placed on layaway at this store again far exceeds any other layaway programs at other Wal-Mart stores in this region. Ms. Earnest testified that it is her belief that many of the customers who patronize her store either lack sufficient credit or do not have the requisite amount of cash to pay for their holiday purchases in full at the time they shop at her store. Therefore, they ask that the items which they intend to purchase be placed on layaway, which requires them to make regular payments towards the purchase of that item until it is paid in full. This program occurs each and every year from September 1 through December 31.

The popularity of the layaway program has caused the Petitioner to experience a shortage of warehouse space during this time of year. The items placed on layaway must be stored somewhere on site. As a temporary solution to this unusual problem, Ms. Earnest, along with Wal-Mart representatives, have devised a system of 26 storage containers which are placed on the south side parking lot of the Wal-Mart store in the fashion depicted on Petitioner's Exhibit No. 1, the site plan submitted into evidence. These storage containers are newly painted battleship gray units which contain no graffiti and no rust. The gray paint matches the color of the paint on the sides of the Wal-Mart store. The containers themselves are neatly aligned in the parking spaces on that side of the building. Testimony further revealed that the number of parking spaces provided for this Wal-Mart store far exceeds the minimum requirements imposed by the Baltimore County Zoning Regulations. Therefore, the fact that these storage containers occupy parking spaces does not interfere with the amount of parking needed to service this store. Ms. Earnest testified that the utilization of these storage containers has allowed this Wal-Mart store to keep and maintain their layaway program which greatly benefits the citizens who

patronize this store. Without the additional storage area, the layaway program would not be successful.

Apparently, this layaway program has become very popular with the many residents who shop at Wal-Mart, given the amount of signatures contained on the petitions which were entered into evidence as Petitioner's Exhibit No. 11. Therefore, the Petitioner has requested this special hearing relief to allow them to continue to utilize these 26 storage containers each and every year during the holiday season, that time being September 1 through December 31.

While I can appreciate the problems encountered by this Wal-Mart store and that the storage containers provide a temporary solution to this problem, it is my opinion that using these containers should be permitted temporarily and not as a permanent solution to this problem. Representatives of Wal-Mart will have to devise a better method of resolving this issue. Perhaps an addition to the footprint of the building could provide additional warehouse space or even a second story structure on top of the existing footprint could resolve this reoccurring problem. It was obvious from the testimony, that this method is not the best method to handle layaway inventory. The store clerk must exit the main building and go out into the inclement weather to retrieve merchandise which was placed on layaway by a particular customer. The store employee, as well as the customer, would be better served if the merchandise were stored somewhere within the footprint of this principal building and not out on the parking lot.

Therefore, I shall grant the Petitioner's special hearing request to only allow the use of these temporary storage containers for one additional holiday season, that being the season commencing September 1, 2002 and terminating on December 31, 2002. This will afford the Petitioner an ample amount of time within which to resolve this problem on a more permanent basis.

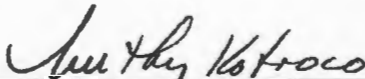
ORDER RECOMMENDED FOR FILING

FILED 11/4/02

By *[Signature]*

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of January, 2002, that the Special Hearing Request to allow the Petitioner to temporarily use 26 storage containers on the subject property in the area depicted on the site plan submitted into evidence as Petitioner's Exhibit No. 1, shall be APPROVED for the time period commencing September 1, 2002 and terminating December 31, 2002. Other than these times specified, there shall be no other storage containers stored anywhere on the Petitioner's property.

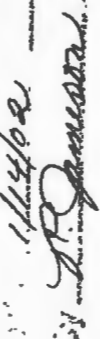
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDERED FOR FILING

1/14/02
BY 

BEFORE
COUNTY BOARD OF APPEALS

OF
BALTIMORE COUNTY
CASE NO. CBA-97-120
(PDM XV-688)
AND
CASE NO. 97-354-X

IN THE MATTER OF
WAL-MART STORES, INC.
PETITIONER/DEVELOPER;
MARGARET BRUNE AND JEROME
SIEGEL, POINT ROAD,
OF N HILL ROAD
ELECTION DISTRICT
COUNCILMANIC DISTRICT
RE: DEVELOPMENT PLAN HEARING
AND PETITION FOR SPECIAL
EXCEPTION

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Hearing Officer /Zoning Commissioner dated May 28, 1997 in which the subject Development Plan was approved pursuant to the Hearing Officer's Order and the Petition for Special Exception granted with restrictions.

WHEREAS, the Board is in receipt of a Dismissal of 1 filed July 30, 1999 by Benjamin Bronstein and George Bro LLP, Counsel for The Miller Family Limited Partnership, (a copy of which is attached hereto and made a part hereof)

WHEREAS, said Appellant, by its attorneys, request appeal filed in this matter be dismissed as of July 19th day of 1999

IT IS HEREBY ORDERED this appeal filed by the County Board of Appeals of Baltimore County be and the same is hereby DISMISSED.

COUNTY BOARD OF
OF BALTIMORE COUNTY
Charles L. Ma

Donna M. F
Lawrence

1.
7th
Leg
and
W.

T.
Bronstein, L
proceeding.

CEA

I HEREBY CERTIFY that on th
Dismissal of Appeal was mailed, first-clas.

5-28-97

1997

IN RE: DEVELOPMENT. PLAN HEARING * BEFORE THE HEARING OFFICER/
and PETITION FOR SPECIAL EXCEPTION * ZONING COMMISSIONER
N/S Old North Point Rd., W of *
German Hill Road * OF BALTIMORE COUNTY
15th Election District *
7th Councilmanic District *
Legal Owners: Margaret G. Brune, * Case Nos.XV-688 & 97-354-X
and Jerome A. Siegel
Wal-Mart Stores, Inc., Developer/Petitioner

* * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN ORDER &
PETITION FOR SPECIAL EXCEPTION

The above captioned matter comes before the Zoning Commissioner/Hearing Officer, as a combined hearing, pursuant to Section 26-206.1 of the Baltimore County Code. That Code section permits an Applicant for development plan approval/Petitioner for zoning relief, to combine the public hearing required by the development regulations and Baltimore County Zoning Regulations (BCZR) for such matters into a single public hearing. In this case, application is made for approval of a development plan for a proposed Wal-Mart store located on the north side of Old North Point Road, west of German Hill Road in eastern Baltimore County. Also requested by the Developer/Petitioner is special exception relief to permit a service garage pursuant to Section 230.13 of the BCZR. The subject property and requested relief are more particularly shown on the development plan, submitted as Developer's Exhibit No. 1.

As to the history of this project through the development review process, a concept plan depicting the proposed development was submitted to Baltimore County on October 15, 1996. Thereafter, a Community Input Meeting was conducted on November 19, 1996 at the Dundalk Community College. Based upon the comments and information received at the Concept Plan Conference and Community Input Meeting, the Petitioner revised its plan and submitted a development plan on March 26, 1997. Thereafter, the matter was scheduled

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By

5/28/97
M. Chahal

for public hearing before the Hearing Officer/Zoning Commissioner on April 17, 1997. The hearing was conducted in its entirety on that day. Moreover, by agreement of all parties, the hearing was continued until May 13, 1997 to allow all parties to submit closing memoranda.

Appearing at the Hearing Officer's hearing on behalf of the Developer/Petitioner, Wal-Mart Stores, Inc., was Kim Kauffman and Patrick Rivers. Also appearing in support of the Petition were Maury Levin and Ken Smith. Testifying in support of the application was Robert L. Morris, a Traffic Consultant. The Developer/Petitioner was represented by Robert A. Hoffman, Esquire.

Also appearing at the public hearing were representatives of the various County agencies which reviewed the project. They included Ron Goodwin from the Land Acquisition Division of the Office of Permits and Development Management (PDM), Robert W. Bowling from the Development Plans Review Division of PDM, Ervin McDaniel from the Office of Planning (OP), and R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM). Tim Fitts, the Project Manager from PDM, also appeared.

Numerous citizens from the surrounding locale appeared at the public hearing. A list of those attending is reflected on the sign-in sheets which are contained in the case file. Among those present and offering testimony were Edward Barth, Joan Fales, Arthur Johnson and David Poist. Janet Wood, an Administrative Assistant for Norman Stone, State Senator, also appeared and participated at the hearing, as did Benjamin Bronstein, Esquire, on behalf of an adjacent property owner.

The hearing was highly contested and a significant volume of testimony was offered. In addition to this oral testimony, numerous exhibits, including photographs of the site and surrounding locale, were submitted. I have also considered the development plan comments issued by the County/State agencies and other written reports in the file. Additionally, I visited the

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Date 5/28/97
By Mr. Noah

site on several occasions, at different times of the day, in an effort to better understand the community and road network.

The subject parcel at issue is a large tract, approximately 22.14 acres in area. It is split zoned, B.L. (business-local) and B.L.-A.S. (business-local/automotive services). The A.S. designation is a district which the BCZR allows to be overlaid on the B.L. zone, to better define the permitted land uses thereon. The A.S. district is specifically designed to permit automotive service land uses in the B.L. zone.

As is noted within the development plan review comment from the Office of Planning, the proposal is but a part of the North Point Plaza Shopping Center redevelopment. There are two existing buildings on the shopping center site which will remain. One of the existing buildings is located on the southeast side of the property and is 112,912 sq. ft. in area. The second building is rectangular in shape and is located in the southern portion of the site. That building is 73,372 sq. ft. Both of these buildings are currently used for commercial/retail purposes. In addition to the old shopping center property, an adjacent tract has been acquired and will be utilized as part of the redevelopment. The houses on this tract, as well as the old movie theatre building on the shopping center property will be razed. In place of these structures, located on the northwest side of the entire site, will be the proposed Wal-Mart store. The Wal-Mart building will be 135,183 sq. ft. in area. Vehicular access to the site is by two arterial roads. To the north is North Point Boulevard, a major roadway in eastern Baltimore County. On the other side of the tract, to the south, the property abuts Old North Point Road.

Although this matter comes before me as a combined hearing, there are two separate and distinct issues which must be considered. First, I must evaluate the proposed development plan, in accordance with the standards set forth in Section 26-206 of the Development Regulations codified in the

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Baltimore County Code. Second, consideration must be given to the Petition for Special Exception for the service garage. It must be emphasized that these issues are mandated by law to be considered separately, with distinct criteria to be applied to each issue.

As to the first issue, the consideration of the development plan, the development regulations of Baltimore County are codified in Title 26 of the Baltimore County Code. These regulations were enacted by the Baltimore County Council in 1992 and established the methodology to be applied to development review in the County. The regulations were adopted to promote an orderly and appropriate scheme for development review. The regulations establish a timeline/schedule for development review. First, the Developer submits a concept plan for review by the County agencies. Those agencies meet and issue written comments and proposals setting out suggested corrections and amendments to the plan. A Community Input Meeting is the second step, allowing the County agencies and developer to present the plan during the evening and at a location within the community in which the property is located. Input is received at the C.I.M. from residents and others within the community. Based upon the information obtained during this evolutionary process, the Petitioner then submits a development plan for consideration. Following submission of that plan, comments are again generated by the reviewing County agencies of the development plan conference. Ultimately, the matter comes before the Hearing Office/Zoning Commissioner for final review. If approved, the developer then proceeds into Phase 2 of the development review process, at which time more detailed engineering work in accordance with the approved plan is submitted. Ultimately, permits are secured for the actual grading and construction on site.

In addition to setting out this scheme and process, the development regulations were enacted to provide definitive standards by which development should be adjudged. Prior to the enactment of the present regulations,

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the development community complained that standards were frequently a "moving target", changing from project to project. Under the current process, the developer is apprised at the beginning of the process, as to what standards must be satisfied. If those standards are met, approval of the plan must be forthcoming.

This philosophy is made clear in Section 26-206 of the Code, which describes the Hearing Officer's hearing and role in the process. Section 26-206(B) provides, "The Hearing Officer shall grant approval of a development plan which complies with these development regulations and applicable policies, rules, and regulations . . .". (emphasis added). At law, the word "shall" connotes a mandatory direction. See Prince Georges County v. Vieira, 340 Md. 551 (1995). Therefore, a plan which meets the development regulations and the applicable policies, rules and regulations promulgated thereto must be approved.

In the initial phase of the hearing held in this case, inquiry was directed to the Developer as to whether there were any open issues or unresolved agency comments. In response thereto, the Developer, through counsel, indicated there were no such issues or unresolved comments. Thus, the Developer opined that the project, as proposed, was in full compliance with all development regulations, policies, rules and regulations promulgated thereto. This representation was corroborated by the County agency representatives who were present. Representatives of those agencies stated on the record that the plan had been reviewed and was in compliance with all of the particular requirements of those agencies. Testimony offered by the Developer and agency representatives, in this regard, is highly persuasive that the plan is in compliance with all provisions and requirements of the law. Thus, it is apparent that the plan should, and must, be approved.

Such a conclusion is also entirely consistent with the zoning of the property. As noted above, the property is zoned B.L., with a portion of the

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[Signature]

site overlaid with the A.S. district. The B.L. zone is a classification described in Section 230 of the BCZR. As more fully set out in that section, the zone permits, by right, commercial and retail uses.

The proposed Wal-Mart store is clearly a use permitted under this classification. Testimony was presented in this regard about the proposed operation. The use might best be described as a "superstore", offering a wide variety of products and services. Testimony and evidence was presented about the anticipated number of employees, the hours of operation and general marketing scheme. In that the proposed store is but one of a series of stores operated by this applicant both in Maryland and nationally, I am familiar with the Wal-Mart operation and products.

The Protestants who appeared offered a variety of concerns and arguments in support of their position that the project should be denied. Many of these concerns are legitimate, however, it again need be emphasized that the matter before me seeks approval of a development plan. As emphasized above, the plan must be approved if same complies with all governmental standards and policies, and the use, in and of itself, is expressly permitted in this zoning classification.

Nonetheless, Section 26-206(o) of the Code empowers the Hearing Officer with some discretion. That section provides, in part, that a Hearing Officer, "... may impose such conditions, as may be deemed necessary or advisable based upon such factual findings as may be supported by evidence, for the protection of the surrounding and neighboring properties" Thus, although the plan must be approved, conditions can and should be attached if same will protect the surrounding and neighboring property owners.

A number of the Protestants expressed concerns about the economic impact of the proposed store on small businesses located in the area. Unfortunately for the owners of these small businesses, this is an impact which cannot be remedied through this process. The development review

regulations establish standards for land use and are not meant to interfere in the free market. It would be inappropriate for the Zoning Commissioner to favor one group of businesses over another. It is not my task to influence the economic climate of the eastern portion of Baltimore County. Businesses will survive or fail based upon the individual ingenuity of their owners and market conditions. I should not and cannot restrict a Wal-Mart operation solely for the purpose of protecting other businesses.

The second issue raised concerns over storm water management. In this regard, the plan shows that a storm water management system will be built in compliance with the requirements of DEPRM. It is to be particularly noted that the storm water management facility may be modified based upon further detailed engineering studies. As currently presented on the plan, I am persuaded that the system is appropriate and that there will be no adverse storm water management runoff. It is to be noted that the site is already covered by vast areas of impermeable surface. In my judgment, the new construction presents an opportunity to upgrade the center and bring the facility into compliance with the more stringent current storm water management regulations. I am satisfied that DEPRM's review of this issue was thorough and appropriate. Modifications to the storm water management plan, in accordance with the DEPRM's recommendations in the future, shall be permitted. In my judgment, no condition need be attached to the approval of the plan relating to this issue.

The third issue presented related to the store's hours of operation. Presently, it is envisioned by the Developer that the store will operate 7 days a week, from approximately 7:00 A.M. to 11:00 P.M. There are other Wal-Mart stores in the area which operate 24 hours a day. Testimony offered on behalf of the Developer was that the hours at the proposed site may be expanded in the future based upon the success of the store. I do not find these hours of operation inconsistent with other commercial/business uses in

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the vicinity. Some businesses operate during traditional business hours, others are open later. I will allow the market to determine what is appropriate here. Thus, I will not restrict the hours of operation.

Another issue raised relates to lighting on the premises. Obviously, certain lighting will be provided for security purposes for those patrons who use the parking lot. Moreover, for obvious reasons, that lighting which is visible from the residences across Old North Point Road should be constructed to reduce glare. Thus, for the protection of that residential community, lighting on the property shall be directed so as to not reflect onto those homes and negatively impact the peaceful enjoyment by those property owners. Such a restriction/condition shall be added to the approval of the plan.

The fifth issue relates to the potential rental of storage space on site. Several of the Protestants questioned whether small mini-warehouse type facilities would be installed on site for rental to the public. Apparently, these residents believe that similar facilities exist at other Wal-Mart stores. Representatives on behalf of Wal-Mart testified that there would be no such public rental of storage space on this property. It was indicated that during the peak shopping season (immediately before Christmas holiday) temporary storage facilities may be established on the property for use by the Wal-Mart operation. However, as a restriction to the approval of the plan, no public rental of any storage facilities shall be allowed.

Another issue raised by the Protestants related to the sale of liquor on the premises. It was indicated by Wal-Mart representatives that alcohol would not be sold. As a condition precedent to the approval of this plan, alcohol sales from Wal-Mart facilities shall be prohibited.

The final issue to be discussed was the subject of the majority of the testimony and evidence offered by the residents. Generally, this testimony related to vehicular traffic. A broad range of concerns were expressed in

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By

this regard, including but not limited to the safety of pedestrians and school children in the vicinity, the anticipated traffic problems generated by the store on North Point Road and other surrounding roadways, and the appropriate means of access/egress to this site.

As noted above, I visited the site on several occasions. I undertook these site inspections to obtain an understanding of traffic patterns in the vicinity. Surely, my few site inspections do not give me the same appreciation of traffic conditions as others who use the area on a daily or regular basis. Nonetheless, my visits were helpful.

The Developer produced the testimony of its traffic engineer, Robert L. Morris. A copy of Mr. Morris' traffic report fully explaining his investigation and conclusions is contained within the case file. Additional testimony was offered by many of the residents, including Mr. Poist, who fears the degradation of an already difficult traffic pattern in the area. As importantly, comments were received from the State Highway Administration (SHA).

The SHA suggests a number of conditions which should be attached to the approval of the plan. They are contained in SHA's written comment dated March 24, 1997. Based upon the cumulative testimony and evidence offered, I agree with that comment and, therefore, shall incorporate it as a condition attached to the plan. The recommendations include a requirement that in the event of the development of North Point Plaza, Wal-Mart should be partially responsible for any signal improvements or installations at Md. Route 20 (Old North Point Road) and German Hill Road. It is difficult, at this time, to determine the appropriate extent of Wal-Mart's responsibility for improvements to that intersection. Surely, not all of the traffic which utilizes that intersection will be generated by Wal-Mart. However, the Wal-Mart store will no doubt generate increased volumes of traffic. It is hoped that SHA and Wal-Mart can agree as to the extent of Wal-Mart's responsibility in this regard. However, if agreement cannot be reached, this Hearing Officer

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Date

By

9/28/97

Ch. B. B. B.

there were no other suggested conditions/amendments to the plan which I find appropriate. Certain testimony was offered about potential improvements to the road network in the general vicinity. These infrastructure improvements may or may not be warranted. However, I will not order that the traffic ills of the North Point community be cured by a single business (Wal-Mart). Thus, although appreciative of the Protestants' concerns, I will order no other conditions to the plan but those suggested by the SHA. In my judgment, denial of the plan based on these traffic concerns would be contrary to the regulations and manifestly improper under the actual conditions.

Having discussed the merits of the development plan, attention is next turned to the Petition for Special Exception. As has been frequently stated, the BCZR classify the permissibility of land uses in a given zone in one of three categories. That is, for each zone, uses are either; (1) permitted by right; (2) prohibited; or, (3) permitted by special exception. Those uses permitted by right are automatically allowed, notwithstanding any potential adverse impact on the locale. No matter how great the potential impact, a property owner may utilize its land for uses permitted by right. Other uses are prohibited under any circumstances. Thus, even uses with favorable impacts on a particular neighborhood are not permitted if expressly prohibited in that zone by the BCZR. Special Exception uses constitute, in effect, a middle ground. Special Exception uses are permissible only after a public hearing during which the property owner must demonstrate that the use satisfies the standards set forth in the BCZR. The Special Exception criteria are specifically set forth in Section 502.1 of the BCZR.

Special exceptions have been comprehensively discussed in the appellate courts of this State. The leading case is Schultz v. Pritts, 291 Md. 1 (1981). In that case, the Court repeated the often stated principal that, ". . . (a) special exception use is part of the comprehensive zoning plan sharing the presumption that, as such, it is in the interest of the general

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welfare, and, therefore, valid." p. 11. In Creswell v. Baltimore Aviation Services, Inc. 257 Md. 712 (1970) the Court observed that a special exception use ". . . is a use which has been legislatively predetermined to be conditionally compatible with the uses permitted as of right in a particular zone, the conditions being that a zoning body, must, in each case, decide under specified statutory standards whether the presumptive compatibility exists." pg.719. In a most recent case, Mossburg v. Montgomery County, 107 Md. App. 1 (1995), the Court of Special Appeals discussed the criteria to be used in adjudging a special exception use. The Court's opinion recognized that all special exception uses, by their designation as such by the legislative, carry some adverse impact. However, it is not merely the effect of that impact which negates the presumptive appropriateness of the special exception. Rather, it must be shown that the negative impact of the proposed special exception causes an adverse effect greater at the proposed location than ordinarily associated with such a use. Stated the Court, "Moreover, it is not whether a use permitted by way of a special exception will have adverse effects (adverse effects are implied in the first instance by making such uses, conditional uses or special exceptions rather than permitted uses), it is whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with the particular use that is to be considered by the agency." Mossburg, infra, pgs. 8-9.

In Mossburg, the Court considered the propriety of a proposed solid waste transfer station in Montgomery County. In discussing this issue, the Court stated: ". . . therefore, it is not whether a solid waste transfer station has adverse effects. It inherently has them. The question is also not whether the solid waste transfer station at issue here will have adverse effects at this proposed location. Certainly, it will and those adverse effects are contemplated by the statute. The proper question is whether

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M. Gosh

those adverse effects are above and beyond, i.e., greater here than they would generally be elsewhere within the areas of the County where they may be established . . .". (emphasis is original) pg. 9.

In the case before me, the Petitioner has requested a special exception to permit a service garage on the subject property. A service garage is permitted in the B.L. zone only by Special Exception and is defined by Section 101 of the BCZR as, "A garage, other than a residential garage, where motor driven vehicles are stored equipped for operation, repaired or kept for a remuneration hire or sale." The requested special exception in this case is driven by the fact that a portion of the store will do auto repair work. Specifically, testimony and evidence was offered that the Wal-Mart will feature a six bay auto maintenance shop. It is envisioned that the shop will be in operation 7 days a week, from the hours of 8:00 A.M. to 7:00 P.M. in the Winter and 8:00 A.M. to 8:00 P.M. in the Summer. It shall offer similar services as might be expected at a Sears Auto Center, Montgomery Ward Auto Shop or similar national chain store. Routine engine and maintenance will be performed as well as the sale of tires, shock absorbers and the like. There will be no rental of vehicles nor will there be any painting or body work.

In considering this case, it need be emphasized that the Petitioner does not need special exception approval for the retail store at large, only the service garage component thereof. Thus, many of the concerns set forth by the Protestants are not relevant to the special exception issue. Admittedly, the auto repair business at the Wal-Mart will generate traffic and cause certain effects on this property and the surrounding community. However, it is also clear that the auto shop component of the Wal-Mart operation is minor when considered as part of the whole. It is only the impacts associated with the auto shop business which must be applied to the special exception criteria set forth in Section 502.1.

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By M. D. Cook

Those criteria generally require that the Zoning Commissioner consider whether the impacts of the special exception use will be detrimental to the health, safety and general welfare of the locale. In my judgment, there will be no such detrimental impacts associated with the auto repair business. I am persuaded that the Petitioner has satisfied the criteria set forth in Section 502.1 of the BCZR. I do not believe that this auto repair component is inconsistent or incompatible with the surrounding locale. Thus, the Petition for Special Exception shall be granted.

However, in so granting, I will restrict the hours of operation to those described above. The noise, lighting and other impacts associated with the garage could detrimentally impact surrounding properties if carried on during late evening hours. Thus, even in the event the store becomes a 24 hour operation, the auto repair component is restricted to the hours of operation set forth above. No other condition or limitation on the special exception relief shall be required.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will deny the development plan consistent with the comments set forth above and shall so order.

THEREFORE, IT IS ORDERED by the Hearing Officer/Zoning Commissioner of Baltimore County this 28th day of May 1997 that the development plan submitted in the within case as Developer's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as more fully set forth herein; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 30 days from the date of this Order, a development plan which reflects and incorporates the terms, conditions, and restrictions of this opinion and Order and/or the development plan comments; and,

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By M. Gorb

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Exception, for approval for a service garage pursuant to Section 230.13 of the BCZR, be and is hereby GRANTED, subject, however, to the following restrictions:

1. All lighting on the property shall be directed/designed to eliminate glare and impact on surrounding properties (particularly residential) in a manner more particularly designed by the Department of Public Works.
2. There shall be no rental of storage space/facilities on the premises.
3. There shall be no sale of alcohol from the Wal-Mart store.
4. The written comment submitted by the State Highway Administration, as more fully described hereinabove, dated March 24, 1997 shall be adopted and incorporated herein as a condition to the approval of the plan.
5. The hours of operation for the service garage shall be from 8:00 A.M. to 8:00 P.M. from Memorial Day until Labor Day and from 8:00 A.M. to 7:00 P.M. during the balance of the calendar year.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and other applicable provisions of law.

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Date

By

LES:mmn



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

IN RE: PETITION FOR SPECIAL HEARING
N/S Old North Point Road, 38'
SE of Willow Road
(2401 North Point Boulevard)
12th Election District
7th Councilmanic District

Miller Real Estate Company
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-461-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve the operation of an outdoor commercial flea market in a commercial zone on Saturdays and Sundays from 6:00 AM to 4:00 PM and as an accessory use to an existing adjacent indoor retail business, and a determination as to whether the type of use that is being conducted would be permitted inside the building leased by the Petitioner, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, Miller Real Estate Company, was represented by Kenneth F. Spence, III, Esquire and Benjamin Bronstein, Esquire. Numerous individuals appeared and testified as Protestants in the matter and were represented by Howard L. Alderman, Jr., Esquire, and S. Eric DiNenna, Esquire.

At the onset of this hearing, various motions to dismiss were raised by Mr. Alderman and Mr. DiNenna. Any and all motions to dismiss raised by Mr. DiNenna and Mr. Alderman are hereby denied.

The first issue to be decided is whether or not the operation of an outdoor commercial flea market is a permitted use in a commercial (B.M.) zone.

Testimony indicated that the subject property, known as 2401 North Point Boulevard, consists of a gross area of 10.2966 acres zoned

*Not relevant -
before
Walton
8/7/91
1991
on existing
property*

on his business. Mr. Resnick testified that many of the patrons who attend functions at his facility cannot find adequate parking on the parking lot. He testified that prospective customers visit his facility on weekends to observe how his company might handle their own similar functions. He indicated that flea market operations have interfered with future business in that when people come to view a particular function, they become turned off by the overall operation of the flea market and the way it interferes with his catering facility. He stated that many of the patrons of the flea market cause their vehicles to block fire exits from his building and other buildings in the shopping center. He further stated that he had to hire his own security people to rope off parking for his customers thereby incurring additional expenses as a result of the operation of the flea market.

Michael Rogers, manager of the shopping center, was called to testify by Mr. DiNenna. Mr. Rogers testified that he visits the subject shopping center every two weeks and has observed the flea market in operation. He testified that the flea market has had a tremendous impact on parking and has caused increased vandalism to the shopping center and caused additional cleaning costs. Mr. Rogers testified that the flea market sets up and operates from an area that is designated for parking thereby causing parking problems elsewhere on the shopping center lot. He further testified that he has received many complaints from the Fire Department and from neighbors in the surrounding community.

The last witness to appear in opposition to the relief requested was Sue Potyraj, a resident of the adjoining community. Ms. Potyraj testified as to the adverse effects the subject flea market is having on the surrounding community. She testified that since 1990, the flea market has

Manual does. On Page 4-1.3 of the Zoning Commissioner's Policy Manual, the following definition is provided under "-Flea Markets & Sidewalk Sales":

"-Flea Markets & Sidewalk Sales:

(1) Sales by homeowners/residents on private property (see garage and yard sales).

2) Flea markets, craft, artist or baked goods sales as part of a temporary carnival or fair, or as a separate function, may be permitted (see Carnivals aforementioned) provided that it is a charitable function and that there are no fees being charged for the exhibition of merchandise.

(3) Commercial flea markets in residential zones including sales for non-charitable purposes, sales where there is a fee charged to exhibit, and sales at locations other than those listed (see Carnivals aforementioned) are not permitted, unless:

a) in the judgement of the Zoning Commissioner, the use could be permitted as an adjunct to a principal use permitted by right or by special exception,

(b) and that in either case, that a special hearing or special exception be petitioned for and successfully obtained prior to any zoning approvals. (see the following case: 74-36-X).

(4) Charitable flea markets, with no exhibition fee, at locations not listed (see Carnivals aforementioned) may be approved with restrictions as part of a notarized letter of intent or a special hearing before the Zoning Commissioner."

The only section of the policy manual that deals with a commercial flea market, which is the type of operation the Petitioner has, is subparagraph 3 set forth above. However, this section deals with commercial flea markets in residential zones, whereas, the Petitioner's property is zoned B.M. Therefore, this section of the policy manual is not applicable to flea markets in commercial zones.

It is clear that the B.C.Z.R. and Zoning Commissioner's Policy Manual do not permit a flea market in a B.M. zone in that a flea market is not specifically listed or in any way associated with a B.M. zone. The

flea market immediately. While I find as a fact that the Petitioner's current operation of an outdoor flea market on the parking lot is not a permitted use in the B.M. zone, I cannot find any authority in the B.C.Z.R. which would permit me to order the immediate cessation of said outdoor flea market operation. The Petitioner merely petitioned for a Special Hearing to determine whether or not the Deputy Zoning Commissioner should approve the operation of an outdoor commercial flea market in a commercial zone and amended that request for a determination as to whether the use would be permitted indoors. I can find no authority that would allow me to exceed that which was specifically requested in the Petition.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of August, 1991 that the Petition for Special Hearing to approve the operation of an outdoor commercial flea market in a commercial zone on Saturdays and Sundays from 6:00 AM to 4:00 PM and as an accessory use to an existing adjacent indoor retail business, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioner's operation of an outdoor commercial flea market is not a permitted use in a B.M. zone, so long as that use is conducted outside and not within a fully enclosed building. The Petitioner is permitted to allow these retail sales within its leased building, but there shall be no outside sales taking place whatsoever, not even as an accessory or incidental use to the indoor sales.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Case No.: 2010-0302-SPHA 2399 North Point Blvd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	SIGN PACKAGE FACADE & PYLON ELEVATIONS	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		

**TROUTMAN
SANDERS**

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Bowman Consulting Group, Ltd.
14020 Thunderbolt Place, Suite 300
Chantilly, Virginia 20151
Phone: 703.464.1000
Fax: 703.481.9720
www.bowmanconsulting.com

No. 11		
No. 12		

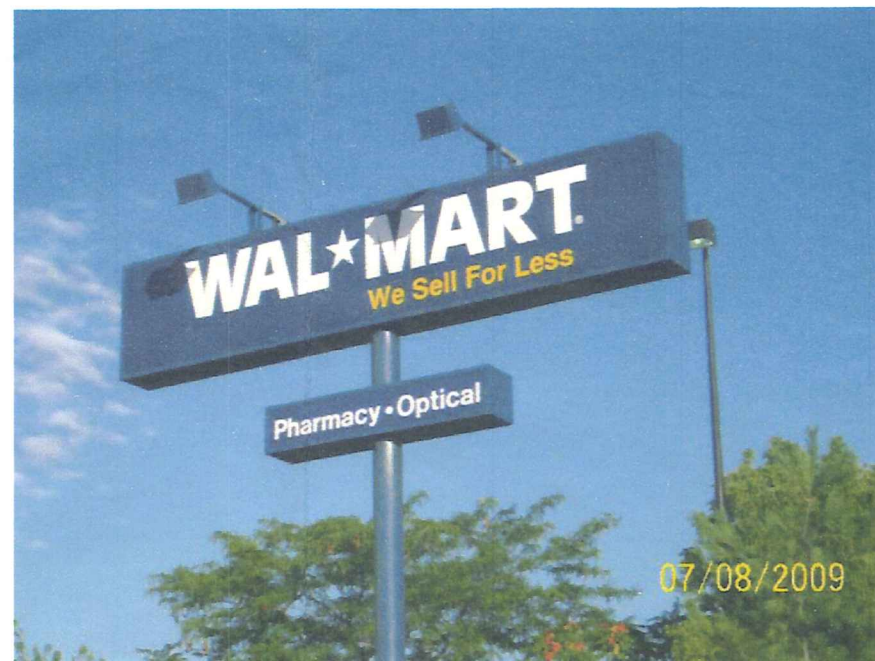


Dundalk, MD - Store #2435



Issued: March 15, 2010

Poss. Date: March 1, 2010



Existing:
4' x 20' (80 sf) cabinet at approximately
30'-0" AFG.

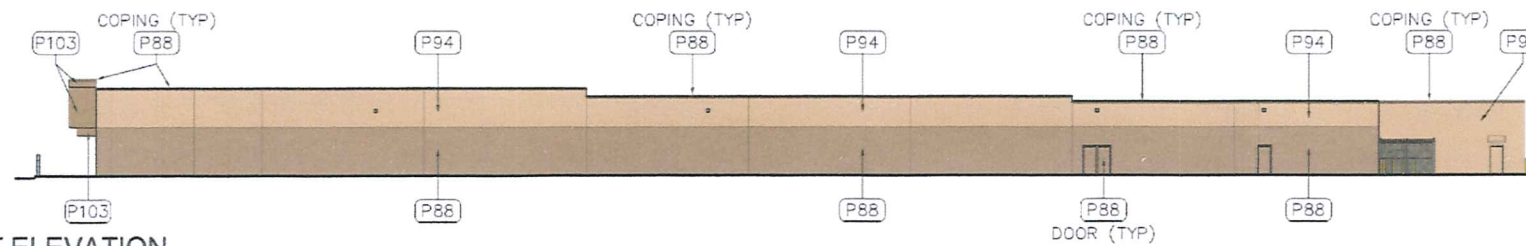


Proposed:
Re-face existing frame, remove pill box,
repaint structure, cabinet, light brackets
and trim duranodic bronze with existing
light kits to remain.

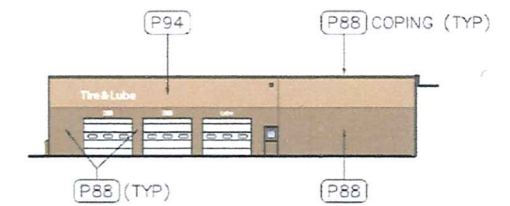


ENLARGED VESTIBULE ELEVATION

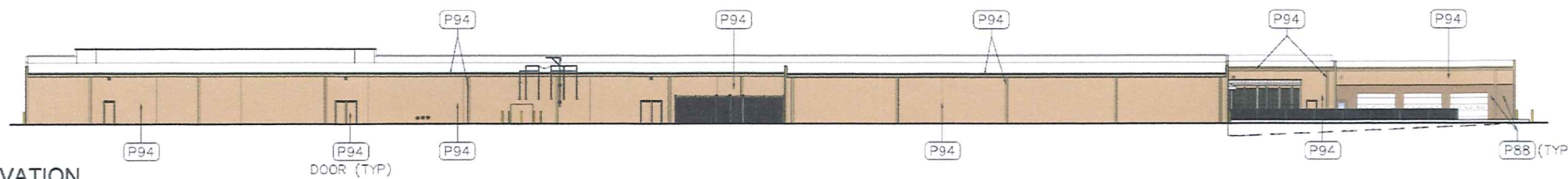
- P88 SW2823 ROOKWOOD CLAY
- P94 SW7694 EXTERIOR DROMEDARY CAMEL
- P103 SW6095 TOASTY



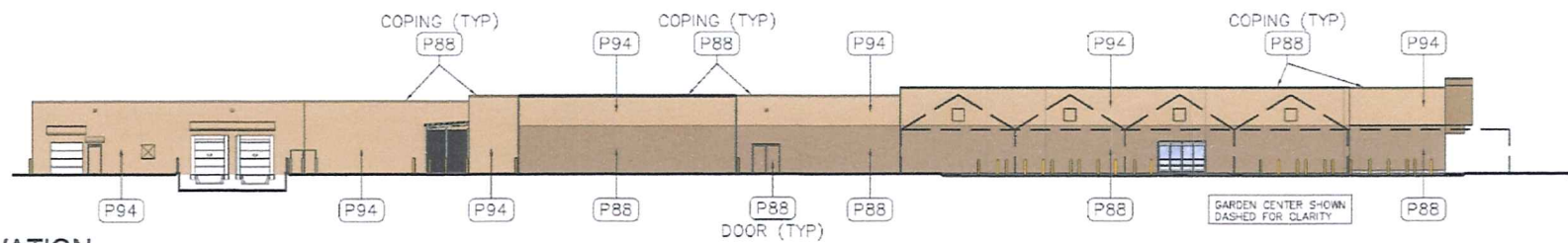
RIGHT ELEVATION



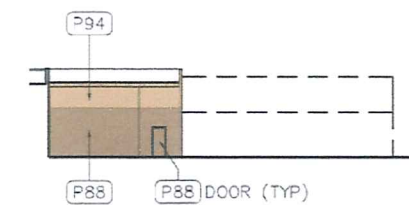
FRONT TIRE ELEVATION



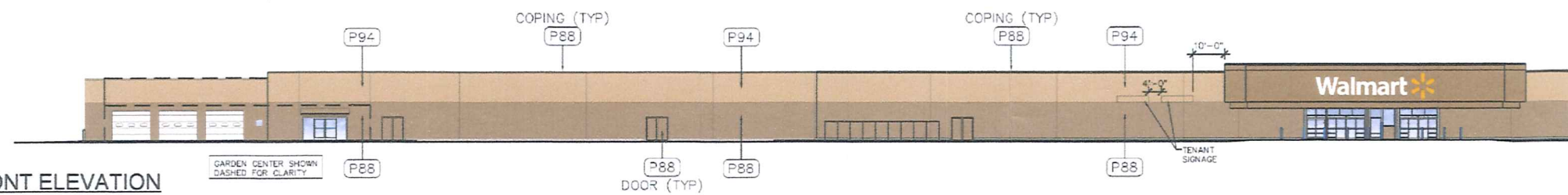
REAR ELEVATION



LEFT ELEVATION



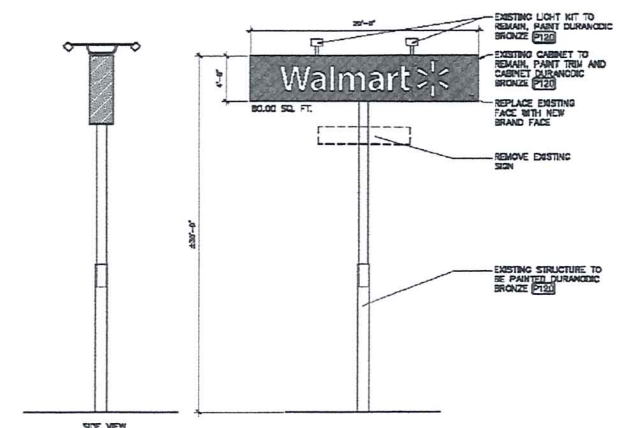
REAR GARDEN CENTER ELEVATION



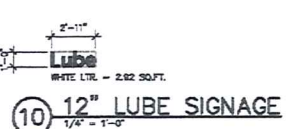
FRONT ELEVATION



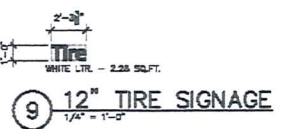
COLOR LEGEND		EXISTING SIGNAGE SCHEDULE					NEW SIGNAGE SCHEDULE								
(P8) 2003 "Dawnwood Gray" (P9) 2004 (EXT) "Laserline Densbury Canal" (P10) 2005 "Tussock" (P11) DURABOND BRONZE REF SPECIFICATIONS		SIGNAGE LOCATION	QTY	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA	SIGNAGE LOCATION	QTY	LIGHTED	COLOR	SIZE	INDIVIDUAL AREA	TOTAL AREA	
		FRONT SIGNAGE							FRONT SIGNAGE						
		WALMART	1	WHITE	4'-0"	123.67 SF	123.67 SF		WALMART	1	LED	WHITE	4'-0"	123.67 SF	123.67 SF
		We Sell For Less	1	WHITE	1'-4"	24.67 SF	24.67 SF		We Sell For Less	1	LED	YELLOW	8'-0"	57.00 SF	57.00 SF
		Sanitation Quarantine	1	WHITE	1'-4"	24.67 SF	24.67 SF		Sanitation Quarantine	1	---	---	---	---	---
Pharmacy	1	BLUE	1'-4"	14.58 SF	14.58 SF		Pharmacy	1	---	---	---	---	---		
1-10. Photo	1	BLUE	1'-4"	14.58 SF	14.58 SF		1-10. Photo	1	---	---	---	---	---		
Optical	1	BLUE	1'-4"	14.58 SF	14.58 SF		Optical	1	---	---	---	---	---		
Tire & Lube	1	BLUE	2'-0"	30.33 SF	30.33 SF		Tire & Lube	1	---	---	---	---	---		
Express	1	BLUE	2'-0"	30.33 SF	30.33 SF		Express	1	---	---	---	---	---		
TOTAL FRONT SIGNAGE						295.28 SF	TOTAL FRONT SIGNAGE						215.38 SF		
AUTO CENTER SIGNAGE							AUTO CENTER SIGNAGE								
WALMART	1	BLUE	1'-4"	11.54 SF	11.54 SF		WALMART	1	N/A	WHITE	1'-4"	27.10 SF	27.10 SF		
TIRE & LUBE	1	BLUE	1'-4"	11.54 SF	11.54 SF		TIRE & LUBE	2	N/A	WHITE	1'-4"	27.10 SF	54.20 SF		
EXPRESS	1	BLUE	2'-0"	30.33 SF	30.33 SF		EXPRESS	1	N/A	WHITE	1'-4"	27.10 SF	27.10 SF		
Tire	4	WHITE	6"	1.01 SF	4.04 SF		Tire	4	N/A	WHITE	1'-4"	27.10 SF	108.40 SF		
Lube Express	2	WHITE	6"	1.01 SF	2.02 SF		Lube Express	2	N/A	WHITE	1'-4"	27.10 SF	54.20 SF		
TOTAL AUTO CENTER SIGNAGE						66.37 SF	TOTAL AUTO CENTER SIGNAGE						244.56 SF		
TOTAL BUILDING SIGNAGE						372.22 SF	TOTAL BUILDING SIGNAGE						332.58 SF		



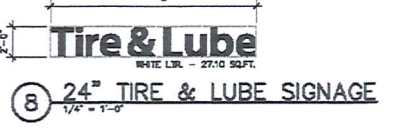
11 WAL-MART PYLON
3/16" = 1'-0"



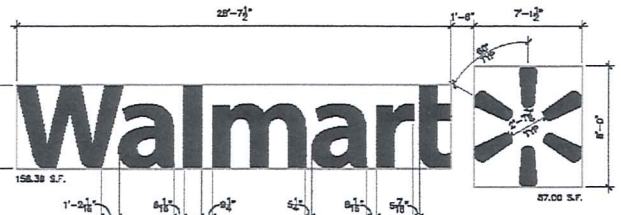
10 12" LUBE SIGNAGE
1/4" = 1'-0"



9 12" TIRE SIGNAGE
1/4" = 1'-0"

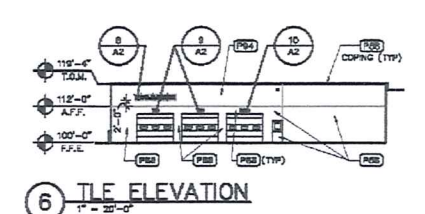


8 24" TIRE & LUBE SIGNAGE
1/4" = 1'-0"

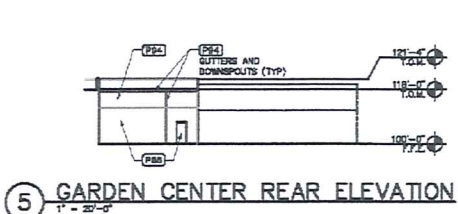


7A 5'-6" WALMART SIGN
1/4" = 1'-0"

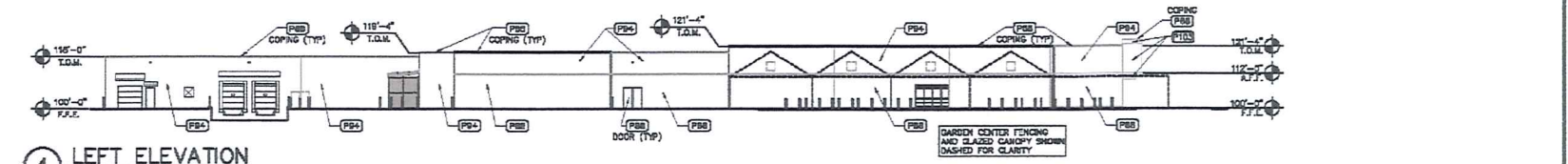
7B 8'-0" LOGO
1/4" = 1'-0"



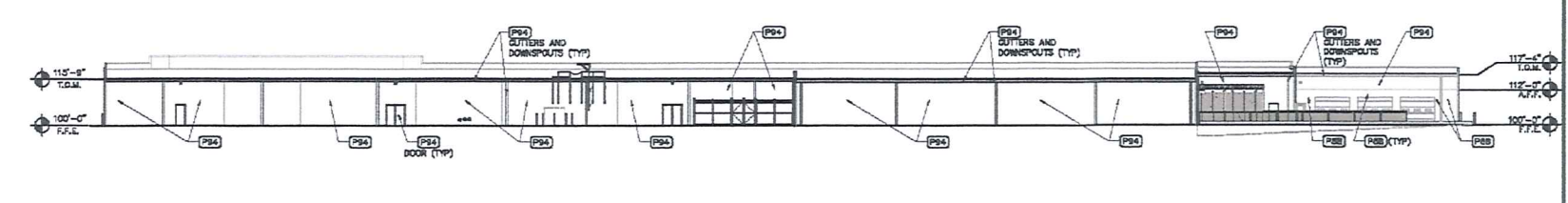
6 TLE ELEVATION
1" = 20'-0"



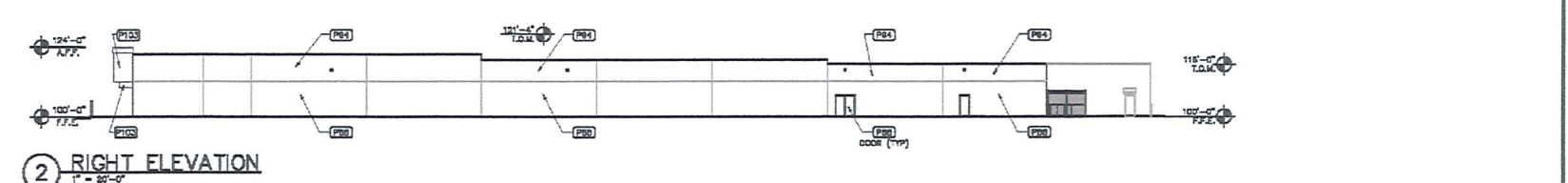
5 GARDEN CENTER REAR ELEVATION
1" = 20'-0"



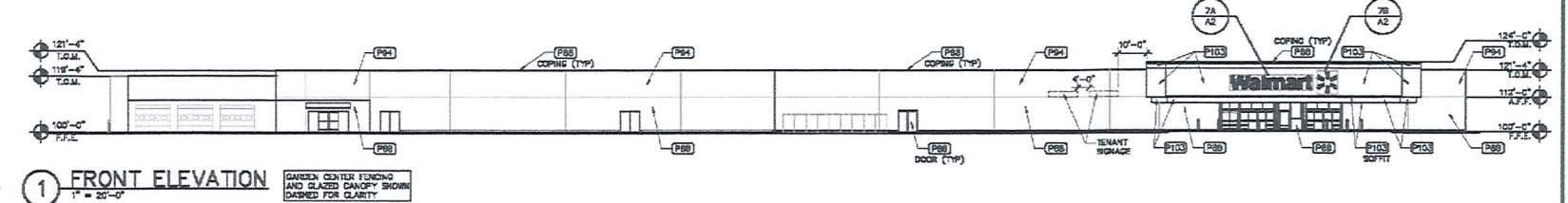
4 LEFT ELEVATION
1" = 20'-0"



3 RIGHT ELEVATION
1" = 20'-0"



2 RIGHT ELEVATION
1" = 20'-0"



1 FRONT ELEVATION
1" = 20'-0"



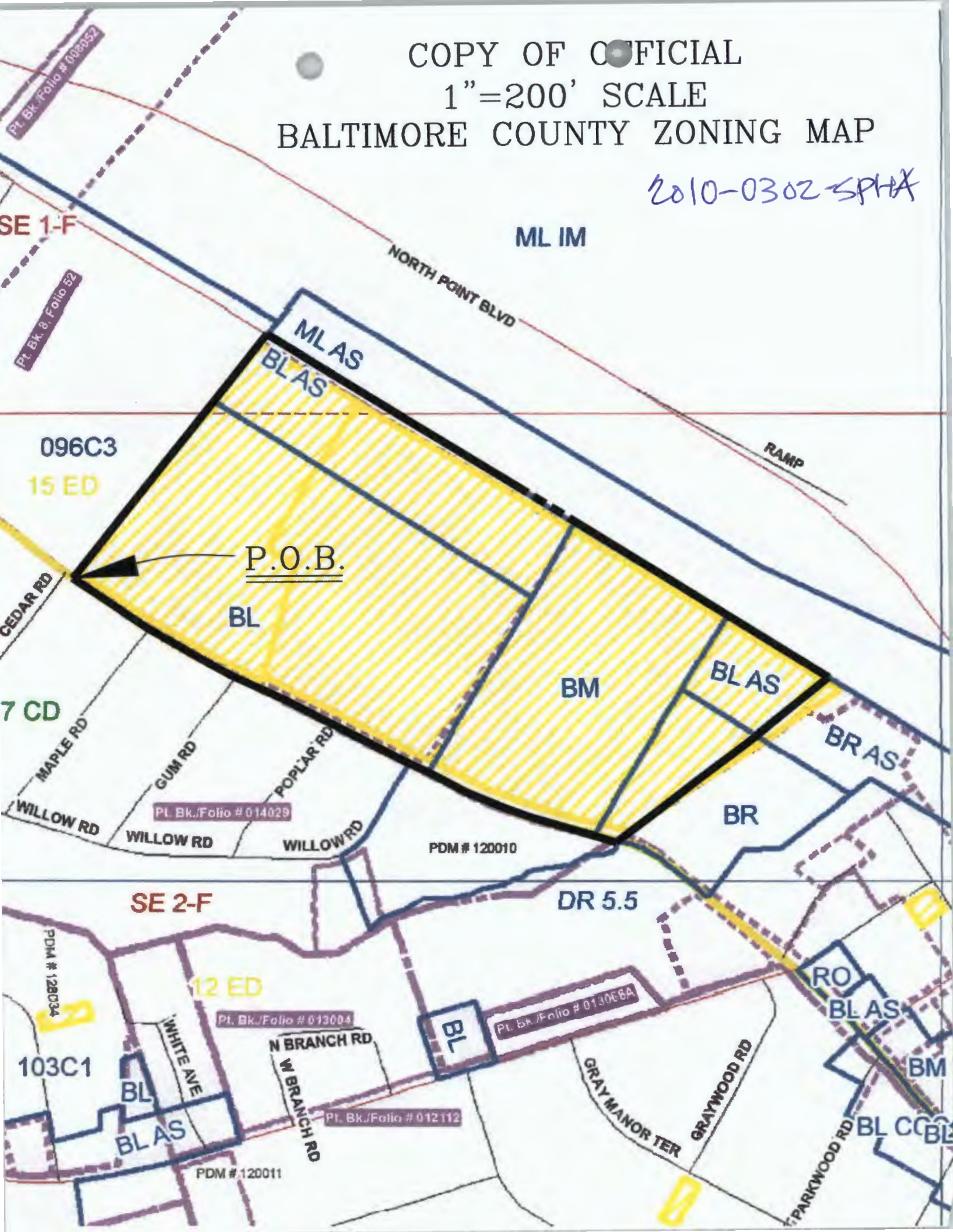
March 15, 2010

Dundalk, MD #2435

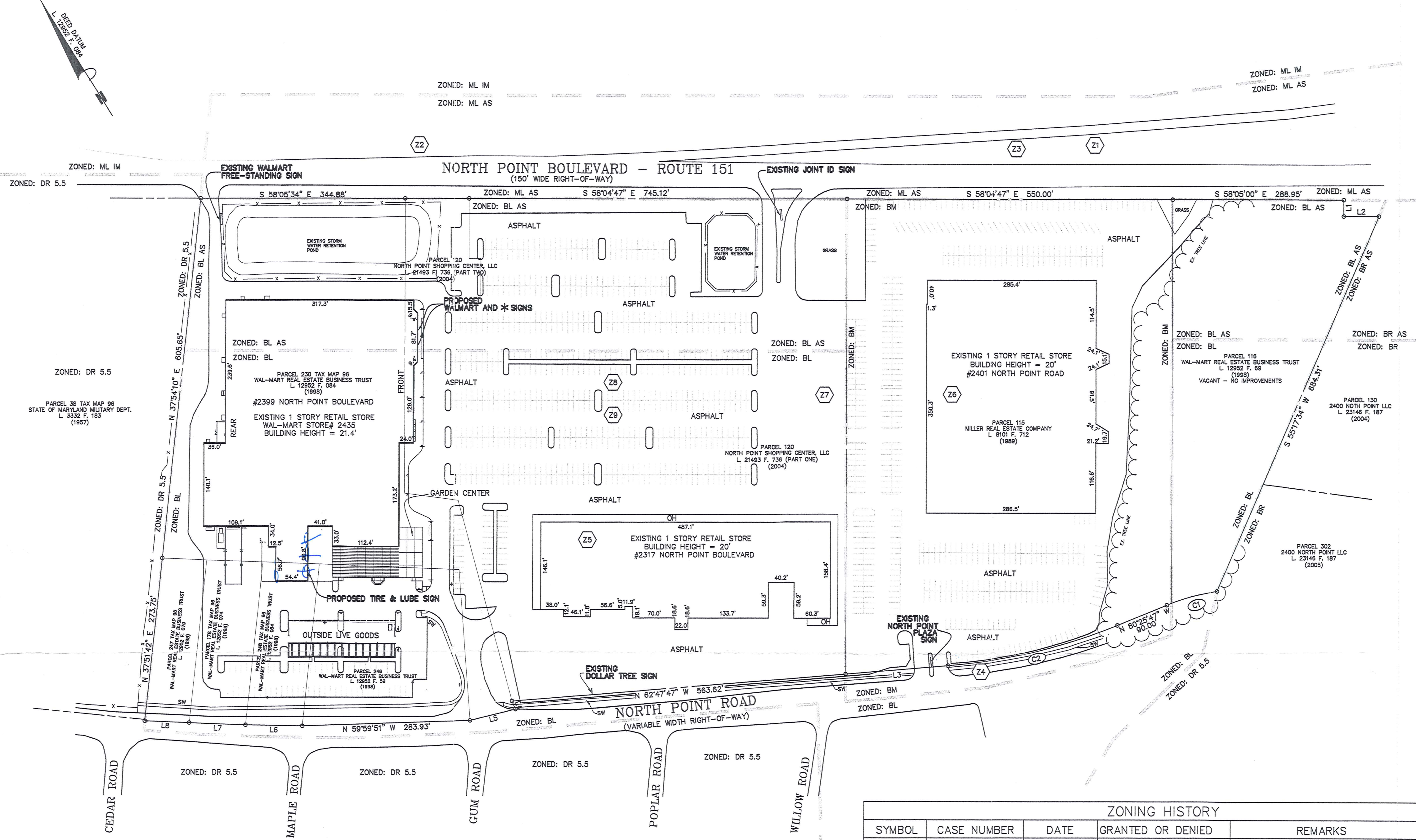
Elevations & Sign Details

COPY OF OFFICIAL
1"=200' SCALE
BALTIMORE COUNTY ZONING MAP

2010-0302 SPH



VHS-0302-5PHA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 31°55'01" W	27.00'
L2	S 58°04'59" E	59.33'
L3	N 62°47'47" W	173.24'
L4	S 08°22'31" W	14.64'
L5	N 72°05'55" W	78.93'
L6	N 56°50'48" W	95.64'
L7	N 55°58'10" W	94.85'
L8	N 55°41'00" W	74.91'

CURVE TABLE

C1	339.00'	87.72'	N 72°58'03" W	87.48'	14°41'41"	44.10'
C2	961.00'	295.76'	N 71°36'47" W	294.59'	17°38'00"	149.08'

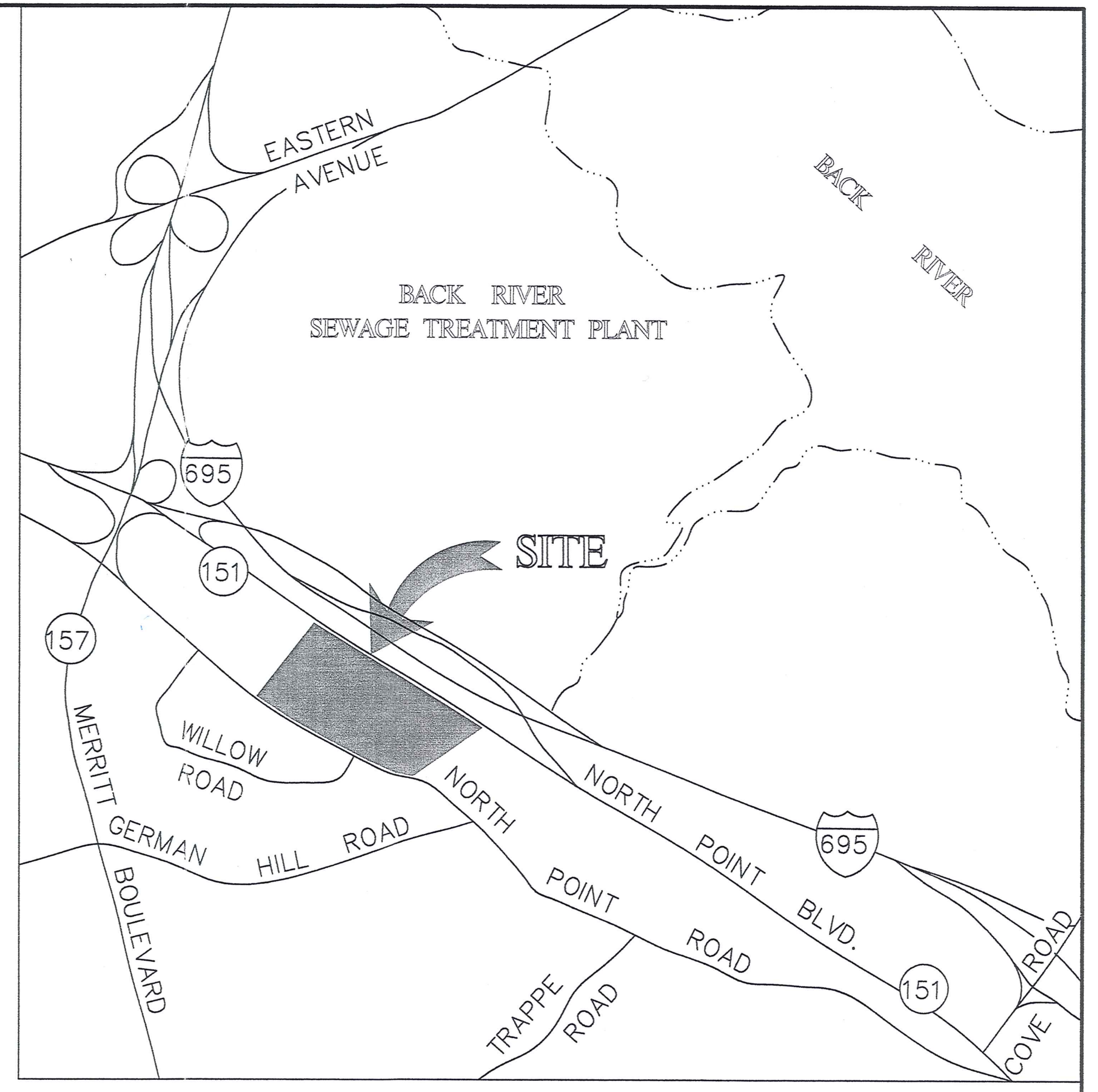
UPDATED PARKING SUMMARY (2ND AMENDMENT)

	BUILDING AREA	EXISTING PARKING	PROPOSED PARKING	RATIO
EXISTING BUILDING #1	112,912 S.F.	616 SPACES	565 SPACES	5.00/1,000
EXISTING BUILDING #2	73,372 S.F.	401 SPACES	367 SPACES	5.00/1,000
WAL-MART BUILDING (INC. EXIST GARDEN CENTER)	140,005 S.F.	711 SPACES	702 SPACES	5.00/1,000
GARDEN CENTER ADDITION (INCL. FENCED AREA)	10,620 S.F.	N/A	54 SPACES	5.01/1,000
TOTAL	336,909 S.F.	1728 SPACES REQUIRED	1688 SPACES	5.01/1,000

HANDICAP SPACES TOTAL REQUIRED: 34 TOTAL PROPOSED: 39
F.A.R. (FLOOR AREA RATIO)=(EXISTING ADJUSTABLE FLOOR AREA + GARDEN CENTER ADDITION ADJUSTABLE FLOOR AREA)/(OVERALL SHOPPING CENTER AREA
=(130,981 S.F. + 11,104)/(964,508 S.F.)=0.15<3.0 MAX THEREFORE OK
* ADJUSTABLE FLOOR AREA (FOR CALCULATING F.A.R.) EXCLUDES FENCED GARDEN CENTER

ZONING HISTORY

SYMBOL	CASE NUMBER	DATE	GRANTED OR DENIED	REMARKS
Z1	**21-05T	Oct. 16, 1951	Granted use of advertising signs for 2 years.	Signs may not exceed 6' X 10' & setback 25' from r/w of N. Point Blvd.
Z2	58-80	June 26, 1963	Granted use of 2 illuminated sign structures	Do not place signs in right of way
Z3	60-4981	June 17, 1960	Granted erection & maintenance of one 12' X 16' ad sign on North side of N. Point Blvd.	Denied erection & maintenance of one 12' X 16' ad sign on South side of N. Point Blvd.
Z4	65-59A	Aug. 24, 1964	Granted use of 2 entrance signs instead of one, 169 sq. ft. instead of 150 sq. ft. & 34' height instead of 25' height	Do not place signs in right of way
Z5	66-116-SPH	Nov. 10, 1965	Granted use of 5,000 sq. ft. within shopping center for family recreation, operating a miniature electric car race track.	
Z6	86-516-XSPH	June 16, 1980	Granted use for an arcade	
Z7	91-461-SPH	Aug. 22, 1991	Denied operation of an outdoor commercial flea market	
Z8	1997-0354		Approval of Dev. Plan 230:13 Permit Service Garage with Walmart Store	DRC #062402V
Z9	2002-01E4	Jan. 14, 2002	Granted temporary use of 26 storage containers	Subsequent withdrawal of Petition by Petitioner Feb. 5, 2003



VICINITY MAP
SCALE: 1"=1000'

PREVIOUS COMMERCIAL PERMITS

C-494941	CONSTRUCT ADDTN. TO EXIST. BLDG	SEPT. 2002
C-563740	CONSTRUCT GLAZE CANOPY	OCT. 2004
C-581554	INTERIOR ALTERATIONS	FEB. 2005
C-590972	SUBWAY RESTAURANT	MAY 2005
C-599837	GARDEN CENTER KIOSK	JULY 2005
C-636501	ALDI'S GROCERY	AUG. 2006
C-636532	MODIFY CANOPIES	AUG. 2006
C-637807	NEW GROCERY STORE	JULY 2006

** Does not affect the subject site. Erroneously plotted on Zoning Map and referenced in previous applications. Shown hereon for reference only.

OWNERS INFORMATION:
WALMART REAL ESTATE BUSINESS TRUST
2001 S.E. 10th STREET
BENTONVILLE, AR. 72712
NORTH POINT SHOPPING CENTER, L.L.C.
9690 DEERCO ROAD, SUITE 820
TIMONIUM, MD. 21093-6930

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE HEARING
ASSOCIATED WITH SIGNAGE FOR WAL-MART DUNDALK STORE
WAL-MART REAL ESTATE BUSINESS TRUST & NORTH POINT SHOPPING CENTER
15TH ELECTION DISTRICT
COUNTY COUNCIL DISTRICT 7
DUNDALK COUNTY, MARYLAND

SCALE: 1" = 100' DATE: MARCH 3, 2010

REVISION	DATE	BY	CHK

Bowman CONSULTING
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DWG: P-4348 - Wal-Mart Dundalk, MD (4348-01-001) (SUR) Survey/Plots (4348-Walmart Dundalk VP.dwg) BY: CP CHK: BCG PROJECT NO: 4348-01-001 TASK: PETITIONER'S EXHIBIT NO. 1 SHEET 1 OF 1



4348-Walmart