

**IN RE: PETITIONS FOR SPECIAL HEARING,
SPECIAL EXCEPTION & VARIANCE**
SW side of White Marsh Blvd.; 133.77 feet
W of Crossroad Circle
13th Election District
6th Councilmanic District
(11905 Market Way)

BC Area 3 Lot 1 LLC
Legal Owner

Two Farms, Inc.
Developer

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
*
* **Case No. 2010-0333-SPHXA**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Exception, Special Hearing, and Variance, filed by the legal owner of the subject property, BC Area 3 Lot 1 LLC, and the Developer of the property, Two Farms, Inc., as well as the proposed lessee, Royal Farm Stores.

Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for an amendment to the Order and site plan approved in Case No. 2009-0092-X.

The Special Exception is requested pursuant to Section 405.4.E.2 of the B.C.Z.R. to use the property for a roll-over car wash in combination with a fuel service station.

Petitioners additionally seek Variance relief as follows:

- From Sections 255.1 and 238.2 of the B.C.Z.R. to allow a minimum side yard of 6 feet for the proposed roll-over car wash building in lieu of the required 30 feet; and

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Date 8.31.10

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- From Section 450.4.5(f) of the B.C.Z.R. to allow free standing order board enterprise signs (Sign H on the site plan) with a sign height of 8 feet each in lieu of the permitted 6 feet; and
- From Section 450.4.5(a) of the B.C.Z.R. to allow a total of 7 wall mounted enterprise signs (Signs B and D on the site plan) in lieu of the 3 permitted wall mounted signs, and to allow a maximum of 3 wall mounted enterprise signs on a single façade in lieu of the 2 permitted wall mounted signs; and
- From Section 450.4.3 of the B.C.Z.R. to allow free standing directional signs (Sign C on the site plan) with a sign face area of 9 square feet each in lieu of the permitted 8 square feet.

The subject property, schematic landscape plan, interior floor plan, elevation drawings, and the requested relief are depicted on the site plan drawings that were collectively marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested Special Hearing, Special Exception, and Variance petitions was Jeff Bainbridge with Royal Farm Stores on behalf of the proposed lessee, and David Karceski, Esquire with Venable, LLP, attorney for Petitioner. Also appearing in support of the requested relief was John Scheffey, President and CEO of Core States Group, the engineering, land use and development firm that drafted the site plan drawings for the subject property. In addition, Melissa Sadowski with the Baltimore County Department of Economic Development appeared in support of Petitioner's requested zoning relief. There were no Protestants or other interested citizens in attendance at the hearing.

The testimony and evidence was presented by way of a proffer from Petitioner's attorney, Mr. Karceski, and revealed that the subject property is square-shaped and contains a total area of

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By [Signature]

approximately 14.215 acres of land, more or less, zoned M.L.-I.M. (Manufacturing, Light with an Industrial, Major Overlay District) and MD 43 (Route 43 Overlay District). The area of the special exception consists of just over 2 acres with said property located on the southwest side of White Marsh Boulevard/MD Route 43 extended at its intersection with a private road known as Market Way, with ingress/egress from same, in the White Marsh/Middle River area of Baltimore County. The property is currently unimproved, however, two prior zoning cases make the property ripe for development. In Case No. 06-335-X, the then-Petitioner, Wawa, Inc., was granted a special exception for a fuel-service station in combination with a convenience store and carry-out restaurant ancillary to the fuel-service station. Thereafter, in Case No. 2009-0092-X, because the prior special exception relief had expired, Petitioner Wawa Inc. renewed the same request for special exception relief as granted in the prior case and desired a period of five years within which to exercise such rights. This relief was granted. The order for Case No. 2009-0092-X is contained within the case file. Since the relief granted in December 2008, the economic climate has once again caused a change in circumstances for the subject property. Wawa, Inc. is no longer the prospective tenant for the property; instead, Royal Farms is the planned tenant for the property.

The current legal owner, BC Area 3 Lot 1, LLC, and the Developer, Two Farms, Inc., as well as Petitioner Royal Farms Stores, request approval of the special exception to use the property for a roll-over car wash in combination with a fuel service station, to exist in conjunction with the relief previously granted in Case No. 2009-0092-X. Moreover, Petitioner requests Special Hearing relief to allow an amendment to the site plan approved in the aforementioned prior case, thereby updating the current site plan for the subject property.

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By PZ

Furthermore, Petitioner requests several variances related to signage for the property and pertaining to a side yard setback for the proposed roll-over car wash.

In support of the requested relief, Mr. Karceski proffered testimony pertaining to the proposed improvements for the subject property. The evidence revealed that the property is to be improved with a one-story Royal Farms Store approximately 5,786 square feet in size with approximately 4,638 square feet utilized for the convenience store, 465 square feet for the carry-out, and 683 square feet for service station uses, and a separate building consisting of 1,407 square feet for the car wash, as indicated on the site plan drawings. According to the regulations, such uses and dimensions require 64 parking spaces to be provided. The site plan indicates that 66 parking spaces are provided on site. Mr. Karceski indicated that while the concept of the current site plan does not differ from that approved in Case No. 2009-0092-X, there are differences in the plans that necessitate Special Hearing approval for an amendment to the previously approved site plan. As noted by Mr. Karceski, the previously approved site plan had only one fuel canopy with 8 pumps located on the eastern side of the property. The previously approved site plan was marked and accepted into evidence as Petitioner's Exhibit 5. The current site plan has two separate fuel canopies, each with four pumps, one to the north of the planned principal store building and the other to the east of the property -- resulting in the same number of fuel pumps, albeit in a different configuration. Moreover, the requested roll-over car wash will be located on the southwest portion of the site.¹ Ingress/egress for the site remains at two locations off Market Way. A multi-colored landscape plan and architectural rendering/elevation

¹ According to Section 101 of the B.C.Z.R., a "Roll-Over Car Wash" is "[a] car wash where exterior-only cleaning, washing or waxing services are provided on a roll-over basis with the vehicle in a stationary position during the servicing." [Bill No. 172-1993].

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By PS

drawings for the primary Royal Farms building on the subject property were marked and accepted into evidence as Petitioner's Exhibits 3 and 4, respectively.

In support of the special exception relief, Mr. Karceski proffered additional testimony from John Scheffey, a licensed professional engineer and the CEO and President of Core States Group. Mr. Scheffey was found to be an expert in fuel-service station layouts and configurations, and in interpretation of the B.C.Z.R. His resume was marked and accepted into evidence as Petitioner's Exhibit 6. Mr. Karceski explained that if called to testify, Mr. Scheffey would state that in his expert opinion, the property's proposed use for a roll-over car wash in combination with a fuel service station satisfies all of the special exception criteria set forth in Section 502.1 of the B.C.Z.R. In particular, Mr. Scheffey would testify that the proposed use would not be detrimental to the health, safety or general welfare of the locality, would not create congestion in the roads or streets, and would not create a potential hazard from fire, panic or other danger.

Moreover, the proposed used would be consistent with the property's manufacturing zoning classification and MD 43 District Overlay. In particular, the proposed use would be consistent with the continued development of the MD 43 commercial corridor. This District Overlay was established in 2000 after extensive studies, reports, and debates, determining the best use for each area of the commercial corridor. As similarly depicted on the "Second Refinement for the Baltimore Crossroads @ 95" Area 4 Limited Exemption Development Plan that was marked and accepted into evidence as Petitioner's Exhibit 7, the subject property, which is in Area 3, was zoned precisely for this type of use. Thus, such use is consistent with the spirit and intent of the B.C.Z.R., and would not be detrimental to any other applicable special exception criteria. Melissa Sadowski, with the Baltimore County Department of Economic

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By PJS

Development, stated that her department supports Petitioner's request for relief and added that the development of this site is a desired step in the MD 43 commercial corridor's overall plan for economic development.

As to the requested variances, Mr. Karceski explained that Petitioner desires variance relief from Sections 255.1 and 238.2 of B.C.Z.R. to allow a minimum side yard of 6 feet for the proposed roll-over car wash building in lieu of the required 30 feet; and from Section 450.4.5(f) of the B.C.Z.R. to allow free standing order board enterprise signs (Sign H on the site plan) with a sign height of 8 feet each in lieu of the permitted 6 feet; and from Section 450.4.5(a) of the B.C.Z.R. to allow a total of 7 wall mounted enterprise signs (Signs B and D on the site plan) in lieu of the 3 permitted wall mounted signs and to allow a maximum of 3 wall mounted enterprise signs on a single façade in lieu of the 2 permitted wall mounted signs; and from Section 450.4.3 of the B.C.Z.R. to allow free standing directional signs (Sign C on the site plan) with a sign face area of 9 square feet each in lieu of the permitted 8 square feet. Mr. Karceski noted that per the request of the Office of Planning, the oval signs designated as 'Signs D,' were no longer requested, thereby eliminating the necessity for relief for these signs. This change was reflected in a redlined amendment to the site plan and the request for this relief was withdrawn.

Mr. Karceski stated that if called to testify as an expert, Mr. Scheffey would testify as to the uniqueness of the site and the practical difficulty that strict adherence to the Zoning Regulations would create. Mr. Scheffey would testify that the property's location in the MD 43 commercial corridor District Overlay -- the only zoning classification of its kind, the large forest buffer, and the lack of ingress/egress off White Marsh Boulevard (MD Route 43) combine to render the property unique. The size, shape, and configuration of the signs as planned are necessary due to the lack of ingress/egress on the main thoroughfare and subsequent lack of

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By PJ

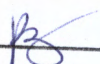
visibility from the roadway. Moreover, the proposed layout and signage provides the optimal plan for vehicular circulation throughout the site. Further, Mr. Scheffey would state that in his expert opinion, granting of the requested relief would not create any adverse consequences or detrimental impact on the surrounding property and that in actuality, the requested relief is consistent with the larger overall plan for the MD 43 District Overlay. Additionally, Mr. Karceski added that the location for the car wash and the proposed signs for the property were planned to promote safety and visibility.

The Zoning Advisory Committee (ZAC) comments were received and are contained within the case file. Comments received from the Office of Planning dated July 1, 2010, state that all architecture and site design shall comply with the original pattern book and approved architecture submitted for the Crossroads at 95 development and that the requested variance for wall mounted oval product display signs (Signs D) is not supported by the Office of Planning because such signs detract from the overall appearance and aesthetic of the building. Although the Office of Planning requests that this portion of the Petitioners' request be denied, the other requested relief is recommended for approval. No other adverse comments were received from Baltimore County agencies. As noted above, Petitioner withdrew the request for a variance for 'Signs D' and redlined the site plan to reflect this change. Further, Petitioner stated that compliance with the pattern book applicable at the time of construction would not be an issue nor would constructing a sidewalk along the property's frontage on White Marsh Boulevard through the corner of Market Way.

Turning first to Petitioner's special exception request to use the property for a roll-over car wash in combination with a fuel-service station, I am persuaded to grant this relief. Section 405.4.E.2 of the B.C.Z.R. permits by special exception a "Roll-over car wash. No Specific

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additional site area required, provided that the stacking, parking, and buffer requirements of Section 419 are met.” As noted on the Petitioner’s Exhibit 1, the stacking, parking, and buffer requirements for this site are met. Moreover, the expert testimony of Mr. Scheffey indicates that the proposed use would not have any detrimental impacts on the required 502.1 criteria. Further consideration of the evidence shows that this use would not have a negative impact on the surrounding area and actually is consistent with the M.L.-I.M. Zone and MD 43 District Overlay, and the overall planned commercial development in the area as indicated in Petitioner’s Exhibit 7. It is of added significance that the Office of Planning and Department of Economic Development recommend approval of the special exception. Hence, I am convinced that the use proposed at the subject location would not have any adverse effects above and beyond those inherently associated with such a special exception use, irrespective of its location within the zone. *See, Schultz v. Pritts*, 291 Md. 1 (1981); *see also People’s Counsel v. Loyola College*, 406 Md. 54 (2008).

As to the request for variance relief, based on the testimony and evidence, I am persuaded to grant this relief as well. The determination of a variance request from the Zoning Regulations is governed by Section 307.1 of the B.C.Z.R., as interpreted by the Court of Special Appeals of Maryland in *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result.

In this case, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, the location of the subject property in the MD 43 District Overlay and commercial corridor specifically zoned for this type of use, the lack of ingress/egress along MD 43, and the environmental constraints caused by the

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forest buffer, combine to render the property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a practical difficulty and unreasonable hardship that would result in a denial of a reasonable and beneficial use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). I also find the variance requests can be granted in strict harmony with the spirit and intent of the Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. The car wash is located as far to the rear of the site as possible in order to maximize the vehicular circulation and mitigate the visual impact it may have on the MD 43 thoroughfare, thereby necessitating slight variances in the sign and setback regulations. These variances alleviate the effect that the lack of ingress/egress on MD 43 has on the property. Moreover, the granting of relief is consistent with the overall commercial development plan for the extensive MD 43 extension.

As to the special hearing request, the testimony and evidence presented support approval of the requested relief. In order to update the development of the subject property with the most recent site plan, an amendment to the site plan approved in prior Case No. 2009-92-X is appropriate. Further, it should be noted that the undersigned also makes a finding that the restaurant proposed within the principal Royal Farms Store on the subject property conforms to the definition promulgated under Section 101 of the B.C.Z.R. for a "carry-out restaurant." Under that section, a "Restaurant, Carry-Out," is defined as:

an establishment whose principal business is the sale of ready-to-consume food and beverages to customers who order their food and beverages over the counter, by telephone or by fax machine and whose principal characteristic is that food and beverages are consumed off the premises.

While Petitioner acknowledges that there will be a small seating area with several tables and chairs within the principal structure for customer convenience, Royal Farms stores in general are principally carry-out restaurants where restaurant dining is rare. The testimony presented

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By PB

persuades me to find that this proposed Royal Farms location will offer ready-to-consume food and beverage service much like other Royal Farms stores.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and after considering the testimony and evidence offered, I find that Petitioner's requests for special hearing, special exception and variance should be granted.

THEREFORE, IT IS ORDERED this 31st day of August, 2010 by the Deputy Zoning Commissioner that Petitioner's request for Special Hearing relief pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") for an amendment to the Order and site plan approved in Case No. 2009-0092-X, be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioner's request for Special Exception pursuant to Section 405.4.E.2 of the B.C.Z.R. to use the property for a roll-over car wash in combination with a fuel service station, be and is hereby **GRANTED**; and

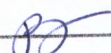
IT IS FURTHER ORDERED that Petitioner's requests for Variance relief as follows:

- From Sections 255.1 and 238.2 of the B.C.Z.R. to allow a minimum side yard of 6 feet for the proposed roll-over car wash building in lieu of the required thirty 30 feet; and
- From Section 450.4.5(f) of the B.C.Z.R. to allow free standing order board enterprise signs (Sign H on the site plan) with a sign height of 8 feet each in lieu of the permitted 6 feet; and
- From Section 450.4.3 of the B.C.Z.R. to allow free standing directional signs (Sign C on the site plan) with a sign face area of 9 square feet each in lieu of the permitted 8 square feet,

be and are hereby **GRANTED**.

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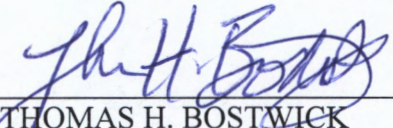
Date 8.31.10

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This Order is subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. Architecture, site design, and construction for the above-referenced project shall comply with the "Baltimore County Crossroads @ 95" Pattern Book.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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Date 8.31.10

By B T1



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 31, 2010

DAVID KARCESKI, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petitions for Special Hearing, Special Exception & Variance
Case No. 2010-0333-SPHXA
Property: 11905 Market Way

Dear Mr. Karceski:

Enclosed please find the decision rendered in the above-captioned case.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

Enclosure

c: John Scheffey, President and CEO, Core States Group, 501 Office Center Drive #400, Fort Washington PA 19034
Jeff Bainbridge, Royal Farm Stores, 3611 Roland Avenue, Baltimore MD 21211
Melissa Sadowski, Baltimore County Department of Economic Development



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 11905 Market Way
which is presently zoned ML-IM-MD43

(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)

An amendment to the order and site plan approved in Case No. 2009-92-X.

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 bound 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:

Two Farms, Inc.

Name - Type or Print
Signature By: John K. Kemp, President
3611 Roland Avenue 410-889-0200
Address Telephone No.
Baltimore MD 21211
City State Zip Code

Legal Owner(s):

See Attached

Name - Type or Print
Signature
Name - Type or Print
Signature

Attorney For Petitioner:

David H. Karceski

Name - Type or Print
Signature
Venable LLP
Company
210 W. Pennsylvania Ave., Suite 500 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

Address Telephone No.
City State Zip Code

Representative to be Contacted:

David H. Karceski

Name
210 W. Pennsylvania Ave., Suite 500 410-494-6200
Address Telephone No.
Towson MD 21204
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 2 HRS

Case No. 2010-0333-SPHVA

UNAVAILABLE FOR HEARING

REV 9/15/98
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Reviewed By JL Date 5-28-10

Date 8-31-10

By PJ

Attachment

**Petition for Special Hearing
11905 Market Way**

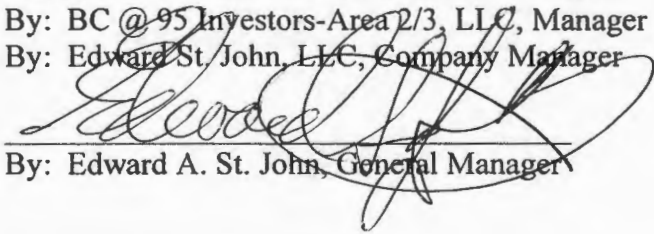
Legal Owner:

BC AREA 3 LOT 1 LLC

By: Middle River – MIE Area 2/3, LLC, Sole Member

By: BC @ 95 Investors-Area 2/3, LLC, Manager

By: Edward St. John, LLC, Company Manager


By: Edward A. St. John, General Manager



Petition for Special Exception

to the Zoning Commissioner of Baltimore County for the property

located at 11905 Market Way

which is presently zoned ML-IM-MD43

Deed Reference: 23257 / 84 Tax Account # 250000166

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

a roll-over car wash in combination with a fuel service station pursuant to Section 405.4.E.2 of the Baltimore County Zoning Regulations.

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

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

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

Contract Purchaser/Lessee:

Two Farms, Inc.

Name - Type or Print

Signature By: John K. Kemp, President
3611 Roland Avenue 410-889-0200

Address Telephone No.
Baltimore MD 21211
City State Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address Telephone No.
Towson MD 21204
City State Zip Code

Address Telephone No.

City State Zip Code

Representative to be Contacted:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address Telephone No.
Towson MD 21204
City State Zip Code

Case No.

2010/0333/SPHXA

REV 07/27/2007

ORDER RECEIVED FOR FILING

Date

8.31.10

By

JS

OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING

2 HRS

UNAVAILABLE FOR HEARING

Reviewed By

VL

Date

5/28/10

Attachment

**Petition for Special Exception
11905 Market Way**

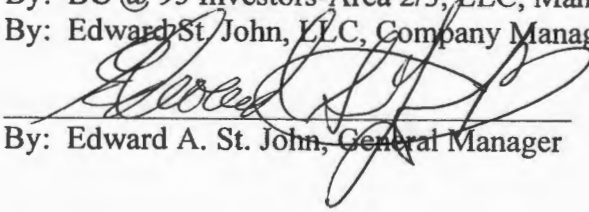
Legal Owner:

BC AREA 3 LOT 1 LLC

By: Middle River – MIE Area 2/3, LLC, Sole Member

By: BC @ 95 Investors-Area 2/3, LLC, Manager

By: Edward St. John, LLC, Company Manager



By: Edward A. St. John, General Manager



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 11905 Market Way

which is presently zoned ML-IM-MD43

Deed Reference: 23257 / 84 Tax Account # 2500000166

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:

Two Farms, Inc.

Name - Type or Print

John K. Kemp

Signature By: John Kemp, President

3611 Roland Avenue 410-889-0200

Address Telephone No.

Baltimore MD 21211

City State Zip Code

Attorney For Petitioner:

David H. Karceski

Name - Type or Print

David H. Karceski

Signature

Venable LLP

Company

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address Telephone No.

Towson MD 21204

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:

David H. Karceski

Name

210 W. Pennsylvania Ave., Suite 500 410-494-6200

Address Telephone No.

Towson MD 21204

City State Zip Code

Case No. 2010-0333-SPHXA

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

2 HRS

Reviewed by JL

Date 5/28/10

REV 8/20/07

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Date 8.31.10

By [Signature]

Attachment

**Petition for Variance
11905 Market Way**

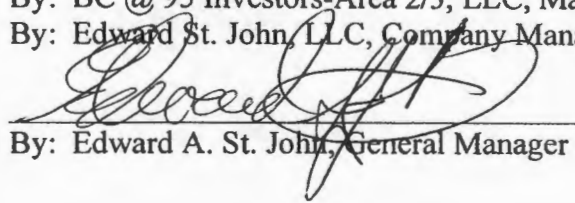
Legal Owner:

BC AREA 3 LOT 1 LLC

By: Middle River – MIE Area 2/3, LLC, Sole Member

By: BC @ 95 Investors-Area 2/3, LLC, Manager

By: Edward St. John, LLC, Company Manager



By: Edward A. St. John, General Manager

Attachment

Petition for Variance 11905 Market Way

1. Variance from Sections 255.1 and 238.2 of the Baltimore County Zoning Regulations (BCZR) to allow a minimum side yard of 6 feet for the proposed roll-over car wash building in lieu of the required 30 feet.
2. Variance from BCZR Section 450.4.5(f) to allow freestanding order board enterprise signs (Sign H) with a sign height of 8 feet each in lieu of the permitted 6 feet.
3. Variance from BCZR Section 450.4.5(a) to allow a total of 7 wall-mounted enterprise signs (Signs B and D) in lieu of the three permitted wall-mounted signs and to allow a maximum of 3 wall-mounted enterprise signs on a single facade in lieu of the two permitted wall-mounted signs.
4. Variance from BCZR Section 450.4.3 to allow freestanding directional signs (Sign C) with a sign face area of 9 square feet each in lieu of the permitted 8 square feet.

March 15, 2010

Description to Accompany A Petition for A Special Exception

Beginning at a point on the west side of Maryland Route 43, a variable width State Road, at the distance of $133.77' \pm$ westerly of the centerline of the nearest intersecting street of Crossroads Circle that is of variable width. Thence the following courses and distances:

- 1) South $01^{\circ}28'19''$ West 60.67' running with the Right of Way line of MD Route 43,
- 2) South $41^{\circ}15'43''$ East 8.31' along part of the 182.10' line along MD Route 43 and thence leaving said Right of Way for the following courses,
- 3) South $36^{\circ}07'37''$ West 253.83',
- 4) North $53^{\circ}52'24''$ West 296.96',
- 5) North $36^{\circ}07'37''$ East 312.63' to the west side of the MD Route 43 Right of Way thence binding on the said Right of Way by a curve to the right with a,
- 6) Radius of 1,226.57' for a length of 254.91' and with a chord of South $52^{\circ}16'41''$ East 254.45' to the place of beginning.

As recorded in Deed Liber 23257, Folio 084.

Being a part of Lot 1, Area 3 in the subdivision of Baltimore Crossroads @ 95, as recorded in Baltimore County Plat Book SM 78 Folio 50 containing 91,485 S.F. or 2.100 acres of land more or less.

Also known as 11905 Market Way and located in the 15th Election District.

THIS DESCRIPTION COMPILED FOR ZONING PURPOSES ONLY AND IS NOT
INTENDED TO BE USED FOR CONVEYANCES OR AGREEMENTS

THIS DESCRIPTION COMPILED FROM A PREVIOUS DESCRIPTION PREPARED
BY NICHOLAS BRADER AND DATED 09/24/08



0333

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/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0333-SPHXA
Petitioner: BC Area 3 Lot 1 LLC
Address or Location: 11905 Market Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: 210 W. Pennsylvania Ave.
Towson, MD 21204

Telephone Number: 410-494-6204

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

No. 59749

Date: 8/25/11

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
				Obj	Sub Obj					

Total: 200.00

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

+ - CERTIFICATE OF POSTING

2010-0333-SPHXA

RE: Case No.: _____

Petitioner/Developer: _____

Two Farms. Inc.

August 16 2010

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristin Matthews:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____
11905 Market Way

July 29 2010

The sign(s) were posted on _____

(Month, Day, Year)

Sincerely,

Robert Black

August 1 2010

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

ZONING NOTICE

CASE # 2010-0333-SPHXA

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

Room 104 JEFFERSON BUILDING

PLACE: 105 WEST CHESAPEAKE AVE TOWSON 21204

DATE AND TIME: Monday, August 16, 2010 at 9:00 AM.

REQUEST: SPECIAL HEARING FOR AN AMENDMENT TO THE ORDER
AND SITE PLAN APPROVED IN CASE 2009-0042-X.

SPECIAL EXCEPTION FOR A ROLL-OVER CAR WASH IN COMBINATION
WITH A FUEL SERVICE STATION. VARIANCE TO ALLOW A MINIMUM SIDE
YARD OF 6 FT FOR THE PROPOSED ROLL-OVER CAR WASH BUILDING IN LIEU
OF THE REQUIRED 30 FT TO ALLOW FREESTANDING ORDER BOMED ENTER-
PRISE SIGNS (SIGN H) WITH A SIGN HEIGHT OF 8 FT EACH IN LIEU
OF THE PERMITTED 6 FT TO ALLOW A TOTAL OF 7 WALL-MOUNTED ENTER-
PRISE SIGNS (SIGNS B AND D) IN LIEU OF THE 3 PERMITTED WALL-
MOUNTED SIGNS AND TO ALLOW A MOUNTAIN OF 3 WALL MOUNTED
ENTERPRISE SIGNS ON A SINGLE FACADE IN LIEU OF THE 2 PERMITTED
WALL MOUNTED SIGNS TO ALLOW FREESTANDING DIRECTIONAL SIGNS
(SIGN C) WITH A SIGN FACE AREA OF 9 SQUARE FEET EACH IN LIEU OF
THE PERMITTED 8 SQ FT.

POSTERS/PLAIDS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 677-3331

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

HANDICAPPED ACCESSIBLE

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: # 2010-0333-SPHXA

11905 Market Way

S/West side of White Marsh Blvd., 133.77 feet west of Crossroad Circle

13th Election District — 6th Councilmanic District

Legal Owner(s): BC Area 3 Lot 1, LLC

Contract Purchaser: Two Farms, Inc.

Special Hearing: for an amendment to the order and side plan approved in case 2009-0092-X. **Special Exception:** for a roll-over car wash in combination with a fuel service station. **Variance:** to allow a minimum side yard of 6 ft. for the proposed roll-over car wash building in lieu of the required 30 ft.; to allow freestanding order board enterprise signs (Sign H) with a sign height of 8 ft. each in lieu of the permitted 6 ft.; to allow a total of 7 wall mounted enterprise signs (Signs B and D) in lieu of the 3 permitted wall mounted signs and to allow a maximum of 3 wall mounted enterprise signs on a single facade in lieu of the 2 permitted wall mounted signs; to allow freestanding directional signs (Sign C) with a sign face area of 9 square feet each of lieu of the permitted 8 sq. ft.

Hearing: Monday, August 16, 2010 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

7/12/22 July 29

248902

CERTIFICATE OF PUBLICATION

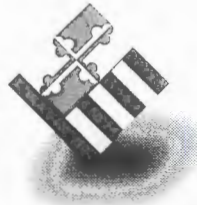
7/29/, 2010

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 7/29/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 15, 2010

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2010-0333-SPHXA

11905 Market Way

S/west side of White Marsh Blvd., 133.77 feet west of Crossroad Circle

13th Election District – 6th Councilmanic District

Legal Owners: BC Area 3 Lot 1, LLC

Contract Purchaser: Two Farms, Inc.

Special Hearing for an amendment to the order and side plan approved in case 2009-0092-X. Special Exception for a roll-over car wash in combination with a fuel service station. Variance to allow a minimum side yard of 6 ft. for the proposed roll-over car wash building in lieu of the required 30 ft.; to allow freestanding order board enterprise signs (Sign H) with a sign height of 8 ft. each in lieu of the permitted 6 ft.; to allow a total of 7 wall mounted enterprise signs (Signs B and D) in lieu of the 3 permitted wall mounted signs and to allow a maximum of 3 wall mounted enterprise signs on a single façade in lieu of the 2 permitted wall mounted signs; to allow freestanding directional signs (Sign C) with a sign face area of 9 square feet each in lieu of the permitted 8 sq. ft.

Hearing: Friday, July 23, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in blue ink.

Timothy Kotroco
Director

TK:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 8, 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, July 8, 2010 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6204

NOTICE OF ZONING HEARING

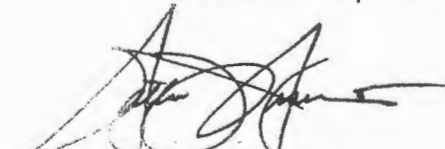
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CASE NUMBER: 2010-0333-SPHXA

11905 Market Way
S/west side of White Marsh Blvd., 133.77 feet west of Crossroad Circle
13th Election District – 6th Councilmanic District
Legal Owners: BC Area 3 Lot 1, LLC
Contract Purchaser: Two Farms, Inc.

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Hearing: Friday, July 23, 2010 at 9:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
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TO: PATUXENT PUBLISHING COMPANY
Thursday, July 29, 2010 Issue - Jeffersonian

Please forward billing to:

Kedrick Whitmore
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6204

NEW NOTICE OF ZONING HEARING

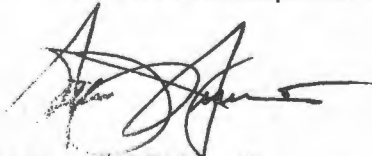
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CASE NUMBER: 2010-0333-SPHXA

11905 Market Way
S/west side of White Marsh Blvd., 133.77 feet west of Crossroad Circle
13th Election District – 6th Councilmanic District
Legal Owners: BC Area 3 Lot 1, LLC
Contract Purchaser: Two Farms, Inc.

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Hearing: Monday, July 29, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (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

June 29, 2010

NEW 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: 2010-0333-SPHXA

11905 Market Way

S/west side of White Marsh Blvd., 133.77 feet west of Crossroad Circle

13th Election District – 6th Councilmanic District

Legal Owners: BC Area 3 Lot 1, LLC

Contract Purchaser: Two Farms, Inc.

Special Hearing for an amendment to the order and side plan approved in case 2009-0092-X. Special Exception for a roll-over car wash in combination with a fuel service station. Variance to allow a minimum side yard of 6 ft. for the proposed roll-over car wash building in lieu of the required 30 ft.; to allow freestanding order board enterprise signs (Sign H) with a sign height of 8 ft. each in lieu of the permitted 6 ft.; to allow a total of 7 wall mounted enterprise signs (Signs B and D) in lieu of the 3 permitted wall mounted signs and to allow a maximum of 3 wall mounted enterprise signs on a single façade in lieu of the 2 permitted wall mounted signs; to allow freestanding directional signs (Sign C) with a sign face area of 9 square feet each in lieu of the permitted 8 sq. ft.

Hearing: Monday, August 16, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Two Farms, Inc., 3611 Roland Avenue, Baltimore 21211

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JULY 29, 2010.**
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- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 13, 2010

David Karceski
Venable, LLP
210 W. Pennsylvania, Ave. Ste. 500
Towson, MD 21204

Dear: David Karceski

RE: Case Number 2010-0333-SPHXA, 11905 Market Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 28, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Two farms, Inc.; 3611 Roland Ave.; Baltimore, MD 21211

BW 8/16 9am
TB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 1, 2010

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

RECEIVED

SUBJECT: 11905 Market Way

JUL 12 2010

INFORMATION:

Item Number: 10-333

ZONING COMMISSIONER

Petitioner: BC Area 3 Lot 1 LLC

Zoning: ML-IM-MD43

Requested Action: Special Hearing, Special Exception and Variance

SUMMARY OF RECOMMENDATIONS:

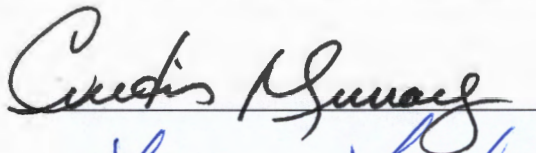
The Office of Planning has reviewed the petitioner's request,, accompanying site plan and visited the subject site. After review this office offers the following:

All architecture and site design shall comply with the original pattern book and approved architecture submitted for the Crossroads at 95 development.

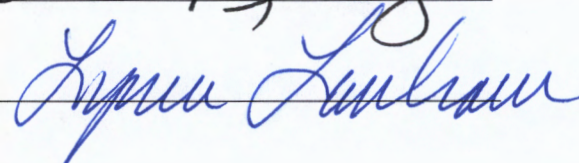
The Office of Planning does not support the requested variance for wall mounted oval product display signs (signs 'D'). The subject signage is not necessary and appears to detract from the overall appearance and aesthetic of the building. Thus, this office requests that this portion of the petitioner's request shall be denied. The Office of Planning supports the other requested relief.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 21, 2010
Item Nos. 2010- 324, 327, 330, 332,
333, 335, 336 and 337

DATE: June 10, 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-06212010 -NO COMMENTS.doc



State Highway
Administration

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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6-14-2010

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

RE: Baltimore County
Item No. 2010-0333-SPHXA
11905 MARKET WAY
TWO FARMS, INC.
SPECIAL HEARING
SPECIAL EXCEPTION
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0333-SPHXA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

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 8/16 9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 29 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: june 28, 2010
SUBJECT: Zoning Item # 10-333-SPHXA
Address 11905 Market Way
(BC Area 3 Lot 1, LLC Property)

Zoning Advisory Committee Meeting of June 7, 2010.

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

Reviewer: JWL Date: 6/28/2010

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
SPECIAL EXCEPTION & VARIANCE	*	ZONING COMMISSIONER
11905 Market Way; SW/S White Marsh	*	FOR
Boulevard, 133.77' W of Crossroad Circle	*	BALTIMORE COUNTY
13 th Election & 6 th Councilmanic Districts	*	10-333-SPHXA
Legal Owner(s): BC Area 3 Lot 1 LLC		
Contract Purchaser(s): Two Farms Inc		
Petitioner(s)		

* * * * *

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

JUN 09 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 9th day of June, 2009, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 West Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

VENABLE[®] LLP210 W. PENNSYLVANIA AVE. TOWSON, MD 21204
T 410.494.6200 F 410.821.0147 www.Venable.com*Kristin:
OK to postpone
TMK*

memorandum

TO	Kristen Matthews	DATE	June 16, 2010
FROM	Kedrick Whitmore	EMAIL	knwhitmore@venable.com
		PHONE	410-494-6204
RE	Scheduling - Case No. 2010-0333-SPHXA		

Kristen:

As discussed, the initial scheduling of the above-referenced case for July 23rd conflicts with vacation schedules for both David Karceski and our client. Please re-schedule the case for sometime in the week of August 16th.

If you have any questions, do not hesitate to contact me.

Ked Whitmore

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>6-10-10</u>	DEVELOPMENT PLANS REVIEW	<u>nc</u>
<u>6-28-10</u>	DEPRM (if not received, date e-mail sent _____)	<u>nc</u>
_____	FIRE DEPARTMENT	_____
<u>7-1-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>opposes</u> <u>sign D</u>
<u>6-14-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2009-92x</u> <u>enclosed</u>) <u>2 orders</u>	
NEWSPAPER ADVERTISEMENT	Date: <u>7-29-10</u>	
SIGN POSTING	Date: <u>7-29-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME 11905 Market Way
CASE NUMBER 2010-0333 SPAXA
DATE 8/16/10

PETITIONER'S SIGN-IN SHEET

[illegible]

previous order

IN RE: PETITION FOR SPECIAL	*	BEFORE THE
EXCEPTION		
W side of MD Route 43, 133.77 feet W of	*	DEPUTY ZONING
c/l of Crossroads Circle		
15 th Election District	*	COMMISSIONER
6 th Councilmanic District		
(11905 Market Way)	*	FOR BALTIMORE COUNTY
 Edward St. John, LLC, et al.	*	
<i>Legal Owner</i>		
	*	
 Wawa, Inc.		
<i>Lessee</i>	*	Case No. 2009-92-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Special Exception filed by Edward A. St. John, General Manager, on behalf of the legal owner of the subject property, Edward St. John, LLC, et al. Special Exception relief is requested pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant. The subject property and requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the requested special exception was Bruce Rice on behalf of Petitioner Wawa, Inc., the company that is leasing the subject property, and Arnold Jablon, Esquire and David Karceski, Esquire with Venable, LLP, attorneys for Petitioner. Also appearing in support of the requested relief was Nick Brader, P.E. with Matis Warfield, the civil engineer who prepared the site plan, and Rick Cobert with the

Baltimore County Department of Economic Development, who testified in favor of the requested relief. There were no Protestants or other interested persons in attendance at the hearing.

This case represents the second request for special exception on the subject property. In Case Number 06-355-X, the same Petitioner requested, and this office granted, a special exception to permit nearly the identical relief that is again requested in the case at hand. Throughout both cases, Wawa, Inc. has been proposing to construct a fuel service station in combination with a convenience store and carry-out restaurant at the subject location. While the requested relief was granted in the prior case, due to slowing economic conditions, development was not completed within two years as required by Section 502.3 of the B.C.Z.R, which states that a special exception which has not been utilized within a period of two years from the date of the final order granting such relief is void. Thus, Petitioner filed the instant petition for special exception requesting that this office once again permit the property to be developed as depicted on the current site plan, and as previously granted in Case Number 06-355-X. At the public hearing, Mr. Jablon also made an oral request that if the special exception is granted, that this office use the authority contained within Section 502.3 of the B.C.Z.R. to grant Petitioner a period of five years from the date of this final order to utilize the special exception.

The majority of the Petitioner's case came in the form of a proffer from Mr. Jablon. The testimony and evidence revealed that the subject property is square-shaped and contains approximately 14.215 acres of land, more or less, zoned ML-IM, MD 43 (Route 43 Overlay District). The property is located on MD Route 43 extended at its intersection with a new street known as Market Way in the White Marsh/Middle River area of Baltimore County. Petitioner requests approval of a special exception on 2.1 acres of the tract for a fuel service station in combination with a convenience store and carry-out restaurant to be operated by Wawa, Inc. A

blowup of the area pertaining to the special exception was marked and accepted into evidence as Petitioner's Exhibit 2. The evidence revealed that the property is to be improved with a one-story building approximately 5,589 square feet in size, with approximately 4,060 square feet utilized for the convenience store, 750 square feet for the carry-out, and 779 feet for service station uses. Petitioner also submitted a wealth of documents describing the subject property including elevations and signage, an aerial photograph, a landscape plan that conforms to the Office of Planning Comments, and several photographs. These documents were respectively marked and accepted into evidence as Petitioner's Exhibits 2, 3, 4, 6, and 7.

Additional testimony was received from Mr. Cobert who represented the Baltimore County Department of Economic Development and indicated that Petitioner's request will help fulfill the purposes of the Overlay District by creating jobs and fueling the local economy. Mr. Cobert noted that this specific tract has been set aside for retail uses in the overall plan for MD Route 43 extended, and as such will not take away industrial sites from the complex. Rather, Mr. Cobert opined that this station and convenience store would serve the employees of the industrial complex so that unlike other industrial developments in the County, employees will not have to leave the complex for lunch or fuel. Mr. Cobert also indicated that he has worked with Wawa, Inc. on other occasions in the past, and lauded the company for maintaining low fuel prices and clean, efficient operations.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Department of Environmental Protection and Resource Management dated November 6, 2008, which indicate that the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains, must comply with the Forest Conservation Regulations, and must comply with the

Chesapeake Bay Critical Area Regulations. Comments were received from the Office of Planning dated September 4, 2008, which indicate that Petitioner met with the Office regarding the previously submitted Case 06-355-X, which was approved on February 26, 2006, but has since expired. As noted in the previous request, Petitioner agreed to provide a landscape buffer, sidewalk, and add additional landscaping and a sidewalk at the edge of the proposed parking area bordering Market Way. Therefore, based on the information above, the Planning Office finds the development is consistent with The Middle River Employment Center Area Plan, adopted by the Baltimore County Council on August 5, 2002 and September 3, 2002. Architecture and signage should comply with the Baltimore County Crossroads @ 95 Pattern Book.

Based on the testimony and evidence presented, I am persuaded to grant the petition for special exception. This office previously reviewed the criteria of Section 502.1 of the B.C.Z.R. and found that Petitioner's request met all of the requirements for a special exception. While these requirements were once again reviewed, I cannot find any evidence to revisit or overturn the prior findings of this office. Mr. Jablon indicated that the only substantive change to the site plan in the instant case is that the proposed building is slightly smaller than the structure that was proposed in Case Number 06-355-X. Thus, I am persuaded that, as then-Deputy Zoning Commissioner John V. Murphy previously determined, the proposed use will not be detrimental to the health, safety or general welfare of the locale, and that the use will not have any negative effects on the special exception criteria set forth in Section 502.1 of the B.C.Z.R. As for Mr. Jablon's request to extend the time for utilizing the special exception for up to five years, I find nothing in the B.C.Z.R. that would prevent the granting of this request, nor any evidence in the record that would weigh against granting the request. Hence, this request shall also be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's special exception request and the request for extension of time to utilize the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 8th day of December, 2008 that Petitioner's request for a Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.) for a fuel service station in combination with a convenience store with a sales area larger than 1,500 square feet and carry-out restaurant be and is hereby GRANTED; and

IT IS FURTHER ORDERED pursuant to Section 502.3 of the B.C.Z.R. that Petitioner's request to have up to five years from the date of this final order to utilize the special exception be and is hereby GRANTED.

All relief granted is subject to the following conditions:

1. Petitioner may apply for his necessary building or use permits, as applicable, and be granted same upon receipt this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
3. Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
4. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).

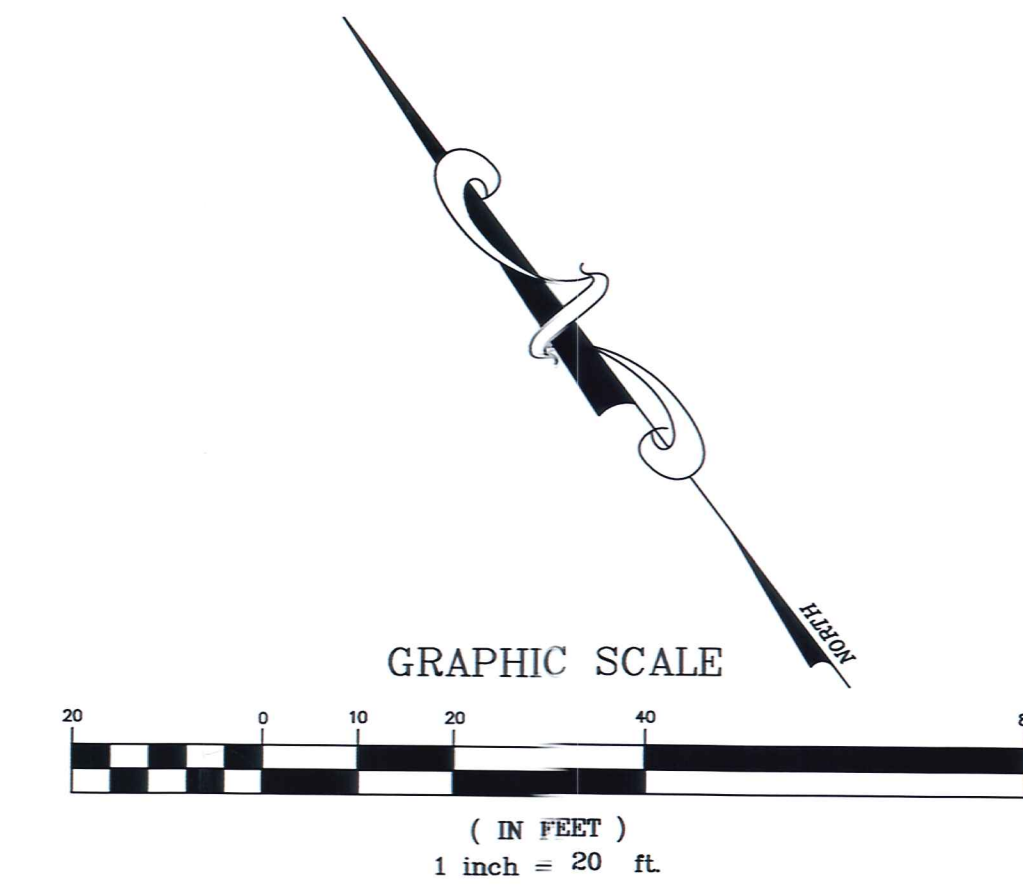
5. Architecture and signage shall comply with the Baltimore County Crossroads @ 95 Pattern Book.

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

MARYLAND ROUTE 43
S.R.C. PLAT 55591, 55592





Front Left Elevation



Front Right Elevation



Left Side Elevation



Rear Elevation



Gas Canopy Front



Gas Canopy Side

PETER W. RATCLIFFE, AIA
ARCHITECTS
1044 Stevenson Road
Stevenson, Maryland 21153
410-441-1100 FAX 410-441-1101 PETER@PETERWATCLIFFE.COM

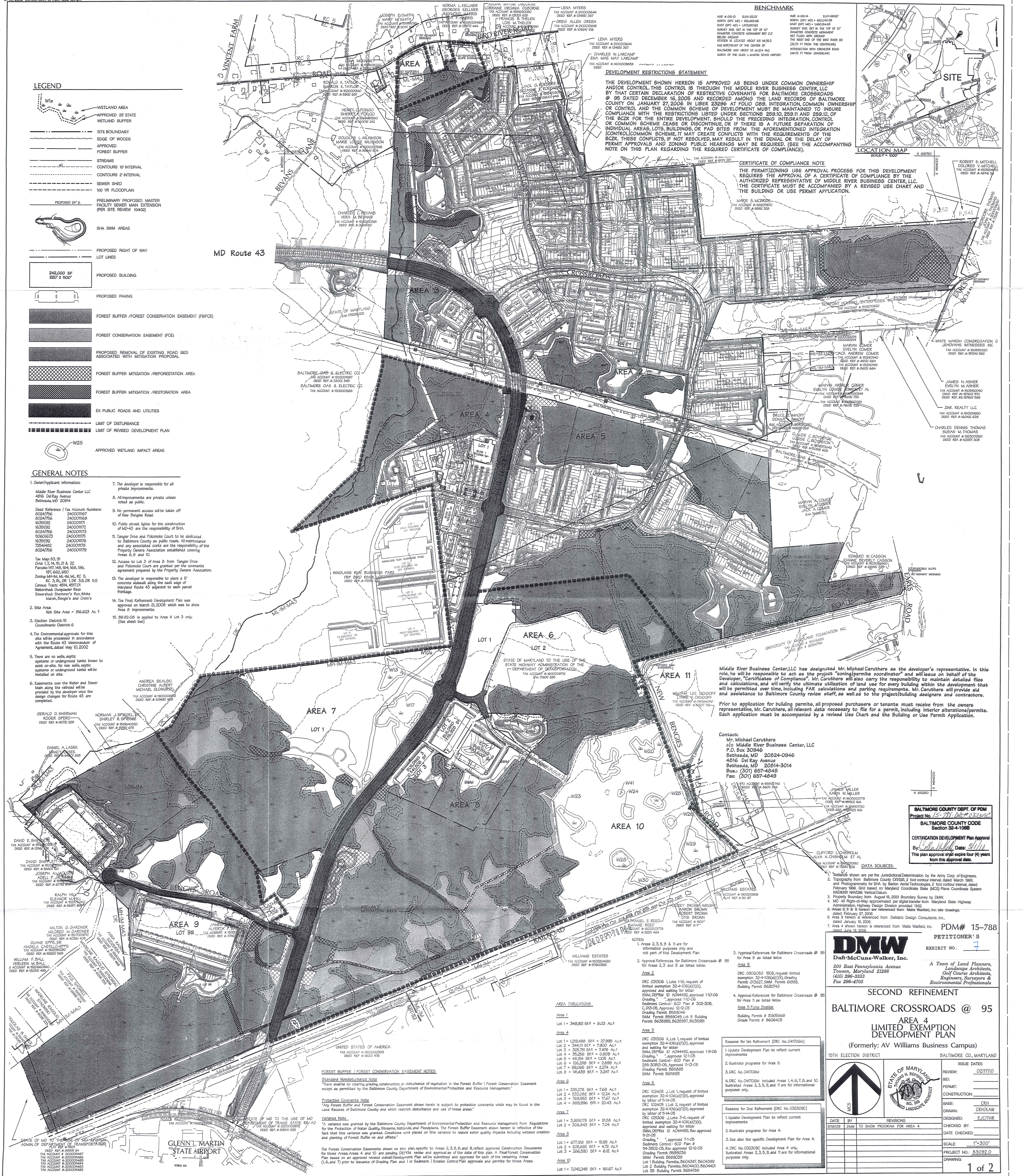
ROYAL FARMS
ROUTE 43 & ROUTE 95
WHITEMARSH, MD
STORE #150

CONTENT:

REVISED: #	DATE	REVISION
08/12/10		SIGNAGE

DATE: 04/04/08
SCALE:
DRAWN BY: MORTORFF

R-1



LEGEND

- WETLAND AREA
- APPROVED 25' STATE WETLAND BUFFER
- SITE BOUNDARY
- EDGE OF WOODS
- APPROVED FOREST BUFFER
- STREAMS
- CONTOURS 10' INTERVAL
- CONTOURS 5' INTERVAL
- SEWER SHED
- 100 YR FLOODPLAIN
- PRELIMINARY PROPOSED MASTER FACILITY SEWER MAIN EXTENSION (PER SITE REVIEW 10402)
- SHA SWM AREAS
- PROPOSED RIGHT OF WAY
- LOT LINES
- PROPOSED BUILDING
- PROPOSED PAVING
- FOREST BUFFER /FOREST CONSERVATION EASEMENT (FBFCE)
- FOREST CONSERVATION EASEMENT (FCE)
- PROPOSED REMOVAL OF EXISTING ROAD BED ASSOCIATED WITH MITIGATION PROPOSAL
- FOREST BUFFER MITIGATION /REFORESTATION AREA
- FOREST BUFFER MITIGATION /RESTORATION AREA
- EX PUBLIC ROADS AND UTILITIES
- LIMIT OF DISTURBANCE
- LIMIT OF REVISED DEVELOPMENT PLAN
- APPROVED WETLAND IMPACT AREAS

GENERAL NOTES

- Owner/Applicant Information:
Middle River Business Center, LLC
4916 Del Ray Avenue
Bethesda, MD 20814
- Deal Reference / Tax Account Number:
20047756 240001167
20047756 240001168
16361192 240001171
16361192 240001172
20047756 240001173
10650173 240001175
16361192 240001176
72541482 240001177
20047756 240001179
- Tax Map 63.91
Grids 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22
Parcels 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 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1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204,

Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County
James T. Smith, Jr., County Executive
Randy M. Gerson, Director

April 18, 2005

Robert A. Hoffman
Venable, LLP
210 Alhambra Avenue
Towson, Maryland 21204

Re: MD-43 Overlay District and "Incidental Sales"/ "Auxiliary Commercial Uses"
Baltimore Crossroads @ 95
Bald River Road and Temple Road
15th Election District, 6th Councilmanic District

Dear Mr. Hoffman,

Reference is made to your April 8, 2005 letter to Timothy Korman, Director of Permits and Development Management, regarding your request on behalf of your client, which has been referred to me for reply.

You have requested that this office confirm that in the MD-43 Overlay District, the permitted incidental sales (as defined and regulated by the Zoning Commission's Policy Manual (ZCPM)), would not count towards the permitted 8% "auxiliary commercial uses" allowed in Section 259.11.A.2.

Although this office feels that the number will never be approached as the regulations are written now, the words "incidental" and "auxiliary" are very similar. This office regards "incidental" uses or controls obviously different than "permitted auxiliary commercial uses." Incidental is subordinate and auxiliary commercial is usually a principal use as intended in the Zoning Regulations.

Myself and to the best of my knowledge this office was not involved with the drafting of this part of the regulations. However, based on the discussions with your office, your discussions with the Director of Planning, and the information submitted, it is clear that the intent of the legislation is consistent with the interpretation of this office that "auxiliary commercial" in Section 259.11.A.2 only regulates principal tenant or owner use.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-867-3391.

Very truly yours,

W. Carl Richards, Jr.
Zoning Supervisor

Visit the County's Website at www.baltimorecountyonline.info

Department of Permits and Development Management
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County
James T. Smith, Jr., County Executive
Timothy M. Korman, Director

February 7, 2006

Patricia A. Malone
Venable, LLP
210 Alhambra Avenue
P.O. Box 5817
Towson, MD 21286-5517

RE: Zoning Verification, Proposed Areas 6, 8 and 10, Baltimore Crossroads @ 95, 15th Election District

Dear Ms. Malone:

Your recent letter to the Zoning Review Office, Department of Permits and Development Management, was forwarded to me for reply. Based upon the information provided therein and my review of the available zoning records, the following has been determined:

1. Area 6, Area 8 and the majority of Area 10 of the referenced property have the current zoning classification of MH-AM-MD-43 (Manufacturing Heavy-Industrial Major-Maryland Route 43) with a very small portion at the eastern boundary line of Area 10 having the zoning classification of D.R. 6.5 (Density Residential 6.5 Units Per Acre), according to the official Baltimore County zoning map. Therefore, Area 6, Area 8 and the majority of Area 10 would be subject to Sections 259.10 through 259.12 of the Baltimore County Zoning Regulations (BCZR).
2. Section 259.10, BCZR, states the following: "For purposes of Section 4402, any development of property located within the MD 43 Overlay District shall be considered to be industrial development." Therefore, Section 4402, BCZR, which regulates "non-industrial development", does not apply to any development of property within the aforesaid MD 43 Overlay District.
3. Pursuant to Section 259.1, 241.1 and 259.11 A.1, BCZR, warehouse uses in the MH-AM-MD-43 zone may request approval to allow accessory "incidental sales" in said warehouse. However, pursuant to Section 253.1 F.1 of the Zoning Commission's Policy Manual (ZCPM), each request must be reviewed on a case by case basis for eligibility. Regardless of the preceding, any approval of accessory "incidental sales" in the MH-AM-MD-43 zone would not be considered "auxiliary commercial uses" pursuant to Section 259.11 A.2, BCZR and would not count towards the maximum 8% gross floor area limitation of Section 259.11 A.2.a, BCZR.
4. Please be aware that this response applies to the zoning regulations (BCZR) and policies only and does not apply to regulations enforced by other County and State agencies.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-867-3391.

Sincerely,
W. Carl Richards, Jr.
Zoning Review Supervisor

WCR

Visit the County's Website at www.baltimorecountyonline.info

BILL 82-08 APPLIED TO AREA 4, LOT 3

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2006, Legislative Day No. 12

Bill No. 82-08

Mr. Joseph B. Burt, Councilman

By the County Council, July 7, 2008

A BILL ENTITLED

AN ACT concerning
MD 43 Overlay District

FOR the purpose of authorizing residential uses in the MD 43 Overlay District under certain conditions permitting certain auxiliary commercial uses by right and generally relating to permitted uses in the MD 43 Overlay District.

BY adding
Section 259.11A.3
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments
Section 259-HH-1
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 259.11A.3 be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

EXPLANATION: CAPTIONS INDICATE MATTER ADDED TO EXISTING LAW. (Brackets) indicate matter within from existing law. (Repeals) indicate matter within from existing law. Underlining indicates amendments to bill.

259.11 Development standards for MD 43 Overlay District.

A. Uses permitted by right.

3. NOTWITHSTANDING ANY OF THE REGULATIONS OF THIS SECTION TO THE CONTRARY AND IN ADDITION TO THE RIGHTS GRANTED UNDER THIS SECTION, RESIDENTIAL USES, PERMITTED AND AS LIMITED IN ACCORDANCE WITH THE BM-CT ZONE, ARE PERMITTED TO BE BUILT ON A MAXIMUM OF 8 ACRES THAT ARE PART OF AN OVERALL TRACT OF AT LEAST 800 ACRES UNDER COMMON OWNERSHIP OR CONTROL OR PART OF A COMMON SCHEME OF DEVELOPMENT. SUCH RESIDENTIAL USES ARE PERMITTED ON ANY STORY OF A PROPOSED BUILDING. THE HEIGHT AND AREA REGULATIONS OF THE BM-CT ZONE OR ANY APPLICABLE DEVELOPMENT REGULATIONS MAY BE WAIVED AS PART OF A PATTERN BOOK REVIEWED AND APPROVED BY THE DIRECTOR OF PLANNING OR BY APPLICATION FOR ZONING RELIEF PROVIDED THE REQUIREMENTS OF SECTION 502.1 ARE MET.

SECTION 2- AND BE IT FURTHER ENACTED that Section 259-HH of the Baltimore County Zoning Regulations, as amended, be and it is hereby repealed and re-enacted, with amendments, to read as follows:

B. Uses permitted by special exception:

1. Any use permitted by special exception by the property's M-1, M-1.5, M-2, or M-2.5 zoning classification or which the MD-43 Overlay District designation is applied to, permitted by special exception as an "employee-intensive use" unless specifically prohibited by section 259-HH-1c.

2. Notwithstanding any provision in the zoning regulations to the contrary, when located on

an individual pad site, defined as a site containing a single freestanding building along with required

parking, landscaping, and stormwater management areas, all within the confines of a larger

development project, the following auxiliary commercial uses require a special exception:

a. Fast service stations (subject to Section 445);

b. Convenience stores;

c. Fast-food restaurants;

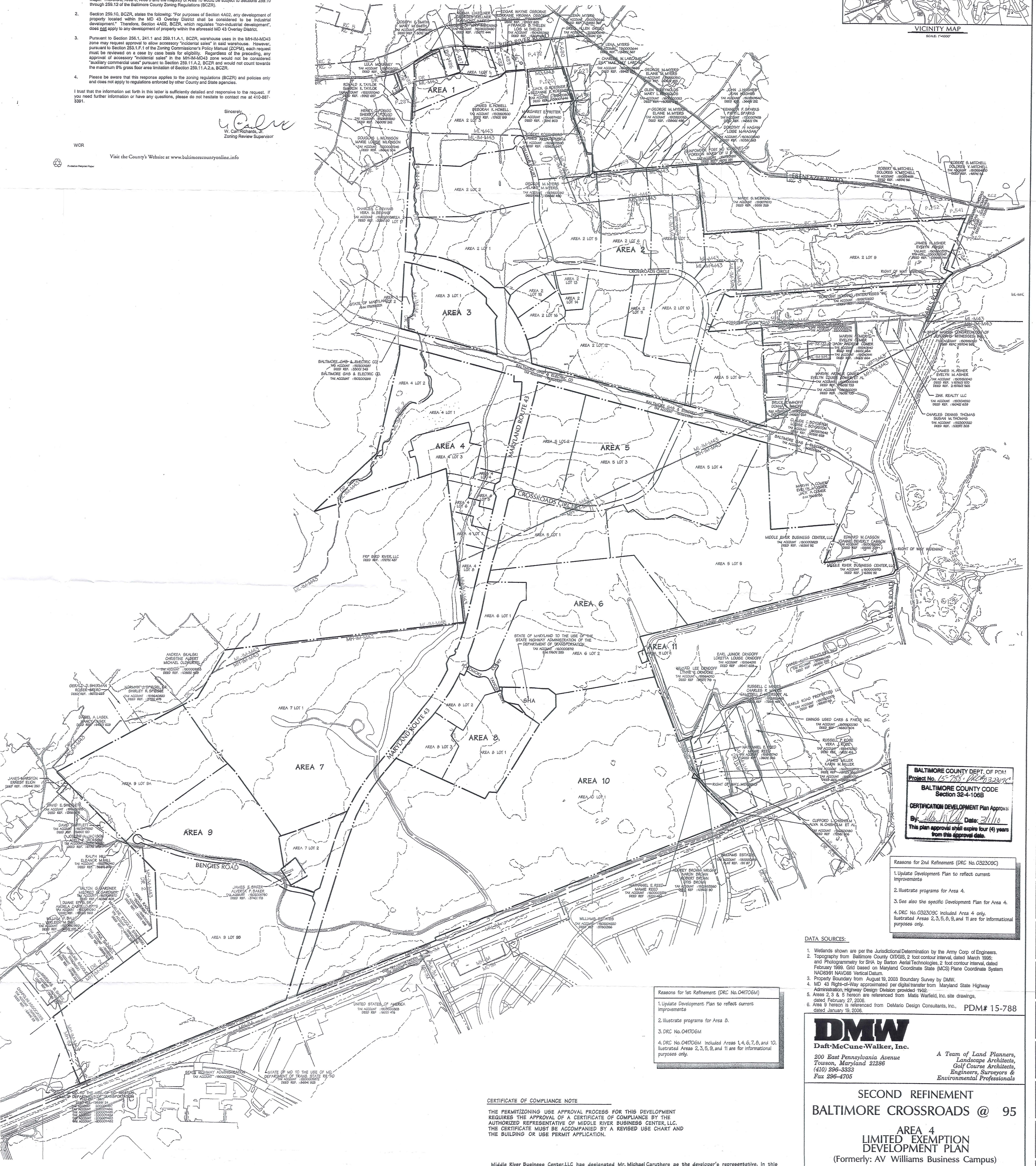
3. Any auxiliary commercial use permitted by special exception shall be subject to the

restrictions contained in Sections 259.11A.3.a through 259.11A.3.c.

Section 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days after its enactment.

03/28/04

3



BALTIMORE COUNTY DEPT. OF PDM
Project No. 15-788-0243-3200
BALTIMORE COUNTY CODE
Section 38-4-1066
CERTIFICATION DEVELOPMENT PLAN APPROVAL
By: [Signature] Date: 3/10/10
This plan approval shall expire four (4) years from this approval date.

- Reasons for 2nd Refinement (DRC No. 032030C)
1. Update Development Plan to reflect current improvements
 2. Illustrate programs for Area 4.
 3. See also the specific Developments Plan for Area 4.
 4. DRC No. 032030C included Area 4 only. Illustrated Areas 2, 3, 5, 8, 9, and 11 are for informational purposes only.

DATA SOURCES:

1. Wetlands shown are per the Jurisdictional Determination by the Army Corp of Engineers.
2. Topography from Baltimore County OTGIS, 2 foot contour interval, dated March 1995.
3. Photogrammetry for SHA by Barton Aerial Technologies, 2 foot contour interval, dated February 1999. Grid based on Maryland Coordinate State (MCS) Plane Coordinate System NAD83/ NAVD83 Vertical Datum.
4. MD 43 Right-of-Way approximated per digital transfer from Maryland State Highway Administration Highway Design Division provided file.
5. Areas 2, 3 & 5 herein are referenced from Matts Warfield, Inc. site drawings, dated February 27, 2006.
6. Area 9 herein is referenced from Delmarco Design Consultants, Inc., site drawings, dated January 15, 2006.

PDM# 15-788

DMW
Dart-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3353
Fax: 296-4705

A Team of Land Planners,
Landscape Architects,
Golf Course Architects,
Engineers, Surveyors &
Environmental Professionals

SECOND REFINEMENT BALTIMORE CROSSROADS @ 95

AREA 4 LIMITED EXEMPTION DEVELOPMENT PLAN (Formerly: AV Williams Business Campus)

15TH ELECTION DISTRICT BALTIMORE CO., MARYLAND

	DATE	BY	REVISIONS
	9/21/09	DMW	TO SHOW PROGRAM FOR AREA 4
	DATE CHECKED:		
	CHECKED BY:		
	SCALE: 1"=400'		
	PROJECT NO.: 83092.0		
DRAWING:			
2 of 2			

REVIEW:	02/17/10
BID:	
PERMIT:	
CONSTRUCTION:	
BASE:	CRH
DRAWN:	
DESIGNED:	ELJ/THR
CHECKED BY:	
DATE CHECKED:	
SCALE:	1"=400'
PROJECT NO.:	83092.0
DRAWING:	

CERTIFICATE OF COMPLIANCE NOTE

THE PERMITTING USE APPROVAL PROCESS FOR THIS DEVELOPMENT REQUIRES THE APPROVAL OF A CERTIFICATE OF COMPLIANCE BY THE AUTHORIZED REPRESENTATIVE OF MIDDLE RIVER BUSINESS CENTER, LLC. THE CERTIFICATE MUST BE ACCOMPANIED BY A REVISED USE CHART AND THE BUILDING OR USE PERMIT APPLICATION.

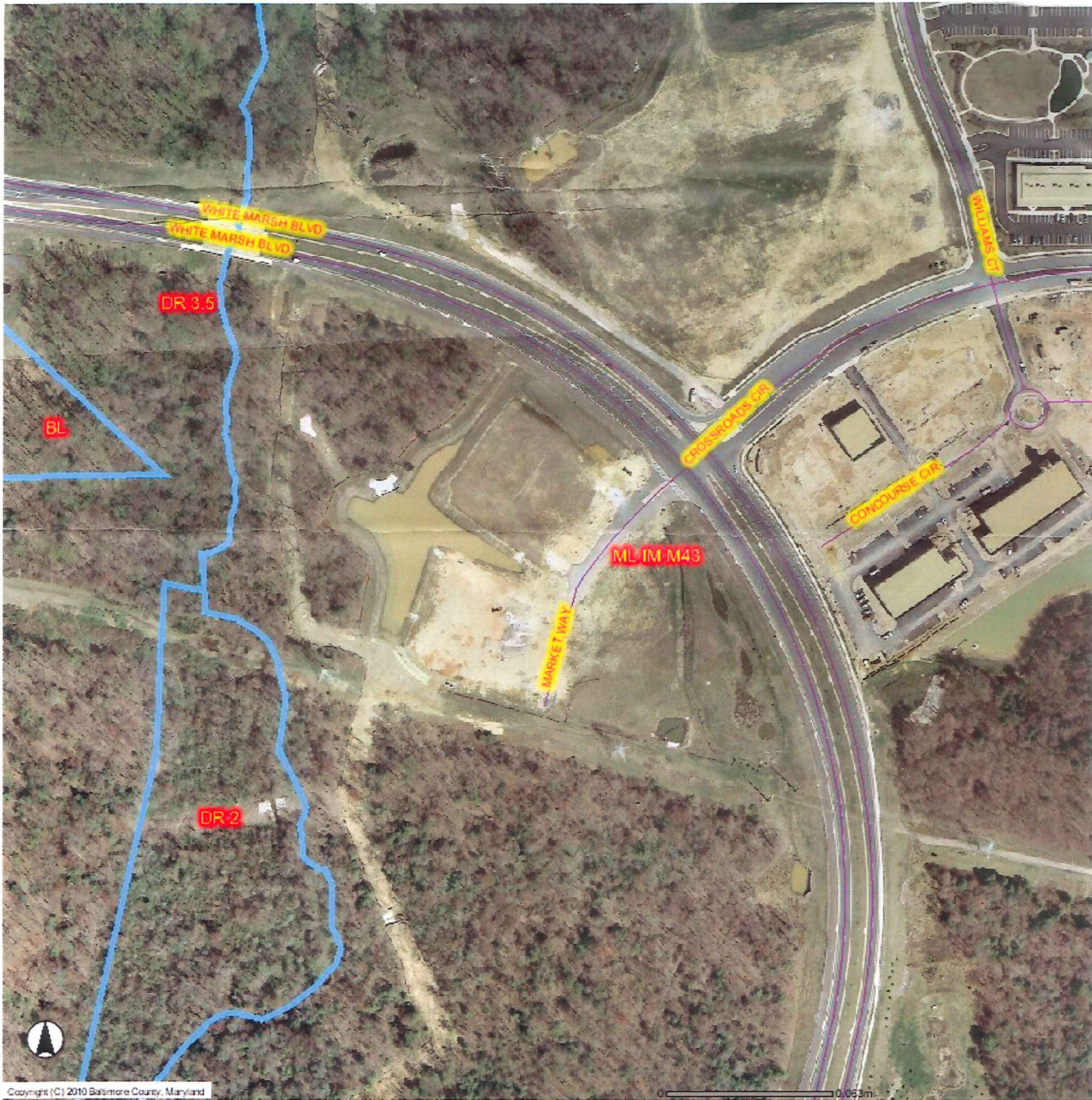
Middle River Business Center, LLC has designated Mr. Michael Caruthers as the developer's representative. In this role, he will be responsible to act as the project's "zoning/permits coordinator" and will issue on behalf of the Developer, "Certificates of Compliance". Mr. Caruthers will also carry the responsibility to maintain detailed files and calculations, and will verify the ultimate utilization of land use for every building within the development that will be permitted over time, including FAR calculations and parking requirements. Mr. Caruthers will provide aid and assistance to Baltimore County review staff, as well as to the project/building designers and contractors.

Prior to application for building permits, all proposed purchasers or tenants must receive from the owners representative, Mr. Caruthers, all relevant data necessary to file for a permit, including interior alterations/permits. Each application must be accompanied by a revised Use Chart and the Building or Use Permits Application.

Contacts:
Mr. Michael Caruthers
c/o Middle River Business Center, LLC
P.O. Box 30846
Baltimore, MD 21224-0846
4916 Del Ray Avenue
Baltimore, MD 21214-3014
Bus: (501) 657-4848
Fax: (501) 657-4849

DEVELOPMENT RESTRICTIONS STATEMENT

THE DEVELOPMENT SHOWN HEREON IS APPROVED AS BEING UNDER COMMON OWNERSHIP AND/OR CONTROL. THIS CONTROL IS THROUGH THE MIDDLE RIVER BUSINESS CENTER, LLC BY THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS FOR BALTIMORE CROSSROADS @ 95 DATED DECEMBER 16, 2005 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY ON JANUARY 27, 2006 IN LIBER 23296 AT FOLIO 089. INTEGRATION, COMMON OWNERSHIP OR CONTROL AND THE COMMON SCHEME OF DEVELOPMENT MUST BE MAINTAINED TO INSURE COMPLIANCE WITH THE RESTRICTIONS LISTED UNDER SECTIONS 259.10, 259.11 AND 259.12 OF THE BCZR FOR THE ENTIRE DEVELOPMENT. SHOULD THE PRECEDING INTEGRATION, CONTROL OR COMMON SCHEME CEASE OR DISCONTINUE, OR IF THERE IS A FUTURE SEPARATION OF INDIVIDUAL AREAS, LOTS, BUILDINGS, OR PAD SITES FROM THE AFOREMENTIONED INTEGRATION [CONTROL/COMMON SCHEME], IT MAY CREATE CONFLICTS WITH THE REQUIREMENTS OF THE BCZR. THESE CONFLICTS, IF NOT RESOLVED, MAY RESULT IN THE DENIAL OR THE DELAY OF PERMIT APPROVALS AND ZONING PUBLIC HEARINGS MAY BE REQUIRED. (SEE THE ACCOMPANYING NOTE ON THIS PLAN REGARDING THE REQUIRED CERTIFICATE OF COMPLIANCE).



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PETITIONER'S
EXHIBIT NO. 8

DESIGN AND DEVELOPMENT CONTACTS

OWNER	BC AREA 3 LOT 1 LLC 2560 LORD BALTIMORE DRIVE BALTIMORE, MD 2124-2666 (410) 788-0100
DEVELOPER	TWO FARMS, INC. 3611 ROLAND AVENUE BALTIMORE, MD 21211 (410) 889-0200
CIVIL ENGINEER	CORE STATES GROUP 501 OFFICE CENTER DRIVE, SUITE 400 FORT WASHINGTON, PA 19034 (215) 809-2125

GENERAL NOTES

1. THESE PLANS ARE BASED ON A SURVEY PREPARED BY DAFT, MCCUNE, WALKER, INC., DATED 08/16/06. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL VERIFY THAT THE IMPROVEMENTS EXIST AS SHOWN ON THE SURVEY. THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE OWNER'S CONSTRUCTION MANAGER AND CORE STATES GROUP OF ANY DEVIATIONS OR OMISSIONS THAT MAY EFFECT THE CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.
2. ALL WORK SHALL CONFORM TO THE LATEST STANDARDS AND SPECIFICATIONS OF BALTIMORE COUNTY OR AS SHOWN ON THESE APPROVED PLANS.
3. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO THE START OF ANY DEMOLITION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES FOR ONSITE LOCATIONS OF EXISTING UTILITIES.
4. CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF SLOPE PAVING, SIDEWALKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.
5. UNDERGROUND STORAGE TANKS SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.
6. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE SITE SHALL COMPLY WITH THE PATTERN BOOK FOR BALTIMORE CROSSROADS © 95.
8. THE SITE SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE FIRE PREVENTION CODE PRIOR TO OCCUPANCY OR BEGINNING OF OPERATION.
9. WATER AND COMPRESSED AIR SHALL BE IN ACCORDANCE WITH THE B.C.Z.R. SECTION 405.
10. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT LIGHT AWAY FROM RESIDENTIAL SITES AND PUBLIC STREETS.
11. NO WASTES OR BY-PRODUCTS WILL BE PRODUCED ON THE SITE TO THE BEST OF OUR KNOWLEDGE.
12. **WARRANTY/DISCLAIMER:**
THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER THE ENGINEER NOR ITS PERSONNEL CAN OR DO WARRANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THE ENGINEER INSPECTS AND CONTROLS THE PHYSICAL CONSTRUCTION ON A CONTEMPORARY BASIS AT THE SITE.

SHEET INDEX			
PAGE	SHEET	DESCRIPTION	PREPARED BY
SPECIAL EXCEPTION PLANS			
1	CV-1	COVER SHEET	CORE STATES GROUP
2	C-1	LOCATION PLAN	CORE STATES GROUP
3	C-2	ZONING PLAT	CORE STATES GROUP
4	C-3	SCHEMATIC LANDSCAPE PLAN	CORE STATES GROUP
5	C-4	SIGNAGE PLAN	CORE STATES GROUP
6	A1.7	FLOOR PLAN	PETER W. RATCLIFFE, ARCHITECT
7	A2.0	EXTERIOR ELEVATIONS SHEET 1	PETER W. RATCLIFFE, ARCHITECT
8	A2.1	EXTERIOR ELEVATIONS SHEET 2	PETER W. RATCLIFFE, ARCHITECT
9	G4.1	SIDE WALL ELEVATIONS	PETER W. RATCLIFFE, ARCHITECT
10	G4.2	ENTRY EXIT ELEVATION	PETER W. RATCLIFFE, ARCHITECT

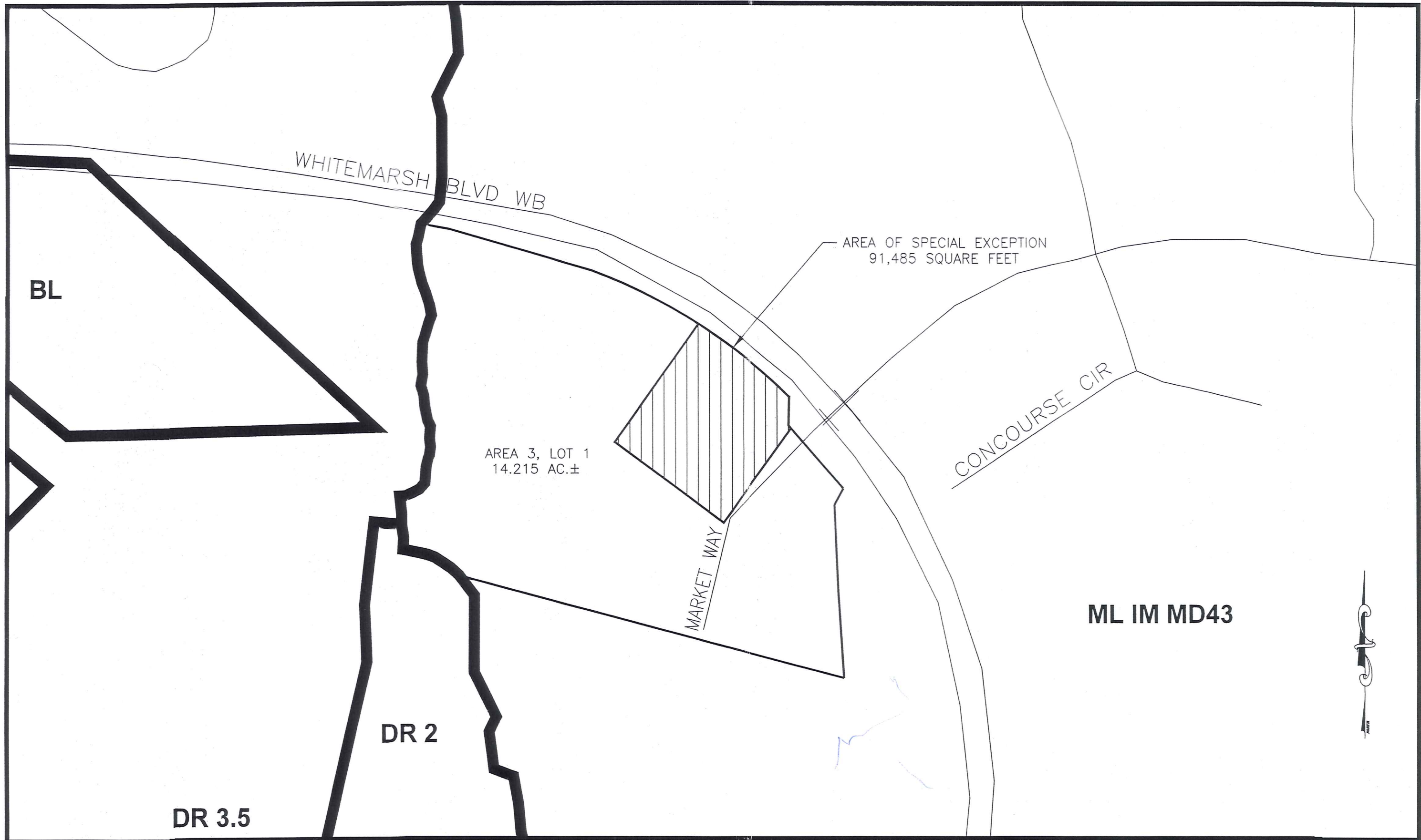


THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES.

PLAN TO ACCOMPANY A PETITION FOR A SPECIAL EXCEPTION

ROYAL FARMS

ROYAL FARMS
BALTIMORE CROSSROADS, AREA 3, LOT 1
11905 MARKET WAY
BALTIMORE, MD 21220



PART OF ZONING MAP 083A2 AND 083A3

SCALE: 1" = 200'

SITE INFORMATION

ZONING DATA	
EXISTING ZONING	ML-IM-MD43
EXISTING USE	VACANT
PROPOSED USE	FUEL SERVICE STATION WITH ROLL-OVER CAR WASH, CONVENIENCE STORE AND CARRY-OUT RESTAURANT
ANCILLARY USE	MINOR ANCILLARY USES AS PERMITTED IN SECTION 405.4.D OF THE B.C.Z.R.
COUNCILMANIC DISTRICT	6TH
ELECTION DISTRICT	15TH
TAX ACCOUNT NUMBER	2500000166
TAX MAP	83
TAX GRID	14
TAX PARCEL	147
PLAT NUMBER	5
PLAT REFERENCE	78-50
DEED REFERENCE	23257-84
PREVIOUS COMMERCIAL PERMITS	B611885 - GRADING PERMIT B611893 - STORM WATER MGT PERMIT
PREVIOUS HEARINGS	DRC REQUEST 032105M APPROVED A LIMITED EXEMPTION FROM SECTION 32-4-106.a.1.v CASE NO. 06-355-X GRANTED A SPECIAL EXCEPTION TO USE THE PROPERTY FOR A FUEL STATION CASE NO. 2009-92-X GRANTED A SPECIAL EXCEPTION TO USE THE PROPERTY FOR A FUEL STATION

SITE DATA

TOTAL SITE AREA - AREA 3, LOT 1	619,195 S.F.
SPECIAL EXCEPTION AREA	91,485 S.F.
FUEL SERVICE STATION USE FLOOR AREA	683 S.F.
CONVENIENCE STORE USE FLOOR AREA	4,638 S.F.
CARRY-OUT RESTAURANT USE FLOOR AREA	465 S.F.
CONVENIENCE STORE GROSS FLOOR AREA	5,786 S.F.
ROLL-OVER CAR WASH AREA	1,407 S.F.
TOTAL FLOOR AREA RATIO - PROPOSED	0.01 - 7,193 S.F. / 619,195 S.F.
TOTAL FLOOR AREA RATIO - ALLOWABLE	2.0
PROPOSED BUILDING HEIGHT - C-STORE	24 FEET
PROPOSED BUILDING HEIGHT - CAR WASH	16 FEET
PROPOSED BUILDING HEIGHT - CANOPIES	26 FEET

MINIMUM SITE AREA REQUIREMENTS

FUEL SERVICE STATION	1,500 S.F. X 16 FUEL SERVICE SPACES
CONVENIENCE STORE	4,638 S.F. X 4
ROLL-OVER CAR WASH	NO SPECIFIC ADDITIONAL SITE AREA
CARRY-OUT RESTAURANT	465 S.F. X 6
ATM - NO DRIVE-THROUGH	1,000 S.F.
ANCILLARY USES	NO SPECIFIC ADDITIONAL SITE AREA

MINIMUM SITE AREA CALCULATIONS

FUEL SERVICE STATION	24,000 S.F.
CONVENIENCE STORE	18,552 S.F.
ROLL-OVER CAR WASH	0 S.F.
CARRY-OUT RESTAURANT	2,790 S.F.
ATM - NO DRIVE-THROUGH	1,000 S.F.
ANCILLARY USES	0 S.F.
TOTAL MINIMUM SITE AREA REQUIRED	46,342 S.F.
SPECIAL EXCEPTION AREA	91,485 S.F.

PARKING REQUIREMENTS

FUEL SERVICE STATION - EMPLOYEES	1 SPACE PER EMPLOYEE ON THE MAXIMUM SHIFT
FUEL SERVICE STATION - PUMPS	1 SPACE FOR EACH PUMP ISLAND SIDE
CONVENIENCE STORE	5 SPACES PER 1,000 S.F. GROSS FLOOR AREA
ROLL-OVER CAR WASH	2 SPACES PER TUNNEL
ROLL-OVER CAR WASH - ADDITIONAL	2 SPACES ADDITIONAL
AUTOMATIC TELLER MACHINE	1 SPACE PER ATM
SELF-SERVICE AIR OR VACUUM UNIT	1 SPACE PER AIR-VACUUM UNIT

ADDITIONAL PARKING DATA

EMPLOYEES ON MAXIMUM SHIFT	10 EMPLOYEES
PUMP ISLAND SIDES	16 SIDES
CAR WASH TUNNELS	1 TUNNEL
AUTOMATIC TELLER MACHINES	1 MACHINE
SELF-SERVICE AIR OR VACUUM UNITS	1 UNIT
CONVENIENCE STORE GROSS AREA	5,786 SQ. FT.

PARKING CALCULATIONS

FUEL SERVICE STATION - EMPLOYEES	10 SPACES
FUEL SERVICE STATION - PUMPS	16 SPACES
CONVENIENCE STORE	29 SPACES
ROLL-OVER CAR WASH	4 SPACES
AUTOMATIC TELLER MACHINE	1 SPACES
SELF-SERVICE AIR OR VACUUM UNIT	4 SPACES
TOTAL PARKING SPACES REQUIRED	64 SPACES
TOTAL PARKING SPACES PROVIDED	66 SPACES

STACKING REQUIREMENTS

FUEL SERVICE STATION - PUMPS	1 SPACE FOR EACH PUMP ISLAND SIDE
ROLL-OVER CAR WASH	9 SPACES

STACKING CALCULATIONS

FUEL SERVICE STATION - PUMPS	16 SPACES
ROLL-OVER CAR WASH	9 SPACES
TOTAL STACKING SPACES REQUIRED	25 SPACES
TOTAL STACKING SPACES PROVIDED	25 SPACES

PETITIONER'S
EXHIBIT NO. 1

Plan to Accompany a Petition for a Special Exception
Variance from the Zoning Ordinance
Royal Farms #150
Baltimore Crossroads, Area 3, Lot 1
11905 Market Way, Baltimore, MD 21220
Cover Sheet

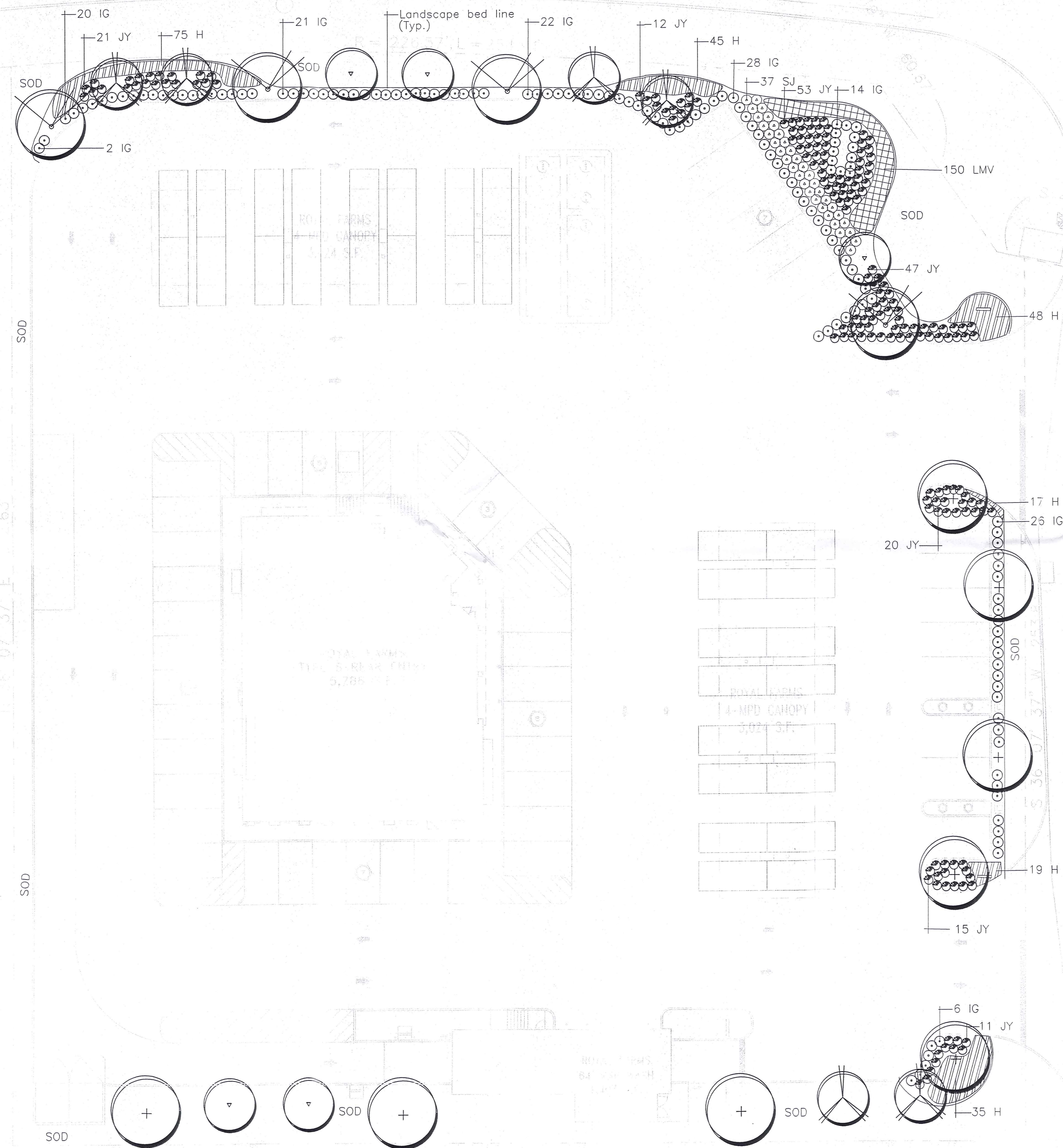
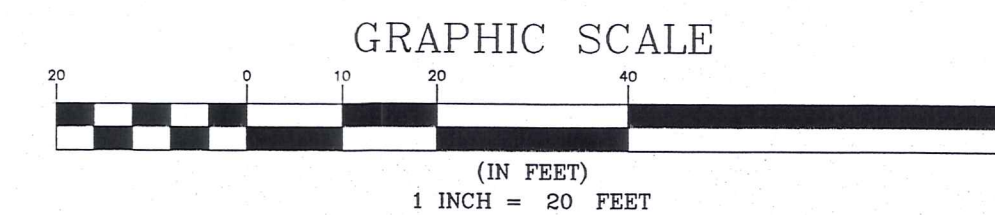
ROYAL FARMS

CORE STATES GROUP
501 Office Center Drive, Suite 400
Fort Washington, PA 19034
Tel: (215) 809-2125
Fax: (215) 809-2124
j.schaffey@core-eng.com

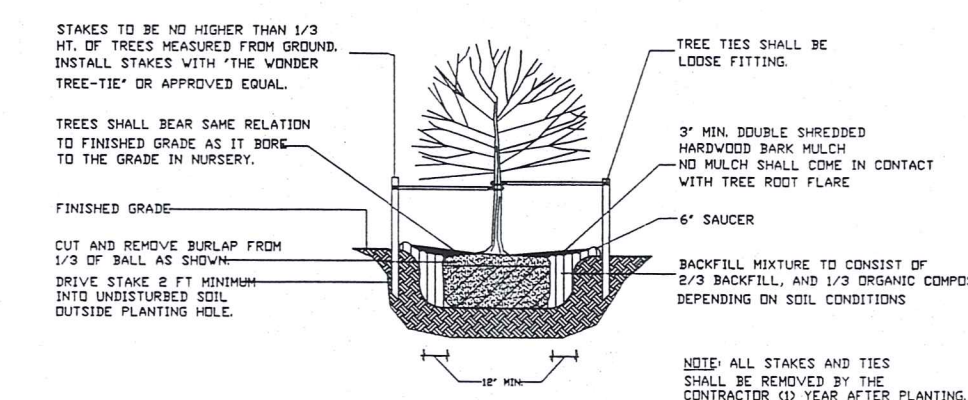
Job #: ROY-11053
Scale: N.T.S.
Date: 03/15/10
Drawn By: EM
Checked By: JS

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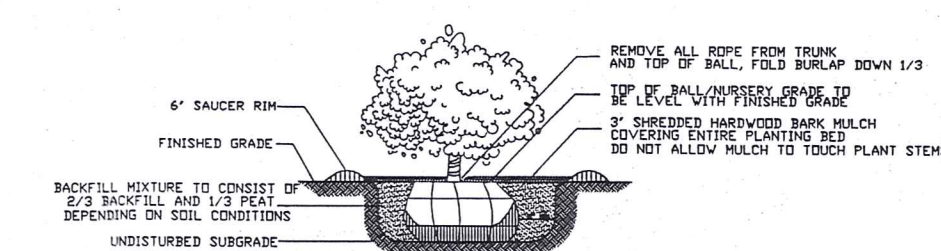
CV-1
1 OF 10



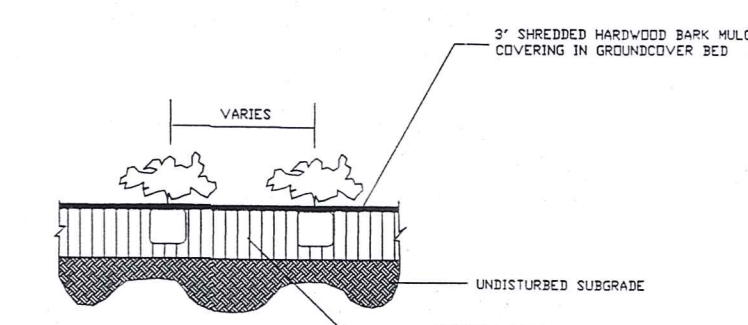
1. IN AREAS DESIGNATED AS SOD, FESCUE SOD IS TO BE INSTALLED ON MINIMUM OF 4" TOPSOIL. AREAS TO BE SODDED
2. ALL LANDSCAPE AND GRASS AREAS ARE TO BE IRRIGATED BY AUTOMATIC SPRINKLER SYSTEM.



DECIDUOUS TREE PLANTING DETAIL

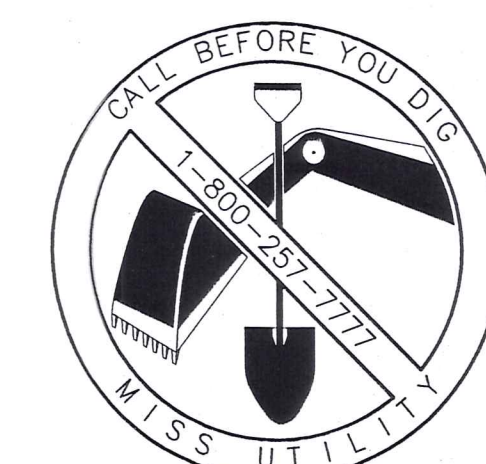


SHRUB PLANTING DETAIL

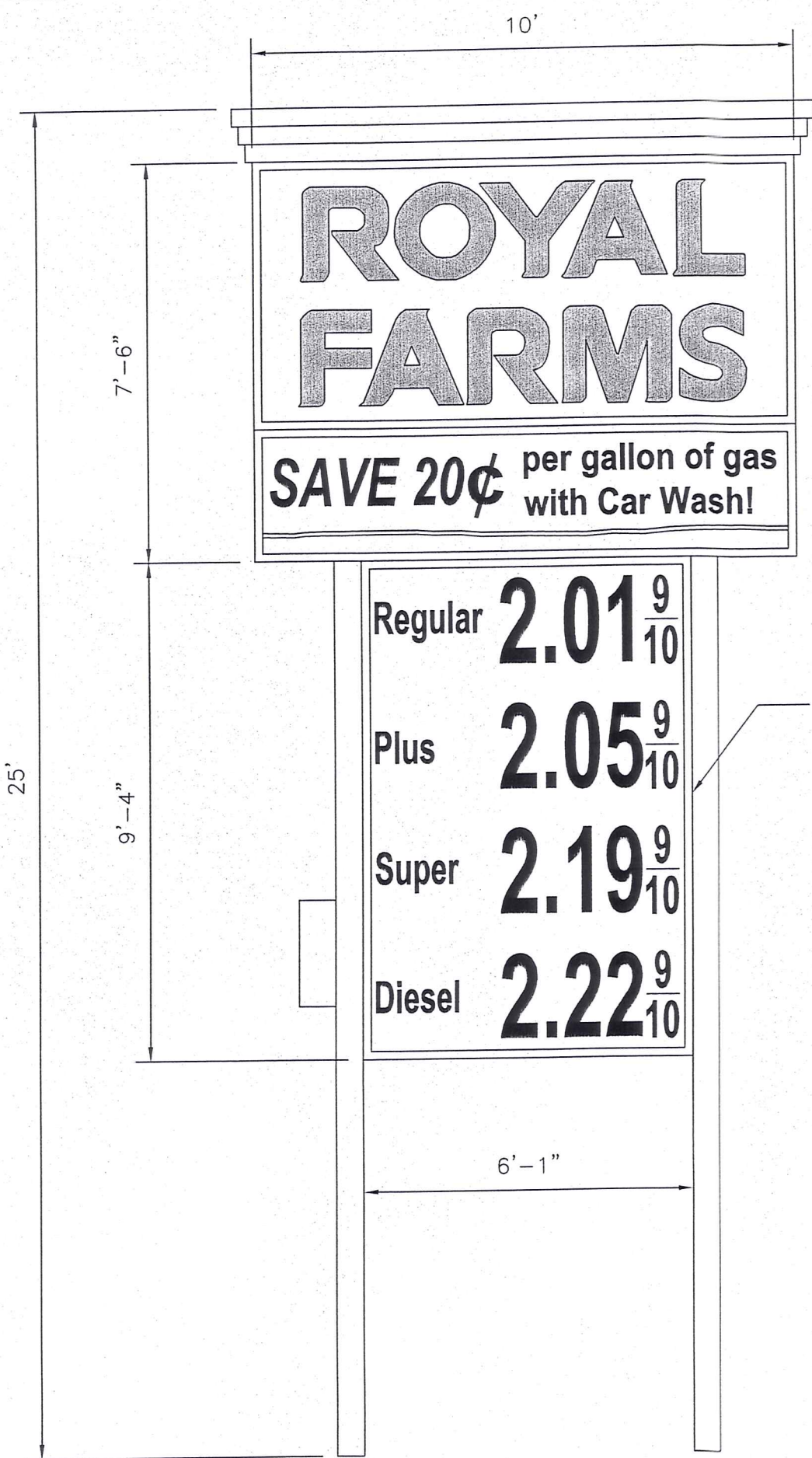


GROUNDCOVER PLANTING DETAIL

TREES						
SYMBOL	KEY	QUANTITY	COMMON NAME (Botanical Name)	ROOT	SIZE	REMARKS
		4	LONDON PLANE TREE (<i>Platanus x acerifolia</i> 'Bloodgood')	B&B	2-1/2"-3" CALIPER	FULL SPECIMEN
		8	RED MAPLE (<i>ACER x freemanii</i> 'Autumn Blaze')	B&B	2-1/2"-3" CALIPER	FULL SPECIMEN
		6	SERVICEBERRY TREE (<i>Amelanchier x grandiflora</i> 'Autumn Brilliance')	B&B	2" CAL.	MULTI-STEM
		5	THUNDERCLOUD PLUM (<i>Prunus cerasifera</i> 'Thundercloud')	B&B	2" CAL.	FULL SPECIMEN 4" CLEAR TRUNK
SHRUBS						
SYMBOL	KEY	QUANTITY	COMMON NAME (Botanical Name)	ROOT	SIZE	REMARKS
	IG	139	HINKBERRY HOLLY (<i>Ilex glabra</i> 'Nigra')	CONT.	3 GALLON	Full/24"- 30" Ht.
	JY	179	YOUNGSTOWN JUNIPER (<i>Juniperus horizontalis</i> 'plumosa 'Youngstown'')	CONT.	3 GALLON	Full/18"- 24" Spread.
	SJ	37	GOLDMOUND SPIREA (<i>Spiraea japonica</i> 'Goldmound')	CONT.	3 GALLON	Full/18"- 24" Ht.
GROUND COVER						
	H	179	STELLA D'ORO DAYLILY (<i>Hemerocallis</i> 'Stella D'Oro')	CONT.	1 GALLON	Full/4-5 Stems/18" o.c.
	LMV	150	VARIEGATED LIRIOPE (<i>Liriope muscari</i> 'Variegated')	CONT.	1 GALLON	Full/15" o.c.



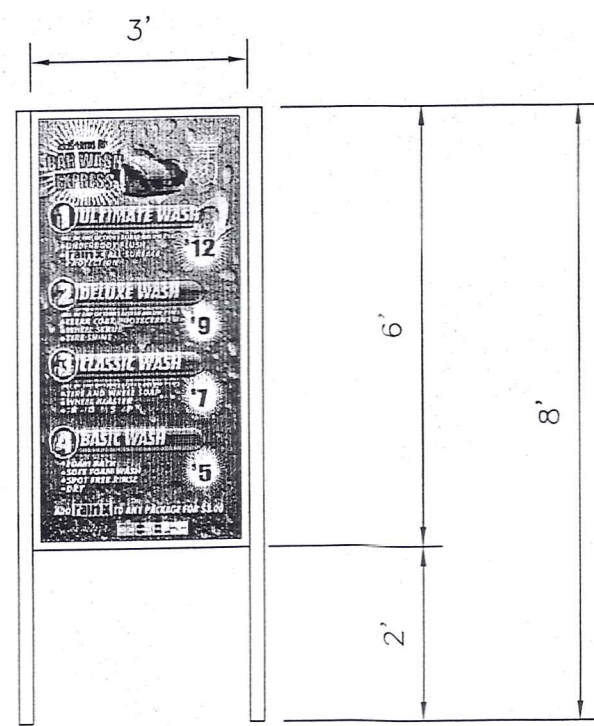
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES.



SIGNAGE AREA = 75 S.F.

A - 2009 GOALPOST WITH CAR WASH

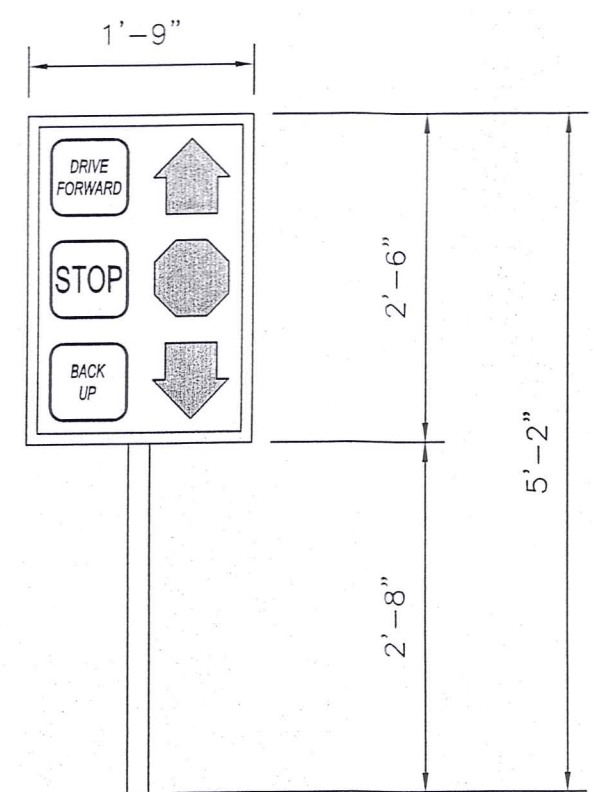
ENTERPRISE ORDER BOARD SIGN



SIGNAGE AREA = 18 S.F.

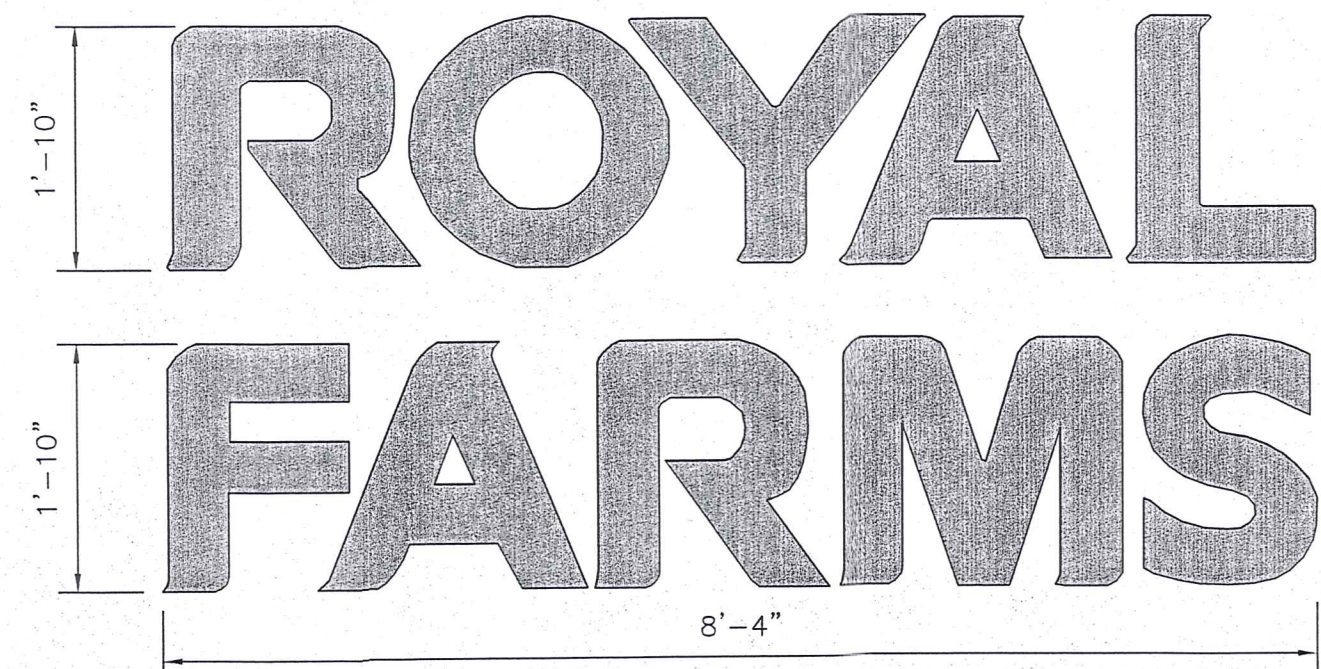
H - LARGE CAR WASH OPTIONS PRICING CHART

DIRECTIONAL SIGN



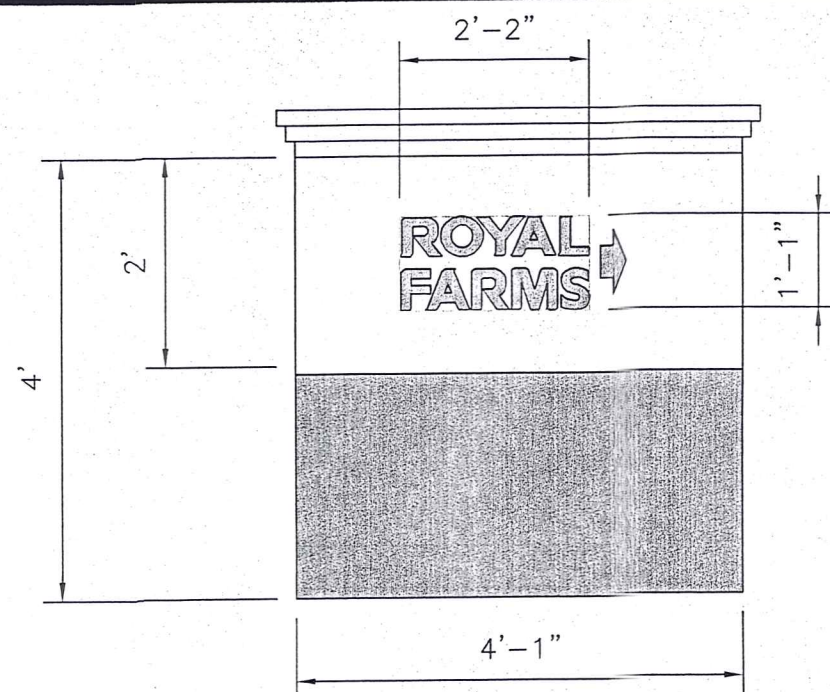
SIGNAGE AREA = 5 S.F.

I - CAR WASH TRAFFIC CONTROL SIGN



SIGNAGE AREA = 31 S.F.

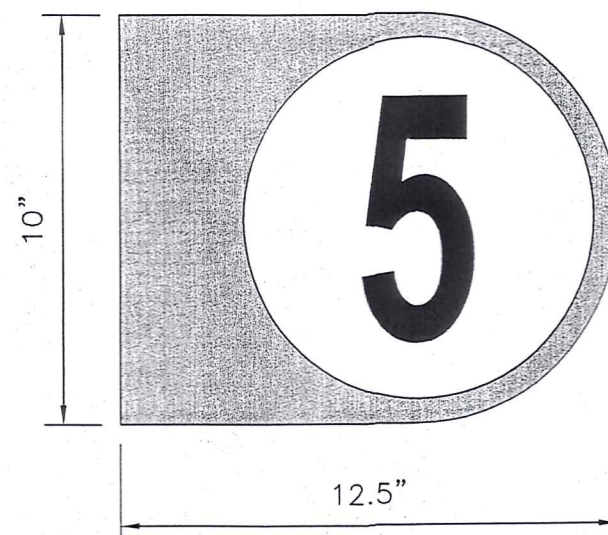
B - ROYAL FARMS CHANNEL LETTERS



TOTAL SIGN PANEL AREA = 8.2 S.F.
SIGNAGE AREA = 2.4 S.F.
SIGNAGE PERCENTAGE = 30%

C - STANDARD DIRECTIONAL SIGN

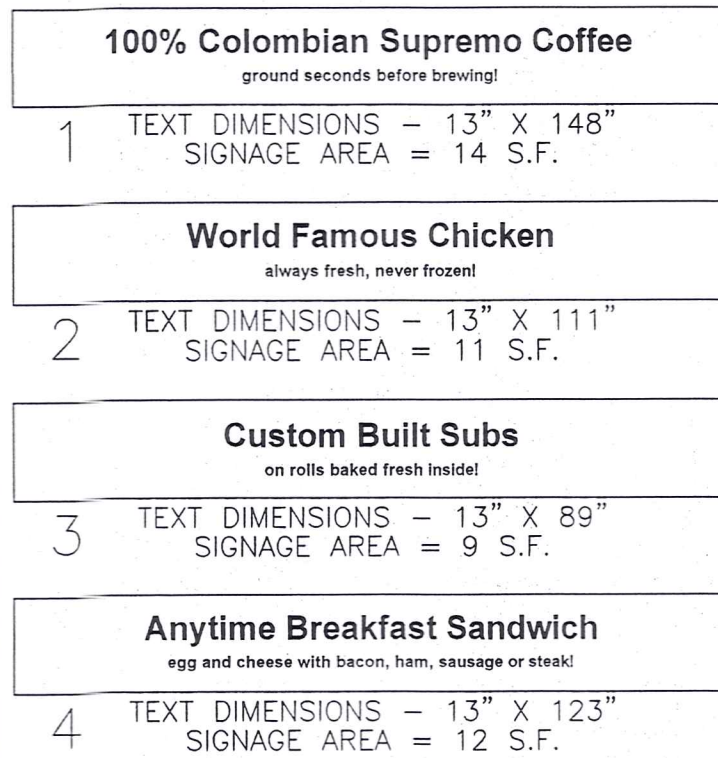
EXEMPT SIGN
(UNDER CANOPY)



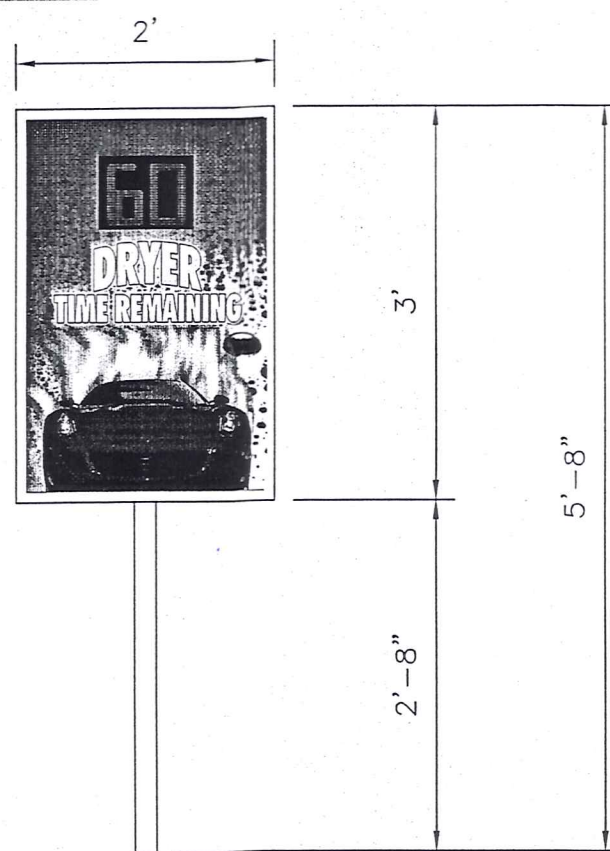
SIGNAGE AREA = 1 S.F.

K - BLADE SIGN

EXEMPT SIGN
(UNDER CANOPY)

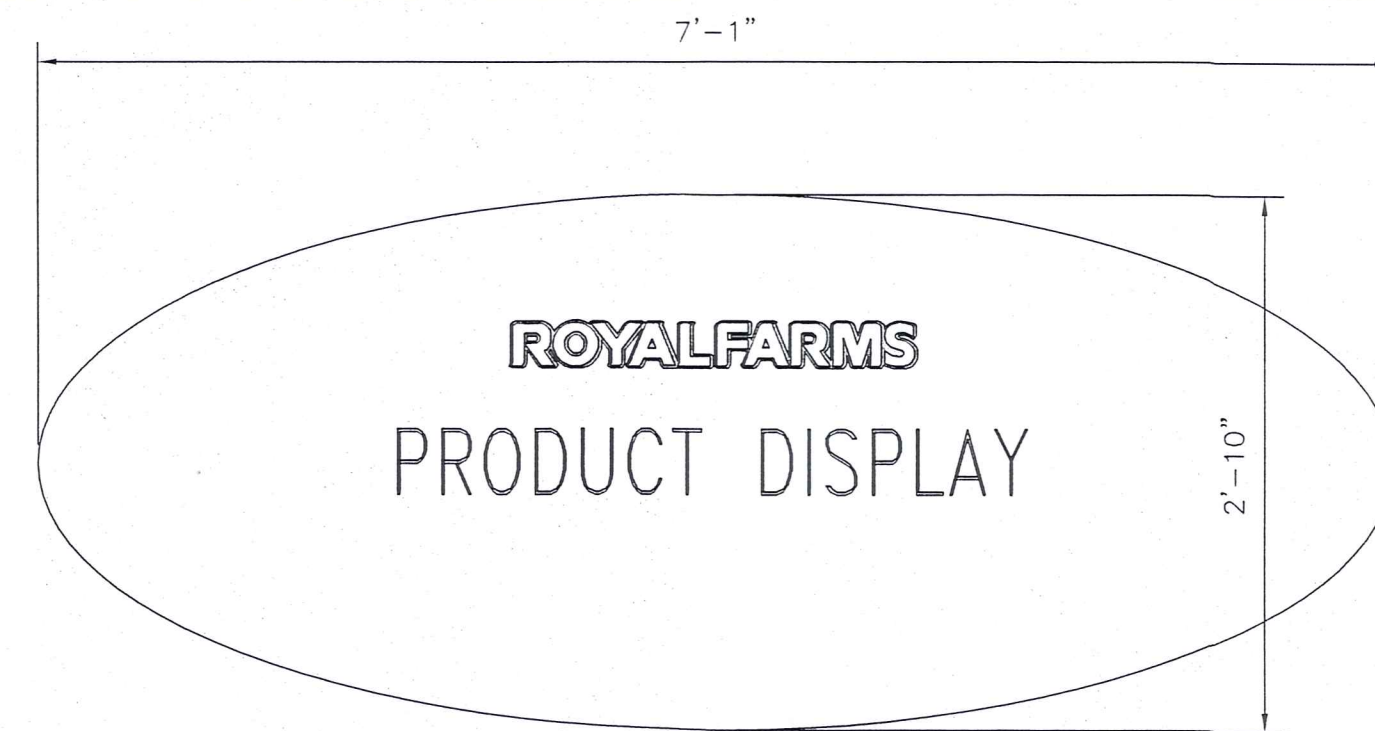


L - SPANDREL DECALS



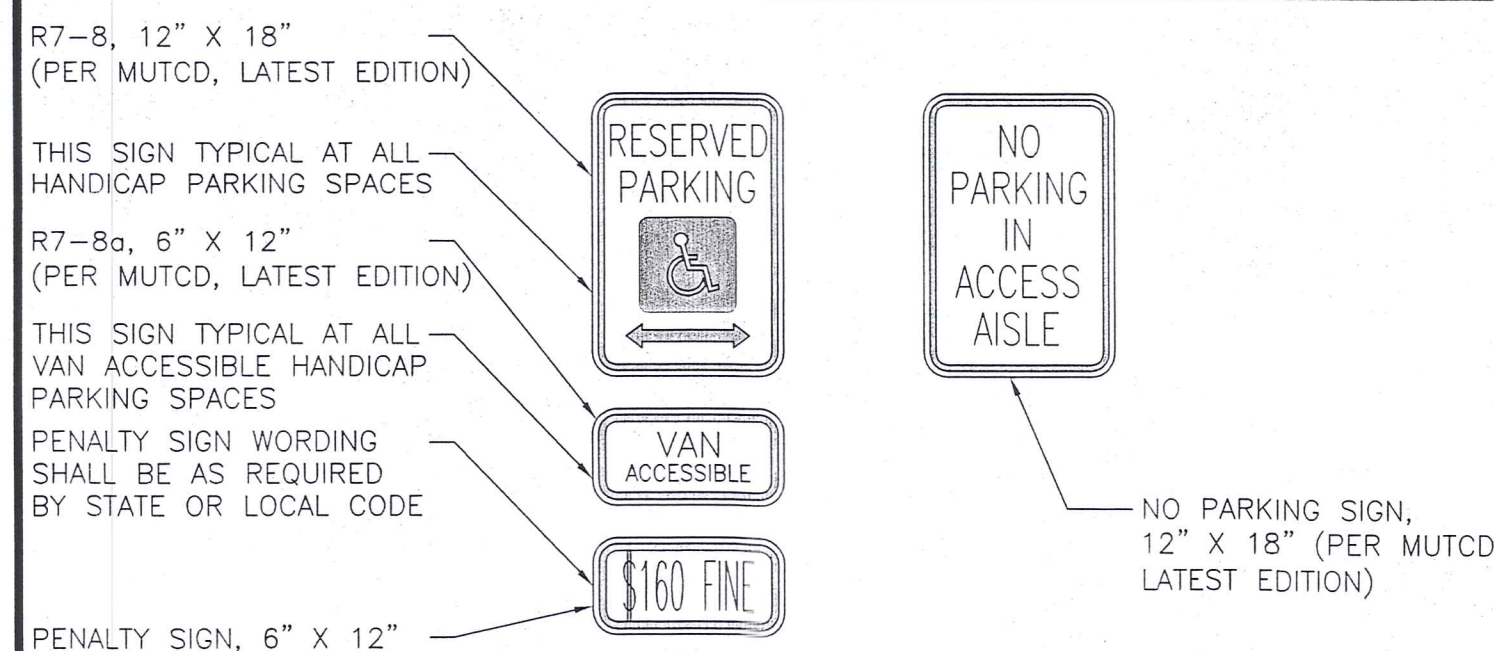
SIGNAGE AREA = 6 S.F.

J - DRYER TIMER SIGN



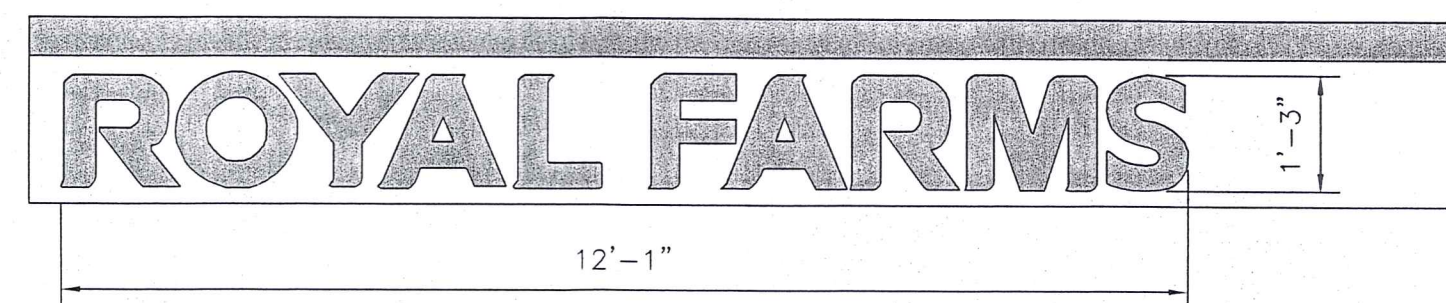
SIGNAGE AREA = 16 S.F.

D - OVAL PRODUCT DISPLAY SIGN



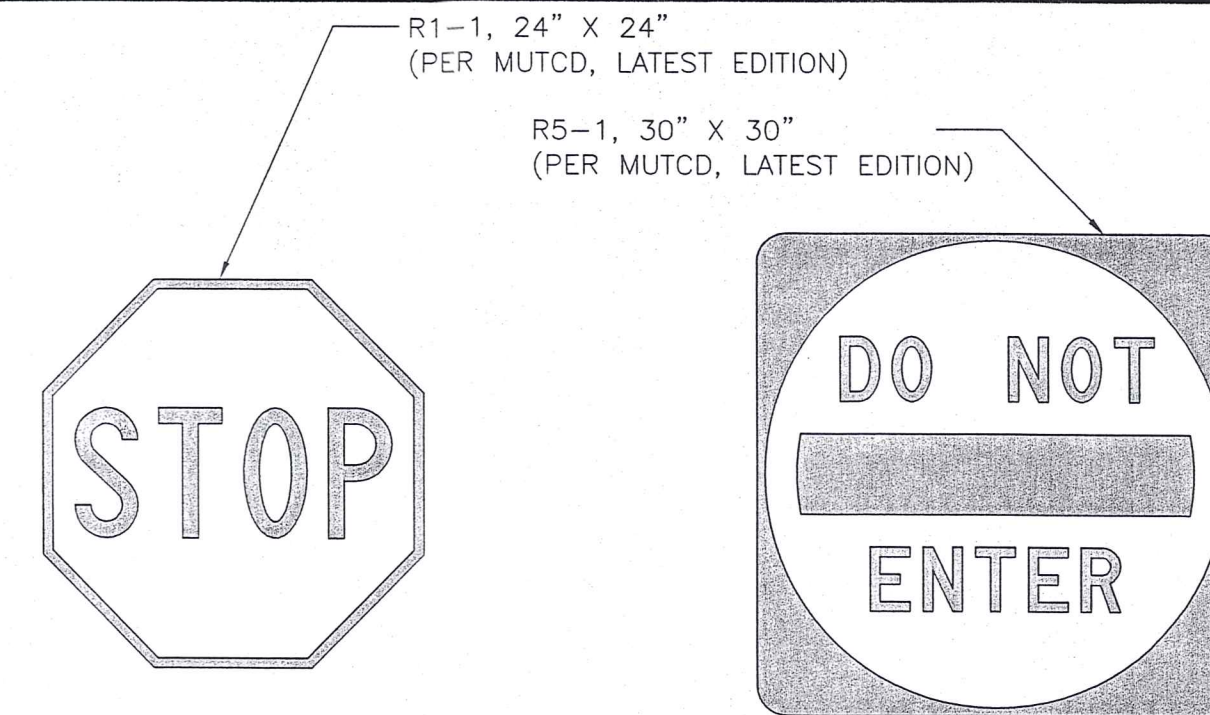
DETAIL NOTES:
1. ALL SIGN BACKGROUNDS SHALL BE WHITE (RETROREFLECTIVE).
2. ALL SIGN LEGENDS AND BORDERS SHALL BE GREEN (RETROREFLECTIVE).
3. HANDICAPPED SYMBOL FOR SIGN R7-8 SHALL BE WHITE ON BLUE BACKGROUND (RETROREFLECTIVE).

E - HANDICAP ACCESSIBLE SIGNS DETAIL



SIGNAGE AREA = 16 S.F.

F - CANOPY SIGN



DETAIL NOTES:
1. ALL "STOP" SIGN BACKGROUNDS SHALL BE RED (RETROREFLECTIVE).
2. ALL "STOP" SIGN LEGENDS AND BORDERS SHALL BE WHITE (RETROREFLECTIVE).
3. ALL "DO NOT ENTER" SIGN LEGENDS AND BACKGROUNDS SHALL BE WHITE (RETROREFLECTIVE).
4. ALL "DO NOT ENTER" SIGN SYMBOLS SHALL BE RED (RETROREFLECTIVE).

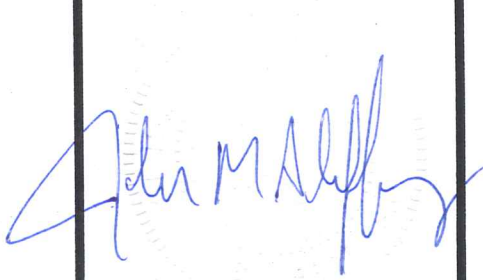
G - TRAFFIC SIGN DETAILS

REV #	DATE	DESCRIPTION
01	03/22/10	REVISIONS PER LEGAL COUNSEL
02	04/22/10	REVISIONS PER PRE-APPLICATION
03	05/07/10	REVISIONS PER LEGAL COUNSEL

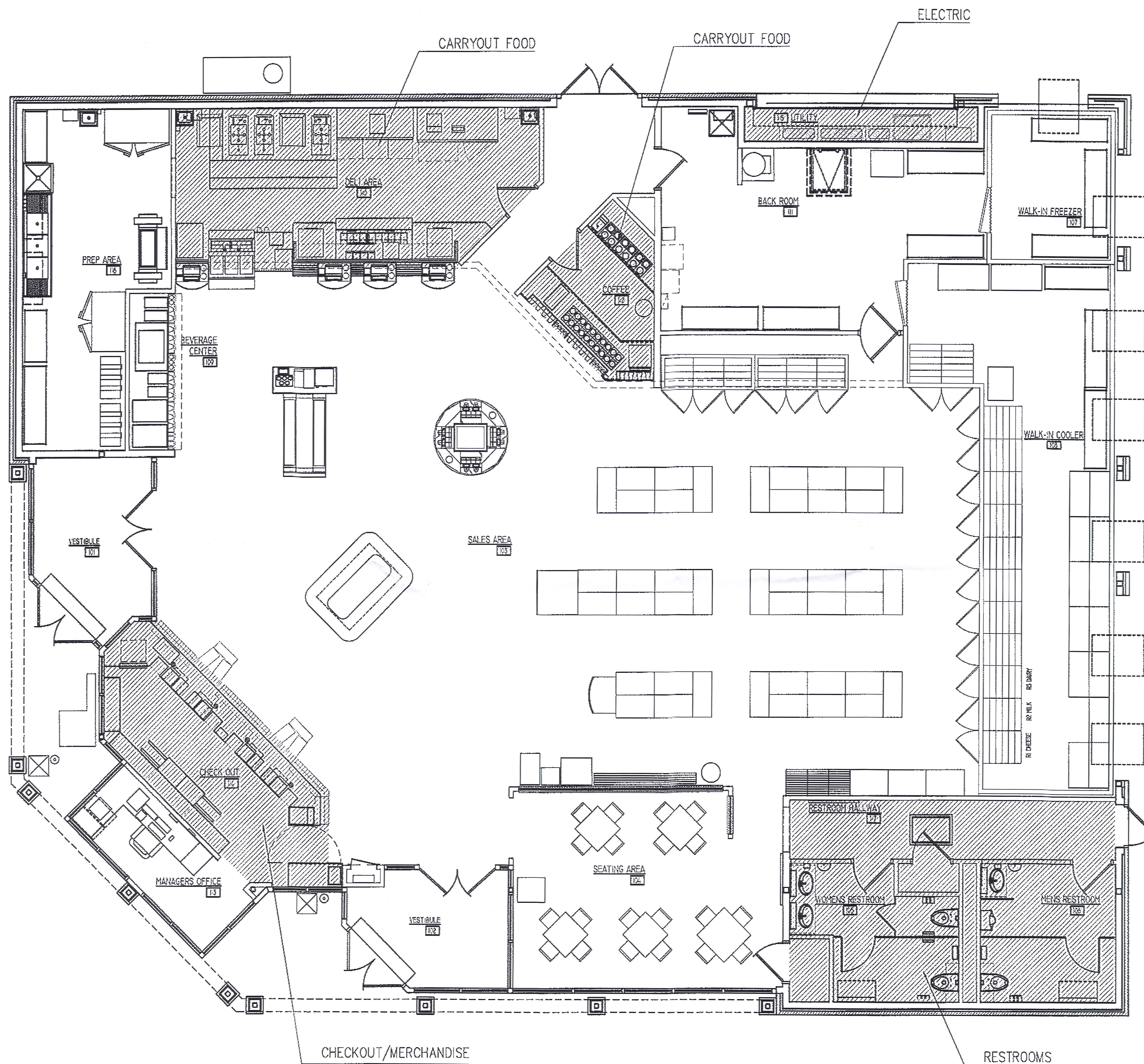
Plan to Accompany a Petition for a Special Hearing and Special Exception	Royal Farms #150
Valerie, Hearing Officer	Baltimore Crossroads, Area 3, Lot 1
	11905 Market Way, Baltimore, MD 21220

ROYAL FARMS	CORE STATES GROUP
	501 Office Center Drive, Suite 400 Fort Washington, PA 19074 Tel: (215) 899-5220 Fax: (215) 899-5224 jcarlaff@core-eng.com

Job #:	ROY-11053
Scale:	N.T.S.
Date:	03/15/10
Drawn By:	EM
Checked By:	JS

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---	---

C-4
5 OF 10



Service Station / Carryout Food
 Vestibules
 Sales Area
 Prep Area
 Restrooms
 Seating Area
 Beverage Center
 Back room
 Coffee Area / Deli Area
 Checkout / Manager's Office
 Cooler/Freezer
 Electrical Room
 Storage

Total
 Total Store Gross Sq. Footage
 Total Convenience Store Use

Total Area
 0
 0
 0
 350
 0
 0
 0
 0
 465
 227
 0
 81
 25
 0
 0
 1148
 5785
 4637

ROYAL FARMS ROUTE 43 & ROUTE 95 WHITEMARSH, MD STORE #150

CONTENT:

FLOOR PLAN

REVISED:
 # DATE REVISION

DATE: 03/17/10

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

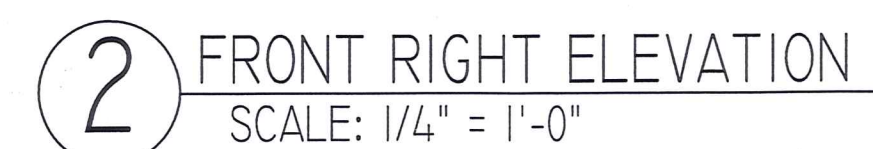
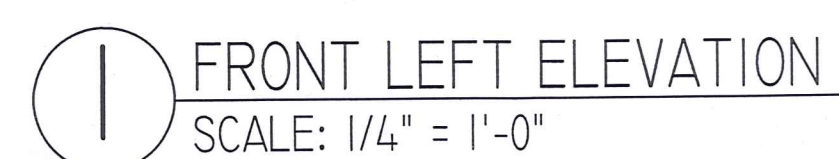
DRAWN BY: GILL

A1.7

3/18/2010 4:31:10 PM

PETER W. RATCLIFFE, AIA
 ARCHITECTS
 10404 Stevenson Road
 Stevenson, Maryland 21153
 410-520-7000 FAX 410-520-7001 PETER@PETERWATCLIFFE.COM

FLOOR PLAN
 SCALE: 1/4" = 1'-0"



PETER W. RATCLIFFE, A.I.A.
A R C H I T E C T S
10404 Stevenson Road
Stevenson, Maryland 21153
410-864-7010 FAX 410-864-3819 PETER@RATCLIFFEARCHITECTS.COM

ROYAL FARMS
ROUTE 43 & ROUTE 95
WHITEMARSH, MD
STORE #150

CONTENT:
EXTERIOR
ELEVATIONS
SHEET #1

REVISED:	
#	DATE REVISION

DATE: 04/04/08

SCALE: $1/4" = 1'-0"$

DRAWN BY: MORTORFF

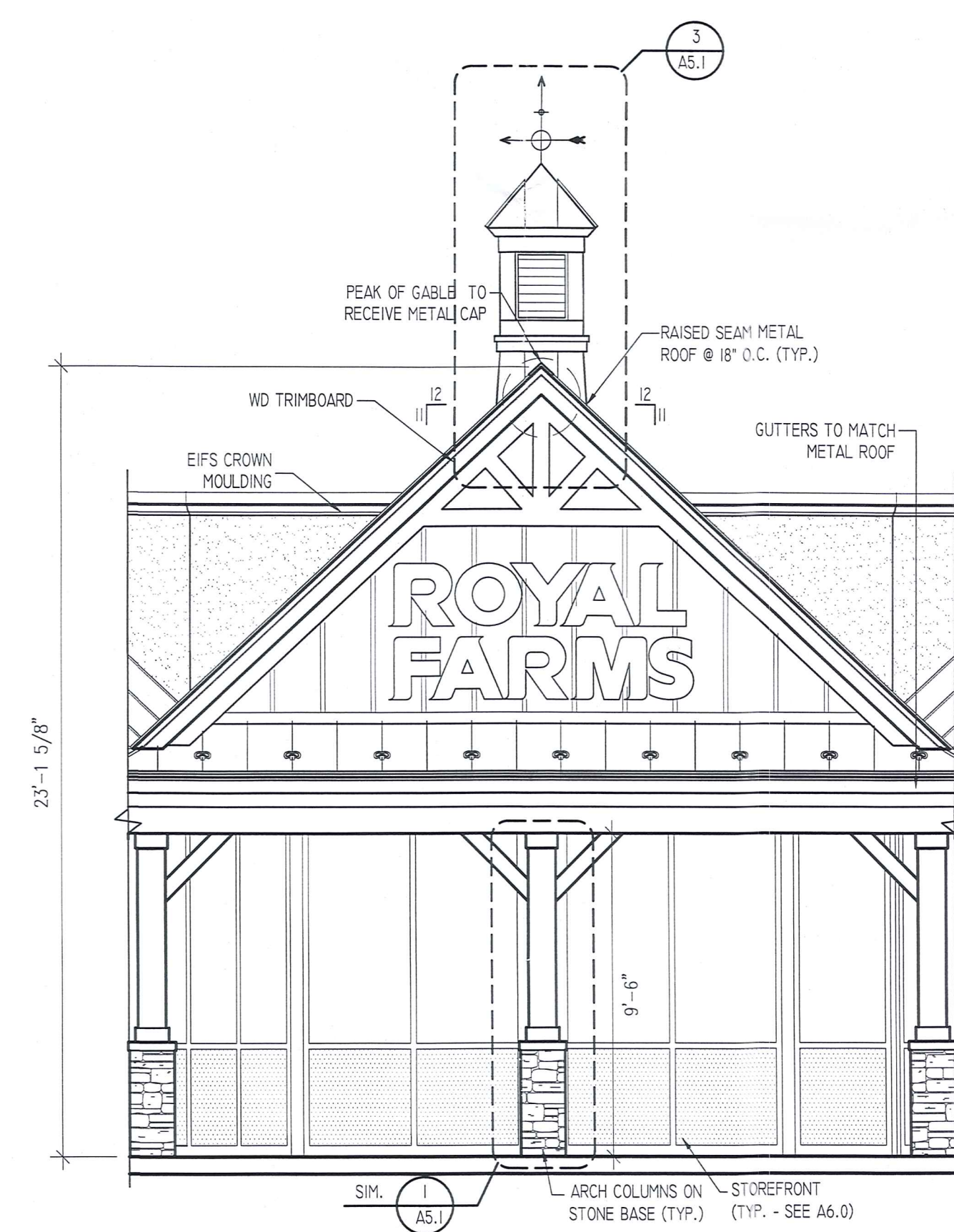
A2.0



1 REAR ELEVATION
SCALE: 1/4" = 1'-0"



2 LEFT ELEVATION
SCALE: 1/4" = 1'-0"



3 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

NOTE:
1. PAINT ALL EXTERIOR ELECTRICAL EQUIPMENT TO MATCH BUILDING.
2. SEE CIVIL PLANS FOR DETAILED GRADING INFORMATION.

PETER W. RATCLIFFE, A.I.A.
ARCHITECTS
10404 Stevenson Road
Stevenson, Maryland 21153
(410) 286-7100 FAX (410) 286-7101 WWW.PETERWATCLIFFEARCHITECTS.COM

ROYAL FARMS
ROUTE 43 & ROUTE 95
WHITEMARSH, MD
STORE #150

CONTENT:
EXTERIOR ELEVATIONS
SHEET #2

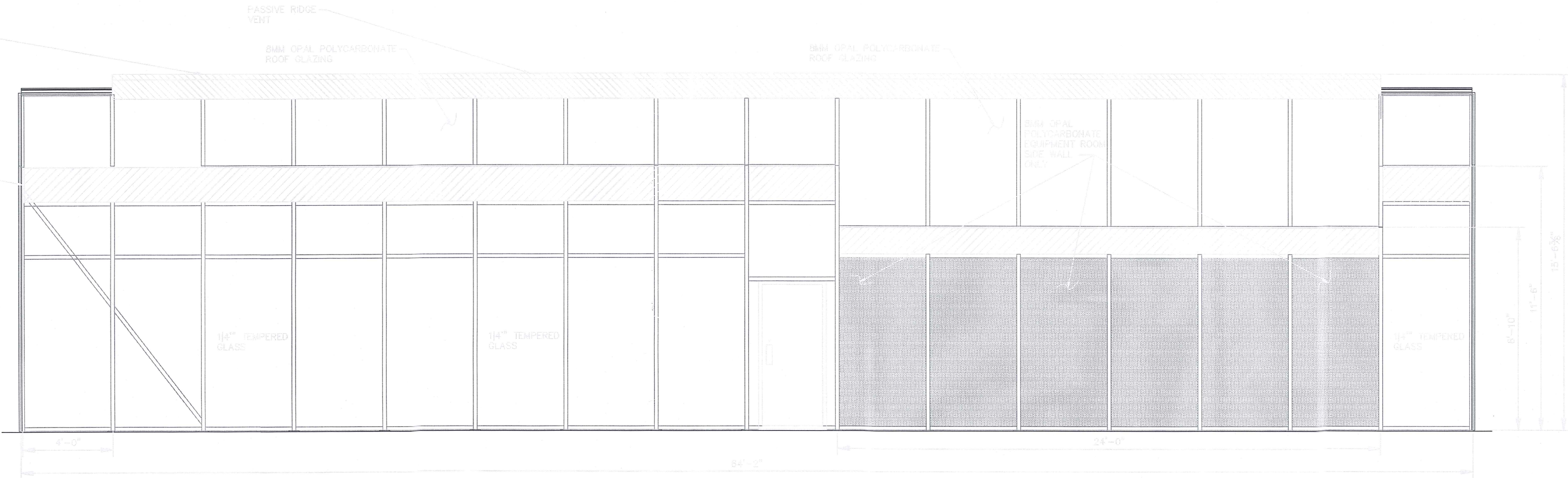
REVISED: #	DATE	REVISION

DATE: 03/17/10
SCALE: 1/4" = 1'-0"
DRAWN BY: GILL

A2.1

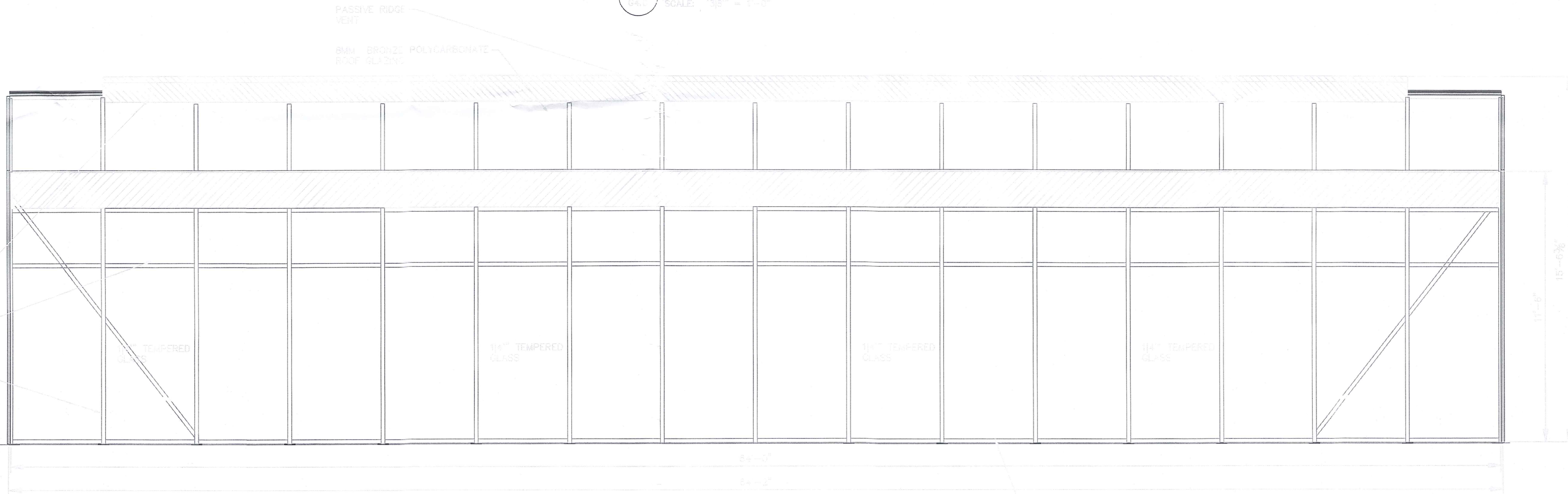
RIDGE VENT COLOR RAL # 7004
CONFIRM _____
MFG. _____
PART/COLOR # _____
SIGN _____
DATE _____

ACM BUMPER COLOR IR CHEVRON BLUE
FINISH DURAGLOSS
CONFIRM _____
MFG. _____
PART/COLOR # _____
SIGN _____
DATE _____



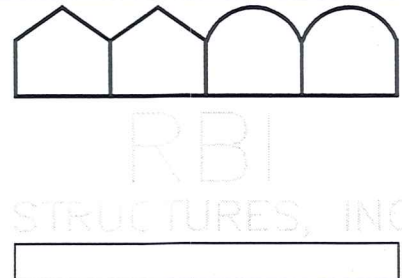
A SIDEWALL MECHANICAL ROOM SIDE ELEVATION
SCALE: 3/8" = 1'-0"

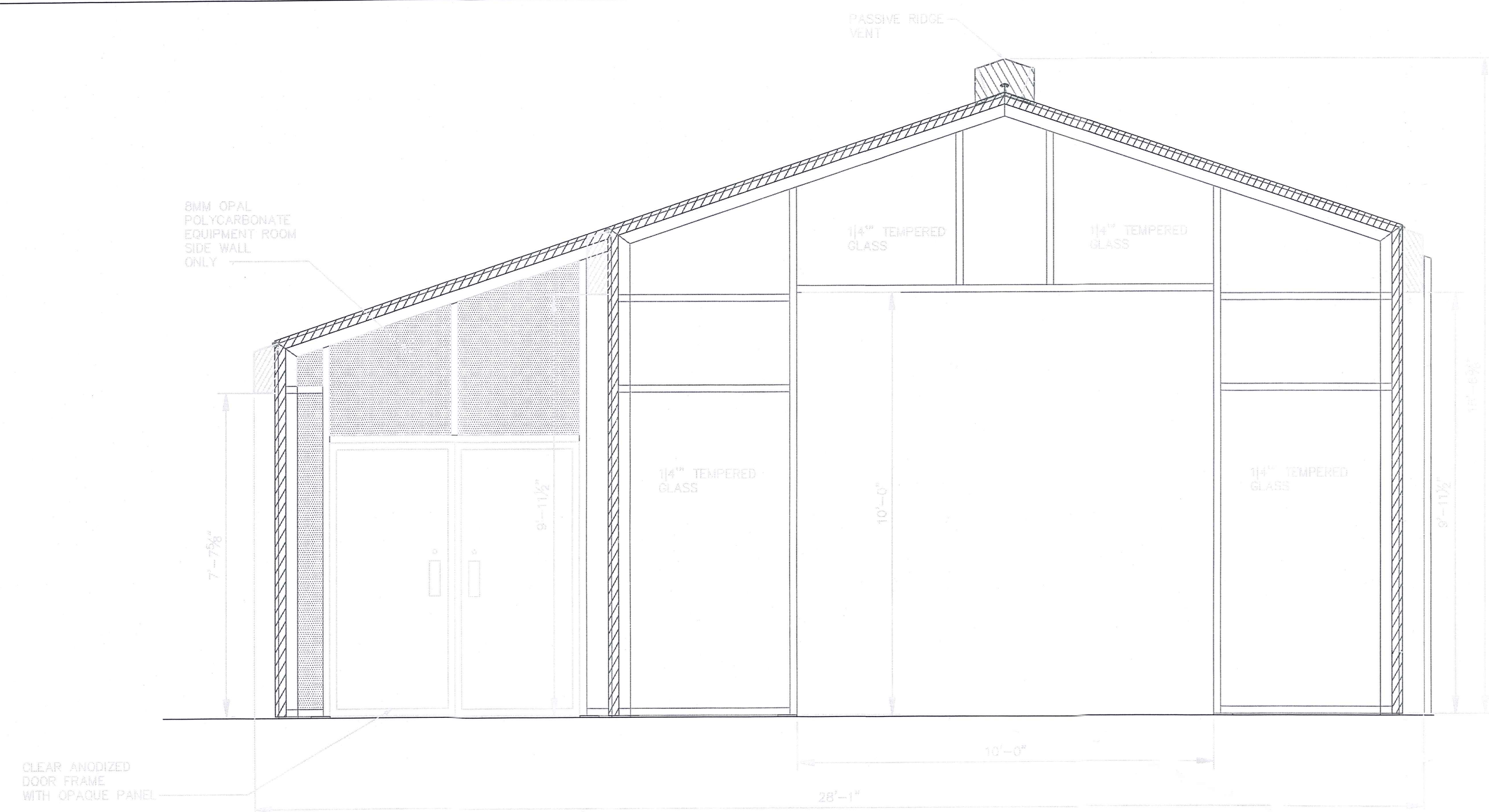
ALL BUILDING FRAMING
COMPONENTS POST/TRUSSES
GLAZING COVERS EXT.
COLOR RAL # 7004
CONFIRM _____
MFG. _____
PART/COLOR # _____
SIGN _____
DATE _____



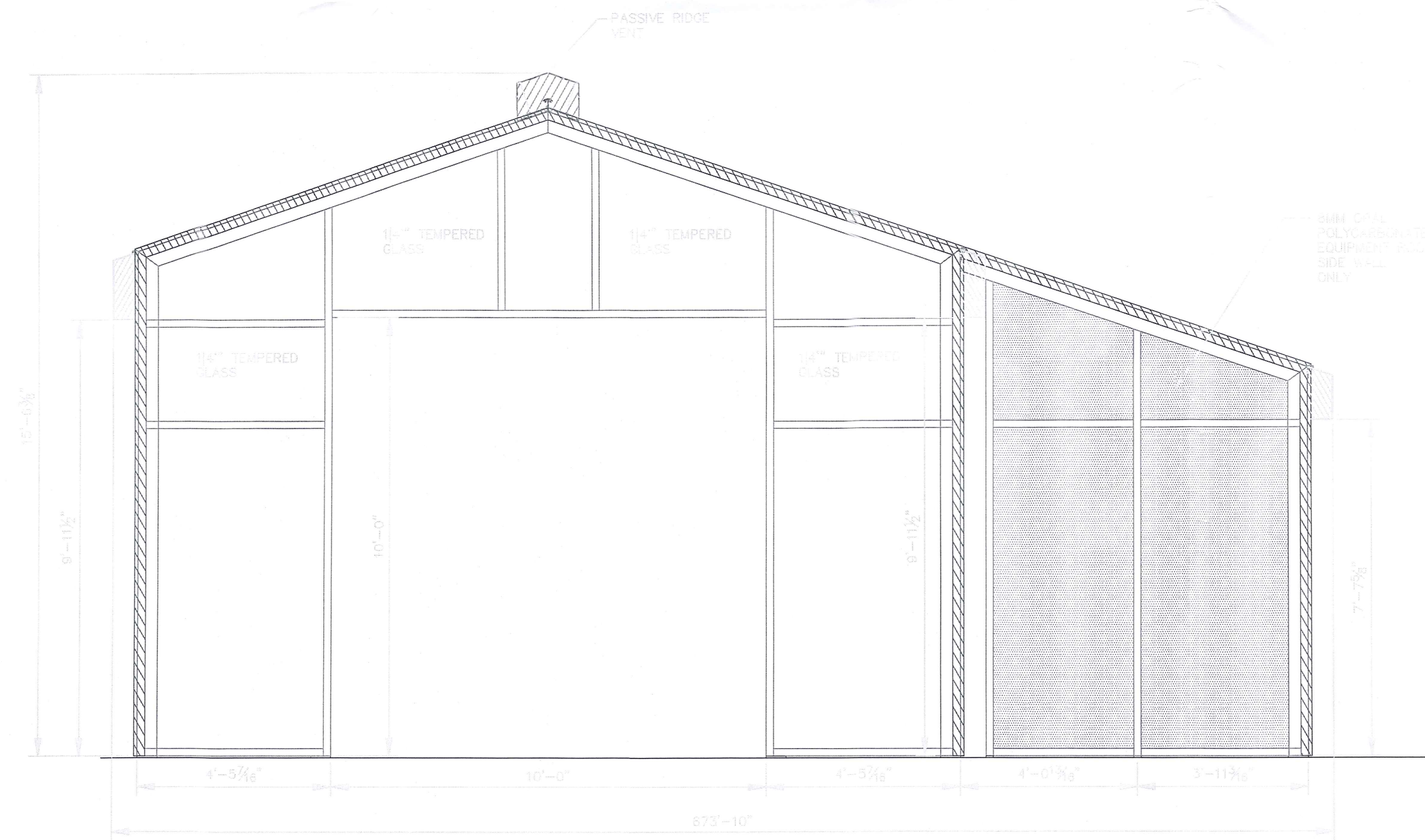
B SIDEWALL SIDE ELEVATION
SCALE: 3/8" = 1'-0"

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REVISIONS		Total Structural Services: Design • Fabrication • Installation • Parts • Repair Service					
1	By: JJK		SIDE WALL ELEVATIONS				
		RBI STRUCTURES CAR WASH "MODEL 1" ROYAL FARMS STORE # 150 WHITEMARSH, MD	SCALE: AS NOTED	DATE: 03/26/10	DRAWN BY: JJK	CONTRACT NO: ---	SHEET NO: G4.1
		5513 VINE STREET CINCINNATI, OH 45217 613240-2200 1-800-544-7332					



ENTRY ELEVATION
SCALE: 1/2" = 1'-0"



EXIT ELEVATION
SCALE: 1/2" = 1'-0"

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REVISIONS		Total Structural Services: Design • Fabrication • Installation • Parts • Repair Service	
1	By: JHK		
2	By: JHK		
3	By: JHK		
4	By: JHK		
5	By: JHK		
6	By: JHK		
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99	By: JHK		
100	By: JHK		

5513 VINE STREET
CINCINNATI, OH 45217
616-222-2222 • 1-800-544-7339

SCALE: AS NOTED
DATE: 03/26/10
DRAWN BY: JHK
CONTRACT NO.: ---
SHEET NO.: G4.2

Plot Date/Time: 2010-05-06 - 17:13:03, User: EMORFF, Drawing: ROY-11053 CD.dwg

LINE TABLE					
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L01	S 12°07'14" W	30.36'	L17	S 11°54'47" E	30.28'
L02	S 18°30'58" W	13.38'	L18	S 26°41'29" E	14.19'
L03	S 03°49'45" E	31.82'	L19	S 04°47'10" W	25.47'
L04	S 06°22'54" E	19.12'	L20	S 06°21'36" E	19.18'
L05	S 14°59'15" E	32.87'	L21	S 07°09'07" W	17.07'
L06	S 21°51'43" E	22.83'	L22	S 23°17'56" W	16.13'
L07	S 18°15'56" E	26.79'	L23	S 05°58'31" W	19.16'
L08	S 11°20'28" E	21.61'	L24	S 04°25'07" W	27.58'
L09	S 20°37'42" W	18.10'	L25	S 26°41'13" W	9.45'
L10	S 16°56'16" W	28.75'	L26	S 60°16'41" W	17.13'
L11	S 18°29'45" W	13.38'	L27	S 63°26'30" W	18.87'
L12	S 02°52'39" W	42.43'	L28	S 74°02'12" W	15.47'
L13	S 04°25'44" E	27.58'	L29	N 63°22'52" W	4.75'
L14	S 10°22'16" W	23.64'	L30	S 06°01'39" E	40.47'
L15	S 16°44'51" E	22.12'	L31	S 00°00'00" E	23.26'
L16	S 05°12'28" E	23.41'	L32	S 08°47'13" E	27.82'
			L33	S 02°35'22" W	24.90'
			L34	S 33°34'22" E	0.68'
			L35	S 83°32'28" E	6.67'
			L36	S 74°43'25" E	8.29'
			L37	S 79°57'51" E	12.57'
			L38	S 77°01'58" E	19.50'
			L39	S 79°19'25" E	15.52'
			L40	S 59°19'22" E	8.58'
			L41	S 58°36'51" E	23.87'
			L42	S 63°24'32" E	9.79'
			L43	S 47°50'19" E	9.78'
			L44	S 49°22'46" E	14.49'
			L45	S 46°44'20" E	9.19'
			L46	S 28°34'01" W	40.50'
			L47	S 01°28'19" W	60.67'
			L48	S 79°41'38" E	63.24'

REVERTIBLE EASEMENT
FOR SUPPORTING SLOPES
(PLAT 78/50)
[EXCEPTION NO. 2]
(PLAT 77/113)
[EXCEPTION NO. 3]
(S.M. 17549/181)
[EXCEPTION NO. 4]
(S.M. 17549/143)
[EXCEPTION NO. 6]

BC AREA 2 LOT 1 LLC
PLAT NUMBER 5, PLAT REFERENCE 78/50
DEED REFERENCE 23257/20
DISTRICT 15, TAX ACCOUNT #2500000165

BC AREA 2 LOT 15 LLC
PLAT NUMBER 2, PLAT REFERENCE 78/47
DISTRICT 15, TAX ACCOUNT #2500000157

AREA 3, LOT 1
14.215 AC.±
AREA OF SPECIAL EXCEPTION
91,485 SQUARE FEET

NEAR FLOODPLAIN,
DRAINAGE AND UTILITY
EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]
(PLAT 77/113)
[EXCEPTION NO. 3]

FOREST BUFFER
EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]
(S.M. 23388/350)
[EXCEPTION NO. 19]

BGE AGREEMENT
(23638/594)
[EXCEPTION NO. 19]

10' BALTIMORE COUNTY ACCESS EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]

AREA 3, LOT 1
14.215 AC.±

FOREST
CONSERVATION
EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]

BC AREA 3 LOT 1 LLC
PLAT NUMBER 5, PLAT REFERENCE 78/50
DEED REFERENCE 23257/84
DISTRICT 15, TAX ACCOUNT #2500000166

50' DRAINAGE &
UTILITY EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]

PERPETUAL EASEMENT
FOR BGE ACCESS
(S.M. 17549/181)
[EXCEPTION NO. 4]
(PLAT 78/50)
[EXCEPTION NO. 2]
(S.M. 17549/143)
[EXCEPTION NO. 6]
(PLAT 77/113)
[EXCEPTION NO. 3]

FOREST CONSERVATION
EASEMENT
(PLAT 78/50)
[EXCEPTION NO. 2]

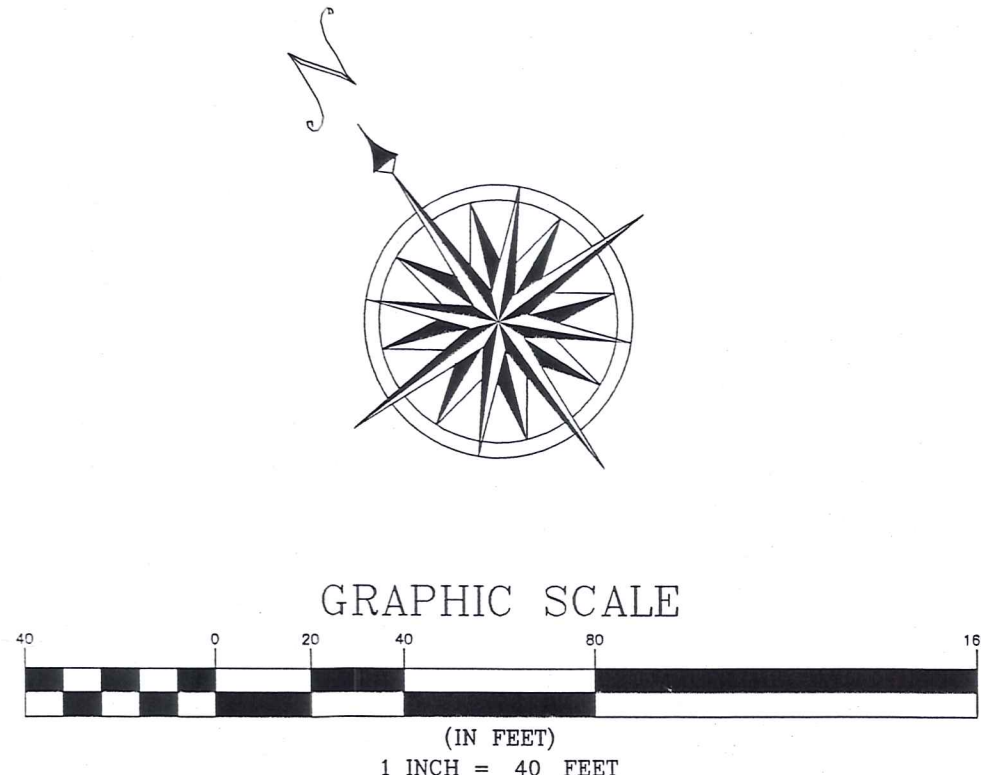
BALTIMORE GAS & ELECTRIC CO
DEED REFERENCE 4027/323
DISTRICT 15, TAX ACCOUNT #1502001317

JMD CAMPBELL LLC
DEED REFERENCE 20200/505
DISTRICT 15, TAX ACCOUNT #2400011249

MIDDLE RIVER BUSINESS CENTER LLC
PLAT NUMBER 5, PLAT REFERENCE 78/50
DISTRICT 15, TAX ACCOUNT #2500000167

BC AREA 4 LOT 1 LLC
PLAT NUMBER 6, PLAT REFERENCE 78/51
DEED REFERENCE 23257/88
DISTRICT 15, TAX ACCOUNT #2500000169

VICINITY MAP
SCALE: 1" = 1000'



THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES.

REV #	DATE	DESCRIPTION
01	03/22/10	REVISIONS PER LEGAL COUNSEL
02	04/22/10	REVISIONS PER PRE-APPLICATION
03	05/07/10	REVISIONS PER LEGAL COUNSEL

Plan to Accompany a Petition for a
Special Exception
Royal Farms #150
Baltimore Crossroads, Area 3, Lot 1
11905 Market Way, Baltimore, MD 21220
Location Plan

CORE STATES GROUP
501 Office Center Drive, Suite 400
Fort Washington, PA 19034
Phone (610) 809-2125
jchaffey@core-eng.com

Job #: ROY-11053
Scale: 1"=60'
Date: 03/15/10
Drawn By: EM
Checked By: JS

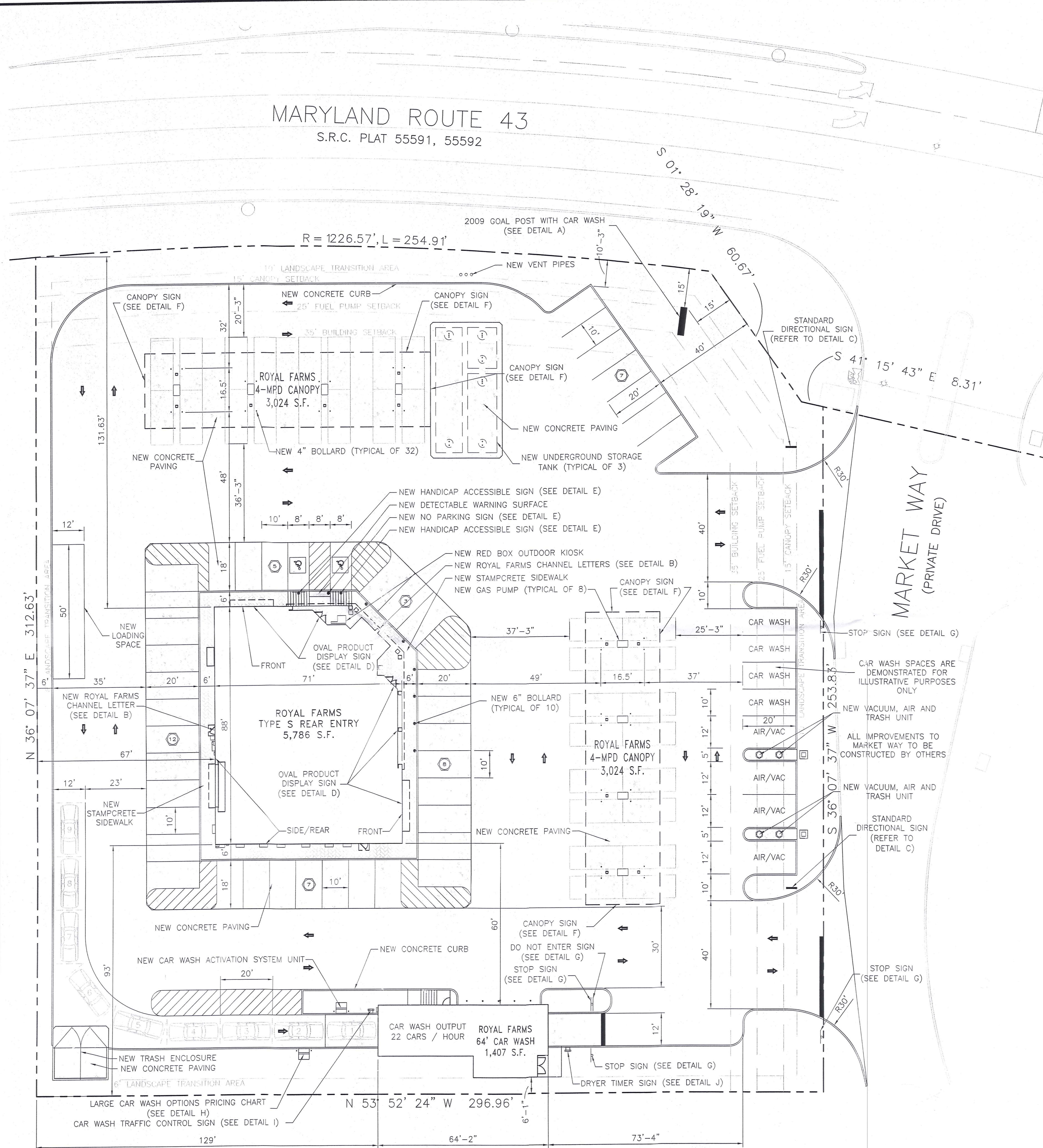
Documents prepared by CoreStates, Inc. are to be used only for the specific project and specific use for which they were intended. Any extension of use for any other project without the expressed written consent of CoreStates, Inc. is done unlawfully and at the users own risk. If used in a way other than that specifically intended by CoreStates, Inc. CoreStates, Inc. disclaims all claims and losses.

5/1/10

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2 OF 10

S:\Royal Farms\ROY-11053\Baltimore County, MD\Drawings\ROY-11053 CD.dwg, 5/6/2010 5:13:07 PM, cmc/ff

Plot Date/Time: 2010-05-06 - 17:13:08, User: ENORFF, Drawing: ROY-11053 CD.dwg



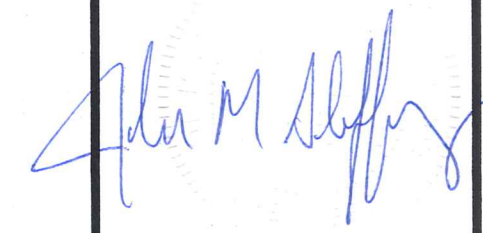
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES.

REV #	DATE	DESCRIPTION
01	03/27/10	REVISIONS PER LEGAL COUNSEL
02	03/27/10	REVISIONS PER LEGAL COUNSEL
03	05/07/10	REVISIONS PER LEGAL COUNSEL

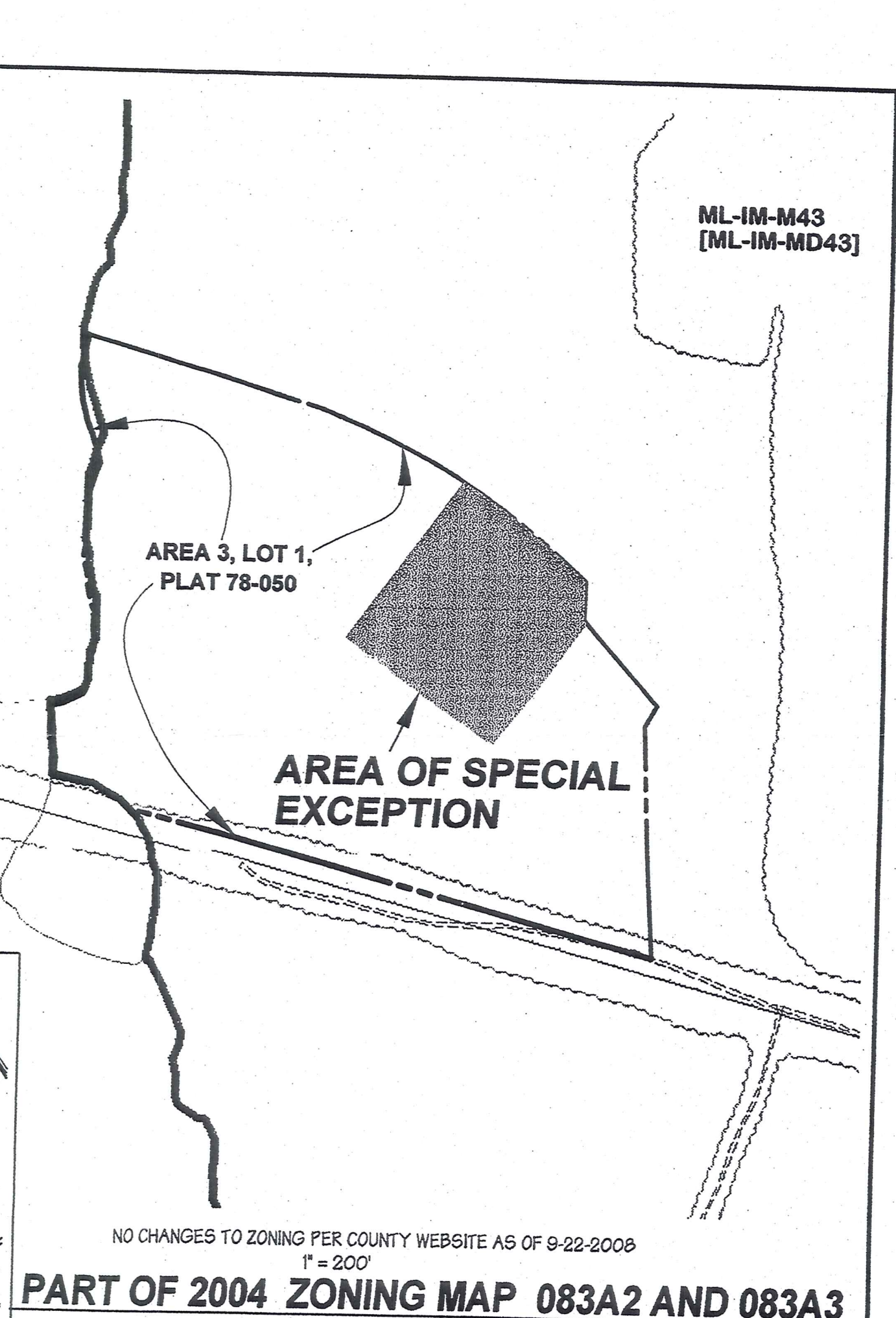
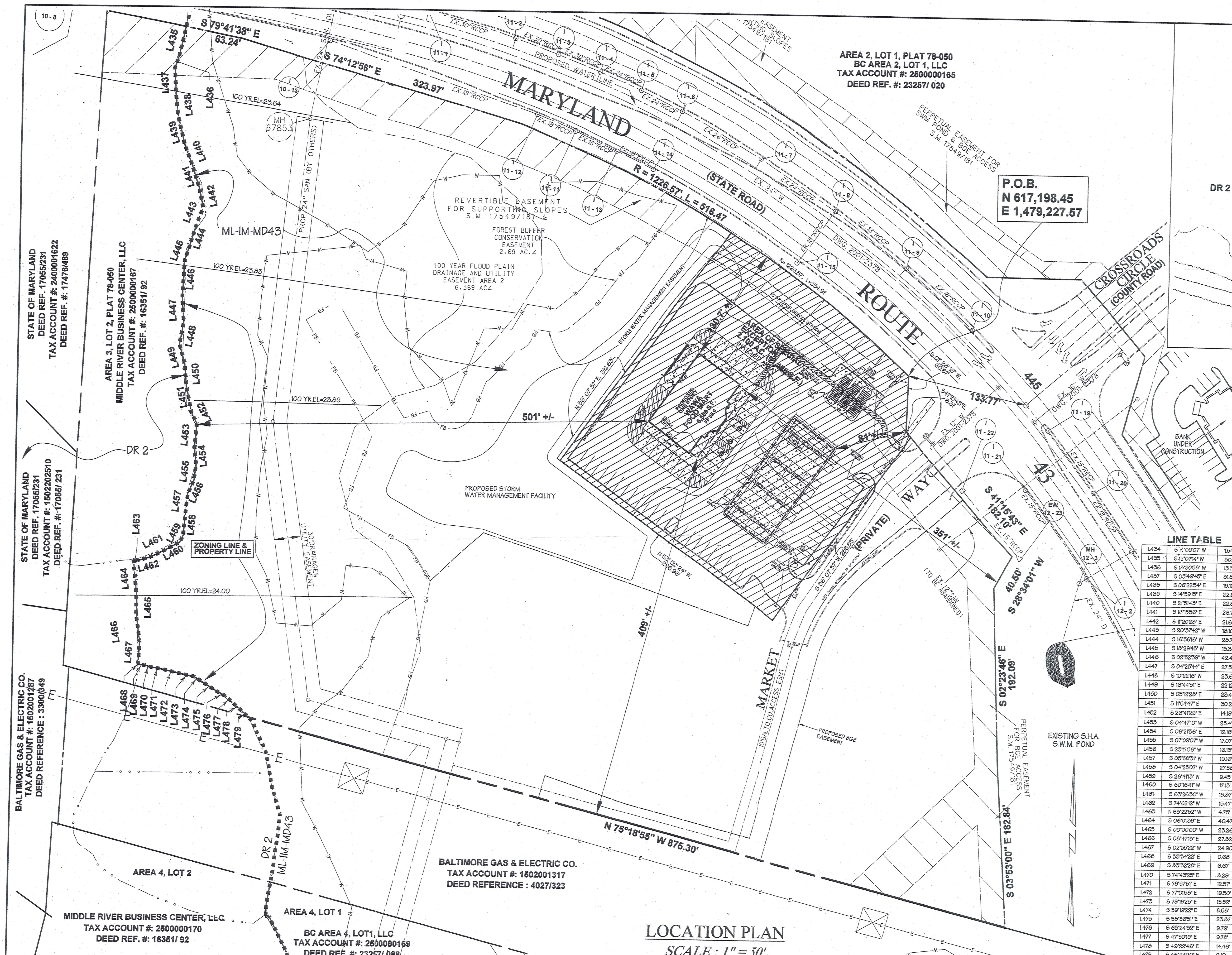
Plan to Accompany a Petition for a Special Exception	Royal Farms #150
Baltimore Crossroads, Area 3, Lot 1	11905 Market Way, Baltimore, MD 21220
Zoning Plat	

ROYAL FARMS	CORE STATES GROUP
501 Office Center Drive, Suite 400	Phone (215) 605-2125
Fax (215) 605-2125	js@corestatesgroup.com

Job #:	ROY-11053
Scale:	1"=20'
Date:	03/15/10
Drawn By:	EM
Checked By:	JS

Documents prepared by CoreStates, Inc., only for the specific project and specific use for which they were intended. Any extension of use to any other project, by owner or by any other party, without the written consent of CoreStates, Inc., is done unilaterally and at the users own risk. If used in a way other than that specifically intended, user will hold CoreStates, Inc. harmless from all claims and losses.	
	5/7/10

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3 OF 10



PART OF 2004 ZONING MAP 083A2 AND 083A3

- GENERAL NOTES**
1. All work shall conform to Baltimore County standard specifications and details or as shown on these approved plans.
 2. The contractor shall notify Miss Utility 1-800-257-7777 five days prior to starting work.
 3. It is the responsibility of the contractor to investigate for underground gas and/or electric lines.
 4. To our knowledge no wastes or by-products will be produced on the Site.
 5. See architectural plans for exact building dimensions.
 6. All fixtures used to illuminate the off-street parking area shall be so arranged as to reflect the light away from residential sites and public streets.
 7. The contractor is to verify the locations of existing water and sewer connections to the building and to relocate if necessary.
 8. Storm water management has been approved.
 9. Any underground fuel tanks are to be installed in accordance with all local, state and federal regulations.
 10. The site shall comply with all applicable sections of the Fire Prevention Code prior to occupancy or beginning of operation.
 11. The site is not within the Chesapeake Bay Critical Area.
 12. The site shall comply with the Pattern Book for Baltimore Crossroads @ 95.
 13. Water and compressed air shall be provided in accordance with the B.C.Z.R. section 405.
 14. Previous commercial permits: grading permit: B61025 (issued), storm water management permit: B61025 (issued); Building Permit for Wawa B601034 (pending).
 15. Hearings: DRC Request 032105M approved a limited exemption from Section 32-4-106(a)(1)(v). Case 06-355-X Special Exception for Wawa Convenience Store Approved 2/24/2006 (expired).

SITE DATA

Site Area	619,195 S.F. - 14.215 Ac.
Area of Special Exception	91,485 S.F. - 2.100 Ac.
Existing Zoning	ML-IM-MD43
Councilmatic District	6th
Existing Use	Variant
Proposed Use	Convenience Store w/Fuel Pumps & Carry Out Food
Deed Reference	23257/084
Plat Reference	SM 78-050
Tax Account Numbers	2500000166
Ancillary Uses	Minor ancillary uses as permitted in Section 405.4.D. of the B.C.Z.R. (No additional square footage required)
Convenience Store	4060 S.F.
Service Station uses	779 S.F.
Carry Out Food	760 S.F.
Total Floor Area Ratio	5599 S.F. + 619,195 = 0.01 (3.0 permitted)
Proposed Building Height	3'

AREA REQUIRED FOR COMBINATION USE

16 Servicing Spaces x 1500 S.F.	24,000 S.F.
Convenience Store: 4 x 4060	16,240 S.F.
Carry Out Food: 6 x 750	4,500 S.F.
Additional Area for ATM:	1,000 S.F.
Total Site Area Required	45,740 S.F.
Area of Special Exception	91,485 S.F.

PARKING SPACES

Retail/Carry Out Food:	
5500 S.F. @ 5/1000	-28
maximum employee shift	-10
air	-1
ATM	-1
Total Required	-40
Total Provided	59

PARKING SPACE DIMENSIONS:

Typical Space	10' x 20'
Handicap Space	13' x 20'
(All spaces to be permanently striped)	

FUEL SERVICE SPACES:

1 Per pump island side required	16
Provided	16

STACKING SPACES:

1 Per pump island side	16
Provided	16

PETITIONER'S

EXHIBIT NO.

5

Matis Warfield
consulting engineers
10540 York Road, Suite 210
Hunt Valley, Maryland 21096
Phone: 410-208-2100
Fax: 410-208-2101
www.matiswarfield.com

OWNER
BC Area 3 Lot 1, LLC
2560 Lord Baltimore Drive
Baltimore, Maryland 21244
(410) 788-0100

APPLICANT
Wawa, Inc.
260 W. Baltimore Pike
Wawa, PA 19063
(610) 358-8000

PETITION FOR SPECIAL EXCEPTION
1. Special Exception pursuant to Sections 259.11.B.2.a, 405.2.B.1, 405.4.E.1 and 405.4.E.10 of the Baltimore County Zoning Regulations for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant.

SHEET INDEX
1. LOCATION PLAN AND SITE DATA
2. ZONING PLAN
3. APPROVED LANDSCAPE PLAN (SHEET 1 of 2)
4. SIGNAGE PLAN

Plan to Accompany A Petition for a Special Exception
WAWA STORE
Baltimore Crossroads Area 3, Lot 1
11905 Market Way
Tax Map 83
Parcel 147
Scale: 1" = 50'

2009-0092-X

Election District 15
September 22, 2008
Sheet 1 of 4