

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

W of Perry Hills Court; 126 feet S of the
c/l of White Marsh Boulevard
14th Election District
6th Councilmanic District
(8118 Perry Hills Court)

Retail Trust I

Legal Owners

Wal-Mart Real Estate Business Trust,

Wal-Mart Stores, Inc.

Lessees

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY

*

* Case No. 2010-0340-SPHA

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Thomas C. Kleine, Esquire, on behalf of the legal owners of the subject property, Retail Trust I, and the lessees, Wal-Mart Real Estate Business Trust and Wal-Mart Stores, Inc., hereinafter referred to collectively as "Petitioners." Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to the site plan and order approved in Case No. CR-90-179. Petitioners are also requesting Variance relief from Section 409.6 of the B.C.Z.R. to permit 722 parking spaces in lieu of the required 764 parking spaces.¹ The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

¹ The Petition for Variance was originally filed on June 3, 2010 to permit 719 parking spaces in lieu of 776 required; however, as indicated in the letter dated June 16, 2010 from Petitioners' attorney to the Zoning Review Office which is contained in the case file, plans for the expansion and renovation of the subject Wal-Mart store were amended by Wal-Mart's engineers and architects, resulting in a reduction in the size of the store expansion and thus resulting in fewer parking spaces required (776 to 764) and more parking spaces provided (722 instead of 719). The instant Petition for Variance dated June 22, 2010 reflects those changes.

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Date 8-12-10

Appearing at the requisite public hearing in support of the requested relief on behalf of Petitioners was Thomas C. Kleine, Esquire. Also appearing in support of the requested relief were Joe Caloggero with The Traffic Group and Mike Birkland with Bowman Consulting, the engineering firm that prepared the site plan. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is irregularly shaped and consists of approximately 15.54 acres, more or less, zoned B.R. The property is located on the south side of White Marsh Boulevard (MD Route 43) at the southwest intersection of White Marsh Boulevard and Perry Hills Court, in the White Marsh area of Baltimore County. Access to the property is via the aforementioned intersection at the southern terminus of Perry Hills Court. The subject property is bordered to the south by a residential area zoned D.R. 5.5, to the west by the Apple Hill Apartment complex zoned D.R.16, and to the east by a storage facility zoned B.M. The property is improved with an existing Wal-Mart Store consisting of 136,084 square feet that was built in 1994 according the Real Property Data Search record contained in the case file. The existing parking plan provides for 715 spaces with a 5.25 spaces per 1,000 square feet ratio.

In the instant matter, Petitioners propose to renovate and expand the existing Wal-Mart store at the subject location in order to offer customers grocery and delicatessen services. This plan is in keeping with Wal-Mart's corporate strategy of building new "super" stores with these food products and services in addition to Wal-Mart's customary offerings, and of renovating and expanding its older stores where possible to include food products and services. In order to implement this plan at the subject site, Petitioner's attorney, Mr. Kleine, proffered that additional space at the back of the store is necessary for storage and warehousing, as well as some added

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Date 8.12.10 2

By pm

retail space. The planned building expansion would occur primarily at the rear of the primary structure at the southwest corner of the property, consisting of approximately 16,708 square feet. As indicated above, the proposed expansion is part of a comprehensive plan by Wal-Mart Stores, Inc. to update its older store locations across the nation. The updates at the subject location include adding grocery and delicatessen services, sprucing up the building's exterior with new paint and renovating the interior. In order to follow through with its plans, Petitioners require variance relief from the applicable parking Regulations so as to permit 722 parking spaces in lieu of the required 764 spaces. Moreover, in order to update and incorporate prior zoning approvals, Petitioners seek special hearing relief to amend the site plan and order approved in Case No. CR-90-170.

In support of the requested variance relief, Mr. Kleine explained that the site has many topographical peculiarities that render strict compliance with the parking regulations problematic. He noted the extremely steep grade of the property, which begins at Perry Hills Court and is accentuated by the massive retaining walls that at points exceed the height of the principal structure. A site grading and improvement plan was marked and accepted into evidence as Petitioners' Exhibit 5, depicting the extremely sharp slopes that surround the property. Michael Birkland, a professional engineer with Bowman Consulting Group, Ltd., the land use development firm that drafted the site plan for the subject property, stated that the sharp, steep grading of the site makes creating additional parking almost impossible and certainly impractical. Mr. Birkland's resume was marked and accepted into evidence as Petitioner's Exhibit 2. Photographs of the subject property showing the unique topography and the extensive retaining walls were marked and accepted into evidence as Petitioner's Exhibits 6A through 6F.

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Date 8.12.10

By [Signature]

Further testimony was received from Joseph Caloggero, a professional traffic engineer with The Traffic Group, Inc. His resume was marked and accepted into evidence as Petitioners' Exhibit 3. His testimony focused on the impact the deficiency in parking would have on the interior and exterior of the property, and was based on the parking analysis marked and accepted into evidence as Petitioners' Exhibit 4. This included a parking comparison of similar stores in the Frederick, Aberdeen, and Ellicott City areas. In sum, Mr. Caloggero stated that the proposed parking configuration would adequately serve the site with minimal adverse impact. Petitioners' proposal calls for 722 parking spaces for the site, creating a ratio of 4.73 parking spaces per 1,000 square feet of gross floor area. Mr. Caloggero explained that the comparison conducted at the Frederick, Aberdeen, and Ellicott City Wal-Mart stores indicate that, at the most, there was an actual parking ratio of 2.82 spaces per 1,000 square feet of gross floor area during a peak Saturday. He opined that upon considering these studies it is apparent that the proposed ratio of 4.73 parking spaces per 1,000 square feet of gross floor area, while falling short of the 5 spaces per 1,000 square feet required, would nonetheless provide ample parking for customers even during the busiest hours. Mr. Caloggero added that a study titled "Evaluating Parking Demand and City Minimum Parking Requirements in College Station, Texas" found that a 3.0 spaces per 1,000 square feet of gross floor area parking ratio would be adequate even for the Christmas or Thanksgiving shopping seasons. Mr. Kleine added that not only would the slight parking deficiency be adequate for the site, but would also not cause a detriment to the surrounding community. He cited to the minimal visibility of the subject site due to the existence of a significant tree buffer and its height far above White Marsh Boulevard, thereby limiting observation of the sight from the roads and surrounding properties. Mr. Kleine concluded his

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case by remarking that the related special hearing request is made merely to update the paper trail as to the previously approved zoning matters.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments received from the Office of Planning dated June 22, 2010 indicate that a landscape plan and enhanced screening should be provided for the revised loading area and rear addition and request upgrading the existing landscaping to conform with the approved landscape plan replacing any dead, dying or missing plant material. No other negative comments were received from County agencies.

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 a determination of whether 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. Self-inflicted or created hardship is not considered proper grounds for a variance. *Id.* at 707.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. There is adequate evidence that the subject property is peculiar, unusual and unique in accordance with Section 307.1 of the B.C.Z.R. Factors such as environmental conditions, topography and lot configuration are indicators of a unique property. Further, a property owner has a common law right to use his property in a manner so as to realize its highest and best use. *See, Aspen Hill Venture v. Montgomery County Council*, 265 Md. 303 (1972). In the instant matter, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that the

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By PM

steep grade of the property, extensive retaining walls and other topographical peculiarities resulting from the subject property's location combine to render the property unique in a zoning sense. Further, I find that strict compliance with the Zoning Regulations would create a hardship that would result in a denial of a reasonable and sufficient use of the property. *See, Belvoir Farms v. North* 355 Md. 259 (1999). Thus, refusing to grant the variance would result in unreasonable hardship and practical difficulty. Moreover, the parking analysis and the testimony of Petitioners' traffic and parking expert, Mr. Caloggero, indicate that the slight deficiency in parking spaces will still provide ample parking accommodations for the subject site. While a ratio of 4.73 parking spaces per 1,000 square feet of gross floor area is not in strict compliance with the Zoning Regulations, I am convinced that there will be only minimal, if any, adverse consequences as a result of this deficiency. Further, the significant tree buffer area provides screening from surrounding properties, thereby mitigating any detrimental effects the proposed expansion and parking plan may create. Accordingly, I also find this variance request can be granted in strict harmony with the spirit and intent of the Zoning Regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare. Moreover, I find that granting the special hearing relief to update and amend the previous site plan and order approved in Case No. CR-90-179 is appropriate and reasonable.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of August, 2010 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to

ORDER RECEIVED FOR FILING

Date 8.12.10

By [Signature]

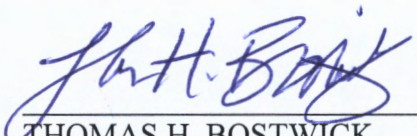
approve an amendment to the site plan and order approved in Case No. CR-90-179 be and is hereby **GRANTED**; and

IT IS FURTHER ORDERED that Petitioners' Variance request from Section 409.6 of the B.C.Z.R. to permit 722 parking spaces in lieu of the required 764 parking spaces be and is hereby **GRANTED**.

The relief granted herein is subject to the following conditions:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If 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. As recommended by the Office of Planning, a landscape plan and enhanced screening shall be provided for the revised loading area and rear addition and Petitioner shall upgrade the existing landscaping to conform with the approved landscape plan by replacing any dead, dying or missing plant material.

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

ORDER RECEIVED FOR FILING

Date 8.12.10

By  7



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 12, 2010

THOMAS C. KLEINE, ESQUIRE
TROUTMAN SANDERS LLP
222 CENTRAL PARK AVENUE, SUITE 200
VIRGINIA BEACH VA 23462

Re: Petition for Special Hearing and Variance
Case No. 2010-0340-SPHA
Property: 8118 Perry Hills Court

Dear Mr. Kline:

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.

Sincerely,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Joe Caloggero, The Traffic Group, 9900 Franklin Square Drive, Suite H, Baltimore MD 21236
Mike Birkland, Bowman Consulting, 14020 Thunderbolt Place, Suite 300, Chantilly VA 20151



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 8118 Perry Hills Court

which is presently zoned BR (Business Roadside)

(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 site plan and order approved in Case #CR 90-179.

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

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

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

Contract Purchaser/Lessee:

Please see attached.
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Thomas C. Kleine, Esq.
Name - Type or Print

Thomas C. Kleine, Esq.
Signature

Troutman Sanders LLP
Company

222 Central Park Ave., Suite 2000 (757) 687-7789
Address Telephone No.
Virginia Beach VA 23462
City State Zip Code

Legal Owner(s):

Please see attached.
Name - Type or Print

Signature

Please see attached.
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Same as Attorney.
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2010-0340-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By ATSUE Date 6/3/10

ORDER RECEIVED FOR FILING

Date 8.12.10

**Petition for Special Hearing
Signature Page**

8118 Perry Hills Court

LESSEE:

WAL-MART REAL ESTATE BUSINESS TRUST

By: Carl Muller

Print: Carl Muller

Its: Vice President - Real Estate

Address: **2001 SE 10th Street MS 8313
Bentonville, AR 72716-0550**

Telephone Number: (479) 204-0440

Petition for Special Hearing
Signature Page

8118 Perry Hills Court

LESSEE:

WAL-MART STORES, INC.

By: Carl x Muller

Print: Carl Muller

Its: Vice President Real Estate

Address: 2001 SE 10th Street MS 8313
Bentonville, AR 72716-0550

Telephone Number: (479) 204-0440

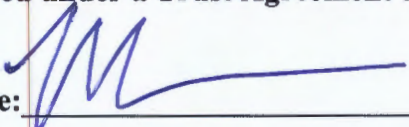
**Petition for Special Hearing
Signature Page**

8118 Perry Hills Court

GROUND LESSOR:

RETAIL TRUST I
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware banking corporation, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust I created under a Trust Agreement dated as of December 1, 1992

Name:  _____

Title: Financial Services Officer

Address: Rodney Square North
1100 North Market Street
Wilmington, DE 19890-001
Attn: Corporate Trust Department

Telephone Number: (302) 636 6302



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8118 Perry Hills Court
which is presently zoned BR (Business Roadside)

Deed Reference: 16251 / 056 Tax Account # 2200013405

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)

409.6 of the Baltimore County Zoning Regulations to permit 719 parking spaces in lieu of the required 776 parking spaces.

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

For reasons to be discussed at a hearing before the County Hearing Officer, the Applicant requests a variance of 57 parking spaces. The Applicant would provide 719 parking spaces for the expanded Wal-Mart store located on the property, in lieu of the 776 spaces required under the Zoning Regulations.

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:

Please see attached.

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Thomas C. Kleine, Esq.

Name - Type or Print

Signature

Troutman Sanders LLP

Company

222 Central Park Avenue, Suite 2000 (757) 687-7789

Address

Telephone No.

Virginia Beach

Virginia

23462

City

State

Zip Code

Legal Owner(s):

Please see attached.

Name - Type or Print

Signature

Please see attached.

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Thomas C. Kleine, Esq.

Name

222 Central Park Avenue, Suite 2000 (757) 687-7789

Address

Telephone No.

Virginia Beach

Virginia

23462

City

State

Zip Code

Case No.

2010-0340-6PHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by

ATSUI

Date

6/3/10

ORDER RECEIVED FOR FILING

Date

8.12.10

By

pr

ZONING DESCRIPTION

BEGINNING AT A POINT 58.5 FROM THE CENTERLINE OF PERRY HILLS COURT, HAVING A 77 FOOT RIGHT-OF-WAY, 126.6 FEET SOUTH OF THE CENTERLINE OF WHITE MARSH BOULEVARD, STATE ROUTE #43, HAVING A VARIABLE WIDTH RIGHT-OF-WAY; THENCE WITH PERRY HILLS COURT

S 27°47'27" E 24.84 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE

202.04 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 333.00 FEET; THENCE

S 61°52'25" W 44.92 FEET TO A POINT OF CURVATURE; THENCE

78.54 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET; THENCE

S 28°07'35" E 7.00 FEET TO A POINT OF CURVATURE; THENCE

40.65 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET; THENCE

S 15°17'28" W 73.88 FEET TO A POINT; THENCE

N 74°42'32" W 109.10 FEET TO A POINT; THENCE

S 15°17'28" W 203.30 FEET TO A POINT; THENCE

N 74°47'13" W 1326.29 FEET TO A POINT; THENCE

N 14°41'09" E 547.84 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY OF WHITE MARSH BOULEVARD, VARIABLE WIDTH RIGHT-OF-WAY; THENCE CONTINUING THE FOLLOWING EIGHT (8) COURSES AND DISTANCES

S 66°21'10" E 466.29 FEET TO A POINT; THENCE

S 64°28'02" E 160.41 FEET TO A POINT; THENCE

S 61°05'37" E 173.40 FEET TO A POINT; THENCE

2010-0340-SPHA

S 73°34'36" E 176.33 FEET TO A POINT; THENCE

N 89°32'02" E 158.99 FEET TO A POINT; THENCE

N 72°20'05" E 158.10 FEET TO A POINT; THENCE

N 88°51'38" E 150.07 FEET TO A POINT; THENCE

S 81°24'18" E 121.92 FEET TO THE POINT OF BEGINNING, CONTAINING 676,922 SQUARE FEET OR 15.54 ACRES, MORE OR LESS.

BEING PART OF THAT LOT OR PARCEL OF GROUND SITUATED IN THE FOURTEENTH ELECTION DISTRICT OF BALTIMORE COUNTY, MARYLAND CONVEYED BY OWINGS RUN APARTMENTS LIMITED PARTNERSHIP, A MARYLAND LIMITED PARTNERSHIP, TO WAL-MART STORES, INC. A DELAWARE CORPORATION, BY DEED DATED JUNE 16, 1993 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN LIBER 9834 FOLIO 256, SAID LOT OR PARCEL OF GROUND BEING KNOWN AND DESIGNATED AS LOT 1 ON A PLAT ENTITLED, "PERRY HILLS" WHICH PLAT IS RECORDED AMONG THE AFORESAID LAND RECORDS IN PLAT BOOK S.M. 64 FOLIO 147.



Wayne Aubertin 6-1-2010

2010-0340-SPHA

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number:

2010-0340-SHA

Petitioner: Wal-Mart Real Estate Business Trust

Address or Location:

8118 Perry Hills Court

Please Forward Advertising Bill to:

Name: Thomas C. Kleine, Esq. -- Troutman Sanders LLP

Address: 222 Central Park Avenue, Suite 2000

Virginia Beach, Virginia 23462

Telephone: (757) 687-7789

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	002	001		100					7,630.00

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

+ - CERTIFICATE OF POSTING

2010-0340-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Wal-Mart Stores / Retail Trust, 1, Wilmington Trust Company

August 9 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: _____
8118 Perry Hills Court

July 24 2010

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

Sincerely,

Robert Black

July 28 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 # 2010-0340-SPHA

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 9, 2010 AT 2:00 P.M.

REQUEST: SPECIAL HEARING FOR AN AMENDMENT TO THE
SITE PLAN AND ORDER APPROVED IN CASE # CR-90-179.
VARIANCE TO PERMIT 722 PARKING SPACES IN LIEU OF THE
REQUIRED 764 PARKING SPACES.

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

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

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: # 2010-0340-SPHA

8118 Perry Hills Court

W/of Perry Hills Court, 126 ft s/of centerline of White Marsh Blvd.

14th Election District — 6th Councilmanic District

Legal Owner(s): Wal-Mart Stores

Lessor: Retail Trust, I, Wilmington Trust Company

Special Hearing: for an amendment to the site plan and order approved in case #CR-90-179. **Variance:** to permit 719 parking spaces in lieu of the required 776 parking spaces.

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

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

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

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

7/11/17 July 22

248495

CERTIFICATE OF PUBLICATION

7/22/, 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 7/22/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING

THE DAILY RECORD

Baltimore, July 22, 2010

Case #2010-0340-SPHA -
Notice of Zoning Hearings -
8118 Perry Hills Court

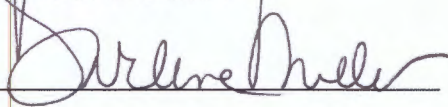
Inv:# 30450392

We hereby certify that the annexed advertisement of Case #2010-0340-SPHA - Notice of Zoning Hearings - 8118 Perry Hills Court was published in THE DAILY RECORD, a daily newspaper published in the City and County of Baltimore on 07/22/2010.

First insertion July 22, 2010

THE DAILY RECORD COMPANY

Per



CORRECTED 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: 2010-0340-SPHA

8118 Perry Hills Court

W/of Perry Hills Court, 126 ft. s/of centerline of White Marsh Blvd

14th Election District - 6th Councilmanic District

Legal Owners: Wal-Mart Stores

Lessor: Retail Trust, I, Wilmington Trust Company

Special Hearing for an amendment to the site plan and order approved in case #CR-90-179. Variance to permit 722 parking spaces in lieu of the required 764 parking spaces.

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

WILLIAM J. WISEMAN III,

ZONING COMMISSIONER FOR BALTIMORE COUNTY.

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

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

ly22

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 22, 2010 Issue - Jeffersonian

Please forward billing to:

Thomas Klein, Esq.
Troutman Sanders, LLP
222 Central Park Avenue, Ste. 2000
Virginia Beach, VA 23462

757-687-7789

NOTICE OF ZONING HEARING

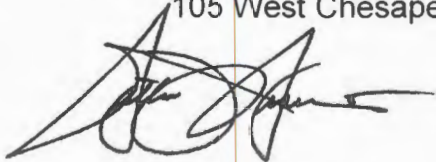
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0340-SPHA

8118 Perry Hills Court
W/of Perry Hills Court, 126 ft. s/of centerline of White Marsh Blvd
14th Election District – 6th Councilmanic District
Legal Owners: Wal-Mart Stores
Lessor: Retail Trust, I, Wilmington Trust Company

Special Hearing for an amendment to the site plan and order approved in case #CR-90-179.
Variance to permit 719 parking spaces in lieu of the required 776 parking spaces.

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



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

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

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W/of Perry Hills Court, 126 ft. s/of centerline of White Marsh Blvd

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Special Hearing for an amendment to the site plan and order approved in case #CR-90-179.
Variance to permit 719 parking spaces in lieu of the required 776 parking spaces.

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

Timothy Kotroco
Director

TK:kl

C: Thomas Kleine, 222 Central Park Avenue, Ste. 2000, Virginia Beach VA 23462
Carl Muller, Wal-Mart, 2001 SE 10th St., MS 8313, Bentonville AR 72716-0550
Rodney Square North, 1100 North Market St., Wilmington DE 19890-001

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 24, 2010.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 4, 2010

Thomas Kleine
Troutman Sanders, LLP
222 Central Park Ave. Ste. 2000
Virginia Beach, VA 23462

Dear: Thomas Kleine

RE: Case Number 2010-0340-SPHA, 8118 Perry Hills Ct.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 03, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Carl Muller: Wal-mart; 2001 SE 10th St., MS 8313; Bentonville, AR 72716-0550
Rodney Square North; 1100 North Market St.; Wilmington, DE 19890-001

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 # 10-340-SPHA
Address 8118 Perry Hills Court
(Wal-Mart Stores, Inc. Property)

Zoning Advisory Committee Meeting of June 14, 2010.

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

Reviewer: JWL Date: 6/28/10

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For July 19, 2010
Item Nos. 2010-340, 360, 361, 363,
364, 365, 366, 367, and 368

DATE: July 7, 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-07192010 -NO COMMENTS.doc

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For June 28, 2010
Item Nos. 2010- 310, 338, 339, 340,
342, 343, and 344

DATE: June 17, 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-06282010 -NO COMMENTS.doc

TB 8/9 28m

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 22, 2010

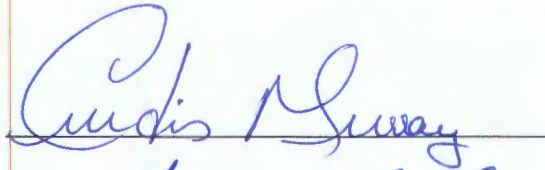
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s)10-340- Special Hearing**

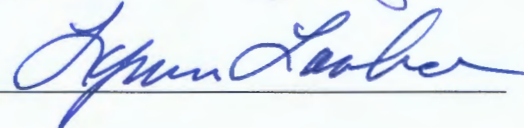
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RECEIVED

JUL 23 2010

ZONING COMMISSIONER

TB 2pm
89 2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 22, 2010

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

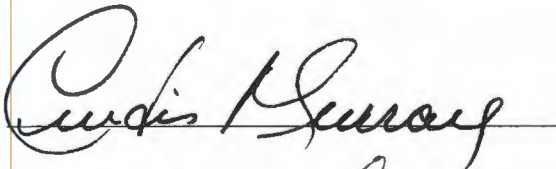
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-340- Variance and Special Hearing**

The Office of Planning has reviewed the above referenced case(s) and has the following comment:

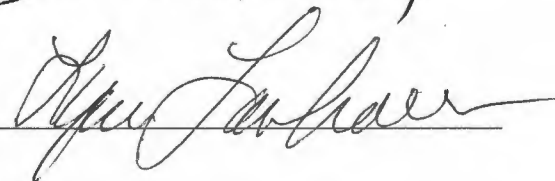
Provide a landscape plan and enhanced screening for the revised loading area and rear addition. Upgrade the existing landscaping to conform with the approved landscape plan replacing any dead, dying or missing plant material.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



Cc: Avery Harden, Baltimore County Landscape Architect

RECEIVED

JUN 22 2010

ZONING COMMISSIONER



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: July 8, 2010

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

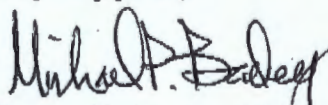
RE: Baltimore County
Item No. 2010-0340-SPHA
8118 PERRY HILLS CT
WAL-MART STORES
SPECIAL HEARING
VARIANCE

Dear Ms. Matthews:

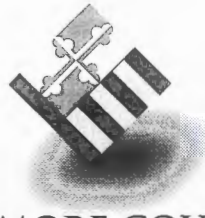
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0340-SPHA.

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



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 7, 2010

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

ATTENTION: ZONING REVIEW

Distribution Meeting of: July 5, 2010

Item No.: Administrative Variance: 2010-0360A, 2010-364A - 0366A,
2010-0368A.

Special Hearing Variance: 2010-0340-SPHA, 2010-0361-SPHA.

Variance: 2010-0363A, 2010-0367A

Pursuant to your request, the referenced plans have been reviewed by the Baltimore County Fire Marshal's Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the listed properties.

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

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
410-887-4880
Mail Stop: 1102

cc: File

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE * ZONING COMMISSIONER
8118 Perry Hills Court; W/S Perry Hills Court,*
126' S of c/line White Marsh Blvd *
14th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Wal-Mart Stores, Inc *
Petitioner(s) * BALTIMORE COUNTY
* 10-340-SPHA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

JUN 23 2010

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of June, 2010, a copy of the foregoing Entry of Appearance was mailed to Thomas Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



February 7, 2012

County of Baltimore
Attn: Lenny Wasilewski
Planner II Zoning Review
111 West Chesapeake Ave. Suite 105
Towson, MD 21204

Re: Walmart Building Sign Relocation
Store #2045 - White Marsh, MD
8118 Perry Hills Court
Nottingham, MD. 21236

Dear Lenny,

In reference to the aforementioned store location, the general contractor is moving the Walmart and "Spark" signs on the side of the building further down the side of the building (approximately 45 feet) in order to continue with construction per plans and specifications. This letter is to notify you of our intentions to do this so as not to mislead or cause any misinterpretations. Per our recent conversations, we are still allotted one more sign of 150sf or less which we are pursuing with Walmart to determine what sign would be the most appropriate for the front of the building. We will submit our sign application and fee in order to get our approvals for the sign and its installation. Thank you for your time and attention to this matter.

Sincerely,

Kevin Spurgeon
Internal Brand Manager

Cc: Mr. Larry Webb
Mr. Brett Martinez

THOMAS CHANDLER KLEINE
757.687.7789 telephone
757.687.1512 facsimile
thomas.kleine@troutmansanders.com

TROUTMAN SANDERS

TROUTMAN SANDERS LLP
Attorneys at Law
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
757.687.7500 telephone
troutmansanders.com

AT. 6/22/10

June 16, 2010

Mr. W. Carl Richards, Jr., Chief
Zoning Review Bureau
Room 111, County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Amendment of Variance Application of Wal-Mart Real Estate Business Trust, et. al./ Case No. 2010-0340SPHA

Dear Mr. Richards:

I write on behalf of my firm's clients, Wal-Mart Real Estate Business Trust, Wal-Mart Stores, Inc., and Retail Trust I, regarding a parking variance application that was submitted to the County at a meeting several weeks ago between Bowman Consulting, our project engineers, and representatives from your office. This application involves a parking variance that is necessary to accommodate the expansion of an existing Wal-Mart store located at 8118 Perry Hills Court in Baltimore County. Prior to submitting the application, we met with your office once before to discuss the nature of the variance request, and the materials that would be necessary for a complete submittal.

Between the first meeting with your office and our actual submittal of the application, Wal-Mart asked that its engineers and architects amend the plans for this project, reducing the proposed size of the store expansion by approximately 2,300 square feet. As a result of these changes, fewer parking spaces are required under applicable codes for the expanded store, and Wal-Mart will have room on-site to accommodate additional parking spaces. For this reason, the number of parking spaces required for the proposed expansion has been reduced from 776 to 764, and the number of spaces proposed has increased from 719 to 722 (resulting in a requested variance of just 42 spaces). Unfortunately, the application form submitted to your office references the numbers from the previous version of the expansion plans (and therefore requests a variance of 57 spaces, instead of the 42 spaces actually needed).

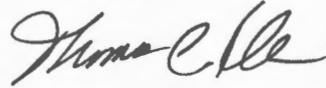
Therefore, we respectfully request that you slip-sheet the enclosed amended application form (which includes the correct number of parking spaces proposed and required) onto the signature pages and application materials that Bowman Consulting submitted to your office. The rest of the submitted application package (including the plan prepared by our engineers), together with the materials submitted for a related special hearing, has already been modified to reflect the correct figures.

TROUTMAN
SANDERS

Mr. W. Carl Richards, Jr.
June 16, 2010
Page 2

Thank you very much for your time and attention to this matter. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas C. Kleine". The signature is fluid and cursive, with a prominent initial "T" and a stylized "K".

Thomas C. Kleine

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ No Comment</u>
<u>6-17-10</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>7-22-10</u> & <u>6-22-10</u>	PLANNING (if not received, date e-mail sent _____)	<u>nc / 1 condition</u> <u>condition</u>
<u>6-18-10</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>CR-90-179</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>7-22-10</u>	
SIGN POSTING	Date: <u>7-24-10</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any:	<u>2 OP comment memos</u>	
_____	_____	
_____	_____	



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw3.1e)

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

Account Identifier: District - 14 **Account Number -** 2200013405

Owner Information

Owner Name:	RETAIL TRUST I	Use:	COMMERCIAL
Mailing Address:	WAL-MART STORE #2045 P O BOX 8050 MS/0555 BENTONVILLE AR 72712-8050	Principal Residence:	NO
		Deed Reference:	1) /16251/ 56 2)

Location & Structure Information

Premises Address	Legal Description
8118 PERRY HILLS RD	15.54 AC
BALTIMORE MD 21236-3514	WS PERRY HILLS RD
	PERRY HILLS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
81	5	187					1	1	Plat Ref: 64/ 147

Special Tax Areas

Town

Ad Valorem

Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1994	127,308 SF	15.54 AC	06

Stories	Basement	Type	Exterior
----------------	-----------------	-------------	-----------------

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2009	07/01/2010
Land	7,770,000	7,770,000		
Improvements:	6,685,900	6,931,600		
Total:	14,455,900	14,701,600	14,455,900	14,537,800
Preferential Land:	0	0	0	0

Transfer Information

Seller: WAL-MART STORES, INC	Date: 03/27/2002	Price: \$3,293,817
Type: NOT ARMS-LENGTH	Deed1: /16251/ 56	Deed2:
Seller: IDA LIMITED PARTNERSHIP	Date: 06/21/1993	Price: \$5,570,294
Type: IMPROVED ARMS-LENGTH	Deed1: / 9834/ 256	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO

Exempt Class:

Special Tax Recapture:

* NONE *

CASE NAME _____
CASE NUMBER 2010-0340-SPHA
DATE 8-9-10

[illegible]

Case No.: 2010-0340-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	resume of Michael Brickland	
No. 3	resume of Joe Cologgero	
No. 4	The Traffic Group parking analysis	
No. 5	topographical map	
No. 6 A-F	photographs of property	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



CIVIL ENGINEERING | PLANNING | LANDSCAPE ARCHITECTURE
SURVEYING | ENVIRONMENTAL | GEOTHERMAL | CONSTRUCTION MANAGEMENT

MICHAEL BIRKLAND, P.E.

Principal and Branch Manager

Mr. Birkland is responsible for overseeing project management, project engineering and quality control issues on his projects. His background includes experience in managing commercial projects, big box retail projects, public works and residential projects.

PROFESSIONAL EDUCATION

- Bachelor of Science, Civil Engineering, North Carolina State University, 1991

PROFESSIONAL REGISTRATION

- Professional Engineer: Commonwealth of Virginia and California

PROFESSIONAL AFFILIATIONS/ ACTIVITIES

- Member: American Society of Civil Engineers
- Member: American Public Works Association

REPRESENTATIVE PROJECTS

WALMART IN MID-ATLANTIC AND SOUTHERN CALIFORNIA

Mr. Birkland has designed and managed over 50 Walmart projects throughout Southern California and the Mid-Atlantic region over the past 12 years. These projects include several ground up stores, the expansion of many existing stores, and onsite relocation of many stores. Mr. Birkland has also managed and led the entitlement process at a variety of City, County, and State public hearings and continues to remain involved in all of these projects from inception to completion of construction and store openings.

EASTLAKE TERRACES, CHULA VISTA, CA

As Project Manager, designed plans for commercial center to include a Home Depot, Wal-Mart and several retail shops. Managed project from entitlements through construction. Plans included grading, sewer, water, storm drainage and off-site plans.

BUENA PARK WAL-MART, BUENA PARK, CA

Project Manager for planning and design of this 135,000 sq. ft. store which adjoined to an existing shopping mall. Project included all on-site design and associated public improvements. This project required heavy collaboration with the operating shopping mall and required the reuse of a demolished two-story building as fill for the new one-story structure that would become the Wal-Mart store.

SANTEE LAKES CAMPGROUND, PADRE DAM MUNICIPAL WATER DISTRICT, SANTEE, CA

As Project Manager, responsible for the design of a full-service 130-space RV campground. Utilities included sewer, water, cable, phone and internet services. The project site included a stream which utilized reclaimed water provided at no cost by the water district. Project was awarded the American Public Works Association "Project of the Year" award.

BOUGAINVILLEA WALK, LA MESA, CA

As Project Manager, managed the planning and design of this 16-home urban in-fill subdivision while ensuring that design complemented the adjacent historic, 50-year old city. Project site occupied 2.5 acres of steeply-sloped terrain.

PETITIONER'S

EXHIBIT NO.

2



Merging Innovation and Excellence®

JOSEPH J. CALOGGERO, P.E., PTOE, PTP

Senior Project Manager

Joe Caloggero is a professional Traffic Engineer who brings over 20 years of both technical and academic experience to The Traffic Group, Inc. His responsibilities include, but are not limited to, various traffic engineering and managerial tasks in the areas of traffic impact analysis, traffic safety studies, and transportation planning. He has testified as an expert witness for various projects in many different jurisdictions.

Previously, Mr. Caloggero served as a Traffic Engineer for Parsons Brinckerhoff Quade & Douglas, Inc. and the Maryland State Highway Administration. During his career, he has performed various traffic engineering tasks, including traffic signal design, highway and intersection capacity analysis, maintenance and protection of traffic design, and transportation planning.

Job History

2000 - Present

Senior Project Manager - The Traffic Group, Inc.

1998 - 2000

Traffic Engineer

Parsons, Brinckerhoff, Quade & Douglas, Inc.

1993 - 1998

Traffic Engineer

Maryland State Highway Administration

Educational Background

- Bachelor of Science in Civil Engineering
West Virginia University

Affiliations

- Certified Professional Transportation Planner (PTP)
- Certified Professional Traffic Operations Engineer (PTOE)
- Registered Professional Engineer (P.E.) – Florida, Hawaii, Maryland, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia
- Institute of Transportation Engineers (I.T.E.)
- The Maryland Association of Engineers
- County Engineers' Association of Maryland (CEAM)

Publications

- Co-author, "Positive Guidance in Maryland—Guidelines and Case Studies," Maryland State Highway Administration Document, July 1997.
- Co-author, "Highway Agency Tort Liability and Risk Management Relative to Pedestrian Facilities," Proceedings of Conference on Risk Management and Tort Liability, Pennsylvania State University, April 1993.

Places where Mr. Caloggero has testified as an expert witness

DELAWARE

Kent County, DE – Regional Planning Commission

MARYLAND

Baltimore County – Zoning Commissioner, Board of Appeals

Calvert County – Board of Appeals

Carroll County – Board of Zoning Appeals, Planning and Zoning Commission

Charles County – Board of Appeals

City of Brunswick – Mayor and Council

City of Frederick – Planning Commission, Board of Appeals

City of Hagerstown – Planning Commission, Mayor & City Council

City of Rockville – Board of Appeals

Frederick County – Planning Commission, Board of Appeals, Board of County Commissioners

Howard County – Hearing Examiner, Board of Appeals

Montgomery County – Hearing Examiner, Planning Board

St. Mary's County – County Commissioners, Planning Commission

Town of La Plata – Planning Commission

Town of Mount Airy – Board of Zoning Appeals

Town of Rising Sun – Planning Commission

Town of Taneytown – Planning Commission

Town of Thurmont – Planning Commission

Town of Walkersville – Board of Appeals

VIRGINIA

City of Manassas, VA – Planning Commission

Town of Front Royal, VA – Planning Commission, Town Council



P14



P17

C



P21



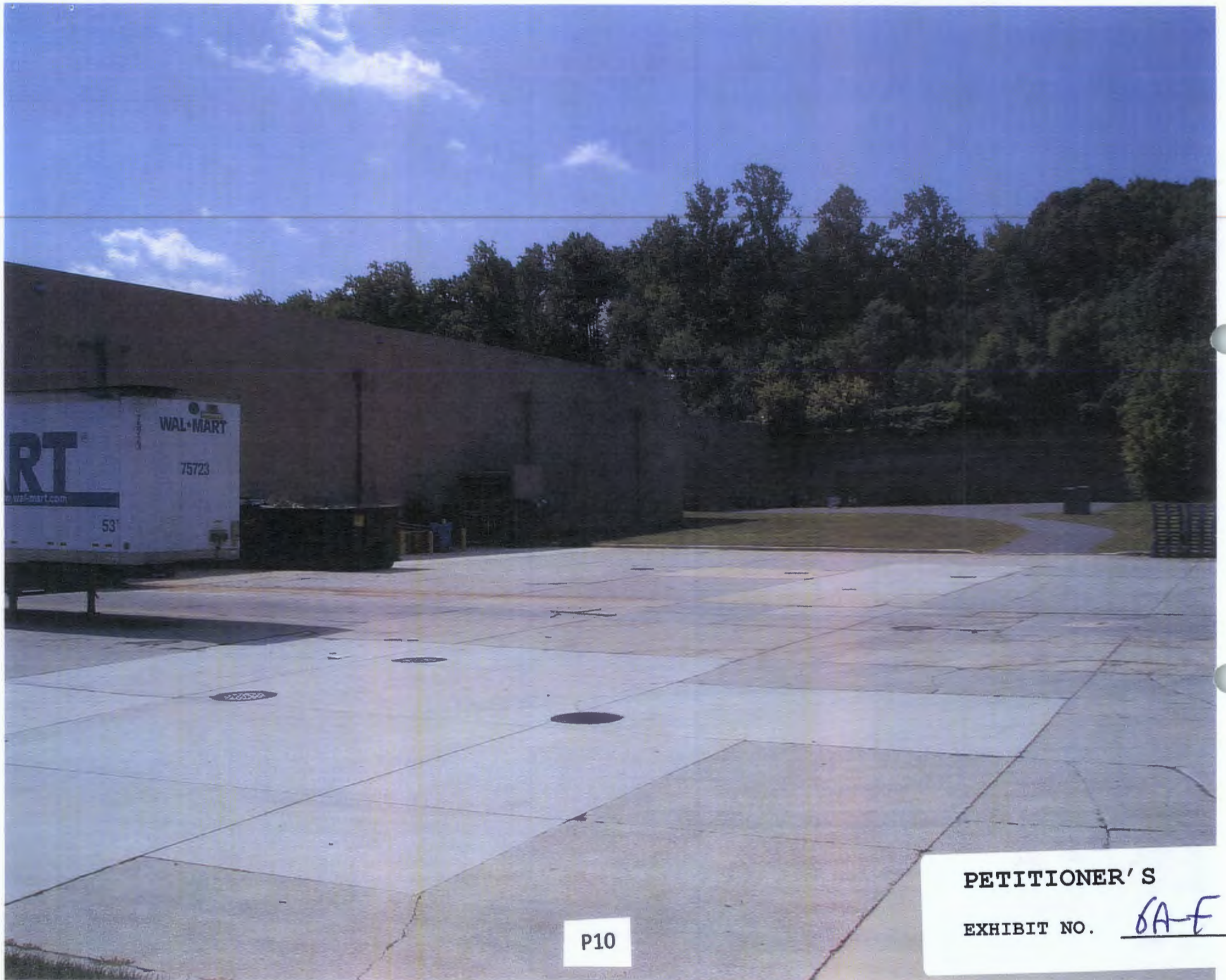
P25

E



P30

F



A

P10

PETITIONER'S

EXHIBIT NO. 8A-F



Corporate Office
Baltimore, MD
Suite H
9900 Franklin Square Drive
Baltimore, Maryland 21236
410.931.6600
fax: 410.931.6601
1.800.583.8411

August 6, 2010

Zoning Commissioner
Baltimore County
County Office Building
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

RE: Walmart Expansion – White Marsh
Baltimore County, Maryland
Our Job No.: 2010-0719

Dear Commissioner:

The Walmart Store (#2045-07) in White Marsh will be expanding by 16,706 square feet. The new Walmart will have a total of 152,790 square feet. The proposed site plan shows a parking ratio of 4.73 spaces per 1,000 square feet of gross floor area (722 Total Spaces) and is not in compliance with the County Requirement of 764 total spaces.

Therefore, a Parking Rate Modification is requested to reduce the amount of required spaces for Walmart.

The Traffic Group conducted a parking analysis for three local area Walmarts. There were two Supercenters (Frederick and Aberdeen) and a regular store in Ellicott City. These parking studies were conducted during the Friday Evening and Saturday Midday peak hours. The results can be found on Exhibit 1 and the data worksheets can be found in Appendix A. As shown on Exhibit 1, the typical parking peaks occur on Saturdays and the highest parking rate per 1,000 square feet was found at the Frederick Supercenter at a rate of 2.82 which is far below the Baltimore County Requirement of 5.0 per 1000 square feet.

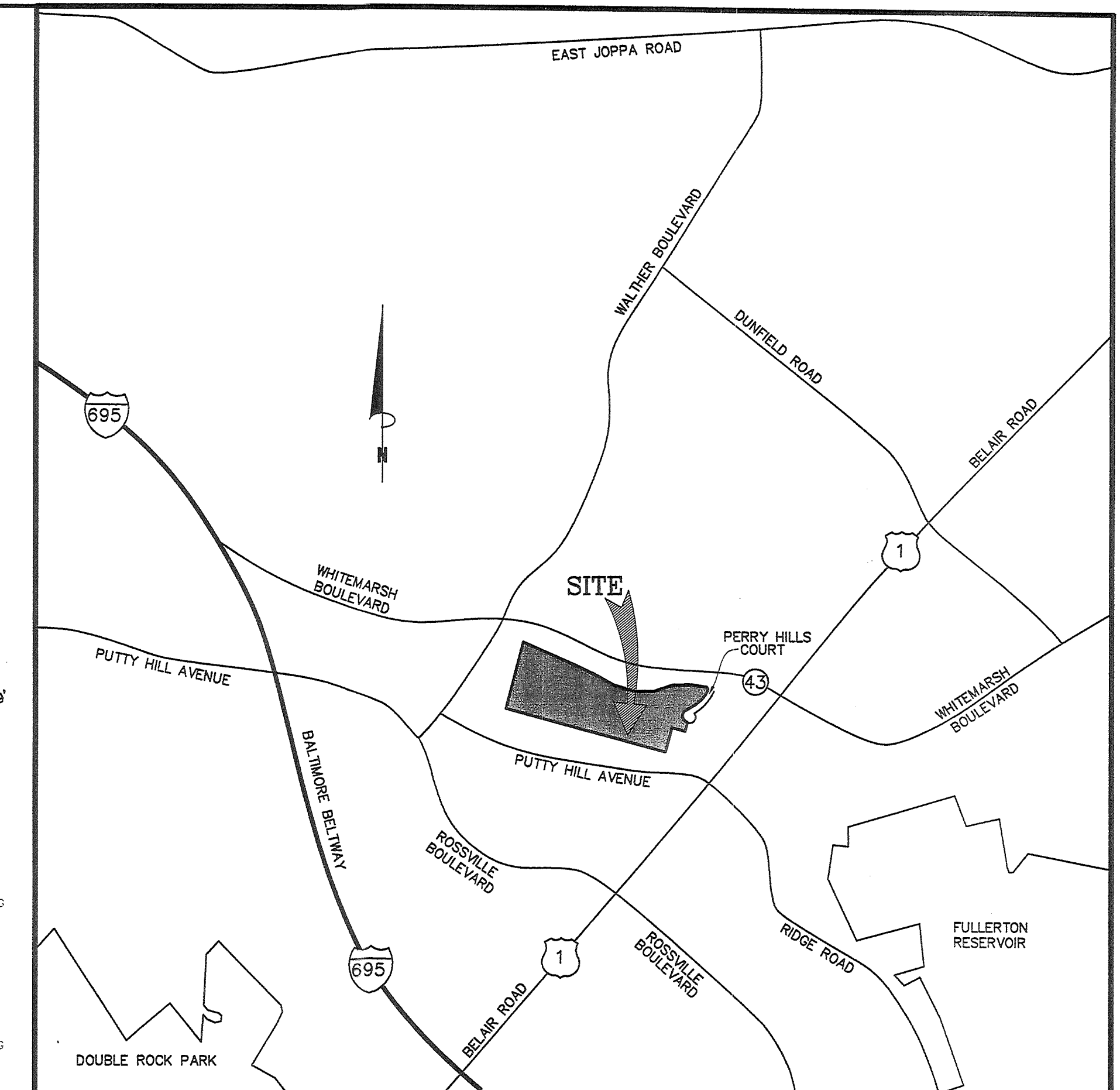
We do understand that during the peak shopping seasons of Thanksgiving and Christmas there will be an increase in parking, however it is our opinion that parking demand will still be near or under capacity based on the "Evaluating Parking Demand and City Minimum Parking Requirements in College Station, Texas" which can be found in Appendix B. Based on this document, it was concluded that a 3.0 space per 1,000 square feet of gross floor area parking ratio would be acceptable even for the holiday peak season.

PETITIONER'S

EXHIBIT NO. 4

2010-0340-SPHA

P.O.B.



VICINITY MAP
SCALE: 1"=1000'

ZONING HISTORY			
SYMBOL	CASE NUMBER	DATE	REMARKS
	CR 90-179	Feb. 11, 1993	Final zoning approval plan.
	DRC 03284E	April, 8, 1994	Plan refinement
	DRC 02275I	April, 25, 1995	For temp. greenhouse & garden center
	DRC 11247M	Dec. 26, 1996	

WHITE MARSH, MD PARKING SUMMARY				
	BUILDING AREA	EXISTING PARKING	PROPOSED PARKING	RATIO
EXISTING WALMART BUILDING (INC. EXIST GARDEN CENTER)	136,084 S.F.	175 SPACES	715 SPACES	5.25/1,000
WALMART BUILDING EXPANSION	16,708 S.F.	N/A	7 SPACES	0.42/1,000
TOTAL	152,790 S.F.	715 SPACES REQUIRED	722 SPACES 764 SPACES	4.73/1,000 5.00/1,000

EXISTING SPACES TOTAL: 17 TOTAL PROPOSED: 17
 F.A.R. (FLOOR AREA RATIO)= $\frac{\text{EXISTING ADJUSTABLE FLOOR AREA} + \text{PROPOSED ADJUSTABLE FLOOR AREA}}{\text{OVERALL PROPERTY AREA}}$
 = $\frac{(136,084 \text{ S.F.} + 16,708)}{(676,922 \text{ S.F.})} = 0.23 < 3.0$ MAX THEREFORE OK
 * ADJUSTABLE FLOOR AREA (FOR CALCULATING F.A.R.) EXCLUDES FENCED GARDEN CENTER

PETITIONER'S
EXHIBIT NO.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE HEARING
ASSOCIATED WITH PARKING FOR WALMART WHITEMARSH STORE
WAL-MART STORES, INC.
KNOWN AS
WALMART WHITEMARSH STORE #2045-07
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 50' DATE: MARCH 9, 2010

	REVISION		 Bowman Consulting Group, Ltd. 14020 Thunderbolt Place, Suite 300 Chantilly, Virginia 20151 Phone: (703) 464-1000 Fax: (703) 481-9720 www.bowmanconsulting.com
	ADDRESS INITIAL ZONING		
5/8/10	OFFICE COMMENTS		
c Bowman Consulting Group, Ltd.			
DWG: P-1655 - Md-Mort 6204S-08 (DP) White Marsh, MD 6656-D-01-002 (SUR) Survey/Plats 6656-D-1P-001-Ldw			EY: CP CHK:
BCG PROJECT NO: 4656-01-002 TASK: 20210 COUNTY REF NO:			SHEET 1 OF 2

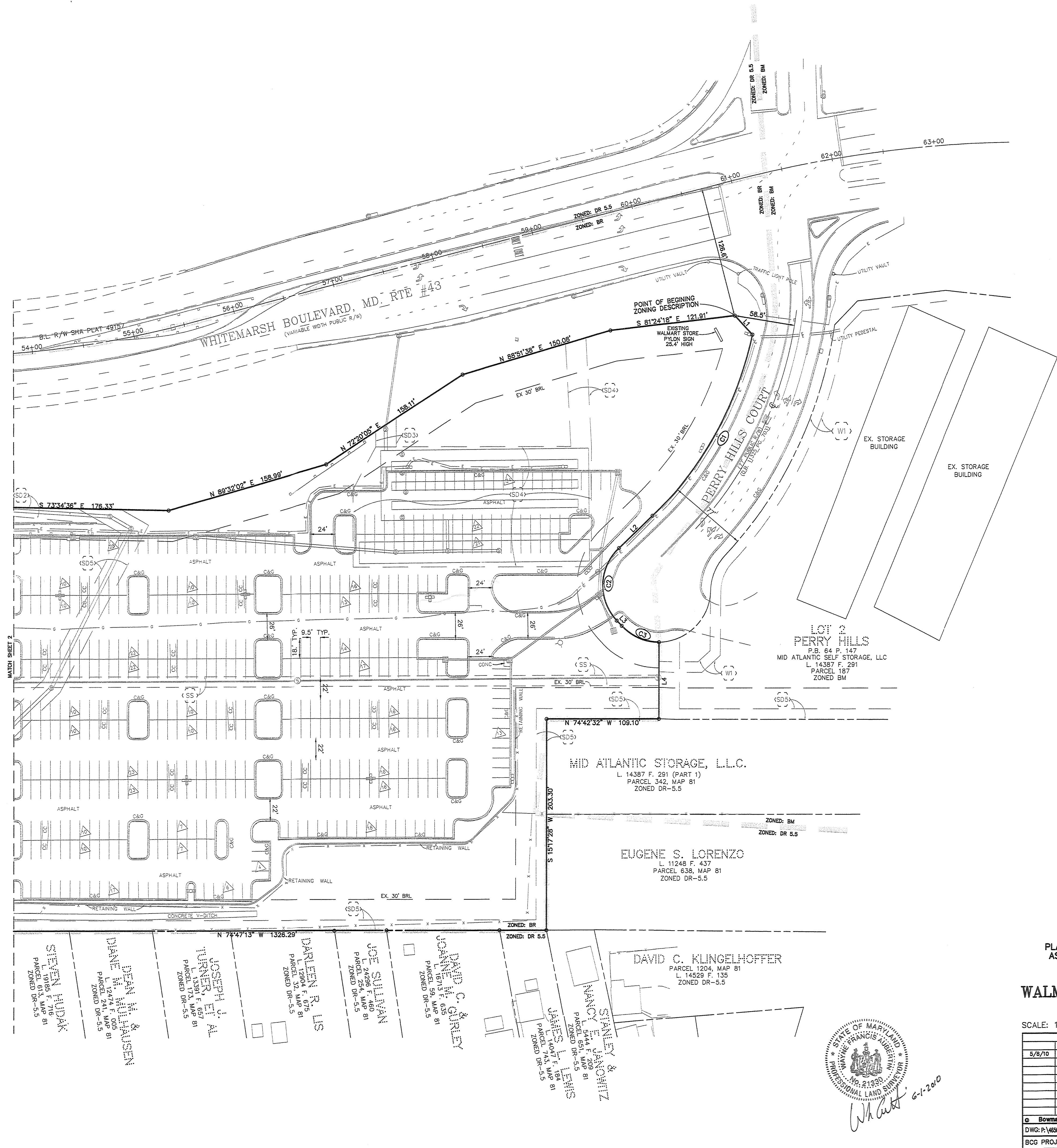
OWNERS INFORMATION:

WALMART REAL ESTATE BUSINESS TRUST
2001 S.E. 10th STREET
BENTONVILLE, AR. 72712

1656-D-VP-001

2010-0340-SPHA

MARYLAND STATE PLANE
NAD 83/91



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 27°47'27" E	24.84'
L2	S 61°52'25" W	44.92'
L3	S 28°07'35" E	7.00'
L4	S 15°17'28" W	73.88'

CURVE TABLE

CURVE	RADIUS	LENGTH	CHORD BEARING	CHORD	DELTA	TANGENT
C1	333.00'	202.04'	S 44°29'32\"/>	198.98'	34°45'47\"/>	104.24'
C2	50.00'	78.54'	S 16°52'25\"/>	70.71'	90°00'00\"/>	50.00'
C3	50.00'	40.65'	S 51°28'11\"/>	39.54'	46°35'13\"/>	21.53'

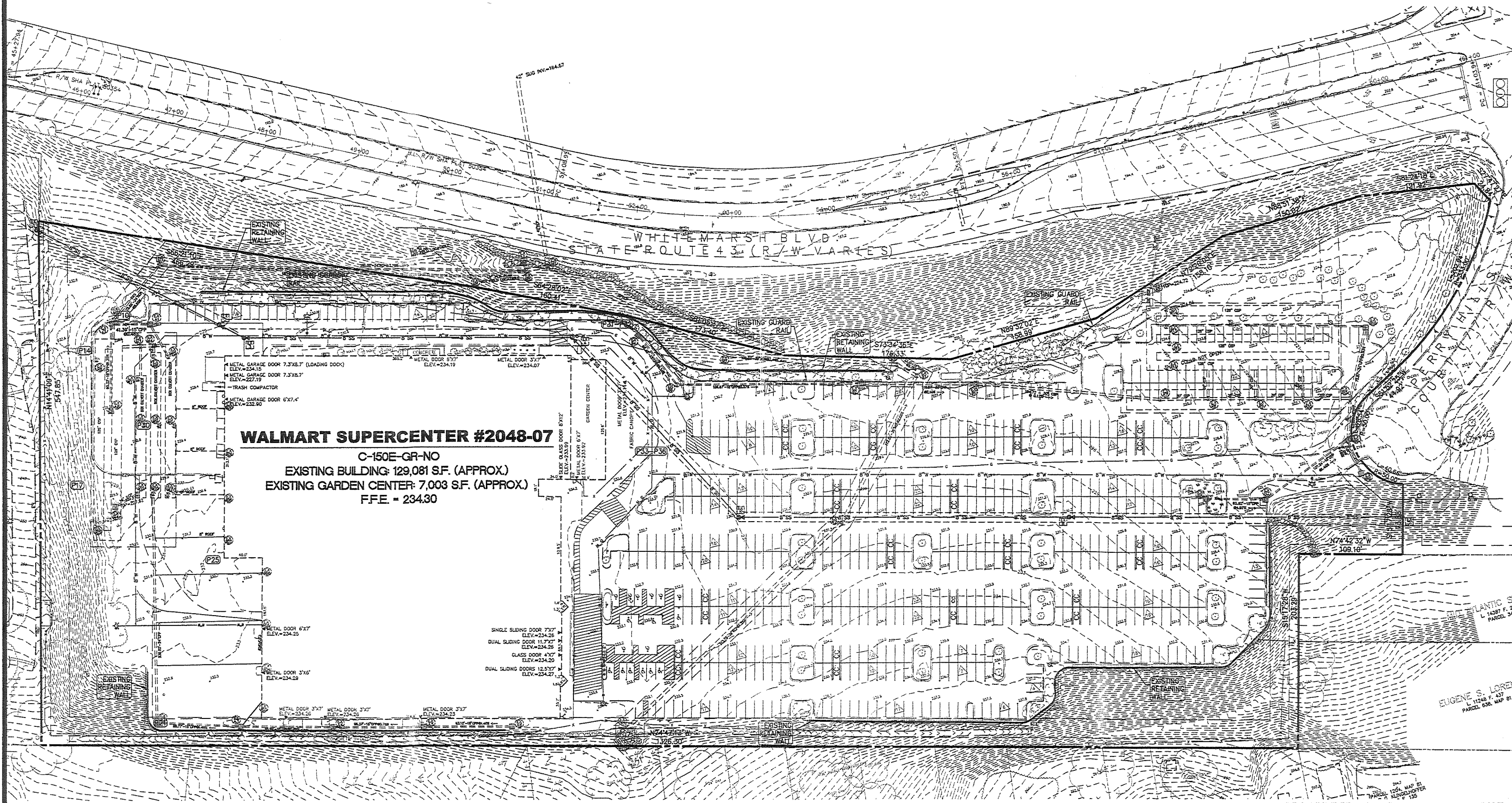


PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE HEARING
ASSOCIATED WITH PARKING FOR WAL-MART WHITEMARSH STORE
WAL-MART STORES, INC.
KNOWN AS
WALMART WHITEMARSH STORE #2045-07
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 50'
DATE: MARCH 9, 2010

REVISION	
5/8/10	OFFICE COMMENTS
Bowman Consulting Group, Ltd. 14020 Thunderbolt Place, Suite 300 Chantilly, Virginia 20151 Phone: (703) 464-1000 Fax: (703) 461-6720 www.bowmanconsulting.com	
DWG: P:\4656 - Wal-Mart #2045-06 (DP) White Marsh, MD\4656-01-002 (SUR)\Survey\Plots\4656-D-VP-001-2.dwg	
BCG PROJECT NO: 4656-01-002	TASK: 20210 COUNTY REF NO:
BY: CP	CHK:
SHEET 2 OF 2	



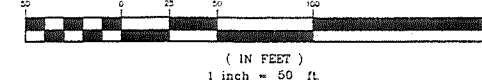
4656-D-VP-001



PETITIONER'S

EXHIBIT NO. 5

GRAPHIC SCALE



DRC NUMBER 03021B

DIST 14C6

Bowman CONSULTING
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Chantilly, Virginia 20151
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Fax: (703) 481-4720
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PDM FILE NO. 14-316
SITE GRADING AND IMPROVEMENT PLAN
EXISTING CONDITIONS
WALMART #2048-07
5118 PERRY HILLS COURT
BALTIMORE COUNTY, MARYLAND 21238
ZONED BM TAX MAP 61 QRD 5 PARCEL 137
TAX ACCT. NO. 14-220098405 COUNCILMANIC DISTRICT NO. 6
ELECTION DISTRICT NO. 14 BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS

JOB NO.: 4656-01-003
SCALE: 1" = 50'
DATE: JULY 2010
DRAWN BY: SB
DESIGN BY: SB
REVIEW BY: JCL
SHEET: 1 OF 21

Bowman CONSULTING

WALMART # 2045-07
BALTIMORE (WHITEMARSH)
BALTIMORE COUNTY, MARYLAND
WAL-MART REAL ESTATE BUSINESS TRUST
2001 SE 10TH STREET
BENTONVILLE, AR 72716

Walmart