

IN RE: PETITION FOR VARIANCE

NWest side of Restaurant Park Drive North;
intersection of Red Run Blvd. & Restaurant
Park Drive North
4th Election District
4th Councilmanic District
(6 Restaurant Park Drive North)

Owings Mills Mall, LLC
Legal Owner/Petitioner
GMRI, Inc.
Lessee

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
*
* CASE NO. 2011-0208-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance. The Petition was filed by David H. Karceski, Esquire of Venable LLP on behalf of his client, Owings Mills Mall, LLC, the legal property owner, and GMRI, Inc., the lessee of the property. The Petitioner requests a variance from Section 235.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the centerline of the street in lieu of the required 15 feet and 40 feet, respectively. The relief requested is more fully described on a site plan submitted and received into evidence as Petitioner's Exhibit 1.

The record in this case reflects that the subject property was properly posted and advertised as required by the Baltimore County Zoning Regulations.

Appearing at the requisite public hearing in support of the variance request were Linda D. Nunn with NunnCo., Inc., a design and construction management consultant hired by Darden Restaurants, Inc., Matthew T. Allen with Bohler Engineering, the professional engineer who prepared the site plan of the property, and David H. Karceski, Esquire of Venable LLP, attorney for the Petitioner. There were no Protestants or other persons in attendance.

ORDER RECEIVED FOR FILING

Date 3-1-11

By [Signature]

Testimony and evidence offered revealed that the subject property consists of 3.417 acres and is zoned BM-CT. The subject site is located in the Owings Mills restaurant park which is located adjacent to the Owings Mills Mall. It is an irregularly shaped parcel sandwiched between Red Run Boulevard and the off ramps from I-795. The property also has challenging topography.

Testimony further revealed that the Olive Garden restaurant is desirous of locating one of its restaurants at this site. The site is currently improved with a restaurant building which at one time housed the Tony Roma's restaurant. That restaurant chain closed its locations in Maryland and the building is vacant at this time. Olive Garden is desirous of tearing down the old Tony Roma's restaurant and constructing a brand new Olive Garden restaurant in its place. The Petitioner submitted into evidence as Petitioner's Exhibit 7A and 7B illustrative drawings of the new Olive Garden restaurant to be constructed on the site. In order to proceed with the construction of this new restaurant, the requested variances are necessary.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated February 3, 2011 which indicates that the site is in a planned restaurant park in the Owings Mills Growth Area. The proposed tenant will replace an existing vacant restaurant building with a new restaurant building of a slightly different footprint. The proposed variance does not appear to be detrimental to the community. In fact, it will be an enhancement to the corridor and be a compliment to the existing restaurants in the park. Planning supports the variance request provided architectural elevations are submitted for review and approval prior to the application for building permit.

Based upon the testimony and evidence presented, I am persuaded to grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request.

ORDER RECEIVED FOR FILING

Date 3-1-11 2

By [Signature]

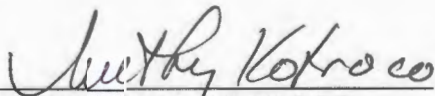
I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. Thus, the variances requested meet the requirements of Section 307 of the B.C.Z.R, as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 15th day of March, 2011, that the Petition for Variance relief from Section 235.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the centerline of the street in lieu of the required 15 feet and 40 feet, respectively be and hereby is GRANTED, subject to the following restrictions which are conditions precedent to the relief granted herein:

1. Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day Appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Architectural elevations of the proposed building shall be submitted to the Office of Planning for review and approval prior to the application for building permit.

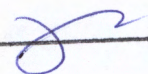
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 3-1-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

March 1, 2011

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

Re: Petition for Variance
Case No. 2011-0208-A
Property: 6 Restaurant Park Drive North

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK/pz

Enclosure

c: Linda D. Nunn, NunnCo., Inc., 1807 South Indian River Drive, Ft. Pierce FL 34950
Matthew T. Allen, Bohler Engineering, 901 Dulaney Valley Road, Suite 801, Towson MD 21204



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 6 Restaurant Park Drive North

which is presently zoned BM-CT

Deed Reference: 29867 / 475 Tax Account # 2300003064

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:

See Attached

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

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

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. 2011-0208-A

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by gcm Date 1-11-11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 3-1-11

By [Signature]

**Attachment to
Petition for Variance**

6 Restaurant Park Drive North

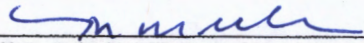
Variance from Section 235.1 of the Baltimore County Zoning Regulations to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the center line of the street in lieu of the required 15 feet and 40 feet, respectively.

**Attachment to
Petition for Variance**

6 Restaurant Park Drive North

Lessee:

GMRI, Inc.



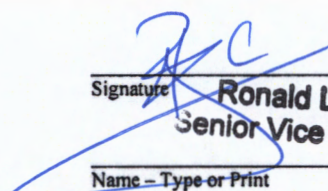
Bill DeMuth, VP Development - Olive Garden
1000 Darden Center Drive
Orlando, FL 32837
407-245-5306

**Attachment to
Petition for Variance**

6 Restaurant Park Drive North

Legal Owner:

Owings Mills Mall, LLC;
a Delaware Corp. *LIMITED LIABILITY COMPANY*


Signature

**Ronald L. Gern
Senior Vice President**

Name - Type or Print

**110 North Wacker Drive
Chicago, IL 60606**

Telephone No.

METES AND BOUNDS DESCR

LOT 2A
OWINGS MILLS TOWN CENTER
P.B. 70 PG. 99

LANDS OF
OWINGS MILLS LIMITED PARTNERSHIP
LIBER 6945 FOLIO 686
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LIMITS OF RESTAURANT PARK DRIVE NORTH (VARIABLE WIDTH RIGHT-OF-WAY), WITH THE NORTHERLY RIGHT-OF-WAY LIMITS OF RED RUN BOULEVARD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID NORTHERLY RIGHT-OF-WAY LIMITS, THE FOLLOWING FOUR COURSES AND DISTANCES;

1. SOUTH 78 DEGREES - 45 MINUTES - 00 SECONDS WEST, 10.45 FEET, THENCE;
2. CONTINUING, 219.78 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 947.49 FEET, A CENTRAL ANGLE OF 13 DEGREES - 17 MINUTES - 25 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 85 DEGREES - 23 MINUTES - 39 SECONDS WEST, 219.29 FEET, THENCE;
3. CONTINUING, NORTH 87 DEGREES - 57 DEGREES - 35 SECONDS WEST, 221.86 FEET, THENCE;
4. CONTINUING, 77.77 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 241.50 FEET, A CENTRAL ANGLE OF 18 DEGREES - 27 MINUTES - 00 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 78 DEGREES - 44 MINUTES - 01 SECOND WEST, 77.44 FEET TO THE INTERSECTION OF THE SAID NORTHERLY RIGHT-OF-WAY LIMITS OF RED RUN BOULEVARD, WITH THE EASTERLY RIGHT-OF-WAY LIMITS OF OWINGS MILLS BOULEVARD, MD RTE. 940 (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID EASTERLY RIGHT-OF-WAY LIMITS, THE FOLLOWINGS TWO COURSES AND DISTANCES;
5. NORTH 23 DEGREES - 12 MINUTES - 47 SECONDS WEST, 29.15 FEET, THENCE;
6. CONTINUING, NORTH 23 DEGREES - 43 MINUTES - 09 SECONDS WEST, 197.99 FEET TO THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LIMITS, WITH THE SOUTHERLY RIGHT-OF-WAY LIMITS OF RAMPS X & Y (VARIABLE WIDTH RIGHT-OF-WAY), THENCE WITH SAID SOUTHERLY RIGHT-OF-WAY LIMITS, THE FOLLOWINGS FOUR COURSES AND DISTANCES;
7. 453.71 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 696.00 FEET, A CENTRAL ANGLE OF 37 DEGREES - 21 MINUTES - 01 SECOND, AND A CHORD BEARING AND DISTANCE OF SOUTH 88 DEGREES - 22 MINUTES - 09 SECONDS EAST, 445.72 FEET TO A POINT OF TANGENCY, THENCE;
8. CONTINUING, NORTH 72 DEGREES - 57 MINUTES - 21 SECONDS EAST, 142.53 FEET, THENCE;
9. CONTINUING, NORTH 42 DEGREES - 25 MINUTES - 24 SECONDS EAST, 44.29 FEET, THENCE;
10. CONTINUING, 141.42 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 622.41 FEET, A CENTRAL ANGLE OF 13 DEGREES - 01 MINUTE - 06 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 66 DEGREES - 26 MINUTES - 49 SECONDS EAST, 141.11 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY LIMITS OF RAMPS X & Y, WITH THE DIVISION LINE BETWEEN LOT 2A, RESUBDIVISION OF LOTS 2, 2A, AND 2B, OWINGS MILLS TOWN CENTER (PLAT BOOK 70 PAGE 99) ON THE EAST, AND LOT 2B, RESUBDIVISION OF LOTS 2, 2A, AND 2B, OWINGS MILLS TOWN CENTER (PLAT BOOK 70 PAGE 99) ON THE WEST, THENCE WITH SAID DIVISION LINE;
11. SOUTH 36 DEGREES - 05 MINUTES - 00 SECONDS EAST, 139.75 FEET TO A PK NAIL FOUND MARKING THE INTERSECTION OF SAID DIVISION LINE WITH THE NORTHWESTERLY RIGHT-OF-WAY LIMITS OF SAID RESTAURANT PARK DRIVE NORTH, THENCE WITH SAID NORTHWESTERLY RIGHT-OF-WAY LIMITS, THE FOLLOWINGS FOUR COURSES AND DISTANCES;
12. SOUTH 53 DEGREES - 55 MINUTES - 00 SECONDS WEST, 191.27 FEET, THENCE;
13. CONTINUING, 63.12 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 46 DEGREES - 58 MINUTES - 13 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 30 DEGREES - 25 MINUTES - 54 SECONDS WEST, 61.37 FEET, THENCE;
14. CONTINUING, SOUTH 06 DEGREES - 56 MINUTES - 47 SECONDS WEST, 33.63 FEET, THENCE;
15. CONTINUING, SOUTH 42 DEGREES - 05 MINUTES - 50 SECONDS WEST, 23.87 FEET TO THE PLACE OF BEGINNING.

CONTAINING 148,847 SQUARE FEET OR 3.417 ACRES

BEING THE SAME PROPERTY AS DESCRIBED IN A COMMITMENT FOR TITLE INSURANCE PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, COMMITMENT NUMBER CLTIC 10-00147, WITH AN EFFECTIVE DATE OF JUNE 4, 2010 AND IS SUBJECT TO RESTRICTIONS, EASEMENTS AND OR COVENANTS AS CONTAINED THEREIN.



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

No. **6229**

Date: **1-11-11**

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 1/11/2011 1/11/2011 09:59:03 2

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				385.-

Total: **385.-**

Rec From: **VENABLE**

For: **2011-0208-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

REG MS05 WALKIN DDOL DMD
 >>RECEIPT # 560940 1/11/2011 OFLN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 062298

Recpt Tot \$385.00
 \$385.00 CK \$0.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

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

Case: # 2011-0208-A

6 Restaurant Park Drive

N/W side of Restaurant Park Dr. (North) at intersection of Red Run Blvd. & Restaurant Park Dr.

4th Election District — 4th Councilmanic District

Legal Owner(s): Owings Mills Mall, LLC

Lessee: GMRI, Inc.

Variance: to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the centerline of the street in lieu of the required 15 feet and 40 feet respectively.

Hearing: Thursday, February 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS 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.

JT 2/6/15 February 1

266151

CERTIFICATE OF PUBLICATION

2/3/2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 2/1/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0208-A

RE: Case No.: _____

Petitioner/Developer: _____

Owings Mills Mall, LLC

Feb 17, 2011

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: Kristen 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: _____

6 Restaurant Park Drive

January 31, 2011

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

Sincerely,



January 31, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE #2011-0208-A

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

Room 205, JEFFERSON BUILDING
105 WEST CHESAPEAKE AVENUE, TOWSON 21204

PLACE:

DATE AND TIME: Thursday, February 17, 2011 at 10:00^{a.m.}

REQUEST: VARIANCE TO ALLOW THE FRONT BUILDING LINE
OF A COMMERCIAL BUILDING TO BE AS CLOSE AS 5 FEET TO THE
FRONT PROPERTY LINE AND 20 FEET TO THE CENTERLINE OF THE
SIDESET IN LIEU OF THE REQUIRED 15 AND 40 FEET RESPECTIVELY.
(6 RESTAURANT DRIVE)

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

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 1, 2011 Issue - Jeffersonian

Please forward billing to:

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

410-494-6204

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: 2011-0208-A

6 Restaurant Park Drive

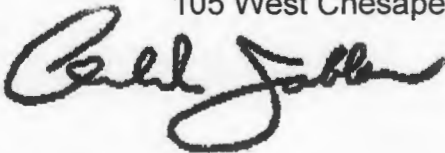
N/w side of Restaurant Park Dr. (North) at intersection of Red Run Blvd. & Restaurant Park Dr.
4th Election District – 4th Councilmanic District

Legal Owners: Owings Mills Mall, LLC

Lessee: GMRI, Inc.

Variance to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the centerline of the street in lieu of the required 15 and 40 feet respectively.

Hearing: Thursday, February 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections 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.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

January 24, 2011

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: 2011-0208-A

6 Restaurant Park Drive

N/w side of Restaurant Park Dr. (North) at intersection of Red Run Blvd. & Restaurant Park Dr.

4th Election District – 4th Councilmanic District

Legal Owners: Owings Mills Mall, LLC

Lessee: GMRI, Inc.

Variance to allow the front building line of a commercial building to be as close as 5 feet to the front property line and 20 feet to the centerline of the street in lieu of the required 15 and 40 feet respectively.

Hearing: Thursday, February 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Ave., Ste. 500, Towson 21204
Ronald Gern, Owings Mills Mall, LLC, 110 North Wacker Dr., Chicago IL 60606
GMRI, Inc., 1000 Darden Center Dr., Orlando FL 32837

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., FEBRUARY 2, 2011.**
- (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.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2011-0208A
Petitioner: OWINGS MILLS MALL, LLC, RONALD GLENN, V.P.
Address or Location: 6 RESTAURANT PARK DRIVE NORTH, OWINGS MILLS, MD.
21117

PLEASE FORWARD ADVERTISING BILL TO:

Name: Kedrick Whitmore
Address: 210 W. Pennsylvania Avenue
Towson, MD 21204
Telephone Number: (410) 494-6204



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

February 8, 2011

Mr. David H. Karceski
C/O Venable LLP
210 W. Pennsylvania Avenue
Suite #500
Towson, MD 21204

Dear Mr. Karceski,

RE: Case Number 2011-0208A, 6 Restaurant Park Drive North

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2011. 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." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Owings Mills Mall, LLC, Ronald L. Gem, Sr. Vice President, 110 North Wacker Drive, Chicago, IL 60606
GMRI, Inc., 6 Restaurant Park Drive North, Owings Mills, MD 21117
111 West Chesapeake Avenue, Room 111 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

Hearing 2/17/11

January 14, 2011

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

ATTENTION: Zoning Review

Distribution Meeting of: **January 18, 2011**

Item No.:

Administrative Variance: 2011-0207, 2011- 0210A, 2011-0211A

Special Hearing: 2011-0205-SPH, 2011- 0209-SPH

Variance: 2011-0208A, 2011-0212A

Comments:

The Baltimore County Fire Marshal's Office has no comments on the above case numbers at this time.

Special Hearing / Exception: 2011-0214-SPHX

Comments:

The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code dated July 19, 2010 prior to occupancy or the beginning of operation.

Other Comments:

Special Hearing: 2011-0206-SPH - No comments were made due to the plans being missing from the zoning packet.

Don W. Muddiman, Acting Lieutenant
Baltimore County Fire Marshal's Office
700 E. Joppa Road, 3RD Floor
Towson, Maryland 21286
Office: 410-887-4880
dmuddiman@baltimorecountymd.gov
cc: File



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 1/21/2011

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

RE: Baltimore County
Item No 2011-0208A
6 RESTAURANT PARK DRIVE NORTH
OLIVE GARDEN
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. 2011-0208A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Fon Steven D. Foster, Chief
Access Management Division

SDF/mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits,
Approvals and Inspections

DATE: February 3, 2011

FROM: Jeff Mayhew
(Acting) Director, Office of Planning

SUBJECT: 6 Restaurant Park Drive

INFORMATION:

Item Number: 11-208

Petitioner: Owings Mills Mall, LLC

Zoning: BM-CT

Requested Action: Variance

The Petitioner requests a variance from Section 235.1 of the BCZR to allow a front building line setback of a commercial structure to be as close as 5 feet to the nearest property line and 20 feet to the center line of the street in lieu of the required 15-feet and 40-feet respectively.

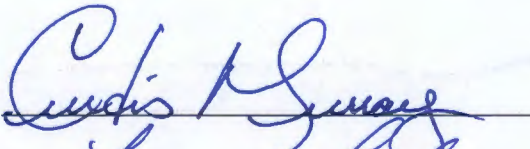
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan. The subject site is in a planned restaurant park in the Owings Mills Growth Area. The proposed tenant will replace an existing vacant restaurant building with a new restaurant building of a slightly different footprint. The proposed variance does not appear to be detrimental to the community; in fact it will be an enhancement to the corridor and be a compliment to the existing restaurants in the park.

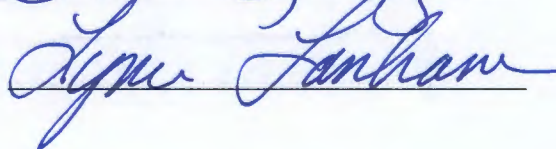
Submit architectural elevations of the proposed building to the Office of Planning for review and approval prior to the application for building permit. The Office of Planning supports the petitioner's request for variance.

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

Prepared by:



Division Chief:
JM/LL: CM



RECEIVED

FEB 03 2011

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

FEB 04 2011

ZONING COMMISSIONER

TO: Office of Administrative Law

FROM: Dave Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: February 3, 2011

SUBJECT: Zoning Item # 11-208-A
Address 6 Restaurant Park Drive North
(Owings Mills Mall Property)

Zoning Advisory Committee Meeting of January 18, 2011.

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

Reviewer: JWL Date: 2/3/2011

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 24, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For January 24, 2011
Item Nos. 2011- 205, 206, 207, 208,
209, 210, 211, 212 and 214

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

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-01242011 -NO COMMENTS.doc

RE: PETITION FOR VARIANCE
6 Restaurant Drive North
NW Side Restaurant Drive North, at Red Run Boulevard
4th Election and 4th Councilmanic Districts
Legal Owners: Owings Mall, LLC, a Delaware, LLC

PETITIONER(S)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* CASE NO: 2011-0208-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED
JAN 19 2011

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of January, 2011, a copy of the foregoing Entry of Appearance was mailed to:

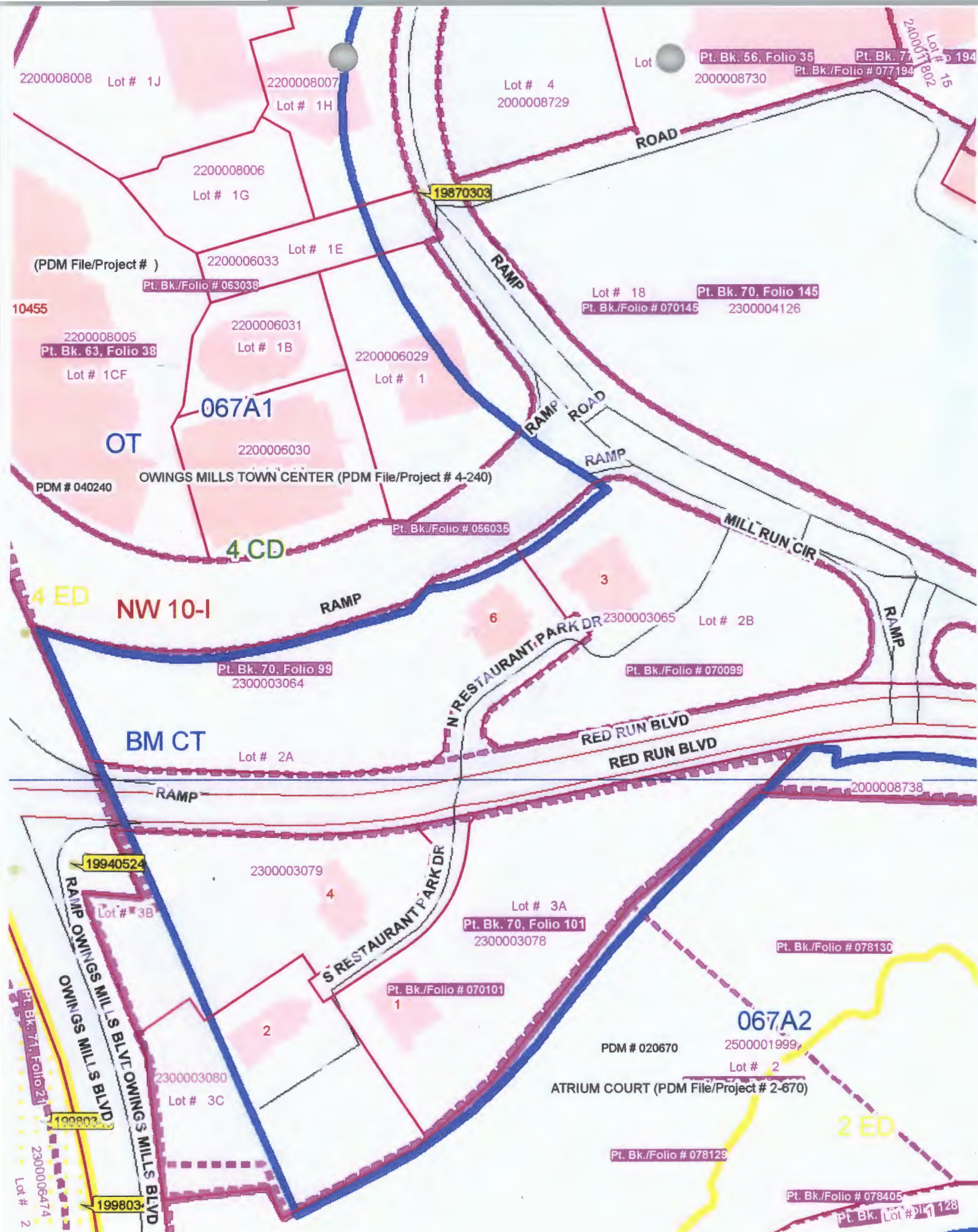
David H. Karceski, Esq.
210 West Pennsylvania Avenue, Suite 500
Towson, Maryland 21204

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 6 Restaurant Pink Drive
CASE NUMBER 2011-208-A North
DATE 2/17/11

[illegible]



Linda D. Nunn
1807 S. Indian River Drive
Ft. Pierce, FL 33450

Office (772)-595-9594
Home (772)-595-3717

Design and construction management professional with over 25 years experience. Special expertise in restaurant development, including conversions, prototype design, and one of a kind construction.

Professional Experience

NunnCo, Inc.
Ft. Pierce, FL

President

1998 to Present

Development Consultant

Currently working on a consultant basis with multiple clients offering outsourced project management covering all phases of development from site identification to construction. Recent projects include site investigation, due diligence work, and municipal processing for Darden Restaurants, Brio Tuscan Grille, Famous Daves BBQ, and Sarku Japan. Management services on recent projects have included supervision of civil engineers, architects, environmental engineers, surveyors, and geo-technical engineers for multiple clients. Design services have included site layout and building reconfiguration. Construction assistance has included pre-qualification of contractors for various clients and bid analysis.

Au Bon Pain, Company, Inc.
Boston, MA

Development Consultant

Director of Construction

1998 to 1999

1995 to 1998

Development Consultant

Assisted in the direction of a staff of 13 in the functions of store planning and design, capital asset purchasing, construction of all new and remodeled projects, and the support of franchisees in development activities, for all St. Louis Bread and Panera Bread projects. Oversaw the processes and approvals for all scheduling and capital expenditures for all development activities from site identification through store opening.

Director of Construction

Directed a staff of 15 in all development related activities including planning and design, purchasing, and construction for all new and remodel projects for both Au Bon Pain and St. Louis/Panera Bread.

General Mills Restaurants, Inc.
Orlando, FL

Team Leader

Project Manager

Designer

1987 to 1995

1992 to 1995

1989 to 1992

1987 to 1989

Team Leader

Directed staff of 8 in design and construction of 44 Red Lobster units annually. Responsible for estimating all project costs, coordination with developers and attorneys on contract issues, and assisting real estate division in technical evaluation of potential sites. Selected outside architectural and engineering firms and oversaw production of construction documents and permitting process. Handled release of funds for impact fees and construction payment process. Pre-qualified general contractors, negotiated bids and awarded contracts. Oversaw scheduling of construction projects through completion and turnover to Operations.

Project Manager

Served in a design and construction role for both Red Lobster and Olive Garden. Oversaw activities of numerous consultants, handling as many as 15 projects at one time. Interaction with wide variety of individuals including company executives, architects, developers, building inspectors, store operations management, construction company owners, and workmen.

PETITIONER' S

EXHIBIT NO.

2



BOHLER™
ENGINEERING

MATTHEW T. ALLEN, P.E.

Branch Manager/Senior Project Manager

EDUCATION

M.B.A. Finance
Pennsylvania State University

B.S. Civil Engineering
Pennsylvania State University

PROFESSIONAL AFFILIATIONS

Baltimore County Chamber of
Commerce

American Society of Civil Engineers

National Society of Professional
Engineers

Maryland Society of Professional
Engineers

International Council of Shopping
Centers

National Association of Industrial
and Office Properties

Urban Land Institute

Greater Baltimore Economic Forum

PROFESSIONAL LICENSES

Delaware PE #13499

District of Columbia PE #900965

Maryland PE #28567

Pennsylvania PE #061707

Virginia PE #040239979

West Virginia PE #18065

PROFESSIONAL SUMMARY

Matthew currently serves as currently serves as a Branch Manager for Bohler Engineering's Towson, Maryland Office. Experience includes twelve (12) years of design and project management. Primarily responsible for the daily operation of the Towson Office as well as client and project management for various commercial, residential and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals and related services.

Other areas of expertise include project permitting which includes coordination/procurement of project approvals ranging from zoning to land development to building permits for over 300 projects in over 150 Mid-Atlantic municipalities including Maryland, District of Columbia, Delaware and Pennsylvania.

PROJECT TESTIMONY

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Zoning Hearing Boards and related municipal entities in Delaware, Maryland and Pennsylvania.

PETITIONER'S

EXHIBIT NO.

3

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



Site from Restaurant Park Drive South, looking North

1



Site from Restaurant Park Drive North, looking Northeast

2

PETITIONER'S

EXHIBIT NO.

6

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



Parking lot from Restaurant Park Drive North, looking West

3



Slope to rear of building looking Northeast

4

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



Slope to rear of building looking Southwest

5



View Northeast along Restaurant Park Drive North

6

Bohler Engineering

Civil, Consulting, Traffic and Geotechnical Engineers • Surveyors • Site Planners
901 Dulaney Valley Road, Suite 801, Towson, MD 21204 • Phone 410-821-7900 • Fax 410-821-7987



View Northwest along Restaurant Park Drive North

7



View Southwest along Restaurant Park Drive North

8

			DRAWING:	1 of 1
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PREVIOUS ZONING CASES:

CASE NO. 88-374-A, GRANTED 04-22-96, VARIANCE TO PERMIT 4000 PARKING SPACES INSTEAD OF THE REQUIRED 5037 SPACES.
CASE NO. 87-516-SPHA, GRANTED 07-28-97, VARIANCE TO PERMIT 5454 PARKING SPACES INSTEAD OF THE REQUIRED 6835 SPACES.
CASE NO. 90-446-SPHA, GRANTED 07-17-98, VARIANCE TO PERMIT A TOTAL OF 5 WALL MOUNTED SIGNS IN LIEU OF THE PERMITTED 3, A NORTH ELEVATION SIGN AREA OF 671 SF IN LIEU OF THE PERMITTED 396 SF, AND ONE SIGN ON A WALL WITH NO EXTERIOR ENTRANCE.
CASE NO. 99-27-A, GRANTED 09-02-98, VARIANCE TO PERMIT SINGLE WALL MOUNTED SIGN AREAS OF UP TO 240 SF IN LIEU OF THE PERMITTED 150 SF AND PERMISSION TO INSTALL 10 WALL MOUNTED SIGNS IN LIEU OF THE PERMITTED 4 SIGNS.
CASE NO. 05-056-SPHA (LOT 3), ZONING RELIEF GRANTED ON SEPTEMBER 16, 2004 BY ZONING COMMISSIONER LAWRENCE E. SCHMIDT (ZONING CASE 05-056-SPHA).
VARIANCE TO PERMIT A WINDOW FACING A PROPERTY LINE TO BE AS CLOSE AS 13 FT IN LIEU OF 25 FT AND TO PERMIT THE MINIMUM DISTANCE BETWEEN THE CENTERS OF FACING WINDOWS OF DIFFERENT APARTMENTS ON THE SAME LOT TO BE AS CLOSE AS 10 FT IN LIEU OF 50 FT.

VARIANCE TO PERMIT A MINIMUM HORIZONTAL SEPARATION OF BUILDINGS BETWEEN FACING ELEVATIONS OF AS LITTLE AS 19 FT IN LIEU OF 40 FT FOR APARTMENT GROUP HOUSES WITH HEIGHTS BETWEEN 30-50 FT AND A DISTANCE OF 65 FT IN LIEU OF 75 FT BETWEEN THE MID RISE APARTMENT BUILDING AND THE APARTMENT GROUP HOUSE.

VARIANCE TO PERMIT FACING OPEN PROJECTIONS AS CLOSE AS 21 FT IN LIEU OF 37.5 FT AND AN OPEN PROJECTION TO PROPERTY LINE SETBACK OF 6 FT IN LIEU OF 18.75 FT.

VARIANCE TO PERMIT UP TO 3 SIGNS WITH A TOTAL AREA OF 133 SF IN LIEU OF THE 100 SF PERMITTED.

SPECIAL HEARING TO PERMIT APARTMENTS ON THE FIRST STORY OF A BUILDING AND TO MODIFY THE PLAN APPROVED IN CASE # 97-516-SPHA.

SPECIAL EXCEPTION TO PERMIT A BUILDING LENGTH OF 650 FT IN LIEU OF 300 FT.

SUBJECT TO THE FOLLOWING RESTRICTIONS:

- THE PETITIONERS MAY APPLY FOR THEIR BUILDING PERMIT AND BE GRANTED SAME UPON RECEIPT OF THIS ORDER; HOWEVER, THE PETITIONERS ARE HEREBY MADE AWARE THAT PROCEEDING AT THIS TIME IS AT THEIR OWN RISK UNTIL THE 30-DAY APPEAL PERIOD FROM THE DATE OF THIS ORDER HAS EXPIRED. IF AN APPEAL IS FILED AND THE ORDER IS REVERSED, THE RELIEF GRANTED HEREIN SHALL BE RESCINDED.
- COMPLIANCE WITH THE ZAC COMMENT SUBMITTED BY THE OFFICE OF PLANNING AND BENCHMARK EXHIBITS ATTACHED THERETO, DATED SEPTEMBER 1, 2004.
- WHEN APPLYING FOR A BUILDING PERMIT, THE SITE PLAN FILED MUST REFERENCE THIS CASE AND SET FORTH AND ADDRESS THE RESTRICTIONS OF THIS ORDER.

CONDITIONS OF APPROVAL FROM THE OFFICE OF PLANNING:

ARCHITECTURAL ELEVATIONS - ARCHITECTURAL ELEVATIONS CONSISTENT IN QUALITY AND DESIGN WITH THE BENCHMARK EXHIBITS SHALL BE PROVIDED TO THE DIRECTOR OF THE OFFICE OF PLANNING PRIOR TO THE APPLICATION FOR BUILDING PERMITS. IF THE DIRECTOR REASONABLY DETERMINES THAT THE ARCHITECTURE IS NOT CONSISTENT IN QUALITY AND DESIGN WITH THE BENCHMARK EXHIBITS, A HEARING BEFORE THE ZONING COMMISSIONER WILL BE REQUIRED TO RESOLVE ANY DISAGREEMENTS.

MAIN STREET - THE MAIN STREET CONCEPT SHALL INCLUDE A 6-FOOT PLANTED AREA (INCLUDING STREET TREES) ADJACENT TO THE CURB FOR THE RING ROAD IN FRONT OF THE PROJECT. A 6-FOOT WIDE SIDEWALK SHALL BE PROVIDED, AND STREET TREE PLANTING SHALL BE PROVIDED ADJACENT TO THE PROPOSED BUILDINGS ALONG THE RING ROAD IN FRONT OF THE PROJECT.

ROAD CONNECTION TO METRO CENTER PROJECT - THE ROAD LOCATED BETWEEN THE PROPOSED MIDRISE MULTI-FAMILY BUILDING OF THE PROJECT AND THE METRO CENTER AS SHOWN ON THE APPROVED VARIANCE PLAN OF THE APPLICATION SHALL BE COMPLETED TO THE PROPERTY LINE, OR IN THE ALTERNATIVE, AN EASEMENT FOR THIS ROAD CONNECTION TO THE METRO CENTER PROJECT SHALL BE PROVIDED ON THE REVISED CRG PLAN AND RECORDED.

SCREEN WALLS - PRIOR TO THE APPLICATION FOR BUILDING PERMITS, THE APPLICANT SHALL PROVIDE THE DIRECTOR OF THE OFFICE OF PLANNING WITH ELEVATIONS SHOWING THE DESIGN, MATERIALS, AND LANDSCAPING OF THE SCREEN WALLS. MATERIALS SHALL BE CONSISTENT WITH THE MATERIALS USED IN THE TOWNHOUSES. IF THE DIRECTOR REASONABLY DETERMINES THAT THE SCREEN WALLS DO NOT MEET THESE REQUIREMENTS, A HEARING BEFORE THE ZONING COMMISSIONER WILL BE REQUIRED TO RESOLVE ANY DISAGREEMENTS.

LANDSCAPING - A LANDSCAPE PLAN MAY BE REQUIRED THAT EXCEEDS THE CURRENT LANDSCAPE MANUAL REQUIREMENTS. IF THE PETITIONER OBJECTS TO THE LANDSCAPE REQUIREMENTS A HEARING BEFORE THE ZONING COMMISSIONER MAY BE REQUESTED IN ORDER TO RESOLVE ANY DISAGREEMENTS.

SITE INFORMATION

1. SITE ADDRESS:
6 RESTAURANT PARK DRIVE NORTH
OWINGS MILLS, MD 21117

2. SITE TABULATIONS = 3,417 AC.

3. OWNER:
OWINGS MILLS MALL, LLC
PO BOX 817005
CHICAGO, IL 60681-7905

4. APPLICANT:
DARDEN RESTAURANTS, INC.
1000 DARDEN CENTER DRIVE
ORLANDO, FL 32837
ATTN: NEIL TERWILLIGER

5. COUNTY INFORMATION
TAX MAP: 67
PARCEL: 465
WATERSHED: GWYNNS FALLS
WATER SERVICE AREA: PIKESVILLE FOURTH ZONE
SEWERAGE: 68
COUNTY COUNCIL DISTRICT: 4
ELECTION DISTRICT: 4TH
PLANNER: DAVID GREEN

6. TAX ACCOUNT NO. = 04-2300003064

7. EXISTING USE: VACANT RESTAURANT
PROPOSED USE: OLIVE GARDEN RESTAURANT

8. ZONE: BM-CT (BUSINESS, MAJOR - C.T. DISTRICT)

9. THIS SITE IS LOCATED IN ZONE C (AREAS OF MINIMAL FLOODING) PER PLAN FEMA MAP 2400100200C, DATED SEPTEMBER 3, 1992.

10. THERE ARE NO WETLANDS LOCATED WITHIN THE SITE BOUNDARY.

11. THE SUBJECT SITE IS NOT LOCATED WITHIN A WATER, SEWER OR TRANSPORTATION DEFICIENT AREA PER THE 2010 BASIC SERVICES MAPS.

12. THE SUBJECT SITE IS NOT LOCATED WITHIN A HISTORIC DISTRICT.

13. THE SUBJECT PARCEL IS LOCATED WITHIN THE METROPOLITAN DISTRICT.

14. THE SUBJECT PARCEL IS LOCATED WITHIN THE URBAN RURAL DEMARCATION LINE.

15. LANDSCAPING IS PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.

16. PREVIOUS COMMERCIAL PERMITS:
A. B392379
B. B392381
C. B401193
D. B412408

17. BUILDING AREA: 7,441 S.F.

18. SETBACKS:

NORTH (RAMPS X&Y)
SOUTH (RESTAURANT PARK DRIVE NORTH FROM PROPERTY LINE)
SOUTH (RESTAURANT PARK DRIVE NORTH FROM CENTERLINE OF STREET)
SOUTH (RED RUN BOULEVARD)
EAST (OWINGS MILLS BOULEVARD)
WEST (OWINGS MILLS BOULEVARD)

LANDSCAPING:
NORTH (RAMPS X&Y)
SOUTH (RESTAURANT PARK DRIVE NORTH)
SOUTH BUILDING (RESTAURANT PARK DRIVE NORTH)
SOUTH (RED RUN BOULEVARD)
EAST
WEST (OWINGS MILLS BOULEVARD)

19. PARKING:

REQUIRED: 5 SPACES/1,000 S.F. GLA
RESTAURANT 1: 7,441 S.F. GFA
RESTAURANT 2: 8,250 S.F. GFA
TOTAL

REQUIRED: 120 SPACES
PROVIDED: 114 SPACES
TOTAL: 252 SPACES
PROPOSED: 167 SPACES
TOTAL: 281 SPACES

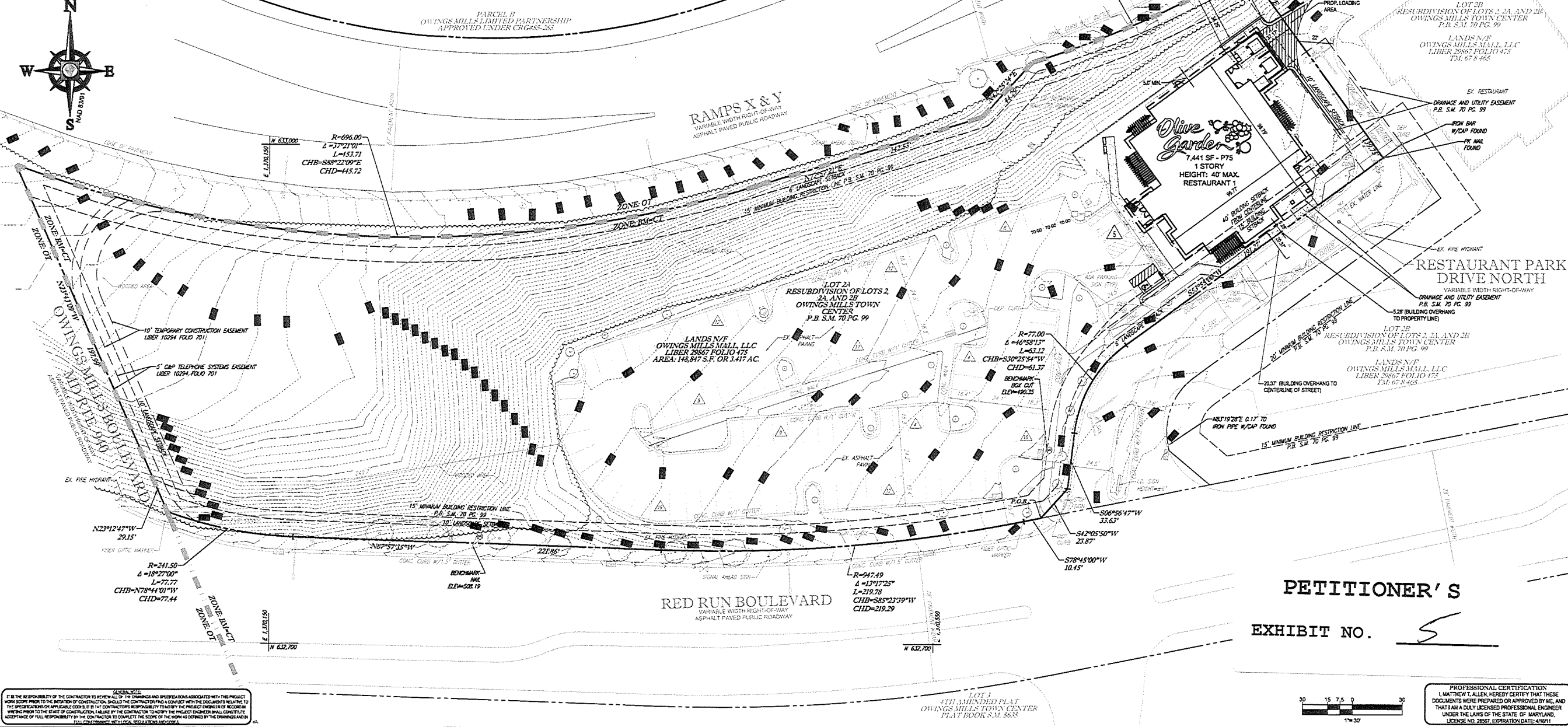
20. PER THE SEVENTH AMENDED CRG PLAN, APPROVED ON 4/14/05, THE AMOUNT OF PARKING SPACES PROVIDED FOR THE RESTAURANT USES MAY BE USED INTERCHANGEABLY, AS LONG AS THE AMOUNT OF PROVIDED SPACES EXCEEDS REQUIRED SPACES FOR BOTH SEPARATE SIDES OF RED RUN BOULEVARD.

21. AMENITY OPEN SPACE:
REQUIRED: 0.1 X GFA (MINIMUM)
G.F.A. = 7,441 S.F.
MIN. A.O.S. = 0.1 X 7,441 S.F. = 745 S.F.
PROVIDED: A.O.S. = 54,588 S.F.
PROVIDED A.O.S. RATIO = 54,588/7441 = 7.34

22. FLOOR AREA RATIO:
MAX ALLOWABLE: 5.5
7,441 S.F. / 1,488,847 S.F. = 0.05

23. SITE IS SERVED BY PUBLIC WATER AND SEWER.

24. BUILDING HEIGHT: 40' MAX.



PETITIONER'S

EXHIBIT NO. 5

BOHLER ENGINEERING

CORPORATE OFFICE:
4 WARREN, NJ
OFFICES:
• BOWEN, VA
• STERLING, VA
• ROCKVILLE, MD
• CENTREVILLE, VA
• PHILADELPHIA, PA
• TAMPA, FL

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATOR, DESIGNER, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE (IN VIRGINIA, MARYLAND, AND DELAWARE #111) (IN VA: 4800-552-7071) (IN MD: 4800-251-7777) (IN DE: 4800-262-4955)

NOT APPROVED FOR CONSTRUCTION

PROJECT NO: MD102065
DRAWN BY: RLB
CHECKED BY: BRR
DATE: 12/13/10
SCALE: 1"=30'
CAD LID: MD102065V2

PROJECT: PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING FOR

DARDEN RESTAURANTS, INC.

LOCATION OF SITE:
6 RESTAURANT PARK DRIVE NORTH
OWINGS MILLS, MD 21117
BALTIMORE COUNTY

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com

M.T. ALLEN

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 0001

SHEET TITLE:
PLAN TO ACCOMPANY PETITION FOR VARIANCE HEARING

SHEET NUMBER:
1 OF 1

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THE PROJECT WORK SHOWN PRIOR TO THE BEGINNING OF CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DOCUMENTS RELATING TO THE SPECIFICATIONS OF APPLICABLE CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN THE PROJECT ENGINEER'S RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO OBTAIN THE PROJECT ENGINEER'S RECORD CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE WORK AS SHOWN BY THE CHANGES AND NOT THE CONTRACTOR'S OWN INTERPRETATION OF THE DRAWINGS AND SPECIFICATIONS.

PROFESSIONAL CERTIFICATION
I, MATTHEW T. ALLEN, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28867, EXPIRATION DATE: 4/26/11



RIGHT ELEVATION



FRONT ELEVATION



ITALIAN RESTAURANT

P75L Proto

0 5 10 20

OWINGS MILLS, MD

PETITIONER'S

EXHIBIT NO. 7A

MATERIAL LEGEND

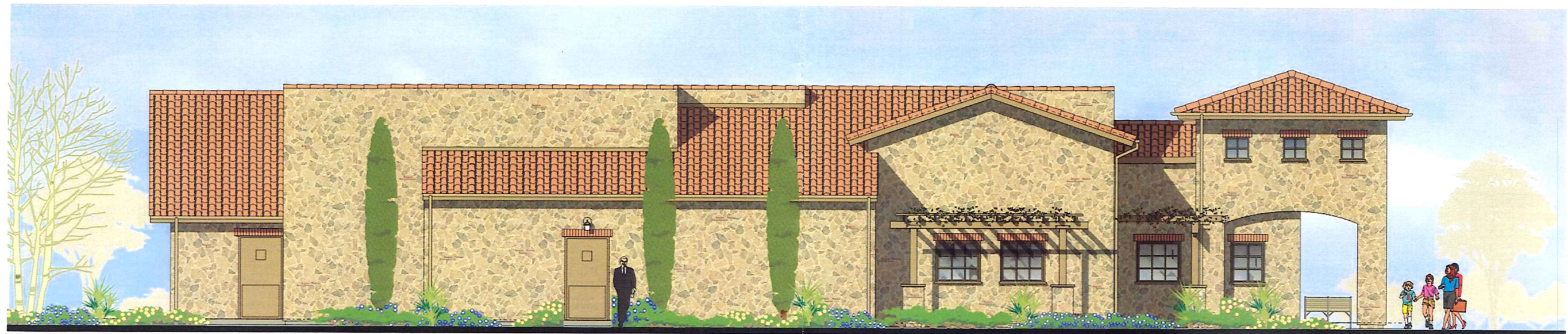
- 105 - STAIN @ WOOD TRELLIS
Olympic Semi-Transparent Stain #726
Oil base, Cut 25%
- 106 - PAINT @ WOOD TRIM, WINDOWS & DOORS
Benjamin Moore "Olive Garden Brown"
- 107 - STONE VENEER (w/ #133 Brick Clickers) Coronado Stone
"Appalachian Fieldstone" w/ matching chiseled corner stones
Color: "Mountain Sunset"
Grout: Natural Gray
- 110 - ROOF TILE
Monier Life Tile - Spanish "S" "Buttercup Blend" # ISPCU 6243
- 133 - BRICK CLINKERS
Coronado Stone
2-1/8" x 8" Thin Brick - Tumbled & Spaced Randomly
w/ Natural Gray Grout

For: Darden Restaurants
Orlando, FL
407 245 4000

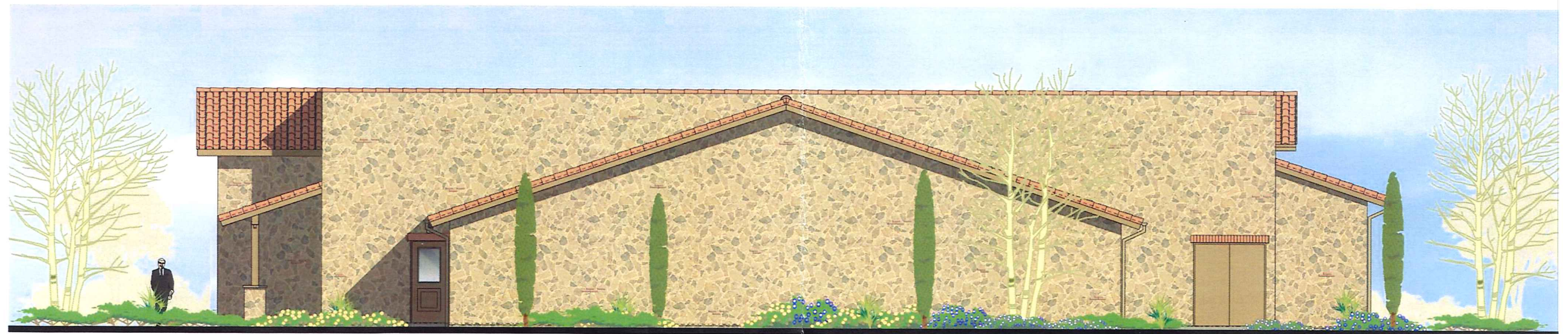
By: CRHO Architects
Tustin, CA
714 832 1834

February 9th, 2009
Sheet 1 of 2

FOR ILLUSTRATIVE PURPOSES



LEFT ELEVATION



REAR ELEVATION



ITALIAN RESTAURANT

P75L Proto

0 5 10 20

OWINGS MILLS, MD

PETITIONER'S

EXHIBIT NO. 713

MATERIAL LEGEND

105 - STAIN @ WOOD TRELLIS
Olympic Semi-Transparent Stain #726
Oil base, Cut 25%
106 - PAINT @ WOOD TRIM, WINDOWS & DOORS
Benjamin Moore "Olive Garden Brown"
107 - STONE VENEER (w/ #133 Brick Clinkers) Coronado Stone
"Appalachian Fieldstone" w/ matching chiseled corner stones
Color: "Mountain Sunset"
Grout: Natural Gray
110 - ROOF TILE
Monier Life Tile - Spanish "S" "Buttercup Blend" # ISPCU
6243
133 - BRICK CLINKERS
Coronado Stone
2-1/8" x 8" Thin Brick - Tumbled & Spaced Randomly
w/ Natural Gray Grout

For: Darden Restaurants
Orlando, FL
407 245 4000

By: CRHO Architects
Tustin, CA
714 832 1834

February 9th, 2009
Sheet 1 of 2

FOR ILLUSTRATIVE PURPOSES