

IN RE: PETITION FOR VARIANCE
NE Side of Liberty Road, 193.81' SE
of Brenbrook Drive
2nd Election District
4th Councilmanic District
(8700 Liberty Road)

New Plan Maryland Holdings, LLC
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **CASE NO. 2011-0249-A**

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by the legal owner of the subject property, New Plan Maryland Holdings, LLC. Petitioner is requesting Variance relief from Section 409.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 933 parking spaces in lieu of the required 1,102 parking spaces. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request were Bill Greimel, Vice President of Construction for Centro Properties Group Mid-Atlantic Regional Office for New Plan Maryland Holdings, LLC, Brian Conlon, P.E. with Langan Engineering & Environmental Services, the professional engineer who prepared the site plan, and Glenn Cook, Vice President with the Traffic Group, Inc. Patricia A. Malone, Esquire, with Venable, LLP, attended the hearing as attorney for the Petitioner. Also attending in support of the request was Peirce Macgill with the Baltimore County Office of Economic Development. There were no Protestants or other interested persons in attendance, and the file does not contain any letters of opposition or protest.

Testimony and evidence offered revealed that the property is irregularly shaped, contains 25.88 acres, and is zoned B.M.-C.C.C. The Petitioner testified, via proffer, that it had finalized a lease with Wal-Mart, and was going to open a 160,000 square feet supercenter on the premises.

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Date 3-28-11

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments received from any of the County reviewing agencies. The Office of Planning in a memorandum dated March 17, 2011, supports the requested relief. That Office opined that the parking, pedestrian and vehicular circulation have been designed to integrate with the Liberty Plaza Shopping Center and function efficiently. It noted Wal-Mart is a long awaited addition to the Randallstown business district, and will help continue the revitalization of the Liberty Road corridor. The Office of Planning requested that no truck traffic should be allowed to access the site off of Church Lane, and Counsel for Petitioner indicated her client was amenable to that condition. Peirce Macgill, for the County's Office of Economic Development, advised that Baltimore County was strongly supportive of the variance request.

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

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

The Petitioner has met this test.

As for the first factor, the property is irregularly shaped and is bounded on all three sides by public roads. Its frontage on Liberty Road is also unusual, in that – as seen on Exhibit 1 – there are several carve out areas not owned by Petitioner that create a “jagged” property line on that side. In addition, as proffered by Petitioner's engineer, Brian Conlon, the property has steep

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Date 3-28-11

By PJ

slopes and forest along its rear side. There are wetlands on the east side of the property, and the site will also comply with Maryland's new stormwater management regulations. The vast parking lot will be punctuated with bioretention devices that will improve water quality, but also will reduce the number of available parking spaces. Finally, the property is located in a County revitalization district (see Petitioner's Exhibit 2) and its redevelopment in the manner proposed also renders the site unique.

Turning to the second issue, the Petitioner would clearly experience a "practical difficulty" if variance relief was denied. Either the project would not receive County approval, or the developer would be obliged to enlarge the current parking area to create the 169 spaces. Neither option is palatable. Moreover, Petitioner's expert, Glenn Cook from the Traffic Group (his curriculum vitae was admitted as Exhibit 5) opined that the County parking regulations in the B.C.Z.R. overstated in this instance the number of parking spaces needed, since the proposed Wal-Mart will be served by a transit bus line, the schedule for which indicates a bus will stop at the site every 30 minutes or so, allowing customers and employees the option of public transportation instead of driving a car to the store.

Finally, Mr. Cook presented a study he conducted in connection with the expansion of the White Marsh Wal-Mart, which findings he advised were equally applicable to the proposed site, wherein his firm opined that a ratio 3.0 spaces per 1,000 square feet of gross floor area would be acceptable, even in peak holiday season. See Petitioner's Exhibit 6. Under the B.C.Z.R., parking must be provided at a ratio of 5.0 spaces per 1,000 square feet, which in Mr. Cook's opinion is excessive. As shown on the site plan, ("Zoning Summary," Exhibit 1) Petitioner proposes a ratio of 4.24 spaces in lieu of the required 5.0, and this is a comfortable margin above the ratio in the Traffic Group study discussed above.

ORDER RECEIVED FOR FILING

Date 3-28-11

By [Signature]

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. The proposal will provide a much-needed improvement to a moribund shopping center, and the grant of variance relief will eliminate the need for installing additional impervious surfaces, thereby yielding environmental benefits as well.

One final note is in order, concerning a cultural phenomenon that speaks to the abundance of parking provided nationwide at Wal-Mart stores. Specifically, and although no one at the hearing was aware of the fact, Wal-Mart invites (and even encourages) overnight parking on its lots for truck drivers and travelers. The practice has received such widespread acceptance and interest that there is an iPhone "app" available, known as the "Walmart Overnight Parking Locator" (by Allstays LLC), which "plots every Walmart store in the USA and Canada." <http://itunes.apple.com/us/app/walmart-overnight-parking>.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this 28 day of March, 2011, by this Administrative Law Judge that Petitioner's Variance from Section 409.6 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit 933 parking spaces in lieu of the required 1,102 parking spaces, be and is hereby GRANTED, subject to the following:

1. Petitioner may apply for permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

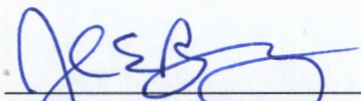
ORDER RECEIVED FOR FILING

Date 3-28-11

By [Signature]

2. No truck traffic shall be allowed to access the site off of Church Lane.

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

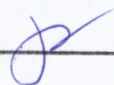


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/pz

ORDER RECEIVED FOR FILING

Date 3-28-11

By 



KEVIN KAMENETZ
County Executive

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

March 25, 2011

PATRICIA A. MALONE, ESQUIRE
VENABLE, LLP
210 WEST PENNSYLVANIA AVENUE
SUITE 500
TOWSON, MD 21204

Re: Petition for Variance
Case No. 2011-0249-A
Property: 8700 Liberty Road

Dear Ms. Malone:

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 with the Department of Permits, Applications and Inspections an appeal within thirty (30) days from the date of this Order. 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 "JEB", is written over the name "JOHN E. BEVERUNGEN".

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

- c: Bill Greimel, Vice President of Construction, Centro Properties Group Mid-Atlantic Regional Office, Two Tower Bridge, Suite 300, Conshohocken PA 19428
Glenn Cook, Vice President, The Traffic Group, Inc., 9900 Franklin Square Drive, Suite H, Baltimore, MD 21236
Brian Conlon, P.E., Langan Engineering & Environmental Services, 30 South 17th Street, Suite 1300, Philadelphia PA 19103
Peirce Macgill, Baltimore County Office of Economic Development



Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property
located at 8700 Liberty Road
which is presently zoned BM-CCC

Deed Reference: 25591 / 17 Tax Account # 2200023162

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

See Attached.

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

To be determined at hearing.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

City

By

State

Zip Code

Attorney For Petitioner:

Patricia A. Malone

Name - Type or Print

Signature

Venable LLP

Company

210 W. Pennsylvania Avenue 410-494-6200

Address

Towson

City

MD

State

Telephone No.

21204

Zip Code

Legal Owner(s):

See Attached

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Patricia A. Malone

Name

210 W. Pennsylvania Avenue 410-494-6200

Address

Towson

City

MD

State

Telephone No.

21204

Zip Code

Case No. 2011-0249-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by JNP for AJ Date 2/18/04

DROP OFF - NO REVIEW

Petition for Variance

Liberty Plaza
8700 Liberty Road

Petition for Variance, pursuant to Section 409.6 of the Baltimore County Zoning Regulations, to permit 933 parking space to be provided in lieu of the required 1102 parking spaces.

Petition for Variance

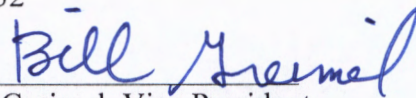
Liberty Plaza
8700 Liberty Road

Legal Owner:

New Plan Maryland Holdings, LLC

By: Centro Properties Group
Mid-Atlantic Regional Office
Two Tower Bridge, Suite 300
Conshohocken, PA 19428
610.834.7232

By:


Bill Greimel, Vice President,
Construction

10 February 2011
2200402

**ZONING DESCRIPTION
LIBERTY PLAZA SHOPPING CENTER
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
PARCEL ID 22-00-023162**

Being a parcel of land lying in the 2nd Election District of Baltimore County, Maryland and being all the property acquired by New Plan Maryland Holdings from New Plan Excel Realty Trust, Inc. by deed dated April 19th, 2007 and recorded among the land records of Baltimore County, Maryland in Liber 25591 at Folio 17, and being more particularly described as follows,

Beginning at an iron pipe found on the easterly right-of-way line of Brenbrook Drive (70 wide), said point being located approximately 275.87 feet from the intersection of the easterly right-of-way line of Brenbrook Drive and the northerly right-of-way line of Liberty Road, and extending thence,

Along the easterly line of Brenbrook Drive the following two (2) courses:

- 1) North 25° 16' 54" East, 64.52 feet; thence,
- 2) On an arc curving to the left having a radius of 1110.00 feet for an arc length of 777.42 feet, said curve being subtended by a chord bearing North 05° 18' 18" East, 761.63 feet to the southerly right-of-way line of Church Lane; thence

Along the southerly right-of-way line of Church Lane the following seven (7) courses:

- 3) North 17° 33' 23" East, 15.44 feet; thence,
- 4) On an arc curving to the left having a radius of 666.62 feet for an arc length of 89.64 feet, said curve being subtended by a chord bearing North 74° 23' 17" East, 89.57 feet; thence,
- 5) North 70° 32' 09" East, 96.28 feet; thence,
- 6) North 14° 36' 52" West, 28.79 feet to a point in the bed of Church Lane; thence,
- 7) North 76° 03' 17" East, 363.68 feet to a point; thence,
- 8) South 84° 32' 23" East, 660.00 feet to a point; thence,
- 9) South 71° 28' 18" East, 41.25 feet to a point; thence,

Leaving the bed of Church Lane and extending the following five (5) courses,

- 10) South 31° 05' 42" West, 24.66 feet; thence,
- 11) North 69° 25' 15" West, 60.00 feet; thence,
- 12) South 31° 05' 42" West, 181.67 feet; thence,
- 13) South 69° 25' 15" East, 60.00 feet; thence,
- 14) South 31° 05' 42" West, 1491.68 feet to the Northerly right-of-way line of Liberty Road (80 wide); thence,

Along said northerly right-of-way line of Liberty Road the following six (6) courses:

- 15) North 64° 36' 22" West, 8.88 feet; thence,
- 16) North 25° 23' 38" East, 10.00 feet; thence,
- 17) North 64° 36' 22" West, 23.00 feet; thence,
- 18) South 25° 23' 38" West, 10.00 feet; thence,

- 19) North 64° 36' 22" West, 11.74 feet; thence,
20) North 64° 37' 25" West, 150.49 feet; thence,

Leaving said northerly right-of-way line of Liberty Road and extending the following three (3) courses:

- 21) North 01° 13' 43" East, 243.41 feet; thence,
22) South 82° 35' 13" West, 87.27 feet; thence,
23) South 14° 21' 37" West, 178.04 feet; thence,

Along said northerly right-of-way line of Liberty Road the following course:

- 24) North 64° 35' 19" West, 134.73 feet; thence,

Leaving said northerly right-of-way line of Liberty Road and extending the following two (2) courses:

- 25) North 08° 27' 23" East, 201.46 feet; thence,
26) North 22° 07' 53" West, 137.01 feet to the point of beginning.

Containing 1,127,464 square feet or 25.883 of an acre of land, more or less.

SURVEYOR'S CERTIFICATE

I hereby certify that this description was prepared by me or that I was in responsible charge over it's preparation and that this description is in compliance with COMAR Section 09.13.06.08 of the Minimum Standards of practice as now adopted by the Board for Professional Land Surveyors.

FEB 10, 2011
Date

Donald F. Remmers

Donald F. Remmers
Professional Land Surveyor
Maryland Registration No. 10888



\\langan.com\data\PIF\data2\220040201\Survey Data - 220040201\Office Data\Description\2200402 Zoning Written Description.docx

LANGAN

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: # 2011-0249-A

8700 Liberty Road

N/east side of Liberty Road, 193.81 southeast of Brenbrook Drive

2nd Election District — 4th Councilmanic District

Legal Owner(s): New Plan Maryland Holdings, LLC

Variance: To permit 933 parking spaces to be provided in lieu of the required 1102 parking spaces.

Hearing: Wednesday, March 23, 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 Administrative Hearings Office at (410) 887-4386.

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

JT 03/661 March 8

268992

CERTIFICATE OF PUBLICATION

3/10/2011

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 3/8/2011.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2011-0249-A

RE: Case No.: _____

Petitioner/Developer: _____

New Plan Maryland Holdings. LLC

Mar 23, 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: _____

8700 Liberty Road

March 8, 2011

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

Sincerely,



March 10, 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 #2011-0249-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: WEDNESDAY, MARCH 23, 2011 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT 933 PARKING SPACES TO BE
PROVIDED IN LIEU OF THE REQUIRED 1102 PARKING SPACES.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY
TO CONFIRM HEARING CALL 867-3391

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

Prior meeting - 2002 9/10

IN RE: PETITION FOR SPECIAL EXCEPTION
SE/Corner Brenbrook Road
and Church Lane
2nd Election District
2nd Councilmanic District
(8700 Liberty Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 02-568-SPH

New Plan Excel Realty Trust, Inc.,
Legal Owner and
Poo-Poo Ltd., t/a Pimlico Check Cashing,
Lessee

Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owner of the subject property, New Plan Excel Realty Trust, Inc. and the lessee of the site, Poo-Poo Ltd., t/a Pimlico Check Cashing. The special hearing request involves property located at 8700 Liberty Road, which property is zoned BM-CCC. The special hearing request is to approve the use of the subject property with four amusement devices with a use other than entertainment, leisure or recreational oriented. The special hearing petition was filed by R. David Adelberg, attorney at law, representing the Petitioner.

Appearing at the hearing on behalf of the request were Mr. Pelta, representing the lessee of the property, and Bruce Doak, a representative of Gerhold, Cross & Etzel, the land surveyors who prepared the site plan of the site. There were no protestants or others in attendance.

Testimony and evidence indicated that the property, which is the subject of this special hearing request, is improved with the Liberty Plaza Shopping Center located at the northeast corner of the intersection of Liberty Road and Brenbrook Drive, in Randallstown. The property is improved with a retail shopping center, within which this Petitioner leases commercial space. The testimony and evidence indicated that the Petitioner operates a check-cashing and bill



© 2010 Langan Engineering and Environmental Services Inc.



30 South 17th Street, Suite 1300 Philadelphia, PA 19103
 P: 215.864.0640 F: 215.864.0671
www.langan.com

NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA
 NEVADA VIRGINIA CALIFORNIA

Project

RANDALLSTOWN WALMART ZONING MAP
 RANDALLSTOWN

BALTIMORE COUNTY

MD

Project No.	Date	Scale	Dwg. No.
220040201	2/10/11	1"=200'	1

DROP OFF-NO REVIEW 2011-0249-A

Case No.: 249-A

March 23, 2011

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan - 3 pages	
No. 2	Map Showing Revital. Districts	
No. 3	Aerial Map	
No. 4	Brian Conlon CV	
No. 5	Glenn Cook CV	
No. 6	Traffic Group Report/ Study	
No. 7	Conceptual Design Elevations	
No. 8	Office of Planning Comments	
No. 9		
No. 10		
No. 11		
No. 12		

BRIAN M. CONLON, PE, LEED AP, CDP
Associate

Site/Civil Engineering

EDUCATION:

Villanova University: B.S. Civil Engineering

PROFESSIONAL REGISTRATION:

Licensed Professional Engineer: NJ, PA, MD, DE, WV
LEED Accredited Professional
ICSC Certified Development, Design and Construction Professional

PROFESSIONAL AFFILIATIONS:

International Council of Shopping Centers
American Society of Civil Engineers
Chi Epsilon

SUMMARY OF QUALIFICATIONS

Brian is a Professional Engineer with thirteen years of experience serving the private development sector in civil engineering applications. Brian has performed all phases of land development engineering including conceptual layout and planning, design, permitting, construction coordination and general project management. Brian has experience providing both project management and site development engineering services for all aspects of the development process for a variety of uses, including mixed use, retail, residential, office and a stadium development. Design and management emphasis has been providing master planning/concept plans, site engineering, infrastructure design, stormwater management design and management of the project obtaining all applicable ancillary permits and approvals. Brian also has relevant experience as a land surveyor and with roadway design and highway improvements. Brian has been involved with the design and/or project management of over 3,000,000 SF of retail space. Brian has been qualified as an expert witness and has testified before Jurisdictional Boards in Pennsylvania, New Jersey, Delaware and New York.

RELEVANT EXPERIENCE

Christiana Mall Redevelopment, White Clay Creek Hundred, New Castle County, Delaware - Project and design manager for redevelopment of the existing 128± acre, 1.4 million SF retail shopping mall. Project included demolition of existing Strawbridge's and Lord & Taylors' buildings for proposed Nordstrom, Target, lifestyle shops and mall expansion. Scope of work included all aspects of site design including project management, site layout, grading, storm drainage design, stormwater management design, utility design and the preparation of construction details. Worked to obtain all applicable permits and approvals that were required.

Christiana Mall Ring Road Realignment, White Clay Creek Hundred, New Castle County, Delaware - Project and design manager for design and construction of approximately 4,200 LF of a new ring road on the western side of the Christiana Mall. In conjunction with a major DELDOT interchange project, significant impacts were proposed at the Christiana Mall including 6 acres of right-of-way taking, parking, and the existing ring road modifications. Was the Project and design manager involved with significant coordination between DELDOT, mall owners and

PETITIONER' S

EXHIBIT NO.

4



Merging Innovation and Excellence®

GLENN E. COOK

Vice President

Glenn Cook is a Vice President with The Traffic Group, Inc., responsible for conducting and overseeing the preparation of Traffic Impact Studies and the preparation of geometric design plans, parking lot layouts, highway lighting, traffic control and traffic signal plans. His projects included the \$1 billion National Harbor project, the 6 million sq. ft. Presidential Corporate Centre project and the Bowie New Town Center project located in Prince George's County, Maryland. Mr. Cook has served as a Transportation Planner for the development of Master Plans for both private firms and government agencies. Mr. Cook has also been extensively involved with Transit Oriented Developments (TOD).

Mr. Cook has over 36 years experience in the traffic engineering and transportation planning field both in the public sector with the Maryland State Highway Administration and in the private sector. Mr. Cook's experience in the public sector provides him with a wide range of knowledge to deal with the complex problems associated with receiving public agency approvals. Mr. Cook is qualified and has been accepted as an expert in the field of Traffic Engineering and Transportation Planning before numerous County and Municipal Boards in Maryland, Virginia and New Jersey.

Job History

2003 - Present

Traffic Engineering Consultant, The Traffic Group, Inc.

2000 - 2003

*Director's Senior Engineering Staff
Maryland State Highway Administration*

1985 - 1999

Traffic Engineering Consultant, The Traffic Group, Inc.

1983 - 1985

Traffic Engineering Consultant

1979 - 1983

*Chief, Office Engineering Section
Maryland State Highway Administration*

1972 - 1979

*Traffic Signal Design Section
Maryland State Highway Administration*

Educational Background

- *Civil Engineering Preparation*
Community College of Baltimore
- *Traffic Engineering Courses*
Northwestern University Traffic Institute
University of Maryland

Affiliations

- Maryland Association of Engineers
- Institute of Transportation Engineers
- County Engineers Association of Maryland

Examples of places where Mr. Cook has testified as an expert witness

MARYLAND

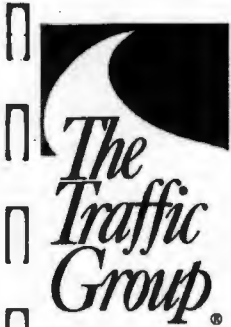
Anne Arundel County – Zoning Hearing Examiner, Board of Appeals
Baltimore City – City Council, Planning Commission
Baltimore County – County Review Group (CRG), Board of Appeals, Circuit Court
Calvert County – County Commissioners, Planning Commission
Carroll County – Board of Appeals, Planning Board
Charles County – Board of Appeals, County Commissioners
Chesapeake Beach – Special Board of Appeals, Planning Board
City of Bowie – Planning Advisory Board, Mayor and City Council
City of Easton – Board of Appeals
City of Frederick – Planning Commission, City Council
City of Greenbelt – Mayor and City Council
City of Salisbury – Planning Commission
City of Westminster – Mayor and City Council
Frederick County – County Commissioners, Planning Board
Garrett County – Planning Commission
Hagerstown – Mayor and City Council
Harford County – Zoning Hearing Examiner
Howard County – Planning Board, County Council
Kent County – County Commissioners
Montgomery County – Zoning Hearing Examiner, Board of Appeals, Planning Commission
Prince George's County – Zoning Hearing Examiner, County Council, Planning Board
Town of Bel Air – Town Commissioners, Planning Board
Town of Sykesville – Planning Board
Washington County – Planning Board, County Commissioners
Wicomico County – Planning Board, County Commission

NEW JERSEY

Atlantic County – Superior Court

VIRGINIA

City of Fairfax – Mayor and City Council
Fairfax County – County Council
Prince William County – Planning Board



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

Merging Innovation and Excellence®
www.trafficgroup.com

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.

6



Walmart 

Randallstown, Maryland

Conceptual Design Presentation

Store Number: 3804-03
Submission Date: January 21, 2010

PETITIONER'S

EXHIBIT NO.

7

MMA
Design Studio
3351 Route 46
Newtown, NJ 07731
P: 732.918.2200
F: 732.918.9251
gms@mmadesignstudio.com

AB 3123

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 17, 2011

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

SUBJECT: 8700 Liberty Road

INFORMATION:

Item Number: 11-249
Petitioner: New Plan Maryland Holdings, LLC
Zoning: BM-CCC
Requested Action: Variance

RECEIVED

MAR 18 2011

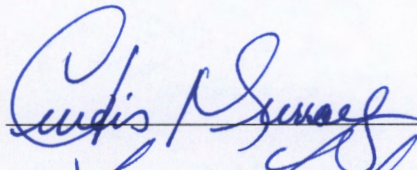
OFFICE OF ADMINISTRATIVE HEARINGS

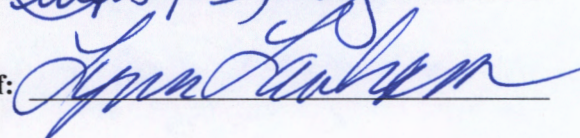
SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the site layout and preliminary architectural elevations and supports the requested relief to permit 933 parking spaces in lieu of the required 1102 parking spaces. The parking and pedestrian and vehicular circulation have been designed to integrate with the Liberty Plaza Shopping Center and function efficiently. Wal-Mart is a long awaited addition to the Randallstown business district. The proposal will help continue the revitalization of the Liberty Road corridor by replacing a vacant strip shopping center with a Wal-Mart Supercenter of approximately 150,000 square feet bringing jobs and providing the opportunity for people to shop, right in their own community

As previously agreed, no truck traffic should be allowed to access the site off of Church Lane.

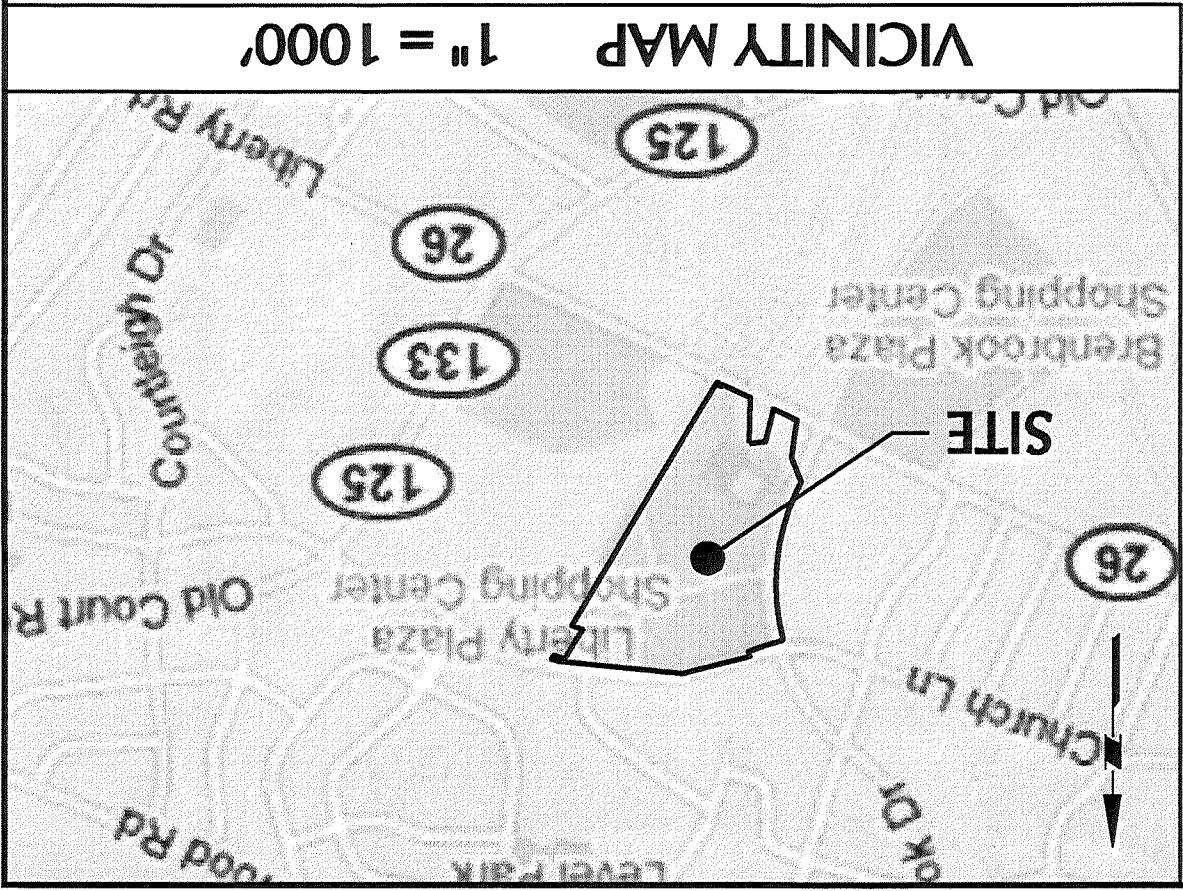
For further information concerning the matters stated here in, please contact David Green at 410-887-3480.

Prepared by: 

Division Chief: 
JM/LL: CM

PETITIONER' S

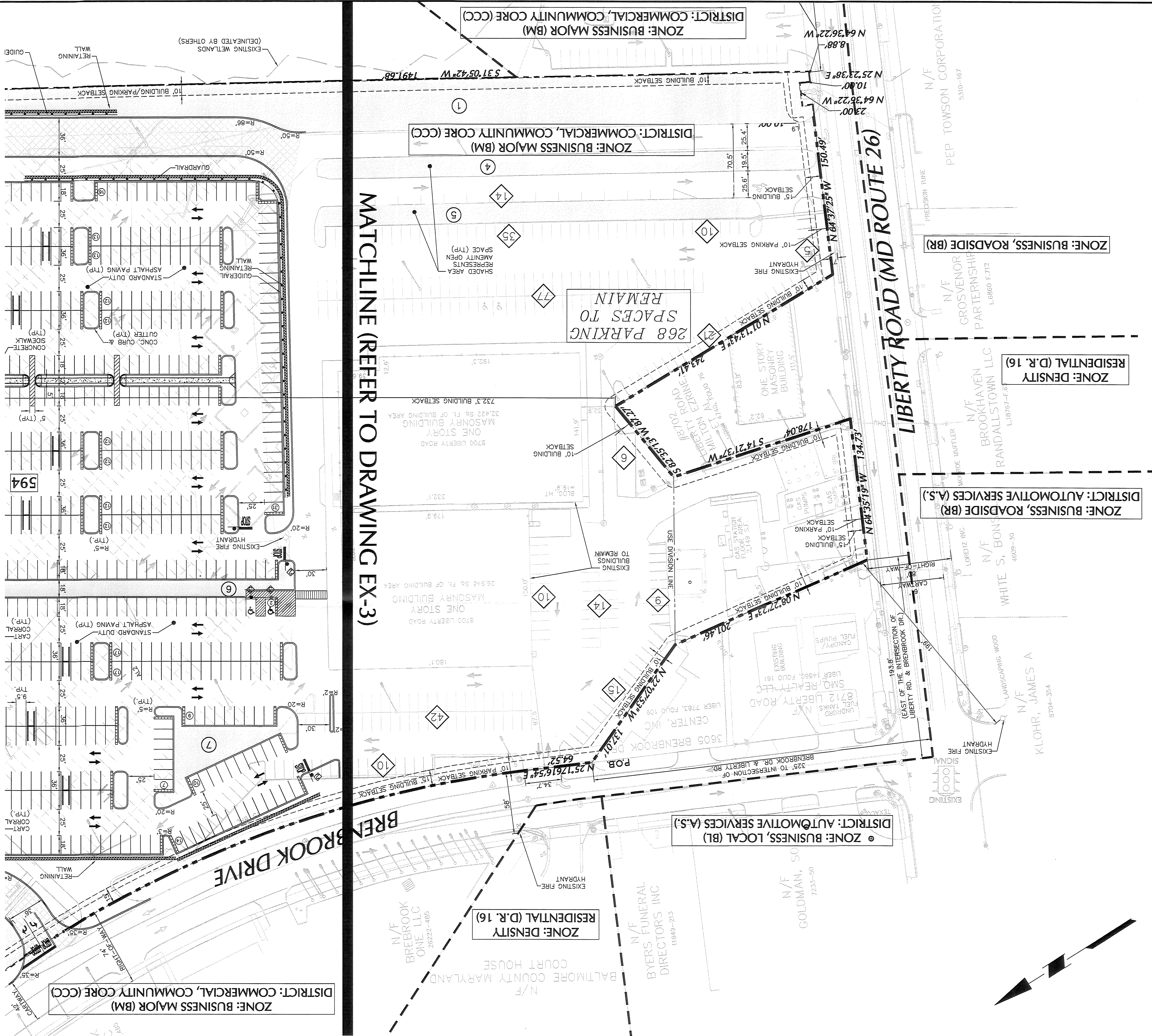
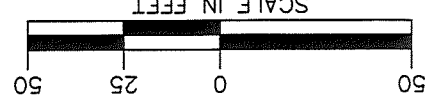
EXHIBIT NO. 8



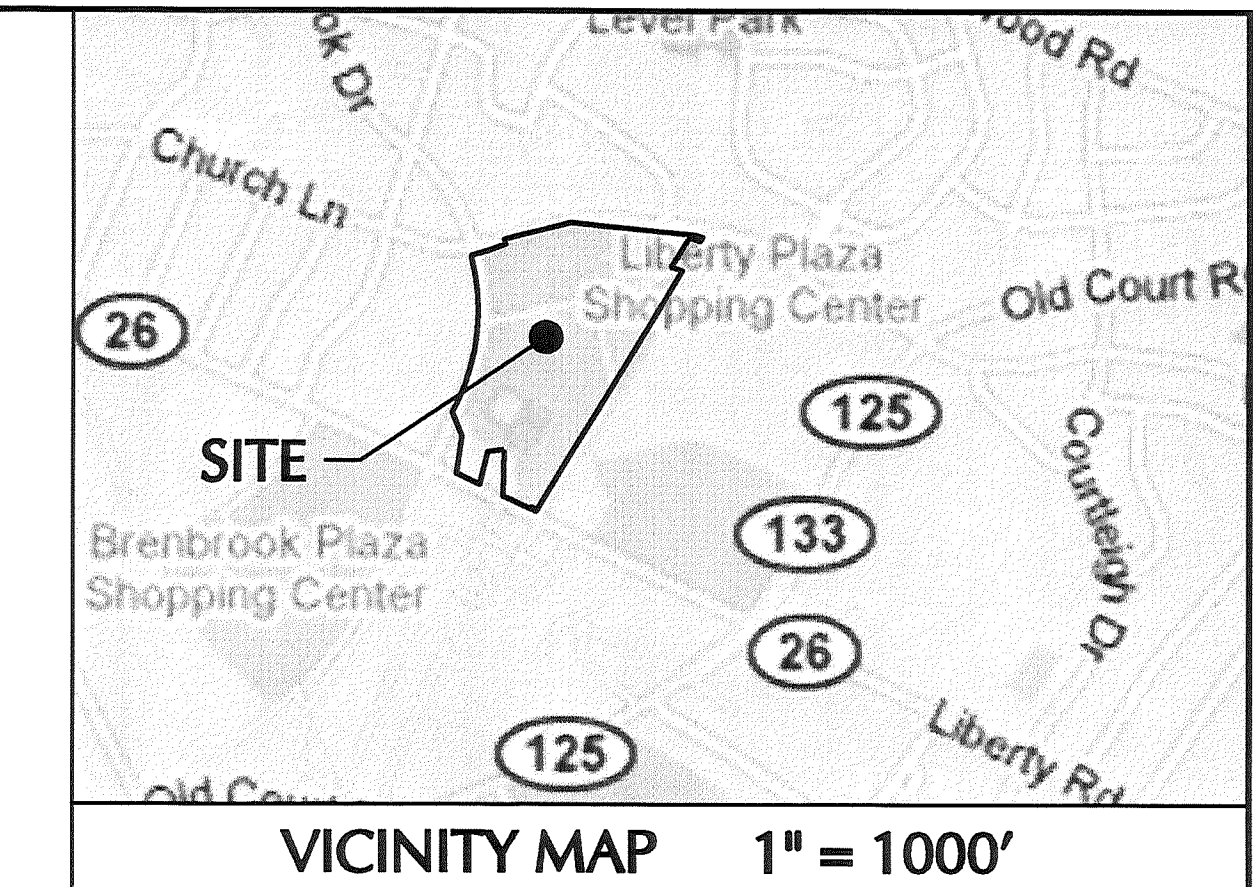
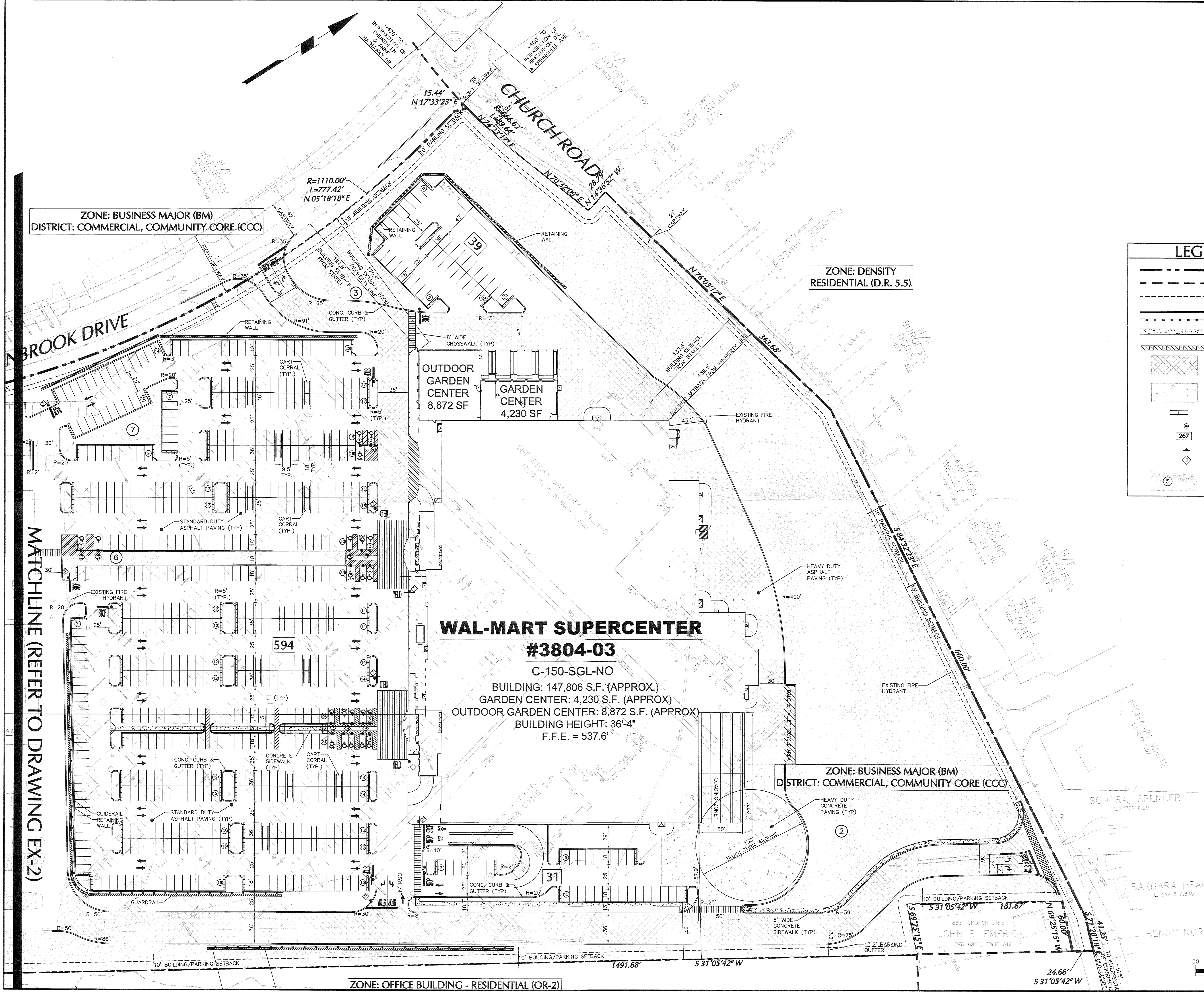
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Drawing Title		BALTIMORE COUNTY RANDALLSTOWN WAL-MART AT LIBERTY PLAZA	
Project		MARYLAND	
Project		RANDALLSTOWN	
Project		ACCOMPANY PETITION FOR VARIANCE	
Project		Drawing No.	
Project		Date	
Project		Scale	
Project		1" = 50'	
Project		Dm. By JWW	
Project		BMC	
Project		SHEET 2 OF 3	
Project		EX-2	

2010 Langan Engineering and Environmental Services Inc.

LEGEND	
PROPERTY BOUNDARY	---
ZONING BOUNDARY	---
BUILDING/PARKING SETBACK	---
PROPOSED CURB	---
PROPOSED SIDEWALK	---
PROPOSED RETAINING WALL	---
HEAVY DUTY ASPHALT PAVEMENT	---
HEAVY DUTY CONCRETE PAVEMENT	---
CART CORRAL	---
PARKING STALL COUNT	---
267	---
SIGN	---
SIGN DESIGNATION	---
AMENITY OPEN SPACE AREA	---



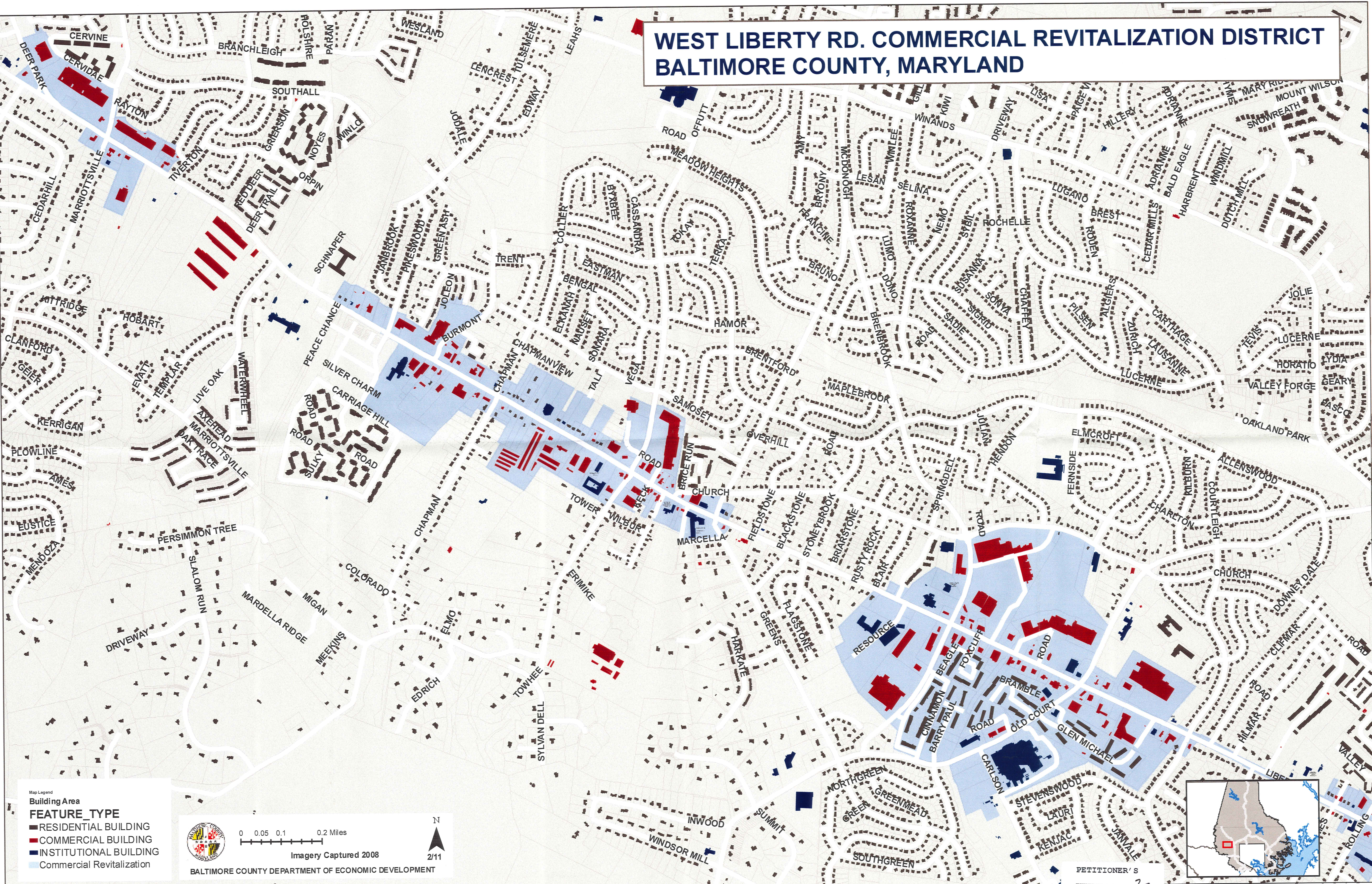
MATCHLINE (REFER TO DRAWING EX-3)



LEGEND	
	PROPERTY BOUNDARY
	ZONING BOUNDARY
	BUILDING/PARKING SETBACK
	PROPOSED CURB
	GUIDE RAIL
	PROPOSED CONCRETE SIDEWALK
	PROPOSED RETAINING WALL
	HEAVY DUTY ASPHALT PAVEMENT
	HEAVY DUTY CONCRETE PAVEMENT
	CART CORRAL
	PARKING STALL COUNT
	PARKING SUBTOTAL
	SIGN
	SIGN DESIGNATION
	AMENITY OPEN SPACE AREA

Date	Description	No.
Revisions		
BRIAN M. CONLON		DATE
PROFESSIONAL ENGINEER MD LIC. No.0030099		
30 South 17th Street, Suite 1300 Philadelphia, PA 19103 P: 215.864.0640 F: 215.864.0671 www.langan.com		
NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA NEVADA VIRGINIA CALIFORNIA		
Project		
WAL-MART AT LIBERTY PLAZA		
RANDALLSTOWN		
BALTIMORE COUNTY MARYLAND		
Drawing Title		
PLAN TO ACCOMPANY PETITION FOR VARIANCE		
Project No. 220040201		Drawing No.
Date 17 FEBRUARY 2011		EX-3
Scale 1" = 50'		
Dwn. By JWW		
Last Revised BMC		
Project No. 220040201		SHEET 3 Of 3

WEST LIBERTY RD. COMMERCIAL REVITALIZATION DISTRICT BALTIMORE COUNTY, MARYLAND



Map Legend

Building Area

FEATURE_TYPE

- RESIDENTIAL BUILDING
- COMMERCIAL BUILDING
- INSTITUTIONAL BUILDING
- Commercial Revitalization

0 0.05 0.1 0.2 Miles

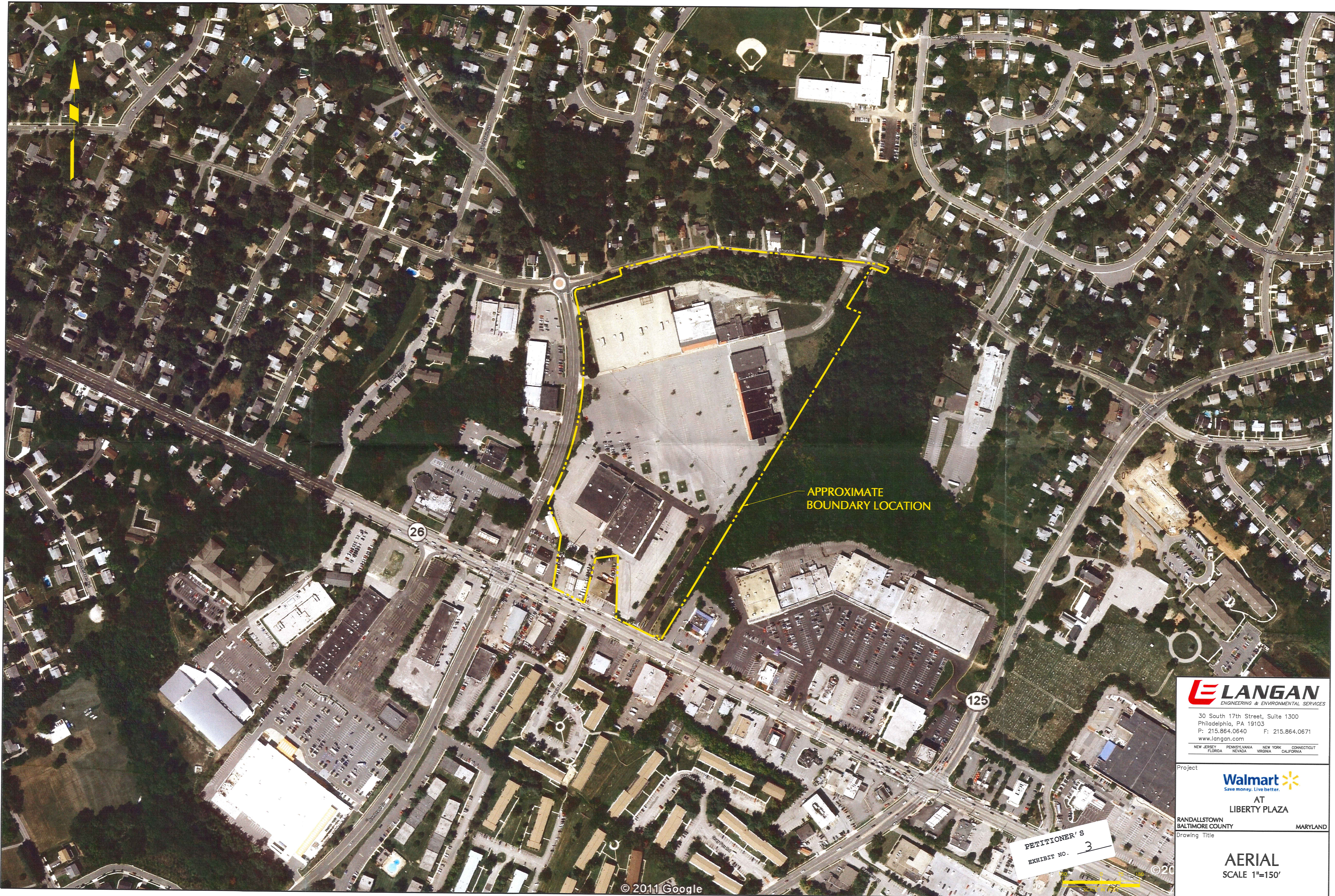
Imagery Captured 2008

BALTIMORE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT

N

2/11

PETITIONER'S
EXHIBIT NO. 2



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Project
Walmart
Save money. Live better.
AT
LIBERTY PLAZA
RANDALLSTOWN
BALTIMORE COUNTY MARYLAND
Drawing Title

PETITIONER'S
EXHIBIT NO. 3

AERIAL
SCALE 1"=150'