

IN RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
W side of York Road, 329' S of c/l		
of York Road	*	OFFICE OF ADMINISTRATIVE
(10410 York Road)		
8 th Election District	*	HEARINGS FOR
3 rd Council District		
	*	BALTIMORE COUNTY
Southside Oil, LLC, <i>Legal Owner</i>		
Kelly's Corner, <i>Contract Purchaser</i>	*	CASE NO. 2012-0099-SPH
Petitioners		

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Special Hearing filed by Southside Oil, LLC, the legal property owner and Kelly's Corner, LLC, the contract purchaser. The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit the use of the property for retail use (Pharmacy) under Section 103.1B grandfathering provision¹.

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 requested relief was Mr. Dan Feeley, owner of Kelly's Corner, LLC, which subsequent to the filing of this petition but prior to this hearing settled on the subject property and therefore Mr. Feeley appeared at the hearing on behalf of the property owner, and Mr. Eugene Cunningham, Esquire, personal attorney for Mr. Feeley. Jennifer R. Busse, Esquire appeared as Counsel for the Petitioner. Patrick Richardson, an expert retained by Petitioner, also attended the hearing. There were no Protestants or other persons present, and the file does not contain any letters of protest or opposition from neighboring owners.

¹ B.C.Z.R Section 103.1 is comprised of two paragraphs and although within the text of the B.C.Z.R. these paragraphs are not separately identified or outlined, the Zoning Office apparently instructed the applicant to identify the relevant B.C.Z.R. provision as "Section 103.1.B" because that is how the second paragraph of Section 103.1 is identified within the Zoning Commissioner Policy Manual.

ORDER RECEIVED FOR FILING

Date 12-9-11

By pm

Being that there was no one attending the hearing in opposition to the request, counsel for the Petitioner and Mr. Richardson proceeded by way of a modified proffer.

Testimony and evidence revealed that the subject property (herein referred to as the "Property") is currently zoned ML-AS, ML-IM and BR-AS. Notably only a sliver of the Property is zoned BR-AS, specifically the portion that abuts the commercially zoned and used property to the south. As explained by Mr. Richardson, it is apparent that this sliver of BR-AS zoning is simply the result of today's more accurate and computerized mapping systems, as evidenced by the fact that this sliver of BR-AS zoning was only recently identified as being located on the Property.

The Property is utilized as an Exxon fuel service station in combination with a convenience store, having obtained a special exception for said uses via prior zoning cases 96-262-XA (variance approval was obtained for the existing double-sided freestanding ID sign). Approval was later granted to permit a roll-over car wash via case 00-138-SPHX but was never constructed. These prior zoning cases were accepted into evidence as Petitioner's Exhibit 2 and 3.

As detailed on Petitioner's Exhibit 1, the Property comprises approximately 2.44 gross and 1.76 net acres in Cockeysville, and is specifically located on the southwest corner of York and Warren Roads. As is shown on Petitioner's Exhibit 1, the applicant desires to replace the existing fuel service station and convenience store on the Property with a Walgreen's retail pharmacy which will be located in approximately the same location and configuration as the existing building.

The Property is the subject of a 2012 Comprehensive Zoning Map Process ("C.Z.M.P.") Issue, namely Issue 3-059, requesting that the zoning of the Property be changed to BL (Business - Light). In the event the C.Z.M.P. request is granted, this instant special hearing request will

ORDER RECEIVED FOR FILING

Date 12-9-11

By pm

appear to have been unnecessary in that a retail pharmacy is permitted by right in the BL zone. However, the 2012 C.Z.M.P. will not conclude until approximately September of 2012, and the applicant desires to begin work immediately.

The subject request, to permit the use of the Property for a retail use under B.C.Z.R. Section 103.1.B (known as the "grandfathering provision"), is very rarely the subject of a zoning hearing because changes in the zoning maps over the years have addressed many of the situations covered under this section. Section 103.1.B was enacted via County Council Bill 100-1970 (known as "Bill 100"), a copy of which was accepted into evidence as Petitioner's Exhibit 5.

Bill 100 was landmark legislation, and today is mostly known for creating the D.R. Zones. However, it also drastically amended the then existing M.L. zone regulations; and, in what was clearly designed as a method to protect existing developments (and/or approvals obtained before September 19, 1970 for developments in the M.L. zone), Bill 100 also amended Section 103.1 by adding what is now the second paragraph of that section (identified within the Zoning Commissioner's Policy Manual ("ZCPM") as Section 103.1.B).

Section 103.1.B established a separate category of "grandfathering" which, as explained in the ZCPM, is very different in both scope and implementation to the nonconforming use concept. The ZCPM provides, "[t]he specific intent of Section 103.1 was to grandfather the B.L., B.R., & B.M. uses allowed under the then Section 253.1 (1963 edition B.C.Z.R.)." Section 253.1 was then (prior to Bill 100) and is now the section relating to the M.L. zone.

To be clear, prior to Bill 100, and as documented in the 1963 edition B.C.Z.R., the M.L. zone permitted the commercial uses which now, post Bill 100, are typically only permitted by right in the zones we now refer to as the business or commercial zones (B.L., B.R. & B.M.). A copy of the version of Section 253.1 found within the 1963 edition of the B.C.Z.R. was accepted

ORDER RECEIVED FOR FILING

Date 12-9-11

By [Signature]

into evidence as Petitioner's Exhibit 7.

So long as the identified "eligibility criteria" is met, the ZCPM identifies the method by which an applicant can either expand existing commercial uses on property in the M.L. zone or convert to a new one. The facts which support the application of Section 103.1.B in this case are undisputed.

The Property was once part of a larger tract, approximately 17.5 acres, which was previously all owned by Baltimore Gas & Electric ("BGE"). In 1958, via Case 4330, a copy of which was accepted into evidence as Petitioner's Exhibit 2, BGE obtained approval of a development plan permitting a Public Utility Distribution Service Center on the property. The Order in Case 4430 specifically identifies the permitted uses as including an office building, storeroom, storage yard and transportation facilities. At the time the site was zoned mostly M.L. and these uses were all permitted by right in the M.L. zone. However, since the site had a small piece of M.R. zoning along its York Road frontage, the subject method of approval was required per the M.R. regulations at the time.

As shown on the plan accompanying the 1958 approval, Warren Road did not cross over York Road at that time. The area of BGE's property which was then zoned M.R. was located on the north side of where Warren Road ultimately would cross over the property. The Deed conveying the 2.477 acres from BGE to the State of Maryland for the use of the SHA was That Deed is dated March 8, 1990 and recorded within the Land Records of Baltimore County at Liber 8440, Folio 573 and was accepted into evidence as Petitioner's Exhibit 8.

Aerial photographs obtained by Mr. Richardson from the Department of Planning from the years 1960 and 1972 were accepted into evidence as Petitioner's Exhibits 6A and 6B. These photographs clearly show that the Property which is the subject of this instant petition was utilized

ORDER RECEIVED FOR FILING

Date 12-9-11

By pm

by BGE as part of its Public Utility Distribution Center which, again, as particularly identified and approved within the 1958 Case 4330, included an office building and storage yard.

Mr. Richardson demonstrated that the plan which was approved as part of Case 96-262-XA when the Property was developed as a fuel service station and convenience store showed the then existing lighting poles on what was mainly a parking area servicing BGE's office building and storage yard. Mr. Richardson also demonstrated how the current and prior zoning maps match up so as to clearly document that the Property has been zoned M.L. as far back as the 1958 development plan approved in Case 4330.

It is clear from the evidence that the Property subject to this petition, which was originally part of the property subject to BGE's 1958 development plan approval and was subsequently bifurcated from that property via the extension of Warren Road (and is therefore now located on the south side of Warren Road), has always been zoned M.L.

Per the ZCPM, because the Property was the subject of the 1958 development plan approval, all of the uses then permitted in the B.L., B.R., & B.M. zones were grandfathered. Said another way, due to the undisputed facts in this case, the Property may be used for the commercial uses permitted in the M.L. zone prior to the enactment of Bill 100 (subject to the conditions outlined in the ZCPM).

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The Bureau of Plans Review and the State Highway Administration provided "no comment" / "no objection" comments. The only other comment came from the Department of Planning. Planning, suggests in their comment that the Petitioner wait until their comprehensive zoning request is approved and proceed with their project at that time. However, as stated previously, that event will not occur until some time later and the applicant is eager to

ORDER RECEIVED FOR FILING

Date 12-9-11

By [Signature]

proceed with their project at this time.

In addition, there was no evidence presented that the operation of either the existing fuel service station and convenience store or the proposed retail pharmacy have/will create a negative impact upon the surrounding community. Indeed, arguably the proposed use will fulfill a need in the community as there is no other pharmacy in the vicinity. Furthermore, the proposed use will create additional jobs, something very needed in today's economy. After due consideration of the evidence presented, I am persuaded to grant the special hearing relief.

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

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 9th day of December, 2011 that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") seeking to permit the use of the property for retail use (Pharmacy) under Section 103.1B grandfathering provision be and is hereby GRANTED;

IT IS FURTHER ORDERED that when a building permit for the proposed retail pharmacy is issued for the Property that the previously granted special exception relief in Cases 96-262-XA and 00-138-SPHX will be deemed to be abandoned and extinguished.

The relief granted herein shall be subject to the following:

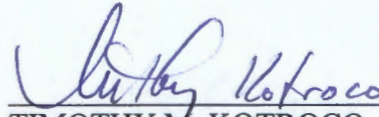
1. The Petitioners may apply for their building permit and may be granted same upon receipt of this Order. However the Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioners will be required to return and be responsible for returning said property to its original condition.

ORDER RECEIVED FOR FILING

Date 12-9-11

By [Signature]

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 12-9-11

By 



KEVIN KAMENETZ
County Executive

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

December 9, 2011

JENNIFER R. BUSSE, ESQUIRE
WHITEFORD, TAYLOR & PRESTON, L.L.P.
TOWSON COMMONS, SUITE 300
ONE WEST PENNSYLVANIA AVENUE
TOWSON, MD 21204-5025

Re: Petition for Special Hearing
Case No. 2012-0099-SPH
Property: 10410 York Road

Dear Ms. Busse:

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 the appeals clerk at 410-887-3391.

Sincerely,

A handwritten signature in black ink that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

Enclosure



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10410 York Road

which is presently zoned ML-IM, ML-AS, BR

(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)

the use of the property for a retail use (Pharmacy) under Section 103.1.B GRANDFATHERING provision

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

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

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

Contract Purchaser/Lessee:

Kelly's Corner, L.L.C.

Name - Type or Print

[Signature] Manager

Signature

c/o DJF, Inc., P.O. Box 264

Address

Phoenix,

MD

Telephone No.

21131

City

State

Zip Code

Attorney For Petitioner:

[Signature]

Name - Type or Print

[Signature]

Signature

Whiteford, Taylor & Preston

Company

One W. Pennsylvania Ave., Suite 300 410-832-2000

Address

Towson,

MD

Telephone No.

21204

City

State

Zip Code

Legal Owner(s):

Southside Oil, LLC

Name - Type or Print

Signature

Donald P. Bassell, CFO

Name - Type or Print

Signature

1011 Boulder Springs Drive, Suite 100

Address

Richmond,

Virginia

Telephone No.

23225

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Timonium,

MD

Telephone No.

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2012-0099-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

DT

Date

10/6/11

ORDER RECEIVED FOR FILING

Date 12-9-11

By pm



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10410 York Road

which is presently zoned ML-IM, ML-AS, BR

(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)

the use of the property for a retail use (Pharmacy) under Section 103.1.B GRANDFATHERING provision

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:

Kelly's Corner, L.L.C.

Name - Type or Print

[Signature] Manager

Signature

c/o DJF, Inc., P.O. Box 264

Address

Telephone No.

Phoenix,

MD

21131

City

State

Zip Code

Attorney For Petitioner:

[Signature]

Name - Type or Print

Signature

Whiteford, Taylor & Preston

Company

One W. Pennsylvania Ave., Suite 300 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Southside Oil, LLC

Name - Type or Print

Signature

Donald P. Bassell, CFO

Name - Type or Print

Signature

1011 Boulder Springs Drive, Suite 100

Address

Telephone No.

Richmond,

Virginia

23225

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Telephone No.

Timonium,

MD

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2012-0099-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By D.T.

Date 10/6/11

ORDER RECEIVED FOR FILING

Date 12-9-11

By [Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 10410 York Road

which is presently zoned ML-IM, ML-AS, BR

(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)

the use of the property for a retail use (Pharmacy) under Section 103.1.B GRANDFATHERING provision

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:

Kelly's Corner, L.L.C.

Name - Type or Print

[Signature] Manager

Signature

c/o DJF, Inc., P.O. Box 264

Address

Telephone No.

Phoenix,

MD

21131

City

State

Zip Code

Attorney For Petitioner:

[Signature]

Name - Type or Print

[Signature]

Signature

Whiteford, Taylor & Preston

Company

One W. Pennsylvania Ave., Suite 300 410-832-2000

Address

Telephone No.

Towson,

MD

21204

City

State

Zip Code

Legal Owner(s):

Southside Oil, LLC

Name - Type or Print

Signature

Donald P. Bassel, CFO

Name - Type or Print

Signature

1011 Boulder Springs Drive, Suite 100

Address

Telephone No.

Richmond,

Virginia

23225

City

State

Zip Code

Representative to be Contacted:

Richardson Engineering, LLC

Name

30 E. Padonia Road, Suite 500 410-560-1502

Address

Telephone No.

Timonium,

MD

21093

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2012-0099-SPH

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By

P.T.

Date

10/10/11

ORDER RECEIVED FOR FILING

Date 12-9-11

By pm

**ZONING DESCRIPTION
10410 YORK ROAD (MARYLAND ROUTE #45)
8TH ELECTION DISTRICT
3RD Councilmanic District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side of York Road (Maryland Route #45) at a distance of 329 feet south from the centerline intersection of York Road and West Warren Road, thence leaving the west side right-of-way of York Road for the following courses and distances (1) North 85 degrees 02 minutes 04 seconds West 281.40 feet, (2) North 04 degrees 57 minutes 56 seconds East 30.00 feet, (3) North 85 degrees 02 minutes 04 seconds West 425.05 feet to a point on the south side of West Warren Road (right-of-way varies), thence running and binding on the south side of West Warren Road right-of-way (4) by a curve to the left with a radius of 995.93 feet and an arc length of 151.03 feet or by a chord bearing and distance of North 81 degrees 42 minutes 02 seconds East 150.88 feet, (5) North 81 degrees 15 minutes 44 seconds East 101.39 feet, (6) by a curve to the left with a radius of 1007.93 feet and an arc length of 108.16 feet or by a chord bearing and distance of North 68 degrees 31 minutes 10 seconds East 108.11 feet, (7) North 65 degrees 26 minutes 43 seconds East 113.30 feet, (8) North 69 degrees 18 minutes 24 seconds East 96.45 feet, (9) by a curve to the right with a radius of 65.00 feet and an arc length of 103.35 feet or by a chord bearing and distance of South 65 degrees 08 minutes 39 seconds East 92.80 feet to a point on the west side of York Road, thence binding on the west side of York Road (right-of-way varies) the following courses and distances, (10) South 19 degrees 35 minutes 43 seconds East 105.67 feet, (11) South 19 degrees 52 minutes 54 seconds East 50.01 feet, (12) South 17 degrees 35 minutes 24 seconds East 50.01 feet, (13) South 21 degrees 01 minutes 35 seconds East 16.84 feet to the point of beginning;

Containing a total net area of 76,736 square feet or 1.76 acres of land, more or less.



**ZONING DESCRIPTION
10410 YORK ROAD (MARYLAND ROUTE #45)
8TH ELECTION DISTRICT
3RD Councilmanic District
BALTIMORE COUNTY, MARYLAND**

BEGINNING FOR THE SAME at a point on the west side of York Road (Maryland Route #45) at a distance of 329 feet south from the centerline intersection of York Road and West Warren Road, thence leaving the west side right-of-way of York Road for the following courses and distances (1) North 85 degrees 02 minutes 04 seconds West 281.40 feet, (2) North 04 degrees 57 minutes 56 seconds East 30.00 feet, (3) North 85 degrees 02 minutes 04 seconds West 425.05 feet to a point on the south side of West Warren Road (right-of-way varies), thence running and binding on the south side of West Warren Road right-of-way (4) by a curve to the left with a radius of 995.93 feet and an arc length of 151.03 feet or by a chord bearing and distance of North 81 degrees 42 minutes 02 seconds East 150.88 feet, (5) North 81 degrees 15 minutes 44 seconds East 101.39 feet, (6) by a curve to the left with a radius of 1007.93 feet and an arc length of 108.16 feet or by a chord bearing and distance of North 68 degrees 31 minutes 10 seconds East 108.11 feet, (7) North 65 degrees 26 minutes 43 seconds East 113.30 feet, (8) North 69 degrees 18 minutes 24 seconds East 96.45 feet, (9) by a curve to the right with a radius of 65.00 feet and an arc length of 103.35 feet or by a chord bearing and distance of South 65 degrees 08 minutes 39 seconds East 92.80 feet to a point on the west side of York Road, thence binding on the west side of York Road (right-of-way varies) the following courses and distances, (10) South 19 degrees 35 minutes 43 seconds East 105.67 feet, (11) South 19 degrees 52 minutes 54 seconds East 50.01 feet, (12) South 17 degrees 35 minutes 24 seconds East 50.01 feet, (13) South 21 degrees 01 minutes 35 seconds East 16.84 feet to the point of beginning;

Containing a total net area of 76,736 square feet or 1.76 acres of land, more or less.



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

No. **74474**

Date: **10/6/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS	Acct	Amount
				Source/	Rev/					
001	806	0000		6150						385.00

Total: **385.00**

Rec From: **RICHARDSON ENGINEERING LLC**

For: **2012-0099-SPH**
10410 YORK RD

D. THOMPSON

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

Recpt No. **74474**

DATE **10/06/11**

AMOUNT **385.00**

PAID TO **Richardson Engineering LLC**

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Hearing 12/5/11
TK

2012-0099-SPH

RE: Case No.: _____

Petitioner/Developer: _____

Kelly's Corner, LLC

December 5, 2011

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

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: _____

10410 York Road

November 19, 2011

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

Sincerely,

November 19, 2011

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

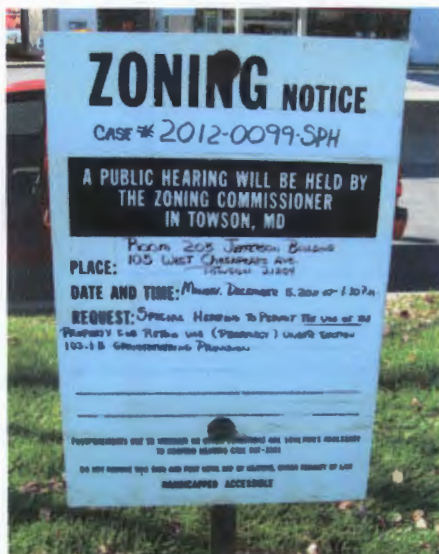
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2012-0099-SPH
Petitioner: KELLY'S CORNER, LLC
Address or Location: 10410 YORK RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL FEELEY, MANAGER
Address: C/O DJF, INC.
P.O. BOX 264
PHOENIX, MD 21131
Telephone Number: 443-324-3148 (CELL-RICH RICHARDSON)

Revised 2/17/11 DT



KEVIN KAMENETZ
County Executive

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

November 8, 2011

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 NUMBER: 2012-0099-SPH

10410 York Road

W/side of York Road, 329 feet south of centerline of York Road

8th Election District – 3rd Councilmanic District

Legal Owners: Southside Oil, LLC

Contract Purchaser: Kelly's Corner, LLC

Special Hearing to permit the use of the property for retail use (Pharmacy) under section 103.1.B grandfathering provision.

Hearing: Monday, December 5, 2011 at 1:30 p.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: John Gontrum, One W. Pennsylvania Avenue, Ste. 300, Towson 21204
Donald Bassell, Southside Oil, LLC, 1011 Boulder Springs Dr, Ste. 100, Richmond VA 23225
DJF, Inc., P.O. Box 264, Phoenix 21131
Richardson Engineering, LLC, 30 E. Padonia Road, Ste. 500, Towson 21093

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., NOVEMBER 19, 2011**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 17, 2011 Issue - Jeffersonian

Please forward billing to:
Daniel Feeley
DJF, Inc.
P.O. Box 264
Phoenix, MD 21131
c/o Rick Richardson

443-324-3148

NOTICE OF ZONING HEARING

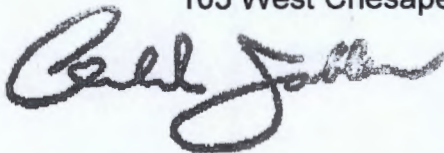
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0099-SPH

10410 York Road
W/side of York Road, 329 feet south of centerline of York Road
8th Election District – 3rd Councilmanic District
Legal Owners: Southside Oil, LLC
Contract Purchaser: Kelly's Corner, LLC

Special Hearing to permit the use of the property for retail use (Pharmacy) under section 103.1.B grandfathering provision.

Hearing: Monday, December 5, 2011 at 1:30 p.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 ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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: # 2012-0099-SPH

10410 York Road

W/side of York Road, 329 feet south of centerline of York Road

8th Election District - 3rd Councilmanic District

Legal Owner(s): Southside Oil, LLC

Contract Purchaser: Kelly's Corner, LLC

Special Hearing: to permit the use of the property for retail use (Pharmacy) under section 103.1.B grandfathering provision.

Hearing: Monday, December 5, 2011 at 1:30 p.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) 887-3868.

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

11/14/3 Nov. 17

290899

CERTIFICATE OF PUBLICATION

11/17/, 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 11/17/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

RE: PETITION FOR SPECIAL HEARING
10410 York Road; W/S York Road, 329' S
of c/line York Road
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Southside Oil, LLC
Contract Purchaser(s): Kelly's Corner, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-099-SPH

* * * * *

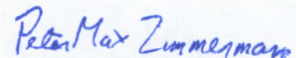
ENTRY OF APPEARANCE

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

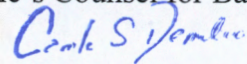
RECEIVED

OCT 14 2011





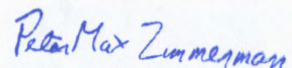
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of October, 2011, a copy of the foregoing Entry of Appearance was mailed to Richardson Engineering, LLC, 30 E. Padonia Road, Timonium, Maryland 21093 and John Gontrum, Esquire, Whiteford, Taylor & Preston, LLP, 1 W Pennsylvania Avenue, Suite 300, Towson, MD 21204, Attorney for Petitioner(s).



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 2012-0099-SPH
CASE NUMBER _____
DATE 12/5/11

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>10-20</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>nc</u>
<u>11-2</u>	DEPS (if not received, date e-mail sent _____)	<u>nc</u>
_____	FIRE DEPARTMENT	_____
<u>12-1</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comments</u>
<u>10-18</u>	STATE HIGHWAY ADMINISTRATION	<u>nc</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>11-17</u>	
SIGN POSTING	Date: <u>11-19</u>	by <u>Black</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

12/5
JB

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: December 1, 2011

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 10410 York Road

INFORMATION:

Item Number: 12-099

Petitioner: Kelly's Corner, LLC

Zoning: ML-IM, ML-AS and BR

Requested Action: Special Hearing

RECEIVED

DEC 02 2011

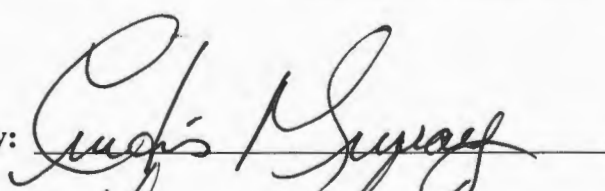
OFFICE OF ADMINISTRATIVE HEARINGS

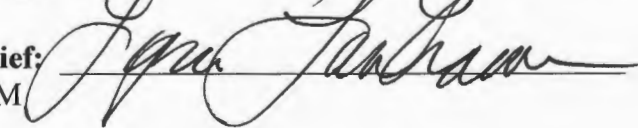
SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. It is the opinion of this department that the approval of a Development Plan in a Manufacturing Restricted Zone for an office building, storeroom, storage yard, and transportation facilities on January 15, 1958 did not, nor intended to include a retail or pharmacy component/use.

This property has applied for a re-zoning using the 2012 CZMP process from ML-IM, ML-AS, and BR to BL. The Department believes that this is the preferred method for changing the existing use on the property.

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

Prepared by: 

Division Chief: 
AVA/LL: CM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

NOV 02 2011

OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: November 2, 2011

SUBJECT: DEPS Comment for Zoning Item # 2012-0099-SPH
Address 10410 York Road
(Southside Oil, LLC Property)

Zoning Advisory Committee Meeting of October 17, 2011.

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

Reviewer: *Jeff Livingston; Development Coordination*

Debra Wiley - ZAC Comments - Distribution Meeting of October 17, 2011

From: Debra Wiley
To: Kennedy, Dennis; Lykens, David; Livingston, Jeffrey; Lanham, Lynn; Murra...
Date: 10/30/2011 2:10 PM
Subject: ZAC Comments - Distribution Meeting of October 17, 2011

Hi there,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision. Thank you.

2012-0097-A - 1320 Chesapeake Avenue (CBCA & Floodplain)
Administrative Variance - Closing Date: 10/31

2012-0098-A - 114 N. Beechwood Avenue
Administrative Variance - Closing Date: 10/31

2012-0099-SPH - 10410 York Road
No hearing date as of 10/28

2012-0100-SPHX - 7303 Old Battle Grove Road (CBCA & Floodplain)
No hearing date as of 10/28

2012-0101-A - 224 Stonewall Road
Administrative Variance - Closing Date: 10/31

2012-0102-A - 413 Buedel Court
Administrative Variance - Closing Date: 10/31

2012-0103-A - 1314 Pleasant Valley Drive
Administrative Variance - Closing Date: 11/7

Thank you.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debbie Wiley
Legal Administrative Secretary



KEVIN KAMENETZ
County Executive

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

November 29, 2011

Southside Oil, LLC
Donald Bassell, CFO
1011 Boulder Springs Drive, Suite 100
Richmond, VA 23225

RE: Case Number 2012-0099-SPH, 10410 York Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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, reading "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
Richardson Engineering, LLC, 30 E. Padonia Road, Suite 500, Timonium, MD 21093
Kelly's Corner, LLC, c/o DJF Inc., P.O. Box 264, Phoenix, MD 21131
Whiteford, Taylor, & Preston, One W. Pennsylvania Ave., Ste. 300, Towson, MD 21204

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 31, 2011
Item Nos. 2012-098, 099, 100, 101, 102
And 103.

DATE: October 20, 2011

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10302011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10-18-11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 2012-0099-SPH
Special Hearing
Southside Oil, LLC
Donald Bassell
10410 York Road
MD 45

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 10-17-11. A field inspection and internal review reveals that an entrance onto MD 45 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Hearing. Case Number 2012-0099-SPH.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Zeller".
Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov



207 Feet



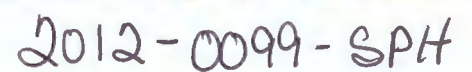
My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 8/24/2011



4830

Warren Road
#4330-Sp. Hear.

RE: PETITION FOR APPROVAL OF :
DEVELOPMENT PLAN IN A :
MANUFACTURING RESTRICTED ZONE : BEFORE
W.S. York Road at its Junction :
with Warren Road, 8th District : DEPUTY ZONING COMMISSIONER
Northern Central Dev. Co. :
Petitioner - Balto. Gas. & Elec. : OF BALTIMORE COUNTY
Co., Contract Purchaser :
: No. 4330-Sp. Hear.
:

The property which is the subject of this petition is located in the Eighth District of Baltimore County beginning at a point on the westernmost side of York Road 1253.5' southerly from the westerly extension of Hillside Avenue. It is the desire of the petitioner to use 17.546 acres of land for a Public Utility Distribution Service Center, which will consist of an office building, storeroom, storage yard and transportation facilities.

In view of the fact that a small part of the said tract is zoned Manufacturing Restricted; the balance being zoned Manufacturing Light, it is the opinion of the Deputy Zoning Commissioner that the approval of a Development Plan in a Manufacturing Restricted Zone for the above use would be proper and would not be detrimental to the general welfare of the community.

It is this 15th day of January, 1958, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the Development Plan is hereby approved which permits a Public Utility Distribution Service Center on the above property.


Deputy Zoning Commissioner
of Baltimore County

PETITIONER'S

EXHIBIT NO. 2

4330

BALTIMORE GAS & ELECTRIC CO.
N/E of York Road opposite
Warren Road

8th Dist.
#1330-Sp. He.

7903

4330

PETITION FOR APPROVAL OF
DEVELOPMENT PLAN IN A
MANUFACTURING RESTRICTED ZONE

IN THE MATTER OF : BEFORE THE
BALTIMORE GAS AND ELECTRIC COMPANY : ZONING COMMISSIONER
OF BALTIMORE COUNTY

For approval of Development Plan in a
Manufacturing Restricted Zone

To the Zoning Commissioner of Baltimore County:

Baltimore Gas and Electric Company hereby petitions for approval of a Development Plan for a Manufacturing Restricted Zone under the Zoning Regulations and Restrictions of Baltimore County, passed by the County Commissioners of Baltimore County agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, and amendments thereto, for a certain use as provided under the said Regulations as follows:

The Manufacturing Restricted Zone for which the approval of a Development Plan is sought is located on the westernmost side of York Road at its junction with the Warren Road in the Eighth Election District of Baltimore County, Maryland.

Baltimore Gas and Electric Company wishes to use 17.546 acres of public utility service land at this location as a distribution center where will be located an office building, storeroom, storage yard, and transportation facilities.

A small part of said tract of land is zoned Manufacturing Restricted; the balance is zoned Manufacturing Light.

The Manufacturing Restricted Zone within said whole tract is described as follows:

BEGINNING for the same at a point on the westernmost side of York Road at a distance of 1253.5 feet southerly from a point where the westerly extension of the center line of Hillside Avenue intersects said York Road, and thence southerly with a frontage of 461.6 feet, more or less, on the York Road and with the depth of 200 feet measured at right angles from the center line of York Road, and with a rear line measurement of 651.7 feet.

The whole tract of land of said 17.546 acres is described as follows:

1/15/52

BEGINNING for the same at a point on the westernmost side of York Road at a distance of 2024.9 feet southerly from the point where the westerly extension of the center line of Hillside Road intersects the westernmost side of said York Road, running thence North 85° West 297.56 feet, North 5° 30' West 795.12 feet to the easternmost side of the Pennsylvania Railroad right of way (formerly Northern Central Railroad), thence binding on the east side of said right of way North 30° 32' 40" West 891.82 feet, thence South 72° 18' 40" East 938.69 feet to the westernmost side of York Road (66 feet wide), thence South 18° 48' 40" East, binding on the westernmost side of said York Road 771.39 feet to the place of beginning.

The Manufacturing Restricted Zone and the whole tract of land aforesaid are more particularly shown on the plat attached hereto marked "Petitioner's Exhibit A" and made part hereof.

The Petitioner submits for the approval of the Zoning Commissioner a Development Plan for the aforesaid property, particularly that portion thereof which lies within the Manufacturing Restricted Zone as shown on the following drawings:

- (1) Proposed Site Plan York Road at Warren Road, Electric Distribution Service Center, Cockeysville, designated 47551-E - filed herewith in quintuplicate and made part hereof.
- (2) Proposed Front Elevation York Road and Warren Road, Electric Distribution Service Center, Cockeysville, designated "Sketch," filed herewith in quintuplicate and made part hereof.

NORTHERN CENTRAL DEVELOPMENT CORP.

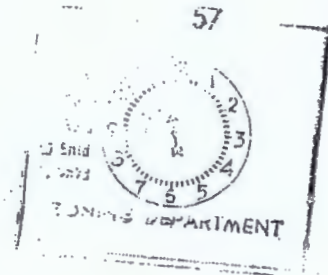
By Carl Pigger
President
OWNER

BALTIMORE GAS AND ELECTRIC COMPANY

By W. H. Hensley
Vice President
CONTRACT PURCHASER

John Howard Tunkus
24 West Pennsylvania Avenue
Towson - 4, Maryland

Benjamin Chambers
1707 Lexington Building
Baltimore - 1, Maryland
ATTORNEYS FOR PETITIONER





1972

72-47

13

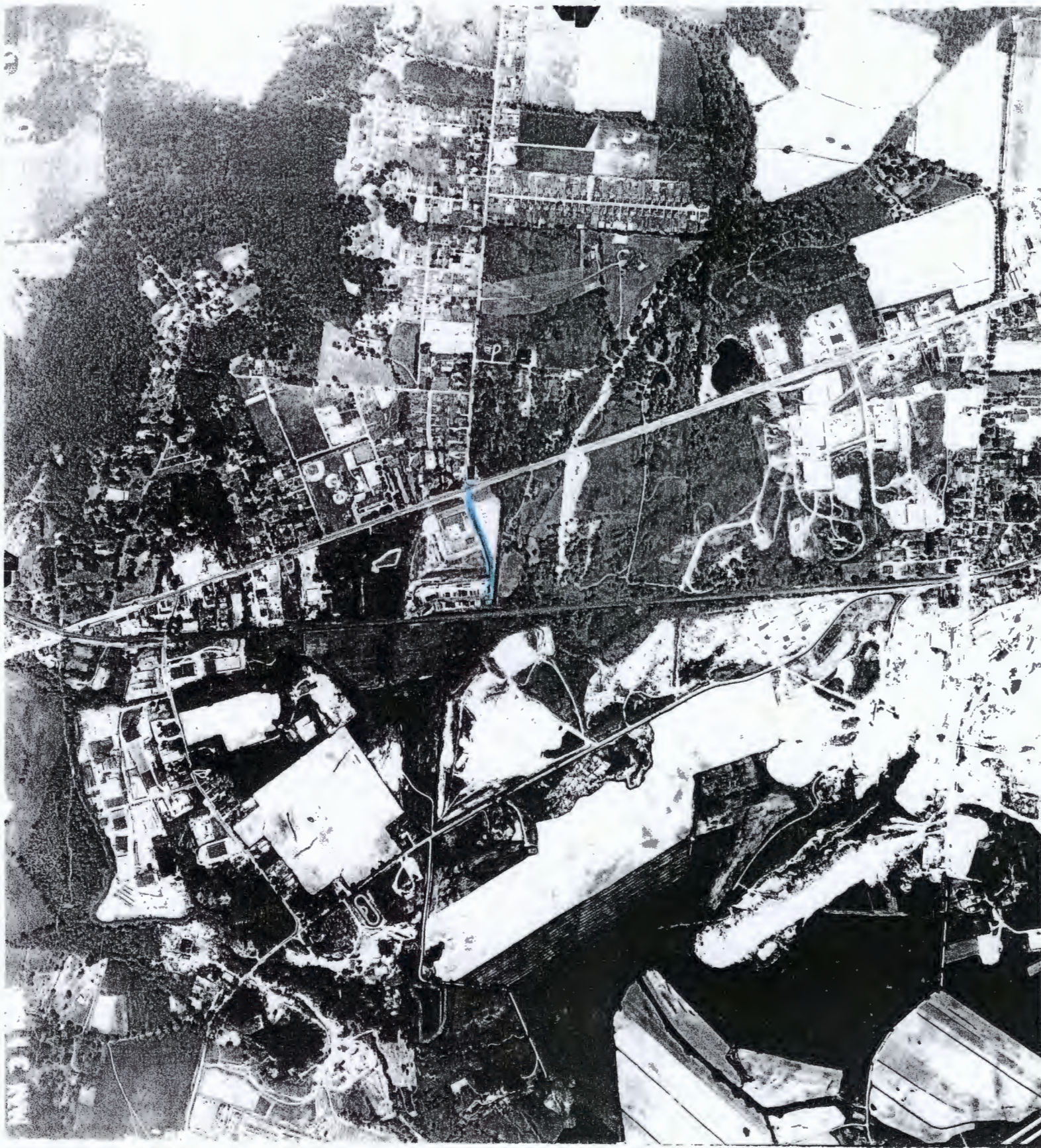
16

PETITIONER'S

EXHIBIT NO.

6A+B

1960



1963

M. L. Zone—Manufacturing, Light
Section 253—USE REGULATIONS

The following uses only are permitted:

253.1—Non-residential uses permitted and as limited in B. R. Zone, excluding: kennels, drive-in theatres, funeral establishments, and the uses permitted in Sections 230.7 and 230.8. As used herein, the word "theatre" is not meant to exclude a tent theatre operated solely as a music fair for the presentation of musical comedies, operettas and legitimate dramatic productions, during a period not to exceed 120 days between the months of May and September, inclusive, which use is permitted.

253.2—Residential uses as follows:

Dwellings, one-family or two family on lots of record before March 30, 1955, but new subdivisions for residential development are prohibited;

Farm (see Section 404);

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M. L. Zone.

253.3—Uses permitted in M. R. Zone.

253.4—The following uses when located at least 100 feet from any contiguous residence zone: (see also Section 255.1)

Assembly of automobiles and airplanes;

Boat yard;

Bus terminal;

Carpet, rug cleaning;

Cleaning and dyeing;

Concrete products, including concrete and/or cinder block manufacture;

Contractor's equipment storage yard;

Creamery;

Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses;

Excavations, controlled, exclusive of those embodying use of explosives (see Section 403);

PETITIONER' S

EXHIBIT NO. 7

230.9
Section ~~230~~ of these
Regulations allow for Daystone
1963 Regs.

M. L. ZONE—MANUFACTURING, LIGHT

Heliport, Type I;

Heliport, Type II;

Grain, processing of, provided equipment is installed for effective precipitation and recovery of dust;

Ice, manufacture of;

Milk pasteurization and distributing stations;

Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code);

Poultry, commercial killing of;

Storage of inflammable liquids and gases above ground (for requirements see Baltimore County Building Code);

Vegetable canning or packinghouse (see also Section 255.1).

253.5—Special Exceptions—The following uses when permitted as Special Exceptions (see Sections 270 and 502);

Automotive-service station, subject to the provisions of Section 405;

Cemetery;

Excavations, controlled, when explosives are used (see Section 403);

Filling stations (see Section 405);

Sanitary landfill (see Section 412);

Shooting range;

Signs, outdoor advertising (see Section 413.3);

Trailer Park (see Section 414);

Truck Terminal;

Wireless transmitting and receiving structure, except as a minor accessory or structure (which is permitted without a special exception); provided that, for the purposes of this subsection, no exterior antenna greater than 50 feet above grade level shall be considered as an accessory use or structure.

M. L. ZONE—MANUFACTURING, LIGHT

253.6—Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, there shall be permitted only passenger-automobile accessory parking and those uses permitted in M.R. Zone, as limited by the use regulations in Section 241.

Section 254—HEIGHT REGULATIONS

Height unlimited except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or 3 stories, if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Sections 255.1 and 300).

Section 255—AREA REGULATIONS.

255.1—The area regulations in M.L. Zone shall be the same as those in B. R. Zone unless such B. R. Zone regulations conflict with the provisions of Section 255.2.

255.2—Within 100 feet of any residential zone boundary or the right of way of any street abutting such a boundary, or within 100 feet of the right of way of an existing or proposed interstate highway, other freeway, or expressway which motorway is officially so designated by the State Roads Commission and/or the County, the front, side, and rear yards shall be as required in M.R. Zone (see Sections 243.1, 243.2 and 243.3).

THIS DEED AND PARTIAL RELEASE OF MORTGAGE, made this 5th day of MARCH, 1990 by and between BALTIMORE GAS AND ELECTRIC COMPANY, a body corporate of the State of Maryland, party of the first part, hereinafter referred to as "Grantor", BANKERS TRUST COMPANY, a body corporate of the State of New York, Trustee, party of the second part, hereinafter referred to as "Trustee" and the STATE OF MARYLAND to the use of the MARYLAND DEPARTMENT OF TRANSPORTATION, STATE HIGHWAY ADMINISTRATION, party of the second part, hereinafter referred to as "Grantee" C RC/F 19.00

WITNESSETH:

WHEREAS, the Trustee is the holder of a Mortgage Deed of Trust from the said Grantor dated February 1, 1919 given to secure the First Refunding Mortgage Bonds as therein provided and recorded among the Land Records of Baltimore County in Liber MPC No. 555 Folio 1, etc. and Supplemental Indentures thereto, all recorded among the Land Records of Baltimore County, Maryland.

NOW, THEREFORE, in consideration of the sum of One Million One Hundred Twenty-five Thousand Eight Hundred Dollars (\$1,125,800.00) and other valuable considerations, the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey unto the said Grantee, its successors and assigns in fee simple, all that parcel of ground situate, lying and being in the Eighth Election District of Baltimore County, Maryland and more particularly described as follows:

BEGINNING FOR THE SAME at a point in the southwesterly right of way line of York Road leading from Hunt Valley to Towson, said point of beginning also being on the fifth (5th) or S 72° 18' 40" E 920.03 foot line of a deed from North Central Development Corporation to Bankers Trust Company, Trustee and Baltimore Gas and Electric Company, recorded January 27, 1958 among the Land Records of Baltimore County in Liber G.L.B. No. 3303 at Folio 298, said point of beginning being distant 882.31 feet as measured along said fifth (5th) line from the beginning thereof. RC F 20.00

SAID POINT OF BEGINNING BEING situate 72.79 feet measured right angles to the right of station 16 + 20.38 of the base line of right of way (York Road), as said base line of right of way is delineated on the State Highway Administration - State Roads Commission of Maryland's plats numbered 52028, 52016 (revised 6-12-89) and 52617, recorded or intended to be recorded among the Land Records of Baltimore County; running thence and binding along the aforesaid fifth (5th) or S 72° 18' 40" E 920.03 foot line of the aforesaid deed, as now surveyed, and along the aforesaid southwesterly right of way line (York Road), said lines being common in-part, S 72° 34' 46" E 37.72 feet to intersect the southwesterly existing right of way line of York Road, running thence and binding thereon the following courses and distances, viz: S 8° 30' 05" E 32.16 feet, thence N 70° 54' 03" E 16.00 feet, thence S 18° 08' 29" E 29.36 feet, thence S 18° 08' 47" E 80.01 feet, thence S 18° 08' 06" E 100.01 feet, thence S 22° 32' 18" E 46.99 feet, thence S 18° 44' 45" E 524.17

TRANSFER TAX NOT REQUIRED

Baltimore County

AGRICULTURAL TRANSFER TAX

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

Baltimore County

PETITIONER'S EX. 8

feet to intersect the first (1st) or N 85° 00' 00" W 299.56 foot line of the aforementioned deed, running thence and binding on said first (1st) line, as now surveyed, N 85° 12' 55" W 18.16 feet to intersect the aforementioned southwesterly right of way line (York Road), running thence and binding thereon the following courses and distances, viz.: N 21° 12' 26" W 16.84 feet, thence N 17° 46' 15" W 50.01 feet, thence N 20° 03' 45" W 50.01 feet, thence N 19° 46' 34" W 105.67 feet to intersect the southwesterly right of way line of the connection between York Road and Warren Road, running thence and binding thereon by a curve to the left having a radius of 65.00 feet for an arc length of 103.35 feet, said curve being subtended by a chord bearing N 65° 19' 31" W for a chord distance of 92.80 feet to intersect the southerly right of way line of Warren Road, running thence and binding thereon the following courses and distances, viz.: S 69° 07' 33" W 96.45 feet, thence S 65° 15' 52" W 113.30 feet, thence by a curve to the right having a radius of 1007.93 feet for an arc length of 108.16 feet, said curve being subtended by a chord bearing S 68° 20' 19" W for a chord distance of 108.11 feet, thence S 81° 04' 53" W 101.39 feet, thence by a curve to the right having a radius of 995.93 feet for an arc length of 151.03 feet, said curve being subtended by a chord bearing S 81° 31' 02" W for a chord distance of 150.88 feet to intersect the third (3rd) or N 85° 00' 00" W 795.12 foot line of the aforementioned deed, running thence and binding on said third (3rd) line, as now surveyed, and continuing along the aforementioned southerly right of way line (Warren Road), said lines being common in-part, N 85° 12' 55" W 369.08 feet to the beginning of the fourth (4th) or N 03° 32' 40" E 891.82 foot line of the aforementioned deed, said fourth (4th) line also being the northeasterly existing railroad right of way line of the Consolidated Rail Corporation, running thence and binding on said fourth (4th) line, as now surveyed, N 03° 38' 44" W 97.98 feet to intersect the northerly right of way line of Warren Road, running thence and binding thereon the following courses and distances, viz.: S 75° 27' 17" E 75.28 feet, thence by a curve to the left having a radius of 912.93 feet for an arc length of 625.89 feet, said curve being subtended by a chord bearing N 84° 54' 18" E for a chord distance of 613.70 feet, thence N 65° 46' 13" E 113.31 feet, thence N 65° 38' 32" E 103.16 feet to intersect the northwesterly right of way line of the connection between Warren Road and York Road, running thence and binding thereon by a curve to the left having a radius of 65.00 feet for an arc length of 94.89 feet, said curve being subtended by a chord bearing N 23° 49' 18" E for a chord distance of 86.68 feet to intersect the aforementioned southwesterly right of way line (York Road), running thence and binding thereon the following courses and distances, viz.: N 17° 59' 56" W 166.95 feet, thence N 18° 34' 19" W 50.00 feet, thence N 15° 42' 34" W 50.06 feet, thence N 19° 43' 04" W 15.67 feet, thence N 78° 12' 16" W 49.26 feet, thence N 11° 47' 44" E 46.25 feet to the place of beginning.

CONTAINING: 107,875 square feet or 2.477 acres plus or minus shown shaded thusly on the State Highway Administration - State Roads Commission of Maryland's plats numbered 52015, 52016 (revised 6-12-89), 52017 and 52028, recorded or intended to be recorded among the Land Records of Baltimore County.

BEING a part of that lot of ground which by Deed dated January 27, 1958 and recorded among the Land Records of Baltimore County in Liber GLB No. 3303, Page 298 was granted and conveyed by North Central Development Corp. to Bankers Trust Company, Trustee and Baltimore Gas and Electric Company.

TOGETHER WITH the buildings and improvements thereupon and the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in any way appertaining.

ALSO TOGETHER WITH the right to create, use and maintain revertible slope easements on those strips of land containing in the aggregate 0.7361 of an acre, more or less and shown thusly ///// on the above referred to State Highway Administration, State Roads Commission of Maryland plats numbered 52015, 52016 (revised 6-12-89), 52017 and 52028.

ALSO TOGETHER WITH the right to use as temporary construction areas those strips of land containing in the aggregate 0.623 of an acre, more or less which are shown thusly // // // on the above referred to State Highway Administration, State Road Commission of Maryland plats numbered 52015, 52016 (revised 6-12-89), 52017 and 52028.

TO HAVE AND TO HOLD the said parcel of land and premises containing 2.477 acres unto and to the use of the said Grantee, its successors and assigns in fee simple.

SUBJECT to the following:

1. Any and all easements of record;
2. Easement granted to Baltimore County, Maryland in a Deed of Easement dated April 20, 1976 and recorded among the Land Records of Baltimore County in Liber EHK, Jr. No. 5633 Folio 940; and
3. Terms, conditions and limitations set forth in a document entitled Terms, Conditions and Limitations Governing Construction on the Property of Baltimore Gas and Electric Company which is marked Exhibit "A" and attached hereto and made a part hereof. Said terms, conditions and limitations shall be applicable only to the revertible slope easements containing in the aggregate 0.7361 of an acre and to the temporary construction areas containing in the aggregate 0.623 of an acre described above.

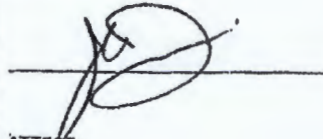
The Trustee joins in the execution of this Deed and Partial Release of Mortgage for the sole purpose of releasing the above-described fee simple parcel of land containing 2.477 acres from the operation and effect of the foregoing Mortgage Deed of Trust retaining the lien of its said Mortgage Deed of Trust on all other property described therein not heretofore released and not included herein.

Bankers Trust Company, Trustee under the Mortgage Deed of Trust hereinbefore referred to, does hereby constitute and appoint Martha A. Dalea to be its attorney to acknowledge these presents before any person competent by the laws of Maryland to take and certify such acknowledgment.

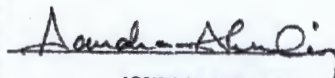
The Grantor hereby covenants that it will warrant specially the property hereby conveyed and that it will execute such further assurance of same as may be requisite.

IN WITNESS WHEREOF, the parties hereto have caused this Deed and Partial Release of Mortgage to be executed the day and year first above written.

ATTEST:

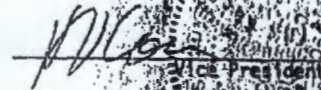


ATTEST:


ASSISTANT SECRETARY

BALTIMORE GAS AND ELECTRIC COMPANY

By:


Vice President

BANKERS TRUST COMPANY

By:


Vice President

Date:

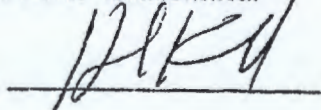
2/15/90

ATTEST:

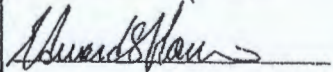


STATE OF MARYLAND to the use of the
MARYLAND DEPARTMENT OF TRANSPORTATION,
STATE HIGHWAY ADMINISTRATION

By:



Approved As To Form And
Legal Sufficiency, This
23rd Day Of February, 1990.



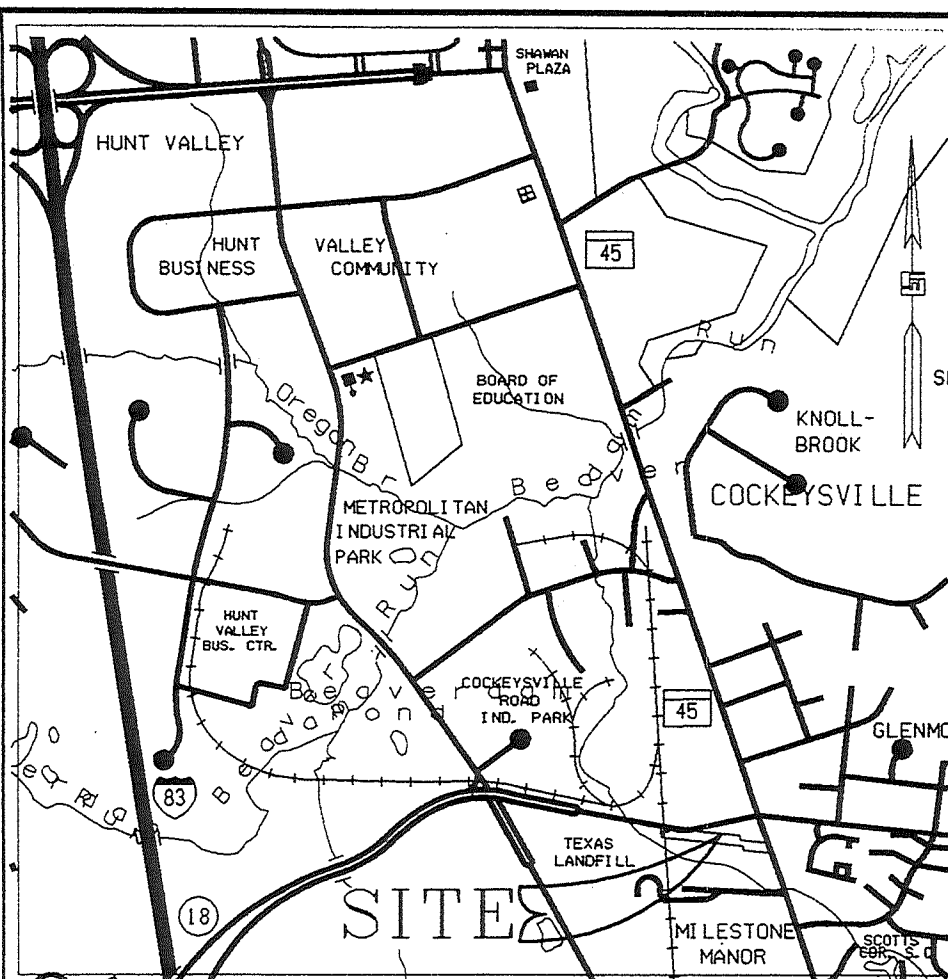
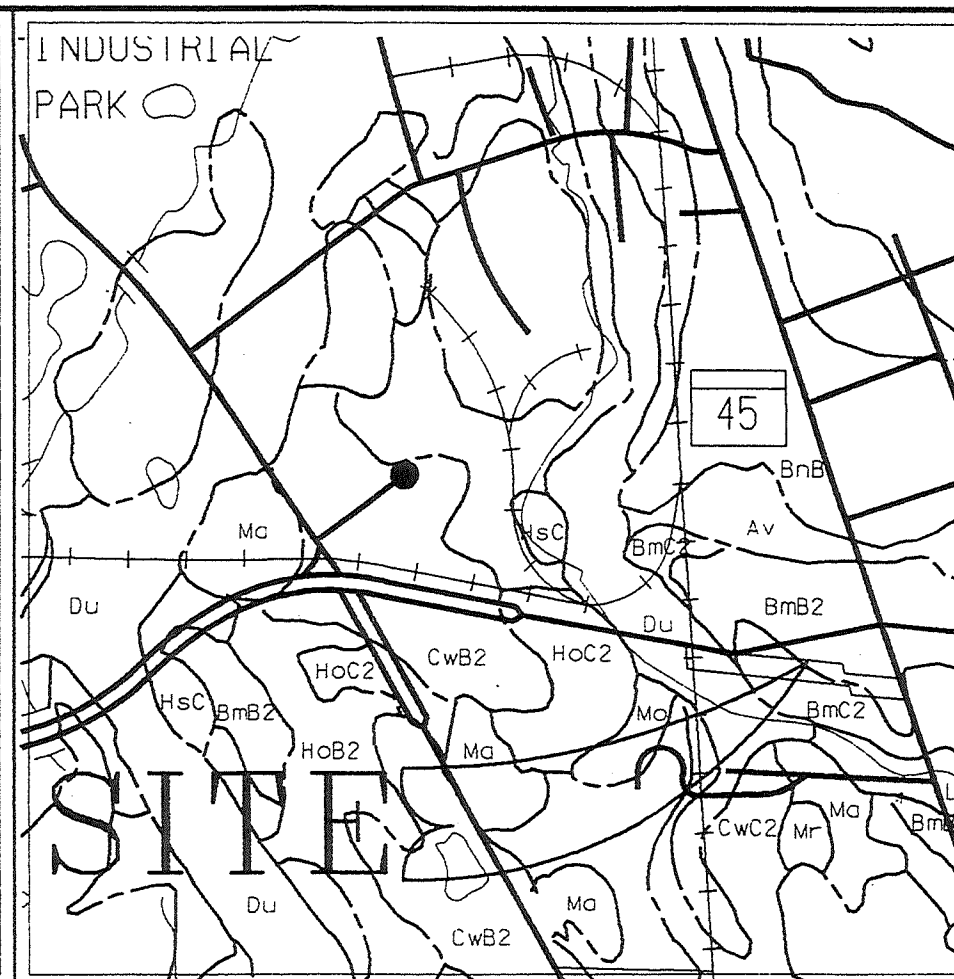
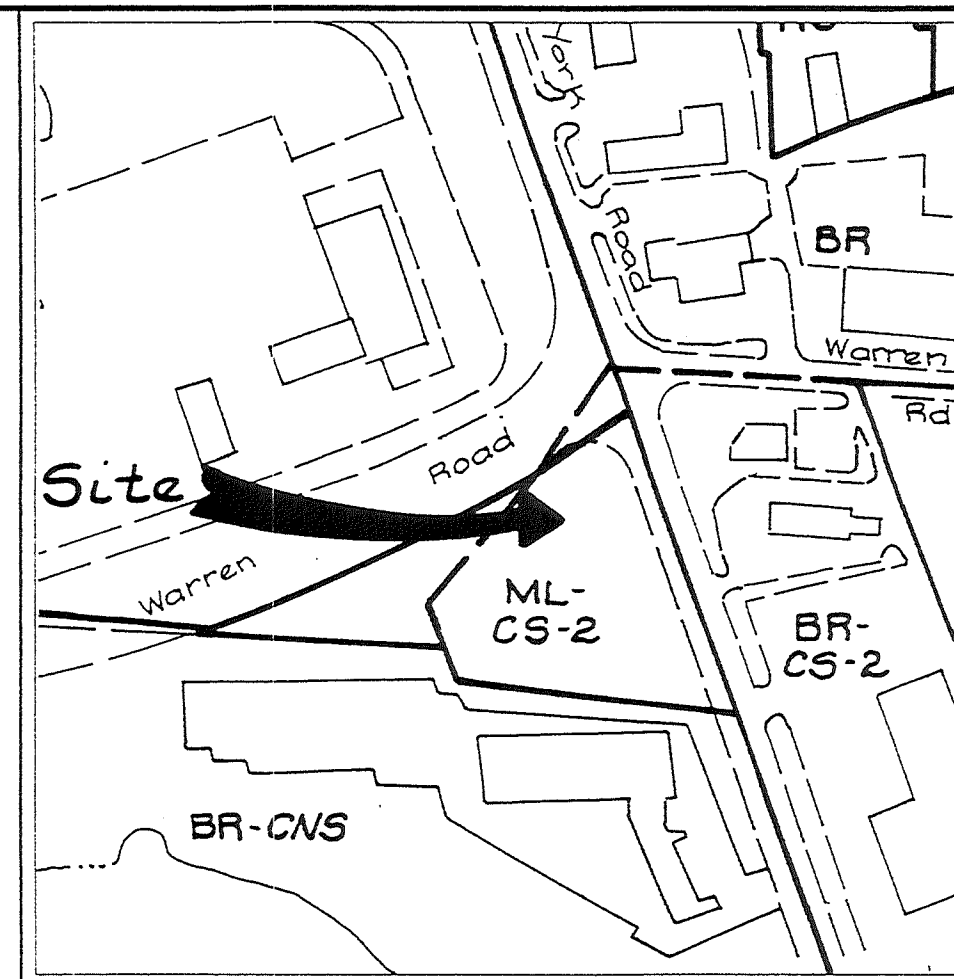
STATE OF MARYLAND:
: TO WIT:
CITY OF BALTIMORE:

I HEREBY CERTIFY, that on this 23rd day of February, 1990, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared H. D. Case, who acknowledged himself to be the Vice President of BALTIMORE GAS AND ELECTRIC COMPANY, and that he, as such Vice President, being authorized so to do, executed the foregoing Deed and Partial Release of Mortgage for the purposes therein contained by signing, in my presence, the name of the said corporation by himself as Vice President and certified that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Baltimore Gas and Electric Company.

ENVIRONMENTAL IMPACT NOTES

1. THERE ARE NO EXISTING WATER WELLS OR SEPTIC SYSTEMS ON THE EXISTING SITE.
2. TO THE BEST OF OUR KNOWLEDGE, NO FUEL TANKS ARE LOCATED ON ADJACENT PROPERTIES WITHIN 100 FEET OF THE SITE.
3. A SEDIMENT CONTROL PLAN WILL BE APPROVED AND SEDIMENT CONTROL MEASURES IMPLEMENTED DURING CONSTRUCTION.
4. A LANDSCAPE PLAN WILL BE APPROVED AND IMPLEMENTED.
5. THE SITE DOES NOT CONTAIN FOREST, THEREFORE, PER BILL NO. 163-93, THIS SITE IS EXCLUDED FROM THE FOREST CONSERVATION ACT.
6. STORMWATER MANAGEMENT QUANTITY AND QUALITY CONTROL WILL BE APPROVED AND IMPLEMENTED.
7. A WELL ABANDONMENT REPORT SHALL BE FILED WITH BALTIMORE CO. PRIOR TO THE START OF CONSTRUCTION.

1 STORY BLOCK AND ALUMINUM



LAND USE MAP

SCALE: 1" = 200'

SOILS MAP

SCALE: 1" = 750'

VICINITY MAP

SCALE: 1" = 1500'

LEGEND

SS	SS	SS	SANITARY SEWER
SD	SD	SD	STORM DRAIN
OH	OH	OH	ELECTRIC
X	X	X	FENCE
EX. 8" WATER			WATER MAIN
			EX. DECIDUOUS TREE
			EX. EVERGREEN TREE
			EX. SHRUB
			FIRE HYDRANT
			SOIL DELINEATION
			SLOPES STEEPER THAN 25%

SOILS INFORMATION	DESCRIPTION
BmB2	BALTIMORE SILT LOAM 3-8% SLOPES
BmC2	BALTIMORE SILT LOAM 8-15% SLOPES

REFERENCE:
SOIL SURVEY, BALTIMORE COUNTY, MARYLAND, UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE, ISSUED MARCH 1976, MAP 22

A. PLAN PREPARED BY:	DEVELOPER/OWNER
FREDERICK WARD ASSOCIATES, INC. 5301 IVY LANE SUITE 700 GREENBELT, MARYLAND 21044 ATTN: MR. MIKE SPECHT PHONE: (301) 513-7511 FAX: (301) 513-7511	EXXON COMPANY U.S.A. 5301 IVY LANE SUITE 700 GREENBELT, MARYLAND 21044 ATTN: MR. MIKE SPECHT PHONE: (301) 513-7511 FAX: (301) 513-7511 TAX ACCOUNT #: 2200022127

B. ENVIRONMENTAL INFORMATION	EXISTING	NOT	FIELD	REMARKS
	EXISTING	NOT	FIELD	

EXISTING	NOT	FIELD	REMARKS
X		X	TOPOGRAPHY AND STREET GRADES (MIN. 5 FT. CONTOUR APPROPRIATELY LABELED)
X		X	SLOPES GREATER THAN 25%
	X		100 YEAR FLOOD PLAIN
X			SOILS MAPPED ACCORDING TO SOIL SURVEY, BALTIMORE COUNTY, MARYLAND
	X		STREAMS, SEEPS, PONDS OR OTHER WATER BODIES SHOWN ON SITE AND WITHIN 200 FT. OF SITE BOUNDARIES.
	X	X	WETLANDS
X			FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR ERODIBLE SOILS.
	X	X	LAND COVER ON AND WITHIN 200 FT. OF SITE.
	X	X	SIGNIFICANT REGULATED PLANT OR WILDLIFE COMMUNITIES.
	X	X	WELLS ON SITE AND WITHIN 100 FT. OF SITE.
	X	X	SEPTIC ON SITE AND WITHIN 100 FT. OF SITE.
	X	X	UNDERGROUND FUEL TANKS ON SITE AND WITHIN 100 FT. OF SITE.
	X		SOIL EVALUATION TESTS (PERC TESTS) PERFORMED

C. EXISTING BUILT CONDITIONS	EXISTING	NOT	REMARKS
	EXISTING	NOT	

EXISTING	NOT	REMARKS
X		LOCATIONS OF EXISTING BUILDINGS WITHIN 200 FT. OF SITE BOUNDARIES
X		LOCATION OF EXISTING ROADS WITHIN 200 FT. OF SITE BOUNDARIES
	X	DESIGNATED HISTORIC SITES.
	X	DESIGNATED ARCHAEOLOGICAL SITES.
	X	SIGNIFICANT VIEWS.
	X	SIGNIFICANT FEATURES (SPECIMEN TREES, BUILDINGS, STREETSCAPE, ETC.)
X		LAND USES ON AND WITHIN 200 FT. OF SITE.
X		ROAD RIGHT-OF-WAY AND EASEMENTS.

D. COUNTY ADOPTED PLANS	EXISTING	NOT	IN	REMARKS
	EXISTING	NOT	IN	

EXISTING	NOT	IN	REMARKS
X			BALTIMORE COUNTY MASTER PLAN 1989-2000
X			COMMUNITY OR REVITALIZATION PLAN(S)
X			RECREATION AND PARKS PLAN
X			STREETSCAPE AND PARKS PLAN
X			STREETSCAPE PLAN

X	BALTIMORE COUNTY DEPT. OF PDM PLAN
Project No. VIII-672	OTHER:

DEVELOPMENT REGULATIONS
Exempt from Sections 26-202 & 26-206

CERTIFICATION OF Limited Exemption Plan Approval
By: *Michael J. Specht* Date: 5/14/96
This plan approval shall expire five (5) years from the above approval date.

DEVELOPMENT PLAN

EXXON COMPANY, U.S.A.
A DIVISION OF EXXON CORPORATION
Real Estate & Engineering

SITE CONSTRAINTS MAP
FOR AN EXXON STATION AT
10410 YORK ROAD
BALTIMORE COUNTY, MARYLAND

DATE: 2/15/96
DRAWN BY: MM/KN
CHK. BY: GHR
SCALE: 1" = 30'

PDM NUMBER
VIII-672

PROJECT NO.
94402.00

DISC. NO.
PDEV1.DGN

RAS. NO.
DWG. NO.
1 OF 4

CERTIFY UNDER OATH THAT THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT WITH RESPECT TO ANY OF THE FOLLOWING: THE APPLICANT, A PERSON WITH A FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, OR A PERSON WHO WILL PERFORM CONTRACTUAL SERVICES ON BEHALF OF THE PROPOSED DEVELOPMENT.

OWNER NAME: *Exxon Company, U.S.A.* DATE: 2/17/96

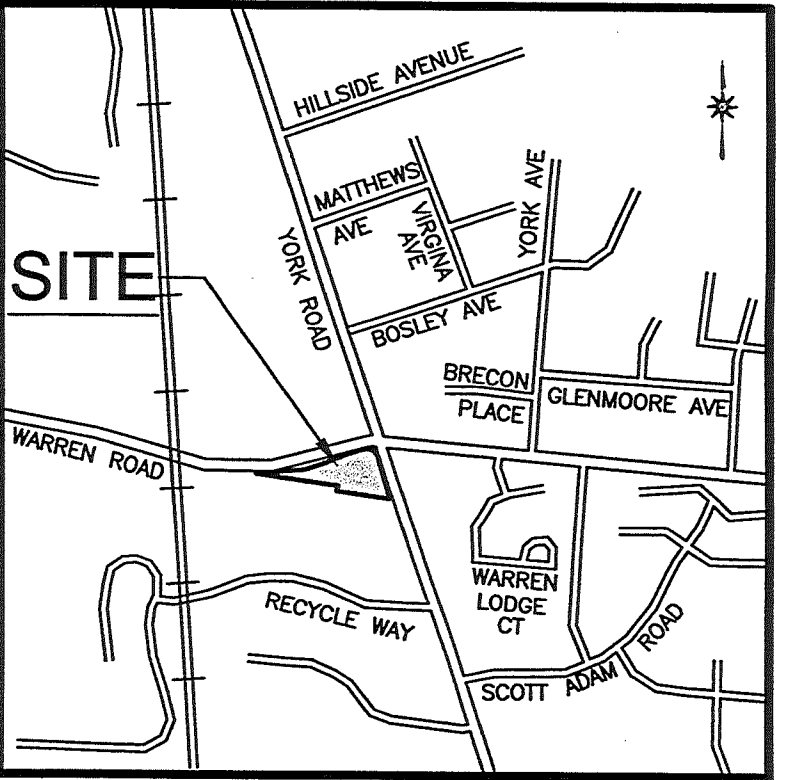
SITE ADDRESS: EXXON CO USA
YORK ROAD & WARREN ROAD
LUTHERVILLE, MD

GRAPHIC SCALE
0 30 60 90 120 150

OWNER/DEVELOPER/APPLICANT
EXXON COMPANY, U.S.A.
6301 IVY LANE
SUITE 700
GREENBELT, MARYLAND 20770
PHONE: (301) 513-7511
ATTN: MR. MIKE SPECHT

FREDERICK WARD ASSOCIATES INC.
ENGINEERS ARCHITECTS SURVEYORS
5 SOUTH MAIN STREET
(410) 838-7900
BEL AIR, MARYLAND
(410) 879-2090

DATE	REVISIONS	BY	CHK.



LOCATION MAP
SCALE: 1" = 1000'

GENERAL NOTES:

- OWNER: SOUTHSIDE OIL, LLC
#1011 BOULDER SPRINGS DRIVE, SUITE 100
RICHMOND, VIRGINIA 23225
- DEVELOPER: KELLY'S CORNER, L.L.C.
C/O DJF, INC.
P.O. BOX 264
PHOENIX, MARYLAND 21131
- SITE AREA:
GROSS: 106,218 Sq.Ft. or 2.44 Ac.±
NET: 76,736 Sq.Ft. or 1.76 Ac.±
- USES:
EXISTING: GAS STATION WITH CONVENIENCE STORE
AND CARRY-OUT RESTAURANT.
PROPOSED: RETAIL PHARMACY.
- UTILITIES:
PUBLIC WATER & SEWER
- DEED REF: 29609/263
- TAX ACCOUNT: #2200022127
- ZONING: ML-IM, ML-AS & BR-AS
(PER 1"-2007 ZONING MAP 5161)
- TAX MAP #51, GRID #4, PARCEL #687.
- SITE LIES WITHIN ZONE(S) "X" OF FLOOD INSURANCE RATE MAP (FIRM) PANEL #240010 0235 F PANEL 235 OF 580 DATED SEPT. 26, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
- PREVIOUS ZONING CASES ON FILE:
1.) 4330, SPECIAL HEARING TO APPROVE A DEVELOPMENT PLAN IN A MANUFACTURING RESTRICTED ZONE; GRANTED JAN. 15, 1958
2.) 94-334, PETITION TO REZONE PROPERTY; WITHDRAWN
3.) 96-262-XA, SPECIAL EXCEPTION FOR A FUEL SERVICE STATION USE IN COMBINATION WITH A CONVENIENCE STORE AND A FAST FOOD RESTAURANT WITH AN ANCILLARY USE (AUTOMATIC TELLER MACHINE), AND VARIANCE TO PERMIT A DOUBLE-SIDED FREESTANDING IDENTIFICATION SIGN OF 185.80 Sq.Ft. IN LIEU OF THE MAXIMUM PERMITTED 100 Sq.Ft. SIGN; GRANTED APRIL 22ND, 1996.
4.) 00-138-SPHX, SPECIAL HEARING TO APPROVE AN AMENDMENT TO CASE #96-262-XA AND SPECIAL EXCEPTION FOR ROLL-OVER CAR WASH AS A USE-IN COMBINATION WITH AN EXISTING FUEL SERVICE STATION; GRANTED DECEMBER 20TH, 1999.
5.) 02-163-SPH, SPECIAL HEARING TO REQUEST AN EXTENSION OF TIME FOR THE UTILIZATION OF THE SPECIAL EXCEPTION WHICH WAS GRANTED IN CASE #00-138-SPHX FROM TWO YEARS TO FIVE YEARS; GRANTED NOVEMBER 20TH, 2001.
- PREVIOUS PERMITS ON FILE FOR CONSTRUCTION OF FUEL SERVICE STATION WITH CONVENIENCE STORE AND A FAST FOOD RESTAURANT WITH AN ANCILLARY USE (AUTOMATIC TELLER MACHINE), AND TWO 185.5 Sq.Ft. DOUBLE-SIDED FREESTANDING IDENTIFICATION SIGNS (1996).
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- 3RD COUNCILMANIC DISTRICT
- BUILDING AREAS:
EXISTING: 3,784 Sq.Ft. BLDG.
6,176 Sq.Ft. CANOPY
9,960 Sq.Ft. TOTAL (TO BE REMOVED)
PROPOSED: 10,324 Sq.Ft. 1 STORY BUILDING WITH 2,376 Sq.Ft. MEZZANINE.
- PARKING:
REQUIRED: 13,300 Sq.Ft. @ 5 PER 1000 Sq.Ft. = 67 SPACES
PROVIDED: 73 SPACES
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	50'	74'±
SIDE	30'	32.6'±
REAR	30'	32.6'±
- WATERSHED: LOCH RAVEN RESERVOIR
- PREVIOUS DRC APPROVED ON 8-25-97 PERMITS REFINEMENT OF THE APPROVED DEVELOPMENT PLAN AS DATED 5-14-98 PROJECT #VIII-672 TO ADD TWO ADDITIONAL MPD'S AND A 49'x32' CANOPY EXTENSION.
- FAR: MAXIMUM PROVIDED
0.13
- ANY PROPOSED SIGNS WILL CONFORM WITH THE BCZR REQUIREMENTS.
- CENSUS TRACT: 4084.00
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

Richardson Engineering, LLC

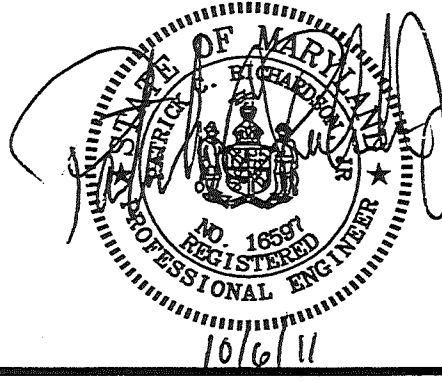
30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

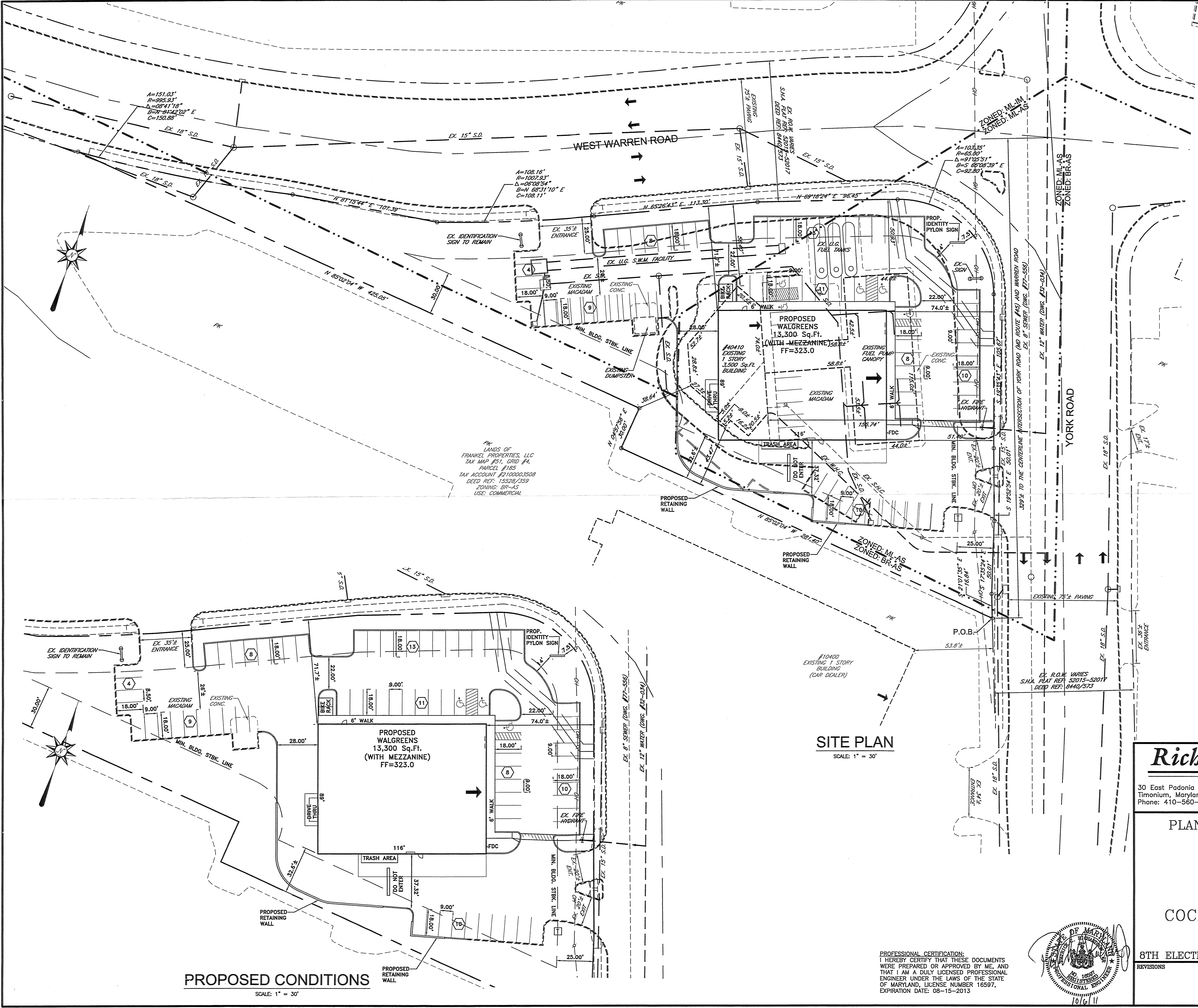
PETITIONER'S
EXHIBIT NO. 1

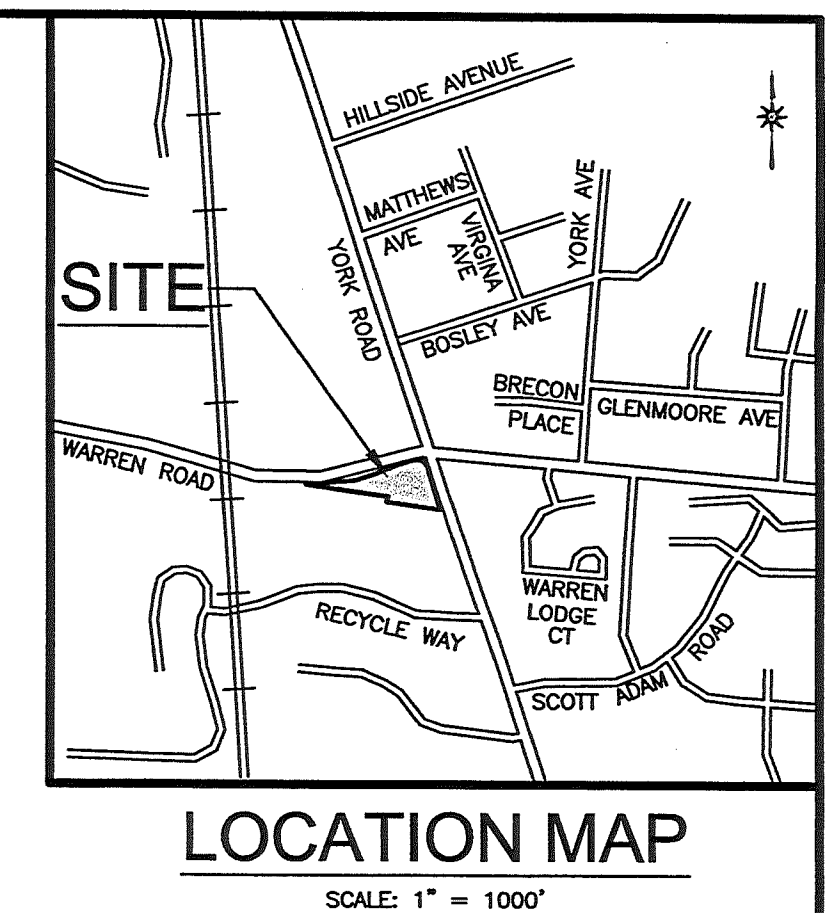
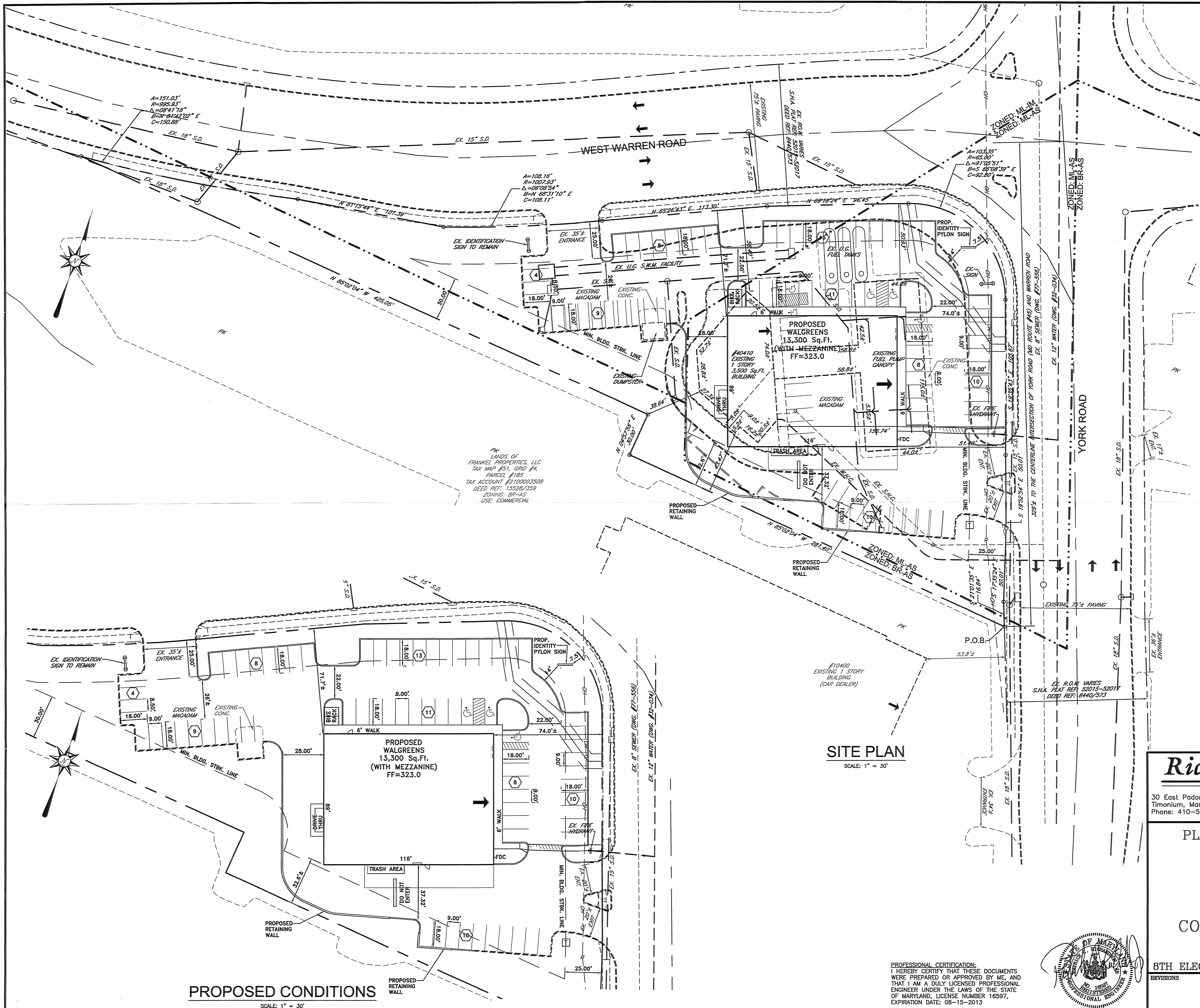
WALGREENS
10410 YORK ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT		BALTIMORE COUNTY, MARYLAND		
REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:	
	CND	PCR	1" = 30'	
	DATE:	JOB NO.:	SHEET NO.:	
	10-05-11	10040	1 OF 1	



PROFESSIONAL CERTIFICATION:
I 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 NUMBER 16597,
EXPIRATION DATE: 08-15-2013





GENERAL NOTES:

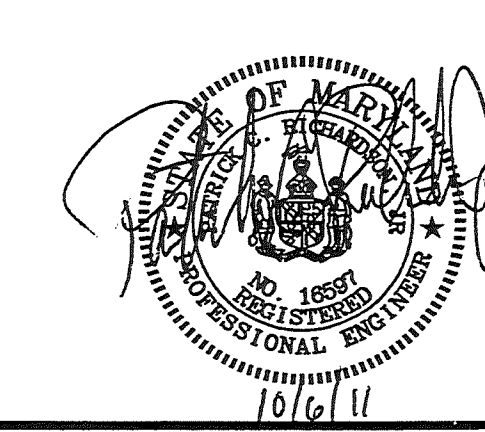
- OWNER: SOUTHSIDE OIL, LLC
#1011 BOULDER SPRINGS DRIVE, SUITE 100
RICHMOND, VIRGINIA 23225
- DEVELOPER: KELLY'S CORNER, L.L.C.
C/O D.J.F. INC.
P.O. BOX 264
PHOENIX, MARYLAND 21131
- SITE AREA:
GROSS: 106,218 Sq.Ft. or 2.44 Ac.±
NET: 76,736 Sq.Ft. or 1.76 Ac.±
- USES:
EXISTING: GAS STATION WITH CONVENIENCE STORE
AND CARRY-OUT RESTAURANT.
PROPOSED: RETAIL PHARMACY.
- UTILITIES:
PUBLIC WATER & SEWER
- DEED REF: 29609/263
- TAX ACCOUNT: #2200022127
- ZONING: M-1M, M-1AS & BR-AS
(PER 1"-200' ZONING MAP 5181)
- TAX MAP #51, GRID #4, PARCEL #687.
- SITE LIES WITHIN ZONE(S) "X" OF FLOOD INSURANCE RATE
MAP (FIRM) PANEL #240010 0235 F PANEL 235 OF 580
DATED SEPT. 26, 2008.
ZONE "X" IS AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN.
- PREVIOUS ZONING CASES ON FILE:
1.) 4330, SPECIAL HEARING TO APPROVE A DEVELOPMENT PLAN
IN A MANUFACTURING RESTRICTED ZONE, GRANTED JAN. 15, 1958
2.) 94-334, PETITION TO REZONE PROPERTY; WITHDRAWN
3.) 96-262-XA, SPECIAL EXCEPTION FOR A FUEL SERVICE STATION
USE IN COMBINATION WITH A CONVENIENCE STORE AND A FAST
FOOD RESTAURANT WITH AN ANCILLARY USE (AUTOMATIC TELLER
MACHINE), AND VARIANCE TO PERMIT A DOUBLE-SIDED FREESTANDING
IDENTIFICATION SIGN OF 185.80 Sq.Ft. IN LIEU OF THE MAXIMUM
PERMITTED 100 Sq.Ft. SIGN, GRANTED APRIL 22ND, 1996.
4.) 00-138-SPHX, SPECIAL HEARING TO APPROVE AN AMENDMENT
TO CASE #96-262-XA AND SPECIAL EXCEPTION FOR ROLL-OVER
CAR WASH AS A USE-IN COMBINATION WITH AN EXISTING FUEL
SERVICE STATION; GRANTED DECEMBER 20TH, 1999.
5.) 02-163-SPHX, SPECIAL HEARING TO REQUEST AN EXTENSION
OF TIME FOR THE UTILIZATION OF THE SPECIAL EXCEPTION WHICH
WAS GRANTED IN CASE #00-138-SPHX FROM TWO YEARS TO FIVE
YEARS; GRANTED NOVEMBER 20TH, 2001.
- PREVIOUS PERMITS ON FILE FOR CONSTRUCTION OF FUEL SERVICE
STATION WITH CONVENIENCE STORE AND A FAST FOOD RESTAURANT
WITH AN ANCILLARY USE (AUTOMATIC TELLER MACHINE), AND TWO
185.5 Sq.Ft. DOUBLE-SIDED FREESTANDING IDENTIFICATION SIGNS (1996).
- SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THE PROPERTY AND THE STRUCTURES ARE NOT HISTORIC.
- 3RD COUNCILMANIC DISTRICT
- BUILDING AREAS:
EXISTING: 3,784 Sq.Ft. BLDG.
6,178 Sq.Ft. CANOPY
9,960 Sq.Ft. TOTAL (TO BE REMOVED)
PROPOSED: 10,324 Sq.Ft. 1 STORY BUILDING WITH
2,578 Sq.Ft. MEZZANINE.
- PARKING:
REQUIRED: 13,300 Sq.Ft. @ 5 PER 1000 Sq.Ft. = 67 SPACES
PROVIDED: 73 SPACES
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	50'	74'±
SIDE	30'	32.6'±
REAR	30'	32.6'±
- WATERSHED: LOCH RAVEN RESERVOIR
- PREVIOUS DRC APPROVED ON 8-25-97 PERMITS REFINEMENT OF THE
APPROVED DEVELOPMENT PLAN AS DATED 5-14-98 PROJECT #VIII-672
TO ADD TWO ADDITIONAL MPD'S AND A 49'x32' CANOPY EXTENSION.
- FAR: MAXIMUM PROVIDED
0.13
- ANY PROPOSED SIGNS WILL CONFORM WITH THE BCZR REQUIREMENTS.
23. CENSUS TRACT: 4084.00
- ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA
SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM
ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.

SITE PLAN
SCALE: 1" = 30'

PROPOSED CONDITIONS
SCALE: 1" = 30'

PROFESSIONAL CERTIFICATION:
I 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 NUMBER 16597,
EXPIRATION DATE: 08-15-2013



Richardson Engineering, LLC

30 East Padonia Road, Suite 500
Timonium, Maryland 21093
Phone: 410-560-1502 Fax: 443-901-1208

PLAN TO ACCOMPANY ZONING PETITION
FOR

WALGREENS
10410 YORK ROAD
COCKEYSVILLE, MARYLAND 21030

8TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

REVISIONS	DRAWN BY:	DESIGNED BY:	SCALE:
	CND	PCR	1" = 30'
DATE:	JOB NO.:	SHEET NO.:	
10-05-11	10040	1 OF 1	

