

6/1/12

IN RE: PETITION FOR VARIANCE

Liberty Road, at the SE corner of Church
Lane and Brenbrook Drive
2nd Election District
4th Council District
(8700 Liberty Road)

New Plan Maryland Holdings, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0192-A**

* * * * *

REVISED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County by way of a remand Order issued by the Board of Appeals of Baltimore County on May 31, 2012.

By way of background, the previous Opinion and Order issued by this Office granted Petitioner's variance relief with respect to several signs at the proposed Walmart on Liberty Road. Thereafter, People's Counsel for Baltimore County noted an appeal of that Order, and expressed concerns with the size of a free-standing joint identification sign proposed for the store, which was identified as Sign 7 on Petitioner's site plan. Apparently, after the appeal was filed, the parties met and agreed to reduce the size of Sign 7 from 281.67 square feet down to a maximum area of 255 square feet, as depicted on Exhibit 1 attached hereto and incorporated herein by reference.

As noted in the original Opinion and Order, there were no Protestants in attendance at the original zoning hearing, nor did the file contain any letters of opposition or protest from neighbors or community associations. In fact, the only comments received were from the County's Department of Planning, which expressed strong support for the project.

Given the absence of opposition expressed at the earlier hearing, and the fact that the revised Order will reduce the scope of variance relief previously granted in the April 4, 2012 Order,

this matter can be considered and concluded without the necessity of an additional public hearing.

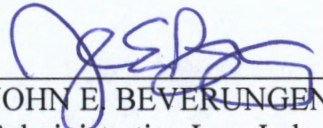
THEREFORE, IT IS ORDERED, this 1 day of June, 2012 by this Administrative Law Judge that the Opinion and Order issued in the above-captioned case on April 4, 2012, be and is hereby revised, as follows:

- Pursuant to B.C.Z.R. § 450.4 Attachment 1, number 7(b), the Petitioner is granted variance relief to erect a free-standing joint identification sign with a maximum sign area/face of 255 square feet, in lieu of the 281.67 square feet granted in the earlier Order. (Referenced as Sign 7 on Petitioner's Exhibit 1).

The relief granted herein shall be subject to the following:

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

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



KEVIN KAMENETZ
County Executive

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

June 1, 2012

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

RE: Petition for Variance
Case No.: 2012-0192-A
Property: 8700 Liberty Road

Dear Counsel:

Enclosed please find a copy of the Revised Opinion and Order in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

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: People's Counsel for Baltimore County

5/31/12

IN THE MATTER OF NEW PLAN	*	BEFORE THE COUNTY
HOLDINGS, LLC – PETITION		
FOR VARIANCE	*	BOARD OF APPEALS
8700 Liberty Road		
(Liberty Plaza Shopping Center)	*	FOR
2 nd Election District	*	BALTIMORE COUNTY
4 th Councilmanic District		
	*	Case No. CBA-12-192-A
Zoning Case No. 2012-0192-A	*	

* * * * *

REMAND ORDER TO ADMINISTRATIVE LAW JUDGE

This matter comes before this Board on appeal filed by the People's Counsel for Baltimore County from a decision of the Administrative Law Judge, dated April 4, 2012, in which Petitioner requested variance relief related for signage for the Liberty Plaza Shopping Center.

Shortly after People's Counsel filed its appeal, the parties met to discuss the concerns of People's Counsel, which centered around a freestanding joint identification sign proposed at the entrance to the shopping center on Liberty Road (referenced as Sign 7 on the Plan to Accompany Petition for Variance and in the Opinion and Order). People's Counsel was concerned over the size of the proposed sign.

As a result of those discussions, the parties have reached a compromise position as to a reduction in size of the disputed joint identification sign. The parties have jointly requested that the Board of Appeals remand the case back to the Administrative Law Judge for his consideration of a reduction of the variance granted for the

freestanding joint identification sign from a maximum sign area/face of 281.67 square feet down to a maximum sign area/face of 255 square feet as depicted on the attached **Exhibit 1**. The parties acknowledge that they are satisfied with all other relief granted in the April 4, 2012 Opinion and Order, and reconsideration should be limited to the requested reduction in Sign 7.

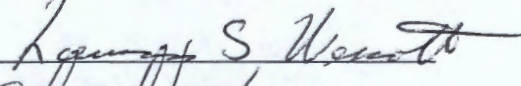
Upon consideration of the Joint Motion for Remand, therefore, it is this 31st day of May 2012, by the County Board of Appeals for Baltimore County,

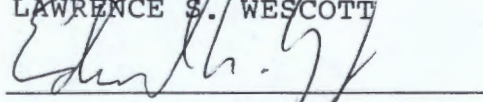
ORDERED that the Joint Motion for Remand be and it is hereby GRANTED;
and

ORDERED that the above-captioned case be and is hereby REMANDED to the Administrative Law Judge for further review and consideration consistent with this Motion.

COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY


WENDELL H. GRIER, CHAIRMAN


LAWRENCE S. WESCOTT


EDWARD W. CRIZER, JR.

[illegible]

$$20'-0'' \times 12'-9'' = 255 \text{ sf}$$



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

RECEIVED

MAY 31 2012

OFFICE OF ADMINISTRATIVE HEARINGS

May 31, 2012

Patricia A. Malone, Esquire
Brian Hammock, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Peter M. Zimmerman, Esquire
Carole S. Demilio, Esquire
Office of People's Counsel
The Jefferson Building, Ste 204
105 W. Chesapeake Avenue
Towson, MD 21204

RE: *In the Matter of: New Plan Maryland Holdings, LLC – Legal Owner*
Case No.: 12-192-A

Dear Counsel:

Enclosed please find a copy of the Remand Order to the Administrative Law Judge issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/KC

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c: Bill Greimel, Vice President, Construction/New Plan Maryland Holdings, LLC/c/o Centro Properties Group
Brian Conlon/Langan Engineering & Environmental Services
Jim Higgins/MMA Architects
Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

5/29/12

IN THE MATTER OF NEW PLAN
HOLDINGS, LLC – PETITION
FOR VARIANCE

8700 Liberty Road
(Liberty Plaza Shopping Center)

2nd Election District
4th Councilmanic District

Zoning Case No. 2012-0192-A

*

*

*

*

*

*

BEFORE THE COUNTY

BOARD OF APPEALS

FOR

BALTIMORE COUNTY

Case No. CBA-12-192-A

* * * * *

JOINT MOTION FOR REMAND

People's Counsel for Baltimore County and Petitioner New Plan Holdings, LLC, move to remand this case to the Administrative Law Judge for consideration of an amended order and, in support, state as follows:

1. On April 4, 2012, Administrative Law Judge John Beverungen issued an Opinion and Order in Case No. 2012-0192-A, wherein he granted requested zoning variance relief for signage at the Liberty Plaza Shopping Center, including a variance to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 feet in lieu of the permitted 150 square feet to be located at the entrance to the shopping center on the Liberty Road frontage (referenced as Sign 7 on the Plan to Accompany Petition for Variance and in the Opinion and Order).

2. Believing Petitioner's request for the freestanding joint identification sign to be excessive, People's Counsel noted an appeal to the Board of Appeals.

RECEIVED
MAY 30 2012

BALTIMORE COUNTY
BOARD OF APPEALS

3. During the pendency of this appeal, the parties met to discuss the concerns of People's Counsel, and the parties have reached a compromise position as to a reduction in size of the disputed joint identification sign.

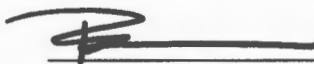
4. The parties agreed jointly to request that the Board of Appeals remand the case back to the Administrative Law Judge for his consideration of a reduction of the variance granted for the freestanding joint identification sign from a maximum sign area/face of 281.67 square feet down to a maximum sign area/face of 255 square feet as depicted on the attached **Exhibit 1**. Although the joint identification sign did not require variance relief as to height, the parties have agreed that the height of the sign to be constructed will not exceed 22 feet. All other relief shall remain as granted in the April 4, 2012 Opinion and Order.

WHEREFORE, People's Counsel and Petitioner request that the case be remanded to the Administrative Law Judge for his consideration of an amended order consistent with this Motion.

Respectfully submitted,



Carole S. Demilio, Deputy
People's Counsel for
Baltimore County



Patricia A. Malone
Venable LLP
210 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 494-6200
Attorney for New Plan Maryland
Holdings, LLC

CERTIFICATE OF SERVICE

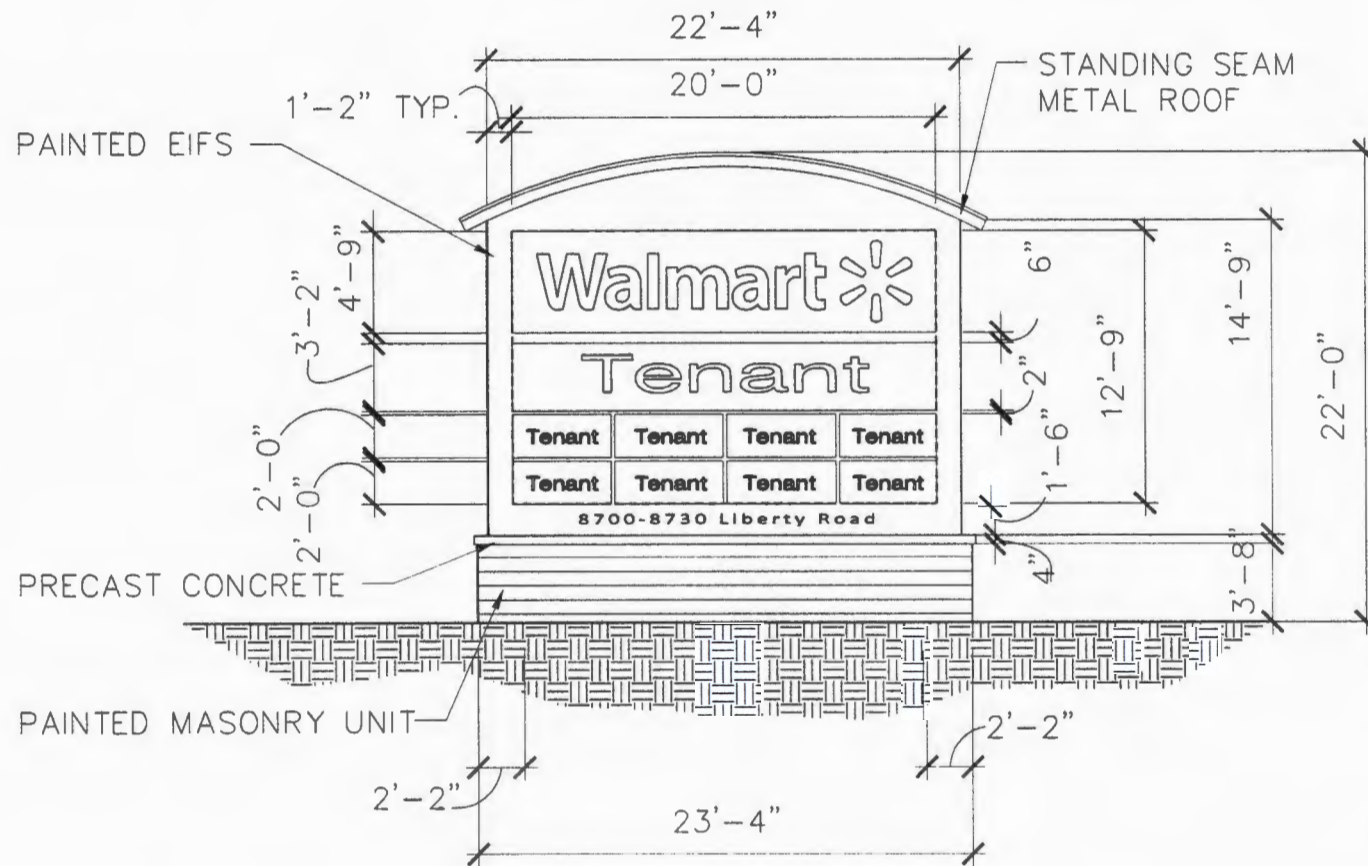
I HEREBY CERTIFY that on this 29th day of May, 2012, a copy of the foregoing
JOINT MOTION FOR REMAND was hand-delivered to CAROLE S. DEMILIO, Deputy
People's Counsel for Baltimore County, The Jefferson Building, 105 W. Chesapeake
Avenue, Towson, Maryland 21204.



Patricia A. Malone

TOIDOC51/312190 v1

EXHIBIT 1



$$20'-0" \times 12'-9" = 255 \text{ sf}$$

IN RE: PETITION FOR VARIANCE

Liberty Road, at the SE corner of Church
Lane and Brenbrook Drive
2nd Election District
4th Council District
(8700 Liberty Road)

New Plan Maryland Holdings, LLC
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0192-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by New Plan Maryland Holdings, LLC. The Petitioner is requesting Variance relief under the Baltimore County Zoning Regulations ("B.C.Z.R.") with respect to several signs at the proposed Walmart on Liberty Road, as follows:

- Section 450.4 Attachment 1, 7(b) - to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 square feet in lieu of the maximum permitted 150 square feet (Sign 7 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) - to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (Signs 1-6 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) - to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade (Signs 1-4 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) - to permit a wall-mounted enterprise sign with a sign area/face of 298 square feet in lieu of the maximum permitted 150 square feet. (Sign 1 of the Petitioner's site plan).

ORDER RECEIVED FOR FILING

Date 4-4-12

By SW

and

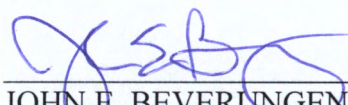
- Section 450.4 Attachment 1, 5(a) - to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade (Signs 1-4 on Petitioner's Exhibit 1); and
- Section 450.4 Attachment 1, 5(a) - to permit a wall-mounted enterprise sign with a sign area/face of 298 square feet in lieu of the maximum permitted 150 square feet. (Sign 1 on Petitioner's Exhibit 1),

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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:dlw

ORDER RECEIVED FOR FILING

Date 4-4-12

By dlw



KEVIN KAMENETZ
County Executive

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

April 4, 2012

Patricia A. Malone, Esquire
Brian Hammock, Esquire
Venable, LLP
210 West Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2012-0192-A
Property: 8700 Liberty Road

Dear Counsel:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:
address 8700 Liberty Road which is presently zoned BM-CCC
Deed Reference 25591/17 10 Digit Tax Account # 2200023162
Property Owner(s) Printed Name(s) Centro Properties Group

CASE NUMBER 2012-0192-A Filing Date 2/6/12 Estimated Posting Date / / Reviewer BK

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 450.4 Attachment 1

To be determined at hearing.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "To Be Presented At Hearing". If you need additional space, you may add an attachment to this petition)

To Be Presented At Hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Patricia A. Malone

Name- Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500, Towson, MD
Mailing Address City State

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

Legal Owners:

See Attached

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Patricia A. Malone

Name - Type or Print

Signature

210 W. Pennsylvania Avenue, Suite 500 Towson, MD
Mailing Address City State

21204 / 410-494-6206 / pamalone@venable.com
Zip Code Telephone # Email Address

**Attachment to
Petition for Variance**

Liberty Plaza Shopping Center

The following requests are for variances from the Baltimore County Zoning Regulations:

Freestanding Joint Identification Signs:

1. Section 450.4 Attachment 1, 7(b) to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 square feet in lieu of the maximum permitted 150 square feet. (Sign 7)

Wall-Mounted Signage for Wal-Mart:

2. Section 450.4 Attachment 1, 5(a) to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building. (Signs 1-6)
3. Section 450.4 Attachment 1, 5(a) to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade. (Signs 1-4)
4. Section 450.4 Attachment 1, 5(a) to permit a wall-mounted enterprise sign with a sign area/face of 298 square feet in lieu of the maximum permitted 150 square feet. (Sign 1)

Petition for Variance

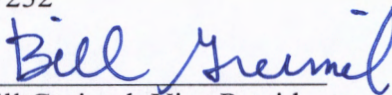
Liberty Plaza
8700 Liberty Road

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\PIH\data\220040201\Survey Data - 220040201\Office Data\Descriptions\2200402 Zoning Written Description.docx

LANGAN

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

No. 81358

Date 2/16/12

PAID RECEIPT

BUSINESS NUMBER TIME PER

2/17/2012 2:12 PM 2

NO. 081358

RECEIPT # 081358

DATE 2/16/2012

AMOUNT \$ 385.00

RECEIPT # 081358

DATE 2/16/2012

AMOUNT \$ 385.00

RECEIPT # 081358

DATE 2/16/2012

AMOUNT \$ 385.00

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AMOUNT \$ 385.00

RECEIPT # 081358

DATE 2/16/2012

AMOUNT \$ 385.00

RECEIPT # 081358

DATE 2/16/2012

AMOUNT \$ 385.00

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

Total: \$ 385.00

Rec From: Vohalle LLP

For: Zoning Variance

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Item # 192

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: # 2012-0192-A

8700 Liberty Road

S/east corner of Church Lane and Brenbrook Drive

2nd Election District — 4th Councilmanic District

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

Centro Properties Group

Variance: to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 sq.ft. in lieu of the maximum permitted 150 sq. feet (sign 7). **Variance** to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (signs 1-6); to permit 5 wall-mounted enterprise signs on the front building facade in lieu of the maximum 2 signs permitted on a facade (signs 1-4). To permit a wall-mounted enterprise sign with a sign area/face of 298 sq. ft. in lieu of the maximum permitted 150 sq. feet (sign 1).

Hearing: Tuesday, April 3, 2012 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) 887-3868.

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

JT 03/670 March 20

299627

CERTIFICATE OF PUBLICATION

3/22, 2012

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 3/20, 2012.

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

J. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING

2012-0192-A

RE: Case No.: _____

Petitioner/Developer: _____

Centro Properties Group
New Plan Maryland Holdings, LLC

April 3, 2012

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: _____

8700 Liberty Rd

March 18, 2012

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

Sincerely,

March 18, 2012

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

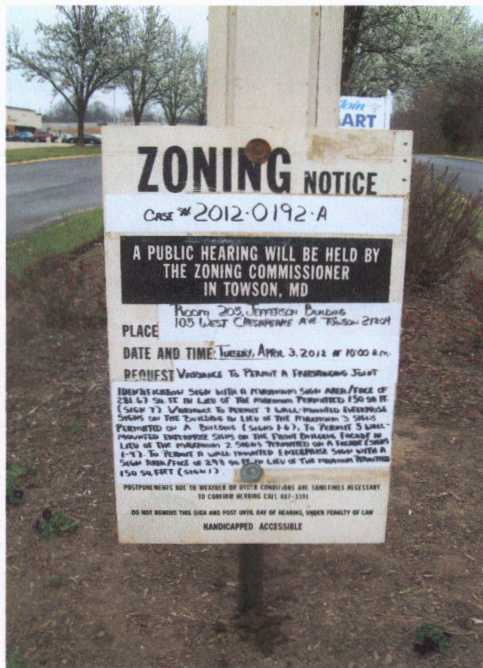
(Address)

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: 2012-0192-A

Petitioner: New Plan Maryland Holdings, LLC

Address or Location: 8700 Liberty Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich

Address: 210 W. Pennsylvania Ave, Suite 500

Towson Maryland 21204

Telephone Number: (410) 494-6200

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 20, 2012 Issue - Jeffersonian

Please forward billing to:
Barbara Lukasevich
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

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: 2012-0192-A

8700 Liberty Road

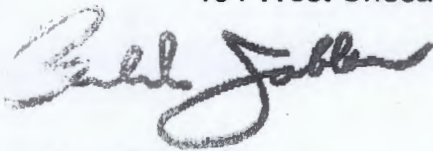
S/east corner of Church Lane and Brenbrook Drive

2nd Election District – 4th Councilmanic District

Legal Owners: New Plan Maryland Holdings, LLC by Centro Properties Group

Variance to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 sq. ft. in lieu of the maximum permitted 150 sq. feet (sign 7). Variance to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (signs 1-6); to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade (signs 1-4). To permit a wall-mounted enterprise sign with a sign area/face of 298 sq. ft. in lieu of the maximum permitted 150 sq. feet (sign 1).

Hearing: Tuesday, April 3, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
104 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.



KEVIN KAMENETZ
County Executive

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

March 9, 2012

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: 2012-0192-A

8700 Liberty Road

S/east corner of Church Lane and Brenbrook Drive

2nd Election District – 4th Councilmanic District

Legal Owners: New Plan Maryland Holdings, LLC by Centro Properties Group

Variance to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 sq. ft. in lieu of the maximum permitted 150 sq. feet (sign 7). Variance to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (signs 1-6); to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade (signs 1-4). To permit a wall-mounted enterprise sign with a sign area/face of 298 sq. ft. in lieu of the maximum permitted 150 sq. feet (sign 1).

Hearing: Tuesday, April 3, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
104 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Patricia Malone, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Bill Greimel, Centro Properties Group, Two Tower Bridge, Ste. 300, Conshohocken PA 19428

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, MARCH 19, 2012.**
- (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.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 14, 2012

Maintain to remain

NOTICE OF ASSIGNMENT

CASE #: 12-192-A

IN THE MATTER OF: New Plan Maryland Holdings, LLC
Legal Owner / Petitioner
8700 Liberty Road / 2nd Election District; 4th Councilmanic District

Re: Petition for Variance to allow:

1. a freestanding joint identification sign with a maximum sign area/face of 281.67 sq ft ilo max permitted 150 sq ft;
2. 7 wall-mounted enterprise signs on the building ilo maximum 3 signs;
3. 5 wall-mounted enterprise signs on the front building façade ilo maximum 2 signs;
4. a wall-mounted enterprise sign with a sign area/face of 298 sq ft ilo maximum 150 sq ft.

4/4/12 Opinion and Order issued by Administrative Law Judge GRANTING requested Variance.

ASSIGNED FOR:

THURSDAY, JUNE 14, 2012, AT 1:00 P.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Legal Owner/Petitioner

: Patricia A. Malone, Esquire
Brian Hammock, Esquire
Venable, LLP

Legal Owner/Petitioner

: New Plan Maryland Holdings, LLC
Bill Greimel, Vice President, Construction

Appellant

: Office of People's Counsel

Brian Conlon, Langan Engineering & Environmental Services
Jim Higgins, MMA Architects

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

John Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



KEVIN KAMENETZ
County Executive

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

March 29, 2012

Bill Greimel, VP Construction
Centro Properties Group
Mid-Atlantic Regional Office
Two Tower Bridge, Suite 300
Conshohocken PA 19428

RE: Case Number: 2012-0192, Address: 8700 Liberty Road

Dear Mr. Greimel:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 16, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Patricia Malone Esquire, Venable, 210 W Pennsylvania Ave, Suite 500, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 2, 2012

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8700 Liberty Road

RECEIVED

INFORMATION:

MAR 05 2012

Item Number: 12-192

Petitioner: Wal-Mart at Liberty Road

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BM-CCC

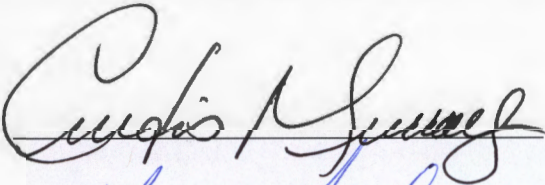
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The subject property is located in a Master Plan designated Commercial Revitalization District. The subject lot has been vacant for approximately 10 years. The Department of Planning is eager to see the property redeveloped with a thriving entity that will be a benefit to the citizens of Northwest Baltimore County. The proposed Wal-Mart appears to be an appropriate use. As such, this department recommends approval of the petitioner's variance requests.

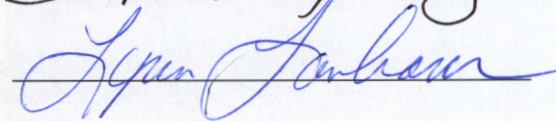
For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by:



Division Chief:

AVA/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAR 14 2012

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: March 14, 2012

SUBJECT: DEPS Comment for Zoning Item # 2012-0192-A
Address 8700 Liberty Road
(New Plan Maryland Holdings, LLC Property)

Zoning Advisory Committee Meeting of February 27, 2012.

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

Reviewer: *Jeff Livingston; Development Coordination*

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For March 12, 2012
Item Nos. 2012-191, 192, 193, 194, 195
And 196

DATE: March 02, 2012

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-03122012-NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 2-28-12

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

RE: Baltimore County
Item No. 2012-0192-A
Variance
New Plan Maryland Holdings
LLC
8700 Liberty Road
MD26

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 2-27-12. A field inspection and internal review reveals that an entrance onto MD26 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0192-A.

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 that reads "Richard A Zeller".
for Steven D. Foster, Chief
Access Management Division

SDF/raz

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

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8700 Liberty Road; SE corner of Church Lane *
And Brenbrook Drive * OF ADMINISTRATIVE
2nd Election & Councilmanic Districts *
Legal Owner(s): New Plan Maryland Holdings* HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2012-192-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

MAR 02 2012

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Patricia Malone, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, MD 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

April 23, 2012

Hand-delivered

Lawrence M. Stahl, Managing Administrative Law Judge
The Jefferson Building
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED
APR 23 2012
OFFICE OF ADMINISTRATIVE HEARINGS

Re: PETITION FOR VARIANCE
Liberty Road @ the SE corner of Church Lane and Brenbrook Drive
(8700 Liberty Road)
2nd Election District; 4th Councilmanic District
New Plan Maryland Holdings, LLC - Petitioner
Case No.: 2012-192-A

Dear Mr. Stahl:

Please enter an appeal by the People's Counsel for Baltimore County to the County Board of Appeals from the Opinion and Order dated April 4, 2012 by the Baltimore County Administrative Law Judge in the above entitled case.

Please forward copies of any papers pertinent to the appeal as necessary and appropriate.

Very truly yours,

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. Demilio
Deputy People's Counsel

PMZ/CSD/rmw

cc: Patricia Malone, Esquire
William Obrecht
Shirley Supik



KEVIN KAMENETZ
County Executive

Study
to work
To: Kuista



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

May 9, 2012

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

Re: Case Number: 2012-0192-A
Location: 8700 Liberty Road

Dear Ms. Malone and Mr. Hammock:

Please be advised that an appeal of the above-referenced case was filed in this Office on April 23, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
For Baltimore County

LMS:pz

c: Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

Petition for Variance
Case No.: 2012-0192-A
8700 Liberty Road

Liberty Road, at the SE corner of Church Lane and Brenbrook Drive
2nd Election District, 4th Council District
Legal Owner: New Plan Maryland Holdings, LLC

Petition for Zoning Hearing-Variance filed on 2-16-12 in the Zoning Review Office (3 pages)

Zoning Description of Property (2 pages)

Notice of Zoning Hearing dated March 9, 2012 (1 page)

Certification of Publication from *The Jeffersontan* newspaper - March 20, 2012 (1 page)

Certification of Posting by SSG Robert Black - posted March 18, 2012 (1 page)

Entry of Appearance by People's Counsel - March 2, 2012 (1 page)

Petitioner(s) Sign-In Sheet - 1 page

Protestant(s) Sign-In Sheet - N/A

Citizen(s) Sign-In Sheet - N/A

Zoning Advisory Committee Comments:

1. Department of Planning - Recommends Approval - March 2, 2012 (1 page)
2. Department of Environmental Protection and Sustainability - No Comment - March 14, 2012 (1 page)
3. Bureau of Development Plans Review - No Comment - March 2, 2012 (1 page)
4. State Highway Administration - No Objection - February 28, 2012 (1 page)

Petitioner's Exhibits:

1. Site Plan (1 sheet)
2. Revitalization Map (1 page)
3. Liberty Plaza Tenant Map (1 page)
4. 4A - Photo of Existing Sign (1 page); 4B - Photo of Existing Sign (1 page)
5. Photo of Proposed Joint Identification Sign (1 page)
6. Proposed Architectural Elevations (10 pages)
7. Brian M. Conlon, P.E. Resume - (6 pages)

Miscellaneous - N/A

Cover Letter and Administrative Law Judge's Opinion and Order - (Granted - April 4, 2012)
- (5 pages)

Notice of Appeal Received on April 23, 2012 and filed by People's Counsel for Baltimore County -
(1 page)

c: People's Counsel for Baltimore County
Board of Appeals
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director of Permits, Approvals and Inspections

APPEAL

RECEIVED
MAY 10 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Petition for Variance
Case No.: 2012-0192-A
8700 Liberty Road

Liberty Road, at the SE corner of Church Lane and Brenbrook Drive
2nd Election District, 4th Council District
Legal Owner: New Plan Maryland Holdings, LLC

- ✓ Petition for Zoning Hearing-Variance filed on 2-16-12 in the Zoning Review Office (3 pages)
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Miscellaneous - N/A

- ✓ Cover Letter and Administrative Law Judge's Opinion and Order - (Granted - April 4, 2012) - (5 pages)
- ✓ Notice of Appeal Received on April 23, 2012 and filed by People's Counsel for Baltimore County - (1 page)

Address List

Patricia A. Malone, Esquire
Brian Hammock, Esquire
Venable, LLP
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21204

Bill Greimel, Vice President, Construction
New Plan Maryland Holdings, LLC
c/o Centro Properties Group
Mid-Atlantic Regional Office
Two Tower Bridge, Suite 300
Conshohocken, PA 19428

Brian Conlon
Langan Engineering & Environmental Services
30 South 17th Street, Suite 1300
Philadelphia, PA 19103

Jim Higgins
MMA Architects
3297 Route 66
Neptune, NJ 07753

Interoffice:

Office of People's Counsel (Appellant)
Lawrence M. Stahl, Managing Administrative Law Judge
John Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Debra Wiley - ZAC Comments - Distribution Mtg. of 2/27/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/1/2012 12:36 PM
Subject: ZAC Comments - Distribution Mtg. of 2/27/12

Good Afternoon,

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.

2012-0191-A (1438 Kent Road) - **CRITICAL AREA & FLOODPLAIN**
No hearing date assigned as of 3/1/12

2012-0192-A (8700 Liberty Road)
No hearing date assigned as of 3/1/12

2012-0193-A (6805 Wellwood Court)
Administrative Variance - Closing Date: 3/12/12

2012-0194-A - (9895 Belair Road) - **FLOODPLAIN**
No hearing date assigned as of 3/1/12

2012-0195-A (701 E. Joppa Road)
No hearing date assigned as of 3/1/12

2012-0196-SPHXA (246 Cockeysville Road) - **FLOODPLAIN**
No hearing date assigned as of 3/1/12

2012-0197-A (532 Cole Road) - **CRITICAL AREA**
Administrative Variance - Closing Date: 3/19/12

Thanks.

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

BALTIMORE COUNTY, MARYLAND
Board of Appeals of Baltimore County
Interoffice Correspondence

Phone: 410-887-3180

Fax: 410-887-3182

To: Lawrence M. Stahl, Managing Administrative Law Judge

From: Sunny Cannington, Legal Secretary

Date: May 31, 2012

RECEIVED

MAY 31 2012

Re: Remanded case
12-192-A New Plan Maryland Holdings, LLC

OFFICE OF ADMINISTRATIVE HEARINGS

Mr. Stahl,

Please be advised the above listed case has been remanded to you for further proceedings pursuant to a Joint Motion for Remand. After you have issued the necessary Order or Opinion, please send a copy of this Order/Opinion to us for our records.

Please retain the file for the appeals period of 30 days. If the case is appealed again, the file would need to be returned to us. Should no appeal be taken within the appropriate time period, you may return the file to the Office of Zoning Review for closing and filing.

Thank you, should you have any questions or problems, please do not hesitate to contact us.

MEMORANDUM

DATE: July 10, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0192-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 2, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

CASE NAME 8700 Liberty Rd.
CASE NUMBER 2012-0192-A
DATE 4-3-12

CASE NUMBER 2012-0192-A
DATE 4-3-12

[illegible]



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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

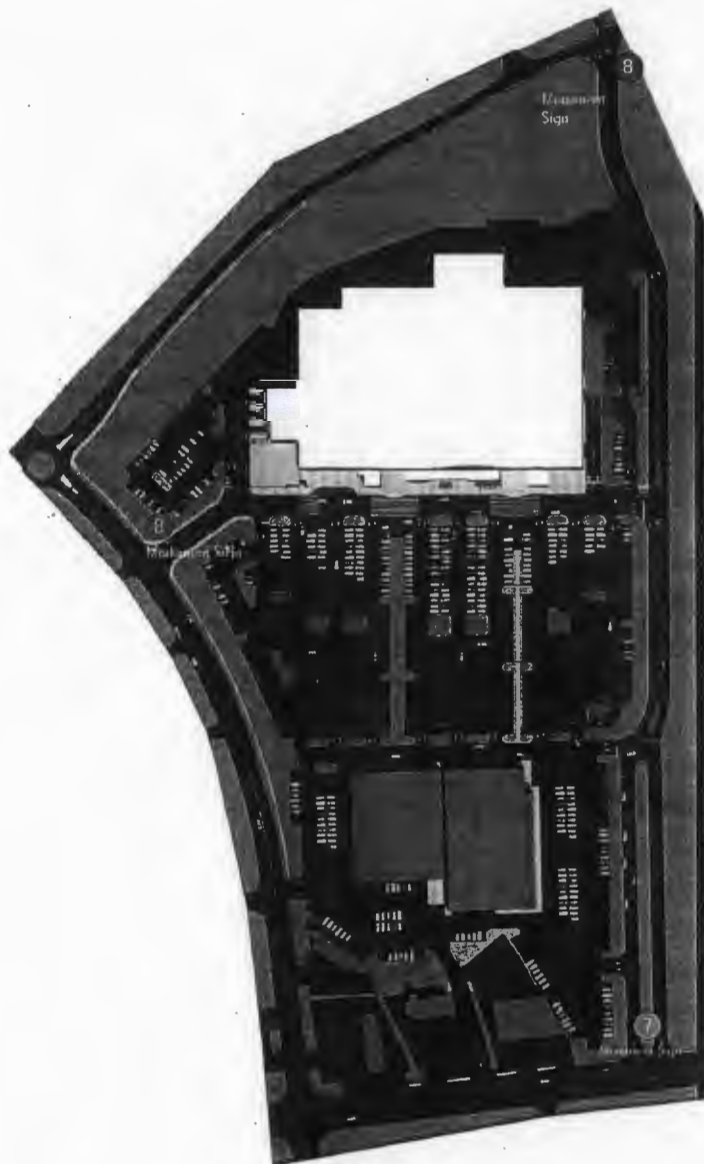
RANDALLSTOWN WALMART ZONING MAP
 RANDALLSTOWN

BALTIMORE COUNTY

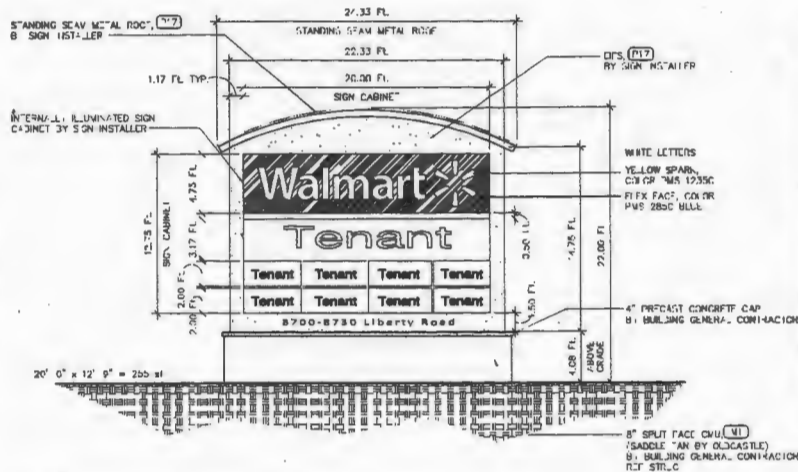
MD

Project No. 220040201	Date 2/10/11	Scale 1"=200'	Dwg. No. 1
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#0192



Site Plan



7. Monument Sign (Liberty Frontage)

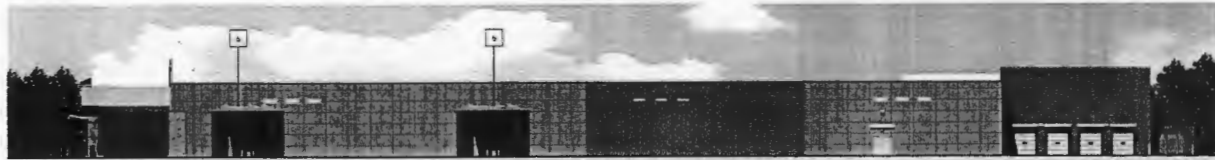


8. Walmart Monument Sign (Brenbrook and Church Frontages)

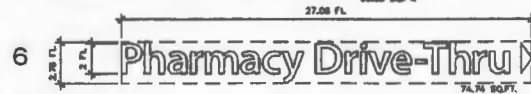
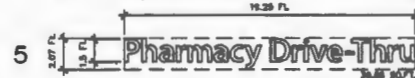
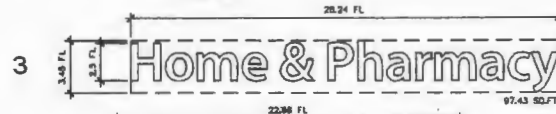
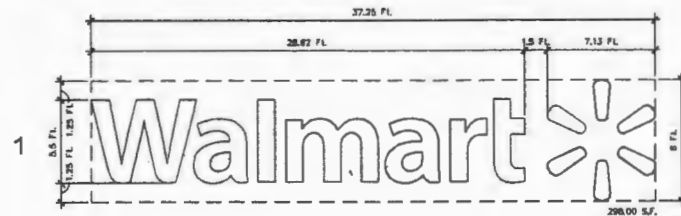
Freestanding Signage								
Sign #	Sign	#	Type	Color	Height	Illumination	Sq. Ft.	Total
7	Monument	1	Joint Identification		22.00 Ft.			255.00
			Walmart Panel	Blue/ White/Yellow	4.75 Ft.	Internal Lit	95.00	
			Tenant Panels	White	Varies	Internal Lit	160.00	
8	Monument	2	Joint Identification		7.90 Ft.			190.00
			Walmart Panel	Blue/ White/Yellow	4.75 Ft.	Internal Lit	95.00	
* Freestanding Signage Total Sq. Ft.								445.00



FRONT ELEVATION

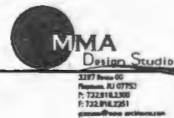


RIGHT SIDE ELEVATION



150-SGL-NO

Building Signage								
Sign #	Sign	#	Type	Color	Height	Illumination	Sq. Ft.	Total Sq.Ft.
1	Walmart	1	Enterprise	White	5.5 Ft.	Channel Lit.	298.00	298.00
	Spark		Enterprise	Yellow	8.0 Ft.	Channel Lit.		
2	Market	1	Enterprise	White	2.5 Ft.	n/a	28.09	202.79
3	Home & Pharmacy	1	Enterprise	White	2.5 Ft.	n/a	97.43	
4	Outdoor Living	1	Enterprise	White	2.5 Ft.	n/a	77.27	
5	Pharmacy Drive-Thru	2	Enterprise	White	1.5 Ft.	n/a	39.85	
6	Pharmacy Drive-Thru >	1	Enterprise	White	1.5 Ft.	n/a	74.74	74.74
* Business & Signage Total Sq. Ft. (Excludes Pylon/Monument and Future Tenant Signage)								655.23



DESIGN REPRESENTATION ONLY
NOT FOR CONSTRUCTION

This building image shows are a representation of the current design. The building image may not reflect conditions in color, form, fit, finish, material, lighting, materials, features, content, form, style, construction variations required by building codes or regulations, material availability or final design detailing.



Randallstown, Maryland
Proposed Signage: 150-SGL-NO

Store Number: 3804-03

Submitted: 01/11/2011	Approved: 01/11/2011
Revised: 01/11/2011	Approved: 01/11/2011
Revised: 01/11/2011	Approved: 01/11/2011
Revised: 01/11/2011	Approved: 01/11/2011

JB 4/3
10AM

Case No.: 2012-0192-A

Exhibit Sheet

Petitioner/Developer

Protestants

SMA 5-7-12
DW 4-4-12

No. 1	Site Plan	
No. 2	Revitalization Map	
No. 3	Liberty Plaza Tenant Map	
No. 4	4A - Photo of Exist. Sign 4B - Photo of Exist. Sign	
No. 5	Photo Proposed joint identification sign	
No. 6	Proposed Architectural Elevations	
No. 7	Conlon Resume	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Liberty Plaza

8700 Liberty Road, Randallstown, MD (39.365168, -76.782108)
GLA: 59,395

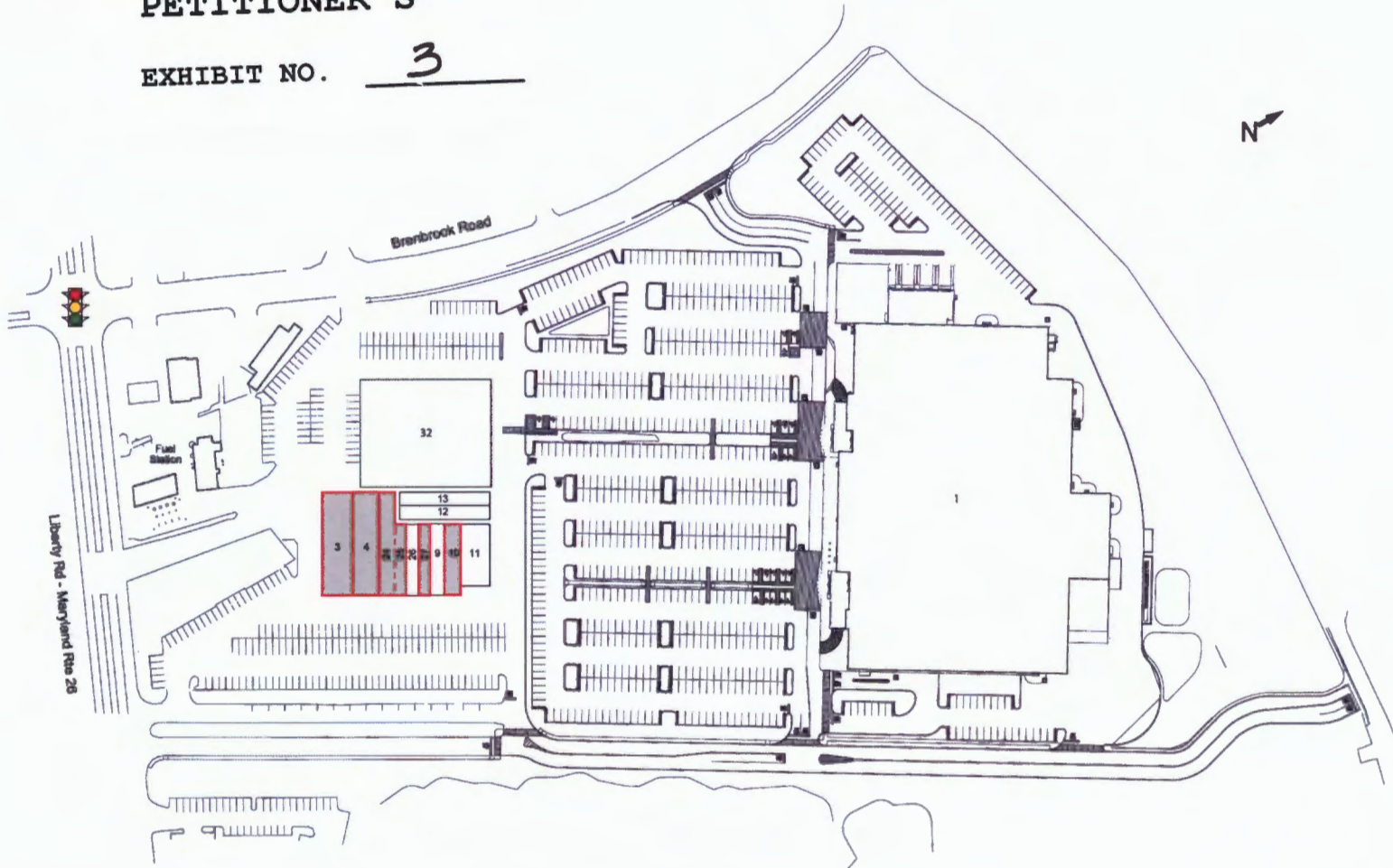
Major Tenants: Marshalls

BRIXMOR™

PETITIONER' S

EXHIBIT NO. 3

Unit	Retailer	Sq. Ft.
1	Walmart	162,410
3	Available	6,000
4	Available	5,000
9	Elite Nail Salon	1,656
10	Available	2,400
11	Liberty Wine & Spirits	3,266
12	Tommie's House of Beauty	2,342
13	Black Tie Cleaners	2,029
24	Available	3,000
25	Available	1,472
26	Dominican Hair Salon	1,800
27	Available	
32	Marshalls	2



PETITIONER'S

EXHIBIT NO. 4A

Centro Properties Corporation

CCPC



PETITIONER'S

EXHIBIT NO. 4B

Centro Properties Group SPACE FOR LEASE
600-825-7100

Marshalls

DOMINICAN
BEAUTY SALON II

CCBC

ORGANIC

CLEANERS



PETITIONER'S

EXHIBIT NO.

5

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.

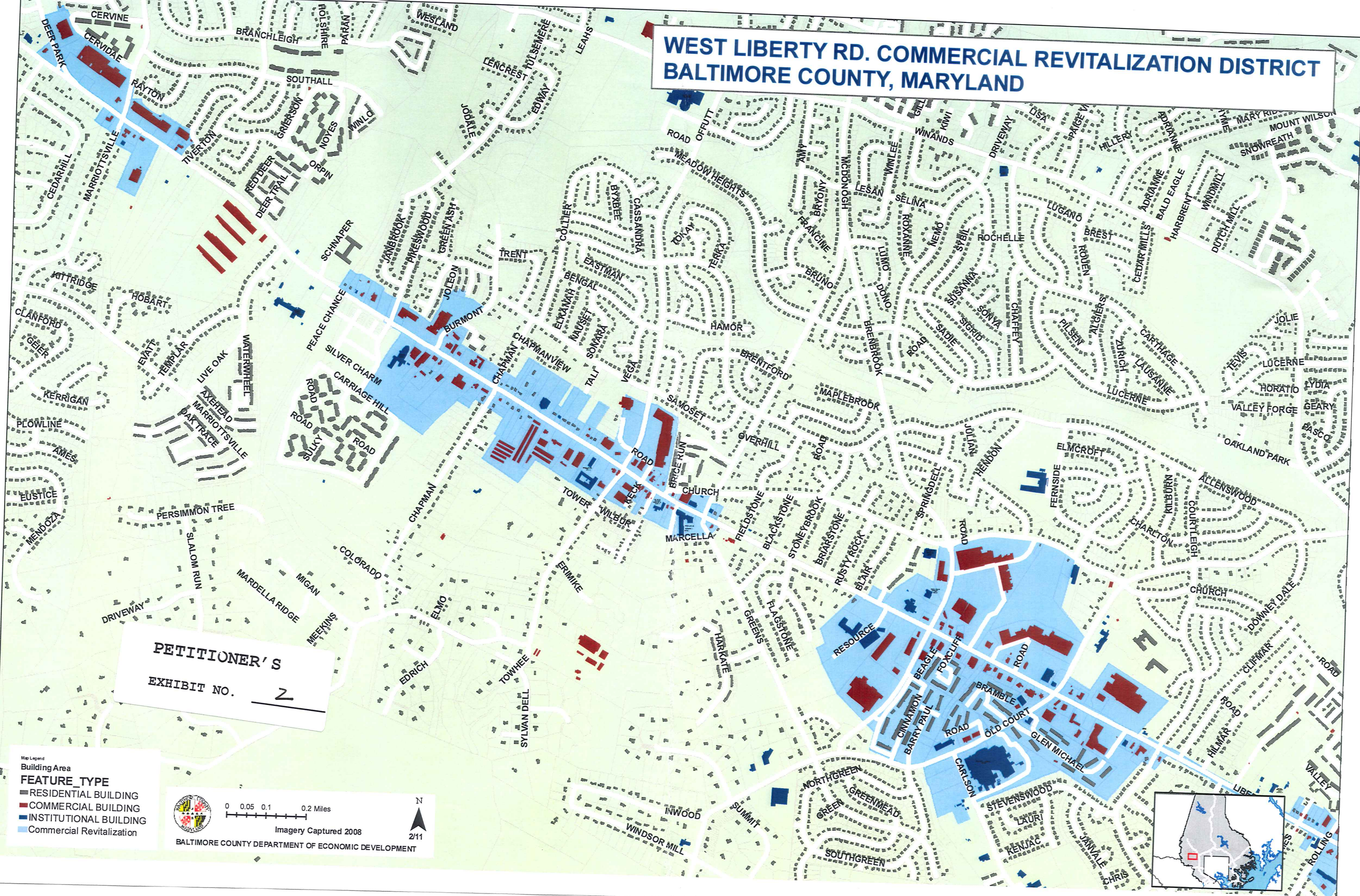
Christiana Mall Ring Road Realignment, White Clay Creek Hundred, New Castle County, Delaware - Project and design manager for design and construction of approximately 4,200 LF of a new ring road on the western side of the Christiana Mall. In conjunction with a major DELDOT interchange project, significant 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.

1

WEST LIBERTY RD. COMMERCIAL REVITALIZATION DISTRICT BALTIMORE COUNTY, MARYLAND



PETITIONER'S
EXHIBIT NO. 2

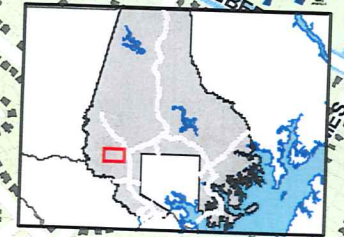
- Map Legend
Building Area
- | FEATURE_TYPE |
|---------------------------|
| RESIDENTIAL BUILDING |
| COMMERCIAL BUILDING |
| INSTITUTIONAL BUILDING |
| Commercial Revitalization |



0 0.05 0.1 0.2 Miles

Imagery Captured 2008

BALTIMORE COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT





Conceptual Design Presentation



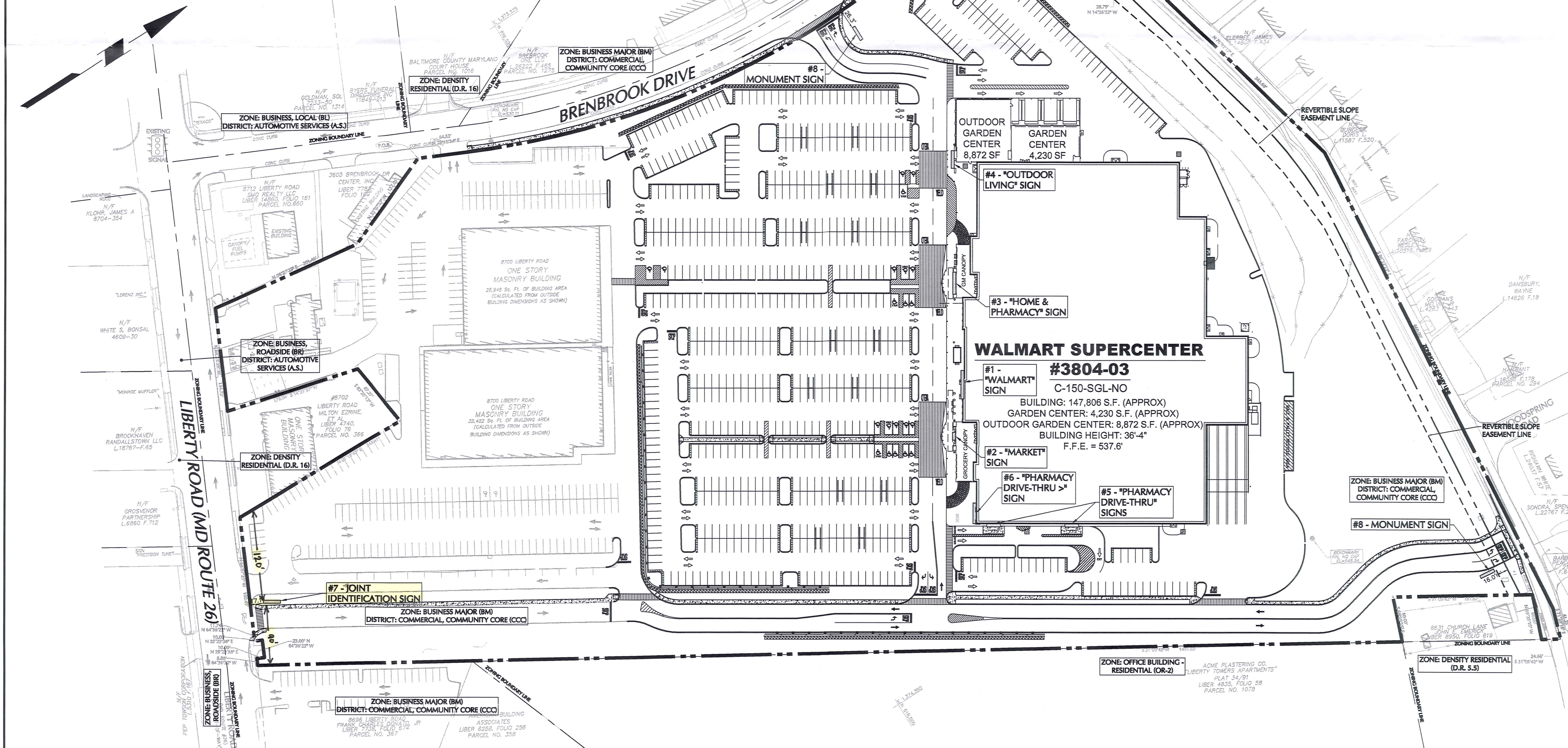
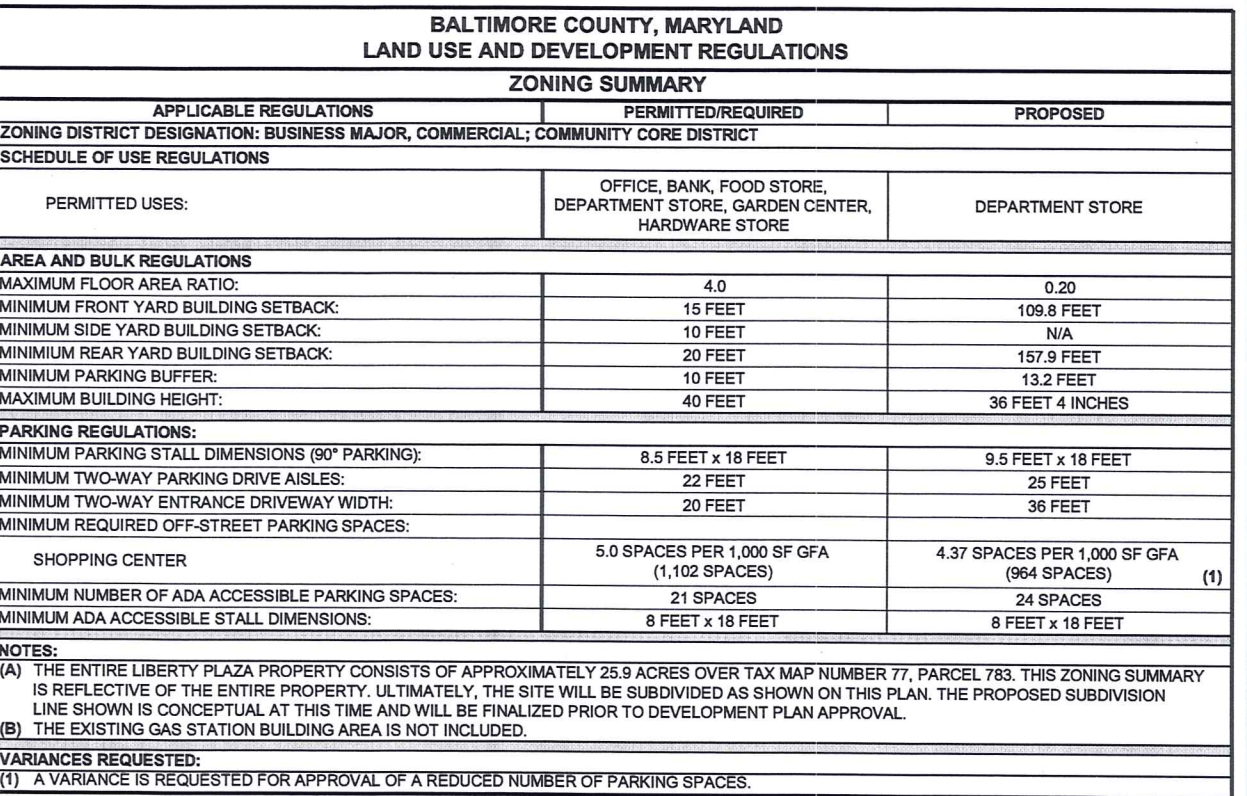
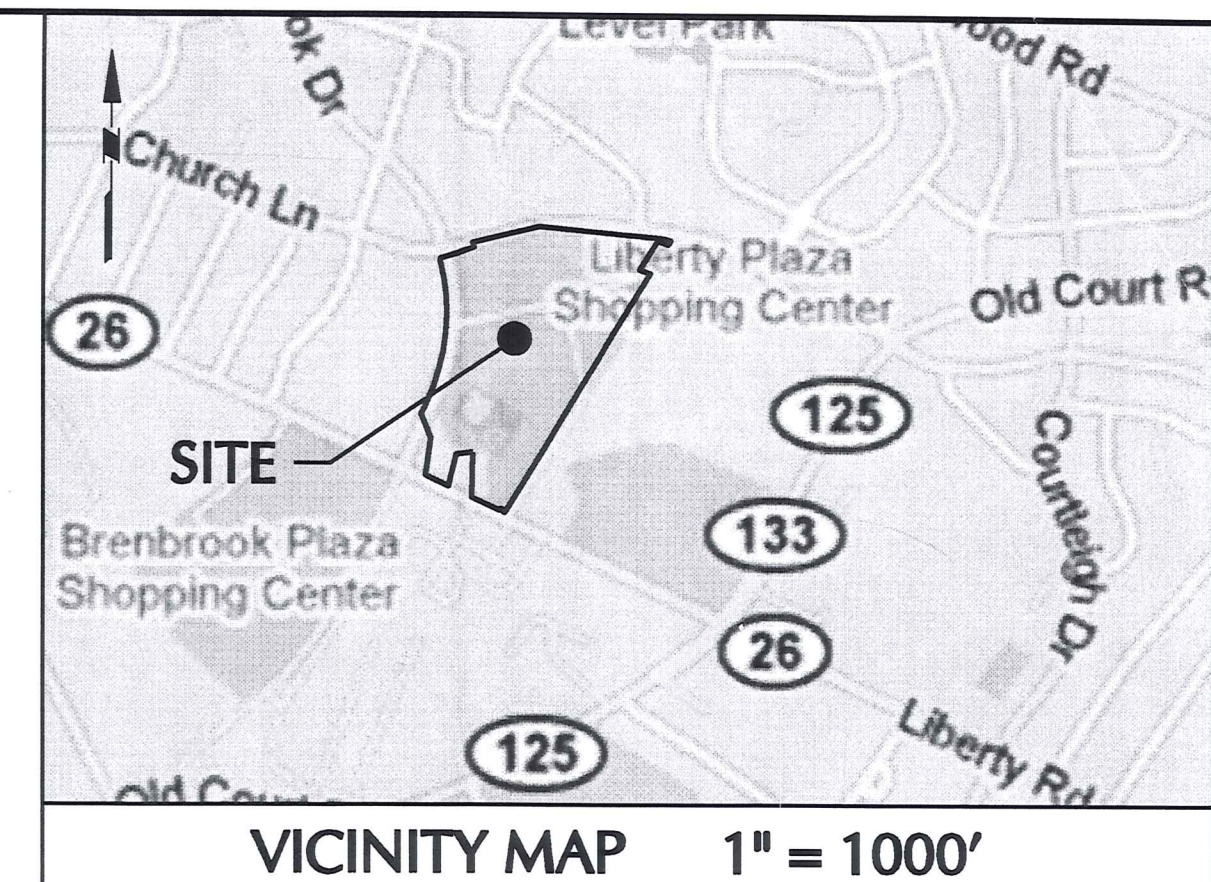
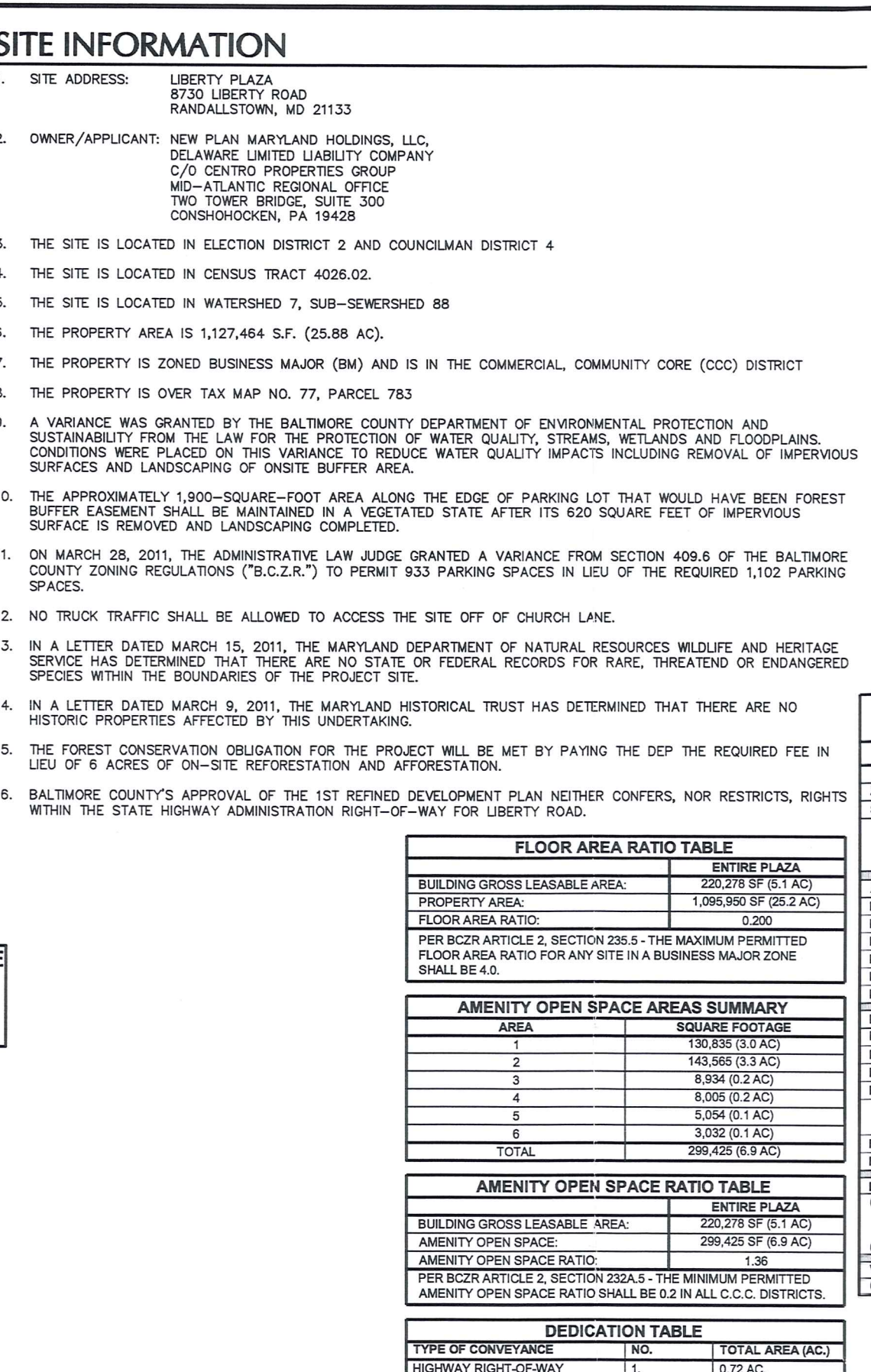
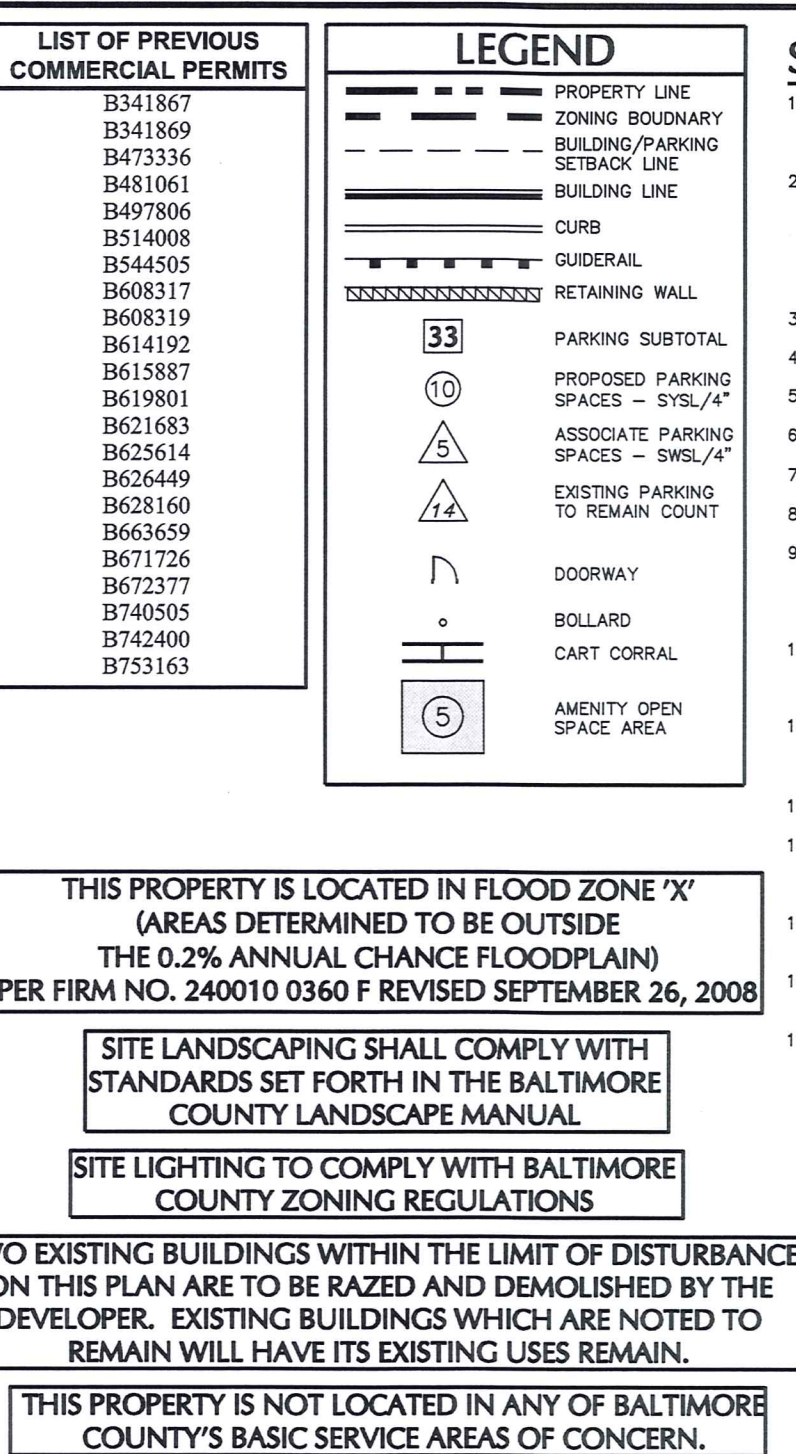
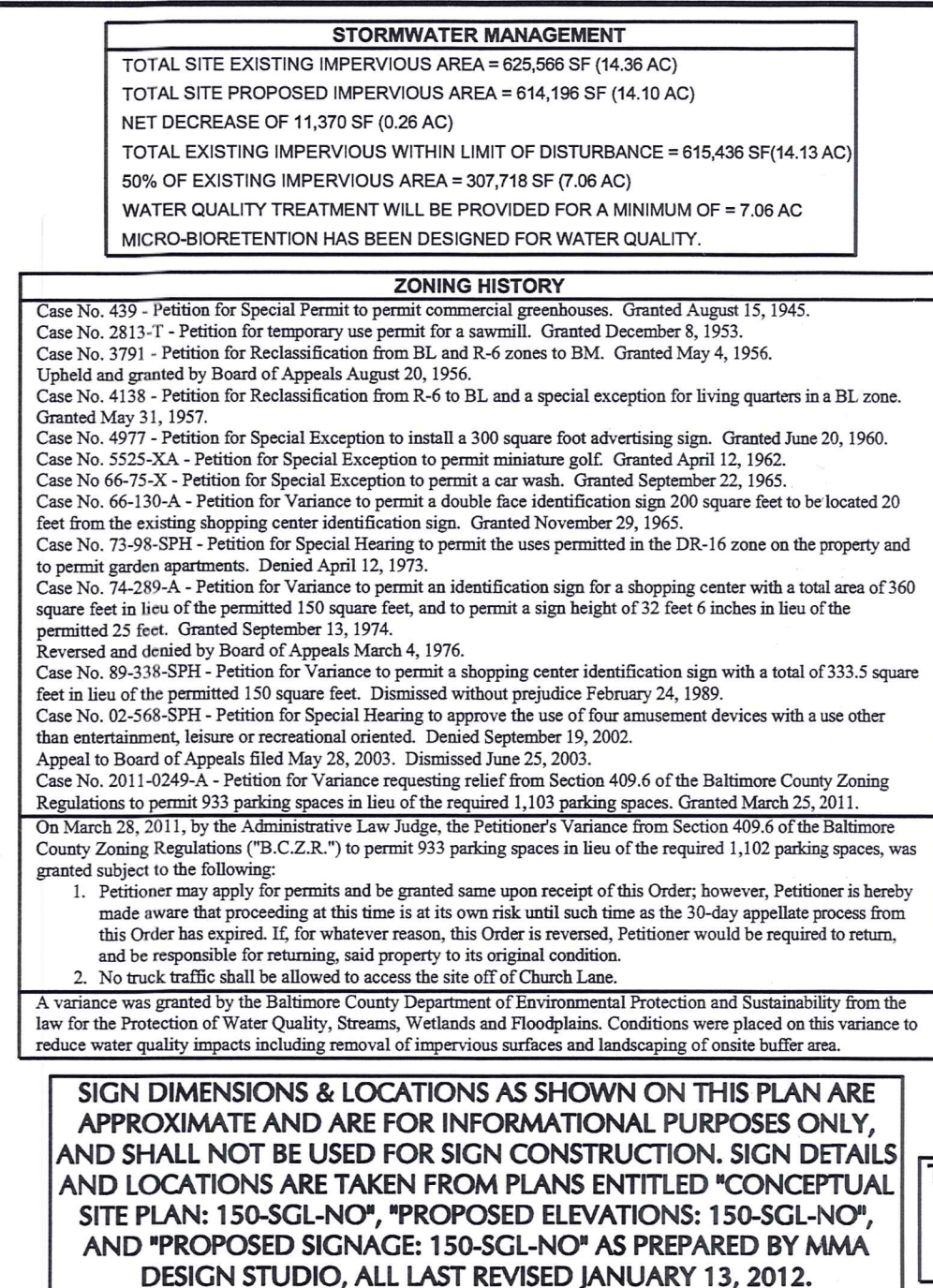
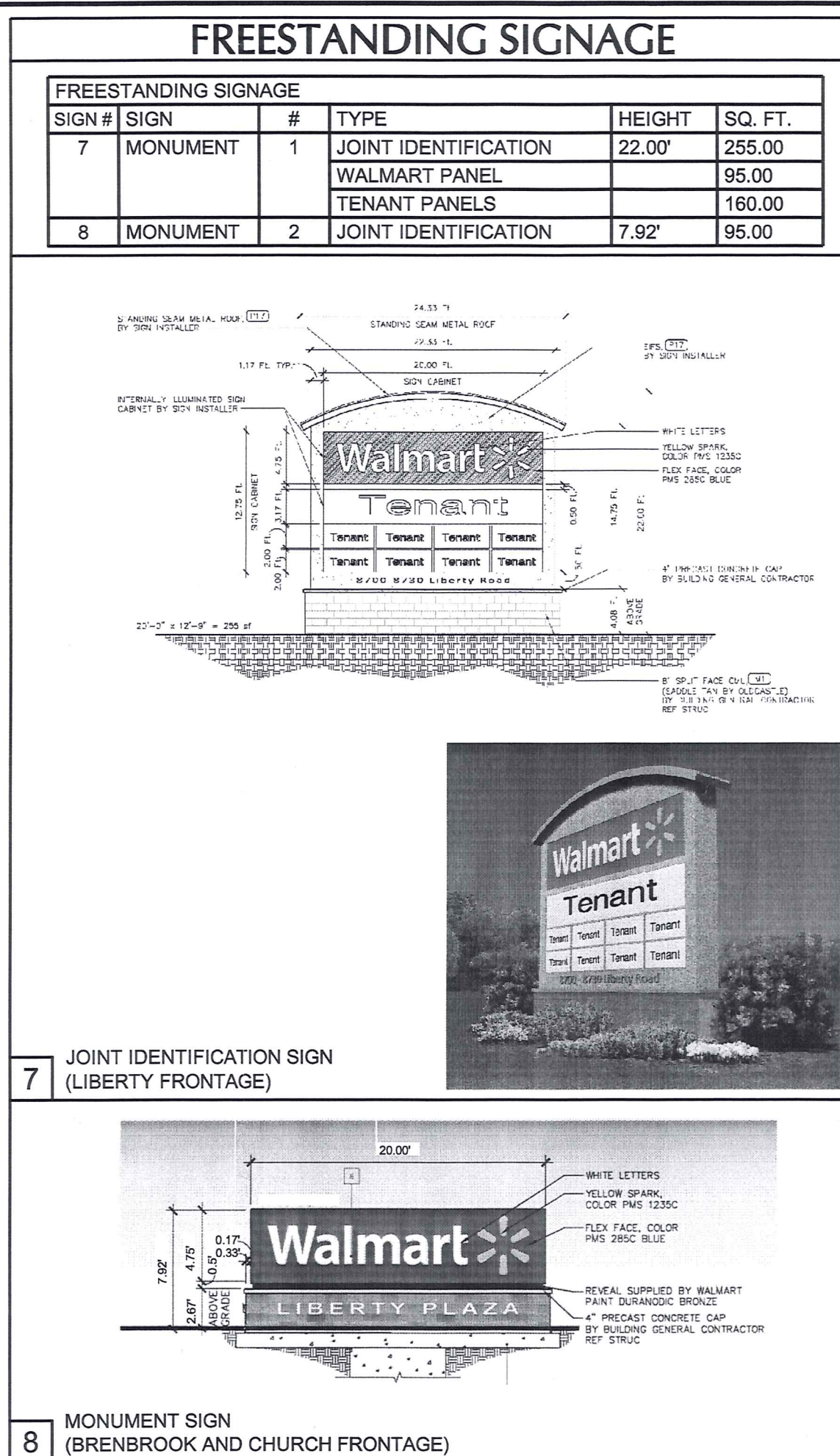
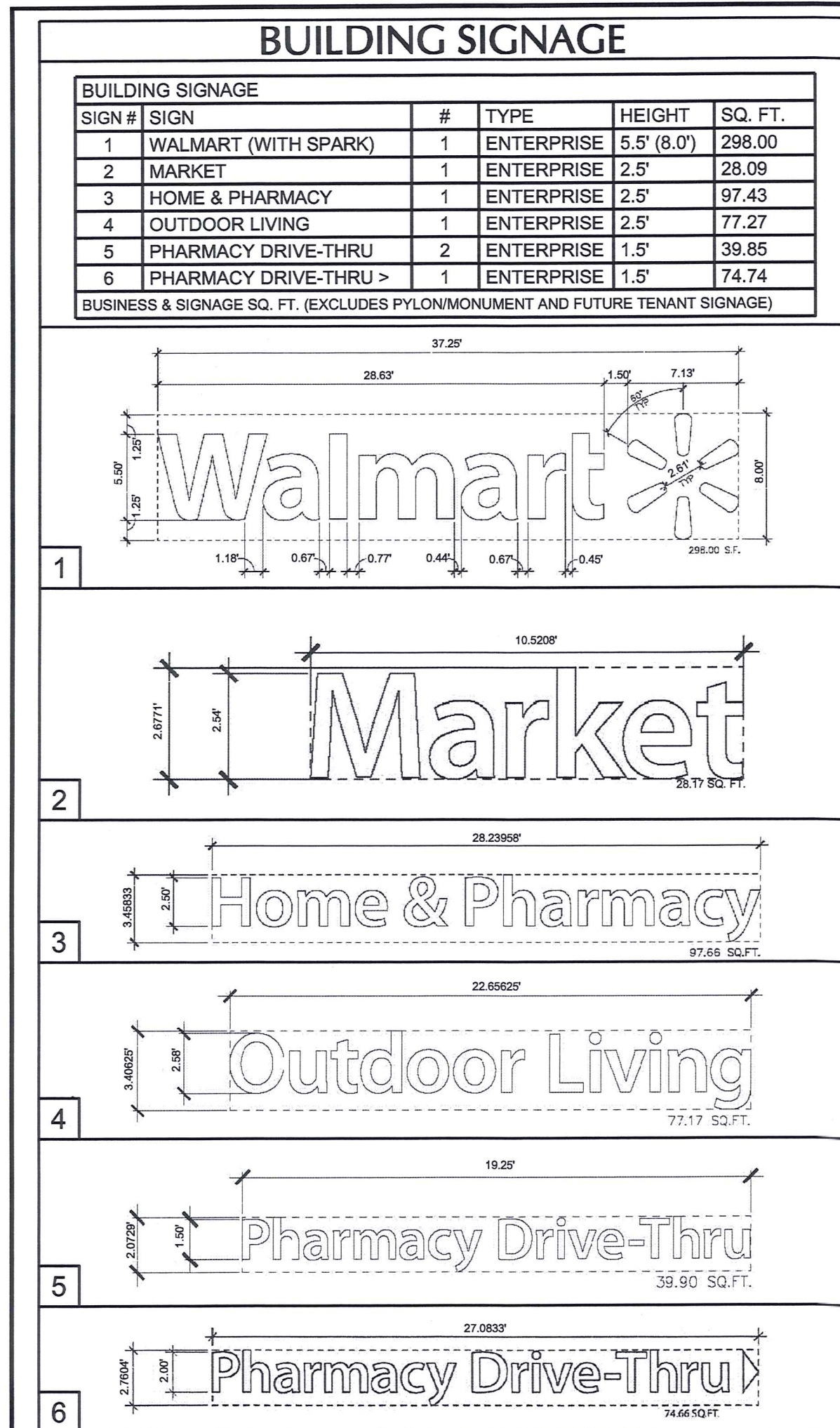
Randallstown, Maryland

PETITIONER'S

EXHIBIT NO. 6

Store Number: 3804-03
Submission Date: March 28, 2012





Revised per
Remand Order
5/31/12

7/18/12	REVISED SIGN DIMENSIONS	3.
6/27/12	REVISED SIGN #7 DIMENSIONS	2.
6/20/12	REVISED CHURCH ROAD SIGN LOCATION	1.
Date	Description	No.
	Revisions	

BRIAN M. CONLON 7/12/12
DATE
PROFESSIONAL ENGINEER MD LIC. No.0030099

ELANGAN
ENGINEERING & ENVIRONMENTAL SERVICES

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NEW JERSEY PENNSYLVANIA NEW YORK CONNECTICUT FLORIDA
NEVADA VIRGINIA CALIFORNIA

Project
WAL-MART AT LIBERTY PLAZA
RANDALLSTOWN

BALTIMORE COUNTY MARYLAND
Drawing Title

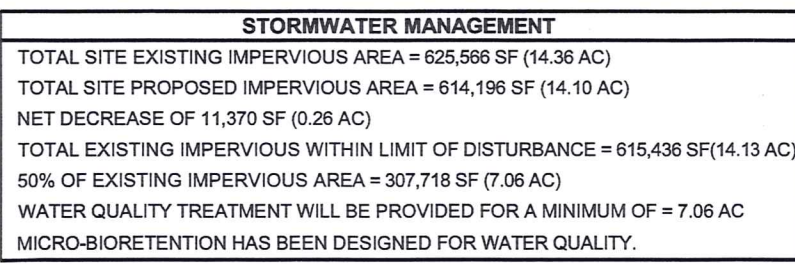
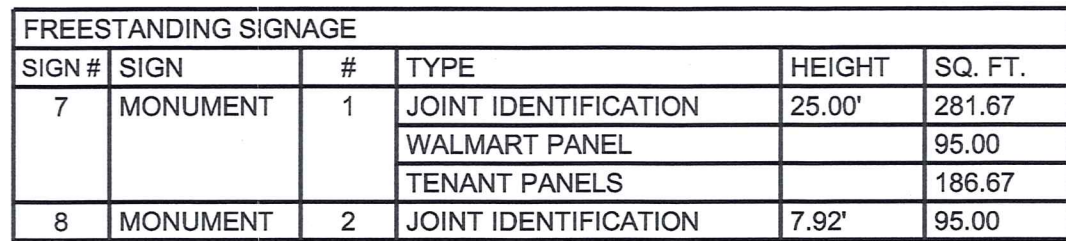
PLAN TO ACCOMPANY PETITION FOR VARIANCE
(PROPERTY ACCOUNT # 2200023162)
(PADM #11-594)
(FIRST REFINED DEVELOPMENT PLAN - DRC # 032911B)

Project No. 220040201 Drawing No.

Date 13 FEBRUARY 2012
Scale 1" = 80'
Drn. By SRQ
Last Revised BMC Of

SP-1

BUILDING SIGNAGE					
SIGN #	SIGN	#	TYPE	HEIGHT	SQ. FT.
1	WALMART (WITH SPARK)	1	ENTERPRISE	5.50'	298.00
2	MARKET	1	ENTERPRISE	2.68	28.17
3	HOME & PHARMACY	1	ENTERPRISE	3.46	97.66
4	OUTDOOR LIVING	1	ENTERPRISE	3.41	77.17
5	PHARMACY DRIVE-THRU	2	ENTERPRISE	2.07	39.90
6	PHARMACY DRIVE-THRU >	1	ENTERPRISE	2.76	74.66
BUSINESS & SIGNAGE SQ. FT. (EXCLUDES PYLON/MONUMENT AND FUTURE TENANT SIGNAGE)					



SIGN DIMENSIONS & LOCATIONS AS SHOWN ON THIS PLAN ARE APPROXIMATE AND ARE FOR INFORMATIONAL PURPOSES ONLY, AND SHALL NOT BE USED FOR SIGN CONSTRUCTION. SIGN DETAIL AND LOCATIONS ARE TAKEN FROM PLANS ENTITLED "CONCEPTUAL SITE PLAN: 150-SGL-NO", "PROPOSED ELEVATIONS: 150-SGL-NO", AND "PROPOSED SIGNAGE: 150-SGL-NO" AS PREPARED BY MMA DESIGN STUDIO, ALL LAST REVISED JANUARY 13, 2012.

LEGEND

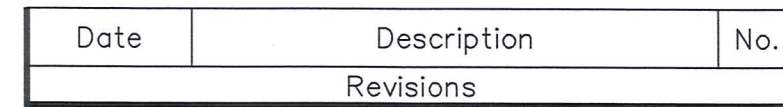
	PROPERTY LINE
	ZONING BOUNDARY
	BUILDING/PARKING SETBACK LINE
	BUILDING LINE
	CURB
	GUIDERAIL
	RETAINING WALL
	PARKING SUBTOTAL
	PROPOSED PARKING SPACES - 50% / 4
	ASSOCIATE PARKING SPACES - 50% / 4
	EXISTING PARKING TO REMAIN COUNT
	DOORWAY
	BOLLARD
	CART CORRAL
	AMENITY OPEN SPACE AREA

THIS PROPERTY IS NOT LOCATED IN ANY OF BALTIMORE COUNTY'S BASIC SERVICE AREAS OF CONCERN.

1. SITE ADDRESS: 11500 LIBERTY ROAD
RANDALLSTOWN, MD 21133
2. OWNER/APPLICANT: NEW PLAN MARYLAND HOLDINGS, LLC,
DELAWARE LIMITED LIABILITY COMPANY
C/O CENTRAL PROPERTIES GROUP
MID-ATLANTIC REGIONAL OFFICE
TWO TOWER BIDGE, SUITE 300
CONSHOHOCKEN, PA 19048
3. THE SITE IS LOCATED IN ELECTION DISTRICT 2 AND COUNCILMAN DISTRICT 4
4. THE SITE IS LOCATED IN CONSERV TRACT 4026.02.
5. THE SITE IS LOCATED IN WATERSHED 7, SUB-SWERSHED 88
6. THE PROPERTY AREA IS 1,127,464 S.F. (25.88 AC).
7. THE PROPERTY IS ZONED BUSINESS MARY (BM) AND IS IN THE COMMERCIAL, COMMUNITY CORE (CCC) DISTRICT
8. THE PROPERTY IS OVER TAX MAP NO. 77, PARCEL 783
9. A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY FROM THE LAW FOR THE PROTECTION OF WATER QUALITY, STREAMS, WETLANDS AND FLOODPLAINS. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS INCLUDING REMOVAL OF IMPERVIOUS SURFACE AND LANDSCAPING OF ONSTREET PARKING.
10. THE APPROXIMATELY 1,900-SQUARE-FOOT AREA ALONG THE EDGE OF PARKING LOT THAT WOULD HAVE BEEN FOREST BUFFER EASEMENT SHALL BE MAINTAINED IN A VEGETATED STATE AFTER ITS 620 SQUARE FEET OF IMPERVIOUS SURFACE IS REMOVED AND LANDSCAPED FOR ONSTREET PARKING.
11. ON MARCH 28, 2011, THE ADMINISTRATIVE LAW JUDGE GRANTED A VARIANCE FROM SECTION 406.6 OF THE BALTIMORE COUNTY ZONING REGULATIONS ("B.C.Z.R.") TO PERMIT 833 PARKING SPACES IN USE OF THE REQUIRED 1,102 PARKING SPACES.
12. NO TRUCK TRAFFIC SHALL BE ALLOWED TO ACCESS THE SITE OFF OF CHURCH LANE.
13. IN A LETTER DATED MARCH 15, 2011, THE MARYLAND DEPARTMENT OF NATURAL RESOURCES WILDLIFE AND HERITAGE SERVICE HAS DETERMINED THERE IS NO STATE OR FEDERAL RESOURCE FOR RARE, THREATENED OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE.
14. IN A LETTER DATED MARCH 9, 2011, THE MARYLAND HISTORICAL TRUST HAS DETERMINED THAT THERE ARE NO HISTORIC RESOURCES WITHIN THE PROJECT SITE.
15. THE FOREST CONSERVATION OBLIGATION FOR THE PROJECT WILL BE MET BY PAYING THE DEP THE REQUIRED FINE IN USE OF 6 ACRES OF ON-SITE REFORESTATION AND AFFORESTATION.
16. BALTIMORE COUNTY'S APPROVAL OF THE 1ST REFINED DEVELOPMENT PLAN NEITHER CONFERS, NOR RESTRICTS, RIGHTS TO THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY.

DEDICATION TABLE		
TYPE OF CONVEYANCE	NO.	TOTAL AREA (AC.)
HIGHWAY RIGHT-OF-WAY	1.	0.72 AC.

BALTIMORE COUNTY, MARYLAND			
LAND USE AND DEVELOPMENT REGULATIONS			
ZONING SUMMARY			
APPLICABLE REGULATIONS		PERMIT REQUIRED/REQUIRED	PROPOSED
ZONING DISTRICT DESIGNATION: BUSINESS MEDIUM; COMMUNITY CORE DISTRICT			
SCHEDULE OF USE REGULATIONS			
PERMITTED USES:	OFFICE, BAKK, FOOD STORE, DEPARTMENT STORE, GARDEN CENTER, HARDWARE STORE		DEPARTMENT STORE
AREA AND BULK REGULATIONS			
MAXIMUM FLOOR AREA RATIO:	4.0		0.30
MINIMUM FRONT YARD BUILDING SETBACK:	10 FEET		109.6 FEET
MINIMUM SIDE YARD BUILDING SETBACK:	15 FEET		N/A
MINIMUM REAR YARD BUILDING SETBACK:	20 FEET		157.6 FEET
MINIMUM PARKING BUFFER:	10 FEET		13.2 FEET
MAXIMUM BUILDING HEIGHT:	40 FEET		38 FEET 4 INCHES
PARKING REGULATIONS			
MINIMUM PARKING LOT DIMENSIONS (SP PER PARKING):	8.5 FEET x 18 FEET		9.5 FEET x 18 FEET
MINIMUM TWO-WAY PARKING DRIVE ASIDES:	22 FEET		25 FEET
MINIMUM TWO-WAY ENTRANCE DRIVEWAY WIDTH:	20 FEET		38 FEET
MINIMUM REQUIRED OFF-STREET PARKING SPACES:			
SHOPPING CENTER	5.0 SPACES PER 1,000 SF GFA (1.102 SPACES)		4.37 SPACES PER 1,000 SF GFA (0.964 SPACES)
MINIMUM NUMBER OF ADA ACCESSIBLE PARKING SPACES:	21 SPACES		24 SPACES
MINIMUM ADA ACCESSIBLE LOT DIMENSIONS:	8 FEET x 18 FEET		8 FEET x 18 FEET
NOTES:			
(A) THE ENTIRE LIBERTY PLAZA PROPERTY CONSISTS OF APPROXIMATELY 259.4 ACRES OVER TAX MAP NUMBER 177, PARCEL 783. THIS ZONING SUMMARY IS REFLECTIVE OF THE ENTIRE PROPERTY. ULTIMATELY, THE SITE WILL BE SUBDIVIDED AS SHOWN ON THIS PLAN. THE PROPOSED SUBDIVISION LINE SHOWN IS CONCEPTUAL. AT THIS TIME AND WILL BE FINALIZED PRIOR TO DEVELOPMENT PLAN APPROVAL.			
(B) THE EXISTING GAS STATION BUILDING AREA IS NOT INCLUDED.			
VARIANCES REQUESTED:			
(1) A VARIANCE IS REQUESTED FOR APPROVAL OF A REDUCED NUMBER OF PARKING SPACES.			



The seal of the State of Maryland is circular, featuring the state coat of arms in the center. The words "STATE OF MARYLAND" are inscribed around the top inner edge, and "PROFESSIONAL ENGINEER" around the bottom inner edge. The name "BRIAN M. CONLON" is written across the center of the seal.

Brian M. Conlon

BRIAN M. CONLON DATE _____

PROFESSIONAL ENGINEER MD LIC. No.0030099



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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

(PADM #I-694) (FIRST REFINED DEVELOPMENT PLAN - DRC # 032911B)	
Project No. 220040201	Drawing No.
Date 13 FEBRUARY 2012	SP-1
Scale 1" = 80'	
Drn. By SRQ	
Last Revised BMC	Of