

IN RE: PETITION FOR VARIANCE

(1809 and 1811 Rolling Road)

1st Election District

1st Councilman District

Security Center, LLC, *Legal Owner*

Weis Market, Inc.

Lessee

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0173-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Caroline L. Hecker, Esquire on behalf of Security Center, LLC, legal owner and Weis Markets, Inc, lessee ("Petitioners"). The Petitioners are requesting variance relief from Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit 377 parking spaces for the shopping center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 3.

Appearing at the public hearing in support of the requests was Ron Klima, Jack O'Hara, Tim Snyder and Michael Gesell from Bohler Engineering, the firm that prepared the site plan. Caroline L. Hecker, Esquire from Rosenberg, Martin & Greenberg, LLP appeared and represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated April 11, 2014, and the Bureau of Development Plans Review (DPR) dated

ORDER RECEIVED FOR FILING

Date

4/17/14

By

Sen

March 20, 2014. The DOP opposes the variances, while the DPR does not oppose either request, provided that the existing vegetation and trees planted in the buffer strip remain on site. This issue will be discussed at greater length below.

Testimony and evidence revealed that the subject property is approximately 7.11 ± acres and is zoned BM-CT and BL. The lessee operates a Weis grocery store on the property, and would like to construct a small fuel service station (an investment of over \$950,000) to accommodate its grocery customers. To do so requires variance relief.

The first variance pertains to the required number of parking spaces on site. Petitioners submitted a study and report (Ex. No. 6) showing that at their busiest time (Sunday afternoon) less than 70 vehicles occupied the parking lot (which leaves available over 300 open spaces).

The variance relating to the 10' landscape buffer requirement is somewhat more complex. Petitioners noted that there currently exists on site a 10' vegetative buffer, as required by the BCZR. But over 8 feet of that strip is in fact situated on State-owned property bordering Security Boulevard. So in reality, the variance request to approve a 1.4' landscape buffer in lieu of the required 10' is merely seeking to legitimize long-existing (i.e., over 20 years) site conditions, in recognition of the fact that 8.6' of the strip is on State land. As noted by the DOP, the future of that right of way strip along Security Boulevard is in doubt, given the State's plans for the "Red Line" Route (shown on the plan marked as Ex. No. 7), which of course may never materialize.

Mr. Gesell, P.E., who was accepted as an expert, testified via proffer that it would not be possible to shift the landscape buffer 10 feet onto Petitioners' property, since Baltimore County has a recorded utility easement in that area--as shown on the site plan--that would prevent the planting of trees and other vegetation. As such, Petitioners would need to construct the strip at least 20 feet onto their property, which would result in the loss of additional parking spaces and

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Date 4/17/14

By Sen

could create a "bottleneck" impeding the flow of traffic between the proposed fuel service station and the north corner of the grocery store building.

In these circumstances, I am inclined to agree with Mr. Gesell, and do not believe it would make sense (at least at this time) to relocate the buffer strip. If and when the State acts to construct the Red Line, at which time it may also take through condemnation additional portions of Petitioners' property bordering Security Boulevard, the landscape buffer issue should be revisited, and that contingency will be addressed in the Order which follows.

To obtain variance relief requires a showing that:

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

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

Petitioners have met this test. As shown on the plan, the property is irregularly shaped, and it is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be unable to construct the fuel service station. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition, and the testimony of Petitioners' engineer, who opined that the proposal satisfied all requirements in the B.C.Z.R. and would not be detrimental to the community's welfare.

The DOP's ZAC comment also listed three additional concerns regarding the plan (i.e., signage, a crosswalk and stacking spaces at the gas pumps). The plans were revised (redlined) and now reveal that all three of these comments have been addressed. Exhibit Nos. 8-10

ORDER RECEIVED FOR FILING

Date 4/17/14

By Sen

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

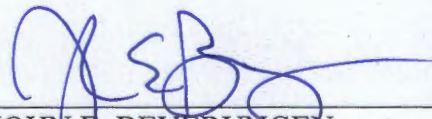
THEREFORE, IT IS ORDERED, this 17th day of April, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that if the existing landscape buffer shown on the photographs and rendered site plan (Exhibit Nos. 1D, 1E, & 12) is removed due to the State of Maryland's Red Line project, the Petitioners shall at that time be required to relocate the landscape transition area buffer in compliance with the BCZR or obtain zoning relief approving a relaxation or modification of the requirements set forth in the BCZR.

The relief granted herein shall be subject to the following:

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

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:sln

ORDER RECEIVED FOR FILING

Date

4/17/14

By

sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

April 17, 2014

Caroline L. Hecker, Esquire
Rosenberg, Martin, Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201

RE: Petition for Variance
Property: 1809 and 1811 Rolling Road
Case No.: 2014-0173-A

Dear Mrs. Hecker :

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 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
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 1809 and 1811 Rolling Rd. which is presently zoned BM-CT and BL
Deed References: 14455/428 and 14455/423 10 Digit Tax Account # 1900001399 and 0111350830
Property Owner(s) Printed Name(s) Security Center, LLC c/o Kimco Realty Corp.

(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)

1. 409.6.A.2 to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; and
2. 405.4.A.2.b to permit a landscape transition area of 1.4' in lieu of the required 10'.

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:

Weis Markets, Inc. c/o Tim Snyder

Name- Type or Print

Tim Snyder

Signature

1000 S. 2nd Street Sunbury PA

Mailing Address City State

17801 / (570) 286-3299 / jsnyder@weismarkets.com 21093

Zip Code Telephone # Email Address

Attorney for Petitioner:

Caroline L. Hecker / Rosenberg Martin Greenberg, LLP

Name- Type or Print

Caroline L. Hecker

Signature

25 S. Charles Street, 21st Floor Baltimore MD

Mailing Address City State

21201 / (410) 727-6600 / checker@rosenbergmartin.com 17801 / (570) 286-3299 / jsnyder@weismarkets.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Security Center, LLC c/o Kimco Realty Corp.

Name #1 - Type or Print

By: KIMCO SEC BUSINESS TRUST

Signature #1

Stuart W. Cox

1954 Green Valley Road

Zip Code

Telephone #

Email Address

Name #2 - Type or Print

Signature #2

330 Timonium MD

City State

Representative to be contacted:

Tim Snyder, Weis Markets

Name - Type or Print

Timothy A. Snyder

Signature

1000 S. 2nd Street

Mailing Address

Sunbury

City

PA

State

21093 / (570) 286-3299 / jsnyder@weismarkets.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0173-A

Filing Date 2/24/14

Do Not Schedule Dates:

Date

By

Reviewer JS

REV. 10/4/11

ZONING DESCRIPTION
TAX MAP 94, PARCELS 193 AND 351

THE LAND OF
SECURITY CENTER, LLC
LIBER 14455 FOLIO 428
AND
LIBER 14455 FOLIO 423
2ND ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LIMITS OF SECURITY BOULEVARD - MD RTE. 122 (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 0 FEET WEST OF THE INTERSECTION OF SAID SECURITY BOULEVARD AND THE WESTERLY RIGHT-OF-WAY LIMITS OF LORD BALTIMORE DRIVE (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE LORD BALTIMORE DRIVE RIGHT-OF-WAY ON THE NORTH AND THE LAND OF SECURITY CENTER, LLC. (LIBER 14455 FOLIO 428) ON THE WEST;

1. 33.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 00 DEGREES - 48 MINUTES - 29 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES - 53 MINUTES - 19 SECONDS WEST, 33.24 FEET TO A POINT, THENCE;
2. CONTINUING 165.85 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 04 DEGREES - 01 MINUTES - 55 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 87 DEGREES - 41 MINUTES - 29 SECONDS WEST, 165.82 FEET TO A POINT, THENCE;
3. CONTINUING 380.17 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 09 DEGREES - 14 MINUTES - 32 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES - 03 MINUTES - 16 SECONDS WEST, 379.79 FEET TO A POINT, THENCE;
4. CONTINUING SOUTH 44 DEGREES - 51 MINUTES - 38 SECONDS WEST, 107.91 FEET TO A POINT, THENCE;
5. CONTINUING SOUTH 16 DEGREES - 08 MINUTES - 33 SECONDS EAST, 156.88 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 16 DEGREES - 08 MINUTES - 35 SECONDS EAST, 150.16 FEET TO A POINT, THENCE;
7. CONTINUING SOUTH 16 DEGREES - 08 MINUTES - 33 SECONDS EAST, 136.53 FEET TO A POINT, THENCE;
8. CONTINUING 179.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,235.83 FEET, A CENTRAL ANGLE OF 04 DEGREES - 36 SECONDS - 01 MINUTES, AND A CHORD BEARING AND DISTANCE OF SOUTH 18 DEGREES - 26 MINUTES - 33 SECONDS EAST, 179.46 FEET TO A POINT, THENCE;
9. CONTINUING NORTH 62 DEGREES - 00 MINUTES - 00 SECONDS EAST, 633.12 FEET TO A POINT, THENCE;

2014-0173-A

10. CONTINUING NORTH 28 DEGREES – 00 FEET – 00 MINUTES WEST, 89.49 FEET TO A POINT, THENCE;
11. CONTINUING 98.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 221.00 FEET, A CENTRAL ANGLE OF 25 DEGREES – 38 MINUTES – 17 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 15 DEGREES – 10 MINUTES – 52 SECONDS WEST, 98.07 FEET TO A POINT, THENCE;
12. CONTINUING NORTH 02 DEGREES – 21 MINUTES – 33 SECONDS WEST, 102.94 FEET TO A POINT, THENCE;
13. CONTINUING 38.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 49 DEGREES – 13 MINUTES – 24 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES – 58 MINUTES, 15 SECONDS WEST, 37.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 309,494 SQUARE FEET OR 7.11 ACRES.



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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/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: 2014-0173-A

Petitioner: WEIS MARKETS, INC.

Address or Location: SECURITY BOULEVARD & N. ROLLING ROAD BALTIORE COUNTY

PLEASE FORWARD ADVERTISING BILL TO:

Name: WEIS MARKETS, INC.

Address: 1000 S. 2ND STREET
SUNBURY PA, 17801

Telephone Number: 570-286-3299

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

No. **108003**

Date: **2/24/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
 2/25/2014 2/24/2014 11:51:42
 REG 1004 WILKIN SHIL SH
 RECEIPT # 108003 2/24/2014 DELM

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				\$ 500.00

Total: **\$ 500.00**

Rec From: **SECURITY CENTER LLC**

For: **201-0173-1**

5 328 ZIPPING VERIFICATION
 CR NO. 108003
 Recpt Tot \$500.00
 1500.00 CM 1.00 CA
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2014-0173-A

Petitioner: Security Center, LLC

Hearing / Closing Date: 4/16/14

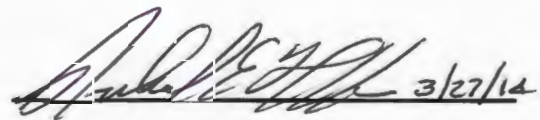
Baltimore County Department of
Permits and Development Management
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously, on the property located at _____

1809 & 1811 Rolling Road

on 3/27/14

Sincerely,

 3/27/14

Richard E. Hoffman

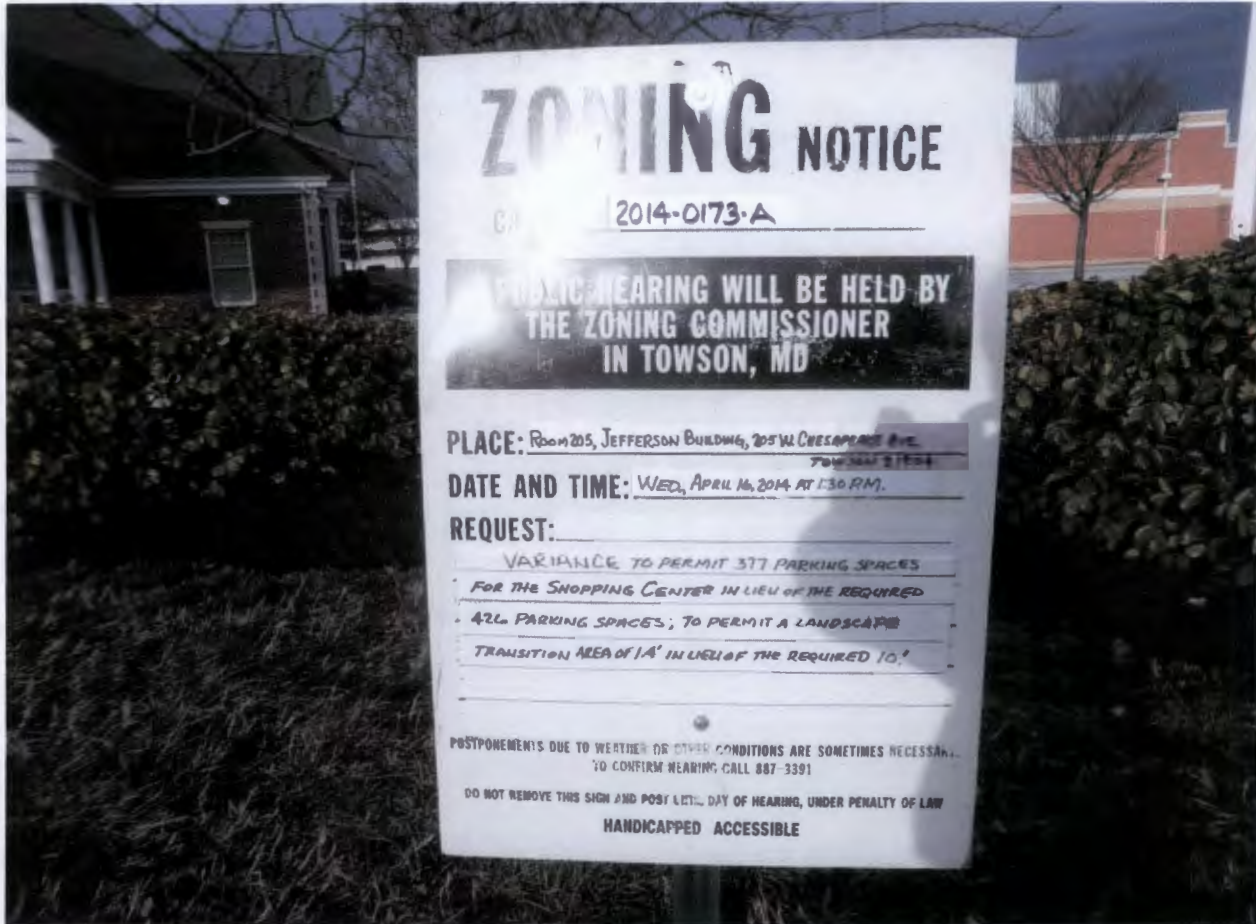
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Certificate of Posting

Case No. 2014-0173-A



1809-1811 Rolling Road

(posted 3/27/14)

Richard E. Hoffman 3/27/14

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

March 27, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on March 27, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0173-A

1809 & 1811 Rolling Road
SE corner of intersection of Security Blvd., and North Rolling Road
1st Election District - 1st Councilmanic District
Legal Owner(s): Security Center, LLC c/o Kimco Realty Corp.

Contract Purchaser: Weis Markets, Inc., c/o Tim Snyder

Variance: to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; to permit a landscape transition area of 1.4' in lieu of the required 10'.

Hearing: Wednesday, April 16, 2014 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.
3/483 March 27 973420

TO: PATUXENT PUBLISHING COMPANY
Thursday, March 27, 2014 Issue - Jeffersonian

Please forward billing to:
Weis Markets, Inc.
Attn: Tim Snyder
1000 S. 2nd Street
Sunbury, PA 17801

570-286-3299

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0173-A

1809 & 1811 Rolling Road

SE corner of intersection of Security Blvd., and North Rolling Road

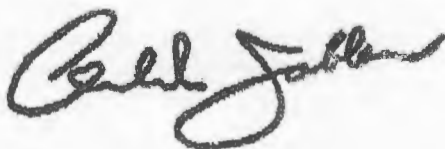
1st Election District – 1st Councilmanic District

Legal Owners: Security Center, LLC c/o Kimco Realty Corp.

Contract Purchaser: Weis Markets, Inc., c/o Tim Snyder

Variance to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; to permit a landscape transition area of 1.4' in lieu of the required 10'.

Hearing: Wednesday, April 16, 2014 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.



KEVIN KAMENETZ
County Executive

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

March 17, 2014

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: 2014-0173-A

1809 & 1811 Rolling Road

SE corner of intersection of Security Blvd., and North Rolling Road

1st Election District – 1st Councilmanic District

Legal Owners: Security Center, LLC c/o Kimco Realty Corp.

Contract Purchaser: Weis Markets, Inc., c/o Tim Snyder

Variance to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; to permit a landscape transition area of 1.4' in lieu of the required 10'.

Hearing: Wednesday, April 16, 2014 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: Caroline Hecker, 25 S. Charles St., 21st Fl., Baltimore 21201

Tim Snyder, 1000 S. 2nd St., Sunbury PA 17801

Kimco Realty Corp., Stuart Cox, 1954 Greenspring Dr., Ste. 330, Timonium 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MARCH 27, 2014.**
- (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.

MEMORANDUM

DATE: May 20, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0173-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 19, 2014. 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

RE: PETITION FOR VARIANCE
1809 & 1811 Rolling Road; SE corner of
Security Boulevard & North Rolling Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Security Center LLC
Contract Purchaser(s): Weis Market Inc
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-173-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 14 2014

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 14th day of March, 2014, a copy of the foregoing Entry of Appearance was mailed to Tim Snyder, Weis Markets, 1000 S. 2nd Street, Sunbury, PA 17801 and Caroline Hecker, Esquire, 25 S. Charles Street, 21st Floor, Baltimore, MD 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NO. 2014- 0173-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

3/20/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

4/11/14

PLANNING
(if not received, date e-mail sent _____)

C

3/17/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/27/14

SIGN POSTING

Date:

3/27/14

by Hoffman

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

April 9, 2014

Security Center, LLC
C/O Kimco Realty Corporation
Stuart W. Cox, V.P.
1954 Greenspring Drive
Timonium MD 21093

RE: Case Number: 2014-0173 A, Address: 1809 and 1811 Rolling Road

Dear Mr. Cox:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on 2014. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Weis Markets, Inc., C/O Tim Snyder, 1000 S. 2nd Street, Sunbury PA 17801
Caroline L. Hecker, Esquire, 25 S. Charles Street, 21st Floor, Baltimore MD 21201

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3/17/14

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

RE: Baltimore County

Item No 2014-0173-A

Variance

Security Center, LLC

c/o Himmco Realty Corp.

1809 & 1811 Rolling Road.

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0173-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
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

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 17, 2014
Item No. 2014-0173

DATE: March 20, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We support variance # 2 as long as a condition for granting the variance is that the existing vegetative screening (hedge and trees) remain intact.
We have no comment on variance # 1.

DAK: CEN.
Cc: file.
ZAC-ITEM NO 14-0173-03172014.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 11, 2014

FROM: Andrea Van Arsdale
Director, Office of Planning

SUBJECT: 1809 and 1811 Rolling Road

RECEIVED

INFORMATION:

Item Number: 14-173 (Revised)

Petitioner: Security Center, LLC c/o Kimco Realty Corp.

Property Size: 7.11 ac

Zoning: BM-CT

Requested Action: Variance, Special Hearing

Hearing Date:

APR 11 2014

OFFICE OF ADMINISTRATIVE HEARINGS

The petitioner is seeking multiple variances to permit 377 parking spaces for the shopping center in lieu of the required 426 parking spaces and to permit a landscape transition area of 1.4 feet in lieu of the required 10 feet.

SUMMARY OF RECOMMENDATIONS:

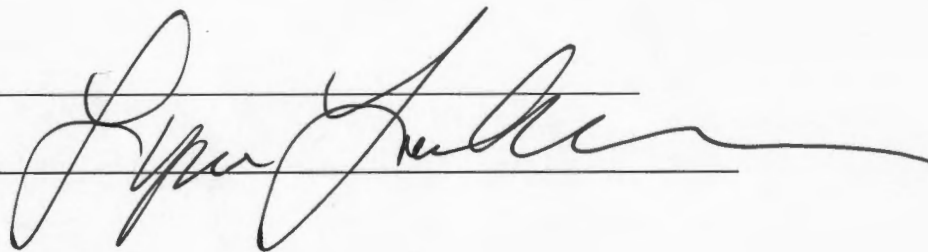
The Department of Planning does not support the petitioner's request for a reduced landscape buffer. The Department of Planning recommends that the petitioner provide the required 10 foot landscape buffer on their property. Currently there is a landscape buffer and sidewalk that is within the Security Boulevard right-of-way that runs parallel to the petitioner's site. Due to the uncertainty of the right-of-way, the current existing landscape buffer could be significantly impacted leaving this shopping center with an inadequate landscape buffer from Security Boulevard. To prevent any significant reduction of the existing landscape buffer, the petitioner needs to build out a landscape buffer within their property boundary to the required 10 feet. The Department of Planning's support of the parking variance is contingent upon the provision of the 10 foot landscape buffer. Should the provision of this buffer necessitate additional parking relief the Department of Planning will support that request.

The petitioner should also address the following comments:

1. Submit sign elevations for any proposed gas station signage.
2. Provide an additional crosswalk that connects the landscape island closet to the gas station kiosk to the supermarket.
3. To eliminate possible stacking concerns, cars should only be able to access the gas pumps from one direction. The lack of suitable stacking space could block in parked cars and restrict traffic flow.

Prepared By: _____

Section Chief: _____
AFK/LL:DZ

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be "R. J. Miller".

Real Property Data Search (w2)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 01 Account Number - 0111350830	
Owner Information		
Owner Name:	SECURITY CENTER L L C C/O KIMCO REALTY CORP SUITE 100	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205	Deed Reference: 1) /14455/ 00423 2)
Location & Structure Information		
Premises Address:	1811 ROLLING RD 0-0000	Legal Description: .6113 AC 1811 ROLLING RD ES 1200 FT N OF BELMONT AVE
Map: 0094	Grid: 0006	Parcel: 0193
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2012
Plat No:	Plat Ref:	
Special Tax Areas:		Town: NONE
Ad Valorem:		
Tax Class:		
Primary Structure Built 2001	Above Grade Enclosed Area 2215	Finished Basement Area
Property Land Area 26,610 SF	County Use 15	
Stories	Basement	Type
Exterior	Full/Half Bath	Garage
Last Major Renovation	FAST FOOD	
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	698,800	698,800
Improvements	365,900	666,500
Total:	1,064,700	1,365,300
Preferential Land:	0	0
Transfer Information		
Seller: LCP GROUP L P	Date: 05/09/2000	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /14455/ 00423	Deed2:
Seller: HECHINGER COMPANY	Date: 04/27/2000	Price: \$150,000
Type: NON-ARMS LENGTH OTHER	Deed1: /14434/ 00055	Deed2:
Seller: MAY O LAWRENCE	Date: 06/02/1992	Price: \$800,000
Type: ARMS LENGTH IMPROVED	Deed1: /09202/ 00099	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Real Property Data Search (w2)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 01 Account Number - 1900001399	
Owner Information		
Owner Name:	SECURITY CENTER LLC C/O KIMCO REALTY CORP SUITE 100	Use: COMMERCIAL Principal Residence: NO
Mailing Address:	3333 NEW HYDE PARK RD NEW HYDE PARK NY 11042-1205	Deed Reference: 1) /14455/ 00428 2)
Location & Structure Information		
Premises Address:	1809 ROLLING RD BALTIMORE MD 21244-0000	Legal Description: 6.4940 AC SECURITY SQ SH CNT
Map: 0094	Grid: 0006	Parcel: 0351
Sub District:	Subdivision: 0000	Section:
Block:	Lot: 5	Assessment Year: 2012
Plat No: 2	Plat Ref: 0047/ 0072	
Special Tax Areas:	Town: NONE	Ad Valorem:
Tax Class:		
Primary Structure Built 2001	Above Grade Enclosed Area 75628	Finished Basement Area 6,4900 AC
County Use 14		
Stories	Basement	Type MARKET
Exterior	Full/Half Bath	Garage
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2012
Land:	3,247,000	3,247,000
Improvements	8,630,000	6,685,000
Total:	11,877,000	9,932,000
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2014
		9,932,000
		9,932,000
Transfer Information		
Seller: ABINGTON CENTER ASSOCIATES	Date: 05/09/2000	Price: \$6,075,000
Type: ARMS LENGTH IMPROVED	Deed1: /14455/ 00428	Deed2:
Seller: PENMAR HOLDING I NC	Date: 04/04/1983	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12977/ 00414	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

New Search (<http://sdat.resiusa.org/RealProperty>)

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

✖ Loading... Please

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CASE NAME 18094811 Rolling Road
CASE NUMBER 2014-0173
DATE 4/16/14

[illegible]

Case No.: 2014-0173-A

Exhibit Sheet

Petitioner/Developer

DW 5-2014

Protestants

slw
4/17/14

No. 1	1A - 1E Photos of Site	
No. 2	Exist. Conditions plan	
No. 3	Overall Site Plan	
No. 4	Concept Plan	
No. 5	Elevation of proposed fuel station	
No. 6	Parking Lot Survey	
No. 7	MTA Red Line Plan	
No. 8	Sign detail	
No. 9	Redlined Site plan	
No. 10	Redlined Concept plan	
No. 11	Hearing Outline	
No. 12	Rendered Site Plan	

ALL-STATE LEGAL®
EXHIBIT
1A





ALL-STATE LEGAL®

EXHIBIT

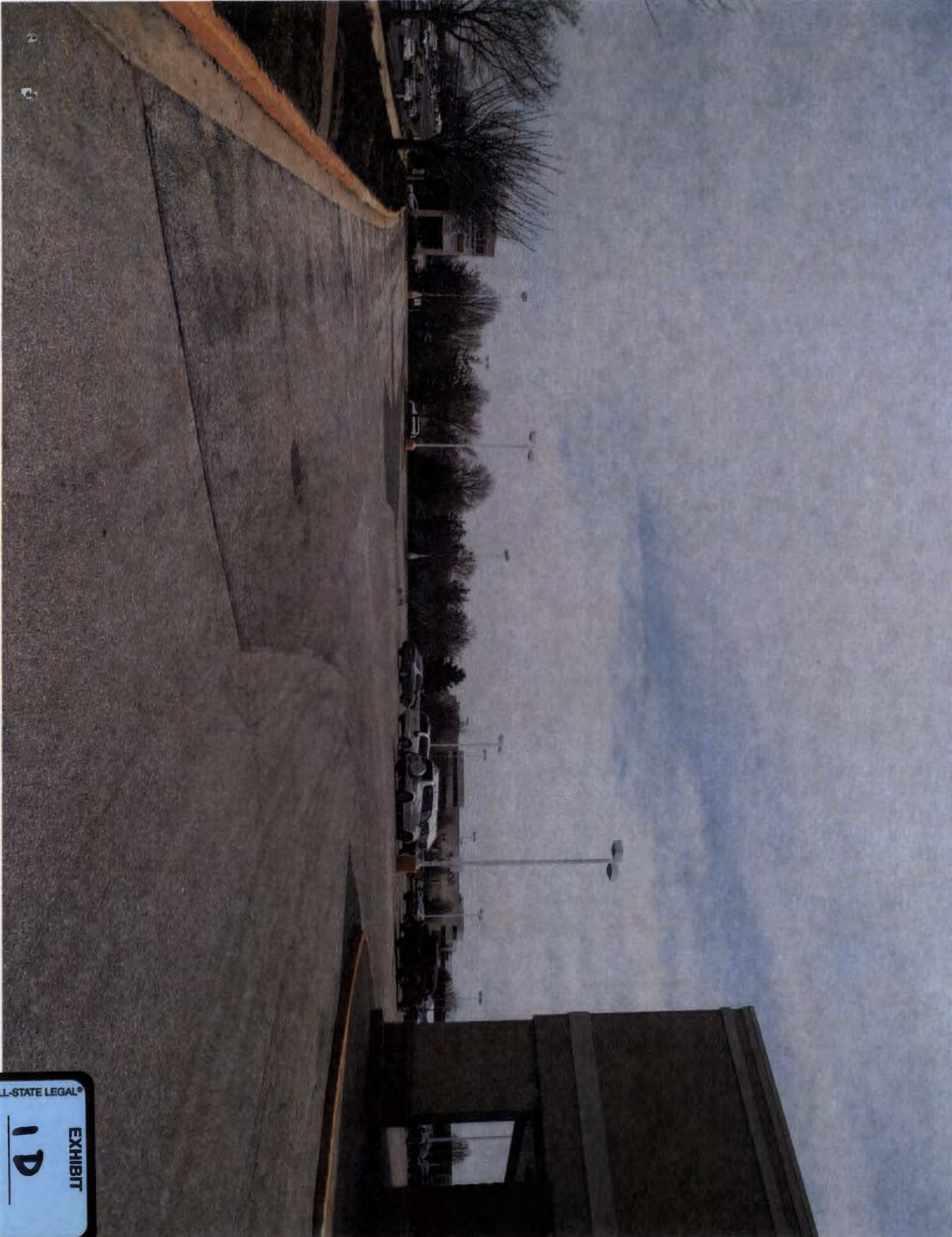
18



ALL-STATE LEGAL®

1c

EXHIBIT



ALL-STATE LEGAL®

EXHIBIT

1D



ALL-STATE LEGAL®
EXHIBIT
1 E



Parking Lot Survey Store 229

		8am	1pm	7pm	Total
Monday	10-Mar	35	41	49	125
Tuesday	11-Mar	37	34	41	112
Wednesday	12-Mar	21	29	39	89
Thursday	13-Mar	19	36	46	101
Friday	14-Mar	33	44	55	132
Saturday	15-Mar	27	58	66	151
Sunday	16-Mar	21	67	62	150

The average associate cars on any given day is 8 total. This is in addition to the day's totals.





ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

BALTIMORE COUNTY ZONING HEARING OUTLINE

WEIS MARKETS – 1809 & 1811 ROLLING ROAD

CASE NO. 2014-0173

APRIL 16, 2014

INTRODUCTION

1. Caroline Hecker – Rosenberg Martin Greenberg, LLP
2. Jack O'Hara – Weis Markets, Vice President of Legal Affairs & Real Estate
3. Tim Snyder – Weis Markets, Project Manager
4. Michael Gesell – Bohler Engineering
5. Ron Klima – Weis Markets, General Manager

JACK O'HARA – TESTIMONY

Name: Jack O'Hara

Employer, employer's address: Weis Markets
1000 S. 2nd Street
Sunbury, PA 17801

Your job title and responsibilities at Weis Markets:

Vice President of Legal Affairs & Real Estate

Are you familiar with the petition before the Office of Administrative Hearings? Yes

What is the location that is the subject of the petition?

The official address is 1809-1811 Rolling Road, but it is more commonly known as 7005 Security Blvd.

What is your interest in the property?

Weis Markets is the current lessee of the subject property.



What is at this location currently?

There is an existing shopping center that includes a Weis Markets grocery store, along with other retail tenants and a bank, at this location.

Identify photographs of Weis Markets.

EXHIBIT 1A through 1E – PHOTOS

How long has Weis Markets been operating at that location?

Since March 2013 (just over one year).

Describe existing conditions.

EXHIBIT 2 – EXISTING CONDITIONS PLAN

- The property is approximately 7.11 acres
- It is irregularly shaped, with frontage on three streets
- Access is through the shopping center – Weis does not have separate, independent access to any of the streets on which the shopping center has frontage.

What is Weis Markets proposing to do at this location?

Weis Markets is proposing to construct a small fuel station in the parking area in front of the store near the intersection of Security Blvd. at Lord Baltimore Drive.

Why are you proposing to construct a fuel station at this location?

The proposed fuel station will provide an amenity to Weis' customers, who will be able to fill their gas tanks while they are at the grocery store, combining currently separate grocery and fuel trips into a single stop.

This is a trend in the industry, as supermarkets are adding additional components which were not traditionally included in grocery stores.

Similar to pharmacies, florists, dry cleaners, banks, etc.

Other grocery stores in the area are already doing this, and we wish to remain competitive.

Weis will offer a rewards program for its customers under which customers will receive a discount on the price of gasoline based on the amount that they spend at the grocery store.

Weis has done this at 25 other locations and it has been very successful.

Describe the proposed location of the fuel station.

EXHIBIT 3 – SITE PLAN – PROPOSED CONDITIONS

EXHIBIT 4 – CONCEPT PLAN – DETAIL OF FUEL STATION

EXHIBIT 5 – CANOPY EXAMPLE

The fuel station will be located in the back corner of the parking lot at the intersection of Security Blvd. and Lord Baltimore Drive so as to minimize any interference with vehicles coming to and from the store.

Four (4) pumps with a total of six (6) fueling positions will be installed, along with a small kiosk.

The fuel station is permitted by right at this location.

Due to the fact that the fuel station will be located within the existing parking lot, we will need to remove some parking spaces in order to construct the fuel station.

There are currently 422 parking spaces within the shopping center.

When we add the fuel station, the shopping center will require an additional 4 spaces, for a total of 426.

We will be reducing the number of parking spaces to 377 (49 space reduction).

Based on our experience with this location, we are confident that 377 parking spaces are more than adequate to serve the demands of Weis Markets and the rest of the shopping center.

With 377 spaces, the shopping center will still have approximately 4.7 spaces per 1,000 SF.

No new or altered curb cuts are proposed – customers will enter the fuel station through the parking lot access drives.

We will also be installing additional landscaping in the parking lot in connection with the construction of the fuel station, which will more than double the amount of landscaping currently located in the proposed fueling station area.

If the application is approved, what is your proposed construction schedule?

We anticipate beginning construction as soon as possible, and hope to open the fuel station at the end of 2014 or early 2015.

What is the amount of capital investment in this project?

Approximately \$950,000



BALTIMORE COUNTY ZONING HEARING OUTLINE

WEIS MARKETS – 1809 & 1811 ROLLING ROAD

CASE NO. 2014-0173

APRIL 16, 2014

RON KLIMA – TESTIMONY

Name: Ron Klima

Employer, employer's address: Weis Markets
1000 S. 2nd Street
Sunbury, PA 17801

Your job title and responsibilities at Weis Markets:

General Manager of the Security Blvd. store

How long have you been the General Manager of this store?

Since it opened approximately 1 year ago.

Are you familiar with the petition before the Administrative Law Judge today?

Yes.

Have any parking studies been completed relating to the existing store?

Yes.

EXHIBIT 6 – PARKING SURVEY

Who completed the parking survey?

I did.

When was this parking survey conducted?

The week of March 10 – 16, 2014, at 8:00 a.m., 1:00 p.m. and 7:00 p.m. each day.

Why was the parking survey conducted at those times?

We wanted to review the use of the parking lot at a wide variety of times to determine how much of the parking lot is occupied at our peak periods.

What are the store's busiest times?

The store is busiest on the weekend afternoons and evenings.

What did this parking survey reveal?

The parking survey revealed that, at most, 67 cars were parked in the parking lot at any one time.

This occurred on Sunday afternoon at 1:00 p.m.

This represents only 16% of the parking lot in its current configuration (426 spaces).

When the fuel station is constructed and the parking lot is reduced to 377 parking spaces, 67 cars would represent only 18% of the parking lot being occupied at one time.

In your experience operating this Weis Markets, have you ever encountered a problem relating to the amount of parking provided?

No. In fact, the shopping center provides significantly more parking than is required to meet the demands of our customers.

Based on your experience operating this Weis Markets, do you believe that the 377 parking spaces to be provided will adequately meet the parking demands of the store and the shopping center?

Yes. At maximum, less than 70 spaces are occupied in our parking field during our peak periods. The proposed reduction leaves plenty of parking spaces available for our customers.

In addition, because the fuel station is located solely within the Weis Markets site, it will not interfere with parking for any other tenants.

Many of our associates take public transportation to work, and there are usually only a few associate cars in the parking lot on any given day.

The Planning Department's chief concern is with our variance request with regard to the landscape buffer along Security Blvd. They would like us to install a 10' landscape buffer in this area at the present time.

What is your response to the comment regarding the landscape area?

The 1.4' landscape buffer in this area is an existing condition and no changes are proposed in this area.

A 10' landscape buffer exists in this area already, although the majority of it is located within the Security Blvd. right-of-way.

In fact, there is 20' of space between the Security Blvd. curb and the parking lot, which includes a sidewalk with landscaping on both sides.

In addition, in connection with the Red Line, the State is proposing to take a portion of the property's Security Blvd. frontage.

EXHIBIT 7 – MTA PLANS

It therefore makes little sense to install a landscaping buffer in an area that will be removed within the next few years for the construction of the Red Line.

There is also an existing 10' utility easement in this area (shown on the site plan) and, as a result, planting is not permitted due to the location of existing sanitary sewer and water lines. These utilities would need to be relocated to install planting in this area

Finally, the creation of a 10' landscape buffer in this area would result in the loss of approximately 23 parking spaces, increasing the degree of the requested parking variance by almost 50%.

Weis does not own the shopping center, and our landlord, Kimco, has only authorized us to apply for the removal of 49 spaces in connection with the installation of the fuel station.

Have you reviewed the other comments made by the Planning Department?

Yes.

What is your response to the Planning Department's other comments?

1. The Planning Department requested that we submit sign elevations for the proposed gas station signage. We have prepared these plans for submittal in

connection with building permit applications for the gas station. All signage will comply with the Baltimore County Zoning Regulations.

EXHIBIT 8 – SIGNAGE PLAN

2. The Planning Department requested that a crosswalk be installed between the kiosk and the supermarket, which we are willing to do. Our redlined plans show the additional crosswalk.

EXHIBIT 9 – REDLINED SITE PLAN

EXHIBIT 10 – REDLINED DETAIL OF FUEL STATION

3. The Planning Department also requested that access to the gas pumps should be from one direction in order to address stacking concerns, which we are also willing to do. The redlined plan shows this modification.

SEE EXHIBITS 9 and 10

Would the granting of the variances be injurious to the use and enjoyment of the other property owners in the immediate vicinity, or substantially diminish and impair property values in the neighborhood?

The granting of the variances will likely improve property values in the vicinity, as they will permit a significant private investment in this portion of the County, and will bring another fuel provider to the area.

As the landscape buffer is an existing condition, the granting of this variance will not have any impact on neighboring property owners.

Would the granting of the variances impair an adequate supply of light and air to adjacent property, or overcrowd the land, or create an undue concentration of population, or substantially increase the congestion of the streets, or create hazardous traffic conditions, or increase the danger of fire, or otherwise endanger the public safety?

The granting of the variances will not impair the supply of light and air to the adjacent properties as the fuel station will be constructed entirely within the Weis Markets lease area of the shopping center and is not located near any other structures besides the Weis Markets store.

Likewise, the variances will not cause an overcrowding of the land or congestion of the streets, as the vast majority of customers using the fuel station will already be coming to the site to shop in the grocery store.

The result therefore should be a net reduction in trips in the vicinity.

Further, due to the location of the fuel station in the back corner of the site, it will not have an adverse impact on traffic conditions or endanger the public safety by interfering with pedestrian traffic between the store and the parking lot.

Note that we have added the additional crosswalk and made the traffic circulation into the gas pumps one-way in accordance with the Planning Department's comments.

Would the granting of the variances adversely affect transportation or unduly burden water, sewers, school, park, or other public facilities?

The granting of the variances will not have any impact on transportation, nor will they burden water, sewers, school, park, or other public facilities.

Would the granting of the variances be in strict harmony with the spirit and intent of the BCZR?

The granting of these variances is in harmony with the purpose of the Zoning Regulations, as they will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting Weis Markets to add an important amenity to its existing store which will benefit its customers in the surrounding community.

Would the granting of the variances cause any injury to the public health, safety, or general welfare?

The granting of the variances will not cause any injury to the public health, safety, or general welfare. The various communities in the vicinity support the application.

CONCLUSION

For these reasons, we respectfully request that the variances be granted.

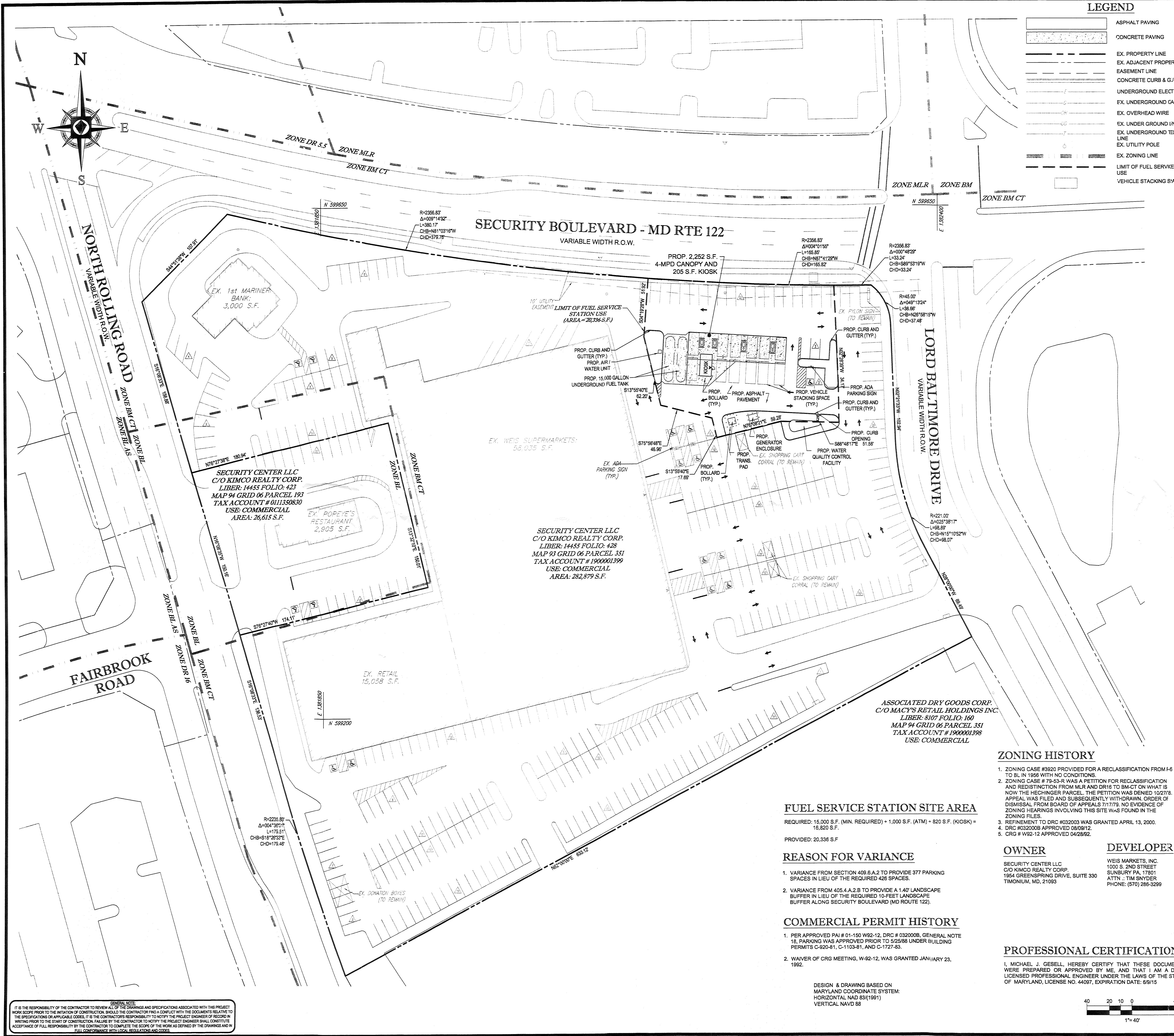
EXHIBIT 11 – OUTLINE OF TESTIMONY

Zoning Map Weis Markets INC.
Variance Petition

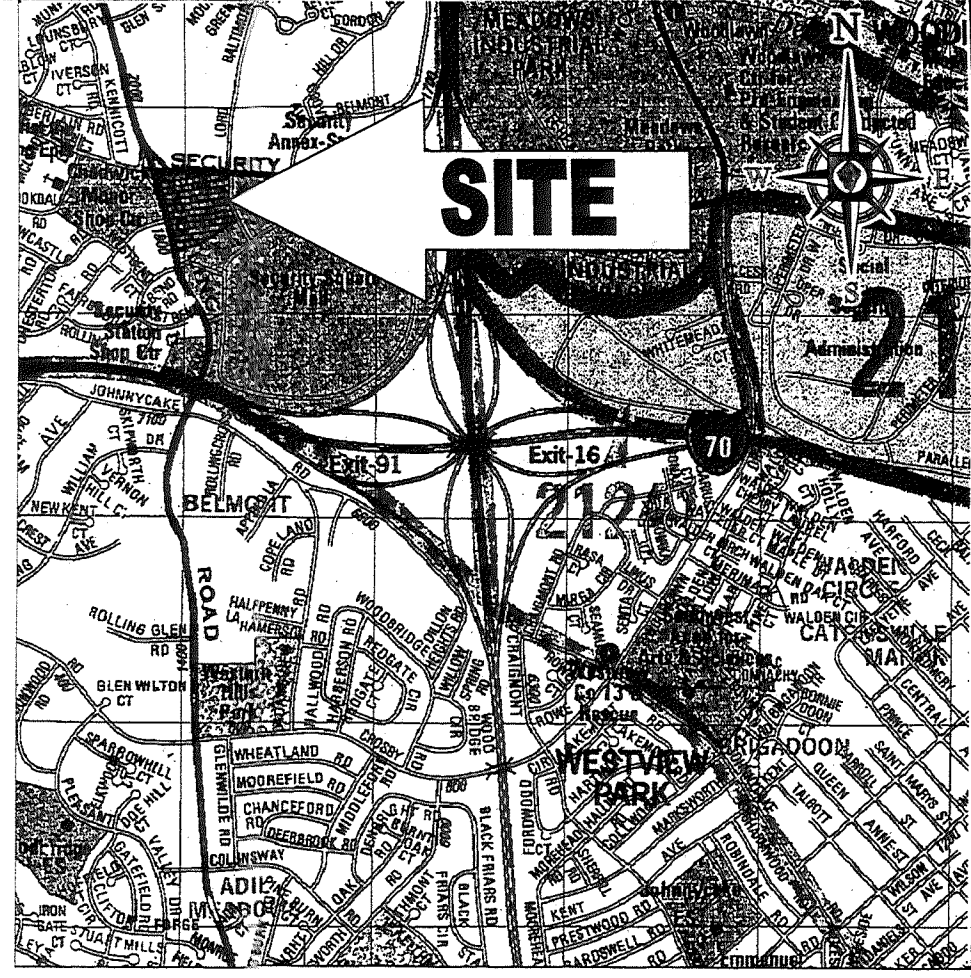


2014-0173-A

Zoning Map: 094C1



- LEGEND**
- ASPHALT PAVING
 - CONCRETE PAVING
 - EX. PROPERTY LINE
 - EX. ADJACENT PROPERTY LINE
 - EASEMENT LINE
 - CONCRETE CURB & GUTTER
 - UNDERGROUND ELECTRIC LINE
 - EX. UNDERGROUND GAS LINE
 - EX. OVERHEAD WIRE
 - EX. UNDER GROUND LINE
 - EX. UNDERGROUND TELEPHONE LINE
 - EX. UTILITY POLE
 - EX. ZONING LINE
 - LIMIT OF FUEL SERVICE STATION USE
 - VEHICLE STACKING SPACE



LOCATION MAP
COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

PARKING REQUIREMENTS

EXISTING PARKING REQUIREMENTS

RETAIL:	15,058 S.F. @ 5 / 1,000 S.F.	=	75.29
SUPERMARKET:	58,035 S.F. @ 5 / 1,000 S.F.	=	290.18
BANK:	3,000 S.F. @ 3.3 / 1,000 S.F.	=	9.09
FAST FOOD:	2,905 S.F. @ 16 / 1,000 S.F.	=	46.48

EXISTING REQUIRED: 421.85 or 422 SPACES

PROPOSED PARKING REQUIREMENTS FOR GAS STATION:

PROP. KIOSK (3 SPACES PER 1000 S.F.)	0.82
PROP. FUEL KIOSK (1 SPACE PER EMPLOYEE):	1
PROP. AIR / WATER UNIT (1 SPACE PER UNIT):	1
PROP. AUTOMATED TELLER MACHINE (1 SPACE PER MACHINE):	1

TOTAL REQUIRED FOR GAS STATION: 3.82 OR 4 SPACES

PROPOSED REQUIRED PARKING SPACES TOTAL: 426 SPACES

PARKING SPACES PROVIDED: 377 SPACES

2014-0173-A

GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 1809 ROLLING ROAD
 - B. SITE AREA: 282,879 S.F. ±, 6.50 AC. ± (PARCEL 351)
 - C. ELECTION DISTRICT: 2
 - D. COUNCILMANIC DISTRICT: 1
 - E. ADC MAP: 401501
 - F. TAX MAP: 94
 - G. TAX MAP: 193 & 351
 - H. PARCEL: 0111350830 (PARCEL 193)
 - I. TAX ACCOUNT NO.: 1900001399 (PARCEL 351)
- ZONING: BM-CT (PARCEL 351)
- ZONING MAP REFERENCE: 094C1
- FLOOR AREA RATIO: PERMITTED = 5.50
- EXISTING LAND USE: PLANNED SHOPPING CENTER
- PROPOSED LAND USE: PLANNED SHOPPING CENTER WITH GASOLINE STATION
- SETBACKS: (TO PROPERTY LINE ALONG SECURITY BOULEVARD)

FRONT (BLDG)	REQUIRED	PROVIDED
35'	54.00'	54.00'
CANOPY	15'	44.99'
FUEL PUMPS	25'	51.82'
- LANDSCAPE TRANSITION AREA (LTAs)

FRONT (BLDG)	REQUIRED	PROVIDED
10'	1.40'	6.00'
ALONG EAST INTERIOR	6'	6.22'
ALONG SOUTH INTERIOR	6'	6.02'
- HEIGHT REQUIREMENTS: NOT TO EXCEED 80'
- PROPOSED BUILDING HEIGHT: NOT TO EXCEED 60'
- THIS SITE WILL BE SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAP #2400100370F AND #2400100359F DATED SEPTEMBER 26, 2008.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY WILL BE PROVIDED INSIDE THE SUPERMARKET. COMPRESSED AIR WILL BE PROVIDED ON SITE FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION, 450 OR A VARIANCE WILL BE REQUESTED.
- THERE ARE NO ADJACENT FUEL SERVICE STATIONS WITH ONE MILE OF THE SITE (SECTION 403.3 BCZR).
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

ZONING HISTORY

- ZONING CASE #3820 PROVIDED FOR A RECLASSIFICATION FROM I-6 TO S-1 IN 1956 WITH NO CONDITIONS.
- ZONING CASE #75-55-R WAS A PETITION FOR RECLASSIFICATION AND REDISTRICTION FROM MLR AND DR18 TO BM-CT ON WHAT IS NOW THE HECHINGER PARCEL. THE PETITION WAS DENIED 10/27/78. APPEAL WAS FILED AND SUBSEQUENTLY WITHDRAWN. ORDER OF DISMISSAL FROM BOARD OF APPEALS 7/17/79. NO EVIDENCE OF ZONING HEARINGS INVOLVING THIS SITE WAS FOUND IN THE ZONING FILES.
- REFINEMENT TO DRC #032003 WAS GRANTED APRIL 13, 2000.
- DRC #032000B APPROVED 08/09/12.
- CRG # W92-12 APPROVED 04/28/82.

OWNER
SECURITY CENTER LLC
C/O KIMCO REALTY CORP.
1954 GREENSPRING DRIVE, SUITE 330
TIMONUM, MD, 21093

DEVELOPER
WEIS MARKETS, INC.
1000 S. 2ND STREET
SUNBURY PA, 17801
ATTN: TIM SNYDER
PHONE: (670) 285-5299

PROFESSIONAL CERTIFICATION

I, MICHAEL J. GESELL, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44097, EXPIRATION DATE: 6/9/15

FUEL SERVICE STATION SITE AREA

REQUIRED: 15,000 S.F. (MIN. REQUIRED) + 1,000 S.F. (ATM) + 820 S.F. (KIOSK) = 16,820 S.F.
PROVIDED: 20,336 S.F.

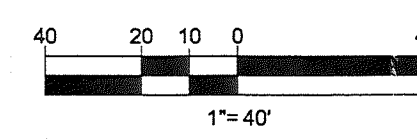
REASON FOR VARIANCE

- VARIANCE FROM SECTION 409.6.A.2 TO PROVIDE 377 PARKING SPACES IN LIEU OF THE REQUIRED 426 SPACES.
- VARIANCE FROM 405.4.A.2.B TO PROVIDE A 1.40' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10-FEET LANDSCAPE BUFFER ALONG SECURITY BOULEVARD (MD ROUTE 122).

COMMERCIAL PERMIT HISTORY

- PER APPROVED PAJ # 01-150 W92-12, DRC # 032000B, GENERAL NOTE 16, PARKING WAS APPROVED PRIOR TO 5/25/88 UNDER BUILDING PERMITS C-620-81, C-1103-81, AND C-1727-83.
- WAIVER OF CRG MEETING, W-92-12, WAS GRANTED JANUARY 23, 1992.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83(1981)
VERTICAL NAVD 88



GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT. WORK SHOWN PRIOR TO THE INITIATION OF CONSTRUCTION SHOULD BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE ACCURACY OF THE INFORMATION SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION, FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL CONFORMANCE WITH LOCAL REGULATIONS AND CODES.

BOHLER ENGINEERING
CORPORATE OFFICE:
WARREN, NJ
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS
OFFICES:
• BOWIE, MD
• SOUTH BORO, MA
• RICHMOND, VA
• RICHMOND, VA
• CENTER VALLEY, PA
• PHILADELPHIA, PA
• TAMPA, FL

REVISIONS

REV	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL - 811
MD 1-800-245-4848 (PA 1-800-343-1778) DC 1-800-257-7777 VA 1-800-652-7001 (MD 1-800-257-7777) DE 1-800-282-8655

PLAN TO ACCOMPANY VARIANCE PETITION FOR

PROJECT NO.: MD132111
DRAWN BY: MJS
CHECKED BY: MJS
DATE: 12/30/13
SCALE: AS SHOWN
CAD I.D.: VPD

WEIS MARKETS INC.

LOCATION OF SITE
SECURITY BOULEVARD &
N. ROLLING ROAD
BALTIMORE COUNTY
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 1
GIS FILE NUMBER: 094C1

BOHLER ENGINEERING

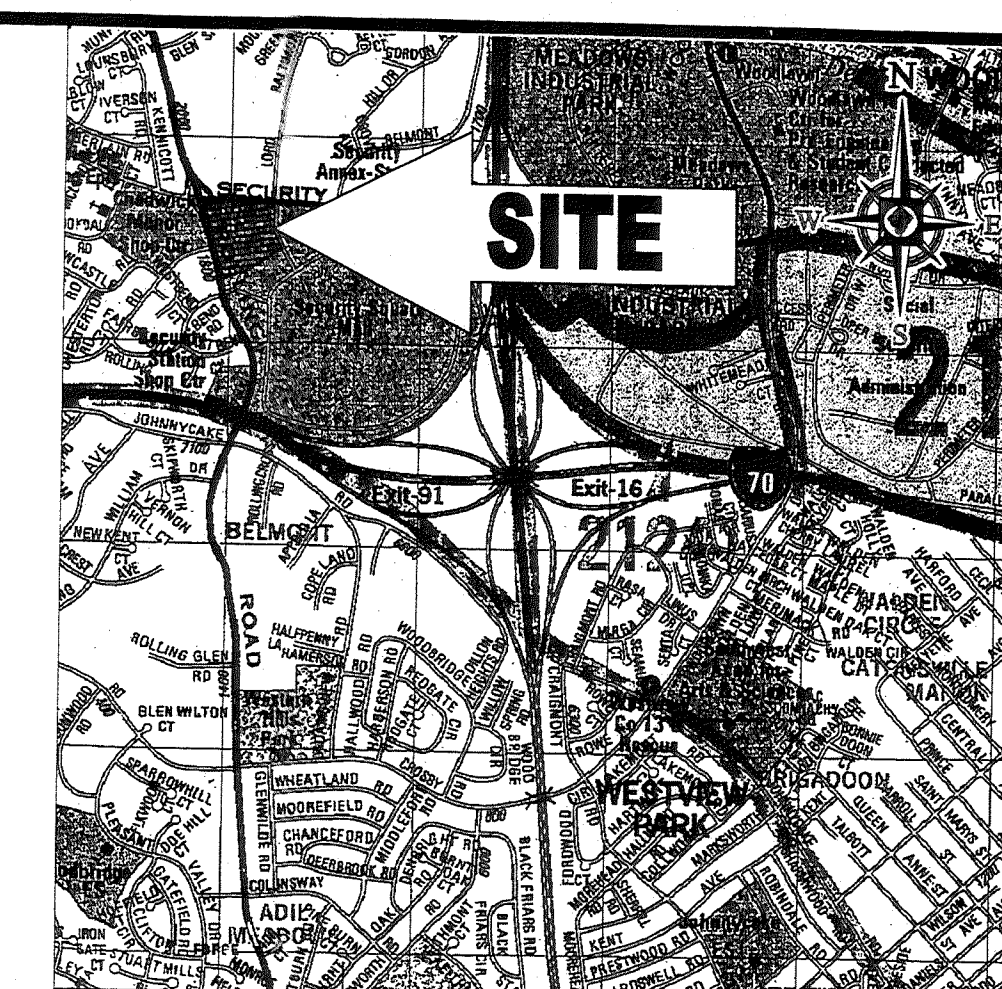
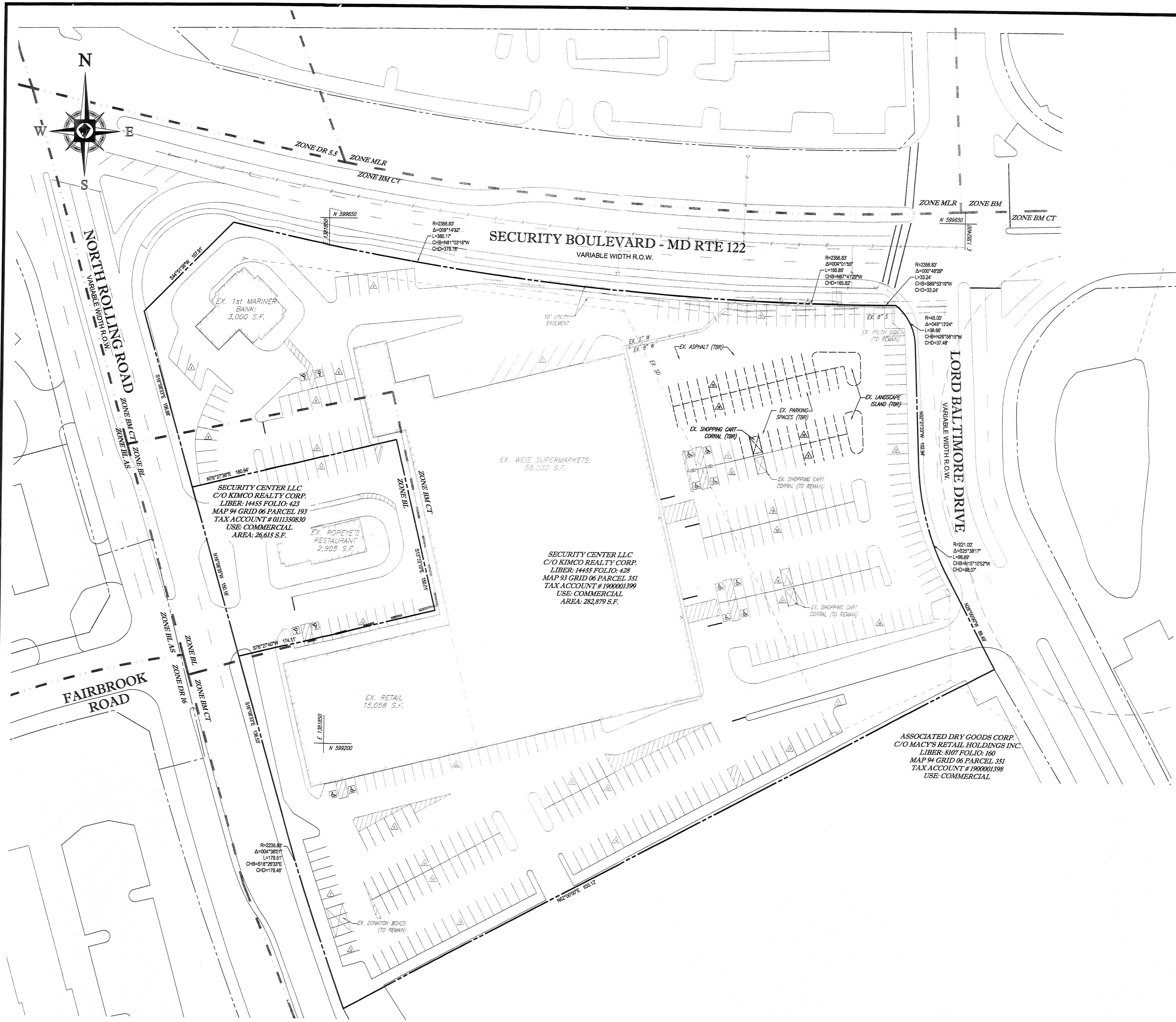
901 DULANEY VALLEY ROAD,
SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com

M.J. GESELL

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 44097

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER:
1
OF 5



LOCATION MAP
COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20002153-5
SCALE: 1"=200'

BOHLER ENGINEERING

CORPORATE OFFICE:
100 N. JEFFERSON AVE.
BALTIMORE, MD 21201
PHONE: (410) 821-7900
FAX: (410) 821-7987
WWW.BOHLENGINEERING.COM

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

OFFICES:
BOWEN, MD
TOWSON, MD
BALTIMORE, MD
CHAMBERS, VA
PHILADELPHIA, PA
TAMPA, FL

REVISIONS				
REV	DATE	COMMENT	BY	

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE: CALL 811 (TOLL FREE 1-800-245-4646) (PA 1-800-245-1779) (DC 1-800-257-7777) (VA 1-800-552-7011) (MD 1-800-257-7777) (DE 1-800-282-8555)

PROJECT: MD132111
DRAWN BY: RDH
CHECKED BY: MUG
DATE: 12/30/13
SCALE: AS SHOWN
CAD L.D.: VPD

PLAN TO ACCOMPANY VARIANCE PETITION FOR

WEIS MARKETS INC.

LOCATION OF SITE
SECURITY BOULEVARD &
N. ROLLING ROAD
BALTIMORE COUNTY
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 1
GIS TILE NUMBER: 094C1

BOHLER ENGINEERING

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

M.J. GESELL

PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 4409
3/20/14

SHEET TITLE:
EXISTING CONDITIONS PLAN

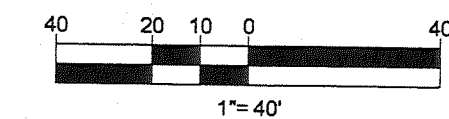
SHEET NUMBER:
2
OF 5

GENERAL NOTE:

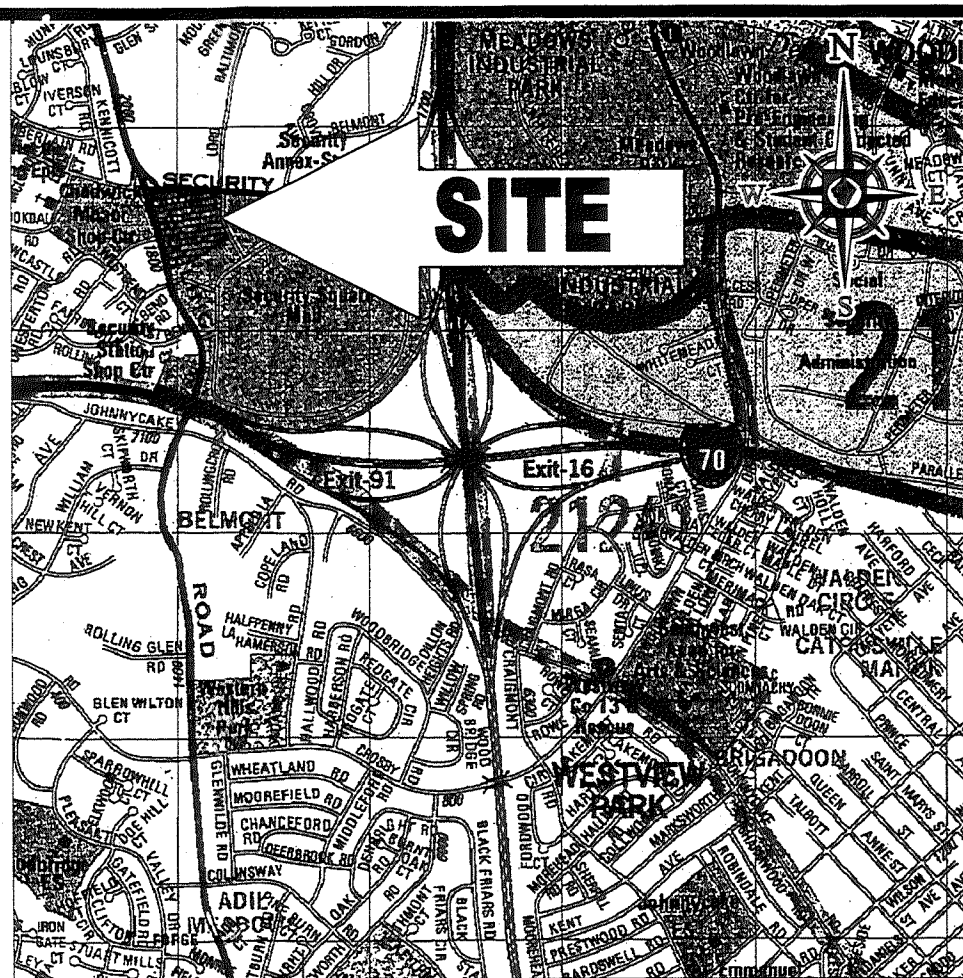
- EXISTING GRADING SHOWN WITHIN BOUNDARY IS BASED ON BALTIMORE COUNTY GIS TOPOGRAPHY
- SITE FEATURES ARE BASED UPON THE FIRST REVISED CRO/SITE PLAN PREPARED BY DMW, INC., DATED 2/3/92 AND LAST 8/8/12; PROJECT NO. 9135.

THESE PLANS ARE FOR A VARIANCE HEARING AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION
I, MICHAEL J. GESELL, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 4409, EXPIRATION DATE: 8/1/15



IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN FULL COMPLIANCE WITH ALL APPLICABLE REGULATIONS AND CODES.



COPYRIGHT ADC THE MAP PEOPLE
PERMIT USE NO. 20602153-5
SCALE: 1"=2000'

SCHEMATIC LANDSCAPE PLAN
CERTIFICATION FORM

THIS SCHEMATIC LANDSCAPE PLAN IS SEALED BY A LANDSCAPE ARCHITECT AND CERTIFIED BY MY SIGNATURE BELOW AS BEING IN ACCORDANCE WITH ALL COUNTY AGENCY LANDSCAPE ARCHITECTURAL COMMENTS.

APPLICANT SIGNATURE DATE PRINT NAME

MAILING ADDRESS (IF NOT ALREADY ON PLAN)

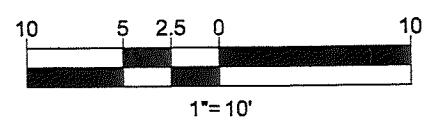
1 PLANTING UNIT	1 MAJOR DECIDUOUS TREE 2' - 2 1/2" IN CALIPER AT INSTALLATION
1 PLANTING UNIT	2 MINOR DECIDUOUS TREES 1" - 1 1/2" IN CALIPER AT INSTALLATION
1 PLANTING UNIT	2 EVERGREEN TREES 6' IN HEIGHT AT INSTALLATION
1 PLANTING UNIT	5 SHRUBS 18" - 36" IN HEIGHT AT INSTALLATION DEPENDENT ON SCREEN TYPE
1 PLANTING UNIT	500 S.F. OF GROUND COVER AT RECOMMENDED AA STANDARDS
1 PLANTING UNIT	10 HERBACEOUS/PERENNIAL PLANTS A 1 GALLON S *MAY ONLY BE USED TO MEET CLASS D SCREENING
1 PLANTING UNIT	20 HERBACEOUS/PERENNIAL PLANTS AT 1 QT. SIZE *MAY ONLY BE USED TO MEET CLASS D SCREENING

KEY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
<u>SHADE TREES(S)</u>					
QBC	5	QUERCUS BICOLOR	SWAMP WHITE OAK	2 1/2-3" CAL.	BH
ZSVG	7	ZELKOVA SERRATA 'VILLAGE GREEN'	VILLAGE GREEN ZELKOVA	2 1/2-3" CAL.	BH
	12				
<u>ORNAMENTAL TREES(S)</u>					
AC	3	AMELANCHIER CANADENSIS	MULTI STEM SHADBLOW SERVICEBERRY	8-10'	BH
<u>EVERGREEN SHRUB(S)</u>					
PXOL	27	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN CHERRY LAUREL	24-30"	#3 CAL
TBR	105	TAXUS BACCATA 'REPADENS'	SPREADING ENGLISH YEW	18-24"	BH
	132				
<u>DECIDUOUS SHRUB(S)</u>					
IV	12	ITEA VIRGINICA 'HENRY'S GARNET'	GARNET SWEETSPICE	24-30"	#5 CAL
IWRH	10	ILEX VERTICILLATA 'WINTER RED'	WINTER RED WINTERBERRY HOLLY	30-36"	#5 CAL
RABFC	56	ROSA 'APPLE BLOSSOM FLOWER CARPET'	APPLE BLOSSOM 'CARPET' ROSE	2 GAL.	CONTAINER
	78				
<u>ORNAMENTAL GRASSES(S)</u>					
MSC	3	MISCANTHUS SINENSIS 'GRACILLIMUS'	MAIDEN GRASS	2 GAL.	CONTAINER

NOTE: IF ANY DISCREPANCIES OCCUR BETWEEN AMOUNTS SHOWN IN THE PLAN AND THE PLANT LIST, THE PLAN SHALL DICATE.

SECTION	REQUIREMENTS	CALCULATIONS/PROPOSED
CONDITION B: PARKING LOTS	2. INTERIOR LANDSCAPING RESERVE 7% OF THE PARKING LOT AREA FOR INTERIOR LANDSCAPING. PLANT AT: 1 PLANTING UNIT (PU) PER 12 PARKING SPACES	TOTAL PAVED AREA: 20,337 S.F. REQUIRED: $20,337 \times 0.07 = 1,424$ S.F. (7%) PROPOSED: 2,428 S.F. (11.9%) TOTAL PARKING SPACES: 25 REQUIRED: $25/2 = 2.1$ PU
	1. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANTING AREA IS REQUIRED ALONG THE ENTIRE PERIMETER OF AN AUTOMOTIVE USE. SETBACKS SHALL BE IN COMPLIANCE WITH THE UNDERLYING ZONE OR THE SPECIAL REGULATIONS OF THE USE. 2. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET IF THE FUEL SERVICE STATION OR CAR WASH ABUTS A PUBLIC RIGHT-OF-WAY. LANDSCAPING ALONG THE PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH "CLASS S" REQUIREMENTS. 1 PLANTING UNIT (PU) PER 15 L.F.	NORTH LEASE LINE: 166 L.F. REQUIRED: $166/15 = 11.1$ PU
CONDITION K: AUTOMOTIVE USES	3. THE LANDSCAPE AREA SHALL HAVE A MINIMUM WIDTH OF 6 FEET IN ALL SIDE AND REAR YARDS ABUTTING COMMERCIAL OR INDUSTRIALLY ZONED LAND, AND SHALL BE VEGETATED AT THE RATE OF: 1 PLANTING UNIT (PU) PER 10 L.F.	SOUTH LEASE LINE: 176 L.F. REQUIRED: $175/10 = 17.5$ PU EAST PROPERTY LINE: 121 L.F. REQUIRED: $121/10 = 12.1$ PU WEST PROPERTY LINE: 114 L.F. REQUIRED: $114/10 = 11.4$ PU

PLANTING UNITS REQUIRED: 54.2 PU
PLANTING UNITS PROVIDED: 56.1 PU



THESE PLANS ARE FOR A
VARIANCE HEARING AND
ARE NOT TO BE UTILIZED
FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION
I, ERIC R. MCWILLIAMS, HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND
THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER
THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 3697 EXPIRATION DATE: 9/2014

CORPORATE OFFICE:
▲ WARREN MI

L & CONSULTING ENGINEERS

[illegible]

THE FOLLOWING STATES REQUIRE NOTIFICATION BY
EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO
DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.
IN VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND
DELAWARE CALL - 811
(WV 1-800-245-4848) (PA 1-800-242-1776) (DC 1-800-257-7777)
(VA 1-800-552-7001) (MD 1-800-257-7777) (DE 1-800-282-8555)

NOT APPROVED FOR
CONSTRUCTION

PROJECT No.:	MD132111
DRAWN BY:	RDH
CHECKED BY:	MJG
DATE:	12/30/13
SCALE:	AS SHOWN
CAD I.D.:	VP0

PROJECT: **PLAN TO
ACCOMPANY
VARIANCE
PETITION**
_____ FOR _____

**WEIS
MARKETS
INC.**

LOCATION OF SITE
SECURITY BOULEVARD &
N. ROLLING ROAD
BALTIMORE COUNTY
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 1
GIS TILE NUMBER: 094C1



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

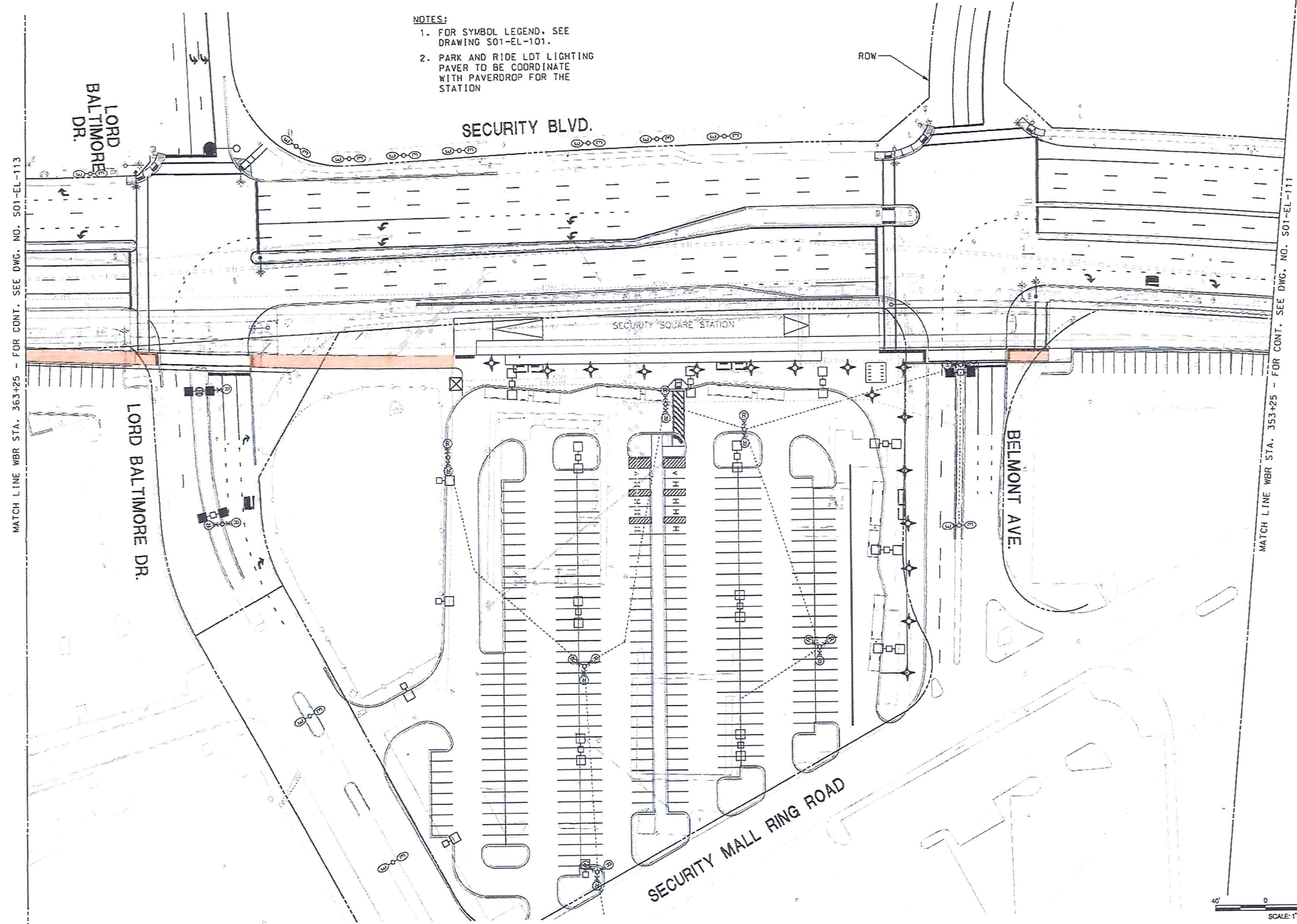
E.R. McWILLIAMS
REGISTERED PROFESSIONAL ARCHITECT
LANDSCAPE ARCHITECT
36971
2-21-14

SHEET TITLE:

SCHEMATIC LANDSCAPE PLAN

SHEET NUMBER: 4 OF 5

GENERAL NOTE:
IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO REVIEW ALL OF THE DRAWINGS AND SPECIFICATIONS ASSOCIATED WITH THIS PROJECT WORK SCOPE PRIOR TO THE INITIATION OF CONSTRUCTION. SHOULD THE CONTRACTOR FIND A CONFLICT WITH THE DOCUMENTS RELATIVE TO THE SPECIFICATIONS OR APPLICABLE CODES, IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE PROJECT ENGINEER OF RECORD IN WRITING PRIOR TO THE START OF CONSTRUCTION. FAILURE BY THE CONTRACTOR TO NOTIFY THE PROJECT ENGINEER SHALL CONSTITUTE ACCEPTANCE OF FULL RESPONSIBILITY BY THE CONTRACTOR TO COMPLETE THE SCOPE OF THE WORK AS DEFINED BY THE DRAWINGS AND IN ACCORDANCE WITH THE SPECIFICATIONS, ORDINANCES, DEEDS, RECORDS AND CODES.



- NOTES:
1. FOR SYMBOL LEGEND, SEE DRAWING S01-EL-101.
 2. PARK AND RIDE LOT LIGHTING PAVEMENT TO BE COORDINATE WITH PAVEDROP FOR THE STATION



SCALE: 1" = 40'



RED LINE
General Engineering Consultant Team
100 South Charles Street, Tower 1, 10th Floor ■ Baltimore, MD 21201
P: 410-727-5050 ■ F: 410-727-4608

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 No. Expiration Date

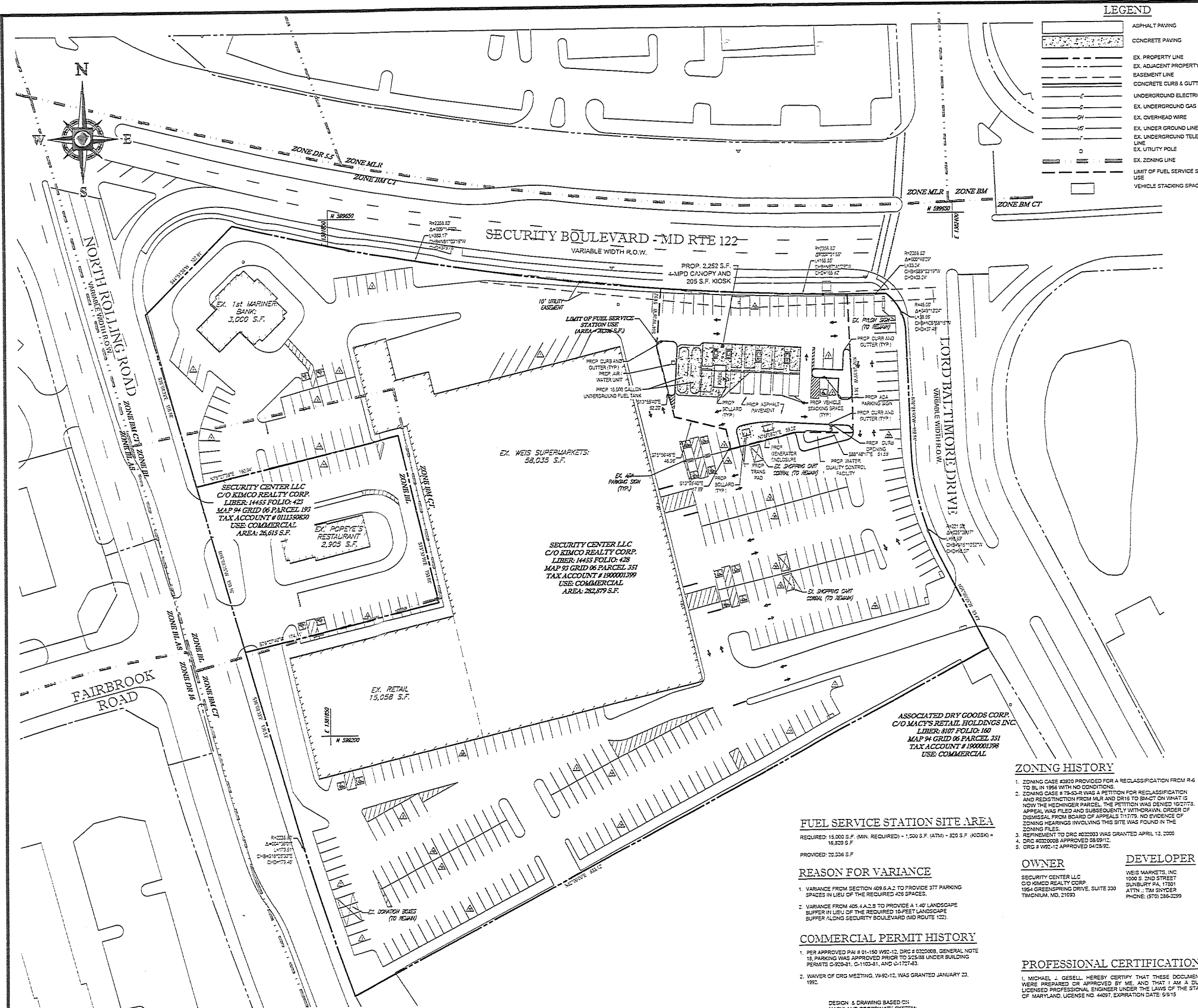
30%
SUBMITTAL

NO.	DESCRIPTION	BY	DATE
REVISIONS			

APPR	CHECK	DRAWN	DESIGN

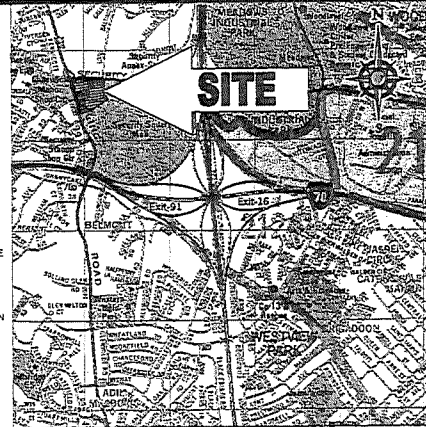
PRELIMINARY ENGINEERING
RED LINE ROUTE ALIGNMENT
SEGMENT 1
LIGHTING PLAN
WBR STA 363+25 - STA 353+25
DATE: JULY 2013 SCALE: 1" = 40'

CONTRACT NO.
T-0862-0120
DRAWING NO.
S01-EL-112
SHEET NO.
636 OF 686



LEGEND

	ASPHALT PAVING
	CONCRETE PAVING
	EX. PROPERTY LINE
	EX. ADJACENT PROPERTY LINE
	EASEMENT LINE
	CONCRETE CURB & GUTTER
	UNDERGROUND ELECTRIC LINE
	EX. UNDERGROUND GAS LINE
	EX. OVERHEAD WIRE
	EX. UNDERGROUND LINE
	EX. UNDERGROUND TELEPHONE LINE
	EX. UTILITY POLE
	EX. ZONING LINE
	LIMIT OF FUEL SERVICE STATION USE
	VEHICLE STACKING SPACE



LOCATION MAP

COPYRIGHT ADD THE MAP PEOPLE
PERMIT USE NO. 20502153-5
SCALE: 1"=200'

PARKING REQUIREMENTS

EXISTING PARKING REQUIREMENTS

RETAIL:	15,058 S.F. @ 5:1,000 S.F.	=	75.29
SUPERMARKET:	58,035 S.F. @ 5:1,000 S.F.	=	290.18
BANK:	3,000 S.F. @ 2:3,100 S.F.	=	9.90
FAST FOOD:	2,905 S.F. @ 15:1,000 S.F.	=	46.48
EXISTING REQUIRED:	421.85 OF 422 SPACES		

PROPOSED PARKING REQUIREMENTS FOR GAS STATION:

PROP. KIOSK (3 SPACES PER 1,000 S.F.):	9.92
PROP. FUEL KIOSK (1 SPACE PER EMPLOYEE):	1
PROP. AIR/WATER UNIT (1 SPACE PER UNIT):	1
PROP. AUTOMATED TELLER MACHINE (1 SPACE PER MACHINE):	1
TOTAL REQUIRED FOR GAS STATION:	3.52 OR 4 SPACES

PROPOSED REQUIRED PARKING SPACES TOTAL: 425 SPACES

PARKING SPACES PROVIDED: 377 SPACES

GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 1809 ROLLING ROAD
 - B. SITE AREA: 332,373 S.F. ± = 5.50 AC ± (PARCEL 351)
33,515 S.F. ± = 0.61 AC ± (PARCEL 193)
209,494 S.F. ± = 7.11 AC ± (TOTAL)
 - C. ELECTION DISTRICT: 1
 - D. COUNCILMANIC DISTRICT: 2
 - E. ADD MAP: 4816K1 AND 4816K10
 - F. CENSUS TRACT: 401501
 - G. TAX MAP: 34
 - H. PARCEL: 193 & 351
 - I. TAX ACCOUNT NO: 0111350000 (PARCEL 193)
1900001399 (PARCEL 351)
- ZONING: BM-CT (PARCEL 351)
BL (PARCEL 193)
- ZONING MAP REFERENCE: 094C1
- FLOOR AREA RATIO: PERMITTED = 5.50
PROVIDED = (79,203 S.F./209,494 S.F.) = 0.38
- EXISTING LAND USE: PLANNED SHOPPING CENTER
- PROPOSED LAND USE: PLANNED SHOPPING CENTER WITH GASOLINE STATION
- SETBACKS (TO PROPERTY LINE ALONG SECURITY BOULEVARD):

	REQUIRED	PROVIDED
FRONT (BLDG)	35'	64.00'
CANDY	15'	44.89'
FUEL PUMPS	25'	51.32'
- LANDSCAPE TRANSITION AREA (LTA):

	REQUIRED	PROVIDED
ALONG SECURITY BLVD	10'	1.40'
ALONG EAST INTERIOR	6'	6.00'
ALONG SOUTH INTERIOR	6'	9.00'
ALONG WEST INTERIOR	6'	6.00'
- HEIGHT REQUIREMENTS: NOT TO EXCEED 60'
- PROPOSED BUILDING HEIGHT: NOT TO EXCEED 60'
- THIS SITE WILL BE SERVICED BY A PUBLIC WATER AND SEWER SYSTEM
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAP #2400100370F AND #2400100359F DATED SEPTEMBER 26, 2003.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS.
- A REST ROOM FACILITY WILL BE PROVIDED INSIDE THE SUPERMARKET. COMPRESSED AIR WILL BE PROVIDED ON SITE FOR CUSTOMERS.
- CONFORMANCE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450 OR A VARIANCE WILL BE REQUESTED.
- THERE ARE NO ABANDONED FUEL SERVICE STATIONS WITH ONE MILE OF THE SITE (SECTION 405.3 BCZR)
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

ZONING HISTORY

- ZONING CASE #3820 PROVIDED FOR A RECLASSIFICATION FROM R-6 TO BL IN 1986 WITH NO CONDITIONS.
- ZONING CASE #79434 WAS A PETITION FOR RECLASSIFICATION AND REDISTRICTION FROM MLR AND DR16 TO BM-CT ON WHAT IS NOW THE HEDINGER PARCEL. THE PETITION WAS DENIED 10/27/78. APPEAL WAS FILED AND SUBSEQUENTLY WITHDRAWN. ORDER OF DISMISSAL FROM BOARD OF APPEALS 7/17/79. NO EVIDENCE OF ZONING HEARINGS INVOLVING THIS SITE WAS FOUND IN THE ZONING FILES.
- REINVESTMENT TO DRC #0220001 WAS GRANTED APRIL 13, 2000.
- DRC #0220000 APPROVED 08/29/12.
- DRC #192-12 APPROVED 04/29/12.

OWNER

SECURITY CENTER LLC
C/O KIMCO REALTY CORP
1954 GREENSPRING DRIVE, SUITE 330
TIMonium, MD, 21093

DEVELOPER

WEIS MARKETS, INC.
1000 S. 2ND STREET
DUNSBURY PA, 17015
ATTN: TIM SNYDER
PHONE: (870) 289-2379

FUEL SERVICE STATION SITE AREA

REQUIRED: 15,000 S.F. (MIN. REQUIRED) - 1,500 S.F. (ATM) - 320 S.F. (KIOSK) = 16,820 S.F.

PROVIDED: 32,336 S.F.

REASON FOR VARIANCE

- VARIANCE FROM SECTION 405.6.A.2 TO PROVIDE 377 PARKING SPACES IN LIEU OF THE REQUIRED 425 SPACES.
- VARIANCE FROM 405.4.A.2.5 TO PROVIDE A 14' LANDSCAPE BUFFER IN LIEU OF THE REQUIRED 10-15' LANDSCAPE BUFFER ALONG SECURITY BOULEVARD (MD ROUTE 122).

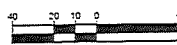
COMMERCIAL PERMIT HISTORY

- PER APPROVED PAI # 01-150 W-12. DRC #0220000. GENERAL NOTE 18. PARKING WAS APPROVED PRIOR TO 2003 UNDER BUILDING PERMITS 2-920-31, C-1100-31, AND C-1172-31.
- WAIVER OF CRG MEETING, W-92-12, WAS GRANTED JANUARY 23, 1992.

DESIGN & DRAWING BASED ON:
MARYLAND COORDINATE SYSTEM:
HORIZONTAL: NAD 83(1991)
VERTICAL: NAVD 83

PROFESSIONAL CERTIFICATION

I, MICHAEL J. GESELL, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44037, EXPIRATION DATE: 5/31/15



THESE PLANS ARE FOR A VARIANCE HEARING AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION

PROFESSIONAL CERTIFICATION
MICHAEL J. GESELL, HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 44037, EXPIRATION DATE: 5/31/15

BOHLER ENGINEERING

CIVIL & CONSTRUCTION ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

OFFICES:
• WASHINGTON, DC
• BALTIMORE, MD
• ANNAPOLIS, MD
• FREDERICK, MD
• GREENBELT, MD
• ROCKVILLE, MD
• WASHINGTON, VA
• FALLS CHURCH, VA
• FORT BELLEVILLE, IL
• CHICAGO, IL

REV	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

THE FOLLOWING STATES REQUIRE NOTIFICATION BY EXISTING 2003, 2004, OR ANY PERSON PREPARING TO EXERCISE THE EARTH SURFACE ADJACENT TO THE STATE OF VIRGINIA, MARYLAND, THE DISTRICT OF COLUMBIA, AND DELAWARE CALL 811
OR 1-800-245-4444 (PA 1-800-341-7771) OR 1-800-257-7777
OR 1-800-332-7891 (MD 1-800-257-7771) OR 1-800-332-7891

PLAN TO ACCOMPANY VARIANCE PETITION FOR

PROJECT NO. MD12111
DRAWN BY: RDH
CHECKED BY: M.J.G.
DATE: 12/20/13
SCALE: AS SHOWN
SAD I.D.: VPD

WEIS MARKETS INC.

LOCATION OF SITE
SECURITY BOULEVARD &
N. ROLLING ROAD
BALTIMORE COUNTY
ELECTION DISTRICT: 2
COUNCILMANIC DISTRICT: 1
GIS FILE NUMBER: 094C1

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD,
SUITE 901
TOWSON, MARYLAND 21204
Phone: (410) 821-7500
Fax: (410) 821-7507
www.BohlerEngineering.com

M.J. GESELL

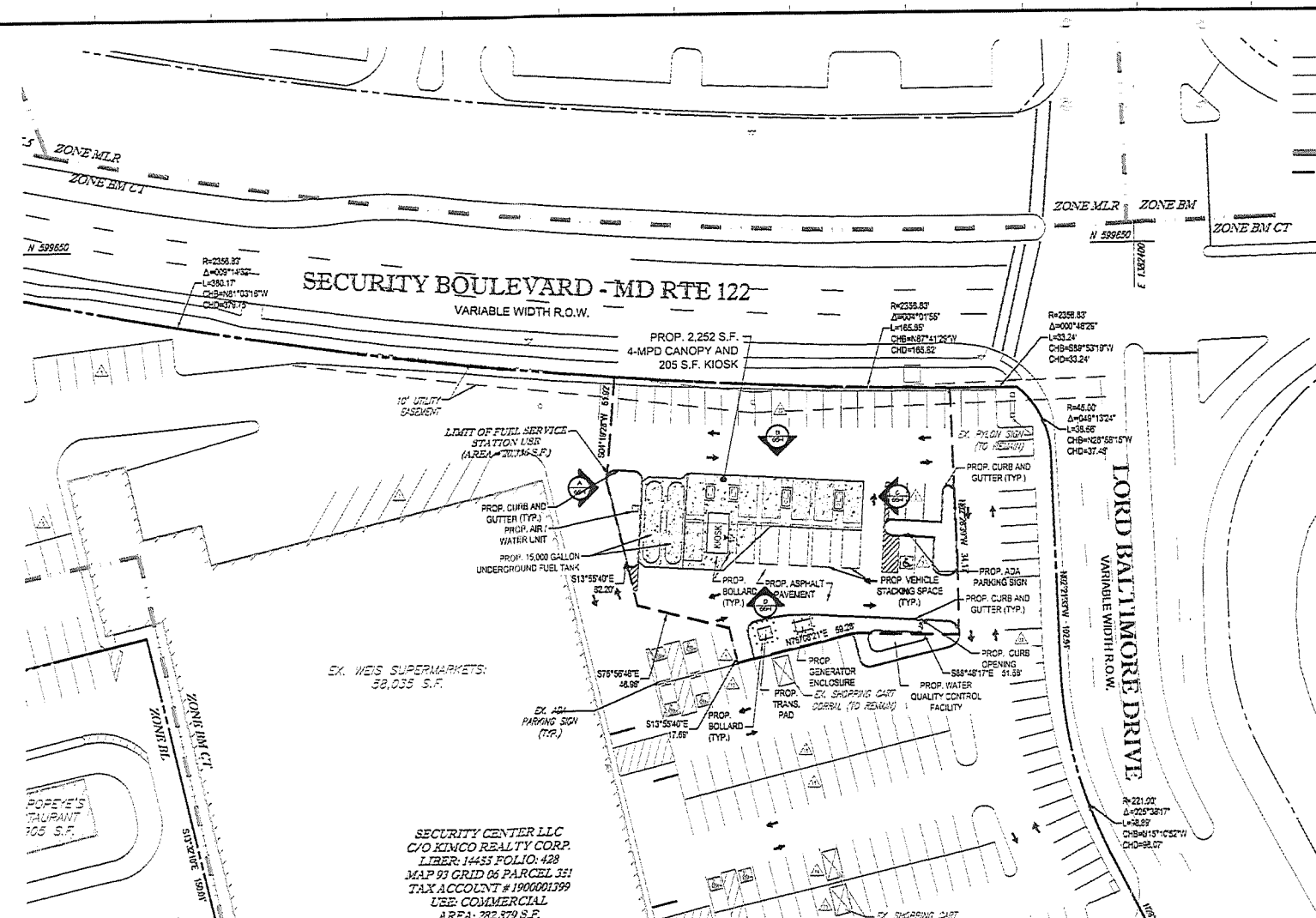
PROFESSIONAL ENGINEER
MARYLAND, LICENSE NO. 44037

SHEET TITLE:
OVERALL SITE PLAN

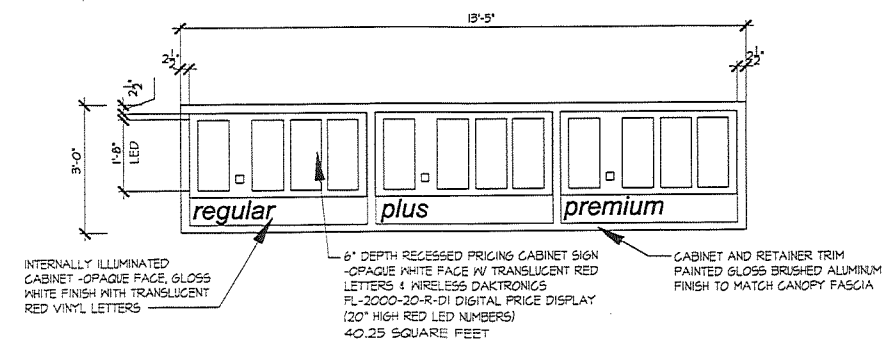
EXHIBIT

3

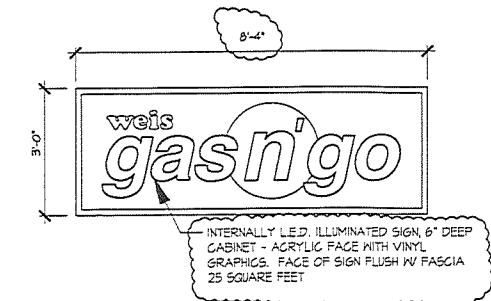
ALL-STATE LEGAL



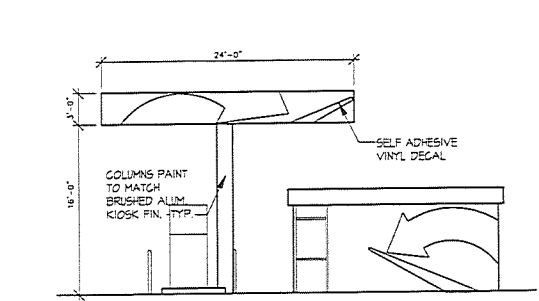
PARTIAL SITE PLAN
NOT TO SCALE



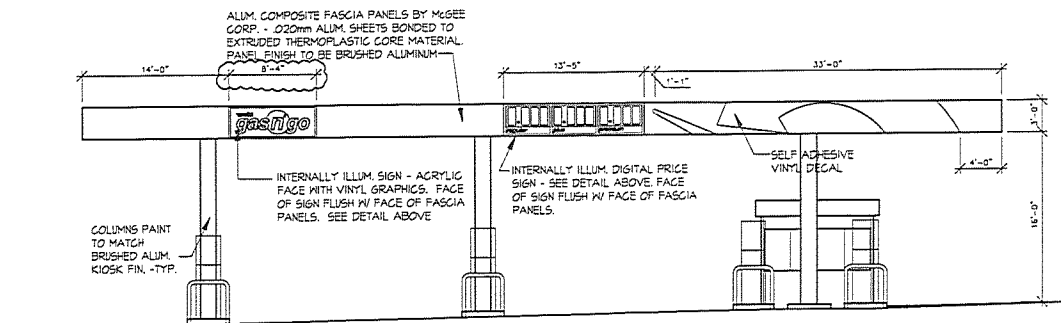
CANOPY PRICE SIGNS - QTY - 1
1/2" = 1'-0"



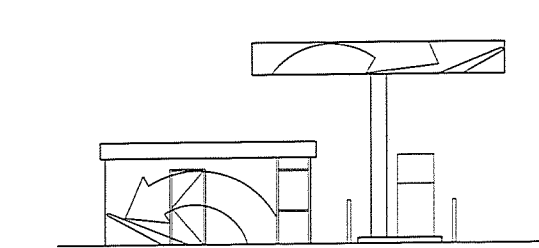
CANOPY ILLUM. SIGNS - QTY - 2
1/2" = 1'-0"



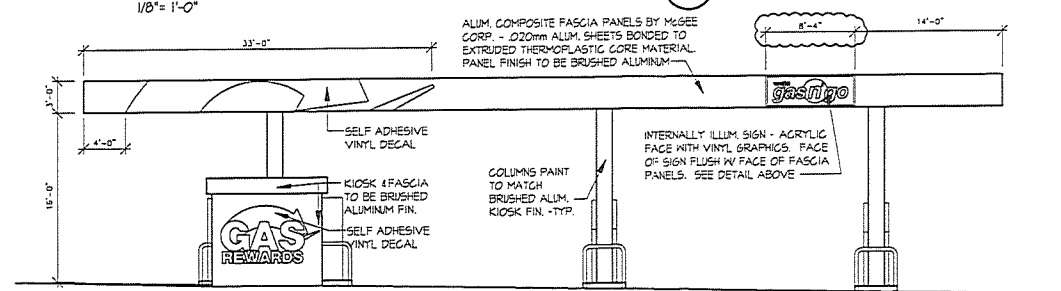
WEST ELEVATION
1/8" = 1'-0"



NORTH ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SOUTH ELEVATION
1/8" = 1'-0"

GENERAL NOTES

1. SIGN CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED PERMITS.
2. SIGN CONTRACTOR SHALL PREPARE COMPLETE SET OF SHOP DRAWINGS AND SUBMIT TO WEIS MARKETS FOR APPROVAL.
3. ALL CONTRACTORS SHALL VERIFY FIELD DIMENSIONS PRIOR TO FABRICATION AND INSTALLATION OF THE WORK.
4. ELECTRICAL INSTALLATION AND GROUNDING SHALL BE IN ACCORDANCE WITH THE LATEST NATIONAL ELECTRICAL CODE.

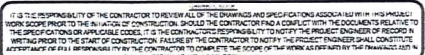
ISSUED / REVISED		DESCRIPTION
NO.	DATE	
1	4/17/14	REDUCE SIGN AREA TO 25' 5" (DETAIL 2)

These Plans and Specifications as well as the information contained herein are the property of Weis Markets, Inc. and are to be used only for the project indicated herein.

(1) Only with the written consent of Weis Markets, Inc.

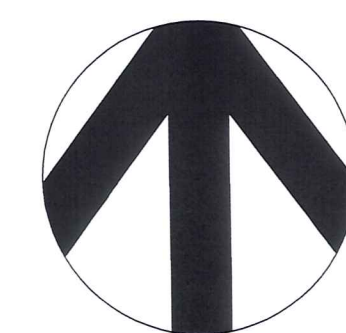
(2) Directly for the project indicated herein.

© 2014 Weis Markets, Inc.
PROJECT: WEIS GAS-N-GO
BOX & BIN ROLLING RD.
WOODLAWN MD
DRAWING TITLE: PROPOSED GAS CANOPY SIGN PLAN/DETAILS



SECURITY BOULEVARD - MD RTE 122

LORD BALTIMORE DRIVE



NORTH

WEIS MARKETS

SECURITY BLVD AND LORD BALTIMORE DR
WINDSOR MILL, MARYLAND
BALTIMORE COUNTY

8 APRIL 2014

MD132111



BOHLER
ENGINEERING