

M E M O R A N D U M

DATE: March 23, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0145-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 20, 2015. 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

PLEASE PRINT CLEARLY

CASE NAME 7535 Holabird
CASE NUMBER 2015-145A
DATE February 13, 2015

PETITIONER'S SIGN-IN SHEET

[illegible]

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
1/14/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	C
	DEPS (if not received, date e-mail sent _____)	
	FIRE DEPARTMENT	
1/23/15	PLANNING (if not received, date e-mail sent _____)	N/C
1/14/15	STATE HIGHWAY ADMINISTRATION	No Obj
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. 10510115)		
NEWSPAPER ADVERTISEMENT	Date: 1/22/15	Daily Record
SIGN POSTING	Date: 1/24/15	by SSG BLOCK
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search (w3)

Guide to searching the database

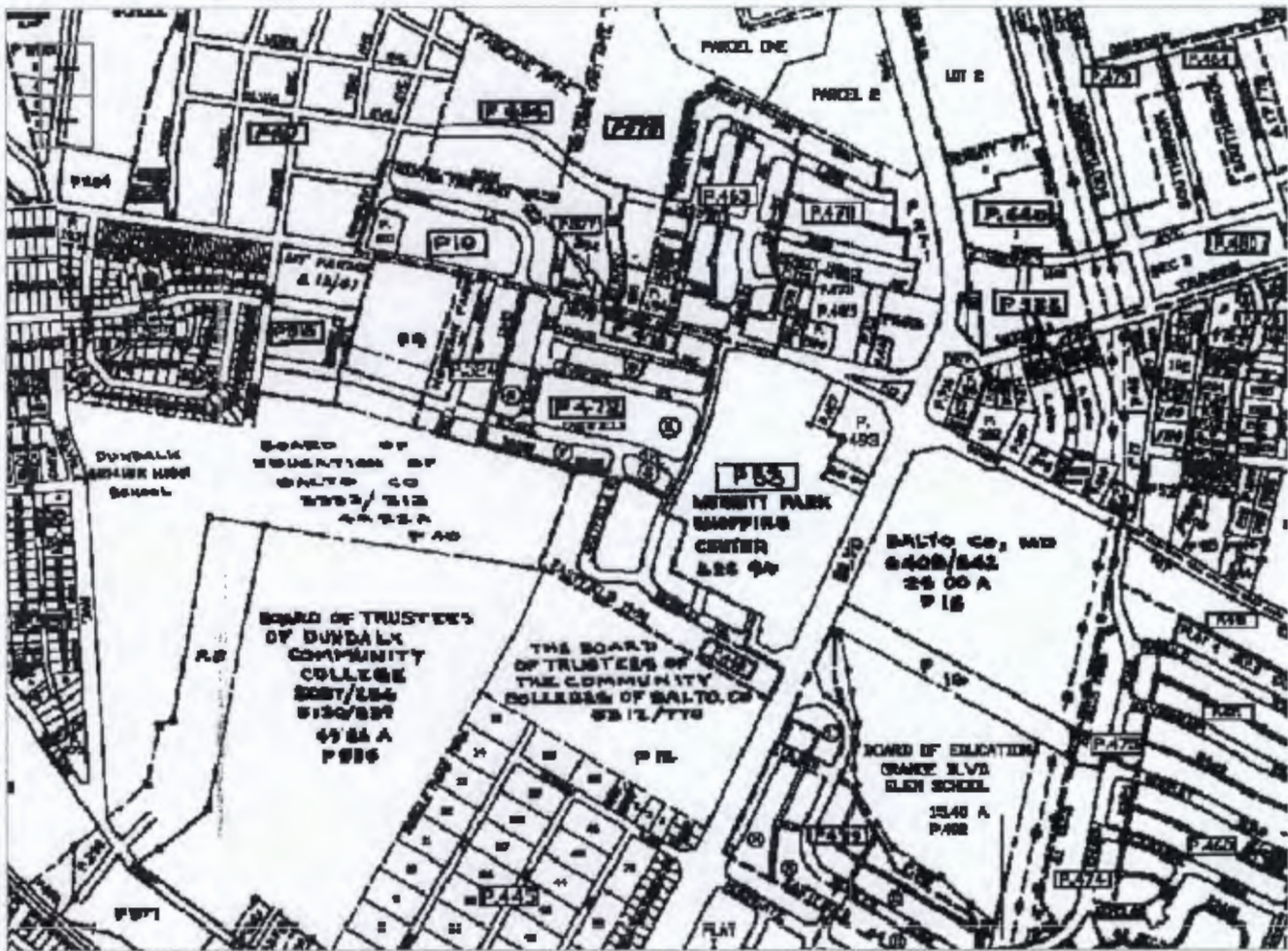
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration				
Account Identifier:		District - 12 Account Number - 1213024581							
Owner Information									
Owner Name:		MP63 LLC			Use:		COMMERCIAL NO		
Mailing Address:		11 E FAYETTE ST BALTIMORE MD 21202-			Principal Residence:		Deed Reference: /31855/ 00341		
Location & Structure Information									
Premises Address:		HOLABIRD AVE 0-0000			Legal Description:		13.2669 AC SW MERRITT BLVD MERRITT PK SHOPPING CNT		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0103	0011	0053		0000				2013	0026/ 0094
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Enclosed Area			Finished Basement Area		Property Land Area		County Use
1963		6109					13.2600 AC		14
Stories	Basement	Type			Exterior	Full/Half Bath	Garage	Last Major Renovation	
		SHELL NEIGHBORHOOD SHOPPING CENTER							
Value Information									
		Base Value		Value As of 01/01/2013		Phase-In Assessments As of 07/01/2014			As of 07/01/2015
Land:		3,978,000		3,978,000					
Improvements		4,290,300		3,255,400					
Total:		8,268,300		7,233,400		7,233,400			7,233,400
Preferential Land:		0							0
Transfer Information									
Seller: MP63 LLC				Date: 03/23/2012			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /31855/ 00341			Deed2:		
Seller: MACHT CAROL ET AL				Date: 11/02/1999			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /14126/ 00634			Deed2:		
Seller: MACHT PHILIP/SOPHIA PER REP				Date: 11/01/1967			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /04942/ 00289			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2014		07/01/2015			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: No Application									

Baltimore County

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

District: **12** Account Number: **1213024581**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

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 Wait.

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KEVIN KAMENETZ
County Executive

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

February 5, 2015

MP63 LLC
11 E Fayette Street
Baltimore MD 21202

RE: Case Number: 2015-0145 A, Address: 7535 Holabird Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 7, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
David H. Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

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



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

Date: 1/14/15

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

RE: Baltimore County
Item No 2015-0145-A
Variance
MP63 LLC.
7535 Holabird Avenue

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. 2015-0145-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

213

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 23, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

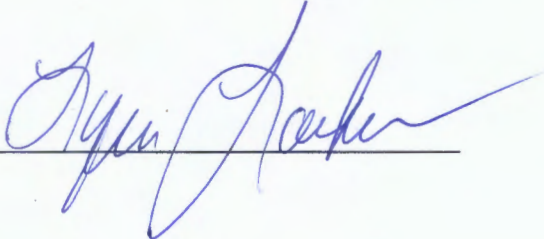
RECEIVED

JAN 27 2015

SUBJECT: Zoning Advisory Petition(s) for
Item No: 2015-145
7535 Holabird Avenue

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the above referenced zoning item(s) and has no comments.

Prepared By: 

AVA/LL/ka

c: John Beverungen, ALJ
Peter Max Zimmerman

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:

2015-0145-A

Petitioner:

Rile Aid

Address or Location:

7535 Holabird Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name:

Adam Rosenblatt

Address:

Venable LLP

210 W. Pennsylvania Ave Suite 500

Towson MD 21204

Telephone Number:

(410) 494-6200

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 January 19, 2015
Item No. 2015-0145

DATE: January 14, 2015

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

A Photometric Lighting Plan is required.

* * * * *

DAK:CEN
cc:file

ZAC-ITEM NO 15-0145-01192015.doc



PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

1/22/2015

Order #: 10672471

Case #:

Description:

Case Number: 2015-0145-A - Notice of Zoning Hearing

Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2015-0145-A

7535 Holabird Avenue

S/s of Holabird Avenue, 700 ft. w/cf centerline of Merritt Boulevard

12th Election District- 7th Councilmanic District

Legal Owners: MP63, LLC Lessee: Rite Aid

Variance to allow a total of 7 wall-mounted enterprise signs with no more than 5 signs on any facade for a single tenant building in lieu of the permitted 3 signs with no more than 2 on any one facade (Sign Nos. 1, 2, 3, 5, 6 & 7); to allow directional signs with a maximum sign area/face of 20 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 4, 8).

Hearing: Friday, February 13, 2015 at 11:00 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.

ja22

CERTIFICATE OF POSTING

2015-0145-A

RE: Case No.: _____

Petitioner/Developer: _____

MP63, LLC
Rite Aid

February 13, 2015

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: _____

7535 Holabird Ave

January 24, 2015

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



Sincerely,


(Signature of Sign Poster)

January 24, 2015

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



KEVIN KAMENETZ
County Executive
January 15, 2015

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

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: 2015-0145-A

7535 Holabird Avenue

S/s of Holabird Avenue, 700 ft. w/of centerline of Merritt Boulevard

12th Election District – 7th Councilmanic District

Legal Owners: MP63, LLC

Lessee: Rite Aid

Variance to allow a total of 7 wall-mounted enterprise signs with no more than 5 signs on any façade for a single tenant building in lieu of the permitted 3 signs with no more than 2 on any one façade (Sign Nos. 1, 2, 3, 5, 6 & 7); to allow directional signs with a maximum sign area/face of 20 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 4, 8).

Hearing: Friday, February 13, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
MP63, LLC, 11 E. Fayette Street, Baltimore 21202
Kevin Shreve, Reg. Dir., 325 Welltown Road, Winchester VA 22603

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 24, 2015.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, January 22, 2015 Issue - Jeffersonian

Please forward billing to:
Adam Rosenblatt
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6200

NOTICE OF ZONING HEARING

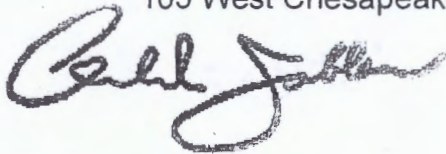
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0145-A

7535 Holabird Avenue
S/s of Holabird Avenue, 700 ft. w/of centerline of Merritt Boulevard
12th Election District – 7th Councilmanic District
Legal Owners: MP63, LLC
Lessee: Rite Aid

Variance to allow a total of 7 wall-mounted enterprise signs with no more than 5 signs on any façade for a single tenant building in lieu of the permitted 3 signs with no more than 2 on any one façade (Sign Nos. 1, 2, 3, 5, 6 & 7); to allow directional signs with a maximum sign area/face of 20 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 4, 8).

Hearing: Friday, February 13, 2015 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
7535 Holabird Avenue; S/S Holabird Avenue, * OF ADMINSTRATIVE
700' W of c/line Merritt Boulevard * HEARINGS FOR
12th Election & 7th Councilmanic Districts * BALTIMORE COUNTY
Legal Owner(s): MP63, LLC *
Petitioner(s) * 2015-145-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

JAN 14 2015

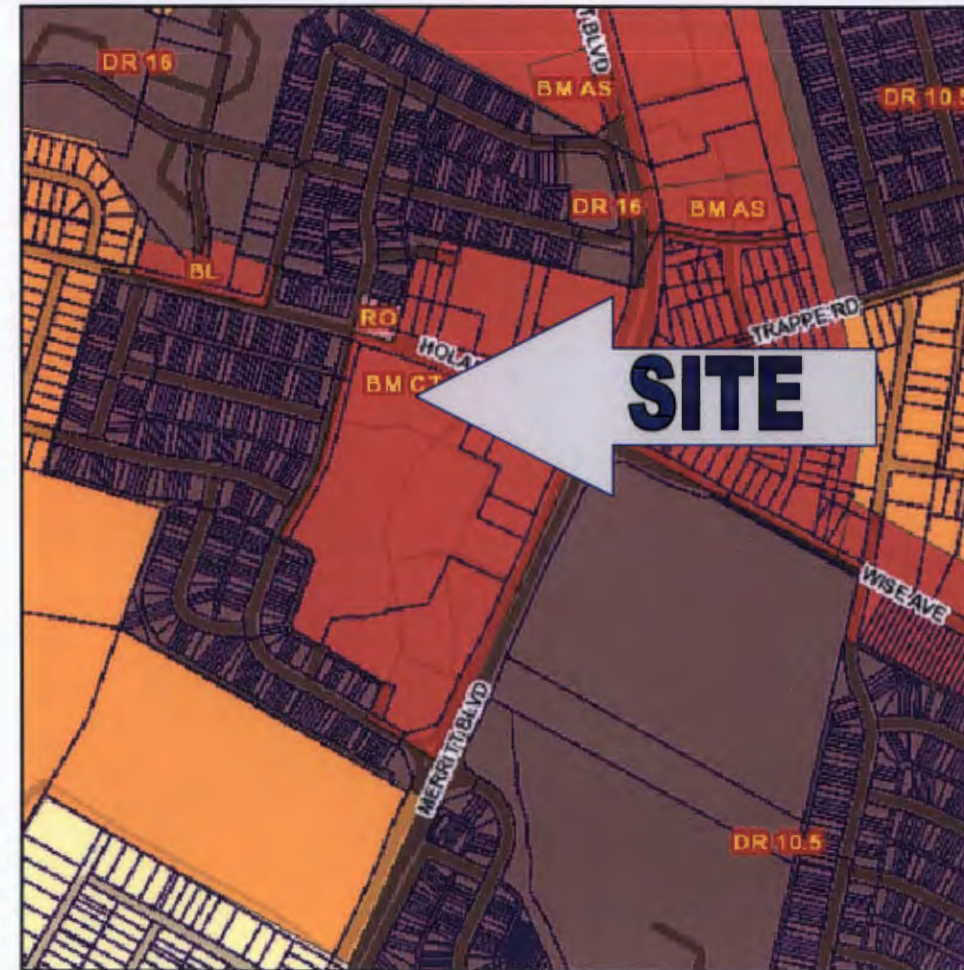
[Signature Line]

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 January, 2015, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, Venable, LLP, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County



ZONING MAP
SCALE: 1"=1000'

2015-0145-A



KEVIN KAMENETZ
County Executive

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

February 18, 2015

David H. Karceski, Esquire
Venable, LLP
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

RE: Petition for Variance
Property: 7535 Holabird Avenue
Case No.: 2015-0145-A

Dear Mr. Karceski:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR VARIANCE
(7535 Holabird Avenue)
12th Election District
7th Council District
MP63, LLC
Legal Owner
Petitioner

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0145-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owner of the subject property. The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §450.4 as follows: (1) to allow a total of 7 wall-mounted enterprise signs with no more than 5 signs on any façade for a single tenant building in lieu of the permitted 3 signs with no more than 2 on any one façade (Sign Nos. 1, 2, 3, 5, 6, 7 and 9); and (2) to allow directional signs with a maximum sign area/face of 20 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 4,8). The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioner's Exhibit 1.

David H. Karceski, Esquire appeared and represented the Petitioner. He was joined by Eric McWilliams, a registered landscape architect whose firm prepared the plan, and Roger Hoffman, on behalf of the Lessee (Rite Aid). There were no Protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. A Zoning Advisory Committee (ZAC) comment was received from the Bureau of Development Plans Review (DPR), which indicated that a lighting plan is required. However, Ms. Tansey later advised that the comment was submitted in error. No other ZAC comments were received.

ORDER RECEIVED FOR FILING

Date 2/18/15
By Den

The subject property is approximately 21 acres and is improved with a large shopping center. The site is zoned BM-CT. This case concerns a portion (i.e., a pad site) of the overall shopping center on which is constructed a new Rite Aid store. The Petitioner seeks variance relief for a sign package at the new store.

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).

Petitioner has met this test. The large property is of irregular dimensions and is surrounded on all four sides by public roadways. As such it is unique. If the B.C.Z.R. were strictly interpreted, Petitioner would experience a practical difficulty, given it would be unable to install the proposed signs, which are the same ones used at Rite Aid stores in the Mid-Atlantic region. 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 County and/or community opposition.

THEREFORE, IT IS ORDERED, this 18th day of February, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") § 450.4 as follows: (1) to allow a total of 7 wall-mounted enterprise signs with no more than 5 signs on any façade for a single tenant building in lieu of the permitted 3 signs with no more than 2 on any one façade (Sign Nos. 1, 2, 3, 5, 6, 7 and 9); and (2) to allow directional signs with a maximum sign area/face of 20 sq. ft. in lieu of the permitted 8 sq. ft. (Sign Nos. 4 & 8), be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date 2/18/15

By Den

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject 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 2/18/15

By sln



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 7535 Holabird Avenue which is presently zoned BM-CT
Deed References: 31855-341 10 Digit Tax Account # 1213024581
Property Owner(s) Printed Name(s) MP63 LLC

(SELECT THE HEARING(S) BY MARKING ☒ 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:

- ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
- ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
- ☒ a **Variance** from Section(s)

See attached Sheet No. 1

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:

See attached Sheet No. 2

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski

Name- Type or Print

Signature

Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

MP63 LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11 E. Fayette Street Baltimore MD

Mailing Address City State

21202 Telephone # Email Address

Representative to be contacted:

David H. Karceski

Name - Type or Print

Signature

Venable LLP
210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 410-494-6285 dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2015-0145-A

Filing Date 1/7/15

Do Not Schedule Dates

ORDER RECEIVED FOR FILING

Reviewer AT

Date 2/18/15 REV. 10/4/11

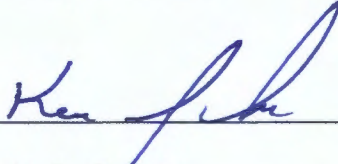
By Sen

7535 HOLABIRD AVENUE

ATTACHMENT SHEET 2
PETITION FOR VARIANCE

Lessee:

RITE AID

By: 

Name: Kevin J. Shreve

Title: Regional Director of Construction

Mailing Address: 325 Welltown Road

Winchester, VA 22603

Telephone No.: (540) 662-3552, X238

2015-0145-A

7535 HOLABIRD AVENUE

ATTACHMENT SHEET 1
PETITION FOR VARIANCE

1. Variance from Section 450.4 Attachment 1.5 of the Baltimore County Zoning Regulations ("BCZR") to allow a total of 7 wall-mounted enterprise signs, with no more than 5 signs on any one façade, for a single tenant building in lieu of the permitted 3 signs, with no more than 2 on any one façade (Sign Nos. 1, 2, 3, 5, 6, 7). 9
2. Variance from BCZR Section 450.4 Attachment 1.3 to allow directional signs with a maximum sign area/face of ~~12~~ square feet in lieu of the permitted 8 square feet (Sign Nos. 4, 8). 20



BOHLER
ENGINEERING

Dulaney Valley Road, Suite 801
Towson, MD 21204
PHONE 410.821.7900
FAX 410.821.7987

ZONING DESCRIPTION
TAX MAP 103, PARCELS 53 AND 427
OVERALL PARCEL

OVERALL PARCEL
THE LAND OF
MP63, LLC
LIBER 31855 FOLIO 341
12TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LIMITS OF HOLABIRD AVENUE (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 25 FEET EAST OF THE INTERSECTION OF SAID HOLABIRD AVENUE AND SEARLES ROAD (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE HOLABIRD AVENUE RIGHT-OF-WAY ON THE NORTH AND THE LAND OF MP63, LLC. (LIBER 31855 FOLIO 341) ON THE SOUTH;

1. SOUTH 75 DEGREES – 48 MINUTES – 57 SECONDS EAST, 54.39 FEET TO A POINT, THENCE;
2. CONTINUING 194.35 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 1,354.51 FEET, A CENTRAL ANGLE OF 08 DEGREES – 13 MINUTES – 15 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 71 DEGREES – 42 MINUTES – 19 SECONDS EAST, 194.18 FEET TO A POINT, THENCE;
3. CONTINUING 57.21 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 1,354.51 FEET, A CENTRAL ANGLE OF 02 DEGREES – 28 MINUTES – 12 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 66 DEGREES – 14 MINUTES – 45 SECONDS EAST, 57.21 FEET TO A POINT, THENCE;
4. CONTINUING SOUTH 65 DEGREES – 26 MINUTES – 13 SECONDS EAST, 480.72 FEET TO A POINT, THENCE;
5. CONTINUING SOUTH 19 DEGREES – 51 MINUTES – 02 SECONDS EAST, 102.89 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 24 DEGREES – 33 MINUTES – 46 SECONDS WEST, 199.52 FEET TO A POINT, THENCE;
7. CONTINUING SOUTH 20 DEGREES – 58 MINUTES – 58 SECONDS WEST, 160.32 FEET TO A POINT, THENCE;
8. CONTINUING SOUTH 24 DEGREES – 33 MINUTES – 46 SECONDS WEST, 429.95 FEET TO A POINT, THENCE;
9. CONTINUING SOUTH 28 DEGREES – 08 MINUTES – 22 SECONDS WEST, 160.31 FEET TO A POINT, THENCE;
10. CONTINUING SOUTH 24 DEGREES – 33 MINUTES – 47 SECONDS WEST, 194.56 FEET TO A POINT, THENCE;

OTHER OFFICE LOCATIONS:

• Southborough, MA 508.480.9900	• Albany, NY 518.438.9900	• Hauppauge, NY 631.738.1200	• Warren, NJ 908.668.8300	• Center Valley, PA 610.709.9971	• Chalfont, PA 215.996.9100	• Philadelphia, PA 267.402.3400
• Bowie, MD 301.809.4500	• Sterling, VA 703.709.9500	• Warrenton, VA 540.349.4500	• Charlotte, NC 980.272.3400	• Fort Lauderdale, FL 954.202.7000	• Tampa, FL 813.379.4100	

CIVIL AND CONSULTING ENGINEERS • PROJECT MANAGERS • SURVEYORS • ENVIRONMENTAL CONSULTANTS • LANDSCAPE ARCHITECTS

www.BohlerEngineering.com

2015-0145-A

11. CONTINUING SOUTH 72 DEGREES – 22 MINUTES – 21 SECONDS WEST, 125.95 FEET TO A POINT, THENCE;
12. CONTINUING NORTH 59 DEGREES – 51 MINUTES – 42 SECONDS WEST, 91.69 FEET TO A POINT, THENCE;
13. CONTINUING 20.80 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 79 DEGREES – 26 MINUTES – 05 SECONDS, AND CHORD BEARING AND DISTANCE OF NORTH 20 DEGREES – 08 MINUTES – 09 SECONDS WEST, 19.17 FEET TO A POINT; THENCE;
14. CONTINUING NORTH 19 DEGREES – 35 MINUTES – 24 SECONDS EAST, 123.82 FEET TO A POINT, THENCE;
15. CONTINUING NORTH 70 DEGREES – 24 MINUTES – 45 SECONDS WEST, 60.00 FEET TO A POINT, THENCE;
16. CONTINUING NORTH 19 DEGREES – 35 MINUTES – 24 SECONDS EAST, 1.02 FEET TO A POINT, THENCE;
17. CONTINUING NORTH 59 DEGREES – 51 MINUTES – 42 SECONDS WEST, 229.88 FEET TO A POINT, THENCE;
18. CONTINUING NORTH 19 DEGREES – 34 MINUTES – 47 SECONDS EAST, 10.15 FEET TO A POINT, THENCE;
19. CONTINUING NORTH 70 DEGREES – 24 MINUTES – 36 SECONDS WEST, 60.00 FEET TO A POINT, THENCE;
20. CONTINUING NORTH 19 DEGREES – 05 MINUTES – 42 SECONDS EAST, 1.01 FEET TO A POINT, THENCE;
21. CONTINUING NORTH 59 DEGREES – 51 MINUTES – 42 SECONDS WEST, 88.10 FEET TO A POINT, THENCE;
22. CONTINUING NORTH 14 DEGREES – 28 MINUTES – 26 SECONDS WEST, 31.04 FEET TO A POINT, THENCE;
23. CONTINUING NORTH 19 DEGREES – 35 MINUTES – 24 SECONDS EAST, 247.43 FEET TO A POINT, THENCE;
24. CONTINUING NORTH 20 DEGREES – 07 MINUTES – 01 SECONDS WEST, 38.67 FEET TO A POINT, THENCE;
25. CONTINUING NORTH 59 DEGREES – 49 MINUTES – 31 SECONDS WEST, 94.82 FEET TO A POINT, THENCE;
26. CONTINUING 75.06 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 870.00 FEET, A CENTRAL ANGLE OF 04 DEGREES – 56 MINUTES – 36 SECONDS, AND CHORD BEARING AND DISTANCE OF NORTH 27 DEGREES – 37 MINUTES – 06 SECONDS EAST, 75.04 FEET TO A POINT; THENCE;
27. CONTINUING NORTH 30 DEGREES – 05 MINUTES – 24 SECONDS EAST, 106.87 FEET TO A POINT, THENCE;

28. CONTINUING 205.21 FEET ALONG THE ARC OF CURVE TO THE LEFT, HAVING A RADIUS OF 740.00 FEET, A CENTRAL ANGLE OF 15 DEGREES – 53 MINUTES – 19 SECONDS, AND CHORD BEARING AND DISTANCE OF NORTH 22 DEGREES – 08 MINUTES – 44 SECONDS EAST, 204.55 FEET TO A POINT; THENCE;
29. CONTINUING NORTH 14 DEGREES – 12 MINUTES – 04 SECONDS EAST, 125.55 FEET TO A POINT, THENCE;
30. CONTINUING NORTH 75 DEGREES – 49 MINUTES – 19 SECONDS WEST, 6.06 FEET TO A POINT, THENCE;
31. CONTINUING NORTH 14 DEGREES – 12 MINUTES – 05 SECONDS EAST, 251.44 FEET TO A POINT, THENCE;
32. CONTINUING 39.27 FEET ALONG THE ARC CURVE TO THE RIGHT, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90 DEGREES – 00 MINUTES – 00 SECONDS, AND CHORD BEARING AND DISTANCE OF NORTH 59 DEGREES – 11 MINUTES – 03 SECONDS EAST, 35.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 922,165 SQUARE FEET OR 21.17 ACRES.



Case No.: 2015-145-A

Exhibit Sheet

2/18/15
Sen

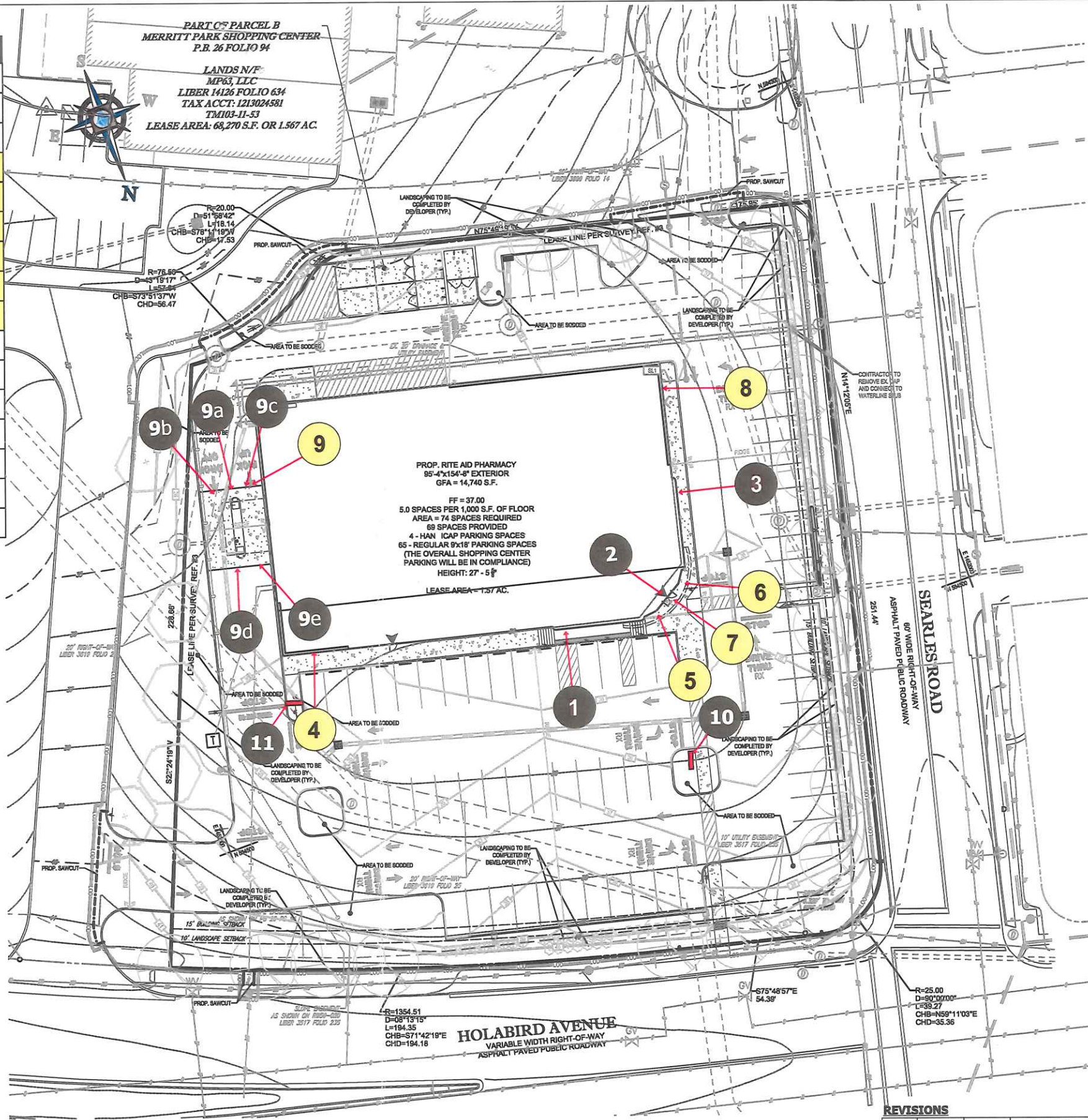
DW
3-23-15

Petitioner/Developer

Protestants

No. 1	Site plan (redlined)	
No. 2	Color sign elevations	
No. 3	Photo Exhibit Plan	
No. 4	Aerial Photography	
No. 5	Dev. Plan	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Sign #	Description
1	36" Primary Channel Letter Set w/ 45" Shield
2	24" Reverse Pan Channel Pharmacy Letters
3	36" Primary Channel Letter Set w/ 45" Shield
4	13" Drive Thru Pharmacy Bldg Letterset w/ Arrow (VARIANCE REQUIRED)
5	11" Open 24 Hours Channel Letter Set (VARIANCE REQUIRED)
6	11" Drive Thru Channel Letter Set (VARIANCE REQUIRED)
7	11" GNC Live Well Channel Letter Set (VARIANCE REQUIRED)
8	13" Drive Thru Pharmacy Bldg Letterset w/ Arrow (VARIANCE REQUIRED)
9	13" Drive Thru Pharmacy Bldg Letterset (VARIANCE REQUIRED)
9a	8" Non-Illum. Clearance 10 Feet
9b	8" Non-Illum. Pick-up
9c	8" Non-Illum. Drop-off
9d	8" Non-Illum. Exit Only
9e	18" Non-Illum. Exit Only
10	Non-Illuminated Directional
11	Non-Illuminated Directional



PETITIONER'S EXHIBIT

2

Job Number:
60285

LOCATION:
7535 HOLABIRD AVE.
BALTIMORE, MD 21222

RITE AID - #381

VARIANCE PLAN

JONES SIGN
1711 Scheuring Road
De Pere, WI 54115
www.jonesign.com
Toll Free: 800-536-7446
Tel: 920-983-6700
Fax: 920-983-9145

QUALITY GRADE:
2-COMMERCIAL

VOLTAGE:
N/A

EST. AMP DRAW:
N/A

OF CIRCUITS REQ'D:
N/A

SALESPERSON:
-

PROJECT MANAGER:
Joy Shimizu

DATE:
06.25.10

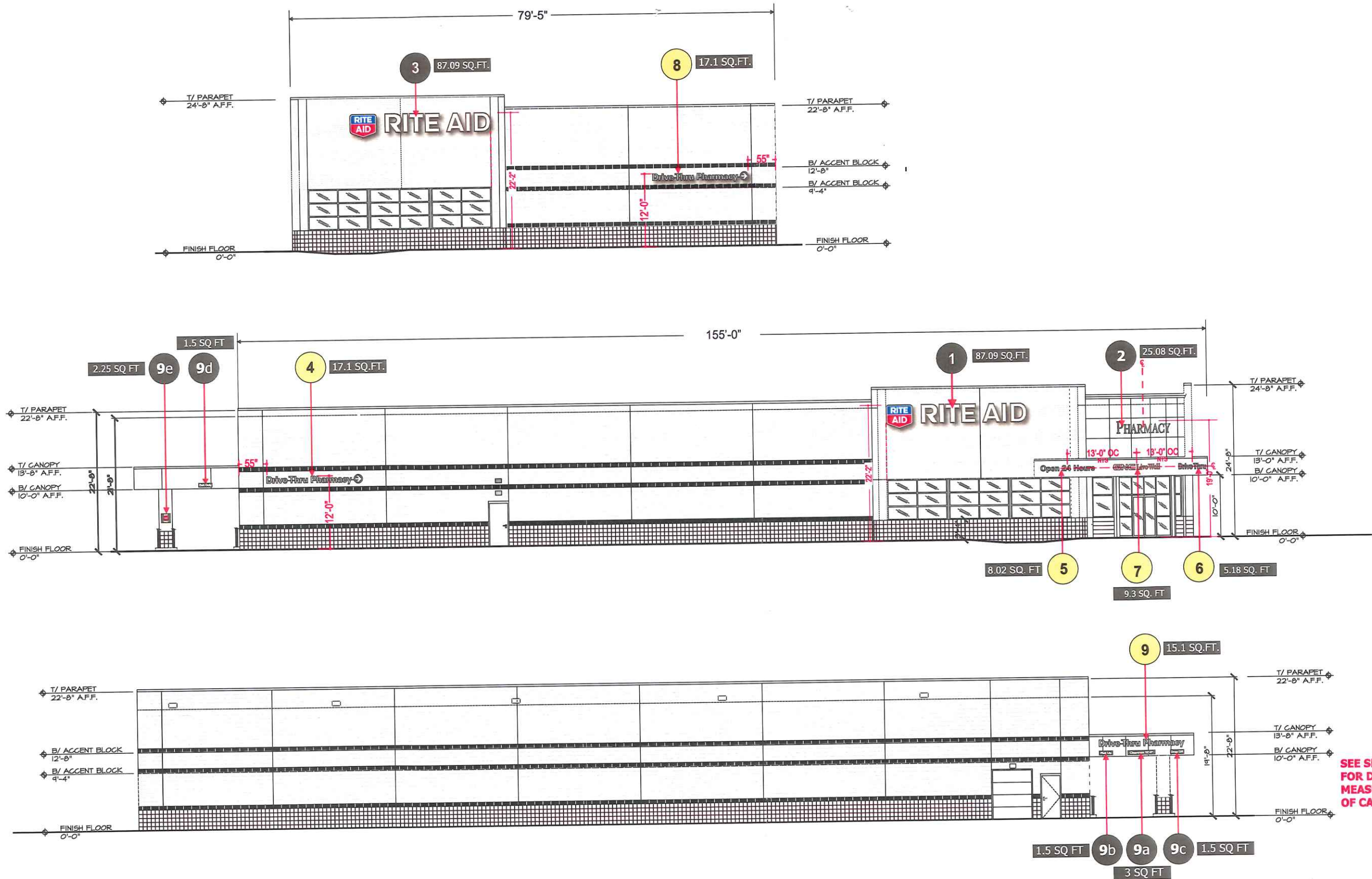
DRWN BY:
JS

SHEET #

1

REVISIONS

REV.	DATE	BY	DESCRIPTION
3	04.27.12	JS	REMOVE PYLONS/ADD MONUMENTS
4	11.20.13	JS	REVISED TO SIERRA SPRUCE/REMOVE MONUMENTS
5	11.11.14	MB	ADJUST SITE PLAN/ELEVATIONS PER MARK-UP
6	11.13.14	RM	BOX SQUARE FOOTAGES
7	2.9.15	JM	REMOVE FOOD MART & ADD GNC LIVE WELL



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CapitolAerials.com 2010-0121-114350

OWNER / APPLICANT / DESIGN CONSULTANT:

1. OWNER:
MPSA, LLC
C/O REGIONAL MANAGEMENT, INC.
11 E. FAYETTE ST.
BALTIMORE, MD 21202
410-539-2370

3. DESIGNER:
REGIONAL MANAGEMENT, INC.
11 E. FAYETTE STREET
BALTIMORE, MD 21202
410-539-2370

4. PLAN PREPARED BY:
MORRIS & RITCHIE ASSOCIATES, INC.
1220 C EAST JOPPA ROAD, SUITE 505
TOWSON, MD 21286
PHONE: 410-921-1690
ATTN: WILLIAM MONK

SITE DATA

1. PROPERTY ADDRESS: MERRITT BOULEVARD (4625 AC NW MERRITT BLVD 287 S OF WISE AVE) BM-07
2. EXISTING ZONING: BM-07
3. ACRES: 21.17 AC; NET ACRES: 19.28 AC; LIMIT OF DISTURBANCE: 11.79 AC
4. EXISTING LAND USE: SHOPPING CENTER
5. PROPERTY INFORMATION:
 - a. TAX ACCOUNT NUMBERS: PARCEL 53: 1213024581 & 1213024582; PARCEL 427: 1213047811 & 1213047812
 - b. DEED REFERENCE: PARCEL 53: 3546/466 & 3546/515; PARCEL 427: 3816/93
 - c. COUNCILMANIC DISTRICT: 12
 - d. ELECTION DISTRICT: 4208.00
 - e. CONDUIT TRACT: MAP 44, GRID H4
 - f. ZONING MAP REFERENCE: 10302
 - g. TAX MAP: MAP 103
 - h. GRID: PARCEL 53, 427
 - i. WATERSHED: BALTIMORE HARBOR
 - j. SUBWATERSHED: 48
 - k. REGIONAL PLANNING DISTRICT: 329

ENVIRONMENTAL

1. THERE ARE NO FOREST BUFFERS OR WETLANDS ON THIS SITE.
2. A SIMPLIFIED FOREST STRIP DESIGNATION AND FOREST CONSERVATION WORKSHEET HAVE BEEN PREPARED AND SUBMITTED FOR APPROVAL TO BALTIMORE COUNTY DEPDM.
3. NO PRIORITY FOREST AREAS WERE IDENTIFIED ON-SITE.
4. THIS SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA (C.B.C.A.).
5. THERE ARE NO DESIGNATED AREAS OF CRITICAL STATE CONCERN IDENTIFIED AS SUCH UNDER THE PROCEDURES OF SECTION 5-611 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ON THIS SITE.
6. FOR FIRM PLAN MAP 24001004020, THIS SITE IS NOT WITHIN A 100-YEAR FLOOD AREA.
7. SOILS AS MAPPED BY BALTIMORE COUNTY SOIL SURVEY ARE SHOWN ON THIS DEVELOPMENT PLAN. SEE PLANS AND SOILS CHART.
8. A LETTER WAS SENT TO THE US DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE, REGARDING THE PRESENCE OF THREATENED OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE. A RESPONSE IS PENDING.
9. A LETTER WAS SENT TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES, WILDLIFE AND HERITAGE SERVICE, TO DETERMINE THAT THERE ARE NO STATE OR FEDERAL RECORDS OF RARE, THREATENED, OR ENDANGERED SPECIES WITHIN THE BOUNDARIES OF THE PROJECT SITE. A RESPONSE IS PENDING.
10. A LETTER WAS SENT TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT TO DETERMINE IF ANY HAZARDOUS MATERIALS OR UNDERGROUND STORAGE TANKS ARE PRESENT ON THE SUBJECT PROPERTIES. A RESPONSE IS PENDING.
11. A VARIANCE TO THE FOREST CONSERVATION LAW WAS GRANTED BY BALTIMORE COUNTY DEPDM TO BASE AFFORESTATION REQUIREMENTS ON THE LIMIT OF DISTURBANCE RATHER THAN THE ENTIRE SITE. ALL FOREST CONSERVATION REQUIREMENTS SHALL BE MET PRIOR TO ISSUANCE OF ANY PERMIT. ANY FUTURE DEVELOPMENT ACTIVITY AT THE PROPERTY MAY REQUIRE FULL COMPLIANCE WITH THE COUNTY'S FOREST CONSERVATION LAW.

DEVELOPMENT PLAN REVIEW:

1. THIS PROJECT IS WITHIN THE URBAN RURAL DEMARICATION LINE.
2. THIS SITE IS TO BE SERVED BY PUBLIC WATER AND SEWER.
3. AVERAGE DAILY TRIP (ADT): SHOPPING CENTER: 178,245 SQ. FT. @ 55 / 1,000 SQ. FT. = 9,804 ADT
4. RAMP SHALL BE PROVIDED FOR PHYSICALLY HANDICAPPED PERSONS AT ALL STREET INTERSECTIONS WITH DETECTABLE WARNING AREAS, PER STANDARD DETAILS R-35A AND R-35B AND SHA STD. DTL. 655.12 & 655.40
5. SIDEWALKS WILL BE PROVIDED ALONG ALL PUBLIC ROADS AND WILL MEET ALL BALTIMORE COUNTY STANDARDS FOR CONSTRUCTION.
6. ALL SIGNS WILL CONFORM TO SECTION 450 (BC229). A REQUEST WILL BE MADE FOR ANY DEVIATIONS FROM THIS SECTION.
7. EXISTING UTILITIES SHOWN ON THIS PLAN ARE FROM BALTIMORE COUNTY ENGINEERING DRAWINGS.
8. A FINAL LANDSCAPE PLAN SHALL BE PREPARED / APPROVED BY BALTIMORE COUNTY'S LANDSCAPE ARCHITECT PRIOR TO BUILDING PERMIT APPLICATION IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
9. FIRE HYDRANT SPACING SHALL BE IN ACCORDANCE WITH THE BALTIMORE COUNTY STANDARD DESIGN MANUAL, SEE 2.2.4. FIRE HYDRANTS
10. THE PROPOSED PROJECT SHALL BE DEVELOPED IN THREE PHASES.
11. THE SITE IS NOT LOCATED WITHIN AN AREA OF PAID BADA SERVICES.
12. ANY PROPOSED RETAINING WALLS SHALL BE CONSTRUCTED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY AT A DISTANCE EQUAL TO THE HEIGHT OF THE WALL. ALL PROPOSED RETAINING WALLS SHALL BE PRIVATELY OWNED AND MAINTAINED BY OWNERS.
13. LIGHTING SHALL BE PROVIDED THROUGHOUT THE SITE AND SUBJECT TO APPROVAL BY THE COUNTY LANDSCAPE ARCHITECT.
14. PROVIDE A PRESSURE-REDUCING VALVE (PRV) WHEN THE STATIC PRESSURE EXCEEDS 80 PSI.
15. STORMWATER MANAGEMENT HAS BEEN ADDRESSED FOR THIS PROJECT BY IMPERVIOUS AREA REDUCTION.

LAND ACQUISITION:

1. NO OFF-SITE RIGHT-OF-WAYS ARE ANTICIPATED FOR THIS DEVELOPMENT.
2. ALL PUBLIC UTILITIES WILL BE LOCATED AS REQUIRED FOR BALTIMORE COUNTY REGULATIONS.
3. ALL PUBLIC DRAINAGE AND UTILITY EASEMENTS SHALL BE DEDICATED TO BALTIMORE COUNTY.

LANDMARKS PRESERVATION COMMISSION

1. THERE ARE NO KNOWN BUILDINGS, PROPERTIES, OR SITES WITHIN OR ADJOINING THE PROPOSED DEVELOPMENT INCLUDED ON THE MARYLAND HISTORICAL TRUST (MHT) INVENTORY (MHT), BALTIMORE COUNTY LANDMARKS LIST, THE NATIONAL REGISTER OF HISTORIC PLACES, OR THE MARYLAND ARCHEOLOGICAL SURVEY. THE PROJECT SITE IS NOT LOCATED WITHIN IN ANY BALTIMORE COUNTY OR NATIONAL HISTORIC DISTRICT. AS SUCH, HISTORIC PRESERVATION PLANNING AT BALTIMORE COUNTY, INDICATED THAT NO SUCH PROPERTIES OR SITES EXIST ON OR ADJACENT TO THE SUBJECT PROPERTY.

PARKING CALCULATIONS

PARKING REQUIRED:
5 SPACES PER 1000 S.F. (178,245 S.F.) = 892 SPACES

PARKING PROVIDED:
TOTAL PARKING SPACES = 897 SPACES

ZONING HISTORY:

1. ON 02/10/2009, THE BALTIMORE COUNTY DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVED A LIMITED EXEMPTION UNDER SECTION 32-4-115(b)(10) OF THE BALTIMORE COUNTY CODE.
2. 69-47-X 10/18/1987 GRANTED A SPECIAL EXCEPTION FOR A GARAGE SERVICE.
3. 85-74-A 9/27/1979 GRANTED A VARIANCE TO SECTION 405-A.2(a).
4. 63-46-X 7/16/1982 GRANTED A SPECIAL EXCEPTION FOR AN ARCADE WITH RESTRICTIONS, ORDER AMENDED ON 11/29/1982.
5. 83-260-SPH 6/10/1983 GRANTED AN AMENDMENT TO RESTRICTION #4 OF THE ORDER DATED 11/16/1982 AND RESTRICTION #1 OF THE AMENDED ORDER DATED 11/29/1982 WITH RESTRICTIONS.
6. 84-102-SPH 10/28/1983 GRANTED AN AMENDMENT TO RESTRICTION #2 OF CASE NUMBER 83-46-X WITH RESTRICTIONS.
7. 84-328-X 5/29/1984 GRANTED A SPECIAL EXCEPTION FOR A HEALTH SPA WITH RESTRICTIONS.
8. 85-143-SPH 10/21/1985 APPROVED AN AMENDMENT TO RESTRICTION #2 IN CASE NO. 83-46-X, TO ALLOW A CHANGE IN THE OWNER/TENANT OF THE SUBJECT ARCADE BUSINESS.

ZONING:

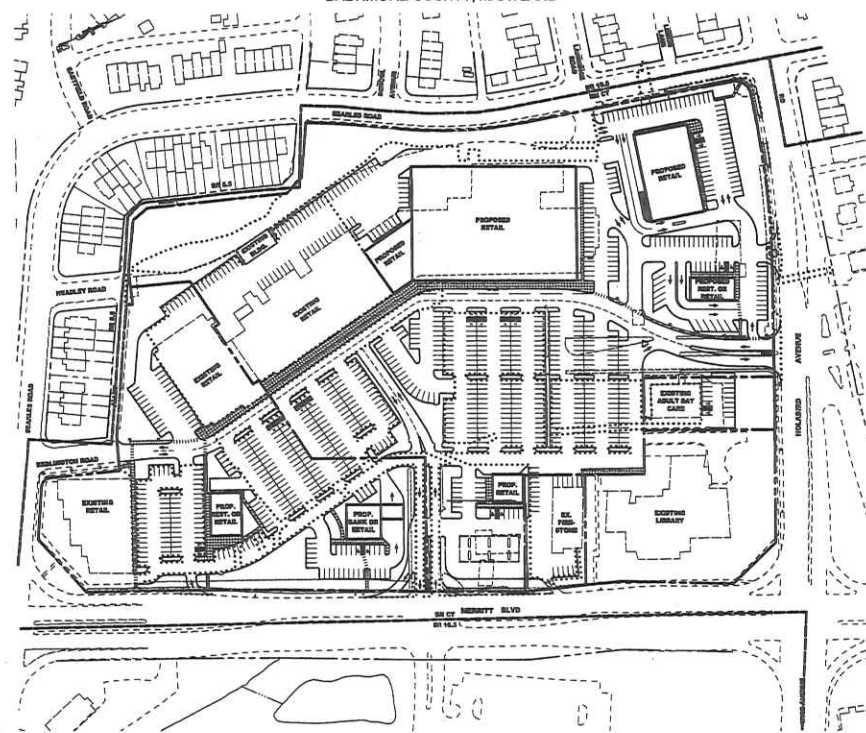
1. THE EXISTING ZONING IS BM-07.
2. THIS DEVELOPMENT PROPOSES A SHOPPING CENTER CONTAINING 178,245 S.F.
3. THIS DEVELOPMENT IS SUBJECT TO THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (SECTION 504.2), AND THE COUNTY LANDSCAPE MANUAL, SECTION 405.2.A.1.1. THIS DEVELOPMENT WILL CONFORM AND BE CONSISTENT WITH ALL OF THE AFORESAID REGULATIONS, STANDARDS, GUIDELINES, AND POLICIES OR THE PROPER RELIEF WILL BE REQUESTED.
4. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTIONS 450.
5. THIS PROPOSED DEVELOPMENT DOES NOT CONSTITUTE A RESIDENTIAL TRANSITION AREA.
6. MAXIMUM PERMITTED FLOOR AREA RATIO: 5.5
7. FLOOR AREA RATIO PROVIDED: 178,245 S.F. / 922,165 S.F. = 0.20
8. HEIGHT REQUIREMENTS: PERMITTED: HEIGHT TENT. SEE SECTION 231 OF THE BALTIMORE COUNTY ZONING CODE.
9. SETBACKS:
 - a. FRONT: 15' FROM PROPERTY LINE; 40' FROM CENTERLINE OF STREET
 - b. SIDE: STREET SIDE 10'; OTHER SIDES NONE REQUIRED EXCEPT WHERE THE SIDE YARD ABUTS A RESIDENTIAL ZONE THOSE MUST BE A SIDE YARD NOT LESS THAN THE GREATER MINIMUM WIDTH REQUIRED FOR A DWELLING ON THE ABUTTING LOT. ADJACENT RESIDENTIAL ZONE IS DRELS WHICH REQUIRES A 15' SIDE YARD
 - c. REAR: NONE REQUIRED EXCEPT WHERE THE REAR LOT LINE ABUTS A LOT IN A RESIDENTIAL ZONE THERE SHALL BE A REAR YARD NOT LESS THAN 20' DEEP.

OPEN SPACE:

1. THE MINIMUM PERMITTED AMENITY OPEN SPACE RATIO SHALL BE 0.1.
REQUIRED: 46,208 SF (462,075 SF PROPOSED ADJUSTED BUILDING GROSS FLOOR AREA WITHIN THE LIMIT OF DISTURBANCE) x 0.1
REQUIRED: 4,620.8 SF = 4.6 AMENITY OPEN SPACE RATIO.

MERRITT PARK SHOPPING CENTER DEVELOPMENT PLAN

BALTIMORE COUNTY, MARYLAND



SITE PLAN
SCALE: 1"=100'

REVIEW AND DRIVING BASED ON
BALTIMORE COUNTY DEPT. OF PUBLIC
WORKS - 11/14/14

LEGEND

- LIMIT OF DISTURBANCE (11.79 ACRES)
- EX. PROPERTY LINE
- EX. ADJACENT PROPERTY LINE
- EX. BUILDING
- EX. PAVEMENT
- EX. CURB
- EX. DRAINAGE

ENVIRONMENTAL INFORMATION

NOT EXIST. EXIST.		
X	TOPOGRAPHY AND STREET GRADES (MIN. 5 FT. CONTOUR APPROPRIATELY LABELED)	
X	SLOPES GREATER THAN 25%	
X	STREAMS, DEEPS, PONDS OR OTHER WATER BODIES SHOWN ON SITE AND WITHIN 200 FT. OF SITE	
X	WETLANDS	
X	FOREST BUFFER LIMITS INCLUDING ADJUSTMENTS FOR STEEP SLOPES AND/OR TERRIBLE SLOPES	
X	LAND COVER ON OR WITHIN 200 FT. OF SITE	
X	SIGNIFICANT REGULATED PLANT / WILDLIFE COMM.	
X	WELLS ON SITE OR WITHIN 100 FT. OF SITE	
X	SEPTIC ON SITE OR WITHIN 200 FT. OF SITE	
X	SOIL EVALUATION TESTS (PERC TESTS)	

COUNTY ADOPTED PLANS

OK	N/A	
X		BALTIMORE COUNTY MASTER PLAN 2010
X		COMMUNITY OR REVITALIZATION PLANS
X		RECREATION AND PARKS PLAN
X		STREETSCAPE PLAN
X		GREENWAYS PLAN
X		OTHER

EXISTING CONDITIONS

NOT EXIST. EXIST.		
X	LOCATIONS OF EXISTING BUILDINGS WITHIN 200 FT. OF SITE BOUNDARIES	
X	LOCATION OF EXISTING ROADS WITHIN 200 FT. OF SITE BOUNDARIES	
X	DESIGNATED HISTORIC SITES AS PER LANDMARKS PRESERVATION COMMISSION OR THE MD HISTORIC TRUST INVENTORY	
X	DESIGNATED SITES AS PER THE MARYLAND ARCHEOLOGICAL SURVEY	
X	SIGNIFICANT VIEWS	
X	SIGNIFICANT FEATURES (SPECIAL TREES, BUILDINGS, STREETSCAPES, ETC.)	
X	LAND USES ON AND WITHIN 200 FT. OF SITE	
X	ROADS RIGHT-OF-WAY AND EASEMENTS	

SOILS CHART

SOIL SERIES	HYDRO SOIL	SOIL FERTILITY & FACTOR	SLOPES	PRIME/PRODUCTIVE SOIL
Pav Paved Area	-	-	-	-
Loamy and clayey land	N	0.17	0-5%	Y
Shb Shallow Urban land complex	N	0.10	-	Y

DEDICATION TABLE

THE FOLLOWING RIGHTS OF WAY ARE TO BE CONVEYED TO BALTIMORE COUNTY BY THE DEVELOPER/OWNER OF THIS PROPERTY AS A CONDITION OF APPROVAL OF THESE PLANS.

TYPE OF CONVEYANCE	NO.	TOTAL AREA*
ACCESS EASEMENTS - ANY TYPE	3	.47 ACRES
DRAINAGE AND UTILITY EASEMENTS	-	-
FLOODPLAIN EASEMENTS	-	-
FOREST CONSERVATION EASEMENTS	-	-
FOREST BUFFER EASEMENTS	-	-
FOREST WINDSHIELDS	-	-
LOCAL OPEN SPACES	-	-
PUBLIC SIDEWALK EASEMENTS	-	-
SEWER	-	-
STORMWATER MANAGEMENT RESERVATIONS	-	-

* NOTE: TOTAL AREAS SHOWN IN THIS TABLE ARE APPROXIMATE ONLY. REFER TO THE RECORD PLAN OR RIGHT OF WAY DRAWING FOR EXACT AREAS.

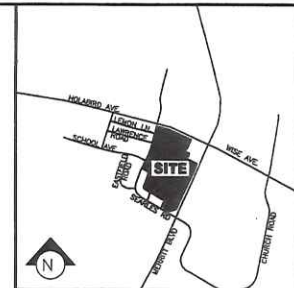
NOTE: SEE SHEET 3 OF 4 FOR EASEMENT LOCATIONS

FIRE DEPARTMENT:

1. LANDSCAPING AND OTHER OBSTRUCTIONS PLACED AROUND STRUCTURES SHALL NOT IMPAIR OR IMPED ACCESSIBILITY FOR FIRE DEPARTMENT OPERATIONS. ANY TREE PLANTINGS AROUND THE PERIMETER OF THE BUILDING SHALL BE OF A TYPE THAT WILL NOT INTERFERE WITH EMERGENCY APPARATUS ACCESS WHEN THEY MATURE. NFPA 1141A-2.9
2. IF THE PROPOSED BUILDING REQUIRES THE INSTALLATION OF A FIRE ALARM SYSTEM, THE DESIGN PACKAGE AS PRESENTED WITH THE BUILDING PLANS AT THE TIME OF A BUILDING PERMIT APPLICATION, SHALL BE REVIEWED BY A MARYLAND REGISTERED FIRE ENGINEER LEVEL 3 OR 4 / OR FIRE PROTECTION ENGINEER, STATING THAT THE FIRE ALARM SYSTEM COMPLIES WITH ALL APPLICABLE CODES: I.E. NFPA 72, NFPA 72-1, BUILDING CODE, BALTIMORE COUNTY BILL 167-93, AND THE BALTIMORE COUNTY FIRE PREVENTION CODE, BALTIMORE COUNTY BILL 36-97.

PLANNING:

1. IT IS ANTICIPATED THAT THE BASIC SITE LAYOUT AS DEPICTED ON THIS APPROVED DEVELOPMENT PLAN WILL BE MAINTAINED. IF MAJOR OR SUBSTANTIAL CHANGES TO THE DEVELOPMENT PLAN ARE REQUIRED, SUCH REDEVELOPMENT, THE DEVELOPER WOULD NOT EXCLUDE CONSIDERATION OF ADDITIONAL MIXED USES ON THE SITE.
2. FULL SCALE ARCHITECTURAL DRAWINGS WILL BE SUBMITTED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL PRIOR TO APPLICATION FOR BUILDING PERMITS.
3. WITH THE SUBMITTAL OF EACH BUILDING PAD USE, THE OFFICE OF PLANNING AND THE APPLICANT AND/OR HIS CONSULTANTS WILL DETERMINE THE APPROPRIATE LOCATION, ORIENTATION AND FACADE FEATURES (I.E. DOOR LOCATION, WINDOWS, SERVICE AREAS, ETC.) OF THE BUILDING(S).
4. WITH THE SUBMITTAL OF EACH BUILDING PAD USE, THE OFFICE OF PLANNING AND THE APPLICANT AND/OR HIS CONSULTANTS WILL DETERMINE THE APPROPRIATE LOCATION AND ORIENTATION FOR THE BUILDING, PARKING, DRIVE Lanes AND STAGING Lanes.
5. A LIGHTING PLAN IN ACCORDANCE WITH IESNA STANDARDS AND STANDARDS WILL BE PROVIDED TO AVOID DARK SPOTS FOR REVIEW AND APPROVAL ALONG WITH THE FINAL LANDSCAPE PLAN. BOTH PLANS WILL BE PROVIDED TO THE OFFICE OF PLANNING FOR REVIEW AND APPROVAL AS WELL.
6. APPROPRIATELY LOCATED PEDESTRIAN WALKWAYS INTO THE SITE FROM MERRITT BOULEVARD WILL BE ESTABLISHED PRIOR TO ANY CONSTRUCTION MODIFICATION TO THE PLAN.
7. ALL SIDEWALKS ALONG BOTH MERRITT BOULEVARD AND JOPPA AVENUE WILL CONFORM TO ADA ACCESSIBILITY STANDARDS.
8. A FINAL LANDSCAPE PLAN SHALL BE PREPARED/APPROVED BY BALTIMORE COUNTY'S LANDSCAPE ARCHITECT PRIOR TO BUILDING PERMIT APPLICATION IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
9. SIGN DETAILS AND ELEVATIONS WILL BE PROVIDED FOR REVIEW AND APPROVAL PRIOR TO APPLICATION FOR SIGN PERMITS. ALL SIGNS WILL CONFORM TO BALTIMORE COUNTY ZONING CODE, SECTION 450.
10. WAY-FINDING SIGNAGE FOR THE SITE (FOR PEDESTRIAN TRAFFIC AS WELL AS VEHICLE TRAFFIC) WILL BE DETERMINED WHEN DETAILED SITE PLANS FOR PAD SITES AND GROCERY STORE ARE DEVELOPED.
11. INDIVIDUAL PAD SITE USERS WILL DETERMINE LOCATION OF DAMPSTER ENCLOSURES. DAMPSTER ENCLOSURES TO BE CONSTRUCTED OF MASONRY.
12. THE REAR FACADE OF THE EXISTING RETAIL BUILDING AT THE CORNER OF MERRITT BOULEVARD AND SEARLES ROAD SHALL BE HEAVILY LANDSCAPED.



VICINITY MAP

SCALE: 1" = 100'

BENCHMARKS

BCD 841 N 10022.11 ELEV. 21.98 144625.44 BE SET OFF CORNER OF FROM BENTWOOD AVE. IN TOWSON LOT OF MERRICKS PRESBYTERIAN CHURCH, 71.85 SE OF PALE # 27487. 23.85' W OF PARKING LOTS SE CORNER.	DS 24 E 10022.26 E 10022.26 ELEV. 10.03 A 100' OFF OF WISE AVE. SOUTH OF LUNCH BEL. IN TOWSON LOT OF MERRICKS PRESBYTERIAN CHURCH, 71.85 SE OF PALE # 27487. 23.85' W OF PARKING LOTS SE CORNER.
---	--

CERTIFICATION AS TO DELINQUENT ACCOUNTS

THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS MERRITT PARK SHOPPING CENTER AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 32-4-115 OF THE BALTIMORE COUNTY CODE, 2003, AS AMENDED.

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

W. Monk, VP, Regional Management, Inc.
AFFIRM

PDM FILE # 12-157

L.O.D. = 516,707 S.F., 11.86 AC.

SHEET INDEX:

SHEET NO.	DESCRIPTION
DP-1	COVER SHEET
DP-2	EXISTING CONDITIONS AND CONSTRAINTS MAP
DP-3	PROPOSED SITE PLAN
DP-4	SCHEMATIC LANDSCAPE PLAN

DP-1



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748



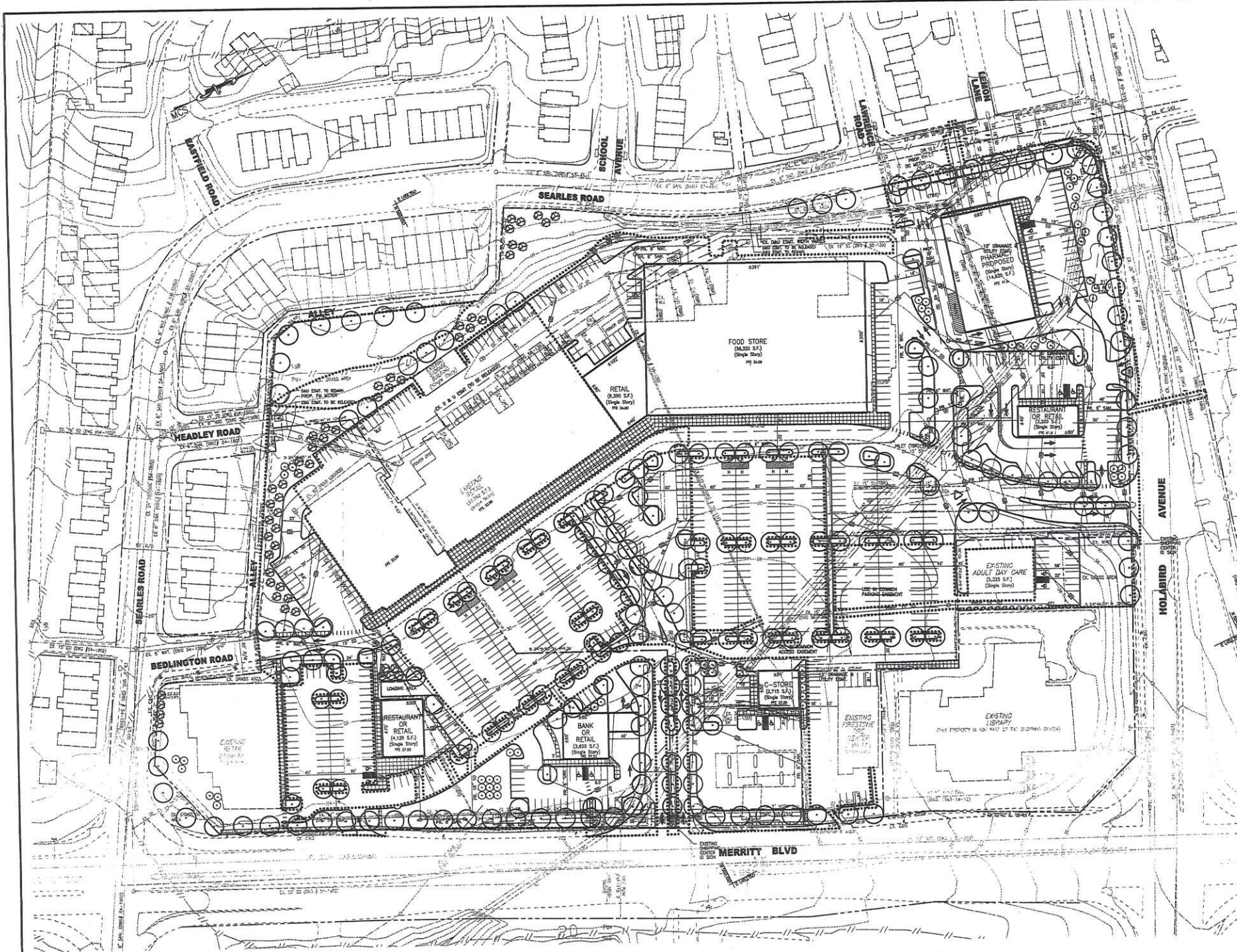
DEVELOPMENT PLAN
COVER SHEET

MERRITT PARK SHOPPING CENTER

17TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.
		15927
		SCALE: AS SHOWN
		DATE: 07/27/10
		DRAWN BY: M.A.B.
		DESIGN BY: R.W.B.
		REVIEW BY: M.A.B.
		SHEET: 01 OF 04

PETITIONER'S EXHIBIT 5



SITE PLAN
1"=50'

REQUIRED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	INTERIOR ROAD	1 PU/20 LF	1870 LF	93.5 PU
2.	ADJACENT ROAD	1 PU/40 LF	1700 LF	42.5 PU
3.	PARKING SPACES	1 PU/12 PS	413 PS	34.4 PU
4.	PARKING NEXT TO PUBLIC ROAD	1 PU/15 LF	685 LF	45.7 PU
5.	PARKING NEXT TO RESIDENTIAL	1 PU/15 LF	480 LF	32 PU
6.	LOADING AREA	1 PU/10 LF	71 LF	7.1 PU
TOTAL REQUIRED LANDSCAPING				255.1 PU

* NET INCREASE IN PARKING SPACES WITHIN LOD

PROPOSED LANDSCAPING:

NO.	DESCRIPTION	RATE	QUANTITY	PLANTING UNITS (PU)
1.	MAJOR TREES	1 PU/TREE	214	214 PU
2.	MINOR TREES (FLOWERING & EVER.)	1 PU/2 TREE	113	56.5 PU
3.	SHRUBS	1 PU/5 SHRUBS	-	- PU
TOTAL PROPOSED LANDSCAPING				270.5 PU

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 LANDSCAPE ARCHITECTURAL COMMENTS.
Carol Machat 2/26/10 CAROL MACHAT
APPLICANT SIGNATURE DATE PRINT NAME
750 E Pratt St. Baltimore, MD 21202
MAILING ADDRESS (IF NOT ALREADY ON PLAN)



KEY

- MAJOR TREES
- FLOWERING TREES
- EVERGREEN TREES

LEGEND

- UNIT OF DISTURBANCE
- EX. PROPERTY LINE
- EX. R/W
- EX. 2' CONTOUR
- EX. 10' CONTOUR
- PROP. 2' CONTOUR
- PROP. 10' CONTOUR
- EX. CURB & GUTTER
- EX. SANITARY
- EX. STORM DRAIN
- EX. STORM DRAIN (TBR)
- EX. WATER
- PROPOSED BUILDING
- PROP. CURB & GUTTER
- PROP. WALK
- PROP. STORM DRAIN
- PROP. SANITARY
- PROP. WATER

DEC 14 2009 B
BALTIMORE COUNTY DEPT. OF PDM
Project No. 12-157
BALTIMORE COUNTY CODE
Section 32-4-106B
CERTIFICATION DEVELOPMENT PLAN Approval
By *[Signature]* Date 8/1/2009
This Plan approved shall expire after 4 years from this approval date.

PDM FILE # 12-157

L.O.D. = 516,707 S.F., 11.86 AC.

SHEET INDEX:

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DP-4



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ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1800
FAX (410) 821-1748

DEVELOPMENT PLAN

SCHEMATIC LANDSCAPE PLAN

MERRITT PARK SHOPPING CENTER

12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.	15927
		SCALE	AS SHOWN
		DATE	07/27/10
		DRAWN BY:	M.A.B.
		DESIGN BY:	R.W.B.
		REVIEW BY:	M.A.B.
		SHEET:	04 OF 04

[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

(NW) 1-800-245-4846 (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

PROJECT No.: MD142119
DRAWN BY: RJM

PROJECT: **SIGN VARIANCE PLAN**



LOCATION OF SITE
7535 HOLABIRD AVENUE
DUNDALK, MD 21222
BALTIMORE COUNTY



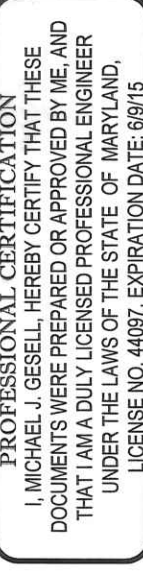
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21204
Phone: (410) 821-7900
Fax: (410) 821-7987
MD@BohlerEng.com

M. J. GESELL

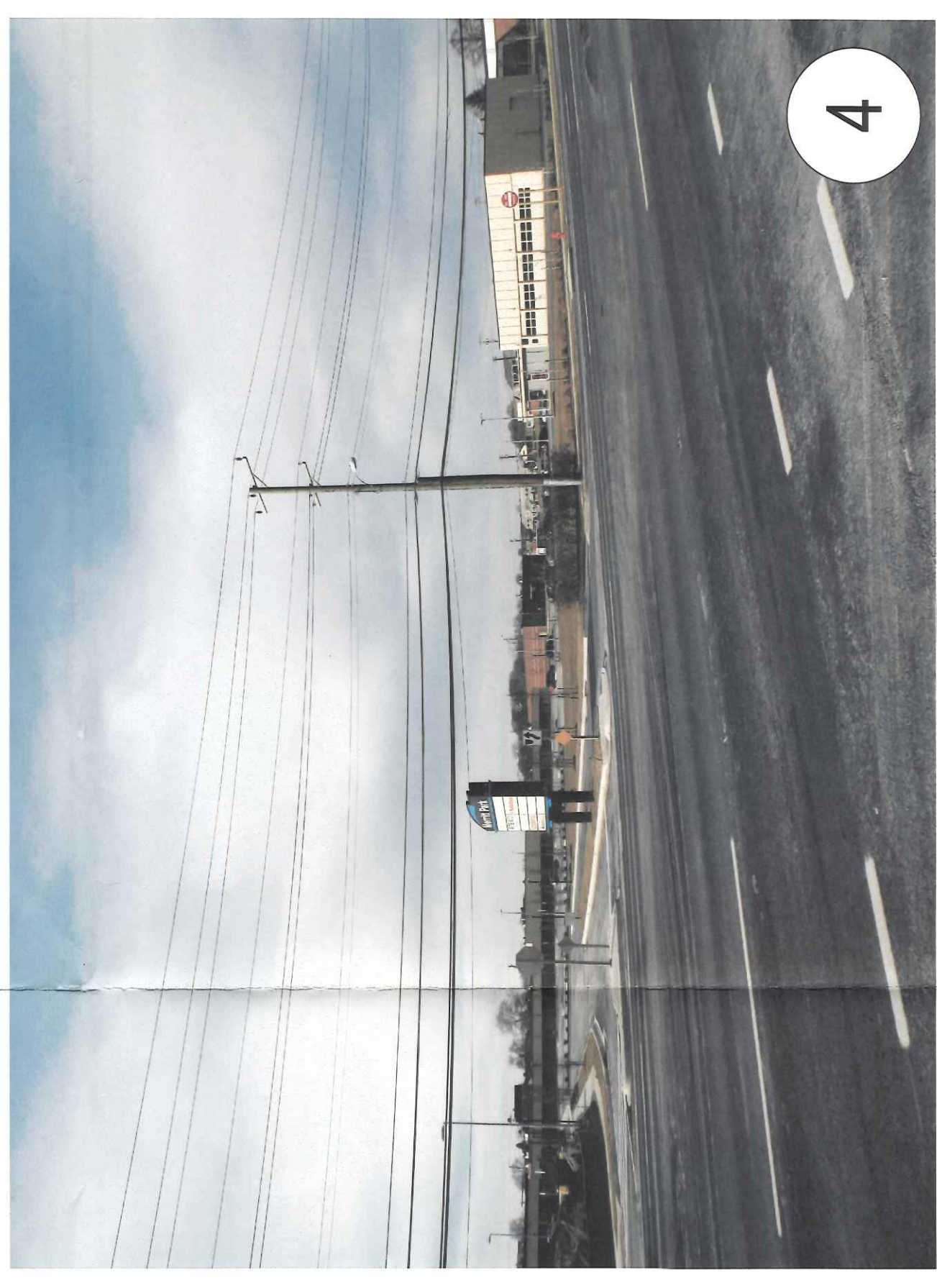
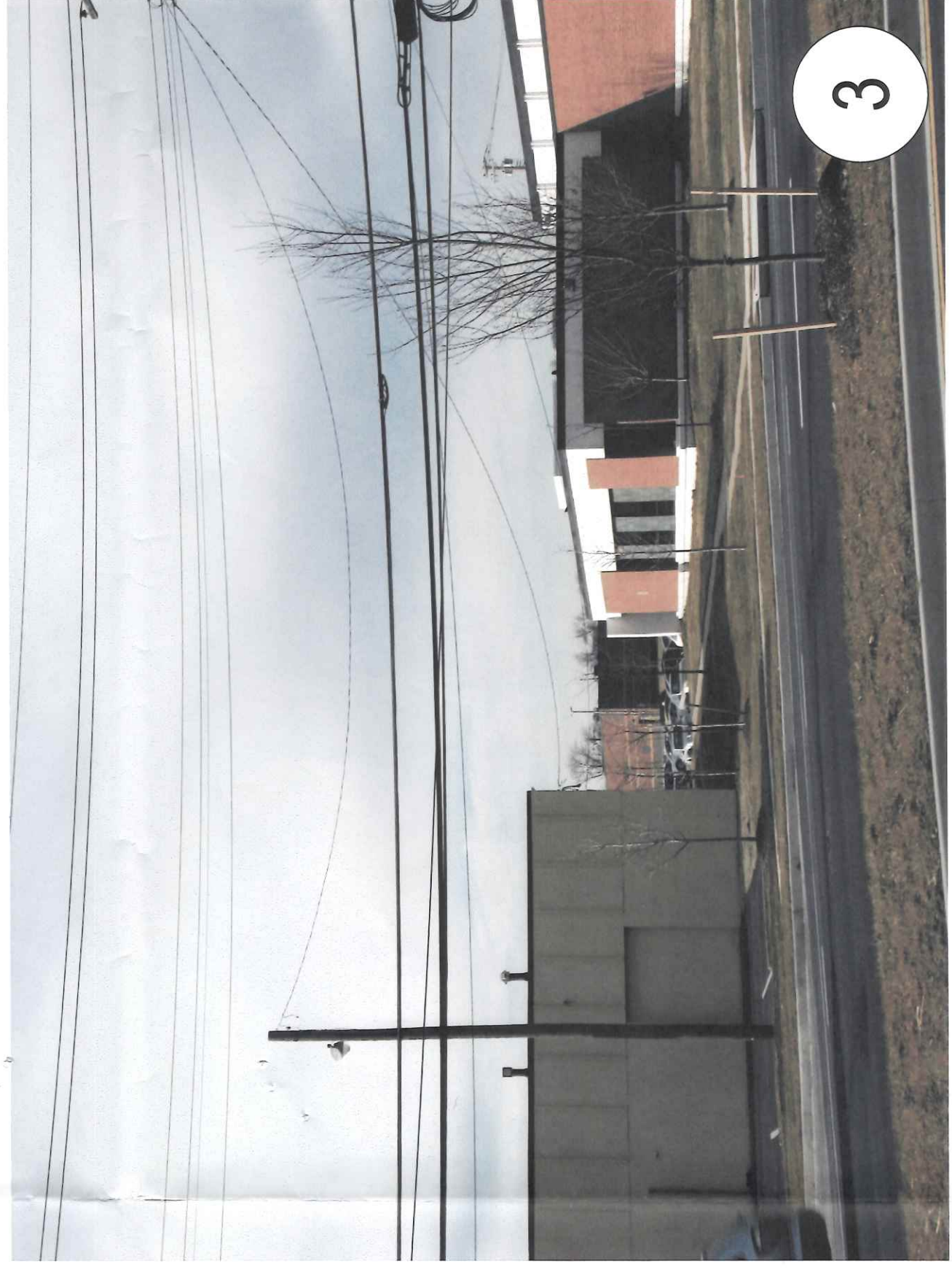
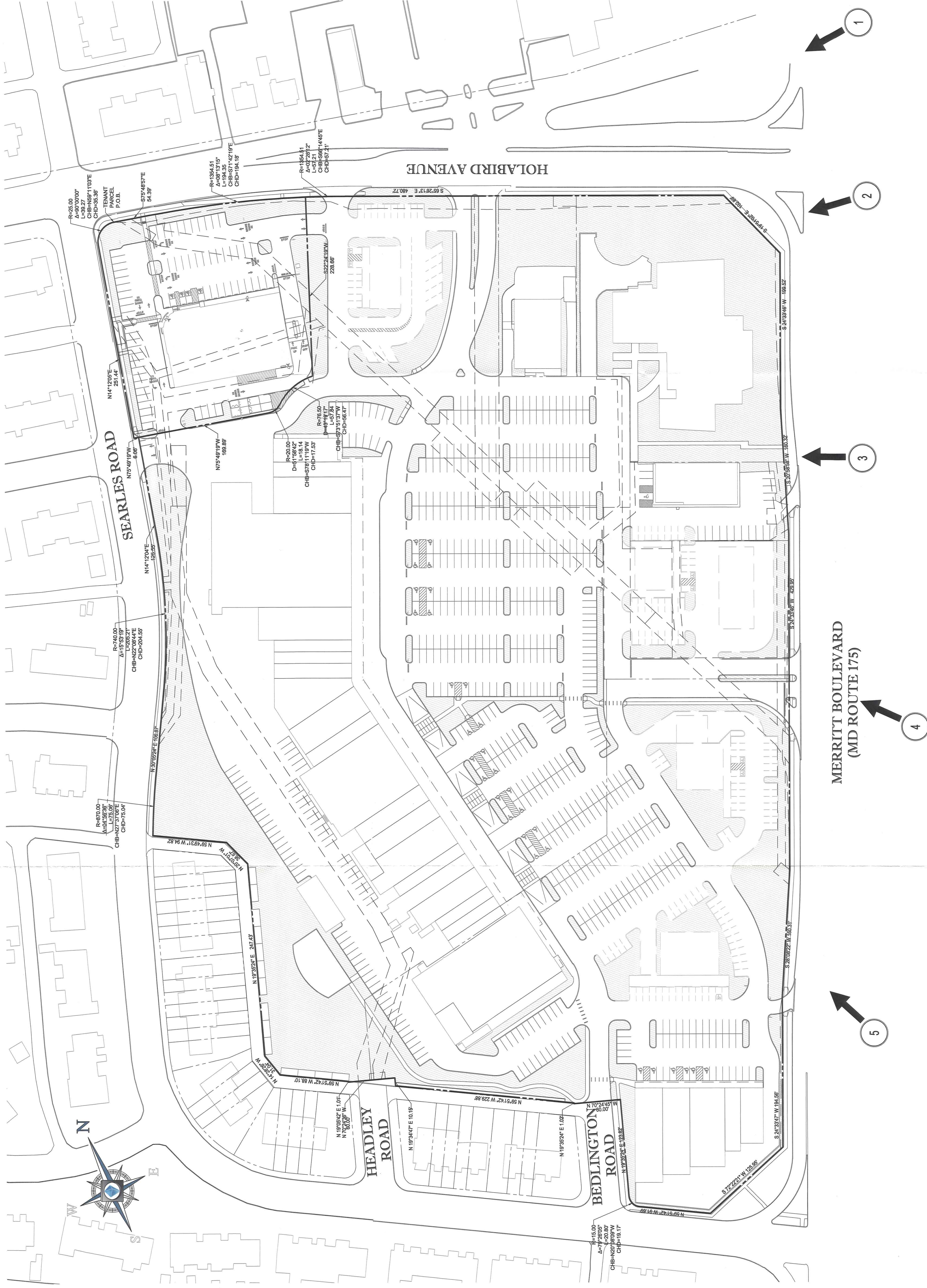
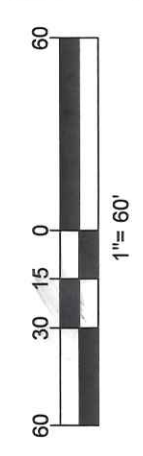
PROFESSIONAL ENGINEER
MARYLAND LICENSE NO. 44097

SHEET TITLE:
**PHOTO
EXHIBIT
PLAN**

SHEET NUMBER: 10F1

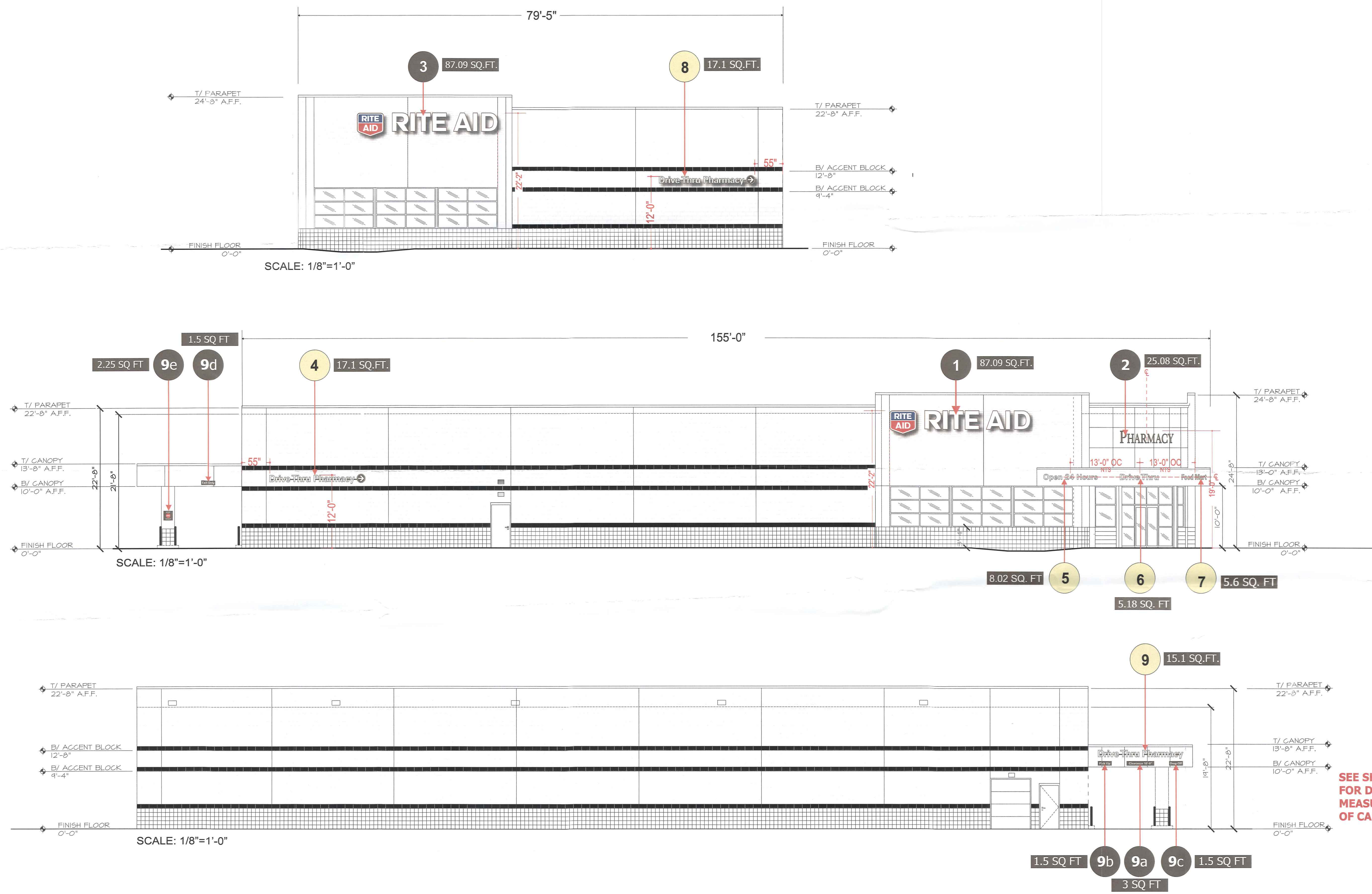


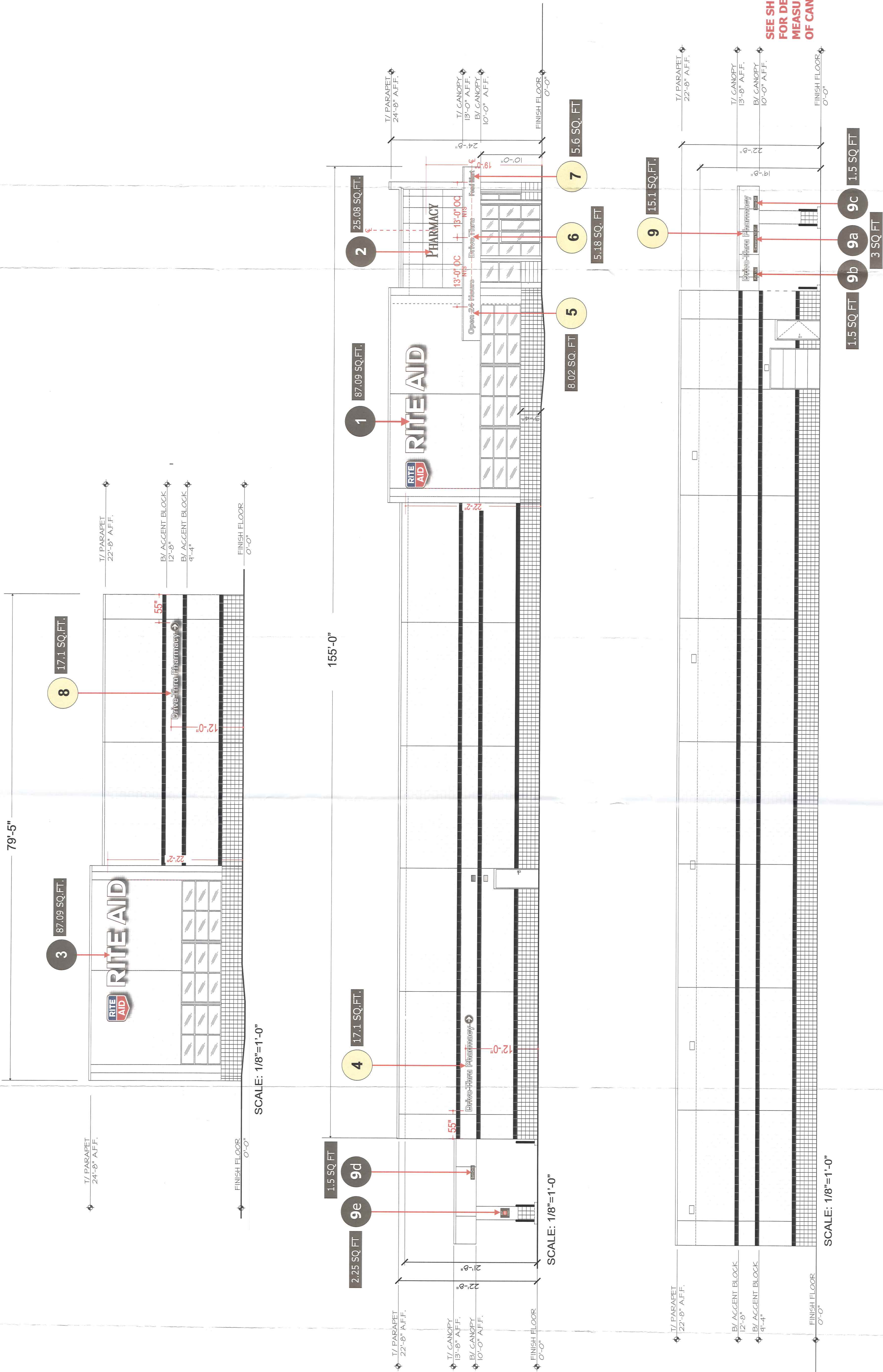
3 PETITIONER'S EXHIBIT



REVISIONS				
REV	DATE	BY	DESCRIPTION	
1	06.25.10	JS	NEW FORMAT	
2	04.27.12	JS	REMOVE PYLONS/ADD MONUMENTS	
3	11.20.13	JS	REVISED TO SIEMENS BRUCE/REMOVE MONUMENTS	
4	11.11.14	MB	ADJUST SITE PLANTING/NOTES PER MAKE-UP	
5	11.13.14	RM	BOX SQUARE FOOTAGES	

SEE SHEET 10.0
FOR DETAILED
MEASUREMENTS
OF CANOPY





REVISIONS			SALES PERSON:	
REV.	DATE	DESCRIPTION	BY	
1	05.28.10	NEW FORMAT	JS	
2	04.27.12	REMOVE PHOTOS/ADD MONUMENTS	JS	
3	11.20.13	REVISED TO SERBIA STRUCTURE/NO MONUMENTS	JS	
4	11.11.14	ADJUST SITE PLAN/ALTERATIONS PER MARK-UP	MB	
5	11.13.14	BOX SQUARE FOOTAGES	JS	

PROJECT MANAGER:
Joy Shimizu

DATE: 06.25.10

SHEET #
2