MEMORANDUM

DATE:

November 3, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2016-0011-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 2, 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

IN RE: PETITION FOR VARIANCE
(5198 (ampbell Blvd.)
14th Election District
6th Council District
Retail Properties Business Trust
Legal Owner
Chick-Fil-A, Inc.

Lessee
Petitioners

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0011-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 Retail Properties Business Trust, the legal owner of the subject property, and Chick-Fil-A, Inc., Lessee ("Petitioners"). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §§ 409.6 and 409.10.B (1) to allow 66 off-street parking spaces in lieu of the required 80 parking spaces; and (2) to allow a drive-thru lare to cross principal pedestrian access to the building, if necessary. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 1.

Rex Powell of Chick-Fil-A appeared in support of the petition. David H. Karceski, Esq. represented the Lessee. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or ir terested citizens attended the hearing. There were no substantive Zoning Advisory Committee (ZAC) comments received.

The subject property is approximately 1.3 acres and is zoned BM. The property is improved with a Chick-Fil-A restaurant which has operated at the location for over ten years. The restaurant plans to add a second drive-thru lane and construct a small addition to the kitchen and storage areas, as shown on the site plan. Exhibit 1. To do so zoning relief is required.

ORDER RECEIVED FOR FILING

Date_10/11/5
By_____

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. The pad site on which the restaurant is located is part of an overall White Marsh Community plan, a sprawling land area with many different uses and owners. Exhibit 6. In addition, the White Marsh Run is adjacent to the site which imposes a variety of environmental constraints upon the property. Therefore, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they could not construct the proposed improvements. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this <u>1st</u> day of October, 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.") §§ 409.6 & 409.10.B: (1) to allow 66 off-street parking spaces in lieu of the required 80 parking spaces; and (2) to allow a drive-thru lane to cross principal pedestrian access to the building, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners would be required to return the subject property to its original condition.

ORDER RECEIVED FOR FILING

Date.

By.

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

ate O

By_



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 5198 Campbell Boulevard which is presently zoned BM 10 Digit Tax Account # 2400002796

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

Deed References: 24816-714 10 Digit Tax A
Property Owner(s) Printed Name(s) Retail Properties Business Trust

•	de a part hereof, hereby petition for:
a Special Hearing under Section 500.7 of the Zonin or not the Zoning Commissioner should approve	ng Regulations of Baltimore County, to determine whether
a Special Expention under the Zoning Degulations	of Baltimara County to use the horsin described preparty for
a Special exception under the Zoning Regulations	of Baltimore County to use the herein described property for
B. X a Variance from Section(s)	
SEE AT	TACHED
of the zoning regulations of Baltimore County, to the a	zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty of	or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachme	nt to this petition)
TO BE DRESS	ENTED AT HEARING
TO BE FRESE	MILDATTEARNO
roperty is to be posted and advertised as prescribed by the zoning regula	Hone
or we, agree to pay expenses of above petition(s), advertising, posting, e	
nd restrictions of Baltimore County adopted pursuant to the zoning law for	r Baltimore County.
egal Owner(s) Affirmation: I / we do so solemnly declare and affirm, uno hich is the subject of this / thes <u>e Petiti</u> on(s).	der the penalties of perjury, that I / We are the legal owner(s) of the property
ontract Purchaser Lessee:	Legal Owners (Petitioners):
hick-fil-A, Inc. Rex Powell, Program Manager	Retail Properties Business Trust See Attached
arma Type or Brint	Name #1 - Type or Print Name #2 - Type or Print
her her	1
gnature	Signature #1 Signature # 2 c/o Federal Realty Investment Trust
200 Buffington Road, Atlanta, GA	c/o Federal Realty Investment Trust 1626 Jefferson Street, Rockville, Maryland
ailing Address City State	Mailing Address City State
0349 /404-305-7623 /	20852-4041, 301 998 810+ , Specker a telegra
p Code Telephone # Email Address	Zip Code Telephone # Email Address
ttorney for Potitioner: LESSEE	Bearsontative to be contacted:
	Representative to be contacted:
David H. Katgeski, Esquire	David H. Karceski esquire
ame- Type of Print	Name – Type or Prim
Color March LUD	Clanatura
gnature Venable LLP	Signature Veriable LLP
10 W. Pennsylvania Ave., Ste. 500 Towson MD	210 W. Pennsylvania Ave., Ste. 500 Towson MD
ailing Address City State	Mailing Address City State
1204 , 410-494-6285 , dhkarceski@venable.con	
p Code Telephone # Email Address	Zip Code Telephone # Email Address
2016-0011-A 5110-0016 16 15	5
ASE NUMBER	Do Not Schedule Dates: Reviewer
OBDER RECEIVED FOR FI	I INC
ORDER RECEIVED FOR FI	7016-m11-A

ATTACHMENT PETITION FOR VARIANCE

5198 Campbell Boulevard

Legal Owners (Petitioners):

RETAIL PROPERTIES BUSINESS TRUST, a Maryland business trust

By: FR White Marsh, Inc., a Maryland Corporation

By: Step 1/ Alchi

Name: Dawn M. Becker Title: Vice President

Managing Director Mixed Use Operations

ATTACHMENT PETITION FOR VARIANCE

5198 Campbell Boulevard

- 1. Variance from Section 409.6 of the BCZR to allow 66 off-street parking spaces in lieu of the required 80 parking spaces.
- 2. Variance from Section 409.10.B of the BCZR to allow a drive-thru lane to cross principal pedestrian access to the building, if necessary.



501 N. Calvert St., P.O. Box 1377 Baltimore, Maryland 21278-0001 tel: 410/332-6000 800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order

Sold To:

VENABLE LLP - CU00174151 210 W Pennsylvania Ave Ste 500 TOWSON,MD 21204-5304

Bill To:

VENABLE LLP - CU00174151 210 W Pennsylvania Ave Ste 500 TOWSON,MD 21204-5304

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: # 2016-0011-A
5198 Campbell Blvd.
NE/s Campbell Blvd., 317 ft SE of JFK Memorial Highway 14th Election District - 6th Councilmanic District Legal Owner(s) Retail Properties Business Trust Lessee: Chick-Fil-A, Inc.
Variance: to allow 66 off street parking spaces in lieu of the required 80 parking spaces. To allow a drive-thru lane to cross principal pedestrian access to the building, if necessary.

Hearing: Tuesday, September 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-391.

IT 9/657 Sept. 8

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Sep 08, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

	2016-0011-A RE: Case No.:
	Petitioner/Developer:
	September 29, 2015 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 11 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
posted conspicuously on the property loc	es of perjury that the necessary sign(s) required by law were ated at:
5198 Campbell Blvd	
The sign(s) were posted on	September 9, 2015 (Month, Day, Year)
	Sincerely, September 9, 2015
ZONING NOTICE	(Signature of Sign Poster) (Date) SSG Robert Black
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD	(Print Name)
PLACE: 155 W. CHERPEANE AVE. TORSON NO. 21204 DAYE AND THE THINGS. ISSNINGS JR. TORSON NO. 21204 BACK ST. European. Los Blow 65 ctf. street BACK ST. European. Los Blow 65 ctf. street	1508 Leslie Road
parking spaces in Sew of the neuered 60 parking spaces. To allow a drive-thru land to cross processal pedestrain access to the building. If necessary.	(Address)
Writing of this Arit Samma	Dundalk, Maryland 21222
	(City, State, Zip Code)
	(410) 282-7940
	(Telephone Number)



KEVIN KAMENETZ County Executive

August 7, 2015

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

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: 2016-0011-A

5198 Campbell Blvd.

NE/s Campbell Blvd., 317 ft. SE of JFK Memorial Highway

14th Election District – 6th Councilmanic District

Legal Owners: Retail Properties Business Trust

Lessee: Chick-Fil-A, Inc.

Variance to allow 66 off-street parking spaces in lieu of the required 80 parking spaces. To allow a drive-thru lane to cross principal pedestrian access to the building, if necessary.

Hearing: Tuesday, September 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Dave Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204 Dawn Becker, 1626 Jefferson Street, Rockville 20852 Rex Powell, Chick-Fil-A, 5200 Buffington Road, Atlanta GA 30349

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, SEPTMEBER 9, 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.



Tuesday, September 8, 2015 Issue - Jeffersonian

Please forward billing to:

David Karceski Venable, LLP 410-494-6285

210 W. Pennsylvania Avenue, Ste. 500

Towson, MD 21204

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: 2016-0011-A

5198 Campbell Blvd.

NE/s Campbell Blvd., 317 ft. SE of JFK Memorial Highway

14th Election District – 6th Councilmanic District Legal Owners: Retail Properties Business Trust

Lessee: Chick-Fil-A, Inc.

Variance to allow 66 off-street parking spaces in lieu of the required 80 parking spaces. To allow a drive-thru lane to cross principal pedestrian access to the building, if necessary.

Hearing: Tuesday, September 29, 2015 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL 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

* 5198 Campbell Boulevard; NE/S Campbell
Boulevard, 317' SE of JFK Memorial Highway*
14th Election & 6th Councilmanic Districts
Legal Owner(s): Retail Properties Business Trust*

Contract Purchaser(s): Chick-Fil-A, Inc

Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2016-011-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.

Peter Max Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Cambo S Vembro

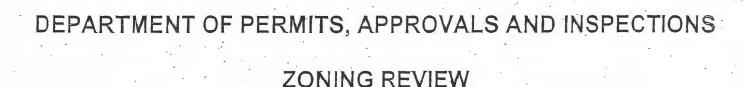
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of July, 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 Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 20/6-00//-/
Petitioner: Retail Proporties Business Trust
Address or Location: 5198 Campbell Blvl
PLEASE FORWARD ADVERTISING BILL TO:
Name: David Jarreski
Address: Verablelle
210 W. Penrylvania the Suites 00
Tow son, MD 21204
Telephone Number: (410) 494-6285

PLEASE PRINT CLEARLY

CASE NAME 5198 Campbel Blof CASE NUMBER 2016-11-A DATE 9/29/15

PETITIONER'S SIGN-IN SHEET

NAMĘ.	ADDRESS	CITY, STATE, ZIP	E- MAIL
Pavid Lakuski	210 W. Pen. Are. Suite 500	TOUSON MD 21704	Skarcesti avenabe.com
Kex Powell	5200 BUFFINGTON ROAD	ATLANTA, GA 30349	rex. powellactacorp.com
Androw Stine	901 Wavey Valley Rd Sure 801	Tenson MD 21204	astileaboldereng.com
Mark Kecker	. /		
Ion wilt	724 Baltimore St	Hanover, 74 [733]	tom.wilt@am.jll.com
Here Parlorsky	1737 Leslie, Kord Dundelk Md	21222	010420 Chick-fit-a.com
Mark Keeley	7525 Connelle Dr HANOVELMS		MKEELEY & Traffic Coulepts. com
零	2076		
		 	
	-		



CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
7/27/15	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	-N/C
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	NG Obi
8/4/15	PLANNING (if not received, date e-mail sent)	MO OBJ COMMEN
7/21/15	STATE HIGHWAY ADMINISTRATION	mo Oby
	TRAFFIC ENGINEERING	<u> </u>
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date: 9/8/15	dad T
SIGN POSTING	Date: 91915	by SSG. Back
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes \square No \square	
Comments, if any:		





Real Property Data Search (w4) Guide to searching the database Search Result for BALTIMORE COUNTY View Map View GroundRent Redemption View GroundRent Registration Account Identifier: District - 14 Account Number - 2400002796 **Owner Information** COMMERCIAL NO RETAIL PROPERTIES BUSINESS TRUST C/O FEDERAL REALTY INVESTMENT TRUS Owner Name: Use: Principal Residence: ATTN ACCOUNTING DEPT 1626 EAST JEFFERSON ST ROCKVILLE MD 20852-4041 Deed Reference: /24816/ 00714 Mailing Address: Location & Structure Information 1.36561 AC 5154-5198 CAMPBELL BLVD WHITE MARSH COMMUNITY 5154 CAMPBELL BLVD 0-0000 Legal Description: Premises Address: Assessment Year: Subdivision: Section: Block: Lot: Plat Map: Grid: Parcel: Sub District: No: 20C Plat 0075/ 0083 2016 0842 0000 0082 0010 Ref: NONE Special Tax Areas: Town: Ad Valorem: Tax Class: County **Primary Structure** Above Grade Enclosed Finished Basement **Property Land** Area Built Area 2003 4376 1.3700 AC 06 Exterior Full/Half Bath Garage Last Major Renovation **Stories Basement** Type **FAST FOOD** Value Information Value Phase-in Assessments **Base Value** As of 07/01/2015 As of 01/01/2013 As of 07/01/2016 1,370,000 1,370,000 Land: 629,800 629,800 Improvements 1,999,800 1,999,800 1,999,800 Total: Preferential Land: Transfer Information Date: 11/27/2006 Price: \$0 Seller: NOTTINGHAM VILLAGE INC Deed1: /24816/ 00714 Deed2: Type: NON-ARMS LENGTH OTHER Price: Seller: Date: Deed1: Deed2: Type: Seller: Date: Price: Deed1: Deed2: Type: **Exemption Information** Partial Exempt 07/01/2015 07/01/2016 Class Assessments: County: 000 0.00 0.00 State: 000 000 0.00 0.00 Municipal:

NONE

Special Tax Recapture:

Homestead Application Status: No Application

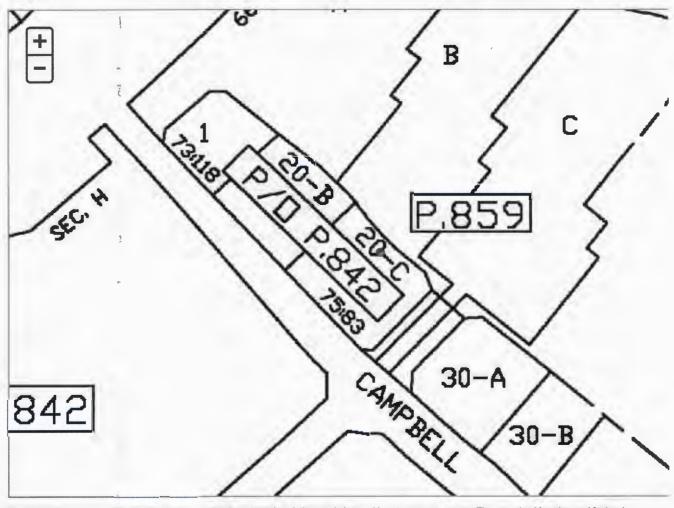
Tax Exempt:

Exempt Class:

Baltimore County

New Search (http://sdat.dat.maryland.gov/RealProperty)

District: 14 Account Number: 2400002796



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 Napping, 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.stale.md. us/wel 38te/mo sp/)

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KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 23, 2015

Retail Properties Business Trust Dawn Becker, V.P. C/O Federal Realty Investment Trust 1626 Jefferson Street Rockville MD 20852-4041

RE: Case Number: 2016-0011 A, Address: 5198 Campbell Boulevard

Dear Ms. Becker:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 16, 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Chick-fil-A Inc., Rex Powell, Program Manager, 5200 Buffington Road, Atlanta Georgia 30349 David H Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 12204

Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary Douglas H. Simmons, Acting Administrator

Date: 7/21/15

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

Dear Ms. Lewis:

RE: **Baltimore County** Item No 2016-0011-A Variance Retail Proporty Business Trust Davon M. Becker V.P. elo Federal Realty Investment Trust

5198 Compbell Boulound

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. 2016-0011-A

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely.

David W. Peake

Metropolitan District Engineer Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: August 6, 2015

RECEIVED

OFFICE OF ADMINISTRATIVE HEARINGS

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

5198 Campbell Boulevard

INFORMATION: Item Number:

16-011

Petitioner:

Retail Properties Business Trust

Zoning:

BM

Requested Action:

Variance

Kathy Ghlebach

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the Petition for Variance to allow 66 off-street parking spaces in lieu of the required 80 parking spaces and to allow a drive-thru lane to cross principal pedestrian access to the building, if necessary.

The minimal addition to the existing restaurant will add no additional seating. The plan indicates that the pedestrian crosswalk will be clearly marked. The Department has no objection to the granting of the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngoné Seye Diop at 410-887-3480.

Division Chief:

AVA/KS

C: Ngoné Seye Diop

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: July 27, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 27, 2015

Item No. 2015-0308 & 2016-0009, 0010, 0011 and 0012

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

DAK:CEN cc:file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: August 6, 2015

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

5198 Campbell Boulevard

INFORMATION:

Item Number:

16-011

Petitioner:

Retail Properties Business Trust

Zoning:

BM

Requested Action:

Variance

Kalny Ghlabach

SUMMARY OF RECOMMENDATIONS:

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Division Chief: _

AVA/KS

C: Ngoné Seye Diop

226

Case No.: _

2016-0011-A

Exhibit Sheet

10-1-T5 Sln

Petitioner/Developer

073

Protestant

No. 1	Site plan	
No. 2	Existing conditions plan	
No. 3	Stine resume	
No. 4	4A-4E Photos	
No. 5	My Neighborhood Map	·
No. 6	White Marsh plat	
No. 7	Keeley resume	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		
		·

RESUME

Andrew G. Stine, P.E. Project Manager

EDUCATION:

Bachelor of Science in Civil Engineering, Bucknell University, Lewisburg, PA

PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Review Boards, Hearing Examiners, and related municipal entities in Maryland.

EXPERIENCE:

Currently serves as a Project Manager in Bohler Engineering's Towson, Maryland Office. Experience includes over eight (8) years of design and project management. Primarily responsible for client and project management for various commercial and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscape design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes, banks, and other related projects in various municipalities within Maryland.

BALTIMORE COUNTY PROJECTS OF NOTE:

- Multiple Quick Serve Restaurants (Chick-fil-A, Sonic)
- Multiple Fuel Service Station Projects (SMO, Wawa)
- Multiple Bank Projects (PNC Bank, Baltimore County Savings Bank)
- Timonium Shopping Center

PROFESSIONAL AFFILIATIONS:

- Maryland Professional Engineer #37687
- National Association of Industrial & Office Properties (NAIOP) Developing Leaders
- Maryland Building Industry Association (MBIA) Baltimore Chapter

J. MARK KEELEY, PTP

6533 Green Mount Drive • Elkridge, MD 21075 410-615-0067 (cell) 410-670-2911 (Office)

PROFESSIONAL SKILLS

Thorough knowledge of transportation planning principals and practices, including the relationship between transportation, environmental, economic, and social factors that influence urban and rural land use patterns. Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

EDUCATION

TOWSON UNIVERSITY 8000 York Road Towson, MD 21252 M.A. Degree - Geography and Planning, 1993

SALISBURY UNIVERSITY 1101 Camden Avenue Salisbury, MD 21801 B.A. Degree - Political Science, 1987

MT. ST. JOSEPH HIGH SCHOOL 4403 Frederick Avenue Baltimore, MD 21229 Graduated May 1983

PROFESSIONAL EXPERIENCE

TRAFFIC CONCEPTS, INC

7525 Connelley Drive, Suite B Hanover, Maryland 21076

Project Manager/Transportation Planner, July 2005-Present

- Project Manager for Traffic Impact Studies and Planning/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic engineering services.
- Develop business relationships to advance business products and services.
- Provide expert testimony at public hearings.
- Develop complex master planning studies, traffic impact analyses and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

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QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS / DEPARTMENT OF PLANNING & ZONING

312 Safety Dr Centreville MD 21617/160 Coursevall Dr. Centreville, MD 21617

Transportation/Land Use Planner IV, September 2002 – July 2005

- Managed the County Adequate Public Facilities Ordinance program.
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis, corridor studies, and school impact studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING 220 South Main Street Bel Air, Maryland 21014

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended various traffic mitigation measures.
- Initiated and directed complex planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

J. MARK KEELEY, PTP

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HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING 220 South Main Street Bel Air, Maryland 21014

Transportation Planner I & II, September 1993 – July 1999

- Planner assigned to the Edgewood Community Planning Council.
- Conducted transit-planning studies and transit rider-ship surveys for Harford Transit.
- Coordinated with the Harford Transit to develop rural transit routes.
- Organized a Bicycle and Pedestrian Task Force to select bike routes and to promote non-motorized transportation.
- Managed the Commuter Assistance Grant and submitted quarterly reports to the MTA.
- Developed a Regional Employees Commuter Option (ECO) Program for both the public sector and private sector businesses as mandated by the MDE.
- Prepared and reviewed Traffic Impact Studies for the County.
- Managed the Regional Travel Demand Model.
- Performed intersection analysis and recommended traffic mitigation measures.

PROFESSIONAL ASSOCIATIONS

Certifications

• PTP (Professional Transportation Planner Certification), ITE 2008 – Present Certificate Number 122

Inactive Certifications

• AICP (American Institute of Certified Planners) 2006 – 2010 Certificate Number 020927

Active Member 2006 - Present

American Planning Association, Member since 1993

MASTER PLAN WRITINGS

• Co-authored the 2000 Transportation Plan, An Element of the Harford County Master Plan.

AWARDS & OUTREACH SERVICE

- Harford County Department of Planning and Zoning Employee of the Month Award, December 2001
- Organized 1st Annual Harford Bicycle Festival

J. MARK KEELEY, PTP

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EXPERT WITNES EXPERIENCE:

Baltimore County, MD Carroll County, MD Harford County, MD Howard County, MD Queen Anne's County, MD Montgomery County, MD City of Easton, MD City of Elkton, MD City of Salisbury, MD Town of Bel Air, MD Town of Centreville, MD City of Frederick, MD Town of Denton, MD



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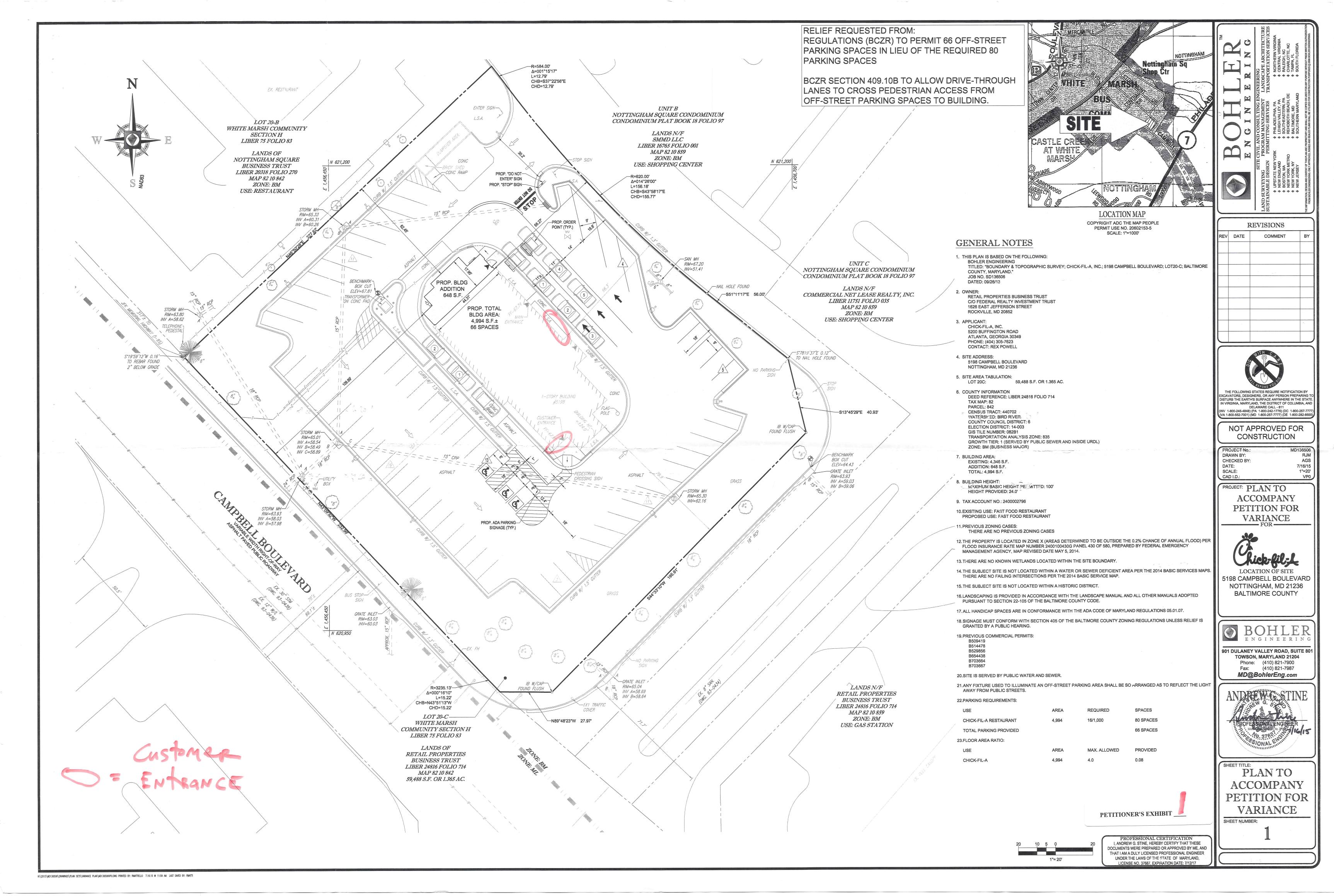


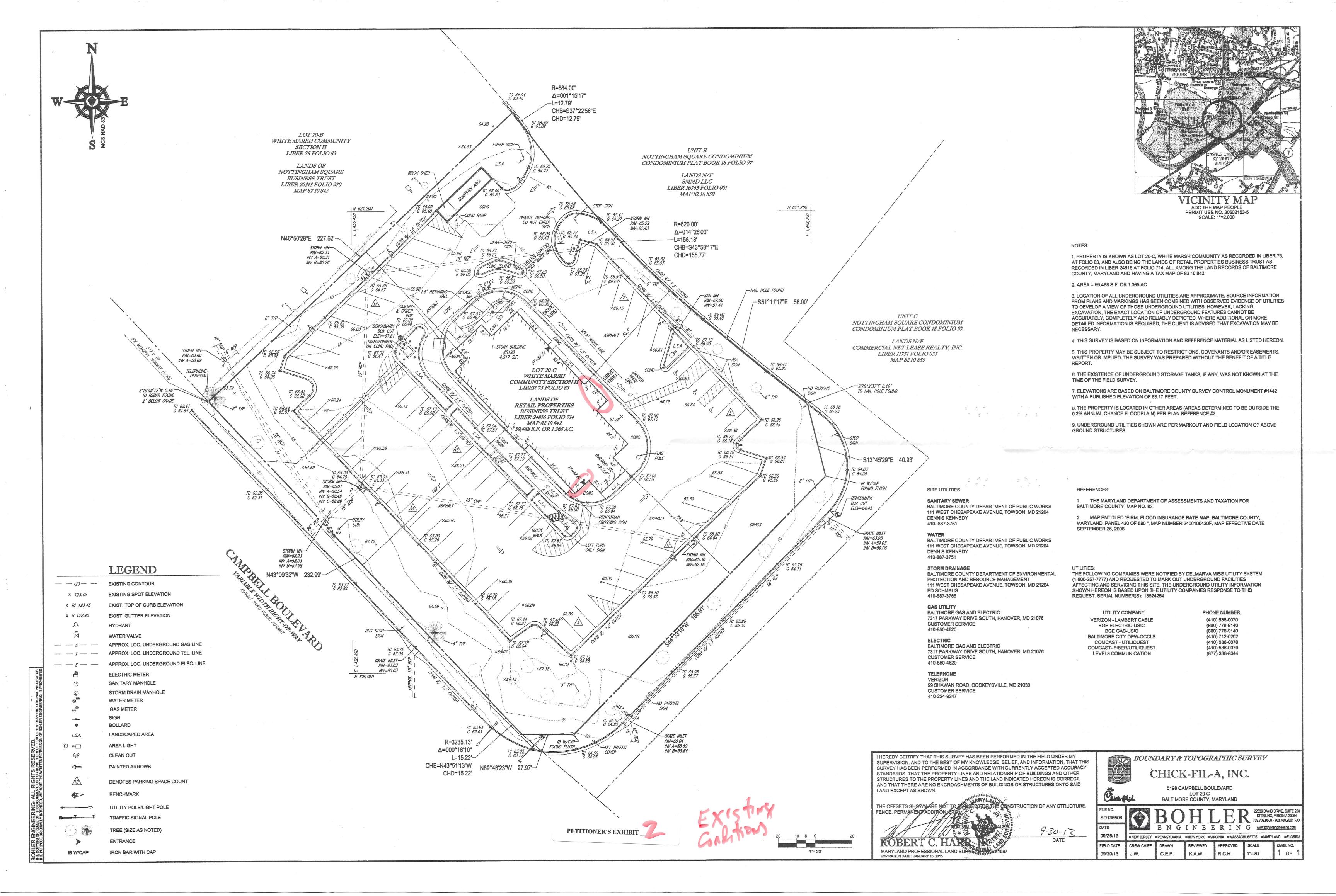




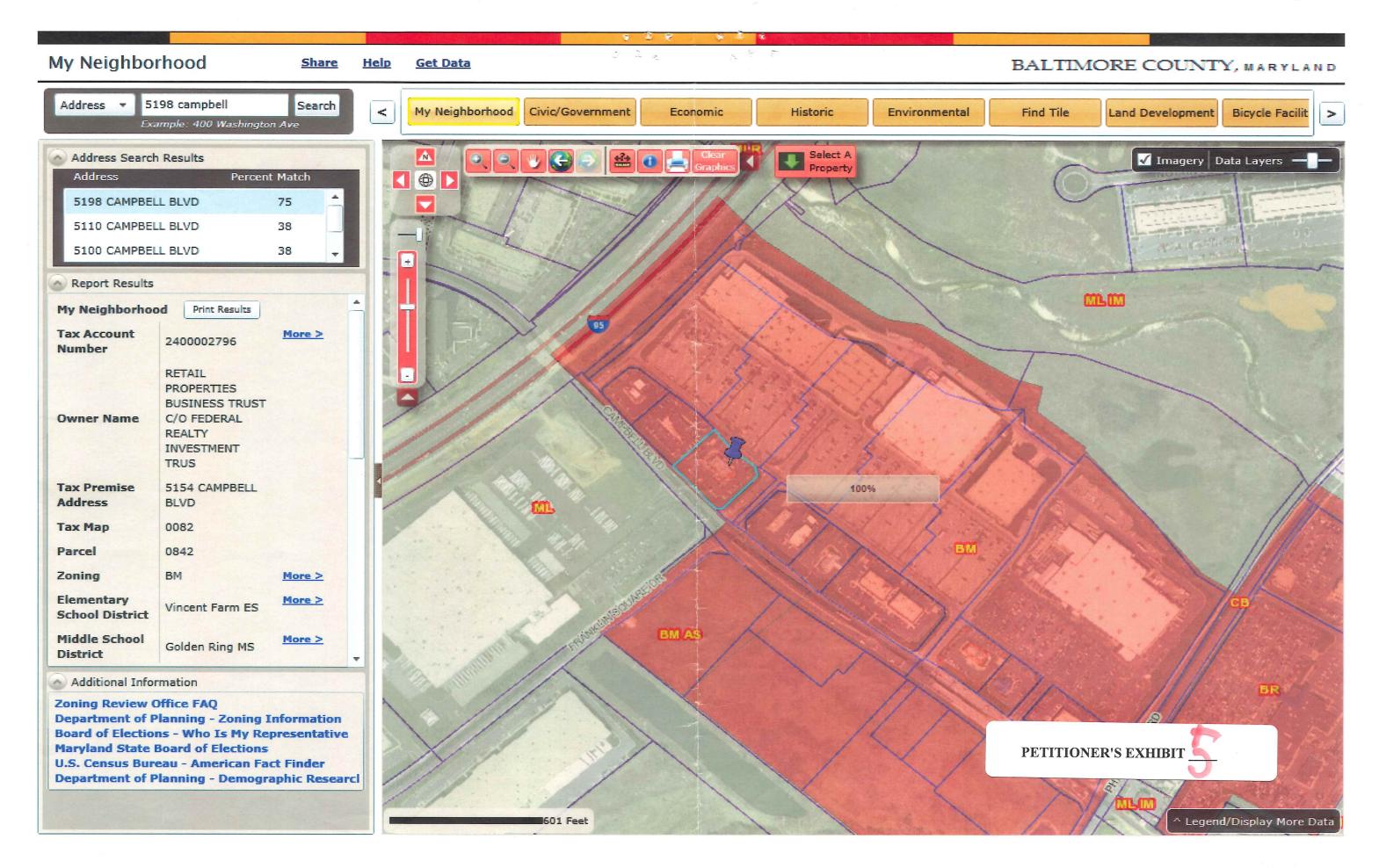
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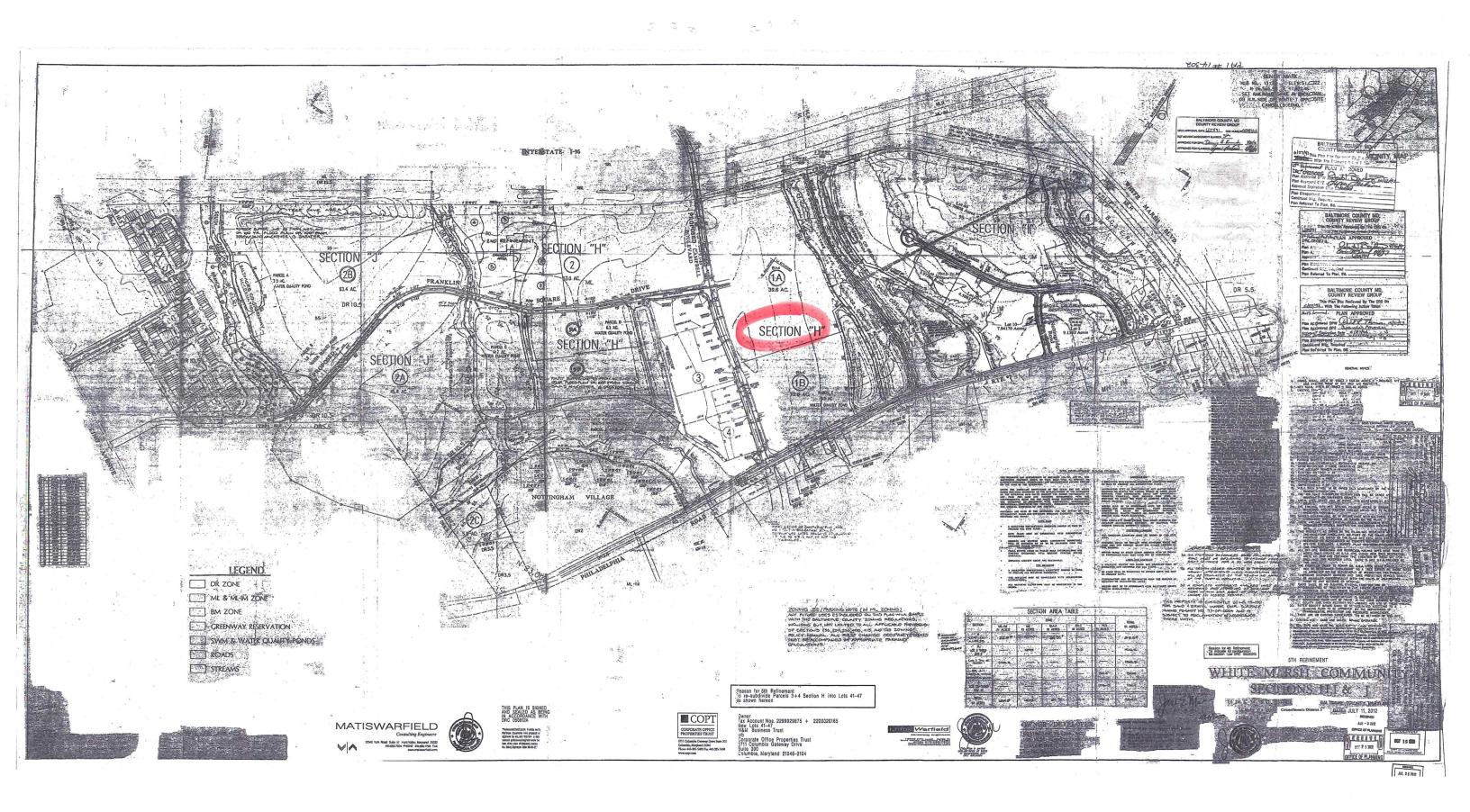
My Neighborhood Map Zoning Map Number: 082B1 Created By Baltimore County My Neighborhood This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.



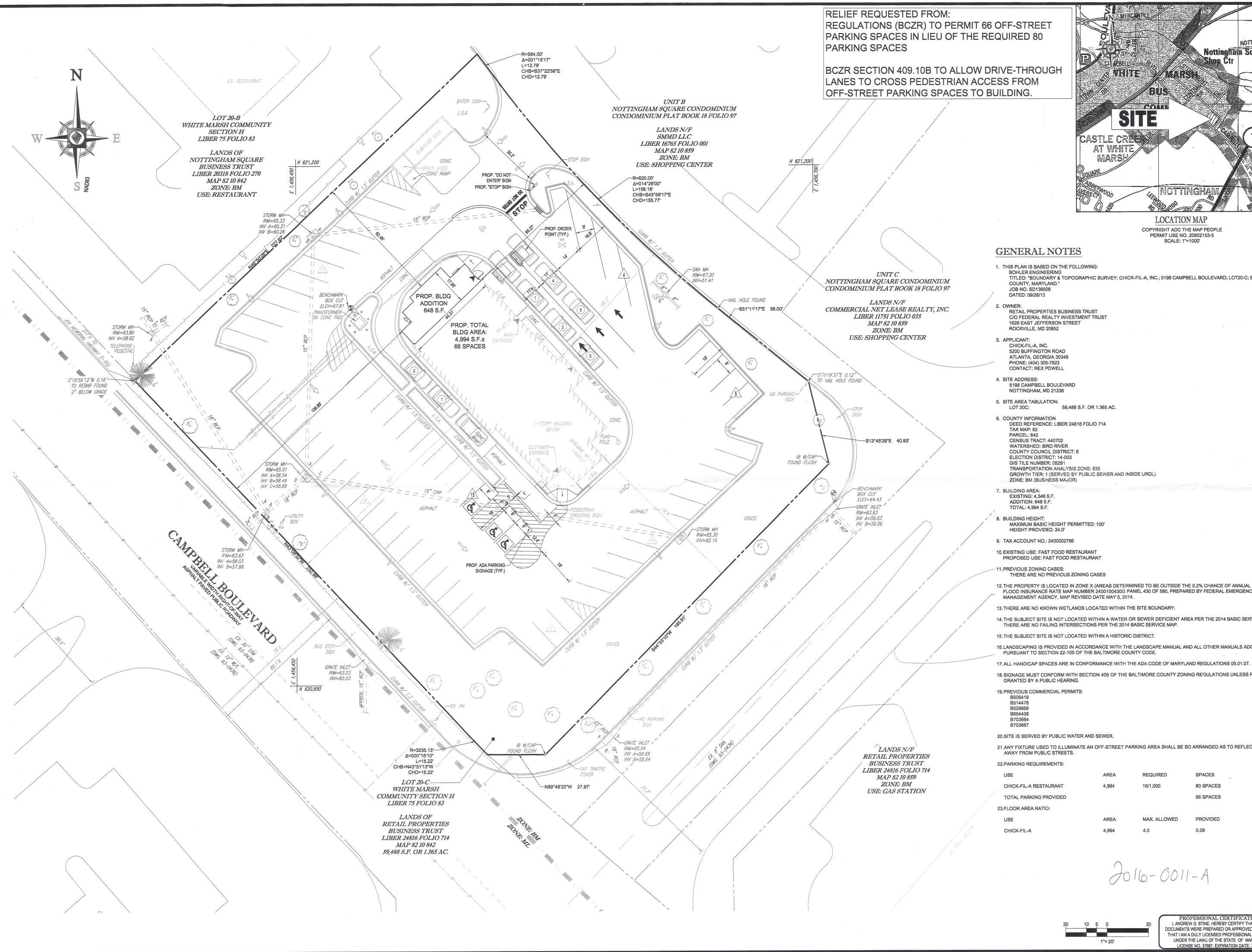


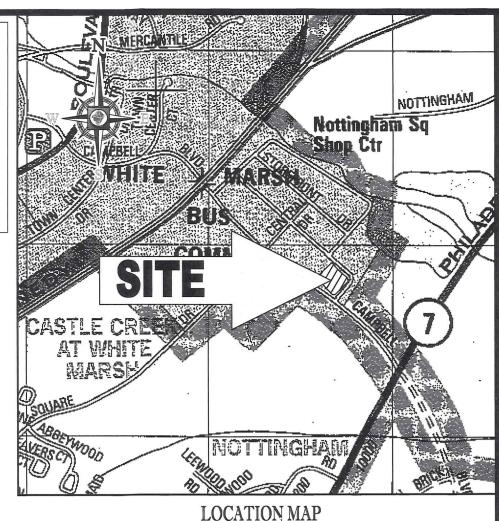
Baltimore County's My Neighborhood











COPYRIGHT ADC THE MAP PEOPLE

PERMIT USE NO. 20602153-5 SCALE: 1"=1000'

TITLED: "BOUNDARY & TOPOGRAPHIC SURVEY; CHICK-FIL-A, INC.; 5198 CAMPBELL BOULEVARD; LOT20-C; BALTIMORE

GROWTH TIER: 1 (SERVED BY PUBLIC SEWER AND INSIDE URDL)

12. THE PROPERTY IS LOCATED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% CHANCE OF ANNUAL FLOOD) PER FLOOD INSURANCE RATE MAP NUMBER 2400100430G PANEL 430 OF 580, PREPARED BY FEDERAL EMERGENCY MANAGEMENT AGENCY, MAP REVISED DATE MAY 5, 2014.

13. THERE ARE NO KNOWN WETLANDS LOCATED WITHIN THE SITE BOUNDARY.

14. THE SUBJECT SITE IS NOT LOCATED WITHIN A WATER OR SEWER DEFICIENT AREA PER THE 2014 BASIC SERVICES MAPS. THERE ARE NO FAILING INTERSECTIONS PER THE 2014 BASIC SERVICE MAP.

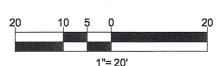
15. THE SUBJECT SITE IS NOT LOCATED WITHIN A HISTORIC DISTRICT.

16.LANDSCAPING IS PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 22-105 OF THE BALTIMORE COUNTY CODE.

18. SIGNAGE MUST CONFORM WITH SECTION 405 OF THE BALTIMORE COUNTY ZONING REGULATIONS UNLESS RELIEF IS

21.ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT

USE	AREA	REQUIRED	SPACES	,
CHICK-FIL-A RESTAURANT	4,994	16/1,000	80 SPACES	
TOTAL PARKING PROVIDED			66 SPACES	
23.FLOOR AREA RATIO:				
USE	AREA	MAX. ALLOWED	PROVIDED	
CHICK-FIL-A	4,994	4.0	0.08	



PROFESSIONAL CERTIFICATION I. ANDREW G. STINE, HEREBY CERTIFY THAT THESE OCUMENTS 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. 37687, EXPIRATION DATE: 7/12/17

REVISIONS				
DATE	COMMENT	BY		
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<i>y</i>		2		
8				
		DATE COMMENT		



NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	r Charles	 M
DRAWN BY:		
CHECKED BY:		
DATE:		
SCALE:		
CAD I.D.:		

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



5198 CAMPBELL BOULEVARD NOTTINGHAM, MD 21236 **BALTIMORE COUNTY**



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



PLAN TO **ACCOMPANY** PETITION FOR VARIANCE

SHEET NUMBER:

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