

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(6821-6899 Loch Raven Blvd.)		
9 th Election District	*	OFFICE OF
6 th Council District		
Hillendale Business Trust	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Planet Fitness Growth Partners	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2017-0209-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of Hillendale Business Trust, legal owner and Planet Fitness Growth Partners, lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to operate a community building devoted to civic, social, recreational and education activities.

Chris Nowalk and professional engineer Matt Sichel appeared in support of the petition. Lawrence E. Schmidt, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (ZAC) comments were received from County reviewing agencies.

The subject property is approximately 11.584 acres and is zoned BL-CCC. The property is improved with a strip shopping center constructed in the 1950's. This case involves an 18,000 sq. ft. storefront space at the center, which for years was occupied by Salvo Auto Parts. That business is relocating nearby, and Planet Fitness (a gym with several locations in Baltimore County) plans to open a facility at this location.

As noted above, this property is zoned BL, and a variety of commercial and retail uses exist in the vicinity. Even so, the B.C.Z.R. does not have a use category corresponding to a gym or

ORDER RECEIVED FOR FILING

Date 3/22/17

By Sen

fitness/exercise facility, which is a glaring omission in this day and age. While it would seem a gym would be permitted by right in the BL zone--considering that many more intense uses (like fast food restaurants and outlet shopping centers) are so permitted--the zoning office in this and similar cases instructed petitioner to file a petition for special exception to use the property for a "community building." Under the B.C.Z.R., a community building is one "devoted to civic, social, recreational and educational activities, including...a catering hall." B.C.Z.R. §101.1.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, ___ Md. ___, 152 A.3d 765 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Sichel testified (via proffer) Petitioner satisfied the criteria set forth in B.C.Z.R. § 502.1, and I concur. No evidence was presented to suggest the use at this location would have non-inherent detrimental impacts upon the community. In fact, this is a long-established commercial center with more than enough parking and convenient means of ingress and egress. As such the petition will be granted.

THEREFORE, IT IS ORDERED this 22nd day of **March, 2017**, by this Administrative Law Judge, that the Petition for Special Exception to approve a community building devoted to civic, social, recreational and education activities, be and is hereby GRANTED.

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Date

3/22/17

By

Sen

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.

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 3/22/17
By sln



KEVIN KAMENETZ
County Executive

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

March 22, 2017

Lawrence E. Schmidt, Esq.
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

RE: Petition for Special Exception
Case No.: 2017-0209-X
Property: 6821-6899 Loch Raven Blvd,

Dear Mr. Schmidt:

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

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure



PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:

Address 6821-6899 Loch Raven Boulevard which is presently zoned BL-CCC
 Deed References: 24599/529 10 Digit Tax Account # 0908550680
 Property Owner(s) Printed Name(s) Hillendale Business Trust

(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:

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

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

3. ☐ a Variance from Section(s)

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:

Planet Fitness Growth Partners c/o Goldleaf Associates, LLC

Name- Type or Print

Chris N. Goldleaf
 Signature

6800 Deerpath Road, Suite 1000 Elkridge MD

Mailing Address City State

21075 , 443-324-5762 , chrisn@goldleafllc.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Lawrence E. Schmidt
 Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 , (410) 821-0070 , lschmidt@sgs-law.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Meir Duke Authorized Rep. of Hillendale Business Trust

Name #1 - Type or Print

Name #2 - Type or Print

Meir Duke Signature # 2

12300 Highgrove Court Reisterstown MD

Mailing Address City State

21117 , 443-277-7008 , duke7008@hotmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Lawrence E. Schmidt, Smith, Gildea & Schmidt, LLC

Name- Type or Print

Lawrence E. Schmidt
 Signature

600 Washington Avenue, Suite 200 Towson MD

Mailing Address City State

21204 , (410) 821-0070 , lschmidt@sgs-law.com

Zip Code Telephone # Email Address

CASE NUMBER 2017-0209-X Filing Date 2/7/2017

Do Not Schedule Dates:

Reviewer na

Date 3/22/17

REV. 10/4/11

By Sen

ORDER RECEIVED FOR FILING

ATTACHMENT TO PETITION FOR VARIANCE

6821-6899 Loch Raven Boulevard

Special Exception Relief:

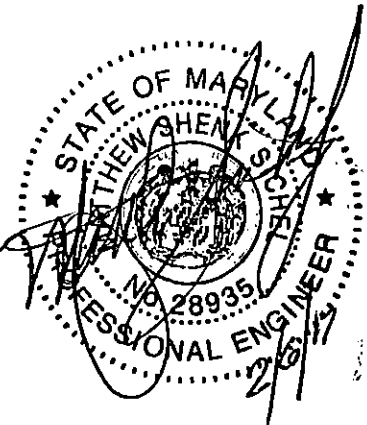
1. To approve a structure or land use devoted to civic, social, recreational and education activities; and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

2017-0209-X

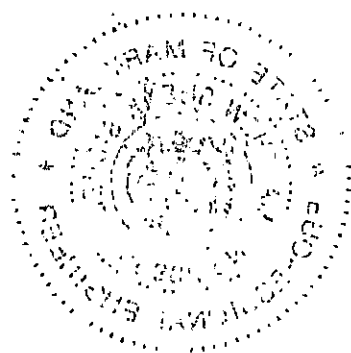
ZONING PROPERTY DESCRIPTION FOR HILLENDALE SHOPPING CENTER

Beginning at a point on the east side of Loch Raven Boulevard which is 90 feet wide at the distance of 740 feet south of the center line of the nearest improved intersecting street Taylor Avenue which is 90 feet wide. Thence the following courses and distances: (1st Point of Call – "POC") N 28°22'41" E 476.71', (2nd POC) S 61°30'02" E 180.72', (3rd POC) N 28°29'58" E 202.00', (4th POC) N 28°29'58" E 24.92', (5th POC) S 61°50'22" E 529.82', (6th POC) S 1°52'01" W 23.42', (7th POC) S 1°52'01" W 362.82', (8th POC) S 80°39'19" W 767.46', (9th POC) N 66°28'44" W 117.03', (10th POC) N 28°22'41" E 119.69', and (11th POC) N 61°34'07" W 159.76', back to the point of beginning as recorded in Deed Liber 24599, Folio 529, containing 11.584 acres. Located in the 9th Election District and 6th Council District.

"PROFESSIONAL CERTIFICATION. I HEREBY
CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT
I AM A DULY LICENSED PROFESSIONAL
ENGINEER UNDER THE LAWS OF THE STATE
OF MARYLAND, LICENSE NO. 28935,
EXPIRATION DATE: 1/15/19."



2017-0209-X



STATE OF MARYLAND
DEPARTMENT OF THE GENERAL LAND OFFICE
Baltimore, Maryland
JAN 10 1900

№ 148656

Date: 2/7/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
2/07/2017	2/07/2017	09:24:47	1

REG WSD1 WALKIN LJR

>>RECEIPT # 706591 2/07/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 148656

Recpt Tot \$500.00

\$500.00	CK	\$.00	CA
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Baltimore County, Maryland

Total: 500.00

Rec: Smith, Gildea & Schmidt, LLC

For: 6820-6899 Loch Raven Blvd.

2017-0209-X

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

**CASHIER'S
VALIDATION**



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 No 4799633

Sold To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

Bill To:

Smith Gildea & Schmidt LLC - CU00433777
600 Washington Ave Ste 200
TOWSON, MD 21204

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

Feb 28, 2017

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2017-0209-X 6821-6899 Loch Raven Boulevard E/s Loch Raven Blvd., 90 ft. +/- s/of centerline of Taylor Avenue 9th Election District - 6th Councilmanic District Legal Owner(s) Hillendale Business Trust, Meir Duke, Authorized Rep. Contract Purchaser: Contract Purchaser: Planet Fitness Growth Partners c/o Goldleaf Associates, LLC SPECIAL EXCEPTION: to approve a structure or land use devoted to civic, social, recreational and education activities; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County. Hearing: Monday, March 20, 2017 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868. (2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391. JT 2/785 Feb. 28 4799633

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 2/27/2017

Case Number: 2017-0209-X

Petitioner / Developer: LAWRENCE SCHMIDT, ESQ. ~
JERRY WOODS~ MEIR DUKE

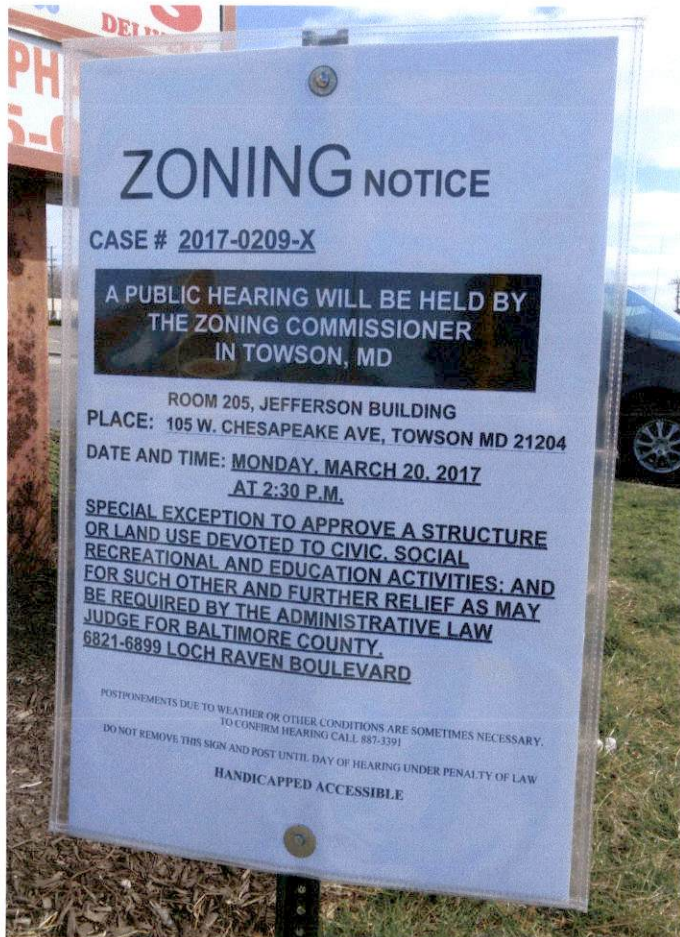
Date of Hearing (Closing): MARCH 20, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

SIGN #1 6821-6899 LOCH RAVEN BOULEVARD

SIGN #2 TAYLOR AVENUE (ON-SITE)

The sign(s) were posted on: FEBRUARY 26, 2017



Loch Raven Boulevard (On-Site)

Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Sign #2 Taylor Avenue (On-Site)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 28, 2017 Issue - Jeffersonian

Please forward billing to:

Lawrence Schmidt
Smith, Gildea & Schmidt
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

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: 2017-0209-X

6821-6899 Loch Raven Boulevard

E/s Loch Raven Blvd., 90 ft. +/- s/of centerline of Taylor Avenue

9th Election District – 6th Councilmanic District

Legal Owners: Hillendale Business Trust, Meir Duke, Authorized Rep.

Contract Purchaser: Planet Fitness Growth Partners c/o Goldleaf Associates, LLC

Special Exception to approve a structure or land use devoted to civic, social, recreational and education activities; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, March 20, 2017 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

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

February 22, 2017

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: 2017-0209-X

6821-6899 Loch Raven Boulevard

E/s Loch Raven Blvd., 90 ft. +/- s/of centerline of Taylor Avenue

9th Election District – 6th Councilmanic District

Legal Owners: Hillendale Business Trust, Meir Duke, Authorized Rep.

Contract Purchaser: Planet Fitness Growth Partners c/o Goldleaf Associates, LLC

Special Exception to approve a structure or land use devoted to civic, social, recreational and education activities; and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Monday, March 20, 2017 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Lawrence Schmidt, 600 Washington Avenue, Ste. 200, Towson 21204
Jerry Woods, 6800 Deerpath Road, Ste. 1000, Elkridge 21075
Meir Duke, 12300 Highgrove Court, Reisterstown 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 28, 2017.**
- (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.

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0209-X
Property Address: 6820-6899 Loch Raven Boulevard
Property Description: _____
Legal Owners (Petitioners): Hillendale Business Trust
Contract Purchaser/Lessee: Planet Fitness Growth Partners c/o Goldleaf Associates, LLC

PLEASE FORWARD ADVERTISING BILL TO:

Name: Lawrence E. Schmidt
Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC
Address: 600 Washington Avenue
Suite 200
Towson, MD 21204
Telephone Number: 410-821-0070

Revised 7/9/2015



KEVIN KAMENETZ
County Executive

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

March 16, 2017

Meir Duke
12300 Highgrove Court
Reisterstown MD 21117

RE: Case Number: 2017-0209 X, Address: 6821-6899 Loch Raven Boulevard

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 February 7, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Planet Fitness Growth Partners, c/o Goldleaf Associates, LLC, 6800 Deerpath Road, Suite 1000,
Elkridge MD 21075
Lawrence E Schmidt, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 2/13/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 2/13/17. A field inspection and internal review reveals that an entrance onto MD 542 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2017-0204-X.

Special Exception

Meir Dubko

*6821-6899 Loch Raven Boulevard and
MD 542*

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

Sincerely,

Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 3/8/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-209

INFORMATION:

Property Address: 6821-6899 Loch Raven Boulevard
Petitioner: Meir Duke
Zoning: BL-CCC
Requested Action: Special Exception



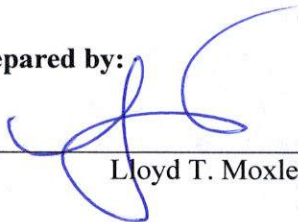
The Department of Planning has reviewed the petition for a special exception to use the property for a structure or land use devoted to civic, social, recreational and educational activities.

A site visit was conducted on February 17, 2017. The site is located within the Loch Raven Commercial Revitalization Area and the Hillendale Section of the Loch Raven Design Review Panel (DRP) area. This proposal will not require a formal DRP review.

The Department has no objection to granting the petitioned zoning relief.

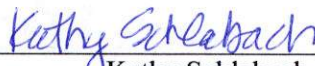
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Lawrence E. Schmidt, Smith, Gildea and Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: February 23, 2017

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2017
Item No. 2017-0205, 0206, 0207, 0209, 0210, 0211, 0212 and 0213

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02202017.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: February 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0209-X
Address 6821-6899 Loch Raven Boulevard
(Duke Property)

Zoning Advisory Committee Meeting of **February 20, 2017**

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

Reviewer: Steve Ford

Date: 2-15-2017

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
6821-6899 Loch Raven Blvd; E/S Loch Raven
Blvd, 90' S of c/line Taylor Avenue * OF ADMINISTRATIVE
9th Election & 6th Councilmanic Districts
Legal Owner(s): Hillendale Business Trust * HEARINGS FOR
by Meir Duke *
Contract Purchaser(s): Planet Fitness Growth
Partners c/o Goldleaf Associates, LLC
Petitioner(s) * BALTIMORE COUNTY
* 2017-209-X

* * * * *

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

FEB 16 2017

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 16th day of February, 2017, a copy of the foregoing Entry of Appearance was mailed to Lawrence Schmidt, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

M E M O R A N D U M

DATE: April 25, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0209-X – Appeal Period Expired

The appeal period for the above-referenced case expired on April 21, 2017. 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

~~Real Property Data Search~~ ~~Guide to searching the database~~

~~Search Result for BALTIMORE COUNTY~~

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0908550680			
Owner Information					
Owner Name:	HILLENDALE BUSINESS TRUST		Use:	COMMERCIAL	
Mailing Address:	12300 HIGHGROVE CT REISTERSTOWN MD 21117-5670		Principal Residence:	NO	
			Deed Reference:	/24599/ 00529	
Location & Structure Information					
Premises Address:		LOCH RAVEN BLVD BALTIMORE MD 21286-8302		Legal Description:	11.584 AC SES LOCH RAVEN BLVD SS TAYLOR AVE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0070	0022	1042		0000	2017
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1980	6292		11.5800 AC	14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		FAST FOOD			
Value Information					
	Base Value	Value As of 01/01/2017	Phase-In Assessments As of 07/01/2016 As of 07/01/2017		
Land:	6,950,400	6,950,400			
Improvements	10,856,800	11,516,000			
Total:	17,807,200	18,466,400	17,807,200	18,026,933	
Preferential Land:	0			0	
Transfer Information					
Seller: HARRY AND JEANETTE WEINBERG		Date: 10/11/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24599/ 00529		Deed2:	
Seller: HILLENDALE SHOPP ING CENTER INC		Date: 04/03/1989		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /08137/ 00567		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					

6821-6899 Loch Raven Boulevard 2017-0209-X



Publication Date: 2/7/2017

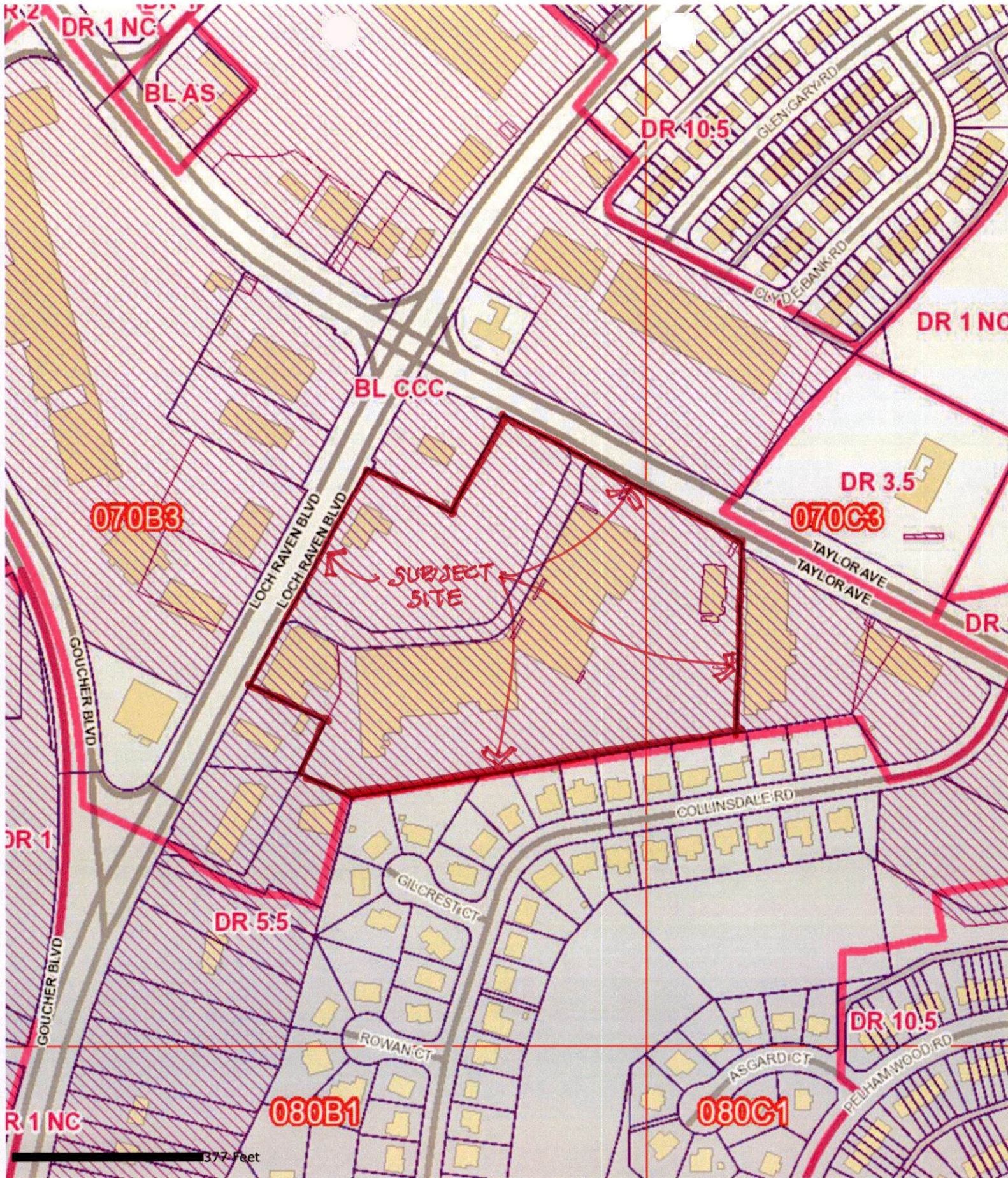


Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 55 110 220 330 440 Feet

1 inch = 200 feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



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Google earth





Google earth





Google earth





Google earth



CASE NAME 2017-209-X
CASE NUMBER _____
DATE 3/20/17

[illegible]

Case No.:

2017-0209-X

Exhibit Sheet

Petitioner/Developer

4-25-17
BW

Protestant

3-22-17
slh

No. 1	Plan	
No. 2	Aerial photo	
No. 3	3A-3I photos of site	
No. 4	Prior zoning orders for sub. property	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S

EXHIBIT NO.

No 2



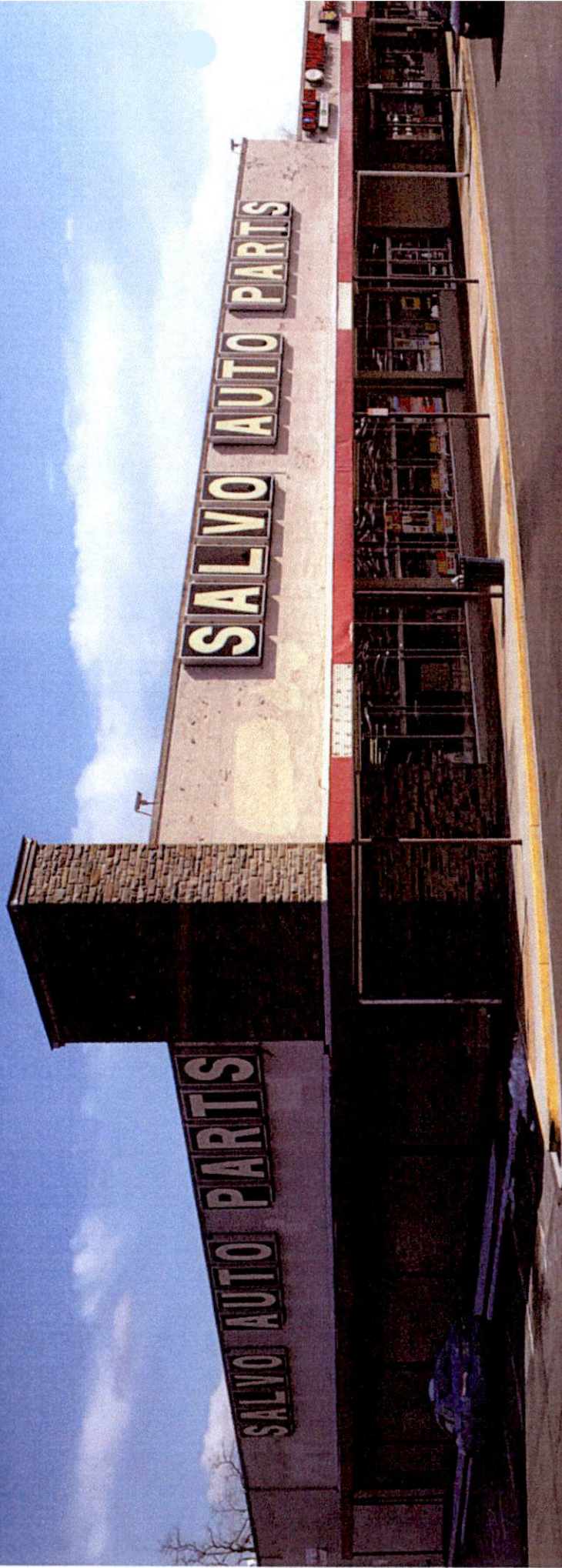
My Neighborhood Map

Created By
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Ref No
3A



Ref 313



Pet3c



Ref 3D



Ref 3E



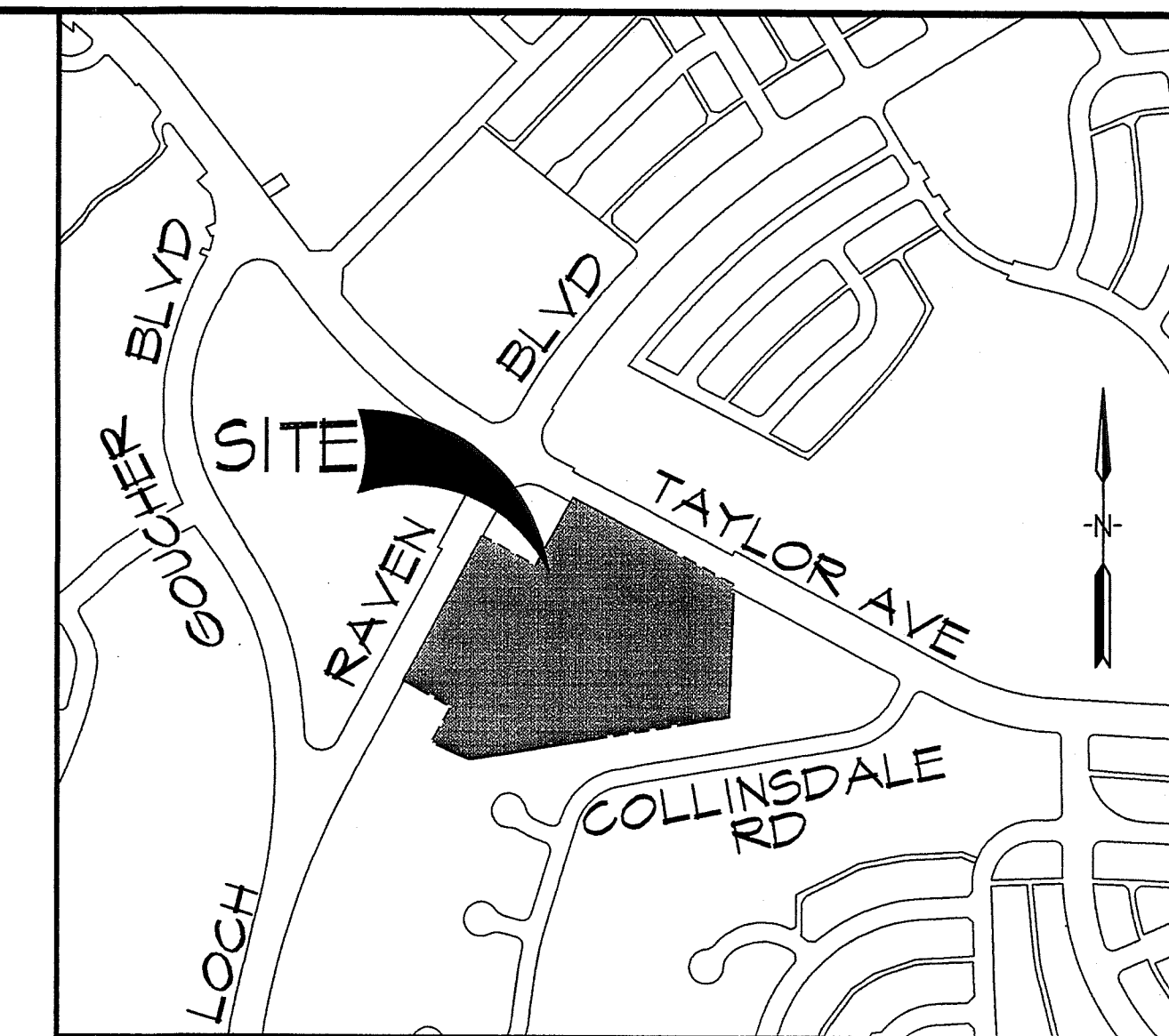
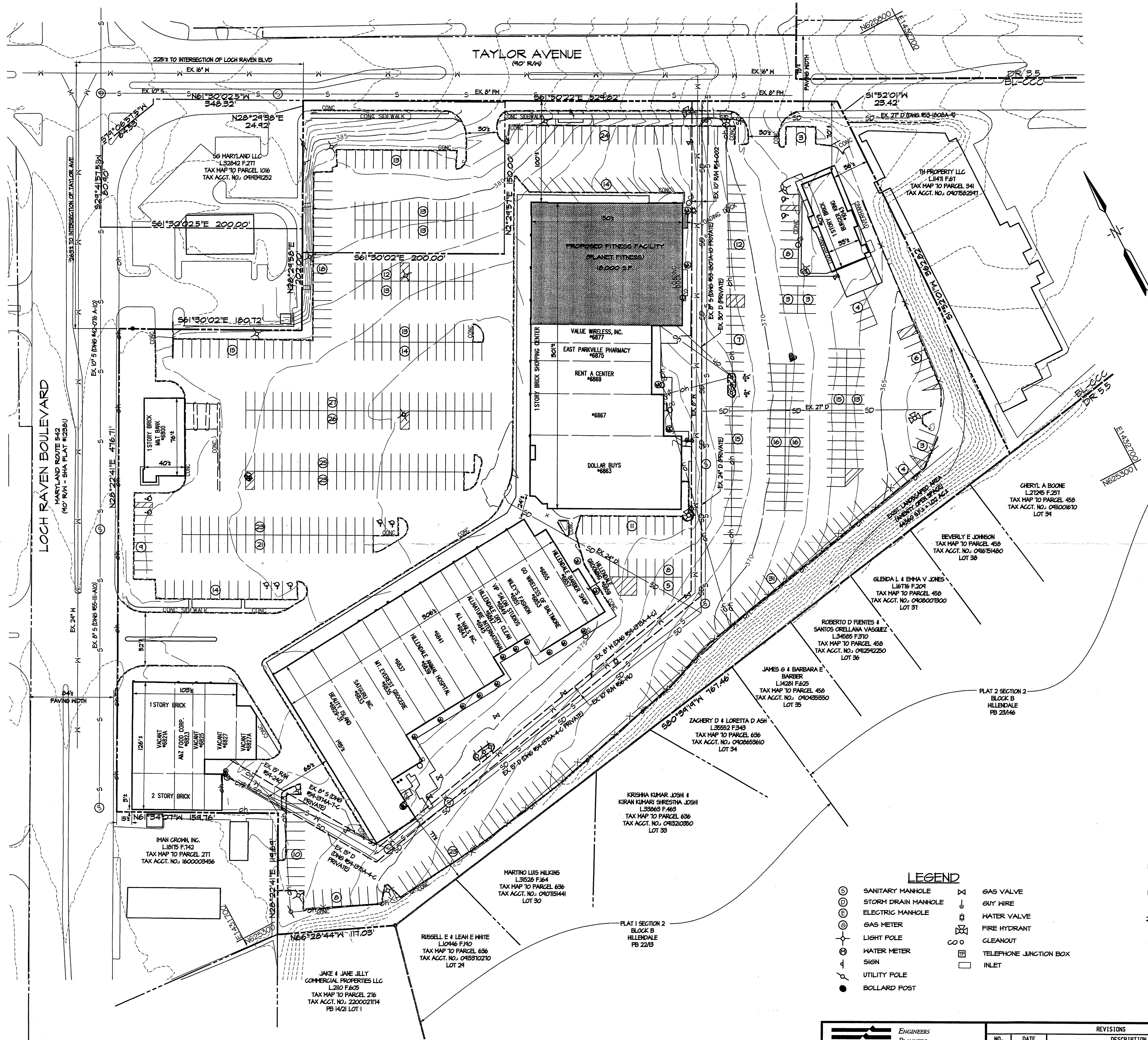
lot
3F











GENERAL NOTES

1. CURRENT OWNER: HILLENDALE BUSINESS TRUST
12500 HIGHGROVE COURT
REISTERSTOWN, MD 21117-5670
2. APPLICANT: PLANET FITNESS GROWTH PARTNERS
C/O GOLDLEAF ASSOCIATES, LLC
6800 DEERPATH ROAD SUITE 1000
ELK RIDGE, MD 21075
(443) 324-5162
3. SITE AREA: 11,584 AC. ± = 504,600 S.F. ±
4. EXISTING USE: SHOPPING CENTER
5. SITE ADDRESS: 6821-6841 LOCH RAVEN BOULEVARD
BALTIMORE, MD 21266
6. SITE DATA: TAX MAP 60 - 6RD 22 - PARCEL 1042
DEED REFERENCE: L24594 F5291
TAX ACCT. NO. 0902550680
COUNCILMANIC DISTRICT: 6
ELECTION DISTRICT: 4
ZONED: BL-CCC
7. FLOOR AREA RATIO: MAXIMUM ALLOWED = 4.0
PROVIDED = 0.226 = 113,750 S.F./504,600 S.F.
8. AMENITY OPEN SPACE RATIO: MINIMUM REQUIRED = 0.20
PROVIDED = 0.391 = 44,560 S.F./113,750 S.F.
9. PROPOSED DEVELOPMENT: PLANET FITNESS - 18,000 S.F. FITNESS FACILITY
10. THERE ARE NO EXISTING WELL OR SEPTIC SYSTEMS ON THIS PROPERTY. THE SITE IS SERVED BY PUBLIC WATER & SEWER.
11. THE SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA OR A 100 YEAR FLOODPLAIN AS PER FEMA FLOOD MAP 2400100265F DATED SEPTEMBER 26, 2008.
12. THE SITE DOES NOT LIE WITHIN A HISTORIC DISTRICT AND DOES NOT CONTAIN ANY HISTORIC STRUCTURES.
13. ALL EXISTING BUILDINGS ARE MAXIMUM 15 STORIES AND DO NOT EXCEED 40 FEET IN HEIGHT.
14. THE SITE IS NOT LOCATED IN TRAFFIC, WATER, OR SEWER DEFICIENT AREAS AS IDENTIFIED ON THE BASIC SERVICE MAPS.
15. ALL PROPOSED SIGNS WILL COMPLY WITH SECTION 450 OF THE B.C.Z.R.
16. ALL PARKING ON SITE WILL BE PAVED.

ZONING HISTORY

- | DATE | DESCRIPTION |
|-------------|--|
| 1945-0415-X | SPECIAL PERMIT TO USE LAND FOR A GASOLINE SERVICE STATION. PETITION GRANTED BY ZONING COMMISSIONER ON MAY 1, 1945. |
| 1945-0448 | RECLASSIFICATION FROM ZONE 'A' RESIDENCE TO ZONE 'E' COMMERCIAL. PETITION GRANTED BY ZONING COMMISSIONER ON MARCH 24, 1947. |
| 1950-1793 | RECLASSIFICATION FROM ZONE 'A' RESIDENCE TO ZONE 'E' COMMERCIAL. PETITION GRANTED BY ZONING COMMISSIONER ON JUNE 4, 1950. |
| 1954-2914-X | SPECIAL PERMIT FOR RELOCATION OF EXISTING NEON SIGN & POLE AT S.E. CORNER OF LOCH RAVEN BLVD & TAYLOR AVE. PETITION WITHDRAWN BY PETITIONER ON MARCH 23, 1954. |
| 1954-3210-X | SPECIAL PERMIT FOR ERECTION OF TWO DOUBLE FACED NEON SIGNS. ONE SIGN ON THE LOCH RAVEN BLVD SIDE OF PROPERTY & ONE SIGN ON THE TAYLOR AVE SIDE. PETITION GRANTED BY ZONING COMMISSIONER ON OCTOBER 20, 1954. |
| 1954-3213-X | SPECIAL PERMIT FOR ERECTION OF TWO DOUBLE FACED ADVERTISING SIGNS. PETITION DENIED BY ZONING COMMISSIONER ON OCTOBER 20, 1954. |
| 1954-3232-X | SPECIAL PERMIT FOR ERECTION OF TWO DOUBLE FACED ADVERTISING SIGNS. PETITION GRANTED BY ZONING COMMISSIONER ON NOVEMBER 1, 1954. |
| 1954-3260-X | SPECIAL PERMIT TO ERECT A FREE STANDING LETTER SIGN ON AN EXISTING CANOPY. PETITION GRANTED BY ZONING COMMISSIONER NOVEMBER 10, 1954. |
| 1980-0205-A | VARIANCE TO PERMIT A SIGN 35' IN HEIGHT IN LIEU OF THE MAXIMUM 25'. PETITION GRANTED BY ZONING COMMISSIONER ON APRIL 25, 1980. |
| 1988-0086-X | SPECIAL EXCEPTION FOR A COMMUNITY BUILDING. PETITION DENIED BY ZONING COMMISSIONER ON OCTOBER 5, 1987. |
| 2005-0375-A | VARIANCE TO PERMIT FRONT YARD DEPTH OF 23' IN LIEU OF REQUIRED 43.5' SETBACK. PETITION WITHDRAWN BY PETITIONER ON JUNE 24, 2005. |

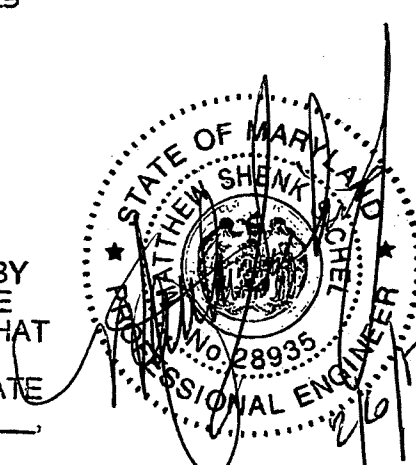
PARKING CALCULATIONS

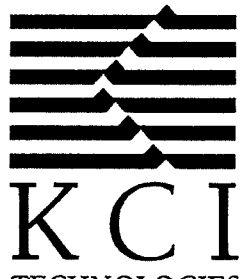
TOTAL AREA	= 102,000 S.F.
TOTAL REQUIRED SPACES	= 102,000 S.F. * 5 SPACES/1000 S.F. = 510 SPACES
TOTAL EXISTING SPACES	= 548 SPACES

PROPOSED ZONING RELIEF

VARIANCE TO PERMIT A FITNESS FACILITY IN A BL-CCC ZONE

*PROFESSIONAL CERTIFICATION. I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 28935.
EXPIRATION DATE: 1/12/19





KCI
 TECHNOLOGIES
 ENGINEERS
 PLANNERS
 SCIENTISTS
 CONSTRUCTION MANAGERS
 936 RIDGEBROOK ROAD
 SPARKS, MARYLAND 21152
 TELEPHONE: (410) 316-7800
 FAX: (410) 316-7818

REVISIONS				DATE
NO.	DATE	DESCRIPTION	BY	DATE

PLAN TO ACCOMPANY A REQUEST FOR A SPECIAL EXCEPTION
HILLENDALE SHOPPING CENTER
 LOCH RAVEN BOULEVARD
 2017-0309-X
 ELECTION DISTRICT: 4, C6
 BALTIMORE COUNTY, MARYLAND

DRAWING NO.	
SHEET OF	
KCT JOB NUMBER	27-1700266

