

IN RE: PETITION FOR VARIANCE

(9100-9106 Belair Road)

11th Election District

5th Council District

McDonald's USA, LLC

Legal Owner

Petitioner

*

BEFORE THE OFFICE

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OF ADMINISTRATIVE

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HEARINGS FOR

*

BALTIMORE COUNTY

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CASE NO. 2017-0298-A

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by McDonald's USA, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) § 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces; (2) § 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of-way line of a public street in lieu of the required 10 ft.; (3) § 1B01.1.B.1.(e)(3) to permit clearance and the installation of a storm water management pond (ESD Practice #1) within the 50-foot landscape buffer; (4) § 450.4 to permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs; (5) § 450.4 to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" sign); (6) § 450.4 to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" signs); (7) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" signs); (8) § 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" signs); (9) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet; and (10) to permit two projected directional signs in lieu of the

ORDER RECEIVED FOR FILING

Date 7-6-17

By bw

requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" signs). A site plan was marked as Petitioner's Exhibit 3.

Iwona Rostek-Zarska, Valek Zarski, and Lee May appeared in support of the petition. Caroline L. Hecker, Esq. and Justin Williams, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR), Department of Planning (DOP), and the State Highway Administration (SHA).

The site is approximately 124,524 square feet (2.859 acres) in size and split-zoned B.L/DR 5.5. The site is improved with a McDonald's restaurant which has operated at the site since 1980. As it has at many locations throughout Baltimore County, Petitioner proposes to raze the existing restaurant and construct in its place a modern, environmentally sensitive structure. The great majority (i.e., 7 of 10) of the variance relief sought pertains to the new signage at the restaurant, which would be in keeping with the signage approved in other cases involving refurbished or rebuilt McDonald's restaurants.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is irregularly shaped and split-zoned. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variances can be granted in

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Date 7-6-17

By low

harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

The second variance request seeks approval for a 7 ft. surface parking setback in lieu of the required 10 ft. However, as shown on the plan McDonald's proposes to install a 20 ft. landscape buffer along the Belair Road frontage. Petitioner seeks this variance in case the SHA moves forward with its plan to widen Belair Road, which could result in a loss of 13 ft. of McDonald's property abutting the roadway.

The third variance request seeks relief from the Residential Transition Area (RTA) regulations to allow a micro-bioretenention pond to be installed within the 50 ft. buffer in the DR-1 zone. Having reviewed this request in greater detail I do not believe the RTA regulations are applicable in the first instance. As an initial matter, those regulations apply when the property to be "developed is zoned D.R." B.C.Z.R. § 1B01.1.B.1.b. Here, the commercial building and parking lot are in the B.L. zone. In addition, a bioretention pond is not a "residential transition use" since it is not enumerated among the uses permitted by right or by special exception in the D.R. zones. B.C.Z.R. §§ 1B01.1.B.1.d; 1B01.1.A; and 1B01.1.C. See, People's Counsel v. Surina, 400 Md. 662, 693 (2007) (recognizing stormwater management devices not among uses listed as permitted in Baltimore County's resource conservation zones). As such, this request will be dismissed as unnecessary.

The DOP ZAC comment included a recommendation Petitioner remove from the plan the parking space nearest to Belair Road. Petitioner indicated it would prefer not to remove the space, and advised the dimensions and positioning of the space satisfy all County regulations. As such I will not include this item as a condition in the final order.

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Date 7-6-17

By SW

THEREFORE, IT IS ORDERED, this 6th day of **July, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance as follows: (1) § 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces; (2) § 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of-way line of a public street in lieu of the required 10 ft.; (3) § 450.4 to permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs; (4) § 450.4 to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" sign); (5) § 450.4 to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" signs); (6) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" signs); (7) § 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" signs); (8) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet; and (9) to permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" signs), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. § 1B01.1.B.1(e)(3) to permit clearance and the installation of a storm water management pond (ESD Practice #1) within the 50-foot landscape buffer, be and is hereby DISMISSED WITHOUT PREJUDICE AS UNNECESSARY.

The relief granted herein shall be subject to the following:

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.
2. Petitioner must obtain from SHA an entrance or access permit for the site.

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Date 7-6-17

By SW

3. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
4. Petitioner must submit to Baltimore County elevation drawings showing dumpster enclosure(s), which shall be constructed primarily of brick.
5. The U.S. Route 1/Belair Road access point shall be right turn in – right turn out only, with appropriate signage to alert motorists to this restriction.
6. The landscape buffer along Route 1/Belair Road shall be 20 ft. wide and shall not be reduced (as contemplated by variance request #2) unless and until the SHA widens Belair Road at this location.
7. Interior vehicular circulation around the restaurant structure shall be one-way in a counter-clockwise direction.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 7-6-17

By dlw



KEVIN KAMENETZ
County Executive

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

July 6, 2017

Caroline L. Hecker, Esq.
Justin Williams, Esq.
25 South Charles Street, 21st Floor
Baltimore, MD 21201

RE: Petition for Variance
Case No. 2017-0298-A
Property: 9100-9106 Belair Road

Dear Ms. Hecker:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a long, sweeping horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: (via email): Virginia Terhune, Reporter, The Dundalk Eagle/The Avenue News
vterhune@chespub.com



PETITION FOR ZONING HEARING(S)

FLOOD

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 9100 - 9106 Belair Road, which is presently zoned B.L. / DR 5.5

Deed References: See attached sheet 1 10 Digit Tax Account # see attached sheet 1

Property Owner(s) Printed Name(s) See attached sheet 1

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

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

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

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

3. X a **Variance** from Section(s)

See Attached Sheet 2

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Caroline L. Hecker

Name- Type or Print

Signature

25 S. Charles St., 21st Fl., Baltimore, MD

Mailing Address

City

State

21201

/ 410-727-6600

/ checker@rosenbergmartin.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

See Attached Sheet 1,

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Caroline L. Hecker

Name - Type or Print

Signature

25 S. Charles St., 21st Fl., Baltimore, MD

Mailing Address

City

State

21201

/ 410-727-6600

/ checker@rosenbergmartin.com

Zip Code

Telephone #

Email Address

CASE NUMBER

2017-0298-A

Filing Date

5/5/2017

Do Not Schedule Dates:

Reviewer

JNP

Petition for Variance

Attached Sheet 1

Legal Owner:

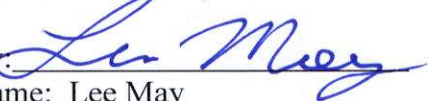
9100 Belair Road
Tax Map 0072, Parcel 0378
Tax Account # 2200012360
Deed Reference:38106/318

9100 Belair Road
Tax Map 0072, Parcel 0378
Tax Account # 2000010422
Deed Reference:38106/318

4152 India Avenue
Tax Map 0072, Parcel 0378
Tax Account # 2000010421
Deed Reference:38106/318

9106 Belair Road
TaxMap 0072, Parcel 0382
TaxAccount # 1800013694
Deed Reference: 36511/00443

McDonald's USA, LLC

By: 

Name: Lee May
Title: Area Construction Manager, McDonald's USA, LLC
6903 Rockledge Drive, Suite 1100
Bethesda, MD 20817
Phone Number: (240) 497-3600

2017-0298-A

Le May

Petition for Variance

Attached Sheet 2

Requested Variance Relief

Variances are requested from:

1. Section 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces.
2. Section 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of-way line of a public street in lieu of the required 10 feet.
3. Section 1B01.1.B.1.(e)(3) to permit clearance and the installation of a stormwater management pond (ESD Practice #1) within the 50-foot landscape buffer.
4. Section 450.4 Attachment 1, 5(a)(VI), to permit 5 wall-mounted enterprise signs on building façades in lieu of the permitted 3 signs.
5. Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" Sign).
6. Section 450.4 Attachment 1, 3(b)(VII) to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" Signs).
7. Section 450.4 Attachment 1, 3 (II) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" Signs).
8. Section 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" Signs).
9. Section 450.4 Attachment 1, 5(f)(VII) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet.
10. Section 450.4 Attachment 1, 3(II) to permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" Signs").

2017-0298-A

**DESCRIPTION TO ACCOMPANY PETITION
FOR ZONING HEARING(S)
McDONALD'S RESTAURANT
9106 BELAIR ROAD
BALTIMORE COUNTY, MARYLAND
11TH ELECTION DISTRICT; 5TH COUNCILMANIC DISTRICT**

May 5, 2017

Beginning at the point on the west side of existing Belair Road right-of-way (variable width), said point being located northwesterly +/- 41 feet from the intersection of centerlines of Belair Road and India Avenue; thence running the following courses and distances:

1. South 68° 10' 44" West, 39.65 feet; thence,
2. North 81° 29' 50" West, 151.59 feet; thence,
3. North 08° 08' 25" East, 113.24 feet; thence,
4. North 81° 51' 35" West, 483.63 feet; thence,
5. North 10° 33' 17" East, 133.02 feet; thence,
6. South 81° 51' 35" East, 723.47 feet; thence,
7. South 53° 48' 50" East, 72.61 feet; thence,
8. Along the curve to the left having a radius of 8,630.37 feet, for 95.88 feet; thence,
9. Along the curve to the right having a radius of 8,558.37 feet for 133.43 feet, to the point of beginning.

Containing 124,524 square feet or 2.859 acres, more or less.

This description is intended for zoning purposes only and shall not be used for conveyance of land.



2017-0298-A

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

NO 153057

Date: 5/5/2016

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					500.00

Total: 500.00

Rec From: Mc Donald's USA, LLC
 For: Variance - 9106 Bolair Road
2017-0298-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 DI FASE-DESS HARRIII

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 5/08/2017 5/05/2017 10:39:45 1
 REG US01 WALKIN LJR
 >>RECEIPT # 719533 5/05/2017 OFLN
 Dept 5 520 ZONING VERIFICATION
 CR NO. 153057
 Recpt Tot \$500.00
 \$500.00 CR \$1.00 CA
 Baltimore County, Maryland

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

RE: Case No. 2017-0298-A

Petitioner: C/O Caroline Hecker, atty.

Hearing Date: 7/3/17

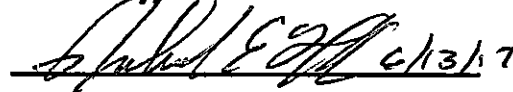
Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

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

9100-9106 Belair Road

_____ on 6/13/17

Sincerely,

 6/13/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

1. *Chlorophyll a* and *Chlorophyll b* were determined by the method of Arar and Collins (1987) using a Shimadzu UV-1601U ultraviolet-visible spectrophotometer. The concentration of chlorophyll was expressed as $\mu\text{g mL}^{-1}$ of the sample.

1. *Chlorophyll a* (Chl *a*)

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.

1. *Phragmites australis* (Cav.) Trin. ex Steud.

100

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Case No. 2017-0298-A



Robert E. Allen 4/13/17

443-243-7360

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Certificate of Posting

Case No. 2017-0298-A

LOCATION: ROOM 205, JEFFERSON BLDG., 105 W. CHEAPEAKE AVE., TOWSON 21204

DATE AND TIME: MONDAY JULY 3, 2017 AT 1:30 P.M.

REQUEST: VARIANCE 1. TO PERMIT 50 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED 76 PARKING SPACES. 2. TO PERMIT PARKING FACILITIES TO BE SETBACK 7 FT. FROM THE RIGHT-OF-WAY LINE OF A PUBLIC STREET IN LIEU OF THE REQUIRED 10 FT. 3. TO PERMIT CLEARANCE AND THE INSTALLATION OF A STORMWATER MANAGEMENT POND (ESD PRACTICE #1) WITHIN THE 50 FT. LANDSCAPE BUFFER. 4. TO PERMIT 5 WALL-MOUNTED ENTERPRISE SIGNS ON BUILDING FACADES IN LIEU OF THE PERMITTED 3 SIGNS. 5. TO PERMIT A DIRECTIONAL SIGN OF 10.7 FT. IN HEIGHT IN LIEU OF THE MAXIMUM PERMITTED 6 FT. ("DRIVE-THRU" SIGN). 6. TO PERMIT TWO DIRECTIONAL SIGNS OF 9.67 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT. ("ORDER HERE" SIGNS). 7. TO PERMIT TWO CANOPY-TYPE DIRECTIONAL SIGNS IN LIEU OF THE REQUIREMENT THAT SUCH SIGNS BE WALL-MOUNTED OR FREESTANDING ("WELCOME" SIGNS). 8. TO PERMIT THE ERECTION OF TWO CANOPY-TYPE SIGNS ABOVE THE FACE OF THE CANOPY IN LIEU OF THE REQUIREMENT THAT THE SIGN BE ON THE FACE OF THE CANOPY ("WELCOME" SIGNS). 9. TO PERMIT TWO ORDER BOARDS OF 6.75 FT. IN HEIGHT IN LIEU OF THE MAXIMUM PERMITTED 6 FT. 10. TO PERMIT TWO PROJECTED DIRECTIONAL SIGNS IN LIEU OF THE REQUIREMENT THAT SUCH SIGNS BE WALL-MOUNTED OR FREESTANDING ("PAY HERE/PICK UP HERE" SIGNS).

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391**

9100-9106 Belair Road (2 of 2)

(Posted 6/13/17)



Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

NO. 1234

1955

BY

DR. J. D. MATTHEWS

AND

DR. R. M. WATSON

WITH

DR. H. E. GILBERT

AND

DR. J. E. HARRIS

AND

DR. J. E. HARRIS

AND

DR. J. E. HARRIS

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DR. J. E. HARRIS

AND

DR. J. E. HARRIS



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 5012841

Sold To:

Rosenberg Martin Greenberg LLP - CU00352426
25 S Charles St Fl 21
BALTIMORE, MD 21201

Bill To:

Rosenberg Martin Greenberg LLP - CU00352426
25 S Charles St Fl 21
BALTIMORE, MD 21201

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

Jun 13, 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: # 2017-0298-A
9100-9106 Belair Road
NW/s Belair Road at the corner of N/s of India Avenue
11th Election District - 5th Councilmanic District
Legal Owner(s) McDonald's USA, LLC

Variance: 1. To permit 50 off-street parking spaces in lieu of the required 76 parking spaces. 2. To permit parking facilities to be setback 7 ft. from the right-of-way line of a public street in lieu of the required 10 ft. 3. To permit clearance and the installation of a stormwater management pond (ESD Practice #1) within the 50 ft. landscape buffer. 4. To permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs. 5. To permit a directional sign of 10.7 ft. in height in lieu of the maximum permitted 6 ft. ("Drive-Thru" Sign). 6. To permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. ("Order Here" Signs). 7. To permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" Signs). 8. To permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" Signs). 9. To permit two order boards of 6.75 ft. in height in lieu of the maximum permitted 6 ft. 10. To permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" Signs).

Hearing: Monday, July 3, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 6/691 June 13 5012841

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 13, 2017 Issue - Jeffersonian

Please forward billing to:

Caroline Hecker
Rosenberg Martin
25 S. Charles Street, 21st Floor
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

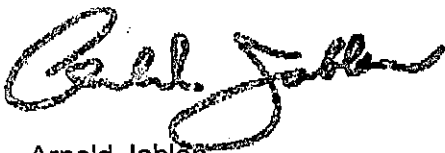
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0298-A

9100-9106 Belair Road
NW/s Belair Road at the corner of N/s of India Avenue
11th Election District – 5th Councilmanic District
Legal Owners: McDonald's USA, LLC

Variance 1. To permit 50 off-street parking spaces in lieu of the required 76 parking spaces.
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Hearing: Monday, July 3, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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

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



June 7, 2017 KAMENETZ
County Executive

NOTICE OF ZONING HEARING

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

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: 2017-0298-A

9100-9106 Belair Road

NW/s Belair Road at the corner of N/s of India Avenue

11th Election District – 5th Councilmanic District

Legal Owners: McDonald's USA, LLC

Variance 1. To permit 50 off-street parking spaces in lieu of the required 76 parking spaces. 2. To permit parking facilities to be setback 7 ft. from the right-of-way line of a public street in lieu of the required 10 ft. 3. To permit clearance and the installation of a stormwater management pond (ESD Practice #1) within the 50 ft. landscape buffer. 4. To permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs. 5. To permit a directional sign of 10.7 ft. in height in lieu of the maximum permitted 6 ft. ("Drive-Thru" Sign). 6. To permit two directional signs of 9.67 ft. in height in lieu of the permitted 6 ft. ("Order Here" Signs). 7. To permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" Signs). 8. To permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" Signs). 9. To permit two order boards of 6.75 ft. in height in lieu of the maximum permitted 6 ft. 10. To permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" Signs).

Hearing: Monday, July 3, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Caroline Hecker, 25 S. Charles St., 21st Floor, Baltimore 21201
Lee May, 6903 Rockledge Drive, Ste. 1100, Bethesda 20817

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JUNE 13, 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: 2017-0298-A
Property Address: 9100-9106 BELAIR ROAD
Property Description: W/s of Belair Road, 41' NE of India Avenue
Legal Owners (Petitioners): McDonald's USA, LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: CAROLINA KECKER
Company/Firm (if applicable): ROSENBERG MARTIN
Address: 25 S. CHARLES ST, 21st FL
BALTIMORE MD, 21201
Telephone Number: 410-727-6600



KEVIN KAMENETZ
County Executive

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

June 28, 2017

McDonald's USA, LLC
Lee May
6903 Rockledge Drive
Suite 1100
Bethesda MD 20817

RE: Case Number: 2017-0298 A, Address: 9100-9106 Belair Road

Dear Mr. May:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 5, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Caroline L Hecker, Esquire, 25 S Charles Street, 21st floor, Baltimore MD 21201

Date: 5/15/17

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

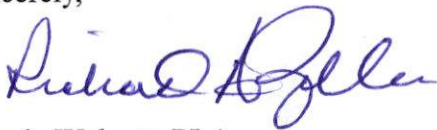
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 5/15/17. A field inspection and internal review reveals that an entrance onto 451 consistent with current State Highway Administration guidelines is required. As a condition of approval for Variance, Case Number 2017-0298-A

Variance
McDonald's USA, LLC, Lee May
9100-9106 Belair Road
451

The applicant must contact the State Highway Administration to obtain an entrance permit. 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) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer
Baltimore & Harford Counties

WW/RAZ

cc: Mr. Michael Pasquariello, Utility Engineer, SHA

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: *MS* Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0298

DATE: May 31, 2017

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

Variance # 3 (related to Landscaping) is not acceptable or supported.

Landscape- If Zoning Relief is granted, Landscape and Lighting Plans are required per the requirements of the Landscape Manual.

* * * * *

VKD: ~~CEN~~
cc: file
ZAC-ITEM NO 17-0298-05222017.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: May 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0298-A
Address 9100-9106 Belair Road
(McDonald's USA, LLC Property)

Zoning Advisory Committee Meeting of **May 22, 2017**

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

Reviewer: Steve Ford Date: 5-17-2017

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/29/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-298



INFORMATION:

Property Address: 9100-9106 Belair Road
Petitioner: McDonald's USA, LLC
Zoning: BL, DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance as listed on the attachment submitted in support of the petition.

The site is located in the Perry Hall Design Review Panel Area and the Commercial Revitalization District. The site is presently being used as a fast food restaurant.

The property was subject to review by the Baltimore County Design Review Panel (DRP) on October 5, 2016. At its November 9, 2016 meeting, the DRP approved a revised plan with conditions. Upon petitioners successfully addressing said conditions, the Department of Planning forwarded the final DRP approval to the Director of the Department of Permits, Approvals and Inspections on May 25, 2017.

The petitioners have submitted in support of the instant petition a plan showing the original configuration as presented to the DRP on October 5, 2016. The Department acknowledges the submitted plan, shown with one bay of parking along Belair Road, is consistent with the design guidelines established within the Perry Hall Community Plan as amended by Council Resolution 67-15. Said community plan states, "*Any buildings shall be placed as close to the road as possible, with parking concentrated in the back and no more than one row of parking allowed in the front.*"

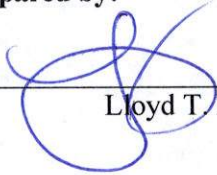
The Department recommends the plan be approved upon the petitioners successfully addressing the following:

- Access to U.S. Rte. 1/Belair Road should be limited to right turn in-right turn out only.
- Interior vehicular circulation should be one way counter clockwise motion around the structure.
- Any plan submitted to Baltimore County shall include architectural elevations and details on the required dumpster enclosure. The Department has the expectation that said structures will be composed primarily of brick.
- The parking layout for the 5 spaces on the north side of the access from U.S. Rte. 1/Belair Road must be reconfigured in a way that a vehicle in the space nearest the road will not back out directly into the path of a vehicle entering the site. If through the hearing process the requested zoning variance relief is modified to eliminate that space and replace it with landscaping for a total of 49 parking spaces, the Department can support such relief.

Date: 6/29/2017
Subject: ZAC #17-298
Page 2

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

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L. Hecker
Office of the Administrative Hearings
People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
9100-9106 Belair Road; NW/S Belair Road, *
corner of India Avenue * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): McDonald's USA LLC * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-298-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 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

RECEIVED

MAY 16 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Caroline Hecker, Esquire, 25 South Charles Street, 21st Flooring, Baltimore, Maryland 21201, 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: August 8, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0298-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 11 Account Number - 2200012360							
Owner Information									
Owner Name:		MCDONALDS USA LLC				Use:		COMMERCIAL	
Mailing Address:		ONE MCDONALDS PLAZA				Principal Residence:		NO	
		OAK BROOK IL 60523-				Deed Reference:		/38106/ 00318	
Location & Structure Information									
Premises Address:		9100 BELAIR RD BALTIMORE MD 21236-0000				Legal Description:		.5213 AC PT LT 2 9100 BELAIR RD EDGEWOOD CORP	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0072	0007	0378		0000			2	2016	Plat Ref: 0054/0150
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						22,708 SF		06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2016		07/01/2016		07/01/2017	
Land:		99,600		99,600					
Improvements		0		0					
Total:		99,600		99,600		99,600		99,600	
Preferential Land:		0						0	
Transfer Information									
Seller: MCDONALDS CORP				Date: 10/06/2016		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /38106/ 00318		Deed2:			
Seller: PRINCIPAL MUTUAL				Date: 01/03/2002		Price: \$347,871			
Type: ARMS LENGTH MULTIPLE				Deed1: /15925/ 00187		Deed2:			
Seller: MCDONALDS CORPOR ATION				Date: 12/31/1991		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /09165/ 00722		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									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

CASE NAME McDonald's
CASE NUMBER 2017-0298-A
DATE 7/3/17

[illegible]

Pt. Bk./Folio # 064060

2200020256

2200020267

PDM # 110549

NOT LOCATED

DR 5.5

2100009206

2500005122

HOA

OPEN SPACE

DR 1 NC

2100000465

SWM

Pt. Bk./Folio # 057008

PDM # 110451

NOT LOCATED

MINTE DR

MINTE DR

MINTE DR

OS

DR 5.5

DR 5.5

5460 - 19850302

9114

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SWM

SEC

Pt. Bk. 0000054, Folio 0150

DR 1 072A2

11 ED

5 CD

NE 10-G

1800013694

53015 - 19512127

5461 - 19470939

1108065851

1108065850

1119051852

1102037860

1123036000

1107015400

1119064860

2000010422

Lot # 2

2

5464 - 1955

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13435 - 1989000
13435 - 1956389

NOT LOCATED

DR 5.5

INDIA AVE

INDIA AVE

BELAIR RD

BELAIR RD

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1107060360

1107015401

1111000325

1103024280

1126040150

1102003570

1104075425

1103002900

1111047200

1111047201

1102059020

BROOKFIELD RD

BROOKFIELD RD

DR 1

PERRY HALL
ELEMENTARY
SCHOOL

9021

1102057834

70616 - 20160110

15238 - 19950446

111900476

PDM # 111138

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7/3

1:30 PM

Case No.: 2017-0298-A - 9100-9106 Belair Rd.

Exhibit Sheet

Petitioner/Developer

DW 8-8-17

Protestants

DW 7-6-17

No. 1	Aerial photo	
No. 2	site photos	
No. 3	site plan	
No. 4	schematic landscape plan	
No. 5	elevation drawings	
No. 6	parking study	
No. 7	signage detail	
No. 8	McDonald's sustainability initiatives	
No. 9	Zarska resume	
No. 10	letter of support Perry Hall White Marsh Bus. Ass'n.	
No. 11	Hearing outline	
No. 12		

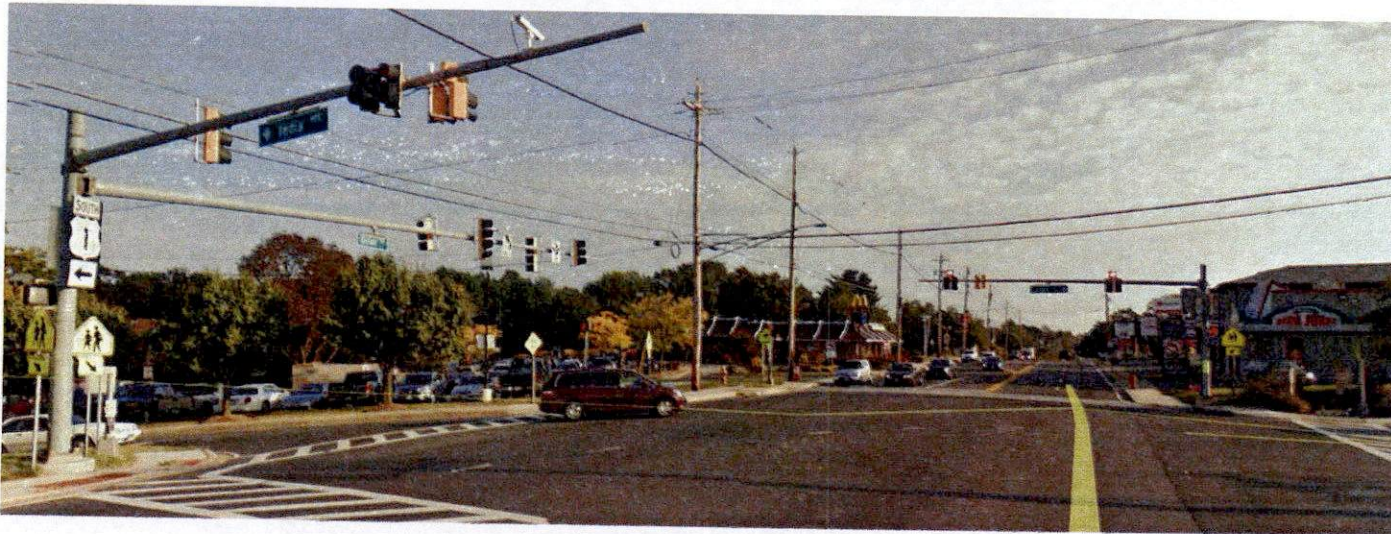
EXHIBIT

1

tabbles®



Existing Site Photos



Northbound
Bel Air
Road
Looking
North



View of Site
from the
Corner of
India Ave. &
Bel Air
Road



**View of the
Site from
India Ave. at
the Existing
Entrance**



**Southbound
Bel Air
Road
Looking
North**



**View from
Belton Drive
looking
South
toward the
Site**

TRAFFIC CONCEPTS, INC.

Traffic Impact Studies • Feasibility • Traffic Signal Design • Traffic Counts • Expert Testimony

September 20, 2016

Mr. Valek Zarski
BLDG
BALTIMORE LAND DESIGN GROUP, INC.
230 Schilling Circle, Suite 364
Hunt Valley, Maryland 21031

Re: McDonald's – 9106 Belair Road
Perry Hall, Maryland 21236
Parking Lot Occupancy Study
T/C 3283

Dear Mr. Zarski:

As requested, Traffic Concepts, Inc. conducted parking study for the proposed redevelopment of the McDonald's store located at 9106 Belair Road in Perry Hall. The existing store size is 5,343 gsf with 108 seats and has 66 usable parking spaces. This store will be razed to create a new 4,699 gsf store with 90 seats and 50 usable parking spaces. The new store plan with the reduced building floor area and seating is indicative of a larger number of customers using the drive-through lane instead of customers parking and dining in the restaurant.

In general, parking demand is based on the building floor area. The parking demand generated by the existing and larger building is used to determine the parking demand for the new smaller store with fewer seats and parking spaces. The peak demand periods were determined with data contained in the Institute of Transportation Engineers; Parking Generation, 4th Edition. The survey time periods and dates are listed below.

➤ Thursday	8/11/16	(11 a.m. – 2 p.m.)
➤ Friday	8/12/16	(11 a.m. – 2 p.m.)
➤ Saturday	8/13/16	(7 a.m. – 1 p.m.)

As stated, the peak hour parking demand was determined by using the 50 proposed number of parking spaces and an actual count of occupied spaces in fifteen minute time intervals. We have also provided the average number of parked vehicles during the peak hour. The tables on the following page show the study findings. The complete parking occupancy tables are included as an attachment.



Table I
Existing 15 Minute Peak Period Parking Demand with the Proposed Parking Spaces

Count Date	Peak 15 Minute Study Period	Actual Count/ Proposed Spaces	Peak 15 Min. Occupancy Rate w/ Proposed Space Count
Thursday, 8/11/16	1:00-1:15	36/50	72%
Friday, 8/12/16	11:00-11:15	35/50	70%
Saturday, 8/13/16	10:00-10:15	41/50	82%

Table II
Existing Peak One-hour Parking Demand with the Proposed Parking Spaces

Count Date	Peak 1-hour Period	Avg. One-hour Count/Proposed Spaces	Peak 15 Min. Occupancy Rate w/ Proposed Space Count
Thursday, 8/11/16	12:15-1:15	33/50	66%
Friday, 8/12/16	11:00-12:00	30/50	60%
Saturday, 8/13/16	10:00-11:00	35/50	70%

Using the existing parking occupancy counts with the 50 proposed parking spaces, the highest average hourly parking occupancy rate is 70 percent.

We believe that the parking reduction that creates 50 on-site spaces would continue to provide an effective parking supply where the peak demand does not exceed 70 percent during the peak hour. Therefore, we conclude the site with the stated parking reduction is adequate.

If you should wish to discuss this in more detail, please do not hesitate to contact our office. Thank you.

Sincerely,

Traffic Concepts, Inc.


Mark Keeley, PTP
Project Manager

Enclosures: Parking Lot Occupancy Count Sheets

PARKING LOT OCCUPANCY COUNT

PARKING LOT: McDONALDS - 9108 BELAIR RD

COUNTY: BALTIMORE

COUNT BY: B. PAGE

DATE: 8/11/2016

WEATHER: OVERCAST

DAY: THURSDAY

TIME	# OF PARKED CARS
11:00-11:15	35
11:15-11:30	31
11:30-11:45	29
11:45-12:00	22
12:00-12:15	23
12:15-12:30	31
12:30-12:45	31
12:45-1:00	33
1:00-1:15	36
1:15-1:30	28
1:30-1:45	29
1:45-2:00	24

TRAFFIC CONCEPTS, INC.
7525 CONNELLEY DRIVE, SUITE B
HANOVER, MARYLAND 21076
(410) 760-2911 FAX (410) 760-2915
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

PARKING LOT OCCUPANCY COUNT

PARKING LOT: McDONALDS - 9106 BELAIR RD

COUNTY: BALTIMORE

COUNT BY: B. PAGE

DATE: 8/12/2016

WEATHER: OVERCAST

DAY: FRIDAY

TIME	# OF PARKED CARS
11:00-11:15	35
11:15-11:30	30
11:30-11:45	29
11:45-12:00	26
12:00-12:15	26
12:15-12:30	24
12:30-12:45	32
12:45-1:00	25
1:00-1:15	25
1:15-1:30	29
1:30-1:45	30
1:45-2:00	30

TRAFFIC CONCEPTS, INC.
7625 CONNELLEY DRIVE, SUITE B
HANOVER, MARYLAND 21076
(410) 760-2911 FAX (410) 760-2915
E-MAIL TRAFFIC@TRAFFIC-CONCEPTS.COM

PARKING LOT OCCUPANCY COUNT

PARKING LOT: McDONALDS - 9108 BELAIR RD

COUNTY: BALTIMORE

COUNT BY: B. HEADLEY

DATE: 8/13/2016

WEATHER: OVERCAST

DAY: SATURDAY

TIME	# OF PARKED CARS IN LOT	
7:00-7:15	9	
7:15-7:30	10	
7:30-7:45	14	5
7:45-8:00	15	
8:00-8:15	16	
8:15-8:30	16	
8:30-8:45	19	
8:45-9:00	28	
9:00-9:15	32	
9:15-9:30	24	
9:30-9:45	24	
9:45-10:00	33	
10:00-10:15	41	
10:15-10:30	32	
10:30-10:45	30	
10:45-11:00	35	
11:00-11:15	31	
11:15-11:30	35	
11:30-11:45	31	
11:45-12:00	27	
12:00-12:15	29	
12:15-12:30	24	
12:30-12:45	20	
12:45-1:00	18	

TRAFFIC CONCEPTS, INC.
 7625 CONNELLEY DRIVE, SUITE B
 HANOVER, MARYLAND 21076
 (410) 760-2911 FAX (410) 760-2915



U.S. Restaurant Development



RESTAURANT
SUSTAINABILITY



Incorporating sustainable elements into our restaurants can help the environment while delivering a modern restaurant experience.

© 2013 McDonald's - Creative Services 14390

McDonald's and the Golden Arches Logo are a trademark of McDonald's Corporation and its affiliates. All other marks used herein are the trademarks of their respective owners and are used with permission.

RESTAURANT SUSTAINABILITY FEATURES

ENERGY

Restaurants use energy to produce products and to provide a quality experience. Energy has an impact on the environment as well as the cost to run the business. Integral to our business, energy efficiency has been part of McDonald's for many years. Each restaurant feature can have incremental impact and helps our progress within the McDonald's 20x2020 by Design strategy.

Prototypical ENERGY features:

- LED Dining Room Lighting
- LED Building Signage
- Energy Management Systems (EMS)
- High Efficiency Packaged Rooftop Units (RTU)
- High Efficiency Gas Water Heaters
- Greenheck Vari-Green Exhaust Fans
- Occupancy Sensors
- LOV Fryers
- High Density
- High Efficiency Hand Dryers
- Reflective White Roofing
- LED Exterior Building Lighting
- LED Freezer/Cooler Lighting

WATER

Water is an important resource for all of life. We have introduced water efficient fixtures and equipment that helps to reduce restaurant water use. Similar to Energy, each restaurant feature can have an incremental impact and helps our progress within the McDonald's 20x2020 by Design strategy.

Prototypical WATER features:

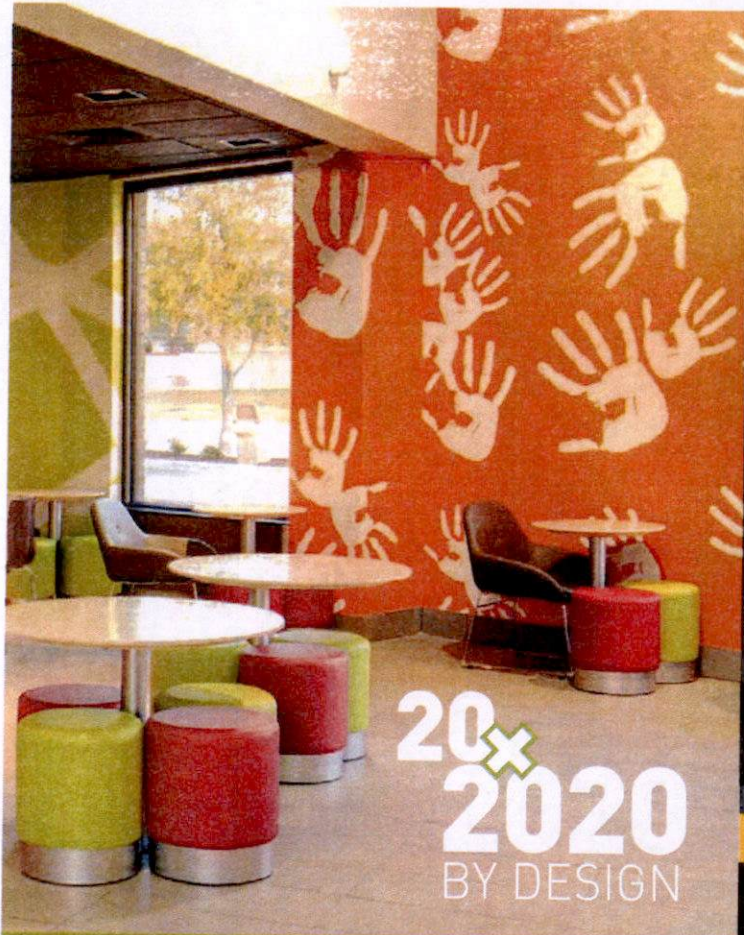
- High Efficiency Toilets
- High Efficiency Urinals
- High Efficiency Faucets
- Low Flow Spray Valves

WASTE

Whether helping to divert waste from landfills or by selecting waste sensitive building materials, we are focused on waste reduction. Here are common waste reduction practices within our restaurants.

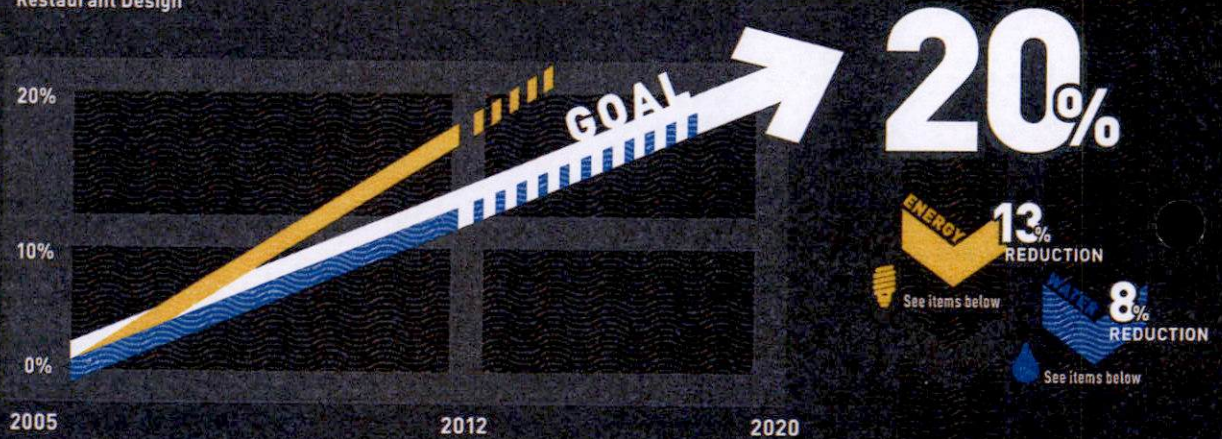
Prototypical WASTE features:

- Environmentally Packaged Cleaning Products
- Low-mercury Fluorescent Lamps
- Cardboard Recycling (where applicable)
- Cooking Oil Recycling (where applicable)
- Common Use of Building Materials with Recycled Content



Reducing/Avoiding Energy, Water, and Waste

SUSTAINABLE RESTAURANTS | Prototype Design | LEED Restaurants | Advanced Technology | Materials and Waste Restaurant Design



SUSTAINABLE SOURCING | Aligning Goals | Driving Innovation | Tracking Progress | Driving Economy

Construction Supply Chain

WE HAVE A HISTORY IN ENVIRONMENTAL SUSTAINABILITY

"Sustainable Development is an approach to economic planning that attempts to foster economic growth while preserving the quality of the environment for the future generations." - United Nations World Commission on Environment and Development - 1987

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HIGH EFFICIENCY HAND DRYER	LED FREEZER/COOLER LIGHTING	LED EXTERIOR BUILDING LIGHTS	WHITE ROOF	HIGH EFFICIENCY TOILET	HIGH EFFICIENCY SINK	HIGH EFFICIENCY SINK	HIGH EFFICIENCY SINK	HIGH EFFICIENCY SINK



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LEAVING A SMALLER
FOOTPRINT FOR A
LARGER FUTURE

Iwona Rostek - Zarska, P.E.

24 English Saddle Court
Parkton, Maryland, 21120
410-343-1208

Professional Registration

Licensed Professional Engineer in the State of Maryland (1995)
PE 21245

Education

Masters of Science in Civil Engineering, Polytechnic of Bialystok / Technical University,
Bialystok, Poland, June 1981, *with honors*

Essex Community College, Baltimore, MD (1982 - 1984) *placed on the Dean's Highest List for Fall, 1983*

- Computer Programming
- Engineering Courses and Learning English language

Continuing Professional Competency: Various courses of study, seminars, webinars, conferences, in-house training

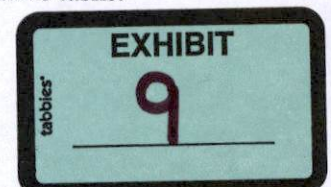
Summary of Qualifications

- Licensed professional engineer with over 30 years of experience in site development engineering, planning and management for various commercial, industrial, institutional and residential projects.
- Background in design, budget management, project scheduling, project coordination with the design team, design and construction supervision, obtaining regulatory land-use approvals and permits, bidding procedures, and employees training.
- Experience in developing innovative and the most cost effective design solutions.
- Strengths in design and analysis of storm water management facilities, water and wastewater systems, close and open channel drainage systems, site grading, erosion and sediment control, site planning, roads, flood plains.
- Knowledge and experience with preparation of drawings using CADD

Work Experience:

February 1999 – present

Principal with the engineering firm of Baltimore Land Design Group, Inc., Baltimore, Maryland.
Responsible for overall engineering and administrative tasks.



Perry Hall White Marsh **BUSINESS ASSOCIATION**

September 28, 2016

Mr. Lee May
Area Construction Manager - McDonald's USA, L.L.C.
Atlantic Group - Capitol Team
6903 Rockledge Drive, Suite 1100, Bethesda, MD 20817

Dear Mr. May:

The Perry Hall/White Marsh Business Association would like to express our support of the plans to remodel/rebuild the McDonald's location on Belair Road in our community.

The plans presented and sent to us seem very reasonable and should provide a much needed update to the look of the property and our neighborhoods.

Revitalization in this area is a very important component to the continued success and growth of our long-established community.

We are pleased to support your efforts and help in any way that we can.



Lynn Richardson,
President





ROSENBERG | MARTIN | GREENBERG, LLP

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

BALTIMORE COUNTY ZONING HEARING OUTLINE

MCDONALD'S – 9100-9106 Belair Road

JULY 3, 2017

2017-0298-A

I. INTRODUCTION

1. Caroline Hecker and Justin Williams – Rosenberg Martin Greenberg, LLP
2. Lee May – McDonald's Corporation, Area Construction Manager – Petitioner
3. Iwona Rostek-Zarska – Baltimore Land Design Group – Project Engineer
4. Scott Rardin – Owner/Operator of 9100-9106 Belair Road McDonald's
5. This is a petition for the variances necessary for McDonald's to demolish its existing restaurant and rebuild a new construct a new 4,699-SF restaurant with a reconfigured double drive-thru lane.

II. EXISTING CONDITIONS

1. The Property, which is located in the Perry Hall area of Baltimore County, is comprised of 3 separate parcels and has a site area of 2.859 acres (124,524 SF). It is currently improved with a 5,343-SF McDonald's restaurant.
2. Zoning Classification: The store and parking lots are zoned B.L. A significant portion of the Property, which is and will remain unimproved, is located in the rear of the Property and is zoned D.R. 1.
3. The Property is located along the Belair Road commercial corridor at the northwest corner of Belair Road and India Avenue. A KFC is located to the north of the Property along Belair Road. A small development of single family dwellings property are located to the west of the Property along India Avenue.
 - i. **Exhibit 1 – Zoning Map/ Photo**
 - ii. **Exhibit 2 – Streetview Photos**
4. McDonald's has operated at the Property since 1980.



5. The restaurant, which has the capacity to seat approximately 108 patrons, operates dining and drive-thru service 24 hours daily.
6. The Property is within the Perry Hall Revitalization Area and subject to provisions of the Perry Hall Community Plan.

III. PROPOSED CONDITIONS

1. McDonald's is proposing to raze the existing restaurant and redevelop the Property with a 4,699-square foot restaurant containing 88± seats. The total project represents an investment of approximately \$3 million.

i. Exhibit 3 – Site Plan

2. While the current restaurant is located in the northeast corner of the Property, the new restaurant will be located in the middle of the site with dual drive-thru lanes and ingress and egress points onto Belair Road and India Avenue.

3. Landscaping:

i. Exhibit 4 – Landscape Plan

- ii. As indicated on the Landscape Plan, the proposed landscaping exceeds County requirements as 85 planting units are proposed, and only 74 planting units required. Along Belair Road, a 20-foot landscaped setback is proposed between the parking lot and road, while only a 10-foot non-landscaped setback is required.

1. As will be explained in further detail below, the State Highway Administration may potentially take a 13-foot wide portion of the Property's frontage along Belair Road. We have proactively requested a variance to permit the remaining 7-foot setback to be sufficient in the event that SHA ends up taking the 13-wide portion of the Property.

4. Design Elements:

- i. A review of the site plan and building elevations reveal the high quality of the proposed redevelopment.

1. Exhibit 5 – Elevations of Proposed Building

- ii. As indicated in the Department of Planning's Zoning Advisory Committee Comment, the project received Design Review Panel approval on May 25, 2017. The site plan prepared and submitted in connection with the instant petition, and in consultation with the Department of Planning, differs slightly different in that it adds a row of parking along Belair Road. The Planning ZAC

Comment notes that the plan is consistent with the design guidelines established within the Perry Hall Community Plan, which include:

1. *New buildings should be predominantly designed with brick and oriented parallel to the road.*

The proposed building is predominately brick with cultured stone accents to enhance customer entrances and visual interest.

2. *Pedestrian amenities and landscaping are strongly encouraged. For new construction, a landscaped strip of no less than eight feet with street trees shall be provided next to the road.*

Pedestrian access to Bel Air Road is provided and extensive landscaping is proposed. A 20-foot landscaped strip is currently proposed. It should be noted that a variance is requested to permit a 7-foot setback in lieu of 10 feet along Belair Road, however, that variance is being requested so that in the event the State Highway Administration carries out a potential road widening, a future variance would not be necessary.

3. *Building entries should face the road. Storefront display windows should be included, if feasible.*

Both elevations facing public roads have exterior entrances. While storefront windows displays are not applicable to fast-food restaurants, the customer dining areas have windows facing both public roads.

4. *Parking bays should be located along the sides and rear of the lot, and parking should be minimized in the front. For new construction, any buildings shall be placed as close to the road as possible, with parking concentrated in the back and no more than one row of parking allowed in the front.*

Parking is provided along all sides of the Property. Parking provided in the front is minimized with only one row provided, and the site layout was pushed as closely to Belair Road as possible to avoid negative impacts on nearby residential areas.

5. *Commercial buildings that are located near a residential neighborhood should respect the scale and character of the surrounding neighborhood.*

The 20'-2.5" single-story building respects the scale of the surrounding neighborhood.

6. *Signage should be integrated with the building design. Freestanding signs are discouraged; ground-mounted signs are encouraged.*

The only freestanding sign on the site is the existing sign and it is small relative to the size of the site and complies with the Sign Regulations.

7. *Loading docks and delivery areas should be screened with walls that match the style of the buildings and landscaping.*

No dedicated loading docks are proposed. The store's deliveries typically last less than 30 minutes and occur less than 3 times per week during off-peak hours.

8. *Dumpsters and drive-thru windows should be located and positioned in a way that is the least obtrusive to the surrounding neighborhood.*

The drive-thru ordering area is adjacent to the KFC (a like-use). While the drive-thru windows do face a residential area, by keeping the improved portions of the site close to Belair Road and by maintaining the unimproved portion of the site in the rear, the residential areas are buffered from the service windows. The dumpster area is proposed to be located within a brick enclosure and further screened by a number of trees.

5. Parking:

- i. A total of 50 parking spaces and 4 bicycle spaces will be provided.
- ii. Traffic Concepts, Inc. conducted a study of the parking utilization rates during the peak periods on a Thursday, Friday, and Saturday in August 2016 (8/11-8/13/2016). The study revealed that the highest parking occupancy in a 15-minute period was 41 spaces. The operator, Scott Rardin, would testify that the study is in line with his experience that the parking lot is never fully utilized.

1. **Exhibit 6 – Parking Study**

- iii. With a reduction in restaurant size and addition of drive-thru queuing lane, Traffic Concepts concluded the proposed 50 parking spaces is adequate as peak demand will not exceed 70% utilization.
- iv. Mr. Rardin would further testify that in the unlikely event that the parking lot were full, the customers would leave the parking lot and go to one of the many other quick-service restaurants in the vicinity. McDonald's would certainly seek to prevent this from happening, and thus, it is in its best interest to make sure enough parking is provided.

6. Signage:

- i. As indicated on the building elevations and signage plan, the new restaurant will incorporate McDonald's new, contemporary design, including its new signage package.

1. **Exhibit 7 – Signage Plan**

- ii. The contemporary, upscale look of the restaurants represents a move away from the bright, plastic look of older McDonalds' restaurants. For example, the mansard roof with white beams will be replaced with stylish brick, cultured stone, and accent metals.
- iii. Five wall-mounted enterprise signs on the faces of the building are proposed: 2 signs on the front of the building; 2 signs on the non-drive-thru side of the building; and 1 sign on the rear of the building.
- iv. Also proposed are two "canopy"-style directional signs on the front and non-drive-thru sides of the building. These signs will have the word "Welcome" above the face of the canopy, rather than printed directly on the face of the canopy.
- v. Finally, directional signs over the drive-thru lanes and new menu boards are proposed.

7. Sustainability:

- i. McDonald's has set a goal of 20% increase in the energy efficiency of its restaurants, and this building is being designed to help meet that goal with multiple sustainable features.

1. **Exhibit 8 – Building Sustainability Exhibit**

- ii. The redevelopment also must comply with modern stormwater management regulations and a micro-bioretenion facility is proposed to be located in the rear of the site to treat runoff.
 1. In meetings with residential neighbors in connection with the redevelopment, many attendees indicated they were pleased that a stormwater management facility was proposed for the rear of the site as the existing conditions allow for pooling of water in the rear of the site.

IV. REQUESTED ZONING RELIEF

1. Section 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces.

2. Section 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of-way line of a public street in lieu of the required 10 feet.
3. Section 1B01.1.B.1.(e)(3) to permit clearance and the installation of a stormwater management pond (ESD Practice #1) within the 50-foot landscape buffer.
4. Section 450.4 Attachment 1, 5(a)(VI), to permit 5 wall-mounted enterprise signs on building façades in lieu of the permitted 3 signs.
5. Section 450.4 Attachment 1, 3(b)(VII) to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" Sign).
6. Section 450.4 Attachment 1, 3(b)(VII) to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" Signs).
7. Section 450.4 Attachment 1, 3 (II) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" Signs).
8. Section 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" Signs).
9. Section 450.4 Attachment 1, 5(f)(VII) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet.
10. Section 450.4 Attachment 1, 3(II) to permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" Signs).

V. VARIANCE – LEGAL STANDARDS

1. The Site Plan was prepared under the supervision of Iwona Zarska, a licensed professional engineer and an expert in site engineering. She would testify that the Property meets the standard for granting the necessary variances under Section 307.1 of the BCZR and the test in *Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).
 - i. **Exhibit 9 – Zarska, C.V.**
2. Legal standards:
 - i. Section 307.1 of the Baltimore County Zoning Regulations ("BCZR" or "Zoning Regulations") authorizes the Administrative Law Judge to "grant variances from height and area regulations, from off-street parking regulations and from sign regulations ... in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance

request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to public health, safety and general welfare.

3. Uniqueness:

i. The Property is unique for several reasons:

1. An approximate 1.6 acre-portion of the Property is zoned D.R.1, which limits the ability to design a parking lot and stormwater management features that meet the requirements of the Zoning Regulations. The orientation of the zoning line, which is slanted, and not perpendicular limits the ability to add more parking (which cannot be provided in the DR.1 zoned portion of the Property).
2. The State Highway Administration may potentially be acquiring approximately 13 feet of the Property's Belair Road frontage. If taken, the Property would lose approximately 3,200 square feet of its property and not provide full setbacks from Belair Road. To prevent this condition, the variance is being requested proactively.
3. The Property is a corner lot with frontage on two streets; the site's ingress/egress points on each of these two different streets is also unique as it requires additional signage to help motorists identify the building as a McDonald's as they approach the property.

4. Practical Difficulty or Hardship:

i. The Petitioner would experience a practical difficulty if the Zoning Regulations were strictly interpreted:

1. Parking: The BCZR would require Petitioner to provide 76 parking spaces; however, because the Property is split-zoned and irregularly shaped, only 50 spaces can be provided. Without the parking variance, the new modern and efficient McDonald's could not be constructed on the Property.
2. Setbacks: The Zoning Regulations require the parking facilities to be setback 10 feet from Belair Road. The parking facilities are currently proposed to be setback 20 feet from Belair Road; however, if SHA ends up taking the 13-foot portion of the Property's frontage along Belair Road, then, a 7-foot setback is the most that could be provided.

Additionally, the residential zoning of the rear of the Property triggers the need to provide a 50-foot landscape buffer; however, because of

the narrow width of the commercially-zoned portion of the Property, the stormwater management pond must be located within the buffer area. Without this variance, the McDonald's could not be constructed on the Property.

3. Signs: The strict application of the Zoning Regulations would create practical difficulties for McDonald's, as this restaurant would deviate from the standard style of other McDonald's restaurants if the proposed signs were not permitted. Due to the size of the site and multiple ingress/egress points, additional signage is necessary to safely direct traffic around the drive-thru lanes and into the site.

5. Spirit and Intent:

- i. The granting of these variances is in harmony with the purpose of the Zoning Regulations, as they will promote the health, security, comfort, convenience, orderly development and other aspects of the general welfare of the community by permitting McDonald's to dramatically upgrade its existing store. The significant \$3 million capital investment will improve the general welfare of the surrounding neighborhood.

1. Parking: The reduction of parking spaces is consistent with the spirit and intent of the Zoning Regulations as the intent of the off-street parking regulations is to provide adequate parking on-site to meet the demands of the use. There will be 50 parking spaces for the proposed ±88-seat restaurant, which is more than adequate based on the Operator's experience and the parking study prepared by Traffic Concepts., which confirmed the sufficiency of 50 spaces.

Moreover, the construction of a second drive-thru queuing lane, which will improve the efficiency of the drive-thru operation and increase the percentage of drive-thru sales and further reduce the need for on-site parking.

2. Setbacks: The variances to permit a 7-foot setback between parking spaces and Belair Road and to permit the stormwater management pond within the 50-foot landscape buffer are in harmony with the spirit and intent of the BCZR.

The purpose of the setback from Belair Road is to create an area where plantings can be used to screen headlights from traffic on the adjacent road. A 20-foot setback from Belair Road is proposed to be provided; even in the event that SHA takes a 13-foot portion of the Property's frontage along Belair Road, the 7-foot landscaped buffer will still provide sufficient space for bushes to grow and screen headlights.

The landscape buffer is intended to provide screening and buffering from dissimilar housing types. The stormwater management pond will

still be effective in providing buffering as it will be a vegetated micro-bioretenment facility.

In meetings with the residents of the surrounding neighborhood, people were pleased to hear that upgraded stormwater management features were proposed that would lead to an improvement of the current condition in which pooling occurs.

3. Signage: The granting of the signage variances is consistent with the spirit and intent of the BCZR, as the proposed signs will permit the restaurant to be visible to passing motorists and safely direct traffic in and around the site. Those signs will provide the proper business identification, and therefore, enhance its success. The proposed signs are tasteful, have face areas much smaller than permitted, and are not a distraction to the passing motorists or pedestrians.

The property has frontage on two streets—Belair Road and India Avenue—and therefore requires additional signage to be visible from both directions and to direct pedestrian and vehicular traffic from both streets.

The interior signage will facilitate safe and efficient navigation by motorists and pedestrians within the site, especially on a small site.

Similar signage packages have been approved at over 20 other McDonald's locations in Baltimore County. Because the same signage packages have been permitted, approved and installed at other McDonald's sites in Baltimore County, and it is known to and understood by customers, it will aid navigability on this difficult site.

- ii. Finally, the project has the support of the Perry Hall/White Marsh Business Association.

1. Exhibit 10 – Support Letter

6. Without Injury to Public Health, Safety, and General Welfare:

- i. The granting of the variance will not be injurious to public health, safety, or general welfare. Overall, it will have no greater impacts than the existing store, and the new modern store will comply with modern stormwater management regulations and comply with the guidelines of the Perry Hall Community Plan.

VI. CONCLUSION

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

1. Exhibit 11 – Hearing Outline

Debra Wiley

From: Hecker, Caroline <checker@rosenbergmartin.com>
Sent: Monday, May 07, 2018 4:39 PM
To: Jeff Mayhew; John E. Beverungen
Cc: Debra Wiley
Subject: RE: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification
Attachments: 05.07.18 ltr J. Beverungen re 9106 Belair Road 1.pdf

It is attached for your reference. Thanks for your help.

Caroline L. Hecker

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
(410) 727-6600
(410) 727-1115 Fax



**Rosenberg
Martin
Greenberg** LLP



From: Jeff Mayhew [mailto:jmayhew@baltimorecountymd.gov]
Sent: Monday, May 07, 2018 4:32 PM
To: Hecker, Caroline <checker@rosenbergmartin.com>; John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification

Thanks. Would the Department of Planning get a copy of the material you drop off to the ALJ?
Jeff

From: Hecker, Caroline [mailto:checker@rosenbergmartin.com]
Sent: Monday, May 07, 2018 1:16 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Jeff Mayhew <jmayhew@baltimorecountymd.gov>
Subject: RE: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification

Debra Wiley

From: Hecker, Caroline <checker@rosenbergmartin.com>
Sent: Monday, May 07, 2018 1:16 PM
To: John E. Beverungen
Cc: Debra Wiley; Jeff Mayhew
Subject: RE: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification

Thank you very much. I appreciate your quick reply.

Caroline L. Hecker

Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
(410) 727-6600
(410) 727-1115 Fax



**Rosenberg
Martin
Greenberg**LLP



From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Monday, May 07, 2018 1:13 PM
To: Hecker, Caroline <checker@rosenbergmartin.com>
Cc: Debra Wiley <dwiley@baltimorecountymd.gov>; Jeff Mayhew <jmayhew@baltimorecountymd.gov>
Subject: RE: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification

Ms. Hecker,

I have reviewed your letter and the prior zoning order and plan submitted in the above matter. Based on that review I can confirm that it is acceptable to have one-way counter-clockwise traffic movement to service the drive thru lane and two-way traffic movement in the small area along India Avenue.

Since you indicated the Department of Planning requested this confirmation I have copied Mr. Mayhew, and would ask that he forward a copy of this correspondence to the member of his staff handling this matter. Thanks.

John Beverungen
ALJ

✓ **From:** Hecker, Caroline [mailto:checker@rosenbergmartin.com]
Sent: Monday, May 07, 2018 9:18 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Lee May <lee.may@us.mcd.com>; Valek Zarski <VZarski@bldginc.com>; Williams, Justin <JWilliams@rosenbergmartin.com>
Subject: Case No. 2017-0298-A - 9106 Belair Road - Request for Clarification

Dear Judge Beverungen:

The attached request for clarification concerning the above-referenced case will be delivered to your office today. Please let me know if you have any questions.

Thank you.

Caroline L. Hecker

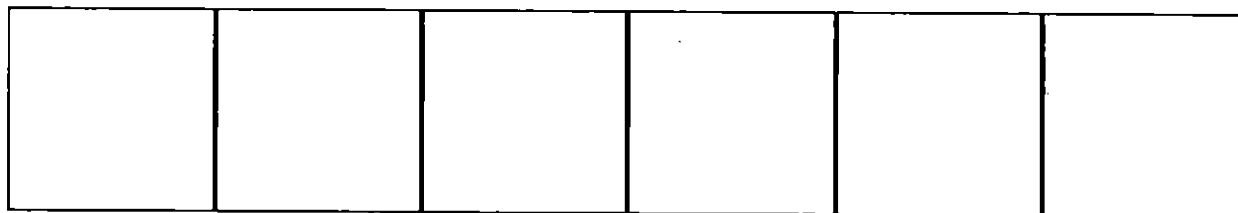
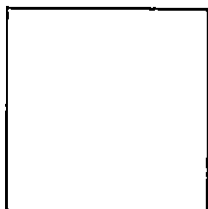
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**Rosenberg
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Caroline L. Hecker
Direct Dial: (410) 727-6676
checker@rosenbergmartin.com

May 7, 2018

**VIA HAND DELIVERY
AND ELECTRONIC MAIL**

John E. Beverungen
Administrative Law Judge
Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204
jbeverungen@baltimorecountymd.gov

Re: Request for Clarification
McDonald's – 9106 Belair Road
Case No. 2017-0298-A



Dear Judge Beverungen:

On behalf of McDonald's USA, LLC ("McDonald's"), I write to request clarification of your Opinion and Order concerning the above-referenced matter. As you will recall, McDonald's applied for certain variances related to the proposed reconstruction of its existing restaurant at 9106 Belair Road that addressed signage and certain setback requirements, which were granted following a public hearing on July 3, 2017. In connection with the final approval of the limited exemption development plan for the project, the Planning Office has requested confirmation from you that the proposed traffic circulation on site may be one-way in a counter-clockwise direction except for the small area located along India Avenue where two-way traffic is permitted. As this is consistent with the site plan submitted at the hearing on this matter, I respectfully request confirmation of the same.

At the July 3, 2017 hearing, the proposed site plan for the new McDonald's restaurant was submitted as Exhibit 3. As shown on this site plan, a copy of which is enclosed for your reference, traffic circulation was proposed to move one-way around the restaurant in a counter-clockwise direction around the drive-thru lane. Due to the narrowness of the site, one-way circulation around the drive-thru lane is critical to vehicular and pedestrian safety, and having two-way traffic in this area could create conflicts. Along India Avenue, however, there is no drive-thru lane and, as a result, two-way traffic is appropriate.

Although the enclosed Opinion and Order includes a condition that "interior vehicular circulation around the restaurant structure shall be one-way in a counter-clockwise direction," I believe this condition was intended to speak broadly to the general pattern of traffic circulation around the drive-thru lane, and not to prohibit two-way circulation on the India Avenue side of the building. This condition does not impact any of the requested variances, nor does it conflict with any of the comments submitted by the various County agencies in

John E. Beverungen
Administrative Law Judge
Baltimore County Office of Administrative Hearings
May 7, 2018
Page 2

connection with this application. As a result, I respectfully request that you confirm that the traffic circulation may be one-way in a counter-clockwise direction around the drive-thru lane and not in the area located along India Avenue, as shown on the site plan submitted at the July 3, 2018 hearing.

Thank you in advance for your consideration. I would be happy to meet with you at your convenience to discuss this matter in more detail should you have any questions. Please do not hesitate to contact me if I can provide you with any additional information.

Sincerely,



Caroline L. Hecker

Enclosures

ND: 4835-9323-9653, v. 1

cc: McDonald's USA, LLC (via electronic mail w/enclosures)
Baltimore Land Design Group, Inc. (via electronic mail w/enclosures)
Justin A. Williams, Esq. (via electronic mail w/enclosures)



IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(9100-9106 Belair Road)		
11 th Election District	*	OF ADMINISTRATIVE
5 th Council District		
McDonald's USA, LLC	*	HEARINGS FOR
<i>Legal Owner</i>		
	*	BALTIMORE COUNTY
Petitioner		
	*	CASE NO. 2017-0298-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by McDonald's USA, LLC, legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) § 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces; (2) § 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of- way line of a public street in lieu of the required 10 ft.; (3) § 1B01.1.B.1.(e)(3) to permit clearance and the installation of a storm water management pond (ESD Practice #1) within the 50-foot landscape buffer; (4) § 450.4 to permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs; (5) § 450.4 to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" sign); (6) § 450.4 to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" signs); (7) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" signs); (8) § 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" signs); (9) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet; and (10) to permit two projected directional signs in lieu of the

requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" signs). A site plan was marked as Petitioner's Exhibit 3.

Iwona Rostek-Zarska, Valek Zarski, and Lee May appeared in support of the petition. Caroline L. Hecker, Esq. and Justin Williams, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Bureau of Development Plans Review (DPR), Department of Planning (DOP), and the State Highway Administration (SHA).

The site is approximately 124,524 square feet (2.859 acres) in size and split-zoned B.L/DR 5.5. The site is improved with a McDonald's restaurant which has operated at the site since 1980. As it has at many locations throughout Baltimore County, Petitioner proposes to raze the existing restaurant and construct in its place a modern, environmentally sensitive structure. The great majority (i.e., 7 of 10) of the variance relief sought pertains to the new signage at the restaurant, which would be in keeping with the signage approved in other cases involving refurbished or rebuilt McDonald's restaurants.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is irregularly shaped and split-zoned. As such it is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to construct the proposed improvements. Finally, I find that the variances can be granted in

harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of community and/or Baltimore County opposition.

The second variance request seeks approval for a 7 ft. surface parking setback in lieu of the required 10 ft. However, as shown on the plan McDonald's proposes to install a 20 ft. landscape buffer along the Belair Road frontage. Petitioner seeks this variance in case the SHA moves forward with its plan to widen Belair Road, which could result in a loss of 13 ft. of McDonald's property abutting the roadway.

The third variance request seeks relief from the Residential Transition Area (RTA) regulations to allow a micro-bioretenention pond to be installed within the 50 ft. buffer in the DR-1 zone. Having reviewed this request in greater detail I do not believe the RTA regulations are applicable in the first instance. As an initial matter, those regulations apply when the property to be "developed is zoned D.R." B.C.Z.R. § 1B01.1.B.1.b. Here, the commercial building and parking lot are in the B.L. zone. In addition, a bioretention pond is not a "residential transition use" since it is not enumerated among the uses permitted by right or by special exception in the D.R. zones. B.C.Z.R. §§ 1B01.1.B.1.d; 1B01.1.A; and 1B01.1.C. See, People's Counsel v. Surina, 400 Md. 662, 693 (2007) (recognizing stormwater management devices not among uses listed as permitted in Baltimore County's resource conservation zones). As such, this request will be dismissed as unnecessary.

The DOP ZAC comment included a recommendation Petitioner remove from the plan the parking space nearest to Belair Road. Petitioner indicated it would prefer not to remove the space, and advised the dimensions and positioning of the space satisfy all County regulations. As such I will not include this item as a condition in the final order.

THEREFORE, IT IS ORDERED, this 6th day of **July, 2017**, by the Administrative Law Judge for Baltimore County that the Petition for Variance as follows: (1) § 409.6.A.2 to permit 50 off-street parking spaces in lieu of the required 76 parking spaces; (2) § 409.8.A.4 to permit parking facilities to be setback 7 feet from the right-of-way line of a public street in lieu of the required 10 ft.; (3) § 450.4 to permit 5 wall-mounted enterprise signs on building facades in lieu of the permitted 3 signs; (4) § 450.4 to permit a directional sign of 10.7 feet in height in lieu of the maximum permitted 6 feet ("Drive-Thru" sign); (5) § 450.4 to permit two directional signs of 9.67 feet in height in lieu of the permitted 6 feet ("Order Here" signs); (6) to permit two canopy-type directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Welcome" signs); (7) § 450.5.B.3.b to permit the erection of two canopy-type signs above the face of the canopy in lieu of the requirement that the sign be on the face of the canopy ("Welcome" signs); (8) to permit two order boards of 6.75 feet in height in lieu of the maximum permitted 6 feet; and (9) to permit two projected directional signs in lieu of the requirement that such signs be wall-mounted or freestanding ("Pay Here/Pick Up Here" signs), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from B.C.Z.R. § 1B01.1.B.1(e)(3) to permit clearance and the installation of a storm water management pond (ESD Practice #1) within the 50-foot landscape buffer, be and is hereby DISMISSED WITHOUT PREJUDICE AS UNNECESSARY.

The relief granted herein shall be subject to the following:

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.
2. Petitioner must obtain from SHA an entrance or access permit for the site.

3. Petitioner must submit for approval by Baltimore County landscape and lighting plans for the site.
4. Petitioner must submit to Baltimore County elevation drawings showing dumpster enclosure(s), which shall be constructed primarily of brick.
5. The U.S. Route 1/Belair Road access point shall be right turn in – right turn out only, with appropriate signage to alert motorists to this restriction.
6. The landscape buffer along Route 1/Belair Road shall be 20 ft. wide and shall not be reduced (as contemplated by variance request #2) unless and until the SHA widens Belair Road at this location.
7. Interior vehicular circulation around the restaurant structure shall be one-way in a counter-clockwise direction.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw



4	<table> <tr> <th colspan="2">NEXT GEN. 24" WORDMARK</th></tr> <tr> <td>CLASS:</td><td>ENTERPRISE</td></tr> <tr> <td>STRUCTURAL TYPE:</td><td>WALL-MOUNTED</td></tr> <tr> <td>FACE AREA:</td><td>16.4167' x 2.0000' = 32.8334 SF</td></tr> <tr> <td>QUANTITY:</td><td>2</td></tr> <tr> <td>HEIGHT:</td><td>N/A</td></tr> <tr> <td>ILLUMINATION:</td><td>YES</td></tr> </table>	NEXT GEN. 24" WORDMARK		CLASS:	ENTERPRISE	STRUCTURAL TYPE:	WALL-MOUNTED	FACE AREA:	16.4167' x 2.0000' = 32.8334 SF	QUANTITY:	2	HEIGHT:	N/A	ILLUMINATION:	YES
NEXT GEN. 24" WORDMARK															
CLASS:	ENTERPRISE														
STRUCTURAL TYPE:	WALL-MOUNTED														
FACE AREA:	16.4167' x 2.0000' = 32.8334 SF														
QUANTITY:	2														
HEIGHT:	N/A														
ILLUMINATION:	YES														

6	NEXT GEN WINDOW POSITION SIGNS	
	CLASS:	DIRECTIONAL
	STRUCTURAL TYPE:	PROJECTING
	FACE AREA: (BOXED)	2.8333' x 0.8333' = 2.3610 SF
	QUANTITY:	2
	HEIGHT:	9.8333 FT.
	ILLUMINATION:	NO

8	FLAG POLES	
	CLASS:	FLAG POLES
	STRUCTURAL TYPE:	FREESTANDING
	FACE AREA: (BOXED)	N/A
	QUANTITY:	2
	HEIGHT:	25'
	ILLUMINATION:	NO

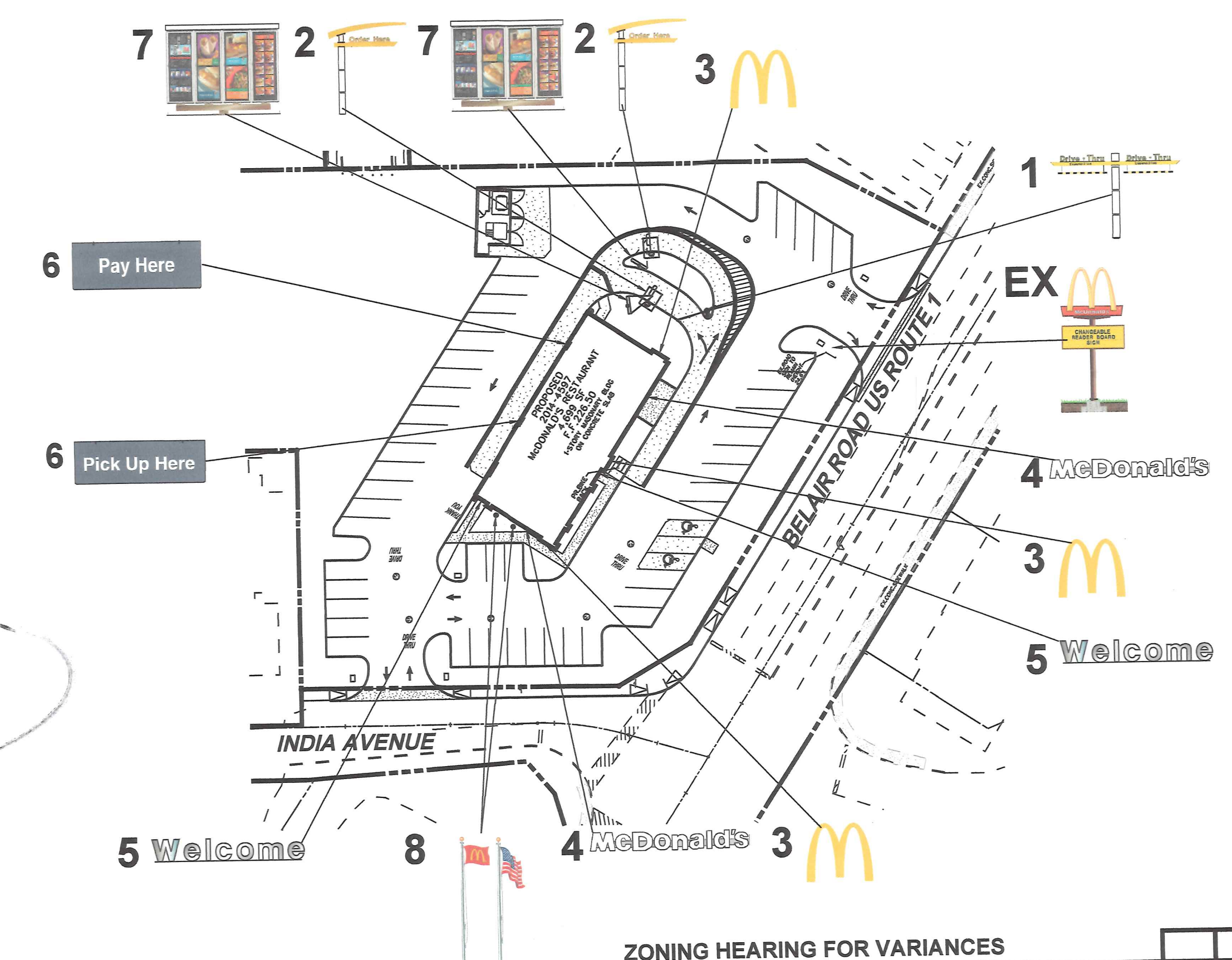


Diagram illustrating the dimensions and components of a McDonald's sign structure:

- Sign Dimensions:**
 - Top Sign (Golden Arches): 6.3333' (8'-4") wide, 3.9167' (3'-11") high.
 - Bottom Sign (McCafe): 8.0000' wide, 3.0000' high.
 - Total Sign Height: 9.2133'.
- Structural Components:**
 - MAX. 11" (Maximum height of the sign structure above the ground).
 - 3"x6" GRAPHIC READERSBOARD (Attached to the bottom sign).
 - STRUCTURAL SUPPORT (The pole holding the signs).
- Area Calculation:**
 - Area of the signs: $3.0000' \times 8.0000' + 24.0000' \text{ SF}$

**EX.SIGN TO REMAIN
(SIGN IS IN COMPLIANCE WITH
ZONING REGULATIONS)**

- I. ENTERPRISE SIGN ON THE BUILDING FACADES
1. AREA / FACE OF THE ENTERPRISE SIGNS ON THE SINGLE FACADE:
- A. FRONT FACADE (LENGTH = 45.33')
MAXIMUM AREA / FACE ALLOWED: 2 x 45.33 x 90.66 SF
AREA / FACE PROPOSED:
SIGN #4 = 32.8334 SF
SIGN #3 = 14.0000 SF
TOTAL = 46.8334 SF < 90.66 SF
- B. NON-DRIVE-THRU FACADE (LENGTH = 102.33')
MAXIMUM AREA / FACE ALLOWED: 2 x 102.33 x 204.66 SF
AREA / FACE PROPOSED:
SIGN #3 = 14.0000 SF
SIGN #4 = 32.8334 SF
TOTAL = 46.8334 SF < 204.66 SF
- C. REAR FACADE (LENGTH = 46.33')
MAXIMUM AREA / FACE ALLOWED: 2 x 45.33 x 90.66 SF
AREA / FACE PROPOSED:
SIGN #3 = 14.0000 SF
TOTAL = 14.0000 SF < 90.66 SF
2. NUMBER OF ENTERPRISE SIGNS:
- A. NUMBER OF SIGNS PERMITTED:
- THREE (3) ON PREMISES, NO MORE THAN TWO ON EACH FACADE.
- B. NUMBER OF ENTERPRISE SIGNS PROPOSED:
- SIGNS ON FRONT FACADE: 2 (SIGNS #3 & #4)
SIGNS ON NON-DRIVE-THRU FACADE: 2 (SIGN #3 & #4)
SIGN ON REAR FACADE: 1 (SIGN #3)
TOTAL NUMBER OF PROPOSED ENTERPRISE SIGNS: 5
- II. DIRECTIONAL SIGNS ON THE BUILDING FACADES
1. MAX. AREA / FACE ALLOWED - 8 SF / SIGN
2. AREA / FACE PROPOSED:
SIGN #5 = 2.6026 SF < 8 SF ALLOWED
SIGN #6 = 2.3610 SF < 8 SF ALLOWED
3. STRUCTURAL TYPE ALLOWED: WALL-MOUNTED
STRUCTURAL TYPE PROPOSED:
SIGN #5 = CANOPY
SIGN #6 = PROJECTING
- III. DIRECTIONAL FREESTANDING SIGNS
1. MAX. AREA / FACE ALLOWED: 8 SF / SIGN
2. AREA / FACE PROPOSED:
SIGN #1 = 6.8950 SF < 8 SF ALLOWED
SIGN #2 = 3.5835 SF < 8 SF ALLOWED
3. STRUCTURAL TYPE ALLOWED: FREESTANDING
STRUCTURAL TYPE PROPOSED: FREESTANDING (SIGNS #1 & #2)
4. MAX. HEIGHT ALLOWED: 6 FT
MAX. HEIGHT PROPOSED:
SIGN #1 = 6.6967 FT > 6 FT
SIGN #2 = 9.6667 FT > 6 FT
- IV. ENTERPRISE FREESTANDING PYLON SIGN:
EXISTING TO REMAIN: COMPLYING SIGN
1. MAX. AREA / FACE ALLOWED: 100 SF (FRONTAGE > 300 FT)
2. MAX. AREA / FACE EXISTING: 73.7093 SF
3. MAX. HEIGHT ALLOWED: 25 SF
4. MAX. HEIGHT: 25 SF
5. MAX. NUMBER / PREMISES ALLOWED: 1 PER FRONTAGE
6. NUMBER OF EXISTING SIGNS: 1
- V. ENTERPRISE FREESTANDING ORDER BOARD (SIGN #7)
1. MAX. AREA / FACE ALLOWED: 50 SF PER ORDER BOARD
2. MAX. AREA / FACE PROPOSED: 40.9688 SF
3. MAX. HEIGHT ALLOWED: 6 FT
4. MAX. HEIGHT PROPOSED: 6.75 FT > 6 FT
5. MAX. NUMBER / PREMISES ALLOWED: 2
6. NUMBER OF PROPOSED SIGNS: 2



PET Ex 7

NOTE:

ARTIST'S RENDERING FOR ILLUSTRATIVE PURPOSES
FINAL BUILDING DESIGN AND ENVIRONS MAY VARY
SLIGHTLY.

[illegible]

ZONING HEARING FOR VARIANCES

PLAN TO ACCOMPANY PETITION FOR
ZONING HEARING FOR VARIANCES
McDONALD'S RESTAURANT

PERRY HALL
9106 BELAIR ROAD
BALTIMORE, MARYLAND 21236

BALTIMORE COUNTY, MARYLAND
SCALE: N/A= 20'

ELECTION DISTRICT 11, C5
DATE: APRIL 25, 2017

DRAWING NO.

V-2

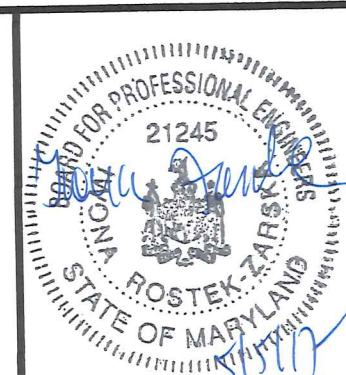
SHEET 2 OF 2

BLDG

Baltimore Land Design Group Inc.

Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGINC.COM



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, IWONA ROSTEK-ZARSKA, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2018.

OWNER

McDONALD'S USA, LLC

BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600

DEVELOPER / APPLICANT

McDONALD'S USA, LLC

BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600

LANDSCAPE NOTES

Plant Identification: All plants shall be properly marked for identification and checking.

List of Plant Materials: The Contractor shall verify plant quantities prior to bidding and any discrepancies shall be brought to the attention of the Landscape Architect. The Contractor shall furnish and plant all plants required to complete the work as shown on the drawings. Substitutions shall not be made without the written approval of the Landscape Architect. This contract will be based on the bidder having verified, prior to bidding, the availability of the required plant materials as specified on the drawings.

Plant Quantity: All shrubs shall be dense, heavy to the ground, and well grown, showing evidence of having been sheared regularly, and sound free of plant disease or insect eggs, and shall have a healthy, normal root system. Plants shall be nursery grown. Plants shall not be pruned prior to delivery. The shape of the plant shall in general conform to its natural growth proportions unless otherwise specified. All plants including container grown shall conform to American Standard for Nursery Stock (ANSI Z60.1, latest edition), and shall have a well-shaped, heavy branch structure for the species. Evergreen trees are to have an internode no greater than 24" and shall be uniformly well-shaped. All plant sizes shall average at least the middle of the range given in the plant list.

Plant Spacing: Plant spacing is to scale on the plan or as shown on the plant list.

Soil Mix: Soil mix will be 2/3 existing soil and 1/3 leaf mold or equal organic material, thoroughly mixed and homogenized.

Ball Size: The ball size shall conform to the American Association of Nurserymen's publication entitled American Standard for Nursery Stock, ANSI Z60.1, latest edition.

Excavation: Holes for all plants shall be 18" larger in diameter than size of ball or container and shall have vertical sides. Hedges shall be planted in a trench 12" wider than ball diameter. Beds for mass planting shall be entirely retolled to a depth of 6" and shall be 18" beyond the average outside edge of plant balls. A 2" layer of organic material (i.e., leaf mold) will be incorporated into plant beds by filling again.

Planting: Backfilling shall be done with soil mix, reasonably free of stones, subsoil, clay, lumps, stumps, roots, weeds, bermuda grass, litter, toxic substances, or any other material which may be harmful to plant growth or hinder grading, planting, or maintenance operations. Should any unforeseen or unsuitable planting conditions arise, such as faulty soil drainage or chemical residues, they should be called to the attention of the Landscape Architect and Owner for adjustments before planting. The plant shall be set slumb and straight and shall be staked at the time of planting. Backfill shall be well worked about the roots and settled by watering. Plants shall be planted higher than surrounding grade. Shrubs will be 1" higher and trees will be 2" higher. Remove rope from around tree trunks and lay back burlap from top of all B&B material. Nylon or vinyl rope and/or burlap will be completely removed from all plant material prior to planting.

Transplanting Trees by Tree Machine: Trees shall be moved by machines that provide a minimum of 6" per 1" of tree caliper. Holes are to be dug by the same size machine as the one transplanting the plant. The plant material shall be transplanted in approximately the same growing condition as it is presently growing, in terms of soil type and moisture content. Fertilize and gey as described in these plans and specifications.

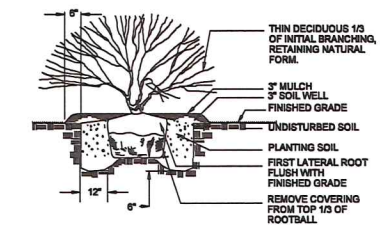
Cultivation: All trenches and shrub beds shall be cultivated, edged and mulched to a depth of 3" with a hand-dug bar. The area around isolated plants shall be mulched to at least 6" greater diameter than that of the hole. Plant beds adjacent to buildings shall be mulched to the building wall.

Maintenance: The Contractor shall be responsible during the contract and up to the time of acceptance for keeping the planting and work incidental thereto in good condition, by replanting, plant replacement, watering, weeding, cultivating, pruning and spraying, restocking and cleaning up and by performing all other necessary operations of care for promotion of good plant growth to that all work is in satisfactory condition at time of acceptance, at no additional cost to the Owner.

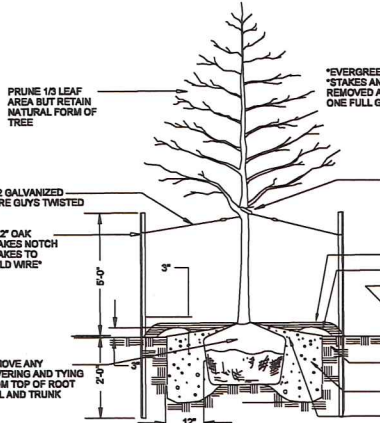
Fertilizer: Fertilizer shall be a slow release type contained in polyethylene perforated bags with micro pores holes for controlled feeding, such as Easy Grow as manufactured by Specialty Fertilizer, Inc., Box 335, Suffern, New York 10901, or approved equal. The bags shall contain 1 ounce of soluble fertilizer analysis 15-15-15 per unit to last three (3) years and shall be applied during planting as recommended by the manufacturer. If fertilizer packets are not used, the Contractor shall apply granular fertilizer to the soil mix with 10-6-4 analysis, 50% organic, at the following rates: Trees @ 2-3 lbs. per caliper inch; Shrub Beds @ 3-5 lbs. per 100 sq. ft.; and Groundcover Beds @ 2-3 lbs. per 100 sq. ft.

Groundcover: All areas of groundcover shall be retolled to a depth of 6". Apply 2" of organic material and rotol until thoroughly mixed. Apply fertilizer as stated above.

Guarantee and Replacement: All material shall be unconditionally guaranteed for one (1) year. The Contractor is responsible for watering but not for losses or damage caused by mechanical injury or vandalism.



SHRUB PLANTING DETAIL



TREE PLANTING DETAIL

HUMAN & ROHE, INC.
LANDSCAPE ARCHITECTS
512 VIRGINIA AVENUE
TOWSON, MARYLAND 21206
410-425-3285

BLDG
Baltimore Land Design Group Inc.

Consulting Engineers

230 SCHILLING CIRCLE, SUITE 364 • HUNT VALLEY, MARYLAND 21031
PHONE: 410.229.9851 • FAX: 410.229.9865 • BLDG@BLDGCNC.COM

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6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600

REVISIONS

DATE	NO.	DESCRIPTION	BY

SCHEMATIC LANDSCAPE PLAN

McDONALD'S RESTAURANT

PERRY HALL
9106 BELAIR ROAD
BALTIMORE, MARYLAND 21236

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

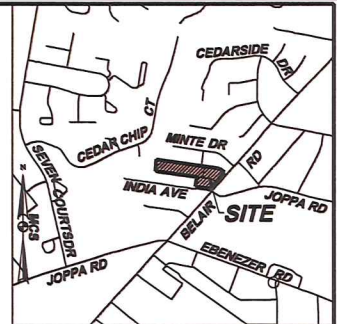
ELECTION DISTRICT 11, C5
DATE: APRIL 25, 2017

L SHEET 1 OF 1

DRAWING NO.

C-13

SHEET 13 OF 19



VICINITY MAP

SCALE: 1" = 1,000'

KEY



MAJOR TREES



MINOR TREES



EVERGREEN TREES



SHRUBS



GROUNDCOVER / GRASSES

PLANTING CALCULATIONS

KEY	ELEMENT	RATE	LINEAR FEET	PLANTING UNITS (PU)
A	ADJACENT PUBLIC ROADWAY/BELAIR RD	1 PU / 40 LF	289 LF	6.7
A	ADJACENT PUBLIC ROADWAY/INDIA AVE	1 PU / 40 LF	152 LF	3.8
A	INTERIOR ROADWAY	1 PU / 20 LF	140 LF	7
B	PARKING ADJACENT TO A PUBLIC ROADWAY	1 PU / 15 LF	262 LF	17.5
B	PARKING ADJACENT TO COMMERCIAL	1 PU / 20 LF	51 LF	2.6
B	PARKING ADJACENT TO RESIDENTIAL	1 PU / 15 LF	113 LF	7.5
B	PARKING LOT INTERIOR	1 PU / 12 SPACES	50	4.2
F	SERVICE LANE	1 PU / 20 LF	225 LF	11.3
H	SCREEN DUMPSTER	1 PU / 15 LF	61 LF	4.1
J	SLOPES/EMBANKMENTS RETAINING WALLS	1 PU / 15 LF	137 LF	9.1

SEE NOTE BELOW

TOTAL REQUIRED / TOTAL PROPOSED 74/ 85 P.U.'S

NOTE:

REQUIRED 7% OF PARKING LOT AREA FOR INTERIOR LANDSCAPE
31,702 SF X .07 = 2,219 SF REQUIRED
2,659 SF PROVIDED

SCHEMATIC LANDSCAPE PLAN

CERTIFICATION FORM

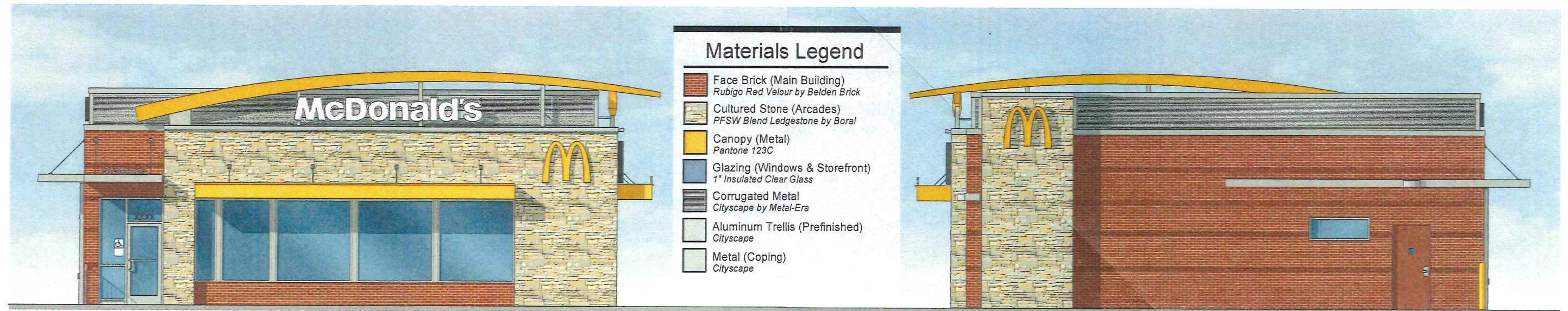
This Schematic Landscape Plan is sealed by a landscape architect and certified by my signature below as being in accordance with all county agency/landscape architectural comments.

Applicant: *Sally Malena* Date: 9/12/16 Print Name: SALLY MALENA

Mailing Address (if not already on plan)



PET EX 4

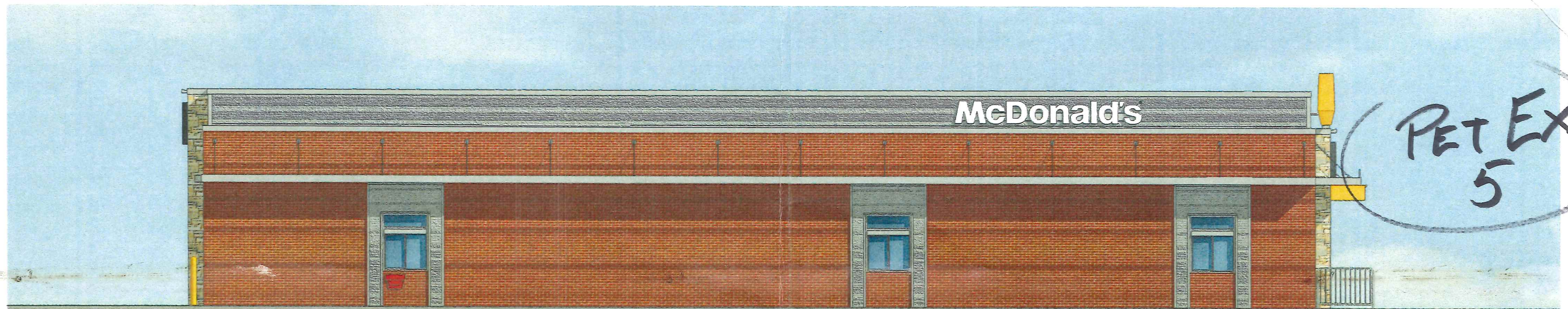


Front Elevation

Rear Elevation



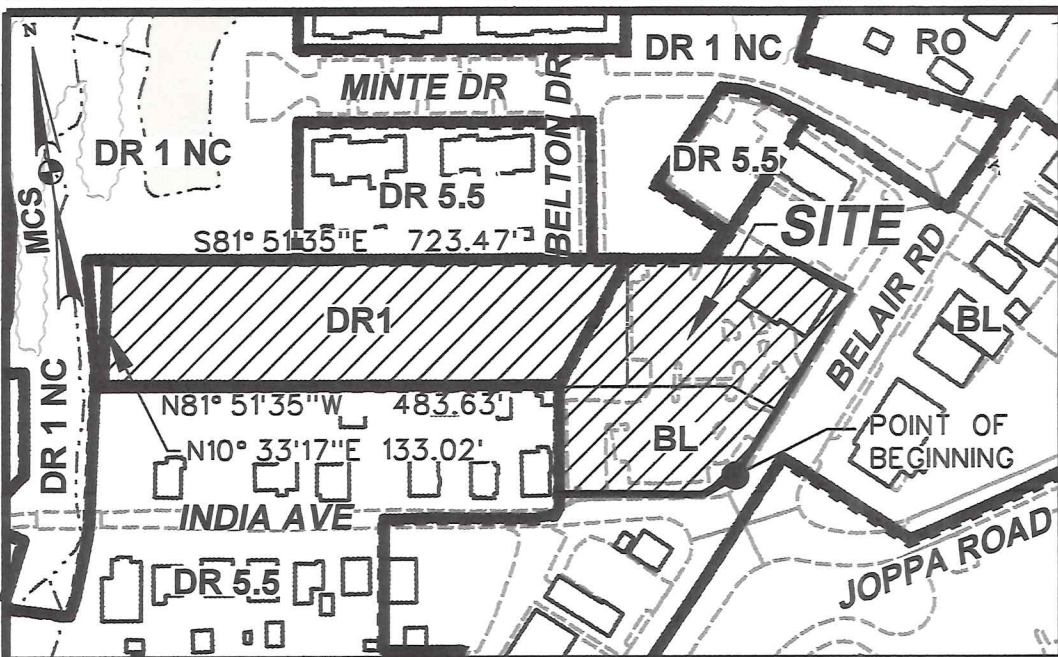
Non-Drive-Thru Side Elevation



Drive-Thru Side Elevation

Proposed McDonald's Redevelopment
Perry Hall, Maryland

Elevations for illustrative purposes only. Final building design and finishes may vary slightly. Colors and textures of proposed materials may vary due to image quality, printer type and settings, media and/or display variations.



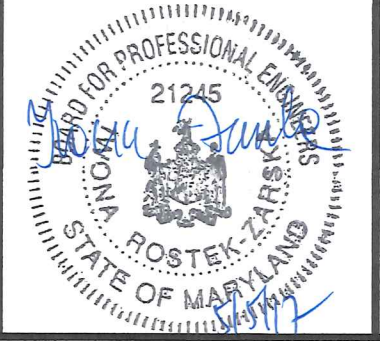
ZONING MAP
SCALE: 1" = 200'
(MAP: 72 A2)

LEGEND	
RIGHT-OF-WAY LINE	---
PROPERTY LINE	---
EX. EASEMENT	---
ZONING LINE	---
EX. CONCRETE CURB & GUTTER	---
EX. EDGE OF PAVING	---
EX. CONCRETE	---
TO BE REMOVED DESIGNATION	(TBR)
EX. STORM DRAIN, MANHOLE & INLET	---
EX. SANITARY SEWER	---
EX. WATER MAIN, VALVE & FIRE HYDRANT	---
EX. POLE WITH LIGHT	---
EX. OVERHEAD LINE	---
EX. INDEX CONTOURS	---
EX. INTERMEDIATE CONTOURS	---
EX. TREE	---
"EXISTING" DESIGNATION	EX.
PR. EASEMENT	---
PR. CONCRETE CURB & GUTTER	---
PR. CONCRETE	---
PR. STORM DRAIN, MANHOLE & INLET	---
PR. SANITARY SEWER	---
PR. WATER MAIN, VALVE & FIRE HYDRANT	---
PR. INDEX CONTOURS	---
PR. INTERMEDIATE CONTOURS	---
PR. PARKING COUNT	---
"PROPOSED" DESIGNATION	PR.

PETITION FOR ZONING HEARING FOR VARIANCES

- VARIANCES FOR PARKING REQUIREMENTS FROM:
 - SECTION 409.6.A.2 OF BCZR TO PERMIT 50 SPACES IN LIEU OF THE REQUIRED 76 SPACES.
 - SECTION 409.6.A.4 TO PERMIT 7 FT. DISTANCE TO STREET LINE (R/W) FROM PARKING SPACES FOR NON-RESIDENTIAL USE IN LIEU OF THE REQUIRED 10 FT.
 - SECTION 1801.18.1.(e)(3) TO PERMIT CLEARANCE AND INSTALLATION OF STORM WATER MANAGEMENT POND (ESD PRACTICE #1) WITHIN 50 FT. LANDSCAPE BUFFER LOCATED WITHIN THE RESIDENTIAL TRANSITION AREA.
- VARIANCES FOR SIGN REQUIREMENTS FROM:
 - SECTION 450.4 ATTACHMENT 1.5.(i)(vi) TO PERMIT 5 WALL MOUNTED ENTERPRISE SIGNS ON BUILDING FACADES IN LIEU OF THE PERMITTED 3 SIGNS.
 - SECTION 450.4 ATTACHMENT 1.5.(i)(vii) TO PERMIT A DIRECTIONAL SIGN OF 10.7 FT. IN HEIGHT IN LIEU OF THE PERMITTED 8 FT.
 - SECTION 450.4 ATTACHMENT 1.5.(i)(viii) TO PERMIT TWO DIRECTIONAL SIGNS OF 9.67 FT. IN HEIGHT IN LIEU OF THE PERMITTED 6 FT.
 - SECTION 450.4 ATTACHMENT 1.5.(i)(ix) TO PERMIT TWO CANOPY-TYPE DIRECTIONAL SIGNS IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGNS.
 - SECTION 450.5.B.3.5 TO PERMIT ERECTION OF TWO CANOPY-TYPE SIGNS ABOVE THE FACE OF THE CANOPY IN LIEU OF THE ERECTION ON THE FACE OF THE CANOPY.
 - SECTION 450.4 ATTACHMENT 1.5.(i)(x) TO PERMIT TWO ORDER BOARDS OF 6.75 FT. IN HEIGHT IN LIEU OF THE PERMITTED 5 FT.
 - SECTION 450.4 ATTACHMENT 1.5.(i)(xi) TO PERMIT TWO PROJECTED DIRECTIONAL SIGNS IN LIEU OF THE PERMITTED WALL-MOUNTED OR FREE-STANDING SIGNS.

NOTE:
THIS PLAN IS INTENDED FOR ZONING PURPOSES ONLY
AND SHALL NOT BE USED FOR ANY OTHER PURPOSE.



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, MONA ROSTEK-ZARSKA, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER OF THE STATE OF MARYLAND, LICENSE NO. 21245, EXPIRATION DATE: JUNE 9, 2018.

OWNER
McDONALD'S USA, LLC
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600

DEVELOPER / APPLICANT
McDONALD'S USA, LLC
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600

REVISIONS			
DATE	NO.	DESCRIPTION	BY

PLAN TO ACCOMPANY PETITION FOR ZONING HEARING FOR VARIANCES

McDONALD'S RESTAURANT

PERRY HALL
9105 BELAIR ROAD
BALTIMORE, MARYLAND 21236

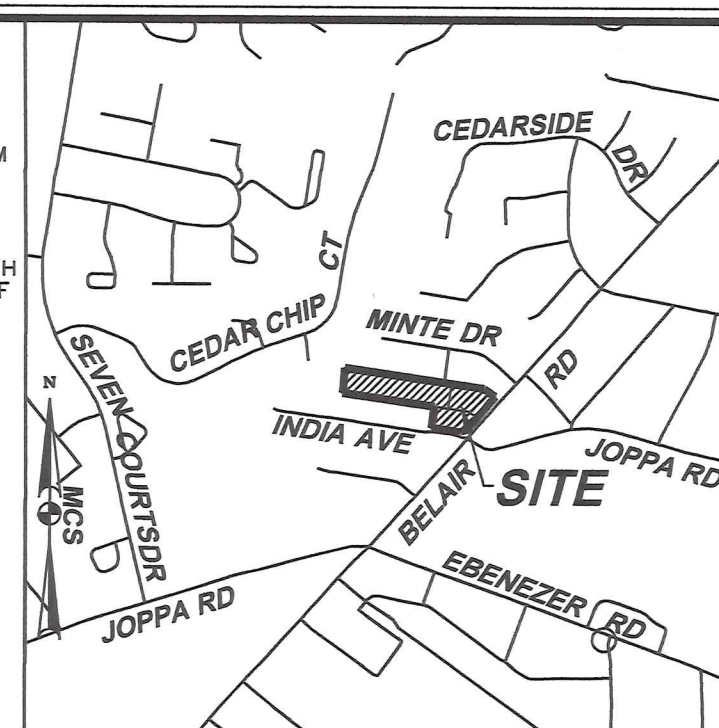
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 20'

ELECTION DISTRICT 11, C5
DATE: APRIL 25, 2017

DRAWING NO.
V-1
SHEET 1 OF 2

BENCH MARK

ELEVATIONS ARE BASED ON NAVD 88 DATUM
PER BALTIMORE COUNTY CONTROL POINTS:
CONTROL POINT 450:
N 81° 51' 35" E 723.47'
DESCRIPTION: SPIKE IN CONC. WALK ON SOUTH
SIDE OF EBENEZER RD. 33 FT. +/- SOUTH OF
CENTERLINE NORTH OF PARKING LOT FOR
"PERRY HALL SQUARE".



VICINITY MAP
SCALE: 1" = 1,000'

SITE DATA

- AREA OF TRACT: 124,524 SF OR 2.859 AC.
- OWNER:
McDONALD'S USA, LLC
BALTIMORE - WASHINGTON REGION
6903 ROCKLEDGE DRIVE, SUITE 1100
BETHESDA, MARYLAND 20817
PHONE (240) 497-3600
- TAX MAP REFERENCES:
T.M. 72: G. 8: P. 382; TAX ID: 1800013694
T.M. 72: G. 8: P. 378; LOT: 2; TAX ID: 2000010421
T.M. 72: G. 7: P. 378; LOT: 2; TAX ID: 2000010422 & 2200012360
- DEED REFERENCES: L.38106 F.318 L.36511 F.443;
- PLAT REFERENCE: 54/150 EDGEWOOD CORPORATION
- ELECTION DISTRICT: 11 COUNCILMANIC DISTRICT: 5
- EXISTING ZONING: BL & DR 1 MAP *072 A2
- EXISTING USE: EX. McDONALD'S
PROPOSED USE: McDONALD'S WITH NEW PARKING LAYOUT
- MINIMUM SETBACK REQUIREMENT FOR BL ZONE:
FRONT: 10 FEET FROM PROPERTY LINE; 40 FEET FROM STREET
CENTER LINE AVERAGE OF FRONT YARDS ON ADJACENT
PROPERTIES PER SECTION 232.1 AND 303.2 OF BCZR
SIDE: NONE ON INTERIOR LOT; 10 FEET ON STREET SIDE OF
CORNER LOT PER SECTION 232.2 OF BCZR
REAR: NONE; 20 FEET IF REAR LOT LINE ABUTS LOT IN RESIDENCE
ZONE PER SECTION 232.3 OF BCZR
- F.A.R. ALLOWED: 0.5 MAX. (PER SECTION 232C)
PROPOSED F.A.R. FOR LEASE AREA 4,699 / 124,524 = 0.038
- BUILDING HEIGHT:
PERMITTED: 35 FEET (PER SECTION 232C)
PROPOSED: 23.3 FEET
- ADT:
(550 X 4,699 SF) / 1,000 = 2,585 DAILY TRIPS
- CENSUS TRACT: 411406
TRANSPORTATION ZONE: 0780
ZIP CODE: 21236
WATERSHED: LOWER GUNPOWDER FALLS
- LANDSCAPE REQUIREMENTS:
LANDSCAPING WILL BE PROVIDED AS PER THE MOST RECENT BALTIMORE COUNTY
LANDSCAPE MANUAL.
- STORM WATER MANAGEMENT (SWM):
THIS SITE IS A RE-DEVELOPMENT. SWM SHALL BE ADDRESSED IN ACCORDANCE WITH
THE FOLLOWING CRITERIA:
- REDUCTION OF EX. IMPERVIOUS AREAS WITHIN LIMIT OF DISTURBANCE (LOD) BY 50%
- IMPLEMENTATION OF ESD PRACTICES TO MEET TO PROVIDE WATER QUALITY
TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREA WITHIN LOD OR
- USE OF ALTERNATIVE SWM MEASURES TO MEET TO PROVIDE WATER QUALITY
TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS
- USE OF ALTERNATIVE SWM MEASURES TO MEET TO PROVIDE WATER QUALITY
TREATMENT FOR AT LEAST 50% OF EX. IMPERVIOUS AREAS
SINCE THE FULL REDUCTION OF EXISTING IMPERVIOUS AREA COULD NOT BE ACHIEVED
FOR PROPOSED DEVELOPMENT, THEREFORE ESD PRACTICE, MICRO BIOTRETENTION OR
EQUIVALENT, WILL BE PROVIDED TO MEET SWM REQUIREMENTS.
- THERE ARE NO EXISTING OR PROPOSED WELL OR SEPTIC AREAS.
- PUBLIC WATER AND SANITARY SEWER FACILITIES EXIST.
- THERE ARE NO KNOWN WETLANDS REQUIRING REGULATION, CRITICAL AREAS,
ARCHAEOLOGICAL SITES, ENDANGERED SPECIES HABITATS, OR HAZARDOUS MATERIALS
ON SITE.
- DEVELOPER WILL REQUEST A VARIANCE TO SECTION 33-6-109 (IN PART) OF BALTIMORE
COUNTY CODE TO RESTRICT APPLICATION OF FOREST CONSERVATION REGULATIONS
TO PROPOSED LIMIT OF DISTURBANCE. HE WILL PURCHASE A CREDIT IN A COUNTY
APPROVED FOREST RETENTION BANK, IF ALLOWED AND REQUIRED.
- ANY SIGNS SHALL COMPLY WITH SECTION 450 OF THE B.C.Z.R. AND ALL SIGN
POLICIES. ZONING VARIANCES WILL BE REQUESTED.
- THERE ARE NO HISTORIC BUILDINGS ON THIS PROPERTY.
- FLOOD MAP INFORMATION:
PRELIMINARY IS SHOWN ON MAP ENTITLED "FIRM FLOOD INSURANCE RATE MAP,
BALTIMORE COUNTY, MARYLAND, UNINCORPORATED AREAS, PANEL 280 OF 580
COMMUNITY PANEL NUMBER 2400100290 F. MAP REVISED SEPTEMBER 26, 2008" AND
IS LOCATED MOSTLY IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2%
ANNUAL CHANCE FLOODPLAIN). PORTION IS LOCATED IN ZONE A (ANNUAL CHANCE
OF FLOODING WITH NO BASE FLOOD ELEVATION DETERMINED).
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- LIGHTING SHALL BE ERECTED AS NOT TO REFLECT INTO ANY ADJOINING RESIDENTIAL
AREAS AND PUBLIC ROADS.
- THE BOUNDARY SHOWN HEREON WAS TAKEN FROM ALTA/ACSM LAND TITLE SURVEY
PREPARED BY BOHLER ENGINEERING MD, DATED DECEMBER 30, 2008.

PARKING REQUIREMENTS

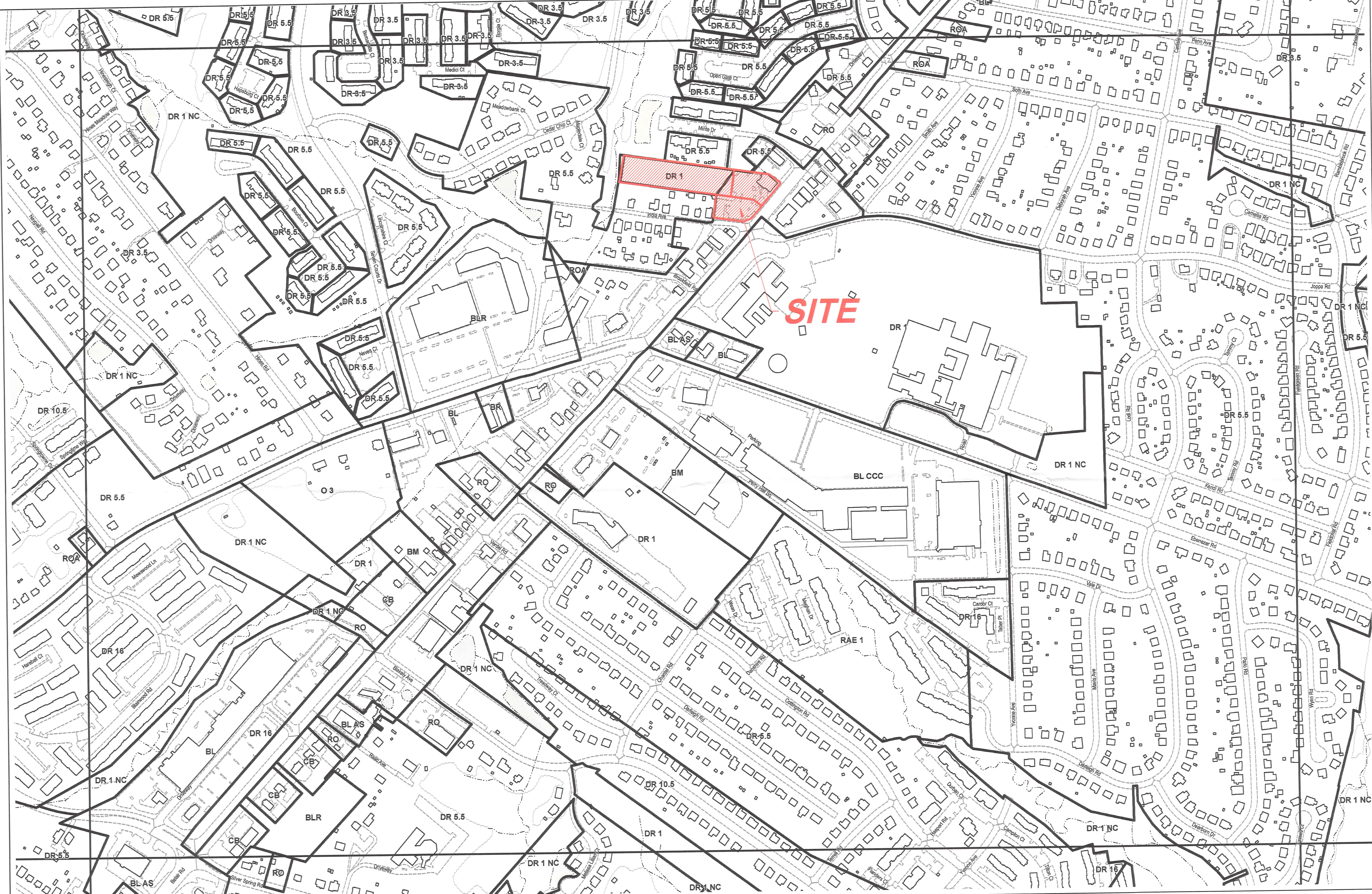
EXISTING PARKING SPACES: 74 PS
PARKING SPACES REQUIRED: 4,699 SF @ 16 PS / 1000 SF = 76 PS
PARKING SPACES PROVIDED: 50 PS (INCL. 2 HDOP)
A VARIANCE TO PERMIT 50 PS IN LIEU OF THE REQUIRED 76 PS WILL BE REQUESTED.
BICYCLE PARKING REQUIRED: 76 x 0.04 = 4 SPACES
BICYCLE PARKING PROVIDED: 4 SPACES

ZONING HISTORY

CASE NO. R-1947-0939:
RE-CLASSIFICATION REQUEST FROM A RESIDENTIAL ZONE TO A COMMERCIAL ZONE WAS
GRANTED MAY 22, 1947.
CASE NO. R-1951-2127:
RE-CLASSIFICATION REQUEST FROM A RESIDENTIAL ZONE TO A COMMERCIAL ZONE WAS
GRANTED NOVEMBER 21, 1951.

DEVELOPMENT APPROVALS AND NOTES

PREVIOUS APPROVALS - UNKNOWN
DEVELOPMENT IS LOCATED WITHIN PERRY HALL COMMERCIAL
REVITALIZATION AREA AND IS SUBJECT TO REVIEW BY THE
DESIGN REVIEW PANEL.

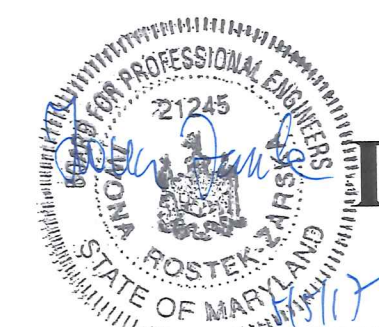


Plan Sheet: 07242

Note:
The zoning depicted in this map incorporates the actions associated with 2016 Comprehensive Zoning Map Process and Baltimore County Board of Appeals actions through November 18, 2016.

Legend

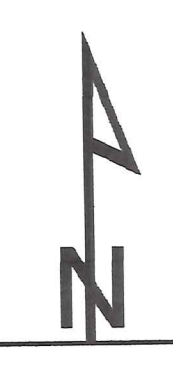
- | | | |
|-----------|---------|------------|
| Zoning | Streams | Rail Lines |
| Buildings | Roads | Vegetation |



Baltimore County
Department of Planning
Official Zoning Map

071B1	071C1	072A1	072B1	072C1
071B2	071C2	072A2	072B2	072C2
071B3	071C3	072A3	072B3	072C3

Scale
1" = 200'
0 100 200 400 Feet



Data Sources:
Buildings/Streams/Roads - Baltimore County
OIT/GIS Services Unit
1:2400, from 2014 photography
Vegetation - Baltimore County
OIT/GIS Services Unit
1:2400, from 2008 photography
Zoning - Baltimore County Dept of Planning
1:2400, 2016

2017-0298A