

DONALD I. MOHLER III County Executive

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

ARNOLD JABLON

May 25, 2018

Retail Design Collaborative 11911Freedom Drive #1120 Reston, Virginia 20190 Attention: Joseph Serruya Principal

Re:

Spirit and Intent Letter Wal-Mart (RM), Store 3804 8730 Liberty Road Randallstown, Maryland 21244 Case #2012-0192-A 2nd Election District

Dear Mr. Serruva,

Your spirit and intent letter sent to Arnold Jablon, Director of Permits, Approvals and Inspections has been referred to me for reply. Based upon the information provided therein, and our research of the zoning records, the following has been determined:

- 1. The proposed wall sign changes outlined in your letter and Exhibit 1 result in a decrease in total sign area from 655.23 square feet to 632.70 square feet, therefore your request does meet the spirit and intent of the Zoning Order Case no. 2012-0192-A as amended. Please note: The Walmart sign with a Spark does not require a new permit however, a separate application will be required and will be noted accordenly.
- 2. Your letter, and your amended exhibits and a copy of this response will be made a permanent part of the above listed case file for future reference.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact the Office of Zoning Review at 410-887-3391.

Very truly yours, ORIGINAL SIGNED BY LEONARD J. WASILEWSKI

> Leonard Wasilewski Planner II Zoning Review

c.c. File 18-190/lw

Case File: 2012-0192-A

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(8730 Liberty Road) * OFFICE OF

2nd Election District

4th Council District * ADMINISTRATIVE HEARINGS

Cole Wm Randallstown MD, LLC,

Legal Owner * FOR BALTIMORE COUNTY

Wal-Mart Stores East, LP

Lessee * Case No. 2018-0110-SPHA

Petitioners

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Cole Wm Randallstown MD, LLC, legal owner and Wal-Mart Stores, lessee ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."): (1) to permit the amendment of the approved plan and the Order associated with Case No. 2012-0192-A as is necessary in connection with the signage variances requested herein; and (2) to permit the amendment of the approved plan and the Order associated with Case No. 2011-0249-A as is necessary in connection with the parking variance requested herein.

A Petition for Variance seeks: <u>WALL-MOUNTED ENTERPRISE SIGNS</u> (1) To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart store, in lieu of the three (3) total wall-mounted enterprise signs permitted for a single premises; (2) To permit six (6) total wall-mounted enterprise signs along the front façade of the existing Wal-Mart store in lieu of the two (2) permitted along a single façade; and (3) To permit one (1) wall-mounted enterprise sign approximately 157.90 sq. ft. in area in lieu of the maximum 150 sq. ft. permitted for a single sign.

ORDER	RECEIVED FOR FILING
Date	12-18-17
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<u>PARKING:</u> (1) To permit a total of 661 parking spaces (4.11 spaces per 1,000 sq. ft. of floor area) in lieu of the 805 parking spaces (5.0 spaces per 1,000 sq. ft. of floor area) required under the B.C.Z.R.to serve the existing Wal-Mart store on the subject property.

This case involves the Wal-Mart store which opened recently on Liberty Road in the Randallstown area. A cursory review of the Petition would suggest this case is complex, but in fact only minor changes are proposed at the site. Essentially, as discussed below, the case involves three variance requests for signage at the Wal-Mart, and the requests are in keeping with other signage packages approved for Wal-Mart stores in Baltimore County. Counsel explained Wal-Mart is introducing a service at this store where customers can order groceries online and pick them up at the store in an area designated for that purpose. A sign will be installed on the side of the store (which requires a variance) directing customers to a grocery pick up area. Six parking spaces will be earmarked for that purpose. The Office of Zoning Review (OZR) informed Petitioners those six spaces could not be counted in the parking total for the site, and thus a parking variance was required. Further details can be found on the site plan marked and accepted into evidence as Petitioners' Exhibit 1.

Professional engineer Melanie DeFazio appeared in support of the requests. Thomas C. Kleine, Esq. represented Wal-Mart. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request.

SPECIAL HEARING

The special hearing requests are essentially housekeeping matters. That is, the OZR prefers that site plans be amended and updated to reflect a property's zoning history. Site plans were

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previously approved for this Wal-Mart store in 2011 and 2012 zoning hearings, and Petitioners seek an amendment of those plans to reflect the signage and parking variance relief granted herein. As such the petition for special hearing will be granted.

<u>VARIANCE</u>

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 has an irregular shape and was found to be unique in two recent zoning cases. As such I believe Petitioners have satisfied this prong of the variance requirements. The variance requests are relatively minor, and the appearance and use of the site will not change in any material fashion. As such, I do not believe granting the requests will have a detrimental impact upon the community, and the petition will be granted.

THEREFORE, IT IS ORDERED this <u>18th</u> day of **December**, 2017, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R"): (1) to permit the amendment of the approved plan and the Order associated with Case No. 2012-0192-A as is necessary in connection with the signage variances requested herein; and (2) to permit the amendment of the approved plan and the Order associated with Case No. 2011-0249-A as is necessary in connection with the parking variance requested herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To permit eight (8) total wall-mounted enterprise signs (the existing Wal-Mart sign with the "spark" logo on the front

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ORDER RECEIVED FOR FILING

façade of the store, identified as Sign #1, shall be considered one sign) on the existing Wal-Mart store, in lieu of the three (3) total wall-mounted enterprise signs permitted for a single premises; (2) To permit six (6) total wall-mounted enterprise signs along the front façade of the existing Wal-Mart store in lieu of the two (2) permitted along a single façade; (3) To permit one (1) wall-mounted enterprise sign approximately 157.90 sq. ft. in area in lieu of the maximum 150 sq. ft. permitted for a single sign; (4) To permit a total of 661 parking spaces (4.11 spaces per 1,000 sq. ft. of floor area) in lieu of the 805 parking spaces (5.0 spaces per 1,000 sq. ft. of floor area) required under the B.C.Z.R. to serve the existing Wal-Mart store on the subject property, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln

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Date	2-18-17
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PETITION FOR ZONING HEARING(S) To be filed with the Department of Permits, Approvals and Inspections To the Office of Administrative Law of Baltimore County for the property located at: Address 8730 Liberty Road which is presently zoned BMCC Deed References: 79/0211 10 Digit Tax Account # 2 5 0 0 0 4 8 7 6 8 Property Owner(s) Printed Name(s) Cole WM Randalistown MD, LLC (SELECT THE HEARING(S) BY MARKING \underline{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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve Please see attacked. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for 3.X a Variance from Section(s) Please see attached. 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) 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: Legal Owners (Petitioners): Please see attached Please see attached Name-Type or Print Name #1 - Type or Print Name #2 - Type or Print Signature Signature #1 Signature # 2 Mailing Address State Mailing Address City State Zip Code Telephone # Email Address Zip Code Telephone # Email Address Attorney for Petitioner: Representative to be contacted: Thomas C. Kleine, Esq., Troutman Sanders LLP Attorney for Petitioner Name-Type or Print Name - Type or Print Signature Signature 222 Central Park Ave., Ste. 2000 Virginia Beach **Mailing Address** Malling Address City State (757) 687-7789 tom.kleine@troutmansanders.com 23462 Zip Code Telephone # Email Address Zlp Code Telephone # Email Address CASE NUMBER 2018-0110-0848 Filing Date 19 17 Do Not Schedule Dates:

REV. 10/4/11

Petition for Variance Signature Page

8730 Liberty Road

LESSEE:	
WAL-MART STORES EAS	ST, LP
By: Levese W	
Print: Teresa Hibbard	
Its: Director of PMO	

Petition for Variance Signature Page

8730 Liberty Road

LEGAL OWNER: COLE WM RANDALLSTOWN MD, LLC

By: Cole Real Estate Income Strategy (Daily NAV) Advisors, LLC

Print: Todd J. Weiss

Its: General Counsel, Real Estate

Petition for Variances and Special Hearing

8730 Liberty Road

I. Variances

1.0

A. Wall-Mounted Enterprise Signs.

- (i) The Petitioner requests a variance from Section 450.4 Attachment 1, 5(a) of the County Zoning Regulations to permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart store, in lieu of the three (3) total wall-mounted enterprise signs permitted for a single premises.
- (ii) The Petitioner requests a variance from Section 450.4 Attachment 1, 5(a) of the County Zoning Regulations to permit six (6) total wall-mounted enterprise signs along the front façade of the existing Wal-Mart store, in lieu of the two (2) permitted along a single façade.
- (iii) The Petitioner requests a variance from Section 450.4 Attachment 1, 5(a) of the County Zoning Regulations to permit one (1) wall-mounted enterprise sign approximately 157.90 square feet in area, in lieu of the maximum 150 square feet permitted for a single sign.
- B. Parking. For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests a variance from Section 409.6, (2) of the Baltimore County Zoning Regulations to permit a total of 661 parking spaces (4.37 spaces per 1,000 square feet of floor area) in lieu of the 805 parking spaces (5.0 spaces per 1,000 square feet of floor area) required under the Zoning Ordinance to serve the existing Wal-Mart store on the subject property.

II. Special Hearing.

- A. Amendment of Zoning Case No. 2012-0192-A. For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests a special hearing to permit the amendment of the approved plan and the Order associated with Zoning Case No. 2012-0192-A as is necessary in connection with the signage variances requested in Item I(A), above.
- B. Amendment of Zoning Case No. 2011-0249-A. For reasons that will be more specifically addressed at a hearing before the County Zoning Commissioner, the Petitioner requests a special hearing to permit the amendment of the approved plan and the Order associated with Zoning Case No. 2011-0249-A as is necessary in connection with the parking variance requested in Item I(B), above.

ZONING DESCRIPTION FOR 8730 LIBERTY ROAD

Beginning at a point on the south side of Brenbrook Drive which is 70 feet wide at a distance of 574 feet east of the centerline of the nearest improved intersecting street Liberty Road which is 80 feet wide.

Being Lot #2 in the subdivision of Liberty Plaza as recorded in Baltimore County Plat Book #79, Folio #211, containing 791,775 square feet or 18.18 acres. Located in the Second Election District and Fourth Council District.

I, John V. Mettee III, a professional land surveyor, MD license #10851, was in direct responsible charge over the preparation of this zoning description on 05/17/2017. My current license expires on 04/04/2018.





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 5303522

Sold To:

Troutman Sanders LLP - CU00628511 222 Central Park Ave Ste 2000 Virginia Beach, VA 23462-3038

Bill To:

Troutman Sanders LLP - CU00628511 222 Central Park Ave Ste 2000 Virginia Beach, VA 23462-3038

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

Nov 21, 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: # 2018-0110-SPHA

8730 Liberty Road

Case: # 2018-0110-SPHA
8730 Liberty Road
S/s Brenbrook Road, east of centerline of Liberty Road
S/s Brenbrook Road, east of centerline of Liberty Road
2nd Election District - 4th Councilmanic District
Legal Owner(s) Cold WM Randalistown MD, LLC
Contract Purchaser/Lessee: Wal-Mart Stores East, LP
Special Hearing 1. To permit the amendment of the
approved plan and the Order associated with zoning
Case No. 2012-0192-A as is necessary in connection with
the signage variances requested in item 1. (A) above. 2.
To permit the amendment of the approved plan and the
Order associated with Zoning Case No. 2011-0249-A as
is necessary in connection with the parking variance
requested in item 1. (B) above. Variance WALL-MOUNTED
ENTERPRISE SIGNS 1. To permit eight (8) total wall-mounted
enterprise signs on the existing Wal-Mart store, in lieu of
the three (3) total wall-mounted enterprise signs permitted
for a single premises. 2. To permit six (6) total wall-mounted
enterprise signs along the front facade of the existing
Wal-Mart store in lieu of the two (2) permitted along a single
facade. 3. To permit one (1) wall-mounted enterprise sign
approximately 157.90 sq. ft. in area in lieu of the maximum
150 sq. ft. permitted for a single sign. PARKING 1. To permit
a total of 661 parking spaces (4.37 spaces per 1,000 sq. ft. of floor area) required under the Zoning
Ordinance to serve the existing Wal-Mart store on the
subject property.
Hearing: Tuesday, December 12, 2017 at 1:30 p.m. in

subject property.

Hearing: Tuesday, December 12, 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 11/656 November 21 530352

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/23/2017

Case Number: 2018-0110-SPHA

Petitioner / Developer: KURT RUBENACKER, EIT of KIMLEY-HORN ~

THOMAS KLEINE

Date of Hearing: DECEMBER 12, 2017

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

(1) SET OF SIGNS POSTED @ BRENBRROK RD. ENTRANCE

(1) SET OF SIGNS POSTED @ CHURCH LANE ENTRANCE

AKA - 8730 LIBERTY ROAD

The sign(s) were posted on: NOVEMBER 22, 2017



Brenbrook Road Entrance

Keefe (Signature of Sign Poster)

(Signature of Sign Foster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster



Sign #1

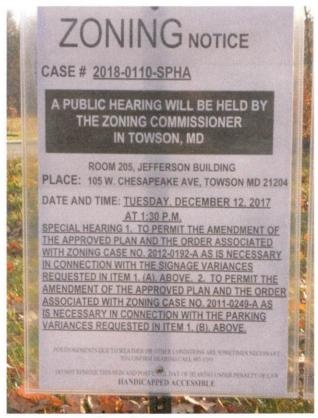


Sign #3 Brenbrook Rd. Entrance

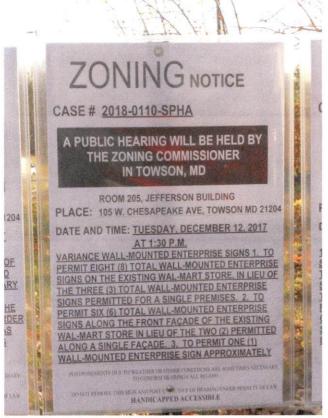
Sign #2



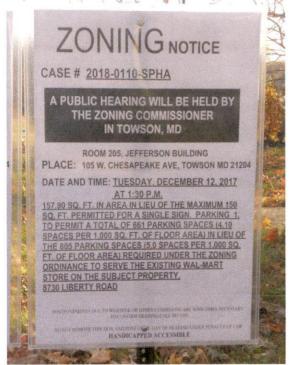
Church Lane Entrance



Sign #1



Sign # 2 Church Lane Entrance



Sign #3 Church Lane Entrance



KEVIN KAMENETZ October^C26^t, 2U17^{ttive}

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0110-SPHA

8730 Liberty Road

S/s Brenbrook Road, east of centerline of Liberty Road

2nd Election District – 4th Councilmanic District

Legal Owners: Cold WM Randallstown MD, LLC

Contract Purchaser/Lessee: Wal-Mart Stores East, LP

Special Hearing 1. To permit the amendment of the approved plan and the Order associated with zoning Case No. 2012-0192-A as is necessary in connection with the signage variances requested in Item 1. (A), above. 2. To permit the amendment of the approved plan and the Order associated with Zoning Case No. 2011-0249-A as is necessary in connection with the parking variance requested in Item 1. (B), above. Variance WALL-MOUNTED ENTERPRISE SIGNS1. To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart store, in lieu of the three (3) total wall-mounted enterprise signs permitted for a single premises.

2. To permit six (6) total wall-mounted enterprise signs along the front façade of the existing Wal-Mart store in lieu of the two (2) permitted along a single façade. 3. To permit one (1) wall-mounted enterprise sign approximately 157.90 sq. ft. in area in lieu of the maximum 150 sq. ft. permitted for a single sign. PARKING 1. To permit a total of 661 parking spaces (4.37 spaces per 1,000 sq. ft. of floor area) in lieu of the 805 parking spaces (5.0 spaces per 1,000 sq. ft. of floor area) required under the Zoning Ordinance to serve the existing Wal-Mart store on the subject property.

Hearing: Tuesday, December 12, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Thomas Kleine, 222 Central Park Avenue, Ste. 2000, Virginia Beach VA 23462

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 22, 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.

RE: PETITION FOR SPECIAL HEARING AND VARIANCE 8730 Liberty Road; S/S Brenbrook Drive, 574' E of c/line of Liberty Road 2nd Election & 4th Councilmanic Districts Legal Owner: Cole WM Randallstown MD LLC Contract Purchaser(s): Walmart Stores East LP* Petitioner(s)

BEFORE THE OFFICE

OF ADMINSTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

2018-110-SPHA

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zummerman

PETER MAX ZIMMERMAN People's Counsel for Baltimore County

Conte S Vemlio CAROLE S. DEMILIO

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

RECEIVED

OCT 2 4 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Thomas Kleine, Esquire, Troutman Sanders LLP, 222 Central Park Avenue, Suite 2000, Virginia Beach, VA 23462, Attorney for Petitioner(s).

> Peter Max Zimmerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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.

Case Number: 2018 - 0110 - SP4 >	
Property Address: 8730 Liberty Road	
Property Description: Tax Account No. 2500008768	
Legal Owners (Petitioners): Cole WM Randallstown MD, LLC	
Contract Purchaser/Lessee: Wal-Mart Stores East, LP	
PLEASE FORWARD ADVERTISING BILL TO:	
Name: Thomas C. Kleine, Esq.	
Company/Firm (if applicable): Troutman Sanders LLP	
Address: 222 Central Park Ave., Suite 2000, Virginia Beach, VA 23462	
Telephone Number: (757) 687-7789	





Tuesday, November 21, 2017 Issue - Jeffersonian

Please forward billing to:

Thomas Kleine, Esa. Troutman Sanders LLP 222 Central Park Avenue, Ste. 2000 Virginia Beach, VA 23462

757-687-7789

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: 2018-0110-SPHA

8730 Liberty Road

S/s Brenbrook Road, east of centerline of Liberty Road

2nd Election District – 4th Councilmanic District Legal Owners: Cold WM Randallstown MD, LLC

Contract Purchaser/Lessee: Wal-Mart Stores East, LP

Special Hearing 1. To permit the amendment of the approved plan and the Order associated with zoning Case No. 2012-0192-A as is necessary in connection with the signage variances requested in Item 1. (A), above. 2. To permit the amendment of the approved plan and the Order associated with Zoning Case No. 2011-0249-A as is necessary in connection with the parking variance requested in Item 1. (B), above. Variance WALL-MOUNTED ENTERPRISE SIGNS1. To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart store, in lieu of the three (3) total wall-mounted enterprise signs permitted for a single premises. 2. To permit six (6) total wall-mounted enterprise signs along the front façade of the existing Wal-Mart store in lieu of the two (2) permitted along a single façade. 3. To permit one (1) wall-mounted enterprise sign approximately 157.90 sq. ft. in area in lieu of the maximum 150 sq. ft. permitted for a single sign. PARKING 1. To permit a total of 661 parking spaces (4.37 spaces per 1,000 sq. ft. of floor area) in lieu of the 805 parking spaces (5.0 spaces per 1,000 sq. ft. of floor area) required under the Zoning Ordinance to serve the existing Wal-Mart store on the subject property.

Hearing: Tuesday, December 12, 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.

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

December 6, 2017

Cole Wm Randallstown MD LLC Cole Real Estate Income Strategy (Daily NAV) Advisors LLC Todd Weiss 8730 Liberty Road Randallstown MD 21133

RE: Case Number: 2018-0110 SPHA, Address: 8730 Liberty Road

Dear Mr. Weiss:

The above referenced petition was accepted for processing ONLY by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 17, 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

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel Wal-Mart Stores East LP, Teresa Hibbard, 8730 Liberty Road, Randallstown MD 21133 Thomas C Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach VA 23462



Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 10/23/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on which was received on which was received on which was received on which with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Varionco, Case Number 2018-0110-5P+14

Social Heaving Varion 2

Wal Mirt Stones East LD,

8-730 L. Derty Road.

+1826

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

Sincerely,

Wendy Wolcott, P.L.A.

Metropolitan District Engineer

Maryland Department of Transportation

State Highway Administration

District 4 - Baltimore and Harford Counties

WW/RAZ

DATE: 11/6/2017

RECEIVED

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case Number: 18-110

INFORMATION:

Property Address:

8730 Liberty Road

Petitioner:

Cole Real Estate Income Strategy, Todd J. Weiss

Zoning:

BM-CCC

Requested Action:

Special Hearing, Variances

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the administrative law judge (ALJ) should permit the amendment to the approved plan and order in zoning cases 2011-0249-A and 2012-0192-A and also the petition for variance to permit relief to signage and parking regulations as listed on the attachment filed in support of the petition.

A site visit was conducted on October 30, 2017.

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

Please be advised that there is a discrepancy in the petitioners' parking calculation. The petitioners represent the provided parking ratio at 4.37 spaces per 1000 sq. ft. gross floor area (GFA) while staff calculates a ratio of 4.11 spaces per 1000 sq. ft. GFA. The Department recommends that either figure, as confirmed correct by the ALJ, provides sufficient parking.

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

Prepared by:

Division Chief:

Kathy Carlabach

AVA/KS/LTM/ka

c: Pat McDougall

Thomas C. Kleine, Esquire, Troutman Sanders, LLP

Office of the Administrative Hearings

Lloyd T. Moxley

People's Counsel for Baltimore County

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:

October 30, 2017

SUBJECT:

DEPS Comment for Zoning Item

Address

2018-0110-SPHA

8730 Liberty Road

(Cole Wm Randallstown Md., LLC

Property)

Zoning Advisory Committee Meeting of October 30, 2017.

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

Reviewer:

Steve Ford

Date: 10-30-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 1, 2017

Department of Permits, Approvals

And Inspections

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 30, 2017

Item No. 2018-0108-A, 0110-SPHA, 0111-SPHXA and 0112-SPH

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

VKD: efc cc: file

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO:

Arnold Jablon

DATE: 11/6/2017

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

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INFORMATION:

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Prepared_by

Division Chief:

AVA/KS/LTM/ka

c: Pat McDougall

Thomas C. Kleine, Esquire, Troutman Sanders, LLP Office of the Administrative Hearings People's Counsel for Baltimore County

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:

October 30, 2017

SUBJECT:

DEPS Comment for Zoning Item

2018-0110-SPHA

Address

8730 Liberty Road

(Cole Wm Randallstown Md., LLC

Property)

Zoning Advisory Committee Meeting of October 30, 2017.

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

Reviewer:

Steve Ford

Date: 10-30-2017

troutman.com



Thomas Chandler Kleine

Partner
D 757.687.7789
F 757.687.1512
thomas.kleine@troutman.com
Admitted: DC, MD, VA

December 4, 2017

VIA FEDERAL EXPRESS

Mr. Arnold Jablon
Director, Department of Permits, Approvals and Inspection c/o Zoning Review
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

Re: Petition for Special Hearing and Variance - 8730 Liberty Road Case Number: 2018-0110-SPHA

Dear Mr. Jablon:

I am writing on behalf of Wai-Mart Stores East, LP, the applicant ("Applicant") in the above-referenced matter, currently scheduled to be heard on December 12, 2017 at 1:30 p.m. I am respectfully requesting a continuance so the Applicant and property owner may further evaluate the proposed development plans for the property that is the subject of the Application. I will be in touch with your office when the Applicant and property owner are prepared to have a specific date established for the hearing.

I understand that the matter has already been advertised and the Applicant will be responsible for costs associated with adverting the new hearing date.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions concerning this request.

Sincerely.

Thomas Chandler Kleine

Thomas C. Clani

cc. Peter Max Zimmerman, Esq. (via Federal Express)
People's Counsel for Baltimore County
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204

Kristen L Lewis

From:

Kristen L Lewis

Sent:

Wednesday, December 06, 2017 9:34 AM

To:

'Kleine, Thomas Chandler'

Subject:

RE: Request for Continuance on behalf of Wal-Mart Stores East, LP

Good Morning Mr. Kleine,

I spoke with Mr. Arnold Jablon, Director of PAI, yesterday afternoon, he still had not received a copy of your request. However, after reviewing the file, he indicated that he would not approve the postponement request due to the timing of the hearing. He advised that you attend the hearing (in the instance that someone from the public attends, because of the advertisement, publication and online posting) and request a postponement at that time, and allow Judge Beverungen to grant the request. If you have any questions, feel free to contact me. Thank you,

Kristen Lewis PAI – Zoning Review 410-887-3391

From: Kleine, Thomas Chandler [mailto:tom.kleine@troutmansanders.com]

Sent: Monday, December 04, 2017 4:34 PM

To: Kristen L Lewis <klewis@baltimorecountymd.gov>

Subject: Request for Continuance on behalf of Wal-Mart Stores East, LP

Please see the attached request for a continuance. As specified in the letter, we are not requesting a specific time for the rescheduling of the hearing.

Thank you,

Tom Kleine

Thomas Chandler Kleine troutman sanders
Direct: 757.687.7789

tom.kleine@troutman.com

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JB 2-3-12

IN RE: PETITION FOR VARIANCE

Liberty Road, at the SE corner of Church Lane and Brenbrook Drive 2nd Election District 4th Council District (8700 Liberty Road)

New Plan Maryland Holdings, LLC Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0192-A

REVISED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County by way of a remand Order issued by the Board of Appeals of Baltimore County on May 31, 2012.

By way of background, the previous Opinion and Order issued by this Office granted Petitioner's variance relief with respect to several signs at the proposed Walmart on Liberty Road. Thereafter, People's Counsel for Baltimore County noted an appeal of that Order, and expressed concerns with the size of a free-standing joint identification sign proposed for the store, which was identified as Sign 7 on Petitioner's site plan. Apparently, after the appeal was filed, the parties met and agreed to reduce the size of Sign 7 from 281.67 square feet down to a maximum area of 255 square feet, as depicted on Exhibit 1 attached hereto and incorporated herein by reference.

As noted in the original Opinion and Order, there were no Protestants in attendance at the original zoning hearing, nor did the file contain any letters of opposition or protest from neighbors or community associations. In fact, the only comments received were from the County's Department of Planning, which expressed strong support for the project.

Given the absence of opposition expressed at the earlier hearing, and the fact that the revised Order will reduce the scope of variance relief previously granted in the April 4, 2012 Order,

this matter can be considered and concluded without the necessity of an additional public hearing.

THEREFORE, IT IS ORDERED, this ______ day of June, 2012 by this Administrative Law Judge that the Opinion and Order issued in the above-captioned case on April 4, 2012, be and is hereby revised, as follows:

Pursuant to B.C.Z.R. § 450.4 Attachment 1, number 7(b), the Petitioner is granted variance relief to erect a free-standing joint identification sign with a maximum sign area/face of 255 square feet, in lieu of the 281.67 square feet granted in the earlier Order. (Referenced as Sign 7 on Petitioner's Exhibit 1).

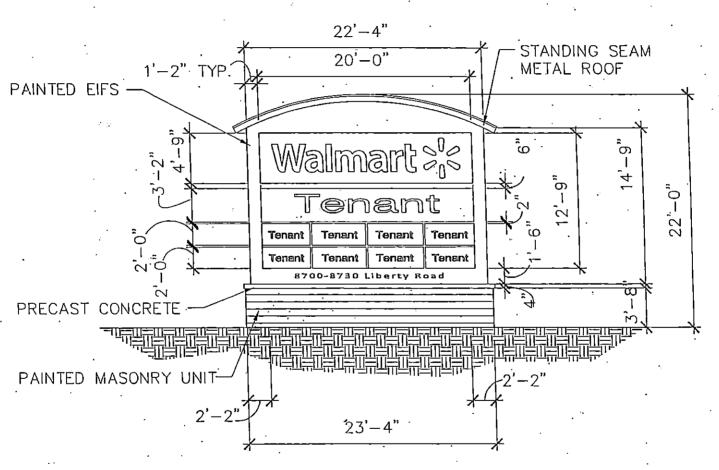
The relief granted herein shall be subject to the following:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

JOHN E BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:pz



 $20'-0" \times 12'-9" = 255 \text{ sf}$

NB 4-3-12

IN RE: PETITION FOR VARIANCE

Liberty Road, at the SE corner of Church Lane and Brenbrook Drive 2nd Election District 4th Council District (8700 Liberty Road)

New Plan Maryland Holdings, LLC Petitioner BEFORE THE

OFFICE OF ADMINISTRATIVE

* HEARINGS FOR*

* BALTIMORE COUNTY

* CASE NO. 2012-0192-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by New Plan Maryland Holdings, LLC. The Petitioner is requesting Variance relief under the Baltimore County Zoning Regulations ("B.C.Z.R.") with respect to several signs at the proposed Walmart on Liberty Road, as follows:

- Section 450.4 Attachment 1, 7(b) to permit a freestanding joint identification sign with a maximum sign area/face of 281.67 square feet in lieu of the maximum permitted 150 square feet (Sign 7 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (Signs 1-6 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) to permit 5 wall-mounted enterprise signs on the front building façade in lieu of the maximum 2 signs permitted on a façade (Signs 1-4 on Petitioner's site plan); and
- Section 450.4 Attachment 1, 5(a) to permit a wall-mounted enterprise sign with a sign area/face of 298 square feet in lieu of the maximum permitted 150 square feet. (Sign 1 of the Petitioner's site plan).

The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request were Bill Greimel with Centro Properties Group, Brian M. Conlon with Langan Engineering and Environmental Services, the engineering firm that prepared the site plan, and Jim Higgins with MMA Architects. Patricia A. Malone, Esquire and Brian Hammock, with Venable, LLP, represented the Petitioner. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of opposition or protest.

Testimony and evidence revealed that the subject property is approximately 25.88 acres in size, and contains the Liberty Plaza Shopping Center. Petitioner proposes to construct a Walmart Supercenter on the site (construction should be completed in September 2012) and will in other respects revitalize the aging strip shopping center.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The only substantive comment was received from the Department of Planning, dated March 2, 2012, wherein that agency expressed enthusiastic support for the project.

Based upon the testimony and evidence presented, I will grant the request for variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioners.

Under Cromwell and its progeny, to obtain variance relief requires a showing that:

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

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

The Petitioner has satisfied this test.

The large site is of irregular dimensions, and its frontage on Liberty Road is partially obstructed by two parcels of property — with improvements — owned by unrelated third parties. In addition, the Walmart store is positioned on the northern portion of the site, farthest removed from Liberty Road. As such, an increase in the number and size of signs for the Supercenter is justified so that motorists on Liberty Road will be able to see the signage and navigate to the appropriate area (i.e., "Pharmacy", "Outdoor Living") of the large store.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the Department of Planning's support for the project, and the absence of any opposition from neighbors or community groups.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioner, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, this 4th day of April, 2012 by this Administrative Law Judge that Petitioner's Variance request under the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- Section 450.4 Attachment 1, 7(b) to permit a freestanding joint identification sign with a
 maximum sign area/face of 281.67 square feet in lieu of the maximum permitted 150 square
 feet (Sign 7 on Petitioner's Exhibit 1); and
- Section 450.4 Attachment 1, 5(a) to permit 7 wall-mounted enterprise signs on the building in lieu of the maximum 3 signs permitted on a building (Signs 1-6 on Petitioner's Exhibit 1);

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- Section 450.4 Attachment 1, 5(a) to permit a wall-mounted enterprise sign with a sign area/face of 298 square feet in lieu of the maximum permitted 150 square feet. (Sign 1 on Petitioner's Exhibit 1);

be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for its building permit and may be granted same upon receipt of this Order. However the Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

Administrative Law Judge

for Baltimore County

JEB:dlw



Support/Oppose/

CHECKLIST

Comment Received	Department	Conditions/ Comments/ <u>No Comment</u>
11/1	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	trommos on
10/30	DEPS (if not received, date e-mail sent)	trommas an
	FIRE DEPARTMENT	mahortim
11/13	PLANNING (if not received, date e-mail sent)	27 Comme
10/33	STATE HIGHWAY ADMINISTRATION	10 Objection
	TRAFFIC ENGINEERING	
ii ii	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ON (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	TERTISEMENT Date:	C'hoolo
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Comments, if any: _		



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Case No.: _	2018-0110-	SPHA	- 18/8	
v	Exhibit Sheet		1/10	^
	Petitioner/Developer	Protestant	03/2/8	

Exhibit Sheet

Petitioner/Developer	r
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No. 1	Plan	
No. 2	Sign renderings	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



COLOR ELEVATIONS

Randallstown, MD STORE #3804

Issued:

June 23, 2017

Pet. No. 2





ENLARGED ELEVATION

ENLARGED PICKUP SIGN RENDERING







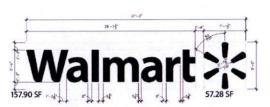


FRONT ELEVATION

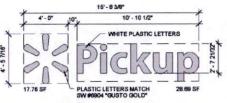
June 23, 2017



Walmart :



1. BUILDING SIGNAGE - EXISTING



2. BUILDING SIGNAGE - PROPOSED NEW SIGNAGE

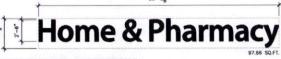
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MARKET	1	WHITE	28.17	SF	28.17	SF	MARKET (ETR)	1	N/A	WHITE	2-6*	28.17	SF	28.17	SF
HOME & PHARMACY	1	WHITE	97.68	SF	97.66	SF	HOME & PHARMACY (ETR)	1	N/A	WHITE	2-6*	97.86	SF	97.66	
OUTDOOR LIVING	1	WHITE	77.17	SF	77.17	SF	OUTDOOR LIVING (ETR)	1	N/A	WHITE	2-8	77.17	SF	77.17	SF
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3. BUILDING SIGNAGE - EXISTING



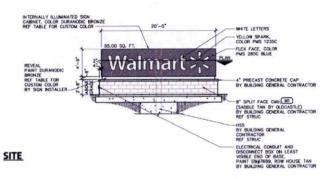
5. BUILDING SIGNAGE - EXISTING

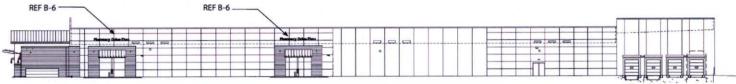


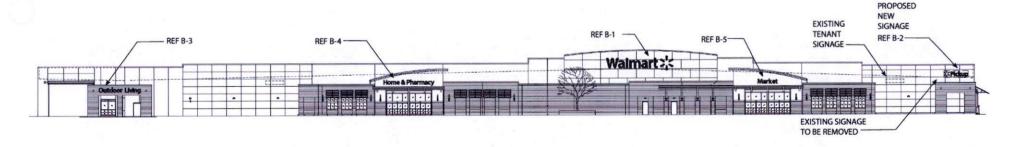
4. BUILDING SIGNAGE -EXISTING



6. BUILDING SIGNAGE - EXISTING

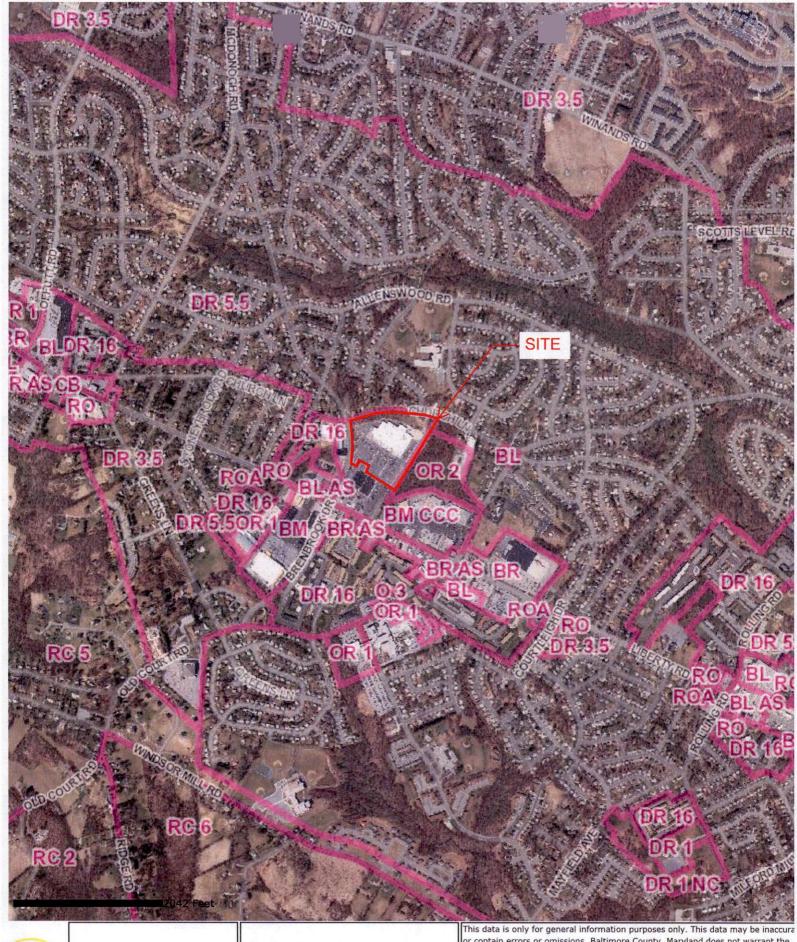














My Neighborhood Map

Created By Baltimore County My Neighborhood This data is only for general information purposes only. This data may be inaccura or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of

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