

M E M O R A N D U M

DATE: March 2, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0125-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on March 1, 2018. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(2399 North Point Boulevard) *
15th Election District
7th Council District *

North Point Shopping Center, LLC and *
Wal-Mart Real Estate Business Trust
Legal Owners *
Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0125-SPHA

* * * * *

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 North Point Shopping Center, LLC and Wal-Mart Real Estate Business Trust, legal owners ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR") to amend prior zoning and development approvals with respect to the subject property.

In addition, a petition for variance seeks: (1) To permit eight (8) 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; (2) To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart Store in lieu of the three (3) total permitted for a single premises; (3) To permit a second freestanding joint identification sign along the shopping center's North Point Road frontage instead of the one sign permitted along this frontage; and (4) To permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 ft. in lieu of the 143 ft. average front yard setback of adjacent properties. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Joe Caloggero with The Traffic Group, Chris Carlson and Ray Stubblefield, both with LK Architecture, and Mark S. Stires with Bowman Consulting, appeared in support of the requests.

Thomas C. Kleine, Esq. with Troutman Sanders LLP, represented the Petitioners. There were no

ORDER RECEIVED FOR FILING

Date 1-30-18

By [Signature]

protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning ("DOP") and the Bureau of Development Plans Review ("DPR"). Neither agency opposed the requests.

In this case Wal-Mart proposes to expand the footprint of its store to provide additional retail sales area. The parking area serving the Wal-Mart would be reconfigured, and the adjacent retail strip-center would have its footprint reduced, to accommodate additional parking for the Wal-Mart. The variance requests primarily concern signage for the Wal-Mart, and counsel noted the sign package would be similar to the one recently approved in Case No. 2018-0110-SPHA for the Randallstown Wal-Mart.

SPECIAL HEARING

The special hearing requests are essentially "housekeeping" measures, in that they request prior zoning and development approvals for this property to be amended to reflect the relief granted herein. Such requests are often included at the behest of the Office of Zoning Review; that agency prefers to have an updated site plan for all commercial projects which reflects the current status of improvements on the property. This is a reasonable request, and the petition for special hearing will be granted.

VARIANCES

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).

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By [signature]

Former Zoning Commissioner Wiseman found the property to be unique in a prior zoning case (Case No. 2010-0302-SPHA) and that finding is equally applicable in this matter. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to complete the proposed expansion of the store. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of Baltimore County and community opposition.

As noted in the DOP's ZAC comment, there is some confusion concerning the number of proposed wall-mounted signs. The confusion stems from whether the Wal-Mart sign with "spark" logo on the front façade counts as one or two signs, and whether an "Auto Center" sign on the western wall of the building is exempt from the sign regulations. As to the latter issue, former Zoning Commissioner Wiseman recognized the existing auto center sign is not visible from the highway. See Order in Case No. 2010-0302-SPHA, page 5, note 4. As such it is exempt from the sign regulations. BCZR § 450.2.C. As noted in Case No. 2018-0110-SPHA, I believe the Wal-Mart sign and "spark" logo, even though spaced more than 1 ft. apart, should count as one sign. Thus, the front façade of the building would have seven (7) wall-mounted signs in lieu of the permitted three (3) signs for a single premises, as follows:

- | | | |
|----------------------------|---|---|
| • Wal-Mart and "spark" | = | 1 |
| • Subway | = | 1 |
| • Auto Center (with arrow) | = | 1 |
| • Grocery | = | 1 |
| • Pickup and "spark" | = | 1 |
| • Home and Pharmacy | = | 1 |
| • Lawn and Garden | = | 1 |

ORDER RECEIVED FOR FILING

Date 1-30-18

By EW

THEREFORE, IT IS ORDERED this 30th day of **January, 2018**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("BCZR"), to approve a modification of the Development Plan approved in a prior case (Case Nos. XV-688 and 97-354-X) and a site plan approved in Case No. 2010-0302-SPHA, to reflect the relief granted herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) To permit seven (7) total wall-mounted enterprise signs (as shown on the "Proposed Building Signage" exhibit marked and admitted herein as Petitioners' Exhibit 2) along the front façade of the existing Wal-Mart store in lieu of the two (2) permitted along a single façade; (2) To permit seven (7) total wall-mounted enterprise signs on the existing Wal-Mart Store in lieu of the three (3) total permitted for a single premises; (3) To permit a second freestanding joint identification sign along the shopping center's North Point Road frontage instead of the one sign permitted along this frontage; and (4) To permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 ft. in lieu of the 143 ft. average front yard setback of adjacent properties, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site.
3. Prior to issuance of permits, Petitioners must remove from the premises all temporary signage erected without permit(s) and any shipping containers on the site.

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Date 1-30-18

By [Signature]

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 1-30-18

By dlw



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 2399 North Point Boulevard which is presently zoned BL/BLAS
Deed References: Please see attached. 10 Digit Tax Account # See attached.
Property Owner(s) Printed Name(s) Wal-Mart Real Estate Business Trust; North Shopping Center, LLC

(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. 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 attached.
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) 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:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Thomas C. Kleine, Esq., Troutman Sanders LLP

Name- Type or Print

Signature

222 Central Park Ave., Ste. 2000, Virginia Beach, VA

Mailing Address

City

State

23462

(757) 687-7789

tom.kleine@troutmansanders.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

See attached.

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:

Same as Attorney for Petitioner

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2018-0125-SPHA Filing Date 11/2/2017

Do Not Schedule Dates:

Reviewer tu

**Petition for Variance
Signature Page**

2399 North Point Boulevard

LEGAL OWNER:

NORTH POINT SHOPPING CENTER, LLC

By: 

Print: Baran Band

Its: Authorized Signer for Owner

Petition for Variance
Signature Page

2399 North Point Boulevard

LEGAL OWNER:

WAL-MART REAL ESTATE BUSINESS TRUST

By: Thomas C. Klein, Esq.
Print: Thomas C. Klein, Esq.
Its: Counsel to Applicant

ACCOUNT NUMBER**DEED REFERENCE**

1518103120	12952/64
1518103100	12952/74
1518103130	12952/79
1518103110	12952/59
1519391791	21493/736
1519391790	12952/84

Petition for Variances and Special Hearing

2399 North Point Road

I. Variances. For reasons that will be more specifically addressed at a hearing before the Administrative Law Judge, the Petitioner requests the following:

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 along the front façade of the existing Wal-Mart store, in lieu of the two (2) permitted along a single façade.

(ii) 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 permitted for a single premises.

B. Freestanding Enterprise Sign. The Petitioner requests a variance from Section 450.4 Attachment 1, 7(b) of the County Zoning Regulations to permit a second freestanding joint identification sign along the shopping center's North Point Road Frontage, instead of the one sign permitted along this frontage.

C. Building Setback. The Petitioner requests a variance from Section 303.2 of the County Zoning Regulations to permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 feet, in lieu of the 143 foot average front yard setback of adjacent properties.

II. Special Hearing.

A. Modification of Development Plan Approval. 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 modification of approved Development Plan (Case Nos. XV-688 and 97-354-X) (DRC No. 062402V) for an existing Wal-Mart store and adjacent commercial buildings to accommodate (i) the extension of the footprint of the Wal-Mart store northward for additional retail sales area, (ii) the re-configuration of the parking area serving the Wal-Mart store, and (iii) a reduction in the footprint of the adjacent retail strip-center to accommodate additional parking area for the Wal-Mart store.

B. Amendment of Zoning Case No. 2010-0302-SPHA. 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. 2010-0302-SPHA as is necessary in connection with the signage variances requested in Items I(A) and I(B), above.

ZONING DESCRIPTION

BEGINNING FOR THE SAME AT X-CUT SET ON THE NORTHSIDE OF NORTH POINT ROAD, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY, AT A DISTANCE OF 40 FEET SOUTH-EASTERLY OF THE CENTERLINE OF CEDAR ROAD WHICH IS 50 FEET WIDE; THENCE LEAVING SAID ROAD AND BINDING WITH THE PROPERTY BEING DESCRIBED HEREIN WITH BEARINGS REFERENCED TO MARYLAND DATUM NAD 1983, THE FOLLOWING COURSES AND DISTANCES

N 37°37'06" E 248.22 FEET TO AN IRON PIPE FOUND; THENCE

N 37°39'29" E 605.65 FEET TO AN X-CUT SET ON THE SOUTH SIDE OF NORTH POINT BOULEVARD, ROUTE 151, WHICH IS 150 FEET WIDE, AT A DISTANCE OF 2,080 FEET SOUTH-EASTERLY OF THE CENTERLINE OF MERRITT BOULEVARD, ROUTE 157, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY; THENCE WITH THE SOUTH SIDE OF NORTH POINT BOULEVARD, THE LIMITS OF THE PROPERTY BEING DESCRIBED HEREIN, THE FOLLOWING COURSES AND DISTANCES

S 58°20'00" E 1928.98 FEET TO A POINT; THENCE

S 31°40'00" W 27.00 FEET TO A REBAR & CAP SET; THENCE

S 58°20'00" E 59.33 FEET TO A REBAR & CAP SET; THENCE

S 55°02'31" W 684.33 FEET TO A REBAR & CAP SET ON THE NORTHERLY SIDE OF NORTH POINT ROAD, WHICH HAS A VARIABLE WIDTH RIGHT OF WAY; THENCE WITH SAID ROAD

87.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 339.00 FEET TO A REBAR & CAP SET; THENCE

N 80°40'39" W 90.00 FEET TO A REBAR & CAP SET; THENCE

295.76 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 961.00 FEET TO A X-CUT SET; THENCE

N 63°02'37" W 736.86 FEET TO A REBAR & CAP SET; THENCE

N 60°35'47" W 239.67 FEET TO A REBAR & CAP SET; THENCE

N 58°05'33" W 377.63 FEET THE POINT OF BEGINNING, CONTAINING 1,520,622 SQUARE FEET OR 34.4955 ACRES OF LAND MORE OR LESS.

BEING ALL THOSE SIX PARCELS OF LAND IN THE 15TH ELECTION DISTRICT CONVEYED BY VARIOUS GRANTORS TO WAL-MART REAL ESTATE BUSINESS TRUST BY DEEDS DATED JUNE 18, 1998 RECORDED IN DEED BOOK 12952 PAGES 59 THRU 88 AND ALL THOSE TWO PARCELS OF LAND CONVEYED TO NORTH POINT SHOPPING CENTER, LLC BY DEED DATED JUNE 28, 2004 RECORDED IN DEED BOOK 21493 PAGES 736 THRU 744 AND ALL THAT PARCEL CONVEYED TO MILLER REAL ESTATE COMPANY BY DEED DATED JANUARY 26, 1989 RECORDED IN DEED BOOK 8101 PAGES 712 THRU 715 ALL AMONG THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND.

0125-SPHA

THIS DESCRIPTION IS BASED ON A COMBINATION OF RECORDS AND FIELD RESEARCH. THE PROPERTIES DESCRIBED HEREIN ARE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, DEEDS, RIGHTS AND OTHER MATTERS OF RECORD.

The undersigned, being a licensed surveyor personally prepared or was in responsible charge of the preparation and the survey work reflected in this metes and bounds description and the accompanying sketch, in compliance with the requirements set forth in "COMAR" Title 09, Subtitle 13, Chapter 06, Regulation 12.

 05/09/17

Bowman Consulting Group

Date

By: Tristan Stewart

Professional Land Surveyor

Maryland Registration No. 21306

Renewal Date 06-26-2018



0125-SPHA



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 5374195

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:

Jan 04, 2018

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: # 2018-0125-SPHA
2399 North Point Boulevard
NE/s North Point Boulevard, 50 ft. E/of centerline of Cedar Road
15th Election District - 7th Councilmanic District
Legal Owner(s) North Point Shopping Center, LLC; Wal-Mart Real Estate Business Trust

Special Hearing 1. MODIFICATION OF DEVELOPMENT PLAN APPROVAL -A. To permit the modification of approved Development Plan (Case Nos. XV-688 and 97-354-X) (DRC No. 062402V) for an existing Wal-Mart store and adjacent commercial buildings to accommodate (1) the extension of the footprint of the Wal-Mart store northward for additional retail sales area, (2) the re-configuration of the parking area serving the Wal-Mart store and (3) a reduction in the footprint of the adjacent retail strip-center to accommodate additional parking area for the Wal-Mart store. B. To permit the amendment of the approved plan and the Order associated with zoning Case No. 2010-0302-SPHA as is necessary in connection with the signage variances requested in 1(A) and 1(B). Variance A. WALL-MOUNTED ENTERPRISE SIGNS - 1. To permit eight (8) 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. 2. To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart Store in lieu of the three (3) total permitted for a single premises. B. FREESTANDING ENTERPRISE SIGN - 1. To permit a second freestanding joint identification sign along the shopping center's North Point Road frontage instead of the one sign permitted along this frontage. C. BUILDING SETBACK - 1. To permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 ft. in lieu of the 143 ft. average front yard setback of adjacent properties.

Hearing: Thursday, January 25, 2018 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.

1/007 January 4 5374195

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/6/2018

Case Number: 2018-0125 SPHA

Petitioner / Developer: THOMAS KLEINE, ESQ.

Date of Hearing: JANUARY 25, 2018

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:
2399 NORTH POINT BOULEVARD

The sign(s) were posted on: JANUARY 4, 2018



Main Entrance @ 2399 N. Point Blvd.

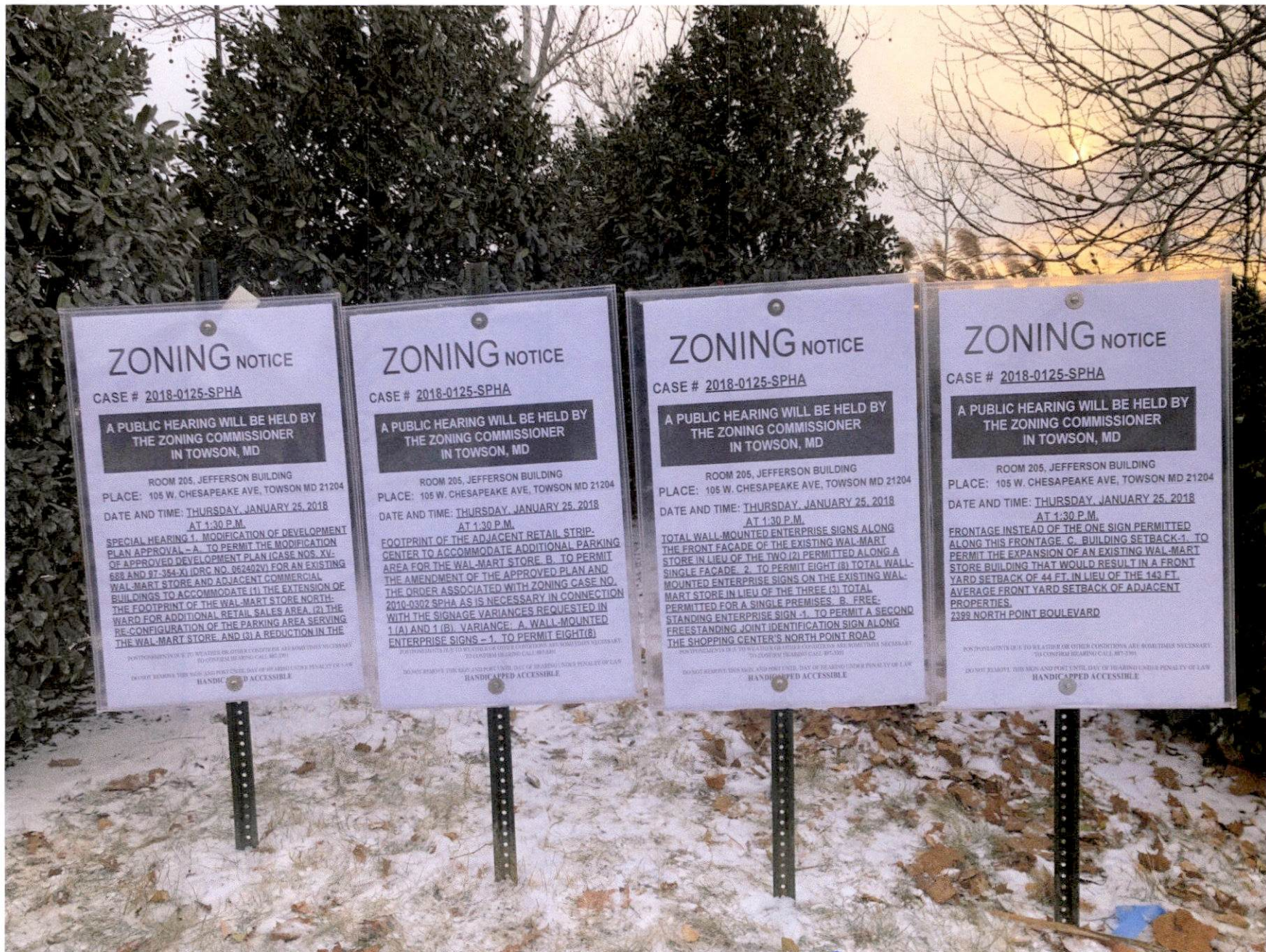
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

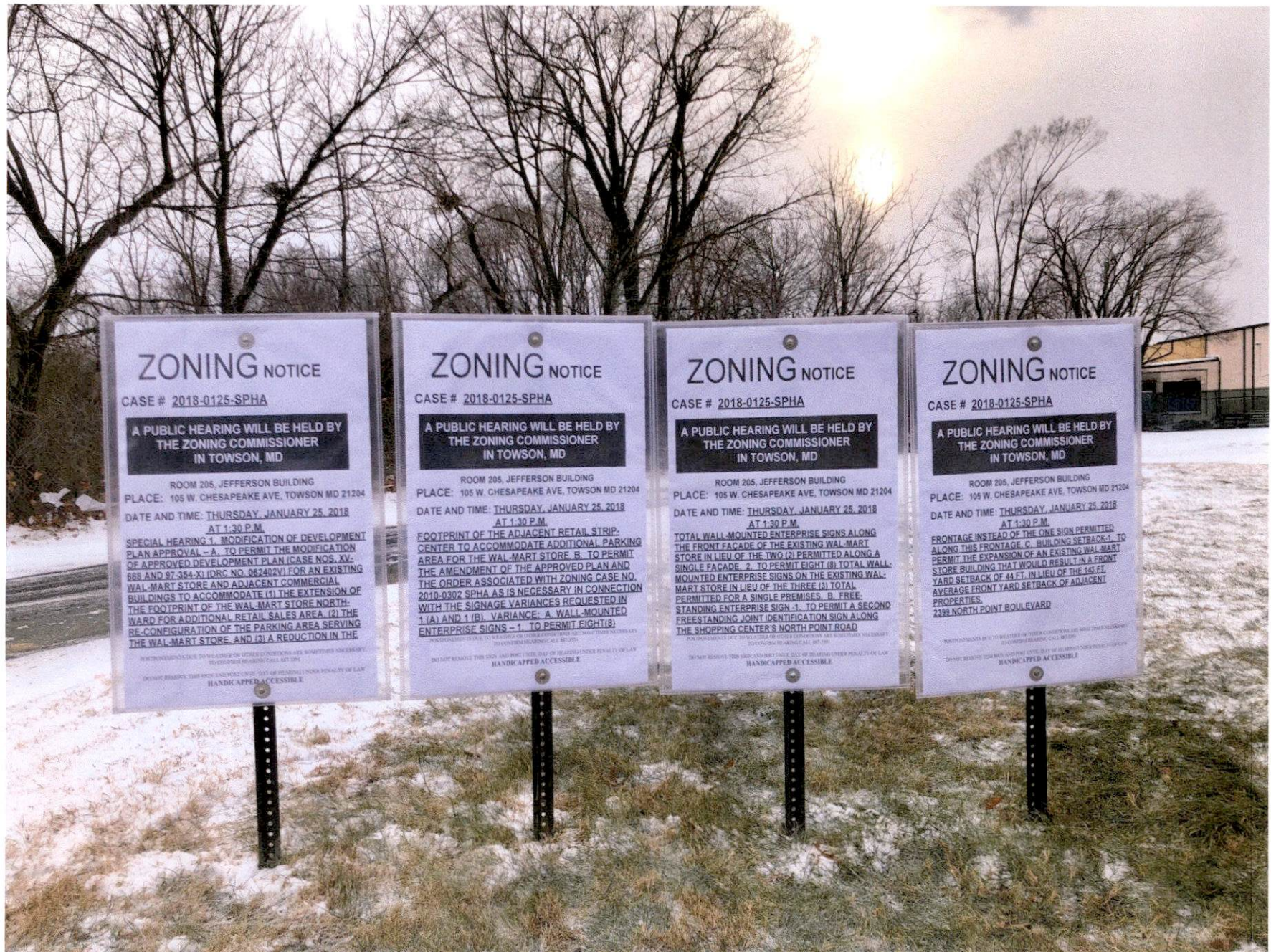
410 - 666 - 5366
(Telephone Number of Sign Poster)



MAIN ENTRANCE - 2399 N. POINT BLVD.



WESTERNMOST ENTRANCE ON N. POINT BLVD.



EASTERNMOST ENTRANCE ALONG N. POINT BLVD.



EASTERNMOST ENTRANCE AT N. POINT RD.

ZONING NOTICE

CASE # 2018-0125-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: THURSDAY, JANUARY 25, 2018
AT 1:30 P.M.

SPECIAL HEARING 1. MODIFICATION OF DEVELOPMENT
PLAN APPROVAL - A. TO PERMIT THE MODIFICATION
OF APPROVED DEVELOPMENT PLAN (CASE NOS. XV-
688 AND 97-354-XI IDRC NO. 062402VI) FOR AN EXISTING
WAL-MART STORE AND ADJACENT COMMERCIAL
BUILDINGS TO ACCOMMODATE (1) THE EXTENSION OF
THE FOOTPRINT OF THE WAL-MART STORE NORTH-
WARD FOR ADDITIONAL RETAIL SALES AREA, (2) THE
RE-CONFIGURATION OF THE PARKING AREA SERVING
THE WAL-MART STORE, AND (3) A REDUCTION IN THE

INTERPRETATION OF THE DEVELOPMENT PLAN TO BE USED IN THE JUDICIAL REVIEW OF THE DEVELOPMENT PLAN.
FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT (410) 516-1000.
OPTIONAL REVIEW: THIS SIGN AND POST WILL BE REMOVED FROM THE SITE OF THE DEVELOPMENT PLAN REVIEW OF THE PLAN.
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0125-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: THURSDAY, JANUARY 25, 2018
AT 1:30 P.M.

FOOTPRINT OF THE ADJACENT RETAIL STRIP-
CENTER TO ACCOMMODATE ADDITIONAL PARKING
AREA FOR THE WAL-MART STORE, B. TO PERMIT
THE AMENDMENT OF THE APPROVED PLAN AND
THE ORDER ASSOCIATED WITH ZONING CASE NO.
2010-0302 SPHA AS IS NECESSARY IN CONNECTION
WITH THE SIGNAGE VARIANCES REQUESTED IN
1(A) AND 1(B). VARIANCE: A. WALL-MOUNTED
ENTERPRISE SIGNS - 1. TO PERMIT EIGHT(8)

REVISIONS TO THE DEVELOPMENT PLAN TO BE USED IN THE JUDICIAL REVIEW OF THE DEVELOPMENT PLAN.
FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT (410) 516-1000.
OPTIONAL REVIEW: THIS SIGN AND POST WILL BE REMOVED FROM THE SITE OF THE DEVELOPMENT PLAN REVIEW OF THE PLAN.
HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0125-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: THURSDAY, JANUARY 25, 2018
AT 1:30 P.M.

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. 2. TO PERMIT EIGHT (8) TOTAL WALL-
MOUNTED ENTERPRISE SIGNS ON THE EXISTING WAL-
MART STORE IN LIEU OF THE THREE (3) TOTAL
PERMITTED FOR A SINGLE PREMISES. B. FREE-
STANDING ENTERPRISE SIGN - 1. TO PERMIT A SECOND
FREE-STANDING JOINT IDENTIFICATION SIGN ALONG
THE SHOPPING CENTER'S NORTH POINT ROAD

REVISIONS TO THE DEVELOPMENT PLAN TO BE USED IN THE JUDICIAL REVIEW OF THE DEVELOPMENT PLAN.
FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT (410) 516-1000.
OPTIONAL REVIEW: THIS SIGN AND POST WILL BE REMOVED FROM THE SITE OF THE DEVELOPMENT PLAN REVIEW OF THE PLAN.
HANDICAPPED ACCESSIBLE

ZONING NOTICE

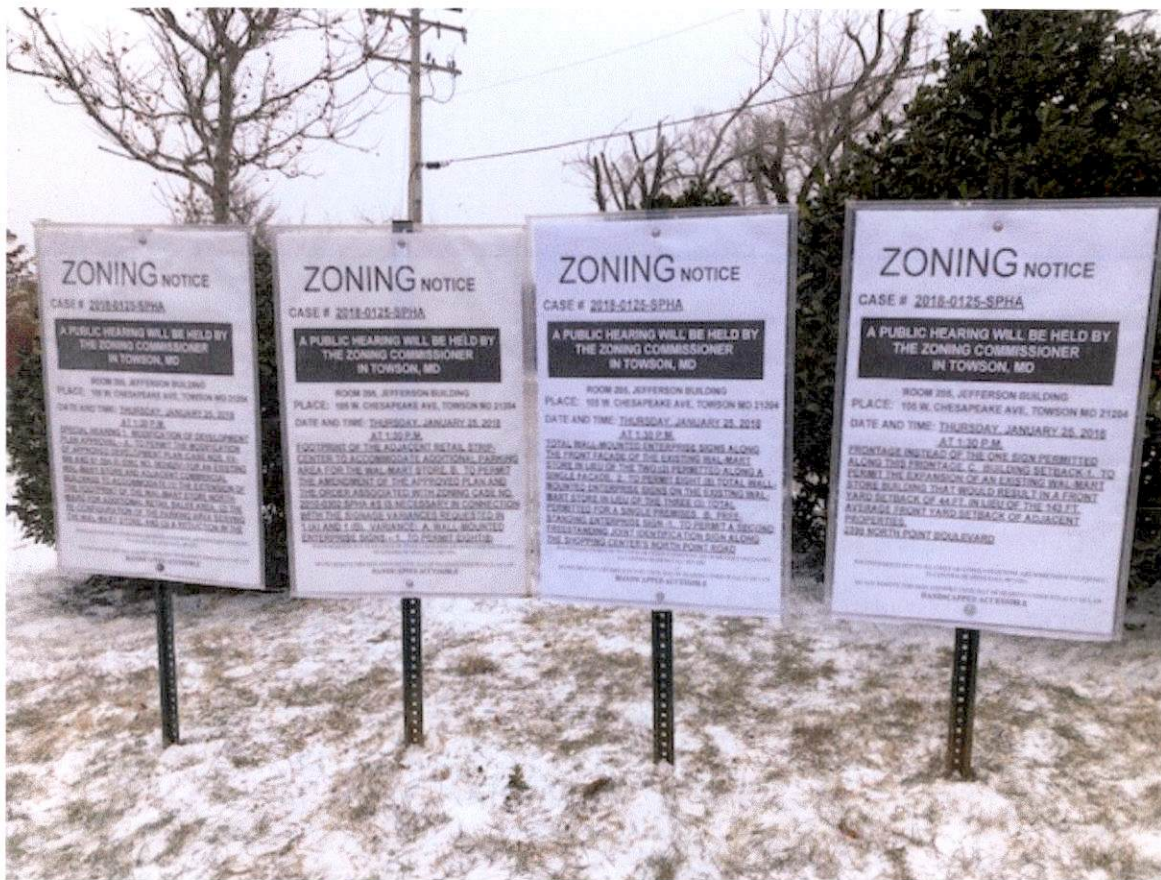
CASE # 2018-0125-SPHA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204
DATE AND TIME: THURSDAY, JANUARY 25, 2018
AT 1:30 P.M.

FRONTAGE INSTEAD OF THE ONE SIGN PERMITTED
ALONG THIS FRONTAGE. C. BUILDING SETBACK-1. TO
PERMIT THE EXPANSION OF AN EXISTING WAL-MART
STORE BUILDING THAT WOULD RESULT IN A FRONT
YARD SETBACK OF 44 FT. IN LIEU OF THE 143 FT.
AVERAGE FRONT YARD SETBACK OF ADJACENT
PROPERTIES.
2389 NORTH POINT BOULEVARD

REVISIONS TO THE DEVELOPMENT PLAN TO BE USED IN THE JUDICIAL REVIEW OF THE DEVELOPMENT PLAN.
FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT (410) 516-1000.
OPTIONAL REVIEW: THIS SIGN AND POST WILL BE REMOVED FROM THE SITE OF THE DEVELOPMENT PLAN REVIEW OF THE PLAN.
HANDICAPPED ACCESSIBLE



Entrance @ North Point Rd. Opposite Gum Rd.



Background Photo Entrance @ North Point Rd. opposite Gum Rd.



December 19, 2017
KEVIN 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: 2018-0125-SPHA

2399 North Point Boulevard

NE/s North Point Boulevard, 50 ft. E/of centerline of Cedar Road

15th Election District – 7th Councilmanic District

Legal Owners: North Point Shopping Center, LLC; Wal-Mart Real Estate Business Trust

Special Hearing 1. MODIFICATION OF DEVELOPMENT PLAN APPROVAL - A. To permit the modification of approved Development Plan (Case Nos. XV-688 and 97-354-X) (DRC No. 062402V) for an existing Wal-Mart store and adjacent commercial buildings to accommodate (1) the extension of the footprint of the Wal-Mart store northward for additional retail sales area, (2) the re-configuration of the parking area serving the Wal-Mart store, and (3) a reduction in the footprint of the adjacent retail strip-center to accommodate additional parking area for the Wal-Mart store. **B.** To permit the amendment of the approved plan and the Order associated with zoning Case No. 2010-0302 SPHA as is necessary in connection with the signage variances requested in 1(A) and 1(B). **Variance:** **A. WALL-MOUNTED ENTERPRISE SIGNS -1.** To permit eight (8) 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. **2.** To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart Store in lieu of the three (3) total permitted for a single premises. **B. FREESTANDING ENTERPRISE SIGN -1.** To permit a second freestanding joint identification sign along the shopping center's North Point Road frontage instead of the one sign permitted along this frontage. **C. BUILDING SETBACK -1.** To permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 ft. in lieu of the 143 ft. average front yard setback of adjacent properties.

Hearing: Thursday, January 25, 2018 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 FRIDAY, JANUARY 5, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING CO. ANY
Thursday, January 4, 2018 Issue - Jeffersonian

Please forward billing to:
Thomas C. Kleine, Esq.
Troutman Sanders LLP
222 Central Park Avenue, Ste. 2000
Virginia Beach, VA 23462

757-687-789

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:

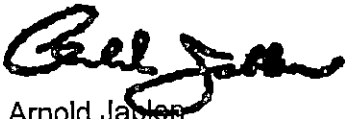
CASE NUMBER: 2018-0125-SPHA

2399 North Point Boulevard
NE/s North Point Boulevard, 50 ft. E/of centerline of Cedar Road
15th Election District – 7th Councilmanic District

Legal Owners: North Point Shopping Center, LLC; Wal-Mart Real Estate Business Trust

Special Hearing 1. MODIFICATION OF DEVELOPMENT PLAN APPROVAL - A. To permit the modification of approved Development Plan (Case Nos. XV-688 and 97-354-X) (DRC No. 062402V) for an existing Wal-Mart store and adjacent commercial buildings to accommodate (1) the extension of the footprint of the Wal-Mart store northward for additional retail sales area, (2) the re-configuration of the parking area serving the Wal-Mart store, and (3) a reduction in the footprint of the adjacent retail strip-center to accommodate additional parking area for the Wal-Mart store. B. To permit the amendment of the approved plan and the Order associated with zoning Case No. 2010-0302 SPHA as is necessary in connection with the signage variances requested in 1(A) and 1(B). **Variance:** A. WALL-MOUNTED ENTERPRISE SIGNS -1. To permit eight (8) 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. 2. To permit eight (8) total wall-mounted enterprise signs on the existing Wal-Mart Store in lieu of the three (3) total permitted for a single premises. B. FREESTANDING ENTERPRISE SIGN -1. To permit a second freestanding joint identification sign along the shopping center's North Point Road frontage instead of the one sign permitted along this frontage. C. BUILDING SETBACK -1. To permit the expansion of an existing Wal-Mart store building that would result in a front yard setback of 44 ft. in lieu of the 143 ft. average front yard setback of adjacent properties.

Hearing: Thursday, January 25, 2018 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.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
2399 North Point Blvd; NE/S of North Point * OF ADMINISTRATIVE
Blvd, 50' E of c/line of Cedar Road *
15th Election & 7th Councilmanic Districts * HEARINGS FOR
Legal Owner(s): North Point Shopping Center, * BALTIMORE COUNTY
LLC & Walmart Real Estate Business Trust *
Petitioner(s) * 2018-125-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.

RECEIVED

NOV 17 2017

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of November, 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 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: 2018-0125-SPHA

Property Address: 2399 North Point Boulevard

Property Description: Please see attached

Legal Owners (Petitioners): Wal-Mart Real Estate Business Trust; North Point Shopping Center, LLC

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas C. Keine, Esq.

Company/Firm (if applicable): Troutman Sanders LLP

Address: 222 Central Park Avenue, Suite 2000
Virginia Beach, VA 23462

Telephone Number: (757) 687-7789

Revised 7/9/2015

160521

Date: 11/2/17

Rev	Sub
Source/	Rev/

RECEIVED

BUSINESS	ACTUAL	TIME	DATA
1	2	3	4
5	6	7	8
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21	22	23	24
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11/03/2017 11/02/2017 09:40:21

REG 4503 - HALLIN. CA:

>>RECEIPT # 751609 11/02/2017 0514

Dept 5 328 ZONING VERIFICATION

ER NO. 180521

Receipt Tot \$1,000.00

\$1,000.00 CR 1.00 CA

Baltimore County, Maryland

*Total: 1000.00

Rec
From: Troutman Sanders LLP

For: 2399 North Point Blvd (NPT Shop) (2nd Walmart)
2018-0175-SPLA

CK# 669746

649.747

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

January 18, 2018

Wal-Mart Real Estate Business Trust
North Point Shopping Center
2399 North Point Boulevard
Baltimore MD 21222

RE: Case Number: 2018-0125 SPHA, Address: 2399 North Point Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 2, 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 dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Thomas C Kleine, Esquire, 222 Central Park Avenue, Suite 2000, Virginia Beach VA 23462



Date: 11/13/17

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

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 11/13/17. A field inspection and internal review reveals that an entrance onto MD151 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for

Special Hearing Variance Case Number 2018-0125-SPHA

*North Point Shopping Center, LLC
2399 North Point Boulevard
MD151*

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

1-25-18

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: 18-125

DATE: 12/14/2017



INFORMATION:

Property Address: 2399 North Point Boulevard
Petitioner: North Point Shopping Center, LLC
Wal-Mart Real Estate Business Trust
Zoning: BL, BL-AS
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a modification to the approved Development Plan in case nos. XV-688 and 97-354-X and an amendment to zoning case no. 2010-0302-SPHA. The Department also reviewed the petition for variance relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on November 14, 2017.

The Department of Planning has no objections to granting the petitioned zoning relief conditioned upon the following:

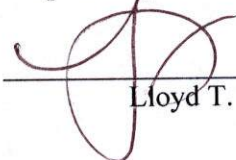
- Submit a landscape plan to the Baltimore County Landscape Architect. Said plan shall show in addition to all landscape manual requirements the following enhancements:
 - To the extent possible retain the existing trees and install acceptable low landscape plantings along North Point Boulevard in the vicinity of the addition.
 - Install vegetative plantings at the base of proposed monument sign #2.
- The petition requests 8 **total** wall-mounted enterprise signs. Nevertheless, the proposed signage details received by this office dated 12/11/2017 indicates 9 to include the existing "Subway" sign while the site plan submitted in support of the petition received 11/13/2017, shows a proposed "Vision Center Sign" but not the aforementioned "Subway" sign. Petitioners must demonstrate to the satisfaction of the Administrative Law Judge the specific nature and extent of the zoning relief being requested.

Please be advised that as a condition of approval, all on site shipping containers and temporary signage not having a valid permit must be removed.

The Department finds that the revised building elevations, submitted December 11, 2017 are satisfactory with regards to the proposed color scheme and sign placement.

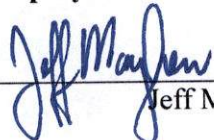
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Thomas C. Kleine, Esquire
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: November 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0125-SPHA
Address 2399 North Point Boulevard
(North Point Shopping Center, LLC
Property)

Zoning Advisory Committee Meeting of **November 20, 2017**.

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

Reviewer: Steve Ford

Date: 11-15-2017

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 20, 2017
Item No. 2018-0125-SPHA

DATE: December 5, 2017

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

If Special Exception and Zoning Relief is granted, a landscape plan is required per the requirement of the Landscape Manual. Also, a Lighting Plan is required.

Label & show existing utilities on the plan.

*

*

*

*

*

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 12/14/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-125

INFORMATION:

Property Address: 2399 North Point Boulevard
Petitioner: North Point Shopping Center, LLC
Wal-Mart Real Estate Business Trust
Zoning: BL, BL-AS
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve a modification to the approved Development Plan in case nos. XV-688 and 97-354-X and an amendment to zoning case no. 2010-0302-SPHA. The Department also reviewed the petition for variance relief as listed on the attachment submitted in support of the petition.

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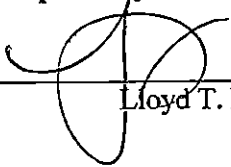
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The Department finds that the revised building elevations, submitted December 11, 2017 are satisfactory with regards to the proposed color scheme and sign placement.

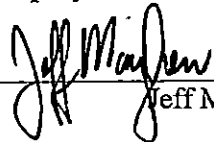
For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/ka

c: Krystle Patchak
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Thomas C. Kleine, Esquire
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
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FROM: Jeff Livingston, Department of Environmental Protection and
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DATE: November 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0125-SPHA
Address 2399 North Point Boulevard
(North Point Shopping Center, LLC
Property)

Zoning Advisory Committee Meeting of **November 20, 2017**.

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

Reviewer: Steve Ford Date: 11-15-2017

DATE _____

2018-0125-SHA

2399 North Point Blvd.

1-25-18

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/5</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Comment</u>
<u>11/15</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>12/14</u>	PLANNING (if not received, date e-mail sent _____)	<u>no objections w/ conclusions</u>
<u>11/13</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2010-0302-SPHA</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>1/4/18</u>	
SIGN POSTING	Date: <u>1/4/18</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

S/S North Point Boulevard (MD Rte. 151) *
2,080' SE of c/line of Merritt Boulevard *
(MD Rte. 157) *
(2399 North Point Boulevard) *

15th Election District *
7th Council District *
Wal-Mart Real Estate Business Trust *
(Store No. 2435) *
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

Case No. 2010-0302-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the Petitioner, Wal-Mart Real Estate Business Trust (Wal-Mart), through its real estate design manager, Debbie Campbell, and Corporate Counsel Thomas C. Kleine, Esquire with Troutman Sanders, LLP. The Petitions were also signed by the adjacent property owner's managing member William Fleischer on behalf of the North Point Shopping Center, LLC. Wal-Mart, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), requests a special hearing for an interpretation as to whether its store will be considered a single or multi-tenant commercial building under the Zoning Regulations. This interpretation is necessary because the Petitioner currently leases space within the store building to a "Subway" restaurant (though Subway does not, and is not proposed to have any signage on the façade of the building). Following the above determination, variance relief is requested from B.C.Z.R. Section 450.4 to permit the following: (a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single façade (if the store is considered a single-tenant commercial building), or the one (1) permitted (if the store is considered a multi-tenant commercial building); (b) if the store is considered a single-tenant

commercial building, a "Walmart" wall-mounted enterprise sign that is 158.39 square feet in area, instead of the 150 square feet permitted, (c) a freestanding enterprise sign 30 feet in height, in lieu of the 25 feet permitted, (d) a freestanding enterprise sign that identifies only one (1) commercial establishment in a shopping center, in lieu of the permitted joint identification sign that identifies multiple commercial establishments in a shopping center, (e) a freestanding enterprise sign containing 80 square feet in area, which is in addition to three (3) other existing freestanding signs serving other establishments in the shopping center that together exceed 150 square feet in area, in lieu of the 150 square feet of freestanding signage that is permitted for a shopping center, and (f) a second freestanding enterprise sign along the shopping center's North Point Boulevard frontage, instead of the one (1) sign permitted along this frontage (there is an existing joint identification sign located at the main shopping center entrance along North Point Boulevard). The subject property and requested relief are more particularly described on the site plan and colorized sign package elevations, which were submitted into evidence and marked as Petitioner's Exhibits 1 and 2 respectively.

Appearing at the requisite public hearing in support of the requests were Michael J. Birkland, licensed professional engineer with Bowman Consulting Group, Ltd., the firm responsible for the preparation of the site plan filed in this case and Thomas Kleine, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

An appreciation of the property's past history and use is relevant and is briefly outlined. Wal-Mart has owned the property (8.68 acres, split-zoned B.L. [Business, Local] and B.L.-A.S. [Business, Local - Automotive Services District] since 1998¹. It has operated its approximate 140,000 square foot one-story retail store/Store No. 2435) in Dundalk at 2399 North Point

¹ This property is identified on Maryland Tax Map 96, Grid 24 as Parcels 230, 246, 248, 178, and 247, and is adjacent to Parcel Nos. 115, 116 and 120, and, if combined, form some 34.49 acres that are often referred to as the North Point Shopping Center premises.

Boulevard since that time. Wal-Mart had filed a request for development plan approval and a petition for special hearing in Case Nos. XV-688 & 97-354-X and obtained approval to do so on May 28, 1997 by then Zoning Commissioner Lawrence E. Schmidt. Specifically, he allowed the Wal-Mart store and service garage to operate as a "single business" as part of the North Point Plaza Shopping Center redevelopment.² Thereafter, Wal-Mart razed houses as well as an old movie theatre building and built its proposed store on the western side of the center. Vehicular access to the site was, and remains today, by way of two (2) arterial roads. To the north from Interstate 695 via North Point Boulevard, a major roadway in eastern Baltimore County. On the other side of the tract, to the south, the property abuts on North Point Road. As shown on Petitioner's Exhibit 1, there were and still exist two (2) buildings on the North Point Shopping Center, LLC property known as 2317 and 2401 North Point Boulevard. The strip center at 2317 accommodates the following: Citifinancial, Bally's (fitness center), ALDI (grocery store), Caldarazzo's Pizzeria, Rent-A-Center, Equitable Trust Mortgage Corporation and Dollar Tree. The building at 2401 contains the North Point Flea Market and Green Room Billards. In any event, it should be noted that the Wal-Mart store at this location has been a successful endeavor employing approximately 328 employees with sales revenue equal to or exceeding other larger Wal-Mart "super stores" in this region of the County. The store's existing signage (372.22 square feet) approved under the old sign regulations and their locations are shown on the Harrison French Associates (HFA) sign package submittal (Petitioner's Exhibit 2).

Wal-Mart has now totally renovated its Store No. 2435 both inside and out and comes before me for approval of its new signage that its architects and engineers believe will more closely reflect the spirit and intent of the current (B.C.Z.R. Section 450.4) regulations. Mr.

² The Order(s) of May 28, 1997 became final upon the Board of Appeals dismissal of an appeal filed by The Miller Family Limited Partnership on August 19, 1999 (See County Board of Appeals Case No. CBA-97-120). This creates a presumption of correctness as to Wal-Mart's being a single business facility in the shopping center.

Kleine presented persuasive testimony and evidence that the new signage (249.97 square feet) will be compatible with this commercial corridor, reduce clutter and decrease existing signage by some 122 square feet. *See* Petitioner's Exhibit 2 – Sign Elevations.

Before applying a strict interpretation of the current Baltimore County's sign regulations via-a-vis this type of large retail store, it is necessary to consider the features of this commercial building, the uses taking place within, the components of a structure this size, customer access points and the retail services offered within. It is apparent that this Wal-Mart store and other large retail box stores represent a departure from the configuration of other retail centers found in Baltimore County, which have traditionally contained smaller store fronts each having an exterior entrance and therefore entitled to their own separate wall-mounted signs. In other words, the interpretation issues presented by way of the special hearing (multi or single tenant) requires an examination of the words contained in the regulations, the definitions provided, and facts and circumstances that are peculiar to this type of structure.

As is often the case with cases presenting difficult legal issues, the relevant facts are relatively simple and not in dispute. As noted above, Wal-Mart owns the subject property at 2399 North Point Boulevard consisting of 8.68 acres of area upon which its commercial building is built.³ Therefore, no lease agreement exists between Wal-Mart and a third party property owner. As illustrated on the site plan, there is only one (1) exterior customer entrance to the building. There is but one lease or tenant within the Wal-Mart store building – Subway – that provides restaurant services. It is clear that the space occupied by Subway does not share a common wall with any of the other Wal-Mart uses conducted in the building. Subway does not have nor is it proposed that they will have any signage on the building's façade. These factors

³ A small portion of the Wal-Mart store encroaches onto an adjacent parcel owned by North Point Shopping Center, LLC (which is also a party to this application) and is governed by a reciprocal easement agreement.

render a finding that this store is a single-tenant commercial building and therefore entitled to the signage set forth in the Table of Sign Regulations – Chart Attachment 1 of B.C.Z.R. Section 450.4. *See* particularly 450.4.1.5(a) - Wall-Mounted and 450.4.1.5(b) - Freestanding. In my view, this interpretation will not be detrimental to the health, safety or general welfare of the locale.

As to the zoning variances outlined above, two (2) relate to wall-mounted signs proposed on the building's front facade.⁴ The other four (4) relate to the reconfigured freestanding enterprise sign identifying Wal-Mart's establishment and located in the northwest corner on the south side of North Point Boulevard – (MD. Rte. 151) adjacent to I-695. This pylon sign is 30 feet high with a 4' x 20' (80 square feet) illuminated cabinet at the top that provides needed visibility, especially from I-695, to assist individuals interested in coming to the property. This sign has existed at this location for more than a decade and is at a height that protrudes over the top of the mature trees covering this portion of the site. Wal-Mart has freshened up the wording and current brand logo in conformity with its 2009 updated signage package. *See* Petitioner's Exhibit 2, Page 2. These final requests [(c) through (f)] recognize the need to bring the Wal-Mart store's existing freestanding signage into conformance with current B.C.Z.R. Section 450 standards. Several of North Point Shopping Center's signs were permitted or variances under B.C.Z.R. Section 413 prior to October 19, 1977. The Office of Planning, in its Zoning Advisory Committee (ZAC) comment dated June 22, 2010, supports the sign variance requests and further indicates a desire that any future development of the larger site to be more pedestrian friendly

⁴ Wal-Mart requests three (3) wall-mounted signs on the front (southern) façade in lieu of the two (2) permitted. One sign is the word "Walmart" that is 5'-6 $\frac{3}{4}$ " tall x 28'-7 $\frac{1}{2}$ " long (158.39 square feet); the second is a brand logo resembling a "yellow spark" - 7'-1 $\frac{1}{2}$ " x 8' (57 square feet). These two (2) signs will be placed over the main entrance doorways. The third sign is actually on the building's western wall behind the outside live goods display area. This is in the area of the Auto Center and the words "Tire & Lube" - 2' x 13'-6 $\frac{3}{4}$ " (27.10 square feet) will be placed over the three (3) garage bay doors. This third sign for the auto center signage is arguably not currently visible from any "highway". It would therefore be exempt from the requirements of B.C.Z.R. Section 450. *See* 450.2.C – Exemptions.

and incorporate a mixed design of buildings "up to 5 stories in height". It was obvious that the Office of Planning views the Wal-Mart store as part of the shopping center. This position is no doubt supported by the shared parking arrangement used on the center's premises.

The legal standards for granting a sign variance are set forth in *Trinity Assembly of God of Baltimore City v. People's Counsel for Baltimore County*, whereby the Court stated, that it involves essentially two things (1) uniqueness; and (2) practical difficulty. 407 Md. 53, 80, 962 A.2d 404, 420 (2008). For a property to be unique "a property must 'have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.'" *Id.* Practical difficulty is determined itself by looking at several factors including, (i) whether compliance with the strict letter of the restrictions would be unnecessarily burdensome, (ii) whether substantial justice is achieved for other property owners as well as the applicant, and (iii) whether the spirit and intent of the regulation are observed. *Id.* at 83-84, 962 A.2d at 422.

Counsel for Petitioner discussed the three (3) wall-mounted signs proposed in addition to the existing, freestanding sign, which was approved but will become nonconforming and subject to the abatement provisions of B.C.Z.R. Section 450.8.D in 2012. In keeping with Wal-Mart's 46-year history, the company's architects freshen up signage packages and logos periodically. The "Walmart" and "spark" have been redesigned for this site in keeping with the new 2009 standards. In fact, as set forth above, there will be a reduction in sign clutter and a decrease of 122 square feet of signage from what previously existed at this location. Moreover, if the distance between the "Walmart lettering" and the new logo "spark" would have been less than 1'

rather than the 1'-6" as shown, than the entire signage would be counted as one (1) sign rather than two (2). The testimony further indicated that for proper identification of the store on this property and in connection with on-site vehicular circulation and surrounding off-site traffic patterns, the signage requested is necessary. A strict interpretation of the Zoning Regulations would allow only two (2) wall-mounted signs for the entire building which would make it difficult for Wal-Mart to identify its commercial use on its public road frontages and the surrounding vehicle access drives. To the north is North Point Boulevard and I-695 and to the south is North Point Road. The building sign variance relief pertains to a wall-mounted sign or a third sign for Wal-Mart's tire & lube operation (which arguably cannot be seen from the public road) and an additional 8.39 square feet of sign space in addition to the 150 square feet allowed that is needed to complete the word "Walmart" as designed by the architect. In my opinion, the Zoning Regulations did not take into account this type of large retail store and I find that these signs are not out of scale given their size and location on the property.

Likewise, I believe a variance for the freestanding pylon sign at a height of 30 feet is necessary. This height allows a driver to catch a glimpse of the Wal-Mart store location from I-695 and have time to safely cross over the three (3) lanes of traffic on North Point Boulevard to enter the site. The sign's square footage has been reduced by removing the "pill box" structure that used to say "Pharmacy-Optical". As shown on photographs, the five (5) feet of additional height is justifiable due to the mature trees that grow around the base and in the area of the sign that would have to be removed. *See, McLean v. Soley*, 270 Md. 208 (1973) - trees contribute to the greater public benefit and should be preserved. In this regard, the sign is not a detriment to the area and can't be seen by the closest neighbors residing some distance away on the south side of North Point Road. There is no increase in signs (or proliferation) along either North Point

Boulevard or North Point Road. I am convinced that allowing the requested variances would be in the public interest as well as within the spirit and intent of the controls and policies of the sign regulations. The Petitioner has satisfied the requirements of B.C.Z.R. Section 307.1.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the existing store has been determined to be a single commercial building, and the variances shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 21st day of July 2010 that the Petition for Special Hearing requesting an interpretation as to whether the store located at 2399 North Point Boulevard is considered a single or multi-tenant commercial building, has, after consideration of the testimony and evidence offered, been adjudicated to be a single tenant commercial building; and

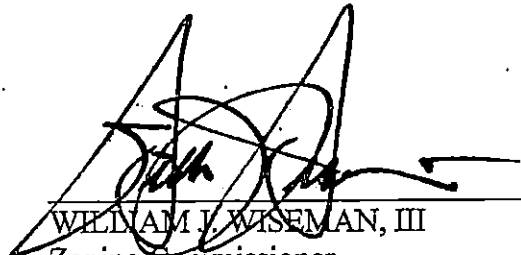
IT IS FURTHER ORDERED that the Petition for Variance, seeking relief from Sections 450.4.1.5(a) and 450.4.1.5(b) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit: (a) three (3) total wall-mounted enterprise signs along the front façade of the store, in lieu of the two (2) permitted along a single facade; (b) a "Walmart" wall-mounted enterprise sign that is 158.39 square feet in area, instead of the 150 square feet permitted; (c) a freestanding enterprise sign 30 feet in height, in lieu of the 25 feet permitted; (d) a freestanding enterprise sign that identifies only one (1) commercial establishment in a shopping center, in lieu of the permitted joint identification sign that identifies multiple commercial establishments in a shopping center; (e) a freestanding enterprise sign containing 80 square feet in area, which is in addition to three (3) other existing freestanding signs serving other establishments in the shopping center that together exceed 150 square feet in area; in lieu of the 150 square feet of freestanding signage that is permitted for a shopping center, and (f) a second freestanding enterprise sign along the

shopping center's North Point Boulevard frontage, instead of the one (1) sign permitted along this frontage, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1. The Petitioner(s) is advised that it may apply for any required sign permits and be granted same upon receipt of this Order; however, the Petitioner(s) is hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioner(s) would be required to return, and be responsible for returning, said property to its original condition.
2. No sub-tenant shall be allowed exterior wall signage without a public hearing and the granting of a variance to do so.

Any appeal of this Order shall be taken in accordance with Baltimore County Code (B.C.C.) Section 32-3-401.

WJW:dlw



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1518103120							
Owner Information									
Owner Name:		WAL-MART REAL ESTATE C/O WAL MART STORES #01-2435				Use: Principal Residence:		COMMERCIAL NO	
Mailing Address:		P O BOX 8050 MS 0555 BENTONVILLE AR 72712-8050				Deed Reference:		/12952/ 00064	
Location & Structure Information									
Premises Address:		1818 OLD NORTH POINT RD 0-0000				Legal Description:		.47 AC NES OLD NORTH PT RD 900FT SE OF NORBRUCH AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
0096	0024	0247		0000				2018	
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						0.4700 AC		06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of 01/01/2018	As of 07/01/2017		As of 07/01/2018		
Land:			141,000	141,000					
Improvements			22,700	23,800					
Total:			163,700	164,800	163,700		164,067		
Preferential Land:			0				0		
Transfer Information									
Seller: REINECKE MARTINA E				Date: 06/18/1998			Price: \$200,000		
Type: NON-ARMS LENGTH OTHER				Deed1: /12952/ 00064			Deed2:		
Seller: REINECKE ROBERT F				Date: 10/07/1966			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /11561/ 00136			Deed2:		
Seller:				Date:			Price:		
Type:				Deed1:			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class			07/01/2017		07/01/2018		
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					

John E. Beverungen

From: John E. Beverungen
Sent: Tuesday, February 20, 2018 4:12 PM
To: 'Kleine, Thomas Chandler'
Cc: Peoples Counsel; Deborah Wiley (dwiley@baltimorecountymd.gov); Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2018-0125-SPHA

Mr. Kleine,

I am in receipt of and have reviewed your email of today's date concerning the captioned matter.

In response to your first inquiry regarding the landscape and lighting plans, my understanding is that requirement will be imposed in connection with the expansion of the Walmart store. If in this case your client merely sought to install one additional sign, I would not have included such a condition in the order. But, one of the special hearing requests sought to amend a prior development plan approved for this property to reflect the new footprint of the store, and thus the condition was included. Thus, as you state in your e-mail, I believe the landscape and lighting plan will need to be submitted "prior to obtaining full permits for the actual expansion."

Your second inquiry concerned the condition which pertained to temporary signage and shipping containers. This will serve to confirm that condition would apply only to shipping containers not having a valid permit; i.e., if your client has a valid permit for any given container, it may remain on site.

I hope this has been responsive to your inquiries, and I will keep a copy of your e-mail and this response in the case file.

John Beverungen
ALJ

Debra Wiley

1/25 2018-0125-SPHA
1:30 PM

From: Kleine, Thomas Chandler <tom.kleine@troutmansanders.com>
Sent: Tuesday, February 20, 2018 11:21 AM
To: John E. Beverungen
Cc: Peoples Counsel; Debra Wiley
Subject: RE: Letter from Thomas C. Kleine, Counsel to Walmart/ Follow-up to hearing on January 25, 2018

Judge Beverungen,

Thank you for the follow-up response. I have received the Order of January 30, 2018 ("Order") that you granted, and I am writing to respectfully request a clarification of the description of the relief granted.

Specifically, page 4 of the Order states that the relief granted "is subject to the following" and then it lists three (3) conditions. Condition #2 states: "Petitioners must submit for approval by Baltimore County landscape and lighting plans for the site." Since the Applicant was requesting relief to expand the store by approximately 40,000 square feet in addition to signage relief, the question is whether Paragraph #2 is triggered by the actual expansion, or whether the plans would also need to be submitted in the case that only one sign (the "Pick-Up" sign) was installed consistent with my letter of February 2, 2018 (i.e. prior to obtaining full permits for the actual expansion).

The second question is with respect to condition #3 which states: "Prior to the issuance of permits, Petitioners must remove from the premises all temporary signage erected without permit(s) and any shipping containers on the site." The memorandum from the Director of Planning dated December 14, 2017, recommends a condition of approval that "all on site shipping containers and temporary signage not having a valid permit must be removed." I simply wanted to clarify that your reference to the shipping containers refers solely to shipping containers "not having a valid permit" (rather than providing as a condition of relief the removal of all shipping containers whether or not they have a valid permit).

I would be happy to provide any additional information that you may request.

Respectfully,

Thomas Kleine

Thomas Chandler Kleine

troutman sanders

Direct: 757.687.7789

tom.kleine@troutman.com

From: John E. Beverungen [mailto:jbeverungen@baltimorecountymd.gov]
Sent: Friday, February 2, 2018 1:34 PM
To: Kleine, Thomas Chandler <tom.kleine@troutmansanders.com>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>; Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: RE: Letter from Thomas C. Kleine, Counsel to Walmart/ Follow-up to hearing on January 25, 2018

Mr. Kleine,

Thank you for the correspondence concerning the sign variance requests in the above case. If you have not yet received the order in the case I trust you soon will. Therein I granted the variance for both of the signs identified in your attached correspondence. I will keep a copy of your letter and this e-mail response in the case file.

John Beverungen
ALJ

From: Kleine, Thomas Chandler [mailto:tom.kleine@troutmansanders.com]
Sent: Friday, February 02, 2018 10:24 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
Subject: Letter from Thomas C. Kleine, Counsel to Walmart/ Follow-up to hearing on January 25, 2018

Dear Judge Beverungen,

Please see the attached correspondence as requested at the hearing on January 25, 2018.

Sincerely,

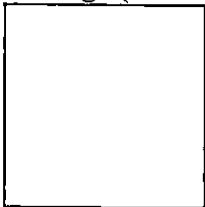
Tom Kleine

Thomas Chandler Kleine
TROUTMAN SANDERS
Direct: 757.687.7789
tom.kleine@troutman.com

□

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Troutman Sanders LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462

troutman.com

JD 1/25/18 1:30 PM
troutman
sanders

Thomas Chandler Kleine
Partner
D 757.687.7789
F 757.687.1512
thomas.kleine@troutman.com
admitted in: DC, MD, VA

February 2, 2018

VIA EMAIL AND FEDERAL EXPRESS

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204



**Re: Petitions for Special Hearing and Variance
Case No. 2018-0125-SPHA
Hearing Date: January 25, 2018
Property: 2399 North Point Boulevard**

Dear Judge Beverungen:

I am writing in response to your request at the hearing on January 25, 2018 for a written clarification of the signage variance request for the Walmart retail store located at 2399 North Point Boulevard.

As presented at the hearing, Walmart Real Estate Business Trust (the "Applicant" and/or "Walmart") is proposing to expand and renovate the existing retail store by approximately 40,000 square feet. In conjunction with that proposal, the Applicant requested a modification of the approved Development Plan, a variance to allow additional wall mounted enterprise signage on the store, a variance to allow an additional free standing joint identification sign along the shopping center's North Point Road frontage, and a variance to permit the portion of the building fronting on North Point Boulevard (to the extent that portion is determined to be a "front") to be located 44 feet from the property line. The proposed building signage, its location and dimensions, are showing on sheets 1 and 2 of the exhibit prepared by LK Architecture dated January 15, 2018, and titled "Walmart Dundalk, MD #2435-09 Proposed Building Signage" and presented at the hearing.

While most of the proposed additional wall signage is associated with the expansion, there are two wall signs that require relief even if the expansion does not occur. The first sign is the proposed 66.76 square foot pick-up sign ("Pickup" and a spark), proposed to be located in the far right-hand corner of the store. The Applicant is planning to introduce a feature at this location that allows the customer to order merchandise on-line and to pick it up from a specified

area inside the store. The Applicant is requesting permission to add that additional sign on the front of the store, whether or not the expansion occurs, so that customers may be aware of the proposed service offered at this location. The other is the 19.81 square feet "Subway" sign that is currently located on the front of the store, for which no permit could be identified.

Please do not hesitate to contact me if you require any additional information relative to this matter.

Sincerely,



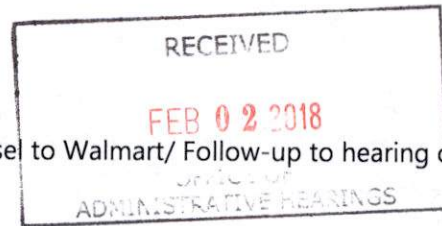
Thomas C. Kleine

cc: Peter Max Zimmerman, People's Counsel for Baltimore County

33918890v1

Debra Wiley

From: John E. Beverungen
Sent: Friday, February 02, 2018 1:34 PM
To: Kleine, Thomas Chandler
Cc: Peoples Counsel; Debra Wiley
Subject: RE: Letter from Thomas C. Kleine, Counsel to Walmart/ Follow-up to hearing on January 25, 2018



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John Beverungen
ALJ

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Sent: Friday, February 02, 2018 10:24 AM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Cc: Peoples Counsel <peoplescounsel@baltimorecountymd.gov>
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Sincerely,

Tom Kleine

Thomas Chandler Kleine
TROUTMAN SANDERS
Direct: 757.687.7789
tom.kleine@troutman.com

□

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troutman sanders
Direct: 757.687.7789
tom.kleine@troutman.com

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Virginia Beach, Virginia 23462

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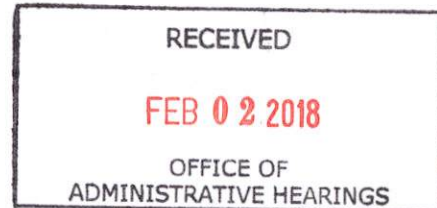
troutman
sanders

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

February 2, 2018

VIA EMAIL AND FEDERAL EXPRESS

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204



**Re: Petitions for Special Hearing and Variance
Case No. 2018-0125-SPHA
Hearing Date: January 25, 2018
Property: 2399 North Point Boulevard**

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Please do not hesitate to contact me if you require any additional information relative to this matter.

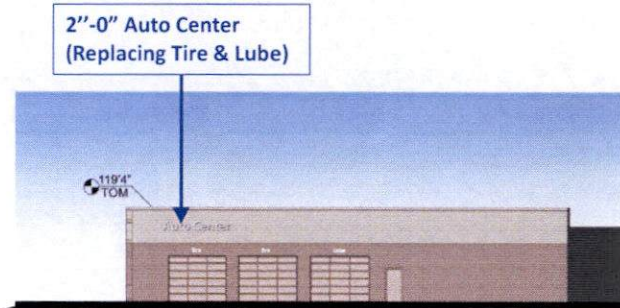
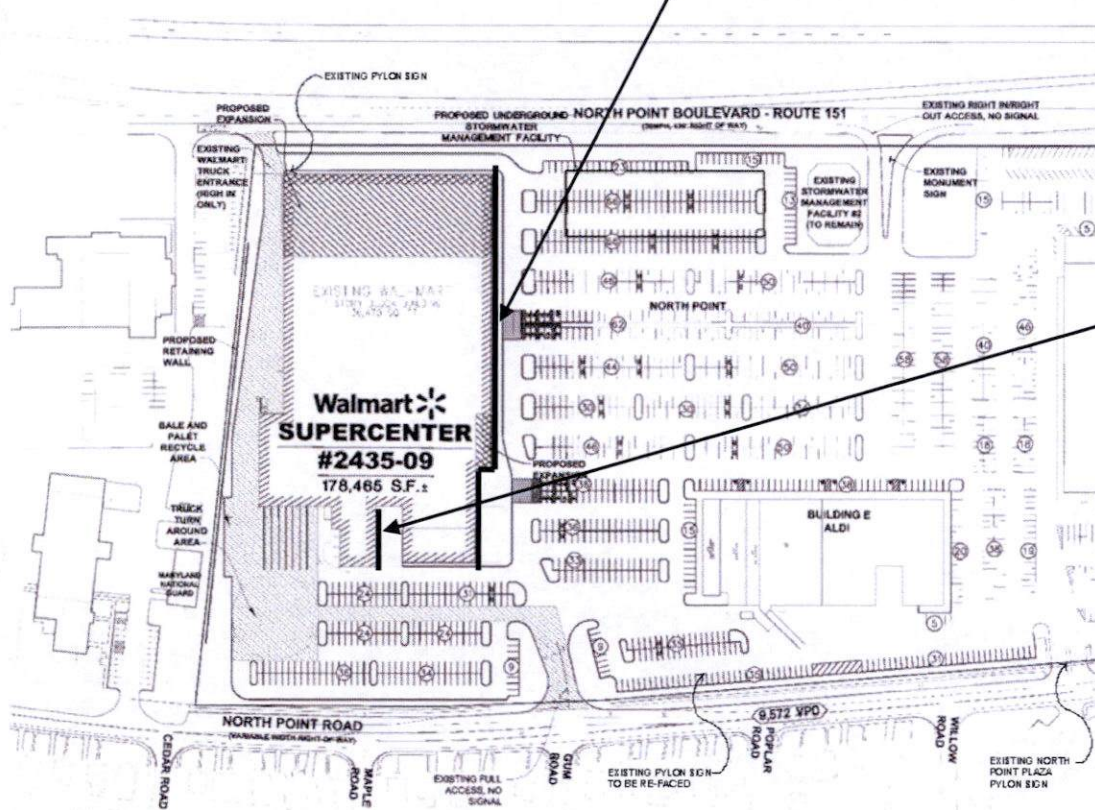
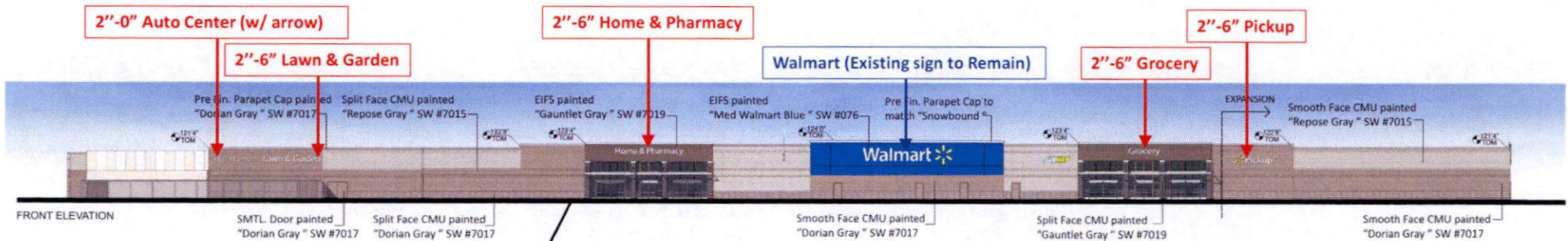
Sincerely,



Thomas C. Kleine

cc: Peter Max Zimmerman, People's Counsel for Baltimore County

33918890v1



AUTO CENTER FRONT ELEVATION

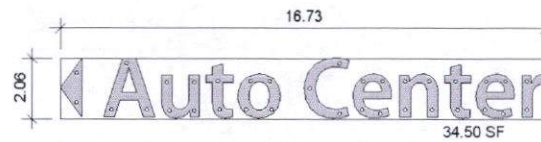
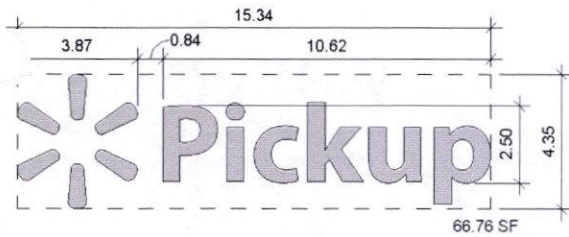
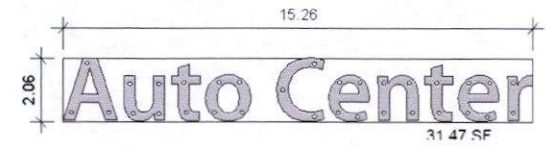
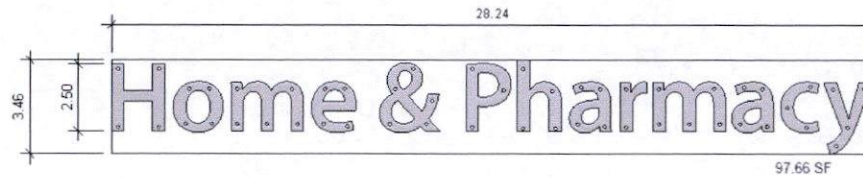
Color Legend:

- Existing Sign or Existing Sign to be Replaced
- New Proposed Sign

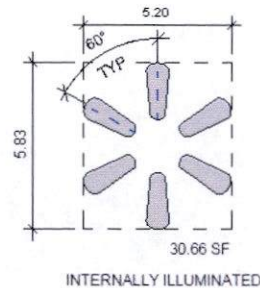
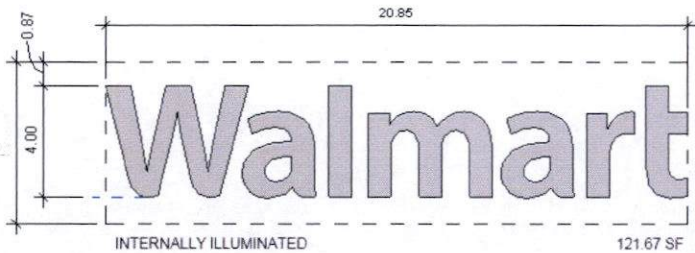
Existing Signage			Proposed Signage		
Sign	Qty	Area SF	Sign	Qty	Area SF
Walmart	1	121.67	Walmart	1	121.67
* (Spark)	1	30.66	* (Spark)	1	30.66
Tire & Lube	1	27.10	Subway	1	19.81
Subway	1	19.81	Auto Center	1	31.47
			Grocery	1	42.05
			* Pickup	1	66.76
			Home & Pharmacy	1	97.66
			<Auto Center	1	34.50
			Lawn & Garden	1	63.89
Total Signage Area: 199.24			Total Signage Area: 508.47		

Red indicates new or replaced sign.
Black indicates existing sign to remain.

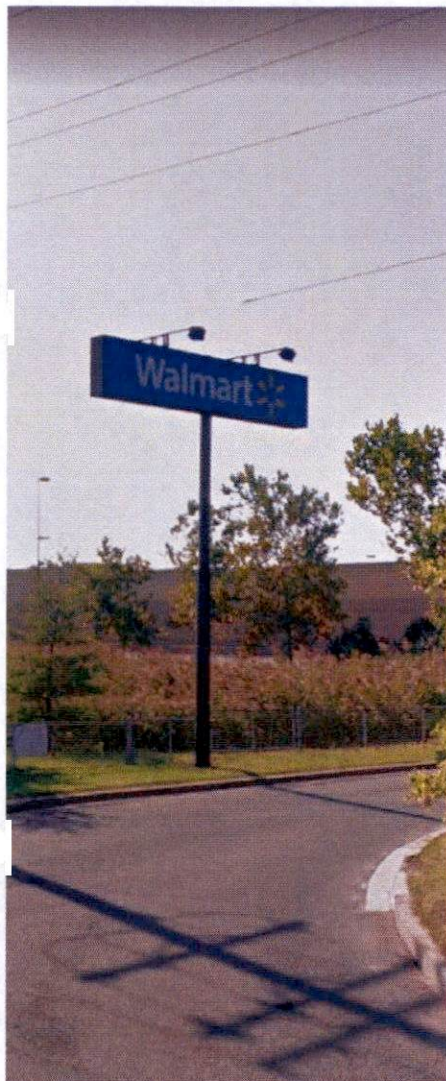
2018-0125-SPNA



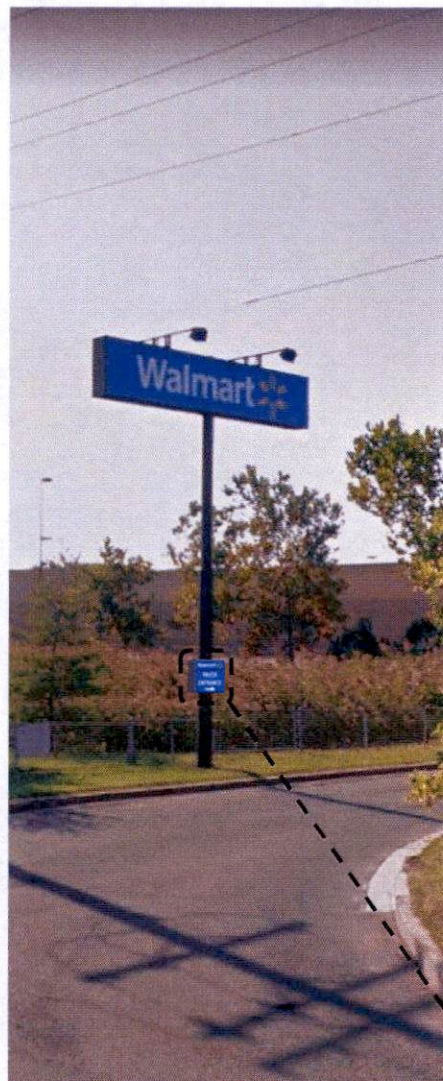
*Existing Sign to Remain



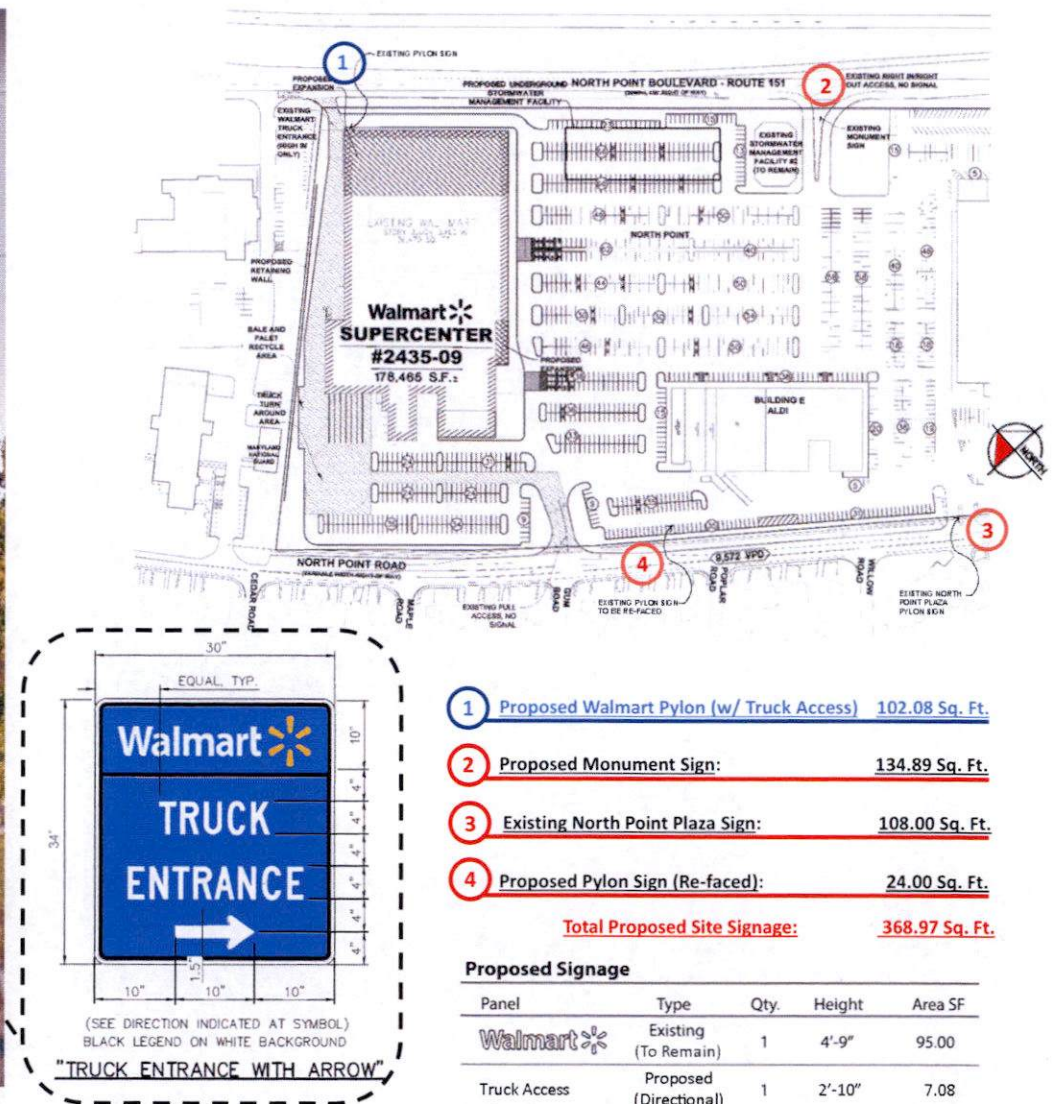
*Existing Sign to Remain

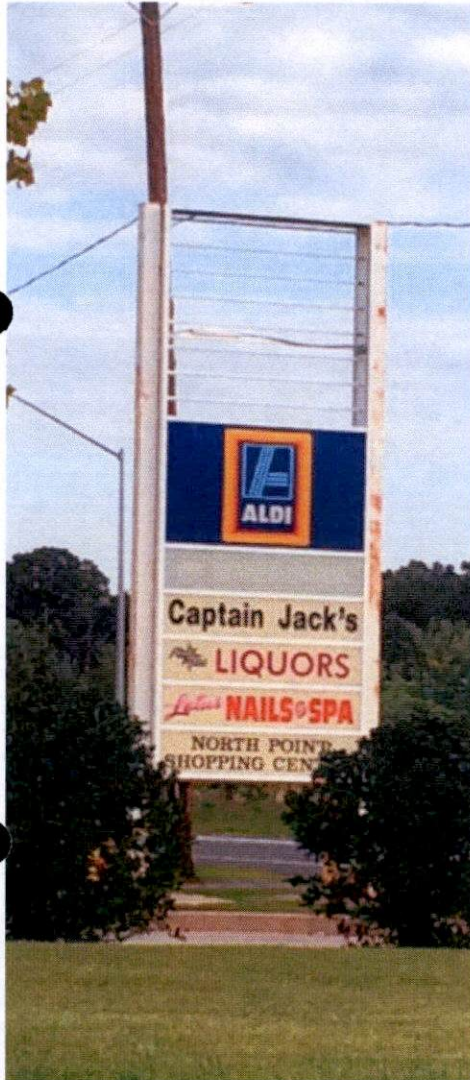


Existing Walmart Pylon Sign



Proposed Walmart Pylon (w/ Truck Access)

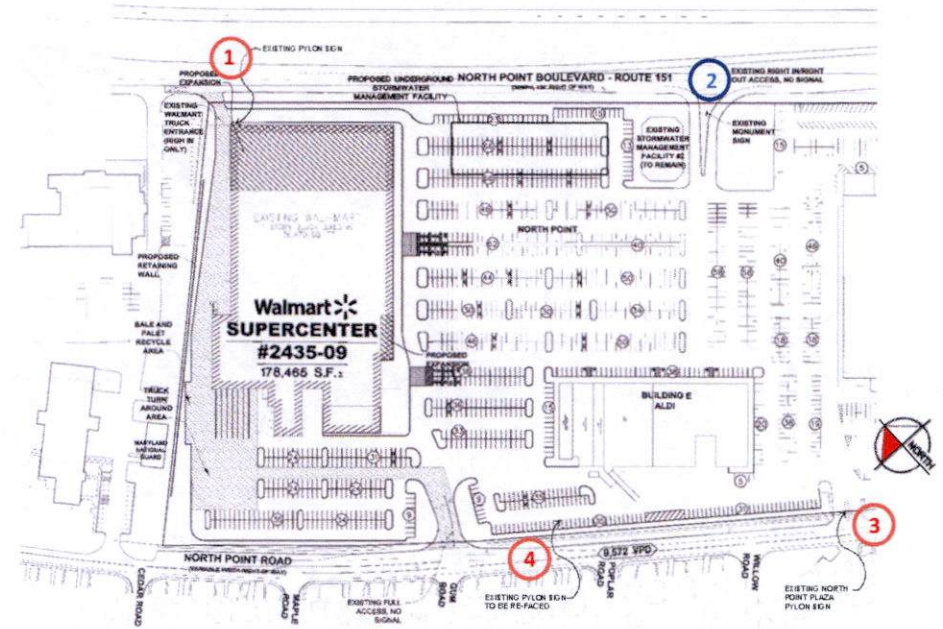




Existing Monument Sign



Proposed Monument Sign



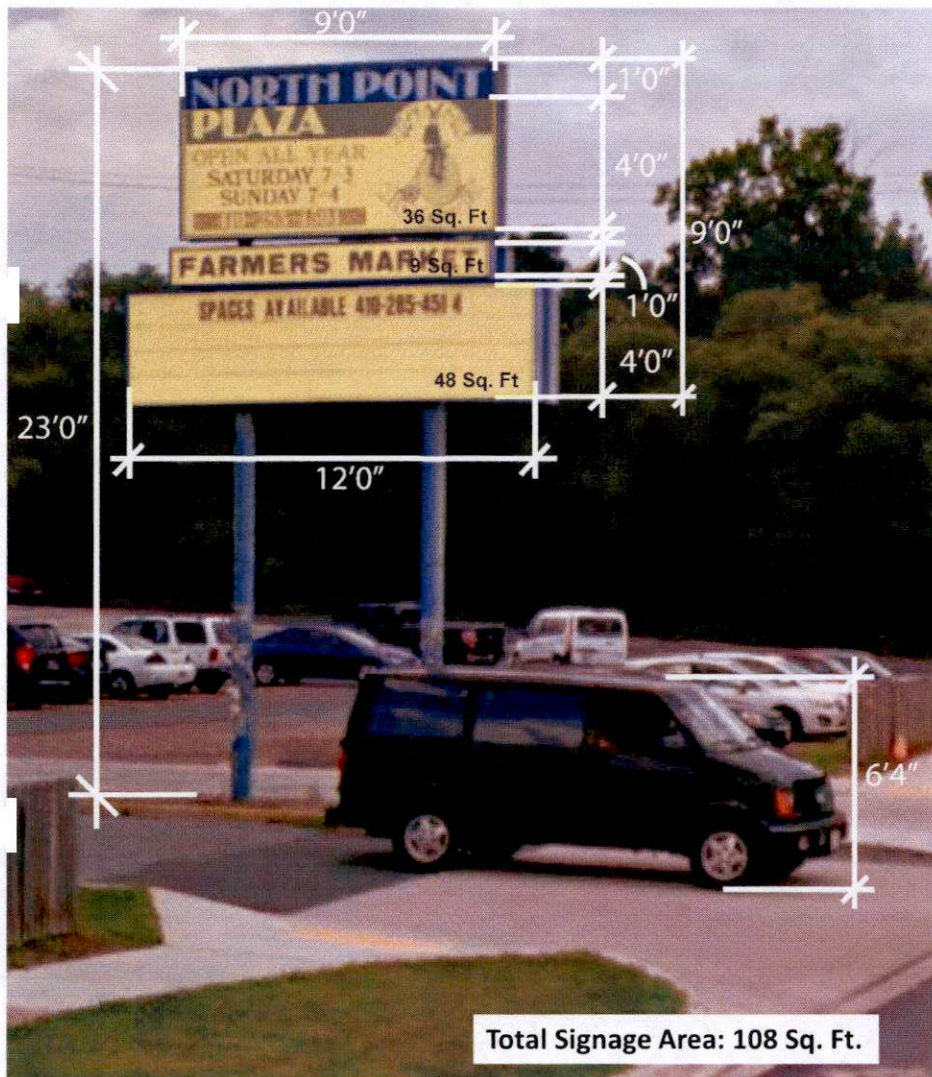
Rework of existing sign to be completed by development owner

- 1 Proposed Walmart Pylon (w/ Truck Access) 102.08 Sq. Ft.
- 2 Proposed Monument Sign: 134.89 Sq. Ft.
- 3 Existing North Point Plaza Sign: 108.00 Sq. Ft.
- 4 Proposed Pylon Sign (Re-faced): 24.00 Sq. Ft.

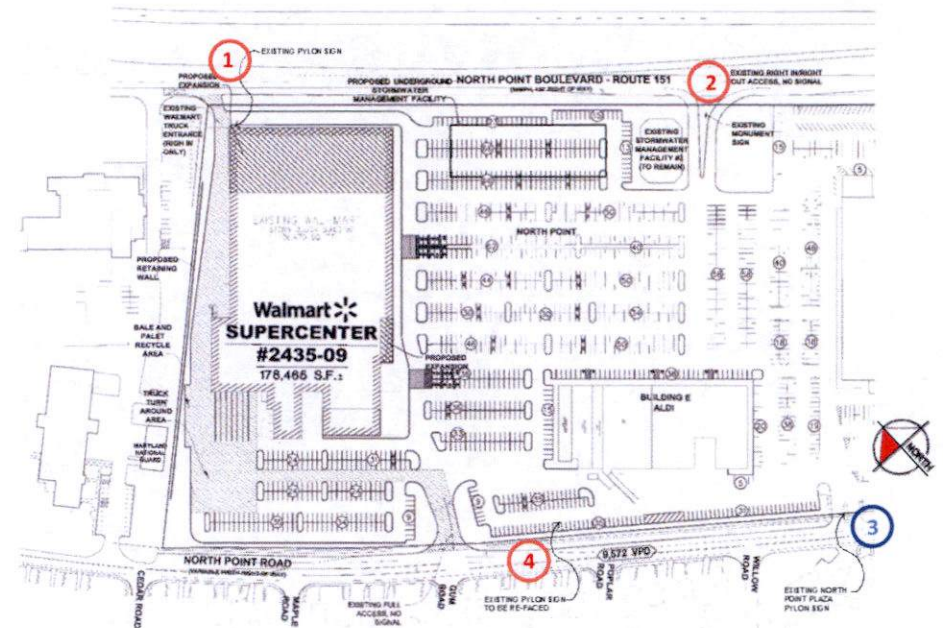
Total Proposed Site Signage: 368.97 Sq. Ft.

Panel	Qty.	Approx Height	Approx Area SF
Aldi	1	4'-6"	36.38
Liquors	1	2'-0"	16.17
Nails & Spa	1	2'-0"	16.17
Future Tenant	1	2'-0"	16.17
Future Tenant	1	6'-2"	50.00

Total Shared Tenant Signage 134.89

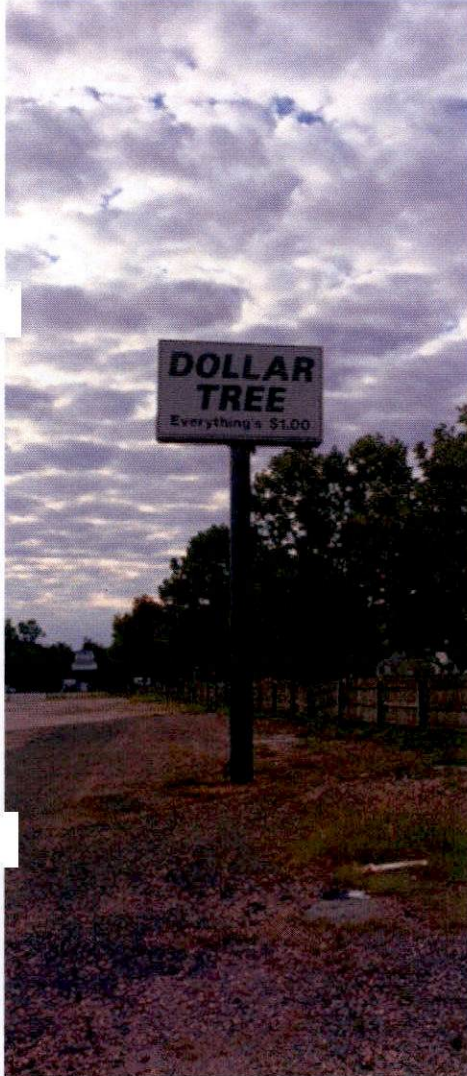


Existing North Point Plaza Sign

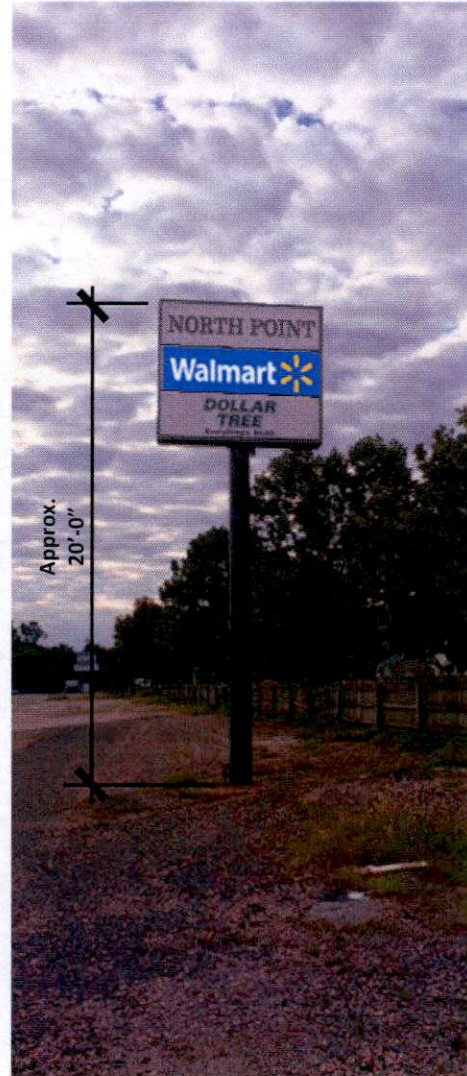


The existing North Point Plaza sign is less than 25' in height.

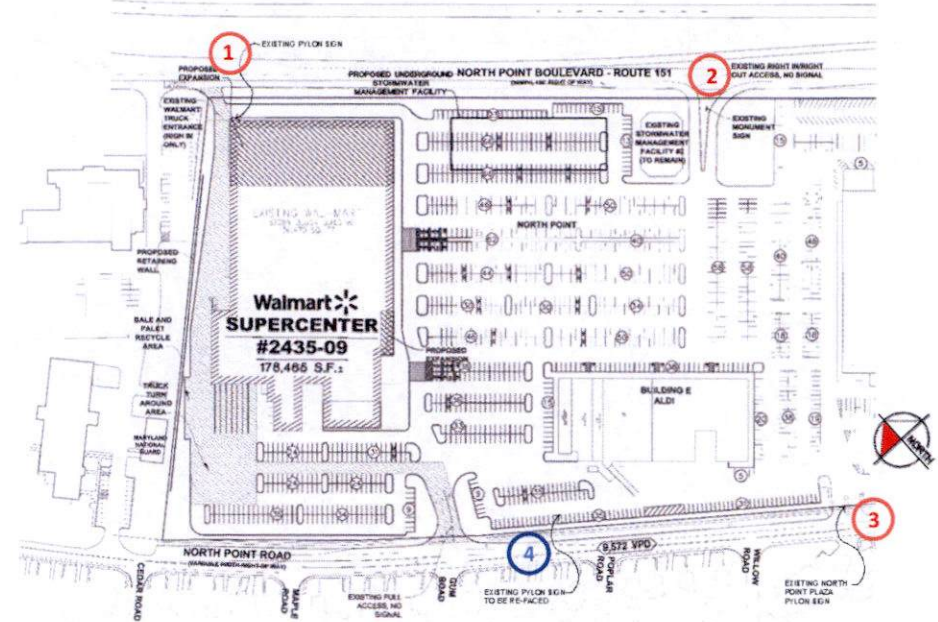
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4	Proposed Pylon Sign (Re-faced):	24.00 Sq. Ft.
Total Proposed Site Signage:		368.97 Sq. Ft.



Existing Pylon Sign to be Re-Faced



Proposed Pylon Sign (Re-faced)



Rework of existing sign to be completed by development owner

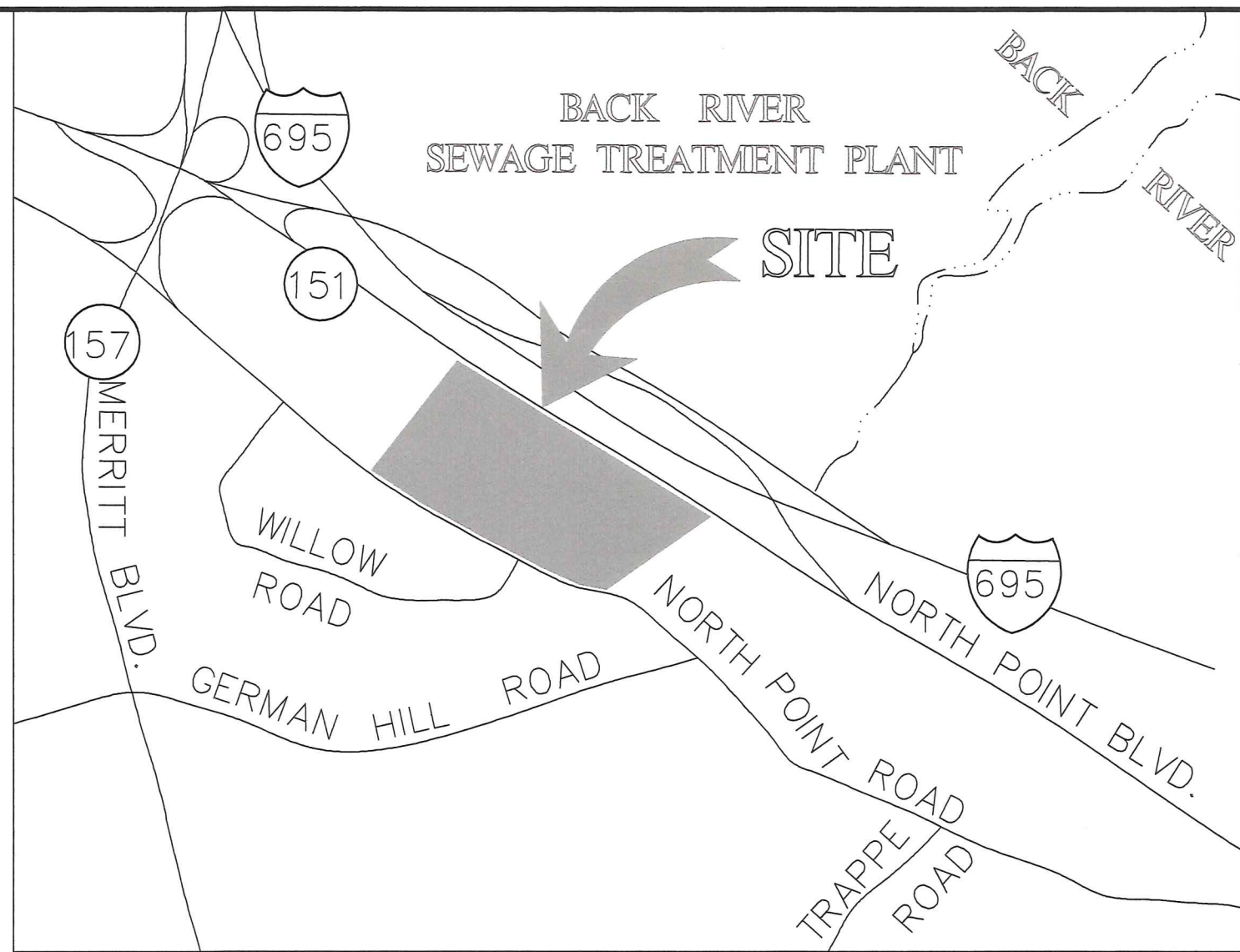
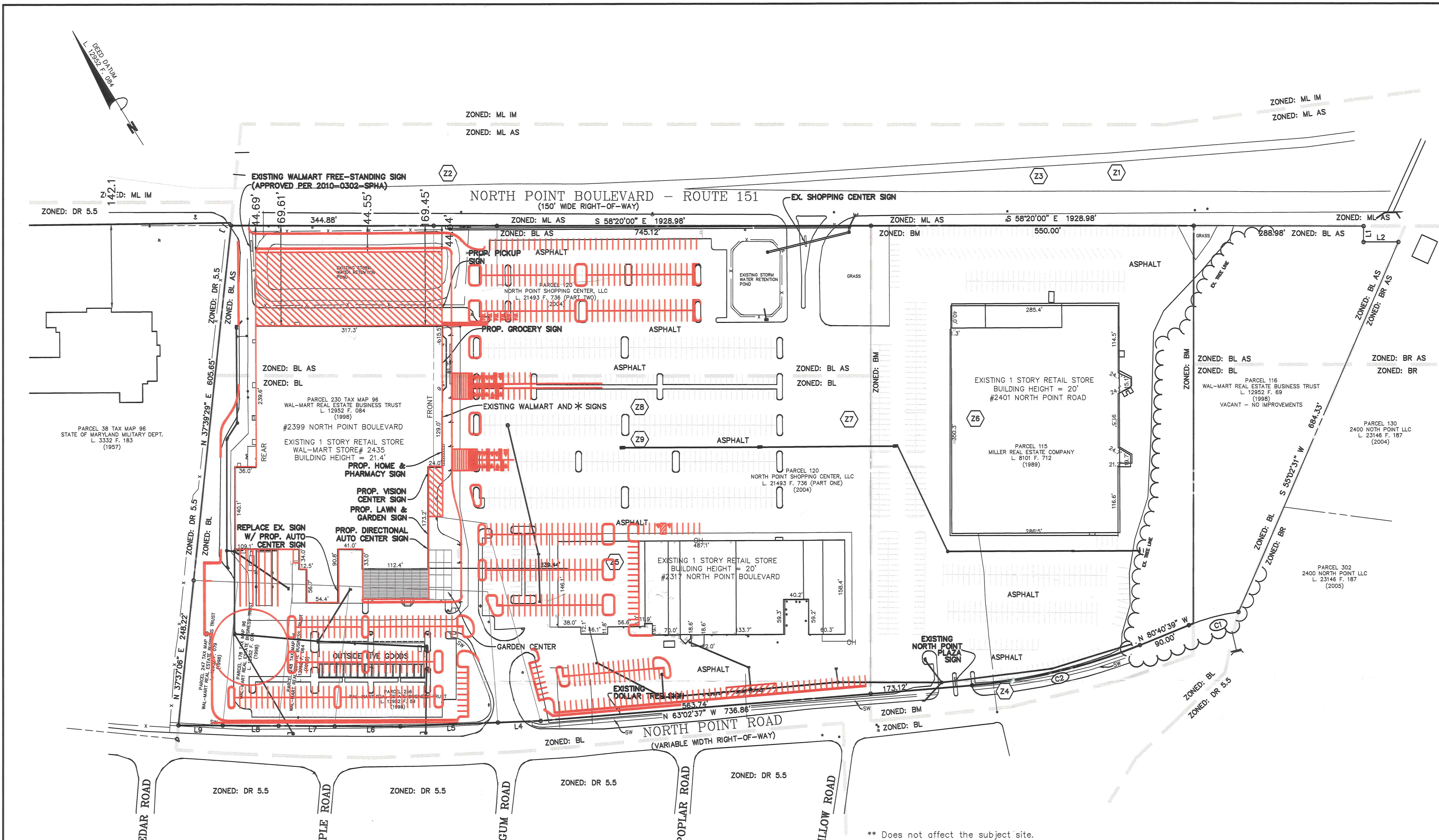
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- 4** Proposed Pylon Sign (Re-faced): 24.00 Sq. Ft.

Total Proposed Site Signage: 368.97 Sq. Ft.

Existing Pylon Sign to be Re-Faced	
Panel	Area SF
Walmart*	12.00
Dollar Tree	12.00
Total Site Signage	24.00

2018-0125-SPHA

1 inch = 300 feet



PREVIOUS COMMERCIAL PERMITS			VICINITY MAP		ZONING MAP# 0096
C-494941	CONSTRUCT ADDTN. TO EXIST. BLDG	SEPT. 2002	SCALE: 1"=1000'		SITE ZONED <u>BL/BLAS</u>
C-563740	CONSTRUCT GLAZE CANOPY	OCT. 2004			ELECTION DISTRICT <u>15TH</u>
C-581554	INTERIOR ALTERATIONS	FEB. 2005			COUNCIL DISTRICT <u>7TH</u>
C-590972	SUBWAY RESTAURANT	MAY 2005			LOT AREA TOTAL
C-599837	GARDEN CENTER KIOSK	JULY 2005			ACRES - 22.14 ±
C-636501	ALDI'S GROCERY	AUG. 2006			SQ. FT. - 964,418 ±
C-636532	MODIFY CANOPIES	AUG. 2006			WAL-MART REAL ESTATE
C-637807	NEW GROCERY STORE	JULY 2006			ACRES - 9.11 ±
					SQ. FT. - 396,831 ±
					NORTH POINT SHOPPING
					ACRES - 13.03 ±
					SQ. FT. - 567,587 ±
OWNERS INFORMATION:					HISTORIC? <u>NO</u>
WALMART REAL ESTATE BUSINESS TRUST					IN CBCA? <u>NO</u>
2001 S.E. 10th STREET					IN FLOOD PLAIN? <u>NO</u>
BENTONVILLE, AR. 72712					UTILITIES? MARK WITH X
NORTH POINT SHOPPING CENTER, L.L.C.					WATER?
9890 DEERCO ROAD, SUITE 820					PUBLIC X PRIVATE <u> </u>
TIMONIUM, MD. 21093-6930					SEWER?
					PUBLIC X PRIVATE <u> </u>
					PUBLIC HEARING?
					SEE ZONING HISTORY TABLE

OWNERS INFORMATION:	
WALMART REAL ESTATE BUSINESS TRUST 2001 S.E. 10th STREET BENTONVILLE, AR. 72712	
NORTH POINT SHOPPING CENTER, L.L.C. 9690 DEERCO ROAD, SUITE 820 TIMONIUM, MD. 21093-6930	
WAL-MART REAL ESTATE BUSINESS TRUST AND NORTH POINT SHOPPING CENTER, LLC ARE CURRENTLY REQUESTING THE FOLLOWING:	
1. A VARIANCE FROM SECTION 450.4 ATTACHMENT 1, 5(A) OF THE COUNTY ZONING REGULATIONS TO PERMIT EIGHT (8) TOTAL WALL-MOUNTED ENTERPRISE SIGNS ALONG THE FRONT FAÇADE OF THE EXISTING WAL-MART STORE;	
2. 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;	
3. A VARIANCE FROM SECTION 450.4 ATTACHMENT 1, 7(B) OF THE COUNTY ZONING REGULATIONS TO PERMIT A SECOND FREESTANDING JOINT IDENTIFICATION SIGN ALONG THE SHOPPING CENTER'S NORTH POINT ROAD FRONTAGE;	
4. A VARIANCE FROM SECTION 303.2 OF THE COUNTY ZONING REGULATIONS TO PERMIT THE EXPANSION OF AN EXISTING WAL-MART STORE BUILDING THAT WOULD RESULT IN A FRONT YARD SETBACK OF 44 FEET;	
5. A SPECIAL HEARING TO PERMIT THE MODIFICATION OF APPROVED DEVELOPMENT PLAN (CASE NOS. XV-688 AND 97-354-X) (DRC NO. 062402V) TO ACCOMMODATE (I) THE EXTENSION OF THE FOOTPRINT OF THE WAL-MART STORE NORTHWARD FOR ADDITIONAL RETAIL SALES AREA, (II) THE RE-CONFIGURATION OF THE PARKING AREA SERVING THE WAL-MART STORE, AND (III) A REDUCTION IN THE FOOTPRINT OF THE ADJACENT RETAIL STRIP-CENTER TO ACCOMMODATE ADDITIONAL PARKING AREA FOR THE WAL-MART STORE; AND	
6. A SPECIAL HEARING TO PERMIT THE AMENDMENT OF THE APPROVED PLAN AND THE ORDER ASSOCIATED WITH ZONING CASE NO. 2010-0302-SPHA AS IS NECESSARY IN CONNECTION WITH THE REQUESTED SIGNAGE VARIANCES.	

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 31°40'00" W	27.00'
L2	S 58°20'00" E	59.33'
L3		
L4	N 60°38'47" W	73.06'
L5	N 60°38'47" W	166.60'
L6	N 58°05'33" W	111.61'
L7	N 58°05'33" W	95.77'
L8	N 58°05'33" W	95.11'
L9	N 58°05'33" W	75.14'

CURVE TABLE				
C1	339.00'	87.80'	N 73°15'37" W	87.56'
C2	961.00'	295.76'	N 71°51'39" W	294.59'

SHOPPING CENTER PARKING DATA	
PROPOSED BUILDING	REQUIRED OVERALL
NEW STORE (178,465 SF)	892.3
FLEA MARKET (111,428 SF)	557.1
BUILDING E (55,830 SF)	279.2
TOTAL PARKING REQ'D (345,723 SF)	1,729
5 PER 1,000 SF (PER §409.6)	
TOTAL PARKING PROVIDED	1,835
RATIO (PER 1,000 SF)	5.3
CART CORRALS	16 (32 SPACES)

AVERAGE SETBACKS				
	WALMART BUILDING	MILITARY DEPOT BUILDING	FLEA MARKET BUILDING	OVERALL AVERAGE SETBACK
SETBACK TO NORTHPOINT BOULEVARD (FT)	169.6	142.1*	137.1	
	169.5		136.9	
AVERAGE SETBACK PER BUILDING (FT)		142.1	137.0	139.6

*SETBACK PROVIDED IS THE CLOSEST POINT TO THE NORTHPOINT BOULEVARD RIGHT-OF-WAY

FLOOR AREA CALCULATIONS	
F.A.R. (FLOOR AREA RATIO)=(EXISTING ADJUSTABLE FLOOR AREA + GARDEN CENTER ADDITION ADJUSTABLE FLOOR AREA)/(OVERALL SHOPPING CENTER AREA	
= (130,981 S.F. + 11,104)/(964,508 S.F.)=0.15<3.0 MAX THEREFORE OK	
* ADJUSTABLE FLOOR AREA (FOR CALCULATING F.A.R.) EXCLUDES FENCED GARDEN CENTER	

GRAPHIC SCALE

ZONING HISTORY					
SYMBOL	CASE NUMBER	DATE	GRANTED OR DENIED	REMARKS	
Z1	**21-05T	Oct. 16, 1951	Granted use of advertising signs for 2 years.	Signs may not exceed 6' X 10' & setback 25' from r/w of N. Point Blvd.	
Z2	58-80	June 26, 1963	Granted use of 2 illuminated sign structures	Do not place signs in right of way	
Z3	60-4981	June 17, 1960	Granted erection & maintenance of one 12' X 16' ad sign on North side of N. Point Blvd.	Denied erection & maintenance of one 12' X 16' ad sign on South side of N. Point Blvd.	
Z4	65-59A	Aug. 24, 1964	Granted use of 2 entrance signs instead of one, 169 sq. ft. instead of 150 sq. ft. & 34' height instead of 25' height	Do not place signs in right of way	
Z5	66-116-SPH	Nov. 10, 1965	Granted use of 5,000 sq. ft. within shopping center for family recreation, operating a miniature electric car race track.		
Z6	86-516-XSPH	June 16, 1980	Granted use for an arcade		
Z7	91-461-SPH	Aug. 22, 1991	Denied operation of an outdoor commercial flea market		
Z8	1997-0354		Approval of Dev. Plan 230-13 Permit Service Garage with Walmart Store	DRC #062402V	
Z9	2002-0184	Jan. 14, 2002	Granted temporary use of 26 storage containers	Subsequent withdrawal of Petition by Petitioner Feb. 5, 2003	

SYMBOL	CASE NUMBER	DATE	GRANTED OR DENIED	REMARKS
Z10	2010-0302-SPHA	July 21, 2010	Granted additional signage	ORDER ISSUED IN CONNECTION WITH ZONING CASE NO. 2010-0302-SPHA - PERMITTED (A) THREE (3) TOTAL WALL-MOUNTED ENTERPRISE SIGNS ALONG THE FRONT FAÇADE OF THE WAL-MART STORE, IN LIEU OF THE TWO (2) PERMITTED ALONG A SINGLE FAÇADE, (B) A "WALMART" WALL-MOUNTED ENTERPRISE SIGN THAT IS 158.39 SQUARE FEET IN AREA, INSTEAD OF THE 150 SQUARE FEET PERMITTED, (C) A FREESTANDING ENTERPRISE SIGN 30 FEET IN HEIGHT, IN LIEU OF THE 25 FEET PERMITTED, (D) A FREESTANDING ENTERPRISE SIGN THAT IDENTIFIES ONLY ONE (1) COMMERCIAL ESTABLISHMENT IN A SHOPPING CENTER, IN LIEU OF THE PERMITTED JOINT IDENTIFICATION SIGN THAT IDENTIFIES MULTIPLE COMMERCIAL ESTABLISHMENTS IN A SHOPPING CENTER, (E) A FREESTANDING ENTERPRISE SIGN CONTAINING 80 SQUARE FEET IN AREA, WHICH IS IN ADDITION TO THREE (3) OTHER EXISTING FREESTANDING SIGNS SERVING OTHER ESTABLISHMENTS IN THE SHOPPING CENTER THAT TOGETHER EXCEED 150 SQUARE FEET IN AREA, IN LIEU OF THE 150 SQUARE FEET OF FREESTANDING SIGNAGE THAT IS PERMITTED FOR A SHOPPING CENTER, AND (F) A SECOND FREESTANDING ENTERPRISE SIGN ALONG THE SHOPPING CENTER'S NORTH POINT BOULEVARD FRONTAGE, INSTEAD OF THE ONE (1) SIGN PERMITTED ALONG THIS FRONTAGE, IN ACCORDANCE WITH PETITIONER'S EXHIBITS 1 AND 2.

PLAN TO ACCOMPANY SPECIAL HEARING AND VARIANCE HEARING ASSOCIATED WITH SIGNAGE FOR WAL-MART DUNDALK STORE

WAL-MART REAL ESTATE BUSINESS TRUST & NORTH POINT SHOPPING CENTER

15TH ELECTION DISTRICT
COUNTY COUNCIL DISTRICT 7
DUNDALK COUNTY, MARYLAND

SCALE: 1" = 100' DATE: OCTOBER 16, 2017

REVISION	

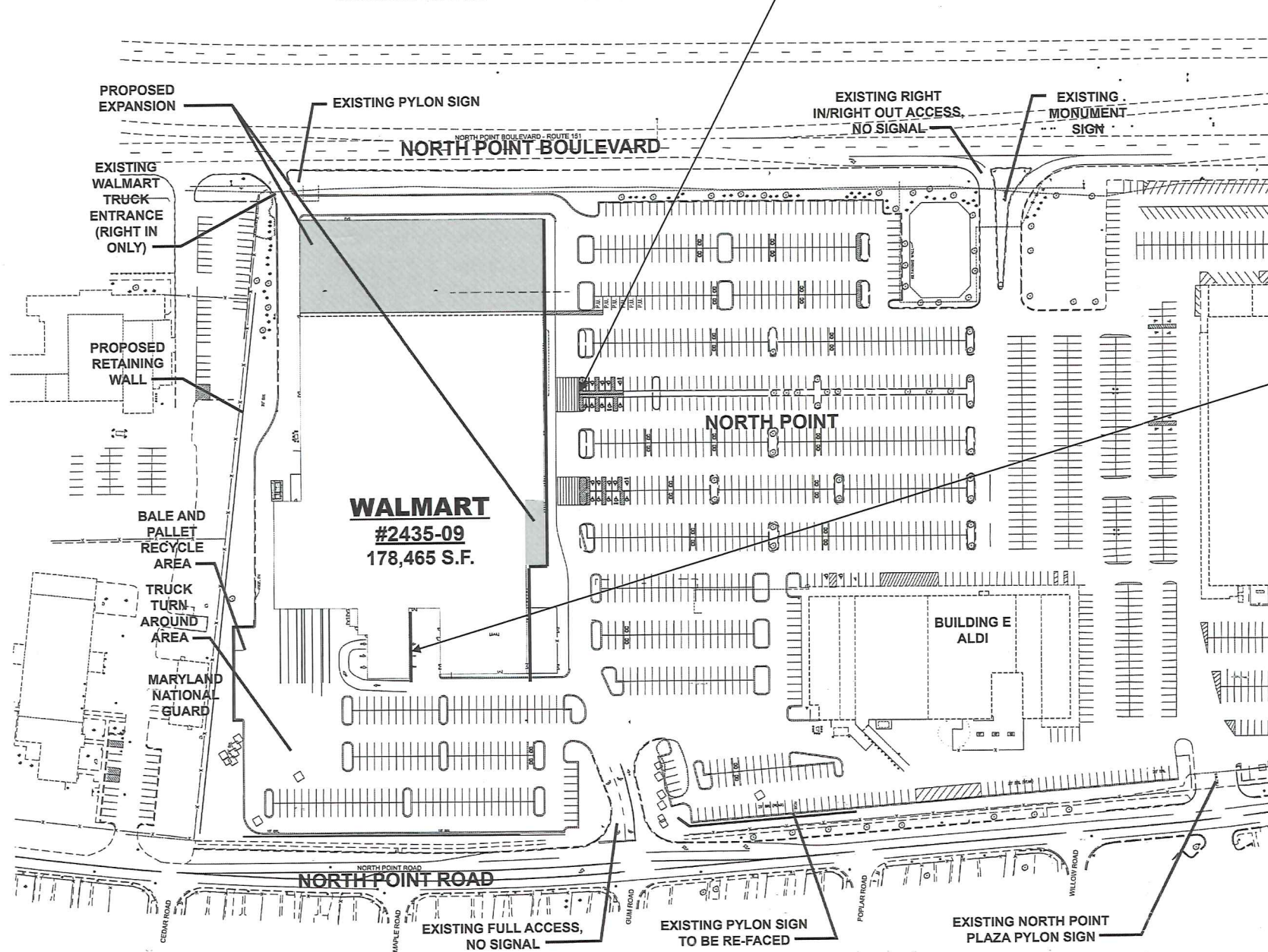
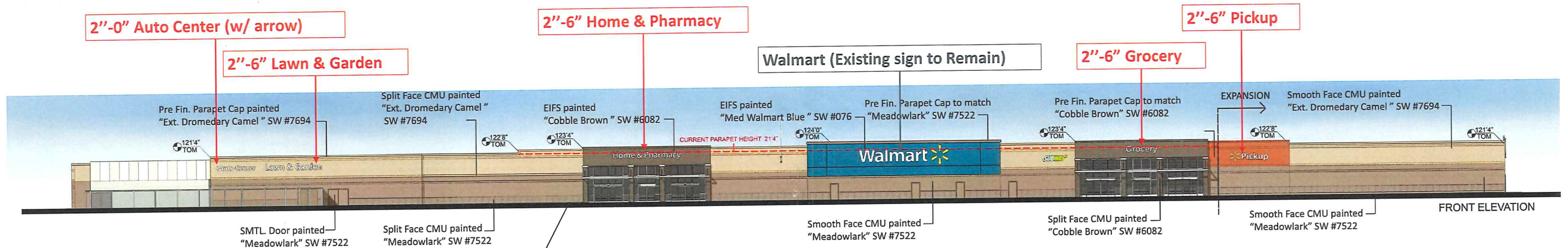
Bowman CONSULTING

Bowman Consulting Group, Ltd.
14020 Thunderbolt Place, Suite 300
Chantilly, Virginia 20151

Phone: (703) 464-1000
Fax: (703) 464-9720
www.bowmanconsulting.com

DWG: 1505/001/001/001 - Wal-Mart Dundalk, MD (Case No. 2010-0302-SPHA) (DRC #062402V) 2017-05-15
BCC PROJECT NO: 4348-01-001 TASK: COUNTY REF NO: SHEET 1 OF 1

Petitioners # 1



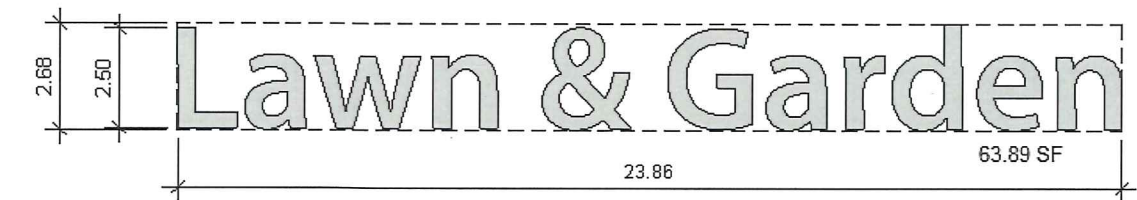
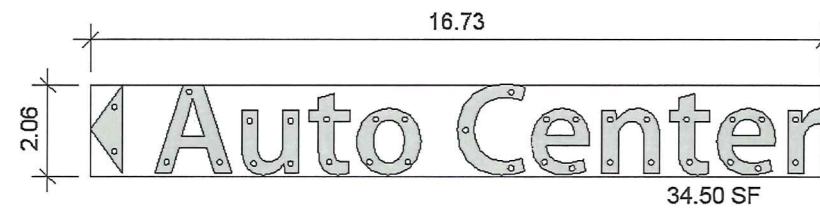
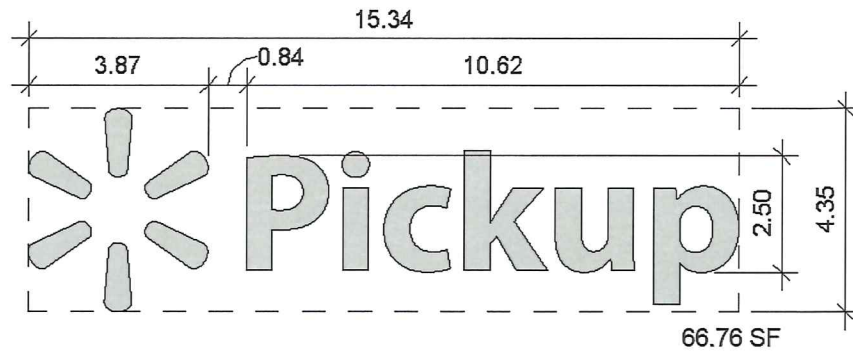
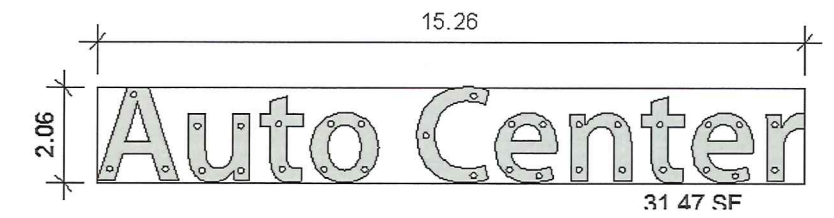
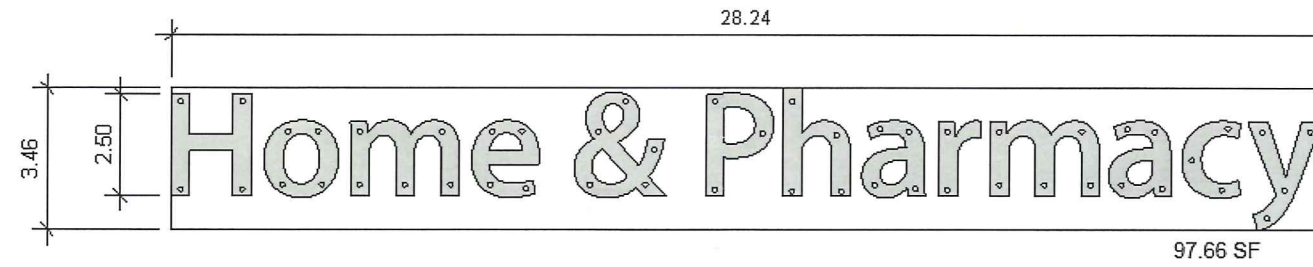
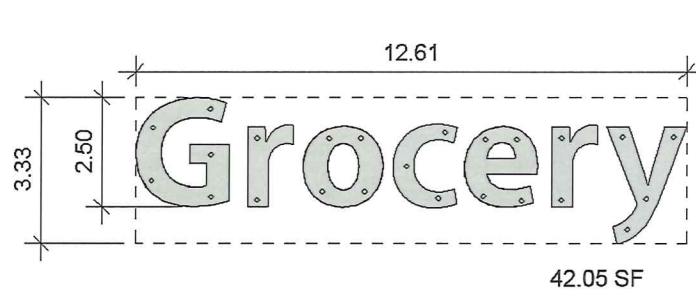
AUTO CENTER FRONT ELEVATION

Color Legend:

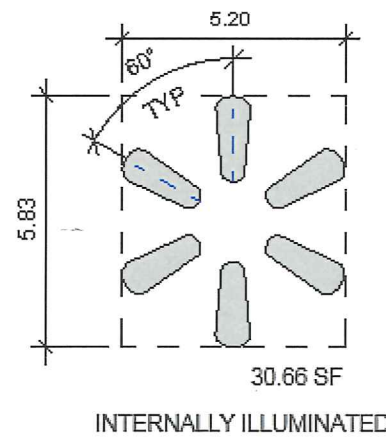
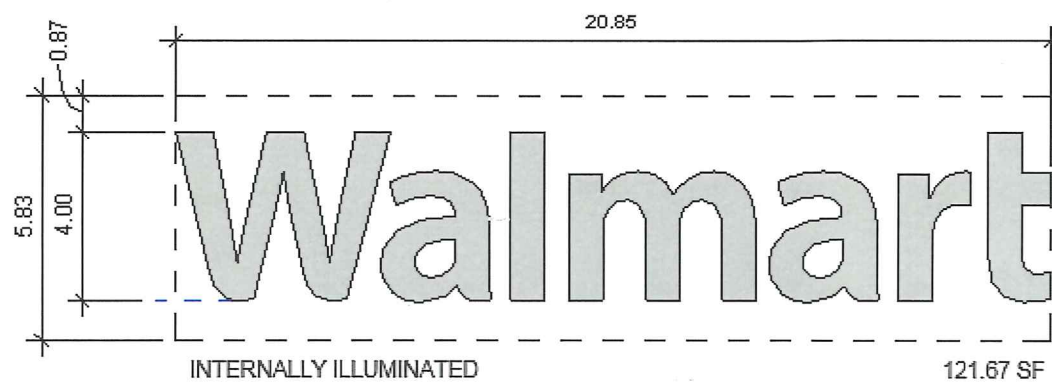
- Existing Sign or Existing Sign to be Replaced
- New Proposed Sign

Existing Signage			Proposed Signage		
Sign	Qty.	Area SF	Sign	Qty.	Area SF
Walmart	1	121.67	Walmart	1	121.67
* (Spark)	1	30.66	* (Spark)	1	30.66
Tire & Lube	1	27.10	Subway	1	19.81
Subway	1	19.81	Auto Center	1	31.47
			Grocery	1	42.05
			* Pickup	1	66.76
			Home & Pharmacy	1	97.66
			<Auto Center	1	34.50
			Lawn & Garden	1	63.89
Total Signage Area: 199.24			Total Signage Area: 508.47		

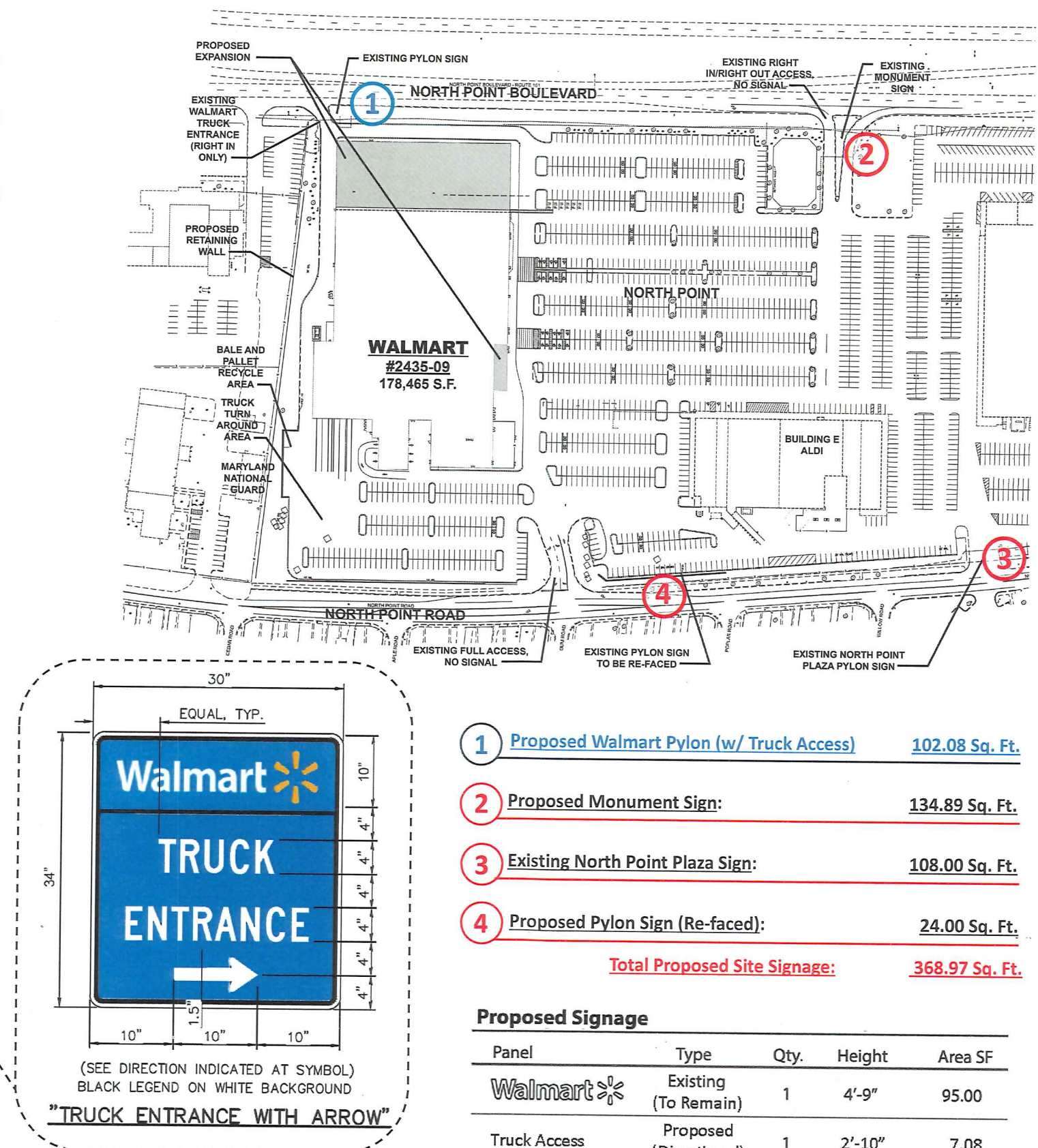
Red indicates new or replaced sign:
Black indicates existing sign to remain:



*Existing Sign to Remain



*Existing Sign to Remain



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2	<u>Proposed Monument Sign:</u>	<u>134.89 Sq. Ft.</u>
3	<u>Existing North Point Plaza Sign:</u>	<u>108.00 Sq. Ft.</u>
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Total Proposed Site Signage:		368.97 Sq. Ft.

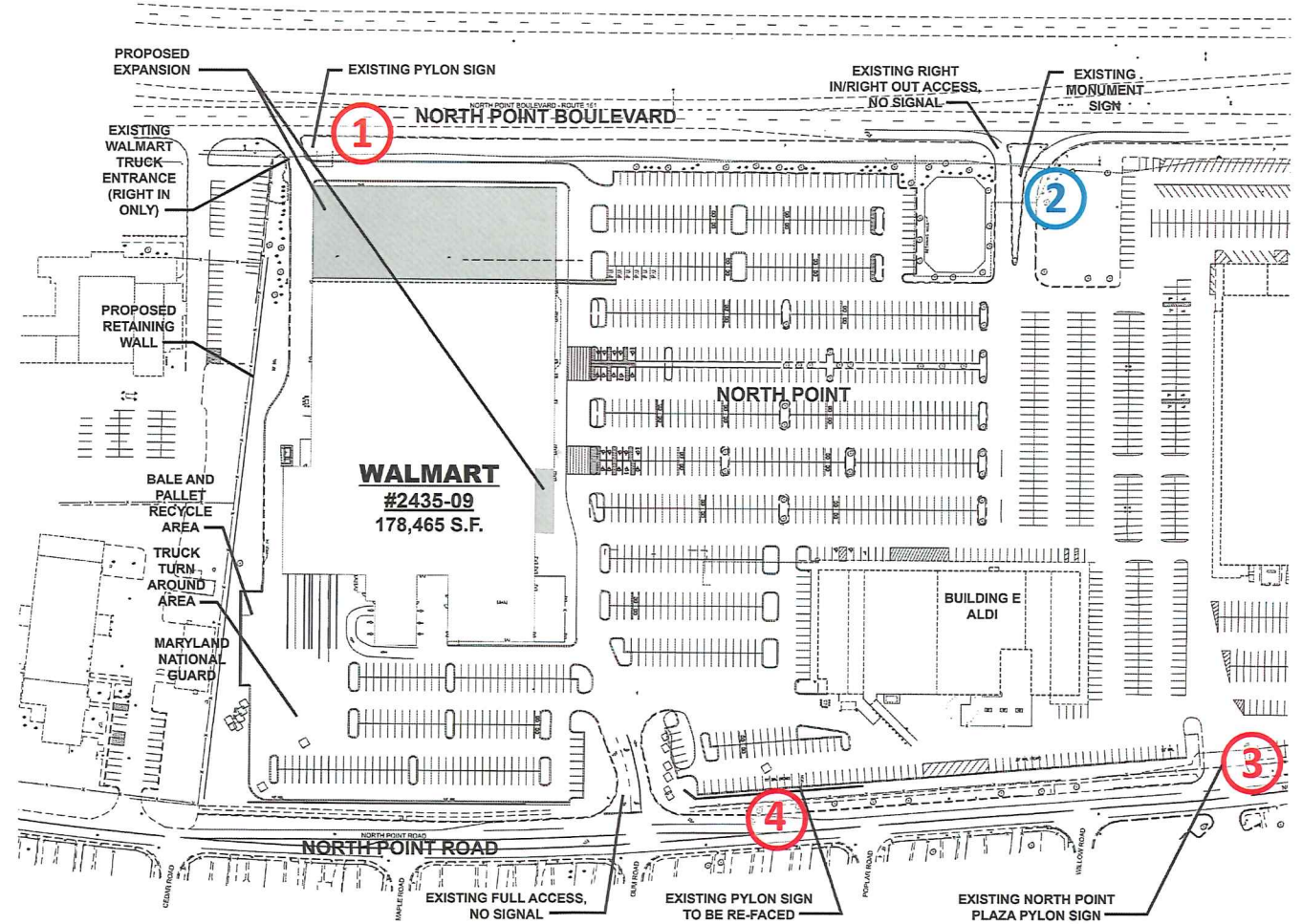
Proposed Signage				
Panel	Type	Qty.	Height	Area SF
Walmart*	Existing (To Remain)	1	4'-9"	95.00
Truck Access	Proposed (Directional)	1	2'-10"	7.08
Total Site Signage				102.08



Existing Monument Sign



Proposed Monument Sign



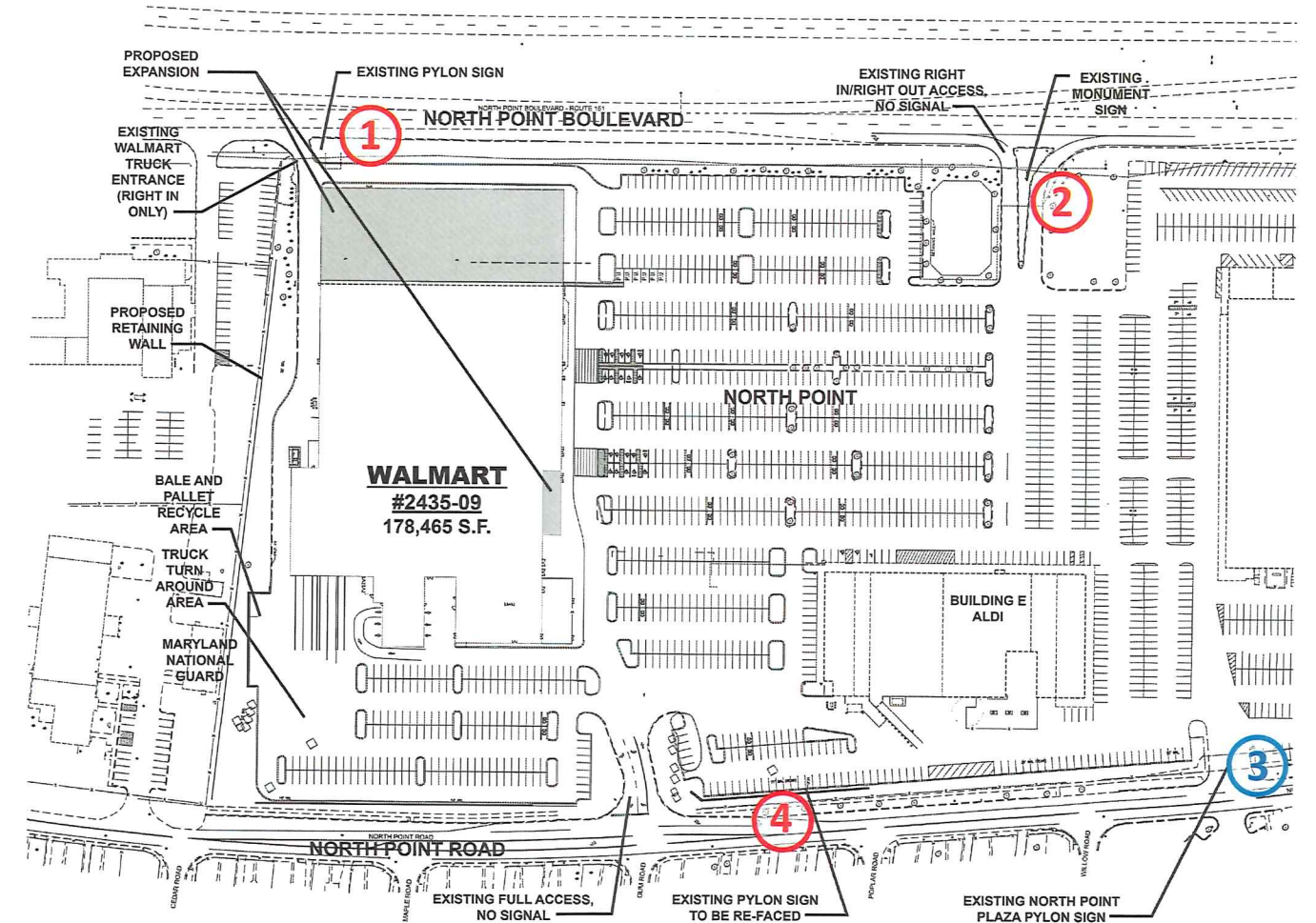
Rework of existing sign to be completed by development owner

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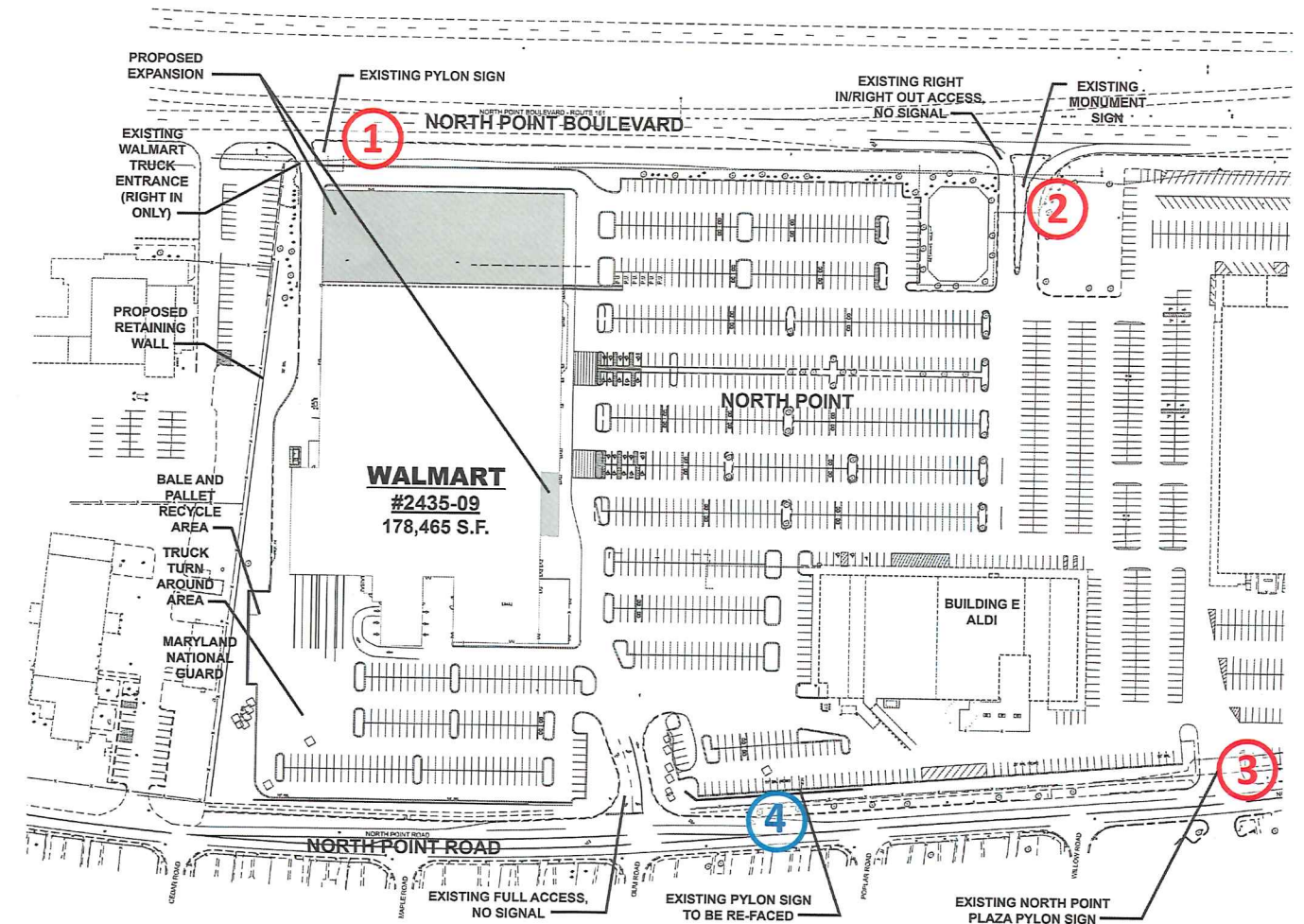
Existing North Point Plaza Sign



Existing Pylon Sign to be Re-Faced



Proposed Pylon Sign (Re-faced)



Rework of existing sign to be completed by development owner

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Existing Pylon Sign to be Re-Faced

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Dollar Tree	12.00
Total Site Signage	24.00