

MEMORANDUM

DATE: May 4, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0214-A – Appeal Period Expired

The appeal period for the above-referenced case expired on May 3, 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: PETITION FOR VARIANCE

(10300 Mill Run Circle)

4th Election District

4th Council District

Owings Mills Mall, LLC

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0214-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Owings Mills Mall, LLC, legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from §450 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) to permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; (2) to allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); (3) to allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; (4) to allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); (5) to permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: (a) Sign G on Building M: 351.56 sq. ft.; (b) Sign V on Building A: 245.10 sq. ft., and (c) Signs W and W-1 on Building A: 379.65 sq. ft.; (6) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X, and V on Building A and signs G, H, and I on Building M); (7) to permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); (8) to permit one wall-mounted enterprise sign on the rear of a multi-tenant building

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Date

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By

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without a customer entrance (Buildings F, G, H, I, J and K); and (9) to allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance. A site plan was marked as Petitioner's Exhibit 1.

Greg Reed and professional engineer Michael Gesell appeared in support of the petition. Lawrence Schmidt, Esq. represented the Petitioner. One neighbor (Linda Dorsey-Walker) attended the hearing and indicated the community opposed the renaming of the Owings Mills Town Center. The Petition was advertised and posted as required by the BCZR. While the Department of Planning (DOP) supported the majority of the requests that agency indicated a height variance (30' height in lieu of 25') was not justified for the freestanding joint identification signs.

The site is approximately 77 acres in size and zoned BM-CT. The former Owings Mills Town Center was located at this site. The mall has been razed and Petitioner proposes to construct a new retail center (featuring a Costco store) at the property, which would be known as "Mill Station." This case concerns only the signage proposed for the new center. The signage is identified in the Petition and order which follows by a letter and/or numerical reference which corresponds to the buildings and signage shown on the site plan marked as Exhibit 1.

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).

This large property has an irregular shape and is therefore unique. If the Regulations were strictly

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interpreted Petitioner would experience a practical difficulty because it would be unable to provide adequate signage for this commercial project. 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 absence of County or community opposition.

I have read and considered the ZAC comment submitted by the DOP, but I do not believe granting the variance for the joint-identification signage (30' height in lieu of the maximum 25') will have a detrimental impact upon the surrounding area. Mr. Reed noted his firm was making an \$80 million investment at the site, and I believe the signage proposed is appropriate for this much-needed redevelopment project on a 77 acre parcel. In addition, Mr. Reed submitted several photos (Ex. 4) he took which show that mature (and in some cases unkempt) vegetation and trees could potentially obstruct a motorist's view of the proposed free-standing signs, and thus I believe this is an additional justification for granting the request.

THEREFORE, IT IS ORDERED, this 3rd day of **April, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §450 of the Baltimore County Zoning Regulations ("BCZR"): (1) to permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; (2) to allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); (3) to allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; (4) to allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); (5) to permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: (a) Sign G on Building M: 351.56 sq. ft.; (b) Sign V on Building A: 245.10 sq. ft., and (c) Signs

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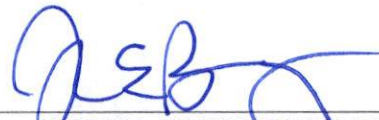
Date 4/3/18
By Sen

W and W-1 on Building A: 379.65 sq. ft.; (6) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X, and V on Building A and signs G, H, and I on Building M); (7) to permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); (8) to permit one wall-mounted enterprise sign on the rear of a multi-tenant building without a customer entrance (Buildings F, G, H, I, J and K); and (9) to allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

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Date 4/3/18

By sln



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 10300 Mill Run Circle

which is presently zoned ~~EMTC~~ **BM-CT**

Deed References: _____ 10 Digit Tax Account # _____

Property Owner(s) Printed Name(s) **OWINGS MILLS MALL, LLC**, a Delaware limited liability company By: **KRC Maryland Realty QRS, Inc., Manager**

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

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

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

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

3. ☒ 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)

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Name- Type or Print _____

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name- Type or Print _____

Signature _____

600 Washington Avenue, Suite 200 **Towson** **MD**

Mailing Address _____ City _____ State _____

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

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER **2018-0214-A** Filing Date **2/29/18**

Legal Owners (Petitioners): See attached list for additional legal owners

OWINGS MILLS MALL, LLC, a Delaware limited liability company

By: **KRC Maryland Realty QRS, Inc., Manager**

By: **Wilbur E Simmons III** Title: Vice President

Title: Wilbur E Simmons III Date: **2/16/18**

c/o Kimco Realty Corp.
3333 New Hyde Park Road, Suite 100

New Hyde Park NY

Mailing Address _____ City _____ State _____

11042

Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Name - Type or Print _____

Signature _____

600 Washington Avenue, Suite 200 **Towson** **MD**

Mailing Address _____ City _____ State _____

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

Zip Code _____ Telephone # _____ Email Address _____

Do Not Schedule Dates:

Reviewer **Ju**

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REV. 10/4/11

Date **4/3/18**

By **Sen**

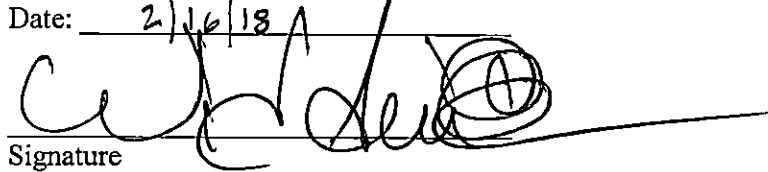
Legal Owners (Petitioners) cont'd:

JB **OWINGS MILLS MALL, LLC**, a Delaware limited liability company
By: KRC Maryland Realty QRS, Inc., Manager

Name: Wilbur E Simmons III

Title: Vice President

Date: 2/16/18



Signature

C/O Kimco Realty Corp. 33333 New Hyde Park Road, Suite 100, New Hyde Park, NY
Mailing Address City State

11042 / /
Zip Code Telephone # Email Address

2018-0214-A

ATTACHMENT TO PETITION FOR ZONING HEARING

Mill Station f.k.a. Owings Mills Mall

10300 Mill Run Circle

4th Election District

4th Councilmanic District

Variance from Section(s):

Freestanding Joint Identification Signs

1. BCZR § 450.4 Attachment 1.7(b) to permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; and
2. BCZR § 450.4 Attachment 1.7(b) to allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); and
3. BCZR § 450.4 Attachment 1.7(b) to allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 feet in lieu of the maximum of 25 feet; and
4. BCZR § 450.4 Attachment 1.7(b) to allow freestanding joint identification signs with a face area of up to 288.24 square feet in lieu of the maximum of 150 square feet (3 Sign Cs); and

Wall- Mounted Enterprise Signs

5. BCZR § 450.4 Attachment 1.5(a) to permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 square feet as follows:
 - a. Sign G on Building M: 351.56 square feet;
 - b. Sign V on Building A: 245.10 square feet;
 - c. Signs W and W-1 on Building A: 379.65 square feet; and
6. BCZR § 450.4 Attachment 1.5(a) to permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X and V on Building A and Signs G, H and I on Building M); and
7. BCZR § 450.4 Attachment 1.5(a) to permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); and

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8. BCZR § 450.4 Attachment 1.5(d) to permit one wall-mounted enterprise sign on the rear of a multi-tenant building without a customer entrance (Buildings F, G, H, I, J and K); and

Freestanding Community Signs

9. BCZR § 450.6.A.3 to allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance; and

Miscellaneous

10. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

0214-A



ZONING DESCRIPTION
TAX MAP 67, PARCEL 46, LOTS 4,5,6,7,8,13,15,17,18,19 AND 21
THE LAND OF
OWINGS MILLS MALL, LLC.
LIBER 37072 FOLIO 260 AND LIBER 37049 FOLIO 369
4TH ELECTION DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LIMITS OF MILL RUN CIRCLE (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 85 FEET NORTHWEST OF THE INTERSECTION OF SAID MILL RUN CIRCLE AND I-795 RAMP X&Y (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE MILL RUN CIRCLE ON THE NORTH AND THE LAND OF OWINGS MILLS MALL, LLC. (LIBER 37049 FOLIO 369) ON THE SOUTH;

1. NORTH 38 DEGREES – 57 MINUTES – 48 SECONDS WEST, 65.20 FEET TO A POINT, THENCE;
2. CONTINUING SOUTH 52 DEGREES – 52 MINUTES – 57 SECONDS WEST, 77.73 FEET TO A POINT, THENCE;
3. CONTINUING NORTH 32 DEGREES – 21 MINUTES – 37 SECONDS WEST, 145.40 FEET TO A POINT, THENCE;
4. CONTINUING 528.56 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 457.00 FEET, A CENTRAL ANGLE OF 66 DEGREES – 16 MINUTES – 01 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 00 DEGREES – 46 MINUTES – 29 SECONDS EAST, 499.58 FEET TO A POINT, THENCE;
5. CONTINUING NORTH 33 DEGREES – 54 MINUTES – 23 SECONDS EAST, 64.93 FEET TO A POINT, THENCE;
6. CONTINUING NORTH 33 DEGREES – 54 MINUTES – 26 SECONDS EAST, 154.25 FEET TO A POINT, THENCE;
7. CONTINUING NORTH 56 DEGREES – 05 MINUTES – 34 SECONDS WEST, 94.52 FEET TO A POINT, THENCE;
8. CONTINUING NORTH 07 DEGREES – 18 MINUTES – 09 SECONDS WEST, 47.54 FEET TO A POINT, THENCE;
9. CONTINUING NORTH 64 DEGREES – 32 MINUTES – 33 SECONDS EAST, 49.74 FEET TO A POINT, THENCE;
10. CONTINUING NORTH 71 DEGREES – 05 MINUTES – 25 SECONDS EAST, 301.04 FEET TO A POINT, THENCE;
11. CONTINUING NORTH 67 DEGREES – 19 MINUTES – 25 SECONDS EAST, 202.24 FEET TO A POINT, THENCE;
12. CONTINUING SOUTH 84 DEGREES – 51 MINUTES – 20 SECONDS EAST, 105.95 FEET TO A POINT, THENCE;



13. CONTINUING NORTH 84 DEGREES – 36 MINUTES – 13 SECONDS EAST, 131.53 FEET TO A POINT, THENCE;
14. CONTINUING SOUTH 82 DEGREES – 42 MINUTES – 33 SECONDS EAST, 65.65 FEET TO A POINT, THENCE;
15. CONTINUING 187.41 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 268.25 FEET, A CENTRAL ANGLE OF 39 DEGREES – 58 MINUTES – 19 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 80 DEGREES – 46 MINUTES – 16 SECONDS EAST, 183.37 FEET TO A POINT, THENCE;
16. CONTINUING SOUTH 60 DEGREES – 47 MINUTES – 44 SECONDS EAST, 650.72 FEET TO A POINT, THENCE;
17. CONTINUING 195.82 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 336.96 FEET, A CENTRAL ANGLE OF 33 DEGREES – 17 MINUTES – 51 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 42 DEGREES – 11 MINUTES – 23 SECONDS EAST, 193.08 FEET TO A POINT, THENCE;
18. CONTINUING SOUTH 25 DEGREES – 43 MINUTES – 14 SECONDS EAST, 226.53 FEET TO A POINT, THENCE;
19. CONTINUING 68.19 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 336.96 FEET, A CENTRAL ANGLE OF 11 DEGREES – 35 MINUTES – 39 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 20 DEGREES – 56 MINUTES – 18 SECONDS EAST, 68.07 FEET TO A POINT, THENCE;
20. CONTINUING SOUTH 16 DEGREES – 08 MINUTES – 21 SECONDS EAST, 6.56 FEET TO A POINT, THENCE;
21. CONTINUING 18.46 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 11.75 FEET, A CENTRAL ANGLE OF 90 DEGREES – 01 MINUTES – 14 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 61 DEGREES – 09 MINUTES – 22 SECONDS EAST, 16.62 FEET TO A POINT, THENCE;
22. CONTINUING NORTH 73 DEGREES – 50 MINUTES – 37 SECONDS EAST, 697.61 FEET TO A POINT, THENCE;
23. CONTINUING SOUTH 22 DEGREES – 27 MINUTES – 57 SECONDS EAST, 165.17 FEET TO A POINT, THENCE;
24. CONTINUING SOUTH 18 DEGREES – 18 MINUTES – 16 SECONDS EAST, 445.98 FEET TO A POINT, THENCE;
25. CONTINUING SOUTH 21 DEGREES – 32 MINUTES – 16 SECONDS EAST, 279.35 FEET TO A POINT, THENCE;
26. CONTINUING SOUTH 68 DEGREES – 27 MINUTES – 42 SECONDS WEST, 50.19 FEET TO A POINT, THENCE;

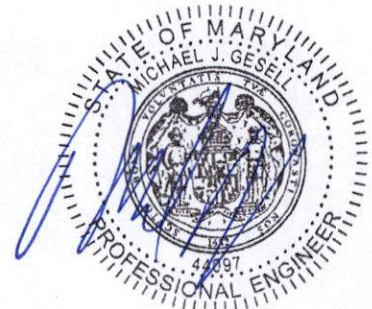


27. CONTINUING SOUTH 54 DEGREES – 40 MINUTES – 47 SECONDS WEST, 299.35 FEET TO POINT, THENCE;
28. CONTINUING SOUTH 75 DEGREES – 42 MINUTES – 51 SECONDS WEST, 103.08 FEET TO POINT, THENCE;
29. CONTINUING SOUTH 62 DEGREES – 03 MINUTES – 30 SECONDS WEST, 78.28 FEET TO A POINT, THENCE;
30. CONTINUING SOUTH 22 DEGREES – 55 MINUTES – 10 SECONDS WEST, 90.69 FEET TO A POINT, THENCE;
31. CONTINUING 335.23 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 786.17 FEET, A CENTRAL ANGLE OF 24 DEGREES – 25 MINUTES – 54 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 78 DEGREES – 07 MINUTES – 28 SECONDS WEST, 332.70 FEET TO A POINT, THENCE;
32. CONTINUING 17.89 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 786.17 FEET, A CENTRAL ANGLE OF 01 DEGREES – 18 MINUTES – 14 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES – 00 MINUTES – 28 SECONDS WEST, 17.89 FEET TO A POINT, THENCE;
33. CONTINUING 145.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 801.50 FEET, A CENTRAL ANGLE OF 10 DEGREES – 24 MINUTES – 07 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 83 DEGREES – 09 MINUTES – 17 SECONDS WEST, 145.31 FEET TO A POINT, THENCE;
34. CONTINUING SOUTH 77 DEGREES – 57 MINUTES – 14 SECONDS WEST, 124.96 FEET TO A POINT, THENCE;
35. CONTINUING 335.99 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 958.50 FEET, A CENTRAL ANGLE OF 20 DEGREES – 05 MINUTES – 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 87 DEGREES – 59 MINUTES – 45 SECONDS WEST, 334.27 FEET TO A POINT, THENCE;
36. CONTINUING NORTH 81 DEGREES – 57 MINUTES – 42 SECONDS WEST, 524.97 FEET TO A POINT, THENCE;
37. CONTINUING 105.02 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1041.51 FEET, A CENTRAL ANGLE OF 05 DEGREES – 46 MINUTES – 38 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 84 DEGREES – 51 MINUTES – 05 SECONDS WEST, 104.97 FEET TO A POINT, THENCE;
38. CONTINUING 59.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 41.50 FEET, A CENTRAL ANGLE OF 91 DEGREES – 59 MINUTES – 10 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 41 DEGREES – 44 MINUTES – 51 SECONDS WEST, 42.96 FEET TO A POINT, THENCE;
39. CONTINUING 12.34 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 210.00 FEET, A CENTRAL ANGLE OF 03 DEGREES – 21 MINUTES – 59 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 05 DEGREES – 57 MINUTES – 20 SECONDS EAST, 6.17 FEET TO A POINT, THENCE;



40. CONTINUING 78.94 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 41.50 FEET, A CENTRAL ANGLE OF 108 DEGREES – 59 MINUTES – 03 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 62 DEGREES – 06 MINUTES – 33 SECONDS EAST, 67.56 FEET TO A POINT, THENCE;
41. CONTINUING SOUTH 63 DEGREES – 23 MINUTES – 43 SECONDS EAST, 40.00 FEET TO A POINT, THENCE;
42. CONTINUING NORTH 26 DEGREES – 36 MINUTES – 17 SECONDS EAST, 75.00 FEET TO A POINT, THENCE;
43. CONTINUING NORTH 63 DEGREES – 23 MINUTES – 43 SECONDS WEST, 540.69 FEET TO A POINT, THENCE;
44. CONTINUING 282.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 663.00 FEET, A CENTRAL ANGLE OF 24 DEGREES – 25 MINUTES – 58 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 51 DEGREES – 10 MINUTES – 49 SECONDS WEST, 280.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,382,497 SQUARE FEET OR 77.65 ACRES.



8/20/18

REF 166104

Date:

2/20/18

1950

BUSINESS	ACTUAL	TIME	US
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2/20/2018 2/20/2018 09:31:52 3

EEG 0503 WALKIN CHM.

RECEIPT # 763317 2/20/2018 OFLN

Dept 5 522 ZEDING VERIFICATION

CR 13. 133104

Recpt Tot 1200.00

1500.00 CK 3.00 CA

Baltimore County, Maryland

[illegible]

Total:

500 00

Rec: Smith, Gildea & Schmidt

For: 10300 Mill Run (K-

7018-0714-46

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

March 23, 2018

Owings Mills Mall LLC
c/o Kimco Realty Corporation
Wilbur E Simmons III
3333 New Hyde Park Road Suite 100
New Hyde Park NY 11042

RE: Case Number: 2018-0214 A, Address: 10300 Mill Run Circle

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 20, 2018. 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 cursive script, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 2/26/18

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

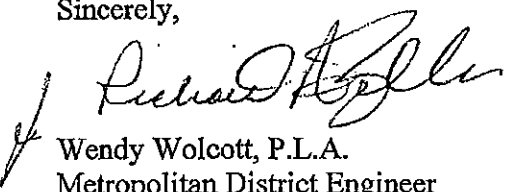
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0214-A

*Variance
Owings Milk Mall LLC
10300 Mill Run Circle*

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

Sincerely,


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0214-A
Address 10300 Mill Run Circle
(Owings Mills Mall, LLC Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-214

INFORMATION:

Property Address: 10300 Mill Run Circle
Petitioner: Owings Mill Mall, LLC
Zoning: BM, CT
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on March 1, 2018. The site is the former Owings Mills Mall.

The Department has no objection to granting the petitioned zoning relief with the exception of request #3, to allow freestanding joint identification signs with a height of up to 30 feet in lieu of the maximum 25 foot (three signs identified as "C" on the submitted plan). The Department does not object to each of those three signs so identified as "C" having a maximum height of 25'.

The Comprehensive Manual of Development Policies (CMDP) establishes as a design standard for power centers, *"One freestanding project identification sign that identifies the development may be up to 25 feet in height; if the development is on more than one major arterial or boulevard, then the other freestanding signs may not exceed 8' in height."* (CMDP pg.119). The Department recommends that the overall signage associated with the newly established retail center, much of which is subject to the requested zoning relief, and not being opposed by the Department, is sufficient in its function of informing customers of the location of products and services within the self-contained site.

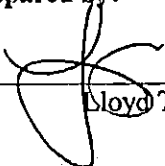
The Department recommends the 30' height sought for the three Type C signs proposed at the periphery of the project does not substantially enhance their performance. They are not obscured by topography or otherwise blocked in some fashion therefore the variance is not justified. Redesigned, these signs which are not located on a major arterial or boulevard but instead in the case of two directly adjacent to residential units, would function as effectively and integrate better into the transition area between the intensive retail power center and the surrounding lower intensity residential/retail uses if limited to a height of 25'. The 25' dimension represents a height relief of 17' for two of the three Type C signs.

Please be advised the petition does not seek variance relief from BCZR §504.2.

Date: 3/28/2018
Subject: ZAC # 18-214
Page 2

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski

Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

March 23, 2018

Owings Mills Mall LLC
c/o Kimco Realty Corporation
Wilbur E Simmons III
3333 New Hyde Park Road Suite 100
New Hyde Park NY 11042

RE: Case Number: 2018-0214 A, Address: 10300 Mill Run Circle

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 20, 2018. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

Date: 2/26/18

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

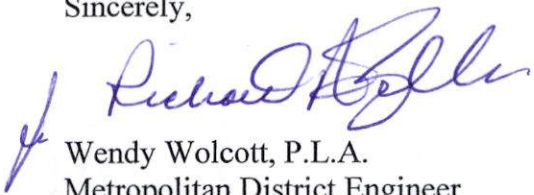
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0214-A

Variance
Owings Milk Mail LLC
10300 Mill Run Circle

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

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



3-30
11 AM

RECEIVED

MAR 06 2018

OFFICE OF
ADMINISTRATIVE HEARINGS

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: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0214-A
Address 10300 Mill Run Circle
(Owings Mills Mall, LLC Property)

Zoning Advisory Committee Meeting of **March 5, 2018.**

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

Reviewer: Steve Ford

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: March 6, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0214-A
Address 10300 Mill Run Circle
(Owings Mills Mall, LLC Property)

Zoning Advisory Committee Meeting of **March 5, 2018**.

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comment on the above-referenced zoning item.

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-214



INFORMATION:

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Petitioner: Owings Mill Mall, LLC
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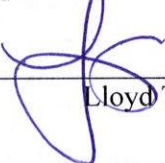
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Please be advised the petition does not seek variance relief from BCZR §504.2.

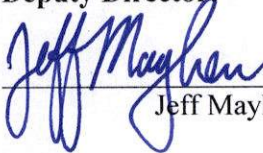
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

c: Bill Skibinski

Jason T. Vettori, Smith, Gildea & Schmidt, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County



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 5487020

Sold To:

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

Bill To:

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

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

Mar 08, 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: # 2018-0214-A
10300 Mill Run Circle
N/s Mill Run Circle, n/w of centerline of I-795 ramp
4th Election District - 4th Councilmanic District
Legal Owner(s) Owings Mills Mall, LLC

Variance: 1. To permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; and 2. To allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); and 3. To allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; and 4. To allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); and 5. To permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: a. Sign G on building M: 351.56 sq. ft. b. Sign V on building A: 245.10 sq. ft. c. Signs W and W-1 on building A: 379.65 sq. ft.; and 6. To permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per facade (Signs W, X and V on Building A and signs G, H, and I on Building M); and 7. To permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); and 8. To permit one wall-mounted enterprise sign on the rear of a multi-tenant building without a customer entrance (Buildings F, G, H, I, J and K); and 9. To allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance; and 10. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, March 30, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/034 March 8 5487020

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/10/2018

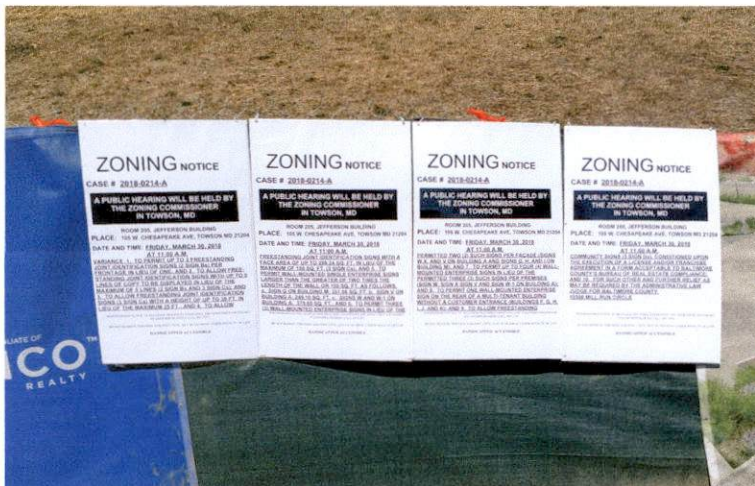
Case Number: 2018-0214-A

Petitioner / Developer: JASON VETTORI, ESQ. ~ WILBUR SIMMONS, III

Date of Hearing: MARCH 30, 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:
10300 MILL RUN CIRCLE @ 6 DIFFERENT LOCATIONS SURROUNDING
ENTIRE SITE

The sign(s) were posted on: MARCH 10, 2018



Northernmost Entrance off of Red Run Blvd.

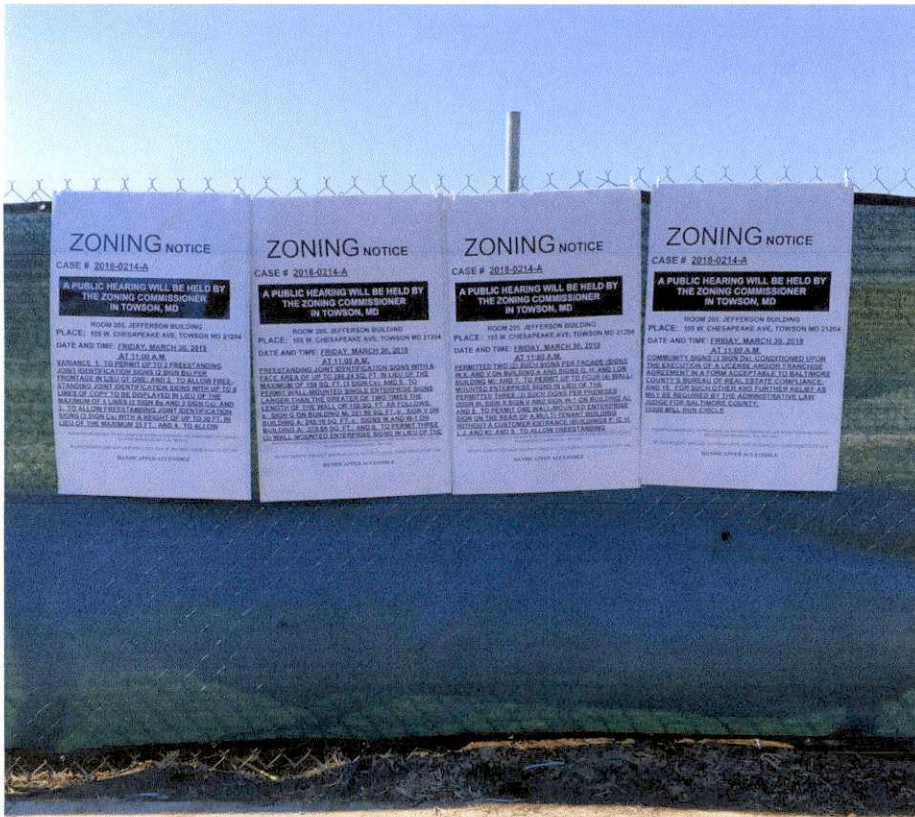
Linda O'Keefe
(Signature of Sign Poster)

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)

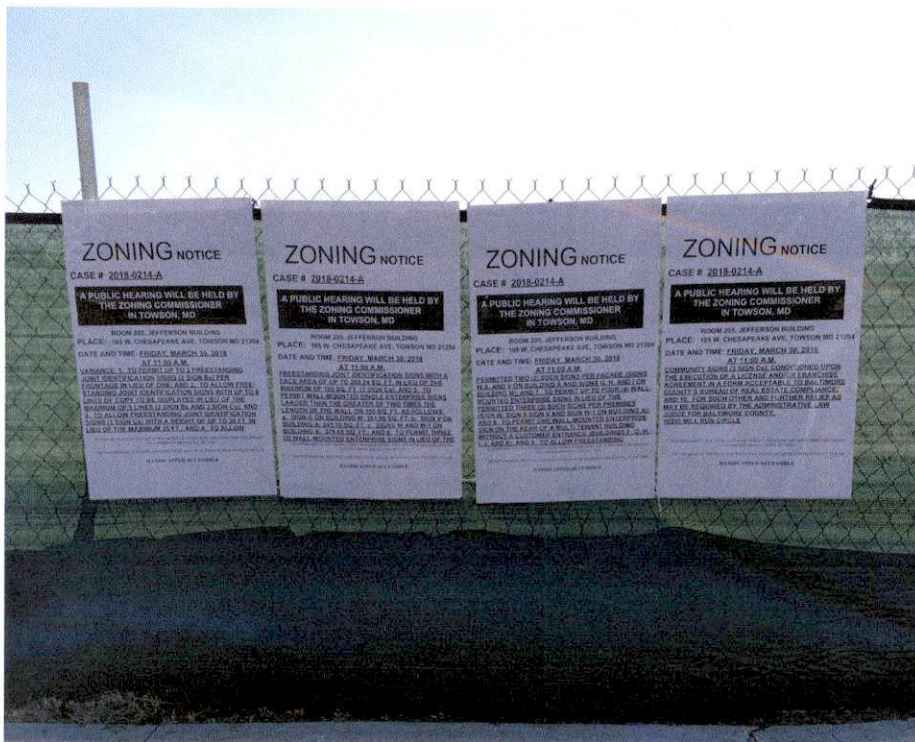
410 - 666 - 5366
(Telephone Number of Sign Poster)



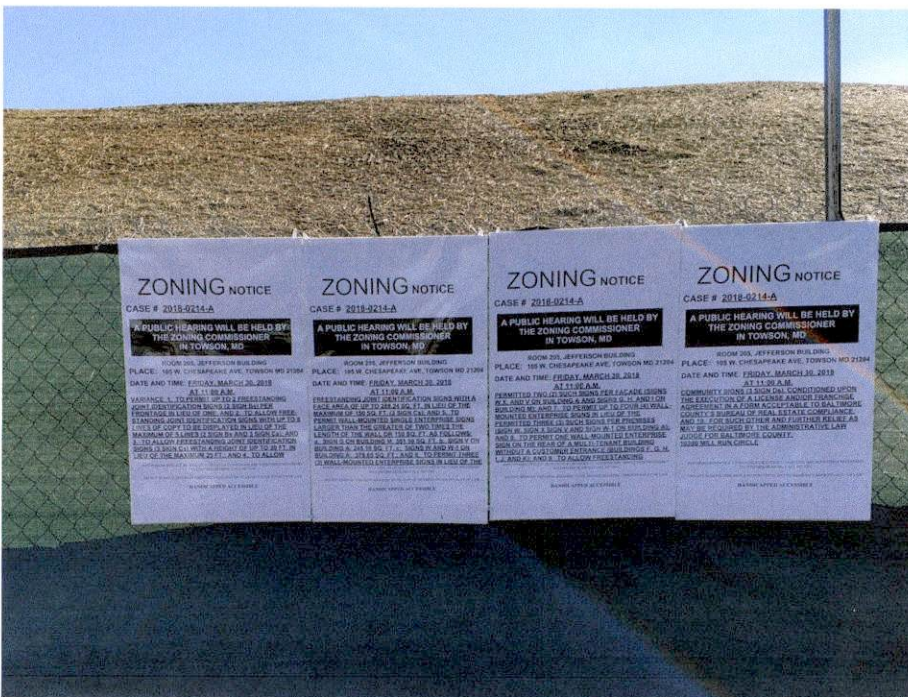
Southernmost Entrance off Red Run Blvd. (On-Site)



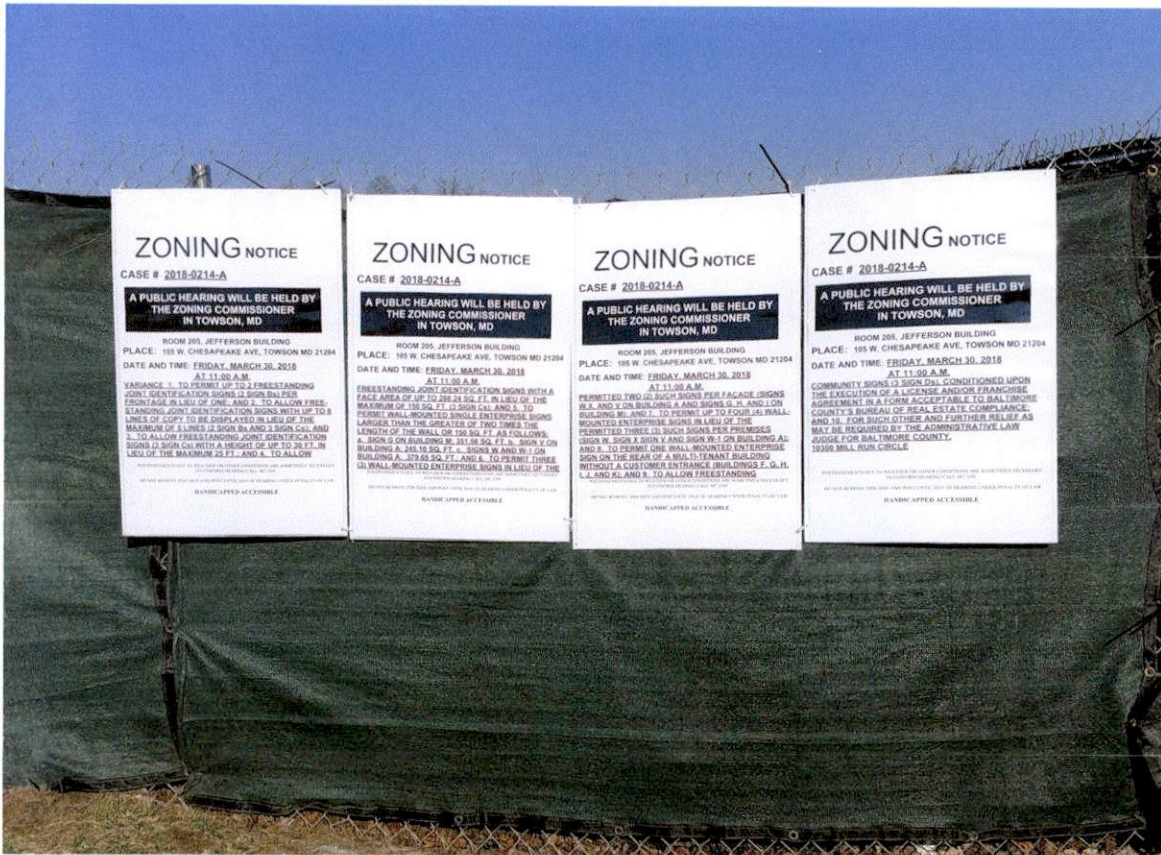
(On-Site) Opposite Movie Theater and Opposite Entrance to Metro



(On-Site) Opposite Corioli Way



(On-Site) Opposite Antium Way



(On-Site) Northeast Side of Construction Entrance Opposite Care First, Blue Cross, Blue Shield Building.

ZONING NOTICE

CASE # 2018-0214-A

**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: FRIDAY, MARCH 30, 2018

AT 11:00 A.M.

VARIANCE 1. TO PERMIT UP TO 2 FREESTANDING JOINT IDENTIFICATION SIGNS (2 SIGN Bs) PER FRONTAGE IN LIEU OF ONE; AND 2. TO ALLOW FREESTANDING JOINT IDENTIFICATION SIGNS WITH UP TO 8 LINES OF COPY TO BE DISPLAYED IN LIEU OF THE MAXIMUM OF 5 LINES (2 SIGN Bs AND 3 SIGN Cs); AND 3. TO ALLOW FREESTANDING JOINT IDENTIFICATION SIGNS (3 SIGN Cs) WITH A HEIGHT OF UP TO 30 FT. IN LIEU OF THE MAXIMUM 25 FT.; AND 4. TO ALLOW

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0214-A

**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: FRIDAY, MARCH 30, 2018

AT 11:00 A.M.

FREESTANDING JOINT IDENTIFICATION SIGNS WITH A FACE AREA OF UP TO 288.24 SQ. FT. IN LIEU OF THE MAXIMUM OF 150 SQ. FT. (3 SIGN Cs); AND 5. TO PERMIT WALL-MOUNTED SINGLE ENTERPRISE SIGNS LARGER THAN THE GREATER OF TWO TIMES THE LENGTH OF THE WALL OR 150 SQ. FT. AS FOLLOWS:

a. SIGN G ON BUILDING M: 351.56 SQ. FT. b. SIGN V ON BUILDING A: 245.10 SQ. FT. c. SIGNS W AND W-1 ON BUILDING A: 379.65 SQ. FT.; AND 6. TO PERMIT THREE (3) WALL-MOUNTED ENTERPRISE SIGNS IN LIEU OF THE

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SIGN (A)

SIGN (B)

ZONING NOTICE

CASE # 2018-0214-A

**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: FRIDAY, MARCH 30, 2018

AT 11:00 A.M.

PERMITTED TWO (2) SUCH SIGNS PER FACADE (SIGNS W.X. AND V ON BUILDING A AND SIGNS G. H. AND I ON BUILDING M); AND 7. TO PERMIT UP TO FOUR (4) WALL-MOUNTED ENTERPRISE SIGNS IN LIEU OF THE PERMITTED THREE (3) SUCH SIGNS PER PREMISES (SIGN W. SIGN X SIGN V AND SIGN W-1 ON BUILDING A); AND 8. TO PERMIT ONE WALL-MOUNTED ENTERPRISE SIGN ON THE REAR OF A MULTI-TENANT BUILDING WITHOUT A CUSTOMER ENTRANCE (BUILDINGS F. G. H. I. J. AND K); AND 9. TO ALLOW FREESTANDING

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE # 2018-0214-A

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THE ZONING COMMISSIONER
IN TOWSON, MD**

ROOM 205, JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVE, TOWSON MD 21204

DATE AND TIME: FRIDAY, MARCH 30, 2018

AT 11:00 A.M.

COMMUNITY SIGNS (3 SIGN DS). CONDITIONED UPON THE EXECUTION OF A LICENSE AND/OR FRANCHISE AGREEMENT IN A FORM ACCEPTABLE TO BALTIMORE COUNTY'S BUREAU OF REAL ESTATE COMPLIANCE; AND 10. FOR SUCH OTHER AND FURTHER RELIEF AS MAY BE REQUIRED BY THE ADMINISTRATIVE LAW JUDGE FOR BALTIMORE COUNTY.
10300 MILL RUN CIRCLE

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

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

SIGN (C)

SIGN (D)



February 23, 2018

KEVIN KAMENETZ
County Executive

NOTICE OF ZONING HEARING

ARNOLD JABLON
Deputy Administrative Officer

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: 2018-0214-A

10300 Mill Run Circle

N/s Mill Run Circle, n/w of centerline of I-795 ramp

4th Election District – 4th Councilmanic District

Legal Owners: Owings Mills Mall, LLC

Variance 1. To permit up to 2 freestanding joint identification signs (2 Sign Bs) per frontage in lieu of one; and 2. To allow freestanding joint identification signs with up to 8 lines of copy to be displayed in lieu of the maximum of 5 lines (2 Sign Bs and 3 Sign Cs); and 3. To allow freestanding joint identification signs (3 Sign Cs) with a height of up to 30 ft. in lieu of the maximum 25 ft.; and 4. To allow freestanding joint identification signs with a face area of up to 288.24 sq. ft. in lieu of the maximum of 150 sq. ft. (3 Sign Cs); and 5. To permit wall-mounted single enterprise signs larger than the greater of two times the length of the wall or 150 sq. ft. as follows: a. Sign G on building M: 351.56 sq. ft. b. Sign V on building A: 245.10 sq. ft. c. Signs W and W-1 on building A: 379.65 sq. ft.; and 6. To permit three (3) wall-mounted enterprise signs in lieu of the permitted two (2) such signs per façade (Signs W, X, and V on Building A and signs G, H, and I on Building M); and 7. To permit up to four (4) wall-mounted enterprise signs in lieu of the permitted three (3) such signs per premises (Sign W, Sign X, Sign V and Sign W-1 on Building A); and 8. To permit one wall-mounted enterprise sign on the rear of a multi-tenant building without a customer entrance (Buildings F, G, H, I, J and K); and 9. To allow freestanding community signs (3 Sign Ds), conditioned upon the execution of a license and/or franchise agreement in a form acceptable to Baltimore County's Bureau of Real Estate Compliance; and 10. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Friday, March 30, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Wilbur Simmons, III, 3333 New Hyde Park Rd., Ste. 100, New Hyde Park NY 11042

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 10, 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 COMPANY
Thursday, March 8, 2018 Issue - Jeffersonian

Please forward billing to:

Jason Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Ste. 200
Towson, MD 21204

410-821-0070

NOTICE OF ZONING HEARING

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CASE NUMBER: 2018-0214-A

10300 Mill Run Circle

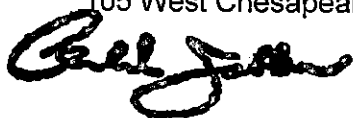
N/s Mill Run Circle, n/w of centerline of I-795 ramp

4th Election District – 4th Councilmanic District

Legal Owners: Owings Mills Mall, LLC

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Hearing: Friday, March 30, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE
10300 Mill Run Circle; N/S Mill Run Circle,
85' NW of c/line of I-795 Ramp
4th Election & 4th Councilmanic Districts
Legal Owner(s): Owings Mills Mall, LLC
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2018-214-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED
FEB 26 2018

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 26th day of February, 2018, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, Smith, Gildea & Schmidt, LLC, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2018-0214-A
Petitioner: OWINGS MILLS MALL, LLC
Address or Location: 10300 Mill Run Circle

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori
Address: 600 Washington Ave
Suite 200
Towson, MD 21204
Telephone Number: 410 821 0070

CASE NO. 2018- 0214-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>3/6</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2/26/18</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj.</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION (Case No. _____)		
PRIOR ZONING (Case No. _____)		
NEWSPAPER ADVERTISEMENT	Date: <u>3/8/18</u>	
SIGN POSTING	Date: <u>3/10/18</u>	by <u>O'Keefe</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

CASE NAME Owings Mills Mall
CASE NUMBER 2018-214.9
DATE 3/30/18

[illegible]

John E. Beverungen

From: John E. Beverungen
Sent: Monday, April 02, 2018 10:38 AM
To: 'Linda Dorsey-Walker'
Subject: RE: FOLLOW-UP TO 3/30/18 ZONING KIMCO HEARING (SIGNAGE FOR MILL STATION AT OWINGS MILLS CENTER)

Thank you for attending the hearing. I have reviewed your correspondence and a copy will be included in the file for this zoning hearing.

John Beverungen
ALJ

From: Linda Dorsey-Walker [mailto:lrldwalk4@aol.com]
Sent: Friday, March 30, 2018 10:53 PM
To: John E. Beverungen <jbeverungen@baltimorecountymd.gov>
Subject: FOLLOW-UP TO 3/30/18 ZONING KIMCO HEARING (SIGNAGE FOR MILL STATION AT OWINGS MILLS CENTER)

Dear Judge Beverungen:

Thank you allowing me the opportunity to speak at today's zoning meeting about certain zoning variances being sought by KIMCO regarding signage. As I stated my purpose in attending the meeting, (which was absent from the County's web site), was not to address the height or the placement of future signage which will identify the proposed new development in Owings Mills, but rather to address the content of the signage.

I shared with you that at meetings held with the Randallstown / Owings Mills community, a majority of the persons present expressed an interest in the new shopping facility maintaining its Owings Mills identity, and therefore requested the KIMCO representative, Gregory Reed, change the name from the very non-descript "Mill Station" to "Owings Mills Station". They stated that there are dozens of other businesses and developments in Baltimore County that have "Mill" as part of their name.

I was most disappointed to hear Mr. Reed use his opportunity in front of you today to again slur the former Owings Mills Mall, and by extension the name of the community where I and thousands of other largely minority residents live. You may recall that he said gotten his input from the "Owings Mills Roundtable", but neglected to say it was the "Owings Mills Corporate Roundtable", not exactly a grass-roots group.

Mr. Reed said he did not want to use the name Owings Mills because it had a negative connotation that had come to be associated with a "troubled mall", where "lots of serious crimes took place". "Mill Station", he said, would not have that negative connotation. You may also recall that I immediately took issue with his negative characterization of a place that was part of the local environment that I and tens of thousands of other County citizens enjoyed, or at least found reasonably safe. I shared with you some of the history of Owings Mills and the Mall, and the demographics of nearby residents. These residents are not only potential high-end shoppers, but also have a record of being the most active voters in the state.

After several remarks about the large highway sign on I-795 announcing to drivers that they are about to exit into Owings Mills Town Center, (a sign that will remain in place), Mr. Reed rose to state that it is his intention that the signage around the new shopping development would read "Mill Station at Owings Mills Town Center".

While that is not exactly what was originally requested, I have since the zoning meeting, discussed the matter with residents of the Owings Mills area. They seem to feel that under the circumstances, what Mr. Reed committed to before you, specifically, to name the new development Mill Station at Owings Mills Town Center, is a reasonable compromise. While the largely strip mall concept, centered around COSTCO, does not provide a central gathering spot, the suggested name, Mill Station at Owings Mills Town Center does give some recognition to the area's rich history and the bequeath made almost 100 years ago by the Owings family to an inner-city black hospital, Provident Hospital to be the trustee and then owner of the "Red Stocking Fresh Air Fund Camp for Colored Children". When Provident's camp land in

Owings Mills was acquired for pennies on the dollar after the hospital went into receivership, that land became an essential part of what is Owings Mills Town Center. (In 1877, The Fresh Air Fund, an independent not-for-profit organization, was created with one simple mission – to allow children living in low-income communities to enjoy free summer experiences in the country.) - (Source- FAF web site)

I fully understand that you can not order KIMCO how to act, however, we in the community will now expect KIMCO to stand by the commitment made today by Mr. Gregory Reed, KIMCO Vice President of Development, about the name change since he made the offer freely before witnesses, including yourself, an Administrative Law Judge.

Again, thank you for the opportunity to speak and your interest,

Sincerely,

Linda Dorsey-Walker, MBA
(c) 443-929-0652

Case No.:

2018-0214-A

Exhibit Sheet

4-3-18
SLH

Petitioner/Developer

DW
5-4-18

Protestant

No. 1	Site plan	
No. 2	My Neighborhood Aerial Photos	
No. 3	3A-3K Photos signage on existing retail	
No. 4	4A-4F Photos of locations for proposed 25' tall signs	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO. 3A

THE RESTAURANTS

at
OWINGS MILLS



PETITIONER'S

EXHIBIT NO.

3B



PETITIONER'S

EXHIBIT NO. 3C

PETITIONER'S

38

EXHIBIT NO.



PETITIONER'S

EXHIBIT NO. 3E



PETITIONER'S
EXHIBIT NO. 314



PETITIONER'S

EXHIBIT NO.

26



PETITIONER'S

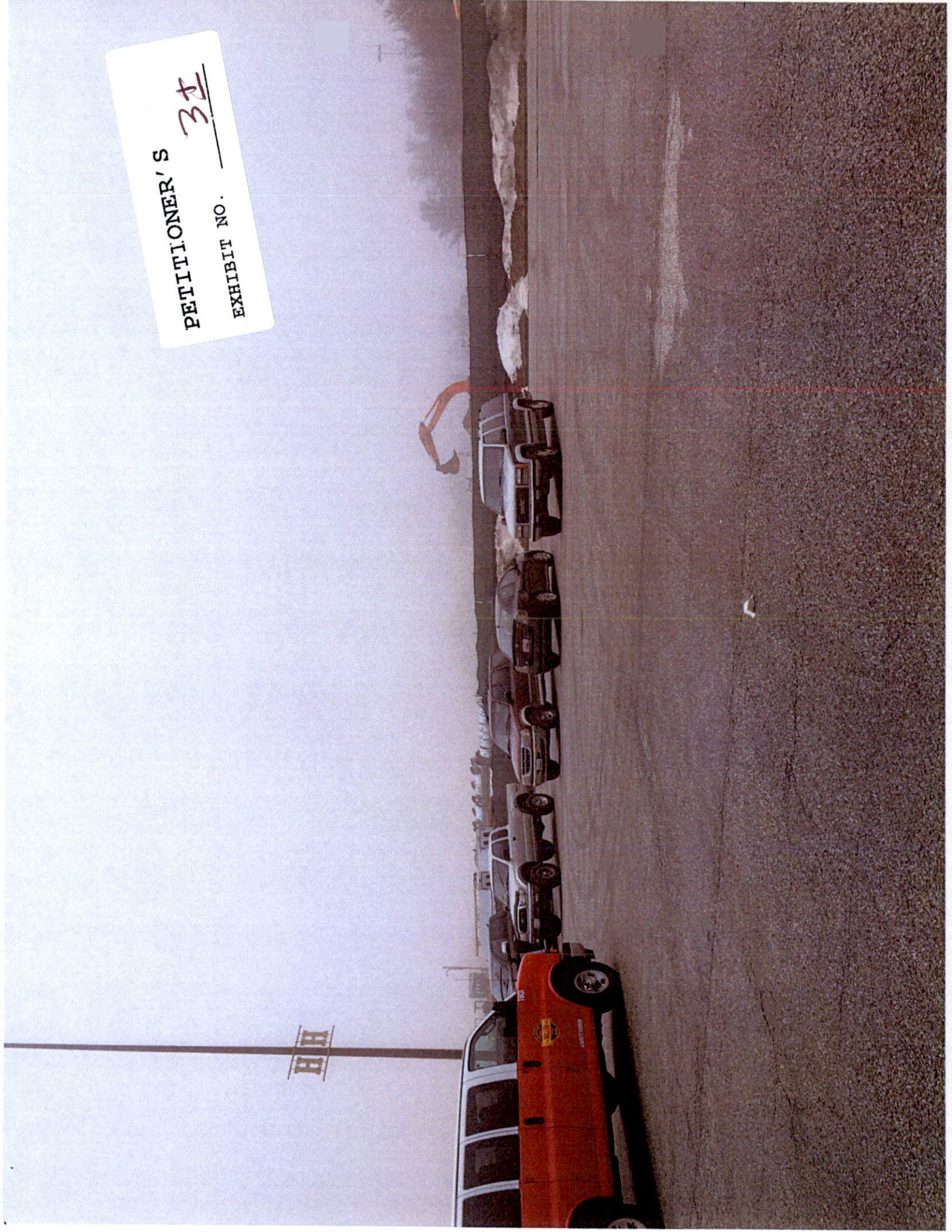
EXHIBIT NO. 31



PETITIONER'S

31

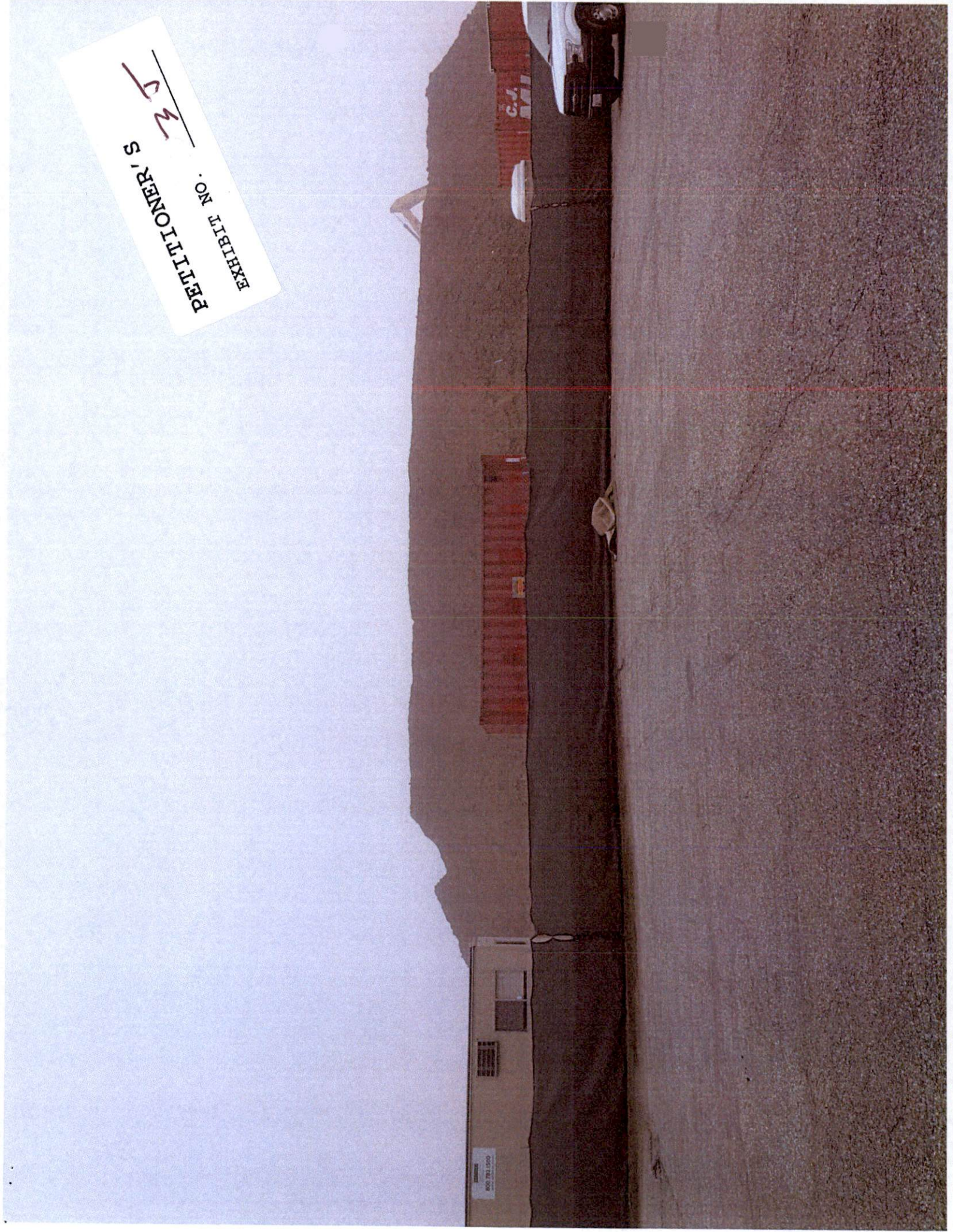
EXHIBIT NO.



PETTONER, S

EXHIBIT NO.

37



Ref.
3 2/10



Ref 4A

ONE
WAY
→



Ref 9B



Ref 4C





Ref 4 D

1st YE



Ret 415



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For March 5, 2018
Item No. 2018-0214-A

DATE: March 28, 2018

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

If zoning relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual.

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*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 3/28/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-214

INFORMATION:

Property Address: 10300 Mill Run Circle
Petitioner: Owings Mill Mall, LLC
Zoning: BM, CT
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit zoning relief as listed on the attachment submitted in support of the petition.

A site visit was conducted on March 1, 2018. The site is the former Owings Mills Mall.

The Department has no objection to granting the petitioned zoning relief with the exception of request #3, to allow freestanding joint identification signs with a height of up to 30 feet in lieu of the maximum 25 foot (three signs identified as "C" on the submitted plan). The Department does not object to each of those three signs so identified as "C" having a maximum height of 25'.

The Comprehensive Manual of Development Policies (CMDP) establishes as a design standard for power centers, *"One freestanding project identification sign that identifies the development may be up to 25 feet in height; if the development is on more than one major arterial or boulevard, then the other freestanding signs may not exceed 8' in height."* (CMDP pg.119). The Department recommends that the overall signage associated with the newly established retail center, much of which is subject to the requested zoning relief and not being opposed by the Department, is sufficient in its function of informing customers of the location of products and services within the self-contained site.

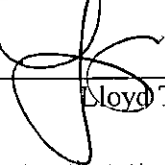
The Department recommends the 30' height sought for the three Type C signs proposed at the periphery of the project does not substantially enhance their performance. They are not obscured by topography or otherwise blocked in some fashion therefore the variance is not justified. Redesigned, these signs which are not located on a major arterial or boulevard but instead in the case of two directly adjacent to residential units, would function as effectively and integrate better into the transition area between the intensive retail power center and the surrounding lower intensity residential/retail uses if limited to a height of 25'. The 25' dimension represents a height relief of 17' for two of the three Type C signs.

Please be advised the petition does not seek variance relief from BCZR §504.2.

Date: 3/28/2018
Subject: ZAC # 18-214
Page 2

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

Prepared by:



Lloyd T. Moxley

Deputy Director:



Jeff Mayhew

AVA/KS/LTM/

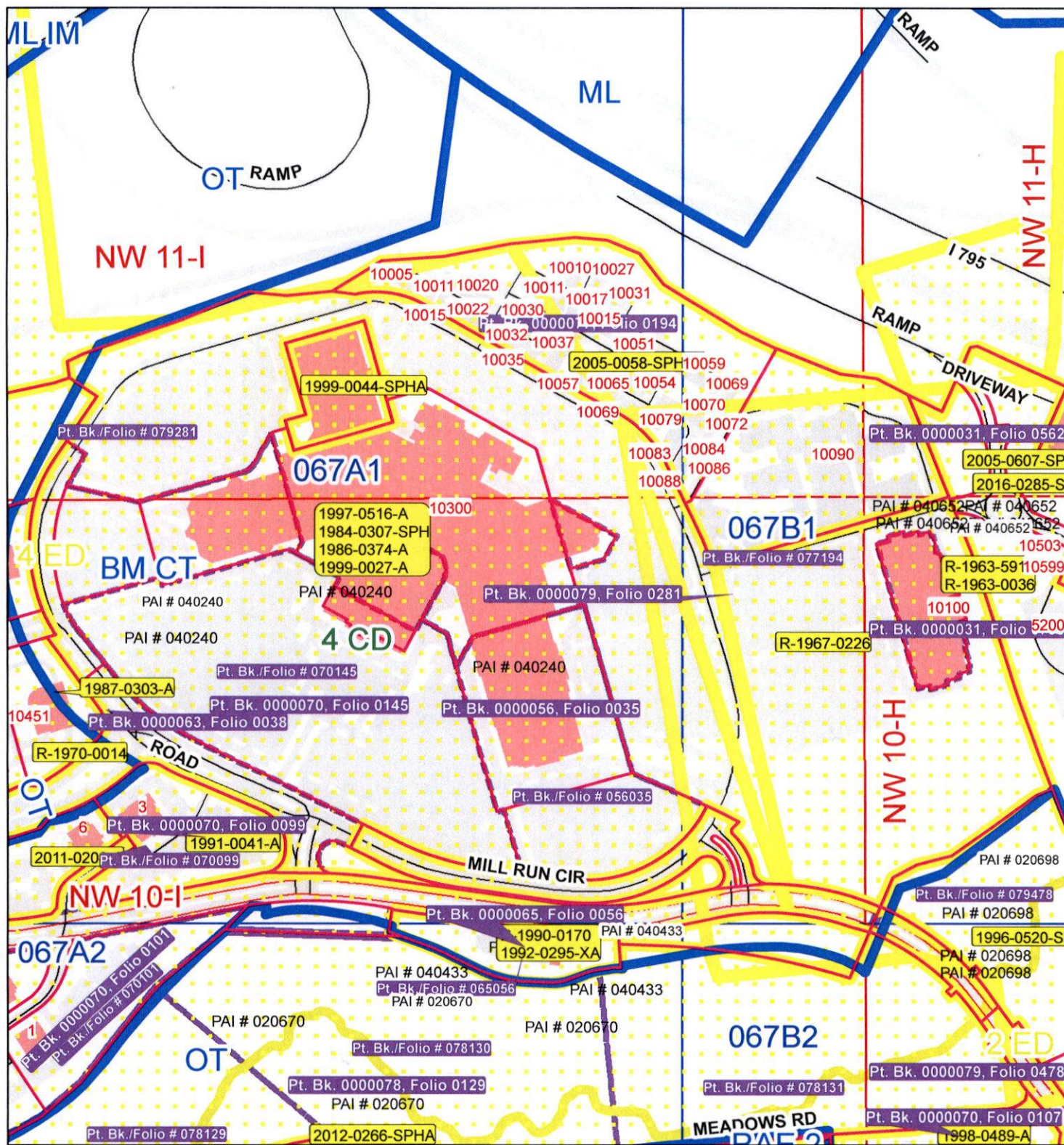
c: Bill Skibinski

Jason T. Vettori, Smith, Gildea & Schmidt, LLC

Office of the Administrative Hearings

People's Counsel for Baltimore County

10300 Mill Run Circle 2025-0214-A



Publication Date: 2/20/2018



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



0 112.5 225 450 675 900 Fe

1 inch = 400 feet