

IN THE COURT OF SPECIAL APPEALS OF MARYLAND

Timonium Sab, LLC, et al.,

Appellant

v.

DGG Market, Inc.,

Appellee

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MANDATE

On the 10th day of November, 2020: Notice of Dismissal of Appeal filed by counsel for the appellant. Appeal dismissed.

STATE OF MARYLAND, Sct.:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this 16th day of November, 2020.



Gregory Hilton

Gregory Hilton, Clerk
Court of Special Appeals

11/17/2020

PETITION OF:

TIMONIUM SAB, LLC, et al

FOR JUDICIAL REVIEW OF THE
DECISION OF THE COUNTY BOARD
OF APPEALS OF BALTIMORE COUNTY

IN THE

CIRCUIT COURT

FOR
BALTIMORE COUNTY

Case No.: C-03-CV-19-003859



IN THE MATTER OF:

Timonium SAB, LLC and
Sheetz, Inc., Petitioners
Board of Appeals
Case No.2 18-3 16-SPHX

* * * * *

MEMORANDUM OPINION

The Petitioners Timonium SAB LLC and Sheetz Inc. (hereinafter the "Petitioners ") seek judicial review of the decision of the Baltimore County Board of Appeals (hereinafter the "Board") dated September 18, 2019. Following a *de novo* hearing on June 6 and 18, 2019, the Board denied the Petitioners' request for special hearing and special exception.

INTRODUCTION

The Petitioners sought to construct a fuel service station on property located on the northwest corner of Beaver Dam Road and Padonia Road in Baltimore County. The property is 1.48 acres in size and is zoned ML, within an overlaid I.M. District.

The Board denied the relief sought by the Petitioners based in part upon an interpretation of §§ 253.2 and 405 of the *Baltimore County Zoning Regulations* (hereinafter "BCZR"). The Board concluded that the Petitioners were required to show, as a condition of granting the special exception, that the proposed fuel service station would "serve primarily industrial uses and related activities in the surrounding industrial area" (BCZR §253.2 B.) Based on the record presented, the Board found that the Petitioners failed to satisfy that requirement.

The Petitioners advance three arguments:

1. The Board erred in finding that § 253.2 B applied to the proposed fuel service station;
2. The Board was arbitrary and capricious in its conclusion that the proposed fuel service station would not primarily serve the industrial uses and related activities in the surrounding industrial area; and
3. The Petitioners obtained vested rights on June 13, 2019 and the Board's failure to rule on this issue as a preliminary matter was error.

STANDARD OF REVIEW

A court's role in reviewing an administrative agency decision is narrow and "limited to determining if there is substantial evidence in the record as a whole to support the agency's findings and conclusions, and to determine if the administrative decision is premised upon an erroneous conclusion of law." *Maryland Aviation Administration v. Noland*, 386 Md. 556, 571 (2005) (quoting *Board of Physician Quality Assurance v. Banks*, 354 Md. 59, 67–69, (1999)). Generally, agency decisions receive no special deference on questions of law, which we review de novo. *Employees' Ret. Sys. of Baltimore Cty. v. Bradford*, 227 Md. App. 75, 82 (2016) (citing *Talbot County v. Miles Point Property, LLC*, 415 Md. 372, 384 (2010)). However, the consistent interpretation and application of a regulation by the agency responsible for administering it is entitled to considerable weight by reviewing courts. *Lussier v. Maryland Racing Com'n*, 343 Md. 681, 697 (1996) (citing *Consumer Protection Div. Office of Atty. Gen. v. Consumer Pub. Co., Inc.*, 304 Md. 731, 759 (1985)).

An agency decision based on regulatory and statutory interpretation is a conclusion of law. *Carven v. State Ret. & Pension Sys. of Maryland*, 416 Md. 389, 406 (2010). Keeping in mind the deference owed to administrative decisions, the Court shall conduct an independent review of the regulations and statutory provisions upon which the Board rests its decision to determine whether the Board's decision is "plainly erroneous or inconsistent with the regulation." *Id.* (citing *Crofton Convalescent Ctr. v. Dep't of Health & Mental Hygiene*, 413 Md. 201, 215 (2010)).

A decision of an administrative agency must be upheld on judicial review if it is not based upon an erroneous determination of law and if the agency's conclusions reasonably may be based upon the facts proven. *Montgomery County v. Buckman*, 333 Md. 516 (1994). A reviewing court may, and should, examine facts found by the agency, to see if there was substantial evidence to support each fact found. *Commissioner, Baltimore City Police Dep't v. Cason*, 34 Md. App. 487, cert. denied, 280 Md. 728 (1977).

DISCUSSION

1. Application BCZR §§ 253.2 and 405

The Board determined that the Petitioners' application for a special exception for a "fuel service station" required compliance with BCZR §253.2.B.1 which permits the use of an "automotive service station" in an ML zone - I.M. District, provided that "it is shown that any such use will serve primarily industrial uses and related activities in the surrounding industrial area."

The Petitioners argue that its proposed use of a "fuel service station" is a different use than that identified as an "automotive service station" in §253.2.B. The Petitioners further argue that they are not subject to the requirement of §253.2.B that such use primarily serve industrial uses and related activities in the surrounding industrial area.

The Board carefully reviewed the Petitioners' argument and the legislative history of both §§ 253.2 and 405. The Board concluded that all references within the BCZR to an "automotive service station" were intended to be references to a "fuel service station" as well. The regulations applicable to an "automotive service station" were also applicable to a "fuel service station."

BCZR §405 "Fuel Service Station" was enacted in 1993 and expanded and detailed the types of auxiliary uses which were permitted in connection with a fuel service station. The Petitioners admit the applicability of this section to its proposed use.

The legislative history relied upon by the Board can be briefly summarized. In 1993, the Baltimore County Council comprehensively revised its regulations concerning what had been previously defined as "automotive service stations." The legislative findings of §405.1 noted that the prior law concerning the design and operation service stations "no longer reflected contemporary business practices." The number of service stations providing automobile repair was declining while those with convenience stores and carwashes was increasing. As part of the revision of the regulations, the term "automotive service station" was replaced with "fuel service station."¹ It logically proceeds that the regulations applicable to this particular use were to be interpreted in a manner consistent with that clear statement of legislative intent and

¹ It must be observed that, despite the comprehensive nature of the changes in these regulations, vestigial references to the term "automotive service station" remain in the BCZR. The court finds this to be result of incomplete draftsmanship rather than the expression of a conflicting legislative intent.

change in nomenclature. The Board's close examination of the legislative history, as detailed in its September 18, 2019 opinion, completely supports this conclusion.

For this reason, the court finds that the Board did not err as a matter of law in its conclusion that, in order to obtain its special exception, the Petitioners had to show that their proposed use as a "fuel service station" primarily serve industrial uses and related activities in the surrounding industrial area.

2. Sufficiency of the evidence

Having determined that the Petitioners were required to satisfy the "primarily serve industrial uses" prong of §253.2, the Board found that the Petitioners failed to produce sufficient evidence to demonstrate that the proposed use would primarily serve the surrounding industrial area. The court has reviewed the record and finds no error in the Board's factual conclusions.

3. Vested rights

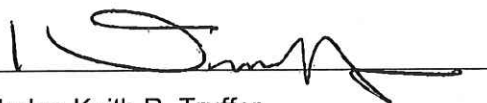
The Petitioners argue that they obtained vested rights following development approval when they filed a record plat among the Baltimore County Land Records on or about June 13, 2019. The Petitioners claim error in the Board's decision not to rule on the issue. The court finds this argument to be without merit. The Petitioners never obtained any vested rights in the development inasmuch as the validity of the special exception was still in litigation and there was no evidence that the Petitioners had initiated any construction in reliance on the special exception, in good faith or otherwise. *See Powell v. Calvert County*, 368 Md. 400, 409, 795 A.2d 96, 101 (2002).

CONCLUSION

For these reasons, the decision of the Baltimore County Board of Appeals dated September 18, 2019 in this matter is AFFIRMED. An order to this effect will be filed contemporaneously with this opinion.

May 29, 2020

Date


Judge Keith R. Truffer

Entered: Clerk, Circuit Court for
Baltimore County, MD
May 29, 2020

True Copy Test
JULIE L. ENSOR, Clerk
Per 
Assistant Clerk

IN THE MATTER OF	*	BEFORE THE
TIMONIUM SAB, LLC, LEGAL OWNER AND	*	BOARD OF APPEALS
SHEETZ, INC., LESSEE AND PETITIONERS	*	
FOR SPECIAL HEARING AND SPECIAL	*	OF
EXCEPTION ON THE PROPERTY LOCATED	*	
AT 400 W. PADONIA ROAD	*	BALTIMORE COUNTY
8 TH ELECTION DISTRICT	*	
3 RD COUNCILMANIC DISTRICT	*	CASE NO: 18-316-SPHX

* * * * *

OPINION

This case comes to the Board of Appeals from a final Opinion and Order dated October 2, 2018, issued by Administrative Law Judge John E. Beverungen (the “ALJ”) wherein he approved the Petition for Special Hearing for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and Petition for Special Exception to approve a fuel service station on the property located at 400 W. Padonia Road.

Subsequent to the filing of the Petition and prior to the Board of Appeals hearing, the County Council enacted legislation resolving the subject matter at issue for the Special Hearing, leaving only the Special Exception relief for the Board’s consideration.

The hearing in front of the Board occurred on June 6 and June 18, 2019. Petitioners were represented by Jason T. Vettori, Esquire, of Schmidt, Gildea and Schmidt, P.A. Michael R. McCann, Esquire appeared as counsel for Protestant DGG Market, Inc. Adam D. Baker, Esquire

and Caroline L. Hecker, Esquire of Rosenberg Martin Greenberg, LLP appeared on behalf Protestants 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC.

Petitioners presented the following witnesses: Jenifer Nugent, Division Chief for Development Review and Strategic Planning within the County Department of Planning; Michael LaCesa, Regional Director of Real Estate for Sheetz; Robert Bathurst, a professional engineer for Century Engineering (received as an expert in zoning, development, and engineering); Kelly Kosino, a senior engineer for Century Engineering (received as an expert in traffic engineering); and Michael Pieranunzi, a registered landscape architect and vice-president for Century Engineering (received as an expert in zoning, development, landscape architecture and master planning).

For their collective witnesses, Protestants presented: Dale Kowalewski, a supporter of the nearby 7-11; Sarah Ragab, a manager at the nearby 7-11; Devon Hahn, a senior transportation engineer for Sabra & Associates (received as an expert in traffic engineering); and Christopher Jakubiak, president of Jakubiak & Associates (received as an expert in planning and zoning).

The property at issue is zoned Manufacturing Local, with an Industrial Major overlay (ML-IM). The subject location is at the northwest corner of Padonia Road and Beaver Dam Road, with I-83 to its west, and is primarily and immediately surrounded by other ML-IH-zoned properties, with the lone exception located cater-corner to the southeast, which is zoned MLR. The ML-IH-zoned area extends beyond the subject property to the north, up to Shawan Road and south to Wellco Road (close to the I-695 Beltway). The ML-IH zone is confined between I-83 to the west and Beaver Dam Road and/or the Light Rail to the east. There are areas in the ML-IH zone that may be fairly characterized as commercial to the northeast and southeast of Beaver Dam Road close to the subject property.

A question arose early in the hearing: whether the proposed use qualifies as a *fuel service station* or an *automotive service station* under the Baltimore County Zoning Regulations (BCZR). That answer dictates whether Petitioners would have to satisfy BCZR §253.2(B)(1) as part of the special exception hearing in addition to the requirements under Section 405 and, of course, the factors set forth in BCZR §502.1. Petitioner alleges that Bill No. 172-93 amended BCZR and replaced “*automotive service station*” with the term “*fuel service station*”, thus in effect repealing the words “*automotive service station*” and rendering that term of no effect.

For the reasons that follow, the Board concludes that the proposed use is a fuel service station under the BCZR and therefore, Petitioners are required to satisfy with BCZR §253.2(B)(1) as part of the special exception hearing.

By way of background, BCZR §253.1 concerns uses by right in a M.L. zone. Section 253.1(C) approves by right of a fuel service station, but only if located in a planned industrial park, which the subject property is not. As is relevant to Petitioners’ argument in this case, BCZR §253.1 does not identify automotive service station. Section 253.2 governs uses permitted by special exception. Subsection (B) states:

The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: 1. Automotive-service stations, subject, further, to the provisions of Section 405. ...

As noted above, the subject property is not located within a planned industrial park; however, it does sit within an I.M. District, thus giving rise to the question of whether this proposed use is an “automotive service station” that requires the Petitioners to prove that the proposed use will serve primarily the industrial uses and related activities in the surrounding industrial area.

Petitioners imply some conflict between the provisions of BCZR §253.1 and §253.2 and that within §405.2, entitled “Locations in which fuel service stations are permitted.” Section 405.2 states : “Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4,” and specifically identifies an IM zone inside the urban-rural demarcation line (URDL) as such a location. Without question, the subject property is within the URDL.

To avoid this consequence, Petitioners attempt to distract by arguing, correctly, that specific provisions control the general provisions. However, akin to that tenet of statutory construction, here, the facts control the general application of law.

“The cardinal rule of statutory interpretation is to ascertain and effectuate the intent of the Legislature.” Rosemann v. Salsbury, Clements, Bekman, Marder & Adkins, LLC, 412 Md. 308, 314; 987 A.2d 48, 52 (2010) (citation omitted). “Statutory construction begins with the plain language of the statute, and ordinary, popular understanding of the English language.’ ” Id. at 314–15, 987 A.2d at 52 (citations omitted). In interpreting a statute, a court first looks to the language, applying it where the statute’s language “is unambiguous and clearly consistent with the statute’s apparent purpose[.]” Motor Vehicle Admin. v. Gonce, 446 Md. 100, 110, 130 A.3d 436, 442 (2016); quoting Lark v. Montgomery Hospice, Inc., 414 Md. 215, 227, 994 A.2d 968, 975 (2010) (citation omitted). As is well established under Maryland law, canons of statutory interpretation forbid construction of a statute so that a word, clause, sentence, or phrase is rendered surplusage, superfluous, meaningless, or nugatory. Oglesby v. State, 441 Md. 673; 109 A.3d 1147 (2015).

Under Maryland law, “when two statutes, one general and one specific, are found to conflict, the specific statute will be regarded as an exception to the general statute.” State v. Roshchin, 446 Md. 128, 142; 130 A.3d 453, 461 (2016), quoting, Maryland-Nat’l Capital Park &

Planning Comm'n v. Anderson, 395 Md. 172, 194, 909 A.2d 694 (2006) (quoting State v. Ghajari, 346 Md. 101, 116; 695 A.2d 143 (1997)). Furthermore, as recently stated by the Court of Appeals, when two statutes apply to the same situation, then the court will attempt to harmonize the statutes. Blackstone v. Sharma, 461 Md. 87, 93; 191 A.3d 1188, 1191 (2018). The Blackstone Court further established:

“Courts presume that the legislature intends its enactments to operate together as a consistent and harmonious body of law. Thus, when two statutes appear to apply to the same situation, the Court will attempt to give effect to both statutes to the extent that they are reconcilable. Nevertheless, if two statutes contain an irreconcilable conflict, the statute whose relevant substantive provisions were enacted most recently may impliedly repeal any conflicting provision of the earlier statute.

Id.

The phrase “automotive service station” appears 11 times in the BCZR, while “fuel service station” appears 14 times. The earliest references to “automotive service station” start with legislation from 1967 (Bill No. 40-1967). The earliest references to “fuel service station” start with legislation enacted in 1993 (Bill No. 172-1993). Bill No. 172-1993, now Section 405 (“Fuel Service Station”), addressed the change in service station business practices, particularly the elimination of repair garages and the inclusion of convenience stores and/or car washes as part of service station. The statement of legislative findings and policy (§405.1(C)) states:

The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that “service” motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. **To better reflect the evolving role of this use, the name of “automotive service station” is being changed to “fuel service station,”** and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations. (emphasis added).

As made abundantly clear by the statement of legislative findings and policy, the County Council intended for all references to “automotive service station” to be tantamount to “fuel service station.” Consequently, all regulations that apply to an “automotive service station” to apply to a “fuel service station.” Notably, the County Council’s elimination of “automotive service station” from and addition of “fuel service station” to the definitions in BCZR §101.1 further supports the Board’s conclusion on this point.

Petitioners also assert the County Council intended to distinguish “automotive service station” from “fuel service station,” and as such, the reference to automotive service station does not apply to the present petition, which is for a fuel service station. In addition to the reasoning above, Petitioners’ argument fails for an additional reason. As noted in Bill No. 172-93,

Going back to §405.1(C), in connection with the change from automotive service station to fuel service station, the County Council stated “regulations which govern permitted ancillary uses are being amended...”. Importantly, Bill No. 172-1993 amended BCZR §253.1 and §253.2(B). The amendment to BCZR §253.1 added “fuel service station in a planned industrial park, subject to Section 405” as a use permitted by right.

The County Council also amended the language in BCZR §253.2(B). In particular, the County Council removed language relating to “direct access to an arterial street other than a Class I Commercial Motorway.” (Petitioner’s Exhibit 49, Bill No. 172-1993). On the other hand, the County Council elected to forego any amendment or other change to the language concerning the threshold issue requiring satisfaction that the station primarily serve the industrial uses. By ignoring the language at issue while removing other language within the same provision, in conjunction with the express statement that references to automotive service station are being changed to fuel service station, the only conclusion for the Board to reach is that the County

Council intentionally decided to keep the requirement and apply it to proposed fuel service stations within the ML-IM zone.

Turning to the evidence presented on the relevant point, that is, the proposed “use will serve primarily the industrial uses and related activities in the surrounding industrial area,” Petitioners have not presented sufficient evidence for the Board to make that finding. To the contrary, the evidence revealed that the fair expectation is that far more than the majority of the proposed Sheetz’s customer base will consist of east-west passing traffic on Padonia Road coming to and from I-83.

Petitioners’ evidence on this point originates from Mr. LaCesa, who simply testified in a conclusory manner that the uses are mostly for industrial and related activities. Mr. LaCesa testified that Petitioners did not undertake an analysis of the anticipated customers, percentages of fuel use to convenience store use, or otherwise provide some quantification regarding sources of potential customers by direction or location.

Mr. LaCesa acknowledged that the site’s proximity to I-83 was a significant factor in selecting the subject site and admitted on cross-examination that more people will come to the site as passing traffic. While it may be fair to assume that the proposed Sheetz will attract some traffic from employees, business vehicles or patrons within the industrial zone, there is nothing in the record that persuades the Board that it constitutes a substantial, let alone primary, source for the proposed use’s anticipated business. Mr. LaCesa also anticipated that most customers will arrive via car as opposed to walking, suggesting, its anticipated customer base will serve those traveling, which has been quantified to some degree, and less so a convenience store destination for nearby employees in nearby industrial office space, which has not been estimated in any event.

Padonia Road is an exit to/from I-83. As evidenced by the maps and acknowledged by Mr. LaCesa's testimony, there are "many" residential areas on the other side of I-83 that use Padonia Road. Similarly, there are employment, retail, and residential areas east of Beaver Dam/Deereco Road that use Padonia Road. The traffic impact study of Petitioner's expert, Ms. Kosino established that 78.7% of the existing traffic at the intersection closest to the subject site during AM peak hours is traveling east and west on Padonia Road as opposed to traffic north and south through the ML-IH zone.

In other words, based on this record, the Board is satisfied that most of the traffic on Padonia Road is coming from or going to areas not within the industrial zone. Sheetz would not primarily serve the industrial uses and related activities within the zone when at least "the majority," as per Mr. LaCesa, of its anticipated customers will come from passing traffic on Padonia Road. The opportunity from traffic coming from or heading north, already a minor portion of the traffic in the area close to the subject site, is further depleted by a competitor and additional access points to I-83. As such, the Board can only conclude that the proposed Sheetz will not primarily serve the industrial area and related activities within the industrial zone.

Conclusion

For the foregoing reasons, Petitioners have failed to present sufficient evidence that the proposed fuel service station will primarily serve the industrial uses and related activities in the surrounding industrial area. As such, the petitions for special hearing and special exception are DENIED.

ORDER

THEREFORE, IT IS THIS 18th day of September, 2019, by the
Board of Appeals of Baltimore County,

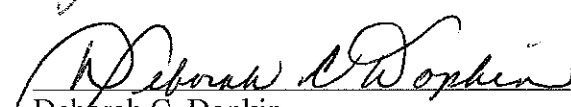
ORDERED, that the Petition for Special Exception to approve a fuel service station, be
and the same is hereby **DENIED** for the reasons set forth herein, and it is further,

ORDERED, that the Petition for Special Hearing is **DISMISSED AS MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule
7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chair

Deborah C. Dopkin

Kendra Randall Jolivet



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 18, 2019

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

RE: In the Matter of: *Timonium SAB, LLC – Legal Owner*
Sheetz, Inc. – Lessee
Case No.: 18-316-SPHX

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

In the Matter of: *Timonium SAB, LLC – Legal Owner*
Sheetz, Inc. – Lessee

2

Case No.: 18-316-SPHX
Distribution List
September 18, 2019

Kenneth J. Goodman/Timonium SAB, LLC
Brent M. Brubaker/Sheetz, Inc.
7-Eleven, Inc.
Sarah Ragab/9709 Beaver Dam Road, LLC
DGG Market, Inc.
Harry Carver
Barry Buchoff
Eric Rockel
George Linthicum
Janet Wiser
Office of People's Counsel
C. Pete Gutwald, Director/Department of Planning
Paul Mayhew, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Nancy C. West, Assistant County Attorney/Office of Law
Michael E. Field, County Attorney/Office of Law

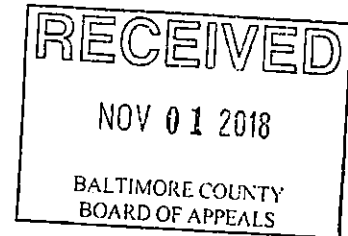


DONALD I. MOHLER III
County Executive

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

November 1, 2018

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



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2018-0316-SPHX
Property: 400 W. Padonia Rd.

Dear Mr. Vettori:

Please be advised that appeals of the above-referenced case were filed in this Office on October 31, 2018 and November 1, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Adam D. Baker, Esq., Caroline L. Hecker, Esq. & Gerard J. Gaeng, Rosenberg Martin
Greenberg, LLP, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201
Michael R. McCann, Esq., Michael R. McCann, PA., 118 W. Pennsylvania Avenue,
Towson, MD 21204
Sarah Ragab, 9709 Beaver Dam Road, Timonium, MD 21093
Harry Carver, 8 Castlehill Court, Timonium, MD 21093
Barry Buchoff, 19 Castlebar Court, Timonium, MD 21093
Eric Rockel, 1610 Ridewood Drive, Timonium, MD 21093
George Linthicum, 12101 Tullamore Court, Timonium, MD 21093
Janet Wiser, 100 W. Timonium Road, Timonium, MD 21093
Baltimore County Board of Appeals
People's Counsel

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

APPEAL

**Petitions for Special Hearing and Special Exception
(400 W. Padonia Rd.)
8th Election District – 4th Councilmanic District
Legal Owner: Timonium SAB, LLC
Lessee: Sheetz, Inc.
Case No. 2018-0316-SPHX**

Petitions for Special Hearing and Special Exception (May 16, 2018)

Zoning Description of Property

Notice and New Notice of Zoning Hearing (June 13, 2018 & August 1, 2018)

Certificates of Publication (Jefferson – June 28, 2018 and The Daily Record – September 6, 2018)

Certificates of Posting (June 22, 2018, September 5, 2018 & September 24, 2018) by Linda O'Keefe

Entry of Appearance by People's Counsel (May 31, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. SDAT Record
3. Graul's Market – Website
4. History of Graul's Market
5. Bathurst Resume
6. Gas Station Exhibit
7. Deed re: Signage Easement
8. Title Survey Plan
9. Case No. 98-86-A
10. A & B – Sign Variance Request
11. Zoning Regs., Section 413
12. 2-Sheet Landscape Plan
13. 9/24/18 Letter from Jim Hermann
14. Building Elevation
15. Site Plan (2 Sheet) – Royal Farm Store #191 **(for separate case)**
16. Photos of Royal Farm #191
17. Site Plan – Royal Farm #57
18. 2018 Basic Services Map
19. Larger Scale Basic Services Map
20. Baltimore County List – Level of Service Intersections
21. Myrick CV
22. Traffic Counts from Proposed Padonia Rd. Royal Farms
23. Traffic Counts for Sheetz Market

Baltimore County Exhibits

1. OAH Zoning File Contents

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order (GRANTED W/CONDITIONS – October 2, 2018)

Appeal & Receipt from Adam D. Baker, Esq. on October 31, 2018

Appeal & Receipt from Michael R. McCann, Esq. on November 1, 2018

to wck
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

November 1, 2018

Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: *Petition for Special Hearing and Special Exception*
400 W. Padonia Road
Case No. 2018-0316-SPHX

To whom it may concern:

Enclosed for filing in the above-referenced matter is a Notice of Appeal.

Thank you.

Best regards,


Michael R. McCann

RECEIVED

NOV 1 2018

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

(400 W. Padonia Road)

8th Election District

3rd Council District

Timonium SAB, LLC

Legal Owner

Sheetz, Inc.

Lessee

Petitioners

*

*

*

*

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BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0316-SPHX

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OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Timonium SAB, LLC, legal owner and Sheetz, Inc., lessee ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and (2) to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant . A Petition for Special Exception was filed to approve a fuel service station.

Michael LaCesa and professional engineers Bob Bathhurst and Rebecca Myrick attended the public hearing in support of the requests. Jason T. Vettori, Esq. represented the Petitioners. Several citizens attended the hearing to express concerns with traffic conditions near the site, which they described as extremely congested. Michael McCann, Esq. appeared on behalf of DGG Market, Inc. and Caroline Hecker, Esquire appeared on behalf of 7-11. Both of these entities opposed the

ORDER RECEIVED FOR FILING

Date

By

10/2/18
Jen

requests. The Petition was advertised as required by the BCZR. 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.

The subject property is approximately 64,507 sq. ft. (1.48 AC.) in size and is zoned ML-IM. The site is improved with a commercial building which was the former location of a Bob Evans restaurant. Petitioners propose to raze that structure and construct a Sheetz fuel service station with a convenience store and restaurant.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Bathurst, a professional engineer accepted as an expert, opined the plan and project satisfied all requirements for special exception relief set forth in BCZR Section 502.1 and the Maryland case law interpreting that provision. Ms. Myrick, a professional engineer/traffic engineer accepted as an expert, opined the use would not cause congestion in nearby roadways or cause a deterioration in the level-of-service of any signalized intersections in the vicinity.

Although several members of the community provided testimony concerning the congested traffic conditions in the area (a point also raised by the DOP in its ZAC comment), I do not believe that is sufficient to overcome the presumption in favor of the special exception use. As recognized

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By

Den

by Maryland's highest court, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise, traffic, congestion, or other associated problems").

The 2018 Basic Services Map (Pet. Ex. 18) reflects the intersection of York and Padonia Roads is rated at "D" level-of-service (LOS). But the subject property is not located within a deficient traffic shed, as shown on Petitioner's Ex. 19. While anecdotal evidence might well suggest traffic at the site is congested, the County Council (which adopts Basic Services Maps on a yearly basis) determined the site was not within a deficient traffic shed (i.e., with a LOS of D, E or F). In addition, Ms. Myrick stressed that the points of ingress/egress for the Sheetz would be "right in/right out" only, with no left turns permitted into or out of the site. As such I will grant the petition for special exception.

SPECIAL HEARING

The first special hearing request seeks confirmation the proposed ancillary uses are properly identified as a convenience store and carry-out restaurant, both of which are permitted by right in conjunction with a fuel service station. BCZR §405.4.D. While there was not much discussion concerning the convenience store aspect of the project, the parties disagreed on whether the proposed restaurant was in fact a carry-out restaurant as that term is defined in BCZR §101.1.

The zoning regulations recognize four varieties of restaurants: fast-food, carry-out, standard and drive in. *Id.* Petitioners contend the Sheetz will be a carry-out restaurant, which is defined as an "establishment whose principal business is to sell ready-to-consume food and beverages to customers who order their food and beverages over the counter...and whose principal characteristic is that food and beverages are consumed off the premises." BCZR § 101.1. Mr. LaCesa

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Date 10/2/18

By Den

testified patrons in fact order their food at a counter or kiosk, so I believe this aspect of the definition is satisfied. The difficulty concerns the latter portion of the definition regarding food being "consumed off the premises."

Mr. LaCesa testified most customers do in fact carry-out their food and beverages for consumption off-site. But he indicated the proposed Sheetz (like almost all of their other 581 locations) will have seating for thirty (30) patrons. In a memorandum contained in the case file the Office of Zoning Review stated that "carryout restaurants are only entitled to have three tables and twelve chairs or they are considered [standard] restaurants." This is likely why the developers of the Royal Farm Store at 11119 McCormick Road showed on their site plan just three tables and seating for "12+/- people" in connection with the carryout restaurant proposed. *See* Pet. Ex. 15. While this is apparently not a written or codified policy or regulation, Maryland cases recognize that an agency's interpretation of a statute it administers is entitled to "great deference." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

The BCZR does not provide a clear answer to this inquiry; in fact, the definitions of "restaurant" are (like many things in the Regulations) somewhat antiquated and the operation proposed by Sheetz does not fit neatly in any of the categories. Whether or not the twelve seat limitation adopted by the zoning office is the exact line of demarcation, 2 ½ times as much seating is proposed here. In these circumstances I believe the operation cannot be accurately described as a carry-out restaurant. But at the same time, the operation does not fit precisely within the definition of a "standard restaurant" either, since the food will not be "served to persons seated at tables on the premises of the establishment." BCZR §101.1. The reality is the Sheetz (which does not yet have a location in Baltimore County) is an amalgam that shares characteristics of both a standard and carry-out restaurant. "Carry-out, fast food and standard restaurants" are all permitted by right in the MC-

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Date

10/2/18

By

DLH

IM zone. BCZR §253.1.C.21.

In such circumstances (i.e., when the BCZR does not specify the number of parking spaces required for a particular use) the ALJ is permitted to determine the appropriate number of spaces for the use. BCZR §409.6.A. In this regard, Mr. LaCesa testified the majority of customer consume their food off-premises, although that was the extent of the evidence on this issue. In these circumstances, and given that the Sheetz is a hybrid of both types of restaurants, I believe the required parking should be determined by averaging the total required for a standard and carry-out restaurant. The proposed Sheetz restaurant is 2,023 sq. ft. (indoors), and a standard restaurant (16 spaces per 1,000 SF) would require 33 spaces, while a carry-out restaurant (5 spaces per 1,000 SF) would require 11. The plan also shows a 385 sq. ft. outdoor seating area for the restaurant, which would require 7 spaces for a standard restaurant and 2 spaces for a carry-out. Thus, a standard restaurant would require 40 spaces while a carry-out would require 13. The average of those totals is 27, and the site plan shows 35 spaces are provided for the restaurant. As such I believe more than a sufficient number of spaces are provided for the project.

THEREFORE, IT IS ORDERED this 2nd day of **October 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed herein are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a fuel service station, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date

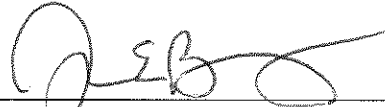
10/2/18

By

SLR

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 shall have five (5) years from the date hereof in which to utilize the special exception.
3. Prior to issuance of permit(s) Petitioners must comply with the ZAC comments submitted by the DOP and DPR, copies of which are attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 10/2/18

By sln



DONALD I. MOHLER III
County Executive

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

October 2, 2018

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

RE: Petitions for Special Hearing and Special Exception
Case No. 2018-0316-SPHX
Property: 400 W. Padonia Road

Dear Mr. Vettori:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Caroline Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street,
21st Floor, Baltimore, MD 21201
Michael R. McCann, Esq., Michael R. McCann, P.A., 118 W. Pennsylvania Avenue,
Towson, MD 21204

Sarah Ragab, 9709 Beaver Dam Road, Timonium, MD 21093
Harry Carver, 8 Castlehill Court, Timonium, MD 21093
Barry Buchoff, 19 Castlebar Court, Timonium, MD 21093
Eric Rockel, 1610 Riderwood Drive, Timonium, MD 21093
George Linthicum, 12101 Tullamore Court, Timonium, MD 21093
Janet Wiser, 100 W. Timonium Road, Timonium, MD 21093

9-26

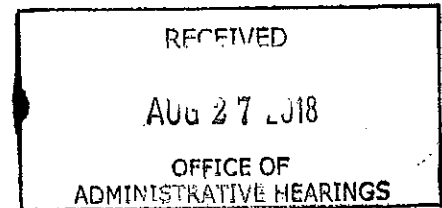
BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: August 23, 2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316



INFORMATION:

Property Address: 400 W Padonia Road
Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC
Zoning: ML-IM
Requested Action: Special Hearing and Special Exception

This memorandum is to convey an update that has resulted from a meeting on August 22, 2018 with representatives of the petitioner. Below are revised comments based upon the meeting.

1. The location at the NW corner of Beaver Dam and Padonia Roads is a prominent location. Currently, the corner is overgrown. The petitioner should work with the County landscape architect to create a visually interesting treatment of the corner. No change to this comment.
2. The petitioner was requested to relocate the dumpster. Given the lack of a better location, the petitioner has agreed to encase the dumpster with material similar to that of the building and to provide evergreen screening on Beaver Dam Road side of property.
3. The Hunt Valley Master Plan Page 259 provides guidelines on building design. The petitioner should treat the windows on the east elevation in a manner similar to the rest of the building by shade awnings or some other treatment. Petitioner has agreed to make treatments over the windows but could not do awnings because of location of propane storage.
4. The CMDP Page 262 addresses Pedestrian access in the Hunt Valley Area. Item three indicates that development should provide direct access from the street to the building entrance. Developer should provide cross-hatching in the parking lots to provide pedestrian safe access from sidewalks. Developer has agreed to provide two locations with striping for pedestrian use. One accessing sidewalk on Beaver Dam Road and the second providing marking for those accessing from Stay America to the north of the site.
5. Padonia Road at this location is highly congested and it somewhat confusing to drivers with the access to I-83. No temporary banners, feather signs or promotional displays should be permitted along Padonia Road. No change to this comment.

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

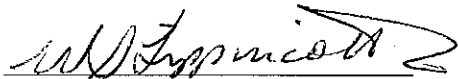
Subject: ZAC #18-316

Date: July 12, 2018

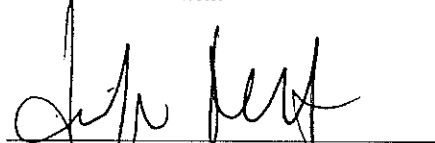
Page 2

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

Prepared by:


Wallace S. Lippincott, Jr.

Division Chief:


Jennifer G. Nugent

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{NOL} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

DATE: June 21, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner to grant a 20-foot wide Drainage & Utility Easement for the existing 18-inch storm drain along the frontage of W. Padonia Road.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 6/21/18

By sen



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 400 W. Padonia Road

which is presently zoned ML-IM

Deed References: 0069/0017

10 Digit Tax Account # 2 2 0 0 0 2 8 4 4 8

Property Owner(s) Printed Name(s) Timonium SAB, 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. ☒ **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

Please see attached.

3. ☐ **a Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Brent M. Brubaker, authorized representative of Sheetz, Inc

Name- Type or Print

Brent M. Brubaker

Signature

129 Dearing Dr. Boalsburg, PA

Mailing Address City State

16827 814-660-3061 bbrubake@sheetz.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kenneth J. Goodman,
authorized representative of Timonium SAB, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Ken Goodman

Signature #1

Signature #2

1001 E. Telecom Dr. Boca Raton, FL

Mailing Address City State

33431 561-989-8079 ken@interfaceproperties.com

Zip Code Telephone # Email Address

Attorney for Petitioner:

Jason T. Vettori

Date

12/18/18
JTV

Name- Type or Print

Jason T. Vettori

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

Representative to be contacted:

Jason T. Vettori

Name - Type or Print

Jason T. Vettori

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 2018-0316-SPHX Filing Date 3/16/2018

Do Not Schedule Dates:

Reviewer *JTV*

ATTACHMENT TO PETITION FOR ZONING HEARING

*400 W. Padonia Road
8th Election District
3rd Councilmanic District*

Special Exception relief to approve:

1. A fuel service station under Sections 253 and 405 of the Baltimore County Zoning Regulations ("BCZR"); and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing relief to approve:

1. A request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. The minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and
3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

0316-SPHX

**400 W. PADONIA ROAD
PLAT OF BOB EVANS RESTAURANT COCKEYSVILLE
PLAT BOOK 69 FOLIO 17
TAX MAP 51 PARCEL 702**

ZONING DESCRIPTION

Beginning for the same at a point on the western right-of-way of Beaver Dam Road at the intersection with the northern right-of-way of W. Padonia Road as shown on the plat of Bob Evans Restaurant Cockeysville which is recorded among the Land Records of Baltimore County in Plat Book S.M. 69 Folio 17, thence running on the fillet line between the two roads the following course:

- 1.) South 41 degrees, 28 minutes, 48 seconds West, 50.45 feet to a point on the northern side of W. Padonia Road, thence running along the same;
- 2.) South 81 degrees, 37 minutes, 57 seconds West, 1.47 feet, thence;
- 3.) 199.77 feet along a curve to the left having a radius of 3874.22 feet, said curve being subtended by a chord bearing of South 81 degrees, 12 minutes, 25 seconds West, 199.75 feet, thence leaving said road;
- 4.) North 10 degrees, 26 minutes, 06 seconds West, 257.02 feet, thence;
- 5.) North 79 degrees, 33 minutes, 54 seconds East, 268.88 feet to the aforesaid west side of Beaver Dam Road, thence along the same;
- 6.) 144.11 feet along a curve to the left having a radius of 1001.93 feet, said curve being subtended by a chord bearing of South 02 degrees, 03 minutes, 54 seconds East, 143.99 feet, thence;
- 7.) South 06 degrees, 11 minutes, 08 seconds East, 83.54 feet, thence;
- 8.) 5.99 feet along a curve to the right having a radius of 40.00 feet, said curve being subtended by a chord bearing of South 01 degrees, 54 minutes, 09 seconds East, 5.98 feet, thence to the place of beginning.

Containing 64507 Square Feet or 1.481 Acres of land, more or less.

Being all that property conveyed from BER REAL ESTATE INVESTMENTS I, LLC to TIMONIUM SAB, LLC, by deed Dated October 2, 2017 and recorded among the Land Records of Baltimore County, MD in Liber 39630 Folio 455.

2018-0316-SPHX

Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed Property Line Surveyor under the laws of the State of Maryland, License No. 358, Expiration/Renewal Date October 19, 2018.



0316-SPHX

PLEASE PRESS HARD!!!!

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment6/21DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)Comment6/7DEPS
(if not received, date e-mail sent _____)no comment8/23FIRE DEPARTMENT
PLANNING
(if not received, date e-mail sent _____)Comment5/25STATE HIGHWAY ADMINISTRATION
TRAFFIC ENGINEERINGNO Objection_____

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 9/6/18SIGN POSTING (1st) Date: 9/5/18by O'KeefeSIGN POSTING (2nd) Date: 9/24/18by O'KeefePEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

**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: 2018-0316-SPHX

Property Address: 400 W. Padonia Road

Property Description: _____

Legal Owners (Petitioners): Timonium SAB, LLC

Contract Purchaser/Lessee: Sheetz, Inc

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jason T. Vettori

Company/Firm (if applicable): Smith, Gildea & Schmidt, LLC

Address: 600 Washington Avenue, Suite 200

Towson, MD 21204

Telephone Number: 410-821-0070

Revised 7/9/2015

Case No.:

2018-0316-SPHX

SLW
10-2-18

Exhibit Sheet

Petitioner/Developer

Protestants

BC

No. 1	Site plan	
No. 2	SDAT record	
No. 3	Grawls MKT - Website	
No. 4	History of Grawls Market	
No. 5	Bathurst resume	
No. 6	Gas Station exhibit	
No. 7	Deed re: signage easement	
No. 8	Title survey plan	
No. 9	Case No. 98-86-A	
No. 10	IDA \ Sign Variance 10B > Request	
No. 11	Zoning Regs. §413	
No. 12	2 sheet Landscape plan	

OAH
Zoning
file

Case No.: 2018-0316-SPHX

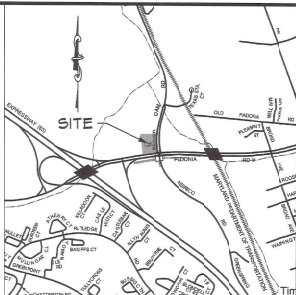
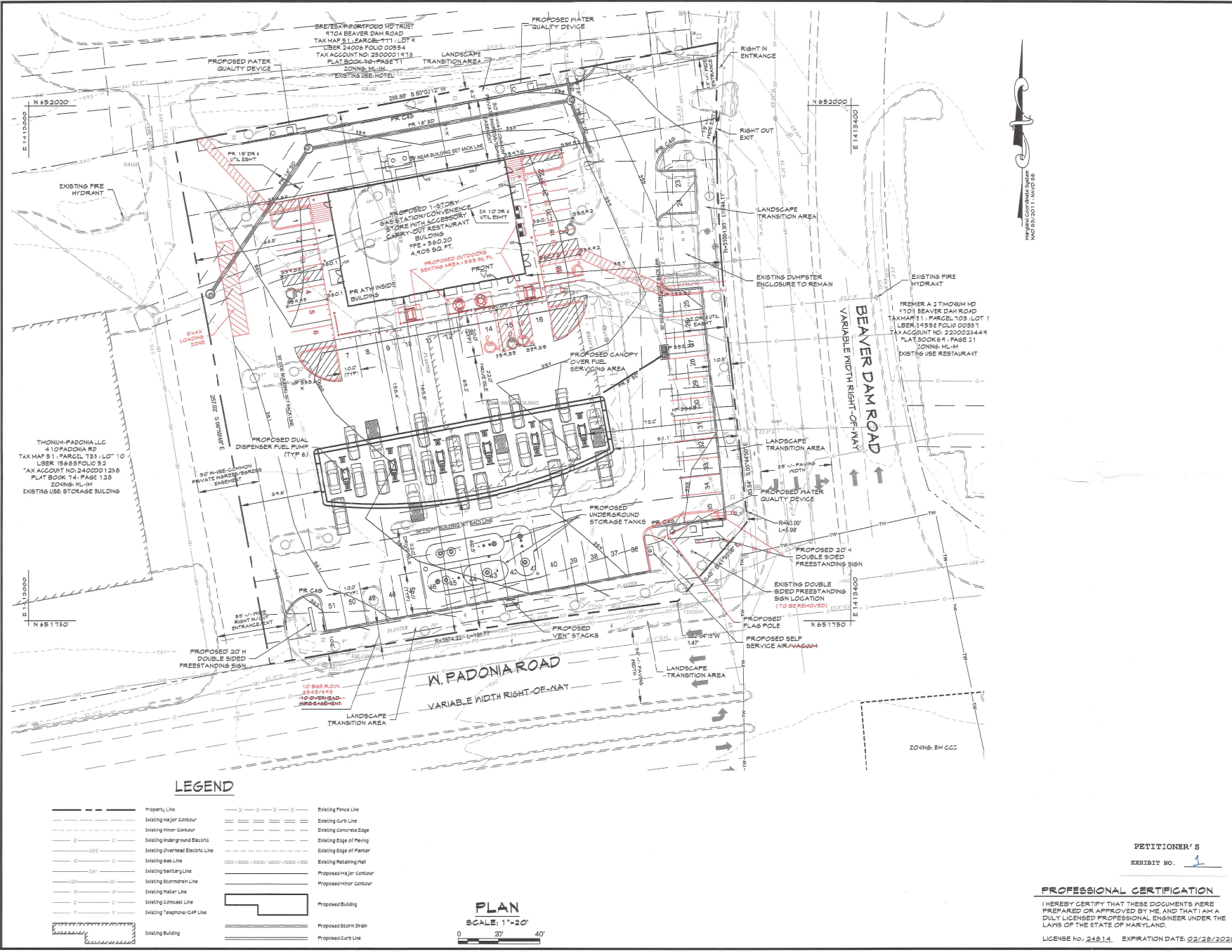
Exhibit Sheet - Continued

Petitioner/Developer

Respondent

No. 13	9-24-2018 Letter from Jim Hermann	
No. 14	Bldg. Elevation	
No. 15	Site plan (2 sheet) Royal Farm Store #191	
No. 16	Photos of Royal Farm #191	
No. 17	Site plan Royal Farm #57	
No. 18	2018 Basic Services Map	
No. 19	Large scale Basic Services Map	
No. 20	BC List - Level of Service Intersections	
No. 21	Myrick CV	
No. 22	Traffic Counts from Proposed Padonia Rd Royal Farms	
No. 23	Traffic counts for Sheetz Market	
No. 24		

T:\2011\Facilities\11224-00 400 W Padonia Road (R6B)\CADD\Drawings\Exhibits\11224-00 (ZF) Zoning Petition Plan.dwg May 16, 2018 5:55pm rlsgr



LEGEND

- | | |
|---------------------------------|--------------------------|
| Property Line | Existing Fence Line |
| Existing Major Contour | Existing Curb Line |
| Existing Minor Contour | Existing Concrete Edge |
| Existing Underground Electric | Existing Edge of Paving |
| Existing Overhead Electric Line | Existing Edge of Planter |
| Existing Base Line | Existing Retaining Wall |
| Existing Secondary Line | Proposed Major Contour |
| Existing Stormwater Line | Proposed Minor Contour |
| Existing Water Line | Proposed Building |
| Existing Conduit Line | Proposed Storm Drain |
| Existing Telephone/CAP Line | Proposed Curb Line |
| Existing Building | |

PLAN
SCALE: 1"=20'
0 20' 40'

PETITIONER'S
EXHIBIT NO. 1

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE NO. 248.14 EXPIRATION DATE: 02/28/2020

DATA SOURCES:

- The geographic and boundary information shown herein (property and boundary) is from Century Engineering Inc dated January 2018.
- The geographic information shown outside the property and boundary from Baltimore County GIS.
- Existing utilities shown herein from field location, public records or other sources. Exact location not guaranteed.
- Coordinates & elevations are related to the Maryland Coordinate System horizontal datum NAD 83 (2011) and vertical datum MVD 84.

Designation	Height	Easting	Elevation
1300	47140.14	11102.464	276.17

A spike in the sidewalk along York Road across from Rosewell Street and between entrances to a gas station.

DATE	BY	REVISIONS

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
1710 Silver Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.581.2401
www.centuryeng.com

Plan to Accompany Request for Zoning Hearing

SHEET Z
400 W. PADONIA RD, TIMONIUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 1200028444

ISSUE DATES	
REVIEW:	March 2018
BID:	
PERMIT:	
CONSTRUCTION:	
SCALE:	
PROJECT NO:	11224-00

DRAWN:	
DESIGNED:	RAL
CHECKED BY:	RAL
DATE CHECKED:	
DRAWING	1 OF 2

GENERAL NOTES

- OWNER: TMONUM SAS LLC, C/O KEN GOODMAN, 1001 E TELEGRAPH DR, BOCA RATON FL 33491
 - CONTRACT PURCHASER/LESSEE: SHEETZ INC., C/O BRENT BRUBAKER, 124 DENNING DRIVE, BOALSBURG, PA 16821
 - PROPERTY ADDRESS: 400 W. PADONIA RD, TIMONUM, MD 21093
 - PARCEL TAX ID: Map 51.6rid 16, Parcel 702
 - Parcel TAX ACCOUNT NUMBER: #2200028448
 - PLAT REFERENCE: 6/4/17
 - DEED REFERENCE: L 916830 F. 00455
 - ELECTION DISTRICT: 8
 - COUNCILMANIC DISTRICT: 8
 - SITE AREA: 1.45 AC - 64,501 sq ft
 - ZONING: HLIM
 - EXISTING USE: COMMERCIAL - RESTAURANT
 - PROPOSED USE: FUEL SERVICE STATION, CONVENIENCE STORE WITH ACCESSORY CARRY-OUT RESTAURANT
- NUMBER OF FUEL SERVICE ISLANDS: 8
NUMBER OF MULTIPURPOSE DISPENSERS (MPD): 12
- MAIN STRUCTURE FLOOR AREAS:
FUEL SERVICE STATION OFFICE/REGISTER/BATHROOMS: 411 square feet
CONVENIENCE STORE: 1171 square feet
CARRY-OUT RESTAURANT: 2223 square feet
TOTAL: 4405 square feet
- FLOOR AREA RATIO: REQUIRED: 2.0 (FROM BR ZONE)
PROVIDED: 0.1
- ZONING
- SETBACKS (PER BCZR § 255.1):
FRONT YARD: 30 feet
SIDE AND REAR YARD: 30 feet
PARKING AND LOADING SPACES: AS PER SECTION 409
DISPLAY OF MATERIAL IN FRONT YARD: NOT MORE THAN 15 FEET IN FRONT OF FRONT BUILDING LINE
HEIGHT: UNLIMITED
- SETBACKS (PER BCZR § 405.4):
MAIN STRUCTURE: REQUIRED: 35 FEET FROM ANY STREET RIGHT-OF-WAY
PROVIDED: 45 FEET
FUEL PUMP: REQUIRED: 25 FEET FROM ANY STREET RIGHT-OF-WAY
PROVIDED: 75 FEET
CANOPY: REQUIRED: 15 FEET FROM ANY STREET RIGHT-OF-WAY
PROVIDED: 61 FEET
SELF-SERVICE WASH STATION: REQUIRED: 30 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY
PROVIDED: N/A
LANDSCAPE TRANSITION AREA: REQUIRED FROM PUBLIC RIGHT-OF-WAY: 10 FEET
REQUIRED FROM SIDE AND REAR YARDS: 8 FEET
PROVIDED FROM PUBLIC RIGHT-OF-WAY: 10 FEET MIN
PROVIDED FROM SIDE AND REAR YARDS: 8 FEET MIN
- HEIGHT:
MAIN STRUCTURE: 24 FEET
CANOPY: 30 FEET
- LIGHTING: ANY FIXTURE USED TO ILLUMINATE ANY PARKING FACILITY SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.
 - ZONING STANDARDS (PER BCZR § 405.4.D):
SITE DIMENSIONS:
MINIMUM SITE AREA REQUIRED: 18000 square feet (1900 per fuel service space) [12]
FOR FUEL SERVICE: 789.4 square feet (4 times the square footage of the convenience store sales area) [1411]
FOR CONVENIENCE STORE: 1000 square feet (1000 per machine)
FOR AUTOMATIC TELLER MACHINE: 1202.2 square feet (6 times the gross square footage of restaurant) [2023]
FOR CARRY-OUT RESTAURANT: 2223 square feet
TOTAL: 34094 square feet
SITE AREA PROVIDED: 64501 square feet
 - UTILITIES: PUBLIC WATER, PUBLIC SEWER
 - THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON FIRM #2400100235F, DATED SEPTEMBER 26, 2005
 - OFF-STREET PARKING: SEE TABLE
FUEL SERVICE SPACES REQUIRED - 1 PER MPD - 12, PROVIDED 12
FUEL SERVICE STAKING SPACES REQUIRED - 1 PER MPD - 12, PROVIDED 12
 - REGIONAL PLANNING DISTRICT: 304
 - CENSUS TRACT: 408400
 - WATERSHED: LOCH RAVEN RESERVOIR
 - PREVIOUS PERMITS: B22830 - ILLUMINATED WALL SIGNS (2) FOR PARAPET WALL
B22114 - INTERIOR ALTERATIONS
B28843 - CONSTRUCT A 1 STORY RESTAURANT BUILDING
 - THE SITE DOES NOT LIE WITHIN THE CHEESAPEAKE BAY CRITICAL AREA.
 - THERE ARE NO HISTORIC FEATURES ON THE SITE NOR IS THE SITE ITSELF HISTORIC.
 - PREVIOUS DRG MEETINGS: UNKNOWN
 - THE PROPERTY IS NOT LOCATED WITHIN ANY PALEO BASIC SERVICES MAP AREA.
 - PREVIOUS ZONING CASES:
1418-0084-A - THEREFORE, IT IS ORDERED BY THE Zoning Commissioner for Baltimore County that a variance from Section 413.6(F) of the BCZR to permit two stationary freestanding parking identification signs of 129 sq. ft. each, in lieu of the permitted one identification sign totaling 150 sq. ft. per face, be and is hereby GRANTED; and
IT IS FURTHER ORDERED that a variance from Section 413.6(D)(1) to permit 180 sq. ft. of sign maximum surface area in lieu of the permitted surface area maximum of 50 sq. ft. per face, be and is hereby GRANTED; and
IT IS FURTHER ORDERED that a variance from Section 413.6(E)(1) to permit single tenant identification signs of approximately 50 sq. ft. per face in lieu of the maximum of 25 sq. ft. be and is hereby GRANTED; and
IT IS FURTHER ORDERED that a variance from Section 413.2(E) to allow a single feature/identification sign with a face area of approximately 50 sq. ft.

In lieu of the maximum area of 150 sq. ft. be and is hereby GRANTED, subject, however, to the following restriction.

The Petitioner is hereby made aware that, proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

R-1144-0395 - IT IS, THEREFORE, this 25th day of February, 2002, by the County Board of Appeals of Baltimore County ORDERED that said Petition filed in Case No. R-44-195 be and the same is declared moot, and the Petition DISMISSED.

24. ALL SIGNAGE WILL COMPLY WITH BCZR § 450

a. FREESTANDING JOINT IDENTIFICATION SIGNS (BCZR § 450.4 ATTACHMENT 1.7(B))

PERMITTED:

1. MAXIMUM NUMBER: ONE FREESTANDING JOINT IDENTIFICATION SIGN PER FRONTAGE

2. MAXIMUM HEIGHT: 25'

3. MAXIMUM FACE AREA: 15 SF

4. ILLUMINATED: YES

PROPOSED:

1. NUMBER OF SIGNS: ONE FREESTANDING JOINT ID SIGN ON BOTH W. PADONIA RD. AND BEAVER DAM RD.

2. HEIGHT: 20'

3. FACE AREA: 25 SF

4. ILLUMINATED: YES

b. WALL-MOUNTED ENTERPRISE SIGNS (BCZR § 450.4 ATTACHMENT 1.5(A))

PERMITTED:

1. MAXIMUM NUMBER: THREE, WITH NO MORE THAN TWO ON ANY FACADE

2. HEIGHT LIMIT: NONE, MAY NOT EXTEND ABOVE THE EAVES OR PARAPET.

3. MAXIMUM FACE AREA: TWICE THE LESSER OF THE LENGTH OF THE WALL TO WHICH THE SIGNS ARE AFFIXED OR 150 SQUARE FEET.

4. ILLUMINATION: YES

PROPOSED:

1. NUMBER OF SIGNS: THREE (ON SEPARATE FACADES)

2. HEIGHT: ALL SIGNS ARE BELOW THE EAVES OR PARAPETS

3. FACE AREA: ONE 60 SF SIGN AND TWO 26 SF SIGNS

4. ILLUMINATION: YES

c. SERVICE STATION/CANOPY SIGNS (BCZR § 450.4 ATTACHMENT 1.3(E))

PERMITTED:

1. MAXIMUM NUMBER: SIX

2. MAXIMUM HEIGHT: NONE, BUT CANNOT PROJECT ABOVE, BELOW OR BEYOND EITHER END OF THE FACE

3. MAXIMUM FACE AREA: 25 SF

4. ILLUMINATION: YES

PROPOSED:

1. NUMBER OF SIGNS: FOUR

2. HEIGHT: DOES NOT EXTEND ABOVE, BELOW OR BEYOND EITHER END OF THE FACE

3. FACE AREA: 24 SF

4. ILLUMINATION: YES

30. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LATEST BALTIMORE COUNTY LANDSCAPE MANUAL

31. STORMWATER MANAGEMENT HAS BEEN PROVIDED IN A REGIONAL STORMWATER MANAGEMENT POND WITH ADDITIONAL WATER QUALITY PROVIDED ON SITE.

Offstreet Parking Tabulation					
Category	Required	Provided Spaces **	Notes		
Fuel Service Station Employees (on Largest Shift)	4	4	Largest Shift	4	people
Convenience Store w/ accessory carry-out restaurant * (5 per 1000 sq ft)	2510	2510	Store Size	1171	4005 sq ft
ATM (Per Unit)	1	1	No of ATMs	1	atm
Air/Vacuum (Per Unit)	1	1	No of Units	1	1/unit
Outdoor Seating For Carryout (5 per 1000 sq. ft.)	2	2	Outdoor Seating Area	315	sq. ft.
Carryout Restaurant (5 per 1000 sq. ft.)	11	33		2023	sq. ft.
Total	31,28	51			

* - If accessory carry-out restaurant is parked as standard restaurant this would be 1-1/4-1,000 sq. ft. or 32 spaces

** - Provided parking spaces measure no less than 10'x20'

PURPOSE OF ZONING HEARING

Special Exception relief to approve:

- A fuel service station under Sections 253 and 405 of the Baltimore County Zoning Regulations ("BCZR"); and
- For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing relief to approve:

- A request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
- The minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and
- For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

DATA SOURCES:

- The topographic and boundary information shown inside the property and boundary on this plan is from Century Engineering Inc. dated January 2018.
- The topographic information shown outside the property and boundary from Baltimore County GIS.
- Existing utility easement shown from field location, utility records or other sources. Exact location not guaranteed.
- Controlled elevations are referred to the Maryland Coordinate System horizontal datum MD 820011 and vertical datum NAVD 83.

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A scale is provided along with Roadway from Roadway Street and between entrances to a gas station.

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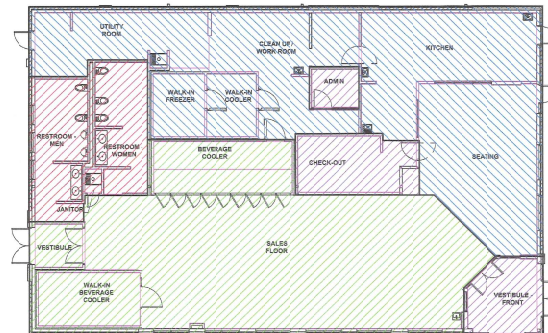
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LEGEND

- ACCESSORY CARRY-OUT RESTAURANT 2003 SF
- OFFICE AND REGISTER SPACE (SERVICE STATION USE) 431 SF
- CONVENIENCE STORE 1871 SF
- BATHROOMS (SERVICE STATION USE) 140 SF

TOTAL: 4405 SQ. FT.

BUILDING USE PLAN

SCALE: 1" = 10'

0 10' 20'

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

SCALE: _____ EXPIRATION DATE: 02/28/2020

LICENSE NO. 24814

ISSUE DATES		DRAWN:	
REVIEW:	March 2018	DESIGNED:	R.A.L.
BID:		CHECKED BY:	R.B.B.
PERMIT:		DATE CHECKED:	
CONSTRUCTION:		DRAWING:	
SCALE:			

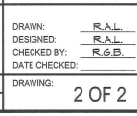
PROJECT NO. 171224.00

2 OF 2



Plan to Accompany Request for Zoning Hearing

SHEETZ
400 W. PADONIA RD, TIMONUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448



PROJECT NO. 171224.00

2 OF 2



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DGG MARKET, INC.: D04391181

[General Information](#)[Filing History](#)[Annual Report/Personal Property](#)

General Information

Department ID Number:

D04391181

Business Name:

DGG MARKET, INC.

Principal Office:7713 BELLONA AVENUE
RUXTON MD 21204**Resident Agent:**DENNIS G. GRAUL
7713 BELLONA AVENUE
RUXTON MD 21204**Status:**

INCORPORATED

Good Standing:THIS BUSINESS IS IN GOOD
STANDING

» Order Certificate of Status

Business Type:

CORPORATION

Business Code:

03 ORDINARY BUSINESS - STOCK

PETITIONER' S**EXHIBIT NO.**2

Date of Formation/ Registration:

04/24/1996

State of Formation:

MD

Stock Status:

STOCK

Close Status:

NO

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FOR FILING AND BUSINESS RELATED QUESTIONS

Maryland Department of Assessments & Taxation

410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941

Maryland Relay: 800-735-2258

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[LOCATIONS \(/LOCATIONS.HTML\)](#)

Annapolis

607 Taylor Ave.
Annapolis, MD 21401

Mon - Sat 7:00am - 8:00pm
Sun 8:00am - 5:00pm

Tel: 410-269-5103 (tel:4102695103)
Fax: 410-269-0094

annapolis@graulsmarket.com
(mailto:annapolis@graulsmarket.com)



Mays Chapel

12200 Tullamore Road
Lutherville, MD 21093

Mon - Sat 8:00am - 8:00pm
Sun 9:00am - 6:00pm

Tel: 410-308-2100 (tel:4103082100)
Fax: 410-308-2106

catering1@graulsmarket.com
(mailto:catering1@graulsmarket.com)



Cape St. Claire

1388 Cape St. Claire Road
Annapolis, MD 21401

Mon - Sat 7:00am - 9:00pm
Sun 8:00am - 5:00pm

Tel: 410-974-0737 (tel:4109740737)
Fax: 410-974-4602

capestclaire@graulsmarket.com
(mailto:capestclaire@graulsmarket.com)



Ruxton

7713 Bellona Ave.
Towson, MD 21204

Mon - Sat 8:00am - 7:00pm
Sun 9:00am - 6:00pm

Tel: 410-823-6077 (tel:4108236077)
Fax: 410-321-1825

ruxton@graulsmarket.com
(mailto:ruxton@graulsmarket.com)



Hereford

220 Mount Carmel Rd.
Parkton, MD 21120

Mon - Sat 7:00am - 8:00pm
Sun 9:00am - 5:00pm

Tel 410-329-6221 (tel:410329622)
Fax 410-357-8937

hereford@graulsmarket.com
(mailto:hereford@graulsmarket.com)



St. Michaels

1212 S. Talbot St.
St. Michaels, MD 21663

Mon - Sat 8:00am - 8:00pm
Sun 9:00am to 5:00pm

Tel: 410-745-3537 (tel:410745353)

stmichaels@graulsmarket.com
(mailto:stmichaels@graulsmarket.com)



PETITIONER'S

EXHIBIT NO.

3

Mays Chapel Wine & Spirits

12216 Tullamore Road
Lutherville, MD 21093

Mon - Sat 10:00am - 8:00pm
Sat 9:00am-8:00pm

Tel: 410-308-2107 (tel:4103082107)



Ruxton Wine & Spirits

7703 Bellona Avenue
Towson, MD 21204

Mon - Sat 9:30am - 7:00pm
Sat 9:00am-7:00pm

Tel: 410-823-3500 (tel:4108233500)



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🔗 Fish & Seafood (/fresh-fish--seafood.html)

🔗 Grocery (/grocery.html)
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🔗 Prepared Foods (/prepared-foods.html)
🔗 Produce (/produce.html)
🔗 Wedding Cakes (/wedding-cakes.html)

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History of Graul's Market

PETITIONER'S

EXHIBIT NO.

4



It was 1920 when the late Fred and Esther Graul opened the first Graul's Market at 2819 E. Monument Street in Baltimore City. In 1945 when their son, Harold Sr. returned from military service in World War II, he and his wife, Mary, assumed ownership of the store. In 1958 they moved to Annapolis with their four children, Harold Jr., Tom, Susie and Fred to open the first Graul's Supermarket in Cape St. Claire. As the

family has grown, each child has opened their own store and now the 4th generation has joined in the family business.



As you'll soon discover Graul's is a very special place to shop. Each generation has passed down family recipes you'll find in every department. We continue the tradition of personal, friendly service lost in today's impersonal marketplace. From our fresh, delicious seafood, meat and produce to baked goods, baked fresh daily in each market, you'll appreciate why Graul's has been Your Good Food Grocer since 1920.



We have grown to six markets throughout Baltimore, Annapolis and the Eastern Shore. One thing has remained constant, a Graul's descendent has remained at the helm of each market. Harold Jr., his son Dennis and daughter Kate operate the Ruxton and Mays Chapel locations. Tom operates the Hereford market. Fred, and his son, Bryan, operate the Cape St. Claire and Annapolis stores. John Evans Jr., another fourth generation Graul, has recently opened the sixth location in St. Michaels Maryland.

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Robert G. Bathurst, P.E.
Civil Engineer

EXHIBIT NO. 5**Education:**

B.S. 1991 Civil Engineering, Drexel University

M.S. 1994, Industrial Administration, Carnegie Mellon University

1991, Graduate Coursework, Civil Engineering, The Geosynthetic Institute at Drexel University

▪ January 2002 approved as a Consultant Reviewer by the Maryland Department of the Environment, Water Management Administration for Stormwater Management and Erosion and Sediment Control Plan Review

▪ April 2004 Consultant Reviewer by the City of Baltimore for Stormwater Management and Erosion and Sediment Control Plan Review

▪ April 2002 completed the Interagency Wetland Identification Training Program sponsored by the US EPA, MD Department of the Environment, and the Natural Resources Conservation Service.

Active Registration:

1999 P.E. Maryland Registered #24814

2004 P.E. West Virginia Registered #15971

2006 P.E. Pennsylvania Registered # PE073923

2016 P.E. (CIVIL) District of Columbia Registered # PE908495

Years Experience:

27

Experience:

Mr. Bathurst has extensive civil engineering and site development consulting experience. He has worked for a multitude of clients on land planning and site development projects. Site development projects require extensive coordination involving many state and local reviewing agencies, professionals (architects, landscape architects, land planners, engineers and attorneys), and community representatives. Design components involved in this type of work include: schematic layout, geometric layout, grading/earth balance analysis, public roadway extensions/improvements, hydrologic/hydraulic modeling, floodplain analysis, stormwater quality and quantity management, zoning compliance, amenity area planning, ADA/handicap accessibility, pedestrian pathway/ramp/stairway design, site lighting, public sewer and water extension, storm drain systems, stream crossings/bridges/culverts, sediment control, on-site fire suppression systems, forest retention/mitigation, wetlands delineation and/or mitigation, landscaping and as-built inspection.

Relevant design consultant projects include:

GEORGE YOUNG HALL, CALVERT HALL COLLEGE, Baltimore County, MD. Civil Project Manager. A four-story infill academic building addition involved reorientation, extension and retrofitting of many vehicular and pedestrian corridors including several ADA accessible campus routes. One route included a unique bridge type above-grade pedestrian corridor that led from a new, elevated terrace area into the second level of the new building. This terrace overlooked a new plaza which acted as a make shift outdoor amphitheatre and emergency vehicle access location. Extensive ramping and retaining walls were required due to space constraints and grade relief. A fire suppression water service investigation and campus water service extension was necessary to evaluate the retrofit of other existing onsite building as well as the new building and future building. Parking was dislocated associated with the new building. We therefore retrofitted additional parking into the areas adjoining the existing campus

roadway system. As this area of the campus had never provided any stormwater management, we retrofitted the area with a new campus stormwater management facility and storm drain system sized for the present conditions, new improvements and future planned building additions at the school. The campus electrical supply was relocated and upgraded associated with this planned building addition.

BWI HILTON HOTEL, Anne Arundel County, MD. Civil Project Manager. 11-Story Hotel, Restaurant and associated parking areas. Included planning for and extension to Elm Road Extended (a future public road) and associated water, sewer, storm drain, streetscape and lighting utility infrastructure. Project required extensive stream relocation and wetlands mitigation. In order to waive 10 and 100-year stormwater quantity management, an extensive downstream outfall study was performed with supporting Hydrologic and Hydraulic Analysis that demonstrated that adequate conveyance existed within the downstream storm drain and open channel systems. Stormwater Quality Management was provided via the use of innovative modular sandfilter devices and a single pocket sandfilter device. Sediment Control design was phased to allow a quick start to the building construction.

PRESTON GATEWAY at PINEY RUN BUSINESS PARK, Anne Arundel County, MD. Civil Project Manager for development of three lots (approx. 19 acres each) for use as flex-use warehouses. The sites were designed to include three warehouse buildings with associated office space (271,550 sf, & 313,850 sf, 176,053 sf respectively). The design included site parking layout, loading dock layout with vehicle turning movement analysis, grading, sediment control, storm drainage, public and private water utility infrastructure plan preparation, private sewer utility plans, and earthwork estimation.

FISHING POINT RAILCAR YARD AND ETHANOL OFFLOADING FACILITY, Baltimore City, MD. Civil Project Manager. As part of a phased master development plan, Century designed a railcar storage yard and offloading facility will capacity for 120 railcars. Phase two also involved dedicated transfer lines from the 20 railcar ethanol offloading rack over to nearby ethanol storage tanks. Civil services include Chesapeake Bay Critical Area Compliance, stormwater management, and erosion and sediment control for both phases of the project. The project scope also included master planning for water and sewer service for ultimate site build-out, NPDES permitting, Oil Operations Permitting, Fire Protection system design, Air Distribution system design and installation of a packaged air compressor unit. Entire Site is within the 100-year floodplain, therefore, the design needed to accommodate floodproofing of mechanical equipment and the ethanol offloading rack.

ROUTE 7 COMMERCE CENTER / STRAYER UNIVERSITY, Baltimore County, MD. Civil Project Manager. This previously wooded 13.9 ac. site required a State issued joint permit for the removal of several isolated areas of non-tidal wetlands. As part of the mitigation for the removal of the wetlands, the stormwater management pond was designed to include a forebay and shade producing woody vegetation to enhance water quality to the remaining downstream wetlands. Yellow Brick Road was identified in the Baltimore County Master Plan to be extended through this property; therefore, the site layout and grading were designed in such a way to meet the needs of the owner and also the design geometry of the future Yellow Brick Road. Philadelphia Road was widened along the property's frontage and included a new state storm drain system and bicycle lane. The entire completed construction plan set were quickly revised from

two approximately 45,000 s.f. flex-office buildings to a single 49,500 s.f. flex-office building and a new institutional building when the owner negotiated a deal with Strayer University.

JOHN HOPKINS UNIVERSITY APL, SERVICE AREA COMPLEX, Howard County, MD. Civil Project Manager. The proposed Service Area Complex was a project that reshaped the landscape in the project's vicinity and straddled the campus's existing secure perimeter. Three major adjacent/ongoing design projects created the boundary condition for the Trades Complex on three of its four sides and also relocated the only access roadway to the campus's distribution building. As such regular master plan design coordination meetings were held throughout the project's design and construction phase. Additionally, the campus's main internal supply roadway was to be constructed passing through the Service Area Complex in accordance with the campus master plan. Therefore, we designed the first leg of this internal distribution network, in order to provide relocated access to the distribution building while beginning construction of the first leg of the internal supply roadway. An additional challenge was developing a construction sequence which would allow construction to proceed efficiently while maintaining the campus's secure perimeter. The stormwater management design was challenging since the project area straddled three major onsite watershed boundaries. One watershed was still grandfathered to older stormwater management design standards, while the other two watersheds needed to meet current stormwater management requirements. However, only one of the latter watersheds would have a functional stormwater management facility by the time the Service Area would be ready for permit issuance. Therefore, construction within the constrained watershed was limited to one to one replacement of impervious area for peak management and treatment of existing impervious area in the adjacent watershed as a trade off for water quality credit

FLEET TRANSIT, INC., Baltimore City, MD. Civil Project Manager. Prepared Civil Engineering permit and construction documents for the adaptive reuse of a former 21 acre Petroleum Storage Tank Farm originally built in the 1920's. Located in the Fairfield Enterprise Park, the owner wished to fully redevelop the property as their new regional headquarters. The land was also to be regraded to allow for an adjacent Car Importing Company to lease the balance of the site as an imported car storage location. Civil components to the permit/construction documents package included Site and Layout Plans, Mass Grading, Final Grading, Erosion and Sediment Control, Stormwater Management Master Plans and Construction Documents, Chesapeake Bay Critical Area Compliance Reports, Forest Conservation Plan and Army Corps and State of Maryland permits for disturbances to wetlands, floodplains and their buffers.

SNARELY FOREST PRODUCTS, Carroll County, MD. Civil Project Manager. Prepared Civil Engineering Planning, Permitting and Construction Documents for the adaptive reuse of the former McGregor Printing Company manufacturing building for Snarely Forest Products. Specific planning and design components included redevelopment of the existing parking lot to include outside storage sheds, loading docks, ADA parking and pedestrian passage ways, closure of a public roadway and retrofitting the fire service to be a standalone system since the building had previously shared a fire pump on the adjacent property. Retrofitted the existing parking area with a Stormwater Quality Management Device. Added an 8-acre product laydown area with integral rail delivery spur. Designed stormwater

management pond capable of dealing with the Karst geologic characteristics of the onsite soil. Developed a Karst remediation program for the many existing sinkholes throughout the site.

BGE CONSTITUTION STREET SWITCHING STATION, City of Baltimore, MD. Civil Project Manager. Century Engineering functioned as a civil consultant to the BGE substation design group. Century's responsibilities included preparing civil engineering drawings that would serve to prep the project site for the electrical switching station. The site design was such that all City of Baltimore Stormwater Management and Sediment Control requirements were satisfied, separate from the BGE substation design. The project resides in the 100-year floodplain associated with the Jones Falls. As such hydraulic models were created to show how the project addressed MDE and City of Baltimore floodplain criteria while also floodproofing the equipment enclosure building and onsite electrical equipment.

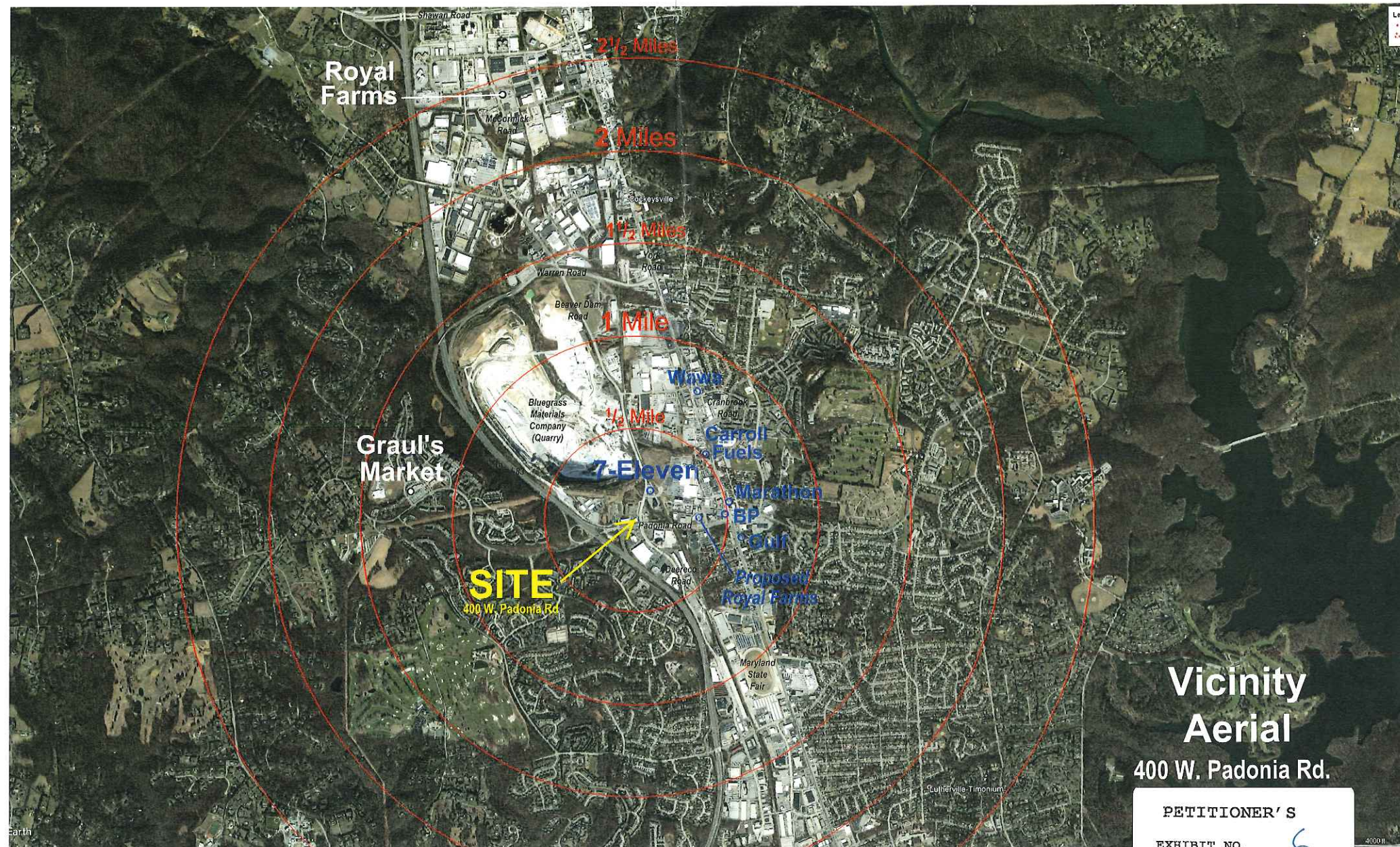
Relevant consultant review projects include:

MEADE FAMILY HOUSING - FORT GEORGE G. MEADE, Anne Arundel County, MD. Fort George G. Meade replaced approximately 2,350 homes and renovated another 260. Century Engineering performed Quality Control and Quality Assurance for the Phase I Stormwater Management and Sediment Control Plans under the authority of the Maryland Department of the Environment's Consultant Reviewer Program and performed as a Local Design Consultant to the original design team for Phase II.

BRIGADE SPORTS COMPLEX - U.S. NAVAL ACADEMY, Annapolis, MD. Performed expedited erosion and sediment control and stormwater management design and construction drawing review as a representative of the Maryland Department of the Environment for the new Hockey Center and associated Parking Lot. This project involved a new stormwater management pond that would be installed into the tidal floodplain at the water's edge. Project was entirely within the Chesapeake Bay Critical Area and required a MDE / Army Corps of Engineers Joint Permit for land disturbances within a wetland, waterway, floodplain and/or their buffer.

EVENTS CENTER AND PRESIDENT'S RESIDENCE - UNIVERSITY OF MARYLAND COLLEGE PARK, Prince George's County, MD. Performed expedited erosion and sediment control and stormwater management design and construction drawing review as a representative of the Maryland Department of the Environment for the replacement and relocation of the University President's Residence, Events Center and Associated Parking Lot. This project involved several environmental site design techniques including (3) micro-bioretenment, many non-rooftop disconnections and re-use of an existing campus based stormwater management facility.

PERSHING HILL ELEMENTARY SCHOOL REPLACEMENT - ANNE ARUNDEL COUNTY BOARD OF EDUCATION, Anne Arundel County, MD. Performed expedited stormwater management review and construction drawing review as a representative of the Maryland Department of the Environment for this replacement and expansion of an existing public elementary school building, parking lot and outside recreational fields. Review also included sediment and erosion control design and construction plan review. Sediment Control phasing was particularly challenging given the proposed use of the project's stormwater infiltration basin as a temporary sediment control basin.



Vicinity Aerial

400 W. Padonia Rd.

PETITIONER'S

EXHIBIT NO. 6

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 11963, p. 0220, MSA_CE62_11818. Date available 03/04/2005. Printed 02/0

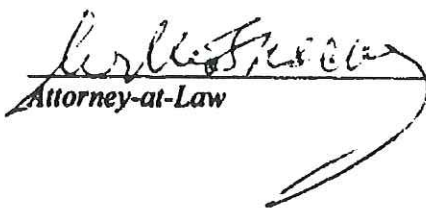
2011963 220

Diversified Title Corp.
609 Bosley Avenue
Towson, MD 21204

PETITIONER' S

EXHIBIT NO. 7

THIS IS TO CERTIFY that the within instrument has been prepared by or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

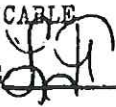

Attorney-at-Law

THIS DEED, made this 30th day of December, 1996, between **REDLAND GENSTAR, INC.** (formerly Genstar Stone Products Company), a Delaware corporation (the "Grantor"); and **BEF REIT, INC.** an Ohio corporation (the "Grantee").

WITNESSETH, that in consideration of the sum of Seven Hundred Seventy-One Thousand Three Hundred Fifty-Three Dollars and No/Cents (\$771,353.00), the Grantor does grant and convey unto the Grantee, its successors and assigns, in fee simple, all that lot of ground situate in the Eighth Election District of Baltimore County and described as follows, that is to say:

BEING ALL THAT LOT OF GROUND shown on the plat entitled, "Plat of Bob Evans Restaurant, Cockeysville", which Plat is recorded among the Land Records of Baltimore County in Plat Book S.M. No. 69, folio 17, containing 1.48 Acres +/-.

TOGETHER with the use thereof in common with others entitled thereto of the Private Ingress and Egress Easement (the "Easement") along the westerly property line of the property herein conveyed as shown on the aforementioned Plat, a part of which Easement lies on the adjoining property of the Grantor; the right to the use of so much of the Easement that lies on the property of the Grantor is granted by the Grantor to the Grantee, its successors and assigns.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
SIGNATURE  DATE 12/31/96

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County
 12/31/96
by Date

25.00

0011953 221

TOGETHER with the rights, easements, and benefits granted under a Detention Pond Easement Agreement dated December 30, 1996, and recorded among the Land Records of Baltimore County simultaneous herewith by and between BEF REIT, Inc. and Redland Genstar, Inc.

TOGETHER with the rights, easements, and benefits granted under an Agreement for Permanent Easements dated December 30, 1996 and recorded among the Land Records of Baltimore County simultaneous herewith by and between Redland Genstar, Inc. and BEF REIT, Inc.

TOGETHER with the rights, easements, and benefits granted under an Agreement Regarding Maintenance of Storm Drainage Facilities dated December 30, 1996 and recorded among the Land Records of Baltimore County simultaneous herewith by and between BEF REIT, Inc. and Redland Genstar, Inc.

SAVING AND EXCEPTING any subsurface property rights which have been granted by the Grantor prior hereto, and **SUBJECT TO** a reservation by the Grantor, its successors and assigns of any subsurface property rights not heretofore granted, together with incidental subsurface appurtenant rights, interests, easements, privileges, and appurtenances, excluding, however, the right to any surface access or excavations.

BEING a part of the tract of land which by Deed dated October 27, 1986 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 7309, folio 563 was granted and conveyed by The Flintkote Company to Genstar Stone Products Company, which by Articles of Amendment filed with the State Department of Assessments on December 21, 1995 changed its name to Redland Genstar, Inc.

0011963 222

RESERVING unto Grantor an easement for the purposes of placing signs and any related appurtenances, such as underground electrical lines, aboveground lighting to illuminate such signs, landscaping, advertising, the existence and location of businesses on the Property at the location more particularly identified on Exhibit A ("License Area") attached hereto. The design and location of signs will be subject to the approval of Grantee, which approval will not be unreasonably withheld, delayed or conditioned. The placing of signs by Grantor on the License Area shall be in compliance with all Baltimore County Zoning and Licensing Regulations. Grantor shall be solely responsible for the cost and expense of installation, maintenance (in a first class manner), removal or relocation of the signage and appurtenances within the License Area.

SUBJECT to the Easements, Endorsements, Minimum Building Setback Lines, General Notes & Certifications shown on the Plat hereinabove referred to.

TOGETHER with the buildings and improvements thereon; and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging or in anywise appertaining, except as reserved herein by the Grantor.

THE GRANTOR hereby certifies that this conveyance is not a part of a transaction in which there is a sale, lease, exchange, or other transfer of all, or substantially all, of the property and assets of the Grantor.

TO HAVE AND TO HOLD the said lot of ground unto and to the use of the Grantee, its successors and assigns, forever, in fee simple, subject to the easements, endorsements, minimum building setback lines, general notes, certifications, and reservations hereinabove set forth.

AND the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

EXHIBIT A**MORRIS & RITCHIE ASSOCIATES, INC.** 011963 223ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

December 27, 1996

0.014 Acre Sign Easement, Part of Bob Evans Restaurant, Cockeysville, Eighth Election District, Baltimore County, Maryland.

BEGINNING for the same at a point on the westerly right of way line of Beaver Dam Road on the fillet connecting the said westerly right of way line with the northerly right of way line of Padonia Road as shown on Baltimore County Right of Way Plat No. FRW 88-159-37, said point being distant 10.22 feet from point number 46 at the northerly end of said fillet as shown on a plat entitled "Plat of Bob Evans Restaurant, Cockeysville" and to be recorded among the Land Records of Baltimore County, Maryland, thence binding on part of the said right of way line, with bearings referred to the Baltimore County Coordinate System,

1. South 41° 55' 06" West 30.00 feet, thence leaving the said right of way line and running through and across the land shown on the aforesaid plat, three courses, viz::
2. North 48° 04' 54" West 20.00 feet,
3. North 41° 55' 06" East 30.00 feet, and
4. South 48° 04' 54" East 20.00 feet to the place of beginning.

CONTAINING 0.014 acres of land, more or less.

BEING part of the land conveyed by and described in a deed from The Flintkote Company to Genstar Stone Products Company, dated October 27, 1986 and recorded among the Land Records of Baltimore County, Maryland in Liber 7309, Folio 563; **BEING ALSO** part of the land shown on a plat entitled "Plat of Bob Evans Restaurant, Cockeysville" and to be recorded among the aforesaid Land Records.



0014.dcs

139 N MAIN STREET SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7550
FAX (410) 879-1820

110 WEST ROAD SUITE 105
TOWSON, MARYLAND 21204
(410) 821 1690
FAX (410) 821 1748

9090 JUNCTION DRIVE, SUITE 3
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792 3446 (301) 470-4471
FAX (410) 792-7395

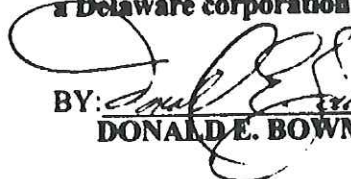
0011963 224

WITNESS the hand and seal of the said Grantor the day and year first above-written.

WITNESS:



REDLAND GENSTAR, INC.,
a Delaware corporation

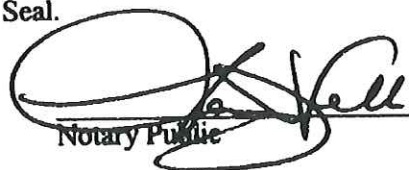


BY: _____ (SEAL)
DONALD E. BOWMAN, PRESIDENT

STATE OF MARYLAND, BALTIMORE COUNTY, TO WIT:

I HEREBY CERTIFY that on this 30th day of December, 1996, before me, a Notary Public in and for the jurisdiction aforesaid, personally appeared Donald E. Bowman, President of Redland Genstar, Inc., authorized signatory of Redland Genstar, Inc., and he, as such President, being authorized so to do, executed the foregoing instrument for the purpose therein contained and by execution of this Deed, the Grantor hereby certifies that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer of all or substantially all of the property and assets of the Grantor.

WITNESS my hand and Notarial Seal.


Notary Public

My commission expires: 9-29-99

0011963 225

054087 DEC 31 1996

State of Maryland Land Instrument Intake Sheet
Baltimore City County: BALTIMORE

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)
(Check Box if Addendum Intake Form is Attached.)

1 Type(s) of Instruments ☒ Deed ☐ Mortgage ☐ Other ☐ Other

2 Conveyance Type Check Box ☒ Improved Sale ☒ Unimproved Sale ☐ Multiple Accounts ☐ Not an Arms-Length Sale ☐ Arms-Length [1] ☐ Arms-Length [2] ☐ Arms-Length [3]

3 Tax Exemptions (if Applicable) ☐ Recordation ☐ State Transfer ☐ County Transfer

Cite or Explain Authority

IMP FD SURE \$ 5.00
RECORDING FEE 28.00
RECORDATION 3,857.50
TR TAX STATE 3,856.77
TOTAL 7,739.27
Regd B002 Rct # 17145
SM LL Bk # 1673
Dec 31, 1996 18:27 am

4 Consideration and Tax Calculations

Consideration Amount

Purchase Price/Consideration \$ 771,353

Any New Mortgage \$

Balance of Existing Mortgage \$

Other: \$

Other: \$

Full Cash Value \$

Finance Office Use Only

Transfer and Recordation Tax Consideration

Transfer Tax Consideration \$ 771,353

X (1.5) % = \$ 11,570.30

Less Exemption Amount \$

Total Transfer Tax \$ 11,570.30

Recordation Tax Consideration \$

X () per \$500 = \$

TOTAL DUE \$

5 Fees

Amount of Fees

Doc. 1

Doc. 2

Recording Charge \$ 20.00

Surcharge \$ 5.00

State Recordation Tax \$ 3857.50

State Transfer Tax \$ 3856.77

County Transfer Tax \$ 11570.30

Other \$

Other \$

Agent: BZ

Tax Bill: 160

C.B. Credit:

Ag. Tax/Other:

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District 08 Property Tax ID No. (1) 700001387 Grantor Liber/Folio 7309/563 Map

Subdivision Name 1157030 Lot (3a) Block (3b) Sect/AB(3c) Plat Ref. Sq/Ft/Acreage (4) 148 AC

Location/Address of Property Being Conveyed (2) 1157030

Other Property Identifiers (if applicable)

Water Meter Account No.

Residential ☐ or Non-Residential ☒ Fee Simple ☒ or Ground Rent ☐ Amount:

Partial Conveyance? ☒ Yes ☐ No Description/Amt. of Sq/Ft/Acreage Transferred:

If Partial Conveyance, List Improvements Conveyed: NONE

7 Transferred From

Doc. 1 - Grantor(s) Name(s) REDLAND GENSTAR, INC Doc. 2 - Grantor(s) Name(s)

Doc. 1 - Owner(s) of Record, if Different from Grantor(s) GENSTAR STONE PRODUCTS COMPANY Doc. 2 - Owner(s) of Record, if Different from Grantor(s)

Doc. 1 - Grantee(s) Name(s) DEF REIT, INC Doc. 2 - Grantee(s) Name(s)

New Owner's (Grantee) Mailing Address 90 BOB EVANS FARMS 3716 S HIGH ST COLUMBIA OH 43207

Doc. 1 - Additional Names to be Indexed (Optional) Doc. 2 - Additional Names to be Indexed (Optional)

8 Transferred To

9 Other Names to Be Indexed

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: WILLIAM M. LEE, ESQ Return to Contact Person

Firm: DIVERSIFIED TITLE CORPORATION Hold for Pickup

Address: 609 DOBSON AVE Return Address Provided

TOWSON MD 21204 Phone: 410 296/0011

IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

Yes ☒ No Will the property being conveyed be the grantee's principal residence?

Yes ☒ No Does transfer include personal property? If yes, identify:

☒ Yes No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Assessment Use Only - Do Not Write Below This Line

Terminal Verification ☐ Agricultural Verification ☐ Whole ☐ Part ☐ Tran. Process Verification

Transfer Number: 19 Date Received: 19 Deed Reference: 19 Assigned Property No.:

Year: 19 Geo. 19 Map 19 Sub 19 Block 19

Land 19 Zoning 19 Grid 19 Plat 19 Lot 19

Buildings 19 Use 19 Parcel 19 Section 19 Occ. Cd. 19

Total 19 Town Cd. 19 Ex. Sl. 19 Ex. Cd. 19

REMARKS:

Distribution: White - Clerk's Office
Canary - SDAT
Pink - Office of Finance
Goldenrod - Preparer
AOC-CC-300 (8/95)

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Padonia Road, E & W/S
Penna. RR, NE/S I-83 (Redland * ZONING COMMISSIONER
Genstar, Texas Station)
8th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Redland Genstar, Inc. * Case No. 98-86-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located on the north side of Padonia Road and on the east and west sides of the Pennsylvania Railroad tracks, known as the Texas Quarry of the Redland Genstar Company. The Petition was filed by Redland Genstar, Inc., property owner. Four variances are requested to permit proposed signage on the property. The variances are:

1. From Section 413.6(F) of the Baltimore County Zoning Regulations (BCZR) to permit two stationary freestanding park identification signs of 125 sq. ft. each; in lieu of the permitted one identification sign totaling 150 sq. ft. per face;
2. From Section 413.6(D)(1) to permit 130 sq. ft. of sign maximum surface area in lieu of the permitted surface area maximum of 50 sq. ft. per face;
3. From Section 413.6(B)(1) to permit single tenant identification signs of approximately 50 sq. ft. per face in lieu of the maximum of 25 sq. ft.; and
4. From Section 413.2(E), to allow a single feature/identification sign with a face area of approximately 570 sq. ft. in lieu of the maximum area of 150 sq. ft.

The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

PETITIONER'S

EXHIBIT NO. 9

Appearing at the public hearing held for this case were Jack Gease on behalf of Redland Genstar, Inc., property owner. Also present were Tim Madden and Scott Rouk, from Morris Ritchie and Assoc., Inc., the firm which prepared the site plan. The Petitioner was represented by Robert A. Hoffman, Esquire. Also appearing was Louis W. Miller and Kathleen Beadell, representing the residences in the Timonium community.

The subject Petition relates to a large site, approximately 48.1 acres, split zoned, ML-IM, BM-IM, and BM. The site was formerly part of the Redland Genstar quarry operation located adjacent to Padonia Road and Beaver Dam Road in the Timonium/Cockeysville section of Baltimore County. The property has been mined out and is now being reconverted for use as a large office/retail complex. As more particularly shown on the site plan, the property will be divided into ten lots which will contain large office buildings, warehouses and retail uses. Additionally, Beaver Dam Road will be extended through the property to provide vehicular access. The first portion of the overall development has been completed. That portion, on that part of the site immediately adjacent to Padonia Road, has been redeveloped by the construction of two new restaurants (Bob Evans Restaurant and Macaroni Grill).

The Petition for Variance at issue relates to proposed signage for the entire complex. The sign variances which are requested are set forth above and outlined in detail on the site plan. There will be a series of signs installed which are depicted on page 2 of the site plan. These signs will identify the entire project at the entrance to same, as well as individual signs throughout the property, identifying specific tenants.

Testimony and evidence offered at the hearing is that the variances are requested in order to provide a uniform sign package for the entire project. It is to be noted that the signs may be permitted as a matter of

right under the new sign regulations, which have been enacted by the County Council, but were not effective as of the date of the filing of the Petition for Variance and the hearing for same. Moreover, it is to be noted that all sign locations will be in that portion of the site zoned ML, and that the signs have been reviewed and approved by Mr. Miller and Ms. Beadell on behalf of the Timonium Community Council. Apparently, the developer has worked with that community organization to achieve a sign package which is appropriate for the community and in keeping with the character of the locale.

Based upon the testimony and evidence offered, all of which was uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the signs are appropriate and the Petitioner has satisfied the requirements set forth in Section 307 of the BCZR. It is also to be noted that there were no adverse Zoning Plans Advisory Committee comments.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

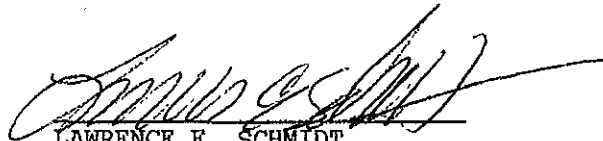
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October 1997, that a variance from Section 413.6(F) of the BCZR to permit two stationary freestanding park identification signs of 125 sq. ft. each; in lieu of the permitted one identification sign totalling 150 sq. ft. per face, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6(D)(1) to permit 130 sq. ft. of sign maximum surface area in lieu of the permitted surface area maximum of 50 sq. ft. per face, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6(B)(1) to permit single tenant identification signs of approximately 50 sq. ft. per face in lieu of the maximum of 25 sq. ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2(E), to allow a single feature/identification sign with a face area of approximately 570 sq. ft., in lieu of the maximum area of 150 sq. ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

ORDER RECORDED FOR FILING
10/14/97
Date
By



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

October 14, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case Nos. 98-86-A
Petition for Zoning Variance
Redland Genstar, Inc., Petitioner

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Mr. Louis Miller, 44 E. Timonium Road, Timonium, Md. 21093
Ms. Kathleen Beadell, 30 Northwood Drive, Timonium, Md. 21093



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

86

to the Zoning Commissioner of Baltimore County
for the property located at North side of Padonia Rd., east and west sides
of Pennsylvania Railroad tracks

98-86-A

which is presently zoned ML-IM, BM-IM and BM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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

See attached.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardships or practical difficulty)

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

(Type or Print Name)

Signature

210 Allegheny Ave.

Address

(410) 494-6200

Phone No

Towson

MD

21204

City

State

Zipcode

I/We do 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 Petition.

Legal Owner(s):

Redland Genstar, Inc.

(Type or Print Name)

By:

Signature

John H. Gease, III, Director of
Real Estate

(Type or Print Name)

Signature

Executive Plaza IV, 6th Floor 410-527-4344
Address Phone No.

Hunt Valley MD 21030

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman
Venable, Baetjer and Howard, LLP

Name

210 Allegheny Ave, Towson, MD 21204

Address

(410) 494-6200

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

DROP OFF
NO REVIEW
9/5/97 uci

Zoning Administration
& Development Management

98-86-A

The following variance requests seek relief from the signage regulations set forth in the Baltimore County Zoning Regulations (BCZR). Variance items 1-5 include departures from the standard set forth in the Comprehensive Manual of Development Policies (CMDP). The following variances are requested from the specifically cited CMDP Provisions, which were adopted by Baltimore County in accordance with Section 504.2 of the BCZR:

1. A variance from Section 413.6(F) to permit two stationary freestanding park identification signs of 125 square feet each; in lieu of the permitted one identification sign totaling 150 square feet per face.
2. A variance from Section 413.6(D)(1) to permit 130 square feet of sign maximum surface area in lieu of the permitted surface area maximum of 50 square feet per face.
3. A variance from Section 413.5(B) ~~is requested to permit placement of directory/identification signs within the street right-of-way.~~ *Bur*
4. A variance from Section 413.6(B)(1) to permit single tenant identification signs of approximately 50 square feet per face in lieu of the maximum of 25 square feet.
5. A variance from Section 413.2(E), to allow a single feature/identification sign with a face area of approximately 570 square feet in lieu of the maximum area of 150 square feet.

86

ZONING DESCRIPTION

Parcel 3-A

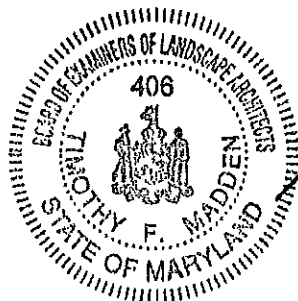
98-86-A

BEGINNING at a point on the south side of Galloway Avenue, 30 feet wide, at the distance of 697 feet measured westerly from the west right-of-way line of York Road, 66 feet wide. Thence the following courses and distances:

South 06° 00' 06" West 160.55 feet, South 83° 59' 54" East 369.16 feet, South 15° 51' 08" East 242.88 feet, South 80° 12' 24" West 134.36 feet, South 18° 23' 03" East 383.00 feet, South 83° 50' 20" East 146.05 feet, South 18° 23' 03" East 112.53 feet, North 84° 00' 53" West 34.77 feet, North 41° 18' 13" West 9.05 feet, South 03° 29' 04" West 35.44 feet, North 88° 17' 01" West 72.17 feet, South 00° 41' 02" East 164.05 feet, North 84° 00' 53" West 631.15 feet, North 36° 07' 01" West 98.15 feet, North 87° 57' 12" West 392.50 feet, South 20° 53' 48" East 51.42 feet, North 84° 00' 53" West 254.15 feet to the east side of the Conrail Railroad right-of-way, thence along said right-of-way, North 27° 41' 15" West 555.50 feet to the southeast right-of-way line of an existing Baltimore Gas & Electric Company right-of-way, thence along said right-of-way, three courses, North 55° 14' 55" East 50.00 feet, North 67° 57' 29" East 537.00 feet, and North 65° 05' 21" East 320.00 feet, thence leaving said right-of-way, South 83° 59' 54" East 131.33 feet, North 06° 00' 06" East 147.77 feet to the said south side of Galloway Avenue, thence along said side, South 89° 59' 45" East 122.32 feet to the place of beginning.

CONTAINING 25.892 acres of land, more or less.

BEING part of Parcel Three of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.



Timothy F. Maddeen
8/29/97

ZONING DESCRIPTION

Parcel 4-A

98-86-A

BEGINNING at the intersection of the north side of Padonia Road and the west side of the proposed location of Beaver Dam Road and running thence along said Padonia Road,

South 42° 17' 01" West 53.12 feet, South 81° 33' 08" West 209.74 feet, and South 79° 59' 54" West 88.73 feet, thence leaving said Padonia Road and running North 03° 28' 19" West 788.64 feet, and South 83° 46' 29" East 432.79 feet to the said west side of the proposed location of Beaver Dam Road, thence along said west side, South 14° 12' 12" West 15.21 feet, South 75° 47' 48" East 32.00 feet, South 14° 11' 58" West 181.42 feet, South 17° 03' 57" West 61.43 feet, By a curve to the left with a radius of 684.72 feet and an arc length of 189.18 feet, By another curve to the left with a radius of 1001.93 feet and an arc length of 122.10 feet, South 05° 44' 50" East 83.54 feet, and South 01° 27' 48" East 6.31 feet to the place of beginning.

CONTAINING 6.252 acres of land, more or less.

BEING Parcel 4-A of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.



Tim Madden
8/29/97

ZONING DESCRIPTION

Parcel 4-B

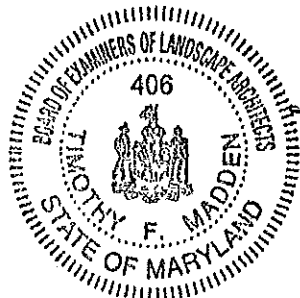
98-86-A

BEGINNING at the intersection of the north side of Old Padonia Road and the east side of the proposed location of Beaver Dam Road, thence along said Beaver Dam Road,

By a curve to the right with a radius of 919.93 feet and an arc length of 301.32 feet, and North 14° 12' 12" East 108.25 feet, and South 86° 45' 05" East 37.21 feet, thence leaving said Beaver Dam Road, South 44° 00' 00" East 189.89 feet, By a curve to the right with a radius of 209.00 feet and an arc length of 157.15 feet, and South 00° 55' 05" East 110.08 feet to the said north side of Old Padonia Road, thence along said Old Padonia Road, South 89° 04' 55" West 50.01 feet, South 00° 55' 05" East 38.00 feet, South 89° 04' 55" West 133.93 feet, North 02° 05' 38" East 17.40 feet, North 87° 54' 22" West 50.00 feet, and North 80° 06' 08" West 49.31 feet to the place of beginning.

CONTAINING 2.092 acres of land, more or less.

BEING Parcel 4-B of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.



Tim Madden
8/29/97

ZONING DESCRIPTION

Parcel 4-C

98-86-A

BEGINNING at the intersection of the north side of Old Padonia Road, 30 feet wide, and the west side of Conrail Railroad right-of-way, 66 feet wide, thence along the north and west side of said Old Padonia Road,

North 84° 51' 39" West 55.81 feet, and South 27° 41' 32" East 343.82 feet, thence leaving said Old Padonia Road, South 70° 10' 00" West 89.15 feet, By a curve to the right with a radius of 120.00 feet and an arc length of 108.73 feet, North 57° 55' 00" West 110.00 feet, By a curve to the right with a radius of 270.00 feet and an arc length of 104.46 feet, North 35° 45' 00" West 145.00 feet, and By a curve to the right with a radius of 150.00 feet and an arc length of 130.78 feet to the east side of the proposed location of Beaver Dam Road, thence along said Beaver Dam Road, North 75° 47' 48" West 36.53 feet, North 14° 12' 12" East 20.33 feet, and North 59° 12' 12" East 21.21 feet to the south side of proposed Road "A", thence along said Road "A", South 75° 47' 48" East 71.55 feet, and By a curve to the left with a radius of 351.28 feet and an arc length of 256.83 feet to the said west side of the Conrail Railroad right-of-way, thence along the right-of-way, South 27° 41' 15" East 118.07 feet to the place of beginning.

CONTAINING 2.784 acres of land, more or less.

BEING Parcel 4-C of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.



Tim Madden
8/29/99

ZONING DESCRIPTION

Parcel 4-D

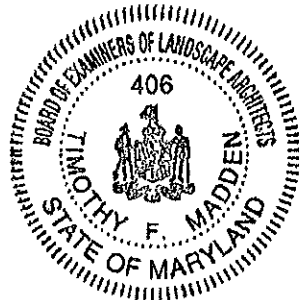
98-86-A

BEGINNING at the intersection of the west side of Conrail Railroad right-of-way and the southeast right-of-way line of an existing Baltimore Gas & Electric Company right-of-way, thence along said railroad right-of-way,

South 27° 41' 15" East 578.36 feet to the north side of proposed Road "A", thence binding on said Road "A", By a curve to the right with a radius of 291.28 feet and an arc length of 212.96 feet, and North 75° 47' 48" West 71.55 feet, and North 30° 47' 48" West 21.21 feet to the east side of the proposed location of Beaver Dam Road, thence along said road, By a curve to the left with a radius of 989.93 feet and an arc length of 492.84 feet to the said southeast right-of-way line of Baltimore Gas & Electric Company right-of-way, thence along said right-of-way, South 55° 14' 38" East 22.88 feet to the place of beginning.

CONTAINING 1.711 acres of land, more or less.

BEING Parcel 4-D of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.



Tim Madden
8/29/97

NOTICE OF HEARING

The Zoning Commissioner 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: #98-86-A
Redland Genstar, Texas Station
N/S Padonia Road, E & W/S
Pennsylvania Railroad, NE/S
1-83

8th Election District
3rd Councilmanic

Legal Owner(s):
Redland Genstar, Inc.

Variance: to permit 2 free-standing park identification signs of 125 square feet each in lieu of the permitted 1 sign totaling 150 square feet per face; to permit 130 square feet of sign area in lieu of the permitted 50 square feet face; to permit single tenant identification signs 50 square feet per face in lieu of 25 square feet; and to allow identification sign of 570 square feet in lieu of 150 square feet.

Hearing: Tuesday, October 7, 1997 at 2:00 p.m., Room 407 Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call (410) 887-3353.

(2) For information concerning the File and/or Hearing, Please Call (410) 887-3391.

9/25/97 Sept. 18 6174570

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 18, 19 97

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 18, 19 97.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No.

043305

DATE 9/5/97 ACCOUNT 001-6150

AMOUNT \$ 250.00 (WCR)

RECEIVED FROM: Venable, Baetjer & Howard

FOR: #020 - VARIANCE

Redland Genstar - Padonia & Beaver Dam Roads
Drop-Off - No Review **ITEM #86**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME
9/68/1997 9/08/1997 11:35:02

REG 4503 CASHIER VAIL VLM DRAWER 3

MISCELLANEOUS CASH RECEIPT

Receipt # 017968 OFLN

CR NO. 043305

250.00 CHECK: FM

Baltimore County, Maryland

CASHIER'S VALIDATION

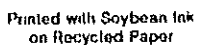
H. 10/1/97
REDLAND/EXISTING.
98-86-A
Y.B.H.
MIRA
C3M
P- 9/19/97

H. 6/7/97 P- 9(11)17
REDLAND/GENSTER.
98-86-A Y.B.H.
MIRA 23M

PETITIONER(S) SIGN-IN SHEET

ADDRESS

210 Allegheny Ave 2/204
300 E. Joppa Rd Towson 21286
110 WEST ROAD #105 Towson
110 West Rd Towson
44 E. TIMONHUM RD 21093
30 Northwood Dr.



[illegible]

2. PROPOSED DEVELOPMENT: 3000 S.F. OFFICE

3. NET LOT AREA: 2.8 ACRES

4. EXISTING ZONING: M-UM AND RM-UM

5. PARKING REQUIRED:
ONE (1) SPACE PER 100 S.F. LOT AREA
PARKING PROVIDED: 10 SPACES

6. PARKING SPACES REQUIRED: 10 SPACES
ADDITIONAL SPACES PROPOSED: 0 SPACES

7. A FINAL LARGESCAPE PLAN WILL BE PREPARED IN CONFORMANCE WITH THE BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS (DPW) TO BE MAJOR DESIGN ELEMENTS:
1. SITE PLAN
2. UTILITY LAYOUT
3. TRAFFIC CIRCULATION
4. LANDSCAPE PLAN
5. TRAILING PLANTING
6. TOTAL PLANTING VOLUMES REQUIRED
TOTAL PLANTING VOLUMES PROVIDED

8. AVAILABLE DRIVE TRAYS PROPOSED:
OUTSIDE DRIVE: 3000 S.F. @ 10' WIDE, 27' S.F. @ 10' WIDE

9. BUILDING SETBACK:
1. MINIMUM FRONT: 10' MINIMUM FRONT
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2. PLANTING

PROPOSED PLANTING: 22000 R. SP. OFFICE

3. NET LOT AREA: 6.4 ACRES

4. EXISTING TOPOGE: 20.0 M

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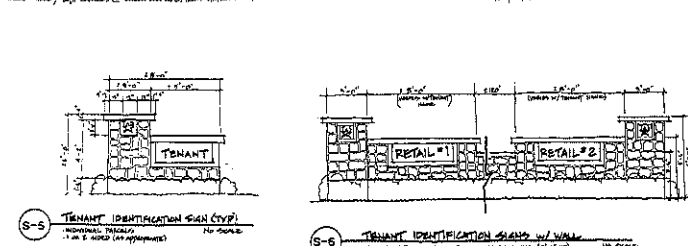
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Type of Sign	Frontal Surface Area (Square Feet)	Large Panel	Sign Panel (Square Feet)	Max. Fee
Recessed Identification	1.25 x 3.0	9.0 ft.	2.0 x 6.0	1
Mount to Wall (Invisible) Identification	1.50 x 3.0	4.5 ft.	1.25 x 6.0	"
Angled Turnout Identification	2.50 x 3.0	1.0 ft.	1.50 x 3.0 (vertical)	2 ⁰⁰
Business Features				
Dist. Directional Signage Identification Sign & Panel	1.75 x 3.0 x 4.0 190.0 ft.	1.50 x 2.0 1.2 ft.	2.50 x 3.75 x 7.0 also 30.0 ft.	1
Waypoint (2.75 x 3.0)	1.50 x 3.0	3.0 ft.	max	1
1.00 ft. Round Sign	1.50 x 3.0	max		

* Applied.

98-86-A



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNING SLURRYWALL AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1000
Fax: (410) 821-1740

SITE DETAIL SHEET
TEXAS STATION

REDLAND GENSTAR, INC.
8th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

DATE		REVISIONS	JOB NO. 9445
			SCALE AS SHOWN
			DRAWN BY BC
			CHECKED BY BC
			REVIEWED BY
			SHEET 2 OF

THE PLAT

86

12 copies required. The plat shall be legible and clear enough for micro-filming and in no case can it be larger than 24" x 36". It may be necessary for the plat to be produced in sections. It shall contain all the information as set forth on the checklist as follows:

1. ✓ NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN "PLAN TO ACCOMPANY.....HEARING" AND THE OWNER'S NAME AND ADDRESS AND ALSO THE PROPERTY ADDRESS AND THE DATE.
2. ✓ SCALE OF DRAWING: 1" = 20' or 1" = 50'. If acreage exceeds 40 acres, use 1" = 100' scale.
- * 3. ✓ OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances and gross and net area (acres and square feet) of the parcel(s)..... Only, if part of a larger tract, the area which is the subject of the requested hearing should be in bold outline with all metes and bounds.
4. ✓ VICINITY MAP: A vicinity map must be included on all site plans with the scale of 1" = 1,000' WITH SITE CLEARLY AND ACCURATELY DEPICTED.
- * 5. ✓ PREVIOUS COMMERCIAL PERMIT: The permit number(s) control number(s) of work on the same property and the approximate date of the last improvement listed on the plat.
- * 6. ✓ ZONING HEARINGS, C.R.G., WAIVERS: The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and addressed on the plat of all prior zoning hearings. List any C.R.G. approval dates or waiver numbers and dates on the plat.
7. ✓ ZONING: All zone and district lines on the property, parcel(s) and adjacent property, parcel(s) must be shown on the plat. Include map number in plan notes. Copies of the official 1" = 200' zoning map may be obtained in the Zoning Office, Room 109, County Office Building. Also see note #27 of this checklist.
8. ✓ OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including reference deed numbers, lot numbers and subdivision names.
- * 9. ✓ LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. (Check record plats, State tax maps, or utility maps in Room 206, County Office Building.)
- * 10. ✓ STREETS, WIDENING, R/W, EASEMENTS: Include all existing public boundary streets with the existing right-of-way and paving width. ALSO INCLUDE ANY RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE HIGHWAY ADMINISTRATION. Include any existing or proposed easements or rights-of-ways and indicate if it is public or private.
11. ✓ USES, BUILDINGS: Location and proposed use of all buildings on the property. Plats for public hearing must also show the location of all uses and structures within 200 feet of the property.
- * 12. ✓ DIMENSIONS, SETBACKS: Dimensions, height, number of stories of all existing and proposed buildings (or additions) on the site including all property lines and building setbacks.
- * 13. ✓ STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback (see Section 303.2, B.C.Z.R., and policy S-2.B).
- * 14. ✓ ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/R ties. (For requirements, contact either Bureau of Traffic Engineering or State Highways.)
- * 15. ✓ SIGNS: All existing and proposed, indicating location, height, square footage, illumination, and single or double-faced. INCLUDE ELEVATION DRAWING(S) TO SCALE, IF FREE-STANDING and show placement of sign on the building wall, if wall-mounted and dimensions of the wall.
- * 16. ✓ UTILITIES: Show location and size of all public utilities and right-of-ways both adjacent to and on-site. If no public water or sewer exist, well and septic system locations must be indicated. (Public utilities reference - room 206, County Office Building.)
17. ✓ FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property.

18. ✓ **FLOOR AREA RATIO CALCULATIONS:** The floor area ratio of the total gross floor area of all the buildings on a site divided by the gross site area. (The gross site area includes up to one-half of the boundary streets to which the property has right of access up to a maximum of 30 feet.)
19. ✓ **AMENITY OPEN SPACE:** Location and square footage calculations in the following zones: R.A.E.-1, R.A.E.-2, R.O., O-1, O-2, O-T, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., R.R.-C.C.C., R.R.-C.T. The qualifying A.O.S. areas within the net lot area must be shaded and separate areas subtotaled in square feet on the plat and included in the Amenity Open Space calculations in the notes.
20. ✓ **HEIGHT DETERMINATION:** Tent must be included for buildings above 40 feet (See 231, B.C.Z.R.). Where a building height determination is required and S.231, B.C.Z.R., does not apply, use Zoning Policy RM-6 and show a scaled detail drawing on the plan.
21. — **FIRE HYDRANTS:** Location of fire hydrants and distance to the subject property.
22. ✓ **SITE PLANS:** Must be trimmed to a neat 8-1/2" X 11" or, where larger prints are necessary, they shall be folded to that size. THEY MUST BE CLEARLY LEGIBLE. IN NO CASE MAY A PLAT BE LARGER THAN 24" x 36". IT MAY BE NECESSARY FOR THE PLAT TO BE PRODUCED IN SECTIONS TO MEET THIS REQUIREMENT.
23. ✓ **REQUIRED OFF-STREET PARKING AND CALCULATIONS:** Must be included on the site plan for all uses on the property pursuant to Section 409 (B.C.Z.R.) and the attached "GENERAL REQUIREMENTS", "CALCULATIONS", "PARKING PATTERNS", and "SAMPLE SITE PLAN".
24. NA **SPECIAL USE REQUIREMENTS:** Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include, but are not necessarily limited to, the following: Truck Terminals, Section 410 (B.C.Z.R.); Service Stations, S.405; Damaged or Disabled Vehicles and Parts, 405.A; Car Washes, S.419 and 409.10; uses requiring Automobile Stacking such as banks, drive-through restaurants, etc., S.409.10; Business Industrial Parking in a Residential Zone, 409.8.B and all residential transition area requirements, 1B01.1.B.; Housing for the Elderly, all applicable requirements of S.432 and 1B01.1.B. The petitioner is responsible for determining if information of this nature is required on the plan and for its accurate inclusion.
25. ✓ **SEALS:** Public hearing plats and descriptions must be sealed by an engineer, land surveyor or landscape architect registered with the State of Maryland.
26. — **ZERO SETBACK BUILDINGS:** Must meet building code, as well as fire code requirements with regard to type of construction, windows, etc.
27. ✓ **ZONING MAP:** The surveyor shall furnish one (1) copy of the 1" = 200' scale official zoning map which shall reflect the following information:
- a. Scale: 1" = 200', Map #__;
 - b. Outline of the parcel(s) in question accurately depicted and the point of beginning with coordinates shown;
 - c. All existing and proposed streets and expressways in the area;
 - d. Location of available utilities connections;
 - e. Approximate size and location of school and church sites or other landmarks in the area.

Zoning Advisory Committee

- A. The above information is to be used as a guide by the members of the Zoning Advisory Committee.
- B. The Zoning Advisory Committee, as established by the County Administrative Officer in 1963, presently consists of ten (10) representatives of various County agencies. The Committee reviews zoning petitions weekly.
- C. The review by the Zoning Advisory Committee is aimed, not at making a judgment on the appropriateness of the zoning action requested, but rather to assure that all agencies are made aware of plans or problems that may have a bearing on the case.

RE: PETITION FOR VARIANCE
N/S Padonia Road, E & W/S Pennsylvania
Railroad, NE/S I-83 (Redland Genstar,
Texas Station), 8th Election District,
3rd Councilmanic

Redland Genstar, Inc.
Petitioner

* * * * *

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
*
* CASE NO. 98-86-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of September, 1997, a copy of the foregoing Entry of Appearance was mailed to Robert A. Hoffman, Esq., Venable, Baetjer and Howard, 210 Allegheny Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 9, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard, LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition (Item #86)
Redland Genstar - Texas Station
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to Gwendolyn Stephens.

If you have any questions regarding the sign posting, please do not hesitate to contact Gwendolyn Stephens at 410-887-3391.

Very truly yours,

WCR/scj

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosure





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 23, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204

RE: Drop-Off Petition Review (Item #86)
Redland Genstar, Inc.
8th Election District

Dear Mr. Hoffman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed no unaddressed zoning issues and/or incomplete information. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "mjkellb", is written over a horizontal line.

Mitchell J. Kellman
Planner II
Zoning Review

MJK:scj

Enclosure (receipt)

c: Zoning Commissioner



Printed with Soybean Ink
on Recycled Paper

ABLE, BAETJER AND HOWARD, LLP
Including professional corporations

210 Allegheny Avenue
Post Office Box 5517
Towson, Maryland 21285-5517
(410) 494-6200, Fax (410) 821-0147
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

MARYLAND
WASHINGTON, D.C.
VIRGINIA

Writer's Direct Number:
410-494-6201

September 4, 1997

Hand Delivery

Mr. Carl Richards
Department of Permits and Development Management
County Courts Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Property Owner: Redland Genstar, Inc.
Location: Padonia and Beaver Dam Roads
Petition for Zoning Variance

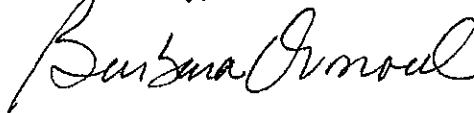
Dear Mr. Richards:

I am hereby drop filing the enclosed Petition for Zoning Variance with regard to the above captioned property. This request has been previously reviewed by Mitch Kellman of your office. This property is not in violation of any zoning laws. Enclosed are the following documents:

1. Petition for Zoning Variance (3);
2. Zoning Description (3);
3. Site Plan (12);
4. 200' Scale Zoning Map (1); and
4. Check in the amount of \$250.00

If you have any questions, please give me a call.

Sincerely,



Barbara W. Ormord
Legal Assistant

cc: Robert A. Hoffman, Esquire

TOIDOC51/BAW01/0050958.01

86
9/5/97
Drop-off
ok - uer
Conflict with
Section 3-1,
BCC
told Rob 9/9/97



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

September 22, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:

Location: DISTRIBUTION MEETING OF SEPTEMBER 15, 1997

Item No.: 086 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 3-12-37
Item No. 086 WCR

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Sep. 25, 1997

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Sep. 15, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

86

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Dept. of Permits & Development Management

DATE: September 17, 1997

FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petition (s):

Item Nos. 84 & 86

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Gary L. Keller

AFK/JL

9.17

Request for Zoning: Variance, Special Exception, or Special Hearing

OLD -
Do Not Use

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ITEM 8b

ZONING NOTICE

Case No.: 98-8b-A

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

PLACE: *

DATE AND TIME: *

REQUEST: VARIANCE TO PERMIT 2 FREE-STANDING PAR-
IDENTIFICATION SIGNS OF 125 SQUARE FEET EACH
IN LIEU OF THE PERMITTED 1 SIGN TOTALING 150 SQUARE
FEET PER FACE; TO PERMIT 130 SQUARE FEET OF
SIGN AREA IN LIEU OF THE PERMITTED 20 SQUARE

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

240
326 7061 007

FEET PER FACE; TO PERMIT SIGNS WITHIN THE STREET RIGHT-OF-WAY; TO PERMIT SINGLE TENANT IDENTIFICATION SIGNS 50 SQUARE FEET PER FACE IN LIEU OF 25 SQUARE FEET; AND TO ALLOW AN IDENTIFICATION SIGN OF 570 SQUARE FEET IN LIEU OF 150 SQUARE FEET.

Request for Zoning: Variance, Special Exception, or Special Hearing

REVISED
9-10-97

Date to be Posted: Anytime before but no later than *

Format for Sign Printing, Black Letters on White Background:

ITEM 86

ZONING NOTICE

Case No.: 98-86-A

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

PLACE: *

DATE AND TIME: *

REQUEST: VARIANCE TO PERMIT 2 FREE-STANDING
PARK IDENTIFICATION SIGNS OF 125 SQUARE FEET
EACH IN LIEU OF THE PERMITTED 1 SIGN WITH AREA
150 SQUARE FEET PER FACE; TO PERMIT 130 SQUARE
FEET OF SIGN AREA IN LIEU OF THE PERMITTED 50

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

RECEIVED
d-10-dj

SQUARE FEET PER FACE; TO PERMIT SINGLE
TENANT IDENTIFICATION SIGNS 50 SQUARE FEET
PER FACE IN LIEU OF 25 SQUARE FEET; AND
TO ALLOW AN IDENTIFICATION SIGN OF 570 SQUARE
FEET IN LIEU OF 150 SQUARE FEET.

RECEIVED
d-10-01-p

SQUARE FEET PER FACE; TO PERMIT SINGLE
TENANT IDENTIFICATION SIGNS 50 SQUARE FEET
PER FACE IN LIEU OF 25 SQUARE FEET; AND
TO ALLOW AN IDENTIFICATION SIGN OF 570 SQUARE
FEET IN LIEU OF 150 SQUARE FEET.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 17, 1997

NOTICE OF CHANGE IN HEARING TIME AND/OR LOCATION

BE ADVISED THAT THE BELOW-NOTED CASE WILL TAKE PLACE
ON THE SAME DATE AS PREVIOUSLY NOTIFIED, HOWEVER THE
TIME AND/OR THE LOCATION OF THE HEARING HAS BEEN
CHANGED AS INDICATED BY UNDERSCORING.

CASE NUMBER: 98-86-A

Redland Genstar, Texas Station

N/S Padonia Road, E & W/S Pennsylvania Railroad, NE/S I-83

8th Election District - 3rd Councilmanic

Legal Owner(s): Redland Genstar, Inc.

Variance to permit 2 free-standing park identification signs of 125 square feet each in lieu of the permitted 1 sign totaling 150 square feet per face; to permit 130 square feet of sign area in lieu of the permitted 50 square feet face; to permit single tenant identification signs 50 square feet per face in lieu of 25 square feet; and to allow identification sign of 570 square feet in lieu of 150 square feet.

HEARING: TUESDAY, OCTOBER 7, 1997 at 3:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Redland Genstar, Inc.
Robert A. Hoffman, Esq.

AJ:ggs

TO: PUTUMENT PUBLISHING COMPANY
September 18, 1997 Issue - Jeffersonian

Please forward billing to:

Robert A. Hoffman, Esq.
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, MD 21204
410-494-6200

NOTICE OF HEARING

The Zoning Commissioner 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: 98-86-A
Redland Genstar, Texas Station
N/S Padonia Road, E & W/S Pennsylvania Railroad, NE/S I-83
8th Election District - 3rd Councilmanic
Legal Owner(s): Redland Genstar, Inc.

Variance to permit 2 free-standing park identification signs of 125 square feet each in lieu of the permitted 1 sign totaling 150 square feet per face; to permit 130 square feet of sign area in lieu of the permitted 50 square feet face; to permit single tenant identification signs 50 square feet per face in lieu of 25 square feet; and to allow identification sign of 570 square feet in lieu of 150 square feet.

HEARING: TUESDAY, OCTOBER 7, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 12, 1997

NOTICE OF HEARING

The Zoning Commissioner 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: 98-86-A

Redland Genstar, Texas Station

N/S Padonia Road, E & W/S Pennsylvania Railroad, NE/S I-83

8th Election District - 3rd Councilmanic

Legal Owner(s): Redland Genstar, Inc.

Variance to permit 2 free-standing park identification signs of 125 square feet each in lieu of the permitted 1 sign totaling 150 square feet per face; to permit 130 square feet of sign area in lieu of the permitted 50 square feet face; to permit single tenant identification signs 50 square feet per face in lieu of 25 square feet; and to allow identification sign of 570 square feet in lieu of 150 square feet.

HEARING: TUESDAY, OCTOBER 7, 1997 at 2:00 p.m., Room 407 Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Redland Genstar, Inc.
Robert A. Hoffman, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY SEPTEMBER 22, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 2, 1997

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard LLP
210 Allegheny Avenue
Towson, MD 21204

RE: Item No.: 86
Case No.: 98-86-A
Petitioner: Redland Genstar, Inc.

Dear Mr. Hoffman:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 5, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure 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. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.", is written over a circular stamp.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: September 19, 1997

FROM: Robert W. Bowling, Chief
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for September 22, 1997
 Item No. 086

The Bureau of Developer's Plans Review has reviewed the subject zoning item. All private signage must be placed outside the public rights-of-way. Revise sign locations shown at proposed Beaver Dam Road intersection with Texas Station Court and signs along Texas Station Court.

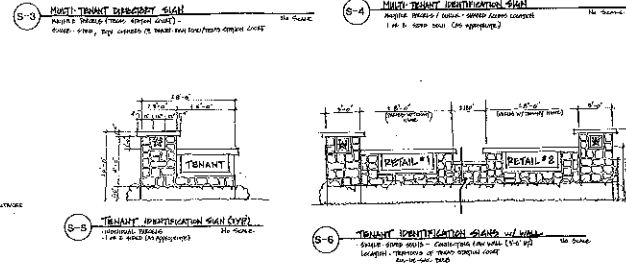
RWB:HJO:jrb

cc: File

ZONE922.086

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]

1. **ANALISIS DE LOS DATOS**
2. **RELEVANCIA DE LA CUESTA**
3. **EXPOSICIÓN AL RIESGO**
4. **ANÁLISIS DE PELIGROS**
5. **ANÁLISIS DE PELIGROS**
6. **ANÁLISIS DE PELIGROS**
7. **ANÁLISIS DE PELIGROS**
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[illegible][illegible][illegible][illegible]

98-86-A

[illegible]

Section 413--SIGNS [B.C.Z.R., 1955.]

413.1--The following signs are permitted in any zone, as limited in Section 413.5 (see also Section 14-26 of the Baltimore County Code, 1968, and Section 600 of these Regulations); if illuminated they shall be of an enclosed lamp design, nonflashing, containing no colored illumination, and may also be of the reflector type: [B.C.Z.R., 1955 and Bill No. 172, 1977.]

- A. A sign indicating the name or number of the owner and/or premises or the accessory use of a dwelling for a home occupation or for professional purposes, provided that such sign shall not exceed one square foot in area; [B.C.Z.R., 1955.]
- B. One bulletin board on church, school, or college property, not over 30 square feet in area; [B.C.Z.R., 1955.]
- C. A sign on a farm, noting the sale of articles grown or produced on the premises, provided that such sign shall not exceed 30 square feet in area, shall be at least 10 feet from any public right-of-way and at least 50 feet from the nearest corner of a road intersection; [B.C.Z.R., 1955.]
- D. A sign, not exceeding 15 square feet in area, in connection with an apartment building or project in which a rental office is located; also for a dwelling converted into a tea room or restaurant; [B.C.Z.R., 1955.]
- E. Directional or information signs of a public or quasi-public nature, not exceeding 15 square feet in area. Such signs shall contain no advertising matter, and shall not be illuminated, but may be of the beaded reflector type. They may state: [B.C.Z.R., 1955.]
 - 1. Name or location of a community or of a public or quasi-public institution or other building, or the name of place of meeting of an official or civic body, such as a Chamber of Commerce or Rotary or Kiwanis Club. [B.C.Z.R., 1955.]
 - 2. Temporary signs noting an event of general interest such as a county fair, public or general election, horse show, etc. Such sign shall be removed within ten days after the event. B.C.Z.R., 1955.]
 - 3. Signs--directional, informational, or warning in character, involving no advertising aspect, and each not exceeding 25 square feet in area. [B.C.Z.R., 1955.]

F. A temporary real estate sign, not exceeding six square feet in area, advertising sale or lease only of the premises on which such sign is displayed; provided that where parcels of land are offered for sale or lease, having a road frontage of 500 feet or more, a sign or signs totalling not more than 50 square feet in area for each 500 feet of frontage may be posted. The sign shall be removed from the premises within thirty days after the sale or rental thereof. [B.C.Z.R., 1955.]

G. A temporary real estate sign, not exceeding 100 square feet in area, advertising the opening of a new subdivision within which such sign is located. One additional sign may be erected for each 500 feet of frontage in the same ownership, except that if V-shaped signs are used the distance between signs shall be not less than 1,000 feet. A V-shaped or double-faced sign shall be considered as one sign. The sign shall be set back from every street property line not less than 15 feet, but under no circumstances may such sign be located within 100 feet of any existing principal building on adjoining premises on the same side of the street. The sign shall be removed not later than one year after its date of erection. [B.C. Z.R., 1955.]

H. Building contractor's and professional persons' temporary signs on buildings under construction, limited to a total area for all such signs of 150 square feet. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

413.2--Business signs as defined in Section 101 are permitted in business and industrial zones under the following conditions, as limited by Section 413.5; however, for business signs in the M.L.R. and M.L. zones, the provisions of subsection 413.6 shall apply: [B.C.Z.R., 1955; Bill No. 7, 1984]

A. In any business zone, a sign affixed parallel to a wall of a building shall not exceed in square feet four times the length of the wall to which it is affixed, and if it adjoins the eave of the roof, shall extend not more than four feet in height above such eave. [B.C.Z.R., 1955.]

B. In any business zone a sign affixed to any part of a building including a penthouse shall not extend more than 16 feet in height above any part of the roof or parapet and shall not exceed in square feet four times the length of the front building wall. [B.C.Z.R., 1955; Resolution, November 21, 1956.]

- C.1. A sign attached to the building and projecting approximately at right angles to it shall not exceed a total area of two square feet for every foot of height of the wall to which it is attached. [B.C.Z.R., 1955., Bill No. 147, 1990.]
2. Notwithstanding any provisions of these regulations to the contrary, a sign for a striptease business, as defined in Section 101, Baltimore County Zoning Regulations, shall be attached to the building in which it is located and shall not exceed 25 square feet and shall not be permitted to extend above the roof line. All such signs shall be approved by the zoning commissioner, upon petition by the legal owner, pursuant to Section 500.7, Baltimore County Zoning Regulations, who may impose such other restrictions as would safeguard the health, safety, morals and general welfare of the locality involved. [Bill No. 137, 1990.]
- D. No sign described in 413.2A, B and C above shall project more than 42 inches from the building. [B.C.Z.R., 1955.]
- E. An identification sign for a shopping center or other integrated group of stores or commercial buildings, not exceeding 150 square feet in area. Multiple-faced signs shall be considered as one sign. If the commercial center has access from more than one street, one such identification sign may be allowed for each street provided the latter is officially recognized as a thoroughfare; also provided that no such identification signs shall be located within 100 feet of any existing principal building or adjoining residential premises on the same side of the street. No such sign, however, shall be permitted unless the land on the opposite side of such thoroughfare is zoned commercial from the corner to a point opposite any portion of such sign. [B.C.Z.R., 1955; Resolution, November 21, 1956.]
- F. Other business signs (not exceeding three on any premises) may be used if limited to a total area of 100 square feet in business zones, and 200 square feet in M.H. zones. [B.C.Z.R., 1955; Bill No. 7, 1984.]
- 413.3--Outdoor advertising signs as defined in Section 101 are allowed only in B.L., B.M., M.L., and M.H. zones as special exceptions, under the following conditions, as limited by Section 413.5: [B.C.Z.R., 1955.]

- A. The total surface area of any such sign, exclusive of structural supports, shall not exceed 300 square feet, except that a hand-painted custom-built sign may have a total surface area of not exceeding 500 square feet. The provisions of this subparagraph referring to hand-painted custom-built signs shall permit only one single face unit. [B.C.Z.R., 1955]
- B. No such sign shall be permitted to front on, face or be located within 250 feet of the right-of-way of any expressway or other controlled-access-type highway, or within 100 feet of the right-of-way of any other dual highway. [B.C.Z.R., 1955.]
- C. No such sign shall be located closer to the street right-of-way line than the minimum front yard requirement for a commercial building as determined by these regulations for the zone involved. [B.C.Z.R., 1955.]
- D. No such sign shall be located within 100 feet of any street intersection involving a dual highway, or within 50 feet of any other intersection. [B.C.Z.R., 1955.]
- E. No outdoor advertising sign shall be erected in any B.L. or B.M. zone unless at least 50% of the available frontage between streets, on that side of the street wherein the sign is proposed to be located, is improved with commercial uses. [B.C.Z.R., 1955.]
- F. In any B.L. or B.M. zone, all outdoor advertising signs on vacant land shall be located not less than 500 feet apart; all such signs placed on improved commercial properties shall be spaced not less than 100 feet apart. The 100 foot spacing shall govern when improved and unimproved commercial properties are contiguous. Two signs placed approximately at right angles to the street right-of-way, either back to back or end to end, are permitted. Provisions as to spacing and location of signs shall apply separately to each side of a street. [B.C.Z.R., 1955.]
- G. In any M.L. or M.H. zone, signs shall be placed at least 1,000 feet apart on the same side of the street or highway except that 2 signs may be paired, approximately back to back, totalling 4 signs on one structure, when located approximately at right angles to the right-of-way line. [B.C.Z.R., 1955.]
- H. No outdoor advertising sign erected on a roof may extend more than 16 feet above any part of the roof or parapet, except that the 16 foot limitation shall not apply to any such roof sign existing as of the date of adoption of these regulations.1 [B.C.Z.R., 1955.]

- I. No existing outdoor advertising sign that does not comply with conditions and standards contained in this Section 413.3 shall be permitted to remain on any premises beyond the expiration date of any special permit by the authority of which it was erected, or if erected prior to Jan. 2, 1945, two years after the effective date of adoption of these regulations,² except as noted in Subparagraph H.³ above. [B.C.Z.R., 1955.]

413.4--Miscellaneous temporary signs such as seasonal streamers, banners, and portable signs are permitted subject to the following conditions: [Bill No. 70, 1986.]

- A. No business shall display such signs for more than 30 continuous days nor more than a total of 60 days in any one year.
- B. No such sign shall be displayed unless a use permit therefore has been issued by the zoning commissioner pursuant to Subsection 500.4.
- C. Every such sign for which a use permit has been issued shall be plainly marked with the number and the expiration date of the use permit. The method and location of this identification shall be as specified by the zoning commissioner.
- D. Such signs are not permitted in residential zones, except as allowed by Section 413.1.

413.5--All business or outdoor advertising signs shall be subject to the following conditions: [B.C.Z.R., 1955.]

- A. The surface area of any sign shall include the entire face or faces of the sign, and if the sign is composed of individual letters, figures, or designs, the space between and around such letters, figures or designs. [B.C.Z.R., 1955.]
- B. No sign shall be placed within or project into the street right-of-way. [B.C.Z.R., 1955.]
- C. Any free-standing or projecting sign within 25 feet of a street right-of-way line shall be so placed as to allow clear and ample visual sight lines for driveways leading into a street, and at intersecting streets and alleys. [B.C.Z.R., 1955.]

- D. No sign erected on ground elevated above the level of the street which it abuts shall exceed 25 feet in height. No sign erected on ground below the level of the street which it abuts shall extend more than 25 feet above the level of the street which it abuts, except that in no case shall the total height of the structure exceed 35 feet. [B.C.Z.R., 1955.]
- E. A sign may be illuminated, if illumination is confined to the surface of the sign; the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent highway, or into the path of oncoming vehicles, or onto any adjacent residential premises. [B.C.Z.R., 1955.]

413.6--Business signs as defined in Section 101 are permitted in the O.T., M.L.R. and M.L. zones under the following conditions and as limited by Section 413.5 except as herein modified. [Bills No. 7, 1984; No. 34, 1984.]

- A. Stationary business signs are permitted on a building, provided that-
 - 1. no sign projects more than twelve (12) inches from the building;
 - 2. no sign extends above the roof line of the building; and
 - 3. the total surface area of signs affixed to each wall of the building does not exceed, in square feet, 1 1/2 times the length of the wall. [Bill No. 7, 1984.]
- B. One stationary freestanding business sign is permitted for each street to which a lot has direct vehicular access, provided that-
 - 1. its surface area does not exceed 25 square feet per face; and
 - 2. no part of the sign is more than six (6) feet above the grade level of the street upon which it faces or six (6) feet above the grade level of the lot on which it is erected, whichever measurement permits the greater elevation of the sign. [Bill No. 7, 1984.]
- C. In addition to the signs permitted in Subsection 413.6, Paragraph A, one stationary identification sign is permitted at each exterior entrance to a use within a building, provided that-
 - 1. it does not project more than two (2) inches from the building; and
 - 2. its surface area does not exceed one (1) square foot. [Bill No. 7, 1984.]

D. One stationary freestanding sign is permitted at each vehicular entrance to an industrial and/or office park provided that-

1. its surface area does not exceed fifty (50) square feet per face; and
2. no part of the sign is more than twelve (12) feet above the grade level of the street upon which it faces or twelve (12) feet above the grade level of the lot on which it is erected, whichever measurement permits the greater elevation of the sign. [Bill No. 7, 1984.]

E. In addition to the signs permitted in subsection 413.6, Paragraphs A, B, C and D, stationary directory signs identifying the names and locations of tenants are permitted for each multi-tenant building, provided that-

1. 75 percent or more of the tenants identified on the sign(s) have independent outside access;
2. the sign(s) are placed within the buildable area of the site and do not project beyond the required minimum building setback line; and
3. lettering indicating names and suite numbers of tenants does not exceed one inch in height and all other lettering does not exceed three inches in height.
[Bill No. 7, 1984.]

F. One stationary freestanding park identification sign is permitted for any industrial and/or office park provided that its surface area does not exceed one hundred fifty (150) square feet per face. [Bill No. 7, 1984.]

G. The light from any one light source permitted by this subsection shall be shielded or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises. [Bill No. 7, 1984.]

413.7--Off-premises directional business signs are permitted by special exception for waterfront businesses only. In addition to the provisions of 502.1, the zoning commissioner shall find that the following conditions are met: {Bill 149, 1992.}

- A. The sign shall not exceed six square feet in area and shall display only the name of the business and directional information.
- B. The zoning commissioner shall determine the maximum number of such signs permitted for a single business, based on accessibility to the site. However, the total number of

signs for a single business shall not exceed four. The zoning commissioner shall base this determination on the minimum number required to provide directions to the business, taking into account required turns and the number of access routes. Such signs shall be permitted starting from the closest arterial street.

C. The petitioner shall provide evidence to the satisfaction of the zoning commissioner that the owner of the property where the sign will be posted agrees to the placement of the sign if the special exception is approved.

D. The height of the sign shall not exceed six (6) feet.

Section 414--TRAILER PARKS [B.C.Z.R., 1955.]

414.1--The area of the lot on which such park is to be located shall be not less than 5 acres. [B.C.Z.R., 1955.]

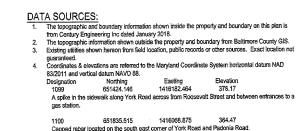
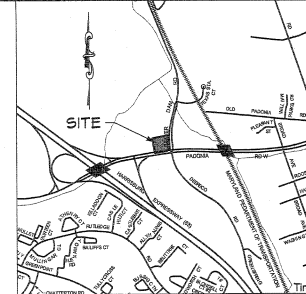
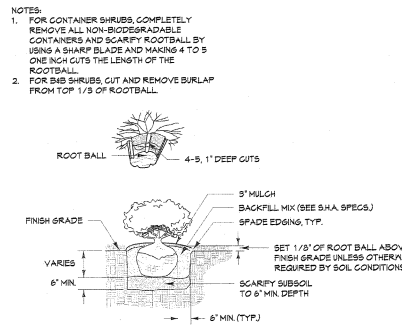
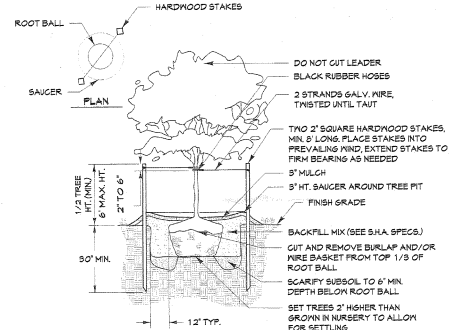
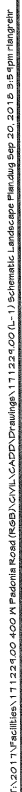
414.2--An area of not less than 3,000 square feet shall be allocated to each trailer, which must be connected to sewer, water, and electricity. [B.C.Z.R., 1955.]

414.3--Each trailer space shall abut or face on a driveway or unobstructed space of not less than 30 feet in width, which space shall have unobstructed access to a public highway. It shall be hard surfaced and adequately lighted. [B.C. Z.R., 1955.]

414.4--No trailer or service building or structure used in connection therewith, shall be placed or permitted within 100 feet of the road or street upon which the lot or area so used for such park fronts, or within 75 feet of any other boundary line of such lot or area. [B.C.Z.R., 1955.]

414.5--There shall be a space of not less than 25 feet between each trailer and also a space of not less than 25 feet between any trailer and any service building or structure used in connection with such park. [B.C.Z.R., 1955.]

414.6--No such trailer park, nor any service building or structure used in connection therewith shall be established or operated without the approval of and subject to the regulations and requirements of the Baltimore County Health Department. Written approval shall be a required condition prior to issuance of a permit. [B.C.Z.R., 1955.]



NOTE: A modification request for this condition will be included with the submittal of the Final Landscape Plan.

DATE	BY	REVISIONS



CENTURY

ENGINEERING

CONSULTING ENGINEERS' FIRM

10710 Gilroy Road, Hunt Valley, MD #1031
 Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

SCHEMATIC LANDSCAPE PLAN

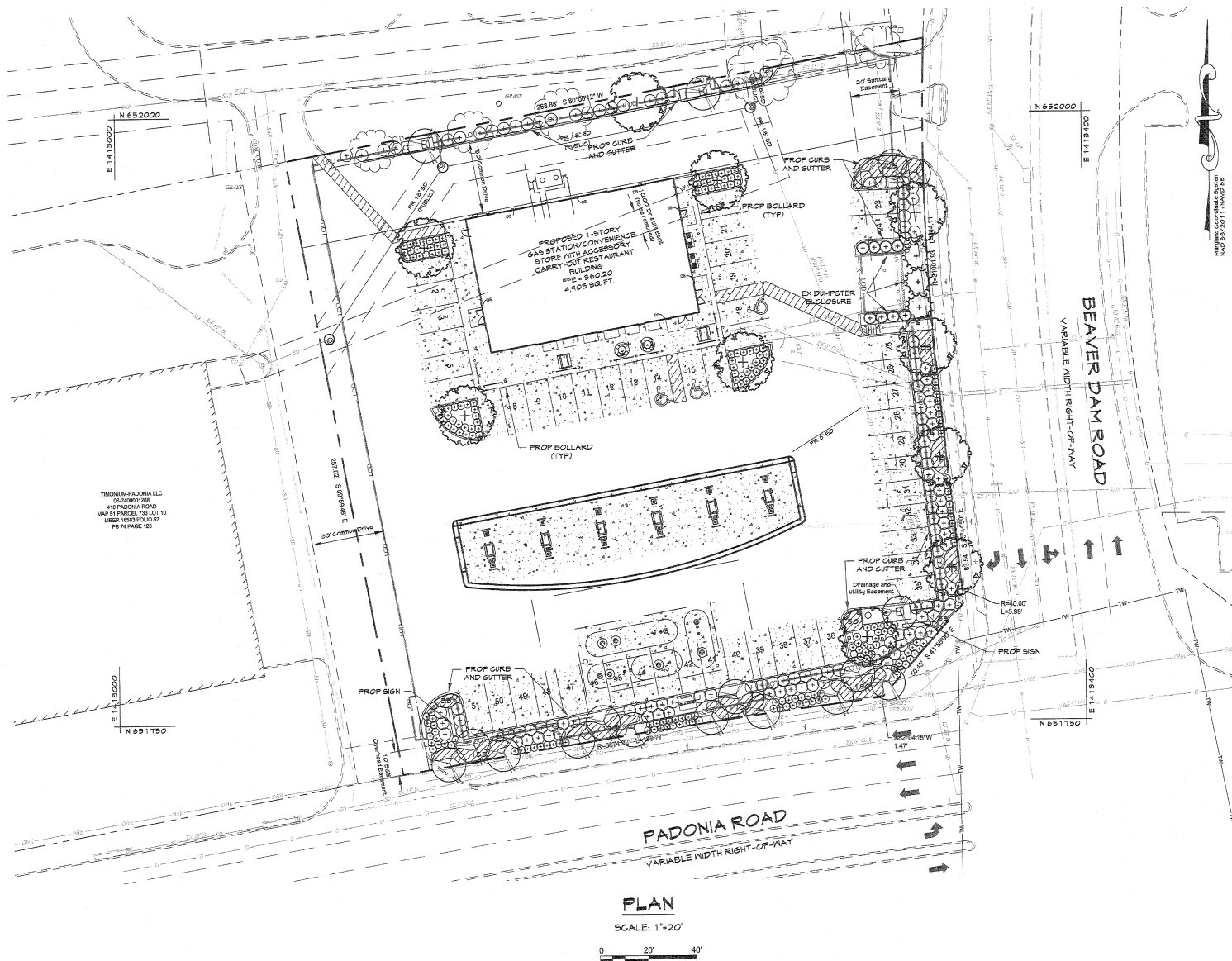
NEW SHEETZ SITE

"TIMONIUM"

400 W Padonia Rd, Timonium, MD #1093
 Tax Map S1, Parcel 702, Lot 1, Account #s Z29028448

	
ISSUE DATAS REVIEW: <u>March 2019</u> BID: _____ PERMIT: _____ CONSTRUCTION: _____ SCALE: <u>1"=40'</u> PROJECT NO: <u>11122900</u>	DRAWN: <u>KRM</u> DESIGNED: <u>KRM</u> CHECKED BY: <u>MJP</u> DATE CHECKED: _____ DRAWING: L-1

T:\2011\Facilities\11224\00 400 N Padonia Road\693\CAD\Drawings\11224-00 (L-2) Schematic Landscape Plan.dwg Sep 20, 2018 4:02pm Using gtr



LEGEND

---	Property Line
---	Existing Underground Electric
---	Existing Overhead Electric Line
---	Existing Gas Line
---	Existing Sanitary Line
---	Existing Stormwater Line
---	Existing Water Line
---	Existing Comcast Line
---	Existing Telephone/CAP Line
---	Existing Building
---	Existing Curb Line
---	Existing Concrete Edge
---	Existing Edge of Paving
---	Existing Edge of Planter
---	Existing Retaining Wall
---	Proposed Building
---	Proposed Curb Line
---	Proposed Right Concrete Paving
---	Proposed Shade Tree
---	Proposed Ornamental Tree
---	Proposed Evergreen Tree
---	Proposed Evergreen Shrub
---	Proposed Shrub
---	Existing Tree

DATA SOURCES:

1. The geographic and boundary information shown inside the property and boundary on this plan is from Century Engineering Inc. dated January 2018.
2. The geographic information shown outside the property and boundary from Baltimore County GIS.
3. Existing utilities shown herein from field location, public records or other sources. Exact location not guaranteed.
4. Coordinates & elevations are referred to the Maryland Coordinate System horizontal datum NAD 83 (2011) and vertical datum NAVD 83.

Occupied interior located on the south-east corner of York Road and Padonia Road

DATE	BY	REVISIONS
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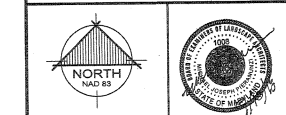
CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10715 Glenview Road, Hunt Valley, MD 21031
Phone: 443.889.2400 Fax: 443.889.2401
www.centuryeng.com

SCHEMATIC LANDSCAPE PLAN

NEW SHEETZ SITE

"TIMONIUM"

400 W Padonia Rd, Timonium, MD 21093
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448



ISSUE DATES		DRAWING	
REVIEW:	March 2018	DRAWN:	K.R.M.
BID:		DESIGNED:	K.R.M.
PERMIT:		CHECKED BY:	M.J.P.
CONSTRUCTION:		DATE CHECKED:	
SCALE:	1"=20'	DRAWING:	L-2
PROJECT NO: 11224-00			



DONALD I. MOHLER III
County Executive

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

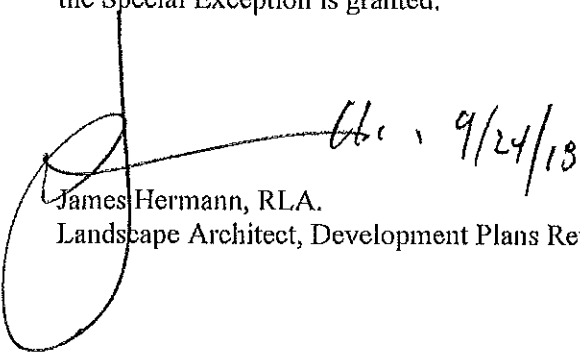
September 24, 2018

Century Engineering
10710 Gilroy Road
Hunt Valley, Maryland 21031
Ms. Katherine R. Martin, RLA
Phone: 443-589-2400

Subject: Sheetz - Timonium
Zoning Case # 2018-0316-SPHX
400 W. Padonia Road
Timonium, Maryland 21093

Dear Ms. Martin:

This is in response to our meeting on September 12, 2018 and request for review of the Schematic Landscape Plan dated March 2018, we are in support of the landscape modifications discussed and noted on the above referenced Schematic Landscape Plan and it has been reviewed with minor comments and could be approved after the comments have been addressed, provided the Special Exception is granted.

 9/24/18
James Hermann, RLA.
Landscape Architect, Development Plans Review

cc:

PETITIONER' S

EXHIBIT NO.

13



PROPOSED EXTERIOR ELEVATIONS
SHEETZ STORE - TIMONIUM, MD

SEPTEMBER 2018



PETITIONER'S
EXHIBIT NO. 14



PETITIONER'S
EXHIBIT NO. 16



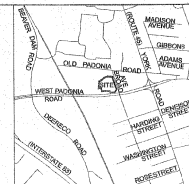
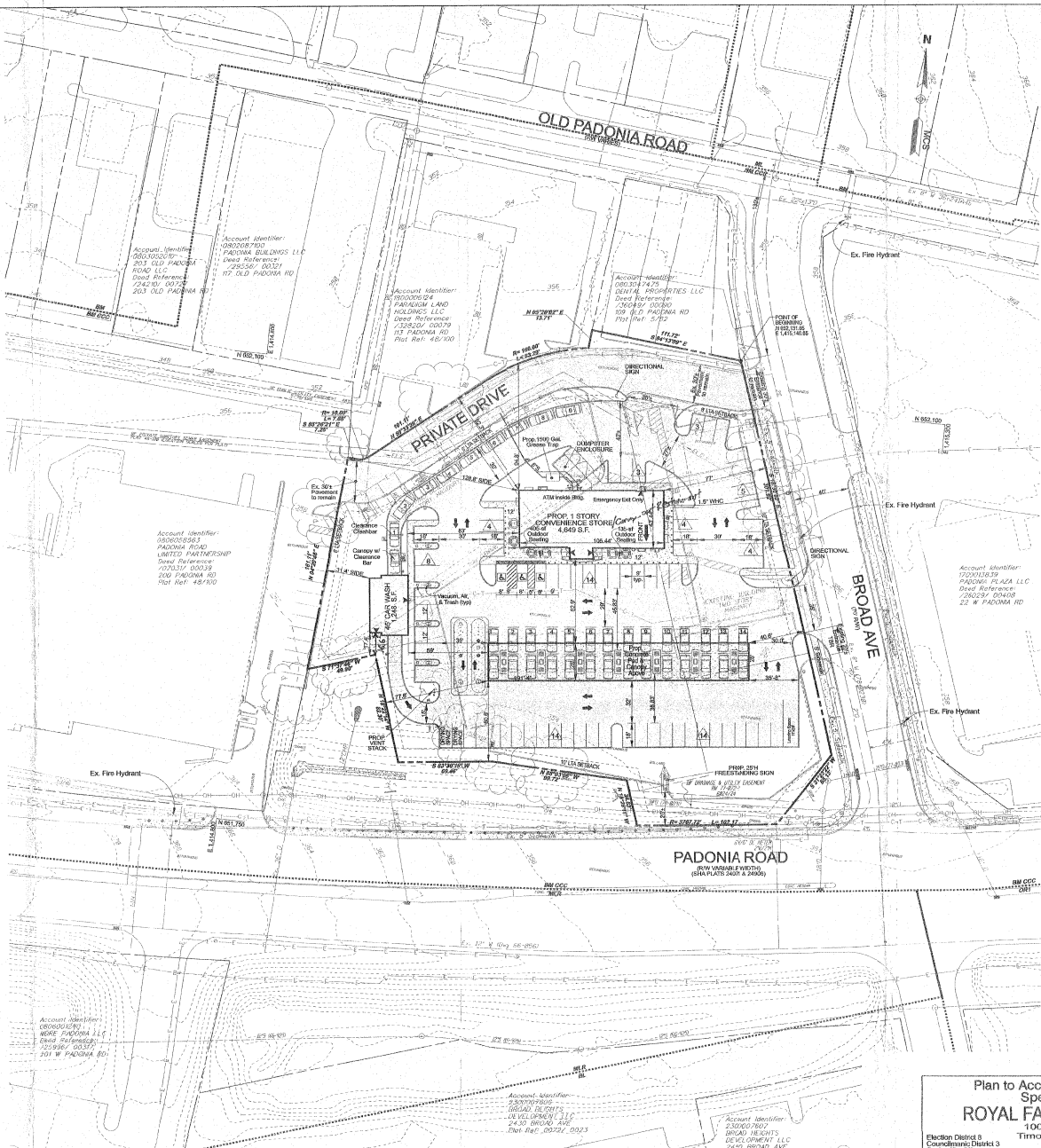
[illegible]

14. FILING STATION	1000 F/D = 7,000 F/D
15. NATIONAL DATA AREA FACTOR	1
16. $\frac{1}{2}$ INCH SP. = 1,000 F/D	
17. $4 \times 6000 = 18,000$ F/D SITE AREA FOR CONFORMANCE STORE USE	
18. 60,980 F/D SITE AREA REQUIRED	90,986 F/D SITE AREA
19. PAIRING STORAGE DIMENSIONS:	
PAIRING STORAGE USE	
4400 F/D $\times$ 50' SPACED	-24
540 F/D OUTDOOR SEATING @ 50'0" $\times$ 10'	-1
MAXIMUM EMPLOYEES PER HOUR	+1
ATM	+1
1 SELF SERVICE CAR WASH	+1
ROLL-OVER CAR WASH	+4
1 TUNNEL $\times$ 2 TUNNELS (DRIVING)	-2
4 VEHICLE CLEANSER UNITS $\times$ 1 UNIT	-4
2 ACCESSORIAL SPACES PER TUNNEL	-2
TOTAL REQUIRED	-28
TOTAL PROVIDED	+73
20. PAIRING STORAGE DIMENSIONS:	
TYPICAL SPACE $\times$ 9' $\times$ 15'	
HANDICAP SPACE $\times$ 8' $\times$ 12' (if access aisle strip between spaces)	
VEHICLE CLEANSER SPACE $\times$ 12.0' $\times$ 12.0'	

- 41.18 **Roll-over or crash** is prohibited as an aid to consideration with a service vehicle. (One Required)
- 41.19 **Manufacturer's rated hourly production** is 200 cars/hour. (One Required)
- 41.20 **Interval period** of the car wash aisle has been laid out to drive automobile operators in a manner that prevents them from waiting on the street or blocking the right-of-way during braking interval. (One Required)
- Two parking spaces have been provided for wash prepared self-wash car wash tunnel. (One Required)
- Two parking spaces have been provided for self-wash car wash tunnel. (One Required)
- Four parking spaces have been provided for the vacuum cleaner units. (Two Required)
- Two parking spaces have been provided for roll-over car wash. (Two Required)
- 41.24 **The Car Wash** is more than 50 feet to the closest residential zone. (Six Required)
The tunnel wall of the wash facility is set back 300 +/- feet from the nearest out drive. (Six Required)
Tunnel entrances or drive ends not access adjacent residential zone directly.
Turned for the required access drives, a landscaped drainage swale that is provided during construction to prevent erosion and runoff from the wash facility and the wash facility's driveway. (Six Required)
- The landscape transition zone must be planted and installed in accordance with the Landscape Architectural Plan. (Six Required)

[illegible]

011095 - Issued 7/23/97 Change of Occupancy - COC FROM FRAME SHOP TO RESTAURANT. ALTS TO INCLUDE DEMO & INSTALL PARTITIONS, RELOCATE HVAC DIFFUSERS, WALK IN BOX, CUT 3 OPENINGS IN DEMISING WALL & FINISHES. SEPARATE PERMIT REQUIRED FOR ANY OTHER ADDITIONAL WORK. 2681 SF. Primary Structures built - approx. 1970

[illegible]

Owner/Developer:
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200



S WARFIELD
Consulting Engineers

954 Ridgebrook Road, Suite 120
Sparks, Maryland 21152
PHONE 410.683.7004 FAX 410.683.1798
www.matthewwarfield.com

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Site Plan

DRAWING NO.
ZON-01
SHEET NO.
1 OF 4

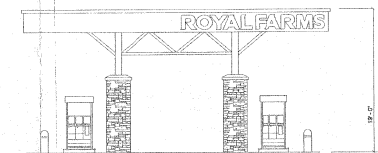
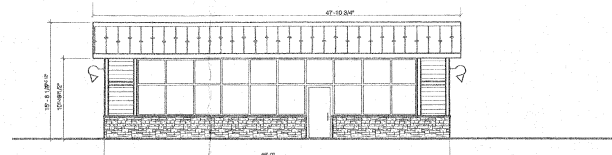
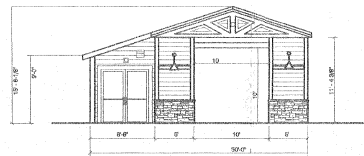
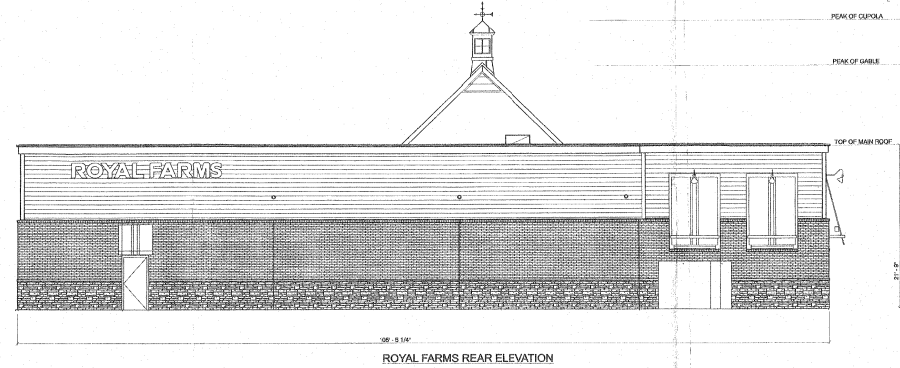
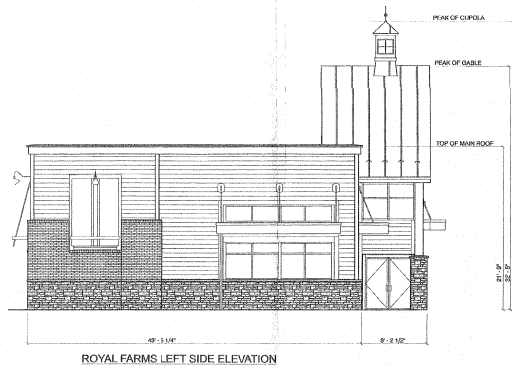
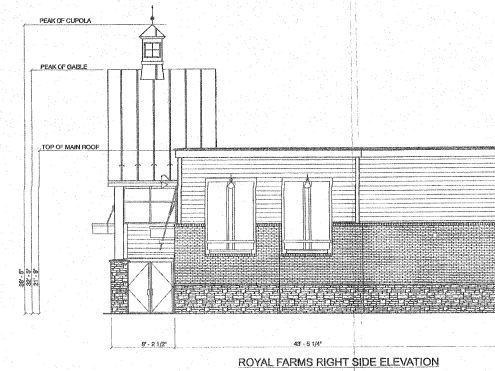
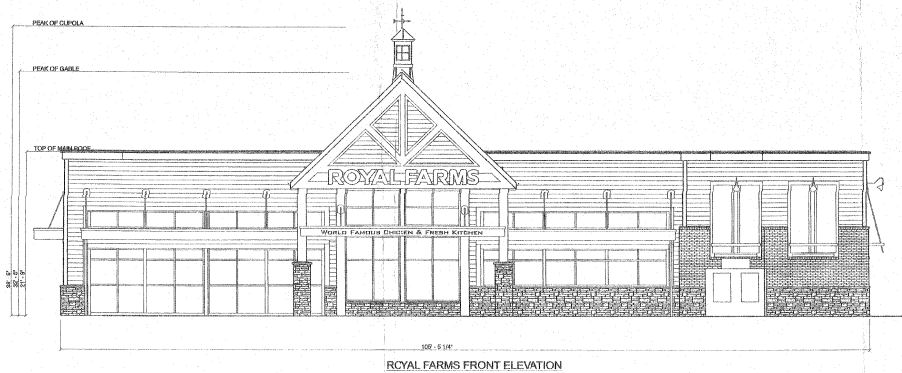
Plan to Accompany Petition for a
Special Exception
ROYAL FARMS STORE #57

100 Padonia Road
Timonium, MD 21093

REDLINED 7/30/11

0/18

PETITIONER



Plan to Accompany Petition for a
Special Exception
ROYAL FARMS STORE #57
100 Padonia Road
Timonium, MD 21093

Election District 8
Councilman: District 3
Scale: 1" = 30'

Tax Map 51 - Parcel 47
May 9, 2018

 MATIS WARFIELD <i>Consulting Engineers</i> 604 Ridgebrook Road, Suite 120 Sparks, Maryland 21152 PHONE 410 983-7204 FAX 410 983-1765 www.matiswarfield.com		Owner/Developer: Two Farms, Inc. 391 Roland Avenue Baltimore, Maryland 21211 (410) 899-0200		NO. _____ DESCRIPTION _____ BY _____ DATE _____
		Project Name: _____ Project Location: _____ Project No.: _____ Date: _____		



Department of Public Works

2018 Basic Services Map Transportation Zones

Legend

Intersections

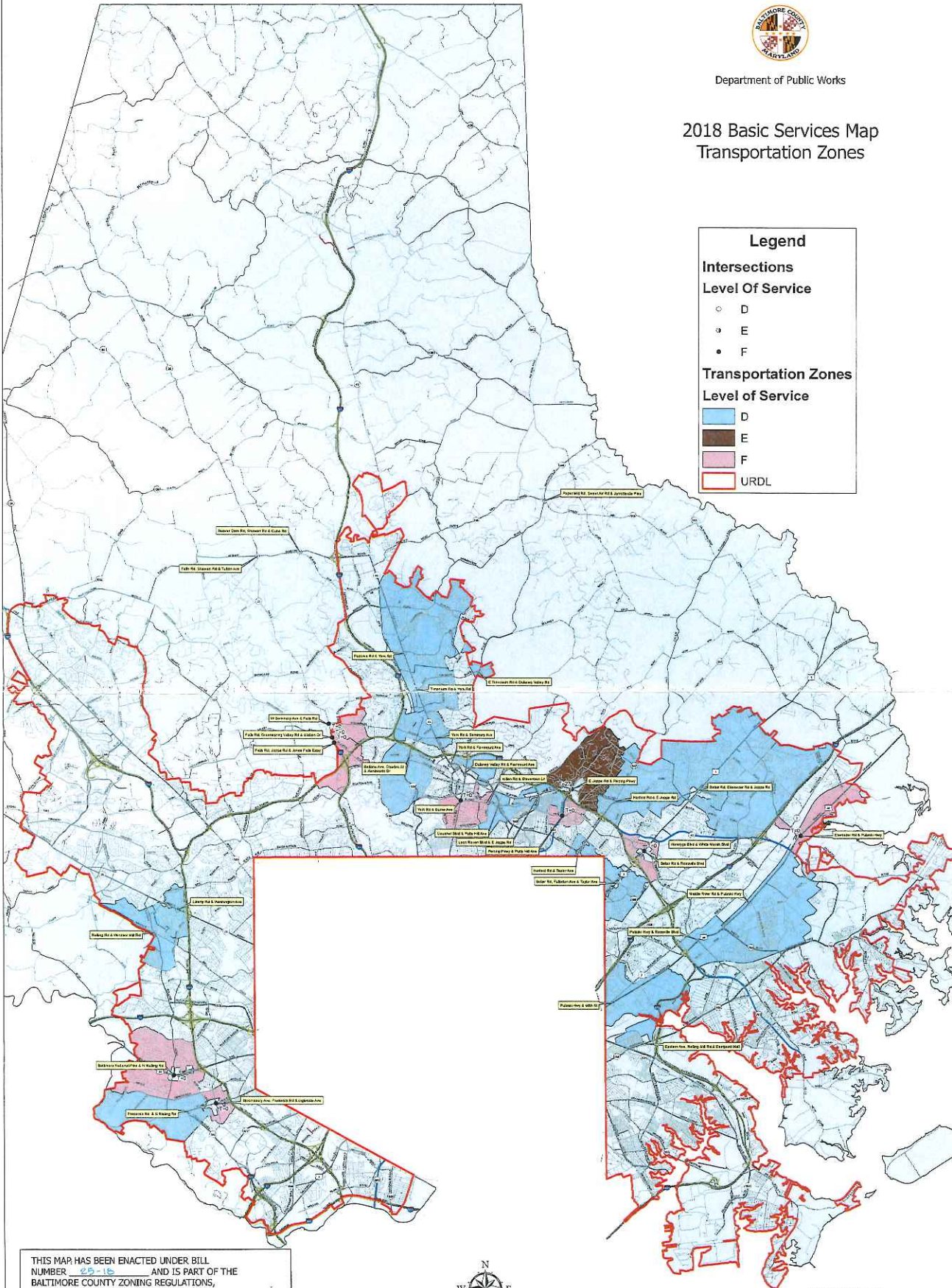
Level Of Service

- D
- ◐ E
- F

Transportation Zones

Level Of Service

- D
- E
- F
- URDL

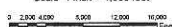


THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER 05-16 AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED July 7, 2018, EFFECTIVE July 21, 2018.

[Signature]
COUNTY COUNCIL OF BALTIMORE COUNTY



Scale 1 inch = 4,000 feet



Feature Class Production Dates

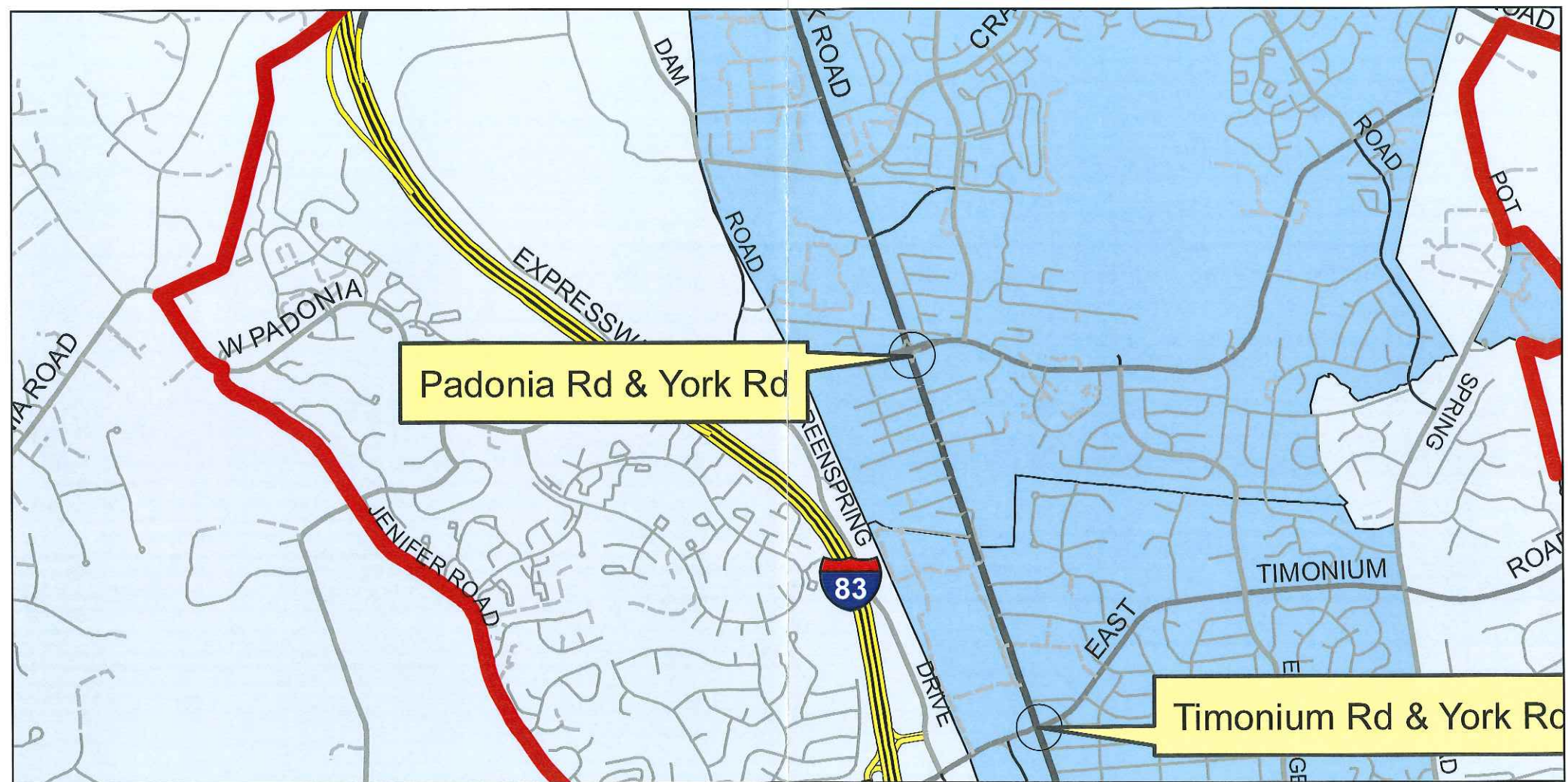
Transportation Zones	2018
Intersections	2018
Urban Form Demarcation Lines	2012
Roads	2018
County Boundary	2008

Prepared by the Baltimore County Department of Public Works
North American Datum 1983 NAD83 U.S. Survey Feet
Published May 23, 2018

PETITIONER'S

EXHIBIT NO.

18



PETITIONER'S

EXHIBIT NO. 19

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
48 th St	German Hill Rd			2/16/2014	A	6/16/2011	A
Academy Rd	Johnnycake Rd	Old Frederick Rd		12/22/2014	A	6/25/2012	A
Acorn Cir	Goucher Blvd	Prince Rd		1/17/2013	A	12/15/2009	C
Aigburth Rd	York Rd			6/26/2014	A	10/11/2011	A
Allegheny Ave	Washington Ave			9/10/2015	B	12/18/2012	C
Allegheny Ave	Bosley Ave			12/4/2013	A	11/23/2010	B
Allender Rd	Pulaski Hwy			8/6/2013	B	6/16/2010	A
Alter St	Patterson Ave			7/8/2015	A	8/6/2012	A
Ambassador Rd	Belmont Ave	Dogwood Rd		1/30/2013	B	10/14/2010	C
Annapolis Rd	Daisy Ave	Rose Ave		5/15/2014	C	7/7/2011	B
Annapolis Rd	Virginia Ave			1/3/2013	A	1/6/2010	A
Ashby Ave	Eastern Ave	Southern Ave		6/9/2015	B	7/17/2012	A
Ashland Rd	York Rd			2/11/2014	C	3/3/2011	C
Avalon Way	Reisterstown Rd			2/2/2015	A	7/24/2012	A
Avon Beach Rd	Broening Hwy	Maryland Ave		8/20/2013	A	7/22/2010	A
Avondale Rd	Putty Hill Ave			11/9/2015	C	9/5/2012	C
Avondale Rd	Joppa Rd	Carney SC		9/4/2014	B	9/7/2011	C
Aylesbury Rd W	Timonium Rd W			11/26/2013	C	12/15/2010	C
Back River Neck Rd	Hilltop Ave	Middleborough Rd		2/6/2014	A	3/17/2011	A
Back River Neck Rd	East Homberg Ave			1/14/2014	A	2/2/2011	A
Back River Neck Rd	Country Ridge Ln			10/6/2014	A	11/30/2011	A
Back River Neck Rd	Old Eastern Ave	Stemmers Run Rd		12/17/2014	A	3/8/2012	A
Back River Neck Rd	Williams Ave			7/10/2013	A	3/29/2010	A
Baker Ln	Belair Rd	Chapel Rd		12/11/2013	B	2/8/2011	B
Baltimore Ave	Center Pl N	Dundalk Ave N		12/17/2014	A	3/6/2012	A
Baltimore Nat'l Pike	Westview Mall			3/11/2013	A	2/4/2010	A
Baltimore Nat'l Pike	Rolling Rd N			10/7/2015	F	3/10/2014	F
Baltimore Nat'l Pike	St Agnes Ln			12/4/2013	A	12/22/2010	A
Baltimore Nat'l Pike	Nuwood Dr			2/10/2015	A	10/24/2012	A
Baltimore Nat'l Pike	Pike Park Plaza	40 West Plaza		7/23/2014	A	12/6/2011	A
Baltimore Nat'l Pike	Johnnycake Rd			1/29/2015	A	7/30/2012	A
Baltimore Nat'l Pike	Ingleside Ave			9/26/2013	C	11/18/2010	C
Baltimore Nat'l Pike	Coleridge Rd	Catonsville Plaza		12/3/2014	A	4/17/2012	A
Baltimore Nat'l Pike	Winters Ln	Home Depot		6/9/2014	C	4/19/2011	C
Baltimore St	North Point Blvd			5/1/2014	B	7/20/2011	A
Baron Pl	Middle River Rd	Philadelphia Rd		5/15/2014	B	7/12/2011	B
Bayship Rd	Dundalk Ave N	St Helena Ave		12/23/2015	A	5/9/2013	A
Beaconsfield Dr	Perry Hall Blvd			7/25/2013	A	6/14/2010	B
Beaconsfield Dr	Honeygo Blvd			1/7/2014	A	1/13/2011	A
Beaver Dam Rd	Gilroy Rd			9/9/2014	C	12/22/2011	C
Beaver Dam Rd	Warren Rd W			10/30/2013	B	8/11/2010	C
Beaver Dam Rd	Deereco Rd	Padonia Rd W		4/2/2013	C	7/13/2010	C
Beaver Dam Rd	Texas Station Ct			3/26/2013	A	3/31/2010	A

PETITIONER'S

EXHIBIT NO. 20

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beaver Dam Rd	McCormick Rd			8/26/2014	C	12/14/2011	C
Beaver Dam Rd	Cuba Rd	Shawan Rd		9/2/2015	D	9/18/2014	D
Beechfield Ave	Wilkens Ave	Kensington Ave		2/23/2015	B	10/31/2012	C
Belair Rd	Slater Ave			3/3/2015	A	8/1/2012	A
Belair Rd	Fleetwood Ave			1/11/2016	A	1/7/2013	A
Belair Rd	Fowler Ave	Beltway Plaza		2/20/2014	A	3/31/2011	A
Belair Rd	Perry Hall Sq/Super Fresh			3/25/2015	A	7/26/2012	A
Belair Rd	Necker Ave	Ridgelys Choice Dr		3/31/2015	A	5/21/2012	A
Belair Rd	Mount Vista Rd			6/1/2015	A	7/25/2012	A
Belair Rd	Forge Rd			5/15/2014	A	12/22/2009	C
Belair Rd	Fullerton SC	Putty Hill Plaza		10/28/2013	C	9/28/2010	B
Belair Rd	India Ave	Joppa Rd		2/19/2015	C	4/11/2012	C
Belair Rd	Fullerton Ave	Taylor Ave		10/15/2015	D	3/31/2014	D
Belair Rd	Overlea Ave			9/23/2014	A	11/15/2011	A
Belair Rd	Maple Ave	Northern Pkwy E		5/1/2013	A	1/11/2010	A
Belair Rd	Ebenezer Rd	Joppa Rd		8/25/2015	D	3/11/2014	D
Belair Rd	Putty Hill Ave	Ridge Rd		5/7/2015	A	12/12/2012	A
Belair Rd	Wholesale Club Dr			1/6/2016	A	12/23/2013	A
Belair Rd	Northview SC	Perry Hall Marketplace		10/29/2014	A	1/14/2012	A
Belair Rd	Rossville Blvd			10/8/2015	D	8/23/2012	C
Belair Rd	Silver Spring Rd			11/24/2014	A	2/15/2012	A
Belair Rd	Henry Ave			1/13/2015	A	5/8/2012	A
Belair Rd	Bradshaw Rd	Sunshine Ave		8/12/2014	A	8/17/2014	A
Belair Rd	Honeygo Blvd			1/6/2016	B	8/14/2013	B
Belair Rd	Dunfield Rd	White Marsh Blvd Ramp		6/12/2014	A	8/16/2011	A
Belair Rd East Ramp	White Marsh Blvd			4/14/2015	A	6/26/2012	A
Belclare Rd	Martini Ave	Sollers Point Rd		7/3/2013	A	3/9/2010	A
Belclare Rd	Dundalk Ave			4/16/2015	A	5/1/2012	A
Bellona Ave	Margate Rd	York Rd		11/5/2013	B	8/16/2010	A
Bellona Ave	Joppa Rd W			1/11/2016	B	10/15/2013	C
Bellona Ave	Charles St	Beltway		4/16/2014	A		
Bellona Ave	Stevenson Ln			11/18/2015	C	9/19/2012	C
Bellona Ave	Beltway (Outer Loop)			4/3/2014	B		
Bellona Ave	Charles St			3/10/2015	A	9/26/2012	A
Bellona Ave	Charles St	Kenilworth Dr		10/14/2015	D	4/22/2014	D
Bellona Ave	Seminary Ave W			11/5/2013	B	6/24/2010	A
Belmont Ave	Security Blvd	Security Square Mall		1/9/2013	A	1/12/2010	A
Beltway	West Rd			6/17/2014	C	9/27/2011	A
Beltway	Park Heights Ave	Brooks Robinson Dr		1/8/2014	A	1/3/2011	A
Beltway	Hollins Ferry Rd	Walnut Ave		9/11/2014	A	8/25/2011	A
Beltway	Security Blvd			1/8/2015	A	7/9/2012	A
Beltway	York Rd			7/9/2014	A	12/29/2011	A
Beltway	Providence Rd			2/5/2015	A	7/11/2012	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beltway	Greenspring Ave			7/30/2013	A	7/28/2010	A
Beltway	Wilkens Ave			6/23/2014	A	6/23/2011	A
Beltway	Edmonson Ave			7/17/2013	A		
Beltway	Reisterstown Rd			6/25/2014	C	11/3/2011	C
Beltway	Morse Ln	North Point Blvd		2/18/2014	A	3/24/2011	A
Beltway	Washington Blvd	Home Depot		4/3/2014	A	5/2/2011	A
Beltway	Charles St			6/25/2014	A	10/18/2006	C
Beltway (Inner Loop)	Philadelphia Rd			3/31/2015	A	6/28/2012	A
Beltway (Inner Loop)	Frederick Rd	Woodlawn Ave		8/27/2014	A	6/17/2010	A
Beltway (Inner Loop)	Cromwell Bridge Rd			1/8/2015	A	5/16/2012	A
Beltway (Outer Loop)	Liberty Rd	Lord Baltimore Dr		2/13/2013	B	7/20/2010	C
Beltway (Outer Loop)	Cromwell Bridge Rd	Loch Raven Blvd		6/9/2015	B	10/10/2012	B
Beltway (Outer Loop)	Frederick Rd			8/25/2014	A	9/14/2010	A
Beltway (Outer Loop)	Philadelphia Rd	Centre @ Golden Ring		10/2/2014	C	11/2/2011	C
Beltway Ramp-Inner Loop	Liberty Rd			8/21/2014	A		
Bengies Rd	Eastern Blvd			6/10/2015	A	8/21/2012	A
Benson Ave	Sulphur Spring Rd	Waelchli Ave		8/13/2014	B	12/20/2011	B
Bethlehem Blvd	North Point Blvd	North Point Rd		5/12/2015	A	5/24/2012	A
Bird River Rd	Middle River Rd			11/13/2014	A	1/1/2012	A
Bloomsbury Ave	Frederick Rd	Ingleside Ave		10/13/2015	F	4/28/2014	F
Bloomsbury Ave	Rolling Rd S			9/29/2014	C	11/9/2011	C
Bosley Ave	York Rd			3/11/2015	C	7/24/2014	B
Bosley Ave	Kenilworth Dr			11/10/2014	C	1/19/2012	C
Bosley Ave	Towsontown Blvd			6/25/2013	A	1/7/2010	B
Bosley Ave	Joppa Rd W			10/23/2014	C	1/5/2012	C
Bosley Ave	Pennsylvania Ave W			11/21/2013	A	12/8/2010	A
Bosley Ave	Chesapeake Ave W			1/13/2015	B	7/10/2012	A
Boulevard Circle	Owings Mills Blvd			6/18/2013	A	2/16/2010	A
Bowleys Quarters Rd	Carroll Island Rd			1/5/2015	B	4/3/2012	B
Brenbrook Dr	Liberty Rd			10/21/2013	C	5/10/2010	C
Brian Daniel Ct	Westminster Pike	Woodfield Ct		3/26/2014	A	6/22/2011	A
Broad Ave	Padonia Rd			1/29/2015	B	10/9/2012	B
Broadway Rd	Falls Rd	Padonia Rd		7/21/2014	C	5/24/2011	C
Broening Hwy	Dunhill Rd	Dundalk Marine Term		10/15/2014	C	10/21/2011	C
Brooks Robinson Dr	Stevenson Rd			3/3/2015	C	8/21/2012	B
Buckingham Rd	Croydon Rd	Liberty Rd		1/15/2014	A	2/2/2011	B
Burke Ave	Burke Ave W	York Rd		10/20/2015	F	4/1/2014	F
Butler Rd	Hanover Pike			8/5/2014	C	8/8/2011	C
Butler Rd	Northwest Expwy	Westminster Pike		8/5/2014	C	7/16/2013	B
Campbell Blvd	Philadelphia Rd			8/20/2014	A	8/23/2011	A
Campbell Blvd	Honeygo Blvd	White Marsh Mall		11/19/2014	A	1/31/2012	C
Campbell Blvd	Nottingham Square SC			11/18/2014	A	1/25/2012	A
Campbell Blvd	Town Center Dr			8/25/2014	C	7/28/2011	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Campbell Blvd	Franklin Square Dr	Nottingham Square SC		2/27/2014	A	5/26/2011	A
Campus View Dr	Osler Dr			9/23/2014	A	12/1/2011	A
Caraway Rd	Main St	Reisterstown Rd	Hannah More	7/23/2013	A	6/7/2010	A
Carroll Island Rd	Walmart			7/29/2014	A	11/10/2011	A
Carroll Island Rd	Eastern Ave	Eastern Blvd		1/13/2016	A	4/23/2013	A
Carville Ave	Oregon Ave	Sulphur Spring Rd	East Dr	11/12/2014	B	6/6/2012	C
Caton Ave	Hammonds Ferry Rd	Washington Blvd		6/17/2013	A	6/30/2010	A
Cedar Dr	Kelso Dr	Martin Blvd		1/28/2014	A	2/17/2011	A
Center Pl	Dundalk Ave N/S			2/25/2015	A	5/16/2012	A
Charles St	Malvern Ave	GBMC		7/8/2014	A	11/28/2011	A
Charles St	Towsontown Blvd W			10/28/2013	A	11/1/2010	A
Charles St	Stevenson Ln			7/31/2014	A	12/12/2011	A
Charles St	Chestnut Ave			2/26/2014	A	4/4/2011	B
Charmuth Rd	Ridgely Rd E			11/27/2013	A	12/2/2010	A
Charmuth Rd	Seminary Ave E			11/6/2013	B	11/4/2010	B
Charmuth Rd	Dulaney Valley Rd	Hampton Ln		10/16/2013	B	9/9/2010	B
Chartley Dr	Main St			10/14/2014	A	2/7/2012	A
Chatsworth Ave E/W	Main St			7/21/2015	A	12/2/2012	B
Cherry Hill Rd E	Franklin Blvd	Reisterstown Rd		8/5/2015	B	9/4/2012	B
Cherry Hill Rd E	Owings Mills Blvd	Timber Grove Rd		7/2/2014	A	8/3/2011	A
Cherry Valley Rd	Hammershire Rd	Reisterstown Rd		1/8/2013	A	12/30/2009	A
Chesaco Ave	Pulaski Hwy			8/4/2014	B	8/31/2011	C
Chesaco Ave	Philadelphia Rd			7/22/2013	A	6/15/2010	B
Chesaco Ave	Horst Ave			3/18/2014	A	8/18/2011	A
Chesapeake Ave E/W	York Rd			3/26/2013	A	3/9/2010	A
Chesapeake Ave W	Washington Ave			7/28/2015	A	11/13/2012	A
Chesapeake Park Plz	Eastern Blvd			2/24/2014	A	4/20/2011	A
Chesworth Rd	Rolling Rd N			12/17/2013	B	12/16/2010	B
Church Ln	Reisterstown Rd	Pikesville Library		7/15/2015	B	8/15/2012	A
Church Ln	Old Court Rd			3/25/2014	A	4/13/2011	B
Church Ln	Cranbrook Rd	York Rd		11/4/2013	A	11/10/2010	A
Church Rd	Wise Ave			11/17/2014	A	1/26/2012	A
Church Rd	Plainfield Rd	Trappe Rd		3/12/2013	A	10/1/2015	A
Church Rd	Franklin Blvd	Red Run Blvd		8/7/2014	A	7/6/2011	A
Cockeys Mill Rd	Main St			2/19/2014	C	2/9/2011	C
Colbury Rd	Goucher Blvd			7/7/2014	A	8/16/2011	A
Colonial Rd	Kernan Dr	Security Blvd		2/3/2014	B	7/12/2011	A
Colonial Rd	Reisterstown Rd	Seven Mile Ln		2/3/2014	A	1/18/2011	A
Compass Rd	Martin Blvd			11/24/2014	A	2/8/2012	A
Compass Rd	Middle River Rd			7/9/2013	A	3/8/2010	B
Cooks Ln	Security Blvd	Forest Park Ave		7/15/2014	A	8/4/2011	A
Corbett Rd.	Piney Hill Rd.	York Rd.		9/25/2014	A		
Corporate Dr	Honeygo Blvd			3/9/2014	A	5/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Courtleigh Dr	Old Court Rd			12/16/2014	A	6/19/2012	A
Courtleigh Dr	Liberty Rd			3/19/2014	A	5/12/2008	A
Cove Rd	North Point Blvd			1/7/2015	A	4/17/2012	A
Cowenton Ave	Ebenezer Rd	Philadelphia Rd		8/27/2015	C	8/12/2015	D
Cowpens Ave	Hampton Ln	Providence Rd		10/27/2014	B	1/3/2012	B
Cowpens Ave	Cromwell Bridge Rd	Rock Church		4/3/2014	C	3/31/2011	A
Cradock Ln	McDonogh Rd	Reisterstown Rd		7/20/2015	C	7/25/2012	C
Craigmont Rd	Crosby Rd			7/11/2013	A	8/23/2010	A
Cranbrook Rd	Greenside Dr			6/3/2014	A	11/22/2011	A
Cranbrook Rd	Lakespring Way	Rossbrooke Cir		10/16/2014	A	12/28/2011	A
Cranbrook Rd	Girdwood Rd	Padonia Rd E		6/9/2014	A	12/5/2011	C
Cromwell Bridge Rd	Providence Rd			9/5/2013	A	8/24/2010	A
Crondall Ln	Owings Mills Blvd			12/12/2013	B	10/20/2010	B
Crosby Rd	Johnnycake Rd	Woodlawn Dr		6/17/2014	A	6/28/2011	A
Crosby Rd	Rolling Rd N			7/29/2013	A	7/29/2010	A
Cross Campus Dr	Osler Dr			11/12/2015	A	10/16/2012	B
Cross Campus Dr	Terrace Dale	York Rd		9/16/2014	A	11/9/2011	C
Crossroads Dr	Reisterstown Rd	Village Queen Dr		7/22/2015	A	7/25/2012	B
Daisy Ave	Hollins Ferry Rd	Lansdowne Rd		3/2/2015	A	5/23/2012	A
Days Cove Rd	Pulaski Hwy			12/8/2014	A	2/23/2012	A
Deanwood Rd	Hillsway Ave			9/18/2014	A	10/5/2011	A
Deanwood Rd	Glendale Rd	Loch Raven Blvd		4/20/2015	A	8/6/2012	A
Deer Park Rd	Liberty Rd			12/23/2013	A	12/1/2010	A
Deerfield Rd	Milford Mill Rd			7/15/2013	A	8/31/2010	A
Delegge Rd	Hazelwood Rd	Kenwood Ave		7/1/2013	A	4/22/2010	A
Delrey Ave	Frederick Rd			2/24/2015	A	12/3/2012	A
Delvale Ave	Holabird Ave			11/20/2014	B	1/11/2012	C
Diamond Point Rd	Eastern Ave	Back River Wastewater		12/9/2015	A	12/2/2013	A
Dogwood Rd	Kernan Dr			6/19/2013	C	3/30/2010	B
Dogwood Rd	Rolling Rd			11/25/2013	C	1/9/2011	C
Dogwood Rd	Woodlawn Dr			2/12/2013	C	5/3/2010	C
Dogwood Rd	Lord Baltimore Dr			8/21/2013	B	9/29/2010	C
Dogwood Rd	Gwynn Oak Ave			4/17/2013	A	3/23/2010	A
Dolfield Blvd	Red Run Blvd	Pleasant Hill Rd		10/9/2013	B	10/5/2011	C
Dolfield Blvd	Reisterstown Rd	Richmar Rd		1/7/2014	A	12/23/2010	A
Dolfield Rd	Dolfield Rd S	Owings Mill Blvd		11/4/2015	B	7/19/2012	C
Dolfield Rd S	Music Fair Rd	Painters Mill Rd		6/18/2014	A	11/15/2011	A
Dulaney Valley Rd	Fairmount Ave			1/5/2016	D	9/2/2014	D
Dulaney Valley Rd	Dulaney Valley SC	Towsontown Ctr N Ent		10/16/2014	A	2/16/2012	A
Dulaney Valley Rd	Old Bosley Rd			6/27/2013	A	7/22/2010	A
Dulaney Valley Rd	Locustvale Rd	Goucher College		9/8/2014	A	11/29/2011	A
Dulaney Valley Rd	Pot Spring Rd	Seminary Ave E		11/12/2013	C	11/3/2010	C
Dulaney Valley Rd	Jarrettsville Pike			8/5/2015	A	7/23/2012	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Dulaney Valley Rd	Timonium Rd E			5/18/2015	D	4/24/2014	D
Dulaney Valley Rd	Towsontown Ctr S Ent			10/22/2014	A	2/16/2012	A
Dundalk Ave	Liberty Pkwy	Pine Ave	Willow Spring Rd	8/22/2013	A	8/3/2011	A
Dunkirk Rd	York Rd			10/7/2014	B	12/27/2011	A
Dunmanway	Liberty Pkwy			7/29/2014	A	7/18/2011	A
Dunmanway	Sollers Point Rd			12/1/2014	A	2/9/2012	A
Dunmanway	Merritt Blvd			12/29/2014	A	3/29/2012	A
Dunmanway	Trading Pl			3/12/2014	A	6/14/2011	B
East Dr	Linden Ave			1/6/2014	C	12/6/2010	C
East Homberg Ave	Southeast Blvd			4/9/2015	A	6/19/2012	A
Eastern Ave	54th St			1/16/2014	A	2/9/2011	A
Eastern Ave	Rolling Mill Rd	Eastpoint Mall		3/24/2015	D	4/7/2014	D
Eastern Ave	48th St	Pembroke Blvd		7/10/2013	A	2/25/2010	B
Eastern Blvd	Stemmers Run Rd			9/11/2014	C	5/22/2013	D
Eastern Blvd	Virginia Ave			5/19/2013	A	1/26/2010	A
Eastern Blvd	Wilson Point Rd			12/10/2014	A	2/14/2012	A
Eastern Blvd	Old Eastern Ave	Seamaster Rd		3/9/2015	A	7/19/2012	A
Eastern Blvd	Marlyn Ave N/S			4/29/2015	C	4/26/2012	C
Eastern Blvd	Orville Rd			4/16/2014	A	7/19/2011	A
Eastern Blvd	White Marsh Blvd	Martin Airport		4/14/2014	A	4/13/2011	C
Eastern Blvd	Mace Ave	Riverside Dr		7/16/2014	B	7/27/2011	B
Eastern Blvd	Kingston Rd	Old Eastern Ave		11/10/2014	A	1/12/2012	A
Eastern Blvd	Marie Ave	Terrace Rd		10/31/2013	A	8/31/2010	A
Eastern Blvd	Taylor Ave N/S			5/13/2013	A	2/16/2010	A
Eastern Blvd	Woodward Dr N/S			4/23/2013	A	12/1/2009	A
Eastern Blvd	Selig Ave	Middlesex SC		8/19/2014	A	8/24/2011	B
Eastern Blvd	Old Eastern Ave	McDonalds		2/4/2015	A	4/19/2012	A
Eastern Blvd.	Lynnbrook Rd.			6/5/2014	C		
Eastridge Rd	Padonia Rd E			7/17/2014	A	9/20/2011	A
Eastridge Rd	Timonium Rd E			10/28/2014	B	1/7/2012	B
Ebenezer Rd	Pulaski Hwy			5/20/2015	E	5/6/2014	E
Ebenezer Rd	Honeygo Blvd			1/5/2015	B	3/15/2012	B
Edmondson Ave	Harlem Ln			4/17/2014	A	6/1/2011	A
Edmondson Ave	North Bend Rd			2/12/2015	A	8/20/2012	A
Edmondson Ave	Rolling Rd N			2/3/2015	C	6/11/2012	C
Edmondson Ave	Ingleside Ave			9/4/2014	B	11/1/2014	C
Edmondson Ave	Winters Ln			10/7/2013	A	9/13/2010	B
Egges Ln	Frederick Rd	Mellor Ave		10/29/2013	B	10/18/2010	B
Ellis Rd	Old Harford Rd	Satyr Hill Rd		12/18/2014	A	5/23/2012	B
Emerald Rd	Harford Rd	Woodside Ave		12/3/2014	A	2/14/2012	A
Emory Rd	Hanover Pike			11/3/2015	C	2/14/2012	C
Enchanted Hills Rd	Reisterstown Rd	Ritters Ln		1/2/2014	A	12/13/2010	A
Essex Rd	Windsor Mill Rd			9/17/2014	B	8/11/2014	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Essex Rd	St Lukes Ln			8/25/2013	A	12/2/2010	B
Essex Rd	Liberty Rd			8/4/2014	C	11/23/2011	C
Fairbrook Rd	Rolling Rd N			3/12/2014	B	3/28/2011	B
Fairmount Ave	Goucher Blvd	Towsontown Ctr E Ent		1/16/2014	B	1/5/2011	A
Fairmount Ave	York Rd			4/23/2015	D	6/12/2014	D
Fairmount Ave	Towson Gate Dr	Towsontown Ctr W Ent		11/13/2013	A	12/29/2010	A
Fairmount Ave	Joppa Rd E			11/12/2015	A	2/9/2012	C
Falls Rd	Old Pimlico Rd			2/10/2015	C	5/1/2012	A
Falls Rd	Greenspring Valley Rd	Station Dr		10/21/2015	F	9/10/2014	F
Falls Rd	Seminary Ave W			10/21/2015	F	9/10/2014	F
Falls Rd	Shawan Rd	Tuften Ave		5/19/2015	D	5/7/2014	D
Falls Rd	Jones Falls Expwy	Joppa Rd W		10/21/2015	F	9/10/2014	F
Falls Rd	Lake Ave W	Lake Falls Village		7/9/2015	A	8/1/2012	B
Falls Rd	Old Court Rd	Ruxton Rd		8/27/2013	B	8/31/2010	B
Fifth Ave	Freeway	Hollins Ferry Rd		11/10/2014	A	2/15/2012	A
Fitch Ave	Rossville Blvd			2/18/2014	A	3/22/2011	A
Fontana Ln	Philadelphia Rd	Golden Ring Plaza		2/23/2015	A	7/10/2012	A
Forest Park Ave	Ingleside Ave	Security Blvd		6/26/2013	C	6/1/2010	C
Fork Rd	Harford Rd	Sunshine Ave		8/17/2015	C	10/15/2012	C
Francke Ave	Ridgely Rd	York Ridge SC	Kurtz Ave	9/25/2014	A	12/20/2011	A
Frankel Way	York Rd	Crestridge Center		1/9/2014	A	2/3/2011	A
Franklin Blvd	Nicodemus Rd			7/31/2013	A	6/15/2010	A
Franklin Blvd	Tarragon Rd			7/29/2014	A	12/19/2011	A
Franklin Square Dr	Hospital Dr			3/4/2015	A	8/7/2012	A
Franklin Square Dr	Rossville Blvd			4/21/2015	C	7/31/2012	B
Franklin Square Dr	King Ave			8/1/2013	A	7/8/2010	A
Frederick Rd	Prospect Ave N/S			12/16/2013	A	11/8/2010	A
Frederick Rd	Rolling Rd N			8/7/2014	C	11/14/2011	A
Frederick Rd	Paradise Ave			11/18/2014	B	4/4/2012	B
Frederick Rd	Melvin Ave	Sanford Ave		2/25/2015	A	10/18/2012	A
Frederick Rd	Rolling Rd S			9/15/2015	D	9/8/2014	D
Freeland Rd	York Rd			6/22/2015	A	3/6/2012	A
Galloway Ave	York Rd			1/21/2015	A	7/10/2012	A
Garrison View Rd	Reisterstown Rd			12/4/2014	A	6/12/2012	A
German Hill Rd	Plainfield Rd			3/21/2013	A	1/14/2010	A
German Hill Rd	Merritt Blvd			7/2/2013	A	2/23/2010	B
Glen Keith Blvd	Loch Raven Blvd			1/6/2014	A	2/9/2011	A
Glenwood Rd	Old Eastern Ave	Selig Ave		6/19/2014	A	6/29/2011	A
Glyndon Dr	Glyndon Trace Dr	Main St		7/16/2014	A	6/15/2011	A
Golden Ring Rd	Weyburn Rd			7/31/2014	A	8/10/2011	B
Golden Ring Rd	Kenwood Ave			8/5/2013	B	4/21/2010	C
Golden Ring Rd	Philadelphia Rd			4/21/2014	C	5/10/2011	C
Gores Mill Rd	Westminster Pike			3/26/2014	A	6/22/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Goucher Blvd	Putty Hill Ave			9/1/2015	E	5/22/2014	D
Goucher Blvd	Taylor Ave			2/27/2014	A	6/14/2011	A
Goucher Blvd	Joppa Rd E			2/19/2013	C	11/30/2009	C
Goucher Blvd	Providence Rd			7/14/2014	C	10/24/2011	C
Goucher Blvd	Loch Raven Blvd			9/9/2013	A	11/3/2010	A
Greene Tree Rd	Hooks Ln	Commerce Ctr Ent		3/20/2014	C	4/4/2012	C
Greenpoint Rd	Padonia Rd W			7/2/2013	A	7/14/2010	A
Greenridge Rd	York Rd			5/27/2015	A	12/6/2012	A
Greens Ln	Liberty Rd	McDonogh Rd		1/13/2015	B	6/13/2012	C
Greenside Dr	Warren Rd			6/10/2014	B	8/14/2011	B
Greenside Dr	Padonia Rd E	Padonia Village SC		11/6/2014	B	2/28/2012	B
Greenspring Ave	Quarry Lake Dr			8/20/2014	A	6/28/2011	A
Greenspring Ave	Green Summit Rd	Stone Cliff Dr		12/1/2014	B	7/17/2012	A
Greenspring Ave	Smith Ave			7/28/2014	B	6/30/2011	B
Greenspring Ave	Willow Glen Dr			12/1/2015	C	12/17/2012	C
Greenspring Ave	Greenspring Valley Rd			8/12/2015	B	9/18/2012	C
Greenspring Ave	Old Court Rd			8/20/2013	A	8/3/2010	B
Greenspring Dr	Harrisburg Expwy			6/16/2015	C	10/18/2012	C
Greenspring Dr	Timonium Rd W			8/12/2014	C	12/7/2011	C
Greenspring Valley Rd	Park Heights Ave			7/9/2013	A	7/27/2010	A
Greenspring Valley Rd	Reisterstown Rd			7/23/2015	B	8/13/2012	A
Greenwood Pl	Greenwood Rd	Old Court Rd		6/3/2013	A	4/1/2010	A
Grey Rock Rd	Mount Wilson Ln	Reisterstown Rd		5/13/2013	C	3/25/2010	A
Groff Ln	Owings Mill Blvd			8/13/2013	A	2/18/2010	A
Groffs Mill Rd	Lakeside Blvd			6/19/2014	A	6/13/2011	A
Gwynn Oak Ave	Security Blvd			11/25/2014	A	4/11/2012	A
Gwynn Oak Ave	Windsor Mill Rd	Englewood Ave		7/9/2014	A	11/16/2011	A
Gwynnbrook Ave	Owings Mills Blvd			2/25/2014	A	1/25/2011	A
Halethorpe Farms Rd	Selma Ave	Washington Blvd		2/9/2015	A	8/7/2012	A
Hamilton Ave	Philadelphia Rd	Rosedale Ave		12/16/2015	A	10/23/2013	A
Hammonds Ferry Rd	Lansdowne Rd			4/17/2014	A	7/18/2011	A
Hammonds Ferry Rd	Hollins Ferry Rd			1/28/2015	A	7/2/2012	A
Hanover Pike	Main St	Westminster Pike		6/4/2013	A	2/2/2010	A
Harford Ave	Harwall Rd	Ingleside Ave		12/9/2015	A	9/24/2012	A
Harford Rd	Putty Hill Ave			8/10/2015	C	3/5/2012	B
Harford Rd	Linwood Ave			10/21/2014	B	1/1/2012	A
Harford Rd	Taylor Ave			8/26/2015	D	4/2/2014	D
Harford Rd	Northwind Rd			8/13/2014	A	8/30/2011	A
Harford Rd	Joppa Rd E			10/6/2015	D	4/8/2014	D
Harrisburg Expwy NB Ramp	Padonia Rd W			8/29/2013	A	8/26/2010	A
Harrisburg Expwy Ramp	Timonium Rd W			11/23/2015	A	2/8/2012	A
Harrisburg Expwy SB Ramp	Padonia Rd W			12/7/2015	A	11/7/2012	A
Heathfield Rd	Osler Dr	Stevenson Ln		11/25/2015	A	1/11/2012	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClellan Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Joppa Rd E	La Salle Rd	Raytheon Ent		2/28/2013	A	1/14/2010	B
Joppa Rd E	Oakleigh Rd			12/1/2014	A	6/20/2012	A
Joppa Rd E	Perring Pkwy			5/6/2015	E	5/8/2014	D
Joppa Rd E	Giant Food Ent	Jerry's Chevrolet Ent		5/28/2013	C	2/16/2010	A
Joppa Rd E	Pleasant Plains Rd			4/30/2015	A	12/20/2012	A
Joppa Rd E	Virginia Ave	Towsontown Ctr Ent		12/15/2014	B	7/20/2011	B
Joppa Rd W	Thornton Rd			7/1/2013	A	7/7/2010	B
Kane St	North Point Blvd	Rolling Mill Rd		2/21/2013	C	8/25/2009	C
Kelox Rd	Liberty Rd			1/9/2014	A	1/24/2011	A
Kelso Dr	Rossville Blvd			2/18/2015	A	7/3/2012	A
Kenilworth Dr	West Rd	Colony Apts Ent		3/26/2014	B	12/14/2011	A
Kenwood Ave	Lillian Holt Dr			1/27/2014	C	2/23/2011	C
Kernan Dr	Windsor Mill Rd	Kernan Hospital		11/5/2014	B	2/22/2012	B
King Ave	Philadelphia Rd			8/27/2013	A	8/24/2010	A
Kings Ridge Rd	Putty Hill Ave	Parkville HS Ent		3/13/2013	B	12/2/2009	C
La Salle Rd	Putty Hill Ave			10/7/2013	A	12/20/2010	B
Labyrinth Rd	Smith Ave			12/9/2013	B	11/29/2010	B
Lakeside Blvd	Painters Mill Rd			7/3/2014	A	7/21/2011	A
Lakeside Blvd	Owings Mills Blvd			7/1/2015	C	4/9/2012	C
Lakeside Blvd	New Town Blvd			7/1/2015	A	12/10/2012	B
Lansdowne Rd	Twins Springs Rd	Washington Blvd		10/2/2014	A	1/30/2012	A
Liberty Rd	Washington Ave			9/8/2015	D	3/24/2014	D
Liberty Rd	Wards Chapel Rd			12/30/2013	A	12/28/2010	A
Liberty Rd	King James Cir	St Lukes Ln		3/8/2014	A	5/26/2011	A
Liberty Rd	Offutt Rd			1/15/2015	B	2/14/2012	A
Liberty Rd	Rolling Rd			2/27/2014	C	2/24/2011	C
Liberty Rd	Old Court Rd			10/7/2014	C	1/12/2012	C
Liberty Rd	Milford Mill Rd			5/29/2014	B	8/18/2011	B
Liberty Rd	Pikeswood Dr			11/20/2014	A	2/21/2012	A
Liberty Rd	Patterson Ave			1/14/2013	C	1/19/2010	B
Liberty Rd	Tiverton Rd			7/3/2012	A	6/25/2009	A
Liberty Rd	Marriottsville Rd			3/2/2013	B	3/2/2010	B
Lillian Holt Dr	Perry Hall Blvd	Rossville Blvd		7/30/2013	A	7/6/2010	A
Loch Hill Rd	Loch Raven Blvd			8/14/2013	A	8/2/2010	A
Loch Raven Blvd	Putty Hill Ave			12/5/2013	C	11/23/2011	B
Loch Raven Blvd	Hillendale SC	Loch Raven Plaza		6/15/2015	A	9/4/2012	A
Loch Raven Blvd	Taylor Ave			9/22/2015	C	11/29/2012	C
Long Meadow Rd	Park Heights Ave			8/1/2013	A	8/5/2010	A
Lord Baltimore Dr	Security Blvd	Security Square Mall		1/5/2015	A	3/15/2012	B
Lord Baltimore Dr	Windsor Mill Rd			7/22/2013	B	7/15/2010	B
Lord Baltimore Dr	Windsor Blvd			8/27/2015	C	7/25/2013	C
Loveton Cir	Loveton Farms Rd	York Rd		7/1/2014	A	3/17/2011	A
Loveton Farms Rd	Sparks Valley Rd	York Rd		6/16/2014	C	6/13/2011	C

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Lynch Rd	Wise Ave			5/29/2014	B	6/15/2011	B
Lynch Rd	Trappe Rd	Woodwell Rd W		7/16/2013	A	6/2/2010	B
Lyons Mill Rd	Painters Mill Rd			7/27/2015	B	10/1/2012	B
Lyons Mill Rd	Owings Mills Blvd			10/17/2012	C	6/29/2010	B
Lyons Mill Rd	Marriottsville Rd			3/5/2013	B	1/4/2010	B
Maiden Choice Ln	Winslow Park Dr	Charlestown Ret Comm		2/4/2015	A	8/28/2012	A
Maiden Choice Ln	Wilkens Ave			5/9/2013	C	10/21/2010	B
Manor Rd	Sweet Air Rd			6/20/2013	B	1/6/2010	B
Mansfield Rd	Southeast Blvd			1/30/2014	A	2/1/2011	A
Marlove Oaks Ln	McDonogh Rd	Painters Mill Rd		8/19/2013	B	8/10/2010	B
Marlyn Ave N	Stemmers Run Rd			4/10/2013	A	8/20/2009	B
Marlyn Ave S	Sandalwood Rd			2/18/2015	A	7/24/2012	A
Martin Blvd	Riverton Rd			9/23/2013	A	9/2/2010	A
Martin Blvd	Middle River Rd			3/18/2015	A	8/9/2012	A
Martin Blvd	Windless Rd			3/4/2013	A	2/22/2010	A
McCormick Rd	Wight Ave			7/30/2014	A	9/1/2011	A
McCormick Rd	Schilling Cir	Schilling Rd		12/19/2013	B	12/7/2010	B
McCormick Rd	Shawan Rd			10/30/2013	C	10/26/2010	C
McCormick Rd	Schilling Cir	St Paul's Co Ent		4/15/2014	C	5/31/2011	A
McDonogh Rd	Winands Rd			7/29/2015	C	8/9/2012	B
McDonogh Rd	Lamburn Rd			4/29/2014	C		
McHenry Ave	Reisterstown Rd	Walker Ave		6/30/2014	A	11/23/2011	A
Meadow Ln	Merritt Blvd	Moorgate Rd		12/8/2014	A	10/6/2011	A
Merritt Ave	Midland Rd	Sollers Point Rd		7/1/2013	A	2/3/2010	A
Merritt Ave	Merritt Blvd	Peninsula Hwy		8/18/2014	A	9/1/2011	A
Merritt Blvd	Searles Rd			7/18/2013	A	5/6/2010	A
Merritt Blvd	North Point Rd			9/16/2014	A	10/26/2011	A
Merritt Blvd	Giant Food	Sav-A-Lot		7/15/2013	A	5/18/2010	A
Merritt Blvd	Danville Square SC	Dennys		7/22/2014	A	12/22/2011	A
Metropolitan Blvd NB Ramp	Washington Blvd			2/17/2015	A	8/15/2012	A
Metropolitan Blvd SB Ramp	Washington Blvd			3/28/2013	A	3/22/2010	A
Middle River Rd	Pulaski Hwy			5/20/2015	D	5/12/2014	D
Middleborough Rd	Southeast Blvd			9/16/2015	C	8/22/2012	C
Milford Mill Rd	Washington Ave	Milford Mill Swim Club		6/12/2013	B	6/10/2010	B
Milford Mill Rd	Reisterstown Rd	Slade Ave		7/7/2015	A	7/18/2012	A
Milford Mill Rd	Roman Frasier Ln			5/2/2013	A	5/27/2010	A
Milford Mill Rd	Sudbrook Ln	Sudbrook Rd		7/8/2015	C	6/18/2012	C
Milford Mill Rd	Rolling Rd			7/2/2013	B	6/23/2010	A
Milford Mill Rd	Scotts Level Rd			3/25/2013	A	6/9/2010	A
Mill Run Cir	Red Run Blvd			3/21/2013	A	2/22/2010	A
Mill Run Cir	Northwest Expwy Ramp			4/3/2013	B	2/24/2010	A
Mohrs Ln	Pulaski Hwy			6/30/2014	C	7/21/2011	A
Monkton Rd	York Rd			5/7/2014	B	4/25/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Mount Carmel Rd	York Rd			6/17/2014	A	3/1/2011	A
Naylors Ln	Reisterstown Rd			7/3/2014	C	7/27/2011	A
New Battle Grove Rd	North Point Blvd			11/19/2013	A	12/23/2010	A
North Point Blvd	Eastpoint Mall W Ent			11/7/2013	A	8/17/2010	A
North Point Blvd	Eastpoint Mall E Ent			11/18/2013	A	8/18/2010	A
North Point Blvd	Sparrows Pt Rd			4/27/2013	A	1/21/2010	A
North Point Blvd	Trappe Rd			8/12/2013	A	7/20/2010	A
North Point Blvd	Wise Ave			8/8/2013	A	7/13/2010	A
North Point Blvd	Old Battle Grove Rd			11/25/2013	A	12/14/2010	A
North Point Blvd	St Monica Dr			8/28/2014	A	10/19/2011	A
North Point Rd	Trappe Rd			8/13/2013	A	8/5/2010	A
North Point Rd	Sparrows Point Rd			2/27/2013	A	7/29/2010	A
Northeast Ave	Ridge Ave	Washington Blvd		10/15/2014	A	5/7/2012	A
Oakleigh Rd	Perring Pkwy			8/15/2013	A	7/6/2010	A
Oakleigh Rd	Taylor Ave			8/14/2014	B	10/1/2011	B
Oakleigh Rd	White Oak Ave			9/16/2015	A	7/12/2012	A
Oakleigh Rd	Putty Hill Ave			9/19/2013	A	10/27/2010	A
Old Court Rd	Towne Center Pl			11/24/2014	A	2/23/2012	A
Old Court Rd	Reisterstown Rd			10/27/2015	C	8/28/2012	B
Old Court Rd	Seven Mile Ln			7/14/2014	A	8/17/2011	A
Old Court Rd	Scotts Level Rd			6/12/2013	C	12/15/2011	C
Old Court Rd	Stevenson Rd			4/15/2014	A	7/5/2011	A
Old Court Rd	Sudbrook Ln E			2/6/2014	B	2/16/2011	B
Old Court Rd	Metro Parking Lot Ent			1/14/2014	A	1/25/2011	A
Old Court Rd	Winands Rd			2/20/2014	C	2/15/2011	C
Old Court Rd	Park Heights Ave			4/14/2014	C	7/13/2011	B
Old Eastern Ave	Southeast Blvd			8/4/2015	A	7/11/2012	A
Old Frederick Rd	Rolling Rd N			11/13/2013	B	9/30/2010	C
Old Harford Rd	Putty Hill Ave			2/5/2015	A	4/3/2012	B
Old Harford Rd	Taylor Ave			1/15/2013	C	10/22/2009	B
Old Milford Mill Rd	Reisterstown Rd	Safeway Ent		3/7/2013	A	2/1/2010	A
Old Pimlico Rd	Pimlico Rd	Smith Ave		7/31/2014	A	12/29/2011	A
Old Washington Blvd	Sulphur Spring Rd	Washington Blvd		7/8/2013	A	7/8/2010	A
Orems Rd	Rossville Blvd			3/25/2014	A	6/8/2011	B
Osler Dr	Towsontown Blvd W			9/10/2015	C	2/20/2007	C
Osler Dr.	Emerison Dr	Towson Parking Ent		12/3/2013	C		
Owings Mill Blvd	Owings Mill Sq	Fire Station		7/3/2013	A	6/5/2010	A
Owings Mills Blvd	Winands Rd			7/6/2015	A	8/27/2012	A
Owings Mills Blvd	Red Run Blvd			4/6/2015	B	6/26/2012	C
Owings Mills Blvd	Reisterstown Rd Ramp			11/23/2015	C	7/19/2012	A
Owings Mills Blvd Ramp	Reisterstown Rd	Garrison Forest Plaza		10/6/2014	C	1/31/2012	B
Padonia Rd E/W	York Rd			9/23/2015	D	3/27/2014	D
Padonia Rd W	Tullamore Rd	Tullamore Ct		9/23/2014	A	10/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Painters Mill Rd	Red Run Blvd			9/22/2014	B	2/17/2011	C
Painters Mill Rd	Reisterstown Rd			10/17/2013	C	11/9/2010	B
Painters Mill Rd	Grand Central Ave			1/24/2013	A	1/11/2010	A
Parallel Dr	Woodlawn Dr	Security West Bldg		2/18/2014	B	2/14/2011	B
Park Heights Ave	Slade Ave			6/29/2015	A	8/22/2012	A
Pennsylvania Ave E/W	York Rd			6/4/2014	A	12/6/2011	A
Pennsylvania Ave W	Washington Ave			11/27/2013	A	2/1/2011	A
Perring Pkwy	Taylor Ave			6/2/2014	B	6/16/2011	C
Perring Pkwy	Putty Hill Ave			9/9/2015	F	5/21/2014	F
Perry Hall Blvd	White Marsh Blvd			10/24/2013	C	8/18/2010	C
Perry Hall Blvd	Ridge Rd			7/21/2014	A	7/6/2011	B
Perry Hall Blvd	Silver Spring Rd			4/9/2014	A	6/9/2011	A
Perry Hall Blvd	White Marsh Mall Ent	White Marsh Precinct		3/5/2014	B	5/24/2011	B
Perry Hills Rd	White Marsh Blvd	Belair Rd West Ramp		8/25/2014	A	8/24/2011	B
Philadelphia Rd	Rossville Blvd			10/22/2013	C	7/21/2010	C
Philadelphia Rd	Seling Ave			9/25/2014	C	12/13/2011	A
Pleasant Plains Rd	Putty Hill Ave			8/21/2013	A	10/13/2010	A
Pot Spring Rd	Timonium Rd E			4/30/2014	C	9/13/2011	A
Pot Spring Rd	Ridgely Rd E			11/27/2013	A	11/10/2010	A
Pulaski Hwy	Centre @ Golden Ring			12/30/2013	A	1/11/2011	A
Pulaski Hwy	Rossville Blvd			10/19/2015	D	6/27/2012	C
Pulaski Hwy	White Marsh Blvd Ramp			5/27/2015	A	5/22/2012	A
Pulaski Hwy	66th St			1/4/2016	D	4/23/2014	F
Pulaski Hwy	68th St			3/25/2015	A	11/15/2012	A
Pulaski Hwy Ramp	White Marsh Blvd			6/17/2015	A	6/7/2012	A
Putty Hill Ave	Rolling Crest Way	Rossville Blvd	Walther Blvd	8/28/2013	A	10/5/2010	A
Radecke Ave	St Regis Rd			10/15/2013	A	10/21/2010	A
Regester Ave	York Rd			1/10/2013	A	10/27/2009	C
Regester Ave	Sherwood Rd			3/6/2014	A	8/8/2011	A
Reisterstown Rd	St Thomas SC			2/10/2014	A	12/22/2010	A
Reisterstown Rd	Hilton Hotel	Target		12/28/2014	C	3/19/2012	A
Reisterstown Rd	Sam's Club	Toyota Ent		1/7/2015	A	6/5/2012	A
Reisterstown Rd	Home Depot			12/9/2014	A	6/20/2012	A
Reisterstown Rd	Woodholme SC			7/7/2014	A	8/30/2011	A
Reisterstown Rd	Straw Hat Rd	Tollgate Rd		11/21/2013	A	12/21/2010	A
Reisterstown Rd	Rosewood Ln			7/1/2013	A	3/3/2010	A
Reisterstown Rd	Reisterstown SC	Franklin HS		6/25/2015	A	12/4/2012	A
Reisterstown Rd	Sherwood Ave			9/11/2013	A	10/12/2010	A
Reisterstown Rd	Valley Center SC			7/14/2015	A	7/31/2012	A
Reisterstown Rd	Sudbrook Ln	Sudbrook Ln E		1/13/2014	A	1/11/2011	A
Ridge Rd	Rossville Blvd	ECC Ent		7/24/2014	A	9/27/2011	A
Ridgebrook Rd	York Rd			10/10/2013	B	9/1/2010	B
Ridgely Rd E/W	York Rd			11/19/2013	B	11/30/2010	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Robert Myers Blvd	Security Blvd			12/2/2014	A	4/30/2012	A
Rolling Rd	Windsor Blvd			2/24/2014	B	4/12/2011	C
Rolling Rd	Windsor Mill Rd			9/14/2015	D	5/13/2014	D
Rolling Rd	Tudsbury Rd			8/12/2013	B	8/3/2010	B
Rolling Rd N	40 West SC	Giant Food Ent		4/1/2013	A	2/17/2010	A
Rolling Rd N	Security Blvd			8/26/2013	C	2/26/2013	D
Rolling Rd N	Rolling Bend Rd	Security Sq Mall Ent		3/18/2013	B	2/23/2010	A
Rolling Rd S	Campus Dr	Valley Rd		6/24/2015	C	9/10/2012	C
Rolling Rd S	Wilkins Ave			5/23/2013	C		
Rolling Rd.	Park & Ride			4/30/2014	A		
Rossville Blvd	Stemmers Run Rd			7/17/2013	A	3/31/2010	A
Rossville Blvd	Yellow Brick Rd	Centre @ Golden Ring Ent		4/7/2015	A	7/18/2012	A
Sanzo Rd	Smith Ave			2/11/2015	A	10/11/2012	A
Scott Adam Rd	York Rd			1/20/2015	A	11/21/2012	A
Security Blvd	Woodlawn Dr			7/17/2014	C	8/9/2011	C
Security Blvd	Whitehead Ct	Whitehead Rd		10/16/2014	A	2/6/2012	A
Seminary Ave E/W	York Rd			1/5/2016	D	5/14/2014	D
Seminary Ave W	Thornton Rd			3/6/2014	B	3/22/2011	B
Seven Mile Ln	Slade Ave	Smith Ave		11/18/2013	C	11/23/2010	B
Shawan Rd	York Rd	Shawan Plaza		8/19/2014	C	10/3/2011	C
Shawan Rd	Hunt Valley Towne Ctr	MBNA		1/29/2014	B	3/10/2011	B
Sister Pierre Dr	York Rd			6/23/2014	A	8/23/2011	A
Stevenson Ln	York Rd			6/11/2013	C	1/21/2010	B
Thornton Rd	Timonium Rd			8/3/2015	A	11/27/2012	A
Timonium Rd E/W	York Rd			9/24/2015	D	5/20/2014	D
Towsontown Blvd E/W	York Rd			10/2/2013	C	6/8/2010	B
Towsontown Blvd W	University Ave			9/16/2014	C	10/1/2007	C
Valley Rd	Wilkins Ave			3/3/2015	A	10/3/2012	B
Victory Dr	Washington Blvd			12/22/2014	A	6/21/2012	A
Walther Blvd	White Marsh Blvd			10/8/2013	C	8/12/2010	C
Warren Rd	Warren Rd W	York Rd		10/23/2013	C	6/21/2010	C
Washington Ave	York Rd			1/29/2013	A	1/6/2010	A
Washington Blvd	Commerce Dr	Lansdowne Station		8/15/2013	B	10/4/2010	A
Washington Blvd	Diageo Ent			1/20/2015	A	12/19/2012	A
Washington Blvd	Robert Young Way	Lansdowne Station		2/4/2014	C	2/7/2011	C
West Rd	York Rd			7/10/2014	C	10/19/2011	A
Whitehead Rd	Woodlawn Dr			1/31/2013	A	8/15/2011	A
Wight Ave	York Rd	Valley View Farms Ent		1/16/2013	B	12/16/2009	C
Windsor Mill Rd	Woodlawn Dr			10/27/2014	C	1/18/2012	C
Woodlawn Dr	Security Plaza	Woodlawn HS		8/28/2014	B	12/21/2011	B
York Rd	Anneslie SC	York Rd Plaza		3/13/2014	C	7/11/2011	A
York Rd	Timonium SC	Fairgrounds S Ent		2/10/2014	A	2/24/2011	A
York Rd	Best Buy Ent	Lutherville ES		1/15/2014	A	3/2/2011	A

Level of Service Intersections

	First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
York Rd		York Rd Service Dr	Fairgrounds N Ent		10/8/2014	A	2/2/2012	A

Rebecca L. Myrick, P.E., PTOE
Traffic Engineer

YEARS WITH CENTURY: 4
YEARS WITH OTHER FIRMS: 13

EDUCATION

B.S., 2001 Environmental Engineering – University of Delaware

PROFESSIONAL REGISTRATION

2006 MD P.E. Professional Engineer # 33349
2007 DE P.E. Professional Engineer # 15188
2014 PA P.E. Professional Engineer # PE 082852
2015 VA P.E. Professional Engineer # 0402054263
2006 Professional Traffic Operations Engineer #2006



WORK BACKGROUND:

Century Engineering, Inc., Hunt Valley, MD	September 2014 – present
Itenology Corporation, Ellicott City, MD	April 2014 – August 2014
URS Corporation, Hunt Valley, MD	June 2001 – March 2014

EXPERIENCE:

Ms. Myrick is a Traffic Engineer with experience in the design of new roadways, rehabilitation of existing facilities, and development and evaluation of roadway improvements. Her traffic engineering experience includes performance of traffic studies and safety analyses, performance of planning level intersection and corridor analyses, development of travel forecasts, and performance of Maintenance of Traffic Alternatives Analyses (MOTAAAs). She has knowledge and experience in the use of various civil design, traffic analysis, and traffic modeling software packages including MicroStation, Synchro/SimTraffic, Vissim, and Sidra Intersection (roundabouts).

Traffic Impact Assessment for Multiple Developments along Bulle Rock Parkway / Chapel Road, Havre de Grace, Maryland: Worked with City staff to identify the traffic operations needs that will be present following the completion of a series of proposed developments within a relatively small area, each of which was at a different stage in the development process. Reviewed TISs, performed trip generation and trip distributions, produced Synchro/SimTraffic models to assess the reasonability of improvement concepts proposed by one developer and to assess the ultimate traffic needs within the study area, and confirmed that improvements required for future developments are consistent with improvements proposed by developments currently underway.

Scenic Manor Access Points Review, Havre de Grace, Maryland: Reviewed speed study data and performed sight distance measurements for the new access points, assessed the need for a center turn lane or a bypass lane in the vicinity of the new access points, and assessed the potential to relocate the access points to a nearby roundabout. Used Synchro/SimTraffic software to assess potential queues, and Sidra Intersection to assess future roundabout operations.

On-Site/Off-Site Support, Maryland State Highway Administration Travel Forecasting and Analysis Division, Maryland: Traffic Engineer providing support to TFAD. Responsible for review of Traffic Impact Studies and Signal Warrant Studies, including researching proposed developments, assessing existing conditions, back-checking trip generation estimates and intersection operations analyses, and drafting letters for submittal to the Engineering Access Permits Division. Also responsible

PETITIONER'S

EXHIBIT NO. 21

for development of Title Sheet Traffic Data for projects within Baltimore, Harford, Howard, and Anne Arundel Counties.

Study of the Impact of Three Proposed Developments on the Roadway Network in Laurel, MD:

Traffic Engineer for this study to assess the cumulative effects of three proposed developments, all in the vicinity of Laurel, MD, and all within different counties, for the Maryland State Highway Administration Travel Forecasting and Analysis Division. Responsible for development of Vissim models for Existing conditions, 2020 Background conditions, 2020 With Developments/With Developer-Proposed Improvements conditions, and 2020 Recommended conditions, for which improvement concepts were developed using Critical Lane Analysis methods, then refined using Vissim. Also responsible for development of summary tables and figures for handouts, and for development of a PowerPoint presentation. Separate assessments were also made to evaluate the effects of each of the three proposed TODs on the local roadway network, both separately, and if constructed together.

MD 140 Traffic Study, Owings Mills, MD: Traffic Engineer for this study to assess the effects of redevelopment at three existing locations on traffic operations along MD 140 from Owings Mills Boulevard to I-695 for the Maryland State Highway Administration Travel Forecasting and Analysis Division. Responsible for balancing existing turning movement volumes, developing traffic volumes for 2015 Background and 2015 With Developments conditions, developing Synchro models to analyze operations, assessing numerous improvement concepts, producing summary tables and figures for handouts, and contributing to a final report.

US 50 at Crusader Road, Cambridge, MD: Performed a Safety and Operations Study to assess traffic conditions along Crusader Road from US 50 to MD 343 in Cambridge, MD. Responsible for review of existing traffic control devices, roadway geometry, signal operations, traffic volumes, and crash data, development of improvement concepts, overseeing traffic operations analyses performed using Synchro/SimTraffic software (for existing and proposed stop-controlled intersection concepts) and Sidra Intersection software (to assess a potential roundabout concept), and production of a summary report.

MD 346 at Healthway Drive, Worcester County, MD: Performed a traffic study for SHA District 1, to develop intersection improvement concepts to accommodate new development along Healthway Drive, realign Healthway Drive, and ensure no adverse effects to the nearby intersection of US 113 and MD 346. Responsible for performance of traffic operations analyses for both a traffic signal and a roundabout, developing optimum lane configurations between the two intersections, identifying storage needs for turn bays, and producing a summary report.

MD 355 at West Old Baltimore Road, Montgomery County, MD: Performed an MOTAA for this project to improve and realign the intersection of MD 355 with West Old Baltimore Road for MD SHA. Responsible for development of turning movement volumes, including incorporation of projected traffic from two proposed developments, development of a traffic operations analysis model using Synchro/SimTraffic software, evaluation of proposed MOT phasing concepts, and development of an MOTAA report.

Locust Thicket Concept Review, Columbia, MD: Performed an evaluation of the concept to convert the existing MD 100 / MD 103 interchange to a Diverging Diamond Interchange (DDI) with the implementation of the Locust Thicket development just south of MD 100 along MD 103 for MD SHA. Responsible for development of a traffic operations analysis model using Vissim simulation software, verifying anticipated operations with the improvement in place, and development of recommendations for lane configurations that would reduce queues and better maintain traffic operations.

US 50 at Maryland Avenue, Dorchester County, MD: Performed a traffic study for SHA District 1, to identify solutions that would correct a situation in which vehicles attempting to access a gas station were

SITE TRIPS

	AM		PM	
	<u>IN</u>	<u>OUT</u>	<u>IN</u>	<u>OUT</u>
Super Convenience Market with Gasoline Sales				
<u>ITE Land Use Code 960*</u>				
4,649 gsf	187	187	161	161
Automated Car Wash				
<u>ITE Land Use Code 948</u>				
1,248 gsf	9	9	9	9
Total Site Trips	196	196	170	170
<u>Less ITE Pass-by Trips**</u>	- 123	- 123	- 112	- 112
<u>Net New Trips</u>	73	73	58	58

* The ITE fitted curve equation was used to calculate the PM peak hour trips. Since ITE does not provide AM rates, the PM trips were substituted as a conservative measure.

** Since ITE does not provide pass-by data for this use, the pass-by rates for LUC 853 (Convenience Market with Gasoline Pumps) was applied: (AM = 63% & PM = 66%)

PETITIONER' S

EXHIBIT NO. 22

Site Location:

400 W. Padonia Road

In the NW corner of the intersection of Padonia Road and Beaver Dam Road / Deereco Road
Timonium, Maryland

Proposed site usage:

Sheetz Market & Gas Station

Approximately 5000 SF with 12 fuel positions

Land Use Code 960 – Super Convenience Market with Gas Station

Trips	AM Peak Hour			PM Peak Hour		
	New (35%)	Pass-by (65%)	Total	New (30%)	Pass-by (70%)	Total
Entering (50%)	68	125	193	49	115	164
Exiting (50%)	67	125	192	49	114	163
Total	135	250	385	98	229	327

Former site usage:

Bob Evans Restaurant

6000 SF / 167 Seats

Land Use Code 932 – High-Turnover (Sit-Down) Restaurant

Trips	AM Peak Hour	PM Peak Hour
Entering	42 (52%)	40 (57%)
Exiting	38 (48%)	30 (43%)
Total	80	70

PETITIONER' S

EXHIBIT NO. 23

Board of Appeals

Case No: 18-316-SPHX Case Name: Timonium SAB, LLC

Exhibit List

Party: Petitioner Date: 6/6/19

Exhibit No:	Description:
✓ 1	Plan to company Zoning Hrg Request March 2018
✓ 2	
✓ 3	7/20/18 Zoning Advisory Committee (ZAC) Comments
✓ 4	8/23/18 ZAC Comments
✓ 5	5/25/18 Hr from Wolcott (MDOT) to Lewis - no objection
✓ 6	6/7/18 DEPS Comment - no comment comment
✓ 7	Development Plans Review (DPR comment) 6/21/18 - 3 comments
✓ 8	Revised DPR comment 10/24/18 - 2 comments
✓ 9	5/18/18 Memo
✓ 10	9/13/16 CIMP Log of Issues (p. 11 of 33)
✓ 11	Blowup of Transect MP 2020 of gen'l corridor
✓ 12	SPAT info for DGG Market, Inc
✓ 13	Craw's Market locations
✓ 14	History of Craw's market
VERIFIED BY <u>KC</u> DATE: <u>6/7/19</u>	

Board of Appeals

Case No: 18-316-SPHX Case Name: Timonium SA B, LLC

Exhibit List

Party: Petitioner Date: 6/6/19

Exhibit No:	Description:
✓ 15	CV of Robert Bathurst
✓ 16	Balto. Co. My Neighborhood area map
✓ 17	Schematic Landscape Plan - approved on 5/9/19
✓ 18	Proposed Exterior Elevations - Sheetz Sept. 2018
✓ 19	Vicinity Aerial prepared by Sheetz & confirmed by Century
Not submitted ✓ 20	Plan to Accompany Petition for a Special Exception - Royal Farms #191
Not submitted ✓ 21	Photos of Royal Farms #191 post construction by Bathurst
✓ 22	3/20/19 Hr. from Warratt (MDOT-SHA) approval w/ comments
✓ 23	Emails confirming TIS was accepted by DPR
✓ 24	5/6/19 Minutes of Balto. Co. Council
Not submitted ✓ 25	6/6/19 Emails betw. Vettori & Carski
✓ 26	CV of Kelly Kosino, P.E.
✓ 27	County level of Service Ratings dated 6/5/19
✓ 28	DPR Methodology of Traffic Areas around deficient intersections
VERIFIED BY <u>KC</u> DATE: <u>6/7/19</u>	

Board of Appeals

Case No: 18-316-SPHX Case Name: Timonium SAB, LLC

Exhibit List

Party: Petitioner Date: 6/6/19

Exhibit No:	Description:
✓ 29	2018 Basic Service Map - Transp.: Final Rpt.
✓ 30	2018 Basic Services Map Transp. Zones
✓ 31	Basic Services Map for 2 Intersections
Not Adm. ✓ 32	2019 Basic Services Map. Transp. Zones
✓ 33	Development plan for 9690 Deereco Rd.
✓ 34	2/8/18 Traffic Impact Analysis
✓ 35	3/26/19 Traffic Impact Analysis
✓ 36	2019 Basic Services Map Transp. Zones (11x17)
✓ 37	SHA Guidelines for Traffic Impact Reports/Studies
✓ 38	1/11/18 Email ^{thread between} Carski to Barry King
✓ 39	Land Use Code 960 Proposed Site Usage AM & PM Peak Hours
✓ 40	CV of Michael Pieranunzi, RLA
✓ 41	Bill 15-19; effective 6/5/19
✓ 42	County Council Minutes 5/23/19 (Bill 15-19 approved)
VERIFIED BY <u>KC</u> DATE: <u>6/19/19</u>	

KC
6/7/19
6/18/19

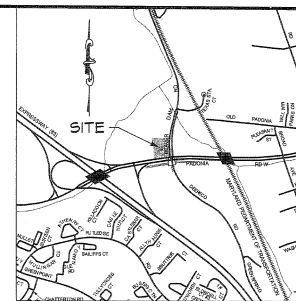
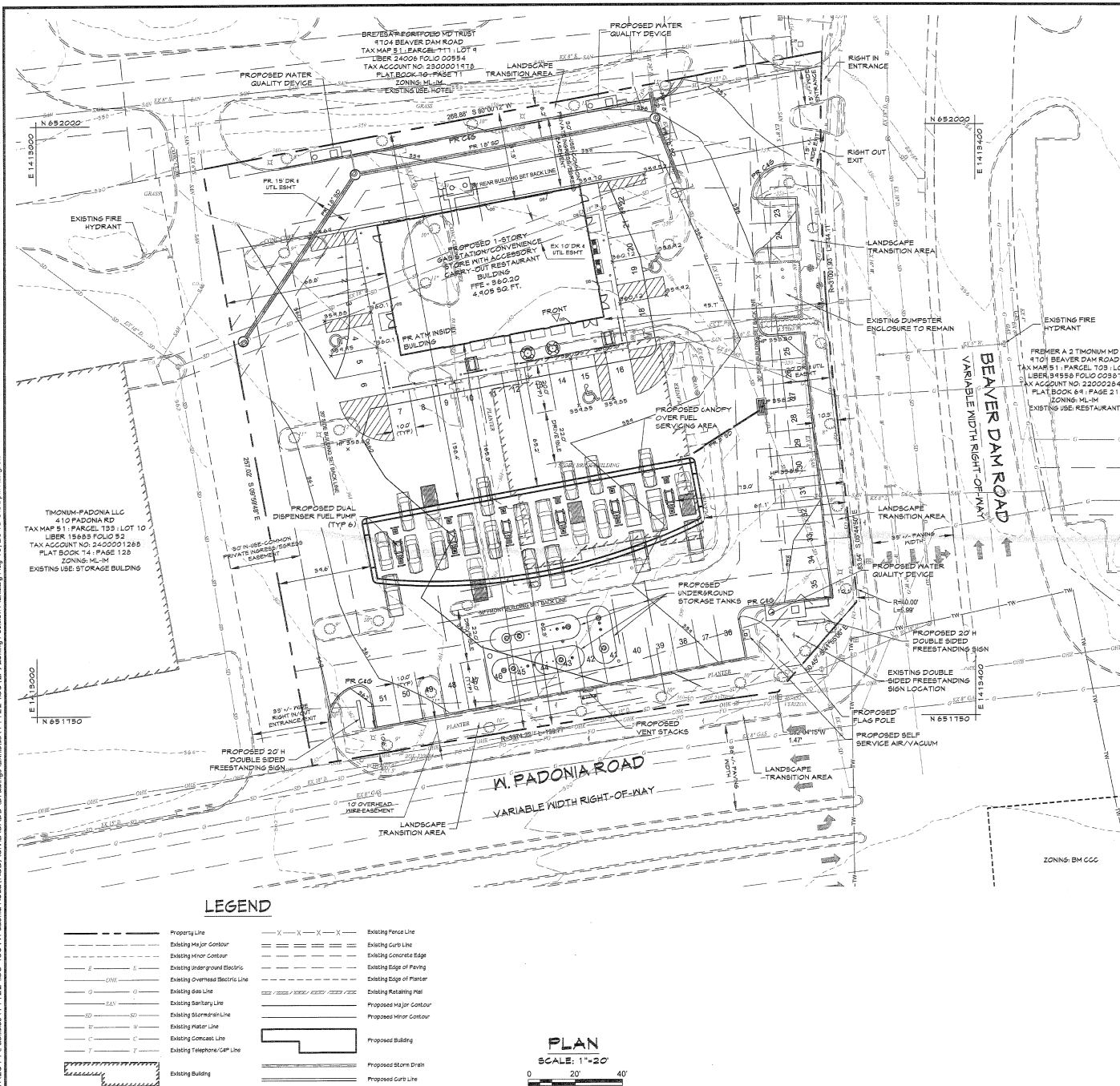
Board of Appeals

Case No: 18-316-SPHX Case Name: Titanium SAB, LLC

Exhibit List

Party: Petitioner Date: 6/18/19

Exhibit No:	Description:
✓ 43 ^{Not attached}	Email thread between Pieranunzi & Carski ^{re: level of service for intersection} 6/17-18/19
✓ 44 ✓	MDOT SHA Project Announcement - Fall 2017
✓ 45 ✓ ^{SHA}	Project Primary Purpose & Associated Improvements I-83
✓ 46 ✓	SHA Existing & Future Typical Section
✓ 47 ✓	Legends with I-83 improvements (1987-2017)
✓ 48 ✓	Bill 40-67
✓ 49 ✓	Bill 172-93
✓ 50 ✓	Citizens Sign-in sheet for ALJ Hearing
✓ 51 ✓	§405 Fuel Service Stations
✓ 52 ✓	Bill 78-02
VERIFIED BY <u>KC</u> DATE: <u>6/19/19</u>	



DATA SOURCES

1. The topographic boundary information shown inside the property and boundary on this plan is from Century Engineering Inc. dated January 2016.
2. The topographic information shown outside the property and boundary from Baltimore County GIS.
3. Existing utilities shown herein from field location, public records or other sources. Exact location not guaranteed.
4. Coordinates & elevations are referred to the Maryland Coordinate System horizontal datum NAD 83(2011) and vertical datum NAVD 83.
- | Destination: | North | East | Elevation |
|--------------|-----------|-------------|-----------|
| 1050 | 605124.94 | 1416792.464 | 378.17 |
- A spike in the sidewalk along York Road across from Roosevelt Street and between entrances to a gas station.

DATE	BY	REVISIONS

CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

Plan to Accompany Request for Zoning Hearing

SHEETZ

400 W. PADONIA RD, TIMONIUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448



ISSUE DATES		
REVIEW:	<u>March 2018</u>	DRAWN: <u>RAL</u>
BID:	_____	DESIGNED: <u>RAL</u>
PERMIT:	_____	CHECKED BY: <u>RGB</u>
CONSTRUCTION:	_____	DATE CHECKED: _____
SCALE:	_____	DRAWING: _____
PROJECT NO: <u>11122900</u>		1 OF 2

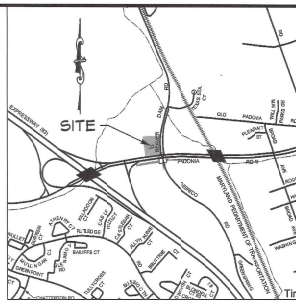
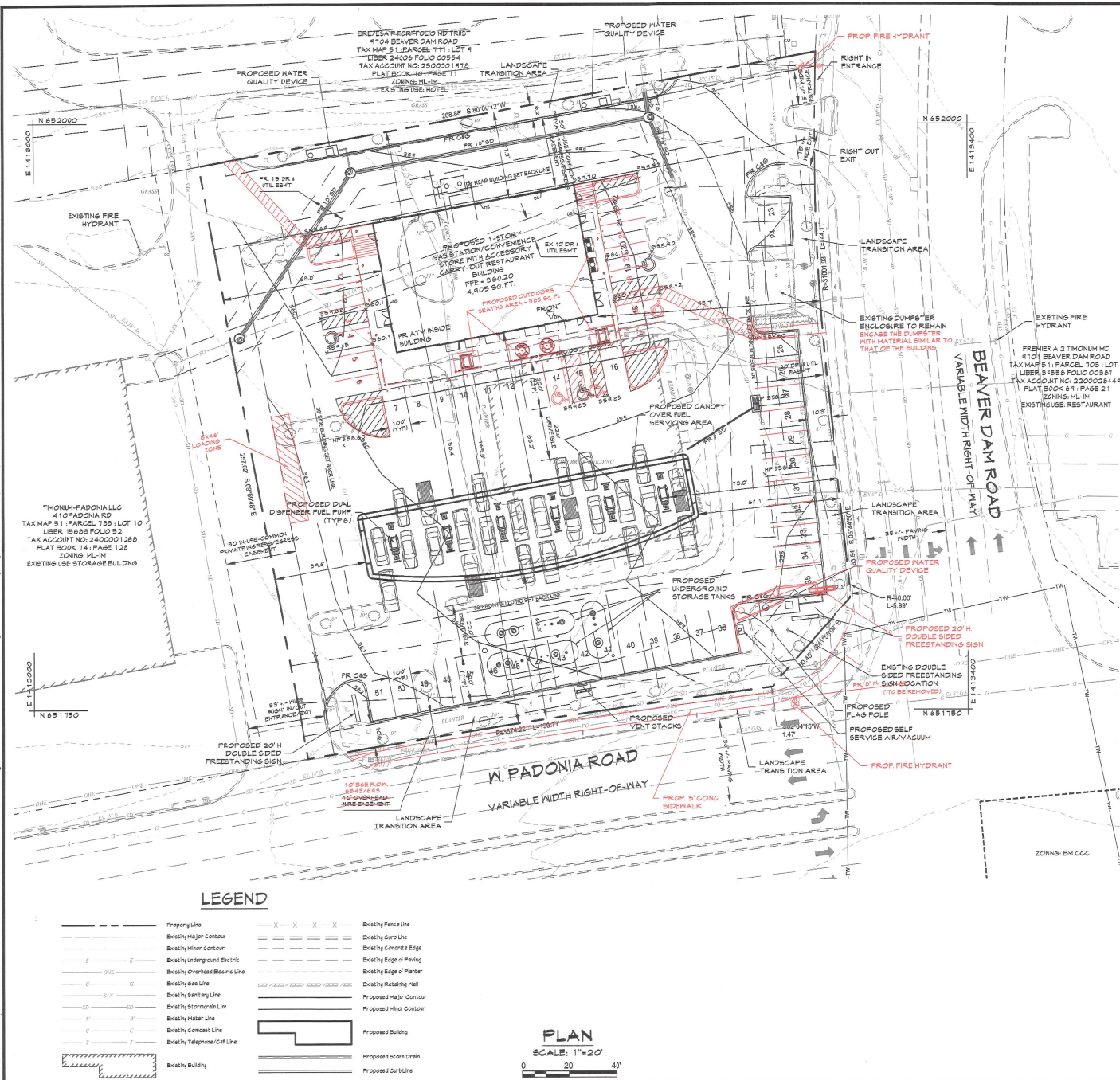
PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER THE
LAWS OF THE STATE OF MARYLAND.

LICENSE No: 24814 EXPIRATION DATE: 02/28/2020

Petitioner
CBA Exhibit

T:\301\TV\Facilities\111224.00 400 W Padonia Road (R65)\CADD\Drawings\Exhibits\111224.00 (ZF) Zoning Petition Plan.dwg May 16, 2018 5:55pm hlsgrbr



VICINITY MAP
SCALE: 1"=1000'

- DATA SOURCES:**
1. The topographic and boundary information shown inside the property and boundary on the plan is from Century Engineering Inc. dated January 2015.
 2. The topographic information shown outside the property and boundary from Baltimore County GIS.
 3. Existing utilities shown herein from field location, public records or other sources. Exact location not guaranteed.
 4. Coordinates & elevations are referenced to the Maryland Coordinate System horizontal datum NAD 83(2011) and vertical datum MVD 85.
- | Designation | North | East | Elevation |
|-------------|-----------|------------|-----------|
| 1000 | 63142.165 | 141915.484 | 375.17 |
- A note in the adjacent sheet along York Road across from Rosevelt Street and between entrances to a gas station.
- 1100 61955.515 141908.875 364.47
Caption refers located on the south east corner of York Road and Padonia Road.

DATE	BY	REVISIONS

CENTURY ENGINEERING
CONSULTING ENGINEERS - PLANNERS
12710 Gilroy Road, Hunt Valley, MD 21093
Phone: 443.585.2400 Fax: 443.585.2401
www.centuryeng.com

Plan to Accompany Request
for Zoning Hearing

SHEETZ

400 W. PADONIA RD, TIMONIUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #s 2200028448



PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO. 24814 EXPIRATION DATE: 02/28/2020

ISSUE DATES		DRAWN: RAL	
REVIEW:	March 2018	DESIGNED: RAL	
BID:		CHECKED BY: RAL	
PERMIT:		DATE CHECKED:	
SCALE:		DRAWING: 1 OF 2	

LEGEND

- | | |
|---------------------------------|-------------------------|
| Proprietary Line | Existing Fence Line |
| Existing Major Contour | Existing Curve Line |
| Existing Minor Contour | Existing Concrete Edge |
| Existing Under-ground Electric | Existing Edge of Paving |
| Existing Overhead Electric Line | Existing Edge of Paver |
| Existing Gas Line | Existing Retaining Wall |
| Existing Sanitary Line | Proposed Major Contour |
| Existing Stormwater Line | Proposed Minor Contour |
| Existing Water Line | Proposed Building |
| Existing Contact Line | Proposed Storm Drain |
| Existing Telephone/Cable Line | Proposed Curb/Line |
| Existing Building | |

PLAN

SCALE: 1"=20'



Petitioner
CBA Exhibit
2

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316

INFORMATION:

Property Address: 400 W Padonia Road

Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC

Zoning: ML-IM

Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a fuel service station and the petition for special hearing to determine whether or not the Administrative Law Judge should confirm that the ancillary uses and/or the uses in combination with the fuel service are a convenience store and carry-out restaurant and that the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to BCZR §409.12B to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

A site visit was conducted on June 11, 2018. The property is within the Hunt Valley/Timonium Plan area adopted by County Council October 19, 1998. The plan seeks to give guidance on orderly development of the employment and commercial areas within the boundaries and to limit impacts on adjacent residential communities. This site is an important location on Padonia Road which has significant commercial activity and on Beaver Dam Road which serves as an important transportation link for industrial uses (Pg. 12 & 13).

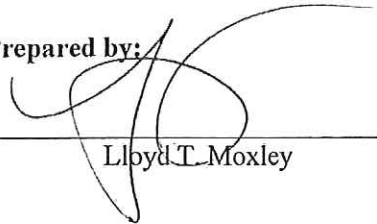
The Department of Planning recommends approval of the petitioned zoning relief conditioned upon the following:

1. Submit a Landscape Plan to the Baltimore County Landscape Architect. Such a plan shall create a visually interesting landscape treatment at the corner Beaver Dam and Padonia Roads.
2. Relocate the existing dumpster location along Beaver Dam Road to a location less visible from the public right-of-ways and ensure the proposal meets Condition G of the Baltimore County Landscape Manual.
3. Include treatments such as awnings and other detailing to the windows on the east side elevation in a manner similar to the rest of the building in response to the building design guidelines contained in the Hunt Valley Master Plan (Pg. 259).
4. Provide pedestrian crosswalks to provide safe access from street sidewalks and across the drive aisles.
5. There shall be no temporary promotional displays, banners and/or feather signs along the property frontages.

Date: 7/20/2018
Subject: ZAC # 18-316
Page 2

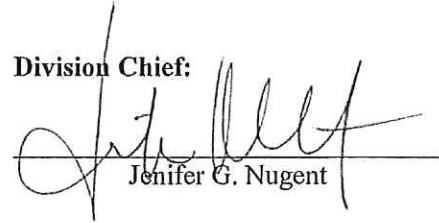
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jason T, Vettori
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE MEMORANDUM

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

DATE: August 23, 2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316

INFORMATION:

Property Address: 400 W Padonia Road
Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC
Zoning: ML-IM
Requested Action: Special Hearing and Special Exception

This memorandum is to convey an update that has resulted from a meeting on August 22, 2018 with representatives of the petitioner. Below are revised comments based upon the meeting.

1. The location at the NW corner of Beaver Dam and Padonia Roads is a prominent location. Currently, the corner is overgrown. The petitioner should work with the County landscape architect to create a visually interesting treatment of the corner. No change to this comment.
2. The petitioner was requested to relocate the dumpster. Given the lack of a better location, the petitioner has agreed to encase the dumpster with material similar to that of the building and to provide evergreen screening on Beaver Dam Road side of property.
3. The Hunt Valley Master Plan Page 259 provides guidelines on building design. The petitioner should treat the windows on the east elevation in a manner similar to the rest of the building by shade awnings or some other treatment. Petitioner has agreed to make treatments over the windows but could not do awnings because of location of propane storage.
4. The CMDP Page 262 addresses Pedestrian access in the Hunt Valley Area. Item three indicates that development should provide direct access from the street to the building entrance. Developer should provide cross-hatching in the parking lots to provide pedestrian safe access from sidewalks. Developer has agree to provide two locations with striping for pedestrian use. One accessing sidewalk on Beaver Dam Road and the second providing marking for those accessing from Stay America to the north of the site.
5. Padonia Road at this location is highly congested and it somewhat confusing to drivers with the access to I-83. No temporary banners, feather signs or promotional displays should be permitted along Padonia Road. No change to this comment.

Petitioner
CBA Exhibit

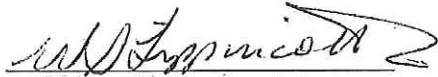
Subject: ZAC #18-316

Date: July 12, 2018

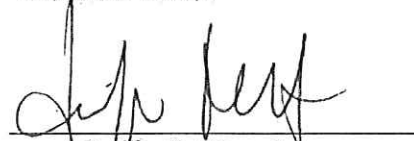
Page 2

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

Prepared by:


Wallace S. Lippincott, Jr.

Division Chief:


Jennifer G. Nugent

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 5/25/18

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. *2018-0316-SPHX*

*Special Exception, Special Hearing
Timonium SAB, LLC, Kenneth F. Goodman
400 W. Padonia Road.*

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

**Petitioner
CBA Exhibit**

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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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0316-SPHX
Address 400 W. Padonia Road
(Timonium SAB, LLC Property)

Zoning Advisory Committee Meeting of **June 4, 2018.**

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

Reviewer: Steve Ford

**Petitioner
CBA Exhibit**

6

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{NOL} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

DATE: June 21, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner to grant a 20-foot wide Drainage & Utility Easement for the existing 18-inch storm drain along the frontage of W. Padonia Road.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

**Petitioner
CBA Exhibit**

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
MDL
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

Revise DATE: October 24, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

Petitioner
CBA Exhibit

8

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: May 18, 2018

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski, Planner II, Zoning Review

SUBJECT: Petition for Special Hearing and Special Exception
Case Number: 2018-0316-SPHX

REFERENCE: Timonium, SAB, LLC
(SHEETZ)
400 West Padonia Road

A. For clarification, this office accepted a Petition for Special Hearing, and Special Exception on May 17, 2018 from the above referenced petitioners, to correct deficiencies created by a proposed Service Station, Convenience Store and Eat-in/Carryout Restaurant at the above listed location. During the filing appointment for the petitioners, their engineer, and their attorney were advised that the petition had many discrepancies and a variance would be appropriate of proposed canopy projecting signs and parking requirements. The attorney said that he wished to continue with the filing against my recommendations. The following are my list of discrepancies:

1. Application for a "Modified Parking Plan" under Section 409.13 of the BCZR requires an existing parking plan with facilities and /or structures/uses. Otherwise, nothing exists at the time of filing to be "Modified". In the present case, variance relief is required for the parking space deficiency, not a "Modified Parking Plan", for reasons stated above.
2. Parking calculations are based upon the square footage of each use. (retail, restaurant and service station uses).
3. Carryout restaurants are only entitled to have three tables and twelve chairs or they are considered to be full blown restaurants requiring 16 parking spaces per 1000 square feet. Inside seating is not displayed on the plans.
4. Outside seating must be calculated as part of the restaurant for parking calculation purposes at a rate of 16 spaces per 1000 sf. (Not Shown).
5. The map key does not designate the symbols for outside seating and outside seating is not listed the parking table.
6. Signs projecting from the canopy supports are not included as variances in this petition.

Please call me if you have any questions.

LW

Petitioner
CBA Exhibit

9



Baltimore County 2016 Comprehensive Zoning Map Process Log of Issues - District 3

September 13, 2016

Issue Number 3-030

Petitioner The Greater Timonium Community Council

Location 300 W. Seminary Ave

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
DR 16	3.62	DR 2	3.62	DR 16	3.62	DR 16	3.62	DR 2	3.62
	3.62		3.62		3.62		3.62		3.62

Comments

Issue Number 3-031

Petitioner Atapco Properties, Inc

Location Southeast corner of Deerco Rd and Padonia Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
ML IM	14.40	BM CCC	14.40	BM CCC	14.40	BM CCC	14.40	BM CCC	14.40
	14.40		14.40		14.40		14.40		14.40

Comments

Issue Number 3-032

Petitioner Dulaney Valley Improvement Association

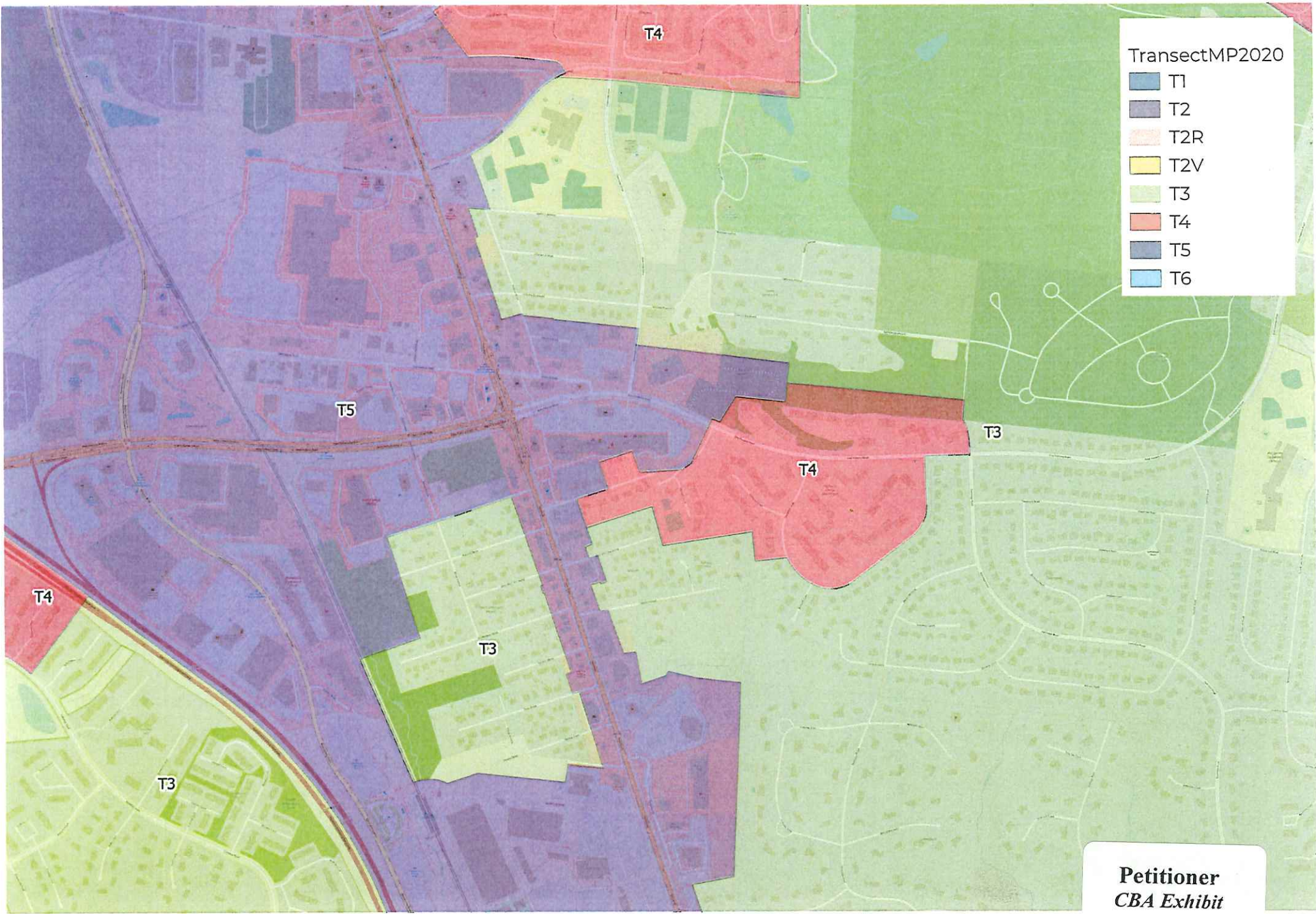
Location 1447 York Rd

Existing Zoning and Acres		Requested Zoning and Acres		Final Staff Recommendations		Planning Board Recommendations		County Council Decision	
BL	0.20	DR 5.5	0.20	BL	0.20	BL	0.20	BL	0.15
	0.20		0.20		0.20		0.20	DR 5.5	0.05
									0.20

Comments

Petitioner
CBA Exhibit

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TransectMP2020

- T1
- T2
- T2R
- T2V
- T3
- T4
- T5
- T6

Petitioner
CBA Exhibit

➔ Maryland Business Express

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👤 Log In / Create Account

DGG MARKET, INC.: D04391181

General Information

Filing History

Annual Report/Personal Property

General Information

Department ID Number:

D04391181

Business Name:

DGG MARKET, INC.

Principal Office:

7713 BELLONA AVENUE
RUXTON MD 21204

Resident Agent:

DENNIS G. GRAUL
7713 BELLONA AVENUE
RUXTON MD 21204

Status:

INCORPORATED

Good Standing:

THIS BUSINESS IS IN GOOD
STANDING

» [Order Certificate of Status](#)

Business Type:

CORPORATION

Business Code:

03 ORDINARY BUSINESS - STOCK

Date of Formation/ Registration:

04/24/1996

Petitioner
CBA Exhibit

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State of Formation:

MD

Stock Status:

STOCK

Close Status:

NO

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FOR FILING AND BUSINESS RELATED QUESTIONS

Maryland Department of Assessments & Taxation

410-767-1184 | Outside the Baltimore Metro Area: 888-246-5941

Maryland Relay: 800-735-2258

FOR TECHNICAL QUESTIONS AND SUPPORT

NIC Maryland, eGov Services Partner of the Department of Information Technology (DoIT) and Maryland.gov

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HOME DEPARTMENTS WINE SHOPS LUNCH MENU CATERING GRAUL'S CAFE WEEKLY CIRCULARS LOCATIONS

Annapolis

607 Taylor Ave.
Annapolis, MD 21401

Mon - Sat 7:00am - 8:00pm
Sun 8:00am - 5:00pm

Tel: 410-269-5103
Fax: 410-269-0094

annapolis@graulsmarket.com



Mays Chapel

12200 Tullamore Road
Lutherville, MD 21093

Mon - Sat 8:00am - 8:00pm
Sun 9:00am - 6:00pm

Tel: 410-308-2100
Fax: 410-308-2106

catering1@graulsmarket.com



Mays Chapel Wine & Spirits

Cape St. Claire

1388 Cape St. Claire Road
Annapolis, MD 21401

Mon - Sat 7:00am - 9:00pm
Sun 8:00am - 5:00pm

Tel: 410-974-0737
Fax: 410-974-4602

capestclaire@graulsmarket.com



Ruxton

7713 Bellona Ave.
Towson, MD 21204

Mon - Sat 8:00am - 7:00pm
Sun 9:00am - 6:00pm

Tel: 410-823-6077
Fax: 410-321-1825

ruxton@graulsmarket.com



Ruxton Wine & Spirits

Hereford

220 Mount Carmel Rd.
Parkton, MD 21120

Mon - Sat 7:00am - 8:00pm
Sun 9:00am - 5:00pm

Tel 410-329-6221
Fax 410-357-8937

hereford@graulsmarket.com



St. Michaels

1212 S. Talbot St.
St. Michaels, MD 21663

Mon - Sat 8:00am - 8:00pm
Sun 9:00am to 5:00pm

Tel: 410-745-3537

stmichaels@graulsmarket.com



Petitioner
CBA Exhibit

13

12216 Tullamore Road
Lutherville, MD 21093

Mon - Sat 10:00am - 8:00pm
Sat 9:00am-8:00pm

Tel: 410-308-2107

f



7703 Bellona Avenue
Towson, MD 21204

Mon - Sat 9:30am - 7:00pm
Sat 9:00am-7:00pm

Tel: 410-823-3500

f



- 📍 Bakery
- 📍 Catering
- 📍 Cheeses
- 📍 Deli
- 📍 Fish & Seafood

- 📍 Grocery
- 📍 Meat & Poultry
- 📍 Prepared Foods
- 📍 Produce
- 📍 Wedding Cakes

- 📍 Wine Shops
- 📍 Lunch Menu
- 📍 Catering
- 📍 School Lunches
- 📍 Graul's Cafe

- 📍 Naval Academy
- 📍 Gift Cards
- 📍 Preferred Card
- 📍 Work for Graul's
- 📍 Annapolis

- 📍 Cape St. Claire
- 📍 Hereford
- 📍 Mays Chapel
- 📍 Ruxton
- 📍 St. Michaels
- 📍 Privacy Policy



📍 FOLLOW



Item(s) -



[HOME](#) [DEPARTMENTS](#) [WINE SHOPS](#) [LUNCH MENU](#) [CATERING](#) [GRAUL'S CAFE](#) [WEEKLY CIRCULARS](#) [LOCATIONS](#)

History of Graul's Market



It was 1920 when the late Fred and Esther Graul opened the first Graul's Market at 2819 E. Monument Street in Baltimore City. In 1945 when their son, Harold Sr. returned from military service in World War II, he and his wife, Mary, assumed ownership of the store. In 1958 they moved to Annapolis with their four children, Harold Jr., Tom, Susie and Fred to open the first Graul's Supermarket in Cape St. Claire. As the family has grown, each child has opened their own store and now the 4th generation has joined in the family business.



As you'll soon discover Graul's is a very special place to shop. Each generation has passed down family recipes you'll find in every department. We continue the tradition of personal, friendly service lost in today's impersonal marketplace. From our fresh, delicious seafood, meat and produce to baked goods, baked fresh daily in each market, you'll appreciate why Graul's has been Your Good Food Grocer since 1920.



We have grown to six markets throughout Baltimore, Annapolis and the Eastern Shore. One thing has remained constant, a Graul's descendent has remained at the helm of each market. Harold Jr., his son Dennis and daughter Kate operate the Ruxton and Mays Chapel locations. Tom operates the Hereford market. Fred, and his son, Bryan, operate the Cape St. Claire and Annapolis stores. John Evans Jr., another fourth generation Graul, has recently opened the sixth location in St. Michaels Maryland.

Petitioner
CBA Exhibit

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- ➡ Bakery
- ➡ Catering
- ➡ Cheeses
- ➡ Deli
- ➡ Fish & Seafood

- ➡ Grocery
- ➡ Meat & Poultry
- ➡ Prepared Foods
- ➡ Produce
- ➡ Wedding Cakes

- ➡ Wine Shops
- ➡ Lunch Menu
- ➡ Catering
- ➡ School Lunches
- ➡ Graul's Cafe

- ➡ Naval Academy
- ➡ Gift Cards
- ➡ Preferred Card
- ➡ Work for Graul's
- ➡ Annapolis

- ➡ Cape St. Claire
- ➡ Hereford
- ➡ Mays Chapel
- ➡ Ruxton
- ➡ St. Michaels
- ➡ Privacy Policy



➡ FOLLOW US

**Robert G. Bathurst, P.E.
Civil Engineer**

**Petitioner
CBA Exhibit**

15



Education:

B.S. 1991 Civil Engineering, Drexel University
M.S. 1994, Industrial Administration, Carnegie Mellon University

1991, Graduate Coursework, Civil Engineering, The Geosynthetic Institute at Drexel University

▪ January 2002 approved as a Consultant Reviewer by the Maryland Department of the Environment, Water Management Administration for Stormwater Management and Erosion and Sediment Control Plan Review

▪ April 2004 Consultant Reviewer by the City of Baltimore for Stormwater Management and Erosion and Sediment Control Plan Review

▪ April 2002 completed the Interagency Wetland Identification Training Program sponsored by the US EPA, MD Department of the Environment, and the Natural Resources Conservation Service.

Active Registration:

1999 P.E. Maryland Registered #24814

2004 P.E. West Virginia Registered #15971

2006 P.E. Pennsylvania Registered # PE073923

2016 P.E. (CIVIL) District of Columbia Registered # PE908495

Years Experience:

27

Experience:

Mr. Bathurst has extensive civil engineering and site development consulting experience. He has worked for a multitude of clients on land planning and site development projects. Site development projects require extensive coordination involving many state and local reviewing agencies, professionals (architects, landscape architects, land planners, engineers and attorneys), and community representatives. Design components involved in this type of work include: schematic layout, geometric layout, grading/earth balance analysis, public roadway extensions/improvements, hydrologic/hydraulic modeling, floodplain analysis, stormwater quality and quantity management, zoning compliance, amenity area planning, ADA/handicap accessibility, pedestrian pathway/ramp/stairway design, site lighting, public sewer and water extension, storm drain systems, stream crossings/bridges/culverts, sediment control, on-site fire suppression systems, forest retention/mitigation, wetlands delineation and/or mitigation, landscaping and as-built inspection.

Relevant design consultant projects include:

GEORGE YOUNG HALL, CALVERT HALL COLLEGE, Baltimore County, MD. Civil Project Manager. A four-story infill academic building addition involved reorientation, extension and retrofitting of many vehicular and pedestrian corridors including several ADA accessible campus routes. One route included a unique bridge type above-grade pedestrian corridor that led from a new, elevated terrace area into the second level of the new building. This terrace overlooked a new plaza which acted as a make shift outdoor amphitheatre and emergency vehicle access location. Extensive ramping and retaining walls were required due to space constraints and grade relief. A fire suppression water service investigation and campus water service extension was necessary to evaluate the retrofit of other existing onsite building as well as the new building and future building. Parking was dislocated associated with the new building. We therefore retrofitted additional parking into the areas adjoining the existing campus

roadway system. As this area of the campus had never provided any stormwater management, we retrofitted the area with a new campus stormwater management facility and storm drain system sized for the present conditions, new improvements and future planned building additions at the school. The campus electrical supply was relocated and upgraded associated with this planned building addition.

BWI HILTON HOTEL, Anne Arundel County, MD. Civil Project Manager. 11-Story Hotel, Restaurant and associated parking areas. Included planning for and extension to Elm Road Extended (a future public road) and associated water, sewer, storm drain, streetscape and lighting utility infrastructure. Project required extensive stream relocation and wetlands mitigation. In order to waive 10 and 100-year stormwater quantity management, an extensive downstream outfall study was performed with supporting Hydrologic and Hydraulic Analysis that demonstrated that adequate conveyance existed within the downstream storm drain and open channel systems. Stormwater Quality Management was provided via the use of innovative modular sandfilter devices and a single pocket sandfilter device. Sediment Control design was phased to allow a quick start to the building construction.

PRESTON GATEWAY at PINEY RUN BUSINESS PARK, Anne Arundel County, MD. Civil Project Manager for development of three lots (approx. 19 acres each) for use as flex-use warehouses. The sites were designed to include three warehouse buildings with associated office space (271,550 sf, & 313,850 sf, 176,053 sf respectively). The design included site parking layout, loading dock layout with vehicle turning movement analysis, grading, sediment control, storm drainage, public and private water utility infrastructure plan preparation, private sewer utility plans, and earthwork estimation.

FISHING POINT RAILCAR YARD AND ETHANOL OFFLOADING FACILITY, Baltimore City, MD. Civil Project Manager. As part of a phased master development plan, Century designed a railcar storage yard and offloading facility will capacity for 120 railcars. Phase two also involved dedicated transfer lines from the 20 railcar ethanol offloading rack over to nearby ethanol storage tanks. Civil services include Chesapeake Bay Critical Area Compliance, stormwater management, and erosion and sediment control for both phases of the project. The project scope also included master planning for water and sewer service for ultimate site build-out, NPDES permitting, Oil Operations Permitting, Fire Protection system design, Air Distribution system design and installation of a packaged air compressor unit. Entire Site is within the 100-year floodplain, therefore, the design needed to accommodate floodproofing of mechanical equipment and the ethanol offloading rack.

ROUTE 7 COMMERCE CENTER / STRAYER UNIVERSITY, Baltimore County, MD. Civil Project Manager. This previously wooded 13.9 ac. site required a State issued joint permit for the removal of several isolated areas of non-tidal wetlands. As part of the mitigation for the removal of the wetlands, the stormwater management pond was designed to include a forebay and shade producing woody vegetation to enhance water quality to the remaining downstream wetlands. Yellow Brick Road was identified in the Baltimore County Master Plan to be extended through this property; therefore, the site layout and grading were designed in such a way to meet the needs of the owner and also the design geometry of the future Yellow Brick Road. Philadelphia Road was widened along the property's frontage and included a new state storm drain system and bicycle lane. The entire completed construction plan set were quickly revised from

two approximately 45,000 s.f. flex-office buildings to a single 49,500 s.f. flex-office building and a new institutional building when the owner negotiated a deal with Strayer University.

JOHN HOPKINS UNIVERSITY APL, SERVICE AREA COMPLEX, Howard County, MD. Civil Project Manager. The proposed Service Area Complex was a project that reshaped the landscape in the project's vicinity and straddled the campus's existing secure perimeter. Three major adjacent/ongoing design projects created the boundary condition for the Trades Complex on three of its four sides and also relocated the only access roadway to the campus's distribution building. As such regular master plan design coordination meetings were held throughout the project's design and construction phase. Additionally, the campus's main internal supply roadway was to be constructed passing through the Service Area Complex in accordance with the campus master plan. Therefore, we designed the first leg of this internal distribution network, in order to provide relocated access to the distribution building while beginning construction of the first leg of the internal supply roadway. An additional challenge was developing a construction sequence which would allow construction to proceed efficiently while maintaining the campus's secure perimeter. The stormwater management design was challenging since the project area straddled three major onsite watershed boundaries. One watershed was still grandfathered to older stormwater management design standards, while the other two watersheds needed to meet current stormwater management requirements. However, only one of the latter watersheds would have a functional stormwater management facility by the time the Service Area would be ready for permit issuance. Therefore, construction within the constrained watershed was limited to one to one replacement of impervious area for peak management and treatment of existing impervious area in the adjacent watershed as a trade off for water quality credit

FLEET TRANSIT, INC., Baltimore City, MD. Civil Project Manager. Prepared Civil Engineering permit and construction documents for the adaptive reuse of a former 21 acre Petroleum Storage Tank Farm originally built in the 1920's. Located in the Fairfield Enterprise Park, the owner wished to fully redevelop the property as their new regional headquarters. The land was also to be regraded to allow for an adjacent Car Importing Company to lease the balance of the site as an imported car storage location. Civil components to the permit/construction documents package included Site and Layout Plans, Mass Grading, Final Grading, Erosion and Sediment Control, Stormwater Management Master Plans and Construction Documents, Chesapeake Bay Critical Area Compliance Reports, Forest Conservation Plan and Army Corps and State of Maryland permits for disturbances to wetlands, floodplains and their buffers.

SNAVELY FOREST PRODUCTS, Carroll County, MD. Civil Project Manager. Prepared Civil Engineering Planning, Permitting and Construction Documents for the adaptive reuse of the former McGregor Printing Company manufacturing building for Snavely Forest Products. Specific planning and design components included redevelopment of the existing parking lot to include outside storage sheds, loading docks, ADA parking and pedestrian passage ways, closure of a public roadway and retrofitting the fire service to be a standalone system since the building had previously shared a fire pump on the adjacent property. Retrofitted the existing parking area with a Stormwater Quality Management Device. Added an 8-acre product laydown area with integral rail delivery spur. Designed stormwater

management pond capable of dealing with the Karst geologic characteristics of the onsite soil. Developed a Karst remediation program for the many existing sinkholes throughout the site.

BGE CONSTITUTION STREET SWITCHING STATION, City of Baltimore, MD. Civil Project Manager. Century Engineering functioned as a civil consultant to the BGE substation design group. Century's responsibilities included preparing civil engineering drawings that would serve to prep the project site for the electrical switching station. The site design was such that all City of Baltimore Stormwater Management and Sediment Control requirements were satisfied, separate from the BGE substation design. The project resides in the 100-year floodplain associated with the Jones Falls. As such hydraulic models were created to show how the project addressed MDE and City of Baltimore floodplain criteria while also floodproofing the equipment enclosure building and onsite electrical equipment.

Relevant consultant review projects include:

MEADE FAMILY HOUSING - FORT GEORGE G. MEADE, Anne Arundel County, MD. Fort George G. Meade replaced approximately 2,350 homes and renovated another 260. Century Engineering performed Quality Control and Quality Assurance for the Phase I Stormwater Management and Sediment Control Plans under the authority of the Maryland Department of the Environment's Consultant Reviewer Program and performed as a Local Design Consultant to the original design team for Phase II.

BRIGADE SPORTS COMPLEX - U.S. NAVAL ACADEMY, Annapolis, MD. Performed expedited erosion and sediment control and stormwater management design and construction drawing review as a representative of the Maryland Department of the Environment for the new Hockey Center and associated Parking Lot. This project involved a new stormwater management pond that would be installed into the tidal floodplain at the water's edge. Project was entirely within the Chesapeake Bay Critical Area and required a MDE / Army Corps of Engineers Joint Permit for land disturbances within a wetland, waterway, floodplain and/or their buffer.

EVENTS CENTER AND PRESIDENT'S RESIDENCE - UNIVERSITY OF MARYLAND COLLEGE PARK, Prince George's County, MD. Performed expedited erosion and sediment control and stormwater management design and construction drawing review as a representative of the Maryland Department of the Environment for the replacement and relocation of the University President's Residence, Events Center and Associated Parking Lot. This project involved several environmental site design techniques including (3) micro-bioretenment, many non-rooftop disconnections and re-use of an existing campus based stormwater management facility.

PERSHING HILL ELEMENTARY SCHOOL REPLACEMENT - ANNE ARUNDEL COUNTY BOARD OF EDUCATION, Anne Arundel County, MD. Performed expedited stormwater management review and construction drawing review as a representative of the Maryland Department of the Environment for this replacement and expansion of an existing public elementary school building, parking lot and outside recreational fields. Review also included sediment and erosion control design and construction plan review. Sediment Control phasing was particularly challenging given the proposed use of the project's stormwater infiltration basin as a temporary sediment control basin.

Baltimore County - My Neighborhood

Legend:

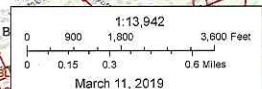
- Zoning History Cases
- Zoning
- County Boundary

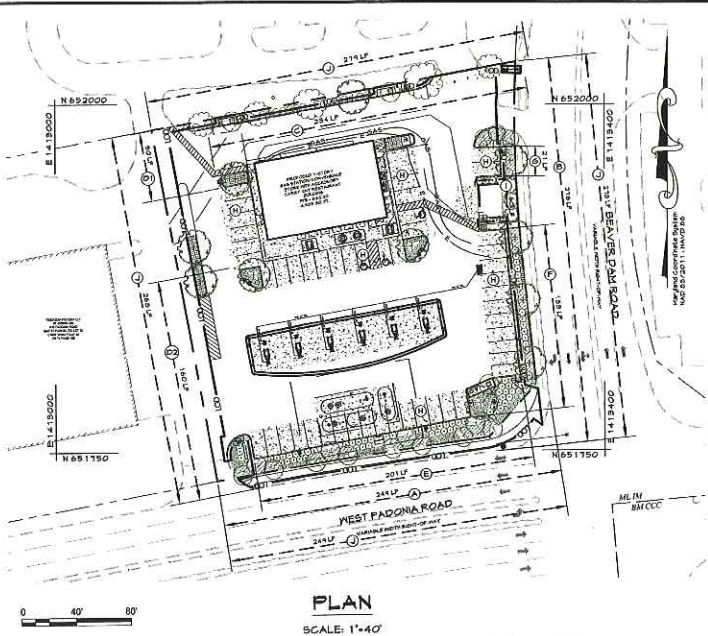
Petitioner CBA Exhibit

Scale: 0 900 1,800 3,600 Feet
0 0.15 0.3 0.6 Miles

Date: March 11, 2019

16





PLAN
SCALE: 1"=40'

LANDSCAPE PLANTING REQUIREMENTS

KEY	LOCATION	COND.	DESCRIPTION	RATE	LF/SPACES	PU REQUIRED	PU PROVIDED
A	West Padonia Road	A	Adjacent Road - Total	1/40	24.9 LF	6.3 PU	6.5 PU
			SUBTOTAL			6.3 PU	6.5 PU
B	Beaver Dam Road	A	Adjacent Road - Total	1/40	27.6 LF	7.0 PU	6.0 PU
			Credit - Ex. Trees to Remain			-1.0 PU	
			SUBTOTAL			6.0 PU	6.0 PU
C	Interior Road	A	Interior Road	1/20	39.4 LF	11.1 PU	6.4 PU
			Credit - Ex. Trees to Remain			-4.0 PU	
			SUBTOTAL			7.1 PU	6.4 PU
D1	Interior Road	A	Interior Road	1/20	50 LF	2.5 PU	0.0 PU
			SUBTOTAL			2.5 PU	0.0 PU
D2	Interior Road	A	Interior Road	1/20	18.0 LF	0.9 PU	4.2 PU
			Credit - Half Road on Adj. Property			-8.0 PU	
			SUBTOTAL			4.0 PU	4.2 PU
E	Parking Lot	B	Parking Adjacent to Public Road	1/15	20.1 SP	13.4 PU	11.2 PU
			SUBTOTAL			13.4 PU	11.2 PU
F	Parking Lot	B	Parking Adjacent to Public Road	1/15	193 LF	6.4 PU	7.6 PU
			SUBTOTAL			6.4 PU	7.6 PU
G	Parking Lot	B	Parking Adjacent to Public Road	1/15	21 LF	1.4 PU	1.4 PU
			SUBTOTAL			4.3 PU	3.4 PU
H	Parking Lot	B	Parking Lot	1/12	91 SP	4.3 PU	3.4 PU
			SUBTOTAL			4.0 PU	4.0 PU
I	Dumpster	H	Dumpster	1/15	60 LF	4.0 PU	4.0 PU
			SUBTOTAL			10.4 PU	8.7 PU
J	Automotive Use	K	Gas Station	1/10	107.4 LF	10.7 PU	6.3 PU
			SUBTOTAL			10.4 PU	8.7 PU
			TOTAL			165.4 PU	114.4 PU

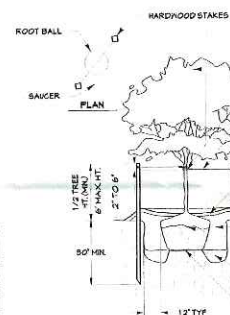
* NOTE: A modification request for this condition will be included with the submittal of the Final Landscape Plan, as per the DPR letter dated September 24, 2016, and as summarized in the Special Exception approval.

PARKING LOT INTERIOR LANDSCAPING REQUIREMENTS

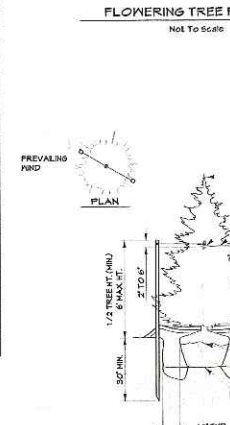
CONDITION	FR. PARKING AREA	REQ. RATE	REQ. LANDSCAPING AREA	FR. LANDSCAPING AREA	PR. RATE
B	23,671 S.F.	7%	1,657 S.F.	23,42 S.F.	10.1%

Petitioner
CBA Exhibit

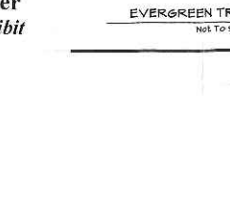
17



DECIDUOUS TREE PLANTING
Not To Scale



FLOWERING TREE PLANTING
Not To Scale



EVERGREEN TREE PLANTING
Not To Scale

- #### PLANTING NOTES
- Plant material substitutions will not be accepted without approval of the Landscape Architect.
 - All shrubs and groundcover areas shall be planted in continuous prepared planting beds.
 - All shrub beds shall be mulched with hardwood mulch as detailed and specified except where noted on plans.
 - Maintain positive drainage out of planting beds at a minimum of two percent slope.
 - Plant quantities are provided for the convenience of the contractor. If discrepancies exist between quantities shown on the plan and those shown on the plant list, the quantities on the plan shall take precedence.
 - All areas within contract limits disturbed during or prior to construction not designated for tree planting shall be graded and seeded in accordance with planting and construction.
 - The contractor shall notify H&B Utility (800-251-7177) a minimum of three working days prior to planting and construction.
 - All plant material shall be nursery grown and shall conform to American Nurserymen Association Standards.
 - All planting procedures shall conform to Landscape Contractors Association specification guidelines for Baltimore-Washington Metropolitan Area (latest edition) and Century Engineering, Inc. specifications.
 - Contractor shall test pit prior to plant installation.

MINIMUM LANDSCAPE MAINTENANCE REQUIREMENTS

- Lawn areas shall be mowed to a height of 2 to 3 inches and not allowed to reach a height of 4 inches before mowing.
- All curbs and walks shall be edged as needed.
- All lawn areas adjacent to building facades or structures shall be trimmed.
- A slow release nitrogen balanced fertilizer with a 2-1-1 ratio shall be applied at a rate of 2 pounds of nitrogen per 1000 square feet in September, October, and February.
- Line shall be applied at the rate determined by a soil report.
- It is recommended that lawn areas be treated in mid-March to early April with pre-emergent herbicide (Bastan or equal) applied at the manufacturer's rate.
- A post-emergent herbicide (Trinec or equal) is recommended to be sprayed on lawn areas in the late spring or early fall. Follow manufacturer's rates and recommendations.
- Insecticides and fungicides are recommended for insect and disease control.
- Reseed bare areas of lawn as necessary. Yearly aeration is recommended.
- All trash, litter, and debris shall be removed from lawn areas, parking lots, and shrub beds as needed.
- Prune trees in accordance with Landscape Specification Guidelines for Baltimore-Washington Metropolitan Area.

THEREFORE, IT IS ORDERED (this 2nd day of October 2018, by this Administrative Law Judge, that the Petition for Special Hearing to determine: (1) the military uses to the fuel service station proposed herein are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to DCZR Sections 405.4.D & 253.1.C.21; and (2) a minimum of 27 off street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a fuel service station, be and is hereby GRANTED.

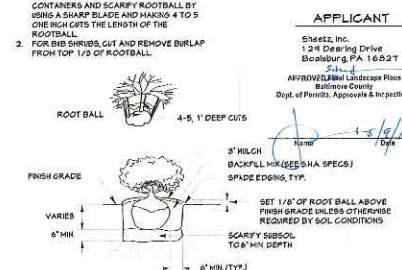
The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time as is their own risk until 30 days from the date hereof, during which time an appeal may be filed by any party. If for whatever reason this Order is reversed, Petitioners will be required to return the subject property to its original condition.
- Petitioners shall have five (5) years from the date hereof in which to utilize the special exception.
- Prior to issuance of permit(s) Petitioners must comply with the ZAC comments submitted by the DOP and DPR, copies of which are attached hereto.

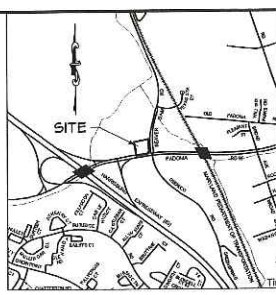
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN BEVERINKIN
Administrative Law Judge
for Baltimore County

NOTES:
1. FOR CONTAINER SHRUBS COMPLETELY REMOVE ALL NON-BIODEGRADABLE CONTAINERS AND SCARIFY ROOTBALL BY USING A SHARP BLADE AND HANDS 4 TO 5 ONE INCH CUTS THE LENGTH OF THE ROOTBALL.
2. FOR BIR SHRUBS, CUT AND REMOVE BURLAP FROM TOP 1/3 OF ROOTBALL.



SHRUB PLANTING
Not To Scale



VICINITY MAP
SCALE: 1"=1000'

LEGEND

- Property Line
- Existing Building
- Existing Curb Line
- Existing Concrete Edge
- Existing Edge of Paving
- Proposed Building
- Proposed Curb Line
- Proposed Right Concrete Paving
- Proposed Shade Tree
- Proposed Ornamental Tree
- Proposed Evergreen Tree
- Proposed Shrubs

DATE: 10/25/18 BY: CEI REVISIONS: REV. PLANTING PER OUTSTANDING LOT

CENTURY ENGINEERING CONSULTING ENGINEERS - PLANNERS
10716 Olden Road, Suite 100, Baltimore, MD 21201
Phone: 410.589.2400 Fax: 410.589.2401
www.centuryeng.com

SCHEMATIC LANDSCAPE PLAN

NEW SHEETZ SITE
"TIMONIUM"
400 W Padonia Rd, Timonium, MD 21093
Tax Map 51, Parcel 702, Lot 1, Account #s 2200028448



ISSUE DATES: REVIEW: 11/27/2018 BID: PERMIT: CONSTRUCTION: SCALE: 1"=40' PROJECT NO.: 111224.00
DRAWN: K.R.M. DESIGNED: K.R.M. CHECKED BY: M.J.P. DATE CHECKED: DRAWING: L-1

PAI # 08-0677

T:\2017\Projects\171124\00 400 W Padonia Road\868\SCHEMATIC\SCHEMATIC Landscape Plan.dwg, 2017 11:15 AM, kmr11n

LEGEND

- Property Line
- Existing Underground Electric Line
- Existing Overhead Electric Line
- Existing Gas Line
- Existing Sanitary Line
- Existing Storm Drain Line
- Existing Water Line
- Existing Conduit Line
- Existing Telephone/Cable Line
- Existing Building
- Existing Curb Line
- Existing Concrete Edge
- Existing Edge of Paving
- Existing Edge of Planter
- Existing Retaining Wall
- Proposed Building
- Proposed Curb Line
- Proposed Rigid Concrete Paving
- Proposed Shade Tree
- Proposed Ornamental Tree
- Proposed Evergreen Tree
- Proposed Shrub
- Proposed Groundcover
- Existing Tree to Remain
- Proposed Lighting (see Lighting Plan by others)

DATA SOURCES:

1. The topographic and boundary information shown on this plan is based on the information provided by the client on 08/01/2016.
2. The topographic information shown on this plan is based on the information provided by the client on 08/01/2016.
3. Existing utilities shown on this plan are based on the information provided by the client on 08/01/2016.
4. Coordinates are shown in reference to the Maryland State Plane North American Datum 83 (NAD 83) and are based on the information provided by the client on 08/01/2016.

DATE	BY	REVISIONS
1/22/14	CS	REV. PLANTING FOR UPDATED PARKING LOT

CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
19119 Glenview Road, Hunt Valley, MD 21083
Phone: 410.583.2400 Fax: 410.583.2401
www.centuryeng.com

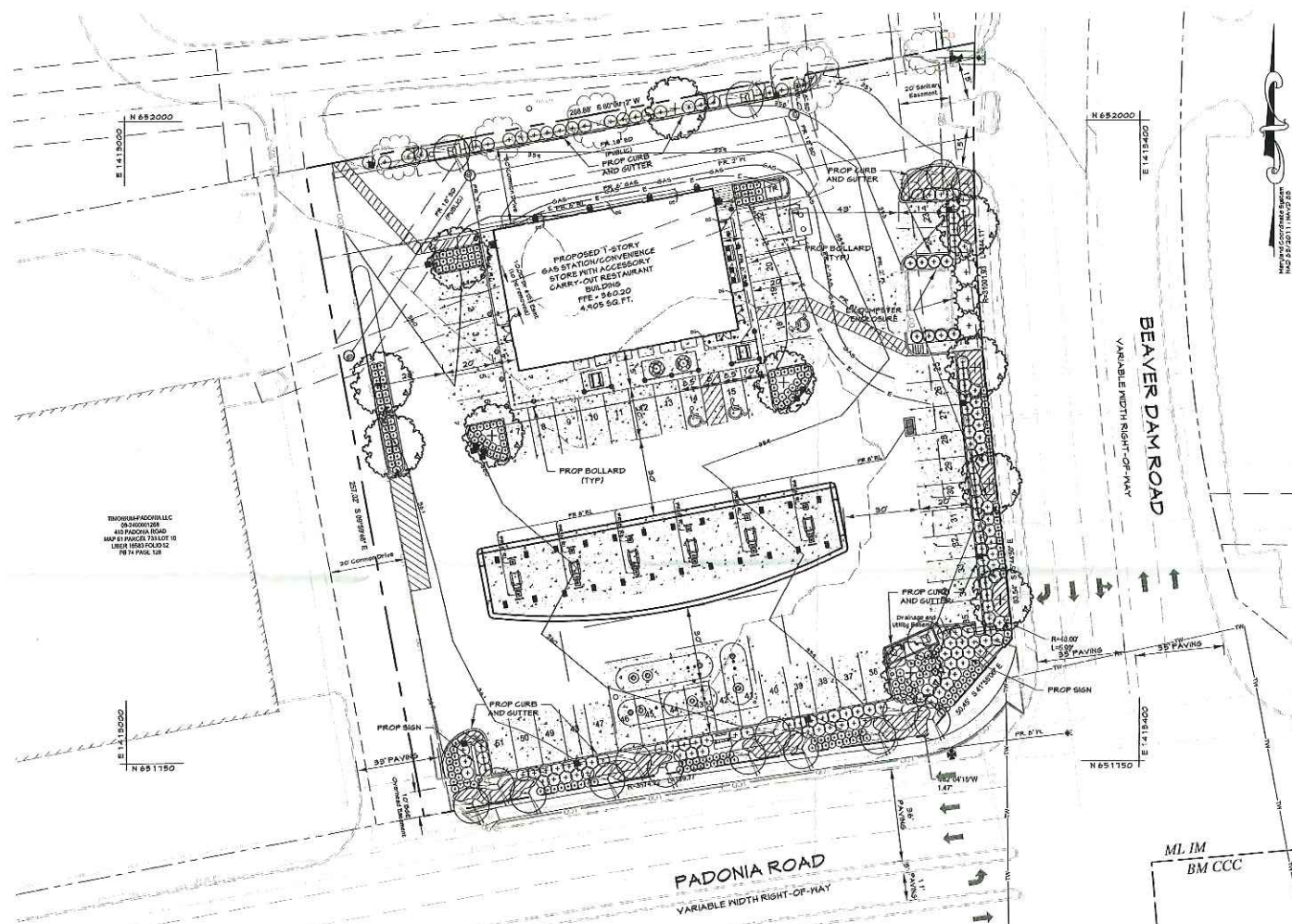
SCHEMATIC LANDSCAPE PLAN

NEW SHEETZ SITE "TIMONIUM"

400 W Padonia Rd, Timonium, MD 21083
Tax Map 51, Parcel 702, Lot 1, Account # 2200028448

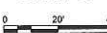


ISSUE DATES	REVIEW	DATE	DESIGNED	DATE
1/17/2016	REVISED	1/17/2016	DESIGNED	1/17/2016
	PERMIT		CHECKED	
	CONSTRUCTION		DATE CHECKED	
SCALE:	1"=20'		DRAWING:	L-2
PROJECT NO:	171124-00			



PLAN

SCALE: 1"=20'



Schematic Landscape Plan
Certification Form

This Schematic Landscape Plan is created by a landscape architect and certified by my signature below as being in accordance with all county agency landscape architect standards.

[Signature] *[Signature]*
Applicant Signature Date Print Name

Mailing Address (if not already on plan)

APPROVED Schematic Landscape Plan
Baltimore County
Dept. of Publics, Approvals & Inspections

[Signature] 5/9/19
Date



PROPOSED EXTERIOR ELEVATIONS
SHEETZ STORE - TIMONIUM, MD

Petitioner
CBA Exhibit
18

SEPTEMBER 2018

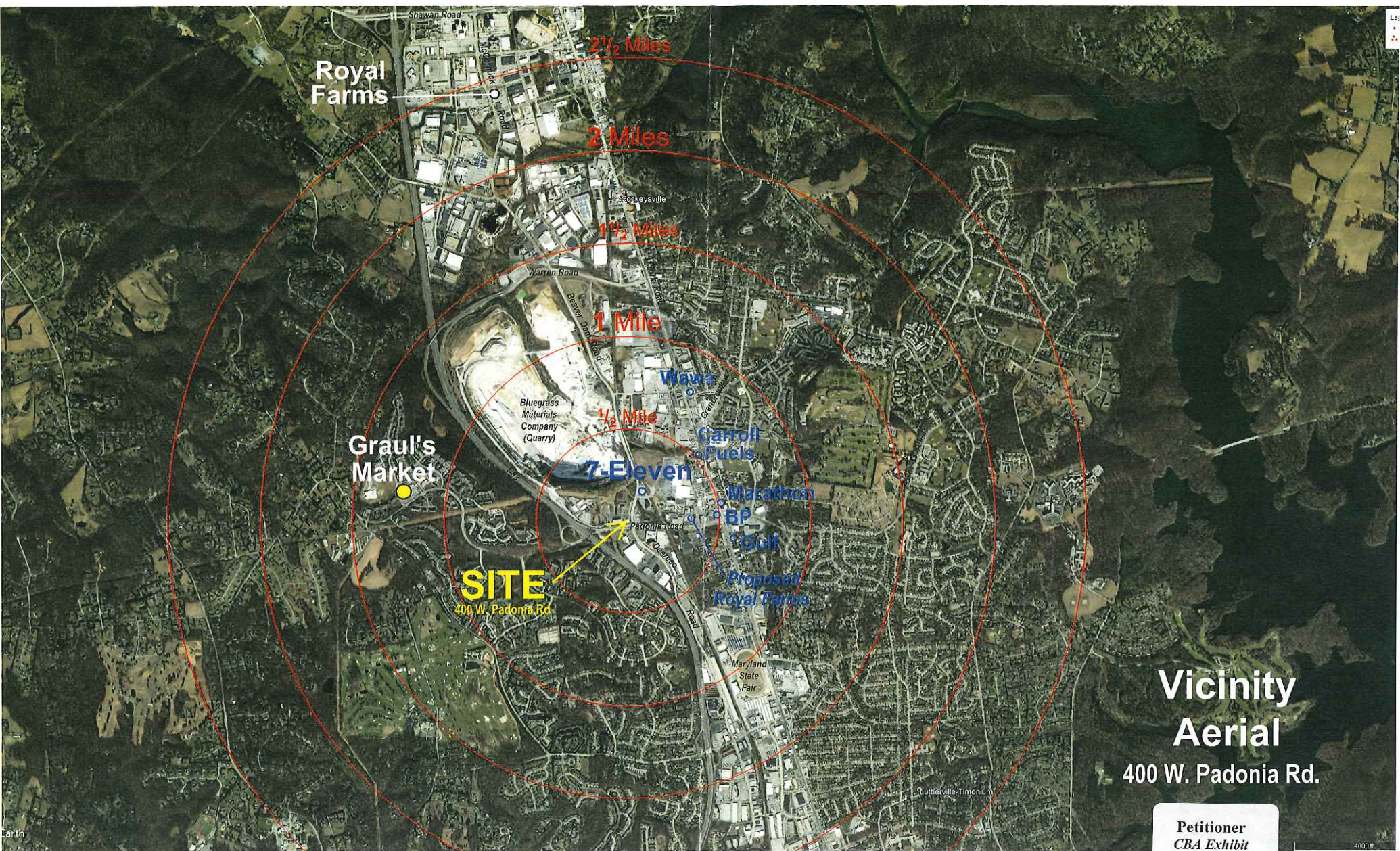




PROPOSED EXTERIOR ELEVATIONS
SHEETZ STORE - TIMONIUM, MD

SEPTEMBER 2018





**Vicinity
Aerial**
400 W. Padonia Rd.

Petitioner
CBA Exhibit

19

BCZR SECTION 419 STANDARDS:

- 419.1 Roll-over car wash is permitted as a use in combination with a service station subject to the provisions of Section 406.
- 419.2 Manufacturer's rated hourly production capacity is 50 cars/hour.
- 419.3 Internal paved areas of the car wash site have been laid out to allow automobile circulation in a manner that precludes vehicles from waiting on the street or blocking the right-of-way before entering entrance.

None stacking spaces have been provided for the proposed roll-over car wash tunnel.

Parking spaces have been located to avoid conflict with on-site circulation patterns.

Two parking spaces have been provided vacuum and air services. (One Required)

Two parking spaces have been provided for Drying. (Two Required)

- 419.4 The Car Wash is 2500 +/- feet from the closest residential zone. (50-foot Required)

The tunnel exit of car wash facility is set back 100 +/- feet from the nearest exit drive. (50-foot Required)

Tunnel entrance or exit does not flow to adjacent residentially zoned property.

All of the walls of the proposed car wash building are glass.

Except for the required access drive, a 10-foot minimum width landscaped transition area is provided along the perimeter of all car wash operations.

The landscape transition area shall be planted and screened in accordance with the Landscape Manual requirements for automotive uses.

BCZR SECTION 405.4 STANDARDS:

Site Dimensions:
Minimum service station site area = 15,000 sq. ft. or 1,200 linear ft. # of fuel service spaces plus areas required for uses under BCZR sections 405.4.D or 405.4.E

Minimum setbacks:
35 ft. from main structure to street ROW
25 ft. from fuel pump to street ROW
15 ft. from canopy to street ROW
10 ft. from perimeter of paved area to side and rear property lines of non-residential zones
15 ft. from perimeter of paved area to property line if property line is within 50 ft. of any residentially zoned property other than a public ROW

Anticollision: The lanes listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased for each use as determined by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

Automatic fuel service, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.

Self service vacuum stations. At such stations shall be located at least 50 feet from a residentially zoned property. No additional site area is required.

Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below: (SE = Space/Exception and P = Permitted by Right)

Convenience store with a sales area larger than 1,000 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided. (SE)

Roll-over car wash. No specific additional site area required, provided that the stacking, unloading and buffer requirements of Section 419 are met. (SE)

Restaurant, including fast food, fast food drive-through only, and carry-out restaurant. Additional site area of six times the gross square footage of the restaurant must be provided.

ZONING HEARINGS, CRG, DRC, WAIVERS:

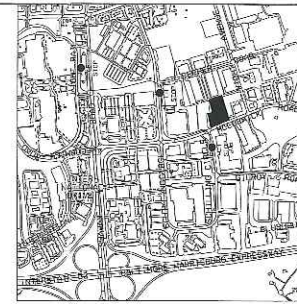
Zoning Hearing Case #13-0093-X. To Rezoning property from R-20 to M-1 (10/28/2013).
2013 CRG - Case 3-0093 To Rezone property from M-1 to S-1 (10/28/2013).
DRC #2013-0093 - Project meets the requirements of limited exception under Section 25-4-106(a)(1) (waiver) on a Special Exception (05/27/2014)

PREVIOUS COMMERCIAL PERMITS

None known. Two built - approx. 1977, 141 parking spaces

BASIC SERVICES MAP

This is not within any Basic Services Map area per B18 No. 30-19.



VICINITY MAP
1" = 100'

NOTES - Proposed Royal Farms

1. TAX ACCOUNT NUMBER: 130000548
2. PROPERTY OWNER: CONSOLIDATED MCCORMICK LLC
PO BOX 1189
BROOKLANDVILLE, MD 21022
3. PROPERTY DEVELOPER: TWO FARMS, INC.
1611 ROLAND AVENUE
BALTIMORE, MD 21211
(410) 883-0200
4. NET ACREAGE: 145,200 S.F. OR 3.34 ACRES
5. DEED REFERENCE: 8888/317; PLAT 38102
6. TAX MAP: 42
7. PARCEL: 434
8. CURVE TRACT NUMBER: 401100
9. WITHHELD: LOCH HAVEN RESERVATION
10. ELECTION DISTRICT: 8
11. COUNTY: HANCOCK COUNTY
12. THIS SITE IS NOT WITHIN THE 100 YR FLOODPLAIN, PER FEMA FIRM MAPPING
13. FUTURE ROAD DESIGN: DATED NOVEMBER 2013, PER FEMA FIRM MAPPING
14. THIS SITE IS NOT LOCATED IN ANY EFFICIENT AREA ON THE BASIC SERVICES MAP PERMANENT TO SECTION 402 OF THE BCZR
15. ZONING MAP REFERENCE NUMBER: S-1A
16. JOINING HILLWAY CASE NO. 13-0093-X TO REZONE PROPERTY FROM R-20 TO M-1 (10/28/2013). THIS CASE - ISSUE 3-0093 TO REZONE PROPERTY FROM M-1 TO S-1 (10/28/2013)
17. ZONING: M-1
18. SETBACKS:
FRONT = 15 FT.
SIDE = 0 FT.
REAR = 0 FT.
STREET = 0 FT.
SERVICE STATION = 25' FROM STREET ROW
FUEL TANK = 25' FROM STREET ROW
CAR CANOPY = 10' FROM STREET ROW
19. EXISTING LAND USE: WHOLESALE OFFICE/RETAIL AND SERVICE FACILITY
20. PROPOSED LAND USE: CONVENIENCE STORE, CARWASH, CAR WASH & GASOLINE/RETAIL FUELING STATION
21. PROPOSED BUILDING HEIGHT:
CONVENIENCE STORE = 22'
ROLL-OVER CAR WASH = 18'
ONCE INCREASED CANOPY = 22'
22. PROPOSED DEVELOPMENT TO BE SERVED BY EXISTING PUBLIC WATER AND SEWER
23. PROPOSED LANDSCAPING WILL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL REQUIREMENTS
24. ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITES AND PUBLIC STREETS
25. PROPOSED SIGNAGE SHALL COMPLY WITH SECTION 405 BCZR, ALL ZONING POLICIES, AND ANY ZONING VARIANCE GRANTED
26. OPEN SPACE, NOT REQUIRED
27. BUILDING FLOOR AREA:
CONVENIENCE STORE = 2095 S.F.
CARWASH LIFT = 1015 S.F.
SERVICE STATION USE = 541 S.F.
ROLL-OVER CAR WASH = 1401 S.F.
28. FLOOR AREA RATIO: 0.238 S.F./44,550 S.F. = 0.01 (0.0 PERMITTED)
29. SITE AREA REQUIREMENTS FOR COMMERCIAL USE:
1) FUELING STATIONS = 1000 S.F. = 16,900 S.F.
ADDITIONAL SITE AREA FACTORS:
1) 1 ATM x 1000 S.F. = 1000 S.F.
1) 2 ATM x 1000 S.F. = 2000 S.F.
2) 1 ATM x 1000 S.F. = 1000 S.F.
2) 2 ATM x 1000 S.F. = 2000 S.F.
3) 1 ATM x 1000 S.F. = 1000 S.F.
3) 2 ATM x 1000 S.F. = 2000 S.F.
30. PARKING REQUIRED:
CONVENIENCE STORE/CARWASH USE
4500 S.F. @ 5/1000
FUEL SERVICE USE (M-1)
450
TOTAL
4500
ROLL-OVER CAR WASH
1) 1 ATM @ 5/1000 (1000)
2) 2 ATM @ 5/1000 (2000)
3) 1 ATM @ 5/1000 (1000)
TOTAL REQUIRED
3500
31. PARKING SPACE DIMENSIONS:
TYPICAL SPACE = 8' x 20'
HANDICAP SPACE = 8' x 20' with 5' strip between spaces
VACUUM CLEANER SPACE = 12' x 8'

Lessee/Developer:
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 883-0200

Owner:
Consolidated McCormick LLC
P.O. Box 1189
Brooklandville, MD 21022



MATIS WARFIELD
Consulting Engineers
10540 York Road, Suite M
Hunt Valley, MD 21031
PHONE 410 852-7004 FAX 410 852-1798
www.matiswarfield.com



PHASE NO.
DRAWING NO.
ZON-01
SHEET NO.
1 OF 5

#2013-0093-X
RJD

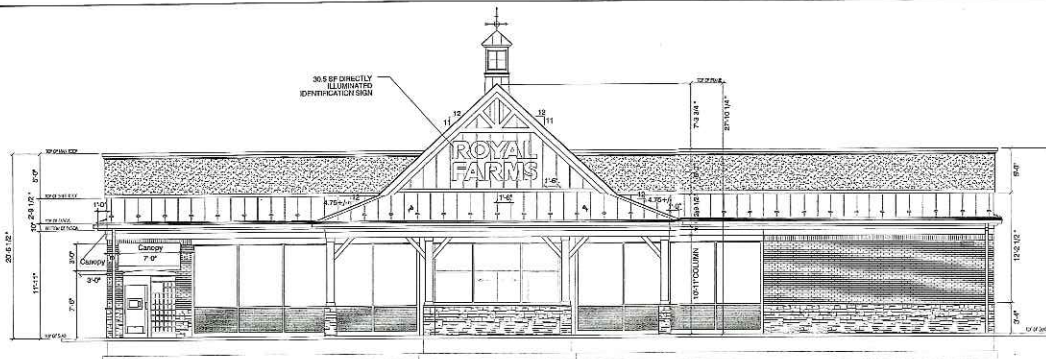
PDM #08-882

Plan to Accompany Petition for a
Special Exception
ROYAL FARMS STORE #191
11119 McCormick Rd.
Hunt Valley, MD 21031

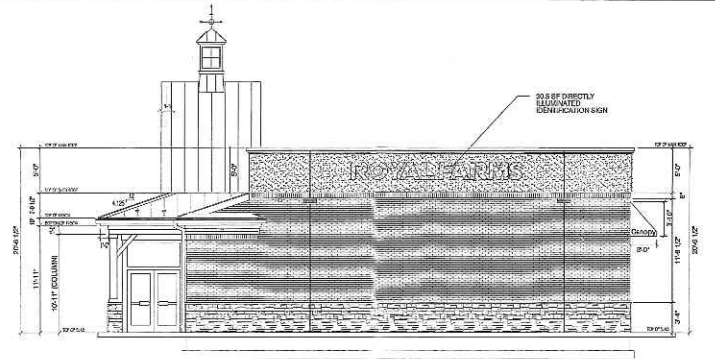
Election District 8
Councilman District 3

Tax Map 42 - Parcel 434
October 9, 2012

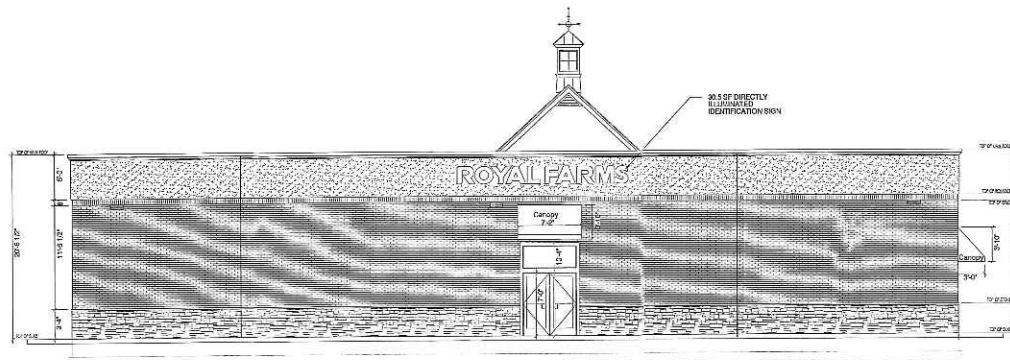
Petitioner
CBA Exhibit
20



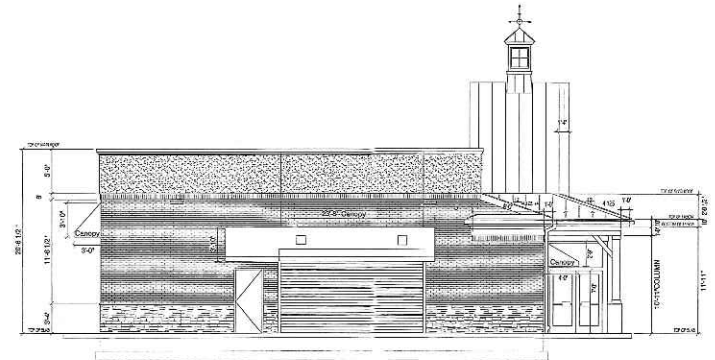
ROYAL FARMS FRONT ELEVATION



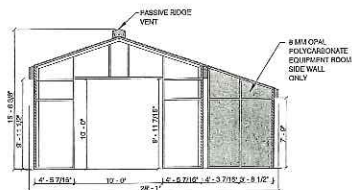
ROYAL FARMS RIGHT SIDE ELEVATION



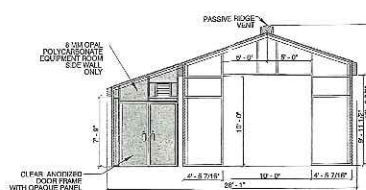
ROYAL FARMS REAR ELEVATION



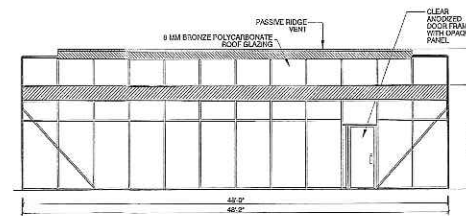
ROYAL FARMS LEFT SIDE ELEVATION



CAR WASH ENTRY ELEVATION



CAR WASH EXIT ELEVATION



CAR WASH SIDEWALL SIDE ELEVATION

ELEVATION VIEWS

Scale: 1/8"=1'-0"

MATIS WARFIELD
Consulting Engineers



10510 York Road, Suite M
Hunt Valley, Maryland 21030
PHONE 410.653.7004 FAX 410.083.1708
www.matiswarfield.com



Owner:
Consolidated McCormick LLC
P.O. Box 1189
Brooklandville, MD 21022

Lessee/Developer:
Two Farms, Inc.
3611 Roland Avenue
Baltimore, Maryland 21211
(410) 889-0200

NO.	DESCRIPTION	BY	DATE

Plan to Accompany Petition for a
Special Exception
ROYAL FARMS STORE #191
11119 McCormick Rd.
Hunt Valley, MD 21031

Election District 8
Councilmanic District 3

Tax Map 42 - Parcel 434
October 6, 2012

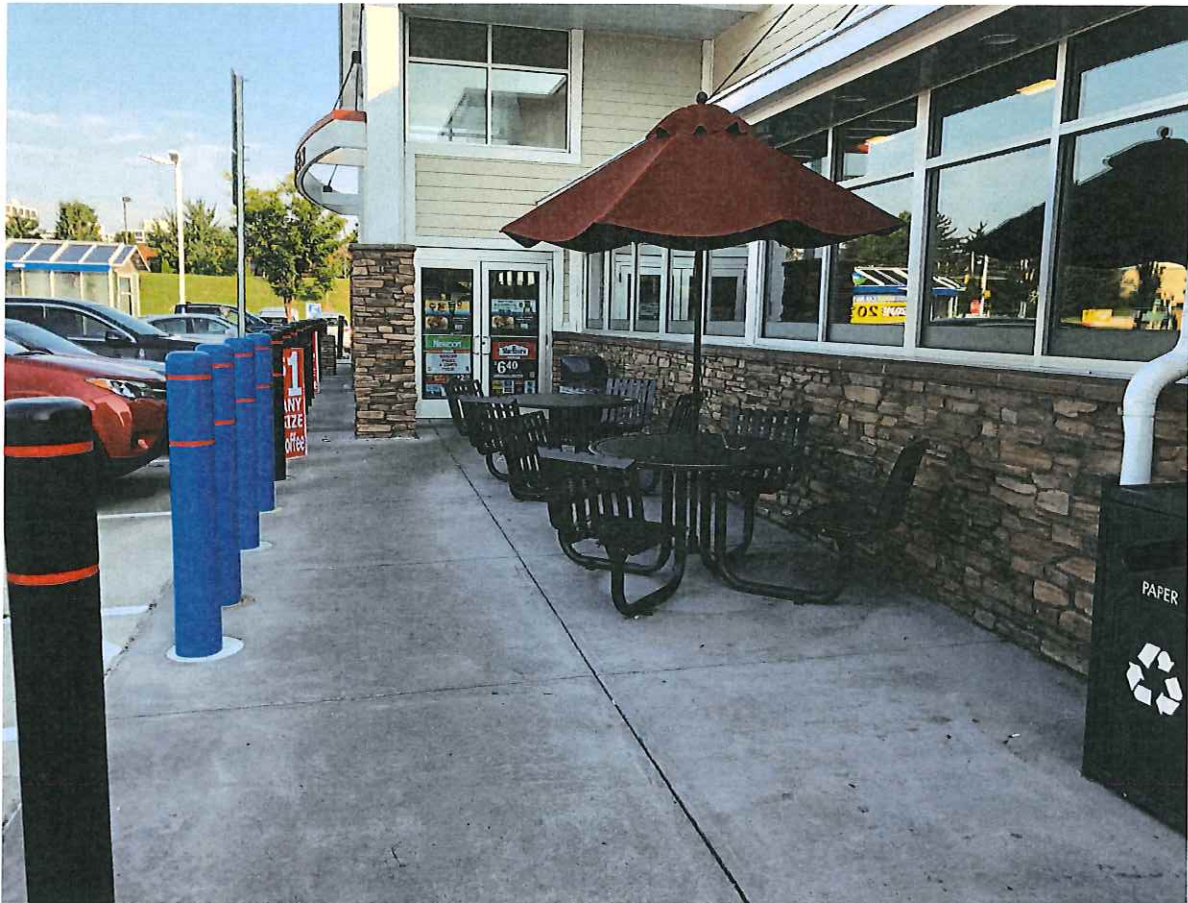
PHASE NO.

DRAWINGS NO.

ZON-04

SHEET NO.

4 OF 5







STATE HIGHWAY
ADMINISTRATION

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

March 20, 2019

Mr. Bob Bathurst
Century Engineering
10710 Gilroy Road
Hunt Valley MD 21031

Dear Mr. Bathurst:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for the Sheetz Timonium Property. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and comments are attached.

Sheetz Timonium – 400 West Padonia Road
MDOT SHA Tracking No: 18APBA029XX
Traffic Impact Study Dated February 8, 2018
Baltimore County

It is not anticipated that the attached comments will significantly change the study results and recommendations; therefore, MDOT SHA will accept the analysis. No further review is required; however, we request a copy of a revised TIS addressing the attached comments for our records. An access permit is not required as no work is being proposed within MDOT SHA right-of-way. If you have any questions or require additional information, please contact Mr. Zeller at 410-229-2332 or via email at rzeller@sha.state.md.us.

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
MDOT State Highway Administration
District 4 - Baltimore and Harford Counties

Attachment

Petitioner
CBA Exhibit

22

Mr. Bob Bathurst
Page Two

cc: Sheetz, Inc. / 129 Dearing Drive, Boalsburg PA 16827
Mr. Jan M. Cook, Development Plans Review, Baltimore County
Mr. Vishnu Desai, Development Plans Review, Baltimore County
Mr. Barry King, Century Engineering
Ms. Rola Daher, Consultant for MDOT, TFAD, MDOT SHA
Ms. Sarah Gary, Consultant for MDOT, TFAD, MDOT SHA
Mr. Kimon Johnson, Transportation Engineer, District Four Traffic, MDOT SHA
Ms. Erin Kuhn, Assistant District Engineer for Traffic, District Four, MDOT SHA
Ms. Tina Saxon, Administrative Assistant, OPPE RIPD, MDOT SHA
Ms. Lisa Shemer, Division Chief, OPPE, TFAD, MDOT SHA
Ms. Lisa Sirota, Regional Planner, RIPD, MDOT SHA
Mr. Errol Stoute, Transportation Engineer, OOTS, MDOT SHA
Mr. Rich Zeller, Transportation Engineer, District Four Access Management, MDOT SHA
file/KJ/BH34556

Sheetz Timonium – 400 West Padonia Road
MDOT SHA Tracking No: 18APBA029XX
Traffic Impact Study Dated February 8, 2018
Baltimore County

The Traffic Impact Study for the Sheetz Timonium report findings and MDOT SHA comments and conclusions:

- The proposed Sheetz development includes a market and gas station facility, which will be approximately 5,000 square feet and will provide 6 fuel islands (12 fuel stations). Existing right-in/right-out site access to the property is along Padonia Road and Beaver Dam Road.
- The study analyzed the following intersections under existing, background, and future conditions:
 - Padonia Road at Beaver Dam/Deereco Road
 - Ramp from southbound I-83 at Padonia Road
 - Ramp from northbound I-83 at Padonia Road
 - Padonia Road at Broad Avenue
 - MD 45 (York Road) at Padonia Road
 - Beaver Dam Road at Texas Station Court
 - Beaver Dam Road at the Site Access Point
 - Padonia Road at the Site Access Point

The results of the traffic impact study indicate that all intersections are projected to operate at levels of services “D” or better under existing, background, and total traffic conditions.

- As stated in the TIS, the peak hour traffic volumes do not appear to be growing at a notable rate. This resulted in no growth rate. However, for this area, Baltimore Metropolitan Council (BMC) transportation model shows an approximate 0.5 percent growth rate for the project area. We suggest applying 0.5 percent growth rate to the background traffic.
- The report applied 70 percent PM peak trips as pass-by trips. The Trip Generation Handbook 3rd Edition, LUC 945 and LUC 853 indicates 56 percent and 66 percent PM peak pass-by trips
- In Exhibit 4 and 6, no new trips originate from Padonia Road eastbound. Motorists could, and likely will, access the site via a U-turn or by using access roadways off Beaver Dam Road. Please revise.
- The traffic counts at Padonia Road and Broad Avenue and at Padonia Road and MD 45 are from 2018 traffic counts. Bob Evans was closed in 2017. Reduced trips shown should not be applied to Padonia Road at Broad Avenue and MD 45 intersections.
- The report needs to provide queue length analysis for all analyzed intersections. Checking SimTraffic output results in appendix, in the AM peak period, the 95th queue length of westbound left turn exceeds the storage length at Padonia Road and MD 45 intersection. In the PM peak period, the 95th queue length of westbound left turn exceeds the storage length at Padonia Road and Deereco Road intersection; in addition, 95th queue length of westbound left turn, northbound left turn, and southbound left turn at Padonia Road and MD 45 intersection exceed the storage length.
- The report should provide trip distribution percentage to the Exhibit 4 and Exhibit 6 trip distribution diagram.
- The report should provide CLV and HCM summary tables for all analyzed intersections in the main body of the report.
- In the Appendix, the intersection performance by approach was report in SimTraffic output, the future PM peak overall intersection delay of Padonia Road and MD 45 intersection (49.6s) is higher than the existing condition (48.6s). Please check the SimTraffic running setting and the model.
- There are no current projects in the State’s fiscally constrained FY 2019-2024 Consolidated Transportation Program (CTP) nor the State’s fiscally unconstrained Highway Needs Inventory (HNI) for any nearby MDOT SHA facilities that conflicts with this project. The development does not conflict with Baltimore County Master Plan 2020.
- It is not anticipated that the above comments will significantly change the study results and recommendations; therefore, MDOT SHA will accept the analysis. However, we request a copy of a revised TIS for our records. Since the site does not access MDOT SHA roadway an access permit is not required.

Bob Bathurst

From: Eugene Cauley <ecauley@baltimorecountymd.gov>
Sent: Friday, April 19, 2019 3:34 PM
To: Bob Bathurst
Cc: Linda Jones; Troy Slevin; Shawn Frankton; James Hermann
Subject: RE: Sheetz Padonia TIS

Bob,

This is my understanding to date regarding Sheetz:

1. Looks like the TIS for Sheetz has been accepted by the County - Done
2. The PAI number has been corrected - Done
3. The Landscape Plan was resubmitted, been reviewed and returned to Century or the Landscape Architect to be revised

At this point, this is the status of the project and the various elements. DPR will not sign off until Open Space requirements have been met and the Landscape Plan is approved. Please correct me if I am wrong regarding any of the above.

Bob all final approval requirements and tracking have to go through Sean Frankton with Development Management, he is the PM and he tracks and monitors approvals from all agencies specific to Limited Exemptions, he is copied on this e-mail. DPR is one agency in the approval process. You can by all means copy me on an e-mail if I am impacted by specific actions or approvals, such as TIS approval.

If you have any questions regarding final approval follow-up with Shawn Frankton, he can be reached sfrankton@baltimorecountymd.gov or at 410-887-3353.

Thanks,

Eugene F. Cauley, P.E.
Project Engineer

Baltimore County – Permits, Approvals & Inspections (DPR)

County Office Building
111 W. Chesapeake Ave
Towson, Maryland 21204
Office # (410) 887-3751
Direct # (410) 887-3475
Fax # (410) 823-4423

From: Bob Bathurst [mailto:bbathurst@centuryeng.com]
Sent: Friday, April 19, 2019 12:54 PM
To: Eugene Cauley <ecauley@baltimorecountymd.gov>
Cc: Linda Jones <ljones@centuryeng.com>; Troy Slevin <tslevin@centuryeng.com>
Subject: FW: Sheetz Padonia TIS

**Petitioner
CBA Exhibit**

Hi Eugene!

Just wanted to forward this to you so you'd have it for your files.

In your review of the Development Plan you had two outstanding comments....

- Update the PAI number to 08-0677
- Secure TIS approval.

We've updated the PAI number on the development plan and as you can see below Mike Filsinger is satisfied with the TIS.

With both of these issues resolved can we presume that DPR is satisfied with the development plan?

Thank you!

Bob

From: Michael Filsinger <mfilsinger@baltimorecountymd.gov>

Sent: Friday, April 19, 2019 9:01 AM

To: Kelly Kosino <kkosino@centuryeng.com>; Greg Carski <gcarski@baltimorecountymd.gov>

Cc: Barry King <bking@centuryeng.com>; Bob Bathurst <bbathurst@centuryeng.com>; Kristoffer Nebre <knebre@baltimorecountymd.gov>

Subject: RE: Sheetz Padonia TIS

We are all good with this TIS – no further comments from Baltimore County. Thanks.

Mike

From: Kelly Kosino [<mailto:kkosino@centuryeng.com>]

Sent: Wednesday, April 17, 2019 7:52 AM

To: Michael Filsinger <mfilsinger@baltimorecountymd.gov>; Greg Carski <gcarski@baltimorecountymd.gov>

Cc: Barry King <bking@centuryeng.com>; Bob Bathurst <bbathurst@centuryeng.com>; Kristoffer Nebre <knebre@baltimorecountymd.gov>

Subject: RE: Sheetz Padonia TIS

Mike,

Yes you did. The revised TIS included this development as background.

Thanks,

Kelly

From: Michael Filsinger <mfilsinger@baltimorecountymd.gov>

Sent: Wednesday, April 17, 2019 7:50 AM

To: Kelly Kosino <kkosino@centuryeng.com>; Greg Carski <gcarski@baltimorecountymd.gov>

Cc: Barry King <bking@centuryeng.com>; Bob Bathurst <bbathurst@centuryeng.com>; Kristoffer Nebre <knebre@baltimorecountymd.gov>

Subject: RE: Sheetz Padonia TIS

Hello Kelly,

Can't remember the specifics, but I believed we asked at one time to include the PUD development at the corner of Padonia and Deerco into your TIS – was that done? If so, I will follow up with Kris this morning.

Mike

From: Kelly Kosino [<mailto:kkosino@centuryeng.com>]

Sent: Wednesday, April 17, 2019 7:45 AM

To: Greg Carski <gcarski@baltimorecountymd.gov>; Michael Filsinger <mfilsinger@baltimorecountymd.gov>

Cc: Barry King <bking@centuryeng.com>; Bob Bathurst <bbathurst@centuryeng.com>

Subject: Sheetz Padonia TIS

Good Morning Greg/Mike,

I hope all is going well in at the County.

I have a question regarding a development review. We submitted a revised TIS for the Sheetz Padonia development at the end of March. Who can I contact to get a status on this review? And in general, how long do County TIS reviews typically take?

I appreciate your assistance in this matter,
Kelly

Kelly Kosino, PE
Senior Engineer

Century Engineering, Inc.
10710 Gilroy Road, Hunt Valley, MD 21031
Direct 443.353.5038 | Office 443.589.2400
[LinkedIn](#) | [Facebook](#) | [Instagram](#)



CONNECT WITH BALTIMORE COUNTY



BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2019, LEGISLATIVE DAY NO. 9
May 6, 2019 6:00 P.M.

A. The meeting was called to order by Chairman Quirk at 6:08 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 45 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
IZZY PATOKA	SECOND DISTRICT
WADE KACH	THIRD DISTRICT
JULIAN E. JONES, JR.	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
TODD K. CRANDELL	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilwoman Bevins, seconded by Councilman Jones, the reading of the Journal Entries for the meeting of April 15, 2019 were waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following Bills were passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bills 8-19, 9-19 and 10-19.

D. INTRODUCTION OF BILLS

Bill 24-19, entitled An Act for the purpose of amending the 2018-2019 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from funds and made available to the County through the Student Support Network.

Bill 25-19, entitled An Act for the purpose of amending the 2018-2019 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Aging.

Bill 26-19, entitled An Act for the purpose of amending the 2018-2019 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Aging.

Bill 27-19, entitled An Act the purpose of amending the 2018-2019 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Aging.

Bill 28-19, entitled An Act for the purpose of amending the 2018-2019 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Commerce – Maryland State Arts Council.

Bill 29-19, entitled An Act for the purpose of permitting by right certain dwellings or other buildings converted to tearooms or restaurants in R.C.4 Zones; specifying the regulations applicable to such buildings in R.C.4 Zones, whether permitted by right or special exception; and generally relating to the regulations governing activities at certain dwellings or other buildings converted to tearooms or restaurants in R.C.4 Zones.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 11-19, CEB – Older Workers Demonstration Grant, was called. Will Anderson appeared. There being no discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Bill 12-19, 2019 Basic Services Maps, was called. Councilman Marks commented. Councilwoman Bevins then moved to amend this Bill with the following amendments:

1. On page 2, in line 16, after “2019 Basic Services Transportation Map” insert:

“, WITH THE FOLLOWING AMENDMENT:

THE COMMUTER SHED LOCATED AT THE INTERSECTION OF EBENEZER ROAD AND PULASKI HIGHWAY SHALL BE REDRAWN TO EXCLUDE THE AREA OF LAND ATTACHED AS EXHIBIT “A” AND DESCRIBED HEREIN AS FOLLOWS:

BEGINNING FOR THE SAME ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY, 150 FEET WIDE, AT A POINT DESIGNATED WITH A MARYLAND STATE COORDINATE VALUE OF NORTH 628782.41 AND EAST 1478470.26 AS SHOWN ON A PLAT ENTITLED “FINAL PLAT, CECELIA SCHWABER, EXEMPT TRUST U/A” AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK S.M. 78, FOLIO 368; THENCE BINDING ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY AND ON THE OUTLINE OF SAID PLAT (1) NORTH 45 DEGREES 02 MINUTES 33 SECONDS EAST 1068.61; THENCE LEAVING SAID HIGHWAY AND BINDING ON THE OUTLINES OF SAID PLAT THE FOLLOWING SIX COURSES AND DISTANCES: (2) SOUTH 69 DEGREES 53 MINUTES 59 SECONDS EAST 70.16 FEET;

THENCE (3) SOUTH 06 DEGREES 21 MINUTES 02 SECONDS EAST 1947.07 FEET;
THENCE (4) SOUTH 82 DEGREES 05 MINUTES 22 SECONDS WEST 518.59 FEET;
THENCE (5) NORTH 07 DEGREES 00 MINUTES 39 SECONDS WEST 344.59 FEET;
THENCE (6) SOUTH 82 DEGREES 59 MINUTES 21 SECONDS WEST 365.35 FEET; AND
THENCE (7) NORTH 06 DEGREES 56 MINUTES 32 SECONDS WEST 985.35 FEET TO
THE PLACE OF BEGINNING.

CONTAINING 31.489 ACRES OF LAND, MORE OR LESS, WITH THE COURSES BASED
ON THE MARYLAND COORDINATE SYSTEM (NAD 83/91).

BEING KNOWN AND DESIGNATED AS #11301 PULASKI HIGHWAY – PARCEL 27, 230
AS SHOWN ON A PLAT ENTITLED “FINAL PLAT, CECELIA SCHWABER, EXEMPT
TRUST U/A” AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE
COUNTY IN PLAT BOOK S.M. 78, FOLIO 368.

ALSO BEING ALL OF THAT LAND DESCRIBED IN A DEED DATED JANUARY 4, 2010
AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER
S.M. 29037, FOLIO 10 WAS CONVEYED BY REVOCABLE TRUST AGREEMENT OF
CECELIA SCHWABER DTD. DECEMBER 9, 1985 AND CECELIA SCHWABER EXEMPT
TRUST U/A DECEMBER 9, 1985 UNTO 11301 PULASKI HIGHWAY, LLC.”

Councilman Jones seconded the motion and these amendments passed by the following
roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Councilman Marks then moved to amend this Bill with the following amendments:

1. On page 2, in line 16, after “2019 Basic Services Transportation Map” insert:

“, WITH THE FOLLOWING AMENDMENT: WHEN THE DEPARTMENT OF
PUBLIC WORKS CONDUCTS NEW TRAFFIC STUDIES, THE TRIANGULAR
INTERSECTIONS OF BELAIR ROAD AND JERUSALEM ROAD, BELAIR ROAD
AND BRADSHAW ROAD/SUNSHINE AVENUE, AND JERUSALEM ROAD AND
BRADSHAW ROAD SHALL BE STUDIED SIMULTANEOUSLY WHEN AREA
PUBLIC AND PRIVATE SCHOOLS ARE IN SESSION.”

Councilwoman Bevins seconded the motion and these amendments passed by the
following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 2, in line 16, after “2019 Basic Services Transportation Map” insert:

“, WITH THE FOLLOWING AMENDMENTS:

- A. HARFORD ROAD AND EAST JOPPA ROAD – LEVEL OF SERVICE: F.
- B. PADONIA ROAD AND DEERCO ROAD/BEAVER DAM ROAD AT A 600 FOOT RADIUS FROM THE CENTER OF THE INTERSECTION – LEVEL OF SERVICE F.”

Councilwoman Bevins seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Thereafter, upon motion by Councilman Patoka, seconded by Councilwoman Bevins, Bill 12-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Bill 13-19, Zoning Regulations – Tattoo or Body Piercing Establishments, was called. Councilman Marks commented. There being no further discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay – None

Bill 14-19, This Bill was withdrawn prior to the meeting.

F. APPROVAL OF FISCAL MATTERS

The Chairman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council’s work session on April 30, 2019. The witnesses who testified at the work session were available to restate their testimony if needed. If a Councilmember had any questions regarding a particular Fiscal Matter, that item would be discussed as a separate matter. Chairman Quirk then called upon the Secretary to read the cover letters for Fiscal Matter 1 through 3.

1. Contract – Korn Ferry (US) – Actuary consulting services – Baltimore County Employees’ Retirement System-OBF

A contract with Korn Ferry (US), to provide actually consulting services primarily for the Baltimore County Employee’s Retirement System, to include but not limited to consulting, valuation and analysis services.

2. Amendment to Contract – Bolton Partners, Inc. – Employee benefit consulting services – OBF

An amendment to the contract with Bolton Partners, Inc., to extend the current term through June 30, 2019. The contractor will continue to provide employee benefit consulting services for the County.

3. Amendment to Contract – Transdev Services, Inc. – Non-emergency medical transportation ambulatory svcs.-HHS

An amendment to the contract with Transdev Services, Inc., to extend the current term through June 30, 2020; with the option to renew for one additional year. The contractor will continue to provide non-emergency medical transportation ambulatory services.

There being no discussion, upon motion by Councilman Jones, seconded by Councilman Patoka, Fiscal Matters 1 through 3 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chairman, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during March, 2019.

2. Res. 51-19 – Loan Modification – Woodlawn Apartments Limited Partnership/RF Woodlawn Apartments, LLC

At the direction of the Chairman, the Secretary read this Resolution of the County Council of Baltimore County, Maryland (the “County Council”) approving modifications to a loan originally made to Woodlawn Apartments Limited Partnership (the “Original Owner”) with respect to sale of the property from the Original Owner to RF Woodlawn Apartments, LLC (the “New Owner”) with respect to proposed renovations to certain real property in Lansdowne, Baltimore County, Maryland which contains rental housing for low income elderly households. Jeff Mayhew appeared. Councilman Jones commented and then moved to amend this Resolution with the following amendment:

On page 1, in the first paragraph, in line 5, strike "Lansdowne", and substitute "Gwynn Oak".

Councilman Quirk seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Quirk, seconded by Councilman Kach, Resolution 51-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

3. Res. 52-19 – Property Tax Exemption – DAV – Pete F. Dorso

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Pete F. Dorso, to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Jones, seconded by Councilman Kach, this Resolution was unanimously approved.

4. Res. 53-19 – Property Tax Exemption – DAV – Edwin W. Brushmiller, Jr.

At the direction of the Chairman, the Secretary read this Resolution At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Edwin W. Brushmiller, Jr., to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Crandell, seconded by Councilman Jones, this Resolution was unanimously approved.

5. Res. 54-19 – Property Tax Exemption – DAV – John P. Merson

At the direction of the Chairman, the Secretary read this Resolution At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from John P. Merson, to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Patoka, seconded by Councilman Kach, this Resolution was unanimously approved.

6. Res. 55-19 – Property Tax Exemption – DAV – Antwon Boyette

At the direction of the Chairman, the Secretary read this Resolution At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Antwon Bovette, to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

7. Res. 55-19 – Property Tax Exemption – DAV – Santy M. Ortiz

At the direction of the Chairman, the Secretary read this Resolution At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Santy M. Ortiz, to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Patoka, seconded by Councilman Kach, this Resolution was unanimously approved.

8. Appointment – Director – Department of Planning – C. Peter Gutwald

At the direction of the Chairman, the Secretary read this correspondences from the County Executive requesting the appointment of C. Peter Gutwald, to serve as Director of the Department of Planning. Councilmembers Patoka and Marks commented. There being no further discussion, upon motion by Councilman Jones, seconded by Councilwoman Bevin, this appointment was unanimously approved.

9. Appointment – Chief – Fire Department – Joanne Rund

At the direction of the Chairman, the Secretary read this correspondences from the County Executive requesting the appointment of Joanne Rund, to serve as Chief of the Fire Department. Councilman Jones commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Patoka, this appointment was unanimously approved.

10. Appointment – Acting Director – Office of Budget and Finance – Edward Blades

At the direction of the Chairman, the Secretary read this correspondences from the County Executive requesting the appointment of Edward Blades, as Acting Director of the Office of Budget and Finance. Upon confirmation, the appointment shall take effect May 11, 2019. Councilman Kach, Jones and Bevins commented. There being no further discussion, upon motion by Councilman Kach, seconded by Councilman Quirk, this appointment was unanimously approved.

11. Appointment – Director – Director–Dept. of Environmental Protection & Sustainability-David V. Lykens

At the direction of the Chairman, the Secretary read this correspondences from the County Executive requesting the appointment of David V. Lykens, to serve as Director of the Department of Environmental Protection and Sustainability. Councilmembers Quirk, Marks and Bevins commented. There being no further discussion, upon motion by Councilman Kach, seconded by Councilman Marks, this appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilwoman Bevins, seconded by Councilman Crandell, the meeting adjourned at 6:32 P.M.

A handwritten signature in cursive script, reading "Thomas H. Bostwick".

Thomas H. Bostwick

Jason Vettori

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Thursday, June 06, 2019 6:46 AM
To: Jason Vettori
Cc: Steve Walsh
Subject: RE: Padonia Rd and Beaver Dam Rd/Deereco Rd Intersection

Jason – see below in red.

Gregory W. Carski, Bureau Chief
Traffic Engineering and
Transportation Planning
410-887-3554

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, June 5, 2019 4:16 PM
To: Steve Walsh <swalsh@baltimorecountymd.gov>
Subject: FW: Padonia Rd and Beaver Dam Rd/Deereco Rd Intersection

CAUTION: This message from jvettori@sgs-law.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Steve,

I just wanted to let you know that I sent the below e-mail and first two attachments to Greg today. My hearing is at 10 a.m. tomorrow in the Board of Appeals, so if DPW could respond to the below e-mail by say 9 a.m. tomorrow that would be greatly appreciated.

One other question, if you would be so kind as to have Greg confirm in his reply e-mail, I have a transmittal sheet from DPR to PAI-Development Management dated April 26, 2019 (see third attachment) and would like for DPW/Traffic Engineering to confirm either (a) that the March 26, 2019 TIS has been approved or (b) that DPR issues approvals for DPW/Traffic Engineering which includes TIS approvals. **The TIS has been approved.**

Thanks.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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Petitioner
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From: Jason Vettori
Sent: Wednesday, June 05, 2019 1:45 PM
To: Gregory Carski (gcarski@baltimorecountymd.gov)
Subject: Padonia Rd and Beaver Dam Rd/Deereco Rd Intersection

Greg,

As I'm sure you're aware, the 2019 Basic Services Map – Transportation bill, Bill No. 12-19, was amended to include the above referenced intersection as a failing intersection. I've attached the bill and the meeting minutes (see p. 4) which shows the amendment was introduced by Councilman Wade Kach (District 3 Councilman) in whose district this intersection lies. I have two questions as a result of this amendment to Bill No. 12-19. While I realize that the Basic Services Maps are adopted on an annual basis, so the capacity of this intersection will be revisited by the County Council in May 2020, I have a pending request for special exception approval before the Board of Appeals (Case No. 2018-316-SPHX) which necessitates that we show that proposed use will not, among other things, "tend to create congestion in roads, streets or alleys therein" nor will it "interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements". § 502.1.B and 502.1.E of the Baltimore County Zoning Regulations. Your responses to the below questions should provide some clarity regarding our analysis of these issues.

First, I have reviewed the Traffic Report prepared by Traffic Engineering and I do not see what rating was given to this intersection (http://resources.baltimorecountymd.gov/Documents/Public_Works/basicservices/2019/traffic-memo-2019.pdf), just the rating of the Padonia Road and York Road intersection. Could you please tell me what the Department of Public Works has rated the Padonia Rd and Beaver Dam Rd/Deereco Rd Intersection. **DPW-TE/TP currently rates the intersection of Padonia Rd/Beaver Dam Rd/Deereco Rd as a LOS - C, based on our latest count/observation(10/20/16). FYI- intersections rated as LOS A,B, or C are counted/observed every 3 years.**

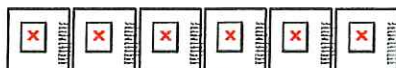
Second, Baltimore County Code § 32-6-104(2) provides, in pertinent part, that "building permits may not be issued unless an applicant meets the requirements of" ... "§ 4A02 of the Baltimore County Zoning Regulations." Could you confirm that zoning and development approvals, such as the granting of special exception relief by the Board of Appeals, can still be issued because the moratorium on development in the shed of designated failing intersections such as Padonia Rd and Beaver Dam Rd/Deereco Rd Intersection are only precluded from having building permits issued, not from obtaining entitlements through the zoning and development processes. **This out of my realm of expertise but I have reached out to others for their input. Will share their input, if pertinent, when I hear back from them.**

Thank you.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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KELLY M KOSINO P.E.

CAREER SUMMARY

A professional and hardworking transportation engineer with a strong analytical background and proven success in handling issues on complex and diverse developer, planning, design, construction, utility and maintenance roadway projects. Possesses solid experience in traffic safety, traffic operations, access management, and highway design, with strong communication and leadership skills and the ability to meet deadlines, motivate, and work functionally with engineers, developers, elected officials and citizens.

EXPERIENCE

3/01-present Maryland Department of Transportation State Highway Administration
Transportation Engineer

7/13-present **District Traffic Engineer Manager**, Hunt Valley MD

- Provide leadership and direction to a team of transportation engineers and technicians.
- Manage the investigation of traffic control issues, traffic engineering projects and day-to-day traffic operations to ensure safety and efficiency for state roadways in western Baltimore County.
- Prepare and review various types of traffic engineering studies and recommendation in order to develop engineering alternatives for a wide range of complex and sensitive issues.
- Obtain design and concept funding approval for MDOT SHA System Preservation Programs including the Intersection Capacity Improvement, Safety and Spot Improvement, Crash Prevention.
- Represent MDOT SHA at various meetings with Baltimore County, Federal and State officials, developers, elected officials, and residential and business communities.
- Interpret and apply rules, regulations, policies, procedures, and principles to ensure compliance with MDOT SHA, AASHTO, MUTCD, and County APFO requirements.
- Work closely with Elected Officials to obtain political support for high profile safety and operational enhancements.
- Write official MDOT SHA communications to developers, consultants, elected officials, and county, state and federal agencies.
- Coordinate Traffic study reviews and schedules with MDOT SHA engineers, County officials, developers, consultants and resolve contradiction between reviewers of different offices and coordinate MDOT SHA needs and what is allowed by County APFO.
- Manage the review of Temporary Work Zone Traffic Control devices, detours, and lane closure permits for construction, maintenance and utility projects working on state roads.

4/11-7/13 **Access Management Project Manager and Traffic Engineer**, Baltimore MD

- Coordinate developer traffic reviews performed by MDOT SHA Access Management, OOTS, District Traffic, Planning, and MTA and resolve conflicts between offices to balance MDOT SHA needs while staying within County APFO regulations.
- Work closely with County, City, and State engineers, developers, and consultants to expedite the development review process.
- Review developer mitigation plans and specifications.
- Write MDOT SHA communications to developers, consultants, county, and state agencies.
- Represent the State in meetings with elected officials, County and Federal officials, developers and engineers.
- Interpret and apply regulations, policies, procedures, and principles to ensure compliance with MDOT SHA, AASHTO, MUTCD, COMAR, and County APFO requirements.
- Manage workloads and direct Professional Engineers.
- Maintain database records that are available to the general public and used in StateStat meetings.
- Developed policies and procedures for the MDOT SHA Access Management Division's traffic review team, to ensure consistent reviews of development traffic analyses state wide.
- Review traffic studies including traffic signal analysis, traffic impact studies, queuing analysis, trip generation, level of service analysis, channelization, access control, bicycle and pedestrian accessibility to determine if a traffic signal, Maryland T, roundabout, restricted lane movements, or other traffic control device is required to mitigate development projects state wide.

KELLY M KOSINO P.E.

9/04-4/11 **District Traffic Operations and Safety Engineer**, Lutherville MD

- Evaluate traffic operations, safety, intersection capacity, crash experience, and corridors congestion, and bicycle and pedestrian needs.
- Manage, review, and evaluate traffic regulations and controls along the State Highway System. Interpret and apply rules, regulations, policies, procedures, and principles to ensure compliance with SHA, AASHTO, and MUTCD requirements.
- Design, evaluate, and manage traffic engineering studies including: traffic signal, speed zones, signing, lighting, pavement marking, channelization, access control, delay, queuing, traffic calming, high/fatal crash locations, bicycle, pedestrian, Roadside Safety Audit, and MOT analysis.
- Analyze areas with operational or safety concerns and develop geometric, signal, signing, lighting, and pavement marking recommendations.
- Prepare, review, and approve maintenance of traffic, signing and pavement marking plans for complex construction projects and coordinate with contractors, the general public, and elected officials throughout the duration of the project.
- Review traffic signal, signing, lighting, pavement marking, and maintenance of traffic plans for design, construction, utility, access management, planning, traffic, and maintenance projects.
- Research and respond to citizen concerns and interagency and elected official requests.
- Represent the State at meetings with other government offices, State and local elected officials, community groups, developers, business associations, and the general public.
- Coordinate projects and schedules with consultants, SHA engineers, State and County agencies, elected officials, and police and fire departments.
- Prepare recommendations and analysis for inclusion in the Intersection Capacity Improvement, Safety and Spot Improvement, Crash Prevention, Retrofit Sidewalk, and Bicycle Retrofit Improvement Programs.
- Review geometric design, traffic control device, and maintenance of traffic plans, cost estimates, and design specifications for interstates, arterials, and local roadways
- Present design alternatives in departmental and community meetings
- Write citizen, elected official and departmental correspondence.

3/01-9/04 **Highway Design Engineer and Project Manager**, Baltimore MD

- Project Manager for complex transportation design projects, responsible for the coordination of the project schedule and funding with all other contributing design offices.
- Develop cost estimates, plans, details, and specifications for SHA design projects.
- Assign, review, and manage geometric consultants.
- Plan, organize, and facilitate departmental and community meetings.
- Write citizen, elected officials, and departmental correspondence.
- Prepare project reports and documents.

9/06-3/07 ITT Technical Institute, Owings Mills MD

Instructor

- Taught Technical Drawing & Auto CADD.
- Tutored students.
- Prepared and graded assignments and exam.

5/00-12/00 Sponceller Group, Holland OH

Civil Engineer

- Drafted structural plans
- Developed an Access Database for GM Power Tran

KELLY M KOSINO P.E.

EDUCATION

- **Master of Management** College of Notre Dame of Maryland, Baltimore MD 2004
- **Bachelor of Civil Engineering** University of Toledo, Toledo OH 2000
- **Associate of Science** Monroe County Community College, Monroe MI 1997

CERTIFICATION

- Maryland Professional Engineer License

COMPUTER SKILLS

- | | |
|------------------------|--------------------|
| • Bentley MicroStation | • Projectwise |
| • Auto CADD | • Microsoft Office |
| • Critical Lane Volume | |

Level-of-Service Ratings

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its load factor (LF) during both the morning and afternoon peak hours. The LF is determined by recording the number of loaded cycles on each approach during the two-hour study periods in the morning and afternoon. View the [level-of-service](#) (PDF) for signaled intersections in Baltimore County.

Criteria

Cycle of the Signal

A cycle of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being loaded. This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular 60-minute period that had the highest percentage of cycles which were loaded. Thus each approach is given a separate maximum percentage of loaded cycles, and this percentage is called the load factor.

Load Factor

The load factor can range from zero percent to 100 percent. If an approach had a load factor of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a loaded cycle.

The load factor for the intersection is determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. The highest load factor for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the load factor on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

Ratings

The Level-of-Service is determined by using the following chart with the load factor for the intersection as computed above:

Level-of-Service	Load Factor
A	0%
B	1% to 10%
C	11% to 30%
D	31% to 70%

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E	71% to 85%
F	86% to 100%

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

- **Level-of-Service D**

Level-of-Service D intersections do not control issuance of building permits, but their areas are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

- **Level-of-Service E**

Areas around a level-of-service E intersection would be allowed to have a limited number of building permits issued.

- **Level-of-Service F**

Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion before it becomes a serious problem. The level-of-service does not in any way evaluate the safety aspects of an intersection but is strictly a congestion measure.

METHODOLOGY USED TO DETERMINE GEOGRAPHIC LIMITS OF TRAFFIC AREAS AROUND DEFICIENT INTERSECTIONS

The guidelines used to determine whether a site (area) is included in a traffic deficient area on the Transportation Basic Services maps are as follows. (It should be noted that areas are only denoted for those intersections currently rated as a level-of-service D, E, or F.

1. The majority of traffic from a site must be oriented towards the deficient intersection.
2. Of the traffic oriented towards the deficient intersection, at least 50% of that traffic must pass through the deficient intersection.

Example

With a total grid network of streets where traffic can flow in four different directions, you could have a case where 25% of the traffic goes north, 25% south, 24% east, and 26% west. If the deficient intersection is to the west, the majority of the traffic would therefore be oriented towards the deficient intersection, i.e., 26% is higher than any of the other possible orientations. If at least 50% of the traffic which is oriented to the west actually passes through the deficient intersection, then the site would be included in the traffic deficient area. Therefore, at least 50% of the 26% (13%) would have to pass through the critical intersection for the site to be in the deficient area.

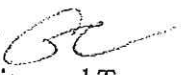
Taking a site where something like a railroad or freeway would preclude access to the west, and thus only three possible orientations are possible, you could have a case where 33% of the traffic goes north, 33% east, and 34% south. If the deficient intersection is to the south, the majority of the traffic would therefore be oriented towards the deficient intersection, i.e., 34% is higher than any of the other possible orientations. If at least 50% of the traffic which is oriented to the south actually passes through the deficient intersection, then the site would be included in the traffic deficient area. Therefore, at least 50% of the 34% (17%) would have to pass through the critical intersection for the site to be in the deficient area.

As a general rule, the examples indicated above are the extreme cases. Generally traffic flow tends to be oriented in a more particular direction rather than the fairly even distributions indicated above. Therefore, the percentage of total traffic from a site actually passing through a deficient intersection, in a deficient area, is generally higher than that indicated. However, this is the methodology used. If there is ever a question of whether an area is or is not included in a deficient area, Traffic Engineering will re-examine it. Developers may also hire their own traffic consultant to actually look at trip distributions if they do not agree with the County's analysis. Over the 20 years this procedure has been used, there have only been one or two changes made as a result of developers contesting the area boundaries.

**BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE**

DATE: January 5, 2018

TO: Steve Walsh, Director
Department of Public Works

FROM: Greg Carski, Bureau Chief 
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2018 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2017 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2018:

CHANGES:

Goucher Blvd / Putty Hill Ave	E to D
Baltimore Nat'l Pike (US 40)/ Rolling Rd N	D to F

With the changes above, there are nine "F" level intersections and one "E" level intersections that are being proposed on the 2018 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1) / Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersection of Goucher Blvd / Putty Hill Ave went from LOS E to D. This intersection has been historically LOS D, but became an E from last year's count. The construction last year at Harford Rd / Joppa Rd may have contributed to vehicles taking an alternate route, and increasing the volume through Goucher Blvd / Putty Hill Ave. With Harford

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Rd / Joppa Rd back in normal operations, the LOS at Goucher Blvd / Putty Hill Ave returned to its historical typical LOS.

The intersection of Baltimore Nat'l Pike (US 40) / Rolling Rd N went from LOS D to F, which could be attributed to changes in traffic demand. Even with timing adjustments from SHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The commuter shed at Belair Rd (US 1) / Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are being updated and will be shown on the 2018 Basic Service Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2018, please contact me at ext. 3554.

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	4/06/16	D	2/06/17	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	3/15/16	D	2/07/17	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/08/16	D	2/08/17	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	4/05/16	D	2/13/17	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	3/01/16	D	2/14/17	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	5/12/16	D	2/15/17	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	11/30/16	F	2/16/17	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
	4/25/16	F	2/23/17	F		Burke Ave	York Rd		
S1927	5/09/16	D	2/28/17	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/09/16	D	3/03/17	D		Dulaney Valley Rd	Timonium Rd E		
S0616	2/08/16	D	3/02/17	D		Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	2/25/16	F	3/06/17	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/16	D	3/07/17	D		Fairmount Ave	York Rd		
S0268	4/20/16	F	2/21/17	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	4/20/16	F	2/21/17	F		Falls Rd	Jones Falls Expwy	Joppa Rd	
S2231	5/24/16	F	5/24/17	F		Falls Rd	Seminary Ave W		
S0428	3/14/16	D	2/22/17	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	4/12/16	D	3/08/17	D		Frederick Rd	Rolling Rd S		
C0036	3/23/16	E	3/09/17	D		Goucher Blvd	Putty Hill Ave		
S3016	10/06/15	D	5/02/17	D		Harford Rd	Joppa Rd		
S2167	4/07/16	D	3/16/17	D		Harford Rd	Taylor Ave		
S0591	5/27/14	D	2/27/17	D		Hillen Rd	Stevenson Ln		
S2512	4/19/16	D	3/27/17	D		Honeygo Blvd	White Marsh Blvd		
S0917	5/05/16	D	3/28/17	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/21/16	D	3/29/17	D		Joppa Rd E	Loch Raven Blvd		
S4320	4/14/16	E	3/30/17	E		Joppa Rd E	Perring Pkwy		
S1911	4/18/16	D	4/03/17	D		Liberty Rd	Washington Ave		
S0628	3/24/16	D	4/04/17	D		Middle River Rd	Pulaski Hwy		
S4310	3/16/16	D	4/06/17	D		Padonia Rd E/W	York Rd		
S0852	3/22/16	F	4/05/17	F		Perring Pkwy	Putty Hill Ave		
S0889	3/03/16	D	4/25/17	D		Pulaski Hwy	66th St		
S0885	3/10/16	D	4/18/17	D		Pulaski Hwy	Rossville Blvd		
C0220	4/13/17	D	4/19/17	D		Rolling Rd	Windsor Mill Rd		
S1580	3/17/16	D	4/20/17	D		Seminary Ave E/W	York Rd		

D, E, F List1

1/8/2018

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S3008	3/21/16	D	4/24/17	D		Timonium Rd E/W	York Rd		



Department of Public Works

2018 Basic Services Map Transportation Zones

Legend

Intersections

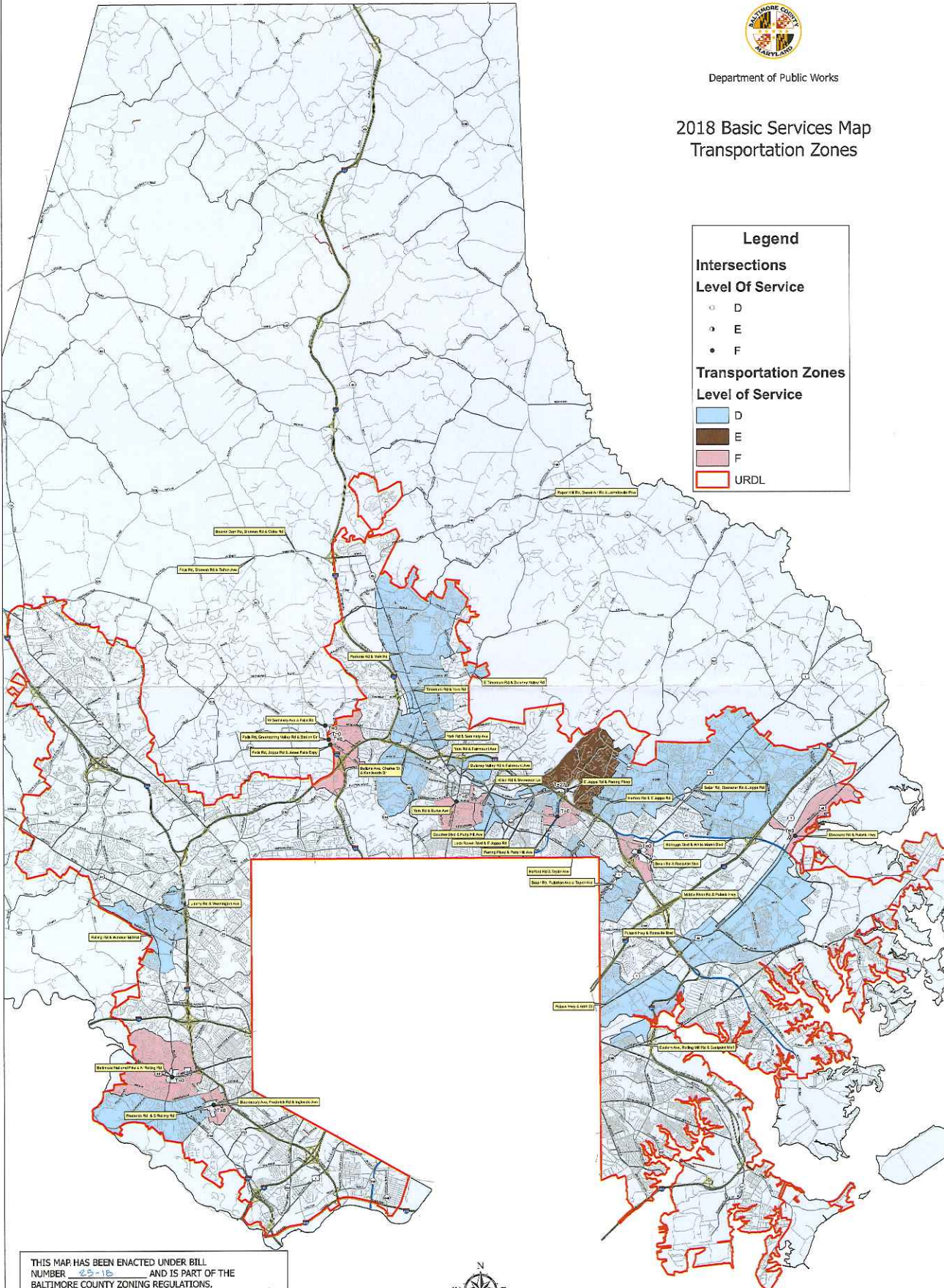
Level Of Service

- D
- E
- F

Transportation Zones

Level of Service

- D
- E
- F
- URDL



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER 25-16 AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED May 7, 2018, EFFECTIVE May 21, 2018.

COUNTY COUNCIL OF BALTIMORE COUNTY



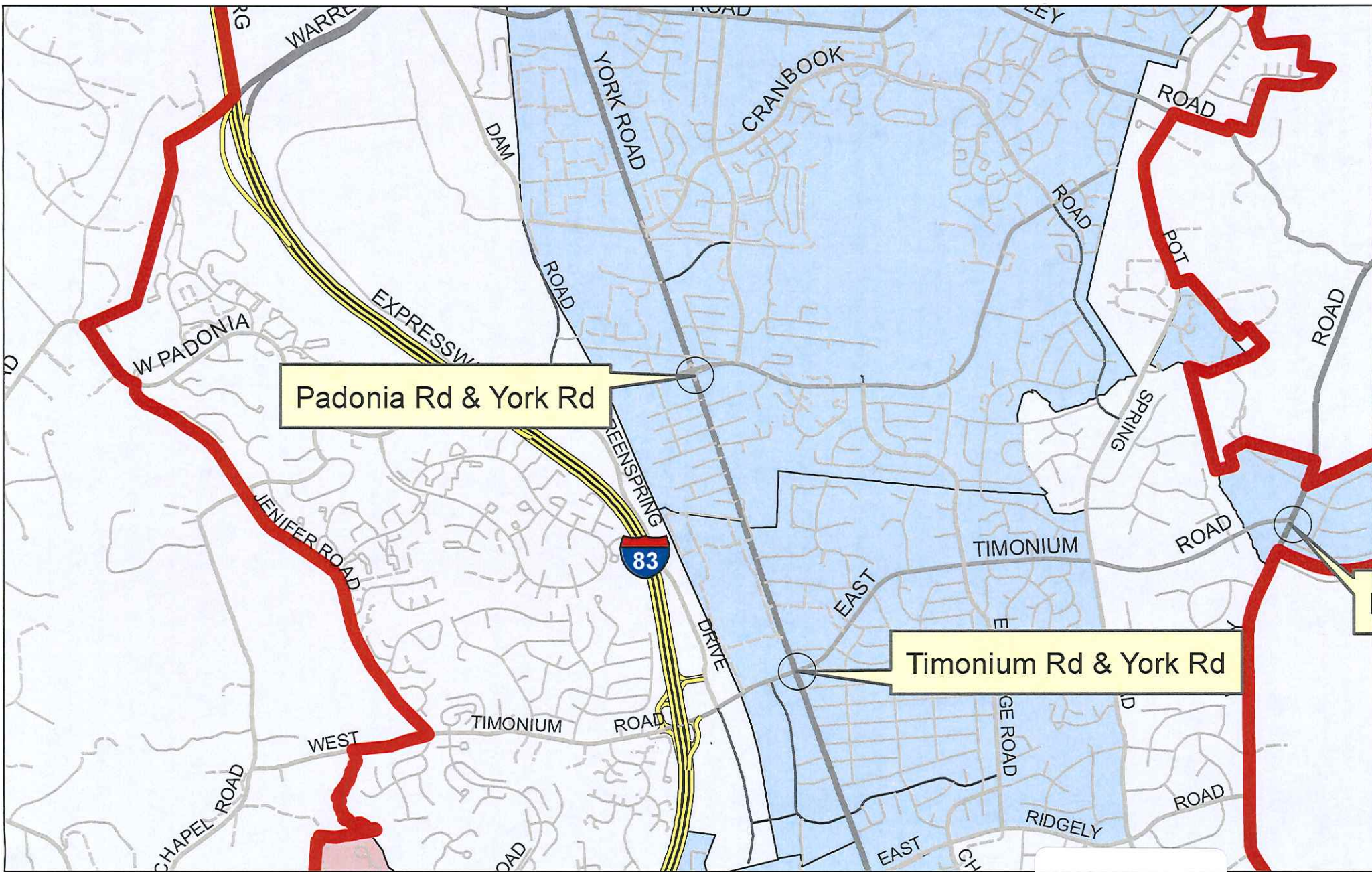
Scale 1 inch = 4,000 feet
0 2,000 4,000 6,000 12,000 16,000 Feet

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Feature Class Production Dates
Transportation Zones 2018
Intersections 2018
Urban Rural Designation Line 2013
Roads 2018
County Boundary 2008

Produced by the Baltimore County Department of Public Works
North Arrow and Datum: 1983 NAD83, U.S. Survey Feet
Published May 22, 2018



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Department of Public Works

2019 Basic Services Map Transportation Zones

DRAFT

Legend

Intersections

Level Of Service

- D
- E
- F

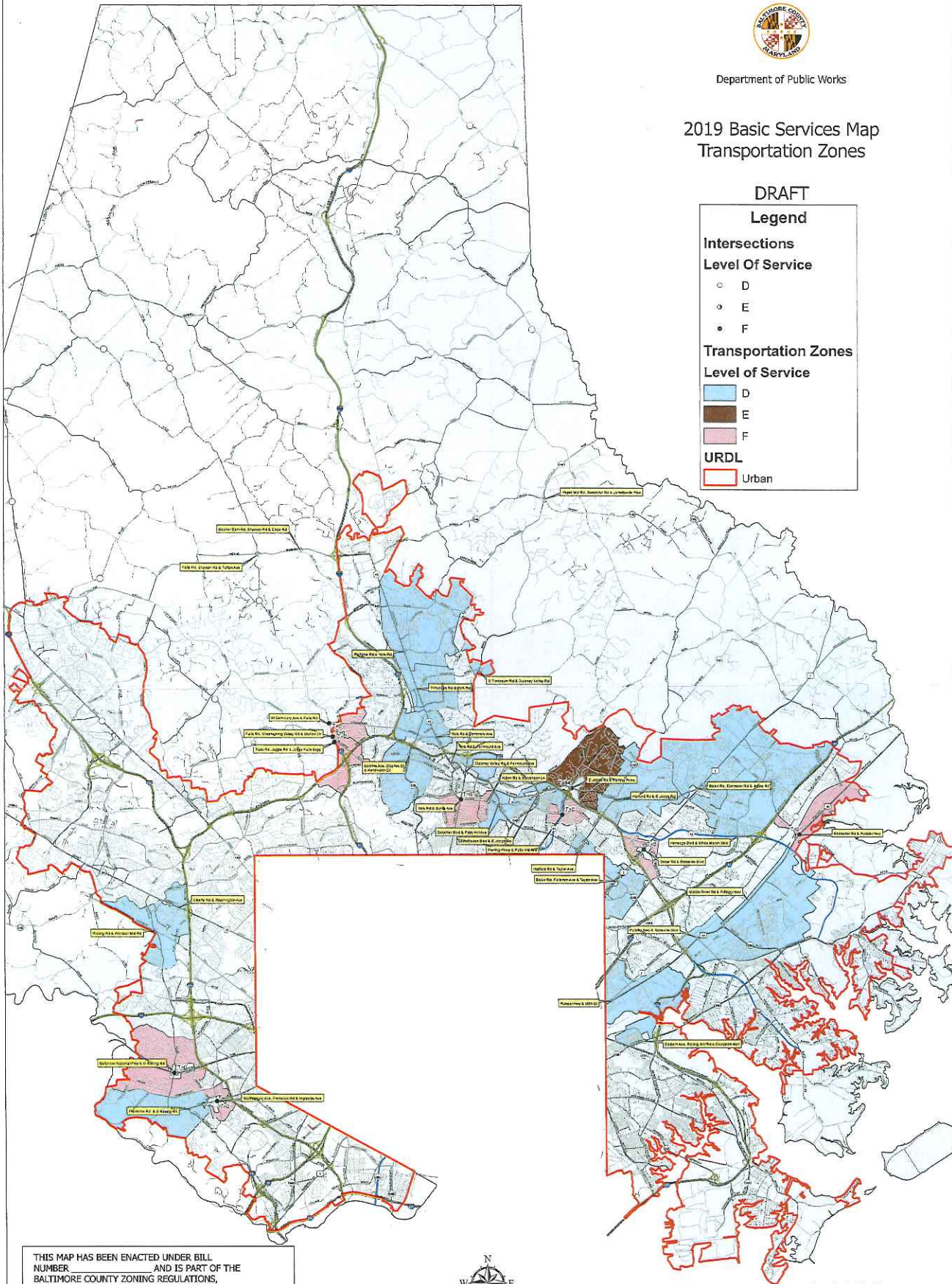
Transportation Zones

Level Of Service

- D
- E
- F

URDL

- Urban



THIS MAP HAS BEEN ENACTED UNDER BILL
NUMBER _____ AND IS PART OF THE
BALTIMORE COUNTY ZONING REGULATIONS,
1955, AS AMENDED BY THE BILL ADOPTED
_____, EFFECTIVE _____.

COUNTY COUNCIL OF BALTIMORE COUNTY



Scale 1 inch = 4,000 feet

0 2,000 4,000 6,000 8,000 10,000 Feet

Feature Class Production Dates
Transportation Zones 2019
Intersections 2019
Urban Rural Development Line 2012
Roads 2019
County Boundary 2019

Produced by the Baltimore County Department of Public Works
North American Datum 1983 (NAD83), U.S. Survey Foot
Published February 11, 2019

This map contains modifications to the Transportation Zones
based on County Council Resolution Number 5-19 and recording
the amendment in County Council Resolution Number 25-19.

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Sheetz
Market & Gas Station
Timonium, Maryland

Traffic Impact Analysis
February 8, 2018

Performed by:



Petitioner
CBA Exhibit

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INTRODUCTION

Century Engineering, Inc. (Century) has prepared this Traffic Impact Analysis to evaluate the potential effects of replacing an existing Bob Evans restaurant with a Sheetz market and gas station. The study site is a commercial property located in the northwest corner of the intersection of Padonia Road and Beaver Dam Road / Deereco Road in Timonium, Maryland. The study site is shown in **Exhibit 1**.

The previous land use was a Bob Evans restaurant, which was approximately 6,000 SF, and provided 167 seats. The proposed land use is a Sheetz market and gas station, which will be approximately 5,000 SF, and will provide 6 fuel islands (12 fuel positions). It anticipated that the Sheetz market and gas station will be opened in 2019.

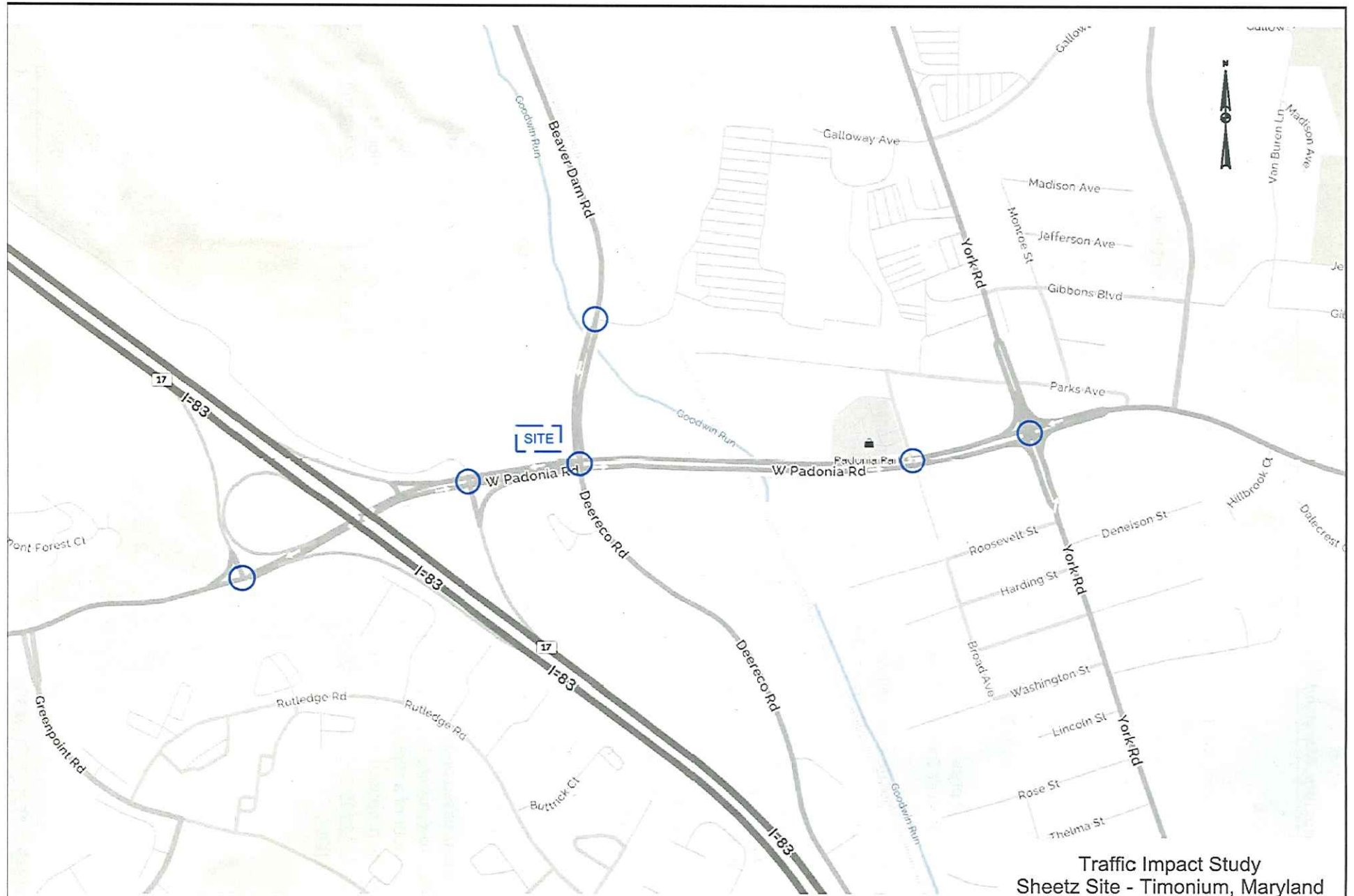
The existing site provides right-in/right-out access along both westbound Padonia Road and along southbound Beaver Dam Road. No changes to the existing site access points are proposed.

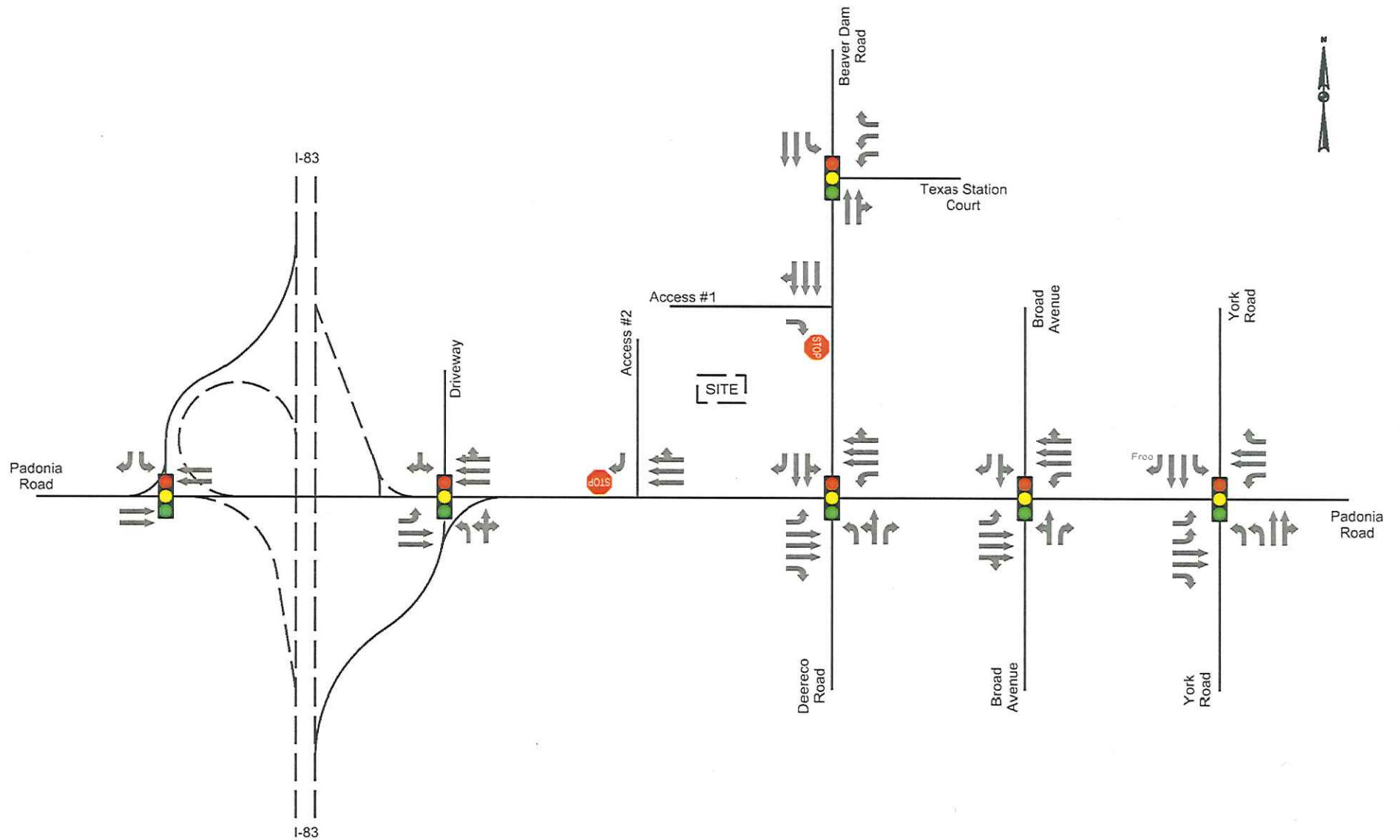
The study area includes the following intersections, which comprise the site access points and all signalized intersections within a half-mile radius of the site:

- Padonia Road at Beaver Dam Road / Deereco Road
- Padonia Road at the SB I-83 Exit Ramp
- Padonia Road at the NB I-83 Exit Ramp
- Padonia Road at Broad Avenue
- Padonia Road at York Road (MD 45)
- Beaver Dam Road at Texas Station Court
- Beaver Dam Road at the Site Access Point
- Padonia Road at the Site Access Point

In the vicinity of the study site, Padonia Road is a minor arterial roadway with a posted speed limit of 40 mph, Beaver Dam Road is a collector road with a posted speed limit of 40 mph, and Deereco Road is a collector road with a posted speed limit of 35 mph. Existing lane configurations and intersection controls information is provided in **Exhibit 2**.

Calculations based on the ITE Trip Generation Handbook, 10th edition, show that the proposed Sheetz is expected to generate approximately 385 trips during the AM peak hour and 327 trips during the PM peak hour of a typical weekday. After subtracting trips to the former Bob Evans, and taking pass-by trips to the proposed site into account, it was determined that the Sheetz market and gas station is expected to generate approximately 55 new trips during the AM peak hour and 28 new trips during the PM peak hour.





Traffic Impact Study
Sheetz Site - Timonium, Maryland

EXISTING CONDITIONS

Traffic data was compiled for the existing signalized intersections within the study area. Data for five (5) of the intersections, collected within the last two (2) years, was provided by Baltimore County. Data for two (2) additional intersections was collected by Century. The raw data for these peak period counts is provided in **Appendix A**. Peak hour traffic volume data is provided in **Exhibit 3**.

Two (2) sets of count data are provided for the intersection of Padonia Road and Broad Avenue. The first set, collected in January 2015, was provided by Baltimore County, and the second set, collected in January 2018, was collected by Century. Comparison of these two data sets, both of which are included in **Appendix A**, shows that traffic volumes along Padonia Road during the AM and PM peak hours has changed little over the three (3) years. Therefore, we have determined that no growth rate is necessary for traffic data less than three (3) years old.

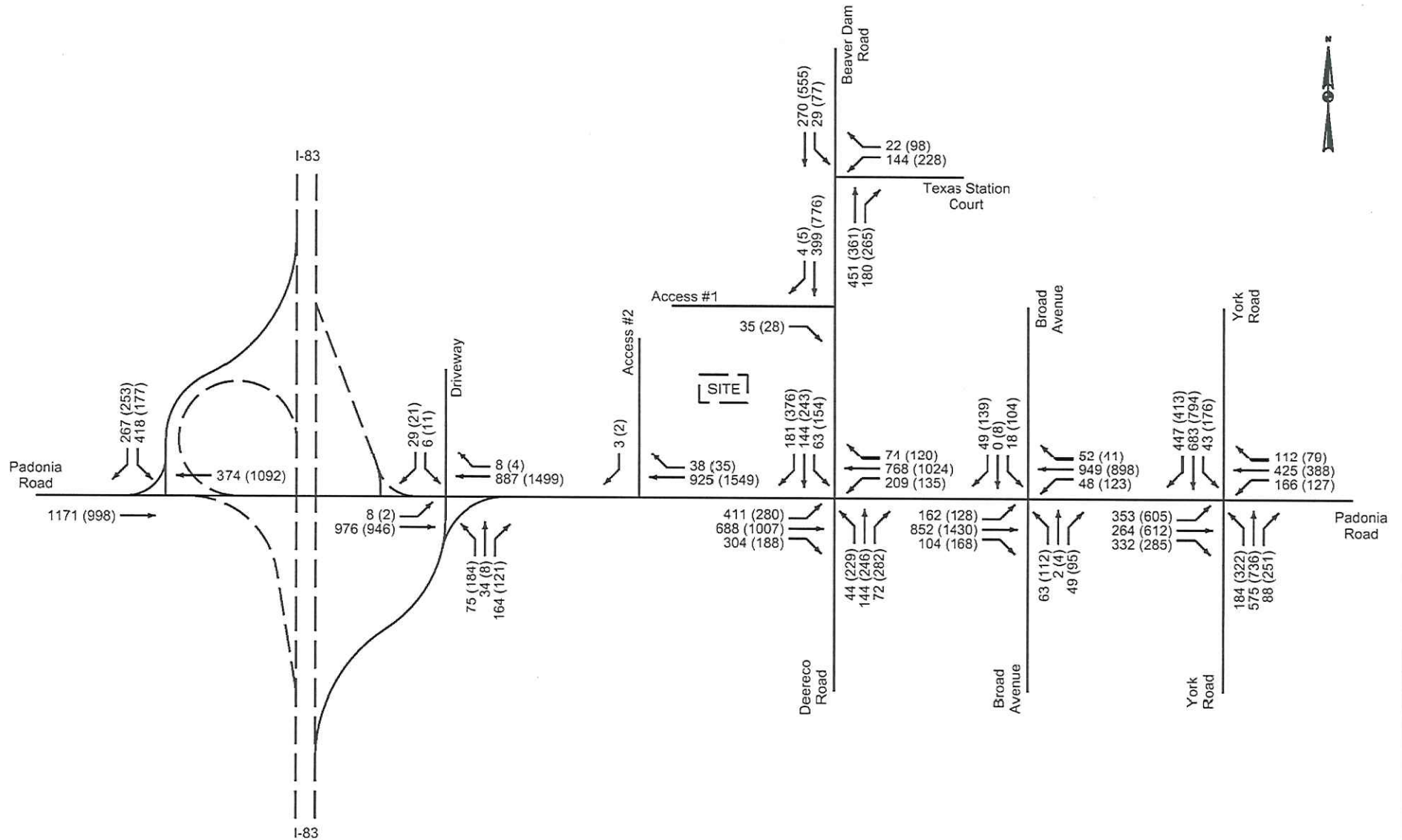
The existing Bob Evans restaurant closed in November 2017. The restaurant was open at the time that most of the count data was collected, and is therefore included in those volumes. Because the restaurant was closed at the time this study was conducted, traffic volumes at the site access points have been estimated using the ITE Trip Generation Handbook, 10th Edition, Land Use Code 932. The description and charts for this LUC are provided in **Appendix B**.

Baltimore County maintains information on levels of congestion along County roads. The Basic Services Map for Transportation identifies both individual intersections and “transportation zones” within the County that are operating at level of service (LOS) D, E, or F to aid in decisions related to new developments. The County also maintains lists of local signalized intersections and their measured LOS. These documents, which are provided in **Appendix C**, reveal the following details:

1. The intersection of Padonia Road, Beaver Dam Road, and Deereco Road, which lies immediately adjacent to the study site, is not included in any of the LOS D, E, or F Transportation Zones.
2. With the exception of the intersection of York Road (MD 45) and Padonia Road, which is listed as operating at LOS D, all of the intersection in the study area are shown to operate at LOS C or better under existing conditions.

Critical Lane Volume (CLV) analyses were performed for all signalized and unsignalized intersections included in the study area. These analyses show that all evaluated intersections operate at LOS C or better during both the AM and PM peak hours under existing conditions. The CLV analysis worksheets are provided in **Appendix D**.

Synchro analyses were also performed for the study network. Models were constructed using an orthorectified aerial image and existing signal timings. The models were then run in SimTraffic to obtain a more accurate measurement of queues and delays. The simulation models show all approaches to the intersections in the study operate at LOS D or better during both the AM and PM peak hours. Outputs from the SimTraffic models are provided in **Appendix E**.



Traffic Impact Study
Sheetz Site - Timonium, Maryland

BACKGROUND CONDITION

It is expected that the proposed Sheetz market and gas station will be opened in 2019. And, as mentioned above, peak hour traffic volumes within the study area do not appear to be growing at a notable rate. Therefore, due to the brief timeline before construction and a relatively stable traffic volume set, no growth rate has been applied to yield a future background condition.

Century staff visited the Baltimore County offices on January 31, 2018, and made inquiries to both the Development Management and Development Plans Review offices within the Permits, Approvals, and Inspection Department, to determine if any other approved but not yet constructed developments needed to be taken into account in this study. It was determined that no developments are currently approved for construction within one (1) mile of the proposed Sheetz site.

As such, the "Background Condition" for this study matches the Existing Condition.

PROJECTED CONDITIONS

Anticipated trips for the proposed Sheetz market and gas station were developed using the ITE Trip Generation Handbook, 10th Edition. LUC 960 was determined to be appropriate for this site, using the multi-variable regression analysis based on both the convenience market square footage and the number of fueling positions. The description for this LUC, and the related calculations, are provided in **Appendix F**.

Pass-by trips are commonly associated with both convenience markets and gas stations. However, the current edition of the ITE Trip Generation Handbook does not include percentages of pass-by trips for LUC 960. The Handbook does include pass-by trip estimates for the following similar land uses:

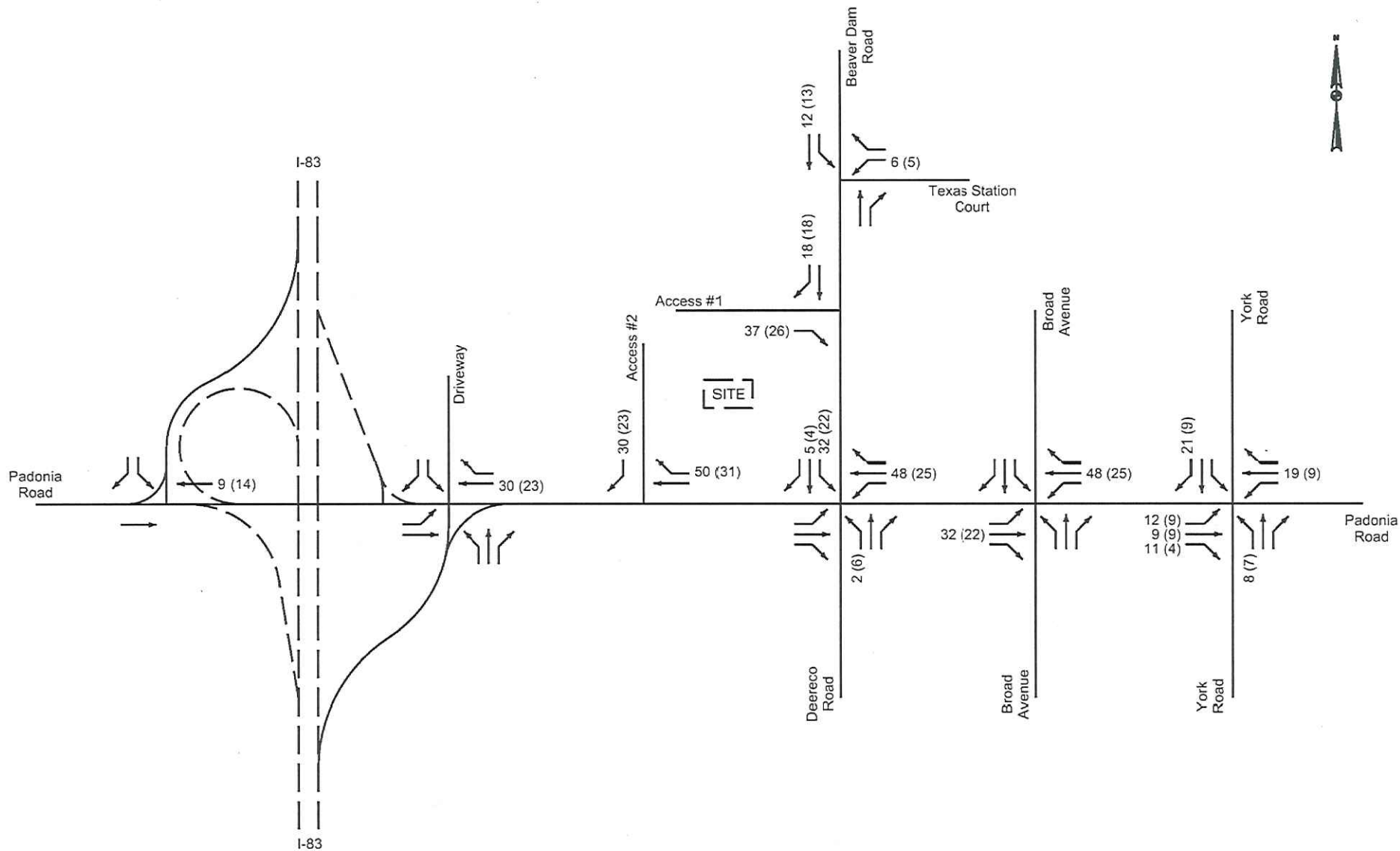
- LUC 945 – Gasoline/Service Station with Convenience Market
- LUC 853 – Convenience Market with Gasoline Pumps

Data graphs for pass-by trips for these sites are also provided in **Appendix F**. Based upon review of this data, it is estimated that approximately 65 percent of the AM peak hour trips and 70 percent of the PM peak hour trips to the proposed site will be pass-by trips. Distribution of both new site trips and pass-by trips was applied relative to the existing traffic volumes approaching the site (and able to access the site) during both the AM and PM peak periods. The estimated new site trip volumes and pass-by trip volumes are provided in **Exhibits 4 and 5**, respectively.

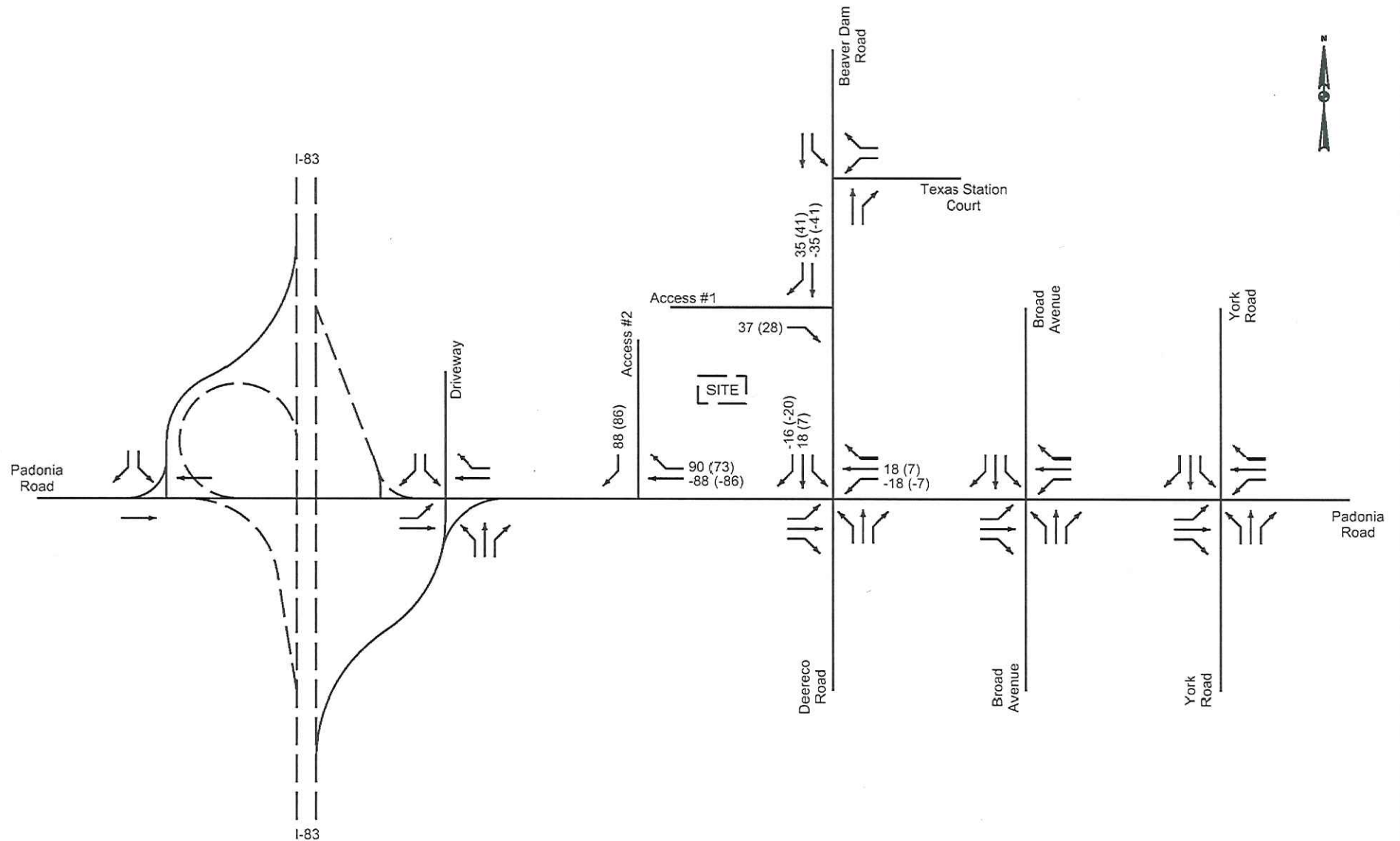
Additionally, trips for the Bob Evans restaurant were removed from the network. Changes due to removal of these former site trips are provided in **Exhibit 6**. Total future trip volumes are provided in **Exhibit 7**.

As for the existing condition, CLV analyses were performed for all signalized and unsignalized intersections included in the study area under the projected condition. These analyses indicate that all intersections are expected to continue to operate at level of service (LOS) C or better during both the AM and PM peak hours under the projected conditions. The CLV analysis worksheets are provided in **Appendix G**.

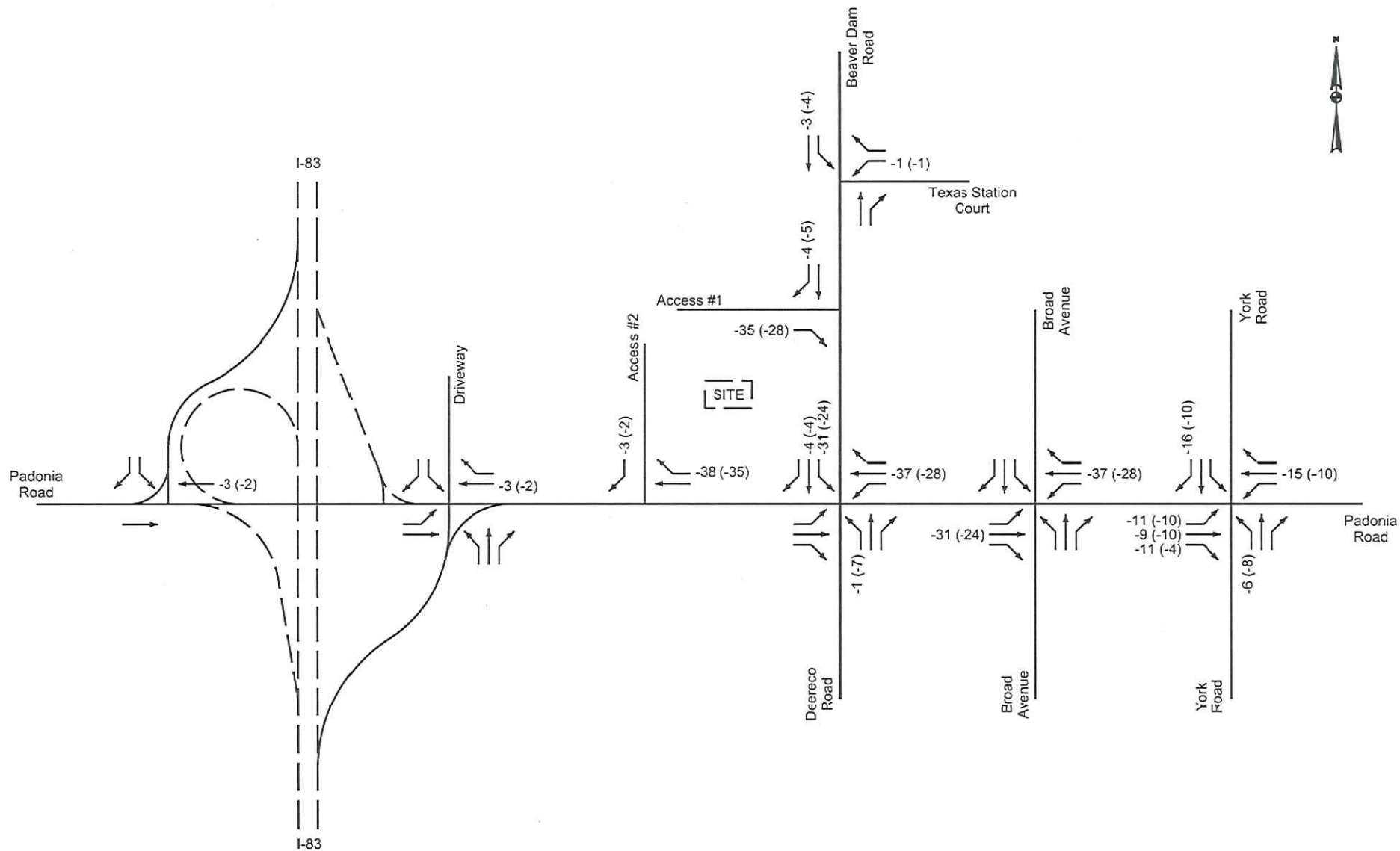
Synchro analyses were also performed for the study network, assuming no changes other than traffic volumes, when compared to the existing condition. Models were constructed using an orthorectified aerial image and existing signal timings. The models were run in SimTraffic to obtain a more accurate measurement of queues and delays. As was seen under the existing condition, the simulation models show that all approaches to the intersections in the study are expected to continue to operate at LOS D or better during both the AM and PM peak hours. Additionally, queue impacts under the projected conditions are expected to be similar to those observed in the existing condition. Outputs from the SimTraffic models are provided in **Appendix H**.



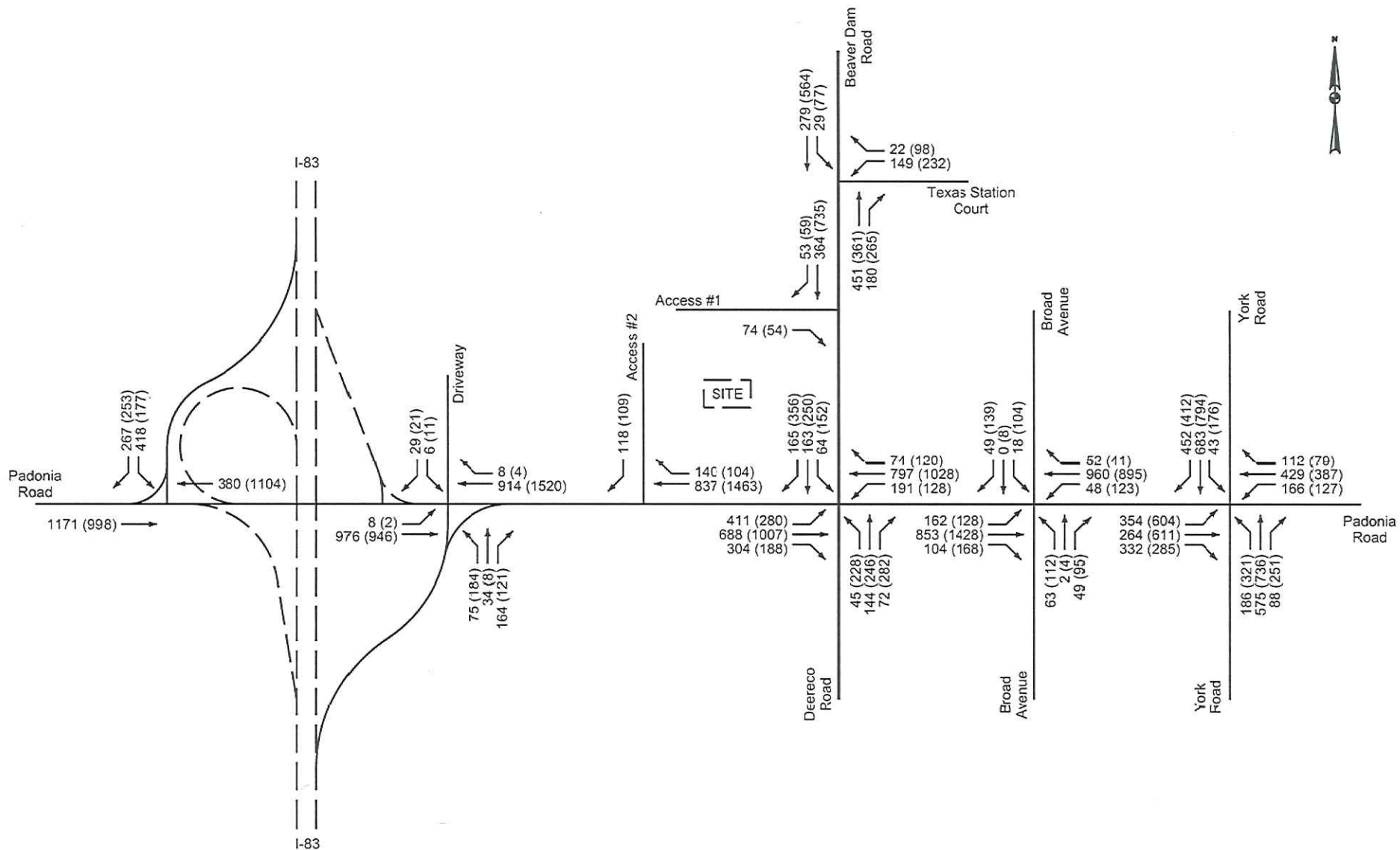
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CONCLUSIONS & RECOMMENDATIONS

Review of the outputs of the analyses reveals that relatively little additional traffic volume is expected to be added to the network as a result of the change in land use at the study site, and the potential redistribution of trips (pass-by trips) is expected to have minor impacts on operations.

Both the CLV and SimTraffic analyses show that operations at all intersections in the study area, and all approaches to each of the intersections in the study area, are expected to operate at LOS D or better during both the AM and PM peak hours under both the existing and projected conditions. Based on the data presented in this study, and typical SHA requirements for mitigation, it has been determined that no roadway improvements will be required due to the Sheetz market and gas station development.

Appendix A:

Traffic Count Data

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Ramp from SB I-83

Date : Monday, December 7, 2015

Count By :

Weather :

Beginning Time			Northbound				Ramp from SB I-83 Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00					0	90	0	22	112	0	181	0	181	0	98	0	98	391
	7:15	x				0	117	0	40	157	0	279	0	279	0	84	0	84	520
	7:30	x				0	114	0	64	178	0	302	0	302	0	90	0	90	570
	7:45	x				0	96	0	71	167	0	334	0	334	0	97	0	97	598
	8:00	x				0	91	0	92	183	0	256	0	256	0	103	0	103	542
	8:15					0	109	0	89	198	0	194	0	194	0	94	0	94	486
	8:30					0	89	0	82	171	0	260	0	260	0	77	0	77	508
	8:45					0	95	0	84	179	0	282	0	282	0	83	0	83	544
	Peak Hour ^x		0	0	0	0	418	0	267	685	0	1,171	0	1,171	0	374	0	374	2,230
PM	4:00					0	34	0	47	81	0	159	0	159	0	254	0	254	494
	4:15					0	41	0	56	97	0	187	0	187	0	221	0	221	505
	4:30					0	46	0	43	89	0	193	0	193	0	232	0	232	514
	4:45					0	30	0	55	85	0	224	0	224	0	268	0	268	577
	5:00	x				0	35	0	66	101	0	210	0	210	0	253	0	253	564
	5:15	x				0	43	0	70	113	0	261	0	261	0	269	0	269	643
	5:30	x				0	48	0	64	112	0	256	0	256	0	276	0	276	644
	5:45	x				0	51	0	53	104	0	271	0	271	0	294	0	294	669
	Peak Hour ^x		0	0	0	0	177	0	253	430	0	998	0	998	0	1,092	0	1,092	2,520

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Ramp from NB I-83

Date : Tuesday, August 9, 2016

Count By :

Weather :

Beginning Time			Ramp from NB I-83 Northbound				Driveway Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		13	5	32	50	2	0	4	6	3	153	0	156	0	163	2	165	377
	7:15		19	2	43	64	1	0	11	12	2	194	0	196	0	207	1	208	480
	7:30	x	18	13	37	68	2	0	15	17	1	251	0	252	0	242	1	243	580
	7:45	x	14	7	40	61	1	0	3	4	2	297	0	299	0	196	3	199	563
	8:00	x	21	7	41	69	1	0	4	5	3	233	0	236	0	202	2	204	514
	8:15	x	22	7	46	75	2	0	7	9	2	195	0	197	0	247	2	249	530
	8:30		23	15	50	88	2	0	13	15	1	209	0	210	0	213	1	214	527
	8:45		19	10	52	81	2	0	12	14	2	221	0	223	0	216	2	218	536
	Peak Hour ^x		75	34	164	273	6	0	29	35	8	976	0	984	0	887	8	895	2,187
PM	4:00		51	4	42	97	4	0	8	12	2	198	0	200	0	279	1	280	589
	4:15		39	4	31	74	2	0	5	7	1	204	0	205	0	321	2	323	609
	4:30		34	3	30	67	3	0	3	6	2	200	0	202	0	328	1	329	604
	4:45		40	4	22	66	5	0	6	11	1	193	0	194	0	331	0	331	602
	5:00	x	32	3	24	59	3	0	8	11	1	212	0	213	0	374	1	375	658
	5:15	x	49	3	35	87	4	0	7	11	0	284	0	284	0	370	0	370	752
	5:30	x	53	1	32	86	2	0	3	5	1	231	0	232	0	376	1	377	700
	5:45	x	50	1	30	81	2	0	3	5	0	219	0	219	0	379	2	381	686
	Peak Hour ^x		184	8	121	313	11	0	21	32	2	946	0	948	0	1,499	4	1,503	2,796

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Beaver Dam Road at Texas Station Court

Date : Tuesday, December 20, 2016

Count By :

Weather :

Beginning Time			Beaver Dam Road Northbound				Beaver Dam Road Southbound				(none) Eastbound				Texas Station Court Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		0	71	18	89	7	76	0	83				0	14	0	4	18	190
	7:15		0	112	37	149	4	67	0	71				0	28	0	10	38	258
	7:30		0	93	26	119	6	73	0	79				0	33	0	7	40	238
	7:45	x	0	118	51	169	5	75	0	80				0	26	0	5	31	280
	8:00	x	0	120	35	155	6	58	0	64				0	30	0	7	37	256
	8:15	x	0	111	43	154	8	66	0	74				0	43	0	5	48	276
	8:30	x	0	102	51	153	10	71	0	81				0	45	0	5	50	284
	8:45		0	95	40	135	7	72	0	79				0	39	0	4	43	257
	Peak Hour ^x		0	451	180	631	29	270	0	299	0	0	0	0	144	0	22	166	1,096
PM	4:00		0	81	66	147	13	131	0	144				0	75	0	31	106	397
	4:15		0	70	53	123	10	105	0	115				0	62	0	26	88	326
	4:30		0	92	61	153	9	129	0	138				0	63	0	21	84	375
	4:45		0	90	59	149	17	132	0	149				0	54	0	18	72	370
	5:00	x	0	79	70	149	11	147	0	158				0	51	0	17	68	375
	5:15	x	0	103	59	162	27	152	0	179				0	66	0	23	89	430
	5:30	x	0	98	57	155	23	136	0	159				0	50	0	31	81	395
	5:45	x	0	81	79	160	16	120	0	136				0	61	0	27	88	384
	Peak Hour ^x		0	361	265	626	77	555	0	632	0	0	0	0	228	0	98	326	1,584

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Beaver Dam Road / Deereco Road

Date : Thursday, October 20, 2016

Count By :

Weather :

Beginning Time			Deereco Road Northbound				Beaver Dam Road Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		10	18	16	44	7	27	27	61	69	72	51	192	31	188	5	224	521
	7:15		8	24	18	50	10	30	24	64	83	91	62	236	30	176	12	218	568
	7:30		11	29	11	51	8	38	34	80	85	124	88	297	37	203	15	255	683
	7:45		8	30	15	53	16	35	33	84	96	152	79	327	51	162	26	239	703
	8:00	x	14	34	21	69	15	31	41	87	121	185	73	379	45	187	17	249	784
	8:15	x	10	36	16	62	17	35	43	95	86	123	69	278	49	179	22	250	685
	8:30	x	9	34	15	58	17	41	42	100	100	193	73	366	55	198	14	267	791
	8:45	x	11	40	20	71	14	37	55	106	104	187	89	380	60	204	21	285	842
	Peak Hour ^x		44	144	72	260	63	144	181	388	411	688	304	1,403	209	768	74	1,051	3,102
PM	4:00		37	78	56	171	44	57	96	197	73	253	58	384	44	253	27	324	1,076
	4:15		38	75	63	176	46	54	87	187	87	229	47	363	53	249	33	335	1,061
	4:30		48	69	59	176	34	48	92	174	81	221	51	353	42	206	30	278	981
	4:45		31	62	66	159	41	47	76	164	83	219	40	342	42	195	23	260	925
	5:00	x	59	50	82	191	35	59	99	193	57	222	58	337	35	289	34	358	1,079
	5:15	x	53	65	83	201	46	73	105	224	78	269	47	394	36	271	31	338	1,157
	5:30	x	66	70	62	198	43	64	92	199	71	277	36	384	25	252	26	303	1,084
	5:45	x	51	61	55	167	30	47	80	157	74	239	47	360	39	212	29	280	964
	Peak Hour ^x		229	246	282	757	154	243	376	773	280	1,007	188	1,475	135	1,024	120	1,279	4,284



Turning Movement Report

Location : Padonia Road at Broad Avenue

Date : Thursday, January 25, 2018

Count By : LC/JC

Weather : Clear

Beginning Time			Broad Avenue Northbound				Broad Avenue Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:15		19	0	16	35	2	0	5	7	25	248	11	284	5	211	9	225	551
	7:30		17	0	13	30	3	0	9	12	28	209	18	255	5	239	10	254	551
	7:45	x	23	1	17	41	4	0	17	21	42	242	34	318	12	278	15	305	685
	8:00	x	15	0	14	29	8	0	11	19	36	188	16	240	11	225	12	248	536
	8:15	x	14	0	10	24	2	0	11	13	31	208	26	265	11	201	12	224	526
	8:30	x	11	1	8	20	4	0	10	14	53	214	28	295	14	245	13	272	601
	8:45		17	1	15	33	9	0	14	23	42	215	15	272	12	214	24	250	578
	9:00		18	1	13	32	3	2	13	18	43	202	34	279	34	211	20	265	594
	Peak Hour ^x		63	2	49	114	18	0	49	67	162	852	104	1,118	48	949	52	1,049	2,348
PM	4:30		21	1	17	39	44	0	31	75	27	257	27	311	31	254	13	298	723
	4:45		13	1	23	37	18	1	34	53	35	295	43	373	35	236	6	277	740
	5:00	x	21	2	26	49	40	4	50	94	33	390	35	458	24	248	10	282	883
	5:15	x	31	0	20	51	19	2	36	57	29	381	49	459	27	209	18	254	821
	5:30	x	32	1	25	58	19	1	26	46	32	346	50	428	27	232	3	262	794
	5:45	x	28	1	24	53	26	1	27	54	34	313	34	381	45	209	10	264	752
	6:00		49	0	37	86	17	3	21	41	15	364	32	411	25	223	4	252	790
	6:15		34	1	27	62	10	2	20	32	17	282	35	334	42	220	3	265	693
	Peak Hour ^x		112	4	95	211	104	8	139	251	128	1,430	168	1,726	123	898	41	1,062	3,250

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Broad Avenue

Date : Thursday, January 29, 2015

Count By :

Weather :

Beginning Time			Broad Avenue Northbound				Broad Avenue Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		2	0	1	3	2	0	7	9	19	169	2	190	1	177	6	184	386
	7:15		0	0	2	2	3	0	8	11	21	212	4	237	2	195	8	205	455
	7:30	x	2	0	3	5	3	1	11	15	25	241	3	269	4	204	10	218	507
	7:45	x	0	0	1	1	4	0	12	16	29	239	4	272	6	213	11	230	519
	8:00	x	0	1	4	5	4	0	12	16	30	201	2	233	5	183	14	202	456
	8:15	x	1	0	2	3	9	1	10	20	39	203	3	245	4	171	12	187	455
	8:30		0	0	4	4	10	0	10	20	26	155	2	183	2	208	9	219	426
	8:45		2	1	1	4	8	0	11	19	43	219	3	265	1	156	7	164	452
	Peak Hour ^x		3	1	10	14	20	2	45	67	123	884	12	1,019	19	771	47	837	1,937
PM	4:00		23	2	9	34	25	3	22	50	28	305	46	379	24	294	13	331	794
	4:15		23	1	14	38	19	0	18	37	31	310	52	393	21	242	9	272	740
	4:30		21	0	10	31	27	1	25	53	47	314	43	404	23	248	8	279	767
	4:45	x	20	2	8	30	21	0	36	57	42	309	40	391	33	243	12	288	766
	5:00	x	21	1	13	35	23	1	40	64	44	329	39	412	27	261	10	298	809
	5:15	x	22	0	15	37	24	1	43	68	39	331	41	411	27	250	11	288	804
	5:30	x	19	2	12	33	20	2	31	53	37	352	40	429	21	231	10	262	777
	5:45		20	1	10	31	16	1	26	43	40	366	36	442	20	217	8	245	761
	Peak Hour ^x		82	5	48	135	88	4	150	242	162	1,321	160	1,643	108	985	43	1,136	3,156



Turning Movement Report

Location : York Road at Padonia Road

Date : Wednesday, January 24, 2018

Count By : LC/JC

Weather : Cloudy

Beginning Time			York Road Northbound				York Road Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:15		15	98	24	137	16	176	104	296	52	97	52	201	31	83	15	129	763
	7:30	x	39	140	30	209	7	154	120	281	64	92	87	243	51	126	16	193	926
	7:45	x	57	144	17	218	7	199	110	316	110	51	81	242	43	121	34	198	974
	8:00	x	43	163	22	228	18	160	110	288	90	48	95	233	36	103	35	174	923
	8:15	x	45	128	19	192	11	170	107	288	89	73	69	231	36	75	27	138	849
	8:30		43	135	19	197	10	139	113	262	84	53	70	207	31	92	29	152	818
	8:45		50	129	17	196	18	127	109	254	104	77	90	271	33	83	23	139	860
	9:00		46	129	17	192	18	145	101	264	85	79	72	236	38	110	32	180	872
	Peak Hour ^x		184	575	88	847	43	683	447	1,173	353	264	332	949	166	425	112	703	3,672
PM	4:30	x	60	169	51	280	44	167	111	322	149	143	69	361	32	108	16	156	1,119
	4:45	x	78	194	76	348	43	191	90	324	127	135	70	332	37	78	19	134	1,138
	5:00	x	135	204	58	397	40	239	107	386	161	144	80	385	31	102	23	156	1,324
	5:15	x	49	169	66	284	49	197	105	351	168	190	66	424	27	100	21	148	1,207
	5:30		88	196	53	337	58	147	97	302	145	147	63	355	23	76	16	115	1,109
	5:45		73	178	65	316	43	176	103	322	132	136	77	345	22	81	35	138	1,121
	6:00		75	157	40	272	50	171	133	354	140	134	71	345	37	52	25	114	1,085
	6:15		65	155	45	265	39	146	111	296	116	101	50	267	37	95	24	156	984
	Peak Hour ^x		322	736	251	1,309	176	794	413	1,383	605	612	285	1,502	127	388	79	594	4,788

Appendix B:

Existing Site Land Use Data

Land Use: 932

High-Turnover (Sit-Down) Restaurant

Description

This land use consists of sit-down, full-service eating establishments with typical duration of stay of approximately one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not take reservations. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks. Fast casual restaurant (Land Use 930), quality restaurant (Land Use 931), fast-food restaurant without drive-through window (Land Use 933), fast-food restaurant with drive-through window (Land Use 934), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 38 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Vermont, and Wisconsin.

Source Numbers

126, 269, 275, 280, 300, 301, 305, 338, 340, 341, 358, 384, 424, 432, 437, 438, 444, 507, 555, 577, 589, 617, 618, 728, 868, 884, 885, 903, 927, 944, 961, 962, 977

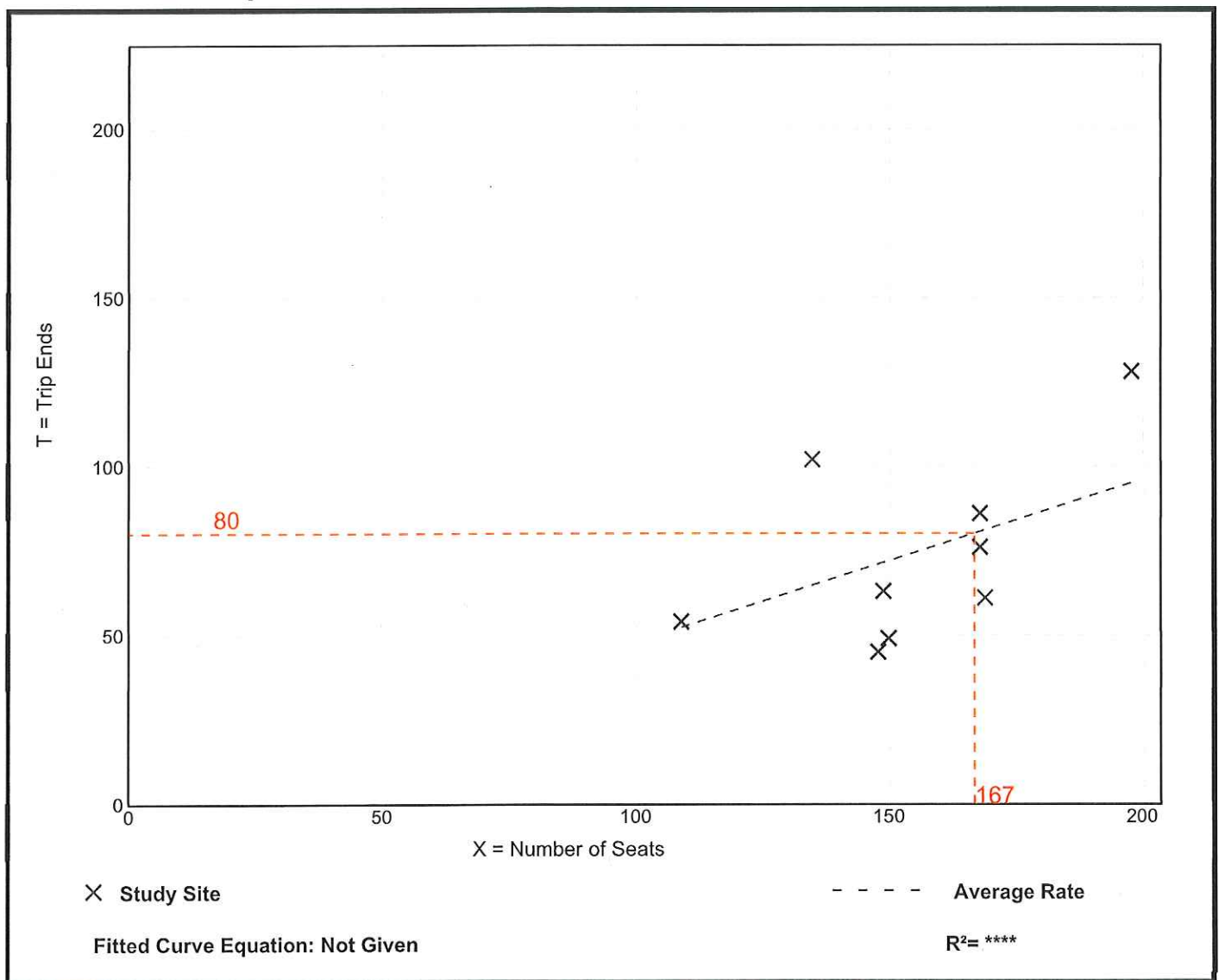
High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: Seats
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 7 and 9 a.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 9
 Avg. Num. of Seats: 155
 Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.48	0.30 - 0.76	0.15

Data Plot and Equation



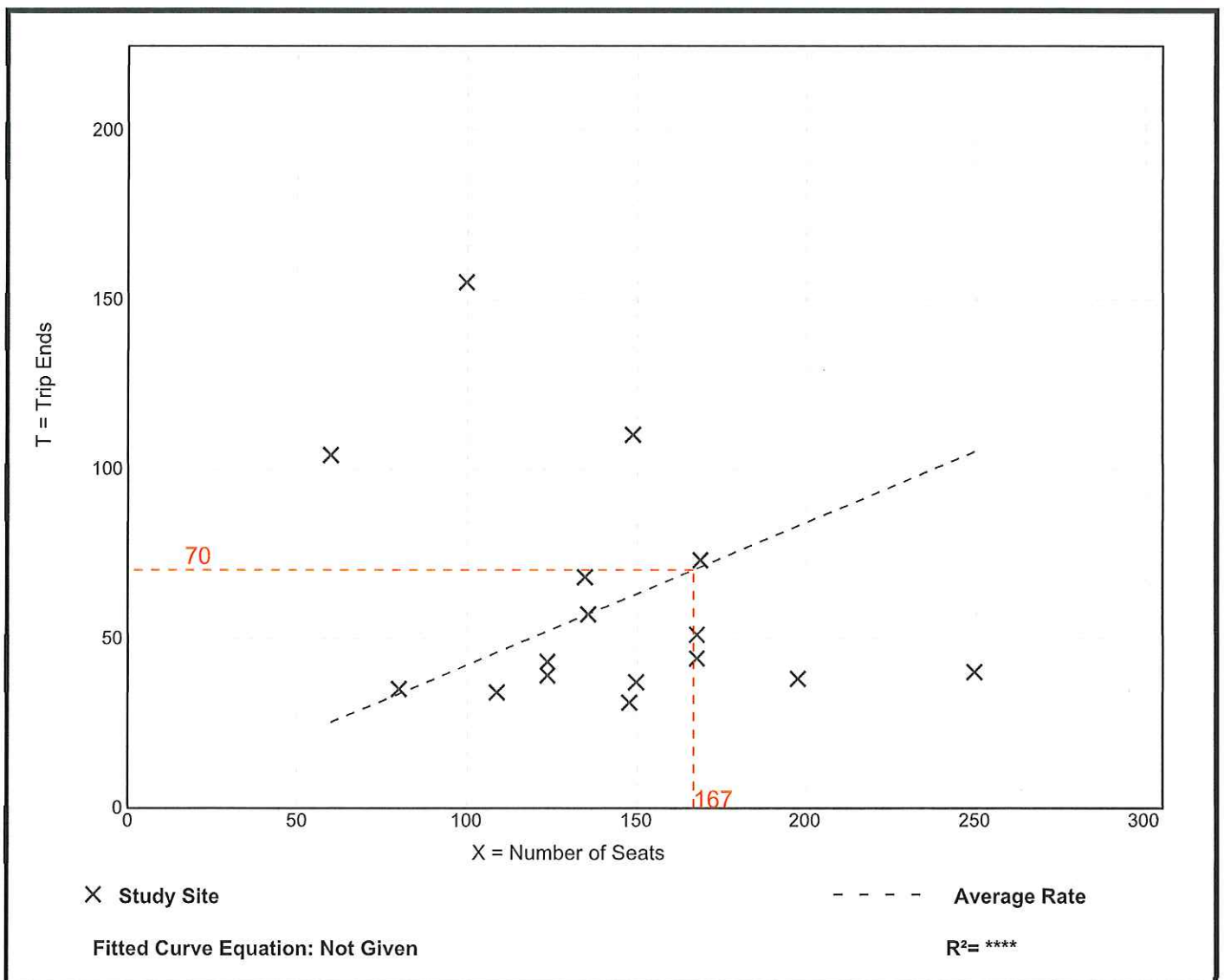
High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: Seats
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. Num. of Seats: 142
 Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.42	0.16 - 1.73	0.37

Data Plot and Equation



Appendix C:

Existing Conditions Information from Baltimore County



Baltimore County

GOVERNMENT

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Level-of-Service Ratings

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its load factor (LF) during both the morning and afternoon peak hours. The LF is determined by recording the number of loaded cycles on each approach during the two-hour study periods in the morning and afternoon. View the [level-of-service](#) (PDF) for signaled intersections in Baltimore County.

Criteria

Cycle of the Signal

A cycle of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being loaded. This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular 60-minute period that had the highest percentage of cycles which were loaded. Thus each approach is given a separate maximum percentage of loaded cycles, and this percentage is called the load factor.

Load Factor

The load factor can range from zero percent to 100 percent. If an approach had a load factor of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period

on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a loaded cycle.

The load factor for the intersection is determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. The highest load factor for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the load factor on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

Ratings

The Level-of-Service is determined by using the following chart with the load factor for the intersection as computed above:

Level-of-Service	Load Factor
A	0%
B	1% to 10%
C	11% to 30%
D	31% to 70%
E	71% to 85%
F	86% to 100%

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

- **Level-of-Service D**

Level-of-Service D intersections do not control issuance of building permits, but their areas are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

- **Level-of-Service E**

Areas around a level-of-service E intersection would be allowed to have a limited number of building permits issued.

- **Level-of-Service F**

Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion before it becomes a serious problem. The level-of-service does not in any way evaluate the safety aspects of an intersection but is strictly a congestion measure.

Revised November 15, 2016

DEPARTMENT OF PUBLIC WORKS

[Traffic Signal Shop](#)

[Traffic Engineering Overview](#)

[Public Works Overview](#)



Department of Public Works

2017 Basic Services Map Transportation Zones

Legend

Intersections

Level Of Service

- D
- E
- F

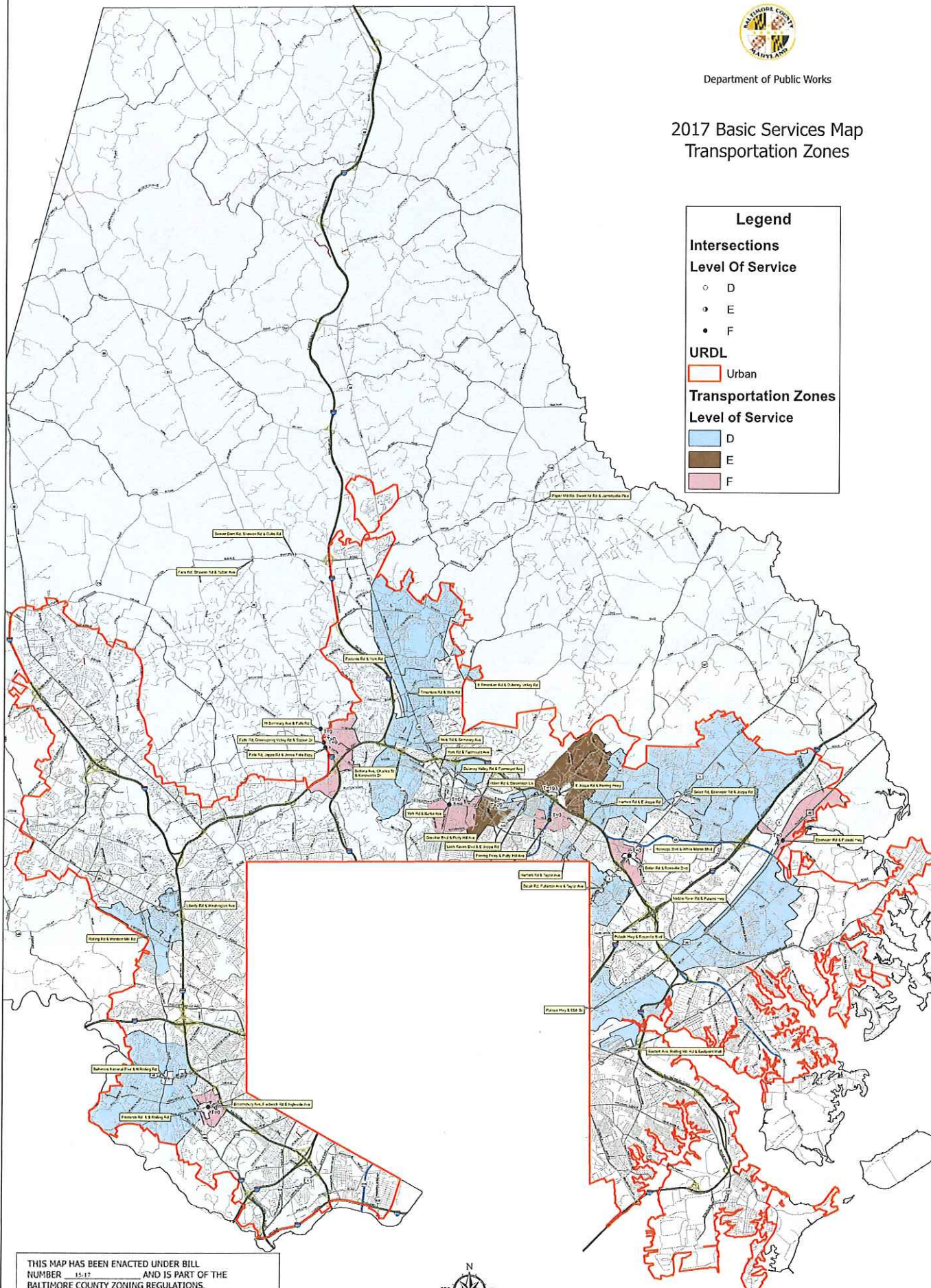
URDL

- Urban

Transportation Zones

Level of Service

- D
- E
- F



THIS MAP HAS BEEN ENACTED UNDER BILL
NUMBER 15-17 AND IS PART OF THE
BALTIMORE COUNTY ZONING REGULATIONS,
1955, AS AMENDED BY THE BILL ADOPTED
MAY 1, 2017, EFFECTIVE MAY 15, 2017.

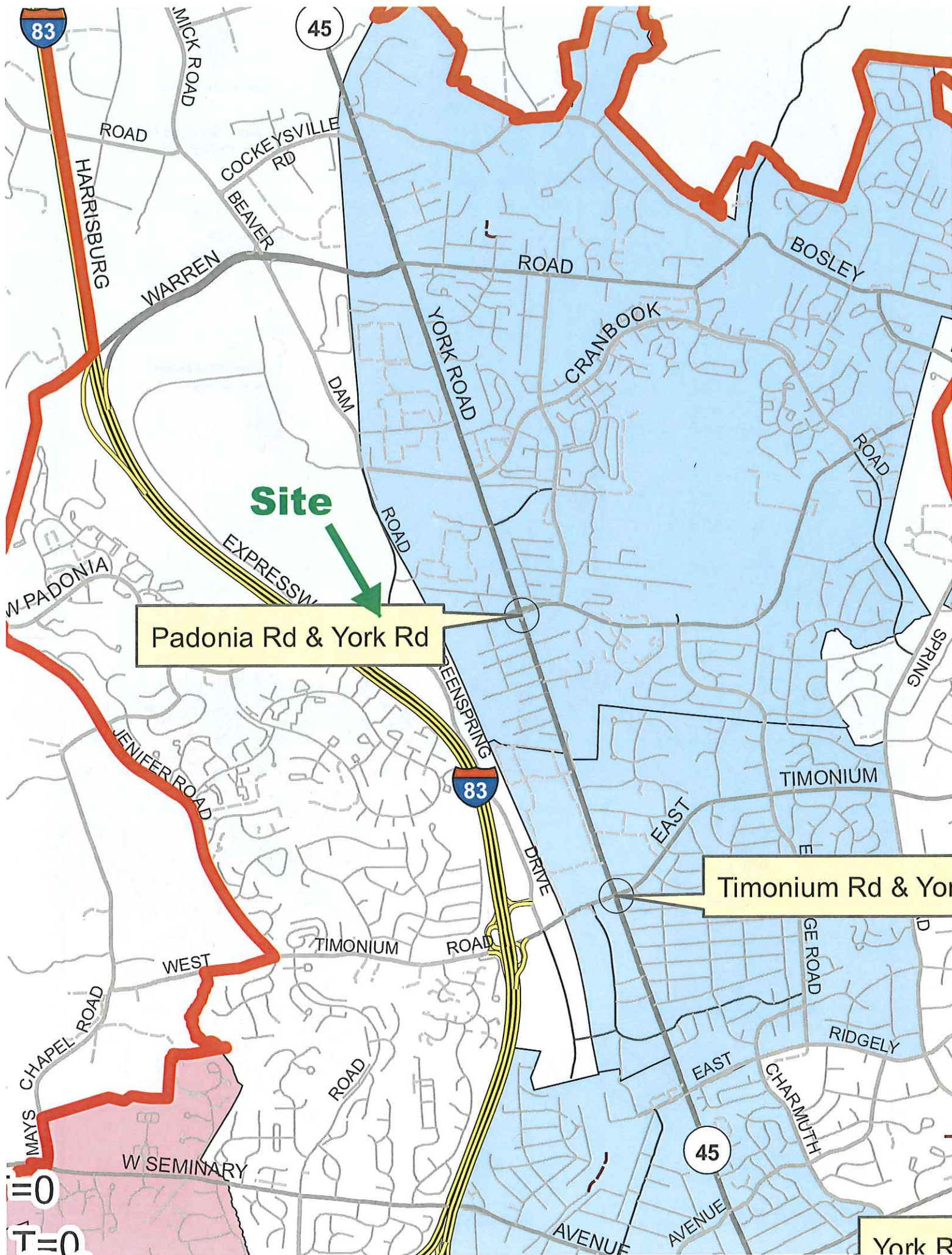
Thomas S. Oliver
COUNTY COUNCIL OF BALTIMORE COUNTY



Scale 1 inch = 4,000 feet
0 2,000 4,000 8,000 12,000 16,000 Feet

Feature Class Production Dates
Transportation Zones 2017
Intersections 2017
Urban Rural Designation Line 2012
Roads 2017
County Boundary 2008

Produced by the Baltimore County Department of Public Works
North American Datum 1983 NAD83 U.S. Survey Feet
Published June 1, 2017



Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
48 th St	German Hill Rd			2/16/2014	A	6/16/2011	A
Academy Rd	Johnnycake Rd	Old Frederick Rd		12/22/2014	A	6/25/2012	A
Acorn Cir	Goucher Blvd	Prince Rd		1/17/2013	A	12/15/2009	C
Aigburth Rd	York Rd			6/26/2014	A	10/11/2011	A
Allegheny Ave	Washington Ave			9/10/2015	B	12/18/2012	C
Allegheny Ave	Bosley Ave			12/4/2013	A	11/23/2010	B
Allender Rd	Pulaski Hwy			8/6/2013	B	6/16/2010	A
Alter St	Patterson Ave			7/8/2015	A	8/6/2012	A
Ambassador Rd	Belmont Ave	Dogwood Rd		1/30/2013	B	10/14/2010	C
Annapolis Rd	Daisy Ave	Rose Ave		5/15/2014	C	7/7/2011	B
Annapolis Rd	Virginia Ave			1/3/2013	A	1/6/2010	A
Ashby Ave	Eastern Ave	Southern Ave		6/9/2015	B	7/17/2012	A
Ashland Rd	York Rd			2/11/2014	C	3/3/2011	C
Avalon Way	Reisterstown Rd			2/2/2015	A	7/24/2012	A
Avon Beach Rd	Broening Hwy	Maryland Ave		8/20/2013	A	7/22/2010	A
Avondale Rd	Putty Hill Ave			11/9/2015	C	9/5/2012	C
Avondale Rd	Joppa Rd	Carney SC		9/4/2014	B	9/7/2011	C
Aylesbury Rd W	Timonium Rd W			11/26/2013	C	12/15/2010	C
Back River Neck Rd	Hilltop Ave	Middleborough Rd		2/6/2014	A	3/17/2011	A
Back River Neck Rd	East Homberg Ave			1/14/2014	A	2/2/2011	A
Back River Neck Rd	Country Ridge Ln			10/6/2014	A	11/30/2011	A
Back River Neck Rd	Old Eastern Ave	Stemmers Run Rd		12/17/2014	A	3/8/2012	A
Back River Neck Rd	Williams Ave			7/10/2013	A	3/29/2010	A
Baker Ln	Belair Rd	Chapel Rd		12/11/2013	B	2/8/2011	B
Baltimore Ave	Center Pl N	Dundalk Ave N		12/17/2014	A	3/6/2012	A
Baltimore Nat'l Pike	Westview Mall			3/11/2013	A	2/4/2010	A
Baltimore Nat'l Pike	Rolling Rd N			10/7/2015	F	3/10/2014	F
Baltimore Nat'l Pike	St Agnes Ln			12/4/2013	A	12/22/2010	A
Baltimore Nat'l Pike	Nuwood Dr			2/10/2015	A	10/24/2012	A
Baltimore Nat'l Pike	Pike Park Plaza	40 West Plaza		7/23/2014	A	12/6/2011	A
Baltimore Nat'l Pike	Johnnycake Rd			1/29/2015	A	7/30/2012	A
Baltimore Nat'l Pike	Ingleside Ave			9/26/2013	C	11/18/2010	C
Baltimore Nat'l Pike	Coleridge Rd	Catonsville Plaza		12/3/2014	A	4/17/2012	A
Baltimore Nat'l Pike	Winters Ln	Home Depot		6/9/2014	C	4/19/2011	C
Baltimore St	North Point Blvd			5/1/2014	B	7/20/2011	A
Baron Pl	Middle River Rd	Philadelphia Rd		5/15/2014	B	7/12/2011	B
Bayship Rd	Dundalk Ave N	St Helena Ave		12/23/2015	A	5/9/2013	A
Beaconsfield Dr	Perry Hall Blvd			7/25/2013	A	6/14/2010	B
Beaconsfield Dr	Honeygo Blvd			1/7/2014	A	1/13/2011	A
Beaver Dam Rd	Gilroy Rd			9/9/2014	C	12/22/2011	C
Beaver Dam Rd	Warren Rd W			10/30/2013	B	8/11/2010	C
Beaver Dam Rd	Deereco Rd	Padonia Rd W		4/2/2013	C	7/13/2010	C
Beaver Dam Rd	Texas Station Ct			3/26/2013	A	3/31/2010	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beaver Dam Rd	McCormick Rd			8/26/2014	C	12/14/2011	C
Beaver Dam Rd	Cuba Rd	Shawan Rd		9/2/2015	D	9/18/2014	D
Beechfield Ave	Wilkins Ave	Kensington Ave		2/23/2015	B	10/31/2012	C
Belair Rd	Slater Ave			3/3/2015	A	8/1/2012	A
Belair Rd	Fleetwood Ave			1/11/2016	A	1/7/2013	A
Belair Rd	Fowler Ave	Beltway Plaza		2/20/2014	A	3/31/2011	A
Belair Rd	Perry Hall Sq/Super Fresh			3/25/2015	A	7/26/2012	A
Belair Rd	Necker Ave	Ridgelys Choice Dr		3/31/2015	A	5/21/2012	A
Belair Rd	Mount Vista Rd			6/1/2015	A	7/25/2012	A
Belair Rd	Forge Rd			5/15/2014	A	12/22/2009	C
Belair Rd	Fullerton SC	Putty Hill Plaza		10/28/2013	C	9/28/2010	B
Belair Rd	India Ave	Joppa Rd		2/19/2015	C	4/11/2012	C
Belair Rd	Fullerton Ave	Taylor Ave		10/15/2015	D	3/31/2014	D
Belair Rd	Overlea Ave			9/23/2014	A	11/15/2011	A
Belair Rd	Maple Ave	Northern Pkwy E		5/1/2013	A	1/11/2010	A
Belair Rd	Ebenezer Rd	Joppa Rd		8/25/2015	D	3/11/2014	D
Belair Rd	Putty Hill Ave	Ridge Rd		5/7/2015	A	12/12/2012	A
Belair Rd	Wholesale Club Dr			1/6/2016	A	12/23/2013	A
Belair Rd	Northview SC	Perry Hall Marketplace		10/29/2014	A	1/14/2012	A
Belair Rd	Rossville Blvd			10/8/2015	D	8/23/2012	C
Belair Rd	Silver Spring Rd			11/24/2014	A	2/15/2012	A
Belair Rd	Henry Ave			1/13/2015	A	5/8/2012	A
Belair Rd	Bradshaw Rd	Sunshine Ave		8/12/2014	A	8/17/2014	A
Belair Rd	Honeygo Blvd			1/6/2016	B	8/14/2013	B
Belair Rd	Dunfield Rd	White Marsh Blvd Ramp		6/12/2014	A	8/16/2011	A
Belair Rd East Ramp	White Marsh Blvd			4/14/2015	A	6/26/2012	A
Belclare Rd	Martini Ave	Sollers Point Rd		7/3/2013	A	3/9/2010	A
Belclare Rd	Dundalk Ave			4/16/2015	A	5/1/2012	A
Bellona Ave	Margate Rd	York Rd		11/5/2013	B	8/16/2010	A
Bellona Ave	Joppa Rd W			1/11/2016	B	10/15/2013	C
Bellona Ave	Charles St	Beltway		4/16/2014	A		
Bellona Ave	Stevenson Ln			11/18/2015	C	9/19/2012	C
Bellona Ave	Beltway (Outer Loop)			4/3/2014	B		
Bellona Ave	Charles St			3/10/2015	A	9/26/2012	A
Bellona Ave	Charles St	Kenilworth Dr		10/14/2015	D	4/22/2014	D
Bellona Ave	Seminary Ave W			11/5/2013	B	6/24/2010	A
Belmont Ave	Security Blvd	Security Square Mall		1/9/2013	A	1/12/2010	A
Beltway	West Rd			6/17/2014	C	9/27/2011	A
Beltway	Park Heights Ave	Brooks Robinson Dr		1/8/2014	A	1/3/2011	A
Beltway	Hollins Ferry Rd	Walnut Ave		9/11/2014	A	8/25/2011	A
Beltway	Security Blvd			1/8/2015	A	7/9/2012	A
Beltway	York Rd			7/9/2014	A	12/29/2011	A
Beltway	Providence Rd			2/5/2015	A	7/11/2012	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beltway	Greenspring Ave			7/30/2013	A	7/28/2010	A
Beltway	Wilkens Ave			6/23/2014	A	6/23/2011	A
Beltway	Edmonson Ave			7/17/2013	A		
Beltway	Reisterstown Rd			6/25/2014	C	11/3/2011	C
Beltway	Morse Ln	North Point Blvd		2/18/2014	A	3/24/2011	A
Beltway	Washington Blvd	Home Depot		4/3/2014	A	5/2/2011	A
Beltway	Charles St			6/25/2014	A	10/18/2006	C
Beltway (Inner Loop)	Philadelphia Rd			3/31/2015	A	6/28/2012	A
Beltway (Inner Loop)	Frederick Rd	Woodlawn Ave		8/27/2014	A	6/17/2010	A
Beltway (Inner Loop)	Cromwell Bridge Rd			1/8/2015	A	5/16/2012	A
Beltway (Outer Loop)	Liberty Rd	Lord Baltimore Dr		2/13/2013	B	7/20/2010	C
Beltway (Outer Loop)	Cromwell Bridge Rd	Loch Raven Blvd		6/9/2015	B	10/10/2012	B
Beltway (Outer Loop)	Frederick Rd			8/25/2014	A	9/14/2010	A
Beltway (Outer Loop)	Philadelphia Rd	Centre @ Golden Ring		10/2/2014	C	11/2/2011	C
Beltway Ramp-Inner Loop	Liberty Rd			8/21/2014	A		
Bengies Rd	Eastern Blvd			6/10/2015	A	8/21/2012	A
Benson Ave	Sulphur Spring Rd	Waelchli Ave		8/13/2014	B	12/20/2011	B
Bethlehem Blvd	North Point Blvd	North Point Rd		5/12/2015	A	5/24/2012	A
Bird River Rd	Middle River Rd			11/13/2014	A	1/1/2012	A
Bloomsbury Ave	Frederick Rd	Ingleside Ave		10/13/2015	F	4/28/2014	F
Bloomsbury Ave	Rolling Rd S			9/29/2014	C	11/9/2011	C
Bosley Ave	York Rd			3/11/2015	C	7/24/2014	B
Bosley Ave	Kenilworth Dr			11/10/2014	C	1/19/2012	C
Bosley Ave	Towsontown Blvd			6/25/2013	A	1/7/2010	B
Bosley Ave	Joppa Rd W			10/23/2014	C	1/5/2012	C
Bosley Ave	Pennsylvania Ave W			11/21/2013	A	12/8/2010	A
Bosley Ave	Chesapeake Ave W			1/13/2015	B	7/10/2012	A
Boulevard Circle	Owings Mills Blvd			6/18/2013	A	2/16/2010	A
Bowleys Quarters Rd	Carroll Island Rd			1/5/2015	B	4/3/2012	B
Brenbrook Dr	Liberty Rd			10/21/2013	C	5/10/2010	C
Brian Daniel Ct	Westminster Pike	Woodfield Ct		3/26/2014	A	6/22/2011	A
Broad Ave	Padonia Rd			1/29/2015	B	10/9/2012	B
Broadway Rd	Falls Rd	Padonia Rd		7/21/2014	C	5/24/2011	C
Broening Hwy	Dunhill Rd	Dundalk Marine Term		10/15/2014	C	10/21/2011	C
Brooks Robinson Dr	Stevenson Rd			3/3/2015	C	8/21/2012	B
Buckingham Rd	Croydon Rd	Liberty Rd		1/15/2014	A	2/2/2011	B
Burke Ave	Burke Ave W	York Rd		10/20/2015	F	4/1/2014	F
Butler Rd	Hanover Pike			8/5/2014	C	8/8/2011	C
Butler Rd	Northwest Expwy	Westminster Pike		8/5/2014	C	7/16/2013	B
Campbell Blvd	Philadelphia Rd			8/20/2014	A	8/23/2011	A
Campbell Blvd	Honeygo Blvd	White Marsh Mall		11/19/2014	A	1/31/2012	C
Campbell Blvd	Nottingham Square SC			11/18/2014	A	1/25/2012	A
Campbell Blvd	Town Center Dr			8/25/2014	C	7/28/2011	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Campbell Blvd	Franklin Square Dr	Nottingham Square SC		2/27/2014	A	5/26/2011	A
Campus View Dr	Osler Dr			9/23/2014	A	12/1/2011	A
Caraway Rd	Main St	Reisterstown Rd	Hannah More	7/23/2013	A	6/7/2010	A
Carroll Island Rd	Walmart			7/29/2014	A	11/10/2011	A
Carroll Island Rd	Eastern Ave	Eastern Blvd		1/13/2016	A	4/23/2013	A
Carville Ave	Oregon Ave	Sulphur Spring Rd	East Dr	11/12/2014	B	6/6/2012	C
Caton Ave	Hammonds Ferry Rd	Washington Blvd		6/17/2013	A	6/30/2010	A
Cedar Dr	Kelso Dr	Martin Blvd		1/28/2014	A	2/17/2011	A
Center Pl	Dundalk Ave N/S			2/25/2015	A	5/16/2012	A
Charles St	Malvern Ave	GBMC		7/8/2014	A	11/28/2011	A
Charles St	Towsontown Blvd W			10/28/2013	A	11/1/2010	A
Charles St	Stevenson Ln			7/31/2014	A	12/12/2011	A
Charles St	Chestnut Ave			2/26/2014	A	4/4/2011	B
Charmuth Rd	Ridgely Rd E			11/27/2013	A	12/2/2010	A
Charmuth Rd	Seminary Ave E			11/6/2013	B	11/4/2010	B
Charmuth Rd	Dulaney Valley Rd	Hampton Ln		10/16/2013	B	9/9/2010	B
Chartley Dr	Main St			10/14/2014	A	2/7/2012	A
Chatsworth Ave E/W	Main St			7/21/2015	A	12/2/2012	B
Cherry Hill Rd E	Franklin Blvd	Reisterstown Rd		8/5/2015	B	9/4/2012	B
Cherry Hill Rd E	Owings Mills Blvd	Timber Grove Rd		7/2/2014	A	8/3/2011	A
Cherry Valley Rd	Hammershire Rd	Reisterstown Rd		1/8/2013	A	12/30/2009	A
Chesaco Ave	Pulaski Hwy			8/4/2014	B	8/31/2011	C
Chesaco Ave	Philadelphia Rd			7/22/2013	A	6/15/2010	B
Chesaco Ave	Horst Ave			3/18/2014	A	8/18/2011	A
Chesapeake Ave E/W	York Rd			3/26/2013	A	3/9/2010	A
Chesapeake Ave W	Washington Ave			7/28/2015	A	11/13/2012	A
Chesapeake Park Plz	Eastern Blvd			2/24/2014	A	4/20/2011	A
Chesworth Rd	Rolling Rd N			12/17/2013	B	12/16/2010	B
Church Ln	Reisterstown Rd	Pikesville Library		7/15/2015	B	8/15/2012	A
Church Ln	Old Court Rd			3/25/2014	A	4/13/2011	B
Church Ln	Cranbrook Rd	York Rd		11/4/2013	A	11/10/2010	A
Church Rd	Wise Ave			11/17/2014	A	1/26/2012	A
Church Rd	Plainfield Rd	Trappe Rd		3/12/2013	A	10/1/2015	A
Church Rd	Franklin Blvd	Red Run Blvd		8/7/2014	A	7/6/2011	A
Cockeys Mill Rd	Main St			2/19/2014	C	2/9/2011	C
Colbury Rd	Goucher Blvd			7/7/2014	A	8/16/2011	A
Colonial Rd	Kernan Dr	Security Blvd		2/3/2014	B	7/12/2011	A
Colonial Rd	Reisterstown Rd	Seven Mile Ln		2/3/2014	A	1/18/2011	A
Compass Rd	Martin Blvd			11/24/2014	A	2/8/2012	A
Compass Rd	Middle River Rd			7/9/2013	A	3/8/2010	B
Cooks Ln	Security Blvd	Forest Park Ave		7/15/2014	A	8/4/2011	A
Corbett Rd.	Piney Hill Rd.	York Rd.		9/25/2014	A		
Corporate Dr	Honeygo Blvd			3/9/2014	A	5/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Courtleigh Dr	Old Court Rd			12/16/2014	A	6/19/2012	A
Courtleigh Dr	Liberty Rd			3/19/2014	A	5/12/2008	A
Cove Rd	North Point Blvd			1/7/2015	A	4/17/2012	A
Cowenton Ave	Ebenezer Rd	Philadelphia Rd		8/27/2015	C	8/12/2015	D
Cowpens Ave	Hampton Ln	Providence Rd		10/27/2014	B	1/3/2012	B
Cowpens Ave	Cromwell Bridge Rd	Rock Church		4/3/2014	C	3/31/2011	A
Cradock Ln	McDonogh Rd	Reisterstown Rd		7/20/2015	C	7/25/2012	C
Craigmont Rd	Crosby Rd			7/11/2013	A	8/23/2010	A
Cranbrook Rd	Greenside Dr			6/3/2014	A	11/22/2011	A
Cranbrook Rd	Lakespring Way	Rossbrooke Cir		10/16/2014	A	12/28/2011	A
Cranbrook Rd	Girdwood Rd	Padonia Rd E		6/9/2014	A	12/5/2011	C
Cromwell Bridge Rd	Providence Rd			9/5/2013	A	8/24/2010	A
Crondall Ln	Owings Mills Blvd			12/12/2013	B	10/20/2010	B
Crosby Rd	Johnnycake Rd	Woodlawn Dr		6/17/2014	A	6/28/2011	A
Crosby Rd	Rolling Rd N			7/29/2013	A	7/29/2010	A
Cross Campus Dr	Osler Dr			11/12/2015	A	10/16/2012	B
Cross Campus Dr	Terrace Dale	York Rd		9/16/2014	A	11/9/2011	C
Crossroads Dr	Reisterstown Rd	Village Queen Dr		7/22/2015	A	7/25/2012	B
Daisy Ave	Hollins Ferry Rd	Lansdowne Rd		3/2/2015	A	5/23/2012	A
Days Cove Rd	Pulaski Hwy			12/8/2014	A	2/23/2012	A
Deanwood Rd	Hillsway Ave			9/18/2014	A	10/5/2011	A
Deanwood Rd	Glendale Rd	Loch Raven Blvd		4/20/2015	A	8/6/2012	A
Deer Park Rd	Liberty Rd			12/23/2013	A	12/1/2010	A
Deerfield Rd	Milford Mill Rd			7/15/2013	A	8/31/2010	A
Delegge Rd	Hazelwood Rd	Kenwood Ave		7/1/2013	A	4/22/2010	A
Delrey Ave	Frederick Rd			2/24/2015	A	12/3/2012	A
Delvale Ave	Holabird Ave			11/20/2014	B	1/11/2012	C
Diamond Point Rd	Eastern Ave	Back River Wastewater		12/9/2015	A	12/2/2013	A
Dogwood Rd	Kernan Dr			6/19/2013	C	3/30/2010	B
Dogwood Rd	Rolling Rd			11/25/2013	C	1/9/2011	C
Dogwood Rd	Woodlawn Dr			2/12/2013	C	5/3/2010	C
Dogwood Rd	Lord Baltimore Dr			8/21/2013	B	9/29/2010	C
Dogwood Rd	Gwynn Oak Ave			4/17/2013	A	3/23/2010	A
Dolfield Blvd	Red Run Blvd	Pleasant Hill Rd		10/9/2013	B	10/5/2011	C
Dolfield Blvd	Reisterstown Rd	Richmar Rd		1/7/2014	A	12/23/2010	A
Dolfield Rd	Dolfield Rd S	Owings Mill Blvd		11/4/2015	B	7/19/2012	C
Dolfield Rd S	Music Fair Rd	Painters Mill Rd		6/18/2014	A	11/15/2011	A
Dulaney Valley Rd	Fairmount Ave			1/5/2016	D	9/2/2014	D
Dulaney Valley Rd	Dulaney Valley SC	Towsontown Ctr N Ent		10/16/2014	A	2/16/2012	A
Dulaney Valley Rd	Old Bosley Rd			6/27/2013	A	7/22/2010	A
Dulaney Valley Rd	Locustvale Rd	Goucher College		9/8/2014	A	11/29/2011	A
Dulaney Valley Rd	Pot Spring Rd	Seminary Ave E		11/12/2013	C	11/3/2010	C
Dulaney Valley Rd	Jarrettsville Pike			8/5/2015	A	7/23/2012	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Dulaney Valley Rd	Timonium Rd E			5/18/2015	D	4/24/2014	D
Dulaney Valley Rd	Towsontown Ctr S Ent			10/22/2014	A	2/16/2012	A
Dundalk Ave	Liberty Pkwy	Pine Ave	Willow Spring Rd	8/22/2013	A	8/3/2011	A
Dunkirk Rd	York Rd			10/7/2014	B	12/27/2011	A
Dunmanway	Liberty Pkwy			7/29/2014	A	7/18/2011	A
Dunmanway	Sollers Point Rd			12/1/2014	A	2/9/2012	A
Dunmanway	Merritt Blvd			12/29/2014	A	3/29/2012	A
Dunmanway	Trading Pl			3/12/2014	A	6/14/2011	B
East Dr	Linden Ave			1/6/2014	C	12/6/2010	C
East Homberg Ave	Southeast Blvd			4/9/2015	A	6/19/2012	A
Eastern Ave	54th St			1/16/2014	A	2/9/2011	A
Eastern Ave	Rolling Mill Rd	Eastpoint Mall		3/24/2015	D	4/7/2014	D
Eastern Ave	48th St	Pembroke Blvd		7/10/2013	A	2/25/2010	B
Eastern Blvd	Stemmers Run Rd			9/11/2014	C	5/22/2013	D
Eastern Blvd	Virginia Ave			5/19/2013	A	1/26/2010	A
Eastern Blvd	Wilson Point Rd			12/10/2014	A	2/14/2012	A
Eastern Blvd	Old Eastern Ave	Seamaster Rd		3/9/2015	A	7/19/2012	A
Eastern Blvd	Marlyn Ave N/S			4/29/2015	C	4/26/2012	C
Eastern Blvd	Orville Rd			4/16/2014	A	7/19/2011	A
Eastern Blvd	White Marsh Blvd	Martin Airport		4/14/2014	A	4/13/2011	C
Eastern Blvd	Mace Ave	Riverside Dr		7/16/2014	B	7/27/2011	B
Eastern Blvd	Kingston Rd	Old Eastern Ave		11/10/2014	A	1/12/2012	A
Eastern Blvd	Marie Ave	Terrace Rd		10/31/2013	A	8/31/2010	A
Eastern Blvd	Taylor Ave N/S			5/13/2013	A	2/16/2010	A
Eastern Blvd	Woodward Dr N/S			4/23/2013	A	12/1/2009	A
Eastern Blvd	Selig Ave	Middlesex SC		8/19/2014	A	8/24/2011	B
Eastern Blvd	Old Eastern Ave	McDonalds		2/4/2015	A	4/19/2012	A
Eastern Blvd.	Lynnbrook Rd.			6/5/2014	C		
Eastridge Rd	Padonia Rd E			7/17/2014	A	9/20/2011	A
Eastridge Rd	Timonium Rd E			10/28/2014	B	1/7/2012	B
Ebenezer Rd	Pulaski Hwy			5/20/2015	E	5/6/2014	E
Ebenezer Rd	Honeygo Blvd			1/5/2015	B	3/15/2012	B
Edmondson Ave	Harlem Ln			4/17/2014	A	6/1/2011	A
Edmondson Ave	North Bend Rd			2/12/2015	A	8/20/2012	A
Edmondson Ave	Rolling Rd N			2/3/2015	C	6/11/2012	C
Edmondson Ave	Ingleside Ave			9/4/2014	B	11/1/2014	C
Edmondson Ave	Winters Ln			10/7/2013	A	9/13/2010	B
Egges Ln	Frederick Rd	Mellor Ave		10/29/2013	B	10/18/2010	B
Ellis Rd	Old Harford Rd	Satyr Hill Rd		12/18/2014	A	5/23/2012	B
Emerald Rd	Harford Rd	Woodside Ave		12/3/2014	A	2/14/2012	A
Emory Rd	Hanover Pike			11/3/2015	C	2/14/2012	C
Enchanted Hills Rd	Reisterstown Rd	Ritters Ln		1/2/2014	A	12/13/2010	A
Essex Rd	Windsor Mill Rd			9/17/2014	B	8/11/2014	B

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Essex Rd	St Lukes Ln			8/25/2013	A	12/2/2010	B
Essex Rd	Liberty Rd			8/4/2014	C	11/23/2011	C
Fairbrook Rd	Rolling Rd N			3/12/2014	B	3/28/2011	B
Fairmount Ave	Goucher Blvd	Towsontown Ctr E Ent		1/16/2014	B	1/5/2011	A
Fairmount Ave	York Rd			4/23/2015	D	6/12/2014	D
Fairmount Ave	Towson Gate Dr	Towsontown Ctr W Ent		11/13/2013	A	12/29/2010	A
Fairmount Ave	Joppa Rd E			11/12/2015	A	2/9/2012	C
Falls Rd	Old Pimlico Rd			2/10/2015	C	5/1/2012	A
Falls Rd	Greenspring Valley Rd	Station Dr		10/21/2015	F	9/10/2014	F
Falls Rd	Seminary Ave W			10/21/2015	F	9/10/2014	F
Falls Rd	Shawan Rd	Tuften Ave		5/19/2015	D	5/7/2014	D
Falls Rd	Jones Falls Expwy	Joppa Rd W		10/21/2015	F	9/10/2014	F
Falls Rd	Lake Ave W	Lake Falls Village		7/9/2015	A	8/1/2012	B
Falls Rd	Old Court Rd	Ruxton Rd		8/27/2013	B	8/31/2010	B
Fifth Ave	Freeway	Hollins Ferry Rd		11/10/2014	A	2/15/2012	A
Fitch Ave	Rossville Blvd			2/18/2014	A	3/22/2011	A
Fontana Ln	Philadelphia Rd	Golden Ring Plaza		2/23/2015	A	7/10/2012	A
Forest Park Ave	Ingleside Ave	Security Blvd		6/26/2013	C	6/1/2010	C
Fork Rd	Harford Rd	Sunshine Ave		8/17/2015	C	10/15/2012	C
Francke Ave	Ridgely Rd	York Ridge SC	Kurtz Ave	9/25/2014	A	12/20/2011	A
Frankel Way	York Rd	Crestridge Center		1/9/2014	A	2/3/2011	A
Franklin Blvd	Nicodemus Rd			7/31/2013	A	6/15/2010	A
Franklin Blvd	Tarragon Rd			7/29/2014	A	12/19/2011	A
Franklin Square Dr	Hospital Dr			3/4/2015	A	8/7/2012	A
Franklin Square Dr	Rossville Blvd			4/21/2015	C	7/31/2012	B
Franklin Square Dr	King Ave			8/1/2013	A	7/8/2010	A
Frederick Rd	Prospect Ave N/S			12/16/2013	A	11/8/2010	A
Frederick Rd	Rolling Rd N			8/7/2014	C	11/14/2011	A
Frederick Rd	Paradise Ave			11/18/2014	B	4/4/2012	B
Frederick Rd	Melvin Ave	Sanford Ave		2/25/2015	A	10/18/2012	A
Frederick Rd	Rolling Rd S			9/15/2015	D	9/8/2014	D
Freeland Rd	York Rd			6/22/2015	A	3/6/2012	A
Galloway Ave	York Rd			1/21/2015	A	7/10/2012	A
Garrison View Rd	Reisterstown Rd			12/4/2014	A	6/12/2012	A
German Hill Rd	Plainfield Rd			3/21/2013	A	1/14/2010	A
German Hill Rd	Merritt Blvd			7/2/2013	A	2/23/2010	B
Glen Keith Blvd	Loch Raven Blvd			1/6/2014	A	2/9/2011	A
Glenwood Rd	Old Eastern Ave	Selig Ave		6/19/2014	A	6/29/2011	A
Glyndon Dr	Glyndon Trace Dr	Main St		7/16/2014	A	6/15/2011	A
Golden Ring Rd	Weyburn Rd			7/31/2014	A	8/10/2011	B
Golden Ring Rd	Kenwood Ave			8/5/2013	B	4/21/2010	C
Golden Ring Rd	Philadelphia Rd			4/21/2014	C	5/10/2011	C
Gores Mill Rd	Westminster Pike			3/26/2014	A	6/22/2011	A

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Goucher Blvd	Putty Hill Ave			9/1/2015	E	5/22/2014	D
Goucher Blvd	Taylor Ave			2/27/2014	A	6/14/2011	A
Goucher Blvd	Joppa Rd E			2/19/2013	C	11/30/2009	C
Goucher Blvd	Providence Rd			7/14/2014	C	10/24/2011	C
Goucher Blvd	Loch Raven Blvd			9/9/2013	A	11/3/2010	A
Greene Tree Rd	Hooks Ln	Commerce Ctr Ent		3/20/2014	C	4/4/2012	C
Greenpoint Rd	Padonia Rd W			7/2/2013	A	7/14/2010	A
Greenridge Rd	York Rd			5/27/2015	A	12/6/2012	A
Greens Ln	Liberty Rd	McDonogh Rd		1/13/2015	B	6/13/2012	C
Greenside Dr	Warren Rd			6/10/2014	B	8/14/2011	B
Greenside Dr	Padonia Rd E	Padonia Village SC		11/6/2014	B	2/28/2012	B
Greenspring Ave	Quarry Lake Dr			8/20/2014	A	6/28/2011	A
Greenspring Ave	Green Summit Rd	Stone Cliff Dr		12/1/2014	B	7/17/2012	A
Greenspring Ave	Smith Ave			7/28/2014	B	6/30/2011	B
Greenspring Ave	Willow Glen Dr			12/1/2015	C	12/17/2012	C
Greenspring Ave	Greenspring Valley Rd			8/12/2015	B	9/18/2012	C
Greenspring Ave	Old Court Rd			8/20/2013	A	8/3/2010	B
Greenspring Dr	Harrisburg Expwy			6/16/2015	C	10/18/2012	C
Greenspring Dr	Timonium Rd W			8/12/2014	C	12/7/2011	C
Greenspring Valley Rd	Park Heights Ave			7/9/2013	A	7/27/2010	A
Greenspring Valley Rd	Reisterstown Rd			7/23/2015	B	8/13/2012	A
Greenwood Pl	Greenwood Rd	Old Court Rd		6/3/2013	A	4/1/2010	A
Grey Rock Rd	Mount Wilson Ln	Reisterstown Rd		5/13/2013	C	3/25/2010	A
Groff Ln	Owings Mill Blvd			8/13/2013	A	2/18/2010	A
Groffs Mill Rd	Lakeside Blvd			6/19/2014	A	6/13/2011	A
Gwynn Oak Ave	Security Blvd			11/25/2014	A	4/11/2012	A
Gwynn Oak Ave	Windsor Mill Rd	Englewood Ave		7/9/2014	A	11/16/2011	A
Gwynnbrook Ave	Owings Mills Blvd			2/25/2014	A	1/25/2011	A
Halethorpe Farms Rd	Selma Ave	Washington Blvd		2/9/2015	A	8/7/2012	A
Hamilton Ave	Philadelphia Rd	Rosedale Ave		12/16/2015	A	10/23/2013	A
Hammonds Ferry Rd	Lansdowne Rd			4/17/2014	A	7/18/2011	A
Hammonds Ferry Rd	Hollins Ferry Rd			1/28/2015	A	7/2/2012	A
Hanover Pike	Main St	Westminster Pike		6/4/2013	A	2/2/2010	A
Harford Ave	Harwall Rd	Ingleside Ave		12/9/2015	A	9/24/2012	A
Harford Rd	Putty Hill Ave			8/10/2015	C	3/5/2012	B
Harford Rd	Linwood Ave			10/21/2014	B	1/1/2012	A
Harford Rd	Taylor Ave			8/26/2015	D	4/2/2014	D
Harford Rd	Northwind Rd			8/13/2014	A	8/30/2011	A
Harford Rd	Joppa Rd E			10/6/2015	D	4/8/2014	D
Harrisburg Expwy NB Ramp	Padonia Rd W			8/29/2013	A	8/26/2010	A
Harrisburg Expwy Ramp	Timonium Rd W			11/23/2015	A	2/8/2012	A
Harrisburg Expwy SB Ramp	Padonia Rd W			12/7/2015	A	11/7/2012	A
Heathfield Rd	Osler Dr	Stevenson Ln		11/25/2015	A	1/11/2012	A

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Joppa Rd E	La Salle Rd	Raytheon Ent		2/28/2013	A	1/14/2010	B
Joppa Rd E	Oakleigh Rd			12/1/2014	A	6/20/2012	A
Joppa Rd E	Perring Pkwy			5/6/2015	E	5/8/2014	D
Joppa Rd E	Giant Food Ent	Jerry's Chevrolet Ent		5/28/2013	C	2/16/2010	A
Joppa Rd E	Pleasant Plains Rd			4/30/2015	A	12/20/2012	A
Joppa Rd E	Virginia Ave	Towsontown Ctr Ent		12/15/2014	B	7/20/2011	B
Joppa Rd W	Thornton Rd			7/1/2013	A	7/7/2010	B
Kane St	North Point Blvd	Rolling Mill Rd		2/21/2013	C	8/25/2009	C
Kelox Rd	Liberty Rd			1/9/2014	A	1/24/2011	A
Kelso Dr	Rossville Blvd			2/18/2015	A	7/3/2012	A
Kenilworth Dr	West Rd	Colony Apts Ent		3/26/2014	B	12/14/2011	A
Kenwood Ave	Lillian Holt Dr			1/27/2014	C	2/23/2011	C
Kernan Dr	Windsor Mill Rd	Kernan Hospital		11/5/2014	B	2/22/2012	B
King Ave	Philadelphia Rd			8/27/2013	A	8/24/2010	A
Kings Ridge Rd	Putty Hill Ave	Parkville HS Ent		3/13/2013	B	12/2/2009	C
La Salle Rd	Putty Hill Ave			10/7/2013	A	12/20/2010	B
Labyrinth Rd	Smith Ave			12/9/2013	B	11/29/2010	B
Lakeside Blvd	Painters Mill Rd			7/3/2014	A	7/21/2011	A
Lakeside Blvd	Owings Mills Blvd			7/1/2015	C	4/9/2012	C
Lakeside Blvd	New Town Blvd			7/1/2015	A	12/10/2012	B
Lansdowne Rd	Twins Springs Rd	Washington Blvd		10/2/2014	A	1/30/2012	A
Liberty Rd	Washington Ave			9/8/2015	D	3/24/2014	D
Liberty Rd	Wards Chapel Rd			12/30/2013	A	12/28/2010	A
Liberty Rd	King James Cir	St Lukes Ln		3/8/2014	A	5/26/2011	A
Liberty Rd	Offutt Rd			1/15/2015	B	2/14/2012	A
Liberty Rd	Rolling Rd			2/27/2014	C	2/24/2011	C
Liberty Rd	Old Court Rd			10/7/2014	C	1/12/2012	C
Liberty Rd	Milford Mill Rd			5/29/2014	B	8/18/2011	B
Liberty Rd	Pikeswood Dr			11/20/2014	A	2/21/2012	A
Liberty Rd	Patterson Ave			1/14/2013	C	1/19/2010	B
Liberty Rd	Tiverton Rd			7/3/2012	A	6/25/2009	A
Liberty Rd	Marriottsville Rd			3/2/2013	B	3/2/2010	B
Lillian Holt Dr	Perry Hall Blvd	Rossville Blvd		7/30/2013	A	7/6/2010	A
Loch Hill Rd	Loch Raven Blvd			8/14/2013	A	8/2/2010	A
Loch Raven Blvd	Putty Hill Ave			12/5/2013	C	11/23/2011	B
Loch Raven Blvd	Hillendale SC	Loch Raven Plaza		6/15/2015	A	9/4/2012	A
Loch Raven Blvd	Taylor Ave			9/22/2015	C	11/29/2012	C
Long Meadow Rd	Park Heights Ave			8/1/2013	A	8/5/2010	A
Lord Baltimore Dr	Security Blvd	Security Square Mall		1/5/2015	A	3/15/2012	B
Lord Baltimore Dr	Windsor Mill Rd			7/22/2013	B	7/15/2010	B
Lord Baltimore Dr	Windsor Blvd			8/27/2015	C	7/25/2013	C
Loveton Cir	Loveton Farms Rd	York Rd		7/1/2014	A	3/17/2011	A
Loveton Farms Rd	Sparks Valley Rd	York Rd		6/16/2014	C	6/13/2011	C

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Lynch Rd	Wise Ave			5/29/2014	B	6/15/2011	B
Lynch Rd	Trappe Rd	Woodwell Rd W		7/16/2013	A	6/2/2010	B
Lyons Mill Rd	Painters Mill Rd			7/27/2015	B	10/1/2012	B
Lyons Mill Rd	Owings Mills Blvd			10/17/2012	C	6/29/2010	B
Lyons Mill Rd	Marriottsville Rd			3/5/2013	B	1/4/2010	B
Maiden Choice Ln	Winslow Park Dr	Charlestown Ret Comm		2/4/2015	A	8/28/2012	A
Maiden Choice Ln	Wilkens Ave			5/9/2013	C	10/21/2010	B
Manor Rd	Sweet Air Rd			6/20/2013	B	1/6/2010	B
Mansfield Rd	Southeast Blvd			1/30/2014	A	2/1/2011	A
Marlove Oaks Ln	McDonogh Rd	Painters Mill Rd		8/19/2013	B	8/10/2010	B
Marlyn Ave N	Stemmers Run Rd			4/10/2013	A	8/20/2009	B
Marlyn Ave S	Sandalwood Rd			2/18/2015	A	7/24/2012	A
Martin Blvd	Riverton Rd			9/23/2013	A	9/2/2010	A
Martin Blvd	Middle River Rd			3/18/2015	A	8/9/2012	A
Martin Blvd	Windless Rd			3/4/2013	A	2/22/2010	A
McCormick Rd	Wight Ave			7/30/2014	A	9/1/2011	A
McCormick Rd	Schilling Cir	Schilling Rd		12/19/2013	B	12/7/2010	B
McCormick Rd	Shawan Rd			10/30/2013	C	10/26/2010	C
McCormick Rd	Schilling Cir	St Paul's Co Ent		4/15/2014	C	5/31/2011	A
McDonogh Rd	Winands Rd			7/29/2015	C	8/9/2012	B
McDonogh Rd	Lamburn Rd			4/29/2014	C		
McHenry Ave	Reisterstown Rd	Walker Ave		6/30/2014	A	11/23/2011	A
Meadow Ln	Merritt Blvd	Moorgate Rd		12/8/2014	A	10/6/2011	A
Merritt Ave	Midland Rd	Sollers Point Rd		7/1/2013	A	2/3/2010	A
Merritt Ave	Merritt Blvd	Peninsula Hwy		8/18/2014	A	9/1/2011	A
Merritt Blvd	Searles Rd			7/18/2013	A	5/6/2010	A
Merritt Blvd	North Point Rd			9/16/2014	A	10/26/2011	A
Merritt Blvd	Giant Food	Sav-A-Lot		7/15/2013	A	5/18/2010	A
Merritt Blvd	Danville Square SC	Dennys		7/22/2014	A	12/22/2011	A
Metropolitan Blvd NB Ramp	Washington Blvd			2/17/2015	A	8/15/2012	A
Metropolitan Blvd SB Ramp	Washington Blvd			3/28/2013	A	3/22/2010	A
Middle River Rd	Pulaski Hwy			5/20/2015	D	5/12/2014	D
Middleborough Rd	Southeast Blvd			9/16/2015	C	8/22/2012	C
Milford Mill Rd	Washington Ave	Milford Mill Swim Club		6/12/2013	B	6/10/2010	B
Milford Mill Rd	Reisterstown Rd	Slade Ave		7/7/2015	A	7/18/2012	A
Milford Mill Rd	Roman Frasier Ln			5/2/2013	A	5/27/2010	A
Milford Mill Rd	Sudbrook Ln	Sudbrook Rd		7/8/2015	C	6/18/2012	C
Milford Mill Rd	Rolling Rd			7/2/2013	B	6/23/2010	A
Milford Mill Rd	Scotts Level Rd			3/25/2013	A	6/9/2010	A
Mill Run Cir	Red Run Blvd			3/21/2013	A	2/22/2010	A
Mill Run Cir	Northwest Expwy Ramp			4/3/2013	B	2/24/2010	A
Mohrs Ln	Pulaski Hwy			6/30/2014	C	7/21/2011	A
Monkton Rd	York Rd			5/7/2014	B	4/25/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Mount Carmel Rd	York Rd			6/17/2014	A	3/1/2011	A
Naylors Ln	Reisterstown Rd			7/3/2014	C	7/27/2011	A
New Battle Grove Rd	North Point Blvd			11/19/2013	A	12/23/2010	A
North Point Blvd	Eastpoint Mall W Ent			11/7/2013	A	8/17/2010	A
North Point Blvd	Eastpoint Mall E Ent			11/18/2013	A	8/18/2010	A
North Point Blvd	Sparrows Pt Rd			4/27/2013	A	1/21/2010	A
North Point Blvd	Trappe Rd			8/12/2013	A	7/20/2010	A
North Point Blvd	Wise Ave			8/8/2013	A	7/13/2010	A
North Point Blvd	Old Battle Grove Rd			11/25/2013	A	12/14/2010	A
North Point Blvd	St Monica Dr			8/28/2014	A	10/19/2011	A
North Point Rd	Trappe Rd			8/13/2013	A	8/5/2010	A
North Point Rd	Sparrows Point Rd			2/27/2013	A	7/29/2010	A
Northeast Ave	Ridge Ave	Washington Blvd		10/15/2014	A	5/7/2012	A
Oakleigh Rd	Perring Pkwy			8/15/2013	A	7/6/2010	A
Oakleigh Rd	Taylor Ave			8/14/2014	B	10/1/2011	B
Oakleigh Rd	White Oak Ave			9/16/2015	A	7/12/2012	A
Oakleigh Rd	Putty Hill Ave			9/19/2013	A	10/27/2010	A
Old Court Rd	Towne Center Pl			11/24/2014	A	2/23/2012	A
Old Court Rd	Reisterstown Rd			10/27/2015	C	8/28/2012	B
Old Court Rd	Seven Mile Ln			7/14/2014	A	8/17/2011	A
Old Court Rd	Scotts Level Rd			6/12/2013	C	12/15/2011	C
Old Court Rd	Stevenson Rd			4/15/2014	A	7/5/2011	A
Old Court Rd	Sudbrook Ln E			2/6/2014	B	2/16/2011	B
Old Court Rd	Metro Parking Lot Ent			1/14/2014	A	1/25/2011	A
Old Court Rd	Winands Rd			2/20/2014	C	2/15/2011	C
Old Court Rd	Park Heights Ave			4/14/2014	C	7/13/2011	B
Old Eastern Ave	Southeast Blvd			8/4/2015	A	7/11/2012	A
Old Frederick Rd	Rolling Rd N			11/13/2013	B	9/30/2010	C
Old Harford Rd	Putty Hill Ave			2/5/2015	A	4/3/2012	B
Old Harford Rd	Taylor Ave			1/15/2013	C	10/22/2009	B
Old Milford Mill Rd	Reisterstown Rd	Safeway Ent		3/7/2013	A	2/1/2010	A
Old Pimlico Rd	Pimlico Rd	Smith Ave		7/31/2014	A	12/29/2011	A
Old Washington Blvd	Sulphur Spring Rd	Washington Blvd		7/8/2013	A	7/8/2010	A
Orems Rd	Rossville Blvd			3/25/2014	A	6/8/2011	B
Osler Dr	Towsontown Blvd W			9/10/2015	C	2/20/2007	C
Osler Dr.	Emerson Dr	Towson Parking Ent		12/3/2013	C		
Owings Mill Blvd	Owings Mill Sq	Fire Station		7/3/2013	A	6/5/2010	A
Owings Mills Blvd	Winands Rd			7/6/2015	A	8/27/2012	A
Owings Mills Blvd	Red Run Blvd			4/6/2015	B	6/26/2012	C
Owings Mills Blvd	Reisterstown Rd Ramp			11/23/2015	C	7/19/2012	A
Owings Mills Blvd Ramp	Reisterstown Rd	Garrison Forest Plaza		10/6/2014	C	1/31/2012	B
Padonia Rd E/W	York Rd			9/23/2015	D	3/27/2014	D
Padonia Rd W	Tullamore Rd	Tullamore Ct		9/23/2014	A	10/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Painters Mill Rd	Red Run Blvd			9/22/2014	B	2/17/2011	C
Painters Mill Rd	Reisterstown Rd			10/17/2013	C	11/9/2010	B
Painters Mill Rd	Grand Central Ave			1/24/2013	A	1/11/2010	A
Parallel Dr	Woodlawn Dr	Security West Bldg		2/18/2014	B	2/14/2011	B
Park Heights Ave	Slade Ave			6/29/2015	A	8/22/2012	A
Pennsylvania Ave E/W	York Rd			6/4/2014	A	12/6/2011	A
Pennsylvania Ave W	Washington Ave			11/27/2013	A	2/1/2011	A
Perring Pkwy	Taylor Ave			6/2/2014	B	6/16/2011	C
Perring Pkwy	Putty Hill Ave			9/9/2015	F	5/21/2014	F
Perry Hall Blvd	White Marsh Blvd			10/24/2013	C	8/18/2010	C
Perry Hall Blvd	Ridge Rd			7/21/2014	A	7/6/2011	B
Perry Hall Blvd	Silver Spring Rd			4/9/2014	A	6/9/2011	A
Perry Hall Blvd	White Marsh Mall Ent	White Marsh Precinct		3/5/2014	B	5/24/2011	B
Perry Hills Rd	White Marsh Blvd	Belair Rd West Ramp		8/25/2014	A	8/24/2011	B
Philadelphia Rd	Rossville Blvd			10/22/2013	C	7/21/2010	C
Philadelphia Rd	Seling Ave			9/25/2014	C	12/13/2011	A
Pleasant Plains Rd	Putty Hill Ave			8/21/2013	A	10/13/2010	A
Pot Spring Rd	Timonium Rd E			4/30/2014	C	9/13/2011	A
Pot Spring Rd	Ridgely Rd E			11/27/2013	A	11/10/2010	A
Pulaski Hwy	Centre @ Golden Ring			12/30/2013	A	1/11/2011	A
Pulaski Hwy	Rossville Blvd			10/19/2015	D	6/27/2012	C
Pulaski Hwy	White Marsh Blvd Ramp			5/27/2015	A	5/22/2012	A
Pulaski Hwy	66th St			1/4/2016	D	4/23/2014	F
Pulaski Hwy	68th St			3/25/2015	A	11/15/2012	A
Pulaski Hwy Ramp	White Marsh Blvd			6/17/2015	A	6/7/2012	A
Putty Hill Ave	Rolling Crest Way	Rossville Blvd	Walther Blvd	8/28/2013	A	10/5/2010	A
Radecke Ave	St Regis Rd			10/15/2013	A	10/21/2010	A
Regester Ave	York Rd			1/10/2013	A	10/27/2009	C
Regester Ave	Sherwood Rd			3/6/2014	A	8/8/2011	A
Reisterstown Rd	St Thomas SC			2/10/2014	A	12/22/2010	A
Reisterstown Rd	Hilton Hotel	Target		12/28/2014	C	3/19/2012	A
Reisterstown Rd	Sam's Club	Toyota Ent		1/7/2015	A	6/5/2012	A
Reisterstown Rd	Home Depot			12/9/2014	A	6/20/2012	A
Reisterstown Rd	Woodholme SC			7/7/2014	A	8/30/2011	A
Reisterstown Rd	Straw Hat Rd	Tollgate Rd		11/21/2013	A	12/21/2010	A
Reisterstown Rd	Rosewood Ln			7/1/2013	A	3/3/2010	A
Reisterstown Rd	Reisterstown SC	Franklin HS		6/25/2015	A	12/4/2012	A
Reisterstown Rd	Sherwood Ave			9/11/2013	A	10/12/2010	A
Reisterstown Rd	Valley Center SC			7/14/2015	A	7/31/2012	A
Reisterstown Rd	Sudbrook Ln	Sudbrook Ln E		1/13/2014	A	1/11/2011	A
Ridge Rd	Rossville Blvd	ECC Ent		7/24/2014	A	9/27/2011	A
Ridgebrook Rd	York Rd			10/10/2013	B	9/1/2010	B
Ridgely Rd E/W	York Rd			11/19/2013	B	11/30/2010	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Robert Myers Blvd	Security Blvd			12/2/2014	A	4/30/2012	A
Rolling Rd	Windsor Blvd			2/24/2014	B	4/12/2011	C
Rolling Rd	Windsor Mill Rd			9/14/2015	D	5/13/2014	D
Rolling Rd	Tudsbury Rd			8/12/2013	B	8/3/2010	B
Rolling Rd N	40 West SC	Giant Food Ent		4/1/2013	A	2/17/2010	A
Rolling Rd N	Security Blvd			8/26/2013	C	2/26/2013	D
Rolling Rd N	Rolling Bend Rd	Security Sq Mall Ent		3/18/2013	B	2/23/2010	A
Rolling Rd S	Campus Dr	Valley Rd		6/24/2015	C	9/10/2012	C
Rolling Rd S	Wilkens Ave			5/23/2013	C		
Rolling Rd.	Park & Ride			4/30/2014	A		
Rossville Blvd	Stemmers Run Rd			7/17/2013	A	3/31/2010	A
Rossville Blvd	Yellow Brick Rd	Centre @ Golden Ring Ent		4/7/2015	A	7/18/2012	A
Sanzo Rd	Smith Ave			2/11/2015	A	10/11/2012	A
Scott Adam Rd	York Rd			1/20/2015	A	11/21/2012	A
Security Blvd	Woodlawn Dr			7/17/2014	C	8/9/2011	C
Security Blvd	Whitehead Ct	Whitehead Rd		10/16/2014	A	2/6/2012	A
Seminary Ave E/W	York Rd			1/5/2016	D	5/14/2014	D
Seminary Ave W	Thornton Rd			3/6/2014	B	3/22/2011	B
Seven Mile Ln	Slade Ave	Smith Ave		11/18/2013	C	11/23/2010	B
Shawan Rd	York Rd	Shawan Plaza		8/19/2014	C	10/3/2011	C
Shawan Rd	Hunt Valley Towne Ctr	MBNA		1/29/2014	B	3/10/2011	B
Sister Pierre Dr	York Rd			6/23/2014	A	8/23/2011	A
Stevenson Ln	York Rd			6/11/2013	C	1/21/2010	B
Thornton Rd	Timonium Rd			8/3/2015	A	11/27/2012	A
Timonium Rd E/W	York Rd			9/24/2015	D	5/20/2014	D
Towsontown Blvd E/W	York Rd			10/2/2013	C	6/8/2010	B
Towsontown Blvd W	University Ave			9/16/2014	C	10/1/2007	C
Valley Rd	Wilkens Ave			3/3/2015	A	10/3/2012	B
Victory Dr	Washington Blvd			12/22/2014	A	6/21/2012	A
Walther Blvd	White Marsh Blvd			10/8/2013	C	8/12/2010	C
Warren Rd	Warren Rd W	York Rd		10/23/2013	C	6/21/2010	C
Washington Ave	York Rd			1/29/2013	A	1/6/2010	A
Washington Blvd	Commerce Dr	Lansdowne Station		8/15/2013	B	10/4/2010	A
Washington Blvd	Diageo Ent			1/20/2015	A	12/19/2012	A
Washington Blvd	Robert Young Way	Lansdowne Station		2/4/2014	C	2/7/2011	C
West Rd	York Rd			7/10/2014	C	10/19/2011	A
Whitehead Rd	Woodlawn Dr			1/31/2013	A	8/15/2011	A
Wight Ave	York Rd	Valley View Farms Ent		1/16/2013	B	12/16/2009	C
Windsor Mill Rd	Woodlawn Dr			10/27/2014	C	1/18/2012	C
Woodlawn Dr	Security Plaza	Woodlawn HS		8/28/2014	B	12/21/2011	B
York Rd	Anneslie SC	York Rd Plaza		3/13/2014	C	7/11/2011	A
York Rd	Timonium SC	Fairgrounds S Ent		2/10/2014	A	2/24/2011	A
York Rd	Best Buy Ent	Lutherville ES		1/15/2014	A	3/2/2011	A

Level of Service Intersections

	First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
York Rd		York Rd Service Dr	Fairgrounds N Ent		10/8/2014	A	2/2/2012	A

**BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE**

DATE: January 5, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski, Bureau Chief 
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2018 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2017 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2018:

CHANGES:

Goucher Blvd / Putty Hill Ave	E to D
Baltimore Nat'l Pike (US 40)/ Rolling Rd N	D to F

With the changes above, there are nine "F" level intersections and one "E" level intersections that are being proposed on the 2018 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1) / Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersection of Goucher Blvd / Putty Hill Ave went from LOS E to D. This intersection has been historically LOS D, but became an E from last year's count. The construction last year at Harford Rd / Joppa Rd may have contributed to vehicles taking an alternate route, and increasing the volume through Goucher Blvd / Putty Hill Ave. With Harford

Rd / Joppa Rd back in normal operations, the LOS at Goucher Blvd / Putty Hill Ave returned to its historical typical LOS.

The intersection of Baltimore Nat'l Pike (US 40) / Rolling Rd N went from LOS D to F, which could be attributed to changes in traffic demand. Even with timing adjustments from SHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The commuter shed at Belair Rd (US 1) / Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are being updated and will be shown on the 2018 Basic Service Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2018, please contact me at ext. 3554.

Sig#	Prev Date	Prev Lc	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	4/06/16	D	2/06/17	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	3/15/16	D	2/07/17	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/08/16	D	2/08/17	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	4/05/16	D	2/13/17	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	3/01/16	D	2/14/17	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	5/12/16	D	2/15/17	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	11/30/16	F	2/16/17	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
	4/25/16	F	2/23/17	F		Burke Ave	York Rd		
S1927	5/09/16	D	2/28/17	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/09/16	D	3/03/17	D		Dulaney Valley Rd	Timonium Rd E		
S0616	2/08/16	D	3/02/17	D		Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	2/25/16	F	3/06/17	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/16	D	3/07/17	D		Fairmount Ave	York Rd		
S0268	4/20/16	F	2/21/17	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	4/20/16	F	2/21/17	F		Falls Rd	Jones Falls Expwy	Joppa Rd	
S2231	5/24/16	F	5/24/17	F		Falls Rd	Seminary Ave W		
S0428	3/14/16	D	2/22/17	D		Falls Rd	Shawan Rd	Tufton Ave	
S3356	4/12/16	D	3/08/17	D		Frederick Rd	Rolling Rd S		
C0036	3/23/16	E	3/09/17	D		Goucher Blvd	Putty Hill Ave		
S3016	10/06/15	D	5/02/17	D		Harford Rd	Joppa Rd		
S2167	4/07/16	D	3/16/17	D		Harford Rd	Taylor Ave		
S0591	5/27/14	D	2/27/17	D		Hillen Rd	Stevenson Ln		
S2512	4/19/16	D	3/27/17	D		Honeygo Blvd	White Marsh Blvd		
S0917	5/05/16	D	3/28/17	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/21/16	D	3/29/17	D		Joppa Rd E	Loch Raven Blvd		
S4320	4/14/16	E	3/30/17	E		Joppa Rd E	Perring Pkwy		
S1911	4/18/16	D	4/03/17	D		Liberty Rd	Washington Ave		
S0628	3/24/16	D	4/04/17	D		Middle River Rd	Pulaski Hwy		
S4310	3/16/16	D	4/06/17	D		Padonia Rd E/W	York Rd		
S0852	3/22/16	F	4/05/17	F		Perring Pkwy	Putty Hill Ave		
S0889	3/03/16	D	4/25/17	D		Pulaski Hwy	66th St		
S0885	3/10/16	D	4/18/17	D		Pulaski Hwy	Rossville Blvd		
C0220	4/13/17	D	4/19/17	D		Rolling Rd	Windsor Mill Rd		
S1580	3/17/16	D	4/20/17	D		Seminary Ave E/W	York Rd		

Sig#	Prev Date	Prev LC	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S3008	3/21/16	D	4/24/17	D		Timonium Rd E/W	York Rd		

Appendix D:

Existing Conditions
Critical Lane Volume Analysis Worksheets

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from SB I-83
 Alternative: Existing
 Date: 2/6/2018 By: RLM



ID	Volume	Opposing Lefts	Total	*
EBT	1,171 x 0.55 = 644		644	*
WBT	374 x 0.55 = 206		206	*
SBL	418 x 1.00 = 418		418	*

AM Peak Hour:

CLV: 1,062

v/c: 0.66

LOS: B

Padonia Road

Free

Ramp from
SB I-83

North

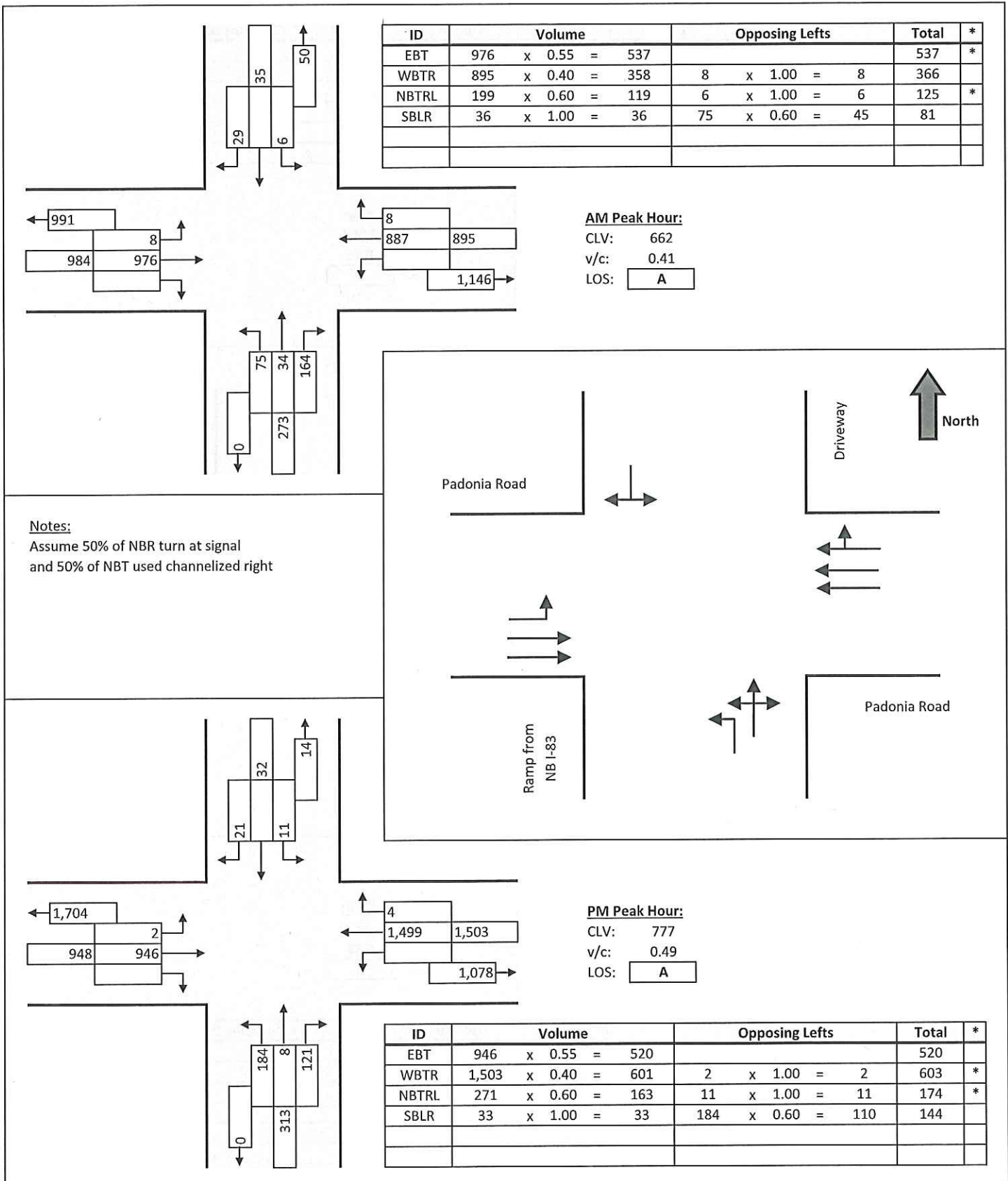
Padonia Road

Notes:

ID	Volume	Opposing Lefts	Total	*
EBT	998 x 0.55 = 549		549	*
WBT	1,092 x 0.55 = 601		601	*
SBL	177 x 1.00 = 177		177	*

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from NB I-83
 Alternative: Existing
 Date: 2/6/2018 By: RLM



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Site Access
 Alternative: Existing
 Date: 2/6/2018 By: RLM



ID	Volume	Opposing Lefts	Total	*
WBTR	963 x 0.40 = 385		385	*
SBR	3 x 1.00 = 3		3	*

AM Peak Hour:
 CLV: 388
 v/c: 0.24
 LOS: A

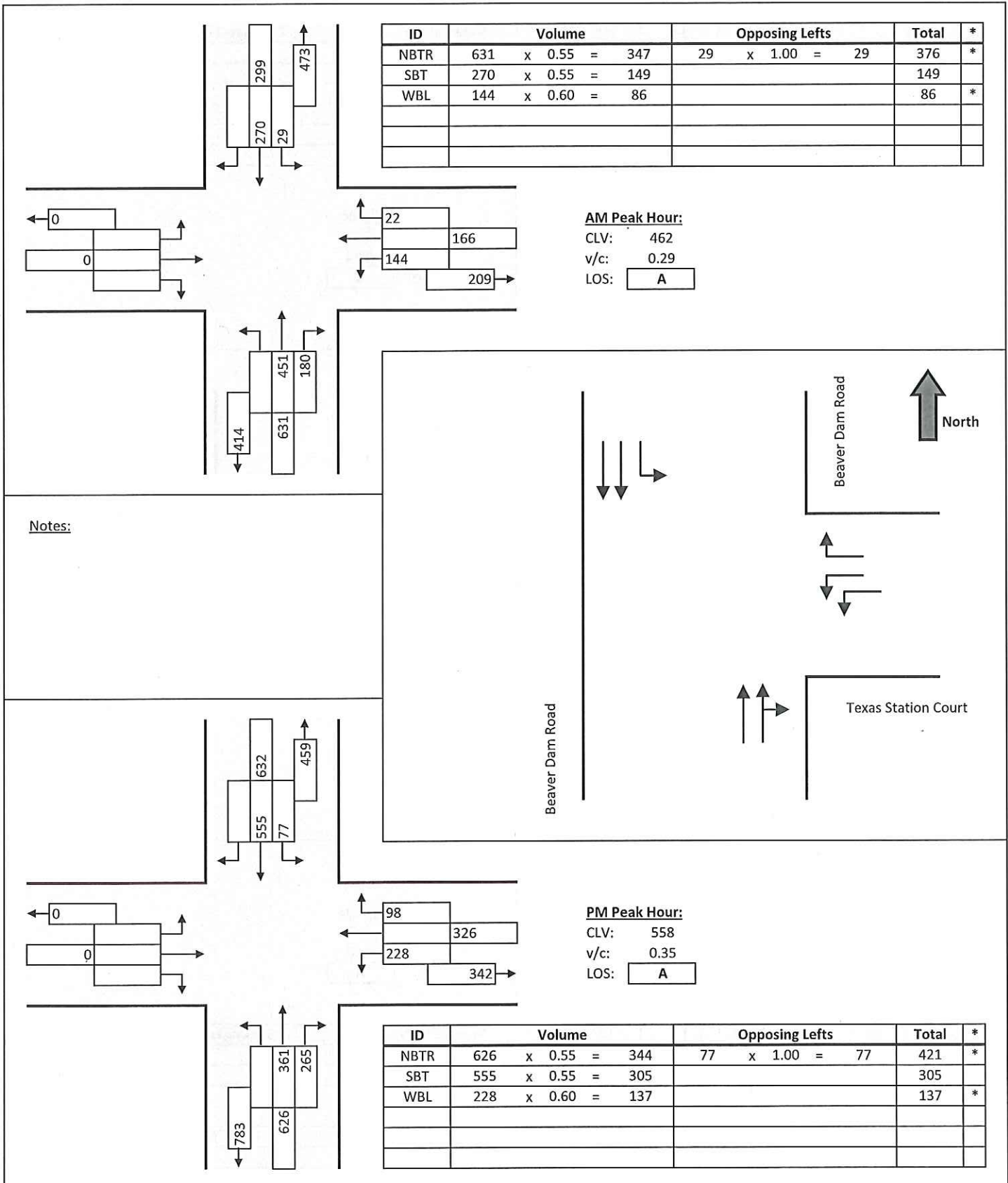
ID	Volume	Opposing Lefts	Total	*
WBTR	1,584 x 0.40 = 634		634	*
SBR	2 x 1.00 = 2		2	*

PM Peak Hour:
 CLV: 636
 v/c: 0.40
 LOS: A

Notes:

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Texas Station Court
 Alternative: Existing
 Date: 2/6/2018 By: RLM



Critical Lane Volume Analysis Worksheet

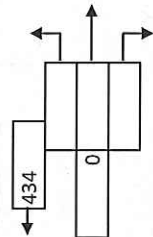
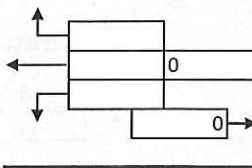
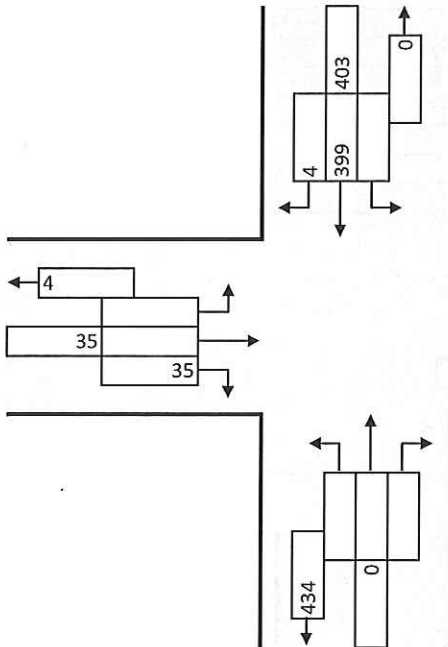
Project: Sheetz TIS
 Location: Beaver Dam Road at Site Access
 Alternative: Existing
 Date: 2/6/2018 By: RLM



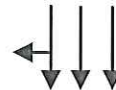
ID	Volume	Opposing Lefts	Total	*
SBTR	403 x 0.40 = 161		161	*
EBR	35 x 1.00 = 35		35	*

AM Peak Hour:

CLV: 196
 v/c: 0.12
 LOS: A



Site Access



Beaver Dam Road
 North

Notes:

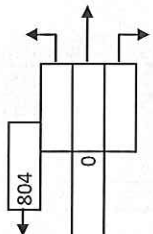
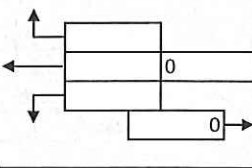
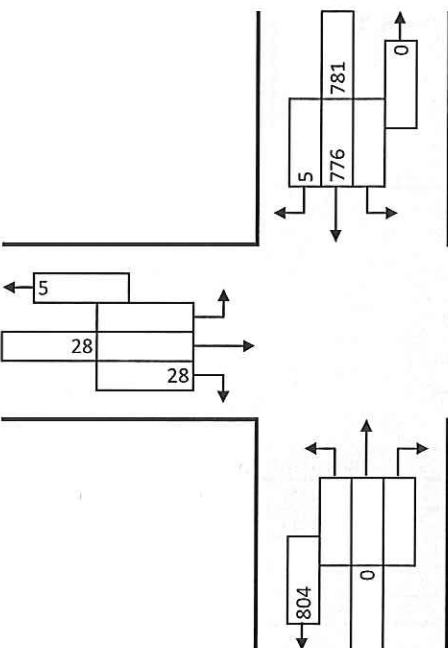
STOP

Beaver Dam Road

ID	Volume	Opposing Lefts	Total	*
SBTR	781 x 0.40 = 312		312	*
EBR	28 x 1.00 = 28		28	*

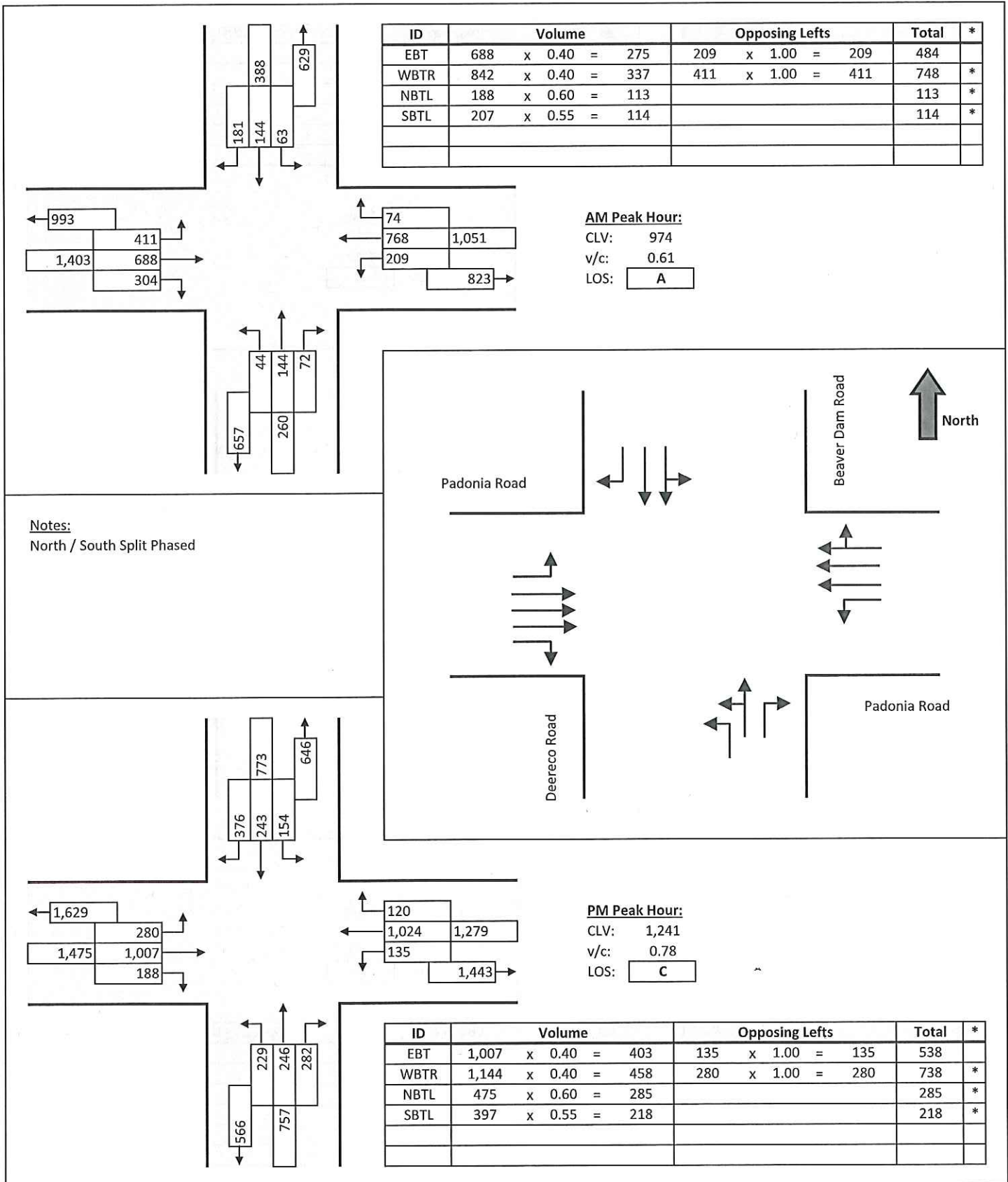
PM Peak Hour:

CLV: 340
 v/c: 0.21
 LOS: A



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Beaver Dam Road / Deereco Road
 Alternative: Existing
 Date: 2/6/2018 By: RLM



Critical Lane Volume Analysis Worksheet

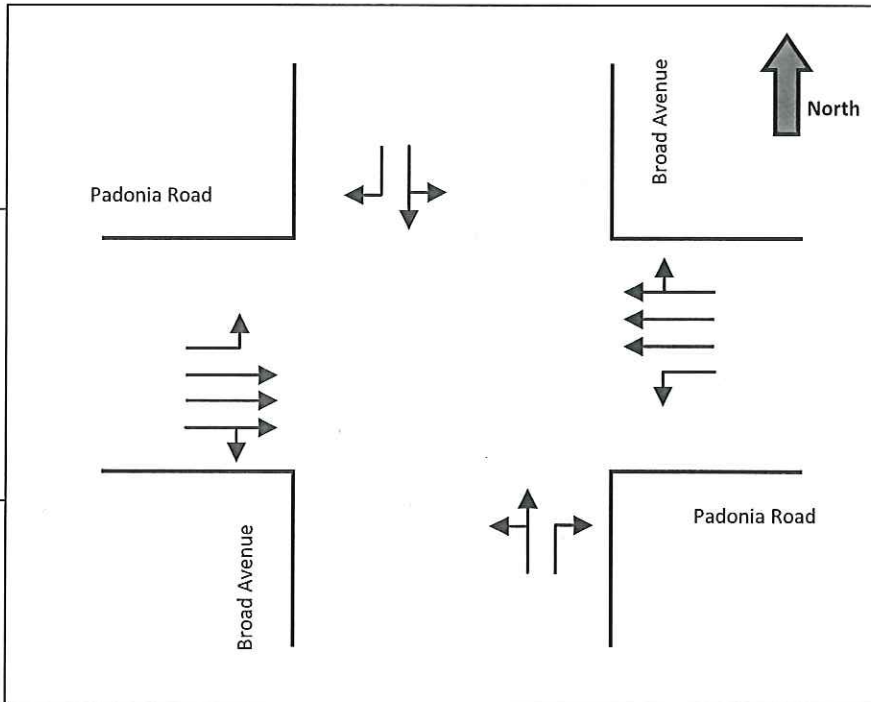
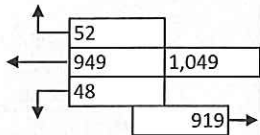
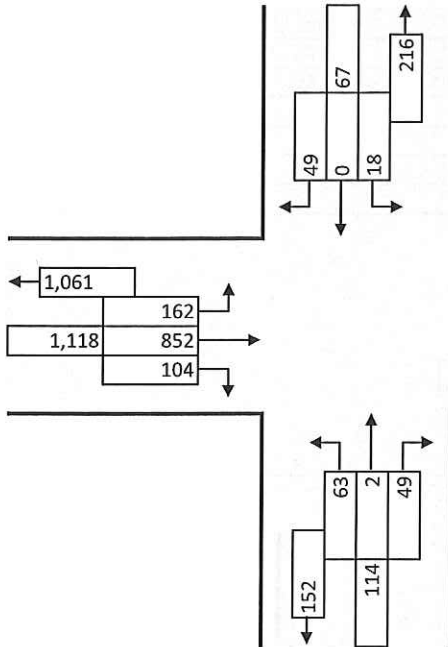
Project: Sheetz TIS
 Location: Padonia Road at Broad Avenue
 Alternative: Existing
 Date: 2/6/2018 By: RLM



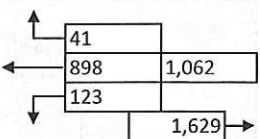
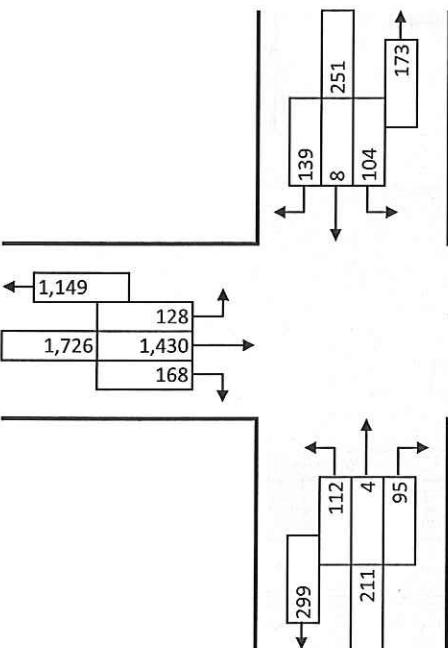
ID	Volume					Opposing Lefts					Total	*
EBTR	956	x	0.40	=	382	48	x	1.00	=	48	430	
WBTR	1,001	x	0.40	=	400	162	x	1.00	=	162	562	*
NBTL	71	x	1.00	=	71	18	x	1.00	=	18	89	*
SBTL	20	x	1.00	=	20	63	x	1.00	=	63	83	

AM Peak Hour:

CLV: 652
 v/c: 0.41
 LOS: A



Notes:



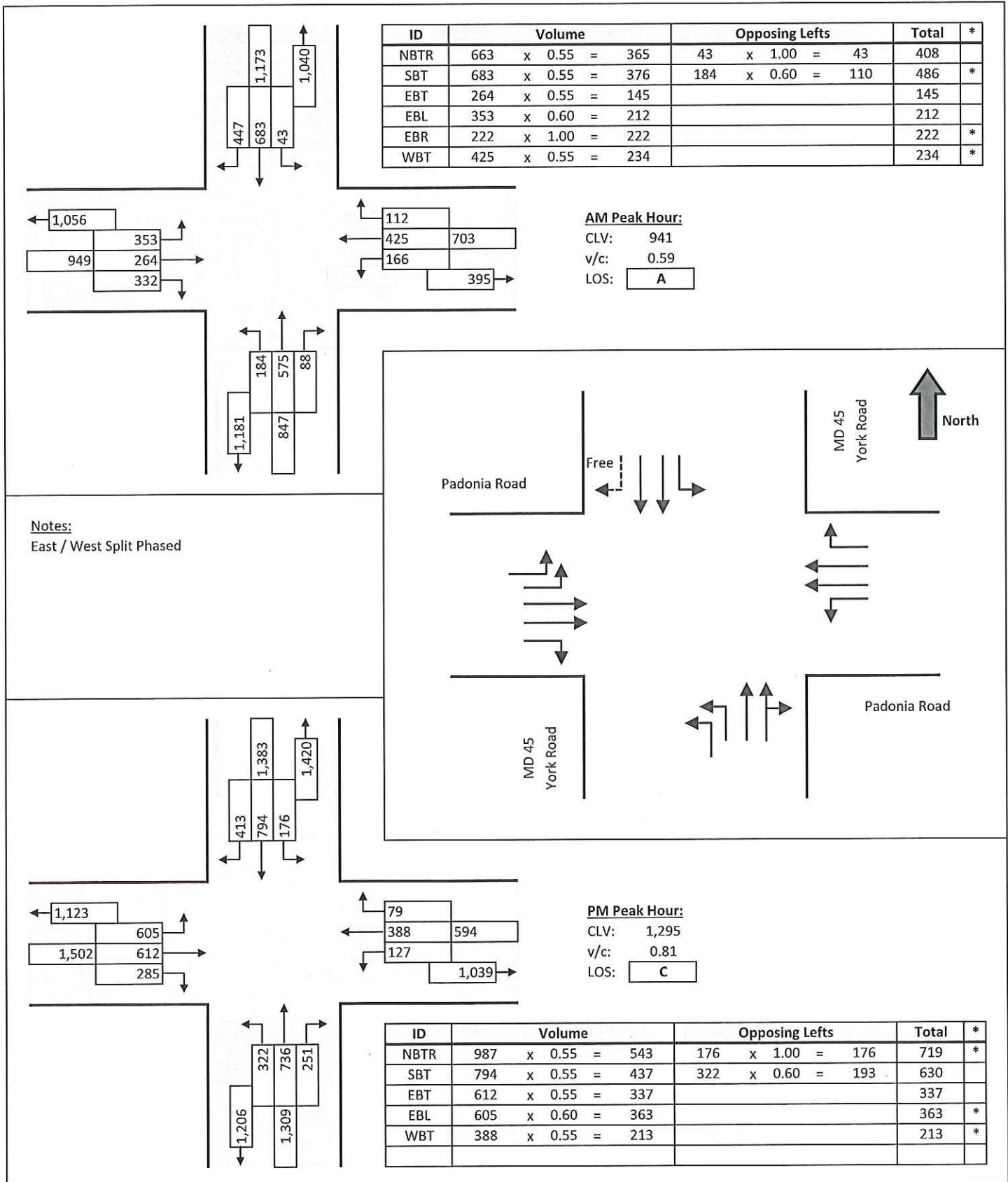
PM Peak Hour:

CLV: 997
 v/c: 0.62
 LOS: A

ID	Volume				Opposing Lefts				Total	*
EBTR	1,598	x	0.40	= 639	123	x	1.00	= 123	762	*
WBTR	939	x	0.40	= 376	128	x	1.00	= 128	504	
NBTL	127	x	1.00	= 127	104	x	1.00	= 104	231	
SBTL	122	x	1.00	= 122	112	x	1.00	= 112	234	*

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: York Road at Padonia Road
 Alternative: Existing
 Date: 2/6/2018 By: RLM



Appendix E:

Existing Conditions SimTraffic Outputs

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.4	0.0	0.5	0.3
Total Del/Veh (s)	31.7	5.0	17.0	19.0

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.1	0.0
Total Del/Veh (s)	9.4	2.9	19.0	10.1	8.4

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.8	0.0	0.2	0.0	0.4
Total Del/Veh (s)	14.7	22.0	42.7	23.7	20.8

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.1	0.1
Total Del/Veh (s)	8.9	20.6	18.5	10.8	14.6

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.2	2.4	6.4	1.7

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.6	0.2
Total Del/Veh (s)	22.6	2.6	3.1	5.8

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	3.2	1.2	1.6	1.4

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.4	0.9	1.3	0.9
Total Del/Veh (s)	32.7	39.1	26.2	19.7	28.4

Total Network Performance

Denied Del/Veh (s)	0.9
Total Del/Veh (s)	48.9

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	556	542	143	131	293
Average Queue (ft)	354	298	67	68	165
95th Queue (ft)	498	432	119	117	266
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	B18	NB	NB	SB
Directions Served	L	T	T	T	T	TR	T	L	LTR	LTR
Maximum Queue (ft)	174	280	272	68	105	55	22	94	158	46
Average Queue (ft)	9	165	161	32	42	4	1	57	38	18
95th Queue (ft)	62	243	246	61	85	22	7	97	117	40
Link Distance (ft)		584	584	140	140	140	92	796	796	358
Upstream Blk Time (%)										
Queuing Penalty (veh)										
Storage Bay Dist (ft)	150									
Storage Blk Time (%)		6								
Queuing Penalty (veh)		0								

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	T	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	316	118	67	69	67	196	206	241	186	90	175	80
Average Queue (ft)	231	36	26	30	25	96	128	154	113	38	115	21
95th Queue (ft)	330	85	61	68	54	171	195	233	178	71	165	48
Link Distance (ft)	207	207	207	207	207		1797	1797	1797	1013	1013	1013
Upstream Blk Time (%)	21											
Queuing Penalty (veh)	55											
Storage Bay Dist (ft)						225						
Storage Blk Time (%)							0					
Queuing Penalty (veh)							0					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	178	166	69
Average Queue (ft)	98	68	40
95th Queue (ft)	152	126	67
Link Distance (ft)	209	209	209
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	91	153	125	152	169	192	195	208	112	73	49	52
Average Queue (ft)	45	64	43	71	24	111	108	128	35	28	10	20
95th Queue (ft)	78	127	101	131	75	188	175	186	72	57	33	44
Link Distance (ft)		1797	1797	1797		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)						2						
Queuing Penalty (veh)						1						

Intersection: 10: Padonia & Access

Movement	EB	EB	B18	B18	B18	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	109	56	56	80	128	31
Average Queue (ft)	22	2	28	14	6	1
95th Queue (ft)	79	18	72	55	47	10
Link Distance (ft)	92	92	140	140	140	186
Upstream Blk Time (%)	1				0	
Queuing Penalty (veh)	2				0	
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	94	71	47	73	72	52	66	90
Average Queue (ft)	48	35	11	27	32	20	18	16
95th Queue (ft)	89	62	32	57	62	46	46	54
Link Distance (ft)	507	507	507	499	499		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB
Directions Served	R
Maximum Queue (ft)	53
Average Queue (ft)	20
95th Queue (ft)	46
Link Distance (ft)	191
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	228	246	163	195	131	194	292	251	200	197	216	224
Average Queue (ft)	130	151	104	100	62	116	156	130	13	54	102	122
95th Queue (ft)	193	226	159	160	127	185	239	211	93	139	177	194
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)						1	5	1	0			
Queuing Penalty (veh)						3	9	1	0			

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	217	254	309	286	269
Average Queue (ft)	89	43	203	173	9
95th Queue (ft)	176	138	293	257	89
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		0	5	0	
Queuing Penalty (veh)		0	2	1	

Network Summary

Network wide Queuing Penalty: 74

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.4	0.1
Total Del/Veh (s)	13.8	14.3	10.5	13.6

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.1	0.0
Total Del/Veh (s)	5.2	5.0	18.6	10.7	6.4

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.9	0.1	0.2	0.0	0.4
Total Del/Veh (s)	22.4	38.7	51.7	34.4	34.6

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.2	0.1
Total Del/Veh (s)	17.8	16.1	36.4	27.3	19.2

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	0.8	3.5	2.4	2.3

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.6	0.3
Total Del/Veh (s)	23.4	5.1	4.4	8.6

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	7.3	1.4	2.7	2.3

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.3	1.0	1.3	0.8
Total Del/Veh (s)	58.5	50.4	52.9	35.8	49.6

Total Network Performance

Denied Del/Veh (s)	0.8
Total Del/Veh (s)	70.8

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	B5	SB
Directions Served	T	T	T	T	T	LR
Maximum Queue (ft)	223	260	331	308	296	138
Average Queue (ft)	159	123	205	222	10	65
95th Queue (ft)	224	200	302	318	97	117
Link Distance (ft)	720	720	715	715	584	950
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	B18	B18	B18	NB	NB	SB
Directions Served	L	T	T	T	T	TR	T	T	T	L	LTR	LTR
Maximum Queue (ft)	26	109	113	154	206	150	53	32	38	136	83	68
Average Queue (ft)	2	69	71	61	83	27	2	1	1	76	16	20
95th Queue (ft)	12	103	108	122	159	94	17	10	13	125	46	47
Link Distance (ft)		584	584	140	140	140	92	92	92	796	796	358
Upstream Blk Time (%)				0	1	0						
Queuing Penalty (veh)				1	8	1						
Storage Bay Dist (ft)	150											
Storage Blk Time (%)												
Queuing Penalty (veh)												

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	T	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	246	245	264	244	84	250	393	378	374	376	473	163
Average Queue (ft)	146	161	156	135	37	156	265	278	226	175	247	66
95th Queue (ft)	235	242	246	223	72	302	376	371	332	273	394	120
Link Distance (ft)	207	207	207	207	207		1797	1797	1797	1013	1013	1013
Upstream Blk Time (%)	3	2	2	1								
Queuing Penalty (veh)	7	5	6	3								
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						0	16					
Queuing Penalty (veh)						0	21					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	279	209	184
Average Queue (ft)	178	144	96
95th Queue (ft)	266	216	152
Link Distance (ft)	209	209	209
Upstream Blk Time (%)	8	0	
Queuing Penalty (veh)	22	1	
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	224	547	504	418	169	235	161	168	176	137	177	140
Average Queue (ft)	57	167	154	205	55	59	69	85	93	47	88	50
95th Queue (ft)	147	334	318	356	112	147	153	150	165	98	140	96
Link Distance (ft)		1797	1797	1797		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)		4			2	0						
Queuing Penalty (veh)		5			7	0						

Intersection: 10: Padonia & Access

Movement	EB	EB	B18	B18	WB	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	27	56	56	56	55	29
Average Queue (ft)	1	5	16	15	2	4
95th Queue (ft)	9	30	57	54	18	20
Link Distance (ft)	92	92	140	140	207	186
Upstream Blk Time (%)						
Queuing Penalty (veh)						
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	129	180	93	80	150	53	94	90
Average Queue (ft)	67	59	29	42	72	28	26	43
95th Queue (ft)	110	110	61	79	127	53	67	77
Link Distance (ft)	507	507	507	499	499		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB	SB	SB
Directions Served	R	T	T
Maximum Queue (ft)	78	88	87
Average Queue (ft)	22	4	3
95th Queue (ft)	54	32	29
Link Distance (ft)	191	499	499
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	315	482	326	364	264	194	308	250	191	273	295	565
Average Queue (ft)	252	281	231	241	104	105	177	156	17	142	206	334
95th Queue (ft)	322	396	342	360	225	187	255	217	94	231	320	506
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)	2	12				2	10	2	0	0	0	14
Queuing Penalty (veh)	7	35				4	13	2	0	0	0	45

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	509	255	575	510	270
Average Queue (ft)	329	165	308	273	98
95th Queue (ft)	453	298	474	443	311
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		1	21	9	0
Queuing Penalty (veh)		5	36	37	0

Network Summary

Network wide Queuing Penalty: 270

Appendix F:

Proposed Site Land Use Data

Land Use: 960

Super Convenience Market/Gas Station

Description

This land use includes gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also had automated teller machines (ATMs), and public restrooms. The sites included in this land use category have the following two specific characteristics:

- The gross floor area of the convenience market is at least 3,000 gross square feet
- The number of vehicle fueling positions is at least 10

Convenience market with gasoline pumps (Land Use 853) and gasoline/service station with convenience market (Land Use 945) are related uses.

Additional Data

To reflect changing characteristics of the convenience market component of this land use, only data from the past two decades have been included in this land use.

The independent variable, vehicle fueling positions, is defined as the maximum number of vehicles that can be fueled simultaneously. Gasoline/service stations in this land use include “pay-at-the-pump” and traditional fueling stations.

A multi-variable regression analysis based on both the convenience market gross floor area (GFA) and the number of vehicle fueling positions (VFP) produced a series of fitted curve equations. The equations are in the form of:

$$\text{Vehicle Trips} = [(\text{VFP Factor}) \times (\text{Number of VFP})] + [(\text{GFA Factor}) \times (\text{GFA})] + (\text{Constant})$$

The values for the VFP factor, GFA factor, and constant are presented in the following table for each time period for which a fitted curve equation could produce an R² value of at least 0.50.

Time Period	VFP Factor	GFA Factor	Constant	R ²
Weekday, AM Peak Hour of Generator	10.3	105	-290	0.62
Weekday, PM Peak Hour of Generator	6.91	76.0	-133	0.68
Weekday, AM Peak Hour of Adjacent Street	16.1	135	-483	0.66
Weekday, PM Peak Hour of Adjacent Street	11.5	82.9	-226	0.51

The sites were surveyed in the late 1990's, 2000s and the 2010s in Florida, Iowa, Maryland, Minnesota, New Hampshire, New Jersey, Pennsylvania, Texas, Utah, and Wisconsin.

Source Numbers

617, 813, 844, 850, 864, 865, 867, 869, 882, 888, 904, 938, 954, 960, 962

Figure E.11 Convenience Market with Gasoline Pumps (853)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday, A.M. Peak Period
Number of Studies: 9
Average 1000 Sq. Feet GFA: 3

Data Plot

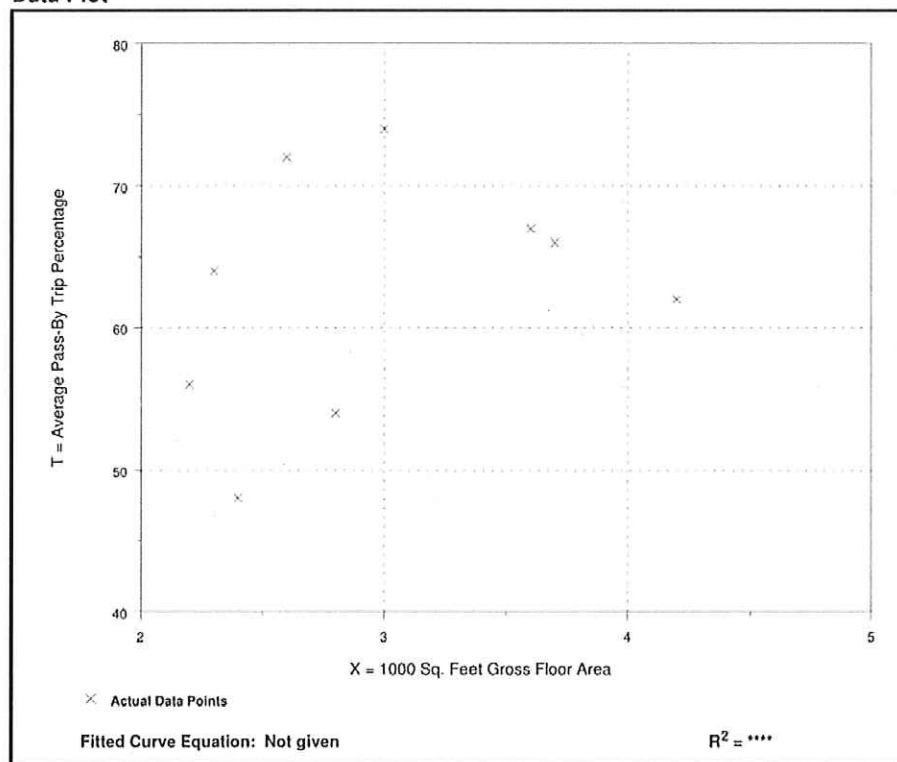


Figure E.12 Convenience Market with Gasoline Pumps (853)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday, P.M. Peak Period
Number of Studies: 17
Average 1000 Sq. Feet GFA: 3

Data Plot

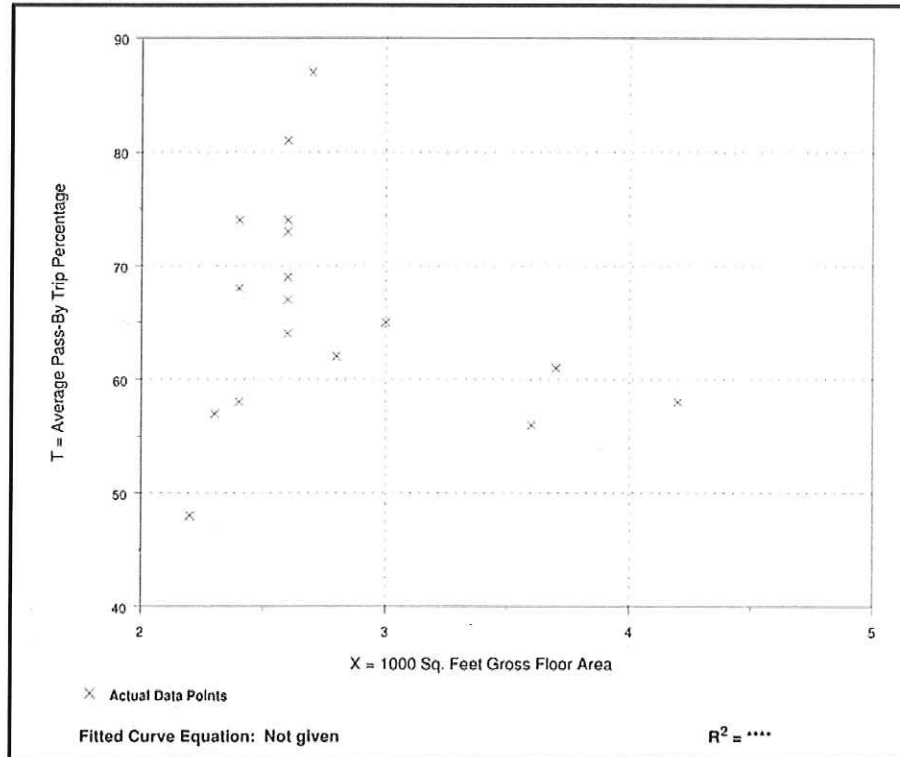


Figure E.18 Gasoline/Service Station with Convenience Market (945)

Average Pass-By Trip Percentage vs: 1,000 Sq. Ft. Gross Floor Area
On a: Weekday, AM Peak Period
Number of Studies: 10
Average 1,000 Sq. Ft. GFA: 0.8

Data Plot

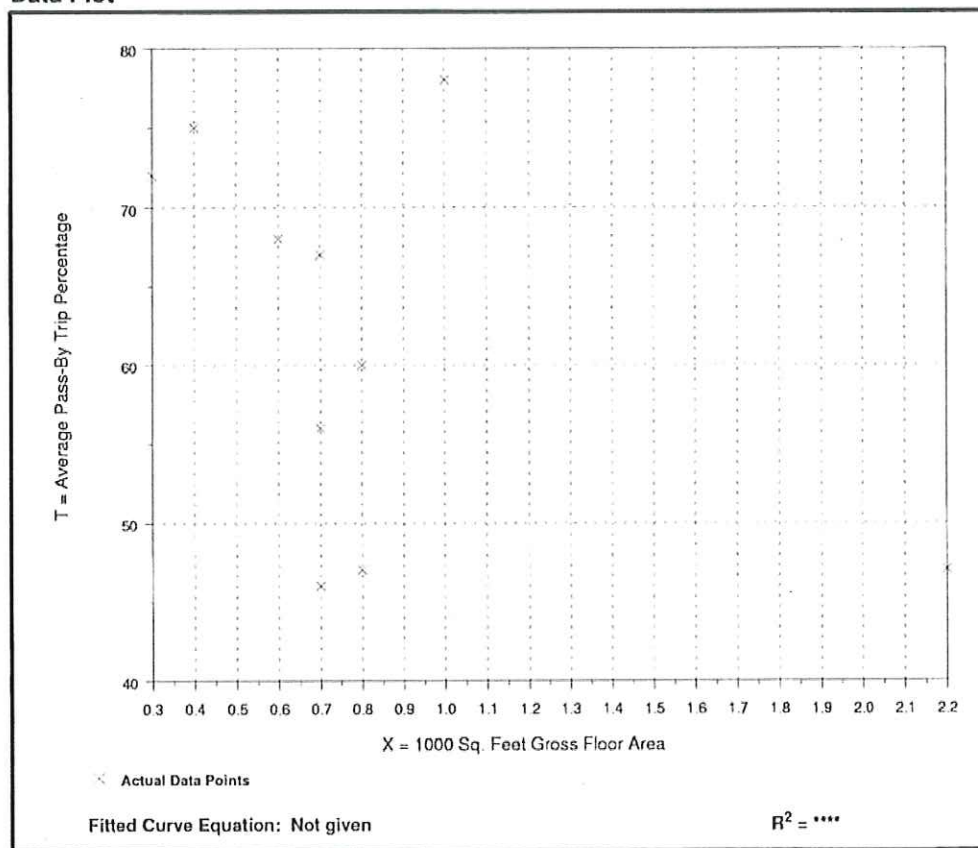


Figure E.19 Gasoline/Service Station with Convenience Market (945)

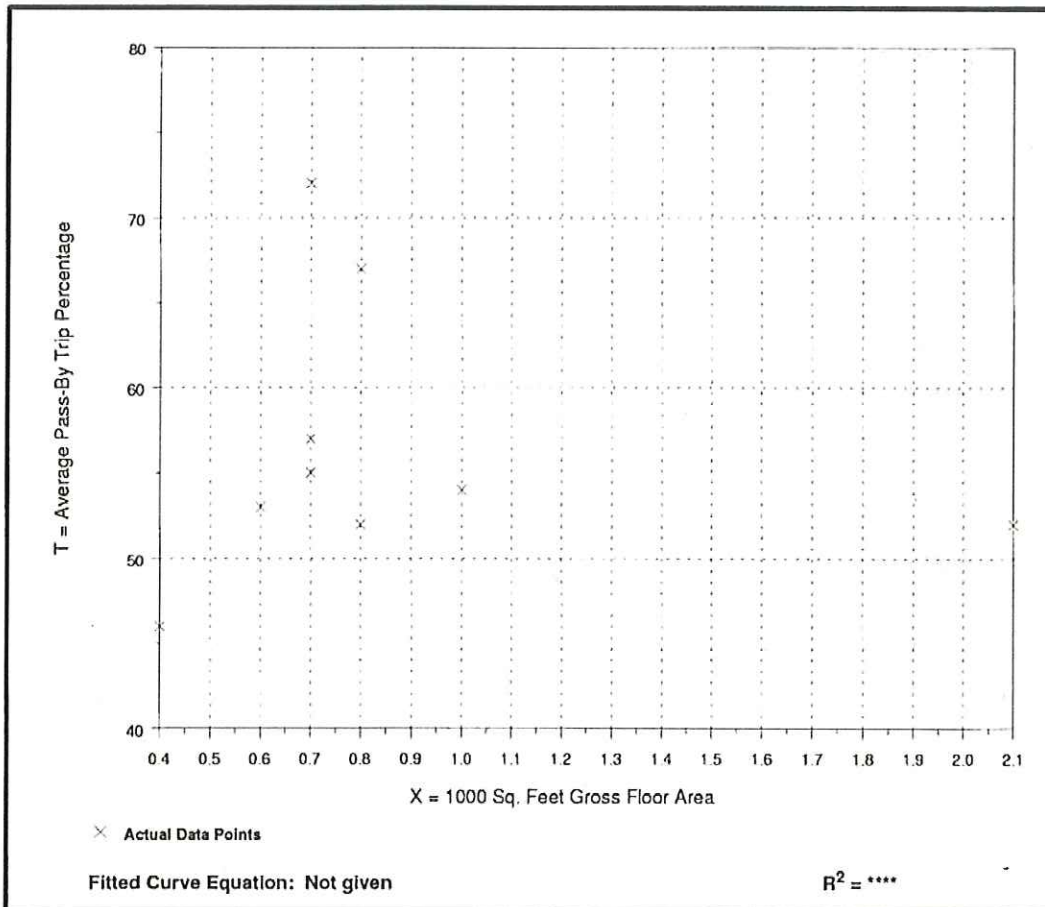
Average Pass-By Trip Percentage vs: 1,000 Sq. Ft. Gross Floor Area

On a: Weekday, PM Peak Period

Number of Studies: 9

Average 1,000 Sq. Ft. GFA: 0.9

Data Plot



ITE Trip Generation Handbook, 10th Edition
Land Use Code 960: Super Convenience Market / Gas Station

Equation:		Vehicles Entering	Vehicles Exiting
Vehicle Trips = [VFP Factor x # of VFPs] + [GFA Factor x GFA Value] + Constant		50%	50%
Weekday, AM Peak Hour of Adjacent Street			
Vehicle Trips = [16.1 x 12] + [135 x 5] + -483 = 385		193	192
	Pass-by Trips: 65%	125	125
	New Trips: 35%	68	67
Weekday, PM Peak Hour of Adjacent Street			
Vehicle Trips = [11.5 x 12] + [82.9 x 5] + -226 = 327		164	163
	Pass-by Trips: 70%	115	114
	New Trips: 30%	49	49

VFP = Vehicle Fuel Positions

GFA = Gross Floor Area, per 1000 Square Feet

Directional Distribution = 50% Entering, 50% Exiting

Appendix G:

Projected Conditions Critical Lane Volume Analysis Worksheets

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from SB I-83
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



ID	Volume	Opposing Lefts	Total	*
EBT	1,171 x 0.55 = 644		644	*
WBT	380 x 0.55 = 209		209	
SBL	418 x 1.00 = 418		418	*

AM Peak Hour:
 CLV: 1,062
 v/c: 0.66
 LOS: B

Notes:

ID	Volume	Opposing Lefts	Total	*
EBT	998 x 0.55 = 549		549	*
WBT	1,104 x 0.55 = 607		607	*
SBL	177 x 1.00 = 177		177	*

PM Peak Hour:
 CLV: 784
 v/c: 0.49
 LOS: A

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from NB I-83
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM

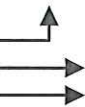


ID	Volume				Opposing Lefts		Total	*
EBT	976	x	0.55	=	537		537	*
WBTR	922	x	0.40	=	369	8 x 1.00 =	8	377
NBTRL	199	x	0.60	=	119	6 x 1.00 =	6	125
SBLR	36	x	1.00	=	36	75 x 0.60 =	45	81

AM Peak Hour:

CLV: 662
 v/c: 0.41
 LOS: A

Padonia Road



Ramp from
NB I-83

Driveway

North

Padonia Road

Notes:

Assume 50% of NBR turn at signal
 and 50% of NBT used channelized right

ID	Volume				Opposing Lefts		Total	*
EBT	946	x	0.55	=	520		520	*
WBTR	1,524	x	0.40	=	610	2 x 1.00 =	2	612
NBTRL	271	x	0.60	=	163	11 x 1.00 =	11	174
SBLR	33	x	1.00	=	33	184 x 0.60 =	110	144

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Site Access
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



ID	Volume	Opposing Lefts	Total	*
WBTR	977 x 0.40 = 391		391	*
SBR	118 x 1.00 = 118		118	*

AM Peak Hour:
 CLV: 509
 v/c: 0.32
 LOS: A

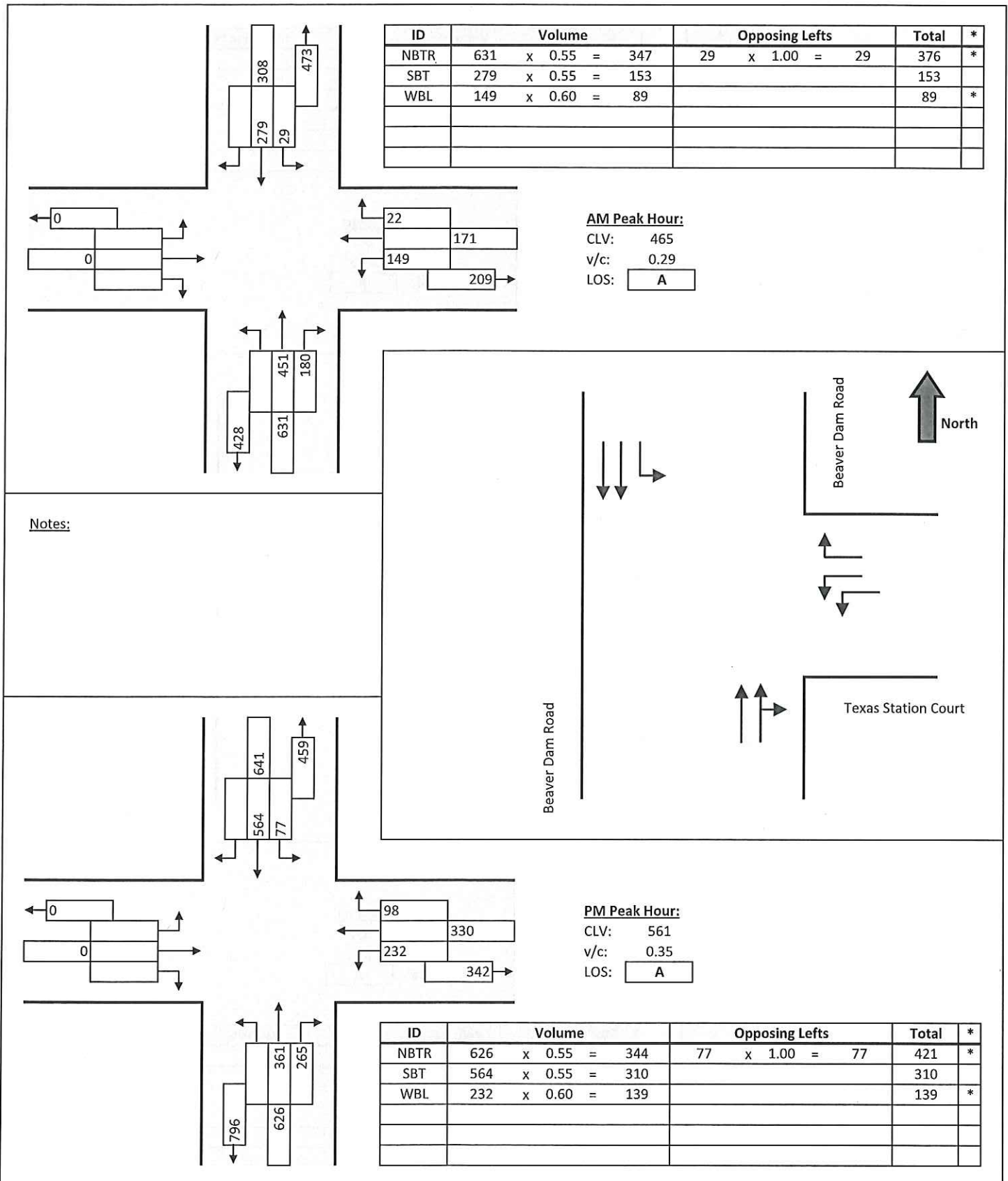
Notes:

ID	Volume	Opposing Lefts	Total	*
WBTR	1,567 x 0.40 = 627		627	*
SBR	109 x 1.00 = 109		109	*

PM Peak Hour:
 CLV: 736
 v/c: 0.46
 LOS: A

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Texas Station Court
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Site Access
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



AM Peak Hour:
 CLV: 241
 v/c: 0.15
 LOS: A

ID	Volume	Opposing Lefts	Total	*
SBTR	417 x 0.40 = 167		167	*
EBR	74 x 1.00 = 74		74	*

Notes:

PM Peak Hour:
 CLV: 372
 v/c: 0.23
 LOS: A

ID	Volume	Opposing Lefts	Total	*
SBTR	794 x 0.40 = 318		318	*
EBR	54 x 1.00 = 54		54	*

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Beaver Dam Road / Deereco Road
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



ID	Volume	Opposing Lefts	Total	*
EBT	688 x 0.40 = 275	191 x 1.00 = 191	466	*
WBTR	871 x 0.40 = 348	411 x 1.00 = 411	759	*
NBTL	189 x 0.60 = 113		113	*
SBTL	227 x 0.55 = 125		125	*

AM Peak Hour:

CLV: 998

v/c: 0.62

LOS: A

Padonia Road

Beaver Dam Road

North

Padonia Road

Deereco Road

Notes:

North / South Split Phased

ID	Volume	Opposing Lefts	Total	*
EBT	1,007 x 0.40 = 403	128 x 1.00 = 128	531	*
WBTR	1,148 x 0.40 = 459	280 x 1.00 = 280	739	*
NBTL	474 x 0.60 = 284		284	*
SBTL	402 x 0.55 = 221		221	*

PM Peak Hour:

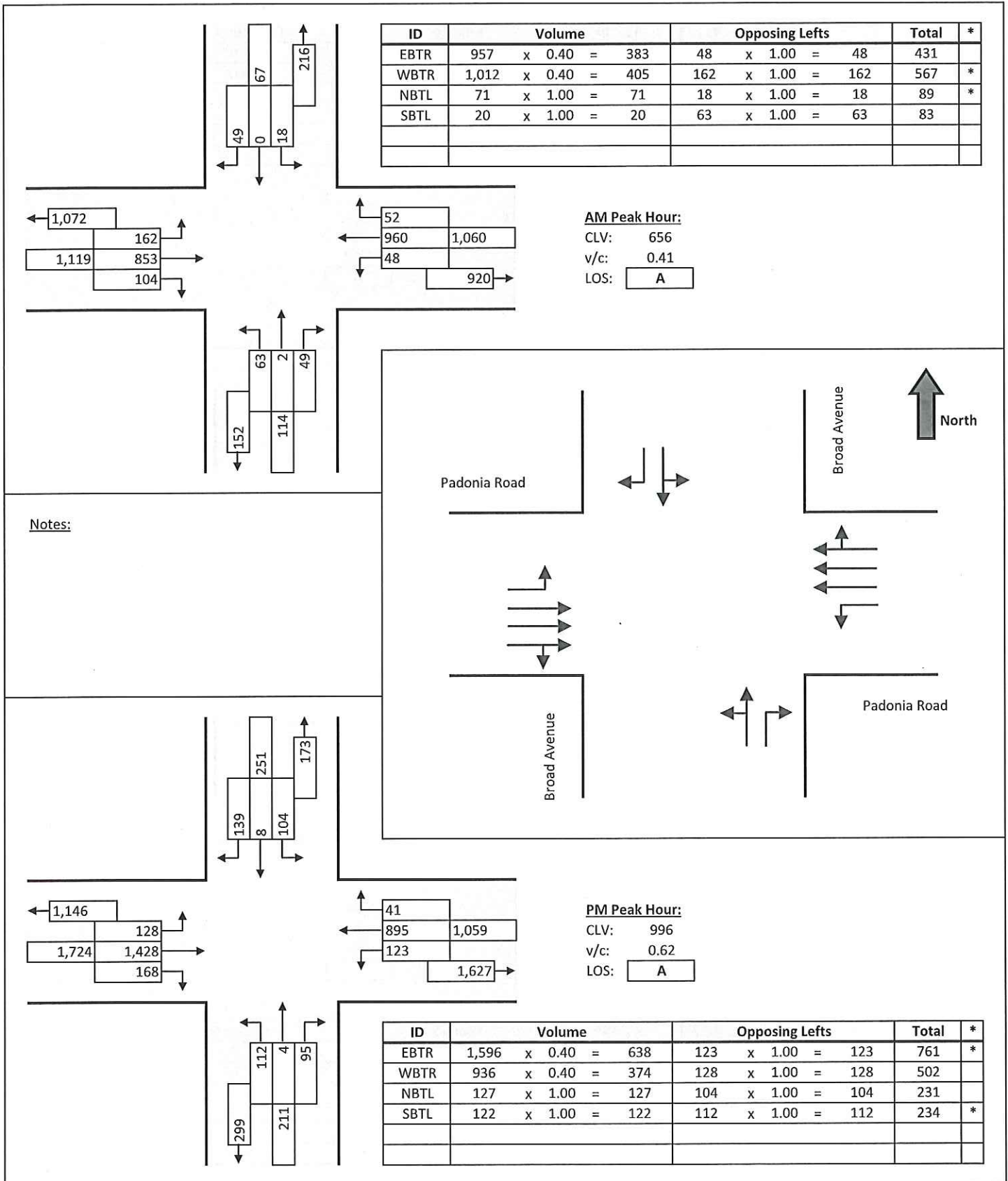
CLV: 1,245

v/c: 0.78

LOS: C

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Broad Avenue
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: York Road at Padonia Road
 Alternative: Projected Condition - With Sheetz Market & Gas Station
 Date: 2/7/2018 By: RLM



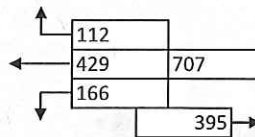
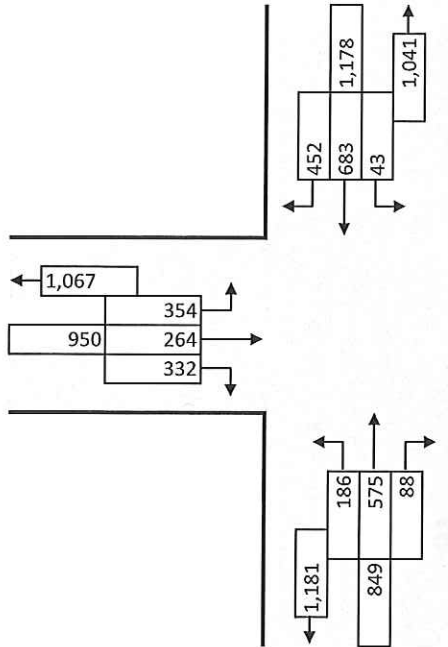
ID	Volume	Opposing Lefts	Total	*
NBTR	663 x 0.55 = 365	43 x 1.00 = 43	408	
SBT	683 x 0.55 = 376	186 x 0.60 = 112	487	*
EBT	264 x 0.55 = 145		145	
EBL	354 x 0.60 = 212		212	
EBR	220 x 1.00 = 220		220	*
WBT	429 x 0.55 = 236		236	*

AM Peak Hour:

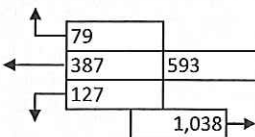
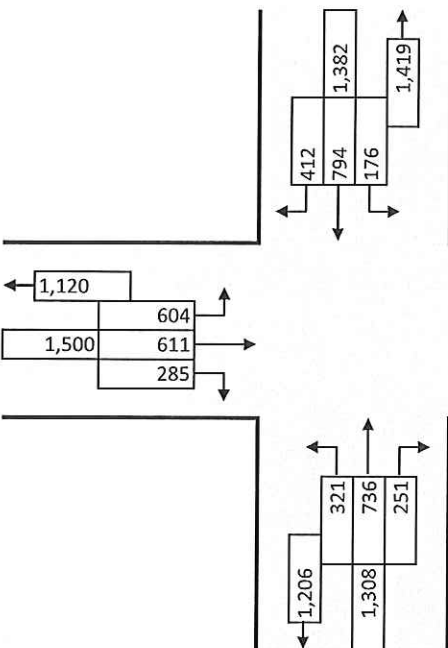
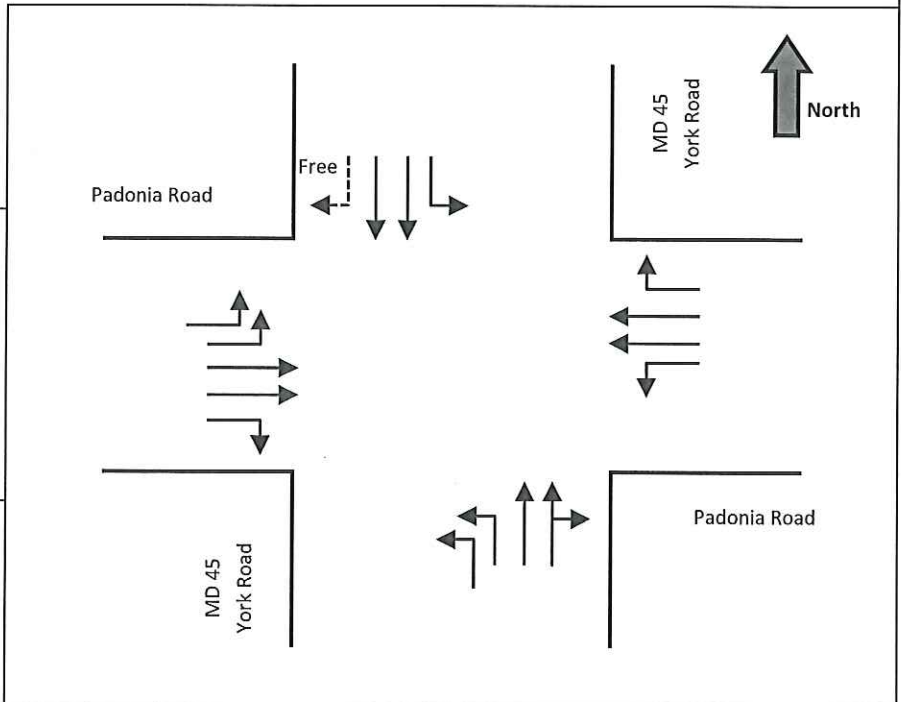
CLV: 944

v/c: 0.59

LOS: A



Notes:
 East / West Split Phased



PM Peak Hour:

CLV: 1,294

v/c: 0.81

LOS: C

ID	Volume	Opposing Lefts	Total	*
NBTR	987 x 0.55 = 543	176 x 1.00 = 176	719	*
SBT	794 x 0.55 = 437	321 x 0.60 = 193	629	
EBT	611 x 0.55 = 336		336	
EBL	604 x 0.60 = 362		362	*
WBT	387 x 0.55 = 213		213	*

Appendix H:

Projected Conditions SimTraffic Outputs

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.6	0.3
Total Del/Veh (s)	30.8	4.1	18.3	18.3

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0
Total Del/Veh (s)	8.9	3.6	17.3	7.3	7.9

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.5	0.0	0.2	0.0	0.7
Total Del/Veh (s)	14.1	23.3	53.1	27.5	22.4

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.1	0.1	0.1
Total Del/Veh (s)	8.4	17.8	20.1	14.2	13.4

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.0
Total Del/Veh (s)	1.2	2.4	3.1	1.8

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.5	0.2
Total Del/Veh (s)	22.7	2.6	3.4	6.1

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	4.5	1.2	1.8	1.6

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.5	0.9	1.3	0.9
Total Del/Veh (s)	33.6	37.2	24.9	22.0	28.5

Total Network Performance

Denied Del/Veh (s)	1.0
Total Del/Veh (s)	47.1

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	458	482	138	166	398
Average Queue (ft)	328	295	60	73	190
95th Queue (ft)	452	424	110	127	324
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	B18	NB	NB	SB
Directions Served	L	T	T	T	T	TR	T	L	LTR	LTR
Maximum Queue (ft)	26	232	265	85	126	55	22	160	148	50
Average Queue (ft)	4	150	160	33	58	7	1	54	44	13
95th Queue (ft)	19	215	243	66	96	28	7	119	112	37
Link Distance (ft)		584	584	140	140	140	92	796	796	358
Upstream Blk Time (%)							0			
Queuing Penalty (veh)							0			
Storage Bay Dist (ft)	150									
Storage Blk Time (%)		4								
Queuing Penalty (veh)		0								

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	T	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	280	83	69	90	121	229	198	268	212	142	215	59
Average Queue (ft)	211	28	17	25	40	100	121	157	130	41	134	20
95th Queue (ft)	318	64	51	59	81	186	181	239	213	87	210	43
Link Distance (ft)	207	207	207	207	207		1797	1797	1797	1013	1013	1013
Upstream Blk Time (%)	17											
Queuing Penalty (veh)	43											
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						0						
Queuing Penalty (veh)						1						

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	155	155	84
Average Queue (ft)	95	81	41
95th Queue (ft)	135	139	72
Link Distance (ft)	209	209	209
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	107	146	117	216	92	129	165	198	158	53	45	51
Average Queue (ft)	50	59	37	65	20	83	89	105	37	21	11	20
95th Queue (ft)	87	115	79	139	55	130	161	177	89	51	33	48
Link Distance (ft)		1797	1797	1797		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)						0						
Queuing Penalty (veh)						0						

Intersection: 10: Padonia & Access

Movement	EB	B18	B18	B18	B18	WB	SB
Directions Served	T	T	T	T	T	T	R
Maximum Queue (ft)	92	56	56	166	118	56	54
Average Queue (ft)	21	32	18	8	4	2	34
95th Queue (ft)	72	76	59	63	39	18	46
Link Distance (ft)	92	140	140	140	140	207	186
Upstream Blk Time (%)	0			0			
Queuing Penalty (veh)	1			0			
Storage Bay Dist (ft)							
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	96	112	46	54	72	53	55	53
Average Queue (ft)	47	40	14	28	33	19	17	21
95th Queue (ft)	82	86	35	54	61	44	47	51
Link Distance (ft)	507	507	507	499	499		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB
Directions Served	R
Maximum Queue (ft)	55
Average Queue (ft)	32
95th Queue (ft)	53
Link Distance (ft)	191
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	260	272	152	158	157	194	265	224	200	138	182	230
Average Queue (ft)	128	149	97	94	59	117	156	122	7	43	94	120
95th Queue (ft)	202	220	148	152	129	187	244	195	66	100	145	209
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)		0				1	6	1				
Queuing Penalty (veh)		0				2	10	2				

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	218	254	325	317	139
Average Queue (ft)	90	44	220	182	5
95th Queue (ft)	174	143	294	264	46
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)			7	0	
Queuing Penalty (veh)			3	0	

Network Summary

Network wide Queuing Penalty: 62

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.3	0.1
Total Del/Veh (s)	13.6	14.3	11.5	13.7

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0
Total Del/Veh (s)	4.9	4.9	17.7	8.6	6.3

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	14.8	0.0	0.2	0.0	5.1
Total Del/Veh (s)	26.2	38.8	51.3	27.0	34.8

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.2	0.1	0.1
Total Del/Veh (s)	17.2	16.2	30.3	27.9	18.4

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.0
Total Del/Veh (s)	0.9	3.8	3.4	2.5

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.6	0.3
Total Del/Veh (s)	21.2	5.3	4.6	8.2

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	6.8	1.4	2.6	2.2

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.4	1.0	1.5	0.9
Total Del/Veh (s)	54.6	52.5	47.1	41.6	48.6

Total Network Performance

Denied Del/Veh (s)	3.2
Total Del/Veh (s)	67.0

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	B5	B5	SB
Directions Served	T	T	T	T	T	T	LR
Maximum Queue (ft)	245	205	315	348	612	621	178
Average Queue (ft)	160	117	217	233	20	21	75
95th Queue (ft)	227	202	314	325	202	205	142
Link Distance (ft)	720	720	715	715	584	584	950
Upstream Blk Time (%)					0	0	
Queuing Penalty (veh)					0	1	
Storage Bay Dist (ft)							
Storage Blk Time (%)							
Queuing Penalty (veh)							

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	B5	WB	WB	WB	B18	B18	NB	NB	SB
Directions Served	L	T	T	T	T	T	TR	T	T	L	LTR	LTR
Maximum Queue (ft)	24	135	130	47	194	230	182	85	99	132	121	47
Average Queue (ft)	1	72	65	2	59	84	29	3	5	70	34	16
95th Queue (ft)	9	125	113	15	140	173	103	28	36	121	90	42
Link Distance (ft)		584	584	715	140	140	140	92	92	796	796	358
Upstream Blk Time (%)					1	3	0	0	0			
Queuing Penalty (veh)					5	18	3	1	2			
Storage Bay Dist (ft)	150											
Storage Blk Time (%)		0										
Queuing Penalty (veh)		0										

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	T	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	274	299	244	280	69	250	398	427	386	362	427	189
Average Queue (ft)	167	168	147	149	36	122	265	283	245	165	267	86
95th Queue (ft)	270	252	234	222	65	263	382	402	355	266	397	151
Link Distance (ft)	207	207	207	207	207		1797	1797	1797	1013	1013	1013
Upstream Blk Time (%)	9	4	1	1								
Queuing Penalty (veh)	22	9	3	2								
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						0	12					
Queuing Penalty (veh)						0	16					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	279	209	110
Average Queue (ft)	169	99	38
95th Queue (ft)	290	186	75
Link Distance (ft)	209	209	209
Upstream Blk Time (%)	9	0	
Queuing Penalty (veh)	25	0	
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	224	342	421	474	161	251	263	218	183	73	176	92
Average Queue (ft)	66	120	117	156	69	74	86	115	75	36	82	45
95th Queue (ft)	158	270	269	322	130	169	193	209	151	68	147	79
Link Distance (ft)		1797	1797	1797		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)	0	2			2	0						
Queuing Penalty (veh)	0	3			7	1						

Intersection: 10: Padonia & Access

Movement	EB	EB	EB	B18	B18	WB	WB	WB	SB
Directions Served	T	T	T	T	T	T	T	TR	R
Maximum Queue (ft)	48	80	48	56	56	196	250	206	55
Average Queue (ft)	2	6	2	17	7	7	21	8	34
95th Queue (ft)	16	33	17	59	38	64	126	69	47
Link Distance (ft)	92	92	92	140	140	207	207	207	186
Upstream Blk Time (%)		0				0	0	0	
Queuing Penalty (veh)		0				0	1	0	
Storage Bay Dist (ft)									
Storage Blk Time (%)									
Queuing Penalty (veh)									

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	133	132	73	96	138	96	92	76
Average Queue (ft)	73	49	30	46	69	38	32	32
95th Queue (ft)	120	94	56	96	128	71	74	73
Link Distance (ft)	507	507	507	499	499		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB	SB
Directions Served	R	T
Maximum Queue (ft)	51	64
Average Queue (ft)	26	11
95th Queue (ft)	47	43
Link Distance (ft)	191	499
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	315	400	328	358	206	194	348	314	200	271	295	468
Average Queue (ft)	228	253	210	218	63	121	199	159	13	122	206	285
95th Queue (ft)	312	369	308	318	173	217	305	255	96	205	313	426
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)	2	9				7	12	4	0	0	0	9
Queuing Penalty (veh)	6	26				13	15	3	0	0	0	28

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	546	255	675	748	270
Average Queue (ft)	323	170	356	336	135
95th Queue (ft)	471	306	578	593	357
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		1	25	14	0
Queuing Penalty (veh)		5	45	56	1

Network Summary

Network wide Queuing Penalty: 317



Sheetz
Market & Gas Station
Timonium, Maryland

Traffic Impact Analysis
March 26, 2019

Performed by:



Petitioner
CBA Exhibit

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INTRODUCTION

Century Engineering, Inc. (Century) has prepared this Traffic Impact Analysis to evaluate the potential effects of replacing an existing Bob Evans restaurant with a Sheetz market and gas station. The study site, shown in **Exhibit 1**, is a commercial property located in the northwest corner of the intersection of Padonia Road and Beaver Dam Road / Deereco Road in Timonium, Maryland.

The previous land use was a Bob Evans restaurant, which was approximately 6,000 SF and provided 167 seats. The proposed land use is a Sheetz market and gas station, which will be approximately 5,000 SF and will provide 6 fuel islands (12 fuel positions). It is anticipated that the Sheetz market and gas station will be operational in 2019.

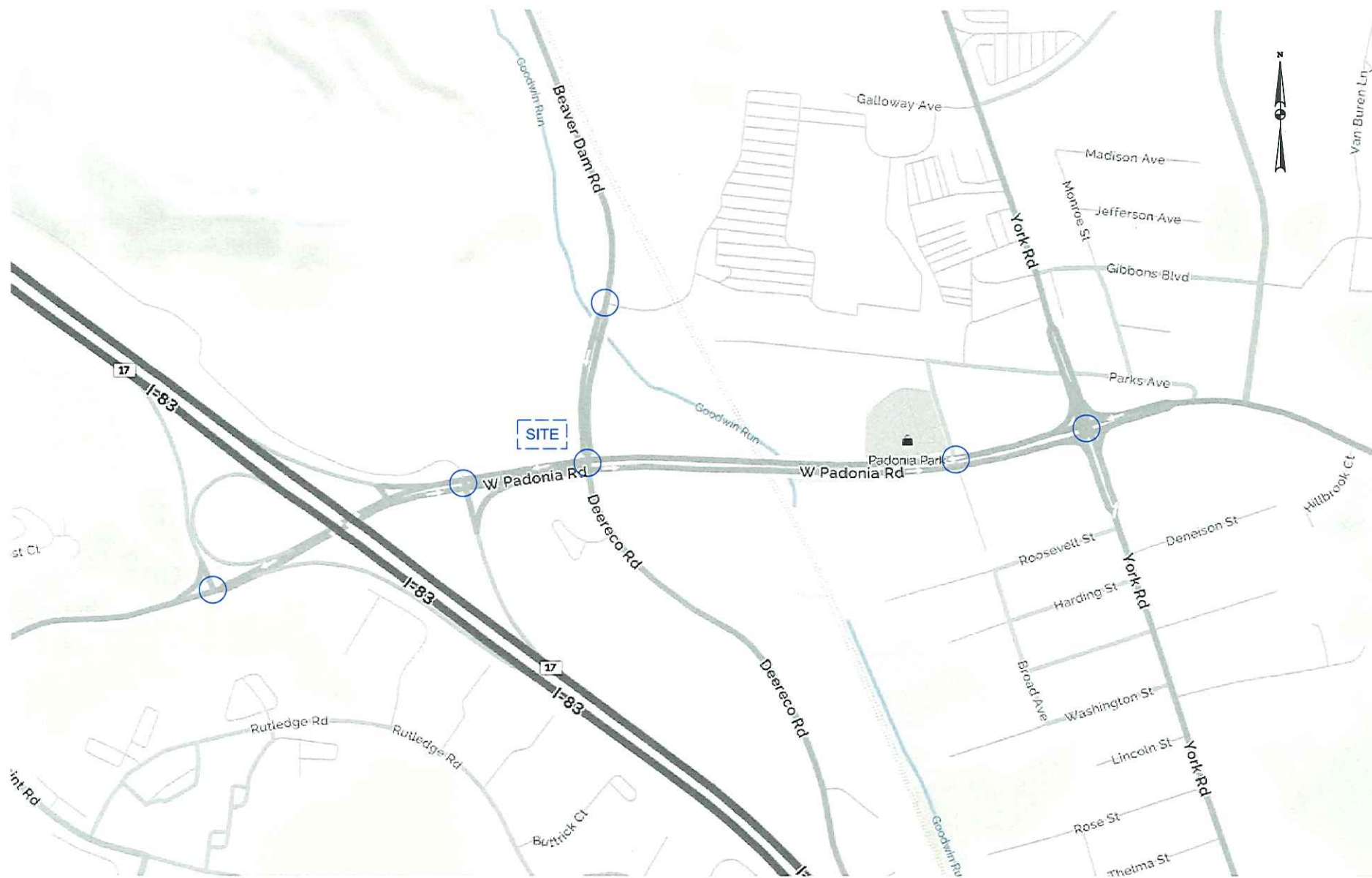
Access to the subject site is proposed via the three (3) existing shared use site accesses: one (1) right-in/right-out access along westbound Padonia Road, one (1) right-in/right-out access along southbound Beaver Dam Road and one (1) full movement access along Beaver Dam Road. No changes to the existing site access points are proposed.

The study area includes the following intersections, which comprise the site access points and all signalized intersections within a half-mile radius of the site:

- Padonia Road at Beaver Dam Road / Deereco Road
- Padonia Road at the southbound I-83 Exit Ramp
- Padonia Road at the northbound I-83 Exit Ramp
- Padonia Road at Broad Avenue
- Padonia Road at York Road (MD 45)
- Beaver Dam Road at Texas Station Court
- Beaver Dam Road at the Site Access Points
- Padonia Road at the Site Access Point

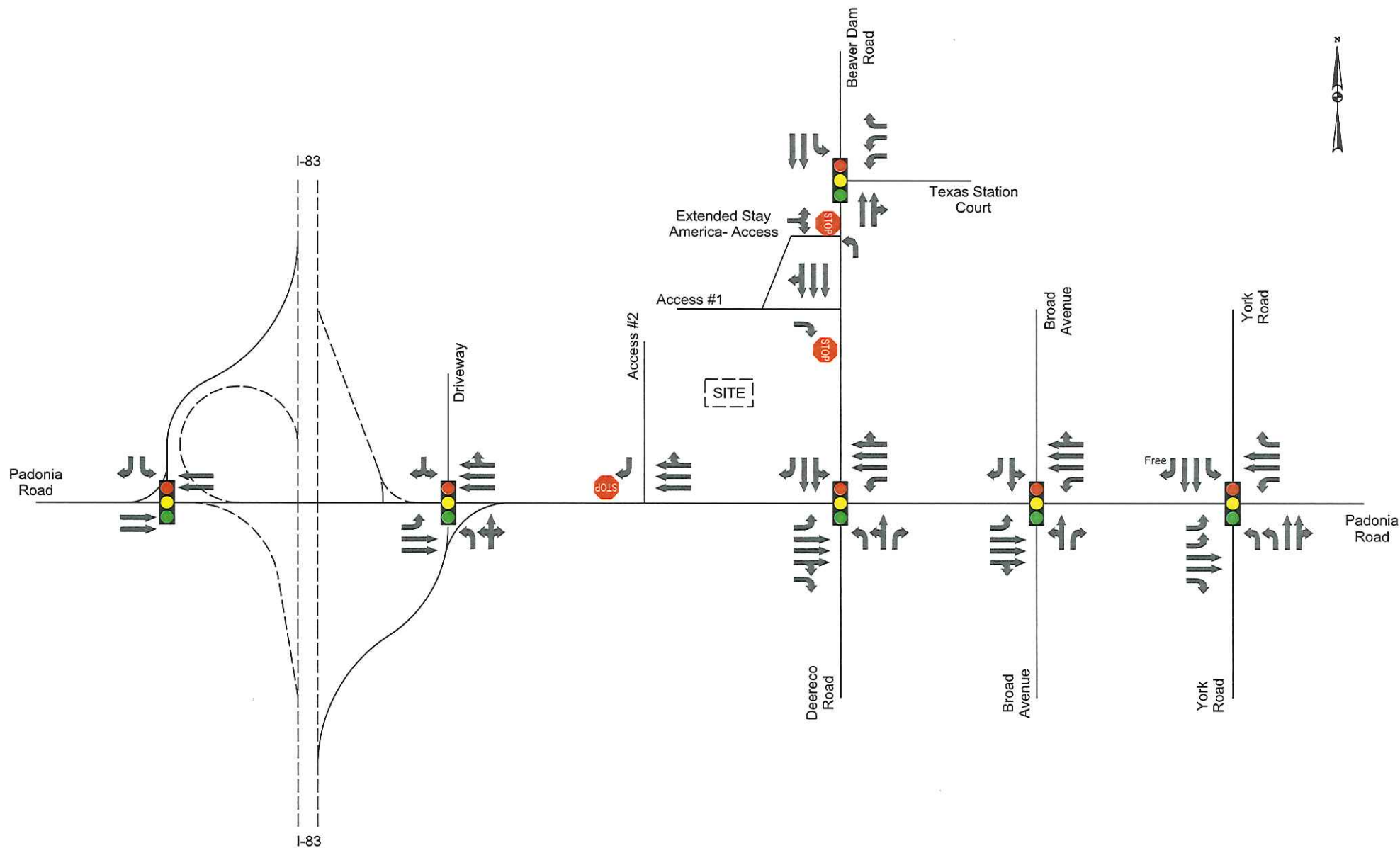
Near the study site, Padonia Road is a minor arterial roadway with a posted speed limit of 40 mph, Beaver Dam Road is a collector road with a posted speed limit of 40 mph, and Deereco Road is a collector road with a posted speed limit of 35 mph. Existing lane configurations and intersection controls information is provided in **Exhibit 2**.

This Traffic Impact Analysis was conducted in accordance with Baltimore County and Maryland Department of Transportation State Highway Administration (MDOT SHA) development traffic impact study standards. These guidelines consider a Level of Service (LOS) D or better during peak hour intersection operations as adequate traffic conditions.



○ = Signalized Intersection

Traffic Impact Analysis
Sheetz Site - Timonium, Maryland



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland

EXISTING CONDITIONS

Traffic data was compiled for the existing signalized intersections within the study area. Data for five (5) of the intersections, was provided by Baltimore County. Data for two (2) additional intersections was collected by Century. The raw data for these peak period counts is provided in **Appendix A**. Peak hour traffic volume data is provided in **Exhibit 3**.

Two (2) sets of count data are provided for the intersection of Padonia Road and Broad Avenue. The first set, collected in January 2015, was provided by Baltimore County, and the second set, collected in January 2018, was collected by Century. Comparison of these two data sets, both of which are included in **Appendix A**, shows that traffic volumes along Padonia Road during the AM and PM peak hours has changed little over the last three (3) years. Therefore, we have determined that no growth rate is necessary for traffic data less than three (3) years old.

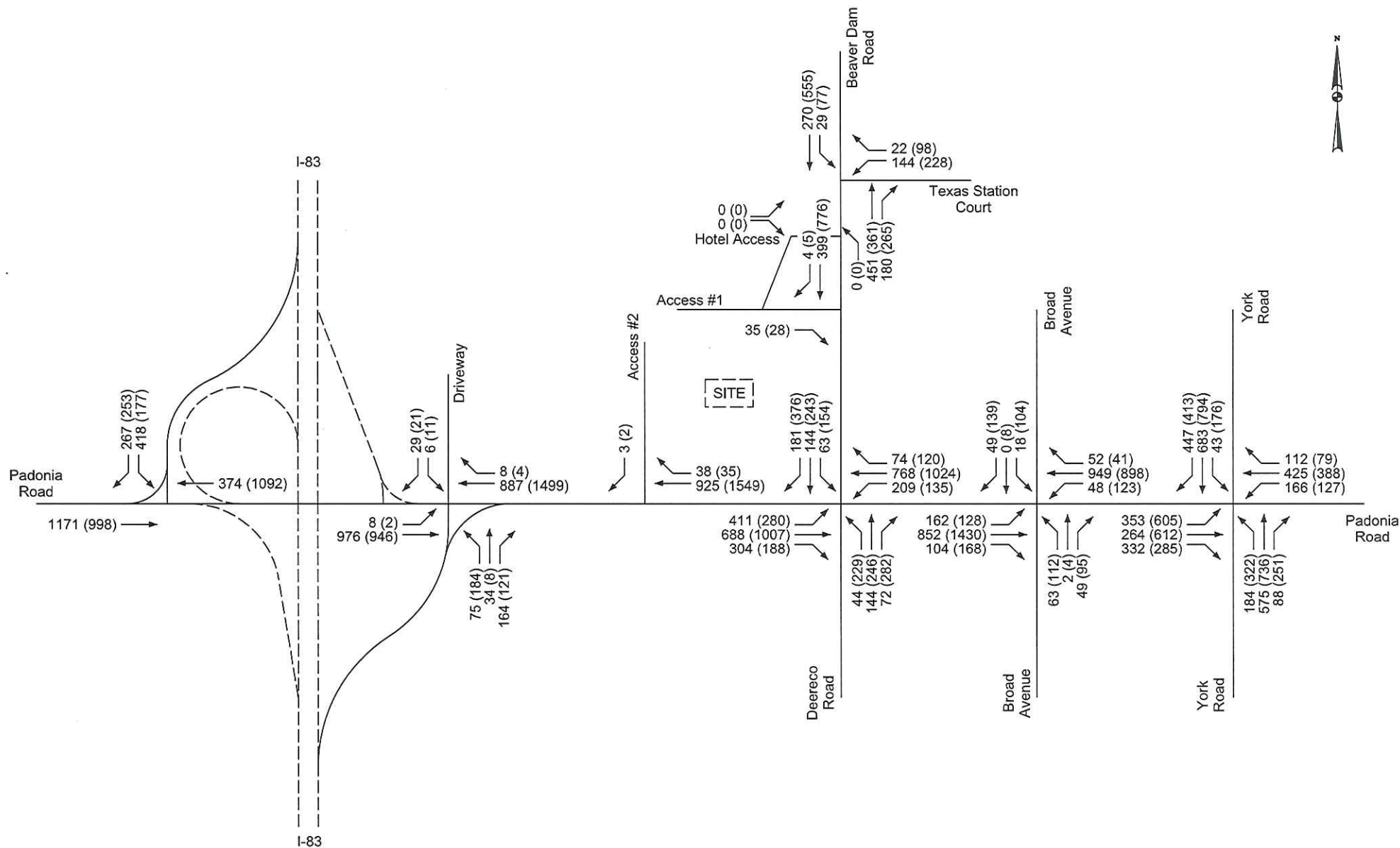
The existing Bob Evans restaurant closed in November 2017. The restaurant was open when most of the count data was collected and is therefore included in those volumes. Because the restaurant was closed at the time this study was conducted, traffic volumes at the site access points have been estimated using the ITE Trip Generation Handbook, 10th Edition, Land Use Code (LUC) 932. The description and charts for this LUC are provided in **Appendix B**.

Baltimore County maintains information on levels of congestion along County roads. The Basic Services Map for Transportation identifies both individual intersections and “transportation zones” within the County that are operating at LOS D, E, or F to aid in decisions related to new developments. The County also maintains lists of local signalized intersections and their measured LOS. These documents, which are provided in **Appendix C**, reveal the following details:

1. The intersection of Padonia Road, Beaver Dam Road, and Deereco Road, which lies immediately adjacent to the study site, is not included in the LOS D, E, or F Transportation Zones.
2. The intersection of York Road (MD 45) and Padonia Road is listed as operating at LOS D under existing conditions.

Critical Lane Volume (CLV) analyses were performed for all signalized and unsignalized intersections included in the study area. These analyses show that all evaluated intersections operate at LOS D or better during both the AM and PM peak hours under existing conditions. The CLV analysis worksheets are provided in **Appendix D**.

Synchro analyses were performed for the study network. Models were constructed using an orthorectified aerial image and existing signal timings. The models were then run in SimTraffic to obtain a more accurate measurement of traffic queues and delays. The simulation models show all approaches to the intersections in the study operate at LOS D or better during both the AM and PM peak hours. Outputs from the SimTraffic models are provided in **Appendix E**.



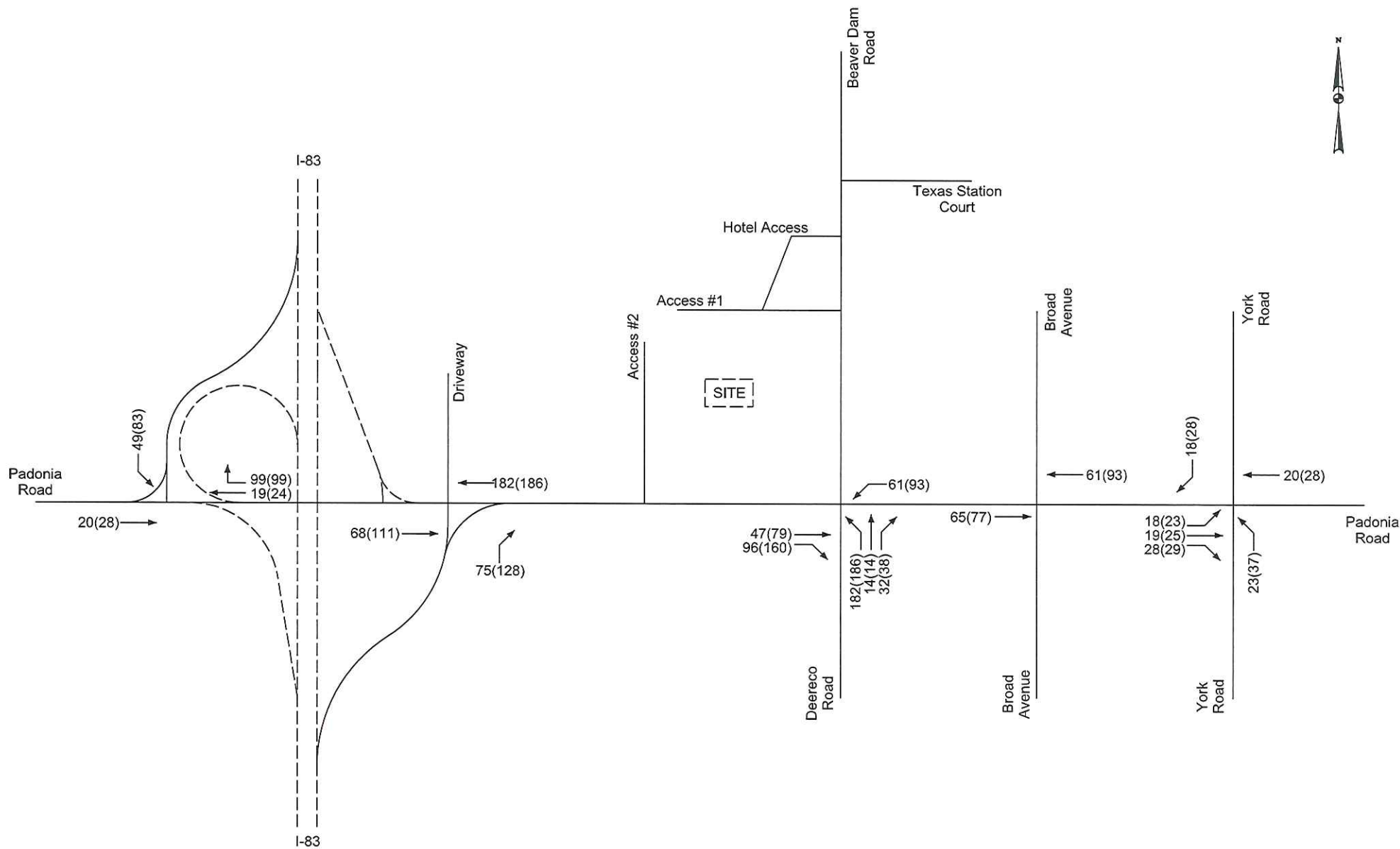
Traffic Impact Analysis
Sheetz Site - Timonium, Maryland

BACKGROUND CONDITION

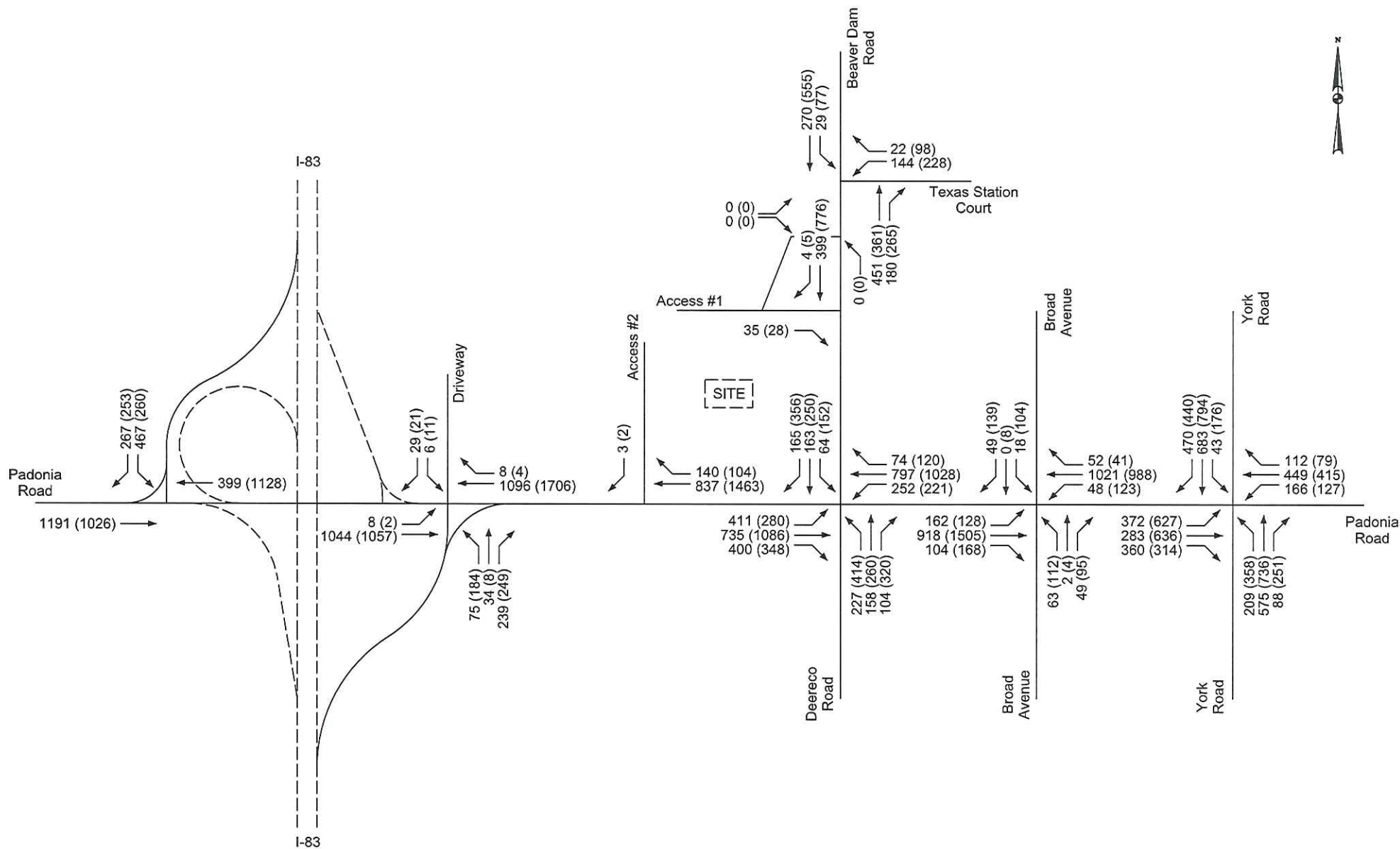
At the request of Baltimore County, the Deereco Road Property development was included in the background condition evaluation. This two (2) phased development is proposed to be completed in 2025 and is required to widen the northbound Deereco Road approach at Padonia Road. The proposed Deereco Road lane configuration is two (2) exclusive left turn lanes, one (1) exclusive through lane, and one (1) exclusive right turn lane. The background lane configurations and intersection controls are identified in **Exhibit 4**.

The background condition volumes were calculated by adding the proposed new-trips generated from the Deereco Road Property development (**Exhibit 5**) to the existing condition volumes. The background volumes are shown in **Exhibit 6**. For this condition, it is assumed that both Deereco Road Property development phases are complete. **Appendix F** shows the trip generation, new trip assignment, and future lane configuration included in the approved traffic study developed by The Traffic Group for the Deereco Road Property development.

CLV and Synchro analysis were performed for all signalized and unsignalized intersections included in the study area for these conditions. The CLV analysis worksheets are provided in **Appendix G**. The synchro model was updated with the background volumes and lane geometries then simulated in SimTraffic. Delay and queueing outputs from the SimTraffic simulations are provided in **Appendix H**. Both CLV and Synchro/SimTraffic analysis show that all approaches to the intersections in the study operate at Level of Service (LOS) D or better during both the AM and PM background peak hours.



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland

TOTAL PROJECTED CONDITIONS

Anticipated trips for the proposed Sheetz market and gas station were developed using the ITE Trip Generation Handbook, 10th Edition. LUC 960 was determined to be appropriate for this site, using the multi-variable regression analysis based on both the convenience market square footage and the number of fueling positions. The description for this LUC and the related calculations is provided in **Appendix J**.

Pass-by trips are commonly associated with both convenience markets and gas stations. However, the current edition of the ITE Trip Generation Handbook does not include percentages of pass-by trips for LUC 960. The Handbook does include pass-by trip estimates for the following similar land uses:

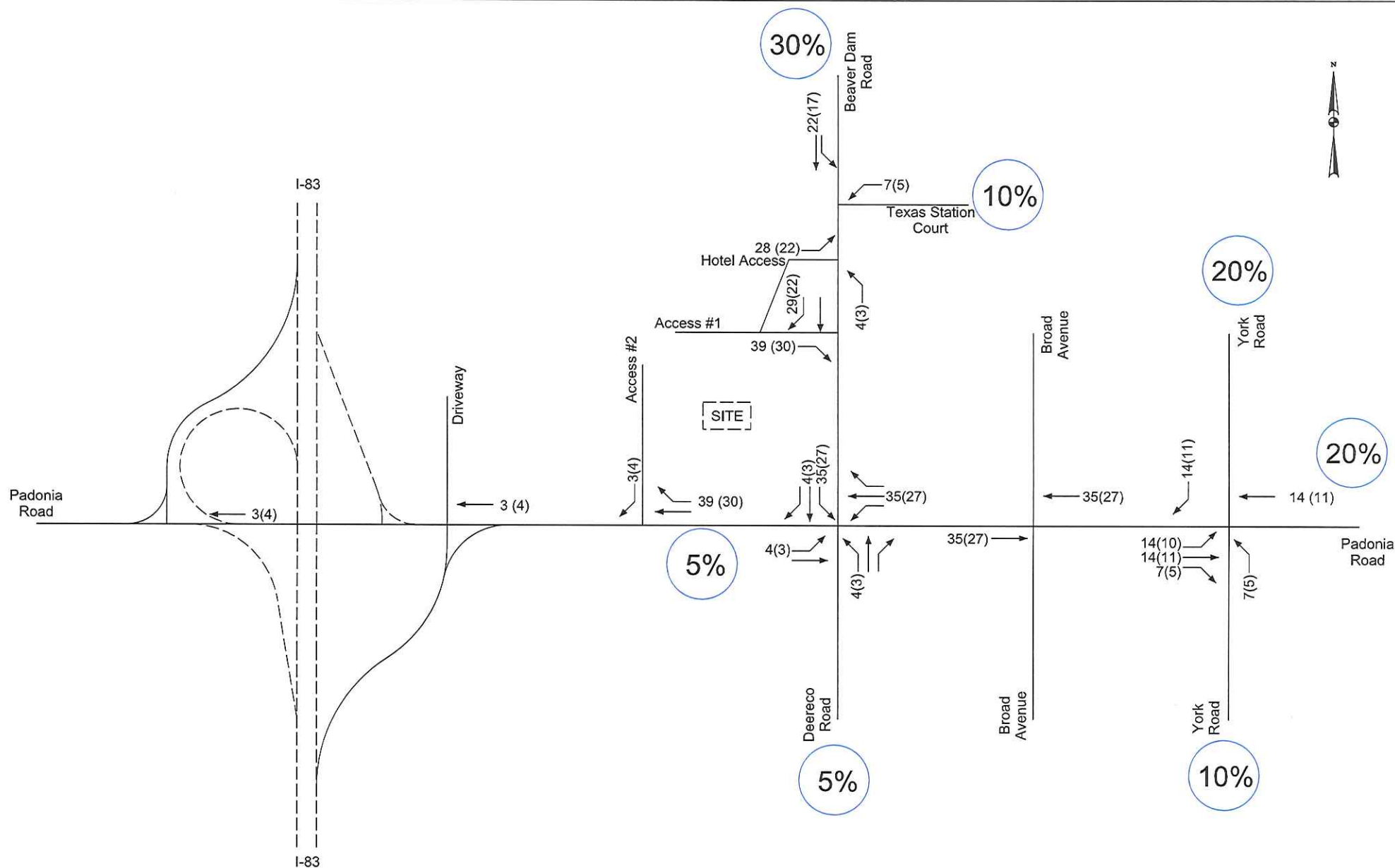
- LUC 945 – Gasoline/Service Station with Convenience Market
- LUC 853 – Convenience Market with Gasoline Pumps

Data graphs for pass-by trips for these sites are provided in **Appendix J**. Based upon review of this data, it is estimated that approximately 63 percent of the AM peak hour trips and 66 percent of the PM peak hour trips to the proposed site will be pass-by trips. Distribution of both new site trips and pass-by trips was applied relative to the existing traffic volumes approaching the site during both the AM and PM peak periods. The estimated new site trip volumes and pass-by trip volumes are provided in **Exhibits 7 and 8**, respectively.

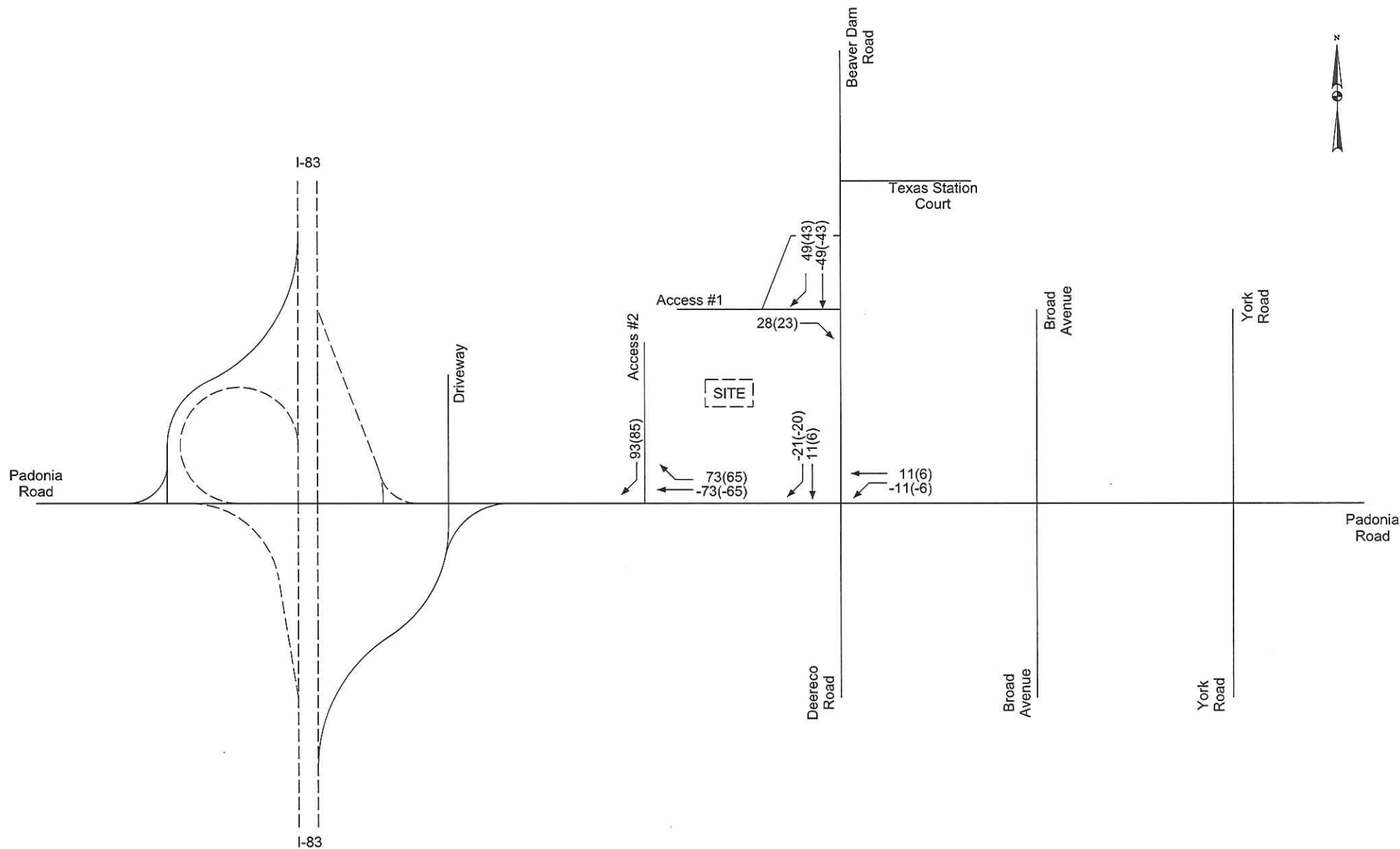
Additionally, trips for the Bob Evans restaurant were removed from the network, where the traffic counts were collected prior to Bob Evans closing. Changes due to removal of these former site trips are provided in **Exhibit 9**. Total projected trip volumes are provided in **Exhibit 10**.

CLV analysis was performed for all signalized and unsignalized intersections included in the study area under existing, background and total volume and geometric conditions. A summary of this analysis is included in **Exhibit 11**. The analysis indicate that all intersections are expected to continue to operate at Level of Service (LOS) D or better during both the AM and PM peak hours under the future condition. The CLV analysis worksheets are provided in **Appendix K**.

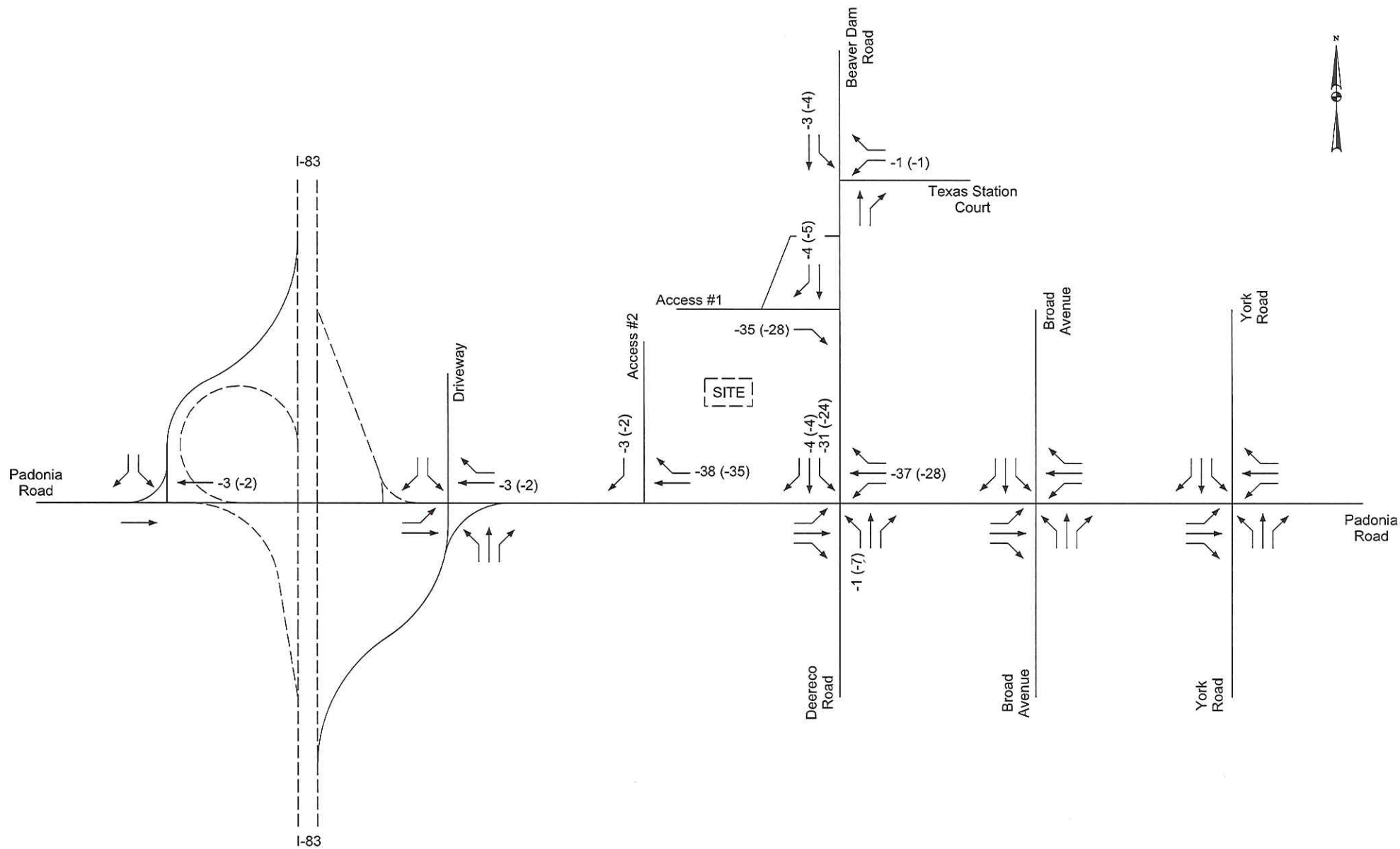
Synchro analysis was performed for the study network under the existing, background and total traffic volume and geometric conditions. A summary of this analysis is included in **Exhibit 12**. Models were constructed using an orthorectified aerial image and existing signal timings. The models were run in SimTraffic to obtain a more accurate measurement of queues and delays. The simulation models show that all intersections in the study are expected to continue to operate at Level of Service (LOS) D or better during both the AM and PM peak hours. Additionally, queue impacts under the projected conditions are expected to be similar to those projected in the background condition. A summary of the queuing report is included in **Exhibit 13**. Outputs from the SimTraffic projected condition models are provided in **Appendix L**.



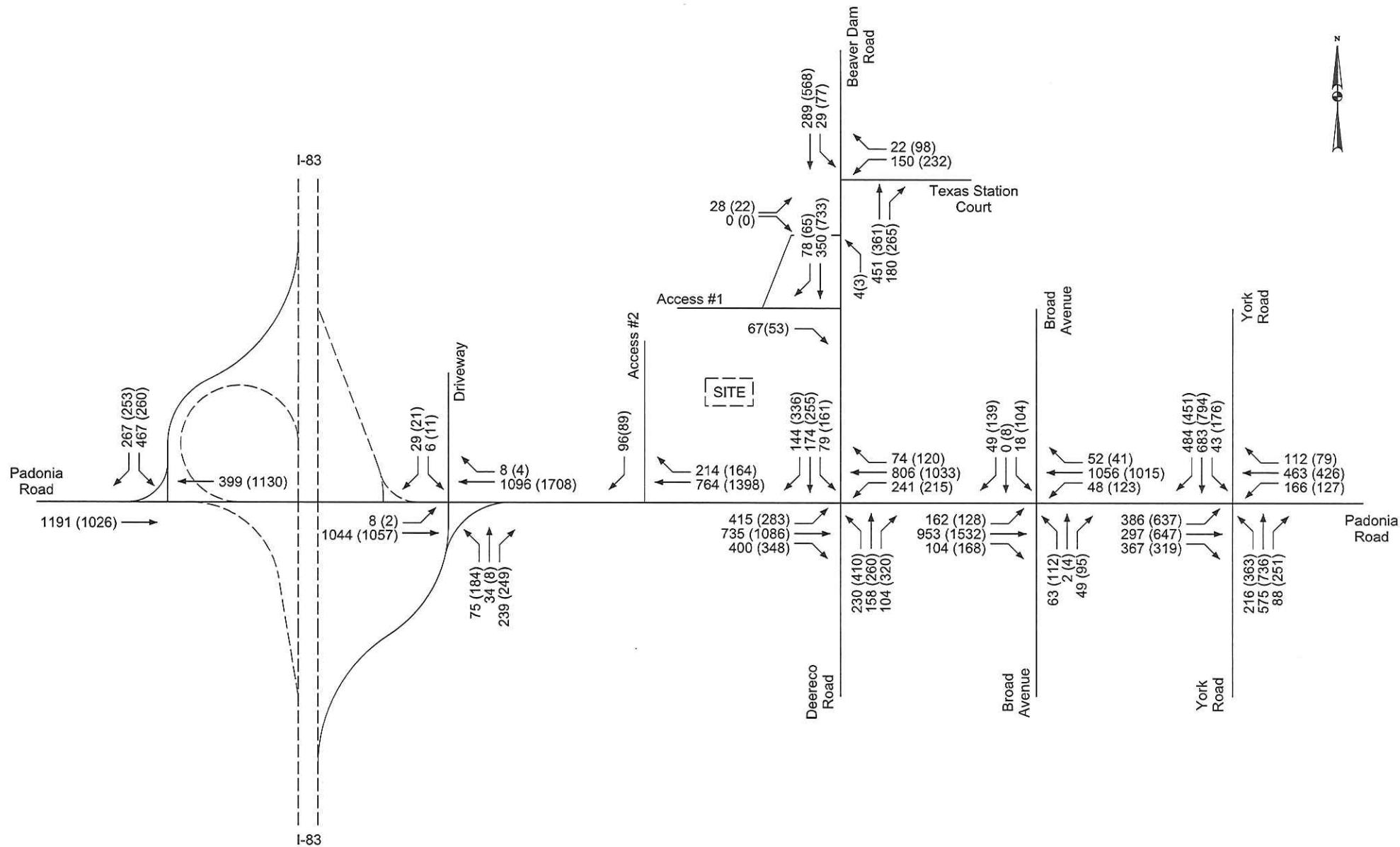
Traffic Impact Analysis
Sheetz Site - Timonium, Maryland



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland



Traffic Impact Analysis
Sheetz Site - Timonium, Maryland

Exhibit #11

Traffic Impact Analysis
Sheetz – Timonium, Maryland

March 26, 2019

Intersection	AM Peak Hour		PM Peak Hour	
	LOS	CLV	LOS	CLV
Existing				
Padonia Rd & I-83 SB Ramps	B	1062	A	778
Padonia Rd & I-83 NB Ramps	A	662	A	777
Padonia Rd & Deereco Rd/ Beaver Dam Rd	A	974	C	1241
Padonia Rd & Broad Avenue	A	652	A	997
Padonia Rd & MD 45 (York Rd)	A	941	C	1295
Padonia Rd & Site Access #2 (unsig)	A	388	A	636
Beaver Dam Rd & Site Access #1 (unsig)	A	196	A	340
Beaver Dam Rd & Texas Station Court	A	462	A	558
Background				
Padonia Rd & I-83 SB Ramps	B	1122	A	880
Padonia Rd & I-83 NB Ramps	A	717	A	887
Padonia Rd & Deereco Rd/ Beaver Dam Rd	C	1182	C	1220
Padonia Rd & Broad Avenue	A	674	B	1016
Padonia Rd & MD 45 (York Rd)	A	983	D	1323
Padonia Rd & Site Access #2 (unsig)	A	394	A	629
Beaver Dam Rd & Site Access #1 (unsig)	A	196	A	340
Beaver Dam Rd & Texas Station Court	A	462	A	558
Total Projected				
Padonia Rd & I-83 SB Ramps	B	1122	A	882
Padonia Rd & I-83 NB Ramps	A	717	A	888
Padonia Rd & Deereco Rd/ Beaver Dam Rd	C	1294	C	1233
Padonia Rd & Broad Avenue	A	688	B	1027
Padonia Rd & MD 45 (York Rd)	A	997	D	1335
Padonia Rd & Site Access #2 (unsig)	A	487	A	714
Beaver Dam Rd & Site Access #1 (unsig)	A	238	A	372
Beaver Dam Rd & Texas Station Court	A	466	A	561

Exhibit #12

Traffic Impact Analysis
Sheetz – Timonium, Maryland

March 26, 2019

Intersection	AM Peak Hour		PM Peak Hour	
	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)
Existing				
Padonia Rd & I-83 SB Ramps	B	19.5 s	B	13.6 s
Padonia Rd & I-83 NB Ramps	A	8.3 s	A	6.5 s
Padonia Rd & Deereco Rd/ Beaver Dam Rd	C	21.8 s	D	35.0 s
Padonia Rd & Broad Avenue	B	14.9 s	B	19.1 s
Padonia Rd & MD 45 (York Rd)	C	29.3 s	D	47.4 s
Padonia Rd & Site Access #2 (unsig)	A	1.7 s	A	2.4 s
Beaver Dam Rd & Site Access #1 (unsig)	A	1.1 s	A	1.7 s
Beaver Dam Rd & Texas Station Court	A	5.5 s	A	7.6 s
Beaver Dam Rd & Hotel Access (Unsig)	A	1.0 s	A	1.3 s
Background				
Padonia Rd & I-83 SB Ramps	B	18.9 s	B	13.7 s
Padonia Rd & I-83 NB Ramps	A	8.4 s	A	7.2 s
Padonia Rd & Deereco Rd/ Beaver Dam Rd	C	24.7 s	D	37.0 s
Padonia Rd & Broad Avenue	B	16.6 s	B	18.7 s
Padonia Rd & MD 45 (York Rd)	C	29.4 s	D	53.3 s
Padonia Rd & Site Access #2 (unsig)	A	1.5 s	A	2.3 s
Beaver Dam Rd & Site Access #1 (unsig)	A	1.1 s	A	2.0 s
Beaver Dam Rd & Texas Station Court	A	5.6 s	A	8.2 s
Beaver Dam Rd & Hotel Access (Unsig)	A	0.9 s	A	1.2 s
Total Projected				
Padonia Rd & I-83 SB Ramps	B	19.7 s	B	14.2 s
Padonia Rd & I-83 NB Ramps	A	9.3 s	A	7.9 s
Padonia Rd & Deereco Rd/ Beaver Dam Rd	C	24.4 s	D	37.4 s
Padonia Rd & Broad Avenue	B	16.5 s	B	19.3 s
Padonia Rd & MD 45 (York Rd)	C	28.8 s	D	50.2 s
Padonia Rd & Site Access #2 (unsig)	A	1.6 s	A	2.3 s
Beaver Dam Rd & Site Access #1 (unsig)	A	1.2 s	A	2.4 s
Beaver Dam Rd & Texas Station Court	A	5.1 s	A	8.1 s
Beaver Dam Rd & Hotel Access (Unsig)	A	1.2 s	A	1.4 s

Exhibit #13

Traffic Impact Analysis-
Sheetz Site- Timonium, Maryland

March 26, 2019

Intersection		Available Storage	Existing		Background		Total Projected	
			AM	PM	AM	PM	AM	PM
Padonia Rd & I-83 SB Ramps	EB	1000+	482	193	468	224	424	232
	WB	1000	117	324	132	312	144	298
	SB	1000+	356	141	389	214	436	171
Padonia Rd & I-83 NB Ramps	EBL	150	19	0	24	8	31	8
	EBT	1000	295	128	268	149	275	153
	WB	550	79	136	151	156	155	147
	NBL	600	90	134	77	141	89	126
	NBTR	1000	107	96	126	82	143	138
	SB	500	45	54	43	32	40	37
Padonia Rd & Deereco Rd/ Beaver Dam Rd	EBL	550	312	261	299	288	295	287
	EBTR	550	101	217	129	255	119	228
	WBL	225	167	270	230	276	240	293
	WBTR	1000+	195	318	195	329	217	342
	NBTL	1000	220	354				
	NBL	1000	92	253	210	256	140	245
	NBT	1000			210	305	187	256
	NBR	450	39	128	52	160	53	208
	SBTL	550	115	236	147	251	148	249
	SBR	750	65	162	67	213	88	149
Padonia Rd & Broad Avenue	EBL	200	82	182	106	161	95	106
	EBTR	1000+	217	376	160	280	187	312
	WBL	145	53	154	85	157	51	143
	WBTR	575	193	172	230	196	211	213
	NBTL	450	94	127	81	149	80	128
	NBR	200	51	78	51	89	45	75
	SBTL	300	29	152	41	164	29	162
	SBR	150	52	79	53	98	44	86
Padonia Rd & MD 45 (York Rd)	EBL	290	211	370	218	324	198	320
	EBT	575	167	325	232	440	200	134
	EBR	385	225	170	141	311	158	277
	WBL	170	200	220	214	235	189	232
	WBT	730	262	276	267	316	278	339
	WBR	175	66	95	79	119	154	118
	NBL	270	175	233	141	337	137	325
	NBTR	1000+	239	475	194	516	198	489
	SBL	230	113	299	140	308	110	309
	SBT	1000+	298	428	317	471	308	463
Beaver Dam Rd & Texas Station Court	WBL	506	86	133	122	114	76	115
	WBR	506	32	53	27	60	25	38
	SBT	733	59	83	55	102	52	86
	SBL	150	47	65	39	80	53	87
	NBT	105	57	97	55	111	50	98

CONCLUSIONS & RECOMMENDATIONS

The CLV and SimTraffic analyses demonstrates that all the study intersections are expected to operate at a Level of Service (LOS) D or better during both the AM and PM peak hours under total traffic conditions. Since the analysis confirms the key intersections operating at an acceptable Level of Service with the proposed development, no roadway improvements are proposed.

Appendix A:

Traffic Count Data

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Ramp from SB I-83

Date : Monday, December 7, 2015

Count By :

Weather :

Beginning Time			Northbound				Ramp from SB I-83 Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00					0	90	0	22	112	0	181	0	181	0	98	0	98	391
	7:15	x				0	117	0	40	157	0	279	0	279	0	84	0	84	520
	7:30	x				0	114	0	64	178	0	302	0	302	0	90	0	90	570
	7:45	x				0	96	0	71	167	0	334	0	334	0	97	0	97	598
	8:00	x				0	91	0	92	183	0	256	0	256	0	103	0	103	542
	8:15					0	109	0	89	198	0	194	0	194	0	94	0	94	486
	8:30					0	89	0	82	171	0	260	0	260	0	77	0	77	508
	8:45					0	95	0	84	179	0	282	0	282	0	83	0	83	544
	Peak Hour ^x		0	0	0	0	418	0	267	685	0	1,171	0	1,171	0	374	0	374	2,230
PM	4:00					0	34	0	47	81	0	159	0	159	0	254	0	254	494
	4:15					0	41	0	56	97	0	187	0	187	0	221	0	221	505
	4:30					0	46	0	43	89	0	193	0	193	0	232	0	232	514
	4:45					0	30	0	55	85	0	224	0	224	0	268	0	268	577
	5:00	x				0	35	0	66	101	0	210	0	210	0	253	0	253	564
	5:15	x				0	43	0	70	113	0	261	0	261	0	269	0	269	643
	5:30	x				0	48	0	64	112	0	256	0	256	0	276	0	276	644
	5:45	x				0	51	0	53	104	0	271	0	271	0	294	0	294	669
	Peak Hour ^x		0	0	0	0	177	0	253	430	0	998	0	998	0	1,092	0	1,092	2,520

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Ramp from NB I-83
Date : Tuesday, August 9, 2016

Count By :
Weather :

Beginning Time			Ramp from NB I-83 Northbound				Driveway Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		13	5	32	50	2	0	4	6	3	153	0	156	0	163	2	165	377
	7:15		19	2	43	64	1	0	11	12	2	194	0	196	0	207	1	208	480
	7:30	x	18	13	37	68	2	0	15	17	1	251	0	252	0	242	1	243	580
	7:45	x	14	7	40	61	1	0	3	4	2	297	0	299	0	196	3	199	563
	8:00	x	21	7	41	69	1	0	4	5	3	233	0	236	0	202	2	204	514
	8:15	x	22	7	46	75	2	0	7	9	2	195	0	197	0	247	2	249	530
	8:30		23	15	50	88	2	0	13	15	1	209	0	210	0	213	1	214	527
	8:45		19	10	52	81	2	0	12	14	2	221	0	223	0	216	2	218	536
Peak Hour ^x			75	34	164	273	6	0	29	35	8	976	0	984	0	887	8	895	2,187
PM	4:00		51	4	42	97	4	0	8	12	2	198	0	200	0	279	1	280	589
	4:15		39	4	31	74	2	0	5	7	1	204	0	205	0	321	2	323	609
	4:30		34	3	30	67	3	0	3	6	2	200	0	202	0	328	1	329	604
	4:45		40	4	22	66	5	0	6	11	1	193	0	194	0	331	0	331	602
	5:00	x	32	3	24	59	3	0	8	11	1	212	0	213	0	374	1	375	658
	5:15	x	49	3	35	87	4	0	7	11	0	284	0	284	0	370	0	370	752
	5:30	x	53	1	32	86	2	0	3	5	1	231	0	232	0	376	1	377	700
	5:45	x	50	1	30	81	2	0	3	5	0	219	0	219	0	379	2	381	686
Peak Hour ^x			184	8	121	313	11	0	21	32	2	946	0	948	0	1,499	4	1,503	2,796

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Beaver Dam Road at Texas Station Court
Date : Tuesday, December 20, 2016

Count By :
Weather :

Beginning Time			Beaver Dam Road Northbound				Beaver Dam Road Southbound				(none) Eastbound				Texas Station Court Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		0	71	18	89	7	76	0	83				0	14	0	4	18	190
	7:15		0	112	37	149	4	67	0	71				0	28	0	10	38	258
	7:30		0	93	26	119	6	73	0	79				0	33	0	7	40	238
	7:45	x	0	118	51	169	5	75	0	80				0	26	0	5	31	280
	8:00	x	0	120	35	155	6	58	0	64				0	30	0	7	37	256
	8:15	x	0	111	43	154	8	66	0	74				0	43	0	5	48	276
	8:30	x	0	102	51	153	10	71	0	81				0	45	0	5	50	284
	8:45		0	95	40	135	7	72	0	79				0	39	0	4	43	257
	Peak Hour ^x		0	451	180	631	29	270	0	299	0	0	0	0	144	0	22	166	1,096
PM	4:00		0	81	66	147	13	131	0	144				0	75	0	31	106	397
	4:15		0	70	53	123	10	105	0	115				0	62	0	26	88	326
	4:30		0	92	61	153	9	129	0	138				0	63	0	21	84	375
	4:45		0	90	59	149	17	132	0	149				0	54	0	18	72	370
	5:00	x	0	79	70	149	11	147	0	158				0	51	0	17	68	375
	5:15	x	0	103	59	162	27	152	0	179				0	66	0	23	89	430
	5:30	x	0	98	57	155	23	136	0	159				0	50	0	31	81	395
	5:45	x	0	81	79	160	16	120	0	136				0	61	0	27	88	384
	Peak Hour ^x		0	361	265	626	77	555	0	632	0	0	0	0	228	0	98	326	1,584

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Beaver Dam Road / Deereco Road
Date : Thursday, October 20, 2016

Count By :
Weather :

Beginning Time			Deereco Road Northbound				Beaver Dam Road Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		10	18	16	44	7	27	27	61	69	72	51	192	31	188	5	224	521
	7:15		8	24	18	50	10	30	24	64	83	91	62	236	30	176	12	218	568
	7:30		11	29	11	51	8	38	34	80	85	124	88	297	37	203	15	255	683
	7:45		8	30	15	53	16	35	33	84	96	152	79	327	51	162	26	239	703
	8:00	x	14	34	21	69	15	31	41	87	121	185	73	379	45	187	17	249	784
	8:15	x	10	36	16	62	17	35	43	95	86	123	69	278	49	179	22	250	685
	8:30	x	9	34	15	58	17	41	42	100	100	193	73	366	55	198	14	267	791
	8:45	x	11	40	20	71	14	37	55	106	104	187	89	380	60	204	21	285	842
	Peak Hour ^x		44	144	72	260	63	144	181	388	411	688	304	1,403	209	768	74	1,051	3,102
PM	4:00		37	78	56	171	44	57	96	197	73	253	58	384	44	253	27	324	1,076
	4:15		38	75	63	176	46	54	87	187	87	229	47	363	53	249	33	335	1,061
	4:30		48	69	59	176	34	48	92	174	81	221	51	353	42	206	30	278	981
	4:45		31	62	66	159	41	47	76	164	83	219	40	342	42	195	23	260	925
	5:00	x	59	50	82	191	35	59	99	193	57	222	58	337	35	289	34	358	1,079
	5:15	x	53	65	83	201	46	73	105	224	78	269	47	394	36	271	31	338	1,157
	5:30	x	66	70	62	198	43	64	92	199	71	277	36	384	25	252	26	303	1,084
	5:45	x	51	61	55	167	30	47	80	157	74	239	47	360	39	212	29	280	964
	Peak Hour ^x		229	246	282	757	154	243	376	773	280	1,007	188	1,475	135	1,024	120	1,279	4,284



Turning Movement Report

Location : Padonia Road at Broad Avenue

Date : Thursday, January 25, 2018

Count By : LC/JC

Weather : Clear

Beginning Time			Broad Avenue Northbound				Broad Avenue Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:15		19	0	16	35	2	0	5	7	25	248	11	284	5	211	9	225	551
	7:30		17	0	13	30	3	0	9	12	28	209	18	255	5	239	10	254	551
	7:45	x	23	1	17	41	4	0	17	21	42	242	34	318	12	278	15	305	685
	8:00	x	15	0	14	29	8	0	11	19	36	188	16	240	11	225	12	248	536
	8:15	x	14	0	10	24	2	0	11	13	31	208	26	265	11	201	12	224	526
	8:30	x	11	1	8	20	4	0	10	14	53	214	28	295	14	245	13	272	601
	8:45		17	1	15	33	9	0	14	23	42	215	15	272	12	214	24	250	578
	9:00		18	1	13	32	3	2	13	18	43	202	34	279	34	211	20	265	594
	Peak Hour ^x		63	2	49	114	18	0	49	67	162	852	104	1,118	48	949	52	1,049	2,348
PM	4:30		21	1	17	39	44	0	31	75	27	257	27	311	31	254	13	298	723
	4:45		13	1	23	37	18	1	34	53	35	295	43	373	35	236	6	277	740
	5:00	x	21	2	26	49	40	4	50	94	33	390	35	458	24	248	10	282	883
	5:15	x	31	0	20	51	19	2	36	57	29	381	49	459	27	209	18	254	821
	5:30	x	32	1	25	58	19	1	26	46	32	346	50	428	27	232	3	262	794
	5:45	x	28	1	24	53	26	1	27	54	34	313	34	381	45	209	10	264	752
	6:00		49	0	37	86	17	3	21	41	15	364	32	411	25	223	4	252	790
	6:15		34	1	27	62	10	2	20	32	17	282	35	334	42	220	3	265	693
	Peak Hour ^x		112	4	95	211	104	8	139	251	128	1,430	168	1,726	123	898	41	1,062	3,250

Turning Movement Report

Data Provided by
Baltimore County Traffic Engineering

Location : Padonia Road at Broad Avenue
Date : Thursday, January 29, 2015

Count By :
Weather :

Beginning Time			Broad Avenue Northbound				Broad Avenue Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:00		2	0	1	3	2	0	7	9	19	169	2	190	1	177	6	184	386
	7:15		0	0	2	2	3	0	8	11	21	212	4	237	2	195	8	205	455
	7:30	x	2	0	3	5	3	1	11	15	25	241	3	269	4	204	10	218	507
	7:45	x	0	0	1	1	4	0	12	16	29	239	4	272	6	213	11	230	519
	8:00	x	0	1	4	5	4	0	12	16	30	201	2	233	5	183	14	202	456
	8:15	x	1	0	2	3	9	1	10	20	39	203	3	245	4	171	12	187	455
	8:30		0	0	4	4	10	0	10	20	26	155	2	183	2	208	9	219	426
	8:45		2	1	1	4	8	0	11	19	43	219	3	265	1	156	7	164	452
Peak Hour ^x			3	1	10	14	20	2	45	67	123	884	12	1,019	19	771	47	837	1,937
PM	4:00		23	2	9	34	25	3	22	50	28	305	46	379	24	294	13	331	794
	4:15		23	1	14	38	19	0	18	37	31	310	52	393	21	242	9	272	740
	4:30		21	0	10	31	27	1	25	53	47	314	43	404	23	248	8	279	767
	4:45	x	20	2	8	30	21	0	36	57	42	309	40	391	33	243	12	288	766
	5:00	x	21	1	13	35	23	1	40	64	44	329	39	412	27	261	10	298	809
	5:15	x	22	0	15	37	24	1	43	68	39	331	41	411	27	250	11	288	804
	5:30	x	19	2	12	33	20	2	31	53	37	352	40	429	21	231	10	262	777
	5:45		20	1	10	31	16	1	26	43	40	366	36	442	20	217	8	245	761
Peak Hour ^x			82	5	48	135	88	4	150	242	162	1,321	160	1,643	108	985	43	1,136	3,156



Turning Movement Report

Location : York Road at Padonia Road

Date : Wednesday, January 24, 2018

Count By : LC/JC

Weather : Cloudy

Beginning Time			York Road Northbound				York Road Southbound				Padonia Road Eastbound				Padonia Road Westbound				Total
			Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
AM	7:15		15	98	24	137	16	176	104	296	52	97	52	201	31	83	15	129	763
	7:30	x	39	140	30	209	7	154	120	281	64	92	87	243	51	126	16	193	926
	7:45	x	57	144	17	218	7	199	110	316	110	51	81	242	43	121	34	198	974
	8:00	x	43	163	22	228	18	160	110	288	90	48	95	233	36	103	35	174	923
	8:15	x	45	128	19	192	11	170	107	288	89	73	69	231	36	75	27	138	849
	8:30		43	135	19	197	10	139	113	262	84	53	70	207	31	92	29	152	818
	8:45		50	129	17	196	18	127	109	254	104	77	90	271	33	83	23	139	860
	9:00		46	129	17	192	18	145	101	264	85	79	72	236	38	110	32	180	872
	Peak Hour ^x		184	575	88	847	43	683	447	1,173	353	264	332	949	166	425	112	703	3,672
PM	4:30	x	60	169	51	280	44	167	111	322	149	143	69	361	32	108	16	156	1,119
	4:45	x	78	194	76	348	43	191	90	324	127	135	70	332	37	78	19	134	1,138
	5:00	x	135	204	58	397	40	239	107	386	161	144	80	385	31	102	23	156	1,324
	5:15	x	49	169	66	284	49	197	105	351	168	190	66	424	27	100	21	148	1,207
	5:30		88	196	53	337	58	147	97	302	145	147	63	355	23	76	16	115	1,109
	5:45		73	178	65	316	43	176	103	322	132	136	77	345	22	81	35	138	1,121
	6:00		75	157	40	272	50	171	133	354	140	134	71	345	37	52	25	114	1,085
	6:15		65	155	45	265	39	146	111	296	116	101	50	267	37	95	24	156	984
	Peak Hour ^x		322	736	251	1,309	176	794	413	1,383	605	612	285	1,502	127	388	79	594	4,788

Appendix B:

Existing Site Land Use Data

Land Use: 932

High-Turnover (Sit-Down) Restaurant

Description

This land use consists of sit-down, full-service eating establishments with typical duration of stay of approximately one hour. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not take reservations. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for their meal after they eat. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks. Fast casual restaurant (Land Use 930), quality restaurant (Land Use 931), fast-food restaurant without drive-through window (Land Use 933), fast-food restaurant with drive-through window (Land Use 934), and fast-food restaurant with drive-through window and no indoor seating (Land Use 935) are related uses.

Additional Data

Users should exercise caution when applying statistics during the AM peak periods, as the sites contained in the database for this land use may or may not be open for breakfast. In cases where it was confirmed that the sites were not open for breakfast, data for the AM peak hour of the adjacent street traffic were removed from the database.

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish trip generation rates for facilities having significant outdoor seating.

Time-of-day distribution data for this land use for a weekday, Saturday, and Sunday are presented in Appendix A. For the 38 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 11:45 a.m. and 12:45 p.m. and 12:00 and 1:00 p.m., respectively.

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, Vermont, and Wisconsin.

Source Numbers

126, 269, 275, 280, 300, 301, 305, 338, 340, 341, 358, 384, 424, 432, 437, 438, 444, 507, 555, 577, 589, 617, 618, 728, 868, 884, 885, 903, 927, 944, 961, 962, 977

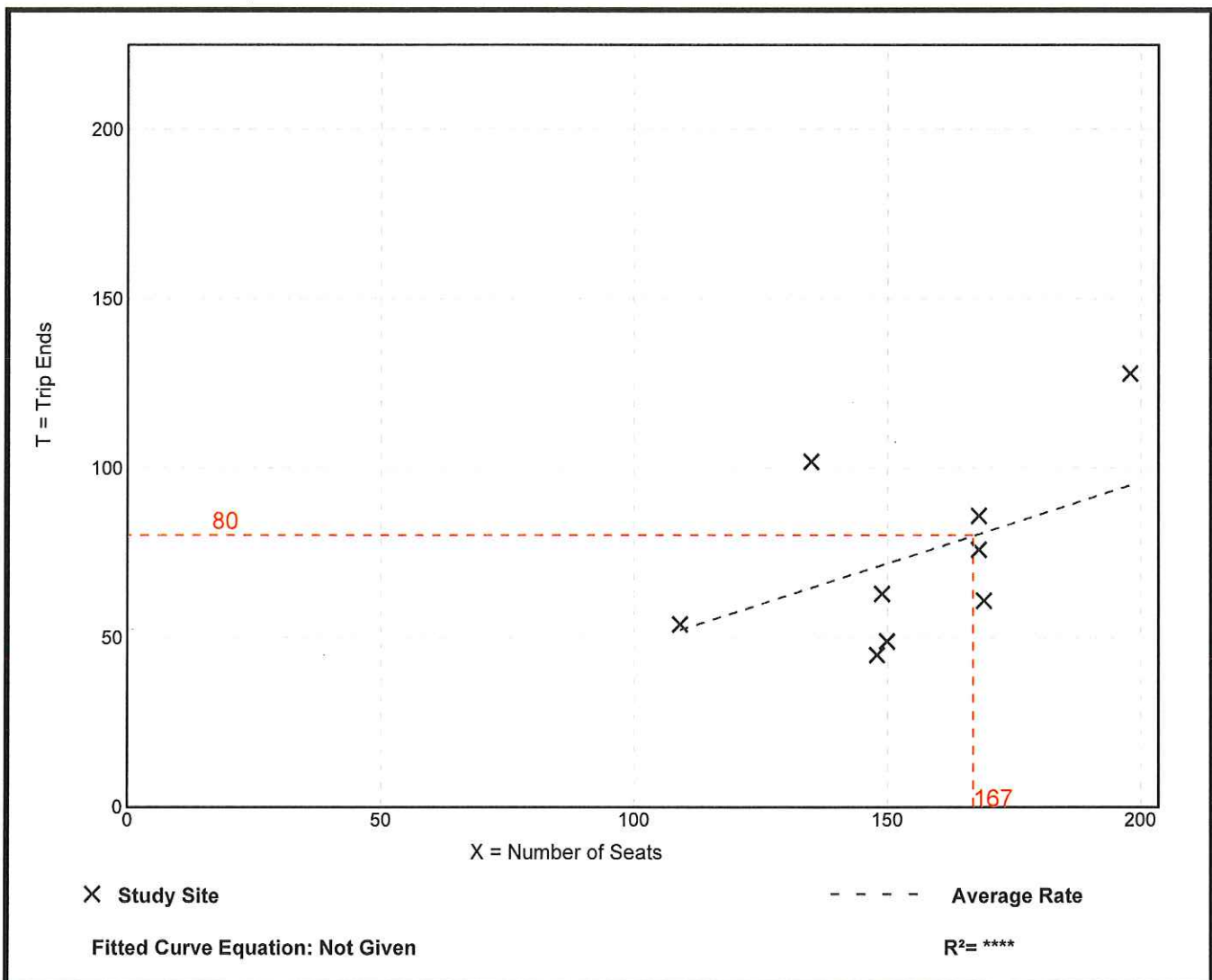
High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: Seats
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 9
Avg. Num. of Seats: 155
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.48	0.30 - 0.76	0.15

Data Plot and Equation



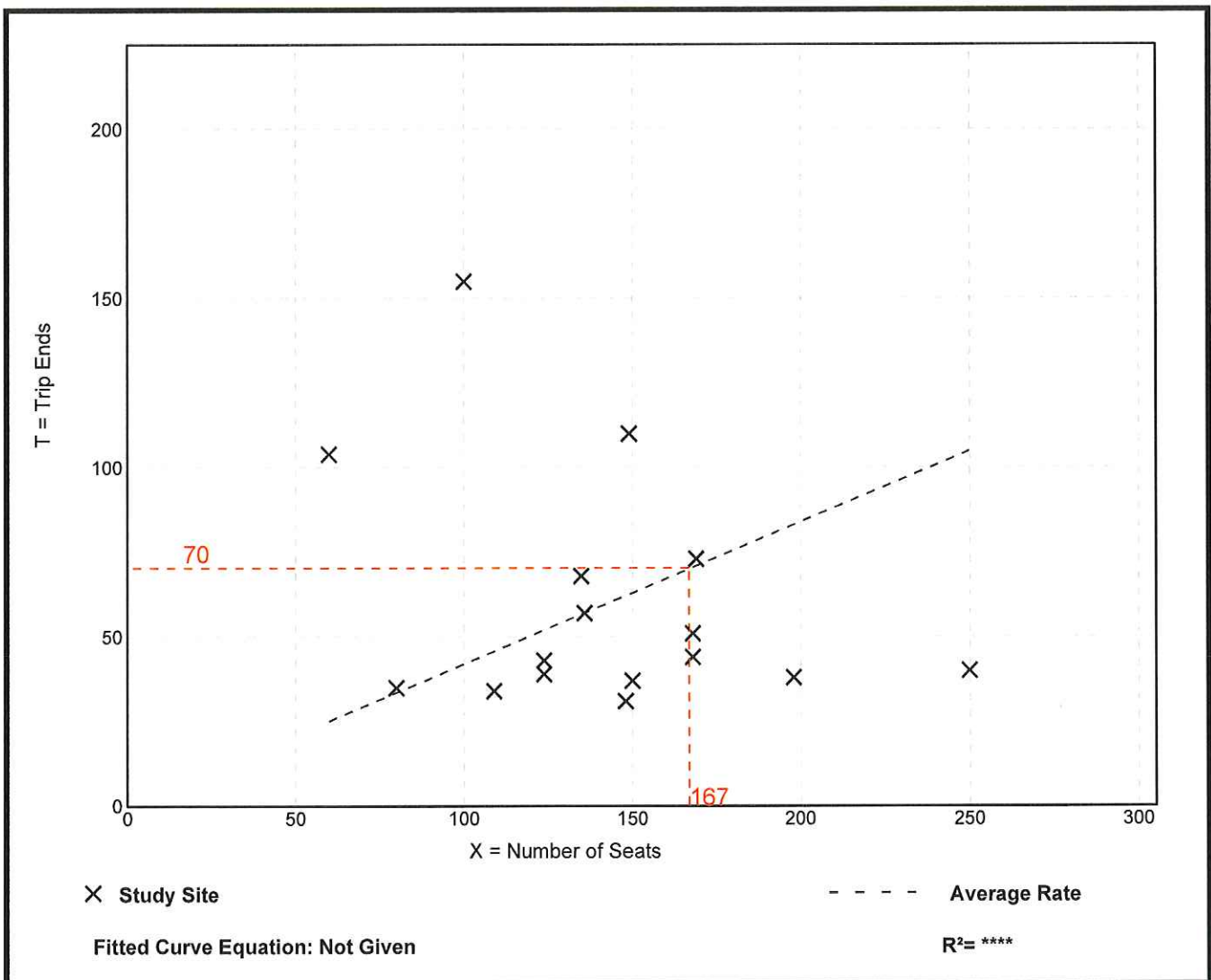
High-Turnover (Sit-Down) Restaurant (932)

Vehicle Trip Ends vs: Seats
 On a: Weekday,
 Peak Hour of Adjacent Street Traffic,
 One Hour Between 4 and 6 p.m.
 Setting/Location: General Urban/Suburban
 Number of Studies: 16
 Avg. Num. of Seats: 142
 Directional Distribution: 57% entering, 43% exiting

Vehicle Trip Generation per Seat

Average Rate	Range of Rates	Standard Deviation
0.42	0.16 - 1.73	0.37

Data Plot and Equation



Appendix C:

Existing Conditions Information from Baltimore County



Baltimore County

GOVERNMENT

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Level-of-Service Ratings

The level-of-service of an intersection is determined by analyzing each approach individually. A computation is made of each approach to determine its load factor (LF) during both the morning and afternoon peak hours. The LF is determined by recording the number of loaded cycles on each approach during the two-hour study periods in the morning and afternoon. View the [level-of-service](#) (PDF) for signaled intersections in Baltimore County.

Criteria

Cycle of the Signal

A cycle of the signal is the period that encompasses one green indication. During each cycle of the traffic signal, an observer determines which vehicle is the last vehicle stopped in the queue at the time the signal turns green. If that last vehicle does not get through the intersection during that one green indication, the cycle is recorded as being loaded. This continues through an entire two-hour study period, with each approach of the intersection being independently evaluated.

Each approach is studied to determine the particular 60-minute period that had the highest percentage of cycles which were loaded. Thus each approach is given a separate maximum percentage of loaded cycles, and this percentage is called the load factor.

Load Factor

The load factor can range from zero percent to 100 percent. If an approach had a load factor of 40 percent, it would mean that during 40 percent of the cycles (in the most congested 60-minute period

on that approach) all of the vehicles stopped in line for the signal when it changed green did not get through that signal. If there were 25 vehicles in the queue at the time the signal changed green and the last vehicle was the only one that did not get through the intersection the cycle would still be recorded as a loaded cycle.

The load factor for the intersection is determined by looking at the approach with the highest load factor in the morning and the same in the afternoon. The highest load factor for the morning and afternoon is then used to determine the level-of-service. In timing signals, it is the intent to try and equalize the load factor on each approach to be as equal as possible so that no one approach is being delayed more than the other. Therefore, if an intersection was evaluated and determined to have a load factor on one approach of 15 percent and on the cross-street approach of 60 percent, the signal would first be retimed to try and equalize them and then the intersection would be restudied.

Ratings

The Level-of-Service is determined by using the following chart with the load factor for the intersection as computed above:

Level-of-Service	Load Factor
A	0%
B	1% to 10%
C	11% to 30%
D	31% to 70%
E	71% to 85%
F	86% to 100%

In Baltimore County, the level-of-service can regulate the issuance of building permits for non-industrial development in urban areas determined to have a significant influence on a particular intersection.

- **Level-of-Service D**

Level-of-Service D intersections do not control issuance of building permits, but their areas are identified on Baltimore County's Basic Services Transportation Maps to identify the deficiency. The purpose of identifying D intersections is to provide notice to the public that the intersection has the potential of going to an E or F.

- **Level-of-Service E**

Areas around a level-of-service E intersection would be allowed to have a limited number of building permits issued.

- **Level-of-Service F**

Areas around a level-of-service F intersection would have a moratorium on building permits for non-industrial development, with some very limited exceptions.

Identifying these intersections also allows the County an opportunity to work toward correcting them and lessen congestion before it becomes a serious problem. The level-of-service does not in any way evaluate the safety aspects of an intersection but is strictly a congestion measure.

Revised November 15, 2016

DEPARTMENT OF PUBLIC WORKS

[Traffic Signal Shop](#)

[Traffic Engineering Overview](#)

[Public Works Overview](#)



Department of Public Works

2017 Basic Services Map Transportation Zones

Legend

Intersections

Level Of Service

- D
- E
- F

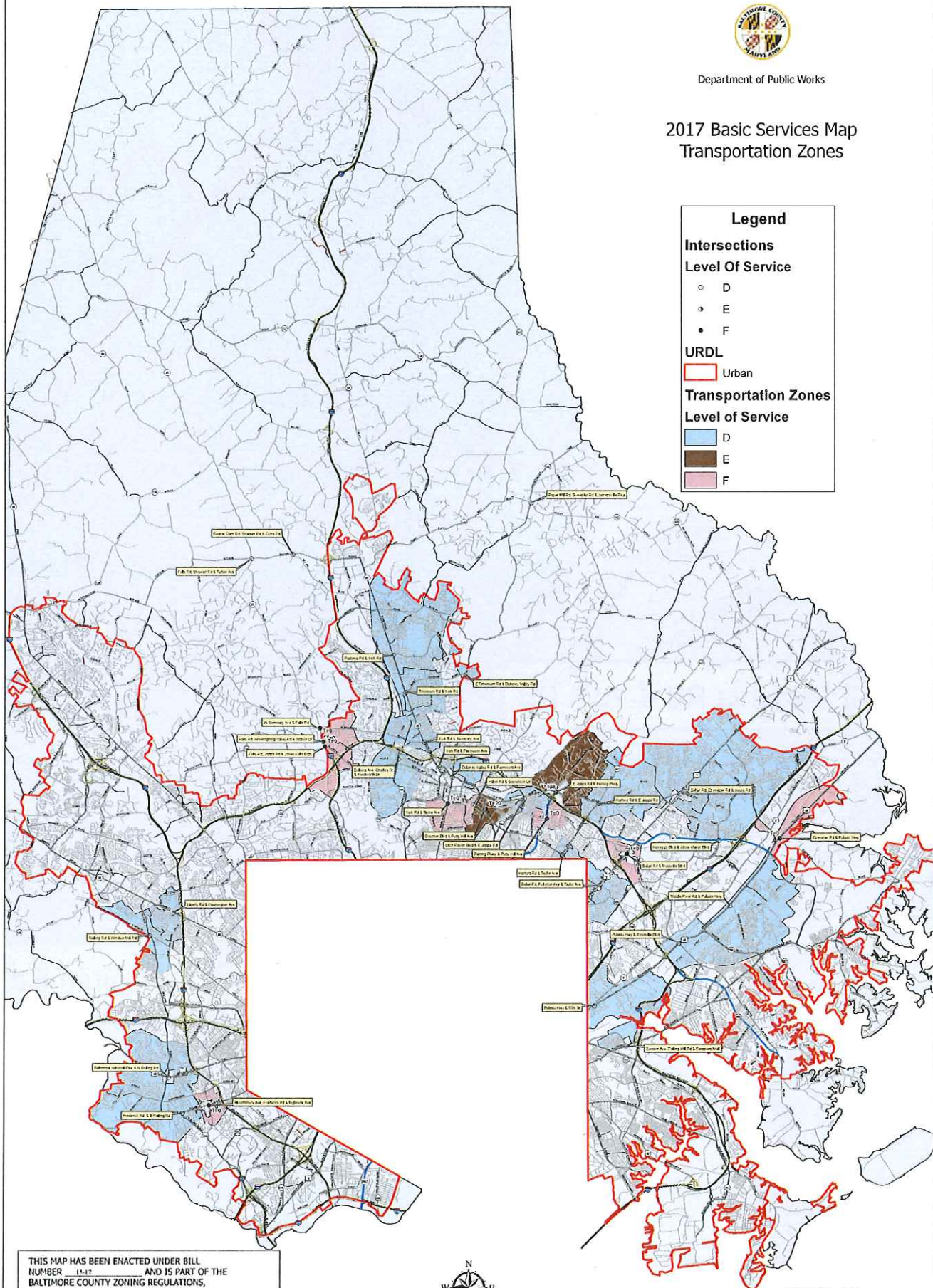
URDL

Urban

Transportation Zones

Level of Service

- D
- E
- F



THIS MAP HAS BEEN ENACTED UNDER BILL
NUMBER 15-17 AND IS PART OF THE
BALTIMORE COUNTY ZONING REGULATIONS,
1955, AS AMENDED BY THE BILL ADOPTED
May 1, 2017, EFFECTIVE May 15, 2017.

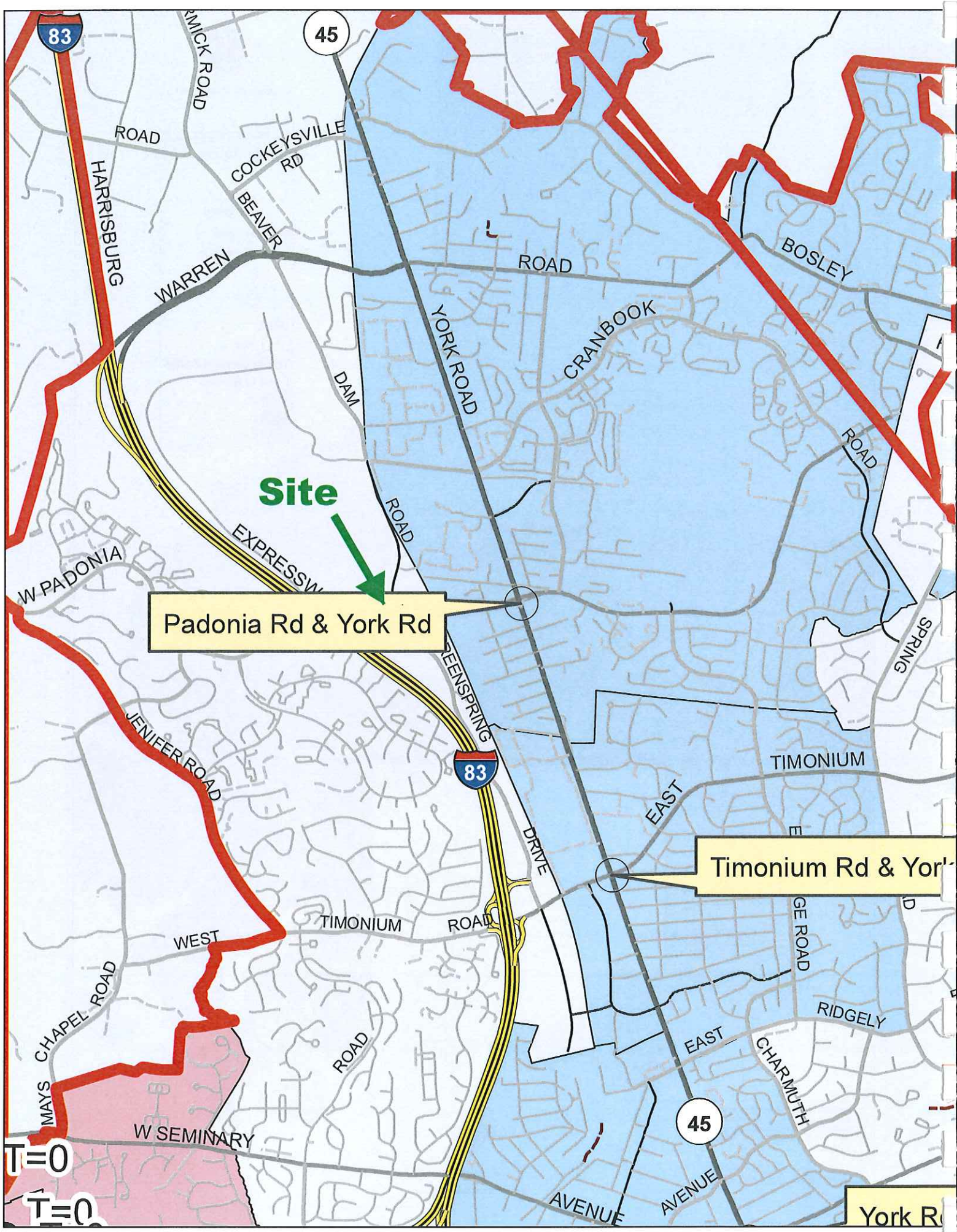
Thomas E. Allen
COUNTY COUNCIL OF BALTIMORE COUNTY



Scale 1 inch = 4,000 feet
0 2,000 4,000 8,000 12,000 16,000
feet

Feature Class Production Dates
Transportation Zones 2017
Intersections 2017
Urban Rural Demarcation Line 2012
Roads 2017
County Boundary 2008

Produced by the Baltimore County Department of Public Works
North American Datum 1983 (NAD 83), U.S. Survey Feet
Published June 1, 2017



Site

Padonia Rd & York Rd

Timonium Rd & York Rd

York Rd

T=0

T=0

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
48 th St	German Hill Rd			2/16/2014	A	6/16/2011	A
Academy Rd	Johnnycake Rd	Old Frederick Rd		12/22/2014	A	6/25/2012	A
Acorn Cir	Goucher Blvd	Prince Rd		1/17/2013	A	12/15/2009	C
Aigburth Rd	York Rd			6/26/2014	A	10/11/2011	A
Allegheny Ave	Washington Ave			9/10/2015	B	12/18/2012	C
Allegheny Ave	Bosley Ave			12/4/2013	A	11/23/2010	B
Allender Rd	Pulaski Hwy			8/6/2013	B	6/16/2010	A
Alter St	Patterson Ave			7/8/2015	A	8/6/2012	A
Ambassador Rd	Belmont Ave	Dogwood Rd		1/30/2013	B	10/14/2010	C
Annapolis Rd	Daisy Ave	Rose Ave		5/15/2014	C	7/7/2011	B
Annapolis Rd	Virginia Ave			1/3/2013	A	1/6/2010	A
Ashby Ave	Eastern Ave	Southern Ave		6/9/2015	B	7/17/2012	A
Ashland Rd	York Rd			2/11/2014	C	3/3/2011	C
Avalon Way	Reisterstown Rd			2/2/2015	A	7/24/2012	A
Avon Beach Rd	Broening Hwy	Maryland Ave		8/20/2013	A	7/22/2010	A
Avondale Rd	Putty Hill Ave			11/9/2015	C	9/5/2012	C
Avondale Rd	Joppa Rd	Carney SC		9/4/2014	B	9/7/2011	C
Aylesbury Rd W	Timonium Rd W			11/26/2013	C	12/15/2010	C
Back River Neck Rd	Hilltop Ave	Middleborough Rd		2/6/2014	A	3/17/2011	A
Back River Neck Rd	East Homberg Ave			1/14/2014	A	2/2/2011	A
Back River Neck Rd	Country Ridge Ln			10/6/2014	A	11/30/2011	A
Back River Neck Rd	Old Eastern Ave	Stemmers Run Rd		12/17/2014	A	3/8/2012	A
Back River Neck Rd	Williams Ave			7/10/2013	A	3/29/2010	A
Baker Ln	Belair Rd	Chapel Rd		12/11/2013	B	2/8/2011	B
Baltimore Ave	Center Pl N	Dundalk Ave N		12/17/2014	A	3/6/2012	A
Baltimore Nat'l Pike	Westview Mall			3/11/2013	A	2/4/2010	A
Baltimore Nat'l Pike	Rolling Rd N			10/7/2015	F	3/10/2014	F
Baltimore Nat'l Pike	St Agnes Ln			12/4/2013	A	12/22/2010	A
Baltimore Nat'l Pike	Nuwood Dr			2/10/2015	A	10/24/2012	A
Baltimore Nat'l Pike	Pike Park Plaza	40 West Plaza		7/23/2014	A	12/6/2011	A
Baltimore Nat'l Pike	Johnnycake Rd			1/29/2015	A	7/30/2012	A
Baltimore Nat'l Pike	Ingleside Ave			9/26/2013	C	11/18/2010	C
Baltimore Nat'l Pike	Coleridge Rd	Catonsville Plaza		12/3/2014	A	4/17/2012	A
Baltimore Nat'l Pike	Winters Ln	Home Depot		6/9/2014	C	4/19/2011	C
Baltimore St	North Point Blvd			5/1/2014	B	7/20/2011	A
Baron Pl	Middle River Rd	Philadelphia Rd		5/15/2014	B	7/12/2011	B
Bayship Rd	Dundalk Ave N	St Helena Ave		12/23/2015	A	5/9/2013	A
Beaconsfield Dr	Perry Hall Blvd			7/25/2013	A	6/14/2010	B
Beaconsfield Dr	Honeygo Blvd			1/7/2014	A	1/13/2011	A
Beaver Dam Rd	Gilroy Rd			9/9/2014	C	12/22/2011	C
Beaver Dam Rd	Warren Rd W			10/30/2013	B	8/11/2010	C
Beaver Dam Rd	Deereco Rd	Padonia Rd W		4/2/2013	C	7/13/2010	C
Beaver Dam Rd	Texas Station Ct			3/26/2013	A	3/31/2010	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beaver Dam Rd	McCormick Rd			8/26/2014	C	12/14/2011	C
Beaver Dam Rd	Cuba Rd	Shawan Rd		9/2/2015	D	9/18/2014	D
Beechfield Ave	Wilkins Ave	Kensington Ave		2/23/2015	B	10/31/2012	C
Belair Rd	Slater Ave			3/3/2015	A	8/1/2012	A
Belair Rd	Fleetwood Ave			1/11/2016	A	1/7/2013	A
Belair Rd	Fowler Ave	Beltway Plaza		2/20/2014	A	3/31/2011	A
Belair Rd	Perry Hall Sq/Super Fresh			3/25/2015	A	7/26/2012	A
Belair Rd	Necker Ave	Ridgelys Choice Dr		3/31/2015	A	5/21/2012	A
Belair Rd	Mount Vista Rd			6/1/2015	A	7/25/2012	A
Belair Rd	Forge Rd			5/15/2014	A	12/22/2009	C
Belair Rd	Fullerton SC	Putty Hill Plaza		10/28/2013	C	9/28/2010	B
Belair Rd	India Ave	Joppa Rd		2/19/2015	C	4/11/2012	C
Belair Rd	Fullerton Ave	Taylor Ave		10/15/2015	D	3/31/2014	D
Belair Rd	Overlea Ave			9/23/2014	A	11/15/2011	A
Belair Rd	Maple Ave	Northern Pkwy E		5/1/2013	A	1/11/2010	A
Belair Rd	Ebenezer Rd	Joppa Rd		8/25/2015	D	3/11/2014	D
Belair Rd	Putty Hill Ave	Ridge Rd		5/7/2015	A	12/12/2012	A
Belair Rd	Wholesale Club Dr			1/6/2016	A	12/23/2013	A
Belair Rd	Northview SC	Perry Hall Marketplace		10/29/2014	A	1/14/2012	A
Belair Rd	Rossville Blvd			10/8/2015	D	8/23/2012	C
Belair Rd	Silver Spring Rd			11/24/2014	A	2/15/2012	A
Belair Rd	Henry Ave			1/13/2015	A	5/8/2012	A
Belair Rd	Bradshaw Rd	Sunshine Ave		8/12/2014	A	8/17/2014	A
Belair Rd	Honeygo Blvd			1/6/2016	B	8/14/2013	B
Belair Rd	Dunfield Rd	White Marsh Blvd Ramp		6/12/2014	A	8/16/2011	A
Belair Rd East Ramp	White Marsh Blvd			4/14/2015	A	6/26/2012	A
Belclare Rd	Martini Ave	Sollers Point Rd		7/3/2013	A	3/9/2010	A
Belclare Rd	Dundalk Ave			4/16/2015	A	5/1/2012	A
Bellona Ave	Margate Rd	York Rd		11/5/2013	B	8/16/2010	A
Bellona Ave	Joppa Rd W			1/11/2016	B	10/15/2013	C
Bellona Ave	Charles St	Beltway		4/16/2014	A		
Bellona Ave	Stevenson Ln			11/18/2015	C	9/19/2012	C
Bellona Ave	Beltway (Outer Loop)			4/3/2014	B		
Bellona Ave	Charles St			3/10/2015	A	9/26/2012	A
Bellona Ave	Charles St	Kenilworth Dr		10/14/2015	D	4/22/2014	D
Bellona Ave	Seminary Ave W			11/5/2013	B	6/24/2010	A
Belmont Ave	Security Blvd	Security Square Mall		1/9/2013	A	1/12/2010	A
Beltway	West Rd			6/17/2014	C	9/27/2011	A
Beltway	Park Heights Ave	Brooks Robinson Dr		1/8/2014	A	1/3/2011	A
Beltway	Hollins Ferry Rd	Walnut Ave		9/11/2014	A	8/25/2011	A
Beltway	Security Blvd			1/8/2015	A	7/9/2012	A
Beltway	York Rd			7/9/2014	A	12/29/2011	A
Beltway	Providence Rd			2/5/2015	A	7/11/2012	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Beltway	Greenspring Ave			7/30/2013	A	7/28/2010	A
Beltway	Wilkens Ave			6/23/2014	A	6/23/2011	A
Beltway	Edmonson Ave			7/17/2013	A		
Beltway	Reisterstown Rd			6/25/2014	C	11/3/2011	C
Beltway	Morse Ln	North Point Blvd		2/18/2014	A	3/24/2011	A
Beltway	Washington Blvd	Home Depot		4/3/2014	A	5/2/2011	A
Beltway	Charles St			6/25/2014	A	10/18/2006	C
Beltway (Inner Loop)	Philadelphia Rd			3/31/2015	A	6/28/2012	A
Beltway (Inner Loop)	Frederick Rd	Woodlawn Ave		8/27/2014	A	6/17/2010	A
Beltway (Inner Loop)	Cromwell Bridge Rd			1/8/2015	A	5/16/2012	A
Beltway (Outer Loop)	Liberty Rd	Lord Baltimore Dr		2/13/2013	B	7/20/2010	C
Beltway (Outer Loop)	Cromwell Bridge Rd	Loch Raven Blvd		6/9/2015	B	10/10/2012	B
Beltway (Outer Loop)	Frederick Rd			8/25/2014	A	9/14/2010	A
Beltway (Outer Loop)	Philadelphia Rd	Centre @ Golden Ring		10/2/2014	C	11/2/2011	C
Beltway Ramp-Inner Loop	Liberty Rd			8/21/2014	A		
Bengies Rd	Eastern Blvd			6/10/2015	A	8/21/2012	A
Benson Ave	Sulphur Spring Rd	Waelchli Ave		8/13/2014	B	12/20/2011	B
Bethlehem Blvd	North Point Blvd	North Point Rd		5/12/2015	A	5/24/2012	A
Bird River Rd	Middle River Rd			11/13/2014	A	1/1/2012	A
Bloomsbury Ave	Frederick Rd	Ingleside Ave		10/13/2015	F	4/28/2014	F
Bloomsbury Ave	Rolling Rd S			9/29/2014	C	11/9/2011	C
Bosley Ave	York Rd			3/11/2015	C	7/24/2014	B
Bosley Ave	Kenilworth Dr			11/10/2014	C	1/19/2012	C
Bosley Ave	Towsontown Blvd			6/25/2013	A	1/7/2010	B
Bosley Ave	Joppa Rd W			10/23/2014	C	1/5/2012	C
Bosley Ave	Pennsylvania Ave W			11/21/2013	A	12/8/2010	A
Bosley Ave	Chesapeake Ave W			1/13/2015	B	7/10/2012	A
Boulevard Circle	Owings Mills Blvd			6/18/2013	A	2/16/2010	A
Bowleys Quarters Rd	Carroll Island Rd			1/5/2015	B	4/3/2012	B
Brenbrook Dr	Liberty Rd			10/21/2013	C	5/10/2010	C
Brian Daniel Ct	Westminster Pike	Woodfield Ct		3/26/2014	A	6/22/2011	A
Broad Ave	Padonia Rd			1/29/2015	B	10/9/2012	B
Broadway Rd	Falls Rd	Padonia Rd		7/21/2014	C	5/24/2011	C
Broening Hwy	Dunhill Rd	Dundalk Marine Term		10/15/2014	C	10/21/2011	C
Brooks Robinson Dr	Stevenson Rd			3/3/2015	C	8/21/2012	B
Buckingham Rd	Croydon Rd	Liberty Rd		1/15/2014	A	2/2/2011	B
Burke Ave	Burke Ave W	York Rd		10/20/2015	F	4/1/2014	F
Butler Rd	Hanover Pike			8/5/2014	C	8/8/2011	C
Butler Rd	Northwest Expwy	Westminster Pike		8/5/2014	C	7/16/2013	B
Campbell Blvd	Philadelphia Rd			8/20/2014	A	8/23/2011	A
Campbell Blvd	Honeygo Blvd	White Marsh Mall		11/19/2014	A	1/31/2012	C
Campbell Blvd	Nottingham Square SC			11/18/2014	A	1/25/2012	A
Campbell Blvd	Town Center Dr			8/25/2014	C	7/28/2011	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Campbell Blvd	Franklin Square Dr	Nottingham Square SC		2/27/2014	A	5/26/2011	A
Campus View Dr	Osler Dr			9/23/2014	A	12/1/2011	A
Caraway Rd	Main St	Reisterstown Rd	Hannah More	7/23/2013	A	6/7/2010	A
Carroll Island Rd	Walmart			7/29/2014	A	11/10/2011	A
Carroll Island Rd	Eastern Ave	Eastern Blvd		1/13/2016	A	4/23/2013	A
Carville Ave	Oregon Ave	Sulphur Spring Rd	East Dr	11/12/2014	B	6/6/2012	C
Caton Ave	Hammonds Ferry Rd	Washington Blvd		6/17/2013	A	6/30/2010	A
Cedar Dr	Kelso Dr	Martin Blvd		1/28/2014	A	2/17/2011	A
Center Pl	Dundalk Ave N/S			2/25/2015	A	5/16/2012	A
Charles St	Malvern Ave	GBMC		7/8/2014	A	11/28/2011	A
Charles St	Towson town Blvd W			10/28/2013	A	11/1/2010	A
Charles St	Stevenson Ln			7/31/2014	A	12/12/2011	A
Charles St	Chestnut Ave			2/26/2014	A	4/4/2011	B
Charmuth Rd	Ridgely Rd E			11/27/2013	A	12/2/2010	A
Charmuth Rd	Seminary Ave E			11/6/2013	B	11/4/2010	B
Charmuth Rd	Dulaney Valley Rd	Hampton Ln		10/16/2013	B	9/9/2010	B
Chartley Dr	Main St			10/14/2014	A	2/7/2012	A
Chatsworth Ave E/W	Main St			7/21/2015	A	12/2/2012	B
Cherry Hill Rd E	Franklin Blvd	Reisterstown Rd		8/5/2015	B	9/4/2012	B
Cherry Hill Rd E	Owings Mills Blvd	Timber Grove Rd		7/2/2014	A	8/3/2011	A
Cherry Valley Rd	Hammershire Rd	Reisterstown Rd		1/8/2013	A	12/30/2009	A
Chesaco Ave	Pulaski Hwy			8/4/2014	B	8/31/2011	C
Chesaco Ave	Philadelphia Rd			7/22/2013	A	6/15/2010	B
Chesaco Ave	Horst Ave			3/18/2014	A	8/18/2011	A
Chesapeake Ave E/W	York Rd			3/26/2013	A	3/9/2010	A
Chesapeake Ave W	Washington Ave			7/28/2015	A	11/13/2012	A
Chesapeake Park Plz	Eastern Blvd			2/24/2014	A	4/20/2011	A
Chesworth Rd	Rolling Rd N			12/17/2013	B	12/16/2010	B
Church Ln	Reisterstown Rd	Pikesville Library		7/15/2015	B	8/15/2012	A
Church Ln	Old Court Rd			3/25/2014	A	4/13/2011	B
Church Ln	Cranbrook Rd	York Rd		11/4/2013	A	11/10/2010	A
Church Rd	Wise Ave			11/17/2014	A	1/26/2012	A
Church Rd	Plainfield Rd	Trappe Rd		3/12/2013	A	10/1/2015	A
Church Rd	Franklin Blvd	Red Run Blvd		8/7/2014	A	7/6/2011	A
Cockeys Mill Rd	Main St			2/19/2014	C	2/9/2011	C
Colbury Rd	Goucher Blvd			7/7/2014	A	8/16/2011	A
Colonial Rd	Kernan Dr	Security Blvd		2/3/2014	B	7/12/2011	A
Colonial Rd	Reisterstown Rd	Seven Mile Ln		2/3/2014	A	1/18/2011	A
Compass Rd	Martin Blvd			11/24/2014	A	2/8/2012	A
Compass Rd	Middle River Rd			7/9/2013	A	3/8/2010	B
Cooks Ln	Security Blvd	Forest Park Ave		7/15/2014	A	8/4/2011	A
Corbett Rd.	Piney Hill Rd.	York Rd.		9/25/2014	A		
Corporate Dr	Honeygo Blvd			3/9/2014	A	5/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Courtleigh Dr	Old Court Rd			12/16/2014	A	6/19/2012	A
Courtleigh Dr	Liberty Rd			3/19/2014	A	5/12/2008	A
Cove Rd	North Point Blvd			1/7/2015	A	4/17/2012	A
Cowenton Ave	Ebenezer Rd	Philadelphia Rd		8/27/2015	C	8/12/2015	D
Cowpens Ave	Hampton Ln	Providence Rd		10/27/2014	B	1/3/2012	B
Cowpens Ave	Cromwell Bridge Rd	Rock Church		4/3/2014	C	3/31/2011	A
Cradock Ln	McDonogh Rd	Reisterstown Rd		7/20/2015	C	7/25/2012	C
Craigmont Rd	Crosby Rd			7/11/2013	A	8/23/2010	A
Cranbrook Rd	Greenside Dr			6/3/2014	A	11/22/2011	A
Cranbrook Rd	Lakespring Way	Rossbrooke Cir		10/16/2014	A	12/28/2011	A
Cranbrook Rd	Girdwood Rd	Padonia Rd E		6/9/2014	A	12/5/2011	C
Cromwell Bridge Rd	Providence Rd			9/5/2013	A	8/24/2010	A
Crondall Ln	Owings Mills Blvd			12/12/2013	B	10/20/2010	B
Crosby Rd	Johnnycake Rd	Woodlawn Dr		6/17/2014	A	6/28/2011	A
Crosby Rd	Rolling Rd N			7/29/2013	A	7/29/2010	A
Cross Campus Dr	Osler Dr			11/12/2015	A	10/16/2012	B
Cross Campus Dr	Terrace Dale	York Rd		9/16/2014	A	11/9/2011	C
Crossroads Dr	Reisterstown Rd	Village Queen Dr		7/22/2015	A	7/25/2012	B
Daisy Ave	Hollins Ferry Rd	Lansdowne Rd		3/2/2015	A	5/23/2012	A
Days Cove Rd	Pulaski Hwy			12/8/2014	A	2/23/2012	A
Deanwood Rd	Hillsway Ave			9/18/2014	A	10/5/2011	A
Deanwood Rd	Glendale Rd	Loch Raven Blvd		4/20/2015	A	8/6/2012	A
Deer Park Rd	Liberty Rd			12/23/2013	A	12/1/2010	A
Deerfield Rd	Milford Mill Rd			7/15/2013	A	8/31/2010	A
Delegge Rd	Hazelwood Rd	Kenwood Ave		7/1/2013	A	4/22/2010	A
Delrey Ave	Frederick Rd			2/24/2015	A	12/3/2012	A
Delvale Ave	Holabird Ave			11/20/2014	B	1/11/2012	C
Diamond Point Rd	Eastern Ave	Back River Wastewater		12/9/2015	A	12/2/2013	A
Dogwood Rd	Kernan Dr			6/19/2013	C	3/30/2010	B
Dogwood Rd	Rolling Rd			11/25/2013	C	1/9/2011	C
Dogwood Rd	Woodlawn Dr			2/12/2013	C	5/3/2010	C
Dogwood Rd	Lord Baltimore Dr			8/21/2013	B	9/29/2010	C
Dogwood Rd	Gwynn Oak Ave			4/17/2013	A	3/23/2010	A
Dolfield Blvd	Red Run Blvd	Pleasant Hill Rd		10/9/2013	B	10/5/2011	C
Dolfield Blvd	Reisterstown Rd	Richmar Rd		1/7/2014	A	12/23/2010	A
Dolfield Rd	Dolfield Rd S	Owings Mill Blvd		11/4/2015	B	7/19/2012	C
Dolfield Rd S	Music Fair Rd	Painters Mill Rd		6/18/2014	A	11/15/2011	A
Dulaney Valley Rd	Fairmount Ave			1/5/2016	D	9/2/2014	D
Dulaney Valley Rd	Dulaney Valley SC	Towsontown Ctr N Ent		10/16/2014	A	2/16/2012	A
Dulaney Valley Rd	Old Bosley Rd			6/27/2013	A	7/22/2010	A
Dulaney Valley Rd	Locustvale Rd	Goucher College		9/8/2014	A	11/29/2011	A
Dulaney Valley Rd	Pot Spring Rd	Seminary Ave E		11/12/2013	C	11/3/2010	C
Dulaney Valley Rd	Jarrettsville Pike			8/5/2015	A	7/23/2012	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Dulaney Valley Rd	Timonium Rd E			5/18/2015	D	4/24/2014	D
Dulaney Valley Rd	Towsontown Ctr S Ent			10/22/2014	A	2/16/2012	A
Dundalk Ave	Liberty Pkwy	Pine Ave	Willow Spring Rd	8/22/2013	A	8/3/2011	A
Dunkirk Rd	York Rd			10/7/2014	B	12/27/2011	A
Dunmanway	Liberty Pkwy			7/29/2014	A	7/18/2011	A
Dunmanway	Sollers Point Rd			12/1/2014	A	2/9/2012	A
Dunmanway	Merritt Blvd			12/29/2014	A	3/29/2012	A
Dunmanway	Trading Pl			3/12/2014	A	6/14/2011	B
East Dr	Linden Ave			1/6/2014	C	12/6/2010	C
East Homberg Ave	Southeast Blvd			4/9/2015	A	6/19/2012	A
Eastern Ave	54th St			1/16/2014	A	2/9/2011	A
Eastern Ave	Rolling Mill Rd	Eastpoint Mall		3/24/2015	D	4/7/2014	D
Eastern Ave	48th St	Pembroke Blvd		7/10/2013	A	2/25/2010	B
Eastern Blvd	Stemmers Run Rd			9/11/2014	C	5/22/2013	D
Eastern Blvd	Virginia Ave			5/19/2013	A	1/26/2010	A
Eastern Blvd	Wilson Point Rd			12/10/2014	A	2/14/2012	A
Eastern Blvd	Old Eastern Ave	Seamaster Rd		3/9/2015	A	7/19/2012	A
Eastern Blvd	Marlyn Ave N/S			4/29/2015	C	4/26/2012	C
Eastern Blvd	Orville Rd			4/16/2014	A	7/19/2011	A
Eastern Blvd	White Marsh Blvd	Martin Airport		4/14/2014	A	4/13/2011	C
Eastern Blvd	Mace Ave	Riverside Dr		7/16/2014	B	7/27/2011	B
Eastern Blvd	Kingston Rd	Old Eastern Ave		11/10/2014	A	1/12/2012	A
Eastern Blvd	Marie Ave	Terrace Rd		10/31/2013	A	8/31/2010	A
Eastern Blvd	Taylor Ave N/S			5/13/2013	A	2/16/2010	A
Eastern Blvd	Woodward Dr N/S			4/23/2013	A	12/1/2009	A
Eastern Blvd	Selig Ave	Middlesex SC		8/19/2014	A	8/24/2011	B
Eastern Blvd	Old Eastern Ave	McDonalds		2/4/2015	A	4/19/2012	A
Eastern Blvd.	Lynnbrook Rd.			6/5/2014	C		
Eastridge Rd	Padonia Rd E			7/17/2014	A	9/20/2011	A
Eastridge Rd	Timonium Rd E			10/28/2014	B	1/7/2012	B
Ebenezer Rd	Pulaski Hwy			5/20/2015	E	5/6/2014	E
Ebenezer Rd	Honeygo Blvd			1/5/2015	B	3/15/2012	B
Edmondson Ave	Harlem Ln			4/17/2014	A	6/1/2011	A
Edmondson Ave	North Bend Rd			2/12/2015	A	8/20/2012	A
Edmondson Ave	Rolling Rd N			2/3/2015	C	6/11/2012	C
Edmondson Ave	Ingleside Ave			9/4/2014	B	11/1/2014	C
Edmondson Ave	Winters Ln			10/7/2013	A	9/13/2010	B
Egges Ln	Frederick Rd	Mellor Ave		10/29/2013	B	10/18/2010	B
Ellis Rd	Old Harford Rd	Satyr Hill Rd		12/18/2014	A	5/23/2012	B
Emerald Rd	Harford Rd	Woodside Ave		12/3/2014	A	2/14/2012	A
Emory Rd	Hanover Pike			11/3/2015	C	2/14/2012	C
Enchanted Hills Rd	Reisterstown Rd	Ritters Ln		1/2/2014	A	12/13/2010	A
Essex Rd	Windsor Mill Rd			9/17/2014	B	8/11/2014	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Essex Rd	St Lukes Ln			8/25/2013	A	12/2/2010	B
Essex Rd	Liberty Rd			8/4/2014	C	11/23/2011	C
Fairbrook Rd	Rolling Rd N			3/12/2014	B	3/28/2011	B
Fairmount Ave	Goucher Blvd	Towsontown Ctr E Ent		1/16/2014	B	1/5/2011	A
Fairmount Ave	York Rd			4/23/2015	D	6/12/2014	D
Fairmount Ave	Towson Gate Dr	Towsontown Ctr W Ent		11/13/2013	A	12/29/2010	A
Fairmount Ave	Joppa Rd E			11/12/2015	A	2/9/2012	C
Falls Rd	Old Pimlico Rd			2/10/2015	C	5/1/2012	A
Falls Rd	Greenspring Valley Rd	Station Dr		10/21/2015	F	9/10/2014	F
Falls Rd	Seminary Ave W			10/21/2015	F	9/10/2014	F
Falls Rd	Shawan Rd	Tuften Ave		5/19/2015	D	5/7/2014	D
Falls Rd	Jones Falls Expwy	Joppa Rd W		10/21/2015	F	9/10/2014	F
Falls Rd	Lake Ave W	Lake Falls Village		7/9/2015	A	8/1/2012	B
Falls Rd	Old Court Rd	Ruxton Rd		8/27/2013	B	8/31/2010	B
Fifth Ave	Freeway	Hollins Ferry Rd		11/10/2014	A	2/15/2012	A
Fitch Ave	Rossville Blvd			2/18/2014	A	3/22/2011	A
Fontana Ln	Philadelphia Rd	Golden Ring Plaza		2/23/2015	A	7/10/2012	A
Forest Park Ave	Ingleside Ave	Security Blvd		6/26/2013	C	6/1/2010	C
Fork Rd	Harford Rd	Sunshine Ave		8/17/2015	C	10/15/2012	C
Francke Ave	Ridgely Rd	York Ridge SC	Kurtz Ave	9/25/2014	A	12/20/2011	A
Frankel Way	York Rd	Crestridge Center		1/9/2014	A	2/3/2011	A
Franklin Blvd	Nicodemus Rd			7/31/2013	A	6/15/2010	A
Franklin Blvd	Tarragon Rd			7/29/2014	A	12/19/2011	A
Franklin Square Dr	Hospital Dr			3/4/2015	A	8/7/2012	A
Franklin Square Dr	Rossville Blvd			4/21/2015	C	7/31/2012	B
Franklin Square Dr	King Ave			8/1/2013	A	7/8/2010	A
Frederick Rd	Prospect Ave N/S			12/16/2013	A	11/8/2010	A
Frederick Rd	Rolling Rd N			8/7/2014	C	11/14/2011	A
Frederick Rd	Paradise Ave			11/18/2014	B	4/4/2012	B
Frederick Rd	Melvin Ave	Sanford Ave		2/25/2015	A	10/18/2012	A
Frederick Rd	Rolling Rd S			9/15/2015	D	9/8/2014	D
Freeland Rd	York Rd			6/22/2015	A	3/6/2012	A
Galloway Ave	York Rd			1/21/2015	A	7/10/2012	A
Garrison View Rd	Reisterstown Rd			12/4/2014	A	6/12/2012	A
German Hill Rd	Plainfield Rd			3/21/2013	A	1/14/2010	A
German Hill Rd	Merritt Blvd			7/2/2013	A	2/23/2010	B
Glen Keith Blvd	Loch Raven Blvd			1/6/2014	A	2/9/2011	A
Glenwood Rd	Old Eastern Ave	Selig Ave		6/19/2014	A	6/29/2011	A
Glyndon Dr	Glyndon Trace Dr	Main St		7/16/2014	A	6/15/2011	A
Golden Ring Rd	Weyburn Rd			7/31/2014	A	8/10/2011	B
Golden Ring Rd	Kenwood Ave			8/5/2013	B	4/21/2010	C
Golden Ring Rd	Philadelphia Rd			4/21/2014	C	5/10/2011	C
Gores Mill Rd	Westminster Pike			3/26/2014	A	6/22/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Goucher Blvd	Putty Hill Ave			9/1/2015	E	5/22/2014	D
Goucher Blvd	Taylor Ave			2/27/2014	A	6/14/2011	A
Goucher Blvd	Joppa Rd E			2/19/2013	C	11/30/2009	C
Goucher Blvd	Providence Rd			7/14/2014	C	10/24/2011	C
Goucher Blvd	Loch Raven Blvd			9/9/2013	A	11/3/2010	A
Greene Tree Rd	Hooks Ln	Commerce Ctr Ent		3/20/2014	C	4/4/2012	C
Greenpoint Rd	Padonia Rd W			7/2/2013	A	7/14/2010	A
Greenridge Rd	York Rd			5/27/2015	A	12/6/2012	A
Greens Ln	Liberty Rd	McDonogh Rd		1/13/2015	B	6/13/2012	C
Greenside Dr	Warren Rd			6/10/2014	B	8/14/2011	B
Greenside Dr	Padonia Rd E	Padonia Village SC		11/6/2014	B	2/28/2012	B
Greenspring Ave	Quarry Lake Dr			8/20/2014	A	6/28/2011	A
Greenspring Ave	Green Summit Rd	Stone Cliff Dr		12/1/2014	B	7/17/2012	A
Greenspring Ave	Smith Ave			7/28/2014	B	6/30/2011	B
Greenspring Ave	Willow Glen Dr			12/1/2015	C	12/17/2012	C
Greenspring Ave	Greenspring Valley Rd			8/12/2015	B	9/18/2012	C
Greenspring Ave	Old Court Rd			8/20/2013	A	8/3/2010	B
Greenspring Dr	Harrisburg Expwy			6/16/2015	C	10/18/2012	C
Greenspring Dr	Timonium Rd W			8/12/2014	C	12/7/2011	C
Greenspring Valley Rd	Park Heights Ave			7/9/2013	A	7/27/2010	A
Greenspring Valley Rd	Reisterstown Rd			7/23/2015	B	8/13/2012	A
Greenwood Pl	Greenwood Rd	Old Court Rd		6/3/2013	A	4/1/2010	A
Grey Rock Rd	Mount Wilson Ln	Reisterstown Rd		5/13/2013	C	3/25/2010	A
Groff Ln	Owings Mill Blvd			8/13/2013	A	2/18/2010	A
Groffs Mill Rd	Lakeside Blvd			6/19/2014	A	6/13/2011	A
Gwynn Oak Ave	Security Blvd			11/25/2014	A	4/11/2012	A
Gwynn Oak Ave	Windsor Mill Rd	Englewood Ave		7/9/2014	A	11/16/2011	A
Gwynnbrook Ave	Owings Mills Blvd			2/25/2014	A	1/25/2011	A
Halethorpe Farms Rd	Selma Ave	Washington Blvd		2/9/2015	A	8/7/2012	A
Hamilton Ave	Philadelphia Rd	Rosedale Ave		12/16/2015	A	10/23/2013	A
Hammonds Ferry Rd	Lansdowne Rd			4/17/2014	A	7/18/2011	A
Hammonds Ferry Rd	Hollins Ferry Rd			1/28/2015	A	7/2/2012	A
Hanover Pike	Main St	Westminster Pike		6/4/2013	A	2/2/2010	A
Harford Ave	Harwall Rd	Ingleside Ave		12/9/2015	A	9/24/2012	A
Harford Rd	Putty Hill Ave			8/10/2015	C	3/5/2012	B
Harford Rd	Linwood Ave			10/21/2014	B	1/1/2012	A
Harford Rd	Taylor Ave			8/26/2015	D	4/2/2014	D
Harford Rd	Northwind Rd			8/13/2014	A	8/30/2011	A
Harford Rd	Joppa Rd E			10/6/2015	D	4/8/2014	D
Harrisburg Expwy NB Ramp	Padonia Rd W			8/29/2013	A	8/26/2010	A
Harrisburg Expwy Ramp	Timonium Rd W			11/23/2015	A	2/8/2012	A
Harrisburg Expwy SB Ramp	Padonia Rd W			12/7/2015	A	11/7/2012	A
Heathfield Rd	Osler Dr	Stevenson Ln		11/25/2015	A	1/11/2012	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Highfalcon Rd	Reisterstown Rd			7/16/2015	A	11/8/2012	A
Highview Ave	Maiden Choice Ln	Westland Blvd		6/22/2015	B	11/14/2012	B
Hillen Rd	Stevenson Ln			5/27/2014	D	4/9/2013	D
Hillsway Ave	Wentworth Ave			10/17/2013	A	12/24/2010	A
Hillsway Ave	Taylor Ave			7/29/2013	B	6/1/2010	A
Hillsway Ave	McClean Blvd	Perring Pkwy		9/29/2015	B	12/5/2012	B
Holabird Ave	Portship Rd	Snyder Ave		5/2/2013	A	4/1/2010	A
Holabird Ave	Monumental Ave	Sollers Point Rd		10/6/2014	A	12/28/2011	A
Holabird Ave	Searles Rd			11/3/2014	A	11/3/2014	A
Holabird Ave	Merritt Blvd	Wise Ave		10/8/2014	C	9/13/2011	B
Honeygo Blvd	Silver Spring Rd			10/8/2014	C	8/26/2010	B
Honeygo Blvd	White Marsh Blvd			4/27/2011	D	3/24/2010	D
Honeygo Blvd	Sandpiper Cir			6/4/2015	A	10/23/2012	B
Honeygo Blvd	Perry Hall Blvd			6/24/2014	A	6/21/2011	B
Honeygo Blvd	Joppa Rd			2/26/2015	B	11/26/2012	B
Honeygo Blvd	Mercantile Rd			7/2/2014	C	7/26/2011	B
Honeygo Blvd	White Marsh Mall Exit			6/27/2013	A	2/25/2010	A
Honeygo Blvd	Honeygo Center Dr			6/6/2013	A	2/3/2010	A
Hooks Ln	Reisterstown Rd	Woodholme Ave		11/2/2015	C	10/22/2012	C
Hooks Ln	Michelle Way	Park Heights Ave		5/20/2013	B	9/2/2010	C
Hospital Dr.	Philadelphia Rd.			8/27/2014	A		
Industrial Park Rd	Philadelphia Rd			7/23/2013	B	6/17/2010	A
Industry Ln	York Rd			8/18/2015	B	11/20/2012	A
Ingleside Ave	Ingleside SC	Westview Mall Ent		12/8/2014	A	2/27/2012	A
Ingleside Ave	Johnnycake Rd			5/5/2014	B	7/25/2011	B
Ingleside Ave	Parallel Dr			12/15/2014	A	5/14/2012	A
International Cir	McCormick Rd	Hunt Valley Mall		3/19/2013	C	1/21/2010	B
Inverness Ave	Wise Ave			4/16/2014	A	7/7/2011	A
Jarrettsville Pike	Manor Rd			6/20/2013	C	1/13/2010	B
Jarrettsville Pike	Merrymans Mill Rd			8/20/2015	B	3/8/2012	C
Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd		8/24/2015	D	5/16/2013	D
Joan Ave	Loch Raven Blvd	Mussula Rd		5/29/2013	A	4/5/2010	A
Johnnycake Rd	Rolling Rd N			11/3/2014	A	3/5/2012	B
Joppa Rd	Seven Courts Dr			5/13/2015	A	8/8/2012	A
Joppa Rd	Magledt Rd			12/23/2014	A	6/21/2012	A
Joppa Rd	Walther Blvd			5/2/2013	A	1/24/2010	A
Joppa Rd	Silver Spring Rd	Springtowne Cir		9/2/2014	C	9/28/2011	C
Joppa Rd E	Mylander Ln	Raytheon Parking Lot		5/16/2013	A	2/1/2010	A
Joppa Rd E	Providence Rd	Black & Decker Ent		4/30/2015	B	10/3/2012	A
Joppa Rd E	Satyr Hill Rd	Perring Plaza		2/3/2015	A	6/28/2012	A
Joppa Rd E	Old Harford Rd			1/3/2013	A	10/19/2009	C
Joppa Rd E	Satyr Hill Rd	Waltham Woods Rd		12/15/2014	C	6/1/2012	B
Joppa Rd E	Loch Raven Blvd			4/10/2014	F	4/12/2013	F

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Joppa Rd E	La Salle Rd	Raytheon Ent		2/28/2013	A	1/14/2010	B
Joppa Rd E	Oakleigh Rd			12/1/2014	A	6/20/2012	A
Joppa Rd E	Perring Pkwy			5/6/2015	E	5/8/2014	D
Joppa Rd E	Giant Food Ent	Jerry's Chevrolet Ent		5/28/2013	C	2/16/2010	A
Joppa Rd E	Pleasant Plains Rd			4/30/2015	A	12/20/2012	A
Joppa Rd E	Virginia Ave	Towsontown Ctr Ent		12/15/2014	B	7/20/2011	B
Joppa Rd W	Thornton Rd			7/1/2013	A	7/7/2010	B
Kane St	North Point Blvd	Rolling Mill Rd		2/21/2013	C	8/25/2009	C
Kelox Rd	Liberty Rd			1/9/2014	A	1/24/2011	A
Kelso Dr	Rossville Blvd			2/18/2015	A	7/3/2012	A
Kenilworth Dr	West Rd	Colony Apts Ent		3/26/2014	B	12/14/2011	A
Kenwood Ave	Lillian Holt Dr			1/27/2014	C	2/23/2011	C
Kernan Dr	Windsor Mill Rd	Kernan Hospital		11/5/2014	B	2/22/2012	B
King Ave	Philadelphia Rd			8/27/2013	A	8/24/2010	A
Kings Ridge Rd	Putty Hill Ave	Parkville HS Ent		3/13/2013	B	12/2/2009	C
La Salle Rd	Putty Hill Ave			10/7/2013	A	12/20/2010	B
Labyrinth Rd	Smith Ave			12/9/2013	B	11/29/2010	B
Lakeside Blvd	Painters Mill Rd			7/3/2014	A	7/21/2011	A
Lakeside Blvd	Owings Mills Blvd			7/1/2015	C	4/9/2012	C
Lakeside Blvd	New Town Blvd			7/1/2015	A	12/10/2012	B
Lansdowne Rd	Twins Springs Rd	Washington Blvd		10/2/2014	A	1/30/2012	A
Liberty Rd	Washington Ave			9/8/2015	D	3/24/2014	D
Liberty Rd	Wards Chapel Rd			12/30/2013	A	12/28/2010	A
Liberty Rd	King James Cir	St Lukes Ln		3/8/2014	A	5/26/2011	A
Liberty Rd	Offutt Rd			1/15/2015	B	2/14/2012	A
Liberty Rd	Rolling Rd			2/27/2014	C	2/24/2011	C
Liberty Rd	Old Court Rd			10/7/2014	C	1/12/2012	C
Liberty Rd	Milford Mill Rd			5/29/2014	B	8/18/2011	B
Liberty Rd	Pikeswood Dr			11/20/2014	A	2/21/2012	A
Liberty Rd	Patterson Ave			1/14/2013	C	1/19/2010	B
Liberty Rd	Tiverton Rd			7/3/2012	A	6/25/2009	A
Liberty Rd	Marriottsville Rd			3/2/2013	B	3/2/2010	B
Lillian Holt Dr	Perry Hall Blvd	Rossville Blvd		7/30/2013	A	7/6/2010	A
Loch Hill Rd	Loch Raven Blvd			8/14/2013	A	8/2/2010	A
Loch Raven Blvd	Putty Hill Ave			12/5/2013	C	11/23/2011	B
Loch Raven Blvd	Hillendale SC	Loch Raven Plaza		6/15/2015	A	9/4/2012	A
Loch Raven Blvd	Taylor Ave			9/22/2015	C	11/29/2012	C
Long Meadow Rd	Park Heights Ave			8/1/2013	A	8/5/2010	A
Lord Baltimore Dr	Security Blvd	Security Square Mall		1/5/2015	A	3/15/2012	B
Lord Baltimore Dr	Windsor Mill Rd			7/22/2013	B	7/15/2010	B
Lord Baltimore Dr	Windsor Blvd			8/27/2015	C	7/25/2013	C
Loveton Cir	Loveton Farms Rd	York Rd		7/1/2014	A	3/17/2011	A
Loveton Farms Rd	Sparks Valley Rd	York Rd		6/16/2014	C	6/13/2011	C

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Lynch Rd	Wise Ave			5/29/2014	B	6/15/2011	B
Lynch Rd	Trappe Rd	Woodwell Rd W		7/16/2013	A	6/2/2010	B
Lyons Mill Rd	Painters Mill Rd			7/27/2015	B	10/1/2012	B
Lyons Mill Rd	Owings Mills Blvd			10/17/2012	C	6/29/2010	B
Lyons Mill Rd	Marriottsville Rd			3/5/2013	B	1/4/2010	B
Maiden Choice Ln	Winslow Park Dr	Charlestown Ret Comm		2/4/2015	A	8/28/2012	A
Maiden Choice Ln	Wilkins Ave			5/9/2013	C	10/21/2010	B
Manor Rd	Sweet Air Rd			6/20/2013	B	1/6/2010	B
Mansfield Rd	Southeast Blvd			1/30/2014	A	2/1/2011	A
Marlove Oaks Ln	McDonogh Rd	Painters Mill Rd		8/19/2013	B	8/10/2010	B
Marlyn Ave N	Stemmers Run Rd			4/10/2013	A	8/20/2009	B
Marlyn Ave S	Sandalwood Rd			2/18/2015	A	7/24/2012	A
Martin Blvd	Riverton Rd			9/23/2013	A	9/2/2010	A
Martin Blvd	Middle River Rd			3/18/2015	A	8/9/2012	A
Martin Blvd	Windless Rd			3/4/2013	A	2/22/2010	A
McCormick Rd	Wight Ave			7/30/2014	A	9/1/2011	A
McCormick Rd	Schilling Cir	Schilling Rd		12/19/2013	B	12/7/2010	B
McCormick Rd	Shawan Rd			10/30/2013	C	10/26/2010	C
McCormick Rd	Schilling Cir	St Paul's Co Ent		4/15/2014	C	5/31/2011	A
McDonogh Rd	Winands Rd			7/29/2015	C	8/9/2012	B
McDonogh Rd	Lamburn Rd			4/29/2014	C		
McHenry Ave	Reisterstown Rd	Walker Ave		6/30/2014	A	11/23/2011	A
Meadow Ln	Merritt Blvd	Moorgate Rd		12/8/2014	A	10/6/2011	A
Merritt Ave	Midland Rd	Sollers Point Rd		7/1/2013	A	2/3/2010	A
Merritt Ave	Merritt Blvd	Peninsula Hwy		8/18/2014	A	9/1/2011	A
Merritt Blvd	Searles Rd			7/18/2013	A	5/6/2010	A
Merritt Blvd	North Point Rd			9/16/2014	A	10/26/2011	A
Merritt Blvd	Giant Food	Sav-A-Lot		7/15/2013	A	5/18/2010	A
Merritt Blvd	Danville Square SC	Dennys		7/22/2014	A	12/22/2011	A
Metropolitan Blvd NB Ramp	Washington Blvd			2/17/2015	A	8/15/2012	A
Metropolitan Blvd SB Ramp	Washington Blvd			3/28/2013	A	3/22/2010	A
Middle River Rd	Pulaski Hwy			5/20/2015	D	5/12/2014	D
Middleborough Rd	Southeast Blvd			9/16/2015	C	8/22/2012	C
Milford Mill Rd	Washington Ave	Milford Mill Swim Club		6/12/2013	B	6/10/2010	B
Milford Mill Rd	Reisterstown Rd	Slade Ave		7/7/2015	A	7/18/2012	A
Milford Mill Rd	Roman Frasier Ln			5/2/2013	A	5/27/2010	A
Milford Mill Rd	Sudbrook Ln	Sudbrook Rd		7/8/2015	C	6/18/2012	C
Milford Mill Rd	Rolling Rd			7/2/2013	B	6/23/2010	A
Milford Mill Rd	Scotts Level Rd			3/25/2013	A	6/9/2010	A
Mill Run Cir	Red Run Blvd			3/21/2013	A	2/22/2010	A
Mill Run Cir	Northwest Expwy Ramp			4/3/2013	B	2/24/2010	A
Mohrs Ln	Pulaski Hwy			6/30/2014	C	7/21/2011	A
Monkton Rd	York Rd			5/7/2014	B	4/25/2011	A

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First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Mount Carmel Rd	York Rd			6/17/2014	A	3/1/2011	A
Naylors Ln	Reisterstown Rd			7/3/2014	C	7/27/2011	A
New Battle Grove Rd	North Point Blvd			11/19/2013	A	12/23/2010	A
North Point Blvd	Eastpoint Mall W Ent			11/7/2013	A	8/17/2010	A
North Point Blvd	Eastpoint Mall E Ent			11/18/2013	A	8/18/2010	A
North Point Blvd	Sparrows Pt Rd			4/27/2013	A	1/21/2010	A
North Point Blvd	Trappe Rd			8/12/2013	A	7/20/2010	A
North Point Blvd	Wise Ave			8/8/2013	A	7/13/2010	A
North Point Blvd	Old Battle Grove Rd			11/25/2013	A	12/14/2010	A
North Point Blvd	St Monica Dr			8/28/2014	A	10/19/2011	A
North Point Rd	Trappe Rd			8/13/2013	A	8/5/2010	A
North Point Rd	Sparrows Point Rd			2/27/2013	A	7/29/2010	A
Northeast Ave	Ridge Ave	Washington Blvd		10/15/2014	A	5/7/2012	A
Oakleigh Rd	Perring Pkwy			8/15/2013	A	7/6/2010	A
Oakleigh Rd	Taylor Ave			8/14/2014	B	10/1/2011	B
Oakleigh Rd	White Oak Ave			9/16/2015	A	7/12/2012	A
Oakleigh Rd	Putty Hill Ave			9/19/2013	A	10/27/2010	A
Old Court Rd	Towne Center Pl			11/24/2014	A	2/23/2012	A
Old Court Rd	Reisterstown Rd			10/27/2015	C	8/28/2012	B
Old Court Rd	Seven Mile Ln			7/14/2014	A	8/17/2011	A
Old Court Rd	Scotts Level Rd			6/12/2013	C	12/15/2011	C
Old Court Rd	Stevenson Rd			4/15/2014	A	7/5/2011	A
Old Court Rd	Sudbrook Ln E			2/6/2014	B	2/16/2011	B
Old Court Rd	Metro Parking Lot Ent			1/14/2014	A	1/25/2011	A
Old Court Rd	Winands Rd			2/20/2014	C	2/15/2011	C
Old Court Rd	Park Heights Ave			4/14/2014	C	7/13/2011	B
Old Eastern Ave	Southeast Blvd			8/4/2015	A	7/11/2012	A
Old Frederick Rd	Rolling Rd N			11/13/2013	B	9/30/2010	C
Old Harford Rd	Putty Hill Ave			2/5/2015	A	4/3/2012	B
Old Harford Rd	Taylor Ave			1/15/2013	C	10/22/2009	B
Old Milford Mill Rd	Reisterstown Rd	Safeway Ent		3/7/2013	A	2/1/2010	A
Old Pimlico Rd	Pimlico Rd	Smith Ave		7/31/2014	A	12/29/2011	A
Old Washington Blvd	Sulphur Spring Rd	Washington Blvd		7/8/2013	A	7/8/2010	A
Orems Rd	Rossville Blvd			3/25/2014	A	6/8/2011	B
Osler Dr	Towsontown Blvd W			9/10/2015	C	2/20/2007	C
Osler Dr.	Emerson Dr	Towson Parking Ent		12/3/2013	C		
Owings Mill Blvd	Owings Mill Sq	Fire Station		7/3/2013	A	6/5/2010	A
Owings Mills Blvd	Winands Rd			7/6/2015	A	8/27/2012	A
Owings Mills Blvd	Red Run Blvd			4/6/2015	B	6/26/2012	C
Owings Mills Blvd	Reisterstown Rd Ramp			11/23/2015	C	7/19/2012	A
Owings Mills Blvd Ramp	Reisterstown Rd	Garrison Forest Plaza		10/6/2014	C	1/31/2012	B
Padonia Rd E/W	York Rd			9/23/2015	D	3/27/2014	D
Padonia Rd W	Tullamore Rd	Tullamore Ct		9/23/2014	A	10/5/2011	A

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Painters Mill Rd	Red Run Blvd			9/22/2014	B	2/17/2011	C
Painters Mill Rd	Reisterstown Rd			10/17/2013	C	11/9/2010	B
Painters Mill Rd	Grand Central Ave			1/24/2013	A	1/11/2010	A
Parallel Dr	Woodlawn Dr	Security West Bldg		2/18/2014	B	2/14/2011	B
Park Heights Ave	Slade Ave			6/29/2015	A	8/22/2012	A
Pennsylvania Ave E/W	York Rd			6/4/2014	A	12/6/2011	A
Pennsylvania Ave W	Washington Ave			11/27/2013	A	2/1/2011	A
Perring Pkwy	Taylor Ave			6/2/2014	B	6/16/2011	C
Perring Pkwy	Putty Hill Ave			9/9/2015	F	5/21/2014	F
Perry Hall Blvd	White Marsh Blvd			10/24/2013	C	8/18/2010	C
Perry Hall Blvd	Ridge Rd			7/21/2014	A	7/6/2011	B
Perry Hall Blvd	Silver Spring Rd			4/9/2014	A	6/9/2011	A
Perry Hall Blvd	White Marsh Mall Ent	White Marsh Precinct		3/5/2014	B	5/24/2011	B
Perry Hills Rd	White Marsh Blvd	Belair Rd West Ramp		8/25/2014	A	8/24/2011	B
Philadelphia Rd	Rossville Blvd			10/22/2013	C	7/21/2010	C
Philadelphia Rd	Seling Ave			9/25/2014	C	12/13/2011	A
Pleasant Plains Rd	Putty Hill Ave			8/21/2013	A	10/13/2010	A
Pot Spring Rd	Timonium Rd E			4/30/2014	C	9/13/2011	A
Pot Spring Rd	Ridgely Rd E			11/27/2013	A	11/10/2010	A
Pulaski Hwy	Centre @ Golden Ring			12/30/2013	A	1/11/2011	A
Pulaski Hwy	Rossville Blvd			10/19/2015	D	6/27/2012	C
Pulaski Hwy	White Marsh Blvd Ramp			5/27/2015	A	5/22/2012	A
Pulaski Hwy	66th St			1/4/2016	D	4/23/2014	F
Pulaski Hwy	68th St			3/25/2015	A	11/15/2012	A
Pulaski Hwy Ramp	White Marsh Blvd			6/17/2015	A	6/7/2012	A
Putty Hill Ave	Rolling Crest Way	Rossville Blvd	Walther Blvd	8/28/2013	A	10/5/2010	A
Radecke Ave	St Regis Rd			10/15/2013	A	10/21/2010	A
Regester Ave	York Rd			1/10/2013	A	10/27/2009	C
Regester Ave	Sherwood Rd			3/6/2014	A	8/8/2011	A
Reisterstown Rd	St Thomas SC			2/10/2014	A	12/22/2010	A
Reisterstown Rd	Hilton Hotel	Target		12/28/2014	C	3/19/2012	A
Reisterstown Rd	Sam's Club	Toyota Ent		1/7/2015	A	6/5/2012	A
Reisterstown Rd	Home Depot			12/9/2014	A	6/20/2012	A
Reisterstown Rd	Woodholme SC			7/7/2014	A	8/30/2011	A
Reisterstown Rd	Straw Hat Rd	Tollgate Rd		11/21/2013	A	12/21/2010	A
Reisterstown Rd	Rosewood Ln			7/1/2013	A	3/3/2010	A
Reisterstown Rd	Reisterstown SC	Franklin HS		6/25/2015	A	12/4/2012	A
Reisterstown Rd	Sherwood Ave			9/11/2013	A	10/12/2010	A
Reisterstown Rd	Valley Center SC			7/14/2015	A	7/31/2012	A
Reisterstown Rd	Sudbrook Ln	Sudbrook Ln E		1/13/2014	A	1/11/2011	A
Ridge Rd	Rossville Blvd	ECC Ent		7/24/2014	A	9/27/2011	A
Ridgebrook Rd	York Rd			10/10/2013	B	9/1/2010	B
Ridgely Rd E/W	York Rd			11/19/2013	B	11/30/2010	B

Level of Service Intersections

First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
Robert Myers Blvd	Security Blvd			12/2/2014	A	4/30/2012	A
Rolling Rd	Windsor Blvd			2/24/2014	B	4/12/2011	C
Rolling Rd	Windsor Mill Rd			9/14/2015	D	5/13/2014	D
Rolling Rd	Tudsbury Rd			8/12/2013	B	8/3/2010	B
Rolling Rd N	40 West SC	Giant Food Ent		4/1/2013	A	2/17/2010	A
Rolling Rd N	Security Blvd			8/26/2013	C	2/26/2013	D
Rolling Rd N	Rolling Bend Rd	Security Sq Mall Ent		3/18/2013	B	2/23/2010	A
Rolling Rd S	Campus Dr	Valley Rd		6/24/2015	C	9/10/2012	C
Rolling Rd S	Wilkens Ave			5/23/2013	C		
Rolling Rd.	Park & Ride			4/30/2014	A		
Rossville Blvd	Stemmers Run Rd			7/17/2013	A	3/31/2010	A
Rossville Blvd	Yellow Brick Rd	Centre @ Golden Ring Ent		4/7/2015	A	7/18/2012	A
Sanzo Rd	Smith Ave			2/11/2015	A	10/11/2012	A
Scott Adam Rd	York Rd			1/20/2015	A	11/21/2012	A
Security Blvd	Woodlawn Dr			7/17/2014	C	8/9/2011	C
Security Blvd	Whitehead Ct	Whitehead Rd		10/16/2014	A	2/6/2012	A
Seminary Ave E/W	York Rd			1/5/2016	D	5/14/2014	D
Seminary Ave W	Thornton Rd			3/6/2014	B	3/22/2011	B
Seven Mile Ln	Slade Ave	Smith Ave		11/18/2013	C	11/23/2010	B
Shawan Rd	York Rd	Shawan Plaza		8/19/2014	C	10/3/2011	C
Shawan Rd	Hunt Valley Towne Ctr	MBNA		1/29/2014	B	3/10/2011	B
Sister Pierre Dr	York Rd			6/23/2014	A	8/23/2011	A
Stevenson Ln	York Rd			6/11/2013	C	1/21/2010	B
Thornton Rd	Timonium Rd			8/3/2015	A	11/27/2012	A
Timonium Rd E/W	York Rd			9/24/2015	D	5/20/2014	D
Towsontown Blvd E/W	York Rd			10/2/2013	C	6/8/2010	B
Towsontown Blvd W	University Ave			9/16/2014	C	10/1/2007	C
Valley Rd	Wilkens Ave			3/3/2015	A	10/3/2012	B
Victory Dr	Washington Blvd			12/22/2014	A	6/21/2012	A
Walther Blvd	White Marsh Blvd			10/8/2013	C	8/12/2010	C
Warren Rd	Warren Rd W	York Rd		10/23/2013	C	6/21/2010	C
Washington Ave	York Rd			1/29/2013	A	1/6/2010	A
Washington Blvd	Commerce Dr	Lansdowne Station		8/15/2013	B	10/4/2010	A
Washington Blvd	Diageo Ent			1/20/2015	A	12/19/2012	A
Washington Blvd	Robert Young Way	Lansdowne Station		2/4/2014	C	2/7/2011	C
West Rd	York Rd			7/10/2014	C	10/19/2011	A
Whitehead Rd	Woodlawn Dr			1/31/2013	A	8/15/2011	A
Wight Ave	York Rd	Valley View Farms Ent		1/16/2013	B	12/16/2009	C
Windsor Mill Rd	Woodlawn Dr			10/27/2014	C	1/18/2012	C
Woodlawn Dr	Security Plaza	Woodlawn HS		8/28/2014	B	12/21/2011	B
York Rd	Anneslie SC	York Rd Plaza		3/13/2014	C	7/11/2011	A
York Rd	Timonium SC	Fairgrounds S Ent		2/10/2014	A	2/24/2011	A
York Rd	Best Buy Ent	Lutherville ES		1/15/2014	A	3/2/2011	A

Level of Service Intersections

	First Rd Name	Second Rd Name	Third Rd Name	Fourth Road Name	Curr Date	Curr LOS	Prev Date	Prev LOS
York Rd		York Rd Service Dr	Fairgrounds N Ent		10/8/2014	A	2/2/2012	A

**BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE**

DATE: January 5, 2018

TO: Steve Walsh., Director
Department of Public Works

FROM: Greg Carski, Bureau Chief 
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2018 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2017 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2018:

CHANGES:

Goucher Blvd / Putty Hill Ave	E to D
Baltimore Nat'l Pike (US 40)/ Rolling Rd N	D to F

With the changes above, there are nine "F" level intersections and one "E" level intersections that are being proposed on the 2018 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Belair Rd (US 1) / Rossville Blvd	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersection of Goucher Blvd / Putty Hill Ave went from LOS E to D. This intersection has been historically LOS D, but became an E from last year's count. The construction last year at Harford Rd / Joppa Rd may have contributed to vehicles taking an alternate route, and increasing the volume through Goucher Blvd / Putty Hill Ave. With Harford

Rd / Joppa Rd back in normal operations, the LOS at Goucher Blvd / Putty Hill Ave returned to its historical typical LOS.

The intersection of Baltimore Nat'l Pike (US 40) / Rolling Rd N went from LOS D to F, which could be attributed to changes in traffic demand. Even with timing adjustments from SHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The commuter shed at Belair Rd (US 1) / Rossville Blvd is LOS F per County Bill No. 15-17.

Commuter sheds for the intersections noted above are being updated and will be shown on the 2018 Basic Service Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2018, please contact me at ext. 3554.

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	4/06/16	D	2/06/17	F		Baltimore Nat'l Pik	Rolling Rd N		
C0712	3/15/16	D	2/07/17	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/08/16	D	2/08/17	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	4/05/16	D	2/13/17	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	3/01/16	D	2/14/17	F		Belair Rd	Rossville Blvd		Bill 15-17
S1594	5/12/16	D	2/15/17	D		Bellona Ave	Charles St	Kenilworth Dr	
C4270	11/30/16	F	2/16/17	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
	4/25/16	F	2/23/17	F		Burke Ave	York Rd		
S1927	5/09/16	D	2/28/17	D		Dulaney Valley Rd	Fairmount Ave		
S2294	3/09/16	D	3/03/17	D		Dulaney Valley Rd	Timonium Rd E		
S0616	2/08/16	D	3/02/17	D		Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	2/25/16	F	3/06/17	F		Ebenezer Rd	Pulaski Hwy		
S3981	3/07/16	D	3/07/17	D		Fairmount Ave	York Rd		
S0268	4/20/16	F	2/21/17	F		Falls Rd	Greenspring Valley	Station Dr	
S0271	4/20/16	F	2/21/17	F		Falls Rd	Jones Falls Expwy	Joppa Rd	
S2231	5/24/16	F	5/24/17	F		Falls Rd	Seminary Ave W		
S0428	3/14/16	D	2/22/17	D		Falls Rd	Shawan Rd	Tuften Ave	
S3356	4/12/16	D	3/08/17	D		Frederick Rd	Rolling Rd S		
C0036	3/23/16	E	3/09/17	D		Goucher Blvd	Putty Hill Ave		
S3016	10/06/15	D	5/02/17	D		Harford Rd	Joppa Rd		
S2167	4/07/16	D	3/16/17	D		Harford Rd	Taylor Ave		
S0591	5/27/14	D	2/27/17	D		Hillen Rd	Stevenson Ln		
S2512	4/19/16	D	3/27/17	D		Honeygo Blvd	White Marsh Blvd		
S0917	5/05/16	D	3/28/17	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/21/16	D	3/29/17	D		Joppa Rd E	Loch Raven Blvd		
S4320	4/14/16	E	3/30/17	E		Joppa Rd E	Perring Pkwy		
S1911	4/18/16	D	4/03/17	D		Liberty Rd	Washington Ave		
S0628	3/24/16	D	4/04/17	D		Middle River Rd	Pulaski Hwy		
S4310	3/16/16	D	4/06/17	D		Padonia Rd E/W	York Rd		
S0852	3/22/16	F	4/05/17	F		Perring Pkwy	Putty Hill Ave		
S0889	3/03/16	D	4/25/17	D		Pulaski Hwy	66th St		
S0885	3/10/16	D	4/18/17	D		Pulaski Hwy	Rossville Blvd		
C0220	4/13/17	D	4/19/17	D		Rolling Rd	Windsor Mill Rd		
S1580	3/17/16	D	4/20/17	D		Seminary Ave E/W	York Rd		

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S3008	3/21/16	D	4/24/17	D		Timonium Rd E/W	York Rd		

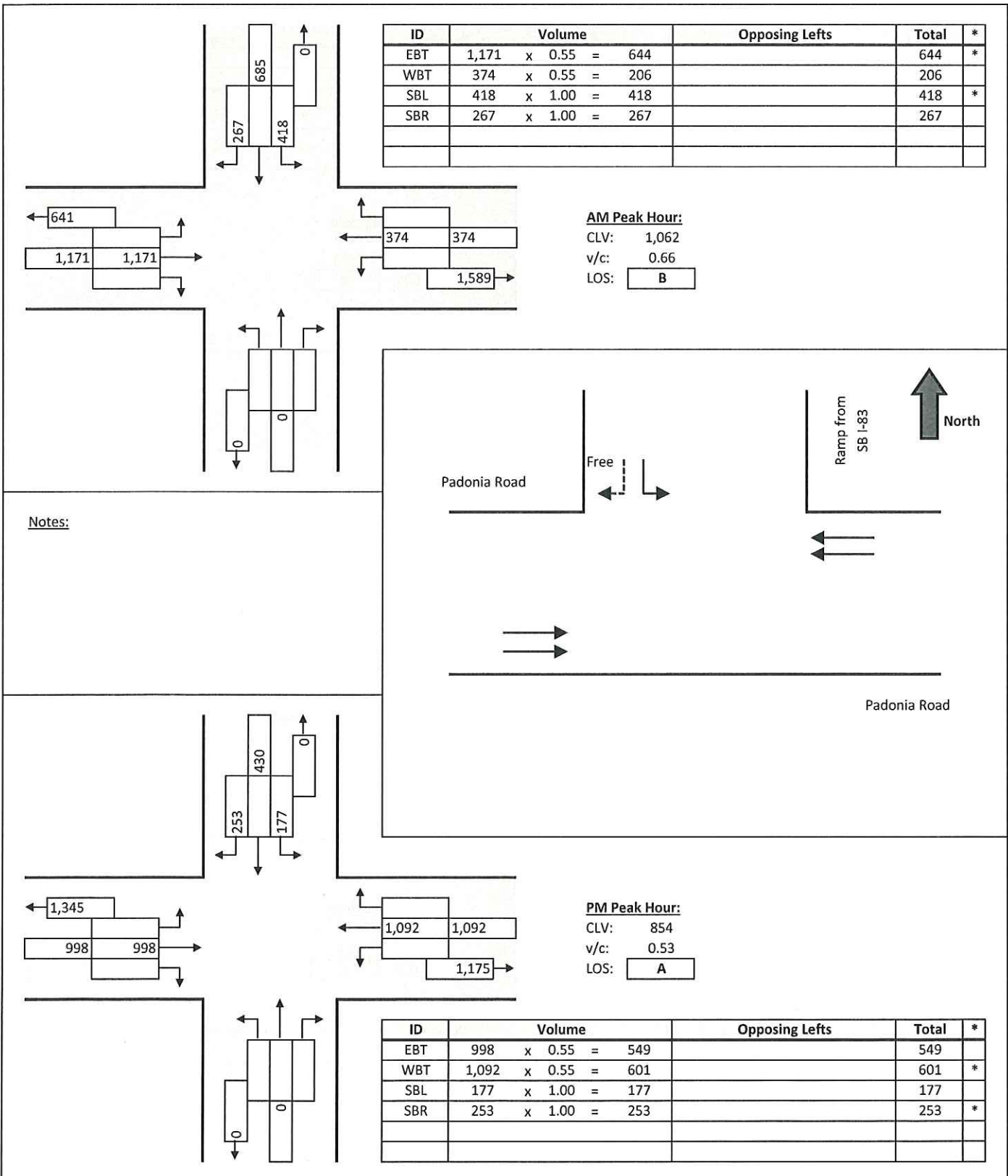
Appendix D:

Existing Conditions

Critical Lane Volume Analysis Worksheets

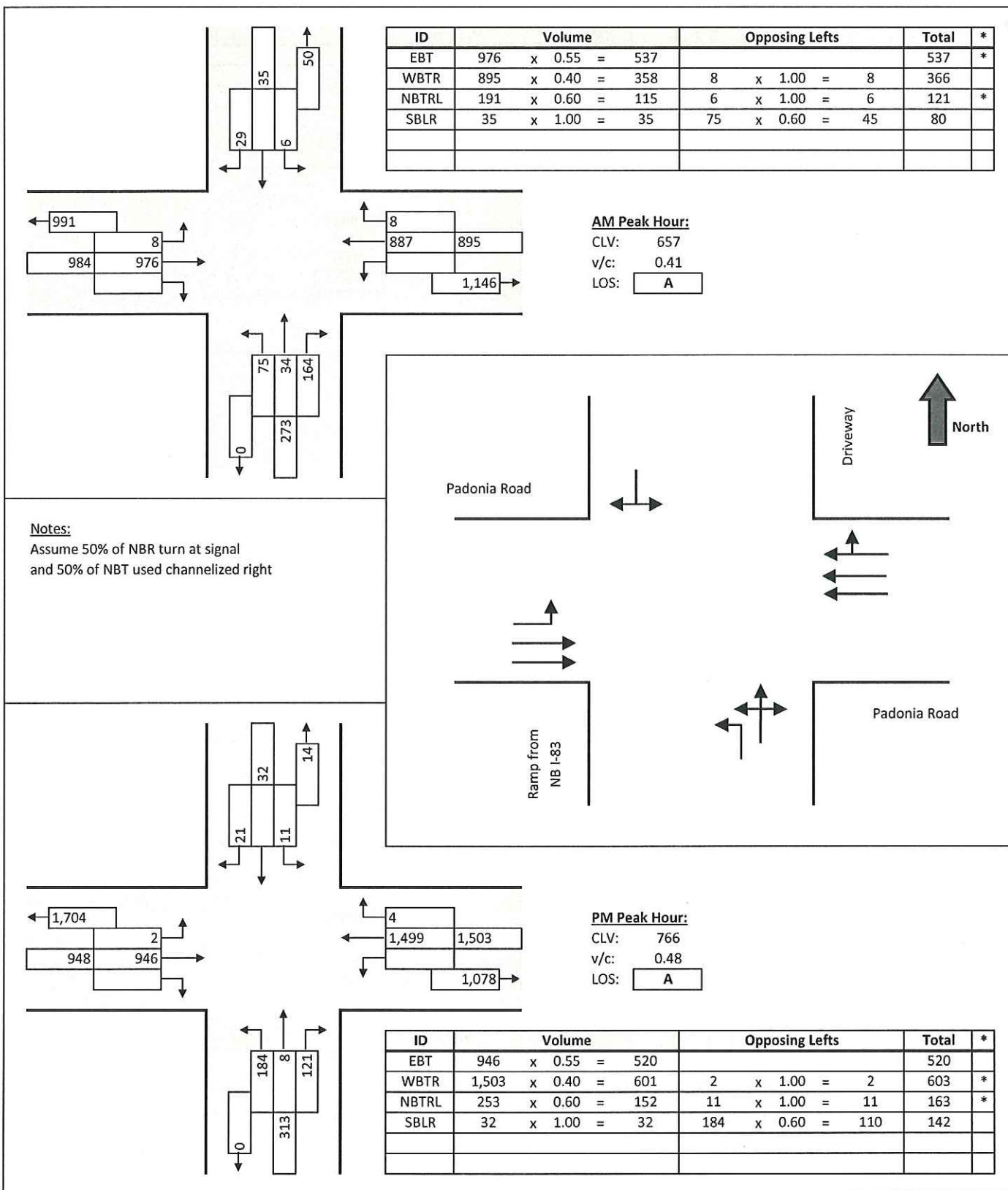
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from SB I-83
 Alternative: Existing
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from NB I-83
 Alternative: Existing
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Site Access
 Alternative: Existing
 Date: 3/26/2019 By: NED



ID	Volume	Opposing Lefts	Total	*
WBTR	963 x 0.40 = 385		385	*
SBR	3 x 1.00 = 3		3	*

AM Peak Hour:
 CLV: 388
 v/c: 0.24
 LOS: **A**

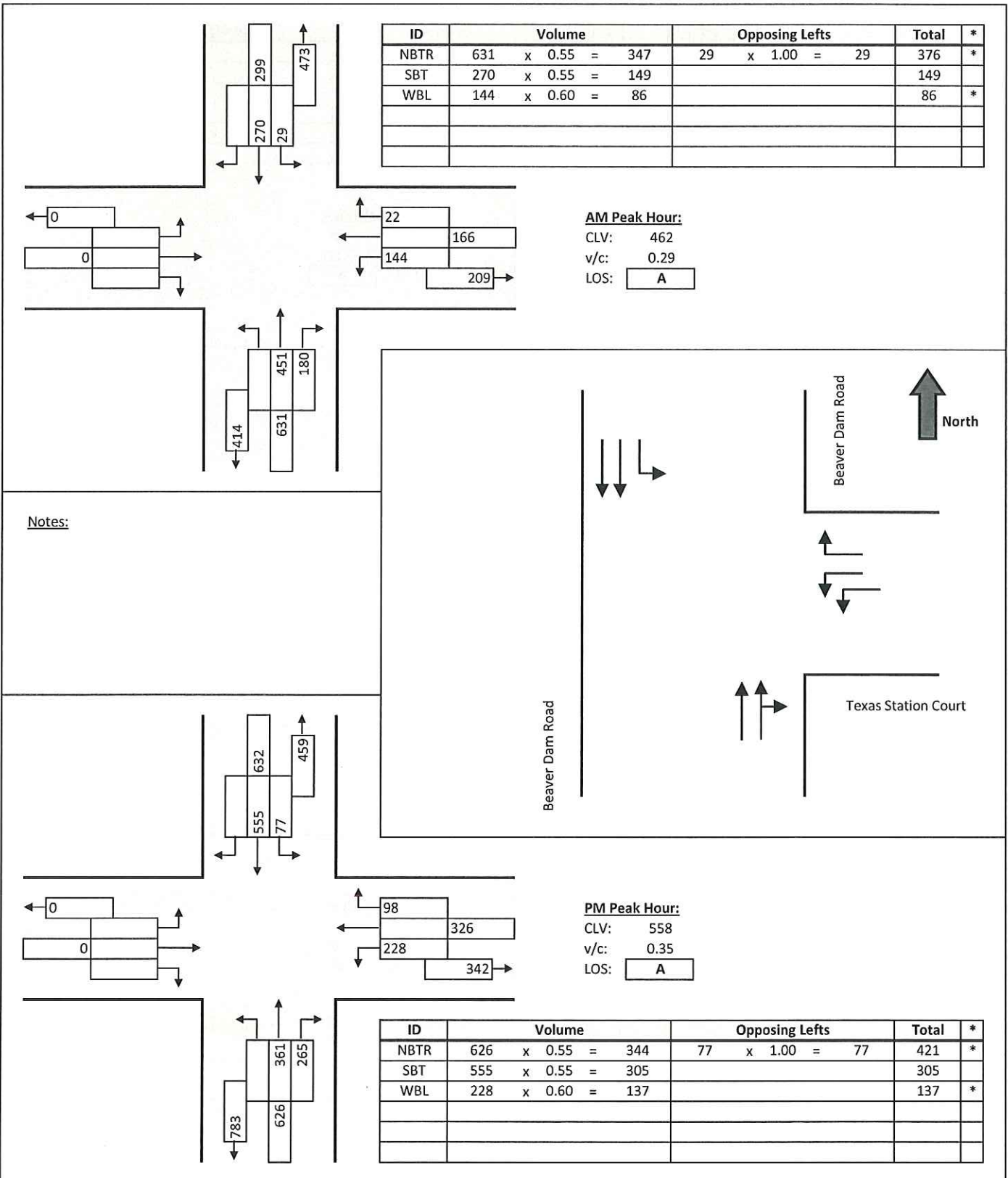
Notes:

PM Peak Hour:
 CLV: 636
 v/c: 0.40
 LOS: **A**

ID	Volume	Opposing Lefts	Total	*
WBTR	1,584 x 0.40 = 634		634	*
SBR	2 x 1.00 = 2		2	*

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Texas Station Court
 Alternative: Existing
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Site Access
 Alternative: Existing
 Date: 3/26/2019 By: NED



ID	Volume	Opposing Lefts	Total	*
SBTR	403 x 0.40 = 161		161	*
EBR	35 x 1.00 = 35		35	*

AM Peak Hour:
 CLV: 196
 v/c: 0.12
 LOS: A

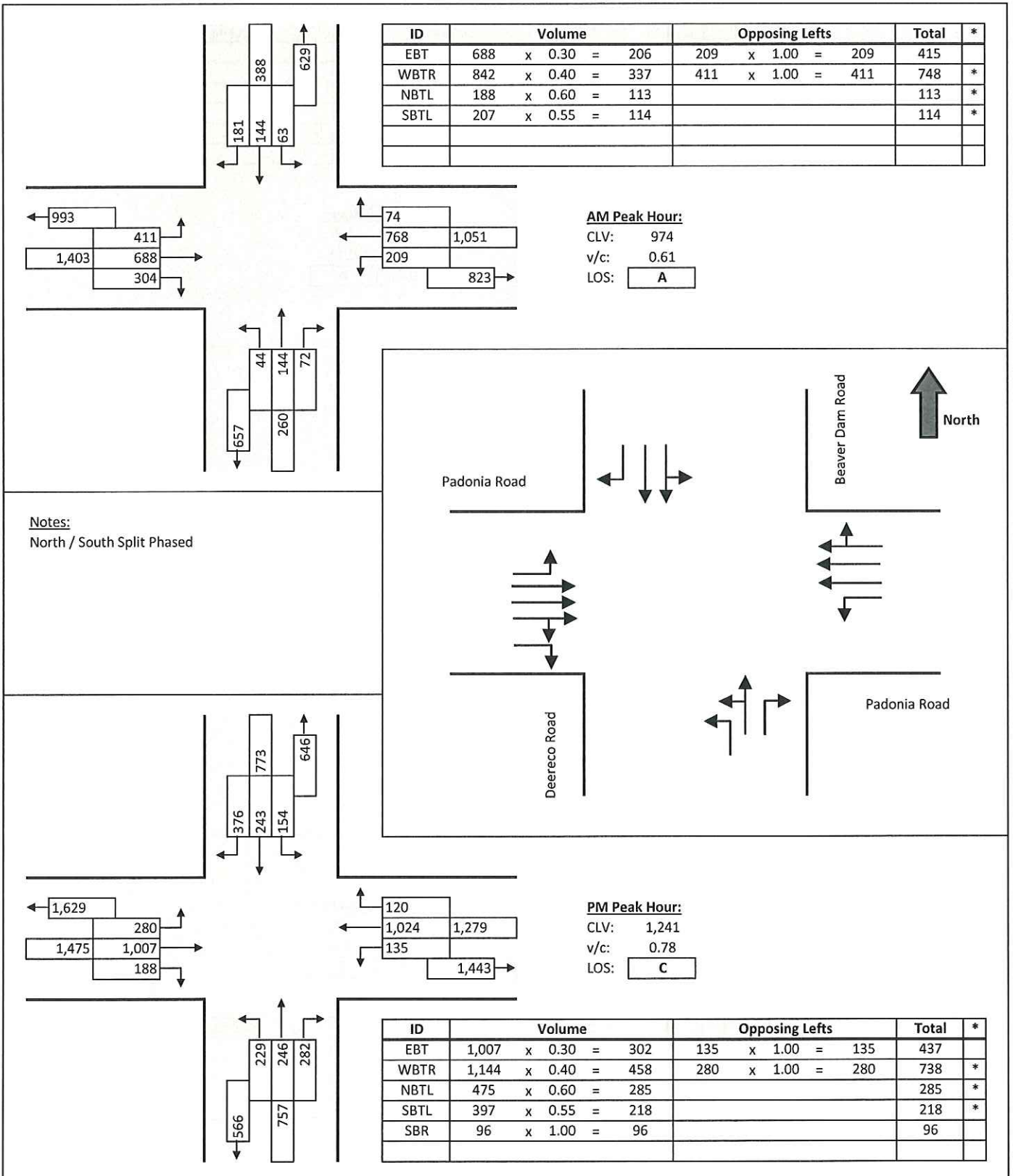
Notes:

PM Peak Hour:
 CLV: 340
 v/c: 0.21
 LOS: A

ID	Volume	Opposing Lefts	Total	*
SBTR	781 x 0.40 = 312		312	*
EBR	28 x 1.00 = 28		28	*

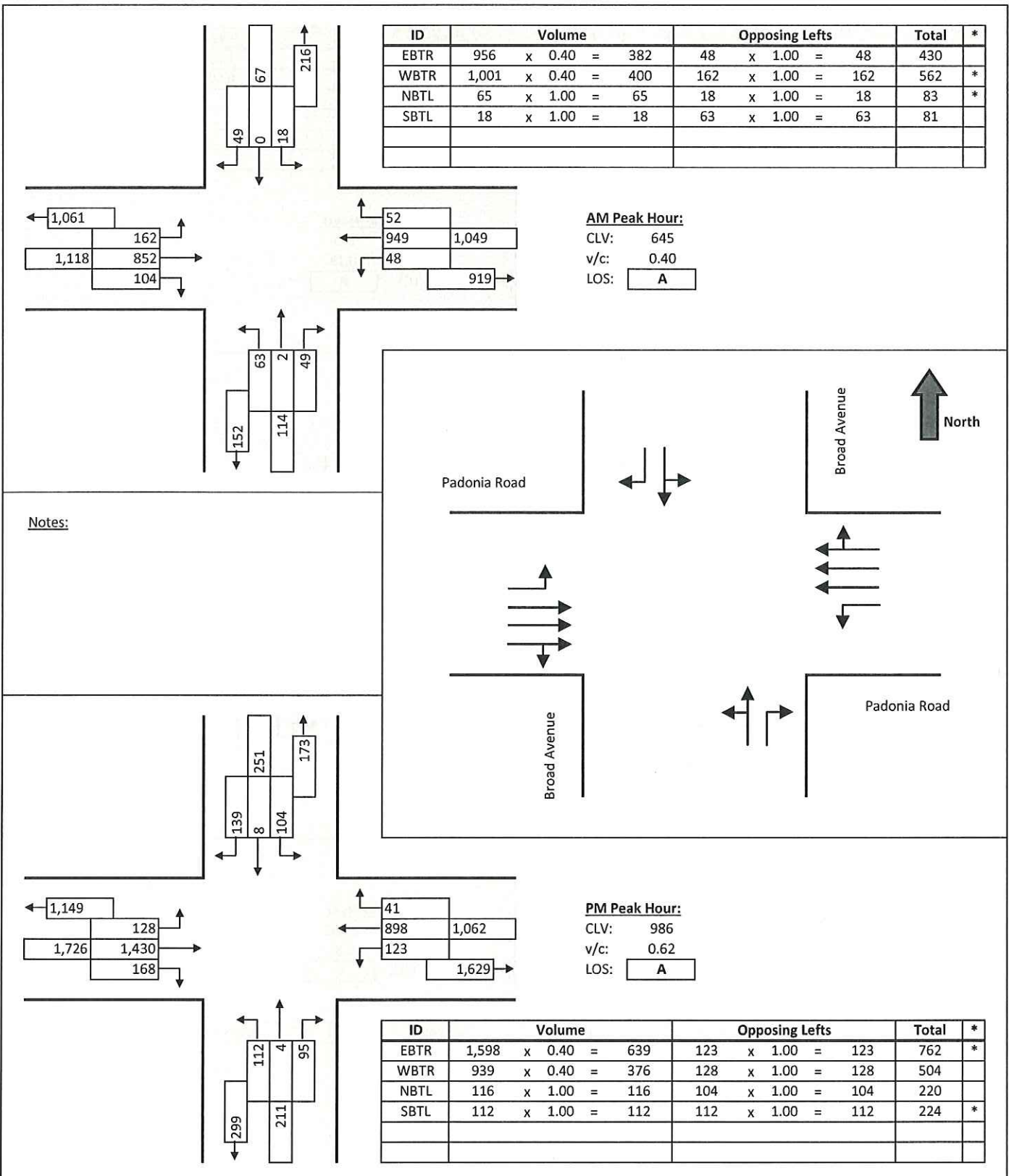
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Beaver Dam Road / Deereco Road
 Alternative: Existing
 Date: 3/26/2019 By: NED



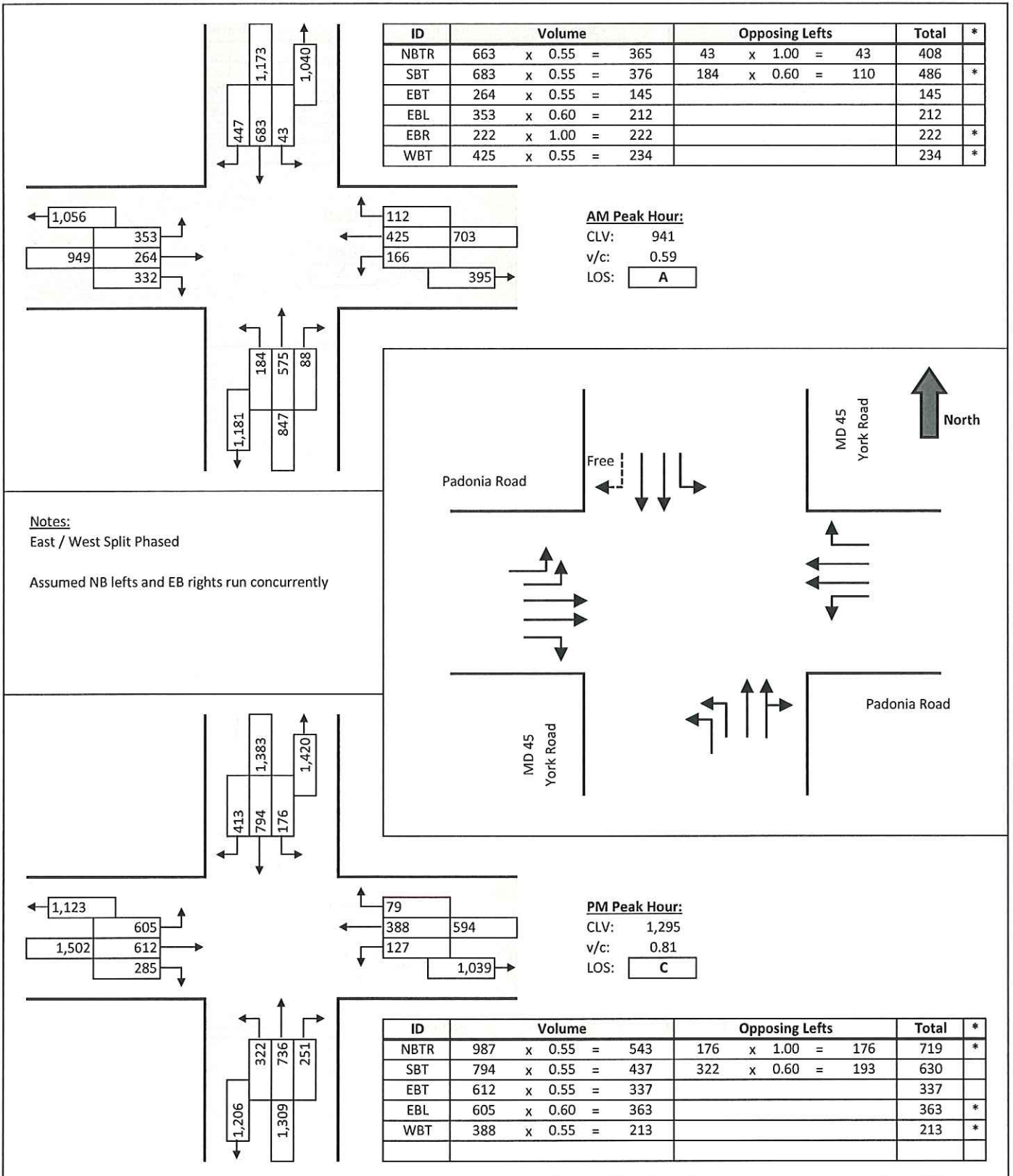
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Broad Avenue
 Alternative: Existing
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: York Road at Padonia Road
 Alternative: Existing
 Date: 3/26/2019 By: NED



Appendix E:

Existing Conditions SimTraffic Outputs

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.6	0.3
Total Del/Veh (s)	32.5	3.7	19.5	19.5

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.1	0.0
Total Del/Veh (s)	9.7	2.6	19.0	12.6	8.3

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.5	0.0	0.2	0.0	0.7
Total Del/Veh (s)	15.2	23.1	46.8	25.1	21.8

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.1	0.1
Total Del/Veh (s)	10.1	19.3	22.6	12.0	14.9

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.1	2.4	2.3	1.7

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.6	0.2
Total Del/Veh (s)	20.2	1.9	4.6	5.5

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	3.7	1.2	0.7	1.1

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.5	0.8	1.4	0.9
Total Del/Veh (s)	32.2	38.3	29.3	21.0	29.3

25: Beaver Dam & Hotel Access Performance by approach

Approach	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	1.2	0.7	1.0

Total Network Performance

Denied Del/Veh (s)	1.1
Total Del/Veh (s)	50.7

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	519	540	119	147	413
Average Queue (ft)	342	317	55	64	195
95th Queue (ft)	482	450	102	117	356
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB
Directions Served	L	T	T	T	T	TR	L	LTR	LTR
Maximum Queue (ft)	25	412	393	66	83	56	107	150	67
Average Queue (ft)	4	166	187	27	41	2	48	46	16
95th Queue (ft)	19	273	295	60	79	18	90	107	45
Link Distance (ft)		584	584	140	140	140	796	796	358
Upstream Blk Time (%)									
Queuing Penalty (veh)									
Storage Bay Dist (ft)	150								
Storage Blk Time (%)		5							
Queuing Penalty (veh)		0							

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	280	114	138	119	48	171	244	268	225	197	275	43
Average Queue (ft)	225	35	35	52	18	101	124	165	123	33	122	21
95th Queue (ft)	312	82	90	101	44	167	200	227	195	92	220	39
Link Distance (ft)	208	208	208	208	208		1796	1796	1796	1013	1013	1013
Upstream Blk Time (%)	17											
Queuing Penalty (veh)	44											
Storage Bay Dist (ft)						225						
Storage Blk Time (%)							1					
Queuing Penalty (veh)							1					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	113	110	84
Average Queue (ft)	76	75	34
95th Queue (ft)	115	109	65
Link Distance (ft)	210	210	210
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	107	164	156	238	67	164	212	195	114	54	28	55
Average Queue (ft)	47	73	47	108	25	89	101	117	42	29	8	23
95th Queue (ft)	82	143	106	217	53	152	177	193	94	51	29	52
Link Distance (ft)		1796	1796	1796		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)						1						
Queuing Penalty (veh)						0						

Intersection: 10: Padonia & Access

Movement	EB	B18	B18	B18	B18	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	95	56	78	146	91	31
Average Queue (ft)	15	36	29	7	5	2
95th Queue (ft)	60	76	75	53	35	14
Link Distance (ft)	92	140	140	140	140	186
Upstream Blk Time (%)	0			0		
Queuing Penalty (veh)	0			0		
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	91	84	43	72	75	51	74	74
Average Queue (ft)	46	25	13	26	35	19	23	15
95th Queue (ft)	86	57	32	57	76	47	59	50
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB
Directions Served	R
Maximum Queue (ft)	55
Average Queue (ft)	24
95th Queue (ft)	50
Link Distance (ft)	212
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	188	204	160	175	299	195	351	260	200	169	185	345
Average Queue (ft)	123	151	104	103	97	122	169	129	7	50	104	147
95th Queue (ft)	175	211	163	167	225	200	262	220	66	114	175	260
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)						4	6	3				1
Queuing Penalty (veh)						8	11	4				1

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	332	254	346	317	270
Average Queue (ft)	120	35	215	181	24
95th Queue (ft)	239	113	298	278	143
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)			4	1	0
Queuing Penalty (veh)			2	4	0

Intersection: 25: Beaver Dam & Hotel Access

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Network Summary

Network wide Queuing Penalty: 75

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.4	0.1
Total Del/Veh (s)	13.3	14.5	11.0	13.6

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.1	0.0
Total Del/Veh (s)	5.4	4.5	18.6	17.3	6.5

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	4.2	0.1	0.2	0.0	1.5
Total Del/Veh (s)	25.7	38.0	44.2	38.1	35.0

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.2	0.2	0.1
Total Del/Veh (s)	17.8	17.9	28.7	25.0	19.1

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.0	3.4	3.3	2.4

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.6	0.3
Total Del/Veh (s)	19.3	4.0	4.7	7.6

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	8.9	1.4	1.7	1.7

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.4	1.0	1.4	0.8
Total Del/Veh (s)	56.2	51.3	47.8	34.4	47.4

25: Beaver Dam & Hotel Access Performance by approach

Approach	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	1.8	0.9	1.3

Total Network Performance

Denied Del/Veh (s)	1.4
Total Del/Veh (s)	69.3

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	201	194	295	326	148
Average Queue (ft)	146	117	210	218	73
95th Queue (ft)	193	176	324	321	141
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	WB	WB	WB	B18	B18	NB	NB	SB
Directions Served	T	T	T	T	TR	T	T	L	LTR	LTR
Maximum Queue (ft)	160	146	118	169	136	32	56	158	152	87
Average Queue (ft)	70	70	52	74	16	1	2	85	32	19
95th Queue (ft)	128	115	100	136	68	11	18	134	96	54
Link Distance (ft)	584	584	140	140	140	92	92	796	796	358
Upstream Blk Time (%)				1	0					
Queuing Penalty (veh)				3	1					
Storage Bay Dist (ft)										
Storage Blk Time (%)	0									
Queuing Penalty (veh)	0									

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	LT	R
Maximum Queue (ft)	280	280	239	217	175	250	341	401	417	318	386	138
Average Queue (ft)	157	183	168	160	42	125	246	279	230	159	223	74
95th Queue (ft)	261	250	231	217	100	270	320	360	318	253	354	128
Link Distance (ft)	208	208	208	208	208		1796	1796	1796	1013	1013	1013
Upstream Blk Time (%)	11	3	1	1								
Queuing Penalty (veh)	27	9	3	1								
Storage Bay Dist (ft)						225						
Storage Blk Time (%)							9					
Queuing Penalty (veh)							12					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	SB	SB	SB
Directions Served	LT	T	R
Maximum Queue (ft)	239	223	198
Average Queue (ft)	160	160	86
95th Queue (ft)	236	230	162
Link Distance (ft)	210	210	210
Upstream Blk Time (%)	5	2	0
Queuing Penalty (veh)	13	6	0
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	224	463	356	404	169	198	195	205	135	132	199	110
Average Queue (ft)	71	144	132	194	84	49	75	87	72	41	85	43
95th Queue (ft)	182	332	282	376	154	131	162	172	127	78	152	79
Link Distance (ft)		1796	1796	1796		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)		3			2	0						
Queuing Penalty (veh)		4			6	0						

Intersection: 10: Padonia & Access

Movement	EB	EB	B18	B18	B18	B18	WB	SB
Directions Served	T	T	T	T	T	T	T	R
Maximum Queue (ft)	68	48	58	66	68	75	73	31
Average Queue (ft)	6	2	21	13	2	3	4	2
95th Queue (ft)	34	16	63	53	22	25	32	14
Link Distance (ft)	92	92	140	140	140	140	208	186
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)								
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	134	113	69	116	115	74	96	132
Average Queue (ft)	68	51	31	42	67	31	39	34
95th Queue (ft)	133	98	53	97	124	65	83	83
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)				0	1			
Queuing Penalty (veh)				1	3			
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB	SB	SB
Directions Served	R	T	T
Maximum Queue (ft)	47	94	51
Average Queue (ft)	18	6	3
95th Queue (ft)	43	37	20
Link Distance (ft)	212		325
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		150	
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	315	438	357	328	221	194	313	277	200	267	294	532
Average Queue (ft)	229	260	226	224	71	131	195	158	13	135	199	291
95th Queue (ft)	311	370	325	318	170	220	276	256	95	233	321	464
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)	1	9				4	13	5		0	1	8
Queuing Penalty (veh)	3	26				8	16	4		0	3	26

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	482	255	449	435	270
Average Queue (ft)	307	184	289	247	51
95th Queue (ft)	475	299	428	393	220
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		1	16	5	0
Queuing Penalty (veh)		5	28	22	0

Intersection: 25: Beaver Dam & Hotel Access

Movement	NB	NB
Directions Served	T	T
Maximum Queue (ft)	29	80
Average Queue (ft)	1	8
95th Queue (ft)	10	43
Link Distance (ft)	325	325
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 231

Appendix F:

Background Development Information

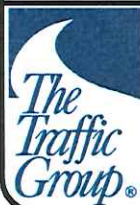
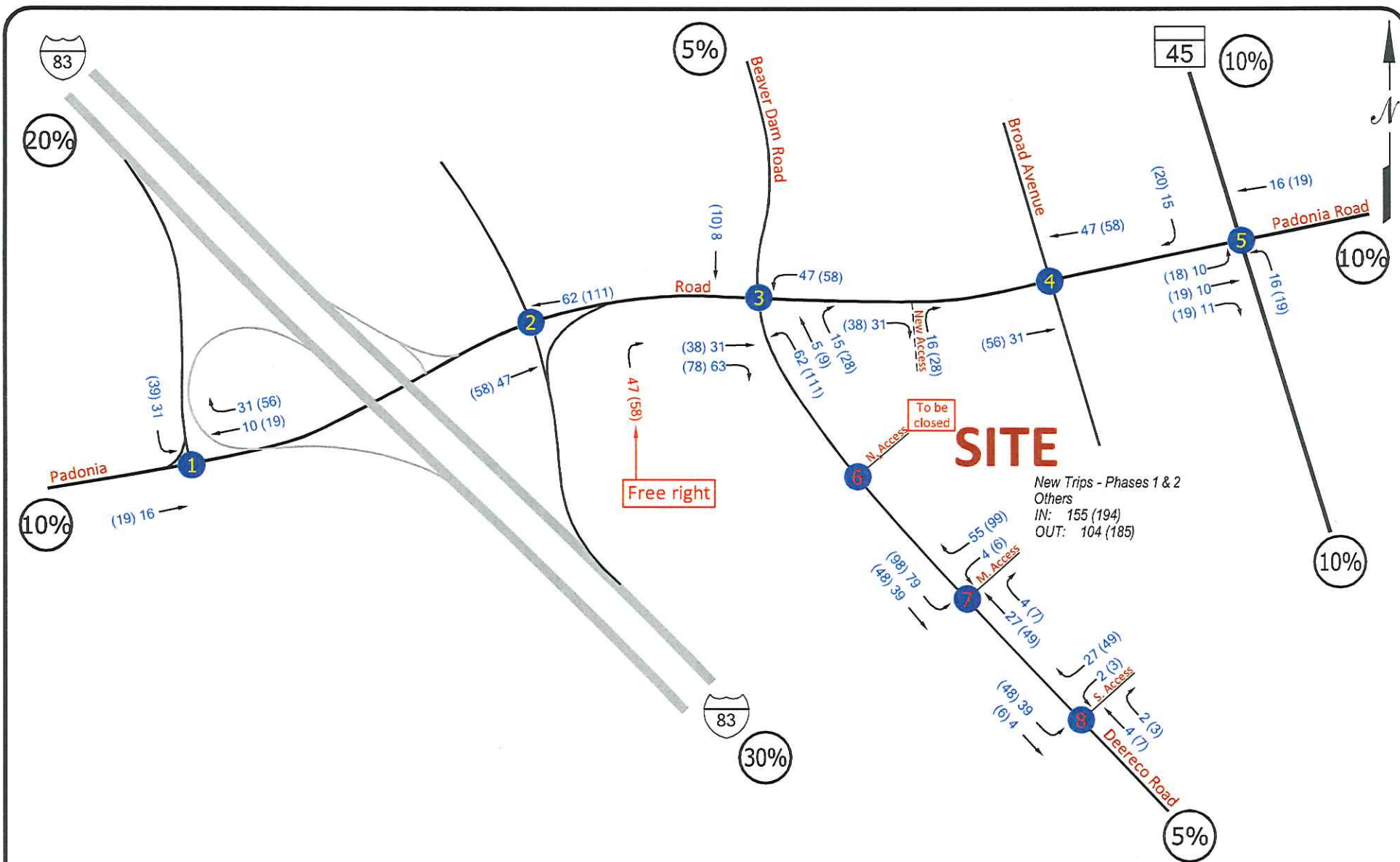
Trip Generation Rates

Formula/Rate	Directional Distribution			
	AM Peak Hour IN	AM Peak Hour OUT	PM Peak Hour IN	PM Peak Hour OUT
General Office (ksf, ITE-710)				
Ln(Morning Trips) = $0.80 \times \text{Ln(ksf)} + 1.57$	88%	12%	17%	83%
Evening Trips = $1.12 \times \text{ksf} + 78.45$				
Hotel Rooms (ITE-310)				
Morning Trips = $0.53 \times \text{Rooms}$	59%	41%	51%	49%
Evening Trips = $0.60 \times \text{Rooms}$				
Apartment Units (ITE-220, Units)				
Morning Trips = $0.49 \times \text{Units} + 3.73$	20%	80%	65%	35%
Evening Trips = $0.55 \times \text{Units} + 17.65$				
Shopping Center (ksf, ITE-820)				
Ln(Morning Trips) = $0.61 \times \text{Ln(ksf)} + 2.24$	62%	38%	48%	52%
Ln(Evening Trips) = $0.67 \times \text{Ln(ksf)} + 3.31$				
High Turnover (Sit-Down) Rest. (ksf, ITE-932)				
Morning Trips = $10.81 \times \text{ksf}$	55%	45%	40%	60%
Evening Trips = $9.85 \times \text{ksf}$				
Supermarket (ksf, ITE-850)				
Morning Trips = $3.40 \times \text{ksf}$	62%	38%	51%	49%
Evening Trips = $9.48 \times \text{ksf}$				

Trip Generation for Deereco - Phases 1 & 2

No.	Land Use	Size	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
	General Office	100,000 sq.ft.	168	23	191	32	158	190
	Internal Trips Capture (10%)		-17	-2	-19	-3	-16	-19
	Net New Office Trips		151	21	172	29	142	171
	<i>(Existing 100 ksf Tessco office building will be demolished)</i>		<i>No Office Trip Increase</i>					
	Hotel	120 Rooms	38	26	64	37	35	72
	Internal Trips Capture (10%)		-4	-3	-6	-4	-4	-7
	Net New Hotel Trips		34	23	58	33	31	65
	Apartment	410 Units	41	164	205	158	85	243
	Internal Trips Capture (10%)		-4	-16	-21	-16	-9	-24
	Net New Residential Trips		37	148	184	142	76	219
	Supermarket	42,000 sq.ft.	89	54	143	203	195	398
	Internal Trips Capture (10%)		-9	-5	-14	-20	-20	-40
	Pass-by Trips (PM -36%)					-66	-63	-129
	Net New Retail Trips		80	49	129	117	112	229
	Retail	16,500 sq.ft.	32	20	52	86	93	179
	Internal Trips Capture (10%)		-3	-2	-5	-9	-9	-18
	Pass-by Trips (PM -34%)					-26	-29	-55
	Net New Retail Trips		29	18	47	51	55	106
	High Turnover (Sit-Down) Rest.	8,500 sq.ft.	51	41	92	50	34	84
	Internal Trips Capture (10%)		-5	-4	-9	-5	-3	-8
	Pass-by Trips (PM -43%)					-19	-13	-32
	Net New Retail Trips		46	37	83	26	18	44
Net New Trips for Deereco			226	275	501	369	292	663

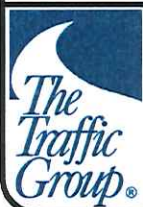
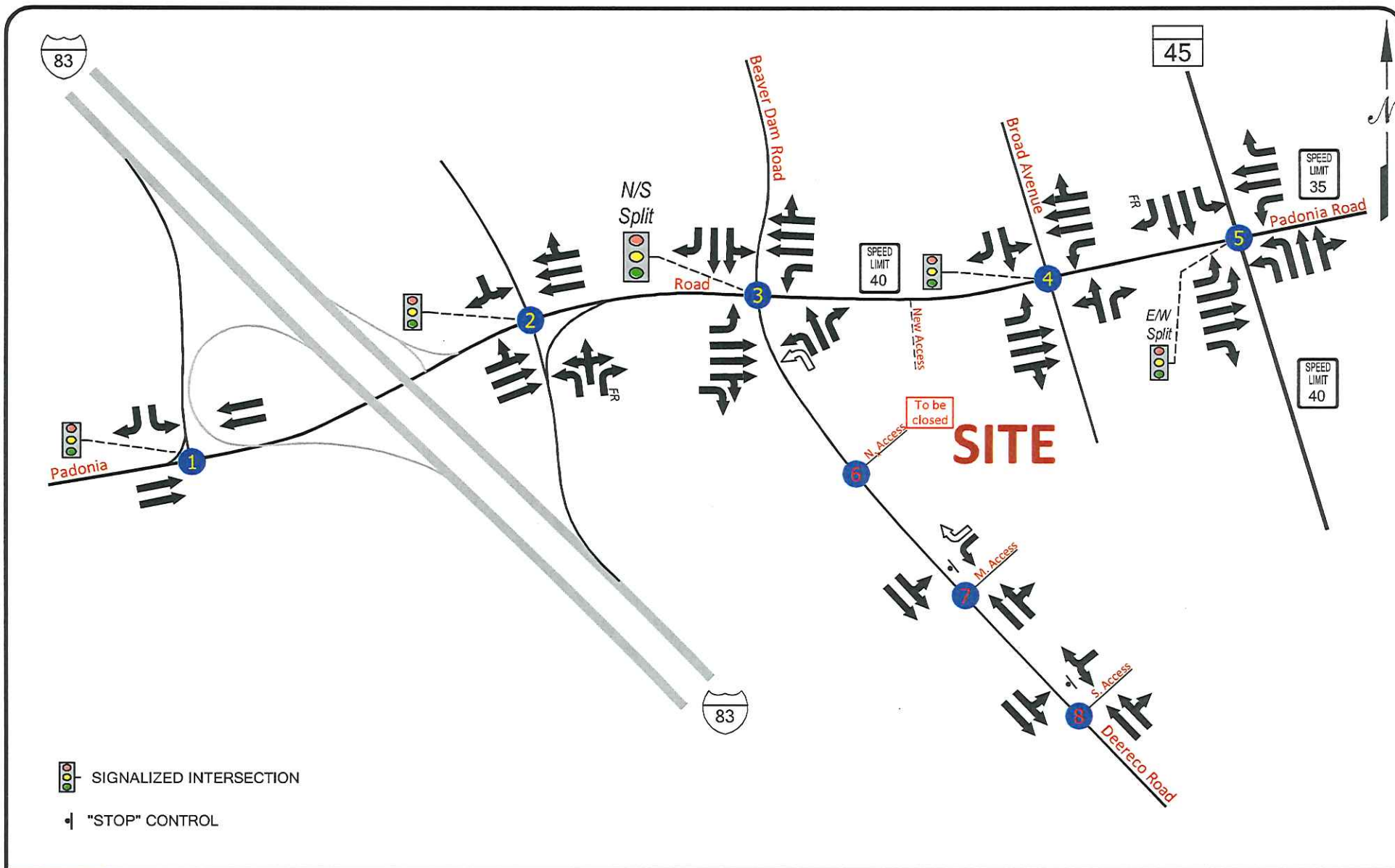




NOT TO SCALE

00 - MORNING PEAK HOUR
(00) - EVENING PEAK HOUR

EXHIBIT 7F
NEW TRIP ASSIGNMENT FOR
SUBJECT SITE
(PHASES 1 & 2 - OTHERS)



NOT TO SCALE

EXISTING LANE USE
FUTURE LANE USE

EXHIBIT 13 RECOMMENDED FUTURE LANE USE

Appendix G:

Background Condition
Critical Lane Volume Analysis Worksheets

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from SB I-83
 Alternative: Background
 Date: 3/26/2019 By: NED



Diagram showing intersection geometry for the AM Peak Hour. It includes a north arrow pointing up. The intersection is between Padonia Road (horizontal) and a ramp from SB I-83 (vertical). Padonia Road has three lanes: a left-turn lane, a through lane, and a right-turn lane. The ramp from SB I-83 has one lane. Traffic flow is indicated by arrows and volumes: 666 (left), 1,191 (through), 1,191 (right) on Padonia Road; 267 (left), 734 (through), 467 (right) on the ramp; and 399 (left), 399 (right) on the ramp. A 'Free' label is next to the ramp.

ID	Volume	Opposing Lefts	Total	*
EBT	1,191 x 0.55 = 655		655	*
WBT	399 x 0.55 = 219		219	*
SBL	467 x 1.00 = 467		467	*

AM Peak Hour:
 CLV: 1,122
 v/c: 0.70
 LOS: **B**

Notes:

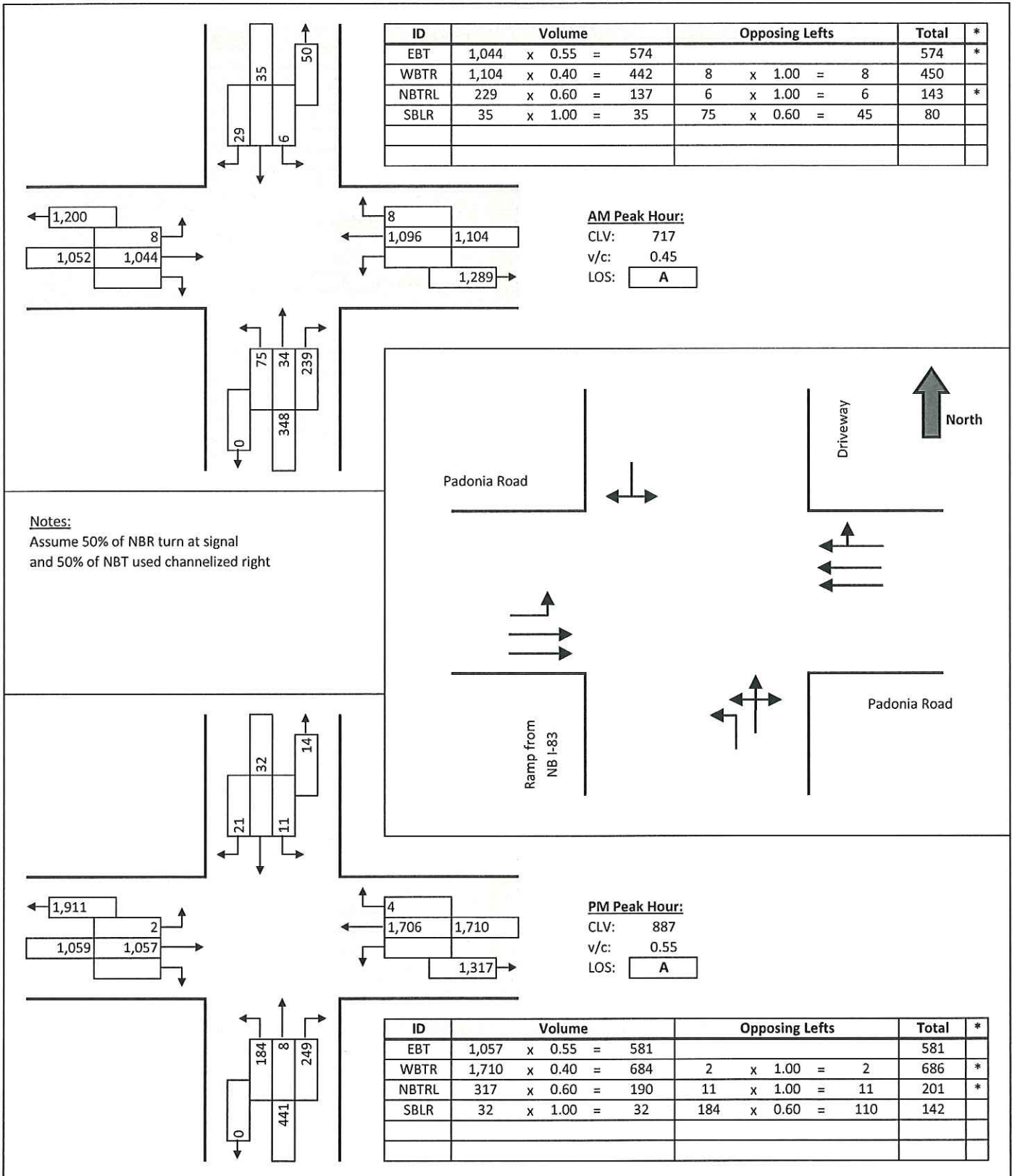
Diagram showing intersection geometry for the PM Peak Hour. It includes a north arrow pointing up. The intersection is between Padonia Road (horizontal) and a ramp from SB I-83 (vertical). Padonia Road has three lanes: a left-turn lane, a through lane, and a right-turn lane. The ramp from SB I-83 has one lane. Traffic flow is indicated by arrows and volumes: 1,381 (left), 1,026 (through), 1,026 (right) on Padonia Road; 253 (left), 513 (through), 260 (right) on the ramp; and 1,128 (left), 1,128 (right) on the ramp. A 'Free' label is next to the ramp.

ID	Volume	Opposing Lefts	Total	*
EBT	1,026 x 0.55 = 564		564	*
WBT	1,128 x 0.55 = 620		620	*
SBL	260 x 1.00 = 260		260	*

PM Peak Hour:
 CLV: 880
 v/c: 0.55
 LOS: **A**

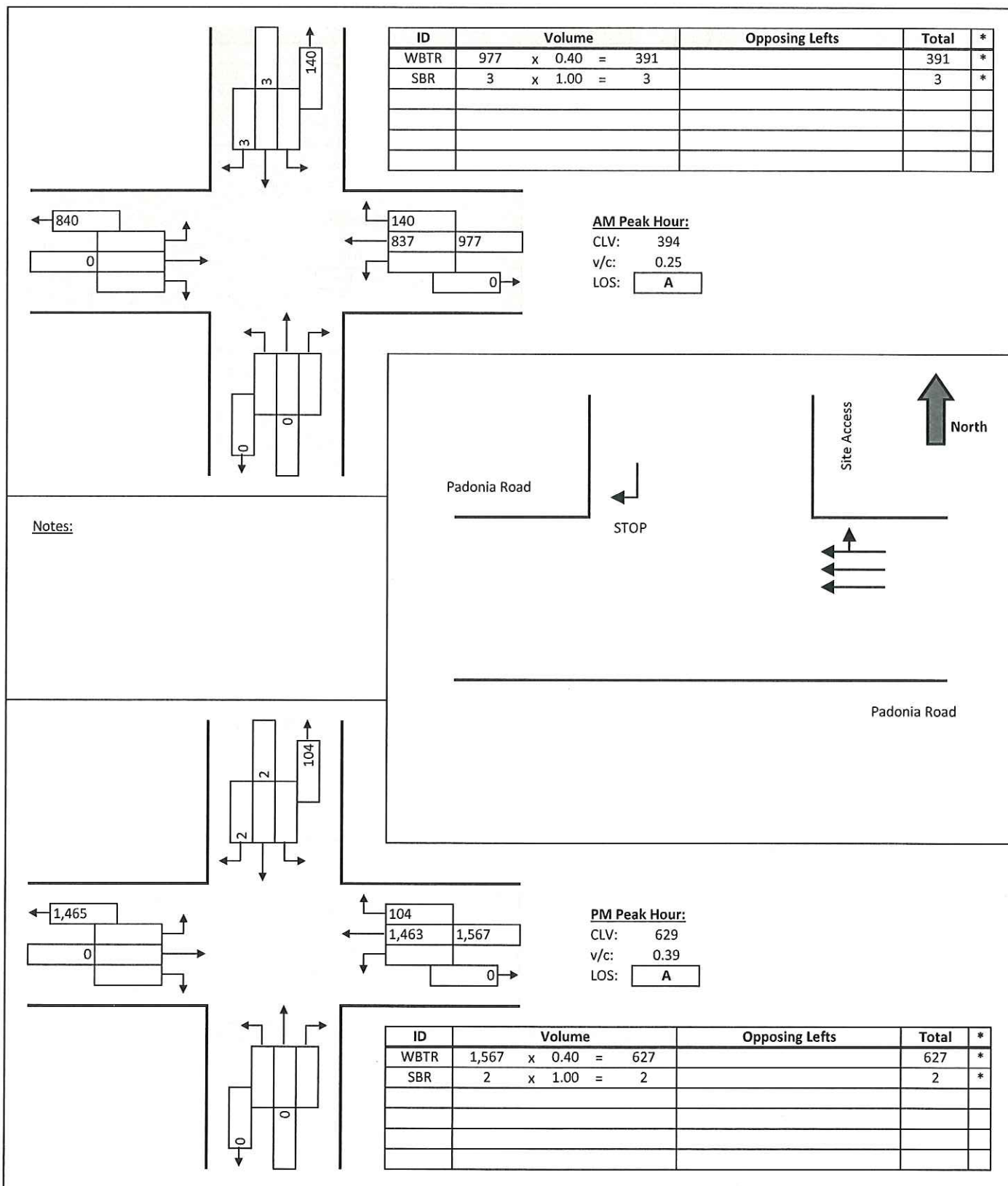
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from NB I-83
 Alternative: Background
 Date: 3/26/2019 By: NED



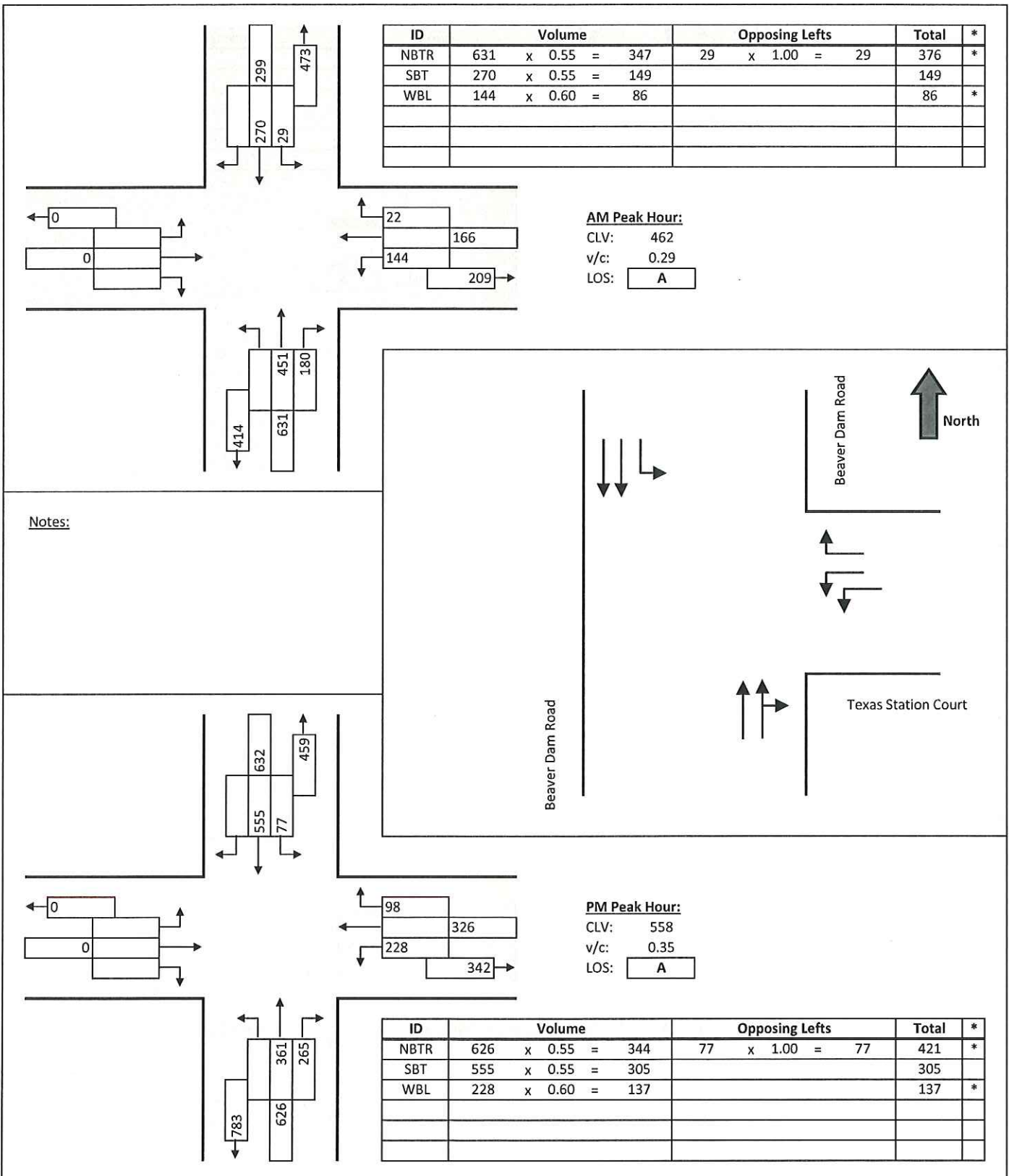
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Site Access
 Alternative: Background
 Date: 3/26/2019 By: NED



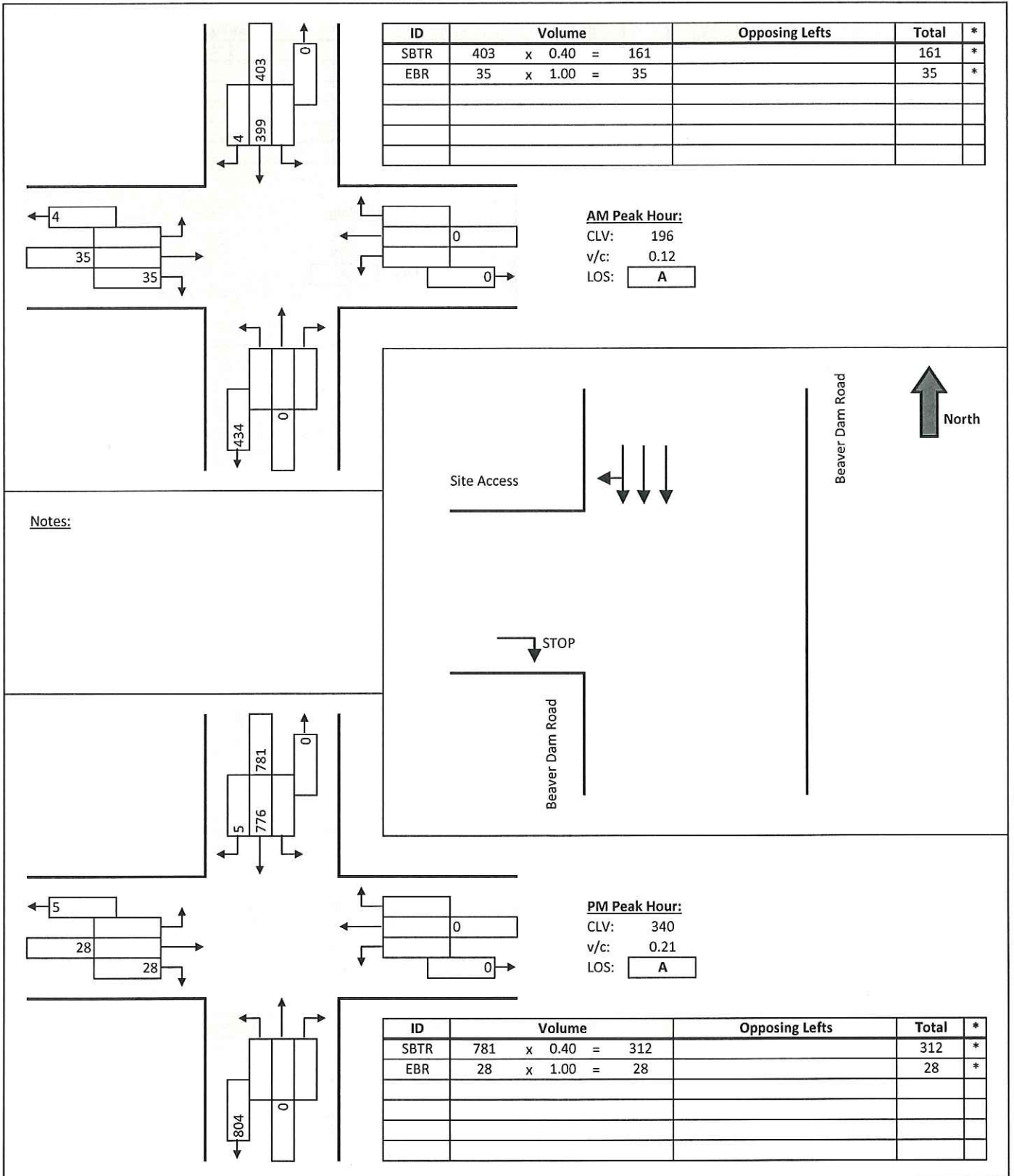
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Texas Station Court
 Alternative: Background
 Date: 3/26/2019 By: NED



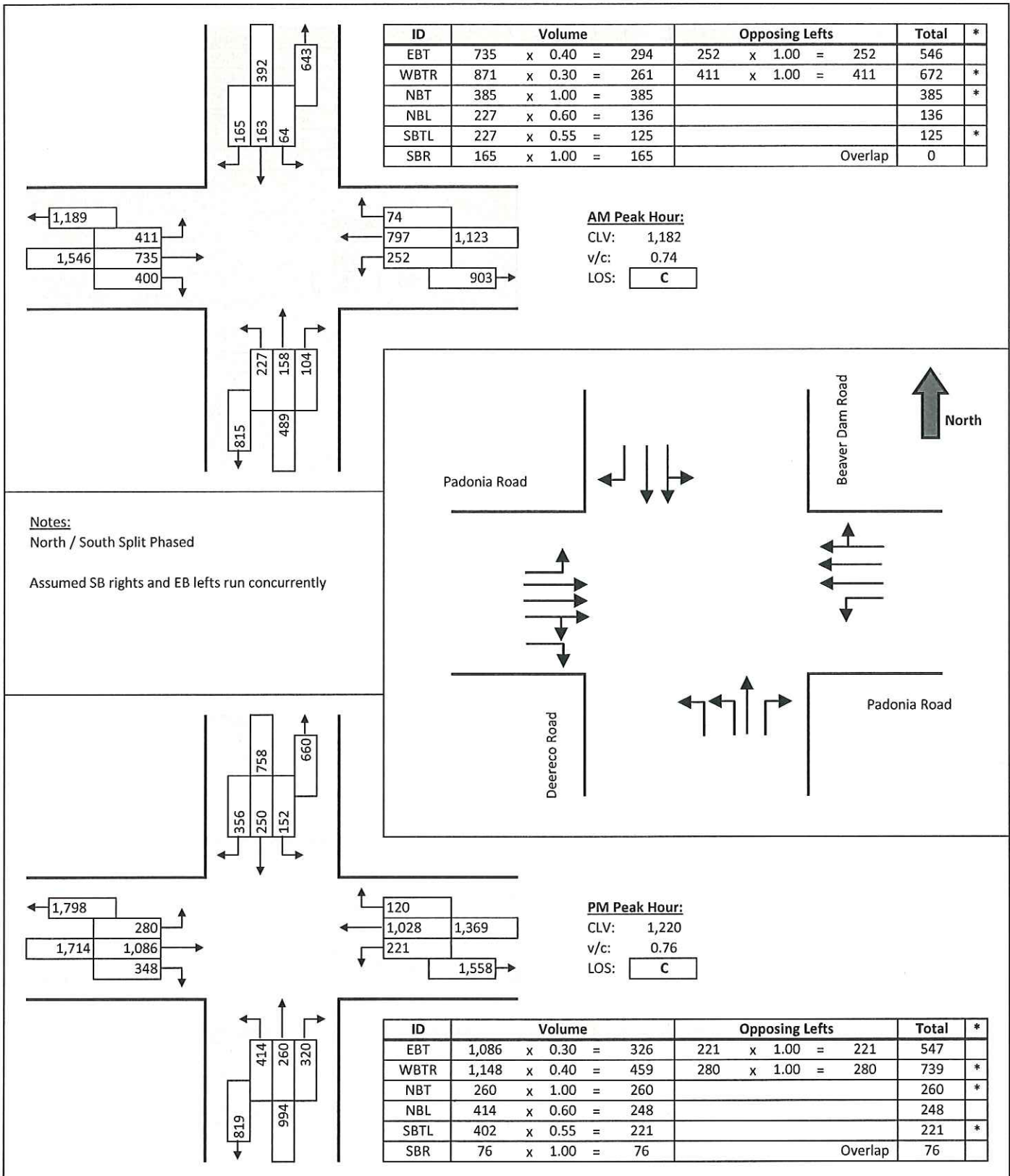
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Site Access
 Alternative: Background
 Date: 3/26/2019 By: NED



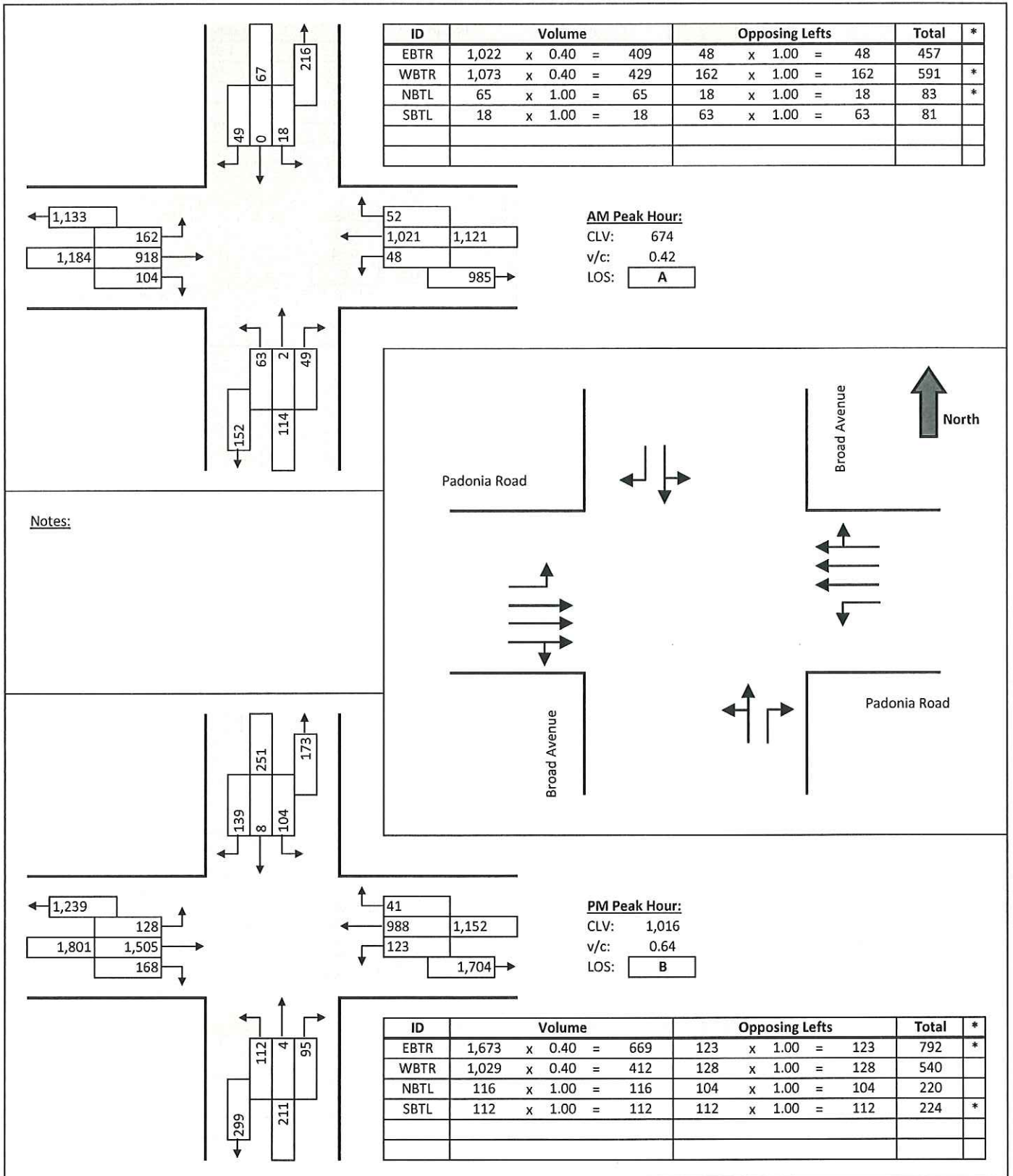
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Beaver Dam Road / Deereco Road
 Alternative: Background
 Date: 3/26/2019 By: NED



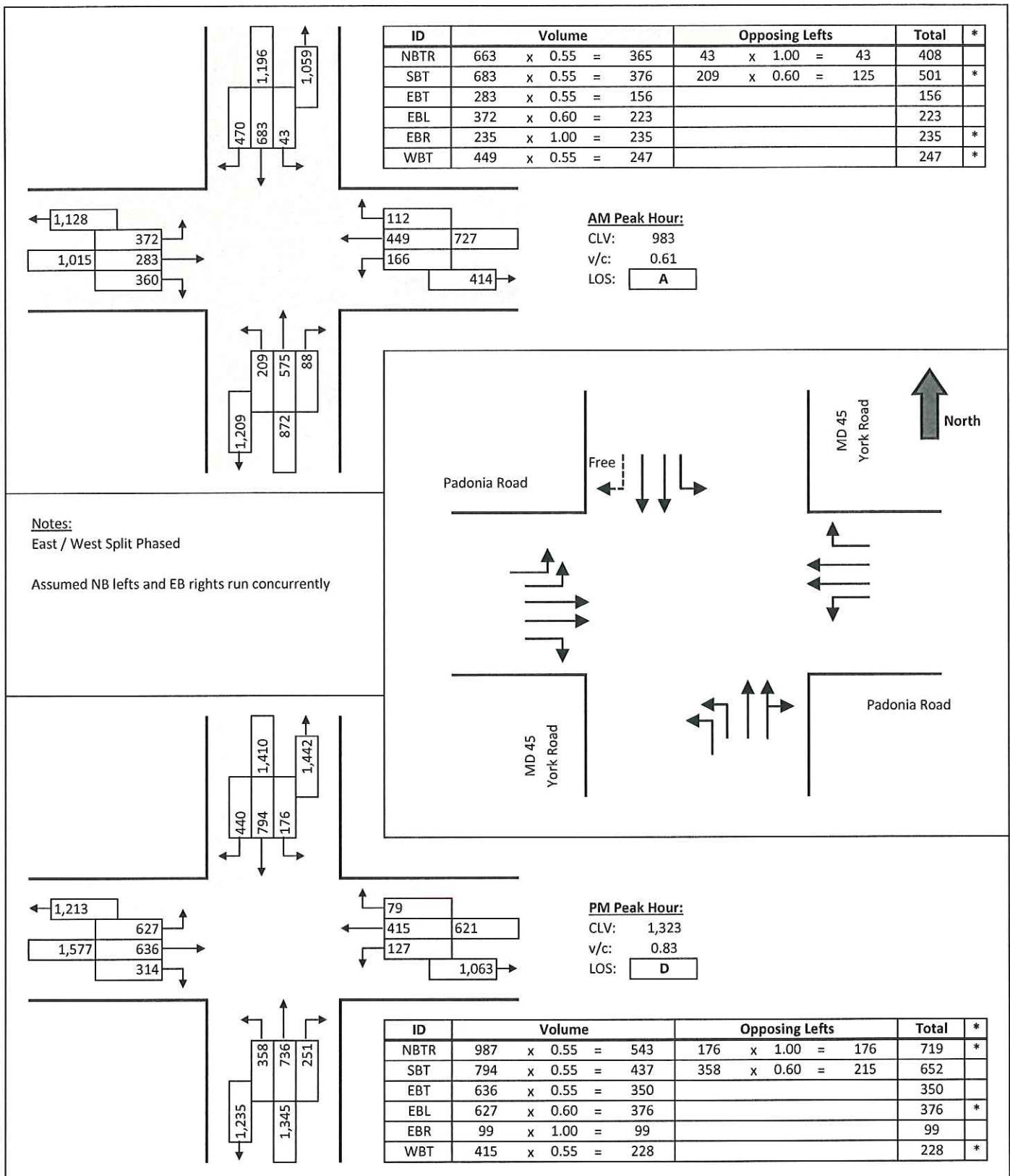
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Broad Avenue
 Alternative: Background
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: York Road at Padonia Road
 Alternative: Background
 Date: 3/26/2019 By: NED



Appendix H:

Background Conditions SimTraffic Outputs

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.6	0.3
Total Del/Veh (s)	31.9	4.5	20.6	18.9

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.3	0.1	0.0
Total Del/Veh (s)	9.3	5.1	14.3	11.5	8.4

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	1.5	0.0	0.2	0.0	0.6
Total Del/Veh (s)	15.1	24.6	50.8	30.8	24.7

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.1	0.1
Total Del/Veh (s)	10.8	22.1	25.5	14.4	16.6

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.0	2.1	2.8	1.5

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.4	0.1
Total Del/Veh (s)	23.8	1.7	3.2	5.6

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	4.1	1.1	0.9	1.1

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.3	0.8	1.4	0.9
Total Del/Veh (s)	34.2	39.1	26.2	21.1	29.4

25: Beaver Dam & Hotel Access Performance by approach

Approach	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	1.0	0.7	0.9

Total Network Performance

Denied Del/Veh (s)			1.0
Total Del/Veh (s)			51.4

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	484	476	140	119	429
Average Queue (ft)	340	313	86	76	223
95th Queue (ft)	468	433	132	108	389
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB
Directions Served	L	T	T	T	T	TR	L	LTR	LTR
Maximum Queue (ft)	26	272	308	155	152	92	93	216	63
Average Queue (ft)	7	162	185	87	93	20	44	49	18
95th Queue (ft)	24	247	268	136	151	69	77	126	43
Link Distance (ft)		584	584	140	140	140	796	796	358
Upstream Blk Time (%)				0	1				
Queuing Penalty (veh)				1	2				
Storage Bay Dist (ft)	150								
Storage Blk Time (%)		6							
Queuing Penalty (veh)		0							

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	L	T
Maximum Queue (ft)	275	100	149	131	111	236	264	267	237	176	151	232
Average Queue (ft)	201	44	43	76	39	138	123	154	125	115	61	130
95th Queue (ft)	299	91	102	129	88	230	204	229	195	165	133	210
Link Distance (ft)	203	203	203	203	203		1791	1791	1791	1013	1013	1013
Upstream Blk Time (%)	13											
Queuing Penalty (veh)	33											
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						1	0					
Queuing Penalty (veh)						2	0					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	NB	SB	SB	SB
Directions Served	R	LT	T	R
Maximum Queue (ft)	62	171	149	105
Average Queue (ft)	27	94	101	34
95th Queue (ft)	52	147	149	67
Link Distance (ft)	1013	210	210	210
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	132	172	185	205	168	220	225	259	93	52	71	67
Average Queue (ft)	56	72	60	92	33	121	119	147	40	21	13	26
95th Queue (ft)	106	130	127	160	85	185	188	230	81	51	41	53
Link Distance (ft)		1791	1791	1791		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)						2						
Queuing Penalty (veh)						1						

Intersection: 10: Padonia & Access

Movement	EB	B18	B18	B18	B18	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	31	63	65	179	140	31
Average Queue (ft)	4	40	30	12	9	1
95th Queue (ft)	19	81	78	80	57	10
Link Distance (ft)	92	140	140	140	140	186
Upstream Blk Time (%)				0	0	
Queuing Penalty (veh)				1	0	
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	158	106	23	55	75	48	74	53
Average Queue (ft)	63	36	10	23	41	13	23	15
95th Queue (ft)	122	73	27	49	72	39	55	46
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB
Directions Served	R
Maximum Queue (ft)	30
Average Queue (ft)	23
95th Queue (ft)	43
Link Distance (ft)	211
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	237	270	224	228	167	194	273	228	200	142	161	251
Average Queue (ft)	140	166	152	154	65	138	180	140	11	50	93	133
95th Queue (ft)	218	249	232	225	141	214	267	207	79	103	141	216
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)		0				3	11	2				0
Queuing Penalty (veh)		0				7	18	2				0

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB
Directions Served	TR	L	T	T
Maximum Queue (ft)	202	255	340	358
Average Queue (ft)	102	41	227	182
95th Queue (ft)	194	140	317	280
Link Distance (ft)	806		817	817
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		230		
Storage Blk Time (%)			5	0
Queuing Penalty (veh)			2	1

Intersection: 25: Beaver Dam & Hotel Access

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Network Summary

Network wide Queuing Penalty: 71

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.4	0.1
Total Del/Veh (s)	15.1	13.1	13.4	13.7

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.1	0.1	0.1
Total Del/Veh (s)	5.3	6.2	19.8	7.7	7.2

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	30.9	0.1	0.2	0.0	10.9
Total Del/Veh (s)	28.0	40.6	45.2	39.6	37.0

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.2	0.2	0.1
Total Del/Veh (s)	16.7	18.0	31.4	24.4	18.7

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.2	3.0	2.3	2.3

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.7	0.3
Total Del/Veh (s)	21.2	4.3	5.7	8.2

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.0	0.0
Total Del/Veh (s)	9.4	1.3	2.4	2.0

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.2	1.0	1.5	0.8
Total Del/Veh (s)	63.2	54.6	54.2	40.1	53.3

25: Beaver Dam & Hotel Access Performance by approach

Approach	NB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.0
Total Del/Veh (s)	1.7	0.8	1.2

Total Network Performance

Denied Del/Veh (s)	6.6
Total Del/Veh (s)	72.5

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	237	216	329	324	274
Average Queue (ft)	164	140	212	218	109
95th Queue (ft)	224	216	312	301	214
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	B18	NB	NB	SB
Directions Served	L	T	T	T	T	TR	T	L	LTR	LTR
Maximum Queue (ft)	24	127	168	196	189	109	70	164	138	49
Average Queue (ft)	1	70	88	85	93	39	2	85	32	10
95th Queue (ft)	8	120	149	142	156	98	23	141	82	32
Link Distance (ft)		584	584	140	140	140	92	796	796	358
Upstream Blk Time (%)				0	1					
Queuing Penalty (veh)				2	6					
Storage Bay Dist (ft)	150									
Storage Blk Time (%)										
Queuing Penalty (veh)										

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	L	T
Maximum Queue (ft)	275	260	275	276	200	250	351	421	367	282	270	365
Average Queue (ft)	200	175	177	170	67	171	248	269	236	176	153	189
95th Queue (ft)	288	258	268	255	138	276	338	367	329	256	219	305
Link Distance (ft)	203	203	203	203	203		1791	1791	1791	1013	1013	1013
Upstream Blk Time (%)	19	5	5	4	0							
Queuing Penalty (veh)	47	12	13	11	0							
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						2	11					
Queuing Penalty (veh)						5	23					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	NB	SB	SB	SB
Directions Served	R	LT	T	R
Maximum Queue (ft)	168	226	217	214
Average Queue (ft)	92	171	156	119
95th Queue (ft)	160	251	232	213
Link Distance (ft)	1013	210	210	210
Upstream Blk Time (%)		6	5	1
Queuing Penalty (veh)		17	14	3
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	225	359	282	336	169	213	236	254	179	117	244	137
Average Queue (ft)	64	136	113	151	86	71	88	102	79	46	83	57
95th Queue (ft)	161	259	231	280	157	174	192	196	149	89	164	98
Link Distance (ft)		1791	1791	1791		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)	0	2			0	1						
Queuing Penalty (veh)	0	2			1	2						

Intersection: 10: Padonia & Access

Movement	EB	EB	EB	B18	B18	B18	B18	SB
Directions Served	T	T	T	T	T	T	T	R
Maximum Queue (ft)	76	37	46	74	80	154	24	31
Average Queue (ft)	12	2	2	15	10	6	1	2
95th Queue (ft)	48	17	15	56	47	52	8	15
Link Distance (ft)	92	92	92	140	140	140	140	186
Upstream Blk Time (%)	0					0		
Queuing Penalty (veh)	0					0		
Storage Bay Dist (ft)								
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	131	134	81	117	116	95	136	112
Average Queue (ft)	68	50	33	54	68	41	49	40
95th Queue (ft)	114	88	60	111	126	80	102	87
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)				0	2			
Queuing Penalty (veh)				1	5			
Storage Bay Dist (ft)						150		
Storage Blk Time (%)							0	
Queuing Penalty (veh)							0	

Intersection: 14: Beaver Dam & Access

Movement	EB	SB	SB	SB
Directions Served	R	T	T	TR
Maximum Queue (ft)	52	76	53	186
Average Queue (ft)	17	11	7	13
95th Queue (ft)	44	46	32	79
Link Distance (ft)	211		325	325
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	313	452	485	571	410	194	325	318	200	251	295	609
Average Queue (ft)	249	290	261	277	129	137	234	199	20	144	223	333
95th Queue (ft)	324	419	410	440	311	235	326	313	119	234	337	518
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)	1	12		6	0	0	22	8	0	0	0	14
Queuing Penalty (veh)	2	36		20	0	0	28	6	0	0	0	51

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	570	255	569	527	270
Average Queue (ft)	351	188	352	298	140
95th Queue (ft)	516	308	528	471	357
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		0	27	11	0
Queuing Penalty (veh)		0	48	47	1

Intersection: 25: Beaver Dam & Hotel Access

Movement	NB	NB
Directions Served	T	T
Maximum Queue (ft)	31	53
Average Queue (ft)	1	7
95th Queue (ft)	10	32
Link Distance (ft)	325	325
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 406

Appendix J:

Proposed Site Land Use Data

Land Use: 960

Super Convenience Market/Gas Station

Description

This land use includes gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also had automated teller machines (ATMs), and public restrooms. The sites included in this land use category have the following two specific characteristics:

- The gross floor area of the convenience market is at least 3,000 gross square feet
- The number of vehicle fueling positions is at least 10

Convenience market with gasoline pumps (Land Use 853) and gasoline/service station with convenience market (Land Use 945) are related uses.

Additional Data

To reflect changing characteristics of the convenience market component of this land use, only data from the past two decades have been included in this land use.

The independent variable, vehicle fueling positions, is defined as the maximum number of vehicles that can be fueled simultaneously. Gasoline/service stations in this land use include "pay-at-the-pump" and traditional fueling stations.

A multi-variable regression analysis based on both the convenience market gross floor area (GFA) and the number of vehicle fueling positions (VFP) produced a series of fitted curve equations. The equations are in the form of:

$$\text{Vehicle Trips} = [(\text{VFP Factor}) \times (\text{Number of VFP})] + [(\text{GFA Factor}) \times (\text{GFA})] + (\text{Constant})$$

The values for the VFP factor, GFA factor, and constant are presented in the following table for each time period for which a fitted curve equation could produce an R^2 value of at least 0.50.

Time Period	VFP Factor	GFA Factor	Constant	R^2
Weekday, AM Peak Hour of Generator	10.3	105	-290	0.62
Weekday, PM Peak Hour of Generator	6.91	76.0	-133	0.68
Weekday, AM Peak Hour of Adjacent Street	16.1	135	-483	0.66
Weekday, PM Peak Hour of Adjacent Street	11.5	82.9	-226	0.51

The sites were surveyed in the late 1990's, 2000s and the 2010s in Florida, Iowa, Maryland, Minnesota, New Hampshire, New Jersey, Pennsylvania, Texas, Utah, and Wisconsin.

Source Numbers

617, 813, 844, 850, 864, 865, 867, 869, 882, 888, 904, 938, 954, 960, 962

Figure E.11 Convenience Market with Gasoline Pumps (853)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Floor Area

On a: Weekday, A.M. Peak Period

Number of Studies: 9

Average 1000 Sq. Feet GFA: 3

Data Plot

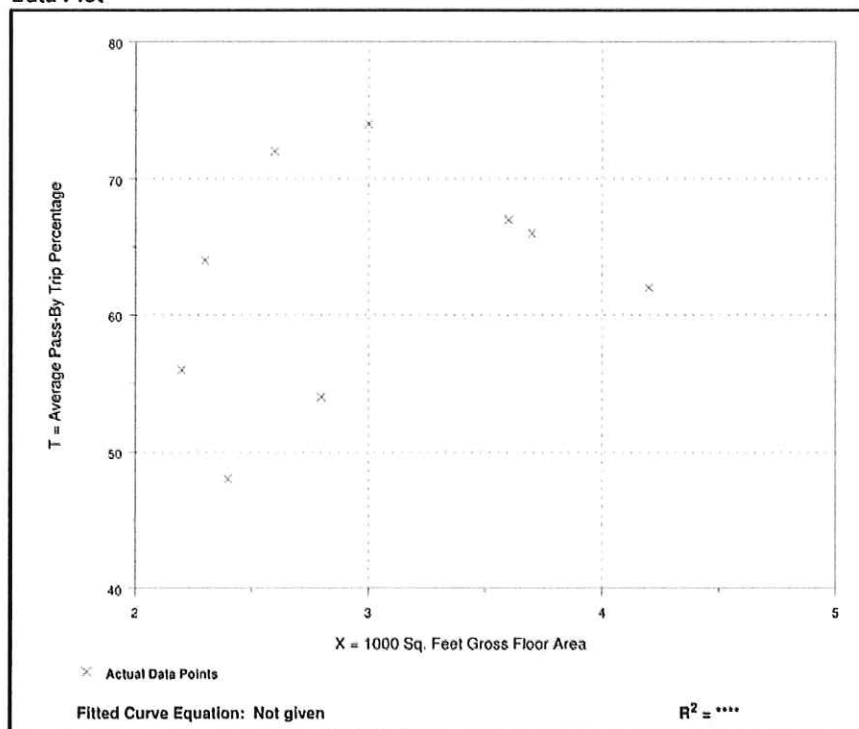


Figure E.12 Convenience Market with Gasoline Pumps (853)

Average Pass-By Trip Percentage vs: 1000 Sq. Feet Gross Floor Area
On a: Weekday, P.M. Peak Period
Number of Studies: 17
Average 1000 Sq. Feet GFA: 3

Data Plot

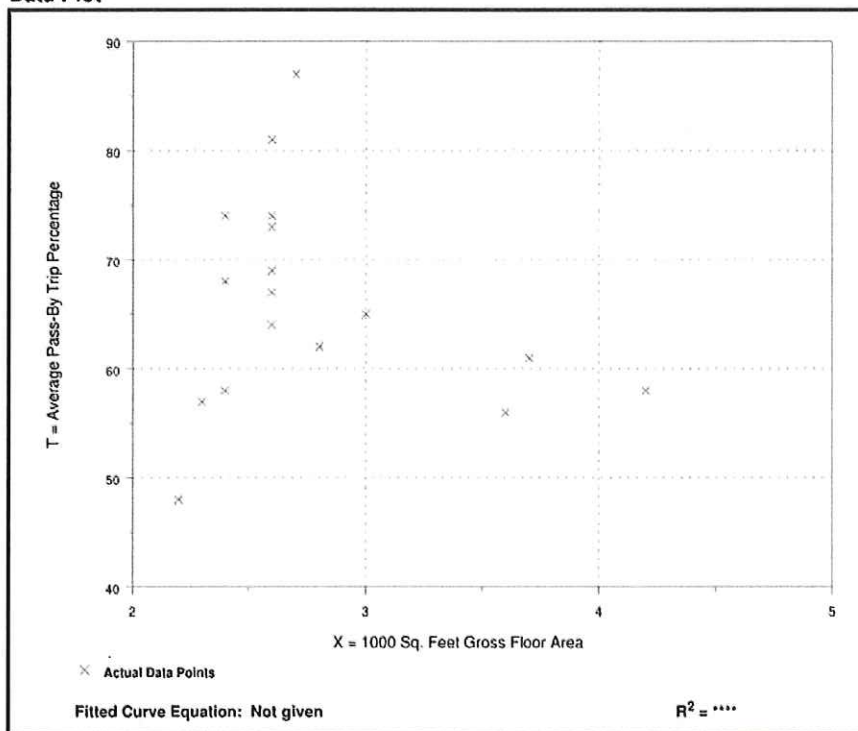


Figure E.18 Gasoline/Service Station with Convenience Market (945)

Average Pass-By Trip Percentage vs: 1,000 Sq. Ft. Gross Floor Area
On a: Weekday, AM Peak Period
Number of Studies: 10
Average 1,000 Sq. Ft. GFA: 0.8

Data Plot

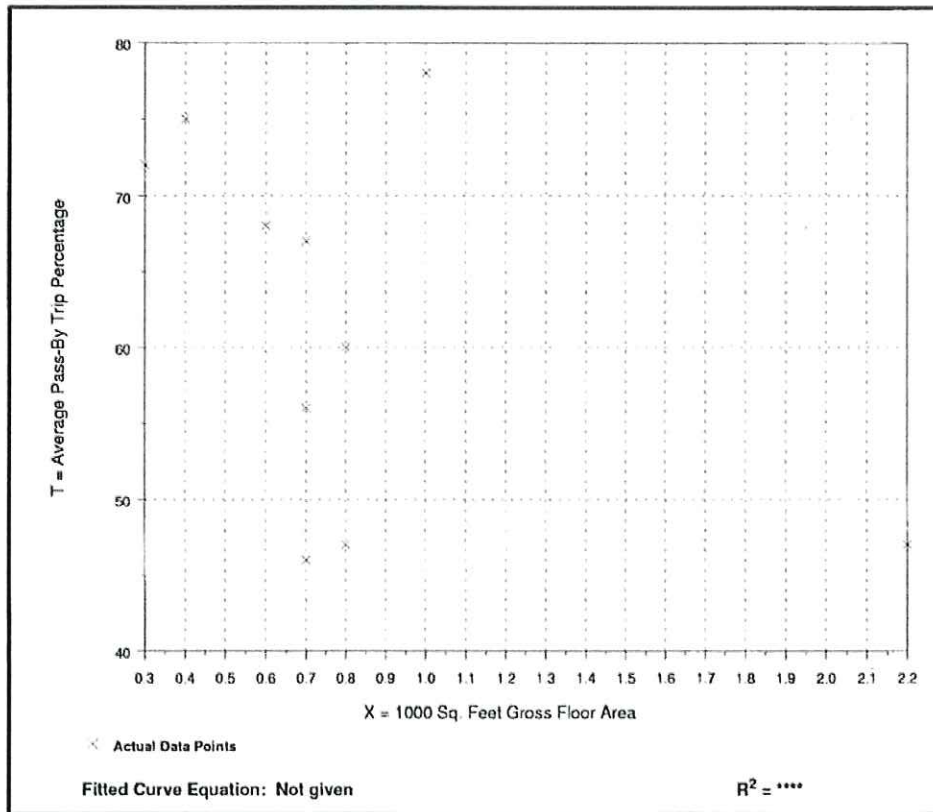
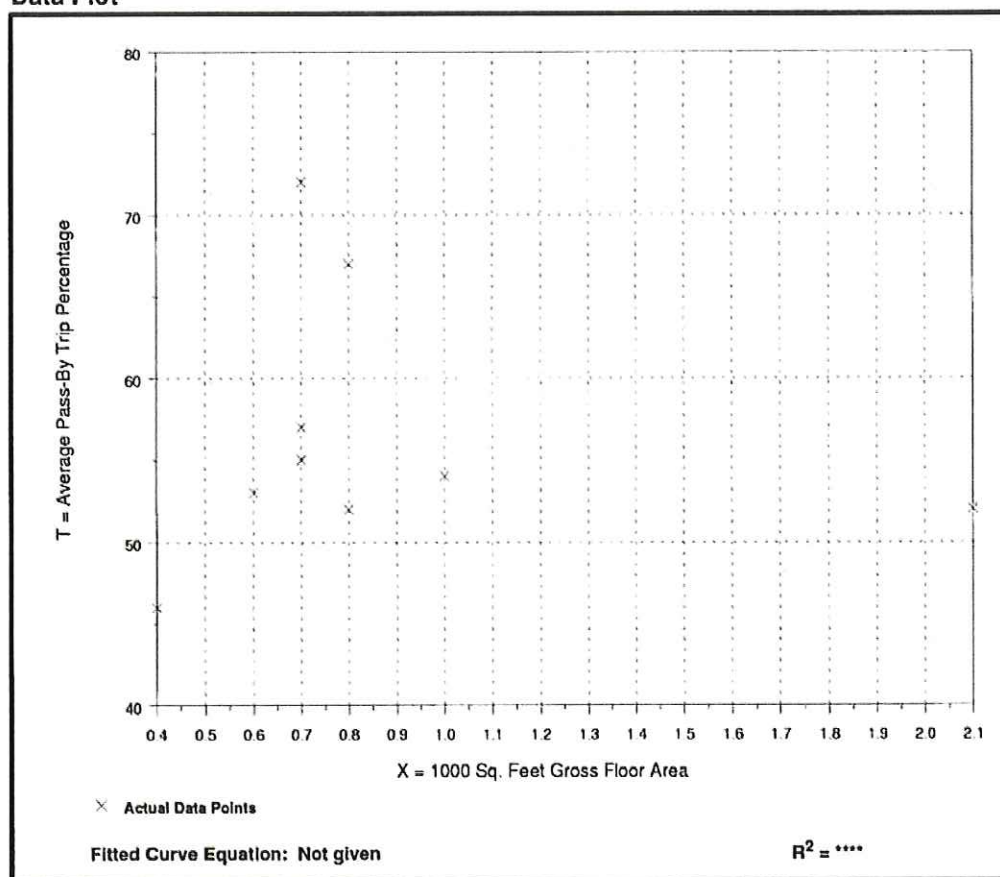


Figure E.19 Gasoline/Service Station with Convenience Market (945)

Average Pass-By-Trip Percentage vs: 1,000 Sq. Ft. Gross Floor Area
On a: Weekday, PM Peak Period
Number of Studies: 9
Average 1,000 Sq. Ft. GFA: 0.9

Data Plot



ITE Trip Generation Handbook, 10th Edition
Land Use Code 960: Super Convenience Market / Gas Station

Equation:					Vehicles Entering	Vehicles Exiting
Vehicle Trips =	[	VFP Factor	x	# of VFPs] + [GFA Factor x GFA Value] + Constant	50%	50%
Weekday, AM Peak Hour of Adjacent Street						
Vehicle Trips =	[	16.1	x	12] + [135 x 5] + -483 = 385	193	192
					Pass-by Trips: 65%	125
					New Trips: 35%	68
Weekday, PM Peak Hour of Adjacent Street						
Vehicle Trips =	[	11.5	x	12] + [82.9 x 5] + -226 = 327	164	163
					Pass-by Trips: 70%	115
					New Trips: 30%	49

VFP = Vehicle Fuel Positions

GFA = Gross Floor Area, per 1000 Square Feet

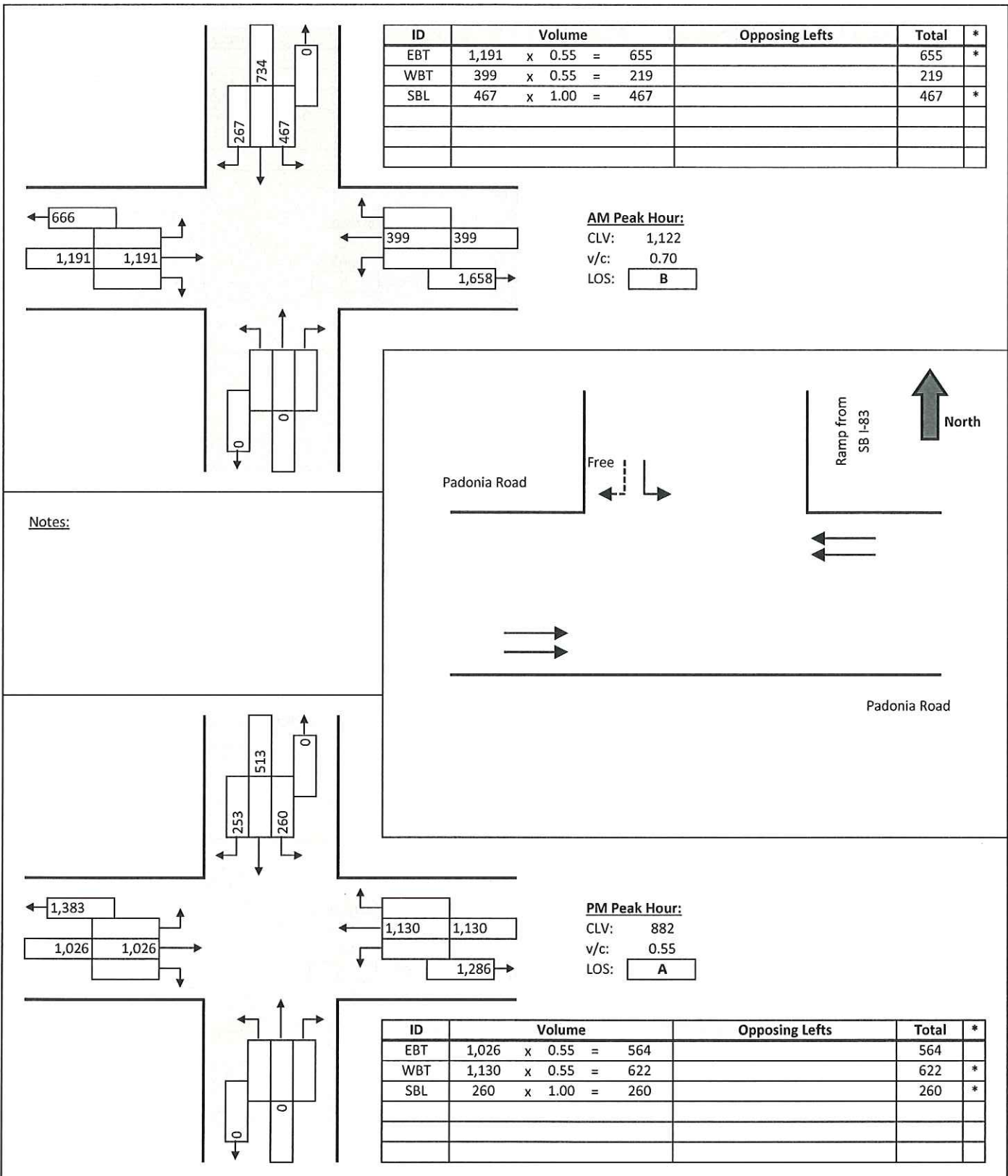
Directional Distribution = 50% Entering, 50% Exiting

Appendix K:

Total Projected Conditions Critical Lane Volume Analysis Worksheets

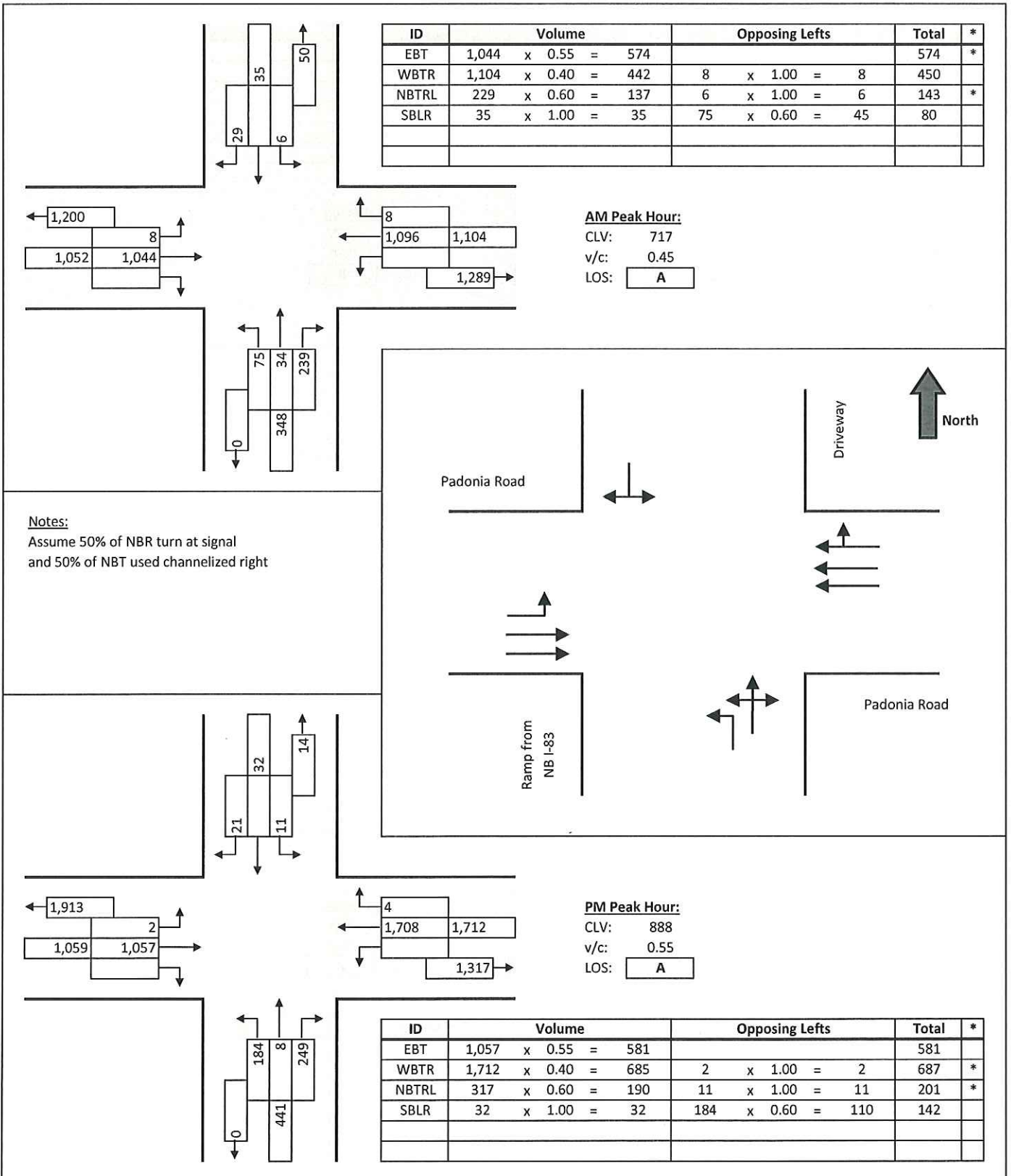
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from SB I-83
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Ramp from NB I-83
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Site Access
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



ID	Volume	Opposing Lefts	Total	*
WBTR	978 x 0.40 = 391		391	*
SBR	96 x 1.00 = 96		96	*

AM Peak Hour:
 CLV: 487
 v/c: 0.30
 LOS: **A**

Notes:

Notes:

Notes:

ID	Volume	Opposing Lefts	Total	*
WBTR	1,562 x 0.40 = 625		625	*
SBR	89 x 1.00 = 89		89	*

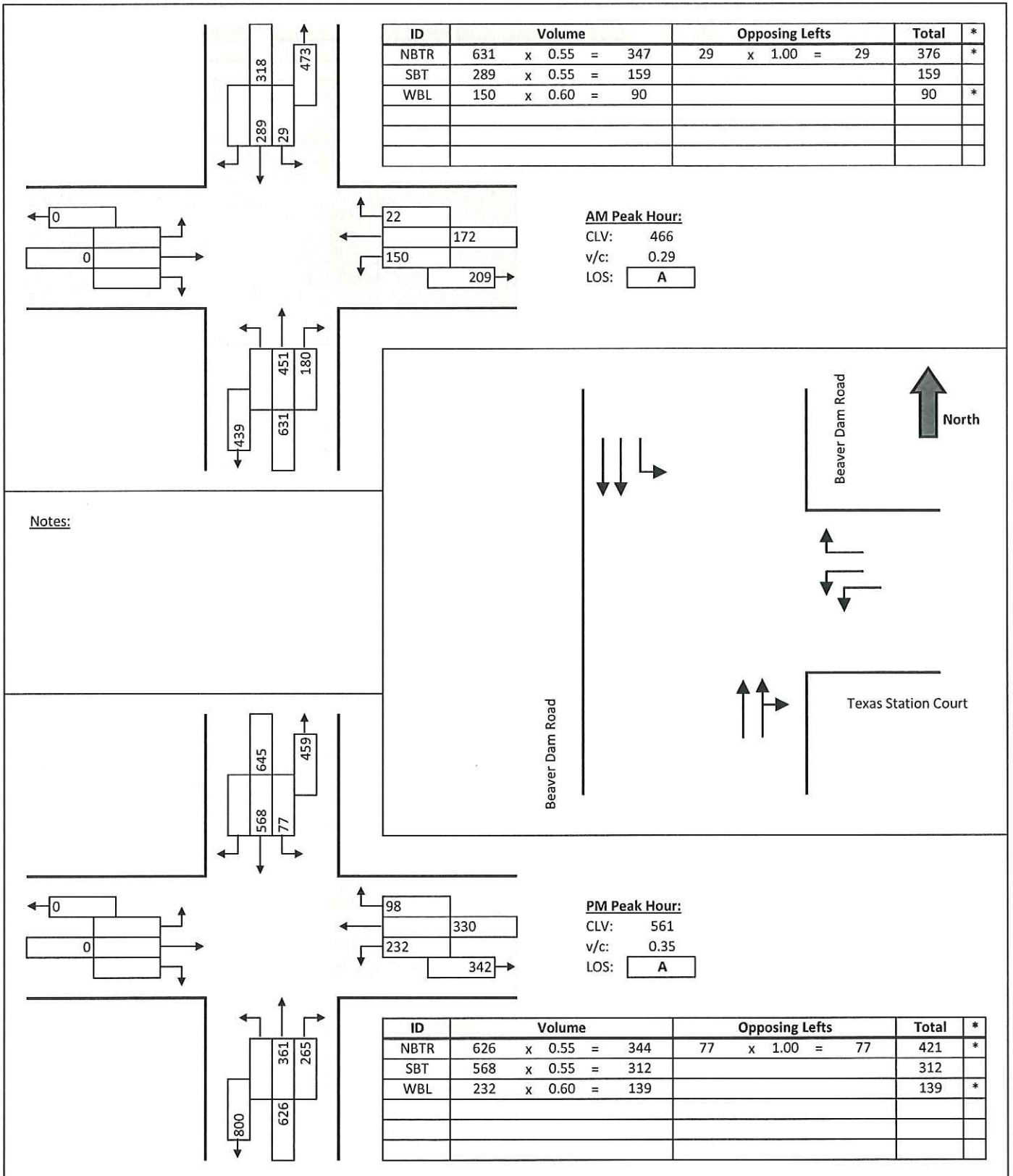
PM Peak Hour:
 CLV: 714
 v/c: 0.45
 LOS: **A**

Notes:

Notes:

Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Texas Station Court
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Beaver Dam Road at Site Access
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



AM Peak Hour:
 CLV: 238
 v/c: 0.15
 LOS: **A**

ID	Volume	Opposing Lefts	Total	*
SBTR	428 x 0.40 = 171		171	*
EBR	67 x 1.00 = 67		67	*

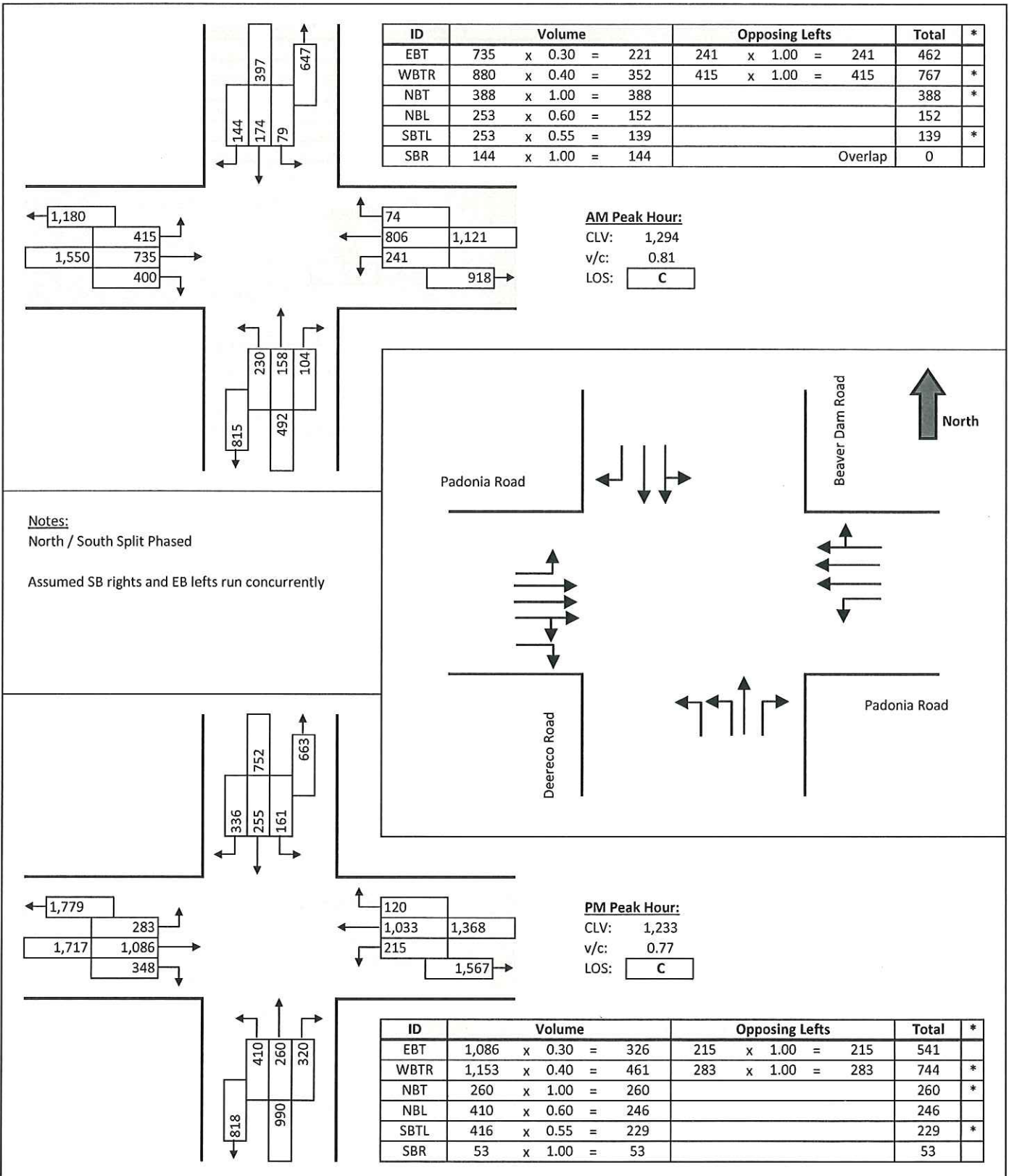
Notes:

PM Peak Hour:
 CLV: 372
 v/c: 0.23
 LOS: **A**

ID	Volume	Opposing Lefts	Total	*
SBTR	798 x 0.40 = 319		319	*
EBR	53 x 1.00 = 53		53	*

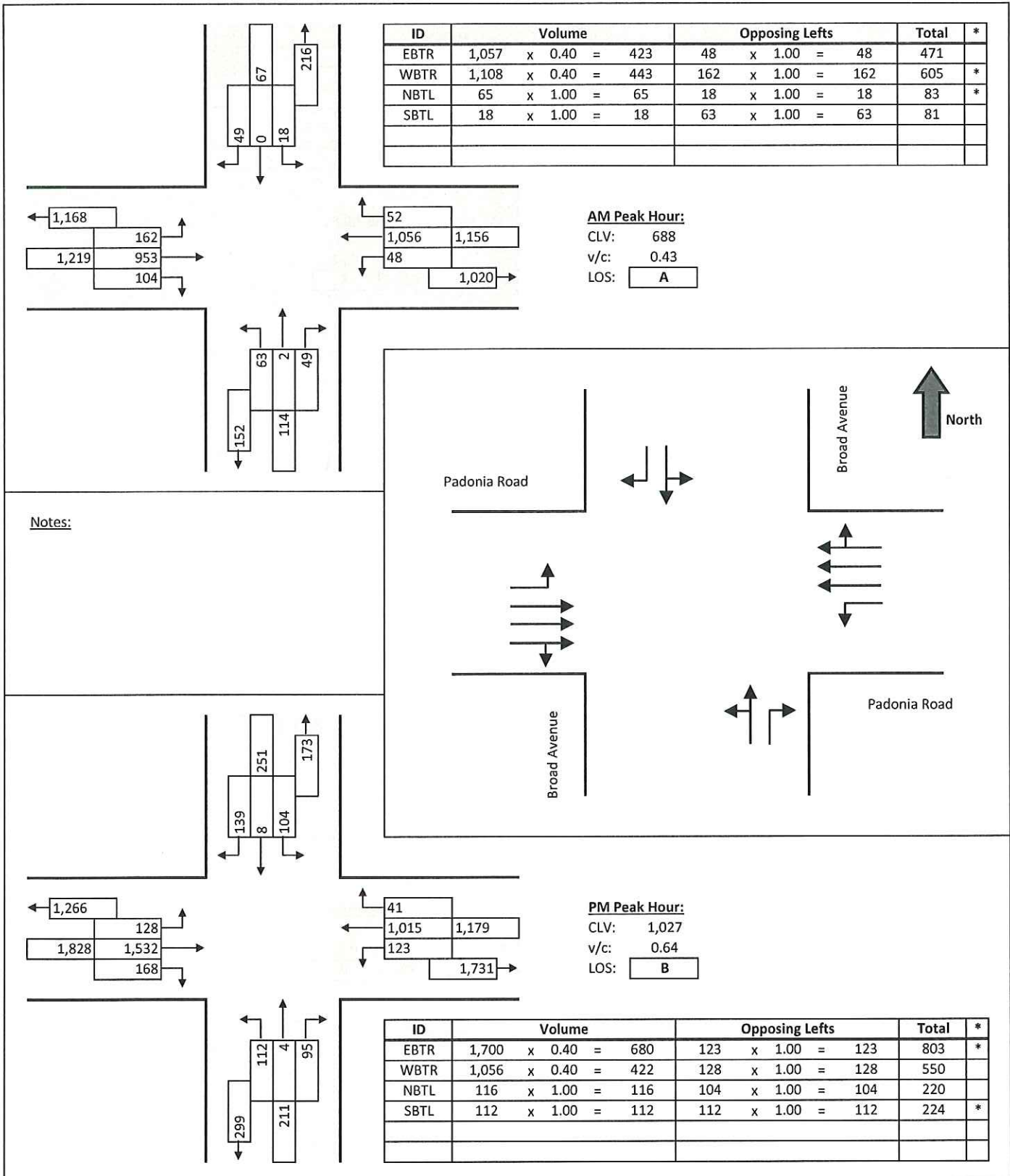
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Beaver Dam Road / Deereco Road
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



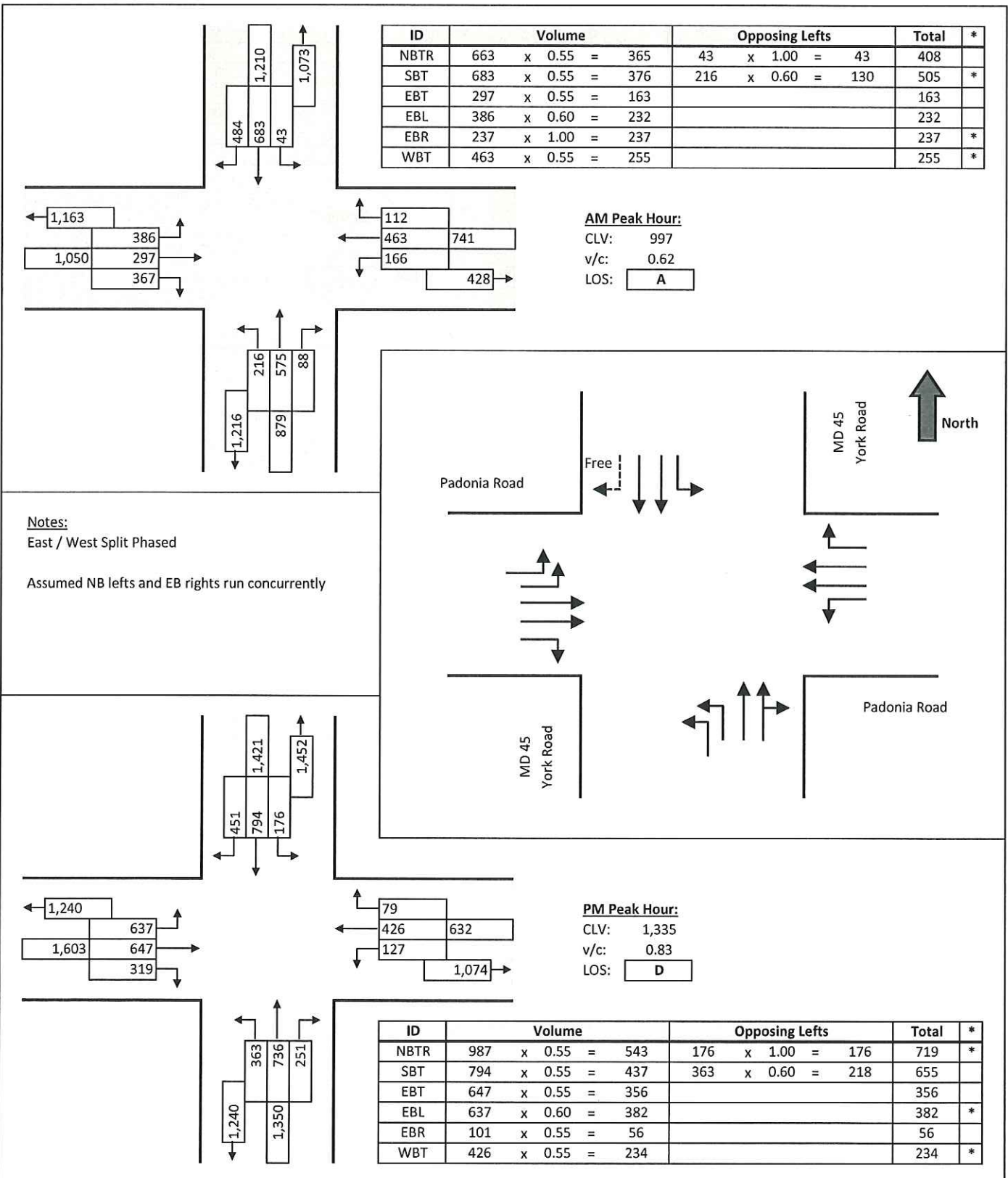
Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: Padonia Road at Broad Avenue
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



Critical Lane Volume Analysis Worksheet

Project: Sheetz TIS
 Location: York Road at Padonia Road
 Alternative: Total Projected
 Date: 3/26/2019 By: NED



Appendix L:

Total Projected Conditions SimTraffic Outputs

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.8	0.3
Total Del/Veh (s)	30.6	5.5	23.6	19.7

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.2	0.1	0.1
Total Del/Veh (s)	9.9	6.1	17.2	7.3	9.3

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	2.3	0.0	0.1	0.0	1.0
Total Del/Veh (s)	14.5	25.2	44.6	34.8	24.4

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.1	0.1	0.1
Total Del/Veh (s)	10.4	22.9	23.1	13.6	16.5

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.1	0.0
Total Del/Veh (s)	1.0	2.1	3.0	1.6

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.6	0.2
Total Del/Veh (s)	23.4	1.6	3.4	5.1

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	3.9	1.1	1.1	1.2

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.4	0.8	1.4	0.9
Total Del/Veh (s)	33.7	37.1	26.7	21.0	28.8

25: Beaver Dam & Hotel Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	10.6	1.1	0.7	1.2

Total Network Performance

Denied Del/Veh (s)	1.2
Total Del/Veh (s)	50.0

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	446	440	160	137	506
Average Queue (ft)	341	306	93	89	244
95th Queue (ft)	424	409	144	127	436
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	B18	NB	NB	SB
Directions Served	L	T	T	T	T	TR	T	L	LTR	LTR
Maximum Queue (ft)	47	256	342	150	152	139	51	111	240	47
Average Queue (ft)	8	166	184	91	100	32	2	44	50	16
95th Queue (ft)	31	236	275	135	155	105	17	89	143	40
Link Distance (ft)		584	584	140	140	140	92	796	796	358
Upstream Blk Time (%)				0	1	0				
Queuing Penalty (veh)				1	3	0				
Storage Bay Dist (ft)	150									
Storage Blk Time (%)		7								
Queuing Penalty (veh)		1								

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	L	T
Maximum Queue (ft)	275	115	120	140	109	250	381	226	279	211	166	219
Average Queue (ft)	213	52	43	62	26	135	143	137	142	110	75	112
95th Queue (ft)	295	102	104	119	67	240	281	210	217	169	140	187
Link Distance (ft)	203	203	203	203	203		1791	1791	1791	1013	1013	1013
Upstream Blk Time (%)	17											
Queuing Penalty (veh)	42											
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						4	0					
Queuing Penalty (veh)						12	0					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	NB	SB	SB	SB
Directions Served	R	LT	T	R
Maximum Queue (ft)	63	195	173	130
Average Queue (ft)	27	86	89	39
95th Queue (ft)	53	148	142	88
Link Distance (ft)	1013	210	210	210
Upstream Blk Time (%)		0		
Queuing Penalty (veh)		0		
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	108	133	236	247	89	208	208	268	136	51	28	50
Average Queue (ft)	57	70	53	93	22	125	132	150	30	16	9	20
95th Queue (ft)	95	128	132	187	51	191	188	211	80	45	29	44
Link Distance (ft)		1791	1791	1791		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)						3						
Queuing Penalty (veh)						1						

Intersection: 10: Padonia & Access

Movement	EB	B18	B18	B18	B18	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	80	74	137	172	118	80
Average Queue (ft)	9	34	28	10	8	36
95th Queue (ft)	43	78	87	75	51	62
Link Distance (ft)	92	140	140	140	140	186
Upstream Blk Time (%)	0		0	0		
Queuing Penalty (veh)	0		0	0		
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	92	88	23	59	72	70	53	53
Average Queue (ft)	42	39	9	27	29	24	19	12
95th Queue (ft)	76	74	25	50	60	53	52	41
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB	SB
Directions Served	R	TR
Maximum Queue (ft)	56	31
Average Queue (ft)	28	1
95th Queue (ft)	45	10
Link Distance (ft)	211	325
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	212	226	222	228	186	194	358	286	200	167	202	215
Average Queue (ft)	134	152	118	121	73	114	170	152	33	62	101	142
95th Queue (ft)	198	214	196	200	158	189	278	245	154	137	173	212
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)						2	6	4	0			
Queuing Penalty (veh)						5	9	5	0			

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	219	254	331	302	186
Average Queue (ft)	121	36	222	171	12
95th Queue (ft)	198	110	308	264	83
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)			5	0	
Queuing Penalty (veh)			2	0	

Intersection: 25: Beaver Dam & Hotel Access

Movement	EB	NB
Directions Served	LR	L
Maximum Queue (ft)	77	29
Average Queue (ft)	26	2
95th Queue (ft)	60	14
Link Distance (ft)	210	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		140
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 82

2: Padonia & Ramp from SB I-83 Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.3	0.0	0.4	0.1
Total Del/Veh (s)	15.1	14.2	12.5	14.2

3: Ramp from NB I-83/Driveway & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	0.1	0.2	0.1	0.1
Total Del/Veh (s)	6.0	6.9	16.9	8.9	7.9

6: Deereco/Beaver Dam & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	37.8	0.1	0.2	0.0	13.4
Total Del/Veh (s)	25.7	40.6	46.3	44.4	37.4

9: Broad & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.1	0.2	0.1
Total Del/Veh (s)	17.8	18.0	30.2	28.7	19.3

10: Padonia & Access Performance by approach

Approach	EB	WB	SB	All
Denied Del/Veh (s)	0.0	0.0	0.2	0.0
Total Del/Veh (s)	1.2	3.1	3.9	2.3

13: Beaver Dam & Texas Station Performance by approach

Approach	WB	NB	SB	All
Denied Del/Veh (s)	0.2	0.0	0.7	0.3
Total Del/Veh (s)	21.5	3.9	5.7	8.1

14: Beaver Dam & Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	9.1	1.3	2.8	2.4

19: York & Padonia Performance by approach

Approach	EB	WB	NB	SB	All
Denied Del/Veh (s)	0.0	1.3	1.0	1.4	0.8
Total Del/Veh (s)	59.4	54.5	51.6	35.8	50.2

25: Beaver Dam & Hotel Access Performance by approach

Approach	EB	NB	SB	All
Denied Del/Veh (s)	0.1	0.0	0.0	0.0
Total Del/Veh (s)	25.1	1.4	0.9	1.4

Total Network Performance

Denied Del/Veh (s)	7.8
Total Del/Veh (s)	71.0

Intersection: 2: Padonia & Ramp from SB I-83

Movement	EB	EB	WB	WB	SB
Directions Served	T	T	T	T	LR
Maximum Queue (ft)	272	203	331	324	280
Average Queue (ft)	166	136	204	211	95
95th Queue (ft)	232	199	298	297	171
Link Distance (ft)	720	720	715	715	950
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)					
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 3: Ramp from NB I-83/Driveway & Padonia

Movement	EB	EB	EB	WB	WB	WB	NB	NB	SB
Directions Served	L	T	T	T	T	TR	L	LTR	LTR
Maximum Queue (ft)	24	155	171	161	171	151	197	284	43
Average Queue (ft)	1	84	96	86	101	39	71	48	15
95th Queue (ft)	8	137	153	137	147	104	126	138	37
Link Distance (ft)		584	584	140	140	140	796	796	358
Upstream Blk Time (%)				0	2	0			
Queuing Penalty (veh)				1	8	0			
Storage Bay Dist (ft)	150								
Storage Blk Time (%)		0							
Queuing Penalty (veh)		0							

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	T	T	TR	R	L	T	T	TR	L	L	T
Maximum Queue (ft)	275	241	223	237	157	250	401	385	409	325	279	338
Average Queue (ft)	171	170	170	166	56	175	266	287	251	195	168	168
95th Queue (ft)	287	231	223	228	119	293	382	390	342	266	245	256
Link Distance (ft)	203	203	203	203	203		1791	1791	1791	1013	1013	1013
Upstream Blk Time (%)	17	2	2	2								
Queuing Penalty (veh)	44	5	5	5								
Storage Bay Dist (ft)						225						
Storage Blk Time (%)						2	10					
Queuing Penalty (veh)						9	22					

Intersection: 6: Deereco/Beaver Dam & Padonia

Movement	NB	SB	SB	SB
Directions Served	R	LT	T	R
Maximum Queue (ft)	267	222	217	193
Average Queue (ft)	110	173	157	82
95th Queue (ft)	208	249	246	149
Link Distance (ft)	1013	210	210	210
Upstream Blk Time (%)		12	8	0
Queuing Penalty (veh)		31	20	0
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 9: Broad & Padonia

Movement	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	T	TR	L	T	T	TR	LT	R	LT	R
Maximum Queue (ft)	182	297	304	381	170	215	232	232	178	113	176	117
Average Queue (ft)	56	121	110	157	75	62	85	113	75	37	91	50
95th Queue (ft)	106	246	229	312	143	161	191	213	128	75	162	86
Link Distance (ft)		1791	1791	1791		597	597	597	481	481	475	475
Upstream Blk Time (%)												
Queuing Penalty (veh)												
Storage Bay Dist (ft)	200				145							
Storage Blk Time (%)	0	1			0	1						
Queuing Penalty (veh)	0	2			2	2						

Intersection: 10: Padonia & Access

Movement	EB	B18	B18	B18	B18	SB
Directions Served	T	T	T	T	T	R
Maximum Queue (ft)	130	56	58	53	140	98
Average Queue (ft)	12	27	15	3	6	34
95th Queue (ft)	60	73	56	25	50	62
Link Distance (ft)	92	140	140	140	140	186
Upstream Blk Time (%)	1				0	
Queuing Penalty (veh)	2				0	
Storage Bay Dist (ft)						
Storage Blk Time (%)						
Queuing Penalty (veh)						

Intersection: 13: Beaver Dam & Texas Station

Movement	WB	WB	WB	NB	NB	SB	SB	SB
Directions Served	L	L	R	T	TR	L	T	T
Maximum Queue (ft)	130	113	44	118	118	98	97	94
Average Queue (ft)	65	53	23	46	66	41	46	37
95th Queue (ft)	115	105	38	98	114	87	86	80
Link Distance (ft)	506	506	506	105	105		733	733
Upstream Blk Time (%)				0	1			
Queuing Penalty (veh)				1	2			
Storage Bay Dist (ft)						150		
Storage Blk Time (%)								
Queuing Penalty (veh)								

Intersection: 14: Beaver Dam & Access

Movement	EB	SB	SB	SB
Directions Served	R	T	T	TR
Maximum Queue (ft)	75	119	74	22
Average Queue (ft)	33	21	10	1
95th Queue (ft)	59	81	40	7
Link Distance (ft)	211		325	325
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)		150		
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 19: York & Padonia

Movement	EB	EB	EB	EB	EB	WB	WB	WB	WB	NB	NB	NB
Directions Served	L	L	T	T	R	L	T	T	R	L	L	T
Maximum Queue (ft)	314	594	550	589	410	194	376	322	200	267	295	477
Average Queue (ft)	233	270	258	260	107	138	225	182	20	152	227	314
95th Queue (ft)	320	415	448	467	277	232	339	286	118	236	325	470
Link Distance (ft)		597	597	597			677	677				806
Upstream Blk Time (%)		0		0								
Queuing Penalty (veh)		0		1								
Storage Bay Dist (ft)	290				385	170			175	270	270	
Storage Blk Time (%)	1	12		5	0	4	17	8	0	0	1	12
Queuing Penalty (veh)	2	39		17	0	8	22	6	0	0	2	44

Intersection: 19: York & Padonia

Movement	NB	SB	SB	SB	SB
Directions Served	TR	L	T	T	R
Maximum Queue (ft)	509	255	525	451	270
Average Queue (ft)	347	174	308	277	119
95th Queue (ft)	489	309	463	433	333
Link Distance (ft)	806		817	817	
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)		230			245
Storage Blk Time (%)		3	21	9	0
Queuing Penalty (veh)		10	37	39	1

Intersection: 25: Beaver Dam & Hotel Access

Movement	EB	NB	NB
Directions Served	LR	L	T
Maximum Queue (ft)	51	29	31
Average Queue (ft)	11	2	3
95th Queue (ft)	38	13	16
Link Distance (ft)	210		325
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)		140	
Storage Blk Time (%)			
Queuing Penalty (veh)			

Network Summary

Network wide Queuing Penalty: 389

Appendix M:

Correspondence

From: Kristoffer Nebre <knebre@baltimorecountymd.gov>
Sent: Thursday, March 7, 2019 10:21 AM
To: Barry King
Cc: Greg Carski; Michael Filsinger; Vishnubhai K Desai
Subject: RE: Sheetz TIS

Barry,

For the Traffic Impact Study regarding the Sheets – 40 W Padonia Rd, we offer the following comment(s)

- There is a PUD development called Deerco Road Property, that is nearing construction. The TIS report was performed by the Traffic Group. Please include the projected volumes generated by the PUD development portion of the Tessco Site into this project.

KRISTOFFER L. NEBRE, P.E.
Engineer III

Baltimore County, Department of Public Works
Traffic Engineering & Transportation Planning
111 W. Chesapeake Avenue, Room 326
Towson, Maryland 21204

Ph. 410-887-3554
Fax 410-887-5784

From: Greg Carski
Sent: Thursday, March 07, 2019 5:40 AM
To: Michael Filsinger <mfilsinger@baltimorecountymd.gov>; Kristoffer Nebre <knebre@baltimorecountymd.gov>
Subject: FW: Sheetz TIS

From: Barry King [<mailto:bking@centuryeng.com>]
Sent: Wednesday, March 06, 2019 2:22 PM
To: Greg Carski <gcarski@baltimorecountymd.gov>
Cc: Kelly Kosino <kkosino@centuryeng.com>
Subject: Sheetz TIS

Is your office in receipt / review of our TIS? If so any idea on how much longer to get a review/comment/approval letter?
We go to the board next Tuesday to start the appeal process.
Barry



CONNECT WITH BALTIMORE COUNTY





STATE HIGHWAY
ADMINISTRATION

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

March 20, 2019

Mr. Bob Bathurst
Century Engineering
10710 Gilroy Road
Hunt Valley MD 21031

Dear Mr. Bathurst:

Thank you for the opportunity to review the Traffic Impact Study (TIS) for the Sheetz Timonium Property. The Maryland Department of Transportation State Highway Administration (MDOT SHA) has reviewed the submittal listed below and comments are attached.

Sheetz Timonium – 400 West Padonia Road
MDOT SHA Tracking No: 18APBA029XX
Traffic Impact Study Dated February 8, 2018
Baltimore County

It is not anticipated that the attached comments will significantly change the study results and recommendations; therefore, MDOT SHA will accept the analysis. No further review is required; however, we request a copy of a revised TIS addressing the attached comments for our records. An access permit is not required as no work is being proposed within MDOT SHA right-of-way. If you have any questions or require additional information, please contact Mr. Zeller at 410-229-2332 or via email at rzeller@sha.state.md.us.

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
MDOT State Highway Administration
District 4 - Baltimore and Harford Counties

Attachment

Mr. Bob Bathurst
Page Two

cc: Sheetz, Inc. / 129 Dearing Drive, Boalsburg PA 16827
Mr. Jan M. Cook, Development Plans Review, Baltimore County
Mr. Vishnu Desai, Development Plans Review, Baltimore County
Mr. Barry King, Century Engineering
Ms. Rola Daher, Consultant for MDOT, TFAD, MDOT SHA
Ms. Sarah Gary, Consultant for MDOT, TFAD, MDOT SHA
Mr. Kimon Johnson, Transportation Engineer, District Four Traffic, MDOT SHA
Ms. Erin Kuhn, Assistant District Engineer for Traffic, District Four, MDOT SHA
Ms. Tina Saxon, Administrative Assistant, OPPE RIPD, MDOT SHA
Ms. Lisa Shemer, Division Chief, OPPE, TFAD, MDOT SHA
Ms. Lisa Sirota, Regional Planner, RIPD, MDOT SHA
Mr. Errol Stoute, Transportation Engineer, OOTS, MDOT SHA
Mr. Rich Zeller, Transportation Engineer, District Four Access Management, MDOT SHA
file/KJ/BH34556

Sheetz Timonium – 400 West Padonia Road
MDOT SHA Tracking No: 18APBA029XX
Traffic Impact Study Dated February 8, 2018
Baltimore County

The Traffic Impact Study for the Sheetz Timonium report findings and MDOT SHA comments and conclusions:

- The proposed Sheetz development includes a market and gas station facility, which will be approximately 5,000 square feet and will provide 6 fuel islands (12 fuel stations). Existing right-in/right-out site access to the property is along Padonia Road and Beaver Dam Road.
- The study analyzed the following intersections under existing, background, and future conditions:
 - Padonia Road at Beaver Dam/Deereco Road
 - Ramp from southbound I-83 at Padonia Road
 - Ramp from northbound I-83 at Padonia Road
 - Padonia Road at Broad Avenue
 - MD 45 (York Road) at Padonia Road
 - Beaver Dam Road at Texas Station Court
 - Beaver Dam Road at the Site Access Point
 - Padonia Road at the Site Access Point

The results of the traffic impact study indicate that all intersections are projected to operate at levels of services “D” or better under existing, background, and total traffic conditions.

- As stated in the TIS, the peak hour traffic volumes do not appear to be growing at a notable rate. This resulted in no growth rate. However, for this area, Baltimore Metropolitan Council (BMC) transportation model shows an approximate 0.5 percent growth rate for the project area. We suggest applying 0.5 percent growth rate to the background traffic.
- The report applied 70 percent PM peak trips as pass-by trips. The Trip Generation Handbook 3rd Edition, LUC 945 and LUC 853 indicates 56 percent and 66 percent PM peak pass-by trips
- In Exhibit 4 and 6, no new trips originate from Padonia Road eastbound. Motorists could, and likely will, access the site via a U-turn or by using access roadways off Beaver Dam Road. Please revise.
- The traffic counts at Padonia Road and Broad Avenue and at Padonia Road and MD 45 are from 2018 traffic counts. Bob Evans was closed in 2017. Reduced trips shown should not be applied to Padonia Road at Broad Avenue and MD 45 intersections.
- The report needs to provide queue length analysis for all analyzed intersections. Checking SimTraffic output results in appendix, in the AM peak period, the 95th queue length of westbound left turn exceeds the storage length at Padonia Road and MD 45 intersection. In the PM peak period, the 95th queue length of westbound left turn exceeds the storage length at Padonia Road and Deereco Road intersection; in addition, 95th queue length of westbound left turn, northbound left turn, and southbound left turn at Padonia Road and MD 45 intersection exceed the storage length.
- The report should provide trip distribution percentage to the Exhibit 4 and Exhibit 6 trip distribution diagram.
- The report should provide CLV and HCM summary tables for all analyzed intersections in the main body of the report.
- In the Appendix, the intersection performance by approach was report in SimTraffic output, the future PM peak overall intersection delay of Padonia Road and MD 45 intersection (49.6s) is higher than the existing condition (48.6s). Please check the SimTraffic running setting and the model.
- There are no current projects in the State’s fiscally constrained FY 2019-2024 Consolidated Transportation Program (CTP) nor the State’s fiscally unconstrained Highway Needs Inventory (HNI) for any nearby MDOT SHA facilities that conflicts with this project. The development does not conflict with Baltimore County Master Plan 2020.
- It is not anticipated that the above comments will significantly change the study results and recommendations; therefore, MDOT SHA will accept the analysis. However, we request a copy of a revised TIS for our records. Since the site does not access MDOT SHA roadway an access permit is not required.



Department of Public Works

2019 Basic Services Map Transportation Zones

Legend

Intersections

Level Of Service

- D
- E
- F

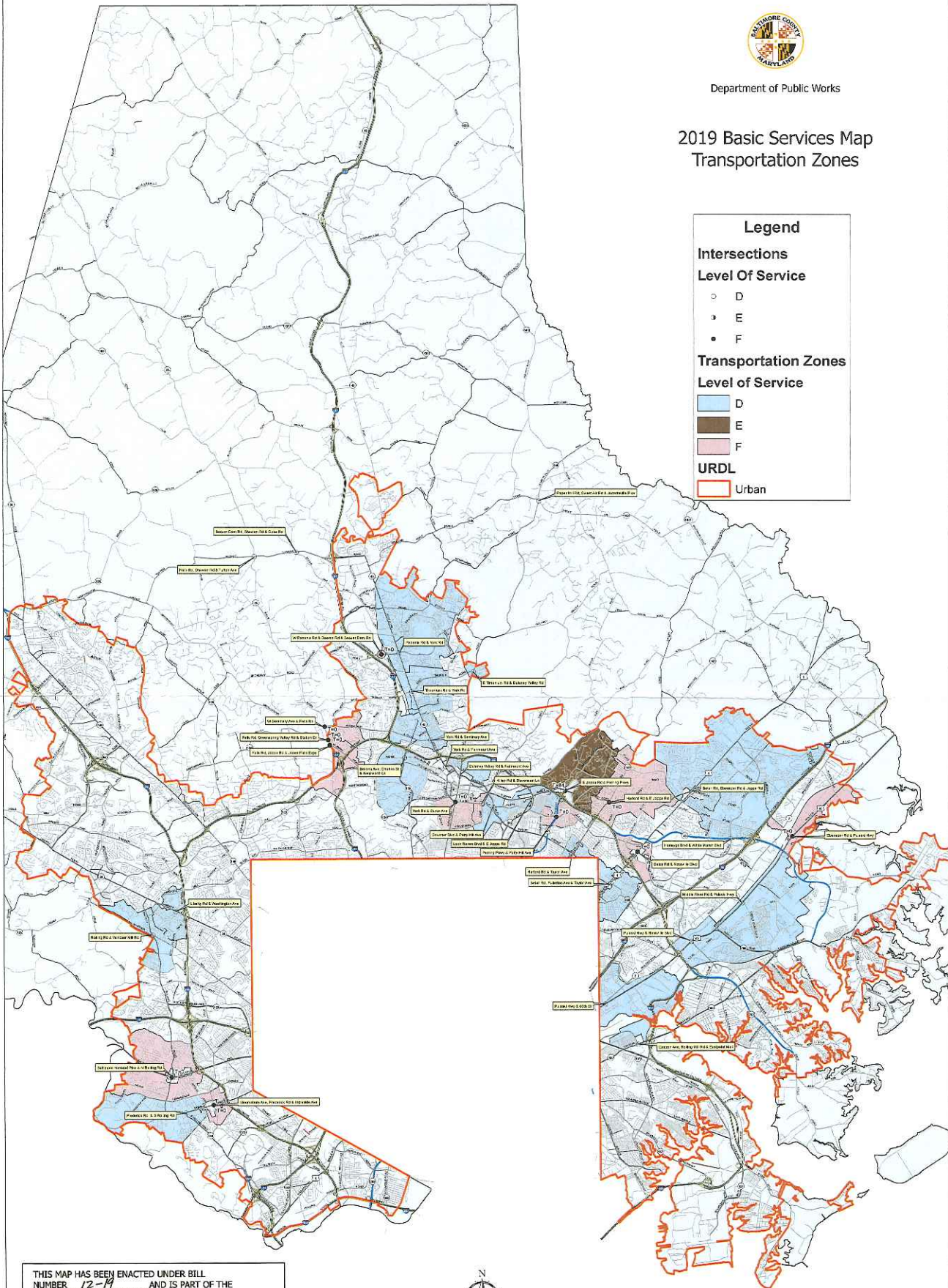
Transportation Zones

Level of Service

- D
- E
- F

URDL

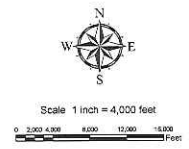
- Urban



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER 12-19 AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED 5/16/19, EFFECTIVE 5/20/19.

John E. Clark

COUNTY COUNCIL OF BALTIMORE COUNTY



Feature Class Projection Dates
Transportation Zones 2019
Intersections 2019
Urban Areas 2019
Roads 2019
County Boundary 2019

Produced by the Baltimore County Department of Public Works.
North American Datum 1983 NAD83, U.S. Survey Feet
Published May 16, 2019

Rel. Exh. 36

Maryland State Highway Administration

Guidelines for Traffic Impact Reports/Studies

The purpose of a Traffic Impact Study (TIS), prepared for submittal to the Maryland State Highway Administration (SHA), is to review impacts of a proposed development on the State Highway System, generally in conjunction with the issuance of an access permit. The authority to require a TIS and related road improvements is found in COMAR Section 11.04.05. The evaluation shall consider traffic capacity, signalization, safety, and multimodal issues. This report will be used to evaluate the needed improvements to support the proposed site access to the State Highway road system.

Many counties/jurisdictions have established traffic impact study guidelines which outline their requirements for report preparation. In cases where County/jurisdiction guidelines are available, SHA recommends that all guidelines and procedures established by those counties/jurisdictions be fulfilled. In circumstances where SHA determines the potential for a significant roadway safety/operational concern that cannot be adequately addressed through County/jurisdictional guidelines, and an SHA Access Permit is needed, the following supplemental guidelines and procedures established by SHA for traffic impact study report preparation and traffic mitigation must be met. For those counties/jurisdictions that have not established their own traffic impact study guidelines, and an SHA Access Permit is needed, only SHA's traffic impact study guidelines and procedures are to be followed.

A TIS is required for any proposed development or redevelopment that generates more than 50 peak hour trips, or that is expected to directly impact traffic operations on the State road(s). In general, the TIS will analyze the site access to the State road. The extent of the required study area to be included in the analysis will be based on the maximum peak hour trips generated by the proposed development. Site specific issues and/or conditions, such as the presence of a signal system, adjacent signalized intersections or interchanges just outside of the study area, and/or other constraints may result in the addition or exclusion of the study area discussed above. These site specific issues, as well as the appropriate study area, should be discussed and established during the initial scoping meeting for the TIS. Participants in the scoping meeting should include engineers/planners from SHA, the applicable County/Counties, any local jurisdictions, and the developer/developer's consultants.

SHA should be involved from the initial scoping meeting or process for a proposed development to discuss site specific criteria, including but not limited to: study area, site and background trip generation, analysis time frame, and analysis methodology. Ideally, such discussions should occur in cooperation with the appropriate County/local jurisdiction, with any subsequent updates

provided to all parties. A scoping agreement form should be completed and submitted to the appropriate representatives of SHA's District Office. The purpose of this agreement will be to document the discussion held during the scoping meeting (e.g. determining site specific criteria for the development, including but not limited to: study area, trip generation, analysis time frame).

The TIS must evaluate traffic operations within the study area based on existing conditions, background traffic, and total traffic conditions. The TIS must identify traffic operational deficiencies and propose mitigation to any development generated impacts in the deficient areas. This should include identifying any queuing, storage, blockage, delay, weaving, merging, diverging, or safety issues. Mitigation must be proposed to address these issues. Mitigation must also be proposed to address any overall intersections or movements operating below LOS D, when the study indicates background conditions operate at acceptable levels of service (LOS D or better). Mitigation proposed must address the impact of the proposed development when background conditions indicate substandard Levels of Service exist.

SHA's role in the Traffic Impact Study process includes, but is not limited to, the following actions:

- Participation in the initial scoping process to discuss site specific criteria
- Ensuring that mitigation proposed as part of the Traffic Impact Study meets the requirements established in the corresponding County's/jurisdiction's Adequate Public Facilities Ordinance (APFO) and/or in this document, prior to approval of the Traffic Impact Study
- Ability to provide approval of the submitted Traffic Impact Study when all applicable requirements have been satisfied.

It should be noted that SHA approval of a Traffic Impact Study pertains to the analysis of a development's proposed traffic impacts on the surrounding roadway network and any required mitigation within SHA right-of-way. Final approval of the proposed access concept will be determined as part of the Access Permit plan review process.

A Traffic Impact Study Report should include the following information:

- Table of Contents
- Introduction
 - Explanation of Project/Purpose of Report
 - Area Map showing site location (including any new proposed access points or use of existing access points)
 - List and area map of intersections included in the analysis
 - Brief description of key roadway and roadside characteristics (e.g. roadway classification, cross-section, posted speed limit, non-motorized access)
 - Mile point of the development along the road of the primary access point
 - Land use for the proposed development
 - Forecasted total trips entering and total trips exiting the site due to the proposed development
 - Proposed build out year to be used
- Existing Conditions
 - Traffic counts & analysis
 - Existing lane configuration sketch
 - Existing operations relating to the study area; these will include traffic operations, but may also include pedestrian, bicycle, and transit operations
- Background Conditions, without site
 - Annual growth in traffic to build year, if appropriate, as stipulated by the scoping letter
 - Traffic generated by other approved, but currently unbuilt, developments
 - Background Analysis ($\text{Background Traffic} = \text{Existing Traffic} + \text{Growth in Existing Traffic} + \text{Approved Development Traffic}$)
 - Background analysis with approved/funded highway projects, including possible pedestrian, bicycle, and transit operations, as needed
- Projected Conditions, with site
 - Traffic generated by the proposed development (i.e. site generated traffic) at build out, and/or at any significant phase/stage of development
 - Total Traffic Analysis ($\text{Total Traffic} = \text{Existing} + \text{Growth} + \text{Approved Development} + \text{Site Generated}$)

- Analyze total traffic with improvements, including possible pedestrian, bicycle, and transit operations, as needed
- Conclusions/Recommendations
 - Explain results of analysis
 - If found to be needed, the consultant/developer should suggest improvements to mitigate the site traffic impacts, either in the TIS or under a separate mitigation proposal, and provide analysis results of these mitigations
- Appendix
 - All analysis and calculation work sheets, traffic related data, and pertinent correspondence, including approved scoping agreement form

Any operational modeling files (e.g. Synchro/SimTraffic, VISSIM files) used or developed for the Traffic Impact Study must be submitted electronically in conjunction with the report.

A summary of the Traffic Impact Study Guidelines to be used to develop the project study area, identify potential traffic operational analysis tools, and determine appropriate traffic mitigation strategies is shown in Table 1:

Table 1: Traffic Impact Study Guidelines – Overview Summary

Type of Development	Peak Hour Trips Generated	Study Area*	Typical Operational Analysis Tools - Examples	Mitigation
Small	50-100	1. Site access driveways 2. All intersections involving at least two state highways and all intersections of a state highway and a county/local collector (or higher functionally classified roadway), within a ¼ mile radius of outermost site access driveways	1. CLV 2. HCS 3. Synchro/SimTraffic 4. SIDRA 5. Other as needed	1. Developer for any impacts from operating I 2. Any storage caused by 3. Any merge issues caused by development
Medium	101-750	1. Site access driveways 2. All intersections involving at least two state highways and all intersections of a state highway and a county/local collector (or higher functionally classified roadway), within a ½ mile radius of outermost site access driveways	1. CLV 2. HCS 3. Synchro/SimTraffic 4. SIDRA 5. VISSIM 6. Other as needed	1. Developer for any impacts from operating I 2. Any storage caused by 3. Any merge issues caused by development
Large	> 750	1. Site access driveways 2. All intersections involving at least two state highways and all intersections of a state highway and a county/local collector (or higher functionally classified roadway), within a minimum 1 mile radius of outermost site access driveways	1. CLV 2. HCS 3. Synchro/SimTraffic 4. SIDRA 5. VISSIM 6. Other as needed	1. Developer for any impacts from operating I 2. Any storage caused by 3. Any merge issues caused by development

*During the scoping meeting, any site specific issues/conditions, such as the presence of a signal system, adjacent streets just outside of the study area, any specific unsignalized intersection(s), any relevant freeway segments or interchange constraints, should be discussed to determine the appropriate study area for an individual project. This may result in a study area of study intersections and roadway segments per the above table, but would result in a study area that accurately captures the proposed project.

The following is a more detailed explanation of the various aspects involved in preparing the report:

- **Study Area**

- The extent of the study area to consider in the traffic operational analysis is to be based on the peak hour trips generated by the proposed development. Table 1 provides a tiered approach to determining the study area.
- During the scoping meeting, any site specific issues/conditions, such as the presence of a signal system, adjacent signalized intersections just outside of the study area, any specific unsignalized intersection(s), any relevant freeway segments or interchange ramps, and/or other constraints, should be discussed to determine the appropriate study area for an individual project. This may result in addition or exclusion of study intersections per the above table, but would result in a study area that accurately captures the impact of a proposed project.

- **Existing Traffic**

- Turning movement counts are to be performed at each intersection to be analyzed, if current turning movement counts are not available.
- Counts should, as a rule, not be more than 1 year old from the date of study publication. Counts between 1 and 2 years old may be used if factored to the current year. Counts older than 2 years will not be accepted. As part of the scoping agreement, updated traffic counts may be requested in locations where significant background development has been completed within the last 2 years, and/or where traffic volumes are expected to have varied significantly within the last 2 years.
- Peak hour counts are acceptable at intersections, generally between 7-9 AM and 4-6 PM. Expanded hours or different time periods may be determined as part of the scoping agreement (e.g. 11am - 2pm Saturday count at a shopping center) when the development would be expected to generate a significant level of traffic outside of the traditional weekday peak periods. All intersection counts are to include pedestrian and bicycle counts as well.
- 13-hour turning movement counts are to be performed at any intersection where it is anticipated that a new traffic signal may be needed.

- The most recent traffic volume counts (within 1 to 2 years maximum), whether by SHA, consultant or local jurisdiction, may be used for the study, unless local conditions dictate that counts be taken during a specific period of the year (e.g. summer traffic counts on roadways significantly impacted by summer tourist traffic).
- Counts are not to be taken on or within 2 business days of State or Federal holidays, with the exception of Christmas Day and New Year's Day. Counts are not to be taken during the period beginning 5 business days prior to Christmas Day, through at least 2 business days after Martin Luther King, Jr. Day. Standard weekday counts must be taken on Tuesdays, Wednesdays, or Thursdays, and under normalized conditions (fair weather, limited to no roadway construction, etc.).
- The presence of schools in the area must be considered when determining the date of counts. SHA reserves the right to determine if counts must be taken while local schools are in session.
- Other existing traffic data to be collected may include queuing and travel time data (in the field), peak hour observations (AM, PM, and/or Midday), pedestrian, bicycle, and transit facilities, signal timings, classified vehicular counts (e.g. for facilities with a high truck percentage), etc. These requirements need to be discussed during the scoping meeting for each individual project on a case-by-case basis.
- All existing traffic data collected or obtained from any agency (e.g. queuing data, travel time data, peak hour observations, pedestrian, bicycle, and transit facilities data, signal timings, etc.) must be included in the appendices of the TIS report.
- All existing traffic data collected or obtained from any agency (e.g. queuing data, travel time data, peak hour observations, pedestrian, bicycle, and transit facilities data, signal timings, etc.) shall have a statute of limitations of two years from the time of collection. If a Traffic Impact Study does not reach the review stage and/or is not approved within the two year period, SHA reserves the right to request updated data collection and analysis. SHA also reserves the right to request updated data and analysis if significant development occurs within the study area that was not previously considered or was not previously open to traffic, or if geometric or operational changes to the roadway network were performed.

- **Traffic Analysis**

- Analysis Methodologies

- All intersections will be analyzed using the SHA critical lane volume (CLV) technique and factors; however, CLV is a sketch level planning tool ideal for quick capacity calculations under isolated conditions. This tool has drawbacks that make analysis using alternative tools imperative. Alternative tools to be used for more detailed analysis along with CLV are based on the following standards:
 - Synchro/SimTraffic must be used to analyze all interrupted flow facilities (local streets, collectors, arterials, etc.). Highway Capacity Manual (HCM) methodologies within the software are to be used to report various Measures of Effectiveness (MOEs), including Level of Service (LOS), intersection delay, and volume to capacity ratio for each intersection, and/or for particular turning movements at each intersection. SimTraffic queues are to be used to report 95th percentile queues. Existing calibrated Synchro/SimTraffic files developed by SHA should be used when available.
 - SIDRA Intersection may be used to analyze roundabouts only; however, VISSIM (or a comparable advanced traffic microsimulation tool) must be used to analyze roundabouts that are in close proximity to adjacent intersections and/or have upstream or downstream operational impacts in the study network.
 - Highway Capacity Software (HCS) may be used to analyze all uninterrupted flow facilities (basic freeway segments, merge, diverge, and weaving segments); however, VISSIM (or a comparable advanced traffic microsimulation tool) must be used to analyze uninterrupted flow facilities that are in close proximity to adjacent intersections and/or have upstream or downstream operational impacts in the study network.
 - HCS may also be used to analyze isolated unsignalized intersections in rural areas.
 - In circumstances where an analysis tool or methodology exhibits the capability of evaluating operational and safety impacts due to non-motorized modes of travel (e.g. pedestrians and bicycles), SHA reserves the right to require the traffic analysis to adequately incorporate these non-motorized impacts on study intersections and/or the study roadway network.

Evaluation of non-motorized modes of travel will be discussed during the scoping meeting,

- In special cases, after discussion during the scoping meeting, VISSIM (or a comparable advanced traffic microsimulation tool) analysis of the entire study network may be required.
- In special cases where the development type is categorized as "Small," per Table 1 above, it is possible that microsimulation analysis would not be necessary. Such scenarios and analysis requirements can be discussed during the initial scoping process.

Calibration Standards for Synchro/SimTraffic Based Analysis

- If a microsimulation model is used in the analysis, the model must be calibrated for existing conditions. When available, SHA microsimulation models are to be used. Common calibration requirements and techniques for the Synchro/SimTraffic software are provided below:

- In order to ensure a reasonable representation of traffic conditions that would be expected with a background and/or proposed development in place, it is necessary to first calibrate the Synchro/SimTraffic model to existing conditions for the AM, PM, and occasionally, weekend peaks.
- An existing Synchro file must be calibrated before any "Build" Synchro file can be created and analyzed.

Common data needed for Synchro model calibration includes travel time runs (at least five runs per direction during the AM and PM peak periods on a typical traffic day, usually Tuesday, Wednesday, or Thursday), which provide observed conditions regarding vehicular speeds and delays throughout the corridor. Travel time runs must be taken for the mainline movements along major roadways (e.g. MD routes) within the study area, and/or for additional movements. The extent of the travel time runs necessary, or if alternative methods/data can be used, can be discussed at the scoping meeting.

- Model seeding time must allow a car to travel from one end of the network to the next; customary simulation seeding times span from 900 seconds (15 minutes) to 1,800 seconds (30 minutes). Longer seeding times may be considered for

excessively large networks or high congestion. Recording time must be at least one hour for each peak, and must account for the peak hour factor.

- A minimum of 5 model runs must be completed before average outputs of all runs can be used for analysis. Additional runs may be necessary, up to 15 runs.
- Observations must also be made (preferably during the same day as the travel time runs, but as a separate effort) at each study intersection and along the study corridor that document vehicular queues for each turning movement.
 - Queues should be observed over a couple of signal cycles at least, and queue lengths should be recorded for each turning movement.
 - Noting where queues are excessive (e.g. spill out of the turning bays, extend beyond the turning bays and to an adjacent intersection) can provide valuable information when calibrating the microsimulation model.
- It must be determined whether or not adverse traffic operations (e.g. excessive queues, delays) that are known to occur outside of the study roadway network adversely affect operations within the Synchro study network.
 - If adverse outside operations do impact the roadway network, it is important to incorporate these impacts into the Synchro model; otherwise, the Synchro model developed may reflect conditions that are more optimistic than actually observed.
- Simulation travel time (from SimTraffic) is to be within 10% of observed travel time by roadway segment, by direction (e.g. from one major signalized intersection to another, by direction), and within 5% of overall observed travel time by corridor as a whole (by direction).
- Simulation turning movement queues must reasonably reflect queues observed in the field. This includes left, through, and right turn queues at every approach of every major intersection included in the Synchro roadway network.

Calibration Standards for VISSIM Based Analysis

- Common calibration requirements and techniques for VISSIM microsimulation software is provided below:
 - Two calibration approaches are required of all VISSIM models
 - Travel time and/or speed
 - Vehicle throughput
 - Seeding time must allow a car to travel from one end of the network to the next; customary simulation seeding times span from 900 seconds (15 minutes) to 1,800 seconds (30 minutes). Longer seeding times may be considered for excessively large networks or high congestion.
 - A minimum of 5 runs must be completed before average outputs of all runs can be used for analysis. Additional runs may be necessary, up to 15 runs.
 - Calibration of the network using travel times or speed must use short segment data, rather than overall corridor travel time/speed. A maximum of a ± 10 percent variation is permitted for small segments no more than 1 mile long.
 - For a facility spanning more than 1 mile, it is recommended to break the facility into segments based on obvious breakpoints (e.g. between signalized intersections, or at ramps). These new smaller segments would then be calibrated at ± 10 percent variation with an overall corridor calibration of ± 5 percent. On a facility longer than 1 mile without obvious breakpoints (e.g. between freeway ramps), the FHWA standard of ± 10 percent is considered appropriate.

Measures of Effectiveness to Report

- For Synchro/SimTraffic:
 - Highway Capacity Manual (HCM) methodologies within the software may be used to report various Measures of Effectiveness (MOEs), including Level of Service (LOS), intersection delay, and volume to capacity ratio for each intersection, and/or for particular turning movements at each intersection.

- In certain circumstances, as discussed during the scoping meeting, arterial LOS will be required for major roadway segments, by direction, within the study area.
- 95th percentile queues for all turning movements at each study area intersection (using SimTraffic simulation outputs). Please note that SimTraffic does not have the capability to directly report queue lengths that significantly exceed the link on which queues originate, or those that exceed available storage bays. Queues provided in the SimTraffic Queuing Report that appear to reach or slightly exceed the link or storage bay lengths (usually up to 75 feet greater than the link or storage bay) must be verified by observing the SimTraffic simulations to determine the actual queue length. An alternative methodology would involve gradually increasing the available storage bay length to determine the actual queuing demand. In the case of through queues, subsequent bend node queue lengths are to be added to the origin link reported queue lengths to determine the total queue.
- In circumstances where 95th percentile queues for a particular turning movement block access to an adjacent travel lane (e.g. through queues blocking access to a right or left turn bay, left or right turn queues blocking access to a through lane), Percent Blocking times for 95th percentile queues must be reported (using SimTraffic outputs).
- Network performance measures of effectiveness (using SimTraffic simulation outputs)
 - Network overall delays
 - Network overall travel times
 - Latent vehicles ("vehicles denied entry")
- For VISSIM:
 - Simulated travel times and speeds for each major roadway segment. A major roadway segment typically consists of a section of roadway between two major signalized and/or unsignalized intersections.
 - Maximum queue lengths for each turning movement of each study area intersection.

- Intersection LOS, based on HCM methodology and thresholds (calculated from node delay)
- Diverge, merge, and/or weave densities and corresponding LOS (if applicable to the study area). LOS must be calculated, based on HCM thresholds.
- Network performance measures of effectiveness
 - Network overall delays
 - Network overall travel times
 - Latent vehicles ("vehicles denied entry")
- In study areas where a large number of pedestrian and/or bicycle traffic is expected to be present, pedestrian and bicycle delay, as well as pedestrian and bicycle LOS, is required for all crosswalks within the study area. Requirements for providing these MOEs will be discussed during the scoping meeting.
- If microsimulation software tools are used to perform an analysis that involves signalized intersections, submission of existing signal timing phase diagrams (hard copy or digital) will be required.
- Any operational modeling files (e.g. Synchro/SimTraffic, VISSIM files) used or developed for the Traffic Impact Study must be submitted electronically in conjunction with the report.
- In the event that analysis results from the alternative tool differ from the results obtained from the CLV analysis, the results that yield the greatest detrimental impact to users of the roadway within the study area will be used. Justification should be included as to why a particular analysis tool was chosen for the study area. The MOEs from the alternative tools must be summarized, rather than only given in raw output form.
- **Trip Generation**
 - Local trip generation rates should be used. If local rates are not available, the latest ITE *Trip Generation Manual* should be used. In the event ITE does not address the development, or is of a limited sample size, studies of similar uses may be used. Documentation of these studies should be submitted for verification during the scoping agreement process and be included in the TIS report.

- When information is not contained in the ITE *Trip Generation Manual*, engineering judgment should be used in establishing trip generation assumptions and explained in the TIS report.
- An existing development may be considered as trips generated only if the development was fully in use at the time the traffic counts were performed. Such a scenario may apply to situations where an expansion of an existing development/site is being proposed.

- **Growth in Existing Traffic**

- Growth in existing traffic is described as a factor representative of travel growth through the study area associated with regional traffic growth. This factor should be applied to the existing through traffic, and appropriate turning movements, before approved development traffic is applied. The volume should be compounded to the reasonable build out years, typically 3-10 years, depending on the build out schedule.
- Growth rates used in the study must be provided by and/or approved by SHA's Travel Forecasting and Analysis team and/or by the local agency during the scoping process.
- Using growth rates to forecast build-out year traffic for large developments (developments generating more than 750 peak hour trips) is not the proper approach. Developments of this size require use of either the local Metropolitan Planning Organization (MPO) forecasting models or SHA's statewide model to forecast traffic through the study area. The proper model to use will be discussed during scoping.

- **Approved Development Traffic**

- Approved development traffic is described as traffic generated by all approved developments within the area at the time of the report preparation. Developments outside of the area are considered to be accounted for with the Growth in Existing Traffic noted above. These sites can be obtained from the local jurisdiction and should be documented in the TIS.
- For large developments with extended build out periods (5 years+), the full impact of the development on the road system may not be required. However, the impact of this development corresponding to the build out of the proposed development will be necessary. Prior

approval for background build out assumptions is required by SHA as part of the scoping agreement process.

- **Background Analysis**

- Background analysis includes existing traffic, plus growth in existing traffic, plus approved developments. This analysis should take into consideration all transportation improvements expected to be in place within the study area by the proposed development's build out year. These improvements should include those which are already programmed or funded by the state or local jurisdiction. For any background development included in the TIS, its approved off-site road improvements should be included.
- Any improvement suggested as being implemented by "others" should indicate by whom. If funded by a public agency (e.g. the SHA, the Consolidated Transportation Program (CTP) or local jurisdiction), then a copy of the page from the appropriate document should be included in the report. If funded by another developer, then documentation should likewise be included.

- **Site Conditions – Trip Generation**

- Local trip generation rates should be used. In the absence of available local rates, the latest ITE *Trip Generation Manual* rates should be used.
- If using the latest ITE rates, ITE's latest edition *Trip Generation Handbook: An ITE Recommended Practice* is to be used to estimate the appropriate trip generation for the proposed development site. Section 3.3 of the *Handbook* provides guiding principles for the approach to follow, and is summarized below:
 - Trip generation can be estimated through use of a regression equation or a weighted average rate.
 - Use of the regression equation is recommended when:
 - A regression equation is provided
 - The independent variable is within the range of surveyed data

- Either the data plot has at least 20 data points or the regression equation has an R^2 value greater than or equal to 0.75, the regression equation falls within the data cluster in the plot, and the standard deviation is greater than 110 percent of the weighted average rate.
- Use of the weighted average rate is recommended when:
 - At least three data points are available.
 - The independent variable is within the range of surveyed data.
 - The standard deviation is less than or equal to 110 percent of the weighted average rate.
 - The regression equation has an R^2 value less than 0.75, or no equation is provided.
 - The weighted average falls within the data cluster in the plot.
- SHA is currently in the process of developing a formal policy regarding Transit Oriented Development (TOD) guidelines, including requirements for a TOD designation. A more definitive TOD standard is expected in the future. At this time, developers seeking to receive TOD credits will be considered on a case by case basis.

- **Site Conditions – Trip Distribution**

- Discussion of the assumptions behind the distribution of generated trips (both site and approved background development) must be provided. The methodology to be used should be discussed at the scoping meeting. For large developments (those generating more than 750 peak hour trips), local MPO models or SHA's statewide model should be used to identify site trip distribution percentages on roadways within the study area.

- **Site Conditions – Trip Assignment**

- Trips generated by the site will be assigned to the roadway network based on the defined trip distribution and existing travel patterns.

- **Projected Conditions**

- Site traffic is described as traffic which will be generated by the development.
- Total traffic is to be calculated after the site traffic is projected.
- If the proposed site development is to be phased, earlier phases shall not be analyzed as “background” generated trips for subsequent phase traffic impact studies. Site generated trips from earlier phases must be considered as part of the total site trips generated for subsequent phase traffic impact studies.
- After total traffic is developed, an analysis of traffic operations, with projected future roadway improvements in place (e.g. improvements addressed in the background analysis), is to be performed.

After the analysis of total traffic is completed, the following information must be identified:

- All intersections and intersection movements within the study area resulting in a Level of Service worse than “D”.
- All study intersection turning movement queues (e.g. left turn, right turn, and through queues) (95th percentile queues for Synchro/SimTraffic; Maximum queues for VISSIM). Queues are to be listed for Existing, Background, and Total, as well as the available storage length for each movement.
- In certain circumstances, any arterial segment (by direction), diverge, merge, weave, and/or freeway segment (by direction) with a LOS “E” or “F” within the study area.
- In certain circumstances (such as particular microsimulation analysis, as determined by SHA), the overall roadway network delay, overall network travel time, and latent demand (“vehicles denied entry”).
- In areas with a large pedestrian and/or bicyclist presence, any expected degradation in pedestrian or bicycle LOS or delay.

- **Conclusions/Recommendations**

- Any intersections and intersection movements shown not to meet the minimum overall "D" Level of Service must be addressed. For roundabouts, entry lane movements with volume to capacity ratios exceeding 0.85 must also be addressed. Mitigation may be proposed as part of this report, and must improve overall intersections and intersection movements to a "D" level of service if the study indicates background conditions operate at acceptable levels of service (e.g. Level of Service "D" or better). For roundabouts, mitigation must also improve any entry lane volume to capacity ratio to 0.85 if the study indicates background conditions with corresponding volume to capacity ratios of 0.85 or less. Improvements proposed must mitigate the impact of the proposed development if background conditions indicate substandard Levels of Service exist. For roundabouts, improvements proposed must also mitigate the impact of the proposed development if background conditions indicate substandard volume to capacity ratios exist for entry lane movements.
- Any 95th percentile (for SimTraffic outputs) or Maximum (for VISSIM outputs) study intersection turning movement queues (including through queues) that exceed available storage bays or otherwise block access to major commercial and residential access points within the study area, due to the presence of the projected development, must be mitigated. Improvements may be proposed as part of this study. SHA reserves the right to require additional mitigation if the total traffic resulting queues are perceived to present a safety concern for roadway users.
- Any arterial segment, diverge, merge, weave, and/or freeway segment within the study area shown not to meet the minimum "D" Level of Service must be addressed. Improvements may be proposed as part of this report, and must improve segments, diverges, merges, and weave areas to a "D" Level of Service if the study indicates background conditions operate at acceptable levels of service. Improvements proposed must mitigate the impact of the proposed development if background conditions indicate substandard Levels of Service exist.
- Increases to the overall network delay, overall network travel time, and latent demand parameters as a result of the proposed development must be addressed. Improvements proposed as part of this report must mitigate any degradation in value of any of the parameters beyond that established under background conditions.

- Improvements should be proposed that will accommodate adequate pedestrian and bicycle access to the proposed development, as stated in COMAR Section 11.04.05.
- In circumstances where analysis results from the alternative tool/methodology differ from the results obtained from the CLV analysis, the results that yield the greatest detrimental impact to users of the roadway within the study area will be used.
- In circumstances where the impact of the proposed development or phased developments on roadway operations is expected to be minor (as determined by SHA), and required mitigation would be impractical (e.g. extension of a storage bay by less than 25 feet), SHA reserves the right to require the cooperation of one or several proposed developments in or near the study area to develop mitigation strategies that address the cumulative traffic operational impact of these developments.
- *In circumstances where the impact of the proposed development or phased developments on roadway operations is not commensurate with the mitigation required (as determined by SHA), and the opportunity to establish the cooperation of one or several other proposed developments in or near the study area to develop mitigation strategies is not feasible, SHA reserves the right to determine a reasonable mitigation strategy.
- *In circumstances where required traffic mitigation in the form of "traditional" roadway improvements (e.g. mainline roadway corridor widening) is not feasible or compatible with local jurisdiction strategic transportation plans (as determined by SHA), SHA reserves the right to consider alternative congestion mitigation strategies, such as Active Traffic Management and Intelligent Transportation Systems strategies, and/or non-motorized improvement strategies. Alternative strategies will be considered by SHA on a case-by-case basis.
- If mitigation is not included in the report but is deemed necessary according to the requirements listed above, a supplemental mitigation proposal must be submitted and approved prior to the traffic impact study being deemed complete.
- If a traffic signal is to be proposed, then a signal warrant analysis must be performed in accordance with SHA's warrant analysis procedures, and be included in the report. Considerations such as turning phase analysis, special operations (e.g. flashing signals) and pedestrian and bicycle accommodations should be documented as well. After review of this analysis, SHA may require additional study, including exploring

other alternatives to signalization, before reaching a final determination as to the need for a signal. Meeting of a signal warrant(s) does not automatically guarantee SHA approval of a new signal. All new traffic signal proposals (or other mitigation) must follow SHA's established approval procedures.

- If improvements are noted in the study, there must be some discussion of the feasibility of constructing any recommended improvement. While detailed construction plans are not expected, some discussion of any obvious constraints is necessary, including right of way, structural, utilities, and environmental impacts.
- If improvements are noted in the study, a final analysis of the study area must be performed to include any recommended improvements.

POLICY: CRITERIA FOR EVALUATING MULTI-JURISDICTIONAL IMPACTS OF PROPOSED ACCESS PERMITS

Applicants for SHA highway access permits that are substantial in scope, in close proximity to adjacent counties or municipalities, or when it is determined that the local Adequate Public Facilities Ordinance (APFO) is not adequate in evaluating and addressing necessary improvements, shall include regional impacts on the State's highway system in the required traffic impact studies beyond the jurisdiction of location. County and/or municipal boundaries cannot be the determining factor for where traffic impacts will be evaluated and mitigated.

When a proposed access point meets the following criteria, a regional traffic impact study shall be required:

- If the local APFO or other public infrastructure tool does not consider the traffic impacts of development beyond the jurisdiction of origin, and
- If the access point is within the following radial distances, based on development size, from an adjacent County or municipality:
 - ¼ mile for a small development
 - ½ mile for a medium development
 - 1 mile for a large development

A development's size is determined by the number of peak hour trips expected to be generated by the development, based on local trip generation rates or the latest version of the ITE *Trip Generation Manual*:

- Small Development: 50 – 100 Peak Hour Trips
- Medium Development: 101 – 750 Peak Hour Trips

- Large Development: > 750 Peak Hour Trips

The specific impact area to be considered in the multi-jurisdictional traffic impact study shall be defined at the scoping meeting with the applicant, applicant's traffic engineer, State Highway Administration, and affected local jurisdictions. The multi-jurisdictional traffic impact study shall follow the methodology of the local APFO for the jurisdiction of origin, or the SHA traffic study methodology if an APFO does not apply, or in circumstances where SHA determines the potential for a significant roadway safety concern that cannot be adequately addressed through County/jurisdictional guidelines. The multi-jurisdictional traffic impact study will need to account for planned development in adjacent jurisdictions. If the development has multimodal aspects (including but not limited to rail and bus transit), The Maryland Department of Transportation shall provide support.

DRAFT

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Thursday, January 11, 2018 10:04 AM
To: Barry King <bking@centuryeng.com>
Cc: Kristoffer Nebre <knebre@baltimorecountymd.gov>; Michael Filsinger <mfilsinger@baltimorecountymd.gov>
Subject: RE: Sheetz - Qs for Baltimore County

B- see below.

Greg

From: Barry King [<mailto:bking@centuryeng.com>]
Sent: Thursday, January 11, 2018 8:54 AM
To: Greg Carski <gcarski@baltimorecountymd.gov>
Subject: Sheetz - Qs for Baltimore County

Greg;

So we are on the same page with the County regarding the TIS, our analyst has the following questions regarding the area to be evaluated;

1. Do we need to include Padonia at York? We're analyzing Padonia at Broad Ave, and York is just about a half mile from the site, so it may not be required. *Pls include York/Padonia*
2. Do we need to include Beaver Dam at Industry, or is Beaver Dam at Texas Station Court sufficient? Beaver Dam at Industry is over a half mile from the site. *Texas Sta is fine to the north.*
3. Do we need to include any of the non-signalized movements at the I-83 / Padonia interchange? All of these movements are departing Padonia Road and accessing either NB or SB I-83. If we do need data, may we use data from SHA from 2013? *You can skip these movements.*
4. Is the data provided by the County from 2015/2016 okay to use? Will we need to apply any growth rates? If so, what do they suggest using? *2-3 years is getting out there....should probably get recent data*
5. We also need to know which approved developments we need to include. We'll need the TISs for each one. *You'd have to send someone to the first floor of this bldg to research that.*

If you can answer any or all of the above that would be helpful. The property owner is in a due diligence period and as always traffic was invited late tot eh game. *Traffic is always last on board.*

Thanks in advance.
Barry

Petitioner
CBA Exhibit

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Site Location:

400 W. Padonia Road

In the NW corner of the intersection of Padonia Road and Beaver Dam Road / Deereco Road
Timonium, Maryland

Proposed site usage:

Sheetz Market & Gas Station

Approximately 5000 SF with 12 fuel positions

Land Use Code 960 – Super Convenience Market with Gas Station

Trips	AM Peak Hour			PM Peak Hour		
	New (37%)	Pass-by (63%)	Total	New (34%)	Pass-by (66%)	Total
Entering (50%)	71	122	193	56	108	164
Exiting (50%)	71	121	192	55	108	163
Total	142	243	385	111	216	327

Former site usage:

Bob Evans Restaurant

6000 SF / 167 Seats

Land Use Code 932 – High-Turnover (Sit-Down) Restaurant

Trips	AM Peak Hour	PM Peak Hour
Entering	42 (52%)	40 (57%)
Exiting	38 (48%)	30 (43%)
Total	80	70

Petitioner
CBA Exhibit

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Michael J. Pieranunzi, RLA
Landscape Architect

BEGAN WITH CENTURY: 2006, October

YEARS WITH CENTURY: 13

YEARS WITH OTHER FIRMS: 29

EDUCATION

1987 B.S. Landscape Architecture, West Virginia University

PROFESSIONAL REGISTRATION:

1991 RLA Maryland Registered #1008 (exp. 2020)

2009 March LEED Accredited Professional (LEED AP)



WORK BACKGROUND:

Century Engineering

Hunt Valley, MD

Oct. 2006 - present

Daft-McCune-Walker, Inc.

Towson, Maryland

1997 – 2006

Clark, Finefrock &

Sackett, Inc.

Columbia, Maryland

1987 – 1997

ASSOCIATIONS

American Society of Landscape Architects

Howard County Association of Landscape Architects - Past Vice President

Howard County Homebuilders Association

Howard County Chamber of Commerce

EXPERIENCE

As a project manager, Mr. Pieranunzi provides landscape architecture and land planning services to public and private clients. His extensive background in residential and commercial site planning and land development result in creative and environmentally-sensitive design solutions. Mr. Pieranunzi's experience has assisted in implementing plans from conceptual design through construction on projects that include residential and commercial land use planning, community master planning and landscaping, golf course design, and site planning.

Petitioner
CBA Exhibit

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With experience in a variety of project types and justifications, he has gained exceptional skills in managing projects from conceptual design, design development, construction drawings and site inspection. He has proven abilities in managing budgets, clients, county officials and staff on multiple project types and projects.

BALTIMORE COUNTY PROJECTS

FOUNDRY ROW – Baltimore County, MD. Project Manager for entitlement process for a 50-acre site that converted the old Solo Cup factory into an open-air retail and office development. Design included 130,000 SF. Wegman's grocery store and 295,000 SF of additional building space.

DAN QUINN AUTOMOTIVE - Baltimore County, MD. Prepare zoning exhibits for the relocation of an existing service garage in a M.L. zone. Apply for and testify at the special exception hearing before the Administrative Law Judge on zoning issues.

MARYVALE PREPARATORY SCHOOL REVISED DEVELOPMENT PLAN – Baltimore County, MD. Project Manager for the land planning services for the preparation and submission of the Development Plan showing a 18,000 SF Media Center, 16,880 SF Performing Arts Center, track, lacrosse field, 3 soccer fields, parking and stormwater management. The 113 acre site, zoned RC-2, consists of existing buildings, ball fields and forest covering.

COPPERMINE ATHLETIC FACILITY (SYNTHETIC FIELD), Baltimore, MD. As project manager, Mr. Pieranunzi was responsible for meeting with the owner, summarizing schedule and devising a plan of action to obtain grading permits prior to the owner's summer camp schedule. Mr. Pieranunzi oversaw the SWM waiver request from Baltimore County DEPS, while simultaneously gaining approval of the grading and sediment control plan. The field construction drawings required detailed grading, coordination of the underdrain system, retaining wall design and perimeter fencing and lighting.

HOLLINS END, Baltimore, MD. Mr. Pieranunzi was the project manager responsible for coordinating and managing the expansion to the existing warehouse and parking lot at Hollins End. The owner required adapting the existing building to conform to a new tenant program. Mr. Pieranunzi reviewed the new tenant requirements and worked with the design team to implement the new building parking, pedestrian connection, stormwater management and landscape revisions. He processed the plans for the approval and assisted with obtaining permits in a timely manner.

MOUNT de SALES ACADEMY GRANDSTAND AND FIELD ADDITIONS, Baltimore County, MD. Michael Pieranunzi was Project Manager for the proposed field conversion. The school proposed conversion of their existing turf field and natural hillside seating area to a synthetic field and grandstand built within the slope. Working with the architect, Michael managed the preparation of the permit drawings for the mass grading, utilities, walls, plaza and electric design.

WINDSOR STATION, Project Manager. Prepared multiple conceptual studies for a 14 acre commercial parcel in order to maximize the potential office, warehouse or flex space. Studies were prepared in accordance with zoning, parking, and stormwater management facilities requirements. The layout maximized the square footage of the office space to ±320,000 s.f. and the flex space of 90,000 s.f. and 1,600 parking spaces.

OWINGS MILLS MALL, Baltimore County, MD. Prepare layout and grading of Hoyt's Cinema, Lord & Taylor, and Sears expansion. Michael was also responsible for the second expansion at Owings Mills Mall in which the Sears Department Store and free standing Tire Center were razed. The overall mall was redesigned to meet the parking requirement while creating a 15 acre residential out parcel. Michael was responsible for the coordination and negotiation with the MTA connection between the Cinema and Outparcel.

TOWSONTOWN MALL EXPANSION, Baltimore County, MD. Mr. Pieranunzi prepared and submitted permit drawings for a 100,000 s.f. expansion which included restaurants and retail space supported by a 750 space parking deck. Michael was responsible for the layout, grading, paving, hardscape components and utilities. The intricate project establishes Towson Mall as the gateway to Towson, Maryland. Michael worked extensively with the architects, owners and land use attorneys to prepare and process the drawings through reviews by the county, business community, economic development and existing tenants.

WHITE MARSH MALL - LIFESTYLE CENTER, Baltimore County, MD. Project Manager. Responsible for the preparation of the conceptual and documents for the 110,000 s.f. "Lifestyle" expansion to White Marsh Mall and for coordinating the zoning, grading, SWM, utility, sediment and erosion control and landscape architecture plan. The retail component is attached to the exterior of the Mall fronting onto a proposed streetscape with special paving lighting and seating. The layout was sensitive to the existing sloping site and parking issues.

OWINGS MILLS RESTAURANT PARK, Baltimore County, MD. Prepared layout and grading of five restaurant buildings, parking lot and landscaping. Mr. Pieranunzi coordinated the construction of restaurants with five different owners; Red Lobster, Don Pablo's, Tony Roma's, HOPS, Red Robin and five different general contractors.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 8

Bill No. 15-19

Mr. Julian Jones, Councilman

By the County Council, April 15, 2019

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations – Convenience Stores

FOR the purpose of amending the Zoning Regulations to clarify the definition of “convenience store” and to provide for the minimum number of parking spaces required when such use is combined with a carry-out restaurant and fuel service station; and generally relating to convenience stores and required minimum parking.

BY repealing and re-enacting, with amendments

Section 101.1 – the definition of “Convenience Store” and Section 409.6.A.2
Baltimore County Zoning Regulations, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Petitioner
CBA Exhibit

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1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:
3

4 ARTICLE 1 - GENERAL PROVISIONS

5 SECTION 101 – Definitions

6 § 101.1. - Word usage; definitions.

7 Words used in the present tense include the future; words in the singular number include the
8 plural number; the word "shall" is mandatory. For the purposes of these regulations, certain
9 terms and words are defined below.

10 Any word or term not defined in this section shall have the ordinarily accepted definition as set
11 forth in the most recent edition of Webster's Third New International Dictionary of the English
12 Language, Unabridged.

13 CONVENIENCE STORE – A retail establishment which primarily sells refrigerated products,
14 household items, carry-out food products or prepackaged frozen, chilled or scaled foods and
15 meals, that may be heated by the customer at the premises, but are generally eaten off-site. A
16 convenience store does not exceed a gross floor area of 6,000 square feet and is usually open for
17 at least 12 hours in a 24-hour period. A CONVENIENCE STORE COMBINED WITH A
18 ~~RESTAURANT THAT HAS THE CHARACTERISTICS OF A CARRY-OUT RESTAURANT~~
19 IN WHICH BOTH ARE LOCATED WITHIN A SINGLE STRUCTURE WITH A GROSS
20 FLOOR AREA UP TO 6,000 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE IS
21 CONSIDERED A COMBINED CONVENIENCE STORE AND CARRY-OUT
22 RESTAURANT FOR THE PURPOSE OF DETERMINING THE MINIMUM NUMBER OF
23 REQUIRED PARKING SPACES WHEN SUCH USE IS WITH A PERMITTED FUEL

1 SERVICE STATION. THERE SHALL BE NO LIMIT ON THE NUMBER OF TABLES AND
2 CHAIRS PROVIDED FOR CUSTOMERS SO LONG AS THEY ARE AVAILABLE TO ALL
3 CUSTOMERS OF THE COMBINED USE WITH A FUEL SERVICE STATION, AND THE
4 NUMBER OF TABLES AND CHAIRS SHALL NOT BE INCLUDED IN A CALCULATION
5 OF REQUIRED PARKING.

6
7 ARTICLE 4 - SPECIAL REGULATIONS

8 SECTION 409 - Off-Street Parking and Loading

9 § 409.6. - Required number of parking spaces.

10 A. General requirements. The standards set forth below shall apply in all zones unless otherwise
11 noted. If the required number of off-street parking spaces is not set forth for a particular type of
12 use, the Director of Permits, Approvals and Inspections shall determine the basis of the number
13 of spaces to be provided. If the number of spaces calculated in accordance with this section
14 results in a number containing a fraction, the required number of spaces shall be the next highest
15 whole number.

16 2. Commercial and service uses.

17 Type of Use	Minimum Number of Required Off- 18 Street Parking Spaces
----------------	---

19 Carry-out restaurant; COMBINED	5 per 1,000 square feet of gross floor area.
20 CONVENIENCE STORE AND	
21 CARRY-OUT RESTAURANT <u>WITH A FUEL</u>	
22 <u>SERVICE STATION</u>	

1 SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by
2 the affirmative vote of five members of the County Council, shall take effect on June 5, 2019.

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2019, LEGISLATIVE DAY NO. 10
May 23, 2019 10:00 A.M.

A. The meeting was called to order by Chairman Quirk at 10:13 A.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 75 persons in attendance and the following Councilmembers were present:

TOM QUIRK
IZZY PATOKA
WADE KACH
JULIAN E. JONES, JR.
DAVID MARKS
CATHY BEVINS
TODD K. CRANDELL

FIRST DISTRICT
SECOND DISTRICT
THIRD DISTRICT
FOURTH DISTRICT
FIFTH DISTRICT
SIXTH DISTRICT
SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilwoman Bevins, seconded by Councilman Jones, the reading of the Journal Entries for the meeting of May 6, 2019 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following Bills were passed by the County Council and signed by the acting County Executive. He certified and delivered to the Secretary, Bills 11-19, 12-19 and 13-19.

D. BUDGET MESSAGE

Chairman Quirk read the Baltimore County Budget Message for Fiscal Year 2020.

E. INTRODUCTION OF BILLS

There were no Bills for introduction.

F. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 15-19, Zoning Regulations – Convenience Stores, was called. Councilman Jones and Patoka commented. Councilman Jones then moved to amend this Bill with the following amendments:

1. On page 1, in the third line of the Purpose Paragraph, after "restaurant", insert "and fuel service station".
2. On page 2, in line 18, strike "THAT HAS THE CHARACTERISTICS OF A CARRY-OUT RESTAURANT"; in line 23, after "SPACES" insert "WHEN SUCH USE IS WITH A PERMITTED FUEL SERVICE STATION".
3. On page 3, in line 2, after "USE" insert "WITH A FUEL SERVICE STATION"; in line 20, after "RESTAURANT" insert "WITH A FUEL SERVICE STATION".

Councilwoman Bevins seconded the motion and these amendments failed by the following roll call vote:

Aye - Quirk, Jones, Bevins
Nay - Patoka, Kach, Marks, Crandell

Councilman Jones commented and then motioned to reconsider the vote on the amendments. Councilwoman Bevins seconded this motion to reconsider the vote on the amendments, and the motion passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Jones, seconded by Councilwoman Bevins, these amendments passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Councilmembers Bevins and Crandell commented. Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 3, after line 21, insert "SECTION 2. AND BE IT FURTHER ENACTED, that the provisions of this Act shall be applied prospectively and shall have no application to any Petition for Zoning Approval that has not received full and final approval as of the effective date of this Act.
2. On page 3, in line 22, after "SECTION" strike "2" and substitute "3".

Councilman Marks seconded the motion and these amendments failed by the following roll call vote:

Aye - Kach, Marks
Nay - Quirk, Patoka, Jones, Bevins, Crandell

Thereafter, upon motion by Councilman Jones, seconded by Councilman Crandell, Bill 15-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Jones, Marks, Bevins, Crandell
Nay - Kach

Bill 19-19, Property Tax, was called. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 20-19 Income Tax, was called. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Patoka, Jones, Bevins
Nay - Kach, Marks, Crandell

Bill 21-19, Tax on Telephones and Wireless Service, was called. Councilman Marks, Quirk, Jones, Kach and Patoka commented. Councilman Jones then moved to amend this Bill with the following amendments:

1. On page 3, in line 2, after "ORGANIZATIONS" strike "AND"; in line 3, after "CUSTOMERS" strike "." and substitute "; AND"; after line 3, insert "(6) PREPAID WIRELESS TELEPHONE SERVICE."
2. On page 4, in line 19, after "IS" strike "\$3.50 PER LINE" and substitute "EIGHT PERCENT (8%) PER VOICE LINE CHARGE ON A CELLULAR ACCOUNT, AFTER ANY DISCOUNTS, CREDITS, SPECIAL OFFERS, OR PROMOTIONS HAVE BEEN APPLIED."

Councilman Kach seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins
Nay - Crandell

Thereafter, upon motion by Councilman Jones, seconded by Councilman Patoka, Bill 21-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins
Nay - Crandell

Bill 22-19, Taxation-Transient Occupancy Tax, was called. Councilman Jones and Kach commented. Councilman Jones then moved to amend this Bill with the following amendment:

1. On page 4, in line 8, strike "10%" and substitute "9.5%".

Councilman Patoka seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins
Nay - Crandell

Thereafter, upon motion by Councilman Jones, seconded by Councilman Patoka, Bill 22-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Bevins
Nay - Marks, Crandell

Bill 17-19, Annual Budget and Appropriation Ordinance of Baltimore County, was called. Councilmembers Kach, Patoka and Crandell commented. Mr. Bostwick stated that the various appropriations shown on the annual budget and appropriation ordinance are amended by deletions and substitutions as shown on said ordinance.

Therefore, Bill 17-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins
Nay - Crandell

Bill 18-19, Personnel Law of Baltimore County, was called. Julie Guilbault appeared. Mr. Bostwick then read the various amendments sponsored by the County Executive shown in the Bill by deletions and substitutions. Councilman Marks then moved the amendments and Councilman Quirk seconded the motion. The amendments passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Councilman Quirk, moved the Bill as amended, seconded by Councilman Jones and Bill 18-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 16-19, Development Impact Fees, was called. Councilmembers Bevins, Jones and Marks commented. Mr. Bostwick then read the various amendments sponsored by Councilmembers Bevins, Jones, Marks and Patoka shown in the Bill by deletions and substitutions. Councilman Marks moved the amendments and Councilwoman Bevins seconded the motion. The amendments passed by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins
Nay - Crandell

Councilman Marks, moved the Bill as amended, seconded by Councilman Quirk and Bill 16-19, as amended, passed by the following roll call vote:

Aye - Quirk, Patoka, Jones, Marks, Bevins
Nay - Kach, Crandell

Bill 23-19 Development Impact Surcharge, was called. Councilman Quirk commented and then moved to table this Bill. Council Marks seconded the motion and this Bill was tabled by the following roll call vote:

Aye - Quirk, Patoka, Kach, Jones, Marks, Bevins, Crandell
Nay - None

G. APPROVAL OF FISCAL MATTERS

The Chairman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council's work session on May 14, 2019. The witnesses who testified at the work session were available to restate their testimony if needed. If a Councilmember had any questions regarding a particular Fiscal Matter, that item would be discussed as a separate matter. Chairman Jones then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 4.

1. Amendment #2 to Contract – Walker Parking Consultants/Engineers, Inc. – Public Safety Bldg/Drumcastle Garages-OBF

Amendment #2 to the with Walker Parking Consultants/Engineers, Inc. d/b/a Walker Parking Consultants; Walker Restoration Consultants, to provide additional scope of work associated with the Baltimore County Safety Building and the Drumcastle Center parking garage projects.

2. Contract of Sale – Tall Oaks Apartments, LLLP – Acquisition of drainage and utility easement – Parkville-REC

A contract of sale with Tall Oak Apartments, LLLP, to acquire a drainage and utility easement area, located in Cockeysville, MD 21030, for Herring Run Basin 17 and 33 relief sewer.

3. Contract of Sale – U.S. Bank, N.A., Trustee for LSF9 Master Participation Trust-Acquisition-9106 Tower Road, Randallstown-REC

A contract of sale with U.S. Bank, N.A., Trustee for LSF9 Master Participation Trust c/o Caliber Home Loans, Inc., to acquire a parcel of land, located at 9106 Tower Road, Randallstown, Maryland 21133, to be used as a new water tank site.

4. Contract of Sale – Faith H. Courtney – Acquisition of parcel – 1705 Lenore Court, 21207 – REC

A contract of sale with Faith H. Courtney, to acquire a parcel of land, located at 1705 Lenore Court, Baltimore, Maryland 21207, to take title to repetitively flooded property, demolish structures and remove impervious surface to mitigate future flooding and flood insurance claims filed to and paid out by federal government.

There being no discussion, upon motion by Councilman Jones, seconded by Councilman Patoka, Fiscal Matters 1 through 4 were unanimously approved.

H. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chairman, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during April, 2019.

2. Petition of Condemnation – Richard & Rayn Warren – 9922 Pulaski Highway, 21220 – Mohrs Lane Bridge #143

At the direction of the Chairman, the Secretary read this correspondence from the County Administrative Officer, regarding a Petition of Condemnation with Richard and Rayn Warren, to acquire a parcel of land, located at 9922 Pulaski Highway, Baltimore, Maryland 21220, for improvements to Mohrs lane to accommodate Mohrs Lane Bridge # 143. Amy Grossi appeared. Councilwoman Bevins commented. There being no further discussion, upon motion by Councilwoman Bevins, seconded by Councilman Kach, this Resolution was unanimously approved.

3. Res. 57-19 – Property Tax Exemption – DAV – JaModd Bryant

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from JaModd Bryant, who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Patoka, seconded by Councilman Kach, this Resolution was unanimously approved.

4. Res. 58-19 – Property Tax Exemption – DAV – Donald E. Hurcombe, Jr.

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Donald E. Hurcombe, Jr., who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Crandell, seconded by Councilman Quirk, this Resolution was unanimously approved.

5. Res. 59-19 – Property Tax Exemption – DAV – Thomas McGhee

This Resolution was withdrawn prior to the meeting.

6. Res. 60-19 – Property Tax Exemption – DAV – Robert W. Johnston

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Robert W. Johnston, who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Crandell, this Resolution was unanimously approved.

7. Res. 61-19 – Property Tax Exemption – DAV – Harmon Mayallard Edmond

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Harmon Mayallard Edmond, who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Patoka, seconded by Councilman Kach, this Resolution was unanimously approved.

8. Res. 62-19 – Amend the Baltimore County Water Supply and Sewerage Plan

This Resolution was for introduction only.

9. Res. 63-19 – Authorization to accept donation – MD Dept. Health-Overdose prevention

This Resolution was for introduction only.

10. Res. 64-19 – Rank (5) Rural Legacy Area Plan applications

This Resolution was for introduction only.

11. Res. 65-19 – Authorization – Application for grants -MTA-Aging

This Resolution was for introduction only.

12. Res. 66-19 – Authorization to accept donation – Brothers Before Others-Springlake Park

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilwoman Bevins, seconded by Councilman Marks, the meeting adjourned at 12:19 P.M.


Thomas H. Bostwick

Michael J. Pieranunzi

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Tuesday, June 18, 2019 8:10 AM
To: Michael J. Pieranunzi
Subject: RE: Intersection of Deereco and padonia

See below

From: Michael J. Pieranunzi [mailto:mpieranunzi@centuryeng.com]
Sent: Monday, June 17, 2019 2:04 PM
To: Greg Carski <gcarski@baltimorecountymd.gov>
Subject: RE: Intersection of Deereco and padonia

CAUTION: This message from mpieranunzi@centuryeng.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Greg, thanks for the reply.

One more follow up question , did you conduct any recent traffic studies of the Deereco /Padonia intersection for the county/ county council members? **NO**

Michael

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Monday, June 17, 2019 12:47 PM
To: Michael J. Pieranunzi <mpieranunzi@centuryeng.com>
Subject: RE: Intersection of Deereco and padonia

Thankfully got out early.....see below

Greg

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Monday, June 17, 2019 11:54 AM
To: Michael J. Pieranunzi <mpieranunzi@centuryeng.com>
Subject: Re: Intersection of Deereco and padonia

Mike - I'm in jury duty today.....by 9am tomorrow ok?

Greg

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Michael J. Pieranunzi" <mpieranunzi@centuryeng.com>
Date: 6/17/19 11:49 AM (GMT-05:00)

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Michael J. Pieranunzi

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Monday, June 17, 2019 12:47 PM
To: Michael J. Pieranunzi
Subject: RE: Intersection of Deereco and padonia

Thankfully got out early.....see below

Greg

From: Michael J. Pieranunzi [mailto:mpieranunzi@centuryeng.com]
Sent: Monday, June 17, 2019 11:56 AM
To: Greg Carski <gcarski@baltimorecountymd.gov>
Subject: RE: Intersection of Deereco and padonia

CAUTION: This message from mpieranunzi@centuryeng.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Yes thanks

From: Greg Carski <gcarski@baltimorecountymd.gov>
Sent: Monday, June 17, 2019 11:54 AM
To: Michael J. Pieranunzi <mpieranunzi@centuryeng.com>
Subject: Re: Intersection of Deereco and padonia

Mike - I'm in jury duty today.....by 9am tomorrow ok?

Greg

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Michael J. Pieranunzi" <mpieranunzi@centuryeng.com>
Date: 6/17/19 11:49 AM (GMT-05:00)
To: Greg Carski <gcarski@baltimorecountymd.gov>
Subject: Intersection of Deereco and padonia

CAUTION: This message from mpieranunzi@centuryeng.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Greg, can you answer a few quick questions for me

1. Can you confirm the level of service at the intersection of deerco and padonia? TE/TP has it as a LOS "C"
2. Can you confirm the last cycle you studied this intersection? Last observed/studied on 10/20/16
3. Can you confirm your next year that you would possibly study this intersection? Will depend on the on-going construction of the Padonia Rd bridge over I-83(by MDHSA)

I-83 OVER PADONIA ROAD

Bridge Replacement



PROJECT ANNOUNCEMENT • FALL 2017

Bridge Replacement Planned

The Maryland Department of Transportation State Highway Administration (MDOT SHA) will begin a project in the summer of 2018 to replace the northbound and southbound bridges on I-83 (Harrisburg-Baltimore Expressway) over Padonia Road in Baltimore County. The project will also include the construction of a dedicated left-turn lane for motorists traveling eastbound on Padonia Road wishing to access the ramp for I-83 North. Additionally, the ramp from I-83 South to Padonia Road will be widened to reduce traffic backup. The planned bridge replacements and roadwork aim to improve the overall operation of the interchange.

Questions and answers

Why is the work necessary?

Originally constructed in 1950, the bridges over Padonia Road are nearing the end of their useful service lives. They have been rated structurally deficient due to the current condition of the riding surface that carries traffic. Replacing structurally deficient bridges not only improves the safety of motorists, but it saves money on future maintenance spending. The bridge replacement project promotes safety and mobility as part of MDOT SHA's Bridge System Preservation Program.

How will traffic be impacted during construction?

The bridges will be replaced in stages with all lanes of traffic on I-83 northbound and southbound maintained at all times. The proposed construction will require long-term single-lane closures along Padonia Road to provide a safe work zone and allow for removal and construction of the bridge.

Left-turn access from eastbound Padonia Road to the I-83 north ramp will be closed. This closure will require that the ramp traffic be detoured onto Deereco Road south to the I-83 North ramp at the Timonium Road / I-83 interchange. The detour will last for about two years until the widening of Padonia Road is completed. See map for ramp detour.

Have other alternatives been considered?

MDOT SHA considered reducing the number of traffic lanes on I-83 by one lane during construction. This option was not selected due to the severe impact on traffic and potential safety problems.

When will work be completed?

MDOT SHA will make every effort to complete this project as quickly as possible while minimizing impact on local residents and motorists. Construction is scheduled to begin in summer 2018 and be completed in 2020.



For More Information

For questions about this project, please contact:

Mr. Yinka Olagoke, P.E., MDOT SHA Project Manager
Maryland State Highway Administration
Office of Structures
707 North Calvert Street, Mail Stop C-203
Baltimore, Maryland 21202
Phone: 410-545-8332
Toll-free: 1-888-375-1084
E-mail: yolagoke@sha.state.md.us

For questions about other interstate, U.S. or State highways in the area, please contact:

Ms. Wendy Wolcott, MDOT SHA District Engineer
District 4 Office (Baltimore and Harford Counties)
320 West Warren Road
Hunt Valley, MD 21030
Phone: 410-229-2310
Toll-free: 1-866-998-0367
E-mail: wwolcott@sha.state.md.us

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I-83 OVER PADONIA ROAD

Bridge Replacement



FIND US ON THE WEB



For project details, please visit SHA's website at www.roads.maryland.gov and click on **Projects, MDOT SHA Projects Page**. Click on the **Projects Advanced Search** link above the map. Select **Baltimore County** from the drop-down list and click the Search button on the top right of the page. Select **I-83, Harrisburg Expressway BRIDGE 03062 OVER PADONIA ROAD**, or use the QR code.



MDOT SHA appreciates the patience and cooperation of the community and apologizes for any inconvenience. MDOT SHA reminds motorists to "Think Orange" when driving through work zones by staying alert and slowing down. Always buckle up, and please drive safely.

Request for Assistance

Persons requiring translation assistance with this newsletter should send an email to: shatitlevi@sha.state.md.us. Please indicate the desired language in the subject line.



Chinese:
如需<中文版>的简报, 请发电子邮件到 shatitlevi@sha.state.md.us.
请在电子邮件主题栏标出 <Chinese>。



Amharic:
ይህንን ገጽ በ ለማርሻ ለማግኘት ለባዙም በግልጽ ለሚገልጽ ለጽሑፍ ይለኩ፡
shatitlevi@sha.state.md.us፡ ለባዙም በሌላ ጽሑፍ ርዕስ ላይ <Amharic> ብለው ይጻፉ፡፡



Vietnamese:
Để nhận được bản tin này bằng tiếng Việt, xin vui lòng gửi email (thư điện tử) đến:
shatitlevi@sha.state.md.us. Xin vui lòng biểu thị <Vietnamese> trong dòng tiêu đề email.



Spanish:
Para recibir este boletín en español, por favor envíe un correo electrónico a:
shatitlevi@sha.state.md.us. Por favor indique <Spanish> en el asunto del correo electrónico.



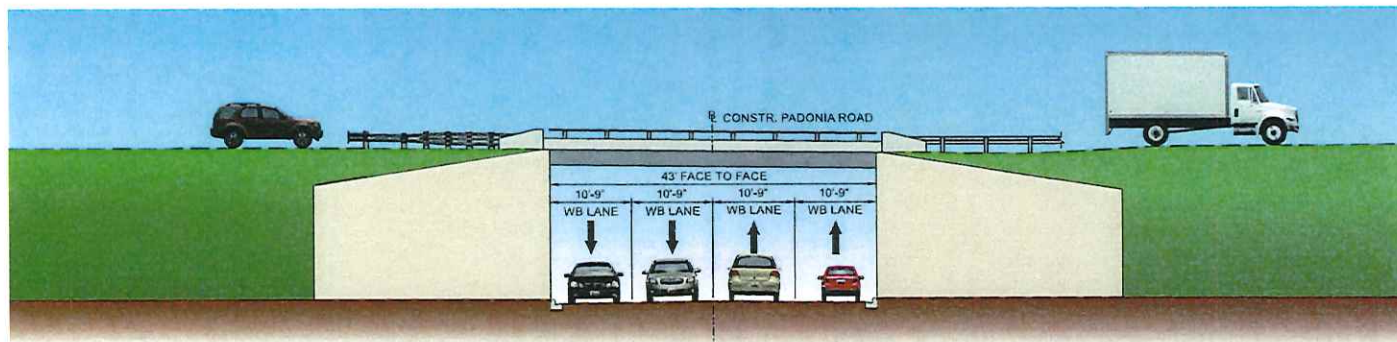
Project Primary Purpose and Need:

- Replace the bridges carrying I-83 over Padonia Road. The northbound bridge is structurally deficient and southbound bridge is close to becoming structurally deficient.
- Make the bridges longer to add a left turn lane under the bridge for traffic on eastbound Padonia Road to turn onto the ramp for I-83 northbound.

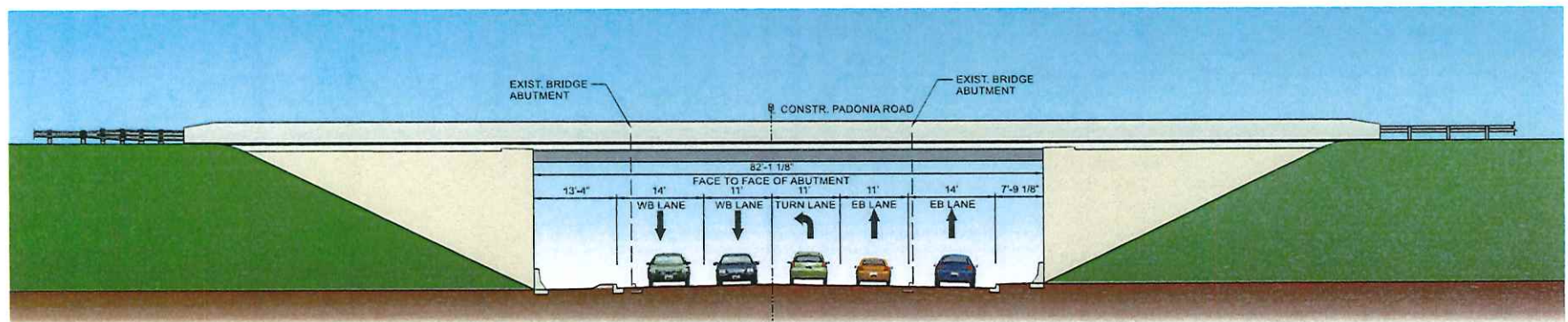
Associated Improvements With The Project:

- Widening the ramp from I-83 southbound to Padonia Road to two lanes improving the operation of the ramp.
- Improving acceleration lanes from Padonia Road onto I-83 southbound.
- Providing a longer bridge and extending the existing box culvert under Padonia Road will accommodate a future sidewalk along eastbound Padonia Road.
- Upgrading traffic barriers, traffic signals, and lighting.
- Upgrading drainage and stormwater management facilities.

PADONIA ROAD TYPICAL SECTIONS



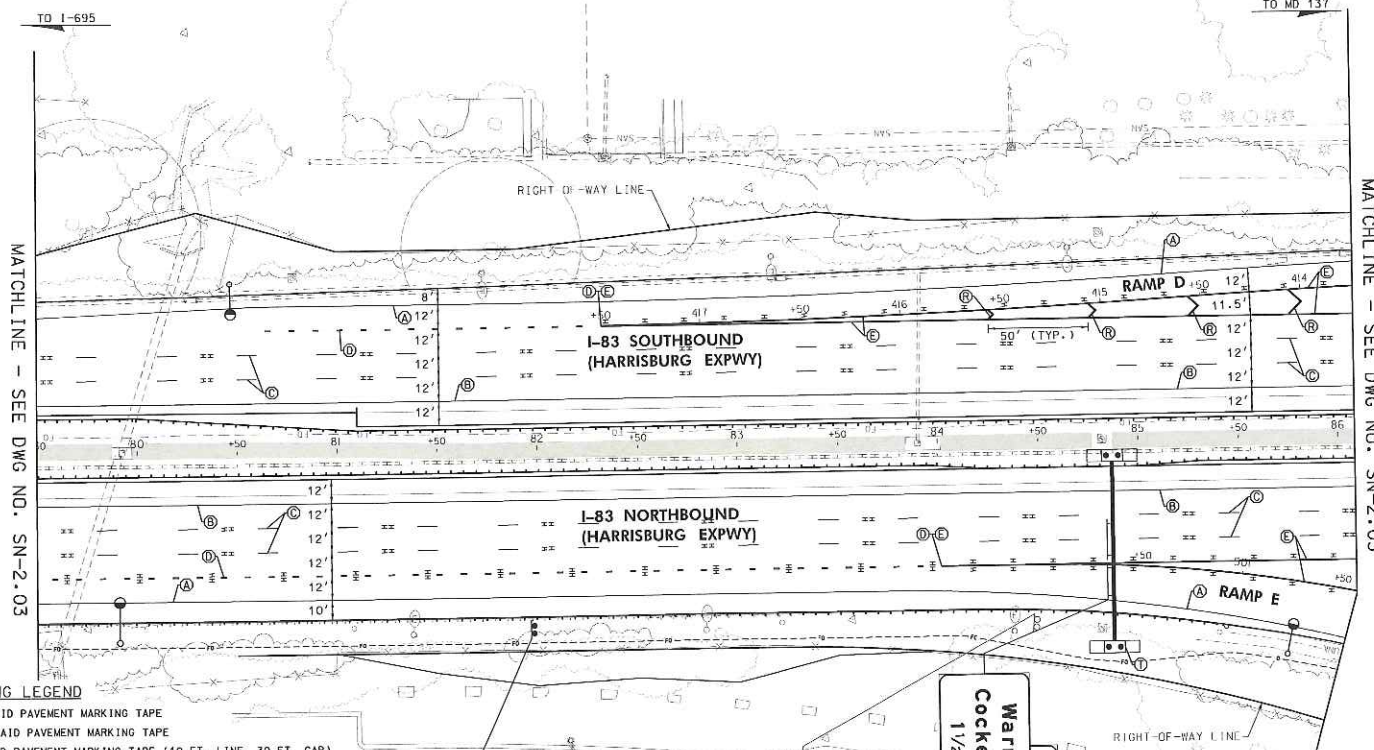
PADONIA ROAD - EXISTING TYPICAL SECTION
(LOOKING EAST)



PADONIA ROAD - FUTURE TYPICAL SECTION
(LOOKING EAST)

CONSTRUCTION DETAILS

T. INSTALL OVERHEAD SIGN STRUCTURE OH-1, '1' SUPPORTS, AND SIGNS. LEFT FOUNDATION TO BE INSTALLED AT I-83 STA. 84+87, RIGHT 7.50 FT. INSTALL 2-4 IN. CONDUIT BENDS IN EACH FOUNDATION. PLUG UNUSED BENDS.



MATCHLINE - SEE DWG NO. SN-2-03

MATCHLINE - SEE DWG NO. SN-2-05

PAVEMENT MARKING LEGEND

- A. 5 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE
- B. 5 IN. SOLID YELLOW INLAID PAVEMENT MARKING TAPE
- C. 5 IN. SKIP WHITE INLAID PAVEMENT MARKING TAPE (10 FT. LINE, 30 FT. GAP)
- D. 10 IN. SKIP WHITE INLAID PAVEMENT MARKING TAPE (3 FT. LINE, 9 FT. GAP)
- E. 10 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE
- F. 5 IN. SOLID WHITE PAVEMENT MARKING TAPE
- G. 5 IN. SOLID YELLOW PAVEMENT MARKING TAPE
- H. 5 IN. SKIP WHITE CONTRAST PAVEMENT MARKING TAPE (10 FT. LINE, 30 FT. GAP)
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- K. 5 IN. SOLID WHITE THERMOPLASTIC PAVEMENT MARKING LINE
- L. 5 IN. SOLID YELLOW THERMOPLASTIC PAVEMENT MARKING LINE
- M. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (10 FT. LINE, 30 FT. GAP)
- N. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (3 FT. LINE, 9 FT. GAP)
- O. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (3 FT. LINE, 3 FT. GAP)
- P. 10 IN. SOLID WHITE THERMOPLASTIC PAVEMENT MARKING LINE
- R. 15 IN. SOLID WHITE THERMOPLASTIC MARKING LINE
- S. WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING SYMBOL/ARROW
- ≡ SNOWPLOWABLE RAISED PAVEMENT MARKER (RECESSED WITH PLASTIC HOLDER)

LEGEND

- EXISTING SIGN TO REMAIN
- EXISTING SIGN TO BE REMOVED
- PROPOSED SIGN
- EXISTING GROUND MOUNTED SIGN
- PROPOSED GROUND MOUNTED SIGN



OFFICE OF TRAFFIC & SAFETY
HARRIS ENGINEERING DESIGN DIVISION
MDOT
MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION
REPLACEMENT OF BRIDGES
0306201 AND 0306202 ON
I-83 OVER PADONIA RD

SIGNING & PAVEMENT MARKING PLAN

SCALE: 1"=30' DATE: SEPTEMBER 2017 CONTRACT NO.: BA0385180
DESIGNED BY: NEW COUNTY: BALTIMORE
DRAWN BY: MRL LOGVILLE: 03008106.59 TO 8.60
CHECKED BY: BJO TMS NO.: 0105
FAP NO.: SEE TITLE SHEET TDD NO.:
DRAWING NO.: SN-2-04 OF 14 SHEET NO.: 187 OF 241

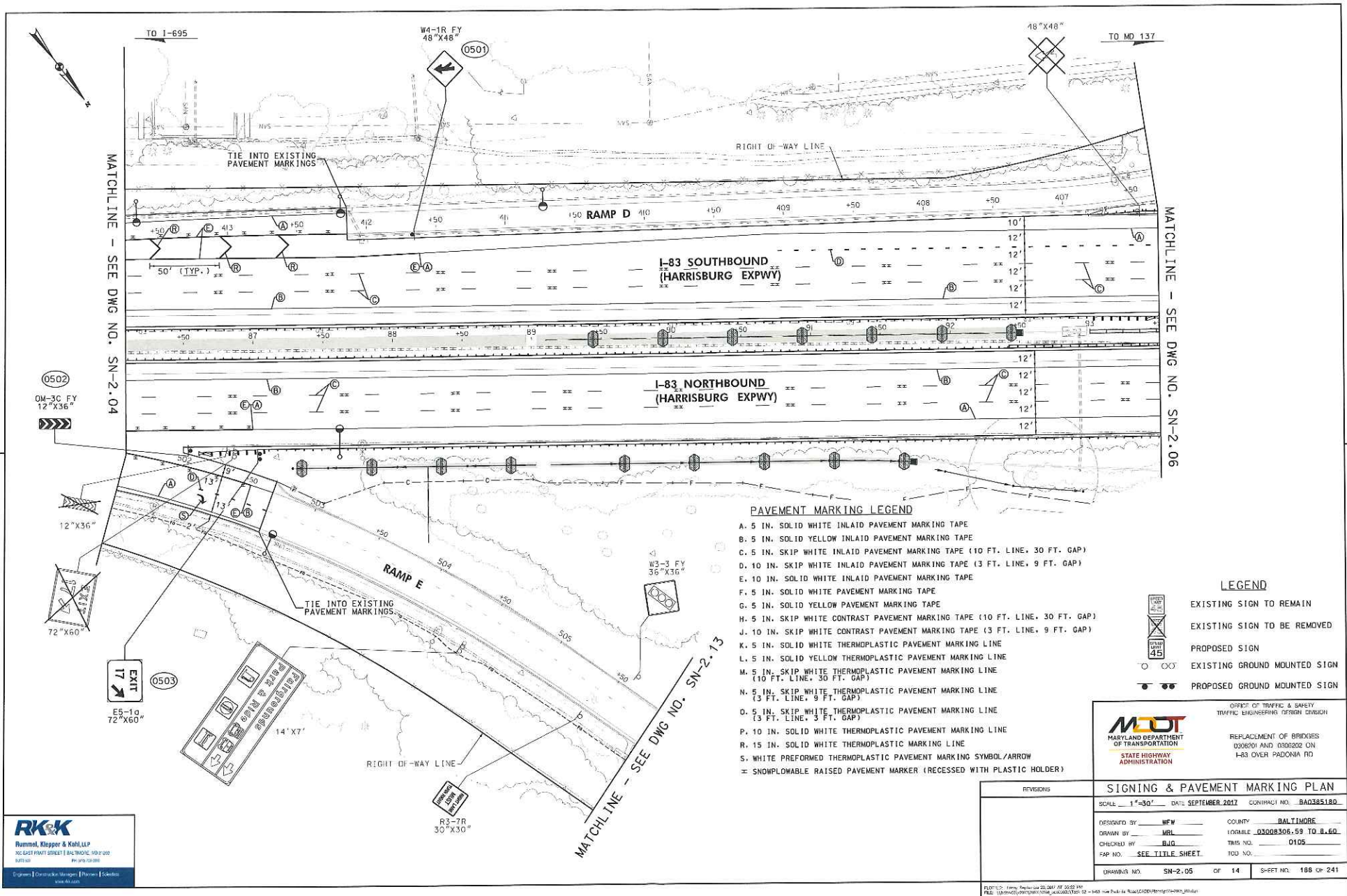
Petitioner
CBA Exhibit

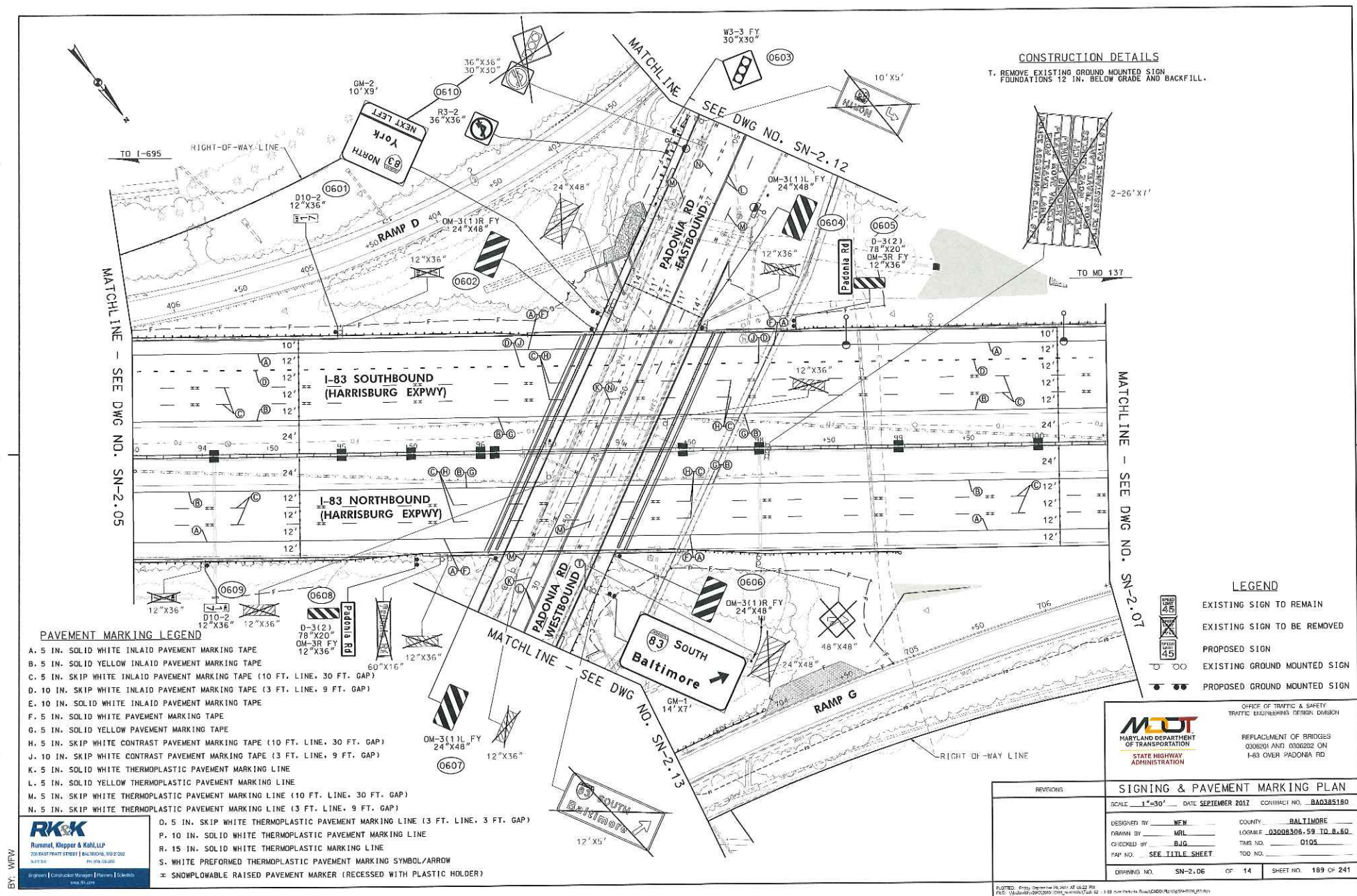
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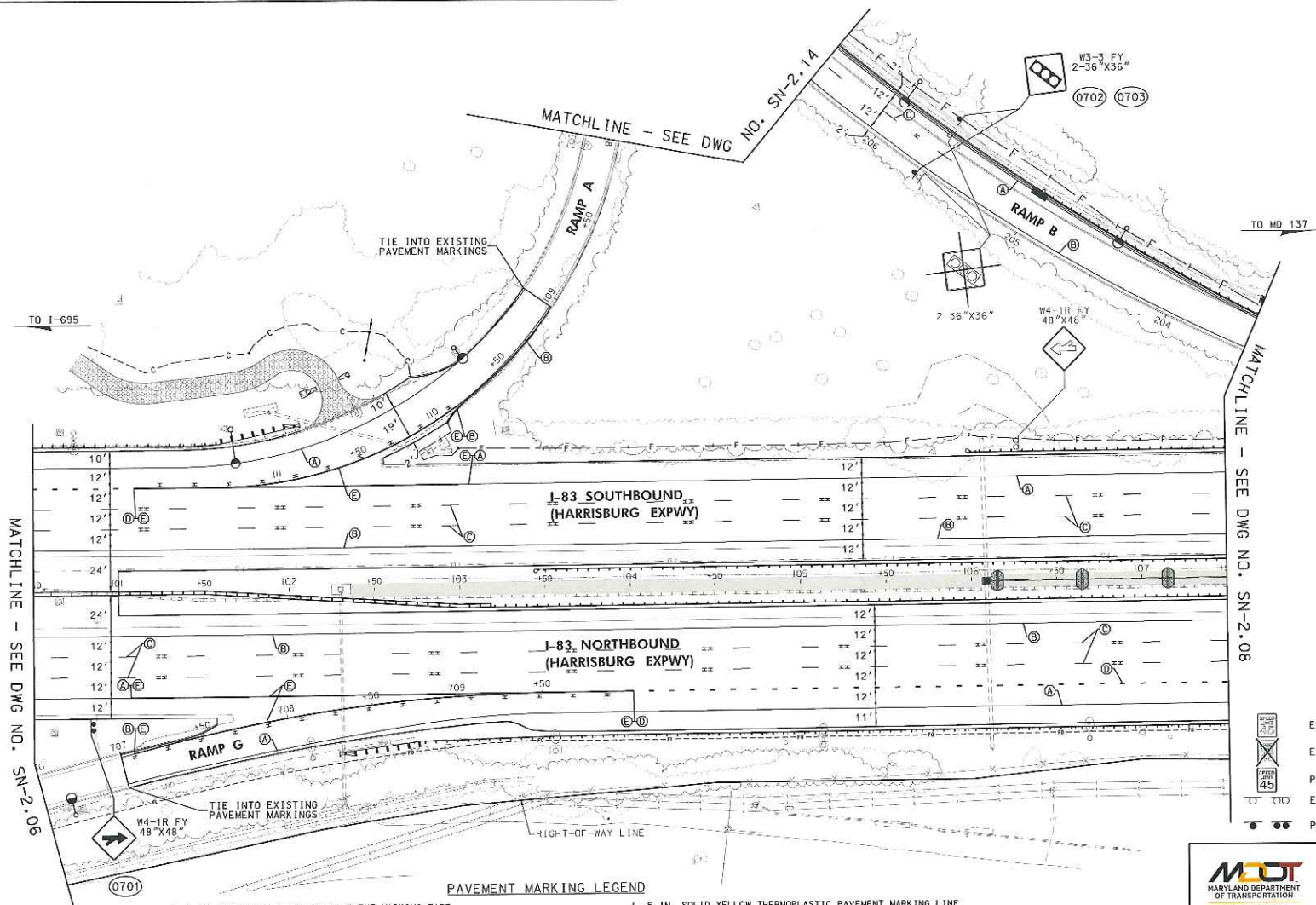
RK&K
Rummel, Klepper & Kahl LLP
700 BAYVIEW AVENUE SUITE 2000 BALTIMORE, MD 21202
301.955.1000 FAX 301.955.1001

logville@rkandk.com

PLOTTED: Friday, October 13, 2017 11:02:07 AM
FILE: \\g01p01\p01\m01\ba0385180\sn-2-04.dwg







LEGEND

- EXISTING SIGN TO REMAIN
- EXISTING SIGN TO BE REMOVED
- PROPOSED SIGN
- EXISTING GROUND MOUNTED SIGN
- PROPOSED GROUND MOUNTED SIGN

PAVEMENT MARKING LEGEND

- | | |
|--|---|
| A. 5 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE | L. 5 IN. SOLID YELLOW THERMOPLASTIC PAVEMENT MARKING LINE |
| B. 5 IN. SOLID YELLOW INLAID PAVEMENT MARKING TAPE | M. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (10 FT. LINE, 30 FT. GAP) |
| C. 5 IN. SKIP WHITE INLAID PAVEMENT MARKING TAPE (10 FT. LINE, 30 FT. GAP) | N. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (3 FT. LINE, 9 FT. GAP) |
| D. 10 IN. SKIP WHITE INLAID PAVEMENT MARKING TAPE (3 FT. LINE, 9 FT. GAP) | O. 5 IN. SKIP WHITE THERMOPLASTIC PAVEMENT MARKING LINE (3 FT. LINE, 3 FT. GAP) |
| E. 10 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE | P. 10 IN. SOLID WHITE THERMOPLASTIC PAVEMENT MARKING LINE |
| F. 5 IN. SOLID WHITE PAVEMENT MARKING TAPE | R. 15 IN. SOLID WHITE THERMOPLASTIC MARKING LINE |
| G. 5 IN. SOLID YELLOW PAVEMENT MARKING TAPE | S. WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING SYMBOL/ARROW |
| H. 5 IN. SKIP WHITE CONTRAST PAVEMENT MARKING TAPE (10 FT. LINE, 30 FT. GAP) | ± SNOWPLOWABLE RAISED PAVEMENT MARKER (RECESSED WITH PLASTIC HOLDER) |
| J. 10 IN. SKIP WHITE CONTRAST PAVEMENT MARKING TAPE (3 FT. LINE, 9 FT. GAP) | |
| K. 5 IN. SOLID WHITE THERMOPLASTIC PAVEMENT MARKING LINE | |



OFFICE OF TRAFFIC & SAFETY
TRAFFIC ENGINEERING DESIGN DIVISION

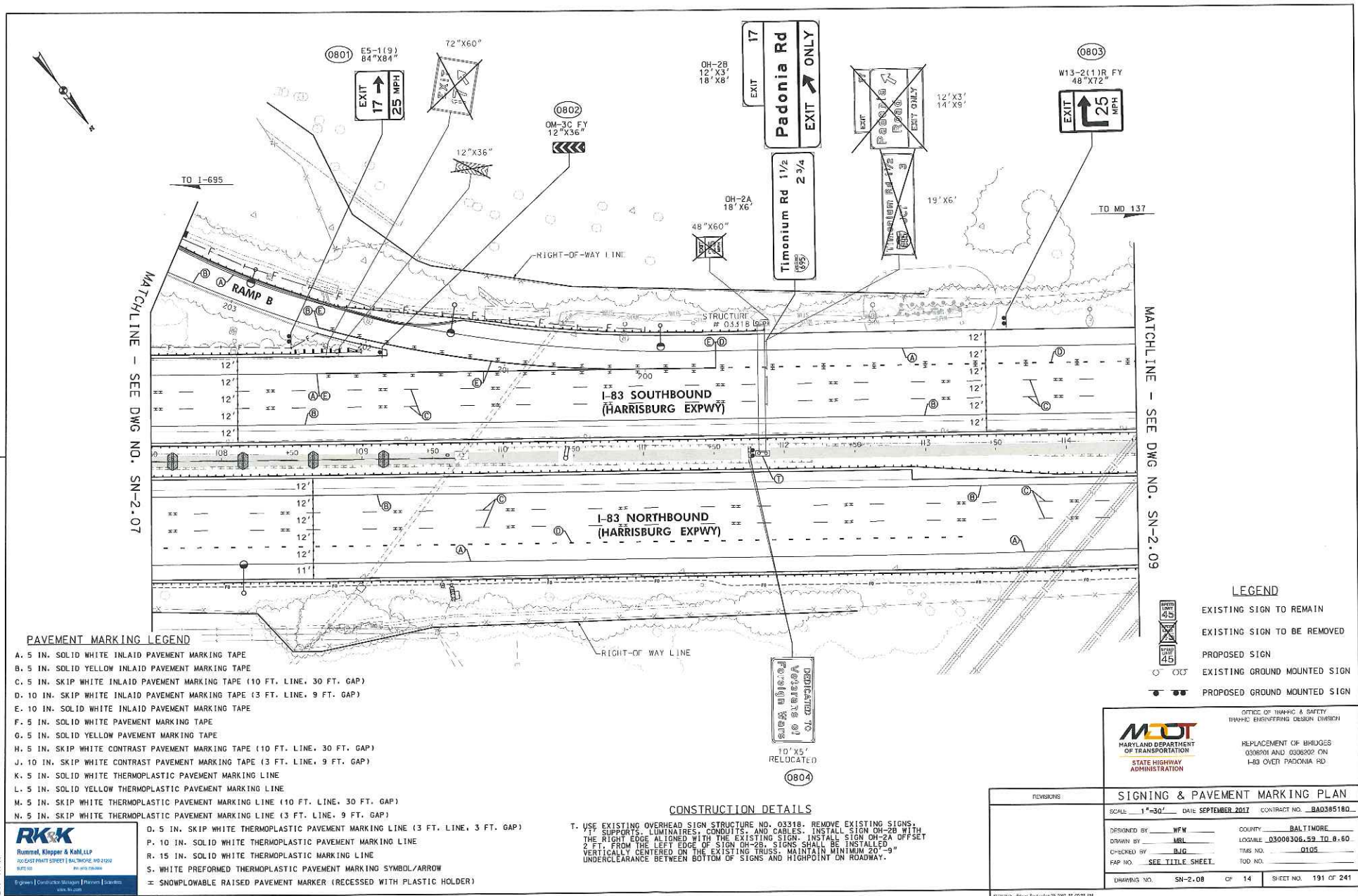
REPLACEMENT OF BRIDGES
0300201 AND 0300202 ON
I-83 OVER PADONIA RD

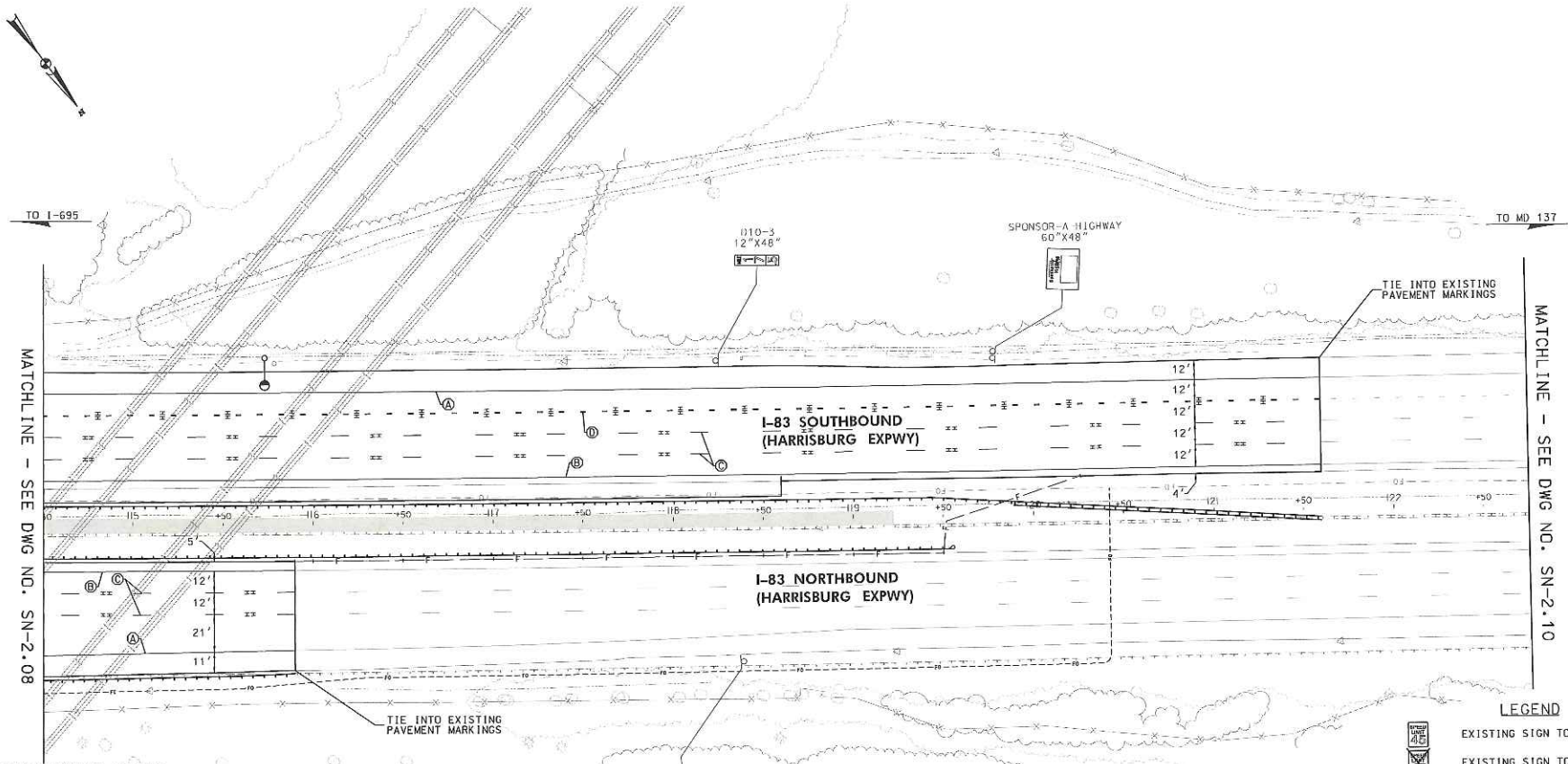
SIGNING & PAVEMENT MARKING PLAN

DESIGNED BY	WEM	COUNTY	BALTIMORE
DRAWN BY	MRL	LOCAL FILE	03000306.59 TO 8.60
CHECKED BY	B.J.G.	TRANS NO.	0105
DATE	SEE TITLE SHEET	TOO NO.	
DRAWING NO.	SN-2.07	OF	14
SHEET NO.	190	OF	241



PLOTTED: Friday, September 16, 2017 AT 10:42 PM
FILE: \\baldwin\2017\0300\03000306\03000306.dwg





PAVEMENT MARKING LEGEND

- A. 5 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE
- B. 5 IN. SOLID YELLOW INLAID PAVEMENT MARKING TAPE
- C. 5 IN. SKIP WHITE INLAID PAVEMENT MARKING TAPE (10 FT. LINE, 30 FT. GAP)
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- S. WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING SYMBOL/ARROW
- ± SNOWPLOWABLE RAISED PAVEMENT MARKER (RECESSED WITH PLASTIC HOLDER)

LEGEND

- EXISTING SIGN TO REMAIN
- EXISTING SIGN TO BE REMOVED
- PROPOSED SIGN
- EXISTING GROUND MOUNTED SIGN
- PROPOSED GROUND MOUNTED SIGN

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

OFFICE OF TRAFFIC & SAFETY
TRAFFIC ENGINEERING DESIGN DIVISION

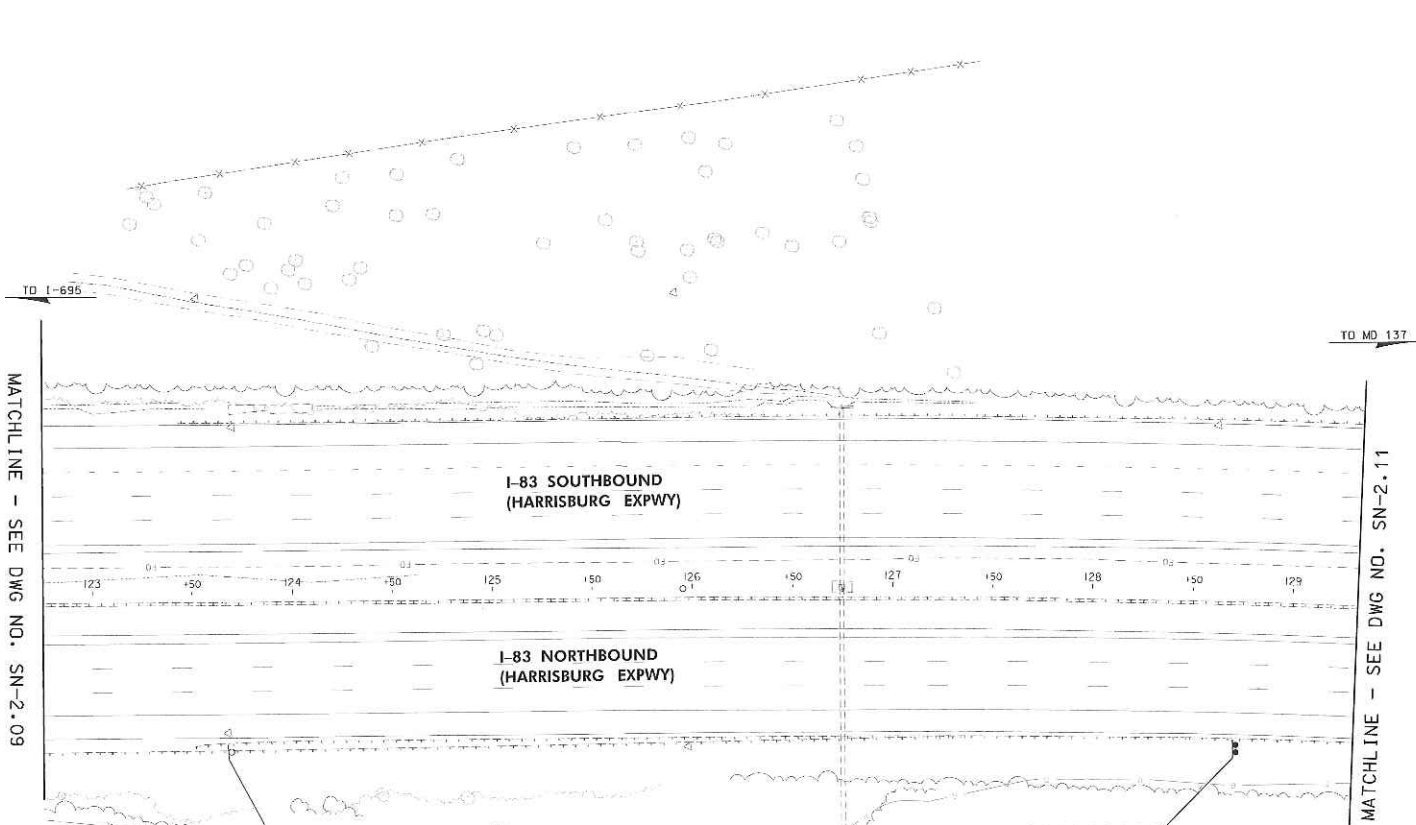
REPLACEMENT OF PROSIGS
030601 AND 030602 ON
I-83 OVER PADONIA RD.

SIGNING & PAVEMENT MARKING PLAN			
SCALE	1"=30'	DATE	SEPTEMBER 2011
DESIGNED BY	NEW	COUNTY	BALTIMORE
DRAWN BY	MRL	LOGVILLE	03008306.59 TO 8.60
CHECKED BY	B.J.C.	THIS NO.	0105
FAP NO.	SEE TITLE SHEET	TOD NO.	
DRAWING NO.	SN-2.09	OF	14
SHEET NO.	192	OF	241

BY: WFW

RK&K
Rumel, Klepper & Kohl, LLP
700 EAST PRATT STREET | BALTIMORE, MD 21202
(410) 528-1000
www.rk&k.com

PROJECT: Friday Avenue I-83, 2011 AT 80.75 PM
FILE: V:\projects\030601\030601.dwg 10/2/2011 10:00 AM - AutoCAD 2011 (MDOT) 10/2/2011 10:00 AM



MATCHLINE - SEE DWG NO. SN-2.09

MATCHLINE - SEE DWG NO. SN-2.11

PAVEMENT MARKING LEGEND

- A. 5 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE
- B. 5 IN. SOLID YELLOW INLAID PAVEMENT MARKING TAPE
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- R. 15 IN. SOLID WHITE THERMOPLASTIC MARKING LINE
- S. WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING SYMBOL/ARROW
- ± SNOWPLOWABLE RAISED PAVEMENT MARKER (RECESSED WITH PLASTIC HOLDER)



LEGEND

- EXISTING SIGN TO REMAIN
- EXISTING SIGN TO BE REMOVED
- PROPOSED SIGN
- EXISTING GROUND MOUNTED SIGN
- PROPOSED GROUND MOUNTED SIGN

MDOT
 MARYLAND DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY ADMINISTRATION

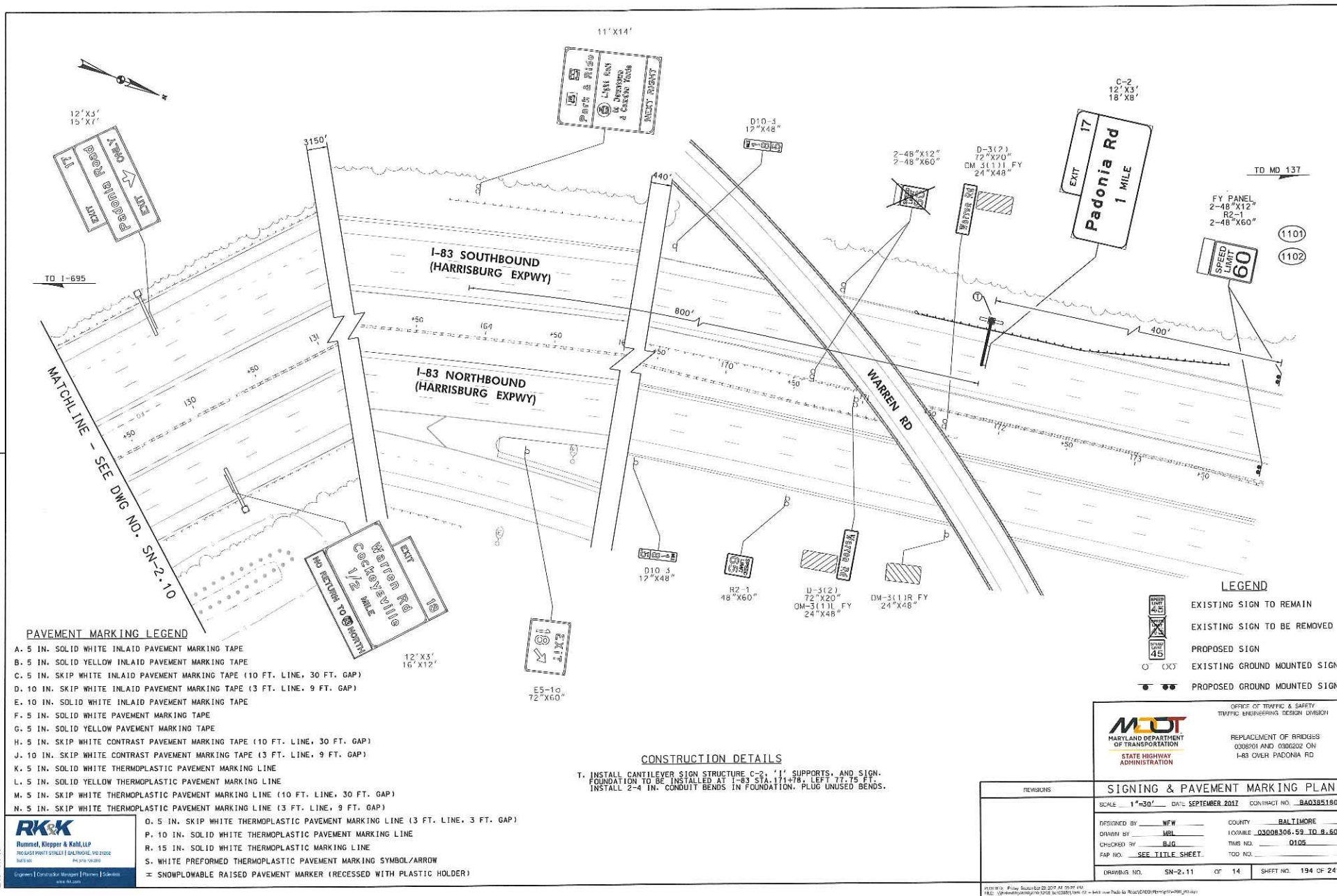
OFFICE OF TRAFFIC & SAFETY
 TRAFFIC ENGINEERING DESIGN DIVISION

REPLACEMENT OF BRIDGES
 030620 AND 0306202 ON
 I-83 OVER PADONIA RD.

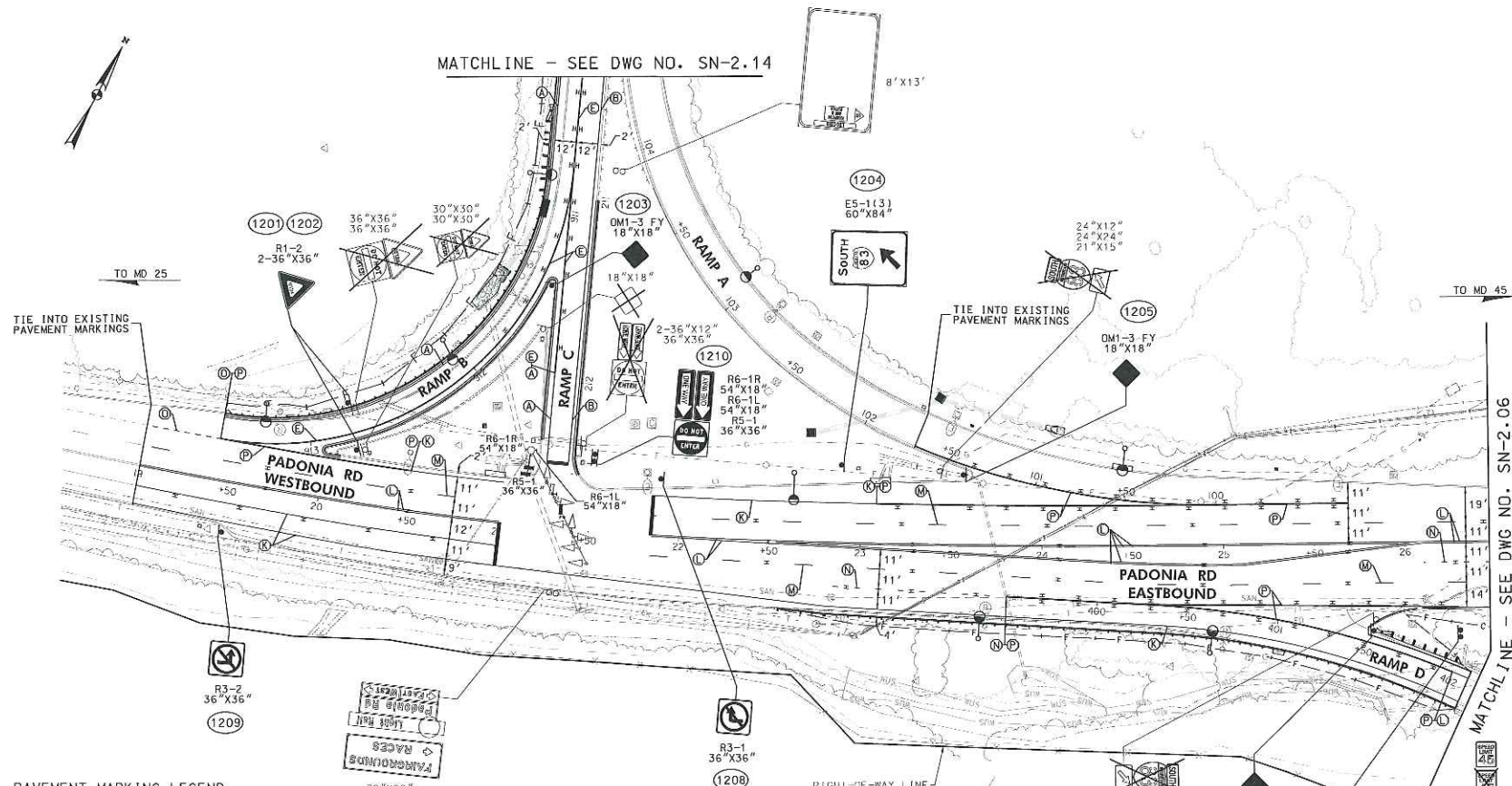
REVISIONS		SIGNING & PAVEMENT MARKING PLAN	
SCALE	1"=30'	DATE	SEPTEMBER 2017
DESIGNED BY	WFW	COUNTY	BALTIMORE
DRAWN BY	MRL	LOGSHEET	030620306.59 TO 8.60
CHECKED BY	B.J.G.	THIS NO.	0105
APP. NO.	SEE TITLE SHEET	TOD NO.	
DRAWING NO.	SN-2.10	OF	14
		SHEET NO.	193 OF 241

RK&K
 Hummel, Kiepper & Kohl, LLP
 700 EAST PRATT STREET | BALTIMORE, MD 21202
 410.528.1000

11-01752, Pub. September 2017 AT 03:22 PM
 11-111 (\\dotnet\work\2017\0901\m0105\plan 10 - 143 Low Poly & Road) (C:\P01\111\193-241.RVT)



MATCHLINE - SEE DWG NO. SN-2.14



PAVEMENT MARKING LEGEND

- A. 5 IN. SOLID WHITE INLAID PAVEMENT MARKING TAPE
- B. 5 IN. SOLID YELLOW INLAID PAVEMENT MARKING TAPE
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- S. WHITE PREFORMED THERMOPLASTIC PAVEMENT MARKING SYMBOL/ARROW
- ± SNOWPLOWABLE RAISED PAVEMENT MARKER (RECESSED WITH PLASTIC HOLDER)

NOTE: SIGNS MOUNTED ON SIGNAL EQUIPMENT ARE DETAILED ON DWG NO. SG-01.

LEGEND

- EXISTING SIGN TO REMAIN
- EXISTING SIGN TO BE REMOVED
- PROPOSED SIGN
- EXISTING GROUND MOUNTED SIGN
- PROPOSED GROUND MOUNTED SIGN

OFFICE OF TRAFFIC & SAFETY
TRAFFIC ENGINEERING DESIGN DIVISION

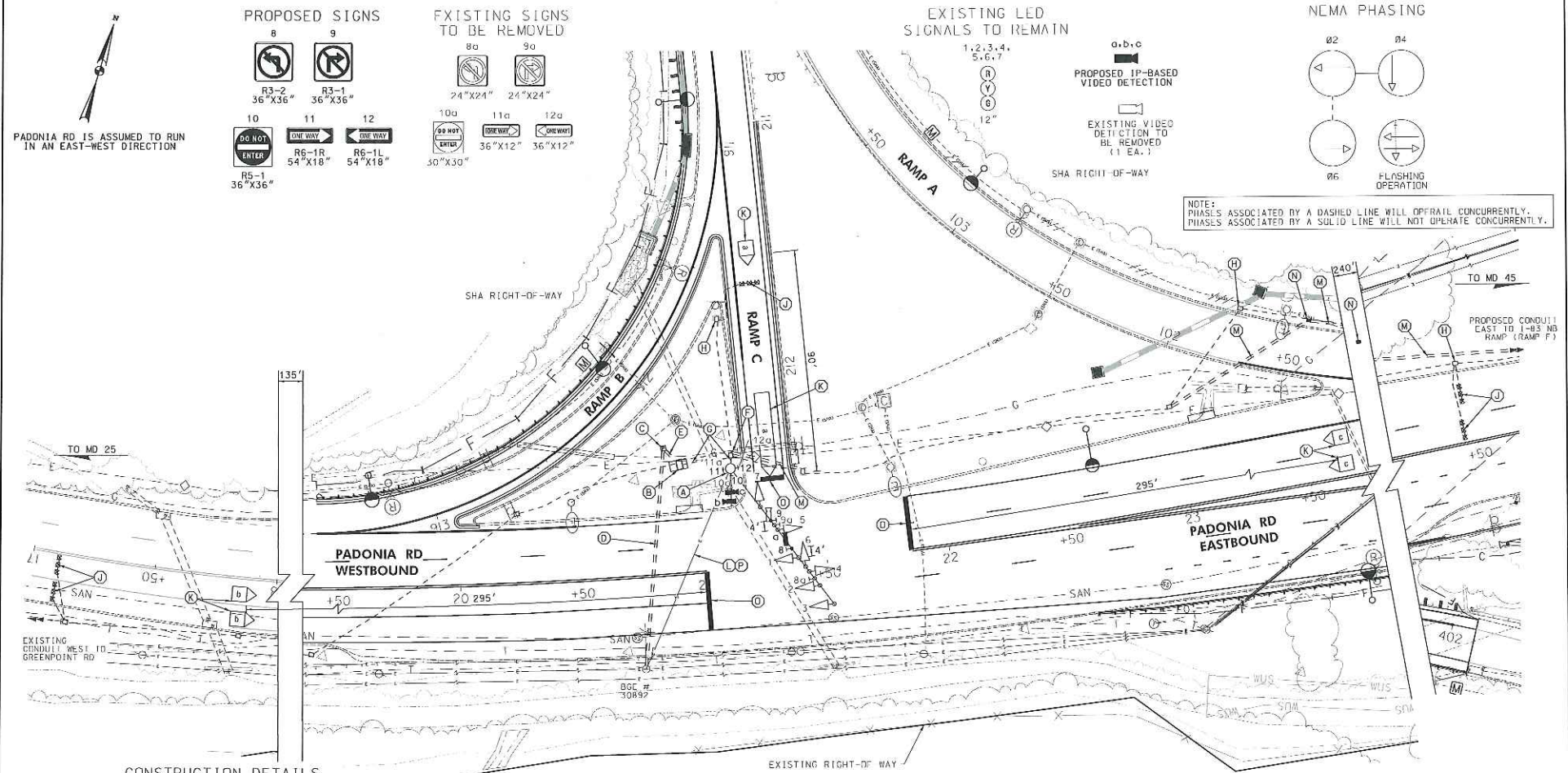
MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

REPLACEMENT OF BRIDGES
0306201 AND 0306202 ON
I-83 OVER PADONIA RD.

SIGNING & PAVEMENT MARKING PLAN			
DESIGNED BY	NEW	COUNTY	BALTIMORE
DRAWN BY	MRL	LOCALITY	03000306.59 TO 8.60
CHECKED BY	B.J.G.	IRMS NO.	0105
APP. NO.	SEE TITLE SHEET	TOD NO.	
DRAWING NO.	SN-2.12	OF	14
SHEET NO.	195	OF	241

PLOTTED: Friday, September 23, 2011 10:29:29 AM
PLOT: 10/23/2011 10:29:29 AM

BY: WFW



CONSTRUCTION DETAILS

- USE EXISTING MAST ARM POLE. REMOVE EXISTING VIDEO DETECTION CAMERA AND SIGNS. INSTALL 15 FT. LIGHTING ARM WITH IP-BASED VIDEO DETECTION CAMERAS AND SIGNS. VIDEO DETECTION CAMERA TO BE INSTALLED ON MAST ARM SHALL INCLUDE A 5 FT. EXTENSION ARM. EXISTING ELECTRICAL SERVICE EQUIPMENT SHALL BE REMOVED BY THE CONTRACTOR.
- USE EXISTING CABINET. REMOVE EXISTING VIDEO DETECTION INTERFACE EQUIPMENT. ACTIVATE IP-BASED VIDEO DETECTION INTERFACE EQUIPMENT IN CABINET.
- INSTALL 200 AMP EMBEDDED METERED SERVICE PEDESTAL. NOTE: INSTALL 1-4 IN. BEND AND 3-2 IN. BENDS IN BASE. PLUG UNUSED BENDS.
- INSTALL 4 IN. SCHEDULE 80 RIGID PVC CONDUIT - SLOTTED. STUB AT UTILITY POLE NO. 30892 FOR POWER FEED. CONDUIT SHALL BE INSTALLED PRIOR TO FINAL ROADWAY SURFACE.
- INSTALL 2 IN. SCHEDULE 80 RIGID PVC CONDUIT - TRENCHED.
- USE EXISTING HANDHOLE. REMOVE UNUSED WIRES. CAP AND ABANDON UNUSED CONDUITS. ADJUST TO FINAL GRADE. REPLACE FRAME AND COVER.
- USE EXISTING CONDUIT. REMOVE UNUSED WIRES.
- REMOVE EXISTING HANDHOLE. CAP AND ABANDON UNUSED CONDUITS. BACKFILL TO GRADE.
- ABANDON EXISTING MICROLOOP PROBE SET.
- PROPOSED VIDEO DETECTION ZONE.
- EXISTING OVERHEAD POWER FEED TO BE REMOVED BY BGE.
- PROPOSED CONDUIT. SEE INTERCONNECT PLAN FOR DETAILS.
- PROPOSED ELECTRICAL HANDHOLE. SEE INTERCONNECT PLAN FOR DETAILS.
- INSTALL 24 IN. WHITE PERMANENT PREFORMED THERMOPLASTIC PAVEMENT MARKING LINE.
- REMOVE EXISTING PHONE DROP. NO LONGER UTILIZED.

SPECIAL NOTES

- THE CONTRACTOR SHALL COORDINATE THE INSTALLATION OF EQUIPMENT WITH PROPOSED DRAINAGE AND LIGHTING FACILITIES TO ENSURE CONFLICTS ARE AVOIDED.
- REFER TO SIGNING & PAVEMENT MARKING PLANS FOR LONGITUDINAL PAVEMENT MARKING DETAILS.

OFFICE OF TRAFFIC & SAFETY
TRAFFIC ENGINEERING DESIGN DIVISION

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

1-83 SOUTHBOUND RAMP
AT PADONIA RD
TIMONIUM, MARYLAND

TRAFFIC SIGNAL PLAN

SCALE: 1"=20' DATE: NOVEMBER 1997 CONTRACT NO. AN278ASD/BSO

DESIGNED BY: R. WELLS COUNTY: BALTIMORE

DRAWN BY: M. WOLNIAK COUNTY: BALTIMORE

CHECKED BY: M. WOLNIAK COUNTY: BALTIMORE

DATE: 08-21-2004

APP NO. SEE TITLE SHEET

TS NO. 3770C DRAWING: S0-01 OF 5 SHEET NO. 208 OF 241

RK&K
Rumel, Klepper & Kahl, LLP
100 EAST PRINCE STREET, SUITE 2000 BALTIMORE, MD 21201
(410) 528-1000 FAX (410) 528-1001

APPROVALS

DESIGNED BY: R. WELLS

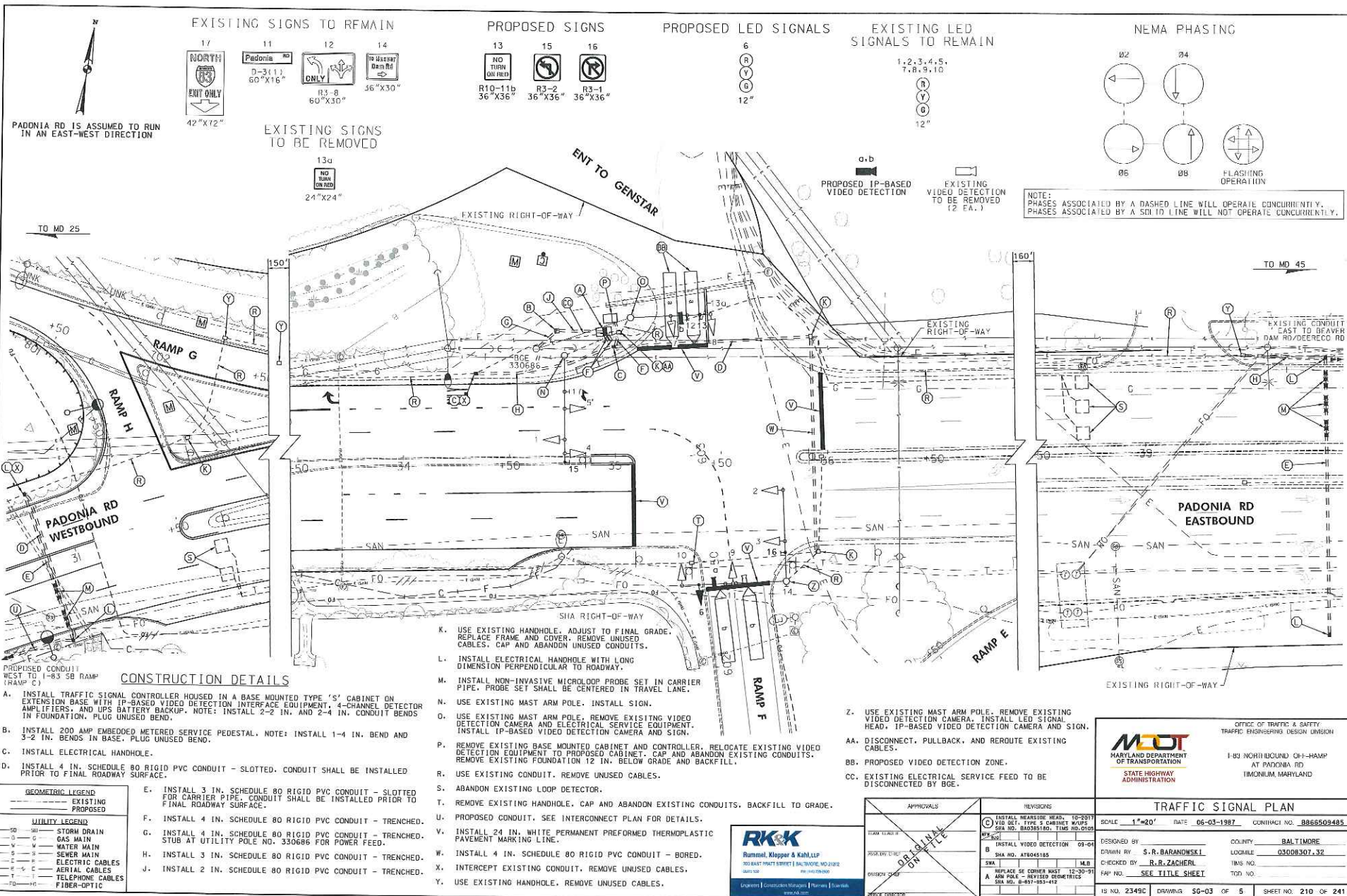
DRAWN BY: M. WOLNIAK

CHECKED BY: M. WOLNIAK

DATE: 08-21-2004

APP NO. SEE TITLE SHEET

BY: WFW



COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1967, Legislative Day No. 6

BILL NO. 40

Mr. Tyrie, Councilman
(By Request of County Executive)

By the County Council, May 1, 1967

A BILL
ENTITLED

AN ACT, to amend the Baltimore County Zoning Regulations to permit the location of automotive-service stations (hereinafter also referred to as "service stations" or "stations") in certain zones and districts only in accordance with comprehensive planning goals; to relate automotive-service stations to neighborhood, community and town centers; to regulate motor vehicle access to such uses so as to cause minimum disruption to traffic, to regulate the appearance of such uses in a manner consistent with reasonable standards; to provide for certain limitations on signs and other advertising devices used in conjunction with such uses; to permit and regulate uses ancillary to service stations; to assign responsibility for conducting service-station operations in compliance with these regulations; to allow clusters of automotive-service station and certain other vehicle oriented uses only in appropriate areas and subject to specified site standards; to prevent such concentrations of automotive-service stations as would tend to create blight and congestion and, in consequence thereof, to establish standards in determining whether a new service station will be permitted by special exception; to provide regulations and definitions for certain developments in which service stations are allowed; to provide certain regulations for drive-in restaurants; to clarify the purposes of zones and to establish districts; and to modify or provide certain other regulations relative to the foregoing, by changing the name of the Title of Section 100 "Zones and Zone Boundaries" to "Zones and Districts, Boundaries", by repealing and re-enacting with amendments

Petitioner
CBA Exhibit

48

Section 100.1, by adding certain new definitions to Section 101 Title "Definitions", by changing the name of the Title of Article 2 "Zones; Use, Height and Area Regulations" to "Zones and Districts: Use, Height and Area Regulations", by repealing and re-enacting with amendments, subsections 215.3, 230.4, 230.13, 233.4, 236.4, 248.4, 253.5, 256.4, 270, 500.2 a and 500.2 b, by adding new Section 259, by inserting a "Statement of Purpose", under Article 4, Title "Special Regulations", immediately preceding Section 400, and by repealing and re-enacting Section 405, of said Baltimore County Zoning Regulations, 1955.

WHEREAS, the amendments to the zoning regulations which are contained in this Bill, having been formulated in accordance with the procedure specified in sections 23-20 and 23-21 of the 1965 Cumulative Supplement to the Baltimore County Code, 1958, the said several public hearings required by said sections having been held after the required public notices; now, therefore:

1. SECTION 1. Be it enacted by the County Council of Baltimore
2. County, Maryland, That Section 100 of the Baltimore County Zoning
3. Regulations titled "ZONES AND ZONE BOUNDARIES" be and it is
4. hereby amended by repealing and re-enacting with amendments
5. as follows:

6. Section 100 - ZONES AND DISTRICTS: BOUNDARIES:

7. SECTION 2. And be it further enacted, That sub-section 100.1
8. be and it is hereby repealed and re-enacted with amendments as follows:

9. 100.1 - Baltimore County is hereby divided into zones and
10. districts in accordance with this subsection.

11. A. Zones.

12. 1. For the purpose of promoting the health, security,
13. comfort, convenience, prosperity, orderly develop-
14. ment, and other aspects of the general welfare of
15. the community, zones are intended to provide broad

1. regulation of the use and manner of use of land, in
2. accordance with comprehensive plans.
3. 2. Zones are as follows:
4. R.40 Zone Residence, one-family
5. R.20 Zone Residence, one-family
6. R.10 Zone Residence, one-family
7. R.6 Zone Residence, one-and two-family
8. R.G. Zone Residence, group house
9. R.A. Zone Residence, apartment
10. B.L. Zone Business, local
11. B.M. Zone Business, major
12. B.R. Zone Business, roadside
13. M.R. Zone Manufacturing, restricted
14. M.L.R. Zone Manufacturing, light restricted
15. M.L. Zone Manufacturing, light
16. M.H. Zone Manufacturing, heavy
17. B. Districts.
18. 1. To further the purposes of zones, districts are intended
19. to provide greater refinement in land-use regulation
20. for critical areas of development within the County.
21. Districts are superimposed upon zones.
22. 2. Districts are as follows:
23. C.R. District Commercial, rural
24. C.N.S. District Commercial, neighborhood shopping
25. C.C.C. District Commercial, community core
26. C.T. District Commercial, town-center core
27. C.S.A. District Commercial supporting area
28. C.S-1 District Commercial, strip
29. C.S-2 District Commercial, strip
30. I.M. District Industrial, major

1. C. No zone shall be superimposed upon any other zone, and
2. no district shall be superimposed upon any other district.

3. SECTION 3. And be it further enacted, That Section 101 be
4. and it is hereby amended by deleting the definition "Zone: An area
5. within which certain uses of land and buildings are permitted and
6. certain others are prohibited; yards and other open spaces are
7. required; lot areas, building height limits, and other require-
8. ments are established; and within which all such regulations
9. are uniform." and by adding thereto in alphabetical order the
10. following definitions:

11. Area, net: Land area not including area of land in public
12. streets or other fee-simple public rights of way.

13. Arterial Street: A motorway or portion thereof which: is, or
14. is intended, for travel to or from major employment centers,
15. such as town centers; has or is intended to have, four or more
16. lanes for moving traffic; is, or is intended to be, designed for
17. traffic speeds of at least 40 miles per hour; has or is intended
18. to have, a right of way at least 66 feet wide; is not a freeway
19. or an expressway; and has been designated as an arterial street
20. (or as a boulevard or thorofare) by the Planning Board.

21. Automotive service station: A structure and/or site or part
22. thereof used primarily for the retail sale to the public of auto-
23. motive fuels and other automotive energy or power sources.

24. Commercial motorway, Class I: A motorway, or portion
25. thereof at least one mile in length, with at least 70% of all
26. frontage thereon (the sum of the lengths of both sides), ex-
27. cluding land publicly owned for highway right-of-way purposes,
28. zoned as B.L., B.M., B.R., and/or M.L., and designated as a
29. Class I commercial motorway under ordinance of the County Council.

1. No portion of a motorway shall be considered as a Class I commercial
2. motorway unless such portion is bounded at its ends by intersections
3. with freeways, expressways, arterial streets, town-center boundaries,
4. political-subdivision boundaries, the urban-rural demarcation line,
5. or major streams or rivers.

6. Commercial motorway, Class II: Same as Class I commercial
7. motorway in all respects except that less than 70% of the frontage
8. considered, but at least 20% of such frontage, is zoned B.L., B.M.,
9. B.R., and/or M.L., and except that it is designated as Class II
10. commercial motorway under ordinance of the County Council.

11. Drive-in cluster, planned: An integral commercial development
12. for which an overall plan has been approved by the Office of Planning
13. and Zoning and which: is under common ownership or control; is
14. on a site at least three acres in net area; has at least 500 feet of
15. lot frontage on arterial streets; and is devoted primarily to drive-in
16. uses or other vehicle-oriented establishments, with vehicular access
17. to any use in the development solely from service drives on the site.

18. Drive-in restaurant: A retail outlet where food or beverages
19. are sold to a substantial extent for consumption by customers in
20. parked motor vehicles.

21. Expressway: A motorway or portion thereof which: is, or is
22. intended, for intra-metropolitan travel of varying distances; has
23. or is intended to have a center median strip and a total of four or
24. more lanes for moving traffic; is designed or intended for traffic
25. speeds of at least 55 miles per hour; has no direct access to
26. individual uses on abutting private property; and has been des-
27. ignated as an expressway by the Planning Board.

28. Face-rear orientation: Orientation of a building (automotive-
29. service station) in such a manner that the pumps, openings to the

1. service bays, etc., face away from any street and toward the
2. rear of the site.
3. Face-side orientation: Orientation of a building (automotive-
3. service station) in such a manner that the pumps, openings to
4. the service bays, etc., face away from any street and toward
5. a side of the site.
6. Freeway: A motorway or portion thereof which: is, or is
7. intended, for both intra- and inter-metropolitan travel; has or is
8. intended to have a center median strip and a total of four or more
9. lanes for moving traffic; is designed or intended for traffic speeds
10. of at least 60 miles per hour; has no access to abutting private
11. property; has no grade-intersections with other motorways; and
12. has been designated as a freeway by the Planning Board.
13. Fuel servicing space: On an automotive-service station
14. site, any one of the maximum number of spaces on which cars
15. may be situated simultaneously while being fueled.
16. Industrial park, planned: An integral industrial develop-
17. ment for which an overall plan has been approved by the Office
18. of Planning and Zoning, and which is under common ownership or
19. control.
20. Shopping center, planned: An integral retail shopping develop-
21. ment for which an overall plan has been approved by the Office of
22. Planning and Zoning and which: is under common ownership or
23. control; has a site at least three acres in net area; has vehicular
24. access to physically separate buildings on the site by means of
25. interior service drives or ways; and has no more than two points
26. of vehicular access from the site to public streets except as
27. follows:

1. 1. A planned shopping center may have one additional
2. vehicular access point to a public street for each 250
3. feet of street frontage thereon in excess of 500 feet; and
4. 2. A planned shopping center may have a greater number
5. of vehicular access points than as defined above if an
6. overall plan for such center has been approved by the
7. Office of Planning and Zoning before the adoption of this
8. definition, provided that the number of vehicular access
9. points is not further increased after the adoption of this
10. definition.
11. Town center: A locality designated and delimited as a
12. town center by the Planning Board to serve as the primary center
13. of commercial (including supporting commercial) and higher-density
14. residential development for an area having a population of approx-
15. imately 100,000 or more persons, and meeting criteria or guide-
16. lines adopted and published by the Planning Board. Industrial,
17. lower-density residential, and institutional uses are not excluded
18. from town centers (when allowed under the regulations for the
19. zones in which they are located).
20. Town-center distributor-bypass road: An arterial street
21. which is designed to distribute traffic to a town center as well
22. as to carry traffic around and away from such a center, and which
23. is designated by the Planning Board as a town-center distributor -
24. bypass road.
25. Urban-rural demarcation line: A boundary line established
26. by the Planning Board, dividing that portion of Baltimore County
27. considered as "urban" from that portion of the County considered
28. as "rural," In establishing or relocating such line, the Planning

1. Board shall consider population density, existing public water-
2. supply and sewerage facilities, other existing public facilities,
3. and public facilities scheduled for planning or construction in the
4. Capital Budget and Five-Year Capital Program.

5. SECTION 4. And be it further enacted, That the title to
6. Article 2 "ZONES: USE, HEIGHT AND AREA REGULATIONS"
7. be and it is hereby repealed and re-enacted with amendments,
8. as follows:

9. ARTICLE 2 - ZONES AND DISTRICTS: USE, HEIGHT AND
10. AREA REGULATIONS.

11. SECTION 5. And be it further enacted, That subsection 215.3
12. be and it is hereby repealed and re-enacted with amendments as
13. follows:

14. 215.3 a. - Community garage when located not less than
15. 60 feet from the front lot line and, in the case of a corner lot,
16. 30 feet from the side street line except when combined within
17. the main building and provided further that any such garage which
18. is erected on a corner lot within 60 feet of any side street line,
19. shall be distant not less than 10 feet from the party lot line inter-
20. secting such side street line.

21. b. - Automotive-service station, within a permitted
22. parking garage, as provided in Section 405.

23. SECTION 6. And be it further enacted, That sub-section 230.4
24. be and it is hereby repealed and re-enacted with amendments as
25. follows:

26. 230.4 - Restaurant, tea room, and dairy bar; except
27. drive-in restaurant.

1. SECTION 7. And be it further enacted, That sub-section
2. 230.13 be and it is hereby amended by deleting the words "Filing
3. station (see Section 405);" and adding the following: in alphabetical
4. order:
5. Automotive-service station: subject to the provisions of
6. Section 405;
7. Drive-in restaurant;
8. SECTION 8. And be it further enacted, That sub-section
9. 233.4 be and it is hereby amended by deleting therefrom
10. "Filling station (see Section 405);" and adding thereto in alpha-
11. betical order the following:
12. Automotive-service station, subject to the provisions of
13. Section 405;
14. Drive-in restaurant;
15. SECTION 9. And be it further enacted, That sub-section
16. 236.4 be and it is hereby amended by adding in alphabetical
17. order the following:
18. Automotive-service station, subject to the provisions of
19. Section 405;
20. Drive-in restaurant;
21. SECTION 10. And be it further enacted, That sub-section
22. 248.4 be and it is hereby amended by adding in alphabetical
23. order the following:
24. Automotive-service station, subject to the provisions of
25. Section 405;

1. SECTION 11. And be it further enacted, That sub-section 253.5
2. be and it is hereby amended by deleting the words "Filling stations
3. (see Section 405);" and adding in alphabetical order the following:
4. Automotive-service station, subject to the provisions of
5. Section 405;
6. SECTION 12. And be it further enacted, That sub-section 256.4
7. be and it is hereby amended by deleting the words "Filling stations;"
8. and adding in alphabetical order the following:
9. Automotive-service station, subject to the provisions of Section
10. 405;
11. SECTION 13. And be it further enacted, That Article 2 be and it
12. is hereby amended by adding Section 259, as follows:
13. Section 259 - Districts.
14. 259.1. General. In any district, the use, height, and area
15. regulations applicable in the zone upon which the district is
16. superimposed shall govern, except as otherwise provided in
17. Article 4 (Special Regulations).
18. 259.2. - Statements of Legislative Intent for Districts.
19. (Compliance with a statement of legislative intent shall not,
20. in itself, be sufficient cause to classify property within the
21. district to which such statement applies.).
22. A. C.R. District - Commercial, Rural. C.R. Districts
23. may be applied only to certain areas of contiguous commercial
24. development which are on land zoned B.L., B.M., B.R., and/or
25. M.L. at intersections of paved roads each at least 2
26. miles in length, and which lie beyond the urban-rural
27. demarcation line, or to certain other commercially or
28. industrially zoned areas of substantial, established
29. business activity beyond the urban-rural demarcation line.

1. B. C.N.S. District - Commerical, Neighborhood Shopping.
2. C.N.S. Districts may be applied only to certain existing
3. or proposed centers of business activity which are on land
4. zoned B.L., B.M., B.R., and/or M.L., any one of which
5. centers must be intended to: include at least one super-
6. market or grocery store; have less than 15 retail stores
7. in total; have no department store, junior department
8. store, nor, ordinarily, variety (dime) store; and serve a
9. resident neighborhood population of approximately 10,000
10. persons or less. A planned shopping center having such
11. characteristics may lie wholly or partially within a
12. C.N.S. District.
13. C.C.C.C. District - Commerical, Community Core. C.C.C.
14. Districts may be applied only to certain existing or pro-
15. posed centers of shopping and auxiliary commercial
16. activity which are on land zoned B.L., B.M., and/or
17. B.R., any one of which centers must be intended to:
18. serve between 30,000 and 50,000 persons, provide
19. shopping opportunities for convenience goods, appliances,
20. and, optionally, furniture; and include one or more junior
21. department stores or variety stores. A planned shopping
22. center having such characteristics may lie wholly or
23. partially within a C.C.C. District.
24. D. C.T. District - Commercial, Town-Center Core. C.T.
25. Districts may be applied only to primary shopping areas
26. within town centers on land zoned B.L., B.M., B.R.,
27. and/or M.L., the primary shopping area of any such
28. center being that area which: contains or is intended to
29. contain a high incidence of pedestrian-oriented retail

1. uses of a type ordinarily producing relatively high income
2. and profit per square foot of sales area; includes or is in-
3. tended to include major business generators (such as depart-
4. ment stores); and also includes or is intended to include certain
5. auxiliary services (such as offices) typically not occupying
6. ground-floor frontage. Certain planned shopping centers
7. having such characteristics may lie wholly or partially within
8. C.T. Districts.
9. E. C.S.A. District - Commercial, Supporting Area. C.S.A.
10. Districts may be applied only to areas which: are contiguous
11. with C.C.C. or C.T. Districts; are service commercial areas
12. for community or town-center commercial cores; overlie the
13. basic zones of B.L., B.M., B.R., and/or M.L.; and are
14. individually limited as follows:
15. 1. Not extending more than 500 feet outward from a C.C.C.
16. District boundary;
17. 2. Not extending more than 750 feet outward from a C.T.
18. District boundary.
19. F. C.S-1 District - Commercial, Strip. C.S-1 Districts
20. must be applied only to certain strips of land which are zoned
21. B.L., B.M., B.R., and/or M.L., on both sides of the street,
22. any one of which strips may be at least 1500 feet in length,
23. front on a Class I commercial motorway, and not be greater
24. than 250 feet in depth from either side of the right of way,
25. and on which roadside commercial usage has so developed
26. that traffic flow has become impeded to the extent that
27. application of highly restrictive site-accessibility standards
27. would serve no useful purpose.

1. G. C.S-2 District - Commercial, Strip. C.S.-2 Districts
2. may be applied only to certain strips of land which are
3. zoned B.L., B.M., B.R., and/or M.L., on both sides
4. of the street, any one of which strips must be at least
5. 1500 feet but not more than 7500 feet in length, must
6. front on a Class II Commercial motorway and not be
7. greater than 250 feet in depth from either side of the
8. right of way, and on which roadside commercial usage
9. has not developed to an extent precluding the usefulness
10. of restrictive site-accessibility standards.
11. H. I.M. District - Industrial, Major. I.M. Districts may
12. be applied only to certain areas individually containing
13. 100 acres or more of land zoned for industrial or semi-
14. industrial use (M.H., M.L., M.L.R., M.R., B.R.,
15. and/or B.M.), undivided by expressway or freeways.
16. In I.M. Districts, greater industrial use of prime industrial
17. land is promoted by discouraging none-auxiliary commercial
18. usage.
19. SECTION 14. And be it further enacted, That Section 270 be,
20. and it is hereby amended by deleting "Filling station", and adding in
21. alphabetical order the following:
22. Automotive (R.40)(R.20)(R.10)(R.6)(R.G)(R.A)(B.L)(B.M)(B.R)(M.L)(M.H)(M.L.R.)
23. service station x x x x x x* S.E.*S.E.*S.E.*S.E.* S.E.* S.E.*
24. Drive-in restaurant x x x x x x S.E. S.E. S.E. x x x
25. * If so permitted under, and except as otherwise provided, in Section
26. 405.

1. SECTION 15. And be it further enacted, that Article 4 be and it
2. is hereby amended by adding a Statement of Purpose immediately
3. preceding Section 400, as follows:

4. Statement of Purpose.

5. Certain uses, whether permitted as of right or by special ex-
6. ception, have singular, individual characteristics which make it
7. necessary, in the public interest, to specify regulations in greater
8. detail than would be feasible in the individual use regulations for
9. each or any of the zones or districts. This article, therefore, provides
10. such regulations.

11. SECTION 16. And be it further enacted, that Section 405 be and
12. it is hereby repealed and re-enacted as follows:

13. Section 405 - AUTOMOTIVE - SERVICE STATIONS.

14. 405.1 - Statement of Legislative Policy.

15. A. Findings - The location of automotive-service stations
16. and certain other vehicle-oriented uses has often gen-
17. erated undesirable strip commercial development;
18. further, road access to automotive-service stations
19. and certain other vehicle-oriented uses has caused
20. excessive traffic congestion, thus depreciating or
21. jeopardizing public investment in roads and resulting
22. in an increased need for additional highways; further,
23. such uses have in many instances been designed and
24. operated so as to be unsightly, resulting in conditions
25. deleterious to the general welfare of the community;
26. further, automotive-service stations tend to take on
27. ancillary uses which, if not properly regulated, often
27. become objectionable; further, the overabundance of

1. automotive-service stations in certain areas has re-
2. sulted in improper maintenance and abandonment of
3. the premises, thereby engendering neighborhood blight;
4. and further, that automotive-service stations constitute
5. the most numerous of all vehicle-oriented uses; and
6. in view of all of the foregoing, the public health,
7. welfare and safety requires that these regulations be
8. promulgated.

9. B. Purpose- It is the purpose of this section to permit
10. the location of automotive-service stations (herein-
11. after referred to also as "service stations" or "stations")
12. only in accordance with comprehensive-planning goals,
13. especially in relating service stations to neighborhood,
14. community, or town centers; to regulate motor-vehicle
15. access to such uses so as to cause minimum disruption
16. of traffic; to regulate the appearance of such uses in a
17. manner consistent with reasonable standards; to permit
18. and regulate appropriate uses ancillary to service
19. stations; and to assign, where necessary, responsibility
20. for conducting service-station operations in compliance
21. with these regulations. It is the further purpose of this
22. section to allow clusters of service stations and
23. certain other vehicle-oriented uses only in appropriate
24. areas, within a normal competitive environment, and
25. subject to specified site standards, and to prevent such
26. concentrations of service stations as would tend to
27. create blight and congestion.

1. C. It is recognized that other vehicle-oriented uses may also be
2. in need of more stringent regulations because some of them
3. may possess features which tend to fall within the statement
4. of legislative policy in respect to automotive-service
5. stations. Accordingly, it is the intent of these regulations
6. to constitute the first phase of continuing comprehensive
7. studies, the purpose of which would be to control such of
8. the other vehicle-oriented uses by further regulations.

1. 405.2 - Locations in which automotive-service stations are permitted
2. as of right and by special exception.

3. A. Where permitted as of right. Notwithstanding other sections
4. of these regulations, an automotive-service station shall
5. be permitted without a special exception if the site of
6. such use is located, alternatively:

7. 1. In a constructed or partially constructed permitted
8. planned shopping center, provided: that no part of the
9. site of the service station lies within a C.T. District;
10. and that the number of service stations in such shopping
11. center does not exceed one for each 60,000 square feet
12. of net retail floor area, or fraction thereof, existing
13. in the development at the time the building permit for
14. the service station is issued, not including floor area
15. in any service station itself; or

16. 2. On an individual site in a C.S.A. District, with no
17. direct access to any town-center distributor-bypass
18. road; or

19. 3. In a permitted planned industrial park at least 50 acres
20. in net area, provided that the number of service stations
21. does not exceed one for each 50 acres of net area and
22. that no part of any service-station site lies within an
23. M.R. Zone; or

24. 4. Within a permitted parking garage in any business or
25. manufacturing zone or R.A. Zone, provided that no
26. evidence of the service station is visible at any
27. property line and that the number of such service
28. stations does not exceed one for each 300 parking

1. spaces or fraction thereof; provided further, however,
2. that in any business or manufacturing zone exterior
3. signs may be permitted in accordance with the pro-
4. visions of Section 413.
5. B. Where permitted by special exception. Where not permitted
6. as of right, an automotive-service station may be permitted
7. by special exception if the site of such use is located, alterna-
8. tively:
9. 1. In any planned drive-in cluster which: is located in a
10. C.R., C.N.S., C.S-1, or C.S-2 District; if in a C.S-1
11. or C.S-2 District, is not located within 500 feet of any
12. residential zoning or development, at or beyond either
13. end of such district (as measured along the street); and is
14. not located within 300 feet of the site of any school (other
15. than a business or trade school), or any church; or
16. 2. On an individual site in a C.N.S. District; or
17. 3. On an individual site in a C.R. District; or
18. 4. In a constructed, or partially constructed, planned
19. shopping center in a C.T. District, provided that the
20. number of service stations in such shopping center does
21. not exceed one for each 60,000 square feet of net retail
22. floor area, or fraction thereof, existing in the develop-
23. ment at the time the building permit for the service
24. station is issued, not including floor area in any service
25. station itself; or
26. 5. On an individual site in a C.S-1 District, with access
27. solely to a Class I commercial motorway, but not
28. within 500 feet of any residential zoning or development,

1. at or beyond either end of such district (as measured
2. along the street), and not within 300 feet of the site of
3. any school (other than a business or trade school), or
4. any church; or

5. 6. On an individual site in an I.M. District, but not in an
6. M.R. Zone, and with no direct access to an arterial
7. street other than a Class I commercial motorway.

8. 405.3. Findings necessary to grant special exceptions. In addition
9. to the findings required under Subsection 502.1, the Zoning Commissioner
10. shall make each of the findings set forth below before granting any special
11. exception required to permit an automotive-service station:

12. A. That the proposed use will not create a traffic hazard or ex-
13. cessive traffic congestion because of its location in relation
14. to similar uses, or because of its location in relation to
15. other buildings or proposed buildings on or near the site
16. and the traffic pattern to and from such buildings, or by
17. reason of its location on or near a vehicular way or
18. pedestrian entrance or crossing to a school, park, play-
19. ground, or hospital, or other place of public use or assembly.

20. B. That the use will not adversely affect the general welfare or
21. orderly development of the general neighborhood or area
22. in which the station is proposed, including nearby area
23. within adjacent political jurisdictions, considering the
24. service required, availability or scarcity of land for
25. other commercial uses, population, character, density,
26. etc.

1. C. That the Zoning Commissioner is satisfied that all require-
2. ments of this section and all other legal requirements of
3. Baltimore County will be met in operating the proposed
4. service station and that the plans for the use have been
5. reviewed and commented upon by those agencies listed
6. below, which are deemed by the Zoning Commissioner
7. to have an appropriate interest in the individual case under
8. consideration, or any other agency deemed by him to have
9. a specific interest therein:
10. 1. Department of Public Works
 11. 2. Buildings Engineer's office
 12. 3. Bureau of Traffic Engineering
 13. 4. Fire Bureau
 14. 5. State Roads Commission
15. D. That, at the time the Petition is heard, there is evidence of
16. the probability of a reasonable public need for the proposed
17. automotive-service station. The Zoning Commissioner shall
18. consider that the presence of one abandoned service station
19. within a one-half mile radius or two such stations within a
20. one-mile radius of the site of the proposed service station
21. establishes, absent evidence to the contrary, a prima facie
22. presumption that there is no evidence of the probability of
23. a reasonable public need for such proposed service station.
24. The Zoning Commissioner may find, however, that this
25. prima facie presumption is rebutted by market data or
26. other evidence submitted by the petitioner.
27. 405.4 - Standards - Individual Sites. Any service station not located
28. in a planned shopping center, drive-in cluster, or industrial park, shall

1. be considered as being situated on an individual site, unless it is located
2. in a parking garage. All service stations situated on individual sites
3. shall comply with the applicable standards of this subsection, other
4. area regulations in the Baltimore County Zoning Regulations notwithstanding.
5. standing.

6. A. Site Layout and Size; Street Improvements.

7. 1. Site Dimensions. The area of any such service station
8. site shall be at least 15,000 square feet or the number
9. of square feet equal to the product of 1,500 times the total
10. of the number of fuel servicing spaces plus the number
11. of customary, one-car service bays, whichever is
12. greater. The minimum site width, measured along
13. the major street to which the station has access, shall
14. be the number of feet equal to the product of 65 times
15. the number of access driveways on such street, but in no
16. case less than 90 feet. (On corner lots, the width shall
17. include any length of a straight projection of the lot line
18. along the major street to a straight projection of the
19. side lot line.)

20. 2. Setbacks. Notwithstanding other provisions of these
21. Regulations:

22. a. No main structure of any such use, except a canopy,
23. shall be set back less than 35 feet from any street
24. right of way or less than 60 feet from the centerline
25. thereof, except as otherwise provided in Sub-sub-
26. paragraph c, below; no canopy shall be set back
27. less than 10 feet from such right of way or less than

1. 35 feet from such centerline; no gasoline pump or
2. pump island shall be set back less than 15 feet
3. from any such right of way or less than 40 feet from
4. such centerline; and no sign permitted shall be set
5. back less than six feet from any such right of way or
6. less than 31 feet from such centerline.
7. b. Visual obstructions shall be prohibited at street or
8. street-alley intersections adjacent to automotive-
9. service station sites as prohibited for lots in residen-
10. tial zones under Subsection 102.5.
11. c. In any case where face-rear building orientation is
12. required pursuant to Sub-subparagraph 405.4.B.1.a
13. or otherwise occurs, the minimum required front set-
14. back shall be 6 feet from the street right of way and
15. 31 feet from the centerline of the street, whichever is
16. greater, except in the case of a dual highway, where
17. the minimum required frontsetback shall be 10 feet
18. from the street right of way. In the case of face-side
19. building orientation, the minimum required side
20. setback shall be the same as the minimum required
21. front setback for face-rear stations.
22. 3. Access and Street Improvements.
23. a. No such use shall be permitted more than two access
24. driveways on any street frontage nor a total of more
25. than three access driveways; except that a total of
26. four access driveways may be permitted or required
27. on a corner site at the intersection of two major
28. (non-local) streets if and as jointly recommended by

1. the County Traffic Engineer and the Director of
2. Planning. The curb tangent length between any
3. access driveway and any corner at a street inter-
4. section or any other access driveway on the site shall
5. be not less than 20 feet; the curb tangent length between
6. any access driveway and any property line shall be not
7. less than 10 feet.
8. b. No entrance to any such use shall be less than 24 nor
9. more than 35 feet from curb to curb, measured at the
10. right-of-way line. The acute angle of intersection
11. formed by the centerline of any driveway providing
12. access for traffic moving in only one direction and
13. the centerline of the street shall be not less than
14. 45 degrees. No driveway providing access for
15. traffic moving in two directions shall vary more
16. than five degrees from a right angle with the street.
17. 4. Internal Circulation and Vehicle Reservoir Capacity.
18. a. The paved areas on the site for any such service
19. station shall be laid out so as to provide for auto-
20. mobile circulation sufficiently free as to preclude
21. any likelihood of vehicles waiting on the street or
22. blocking the right of way before gaining entrance.
23. b. At least one waiting space in line shall be provided
24. on the site for each fuel servicing space (in addition
25. to the servicing spaces themselves).
26. 5. Parking Spaces. Parking spaces on the site of any
27. such service station shall be provided at a rate of
28. at least three per service bay, not including servicing
29. spaces in the bays.

1. B. Appearance.
2. 1. General Design.
3. a. For any service station for which a special exception
4. is required, the Zoning Commissioner may require
5. any changes in building or site-plan design that
6. would result in greater compatibility of such build-
7. ing with its surroundings or that would otherwise
8. result in greater attractiveness of the premises.
9. b. Notwithstanding the provisions of Subsection 405.2,
10. the Zoning Commissioner, upon the recommendation
11. of the Director of Planning, may require changes in
12. design or appearance of an automotive-service
13. station otherwise permitted as of right if he finds
14. that the design or appearance manifest in the plans
15. submitted would have a material adverse effect upon
16. the enjoyment or value of adjacent property (including
17. public property).
18. 2. Landscaping. At least five percent of the total area of the
19. site of any such service station shall be landscaped. Land-
20. scaping between the property line and a sidewalk may be
21. included as part of the required landscaping, even though
22. such area may not be located on the lot. Planting shall be
23. well maintained and shall be replaced, as necessary.
24. 3. Screening.
25. a. In the case of any such service station on a lot ad-
26. jacent to a residential zone or residential premises, a
27. wall(s) or fence(s) at least 8 feet in height, and with
28. any area of openings in any square foot of vertical

1. surface totalling no more than 10 percent thereof,
2. shall be constructed to screen the station and its
3. operations from such zone or premises, but such
4. wall(s) or fence(s) shall not be situated closer than
5. six feet to any street right of way. Notwithstanding
6. other provisions of these Regulations, no rear or
7. side yard shall be required on the lot of a service
8. station so screened at the rear or side, respectively,
9. if such a wall or fence is provided in lieu thereof, and
10. the rear or side wall of the service-station building
11. may serve as a portion of such wall or fence. All
12. surfaces of such walls or fences facing residential
13. zones or premises shall be finished and, in the dis-
14. cretion of the Zoning Commissioner, vine-covered or
15. otherwise improved by the use of planting immediately
16. adjacent thereto.

17. b. The Zoning Commissioner, in his discretion, after
18. public hearing, may modify the requirement for walls
19. or fences as provided under Sub-subparagraph 405.4.
20. B.1.a, above, and may substitute therefor a re-
21. quirement for other architectural or landscaping
22. treatment, including the retention of existing natural
23. features, if he deems such treatment to be as much or
24. more in the public interest and more protective of the
25. adjacent property.

26. 4. Signs. Portable "A" or "sandwich board" signs shall be
27. prohibited. In all other respects, the regulations of
28. Section 413 shall be applicable.

1. 5. Lighting. No free-standing luminary more than eight
2. feet in height shall exceed a height greater than one-
3. eighth its distance to the nearest boundary of a residential
4. zone or lot line of unzoned public property. All lighting
5. shall be so arranged and shielded as to confine all direct
6. light rays entirely within the boundary lines of the site,
7. and as to prevent, to the extent practicable, reflected
8. light rays from shining upon other properties, and as
9. to avoid glare onto any portion of any adjacent motorway
10. or into the path of oncoming vehicles.
11. 6. Maintenance. The premises shall be maintained at all
12. times in a clean and orderly condition. The responsibility
13. for compliance with this provision shall lie with all
14. parties individually and/or collectively having a lease
15. or ownership interest in the service station and said
16. parties shall be separately and severally liable for the
17. maintenance thereof.
18. C. Permitted Ancillary Uses. The uses listed below shall be
19. permitted as of right in conjunction with any such service
20. station so permitted, or may be permitted at the discretion
21. of the Zoning Commissioner in conjunction with any such
22. station permitted by special exception. The minimum area
23. of the site as determined under Subparagraph 405.4.A.1 shall
24. be increased for each ancillary use by at least the number
25. of square feet indicated in the listing for that use, where
26. such a figure is stated. Only uses listed in this Paragraph
27. C or in Paragraph D (Uses in Combination with Service
28. Stations) shall be permitted in conjunction with any service
29. station regulated under this Subsection 405.4.

1. 1. Vehicle repair services, including self-service repair facilities; but body and fender work and paint spraying are
2. not permitted.
3. 2. Sale of cigarettes, candy, soft drinks and other items from
4. vending machines.
5. 3. Automobile rental, with a maximum stock of 12 cars:
6. additional site area of 3,900 square feet.
7. 4. Trailer rental, for trailers not exceeding 3/4-ton chassis
8. weight, with a maximum stock of 20 trailers: additional
9. site area of 5,000 square feet.
10. 5. Light-truck rental, including rental of trucks equipped
11. with campers, for trucks not exceeding 1-1/2-ton capacity,
12. with a maximum stock of 8 trucks: additional site area of
13. 4,000 square feet.
14. 6. Tire sales and installation.
15. 7. Parking of not more than six school busses: additional
16. site area of 2,600 square feet.
17. 8. Sales of small auto parts and accessories.
18. 9. Lawnmower sales and repairs.
19. 10. Auto diagnostic centers (not located in customary, one-car
20. service bays): additional site area of 1,275 square feet
21. for each automobile servicing space.
22. 11. Christmas-tree sales.
23. 12. Minor accessory uses, such as restrooms, sale of motor oil,
24. antifreeze, and allied products. (Such accessory uses need
25. not be separately identified in a petition for a special exception
26. unless required under another provision of these regulations
27. or by the Zoning Commissioner.)
- 28.

1. D. Uses in Combination with Service Stations. The uses listed
2. below and uses accessory thereto may be permitted in
3. integral combination with such a service station by
4. special exception. The minimum area of the site as
5. determined under Subparagraph 405.4.A.1 shall be
6. increased for each such combining use by a total of the
7. product of the number of square feet of gross floor area
8. occupied by such use times the factor stated at the end of
9. the listing for that use, where such a factor is stated.

10. 1. Automobile-glass sales and installation establishments: 6.
11. 2. Bicycle-sales or repair shops: 4.
12. 3. "Carry-out" food shops: 6.
13. 4. Car washes (see Section 419).
14. 5. Convertible-top or seat-cover sales establishments, with
15. installation services: 6.
16. 6. Coal, firewood, or other heating-fuel sales establishments
17. 7. Drug stores: 4.
18. 8. Food stores with less than 5,000 square feet of retail sales
19. area: 4.
20. 9. Muffler-sales establishments with installation services: 6.
21. 10. Restaurants or other eating places: 6.

22. 405.5 - Standards for Sites in Integral Planned Developments. All
23. planned drive-in clusters, planned industrial parks, and planned shopping
24. centers in which service stations are located shall comply with the applicable
25. standards of this subsection, notwithstanding other requirements of these
26. Regulations.

27. A. Site Layout and Size; Street Improvements.

28. 1. Site Dimensions.

1. a. As applicable, the required gross area of any site for
2. any planned drive-in cluster in which no uses other than
3. service stations are located shall be increased beyond
4. the defined three-acre minimum so that such area, in
5. total, shall be at least:
6. (1) The number of square feet equal to the product
7. of 13,000 times the total number of service
8. stations on the site; OR
9. (2) The number of square feet equal to the product of
10. 1,500 times the total of the number of fuel servicing
11. spaces plus customary, one-car service bays,
12. -whichever is greater.
13. b. For planned drive-in clusters in which other uses are
14. also located on the site, and for planned shopping centers
15. the minimum site area shall be increased as in Sub-
16. subparagraph a, above, and increased by any
17. additional area needed for the other uses, including
18. area required for parking, landscaping and any other
19. purposes.
20. c. For the purposes of this subparagraph, the gross site
21. area shall include the area of service drives and any
22. buffer strip on the site adjacent to, but not within, the
23. right(s) of way of the street(s) to which service drives
24. have access.

25. 2. Access and Street Improvements.

26. a. Access to service stations in planned industrial parks
27. planned shopping centers shall be solely from within the
28. development site, except that, with the joint concurrence

- of the Director of Planning, the County Traffic Engineer, and, in the case of a special exception, the Zoning Commissioner, one or two points of direct access onto public streets may be permitted (provided that, in a shopping center, the overall number of access points to the entire development is not increased beyond the maximum number defined in Section 101).
3. Internal Circulation and Vehicle Reservoir Capacity. Circulation and vehicle reservoir capacity within any such site shall be in accordance with an overall plan approved by the Office of Planning and Zoning. In reviewing the circulation and vehicle-capacity plan, the Office of Planning and Zoning shall apply the principles and standards embodied in Subparagraph 405.4.A.4.
4. Parking Spaces. Parking spaces for service stations on any such site shall be provided at a rate of at least 2.5 per service bay, not including servicing spaces in the bays.
- B. Appearance.
1. General Design. Service-station building and site-plan design in integral planned developments shall be subject to the same review and controls to which such design for a station on an individual site is subject (see Subparagraph 405.4.B.1); provided further that the building and site-plan design of other development on such a site shall also be subject to such review and controls.
2. Landscaping. Landscaping shall be provided for such developments under the same standards established for individual sites under Subparagraph 405.4.B.2, except

1. that the standards therein shall be applied to entire sites
2. on an overall basis.
3. 3. Screening. Screening shall be provided for residential
4. zones or premises adjacent to any such development. Such
5. screening shall be either the same as would be required
6. under Subparagraph 405.4.B.3, or, by special exception,
7. screening in combination with other buffering treatment that
8. would be equally or more effective, as determined by the
9. Zoning Commissioner. Notwithstanding other provisions
10. of these Zoning Regulations, such screening may serve in
11. lieu of a rear yard.
12. 4. Portable "A" or "sandwich board" signs shall be prohibited
13. in such developments. In all other respects, the regulations
14. of Section 413 shall be applicable.
15. 5. Lighting. Lighting for such developments shall be so
16. arranged and shielded as to confine all direct light rays
17. entirely within the boundary lines of the site, and as to
18. prevent, to the extent practicable, reflected light from
19. shining upon other properties, and as to avoid glare onto any
20. portion of any adjacent motorway or into the path of on-
21. coming vehicles.
22. 6. Maintenance. The premises shall be maintained at all
23. times in a clean and orderly condition. The responsibility
24. for compliance with this provision shall lie with all parties
25. individually and/or collectively having a lease or ownership
26. interest in the property, and said parties shall be separately
27. and severally liable for the maintenance thereof.
28. C. Permitted Ancillary Uses. Uses in conjunction with service
29. stations on such sites shall be permitted as permitted for

1. individual service stations under Paragraph 405.4.C, except
2. that the requirements for additional site area may apply to
3. the entire site rather than individual service-station premises,
4. provided that the individual station shall have reasonably
5. usable access to the additional areas required.
6. 405.6 - Nonoperation and Abandonment of Regulation Service Stations.
7. The premises (including landscaping) of any service station which is a
8. regulation use (see Subsection 405.8) but which is not in operation shall be
9. continuously maintained in the same manner as is required under these
10. regulations for operating service stations. If any such service station is not
11. operating for a period of 12 consecutive months or more, the Zoning Commis-
12. sioner, after public hearing, may determine that such station has been
13. abandoned. In such case, the Zoning Commissioner may terminate any
14. special exception applying to the service station; and may permit the conver-
15. sion thereof to another use as provided in Subsection 405.7.
16. 405.7 - Conversion. Conversion of any conforming service-station
17. building to another use, permitted in the basic zone and/or district in which
18. the site is located, shall require approval of the overall plan of the entire
19. site by the Director of Planning and the Zoning Commissioner.
20. 405.8 - Service Stations not in Compliance with Regulations.
21. A. Notwithstanding any provision of Section 101 or 104 to the
22. contrary, any legally existing service station shall be con-
23. sidered a conforming use unless it is situated in a residence
24. zone.
25. B. Any legally existing service station which is not a conforming
26. use shall be considered a non-conforming use.
27. C. Any service station which is a conforming use shall be con-
28. sidered a regulation use if it is situated in a constructed or

1. partially constructed planned shopping center; in a planned
2. drive-in cluster; in a planned industrial park; within a
3. parking garage; or in a C.N.S., C.R., C.S.A., C.S-1,
4. C.S-2, or I.M. District. Any service station which is a con-
5. forming use but not a regulation use shall be considered a
6. nonregulation use.

7. D. Nonregulation service stations and service stations which are
8. regulation uses though not in compliance with portions of these
9. regulations may continue, unless discontinuance is required
10. pursuant to Subsection 405.6 or Paragraph 405.8.H., subject
11. to the requirements of Paragraphs E, F, and G below.

12. E. Expansion, Reconstruction, Etc. There shall be no expansion
13. of site, services or structures or any addition or reconstructio
14. of structures on the site of a service station which is a non-
15. regulation or nonconforming use, except in compliance with
16. the conditions of Paragraph F, or except as otherwise may be
17. required under Paragraph G, below.

18. F. Permitted Changes.

19. 1. Any ancillary uses listed in Paragraph 405.4.C except
20. light-truck rental may be added to a nonregulation service
21. station if added in accordance with a site plan approved
22. by the Director of Planning and the Zoning Commissioner.

23. 2. Screening not required under these regulations, and
24. canopies, may be added to nonregulation or nonconforming
25. service stations if such screening and canopies are them-
26. selves in accordance with these regulations.

27. 3. Lighting structures may be modified or replaced on the
28. sites of nonregulation or nonconforming service stations

1. if the resulting structures do not conflict with the
2. standards of these regulations.

3. 4. Any regulation service station which does not comply with
4. the standards of Subsection 405.4 or 405.5, including
5. standards of other provisions referred to in said subsection,
6. may expand but shall not be changed in any way to further
7. increase the degree of noncompliance with any provision of
8. these Zoning Regulations, unless the Zoning Commissioner,
9. upon recommendation of the Director of Planning, permits
10. such changes as being in accord with the purpose of these
11. regulations.

12. G. Service stations not in compliance with the maintenance regu-
13. lations of Subparagraph 405.4.B.6 or 405.5.B.6 shall comply
14. therewith within three months of the adoption of this provision;
15. service stations not in compliance with the screening regula-
16. tions of this section shall comply in such respect by January 1,
17. 1970; however, portable "A" or "sandwich board" signs shall
18. be removed within three months of the adoption of this
19. provision.

20. H. Termination of Nonregulation or Nonconforming Service
21. Stations after Abandonment. If any service station which is a
22. nonregulation or nonconforming use is not operating for a
23. period of twelve consecutive months or more, or if any such
24. service station is not operating for a lesser period where
25. intention to abandon is evidence by the removal of facilities
26. or other action, the Zoning Commissioner, after public hearing
27. may determine that such station has been abandoned, and may
28. permit the conversion thereof to another use as provided in
29. Subsection 405.7.

1. I. Nonconforming service stations shall be governed by the
2. provisions of Section 104 in matters not regulated under
3. this Subsection 405.8.
4. 405.9 - Existing Service Stations in Compliance with Regulations.
5. Any expansion of the site, services or structures of any addition or struc-
6. tures on the site of an existing service station complying with these regu-
7. lations, which expansion or addition affects the site, constitutes a service
8. or affects the structure (including a portion of a structure) that would be
9. subject to control hereunder in the case of a new service station, shall be
10. subject to the same such control, except that any such expansion or add-
11. ition which would be subject to special exception procedures may, instead,
12. be permitted as of right if such expansion or addition is in compliance with
13. the standard numerical requirements of Subsection 405.4 or 405.5, if the
14. Zoning Commissioner determines that the expansion or addition would be
15. in accord with the purposes of these regulations, and if the overall plan
16. for the entire site has been approved by the Director of Planning and the
17. Zoning Commissioner.
18. 405.10 - Additional Provisions.
19. A. Discretionary Powers. In granting any special exception
20. pursuant to Section 405, the Zoning Commissioner may grant
21. such variances from these regulations, as, in his discretion,
22. are warranted in any individual case.
23. B. Development Plan. Any plan for development approved pur-
24. suant to these regulations shall be binding. Any amended plan
25. shall constitute a new plan and be subject to the same require-
26. ments therefor.
27. C. Severability. If any section, paragraph, subdivision, clause
28. or provision of these Regulations shall be adjudged invalid,

1. such adjudication shall apply only to the section, paragraph,
2. subdivision, clause, or provisions so adjudged, and the re-
3. mainder of the Regulations shall be deemed valid and effective.

4. SECTION 17. And be it further enacted, That sub-sections 500.2 a. and
5. b. be and they are hereby repealed and re-enacted with amendments as follows

6. 500.2 a. - Whenever a petition is presented to the Office of Planning
7. and Zoning for a zone or district classification or reclassification of a piece
8. of property, or for a Special Exception, such petition may be filed with the
9. Zoning Commissioner only if it meets the Zoning Commissioner's rules of
10. practice and procedure. Whenever the Office of Planning and Zoning shall
11. have acknowledged the adequacy of the petition in respect to such rules,
12. including whatever site plan or other supporting material may be necessary,
13. the petition may be filed with the Zoning Commissioner by the legal owner of
14. the property or by his legally authorized representative.

15. b. - A date for a public hearing before the Zoning Commissioner on the
16. petition for the proposed zone or district classification or reclassification
17. may then be scheduled and such hearing shall be held not less than 30 nor
18. more than 90 days after the date set on the Zoning Commissioner's acknowledg
19. ment of such filing.

20. SECTION 18. And be it further enacted, That this Act is hereby declared
21. to be an emergency measure affecting the public health, safety or welfare,
22. and, having been passed by the affirmative vote of five members of the County
23. Council, the same shall take effect from the date of its enactment.

READ AND PASSED this 1st day of May 1967.

By Order

Herbert Hohenberger
Herbert Hohenberger, Secretary

PRESENTED to the County Executive, for his approval this 3rd day of May 1967.


Herbert Hohenberger, Secretary

APPROVED AND ENACTED:

MAY 8 1967

Date _____

Walt Anderson
County Executive

I HEREBY CERTIFY THAT BILL NO. 46 IS TRUE AND CORRECT AND TOOK
EFFECT ON May 8, 1967.

L. Walter Tipton
Chairman, County Council

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

LEGISLATIVE SESSION 1993, LEGISLATIVE DAY NO. 20

BILL NO. 172-93

COUNCILMEMBERS RILEY & RUPPERSBERGER

BY THE COUNTY COUNCIL, NOVEMBER 1, 1993

A BILL

ENTITLED

AN ACT concerning

Fuel Service Stations and Car Washes

FOR the purpose of updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy; authorizing locations in which service stations or car washes are permitted by right or by Special Exception; setting performance standards; setting regulations regarding plan approvals, fuel service stations existing prior to the effective date of this bill, abandoned fuel service stations and conversions of abandoned stations; authorizing car washes in certain districts by Special Exception; requiring a site plan for car washes; prescribing the number of stacking and parking spaces required at a car wash site; setting performance standards; exempting car washes legally existing prior to the effective date of this bill; updating the list of district designations and adding the automotive services district; defining terms; stating legislative intent and special regulations for districts; eliminating references to Class I and Class II commercial

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Petitioner
CBA Exhibit

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motorway; eliminating special exception extension for automotive service stations; establishing landscape standards and generally relating to fuel service stations and car washes.

BY repealing

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Sections 405 and 419

Baltimore County Zoning Regulations, as amended

BY adding

Section 101, the definitions of "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash, Self-Service" Baltimore County Zoning Regulations, as amended

BY repealing

Section 101, the definitions of "Commercial Motorway, Class I" and "Commercial Motorway, Class II" and Section 259.2.E.F. and G. Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments,

Section 101, the definition of "Automotive Service Station" and "Car Wash" and Sections 100.1.D.2, 1B01.1.A.14C., 203.9, 248.3, 253.123.C, 253.2.B, 256.1, 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3

Baltimore County Zoning Regulations, as amended, and

Sections III and IX.C.2.b.

Baltimore County Landscape Manual, as adopted by the County Council on October 1, 1990 by Resolution 56-90, and as amended by Resolutions 66-90 and 10-93

WHEREAS, the Baltimore County Council has received a final report dated June 17, 1993 from the Planning Board concerning the subject legislation and held a public hearing thereon on September 7, 1993, now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Sections 405 and 419 of the Baltimore County Zoning Regulations, as amended, be and they are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that Sections 405 and 419 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 405. FUEL SERVICE STATIONS.

405.1 STATEMENT OF LEGISLATIVE FINDINGS AND POLICY.

A. BILL 40-67 ENACTED SIX COMMERCIAL DISTRICTS (C.N.S., C.C.C., C.T., C.S.A., C.S.-1, AND C.S.-2) AND ONE INDUSTRIAL DISTRICT (I.M.). ONE OF THE MAIN PURPOSES OF THE NEW COMMERCIAL DISTRICTS WAS TO CONTROL THE LOCATION OF SERVICE STATIONS AND THE USES ASSOCIATED WITH THEM. IN 1975 THE C.R. DISTRICT WAS ADDED TO GOVERN SERVICE STATIONS AND OTHER COMMERCIAL USES IN RURAL AREAS.

B. WHILE THE C.T., C.C.C., C.R. AND I.M. DISTRICTS HAVE SPECIAL USE AND BULK REGULATIONS WHICH MAKE EACH ONE UNIQUE, THE REMAINING DISTRICTS (C.N.S., C.S.A., C.S.-1 AND C.S.-2) DO NOT INCLUDE PROVISIONS WHICH MAKE THEM DISTINCT. AS A CONSEQUENCE, THE C.S.A., C.N.S., C.S.-1 AND C.S.-2 DISTRICTS ARE CONSOLIDATED INTO THE AUTOMOTIVE SERVICES (A.S.) DISTRICT.

C. THE DESIGN AND OPERATION OF SERVICE STATIONS HAS CHANGED SIGNIFICANTLY AND THE PROVISIONS SET FORTH IN BILL 40-67 NO LONGER

1. REFLECT CONTEMPORARY BUSINESS PRACTICES. DUE TO THE RISE OF
2. SELF-SERVICE STATIONS, THE NUMBER OF BUSINESSES THAT "SERVICE"
3. MOTOR-VEHICLES BY PROVIDING REPAIR FACILITIES HAS BEEN STEADILY
4. DECLINING, WHILE THE NUMBER OF STATIONS WITH CONVENIENCE STORES OR CAR
5. WASH OPERATIONS HAS BEEN INCREASING. TO BETTER REFLECT THE EVOLVING
6. ROLE OF THIS USE, THE NAME OF AUTOMOTIVE SERVICE STATION IS BEING
7. CHANGED TO FUEL SERVICE STATION AND REGULATIONS WHICH GOVERN THE
8. PERMITTED ANCILLARY USES ARE BEING AMENDED TO REFLECT CONTEMPORARY
9. BUSINESS PRACTICES AND TO FACILITATE THE UPGRADING OF EXISTING
10. STATIONS.

11. D. IT IS THE INTENT OF THIS SECTION TO PERMIT FUEL SERVICE
12. STATIONS IN ACCORDANCE WITH THE GOALS OF THE MASTER PLAN AND DULY
13. ADOPTED COMMUNITY PLANS BY REQUIRING PERFORMANCE STANDARDS THAT WILL
14. REGULATE THEIR LOCATION AND APPEARANCE AS WELL AS THE ADDITIONAL USES
15. WHICH MAY BE DEVELOPED AT SUCH SITES.

16. 405.2 LOCATIONS IN WHICH FUEL SERVICE STATIONS ARE PERMITTED.

17. A. A FUEL SERVICE STATION IS PERMITTED BY RIGHT SUBJECT TO
18. SUBSECTION 405.4, PROVIDED THAT NO PART OF THE LOT IS WITHIN 100 FEET
19. OF A RESIDENTIALLY ZONED PROPERTY AND IS INTEGRATED WITH AND LOCATED:

20. 1. IN A PLANNED SHOPPING CENTER OF WHICH AT LEAST 20
21. PERCENT HAS BEEN CONSTRUCTED AT THE TIME THE BUILDING PERMIT FOR THE
22. FUEL SERVICE STATION IS ISSUED, BUT NOT TO EXCEED ONE STATION FOR EACH
23. 60,000 SQUARE FEET OF GROSS FLOOR AREA OF THE PLANNED SHOPPING CENTER;
24. OR

25. 2. IN AN APPROVED PLANNED INDUSTRIAL PARK OF A MINIMUM NET
26. AREA OF 50 ACRES, BUT NOT TO EXCEED ONE FOR EACH 50 ACRES OF NET AREA;
27. OR

28. 3. IN A PLANNED DRIVE-IN CLUSTER.

1. B. FUEL SERVICE STATIONS ON INDIVIDUAL SITES WHICH DO NOT
2. COMPLY WITH THE REQUIREMENTS OF PARAGRAPH 405.2.A ARE PERMITTED BY
3. SPECIAL EXCEPTION AS PROVIDED BELOW AND SUBJECT TO SUBSECTIONS 405.3
4. AND 405.4.

5. 1. WITHIN THE URBAN RURAL DEMARCATION LINE (URDL), IN
6. C.C.C., A.S. OR I.M. DISTRICTS, PROVIDED NO PART OF THE LOT IS IN AN
7. M.R. ZONE.

8. 2. OUTSIDE THE URDL WITH C.R. DISTRICT DESIGNATION ONLY IN
9. B.L., B.M. OR B.R. ZONES SUBJECT TO SECTION 259.3.B.2.

10. 405.3 IN ADDITION TO THE FINDINGS REQUIRED UNDER SUBSECTION
11. 502.1, THE ZONING COMMISSIONER, PRIOR TO GRANTING ANY SPECIAL EXCEPTION
12. FOR A FUEL SERVICE STATION, SHALL CONSIDER THE PRESENCE OF ABANDONED
13. FUEL SERVICE STATIONS IN THE VICINITY OF THE PROPOSED SITE. A FINDING
14. BY THE ZONING COMMISSIONER OF THE PRESENCE OF ONE ABANDONED FUEL
15. SERVICE STATION, AS DEFINED IN SECTION 405.7, WITHIN A ONE-HALF MILE
16. RADIUS, OR TWO SUCH STATIONS WITHIN A ONE MILE RADIUS OF THE PROPOSED
17. FUEL SERVICE STATION ESTABLISHES THAT THERE IS NO NEED FOR THE PROPOSED
18. USE, UNLESS REBUTTED TO THE ZONING COMMISSIONER'S SATISFACTION BY
19. MARKET DATA.

20. 405.4 STANDARDS.

21. A. SITE DEVELOPMENT.

22. 1. SITE DIMENSIONS.

23. THE AREA OF ANY FUEL SERVICE STATION SITE SHALL BE NO
24. LESS THAN 15,000 SQUARE FEET OR 1,500 TIMES THE NUMBER OF FUEL SERVICE
25. SPACES (AS DEFINED IN SECTION 101), WHICHEVER IS GREATER. IF ANY USE
26. PERMITTED UNDER SECTION 405.4.D. OR 405.4.E. IS ADDED TO THE FUEL
27. SERVICE STATION, THE AREA OF THE SITE SHALL BE INCREASED IN ACCORDANCE
28. WITH THE PROVISIONS OF THOSE PARAGRAPHS.

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2. SETBACKS.

A. NO MAIN STRUCTURE OF A SERVICE STATION SHALL BE SET BACK LESS THAN 35 FEET FROM ANY STREET RIGHT-OF-WAY; NO FUEL PUMP SHALL BE SET BACK LESS THAN 25 FEET FROM ANY STREET RIGHT-OF-WAY; NO CANOPY SHALL BE SET BACK LESS THAN 15 FEET FROM ANY STREET RIGHT-OF-WAY.

B. EXCEPT AT THE REQUIRED ACCESS DRIVEWAYS, A LANDSCAPE TRANSITION AREA SHALL BE PROVIDED ALONG THE ENTIRE PERIMETER OF FUEL SERVICE STATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET IF THE FUEL SERVICE STATION ABUTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND REAR YARDS ABUTTING NON-RESIDENTIALLY ZONED LAND, EXCEPT THAT SERVICE STATIONS LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY) SHALL PROVIDE A BUFFER MEASURING NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

C. THE LANDSCAPE TRANSITION AREA SHALL BE VEGETATED AND SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR AUTOMOTIVE USES.

D. OTHER SETBACKS SHALL BE AS REQUIRED BY THESE REGULATIONS.

3. ACCESS, INTERNAL CIRCULATION AND VEHICLE RESERVOIR CAPACITY.

A. THE NUMBER AND LOCATION OF ACCESS DRIVEWAYS SHALL BE DETERMINED BY THE HEARING OFFICER OR ZONING COMMISSIONER BASED UPON THE RECOMMENDATIONS OF THE DIRECTOR OF PUBLIC WORKS AND THE OFFICE OF PLANNING AND ZONING.

B. ALL INTERNAL PAVED AREAS OF A FUEL SERVICE STATION SITE USED FOR PARKING, DRIVEWAY, AISLES AND STACKING PURPOSES SHALL COMPLY WITH SECTION 409 AND SHALL BE LAID OUT TO PRECLUDE VEHICLES

1. WAITING ON THE STREET OR BLOCKING THE RIGHT-OF-WAY BEFORE GAINING
2. ENTRANCE.

3. C. IN ADDITION TO THE FUEL SERVICE SPACE, AT LEAST ONE
4. STACKING SPACE SHALL BE PROVIDED:

5. 1. FOR EACH PUMP ISLAND SIDE, AT PUMP ISLANDS THAT
6. CONTAIN MULTI-PRODUCT DISPENSERS (MPD) AND WHERE A BYPASS LANE SERVES
7. EACH MPD;

8. 2. FOR EACH MPD IN CASES WHERE THERE IS NO BYPASS
9. LANE OR WHERE A CONVENIENCE STORE IS LOCATED ON THE SAME LOT; OR

10. 3. FOR EACH PUMP, IF THE PUMP DISPENSES A SINGLE
11. FUEL TYPE.

12. D. PARKING SPACES ON THE SITE OF ANY FUEL SERVICE
13. STATION SHALL BE PROVIDED AS FOLLOWS:

14. 1. ONE SPACE PER EMPLOYEE ON THE LARGEST SHIFT; AND

15. 2. THREE SPACES PER 1,000 SQUARE FEET OF GROSS
16. FLOOR AREA FOR A CONVENIENCE STORE UP TO 1,500 SQUARE FEET.

17. (CONVENIENCE STORES LARGER THAN 1,500 SQUARE FEET SHALL BE SUBJECT TO
18. THE PARKING REQUIREMENTS FOR RETAIL USES IN ACCORDANCE WITH SECTION 409
19. INCLUDING THE FIRST 1,500 SQUARE FEET); AND

20. 3. THREE SPACES PER SERVICE BAY, NOT COUNTING
21. SERVICE SPACES IN THE BAYS; AND

22. 4. ONE SPACE PER SELF-SERVICE AIR OR VACUUM CLEANER
23. UNIT; AND

24. 5. ONE SPACE PER AUTOMATIC TELLER MACHINE.

25. B. ALL FUEL SERVICE STATIONS SHALL PROVIDE A RESTROOM FACILITY,
26. WATER AND COMPRESSED AIR FOR CUSTOMERS.

27. C. APPEARANCE.

28. 1. GENERAL DESIGN.

1. A. ANY STRUCTURE ON THE SITE THAT IS CONVERTED TO AN
2. ANCILLARY USE OR TO A USE IN COMBINATION WITH A FUEL SERVICE STATION
3. MUST BE UPGRADED TO CREATE A UNIFYING ARCHITECTURAL THEME WITH OTHER
4. STRUCTURES ON THE SITE.

5. B. THE REAR AND SIDES OF BUILDINGS ON LOTS ABUTTING
6. RESIDENTIALLY ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN
7. TEXTURE AND COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF
8. FACADE TREATMENT SHALL BE INDICATED ON THE SITE PLAN OR AN ACCOMPANYING
9. ELEVATION DRAWING AND IS SUBJECT TO REVIEW BY THE DIRECTOR OF
10. PLANNING AND ZONING.

11. C. EXCEPT FOR THE TEMPORARY OUTDOOR SALE OF ITEMS
12. PERMITTED UNDER SECTION 230.9, THE OUTSIDE DISPLAY OF MERCHANDISE IS
13. PERMITTED ONLY UNDER THE CANOPY, OR IF THERE IS NO CANOPY, ON OR
14. BETWEEN THE PUMP ISLAND OR IN AN AREA IMMEDIATELY ADJACENT TO THE
15. CASHIER'S KIOSK. SUCH GOODS MAY NOT BLOCK ACCESS DRIVES, STACKING
16. SPACES OR INTERFERE WITH THE SITE'S CIRCULATION PATTERN.

17. D. IF THE FUEL SERVICE STATION IS LOCATED WITHIN 50
18. FEET OF A RESIDENTIALLY ZONED PROPERTY, LIGHTING STANDARDS ON SITE MAY
19. NOT EXCEED A HEIGHT OF 18 FEET AND SHALL BE DIRECTED AWAY FROM ANY
20. RESIDENTIALLY ZONED PROPERTIES.

21. E. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS
22. OR TO ENHANCE THE ATTRACTIVENESS OF THE SITE OF FUEL SERVICE STATIONS
23. FOR WHICH A SPECIAL EXCEPTION IS REQUIRED, THE ZONING COMMISSIONER MAY
24. SPECIFY ADDITIONAL REQUIREMENTS INCLUDING:

25. 1. CHANGES IN BUILDING OR SITE PLAN DESIGN;
26. 2. RESTRICTIONS ON HOURS OF OPERATIONS; OR
27. 3. OTHER REQUIREMENTS DEEMED NECESSARY FOR
28. COMPLIANCE WITH THIS SUBSECTION.

1. 2. SIGNS. PORTABLE "A" OR "SANDWICH BOARD" TYPE SIGNS ARE
2. PROHIBITED. IN ALL OTHER RESPECTS, THE REGULATIONS OF SECTION 413
3. SHALL APPLY.

4. 3. MAINTENANCE. AT ALL TIMES THE PREMISES SHALL BE
5. MAINTAINED IN A CLEAN AND ORDERLY CONDITION. ALL LANDSCAPED AREAS
6. SHALL BE IRRIGATED AS NEEDED AND DEAD PLANTS REPLACED. THE
7. RESPONSIBILITY FOR COMPLIANCE WITH THESE PROVISIONS LIES WITH ALL
8. PARTIES THAT INDIVIDUALLY OR COLLECTIVELY HAVE A LEASE OR OWNERSHIP
9. INTEREST IN THE FUEL SERVICE STATION.

10. D. ANCILLARY USES.

11. THE USES LISTED BELOW, ONLY, ARE PERMITTED BY RIGHT IN
12. CONJUNCTION WITH ANY FUEL SERVICE STATION. THE MINIMUM AREA OF THE
13. SITE AS DETERMINED UNDER SUBPARAGRAPH 405.4.A.1 SHALL BE INCREASED FOR
14. EACH ANCILLARY USE BY AT LEAST THE NUMBER OF SQUARE FEET INDICATED
15. BELOW, WHICH INCLUDES LAND FOR REQUIRED PARKING AND STACKING SPACES:

16. 1. MINOR VEHICLE REPAIR OR DIAGNOSTIC SERVICES TO VEHICLES
17. EXCEPT THOSE WHICH ARE UNLICENSED OR WHICH HAVE A STATE MOTOR VEHICLE
18. ADMINISTRATION TRANSPORTER OR A DEALER LICENSE. ADDITIONAL SITE AREA
19. OF 1,300 FEET PER SERVICE BAY SHALL BE PROVIDED.

20. A. TYPE OF SERVICE AND REPAIRS INCLUDE BUT ARE NOT
21. LIMITED TO THE SALE AND INSTALLATION OF MUFFLERS, SMALL AUTO PARTS AND
22. ACCESSORIES AND SHALL REMAIN ACCESSORY TO THE FUEL SERVICE STATION
23. OPERATION.

24. B. ALL SERVICE AND REPAIRS SHALL TAKE PLACE WITHIN
25. COMPLETELY ENCLOSED BUILDINGS.

26. C. THE COMBINED AREA FOR SALES, DISPLAY AND CUSTOMER
27. WAITING ROOM MAY NOT EXCEED 500 SQUARE FEET.

1. D. STORAGE OF TOW TRUCKS, DAMAGED OR DISABLED VEHICLES
2. OR PARTS IS SUBJECT TO SECTION 405A.

3. 2. CONVENIENCE STORE WITH A SALES AREA OF UP TO 1,500
4. SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. AN ADDITIONAL SITE AREA OF
5. FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA
6. SHALL BE PROVIDED.

7. 3. AUTOMATIC TELLER MACHINE, BUT NO DRIVE-THROUGH
8. FACILITIES. ADDITIONAL SITE AREA OF 1,000 SQUARE FEET FOR EACH DEVICE
9. SHALL BE PROVIDED.

10. 4. SELF-SERVICE VACUUM STATIONS. ALL SUCH STATIONS SHALL
11. BE LOCATED AT LEAST 30 FEET FROM A RESIDENTIALLY ZONED PROPERTY. NO
12. ADDITIONAL SITE AREA IS REQUIRED.

13. 5. TEMPORARY OUTDOOR SALE OF CHRISTMAS TREES, FIREWOOD, CUT
14. FLOWERS OR LIVE PLANTS AS LIMITED BY SECTION 230.9. NO ADDITIONAL SITE
15. AREA IS REQUIRED.

16. 6. THE SALE OF CIGARETTES, CANDY, DRINKS, SNACKS AND
17. SIMILAR ITEMS FROM VENDING MACHINES OR THE CASHIER'S KIOSK. NO
18. ADDITIONAL SITE AREA IS REQUIRED IF VENDING MACHINES DO NOT EXCEED A
19. TOTAL OF FIVE MACHINES, OTHERWISE THE AREA SHALL BE CONSIDERED A
20. CONVENIENCE STORE.

21. 7. THE RETAIL SALE OF AUTOMOTIVE SERVICE ITEMS SUCH AS
22. MOTOR OIL, ANTIFREEZE OR ALLIED PRODUCTS. NO ADDITIONAL SITE AREA IS
23. REQUIRED.

24. E. USES IN COMBINATION WITH FUEL SERVICE STATIONS. THE MINIMUM
25. AREA OF THE SITE AS DETERMINED BY SUBPARAGRAPH 405.4.A.1. SHALL BE
26. INCREASED FOR EACH USE IN COMBINATION WITH A FUEL SERVICE STATION BY AT
27. LEAST THE NUMBER OF SQUARE FEET INDICATED BELOW:

1. 2. 3.	TYPE OF USE	INTEGRAL PLANNED DEVELOPMENT	INDIVIDUAL SITE
4. 5. 6. 7. 8.	1. CONVENIENCE STORE WITH A SALES AREA LARGER THAN 1,500 SQUARE FEET INCLUSIVE OF ACCESSORY STORAGE. ADDITIONAL SITE AREA OF FOUR TIMES THE SQUARE FOOTAGE OF THE CONVENIENCE STORE'S SALES AREA MUST BE PROVIDED.	SE	SE
9. 10. 11. 12.	2. ROLL-OVER CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	P	SE
13. 14. 15. 16.	3. FULL SERVICE CAR WASH. NO SPECIFIC ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	SE
17. 18. 19.	4. SERVICE GARAGES PROVIDING SERVICES OTHER THAN THOSE LISTED IN SECTION 405.4.D. SUBJECT TO THE PROVISIONS OF SECTION 405.4.C.A. THROUGH E.	SE	SE
20. 21. 22.	5. AUTOMOBILE RENTAL, WITH A MAXIMUM STOCK OF 12 CARS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
23. 24. 25. 26.	6. TRAILER RENTAL, FOR TRAILERS NOT EXCEEDING 3/4-TON CHASSIS WEIGHT, WITH A MAXIMUM STOCK OF 20 TRAILERS. ADDITIONAL SITE AREA OF 5,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
27. 28. 29. 30. 31.	7. LIGHT-TRUCK RENTAL, INCLUDING RENTAL OF TRUCKS EQUIPPED WITH CAMPERS, FOR TRUCKS NOT EXCEEDING 1-1/2 TON CAPACITY, WITH A MAXIMUM STOCK OF 8 TRUCKS. ADDITIONAL SITE AREA OF 4,000 SQUARE FEET MUST BE PROVIDED.	SE	SE
32. 33. 34.	8. PARKING OF NOT MORE THAN SIX SCHOOL BUSES. ADDITIONAL SITE AREA OF 2,600 SQUARE FEET MUST BE PROVIDED.	SE	SE
35. 36. 37. 38.	9. SELF SERVICE CAR WASHES. NO ADDITIONAL SITE AREA REQUIRED PROVIDED THE STACKING, PARKING AND BUFFER REQUIREMENTS OF SECTION 419 ARE MET.	SE	NOT PERMITTED
39. 40. 41. 42. 43.	10. RESTAURANT, INCLUDING FAST FOOD, FAST FOOD DRIVE-THROUGH ONLY, AND CARRY-OUT RESTAURANTS. ADDITIONAL SITE AREA OF SIX TIMES THE GROSS SQUARE FOOTAGE OF THE RESTAURANT MUST BE PROVIDED.	SE	SE
44.	SE: SPECIAL EXCEPTION	P: PERMITTED BY RIGHT	

1. 405.5 PLAN APPROVALS.

2. A. CONVERSION OF ANY CONFORMING FUEL SERVICE STATION BUILDING
3. TO ANOTHER USE, PERMITTED IN THE BASIC ZONE OR DISTRICT IN WHICH THE
4. SITE IS LOCATED, SHALL REQUIRE APPROVAL OF THE OVERALL PLAN OF THE
5. ENTIRE SITE BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS, AND
6. ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT OR, IN THE CASE OF A
7. SPECIAL EXCEPTION, THE ZONING COMMISSIONER.

8. B. FOR ALL SERVICE STATION SITES REQUIRING A SPECIAL EXCEPTION,
9. ANY AMENDED PLAN SHALL CONSTITUTE A NEW PLAN AND BE SUBJECT TO THE SAME
10. REQUIREMENTS OF THESE REGULATIONS.

11. 405.6 FUEL SERVICE STATIONS EXISTING PRIOR TO THE EFFECTIVE
12. DATE OF BILL 172-93.

13. A. EXPANSION, RECONSTRUCTION OR ADDITION OF USES.

14. 1. ANY FUEL SERVICE STATION WHICH LEGALLY EXISTED BY RIGHT
15. OR BY SPECIAL EXCEPTION ON THE EFFECTIVE DATE OF BILL 172-93 MAY BE
16. EXPANDED OR RECONSTRUCTED AND ANY ANCILLARY USE LISTED IN PARAGRAPH
17. 405.4.D. MAY BE ADDED, PROVIDED THE PROJECT IS CONFINED TO THE LIMITS
18. OF THE SITE AS IT EXISTED ON THE EFFECTIVE DATE OF BILL 172-93 AND

19. A. CONFORMS WITH A PLAN FOR THE ENTIRE SITE AS REVIEWED
20. BY THE DIRECTORS OF PLANNING AND ZONING, PUBLIC WORKS AND ZONING
21. ADMINISTRATION AND DEVELOPMENT MANAGEMENT; AND

22. B. IS LOCATED IN A B.I., B.R., B.M., M.L., M.H. ZONE OR
23. A PUD; AND

24. C. MEETS THE REQUIREMENTS SET FORTH IN PARAGRAPH 405.4
25. OR, IN THE JUDGEMENT OF THE DIRECTOR OF THE ZONING ADMINISTRATION AND
26. DEVELOPMENT MANAGEMENT WOULD BE DONE IN SUCH A MANNER THAT THE STATION
27. WOULD BE IMPROVED TO BE MORE IN KEEPING WITH THE PURPOSES OF SUBSECTION
28. 405.4; AND

1. D. IN CASES WHERE A PROVISION OF BILL 172-93 CONFLICTS
2. WITH THE TERMS OR CONDITIONS OF A PRIOR SPECIAL EXCEPTION, THE PROJECT
3. MAY BE SUBJECT TO SPECIAL HEARING AT THE DISCRETION OF THE DIRECTOR OF
4. ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT.

5. 2. AFTER A PUBLIC HEARING, THE ZONING COMMISSIONER MAY
6. AUTHORIZE EXPANSION OF THE STATION BEYOND THE CONFINES OF THE SITE,
7. SUBJECT TO THE PROVISIONS OF 405.6.A.1 ABOVE.

8. 3. ANY OF THE "USES IN COMBINATION WITH" FUEL SERVICE
9. STATIONS LISTED IN PARAGRAPH 405.4.E MAY BE ADDED TO ANY SUCH STATION,
10. PROVIDED A SPECIAL EXCEPTION IS GRANTED AND THE PROVISIONS OF
11. SUBSECTION 405.4 ARE MET.

12. 4. ANY STRUCTURE OR EXPANSION OF THE USE THAT IS SHOWN ON A
13. PLAN APPROVED PRIOR TO THE EFFECTIVE DATE OF BILL 172-93 SHALL BE
14. CONSIDERED AS BEING IN COMPLIANCE WITH SECTION 405.4.A.2.A.

15. B. PORTABLE "A" OR "SANDWICH BOARD" SIGNS SHALL BE REMOVED
16. WITHIN THREE MONTHS OF THE ADOPTION OF THIS PROVISION.

17. 405.7 ABANDONED FUEL SERVICE STATIONS.

18. A. FINDING: THE COUNTY COUNCIL RECOGNIZES THAT AT TIMES THE
19. PUBLIC NEED FOR FUEL SERVICE STATIONS AT PARTICULAR LOCATIONS CEASES,
20. AND THOSE STATIONS BECOME ABANDONED. AN ABANDONED FUEL SERVICE STATION
21. IS ONE WHICH, INTENTIONALLY, IS NOT IN ACTUAL AND CONTINUOUS OPERATION
22. AS DEFINED IN SUBSECTION 405.7.B. THE COUNTY COUNCIL FURTHER
23. RECOGNIZES THAT AN ABANDONED FUEL SERVICE STATION WHICH IS LEFT TO
24. DETERIORATE CAN BECOME A THREAT TO THE HEALTH, SAFETY AND WELFARE OF
25. THE COMMUNITY, CAN HAVE A BLIGHTING INFLUENCE ON SURROUNDING PROPERTIES
26. AND CAN CAUSE A DETERIORATION OF THE USE, VALUE AND ENJOYMENT OF
27. PROPERTY IN THE IMMEDIATE NEIGHBORHOOD.

1. B. NOTICE OF PRESUMPTION OF ABANDONMENT. WHENEVER THE OWNER OR
2. AGENT OF ANY FUEL SERVICE STATION HAS CEASED OR TERMINATED THE USE OF
3. THE PREMISES AS A FUEL SERVICE STATION, THE OWNER OR AGENT SHALL NOTIFY
4. THE DIRECTOR OF ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WITHIN
5. THIRTY (30) DAYS AFTER THE TERMINATION. NOTWITHSTANDING THE FAILURE OF
6. THE OWNER TO NOTIFY THE DIRECTOR, ANY FUEL SERVICE STATION WHICH HAS
7. NOT BEEN IN ACTUAL AND CONTINUOUS OPERATION AS A STATION FOR A PERIOD
8. OF TWELVE CONSECUTIVE MONTHS SHALL BE PRESUMED TO BE ABANDONED AND THE
9. RIGHT TO RESUME THE USE IS THEREBY TERMINATED. FOR PURPOSES OF THIS
10. SUBSECTION, "CONTINUOUS OPERATION" SHALL MEAN OPERATION AS A FUEL
11. SERVICE STATION AT LEAST EIGHT HOURS PER DAY, FIVE DAYS PER WEEK.

12. C. TERMINATION OF SPECIAL EXCEPTION. ANY SPECIAL EXCEPTION FOR
13. THE OPERATION OF A FUEL SERVICE STATION SHALL BECOME VOID UPON NOTICE
14. OF ABANDONMENT BY THE OWNER OR UPON PROOF OF ABANDONMENT AFTER NOTICE
15. AND HEARING PURSUANT TO SECTION 500.7 OF THE ZONING REGULATIONS. ANY
16. SPECIAL EXCEPTION FOR A FUEL SERVICE STATION SHALL TERMINATE AT THE
17. TIME OF THE CONVERSION TO ANOTHER USE.

18. D. THE PREMISES (INCLUDING LANDSCAPING) OF ANY FUEL SERVICE
19. STATION WHICH IS NOT IN CONTINUOUS OPERATION OR WHICH IS ABANDONED
20. SHALL BE CONTINUOUSLY MAINTAINED IN THE SAME MANNER AS IS REQUIRED
21. UNDER THESE REGULATIONS FOR OPERATING FUEL SERVICE STATIONS.

22. E. PROCEEDINGS TO REQUIRE REMOVAL.

23. 1. WHENEVER IT SHALL BE DETERMINED BY THE DIRECTOR OF
24. ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT THAT A FUEL SERVICE
25. STATION HAS NOT BEEN IN CONTINUOUS OPERATION AND THAT THE PREMISES HAVE
26. NOT BEEN CONTINUOUSLY MAINTAINED, THE DIRECTOR SHALL ISSUE A NOTICE TO
27. THE OWNER OR AGENT TO REPAIR, CORRECT, OR TAKE OTHER APPROPRIATE ACTION
28. TO REMEDY THE SPECIFIC DEFICIENCIES ENUMERATED IN THE NOTICE.

1. 2. IF THE DEFICIENCIES HAVE NOT BEEN CORRECTED WITHIN A
2. PERIOD OF 90 DAYS FOLLOWING THE DATE OF THE NOTICE, THE DIRECTOR OF
3. ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT SHALL REFER THE MATTER
4. TO THE ZONING COMMISSIONER FOR A HEARING, PURSUANT TO SECTION 500.7, TO
5. REQUIRE REMOVAL.

6. 3. IF, AFTER NOTICE AND HEARING PURSUANT TO SECTION 500.7
7. OF THE ZONING REGULATIONS, IT IS DETERMINED THAT A FUEL SERVICE STATION
8. HAS NOT BEEN IN CONTINUOUS OPERATION AND NOT CONTINUOUSLY MAINTAINED
9. AND CORRECTED ACCORDING TO PRIOR NOTICE, AND IF IT IS FURTHER FOUND
10. THAT BY REASON OF THE CONTINUED VACANCY, THE STRUCTURE AND GROUNDS LACK
11. REASONABLE OR ADEQUATE MAINTENANCE, THEREBY CAUSING DETERIORATION AND
12. BLIGHTING INFLUENCE ON NEARBY PROPERTIES AND THEREBY DEPRECIATING THE
13. ENJOYMENT, USE OR VALUE OF THE PROPERTY IN THE IMMEDIATE VICINITY TO
14. SUCH AN EXTENT THAT IT IS HARMFUL TO THE PUBLIC HEALTH, WELFARE,
15. SAFETY, COMFORT OR CONVENIENCE OF THE NEIGHBORHOOD IN WHICH THE STATION
16. IS SITUATED, THE ZONING COMMISSIONER SHALL ORDER THE STATION'S
17. REMOVAL. FOR PURPOSES OF THIS SUBSECTION, REMOVAL SHALL MEAN THE
18. REMOVAL BY THE OWNER OF ALL ABOVE GROUND STRUCTURES, INCLUDING PAVING,
19. AND REMOVAL OR ABANDONMENT IN PLACE OF UNDERGROUND TANKS IN COMPLIANCE
20. WITH THE PROVISIONS OF COMAR 26.10.10.02 AND SECTION 14-300(b) OF THE
21. BALTIMORE COUNTY CODE.

22. 405.8. CONVERSIONS OF ABANDONED STATIONS. ONE OF THE PURPOSES
23. OF THIS SUBSECTION IS TO PROMOTE THE CONVERSION OF VACATED FUEL SERVICE
24. STATIONS TO OTHER USES; THEREFORE, IF A FUEL SERVICE STATION HAS BEEN
25. ABANDONED AS SUCH, BUT IS CONVERTED TO ANOTHER USE, NO FUEL SERVICE
26. STATION STRUCTURE, EQUIPMENT, OR APPURTENANCES NECESSARY OR APPROPRIATE
27. TO THE NEW USE NEED BE REMOVED.

1. SECTION 419. CAR WASH.

2. 419.1. ROLL-OVER, FULL-SERVICE AND SELF-SERVICE CAR WASHES ARE
3. PERMITTED BY SPECIAL EXCEPTION IN THE FOLLOWING DISTRICTS: C.R.
4. (PROVIDED NO PART OF THE LOT IS IN R.C. 5), C.C.C., A.S. OR I.M.
5. (PROVIDED THAT NO PART OF THE SITE IS IN M.R.). CAR WASHES ARE ALSO
6. PERMITTED AS A USE IN COMBINATION WITH A SERVICE STATION SUBJECT TO THE
7. PROVISIONS OF SECTION 405.

8. 419.2. A SITE PLAN SHALL BE SUBMITTED SHOWING THE LOCATION OF
9. THE CAR WASH AND ZONE CLASSIFICATION OF ADJACENT PROPERTIES, THE
10. LOCATION OF INGRESS AND EGRESS, THE MANUFACTURER'S RATED HOURLY
11. PRODUCTION CAPACITY OF THE EQUIPMENT TO BE INSTALLED, IF AVAILABLE, OR
12. OTHER EVIDENCE OF THE CAPACITY OF THE EQUIPMENT, THE PROPOSED STACKING
13. SPACES AS REQUIRED BY SECTION 419.3 BELOW, THE PROPOSED LANDSCAPE AND
14. BUFFER TREATMENT, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE
15. REVIEWING AGENCIES. ALL SITE PLANS ARE SUBJECT TO REVIEW BY THE
16. DIRECTORS OF THE DEPARTMENT OF PUBLIC WORKS, OFFICE OF PLANNING AND
17. ZONING, AND ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT WHO SHALL
18. PROVIDE WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

19. 419.3. ALL INTERNAL PAVED AREAS OF A CAR WASH SITE USED FOR
20. STACKING, PARKING AND DRIVEWAY PURPOSES SHALL COMPLY WITH SECTION 409.1
21. AND SHALL BE LAID OUT TO ALLOW AUTOMOBILE CIRCULATION IN A MANNER THAT
22. PRECLUDES VEHICLES FROM WAITING ON THE STREET OR BLOCKING THE
23. RIGHT-OF-WAY BEFORE GAINING ENTRANCE.

24. A. ALL STACKING SPACES FOR CAR WASHES SHALL BE SINGLE-FILE AT
25. THE ENTRANCE OF THE TUNNEL. THE SPACE FOR THE CAR BEING WASHED SHALL
26. NOT BE COUNTED AS A STACKING SPACE. A MINIMUM OF THE FOLLOWING
27. STACKING SPACES SHALL BE PROVIDED:

28. 1. NINE PER ROLL-OVER CAR WASH TUNNEL;

1. 2. NINETEEN PER FULL-SERVICE CAR WASH TUNNEL;
2. 3. FOUR SPACES FOR THE FIRST TUNNEL OF A SELF-SERVICE CAR
3. WASH, AND TWO WAITING SPACES FOR EACH ADDITIONAL TUNNEL.

4. B. ALL PARKING SPACES SHALL BE LOCATED TO AVOID CONFLICT WITH
5. ON-SITE CIRCULATION PATTERNS. THE FOLLOWING MINIMUM NUMBER OF PARKING
6. SPACES SHALL BE PROVIDED:

7. 1. TO DRY VEHICLES, TWO FOR EACH TUNNEL OF A ROLL-OVER OR A
8. SELF-SERVICE CAR WASH AND SIX FOR EACH TUNNEL OF A FULL-SERVICE CAR
9. WASH; AND

10. 2. ONE PER VACUUM CLEANER UNIT, EXCEPT IN THE CASE OF A
11. FULL-SERVICE OR A SELF-SERVICE CAR WASH, A STACKING SPACE MAY BE USED
12. TO SERVE AS A PARKING SPACE FOR THE VACUUM CLEANER UNIT; AND

13. 3. TWO ADDITIONAL SPACES AT A ROLL-OVER CAR WASH; OR

14. 4. FOUR ADDITIONAL SPACES AT A FULL-SERVICE CAR WASH.

15. 419.4. NOTWITHSTANDING THE PROVISIONS OF THE ZONE IN WHICH THE
16. CAR WASH IS LOCATED, ALL FACILITIES ARE SUBJECT TO THE FOLLOWING
17. REQUIREMENTS:

18. A. LOCATIONAL STANDARDS.

19. 1. ROLL-OVER AND FULL-SERVICE CAR WASH BUILDINGS SHALL BE
20. SET BACK AT LEAST 50 FEET FROM THE LOT LINE OF ANY RESIDENTIALLY ZONED
21. PROPERTY. EXCEPT FOR THE LANDSCAPE BUFFERS, NO PART OF A SELF-SERVICE
22. CAR WASH SHALL BE WITHIN 100 FEET OF A RESIDENTIALLY ZONED PROPERTY.

23. 2. THE TUNNEL EXIT OF CAR WASH FACILITIES SHALL BE SET BACK
24. AT LEAST 50 FEET FROM THE NEAREST EXIT DRIVE.

25. B. GENERAL DESIGN.

26. 1. NO TUNNEL ENTRANCE OR EXIT OF A CAR WASH OPERATION SHALL
27. FACE AN ADJACENT RESIDENTIALLY ZONED PROPERTY NOT INCLUDING THOSE
28. ACROSS A STREET.

1. 2. THE REAR AND SIDES OF BUILDINGS FACING RESIDENTIALLY
2. ZONED PROPERTIES SHALL BE FINISHED WITH MATERIALS THAT IN TEXTURE AND
3. COLOR RESEMBLE THE FRONT OF THE BUILDING. THE TYPE OF FACADE TREATMENT
4. SHALL BE INDICATED ON THE SITE PLAN AND SHALL BE SUBJECT TO REVIEW BY
5. THE DIRECTOR OF THE OFFICE OF PLANNING AND ZONING, WHO SHALL PROVIDE
6. WRITTEN COMMENTS TO THE APPROVAL AUTHORITY.

7. 3. EXCEPT FOR THE REQUIRED ACCESS DRIVES, A LANDSCAPED
8. TRANSITION AREA SHALL BE PROVIDED ALONG THE PERIMETER OF ALL CAR WASH
9. OPERATIONS. SUCH AREA SHALL HAVE A MINIMUM WIDTH OF 10 FEET WHERE THE
10. CAR WASH FRONTS A PUBLIC RIGHT-OF-WAY, AND SIX FEET IN ALL SIDE AND
11. REAR YARDS ADJUTTING NON-RESIDENTIALLY ZONED LAND. CAR WASH OPERATIONS
12. LOCATED WITHIN 50 FEET OF ANY RESIDENTIALLY ZONED PROPERTY (OTHER THAN
13. A RESIDENTIAL ZONE LINE IN A PUBLIC RIGHT-OF-WAY), SHALL PROVIDE A
14. BUFFER THAT MEASURES NO LESS THAN 15 FEET FROM THAT PROPERTY LINE.

15. 4. THE LANDSCAPE TRANSITION AREA SHALL BE PLANTED AND
16. SCREENED IN ACCORDANCE WITH THE LANDSCAPE MANUAL REQUIREMENTS FOR
17. AUTOMOTIVE USES.

18. 5. TO INCREASE COMPATIBILITY WITH SURROUNDING BUILDINGS OR
19. TO ENHANCE THE ATTRACTIVENESS OF THE SITE, THE ZONING COMMISSIONER MAY
20. REQUIRE CHANGES IN BUILDING OR SITE PLAN DESIGN OR HOURS OF OPERATION
21. FOR CAR WASHES FOR WHICH A SPECIAL EXCEPTION IS REQUIRED.

22. 419.5. THE REGULATIONS CONTAINED IN THIS SECTION 419 ENTITLED
23. "CAR WASH" SHALL NOT APPLY TO CAR WASHES LEGALLY EXISTING PRIOR TO THE
24. EFFECTIVE DATE OF BILL 172-93. BILL 172-93 DOES NOT AFFECT THE
25. VALIDITY OF ANY ORDER GRANTING A SPECIAL EXCEPTION OR ANY PLAN APPROVED
26. BY BALTIMORE COUNTY FOR A CAR WASH WHICH OCCURRED PRIOR TO THE
27. EFFECTIVE DATE OF THIS BILL. ANY SUCH SPECIAL EXCEPTION OR PLAN SHALL
28. BE SUBJECT TO THE APPLICABLE PROVISIONS OF THE BALTIMORE COUNTY ZONING

1. REGULATIONS IN EFFECT AT THE TIME OF THE GRANT OF SUCH SPECIAL
2. EXCEPTION OR PLAN.

3. SECTION 3. AND BE IT FURTHER ENACTED, that the definitions of
4. "Car Wash, Roll-Over", "Car Wash, Full-Service" and "Car Wash,
5. Self-Service" be and they are hereby added to Section 101 - Definitions
6. of the Baltimore County Zoning Regulations, as amended, to read as
7. follows:

8. SECTION 101 - DEFINITIONS

9. CAR WASH, ROLL-OVER: A CAR WASH WHERE EXTERIOR-ONLY CLEANING,
10. WASHING OR WAXING SERVICES ARE PROVIDED ON A ROLL-OVER BASIS WITH THE
11. VEHICLE IN A STATIONARY POSITION DURING THE SERVICING.

12. CAR WASH, FULL-SERVICE: A CAR WASH PROVIDING AUTOMATED
13. EXTERIOR WASHING OR WAXING SERVICES, OR WHICH PROVIDES CLEANING,
14. WASHING, WAXING, DRYING OR INTERIOR CLEANING BY HAND. FOR THE PURPOSE
15. OF THESE REGULATIONS, A FACILITY WHICH PROVIDES COMPLETE INTERIOR AND
16. EXTERIOR DETAIL CLEANING THAT TAKES MORE THAN APPROXIMATELY TWO HOURS
17. PER CAR SHALL NOT BE CONSIDERED A FULL-SERVICE CAR WASH.

18. CAR WASH, SELF-SERVICE: A CAR WASH WHERE EQUIPMENT OR
19. FACILITIES ARE PROVIDED FOR THE SELF-SERVICE CLEANING AND WASHING OF
20. MOTOR VEHICLES.

21. SECTION 4. AND BE IT FURTHER ENACTED, that Section 101 -
22. Definitions, the definitions of "Commercial Motorway, Class I" and
23. "Commercial Motorway, Class II", and Section 259.2.E.F. and G., of the
24. Baltimore County Zoning Regulations, as amended, be and they are hereby
25. repealed.

1. SECTION 5. AND BE IT FURTHER ENACTED, that Section 101 -
2. Definitions of "Automotive Service Station" and "Car Wash" and Sections
3. 100.1.B.2, 1B01.1.A.14C, 230.9., 248.3, 253.123.C, 253.2.B, 256.1,
4. 259.2.B., 259.3.B.2., 402D.2, 402E.2. and 502.3 of the Baltimore County
5. Zoning Regulations, as amended, and Sections III and IX.C.2.6. of the
6. Baltimore County Landscape Manual, as adopted by the County Council on
7. October 1, 1990 by Resolution 56-90, and as amended by Resolutions
8. 66-90 and 10-93, be and they are hereby repealed and reenacted with
9. amendments, to read as follows:

10. Section 101 - Definitions.

11. {Automotive} FUEL Service Station: A structure or land used or
12. intended to be used {primarily} for the retail sale of automotive fuel,
13. but not a truck stop. FOR THE PURPOSE OF THESE REGULATIONS, ANY
14. ESTABLISHMENT WHICH SELLS AUTO FUEL RETAIL SHALL BE CONSIDERED A FUEL
15. SERVICE STATION, UNLESS IT IS CLASSIFIED AS A TRUCK STOP OR TRUCKING
16. FACILITY.

17. Car Wash: An area of land and/or a structure with machine or
18. hand-operated facilities used {principally} for the cleaning, washing,
19. polishing, or waxing of motor vehicles AS A PRINCIPAL OR ACCESSORY USE.

20. Fuel Servicing Space: On {an automotive} A FUEL service station
21. site, any one of the maximum number of spaces on which cars may be
22. situated simultaneously while being fueled.

23. Section 100.1.B.2. Districts.

24. Districts are as follows:

25. A.S. DISTRICT	AUTOMOTIVE SERVICES
26. C.R. District	Commercial, rural
27. {C.N.S. District	Commercial, Neighborhood shopping}
27. C.C.C. District	Commercial, community core

1. C.T. District Commercial, town-center core
2. [C.S.A. District Commercial, supporting area
3. C.S.-1 District Commercial, strip
4. C.S.-2 District Commercial, strip]
5. I.M. District Industrial, major
6. Section 1B01.1 General Use Regulations in D.R. Zones.
7. A. Uses Permitted as of Right. The following uses, only, are
8. permitted as of right in D.R. zones of all classifications, subject to
9. the restrictions hereinafter prescribed:
10. 14. Accessory uses or buildings other than those permitted
11. only by special exception, including, but not limited to:
12. {c. automotive-service stations, but only within
13. community garages}
14. Section 230 - Use Regulations - B.L. Zone
15. The following uses only are permitted:
16. 230.9.
17. FUEL SERVICE STATIONS IN A PLANNED SHOPPING CENTER OR DRIVE-IN
18. CLUSTER ONLY, SUBJECT TO SECTION 405.
19. Section 248. Use Regulations - M.L.R. Zone
20. The following uses only are permitted:
21. 248.3.
22. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION
23. 419.
24. FUEL SERVICE STATIONS IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT
25. TO SECTION 405.

1. Section 253. Use Regulations - M.L. Zone.

2. 253.123. Uses Permitted as of Right. The uses listed in this
3. subsection, only, shall be permitted as of right in M.L. zones, subject
4. to any conditions hereinafter prescribed.

5. C. The following auxiliary retail or service uses or
6. semi-industrial uses, provided that any such use is located in a
7. planned industrial park at least 25 acres in net area or in an I.M.
8. district [in neither case with any direct access to an arterial street
9. other than a Class I Commercial Motorway]:

10. 7A. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO
11. SECTION 419.

12. 17A. FUEL SERVICE STATION IN A PLANNED INDUSTRIAL PARK ONLY,
13. SUBJECT TO SECTION 405.

14. 253.2. Uses permitted by Special Exception. The uses
15. listed in this subsection are permitted by special exception only.

16. B. The following auxiliary service uses, provided that any such
17. use shall be located in a planned industrial park at least 25 acres in
18. net area or in an I.M. district, [in neither case with any direct
19. access to an arterial street other than a Class I Commercial Motorway,
20. and,] provided, further, that it is shown that any such use will serve
21. primarily the industrial uses and related activities in the surrounding
22. industrial area:

23. 1. Automotive-service stations, subject, further, to the
24. provisions of Section 405.

25. 2. Car washes, subject, further, to the provisions of
26. Section 419.

27. 3. Garages, service, including establishments for the
28. service or repair of trucks, of truck trailers, or of freight-shipping

1. containers designed to be mounted on chassis for part or all of their
2. transport.

3. 4. Union halls or other places of assembly for
4. employment-related activities.

5. Section 256. Use Regulations - M.H. Zone

6. The following uses only are permitted, subject to the provisions
7. of 256.5:

8. 256.1.

9. CAR WASH IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT TO SECTION
10. 419.

11. FUEL SERVICE STATION, IN A PLANNED INDUSTRIAL PARK ONLY, SUBJECT
12. TO SECTION 405.

13. Section 259. Districts.

14. 259.2. Statements of Legislative Intent for Districts.

15. B. {C.N.S. District -- Commercial, Neighborhood Shopping.

16. C.N.S. districts may be applied only to certain existing or
17. proposed centers of business activity which are on land zoned B.L.,
18. B.M., B.R., and/or M.L., any one of which centers must be intended to:
19. include at least one supermarket or grocery store; have less than 15
20. retail stores in total; have no department store, junior department
21. store, nor, ordinarily, variety (dime) store; and serve a resident
22. neighborhood population of approximately 10,000 persons or less. A
23. planned shopping center having such characteristics may lie wholly or
24. partially within a C.N.S. district.)

25. A.S. AUTOMOTIVE SERVICES DISTRICT. THE A.S. DISTRICT MAY BE
26. APPLIED WITHIN THE URBAN RURAL DEMARCATION LINE (URDL) TO CERTAIN
27. PARCELS OF LAND ZONED B.L., B.M., OR B.R., WHICH ARE APPROPRIATE FOR
28. USES DOMINATED BY THE PARKING AND SERVICING OF AUTOMOBILES OR

1. CHARACTERIZED BY FREQUENT PARKING TURNOVER, SUCH AS FUEL SERVICE
2. STATIONS AND CAR WASH OPERATIONS. ANY LAND HERETOFORE CLASSIFIED AS
3. C.N.S., C.S.A., C.S.-1 OR C.S.-2 ON THE EFFECTIVE DATE OF BILL 172-93
4. SHALL HEREBY BE CLASSIFIED AN A.S. DISTRICT.

5. 259.3. Special Regulations for C.R. Districts.

6. B. Uses Permitted by Special Exception.

7. 2. Any use permitted (by right or by special exception)
8. within the C.R. district but which is not permitted in the underlying
9. zone and which meets the bulk regulations of Paragraph 1 of 259.3C is
10. permitted by special exception EXCEPT THAT SERVICE STATIONS AND CAR
11. WASH OPERATIONS ARE ONLY PERMITTED IN A C.R. DISTRICT WITH B.L., B.M.,
12. OR B.R. AS A BASE ZONE.

13. Section 402 - Conversion of Dwellings.

14. 402D. Conversion of dwellings to a bed and breakfast home or
15. bed and breakfast inn in D.R. or R.C. zones. Upon application, the
16. Zoning Commissioner may issue a use permit (under Section 500.4) for
17. the use of land, subject to the following conditions:

18. 402D.2. The converted dwelling shall be:

19. A. {Situating on a lot with frontage on a Class I commercial
20. motorway; or

21. B. Situated on a lot with frontage on a Class II commercial
22. motorway; or}

23. SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

24. {C.} B. officially designated as historic or located in a
25. historic district, as identified on the zoning maps (or eligible for
26. identification on the zoning maps); or

27. {D.} C. on a property located outside the urban-rural
28. demarcation line (URDL).

1. 402E - Conversion of dwellings to a country inn in D.R. or R.C.
2. zones. Upon application, the Zoning Commissioner may grant a special
3. exception (under 500.5) for the use of land, subject to the following
4. conditions:

5. 402E.2. The converted dwelling shall be:

6. a. {situated on a lot with frontage on a Class I commercial
7. motorway; or

8. b. situated on a lot with frontage on a Class II commercial
9. motorway; or}

10. SITUATED ON A LOT WITH FRONTAGE ON A PRINCIPAL ARTERIAL; OR

11. {c.} B. on a property located outside the urban-rural
12. demarcation line (URDL).

13. {d.} C. The converted dwelling may not be located in any
14. historic district, except for the Ellicott Mills-Oella Historic
15. District.

16. Section 502. Special Exceptions.

17. 502.3. A Special Exception which has not been utilized within a
18. period of two years from the date of the final order granting same, or
19. such longer period not exceeding five years, as may have been specified
20. therein, shall thereafter be void. The Zoning Commissioner or, on
21. appeal, the County Board of Appeals, in connection with the grant of
22. any Special Exception, shall fix within the foregoing limits, the
23. period of time for its utilization. Any party to the proceedings may,
24. by so specifying, appeal from either the order of the Zoning
25. Commissioner or of the County Board of Appeals as the case may be,
26. solely as to the reasonableness of the period of time allowed or,
27. alternatively, may have such question determined in conjunction with
28. any appeal from the grant or refusal of the application for a Special

1. Exception. After a final order granting a Special Exception the Zoning
2. Commissioner, at any time prior to expiration of the period of time
3. authorized for its utilization, may grant one or more extensions of
4. such period, provided that a maximum time for utilization of the
5. Special Exception is not thereby extended for a period of more than
6. five years from the date of the final order granting same.

7. A Special Exception which requires any construction for its
8. utilization shall be deemed to have been used within its authorized
9. time if such construction shall have commenced during the authorized
10. period, or any extension thereof, provided said construction is
11. thereafter pursued to completion with reasonable diligence.

12. Notwithstanding the above provisions, in any case where a
13. Special Exception in effect on or after January 1, 1957 cannot be
14. utilized within the maximum allowable time because of inadequacy or
15. unavailability of public sewer or water facilities, the Zoning
16. Commissioner shall extend such time for utilization to a date eighteen
17. months after such facilities become adequate and available, as
18. evidenced by the ability to obtain a public works agreement permitting
19. exercise of the Special Exception. A copy of the extension order shall
20. be sent by the Zoning Commissioner to the Director of Public Works, who
21. shall give certified or registered mail notice when such public works
22. agreement is obtainable, to the party, and for the property, named in
23. the extension order at the address shown in said order, except that the
24. party named in the extension order, by certified or registered mail
25. notice to the Director of Public Works and the Zoning Commissioner, may
26. change the name of the party to receive such notice from the public
27. works Director, or the address to which said notice is to be sent, or
28. both. The date on which the notice is sent by the Director of Public

1. Works to the last party of the record within, at the last address
2. furnished, shall be the commencement date for the running of the
3. eighteen month extension period in which there must be utilization of
4. the Special Exception.

5. {Anyone having a Special Exception for an automotive service
6. station shall have such exception automatically extended for a period
7. of five (5) years after said property is designated a district in
8. accordance with the automotive service stations regulations of
9. Baltimore County.}

10. Landscape Manual

11. Section III. Definitions.

12. AUTOMOTIVE USES: THE TERM "AUTOMOTIVE USE" INCLUDES FUEL
13. SERVICE STATIONS AND CAR WASH OPERATIONS.

14. SCREENING, CLASS "C"--ONE PLANTING UNIT PER 10 LINEAR FEET OF
15. THE AREA TO BE BUFFERED. MINIMUM HEIGHT OF SCREEN AT INSTALLATION
16. SHALL BE 35 INCHES FOR SHRUBS AND SEVEN FEET FOR TREES.

17. IN ADDITION TO THE REQUIRED PLANTINGS, A SIX FOOT HIGH BERM, OR
18. MASONRY, WOOD-ON-WOOD FENCE OR SOUND BARRIER WALL MAY BE REQUIRED.
19. SUCH BERM, FENCE OR WALL SHALL BE SET BACK AT LEAST FIVE FEET FROM THE
20. PROPERTY LINE. A PLANTING STRIP BETWEEN SUCH BERM OR FENCE AND THE
21. PROPERTY LINE MAY BE REQUIRED.

22. Section IX. Landscape Standards.

23. C. Commercial, Office (including RO zones), Industrial, High
24. Rise Residential (including RAE 1 and 2) and Public Development.

25. 2. Planting Requirements.

26. b. Special Conditions - In addition to the General
27. Planting Requirements, the following formulas shall be used.

1. (5) EXCEPT FOR THE REQUIRED ACCESS DRIVES, A PLANTING AREA
2. IS REQUIRED ALONG THE PERIMETER OF AN AUTOMOTIVE USE. SETBACKS SHALL
3. BE IN COMPLIANCE WITH THE UNDERLYING ZONE OR THE SPECIAL REGULATIONS OF
4. THE USE. LANDSCAPING ALONG THE PUBLIC RIGHT-OF-WAY SHALL COMPLY WITH
5. CLASS "B" SCREENING REQUIREMENTS. ALL SIDE AND REAR YARDS ABUTTING
6. COMMERCIALY OR INDUSTRIALLY ZONED LAND SHALL BE VEGETATED AT THE RATE
7. OF ONE PLANTING UNIT PER 10 FEET. A PROPERTY LINE THAT ABUTS OR IS
8. WITHIN 50 FEET OF A RESIDENTIALLY ZONED PROPERTY SHALL BE LANDSCAPED IN
9. ACCORDANCE WITH CLASS "C" SCREENING REQUIREMENTS.

10. SECTION 6. AND BE IT FURTHER ENACTED, THAT ANY APPLICATIONS
11. FOR A SERVICE STATION OR CAR WASH WHICH, AS OF THE DATE OF ADOPTION OF
12. BILL 172-93, HAVE BOTH (I) FILED A CONCEPT PLAN AND HELD A COMMUNITY
13. INPUT MEETING PURSUANT TO SECTION 26-202 OF THE BALTIMORE COUNTY CODE;
14. AND (II) FILED WITH THE OFFICE OF PLANNING AND ZONING ANY REQUIRED
15. PETITIONS FOR SPECIAL EXCEPTIONS OR VARIANCES PURSUANT TO THE BALTIMORE
16. COUNTY ZONING REGULATIONS, SHALL BE GOVERNED BY SECTIONS 405 AND 419 OF
17. THE ZONING REGULATIONS IN EFFECT IMMEDIATELY PRIOR TO THE DATE OF
18. ADOPTION OF BILL 172-93 ("IN-PROCESS FACILITIES"). ANY IN-PROCESS
19. FACILITIES WHICH ARE ULTIMATELY APPROVED AND CONSTRUCTED SHALL BE
20. SUBJECT TO THE PROVISIONS OF BILL 172-93 UPON ANY FURTHER MODIFICATIONS
21. OF THE APPROVED DEVELOPMENT PLAN.

22. Section 6 7. AND BE IT FURTHER ENACTED, that this Act
23. shall take effect forty-five days after its enactment.

READ AND PASSED this 6th day of December, 1993

BY ORDER

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

PRESENTED to the County Executive for his approval this 7th day
of December, 1993.

Thomas J. Peddicord, Jr.
Thomas J. Peddicord, Jr.
Secretary

APPROVED AND ENACTED:

12/13/93
Roger B. Hayden
Roger B. Hayden
County Executive

I HEREBY CERTIFY THAT BILL NO. 172-93 IS TRUE AND CORRECT

AND TOOK EFFECT ON JANUARY 27, 1994.

C. A. Dutch Ruppertsberger, III
C. A. Dutch Ruppertsberger, III
Chairman, County Council

PLEASE PRINT CLEARLY

CASE NAME
CASE NUMBER
DATE

2018-0316-544
9-26-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Mark Mazur			
Sarah Ragab	9709 Beaver Dam Rd.	Timonium, MD 21093	sragab7@gmail.com
HARRY CARVER	8 CASTLEHILL CT	Timonium MD 21093	hth7103@gmail.com
BARRY BUCHHEIT	19 CASTLEHILL CT	" " 21093	buchhoff@Toussaint.com
ERIC ROCKEL	1610 Ridgewood Drive	" " "	erockel@earthlink.net
George Linington	12101 TULLAMORE CT	" "	GEORGE.LININGTON@CBA
Nancy A. Wade	3649 Valley Rd.	Ellicott City, MD 21042	nancy.wade@7-11.com
Caroline Hecker	BMG - 25 S. Charles St, 2 nd fl. (on behalf of 7 Eleven)	Baltimore MD 21201	checker@rosenbergm.com
JANET WISER	100 W TIMONIUM RD	Timonium	janetwiser@gmail.com
Rich Wisser	"	"	RWISER843@gmail.com
Dennis Grawl	12200 Tullamore Rd	Timonium MD 21093	dennisgrawl@greutsmar.com

Petitioner
CBA Exhibit

50



Baltimore County - My Neighborhood

My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

9709 Beaver Dam Road

Search

Property Report - 9709 BEAVER DAM RD

9709 BEAVER DAM RD

Tax Account Number 2300001976
Owner Name 9709 BEAVER DAM ROAD LLC
Premise Address 9709 BEAVER DAM RD
Tax Map 0051
Parcel 0711
Real Property Report [More info](#)
StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [ML IM](#)
Zoning [MH IM](#)

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Elementary School District [Mays Chapel ES](#)
Middle School District [Cockeysville MS](#)
High School District [Dulaney HS](#)

CIMC - GOVERNMENT

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Congressional District [2](#)
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Voting Precinct [08-007](#)

ECONOMIC

Commercial No Feature Found
Revitalization District No Feature Found
Enterprise Zone No Feature Found





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My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

8 Castlehill Court

Search

Property Report - 8 CASTLEHILL CT

8 CASTLEHILL CT

Tax Account Number 1800011107

Owner Name CARVER HARRY A CARVER
BONNIE L TRUSTEES

Premise Address 8 CASTLEHILL CT

Tax Map 0051

Parcel 0305

Real Property Report [More info](#)

StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [DR 5.5](#)

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CIVIC - GOVERNMENT

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Councilmanic District [3](#)

Congressional District [2](#)

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Election District [8](#)

Voting Precinct [08-020](#)

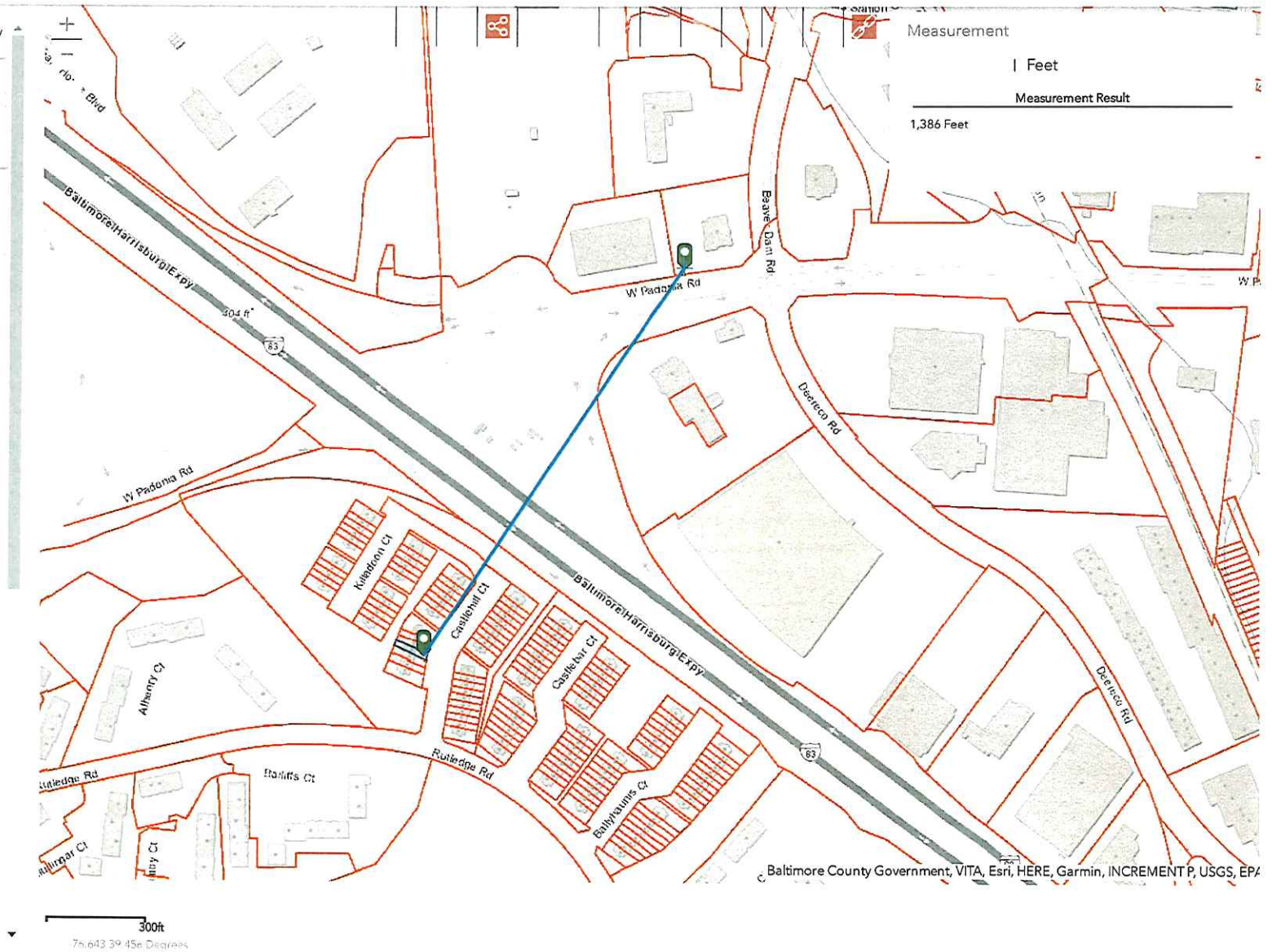
ECONOMIC

Commercial No Feature Found

Revitalization District

Enterprise Zone No Feature Found

Economic Park Center No Feature Found





Baltimore County - My Neighborhood

My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

19 Castlebar Court

Search

Property Report - 19 CASTLEBAR CT

19 CASTLEBAR CT

Tax Account Number 1800007934

Owner Name BUCHOFF BARRY S IRELAND
BARBARA DALE

Premise Address 19 CASTLEBAR CT

Tax Map 0051

Parcel 0252

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SCHOOL DISTRICTS

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CIVIC - GOVERNMENT

Police Precinct [Cockeysville](#)

Councilmanic District [3](#)

Congressional District [2](#)

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Election District [8](#)

Voting Precinct [08-020](#)

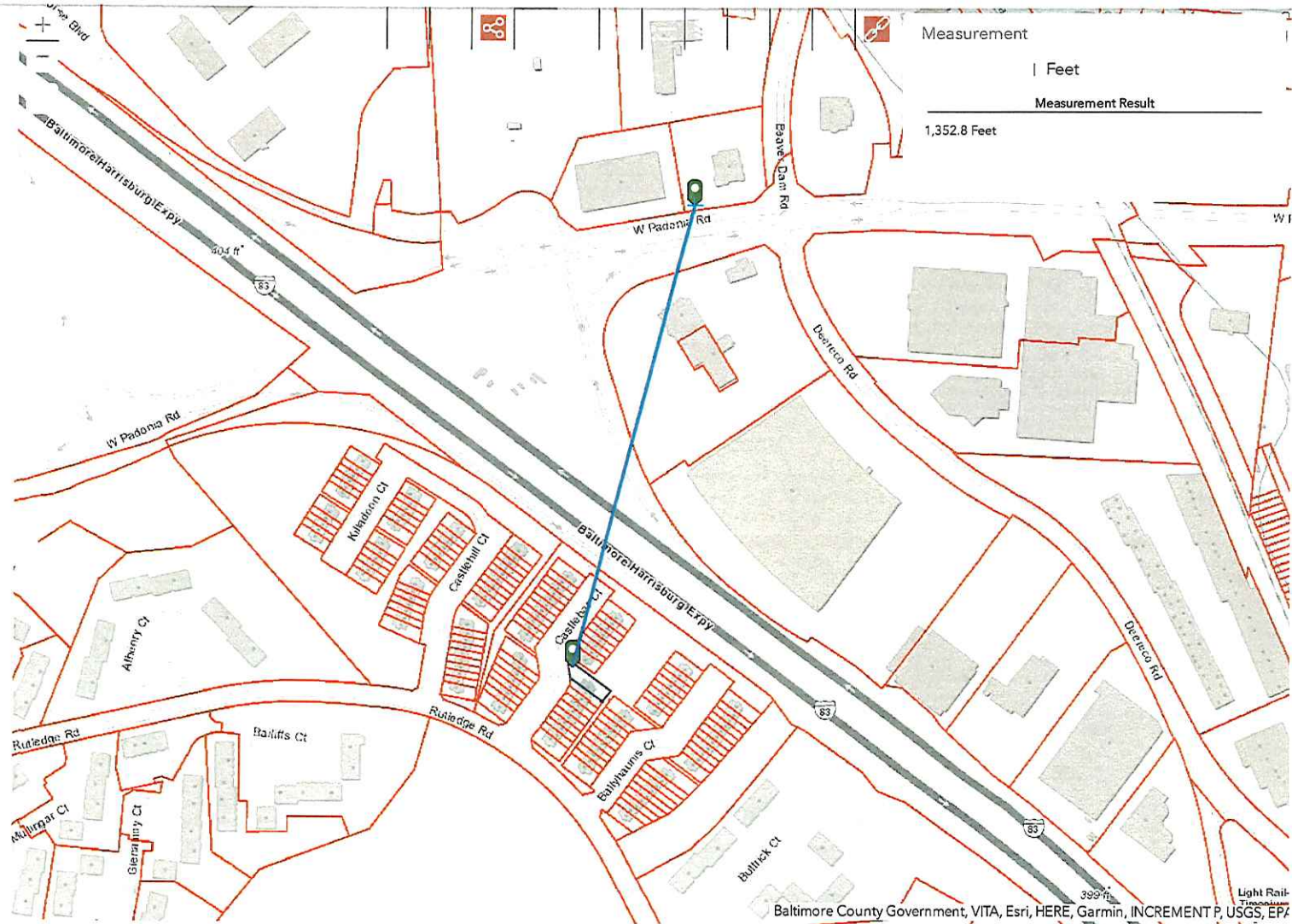
ECONOMIC

Commercial No Feature Found

Revitalization District

Enterprise Zone No Feature Found

Economic Park Center No Feature Found



Measurement

1 Feet

Measurement Result

1,352.8 Feet

300ft

-76.643 39.456 Degrees

Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, Light Rail



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1610 Riderwood Drive

Search

Property Report - 1610 RIDERWOOD DR

1610 RIDERWOOD DR

Tax Account Number 0803004480
Owner Name ROCKEL ERIC G
Premise Address 1610 RIDERWOOD DR
Tax Map 0060
Parcel 0568
Real Property Report [More info](#)
StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [DR 5.5](#)

SCHOOL DISTRICTS

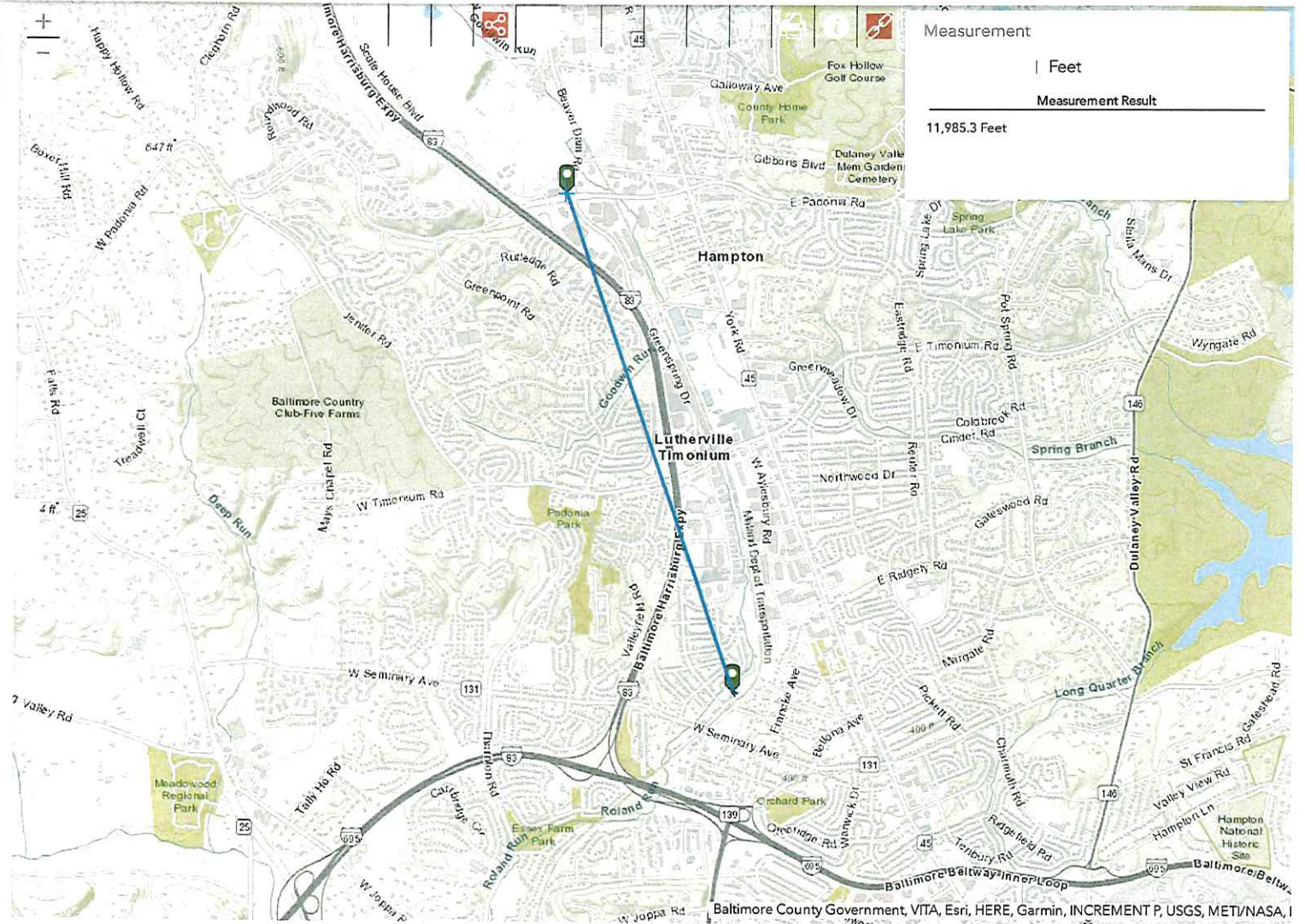
Elementary School District [Lutherville ES](#)
Middle School District [Ridgeley MS](#)
High School District [Towson HS](#)

CIVIC - GOVERNMENT

Police Precinct [Cockeysville](#)
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Legislative District [11](#)
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Voting Precinct [08-016](#)

ECONOMIC

Commercial Revitalization District No Feature Found
Enterprise Zone No Feature Found
Economic Park Center Name No Feature Found



0.4mi
-76.643 39.456 Degrees



Baltimore County - My Neighborhood

My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

12101 Tullamore Court

Search

Property Report - 9401 WORDSWORTH WAY

Your search has returned 2 lots

Properties with multiple lots can affect the results of the report. My Neighborhood should only be used as a reference. Any information should be verified with the appropriate agency:

9401 WORDSWORTH WAY

Tax Account Number 2300004797

Owner Name JONES BARBARA

Premise Address 9401 WORDSWORTH WAY

Tax Map 0067

Parcel 0003

Real Property Report [More info](#)

StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [DR 3.5](#)

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Elementary School District [Mays Chapel ES](#)

Middle School District [Ridgely MS](#)

High School District [Dulaney HS](#)

CIVIC - GOVERNMENT

Police Precinct [Cockeysville](#)

Councilmanic District [3](#)

Congressional District [7](#)

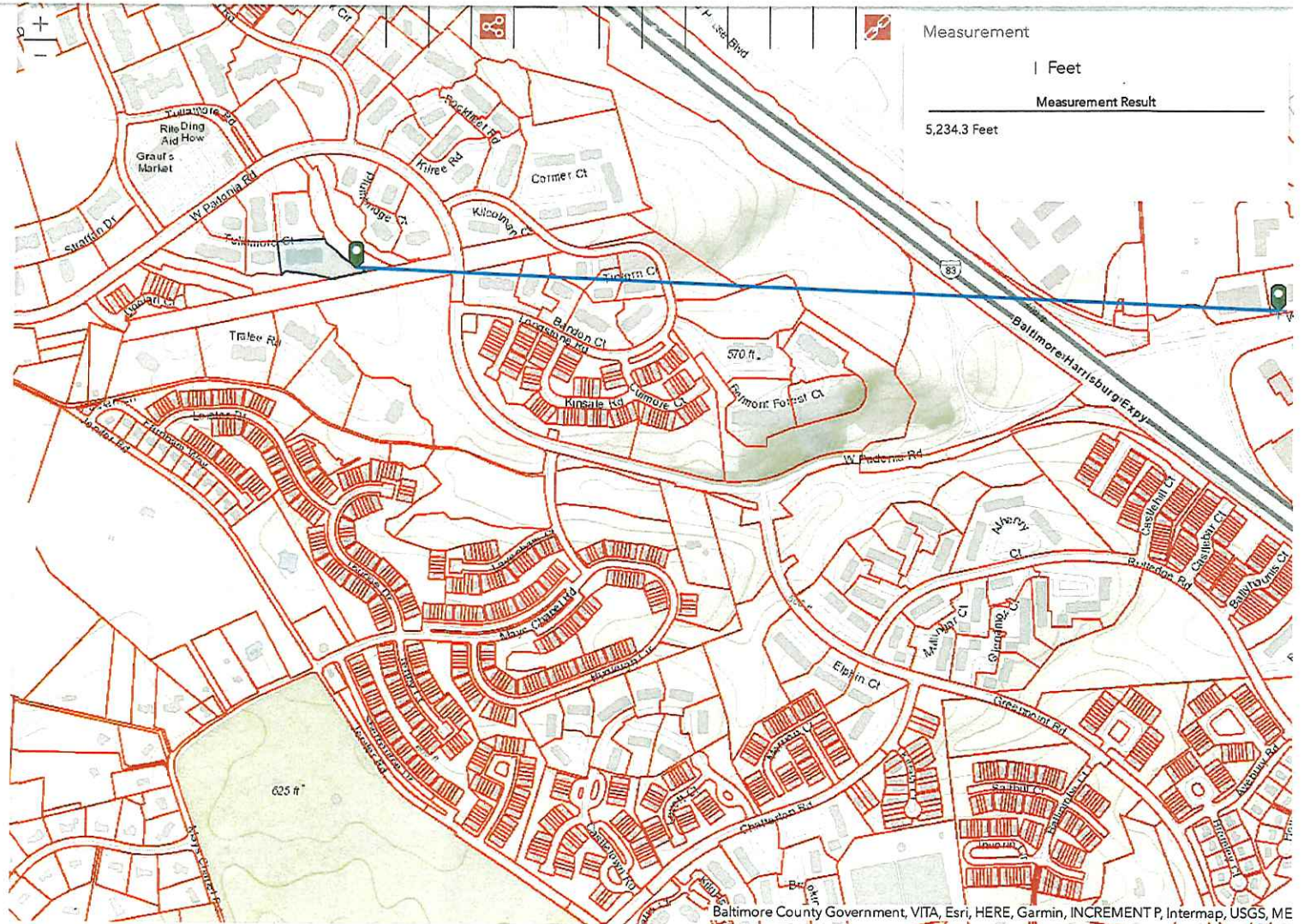
Legislative District [11](#)

Election District [8](#)

Voting Precinct [08-019](#)

ECONOMIC

Commercial Revitalization District No Feature Found





My Neighborhood

Select a Property
from the Map

enter ADDRESS or 10-DIGIT TAX ACCOUNT

100 W. Timonium Rd

Search

Property Report - 100 W TIMONIUM RD

100 W TIMONIUM RD

Tax Account Number 2100010361
Owner Name SUNOCO LLC
Premise Address 100 W TIMONIUM RD
Tax Map 0060
Parcel 0848
Real Property Report [More info](#)
StreetView [Click for StreetView](#)

ZONING INFORMATION

Zoning [BM IM](#)

SCHOOL DISTRICTS

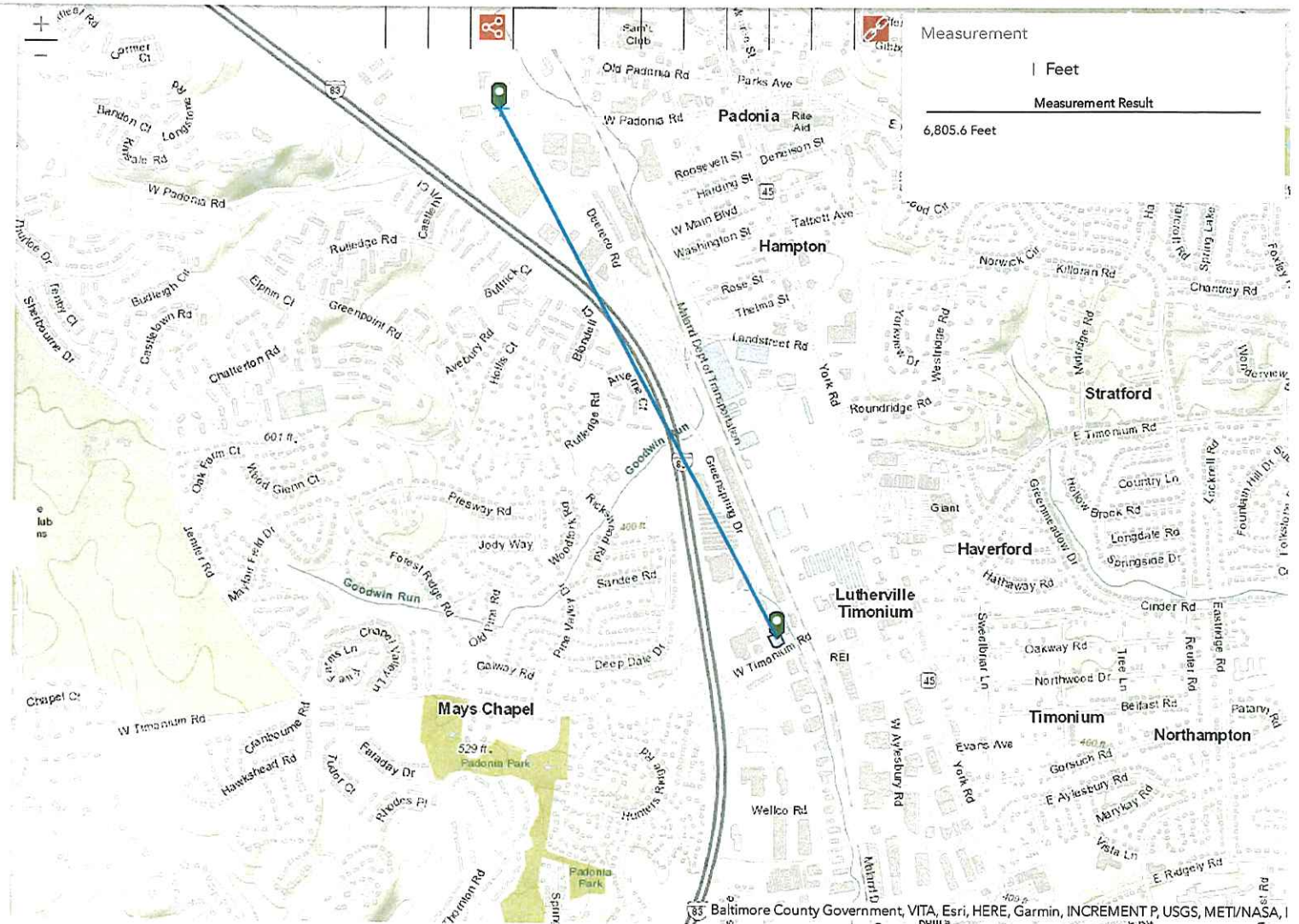
Elementary School District [Pot Spring ES](#)
Middle School District [Ridgely MS](#)
High School District [Dulaney HS](#)

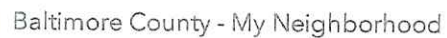
CMC - GOVERNMENT

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Councilmanic District [3](#)
Congressional District [2](#)
Legislative District [42B](#)
Election District [8](#)
Voting Precinct [08-011](#)

ECONOMIC

Commercial Revitalization District No Feature Found
Enterprise Zone No Feature Found
Economic Park Center Name No Feature Found





Select a Property
from the Map

12200 Tullamore Road

Search

Property Report - ROUNDWOOD RD

Tax Account Number 2200024652

Owner Name WICKLOW LLC

Premise Address	ROUNDWOOD RD
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Tax Map 0051

Parcel 0696

Real Property Report [More info](#)

StreetView [Click for StreetView](#)

Zoning DR 3.5

Elementary School District Mays Chapel ES

Elementary School District Mays Chapel ES

Middle School District [Ridgely MS](#)

High School District Dulaney HSPolice Precinct CockeysvillePolice Precinct CockeysvilleCouncilmanic District 3Congressional District 2Legislative District 11

Election District 8

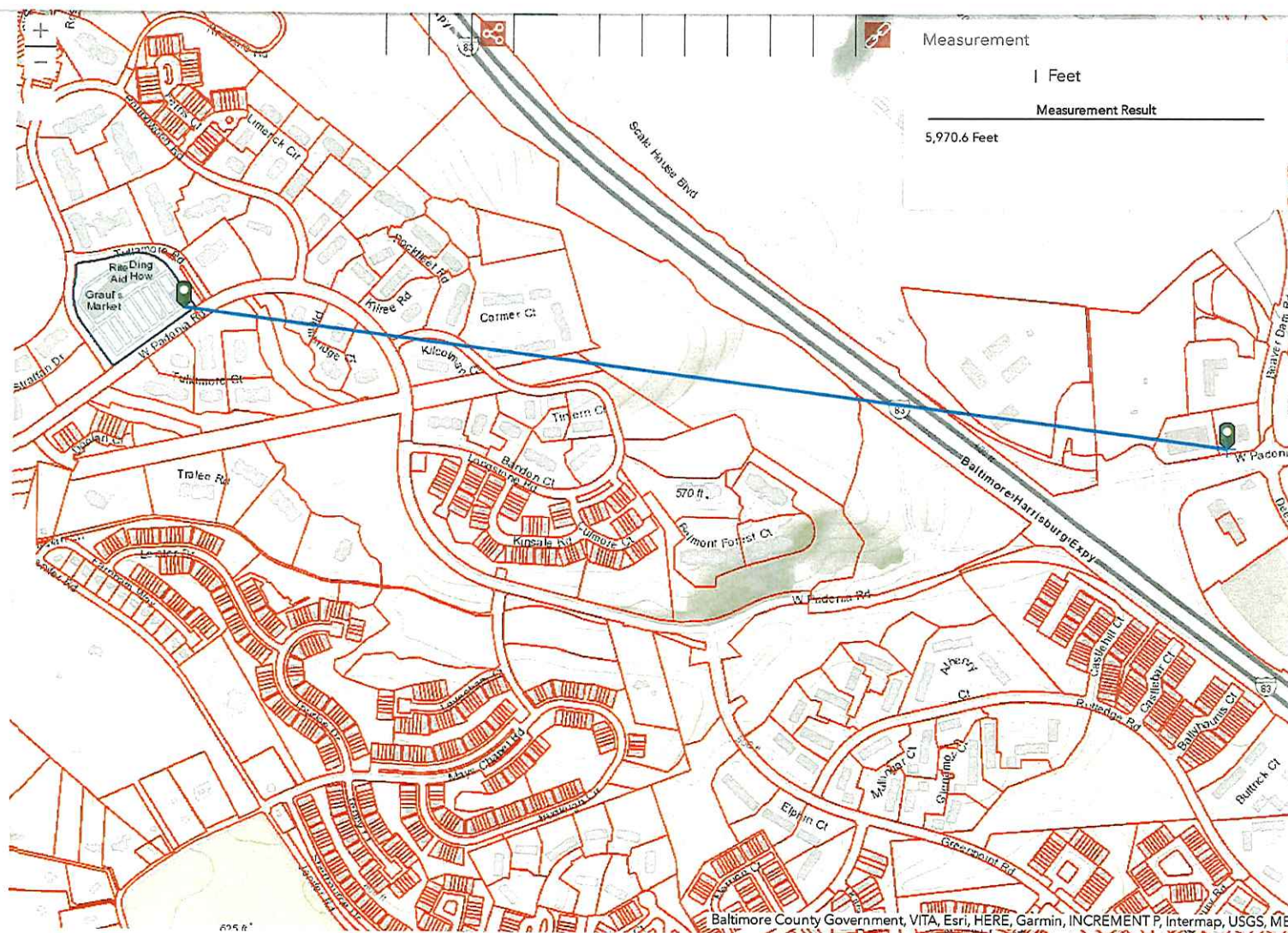
Voting Precinct 08-002

Commercial Revitalization District	No Feature Found
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Commercial Revitalization District	No Feature Found
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Enterprise Zone No Feature Found

Economic Park Center	No Feature Found
Name	



Baltimore County Government, VITA, Esri, HERE, Garmin, INCREMENT P, Intermap, USGS, ME

600ft

76.643 39.45a Degrees

§ 405.1. - Statement of legislative findings and policy.

- A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.
- B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.
- C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of "automotive service station" is being changed to "fuel service station," and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.
- D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

§ 405.2. - Locations in which fuel service stations are permitted.

- A. A fuel service station is permitted by right subject to Section 405.4, provided that no fuel servicing spaces are within 100 feet of a D.R., R.C., or R.A.E. zoned property, or an R.O. zoned property unless located on an arterial street, and is integrated with and located:

[Bill No. 87-2016]

- 1. In a planned shopping center of which at least 20 percent has been constructed or is under construction at the time the building permit for the fuel service station is issued, but not to exceed one station for each 60,000 square feet of gross floor area of the planned shopping center;
- 2. In an approved planned industrial park of a minimum net area of 50 acres, but not to exceed one for each 50 acres of net area; or
- 3. In a planned drive-in cluster.
- B. Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4.
 - 1. Within the urban-rural demarcation line (URDL), in C.C.C., A.S., I.M. or MD 43 Districts, provided no part of the lot is in an M.R. Zone.

[Bill No. 78-2002]

- 2. Outside the URDL with C.R. District designation only in B.L., B.M. or B.R. Zones, subject to Section

§ 405.3. - Condition for disapproving special exception.

In addition to the findings required under Section 502.1, the Zoning Commissioner, prior to granting any special exception for a fuel service station, shall consider the presence of abandoned fuel service stations in the vicinity of the proposed site. A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half-mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

§ 405.4. - Standards.

A. Site development.

1. Site dimensions. The area of any fuel service station site shall be no less than 15,000 square feet or 1,500 times the number of fuel service spaces (as defined in Section 101), whichever is greater. If any use permitted under Section 405.4.D or 405.4.E is added to the fuel service station, the area of the site shall be increased in accordance with the provisions of those sections.
2. Setbacks.
 - a. No main structure of a service station shall be set back less than 35 feet from any street right-of-way; no fuel pump shall be set back less than 25 feet from any street right-of-way; no canopy shall be set back less than 15 feet from any street right-of-way.
 - b. Except at the required access driveways, a landscape transition area shall be provided along the entire perimeter of fuel service stations. Such area shall have a minimum width of ten feet if the fuel service station abuts a public right-of-way, and six feet in all side and rear yards abutting nonresidentially zoned land, except that service stations located within 50 feet of any residentially zoned property (other than a residential zone line in a public right-of-way) shall provide a buffer measuring no less than 15 feet from that property line.
 - c. The landscape transition area shall be vegetated and screened in accordance with the Landscape Manual requirements for automotive uses.
 - d. Other setbacks shall be as required by these regulations.
3. Access, internal circulation and vehicle reservoir capacity.
 - a. The number and location of access driveways shall be determined by the hearing officer or Zoning Commissioner based upon the recommendations of the Director of Public Works and the Department of Planning.

[Bill No. 55-2011]

- b. All internal paved areas of a fuel service station site used for parking, driveway, aisles and stacking purposes shall comply with Section 409 and shall be laid out to preclude vehicles waiting on the street or blocking the right-of-way before gaining entrance.
- c. In addition to the fuel service space, at least one stacking space shall be provided:
 - (1) For each pump island side, at pump islands that contain multiproduct dispensers (MPD) and where a bypass lane serves each MPD;
 - (2) For each MPD in cases where there is no bypass lane or where a convenience store is located on the same lot; or

- (3) For each pump, if the pump dispenses a single fuel type.
- d. Parking spaces on the site of any fuel service station shall be provided as follows:
 - (1) One space per employee on the largest shift.
 - (2) Three spaces per 1,000 square feet of gross floor area for a convenience store up to 1,500 square feet. (Convenience stores larger than 1,500 square feet shall be subject to the parking requirements for retail uses in accordance with Section 409, including the first 1,500 square feet).
 - (3) Three spaces per service bay, not counting service spaces in the bays.
 - (4) One space per self-service air or vacuum cleaner unit.
 - (5) One space per automatic teller machine.
- B. All fuel service stations shall provide a rest room facility, water and compressed air for customers.
- C. Appearance.
 - 1. General design.
 - a. Any structure on the site that is converted to an ancillary use or to a use in combination with a fuel service station must be upgraded to create a unifying architectural theme with other structures on the site.
 - b. The rear and sides of buildings on lots abutting residentially zoned properties shall be finished with materials that in texture and color resemble the front of the building. The type of facade treatment shall be indicated on the site plan or an accompanying elevation drawing and is subject to review by the Director of Planning.
 - c. Except for the temporary outdoor sale of items permitted under Section 230.1.A.9, the outside display of merchandise is permitted only under the canopy, or if there is no canopy, on or between the pump island or in an area immediately adjacent to the cashier's kiosk. Such goods may not block access drives, stacking spaces or interfere with the site's circulation pattern.
 - d. If the fuel service station is located within 50 feet of a residentially zoned property, lighting standards on site may not exceed a height of 18 feet and shall be directed away from any residentially zoned properties.
 - e. To increase compatibility with surrounding buildings or to enhance the attractiveness of the site of fuel service stations for which a special exception is required, the Zoning Commissioner may specify additional requirements, including:
 - (1) Changes in building or site plan design;
 - (2) Restrictions on hours of operations; or
 - (3) Other requirements deemed necessary for compliance with this section.
 - 2. Signs. Signs are permitted, subject to Section 450.

[Bill No. 89-1997]

- 3. Maintenance. At all times, the premises shall be maintained in a clean and orderly condition. All landscaped areas shall be irrigated as needed and dead plants replaced. The responsibility for compliance with these provisions lies with all parties that individually or collectively have a lease or ownership interest in the fuel service station.
- D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station. The minimum area of the site as determined under Section 405.4.A.1 shall be increased each

ancillary use by at least the number of square feet indicated below, which includes land for required parking and stacking spaces:

1. Minor vehicle repair or diagnostic services to vehicles, except those which are unlicensed or which have a State Motor Vehicle Administration transporter or a dealer license. Additional site area of 1,300 feet per service bay shall be provided.
 - a. Type of service and repairs include but are not limited to the sale and installation of mufflers, small auto parts and accessories and shall remain accessory to the fuel service station operation.
 - b. All service and repairs shall take place within completely enclosed buildings.
 - c. The combined area for sales, display and customer waiting room may not exceed 500 square feet.
 - d. Storage of tow trucks, damaged or disabled vehicles or parts is subject to Section 405A.
2. Convenience store, or a combination of a convenience store and carry-out restaurant, with a gross floor area of up to 6,000 square feet inclusive of accessory storage. An additional site area of four times the square footage of the gross floor area shall be provided.

[Bill No. 87-2016]

3. Automatic teller machine, but no drive-through facilities. Additional site area of 1,000 square feet for each device shall be provided.
 4. Self-service vacuum stations. All such stations shall be located at least 30 feet from a residentially zoned property. No additional site area is required.
 5. Temporary outdoor sale of Christmas trees, firewood, cut flowers or live plants as limited by Section 230.1.A.9.
 6. The sale of cigarettes, candy, drinks, snacks and similar items from vending machines or the cashier's kiosk. No additional site area is required if vending machines do not exceed a total of five machines, otherwise the area shall be considered a convenience store.
 7. The retail sale of automotive service items such as motor oil, antifreeze or allied products. No additional site area is required.
- E. Uses in combination with fuel service stations. The minimum area of the site as determined by Section 405.4.A.1 shall be increased for each use in combination with a fuel service station by at least the number of square feet indicated below:

Type of Use	Integral Planned Development	Individual Site
(SE = Special Exception and P = Permitted by Right)		

1.	Convenience store, or a combination of a convenience store and carry-out restaurant, with a gross floor area larger than 6,000 square feet inclusive of accessory storage. Additional site area of four times the square footage of the gross floor area must be provided. [Bill No. 87-2016]	SE	SE
2.	Roll-over car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of <u>Section 419</u> are met.	P	SE
3.	Full service car wash. No specific additional site area required, provided that the stacking, parking and buffer requirements of <u>Section 419</u> are met. [Bill No. 53-2018]	SE, except P if in Planned Drive-In cluster	SE
4.	Service garages providing services other than those listed in Section 405.4.D, subject to the provisions of Section 405.4.C.1.a through 1.e.	SE	SE
5.	Automobile rental, with a maximum stock of 12 cars. Additional site area of 4,000 square feet must be provided.	SE	SE
6.	Trailer rental, for trailers not exceeding ¾ ton chassis weight, with a maximum stock of 20 trailers. Additional site area of 5,000 square feet must be provided.	SE	SE
7.	Light-truck rental, including rental of trucks equipped with campers, for trucks not exceeding 1½ tons' capacity, with a maximum stock of eight trucks. Additional site area of 4,000 square feet must be provided.	SE	SE
8.	Parking of not more than six school buses. Additional site area of 2,600 square feet must be provided.	SE	SE
9.	Self-service car washes. No additional site area required, provided that the stacking, parking and buffer requirements of <u>Section 419</u> are met.	SE	Not Permitted

10.	Restaurant, including fast food, fast food drive-through only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.	SE	SE
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§ 405.5. - Plan approvals.

- A. Conversion of any conforming fuel service station building to another use, permitted in the basic zone or district in which the site is located, shall require approval of the overall plan of the entire site by the Directors of Planning, Public Works and Permits, Approvals and Inspections or, in the case of a special exception, the Zoning Commissioner.

[Bill No. 122-2010]

- B. For all service station sites requiring a special exception, any amended plan shall constitute a new plan and be subject to the same requirements of these regulations.

§ 405.6. - Fuel service stations existing prior to effective date of Bill No. 172-1993.

- A. Expansion, reconstruction or addition of uses.

- 1. Any fuel service station which legally existed by right or by special exception on the effective date of Bill No. 172-1993 may be expanded or reconstructed, and any ancillary use listed in Section 405.4.D may be added, provided that the project is confined to the limits of the site as it existed on the effective date of Bill No. 172-1993; and

- a. Conforms with a plan for the entire site as reviewed by the Directors of Planning, Public Works, and Permits, Approvals and Inspections; and

[Bill No. 122-2010]

- b. Is located in a B.L., B.R., B.M., M.L. or M.H. Zone or a PUD; and
 - c. Meets the requirements set forth in Section 405.4 or, in the judgment of the Director of Permits, Approvals and Inspections, would be done in such a manner that the station would be improved to be more in keeping with the purposes of Section 405.4; and

[Bill No. 122-2010]

- d. In cases where a provision of Bill No. 172-1993 conflicts with the terms or conditions of a prior special exception, the project may be subject to special hearing at the discretion of the Director of Permits, Approvals and Inspections.

[Bill No. 122-2010]

- 2. After a public hearing, the Zoning Commissioner may authorize expansion of the station beyond the confines of the site, subject to the provisions of 405.6.A.1 above.
- 3. Any of the "uses in combination with" fuel service stations listed in Section 405.4.E may be added to any such station, provided that a special exception is granted and the provisions of Section 405.4 are met.

4. Any structure or expansion of the use that is shown on a plan approved prior to the effective date of Bill shall be considered as being in compliance with Section 405.4.A.2.a.

- B. Portable "A" or "sandwich board" signs shall be removed within three months of the adoption of this provision.

§ 405.7. - Abandoned fuel service stations.

- A. Finding. The County Council recognizes that at times the public need for fuel service stations at particular locations ceases, and those stations become abandoned. An abandoned fuel service station is one which, intentionally, is not in actual and continuous operation as defined in Section 405.7.B. The County Council further recognizes that an abandoned fuel service station which is left to deteriorate can become a threat to the health, safety and welfare of the community, can have a blighting influence on surrounding properties and can cause a deterioration of the use, value and enjoyment of property in the immediate neighborhood.
- B. Notice of presumption of abandonment. Whenever the owner or agent of any fuel service station has ceased or terminated the use of the premises as a fuel service station, the owner or agent shall notify the Director of Permits, Approvals and Inspections within 30 days after the termination. Notwithstanding the failure of the owner to notify the Director, any fuel service station which has not been in actual and continuous operation as a station for a period of 12 consecutive months shall be presumed to be abandoned and right to resume the use is thereby terminated. For purposes of this section, "continuous operation" shall mean operation as a fuel service station at least eight hours per day, five days per week.

[Bill No. 122-2010]

- C. Termination of special exception. Any special exception for the operation of a fuel service station shall become void upon notice of abandonment by the owner or upon proof of abandonment after notice and hearing pursuant to Section 500.7 of the zoning regulations. Any special exception for a fuel service station shall terminate at the time of the conversion to another use.
- D. The premises (including landscaping) of any fuel service station which is not in continuous operation or which is abandoned shall be continuously maintained in the same manner as is required under these regulations for operating fuel service stations.
- E. Proceedings to require removal.
1. Whenever it shall be determined by the Director of Permits, Approvals and Inspections that a fuel service station has not been in continuous operation and that the premises have not been continuously maintained, the Director shall issue a notice to the owner or agent to repair, correct or take other appropriate action to remedy the specific deficiencies enumerated in the notice.

[Bill No. 122-2010]

2. If the deficiencies have not been corrected within a period of 90 days following the date of the notice, the Director of Permits, Approvals and Inspections shall refer the matter to the Zoning Commissioner for a hearing, pursuant to Section 500.7, to require removal.

[Bill No. 122-2010]

3. If, after notice and hearing pursuant to Section 500.7 of the zoning regulations, it is determined that a fuel service station has not been in continuous operation and not continuously maintained and corrected according to prior notice, and if it is further found that by reason of the continued vacancy, the structure and grounds lack reasonable or adequate maintenance, thereby causing deterioration

and blighting influence on nearby properties and thereby depreciating the enjoyment, use or value of the property in the immediate vicinity to such an extent that it is harmful to the public health, welfare, safety, comfort or convenience of the neighborhood in which the station is situated, the Zoning Commissioner shall order the station's removal. For purposes of the subsection, "removal" shall mean the removal by the owner of all aboveground structures, including paving, and removal or abandonment in place of underground tanks in compliance with the provisions of COMAR 26.10.10.02 and § 33-7-103 of the Baltimore County Code.

[Bill No. 137-2004]

§ 405.8. - Conversions of abandoned stations.

One of the purposes of this subsection is to promote the conversion of vacated fuel service stations to other uses; therefore, if a fuel service station has been abandoned as such, but is converted to another use, no fuel service station structure, equipment or appurtenances necessary or appropriate to the new use need be removed.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2002, Legislative Day No. 15

Bill No. 78-02

Councilmembers Gardina & Bartenfelder

By the County Council, August 5, 2002

A BILL
ENTITLED

AN ACT concerning

Maryland Route 43 Overlay District

FOR the purpose of creating the Maryland Route 43 Overlay District to implement the Middle River Employment Center Area Plan; stating the purpose of the District; specifying the development standards applicable in the District and the uses permitted therein; providing for the resolution of conflicting provisions; and generally relating to development within the Maryland Route 43 Overlay District.

BY adding

Section 259.2F and 259.10 through 259.12
Baltimore County Zoning Regulations, as amended

BY repealing and reenacting, with amendments

Section 405.2.B.1
Baltimore County Zoning Regulations, as amended

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

Petitioner
CBA Exhibit

52

COUNTY, MARYLAND, that Sections 259.2F and 259.10 through 259.12 be and they are hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

SECTION 259. DISTRICTS

259.2 Statements of legislative intent for districts.

F. MD 43 (MARYLAND ROUTE 43) OVERLAY DISTRICT. THE MD 43 OVERLAY DISTRICT MAY BE APPLIED ONLY TO PARCELS OF LAND ZONED ML, ML-IM, MH, OR MH-IM, WHICH ARE WITHIN THE MIDDLE RIVER EMPLOYMENT CENTER AREA, AS IDENTIFIED IN THE BALTIMORE COUNTY MASTER PLAN 2010.

259.10 STATEMENT OF LEGISLATIVE INTENT FOR THE MIDDLE RIVER EMPLOYMENT CENTER AREA AND THE MD 43 OVERLAY DISTRICT.

THE MD 43 OVERLAY DISTRICT IS ESTABLISHED TO IMPLEMENT THE MIDDLE RIVER EMPLOYMENT CENTER AREA PLAN, PART ONE, WHICH WAS ADOPTED AS AN AMENDMENT TO THE BALTIMORE COUNTY MASTER PLAN 2010. THE MIDDLE RIVER EMPLOYMENT CENTER AREA INCLUDES THE LARGEST AMOUNT OF CONTIGUOUS UNDEVELOPED OR UNDERDEVELOPED LAND WITH INDUSTRIAL ZONING IN BALTIMORE COUNTY. MUCH OF THE LAND IN THE MIDDLE RIVER EMPLOYMENT CENTER AREA IS NOT ACCESSIBLE WITHOUT THE EXTENSION OF MARYLAND ROUTE 43. FUNDING FOR MD 43 EXTENDED IS INTENDED TO SUPPORT THE CREATION OR ENHANCEMENT OF BUSINESSES SUCH AS MANUFACTURING, TECHNOLOGY, OFFICE, AND RESEARCH AND DEVELOPMENT. FURTHERMORE, IT IS THE PURPOSE OF THE MD 43 OVERLAY DISTRICT TO ENCOURAGE THE INDUSTRIALLY ZONED LAND TO BE DEVELOPED OR

1 REDEVELOPED WITH EXPORT TYPE BUSINESSES THAT GENERATE FAMILY
2 SUPPORTING WAGES. CERTAIN RETAIL AND SERVICE USES COMMERCIAL,
3 RETAIL, SERVICE, AND SEMI-INDUSTRIAL USES, AS PROVIDED IN SECTIONS
4 229.5.A, 253.1.C AND 253.2.B, WHICH WILL SUPPORT OR ASSIST IN THE CREATION
5 OR ENHANCEMENT OF SUCH EXPORT TYPE BUSINESSES, ARE PERMITTED WITH
6 SPECIFIED RESTRICTIONS WITHIN THE MD 43 OVERLAY ~~DISTRICT.~~ FOR PURPOSES
7 OF SECTION 4A02, ANY DEVELOPMENT OF PROPERTY LOCATED WITHIN THE MD
8 43 OVERLAY DISTRICT SHALL BE CONSIDERED TO BE "INDUSTRIAL
9 DEVELOPMENT."

10 259.11 DEVELOPMENT STANDARDS FOR THE MD 43 OVERLAY DISTRICT.

11 THESE STANDARDS ARE INTENDED TO BE ADDITIONS TO, MODIFICATIONS OF,
12 AND EXCEPTIONS FROM, THE STANDARDS REQUIRED BY THE UNDERLYING
13 ZONING CLASSIFICATION. ALL CONFLICTS ARE TO BE RESOLVED IN
14 ACCORDANCE WITH ~~SUBSECTION~~ SECTION 259.12 ~~OF THIS SECTION.~~

15 A. USES PERMITTED BY RIGHT.

16 ~~1. USES PERMITTED IN ML AND MH ZONES. ANY USE PERMITTED IN~~
17 ~~THE UNDERLYING ML OR MH ZONE ON WHICH THE MD 43 OVERLAY DISTRICT~~
18 ~~DESIGNATION IS APPLIED IS PERMITTED, EXCEPT AS OTHERWISE SPECIFIED~~
19 ~~BELOW:~~

20 ~~2. AUXILIARY COMMERCIAL AND SERVICE USES ARE PERMITTED AS~~
21 ~~LISTED IN SECTIONS 229.5.A, 253.1.C AND 253.2.B, SUBJECT TO THE FOLLOWING~~
22 ~~REQUIREMENTS:~~

1 1. ANY USE PERMITTED BY RIGHT IN THE UNDERLYING ML OR MH
2 ZONE ON WHICH THE MD 43 OVERLAY DISTRICT DESIGNATION IS APPLIED IS
3 PERMITTED BY RIGHT AS AN "EMPLOYMENT INTENSIVE USE," EXCEPT WHERE
4 SPECIFIED OTHERWISE BELOW.

5 2. COMMERCIAL, RETAIL, SERVICE, OR SEMI-INDUSTRIAL USES
6 LISTED IN SECTIONS 229.5.A, 253.1.C OR 253.2.B, UNLESS SPECIFICALLY
7 RESTRICTED BY SECTION 259.11.B.2, ARE PERMITTED BY RIGHT AS "AUXILIARY
8 COMMERCIAL USES," SUBJECT TO THE FOLLOWING RESTRICTIONS:

9 A. NO MORE THAN 8% OF THE NET BUILDABLE AREA OF A
10 TRACT THAT IS UNDER COMMON OWNERSHIP OR CONTROL, OR PART OF A
11 COMMON SCHEME OF DEVELOPMENT ~~AT THE TIME THE MD 43 OVERLAY~~
12 ~~DISTRICT IS IMPOSED~~, MAY BE USED FOR AUXILIARY COMMERCIAL USES. THE
13 TERM "NET BUILDABLE AREA" MEANS THAT AREA OF LAND ON WHICH
14 IMPROVEMENTS MAY BE CONSTRUCTED.

15 B. IF AN AUXILIARY COMMERCIAL USE IS LOCATED WITHIN A
16 MULTI-STORY BUILDING THAT SERVES AN EMPLOYMENT INTENSIVE USE, OR
17 OCCUPIES LESS THAN 30% OF A SINGLE-STORY BUILDING SERVING SUCH USE,
18 THE CALCULATION OF THE SQUARE FOOTAGE FOR AUXILIARY COMMERCIAL
19 USES AGAINST THE ALLOWABLE 8% NET BUILDABLE AREA DOES NOT INCLUDE
20 THE SQUARE FOOTAGE OF PARKING OR STORMWATER MANAGEMENT AREAS.

21 C. THE PROPOSED DEVELOPMENT SHALL BE PHASED IN THE
22 FOLLOWING MANNER: ONE-THIRD OF THE AUXILIARY COMMERCIAL USES

1 ALLOWED ARE PERMITTED IMMEDIATELY. WHEN 20% OF THE NET BUILDABLE
2 AREA DESIGNATED FOR EMPLOYMENT INTENSIVE USES HAS BEEN DEVELOPED
3 OR IS UNDER CONSTRUCTION, ANOTHER ONE-THIRD OF THE AUXILIARY
4 COMMERCIAL USES ~~MAY BE ALLOWED~~ ARE PERMITTED. WHEN 50% OF THE NET
5 BUILDABLE AREA DESIGNATED FOR EMPLOYMENT INTENSIVE USES HAS BEEN
6 DEVELOPED OR IS UNDER CONSTRUCTION, THE REMAINING ONE-THIRD ~~MAY BE~~
7 ~~ALLOWED~~ ARE PERMITTED. FOR PURPOSES OF THIS SUBSECTION ONLY,
8 CHURCHES AND COMMERCIAL RECREATIONAL FACILITIES SHALL NOT BE
9 COUNTED AS "EMPLOYMENT INTENSIVE USES."

10 ~~D. ALL DEVELOPMENT SHALL BE IN CONFORMANCE WITH~~
11 ~~DIVISION III OF THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES~~
12 ~~(CMDP). ALTERNATE LAND DESIGN SCENARIOS MAY BE PERMITTED SUBJECT TO~~
13 ~~THE FILING OF A PATTERN BOOK. THE DIRECTOR OF PLANNING SHALL PROVIDE~~
14 ~~WRITTEN RECOMMENDATIONS TO THE HEARING OFFICER AT THE TIME OF~~
15 ~~DEVELOPMENT PLAN REVIEW REGARDING CONFORMANCE WITH DIVISION III OF~~
16 ~~THE CMDP OR THE DESIGN SOLUTIONS SUGGESTED IN THE PATTERN BOOK. FOR~~
17 ~~THE PURPOSES OF THIS SECTION, A PATTERN BOOK IS A BOOK PROVIDING~~
18 ~~ARCHITECTURAL AND SCHEMATIC RENDERINGS FOR BUILDINGS, STREET~~
19 ~~LAYOUTS, SIGNAGE, LIGHTING, LANDSCAPING AND OTHER ELEMENTS~~
20 ~~PERTAINING TO THE DESIGN OF A PARTICULAR DEVELOPMENT PROJECT. AFTER~~
21 ~~PLAN APPROVAL, THE PATTERN BOOK IS BINDING AND MAY NOT BE CHANGED~~
22 ~~WITHOUT REVIEW AND APPROVAL BY BALTIMORE COUNTY.~~

1 B. USES PERMITTED BY SPECIAL EXCEPTION.

2 ~~THE FOLLOWING USES, WHICH ARE PERMITTED AS OF RIGHT IN SECTIONS~~
3 ~~229.5.A, 253.1.C OR 253.2.B, REQUIRE A SPECIAL EXCEPTION WHEN LOCATED ON~~
4 ~~AN INDIVIDUAL PAD SITE, WHICH IS A SITE THAT CONTAINS A SINGLE~~
5 ~~FREESTANDING BUILDING, ALONG WITH THE REQUIRED PARKING, LANDSCAPING~~
6 ~~AND STORMWATER MANAGEMENT AREAS, ALL WITHIN THE CONFINES OF A~~
7 ~~LARGER DEVELOPMENT PROJECT:~~

8 1. ANY USE PERMITTED BY SPECIAL EXCEPTION BY THE PROPERTY'S ML, ML-IM,
9 MH, OR MH-IM ZONING CLASSIFICATION ON WHICH THE MD 43 OVERLAY
10 DISTRICT DESIGNATION IS APPLIED IS PERMITTED BY SPECIAL EXCEPTION AS AN
11 "EMPLOYMENT INTENSIVE USE," UNLESS SPECIFICALLY PROHIBITED BY SECTION
12 259.11.C.

13 2. NOTWITHSTANDING ANY PROVISION IN THE ZONING REGULATIONS TO THE
14 CONTRARY, WHEN LOCATED ON AN INDIVIDUAL PAD SITE, DEFINED AS A SITE
15 CONTAINING A SINGLE FREESTANDING BUILDING, ALONG WITH REQUIRED
16 PARKING, LANDSCAPING, AND STORMWATER MANAGEMENT AREAS, ALL
17 WITHIN THE CONFINES OF A LARGER DEVELOPMENT PROJECT, THE FOLLOWING
18 AUXILIARY COMMERCIAL USES REQUIRE A SPECIAL EXCEPTION:

- 19 1. ~~AUTOMOTIVE~~ FUEL SERVICE STATIONS (SUBJECT TO SECTION 405)
20 2. CONVENIENCE STORES
21 3. FAST FOOD RESTAURANTS

22 3. ANY AUXILIARY COMMERCIAL USE PERMITTED BY SPECIAL EXCEPTION

1 SHALL BE SUBJECT TO THE RESTRICTIONS CONTAINED IN SECTIONS 259.11.A.2.A
2 THROUGH 259.11.A.2.C.

3 ~~THE FOLLOWING USES ARE NOT PERMITTED:~~

4 C. USES PROHIBITED. NOTWITHSTANDING ANY PROVISION OF THE
5 ZONING REGULATIONS TO THE CONTRARY, THE FOLLOWING USES ARE
6 PROHIBITED:

- 7 1. AFTER HOURS CLUBS
- 8 2. JUNKYARDS
- 9 3. OUTDOOR ADVERTISING
- 10 4. STRIPTease BUSINESSES

11 D. ALL DEVELOPMENT SHALL BE IN CONFORMANCE WITH DIVISION III OF
12 THE COMPREHENSIVE MANUAL OF DEVELOPMENT POLICIES (CMDP).
13 ALTERNATE LAND DESIGN SCENARIOS MAY BE PERMITTED SUBJECT TO THE
14 SUBMISSION AND APPROVAL OF A PATTERN BOOK BY THE HEARING OFFICER OR
15 BY THE DIRECTOR OF THE OFFICE OF PLANNING IN CASES WHERE NO HEARING
16 BEFORE THE HEARING OFFICER IS REQUIRED. PATTERN BOOK IS DEFINED AS A
17 BOOK PROVIDING ARCHITECTURAL GUIDELINES AND SCHEMATIC RENDERINGS
18 FOR BUILDINGS, STREET LAYOUTS, SIGNAGE, LIGHTING, LANDSCAPING AND
19 OTHER ELEMENTS PERTAINING TO THE DESIGN OF A PARTICULAR
20 DEVELOPMENT PROJECT. THE DIRECTOR OF THE OFFICE OF PLANNING SHALL
21 PROVIDE WRITTEN RECOMMENDATIONS TO THE HEARING OFFICER AT THE TIME
22 OF DEVELOPMENT PLAN REVIEW REGARDING CONFORMANCE WITH DIVISION III

1 OF THE CMDP OR THE ALTERNATE LAND DESIGN SCENARIO OUTLINED IN THE
2 PATTERN BOOK. AFTER PLAN APPROVAL, ANY CHANGES TO A PATTERN BOOK
3 WOULD REQUIRE REVIEW AND APPROVAL BY THE DIRECTOR OF THE OFFICE OF
4 PLANNING.

5 259.12

6 APPLICATION.

7 A. THE PROVISIONS OF THIS SECTION GOVERN IN ANY SITUATION WHERE
8 THERE IS A CONFLICT BETWEEN THIS SECTION AND ANY OTHER PROVISIONS OF
9 THESE ZONING REGULATIONS.

10 B. IF THE PROVISIONS OF THIS SECTION ARE SILENT, THE REGULATIONS
11 GOVERNING THE UNDERLYING ZONE SHALL APPLY.

12 SECTION 2. AND BE IT FURTHER ENACTED, that Section 405.2.B.1 of the
13 Baltimore County Zoning Regulations be and is hereby repealed and reenacted, with amendments
14 to read as follows:

15 SECTION 405 Fuel Service Stations

16 405.2 Locations in which fuel service stations are permitted.

17 B. Fuel service stations on individual sites which do not comply with the requirements of
18 Section 405.2.A are permitted by special exception, as provided below and subject to Sections
19 405.3 and 405.4.

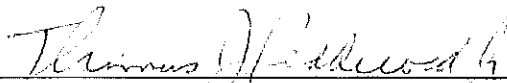
20 1. Within the urban-rural demarcation line (URDL), in C.C.C., A.S., [or] I.M., or MD 43
21 Districts, provided no part of the lot is in an M.R. Zone.

1 SECTION 2 3. AND BE IT FURTHER ENACTED, that this Act shall take effect 45
2 days after its enactment.

b07802AMNDED.wpd

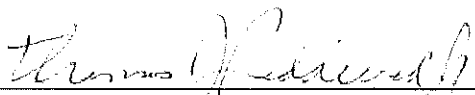
READ AND PASSED this 3rd day of September, 2002.

BY ORDER



Thomas J. Peddicord, Jr.
Secretary

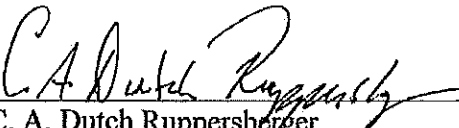
PRESENTED to the County Executive for his approval this 4th day of September, 2002.



Thomas J. Peddicord, Jr.
Secretary

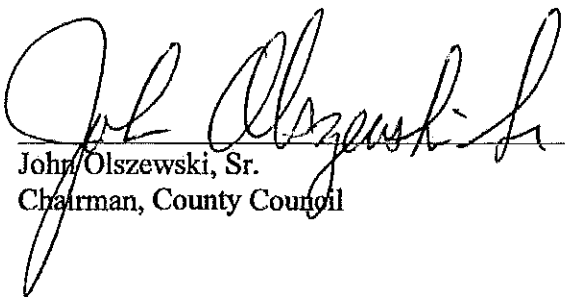
APPROVED AND ENACTED:

September 11, 2002



C. A. Dutch Ruppertsberger
County Executive

I HEREBY CERTIFY THAT BILL NO. 78-02 IS TRUE AND CORRECT AND TOOK
EFFECT ON October 26, 2002.



John Olszewski, Sr.
Chairman, County Council

Board of Appeals

Case No: 18-316-SPHX Case Name: Timonium SAB, LLC

Exhibit List

Party: Protestant - 7-11 Date: 6/6/19

Exhibit No:	Description:
KC 6/7/19 ✓ 1 ✓	Bill No. 12-19 of County Council of Balt. Co.
✓ 2 ✓	2019 Basic Services Map Trngp. Zones (8 1/2 x 11)
✓ 3 ✓	Petition to deny Sheetz on Padonia & Beavertown Rd.
✓ 4 ✓	Dale Kowalewski Written Statement
✓ 5 ✓	CV of Devon Hahn
✓ 6 ✓	Proposed Sheetz Entrance on W. Padonia Rd.
✓ 7 ✓	Proposed Sheetz AutoTurn Movements for SR-30
✓ 8 ✓	Proposed Sheetz AutoTurn Movements for WB-40
	VERIFIED BY <u>KC</u> DATE: <u>6/19/19</u>

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 7

Bill No. 12-19

All Councilmembers

By the County Council, April 1, 2019

A BILL
ENTITLED

AN ACT concerning

Basic Services Maps

FOR the purpose of repealing the Basic Services Sewerage Map, the Basic Services Water Supply Map and the Basic Services Transportation Map; and adopting a new Basic Services Sewerage Map, a new Basic Services Water Supply Map and a new Basic Services Transportation Map.

By repealing and reenacting, with amendments
Subsection 4A02.3.A.1., 2. and 3.
Baltimore County Zoning Regulations, as amended

BY repealing
2018 Basic Services Sewerage Map
2018 Basic Services Water Supply Map
2018 Basic Services Transportation Map, all as adopted by Bill No. 25-18

BY adopting the new
2019 Basic Services Sewerage Map
2019 Basic Services Water Supply Map
2019 Basic Services Transportation Map

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

7-11

**Protestant
CBA Exhibit**

1

WHEREAS, in accordance with Subsection 4A02.3.E. of the Baltimore County Zoning Regulations, the Planning Board has recommended revisions to the Basic Services Maps and submitted those recommendations to the County Council on February 21, 2019, and the County Council has held a public hearing thereon on April 1, 2019; now, therefore

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Basic Services Maps referred to in Subsections 4A02.3.A.1., 2. and 3. of the Baltimore County Zoning Regulations, and further identified as (1) 2018 Basic Services Sewerage Map, (2) 2018 Basic Services Water Supply Map; and (3) 2018 Basic Services Transportation Map, and any amendments and revisions previously made thereto are hereby repealed.

SECTION 2. AND BE IT FURTHER ENACTED, that the Basic Services Maps identified herein and accompanying this Act are hereby adopted and declared to be a part of this Act and incorporated by reference herein. The following maps are hereby adopted and identified as follows:

1. 2019 Basic Services Sewerage Map;
2. 2019 Basic Services Water Supply Map; and
3. 2019 Basic Services Transportation Map, WITH THE FOLLOWING

AMENDMENTS:

A. HARFORD ROAD AND EAST JOPPA ROAD – LEVEL OF SERVICE: F.

B. PADONIA ROAD AND DEERCO ROAD/BEAVER DAM ROAD AT A 600 FOOT
RADIUS FROM THE CENTER OF THE INTERSECTION – LEVEL OF SERVICE: F.

1 C. WHEN THE DEPARTMENT OF PUBLIC WORKS CONDUCTS NEW TRAFFIC
2 STUDIES, THE TRIANGULAR INTERSECTIONS OF BELAIR ROAD AND JERUSALEM
3 ROAD, BELAIR ROAD AND BRADSHAW ROAD/SUNSHINE AVENUE, AND
4 JERUSALEM ROAD AND BRADSHAW ROAD SHALL BE STUDIED
5 SIMULTANEOUSLY WHEN AREA PUBLIC AND PRIVATE SCHOOLS ARE IN SESSION.

6 D. THE COMMUTER SHED LOCATED AT THE INTERSECTION OF EBENEZER
7 ROAD AND PULASKI HIGHWAY SHALL BE REDRAWN TO EXCLUDE THE AREA OF
8 LAND ATTACHED AS EXHIBIT "A" AND DESCRIBED HEREIN AS FOLLOWS:
9 BEGINNING FOR THE SAME ON THE SOUTHEAST SIDE OF PULASKI HIGHWAY, 150
10 FEET WIDE, AT A POINT DESIGNATED WITH A MARYLAND STATE COORDINATE
11 VALUE OF NORTH 628782.41 AND EAST 1478470.26 AS SHOWN ON A PLAT
12 ENTITLED "FINAL PLAT, CECELIA SCHWABER, EXEMPT TRUST U/A" AND
13 RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK
14 S.M. 78, FOLIO 368; THENCE BINDING ON THE SOUTHEAST SIDE OF PULASKI
15 HIGHWAY AND ON THE OUTLINE OF SAID PLAT (1) NORTH 45 DEGREES 02
16 MINUTES 33 SECONDS EAST 1068.61; THENCE LEAVING SAID HIGHWAY AND
17 BINDING ON THE OUTLINES OF SAID PLAT THE FOLLOWING SIX COURSES AND
18 DISTANCES: (2) SOUTH 69 DEGREES 53 MINUTES 59 SECONDS EAST 70.16 FEET;
19 THENCE (3) SOUTH 06 DEGREES 21 MINUTES 02 SECONDS EAST 1947.07 FEET;
20 THENCE (4) SOUTH 82 DEGREES 05 MINUTES 22 SECONDS WEST 518.59 FEET;
21 THENCE (5) NORTH 07 DEGREES 00 MINUTES 39 SECONDS WEST 344.59 FEET;
22 THENCE (6) SOUTH 82 DEGREES 59 MINUTES 21 SECONDS WEST 365.35 FEET; AND
23 THENCE (7) NORTH 06 DEGREES 56 MINUTES 32 SECONDS WEST 985.35 FEET TO
24 THE PLACE OF BEGINNING.

1 CONTAINING 31.489 ACRES OF LAND, MORE OR LESS, WITH THE COURSES BASED
2 ON THE MARYLAND COORDINATE SYSTEM (NAD 83/91).
3 BEING KNOWN AND DESIGNATED AS #11301 PULASKI HIGHWAY – PARCEL 27, 230
4 AS SHOWN ON A PLAT ENTITLED “FINAL PLAT, CECELIA SCHWABER, EXEMPT
5 TRUST U/A” AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE
6 COUNTY IN PLAT BOOK S.M. 78, FOLIO 368.
7 ALSO BEING ALL OF THAT LAND DESCRIBED IN A DEED DATED JANUARY 4, 2010
8 AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER
9 S.M. 29037, FOLIO 10 WAS CONVEYED BY REVOCABLE TRUST AGREEMENT OF
10 CECELIA SCHWABER DTD. DECEMBER 9, 1985 AND CECELIA SCHWABER EXEMPT
11 TRUST U/A DECEMBER 9, 1985 UNTO 11301 PULASKI HIGHWAY, LLC.

12
13 SECTION 3. AND BE IT FURTHER ENACTED, that upon the effective date of this
14 Act, the Maps adopted hereby shall be signed by the Chairman of the County Council and shall be
15 dated as of the effective date of this Act and thereafter delivered to the Department of Permits,
16 Approvals and Inspections.

17
18 SECTION 4. AND BE IT FURTHER ENACTED, that Subsection 4A02.3.A.1., 2. and
19 3. of the Baltimore County Zoning Regulations, be and they are hereby repealed and reenacted,
20 with amendments, to read as follows:

21
22 Section 4A02.3 - Basic Services Maps

23 4A02.3 - Adoption of Basic Services Maps

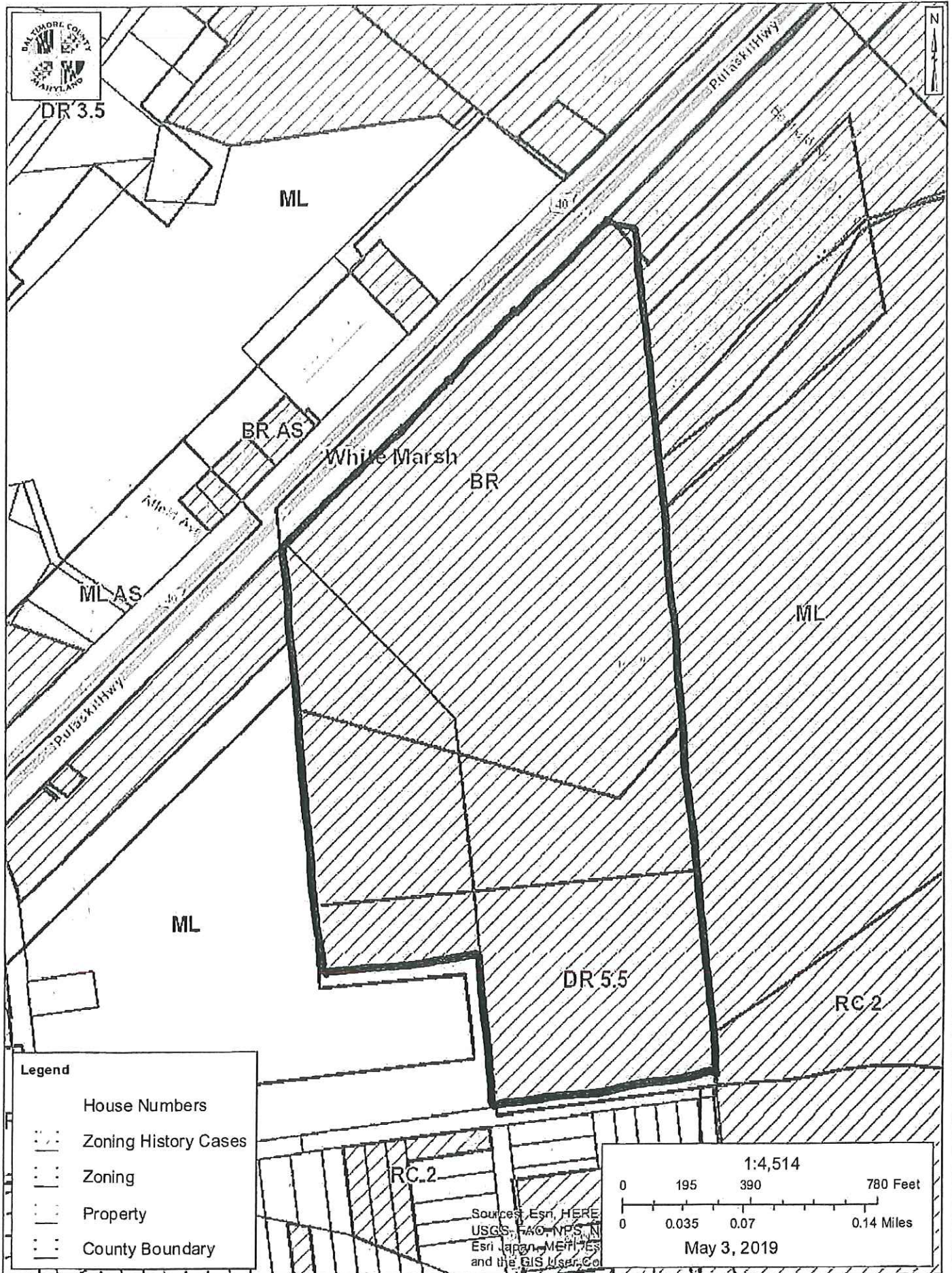
24 A. The following basic services maps, which shall be in the custody of the Zoning

Commissioner for Baltimore County and posted on the county's internet website, are hereby adopted and made a part of this Article:

1. [2018] 2019 Basic Services Sewerage Map
2. [2018] 2019 Basic Services Water Supply Map
3. [2018] 2019 Basic Services Transportation Map

SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on May 20, 2019.

Exhibit "A"





Department of Public Works

2019 Basic Services Map Transportation Zones

Legend

Intersections

Level Of Service

- D
- E
- F

Transportation Zones

Level Of Service

- D
- E
- F

URDL

- Urban

7-11
Protestant
CBA Exhibit
2

THIS MAP HAS BEEN ENACTED UNDER BILL
NUMBER 12-19 AND IS PART OF THE
BALTIMORE COUNTY ZONING REGULATIONS,
1955, AS AMENDED BY THE BILL ADOPTED
5/6/19 EFFECTIVE 5/20/19
Thomas E. Clark
COUNTY COUNCIL OF BALTIMORE COUNTY



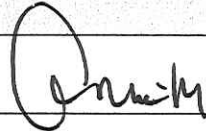
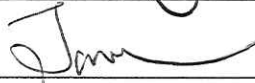
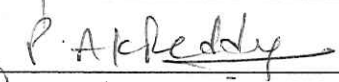
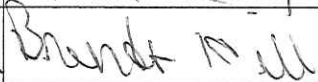
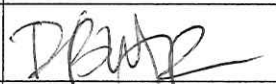
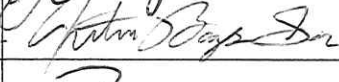
Scale 1 inch = 4,000 feet
0 2,000 4,000 8,000 12,000 16,000
Feet

This map contains modifications to the Transportation Zones
based on County Council Resolutions Number 9-19 and 12-19.

Future Data Production Dates
Transportation Zones 2019
Intersecting 2019
Urban Rural Designation Line 2012
Roads 2019
County Boundary 2008
Produced by the Baltimore County Department of Public Works
North American Datum 1983 NAD83, U.S. Survey Feet
Published May 16, 2019

Petition to deny Sheetz on Padonia and Beaverdam Rd.

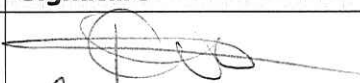
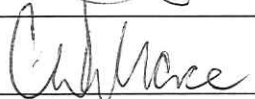
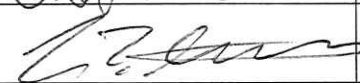
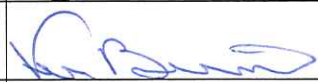
Petition summary and background	To deny the approval of Sheetz on the corner Beaverdam and Padonia Road, Cockeysville, Maryland.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny the building and approval of Sheetz in Cockeysville, Maryland.

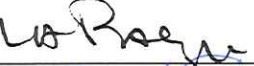
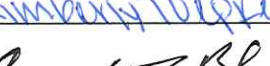
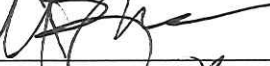
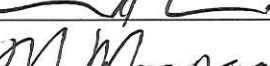
Printed Name	Signature	Address	Comment	Date
Anna Miskimon		1 Texas St Ct	traffic is too busy already	2/6/19
James Dwyer		829 Thornton	Busy traffic	2/6/19
Ajaykumar		Extended Stay America	Conjunction	3/6/19
Brandt Hill		1606 W. Concord Rd	Traffic	3-6-19
Ricky White		2500 Ruff Inn		3/6/19
James Clark		12 Alderman Ct	7-11 is better	3-6-19
Denise Garcia		12 Alderman Ct		3-6-19
Alex McMahon		13 Reid St	7-11 is good	
Mitch Lambert		9900 York Rd	too much cargo	3/6/19
John Hefster		4 Blue Spruce Circle		3-6-19
Justin Bays		116 South Meadow Ct		3-6-19
Robert Johnson		1105 W. Stricker St		3-6-19

7-11

Protestant
CBA Exhibit

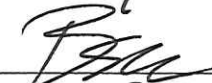
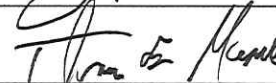
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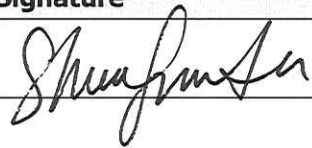
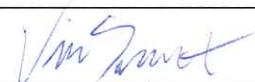
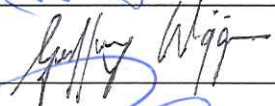
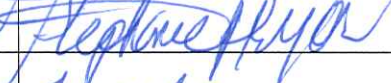
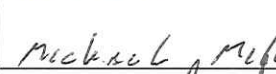
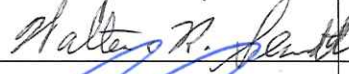
Printed Name	Signature	Address	Comment	Date
Susan Gole		2734 Ellis Road	Not Good For the Community	3/6/19
Clifton Wallace			Congestion	3/6/19
Craig Stenue		7850 Fernhill Ave	Bad Idea	3/6/19
MIKE Buens			congestion	3/6/19
Joe Burk				
Meran P		4 Honey bee, Court	7-11 is much better located	3/7/19
Joe/				3/7/19
Anna				3/7/19
Abi				3/7/19
Robert Boguh		6 Beldykean Ct.	TRAFFIC congestion too much competition	3/7/19
MAN HERBERTS			BEST 7-11 AROUND!!	3/7/19
FARIA HANIF		9709 Beaver ^{dam} trail ^{val}	7-11 is better.	3/7/19
CORY LYSTON		1947 GREENSPRING DR	7-11 IS BETTER	3-7-19
Chyde Winegard		14 204 Reach ^{CT} Cockleysville	BEST PLACE IN TOWN	3-7-19
Steven Goodman		6 Beldyng Ct #301	Congestion	3/7/19
Ryan Weaver		5 Lugh Mark Ct.	congestion	3/7.

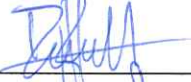
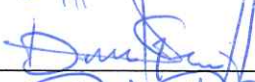
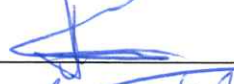
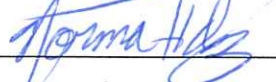
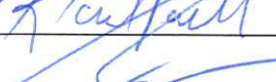
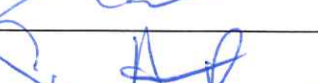
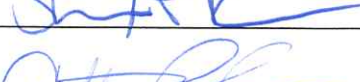
Printed Name	Signature	Address	Comment	Date
N. Corp			CANNOT Drive	3/6/19
Matt Slederk		8 Brandon Ct ^{7.1.19.19}	Congestion	3/7/19
Susan Meyers		4 Tullycross Ct	Congestion	3/7/19
LOUISA RUSH		2 Ballymure St	already have gas sta.	3-7-19
				3/7/19
Baran Heckman		3653 Rockledge Rd	Road Traffic Area	3-7-19
Kimberly Toepker		23 Valley Crossing Lane	Congestion	3/7/19
Cord. S. Black		10,000 Bear Den Rd	Congestion	3-7-19
Kathleen Strauss		14838 Falls Rd, 21030	Congestion	3/7/19
M. B. B. B.		100 DUBLIN DR., 21093	CONGESTION	3/7/19
Lou Hillman		2331 OLD COURT RD	UNNECESSARY COMPETITION	3/7/19
MIKE WILSON		8356 RIDGELY OAK RD	TRAFFIC	3/7/19
Mike Margnowski		375 W Padonia	Traffic	3/7/19
Rj Smith		12300 Rosslare Ridge	TRAFFIC	3/7/19
Liana Grant		4120 W. PADONIA	Traffic	3/7/19
Alex Eder		4813 Limestone Ct	Traffic	3-7-19

Petition to deny Sheetz on Padonia and Beaverdam Rd.

Petition summary and background	To deny the approval of Sheetz on the corner Beaverdam and Padonia Road, Cockeysville, Maryland.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny the building and approval of Sheetz in Cockeysville, Maryland.

Printed Name	Signature	Address	Comment	Date
Sari Glazer		6 Spruce Ct.	Transportation Too much convenience stores	3/6/19
DAVID W HENNINGER		1972 York Road	Too Close	3/6/19
MAE T ZIM		335 BROADWAY RD	TOO CLOSE	3/6/19
Brook Shad		4 Buttrick Ct.	TO much traffic	3/6/19
Jose Ramos		18 Cockeysville Rd	Too many stores	3/6/19
Ben Charles		644 Oak Forest		3/6/19
Lee Edmunds		4908 Pine Grove		3/6/19
LA SABAHA		4 BURGESS CT		3-6-19
JOYCE W		642 Sandhill Cir	TO MUCH TRAFFIC	3-6-19
Thomas Maske		2317 Flax Terrace Bellefonte MD 21034	Way too much Traffic	03/06/19 03/07/19
Dan Cackley		5 Dellwood Ct. Hunt Valley	Too much traffic	3/6/19
Lauren Edwards		3 Kilglass Ct, 21093	congestion, frequent accidents, construction	3/7/19

Printed Name	Signature	Address	Comment	Date
Shomani Smith		6305 Monica Place	Congestion	3/6/19
Charles Jr.		9855 Trusdale		3/6/19
Vince B			Long time Cust.	3/6/19
M Redman		19 N. Fulton		3-6-19
Frederica				3-6-19
Rodell				3/8/19
Ron Black				
Geoffrey Wiggins		5217 Abbeywood Ct. ²¹²³⁷	ALREADY A GAS STATION AT 7-11 JUST 50 YDS AWAY	3/8/19
Keith Crane		6 Killadoon Ct		
Stephanie Pryor		Balto City	No Sheets	3/7
Tim Demore		9709 Beard Dam	No sheets	3/7
Michael Mullen SA				
Kelsey Fitzpatrick		2545 Eastern Ave ²¹²²⁴ Belt	No Sheets too much traffic!	3/7
Walter Schmidt		13 E 1 Phinct unit 101	No sheets!	3/7
Andy Thompson		3310 Meadowview DR	No Sheets sheets sux	3/2

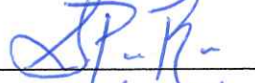
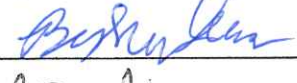
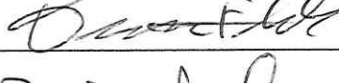
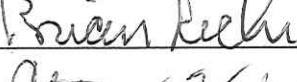
Printed Name	Signature	Address	Comment	Date
Douglas			Traffic	
Daniel			Traffic	
Samuel		1012 misty Lynn.	The Best location	
Kevin		10. Bm 280 PHOENIX	CONGESTION	3/7/19
Rita Chance		45 HOGARTH	Traffic	3-7-19
Norma Hernandez		113 North jannet st	This is the best place	03/07/2019
Manuel Palacios				
Kevin Middleton		3 dalecrest dr		3/07/19
Mark Donohue		5108 Thomas Ave Balt. MD 21236	"All we need is another car station!"	3/7/19
Charles Caro		42 S 3rd St New Freedom, PA 17349	Traffic	3/7/19
Yvette Beeher		6942 Melbrook Ave	Traffic to Reesey	3/7/19
Richard Powell		19350 A Q K B Hm 21152	Traffic	3/7/19
Mike Wilson		2740 Marymans Hill Rd	Traffic	3/7/19
Steve Patrick		11630 GREENSPRING AVE	Too much Congestion Doraviz & Beaver Dam	3/7/19
Anthony Pinkney		3229 Elmora Ave	Bad location	3/7/19
Kevin McRay		3919 Shenton Rd	The best Better than the rest	3/7/19

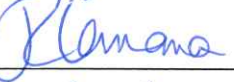
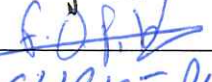
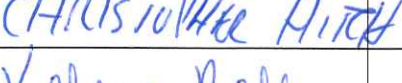
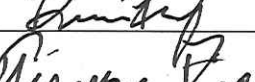
Printed Name	Signature	Address	Comment	Date
Christine Henn	Christine Henn	1 Blondell Ct. 21093	Concerned about traffic.	3/9/19
Seitoga Vaisola	Seitoga Vaisola	2 Hazv Horn Ct 21093	Traffic already bad.	3/10/19
Sietuon	Sietuon	7 Elphin Ct 21093	Concern of traffic	3/9/19
J. Brown	J. Brown	50 Rhodes Pl	"	3/2/19
Abudette Had	Abudette Had	22 W Kogate Ct.	congestion	3/9/19
Lin Hardy	Margaret T Hardy	14 Farntum	traffic congestion	3/9/19
Julie PORTER	Julie Porter	17212 Happy Hollow Rd.	Too much traffic	3/9/19
Walter Bawroski	Walter Bawroski	13 Bussing Ct Timonium 21093		3/9/19
Kenn Latta	Kenn Latta	4 Codworth Ct		
Tyler Rivette	Tyler Rivette	5011 Temple Ave		3/9/19
Joe Hartnett	Joe Hartnett	2524 Girdwood Rd	Too much Traffic	3/10/19
LAURA SIPOS	LAURA SIPOS	8 Bandon Ct	CONGESTION Too much TRAFFIC	3/10/19
JAMES VIFFORD	JAMES VIFFORD	6 Bandon Ct.	Too much TRAFFIC	3/9/19
Lily Tifka	Lily Tifka	23 Lily Lead Ct	Cockeysville	3-9-19
HARRIET GROSSMAN	HARRIET GROSSMAN	400 Kilkee Rd #202	Timonium	3/9/19
MICHAEL BIEDERMAN	MICHAEL BIEDERMAN	2123 KEMRICK PLACE	TEMONIUM	3/9/19

CJ Williams 18

Petition to deny Sheetz on Padonia and Beaverdam Rd.

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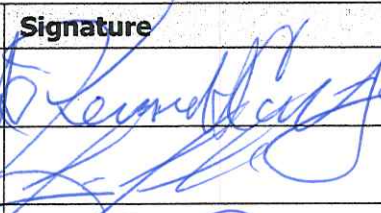
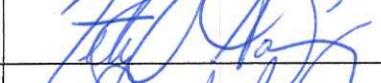
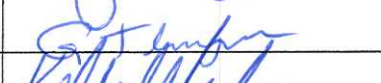
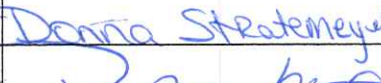
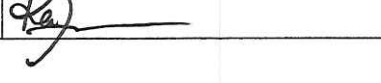
Printed Name	Signature	Address	Comment	Date
ESTHER B		12 VALLEY FROST CT APT 2	NOT the right spot for a gas station	3/7/19
Chadwick M		9606 Southall Rd	Too much Road traffic	3/7/19
Mariah Williams		10 ROSECrans Pl	Crowded area	3/7/19
Sima P		9640 Deereco Road	Traffic will be worse! It will be a mess!	3/7/19
Alex Hernan		2175 Greenspring Drive.	too much Traffic.	3/7/19
Eric R		418 W. Padonia Rd Timonium, MD 21083	Area too congested w/traffic	3/7/19
Bishop Greene		6001 Falkirk Rd Baltimore MD 21237	too busy of an area	3/7/19
STEVE BACHMAN		3305 MT ZION RD. UPPERCO MD 21155	LEAVE AS-IS	3/7/19
DUNCAN FLICK		37 West Aylesbury Rd	Too congested	3/7
Brian Recker		11527 Glenview Rd	" "	3/4/19
Christopher Weylin		309 Hometown Way	Too congested	3/7/19
WAKE CROUCH		426 FIVE FARMS LN.	Too congested	3/7/19

Printed Name	Signature	Address	Comment	Date
John Keffer			Traffic	3-7-19
Ryan Lamada			TRAFFIC	3-7-19
KOREY PETERS			TRAFFIC	3-7-19
Matthew Gostl			Traffic	3-8-19
Brian Phillips			Traffic	3-8-19
Stephen Bilby			TRAFFIC	3-8-19
Frankie Barlow			Traffic	3/8/19
Christopher Hitch			Traffic & LIKE	3/8/19
Kelly Bell			owners amazing	3/8/19
BOB CONNELLY		PO Box 4263 ^{717 MON/UN} 21094	TRAFFIC	3-8-19
Carmy Giller		9515 Deereco Rd	1 gas station is enough	3/8/19
Brian Kelly		2424 Chestnut Circle	Shutts needs to stay in PA	3/8/19
Tyrone Rice		5109 Wadsworth Rd	Traffic	3-8-19
James Farmer			Traffic	3-8-19

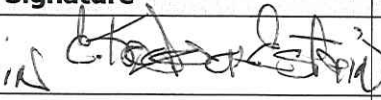
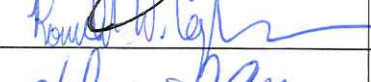
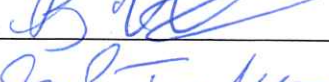
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Petition to deny Sheetz on Padonia and Beaverdam Rd.

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Printed Name	Signature	Address	Comment	Date
Kenneth C. Cant		8 St. Elmo Ct.	To many ACCIDENTS ON THAT CORNER	3/7/19
Tim Topoleski		10 David Luther Ct.	The intersection is too busy now.	3/7/19
Chris Flacey		609 Can break Rd	Intersection too busy	3/7/19
Felix Sanchez		12 Queensbridge Ct Cockeysville, MD 21036	Intersection too busy	3/7/19
Omar Leri		127 Chesapeake Ests	Too busy	3/7/19
Joseph Barne				
St. Thompson		800 BROOKING CTR. Timon Ln 21093		3-7-19
Kelli Galluccio		6 Ballindine Ct.	Too many Gas Stations as it is!!	3-7-19
Donna Straten		19 Valley Crossing Ct.	HELL NO!!	3-7-19
Robert Hammett		1020 E. 33rd St	Traffic	3/7/19
Dave Warkmeister		11 W. Decker Ave.	to many accidents	3/7/19
Kathy Trimble		308 Stonecastle Ave Reisterstown md 21136	To many convenience stores to close	3/7/19

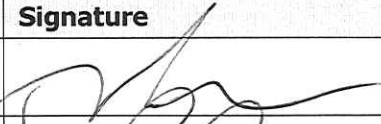
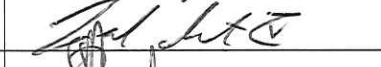
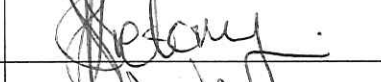
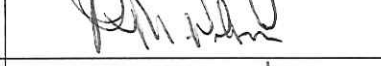
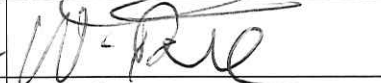
Printed Name	Signature	Address	Comment	Date
Humphreys Wm	Wm. J. Humphreys	1125-B3 Falls Park Dr Baltimore MD 21266		3/7/19
Emily Pope	Emily Pope	515 Wilton Road Fells Church MD 21036		3/7/19
Neal Kopsack	Neal Kopsack	3210 E. Northon Pkwy 21214	Keep THIS 7/11 alive!	3/7/19
Nicola Pedzich	Nicola Pedzich	3064 Michael/Dine Mandeville, MD 21022	Traffic	3/7/19
John Re	John Re	8271 Del Haven Rd 21222	Traffic	3/7/19
Fernando	Fernando	3801 Benks St	Traffic	3/7/19
Ryan Coste	Ryan Coste	109 Old Rednis Rd.	Traffic	3/7/19
KEN MITCHELL	Ken Mitchell	3623 Key-Jane Ave	Traffic	3/7
JAMES WARREN	James Warren	2129 Noss Rd	"	3/7
Andrew Ryard	Andrew Ryard	959 Elm Rd	Traffic	3-7
Cedar Garden	Chris Doughty	4409 Cedar Garden Rd	TRAFFIC	3-7
Dameon West	Dameon West	1301 padonig Rd	Traffic	3-7
Junior Foxe	Junior Foxe	34 Orchard Hill Rd	Traffic	3/7/19
Termaine William	Termaine William	11 Warwick Mill Ct	Traffic	3/7/19
Rena & Rene	Rena & Rene	1228 Reushaw Rd	Traffic	3/7/19
Pat Brinkley	Pat Brinkley	12 Glenamoy Rd	Traffic	3/7/19

Printed Name	Signature	Address	Comment	Date
E Kodera Estrin Estrin		605 Carwood Rd	traffic Congestion	3/7/19
Jenn Jacoby		21208 21212	draguel + already have 1	3/7/19
John Lonsdale		126 Cardington	Traffic	3/7/19
Clyde Brown		1450 WATKINS AVE	Traffic o/Red Hat	3/7/19
Jonathan Moore		19738 Graystone RD 21161	Traffic	3-8-19
Mark Clark		524 Burlington Ct	No Room / 7-11 Perfect	3-8-19
FERNANDO CACERES		9919 BARRS LANE	TRAFFIC	3-8-19
PAUL ZANIEC		3980 Rupp Road 21102	Traffic	3/8/19
Ronald W. Copenhagen		2516 Michels Ln. Parkville MD 21234	Traffic Congestion Issues	3-8-19
Desiree Jordan		918 Pennsylvania Ave	traffic congestion	3/8/19
Dorothy Wolk		8106 Miller/Garden A.	Traffic	3/8/19
Joseph Tremarlet		5 Bromley Court	traffic	3/8/19
Danielle Winchester		13726 HESS Mill Rd	Traffic	3/8/19
Brian Wolk		1412 Walker Ave	Traffic	3/8/19
Debra Spall		2103 Pt Spring Rd	Traffic	3/8/19
Brian Mann		5525 Todd Ave	Traffic issues	3/8/19

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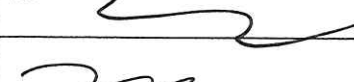
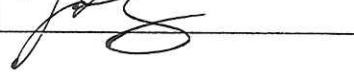
Petition to deny Sheetz on Padonia and Beaverdam Rd.

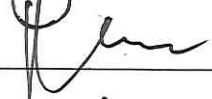
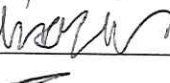
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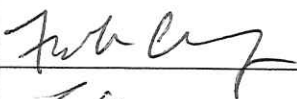
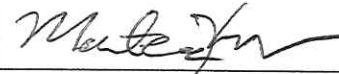
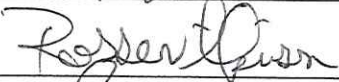
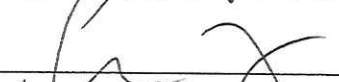
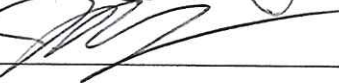
Printed Name	Signature	Address	Comment	Date
Mark Peele		5201 old Frederick 21229	Congestion	3/6/19
Tina Lucia		142 E. Timonium Rd	Congestion + Busy area	3/6/19
John Amato		14 Castlebar Ct. 21093	Much too busy	3/6/19
Ira Petronius		6 Ballycroney 21093	Much too busy traffic	3/6/19
Manny Wilson		425 Cullaway Ave	Congestion	3/6/19
ESTHER NANA		10400 Rainbow Ridge	Busy Congestion	3/6/19
Mike Gwzard		10930 Sanddrumham	Congestion	3/6/19
Becky Soddah		7510 Overbrook Rd	Congestion	3/6/19
BRIAN GILL		6 LAMNIC DR	Congestion	3/6/19
Chris Hosten		3006 Franklins Church Dr	Congestion	3/6/19
James Black		213 Deep Dale Dr	Congestion	3/6/19
Jessica Gooden		1 Texas Court	Congestion	3/6/19

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Printed Name	Signature	Address	Comment	Date
GAIL Feland		7 BAILIFF CT Tim 21093	TRAFFIC	3/8/19
Gloria Bortz		" "	TRAFFIC	3/8/19
Sam Muewene		1000 E Jopra Rd 21286	Traffic/Congestion	3/8/19
Mike Kammel		12 Second Tee Ct	Too many stations	3/8/19
Andrew Goldman		33 Lovett Ct	Traffic	3/8/19
JOSEPH STICKEL		13233 AD HANOVER RD.	TRAFFIC	3/8/19
Jagron Parker		4700 haldene RD	Traffic	3/8/19
Carl Skipper		6012 Stanton Ave	Congestion/Traffic	3/8/19
KEITH MORRIS		320 Limestone Vly DR APPL	TRAFFIC	3/8/19
MARK Dwy		12330 Ross Lane Ridge	TL Traffic	3/8/19
TOM Knowlton		5 Belmarmer ct mader	Traffic	3/8/19
YALE SPECTOR		PO BOX 1101 COCKEYSVILLE 21030	TRAFFIC - SAFETY	3/8/19

Printed Name	Signature	Address	Comment	Date
Adam Hitt		10 HOME CT TOWSON 21204	TRAFFIC!	3/8/2019
Ryan Suley		2 Redbank Park	Traffic!	3/8/2019
Greg Williams		Watersport, 21117	Traffic!	3/8/19
Jon Piatowski			Traffic	3/8/19
Jennifer Paul		430 W. Padonia Rd	TRAFFIC!!	3/8/19
Kirsten Coleman			Traffic	3/8/19
RONALD LOHR		3615 ASH ST 21211	TRAFFIC	3/8/19
FEIGER		WARRAN	TRAFFIC	3/8/19
R. Wilce			Traffic	3/8/19
T Bueche		Mays Chappel	Traffic accidents	3/8/19
JUANITA		5818 Elkport Rd	Too much Congestion	3/8/19
Matthew Argeragos		12 Allen court	Traffic	3/8/19
Mike Goss			Traffic	3-8-19
Alma			Competition	3/8/19
Charlie		13 Humar court	Traffic	3/8/19
Jonathan Reels			Traffic	3/8/19

Printed Name	Signature	Address	Comment	Date
Frank Casley		1612 16th Street N. Ironville		3/8/2019
Collin Branam		500 Chestnut Ave		3/8/2019
Mateen Kare		500 Chestnut Ave		3/8/2019
Warren Coates		605 Chestnut Ave		3/8/2019
Pat Celler		8 Dodworth Ct Apt 502		3/9/2019
Ross Wilkinson		28 Malibu Ct		3-9-2019
Andee Vingo		9603 Decroco Rd		3-9-19
Mat Hogan		500 Chestnut Ave		3-9-19
Joshua Henry		9808 Lyons Mill Rd		
Anne H. Huse		34 The Strand Springfield	Traffic Congestion	03-09-19
Sarah Ragab		9709 Beaver Dam Rd.	Traffic already backs onto 83 because of the traffic light at Padonia. Many accidents at that intersection	3-9-19
Mark Maar		921 Richwood Ct 21014	100 much traffic race/bat	3-9-19

Petition to deny Sheetz on Padonia and Beaverdam Rd.

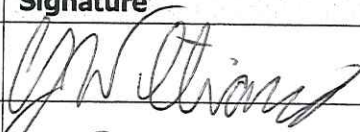
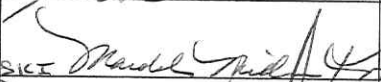
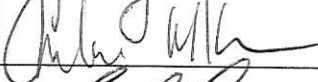
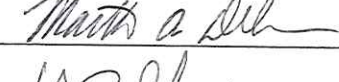
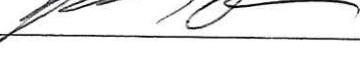
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Melissa Johnson	M Johnson	65 Ardene Ct Lutherville Md 21093	Overcrowded too much Traffic	3/12/19
Geoff Melham	[Signature]	BW Paper Systems	"	3/12/19
Maurice Werser	[Signature]	5617 Haddon Ave Apt B	~	3/12/19
[Signature]	[Signature]	3 further rd		
Bill Martin	[Signature]	1811 wisser rd. 21161	way too much traffic	3/12/19
Tyra Neelings	[Signature]	Things crossing at ^{rocksville} md 21030	too many stations	3/12/19
Gene Sauter	[Signature]	7 Brook Farm Ct Tanawake	"	3/12/19
William Henry	[Signature]	1741 Glendale Rd		3/12/19
Seri Fuller	[Signature]	67 Perry Falls place		3/12/19
NATHAN Houis	[Signature]	_____	_____	3/12/19
Linday Wable	[Signature]	_____	_____	3/12/19

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Kevin Wall	Kevin Wall	8 A Henry Ct		3-9-19
K —	K —	1321 Bm		3-9-19
Paul Spunners	Paul Spunners	320 Falls Church Rd		3/10/19
Kashiyee	Kashiyee Dunette	Belmont Forest Ct		3/10/19
BENJAMIN SCHWARTZ	B Schwartz	24 CHLMORE CT		3/10/19
Mabeey	Mabeey	102 Harding St		3/11/19
Gordon Dodgson	Gordon Dodgson	3410 Chesley		
Nancy Ward	Nancy Ward	8 HUNTEEN	too much congestion	3/10/19
THOMAS CALVIN	T. Calvin	13021 JEROMEWAY Drive Cockeysville	Don't need another store like this	3/10/19
Sharon Weber	Sharon Weber	8913 Poplar Rd 21234	too much	3/10/19
Brittany New	Brittany N.	10329 Malcolm Circle Apt A	where my groomer is NO!	3/10/19
Tim Mendel	Tim Mendel	1 Delawater	too much congestion	3/10/19

Printed Name	Signature	Address	Comment	Date
CJ Williams		18 Clarion Ct 21093	Traffic	3/9/19
DAVE HENSEL		3716 Blenheim Rd	over crowding! Phoenix	3/9/19
Karl Chesilos		9603 Deereco Rd	Traffic	3/9/19
MARCO MUSE-KOWALEWSKI		2505 Chestnut Woods Ct	Traffic / ACCIDENTS	3/9/19
DAVE KOWALEWSKI		2505 CHESTNUT WOODS CT	CONGESTION!	3-9-19
Marilyn Tucker		3512 Skyline Ct	ang miss	3-9-19
Christine Korn		21 Daria Ct.	Traffic !!	3-9-19
Fred JAMES		414 Rockford Rd Tim 27	congestion	3-9-19
Bob Russo		11951 Thurloe Dr	Traffic	3-9-19
STEPHEN COOPER		11600 Beaver Dam Park	TRAFFIC	3-9-19
Sydney Gellam		2903 Deereco Rd		3/10/19
Martha Delea		14 Killadeas Ct.	Traffic / Congestion	3/10/19
H.J. GUTTMAN		10 Tullycross Ct	Traffic - ^{Don't need} Another	3/10/19
Julian Ralston		21 Pinewood Farm Ct	traffic	3/10/19
Kareem Ragab		910 Southly Rd.	Traffic	3/11/19

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[illegible]

[illegible]

Hi, my name is Dale Kowalewski and I am here today as a long time resident and as a citizen who is highly concerned of a fast food, gas station coming to the intersection of Padonia and Deereco Roads. My wife has worked at this intersection for approximately 20 years and has watched from her office windows numerous accidents with serious outcomes.

This intersection is highly traveled under normal circumstances but if there is a traffic accident or back up on 695, this intersection backs up with great concern. It also backs up to a standstill when the roads are closed due to funeral processions going to Dulaney Valley where all first responders are buried.

My wife has also found herself involved in a minor auto bang up due to the volume of traffic. The other concern with hotels

located here is the foot traffic and people trying to dodge the high speed vehicles coming from 83 North merging onto Padonia.

Couple the above scenarios with a new venue on this corner, the chaos that will incur between cars, people and maneuverability into this facility becomes a catastrophe waiting to happen! Fatalities have already occurred here, the need for a food / gas venue does not warrant another tragedy at or for a companies bottom dollar.

Please, say no, no more congestion to an already over congested intersection.

Thank you for your attention to this matter, a loss of life or limb is not worth it....think again and let your conscience be your guide.

EDUCATION

B.S., 2002 Civil Engineering - University of Virginia, Charlottesville, VA

RELATED EXPERIENCE

Senior Transportation Engineer, Sabra & Associates, (December 2016 – present) Conduct & manage transportation studies & projects to assess deficiencies, identify & evaluate potential improvements, and present findings to the appropriate audiences, including state and local officials, public interest groups, etc.

- Maryland DOT State Highway Administration District 3: Providing ongoing transportation support for SHA in Montgomery County; Perform data collection/field work; Review crash data; Analyze existing and potential improvement scenarios applying industry & SHA policies; Prepare reports & presentations summarizing the conditions and recommending improvements to address congestion, and safety; Coordinate improvements with SHA departments and other agencies
- Frederick County, MD Traffic Impact Study (TIS) Review: Perform multiple TIS reviews for compliance with County standards; Summarize TIS deficiencies; Identify intersection inadequacies; Provide recommendations
- Belvedere Towers TIS (City of Baltimore, MD): Prepared Traffic Impact Study for Baltimore City DOT for a proposed 4-story, 209k SF multi-family building located at the corner of Falls Road and Northern Pkwy
- District DOT (DDOT) Traffic Planning & Roadway Support: Assessed and analyzed potential corridor and intersection deficiencies to identify multi-modal, short-term and long-term geometric and signal improvements that meet DDOT's goals and objectives for safety and fiscal responsibility while meeting the needs of all users.

City Traffic Engineer, City of Frederick, MD (April 2007 – February 2016) Overall daily management responsibilities included responding to residents' inquiries; reviewing development impacts; preparing/managing CIP projects; identifying operations & safety improvements, including geometrics, signal, pedestrian & bicycle provisions; Presenting traffic analyses & findings to elected officials

- Intersection Signal Timing: Performed data collection, field work & software analyses to improve efficiency and safety at multiple intersections for all roadway users and coordinated implementation with DPW staff
- 7th Street Corridor Bike Pilot Program: Designed bicycle accommodations for the entire Corridor, including the installation of approved MUTCDs – bike lane, signage, and shared lane markings "sharrows"
- Wayfinding Program: Represented the Engineering Department on the Wayfinding Steering Committee to develop design guidelines, selection criteria, and programming map in order to enhance the City's attractions
- Development Review: work with planning staff, developers and traffic consultants to review transportation adequacy of new projects (i.e. Traffic Impact Study, Comprehensive Plan compatibility, multi-modal accommodations, etc.) and relay information to Planning Commission, and Mayor & Board of Aldermen
- Capital Improvement Program: Identified project needs, provided cost estimates and purpose & need statements for Mayor & Board approval; Co-Managed projects with City Engineer

Transportation Engineer/Planner, Whitman, Requardt & Assoc, Baltimore, MD (Aug. 2002 – March 2007)

Conducted & Managed field studies & personnel; Performed a variety of traffic analyses, including HCM & Synchro; Presented results to clients & officials;

- DelDOT Highway Safety Improvement Program (HSIP): Conducted field reviews of intersections & corridors statewide with safety deficiencies; performed traffic and capacity analyses; identified short- and long-term solutions; prepared report summaries and presented findings to Delaware's HSIP committee bi-annually.
- DelDOT's Electronic Red Light Safety Program: Worked with senior DelDOT personnel and coordinated citation processing with multiple state agencies (DelDOT, DMV, JP Courts), coordinated with vendor to develop a comprehensive program from selection of intersections to placement of equipment and signs.
- City of Baltimore- Charles St Two-Way Feasibility Study: Conducted/managed data collection, researched national guidance and presented issues with converting an existing one-way street to two-way operations to Mayor & staff.
- Maryland Transit Administration's (MTA) Greater Baltimore Bus Initiative: Coordinated efforts to assess accessibility compliance in response to the Governor's transit initiative. Drafted Bus Stop Guidelines to guide MTA staff on the engineering aspects of bus stop placement, design, and construction.
- Johns Hopkins University Applied Physics Lab (JHUAPL) Facility Expansion: Prepared Traffic Impact Study for the expansion of the 453 acres site in Howard County, MD

Research Assistant/Intern, Smart Travel Laboratory, Charlottesville, VA Jan. 2001- May 2002

- Worked with professors and peers to improve signal systems along major corridors in northern Virginia.
- Thesis: Reoptimizing signals using real time demand using Synchro, SimTraffic, and Microsoft Excel programs

Civil Engineering Intern, Wilbur Smith Associates, Richmond, VA May-Aug. 2000

- Assisted Project Managers and Engineers with varied traffic analyses (conducted data collection and modeled the City of Richmond signal system in Synchro).

Civil Engineering Intern, AES Consulting Engineers, Williamsburg, VA

(Sept. 1997-Aug. 1998, January 1999, May 1999-Aug. 1999) Assisted Project managers and project engineers with varied civil engineering tasks for both municipal and land development projects CADD programs, including the preparation of preliminary and final plans for utilities, transportation, stormwater, and site engineering projects

ORGANIZATIONS

Maryland Traffic Engineers Council 2007 –2016

ITE member 2008 - 2017

Society of Women Engineers, University of Virginia 1998-2002

- Secretary (2000-2001), Vice President (2001-2002)

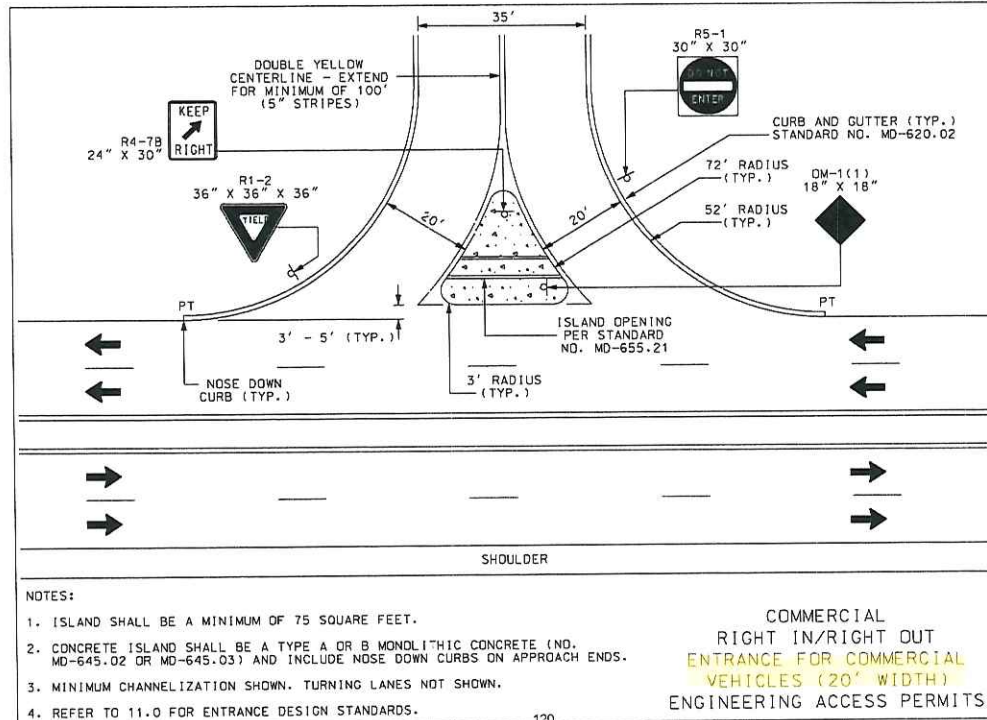
American Society of Civil Engineers, University of Virginia, Secretary 2000-2002

Chi Epsilon, University of Virginia, Vice President 2001-2002

SKILLS

Synchro, SimTraffic, HCS+, aaSidra, MicroStation, AutoCAD, Microsoft programs

Proposed Sheetz Entrance on W. Padonia Road is Substandard



2.1.4 Commercial Right-In/Right-Out Entrances

2.1.4.A. Description – Commercial right-in/right-out entrances provide separate driveways dedicated to inbound and outbound right-turn movements at a single access point. A raised island separates the movements to provide directional control.

2.1.4.B. Applications

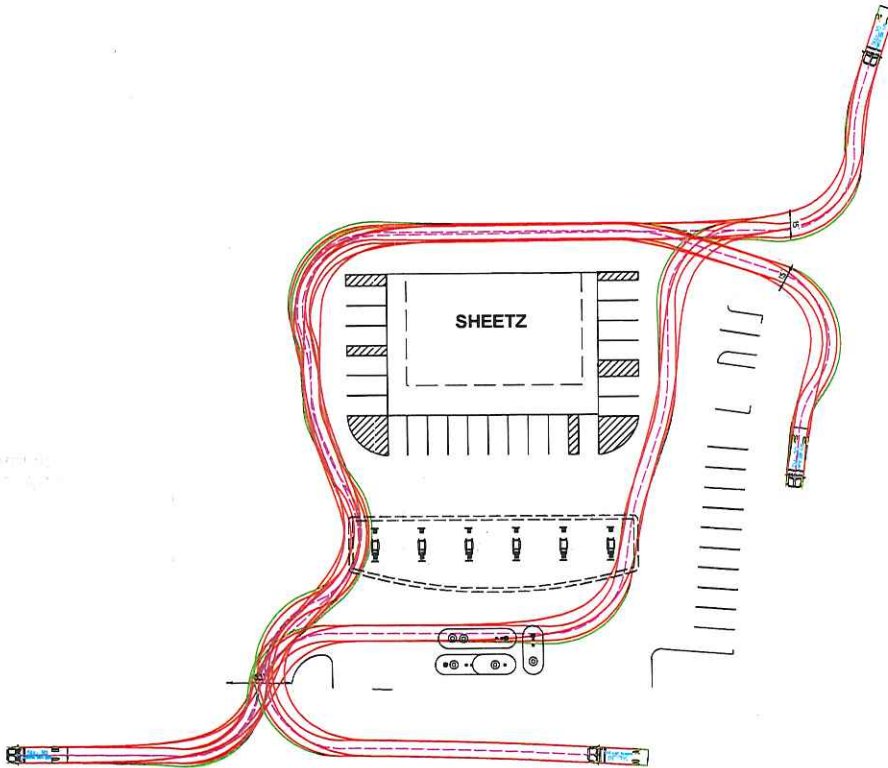
- (1) Commercial right-in/right-out entrances shall be used on all divided highways with posted speeds above 40 mph. Alternatively, in urban street environments where posted speeds are 40 mph or lower and a narrow raised median separates the directional highways, other commercial entrances may be used as long as appropriate signing is provided to discourage errant movements.
- (2) The standard layout, with 17' or 20' track widths as appropriate for the design vehicle, shall be used.
- (3) In rare instances, a right-in/right-out entrance may be required along an undivided highway. This is generally for the purpose of controlling left turns or in anticipation of future construction of a divided highway.
- (4) Commercial right-in/right-out entrances shall be fully channelized along both sides of the inbound and outbound movements. Channelization shall extend from the right-of-way line or back of sidewalk to the normal frontage curb along the highway.
- (5) Commercial right-in/right-out entrances shall have a raised channelization island acceptable to MDOT SHA. For applications along undivided highways, the channelization island shall be extended in accordance with the standard for this purpose or as acceptable to MDOT SHA.
- (6) Refer to the typical detail in **Standard Entrance and Street Connection Details**.

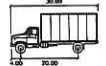
Source: MDOT SHA Access Design Manual, eff. August 2016. Note: Where Baltimore County does not provide a specific design standard in its design manuals, the MDOT SHA standards are applicable.

7-11
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6



Proposed Sheetz AutoTurn Movements

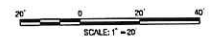




SU-30	Unit
Width	10.00
Height	6.00
WHL to LHL	5.0
Steering Angle	1.318

LEGEND:

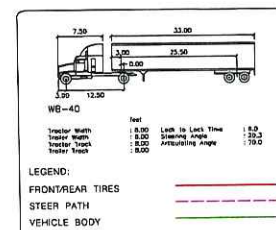
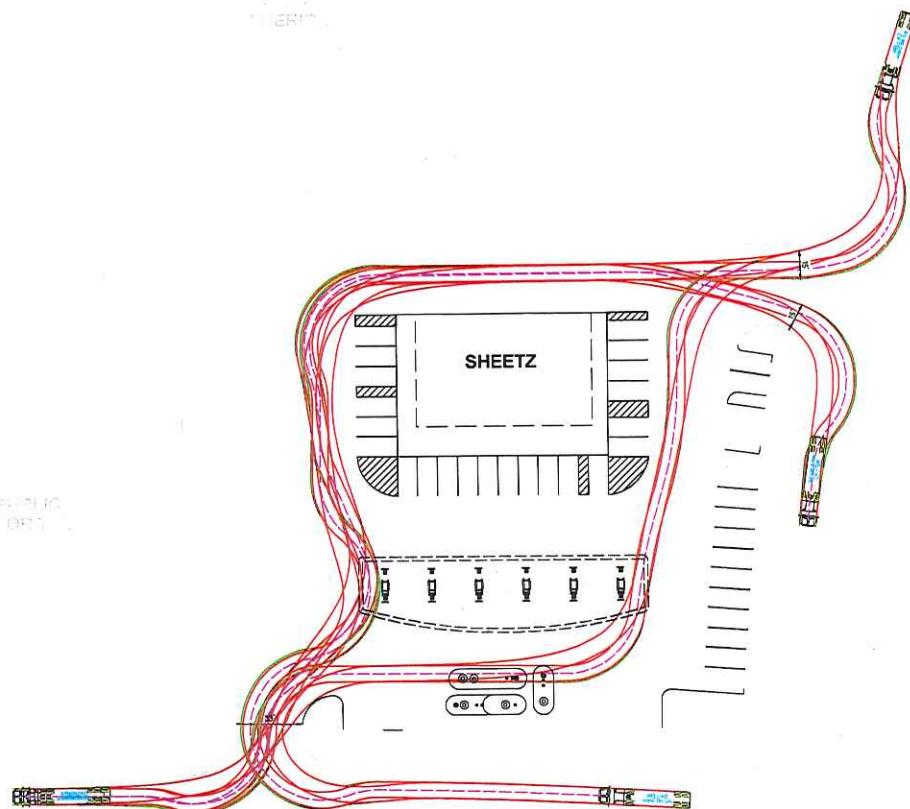
FRONT/REAR TIRES	—
STEER PATH	—
VEHICLE BODY	—



7-11
 Protestant
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 7

Proposed Sheetz
 AutoTurn Movements

20' 0' 20' 40'
 SCALE: 1" = 20'



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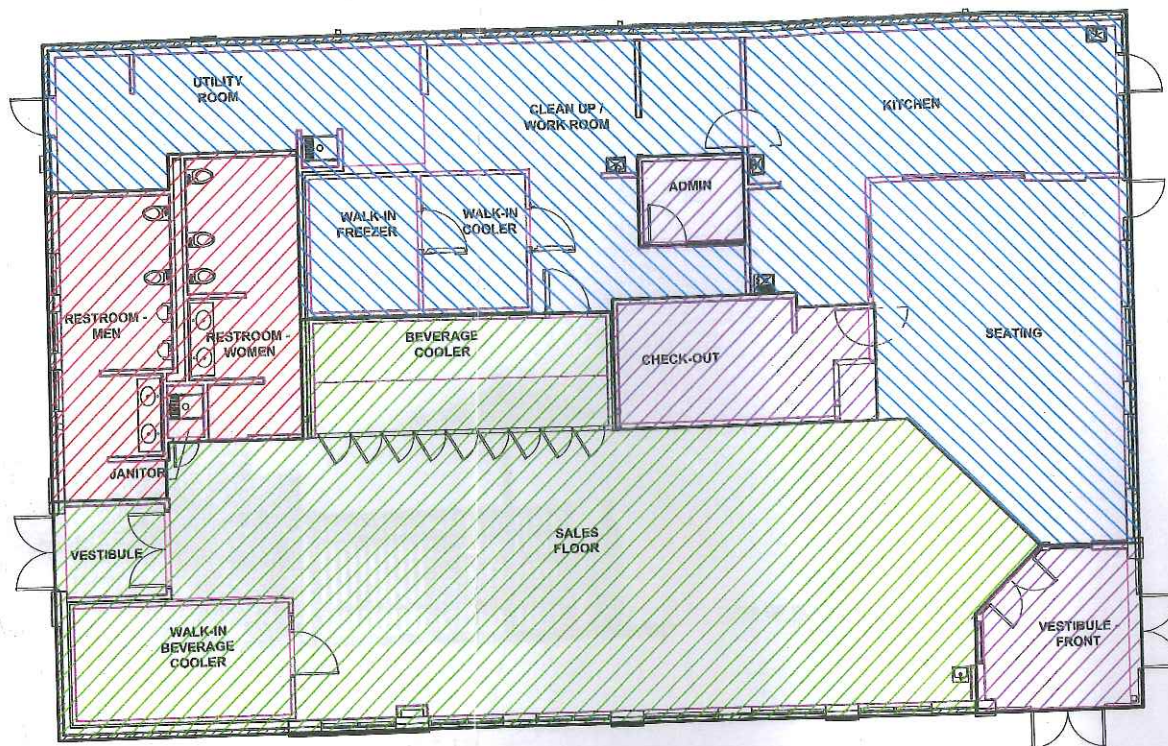
Board of Appeals

Case No: 18-316-SPHX Case Name: Timonium SAB, LLC

Exhibit List

Party: Protestant - DCO Date: 6/6/19

Exhibit No:	Description:
KC 6/7/19 ✓ 1	Building Use Plan
✓ 2 ✓	Trip Generation Manual - Land Use 960 (p.462)
✓ 3 ✓	§ 253.1 of Balto. Co. Zoning Reg. (Use as of right)
✓ 4 ✓	§ 253.2 of Balto. Co. Zoning Reg (Sp. Exception)
✓ 5 ✓	§ 259.1-2 Districts
✓ 6 ✓	Existing Land Used Zoning: York Rd. to I-83
✓ 7 ✓	Webster's Dictionary 3rd edition definition of auxiliary
✓ 9 ✓	Excerpts of Hunt Valley/Timonium
✓ 8 ✓	Petition for Reclassification for Parcels 3A, 4A, 4B, 4C, & 4D, Kenstar
	VERIFIED BY <u>KC</u> DATE: <u>6/19/19</u>



LEGEND



ACCESSORY CARRY-OUT
RESTAURANT 2023 SF



OFFICE AND REGISTER SPACE
(SERVICE STATION USE) 431 SF



CONVENIENCE STORE
1971 SF



BATHROOMS
(SERVICE STATION USE) 480 SF

TOTAL: 4905 SQ.FT.

BUILDING USE PLAN

SCALE: 1"=10'



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1

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A
DULY LICENSED PROFESSIONAL ENGINEER UNDER THE

DATA SOURCES:

1. The topographic and from Century Engine
2. The topographic info
3. Existing utilities show guaranteed.
4. Coordinates & eleva 83/2011 and vertical Designation 1099
A spike in the side gas station.

1100
Capped rebar loc:

DATE	B

CC

Plan

400 W. P
ELECTIO
Tax Map t

ISS

REVIEW:
BID:
PERMIT:
CONSTRUCT

Land Use: 960

Super Convenience Market/Gas Station

Description

This land use includes gasoline/service stations with convenience markets where there is significant business related to the sale of convenience items and the fueling of motor vehicles. Some commonly sold convenience items include newspapers, freshly brewed coffee, daily-made donuts, bakery items, hot and cold beverages, breakfast items, dairy items, fresh fruits, soups, light meals, ready-to-go and freshly made sandwiches and wraps, and ready-to-go salads. Stores typically also had automated teller machines (ATMs), and public restrooms. The sites included in this land use category have the following two specific characteristics:

- The gross floor area of the convenience market is at least 3,000 gross square feet
- The number of vehicle fueling positions is at least 10

Convenience market with gasoline pumps (Land Use 853) and gasoline/service station with convenience market (Land Use 945) are related uses.

Additional Data

To reflect changing characteristics of the convenience market component of this land use, only data from the past two decades have been included in this land use.

The independent variable, vehicle fueling positions, is defined as the maximum number of vehicles that can be fueled simultaneously. Gasoline/service stations in this land use include "pay-at-the-pump" and traditional fueling stations.

A multi-variable regression analysis based on both the convenience market gross floor area (GFA) and the number of vehicle fueling positions (VFP) produced a series of fitted curve equations. The equations are in the form of:

$$\text{Vehicle Trips} = [(\text{VFP Factor}) \times (\text{Number of VFP})] + [(\text{GFA Factor}) \times (\text{GFA})] + (\text{Constant})$$

The values for the VFP factor, GFA factor, and constant are presented in the following table for each time period for which a fitted curve equation could produce an R² value of at least 0.50.

Time Period	VFP Factor	GFA Factor	Constant	R ²
Weekday, AM Peak Hour of Generator	10.3	105	-290	0.62
Weekday, PM Peak Hour of Generator	6.91	76.0	-133	0.68
Weekday, AM Peak Hour of Adjacent Street	16.1	135	-483	0.66
Weekday, PM Peak Hour of Adjacent Street	11.5	82.9	-226	0.51

The sites were surveyed in the late 1990's, 2000s and the 2010s in Florida, Iowa, Maryland, Minnesota, New Hampshire, New Jersey, Pennsylvania, Texas, Utah, and Wisconsin.

Source Numbers

617, 813, 844, 850, 864, 865, 867, 869, 882, 888, 904, 938, 954, 960, 962

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§ 253.1. - Uses permitted as of right.

The uses listed in this section, only, shall be permitted as of right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses: ^[2]

1. Airplane assembly.
2. Automobile assembly.
3. Boatyards (including marinas or marine railways).
4. Bottling establishments, soft-drink.
5. Brewery, Class 5B, if within the urban rural demarcation line
6. Candy manufacture, packaging or treatment.
7. Carpet or rug cleaning.
8. Cellophane-products manufacture or processing-restricted production (See Section 253.3.).
9. Cleaning or dyeing.
10. Concrete products manufacture, including manufacture of concrete blocks or cinder blocks.
11. Cork products manufacture or processing-restricted production (See Section 253.3.).
12. Cosmetics manufacture, compounding, packaging or treatment.
13. Drug manufacture, compounding, packaging or treatment.
14. Electrical appliance assembly.
15. Enameling, japanning or lacquering.
16. Excavations, controlled, except those involving the use of explosives.
17. Fiber products manufacture or processing, including the manufacture or processing of articles made of felt or yarn, or of textiles, canvas or other cloth-restricted production (See Section 253.3.).
18. Food products manufacture, compounding, packaging or treatment, including but not limited to wholesale bakeries; canning plants or packing houses for canning, packing or processing of vegetables; creameries or milk-pasteurization or distributing stations; or cold-storage plants.
19. Fur products manufacture or processing-restricted production (See Section 253.3.).
20. Glass products manufacture or processing-restricted production (See Section 253.3.).
21. Grain processing, provided equipment is installed for effective precipitation and recovery of dust.
22. Greenhousing, wholesale.
23. Horn products manufacture or processing-restricted production (See Section 253.3.).
24. Ice manufacture.
25. Ink blending, etc., restricted production (See Section 253.3.).
26. Instrument manufacture, of precision instruments, including manufacture of watches or clocks.
27. Jewelry manufacture or processing or manufacture or processing of other articles made of precious or semiprecious metals or stones-restricted production (See Section 253.3.).
28. Laboratories.

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3

29. Leather products manufacture or processing-restricted production (See Section 253.3.).
30. Lumberyards.
31. Metal products manufacture or processing, limited to the restricted production (See Section 253.3.) of articles made of sheet metal, light metal mesh, pipe, wire, rods, strips or other shapes or similar component parts.
32. Metal-stamp manufacturing.
33. Musical instruments manufacture.
34. Offices or office buildings or medical clinics.
35. Paint blending, etc., restricted production (See Section 253.3.).
36. Paper and paperboard products manufacture or processing-restricted production (See Section 253.3.).
37. Perfume manufacture, compounding, packaging or treatment.
38. Phonograph assembly.
39. Plastic products manufacture or processing-restricted production (See Section 253.3.).
40. Plating, including galvanizing.
41. Poultry killing.
42. Practice or training physical conditioning facilities and fields for amateur or professional sports organizations, provided that there shall not be any accommodations for public spectators, no more than one sports organization uses such a facility at one time, and no such facility includes any lighting that would produce substantial off-site illumination, nor any provisions for selling public admissions to sports events to be conducted thereon. For the purposes of these regulations, "practice or training physical conditioning facilities and fields for amateur or professional sports organizations" may include such offices as are necessary for the administration of the organization.
43. Printing, lithographing or publishing plants.
44. Radio assembly or assembly of other electronic instruments or devices.
45. Research institutes.
46. Rubber-stamp manufacture and manufacture of other small molded rubber products.
47. Shell products manufacture or processing-restricted production (See Section 253.3.).
48. Stone or monument works.
49. Tire retreading or recapping.
50. Tobacco products manufacture or processing-restricted production (See Section 253.3.).
51. Toy manufacture or manufacture of novelties.
52. Trailer assembly, including the assembly of truck trailers or mobile homes.
53. Wax products manufacture or processing-restricted production (See Section 253.3.).
54. Wood products manufacture or processing-restricted production (See Section 253.3.).
55. Wrought iron products manufacture.
56. Other manufacture of articles of merchandise made from materials permitted to be used and made by processes permitted to be employed in the production activities more specifically listed above.
57. Neighborhood car rental agency, subject to Section 408A.

58. Amateur athletic association.
59. The manufacture, modification, sale or service of vehicles for people with disabilities.
60. Theater, auditorium, or concert hall that includes indoor or outdoor stage(s), capacity not to exceed 500 persons, and accessory spaces, where live music is performed, provided that the use must be located within the boundaries of the Hunt Valley/Timonium Master Plan Area and be at least 1,500 feet from a residential zone as of the time the use and occupancy permit is issued. Outdoor live music performances may not conclude after 11:00 p.m., and on weekdays if there are more than 200 persons in attendance may not begin before 6:30 p.m. Sound levels for such performances may not exceed the levels for acceptable noise set forth in COMAR.

B. The following transportation, storage or quasi-public uses or utilities:

1. Bus terminals.
2. Building materials storage or sales yard, general.
3. Construction equipment storage yards.
4. Aboveground electrical power, telephone or telegraph lines, except aboveground electrical power lines having a capacity of 35 kilovolts or more; pole-mounted transformers or transformer banks.
5. Cables and conduits not described under Item 4 above; gas, water or sewer mains; or storm drain system, all underground.
6. Feed or grain sales or storage.
7. Fluid storage and sale, aboveground, of flammable liquids or gases.
8. Freight storage.
9. Fuel storage and sale of solid or gaseous fuels.
10. Heliports, Type I.
11. Heliports, Type II.
12. Helistops.
13. Railroads.
14. Rail passenger stations, subject to Section 434.
15. Steam power plants.
16. Storage, warehousing or wholesale distribution of any product whose sale (retail or wholesale) or final processing or production is permitted as of right as a principal use in M.L. Zones; public warehousing.
17. Transit centers, subject to Section 434.
18. Transit facilities.
19. Transit storage and repair yards, subject to Section 434.
20. Utility service center.
21. Utility storage yards.
22. Volunteer fire company facilities.
23. Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 426.
24. Commercial film production, subject to Section 435.

25. Establishments for the service or repair of trucks, including truck cabs, trailers, or any parts or assemblage of parts for trucks, with the exception of freight-shipping containers.

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area, in an I.M. District, or in combination of an A.S. and I.M. District:

1. Automobile rental agencies.
2. Bakeries, retail.
3. Barbershops.
4. Banks, savings and loan associations or other similar chartered financial institutions accepting deposits.
5. Beauty shops.
6. Carpentry or cabinetmaking shops.
7. Car wash in a planned industrial park only, subject to Section 419.
8. Dormitories for the housing of students attending an accredited higher education institution are permitted in an I.M. District only, subject to Section 441.
9. Drugstores, but the gross floor area devoted to any such store shall not exceed 1,500 square feet.
10. Electrical contractors' shops.
11. Electroplating shops.
12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.
13. Fuel service station in a planned industrial park only, subject to Section 405.
14. Heating or air-conditioning contractors' shops.
15. Laundry, dry-cleaning or clothing repair or alteration establishments or stations, including self-service laundry or dry-cleaning facilities.
16. Liquor or package stores.
17. Machinery sales or repair establishments.
18. Parking lots or garages.
19. Painting shops.
20. Plumbing contractors' shops.
21. Carry-out, fast food and standard restaurants, except drive-in restaurants.
22. Schools, including business or trade schools.
23. Sheet metal shops.
24. Shoe repair shops.
25. Stationery or office supply stores.
26. Taverns.
27. Truck rental and truck trailer rental agencies.
28. Animal grooming facility.
29. Garage, service, provided the land is assigned with a combination of an A.S. and I.M. District.
30. Florist shop, including accessory retail sales of flower- and garden-related items and other general gifts and accessories.

31. Retail sale of firearms, if located in an I.M. District.
 32. Businesses devoted to the sale or service of computers, tablets, wireless telecommunications devices and products, copiers, and other similar electronic equipment. However, the gross floor area devoted to the business may not exceed 2,500 square feet.
 33. Indoor shooting range, if located within the Red Run Employment Corridor of the Owings Mills Growth Area, as designated by the Master Plan 2020, and if located more than 500 feet from any principal residential structure other than a multifamily building.
 34. Cold rolling mill, if located in an I.M. District.
 35. Commercial recreational facilities.
- D. The following temporary use: carnivals, temporary, provided that no such use shall be established for more than 90 days in any one-year period.**
- E. Combinations of the uses listed above.**
- F. Accessory uses or structures, including but not limited to: [10](#)**
1. Incidental sales (wholesale or retail).
 2. Living quarters for watchmen or caretakers and their families, and accessory uses or buildings subsidiary thereto.
 3. Trailers or mobile homes for temporary use, as permitted under Section 415.
 4. Industrial medical clinics.
 5. Employees' recreation facilities.
 6. Excavations, uncontrolled.
 7. Parking spaces (See Section 409.).
 8. Signs (See Section 450.).
- G. Hotels and motels when within an M.L. Zone which is part of a contiguous area of 25 acres or more of industrial zoning, and provided that the combined tract areas developed for such uses do not occupy more than 25 percent of the particular contiguous area of industrial zoning in which they are located.**
- H. Regional outlet shopping center, provided that any such use shall be located in an I.M. District.**
- I. Residential uses.**
1. Locational requirement. Notwithstanding any provision of these regulations to the contrary, residential uses are allowed in the M.L. Zone on a development tract, which may include one or more lots under common ownership or control, if the development tract:
 - (a) Is at least ten acres in size;
 - (b) Is located, at its closest point, within 525 feet of the B.M.-C.T. District of White Marsh; and
 - (c) Is part of a contiguous area of 200 acres or more of M.L. zoning west of I-95.
 2. Restriction. The combined tracts areas developed for such uses may not occupy more than six percent of the particular contiguous area of M.L. zoning in which they are located.
 3. Bulk and area requirements. Residential uses developed in accordance with this section are allowed on any story of a building. Such uses shall be governed by the floor area ratio, density, open space ratio, building height, and parking requirements contained in Section 235B. The only applicable building setbacks shall be front, side, and rear building line to external property line setbacks of 15 feet each. No regulation or requirement relating to bulk or area standards, other than those specified in this section, shall be applicable.

§ 253.2. - Uses permitted by special exception.

The uses listed in this subsection are permitted by special exception only (See Section 502.).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities: ⁽¹¹⁾

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.
2. Airports, general aviation, if located in accordance with the Master Plan.
3. Excavations, controlled, involving the use of explosives (See Section 403.).
4. Mobile home park addition, only in an I.M. District and contiguous to a lawfully existing mobile home park (See Sections 414.2 through 414.7.).
5. Moving and storage establishments.
6. Sanitary or rubble landfills (See Section 412.).
7. Storage, warehousing or distribution not permitted as of right.
8. Sludge disposal facility — co-landfilling (See Section 412A.2.A.).
9. Sludge disposal facility — composting (See Section 412A.2.B.).
10. Sludge disposal facility — handling in general (See Section 412A.2.C.).
11. Sludge disposal facility — incineration (See Section 412A.2.D.).
12. Sludge disposal facility — landspreading (See Section 412A.2.E.).
13. Trucking facilities (See Sections 410 and 410A.).
14. Truck stops.
15. Utilities not permitted under the provisions of Section 253.1.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. Automotive-service stations, subject, further, to the provisions of Section 405.
2. Car washes, subject, further, to the provisions of Section 419.
3. Garages, service not otherwise permitted under Section 253.1.B.25, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport.
4. Union halls or other places of assembly for employment-related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception.

1. Amusement parks.
2. Farms or limited-acreage wholesale flower farms.

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3. Commercial kennels and private kennels, subject to Section 421.
4. Radio or television broadcasting studios.
5. Racetracks.
6. Riding stables, commercial.
7. Shooting ranges.
8. Trailers and mobile homes, nonaccessory, subject to the provisions of Section 415.
9. Used motor vehicle outdoor sales areas.
10. Veterinarians' offices.

D. The following miscellaneous uses:

1. Signs, outdoor advertising (See Section 450.).
2. Wireless telecommunications towers, subject to Section 426.
3. Winery, as defined and licensed by the Comptroller, including accessory retail and wholesale distribution of wine produced on premises. Temporary promotional events, such as wine tasting or public gatherings associated with the winery, are permitted subject to approval by the Administrative Law Judge, or Board of Appeals on appeal.

E. Combinations of the uses listed in this subsection or combinations of such uses with uses which are permitted as of right.

SECTION 259 - Districts

§ 259.1. - General.

In any district, the use, height, area and other regulations applicable in the underlying zone(s) or district(s) upon which the district is superimposed shall govern except as may specifically be enlarged, modified or limited by the district regulations in this section. In the case of conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail.

§ 259.2. - Statements of legislative intent for districts.

(Compliance with a statement of legislative intent shall not, in itself, be sufficient cause to classify property within the district to which such statement applies.)

A. C.R. (Commercial, Rural) District.

1. The C.R. District is established to provide opportunities for convenience shopping and personal services that are customarily and frequently needed by the rural residential and agricultural population and tourists. It is intended that the C.R. District be applied only to areas where such facilities are not available within a reasonable distance, where sewerage treatment and a potable water supply can be provided without an adverse effect on the environment and neighboring uses, and where public roads are capable of handling the anticipated increase in traffic without adverse impacts on surrounding areas. The commercial centers within C.R. Districts are not intended to be regional facilities providing specialty goods to a population outside of the rural area.
2. C.R. Districts may be assigned to areas of commercial development beyond the urban-rural demarcation line for which C.R. District designation is recommended in the Master Plan. The underlying zone may be B.L., B.M., B.R. or R-O. The C.R. District may also be applied to land zoned R.C.5 which is adjacent to a C.R. District, provided that the location, configuration and physical characteristics of the site and the potential for access to an adequate public road make the land suitable for commercial development.

B. A.S. (Automotive Services) District. The A.S. District may be applied within the urban-rural demarcation line (URDL) to certain parcels of land zoned B.L., B.M. or B.R., which are appropriate for uses dominated by the parking and servicing of automobiles or characterized by frequent parking turnover, such as fuel service stations and car wash operations. Any land heretofore classified as C.N.S., C.S.A., C.S.-1 or C.S.-2 on the effective date of Bill No. 172-1993 shall hereby be classified as an A.S. District. For a parcel of land that is assigned with a combination of B.M.-I.M. and B.L.-A.S. zoning, a use permitted in the B.M.-I.M. Zone will also be permitted on the B.L.-A.S.-zoned portion of the land.

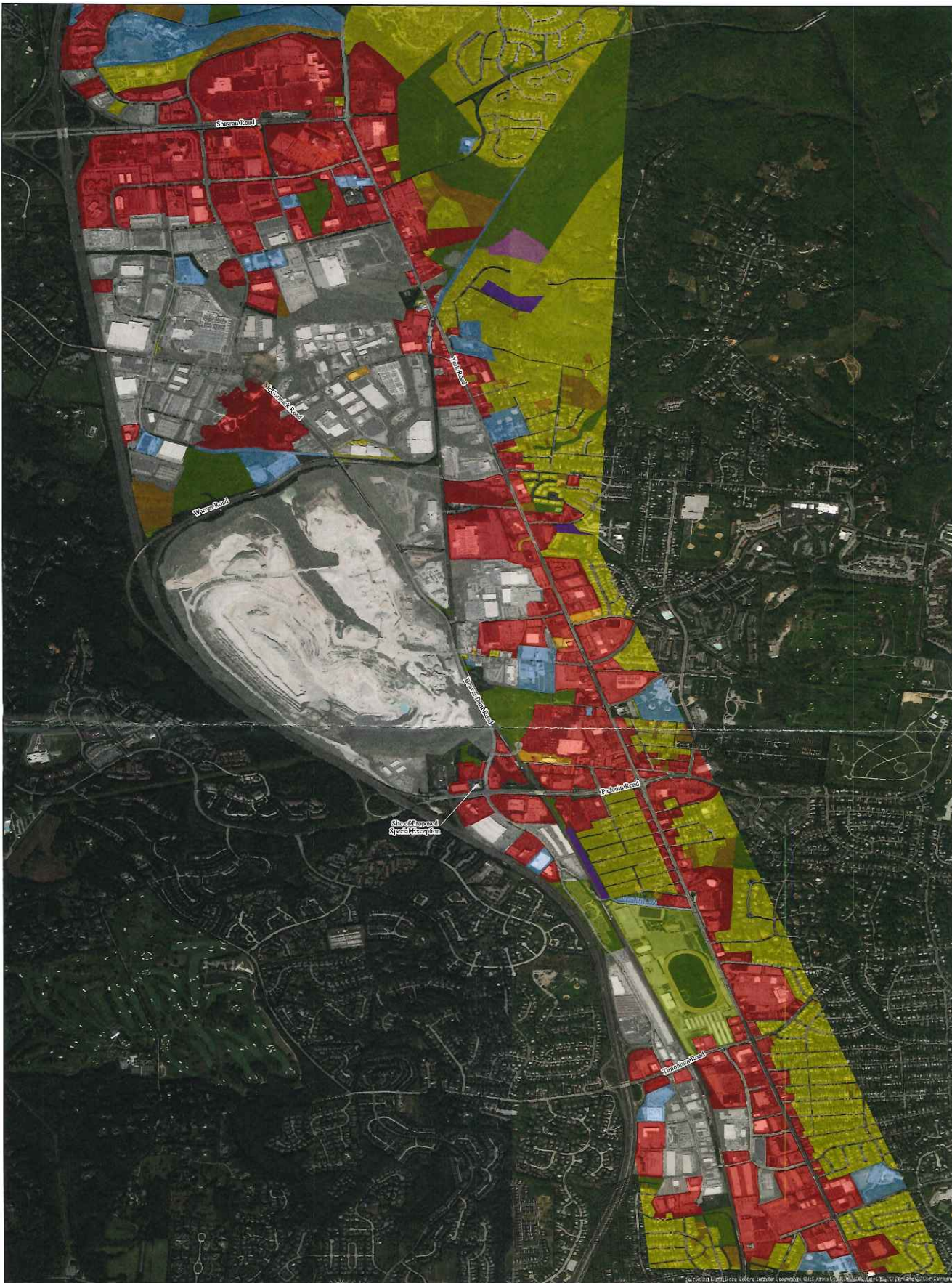
C. C.C.C. (Commercial, Community Core) District. C.C.C. Districts may be applied only to certain existing or proposed centers of shopping and auxiliary commercial activity which are on land zoned B.L., B.M. and/or B.R., any one of which centers must be intended to serve between 30,000 and 50,000 persons; provide shopping opportunities for convenience goods, appliances and, optionally, furniture; and include one or more junior department stores or variety stores. A planned shopping center having such characteristics may lie wholly or partially within a C.C.C. District.

D. C.T. (Commercial, Town-Center Core) District. C.T. Districts may be applied only to primary shopping areas within town centers on land zoned B.L., B.M., B.R. and/or M.L., the primary shopping area of any such center being that area which contains or is intended to contain a high incidence of

D06

pedestrian-oriented retail uses of a type ordinarily producing relatively high income and profit per square foot of sales area; includes or is intended to include major business generators (such as department stores); and also includes, or is intended to include, certain auxiliary services (such as offices) typically not occupying ground-floor frontage. Certain planned shopping centers having such characteristics may lie wholly or partially within C.T. Districts.

- E. I.M. (Industrial, Major) District. I.M. Districts may be applied only to certain areas individually containing 100 acres or more of land zoned for industrial or semi-industrial use (M.H., M.L., M.L.R., M.R., B.R. and/or B.M.), undivided by expressways or freeways. In I.M. Districts, greater industrial use of prime industrial land is promoted by discouraging nonauxiliary commercial usage.
- F. MD 43 (Maryland Route 43) Overlay District. The MD 43 Overlay District may be applied only to parcels of land zoned M.L., M.L.-I.M., M.H., O.R. M.H.-I.M., which are within the Middle River Employment Center Area, as identified in the Baltimore County Master Plan 2010.



Title:

**Existing Land Use and Zoning:
The York Road to I-83 Corridor,
Baltimore County**

DOB

**Protestant
CBA Exhibit**

6

Land Use

- Open Space/Parks
- Residential
- Institutional
- Commercial
- Industrial
- Agriculture
- Unbuildable/Environmentally Constrained
- Vacant

- Industrial Zoning District
- Parcel

Map Created: June 17, 2019
Mapping Data Sourced From: Baltimore County GIS
<https://data-bc-gis.opendata.arcgis.com/>

0 1,000 2,000 Ft
Scale: 1 inch = 3,200 ft

aploidy \ " + \ n -ES [aut- + tetraploidy] : the state of having four genomes due to doubling of the ancestral genome complement — compare C-MITOSIS

univ abbe envilliers

aux.o.tonic \ˈɒksəˈtɒnɪk\ *adj* [ISV auxo- + tonic] *plant*

D-G-G
 Protestant
 CBA Exhibit
 7



R-94-335
REV 4-18-94

Petition for Reclassification

to the Board of Appeals of Baltimore County

for the property located at Parcels 3-A, 4-A, 4-B, 4-C & 4-D;
Genstar Texas Quarry NW/SE
of the intersection of York Rd. & Old Padonia Rd.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the

Zoning Law of Baltimore County, from an ML-IM zone to an BM-IM zone, for the reasons given in the attached statement; and (2) for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

John B. Howard

Robert A. Hoffman
Venable, Baetjer and Howard

Address

Phone No.

210 Allegheny Ave.

City

State

Zipcode

Towson

MD

21204

I/We do 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 Petition.

Legal Owner(s):

Genstar Stone Products Co.

(Type or Print Name)

Signature

John H. Gease

By: John H. Gease, Director of
Technical Services

(Type or Print Name)

Signature

Executive Plaza, 6th Fl. 527-4477
Address Phone No.

Hunt Valley MD 21031
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Robert A. Hoffman

Name 210 Allegheny Ave.

Towson, MD 21204

494-6262

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Protestant
CBA Exhibit

8



ZONING DESCRIPTION

Parcel 3-A

BEGINNING at a point on the south side of Galloway Avenue, 30 feet wide, at the distance of 697 feet measured westerly from the west right-of-way line of York Road, 66 feet wide. Thence the following courses and distances:

South 06° 00' 06" West 160.55 feet, South 83° 59' 54" East 369.16 feet, South 15° 51' 08" East 242.88 feet, South 80° 12' 24" West 134.36 feet, South 18° 23' 03" East 383.00 feet, South 83° 50' 20" East 146.05 feet, South 18° 23' 03" East 112.53 feet, North 84° 00' 53" West 34.77 feet, North 41° 18' 13" West 9.05 feet, South 03° 29' 04" West 35.44 feet, North 88° 17' 01" West 72.17 feet, South 00° 41' 02" East 164.05 feet, North 84° 00' 53" West 631.15 feet, North 36° 07' 01" West 98.15 feet, North 87° 57' 12" West 392.50 feet, South 20° 53' 48" East 51.42 feet, North 84° 00' 53" West 254.15 feet to the east side of the Conrail Railroad right-of-way, thence along said right-of-way, North 27° 41' 15" West 555.50 feet to the southeast right-of-way line of an existing Baltimore Gas & Electric Company right-of-way, thence along said right-of-way, three courses, North 55° 14' 55" East 50.00 feet, North 67° 57' 29" East 537.00 feet, and North 65° 05' 21" East 320.00 feet, thence leaving said right-of-way, South 83° 59' 54" East 131.33 feet, North 06° 00' 06" East 147.77 feet to the said south side of Galloway Avenue, thence along said side, South 89° 59' 45" East 122.32 feet to the place of beginning.

CONTAINING 25.892 acres of land, more or less.

BEING part of Parcel Three of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.




George T. Keller
Registered Property Line Surveyor #67

See Revised Desc. (Rev. 4/18/94)

ZONING DESCRIPTION

Parcel 4-A

BEGINNING at the intersection of the north side of Padonia Road and the west side of the proposed location of Beaver Dam Road and running thence along said Padonia Road,

South 42° 17' 01" West 53.12 feet, South 81° 33' 08" West 209.74 feet, and South 79° 59' 54" West 88.73 feet, thence leaving said Padonia Road and running North 03° 28' 19" West 788.64 feet, and South 83° 46' 29" East 432.79 feet to the said west side of the proposed location of Beaver Dam Road, thence along said west side, South 14° 12' 12" West 15.21 feet, South 75° 47' 48" East 32.00 feet, South 14° 11' 58" West 181.42 feet, South 17° 03' 57" West 61.43 feet, By a curve to the left with a radius of 684.72 feet and an arc length of 189.18 feet, By another curve to the left with a radius of 1001.93 feet and an arc length of 122.10 feet, South 05° 44' 50" East 83.54 feet, and South 01° 27' 48" East 6.31 feet to the place of beginning.

CONTAINING 6.252 acres of land, more or less.

BEING Parcel 4-A of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.




George T. Keller
Registered Property Line Surveyor #67

ZONING DESCRIPTION

Parcel 4-B

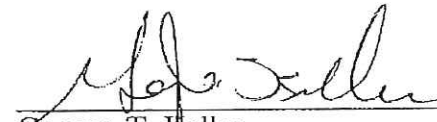
BEGINNING at the intersection of the north side of Old Padonia Road and the east side of the proposed location of Beaver Dam Road, thence along said Beaver Dam Road,

By a curve to the right with a radius of 919.93 feet and an arc length of 301.32 feet, and North 14° 12' 12" East 108.25 feet, and South 86° 45' 05" East 37.21 feet, thence leaving said Beaver Dam Road, South 44° 00' 00" East 189.89 feet, By a curve to the right with a radius of 209.00 feet and an arc length of 157.15 feet, and South 00° 55' 05" East 110.08 feet to the said north side of Old Padonia Road, thence along said Old Padonia Road, South 89° 04' 55" West 50.01 feet, South 00° 55' 05" East 38.00 feet, South 89° 04' 55" West 133.93 feet, North 02° 05' 38" East 17.40 feet, North 87° 54' 22" West 50.00 feet, and North 80° 06' 08" West 49.31 feet to the place of beginning.

CONTAINING 2.092 acres of land, more or less.

BEING Parcel 4-B of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.




George T. Keller
Registered Property Line Surveyor #67

ZONING DESCRIPTION

Parcel 4-C

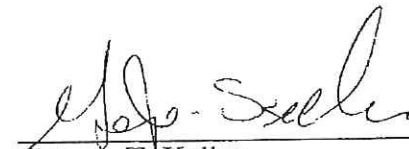
BEGINNING at the intersection of the north side of Old Padonia Road, 30 feet wide, and the west side of Conrail Railroad right-of-way, 66 feet wide, thence along the north and west side of said Old Padonia Road,

North 84° 51' 39" West 55.81 feet, and South 27° 41' 32" East 343.82 feet, thence leaving said Old Padonia Road, South 70° 10' 00" West 89.15 feet, By a curve to the right with a radius of 120.00 feet and an arc length of 108.73 feet, North 57° 55' 00" West 110.00 feet, By a curve to the right with a radius of 270.00 feet and an arc length of 104.46 feet, North 35° 45' 00" West 145.00 feet, and By a curve to the right with a radius of 150.00 feet and an arc length of 130.78 feet to the east side of the proposed location of Beaver Dam Road, thence along said Beaver Dam Road, North 75° 47' 48" West 36.53 feet, North 14° 12' 12" East 20.33 feet, and North 59° 12' 12" East 21.21 feet to the south side of proposed Road "A", thence along said Road "A", South 75° 47' 48" East 71.55 feet, and By a curve to the left with a radius of 351.28 feet and an arc length of 256.83 feet to the said west side of the Conrail Railroad right-of-way, thence along the right-of-way, South 27° 41' 15" East 118.07 feet to the place of beginning.

CONTAINING 2.784 acres of land, more or less.

BEING Parcel 4-C of the Genstar Stone Products Company property, Eighth Election District, Baltimore County, Maryland.




George T. Keller
Registered Property Line Surveyor #67

R-94-335
REV 4/18/94

VENABLE, BAETJER AND HOWARD
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD
WASHINGTON, D.C.
MCLEAN, VA
ROCKVILLE, MD

210 ALLEGHENY AVENUE
P.O. BOX 5517
TOWSON, MARYLAND 21285-5517
(410) 494-6200
FAX (410) 821-0147

RICHARD M. VENABLE (1839-1910)
EDWIN G. BAETJER (1868-1945)
CHARLES MCH. HOWARD (1870-1942)

WRITER'S DIRECT NUMBER IS

ROBERT A. HOFFMAN

(410) 494-6203

March 1, 1994

William T. Hackett, Chairman
County Board of Appeals of
Baltimore County
Old Court House
400 Washington Avenue
Towson, Maryland 21204

- Re: - Cycle Zoning Reclassification Request
- Legal Owner - Genstar Stone Products Company
- Property known as Parcels 3-A, 4-A, 4-B, 4-C and 4-D
of the Texas Quarry
- NW/S Intersection of York Road and Old Padonia Road

Dear Mr. Hackett:

This firm represents Genstar Stone Products Company ("Genstar"), the Petitioner in the above-referenced zoning reclassification request for property located on the northwest side of the intersection of York Road and Old Padonia Road in Cockeysville, Maryland. The subject property, which comprises approximately 38 acres, is presently zoned ML-IM. The Petitioner is requesting BM-IM zoning in accordance with the enclosed open site plan.

Pursuant to Section 2-356(b) of the County Code, the purpose of this letter is to set forth the reasons why the requested reclassification should be granted. As can be seen most clearly on the accompanying portion of the 200' Scale Zoning Map, the subject property is situated adjacent to BM zoning on both its eastern and southern boundaries. The Petitioner believes the subject site relates more consistently to these commercial uses than any industrial use. This belief is substantiated by the Hunt Valley/Timonium Redevelopment Study which clearly designates the property within the potential development/redevelopment area due to its proximity to the light rail system. With regard to the redevelopment area, the study calls for the "support [of] zoning

William T. Hackett, Chairman
March 1, 1994
Page 2

changes... which will foster growth in employment, business and employee services and amenities and/or light rail usage...." More specifically, the map designating development/redevelopment areas within the Study (Map 15) shows the subject site as an area with employment or retail development potential.

Based upon its proximity to both the Light Rail, surrounding commercial uses and the existing character of the area as a commercial corridor, it is apparent that the retention of industrial zoning on the subject property was an error. In addition, because the Hunt Valley/Timonium Redevelopment Study was not completed at the time of the 1992 comprehensive rezoning, the County Council was unable to consider its findings and recommendations with regard to the subject area.

For these reasons and for such further justification as may be presented at the hearing, it is respectfully submitted that the subject property should be reclassified from ML-IM to BM-IM.

Sincerely,

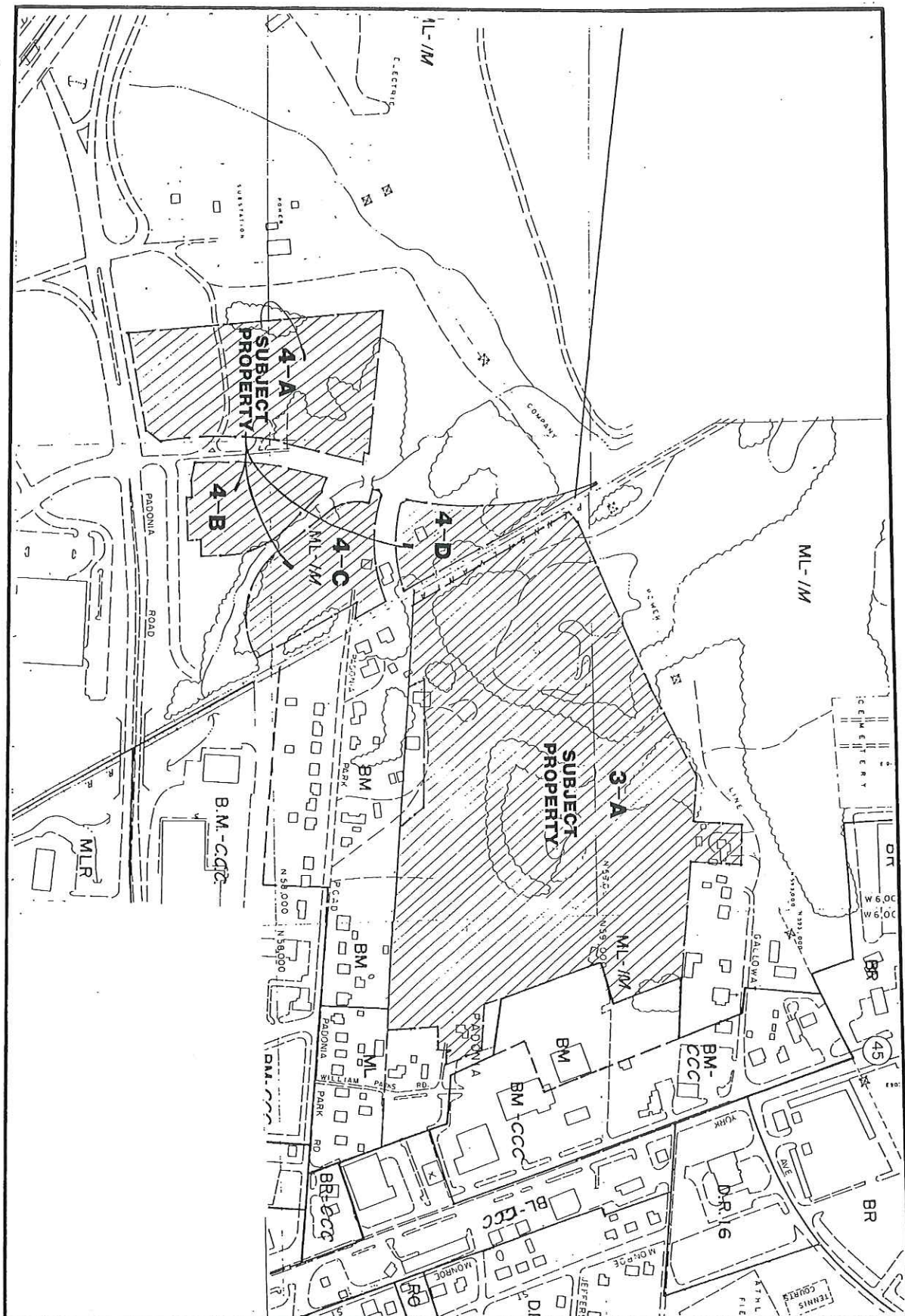
Robert A. Hoffman, BY: GPW

Robert A. Hoffman

DOK\gpw
enclosures

cc: Mr. John H. Gease

HACKETT8.GPW



MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
 110 West Road, Suite 105
 Towson, Maryland 21204
 (410) 821-1690
 Fax: (410) 821-1748

**GENSTAR TEXAS PARCEL 3 AND 4
 PLAN TO ACCOMPANY
 RECLASSIFICATION PETITION
 200' ZONING MAP 15-A/15-B**

SCALE: 1"=200'	DATE: 2/15/94	DRAWN BY: SAM	DESIGN BY: SAM	REVIEW BY: TFM	JOB NO: 9445-C
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R-94-335

REV 4/18/94

PETITIONER:

Genstar Stone Products Company

REQUESTED ACTION:

Reclassification to B.M.-I.M. (Business Major-Industrial Major)

EXISTING ZONING:

M.L.-I.M. (Manufacturing Light-Industrial Major)

LOCATION:

South side of Galloway Avenue, 700 feet west of York Road, also on the north side of Padonia Road, east and west of proposed Beaver Dam Road, and opposite Deerco Road.

AREA OF SITE:

38.37 ±

ZONING OF ADJACENT PROPERTY/USE:

South: M.L., B.M., M.L.-I.M. - residential, residential office, office, auto storage lot, Old Padonia Road and Padonia Road, retail opposite Padonia Road

East: M.L.-I.M., B.M. - residential, residential office, auto dealership

West: M.L.-I.M. - BG&E electrical substation, other lands of Genstar (quarry)

Bisecting site: MTA Central Light Rail and Conrail line,
Proposed Beaver Dam Road

SITE DESCRIPTION:

The site contains lands formerly quarried by Genstar and now available for redevelopment. It also includes lands which are (or were) used for employee recreation, an historic graveyard, and historic limekilns. Approximately one third of the site is wooded.

Goodwin Run and a tributary divide Parcels 4-B and 4-C. The site is very irregularly shaped and is further divided into parcels defined by the rail line, the proposed Beaver Dam Road Extension and Proposed Road "A". Parcels 4-A, 4-B and 4-D will have frontage on an existing road, Padonia Road, of approximately 340 feet.

PROPERTIES IN THE VICINITY:

York Road and Padonia Road are designated arterials, and are developed with a variety of predominately retail uses. South of Padonia Road's strip commercial is a large office and industrial area. Old Padonia Road between York Road and the MTA Light Rail line is a mixture of primarily residential office and office uses. Galloway Avenue to the north is a mixture of residential and residential office. To the west, along Padonia Road, beyond the BG&E electrical substation, are additional Genstar facilities. To the northwest are the vast acreages of Genstar's quarry operations.

WATER AND SEWERAGE:

The area is served by public water and sewer, and is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS:

The 1989-2000 Baltimore County Master Plan identifies Beaver Dam Road, from Beaver Court to Padonia Road as a programmed transportation project. This transportation improvement is fully funded in the Baltimore County Capital Improvement Program (CIP) under project 05.280. Construction on phase IIA, from Warren Road Extended to Industry Lane, will begin this month. The project should be opened to service by December 1994. Construction of phase IIB, from Industry Lane to Padonia Road, is expected to start in the Spring of 1995. The project should be opened to service in the Fall of 1996.

A project planning study to reconstruct the Padonia Road/I-83 Interchange was in the State Highway Administration's (SHA) Development and Evaluation Program of the FY 93 Consolidated Transportation Program (CTP). The project would improve the capacity and safety of the interchange. The study was put on hold in May of 1993 to reevaluate the traffic volumes and accident data associated with the opening of the Warren Road/I-83 Interchange. Several minor improvements have been suggested for analysis in the short term until the planning study resumes. This property has direct access to Padonia Road which is classified as a minor arterial.

ZONING HISTORY:

The zoning on this property has not changed since 1976.

MASTER PLAN/COMMUNITY PLANS:

The Master Plan addresses the expansion of commercial zoning along highways, stating: "It has been a consistent policy since the mid 1970s to try to curtail the expansion of "strip"

commercial zoning along major highways, and to direct the demand into the older business centers." This keeps new additional commercial uses from draining the vitality of existing areas and redirects private economic resources back into the older establishments and fosters productive redevelopment and revitalization (p. 20). This concept is pertinent to this zoning request, because it is a very large expansion of the commercial zoning along York and Padonia Roads. It is very likely that rezoning for commercial use will have a negative impact on the older commercial centers, many of which would be benefitted by revitalization.

The Hunt Valley/Timonium Redevelopment Study (HV/T), adopted by Planning Board April 15, 1993, cannot be used to justify the rezoning of the site to business zoning. While the plan identifies the area as having potential for mixed use development of an employment/retail nature, it also clearly earmarks it for a future site-specific study (p. VII-4). The zoning guidelines state that for the Old-Padonia-Church Lane area, of which this site is a part: "limit changes to existing zoning until a local area plan is completed" (p. IX-10).

The purpose of the local area study is to examine the development potential of the area in greater detail, taking into account site-specific development constraints and opportunities. The local area plan will direct future development in accordance with the goals of the HV/T plan, which include protecting and enhancing the area as an important employment area in the County, and supporting light rail use.

Also, the HV/T plan discusses concerns about the completion of the Beaver Dam Road Extension, which will result in a north-south road corridor spanning the HV/T area from Shawan Road to the end of Greenspring Road, paralleling York Road. This corridor will (and apparently already has) experienced pressures for retail development which could lead to a replication of the York Road land use pattern. The mission of the HV/T plan is to protect and enhance the HV/T area as an important employment area of Baltimore County, paramount to achieving this mission is the maintenance of the McCormick/Beaver Dam Road corridor as an industrial service road. Allowing retail uses along the corridor will produce unwanted congestion, and interfere with its function of transporting goods and employees through the area. The plan states, "Beaver Dam and McCormick Roads should be designated arterial streets, and the surrounding land uses remain zoned M.L.-I.M." (p. V-37).

PROPOSED VS. EXISTING ZONING:

Section 233.1 outlines the provisions of the B.M. zone. The B.M. zone permits a wide range of uses in addition to those permitted in the B.L. zone. Density is regulated by a floor

area ratio of 4.0. density if realistically limited by parking requirements, as well as economic and environmental constraints. Building height is limited by the height tent regulations. Setbacks include front yards not less than 15 feet from the property line and not less than 40 feet from the centerline of any street. (See Section 303.2 for front yard average).

No side yard setback is required on interior lots, except in cases where the lot abuts a lot in a residential zone. The side yard may be no less than the setback required for a dwelling or the abutting lot - a 10 foot setback is required when a lot abuts a corner lot. No rear setback is required, except where a rear lot line abuts a lot in a residential zone.

Regulations for the M.L. zone are found in Section 253 of the Baltimore County Zoning Regulations. The M.L. zone permits a number of light manufacturing uses by right. The zone also allows auxiliary retail or service uses or semi-industrial uses, provided the use is located in a planned district, however, such uses are not permitted in cases where direct access to an arterial street exists. The M.L. zone also permits several uses by Special Exception. The I.M. district regulations are found in Section 259.2H.

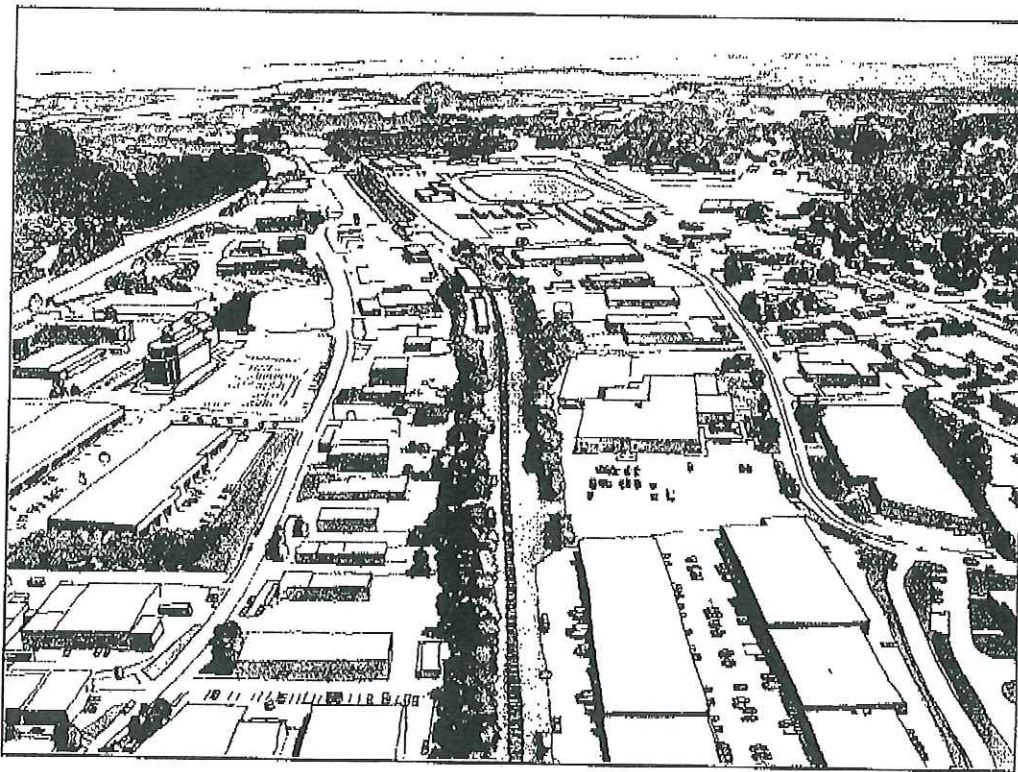
OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATIONS:

Based upon the information provided and analysis conducted, staff recommends that the applicant's request be denied for the reasons as follows:

In light of the desire to maintain the Beaver Dam Road corridor for industrial use, to plan the land uses in the area in greater detail in order to foster employment growth and light rail use, and to direct demand for commercial development back into the older commercial areas, the zoning request cannot be supported.

It is also important to note, however, that the applicant's site has been delineated as an area which may be suitable for development under the newly approved Commercial Planned Unit Development (PUD) legislation. The Commercial Planned Unit Development law, which was approved by the County Council on May 2, 1994, will provide for redevelopment opportunities by providing additional development flexibility in order to increase employment and revenue opportunities and improve site design while recognizing the need to protect adjacent residential communities. Therefore, in the instant case, the site could be redeveloped without necessitating a zoning change.

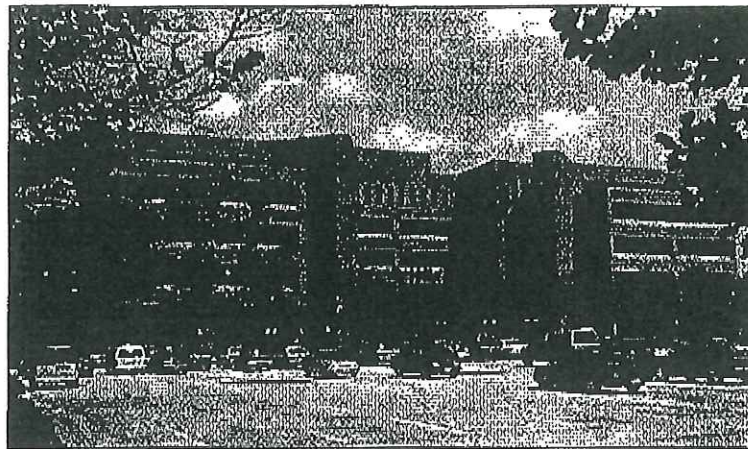
Hunt Valley / Timonium Master Plan



As Adopted by the Baltimore County Council
October 19, 1998

DGG
Protestant
CBA Exhibit

Section I: Introduction



The Hunt Valley/Timonium (HV/T) area is one of the key employment and commercial centers in Baltimore County. The completion of major transportation improvements, including the Warren Road interchange (1993), the Central Light Rail Line (1997), and Beaver Dam Road extension (1998), further enhance the economic development potential of this 4,000-acre area.

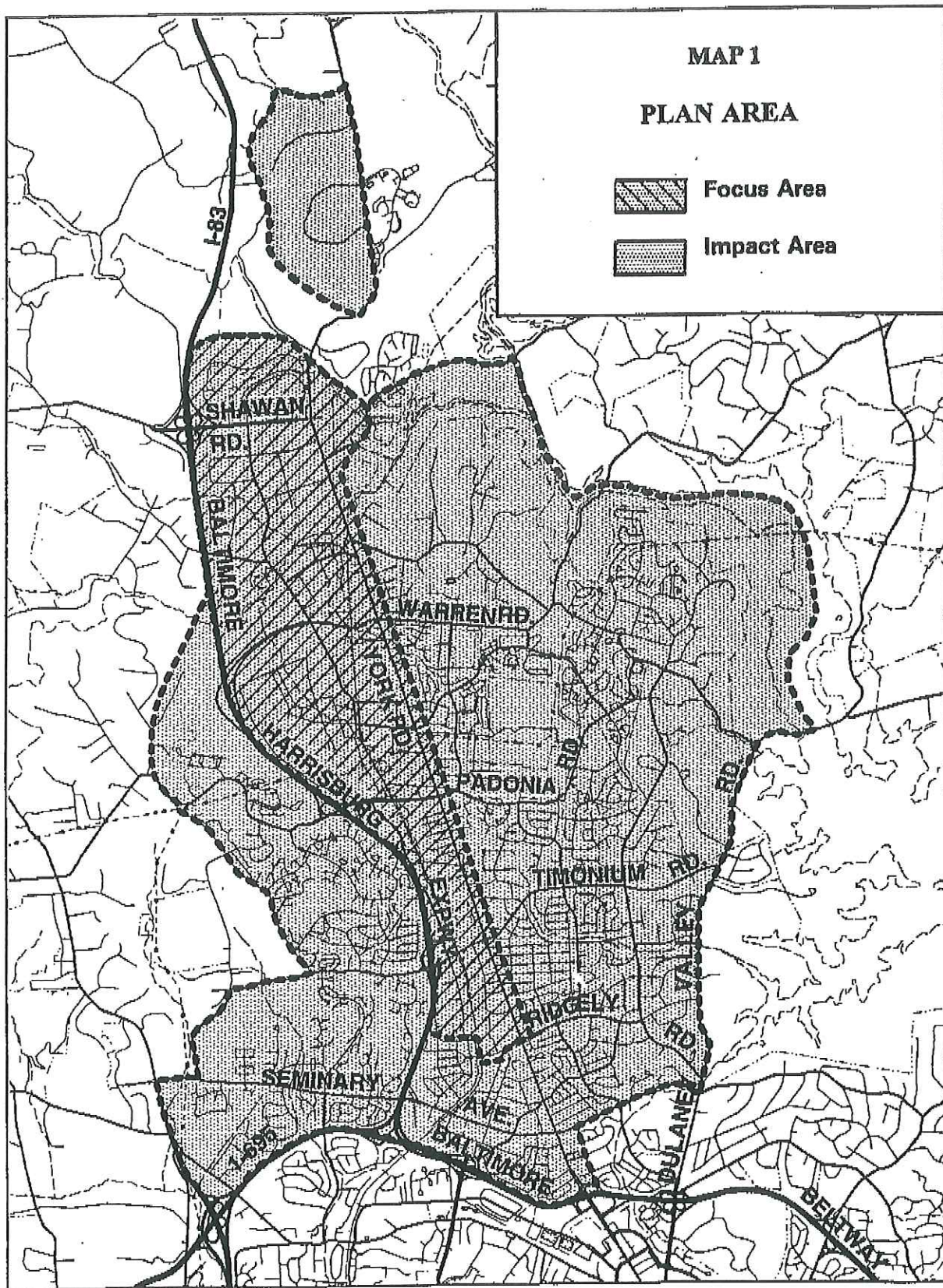
The Baltimore County Master Plan 1989-2000 identified Hunt Valley/Timonium as an area in need of a community action plan. The plan would guide future growth in a way that would maximize, but not overburden, the use of the area's transportation system. Additionally, the plan would propose strategies to protect the integrity of adjacent residential neighborhoods and to achieve and maintain a high level of design quality and overall amenity.

The Hunt Valley/Timonium Redevelopment Study was initially undertaken in 1990 beginning with an independent economic analysis by Legg Mason Realty Group. In 1992, the Planning Office worked with an advisory group made up of representatives of the business and neighboring residential communities to identify issues, develop goals and objectives, and propose actions. The resulting plan was adopted on April 15, 1993 by the Planning Board. The County Council held a public hearing on the plan on June 21, 1993. The plan, however, was not formally adopted.

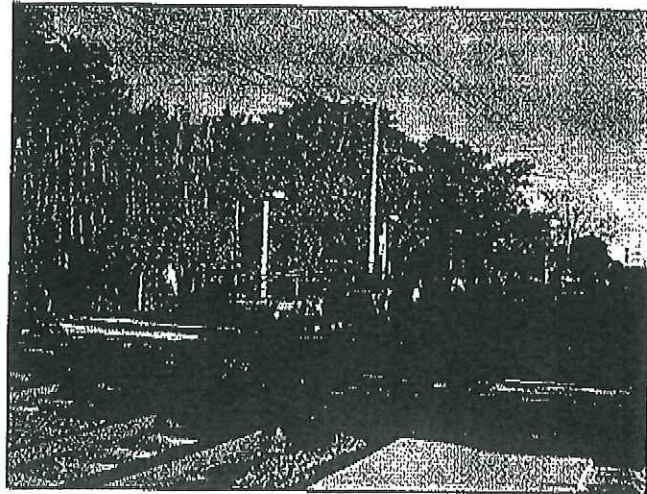
Recent development activity and rezonings have increased the need for a plan that will guide growth so that the public's investment in infrastructure can be optimized. The Planning Office, as directed by the County Executive and the Planning Board, began the process for updating the 1993 plan. An advisory group was formed consisting of representatives from the business and residential community. The resultant plan has been prepared to reflect the changing economic environment, and the County's broadened interest in economic development and community conservation.

This plan details specific actions and recommendations for the Hunt Valley/Timonium area. The original 1993 plan contains detailed analysis of existing conditions, including land use, transportation, and the natural environment. For this revised plan, information that was pertinent to the plan's recommendations has been updated. For additional detailed information about the existing conditions, please refer to the 1993 plan.

In addition to the plan's recommendations, this document contains a section on design guidelines, and on a comprehensive zoning map process for the West Aylesbury Road area. Adoption of the plan by the Planning Board and by the County Council will constitute the adoption of the design guidelines (with any amendments) into the Baltimore County Comprehensive Manual of Development Policies.



Section II: The Hunt Valley / Timonium Area



BACKGROUND

The HV/T area includes the Hunt Valley/Timonium Employment Center, as designated on the County's Land Management Map, plus the adjacent York Road corridor. These areas combined represent a major employment and commercial center. The HV/T Plan Area map (Map 1) shows the combined employment and commercial areas as the "focus area." It is also recognized that impacts on the surrounding business and residential communities must be understood and reflect the County's broadened commitment to conserving its existing communities. This area is labeled "impact area" on the map.

The employment area of Hunt Valley/Timonium, together with Loveton Business Center and the Highlands Office Park, is one of the most important in the County, employing over 40,000 people. It is home to a wide variety of industries and businesses, including corporate headquarters for such companies as MBNA America Bank, McCormick and Company, Fila USA, and Integrated Health Services; manufacturing operations such as Procter and Gamble; and research and development operations such as Becton Dickinson. It has been a desirable location for new employment-generating development over the past 30 years.

The HV/T employment center can be characterized as mature and nearly fully developed. Relatively few vacant parcels remain within the area. The

next stage of land development within the employment area of HV/T is likely to consist of redevelopment of existing lower value employment uses, modernization of now "middle-aged" office and industrial buildings, and development of the area's remaining vacant parcels of land.

Adjacent to the employment area of HV/T is the York Road corridor, which is a major retail corridor. Because of its length (five miles within the HV/T area alone), its diversity of "specialty" retail uses, and its central location within the County, the York Road corridor serves not only the adjacent residential neighborhoods, but also a broader area, extending in all directions to encompass Towson to the south, portions of east and west Baltimore County, and the rural areas to the north. It is one of the most desirable locations for retail development in the County. Like the employment area, it is nearly fully developed, with limited vacant land available for expansion. Additionally, the number of existing businesses, along with numerous access/egress points along York Road, is creating traffic congestion and safety problems. The transportation improvements which are nearly complete will alleviate some of these traffic concerns. The County should maximize its investment in these improvements by promoting redevelopment in a manner which will optimize, but not overburden their use, enhancing the economic development potential of this 4,000-acre area. Further, through redevelopment,

the area's natural environment and visual quality can be improved, and measures which will protect the adjacent residential communities can be implemented.

EVENTS SINCE 1993

Over the five years since the Planning Board adopted the original Hunt Valley/Timonium plan, there have been a number of events that have bearing on this plan.

1. Rezoning Requests

The 1992 Comprehensive Zoning Map Process (CZMP) considered 15 rezoning issues in the Hunt Valley/Timonium corridor, most of them involving conversion of manufacturing zoning to business zoning. Only two of these requests were granted.

Through the 1992-1996 Cycle Zoning Process, five rezoning petitions were filed. All of these involved conversion of manufacturing zoning to business zoning. None of these petitions was fully adjudicated.

The 1996 CZMP considered 32 zoning issues in the Hunt Valley/Timonium corridor. Twenty-two of these issues involved converting manufacturing zoning to business zoning. The County Council granted seven of these requests. In addition, six other requests for converting residential or office zoning to retail zoning were granted. In all, these rezonings resulted in an increase of approximately 75 acres of retail-zoned land.

(See the Appendix for maps of zoning issues from 1984 through 1996.)

2. PUD-C Adopted

On May 2, 1994, the Council adopted Bill 47-94, Commercial Planned Unit Development (PUD-C), which permits the development of mixed uses -- retail, office, industrial and/or residential -- within

designated opportunity areas, when it can be demonstrated that the proposal will provide a substantial public benefit, and any negative impacts are mitigated. All of the manufacturing and business zoned land of the Hunt Valley/Timonium area is designated as a PUD-C Opportunity area. There have been two PUD-C proposals in HV/T: 1830 York Road, a MIE-owned building formerly leased by Comcast Cablevision and now, through the PUD-C process, a retail shopping center; and the former Saco Supply property, for which a Price Club was proposed, but denied by the Planning Board. Retail zoning for the second property was granted in 1996; construction of a shopping center is currently underway. In 1997, amendments to the PUD-C legislation were adopted which include:

- Refinement of the review process.
- Designation of "Prime Employment Centers" and "Growth Area Corporate Centers" within the PUD-C Opportunity Area.
- Guidelines for determining appropriate land uses and public benefits.

3. Changes to Zoning Regulations

A number of new uses are now permitted in manufacturing zones. Child care legislation was modified by Bill 200-90 and Bill 51-91 to allow child care as a permitted use in most of the manufacturing and business zones. Commercial recreational facilities are now permitted in certain manufacturing zones (Bill 21-96). Churches, synagogues and other houses of worship are also permitted in manufacturing zones (Bill 117-92).

A revision of the zoning districts by Bill 172-93 included the deletion of language that prohibited auxiliary retail and service uses in ML zones from having access onto an arterial road. As a result, retail uses such as fast food restaurants, banks and beauty shops can now be developed in ML-IM (Manufacturing Light-Industrial Major) zones with direct access to streets with an arterial designation, such as Padonia Road. Further, this action eliminates the County's ability to apply this restriction to the

McCormick - Beaver Dam Road corridor, as recommended by the 1993 HV/T Plan.

4. Growth Management Plan

The 1996 Growth Management Report designated HV/T as an "Employment Center" rather than an "Urban Center" to emphasize its primary function within the County as an area which provides significant employment opportunities.

5. Transportation Improvements

Several major transportation improvements have been completed:

- The Warren Road interchange which connects to I-83 and York Road was completed in October 1993. This has resulted in improved intersection rating at York and Padonia Roads (now a level of service "D").
- The light rail extension to Hunt Valley Mall was completed in September 1997.
- The Beaver Dam Road extension was completed in January 1998.

Transportation projects for the area which are still programmed include:

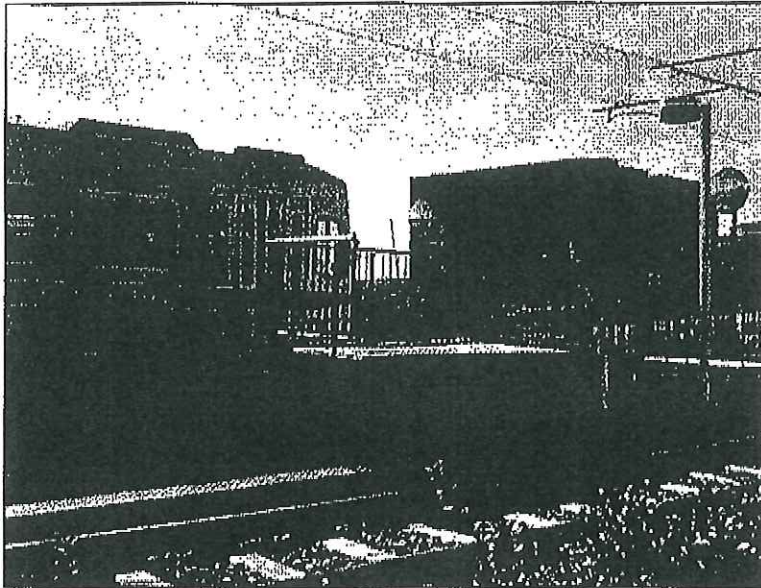
- Relocation of Paper Mill Road from Hunter Run Drive to York Road at Shawan Road.
- Widening of Warren Road from York Road to Bosley Road.
- Widening of Padonia Road from York Road to Decreco Road.

Nonprogrammed transportation projects include interchange improvements at Padonia Road and I-83.

In addition, Baltimore County will be receiving a \$850,000 grant from the state to provide pedestrian improvements in Hunt Valley Business Park. Working with the local business community, several locations have been identified and prioritized to receive these improvements, scheduled to begin in 1999.

6. Bikeway Feasibility Study

In the spring of 1994, Planning staff met with representatives of DEPRM and the state Mass



*The light rail stop at
Hunt Valley Mall.*



Demand by developers for "big box" retail in HV/T is evidenced by a number of rezoning requests over the past several years. Shown here is a typical "power center" recently developed in White Marsh.

(Staples), or home improvement products (Home Depot) are known as "category killers." A newer phenomenon is the grouping of several big box retailers in one location, known as a "power center."

In HV/T, there are several opportunities to locate these larger uses within existing business-zoned land. There is still a need, however, to enact measures that will preserve industrial sites from redevelopment as big box retail.

Another retail trend occurring in the HV/T area is an increase in the number of restaurants being developed, reflecting the changing lifestyles of two-income households. While all of these new restaurants are being located on major commercial roads (York, Shawan and Padonia), some are occurring on land zoned ML-IM (Manufacturing Light-Industrial Major) as auxiliary uses permitted by right. These kinds of developments are further diminishing the supply of land available for employment uses, and contributing to traffic congestion.

THE MISSION, GOALS AND OBJECTIVES

The mission of this plan for the HV/T area is "to protect and enhance the HV/T area as an important

employment and retail area of Baltimore County, without producing adverse impacts on neighboring residential communities, and improving the area's quality of life and environment."

The following goals are provided in order to achieve this broad mission:

- Encourage development and redevelopment consistent with the goals and objectives.
- Balance infrastructure improvements, such as transportation and stormwater management, with controlled growth.
- Balance employment with retail and residential uses.
- Minimize the impact of redevelopment on existing manufacturing uses.
- Encourage land uses that utilize light rail.
- Provide form and structure to the York Road corridor to improve its visual quality.
- Establish design and amenity guidelines for development.
- Establish community conservation strategies.

Action 2: Preserve and/or increase the inventory of available land for office, technology and manufacturing related uses.

These uses are key for sustaining the present and future economic base of HV/T and Baltimore County in general. Of the 2,560 acres zoned to accommodate such uses in the HV/T corridor, approximately 250 acres (less than 10%) remains available for new development. The loss of such land to retail or other low-income related use severely limits long-term opportunities for the retention and expansion of higher income employment. In cases where ML (Manufacturing, Light), OT (Office Technology) or other office-related zoning is rezoned for other use, Baltimore County should identify alternative locations to replace this zoning.

Action 3: Support double tracking of light rail to reduce service times and increase overall system efficiency.

In early 1998, the Mass Transit Administration (MTA) reported ridership of light rail at greater than 23,000 trips per day. Seventy percent of these trips were attributed to local employees. Ridership increased by 3,000 trips per day after the Hunt Valley extension opened in the fall of 1997. As ridership grows in response to the growth of HV/T employers, light rail must be equipped to handle more riders and deliver them to their destinations in a safe, efficient and timely manner.

Action 4: In conjunction with support for double tracking of the light rail, support construction of additional light rail stops to better serve and accommodate existing employers, new or relocating companies and proposed office/industrial parks.

In addition to the 18-acre property rezoned for retail development, AAI Corporation has another 65 acres zoned ML that will be made available for development. A number of developers and investors have expressed interest in the property for development of a new office/flex business park. This, coupled with the retail site and conversion of their headquarters building into a multi-tenant office facility, suggests this site will become a new, intensely developed employment center in the near future.

New employment projections for the area of Industry Lane are from 900 to over 2,000 new jobs at build-out. These figures could be even greater should the eventual developer opt for multilevel office buildings.

Such employment density might be best served with immediate access to light rail and therefore warrant the construction of a stop on-site. Additional stops should be considered as new development and redevelopment projects materialize.

Action 5: Encourage consolidation of parcels for redevelopment in the West Aylesbury Road Area as part of the proposed rezoning from ML to BLR, or for PUD-C proposals for retail or mixed use, to facilitate higher values and best land utilization. (For further discussion of the West Aylesbury Road Area and location map, see pages 24, 39, and 51-63).

While it is the position of the Department of Economic Development to retain the existing inventory of ML-zoned land, it is recognized that characteristics of some of the parcels in the West Aylesbury Road area do not lend themselves to office/industrial use. Those parcels with York Road frontage may be suitable for retail use. It is recommended that consolidation of parcels be strongly encouraged. To the extent possible, Baltimore County should consider rezoning existing retail land that does not offer York Road frontage to ML in order to fortify the County's ML land inventory. Further redevelopment projects proposed for the accommodation of a retail use should be limited to sites which currently possess B (Business) zoning, or, as a PUD-C, be part of a mixed use project in association with a transit stop.

TRANSPORTATION

The types of issues concerning transportation can be classified into three general categories: (1) transportation systems management; (2) public/private partnership; and (3) rail and bus transit.

TRANSPORTATION SYSTEMS MANAGEMENT

The overall goal of transportation systems management (TSM) is to develop strategies that maximize

offset the projected growth in vehicular travel. Therefore, if the amount of congestion in the HV/T area is to be lessened in the future, there will be a need to either provide additional supply (more highway and intersection capacity) or reduce demand (reduce the overall level of vehicular trip-making). Any recommendations for enlarging the area's highway capacity must be done in the context of a more detailed transportation study. However, it is possible and prudent to immediately begin implementing travel demand strategies that ultimately may lessen vehicular travel demand on the transportation system. Employers and employees in the HV/T area, as well as people who live in the adjacent residential communities, need to better understand how their individual travel-making behaviors add to the congestion problem. In an era of dwindling governmental resources, better informed individual travel decisions are immensely important.

Action 1: A detailed transportation study should be performed which would include an in-depth analysis of future vehicular travel based upon different socioeconomic scenarios, truck access, safety and pedestrian circulation. Recommendations should be made for future transportation improvements, and for financial mechanisms to provide them.

Action 2: A transportation impact study will be requested for any large-scale development/redevelop-

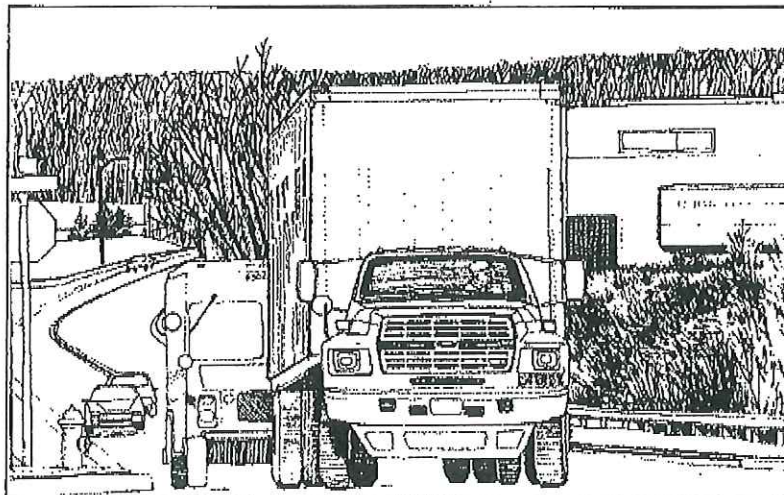
ment proposals as part of the development approval process. The development process should be amended to require a transportation study when peak hour traffic exceeds 1,000 trips daily. In HV/T, the transportation study must also address potential conflicts with truck traffic.

Issue: Maintaining an Industrial Service Road

With the Beaver Dam Road extension completed, there exists a north-south vehicular route running from the tip of Greenspring Drive near Lutherville to International Circle in Hunt Valley, paralleling the York Road corridor, and consisting of Greenspring Drive, and Deereco, Beaver Dam, and McCormick Roads. Even before the extension was completed, there were development pressures for retail uses along this corridor, and this is expected to intensify in the future. In order to preserve the HV/T area as an employment area, it is important to maintain the McCormick Road to Greenspring Drive corridor as an employment service road, permitting the movement of goods and employees unhampered by the congestion of retail development.

Action 1: Limit land use changes which are not employment uses, or which are not mixed use projects associated with a light rail stop, along the McCormick Road to Greenspring Drive corridor.

Providing truck and employee access to the employment area should be the primary function of the McCormick Road to Greenspring Drive corridor.



Action 2: Restrictions of retail use on industrial service roads should be incorporated into the zoning or development regulations, either through amendments to the ML zone, or through the adoption of a Roadway Classification Map which would designate the corridor as an industrial service road and limit retail access. (See Development/Redevelopment Opportunities.)

Action 3: Provide convenient access to York Road retail uses to reduce the need for them within the employment area. Consider sidewalks, on-road or off-road bicycle facilities, or shuttle buses.

Issue: Renaming McCormick Road to Greenspring Drive Corridor

Now that Beaver Dam Road is extended, there is a continuous stretch of roadway from Shawan Road in the north to the Aylesbury/Greenspring Connector Road in the south that has four different names.

Action 1: The County street renaming policy requires that a proposed street name be approved by the Department of Public Works and that 70 percent of the affected property owners agree to the change. The Hunt Valley Business Forum will initiate the circulation of a petition for the name change.

Issue: Pedestrian and Bicycle Circulation

On a daily basis, few pedestrian or bicycle trips are made within the HV/T area. This lack of pedestrian and bicycle circulation befits the HV/T area's character as an auto-dominated, suburban employment center. High traffic volumes, few sidewalks, no bikeways and spatial and design features oriented to automobiles make the HV/T area a daunting place for pedestrian and bicycle circulation. With the advent of light rail service, there is a need to develop a better pedestrian and bicycle network and environment.

Action 1: Design a pedestrian/bikeway system to connect with the Hunt Valley Mall, Oregon Ridge Park, and potentially the popular North Central Hike

and Bike Trail at Ashland, and utilizing greenways where possible, provide access to the light rail stops, recreation sites and business areas throughout the length of the HV/T area, with connections to adjacent residential communities.

Action 2: Convene a task force to formulate ways of providing pedestrian/bicycle facilities within the Hunt Valley Business Park, including pedestrian/bicycle access across Shawan Road from the business park to the mall.

Action 3: Ensure that appropriate pedestrian and bicycle facilities are provided in new construction projects through the development process. These facilities should link the project to adjacent properties, and where appropriate, to the open space system, the light rail, and employee support uses.

PUBLIC/PRIVATE PARTNERSHIP

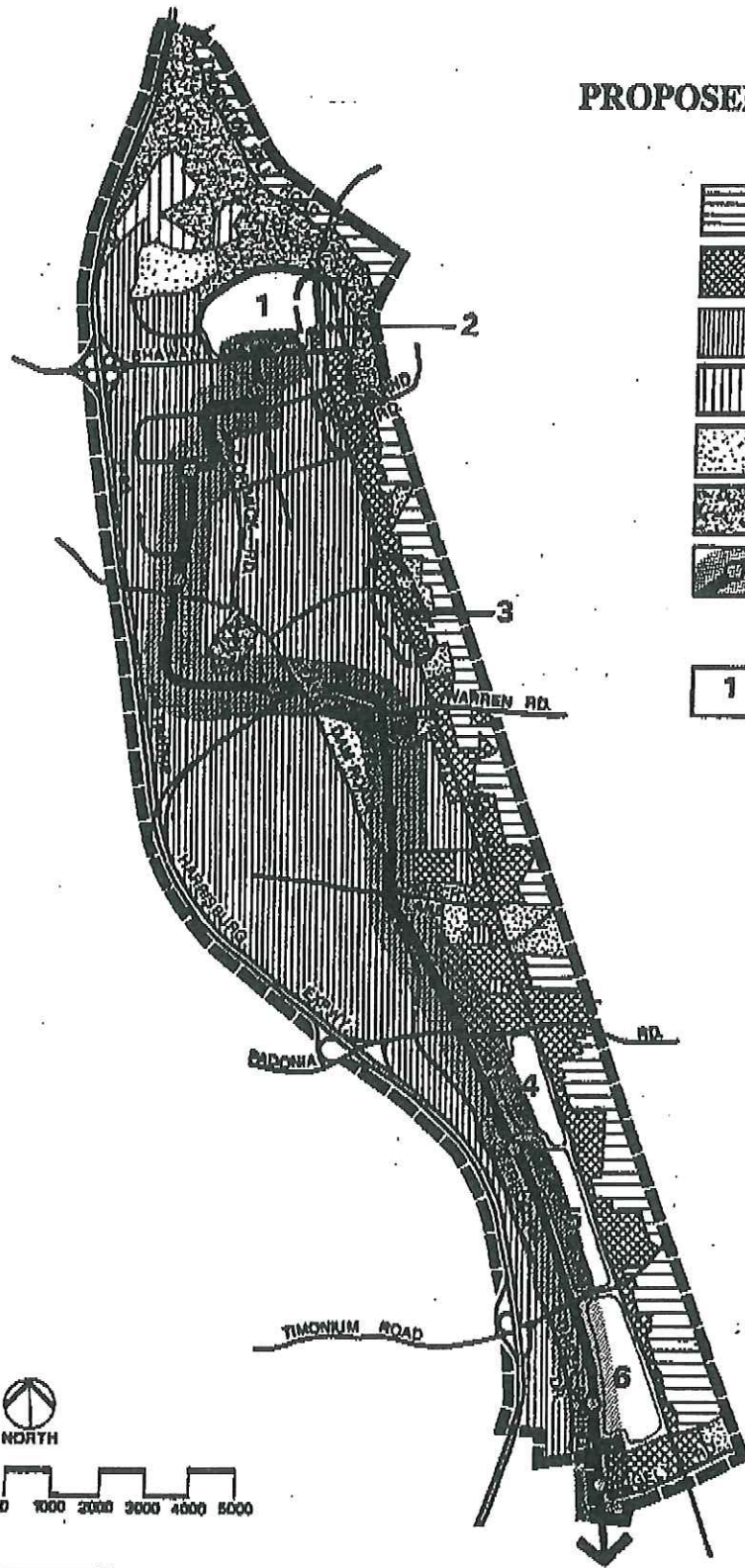
The establishment of a transportation planning process that includes a public/private collaborative effort is a key element within the planning framework. This effort is especially important in an era when the resources and ability of local government to provide necessary infrastructure support has been compromised by declining revenues.

Issue: Support the Hunt Valley Business Forum

After several years of developmental efforts, a public/private collaborative transportation planning effort was established in the Hunt Valley area, in the form of the Hunt Valley Transportation Association, now known as the Hunt Valley Business Forum (HVBFB). The County should continue to support the ongoing efforts of the HVBFB to identify transportation problems, solutions, and priorities.

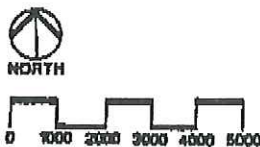
Action 1: Assist efforts of the HVBFB to secure funding for various transportation studies; and continue to provide technical assistance to the HVBFB.

MAP 3 PROPOSED LAND USE MAP



-  Residential
-  Commercial
-  Employment
-  Office/Residential
-  Public Institutional
-  Open Space
-  Light Rail Line and Stop with 1/4 Mile Walking Distance

- 1 Special Areas**
- 1 - Commercial/Mixed Use Focal Point**
 - 2 - Rural/Urban Gateway Zone: High Visual Quality**
 - 3 - Cockeysville Revitalization Area**
 - 4 - Timonium Heights West: As Recommended by West Timonium Heights Community Association**
 - 5 - Timonium State Fairgrounds: Exhibition/Convention/Hotels/Mixed Use**
 - 6 - W. Ayleenbury Road: Mixed Use Center**



- Shared access and/or parking among adjacent uses
- Renovation of an existing structure
- Provision of offsite pedestrian and/or bicycle facilities
- Substantial landscaping (exceeding current regulations)
- Increased stormwater management (exceeding current regulations)
- Inclusion of recreational/park amenities
- Traffic and/or public safety improvements

Action 5: Investigate incentives to promote higher density mixed use development at transit stops. One such incentive is the use of the MTA transit-oriented development grant program. The County should take a proactive role in promoting and fostering such developments, particularly at Hunt Valley Mall and at the Timonium Fairgrounds, with adequate controls to limit negative impacts on neighboring residential zones.

Issue: Auxiliary Retail Uses in ML-IM

In the past few years, there have been several proposals to build restaurants (both standard and fast food) and bank branch offices on ML-IM land. These are, by themselves, low density uses generating few employment opportunities (with family supporting wages) and are inappropriate, both for preserving the employment climate of the ML-IM zoned land, and for optimizing light rail use, which is best accomplished through higher densities, many employees, and a mixture of uses that can support each other. The intent of the ML-IM zoning is to allow auxiliary retail uses that would serve employees of the immediate area.

Action 1: Evaluate amendments to the ML-IM zone concerning auxiliary retail uses.

Issue: Rezoning of ML-IM Land

There has been significant pressure to convert manufacturing-zoned land to business (retail) zoning. This was evident during the 1996 CZMP which considered 22 such issues out of a total of 32 issues for the area.

Action 1: The supply of manufacturing-zoned land within the HV/T area is limited. In order to preserve this important resource for future employment growth, there should be no further rezoning of manufacturing-zoned land for other uses unless an area is specifically designated for change. Rather, the PUD-C process should be used so that: 1) the property will retain its manufacturing zoning as an underlying zone for future use, and 2) specific development proposals can be evaluated for their potential impact on the transportation systems and surrounding land uses, particularly in regard to preserving the employment viability of the HV/T area.

Issue: Providing Opportunities for Retail Development

Demand for new retail development should be accommodated at appropriate locations within the HV/T retail market area.

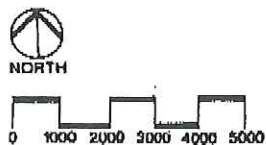
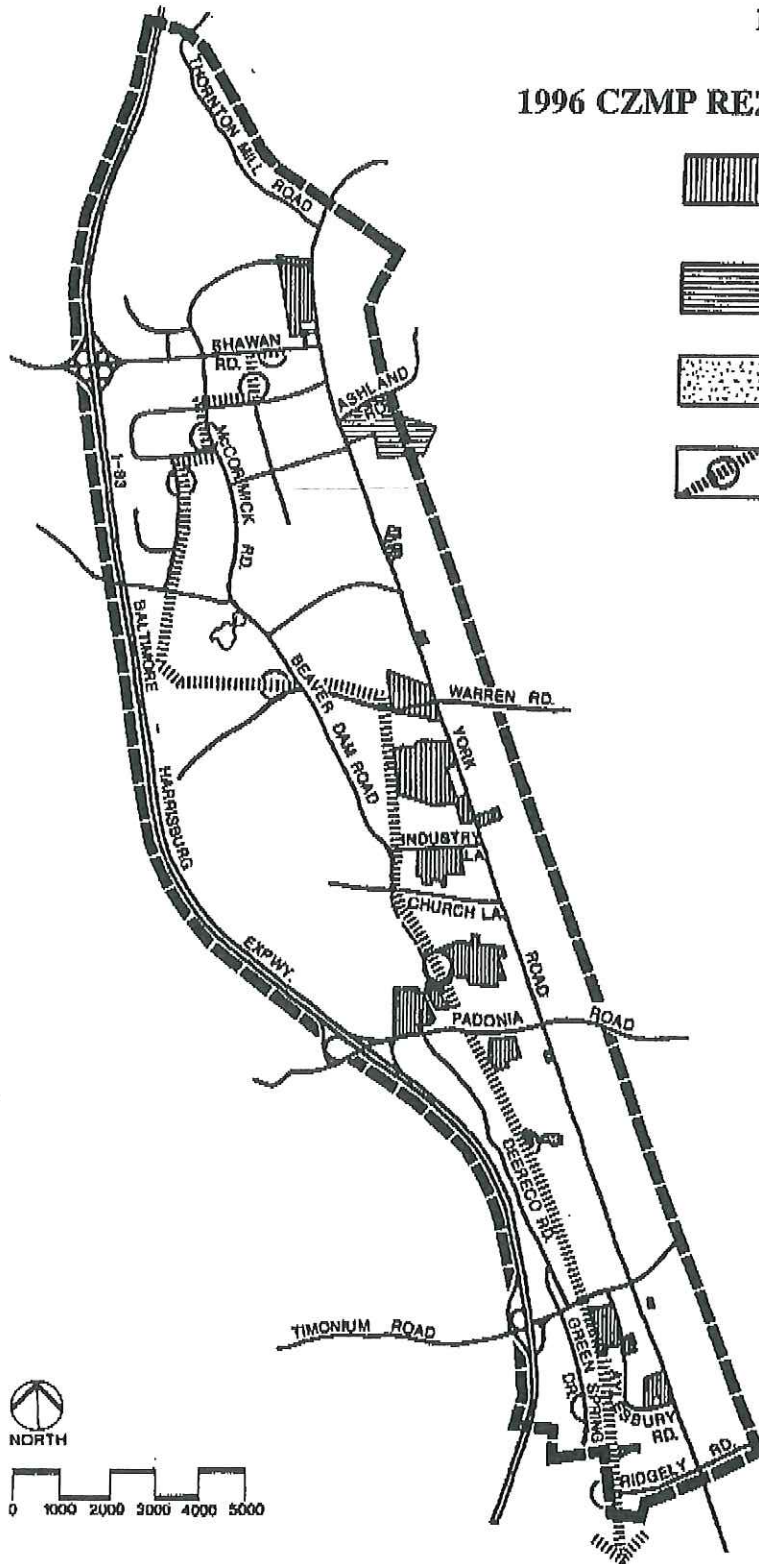
Action 1: Retail developments which do not particularly promote transit use should be directed to existing retail areas which are in need of revitalization, or are underutilized, or to commercial nodes, as discussed below. Other retail centers within the larger market area may also be more appropriate locations to accommodate new retail development, such as the former Hutzlers building, and Towson Marketplace.

Action 2: Retail development should be directed to established or proposed commercial nodes. This would allow traffic-generating commercial activities to be consolidated into specific locations along York Road, minimize the number of curb cuts and left turn maneuvers and thereby improve traffic flow. In addition to the existing shopping centers, designated major commercial nodes within the HV/T area are: 1) the Hunt Valley Mall, 2) Texas Station, a retail development proposed for a portion of the Genstar property,

MAP D

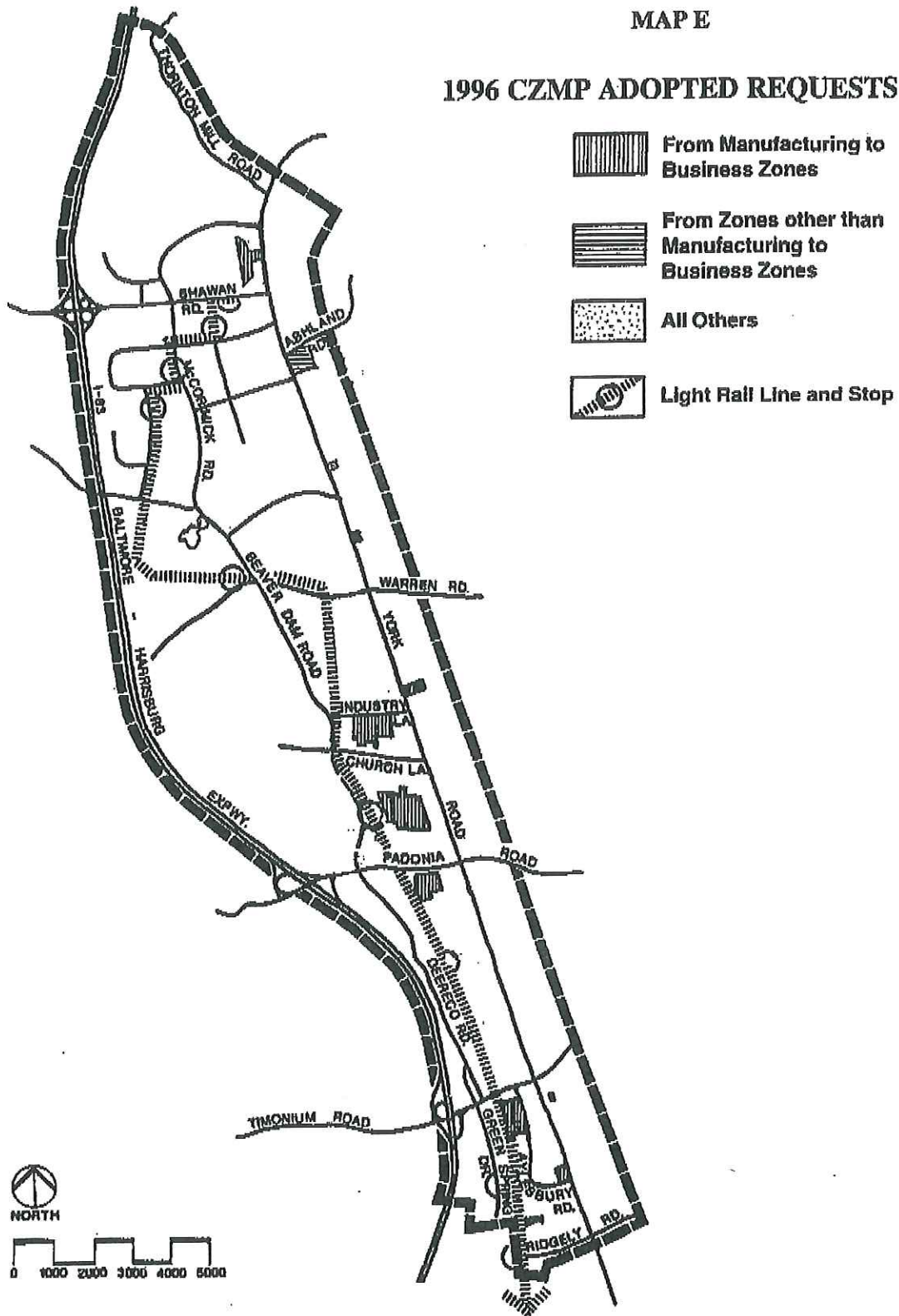
1996 CZMP REZONING REQUESTS

-  From Manufacturing to Business Zones
-  From Zones other than Manufacturing to Business Zones
-  All Others
-  Light Rail Line and Stop



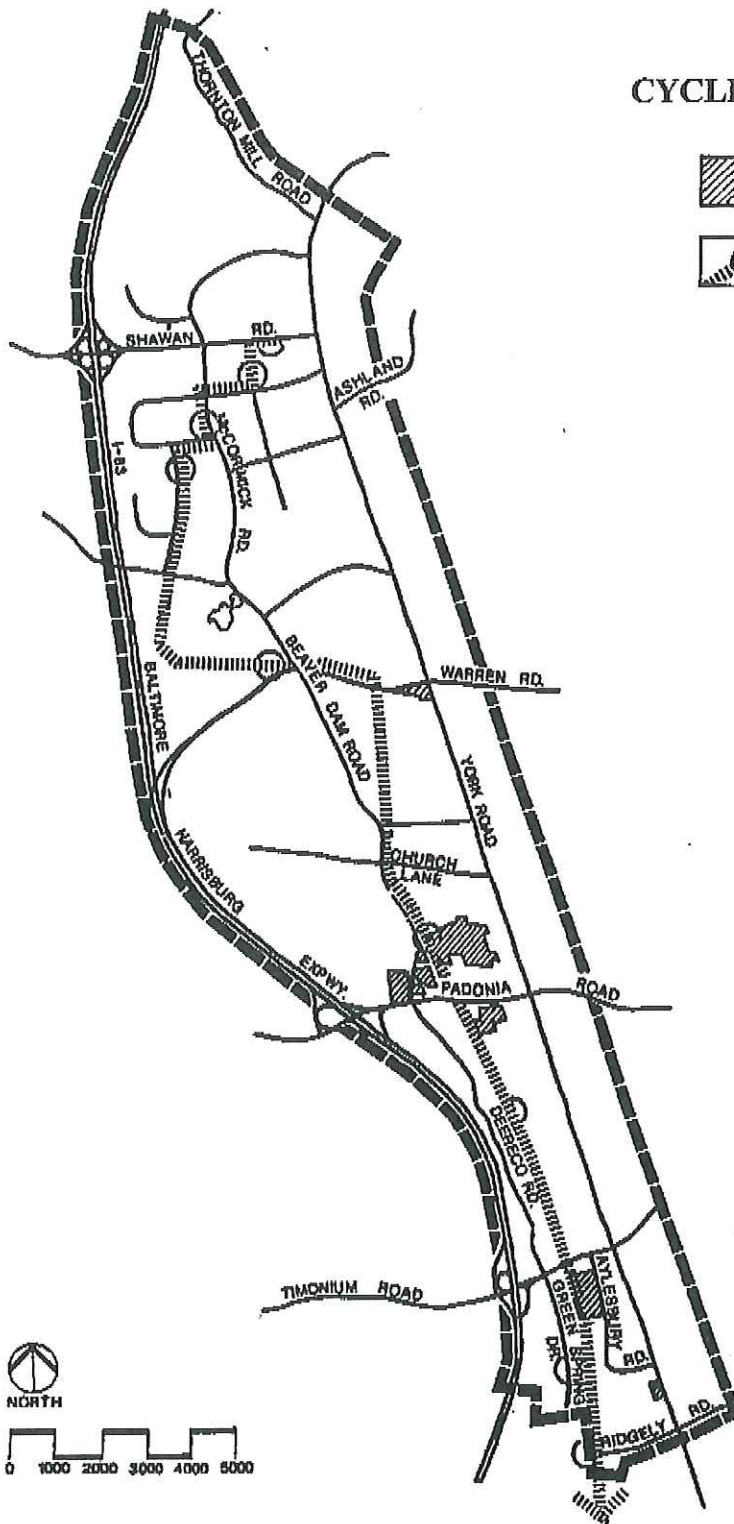
MAP E

1996 CZMP ADOPTED REQUESTS



MAP F
1992-1996
CYCLE ZONING ISSUES

-  From Manufacturing to Business Zones
-  Light Rail Line and Stop





Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 23, 2019

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, Maryland 21201

RE: Petition for Judicial Review
Circuit Court Civil Action No.: C-03-CV-19-003859
In the Matter of: Timonium SAB, LLC, et al.
Board of Appeals Case No.: 18-316-SPHX

Dear Counsel:

Kindly note that the Proceedings before the Administrative Law Judge and the Board of Appeals of Baltimore County have been filed with the Circuit Court for Baltimore County via the Maryland Electronic Courts and E-filing system. Enclosed is a copy for your records.

If you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script, reading "Tammy A. Zahner".

Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Kenneth J. Goodman/Timonium SAB, LLC
Brent M. Brubaker/Sheetz, Inc.
DGG Market, Inc.
7-Eleven, Inc.
Sarah Ragab/9709 Beaver Dam Road, LLC

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

*

*

PETITION OF:
TIMONIUM SAB, LLC, *et al.*

*

FOR JUDICIAL REVIEW OF THE DECISION
OF THE BOARD OF APPEALS
FOR BALTIMORE COUNTY

*

CIVIL ACTION
NO.: C-03-CV-19-003859

*

Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

*

*

IN THE MATTER OF:
TIMONIUM SAB, LLC – LEGAL OWNER AND
SHEETZ, INC., LESSEE AND PETITIONERS

*

Re: Petition for Special Hearing and
Special Exception on the property located
at 400 W. Padonia Road

*

*

BOARD OF APPEALS CASE NO.: 18-316-SPHX

* * * * *

**PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE
AND THE BOARD OF APPEALS OF BALTIMORE COUNTY**

TO THE HONORABLE, THE JUDGE OF SAID COURT:

And now comes the Board of Appeals of Baltimore County and, in answer to the Petition for Judicial Review directed against it in this case, herewith transmits the record of proceedings had in the above-entitled matter, consisting of the original papers on file in the Department of Permits, Approvals and Inspections and the Board of Appeals of Baltimore County:

**ENTRIES FROM THE DOCKET OF THE BOARD OF APPEALS AND
DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
OF BALTIMORE COUNTY**

May 16, 2018 Petition for Special Exception filed by Jason T. Vettori, Esquire on behalf of Timonium SAB, LLC, Legal Owner, and Sheetz, Inc., Lessee, to approve (1) a fuel service station under Sections 253 and 405 of the BCZR; and (2) for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County; and

Petition for Special Hearing pursuant to Section 500.7 of the BCZR to (1) request confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and (2) the minimum number of off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and (3) for such other and further relief as may be deemed necessary by the Administrative Law Judge for Baltimore County.

May 31, 2018	Entry of Appearance filed by People's Counsel for Baltimore County.
June 13, 2018	Notice of Zoning Hearing
June 22, 2018	Certificate of Posting
June 27, 2018	Letter to PAI from Michael R. McCann, Esquire requesting a postponement.
June 28, 2018	Certificate of Publication in newspaper
June - July 2018	Miscellaneous scheduling e-mails
July 18, 2018	Entry of Appearance filed by Caroline L. Hecker, Esquire and Gerard J. Gaeng, Esquire on behalf of 7-Eleven, Inc.
August 1, 2018	New Notice of Zoning Hearing
September 5, 2018	Certificate of Posting
September 6, 2018	Certificate of Publication in newspaper
September 19, 2018	ZAC Comments
September 24, 2018	Second Certificate of Posting
September 26, 2018	Administrative Law Judge convened for a hearing.
October 2, 2018	Opinion and Order issued by the Administrative Law Judge wherein the Petition for Special Hearing and the Petition for Special Exception were GRANTED, with conditions.

October 31, 2018	Entry of Appearance and Notice of Appeal filed by Adam D. Baker, Esquire, Caroline L. Hecker, Esquire and Gerard J. Gaeng, Esquire on behalf of 7-Eleven, Inc., and 9709 Beaver Dam Road, LLC, Protestants.
November 1, 2018	Notice of Appeal filed by Michael R. McCann, Esquire on behalf of DGG Market, Inc., Protestant.
November 1, 2018	Appeal received by the Board.
November 15, 2018	Notice of Assignment issued by the Board.
November 20, 2018	Letter from Michael R. McCann, Esquire requesting a postponement.
December 14, 2018	Notice of Postponement and Reassignment issued by the Board.
January 3, 2019	Letter to Board from Jason T. Vettori, Esquire entering his appearance on behalf of Timonium SAB, LLC and Sheetz, Inc. and requesting a postponement of hearing dates.
January 10, 2019	Notice of Postponement and Reassignment issued by the Board.
January 23, 2019	Amended Notice of Assignment issued by the Board.
March 11, 2019	Subpoenas issued by the Board to Baltimore County staff at the request of Jason T. Vettori, Esquire.
March 27, 2019	Notice of Assignment issued by the Board.
April 2, 2019	E-mail to Board from Michael R. McCann, Esquire requesting a postponement of the second hearing date.
April 3, 2019	E-mail to Board from Jason T. Vettori, Esquire objecting to postponement request.
April 9, 2019	E-mail to counsel from Board granting postponement due to conflict of Board Members.
April 11-17, 2019	Miscellaneous scheduling e-mails.
April 18, 2019	Amended Notice of Reassignment issued by the Board.
June 4, 2019	Subpoenas issued by the Board to Baltimore County staff at the request of Jason T. Vettori, Esquire.

June 6, 2019 Board convened for a Hearing, Day 1.

June 12, 2019 Motion *in Limine* to Exclude Evidence filed by Adam D. Baker, Esquire, Caroline L. Hecker, Esquire and Gerard J. Gaeng, Esquire on behalf of 7-Eleven, Inc. and 9709 Beaver Dam Road.

June 18, 2019 Board convened for a Hearing, Day 2.

Exhibits submitted at Hearings before the Board of Appeals:

Petitioner's Exhibit No.

- 1 – Plan to Accompany Request for Zoning Hearing, March 2018
- 2 – Redlined Plan to Accompany Request for Zoning Hearing, March 2018
- 3 – Zoning Advisory Committee (ZAC) Comments 7/20/18
- 4 – ZAC Comments 8/23/18
- 5 – Letter from Wolcott (MDOT) to Lewis-no objection 5/25/18
- 6 – DEPS comment – no comment 6/7/18
- 7 – Development Plans Review (DPR) – 3 comments 6/21/18
- 8 – Revised DPR comment – 2 comments 10/24/18
- 9 – Memorandum from Zoning Review 5/18/18
- 10 – CZMP Log of Issues (page 11 of 33) 9/13/16
- 11 – Blow-up of Transect MP 2020 of general corridor
- 12 – SDAT info for DGG Market, Inc.
- 13 – Graul's Market locations
- 14 – History of Graul's Market
- 15 – Robert G. Bathurst, P.E. curriculum vitae
- 16 – Baltimore County – My Neighborhood area map
- 17 – Schematic Landscape Plan – approved on 5/9/19
- 18 – Proposed exterior elevations – Sheetz September 2018
- 19 – Vicinity aerial prepared by Sheetz and confirmed by Century Engineering
- 20 – Plan to Accompany Petition for Special Exception – Royal Farms #191
NOT ADMITTED
- 21 – Photos of Royal Farms #191 post-construction
NOT ADMITTED
- 22 – Letter from Wolcott (MDOT) approval with comments 3/20/19
- 23 – E-mails confirming TIS was accepted by DPR
- 24 – Minutes of Baltimore County Council 5/6/19
- 25 – E-mails between Vettori and Carski
NOT ADMITTED

- 26 – Kelly M. Kosino P.E. curriculum vitae
- 27 – County Level-of-Service Ratings 6/5/19
- 28 – DPW Methodology used to Determine Geographic Limits of
Traffic Areas Around Deficient Intersections
- 29 – 2018 Basic Service Map - Transportation: Final Report
- 30 – 2018 Basic Services Map – Transportation Zones
- 31 – Basic Services Map for 2 intersections
- 32 – 2019 Basic Services Map – Transportation Zones
NOT ADMITTED
- 33 – Development Plan for 9690 Deereco Road
- 34 – Traffic Impact Analysis 2/8/18
- 35 – Traffic Impact Analysis 3/26/19
- 36 – 2019 Basic Services Map – Transportation Zones
- 37 – SHA Guidelines for Traffic Impact Reports/Studies
- 38 – E-mail thread between Carski and Barry King 1/11/18
- 39 – Land Use Code 960 Proposed Site Usage AM & PM Peak
Hours
- 40 – Michael J. Pieranunzi, RLA curriculum vitae
- 41 – County Council Bill 15-19, effective 6/5/19
- 42 – County Council Minutes 5/23/19 (Bill 15-19 approved)
- 43 – E-mail thread between Pieranunzi and Carski 6/17-18/19
regarding level of service for intersection
NOT ADMITTED
- 44 – MDOT SHA I-83 Project Announcement – Fall 2017.
- 45 – SHA Project Primary Purpose and Associated Improvements
I-83
- 46 – SHA Existing and Future Typical Sections
- 47 – Legends with I-83 Improvements (1987 – 2017)
- 48 – County Council Bill 40-67
- 49 – County Council Bill 172-93
- 50 – Citizen's sign-in sheet for ALJ Hearing
- 51 – BCZR Section 405 Fuel Service Stations
- 52 – County Council Bill 78-02

Protestant DGG Market, Inc. Exhibit No.

- 1 – Building Use Plan
- 2 – Trip Generation Manual – Land Use 960 (page 402)
- 3 – BCZR Section 253.1 (Uses permitted as of right.)
- 4 – BCZR Section 253.2 (Uses permitted by special exception.)
- 5 – BCZR Section 259.1-2 (Districts)
- 6 – Existing Land Use and Zoning: York Road to I-83
- 7 – Webster's Dictionary 3rd edition definition of auxiliary
- 8 – Petition for Reclassification for Parcels 3-A, 4-A, 4-B, 4-C &
4-D; Genstar Texas Quarry

9 – Excerpts of Hunt Valley / Timonium Master Plan

Protestant 7-Eleven, Inc. Exhibit No.

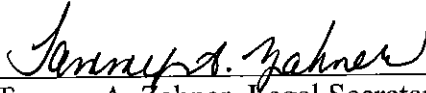
- 1 – County Council Bill 12-19
- 2 – 2019 Basic Services Map – Transportation Zones
- 3 – Petition to deny Sheetz on Padonia and Beaverdam Road
- 4 – Dale Kowalewski written statement
- 5 – Devon C. Hahn, P.E. curriculum vitae
- 6 – Proposed Sheetz Entrance on W. Padonia Road
- 7 – Proposed Sheets Auto Turn Movements for SU-30
- 8 – Proposed Sheetz Auto Turn Movements for WB-40

July 31, 2019	Petitioner's Closing Memorandum in Lieu of Closing Argument filed by Jason T. Vettori, Esquire on behalf of Timonium SAB, LLC, Property Owner, and Sheetz, Inc., Lessee.
July 31, 2019	Protestant DGG Market, Inc.'s Post-Hearing Memorandum filed by Michael R. McCann, Esquire.
July 31, 2019	Post-Hearing Memorandum of Respondents 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC filed by Adam D. Baker, Esquire, Caroline L. Hecker, Esquire and Gerard J. Gaeng, Esquire.
August 20, 2019	Board convened for Public Deliberation.
September 18, 2019	Opinion and Order issued by the Board wherein the Petition for Special Exception to approve a fuel service station was DENIED; and the Petition for Special Hearing was DISMISSED AS MOOT.
October 17, 2019	Petition for Judicial Review filed in the Circuit Court for Baltimore County by Jason T. Vettori, Esquire on behalf of Sheetz, Inc., Petitioner.
October 18, 2019	Circuit Court for Baltimore County acceptance of e-filed Petition for Judicial Review.
October 25, 2019	Copy of Petition for Judicial Review received from the Circuit Court for Baltimore County by the Board of Appeals.
October 30, 2019	Certificate of Compliance and notification letter sent to all parties.
December 23, 2019	Transcript of testimony filed.
December 23, 2019	Record of Proceedings filed in the Circuit Court for Baltimore County.

In the Matter of: Timonium SAB, LLC, et al.
Board of Appeals Case No.: 18-316-SPHX
Circuit Court Civil Action No.: C-03-CV-19-003859

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Record of Proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court, together with exhibits entered into evidence before the Board.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of December, 2019 a copy of the foregoing was mailed first class mail, postage prepaid, or inter-office mail to the following:

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

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

Kenneth J. Goodman
Timonium SAB, LLC
1001 E. Telecom Drive
Boca Raton, FL 33431

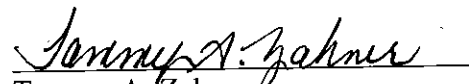
Brent M. Brubaker
Sheetz, Inc.
5700 Sixth Avenue
Altoona, PA 16602

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, MD 21204

DGG Market, Inc.
7713 Bellona Avenue
Ruxton, MD 21204

7-Eleven, Inc.
P.O. Box 219088
Dallas, TX 75211

Sarah Ragab
9709 Beaver Dam Road, LLC
9709 Beaver Dam Road
Timonium, MD 21093


Tammy A. Zahner

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

*

*

PETITION OF:
TIMONIUM SAB, LLC, *et al.*

*

FOR JUDICIAL REVIEW OF THE DECISION
OF THE BOARD OF APPEALS
FOR BALTIMORE COUNTY

*

CIVIL ACTION
NO.: C-03-CV-19-003859

*

Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

*

*

IN THE MATTER OF:
TIMONIUM SAB, LLC – LEGAL OWNER AND
SHEETZ, INC., LESSEE AND PETITIONERS

*

*

Re: Petition for Special Hearing and
Special Exception on the property located
at 400 W. Padonia Road

*

*

BOARD OF APPEALS CASE NO.: 18-316-SPHX

* * * * *

CERTIFICATE OF COMPLIANCE

Madam Clerk:

Pursuant to the Provisions of Rule 7-202(d) of the *Maryland Rules*, the Board of Appeals of Baltimore County has given notice by mail of the filing of the Petition for Judicial Review to the representative of every party to the proceeding before it; namely:

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

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 West Pennsylvania Avenue
Towson, MD 21204

Adam M. Baker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

Caroline L. Hecker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

In the Matter of: Timonium SAB, LLC, et al.
Board of Appeals Case No.: 18-316-SPHX
Circuit Court Civil Action No.: C-03-CV-19-003859

2

Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

Kenneth J. Goodman
Timonium SAB, LLC
1001 E. Telecom Drive
Boca Raton, FL 33431

Brent M. Brubaker
Sheetz, Inc.
5700 Sixth Avenue
Altoona, PA 16602

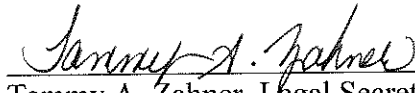
Sarah Ragab
9709 Beaver Dam Road, LLC
9709 Beaver Dam Road
Timonium, MD 21093

7-Eleven, Inc.
P.O. Box 219088
Dallas, TX 75211

DGG Market, Inc.
7713 Bellona Avenue
Ruxton, MD 21204

A copy of said Notice is attached hereto and prayed that it may be made a part hereof.

I HEREBY CERTIFY that on this 30th day of October, 2019, a copy of the foregoing was mailed first class mail, postage prepaid, to the individuals listed above.



Tammy A. Zahner, Legal Secretary
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
appealsboard@baltimorecountymd.gov



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

October 30, 2019

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, Maryland 21201

RE: Petition for Judicial Review
Circuit Court Case No.: C-03-CV-19-003859
In the Matter of: Timonium SAB, LLC – Legal Owner and
Sheetz, Inc. – Lessee and Petitioners
Board of Appeals Case No.: 18-316-SPHX

Dear Counsel:

Notice is hereby given, in accordance with the Maryland Rules, that a Petition for Judicial Review was filed by Jason T. Vettori, Esquire on behalf of Sheetz, Inc., in the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered in the above matter. The County Board of Appeals received written notification of acceptance from the Circuit Court for Baltimore County on October 25, 2019. Any party wishing to oppose the petition must file a response with the Circuit Court for Baltimore County within 30 days after the date of this letter, pursuant to the Maryland Rules.

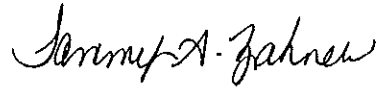
In accordance with the Maryland Rules, the Board of Appeals is required to submit the record of proceedings of the Petition for Judicial Review within 60 days. The transcript has already been provided by Counsel. Additional copies can be purchased from the Board of Appeals in accordance with the County's copying policy.

In the Matter of: Timonium SAB, LLC – Legal Owner and
Sheetz, Inc. – Lessee and Petitioners
Board of Appeals Case No.: 18-316-SPHX
Circuit Court Civil Action No.: C-03-CV-19-003859

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A copy of the Certificate of Compliance has been enclosed for your convenience.

Very truly yours,



Tammy A. Zahner
Legal Secretary

Multiple Original Cover Letters
Enclosure

c: Kenneth J. Goodman/Timonium SAB, LLC
Brent M. Brubaker/Sheetz, Inc.
7-Eleven, Inc.
Sarah Ragab/9709 Beaver Dam Road, LLC
DGG Market, Inc.

PETITION OF:
TIMONIUM SAB, LLC
1001 East Telecom Drive
Boca Raton, FL 33431
Legal Owner
SHEETZ, INC
Lessee
5700 Sixth Avenue
Altoona, PA 16602

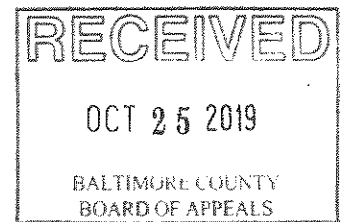
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*

FOR JUDICIAL REVIEW OF THE DECISION OF THE
COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

* Civil Action No.: C-03-CV-19-003859
*

IN THE MATTER OF:
TIMONIUM SAB, LLC, LEGAL OWNER AND SHEETZ,
INC., LESSEE AND PETITIONERS

*
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*
*



RE: Petition for Special Hearing and Special Exception on the
property located at 400 W. Padonia Road

County Board of Appeals Case No. 18-316-SPHX

* * * * *

PETITION FOR JUDICIAL REVIEW

Petitioner, Sheetz, Inc., by and through their attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, requests judicial review of the Opinion of the Board of Appeals for Baltimore County dated September 18, 2019, a copy of which is attached as Exhibit A, in the above referenced matter. Petitioner was a party below and fully participated, individually and through counsel, in the proceedings.

This Petition is filed pursuant to Rules 7-201, et seq. of the Maryland Rules of Procedure.



JASON T. VETTORI
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com
CPF # 0006210447

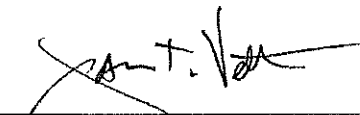
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 2019, a copy of the foregoing Petition for Judicial Review was mailed, via first class mail to:

Michael R. McCann, Esquire
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, MD 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

Krysundra Cannington, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204



JASON T. VETTORI

IN THE MATTER OF	*	BEFORE THE
TIMONIUM SAB, LLC, LEGAL OWNER AND	*	BOARD OF APPEALS
SHEETZ, INC., LESSEE AND PETITIONERS	*	OF
FOR SPECIAL HEARING AND SPECIAL	*	BALTIMORE COUNTY
EXCEPTION ON THE PROPERTY LOCATED	*	CASE NO: 18-316-SPHX
AT 400 W. PADONIA ROAD		
8 TH ELECTION DISTRICT		
3 RD COUNCILMANIC DISTRICT		

* * * * *

OPINION

This case comes to the Board of Appeals from a final Opinion and Order dated October 2, 2018, issued by Administrative Law Judge John E. Beverungen (the "ALJ") wherein he approved the Petition for Special Hearing for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and Petition for Special Exception to approve a fuel service station on the property located at 400 W. Padonia Road.

Subsequent to the filing of the Petition and prior to the Board of Appeals hearing, the County Council enacted legislation resolving the subject matter at issue for the Special Hearing, leaving only the Special Exception relief for the Board's consideration.

The hearing in front of the Board occurred on June 6 and June 18, 2019. Petitioners were represented by Jason T. Vettori, Esquire, of Schmidt, Gildea and Schmidt, P.A. Michael R. McCann, Esquire appeared as counsel for Protestant DGG Market, Inc. Adam D. Baker, Esquire



In the matter of: Timonium SAB, LLC, Legal Owner

Sheetz, Inc., Lessee

Case No: 18-316-SPHX

and Caroline L. Hecker, Esquire of Rosenberg Martin Greenberg, LLP appeared on behalf Protestants 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC.

Petitioners presented the following witnesses: Jenifer Nugent, Division Chief for Development Review and Strategic Planning within the County Department of Planning; Michael LaCesa, Regional Director of Real Estate for Sheetz; Robert Bathurst, a professional engineer for Century Engineering (received as an expert in zoning, development, and engineering); Kelly Kosino, a senior engineer for Century Engineering (received as an expert in traffic engineering); and Michael Pieranunzi, a registered landscape architect and vice-president for Century Engineering (received as an expert in zoning, development, landscape architecture and master planning).

For their collective witnesses, Protestants presented: Dale Kowalewski, a supporter of the nearby 7-11; Sarah Ragab, a manager at the nearby 7-11; Devon Hahn, a senior transportation engineer for Sabra & Associates (received as an expert in traffic engineering); and Christopher Jakubiak, president of Jakubiak & Associates (received as an expert in planning and zoning).

The property at issue is zoned Manufacturing Local, with an Industrial Major overlay (ML-IM). The subject location is at the northwest corner of Padonia Road and Beaver Dam Road, with I-83 to its west, and is primarily and immediately surrounded by other ML-IH-zoned properties, with the lone exception located cater-corner to the southeast, which is zoned MLR. The ML-IH-zoned area extends beyond the subject property to the north, up to Shawan Road and south to Wellco Road (close to the I-695 Beltway). The ML-IH zone is confined between I-83 to the west and Beaver Dam Road and/or the Light Rail to the east. There are areas in the ML-IH zone that may be fairly characterized as commercial to the northeast and southeast of Beaver Dam Road close to the subject property.

A question arose early in the hearing: whether the proposed use qualifies as a *fuel service station* or an *automotive service station* under the Baltimore County Zoning Regulations (BCZR). That answer dictates whether Petitioners would have to satisfy BCZR §253.2(B)(1) as part of the special exception hearing in addition to the requirements under Section 405 and, of course, the factors set forth in BCZR §502.1. Petitioner alleges that Bill No. 172-93 amended BCZR and replaced "*automotive service station*" with the term "*fuel service station*", thus in effect repealing the words "*automotive service station*" and rendering that term of no effect.

For the reasons that follow, the Board concludes that the proposed use is a fuel service station under the BCZR and therefore, Petitioners are required to satisfy with BCZR §253.2(B)(1) as part of the special exception hearing.

By way of background, BCZR §253.1 concerns uses by right in a M.L. zone. Section 253.1(C) approves by right of a fuel service station, but only if located in a planned industrial park, which the subject property is not. As is relevant to Petitioners' argument in this case, BCZR §253.1 does not identify automotive service station. Section 253.2 governs uses permitted by special exception. Subsection (B) states:

The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: 1. Automotive-service stations, subject, further, to the provisions of Section 405. ...

As noted above, the subject property is not located within a planned industrial park; however, it does sit within an I.M. District, thus giving rise to the question of whether this proposed use is an "automotive service station" that requires the Petitioners to prove that the proposed use will serve primarily the industrial uses and related activities in the surrounding industrial area.

Petitioners imply some conflict between the provisions of BCZR §253.1 and §253.2 and that within §405.2, entitled “Locations in which fuel service stations are permitted.” Section 405.2 states : “Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4,” and specifically identifies an IM zone inside the urban-rural demarcation line (URDL) as such a location. Without question, the subject property is within the URDL.

To avoid this consequence, Petitioners attempt to distract by arguing, correctly, that specific provisions control the general provisions. However, akin to that tenet of statutory construction, here, the facts control the general application of law.

“The cardinal rule of statutory interpretation is to ascertain and effectuate the intent of the Legislature.” Rosemann v. Salsbury, Clements, Bekman, Marder & Adkins, LLC, 412 Md. 308, 314; 987 A.2d 48, 52 (2010) (citation omitted). “Statutory construction begins with the plain language of the statute, and ordinary, popular understanding of the English language.” Id. at 314–15, 987 A.2d at 52 (citations omitted). In interpreting a statute, a court first looks to the language, applying it where the statute’s language “is unambiguous and clearly consistent with the statute’s apparent purpose[.]” Motor Vehicle Admin. v. Gonce, 446 Md. 100, 110, 130 A.3d 436, 442 (2016); quoting Lark v. Montgomery Hospice, Inc., 414 Md. 215, 227, 994 A.2d 968, 975 (2010) (citation omitted). As is well established under Maryland law, canons of statutory interpretation forbid construction of a statute so that a word, clause, sentence, or phrase is rendered surplusage, superfluous, meaningless, or nugatory. Oglesby v. State, 441 Md. 673; 109 A.3d 1147 (2015).

Under Maryland law, “when two statutes, one general and one specific, are found to conflict, the specific statute will be regarded as an exception to the general statute.” State v. Roshchin, 446 Md. 128, 142; 130 A.3d 453, 461 (2016), quoting, Maryland-Nat’l Capital Park &

Planning Comm'n v. Anderson, 395 Md. 172, 194, 909 A.2d 694 (2006) (quoting State v. Ghajari, 346 Md. 101, 116; 695 A.2d 143 (1997)). Furthermore, as recently stated by the Court of Appeals, when two statutes apply to the same situation, then the court will attempt to harmonize the statutes. Blackstone v. Sharma, 461 Md. 87, 93; 191 A.3d 1188, 1191 (2018). The Blackstone Court further established:

“Courts presume that the legislature intends its enactments to operate together as a consistent and harmonious body of law. Thus, when two statutes appear to apply to the same situation, the Court will attempt to give effect to both statutes to the extent that they are reconcilable. Nevertheless, if two statutes contain an irreconcilable conflict, the statute whose relevant substantive provisions were enacted most recently may impliedly repeal any conflicting provision of the earlier statute.

Id.

The phrase “automotive service station” appears 11 times in the BCZR, while “fuel service station” appears 14 times. The earliest references to “automotive service station” start with legislation from 1967 (Bill No. 40-1967). The earliest references to “fuel service station” start with legislation enacted in 1993 (Bill No. 172-1993). Bill No. 172-1993, now Section 405 (“Fuel Service Station”), addressed the change in service station business practices, particularly the elimination of repair garages and the inclusion of convenience stores and/or car washes as part of service station. The statement of legislative findings and policy (§405.1(C)) states:

The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that “service” motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. **To better reflect the evolving role of this use, the name of “automotive service station” is being changed to “fuel service station,”** and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations. (emphasis added).

As made abundantly clear by the statement of legislative findings and policy, the County Council intended for all references to "automotive service station" to be tantamount to "fuel service station." Consequently, all regulations that apply to an "automotive service station" to apply to a "fuel service station." Notably, the County Council's elimination of "automotive service station" from and addition of "fuel service station" to the definitions in BCZR §101.1 further supports the Board's conclusion on this point.

Petitioners also assert the County Council intended to distinguish "automotive service station" from "fuel service station," and as such, the reference to automotive service station does not apply to the present petition, which is for a fuel service station. In addition to the reasoning above, Petitioners' argument fails for an additional reason. As noted in Bill No. 172-93,

Going back to §405.1(C), in connection with the change from automotive service station to fuel service station, the County Council stated "regulations which govern permitted ancillary uses are being amended...". Importantly, Bill No. 172-1993 amended BCZR §253.1 and §253.2(B). The amendment to BCZR §253.1 added "fuel service station in a planned industrial park, subject to Section 405" as a use permitted by right.

The County Council also amended the language in BCZR §253.2(B). In particular, the County Council removed language relating to "direct access to an arterial street other than a Class I Commercial Motorway." (Petitioner's Exhibit 49, Bill No. 172-1993). On the other hand, the County Council elected to forego any amendment or other change to the language concerning the threshold issue requiring satisfaction that the station primarily serve the industrial uses. By ignoring the language at issue while removing other language within the same provision, in conjunction with the express statement that references to automotive service station are being changed to fuel service station, the only conclusion for the Board to reach is that the County

Council intentionally decided to keep the requirement and apply it to proposed fuel service stations within the ML-IM zone.

Turning to the evidence presented on the relevant point, that is, the proposed "use will serve primarily the industrial uses and related activities in the surrounding industrial area," Petitioners have not presented sufficient evidence for the Board to make that finding. To the contrary, the evidence revealed that the fair expectation is that far more than the majority of the proposed Sheetz's customer base will consist of east-west passing traffic on Padonia Road coming to and from I-83.

Petitioners' evidence on this point originates from Mr. LaCesa, who simply testified in a conclusory manner that the uses are mostly for industrial and related activities. Mr. LaCesa testified that Petitioners did not undertake an analysis of the anticipated customers, percentages of fuel use to convenience store use, or otherwise provide some quantification regarding sources of potential customers by direction or location.

Mr. LaCesa acknowledged that the site's proximity to I-83 was a significant factor in selecting the subject site and admitted on cross-examination that more people will come to the site as passing traffic. While it may be fair to assume that the proposed Sheetz will attract some traffic from employees, business vehicles or patrons within the industrial zone, there is nothing in the record that persuades the Board that it constitutes a substantial, let alone primary, source for the proposed use's anticipated business. Mr. LaCesa also anticipated that most customers will arrive via car as opposed to walking, suggesting, its anticipated customer base will serve those traveling, which has been quantified to some degree, and less so a convenience store destination for nearby employees in nearby industrial office space, which has not been estimated in any event.

Padonia Road is an exit to/from I-83. As evidenced by the maps and acknowledged by Mr. LaCesa's testimony, there are "many" residential areas on the other side of I-83 that use Padonia Road. Similarly, there are employment, retail, and residential areas east of Beaver Dam/Deereco Road that use Padonia Road. The traffic impact study of Petitioner's expert, Ms. Kosino established that 78.7% of the existing traffic at the intersection closest to the subject site during AM peak hours is traveling east and west on Padonia Road as opposed to traffic north and south through the ML-IH zone.

In other words, based on this record, the Board is satisfied that most of the traffic on Padonia Road is coming from or going to areas not within the industrial zone. Sheetz would not primarily serve the industrial uses and related activities within the zone when at least "the majority," as per Mr. LaCesa, of its anticipated customers will come from passing traffic on Padonia Road. The opportunity from traffic coming from or heading north, already a minor portion of the traffic in the area close to the subject site, is further depleted by a competitor and additional access points to I-83. As such, the Board can only conclude that the proposed Sheetz will not primarily serve the industrial area and related activities within the industrial zone.

Conclusion

For the foregoing reasons, Petitioners have failed to present sufficient evidence that the proposed fuel service station will primarily serve the industrial uses and related activities in the surrounding industrial area. As such, the petitions for special hearing and special exception are DENIED.

In the matter of: Timonium SAB, LLC, Legal Owner
Sheetz, Inc., Lessee
Case No: 18-316-SPHX

ORDER

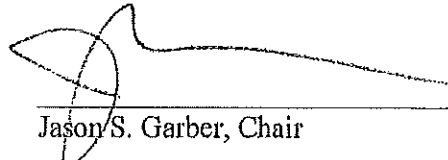
THEREFORE, IT IS THIS 18th day of September, 2019, by the
Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to approve a fuel service station, be
and the same is hereby **DENIED** for the reasons set forth herein, and it is further,

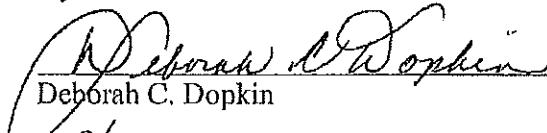
ORDERED, that the Petition for Special Hearing is **DISMISSED AS MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule
7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chair



Deborah C. Dopkin



Kendra Randall Jolivet

SMITH, GILDEA & SCHMIDT_{LLC}

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH**

* Admitted in MD, PA, FL
** Admitted in MD, NC

LAUREN D. BENJAMIN
CARMELO D. MORABITO
ZACHARY J. WILKINS
of counsel:
EUGENE A. ARBAUGH, JR.
MARY G. LOKER
STEPHEN J. NOLAN

October 18, 2019

Michael R. McCann, Esquire
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, MD 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
George J. Gaeng, Esquire
Rosenberg, Greenberg, Martin, LLP
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

Krysundra Cannington, Administrator
County Board of Appeals for Baltimore County
105 W. Chesapeake Avenue
Suite 203
Towson, MD 21204



**RE: Petition of Timonium SAB, LLC
Petition for Judicial Review**

Dear Counsel,

Enclosed please find a revised Petition for Judicial Review, filed in the Circuit Court for Baltimore County, in the above case. This document has a minor revision to the Petition sent yesterday, in that we have included an address for the Legal Owner of the property.

Should you have any questions or require additional information, please do not hesitate to contact me. With kind regards, I remain

Very truly yours,


Jason T. Vettori

JTV:kmb
Enclosure

PETITION OF:
TIMONIUM SAB, LLC
1001 East Telecom Drive
Boca Raton, FL 33431
Legal Owner
SHEETZ, INC
Lessee
5700 Sixth Avenue
Altoona, PA 16602

FOR JUDICIAL REVIEW OF THE DECISION OF THE
COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

IN THE MATTER OF:
TIMONIUM SAB, LLC, LEGAL OWNER AND SHEETZ,
INC., LESSEE AND PETITIONERS

RE: Petition for Special Hearing and Special Exception on the
property located at 400 W. Padonia Road

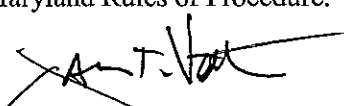
County Board of Appeals Case No. 18-316-SPHX

* * * * *

PETITION FOR JUDICIAL REVIEW

Petitioner, Sheetz, Inc., by and through their attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, requests judicial review of the Opinion of the Board of Appeals for Baltimore County dated September 18, 2019, a copy of which is attached as Exhibit A, in the above referenced matter. Petitioner was a party below and fully participated, individually and through counsel, in the proceedings.

This Petition is filed pursuant to Rules 7-201, et seq. of the Maryland Rules of Procedure.



JASON T. VETTORI
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com
CPF # 0006210447

* THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
*
* Civil Action No.: _____
*
*
*
*
*
*



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of October, 2019, a copy of the foregoing Petition for

Judicial Review was mailed, via first class mail to:

Michael R. McCann, Esquire
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, MD 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
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25 S. Charles Street
Suite 2115
Baltimore, MD 21201

Krysundra Cannington, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204



JASON T. VETTORI

PETITION OF:
TIMONIUM SAB, LLC
Legal Owner
SHEETZ, INC
Lessee
5700 Sixth Avenue
Altoona, PA 16602

* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

Deficient per Rule 20-203(d). Unless corrected, not a valid pleading or paper

FOR JUDICIAL REVIEW OF THE DECISION OF THE
COUNTY BOARD OF APPEALS FOR
BALTIMORE COUNTY
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

* C-03-CV-19-003859
* Civil Action No.: _____

IN THE MATTER OF:
TIMONIUM SAB, LLC, LEGAL OWNER AND SHEETZ,
INC., LESSEE AND PETITIONERS

RE: Petition for Special Hearing and Special Exception on
the property located at 400 W. Padonia Road

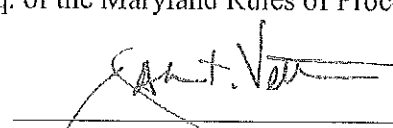
County Board of Appeals Case No. 18-316-SPHX

* * * * *

PETITION FOR JUDICIAL REVIEW

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This Petition is filed pursuant to Rules 7-201, et seq. of the Maryland Rules of Procedure.



JASON T. VETTORI
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com
CPF # 0006210447

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of **October, 2019**, a copy of the foregoing

Petition for Judicial Review was mailed, via first class mail to:

Michael R. McCann, Esquire
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Towson, MD 21204

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Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street
Suite 2115
Baltimore, MD 21201

Krysundra Cannington, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204



JASON T. VETTORI

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

* **Civil Action No.:** _____

* * *

RECEIVED

OCT 21 2019

BALTIMORE COUNTY
BOARD OF APPEALS

*

* * * * *

PETITION FOR JUDICIAL REVIEW

This Petition is filed pursuant to Rules 7-201, et seq. of the Maryland Rules of Procedure.

JASON T. VETTORI
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com
CPF # 0006210447

CERTIFICATE OF SERVICE

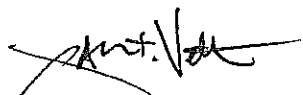
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Petition for Judicial Review was mailed, via first class mail to:

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Baltimore, MD 21201

Krysundra Cannington, Administrator
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204



JASON T. VETTORI



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

September 18, 2019

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204

Adam M. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

RE: In the Matter of: *Timonium SAB, LLC – Legal Owner*
Sheetz, Inc. – Lessee
Case No.: 18-316-SPHX

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **WITH A PHOTOCOPY PROVIDED TO THIS OFFICE CONCURRENT WITH FILING IN CIRCUIT COURT.** Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,


Krysundra "Sunny" Cannington
Administrator

KLC/taz
Enclosure
Multiple Original Cover Letters

c: See Distribution List Attached

In the Matter of: *Timonium SAB, LLC – Legal Owner*
Sheetz, Inc. – Lessee

2

Case No.: 18-316-SPHX

Distribution List

September 18, 2019

Kenneth J. Goodman/Timonium SAB, LLC

Brent M. Brubaker/Sheetz, Inc.

7-Eleven, Inc.

Sarah Ragab/9709 Beaver Dam Road, LLC

DGG Market, Inc.

Harry Carver

Barry Buchoff

Eric Rockel

George Linthicum

Janet Wiser

Office of People's Counsel

C. Pete Gutwald, Director/Department of Planning

Paul Mayhew, Managing Administrative Law Judge

Michael D. Mallinoff, Director/PAI

Nancy C. West, Assistant County Attorney/Office of Law

Michael E. Field, County Attorney/Office of Law

IN THE MATTER OF	*	BEFORE THE
TIMONIUM SAB, LLC, LEGAL OWNER AND	*	BOARD OF APPEALS
SHEETZ, INC., LESSEE AND PETITIONERS	*	
FOR SPECIAL HEARING AND SPECIAL	*	OF
EXCEPTION ON THE PROPERTY LOCATED	*	
AT 400 W. PADONIA ROAD	*	BALTIMORE COUNTY
8 TH ELECTION DISTRICT	*	
3 RD COUNCILMANIC DISTRICT	*	CASE NO: 18-316-SPHX

* * * * *

OPINION

This case comes to the Board of Appeals from a final Opinion and Order dated October 2, 2018, issued by Administrative Law Judge John E. Beverungen (the "ALJ") wherein he approved the Petition for Special Hearing for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and Petition for Special Exception to approve a fuel service station on the property located at 400 W. Padonia Road.

Subsequent to the filing of the Petition and prior to the Board of Appeals hearing, the County Council enacted legislation resolving the subject matter at issue for the Special Hearing, leaving only the Special Exception relief for the Board's consideration.

The hearing in front of the Board occurred on June 6 and June 18, 2019. Petitioners were represented by Jason T. Vettori, Esquire, of Schmidt, Gildea and Schmidt, P.A. Michael R. McCann, Esquire appeared as counsel for Protestant DGG Market, Inc. Adam D. Baker, Esquire

and Caroline L. Hecker, Esquire of Rosenberg Martin Greenberg, LLP appeared on behalf Protestants 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC.

Petitioners presented the following witnesses: Jenifer Nugent, Division Chief for Development Review and Strategic Planning within the County Department of Planning; Michael LaCesa, Regional Director of Real Estate for Sheetz; Robert Bathurst, a professional engineer for Century Engineering (received as an expert in zoning, development, and engineering); Kelly Kosino, a senior engineer for Century Engineering (received as an expert in traffic engineering); and Michael Pieranunzi, a registered landscape architect and vice-president for Century Engineering (received as an expert in zoning, development, landscape architecture and master planning).

For their collective witnesses, Protestants presented: Dale Kowalewski, a supporter of the nearby 7-11; Sarah Ragab, a manager at the nearby 7-11; Devon Hahn, a senior transportation engineer for Sabra & Associates (received as an expert in traffic engineering); and Christopher Jakubiak, president of Jakubiak & Associates (received as an expert in planning and zoning).

The property at issue is zoned Manufacturing Local, with an Industrial Major overlay (ML-IM). The subject location is at the northwest corner of Padonia Road and Beaver Dam Road, with I-83 to its west, and is primarily and immediately surrounded by other ML-IH-zoned properties, with the lone exception located cater-corner to the southeast, which is zoned MLR. The ML-IH-zoned area extends beyond the subject property to the north, up to Shawan Road and south to Wellco Road (close to the I-695 Beltway). The ML-IH zone is confined between I-83 to the west and Beaver Dam Road and/or the Light Rail to the east. There are areas in the ML-IH zone that may be fairly characterized as commercial to the northeast and southeast of Beaver Dam Road close to the subject property.

A question arose early in the hearing: whether the proposed use qualifies as a *fuel service station* or an *automotive service station* under the Baltimore County Zoning Regulations (BCZR). That answer dictates whether Petitioners would have to satisfy BCZR §253.2(B)(1) as part of the special exception hearing in addition to the requirements under Section 405 and, of course, the factors set forth in BCZR §502.1. Petitioner alleges that Bill No. 172-93 amended BCZR and replaced “*automotive service station*” with the term “*fuel service station*”, thus in effect repealing the words “*automotive service station*” and rendering that term of no effect.

For the reasons that follow, the Board concludes that the proposed use is a fuel service station under the BCZR and therefore, Petitioners are required to satisfy with BCZR §253.2(B)(1) as part of the special exception hearing.

By way of background, BCZR §253.1 concerns uses by right in a M.L. zone. Section 253.1(C) approves by right of a fuel service station, but only if located in a planned industrial park, which the subject property is not. As is relevant to Petitioners’ argument in this case, BCZR §253.1 does not identify automotive service station. Section 253.2 governs uses permitted by special exception. Subsection (B) states:

The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: 1. Automotive-service stations, subject, further, to the provisions of Section 405. ...

As noted above, the subject property is not located within a planned industrial park; however, it does sit within an I.M. District, thus giving rise to the question of whether this proposed use is an “automotive service station” that requires the Petitioners to prove that the proposed use will serve primarily the industrial uses and related activities in the surrounding industrial area.

Petitioners imply some conflict between the provisions of BCZR §253.1 and §253.2 and that within §405.2, entitled “Locations in which fuel service stations are permitted.” Section 405.2 states : “Fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, as provided below and subject to Sections 405.3 and 405.4,” and specifically identifies an IM zone inside the urban-rural demarcation line (URDL) as such a location. Without question, the subject property is within the URDL.

To avoid this consequence, Petitioners attempt to distract by arguing, correctly, that specific provisions control the general provisions. However, akin to that tenet of statutory construction, here, the facts control the general application of law.

“The cardinal rule of statutory interpretation is to ascertain and effectuate the intent of the Legislature.” Rosemann v. Salsbury, Clements, Bekman, Marder & Adkins, LLC, 412 Md. 308, 314; 987 A.2d 48, 52 (2010) (citation omitted). “‘Statutory construction begins with the plain language of the statute, and ordinary, popular understanding of the English language.’” Id. at 314–15, 987 A.2d at 52 (citations omitted). In interpreting a statute, a court first looks to the language, applying it where the statute’s language “is unambiguous and clearly consistent with the statute’s apparent purpose[.]” Motor Vehicle Admin. v. Gonce, 446 Md. 100, 110, 130 A.3d 436, 442 (2016); quoting Lark v. Montgomery Hospice, Inc., 414 Md. 215, 227, 994 A.2d 968, 975 (2010) (citation omitted). As is well established under Maryland law, canons of statutory interpretation forbid construction of a statute so that a word, clause, sentence, or phrase is rendered surplusage, superfluous, meaningless, or nugatory. Oglesby v. State, 441 Md. 673; 109 A.3d 1147 (2015).

Under Maryland law, “when two statutes, one general and one specific, are found to conflict, the specific statute will be regarded as an exception to the general statute.” State v. Roshchin, 446 Md. 128, 142; 130 A.3d 453, 461 (2016), quoting, Maryland-Nat’l Capital Park &

Planning Comm'n v. Anderson, 395 Md. 172, 194, 909 A.2d 694 (2006) (quoting State v. Ghajari, 346 Md. 101, 116; 695 A.2d 143 (1997)). Furthermore, as recently stated by the Court of Appeals, when two statutes apply to the same situation, then the court will attempt to harmonize the statutes. Blackstone v. Sharma, 461 Md. 87, 93; 191 A.3d 1188, 1191 (2018). The Blackstone Court further established:

“Courts presume that the legislature intends its enactments to operate together as a consistent and harmonious body of law. Thus, when two statutes appear to apply to the same situation, the Court will attempt to give effect to both statutes to the extent that they are reconcilable. Nevertheless, if two statutes contain an irreconcilable conflict, the statute whose relevant substantive provisions were enacted most recently may impliedly repeal any conflicting provision of the earlier statute.

Id..

The phrase “automotive service station” appears 11 times in the BCZR, while “fuel service station” appears 14 times. The earliest references to “automotive service station” start with legislation from 1967 (Bill No. 40-1967). The earliest references to “fuel service station” start with legislation enacted in 1993 (Bill No. 172-1993). Bill No. 172-1993, now Section 405 (“Fuel Service Station”), addressed the change in service station business practices, particularly the elimination of repair garages and the inclusion of convenience stores and/or car washes as part of service station. The statement of legislative findings and policy (§405.1(C)) states:

The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that “service” motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. **To better reflect the evolving role of this use, the name of “automotive service station” is being changed to “fuel service station,”** and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations. (emphasis added).

As made abundantly clear by the statement of legislative findings and policy, the County Council intended for all references to “automotive service station” to be tantamount to “fuel service station.” Consequently, all regulations that apply to an “automotive service station” to apply to a “fuel service station.” Notably, the County Council’s elimination of “automotive service station” from and addition of “fuel service station” to the definitions in BCZR §101.1 further supports the Board’s conclusion on this point.

Petitioners also assert the County Council intended to distinguish “automotive service station” from “fuel service station,” and as such, the reference to automotive service station does not apply to the present petition, which is for a fuel service station. In addition to the reasoning above, Petitioners’ argument fails for an additional reason. As noted in Bill No. 172-93,

Going back to §405.1(C), in connection with the change from automotive service station to fuel service station, the County Council stated “regulations which govern permitted ancillary uses are being amended...”. Importantly, Bill No. 172-1993 amended BCZR §253.1 and §253.2(B). The amendment to BCZR §253.1 added “fuel service station in a planned industrial park, subject to Section 405” as a use permitted by right.

The County Council also amended the language in BCZR §253.2(B). In particular, the County Council removed language relating to “direct access to an arterial street other than a Class I Commercial Motorway.” (Petitioner’s Exhibit 49, Bill No. 172-1993). On the other hand, the County Council elected to forego any amendment or other change to the language concerning the threshold issue requiring satisfaction that the station primarily serve the industrial uses. By ignoring the language at issue while removing other language within the same provision, in conjunction with the express statement that references to automotive service station are being changed to fuel service station, the only conclusion for the Board to reach is that the County

Council intentionally decided to keep the requirement and apply it to proposed fuel service stations within the ML-IM zone.

Turning to the evidence presented on the relevant point, that is, the proposed “use will serve primarily the industrial uses and related activities in the surrounding industrial area,” Petitioners have not presented sufficient evidence for the Board to make that finding. To the contrary, the evidence revealed that the fair expectation is that far more than the majority of the proposed Sheetz’s customer base will consist of east-west passing traffic on Padonia Road coming to and from I-83.

Petitioners’ evidence on this point originates from Mr. LaCesa, who simply testified in a conclusory manner that the uses are mostly for industrial and related activities. Mr. LaCesa testified that Petitioners did not undertake an analysis of the anticipated customers, percentages of fuel use to convenience store use, or otherwise provide some quantification regarding sources of potential customers by direction or location.

Mr. LaCesa acknowledged that the site’s proximity to I-83 was a significant factor in selecting the subject site and admitted on cross-examination that more people will come to the site as passing traffic. While it may be fair to assume that the proposed Sheetz will attract some traffic from employees, business vehicles or patrons within the industrial zone, there is nothing in the record that persuades the Board that it constitutes a substantial, let alone primary, source for the proposed use’s anticipated business. Mr. LaCesa also anticipated that most customers will arrive via car as opposed to walking, suggesting, its anticipated customer base will serve those traveling, which has been quantified to some degree, and less so a convenience store destination for nearby employees in nearby industrial office space, which has not been estimated in any event.

Padonia Road is an exit to/from I-83. As evidenced by the maps and acknowledged by Mr. LaCesa's testimony, there are "many" residential areas on the other side of I-83 that use Padonia Road. Similarly, there are employment, retail, and residential areas east of Beaver Dam/Deereco Road that use Padonia Road. The traffic impact study of Petitioner's expert, Ms. Kosino established that 78.7% of the existing traffic at the intersection closest to the subject site during AM peak hours is traveling east and west on Padonia Road as opposed to traffic north and south through the ML-IH zone.

In other words, based on this record, the Board is satisfied that most of the traffic on Padonia Road is coming from or going to areas not within the industrial zone. Sheetz would not primarily serve the industrial uses and related activities within the zone when at least "the majority," as per Mr. LaCesa, of its anticipated customers will come from passing traffic on Padonia Road. The opportunity from traffic coming from or heading north, already a minor portion of the traffic in the area close to the subject site, is further depleted by a competitor and additional access points to I-83. As such, the Board can only conclude that the proposed Sheetz will not primarily serve the industrial area and related activities within the industrial zone.

Conclusion

For the foregoing reasons, Petitioners have failed to present sufficient evidence that the proposed fuel service station will primarily serve the industrial uses and related activities in the surrounding industrial area. As such, the petitions for special hearing and special exception are DENIED.

In the matter of: Timb...am SAB, LLC, Legal Owner
Sheetz, Inc., Lessee
Case No: 18-316-SPHX

ORDER

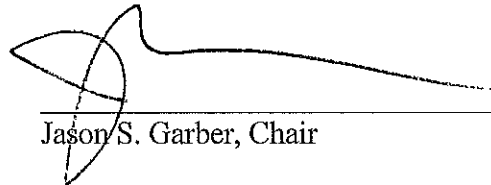
THEREFORE, IT IS THIS 18th day of September, 2019, by the
Board of Appeals of Baltimore County,

ORDERED, that the Petition for Special Exception to approve a fuel service station, be
and the same is hereby **DENIED** for the reasons set forth herein, and it is further,

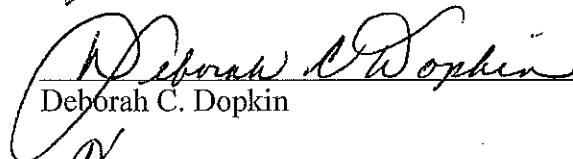
ORDERED, that the Petition for Special Hearing is **DISMISSED AS MOOT**.

Any petition for judicial review from this decision must be made in accordance with Rule
7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Jason S. Garber, Chair



Deborah C. Dopkin



Kendra Randall Jolivet

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee

18-316-SPHX

DATE: August 20, 2019

BOARD/PANEL: Jason S. Garber, Chair
Deborah C. Dopkin
Kendra Randall Jolivet

RECORDED BY: Tammy A. Zahner, Legal Secretary

PURPOSE: To deliberate the following:

Petition for Special Exception to approve a fuel service station.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

DISCUSSION

- The Board discussed the request for a fuel service station, and the argument of whether a fuel service station and an automotive service station are the same or different? The Board reviewed the history of the terms in the Code and the dates for the legislation referencing each. The clear language of BCZR § 405.1 shows the Council intended them to be the same. The Board further noted that automotive service station was replaced with fuel service station in the BCZR definitions. The Board found that they are one in the same.
- The property is located in the ML-IM zone. The Board noted that the request is subject to BCZR § 253.2.B which is a threshold to reach the requirements of § 405. Petitioners were required to show that the use will primarily serve the industrial uses and related activities in the surrounding industrial area. The Board found that Petitioners failed to present sufficient evidence to show the industrial uses and related activities in the surrounding industrial area.
- The Board briefly discussed the F grade intersection at Padonia Road and Deereco Road as shown on the Basic Services Map. The Board noted that they cannot second guess the legislative act designating it a failing intersection as it is a legislative issue and not for Board review. The Board noted that a failing intersection is not dispositive of denial of a Special Exception, only the issuance of a Building Permit, but is a fact that can be considered in a Special Exception hearing.

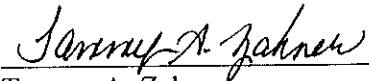
CONCLUSION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the Petition for Special Exception.

In the Matter of: Timonium SAB, LLC— Legal Owner
Sheetz, Inc. — Lessee
Case No.: 18-316-SPHX
Minutes of Deliberation

2

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,



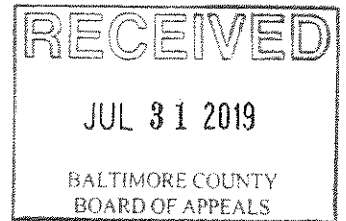
Tammy A. Zahner

IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL EXCEPTION

400 W. Padonia Road
8th Election District
3rd Councilmanic District

Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
Lessee
Petitioners

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-0316-SPHX



* * * * *

PETITIONER'S CLOSING MEMORANDUM IN LIEU OF CLOSING ARGUMENT

The property owner, Timonium SAB, LLC, and lessee, Sheetz, Inc. (hereinafter collectively "Petitioners"), by and through their attorneys, Jason T. Vettori and Smith, Gildea & Schmidt, LLC, submit this Closing Memorandum in Lieu of Closing Argument in support of the petition for special hearing and special exception relief for the above referenced matter and respectfully state:

STATEMENT OF THE CASE

This matter comes before the County Board of Appeals (the "Board") as a *de novo* appeal of Administrative Law Judge ("ALJ") John Beverungen's Opinion and Order dated October 2, 2018 wherein he approved the Petition for Special Hearing and Special Exception relief for the property located at 400 W. Padonia Road (the "Property"). Appeals to this Board were filed by DGG Market, Inc. ("Graul's") as well as 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC (hereinafter collectively "7-Eleven").

Jenifer Nugent was subpoenaed by Petitioners and testified regarding the Department of Planning's review and recommendation on the instant petition for zoning relief.

Michael LaCesa, Robert Bathurst, Kelly Kosino and Michael Pieranunzi presented testimony and evidence in support of Petitioners request for zoning relief. Graul's, through Chris Jakubiak, 7-Eleven, through Devon Hahn, Dale Kavlesky and Sarah Ragab (hereinafter collectively "Protestants") similarly presented testimony and evidence opposing the request for zoning relief. The Board requested closing briefs in lieu of closing argument by July 31, 2019, as indicated in the Notice of Deliberation.

The Petitioners and Protestants agreed on the record that the special hearing relief pertaining to the minimum number of off-street parking spaces required for the restaurant component of the proposed use is moot on account of Bill No. 15-19¹ going into effect on June 5, 2019. That leaves only the request for special exception relief to permit the proposed fuel service station to be decided by the Board.

Out of an abundance of caution, some additional questions pertaining to the special exception approval for a fuel service station are addressed herein, as appellate courts will not search the record for evidence to support a decision not even made by the Board. *Anselmo v. Mayor and City Council of Rockville*, 196 Md. App. 115, 129 (2010)

¹ Bill No. 15-19, Petitioner's Exhibit No. 41, was sponsored by Councilman Julian Jones. The legislative intent of that Bill is further highlighted by the several amendments which were voted on, as reflected in Petitioner's Exhibit No. 42. Watching the live broadcast of the May 23, 2019 legislative session where Bill No. 15-19 was discussed provides additional perspective regarding the legislative intent of the County Council (click on the yellow tab entitled "Watch Live or previous Council Meetings" on the following webpage (<https://www.baltimorecountymd.gov/countycouncil/>)).

QUESTIONS PRESENTED

1. Is the scope of the Board's special exception analysis limited to the criteria set forth in §§ 502.1 and 405 of the Baltimore County Zoning Regulations ("BCZR")?
2. Did the Board commit error when it failed to admit Petitioner's Exhibit Nos. 25 and/or 43?
3. Does the proposed fuel service station satisfy the applicable special exception regulations?
4. Is the proposed combined convenience store and carry-out restaurant an auxiliary use permitted by right with the fuel service station and how much parking is required for the combined use?
5. Is the proposed use in conformance with the Master Plan and adopted community plan?

STATEMENT OF THE FACTS

The Property is the site of the former Bob Evans restaurant in Cockeysville, which is approximately 1.48 acres in size, located in the 3rd Councilmanic District and 8th Election District. Petitioners propose the redevelopment of the Property with a Sheetz fuel service station and combined convenience store and carry-out restaurant. The fuel service station will have 6 fuel islands so 12 automobiles can fuel up and any given time. The combined convenience store and carry-out restaurant will be approximately 4,905 square feet.

Petitioners called five witnesses for its case in chief, Jenifer Nugent, Michael LaCesa, Robert Bathurst, Kelly Kosino and Michael Pieranunzi. Protestants called four witnesses, Dale Kavlesky, Sarah Ragab, Devon Hahn and Chris Jakubiak.

The first witness was Ms. Jenifer Nugent, who works as the Division Chief of the Development Review and Strategic Planning with the Baltimore County Department of Planning ("Planning"). She confirmed that a Zoning Advisory Committee ("ZAC") comment from Planning was issued on July 20, 2018 wherein special exception approval was recommended with certain conditions. Petitioners Exhibit No. 3. Ms. Nugent further testified that Wally Lippincott, the community planner for this area, had conversations with representatives of the Department of Economic Development and they had no objections to this redevelopment. She also testified that pages 12 & 13 of the Hunt Valley/Timonium Master Plan provides support for Planning's recommendation that the special exception approval should be granted because the "site is an important location on Padonia Road which has significant commercial activity" and Beaver Dam Road "serves as an important transportation link for industrial uses." An updated ZAC comment from Planning was issued on August 23, 2018, following a meeting with representatives of the Petitioners and Planning, wherein the proposed conditions for special exception approval were updated. Petitioners Exhibit No. 4. She also testified that the approximately 14.4 acre site on the southeast corner of Padonia Road and Beaver Dam Road/Deereco Road (i.e. catty-corner to the Property) was rezoned from M.L. (Manufacturing, Light) - I.M. (Industrial, Major) to B.M. (Business, Major) - C.C.C. (Commercial, Community Core), which allowed the

proposed large mixed use development to proceed. Petitioner's Exhibit No. 10. She further testified that the County Council likely deferred to the councilman in whose district that property is located in allowing that rezoning under a longstanding practice known as councilmanic courtesy whereby the six other councilmembers will defer to the councilmember in whose district the property is located.

Mr. Michael LaCesa, Regional Director of Real Estate, testified that he has worked for Sheetz for 24 years and his duties include locating suitable sites for new stores. He testified that Sheetz is a family owned convenience store chain which was founded in 1952, with stores in Pennsylvania, Maryland, Virginia, West Virginia, Ohio and North Carolina, and described the products which they sell. He testified that this site was selected based upon its location within the industrial corridor, which is served by industrial, office and related activities, as well as its proximity to I-83. Mr. LaCesa also described the number of employees working on the largest shift and their respective duties. He further explained that a lease had been entered into with the property owner and how it would take approximately six months to develop the site once final, nonappealable approval is granted. Lastly, having visited the Graul's store in Mays Chapel a number of times, he testified regarding what, if any, interest Graul's and 7-Eleven may have in challenging the instant request for zoning relief.²

Mr. Robert Bathurst, an engineer employed by Century Engineering, was accepted as an expert witness in engineering, development and zoning. He testified

² Neither Graul's nor 7-Eleven will have standing on judicial review if the Circuit Court finds that their motive is to avoid competition, but they certainly have standing before the Board. *A Guy Named Moe, LLC v. Chipotle Mexican Grill of Colo., LLC*, 447 Md. 425, 451-53 (2016).

that he supervised the preparation of the original plan to accompany the petition for zoning hearing and the redlined plan which were admitted into evidence as Petitioners Exhibit Nos. 1 & 2, respectively. He noted how the Property was zoned ML-IM and generally described the zoning in the neighborhood. Petitioners Exhibit No. 16. Mr. Bathurst testified that he met with Planning following the issuance of their original ZAC comment and how Planning agreed that proposed changes to the redlined plan to accompany and the proposed exterior elevations addressed their proposed conditions. Petitioners Exhibit Nos. 2 and 18. He testified that the schematic landscape plan and conceptual stormwater management plan had been approved. Petitioners Exhibit No. 17. Exterior elevations which satisfied all County requirements were similarly entered into evidence. Petitioners Exhibit No. 18. Mr. Bathurst testified how the proposed fuel service station was permitted by special exception pursuant to BCZR § 405.2.B.1 because the individual site lies inside the Urban Rural Demarcation Line ("URDL") in an I.M. district, with no part of the lot in an M.R. zone, subject to Sections 405.3 and 405.4. He testified that there were no abandoned fuel service stations within a one-half-mile radius, or a one-mile radius of the Property and presented an exhibit showing said radius. Petitioners Exhibit No. 19. As a result, he opined that the "Condition for disapproving special exception", as provided in BCZR § 405.3, had not been satisfied. He further testified that Mr. LaCesa's testimony and the redlined plan to accompany request for zoning hearing demonstrated how the conditions in BCZR § 405.4 had been satisfied.

Mr. Bathurst further testified regarding traffic and the satisfaction of the "Conditions determining granting of special exception" as provided in BCZR § 502.1. He testified that both the State and the County approved a Traffic Impact Study ("TIS") that was prepared for this development. He testified that Wendy Wolcott, P.L.A., a Metropolitan District Engineer with the Maryland Department of Transportation's ("MDOT") State Highway Administration ("SHA"), reviewed the original TIS dated February 8, 2018 (Petitioners Exhibit No. 34), and while she accepted the analysis, she asked for a revised TIS with certain revisions for their records, but acknowledged that the requested revisions would not "significantly change the study results." Petitioners Exhibit No. 22. Mr. Bathurst testified that the Property was included in a moratorium on the issuance of building permits, as a result of the 2019 Basic Services Map-Transportation having been amended at the request of a councilperson at the vote on Bill No. 12-19, without any explanation regarding the change in designation, despite the lengthy process whereby the adequacy of County roads are analyzed on an annual basis under BCZR § 4A02. Petitioners Exhibit No. 24. Lastly, he opined how the nine conditions laid out in BCZR § 502.1 had been met.

Kelly Kosino, a senior engineer with Century Engineering, Inc., was admitted as an expert in traffic engineering. Ms. Kosino testified that she recently left SHA, where she had been employed for approximately 17 years in various capacities. She testified how the TIS was reviewed and approved by the State and County. She also testified regarding the different methodologies used by the County and State, loaded cycle, critical lane volume ("CLV") and synchro, and the differences between the respective

methodologies. She further testified about how the intersections and developments to be included in the TIS were determined.

Ms. Kosino described the process by which Baltimore County adopts its Basic Services Maps and the methodology the Department of Public Works ("DPW") uses to determine the geographic limits, or shed, of traffic areas around deficient intersections whereby a moratorium on the issuance of building permits is applied. Petitioners Exhibit Nos. 27, 28, 29, 30 and 31. She further testified how the development catty-corner across the street, Petitioners Exhibit No. 33, was factored into the TIS dated March 26, 2019, which the County and SHA approved. Petitioners Exhibit No. 35. She also testified that the 600 foot radius from the failing intersection that constituted the shed within which building permits could not be issued was unlike anything she had ever seen before in light of Petitioners Exhibit No. 28 setting out how sheds are to be delineated to protect F rated intersections.

Michael Pieranunzi, Century Engineering, was admitted as an expert in zoning and development. He testified regarding how uses are typically analyzed and the process whereby the Basic Services Maps are reviewed and approved. He further testified regarding the MDOT SHA project to repair and replace the I-83 overpass at Padonia Road. Petitioners Exhibit Nos. 44, 45, 46 and 47.

The Protestants who testified include Dale Kowalewski, whose principal residence is 2505 Chestnut Woods Court, Reisterstown, MD (nearly four miles away as the crow flies), who is a loyal 7-Eleven and Sarah Ragab, a manager at the 7-Eleven store and daughter of the owners, who merely presented a petition opposing the

request for zoning relief from patrons of the 7-Eleven. 7-Eleven Exhibit No. 3. No representatives of the owner testified on behalf of Protestants DGG Market, Inc. or 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC.

7-Eleven called Devon Hahn, Sabra & Associates, who was accepted as a traffic expert. Ms. Hahn testified regarding two specific issues. First, she testified that no traffic from I-83 was accounted for but could not quantify what, if any, difference it would make. Second, she testified that the ingress/egress onto W. Padonia Road and Beaver Dam Road, both County roads, was of substandard width under the State regulations and that turning movements in and around the site were insufficient for tractor trailers.

DGG Market, Inc. called Chris Jakubiak, President of Jakubiak & Associates, who was accepted as an expert in planning and zoning. Mr. Jakubiak testified that the proposed fuel service station constituted an automotive service station. He further testified that the Hunt Valley/Timonium Master Plan discouraged auxiliary service uses on this Property or at least required an additional finding that the proposed fuel service station had to "serve primarily the industrial uses and related activities in the surrounding industrial area".

STANDARD OF REVIEW

The Board is required to issue findings of fact and conclusions of law in support of its opinion. *Anselmo v. Mayor and City Council of Rockville*, 196 Md.App. 115 (2010). In

applying the *de novo*³ standard of review, the Board's findings of fact and conclusions of law will be based upon the record made before it, or as if the proceedings before the administrative hearing officer had never occurred. *Halle Cos. v. Crofton Civic Ass'n*, 339 Md. 131, 139 (1994).

In *Marzullo v. Kahl*, 366 Md. 158, 175-76 (2001), Judge Cathell explains how to ascertain the intent of the legislative body, in this case the County Council of Baltimore County:

In State v. Bell, 351 Md. 709, 720 A.2d 311 (1998), we stated that:

"We have said that 'the cardinal rule of statutory interpretation is to ascertain and effectuate the intention of the legislature.' *Oaks v. Connors*, 339 Md. 24, 35, 660 A.2d 423, 429 (1995). Legislative intent must be sought first in the actual language of the statute. *Marriott Employees Fed. Credit Union v. Motor Vehicle Admin.*, 346 Md. 437, 44-45, 697 A.2d 455, 458 (1997); *Stanford v. Maryland Police Training & Correctional Comm'n*, 346 Md. 374, 380, 697 A.2d 424, 427 (1997) (quoting *Tidewater v. Mayor of Havre de Grace*, 337 Md. 338, 344, 653 A.2d 468, 472 (1995)); *Coburn v. Coburn*, 342 Md. 244, 256, 674 A.2d 951, 957 (1996); *Romm v. Flax*, 340 Md. 690, 693, 668 A.2d 1, 2 (1995); *Oaks*, 339 Md. at 35, 660 A.2d at 429; *Mauzy v. Hornbeck*, 285 Md. 84, 92, 400 A.2d 1091, 1096 (1979); *Board of Supervisors v. Weiss*, 217 Md. 133, 136, 141 A.2d 734, 736 (1958). Where the statutory language is plain and free from ambiguity, and expresses a definite and simple meaning, courts normally do not look beyond the words of the statute to determine legislative intent. *Marriott Employees*, 346 Md. at 445, 697 A.2d at 458; *Kaczorowski v. Mayor of Baltimore*, 309 Md. 505, 515, 525 A.2d 628, 633 (1987); *Hunt v. Montgomery County*, 248 Md. 403, 414, 237 A.2d 35, 41 (1968).

This Court recently stated that 'statutory language is not read in isolation, but "in light of the full context in which [it] appears, and in light of external manifestations of intent or general purpose available through other evidence.'" *Stanford v. Maryland Police Training & Correctional Comm'n*, 346 Md. 374, 380, 697 A.2d 424, 427 (1997) (alterations in original)

³ Charter § 602, BCZR § 501.6 and § 32-3-401 of the Baltimore County Code ("BCC").

(quoting *Cunningham v. State*, 318 Md. 182, 185, 567 A.2d 126, 127 (1989)).
To this end,

when we pursue the context of statutory language, we are not limited to the words of the statute as they are printed. . . . We may and often must consider other ‘external manifestations’ or ‘persuasive evidence,’ including a bill’s title and function paragraphs, amendments that occurred as it passed through the legislature, its relationship to earlier and subsequent legislation, and other material that fairly bears on the fundamental issue of legislative purpose or goal, which becomes the context within which we read the particular language before us in a given case.

. . . *In State v. One 1983 Chevrolet Van*, 309 Md. 327, 524 A.2d 51 (1987), . . . although we did not describe any of the statutes involved in that case as ambiguous or uncertain, we did search for legislative purpose or meaning – what Judge Orth, writing for the Court, described as ‘the legislative scheme.’ [*Id.* at] 344-45, 524 A.2d at 59. We identified that scheme or purpose after an extensive review of the context of Ch. 549, Acts of 1984, which had effected major changes in Art. 27, § 297. That context included, among other things, a bill request form, prior legislation, a legislative committee report, a bill title, related statutes and amendments to the bill. *See also Ogrinz v. James*, 309 Md. 381, 524 A.2d 77 (1987), in which we considered legislative history (a committee report) to assist in construing legislation that we did not identify as ambiguous or of uncertain meaning.

Kaczorowski, 309 Md. at 514-15, 525 A.2d at 632-33 (some citations omitted).”

351 Md. at 717-19, 720 A.2d at 315-16 (some alterations in original); see *Williams v. Mayor & City Council of Baltimore*, 359 Md. 101, 115-17, 753 A.2d 41, 48-49 (2000); *Riemer v. Columbia Medical Plan, Inc.*, 358 Md. 222, 235-36, 747 A.2d 677, 684-85 (2000); *Laznovsky v. Laznovsky*, 357 Md. 586, 606-07, 745 A.2d 1054, 1065 (2000).

ARGUMENT

The five questions presented are intended to address all questions of law and findings of fact that are necessary to decide the instant request for zoning relief.

Question #1

Is the scope of the Board's special exception analysis limited to the criteria set forth in BCZR §§ 502.1 and 405?

For the reasons which follow, the special exception analysis by the Board is limited to the specific provision regarding fuel service stations set forth in BCZR §§ 502.1 and 405 as a matter of law. The proposed fuel service station is not an automotive service station.⁴ Even if the Board does not find these are distinct terms for different uses, the principles of statutory construction make it clear that BCZR § 253.2.B.1 does not apply to the instant proposed fuel service station. The instant proposed fuel service station would not satisfy BCZR § 405, as it applied to automotive service stations pre-Bill No. 172-93, but it doesn't need to as they are separate and distinct uses.

It is a basic principle of statutory construction that specific provisions of an enactment control over provisions that are more general in nature. *Clarksville Residents Against Mortuary Def. Fund, Inc. v. Donaldson Props.*, 453 Md. 516, 538-39 (2017); see also *Dep't of Natural Res. v. France*, 277 Md. 432, 461-62 (1976) ("[w]here there is a specific enactment and a general enactment, which, in its most comprehensive sense, would include what is embraced in the former, the particular enactment must be operative, and the general enactment must be taken to affect only such cases within its general language as are not within the provisions of the particular enactment.") (citations and internal quotation marks omitted).

⁴ BCZR § 101.1 defined an automotive service station, a term of art, as "a structure and/or site or part thereof used primarily for the retail sale to the public of automotive fuels and other automotive energy or power sources" from 1967 to 1993. The term was added by Bill No. 40-67 and repealed by Bill No. 172-93, Petitioners Exhibit Nos. 48 and 49, respectively.

Generally speaking, the underlying zoning provides the uses which are permitted by right and by special exception. The Property is zoned Manufacturing Local (M.L.) with an Industrial, Major (I.M.) District Overlay. BCZR § 253 is the general enactment which typically provides which uses are permitted by right and by special exception in the ML zone. The Protestants argue that the language in BCZR § 253.2.B.1 requires an automotive service station use in the ML zone to “serve primarily the industrial uses and related activities in the surrounding industrial area.” However, this would ignore the fact that what is being proposed is not an automotive service station and that the specific enactment regarding fuel service stations, BCZR § 405, alone applies. BCZR § 405.2 is entitled “Locations in which fuel service stations are permitted.” BCZR § 405.2.B.1 provides that fuel service stations on individual sites which do not comply with the requirements of Section 405.2.A are permitted by special exception, subject to Sections 405.3 and 405.4, so long as the site is “within the urban-rural demarcation line (URDL), in C.C.C., A.S., I.M. or MD 43 Districts, provided no part of the lot is in an M.R. Zone.” The subject site does not comply with BCZR § 405.2.A. No part of the lot is in an M.R. Zone. The proposed development complies with BCZR §§ 405.3 & 405.4.⁵ The site lies within the URDL and has an I.M. district

⁵ The proposed use complies with BCZR § 405.3 because there are no abandoned fuel service stations within a one-mile radius of the proposed fuel service station. This was illustrated in Petitioner’s Exhibit No. 19 and Mr. Bathurst’s testimony. The proposed use complies with BCZR § 405.4 as evidenced by Ms. Nugent’s, Mr. LaCesa’s and Mr. Bathurst’s testimony as well as Petitioners Exhibit No. 2. Note No. 16 demonstrates how the site dimension regulations listed in BCZR § 405.4.A.1 have been satisfied. Note No. 14 demonstrates how the setback regulations listed in BCZR § 405.4.A.2 have been satisfied. The redlined plan further demonstrates how the access, internal circulation and vehicle reservoir capacity regulations listed in BCZR § 405.4.A.3 have been satisfied. A restroom has been provided so BCZR § 405.4.B has been satisfied. Ms. Nugent testified that the appearance regulations listed in BCZR § 405.4.C have been satisfied. Mr. LaCesa and Mr. Bathurst testified how the use regulations in listed in BCZR §§ 405.4.D and 405.4.E have been satisfied.

overlay. Thus, the subject site satisfies the criteria whereby a fuel service station is permitted by special exception.

As further evidence that the specific provision controls over the general enactment, the BCZR clearly defines the relationship between zones and districts in BCZR §§ 100.1 & 259. BCZR § 100.1.A.1 generally explains the purpose of zones as follows:

For the purpose of promoting the health, security, comfort, convenience, prosperity, orderly development and other aspects of the general welfare of the community, zones are intended to provide broad regulation of the use and manner of use of land, in accordance with comprehensive plans.

Districts are superimposed upon zones. BCZR § 100.1.B.1 provides that “[t]o further the purposes of zones, districts are intended to provide greater refinement in land-use regulation.” BCZR § 259.1 provides the legislative intent regarding the relationship between zones and districts as follows:

In any district, the use, height, area and other regulations applicable in the underlying zone(s) or district(s) upon which the district is superimposed⁶ shall govern except as may specifically be enlarged, modified or limited by the district regulations in this section. **In the case of conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail.** (emphasis and footnote added).

A review of the legislative history regarding uses generally permitted by special exception in the ML zone, the specific provisions of BCZR § 405 and the distinction between automotive service stations and fuel service stations illustrates the legislative intent of the County Council.

⁶ BCZR § 100.1.C provides that “[n]o zone shall be superimposed upon any other zone, but a district may be superimposed upon another district.”

The analysis of the legislative history regarding service stations begins in 1955. In the 1955 version of the BCZR⁷, what we commonly refer to as a gas or service station was codified as a “filling station”. Then-BCZR § 253.5 permitted “filling stations (see Section 405)” as special exceptions. Then-BCZR § 405 was a special regulation regarding filling stations which only addressed performance standards of the filling stations; it did not have additional conditions regarding special exception approval.

Bill No. 40-67, Petitioners Exhibit No. 48, changed **all** references to filling stations to “automotive-service stations”. Then-BCZR § 253.5 was repealed and reenacted to allow “automotive-service station, subject to the provisions of Section 405” as special exceptions (p. 10, lines 1-5). Then-BCZR § 405 was repealed and reenacted to contain far more comprehensive regulations pertaining to the automotive service station use (p. 15, line 11 to p. 35, line 3). It should be noted that, despite then-BCZR § 253.5 allowing an “automotive-service station, subject to the provisions of Section 405” as a special exception, Bill No. 40-67 further provided in then-BCZR § 405.2.B.6 that said use was permitted by special exception if it was “[o]n an individual site in an I.M. District, but not in an M.R. zone, and with no direct access to an arterial street other than a Class I commercial motorway.”⁸ (p. 18, lines 5-7). The term automotive-service station was also added to then-BCZR § 101 (p. 4, lines 21-23).

⁷ A copy of excerpts from the 1955 version of the BCZR has been attached as Appendix A for the Board’s convenience.

⁸ This provision, then in BCZR § 405, clearly was the precursor to the language which was added to BCZR § 253.2.B by Bill No. 100-70. As further articulated below, it was stricken from BCZR § 405 after that section was repealed and added under Bill No. 172-93.

As indicated in footnote 8, the current requirement that auxiliary service uses, under BCZR § 253.2.B, serve primarily the industrial uses and related activities in the surrounding industrial area, was enacted by Bill No. 100-70. Bill No. 100-70⁹ stated that the purpose of the Act was, among other things, “to revise the use regulations in Light Manufacturing (M.L.) zones”. The use regulations for the ML zone were substantially rewritten. Specifically, extra language was added to special exceptions for auxiliary service uses permitted under then-BCZR § 253.2.B. It read:

The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in and I.M. district, in neither case with any direct access to an arterial street other than a Class I Commercial Motorway, and, provided further, that it is shown that any such use will serve primarily the industrial uses in related activities in the surrounding industrial area:

(p. 68, lines 19-25).

In addition, the specific use was changed from “automotive-service station, subject to the provisions of Section 405” to “automotive-service station, subject, further, to the provisions of Section 405” (p. 68, lines 26-27). The purpose of Bill No. 100-70 was not to modify the automotive service station regulations. As provided in *Marzullo*, 366 Md. at 189-90 (2001), the Court of Appeals has held that:

a change in a statute as part of a recodification will not modify the law unless the intent of the legislative body to change the law is clear. *In Blevins & Wills v. Baltimore County*, 352 Md. 620, 642, 724 A.2d 22, 32-33 (1999), we stated that:

We have long recognized and applied the principle that ‘a change in a statute as part of a general recodification will ordinarily not be deemed to modify the law **unless the change is such that the**

⁹ A copy of Bill No. 100-70 has been attached as Appendix B for the Board’s convenience.

intention of the Legislature to modify the law is unmistakable.' *Duffy v. Conaway*, 295 Md. 242, 257, 455 A.2d 955 (1983) (emphasis added); *In re Special Investigation No. 236*, 295 Md. 573, 458 A.2d 75 (1983). That is because the principal function of code revision 'is to reorganize the statutes and state them in simpler form,' and thus 'changes are presumed to be for the purpose of clarity rather than for a change in meaning.' *Bureau of Mines v. George's Creek*, 272 Md. 143, 155, 321 A.2d 748, 754 (1974), quoting from *Welsh v. Kuntz*, 196 Md. 86, 97, 75 A.2d 343, 347 (1950).

In essence, BCZR § 253.2.B mimicked then-BCZR § 405.2.B.6.

The next major change to the service station regulations came with Bill No. 172-93, Petitioners Exhibit No. 49. The Act states, among other things, that it was enacted for the purpose of "updating zoning and landscaping regulations which concern fuel service stations and car washes; stating legislative findings and policy ...". Most notably, this Act repealed then-BCZR § 405, which addressed automotive service stations, and added current BCZR § 405, which addresses fuel service stations (p. 2).

BCZR § 405.1, entitled "Statement of legislative findings and policy" provides:

A. Bill No. 40-1967 enacted six commercial districts (C.N.S., C.C.C., C.T., C.S.A., C.S.-1 and C.S.-2) and one industrial district (I.M.). One of the main purposes of the new commercial districts was to control the location of service stations and the uses associated with them. In 1975, the C.R. District was added to govern service stations and other commercial uses in rural areas.

B. While the C.T., C.C.C., C.R. and I.M. Districts have special use and bulk regulations which make each one unique, the remaining districts (C.N.S., C.S.A., C.S.-1 and C.S.-2) do not include provisions which make them distinct. As a consequence, the C.S.A., C.N.S., C.S.-1 and C.S.-2 Districts are consolidated into the automotive services (A.S.) District.

C. The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that "service" motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To

better reflect the evolving role of this use, the name of “automotive service station” is being changed to “fuel service station,” and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.

D. It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites. (emphasis added)

The new regulations, under BCZR § 405.2.B.1, permits fuel service stations by special exception on individual sites inside the URDL, so long as the site is in certain districts, notwithstanding the underlying zoning. The requirements applicable to automotive service stations under BCZR § 253.2.B.1, and then-BCZR § 405.2.B.6 (per Bill No. 40-67), do not apply to fuel service stations. Further proof of this can be found in the fact that Section 5 of Bill No. 172-93 repealed and reenacted with amendments the definition of automotive service station for fuel service station in BCZR § 101 (p. 20, lines 10-16) and the definition of a “fuel servicing space” from on “**an automotive** service station site, ...” to read on “**a fuel** service station site, ...” (p. 20, lines 20-21). Section 5 also added the use “fuel service station in a planned industrial park only, subject to section 405” in BCZR § 253.1.C.17A (p. 22, lines 12-13) and BCZR § 256.1 (p. 23, lines 11-12). While the clause “in neither case with any direct access to an arterial street other than a Class I Commercial Motorway” was deleted from BCZR § 253.1.C (p. 22, lines 8-9) and BCZR § 253.2.B (p. 22, lines 18-20), this change to the auxiliary retail or service uses by right and special exception in the ML zone was more of a housekeeping endeavor related to the repeal of the definitions of “Commercial Motorway, Class I” and “Commercial

Motorway, Class II" as indicated in Section 4 of Bill No. 172-93 (p. 19, lines 21-25). It is not entirely clear why the term automotive service station was not replaced by the term fuel service station in select instances. However, the language in BCZR § 259.1 is telling regarding instances where there appears to be a "conflict between the provisions of an underlying zone and overlaying district(s), the most recently enacted provision shall prevail." It is irrefutable that Bill No. 172-93 was enacted more recently than Bill Nos. 40-67 and 100-70 and thus BCZR § 253.2.B.1, which references an antiquated term of art, an automotive service station, was rendered inapplicable. As further proof of the legislative intent of the County Council, Bill No. 78-02, Petitioners Exhibit No. 52, which concerned the Maryland Route 43 (MD 43) Overlay District, originally included the term "automotive", when referring to a service station, but that term was stricken from the bill and the term "fuel" was added in its place as an amendment to allow a fuel service station rather than an automotive service station (p. 6, line 19). If the terms were meant to apply to the same use, there would have been no reason to amend the Bill. What this showed was an acknowledgement from the County Council that automotive service stations and fuel service stations are not the same use. What is being proposed in the instant matter is a fuel service station, not an automotive service station. As a result, BCZR § 253.2, which pertains to an automotive service station use, does not apply to the instant matter. BCZR §§ 405 and 502.1 are the only applicable zoning regulations as it relates to the proposed fuel service station use.

It should also be noted that there are two other fuel service stations along the above referenced north-south vehicular route which are zoned ML-IM and in the

vicinity of the subject site which have received special exception approval. Not that these uncontested decisions by the Zoning Commissioner constitute precedent, but the High's at 10825 Beaver Dam Road (on the east side of Beaver Dam Road just south of where Beaver Dam Road turns into McCormick Road (north of Warren Road and approximately 1.75 miles north of the subject site)) and the 7-Eleven at 9709 Beaver Dam Road (yes, the one very close to the subject site) are both zoned ML-IM and received special exception approval in the last two decades (following the enactment of Bill No. 172-93). High's received special exception approvals in Case Nos. 1972-278-XA, 1975-138-XA, 1989-306-SPHX, 2014-0163-SPHX and 2018-0346-SPHXA.¹⁰ 7-Eleven received special exception approval in Case No. 2000-457-X.¹¹ None of the decisions post-Bill No. 172-93 specifically reference the applicability of BCZR § 253.2.B.1, they merely mention that special exception approval was granted under BCZR § 405.2.B.1. Again, the uncontested special exception approval cases do not constitute precedent but they are instructive in that BCZR § 253.2.B.1 was not specifically cited as being applicable.

Notwithstanding the fact that BCZR § 253.2 does not apply to the instant matter, the testimony and evidence is sufficient for a finding that the proposed fuel service station will serve primarily the industrial uses and related activities in the surrounding industrial area. Mr. Jakubiak testified that offices do not constitute industrial uses, as provided in the definition in BCZR § 101.1, but he neglected to address the fact that BCZR § 253.2.B contemplates, in addition to industrial uses, that the auxiliary service

¹⁰ Copies of Case Nos. 2014-0163-SPHX and 2018-0346-SPHXA been attached as Appendix C and D, respectively, for the Board's convenience.

¹¹ A copy of Case No. 2000-457-X has been attached as Appendix E for the Board's convenience.

uses will also be serving "and related activities". The term "and related activities" is, of course, not defined.

The subject site is situated directly in the middle of the industrial corridor, as referenced on Page 12 of the Hunt Valley/Timonium Master Plan, that includes the north-south vehicular route running from International Circle in Hunt Valley to Greenspring Drive in Lutherville. On cross examination, Mr. LaCesa testified that, with the exception of "Sheetz Freaks", it was more likely that traffic would not get off of I-83 to visit the location. He did not deny that he would be amenable to signage on I-83 indicating gas was available off W. Padonia Road but that was an issue which is entirely up to SHA MDOT. And what does it matter. In our technological day and age, most people have an app and can locate a fuel service station if they are looking for one. While there may be a lot of east/west traffic on W. Padonia Road, as there is on Shawan Road, Warren Road and Timonium Road, most of that traffic is during rush hour periods and constitutes pass by traffic that could just as easily stop at another fuel service station with combined convenience store and carry out restaurant along York Road. The fact remains the subject site is in the center of the industrial corridor which runs from Shawan Road to the north to Greenspring Drive to the south. It is particularly noteworthy that Warren Road to the north does not have means by which to merge onto I-83 north, only I-83 south, so traffic north of the intersection of Warren Road and Beaver Dam Road that wishes to go north on I-83 has to either head north to Shawan Road, which is very busy, or head south to Padonia Road. Ms. Nugent testified that, in Petitioners Exhibit No. 3, Planning acknowledged that pages 12-13 of the Hunt

Valley/Timonium Master Plan that Beaver Dam Road serves as an important link for industrial uses.

Question #2

Did the Board commit error when it failed to admit Petitioners
Exhibit Nos. 25 and/or 43?

Petitioners attempted to get an e-mail exchange between its attorney and Greg Karski, the Bureau Chief of the Bureau of Traffic Engineering and Transportation Planning with DPW, admitted into evidence. The exhibit was marked as Petitioners Exhibit No. 25. The Board did not admit the exhibit. Thereafter, Petitioner attempted to get an e-mail exchange between Mike Pieranunzi and Greg Karski admitted into evidence. That exhibit was marked as Petitioners Exhibit No. 43. The Board did not admit that exhibit either. Both exhibits should have been admitted, not because they call into question the applicability of the moratorium on the issuance of building permits for development located in the traffic shed of a failing intersection, but rather the exhibits help the Board, as a fact finder, regarding the standards pertaining to traffic in BCZR § 502.1.

The Board's rules of evidence are codified in Rule 7 of the Rules of Practice and Procedure of the Baltimore County Board of Appeals. Those rules are governed by the contested case provisions of the Administrative Procedure Act ("APA"), Maryland Code (1995 Repl. Vol., 1998 Supp.), State Government Article, §§ 10-201-10-227. Specifically, APA § 10-213 provides that, even if it constitutes hearsay, evidence which reasonable and prudent individuals commonly accept in the conduct of their affairs and give probative effect to may be admitted. It is commonplace for attorneys and

engineers to communicate with representatives of County agencies regarding development and zoning issues pertaining to a pending review and approval. Given the Board's scope of review regarding the standards in BCZR § 502.1, that the proposed special exception use will not "tend to create congestion in roads, streets or alleys therein" and/or "will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements", the aforementioned electronic mail correspondence between representatives of the Petitioner and the gentleman tasked with planning is probative evidence, as it addresses anticipated transportation needs and ensuring a safe, efficient operation of the system, with which Mr. Karski is tasked.

(<https://www.baltimorecountymd.gov/Agencies/publicworks/traffic/index.html>).

Mr. Pieranunzi testified that he spoke to Mr. Karski and that DPW presently considers the W. Padonia Road and Beaver Dam Road intersection to be rated at a level of service of C. The e-mail merely confirmed Mr. Pieranunzi's hearsay testimony regarding that conversation.

Petitioners are not contesting the fact that permits can not be issued for this development, as provided in BCC § 32-6-104, so long as the subject site lies in the shed of a failing intersection on the Basic Services Maps. However, it is necessary for the Board to consider whether there is, in fact, sufficient testimony and evidence to find the conditions for special exception approval have been satisfied. Petitioners Exhibit Nos. 25 & 43 address that issue, and having been presented by an attorney and an engineer under oath, should have been accepted given their probative effect.

Question #3

Does the proposed fuel service station satisfy the applicable special exception regulations?

As previously indicated, the site lies in the URDL, is not zoned M.R., and satisfies the conditions in BCZR §§ 405.3 & 405.4. That leaves only the nine conditions provided in BCZR § 502.1 to be analyzed. In *Schultz v. Pritts*, 291 Md. 1, 15 (1981), the Court of Appeals held that

the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.

For the reasons which follow, all nine conditions have been satisfied.

BCZR § 502.1.A

Pursuant to BCZR § 502.1.A, the proposed fuel service station must not be detrimental to the health, safety or general welfare of the locality involved. The proposed fuel service station will not have a detrimental impact to the health, safety, and general welfare of the locality involved greater than those effects inherently associated with a fuel service station irrespective of its location within the zone.

Mr. Bathurst testified that the fuel service station will meet or exceed all fire and safety measures. There is one existing fire hydrant adjoining the subject site to the west, one across Beaver Dam Road and one south of W. Padonia Road. Two additional fire

hydrants have been proposed as part of the development. One will be located at the corner of W. Padonia Road and Beaver Dam Road and the other will be located by the vehicular entrance to the property off of Beaver Dam Road. Petitioner's Exhibit No. 2. He further provided testimony that there are no issues with the police's ability to service the site, which was not refuted.

Ms. Hahn testified that the width of the shared access off of Beaver Dam Road and W. Padonia Road does not meet SHA's required width for tractor trailers. Ms. Wolcott from SHA acknowledged that no access permits are required since the site does not access MDOT SHA roadways so the State regulation. Mr. Bathurst opined that the site met all of the County requirements to operate safely as a fuel service station and that fuel will be delivered in the middle of the night when traffic will be very limited. Mr. LaCesa testified that they will not have high flow diesel (i.e. diesel for trucks or larger vehicles) at this site, only auto diesel, nor do they intend to intend to invite those vehicles onto the site.

Vishnu Desai, Supervisor with the Bureau of Development Plans Review ("DPR") of the Baltimore County Department of Permits, Approvals & Inspections ("PAI"), the agency tasked with reviewing such issues, did not make any comments about the sufficiency of the access off of these two County roads in their ZAC comments. Petitioners Exhibit Nos. 7 and 8. It should also be mentioned that this project, after receiving Development Plan approval for the instant proposed use/development, recorded a Record Plat in the Land Records of Baltimore County as Plat No. 79-826. While this issue would certainly have been evaluated by DPR as part

of the Development Plan review, Petitioners are more than amenable to the Board imposing a condition that DPR explore whether the access is of sufficient width prior to the issuance of any building permits.

BCZR § 502.1.B

Pursuant to BCZR § 502.1.B, the proposed fuel service station must not tend to create congestion in roads, streets or alleys therein. The proposed fuel service station will not tend to create congestion in the roads, streets or alleys greater than those effects inherently associated with a fuel service station irrespective of its location within the zone. Before summarizing the testimony and evidence that supports a finding that this condition has been satisfied, it is necessary to address the elephant in the room (the F rated intersection).

The failing intersection should not have any bearing on the Board's decision regarding whether the proposed fuel service station will tend to create congestion in the roads, streets or alleys, greater than those effects inherently associated with a fuel service station irrespective of its location within the zone. The intersection of W. Padonia Road and Deereco Road/Beaver Dam Road is currently designated as a failing intersection on the Basic Services Maps - Transportation 2019. This failing designation is not dispositive regarding whether the proposed fuel service station will create congestion in roads, streets or alleys therein or if a special exception can be granted. Md. Code Ann. (2012) § 7-101(1) of the Land Use Article ("LU") expressly authorizes local jurisdictions to enact ordinances providing adequate public facilities. *Anselmo*, 196 Md. App. @ 127 (2010) (LU § 7-101 was previously codified as Md. Code Ann. (2005

Repl. Vol., 2009 Supp.), Art. 66B, § 10.01(a)(1)). Baltimore County's adequate public facilities ordinance ("APFO") is, in principal part, codified in Title 6 of Article 32 of the BCC, entitled "Adequate Public Facilities", and Article 4A of the BCZR, entitled "Growth Management". BCZR § 4A02.1, entitled "Purpose and Intent" of the Basic Services Maps, provides that "Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council." Consistent with Article 4A of the BCZR as well as Title 6 of Article 32 of the BCC, BCC §§ 32-4-261¹² and 32-4-271¹³ provide that a Development Plan can be approved and the 4 year expiration period of said approval shall be tolled until such time as there are adequate public facilities to support said development. The portion of the zoning regulations pertaining to special exception approvals, BCZR § 502, similarly contemplates how County APFO's affect such approvals. While BCZR § 502.3 generally provides that "[a] special exception which has not been utilized within a period of two years from the date of the final order

¹² § 32-4-261. - EXPIRATION OF DEVELOPMENT PLAN APPROVAL.

(a) In general. Development Plan approval shall expire 4 years after the date a final, non-appealable approval was granted, unless the Plan was vested pursuant to § 32-4-264. An approved Development Plan may be extended under subsection (b) or under **§ 32-4-274(a)**. (emphasis added)

¹³ § 32-4-274. - EXTENSION OF TIME LIMIT FOR VALIDITY OF SUBDIVISION PLATS AND APPROVED PLANS

(a) In general. The Department of Permits, Approvals and Inspections shall extend an approved Development Plan that would otherwise expire and become invalid under the provisions of § 32-4-261 of this subtitle if **a deficiency in basic services for water, sewer, or transportation** prevented the vesting of the Plan, in accordance with § 32-4-264 of this subtitle.

(b) Length of extension - Approved plans. With respect to an approved Development Plan, the length of time of any extension shall be equivalent to the lesser of:

(1) The period of time that the deficiency prevents a plat from being recorded; or

(2) The period of time remaining for Plan validity at the time of the deficiency determination.

(c) Determination of deficiency. For the purpose of determining the extension of the time limit of the validity of a Development Plan, the Department of Permits, Approvals and Inspections shall consider property that is the subject of the Plan to have a deficiency if:

(1) Subsequent to Plan approval or plat recordation the property is shown to be or to have been within a deficient service area on a basic service map adopted by the County Council; or

(2) The issuance of building permits or the construction of public improvements or private improvements is or was prohibited by order of the state or county. (emphasis added)

granting same” shall be void, it expressly allows the Board to extend the typical period for a longer period not to exceed five years. It further provides that a special exception which cannot be utilized within the maximum allowable time because of inadequacy or unavailability of certain adequate public facilities is to be extended for 18 months after such facilities become adequate and available. Stated another way, a special exception tolls during the period where there is a moratorium on the issuance of building permits. As such, a special exception approval can be granted provided there is not something particular about the use and/or location which would create a particularly significant traffic problem or hazard.¹⁴ The applicable County regulations provide that deficiencies will be resolved in relatively short order. The State has similar expectations in the priority funding area.¹⁵ LU § 7-101 requires local jurisdictions to report on any moratoriums to the Maryland Department of Planning, including the type of infrastructure affected by the moratorium on the issuance of building permits; the proposed resolution of the moratorium, if available; and the estimated date for the resolution of the moratorium, if available. Bottom line, deficiencies are not meant to last indefinitely, nor is the cost to address them to be born by individual property owners, or it would constitute a taking.

¹⁴ 5 Rathkopf's The Law of Zoning and Planning § 84.11 (4th ed.) provides that:

a number of jurisdictions have made the distinction between a generalized increase in traffic due to an increase in intensity of use and the situation where a particular use at a particular location would create a particularly significant traffic problem or hazard.

¹⁵ Master Plan 2020 p. 24 provides that the State's Priority Funding Area (PFA) ... is essentially the area within the URDL in Baltimore County.

It is entirely possible that whatever issue led the County Council to inexplicably declare the W. Padonia Road and Beaver Dam Road intersection to be rated F with a moratorium that only applies to development within a 600 foot radius, could be resolved by May 31 2020, when the 2020 Basic Services Maps are voted on.

Alternatively, if the intersection is still designated as an F rated intersection when the 2020 Basic Services Maps are adopted, (1) a determination could be made that there has been an error, as provided in BCZR § 4A02.3.E.3, (2) a special variance, as provided in BCZR § 4A02.4.G, could be sought or (3) a Bill could be passed whereby fuel service stations are exempted from the basic services mapping standards, as provided in BCZR § 4A02.4.E. The point is, while the rationale behind the Council's last second amendment lacked the transparency which is typical for the Basic Services Maps process, the deficiency which needs to be corrected may be resolved in the not so distant future and should not impact the Board's review and approval of a special exception use.

DPW's methodology for creating a traffic shed expressly provides that it should include all sites from which a majority of traffic is oriented towards the deficient intersection and at least 50% of that traffic passes through the deficient intersection. Petitioners Exhibit No. 28. As such, the Board's evaluation of this condition should apply DPW's methodology, which would be significantly larger than the 600 foot radius the County Council created, when assessing whether a fuel service station would have a different impact on the F rated intersection.

As previously stated, Ms. Hahn testified that the width of the joint access right in and right out to W. Padonia Road was substandard under the State regulation for purposes of large trucks. However, Ms. Wolcott from SHA acknowledged that no access permits are required since the site does not access MDOT SHA roadways so it is unclear how the unspecified State regulation applies. Witnesses for the Petitioners testified that large trucks will not be visiting the site other than fuel delivery in the middle of the night.

The State and the County have approved the TIS and therefore acknowledged that the traffic being generated by the proposed fuel service station will not create congestion in the roads, streets or alleys, greater than those effects inherently associated with a fuel service station irrespective of its location within the zone. Petitioners Exhibit Nos. 22 and 23. Ms. Kosino testified that, as provided in the Petitioners Exhibit No. 35, after factoring in the background developments, the intersection will operate at a level of service C in the a.m. and D in the p.m. The fuel service station will utilize the existing curb cuts for the two points of access to the Property off of Beaver Dam Road and W. Padonia Road. Ms. Kosino further testified that the existing right in, right out only access to the site off of both Beaver Dam Road and W. Padonia Road are safer from a traffic engineering standpoint than other movements. Circulation within the site via the shared access roads should further be aided by the fact that, while the standard dimensions for parking spaces is 8 ½' x 18' under BCZR § 409.3, the parking spaces proposed are going to be 10' x 20'. Petitioners Exhibit No. 2.

Of the eight intersections studied in the TIS, utilizing the methodologies they use, the State agreed that all of them are projected to operate at levels of service “D” or better under existing, background, and total traffic conditions. Petitioners Exhibit No. 22. Ms. Wolcott’s report adds, among other things, that there are no current projects in the State’s fiscally constrained FY 2019-2024 Consolidated Transportation Program (CTP) nor the State’s fiscally unconstrained Highway Needs Inventory (HNI) for any nearby MDOT SHA facilities that conflicts with this project and that “[t]he development does not conflict with Baltimore County Master Plan 2020.” The County merely stated that the TIS was approved in an e-mail dated April 19, 2019 from Eugene F. Cauley, P.E., a Project Engineer with DPR. Petitioners Exhibit No. 23.

Perhaps the councilperson who introduced the amendment to designate the intersection as failing during the legislative session where the Act was voted on felt as if the improvements which are being made by SHA to the exit onto I-83 off of W. Padonia Road should be completed before any building permits are issued. Bottom line, the County’s APFO operates outside of zoning and development regulations as far as prohibiting the issuance of building permits and does not preclude approval of the zoning relief being sought for this site as it is anticipated that the adequate facility issue will be resolved in a reasonable period of time. *Annapolis Mkt. Place, LLC v. Parker*, 369 Md. 689, 693 n. 2 (2002) (citing *Managing Maryland’s Growth: Models and Guidelines – Adequate Public Facilities*, Maryland Office of Planning, June 1996, at 1 (explaining that adequate public facilities regulations are “designed to curtail development in areas where public facilities are inadequate, and to **delay development in planned growth**

areas until adequate service levels are in place or reasonably assured.”)) (emphasis added). In Baltimore County, this is done by withholding permit issuance until the deficiency is resolved, not by denying Development Plan or special exception approvals. To deny the special exception request, rather than condition it upon permits not being issued until such time as there is no applicable moratorium, would fly in the face of judicial economy and the legislative intent behind the applicable regulations.

BCZR § 502.1.C

Pursuant to BCZR § 502.1.C, the proposed fuel service station must not create potential hazards from fire, panic, or other dangers. The proposed fuel service station will not create potential hazards from fire, panic, or other dangers greater than the potential hazards inherently associated with a fuel service station irrespective of its locations within the zone. Mr. Bathurst testified that the fuel service station will comply with all fire and building codes. Petitioner’s Exhibit No. 2 shows that two fire hydrants are being added to the site. There was no probative evidence of unique adverse effects to overcome the presumption that the proposed use is valid.

BCZR § 502.1.D

Pursuant to BCZR § 502.1.D, the proposed fuel service station must not tend to overcrowd the land and cause undue concentration of population. The proposed fuel service station will not tend to overcrowd the land and cause undue concentration of population greater than the tendency to do so inherently associated with a fuel service station irrespective of its location within the zone. As indicated on Petitioner’s Exhibit

No. 2, the proposed fuel service station exceeds the site area requirements of BCZR §§ 405.4.A & 405.4.D.

By way of example and not by limitation, Notes number 13 and 16 provide that a Floor Area Ratio of 0.1 instead of the permitted 2.0 and the proposed fuel service station convenience store, ATM and carry-out restaurant require a site area of 34,976 square feet but the subject site, which is 64,307 square feet, far exceeds that requirement, respectively. The subject site, and other uses surrounding same, are served by a joint access road with frontage on both W. Padonia Road and Beaver Dam Road. Furthermore, while only 29 off-street parking spaces are required for the proposed use, 51 spaces with dimensions in excess of the county requirement have been provided.

BCZR § 502.1.E

Pursuant to BCZR § 502.1.E, the proposed fuel service station must not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements. The proposed fuel service station will not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements greater than the interference inherently associated with a fuel service station irrespective of its location within the zone.

The use is nonresidential and therefore will not increase enrollment in schools, as contemplated in the County's APFO regarding schools, BCC § 32-4-103. Nor is the subject site located near any schools. No open space is required to be provided as the County's APFO regarding open space, BCC § 32-6-108, only applies to residential

development. The subject site does not lie in the shed of an area with a failing designation or an area of special concern on the Basic Services Map for either water or sewer facilities.

Even though the subject site lies in a traffic shed from a designated F rated intersection on the 2019 Basic Services Map - Transportation, despite DPW grading the intersection as a C during the transparent public review process codified in BCZR § 4A02.3.E, this designation only ensures that the issuance of a building permit will be delayed until the 2020 Basic Services Maps are adopted prior to May 31, 2020, or some other action to remedy the moratorium is taken. It does not preclude special exception approval based upon the empirical evidence that the intersection operates at a perfectly functional level. Petitioner further adopts and incorporates its stated position as set forth in its argument regarding BCZR § 502.1.B.

The F rated intersection does not constitute probative evidence regarding how this particular use at a particular location will create a particularly significant traffic problem or hazard has been offered. There is only evidence of a generalized increase in traffic consistent with the proposed use irrespective of its location. DGG Market, Inc. Exhibit No. 2. Until such time as the failing designation of the W. Padonia Road and Beaver Dam Road intersection is resolved, no building permit shall be issued. In the interim, special exception approval can be granted as there is no particular significant traffic problem or hazard associated with the fuel service station or the subject site.

Furthermore, this condition for determining whether the special exception should be granted could be interpreted to mean that the project shouldn't interfere with

any capital projects such as a road expansion. As previously noted, Ms. Wolcott's report added, among other things, that there are no current projects in the State's fiscally constrained FY 2019-2024 CTP nor the State's fiscally unconstrained HNI for any nearby MDOT SHA facilities that conflicts with this project. Petitioners Exhibit No. 22. The current I-83 bridge over W. Padonia Road is forecasted to be completed in 2020, Petitioners Exhibit No. 44.

BCZR § 502.1.F

Pursuant to BCZR § 502.1.F, the proposed fuel service station must not interfere with adequate light and air. The proposed fuel service station will not interfere with adequate light and air greater than the interference inherently associated with a fuel service station irrespective of its location within the zone. The proposed 4,905 square foot structure will be 24 feet tall on 1.48 acres. The canopy will be 20 feet tall. The setbacks exceed the minimum permitted. The joint access off of W. Padonia Road and Beaver Dam Road provides additional buffering for the properties furthest away from that intersection.

BCZR § 502.1.G

Pursuant to BCZR § 502.1.G, the proposed fuel service station must not be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the BCZR. For the reasons which have been exhaustively explained, the proposed fuel service station will not be inconsistent with the purposes of the property's zoning classification or in any other way inconsistent with the spirit and intent of the BCZR. The legislative intent of fuel service

regulations are very clear about how they are to be applied. Furthermore, there are several fuel service stations on the north-south vehicular route servicing the industrial corridor, that aren't situated as close to exits onto I-83, where vehicles working at or simply visiting locations therein might decide they need fuel as they come and go from the industrial corridor.

BCZR § 502.1.H

Pursuant to BCZR § 502.1.H, the proposed fuel service station must not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR. The proposed fuel service station will not be inconsistent with the impermeable surface and vegetative retention provisions of the BCZR greater than the inconsistency inherently associated with a fuel service station irrespective of its location within the zone.

There are no impermeable surface or vegetative retention provisions applicable to the ML-IM zone (as opposed to other zoning designations) but the proposed fuel service station has received approval of a conceptual stormwater management plan and schematic landscape plan.

BCZR § 502.1.I

Pursuant to BCZR § 502.1.I, the proposed fuel service station must not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an RC 2, RC 4, RC 5 or RC 7. The proposed fuel service station will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands,

aquifers and floodplains in an RC 2, RC 4, RC 5 or RC 7 greater than the detriment inherently associated with a fuel service station irrespective of its location within the zone.

As previously noted, a schematic landscape plan and a conceptual stormwater management plan has already been approved. Furthermore, there is no RC zoning in the vicinity of this property.

Question #4

Is the proposed combined convenience store and carry-out restaurant an ancillary use permitted by right with the fuel service station and how much parking is required for the combined uses?

Yes, the combined convenience store and carry-out restaurant is an ancillary use which is permitted by right in conjunction with any fuel service station. BCZR § 405.4.D.2 provides that the combined convenience store and carry-out restaurant does not necessitate special exception approval so long as the gross floor area of the combined convenience store and carry-out restaurant is less than 6,000 square feet inclusive of accessory storage. Most recently, Bill No. 15-19, Petitioner's Exhibit No. 41, modified the fuel service station regulations to clarify the permissibility of certain ancillary uses.

Petitioner's Exhibit No. 2 provides that 51 off-street parking spaces are being provided. The off-street parking tabulation chart on sheet 2 of Petitioner's Exhibit No. 2 provides that only 29 such spaces are required under BCZR § 405.4.A.3.d and BCZR § 409.6.A.2 (carry-out restaurant and retail-general). It goes on to provide that 10 spaces are being provided for the convenience store, 11 for the carry-out restaurant, 4 spaces

for the employees of the fuel service station on the largest shift, 2 spaces for the square footage of the outdoor seating area, 1 space for the ATM and 1 space for the self-service air. As the direct and cross examination of Mr. LaCesa revealed, these are pretty conservative estimates since the parking ratio applicable to a convenience store and/or carry-out restaurant presumes the employees are included in said calculation. Mr. LaCesa testified that there will be a grand total of approximately 4 employees on the largest shift of the fuel service station with combined convenience store and carry-out restaurant, who are trained to do all jobs associated with the combined use, but nevertheless all of said employees were included in the number of employees of the fuel service station. The square footage of the restrooms was included in the parking calculation for the fuel service station since BCZR § 405.4.B provides that a rest room facility shall be provided. Bottom line, there is more than enough parking.

Question #5

Is the proposed use in conformance with the Master Plan and adopted community plans?

Yes, the proposed fuel service station with a combined convenience store and carry-out restaurant is in conformity. Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, *People's Counsel v. Loyola College*, 406 Md. 54, 77 n. 23 (2008).

As provided in BCC § 32-4-102(a)(1), subject to the limitations in the Charter and this Code, all development in Baltimore County must be in conformity with the Master Plan and any adopted community plans. BCC §§ 32-2-202 and 32-2-203 provides the required and optional contents of the Master Plan. As promulgated in BCC § 32-3-101,

the powers of the County include the preparation of the zoning map and regulations. The comprehensive plan and the quadrennial comprehensive zoning map and regulations operate collaboratively, as provided in the Master Plan 2020. Ms. Nugent testified that page 1 of the Master Plan makes it clear that it was an advisory, rather than mandatory, guide. Page 1 reads, in pertinent part,

Although a few proposed actions are required by state law, generally the policies and actions stated in Master Plan 2020 are not mandatory and do not control or limit the County governing body. They serve, as do all of the statements of the Master Plan, as a guide for the County's governing body.

Page 2 reads, in pertinent part,

The County Executive and the County Council acknowledge the importance of the master plan as an advisory tool for ensuring rational and orderly development. The policy decisions of the Council, expressed through its law-making powers, are the means to fulfilling the evolving needs of the County and the citizens. Master Plan 2020 is intended to guide the County Executive, the Council, and the government agencies in accomplishing the visions and goals of the plan. However, in certain limited circumstances, the plan may be more than just a guide.

The County has passed special regulations pertaining to fuel service stations which expressly provide that they are in accordance with the goals of the Master Plan 2020 and duly adopted community plans such as the Hunt Valley/Timonium Master Plan. BCZR § 405.1.D expressly provides that:

It is the intent of this section to permit fuel service stations in accordance with the goals of the Master Plan and duly adopted community plans by requiring performance standards that will regulate their location and appearance as well as the additional uses which may be developed at such sites.

There is ample testimony and evidence to support a finding that the proposed use at the proposed location is in conformity with the Master Plan 2020 and the Hunt Valley/Timonium Master Plan

<http://resources.baltimorecountymd.gov/Documents/Planning/communityplans/huntvalleytimoniumplan.pdf>). The Hunt Valley/Timonium Master Plan makes recommendations and/or proposes actions which are to be taken by the County Council. By way of example and not by limitation, on page 4 of the Hunt Valley/Timonium Master Plan, Bill No.172-93, the Act which changed gas stations from automotive service stations to fuel service stations, was specifically mentioned as having a profound impact on retail uses being permitted in the ML zone. The plan specifically acknowledges that auxiliary retail and service uses such as fast food restaurants, banks and beauty shops are now allowed to have direct access to streets with arterial designations, such as Padonia Road. On pages 6-7 of the Hunt Valley/Timonium Master Plan, it is noted that development of big box retail and restaurants is diminishing the supply of land available for employment uses, and contributing to traffic congestion. As noted on pages 9-10 of the Hunt Valley/Timonium Master Plan, it is provided that the Department of Economic Development is supposed to take an active role in the review and implementation processes related to development or redevelopment projects impacting the Hunt Valley/Timonium business community. With respect to transportation, the plan further provides on pages 10-13 that congestion can be addressed by requiring a traffic impact study for large-scale development/ redevelopment and that in order to maintain the industrial

service road running north-south from the tip of Greenspring Drive near Lutherville to International Circle in Hunt Valley restrictions regarding retail uses on such roads should be incorporated into the zoning regulations or into the development regulations through adoption of a roadway classification map.

Over two decades after its adoption in 1998, the County Council has not taken action to further restrict auxiliary retail uses in the ML zone or limit retail uses of the industrial service road. In fact, a review of the legislative history regarding the retail uses permitted in the ML zone and the comprehensive rezoning of ML land to BL and BM zoning in the CZMP shows that these recommendations in the duly adopted community plan have been largely ignored. As previously noted, in the 2016 CZMP, a rather large swath of land was rezoned from industrial zoning to business zoning. Petitioner's Exhibit Nos. 10 & 33. Ms. Nugent testified that Planning and the Planning Board supported the rezoning of the Atapco property. She also indicated that her agency consulted with Economic Development, as called for in the adopted community plan, regarding the proposed redevelopment of the Bob Evans restaurant into a Sheetz fuel service station and they had no issues. Bottom line, Planning indicated that the proposed fuel service station and combined convenience store and carry-out restaurant is in conformity with the Master Plan. Petitioner's Exhibit Nos. 3 & 4. Similarly, Ms. Wolcott and MDOT SHA indicated that "[t]he development does not conflict with Baltimore County Master Plan 2020." Petitioner's Exhibit No. 22. Petitioner's experts, Mr. Bathurst and Mr. Pieranunzi, similarly testified that the development was in conformity with the Master Plan and adopted community plan. Protestant's expert

witness, Mr. Jakubiak, on the other hand, testified that the proposed use is not in conformity with the Hunt Valley/Timonium Master Plan. "[T]he opinion or conclusion of an expert or lay witness is of no greater probative value than that warranted by the soundness of his underlying reasons or facts." *Anderson v. Sawyer*, 23 Md.App. 612, 618 (1974). For the aforementioned reasons, the recommendations in the Hunt Valley/Timonium Master Plan do not supersede the zoning map or zoning regulations and the proposed fuel service station is therefore in conformance with the Master Plan and adopted community plan.

Last but not least, as previously stated, following Development Plan approval for the instant proposed use/development, a Record Plat was recorded in the Land Records of Baltimore County as Plat No. 79-826. As provided in BCC § 32-4-231, a Development Plan which conflicts with the Master Plan is to be referred to the Planning Board. No such referral was required because the County does not feel as if there is a conflict with the Master Plan. Furthermore, as a result of having recorded a plat for this non-residential Plan, it has obtained vested rights¹⁶ pursuant to BCC § 32-4-264(b)(2).

CONCLUSION

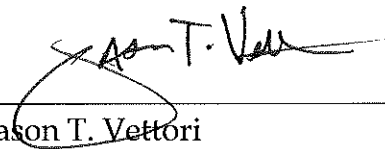
For the foregoing reasons, special exception approval must be granted. As it is expressly within the statutory authority of the Board, as provided in BCZR § 502.3, the Petitioner respectfully requests that the special exception approval be valid for up to

¹⁶ As provided in BCC § 32-4-101 (ccc), vested is defined as follows:

The term "vested" or "vesting" is a protected status conferred on a Development Plan. A vested Development Plan shall proceed in accordance with the approved Plan and the laws in effect at the time Plan approval is obtained. A property owner, developer or applicant obtains vested rights for a Development Plan in accordance with § 32-4-264 of this title.

five years and/or until such time for utilization to a date 18 months after the County's adequate public facilities become adequate and available. BCZR § 502.2, provides in pertinent part, that "[i]n granting any special exception, ... the Board of Appeals" has the authority to impose conditions, restrictions or regulations on a special exception.

Respectfully Submitted,



Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
jvettori@sgs-law.com

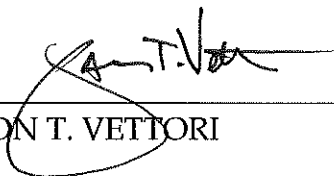
CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 31st day of July, 2019, a copy of the foregoing
Petitioners Closing Memorandum in lieu of Closing Argument was mailed, postage
pre-paid, to:

Adam D. Baker, Esquire
Caroline L. Hecker, Esquire
Gerard J. Gaeng, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, MD 21201-3305
Attorneys for 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC

and

Michael R. McCann, Esquire
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, MD 21204
Attorney for DGG Market, Inc.



JASON T. VETTORI

APPENDIX

Appendix A Excerpts from the 1955 version of the Baltimore County Zoning Regulations

Appendix B Bill No. 100-1970

Appendix C Case No. 2014-0163-SPHX

Appendix D Case No. 2018-0346-SPHXA

Appendix E Case No. 2000-457-X

8/12/55
BALTIMORE COUNTY

ZONING REGULATIONS

1955

BOOK N^o 1480

This is the property of:

Name

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Lawrence E. Schmidt, Esq.
Zoning Commissioner

Address

Phone

BALTIMORE COUNTY
ZONING REGULATIONS

ADOPTED BY
COUNTY COMMISSIONERS
OF
BALTIMORE COUNTY

March 30, 1955, in accordance with Title 30, Section
532 (c) of the Code of Public Local Laws of Baltimore
County (1955 Edition).

1955

Michael J. Birmingham
President

Robert B. Hamill
Augustine J. Muller
County Commissioners of Baltimore County

Francis T. Peach
County Solicitor

George M. Berry
Deputy Solicitor

Wilsie H. Adams
Zoning Commissioner

M. L. Zone—Manufacturing, Light

Section 253—USE REGULATIONS

The following uses only are permitted:

253.1—Non-residential uses permitted and as limited in B. R. Zone, excluding: kennels, theatres, drive-in theatres, funeral establishments, and the uses permitted in Sections 230.7 and 230.8.

253.2—Residential uses as follows:

Dwellings, one-family or two family on lots of record before March 30, 1955, but new subdivisions for residential development are prohibited;

Form (see Section 404);

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M. L. Zone.

253.3—Uses permitted in M. R. Zone.

253.4—The following uses when located at least 100 feet from any contiguous residence zone:

Assembly of automobiles and airplanes;

Boat yard and/or marine railway;

Bus terminal;

Carpet, rug cleaning;

Cleaning and dyeing;

Concrete products, including concrete and/or cinder block manufacture;

Contractor's equipment storage yard;

Creamery;

Enameling, japanning, lacquering, galvanizing and plating, when merely accessory to other permitted uses;

Excavations, controlled, exclusive of those embodying use of explosives (see Section 403);

Grain, processing of, provided equipment is installed for effective precipitation and recovery of dust;

Ice, manufacture of;

Milk pasteurization and distributing stations;

Non-liquid fuel storage and sale (for requirements see Baltimore County Building Code);

Poultry, commercial killing of;

Storage of inflammable liquids and gases above ground (for requirements see Balti-

M. L. ZONE

more County Building Code);
Vegetable canning or packing house.

253.5 — Special Exceptions — The following uses when permitted as Special Exceptions (see Sections 270 and 502):

Cemetery;
Excavations, controlled, when explosives are used (see Section 403);
Filling station (see Section 405);
Sanitary landfill (see Section 412);
Shooting range;
Signs, outdoor advertising (see Section 413.3);
Trailer Park (see Section 414);
Truck terminal;
Wireless transmitting and receiving structure.

Section 254—HEIGHT REGULATIONS

Height unlimited except that no building hereafter erected on a lot which abuts a residence or business zone shall exceed a height of 40 feet or 3 stories, if any part of said building is within 100 feet of the boundary line of said residence or business zone (see Section 300).

Section 255—AREA REGULATIONS

Same as in B. R. Zone, Section 238.

M. H. Zone—Manufacturing, Heavy

Section 256—USE REGULATIONS

The following uses only are permitted:

256.1—Uses permitted in M. R. Zone, Section 250.6, and in Section 253.4 of the M. L. Zone;

Living quarters for watchmen and caretakers and their families employed and living on the premises, in connection with any lawful use in the M. H. Zone;
Storage of inflammable liquids and gases underground (for requirements see Baltimore County Building Code);
Volunteer fire company.

256.2—The following uses when located at least 300 feet from any residence zone or 200 feet from any business zone:

Bag cleaning;
Bituminous concrete mixing plant;
Brewing and distilling of beer, ale or liquor, malt manufacture;

EXCAVATIONS, CONTROLLED

proposed use of land during excavation and grading plans after excavation shall be directed to the Zoning Commissioner. Any Special Exception granted hereunder may include the right to erect and operate buildings, machinery, and equipment for a temporary period, consistent with other provisions of the order of the Zoning Commissioner, or the Board of Zoning Appeals, on appeal. All pertinent requirements of the Baltimore County Health Department Regulations and the Baltimore County Building Code shall be incorporated by the Zoning Commissioner and the Board of Zoning Appeals, on appeal, in approving any application hereunder.

Section 404—FARMING

404.1—Any farming use, or combination of uses, as defined in Section 101, must be located on at least 3 acres of land.

404.2—All accessory buildings except farmers' roadside stands shall be governed by the same area requirements as those applicable to a principal building in the zone in which the farm is located.

404.3—Commercial reduction of inedible animal or vegetable matter and commercial slaughtering, except killing of poultry produced on the premises, are prohibited.

404.4—Commercial piggeries (hog raising for other than family use) are permitted only on a farm of at least 10 acres, and no hogs shall be permitted within 150 feet of any land zoned or used for residential purposes.

404.5—Manure must be stored in places removed at least 100 feet from all boundary lines of the lot.

404.6—Farmers' roadside stands must be set back at least 35 feet from the nearer edge of the street pavement.

Section 405—FILLING STATIONS

405.1—Lighting—All lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into residential premises.

405.2—Pump islands shall be located not less than 12 feet from the street right-of-way line. The Zoning Commissioner, however, before granting any Special

FILLING STATIONS

Exception hereunder, shall consult with the office of Planning regarding any proposed future street right-of-way widening at such location.

405.3 — Repairs — Only minor and emergency repairs and customary services such as tire and chain service are permitted outside of a building. Body or fender repairs or repainting shall not be considered as emergency repairs, and in no case shall work be done outside which involves considerable noise, dust, paint or lacquer spray mist, or other objectionable characteristics.

405.4—Storage and parking—No continuous storage or continuous parking of vehicles is permitted outside of a building when the station is closed for business, except for emergencies.

405.5—Storage of inflammable liquids—See regulations in Baltimore County Building Code.

Section 406—GOLF DRIVING RANGE, MINIATURE GOLF, AND BASEBALL BATTING RANGE

406.1—All lighting installations shall be such and be so arranged as not to increase traffic hazards or to cause direct or glaring reflection into adjoining premises.

406.2—Enough offstreet parking space shall be provided so that parking on an adjoining access street or highway is unnecessary.

Section 407—HOSPITALS

407.1—Class A, as defined in Section 101 and conditioned as follows:

- a. The lot area shall be as follows:
 - (1) For hospitals with 100 beds or more—
at least 5 acres;
 - (2) For hospitals with from 50 to 100 beds
—at least 4 acres;
 - (3) For hospitals with less than 50 beds—
at least 3 acres.
- b. No part of any building shall be less than 100 feet from any bounding lot or street line;
- c. Adequate offstreet parking space shall be provided, but not less than the number of spaces specified in Section 409.2.

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND

Legislative Session 1970, Legislative Day No. 11

BILL NO. 100

Mr. Partenfelder, Councilman
(Request of County Executive)

By the County Council, July 6, 1970

A BILL
ENTITLED

AN ACT, To amend the Baltimore County Zoning Regulations to provide certain new regulations and to revise certain existing regulations for establishment of zoning classifications, conversion and redesignation of "Residence" zoning classifications; to provide for the deletion and addition of terms and definitions; to provide for the application of light manufacturing zoning regulations to areas covered by previously submitted subdivision plans; to establish Rural and Rural-Suburban zoning classifications, "Density" Residential (D.R.) zoning classifications and Elevator-Apartment-Residence Zoning Classifications; to amend the special regulations for Community-Core Commercial (C.C.C.) Districts; to revise the use regulations in Light Manufacturing (M.L.) Zones; to revise the regulations governing automotive service stations in permitted parking garages; to establish regulations for Unit Developments and the classifications and authorizations thereof; to provide for the continuing validity of special exceptions granted for elevator apartment buildings or office buildings under R.A. Zoning Classifications; to provide that the Planning Board may adopt and implement certain policies and procedures in furtherance of the Zoning Regulations; by repealing and re-enacting with amendments Subparagraph 100.1.A.2; by adding new Subsection 100.3A; by deleting and adding certain definitions to Section 101, entitled "Definitions"; by amending Subsection 103.1; by adding new Articles 1A and 1B; by repealing designation and title, "Article 2-Zones and Districts: Use, Height and Area Regulations" and the subtitle, "R.40 Zone-Residence,

One-Family" and enacting in lieu thereof a new designation and title as follows: "ARTICLE 2-ELEVATOR-APARTMENT RESIDENCE ZONES, BUSINESS AND MANUFACTURING ZONES, AND DISTRICTS"; by repealing Sections 200 to 217 (inclusive) and enacting in lieu thereof new Sections 200, 201 and 202; by repealing and re-enacting Subsection 232.5; by redesignating existing Section 232A as Section 232B; by redesignating existing Subsections 232A.1 to 232A.6 (inclusive) as 232B.1 to 232B.6 (inclusive); by adding new Section 232A; by redesignating existing Section 235A as Section 235B; by redesignating existing Subsections 235A.1 to 235A.6 (inclusive) as 235B.1 to 235B.6 (inclusive); by adding new Section 235A; by adding new Section 238A; by redesignating existing Section 238A as Section 238B; by redesignating existing subsections 238A.1 to 238A.5 (inclusive) as 238B.1 to 238B.5 (inclusive); by deleting Section 253 and enacting in lieu thereof, new Section 253; by repealing and re-enacting with amendments Subparagraph 405.2.A.4 and Paragraph d of Subsection 409.2; by adding new Section 430; by adding new Subsection 502.4 and by adding new Section 504; all being provisions of said Baltimore County Zoning Regulations, 1955, as amended.

WHEREAS, the amendments to the zoning regulations which are contained in this Bill, having been formulated in accordance with the procedure specified in sections 22-20 and 22-21 of the Baltimore County Code, 1968, the said several public hearings required by said sections having been held after the required public notice; now, therefore

1. SECTION 1. Be it enacted by the County Council of Baltimore County,
2. Maryland, That subsection 100.1.A.2 be and it is hereby repealed and
3. re-enacted with amendments as follows;
4. 2. Zones are as follows;
5. R.D.P. Zones Rural: Deferred-Planning
6. R.S.C. Zones Rural-Suburban: Conservation
7. D.R. 1 Zones Density Residential, 1.0 Dwelling Units Per Acre
8. D.R. 2 Zones Density Residential, 2.0 " " " "
9. D.R. 3.5 Zones Density Residential, 3.5 " " " "
10. D.R. 5.5 Zones Density Residential, 5.5 " " " "
11. D.R. 10.5 Zones Density Residential, 10.5 " " " "
12. D.R. 16 Zones Density Residential, 16.0 Density " " "
13. R.A.E. 1 Zones Residential, 40.0 " " " "
14. R.A.E. 2 Zones Residential, 80.0 " " " "
15. B.L. Zones Business, Local
16. B.M. Zones Business, Major
17. B. R. Zones Business, Roadside
18. M.R. Zones Manufacturing, Restricted
19. M.L.R. Zones Manufacturing, Light Restricted
20. M.L. Zones Manufacturing, Light
21. M.H. Zones Manufacturing, Heavy
22. SECTION 2. And be it further enacted, That Article 1 be and it is
23. hereby amended by adding sub-section 100.3A, said new sub-section to
24. read as follows:
25. 100.3A- The residential zones and zoning classifications as previously
26. changed in Subsection 100.3 are further changed; the R.40, R.20, R.10,
27. R.6, R.G., and R.A. zones and zoning classifications established before
28. the effective date of this subsection by the official zoning maps and amend-
29. ments thereto and by Subsection 100.1 as previously enacted are also changed;

1. and all of them are redesignated on the effective date of this subsection
2. as set forth below. Any requirement, stipulation, or designation with
3. respect to said classifications in any law, ordinance, regulation, private
4. agreement, or official zoning map shall be applied to or construed as the
5. corresponding D.R. zoning classification, as follows, to the full extent of
6. consistent applicability:
7. Zones heretofore classified as R.40 are now classified as D.R. 1;
8. " " " " R.20 " " " " D.R. 2;
9. " " " " R.10 " " " " D.R. 3.5;
10. " " " " R. 6 " " " " D.R. 5.5;
11. " " " " R.G. " " " " D.R. 10.5;
12. " " " " R.A. " " " " D.R. 16.

13. SECTION 3. And be it further enacted, That Section 101 be and it is
14. hereby amended by deleting the following terms and definitions thereof:

15. "Acreage, Gross Residential
16. Density, Gross Residential
17. Density, Net
18. Dwelling, Duplex
19. Dwelling, Group House
20. Dwelling, One-Family
21. Dwelling, Semi-Detached
22. Dwelling, Two-Family
23. Hospital, Class A
24. Hospital, Class B
25. Street
26. Subdivision, Cluster"

27. and by adding thereto in alphabetical order the following terms and definitions:
28. Accessory use or structure: A use or structure which-(a) is customarily
29. incident and subordinate to and serves a principal use or structure; (b) is

1. subordinate in area, extent, or purpose to the principal use or structure;
2. (c) is located on the same lot as the principal use or structure served; and
3. (d) contributes to the comfort, convenience, or necessity of occupants,
4. business, or industry in the principal use or structure served. An accessory
5. building, as defined above, shall be considered an accessory structure.
6. A trailer may be an accessory use or structure if hereinafter so specified. An
7. ancillary use shall be considered as an accessory use; however, a use of such
8. a nature or extent as to be permitted as a "use in combination" (with a service
9. station) shall be considered a principal use.
10. Apartment building: A dwelling containing three or more apartments.
11. Apartment, group-house: A dwelling unit which differs from a group
12. house only in that it is situated on the same lot as the other dwelling units in
13. the row.
14. Bedroom: The term "bedroom" includes a bedroom, any other room used
15. principally for sleeping purposes, an "all-purpose room," a study, or a den,
16. provided that no room having less than 100 square feet of floor area shall be
17. considered a bedroom.
18. Community: A coherent urban area generally comprising three to five
19. neighborhoods and a central concentration of public facilities and commercial
20. uses necessary or appropriate to serve the population of the area as a whole,
21. usually including a middle, junior-high or high school (or school-recreation
22. center) and a variety store.
23. Density unit: An expression of extent or density of dwelling use as
24. related to number of rooms in, or type of, dwelling unit, so that:
25. Each efficiency apartment is equivalent to 0.50 density unit;
26. " 1-bedroom dwelling unit " " " 0.75 " " ;
27. " 2-bedroom " " " " 1.00 " " ;
28. " dwelling unit with 3 or more
29. bedrooms " " " 1.50 " units.

1. Group house: Any one of a group of not less than three and not more
2. than six attached dwelling units which have been constructed together in a
3. lateral row surrounded by yard space, each dwelling unit separated from
4. another by a party wall and situated on a separate lot.
5. Lot of record: A parcel of land with boundaries as recorded in the
6. Land Records of Baltimore County on the same date as the effective date
7. of the zoning regulation which governs the use, subdivision, or other condition
8. thereof.
9. Neighborhood: A coherent urban area generally comprising the
10. dwellings for a residential population of approximately 1,000 to 3,000
11. families and a more-or-less central concentration of the public facilities
12. and business uses serving their everyday or frequent needs, usually including
13. an elementary school (or school-recreation center) and a supermarket or
14. grocery store.
15. Principal use: A main use of land, as distinguished from an accessory use.
16. Sewerage system, public: A sewerage system which is operated by the
17. County or a public agency of metropolitan or regional jurisdiction, and which
18. is owned by or meets design and performance standards whereby it is eligible
19. for ownership by the County or such agency, whether or not it is part of or
20. connected with the physical facilities of the metropolitan or regional sewerage
21. system.
22. Street: A motorway which is not a freeway or expressway, but which has
23. a right of way more than 20 feet in width.
24. Town: A coherent urban area generally comprising: three to five
25. communities (up to approximately 25 neighborhoods, 100,000-150,000 persons);
26. a central concentration of public facilities, institutions, and commercial uses
27. necessary or appropriate to serve the population of the area as a whole, including
28. a high school and one or more major department stores; and industrial or
29. similar major-employment uses.

1. Water-supply system, public: A water-supply system which is
2. operated by the County or a public agency of metropolitan or regional
3. jurisdiction, and which is owned by or meets design and performance
4. standards whereby it is eligible for ownership by the County or such agency,
5. whether or not it is part of or connected with the physical facilities of the
6. metropolitan or regional water-supply system.

7. SECTION 4. And be it further enacted, That Sub-section 103.1
8. is hereby amended by adding the following:

9. Provided further, however, that the use and development of land in
10. M. L. zones shall not be affected by the foregoing provision, but development
11. is permitted in accordance with any preliminary development plan approved
12. by the Office of Planning and Zoning before the effective date of this further
13. proviso, even though such development may be counter to then-current
14. regulations for M. L. zones, if, on the fifth anniversary of such effective
15. date, construction either is completed or is substantially commenced and
16. diligently being pursued to completion; otherwise, the regulations generally
17. in effect at the time such use or development is to be established shall control.

18. SECTION 5. And be it further enacted, That new Articles 1A and 1B
19. be and they are hereby added immediately after Article 1, said new Articles
20. to read as follows:

21. ARTICLE 1A-RURAL AND RURAL-SUBURBAN LOW-INTENSITY ZONES

22. Section 1A00-R. D. P. Zones (Rural: Deferred-Planning).

23. 1A00.1-General Provisions.

24. ~~A. Legislative Statement of Findings and Policy.~~

25. ~~1. Declaration of Findings. It is found:~~

26. ~~a. That new development in Baltimore County has~~

27. ~~occurred to an appreciable degree in the form of urban sprawl;~~

28. ~~b. That there are disadvantages experienced by the~~

29. ~~residents of prematurely developed outlying areas which are~~

~~part of the urban sprawl pattern, namely inefficiencies,~~
~~diseconomies, and inconveniences resulting from the~~
~~nonscheduled and thus necessarily lagging construction or~~
~~installation of various public facilities, from the inadequacy~~
~~or lack of choice in retail shopping or service establish-~~
~~ments, from a relatively time-consuming journey to work,~~
~~and from a prospectively lasting absence or insufficiency~~
~~in choice of transportation mode;~~
~~c. That, characteristically, commercial as well as~~
~~industrial and other major employment activities in such~~
~~areas are similarly hampered by the same and related~~
~~inefficiencies, diseconomies, and inconveniences;~~
~~d. That urban sprawl leads to increasingly excessive~~
~~capital outlays for public facilities;~~
~~e. That the processes of urban sprawl have typically~~
~~been such as to induce qualities of environmental tres-~~
~~sure and unsightliness;~~
~~f. That conversely, a pattern of urban containment~~
~~obviates the deleterious effects of urban sprawl, and~~
~~that, notably in the case of a high rate of development~~
~~activity, total capital outlays for public facilities~~
~~within the context of urban containment can be sub-~~
~~stantially lower than the aforementioned excessive~~
~~outlays required to support urban sprawl, for an~~
~~equivalent or greater level of service, in that user~~
~~proximity, system compactness, and other advantages~~
~~of containment provide for substantially more efficient~~
~~and economical installation;~~

1.-----g. That sound policies to prevent urban-----
2.-----sprawl would not inhibit desirable urban growth; but,-----
3.-----to the contrary, would result in continuing accommodation-----
4.-----of undiminished urban growth within relatively compact,-----
5.-----rationally expanding areas of urban development;-----
6.-----h. That, for the foreseeable future, it is in the-----
7.-----public interest to reserve suitable rural lands for-----
8.-----agricultural purposes and for certain other needed low-----
9.-----intensity uses appropriately located in rural areas;-----
10.-----i. That detailed public planning for future urban-----
11.-----development in certain outlying rural areas is not desirable-----
12.-----in view of (1) prevailing uncertainties as to long-range-----
13.-----demographic trends, (2) the necessarily indefinite or-----
14.-----uncertain nature of economic projections as they may-----
15.-----affect the selection of alternative development patterns-----
16.-----applied to outlying, presently rural areas, (3) the similarly-----
17.-----indefinite or uncertain nature of various other data and-----
18.-----projections that would be necessary to the preparation-----
19.-----of such plans, (4) patterns of land ownership and typical-----
20.-----sizes of individual or conglomerate land holdings,-----
21.-----particularly as these matters relate to a possible trend-----
22.-----or inducement toward a greater employment of unit-----
23.-----development systems where desirable; (5) an anticipation-----
24.-----that numerous relevant planning studies being undertaken,-----
25.-----at the time of the enactment of this Section 1A00, by-----
26.-----Baltimore County, by agencies of the governmental-----
27.-----jurisdictions at other levels, and by private agencies,-----
28.-----as well as certain relevant studies expected to be-----
29.-----commenced in a period of several years hereafter, will-----

1.-----produce findings essential to such planning;-----
2.----- (6) the fact that the present urban area and-----
3.-----certain limited, adjacent areas suitable for the-----
4.-----orderly accommodation of urban growth (including-----
5.-----the provision of open spaces of various sizes and-----
6.-----functions) together contain land which is vacant-----
7.-----or sparsely developed but which has been determined-----
8.-----to be suitable and sufficient in extent to accommodate-----
9.-----urban development and any probable increment-----
10.-----of population growth for a period of more than a-----
11.-----decade hereafter;-----
12.-----j. That, in view of the foregoing, further-----
13.-----urban sprawl would be inimical to the public-----
14.-----interest and; conversely, an affirmative policy-----
15.-----to foster a pattern of urban containment is-----
16.-----essential to the general welfare of the County;-----
17.-----k. That typical agricultural usage, or other-----
18.-----use or development of land at very low intensity,-----
19.-----clearly provides for a potential feasibility of-----
20.-----development at urban intensity, where desirable,-----
21.-----in future stages of the County's growth, while-----
22.-----urban development would not be feasible after pre-----
23.-----emption of rural land for development at typical-----
24.-----suburban intensities; and-----
25.-----l. That the promulgation of zoning regulations-----
26.-----to prohibit the subdivision of land in outlying-----
27.-----rural areas into small tracts is an accepted,-----
28.-----valid, appropriate, and otherwise reasonable-----
29.-----action to inhibit urban sprawl and to minimize-----

~~--1.-----the prospective health hazards brought about-----~~
~~--2.-----by development of moderately sized lots not-----~~
~~--3.-----served by public water supply or sewerage-----~~
~~--4.-----systems-----~~

5. --2.1. Purpose. The R. D. P. zoning classification
6. is established, pursuant to the legislative findings
7. set forth above, in order to:
8. a. Prevent untimely urban development
9. of relatively open rural land; and
10. b. Foster conditions favorable to
11. agriculture and other low-intensity uses
12. appropriate in rural areas, considering both
13. the magnitude of total land acreage needed for
14. such uses and the current prospective needs for
15. developable urban land.
16. --3.2. Intent as to application of R. D. P. zoning
17. classification to property or removal therefrom. It
18. is intended:
19. a. That rural land shall be classified
20. within R. D. P. zones unless the Capital Budget
21. and Five-Year Capital Program of Baltimore
22. County and duly adopted official Baltimore
23. County master plans, including the "county
24. plan" required under Article 43, Section 387C
25. of the Annotated Code of Maryland, 1957
26. (1965 Replacement Volume), as amended,
27. all consistently indicate that such land is to be
28. served by public sewerage and water-supply
29. systems and, in the case of those said

1. documents which determine the timing of
2. construction, also consistently provide for the
3. adequacy and availability of service to said land
4. by such systems within a period of six years
5. after the time of consideration with respect
6. to zoning classification; provided further, however,
7. that such nonserved land as is specifically herein
8. described (in this Subparagraph 3 or other provisions
9. in these regulations) as being appropriately other-
10. wise classified shall also be excepted from the
11. category of land which shall be classified as R. D. P. ;
12. b. That land classified as R. D. P. shall
13. not be reclassified (rezoned) until such time as
14. the documents hereinabove noted have been
15. officially changed or replaced in kind and thereby
16. then indicate possible appropriateness of reclass-
17. ification under the criteria hereinbefore stated;
18. c. That reclassification of land as R. D. P.
19. shall not represent a commitment by Baltimore
20. County with respect to type of future development,
21. but only that more particular planning for the use
22. of such land shall be executed in the future; and
23. d. That certain distinct existing areas
24. of compact development, such as certain approved
25. subdivisions or the immediate environs of typical
26. rural business centers, are not normally to be
27. classified as R. D. P.
28. --4.3. Special Policy for Certain Developments. In view
29. of possible overriding public benefits to be derived from

1. certain large-scale unit developments, the establish-
2. ment of such developments is hereby excepted from
3. application of the policy hereinbefore stated to the
4. extent indicated under Section 430 ("Unit Developments").
5. B. Locational Requirement. No. R. D. P. zone shall be established or
6. re-established within the urban-rural demarcation line, but said line may be
7. re-established to include an R. D. P. zone or part thereof existing at the time
8. said line is re-established.
9. 1A00.2-Use Regulations.
10. A. Uses Permitted as of Right. The following uses, only, are permitted
11. as of right in R. D. P. zones:
12. 1. Farms, or, on existing undersized lots, limited-acreage whole-
13. sale flower farms.
14. 2. One-family detached dwellings.
15. 3. Churches or other buildings for religious worship.
16. 4. Trailers (see Section 415).
17. 5. Research institutes, as defined in Section 101 and as permitted
18. and regulated in D. R. 1 zones (see Section 418).
19. 6. Hospitals.
20. 7. Telephone, telegraph, electrical-power or other electrical
21. lines, all underground with the exception of such lines as are permitted
22. above ground in D. R. zones.
23. 8. Other cables; conduits; gas, water, or sewer mains; or storm-
24. drain systems; all underground.
25. 9. Railroads or other transportation lines.
26. 10. Animal boarding places (regardless of class), kennels,
27. veterinarians' offices or veterinarians, subject to the provisions of
28. Section 421.
29. 11. Excavations, uncontrolled.

1. 12. Schools, except business or trade schools or such
2. schools as are permitted as special exceptions (Paragraph B,
3. below), but including schools for agricultural training.
4. 13. Accessory uses or buildings (not subject to the provisions
5. of Section 400), including, but not limited to:
6. a. An office or studio of a doctor, dentist, lawyer,
7. architect, engineer, artist, musician, or other professional
8. person, provided that such office or studio is established
9. within the same building as that serving as his bona fide
10. residence; does not occupy more than 25 per cent of the total
11. floor area of such residence as existing on the effective date of
12. this provision; and does not involve the employment of more
13. than one nonresident professional associate nor two other
14. nonresident employees; provided, further, that signs relative
15. to such use shall be prohibited except as noted in Section 413.
16. b. Home occupations as defined in Section 101, also
17. subject to the sign provisions of Section 413.
18. c. Parking space, including residential-garage space.
19. B. Uses Permitted by Special Exception. The following uses, only,
20. are permitted as special exceptions:
21. 1. Airports.
22. 2. Antique shops (see Section 402B).
23. 3. Boat yards.
24. 4. Cemeteries.
25. 5. Commercial beaches
26. 6. Community buildings, swimming pools, or other structural
27. or land uses devoted to civic, social, recreational, or educational
28. activities.
29. 7. Conservatories for music or other arts.

1. 8. Dwellings or other buildings converted to tea
2. rooms or restaurants, as provided in Subsection 402.3, or
3. tea rooms or restaurants expressly constructed for such
4. purpose, but otherwise subject to the same such restrictions.
5. 9. Excavations, controlled (see Section 403), provided
6. renovation or appropriate adaptation of the land is assured
7. within a reasonable time, as determined by the Zoning
8. Commissioner.
9. 10. Golf courses, country clubs, or other outdoor
10. recreation clubs; also quasi-public camps, including day camps.
11. 11. Golf driving ranges, miniature-golf ranges, or baseball-
12. batting ranges.
13. 12. Helistops.
14. 13. Marinas.
15. 14. Public-utility uses not permitted as of right.
16. 15. Residential art salons (see Section 402C).
17. 16. Riding stables (commercial or noncommercial).
18. 17. Sanitary landfills (see Section 412).
19. 18. Shooting ranges.
20. 19. Volunteer-fire-company facilities.
21. 20. Wireless transmitting and receiving structures,
22. except that a radio antenna in conjunction with transmitting and
23. receiving facilities used by a resident amateur radio operator
24. possessing an amateur radio operator's license issued by the
25. Federal Communications Commission shall be considered an
26. accessory structure or, if attached to another structure, an
27. accessory use, and, as such, is permitted without a special
28. exception, provided: (a) that if it is an accessory structure,
29. it shall be subject to the provisions of Section 400; (b) that

1. if it is a rigid-structure antenna, it shall be no higher than
2. 100 feet or the horizontal distance to the nearest property
3. line, whichever is less, above grade level, and no supporting
4. structure thereof shall be closer than 50 feet to any property
5. line; and, further, (c) that it does not extend closer to the
6. street on which the lot fronts than the front building line
7. 21. Large-scale unit developments, as provided in
8. Section 430
9. 1A00, 3-Height and Area Regulations.
10. A. Height. No structure in an R.D.P. zone shall exceed a height
11. of 35 feet, except as otherwise specifically provided in these Zoning Regulations
12. (see Section 300).
13. B. Area Regulations.
14. 1. Lot Area. No lot less than ~~10~~ 1 acres in net area
- 14a. shall be hereafter created in an R.D.P. zone, except as provided
15. in Subparagraph 3, below. SUBJECT TO ATTAINING PERCOLATION
- 15a. TESTS SATISFACTORY TO THE BALTIMORE COUNTY DEPART-
16. MENT OF HEALTH AND CONFORMING TO THE APPLICABLE
- 16a. HEALTH REQUIREMENTS.
17. 2. Minimum Linear Dimension. Except as otherwise
18. provided in Subparagraph 3, below, the minimum linear
19. dimension of any lot hereafter created in an R.D.P. zone shall be
20. ~~300~~ 150 feet. For the purposes of these regulations, the
21. minimum linear dimension of any lot shall be the diameter
22. of the largest circle in a horizontal plane which may be
23. inscribed within the lot boundaries.
24. ~~2. Exception for Lots of Record. - A lot of record on~~
25. ~~the effective date of this section as enacted in its entirety~~
26. ~~may be subdivided so as to create additional lots of smaller~~
27. ~~area or dimension than permitted under Subparagraphs 1 and 2,~~
28. ~~but only in accordance with the provisions below (and subject~~
29. ~~to applicable provisions of the Subdivision Regulations and~~

1. subject also to obtaining parcelation tests satisfactory
 2. to the Baltimore County Department of Health)
 3. a. No lot so created shall be smaller than 3
 4. acres in area;
 5. b. The maximum number of lots created shall be
 6. as follows:
 7. Area of Existing Lot of Record Maximum Total Number of
 8. Lots Created Therefrom
 9. Less than 10 acres, but not
 10. less than 6 acres 2
 11. Less than 25 acres, but not
 12. less than 10 acres 3
 13. Less than 50 acres, but not
 14. less than 25 acres 4
 15. 50 acres or more 5
 16. c. Of the total number of lots created from the
 17. original lot of record, only one may be situated so that
 18. all or part thereof is within 300 feet of any street which
 19. exists at the time the subdivision is established, unless
 20. the lot lines of the existing lot are so situated that
 21. compliance with this requirement would preclude
 22. creation of the maximum number of lots permitted under
 23. sub-subparagraph b. In the latter case, more than one
 24. lot or portion thereof may lie within such distance, subject
 25. to approval by the Planning Board.
 26. d. The lot may be so subdivided only by its present
 27. owner, as recorded among the Land Records of Baltimore
 28. County on the effective date of this section, or by his
 29. heirs in successive ownership of the lot.

1. -4. 3. The minimum distance between any building in an
 2. R. D. P. zone and any lot line other than a street line shall be
 3. 50 feet; the minimum distance between the building and the center
 4. line of any street shall be 75 feet.
 5. Section 1A01-R. S. C. Zones (Rural-Suburban: Conservation).
 6. 1A01.1-Legislative Statement of Findings and Policy.
 7. A. Declaration of Findings: It is found:
 8. 1. That certain rural areas of Baltimore County cannot
 9. economically be provided with municipal sewerage because of
 10. topography, because of the intervention of large public reservations
 11. or other large areas which require no sewer service and thus can
 12. provide no means of contribution to amortization of capital costs
 13. or because of the adjacency of existing low-density residential
 14. development for which the provision of water or sewer service
 15. would not be economically feasible;
 16. 2. That in subdivisions containing significant numbers of
 17. houses, private septic systems, including those on lots with
 18. average areas of more than one or two acres, have developed a
 19. high incidence of failure, thereby creating health hazards and
 20. public inconvenience;
 21. 3. That it has not been demonstrated through engineering
 22. technology or otherwise that residential subdivisions with lots
 23. averaging less than three acres in area are without a probability of
 24. ultimate septic system failure;
 25. 4. That it is therefore reasonable to declare that future
 26. residential subdivisions in suburban areas which will not be
 27. serviced by a public sewerage system must be designed so that
 28. lots are large in size, and it is adjudged that three acres is a
 29. reasonable minimum area for any lot in such a subdivision if the

~~1. probability of future health hazard and public inconvenience~~
~~2. is to be made acceptably low;~~
~~3. 5. That there is in Baltimore County a demand for~~
~~4. houses on lots as large as three acres or more;~~
~~5. 6. That it is in the public interest to allocate land for~~
~~6. possible use by low-density institutions;~~
~~7. 7. That it is desirable to provide within Baltimore~~
~~8. County a permanent green ring, without development or with only~~
~~9. sparse development, and residential development on three-acre~~
~~10. lots is deemed to be of sufficiently low intensity to constitute~~
~~11. appropriate use within such a green ring;~~

12. -B. A. General Purpose. The R.S.C. zoning classification is established,
 13. pursuant to the legislative findings set forth above; in order to:

14. 1. Provide for residential use without community health
 15. hazard within areas which will not be serviced by public sewerage
 16. and water-supply systems;

17. 2. Provide for the appropriate zoning of land where
 18. low-density institutions may feasibly be established;

~~19. 3. Maintain the integrity of regionally significant green~~
~~20. areas; and~~

~~21. 4. Provide for a reasonable and appropriate level of~~
~~22. private development in areas where conservation of natural~~
~~23. physiographic characteristics is of paramount importance;~~

24. -C. B. Application of R.S.C. Zoning Classification to Property or
 25. Removal Therefrom. It is intended:

26. 1. That land which is planned to remain unserved by
 27. public sewerage and water-supply systems shall be classified as
 28. R.S.C., with the exception of any distinct existing areas of
 29. compact development which are to remain unserved by such
 30. facilities;

1. 2. That the fact that land has been duly classified as
 2. R.S.C. by the County Council through its adoption of a
 3. comprehensive zoning map shall be prima facie evidence
 4. that there is no intent by the County to provide the public
 5. utility services that would make such land appropriate for
 6. classification within another category, and land which has
 7. been thus classified as R.S.C. may not be reclassified unless
 8. a) both public sewerage and public water-supply systems have
 9. been extended thereto prior to the time a petition for such a
 10. reclassification is considered, b) such land does not lie within
 11. the watershed area of a public water reservoir, and c) such
 12. land does not lie within an area designated as a regionally
 13. significant green space on a duly adopted official Baltimore
 14. County master plan.

1A01.2-Use Regulations.

16. A. Uses Permitted as of Right. The following uses, only, are
 17. permitted as of right in R.S.C. zones:

18. 1. Farms, or; on existing undersized lots, limited-
 19. acreage wholesale flower farms

20. 2. One-family detached dwellings

21. 3. Churches or other buildings for religious worship

22. 4. Research institutes, as defined in Section 101 and
 23. permitted in D.R. 1 zones (see Section 418)

24. 5. Hospitals

25. 6. Telephone, telegraph, electrical-power, or other
 26. electrical lines, all underground with the exception of such
 27. lines as are permitted above ground in D.R. zones

28. 7. Other cables; conduits; gas, water, or sewer mains;
 29. or storm-drain systems: all underground

1. 8. Railroads or other transportation lines
2. 9. Schools, except business or trade schools or such
3. schools as are permitted as special exceptions (Paragraph B,
4. below), but including schools for agricultural training
5. 10. Excavations, uncontrolled
6. 11. Accessory uses or buildings (not subject to the
7. provisions of Section 400), including, but not limited to:
8. a. An office or studio of a doctor, dentist, lawyer,
9. architect, engineer, artist, musician, or other pro-
10. fessional person, provided such office or studio is
11. established within the same building as that serving
12. as the bona fide residence of such person; does not
13. occupy more than 25 per cent of the total floor area of
14. such residence; and does not involve the employment of
15. more than one nonresident professional associate nor
16. more than two other nonresident employees; provided,
17. further, that signs relative to such use shall be pro-
18. hibited except as noted in Section 413
19. b. Home occupations, as defined in Section 101,
20. also subject to the sign provisions of Section 413
21. c. Parking space, including residential-garage space
22. B. Uses Permitted by Special Exception. The following uses, only,
23. are permitted as special exceptions:
24. 1. Airports
25. 2. Antique shops (see Section 402B)
26. 3. Cemeteries
27. 4. Colleges (not including business or trade schools)
28. 5. Community buildings, swimming pools, or other
29. structural or land uses devoted to civic, social, recreational,
30. or educational activities

1. 6. Conservatories for music or other arts
2. 7. Dwellings or other buildings converted to tea rooms
3. or restaurants, as provided in Subsection 402.3, or tea rooms
4. or restaurants expressly constructed for such purpose, but
5. otherwise subject to the same such restrictions
6. 8. Excavations, controlled (see Section 403)
7. 9. Animal boarding places (regardless of class), kennels,
8. veterinarians' offices or veterinarians, subject to the pro-
9. visions of Section 421
10. 10. Golf course, country clubs, or other outdoor
11. recreation clubs; also quasi-public camps, including day camps
12. 11. Helistops
13. 12. Residential art salons (see Section 402C)
14. 13. Riding stables (commercial or noncommercial)
15. 14. Sanitary landfills (see Section 412)
16. 15. Volunteer-fire-company facilities
17. 16. Wireless transmitting and receiving structures,
18. except that a radio antenna in conjunction with transmitting
19. and receiving facilities used by a resident amateur radio
20. operator possessing an amateur radio operator's license
21. issued by the Federal Communications Commission shall be
22. considered an accessory structure or an accessory use if
23. attached to another structure, and, as such, is permitted
24. without a special exception, provided: (a) that if it is an
25. accessory structure, it shall be subject to the provisions of
26. Section 400; (b) that if it is a rigid-structure antenna, it
27. shall be no higher than 100 feet or the horizontal distance
28. to the nearest property line, whichever is less, above grade
29. level, and no supporting structure thereof shall be closer

1. than 50 feet to any property line; and, further, (c) that it
2. does not extend closer to the street on which the lot fronts
3. than the front building line
4. 1A01.3-Height and Area Regulations.
5. A. Height. No structure in an R.S.C. zone shall exceed a height of
6. 35 feet, except as otherwise specifically provided in these Zoning Regulations
7. (see Section 300).
8. B. Area Regulations.
9. 1. Lot Area. No lot less than 3.1 acres in net area shall
- 9a. be hereafter created in an R.S.C. zone, except as provided below.
10. SUBJECT TO ATTAINING PERCOLATION TESTS SATISFACTORY
- 10a. TO THE BALTIMORE COUNTY DEPARTMENT OF HEALTH AND
11. CONFORMING TO THE APPLICABLE HEALTH REQUIREMENTS.
12. 2. The minimum linear dimension for any lot hereafter
13. created in an R.S.C. zone shall be not less than 200-150 feet. For
14. the purposes of these regulations, the minimum linear dimension
15. of any lot shall be the diameter of the largest circle within a
16. horizontal plane which may be inscribed therein.
17. 3. The minimum distance between any building in an
18. R.S.C. zone and any lot line other than a street line shall be
19. 50 feet; the minimum distance between the building and the
20. center line of any street shall be 75 feet.

--21-----4. Subparagraph 1, above, notwithstanding, a lot in a-----
 --22-----cluster subdivision in an R.S.C. zone may be less than three-----
 --23-----acres, but not less than one acre, provided that the total of-----
 --24-----the net area of all lots plus the area of local open space in-----
 --25-----the subdivision divided by the number of lots therein is-----
 --26-----not less than three acres,-----

1. ARTICLE 1B-DENSITY RESIDENTIAL (D. R.) ZONES
2. Section 1B00-Legislative Statement of Findings; Policy with Respect
3. to D. R. Zones in General.
4. 1B00.1-Declaration of Findings. It is found:
5. A. That residential zoning regulations heretofore in effect
6. have not been conducive to the creation of housing diversity in Baltimore
7. County subdivisions;
8. B. That minimum standards for individual lots, having
9. been derived from maximum overall density standards, have resulted in
10. an excessive spreading of residential development over subdivision tracts;
11. such spreading of development has led to removal or undesirable trans-
12. formation of natural vegetation and other features more properly left in
13. their natural or previous states, and has led to visual monotony;
14. C. That zoning reclassifications based on lot sizes and
15. types of housing have, in some situations, prevented the construction of
16. the maximum numbers of housing units intended to be permitted on develop-
17. ment tracts, especially in cases of severe topographical variation, or have
18. induced "cramped" layout or other undesirable subdivision-design char-
19. acteristics as accommodation of maximum density is achieved;
20. D. That evolving markets for types of housing units not
21. permitted in lower-density zones have created pressures leading to frequent
22. rezoning, ultimately resulting in vastly greater population levels than have
23. been planned for, tending to nullify planning efforts and to overload and
24. overcrowd public facilities;
25. E. That, as a result of such rezoning, residential zoning
26. classifications at the various density levels have not been applied to a
27. satisfactory degree in proper relation or with sufficient regard to: location
28. or size of commercial or industrial areas or uses; utilities, motorways,
29. schools, or other public facilities; timeliness of development; conservation

1. and allocation of land resources; and other factors which should be
2. considered in planning for the development of the County on the basis
3. of a comprehensive rationale;
4. F. That, in light of the above findings, it is in the interest
5. of the general welfare that new zoning classifications, formulated so as
6. to avoid such effects in future residential development, be established
7. as hereinafter provided.
8. 1B00.2-Purpose. The D. R. zoning classifications are established,
9. pursuant to the legislative findings set forth above, in order to:
10. A. Foster a greater variety in housing types within future
11. residential developments;
12. B. Allow more feasible preservation of natural features
13. and induce the reservation of ample and more suitably designed open
14. spaces and parks, in order to better satisfy the needs of residents
15. without economic disadvantage to developers;
16. C. Allow greater flexibility in subdivision-development
17. planning and provide for the inducement of more creative as well as
18. more economic approaches to residential development, with the goal
19. of desirable and distinctive identity and character of individual residential
20. locales;
21. D. Provide the means to satisfy differing housing-market
22. requirements without rezoning, and thus without disruptive changes in
23. density potential; and
24. E. Provide for the application of residential zoning
25. classifications in a manner more nearly in accord with comprehensive
26. plans and comprehensive-planning goals.
27. Section 1B01 - Regulations with Respect to D. R. Zones in General.
28. 1B01.1-General Use Regulations in D. R. Zones.
29. A. Uses Permitted as of Right. The following uses, only,
30. are permitted as of right in D. R. zones of all classifications, subject

1. to the restrictions hereinafter prescribed;
2. 1. Dwellings, including, but not limited to,
3. one-family detached houses, one-family semi-detached
4. houses, one-family group houses, patio houses, side-
5. and-back-attached houses, two-family houses, town-house
6. apartment buildings (including group-house apartment
7. buildings), garden apartment buildings, and other apartment
8. buildings
9. 2. Trailers (see Section 415)
10. 3. Churches, other buildings for religious worship,
11. or other religious institutions.
12. 4. Above-ground electrical-power, telephone, or
13. telegraph lines, except above-ground electrical-power lines
14. having a capacity of 35 kilovolts or more; pole-mounted
15. transformers or transformer banks
16. 5. Other cables; conduits; gas, water, or sewer
17. mains; or storm-drain systems: all underground
18. 6. Excavations, uncontrolled (as defined in Section 101)
19. 7. Farms or limited-acreage wholesale flower farms
20. (see Section 404)
21. 8. Garages, community
22. 9. Hospitals (see Section 407)
23. 10. Local open space tracts or other common amenity
24. open space
25. 11. Research institutes, provided that no such use
26. permitted hereunder (as of right) shall be established on
27. any site less than 15 acres in net area, and that any such
28. use shall be established in accordance with the provisions of
29. Subsection 418.2

1. 12. Schools, except business or trade schools or
2. such schools as are permitted by special exception (see
3. Paragraph C, below), but including schools for agricultural
4. training
5. 13. Signs, non-accessory, to the extent permitted
6. under Section 413
7. 14. Accessory uses or buildings other than those
8. permitted only by special exception, including, but not
9. limited to:
10. a. Accessory radio or television receiving
11. antennas
12. b. Wireless transmitting and receiving structures,
13. provided that any such structure: is a radio antenna
14. in conjunction with transmitting and receiving facilities
15. used by a resident amateur radio operator possessing
16. an amateur radio operator's license issued by the
17. Federal Communications Commission; if it is an
18. independent structure, shall be subject to the same
19. requirements as are applied to buildings under Section
20. 400; if it is a rigid-structure antenna, shall be no
21. higher than 50 feet above grade level and with no
22. supporting structure thereof closer than 10 feet to any
23. property line; and does not extend closer to the street
24. on which the lot fronts than the front building line
25. c. Automotive-service stations, but only within
26. community garages (see Section 405)
27. d. Home occupations, as defined in Section 101
28. e. Offices or studios of physicians, dentists, law-
29. yers, architects, engineers, artists, musicians, or

1. other professional persons, provided that any such
2. office or studio: is established within the same
3. building as that serving as the professional person's
4. bona fide residence; does not occupy more than 25 per
5. cent of the total floor area of such residence; and does
6. not involve the employment of more than one non-
7. resident professional associate nor two other non-
8. resident employees
9. f. Parking spaces, including accessory garage spaces
10. g. Offices for the conduct of business incidental
11. to the rental, operation, service, or maintenance of
12. apartment buildings
13. h. Accessory signs (see Section 413)
14. B. Dwelling-Type and Other Supplementary Use Restrictions Based
15. on Existing Subdivisions and Development Characteristics.
16. 1. Residential Transition Areas and Uses Permitted
17. Therein.
18. a. Definitions. For the purposes of this article:
19. 1. A residential transition area is any
20. D.R. 1, D.R. 2, D.R. 3.5, D.R. 5.5, or D.R. 10.5
21. zone or part thereof which lies (a) within 300 feet
22. of any point on a dwelling other than an apartment
23. building, or (b) within 250 feet of any point lying
24. within a vacant lot of record which is itself wholly
25. or partially classified as D.R. and which is two
26. acres or less in area.
27. 2. A residential transition use is any one
28. of the uses listed as such in the following table
29. and hereby classified as set forth therein:

1.	<u>Collective Designation</u>		<u>Residential Transition Uses</u>		
2.	Group I uses		One-family detached dwellings		
3.			Local open space tracts or other		
4.			common amenity open space		
5.			Uses and buildings accessory to		
6.			the uses listed above		
7.	Group II uses		One-family semi-detached dwellings		
8.			Two-family detached dwellings		
9.			Uses and buildings accessory to		
10.			the uses listed above		
11.			Group I uses		
12.	Group III uses		Group houses		
13.			Group-house apartments		
14.			Uses and buildings accessory to the		
15.			uses listed above		
16.			Group II uses		
17.	Group IV uses		Dwellings, as set forth in Item "1"		
18.			of Paragraph A		
19.			Local open space tracts or other		
20.			common amenity open space		
21.			Uses and buildings accessory to the		
22.			uses listed above		
23.	b. Restrictions in Residential Transition Areas.				
24.	In any residential transition area situated as described				
25.	in the following table, only residential transition uses				
26.	shall be permitted, and only as indicated:				
27.	Zone of	Portion of Devel-	Type of	Zone Within	Resi-
28.	Resi-	opment Tract	Existing	Which Adja-	dential
29.	dential	Lying Within	Adjacent	cent Dwelling	Transi-
30.	Transi-	Residential	Dwelling or	or Lot is	tion Uses
31.	tion Area	Transition	Size of Adja-	Situated	Permitte
32.		Areas Situated	cent Vacant		
33.		as Described	Lot of Record		
34.		Herein			
35.			Existing one-	D. R. 1	
36.			family detached	D. R. 2	Group I
37.			dwelling; or	D. R. 3.5	uses
38.		Any portion	vacant lot of	D. R. 5.5	
39.			record 7,500		
40.			square feet or	D. R. 10.5	Group II
41.			more in area,	D. R. 16	uses
42.			but not more		
43.			than two acres		
44.			in area		

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1.	Zone of	Portion of Devel-	Type of	Zone Within	Resi-
2.	Resi-	opment Tract	Existing	Which Adja-	dential
3.	dential	Lying Within	Adjacent	cent Dwelling	Transi-
4.	Transi-	Residential	Dwelling; or	or Lot is	tion Use;
5.	tion Area	Transition	Size of Adja-	Situated	Permitte
6.		Areas Situated	cent Vacant		
7.		as Described	Lot of Record		
8.		Herein			
9.			Existing one-		
10.			family semi-de-		
11.			tached dwelling		
12.			or detached two-		
13.	D. R. 1		family dwelling;		
14.	D. R. 2	Any portion	or vacant lot of	Any D. R.	Group II
15.	D. R. 3.5		record 3,800	Zone	uses
16.	D. R. 5.5		square feet or		
17.			more in area, but		
18.			less than 7,500		
19.			square feet in area		
20.			Existing one-		
21.			family; group		
22.		Any portion	house; or vacant	Any D. R.	Group II
23.			lot of record less	Zone	uses
24.			than 3,800 square		
25.			feet in area		
26.			Existing one-		
27.			family detached		
28.			dwelling; or		
29.			vacant lot of		
30.		Less than 1/2	record 7,500	Any D. R.	Group II
31.			square feet or	Zone	uses
32.			more in area, but		
33.		1/2 or more	not more than two		Group II
34.			acres in area		uses
35.			Existing one-		
36.	D. R. 10.5		family semi-		
37.			detached dwelling		
38.			or detached	D. R. 1	
39.		Any portion	two-family	D. R. 2	Group II
40.			dwelling; or	D. R. 3.5	uses
41.			vacant lot of	D. R. 5.5	
42.			record 3,800		
43.			square feet or		
44.			more in area,		
45.		Less than 1/2	but less than 7,500	D. R. 10.5	Group II
46.			square feet in area		uses
47.		1/2 or more		D. R. 16	Group IV
48.					uses
49.			Existing one-		
50.		Less than 1/2	family group		Group II
51.			house; or vacant		uses
52.			lot of record	Any D. R.	
53.		1/2 or more	less than 3,800	Zone	Group IV
54.			square feet in area		uses

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1. c. The provisions of Sub-subparagraphs a
2. and b of this subparagraph shall not apply to existing
3. developments as described in Subparagraph A.1 of
4. Subsection 1B02.3, nor to subdivision tracts for which
5. tentatively approved plans remain in effect as described
6. in Subparagraph A.2 of said subsection.
7. d. The use and development of land which is
8. classified as D. R. 16 shall not be subject to the
9. provisions of Sub-subparagraphs a and b of this sub-
10. paragraph if such land was classified as R.A.
11. immediately prior to this article's taking effect (see
12. Section 504).
13. 2. Use Regulations in Existing Developments. In
14. existing developments as described in Subparagraph A.1 of
15. Subsection 1B02.3, uses shall be limited to those now lawfully
16. established or to those indicated in the subdivision plans on file
17. with the Office of Planning and Zoning, except as may otherwise
18. be permitted under provisions adopted pursuant to the authority
19. of Section 504.
20. 3. Use Regulations for Existing Subdivision Tracts.
21. On subdivision tracts for which tentatively approved plans
22. remain in effect as described in Subparagraph A.2 of Sub-
23. section 1B02.3, the uses permitted shall be those indicated
24. in the plan or, where the use is not indicated and if not in-
25. consistent with the plan, the uses shall be those permitted
26. under zoning regulations in effect at the time the tentative
27. approval was granted.
28. C. Uses Permitted by Special Exception. The following uses,
29. only, are permitted by special exception in all D. R. Zones:

1. 1. Boarding or rooming houses
2. 2. Boat yards, including marinas
3. 3. Camps, public or quasi-public, including day camps
4. 4. Conservatories for music or other arts
5. 5. Convalescent homes
6. 6. Community buildings, swimming pools, commercial
7. beaches, golf course, country clubs, or other, similar civic,
8. social, recreational, or educational uses
9. 7. Excavations, controlled (see Section 403)
10. 8. Funeral establishments
11. 9. Helistops
12. 10. Poultry killing, commercial, as an accessory use on
13. farms, only
14. 11. Private colleges (not including business or trade schools),
15. nursery or dancing schools, dormitories, or fraternity or sorority
16. houses
17. 12. Public-utility uses other than those permitted as of right,
18. but excluding steam power plants, service centers, and storage yards
19. 13. Public-utility service centers
20. 14. Public-utility storage yards
21. 15. Radio studios
22. 16. Television studios
23. 17. Tourist homes
24. 18. Veterinarians' offices
25. 19. Volunteer-fire-company stations
26. 20. Wireless transmitting and receiving structures, as
27. principal uses or structures, provided that any exterior trans-
28. mitting and receiving antenna greater than 50 feet above grade
29. level shall be considered as a principal use or structure

1. D. The following provision, which was enacted by Bill No.
2. 140, 1962, took effect on November 17, 1962, and was heretofore
3. designated as Subsection 200.16 of these Zoning Regulations, is re-
4. enacted without amendment, and nothing in this article shall be construed
5. to abrogate its effect:

6. Junk yards and open dumps as defined in Section 101.
7. Any existing junk yards in this (R.40) or any other residential
8. zone, and any existing open dumps in any zone shall be
9. completely eliminated not later than two years after the
10. date of effectuation of this amendment.

11. 1B01.2-General Density, Bulk, Building-Separation, Open-Space, and
12. other Height and Area Standards and Regulations.

13. A. Density Controls.

14. 1. Application of Maximum Density Standards to
15. Tract in One Zone. The maximum gross residential density
16. permitted in any one D.R. zone shall control only as applied
17. to the total gross residential acreage within a subdivision
18. tract, and shall not apply to or establish minimum areas of
19. lots created by subdivision within such tract.

20. 2. Application to Tract Divided by Zone Boundary.
21. Wherever a single tract is divided by a zone boundary so that
22. portions of such tract lie within D. R. zones of different
23. classification, the total number of dwelling or density units
24. permitted, as determined by multiplying the gross acreage
25. of each portion by the maximum density permitted under
26. Subsection 1B02.2 in the zone within which that portion lies
27. and totalling the results, shall be permitted without further
28. regard to the zone boundary, and the units may be distributed
29. over the tract as though it were in a single zone.

1. B. Bulk Regulations.

2. 1. Detached and Attached Buildings. In the application
3. of the provisions of this article, buildings shall be considered
4. as detached if there are no above-grade structural connections
5. between them. Where buildings are, in fact, structurally
6. connected above grade, they shall be considered as mutually
7. attached buildings if divided by lot lines, or as one building
8. if situated on a single lot.

9. 2. Maximum Width of Building Elevation. The maximum
10. width of any elevation of a detached building or group of
11. attached buildings shall be 300 feet, except that a greater
12. width may be authorized under special-exception procedures
13. as provided in Section 502, if such width is in accordance with
14. standards adopted under the authority of Section 504.

15. 3. Maximum Passageway Width. The minimum width
16. of any exterior passageway between attached buildings or
17. between portions of a single building shall be 10 feet.

18. C. Open-Space, Building-Separation, and Other Area
19. Standards.

20. 1. Distances Between Separate Buildings. Except
21. as otherwise may be provided under standards adopted pursuant
22. to Section 504, the minimum horizontal distance from any
23. point on a building in a D. R. zone to the vertical projection of
24. any point on another building not mutually attached shall be
25. as set forth below:

1.		Minimum Horizontal
2.		Distance to Vertical
3.		Projection of Point
4.		on Building Not
5.	Above-Grade Elevation of Higher Point	Mutually Attached
6.	20 feet or less	16 feet
7.	More than 20 feet but not more than 25 feet	25 "
8.	" " 25 " " " " " 30 "	30 "
9.	" " 30 " " " " " 40 "	40 "
10.	" " 40 " " " " " 50 "	60 "
11.	2. Distances Related to Windows.	
12.	a. Where any dwelling-unit window within a	
13.	subdivision faces a property line which is not a street	
14.	line prior to the time of development but, otherwise,	
15.	which forms any part of the tract boundary, the window	
16.	shall not be closer than 35 feet to the boundary.	
17.	b. Except as otherwise may be provided under	
18.	standards adopted pursuant to the authority of Section 504,	
19.	the minimum distance between the centers of facing	
20.	widows of different dwelling units on the same subdivision	
21.	tract shall be 40 feet.	
22.	3. Setbacks from Street Centerlines. The minimum	
23.	distance between any building and the centerline of any street	
24.	existing prior to the time of development shall be 50 feet or	
25.	such greater distance as may be prescribed under standards	
26.	adopted pursuant to the authority of Section 504.	

4. Minimum Area Standards in Residential Transition
- Areas. Dwellings (no other principal buildings permitted)
- and accessory buildings in residential transition areas, if
- designated under Subparagraph B01.1 as Group 1, or
- Group 11 uses, shall be situated on lots in accordance with
- the standards set forth in the table below and with the pro-
- visions of Section 400, respectively. No more than one
- principal building shall be situated on any lot in such a
- residential transition area.

11. Residential Transition	Zone	Minimum Standards for Dwelling Permitted						
12. Uses to Which	Which	Minimum Lot Area, in Square Feet	Minimum Lot Width in Feet	Minimum Distance from Building to Street, in Feet	Minimum Rear Yard Depth in Feet	Minimum Side Yard Width Any Side (Except as otherwise provided, as on a Corner Lot), in Feet	Minimum Sum of Widths of Side Yards for Any Detached Building	
13. Lot is Limited under Sub-paragraph B.1 of Subsection 1B01.1	Adjacent Dwelling or Lot is Situated							
30. Group 1 uses	D. R. 1	25,000	125	75	50	20	50	
32. " " "	D. R. 2	13,000	90	65	40	15	30	
34. " " "	D. R. 3.5	7,500	70	55	30	10	25	
36. " " "	D. R. 5.5	5,700	55	50	30	8	20	
40. 7,600 Two-Family Detached Dwelling	D. R. 1							
41. 5,700 One-Family Detached Dwelling	D. R. 2							
42. 3,800 One-Family Semidetached Dwelling	D. R. 3.5							
43. 1,970 Group House	D. R. 5.5							
44. 1,970 Group-House Apartment Building per dwelling unit	D. R. 10.5							
45. 70 Two-Family Detached Dwelling								
46. 55 One-Family Detached Dwelling								
47. 35 One-Family Semidetached Dwelling								
48. 20 Group House								
49. 28 Group-House Apartment Building per dwelling unit								
50. 50								
51. 30								
52. 8								
53. 15								
54. 20								
55. Group 11 or Group 111 uses								

1. Provided, however, that alternative standards of lot or
2. side-yard width may be applied to non-rectangular lots if
3. such standards have been adopted under the authority of
4. Section 504.

5. 5. Local Open Space. Local open space tracts in
6. D.R. zones shall be designed, established, and maintained
7. in accordance with the standards, guidelines, and procedures
8. set forth in the Baltimore County Subdivision Regulations
9. (specifically, Sections 22-51, 22-52, 22-53, 22-54, 22-57,
10. and 22-58, and portions of 22-55 of the Baltimore County Code,
11. 1968), as well as Chapters I, II, IV, V, VII, VIII, and IX
12. of the Local Open Space Manual, June, 1965, as approved by
13. the Planning Board and the Board of Recreation and Parks.
14. Those provisions of said regulations and manual heretofore
15. applicable within residence zoning classifications now rescinded
16. shall be applied to corresponding D.R. zoning classifications
17. to the full extent of consistency with these Zoning Regulations.
18. Provided, however, that upon the effective date of revised
19. subdivision regulations or after adoption of a revised Local Open
20. Space Manual or other applicable policies as provided under
21. Section 504, the location, design, establishment, and main-
22. tenance of local open space tracts shall become subject to the
23. provisions thereof.

24. 6. Under provisions adopted pursuant to the authority of
25. Section 504, development in D.R. zones may be made subject
26. to additional standards of lot area, yard space, open-space
27. distribution, building distribution, or other aspects or
28. characteristics of site planning or project design. Such
29. standards shall be based upon specified existing, prospective,

1. or stipulated conditions or circumstances of development,
2. and shall be designed to further the specific purposes of this
3. article and the purposes of these Zoning Regulations in general.

4. 1B01.3-Plans and Plats.

5. A. Development Plans.

6. 1. Purpose. This paragraph is intended:
7. a. To provide for the disclosure of development
8. plans to prospective residents and to protect those who
9. have made decisions based on such plans from in-
10. appropriate changes therein; and
11. b. To provide for review of residential-development
12. plans to determine whether they comply with these
13. regulations and with standards and policies adopted
14. pursuant to the authority of Section 504.

15. 2. Partial Development Plan. For the purposes of this
16. article, a "partial development plan" is a portion of a final
17. development plan, and a partial or final development plan is
18. "applicable" to a given lot if it covers all property in the sub-
19. division within 300 feet of the given lot, in addition to the lot itself.

20. 3. Subdivision Lot Sales, Development, and Use
21. Subject to Partial Development Plan. No interest in any lot which
22. is in a D.R. zone and is hereafter created by subdivision of a record
23. lot of the effective date of this article or created by consolidation
24. of such lots may be sold unless a final or partial development
25. plan applicable to the lot has been approved as required under
26. Subparagraph 5, below; further, no use may be established and
27. no construction may take place on any lot so created except in
28. accordance with such a plan.

1. 4. Notice in Conveyance. Any party who sells an
2. interest in real property within an area covered by an approved
3. partial or final development plan shall attach to the instrument of
4. sale a notice directing the buyer's attention to the plan (including
5. any amendment) and listing the location of the various certified
6. copies which may be publicly inspected (see Subparagraph 6)
7. together with a listing of the recorded plats covering all portions
8. of the subdivision as a whole. The notice shall also generally
9. apprise the buyer of the rights, requirements, and remedies
10. provided under the development plan, those provided under this
11. article and these zoning regulations in general, and those set
12. forth in provisions adopted pursuant to the authority of Section 504,
13. and, to this end, the notice shall be on a form issued by the County
14. and approved by the Office of Law, the Zoning Commissioners,
15. and the Planning Board as being clear and sufficient for the purpose.

16. 5. Forms and Content of Plans.

17. a. Forms. Each partial development plan must
18. be filed both as a separable document or set of
19. documents and as part of a final development plan
20. which includes all partial development plans as approved
21. for other portions of the subdivision. Upon approval,
22. each final development plan thus filed supersedes
23. previous final development plans of the subdivision.

24. b. Content. Each partial and final development
25. plan must show: the locations, types, and exterior
26. dimensions of all proposed structures and all existing
27. structures to be retained; generalized floor plans to
28. scale; layout of parking facilities; streets and drives
29. giving access to and lying within the tract; existing

1. topography and major vegetation; proposed
2. grading, landscaping, and screening; common
3. amenity open space (including local open space);
4. all additional information that may be required
5. under procedures adopted pursuant to the authority
6. of Section 504; and all additional information which
7. is necessary, as determined by the Zoning Commissioner
8. and the Director of Planning, to ascertain whether
9. the project will comply with the zoning and sub-
10. division requirements of Baltimore County.

11. 6. Initial Review and Approval Procedure. Procedural
12. steps and requirements in the submission and review of various
13. preliminary versions of partial and final development plans
14. shall be as established under provisions adopted pursuant to
15. the authority of Section 504 or, in the absence of such provisions,
16. as established by the Office of Planning and Zoning. In formulating
17. such steps and requirements, the Planning Board or the Office of
18. Planning and Zoning shall effect maximum coordination between
19. and integration with similar and related steps and requirements
20. in the submission and review of plans pursuant to the subdivision
21. regulations. If the partial and final development plans for a
22. subdivision are approved by the Zoning Commissioner as complying
23. with the Zoning Regulations, approved by the Director of Planning
24. as being consistent with the subdivision regulations and any sub-
25. division plans filed pursuant thereto, and approved in such other
26. manner as may be prescribed under provisions adopted pursuant
27. to the authority of Section 504, copies of the plans, certified by
28. the Zoning Commissioner and the Director of Planning as having

1. been so approved, shall be filed with such County or State
2. agencies as they may direct and as may otherwise be required,
3. and shall be retained in the files of the Office of Planning and
4. Zoning, including the files of the Zoning Commissioner.
5. 7. Amendment of Approved Development Plans.
6. After partial or final development plans have been approved as
7. provided under Subparagraph 6, preceding, they may be amended
8. only as provided below.
9. a. Amendment Prior to Sale of Interest in Nearby
10. Property. The development plans may be amended
11. by simple resubmission, or by the submission of
12. appropriate documents of revision, subject to the same
13. requirements as are applied to original plans, if there
14. is no change with respect to any lot, structure, or use
15. within 300 feet of a lot or structure which has been sold
16. since the original plans were filed.
17. b. Amendment After Sale of Interest in Nearby
18. Property or Upon Demand for Hearing. In the case
19. of an amendment not allowed under Sub-subparagraph a,
20. by reason of sale of property within the area, or in
21. case of a demand for hearing by an eligible individual
22. or group, the plans may be amended through special-
23. exception procedures, in the manner provided under
24. Section 502 and subject to the following provisions:
25. i. The amendment must first be approved
26. by the Planning Board as being in accord with
27. provisions adopted under the authority of Section 504.
28. ii. The amendment must be in accord with
29. the specific standards and requirements of this
30. article, as determined by the Office of Planning
31. and Zoning.

1. iii. Only an owner of a lot abutting or
2. lying directly across a street or other right
3. of way from the property in question, an owner
4. of a structure on such a lot, or a homes
5. association (as may be defined under the
6. Subdivision Regulations or under provisions
7. adopted pursuant to the authority of Section 504)
8. having members who own or reside on property
9. lying wholly or partially within 300 feet of the
10. lot in question are eligible to file a demand for
11. hearing.
12. iv. It must be determined in the course
13. of the hearing procedure that the amendment
14. would be consistent with the spirit and intent
15. of the original plan and of this article.
16. c. Amendment Upon Request by Owner of Lot
17. Within Subdivision. The Zoning Commissioner may,
18. without a public hearing but with the concurrence of the
19. Director of Planning, amend the plans with respect to a
20. structure on an individual lot created under the plans and
21. used according to the purpose stated therein, or with respect
22. to such lot, at the request of the lot owner, under the following
23. requirements and conditions:
24. i. Reasonable notification, by a standard
25. method established pursuant to the authority of
26. Section 504 and approved by the County Solicitor,
27. must be given to the occupants and owners of all
28. real property which is fully or partially situated
29. within 300 feet of the lot in question.

1. ii. It must be determined that a formal
2. demand for hearing by an eligible individual or
3. group, as described in Sub-subparagraph b, has
4. not been filed.
5. iii. It must be determined that standards
6. adopted under the authority of Section 504, in
7. addition to the specific requirements under these
8. regulations, will not be violated by the amendment.
9. iv. The Zoning Commissioner and the
10. Director of Planning must certify that the amend-
11. ment is in keeping with the spirit and intent of
12. this article and other Baltimore County land-use
13. and development requirements administered by
14. them, and both must certify that the amendment
15. does not violate the spirit and intent of the original
16. plan.
17. d. Any amended development plan and any document of
18. amendment of such a plan must be filed with all agencies or
19. officials with whom copies of the original plan have been filed
20. pursuant to Subparagraph c above, and no amendment takes
21. effect otherwise.
22. B. Final Subdivision Plat.
23. 1. Purpose. Pursuant to the regulations for D.R.
24. zones, a portion of a tract of land may be subdivided for
25. development at a higher residential density than the maximum
26. average density permitted, lessening the permitted density of
27. development on the remainder of the tract; or a portion of the
28. tract may be subdivided for development at less than the maximum
29. average density, thus increasing the density at which the remainder

1. of the tract may be developed. (See Paragraph 1B01.2.A.)
2. It is the purpose of this paragraph to assure that these factors
3. will be identified in the sale of any portion of a development
4. tract in a D.R. zone, and, in particular, to prevent the unknowing
5. purchase of a tract which, as a result of such prior subdivision,
6. may not itself be developed at the average gross density specified
7. in the regulations.
8. 2. Effect. No subdivision of a tract or a portion of
9. a tract may be created after the effective date of this article,
10. except as otherwise provided under subparagraph 1B02.3A2
11. unless the final subdivision plat therefor contains a summary
12. showing the total number of dwelling or density units allowed
13. for the entire tract under the applicable D.R. zones (s). The
14. summary shall indicate, as appropriate, the number of dwelling
15. or density units utilized by previous final subdivision plats for
16. portions of the same tract, the number of dwelling or density
17. units contained in the current subdivision plat, and the balance of
18. dwelling or density units allowed for the remainder of the tract
19. under the applicable D.R. zones (s). It is the intent of these
20. Zoning Regulations to prohibit subdivision or resubdivision of
21. portions of a tract in a D.R. zone in a manner so as to exceed
22. the total number of dwelling or density units allowed under the
23. applicable D.R. zones (s) for the entire tract.
24. Section 1B02-Use, Parking, Bulk, Density, and Open-Space Regulations,
25. Standards, and Controls Applied According to Zoning Classification.
26. 1B02.1-Uses Permitted As of Right or by Special Exception According
27. to Zoning Classification. The following uses are permitted in D.R. zones
28. either as of right or by special exception, in accordance with the schedule
29. below, wherein the abbreviations and symbols shall be interpreted as follows:

1.	S.E. : Use permitted by special exception only;					
2.	+ : Use permitted as of right;					
3.	(X) : (Use prohibited).					
4.		D. R. 1	D. R. 2	D. R. 3.5	D. R. 5.5	D. R. 10.5
5.	Airports	S. E.	(x)	(x)	(x)	(x)
6.	Animal boarding					
7.	places, Class A					
8.	(see Section 421)	+	S. E.	S. E.	S. E.	(x)
9.	Animal boarding					
10.	places, Class B					
11.	(see Section 421)	S. E.	S. E.	S. E.	(x)	(x)
12.	Antique shops					
13.	(see Section 402B)	S. E.	S. E.	(x)	(x)	(x)
14.	Cemeteries	S. E.	S. E.	S. E.	S. E.	(x)
15.	Conversion of					
16.	dwellings to					
17.	tea rooms or					
18.	restaurants					
19.	(see Section 402)	S. E.	S. E.	(x)	(x)	(x)
20.	Golf driving ranges,					
21.	miniature-golf					
22.	courses, or					
23.	baseball-batting					
24.	ranges	S. E.	S. E.	(x)	(x)	(x)
25.	Kennels	+	S. E.	S. E.	S. E.	(x)
26.	Laboratories	S. E.	S. E.	S. E.	(x)	(x)
27.	(see Section 418)					
28.	Offices or					
29.	office buildings	(x)	(x)	(x)	(x)	S. E.
30.	Race tracks,					
31.	commercial	S. E.	S. E.	(x)	(x)	(x)
32.	Research institutes					
33.	on sites individually					
34.	15 acres or less in					
35.	area (see Section 418)	S. E.	S. E.	S. E.	(x)	(x)
36.	Residential art salons					
37.	(see Section 402C)	S. E.	S. E.	(x)	(x)	(x)
38.	Riding stables,					
39.	commercial	S. E.	S. E.	(x)	(x)	(x)
40.	Sanitary landfills	S. E.	S. E.	(x)	(x)	(x)
41.	Shooting ranges	S. E.	S. E.	(x)	(x)	(x)
42.	Trailers & trailer parks	See	Subsection	415.6		

- 1B02.2-Regulations, Standards, and Controls for Density, Bulk,
- Open Space, and Parking.
- A. Dwellings. The maximum gross residential densities
- and height of dwellings, the minimum per cent of gross site area which
- must be in local open space tracts, and the minimum number of offstreet
- parking spaces required with respect to residential development in D. R.
- zones shall be as prescribed in the table below; provided, however, that
- higher or additional standards for the provision of other amenity open
- space, standards and methods for the inclusion and equitable apportionment
- of public amenity open space within the calculations of gross areas of
- tracts abutting the open space, and standards providing for greater heights
- of buildings in appropriate circumstances, all as more particularly set
- forth in Section 504, shall control when adopted pursuant to the authority
- of said section.

Zoning Classification	Maximum Gross Residential Density in Dwelling or Density Units per Acre	Maximum Height of Building, in Feet	% Minimum Per Cent of Gross Site Area as Local Open Space Tracts	Minimum Number of Offstreet Parking Spaces per Dwelling or Density Unit, except for Housing for the Elderly	Minimum Number of Offstreet Parking Spaces per Dwelling or Density Unit for Housing for the Elderly
D.R. 1	1.0 dwelling units/acre	50	0	2.0 per dwelling unit	1.5 per dwelling unit
D.R. 2	2.0 " " " "	50	0	2.0 " " " "	1.5 " " " "
D.R. 3.5	3.5 " " " "	50	3	2.0 " " " "	1.5 " " " "
D.R. 5.5	5.5 " " " "	50	6	1.75 " " " "	1.3 " " " "
D.R. 10.5	10.5 " " " "	50	12	1.75 " " " "	1.3 " " " "
D.R. 16	16.0 density " " "	60	15	1.53 " density but not less than 1.0 per dwelling unit	1.15 " density "

- *Land within 35 feet of a window or other opening in a residential
- structure in a D. R. zone is not considered local open space.
- B. Other Principal Uses. Density, bulk, open space, and
- parking regulations, standards, or controls for principal uses other than
- dwellings within zones of different classification shall be governed by
- provisions adopted pursuant to the authority of Section 504.
- C. In a D. R. 16 zone, no building shall be constructed
- within 75 feet of land which is in any zone classified as D. R. 1, D. R. 2,
- D. R. 3.5, D. R. 5.5, or D. R. 10.5 and which is not within the same
- development tract.

1. 1B02.3-Special Regulations for Certain Existing Developments
2. or Subdivisions and for Small Lots or Tracts in D. R. Zones.
3. A. In D. R. zones, contrary provisions of this article
4. notwithstanding, the provisions of or pursuant to this subsection shall
5. apply to the use, occupancy, and development of, the alteration or
6. expansion of structures upon, and administrative procedures with respect
7. to:
8. 1. Any lot which is in a recorded residential sub-
9. division approved by the Baltimore County Planning Board or
10. Baltimore County Planning Commission and which has been used,
11. occupied, or improved in accordance with the approved sub-
12. division plan;
13. 2. Any land in a subdivision tract which was laid out
14. in accordance with the regulations of residence zoning classifi-
15. cations now rescinded, for which a subdivision plan tentatively
16. approved by the Planning Board remains in effect, and which has
17. not been used, occupied, or improved in accordance with such
18. plan;
19. 3. Any lot, or tract of lots in single ownership, which
20. is not in an existing development or subdivision as described in
21. Subparagraph 1 or 2 and which is too small in gross area to
22. accommodate six dwelling or density units in accordance with the
23. maximum permitted density in the D.R. zone in which such tract
24. is located; or
25. 4. Any lot, or tract of lots in single ownership,
26. which is not in an existing development or subdivision as
27. described in Subparagraph 1 or 2 and which is less than one-half
28. acre in area, regardless of the number of dwelling or density
29. units that would be permitted at the maximum permitted density
30. in the zone in which it is located.

1. 5. Any lot, or tract of lots in single ownership
2. which is in a duly recorded subdivision plat not approved by the
3. Baltimore County Planning Board or Planning Commission.
4. B. Standards Applicable to Existing Developments Etc.
5. The minimum standards for net lot area, lot width, front-yard depth,
6. single-side-yard width, sum of widths of both side yards, rear-yard
7. depth, and height with respect to each use in a development described
8. in Subparagraph A. 1, above, shall be as prescribed by the zoning
9. regulations applicable to such use at the time the plan was approved
10. by the Planning Board or Commission; however, the same or similar
11. standards may be codified and comparable bulk (height or area)
12. standards for different permitted uses may be established and codified
13. under Section 504, and these standards shall thereupon control in such
14. existing developments. Development of any subdivision described in
15. Subparagraph A. 2 shall be in accordance with the tentatively approved
16. subdivision plan therefor. Standards for development of lots or tracts
17. described in Subparagraphs A. 3, A. 4 or A. 5 shall be as set forth in
18. Paragraph C, below.
19. C. Development Standards for Small Lots or Tracts.
20. 1. Any dwelling hereafter constructed on a lot or tract
21. described in Subparagraph A. 3 or A. 4 shall comply with the
22. requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit	Minimum Lot Width, in Feet	Minimum Front-Yard Depth, in Feet	Minimum Width of Individual Side Yard, in Feet	Minimum Sum of Side-Yard Widths, in Feet	Minimum Rear-Yard Depth, in Feet
D.R. 1	40,000 square feet	150	50	20	50	50
D.R. 2	20,000 square feet	100	40	15	40	40
D.R. 3.5	10,000 square feet	70	30	10	25	30
D.R. 5.5	6,000 square feet	55	25	10	—	30
D.R. 10.5	3,000 square feet	20	10	10	—	50
D.R. 18	2,500 square feet	20	10	25	—	30

1. 2. Other standards for development of small lots
2. or tracts as so described shall be as set forth in provisions
3. adopted pursuant to the authority of Section 504.
4. D. An amendment to any part of a development plan
5. involving only property subject to the provisions of this subsection
6. shall not be subject to the provisions of Paragraph D of Subsection
7. 1B01.3.
8. Section 6. And be it further enacted, That the title to Article 2
9. "ZONES: USE, HEIGHT, AND AREA REGULATIONS" and the subtitle,
10. "R.40 Zone-Residence, One-Family" thereunder be and it is hereby
11. repealed and re-enacted with amendments, as follows:
12. ARTICLE 2. -ELEVATOR-APARTMENT RESIDENCE ZONES,
13. BUSINESS AND MANUFACTURING ZONES, AND DISTRICTS
14. Section 7. And be it further enacted, That Article 2 is hereby
15. amended by deleting all of Sections 200-217 (inclusive) and any and
16. all interjacent undesignated provisions and titles, and by adding the
17. following new sections in lieu thereof:
18. Section 200-R, A, E. 1 Zones-Residence, Apartment, Elevator.
19. 200.1-General Provisions.
20. A. Statement of Legislative Policy. R.A.E. 1 zones
21. provide for development of elevator-apartment buildings at moderate
22. density. These zones may be situated only near adequate community
23. or town-center commercial facilities, particularly within convenient
24. walking distance thereof. It is not intended that any R.A.E. 1 zones
25. shall be established in such proximity or relation to an interchange
26. that undue congestion would occur as a result of development within
27. the zone.
28. The regulations are intended to encourage the best possible
29. building designs and site planning.

1. B. Locational Requirement. Any R.A.E. 1 zone must
2. be entirely located within 1000 feet of a C.C.C. district or within a
3. town center as defined in Section 101.
4. 200.2-Use Regulations in R.A.E. 1 Zones.
5. A. Uses Permitted. The following uses, only, are permitted:
6. 1. Apartment buildings;
7. 2. Offices; business, professional, governmental,
8. or institutional, in any apartment building of 25 or more dwelling
9. units, with no accessory storage of merchandise (goods for sale),
10. and subject to the limitations of Paragraph B;
11. 3. The following retail or service uses, in any apartment
12. building of 50 or more dwelling units, subject to the limitations of
13. Paragraph B:
14. 1. Barbershops
15. 2. Beauty shops
16. 3. Catering establishments, in any apartment
17. building of 150 or more dwelling units
18. 4. Chiropodists' offices
19. 5. Clinics or group medical centers (including the
20. practice of dentistry)
21. 6. Delicatessens
22. 7. Drug stores
23. 8. Florist shops
24. 9. Food stores
25. 10. Health clubs
26. 11. Laundromats, retail laundry and dry-cleaning
27. collection and distribution stations, or dry-cleaning and
28. pressing establishments
29. 12. News stands

1. 13. Opticians' or optometrists' offices
2. 14. Package goods stores for the sale of
3. alcoholic beverages
4. 15. Restaurants, with no dancing or live
5. entertainment permitted
6. 16. Shoe-repair shops
7. 17. Tailor or dressmaking shops, for custom
8. work or repairs
9. 18. Telegraph offices
10. 4. Public-utility uses permitted in D. R. zones;
11. 5. Accessory uses, buildings, or structures, including,
12. but not limited to, the following:
13. 1. Home occupations, but with no signs permitted
14. 2. Service or recreational facilities for the
15. occupants of the buildings and their guests
16. B. Supplementary Use Regulations.
17. 1. The total floor area devoted to uses permitted under
18. Subparagraphs 2 and 3 of Paragraph A shall not exceed 10
19. per cent of the gross floor area of any building in which they
20. are located. Further, the total floor area occupied by uses
21. permitted under said Subparagraph 3 shall not exceed five
22. per cent of the gross floor area of such building.
23. 2. No individual use permitted under Subparagraph A. 3
24. shall occupy more than 600 square feet of gross floor area;
25. except, however, that this limitation shall not apply to the
26. following:
27. Clinics or group medical centers;
28. Food stores, which shall not, however, occupy
29. more than 5000 square feet of floor area in
30. any building;
31. Restaurants.

1. 3. Entrances. No exterior entrance shall be
2. permitted for any use permitted under Subparagraph 2 or 3
3. of Paragraph A. An entrance to a separate commercial or
4. office lobby to serve such uses from within the building shall
5. not be considered an exterior entrance within the meaning of
6. the term as used in this subparagraph.
7. 4. Sign and Display Regulations. No sign or display
8. of any kind visible from outside the building shall be permitted,
9. except such signs as are permitted under Subsection 413.1.
10. 200.3-Bulk Regulations in R.A.E. 1 Zones.
11. A. No building shall exceed a height of 85 feet above the
12. average grade level of the street line or the building-foundation line,
13. whichever is higher. Further, the minimum height of any apartment
14. building shall be 52 feet above the higher of such average grade levels,
15. except that buildings containing in the aggregate not more than 20 per
16. cent of the total number of dwelling units on a lot may be of lesser
17. height.
18. B. The average width of any elevation of a building of
19. seven or more stories shall not exceed three times the average height
20. of such elevation.
21. C. Minimum Yard Requirements and Building-Location
22. Requirements.
23. 1. No building shall be located less than 90 feet
24. from the centerline of any street nor less than 45 feet from
25. any lot line.
26. 2. The minimum distance between the centers of
27. facing windows of different apartments on the same lot shall
28. be 75 feet.
29. D. Density. Gross residential density shall not exceed
30. 40 density units per acre.

1. E. Amenity Open Space Ratio. The minimum amenity
2. open space ratio shall be 0.7.
3. 200.4-Access and Off-Street Parking in R.A.E. 1 Zones.
4. A. Access. No primary vehicle access from any property
5. to a local street shall be permitted.
6. B. Off-Street Parking. Off-street parking space require-
7. ments in R.A.E. 1 zones shall be the same as those in D.R. 16 zones
8. except that up to 50 per cent of the parking spaces to be provided for
9. density units shall be counted in determining the number of spaces
10. which must be provided, under Section 409, for retail, service, or
11. office uses on the same lot.
12. Section 201-R.A.E. 2 Zones-Residence, Apartment, Elevator.
13. 201.1-General Provisions.
14. A. Statement of Legislative Policy. R.A.E. 2 zones
15. provide for development of elevator-apartment buildings at relatively
16. high density, in residential settings close to the major commercial and
17. cultural centers of the County, where ample utilities and other public
18. facilities are available.
19. B. Establishment of Zones Limited to Town Centers.
20. Any R.A.E. 2 zone must be located within a town center, as defined
21. in Section 101.
22. 201.2-Use Regulations in R.A.E. 2 Zones.
23. A. Uses Permitted. The following uses, only, are permitted:
24. 1. Apartment buildings;
25. 2. Offices: business, professional, governmental,
26. or institutional, in any apartment building of 25 or more dwelling
27. units, with no accessory storage of merchandise (goods for sale),
28. and subject to the limitations of Paragraph B;

1. 3. The following retail or service uses, in any
2. apartment building of 50 or more dwelling units, subject to
3. the limitations of Paragraph B:
4. 1. Bakeries or bakery outlets
5. 2. Banks, building and loan associations, or
6. similar chartered financial institutions
7. 3. Barbershops
8. 4. Beauty shops
9. 5. Book stores
10. 6. Catering establishments, in any apartment
11. building of 150 or more dwelling units
12. 7. Chiropodists' offices
13. 8. Clinics or group medical centers (including
14. the practice of dentistry)
15. 9. Delicatessens
16. 10. Drug stores
17. 11. Florist shops
18. 12. Food stores
19. 13. Gift shops
20. 14. Health clubs
21. 15. Jewelry stores
22. 16. Laundromats, retail laundry or dry-cleaning
23. collection and distribution stations, or dry-cleaning
24. and pressing establishments
25. 17. News stands
26. 18. Opticians' or optometrists' offices
27. 19. Package-goods stores for the sale of alcoholic
28. beverages
29. 20. Restaurants, with dancing or entertainment
30. permitted

1. 21. Shoe-repair shops
2. 22. Stationery stores
3. 23. Tailor or dressmaking shops, for custom
4. work or repairs
5. 24. Telegraph offices
6. 25. Tobacco shops
7. 26. Travel bureaus
8. 27. Watch-repair shops
9. 28. Wearing-apparel shops, including fur,
10. millinery, shoe, or similar specialty-item shops
11. 4. Public-utility uses permitted in D. R. zones;
12. 5. Accessory uses, buildings, or structures, including,
13. but not limited to, the following:
14. 1. Home occupations, but with no signs permitted
15. 2. Service or recreational facilities for the
16. occupants of the buildings and their guests
17. 6. Special exceptions-the following, when permitted
18. as special exceptions (see Section 502): Office buildings, offices
19. in buildings containing less than 25 dwelling units, or offices
20. totalling more than 25 per cent of the floor area in an apartment
21. building, with any retail or service uses listed under Subpara-
22. graph 3 permitted only if specifically allowed under the granted
23. special exception, and with the floor area ratio of the site
24. limited to a maximum of 4.0.
25. B. Supplementary Use Regulations.
26. 1. Except as otherwise provided in Subparagraph
27. A.6, the floor area devoted to offices, retail uses, and service
28. uses, as permitted under Subparagraphs 2 and 3 of Paragraph A,
29. shall not exceed 25 per cent of the aggregate gross floor area

1. of the buildings on any lot. Further, the floor area occupied
2. by retail and service uses, as permitted under said Subpara-
3. graph 3, shall not exceed five per cent of the aggregate gross
4. floor area of such buildings.
5. 2. No individual use permitted under Subparagraph
6. A.3 shall occupy more than 1000 square feet of gross floor area;
7. except, however, that this limitation shall not apply to the
8. following:
9. Banks, building and loan associations, and
10. similar chartered financial institutions;
11. Clinics and group medical centers;
12. Food stores, which shall not, however, occupy
13. more than 5000 square feet of floor area;
14. Restaurants.
15. 3. Entrances. Any use permitted under Subparagraph
16. 2 or 3 of Paragraph A shall be permitted no more than one
17. exterior entrance. Further, each such use shall have at least
18. one public entrance located within the building in which such use
19. is established.
20. 4. Sign and Display Regulations. In addition to signs
21. permitted under Subsection 413.1, one stationary outside
22. identification sign at each exterior entrance to an office or to
23. a retail or service use shall also be allowed, provided that such
24. sign; does not exceed three square feet in area; if self-illuminated,
25. is not illuminated by other than an enclosed lamp; is of the
26. non-flashing type; and does not project more than six inches
27. from the building. Further, for each building containing uses
28. permitted under Subparagraphs 2 and 3 of Paragraph A, one
29. directory sign listing such uses and their locations shall be

1. permitted; such sign shall not have a surface area
2. exceeding in square feet the product of the number of
3. establishments listed times 1-1/2. No other signs or display
4. of any kind visible from outside the building shall be permitted.
5. 201.3-Bulk Regulations in R.A.E. 2 Zones.

6. A. The maximum height of any point on a building shall be
7. 1-1/2 times the maximum height that would be permitted by application
8. of the height regulations for B.L. zones (see Section 231).

9. B. The average width of any elevation of a building of
10. seven or more stories shall not exceed 2-1/2 times the average height
11. of such elevation.

12. C. Minimum Yard Requirements and Building-Location
13. Requirements.

14. 1. No building shall be located less than 60 feet
15. from the centerline of any street nor less than 15 feet from
16. the street line thereof. No part of a building 40 feet or more
17. in height above the average grade level at the building-foundation
18. line shall be located closer than 30 feet to any property line
19. other than a street line; no part of a building less than such
20. height shall be located closer than 15 feet to any property line
21. other than a street line.

22. 2. No apartment window facing a property line
23. other than a street line shall be closer than 25 feet thereto.
24. The minimum distance between the centers of facing windows
25. of different apartments on the same lot in an R.A.E. 2 zone
26. shall be 75 feet.

27. D. Density. Gross residential density shall not exceed
28. 80 density units per acre.

29. E. The minimum amenity open space ratio shall be 0.2.

1. 201.4-Off-Street Parking. Off-street parking-space
2. requirements in R.A.E. 2 zones shall be the same as those in C.T.
3. Districts (superimposed upon B.L., B.M., or B.R. zones-see
4. Sections 232B, 235B, 238B, and 409).
5. Section 202-Development Plan.
6. 202.1-Permit Based on Plan. No permit shall be issued for any
7. use or the construction of any building in an R.A.E. zone (R.A.E. 1
8. or R.A.E. 2 zone) except in accordance with an over-all plan of
9. development (site plan) for the entire lot or tract on which such building
10. or use is to be located, approved by the Planning Board. A plan of
11. development approved in accordance with the regulations of this section
12. shall remain valid for 24 months following the date of its approval. If
13. at the end of that time construction of buildings in accord with the plan
14. has not begun, then the approval and validity of said plan shall lapse
15. unless the plan has been resubmitted to the Director of Planning and
16. re-approved by the Planning Board in the same manner as required
17. for submission and approval of the original plan. Construction shall
18. be deemed to have begun when all necessary excavation and the piers
19. and footings for one or more principal buildings included in the develop-
20. ment plan have been completed. All construction and development
21. under any building permit shall be in accordance with the approved site
22. plan. Any material departure from the plan shall be cause for revocation
23. of all applicable permits by the Director of Planning or the Planning
24. Board, who are hereby empowered to revoke such permits under such
25. circumstances, after providing, upon request, an opportunity for
26. hearing parties in interest. Any material changes in an approved plan
27. shall be incorporated within a new plan, which shall be re-submitted
28. for approval in accordance with the requirements set forth in this
29. subsection for approval of the original plans.

1. 202.2-Content of Plan. The site plan for development in an
2. R.A.E. zone shall show: the locations and heights of all proposed
3. structures and existing structures to be retained; the floor area of
4. each building; parking facilities; all streets and drives giving access
5. to and lying within the property; existing topography and major
6. vegetation; proposed grading, landscaping, and screening; recreation,
7. outdoor living, and other amenity open space; and any other information
8. necessary for the evaluation of the plan.
9. 202.3-Processing Requirements. Before submission of a
10. permit application, three prints of a preliminary site plan-or such
11. greater number as may be required by the Director of Planning-shall
12. be submitted to the Office of Planning and Zoning. After the preliminary
13. site plan has been tentatively approved as being suitable for official
14. submission, or after a lapse of thirty days beginning at the time of
15. preliminary site-plan submission, whichever occurs first, the required
16. number of prints of the plan-as first submitted or as revised, as the
17. case may be-shall be transmitted to the Director of Planning, who
18. shall confirm the date of receipt and subsequently present the plan for
19. consideration by the Planning Board. If the Planning Board finds that
20. the proposed plan of development does not fully meet the purposes of
21. these regulations, it shall disapprove the plan and shall submit its findings
22. in writing, together with the reasons therefor, to the applicant within
23. 90 days after receipt of the required number of prints of the site plan
24. by the Director of Planning. If no action has been taken by the Planning
25. Board within that time, the development plan shall be deemed to have
26. been approved by the Board; provided however, that the applicant may
27. waive this time limit and consent to an extension of such period, in
28. which event he shall so notify the Director of Planning in writing.

1. 202.4-Planning Board Review. In reviewing the site plan,
2. the Planning Board shall consider whether the plan would achieve
3. maximum co-ordination between the proposed development and surrounding
4. uses, the conservation of trees, and the protection of watercourses
5. from erosion and siltation; and whether maximum safety, convenience,
6. and amenity for the residents and for the surrounding neighborhood
7. will be achieved. To these ends the Planning Board shall consider:
8. the locations of buildings, parking areas, and other features as related
9. to the topography of the lot and to existing natural features such as
10. streams and large trees; the efficiency, adequacy, and safety of the
11. proposed internal streets and driveways; the adequacy and location of
12. amenity open space, bearing in mind any possible effects of irregularly
13. shaped tracts; the adequacy, location, screening, and landscaping of
14. parking lots; proposed grading and whether there has been an avoidance
15. of cuts or fills which could unfavorably affect abutting properties through
16. erosion, siltation, obstruction of view, etc.; and such other matters as
17. the Planning Board may find to have a material relation to the standards
18. and objectives of the regulations for R.A.E. zones.
19. Section 8. And be it further enacted, That Subsection 232.5
20. be and it is hereby repealed and re-enacted with amendments, as
21. follows:
22. 232.5-Floor Area Ratio. The maximum permitted floor area
23. ratio for any site in a B.L. Zone, excepting C.C.C. and C.T. districts,
24. shall be 3.0.
25. Section 9. And be it further enacted, That Article 2 be and
26. and it is hereby amended by adding new section 232A immediately after
27. Subsection 232.5 and by redesignating existing section 232A as section
28. 232B and redesignating subsections accordingly, said new section 232A
29. to read as follows;

1. Section 232A-Special Regulations for C. C. C. Districts.
2. Contrary provisions of these Zoning Regulations notwithstanding,
3. the regulations of this section shall apply in C. C. C. districts super-
4. imposed upon B. L. zones. (All aspects of matters not governed by
5. the following provisions of this section shall be governed by all other
6. applicable provisions of these Zoning Regulations.)
7. 232A. 1-Apartments shall be permitted, but only above the first
8. story of a building.
9. 232A. 2-No apartment window facing a property line other than
10. a street line shall be closer than 25 feet thereto. The minimum distance
11. between the centers of facing windows of different apartments on the
12. same lot shall be 50 feet.
13. 232A. 3-The maximum permitted floor area ratio for any site
14. shall be 4.0; the specific number of dwelling or density units, as such,
15. shall not be directly limited.
16. 232A. 4-The minimum permitted amenity open space ratio shall
17. be 0.2.
18. 232A. 5-For all buildings containing apartments, there shall be
19. provided at least 1.25 parking spaces for each dwelling unit. Up to 50
20. per cent of such spaces on any lot shall be counted in determining the
21. number of spaces provided for commercial and office uses on the same
22. lot (See also Paragraph 409.2.d.)
23. Section 10. And be it further enacted, That Article 2 be and
24. it is hereby amended by adding new section 235A immediately after
25. subsection 235.5 and by redesignating existing Section 235A as Section
26. 235B and by redesignating subsections accordingly, said new Section
27. 235A to read as follows:
28. Section 235A-Special Regulations for C. C. C. Districts.

1. Contrary provisions of these Zoning Regulations notwith-
2. standing, the regulations of this section shall apply in C. C. C. districts
3. superimposed upon B. M. zones. (All aspects of matters not governed
4. by the following provisions of this section shall be governed by all
5. other applicable provisions of these Zoning Regulations.)
6. 235A. 1-Apartments shall be permitted, but only above the first
7. story of a building.
8. 235A. 2-No apartment window facing a property line other than
9. a street line shall be closer than 25 feet thereto. The minimum distance
10. between the centers of facing windows of different apartments on the
11. same lot shall be 50 feet.
12. 235A. 3-The specific number of dwelling or density units, as
13. such, shall not be directly limited.
14. 235A. 4-The minimum permitted amenity open space ratio shall
15. be 0.2.
16. 235A. 5-For all buildings containing apartments, there shall
17. be provided at least 1.25 parking spaces for each dwelling unit. Up
18. to 50 per cent of such spaces on any lot shall be counted in determining
19. the number of spaces provided for commercial and office uses on the
20. same lot. (See also Paragraph 409.2.d.)
21. Section 11. And be it further enacted, That subsection 238.5
22. be and it is hereby repealed and re-enacted with amendments, as follows:
23. 238.5-Floor Area Ratio. The maximum permitted floor area
24. ratio for any site in a B. R. zone, excepting C. C. C. and C. T. districts,
25. shall be 2.0.
26. Section 12. And be it further enacted, That Article 2 be and it
27. is hereby amended by adding new Section 238A immediately after
28. subsection 238.5 and by redesignating existing Section 238A as Section
29. 238B and by redesignating existing subsections accordingly, said new
30. Section 238A to read as follows:

1. Section 238A-Special Regulations for C. C. C. Districts.

2. Contrary provisions of these Zoning Regulations notwith-

3. standing, the regulations of this section shall apply in C. C. C. districts

4. superimposed upon B. R. zones. (All aspects of matters not governed

5. by the following provisions of this section shall be governed by all

6. other applicable provisions of these Zoning Regulations.)

7. 238A. 1-Apartments shall be permitted, but only above the first

8. story of a building.

9. 238A. 2-No apartment window facing a property line other than

10. a street line shall be closer than 25 feet thereto. The minimum distance

11. between the centers of facing windows of different apartments on the

12. same lot shall be 50 feet.

13. 238A. 3-The maximum permitted floor area ratio for any site

14. shall be 4.0; the specific number of density or dwelling units, as such,

15. shall not be directly limited.

16. 238A. 4-The minimum permitted amenity open space ratio shall

17. be 0.2.

18. 238A. 5-For all buildings containing apartments, there shall be

19. provided at least 1.25 parking spaces for each dwelling unit. Up to

20. 50 per cent of such spaces on any lot shall be counted in determining

21. the number of spaces provided for commercial and office uses on the

22. same lot. (See also Paragraph 409.2.d.)

23. Section 13. And be it further enacted, That Article 2 be and

24. it is hereby amended by deleting Section 253 and by adding new Section

25. 253 in lieu thereof, said new Section to read as follows:

26. Section 253-Use Regulations

27. 253.1-Uses Permitted as of Right. The uses listed in this

28. subsection, only, shall be permitted as of right in M. L. zones, subject

29. to any conditions hereinafter prescribed.

1. A. The following industrial uses:

2. 1. Airplane assembly

3. 2. Automobile assembly

4. 3. Boat yards (including marinas or marine railways)

5. 4. Bottling establishments, soft-drink

6. 5. Candy manufacture, packaging, or treatment

7. 6. Carpet or rug cleaning

8. 7. Cellophane-products manufacture or processing-

9. restricted production (See Subsection 253.3).

10. 8. Cleaning or dyeing

11. 9. Concrete-products manufacture, including

12. manufacture of concrete blocks or cinder blocks

13. 10. Cork-products manufacture or processing-

14. restricted production (See Subsection 253.3).

15. 11. Cosmetics manufacture, compounding, packaging,

16. or treatment

17. 12. Drug manufacture, compounding, packaging, or

18. treatment

19. 13. Electrical-appliance assembly

20. 14. Enameling, japanning, or lacquering

21. 15. Excavations, controlled, except those involving

22. the use of explosives

23. 16. Fiber-products manufacture or processing,

24. including the manufacture or processing of articles made

25. of felt or yarn, or of textiles, canvas, or other cloth-

26. restricted production (See Subsection 253.3.).

27. 17. Food-products manufacture, compounding,

28. packaging, or treatment, including but not limited to:

29. wholesale bakeries; canning plants or packing houses

1. for canning, packing, or processing of vegetables;
2. creameries or milk-pasteurization or-distributing
3. stations; or cold-storage plants
4. 18. Fur-products manufacture or processing-
5. restricted production (See Subsection 253.3.)
6. 19. Glass-products manufacture or processing-
7. restricted production (See Subsection 253.3.)
8. 20. Grain processing, provided equipment is
9. installed for effective precipitation and recovery of dust
10. 21. Greenhousing, wholesale
11. 22. Horn-products manufacture or processing-
12. restricted production (See Subsection 253.3.)
13. 23. Ice manufacture
14. 24. Ink blending etc. -restricted production
15. (See Subsection 253.3.)
16. 25. Instrument manufacture, of precision instruments,
17. including manufacture of watches or clocks
18. 26. Jewelry manufacture or processing, or manu-
19. facture or processing of other articles made of precious
20. or semi-precious metals or stones-restricted production
21. (See Subsection 253.3.)
22. 27. Laboratories
23. 28. Leather-products manufacture or processing-
24. restricted production (See Subsection 253.3)
25. 29. Lumber yards
26. 30. Metal-products manufacture or processing,
27. limited to the restricted production (See Subsection 253.3.)
28. of articles made of sheet metal, light metal mesh, pipe, wire,
29. rods, strips, or other shapes or similar component parts

1. 31. Metal-stamp manufacturing
2. 32. Musical-instruments manufacture
3. 33. Offices or Office Buildings
4. 34. Paint blending etc. -restricted production
5. (See Subsection 253.3.)
6. 35. Paper-and paperboard-products manufacture or
7. processing-restricted production (See Subsection 253.3.)
8. 36. Perfume manufacture, compounding, packaging,
9. or treatment
10. 37. Phonograph assembly
11. 38. Plastic-products manufacture or processing-
12. restricted production (See Subsection 253.3.)
13. 39. Plating, including galvanizing
14. 40. Poultry killing
15. 41. Printing, lithographing, or publishing plants
16. 42. Radio assembly, or assembly of other electronic
17. instruments or devices
18. 43. Research institutes
19. 44. Rubber-stamp manufacture, and manufacture
20. of other small molded rubber products
21. 45. Shell-products manufacture or processing-
22. restricted production (See Subsection 253.3.)
23. 46. Stone or monument works
24. 47. Tire retreading or recapping
25. 48. Tobacco-products manufacture or processing-
26. restricted production (See Subsection 253.3.)
27. 49. Toy manufacture, or manufacture of novelties
28. 50. Trailer assembly, including the assembly
29. of truck trailers or mobile homes

1. 51. Wax-products manufacture or processing-
2. restricted production (See Subsection 253.3.)
3. 52. Wood-products manufacture or processing-
4. restricted production (See Subsection 253.3.)
5. 53. Wrought-iron products manufacture
6. 54. Other manufacture of articles of merchandise
7. made from materials permitted to be used and made by
8. processes permitted to be employed in the production activities
9. more specifically listed above.
10. B. The following transportation, storage, or quasi-public
11. uses or utilities:
12. 1. Bus terminals
13. 2. Building-materials storage or sales yards,
14. general
15. 3. Construction-equipment storage yards
16. 4. Above-ground electrical-power, telephone, or
17. telegraph lines, except above-ground electrical-power lines
18. having a capacity of 35 kilovolts or more; pole-mounted trans-
19. formers or transformer banks
20. 5. Cables and conduits not described under item "4",
21. above; gas, water, or sewer mains; or storm-drain systems-
22. all underground
23. 6. Feed or grain sales or storage
24. 7. Fluid storage and sale, above ground, of flammable
25. liquids or gases
26. 8. Freight storage
27. 9. Fuel storage and sale, of solid or gaseous fuels
28. 10. Heliports, Type 1
29. 11. Heliports, Type 11

1. 12. Helistops
2. 13. Railroads
3. 14. Steam-power plants
4. 15. Storage, warehousing, or wholesale distribution
5. of any product whose sale (retail or wholesale) or final processing
6. or production is permitted as of right as a principal use in M. L.
7. zones; public warehousing
8. 16. Utility service centers
9. 17. Utility storage yards
10. 18. Volunteer-fire-company facilities
11. C. The following auxiliary retail or service uses or
12. semi-industrial uses, provided that any such use is located in a
13. planned industrial park at least 25 acres in net area or in an I. M.
14. district, in neither case with any direct access to an arterial street
15. other than a Class I Commercial Motorway:
16. 1. Automobile-rental agencies
17. 2. Bakeries, retail
18. 3. Barbershops
19. 4. Banks, savings and loan associations, or other,
20. similar chartered financial institutions accepting deposits
21. 5. Beauty shops
22. 6. Business or trade schools
23. 7. Carpentry or cabinet-making shops
24. 8. Drug stores, but the gross floor area devoted
25. to any such store shall not exceed 1500 square feet
26. 9. Electrical-contractors' shops
27. 10. Electroplating shops
28. 11. Food stores, but the gross floor area of any
29. such store shall not exceed 2500 square feet

1. 12. Heating-or air-conditioning-contractors' shops
2. 13. Laundry, dry-cleaning, or clothing-repair or-
3. alteration establishments or stations, including self-service
4. laundry or dry-cleaning facilities
5. 14. Liquor or package stores
6. 15. Machinery-sales or-repair establishments
7. 16. Parking lots or garages
8. 17. Painting shops
9. 18. Plumbing-contractors' shops
10. 19. Restaurants, except drive-in restaurants
11. 20. Sheet-metal shops
12. 21. Shoe-repair shops
13. 22. Stationery or office-supply stores
14. 23. Taverns
15. 24. Truck-rental and truck-trailer-rental agencies.
16. D. The following temporary use: Carnivals, temporary,
17. provided that no such use shall be established for more than 90 days in
18. any one-year period.
19. E. Combinations of the uses listed above.
20. F. Accessory uses or structures, including but not limited to:
21. 1. Incidental sales (wholesale or retail)
22. 2. Living quarters for watchmen or caretakers
23. and their families, and accessory uses or buildings subsidiary
24. thereto
25. 3. Trailers for temporary use, as permitted under
26. Section 415
27. 4. Industrial medical clinics
28. 5. Employees' recreation facilities
29. 6. Excavations, uncontrolled

1. 7. Parking spaces (see Section 409)
2. 8. Signs (see Section 413).
3. 253.2-Uses Permitted by Special Exception. The uses listed
4. in this subsection are permitted by special exception only (see Section 502).
5. A. The following industrial, quasi-industrial, transportation,
6. storage, or quasi-public uses or utilities:
7. 1. Airstrips or airports, where it is shown that
8. such use will serve primarily the industrial uses in the same area
9. 2. Airports, general aviation, if located in accordance
10. with the master plan
11. 3. Excavations, controlled, involving the use of
12. explosives (see Section 403)
13. 4. Sanitary landfills
14. 5. Storage, warehousing, or distribution not permitted
15. as of right
16. 6. Truck terminals
17. 7. Utilities not permitted under the provisions of
18. Subsection 253.1
19. B. The following auxiliary service uses, provided
20. that any such use shall be located in a planned industrial park at least
21. 25 acres in net area or in an I. M. district, in neither case with any
22. direct access to an arterial street other than a Class I Commercial
23. Motorway, and, provided further, that it is shown that any such use
24. will serve primarily the industrial uses and related activities in the
25. surrounding industrial area:
26. 1. Automotive-service stations, subject, further,
27. to the provisions of Section 405
28. 2. Car washes, subject, further, to the provisions
29. of Section 419

1. 3. Garages, service, including establishments
2. for the service or repair of trucks or truck trailers
3. 4. Motels, hotels, or apartment hotels, but the
4. number of apartments in any apartment hotel permitted here-
5. under shall not exceed 10 per cent of the total number of
6. apartments plus rooming units therein, and no more than
7. 10 per cent of the rooming units in any such motel, hotel, or
8. apartment hotel shall be occupied as principal places of residence.
9. 5. Union halls or other places of assembly for
10. employment-related activities.
11. C. The following interim uses, provided that it is shown
12. by the petitioner and verified by the Director of Public Works that
13. public sewerage and water-supply facilities will not be available to
14. the site of any such use for a period of at least two years after the
15. time the petition is heard, and provided, further, that any such use
16. shall be discontinued and the grant of the special exception shall expire
17. on a date within a year after such time as public sewerage and water-
18. supply facilities do become available to the site, as shall be more
19. particularly stipulated in the order granting the special exception:
20. 1. Amusement parks
21. 2. Baseball-batting ranges
22. 3. Farms, or limited-acreage wholesale flower farms
23. 4. Golf-driving ranges
24. 5. Kennels
25. 6. Miniature-golf courses
26. 7. Radio or television broadcasting studios
27. 8. Racetracks
28. 9. Riding stables, commercial
29. 10. Shooting ranges

1. 11. Trailers, non-accessory, subject to the
2. provisions of Section 415, except that trailer parks are not
3. permitted
4. 12. Used-motor vehicle outdoor sales areas
5. 13. Veterinarians' offices
6. D. The following miscellaneous uses:
7. 1. Signs, outdoor-advertising (see Subsection 413.3)
8. 2. Wireless transmitting and receiving structures,
9. except as minor accessory uses or structures (which are
10. permitted without a special exception); provided that, for the
11. purposes of this paragraph, no exterior antenna greater than
12. 50 feet above grade level shall be considered as an accessory
13. use or structure.
14. E. Combinations of the uses listed in this subsection, or
15. combinations of such uses with uses which are permitted as of right.
16. 253.3-Scope of "Restricted Production." For the purposes
17. of this section, "restricted production" shall include only the assembly,
18. manufacture, or compounding of articles of merchandise from previously
19. prepared materials, or the machining, electroplating, or other,
20. comparable light processing or treatment of such articles; but it shall
21. not include the manufacture of large stampings (such as motor-vehicle
22. fenders or bodies). (However, the exclusion of a use under a particular
23. entry, whether by virtue of a limitation to restricted production or
24. otherwise, does not affect the applicability of any other entry under
25. which they use may be described.)
26. 253.4-Within 100 feet of any residential zone boundary or the
27. right of way of any street abutting such a boundary, or within 100 feet
28. of the right of way of an existing or proposed interstate highway, other
29. freeway, or expressway, which motorway is officially so designated by

1. the State Roads Commission or the County, there shall be permitted
2. only passenger-automobile accessory parking and those uses permitted
3. in M. R. zones, as limited by the use regulations in Section 241.
4. 253.5-Conflicts with Section 270. Wherever any provision of
5. this section may conflict with a provision of Section 270, the provision
6. in this section shall control.
7. Section 14. And be it further enacted, That subsection 405.2.A.4
8. be and it is hereby repealed and re-enacted with amendments, as follows:
9. 4. Within a permitted parking garage in any business
10. or manufacturing zone or any D. R. or R. A. E. zone, provided
11. that no evidence of the service station is visible at any property
12. line and that the number of such service stations does not exceed
13. one for each 300 parking spaces or fraction thereof; provided
14. further, however, that in any business or manufacturing zone,
15. exterior signs may be permitted in accordance with the pro-
16. visions of Section 413.
17. Section 15. And be it further enacted, That subsection 409.2.d
18. be and it is hereby repealed and re-enacted with amendments, as follows:
19. d. Modification of Parking-Space Requirements in
20. C. C. C. Districts or Town Centers. The Planning Board may
21. adopt, and from time to time revise, parking-space standards
22. for C. C. C. districts or town centers, which standards differ
23. from the parking-space requirements otherwise applicable
24. under these Zoning Regulations; but the provisions of the Zoning
25. Regulations shall control unless and until the Zoning Com-
26. missioner, upon petition and after public hearing, orders
27. that the Planning Board's standards may be applied to the
28. subject property of the petition.

1. In formulating such parking-space standards,
2. the Planning Board shall consider: any relevant surveys
3. and studies submitted by the Baltimore County Department
4. of Traffic Engineering; projections of transit usage; any
5. probability of lessened parking demand as a result of
6. integrally housed business establishments with different
7. (complementary) peak hours; trends with respect to patterns
8. of car ownership or usage within the areas of concern;
9. probability of assisted ("attendant") parking, nearby parking
10. facilities developed by the Baltimore County Revenue Authority;
11. and other pertinent factors under which recommended decreases
12. in parking requirements may be effected.
13. Section 16. And be it further enacted, That Article 4 be and
14. it is hereby amended by adding new section 430, said new section to
15. read as follows:
16. Section 430-Unit Developments.
17. 430.1-General Provisions.
18. A. Legislative Statement of Findings and Policy.
19. 1. Declaration of Findings. It is found:
20. a. That procedures and regulations under which
21. land development is permitted as of right necessarily
22. limit development opportunities, inhibit design flexibility,
23. and, often, preclude optimum land-planning solutions to
24. complex development problems;
25. b. That such procedures and regulations do not
26. provide for the full range of nonresidential uses that may
27. be desirable to service residential development in optimum
28. relationship thereto; therefore, modern commercial and
29. other nonresidential facilities in Baltimore County have not

1. typically been well integrated with or most advantageously
2. related to the homes they serve;
3. c. That the aforementioned problems become
4. manifest only as large areas are developed, and would not
5. be solved or substantially mitigated by regulations providing
6. for a broad range of complementary uses unless such
7. regulations are made applicable to large-scale developments
8. exclusively;
9. d. That the creation of diversified, well-planned
10. and-designed large integral developments is of such
11. importance to the public interest that establishment of
12. liberal regulations especially applicable to such develop-
13. ments is justified if the County retains and exercises
14. special discretionary authority to control such develop-
15. ments, or, for cause, to prohibit any such development
16. not found to meet appropriate objectives;
17. e. That such control can be properly instituted by
18. the establishment of requirements for review and appropriate
19. action by the Planning Board, for review, public hearing,
20. and deciding action by the Zoning Commissioner or the
21. County Council, as the type of case may require, and for
22. assuring the suitable execution of approved development plans;
23. and
24. f. That large-scale developments of certain
25. types could be so designed and administered as to justify
26. their location in areas where establishment or installation of
27. urban services is not scheduled at the time authorization of
28. such a development is considered.

1. 2. Purpose. The regulations of this section are
2. established, pursuant to the legislative findings set forth
3. above: in order to provide for or foster the development
4. of well-designed neighborhoods, communities, and towns
5. as unit developments, by providing for uses and levels
6. of land-use intensity not otherwise permitted in the zones
7. in which such developments would be situated; to encourage,
8. thereby, the assembly of land into tracts suitably large
9. to accommodate such developments; to foster urban growth
10. patterns which afford optimum levels of economy and
11. efficiency and which afford the greatest variety and abundance
12. of group opportunities, by requiring that large-scale
13. developments permitted hereunder be designed as neigh-
14. borhoods, communities, or towns, whether based upon
15. prototype development forms designed or recognized by the
16. County or designed in alternative forms affording similar
17. or special benefits. Additional administrative procedures,
18. requirements, and authority prescribed herein are intended
19. to be reciprocal to the authorization of uses and levels of
20. land-use intensity not permitted as of right; they are intended
21. to assure that development allowed under the provisions of
22. this section is, in fact, executed in such a manner as to
23. fulfill the objectives hereof, and that such development
24. is consistent with the principles of comprehensive planning
25. or serves to implement adopted plans in the most beneficial
26. manner.
27. B. Classes of Unit Developments Which May Be Authorized
28. and Methods of Authorization in General.
29. 1. Classes. Only developments classified as

1. neighborhoods, communities, or towns, as such terms are
2. defined in Section 101, shall be authorized as unit developments.

3. 2. Administrative Authorization of Unit Developments.
4. Unit developments to be established within the urban-rural
5. demarcation line may be authorized by special exception ordered
6. by the Zoning Commissioner, after consideration of a report
7. by the Planning Board on the proposed authorization plan and
8. subject to the provisions hereinafter set forth.

9. 3. Legislative Authorization of Unit Developments.
10. Unit developments to be established beyond the urban-rural
11. demarcation line may be authorized by special permit issued
12. by act of the County Council, after consideration of a report
13. by the Planning Board on the proposed authorization plan and
14. subject to the provisions hereinafter set forth.

15. C. Initial Procedural Steps and Requirements.

16. 1. Any petition for authorization of a unit develop-
17. ment shall state whether such development is to consist of one
18. or more neighborhoods or communities, or of a town (see
19. Section 101). Further, the petition shall include a proposed
20. authorization plan, as described below in Paragraph F,
21. prepared in accordance with applicable provisions adopted
22. pursuant to the authority of Section 504 and with those of the
23. Baltimore County Subdivision Regulations.

24. 2. Any petition for such authorization shall first
25. be submitted to the Zoning Commissioner, in accordance with
26. the provisions of Article 5 of these regulations and in accordance
27. with such reasonable supplementary requirements as may be made
28. under Section 504 or by the Office of Planning and Zoning. The
29. filing date of the petition shall be the date the petition is accepted
30. by the Zoning Commissioner as provided in Paragraph 500, 2a.

1. 3. By the end of the fifth regular business day after
2. the filing date, the Zoning Commissioner shall transmit
3. certified copies of the petition to the Director of Planning,
4. the Planning Board, the County Health Officer and the State
5. Department of Health, the Department of Public Works, the
6. Department of Permits and Licenses, the Department of
7. Recreation and Parks, the Department of Education, the
8. Department of Traffic Engineering, the Fire Department,
9. and such other County or state agencies as he may decide upon.

10. 4. Within 45 days after the filing date, agencies or
11. officials to whom copies of the petition have been transmitted
12. pursuant to Subparagraph 3, except the Director of Planning
13. and the Planning Board, shall, upon complete review of those
14. aspects of the petition related to their respective jurisdictions,
15. submit comments thereon to the Director of Planning, the Zoning
16. Commissioner, and the Planning Board.

17. 5. Not more than 60 days after the filing date,
18. subject to extension upon written consent of the petitioner,
19. the Director of Planning shall submit a complete report on
20. the petition to the Planning Board. After receipt of the Director's
21. report, the Planning Board shall take action with respect to the
22. petition, as provided below, at the time of the Board's next
23. regularly scheduled meeting. Provided, however, that the
24. Planning Board may delay final action with respect to the
25. petition for not more than 35 days after the time of such meeting,
26. if the Board finds that additional time is required for proper
27. consideration.

28. 6. The final actions which may be taken by the
29. Planning Board with respect to the petition shall be limited
30. to a resolution effecting one of the following:

1. a. Adoption of a favorable report on the
2. proposed authorization plan;
3. b. Modification of such plan and adoption
4. of a favorable report on the plan as modified; or
5. c. Adoption of an unfavorable report on the plan.
6. The report adopted by the Planning Board may
7. be based on the report submitted by the Director of Planning.
8. 7. A favorable report on a proposed authorization plan
9. may be adopted only if the Board makes affirmative findings,
10. supported in detail, that:
11. a. The development as proposed would, in fact,
12. constitute a neighborhood, or an integral and viable portion
13. thereof, a grouping of neighborhoods, a community, or a
14. town, as the case may be;
15. b. The tract is situated in an appropriate location
16. according to adopted or formally proposed master plans; and
17. c. The plan is in accordance with the planning
18. objectives and requirements of this subsection, of relevant
19. Planning Board policies adopted pursuant to the authority
20. of Section 504 or otherwise, and of these Zoning Regulations
21. in general.
22. 8. In adopting an unfavorable report on a proposed
23. authorization plan, the Planning Board shall set forth the reasons
24. for its disapproval and explanations as to why any one of the above
25. findings cannot be made.
26. 9. The next, regular business day after the Planning
27. Board has taken action as prescribed above, the Director of
28. Planning shall transmit to the Zoning Commissioner copies of
29. the Board's report, together with copies of its resolution whereby
30. the action was taken.

1. 10. Upon his receipt from the Planning Board
2. of a resolution which modifies a proposed authorization plan,
3. the Zoning Commissioner shall substitute the modified plan
4. for the original and notify the petitioner of the modification
5. and of the fact that the original proposed authorization plan
6. is no longer part of the petition.
7. D. Remaining Procedural Steps and Review Requirements
8. in Administrative Authorization of Unit Developments. The following
9. provisions apply only to petitions for unit developments subject to
10. administrative authorization.
11. 1. Upon his receipt of the Planning Board's
12. resolution and report with respect to a petition for authorization
13. of a unit development within the urban-rural demarcation line,
14. the Zoning Commissioner shall promptly schedule a hearing
15. on the petition (as it may have been amended through modi-
16. fication of the proposed authorization plan by the Planning
17. Board). The date of the hearing shall be not less than 20
18. and not more than 45 days after the Planning Board's action,
19. subject to such postponement or continuation as circumstances
20. may require, and except that the hearing may be scheduled for
21. a later date if any day in the interval specified falls within
22. a period for which hearings on zoning reclassification petitions
23. must be scheduled pursuant to Section 22-22 of the Baltimore
24. County Code, 1968 Edition, as amended; but, in this event,
25. the date of the hearing on the unit-development petition shall be
26. not less than 45 days after the end of such period of zoning-
27. reclassification hearings. In any case, the hearing shall be
28. advertised in the same manner as required for other petitions
29. for special exceptions.

1. 2. Upon hearing and reviewing the petition as
2. required, the Zoning Commissioner may:
3. a. Grant the petition, with or without certain
4. conditions as provided in Subparagraphs 4 and 5, below;
5. b. Deny the petition; or
6. c. Modify, or further modify, the proposed
7. authorization plan and grant the petition with the plan as
8. modified; with or without conditions as provided in Sub-
9. paragraphs 4 and 5, but only upon first submitting the
10. proposed modifications to review by the Planning Board;
11. in this case, at the time of its next regular meeting after
12. the proposed modifications have been submitted, or not
13. more than 35 days after such time, the Planning Board
14. shall consider the Zoning Commissioner's proposal and
15. re-affirm, modify, or reverse its previous action in
16. light of findings with respect to such proposal. A record
17. of the Board's findings and action shall be returned to the
18. Zoning Commissioner by the Director of Planning on the
19. next regular business day thereafter.
20. 3. The Zoning Commissioner may grant the petition
21. only if he affirmatively finds:
22. a. That the proposed development would serve
23. the public interest and would have no adverse effect upon
24. the health, safety, or general welfare in the vicinal area,
25. the County, or the area at large;
26. b. That, in due consideration of the comments
27. or reports submitted by the Planning Board and all other
28. agencies or officials required to submit to him comments
29. on the petition, the proposed development would not create
30. conditions as set forth in Paragraphs b, c, d, e, or f of
31. Subsection 502.1;

1. c. That there is a reasonable expectation
2. that the proposed neighborhood, community, or town
3. would be developed to the full extent of and fully in
4. accordance with the authorization plan (including develop-
5. ment schedules contained therein), in light of: evidence as
6. to the petitioner's or developer's financial responsibility,
7. in general and with respect to the development proposed;
8. pertinent market data submitted by the petitioner, by
9. County agencies or officials, or by others; development
10. costs; general economic conditions which may be anticipated
11. at the time the development or any phase thereof is to be
12. financed; and all other factors which may reasonably be
13. ascertained and have a bearing on the findings; and
14. d. That the development, as approved, would
15. comply with all applicable provisions of the Zoning
16. Regulations and that the resolution of any conflict between
17. other County laws or technical requirements and the proposed
18. authorization plan is reflected by revisions incorporated
19. within the authorization plan as finally approved.
20. 4. The Zoning Commissioner may attach such
21. requirements or conditions to the grant of the petition as he
22. may deem proper, but no such conditions shall be tantamount
23. to a modification of the authorization plan unless such modi-
24. fication is made or reviewed by the Planning Board as provided
25. hereinbefore.
26. 5. The Zoning Commissioner's order granting the
27. petition shall include:
28. a. A statement of each of the findings required
29. to be made pursuant to Subparagraph 3, above, supported
30. in detail by an explanation of the finding as related to the
31. particular petition;

1. b. Any additional statements or documentation
2. needed to adequately set forth the basis of the decision; and
3. c. Statements and explanations of any require-
4. ments or conditions attached to the grant of the petition.
5. E. Remaining Procedural Steps and Review Requirements
6. in Legislative Authorization of Unit Developments. The following
7. provisions apply only to petitions for unit developments subject to
8. legislative authorization (see Subparagraph B.3).
9. 1. Upon his receipt of the Planning Board's resolution
10. and report with respect to a petition for authorization of a
11. unit development to be situated beyond the urban-rural demar-
12. cation line, the Zoning Commissioner shall file such report
13. and resolution with the petition and forward copies of the
14. petition and all other documents in the file to the County Council
15. by the end of the fifth regular business day after the Planning
16. Board's action.
17. 2. The County Council shall advertise and schedule
18. a hearing on the petition, for a date not less than 30 nor more
19. than 60 days after the Planning Board's action, except that the
20. hearing may be scheduled for a later date if any day in the
21. interval specified falls within the time during which a complete,
22. County-wide zoning map is in preparation or is subject to
23. action pursuant to Section 22-20 or 22-21.1 of the Baltimore
24. County Code, 1968 Edition, as amended. In this event, however,
25. the date of the hearing on the unit-development request shall
26. be not less than 60 days after the zoning map is adopted.
27. 3. After hearing and reviewing the petition as
28. required, the County Council may, by legislative act:

1. a. Grant the petition, with or without certain
2. conditions, and issue a special permit incorporating the
3. authorization plan and any conditions of the grant;
4. b. Deny the petition; or
5. c. Amend the petition by modifying the proposed
6. authorization plan as provided in Subparagraph 4, and
7. issue an appropriate special permit.
8. 4. Any modification of the authorization plan pursuant
9. to Subparagraph 3, above, shall be submitted to the Planning
10. Board for comment before action by the County Council. If,
11. in making such comment, the Planning Board proposes and
12. comments upon further modification, the County Council may
13. approve the further modification thus proposed without further
14. review by the Planning Board.
15. F. Authorization Plan-Effect, Contents, Form, Project
16. Design, and Review.
17. 1. Institution and Effect of Authorization Plan.
18. The grant of a special exception or special permit for a unit
19. development constitutes zoning authorization of the development
20. and, as such, institutes the authorization plan and establishes
21. that the development described therein would be in accordance
22. with zoning policies and criteria for the location in which it
23. is to be situated. No further discretionary zoning action
24. upon the plan shall be required unless the plan is to be
25. amended or to be re-instituted as a result of a lapse of the
26. original authorization. After institution of the plan no use
27. or development within an authorized unit development shall be
28. established except in accordance with the plan, regardless of
29. whether a condition not complying therewith would be per-
30. mitted under the development and use regulations, standards

1. and controls of this section or under the regulations
2. for the zone in question, it being the intent of this section
3. and these Zoning Regulations that plans for unit developments
4. may establish higher or more specific standards than are
5. prescribed herein for general application.
6. 2. Contents. The plan shall cover or include, among
7. other things:
8. a. Existing conditions on, of, and near the
9. site, including: topography; unusual natural formations;
10. water courses, ponds, or lakes; major vegetation; and
11. structures;
12. b. Zones, lot lines, and overall site boundaries;
13. c. Proposed major changes in natural conditions
14. (including major grading) and conditions to remain (including
15. preservation of major vegetation);
16. d. The maximum and minimum numbers of
17. density and dwelling units to be established and the estimated
18. residential and employment populations;
19. e. The general locations, extent, and forms of
20. proposed: uses and development of the various residential,
21. commercial, institutional, or other sites or areas, including
22. indications of the placement of housing according to major
23. differences in housing type and density; common open spaces;
24. and parking areas;
25. f. The general layout and classification of
26. proposed major motorways; general indications of proposed
27. walkways, bicycle paths, etc.; and general descriptions of
28. other transportation routes and modes (including public
29. transit) to the extent feasible with public transportation plans
30. or proposals;

1. g. Service areas and anticipated locations of
2. proposed utilities, public and private;
3. h. Proposed preliminary construction and site-
4. development schedules;
5. i. Descriptions, as applicable, of warranties,
6. methods, standards, regulations, deed restrictions,
7. enforcement provisions, funding, organizations, etc. proposed
8. to be established with respect to: open space and maintenance;
9. approaches to the design of signs, other street graphics,
10. street furniture, and comparable elements of urban environ-
11. ment; and, in general, all other aspects of the plan's
12. implementation and continuance of effect;
13. j. A summary of the plan's objectives;
14. k. Such other items as may be required by
15. the Office of Planning and Zoning or by provisions adopted
16. pursuant to the authority of Section 504.
17. 3. Form.
18. a. The plan shall include text exposition, maps,
19. or plats, charts or tables, and, as necessary, other
20. written or diagrammatic forms needed for a full and
21. clear explanation of the development proposal.
22. b. Forms for proposed authorization plans
23. or parts thereof may be established by the Office of Planning
24. and Zoning or, pursuant to the authority of Section 504,
25. by the Planning Board. Thereafter, all proposed authorization
26. plans filed with the County shall be in accordance with
27. such forms.
28. 4. Project Design. The overall conception of the
29. design of any unit development shall be clearly described

1. and shown in the authorization plan and shall either
2. be in accordance with a generally applicable prototype
3. form, such as a neighborhood/community/town
4. development model, which may be thus established by
5. the Planning Board pursuant to the authority of Section
6. 504, or in a form which affords the same benefits or
7. overriding different benefits. Where the development
8. is not to be in an approved prototype form, the plan
9. shall contain a comprehensive explanation and justification
10. of the form projected.
11. 5. Review and Modification.
12. a. Review. In reviewing a proposed authorization
13. plan, the Planning Board shall consider and report upon
14. whether the design of the unit development is in all respects
15. in accordance with the policy set forth in Paragraph A of
16. Subsection 430.1, with the purposes, standards, and
17. requirements specified or clearly implied in other provisions
18. of this section, and with such furthering policies as may
19. be adopted pursuant to the authority of Section 504, and
20. the Board may consider the effect the development would
21. have upon any other matter of or related to the present
22. and future public interest. In subsequent review, such
23. matters shall also be considered by the Zoning Com-
24. missioner or the County Council, as the case may be.
25. b. Modification. Through modification of a
26. proposed authorization plan, the Planning Board may
27. propose and the Zoning Commissioner or County Council
28. may establish regulations or standards for a particular
29. unit development which extend, increase, or augment

1. the regulations or standards of this section, imposing
2. reasonable restrictions which affect the location, appearance,
3. bulk, use, or any other aspect of the development, and
4. which are greater than provided herein; and greater or
5. additional requirements may be made as to minimum public
6. and private improvements.
7. G. Final Development Plan. No part or phase of any unit
8. development shall begin until a final development plan, particularizing
9. fixed characteristics of the development, has been approved by the Zoning
10. Commissioner as being in accord with the authorization plan, and by
11. the Planning Board as being in accord with standards and policies adopted
12. pursuant to the authority of Section 504. A final development plan may
13. be approved by the Zoning Commissioner and the Planning Board for
14. portions of a unit development for which an authorization plan covering
15. the entire tract or tracts has been instituted.
16. 430.2-Neighborhood Development and Use Regulations, Standards,
17. and Controls. The provisions of this subsection shall apply to unit
18. developments classified as neighborhoods.
19. A. Tract Area. The minimum gross area of the develop-
20. ment tract shall be 250 acres or the area sufficient to accommodate
21. at least 2000 density units under the standards of Subparagraph 1 of
22. Paragraph C, whichever is the lesser area. The maximum gross area
23. of such tract shall be 600 acres.
24. B. Location. The development shall be located within
25. the urban-rural demarcation line in any Density Residential (D. R.) or
26. Business (B.) zone.
27. C. Number of Density Units Permitted; Bulk and Open-
28. Space Regulations.
29. 1. Determination of Permitted Number of Density
30. Units. The maximum number of density units permitted shall

1. be equal to the product of the gross tract area (including
2. portions to be devoted to non-residential use) times the
3. maximum gross density as prescribed below:

4. <u>Zone</u>	<u>Maximum Gross Density</u>
5. D. R. 1	1.5 density units per acre
6. D. R. 2	3.0 " " " "
7. D. R. 3.5	5.0 " " " "
8. D. R. 5.5	8.0 " " " "
9. D. R. 10.5	16.0 " " " "
10. D. R. 16	20.0 " " " "
11. R. A. E. 1	40.0 " " " "
12. R. A. E. 2	80.0 " " " "

13. 2. Bulk Regulations-Height.

14. a. The maximum height of any building shall

15. be as set forth in the table in Sub-subparagraph b, below,

16. wherein:

17. i. The "unrestricted height" is the height

18. to which a building may be constructed, regardless

19. of any lesser height limitation established by

20. the angle of height limitation;

21. ii. The "angle of height limitation" is the

22. angle of all lines sloping inward and upward from

23. the tract boundary, measured from the horizontal

24. plane at the ground intersection on the tract

25. boundary, and any point on such line shall establish

26. the normal maximum height to which a building

27. is restricted at that point;

28. iii. The "perpendicular height limitation"

29. is the maximum height to which a building may

1. be constructed, any greater height established
2. by the angle of height limitation notwithstanding;
3. and
4. iv. The unrestricted height and the
5. perpendicular height limitation of a given building
6. are determined by measuring from any point along
7. the building wall at the normal grade level to the
8. highest point directly above.

9. b. Table of Maximum Heights.

10. <u>Zone</u>	<u>Unrestricted</u>	<u>Angle of</u>	<u>Perpendicular</u>
11. <u>Height</u>	<u>Height</u>	<u>Height</u>	<u>Height</u>
12. <u>Limitation</u>	<u>Limitation</u>	<u>Limitation</u>	<u>Limitation</u>
13. D. R. 1	40 feet	10 degrees	85 feet
14. D. R. 2	40 "	10 "	85 "
15. D. R. 3.5	40 "	10 "	85 "
16. D. R. 5.5	45 "	15 "	85 "
17. D. R. 10.5	50 "	20 "	100 "
18. D. R. 16	60 "	20 "	120 "
19. R. A. E. 1	85 "	20 "	120 "
20. R. A. E. 2	No	limitation	

21. 3. Open Spaces.

22. A minimum of 20 per cent of the gross area of a

23. tract or tracts comprising a neighborhood unit development shall

24. be allocated to public park, local open space purposes. The

25. design and distribution of such open spaces shall be in accordance

26. with the policies and standards adopted pursuant to the authority

27. of Section 504.

28. D. Uses Which May be Permitted. Uses in the develop-

29. ment may be permitted as set forth in this paragraph if specified in

30. the authorization plan (as approved), subject to any limitations set forth

31. therein.

32. 1. Residential uses: dwellings permitted in D. R.

33. OR, R. A. E. zones.

34. 2. Utilities.

35. 3. Public facilities: elementary school-recreation

1. centers, middle-or junior-high schools, parks, transportation
2. systems; all as may be required under the authorization plan.
3. 4. Institutions: churches; private schools.
4. 5. Retail shops and services-aggregate adjusted
5. gross floor area not to exceed 20 square feet per density unit,
6. based on the number of density units projected;
- 6a. 1. AUTOMOBILE SALESROOM AND ADJACENT
7. OUTDOOR SALES AREA
8. 1. 2. Automotive-service stations
2. 3. Barbershops
9. 3. 4. Banks, savings and loan associations, and
10. other, similar chartered financial institutions accepting
11. deposits
12. 4. 5. Beauty shops
13. 5. 6. Drug stores
14. 6. 7. Food stores, general
15. 7. 8. Food stores, specialty, such as bakeries,
16. candy stores, and dairy-product stores
17. 8. 9. Laundry, dry-cleaning or clothing-repair or-
18. alteration establishments or stations, including self-
19. service laundries or dry-cleaning facilities
20. 9. 10. Liquor or package stores
21. 10. 11. Restaurants, except drive-in restaurants
22. 11. 12. Shoe-repair shops
23. 12. 13. Stationery or office-supply stores
24. 13. 14. Taverns
25. 14. 15. Antique shops
26. 15. 16. Clothing and clothing-accessory stores,
27. general or specialty, including dress shops, millinery
28. shops, haberdasheries, shoe stores, etc.
29. 16. 17. Florist shops

1. -17. 18. Garden shops
2. -18. 19. Hardware stores
3. -19. 20. Artists' supply shops
4. -20. 21. Hobby shops
5. -21. 22. Jewelry stores
6. 22. 23. Pet shops
7. 23. 24. Fabrics or dry-goods shops, or upholstery
8. shops
9. 24. 25. Camera shops
10. 25. 26. Radio or television sales or repair shops,
11. not to include sales of large appliances, such as
12. refrigerators, washing machines, etc.
13. 26. 27. Record shops
14. 27. 28. Book stores
15. 28. 29. Sporting-goods stores
16. 6. Low-intensity commercial uses-provided that no
17. such use shall be located on ground-floor shopping frontage:
18. 1. Billiard or pool rooms
19. 2. Photographers' studios
20. 3. Tailor shops
21. 4. Dressmaking shops
22. 7. Offices-maximum of 10 square feet per density
23. unit, based on the number of density units projected;
24. 8. Motels or inns;
25. 9. Signs (non-accessory) sign standards must be
26. specified in the authorization plan;
27. 10. Interim uses (temporary during course of
28. development, but shall be shown on the authorization plan):
29. Class A animal boarding places; farms or limited-acreage

1. wholesale flower farms; uncontrolled excavations; kennels;
2. 11. Accessory uses, including parking areas or
3. garages, whether or not on the same lot as the principal use
4. served.
5. 430.3-Regulations, Standards, and Controls for Community
6. Developments. The provisions of this subsection shall apply to unit
7. developments classified as communities.
8. A. Tract Area. The minimum gross area of the develop-
9. ment tract shall be 1500 acres or the area sufficient to accommodate
10. at least 7,500 density units under the standards of Subparagraph 1 of
11. Paragraph C, whichever is the lesser area. The maximum gross area
12. of such tract shall be 2,500 acres.
13. B. Location. The development shall be located within any
14. Rural; Deferred Planning (R.D.P.), Density Residential (D.R.), or
15. Business (B.) zone; but developments located beyond the urban-rural
16. demarcation line shall be subject to requirements for additional financing
17. of public facilities, as provided in standards prepared by the Offices of
18. the Budget and Planning and Zoning and the Department of Public Works
19. and authorized by executive order, and as may be further provided in
20. the authorization plan.
21. C. Number of Density Units Permitted; Bulk and Open-
22. Space Regulations.
23. 1. Determination of Permitted Number of Density
24. Units. The maximum number of density units permitted shall
25. be equal to the product of the gross tract area (including
26. portions to be devoted to nonresidential use) times the maximum
27. gross density as prescribed below.
28.

Zone	Maximum Gross Density
R.D.P.	8.25
D.R. 1	1.58
- 29.
- 30.

1.

Zone	Maximum Gross Density
D.R. 2	3.15
D.R. 3.5	5.52
D.R. 5.5	8.67
D.R. 10.5	16.55
D.R. 16	25.20
R.A.E. 1	40.00
R.A.E. 2	80.00
2. Bulk Regulations-Height. The maximum height
3. of any building shall be as set forth in the table below, applied
4. in the manner prescribed under Sub-subparagraph 430.2.C.2.a.
5.

Zone	Unrestricted Height	Angle of Height Limitation	Perpendicular Height Limitation
R.D.P.	50 feet	20 degrees	120 feet
D.R. 1	40 "	10 "	85 "
D.R. 2	40 "	10 "	85 "
D.R. 3.5	40 "	10 "	85 "
D.R. 5.5	45 "	15 "	85 "
D.R. 10.5	50 "	20 "	100 "
D.R. 16	55 "	20 "	120 "
R.A.E. 1	85 "	20 "	120 "
R.A.E. 2	No	Limitation	
6. 3. Open Spaces
7. A minimum of 20 per cent of the gross area of a
8. tract or tracts comprising a community unit development shall be
9. allocated to public park, local open space purposes. The design
10. and distribution of such open spaces shall be in accordance with
11. the policies and standards adopted pursuant to the authority of
12. Section 504.
13. D. The uses listed and as limited in this paragraph may
14. be permitted as specified under the authorization plan.
15. 1. The following residential uses:
16. 1. Dwellings permitted in D.R. or R.A.E. zones
17. 2. Apartment hotels
18. 2. The following utilities:
19. 1. Electrical-power and telephone lines, under-
20. ground

1. 2. Telegraph lines and other cables or
2. conduits, underground
3. 3. Gas, water, and sewer mains; storm-
4. drain systems: all underground
5. 4. Other utilities, underground
6. 5. Substations, telephone exchanges, and other
7. structures related to the utilities listed above
8. 3. Other public facilities, as follows, and as may
9. be required under the authorization plan:
10. 1. Motorways
11. 2. Public transportation facilities
12. 3. Schools or school-recreation centers;
13. including facilities for the entire school population
14. of the community
15. 4. Open-space uses (including parks)
16. 5. Fire and police stations; health centers;
17. libraries; traffic signing and signalization
18. 6. Other public facilities, as provided under
19. the authorization plan
20. 4. The following institutional uses:
21. 1. Churches or other buildings for religious
22. worship, or other religious institutions
23. 2. Hospitals
24. 3. Private schools or colleges
25. 5. The following retail shops or services, but the
26. aggregate adjusted gross floor area in square feet shall not
27. exceed 40 times the maximum number of density units permitted
28. under Subparagraph 1 of Paragraph C:
29. 1. Antique shops
30. 2. Artists' supply shops

1. 3. AUTOMOBILE SALESROOM AND ADJOINING
- 1a. OUTDOOR-SALES AREA
2. -3.4 Automotive-service stations
3. -4.5 Banks, savings and loan associations, and
4. other, similar chartered financial institutions
5. accepting deposits
6. -5.6 Barbershops
7. -6.7 Beauty shops
8. -7.8 Book stores
9. -8.9 Business-or office-machine stores or
10. office-furniture or-equipment stores
11. -9.10 Camera shops
12. -10.11 Carpet, rug, tile, linoleum, or other floor-
13. covering stores
14. -11.12 Clothing and clothing-accessory stores,
15. general or specialty, including dress shops, millinery
16. shops, haberdasheries, shoe stores, etc.
17. -12.13 Department stores, limited-line
18. -13.14 Drug stores
19. -14.15 Electrical-appliance stores, including sales
20. of refrigerators, washing machines, and other large
21. appliances
22. -15.16 Fabrics or dry-goods shops, or upholstery
23. shops
24. -16.17 Florist shops
25. -17.18 Food stores, general
26. -18.19 Food stores, specialty, such as bakeries,
27. candy stores, and dairy-product stores
28. -19.20 Furniture stores
29. -20.21 Garden shops
30. -21.22 Hardware stores
- 22.23 Hobby shops

1. ~~-23,24~~ Jewelry stores
2. ~~-24,25~~ Laundry, dry-cleaning or clothing-repair
3. or-alteration establishments or stations, including
4. self-service laundries or dry-cleaning facilities
5. ~~-25,26~~ Liquor or package stores
6. ~~-26,27~~ Paint stores
7. ~~-27,28~~ Pet shops
8. ~~-28,29~~ Radio or television-sales or-repair shops,
9. not to include sales of large appliances, such as
10. refrigerators, washing machines, etc.
11. ~~-29,30~~ Record shops
12. ~~-30,31~~ Restaurants, except drive-in restaurants
13. ~~-31,32~~ Shoe-repair shops
14. ~~-32,33~~ Sporting-goods stores
15. ~~-33,34~~ Stationery or office-supply stores, not
16. including establishments principally devoted to the
17. sale of typewriters, adding machines, calculators,
18. office furniture, or other heavy business or office
19. machines or equipment
20. ~~-34,35~~ Taverns
21. ~~-35,36~~ Variety stores
22. 6. The following commercial-recreation or related
23. uses, but no such use shall occupy shopping frontage:
24. 1. Billiard or pool rooms
25. 2. Bowling Alleys
26. 3. Theatres or other auditoriums
27. 7. The following service commercial uses:
28. 1. Blueprinting, photostating, or other photo-
29. copying establishments

1. 2. Catering establishments, but the adjusted
2. gross floor area devoted to any such use shall not
3. exceed 7,500 square feet
4. 3. Dressmaking shops
5. 4. Employment agencies
6. 5. Funeral homes
7. 6. Photographers' studios
8. 7. Radio or television broadcasting studios or
9. transmitting facilities
10. 8. Tailor shops
11. 8. Offices, but the aggregate adjusted gross floor
12. area in square feet devoted to office space shall not exceed the
13. product of 40 times the maximum number of density units per-
14. missable under Paragraph C.
15. 9. Hotels, motels, or inns.
16. 10. Signs (non-accessory), subject to detailed standards,
17. 11. The following interim uses, permitted and shown
18. on the authorization plan as temporary until the land is developed
19. for the ultimate use indicated on the plan:
20. 1. Air strips
21. 2. Animal boarding places
22. 3. Excavations, uncontrolled
23. 4. Excavations, controlled, precisely described
24. within the authorization plan as to both use (including
25. specific product) and extent, and with provisions to
26. be specified in the authorization plan regarding
27. renovation or appropriate adaptation of the landscape
28. or adaptation of the property to future use
29. 5. Golf driving ranges (not accessory to golf
30. courses) miniature golf ranges, or baseball-batting
31. ranges

1. 6. Sanitary landfills
2. 7. Trailers
3. 8. Utility lines, overhead, but any such lines
4. shall be removed within three years after they are
5. are installed (or by such shorter time as may be
6. established by the authorization plan), and no such
7. lines shall be permitted unless it is clearly infeasible
8. to place the lines underground initially
9. 9. Lawful uses established on the development
10. tract prior to filing of the petition for the unit
11. development and not permitted under other pro-
12. visions of this section.
13. 12. High-performance industrial uses as permitted in
14. M. R. zones, limited to not more than 2 per cent of the tract, as
15. restricted under the authorization plan.
16. 13. Other principal uses in harmony with the principles
17. and purposes of this section, but any such use, in addition to
18. being identified in the authorization plan, shall be permitted only
19. if authorized under an individual special permit separately
20. identified in the approving ordinance, or separate special-
21. exception order, and only if considered in itself as a subject
22. of the hearing.
23. 14. Accessory uses or buildings, including, but not
24. limited to:
25. 1. Accessory radio or television receiving
26. antennas
27. 2. Home occupations as defined in Section 101
28. 3. Home offices or studios of physicians, dentists,
29. lawyers, architects, engineers, artists, musicians,
30. or other professional persons

1. 4. Parking spaces, including garage spaces,
2. provided that parking spaces serving any use within
3. the unit development shall be considered as accessory
4. to that use whether or not they are located on the same
5. lot
6. 5. Accessory signs, subject to detailed design
7. standards.
8. 430.4-Regulations, Standards, and Controls for Town Developments.
9. The provisions of this subsection shall apply to unit developments
10. classified as towns.
11. A. Tract Area. The minimum gross area of the development
12. tract shall be 5,000 acres or an area sufficient to accommodate 25,000
13. density units under the standards of Paragraph C, below, whichever is
14. the lesser area.
15. B. Location.
16. 1. The location of the development shall not be
17. limited with respect to the urban-rural demarcation line; but
18. developments located beyond the urban-rural demarcation line
19. shall be subject to requirements for additional financing of
20. public facilities, under the standards as hereinbefore provided.
21. 2. No more than 10 per cent of the tract shall be
22. located in manufacturing zones.
23. C. Number of Density Units Permitted; Bulk and Open-Space
24. Regulations.
25. 1. Determination of Permitted Number of Density
26. Units. The maximum number of density units permitted shall
27. be the product of that portion of the gross tract area not to be
28. devoted to industrial use (but including all other areas devoted
29. to nonresidential use) times the maximum gross density as
30. prescribed below:

1.	Zone	Maximum Gross Density
2.	R.D.P.	8.25
3.	D.R. 1	1.65
4.	D.R. 2	3.30
5.	D.R. 3.5	5.77
6.	D.R. 5.5	9.07
7.	D.R. 10.5	17.32
8.	D.R. 16	26.40
9.	R.A.E. 1	40.00
10.	R.A.E. 2	80.00

11. 2. Bulk Regulations-Height. The maximum height
12. of buildings shall be as set forth in the table below, wherein the
13. limitations prescribed shall be applied as set forth under Para-
14. graph C of Subsection 430.2:

15.	Zone	Unrestricted Height, in Feet	Angle of Height Limitation Applicable to any Portion of a Building 125 Feet or Less in Perpendicular Height	Angle of Height Limitation Applicable to any Portion of a Building More Than 125 Feet in Perpendicular Height
16.	R.D.P.	50	20 degrees	10 degrees
17.	D.R. 1	40	10 "	5 "
18.	D.R. 2	40	10 "	5 "
19.	D.R. 3.5	40	10 "	5 "
20.	D.R. 5.5	45	15 "	5 "
21.	D.R. 10.5	50	20 "	5 "
22.	D.R. 16	55	20 "	10 "
23.	R.A.E. 1	100	40 "	20 "
24.	R.A.E. 2	No	limitation	

32. 3. Open Spaces

33. A minimum of 20 per cent of the gross area of a tract
34. or tracts comprising a ~~town~~ unit development shall be
35. allocated to public park, local open space purposes. The design
36. distribution of such open spaces shall be in accordance with the
37. policies and standards adopted pursuant to the authority of
38. Section 504.

39. D. Use Regulations. The uses listed in this paragraph,
40. as limited herein, may be permitted under the authorization plan.

41. 1. The following residential uses:

42. 1. Dwellings permitted in D.R. and R.A.E. zones

1. 2. Apartment hotels
2. 2. The following utilities:
3. 1. Electrical-power and telephone lines,
4. underground
5. 2. Telegraph lines and other cables or conduits,
6. underground
7. 3. Gas, water, and sewer mains; storm-drain
8. systems; all underground
9. 4. Other utility lines, underground
10. 5. Substations, telephone exchanges, and other
11. structures related to utility lines, mains, etc., subject
12. to detailed site and landscaping plans, elevation
13. drawings, etc.
14. 3. Other public facilities, as follows, and as may be
15. required under the authorization plan:
16. 1. Motorways
17. 2. Public-transportation facilities
18. 3. Schools or school-recreation centers
19. 4. Public colleges, including community colleges
20. 5. Open-space uses (including public parks)
21. 6. Fire and police stations; health centers;
22. libraries; traffic signing and signalization
23. 7. Other public facilities, as provided under the
24. authorization plan.
25. 4. The following institutional uses:
26. 1. Churches or other buildings for religious
27. worship, or other religious institutions
28. 2. Hospitals
29. 3. Private schools or colleges.

1. 5. Retail shops or services permitted in community
2. unit developments, but the aggregated adjusted floor area in
3. square feet shall not exceed sixty times the maximum number
4. of density units permitted under Paragraph C, and the limitations
5. on adjusted gross floor area for department stores (which may be
6. full-line stores), drug stores, and variety stores shall not apply.
7. 6. The following commercial-recreation or related
8. uses, but no such use shall occupy shopping frontage.
9. 1. Billiard or pool rooms
10. 2. Bowling alleys
11. 3. Theaters or other auditoriums
12. 7. The following service commercial uses, but no
13. such use shall occupy shopping frontage:
14. 1. Blueprinting, photostating, or other photo-
15. copying establishments
16. 2. Catering establishments
17. 3. Dressmaking shops,
18. 4. Employment agencies
19. 5. Funeral homes
20. 6. Photographers' studios
21. 7. Radio or television broadcasting studios or
22. transmitting facilities
23. 8. Tailor shops
24. 8. Offices, but the aggregate adjusted gross floor
25. area in square feet devoted to office space shall not exceed the
26. product of 200 times the maximum number of density units
27. permissible under Paragraph C.
28. 9. Lawful uses established on the development tract
29. prior to filing of the petition for the unit development and not
30. permitted under the other provisions of this section.

1. 10. The following interim uses, permitted and
2. shown on the authorization plan as temporary until the land is
3. developed for the ultimate use indicated on the plan:
4. 1. Air strips
5. 2. Animal boarding places
6. 3. Excavations, uncontrolled
7. 4. Excavations, controlled, precisely described
8. in the authorization plan as to both use (including
9. specific product) and extent, and with provisions
10. to be specified in the authorization plan regarding
11. restoration of the landscape or adaptation of the
12. property to future use
13. 5. Golf driving ranges (not accessory to golf
14. courses), miniature-golf courses, or baseball batting
15. ranges
16. 6. Sanitary landfills
17. 7. Trailers
18. 8. Utility lines, overhead, but any such lines
19. shall be removed within three years after they are
20. installed (or by such shorter time as may be es-
21. tablished by the authorization plan), and no such
22. lines shall be permitted unless it is clearly infeasible
23. to place the lines underground initially
24. 9. Lawful temporary uses established on the
25. development tract prior to filing of the petition for
26. the unit development and not permitted under other
27. provisions of this section.
28. 11. Restricted light industrial uses, as permitted in
29. M. L. R. zones and as provided in the authorization plan;
30. provided, further, that any such use must be located within an

1. area designated on the authorization plan as "industrial
2. site", and the aggregate gross area of industrial sites shall
3. not exceed 20 per cent of the gross area of the tract.
4. 12. Other principal uses in harmony with the
5. principles and purposes of this section, but any such use, in
6. addition to being identified in the authorization plan, shall be
7. permitted only if authorized under an individual special permit
8. separately identified in the approving ordinance or separate
9. special-exception order, and only if considered in itself as
10. a subject of the hearing.
11. 13. Accessory uses or buildings, including but not
12. limited to:
13. 1. Accessory radio or television receiving
14. antennas, or wireless transmitting and receiving
15. structures
16. 2. Home occupations as defined in Section 101
17. 3. Home offices or studios of physicians,
18. dentists, lawyers, architects, engineers, artists,
19. musicians, or other professional persons, subject
20. to controls which shall be established in the author-
21. ization plan
22. 4. Parking spaces, including garage spaces,
23. provided that parking spaces serving any use within
24. the unit development shall be considered as accessory
25. to that use whether or not they are located on the same
26. lot
27. 5. Accessory signs, subject to detailed design
28. standards
29. Section 17. And be it further enacted, That Article 5 be and
30. it is hereby amended by adding new subsection 502.4 to follow immediately
31. after subsection 502.3, said new subsection to read as follows:

1. 502.4-The building size, shape, and location, the accessory
2. uses, and the number of dwelling units authorized under any special
3. exception for an elevator apartment building or office building granted
4. pursuant to the zoning regulations in effect before [effective date of bill]
5. shall not be affected by the enactment of Bill No. [number], [year of passage].
6. Section 18. And be it further enacted, That Article 5 be and it
7. is hereby amended by adding new Section 504, said new section to read
8. as follows:
9. Section 504-Furthering Policies and Procedures.
10. 504.1-Authorization. The Planning Board may adopt and
11. implement administrative, project-design, or planning policies or
12. procedures which are not inconsistent with these regulations and which
13. further the purposes hereof, as specified in the preceding sections of
14. these regulations and as set forth below. However, no such policy or
15. procedure, or amendment thereto, may hereafter be adopted except by
16. a resolution which has been entered on and appended to the advance
17. tentative agenda for a regular meeting of the Planning Board and there-
18. after approved at such meeting without amendment, all as shall be more
19. particularly prescribed in the bylaws of the Planning Board.
20. 504.2-Comprehensive Manual. The Office of Planning and Zoning
21. shall compile and codify, in an appropriate and practical form, a
22. comprehensive manual of the Planning Board's land-use and develop-
23. ment policies and zoning resolutions. The manual shall include the
24. statements of all policies and procedures adopted under Subsection 504.1
25. and all other formal Planning Board actions taken pursuant to these
26. Zoning Regulations, the Subdivision Regulations, and such other land-use
27. and-development regulations as may hereafter be effected, except actions
28. on subdivision plans or other routine actions in individual cases. The
29. form of the manual may be such as to include, in addition, provisions of
30. these Zoning Regulations, of the Subdivision Regulations, or of other rules,

1. regulations, or laws, with the sources of all such provisions clearly
2. identified. Such provisions may be printed together as they were
3. promulgated, and placed in separate sections of the manual, or they may
4. be separated and integrally codified with other manual provisions or state-
5. ments, placed in order according to subject or other logical arrangement.
6. The manual also may include such other matter as the Office of Planning
7. and Zoning or the Planning Board deems relevant.
8. 504.3-OPEN-SPACE MAINTENANCE POLICIES. NO PLAN FOR A
9. UNIT DEVELOPMENT AND NO OTHER PLAN COVERING COMMON OPEN
10. SPACE (INCLUDING LOCAL OPEN SPACE) MAY BE APPROVED UNDER
11. THESE REGULATIONS UNLESS THE COUNTY HAS AGREED TO ACCEPT
12. TITLE TO AND MAINTAIN THE OPEN SPACE OR HAS OTHERWISE AGREED
13. TO PROVIDE CONTINUING MAINTENANCE OF THE OPEN SPACE, OR
14. UNLESS CONTINUING MAINTENANCE IS ASSURED BY OTHER MEANS AS
15. SET FORTH IN POLICIES ADOPTED IN ACCORDANCE WITH SUBSECTION
16. 504.1, ABOVE. TO AFFORD THE LATTER ALTERNATIVE WITHIN A
17. REASONABLE TIME, THE PLANNING BOARD SHALL FORMULATE AND
18. ADOPT POLICIES REGARDING THE CONTINUING MAINTENANCE OF
19. COMMON OPEN SPACE WITHIN SIX MONTHS AFTER THE EFFECTIVE
20. DATE OF THIS SUBSECTION.

21.-----~~Section 19. And be it further enacted, That this Act shall take~~-----
22.-----~~effect March 31, 1971.~~-----

21. SECTION 19. AND BE IT FURTHER ENACTED, THAT EVERY
22. PART OF EVERY SECTION AND ZONING REGULATION OF THIS ACT
23. ARE ENACTED INDEPENDENTLY AND ARE, THEREFORE, SEVERABLE;
24. IF ANY PART IS DECLARED INVALID BY A COURT OF COMPETENT
25. JURISDICTION, THE REST OF THIS ACT REMAINS VALID.

26. SECTION 20. AND BE IT FURTHER ENACTED, THAT ANY

1. AMENDMENTS HEREIN, OR ANY NEW ZONING CLASSIFICATIONS
2. PROVIDED FOR IN THIS BILL SHALL NOT BE PROMULGATED AS TO
3. ANY EXISTING ZONING MAPS, BUT SHALL BE EFFECTIVE ONLY
4. UPON THE ADOPTION BY THE COUNTY COUNCIL OF ANY NEW ZONING
5. MAPS ON OR BEFORE MARCH 31, 1971.
6. SECTION 21. AND BE IT FURTHER ENACTED, THAT THIS
7. ACT SHALL TAKE EFFECT FORTY-FIVE DAYS AFTER ITS ENACTMENT.

IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION

(10825 Beaver Dam Road) *

8th Election District *

3rd Council District *

10825 Beaver Dam Road, LLC, *

Legal Owner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0163-SPHX

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed by Dino C. LaFiandra, Esquire, with Whiteford, Taylor & Preston, on behalf of 10825 Beaver Dam Road, LLC, legal owner. The Petition for Special Hearing was filed pursuant to §500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an amendment to the previously approved site plan in Case No. 89-306-SPHX. In addition, a Petition for Special Exception was filed pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for a convenience store larger than 1,500 square feet inclusive of accessory storage.

Appearing at the public hearing in support of the requests was Briana Darnell and Wayne Newton, a professional engineer whose firm prepared the site plan. Timothy Kotroco, Esquire, with Whiteford, Taylor & Preston, represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file does not contain any letters of protest or opposition.

Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Substantive comments were received from the Department of Planning

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Date

4/17/14

By

den

(DOP) dated March 10, 2014, and the Bureau of Development Plans Review (DPR) dated February 10, 2014. The DPR requested that a landscape plan be submitted for approval by the County and the DOP opined the proposed use was appropriate and would not be injurious to the community.

Testimony and evidence offered at the hearing revealed that the subject property (comprised of two parcels) totals 113,283 square feet and is zoned ML-IM. The site is improved with a fuel service station and High's convenience store, which was approved by special exception in 1989. (Case No. 89-306-SPHX). The Petitioner proposes to expand the fuel service operation and convenience store, and was instructed by the County to file the above Petitions.

Special Hearing

The Petition for Special Hearing seeks to amend the site plan approved in Case No. 89-306-SPHX. This is in the nature of a "housekeeping" matter, and the primary issue in the case concerns the petition for special exception, discussed below.

Special Exception Standards

Special exception uses are presumptively valid and consistent with the comprehensive zoning plan, People's Counsel v. Loyola College, 406 Md. 54, 77 n. 23 (2008), and no evidence was offered here to rebut the presumption. The reality is that the special exception use has been conducted at this site for over twenty years, and there is nothing to indicate that the welfare of the community has been compromised. The BCZR contains a specific provision relating to fuel service stations lawfully in operation prior to 1993, BCZR § 405.6. That regulation contemplates that both special hearing and special exception relief is necessary in a case like this, where the operation is expanding and will include an ancillary "use in combination," (i.e., the convenience store).

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Date

4/17/14

By

den

Here, no testimony or evidence was presented showing that an abandoned fuel service station exists within a one-half or one mile radius of this station. In addition, both the DOP and Petitioner's engineer opined the proposal satisfied all B.C.Z.R. requirements. Mr. Newton also testified (via proffer) that the use would serve the industrial area surrounding the station, which is shown on the site plan as "Metropolitan Industrial Park." Ex. 1. As such, I believe the Petitioner has satisfied the requirements for relief, and the Petition for Special Exception will be granted.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing and Special Exception requests should be granted.

THEREFORE, IT IS ORDERED this 17th day of April 2014, by this Administrative Law Judge, that the Petition for Special Hearing to approve an amendment (as shown on the two-sheet site plan marked as Exhibit #1) to the previously approved site plan in Case No. 89-306-SPHX, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception pursuant to B.C.Z.R. §405.2.B.1 to use the herein property for additional fuel service in an existing fuel service station, and pursuant to §405.4.E.1 for an ancillary "use in combination" (i.e., convenience store larger than 1,500 square feet inclusive of accessory storage), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Special Exception relief granted herein shall supersede and replace the Petition for Special Exception granted in Case No. 89-306-SPHX.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and/or licenses and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that

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Date 4/17/14
By pln

proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner must submit for approval by Baltimore County's landscape architect the landscape plan which was submitted as sheet #2 of the site plan.
3. All proposed improvements and construction must comply with the Hunt Valley/Timonium Design Guidelines, as determined in the discretion of the DOP.

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

Order.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 4/17/14
By pln

IN RE: PETITIONS FOR SPECIAL HEARING, *	BEFORE THE
SPECIAL EXCEPTION & VARIANCE *	OFFICE OF
(10901 McCormick Road & *	ADMINISTRATIVE HEARINGS
10825 Beaver Dam Road) *	FOR BALTIMORE COUNTY
8 th Election District *	
3 rd Council District *	
Dan Mar Enterprises, LLC *	Case No. 2018-0346-SPHXA
10825 Beaver Dam Road, LLC *	
Legal Owners *	
10825 Beaver Dam Road, LLC *	
Contract Purchaser *	
Petitioners	

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of Petitions for Special Hearing, Special Exception and Variance filed on behalf of Dan Mar Enterprises, LLC & 10825 Beaver Dam Road, LLC, legal owners, and 10825 Beaver Dam Road, LLC, contract purchaser ("Petitioners").

The Petition for Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve additional fuel dispensers in an existing fuel service station and an amendment to the previously approved zoning site plan in Case No. 2014-0263-SPHX. In addition, a Petition for Variance seeks approval: (1) for a side yard setback of 10 ft. in lieu of the 30 ft. required; and (2) for two freestanding enterprise signs in lieu of one permitted. Finally, a Petition for Special Exception was filed to use the herein described property for a fuel service station, a full service car wash and a fast food restaurant as uses in combination with a fuel service station.

Appearing at the public hearing in support of the requests was professional engineer Wayne Newton. Dino C. La Fiandra, Esq., represented the Petitioners. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR.

Substantive Zoning Advisory Committee (ZAC) comments were submitted by the Bureau of Development Plans Review ("DPR"), the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS"). None of the reviewing agencies opposed the requests.

The subject property is approximately three (3) acres in size and is zoned ML-IM. A gasoline station has operated at the site since 1972, and at present a fuel service station and High's convenience store is operated on the subject property. Petitioners propose to expand the fuel service operation and add a fast-food restaurant (inside of a convenience store) and full service car wash, both of which are permitted in the ML-IM zone by special exception.

The Bureau of DPR noted a flood plain exists on a portion of the site, and Petitioners revised the plan to show the limits of the flood plain. Wayne Newton, a professional engineer accepted as an expert, testified no structures or improvements (including the trash corral, which was relocated outside of the flood hazard area) would be situated within the flood plain. Mr. Newton also confirmed several mature evergreen trees located along the southeast tract boundary will be retained, as requested by the DOP. Petitioners also presented preliminary elevations of the car wash (which were also shown to the DOP), and it appears the structure will be attractive and complement existing site improvements.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and

circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Newton opined Petitioners satisfied all requirements set forth in BCZR §502.1 and the Maryland case law interpreting that provision. As noted earlier a fuel service station has operated at this location for more than 45 years, and no evidence was presented to rebut the presumption in favor of the special exception use. Moreover, one of the ingress/egress points will be relocated so that it aligns with the existing traffic signal at Beaver Dam and McCormick Roads, which will greatly improve traffic flow. As such the petition will be granted.

Special Hearing

The petition for special hearing is essentially a “housekeeping” matter rather than a substantive zoning request. In 2014 a site plan was approved in Case No. 2014—0263-SPHX. That plan showed certain improvements which were proposed at the time, although they never were constructed. The present request simply seeks to amend that earlier plan, in accordance with the site plan approved in this case, which would supersede the 2014 plan. This is a reasonable (and frequent) request, and it will benefit both the community and County review agencies. The petition will therefore be granted.

Variance

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

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

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

The property has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed improvements. 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 community and/or Baltimore County opposition.

THEREFORE, IT IS ORDERED this 15th day of August, 2018, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve additional fuel dispensers in an existing fuel service station and an amendment to the previously approved zoning site plan in Case No. 2014-0263-SPHX, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to use the subject property for a fuel service station, with a full service car wash and fast food restaurant as uses in combination with a fuel service station, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance: (1) for a side yard setback of 10 ft. in lieu of the 30 ft. required; and (2) for two freestanding enterprise signs in lieu of one permitted, 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 comply with the ZAC comment submitted by DEPS, a copy of which is attached.

3. Petitioners must provide a pedestrian crosswalk connecting the existing sidewalk adjacent to Beaver Dam Road with the convenience store.
4. Petitioners must submit for approval by Baltimore County landscape and lighting plans for the subject property.

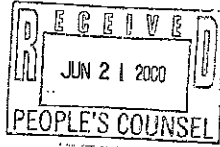
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
 E/S Beaver Dam Road, 2000' S *
 centerline of Church Lane * DEPUTY ZONING COMMISSIONER
 8th Election District *
 3rd Councilmanic District * OF BALTIMORE COUNTY
 (9709 Beaver Dam Road) *
 * CASE NO. 00-457-X
 Parkway Village, L.P. *
 By: Parkway Village GP, Inc., Gen. Partnr. *
 Legal Owner *
 And *
 Texas Station, L.L.C. *
 Contract Purchaser/Lessee *
 Petitioners *



* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Exception filed by the legal owner of the subject property, Parkway Village, L.P. and the Lessee of the site Texas Station, L.L.C. The special exception request is for property located at 9709 Beaver Dam Road. The Petitioner is requesting approval for a fuel service station pursuant to Section 405.2B.1 of the Baltimore County Zoning Regulations with a use-in-combination convenience store larger than 1500 sq. ft.

Appearing at the hearing on behalf of the special exception request were Mark Sapperstein, representing Texas Station, L.L.C., Ed Zimmerman on behalf of 7-Eleven, Ken Schmid, traffic consultant, Mike Walkley and Joe Nolan. The Petitioner was represented by Rob Hoffman, attorney at law. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this special exception request, consists of 1.522 acres, more or less, zoned ML-IM. The subject property is proposed to be developed by 7-Eleven as a combination convenience store and gasoline station. The details of the development are more particularly shown on Petitioners' Exhibit No. 1, the site plan submitted into evidence. In order to proceed with the development of the site, the special exception is necessary.

It is clear the Baltimore County Zoning Regulations (B.C.Z.R.) permit the use proposed in an ML-IM zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioners had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the Baltimore County Zoning Regulations. The Petitioners have shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioners' Exhibit No. 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritt, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

In addition, the testimony and evidence clearly showed that the fuel service station will predominantly service the uses located within the surrounding ML district.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted.

Pursuant to the advertising, posting of the property, and public hearing on this petition held, and for the reasons given above, the relief request in the special exception shall be granted.

ORDER RECEIVED FOR FILING

Date 6/19/00

By R. Sapperstein

ORDER RECEIVED FOR FILING

Date 6/19/00

By R. Sapperstein

THEREFORE, IT IS ORDERED this 19th day of June, 2000, by this Deputy Zoning Commissioner, that the Petitioners' Special Exception Request for approval of a fuel service station pursuant to Section 405.2B.1 of the Baltimore County Zoning Regulations with a use-in-combination convenience store larger than 1500 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that any party has the right to file an appeal within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 6/19/00
By [Signature]

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

July 31, 2019

Kysundra Cannington, Administrator
County Board of Appeals
105 W. Chesapeake Avenue, 2nd Floor
Towson, Maryland 21204

Re: *Petition for Special Hearing and Special Exception*
400 W. Padonia Road
Case No. 2018-0316-SPHX

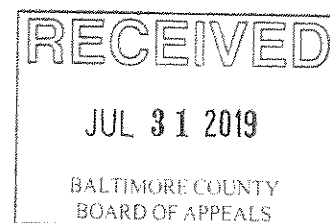
Ms. Cannington:

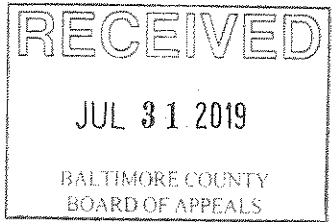
Enclosed for filing in the above-referenced matter please find an original and three (3) copies of the Post-Hearing Memorandum of Protestant DGG Market, Inc.

Thank you for your assistance. Please contact me if you have any questions.

Best regards,


Michael R. McCann





IN RE: PETITION FOR SPECIAL HEARING
AND SPECIAL EXCEPTION
(400 W. Padonia Road)
8th Election District
3rd Councilmanic District

BEFORE THE
COUNTY BOARD OF APPEALS
FOR BALTIMORE COUNTY

Legal Owner: Timonium SAB, LLC
Lessee/Petitioner: Sheetz, Inc.

Case No: 2018-0316-SPHX

* * * * *

PROTESTANT DGG MARKET, INC.'S POST-HEARING MEMORANDUM

Protestant, DGG Market, Inc., submit this post-hearing memorandum in support of its opposition to the petition for special exception filed by Petitioner Sheetz, Inc.

ARGUMENT

The Board should dismiss and/or deny Sheetz's petition for special exception for several reasons. First, Sheetz failed to meet its burden to "show" under BCZR § 253.2.B that the proposed Sheetz store will primarily serve the industrial uses in the surrounding area. Second, even if the petition is not denied for Sheetz's failure of proof, the undisputed evidence demonstrates that the proposed store will not, in fact, primarily serve the industrial uses in the area. Rather, as conceded by Sheetz's own witnesses, based on the sheer location of the store and the traffic conditions, the store would primarily serve the pass-by traffic on Padonia Road, including traffic from nearby I-83 and York Road. Third, the proposed Sheetz is not an "auxiliary" use as required by § 253.2.B. Fourth, the proposed Sheetz is plainly inconsistent with the provisions of the Hunt Valley/Timonium Plan. Fifth, the convenience store and carry-out aspects of the store would not be "ancillary" to the fuel service station as required by § 405.4.D. And finally, the Council Council's recent downgrading of the intersection of

Padonia and Beaver Dam Roads to an “F” rating renders the instant petition for special exception premature and not ripe for adjudication. For each of these reasons, and those stated below, the Board should dismiss and/or deny the petition.

I. BCZR SECTION 253.2.B

A. Section 253.2.B Applies And Must Be Considered

Section 253.2 identifies the uses permitted by special exception in the ML zone.

Amongst these are four (4) types of “auxiliary service uses,” which are permitted subject to certain conditions:

253.2. – Uses permitted by special exception....

B. The following *auxiliary service uses, provided* that any such use shall be located in a planned industrial park at least 25 acres in net area or *in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:*

1. *Automotive service stations, subject, further to the provisions of Section 405.*
2. Car washes, subject, further to the provisions of Section 419.
3. Garages, service not otherwise permitted under Section 253.1.B.25, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers....
4. Union halls or other places of assembly for employment-related activities.

(DGG Ex. 4 (a copy of which is attached at **TAB 1**) (emphasis added).¹

¹ There is no legitimate dispute that “automotive service stations” are now referred to as fuel service stations. (T1, pp. 6-7). Counsel for Sheetz conceded this point. As he put it, automotive service stations “went the way of the dodo.” (*Id.*, p. 7). Sheetz’s zoning expert, Mr. Pieranunzi, likewise agreed that an automobile service station is an antiquated term and that the use is now referred to as a fuel service station. (T2, p. 99-100, 116, 121). The “statement of legislative findings and policy” in Section 405 addresses directly this change in terms:

The design and operation of service stations has changed significantly and the provisions set forth in Bill No. 40-1967 no longer reflect contemporary business practices. Due to the rise of self-service stations, the number of businesses that “service” motor-vehicles by providing repair facilities has been steadily declining, while the number of stations with convenience stores or car wash operations has been increasing. To better reflect the evolving role of this use, the name of “automotive service station”

Counsel for Sheetz suggested at the hearing, somewhat half-heartedly, that Section 253.2.B does not apply to the instant case and that the Board should proceed directly to Section 405 in determining whether to grant the requested special exception. This was an attempt, perhaps, to avoid the threshold, but rather critical, requirements in 253.2.B (discussed below) that (i) the proposed use constitute an “auxiliary” service use, and (ii) the petitioner show that the use will “serve primarily the industrial uses and related activities in the surrounding industrial area.” In any event, it cannot seriously be disputed that the Board must consider *both* Section 253.2.B and Section 405. Section 253.2.B provides the requirements of the underlying ML zone. Section 405, as suggested by the words “subject to,” simply adds additional requirements that must be met. (Transcript of hearing day 2 (“T2”)², p. 193 (testimony of Mr. Jakubiak on this point)). Indeed, Sheetz’s zoning expert, Mr. Pieranunzi, after considerable hemming and hawing, conceded that the requirements of 253.2.B must be considered. (*See* T2, pp. 99-100, 117, 123).

B. Sheetz Failed To Meet Its Burden To “Show” That The Proposed Store Will Serve Primarily The Industrial Uses In The Area

Section 253.2.B, as noted, requires that it be “shown” that the proposed use will primarily serve the industrial uses and related activities in the surrounding industrial area. (Emphasis added). This language strongly suggests that a petitioner must make an affirmative showing regarding the uses that the proposed facility will serve. Here, Sheetz made no such

is being changed to “fuel service station,” and regulations which govern the permitted ancillary uses are being amended to reflect contemporary business practices and to facilitate the upgrading of existing stations.

BCZR, § 405.1.C (emphasis added).

² The transcript of the first and second days of the hearing will be referenced herein as “T1, p. ____” and “T2, p. ____”).

showing. It offered no evidence at the hearing – none – regarding this issue. In fact, Sheetz’s corporate witness, Mr. LeCesa, acknowledged that Sheetz has not undertaken any analysis of the customers that the proposed store would serve or where they would come from. (T1, p. 63). Sheetz clearly failed to carry its burden of proof on this critical point. For this reason alone, the petition for special exception should be denied.

C. Assuming Sheetz’s Petition Is Not Denied For Failure To Meet Its Burden Of Proof, The Undisputed Evidence Supports That The Proposed Sheetz Will Not Primarily Serve The Industrial Uses In The Surrounding Industrial Area

1. The meaning of “industrial use”

The zoning regulations define “industrial use” as follows:

Industrial, quasi-industrial or industry-related use — Any use listed in Section 253.1.A other than Item 34; any use listed in Section 253.1.B, 253.2.A or 256.1.A.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

BCZR, § 101.1 (emphasis added).

Item 34 in section 253.1.A (referenced above) are “offices and office buildings or medical clinics.” Thus, in considering whether the proposed Sheetz would primarily serve the industrial uses in the area, one must necessarily *exclude* from consideration any offices, office buildings, and medical clinics in that area because such uses are not “industrial use” as defined in Section 101.1. (T2, p. 196).

2. The meaning of “primarily”

The zoning regulations do not define the terms “primarily” or “primarily serve.” The Board addressed this issue, however, in *In re: Red Run Associates, LLC*, Case No, 02-344-XA. In that case, the petitioner sought approval of a special exception under Section 253.2.B for a fuel service station and convenience store along Red Run Boulevard in Owings Mills.

The Board adopted the meaning of “primarily” as applied in *Schrader v. State*, 69 Md. App. 377 (1997), wherein the Court of Special Appeals determined that “the common and accepted meaning” of “primarily” is “mainly” and “in quantifiable terms . . . , a figure representing more than 50 percent.” (See copy of Board’s Opinion attached hereto at **TAB 2**, p. 8).

In determining whether the proposed use would primarily serve the industrial uses, the Board in *Red Run Associates* focused exclusively on the evidence from the traffic experts. The Board found that evidence to support that the majority of traffic that would be directed to the proposed site would come from the employment corridor of Red Run Boulevard itself. The Board pointed to the petitioner’s traffic study which showed that the majority of the a.m. peak hour traffic and the majority of the p.m. peak hour traffic would come from within the corridor. (*Id.*, p. 9). The petitioner acknowledged, in fact, that “51% of the business would result from and serve the employment center . . . ” (*Id.*, p. 10). The Board found that the proposed facility would “primarily serve” the Red Run employment corridor. (*Id.*). However, the issue before the Board was whether the facility would primarily serve the *industrial uses* and related activities in the industrial area. On this point, the Board observed that the definition of “industrial use” excludes “offices or office buildings or medical clinics.” (*Id.*, p. 12). The Board noted that, although Red Run corridor was a ML-IM zone, at least 16 of the 20 uses were office buildings, not industrial uses. (*Id.*). The Board concluded, therefore, that special exceptions under 253.2.B do not qualify when they primarily serve office centers and, on this basis, denied the petition for special exception. (*Id.*, p. 14).

3. *The industrial uses and industrial area surrounding the subject site*

Mr. Jakubiak prepared a map showing the land uses surrounding the subject property in area between I-83 to the west and the York Road corridor to the east. The industrial areas

are shown in grey, the commercial areas in red, the residential areas in yellow/green and the institutional areas in blue. (DGG Ex. 6 (copy attached hereto at **TAB 3**; T2, pp. 186-191). The map demonstrates clear patterns of uses. The bulk of the industrial area is situated north of the subject property and south of Shawan Road, on both sides of Beaver Dam Road. This industrial area includes, on the west side of Beaver Dam Road, the County's landfill reclamation center and quarry operation. To the north of the landfill and quarry, on the east and west sides of Beaver Dam Road, are smaller lots with auto service and contractor type of uses. (T2, pp. 189-191).

Beyond the industrial areas, in contrast, are the long-established commercial areas (in red) along the corridors of Shawan Road, Padonia Road and York Road. These corridors have a mix of offices, restaurants, and various retail establishments. Finally, to the east of York Road and to the west of I-83 are large residential areas. (T2, pp. 188-91).³

4. Who will be primarily served by the proposed Sheetz?

Based on the sheer location of the subject property, it is obvious that the proposed Sheetz will not primarily serve the industrial uses in the area. As Mr. Jakubiak explained, a fuel service station on the corner of Padonia Road is not going to serve the industrial areas north of Warren Road and south of Schilling Circle because those areas have more immediate and easier access to York Road (via Cockeysville Road) and to I-83 (via Warren Road) and thus more immediate and easier access to the many fuel service stations and convenience stores that those routes provide. (T2, pp. 197-200). In contrast, the areas closer to the subject site include not just the landfill and quarry but the many offices, retail establishments,

³ The vast area to the west of I-83 is not depicted in yellow in DGG Exhibit 6, but there is no dispute that this area is residential.

restaurants, hotels and other commercial (*i.e.*, non-industrial) uses along Padonia and York Roads. The proposed Sheetz would primarily serve these commercial uses and the many residential neighborhoods to the east of York Road and to the west of I-83. (T2, pp. 198-99).

A perfect example of a fuel service station/convenience store that will serve the industrial areas to the north of the site is the High's store, which sits on McCormick Road in the center of the industrial area, and is zoned ML-IM. (T2, pp 200-01; *see also* DGG Ex. 6 (location of High's marked with a brown marker)). As Mr. Jakubiak put it, the High's store is "located right small in the middle of land that's not only zoned for industrial use, but developed [for] industrial use." (T2, p. 202).

This locational analysis is fully supported by the testimony of Sheetz's traffic expert, Ms. Kosino, and her traffic impact study. Ms. Kosino testified that the vast majority of existing traffic at the subject site is traveling east and west along Padonia Road rather than north and south along the Beaver Dam-McCormick-Greenspring corridor. (T2, pp. 14-15, 20; Sheetz Ex. 35 at ex. 3, p. 4). She further testified that the majority of customers who would visit the proposed Sheetz would be pass-by trips, that is, vehicles that are already on the road, passing by anyway, who will choose to stop at the Sheetz then leave and go in the direction that they were headed. (T2, pp. 13, 14-15, 209-10).⁴ Most importantly, Ms. Kosino acknowledged that the majority of traffic to the proposed Sheetz would come from the east and west along Padonia Road (*i.e.*, not from the industrial uses or areas) because that is where the vast majority of traffic presently is traveling. (T2, pp. 14-15, 20; Sheetz Ex. 35 at ex. 3,

⁴ As Mr. Jakubiak put it, "[t]hese types of uses live and die on pass by traffic.That's why location is so important to these particular uses. And not only location, but [] the amount of traffic." (T2, p. 253).

p. 4). It is these persons whom the proposed Sheetz will “primarily” serve, not the industrial areas further north or south of the site. (T2, p. 199).⁵

Ms. Kosino’s testimony is supported by the trip generation exhibits in her traffic impact study. (Sheetz Ex. 35). For existing conditions, exhibit 3 to the traffic impact study reflects that 1403 and 1051 vehicles pass by the subject site through this intersection from the west and east, respectively, during AM peak hours, whereas only 260 and 403 enter the intersection from the south and north, respectively. For projected conditions, exhibit 7 to the traffic impact study estimates that 39 (a.m. peak hour) and 30 (p.m. peak hour) new trips to this site would be generated *from the east*, yet only 4 (a.m. peak hour) and 3 (p.m. peak hour) new trips would be generated *from the south*, and only 29 (a.m. peak hour) and 22 (p.m. peak hour) new trips would be generated *from the north*. Similarly, for pass-by trips, exhibit 8 to the traffic impact study reflects that 73 pass-by trips would be generated to this site *from the east* and only 43 pass-by trips would be generated *from the north*. Seven-Eleven’s traffic expert, Ms. Hahn, quantified these numbers in terms of percentages as follows:

a.m. peak hour traffic

45% eastbound
34% westbound

p.m. peak hour traffic

34% eastbound
30% westbound

(T2, pp. 178-79). In other words, 79% of the morning traffic passing the subject site is travelling on Padonia Road. In the evening, 64% of the traffic passing the site is travelling on Padonia Road. (T2, pp. 179-80).

⁵ As Mr. Jakubiak explained, Padonia Road is an east-west roadway connecting I-83 to York Road; it is not an industrial service road or even an employment service road. (T2, p. 209).

Sheetz's corporate representative, Mr. LeCesa, echoed these points. He testified that, based on his many years of experience, the customers who would come to this site will come from I-83 or will already be traveling by the site to get home. "[W]e often get people while they're on their way someplace else, rather than seeking us out as a destination," i.e., pass-by traffic. (T1, p. 57). As an example, "a lot" of people who work along the York Road corridor (*i.e.*, outside of the industrial area) may stop by on their way home to their residences west of I-83. (T1, p. 60). In his experience, a "majority" of the people would be pass-by traffic. (T1, p. 59).⁶

In sum, the location of the subject property as well as the existing and projected traffic conditions fully support that the proposed Sheetz will *not* primarily serve the industrial uses along the Beaver Dam-McCormick-Greenspring corridor. Persons working in the industrial area will not form the "majority" or "main" customer base of the proposed store. The clear majority, if not the vast majority, of customers who would be served by the Sheetz store would be persons already on I-83 or Padonia Road travelling (from York Road or the residences to the east and west) somewhere else.

⁶ Mr. LeCesa acknowledged that one of the reasons that this site was "perfect" and "ideal" for a Sheetz was because of its proximity to I-83. (T1, pp. 38, 59). He stated that, if approved, Sheetz would take advantage of the opportunity to place a sign on I-83 to attract travelers to the store. (T1, p. 72).

D. The Proposed Sheetz Is Not An “Auxiliary” Service Use

As noted above, the special exceptions provided for in Section 253.2.B are “auxiliary service uses.” The term “auxiliary” is not defined in the BCZR. However, Webster’s 3rd Edition International Dictionary defines “auxiliary” as follows:

1a Offering or providing help, assistance or support esp[ecially] by interaction [] **b** functioning in a subsidiary capacity....

(DGG Ex. 7).⁷ The subordinate nature of the auxiliary uses provided under 253.2.B is borne out by the three other uses identified in that section: car washes, garages “including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers,” and “union halls or other places of assembly for employment-related activities.”

Here, for reasons similar to those mentioned above (namely, physical location and traffic conditions), the proposed Sheetz would not provide help, assistance or support to the industrial uses in the area. The proposed Sheetz is a run-of-the-mill gas station and convenience store which would provide the same services and serve the same function as any other gas station and convenience along a commercial roadway. There is nothing “auxiliary” about it. (T2, pp. 210-11). Mr. LeCesa acknowledged, in fact, that these other stores (such as Royal Farms and WaWa) would be Sheetz’s competitors. (T1, pp. 64-65).

One simple way in which the proposed Sheetz might help, assist, support, or be subsidiary to the industrial uses in the area would be to sell diesel gasoline for larger trucks that might come and go from the quarry and landfill north of the site. Mr. LeCesa made clear, however, that “we don’t intend to have any high-flow diesel or invite any of those vehicles on the site.” (T1, p. 76).

⁷ As discussed at the hearing, Section 101.1 of the BCZR provides that “[a]ny word or term not defined in this section shall have the ordinarily accepted definition as set forth in the most recent edition of Webster’s Third New International Dictionary of the English Language, Unabridged.”

II. THE MASTER PLAN

A. The Hunt Valley/Timonium Master Plan

In October 1998, the County Council adopted the Hunt Valley/Timonium Master Plan (the “HV/T Plan”) as part of the County’s Master Plan. (DGG Ex. 9; T1, p. 30). The geographical area covered by the HV/T Plan is reflected in Map 1 of the plan. (*Id.*, p. 2). The subject property is located, roughly speaking, in the middle of the plan area. (*Id.*).

The HV/T Plan explains the history of how the McCormick-Beaver Dam-Greenspring corridor was established and the importance of maintaining the corridor as an “employment service road” that allows for “the movement of goods and employees unhampered by the congestion of retail development.” (*Id.*, pp. 3-5, 12). The Proposed Land Use Map in the HV/T Plan (p. 25) identifies the area along the McCormick-Beaver Dam-Greenspring corridor as an “employment” area. The York Road corridor, in contrast, is designated as a “commercial” area. (*Id.*).

B. The 1994 Petition for Reclassification of the Subject Property

In 1994, Genstar Stone Products, then owner of the subject property, filed a petition for reclassification seeking to change the zoning of the property from ML to BM. (DGG Ex. 8). The petitioner argued that the industrial zoning was erroneous because of “the surrounding commercial uses and the existing character of the area as a commercial area.” Counsel for the petitioner noted that the site was adjacent to BM zoning and thus “relates more consistently to these commercial uses than any industrial use.” (*Id.* at letter dated Mar. 1, 1994).

The Office of Planning and Zoning rejected these arguments and the petition for reclassification was denied.⁸ In its report, the Office of Planning and Zoning observed that

⁸ The petition for reclassification also sought to change the zoning of properties farther east, closer to York Road. The petition was denied, as indicated above. However, during the 1996 CZMP, the zoning of these

the requested change in zoning would “lead to replication of the York Road land use pattern” and be inconsistent with the HV/T Plan:

The mission of the HV/T plan is to protect and enhance the HV/T area as an important employment area of Baltimore County, paramount to achieving this mission is the maintenance of the McCormick/Beaver Dam corridor as an industrial service road. Allowing retail uses along the corridor will produce unwanted congestion, and interfere with the function of transporting goods and employees through the area. The plan states, ‘Beaver Dam and McCormick Roads should be designated arterial streets, and the surrounding land uses remain zoning M.L.-I.M.’

* * *

In light of the desire to maintain the Beaver Dam Road corridor for industrial use, to plan the land uses in the area in greater detail in order to foster employment growth and light rail use, and to direct demand for commercial development back into the older commercial areas, the zoning request cannot be supported.

(*Id.* at report of Office of Planning and Zoning, pp. 35, 36).⁹

C. The County’s Master Plan, And Adopted Community Plans, Are Mandatory, Not A Guide Or Advisory In Nature

A common, if not pervasive, misunderstanding in this County is that the Master Plan and adopted community plans are merely advisory or simply a guide to development.¹⁰ It is true that the general rule in Maryland is that master plans are a guide and advisory. However, an important caveat or exception to the rule exists when a local jurisdiction’s regulations state that a master plan is mandatory. *Mayor & City Council of Rockville v. Rylyns Enters., Inc.*, 372 Md. 514, 530-31

properties, closer to York Road, were changed from a manufacturing to a business zone. (*See* DGG Ex. 9, at p. 71 (Map E). Notably, re-zoning of the subject property, although requested, was not granted. (*Id.*, at p. 70 (Map D)).

⁹ Mr. Jakubiak explained that this reclassification case supports his view that there is a “long term policy of developing this particular corridor for industrial uses [and] employments uses and maintaining York Road as a commercial retail service corridor.” (T2, p. 216).

¹⁰ Jennifer Nugent, the County’s Division Chief of Development Review and Strategic Planning, testified that the provisions of the Master Plan and adopted community plans are not mandatory. (T1., p. 31). According to Ms. Nugent, that is also the position of the Planning Office. (*Id.*). This view is troubling, to say the least.

(2002) (“We repeatedly have noted that plans ... are advisory in nature and have no force of law absent statutes or local ordinances linking planning and zoning. Where the latter exist, however, they serve to elevate the status of comprehensive plans to the level of true regulatory device”) (footnote and citation omitted). In this County, there is just such a regulation, namely § 32-4-102(a)(1) in the County Code, which states that: “all development of land shall conform to the Master Plan.”

This very issue was addressed by the Court of Appeals in *HNS Development v. People’s Counsel*, 425 Md. 436 (2012), a case originating in Baltimore County. The Court in HNS held that Baltimore County could deny a development solely on the basis that it did not conform to the Master Plan. The Court pointed to then section 22-37 of the Code (“[a]ll development shall conform to the master plan”) and concluded that “when the development regulations incorporate Master Plan compliance, the Master Plan itself becomes a regulatory device, rather than a mere guide and recommendation.” *Id.* at 457. “[C]onformance to the recommendations of the Master Plan rises to the level of a regulatory device, rather than a mere recommendation.” *Id.* at 454; *see also Prince George’s County v. Chaney Enter.*, 454 Md. 514, 532 (2017) (same).¹¹

¹¹ Administrative Law Judge recently reiterated these principles, finding the County’s Master Plan to be mandatory. *See In re: 11301 Pulaski Highway*, HOH Case No. 11-1041, p. 8 (May 1, 2018) (copy attached at **TAB 4**).

D. The Proposed Sheetz Is Plainly Inconsistent With The HV/T Plan

As discussed above, the HV/T Plan is abundantly clear that the Beaver Dam-McCormick-Greenspring corridor is intended to accommodate only industrial and employment uses. The Plan speaks directly to the inappropriateness of locating retail and other non-auxiliary commercial uses along the corridor on property zoned ML-IM.

In the past few years, there have been several proposals to build restaurants (both standard and fast food) and bank branch offices on ML-IM land. These are, by themselves, low density uses generating few employment opportunities (with family supporting wages) and are inappropriate, both for preserving the employment climate of the ML-IM zoned land, and for optimizing light rail use, which is best accomplished through higher densities, many employees, and a mixture of uses that can support each other. The intent of the ML-IM zoning is to allow auxiliary retail uses that would serve employees of the immediate area.

(DGG Ex. 9, p. 26).

The HV/T Plan describes the York Road corridor, in contrast, as a “major retail corridor” (*id.*, p. 3) and explains that commercial development should be directed along it.

Retail development should be directed to established or proposed commercial nodes. This would allow traffic-generating commercial activities to be consolidated into specific locations along York Road, minimize the number of curb cuts and left turn maneuvers and thereby improve traffic flow.

(*Id.*, p. 26).¹²

Here, for the reasons already discussed, the proposed Sheetz is not a use that supports the industrial uses in the McCormick-Beaver Dam-Greenspring corridor. It is not situated in

¹² The Board should not be fooled by counsel for Sheetz’s mistaken reliance on the provision in the HV/T Plan that states: “A revision of the zoning districts by Bill 172-93 included the deletion of language that prohibited auxiliary retail and service uses in ML zones from having access onto an arterial road. As a result, retail uses such as fast food restaurants, banks and beauty shops can now be developed in the ML-IM □ zones with direct access to streets with an arterial designation, such as Padonia Road.” This provision does not mean that any and all retail uses may be developed on Padonia Road; the use must still be “auxiliary” in nature, that is, it must help, assist or support the industrial uses in the area. (*See* definition of “auxiliary” above).

a location to provide such support and, by the company's own admission, the store is not intended to do so. The store is a non-auxiliary, run-of-the-mill, commercial use that is inappropriate in this ML-IM zone and should be located along York Road. (See T2, p. 120) (Mr. Jakubiak's testimony on this point).

III. SECTION 405

A. **A Convenience Store and Carry-Out Restaurant are Permitted Only As "Ancillary" Use**

As noted, fuel service stations are permitted by special exception in the ML-IM zone "subject to Section 405." Section 405 allows convenience stores and carry-out restaurants in conjunction with a fuel service station, but only as "ancillary uses."

D. Ancillary uses. The uses listed below, only, are permitted by right in conjunction with any fuel service station.

* * *

2. Convenience store, or a combination of a convenience store and carry-out restaurant, with a gross floor area of up to 6,000 square feet inclusive of accessory storage.

Section 405.4.D.

The BCZR does not define "ancillary" per se, but there is reference to the term within the definition of "accessory."

ACCESSORY USE OR STRUCTURE — A use or structure which: (a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience or necessity of occupants, business or industry in the principal use or structure served.... An ancillary use shall be considered as an accessory use; however, a use of such a nature or extent as to be permitted as a "use in combination" (with a service station) shall be considered a principal use.

BCZR, § 101.1 (emphasis added).

This definition suggests two things. First, “ancillary” and “accessory” have the same or similar meanings (“An ancillary use shall be considered as an accessory use”). Second, an ancillary use can be of such a nature or extent (e.g., can be so large) that it no longer is accessory but rather becomes a principal use. This recognizes, in other words, inherent limitations on the size and scope of an ancillary use lest it no longer be considered ancillary. This is precisely the situation here.

B. The Proposed Convenience Store and Carry-Out Restaurant Are Not “Ancillary” To The Fuel Service Station

Sheetz’s redlined Plan (Ex. 2) breaks down the proposed building into areas associated with the convenience store, the carry-out restaurant, and fuel service station. Sheetz’s engineer, Mr. Bathurst, acknowledged that the Board could rely upon this breakdown in the Plan when determining whether the proposed *use* of the property complies with the zoning regulations. (T1, p. 138). Mr. Bathurst obtained this breakdown from Sheetz’s architect, who provided him with a plan containing labels for how each space inside the building would be utilized. (T1, pp. 139-140). As he put it, “I basically acted as the interpreter between what they [Sheetz] described as the use and the zoning use that would be attributed, or th[e] label for what that use would be in the zoning code for that area.” (T1, p. 140). He did not “back into” this plan based on the parking requirements; rather the plan “stands on its own as representative of how [Sheetz] is going to use this building.” (*Id.*).

The breakdown in the Plan is as follows:

Fuel service station = 911 sf

Convenience store = 1971 sf

Carry-out restaurant = 2408 sf (includes 385 sf of outdoor seating)

(Sheetz Ex. 2).

This breakdown demonstrates, forcefully, that the convenience store and carry-out restaurant aspect of this store (comprising 4,379 sf) will not be ancillary (nor accessory) to the fuel service station, as required by Section 405.4.D, but rather will dominate the site and constitute the main enterprise at this location. (*See* definition of “accessory” (“subordinate in area [and] extent”)). The carry-out restaurant alone, with its 30 seats inside and several more outside, will accommodate more customers than the 12 pumping stations. Sheetz offered no evidence demonstrating that, despite the sheer physical predominance of the convenience store and carryout restaurant, these aspects of the store are nevertheless ancillary. Like the issues in 253.2.B, Sheetz simply ignored this issue.

That the convenience store and carry out restaurant aspects of the proposed Sheetz are not ancillary is also supported by the “land use code” used by Sheetz’s traffic engineer in determining projected traffic volumes from the proposed Sheetz. Ms. Kosino applied land use code 960, which is for “*super* convenience market/gas stations.” (T2, pp. 21-22; *see* DGG Exhibit 2). She did not use land use code 945, for “gasoline/service station with convenience market,” which is arguably more akin to the ancillary convenience store/carry out restaurant contemplated by 405.4.D. (*See* DGG Ex. 2).

IV. THE IMPORT OF THE “F”-RATED INTERSECTION

The County Council recently passed Bill 12-19 (Seven-Eleven Ex. 1), which amended the level of service to “F” for the intersection at Padonia and Deerco/Beaver Dam Roads. Mr. Bathurst acknowledged that the import of this change was that building permits could not be issued within the traffic shed associated with this intersection. (T1, p. 157). Ms. Kosino acknowledged that the subject property is within the traffic shed (as defined under the

County's methodology in Sheetz Ex. 28) of the "F"-rated intersection of Beaver Dam and Padonia Roads. (T2, p. 49).¹³

Counsel for Sheetz apparently contends that the prohibition on the issuance of building permits does not affect this zoning case and the authority of the Board to grant special exception relief. (T1, p. 165; T2, p. 10). This argument may have superficial appeal, but it misses the mark.

First, as result of the "F" rated intersection, as things stand today, Sheetz cannot obtain the permits necessary to begin development of this property. BCZR, § 4A03.G.1. Indeed, unless Sheetz is able to secure a "reserve capacity certificate" or a "special variance" under the procedures set forth in the Growth Management Act, it may never obtain the permits necessary to begin development. *See* BCZR, §§ 4A02.3.G.1, 4A02.4.D (reserve capacity determination and procedure) and 4A02.4.G (special variance procedure). The instant petition for special exception is, therefore, extremely premature and simply not ripe. This Board is not in business of issuing advisory opinions, that is, informing the parties how it may rule *if* other processes are undertaken and approvals are obtained.

The law in this area is well-settled. A justiciable controversy is one where "there are interested parties asserting adverse claims upon a state of facts which must have accrued wherein a legal decision is sought or demanded." *State Ctr., LLC v. Lexington Charles Ltd. P'ship*, 438 Md. 451, 483 (2014) (citations omitted). One aspect of justiciability is ripeness. A claim for declaratory relief is not ripe if the plaintiff is asking the court to

¹³ Counsel for Sheetz attempted to undermine the significance and effect of Bill 12-19 by (i) suggesting that Councilman Kach introduced the bill "at the last minute," (ii) attempting to introduce evidence that the change in level of service was different than what the Department of Public Works recommended, and (iii) introducing the basic services map from the prior year, 2018. (T1, pp. 161, 162-64, 167, 201; *see also* Sheetz Exs. 30, 31). Each of these arguments is beside the point and irrelevant.

declare rights “upon a state of facts which has not yet arisen, or upon a matter which is future, contingent and uncertain.” *Id.* The purpose of the ripeness doctrine is avoid the court rendering “purely advisory opinions” and “to ensure that adjudication will dispose of an actual controversy in a conclusive and binding manner.” *Boyd's Civic Ass'n v. Montgomery County Council*, 309 Md. 683, 690-91 (1987). Here, the minimal and operative state of facts have not yet accrued, that is, Sheetz has not yet initiated (and may never initiate) the procedures necessary to obtain the right, in the first instance, to develop the property in the way it proposes in its petition for special exception. The petition should be dismissed for lack of ripeness.

V. OTHER TRAFFIC ISSUES

Seven-Eleven's expert, Devon Hahn, was accepted by the Board as an expert in traffic engineering. (T2, p. 155; *see also* Seven Eleven Ex. 5 (resume)). She identified several problems with the proposed Sheetz from a traffic perspective. First, she stated that Sheetz's traffic impact study does not take into consideration vehicular trips coming east from I-83, which was surprising to her. (T2, p. 158-59). She pointed to Exhibit 7 of the traffic impact study, which states that only 5% of the traffic coming to this site will be coming from the west (or eastbound), which is entirely inconsistent with the existing traffic volumes reflected in Exhibit 3 of the study, which shows that 45% of the am trips and 34% of the pm trips will come from the west (or eastbound). (T2, pp. 175-76; Sheetz's Ex. 3, at exs. 3 and 7).

Second, she stated that the synchro analysis performed as part of the traffic impact study revealed considerable cueing for eastbound vehicles on Padonia Road. The cueing extends back to the intersection with I-83, which presents operational and safety concerns at both the I-83 ramp and for vehicles turning north onto Beaver Dam Road. (T2, pp. 158-161).

When you have cueing at the intersection of Padonia and Beaver Dam Roads, she explained, vehicles will be waiting to turn north and trying to weave between cars, which increases the odds of vehicular paths crossing and accidents. (T2, pp. 160-61). She also expressed concern that, because of the lack of access to the site for eastbound traffic, there will more vehicles making U-turns. (T2, p. 162).

Third, Ms. Hahn testified that Sheetz's plan shows an entrance width of less than the 20 feet width required by the State Highway Administration. (T2, p. 164-65; *see also* Seven Eleven Ex. 6). She explained that 20 feet is what SHA considers safe for vehicles turning in and out of a commercial property. (*Id.*). The concern is that, with a narrower entrance, vehicles entering the suit will encroach upon the outbound lane to make the turn or may strike the curb. (T2, pp. 165-67). This is demonstrated in two exhibits prepared by Ms. Hahn (Seven Eleven Exs. 7 and 8).

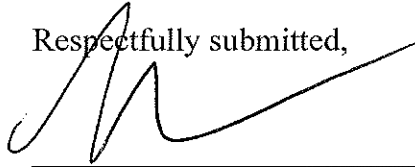
Ms. Hahn concluded that, because of these concerns, the proposed Sheetz will have a greater impact than would typically be expected and would be detrimental to the health, safety and general welfare of the locality involved. (T2, pp. 168-69).

The issues identified by Ms. Hahn are legitimate and important issues, involving the safety of drivers on the road network near this site. These issues were not addressed in Sheetz's rebuttal case or in any meaningful way in cross-examination.

CONCLUSION

For all of the reasons stated, the Board should deny the petition for special exception filed by petitioner Sheetz, Inc.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. McCann', written over a horizontal line.

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

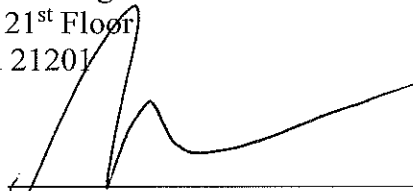
Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on 31st day of July 2019 a copy of the foregoing post-hearing memorandum was mailed, *via* first-class mail, postage prepaid to:

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

Adam Baker
Caroline Hecker
Rosenberg Martin Greenberg
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201



Michael R. McCann

TAB 1

§ 253.2. - Uses permitted by special exception.

The uses listed in this subsection are permitted by special exception only (See Section 502.).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities: ⁽¹¹⁾

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.
2. Airports, general aviation, if located in accordance with the Master Plan.
3. Excavations, controlled, involving the use of explosives (See Section 403.).
4. Mobile home park addition, only in an I.M. District and contiguous to a lawfully existing mobile home park (See Sections 414.2 through 414.7.).
5. Moving and storage establishments.
6. Sanitary or rubble landfills (See Section 412.).
7. Storage, warehousing or distribution not permitted as of right.
8. Sludge disposal facility — co-landfilling (See Section 412A.2.A.).
9. Sludge disposal facility — composting (See Section 412A.2.B.).
10. Sludge disposal facility — handling in general (See Section 412A.2.C.).
11. Sludge disposal facility — incineration (See Section 412A.2.D.).
12. Sludge disposal facility — landspreading (See Section 412A.2.E.).
13. Trucking facilities (See Sections 410 and 410A.).
14. Truck stops.
15. Utilities not permitted under the provisions of Section 253.1.

B. The following auxiliary service uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area:

1. Automotive-service stations, subject, further, to the provisions of Section 405.
2. Car washes, subject, further, to the provisions of Section 419.
3. Garages, service not otherwise permitted under Section 253.1.B.25, including establishments for the service or repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part or all of their transport.
4. Union halls or other places of assembly for employment-related activities.

C. The following interim uses, provided that it is shown by the petitioner and verified by the Director of Public Works that public sewerage and water supply facilities will not be available to the site of any such use for a period of at least two years after the time the petition is heard, and provided, further, that any such use shall be discontinued and the grant of the special exception shall expire on a date within a year after such time as public sewerage and water supply facilities do become available to the site, as shall be more particularly stipulated in the order granting the special exception.

1. Amusement parks.
2. Farms or limited-acreage wholesale flower farms.

3. Commercial kennels and private kennels, subject to Section 421.
4. Radio or television broadcasting studios.
5. Racetracks.
6. Riding stables, commercial.
7. Shooting ranges.
8. Trailers and mobile homes, nonaccessory, subject to the provisions of Section 415.
9. Used motor vehicle outdoor sales areas.
10. Veterinarians' offices.

D. The following miscellaneous uses:

1. Signs, outdoor advertising (See Section 450.).
2. Wireless telecommunications towers, subject to Section 426.
3. Winery, as defined and licensed by the Comptroller, including accessory retail and wholesale distribution of wine produced on premises. Temporary promotional events, such as wine tasting or public gatherings associated with the winery, are permitted subject to approval by the Administrative Law Judge, or Board of Appeals on appeal.

E. Combinations of the uses listed in this subsection or combinations of such uses with uses which are permitted as of right.

TAB 2

IN THE MATTER OF * BEFORE THE
 THE APPLICATION OF *
 RED RUN ASSOCIATES LLC - LEGAL * COUNTY BOARD OF APPEALS
 OWNER; BP CORPORATION - CP *
 FOR SPECIAL EXCEPTION AND VARIANCE * OF
 ON PROPERTY LOCATED ON THE N/S *
 RED RUN BOULEVARD, W/S CHURCH ROAD * BALTIMORE COUNTY
 AND APPROX. 1000' S PLEASANT HILL ROAD *
 (11050 RED RUN BOULEVARD) * Case No. 02-344-XA
 4TH ELECTION DISTRICT *
 3RD COUNCILMANIC DISTRICT *

OPINION

This case was appealed to the Baltimore County Board of Appeals from a decision of the Deputy Zoning Commissioner in which Petitions for Special Exception and Variance were denied on the subject property at 11050 Red Run Boulevard, Owings Mills, MD, 4th Election District, 3rd Councilmanic District.

The case was heard "de novo" over two days in public session. The Appellant/Petitioner, Red Run Associates LLC and BP Corporation, Legal Owner, was represented by Sebastian A. Cross, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the case, along with Leslie M. Pittler, Esquire, who represented the Protestants.

Briefs were filed by all parties in lieu of closing argument. Public deliberation was held on June 19, 2003.

Mr. John Lombardo was the first witness for the Petitioner. He has been the zoning/development manager for the Petitioner for a number of years and has developed similar projects for them in Maryland, including ten in Baltimore County. He described the site and the reasons why it is favorable for the Petitioner: (1) there is a strong work force in the area; (2) there is public visibility; (3) there is a viable intersection; and (4) there are viable in-and-out possibilities. The proposed store is 4,250 square feet. It would sell convenience-type goods - sodas, sandwiches, automobile merchandise, cigarettes, buns and coffee carryout. Sales of cigarettes would constitute the bulk of convenience items sold. He

Case No. 02-344-XA /Red Run Associates: BP Corporation

2

estimated a two-thirds to three-fourths linkage with gasoline sales, with 25 percent usage on the convenience store side.

There would be seven gas pumps, with 14 fueling positions under a canopy, plus a car wash. He stated that this was not a food store, but more in line with a 7-Eleven type convenience store, designed for impulse, quick "in-and-out" type of patrons. Bakery goods would be made fresh on the premises from pre-mixed dough. The store would have an area for seating customers. The specific market area is the Red Run Employment Corridor.

On cross-examination Mr. Lombardo cited one Amoco station similar to the BP station proposal, but indicated that the proposal before the Board would constitute the largest BP store so far in the area. He compared the proposed store to an Exxon "Tiger" facility at York and Warren Roads, although he did not know the exact dimensions of that store. The witness acknowledged that most existing convenience stores are about 2,500 square feet, but he opined that the industry is moving in the direction of larger stores. The Petitioner presently has a contingency contract on the site, subject to zoning approval.

Mr. David Scheffenacker, president of Preston Partners, introduced Petitioner's Exhibit No. 1, a rendering of the site. He described the Red Run Corridor site in detail and stated that the Developer has already spent \$25 million in the area, with a general vision to develop Class "A" office buildings. (Petitioner's Exhibit No. 2) He opined that the proposed BP project would fit in with the general character of the area and that its basic usage would come from tenants of the Employment Corridor.

He described the I-795 corridor with the developed area shown in green on the exhibit. The proposed site is a small corner property, which Mr. Scheffenacker called a "leftover piece" in which a convenience store would fit well with the surrounding environment. The property is midway in the business corridor, convenient for the local employers and keeping employees close to their work place. The witness opined that, if approved, appropriate landscaping would be installed and that the totality of the proposed project would blend in with the surrounding community.

On cross-examination the witness testified that he is a real estate broker and the Petitioner has used his firm for all Maryland-based consultations. Mr. Scheffenacker acknowledged that it is possible to build a commercial office building of approximately 55,000 square feet on the site (Petitioner's Exhibit 3)

which contains 6.5 acres. However, to a great extent, the 1.5 acres of wetlands on the site control land usage. In his opinion, the Petitioner's proposal is a proper land use; however, if denied the special exception, the Developer would build a commercial office building on the site.

On re-direct, Mr. Scheffenacker opined that the facility would principally serve the Employment Corridor area during the hours of 8:00 a.m. to 5:00 p.m. He had no opinion as to usage after 5:00 p.m. or on weekends.

The Petitioner's next witness, Mr. Gregory Reed, has been employed by BP as a civil engineer in site development for the past 12 years. He stated that he has considerable familiarity with the *Baltimore County Zoning Regulations* as well as the site. He described the Corridor (Petitioner's Exhibit #3), the M.L.-I.M. zone, and the properties on both sides of the Corridor. He prepared Petitioner's Exhibit #5, the Site Plan, and described the proposed plans with two entrances on Red Run Boulevard and one entrance from Pleasant Hill Road.

The station would have a standing canopy located on the northwest corner of the property and a car wash with stacking. He presented Petitioner's Exhibit #6 which showed the proposed landscaping plans and he stated that the plan satisfied County screening requirements.

Mr. Reed also described the general topography and the natural buffer. The proposed development would involve only 1.4 (+/-) acres of the entire 6.5 acres, with very little tree removal. All setback requirements would be satisfied. The witness went through the litany of Baltimore County's zoning regulations and § 502.1. He saw no negative impacts as each item was recited.

Also discussed by the witness was the sign variance request. The permitted square footage is 75 feet. The Petitioner has requested 80 feet to alert customers to the three facilities on site: gas, convenience store goods and the car wash.

Next Kenneth Schmid was accepted as an expert in traffic engineering. Retained by the Petitioner to examine the traffic flow in the area, he introduced Petitioner's Exhibit #8, "Functional Road Classification Map" which he had prepared. He explained and reviewed the arterial roads in the area and the collector roads. Red Run Boulevard, he stated, is an arterial road to service the Corridor, and Pleasant Hill Road is a collector road.

A traffic study (Petitioner's Exhibit #9) and report (Petitioner's Exhibit #10) were introduced which presented an analysis of traffic to and from the area, comprised of one hour in the morning (7:30 a.m. - 8:30 a.m.) and one hour in the afternoon (4:45 p.m. - 5:45 p.m.). Using license plates to identify the various vehicles, Mr. Schmid summarized that 74 percent of those vehicles entering the Corridor stayed in the Park. Inasmuch as the store would be a typical convenience store used by patrons for get in /get out purchases, he saw no adverse traffic conditions stemming from the Petitioner's proposal. The roadway system, as an isolated corridor, would support the Petitioner's proposal and the site provides good traffic flow.

On cross-examination, the witness noted that one study was conducted on June 3 in the a.m. hours and another on June 10 in the p.m. hours. Some vehicles were missed in the study because they were going too fast to capture their license plate numbers. Weekend traffic was not considered in the study.

Mr. Joseph Cronyn, with the firm of Lipman, Frizzell, and Mitchell, and a real estate consultant for 36 years, was accepted as an expert in real estate marketing and research. In his study (Petitioner's Exhibit #12), he ascertained the origin of customers for a convenience store /gas facility at the proposed site. He outlined the area on the site plan in green. His analysis was based on market research principles, dependent on a number of factors, such as drive time, physical barriers, and road system. This site was, in his opinion, an appropriate one for the proposal because of its placement on the Red Run Boulevard, just off a major interstate highway system and drawing a considerable amount of Employment Corridor traffic. Red Run Boulevard features the entrances /exits and provides the in-corridor patrons access for the store. The only other access road is Pleasant Hill which, past Red Run Boulevard, requires passage over a one-lane bridge to Owings Mills. The primary factor was that Red Run Boulevard dominates the Corridor, designed to serve the employment area and connect to I-795. It was, as he described, "an island by design." It was the expert opinion of the witness that people will not drive out of their way for convenience goods. Convenience stores thrive on "pass-by traffic," and that this was an excellent location for such an operation.

Cross-examination was directed to the abundance of nearby facilities, with at least eight similar stations along Reisterstown Road and four along Liberty Road. Cronyn felt that frequenters of the Red Run Corridor would not leave the Corridor to use these facilities.

Petitioner's Exhibit No. 11, developed by the witness, is a study of existing and planned development in the Red Run Corridor. Mr. Cronyn estimated that the average square footage of 250 square feet per employee would result in a population of 5600 employees in the Corridor on a daily basis with a 1/3 build-out factor; at final build-out there would be 4 million square feet of space with 16,000 workers. This was based on the 9:00 a.m. to 5:00 p.m. workday, with many workers working varied hours, many after 5:00 p.m.

To further support his opinion Mr. Cronyn referred to Petitioner's Exhibit # 12, the Lipman-Frizzell study delineating where most convenience store customers originate and a profile of the average customer. With increasing demands on time, customers want more "time efficient" shopping, "in and out service" - quite suitable for workers going to and from work. There would be no adverse impacts, in Mr. Cronyn's opinion, and new businesses, looking to locate in the park, would welcome such a store.

On cross-examination by Mr. Zimmerman, Mr. Cronyn agreed that the Master Plan describes the Red Run Corridor as "a premier office area." He also agreed that Petitioner's Exhibit #11 showed 16 office buildings constructed to date.

Mr. Alfred Barry III, of A.B. Associates, was accepted as an expert in planning. He spoke first to Petitioner's Exhibit No. 13, the Baltimore County Master Plan. He described the boundaries at the proposed site, how the Master Plan calls for auxiliary services, and the differences between primary and auxiliary services. He also testified concerning the current 5,000-employee base in the Corridor. He projected 16,000 in the future. The proposed facility would serve customers employed nearby because of the ease with which they could come and go within the Corridor. The witness opined that the County requires such facilities to request a special exception. His visit to at least two other such convenience stores approved for a special exception on Crondall Lane and Beaver Dam Road affirmed his opinion that they were analogous to the one being proposed, with similar employment areas. He did not understand

Baltimore County's position that this facility on this site would be detrimental. In conclusion, he recited the elements of BCZR § 502.1 and found no adverse impacts.

On cross-examination the witness acknowledged that the square footage of the Crondall Lane and Beaver Dam Road sites is less than the BP proposal, with no seating arrangements, and that convenience stores and restaurants are different types of facilities. He indicated that he was familiar with only one or two other delis in the Corridor but he was not sure if they are restricted to the office tenants. There is also an Exxon Tiger Mart at Owings Mills, not far away, but he did not know its square footage.

Mr. Barry stated that the proposed BP station will be used primarily by the employees in the Red Run Corridor. On cross-examination by Mr. Zimmerman, he also agreed that such a use in this zone must serve "industrial uses," and this area is dominated by office usage.

The Petitioner thereupon rested his case in chief.

Mr. Jeffrey Long, an employee with the Baltimore County Office of Planning and Chief of the /Development Review Section involving special exceptions, testified against the proposal. He cited People's Counsel's Exhibit No. 1, the correspondence from the Planning Office opposing the station and accessories. Mr. Long described the area as primarily a special employment area in Baltimore County. He opined that the Baltimore County Government had spent millions of dollars on the Corridor to develop a high-class office complex with 16 buildings completed and more on the drawing board. He described one requested zoning change during the 2000 Comprehensive Map Process in which a B.L.-A.S. (fast food-gasoline station) request was denied by the County Council on a 2.8 acre parcel directly across from the subject site.

Mr. Long did not agree that the proposed operation was comparable to other similar food /gas stations in the County. He described his familiarity with a station located on Beaver Dam Road and the volume of traffic there created by the Genstar Company. Furthermore that service station predated the Hunt Valley complex and is in the vicinity of a quarry operation and the Texas Landfill. He also described other sites in the County that have similar types of operations as those proposed. Mr. Long disagreed with Mr. Barry's conclusion that the proposed station was consistent with Baltimore County's Master Plan.

People's Counsel's Exhibit # 2 (Master Plan 2010, pp 175-176) was discussed in detail by the witness, and in particular the many adverse conditions present with the BP proposal, which Mr. Long opined were more negative here than elsewhere. Alternatively, an office complex built here would be in concert with the Master Plan. He concluded that the huge expenditure of public funds to develop a super office complex was similarly compatible with that Master Plan.

Mr. Robert Fritchard, 10999 Red Run Boulevard, testified. For 3 1/2 years he has operated the Red Run Deli which is diagonally opposite the proposed BP site. He described the basic office park environment of the Red Run Corridor and that, in his opinion, the proposed use was not permitted under the M.L.-I.M. zone. A considerable portion of his testimony was directed at the fact that he wanted to limit the amount of competition in the Corridor relative to deli operations.

Mr. William P. Jones, Baltimore County Department of Economic Development, also testified concerning the comments made by his Department to Mr. Jablon relative to the compatibility of the subject proposal with the Master Plan 2010 (Protestants' Exhibit No. 2.) It was his testimony that the Red Run Corridor was designed by the County to be a high-class office complex employing many people with skilled or semi-skilled talents. He felt that the proposed project ran afoul of the Baltimore County Master Plan; and that the proposed park (Red Run Employment Center) was quite different from Hunt Valley or White Marsh in that there were more manufacturing and retail operations in those parks than contemplated for Red Run.

The Board also heard testimony from several local residents who opposed the Petitioner's Special Exception request because of adverse traffic considerations. They also emphasized the need to protect the businesses on Reisterstown and Liberty Roads where the County is encouraging older, established firms in its revitalization efforts, but not encouraging similar businesses in the office park itself.

Protestants rested their case.

The facts of the case are relatively simple. The Petitioner /Appellant is BP Corporation. Their proposal is for a fuel service station to be located at the northeast intersection of Red Run Boulevard and Pleasant Hill Road in the Owings Mills area of Baltimore County. It is undisputed that the proposed site is zoned M.L.-I.M. and exists in the Red Run Employment Corridor which is part of the Owings Mills

Growth Area (reference Baltimore County Master Plan 2010). In addition to seven multi-product dispensers (14 pumps), a connecting convenience store and car wash are also being proposed. The *Baltimore County Zoning Regulations* (BCZR) do permit a fuel service station at the site as "auxiliary retail uses by special exception, due to the 'I.M. overlay' for this zone" (BCZR 253.2.B.1; 450.2.B.1). However, before being classified as an auxiliary retail use, the Petitioner must establish that the station "will primarily serve the industrial uses and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1).

One of the first issues the Board is required to address is the meaning of "primary" as it applies to demonstrating that the proposed facility will "primarily serve the industrial uses and related activities in the area surrounding the industrial area." The Board concurs with the digest found on page 2 of the Petitioner's Brief, that the word "primarily" is not specifically defined in the Baltimore County Code or the Baltimore County Zoning Regulations. The Board is charged, therefore, with the responsibility of applying case law to application of the term. The Board cannot disagree with the application of the term as referenced in *Schrader v. State*, 59 Md. App. 377, 517 A.2d 1139 (1997) decided by the Court of Special Appeals, State of Maryland. The common and accepted meaning was determined to be, "mainly"; principally, in quantifiable terms, "primarily" is commonly understood to suggest a figure representing more than 50 percent...we find nothing ambiguous about the term primarily as used in that definition." To that end, the Board also concurs that the burden in the instant case is to establish by the weight of the testimony and evidence that 51 percent of the business to support the proposed project would originate and serve the employment corridor itself.

There is no question that Red Run Boulevard is a roadway system that runs directly through the employment corridor in a north/south direction; and parallel to Interstate 795. It is classified as an arterial road and from the testimony and evidence provides the major connection for the employment center located along the west side of I-795. The traffic analysis prepared by Traffic Concepts, Inc. (Petitioner's Exhibit No. 10), and Exhibit 1 enclosed therein, "Federal Functional Classification - Red Run Employment Corridor, Baltimore County," dated July 8, 2002, is a particularly instructional review of the roadway system. The proposed site is situated almost in the middle of Red Run Boulevard at the

intersection of Pleasant Hill Road, which connects the employment corridor on Reisterstown Road to the east and Liberty Road (Md. 26) to the west.

An extensive perusal of the roadway system would indicate that, while some pass-through traffic would result from the Red Run traffic heading west from Reisterstown Road via Pleasant Hill Road, and simultaneously eastbound traffic from Dolfield toward Red Run Boulevard, the condition of both roadway systems is such that it would support localized traffic. With more than sufficient gas stations and convenience stores located along Liberty Road and Reisterstown Road, that traffic would not constitute the primary focus of the proposed convenience store /gas station patrons.

The Board has reviewed the testimony of Mr. Ken Schmid, an expert in traffic engineering, and the totality of his traffic study. While the Board is of the opinion that his traffic study could have given a more comprehensive analysis of traffic flow and survey times as reflected in his "Traffic Analysis," nevertheless there is enough substantive evidence to convince the Board that the bulk usage of the proposed site would come from the employment corridor. Reference is made to page 2 of the traffic study, "This survey was conducted during both the morning A.M. peak period (7:30 - 8:30) and the evening P.M. peak period (4:45 - 5:45)." That Report reflected:

1. During the AM period, a total of 1725 vehicles entered the study area. Twenty-four percent (24%) were determined to be pass-thru and seventy-six percent (76%) were determined to be captured within the employment corridor.
2. During the PM study period a total of 1768 vehicles were observed leaving the study area. Twenty-eight percent (28%) were determined to be pass-thru vehicles, while seventy-two percent (72%) were determined to be generated from within the employment corridor.

Exhibit 2 has been prepared to show the results of the study. That report describes in greater detail the analysis derived from the study.

Conclusions

The data collected indicates that the majority of traffic traveling along Red Run Boulevard and Pleasant Hill Road are traveling to and from the immediate Red Run Employment corridor. We therefore conclude, based on the customer pattern associated with the proposed convenience store, that the majority of the customers will be related to the surrounding employment uses.

The Protestants offered lay opposition based on personal observation and conclusions, but nothing substantive to refute the study other than the acknowledgement by the Petitioner that, while they would be open on a 24 /7 basis and would experience limited weekend usage, their business would still flow from the employment corridor: 51% of the business would result from and serve the employment center, with the 51% basically flowing from the Monday-Friday traffic.

Having concluded that the proposed facility would primarily serve the employment corridor, the Board found it necessary to address the issue of whether or not the facility would serve "the industrial park and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1)

Both counsel submitted extensive Briefs in response to the Board's request as to what constituted an "industrial use." The *Baltimore County Zoning Regulations* recite:

BCZR 101: Industrial/Quasi-Industrial, or Industry-Related Use: Any use listed in Section 253.1A, other than Item 34; any use listed in Section 253.1B, 253.2A, or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Section 253 Manufacturing, Light (M.L.) Zone Use Regulations [Bill No. 100-1970]

BCZR 253.1. Uses permitted as of right. The uses listed in this section, only, shall be permitted by right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:

34. Offices or office building or medical clinics. [Bill No. 37-1988]

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an L.M. district: [Bill No. 172-1993]

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

BCZR 253.2. Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.

2. Airports, general aviation, if located in accordance with the Master Plan.
 3. Excavations, controlled, involving the use of explosives (see Section 403).
 4. Moving and storage establishments. [Bill No. 18-1976]
 5. Sanitary or rubble landfills (see Section 412). [Bill No. 97-1987]
 6. Storage, warehousing or distribution not permitted as of right.
 7. Sludge disposal facility - co-landfilling (see Section 412A.2.B). [Bill No. 46-1982]
 8. Sludge disposal facility - composting (see Section 412A.2.B). [Bill No. 46-1982]
 9. Sludge disposal facility - handling in general (see Section 412A.2.C). [Bill No. 46-1982]
 10. Sludge disposal facility - Incineration (see Section 412A.2.D). [Bill No. 46-1982]
 11. Sludge disposal facility - landspreading (see Section 412A.2.E). [Bill No. 46-1982]
 12. Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976]
 13. Truck stops. [Bill No. 18-1976]
 14. Utilities not permitted under the provisions of Section 253.1.
- B. The following auxiliary services uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993]
1. Automotive-services stations, subject, further, to the provisions of Section 405.
 2. Car washes, subject, further, to the provisions of Section 419.
 3. Garages, service, including establishments for the service and repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part of all of their transport. [Bill No. 218-1980]
- C. The following auxiliary retail or service uses or semi-industrial uses,

provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: [Bill No. 172-93]

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

The BCZR clearly defines "industrial, quasi-industrial or industrial-related use as any use located in § 253.1.A other than item 34...." Item 34 specifically identifies "offices or office buildings or medical clinics" as not being a use permitted by right even though the zoning is prescribed as an M.L. zone. The Board is therefore presented with a quandary. The Red Run corridor is designated as an M.L.-I.M. zone. The testimony, provided by witnesses for both the Petitioner and the Protestants, is quite persuasive that at least 16 of the 20 uses currently function as office buildings, generally of the high class type desired by the County Council in the adoption of the 2010 Master Plan. The Master Plan adopted by the County Council states on page 175 that: (People's Counsel's Exhibit No. 2)

The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." EUD-C (planned unit development commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits auxiliary commercial retail projects.

Further, page 176, the Master Plan recites:

Actions

1. Ensure that the Red Run Employment Corridor is developed for corporate office and employment uses and that the Northern Employment Corridor is developed for flex/industrial use.

Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes.

People's Counsel in his Brief suggests that "The plain language of the statute governs in this case. While the County Council decided to allow automotive-service stations, car washes, service garages and

union halls in industrial areas, it made a conscious decision that they do not belong in areas predominantly characterized by office use." The definition afforded under BCZR 101 clearly references the fact that "offices or office buildings...are not considered as industrial uses." In fact, because an office use is not an industrial use, the evolution of the Red Run Employment Corridor to date, with such prominent companies leasing there, is significant in that the Corridor is moving in a direction as recommended by the Master Plan (high-profile national companies, such as Legg Mason, CareFirst Blue Cross/Blue Shield, Toyota Financial Services). It is evident from the testimony of Mr. Jeffrey Long, County Planner, and Mr. William Jones, Department of Economic Development for Baltimore County, that the long-range County plans call for continued development of the Corridor as a Class "A," high caliber office area that would attract companies employing individuals with attractive salaries and family supporting opportunities. It is undisputed that the subject site can support an office structure consistent with the County goals and the Master Plan.

The Board also considered the testimony of local residents and the fact that numerous fuel service stations already exist along the Reisterstown Road corridor and Liberty Road corridor (page 8, Lipman, Frizzell & Mitchell Report). The Board, in reviewing the report, has determined that sufficient fuel service stations already exist along these major arterials and the addition of the proposed BP station would adversely affect the ongoing County plans to revitalize those major roadways. The Master Plan itself calls for the Red Run Corridor to be designated as "another premier corporate office area for high quality, campus-style office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth producing national and regional serving companies."

The Board does wish, however, to take note of the comments made in the Brief filed by Mr. Cross, tracing the 1970 zoning code amendments; and the fact that no "Industrial uses" existed in the BCZR at that time. However, at the time, the 1970 permitted uses allowed "offices and office building." The effect was that offices and office buildings were indicated by the Baltimore County Council as uses that could be "primarily served" by such auxiliary uses. The suggestion is made that an analysis of the later bill, 178-79, which appeared in 1979, was "to adopt the basic services maps and regulations and requirements pertaining thereto...by adding a new article 4A - Growth Management; by adding...new

definitions...; industrial, quasi-industrial, or industry-related use and non-industry use to § 101 of the Baltimore County Zoning Regulations." It was the contention of counsel for the Petitioner that these definitions of industrial and non-industrial, and more importantly the difference between the two, were placed in the BCZR because of their effect on auxiliary retail uses in M.L.-I.M. zones, but not because of their relationship to the new basic service regulations and requirements.

While much of what Mr. Cross indicates is correct, Bill No. 178-79 also indicates that "to implement the objectives of County-wide master plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timeliness of growth and development that is consistent with preservation, the quality of life and existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support the development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources, and with the promotion of new growth and development in appropriate areas." The intention of the County Council may be construed in many different ways. However, the Board is constrained to examine the current definitions which are applicable in this case as reflected in § 101 of the BCZR for the specifics of the statute involved.

For reasons of its own, the County Council has determined that "an office use" is not an "industrial use" even though under § 253 (Manufacturing, Light [M.L.]) zone Use Regulations (Bill No. 100-1970), item 34, "offices or office buildings or medical clinics" are "permitted as of right in M.L. zones." Again, however, under the § 101 definition, "office or office buildings" are not considered an "industrial use." This Board concurs that, while the M.L. zone has been in place in substantially the same form since 1970, when the County council enacted the BCZR 101 definitions of industrial uses in 1979, they pursued a course of action that special exceptions under BCZR 253.2.B, including automotive service stations, do not qualify where they primarily serve office centers, which is clearly evident by the testimony and evidence produced at the hearing.

For that reason alone, the Petitioner's request must be denied.

Additionally, the Board has determined that, even if permitted, the proposed use would have an adverse effect greater at the proposed location than elsewhere in the zone (*Schultz v. Pritts*, 291 Md. 1 (1981)). As noted in People's Counsel's Exhibit No. 1, a letter from Mr. Robert L. Hannon, Director of Economic Development for Baltimore County, to Arnold Jablon, Director of the Department of Permits & Development Management, dated March 18, 2002:

The Department of Economic Development opposes the petition to use to [sic] above referenced property for a fuel service station use in combination with a convenience store/carry out restaurant, roll-over car wash and ancillary use automatic teller machine for the following reasons:
The original plan for Owings Mills, that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office industrial employment center in the Owings Mills growth area. The County's "Master Plan 1989-2000" and "Master Plan 2010" reinforce the office/industrial land use for the Red Run Boulevard Corridor. The proposed use is not consistent with these plans.

Over the last 15 years, millions of public dollars have been spent building sewer, water and road infrastructure, etc [sic] to support that intended land use. The proposed use will not create the jobs that provide family supporting income that were intended.

It is obvious to the Board that the County has determined the "highest and best use" of the corridor is in the development of a high class office complex; and that the lesser use of a fuel service station/convenience store would create an adverse effect in an area specifically designed as a unique and specialized setting to attract nationally known companies with a salary structure significantly higher than that contemplated by the Petitioner's employees. Additionally, the proposed facility would have detracted from the County's Liberty Road and Reisterstown Road rehabilitative efforts.

For the reasons cited, the Board will deny the request for special exception.

Separate issues also arose as to whether or not the contemplated BP convenience store was a "food store."

Section 405.4.E(1) provides for the following use allowed by special exception in combination with fuel service stations:

Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.

Section 405.4.E(10) provides additional special exception uses permitted in combination with fuel service station:

Restaurant, including fast food, fast food drive-thru only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.

Therefore, counsel for Petitioner contends that both the BP Connect 2,564 square foot convenience store and 700 square foot carry-out restaurant area are permitted as a special exception use in combination with BP's proposed fuel service station (along with rest rooms 105 sq. ft. and storage 580 sq. ft.; and cashier 275 sq. ft.).

This station would be located in an M.L.-I.M. zone. Fuel service stations are allowed by special exception as auxiliary retail uses in a M.L.-I.M. zone. Food stores are also permitted as auxiliary retail or service uses in M.L.-I.M. zones under § 253.1.C(12). This Section states:

The following auxiliary retail or service uses or semi-industrial uses, provided that any such uses are located in a planned industrial park at least 25 acres in net area or in an IM district:

2. Food stores, but the gross floor area of any such store should not exceed 2,500 square feet.

As there is a 2,500 square foot limit placed on these stores, the Protestants opine that the BP Connect store is a "food store," thereby altering the proposal into a non-permitted use in an M.L.-I.M. zone. In order to assess who is correct requires an analysis of whether or not BP Connect falls into a convenience store /carry-out restaurant classification under the BCZR. In the definition section of the BCZR, § 101 defines a convenience store as:

A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer on the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty-four-hour period.

This Section also defines a carry-out restaurant as:

An establishment whose principle business is the sale of ready-to-consume food and beverages to consumers who order their food and beverages over the counter, by telephone or by fax machine, and whose principle characteristic is that food and beverages are consumed off the premises.

The Board agrees that by the very nature of its use, convenience store patrons are essentially pass-by or frequent trip users. These types of trips traditionally are from those people who are already

driving the adjacent road system to another destination, whereas a primary trip is one made for the specific purpose, such as a workplace or doctor's office directly from home. As these customers approach the area of a convenience store, they traditionally stop in, and once the stop at the convenience store is complete, they continue onto their primary destination. In the instant case, the Petitioner is proposing that the convenience store portion of the BP Connect would provide general household items, such as sealed snacks and candy, pre-packaged foods to be prepared off-site, along with an assortment of beverages. They have indicated that these types of items serve the convenience of a consumer in need of one small specific item, and in no way handle or provide for all the general grocery needs of an individual or family. The essential ingredient of a convenience store is that only small items are being provided and within a sales area around the parameters provided within the *Baltimore County Zoning Regulations*' definition of a convenience store as supplying "refrigerated products, household items, carry-out food packages and pre-packed sealed food and meals."

The Board takes judicial notice that examples of convenience stores with which the members are familiar would be a 7-Eleven facility or a Royal Farm Store facility which generally meet the definition as provided for under BCZR § 101, that convenience stores cannot exceed a gross floor area of 5,000 square feet and are usually open for at least 12 hours in a 24-hour period; the Petitioner proposes to keep their convenience store operating on a 7/24 basis. The Board does not agree with the proposal set forth by the Protestants that this convenience store is in effect a "food store." The Board agrees with the Petitioner's arguments that stores, such as grocery stores, must have on hand a very large and diverse stock of goods, to a great extent, "food" items. The Board takes note of the Petitioner's definition of food as provided on page 842 of *Webster's Third International Dictionary* which defines food as "material consisting of carbohydrates, fats, proteins, and supplementary substances (as minerals, vitamins) that is taken or absorbed into of the body of an animal in order to sustain growth, repair and all vital processes and to furnish energy for all activity of the organism." The Board takes note that convenience stores do not carry such a large and diverse stock of food but rather are limited to convenience and impulse items, and in particular quick-serve food types. The Board has reached the conclusion that the proposed facility, if

allowed at all, would satisfy the definition of being a "convenience store" as defined under § 101 of the BCZR.

As to the carry-out facility, the Board has concerns as to the connection between the proposed convenience facility and the "carry-out" connection. The Petitioner indicates that the BP Connect store would contain the cashier portion, restrooms, general storage and a food-service component separating the store into two separate areas. The Board does not agree that those two types of facilities can be integrated by a connecting facility and that each are separate and distinct units. If such a proposal were to be contemplated, the Board would absolutely require that the two facilities be separate and distinct with separate entrances, along with separate cashier functions which would distinguish the various services that were being offered by the Petitioner.

In its final analysis, the Board is quite familiar with the responsibilities imposed upon such a body in the many cases that deal with special exception cases. These were well-recited in the Brief submitted by the People's Counsel and involved cases well-known to this Board, such as *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Mangione*, 85 Md. App. 738 (1991). Similarly the Board recognizes that the granting of any special exception request carries with it certain implied adverse effects. The key element for the Board to determine is whether or not any adverse effects which would exist if the proposal for the subject site were granted would be greater at the proposed site than anywhere else within the zone.

Here again, the Board has considered most carefully the considerations afforded by the Master Plan 2010 recently adopted by the Baltimore County Council. The Board finds that the approval of the proposed site as suggested by the Petitioner would not be within the spirit and intent of the adopted 2010 Master Plan nor would it support the efforts of revitalization in the Reisterstown Road /Liberty Road corridor.

For the reasons cited, the Board will accordingly deny the request for special exception. The Petitioner's request for a sign variance was denied below. This Board also finds that no evidence was presented by the Petitioner that this site is unique under the standards of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995), and we deny the variance request.

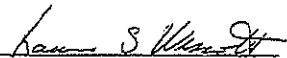
ORDER

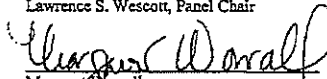
THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of September, 2003, that the Petition for Special Exception in Case No. 02-344-XA be and the same is hereby DENIED for the reasons as stated in the foregoing Opinion; and it is further

ORDERED that the Petitioner's request for variance relief be and the same is also DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

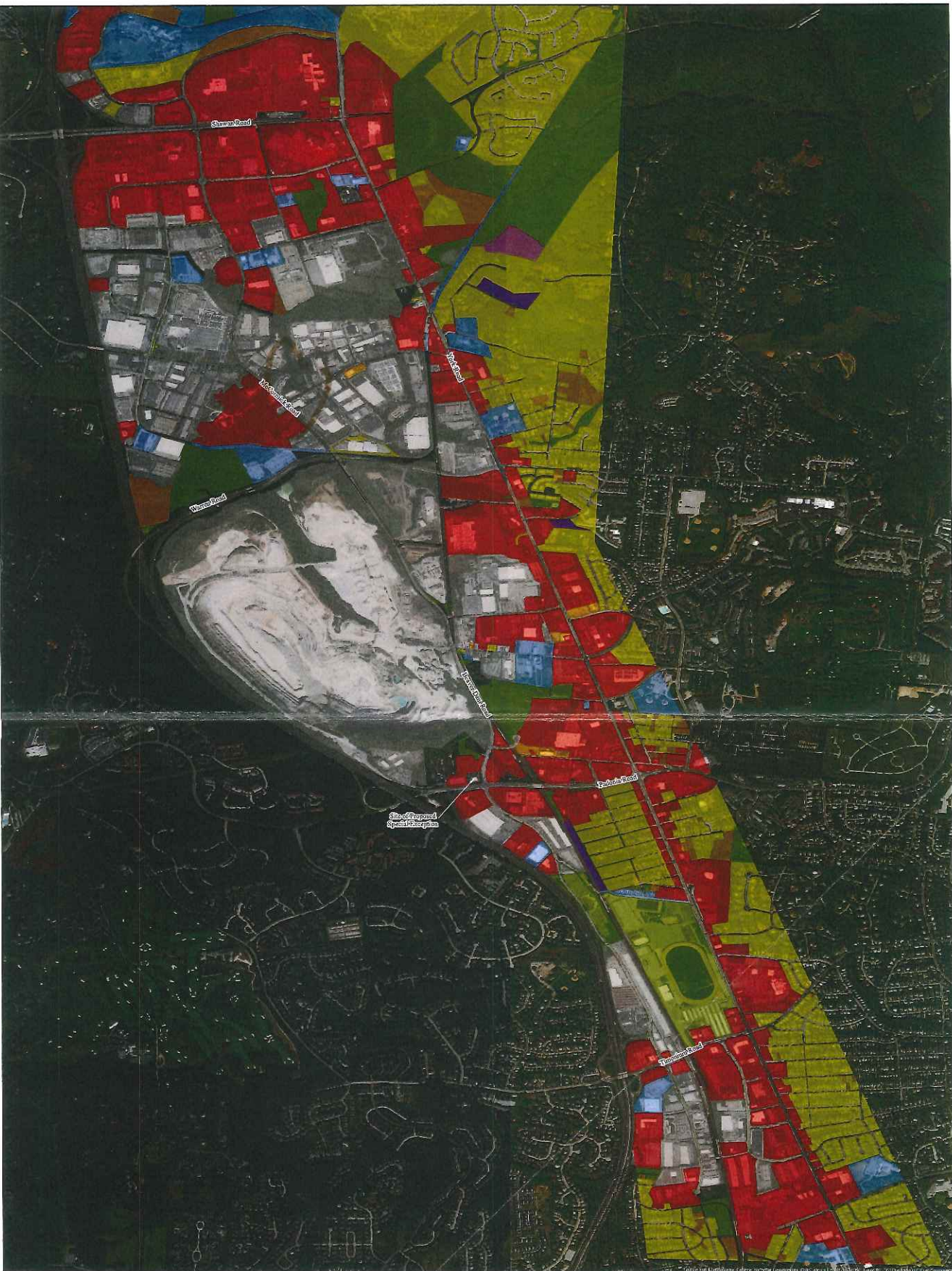
COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chair


Margaret Worrell


Charles L. Marks

TAB 3



Title:

**Existing Land Use and Zoning:
The York Road to I-83 Corridor,
Baltimore County**

- Land Use**
- Open Space/Parks
 - Residential
 - Institutional
 - Commercial
 - Industrial
 - Agriculture
 - Unbuildable/Environmentally Constrained
 - Vacant
 - Industrial Zoning District
 - Parcel

Map Created: June 17, 2019
Mapping Data Sourced From: Baltimore County GIS
<https://data-bc-gis.opendata.arcgis.com/>

PA-EX-6

0 1,000 2,000 ft
Scale: 1 inch = 3,200 ft

TAB 4

IN RE: DEVELOPMENT PLAN HEARING	*	BEFORE THE OFFICE OF
(11301 Pulaski Highway)		
11 th Election District	*	ADMINISTRATIVE HEARINGS
6 th Council District		
(PULASKI CROSSING)	*	FOR
FKA CARMAX PROPERTY)		
11301 Pulaski Highway, LLC	*	BALTIMORE COUNTY
(Owner/Developer)		
	*	HOH Case No. 11-1041

* * * * *

ADMINISTRATIVE LAW JUDGE'S
DEVELOPMENT PLAN OPINION & ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for a public hearing on a development proposal submitted in accordance with Article 32, Title 4, of the Baltimore County Code ("BCC"). David H. Karceski, Esquire, with Venable, LLP, on behalf of 11301 Pulaski Highway, LLC, *Owner/Developer* (hereinafter "the Developer"), submitted for approval a 3-sheet redlined Development Plan ("Plan") prepared by Little & Associates, Inc., known as "Pulaski Crossing fka CarMax Property."

The Developer proposes to develop 31.49 acres of land, more or less, accessed via Pulaski Highway (US Route 40) with 150 garage townhouse units. The site is currently in a transitional state wherein a stormwater management pond is developed in the front half closest to Pulaski Highway and is wooded/undeveloped at the back third of the site most adjacent to existing residential development. The townhomes are proposed to be developed in the already cleared portion of the site.

The site was the subject of a rezoning of the site during the last cycle rezoning process. The request (Comprehensive Zoning Map Process ["CZMP"] No. 06-015) was for the RC 2 portion and a sliver of ML to be rezoned to DR 5.5 and BR AS. The request was granted.

Details of the proposed development are more fully depicted on the 3-sheet redlined Plan that was marked and accepted into evidence as Developer's Exhibit 2A-2C. The property was posted on November 6, 2017 with the Notice of Hearing Officer's Hearing ("HOH") for the December 8, 2017 hearing, in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland, in compliance with the regulations. Additional hearings were continued on March 28, 2018, April 4, 2018 and April 5, 2018.

In attendance at the HOH in support of the Plan was Mark Renbaum, Edward Tom, Wes Guckert, Bill Monk, John Motsco and G. Dwight Little, professional engineers with Little & Associates, Inc., the consulting firm that prepared the site plan. David H. Karceski, Esq. and Adam M. Rosenblatt, Esq. appeared and represented the Developer.

Numerous representatives of the various Baltimore County agencies who reviewed the Plan also attended the hearing, including the following individuals from the Department of Permits, Approvals and Inspections ("PAI"): Patrick Williams, Project Manager, Vishnu Desai, Jim Hermann, (Development Plans Review ["DPR"]), Brad Knatz, Real Estate Compliance, and Leonard Wasilewski ("Zoning Review"). Also appearing on behalf of the County were Steve Ford from the Department of Environmental Protection and Sustainability ("DEPS"), and Jenifer G. Nugent from the Department of Planning ("DOP").

Several members of the community (whose names are on the sign-in sheets in the file) attended the hearing to obtain additional information regarding the project and to express concern with environmental impacts from grading and construction. Michael R. McCann, Esq. attended the hearing and represented the Bowerman-Lorely Beach Community Association, Inc.

At the hearing, each of the Baltimore County agency representatives identified above indicated that the Development Plan addressed any comments submitted by their agency, and they

each recommended approval of the Plan. Ms. Nugent presented a School Impact Analysis ("SIA") (County Exhibit 1) demonstrating the Developer can comply with State-mandated requirements concerning the maximum number of students permitted to attend the elementary, middle and high school in the vicinity of the project. Mr. Hermann noted his office approved a schematic landscape plan on December 7, 2017.

Developer's Case

In its case in chief, the Developer presented four (4) witnesses. First was John Motsco, a professional engineer accepted as an expert. Mr. Motsco discussed the project in general and testified that no variances or waivers are requested. He reviewed each sheet of the Development Plan and described in detail the improvements planned for the approximately 31 acre site.

The witness indicated no trees would be removed from the site. He testified sufficient open space was provided on-site to satisfy the regulations. Mr. Motsco explained the site is within a failing traffic shed (level-of-service "F"), and he included a note on the Plan to that effect. Developer's Exhibit 2A, note 9. He testified there are no naturally occurring steep slopes on site, and he opined the Plan was in compliance with all Baltimore County rules and regulations. In response to a question on cross-examination, Mr. Motsco noted the project was "grandfathered" under prior stormwater management regulations; as such, the Developer is not obligated to provide environmental site design (ESD) features, as is required under current stormwater management regulations.

The next witness was Edward Tom, a landscape architect accepted as an expert. Mr. Tom prepared a schematic landscape plan (Developer's Exhibit 9A-9C) for this project, and he reviewed and explained each of the three sheets on that Plan. He testified that the bulk of the amenities and landscaping would be provided at the north side of the site near the stormwater management pond.

The witness testified the Plan complies with all Baltimore County regulations and he noted that no modifications or waivers were sought with respect to Landscape Manual requirements.

Wes Guckert, a professional transportation planner accepted as an expert, was the next witness. Mr. Guckert described his background and experience, and stated he has reviewed "hundreds" of plans for both residential and commercial development both in Baltimore County and throughout the region. The witness testified the project is within a failing traffic shed; i.e., the intersection at US 40 and Ebenezer Road is rated at "F" level-of-service. Mr. Guckert indicated that intersection "needs improvement" and the traffic study (Developer's Exhibit 12) he prepared contains details regarding the contemplated improvements. Mr. Guckert testified that since the subject property would be accessed from US 40, the State Highway Administration ("SHA") [rather than Baltimore County] would be responsible for ensuring that the ingress and egress from the site is safe and complies with all applicable regulations regarding adequate sight distances. Mr. Guckert opined the Developer has satisfied all Baltimore County rules and regulations, and he does not believe the traffic generated by this project will have an adverse impact upon the community.

The final witness in Developer's case was Bill Monk, a land planner accepted as an expert. Mr. Monk testified he has been involved with this site for over 12 years, which includes the period of time when a CarMax facility was approved at this location. Mr. Monk's testimony primarily concerned issues of compatibility, design standards and Master Plan 2020. The witness described how he defined the applicable "neighborhood" (and noted the DOP in its review identified a larger, more expansive neighborhood) and opined this project satisfies all eight (8) objectives set forth in BCC § 32-4-402. While Baltimore County Zoning Regulations ("BCZR") § 260.4 requires connectivity between existing and proposed developments, Mr. Monk explained that in his opinion

no such connection should be required in this case given the nature of the adjoining uses (i.e., mobile home park and landscape contractor yard). The witness testified the site is identified by Master Plan 2020 as being within the "Middle River Employment Center," a designation specifically identifying residential housing as an appropriate use. As such, Mr. Monk opined the Plan was consistent with Master Plan 2020.

In response to questions on cross examination, the witness agreed there are no other townhomes within the "neighborhood" he identified. Mr. Monk also conceded that in a prior hearing involving the CarMax project he described as "highly industrialized" the area surrounding the subject property. Protestants' Exhibit 14, p.4.

Protestants' Case

Several neighbors and area residents testified in opposition to the proposal, citing traffic and safety concerns, as well as the incongruity of constructing 150 townhouses in an industrial area. Several members of the community testified that they would not object to single-family homes being constructed at the site, but that a high density residential project "sticks out like a sore thumb."

Protestants also presented testimony from Chris Jakubiak, an urban planner accepted as an expert. Mr. Jakubiak's testimony primarily concerned the issue of compatibility, as set forth at § 32-4-402 of the BCC. Mr. Jakubiak defined the pertinent neighborhood as one focusing on and limited by the Route 40 corridor, which he described as heavily commercial. The witness opined that the proposed townhouse development was incompatible with the industrial uses in the neighborhood, which have "externalities" that have the potential for detrimentally impacting residential dwellings. In addition, Mr. Jakubiak opined that the subject property is shown as an employment center in Master Plan 2020, and he believes this proposal "conflicts with the Master

Plan 100%.”

Legal Analysis

Following the hearing the parties submitted legal memorandums which focused primarily upon the following issues: density, compatibility, and Master Plan compliance. These issues will be analyzed in greater detail below.

A. Compatibility

At the outset, the parties dispute whether a compatibility analysis is required in the first instance. The Developer contends that such an analysis is not required when a project involves dwellings constructed in a BR zone. Both parties cite BCC § 32-4-401 which provides that all development must “meet the standards and requirements contained in this subtitle.” BCC § 32-4-402(d) provides that “subject to subsection (c) of this section, development of property shall be designed to achieve the following compatibility objectives” The Developer emphasizes that BCC § 32-4-402(c) does not require the Director of Planning to make compatibility recommendations for a residential development in a BR zone.

In considering the aforementioned statutes, I believe BCC § 32-4-402 is in fact controlling, given that it is the more specific provision. *Massey v. Department of Public Safety*, 389 Md. 496 (2005) (“when there is a conflict between a general statute and one dealing specifically with the issue at hand, the specific statute controls”). The Developer correctly notes in its memorandum that “compatibility findings are not required in every Hearing Officer’s Hearing,” (Memo, p. 9) which lends support to the conclusion above that BCC § 32-4-402 controls in determining when a compatibility analysis is required. Nowhere within the BCC, BCZR and/or Comprehensive Manual of Development Policies (“CMDP”) is a compatibility analysis required for a residential development in a BR zone. Protestant cites BCZR § 1B01.1.A.1.(c), which states that “group

houses" (i.e., townhomes) are permitted in the DR 5.5 zone "subject to findings of compatibility by the hearing officer." But the townhomes in this case would be located in the BR zone, not the DR zone. As such, I do not believe a compatibility finding is required in this case.

B. Density

In their post-hearing memorandum, the Protestants contend that it "is only by virtue of [a] Machiavellian change in the zoning of the southern parcel that the Developer claims entitlement" to construct 150 townhouses. Memorandum, p. 2. That may be the case, and a "convoluted route" may have been followed, but no evidence or argument was presented to suggest that the rezoning during the 2016 CZMP was unlawful.

It is undisputed that during the 2016 CZMP process, the southern parcel shown on the Plan was rezoned from RC 2 to DR 5.5. Developer notes in its memorandum that the change was made to facilitate redevelopment of the site, which is obviously the case. Under the BCZR, the developer is therefore entitled to construct townhomes on the BR zoned portion of the property, since such a use is permitted in the immediately adjoining DR 5.5 zone. BCZR §230.1.A.1. As for the density, Mr. Wasilewski confirmed that his office performed that calculation using the DR 5.5 density for the entire tract. As such, I believe sufficient density exists for the 150 townhomes proposed, and the Protestants' arguments to the contrary in the first portion of their memorandum are not persuasive.

C. Master Plan

As noted earlier, the planning experts (Messrs. Monk and Jakubiak) disagreed about whether the proposed development was compatible with Master Plan 2020, which designates the area as an employment center. For the first time, Master Plan 2020 adopted a concept of transect planning, which seeks to describe permissible land uses within each of the six transects. MP 2020,

pp. 27-29. The subject property is situated within the T-2R "Rural Residential Zone" transect. Master Plan 2020 describes this designation and transect as consisting of "large lot single-family detached housing." *Id.* at p. 27. The Developer appears to concede that the townhouses proposed herein are not consistent with this transect designation, but argues that the Master Plan itself is not binding. In support of this argument, the Developer cites several passages from Master Plan 2020 to the effect that the document provides "general recommendations" and is "conceptual" in nature. Dev. Memorandum, p. 21. Surprisingly, the Protestants did not at the hearing or in their post-hearing memorandum gainsay this proposition, which was also espoused by Mr. Monk during his testimony.

While the Developer correctly notes the Master Plan itself indicates it is a conceptual document, the BCC provides expressly that all development must comply with the Master Plan. BCC § 32-4-102(a). In *HNS Development, LLC v. People's Counsel*, 425 Md. 436, 457 (2012), the court of appeals held that while a master plan is generally considered an advisory document, it becomes a binding regulatory device when a jurisdiction (like Baltimore County) enacts legislation requiring that all development conform to such plans.

The *HNS* court held that Baltimore County could deny approval of a proposed development plan solely on the basis that it did not conform to the Master Plan. *HNS*, 425 Md. at 451 ("Although the Master Plan textual recommendations are framed as advisory, rather than mandatory, non-conformance with those recommendations remains a proper basis for denying... the development plan"). Just last year the court of appeals reaffirmed the legitimacy of this proposition. *Prince George's County v. Chaney Enter.* 454 Md. 514, 532 (2017).

In this case, Master Plan 2020 identifies the subject property as being within the T-2R transect, which calls for large lot single-family dwellings. See, Discretionary Land Use Controls,

§ 8:53 (Aug. 2017) (“As applied to zoning, the transect is not intended as a ‘guide’ but rather as a regulation”). Obviously, the high density townhouses proposed herein would not be in conformity with that transect designation. As such, the Plan is not in conformity with Master Plan 2020, and must be denied pursuant to BCC § 32-4-102, as interpreted in *HNS* and similar cases.

Pursuant to the advertisement, posting of the property, and public hearing held thereon, the requirements of which are contained in Article 32, Title 4, of the BCC, the “Pulaski Crossing fka CarMax Property” Development Plan shall be disapproved.

THEREFORE, IT IS ORDERED by this Administrative Law Judge/Hearing Officer for Baltimore County, this 1st day of **May, 2018**, that the “**PULASKI CROSSING FKA CARMAX PROPERTY**” redlined Development Plan in HOH Case No. 11-1041, marked and accepted into evidence as Developer’s Exhibit 2A-2C, be and is hereby **DISAPPROVED**.

Any appeal of this Order shall be taken in accordance with BCC §§ 32-3-401 and 32-4-281.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw



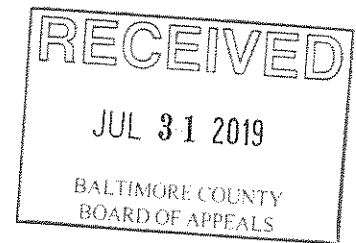
Rosenberg
Martin
Greenberg^{LLP}

Adam D. Baker
Direct Dial: (410) 649-1241
abaker@rosenbergmartin.com

June 12, 2019

VIA HAND DELIVERY

Krysundra Cannington
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204
kcannington@baltimorecountymd.gov



Re: Case No. 2018-0316-SPHX

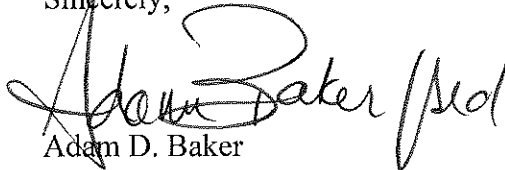
Dear Ms. Cannington:

Enclosed please find for filing an original and four copies of a Post-Hearing Memorandum of Respondents 7-Eleven, Inc. & 9709 Beaver Dam Road, LLC with reference to the above.

Please file the original, date-stamp all of the copies and return **one** date stamped copy to the waiting messenger.

Thank you for your assistance.

Sincerely,


Adam D. Baker

ADB/hal
Enclosures

cc: Jason Vettori, Esq. (via hand-delivery w/encls.)
Michael R. McCann, Esq. (via electronic mail w/encls.)

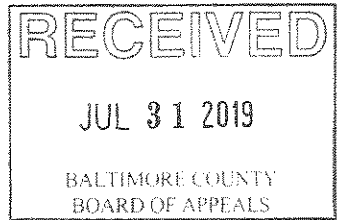
4813-7948-5306, v. 1

IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL EXCEPTION
(400 W. Padonia Road)
8th Election District
3rd Councilmanic District

Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
Lessee

Petitioners

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2018-0316-SPHX



* * * * *

**POST-HEARING MEMORANDUM OF RESPONDENTS 7-ELEVEN, INC.
& 9709 BEAVER DAM ROAD, LLC**

7-Eleven, Inc. and 9709 Beaver Dam Road, LLC, (collectively "Respondents") by and through their counsel, Adam D. Baker, Caroline L. Hecker, Gerard J. Gaeng, and Rosenberg Martin Greenberg, LLP, hereby submit this Post-Hearing Memorandum in the above-captioned matter. For the reasons set forth in this Memorandum, the Board of Appeals for Baltimore County (the "Board") should deny the relief requested by the Petitioners, Timonium SAB, LLC (legal owner) and Sheetz, Inc. (lessee) (collectively, the "Petitioners"). The evidence before the Board confirms that the proposed use (1) does not meet the requirements for permitting a Fuel Service Station in the ML-IM zone, and (2) does not meet the requirements for approving special exception relief.

BACKGROUND

The subject property is a 64,507 sq. ft. (1.48 AC.) parcel located at the northwest corner of the intersection of Padonia Road and Beaver Dam Road in the 3rd Councilmanic District of Baltimore County (the "Property"). The Property is zoned ML-IM and is currently improved with a commercial building which previously housed a Bob Evans restaurant. The Petitioners propose to raze the building and construct a Sheetz Fuel Service Station with a convenience store

and a restaurant. In connection with the proposal, the Petitioners have requested the following relief: (1) Special Hearing relief to (a) confirm that the ancillary uses in combination with the Fuel Service Station are a convenience store and a carry-out restaurant, and (b) to approve the minimum number of required off-street parking spaces for the restaurant¹; and (2) Special Exception relief to approve the proposed Fuel Service Station. For the reasons set forth below, the Special Hearing and Special Exception relief should be denied.

ARGUMENT

I. THE PROPOSED USE WILL NOT PRIMARILY SERVE THE INDUSTRIAL USES AND RELATED ACTIVITIES IN THE SURROUNDING AREA AS REQUIRED BY BCZR § 253.2.B

The Property is located in the ML-IM zone. Section 253 of the Baltimore County Zoning Regulations (“BCZR”) governs those uses which are permitted within the ML zone. Section 253.2.B provides that certain auxiliary service uses are permitted by special exception in the ML zone “provided that any such use shall be located...in an I.M. District; provided, further that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area”². Among the uses permitted under §253.2.B is “Automotive-service stations, subject, further, to the provisions of Section 405.” BCZR § 253.2.B.1.

In prior Baltimore County zoning cases, where a use is permitted as a special exception in the ML-IM zone, under BCZR § 253.2.B, the petitioner has had to establish that the use “will serve primarily the industrial uses and related activities in the surrounding industrial area.” There are a litany of cases in Baltimore County which demonstrate the pattern and practice of applying BCZR § 253.2.B to those special exception uses which are subject to its requirements in the ML zone. In fact, many of these cases have involved Fuel Service Stations in the ML-IM

¹ Baltimore County Council Bill No. 15-19, passed by the County Council in May 2019 and made effective June 5, 2019, obviated the need for the requested parking relief.

² The definition of “Industrial Use” as set forth in BCZR §101.1 includes uses permitted in the ML zone, except for Office, and uses permitted by right in the MH zone.

and in each case the fact finder analyzed the use under both BCZR §§ 253.2.B and 405. *See* Case Nos. 2019-0163-X, 06-449-X, and 02-344-XA, each attached hereto for reference. The Petitioners have failed to establish that the proposed Sheetz use meets this threshold standard.

The Property is located within a swath of industrial zoning with the following geographic boundaries: Interstate-83 on the west, the MTA light rail line (and York Road in some areas) on the east, the terminus of Greenspring Drive (southern extension of Beaver Dam Road/Deerco Road) on the south, and Shawan Road on the north. At the hearing, the Petitioners presented no evidence which would indicate that the proposed Fuel Service Station will “serve primarily the industrial uses and related activities in the surrounding industrial area” as required by BCZR § 253.2.B. In fact, the testimony and evidence presented before the Board suggests that the use will not primarily serve the industrial uses and related activities in the surrounding industrial area. Michael Lacesa, Regional Director of Real Estate for Sheetz, testified at the hearing that the majority of Sheetz customers come from pass by trips. That is to say, they visit the Sheetz while on their way to another destination. Kelly Kosino, a senior engineer with Century Engineering, testified that based upon the traffic studies conducted for the proposed use, the majority of pass by traffic was moving east to west or west to east along Padonia Road. Notably, this traffic pattern brings vehicles from outside of the industrial area past the site. If the majority of visitors to the site are pass by drivers and if most of the pass by drivers are coming from or travelling to destinations outside of the industrial area, Petitioners cannot assert that the use is primarily serving “the industrial uses and related activities in the surrounding industrial area”, as required by BCZR §253.2.B.

In addition to the traffic component, there are additional factors which suggest that the use does not meet the requirements of BCZR §253.2.B. Notably, there are certain design and

operational components, as listed below, which indicate that the use will not meet the requirements of BCZR § 253.2.B:

- The operation will not offer diesel fuel for large vehicles such as trucks or other industrial vehicles.
- The operation also will not provide parking or appropriate access for trucks or industrial vehicles.
- The fifteen (15) foot wide right-in and right-out access from Beaver Dam Road is too narrow to accommodate most trucks or large industrial vehicles.
- Based upon the SU-30 and WB-40 access/circulation exhibits (7-Eleven Exhibits 7 & 8), it is evident that the site is not being designed to serve, much less accommodate, the industrial uses in the surrounding industrial area.

At the hearing, Petitioners argued that BCZR § 405 governs in which zones Fuel Service Stations are permitted and not BCZR § 253.2.B. Generally, in statutory construction, the more specific language of a statute governs over the general language of the statute. *Rafferty v. Comptroller of Treasury*, 228 Md. 153 (1962); *Department of Tidewater Fisheries v. Sollers*, 201 Md. 603 (1953); *Fisher v. Bethesda Discount Corp.*, 221 Md. 271 (1960). In addition, where the language of a statute is plain and unambiguous, there is no need to further inquire as to the intent of the legislature in enacting the statute. *Edwards v. First Nat. Bank of North East*, 122 Md.App. 96 (1998); *Board of Trustees of Md. State Retirement & Pension Sys. v. Hughes*, 340 Md. 1 (1995); *Department of Economic Dev. v. Taylor*, 343 Md. 332 (1996).

Although the language of § 253.2.B is clear and unambiguous, it is helpful, in analyzing how to regard § 253.2 in relation to § 405, to examine the stated legislative purpose of the latter section. Section 405 is located within Article 4, Special Regulations of the BCZR. The legislative purpose of the Special Regulations Article is set forth below:

Certain uses, whether permitted as of right or by special exception, have singular, individual characteristics which make it necessary, in the public interest, to specify regulations in greater detail than would be feasible in the individual use regulations for each or any of the zones or districts. This article, therefore, provides such regulations.

BCZR §A400.1

Based upon the clear language of § A400.1, it is evident that the Article 4 regulations are to be read in conjunction with the underlying use regulations of the particular zone in which a property is located. The phrases “whether permitted as of right or by special exception” and “regulations in greater detail than would be feasible in the individual use regulations” indicate that the underlying use regulations of the zone must be considered.

Section 253.2.B.1 provides that Fuel Service Stations are a permitted use in the ML in the context of the requirements 253.2.B³ “...subject, *further*, to the provisions of Section 405.” (emphasis added). “Subject further” indicates that the underlying use is permitted in the ML-IM zone subject to both the requirements of BCZR § 253.2.B *and* the requirements for Fuel Service Stations set forth in the Special Use Regulations Article. The language is clear and unambiguous. If the legislature had intended § 405 to stand on its own, it would have stricken “Fuel Service Station” from the use regulations for each of the zones in which the use is permitted. In addition, the legislature surely would not have added “subject, further” to BCZR § 253.2.B.1.

In the instant case, the language of both §§253.2.B and 405 are clear and unambiguous. Section 253.2.B.1 governs the specific use (Fuel Service Station) in the specific underlying zone (ML). Section 405 governs Fuel Service Station uses generally in Baltimore County. Under the accepted principals of statutory construction, § 253.2.B should be regarded as the more specific and therefore controlling regulation. As the Petitioners failed to put on any evidence to establish

³ “...auxiliary service uses, provided that any such use shall be located...in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area” BCZR § 253.2.B

that the proposed use “will serve primarily the industrial uses and related activities in the surrounding industrial area”, the Board should deny the requested relief.

II. THE PROPOSED FUEL SERVICE STATION USE DOES NOT MEET THE REQUIREMENTS FOR A SPECIAL EXCEPTION UNDER SECTION 502.1 OF THE BALTIMORE COUNTY ZONING REGULATIONS

Even if the Board determines that Sheetz is eligible for a special exception, the proposed use does not meet the applicable standards in Baltimore County. Under Maryland law, a special exception use enjoys a presumption that it is a valid use and in the interest of the general welfare. *Schultz v. Pritts*, 291 Md. 1 (1981). A special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use. *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017). Section 502.1 of the BCZR sets for the requirements for granting special exception relief in Baltimore County.

At the hearing before the Board, Devon Hahn, who was admitted as an expert in traffic engineering, offered testimony and evidence demonstrating that the proposed Sheetz would have impacts on the surrounding area such that the use could not meet the requirements for a special exception use in Baltimore County. Based on this evidence, the Board should deny the application for special exception.

a. The proposed use will be detrimental to the health, safety or general welfare of the locality involved.

Testimony and evidence presented before the Board indicates that the intersection of Padonia Road and Beaver Dam/Deerco Roads has certain operational and safety concerns. Ms. Hahn testified that the east bound turn movement on Padonia Road north onto Beaver Dam Road posed a safety concern in light of the anticipated additional traffic that the proposed Sheetz would generate to that turn movement. The crash history for the intersection of Padonia Road

and Beaver Dam Road/Deerco Road indicates that there are on average thirty (30) crashes per year, with at least thirty percent (30%) of those coming from the east bound left turn movement from Padonia Road onto Beaver Dam Road. Ms. Hahn stated that it was her opinion that the additional volume which the Sheetz would add to that movement is a serious safety concern, with detrimental impacts to the health, safety and general welfare of the locality. As a result, the Board should deny the requested special exception relief.

b. The proposed use will create congestion in the roads, streets or alleys in the area.

Ms. Hahn noted several aspects of proposed use which would create congestion in the roads, streets or alleys in the area in contravention of the requirements of BCZR § 502.1.B. Specifically, Ms. Hahn noted the following as contributing factors to congestion and unsafe traffic conditions: (1) the F level of service of the intersection of Padonia Road and Beaver Dam Road/Deerco Road; (2) the queuing on Padonia Road for the north bound turn movement onto Beaver Dam Road; (3) the narrow width of the access drive on Beaver Dam Road; and (4) the difficulty that trucks will have accessing the site.

i. Failing Intersection

In May 2019, the Baltimore County Council adopted Bill No. 12-19, establishing the county's basic services maps for water supply, sewerage and transportation, in accordance with the requirements of Section 4A02.3.A.1, 2 and 3 of the BCZR. The Basic Services Maps are prepared annually in order to delineate the adequacy and availability of water supply, sewerage and transportation services and facilities in Baltimore County. Bill 12-19 establishes the 2019 Basic Services Maps for the next year until the 2020 Basic Services Maps are adopted. With regard to transportation, Section 4A02.4.D.1 of the BCZR provides:

The transportation standards and maps are intended to regulate nonindustrial development where it has been determined that the capacity of arterial and arterial collector intersections is less than the capacity necessary to accommodate traffic both from established uses and from uses likely to be built pursuant to this article. Such

development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the map becomes effective, be rated at level-of-service E or F under standards established by the Highway Capacity Manual, 1965, published by the Highway Research Board of the Division of Engineering and Industrial Research, National Academy of Sciences National Research Council.

BCZR § 4A02.4.D.1

Bill 12-19 provides that the intersection of Padonia Road and Deerco Road/Beaver Dam Road at a 600 foot radius from the center of the intersection is operating at a Level of Service F. Importantly, this failing traffic shed includes the Property.

As discussed above, the Property is located in the traffic shed of a failing intersection. The intent of the Basic Services Maps is to delineate the adequacy and availability of water supply, sewerage and transportation services and facilities in Baltimore County and specify those areas where deficiencies are present. On account of the deficiency of the intersection of Padonia Road and Beaver Dam/Deerco Roads, the impact of the Fuel Service Station is greater than one would typically expect of such a use. As the Court of Appeals articulated in the *Attar* case, a special exception is appropriately denied where there are facts and circumstances which demonstrate that the adverse impacts of the use *at the particular location* in question would be above and beyond those inherently associated with the special exception use. *Attar*, 451 Md. At 286. (emphasis added). The relevant facts and circumstances here are that the proposed use is located in the traffic shed of a failing intersection.

Clearly the language that the Court of Appeals chose to use in *Attar* indicates that one must take into consideration the location of the proposed use in determining whether the impacts of a special exception use will be above those inherently associated with the use. Some sites have natural features (e.g. floodplain or conservation areas) which would cause the impacts to be more pronounced at that location. Here, there is a failing intersection. Based upon the deficiency noted by Baltimore County in adopting the 2019 Basic Services Maps, it is clear that

the proposed Fuel Service Station will have a greater impact in the proposed location that it would in an area outside of the traffic shed of a failing intersection. Consequently, the use does not satisfy the requirements for approving a special exception use in Baltimore County and therefore should be denied.

ii. Queuing at the Padonia Road east bound left turn movement at Beaver Dam Road

Under current traffic conditions, the east bound turn movement on Padonia Road north onto Beaver Dam Road frequently backs up from the intersection to the northbound Interstate-83 off ramp. With the addition of the Sheetz and with no improvements proposed by the Petitioners to the Padonia Road and Beaver Dam Road/Deerco Road intersection, there will not only be increased congestion in the roads but also potentially dangerous conditions on account of the additional queuing by cars travelling east on Padonia Road trying to access the site. In addition, there is the likelihood that there will be more u-turns at the intersection to access the Sheetz site from Padonia Road, which will exacerbate congestion and the propensity for crashes.

iii. Narrow width access drive on Beaver Dam Road

The proposed access drive to the Property on Beaver Dam Road is a right-in/right-out, fifteen (15) feet wide in each direction. At the hearing, Ms. Hahn introduced a document from the Maryland State Highway Administration showing the standard acceptable design for commercial right-in, right-out access points (7-Eleven Exhibit 6). The document shows the required width of a right-in, right-out access point for a commercial use as twenty (20) feet wide for each movement. The Petitioners' Redlined Plan (Petitioners' Exhibit 2) shows the proposed width of the right-in, right-out access on Beaver Dam Road as being fifteen (15) feet wide for each movement. This design has the potential to create congestion in that larger vehicles accessing or leaving the site via the right-in/right-out access point may have to travel into the thru lane moving in the opposite direction. In addition, if the access points are too narrow then

vehicles may be more prone to striking the curb or making unsafe traffic movements to negotiate the narrow access.

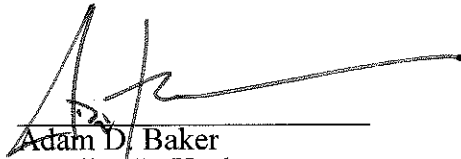
iv. Problematic Access

In addition to the right-in/right-out on Beaver Dam Road, generally, larger vehicles may have a difficulty accessing the site in a safe manner. At the hearing, Ms. Hahn discussed two exhibits showing the turning movements certain large vehicles (SU-30 truck (aka “box truck”) and WB-40 (average tractor trailer) will need to make in accessing the site (7-Eleven Exhibits 7 and 8). In order to access the site from both Beaver Dam and Padonia roads, trucks, such as the SU-30 and WB-40, will have to make a wide turn into oncoming traffic, in some instances blocking the entire width of the access points. In addition, such vehicles will be unable to use the right-in, right-out on Beaver Dam Road on account of its narrowness. Presumably, delivery trucks will need to access the Sheetz site in order to make deliveries (fuel and convenience store items) and other large vehicles may frequent the site to purchase fuel or items from the convenience store. Certainly, these types of deliveries and customers are expected and inherent in any Fuel Service Station use. In light of the location and site design on the Property, however, these impacts will be greater here than one would typically expect for a Fuel Service Station. As a result, the requested special exception relief should be denied.

CONCLUSION

For the reasons stated above and based on the evidence introduced at the hearing before the Board, the Special Hearing and Special Exception Relief should be denied.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Adam D. Baker', is written over a horizontal line.

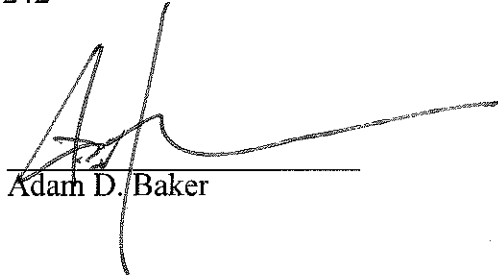
Adam D. Baker
Caroline L. Hecker
Gerard J. Gaeng
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, 21st Floor
Baltimore, Maryland 21201
(410) 727-6600
Attorneys for Respondents
7-Eleven, Inc. and 9709 Beaver Dam Road,
LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of July, 2019, copies of the foregoing Memorandum were sent by first class mail, postage prepaid to:

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

Michael R. McCann, Esq.
118 W. Pennsylvania Avenue
Towson, Maryland 21242



Adam D. Baker

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(300 Clubhouse Road)		
8 th Election District	*	OFFICE OF
3 rd Council District		
40 Clubhouse, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Daniel J. Frey	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2019-0163-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of 40 Clubhouse, LLC, legal owner and Daniel J. Frey, lessee (“Petitioners”). The special exception petition was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to approve a service garage in ML-IM.

Daniel Frey and landscape architect Michael Pieranunzi appeared in support of the petition. John B. Gontrum, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

In the aggregate, the site is 16.09 acres and zoned ML-IM. The property is improved with a large office/warehouse building (350,061 sq. ft.). The property at issue in this case is a small portion (4,872 sq. ft.) of the overall building, in which the Lessee would operate a service garage with five bays and a small office. The use is permitted by special exception in the ML-IM zone.

Special Exception

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of

appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Pieranunzi described the improvements shown on the site plan he prepared and opined Petitioner satisfied all requirements for special exception relief. He noted that in the ML-IM zone the garage must “serve primarily the industrial uses and related activities in the surrounding industrial area.” BCZR Section 253.2.B. Mr. Pieranunzi opined this requirement is also satisfied since the service garage (which has for many years been located just a few blocks from the subject property, on Beaver Dam Road) has many corporate and individual customers from the surrounding industrial area. In the absence of any evidence to rebut this *prima facie* case the petition for special exception will be granted.

THEREFORE, IT IS ORDERED this **14th** day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Exception seeking relief from Section 500.7 of the BCZR, to approve a service garage in ML-IM, 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. The special exception area for the use shall include only the 16,118 sq. ft. portion of the site outlined in green on the site plan marked and admitted as Petitioners’ Exhibit 1.

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

Signed
JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

12/27/07

IN THE MATTER OF THE
THE APPLICATION OF
WINDSOR ROLLING ROAD PROPERTY -
LO; WAWA, INC - C.P. FOR A
SPECIAL EXCEPTION ON PROPERTY
LOCATED ON THE SE/COR OF ROLLING
ROAD AND WINDSOR BOULEVARD
2845 ROLLING ROAD

2ND ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 06-449-X
*

* * * * *

OPINION

This matter is before the Board on an appeal from the Zoning Commissioner's Order in which a special exception was granted with restrictions. A de novo hearing was held before the Board on July 25 and August 1, 2007. Briefs were filed on October 1, 2007, and deliberation was held November 8, 2007.

Petitioners were represented by Arnold Jablon, Esquire, and David Karceski, Esquire, of Venable, LLP. Protestants were represented by Michael P. Tanczyn, Esquire.

Background

Windsor Rolling Road Property, LLC (hereinafter referred to as Petitioner or "WRRP"), owns a 1.85-acre parcel zoned M.L.-I.M. located on the southeast corner of the intersection of Rolling Road and Windsor Boulevard. This property is located within and on the edge of the Windsor Industrial Park. The property is surrounded on the north, south, and east by M.L.-I.M. (Manufacturing, Light - Industrial, Major) industrial properties. Residential homes are located on the opposite side of Rolling Road to the west of the property.

Wawa intends to lease the property from Windsor Rolling Road, LLC, and construct and operate a fuel service station and convenience store with a sales floor in excess of 1,500 sq. ft. Petitioner's request is for a special exception for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 sq. ft. and a carryout restaurant pursuant to §§ 253.2.B, 405.2B.1, 405.4E.1, and 405.4E.10 of the *Baltimore County Zoning Regulations* (BCZR). Wawa's proposed fuel service station

must, therefore, satisfy the requirements of BCZR § 502.1A through I. Additionally, it must meet the requirements of BCZR § 405.4E.1 through E.10, which permits certain other uses in combination with a fuel service station. These uses include a convenience store with a sales floor area larger than 1,500 sq. ft. and carryout service and other types of restaurants. These uses require special exception approval as well pursuant to § BCZR 502.1.

In addition to the requirements of § 502.1, for a fuel service station proposed on an individual site with an I.M. overlay district, the zoning regulations require that “it serve primarily the industrial uses and related activities in the surrounding industrial area.” (BCZR § 253.2B)

Protestants, Thomas and Martha Whitten, are property owners who reside on Rollwin Road, which connects to Rolling Road north of its intersection with Windsor Boulevard, the location of the subject site. Sajid Chaudhry and Iftikhar Ahmad, the other Protestants, are owners of the existing fuel service station located at 2701 Rolling Road, known as the Osprey station. The Osprey station is located on the same side of Rolling Road as the proposed Wawa station and is approximately ¼ mile from the proposed site.

Evidence Presented

PETITIONER’S CASE

Petitioners submitted evidence through the testimony of Gerard Wit, Senior Vice President for WRRP, and experts Nicholas J. Brader III, Professional Engineer, Kenneth W. Schmid, Traffic Engineer, and Joseph M. Cronyn, a real estate economist and market analyst.

Mr. Wit testified that the proposed site is located on the edge of the Rutherford-Windsor Corporate Park. Significant employers in the Park include Verizon, Baltimore Gas and Electric, Provident Bank, and the Federal Bureau of Investigation. Other major employers outside of the formal boundaries of the Park but within the overall M.L.-I.M. zone area include the Social Security Administration on Security Boulevard and the Health Care Finance Administration (HFCA) with access to Dogwood Road. Wit testified that there were only a limited number of restaurants located within the Rutherford-Windsor Corporate Park area.

Convenient dining opportunities available to employees and visitors to the industrial park were referred to as few and far between. Mr. Wit indicated that he had observed lines of individuals out the door of several restaurants every day. He felt that the limited dining opportunities make it difficult for WRRP to attract potential tenants when a leasing opportunity is available within the Rutherford Business Park.

Wit stated that the gasoline station would be located at one of the entrances to the business park on Rolling Road. He felt that employees in the business park would utilize the gasoline station and also would utilize the carryout services since the restaurant opportunities within the Rutherford Business Park were quite limited. Wawa intends to construct a 5,940 sq. ft. building of which 4,329 sq. ft. would be devoted to a convenience store and 750 sq. ft. to a carryout restaurant. That restaurant will offer breakfast, lunch, and dinner items. In addition, Wawa proposes to provide six fuel- pump islands with 12 fueling spaces and further improve the site with surface parking and vehicular access drives to both Rolling Road and Windsor Boulevard. Mr. Brader testified that the proposed layout for the fuel service station meets all of the applicable parking area and bulk and signage regulations that apply to the site. There are no variances requested for the site.

Petitioners' witnesses testified with respect to the elements necessary to meet the requirements of § 502.1 of the BCZR. Mr. Brader testified that the plan as presented by Petitioner would have no detrimental impact on the safety and general welfare of the locality (§ 502.1A). Mr. Schmid testified with respect to § 502.1B concerning congestions in roads, streets or alleys. He had visited the proposed Wawa site on approximately five occasions. He examined the surrounding roadways, the existing traffic patterns, and reviewed the County's Basic Services Maps for verification of levels of service at the intersection of these roads. In his opinion, the Wawa store would not generally tend to increase the amount of traffic that would traverse Rolling Road or Windsor Boulevard. In his opinion, convenience stores associated with gas stations, such as proposed for the Wawa site, do not generate trips but mainly are sustained by what are called pass-by trips or diverted trips. These are cars already traveling along the site that leave the road to go

in to obtain gas or a convenience item in the store. They generally are not destination trips which are created by stores such as WalMart or Target. In his opinion, traffic generated by the new Wawa store would be minimal, with approximately 85 to 90% of the trips generated by the site to be of the pass-by or diverted nature. He felt that any amount of new traffic placed on the road system by the minimal use would have little impact on the adjacent intersections. In addition, the intersection at Rolling Road and Windsor Boulevard is considered to be an "A" traffic section, which is the highest level of service. The intersection of Lord Baltimore Drive and Windsor Boulevard is rated by Baltimore County as Level "C." Lord Baltimore Drive is approximately two blocks from Rolling Road and goes through the Rutherford-Windsor Industrial Park. Mr. Schmid felt that the intersection of Rolling Road and Windsor Boulevard, which had the benefit of a traffic signal, makes it a good location for the use in comparison with a mid-block fuel service station without the control provided by a traffic signal. He stated that access to both roadways would be "full movement access" and designed to meet the County's standards with regard to commercial access. The automobile sight lines from the proposed access points onto Rolling Road and Windsor Boulevard would be adequate and require County approval. Schmid felt that the ingress and egress to the site would be well designed and could handle the type of traffic that the use would generate.

Concerning § 502.1C - potential for fire, panic or other danger, Mr. Brader, who has worked on numerous fuel service stations, confirmed that the special exception uses would comply with the applicable regulations that govern building permits. Any changes necessary to the configuration of Rolling Road or Windsor Boulevard to accommodate the proposed uses and access points proposed on both roadways would be designed to meet applicable Baltimore County standards. The site meets all the applicable and bulk regulations that pertain to the proposed use on-site circulation as required by the zoning regulations, and for these reasons, Mr. Brader felt that there was no potential hazard for fire, panic, or other danger. In addition, the Fire Department did not issue any adverse Zoning Advisory Committee comments on this particular matter.

Mr. Brader also testified that he felt that the proposed service station and uses in combination would not overcrowd the land or cause undue concentration of population under § 502.1B. The proposed use meets or exceeds all the applicable area and bulk regulations and fuel service station parking and stacking requirements and meets the minimum requirement for site area setbacks and landscape transition area requirements.

In response to § 502.1E – adequate provisions of public services, Mr. Brader felt that the proposed special exception uses would have no impact on adequate provisions for schools, parks, water, sewerage, transportation, or other public requirements, conveniences, or improvements. There would be no more than ten employees on the site at any time and therefore it would have no impact on public transportation, nor would it impact County schools in any way. It would be served by public utilities, and public water and sewer lines are located within the roadbed of Windsor Boulevard.

Mr. Brader also testified concerning § 502.1F –interference with adequate light and air. His opinion was that there would be no interference with adequate light and air since the proposed height of the convenience store and restaurant was one story as shown on the plat. Other than the canopy over the fuel pump islands, the height of the building was limited to the height of the convenience store. In addition, the total site area devoted to the proposed site is 80,630 sq. ft. The zoning regulations require only 45,816 sq. ft. to support the fuel service station and uses in combination therewith. The proposed building will occupy only 10 percent of the overall special exception area. Therefore, in Mr. Bader's opinion, there would be no interference with adequate light and air.

Mr. Brader also felt that the proposed use of the subject property was consistent with the property's zoning classification and not inconsistent with the spirit and intent of the zoning regulations under § 502.1G. Bader testified that the I.M. overlay district has a very limited purpose, primarily to allow certain automotive related uses in the County's manufacturing zones. The proposed fuel service station and uses in combination are permitted by special exception on the subject site because of its I.M. district. Additionally,

the site's I.M. overlay district imposes a requirement that the proposed special exception uses serve primarily the industrial uses and related activities in the surrounding industrial area. Mr. Cronyn, the Petitioners' real estate economist and market analyst, and Mr. Wit testified with respect to the satisfaction of this requirement.

Mr. Cronyn prepared a demand analysis that provided an analysis of the demand for a gasoline fuel service station in the area. He offered testimony to explain the conclusions and felt that the primary demand is going to be derived from the industrial zone for this particular location, and that approximately 2/3 of the demand would be coming from the industrial zone in the market area.

Protestants' Evidence

Thomas Whitten testified that he had resided on Rollwin Road since 1980. He testified with respect to the width of Rolling Road just north of Windsor Boulevard and identified pictures showing the character of the road, the width of the road, and the lack of a shoulder or sidewalks in that area just north of the proposed site. He stated that traffic is heavy during the rush hour and particularly between 4:00 p.m. and 5:00 p.m. He stated that the traffic backs up on Rolling Road in the evening and that he could not even get out of his house between 4:00 p.m. and 7:00 p.m. Mr. Whitten was concerned about deaf people that walk in the area and that the proposed Wawa site would create more traffic during rush hour as people would pull off to get something to eat or to obtain gasoline. There are several handicapped people in the area, and he was concerned for their safety.

Ifikhar Ahmad testified that he owned the Osprey station south of the proposed site. Mr. Ahmad was very candid in that his concern was the competition that Wawa would provide to his station. He stated that he has been operating for approximately 5 years and has seen the traffic increase. He also stated that a majority of his business came from the industrial park. He had people walking to the store and some came in cars. Jell Vending, located in the industrial park, buys gas and convenience items at his store. He stated that there is a service road south of the Osprey station that goes into the industrial park, and a number of

people use that road to get to his station. The rest of the people come along from Windsor Boulevard or Rolling Road.

The third witness presented by the Protestants was Jack Dillon, an expert in planning and land use. Mr. Dillon stated that he had visited the site on several occasions and that in his estimation there were 350 acres covering the industrial park, but that the primary area for servicing the industrial park was Lord Baltimore Drive, which runs through the industrial park. In his opinion, there were three service stations that serviced the industrial park. One station was the Osprey station on Rolling Road, the second was an Exxon station at the intersection of Rolling Road and Windsor Mill Road north of the site, and the third was a Sunoco station below Security Boulevard on Rolling Road at least ½ mile away. In addition, Mr. Dillon testified with respect to § 502.1. He felt that the location of the Wawa store at the place designated would be detrimental to the health, safety and welfare of the community. He stated that it would create congestion in streets and alleys and would be inconsistent with the purpose of the zoning classification. He did not feel that it would be primarily serving the industrial park in accordance with § 253.2B. In addition, Mr. Dillon cited three sites within the industrial park that he felt would be more appropriate for the location of a service station rather than at the intersection of Windsor Boulevard and North Rolling Road, lots 47 and 61 were not at intersections and Mr. Dillon did not know whether the first lot was available nor did he know whether the size would be acceptable for either of these lots. In addition, regarding the third lot, he was not sure if it was within the industrial park or outside the industrial park.

Decision

The Board has reviewed the testimony and evidence presented by both parties and is of the opinion that the special exception should be granted. The testimony of Petitioners' witnesses Brader and Wit clearly show that the proposed fuel station and convenience store will primarily serve the individuals within the Rutherford Windsor Industrial Park. This testimony is supported even by the witnesses for the Protestants. Mr. Ahmad, one of the owners of the Osprey station, testified that he was concerned about the competition

that would be provided by the Wawa store. He stated that a large amount of his business came from the industrial park and he was afraid of losing it. The Court of Appeals has ruled that competition is no basis for protesting the granting of a special exception. [See *Kreatchman v. Ramsburg, et al*, 224 Md. 209.] The testimony of Mr. Ahmad supports the testimony of Petitioners' witnesses that a large amount of business will be generated by the industrial park. In addition, Mr. Dillon testified that the fuel stations servicing the industrial park were the Osprey station, an Exxon station at the corner of Windsor Mill and Rolling Road north of the proposed site, and a Sunoco station on Rolling Road south of Security Boulevard, which is south of the proposed site. It is obvious to the Board that a Wawa station at the corner of Windsor Boulevard and Rolling Road would be far more convenient for individuals in the industrial park than a station at the corner of North Rolling Road and Windsor Boulevard, approximately ½ mile above the proposed site, or the station below Security Boulevard, which is at least ½ to ¾ mile from the site. Since the owner of the Osprey station indicates that a large amount of his business comes from the industrial park, it therefore follows that the Wawa station would also obtain a large amount of business from the industrial park. In addition, the testimony of Mr. Wit with respect to the number of restaurants or eating establishments available in the industrial park indicates that an additional carryout store would be welcome in that area.

With respect to the other aspects of § 502.1, the majority of Protestants' testimony centered on the traffic issue. There is no question that the traffic on Rolling Road is quite heavy, particularly during the morning and evening rush hours. Mr. Whitten's concern about deaf and other types of handicapped individuals is certainly laudable, however the location of the Wawa store at the proposed site would have no effect on the safety of these particular individuals. In addition, the Board credits the testimony of Mr. Schmid that the Wawa store will not generate a significant amount of additional traffic to warrant denying the special exception. It is apparent that the additional traffic, if any, will be generated by "passer-by" trips rather than destination type trips as would be generated by a large department store or other type of retail

operation.

Finally, the Protestants argue that there are facts and circumstances that show that the particular use proposed at this particular location would have an adverse effect above and beyond those inherently associated with such a special exception use irrespective of its location within the zone (*Schultz v. Pritts*, 291 Md. 1 at 11 (1981)). In support of this position, Protestants cite that there are three other lots where they contend that the proposed Wawa fuel station and convenience store could be located, which would be more convenient and better-suited to the health and safety of the community. Two of the lots are within the Rutherford-Windsor Industrial Park and it is questionable whether the third is located within the park or not.

The language of *Schultz v. Pritts* appears to have been misinterpreted by a number of practitioners in the field since the issuance of the decision. The Board does not feel that it is the obligation of a Petitioner to seek out additional sites within the particular zone involved in order to determine whether or not the site they have selected is more or less favorable than the proposed two or three sites that might be able to accommodate the business seeking the special exception. The Board does not feel that the Petitioner is obligated to seek out other sites to make such a determination. By the very nature of a special exception, there will be adverse effects visited upon the surrounding communities. The question that must be answered is whether or not the adverse effects at the particular location make it less desirable to locate the business at that particular place rather than located somewhere else within the particular zone where the adverse effects might not be as great. The Board finds that there are no adverse effects at the proposed location that make it less desirable to operate the business there than elsewhere in the zone.

The Board agrees with the Zoning Commissioner that the Petitioners do not have the burden to present comparative testimony or evidence relating to anticipated adverse effects of the proposed use on other similar parcels within the zone. The Board cites the statement set forth by the Court of Special Appeals in *Lucas v. People's Counsel for Baltimore County*, 147 Md.App. 209 (2002) where the Court stated:

The Board recognized that finding a better site was not the issue. We believe that that the Board applied the appropriate standard. (*Lucas* at 240)

Further, the Board finds that the appropriate standard has been applied in this matter and that the special exception should be granted.

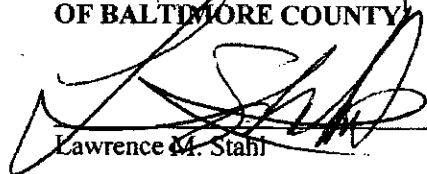
ORDER

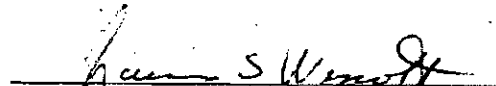
IT IS THEREFORE this 27th day of December, 2007 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Exception to permit the fuel service station pursuant to *Baltimore County Zoning Regulations* (BCZR) § 253.2B.1 in combination with a convenience store with a sales area floor area larger than 1,500 sq. ft., and a carryout restaurant pursuant to BCZR § 405.2B.1, 405.4E.1 and 405.4E.10 is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl


Lawrence S. Wescott

¹ This case was originally heard and publicly deliberated by a panel comprised of three members of the Board of Appeals of Baltimore County; viz., Margaret Brassil, Ph.D., Chairperson; Lawrence M. Stahl; and Lawrence S. Wescott. However, prior to public deliberation, Dr. Brassil resigned from the Board of Appeals effective 9/28/07. The two remaining panel members, Mr. Stahl and Mr. Wescott, publicly deliberated this matter on 11/08/07 and reached the above unanimous decision at that public deliberation.

12/27/07



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

December 27, 2007

Michael Tanczyn, Esquire
606 Baltimore Avenue
Suite 106
Towson, MD 21204

RE: *In the Matter of: Windsor Rolling Road LLC - LO;*
Wawa, Inc. -CP Case No. 06-449-X

Dear Mr. Tanczyn:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition. If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Thomas and Martha Whitten
Sajid Chaudhry
Ifikar Ahmad
Jack Dillon
Nickolas Johnson, Vice President /Claybrook Community Association
Arshad Ransha
Abdul Rauf
Khalid Azam
Arnold Jablon, Esquire
Windsor Rolling Road Property LLC / Edward St. John LLC /Gerard Wit, VP
Tom Pilon
Wawa, PA /Joseph Losak, VP /Real Estate
Nicholas Brader III, PE /Matis-Warfield, Inc.
Kenneth Schmid /Traffic Concepts, Inc.
Joseph M. Cronyn /Lipman Frizzell & Mitchell, LLC
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



10/1/07

IN THE MATTER OF

WINDSOR ROLLING ROAD PROPERTY

Legal Owner: WAWA, INC. - C.P. /.

Lessee

SE/cor Rolling Road and Windsor

Boulevard

2nd Election District

4th Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No. 06-449-X
* July 25, 2007

* * * * *

PROTESTANTS' MEMORANDUM

RECEIVED
OCT 01 2007
BALTIMORE COUNTY
BOARD OF APPEALS

NOW COMES Mr. and Mrs. Thomas Whitten, Iftikar Ahmad and Sajid Chaudhry, Protestants, by their attorney, Michael P. Tanczyn, submits this Memorandum to assist the Board in its deliberation for this case.

Statement of the Case

This matter involves the *de novo* appeal of the Zoning Commissioner's grant of a Special Exception for a C-store with carry-out restaurant and gas and go fuel service station at the southwest corner of Rolling Road and Windsor Boulevard. The hearing was conducted before the Board of Appeals on July 25, 2007 and August 1, 2007.

Statement of Facts

Gerard Wit testified for Petitioners. He is a Senior Vice President for Windsor Rolling Property, LLC, the proposed Lessor seeking to obtain zoning approval for the 1.8 acre parcel at the southwest corner of Windsor Boulevard and Rolling Road in the Rutherford Industrial Park (T9-11). Rutherford Business Park is contiguous to Windsor Corporate Center, all of which was zoned ML-

IM (T11, 12, 16). McCormick Properties had developed the original industrial park beginning in the early 1970s and created 1.5 million square feet of industrial area and office space to 1989 (T15). He testified there was heavy traffic on Rolling Road as well as Lord Baltimore Drive. Lord Baltimore Drive didn't even exist seven years ago and it has become a heavily traveled road through the middle of the corporate park (T20). He described traffic at that intersection as heavy (T21). He testified as to the need for the proposed convenience store/gas station (T23) as providing dining opportunities to supplement those located at the southern end of the industrial park on Dogwood Road. He estimated there were approximately 5,000 employees in the Rutherford Business Park (T28) with Windsor employers employing another 2,000 to 2,500 employees (T28). He testified the hours of operation of the industrial park were Monday to Friday, 8 a.m. to 5 p.m., or 8 a.m. to 6 p.m. (T30); that there was considerable drop off on the weekends (T31). He believed the Osprey site was not part of the approved industrial park (T34), but then acknowledged it was part of another industrial park called the Merritt Windsor Corporate Park (T35-36). He testified that he resided in Cockeysville and traveled the Beltway to get off at Liberty Road and come down Lord Baltimore Drive to his St. John's offices on Lord Baltimore Drive (T38). He had done no studies to determine travel routes of any of the tenants or their employees (T38), nor to identify those corporate tenants or property owners in the park that had cafeterias or number of employees who brought their lunch to work (T38-39). He was unaware of the Tiger Mart at the Exxon at the intersection of Windsor Mill and Rolling Roads (T41), or of eateries on Windsor Mill Road in the vicinity of Rolling Road (T42). He was unaware of whether BGE fueled its own vehicle fleet (T44), and had done no studies to determine where corporate tenants fueled their vehicles (T45). He testified he primarily used Lord Baltimore and was generally unfamiliar with other roads in the neighborhood since he used Lord

Baltimore primarily (T46). He had not studied traffic volumes as recorded by Baltimore County for the neighborhoods (T47). He had no data to suggest by percentage or number the employees or visitors coming to the industrial park from the Rolling Road gateway (T47). He was unaware that parking was prohibited on both sides of Windsor Boulevard adjacent to the subject site or that there was a bus stop directly across from Petitioner's site on Windsor Boulevard (T47-48). He was unaware of the speed limit on Windsor Boulevard (T48) or on Rolling Road. He was aware of the residential uses on the west side of Rolling Road across from the subject site (T49). He believed that the traffic in the neighborhood had grown steadily on Lord Baltimore Drive as people discovered it connects Liberty Road and Security Boulevard (T51). He had done no studies or surveys with tenants or property owners to see what the hours of operation were (T52), and he was unfamiliar with the zoning classifications in the neighborhood in the vicinity of the subject site or the residential communities in the neighborhood. He was unaware of the number or location of any fuel tanks in the corporate park that had motor fuel stored in them (T55), and had not done any surveys to determine that. He agreed the Osprey was the only fuel service station on the western boundary of the industrial park (T56), but had not done any license plate surveys or checks to determine how many of the park employees, visitors or guests utilized the Osprey (T56).

Joseph Cronyn provided a market analysis. He is a partner in Lipman, Frizell & Mitchell, a commercial appraisal and real estate consulting firm (T61). He had visited the site approximately five or six times since being retained (T71) and presented his marketing report which concluded that 64.9 percent of the business of the WAWA, if approved, would come from the industrial park (T76). He defined the primary marketing area as being bounded by the Baltimore Beltway on the east, Dogwood Road on the south, Rolling Road on the west, and Windsor Mill Road on the north (T78).

He identified the two sources of demand within the primary marketing area as the residents of the residential area west of Rolling Road, as well as the industrial park users (T78-79). He could not and therefore did not calculate visitors to the park in his consumer numbers (T81). His estimate that 2/3 of the park demand would be served by the WAWA was based on his assumption that there were three gas stations located in the primary market area and that the WAWA would have to compete with the other two stations for the existing demand (T82). The source of his documentation included his interview with Mr. Wit of St. John's Properties (T90) who believed that BGE fueled their service fleet from their own gasoline pumps (T91). It was his understanding that, other than BGE, no fueling was being conducted within the industrial park by any other tenant or owner (T92). When questioned about the difference in his figures between his 2006 and 2007 market analysis which were both based on the 2000 census (T95), he explained that by dividing the GIS boundaries, more homes or more vehicles are captured on one side of the line or the other (T97, 98), even though he utilized the same primary market area for both studies (T100). He estimated 40 percent of the consumers would purchase fuel closer to home; 40 percent closer to work; and 20 percent somewhere in between (T100). He acknowledged the Osprey C-store and service station was the only gasoline service station presently located within the industrial zone (T102), and was unaware of the gas station on Dogwood Road at the southern end of the park (T103). He acknowledged if a majority of the persons coming to the industrial park from the north or south came by way of the Beltway or Lord Baltimore Drive they wouldn't be anywhere close to the proposed site on their way to work in the industrial park (T108). He further acknowledged their gasoline needs have been met prior to this time without the WAWA being present since the industrial park was build out (T109). He had made no inquiry of employees, visitors, or St. John's Properties, to establish where people utilizing the

park are getting their gasoline currently (T110). He was unaware what percent of the industrial area was already being served by the Osprey (T115) based on his assumption that any new station such as the WAWA would provide competition and would take a portion of the business (T115-116). He testified that he had traveled by way of Rolling Road as well as Lord Baltimore Drive from north to south to get to the industrial park (T119), and had not reviewed any Baltimore County traffic data as to either of those movements.

Nicholas Brader, Professional Engineer, testified that he had prepared the site plan for this site which was zoned ML-IM and comprised 1.8 acres $\pm$ (T127). He testified the WAWA C-store was going to be approximately 5,940 square feet (T141) and that would include a carry-out restaurant (T151). When asked if the proposed uses at that location would have any greater impact at this location and elsewhere in similar properties in the zone, he initially answered there would be no greater impact here than anywhere else (T157). He testified that the contiguous IM industrial area was 250 to 300 acres (T161) and he pointed out the limits of the Windsor Corporate Park and the Rutherford Business Center (T162). He acknowledged the Osprey Center is also part of the Rutherford Business Center South (T170), but was unaware of any cross easements by declaration affecting either the subject site or the Osprey (T171-172). He was aware of the "no parking" restrictions on Windsor Boulevard adjacent to the Petitioner's site and the location of the No. 77 bus stop across the street from the entrance to Petitioner's site (T177-178). He identified the residential zoning line as running down the middle of Rolling Road adjacent to the Petitioner's site (T182). He had not traveled the entire distance between Liberty Road and Security on both Rolling Road and Lord Baltimore Drive during rush hours (Day 2/T5). He identified Rolling Road as four lanes south of Windsor Boulevard in the immediate neighborhood and two lanes north of Windsor Boulevard

near the Petitioner's site (Day 2/T7), and that there were no sidewalks on Windsor Boulevard down to Lord Baltimore Drive (T9). He did not recall if Rolling Road going towards Windsor Mill above the site was lacking sidewalks or shoulders (T12). He testified there were no provisions on the plans for receptacles where customers of the WAWA could deposit trash when they exit the store (T15). He testified he was retained by the Petitioner sometime early in 2006 (T21) and had visited the property between 20 and 30 times since he was retained (T21). He had originally been retained to do the work on the office buildings constructed on Windsor Boulevard immediately due east of the Petitioner's site (T22); and he acknowledged that the 300 to 350 acre ML-IM park area was within the URDL (T24). He made no efforts to search for alternative sites to locate the WAWA further within the ML-IM zone instead of on the periphery (T24), and made no search for a better site within the ML-IM zone (T25). He testified he had never seen emergency vehicles on Rolling Road struggling to get through stopped traffic (T29); and he acknowledged that between Windsor Mill and Windsor Boulevard on Rolling Road there was no road access directly into the industrial park which would require that traffic to go through the residential community (T32); and he confirmed that Rollwin Road from Rolling Road terminates in a short distance at Windsor Mill (T32). Kenneth Schmide, the Petitioner's traffic expert, testified that he believed the site was surrounded by industrial uses and ML-IM zoning (T43) for the site which he had visited five times since being retained (T43). He believed that the traffic service rating at the intersection of Windsor Mill and Rolling Road was rated at a D level of service (T53) and that Rolling Road in that area carried a significant amount of traffic, approximately 24,000 cars per day. During peak times he believed it would be difficult to make a left-turn from there onto Rolling Road (T56). He acknowledged Protestants' Exhibits 4 through 7 which were from his files at the prior hearing, including Baltimore County turning

movement counts for the intersections of Rolling and Windsor and Lord Baltimore and Windsor (T61, 62, 65, 66, 68, 69). He calculated for the intersection of Lord Baltimore and Windsor Boulevard a B level of traffic service in the morning and a C level of service in the afternoon (T73), and he acknowledged on Lord Baltimore at Windsor Mill there were two lanes northbound and southbound in each direction (T74). He acknowledged the most recent traffic count for Lord Baltimore Drive and Windsor Boulevard done by Baltimore County Traffic Engineering for turning movement count data at Lord Baltimore Drive and Windsor Boulevard (T77-78) which indicated the level of traffic service had decreased from the prior turning movement data to a C level of service which meant more traffic on Lord Baltimore Drive since the previous studies several years ago (T78). He was unfamiliar with the traffic level of service at Liberty coming off the Beltway onto Lord Baltimore Drive (T84) or of any work done at that vicinity completed in the last year to improve traffic conditions (T84). He had driven the Rolling Road corridor north of Windsor Mill Road out to Liberty Road and from Lord Baltimore Drive from Windsor Mill Road out to Liberty Road (T86). He acknowledged that Rolling Road between Liberty Road and Security Boulevard did not meet the definition of an arterial road as set forth in the Baltimore County Zoning Regulations under Section 101 (T88-91) because on Rolling Road the speed limits are below 40 mph and narrow and are now four or more lanes and has no shoulder and no sidewalks (T88-89). He agreed that Lord Baltimore Drive bisects or cuts through the industrial park area more directly than Rolling Road does on the periphery of the industrial park (T100). He testified he did not look at any other sites within the industrial zone to assess traffic conditions as opposed to putting the WAWA at this location and specifically didn't look at siting the station on Lord Baltimore Drive (T106) because when he was hired he wasn't asked to say where was the best place to put it; he was asked to study a specific

location (T106).

Thomas Whitten, Jr., a Protestant, had resided at Rollwin Road since 1980 in Hebbville Park (T108-109). He testified to the narrow width of Rolling Road just north of Windsor Boulevard (T112); identified pictures showing the character of the road, the width of the road, and the lack of a shoulder or sidewalks in that area just north of the Petitioner's site (T112-113). He testified based on his long years of residence that he witnessed great traffic congestion on Rolling Road and during rush hour. He testified that he goes out a different way (T115). He testified Rollwin Road connects from Rolling Road to Windsor Mill Road which historically had been a shortcut for police and fireman to go down as a narrow road (T116) populated by special needs persons with hearing disabilities and other handicaps (T116-118). He testified Rollwin Road, the shortcut, was very narrow and two cars couldn't drive past each other at the same time (T118-119) and was built without sidewalks on either side of the road (T119). He had seen emergency vehicles cut through Rollwin when traffic is backed up on Rolling (T119) and when there was an accident on Rollwin, people had to use the grass and people's property to pull over because there was no shoulder and people are stuck when that occurs (T120). His concerns were for the safety of deaf people, both pedestrian and otherwise, such as himself who have driver's licenses (T121-124). He believed that locating the WAWA at this location would increase traffic in the area (T125). He testified there were numerous places to eat in the vicinity of Windsor Mill Road in the primary market area, many of which were carry-out (T124).

Iftikar Ahmad testified as the co-owner of 2701 Rolling Road, the Osprey station, that he had been at the site for the previous four years almost every day (T128-129). He testified that the customers coming to the Osprey came from the industrial park based on his direct observations

(T130-133). He testified that he had observed on Rolling Road in the vicinity of Windsor Boulevard northbound traffic staying in the lane and cutting off drivers on Rolling Road past the intersection particularly during rush hour (T133). He observed an accident in that intersection in 2007 (T134). He anticipated the area would go crazy with traffic because WAWA brings more traffic based on their marketing philosophy (T134, 136). He testified since the Osprey opened in 2002, that his business caused a slight increase in the traffic on Rolling Road (T146).

Jack Dillon, admitted as a Planning Expert, next testified for the Protestants. Mr. Dillon, in preparation for his testimony, had reviewed the back property title for the WAWA site (T164-165) and had familiarized himself with the neighborhood, the site and the area since May or June of 2006. He had traveled the road network between Security Boulevard to Liberty Road on both Rolling Road and Lord Baltimore Drive (T166). He noted the facilities presently servicing the IM district and reviewed the Zoning Regulations and the basic services maps (T167). He described the IM district as 350 acres, all contiguous and zoned ML-IM (T168) and considered it one industrial zone.

In his testimony his objections were based first on his reading of BCZR 253.2b which describes permitted auxiliary uses in an ML Zone subject to the standards (T170-173). He described the industrial park as having developed over a long period of time from the late 1960s to the early 1970s through the present (T171). He questioned whether with the existing Osprey station the WAWA site would primarily serve the industrial uses in the park (T172-176). He next expressed his opinion that Lord Baltimore Drive was the primary access because it links Liberty Road with Security Boulevard closer to the Beltway than does Rolling Road for access and as a better road on which to locate the WAWA (T176-180). He contrasted Lord Baltimore Drive with Rolling Road with Lord Baltimore being a four lane very wide road with excellent travel capacity and access to

and through the industrial park (T178), and from Windsor Mill Road up to Liberty Road when going through the residential neighborhood there as a two lane road. He testified Rolling Road was narrower beginning at Windsor Mill Road. It twists and turns on the path of the original Rolling Road which had been an Indian path at an earlier time (T179). He found the fuel service facilities currently serving the industrial park to be the Exxon station at Windsor Mill and Rolling Road, the Osprey on Rolling Road below Windsor Boulevard, a Sunoco just below Security Boulevard on Rolling, as well as another service station off Dogwood Road inside the Beltway just east of the industrial park (T183). In his opinion as an expert planner, he believed the placement of two fuel service facilities almost next to each other would create the types of problems voiced under Bill 40 back in 1967 when the service station regulations were amended (T184, 181-182). When he considered alternative sites within the same industrial park where a WAWA could be located which would better primarily serve the industrial park (T184), he found three sites on Lord Baltimore drive that he felt would fit the criteria: lot 47, lot 19, and on the north side of Windsor Boulevard east of Lord Baltimore Drive (T187, 189-191). He expressed his expert opinion that the adverse effects at the proposed site under the Shultz v. Pritts standard could be eliminated, alleviated or avoided if one of the other sites mentioned on Lord Baltimore Drive were to be utilized (T195-199). He believed in order to meet the BCZR 253.2b definition that a service facility be located to primarily serve the industrial park that it would be more incumbent with the prior construction of the Osprey station to locate the second one in a way or place that is more internal to the park as the basis for his opinion that any of those three sites would be a better location for the WAWA than the proposed site given the traffic conditions and road conditions of Rolling Road in the vicinity of Petitioner's site (T198-201).

The question presented is: Did the Petitioner's choice of a specific site located on the western boundary of the relevant ML-IM industrial park which caused Petitioner to exclude consideration of any other site, cause Petitioner to fail to meet its burden under Schultz v. Pritts to analyze whether the adverse impacts presented in the evidence before the Board of Appeals could be obviated, minimized or eliminated if one of three alternate sites located within the same ML-IM industrial park and on the main thoroughfare of Lord Baltimore Drive were chosen as the location for the proposed WAWA?

Argument

By single shooting its desired site, Petitioner overlooked its responsibilities to consider adverse impacts at the site chosen compared to other available sites within the ML-IM zone on Lord Baltimore Drive, the central thoroughfare in the 300+ acre contiguous industrial park and therefore Petitioner should be denied the Special Exception request to locate the WAWA on the inferior Rolling Road intersection chosen.

No matter whether the Board of Appeals looks at the road network servicing the industrial park from the Beltway west to Rolling Road between Liberty and Security Boulevard, or from any review of the testimony of witnesses for both Petitioner and Protestants, what must strike the Board is the stark contrast between the quality and condition and character of the main north-south thoroughfares of Lord Baltimore Drive and Rolling Road. Lord Baltimore Drive within the industrial park meets the definitions of an arterial road while Rolling Road does not. Those criteria include the requirement for speed limits over 40 mph and for at least four travel lanes would qualify for an arterial road. While Petitioner's witnesses agreed as to the character and nature of the road, the traffic expert attempted to embroider the new amended arterial road definition, i.e., that of a

functional arterial road. The BCZR Section 101 definitions set forth the definitions. The aerial and other photographs amply illustrate for the Board the stark difference in the character not only of the two roads, but the absence of sidewalks or shoulders on Rolling Road, particularly significant and problematic in the residential areas immediately north of the Petitioner's site on Rolling Road. Rolling Road telescopes to two lanes without shoulders much as it has been from its original creation more than a century ago.

There is no dispute that when traveling southbound from Liberty Road while there are numerous turn-offs within the industrial park directly off Lord Baltimore Drive, the first opportunity a southbound traveler on Rolling Road would have to enter the industrial park would be at Windsor Boulevard from the north. It is not anywhere close to a fairly debatable issue as to which roadway is superior in terms of providing better service to the industrial park. Rolling Road also runs through more residential areas than does Lord Baltimore Drive once the industrial park is reached from the north on Lord Baltimore Drive. Lord Baltimore Drive, according to the testimony of Mr. Wit, was specifically extended in order to take the pressure off Rolling Road and to better serve the industrial park. While it has, he believed, achieved that effect, the latest traffic count from July of 2007 for the intersection of Windsor Boulevard and Lord Baltimore Drive indicates that the traffic levels are increasing on Lord Baltimore Drive showing that it has become the predominate route of choice for those who work in the industrial park coming from the Baltimore Beltway or the north and south of the industrial park area. The Board will note from the testimony and the aerial exhibits that Windsor Boulevard west of Rolling Road dead ends into the Diamond Ridge Golf Course and the residential uses west of Rolling Road.

The Petitioner's selection of a specific site blinded them to their responsibilities to

entertain the possibility that there would either be adverse effects at this site or that those adverse effects would be worse at this site than if the proposed WAWA were located elsewhere in the industrial zone. There is no dispute and therefore no question that this 300-350 acre contiguous IM district is primarily served by Lord Baltimore Drive between Liberty Road and Security Boulevard. Similarly, there is no serious debate or dispute that neither the Petitioner, based on the testimony of Mr. Wit, nor any of its expert witnesses, Mr. Cronyn, Mr. Schmide and Mr. Brader, ever considered or was asked to consider alternative sites such as the three sites identified by Protestants' expert Jack Dillon on Lord Baltimore Drive. To the contrary, Petitioner's witnesses stated either they were not asked to do so or did not do so and therefore their opinion testimony that there were no other sites within the industrial zone better suited for locating this WAWA did not stand up to questions asked on cross examination. The cross examination of all of those witnesses, except Mr. Dillon, revealed to the Board that no such possibility was contemplated, let alone studied. Mr. Dillon's testimony conversely revealed that from a planning perspective it was a bad idea to site or locate two large gas stations side by side on the western periphery of the industrial park when the divisions of BCZR 253.2b require that auxiliary services such as those proposed by the WAWA are to be designed in order to provide more than half their business by serving the industrial park tenants and visitors.

Mr. Dillon identified three sites of at least an acre and a half or larger in size located right on the prime north-south route of Lord Baltimore Drive. He described those sites as generally level and rectangular, large enough to accommodate the proposed WAWA site. Petitioner's witnesses' testimony that the adverse effects at the subject site would be no worse at any other location won't hold water because they never even studied it. Petitioner's witnesses merely said it. An expert's

opinion is only as good as the underpinnings for the opinion. If an expert witness does not bother to ever study a question, that expert's opinion on the question should only be considered by the Board based on the effort put forth by the expert prior to answering the question.

The Schultz v. Pritts standard was cited with approval fairly recently in the case of AT&T Wireless Services v. Mayor and City Council of Baltimore, 123 Md.App. 681, 720 A.2d 925. In that case the Court cited with approval the testimony before the hearing board that alternative sites had been studied and that less intrusive sites had been identified for consideration. That simply did not occur in this case, nor was there any contention by the Petitioner that they attempted to do so before expressing their opinions. In Schultz v. Pritts, 291 Md. 1, 432 A.2d 1319 (1981),

"The duties given to the Board are to judge whether the neighboring properties and the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan...The extent of any harm or disturbance to the neighboring area and uses is, of course, material. If the evidence makes the question of harm or disturbance or the question of the disruption of the harmony of the comprehensive plan of zoning fairly debatable, the matter is one for the Board to decide. But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious and illegal. These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied." Schultz, supra, 291 Md. at 11-12, quoted with approval in AT&T Wireless, supra, at 691-692.

The Court of Special Appeals continued its analysis saying:

"In short the test, as developed in *Schultz* is not whether a special exception is compatible with permitted uses in a zone or whether a conditional use will have adverse effects. Adverse effects are implied in all special exceptions. The standard to be considered by the Board is whether the adverse effects of the use at the particular location proposed would be greater than the adverse effects ordinarily

associated with that use elsewhere within the R-1 zone.” Mossburg v. Montgomery County, 107 Md.App. 1, 8-9, 666 A.2d 1253 (1995), cert. denied, 341 Md. 649, 672 A.2d 623 (1996); AT&T Wireless, supra, at 692, quoting Schultz.

On the issue of adverse effects, the ground level pictures as well as the aerial exhibits introduced give the Board a bird’s eye macro view as well as the on the ground comparison between the quality, character and traffic capacity of the newer Lord Baltimore Drive and the meandering, narrow, Rolling Road. Those pictures also set forth for the Board the proximity of the affected residential areas which are generally along the western border of the industrial park in the residentially zoned areas to the west of Rolling Road and to the north of Windsor Boulevard. The testimony of the Whittens and Mr. Ahmad as to the tremendous Rolling Road traffic and the affect that the telescoping nature of Rolling Road just north of Windsor Boulevard has on the traffic was testified to eloquently by the Protestants’ witnesses, the Whittens and Mr. Ahmad. Conversely, the Petitioner’s witnesses had not observed much of what the Protestants testified to, nor had they made any study to discover the true conditions.

Once the Board determines that Lord Baltimore Drive is more central and certainly located within the ML-IM district, the comparison of the two roads weighs in favor of locating the proposed WAWA on Lord Baltimore Drive rather than Petitioner’s predetermined location, Rolling Road and Windsor Boulevard. Because of Petitioner’s determination where they wanted to locate it, Petitioner’s blinded themselves to the requirements of Schultz and made no attempt to study the realities of traffic capacity on Rolling Road and Lord Baltimore Drive which became apparent once

Petitioner's witnesses were cross examined when they readily admitted they had not done so. The matter of considering adverse impacts on a particular site against the adverse effects if the site were to be located elsewhere in the zone was considered under the aforesaid Schultz v. Pritts standard in the case of People's Counsel for Baltimore County v. Country Ridge Shopping Center, Inc., 144 Md. App. 580, 799 A.2d 425. (2002). That case dealt with a proposed location of a pawn shop in the eastern area of Baltimore County. In that case, the Board of Appeals concluded the pawn shop would have an unduly adverse impact in the intended location. People's Counsel, supra, at 585-586. The Board should consider the goals set forth in the obvious requirements of BCZR 253.2b, that fuel service stations are to derive and to be established as auxiliary uses in a IM district, and that 51 percent of their business or more will come from the industrial park in which they are located. To place two fuel service stations on the western periphery of the 350 acre contiguous industrial park while there are three sites on Lord Baltimore Drive centrally located which would cause the traffic generated by each fuel service station to be ameliorated by geographic dispersion of the fuel service sites points up that the concentration at this half block of two fuel service stations is a bad idea and will cause adverse impacts based on the existing and projected traffic flows on narrow Rolling Road. The road according to Protestants' witnesses backs up in the morning and the evening and in the area of the narrowing particularly so. That clearly could be avoided as an adverse effect at Petitioner's chosen site had Petitioner attempted to study or actually located the proposed WAWA on Lord Baltimore Drive. Petitioner's expert witness said it directly: that the matter had to do more with competition by placing the station at the corner adjacent to the existing Osprey than in deciding whether there was a better location for it which he did not do. He was not alone. None of Petitioner's expert witnesses did so.

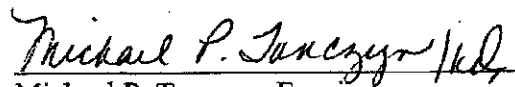
The Court of Special Appeals in the pawn shop case differentiated between its earlier decision finding the Baltimore County Government had been unduly restrictive in their construction of the exemption for relocation of existing pawn shops from the need of any special exception applicant to otherwise meet the requirements of Schultz v. Pritts. People's Counsel, supra, at 587. The Court said in that case as in all zoning cases, "we will accept the agencies conclusions (Board of Appeals) if they are based on substantial evidence and if reasoning minds could reach the same conclusion based on the record." People's Counsel, supra, at 593. As applied to the current case, the Petitioner's paid their lip service to Shultz v. Pritts requirements having determined before submitting its application that it wanted a particular site to be approved next to or very close to an identical operation which had operated for five years to the time of hearing. When the Board of Appeals considers Petitioner's request, it is to draw all reasonable inferences from facts and circumstances presented before it in reaching its conclusion as to whether the Petitioner has met its factual burden. People's Counsel for Baltimore County v. Mangione, 85 Md.App. 738, 584 A.2d 1318 (1991). Further, the assessment of the adverse effects is to be made on a case by case analysis and the zoning body in the application of this expertise is to recognize the effects of the proposed use that it considers common to that use regardless of where it may be located in the applicable zone. Sharp v. Howard County Board of Appeals, 98 Md.App. 57, 632 A.2d 248 (1993).

Protestants' expert Mr. Dillon went through the process and located three vacant, level, rectangular sites on the main thoroughfare, Lord Baltimore Drive, which none of Petitioner's witnesses was aware of or had considered for the reasons already stated. Mr. Dillon then reasoned and fairly inferred that in order to meet the requirement that 51 percent of its business would come from the industrial park, that the Petitioners in the WAWA case should have taken account of the

existing Osprey also located in the industrial park and looked for and found any of the alternative sites which Mr. Dillon found as located on a better road with more traffic capacity which met the definition of an arterial street which Rolling Road did not. The facts and circumstances showing the adverse effects on the community were testified to by the Whittens and Mr. Ahmad. They were studiously ignored by Petitioner's witnesses, as well as Petitioner through its representative. The provisions of BCZR Section 502.1 were not met by Petitioner because of the Petitioner's failure to even consider adverse effects or alternative locations within the zone for a basis of comparison. The Court of Special Appeals has found and recognized that traffic impact is a sufficient basis to deny a zoning application including an application for a special exception. Templeton v. County Council, 21 Md.App. 636, 321 A.2d 778 (1974), Temmink v. Board of Zoning Appeals, 212 Md. 6, 128 A.2d 256 (1956), Hardesty v. Zoning Board, 211 Md. 172, 126 A.2d 621 (1956), quoted with approval in Schultz v. Pritts, supra, at 18.

Conclusion

For the authorities cited, Protestants respectfully request the Board of Appeals to deny the Special Exception.


Michael P. Tanczyn, Esquire
606 Baltimore Avenue, Suite 106
Towson, MD 21204
410-296-8823
Attorney for Protestants

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of October, 2007, a copy of the foregoing Memorandum was sent First Class Mail, Postage Prepaid, to Arnold Jablon, Esquire, and David

Karceski, Esquire, Venable, LLP, 210 Allegany Avenue, Towson, MD 21204.

Michael P. Tanczyn /nd
Michael P. Tanczyn

1/20/06

IN RE: **PETITION FOR SPECIAL EXCEPTION***

S/E Corner of Rolling Road & Windsor Blvd.

(2845 Rolling Road)

2nd Election District

4th Council District

Windsor Rolling Road Property LLC, by

Edward St. John, *Legal Owner*;

Wawa, Inc., by Joseph Losak, V.P.,

Contract Purchaser

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 06-449-X

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Exception filed by the owner of the property, Windsor Rolling Road Property LLC, legal owner, and Wawa, Inc., the lessee, through their attorney, Arnold Jablon, Esquire. Windsor Rolling Road Property, LLC owns a 1.85 acre parcel zoned ML-IM, located on the southeast corner of the intersection of Rolling Road and Windsor Boulevard (the "Property"). The Property is located within and on the edge of the Windsor Industrial Park. To the north, south, and east, the site is surrounded by ML-IM zoned, industrial properties. Residential uses are located on the opposite side of Rolling Road to the west of the Property. Wawa, Inc. intends to lease the Property from Windsor Rolling Road Property, LLC and construct and operate thereon a fuel service station and certain uses in combination, the details of which are shown on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibits 1A through 1D. Specifically, Petitioners request is for a special exception for a fuel service station in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant, pursuant to Sections 253.2.B, 405.2.B.1, 405.4.E.1, and 405.4.E.10 of the Baltimore County Zoning Regulations (B.C.Z.R.).

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Appearing at the requisite public hearings in support of the requested relief were Gerard Wit, Vice President of St. John Properties; Nicholas J. Brader, III, professional engineer with Matis-Warfield, Inc., who prepared the site plan filed in this case; Kenneth W. Schmid, traffic engineer and Vice President of Traffic Concepts, Inc.; Joseph M. Cronyn, real estate economist and market analyst with Lipman Frizzell & Mitchell, LLC; and Arnold Jablon, Esquire, attorney for Petitioner. Sajid Chaudhry and Iftikhar Ahmad, owners of an Osprey fuel service station located nearby the proposed Wawa site, appeared as Protestants, represented by G. Macy Nelson, Esquire. Jack Dillon, a land planner, also attended the hearing on behalf of Protestants. Several other interested persons, including Nickolas Johnson, Vice President of the Claybrook Community Association, Thomas and Martha Whitten, Arshad Ransha, Abdul Rauf, and Khalid Azam, appeared at the hearing. Thomas Whitten, who resides north of the site at 30 Rollwin Road, was the only interested person who testified and he offered testimony regarding his concerns over traffic issues.

Testimony and evidence offered by the Petitioners, including an explanation and examination of the site plan, indicated that the Property is presently unimproved. Petitioners intend to install six fuel pump islands covered by a canopy and a 5,940 square foot convenience store / carry-out restaurant. Nicholas Brader, qualified as a civil engineer and a zoning expert in the area of the special regulation set forth in B.C.Z.R. Section 405, testified that he supervised the preparation of the site plan and that it complies with the site plan checklist and the zoning regulations. He specifically confirmed that the site plan and the proposed use comply with each requirement outlined in B.C.Z.R. Section 405. He also opined that the proposed use meets the general special exception requirements of B.C.Z.R. Section 502.1 and the specific requirements of B.C.Z.R. Section 253.2.B for special exceptions in the ML-IM zone. Gerard Wit confirmed

the proposed use, described the surrounding industrial park uses, and indicated that he felt the Wawa was an appropriate use for the proposed site because it would accommodate the needs of the employees in the surrounding industrial parks. Kenneth Schmid and Joseph Cronyn testified regarding traffic issues and marketing issues, respectively, and specific relevant portions of their testimony are discussed below.

After Petitioners presented their case in support of the special exceptions, Protestants presented evidence and testimony from Sajid Chaudhry and Jack Dillon, making three main arguments in opposition to the petition. First, Protestants argue that Petitioners failed to prove the proposed use will "serve primarily the industrial uses and related activities in the surrounding industrial area," as required by B.C.Z.R. Section 253.2.B. Next, Protestants argue that Petitioners are obligated to use market data to prove "need" for the proposed fuel service station, pursuant to B.C.Z.R. Section 405.3, which they did not do. Lastly, Protestants argue that Petitioners failed to meet the special exception standard, pursuant to B.C.Z.R. Section 502.1 and *Schultz v. Pritts*, 291 Md. 1 (1981), with regard to the adverse traffic effects of the proposed use. I address each of these arguments separately and for the reasons discussed below, I will grant Petitioners' Petition for Special Exception.

I. **PRIMARILY SERVING SURROUNDING INDUSTRIAL USES**

Protestants argue that Petitioners have failed to prove that the proposed Wawa will "serve primarily the industrial uses and related activities in the surrounding industrial area," as required by B.C.Z.R. Section 253.2.B. The thrust of Protestants' argument is that, despite the site location in an industrial park and the surrounding ML-IM zoned properties, the Wawa will ultimately primarily serve the nearby residential uses, rather than persons working in the

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industrial park and offices within the ML-IM zone. Protestants offered no compelling testimony in support of their position. I find that Petitioners have sufficiently proven otherwise.

Protestants' witness, Jack Dillon, testified that the Wawa will primarily serve the many vehicles that travel along Rolling Road daily, most of which, he argues, belong to residents of nearby neighborhoods. He insists that vehicles traveling to and from the industrial uses are more likely to use other roads within the ML-IM zone and, therefore, will not frequent the Wawa. While qualified as an expert in land planning, Mr. Dillon has no expertise with regard to traffic patterns, real estate market analysis, or any type of marketing in general. On the other hand, Petitioners' witness, Joseph Cronyn, who was qualified as an expert in marketing for commercial development, opined that, despite the nearby residential uses, the Wawa will primarily serve the large employment base of the surrounding industrial uses and, thereby, satisfy the requirements of B.C.Z.R. Section 253.2.B. Mr. Cronyn offered a telling report into evidence that supported his conclusion, and he provided a detailed explanation of how he made the calculations in the report and how he reached his ultimate conclusion regarding the primary demand. He based his opinion on the well-founded estimation that the nearby neighborhood residents would consume 918,000 gallons of gasoline per year, compared to the two million gallons of gasoline per year that the employees of the surrounding industrial and office uses would consume.

These numbers tell the story. I find, based on Mr. Cronyn's testimony, that his calculations fairly and accurately depict the likely market demand the proposed Wawa will have at the proposed location. Based on the calculations, I further find that at least two-thirds of Wawa's business will come from the employees of the industrial park – the surrounding industrial uses. While Mr. Cronyn's numbers are more tailored to the fuel service station use, I believe the majority of the convenience store / carry-out restaurant patrons will be those who

come to the Wawa to fill-up their vehicles. That is, few people will travel to the Wawa solely for the convenience store / carry-out restaurant; and those who will do so will most likely be industrial park employees on their lunch break. I should note that Mr. Dillon admitted during his testimony that he never viewed Mr. Cronyn's report. Consequently, based on Mr. Cronyn's testimony, I find that the Wawa will "serve primarily the industrial uses and related activities in the surrounding industrial area," as required by B.C.Z.R. Section 253.2.B.

II. NEED AND ABANDONMENT

Protestants argue that, pursuant to B.C.Z.R. Section 405.3, Petitioners must present market data to demonstrate need for the proposed Wawa, which Petitioners did not do. Section 405, which generally regulates the development and removal of fuel service stations, contains certain provisions that require demonstration of need for such uses. Specifically, Section 405.3 states:

A finding by the Zoning Commissioner of the presence of one abandoned fuel service station, as defined in Section 405.7, within a one-half mile radius, or two such stations within a one-mile radius of the proposed fuel service station establishes that there is no need for the proposed use, unless rebutted to the Zoning Commissioner's satisfaction by market data.

Protestants assert that, because there exists an abandoned fuel service station within a one-half mile radius of the proposed Wawa location, there is no need for the Wawa, unless Petitioner presents market data proving otherwise. Petitioners offer two arguments in rebuttal.

Petitioners first note that Protestants incorrectly presume there is an "abandoned fuel service station" within a one-half mile radius of the Property. Petitioners have aptly observed that a factual dispute exists over the distance between the proposed Wawa site and an existing service garage, the Windsor Mill Getty, which was once a fuel service station. Protestants insist that the uses are 0.4 miles apart and Petitioners' expert, Nicholas Brader, testified that he drove

the distance between the two and they are more than 0.5 miles apart. While I acknowledge the differing measurements and the general importance of the correct measurement, for the reasons described below, the actual distance between the two uses is of no moment in this case.

Petitioners' second argument – that the Windsor Mill Getty cannot be considered an “abandoned fuel service station” for purposes of B.C.Z.R. Section 405.3 – presents the operative issue. There is no dispute that the Windsor Mill Getty, located at the intersection of Windsor Mill Road and Cresson Avenue, once operated as a “fuel service station,” as contemplated by Section 405. It would appear that, at some point, the property ceased operation as a fuel service station and thereafter was converted to an existing service garage. There is a dispute, however, over whether the existing service garage can be deemed an “abandoned fuel service station,” for purposes of Section 405.3. Protestants claim that once the owners of the service garage ceased to use the property as a fuel service station, they deserted that use and, so long as the property is not used as a fuel service station, it is deemed an “abandoned fuel service station” – that is, once abandoned, always abandoned. Petitioners, on the other hand, argue that, to be considered an “abandoned fuel service station,” the property must *presently* be used for *no purpose* and, therefore, because the owners of the subject property have effectively converted the fuel service station use into an existing service garage use, it is not an “abandoned fuel service station.”

I agree with Petitioners and find that the fuel service station use was *converted* into a service garage use – not abandoned – and, therefore, the Windsor Mill Getty is not an “abandoned fuel service station” for purposes of B.C.Z.R. Section 405.3. As explained by the Board of Appeals in the case cited by Protestants – *In the Matter of the Application of Seven Kids, LLC* – “[B.C.Z.R.] Section 405.3 does not set forth a valid definition of abandoned gas stations.” Board Opinion at 10. However, the Board in that case declared “the three long-

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abandoned stations [in the vicinity of the proposed location] including the one abandoned at the proposed site, would [not] qualify as abandoned stations within the meaning of Section 405.3." Id. at 10-11. Clearly, timing is a major factor in determining whether or not the fuel service station use has been "abandoned."

Additionally, the County Council's reference in Section 405.3 to Section 405.7 and its use of present tense language indicates intent that the "presence" of an "abandoned fuel service station" requires an existing structure, formerly used as a fuel service station, which, at the current time, is not used for any purpose. Section 405.7 – which identifies and discusses "abandonment" of fuel service stations for the purpose of determining when a special exception for a fuel service station should be terminated and when the station should be removed – implies that, to be considered "abandoned," the property upon which a fuel service station formerly operated must be vacant and not used for any purpose. Even Protestants' witness, Jack Dillon, agreed on cross examination that the word "presence [as used in the B.C.Z.R.] would mean presently."

Furthermore, in determining when a special exception is considered terminated, Section 405.7.C specifically distinguishes between "abandonment" and "conversion" of fuel service stations. Section 405.8 also indicates that the law favors conversion of fuel service stations into alternative uses, as opposed to abandonment of fuel service stations altogether.

For the above stated reasons, I find that, in this case, the existing Windsor Mill service garage – no matter its distance from the proposed Wawa – cannot be considered an "abandoned fuel service station" for purposes of 405.3. The Windsor Mill site has been *converted* and, therefore, it is not *presently* an "abandoned fuel service station."

Alternatively, Protestants, based on their interpretations of B.C.Z.R. 405.3 and *Seven Kids*, argue that, regardless of whether an "abandoned fuel service station" exists nearby the Property, Petitioners must proactively demonstrate "need" for the Wawa. I also reject this argument. Protestants have misconstrued both Section 405.3 and *Seven Kids*. With regard to 405.3, the plain language of that section only requires a showing of need when "abandoned fuel service stations" exist within designated distances; if no such abandoned uses exist, a petitioner plainly has no obligation to show need. In *Seven Kids*, the proposed location for the fuel service station was in the BL-CR zone. As the Board noted there, B.C.Z.R. Section 259.3.E specifically requires a petitioner for special exception in a *CR district* to prove "need for the development at the proposed location." Board Opinion at 10. In the instant case, because Petitioners' Property is not in the CR district, Section 259.3.E does not apply and, therefore, the Board's holding in *Seven Kids* with regard to proving need does not apply. No authority exists to require Petitioners to prove need for the proposed fuel service station in the ML-IM zone. Because, as determined above, there exists no "abandoned fuel service station" in the vicinity of the proposed Wawa, the need provisions of 405.3 are not invoked, and, therefore, Petitioners have no obligation to provide a market analysis to demonstrate need.

III. SPECIAL EXCEPTION STANDARD

Protestants argue, based on their interpretation of *Lucas v. People's Counsel for Baltimore County*, 147 Md. App. 209 (2002), that, in presenting their case in support of their petition for special exception, Petitioners must compare the adverse effects of the proposed use at the proposed site with the adverse effects of the proposed use at other ML zoned sites in Baltimore County. Petitioners argue this standard is overly burdensome and is not the standard mandated by the seminal special exception case, *Schultz v. Pritts*, 291 Md. 1 (1981).

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According to Petitioners, the *Schultz* standard requires a landowner seeking a special exception to identify the adverse effects inherent to the proposed special exception use and to compare those inherent effects with the anticipated adverse effects the proposed use will have at the proposed location. So long as the anticipated adverse effects of the proposed use at the proposed location are *no greater than* the identified inherent adverse effects, Petitioners assert that the petition for special exception should be granted. Additionally, Petitioners maintain that landowners have no duty or burden to compare the anticipated adverse effects at the proposed site with the anticipated adverse effects of the proposed use at various other sites throughout Baltimore County. After reviewing the case law, I find that Petitioners have properly articulated the *Schultz* standard.

The *Schultz* standard is clear and has been cited and followed by Maryland courts, including the *Lucas* court, since its inception:

“[T]he appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects *above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.*”

Lucas, 147 Md. App. at 238 (quoting *Schultz* 291 Md. at 22-23) (emphasis added). As Petitioners state, this standard requires identification of the adverse effects inherent to the proposed special exception use – that is, effects that the use would have, regardless of where in the zone the use were employed – and sufficient evidence to prove that the adverse effects resulting from the proposed use *at the proposed location* will not exceed the identified inherent effects. In practice, and based on my understanding of *Schultz*, Petitioners do *not* have the burden to present comparative testimony or evidence relating to anticipated adverse effects of the proposed use on other similar parcels within the zone. While such evidence may be helpful and

probative in certain cases, it is certainly not required, as it is not necessarily dispositive of the case.

Protestants argue that evidence showing "fewer" anticipated adverse effects of a proposed use at an alternative site requires denial of a petition for special exception. Protestants seem to insinuate that, pursuant to *Lucas*, if a "better" site – that is, a site where the anticipated adverse impacts appear to be fewer in number or lesser in intensity than those anticipated at the proposed location – exists elsewhere in the zone, then the petition for special exception must be denied. However, the *Lucas* court specifically stated, "the Board recognized that *finding a better site was not the issue*. We believe that the Board applied the appropriate standard." *Lucas* 147 Md. App. at 240 (emphasis added). Therefore, I find that just because the use at an alternate site may cause fewer impacts, that does *not* necessarily mean that the impacts at the proposed location are *greater than those inherent in the use* – the standard mandated by *Schultz*. The instant case provides a perfect illustration.

The contentious issue in the present case relates to traffic and Petitioners' corresponding obligation to prove that the Wawa will not "tend to create congestion in roads, streets or alleys therein," pursuant to B.C.Z.R. Section 502.1.B. Petitioners and Protestants each presented evidence and arguments relating to how the proposed Wawa would affect traffic. Protestants' witness, Jack Dillon, testified that the proposed location was near an intersection with a "D rating" – which, on a scale of A to F, is poor – while, other compatible parcels in the zone were nearby intersections with "A ratings." Based solely on this testimony, counsel for Protestants argues that locating the Wawa on parcels nearby the "A intersections" would have fewer effects on traffic than if the Wawa were located at the proposed location, nearby the "D intersection."

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For this reason, counsel argues the petition for special exception should be denied. This argument, however, is incomplete and inaccurate.

The argument ignores the testimony of Petitioners' traffic expert, Kenneth Schmid, who opined that, regardless of the rating of nearby intersections, the traffic *generated by the Wawa* will be *minimal*. Mr. Schmid specifically testified that locating the Wawa at the proposed site would not generate a "great deal of new traffic" and will not tend to create congestion on the surrounding roads. Even more, as Mr. Schmid indicated, building the Wawa at the proposed location, even with the nearby "D intersection," will not cause any adverse impacts to traffic. Protestants *disregard* the actual *effects the Wawa will have on traffic* and, instead, focus on the nearby intersections, insisting that, because other locations are nearby "better" intersections, they are "better" locations for the Wawa than the proposed site and, therefore, the Petition for Special Exception should be denied. This argument is not consistent with the *Schultz* standard outlined above and Protestants have not otherwise provided any evidence or testimony to compel me to find that the traffic generated by the Wawa at the proposed location will be any greater than that inherent to a fuel service station use. Therefore, based on Mr. Schmid's testimony, I find that locating the Wawa on the southeast corner of Rolling Road and Windsor Boulevard will not "tend to create congestion in roads, streets or alleys," above and beyond such effects that may be inherent in the use.

Pursuant to the Zoning Regulations of Baltimore County, the advertising and posting of the property, and public hearing held thereon, for the reasons set forth above, the Petition for Special Exception shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of July, 2006, that the Petition for Special Exception for a fuel service station,

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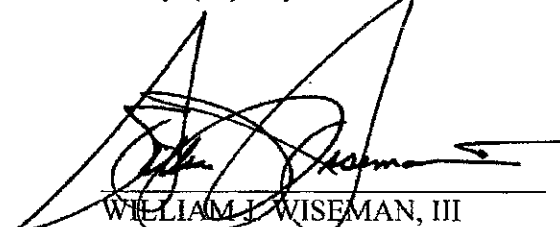
Date 7-20-06

By [Signature]

pursuant to Baltimore County Zoning Regulations (B.C.Z.R.) Section 253.2.B.1, and in combination with a convenience store with a sales floor area larger than 1,500 square feet and a carry-out restaurant, pursuant to B.C.Z.R. Sections 405.2.B.1, 405.4.E.1, and 405.4.E.10 in accordance with Petitioners' Exhibits 1A through 1D, be and is hereby GRANTED, subject to the following restriction:

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

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7-20-06
By [Signature]

IN THE MATTER OF * BEFORE THE
 THE APPLICATION OF *
RED RUN ASSOCIATES LLC –LEGAL * COUNTY BOARD OF APPEALS
OWNER; BP CORPORATION–CP *
 FOR SPECIAL EXCEPTION AND VARIANCE * OF
 ON PROPERTY LOCATED ON THE N/S *
 RED RUN BOULEVARD, W/S CHURCH ROAD * BALTIMORE COUNTY
 AND APPROX. 1000' S PLEASANT HILL ROAD *
 (11050 RED RUN BOULEVARD) * Case No. 02-344-XA
 4TH ELECTION DISTRICT *
 3RD COUNCILMANIC DISTRICT *

* * * * *

OPINION

This case was appealed to the Baltimore County Board of Appeals from a decision of the Deputy Zoning Commissioner in which Petitions for Special Exception and Variance were denied on the subject property at 11050 Red Run Boulevard, Owings Mills, MD, 4th Election District, 3rd Councilmanic District.

The case was heard "de novo" over two days in public session. The Appellant/Petitioner, Red Run Associates LLC and BP Corporation, Legal Owner, was represented by Sebastian A. Cross, Esquire. Peter Max Zimmerman, People's Counsel for Baltimore County, participated in the case, along with Leslie M. Pittler, Esquire, who represented the Protestants.

Briefs were filed by all parties in lieu of closing argument. Public deliberation was held on June 19, 2003.

Mr. John Lombardo was the first witness for the Petitioner. He has been the zoning/development manager for the Petitioner for a number of years and has developed similar projects for them in Maryland, including ten in Baltimore County. He described the site and the reasons why it is favorable for the Petitioner: (1) there is a strong work force in the area; (2) there is public visibility; (3) there is a viable intersection; and (4) there are viable in-and-out possibilities. The proposed store is 4,250 square feet. It would sell convenience-type goods – sodas, sandwiches, automobile merchandise, cigarettes, buns and coffee carryout. Sales of cigarettes would constitute the bulk of convenience items sold. He

estimated a two-thirds to three-fourths linkage with gasoline sales, with 25 percent usage on the convenience store side.

There would be seven gas pumps, with 14 fueling positions under a canopy, plus a car wash. He stated that this was not a food store, but more in line with a 7-Eleven type convenience store, designed for impulse, quick "in-and-out" type of patrons. Bakery goods would be made fresh on the premises from pre-mixed dough. The store would have an area for seating customers. The specific market area is the Red Run Employment Corridor.

On cross-examination Mr. Lombardo cited one Amoco station similar to the BP station proposal, but indicated that the proposal before the Board would constitute the largest BP store so far in the area. He compared the proposed store to an Exxon "Tiger" facility at York and Warren Roads, although he did not know the exact dimensions of that store. The witness acknowledged that most existing convenience stores are about 2,500 square feet, but he opined that the industry is moving in the direction of larger stores. The Petitioner presently has a contingency contract on the site, subject to zoning approval.

Mr. David Scheffenacker, president of Preston Partners, introduced Petitioner's Exhibit No. 1, a rendering of the site. He described the Red Run Corridor site in detail and stated that the Developer has already spent \$25 million in the area, with a general vision to develop Class "A" office buildings. (Petitioner's Exhibit No. 2) He opined that the proposed BP project would fit in with the general character of the area and that its basic usage would come from tenants of the Employment Corridor.

He described the I-795 corridor with the developed area shown in green on the exhibit. The proposed site is a small corner property, which Mr. Scheffenacker called a "leftover piece" in which a convenience store would fit well with the surrounding environment. The property is midway in the business corridor, convenient for the local employers and keeping employees close to their work place. The witness opined that, if approved, appropriate landscaping would be installed and that the totality of the proposed project would blend in with the surrounding community.

On cross-examination the witness testified that he is a real estate broker and the Petitioner has used his firm for all Maryland-based consultations. Mr. Scheffenacker acknowledged that it is possible to build a commercial office building of approximately 55,000 square feet on the site (Petitioner's Exhibit 3)

which contains 6.5 acres. However, to a great extent, the 1.5 acres of wetlands on the site control land usage. In his opinion, the Petitioner's proposal is a proper land use; however, if denied the special exception, the Developer would build a commercial office building on the site.

On re-direct, Mr. Scheffenacker opined that the facility would principally serve the Employment Corridor area during the hours of 8:00 a.m. to 5:00 p.m. He had no opinion as to usage after 5:00 p.m. or on weekends.

The Petitioner's next witness, Mr. Gregory Reed, has been employed by BP as a civil engineer in site development for the past 12 years. He stated that he has considerable familiarity with the *Baltimore County Zoning Regulations* as well as the site. He described the Corridor (Petitioner's Exhibit #3), the M.L.-I.M. zone, and the properties on both sides of the Corridor. He prepared Petitioner's Exhibit #5, the Site Plan, and described the proposed plans with two entrances on Red Run Boulevard and one entrance from Pleasant Hill Road.

The station would have a standing canopy located on the northwest corner of the property and a car wash with stacking. He presented Petitioner's Exhibit #6 which showed the proposed landscaping plans and he stated that the plan satisfied County screening requirements.

Mr. Reed also described the general topography and the natural buffer. The proposed development would involve only 1.4 (+/-) acres of the entire 6.5 acres, with very little tree removal. All setback requirements would be satisfied. The witness went through the litany of Baltimore County's zoning regulations and § 502.1. He saw no negative impacts as each item was recited.

Also discussed by the witness was the sign variance request. The permitted square footage is 75 feet. The Petitioner has requested 80 feet to alert customers to the three facilities on site: gas, convenience store goods and the car wash.

Next Kenneth Schmid was accepted as an expert in traffic engineering. Retained by the Petitioner to examine the traffic flow in the area, he introduced Petitioner's Exhibit #8, "Functional Road Classification Map" which he had prepared. He explained and reviewed the arterial roads in the area and the collector roads. Red Run Boulevard, he stated, is an arterial road to service the Corridor, and Pleasant Hill Road is a collector road.

A traffic study (Petitioner's Exhibit #9) and report (Petitioner's Exhibit #10) were introduced which presented an analysis of traffic to and from in the area, comprised of one hour in the morning (7:30 a.m. - 8:30 a.m.) and one hour in the afternoon (4:45 p.m. - 5:45 p.m.). Using license plates to identify the various vehicles, Mr. Schmid summarized that 74 percent of those vehicles entering the Corridor stayed in the Park. Inasmuch as the store would be a typical convenience store used by patrons for get in /get out purchases, he saw no adverse traffic conditions stemming from the Petitioner's proposal. The roadway system, as an isolated corridor, would support the Petitioner's proposal and the site provides good traffic flow.

On cross-examination, the witness noted that one study was conducted on June 3 in the a.m. hours and another on June 10 in the p.m. hours. Some vehicles were missed in the study because they were going too fast to capture their license plate numbers. Weekend traffic was not considered in the study.

Mr. Joseph Cronyn, with the firm of Liptman, Frizzell, and Mitchell, and a real estate consultant for 36 years, was accepted as an expert in real estate marketing and research. In his study (Petitioner's Exhibit #12), he ascertained the origin of customers for a convenience store /gas facility at the proposed site. He outlined the area on the site plan in green. His analysis was based on market research principles, dependent on a number of factors, such as drive time, physical barriers, and road system. This site was, in his opinion, an appropriate one for the proposal because of its placement on the Red Run Boulevard, just off a major interstate highway system and drawing a considerable amount of Employment Corridor traffic. Red Run Boulevard features the entrances /exits and provides the in-corridor patrons access for the store. The only other access road is Pleasant Hill which, past Red Run Boulevard, requires passage over a one-lane bridge to Owings Mills. The primary factor was that Red Run Boulevard dominates the Corridor, designed to serve the employment area and connect to I-795. It was, as he described, "an island by design." It was the expert opinion of the witness that people will not drive out of their way for convenience goods. Convenience stores thrive on "pass-by traffic," and that this was an excellent location for such an operation.

Cross-examination was directed to the abundance of nearby facilities, with at least eight similar stations along Reisterstown Road and four along Liberty Road. Cronyn felt that frequenters of the Red Run Corridor would not leave the Corridor to use these facilities.

Petitioner's Exhibit No. 11, developed by the witness, is a study of existing and planned development in the Red Run Corridor. Mr. Cronyn estimated that the average square footage of 250 square feet per employee would result in a population of 5600 employees in the Corridor on a daily basis with a 1/3 build-out factor; at final build-out there would be 4 million square feet of space with 16,000 workers. This was based on the 9:00 a.m. to 5:00 p.m. workday, with many workers working varied hours, many after 5:00 p.m.

To further support his opinion Mr. Cronyn referred to Petitioner's Exhibit # 12, the Lipman- Frizzell study delineating where most convenience store customers originate and a profile of the average customer. With increasing demands on time, customers want more "time efficient" shopping, "in and out service" - quite suitable for workers going to and from work. There would be no adverse impacts, in Mr. Cronyn's opinion, and new businesses, looking to locate in the park, would welcome such a store.

On cross-examination by Mr. Zimmerman, Mr. Cronyn agreed that the Master Plan describes the Red Run Corridor as "a premier office area." He also agreed that Petitioner's Exhibit #11 showed 16 office buildings constructed to date.

Mr. Alfred Barry III, of A.B. Associates, was accepted as an expert in planning. He spoke first to Petitioner's Exhibit No. 13, the Baltimore County Master Plan. He described the boundaries at the proposed site, how the Master Plan calls for auxiliary services, and the differences between primary and auxiliary services. He also testified concerning the current 5,000-employee base in the Corridor. He projected 16,000 in the future. The proposed facility would serve customers employed nearby because of the ease with which they could come and go within the Corridor. The witness opined that the County requires such facilities to request a special exception. His visit to at least two other such convenience stores approved for a special exception on Crondall Lane and Beaver Dam Road affirmed his opinion that they were analogous to the one being proposed, with similar employment areas. He did not understand

Baltimore County's position that this facility on this site would be detrimental. In conclusion, he recited the elements of BCZR § 502.1 and found no adverse impacts.

On cross-examination the witness acknowledged that the square footage of the Crondall Lane and Beaver Dam Road sites is less than the BP proposal, with no seating arrangements, and that convenience stores and restaurants are different types of facilities. He indicated that he was familiar with only one or two other delis in the Corridor but he was not sure if they are restricted to the office tenants. There is also an Exxon Tiger Mart at Owings Mills, not far away, but he did not know its square footage.

Mr. Barry stated that the proposed BP station will be used primarily by the employees in the Red Run Corridor. On cross-examination by Mr. Zimmerman, he also agreed that such a use in this zone must serve "industrial uses," and this area is dominated by office usage.

The Petitioner thereupon rested his case in chief.

Mr. Jeffrey Long, an employee with the Baltimore County Office of Planning and Chief of the /Development Review Section involving special exceptions, testified against the proposal. He cited People's Counsel's Exhibit No. 1, the correspondence from the Planning Office opposing the station and accessories. Mr. Long described the area as primarily a special employment area in Baltimore County. He opined that the Baltimore County Government had spent millions of dollars on the Corridor to develop a high-class office complex with 16 buildings completed and more on the drawing board. He described one requested zoning change during the 2000 Comprehensive Map Process in which a B.L.-A.S. (fast food-gasoline station) request was denied by the County Council on a 2.8 acre parcel directly across from the subject site.

Mr. Long did not agree that the proposed operation was comparable to other similar food /gas stations in the County. He described his familiarity with a station located on Beaver Dam Road and the volume of traffic there created by the Genstar Company. Furthermore that service station predated the Hunt Valley complex and is in the vicinity of a quarry operation and the Texas Landfill. He also described other sites in the County that have similar types of operations as those proposed. Mr. Long disagreed with Mr. Barry's conclusion that the proposed station was consistent with Baltimore County's Master Plan.

People's Counsel's Exhibit # 2 (Master Plan 2010, pp 175-176) was discussed in detail by the witness, and in particular the many adverse conditions present with the BP proposal, which Mr. Long opined were more negative here than elsewhere. Alternatively, an office complex built here would be in concert with the Master Plan. He concluded that the huge expenditure of public funds to develop a super office complex was similarly compatible with that Master Plan.

Mr. Robert Pritchard, 10999 Red Run Boulevard, testified. For 3½ years he has operated the Red Run Deli which is diagonally opposite the proposed BP site. He described the basic office park environment of the Red Run Corridor and that, in his opinion, the proposed use was not permitted under the M.L.-I.M. zone. A considerable portion of his testimony was directed at the fact that he wanted to limit the amount of competition in the Corridor relative to deli operations.

Mr. William P. Jones, Baltimore County Department of Economic Development, also testified concerning the comments made by his Department to Mr. Jablon relative to the compatibility of the subject proposal with the Master Plan 2010 (Protestants' Exhibit No. 2.) It was his testimony that the Red Run Corridor was designed by the County to be a high-class office complex employing many people with skilled or semi-skilled talents. He felt that the proposed project ran afoul of the Baltimore County Master Plan; and that the proposed park (Red Run Employment Center) was quite different from Hunt Valley or White Marsh in that there were more manufacturing and retail operations in those parks than contemplated for Red Run.

The Board also heard testimony from several local residents who opposed the Petitioner's Special Exception request because of adverse traffic considerations. They also emphasized the need to protect the businesses on Reisterstown and Liberty Roads where the County is encouraging older, established firms in its revitalization efforts, but not encouraging similar businesses in the office park itself.

Protestants rested their case.

The facts of the case are relatively simple. The Petitioner/Appellant is BP Corporation. Their proposal is for a fuel service station to be located at the northeast intersection of Red Run Boulevard and Pleasant Hill Road in the Owings Mills area of Baltimore County. It is undisputed that the proposed site is zoned M.L.-I.M. and exists in the Red Run Employment Corridor which is part of the Owings Mills

Growth Area (reference Baltimore County Master Plan 2010). In addition to seven multi-product dispensers (14 pumps), a connecting convenience store and car wash are also being proposed. The *Baltimore County Zoning Regulations* (BCZR) do permit a fuel service station at the site as "auxiliary retail uses by special exception, due to the 'I.M. overlay' for this zone" (BCZR 253.2.B.1; 450.2.B.1). However, before being classified as an auxiliary retail use, the Petitioner must establish that the station "will primarily serve the industrial uses and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1).

One of the first issues the Board is required to address is the meaning of "primary" as it applies to demonstrating that the proposed facility will "primarily serve the industrial uses and related activities in the area surrounding the industrial area." The Board concurs with the digest found on page 2 of the Petitioner's Brief, that the word "primarily" is not specifically defined in the Baltimore County Code or the Baltimore County Zoning Regulations. The Board is charged, therefore, with the responsibility of applying case law to application of the term. The Board cannot disagree with the application of the term as referenced in *Schrader v. State*, 69 Md. App. 377, 517 A.2d 1139 (1997) decided by the Court of Special Appeals, State of Maryland. The common and accepted meaning was determined to be, "mainly"; principally, in quantifiable terms, "primarily" is commonly understood to suggest a figure representing more than 50 percent...we find nothing ambiguous about the term primarily as used in that definition." To that end, the Board also concurs that the burden in the instant case is to establish by the weight of the testimony and evidence that 51 percent of the business to support the proposed project would originate and serve the employment corridor itself.

There is no question that Red Run Boulevard is a roadway system that runs directly through the employment corridor in a north/south direction; and parallel to Interstate 795. It is classified as an arterial road and from the testimony and evidence provides the major connection for the employment center located along the west side of I-795. The traffic analysis prepared by Traffic Concepts, Inc. (Petitioner's Exhibit No. 10), and Exhibit 1 enclosed therein, "Federal Functional Classification - Red Run Employment Corridor, Baltimore County," dated July 8, 2002, is a particularly instructional review of the roadway system. The proposed site is situated almost in the middle of Red Run Boulevard at the

intersection of Pleasant Hill Road, which connects the employment corridor on Reisterstown Road to the east and Liberty Road (Md. 26) to the west.

An extensive perusal of the roadway system would indicate that, while some pass-through traffic would result from the Red Run traffic heading west from Reisterstown Road via Pleasant Hill Road, and simultaneously eastbound traffic from Dolfield toward Red Run Boulevard, the condition of both roadway systems is such that it would support localized traffic. With more than sufficient gas stations and convenience stores located along Liberty Road and Reisterstown Road, that traffic would not constitute the primary focus of the proposed convenience store /gas station patrons.

The Board has reviewed the testimony of Mr. Ken Schmid, an expert in traffic engineering, and the totality of his traffic study. While the Board is of the opinion that his traffic study could have given a more comprehensive analysis of traffic flow and survey times as reflected in his "Traffic Analysis," nevertheless there is enough substantive evidence to convince the Board that the bulk usage of the proposed site would come from the employment corridor. Reference is made to page 2 of the traffic study, "This survey was conducted during both the morning A.M. peak period (7:30 - 8:30) and the evening P.M. peak period (4:45 - 5:45)." That Report reflected:

1. During the AM period, a total of 1725 vehicles entered the study area. Twenty-four percent (24%) were determined to be pass-thru and seventy-six percent (76%) were determined to be captured within the employment corridor.
2. During the PM study period a total of 1768 vehicles were observed leaving the study area. Twenty-eight percent (28%) were determined to be pass-thru vehicles, while seventy-two percent (72%) were determined to be generated from within the employment corridor.

Exhibit 2 has been prepared to show the results of the study. That report describes in greater detail the analysis derived from the study.

Conclusions

The data collected indicates that the majority of traffic traveling along Red Run Boulevard and Pleasant Hill Road are traveling to and from the immediate Red Run Employment corridor. We therefore conclude, based on the customer pattern associated with the proposed convenience store, that the majority of the customers will be related to the surrounding employment uses.

The Protestants offered lay opposition based on personal observation and conclusions, but nothing substantive to refute the study other than the acknowledgement by the Petitioner that, while they would be open on a 24 /7 basis and would experience limited weekend usage, their business would still flow from the employment corridor: 51% of the business would result from and serve the employment center, with the 51% basically flowing from the Monday-Friday traffic.

Having concluded that the proposed facility would primarily serve the employment corridor, the Board found it necessary to address the issue of whether or not the facility would serve "the industrial park and related activities in the area surrounding the industrial area." (BCZR 253.2.B.1)

Both counsel submitted extensive Briefs in response to the Board's request as to what constituted an "industrial use." The *Baltimore County Zoning Regulations* recite:

BCZR 101: Industrial Quasi-Industrial, or Industry-Related Use: Any use listed in Section 253.1A other than Item 34; any use listed in Section 253.1B, 253.2A, or 256.2; any manufacturing use not listed in those provisions; or any use accessory to one of those uses.

Section 253 Manufacturing, Light (M.L.) Zone Use Regulations [Bill No. 100-1970]

BCZR 253.1. Uses permitted as of right. The uses listed in this section, only, shall be permitted by right in M.L. Zones, subject to any conditions hereinafter prescribed.

A. The following industrial uses:

34. Offices or office building or medical clinics. [Bill No. 37-1988]

C. The following auxiliary retail or service uses or semi-industrial uses, provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: [Bill No. 172-1993]

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

BCZR 253.2. Uses permitted by special exception. The uses listed in this subsection are permitted by special exception only (see Section 502).

A. The following industrial, quasi-industrial, transportation, storage or quasi-public uses or utilities:

1. Airstrips or airports, where it is shown that such use will serve primarily the industrial uses in the same area.

2. Airports, general aviation, if located in accordance with the Master Plan.
 3. Excavations, controlled, involving the use of explosives (see Section 403).
 4. Moving and storage establishments. [Bill No. 18-1976]
 5. Sanitary or rubble landfills (see Section 412). [Bill No. 97-1987]
 6. Storage, warehousing or distribution not permitted as of right.
 7. Sludge disposal facility - co-landfilling (see Section 412A.2.B). [Bill No. 46-1982]
 8. Sludge disposal facility - composting (see Section 412A.2.B). [Bill No. 46-1982]
 9. Sludge disposal facility - handling in general (see Section 412A.2.C). [Bill No. 46-1982]
 10. Sludge disposal facility - Incineration (see Section 412A.2.D). [Bill No. 46-1982]
 11. Sludge disposal facility - landspreading (see Section 412A.2.E). [Bill No. 46-1982]
 12. Trucking facilities (see Sections 410 and 410A). [Bill No. 18-1976]
 13. Truck stops. [Bill No. 18-1976]
 14. Utilities not permitted under the provisions of Section 253.1.
- B. The following auxiliary services uses, provided that any such use shall be located in a planned industrial park at least 25 acres in net area or in an I.M. District; provided, further, that it is shown that any such use will serve primarily the industrial uses and related activities in the surrounding industrial area: [Bill No. 172-1993]
1. Automotive-services stations, subject, further, to the provisions of Section 405.
 2. Car washes, subject, further, to the provisions of Section 419.
 3. Garages, service, including establishments for the service and repair of trucks, of truck trailers or of freight-shipping containers designed to be mounted on chassis for part of all of their transport. [Bill No. 218-1980]
- C. The following auxiliary retail or service uses or semi-industrial uses,

provided that any such use is located in a planned industrial park at least 25 acres in net area or in an I.M. district: [Bill No. 172-93]

12. Food stores, but the gross floor area of any such store shall not exceed 2,500 square feet.

The BCZR clearly defines "industrial, quasi-industrial or industrial-related use as any use located in § 253.1.A other than item 34...." Item 34 specifically identifies "offices or office buildings or medical clinics" as not being a use permitted by right even though the zoning is prescribed as an M.L. zone. The Board is therefore presented with a quandary. The Red Run corridor is designated as an M.L.-I.M. zone. The testimony, provided by witnesses for both the Petitioner and the Protestants, is quite persuasive that at least 16 of the 20 uses currently function as office buildings, generally of the high class type desired by the County Council in the adoption of the 2010 Master Plan. The Master Plan adopted by the County Council states on page 175 that: (People's Counsel's Exhibit No. 2)

The Red Run Employment Corridor will provide 700 acres for four million square feet of office, flex, and light industrial. This corridor has been designated as another premier corporate office area for high quality, campus-style, office/flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth-producing national and regional serving companies. To reinforce the plans for the Red Run Employment Corridor, the county has also designated it as a "PUD-C Growth Area Corporate Center." PUD-C (planned unit development commercial) is a zoning overlay designation that allows for mixed use development in accordance with specific requirements and guidelines, and with special approval based on a detailed plan. The corporate center designation calls for well-designed and landscaped pedestrian-oriented development. It also prohibits auxiliary commercial retail projects.

Further, page 176, the Master Plan recites:

Actions

1. Ensure that the Red Run Employment Corridor is developed for corporate office and employment uses and that the Northern Employment Corridor is developed for flex/industrial use.

Because of the large parcels of utility-served land that will soon be available in the Red Run Employment Corridor, this area has become attractive to developers for regional retail development. Substantial retail development in these areas would not only deplete the supply of land for employment-intensive uses, but would also detract from the vitality of the nearby, established commercial corridors and planned commercial nodes.

People's Counsel in his Brief suggests that "The plain language of the statute governs in this case. While the County Council decided to allow automotive-service stations, car washes, service garages and

union halls in industrial areas, it made a conscious decision that they do not belong in areas predominantly characterized by office use." The definition afforded under BCZR 101 clearly references the fact that "offices or office buildings...are not considered as industrial uses." In fact, because an office use is not an industrial use, the evolution of the Red Run Employment Corridor to date, with such prominent companies leasing there, is significant in that the Corridor is moving in a direction as recommended by the Master Plan (high-profile national companies, such as Legg Mason, CareFirst Blue Cross /Blue Shield, Toyota Financial Services). It is evident from the testimony of Mr. Jeffrey Long, County Planner, and Mr. William Jones, Department of Economic Development for Baltimore County, that the long-range County plans call for continued development of the Corridor as a Class "A," high caliber office area that would attract companies employing individuals with attractive salaries and family supporting opportunities. It is undisputed that the subject site can support an office structure consistent with the County goals and the Master Plan.

The Board also considered the testimony of local residents and the fact that numerous fuel service stations already exist along the Reisterstown Road corridor and Liberty Road corridor (page 8, Lipman, Frizzell & Mitchell Report). The Board, in reviewing the report, has determined that sufficient fuel service stations already exist along these major arterials and the addition of the proposed BP station would adversely affect the ongoing County plans to revitalize those major roadways. The Master Plan itself calls for the Red Run Corridor to be designated as "another premier corporate office area for high quality, campus-style office /flex development. Like the corporate campus, it should project a positive corporate image in order to attract wealth producing national and regional serving companies."

The Board does wish, however, to take note of the comments made in the Brief filed by Mr. Cross, tracing the 1970 zoning code amendments; and the fact that no "industrial uses" existed in the BCZR at that time. However, at the time, the 1970 permitted uses allowed "offices and office building." The effect was that offices and office buildings were indicated by the Baltimore County Council as uses that could be "primarily served" by such auxiliary uses. The suggestion is made that an analysis of the later bill, 178-79, which appeared in 1979, was "to adopt the basic services maps and regulations and requirements pertaining thereto...by adding a new article 4A - Growth Management; by adding...new

definitions...; industrial, quasi-industrial, or industry-related use and non-industry use to § 101 of the Baltimore County Zoning Regulations." It was the contention of counsel for the Petitioner that these definitions of industrial and non-industrial, and more importantly the difference between the two, were placed in the BCZR because of their effect on auxiliary retail uses in M.L.-I.M. zones, but not because of their relationship to the new basic service regulations and requirements.

While much of what Mr. Cross indicates is correct, Bill No. 178-79 also indicates that "to implement the objectives of County-wide master plan and to adopt standards and guidelines relative to new development in all areas of the County which would result in land use patterns, location of new growth and timeliness of growth and development that is consistent with preservation, the quality of life and existing neighborhoods, with the ability of the County to provide necessary public facilities and services to support the development, with the ability of the County to correct existing service and facility deficiencies, with the preservation of natural, agricultural and environmental resources, and with the promotion of new growth and development in appropriate areas." The intention of the County Council may be construed in many different ways. However, the Board is constrained to examine the current definitions which are applicable in this case as reflected in § 101 of the BCZR for the specifics of the statute involved.

For reasons of its own, the County Council has determined that "an office use" is not an "industrial use" even though under § 253 (Manufacturing, Light [M.L.]) zone Use Regulations (Bill No. 100-1970), item 34, "offices or office buildings or medical clinics" are "permitted as of right in M.L. zones." Again, however, under the § 101 definition, "office or office buildings" are not considered an "industrial use." This Board concurs that, while the M.L. zone has been in place in substantially the same form since 1970, when the County council enacted the BCZR 101 definitions of industrial uses in 1979, they pursued a course of action that special exceptions under BCZR 253.2.B, including automotive service stations, do not qualify where they primarily serve office centers, which is clearly evident by the testimony and evidence produced at the hearing.

For that reason alone, the Petitioner's request must be denied.

Additionally, the Board has determined that, even if permitted, the proposed use would have an adverse effect greater at the proposed location than elsewhere in the zone (*Schultz v. Pritts*, 291 Md. 1 (1981). As noted in People's Counsel's Exhibit No. 1, a letter from Mr. Robert L. Hannon, Director of Economic Development for Baltimore County, to Arnold Jablon, Director of the Department of Permits & Development Management, dated March 18, 2002:

The Department of Economic Development opposes the petition to use to [sic] above referenced property for a fuel service station use in combination with a convenience store/carry out restaurant, roll-over car wash and ancillary use automatic teller machine for the following reasons:

The original plan for Owings Mills, that was adopted by the Baltimore County Council in 1984, designated the Red Run Boulevard Corridor as the principal office industrial employment center in the Owings Mills growth area. The County's "Master Plan 1989-2000" and "Master Plan 2010" reinforce the office/industrial land use for the Red Run Boulevard Corridor. The proposed use is not consistent with these plans.

Over the last 15 years, millions of public dollars have been spent building sewer, water and road infrastructure, etc [sic] to support that intended land use. The proposed use will not create the jobs that provide family supporting income that were intended.

It is obvious to the Board that the County has determined the "highest and best use" of the corridor is in the development of a high class office complex; and that the lesser use of a fuel service station/convenience store would create an adverse effect in an area specifically designed as a unique and specialized setting to attract nationally known companies with a salary structure significantly higher than that contemplated by the Petitioner's employees. Additionally, the proposed facility would have detracted from the County's Liberty Road and Reisterstown Road rehabilitative efforts.

For the reasons cited, the Board will deny the request for special exception.

Separate issues also arose as to whether or not the contemplated BP convenience store was a "food store."

Section 405.4.E(1) provides for the following use allowed by special exception in combination with fuel service stations:

Convenience store with a sales area larger than 1,500 square feet inclusive of accessory storage. Additional site area of four times the square footage of the convenience store's sales area must be provided.

Section 405.4.E(10) provides additional special exception uses permitted in combination with fuel service station:

Restaurant, including fast food, fast food drive-thru only, and carry-out restaurants. Additional site area of six times the gross square footage of the restaurant must be provided.

Therefore, counsel for Petitioner contends that both the BP Connect 2,564 square foot convenience store and 700 square foot carry-out restaurant area are permitted as a special exception use in combination with BP's proposed fuel service station (along with rest rooms 105 sq. ft. and storage 580 sq. ft.; and cashier 275 sq. ft.).

This station would be located in an M.L.-I.M. zone. Fuel service stations are allowed by special exception as auxiliary retail uses in a M.L.-I.M. zone. Food stores are also permitted as auxiliary retail or service uses in M.L.-I.M. zones under § 253.1.C(12). This Section states:

The following auxiliary retail or service uses or semi-industrial uses, provided that any such uses are located in a planned industrial park at least 25 acres in net area or in an IM district:

2. Food stores, but the gross floor area of any such store should not exceed 2,500 square feet.

As there is a 2,500 square foot limit placed on these stores, the Protestants opine that the BP Connect store is a "food store," thereby altering the proposal into a non-permitted use in an M.L.-I.M. zone. In order to assess who is correct requires an analysis of whether or not BP Connect falls into a convenience store /carry-out restaurant classification under the BCZR. In the definition section of the BCZR, § 101 defines a convenience store as:

A retail establishment which primarily sells refrigerated products, household items, carry-out food products or prepackaged frozen, chilled or sealed foods and meals, that may be heated by the customer on the premises, but are generally eaten off-site. A convenience store does not exceed a gross floor area of 5,000 square feet and is usually open for at least 12 hours in a twenty-four-hour period.

This Section also defines a carry-out restaurant as:

An establishment whose principle business is the sale of ready-to-consume food and beverages to consumers who order their food and beverages over the counter, by telephone or by fax machine, and whose principle characteristic is that food and beverages are consumed off the premises.

The Board agrees that by the very nature of its use, convenience store patrons are essentially pass-by or frequent trip users. These types of trips traditionally are from those people who are already

driving the adjacent road system to another destination, whereas a primary trip is one made for the specific purpose, such as a workplace or doctor's office directly from home. As these customers approach the area of a convenience store, they traditionally stop in, and once the stop at the convenience store is complete, they continue onto their primary destination. In the instant case, the Petitioner is proposing that the convenience store portion of the BP Connect would provide general household items, such as sealed snacks and candy, pre-packaged foods to be prepared off-site, along with an assortment of beverages. They have indicated that these types of items serve the convenience of a consumer in need of one small specific item, and in no way handle or provide for all the general grocery needs of an individual or family. The essential ingredient of a convenience store is that only small items are being provided and within a sales area around the parameters provided within the *Baltimore County Zoning Regulations'* definition of a convenience store as supplying "refrigerated products, household items, carry-out food packages and pre-packed sealed food and meals."

The Board takes judicial notice that examples of convenience stores with which the members are familiar would be a 7-Eleven facility or a Royal Farm Store facility which generally meet the definition as provided for under BCZR § 101, that convenience stores cannot exceed a gross floor area of 5,000 square feet and are usually open for at least 12 hours in a 24-hour period; the Petitioner proposes to keep their convenience store operating on a 7/24 basis. The Board does not agree with the proposal set forth by the Petitioner that this convenience store is in effect a "food store." The Board agrees with the Petitioner's arguments that stores, such as grocery stores, must have on hand a very large and diverse stock of goods, to a great extent, "food" items. The Board takes note of the Petitioner's definition of food as provided on page 842 of *Webster's Third International Dictionary* which defines food as "material consisting of carbohydrates, fats, proteins, and supplementary substances (as minerals, vitamins) that is taken or absorbed into of the body of an animal in order to sustain growth, repair and all vital processes and to furnish energy for all activity of the organism." The Board takes note that convenience stores do not carry such a large and diverse stock of food but rather are limited to convenience and impulse items, and in particular quick-serve food types. The Board has reached the conclusion that the proposed facility, if

allowed at all, would satisfy the definition of being a "convenience store" as defined under § 101 of the BCZR.

As to the carry-out facility, the Board has concerns as to the connection between the proposed convenience facility and the "carry-out" connection. The Petitioner indicates that the BP Connect store would contain the cashier portion, restrooms, general storage and a food-service component separating the store into two separate areas. The Board does not agree that these two types of facilities can be integrated by a connecting facility and that each are separate and distinct units. If such a proposal were to be contemplated, the Board would absolutely require that the two facilities be separate and distinct with separate entrances, along with separate cashier functions which would distinguish the various services that were being offered by the Petitioner.

In its final analysis, the Board is quite familiar with the responsibilities imposed upon such a body in the many cases that deal with special exception cases. These were well-recited in the Brief submitted by the People's Counsel and involved cases well-known to this Board, such as *Schultz v. Pritts*, 291 Md. 1 (1981) and *People's Counsel v. Mangione*, 85 Md. App. 738 (1991). Similarly the Board recognizes that the granting of any special exception request carries with it certain implied adverse effects. The key element for the Board to determine is whether or not any adverse effects which would exist if the proposal for the subject site were granted would be greater at the proposed site than anywhere else within the zone.

Here again, the Board has considered most carefully the considerations afforded by the Master Plan 2010 recently adopted by the Baltimore County Council. The Board finds that the approval of the proposed site as suggested by the Petitioner would not be within the spirit and intent of the adopted 2010 Master Plan nor would it support the efforts of revitalization in the Reisterstown Road /Liberty Road corridor.

For the reasons cited, the Board will accordingly deny the request for special exception. The Petitioner's request for a sign variance was denied below. This Board also finds that no evidence was presented by the Petitioner that this site is unique under the standards of *Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995), and we deny the variance request.

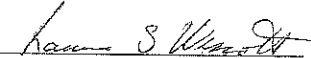
ORDER

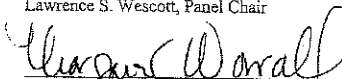
THEREFORE, IT IS ORDERED, by the Baltimore County Board of Appeals, this 10th day of September 2003, that the Petition for Special Exception in Case No. 02-344-XA be and the same is hereby DENIED for the reasons as stated in the foregoing Opinion; and it is further

ORDERED that the Petitioner's request for variance relief be and the same is also DENIED.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence S. Wescott, Panel Chair


Margaret Worrall


Charles L. Marks



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 5, 2019

NOTICE OF DELIBERATION

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

This matter having been heard June 6, 2019 and concluded on June 18, 2019, a public deliberation has been scheduled for the following:

DATE AND TIME: AUGUST 20, 2019 AT 9:00 A.M.

LOCATION: Jefferson Building - Second Floor
Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: Closing briefs are due on July 31, 2019 no later than 3:00 p.m.
(Original and three [3] copies)

NOTE: PUBLIC DELIBERATIONS ARE OPEN WORK SESSIONS WHICH ALLOW THE PUBLIC TO WITNESS THE DECISION-MAKING PROCESS. A WRITTEN OPINION AND ORDER WILL

Notice of Public Deliberation
In the matter of: Timonium SAB, LLC - Legal Owner
Sheetz, Inc. - Lessee
Case No: 18-316-SPHX
July 5, 2019
Page 2

BE ISSUED BY THE BOARD WITHIN A REASONABLE TIMEFRAME AFTER DELIBERATION
AND A COPY SENT TO ALL PARTIES.

For further information, including our inclement weather policy, please visit our website
www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire, Caroline L. Hecker,
	Protestants	Esquire and Gerard J. Gaeng, Esquire
		: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
	Counsel for Protestants	: Michael R. McCann, Esquire
	Protestants	: DGG Market, Inc.

Barry Buchoff
Eric Rockel
George Linthicum
Harry Carver
Janet Wiser

C. Pete Gutwald, Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael D. Mallinoff, Director/PAI
Michael E. Field, County Attorney, Office of Law
Nancy C. West, Assistant County Attorney
Office of People's Counsel



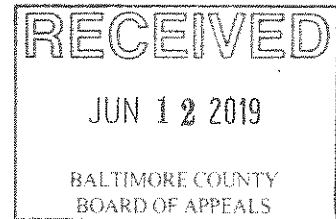
Rosenberg
Martin
Greenberg^{LLP}

Adam D. Baker
Direct Dial: (410) 649-1241
abaker@rosenbergmartin.com

June 12, 2019

VIA HAND DELIVERY

Krysundra Cannington
Board of Appeals for Baltimore County
The Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204
kcannington@baltimorecountymd.gov



Re: Case No. 2018-0316-SPHX

Dear Ms. Cannington:

Enclosed please find for filing an original and one copy of a Motion in Limine to Exclude Evidence, along with a proposed Order with reference to the above.

Please file the originals, date-stamp the copies and return the date stamped copies to the waiting messenger.

Thank you for your assistance.

Sincerely,

Adam D. Baker

ADB/hal

Enclosures

cc: Jason Vettori, Esq. (via hand-delivery w/encls.)
Ms. Nancy A. Wade (via electronic mail w/encls.)
Kimberly Murphy, Esq. (via electronic mail w/encls.)
Mr. Mark Mazur (via electronic mail w/encls.)
Mr. David R. Pelton (via electronic mail w/encls.)
Caroline L. Hecker, Esq. (via electronic mail w/encls.)
Gerard J. Gaeng, Esq. (via electronic mail w/encls.)
Michael R. McCann, Esq. (via electronic mail w/encls.)

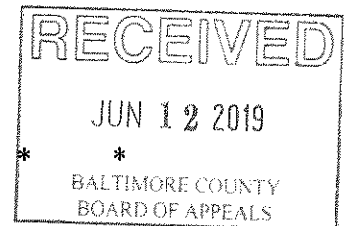
4813-7948-5306, v. 1

IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL
EXCEPTION
(400 W. Padonia Road)
8th Election District
3rd Councilmanic District
Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
Lessee

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2018-0316-SPHX
*

Petitioners

* * * * *



MOTION IN LIMINE
TO EXCLUDE EVIDENCE

7-Eleven, Inc. and 9709 Beaver Dam Road, LLC, ("Movants") by and through their counsel, Adam D. Baker, Caroline L. Hecker, Gerard J. Gaeng, and Rosenberg Martin Greenberg, LLP, respectfully move this honorable Board of Appeals to exclude the following from the hearing in this matter:

- (1) Any and all evidence related to the basis for the adoption of the 2019 Baltimore County Basic Services Transportation Map.

In light of the tenor of the Petitioner's arguments at the hearing before the Board of Appeals ("Board of Appeals" or "Board") on June 6, 2019, suggesting that this Board may disregard the clear terms of a bill passed by the Baltimore County Council, Movants hereby file this Motion *In Limine* to prevent the Petitioner from introducing evidence regarding the basis for the adoption of the 2019 Baltimore County Basic Services Transportation Map. In support of this Motion, we state the following:

1. On May 6, 2019, the Baltimore County Council voted to pass Baltimore County Council Bill No. 12-19, with an effective date of May 20, 2019.
2. Bill No. 12-19 establishes the Basic Services Maps for water, sewer and transportation

for Baltimore County for the next year until the new Basic Services Maps are adopted by the County Council in the spring of 2020.

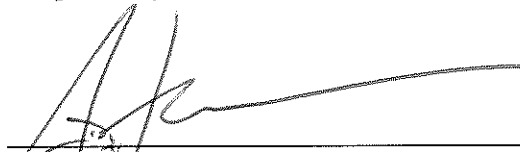
3. Section 4A02, et seq., of the Baltimore County Zoning Regulations (“BCZR”) sets forth the purpose and protocol for adopting new Basic Services Maps annually for water, sewer and transportation services in Baltimore County.
4. Prior to the passage of Bill No. 12-19, Councilman Wade Kach offered an amendment which changed the level of service of the intersection of Padonia Road and Deerco Road/Beaver Dam Road at a 600 foot radius from the center of the intersection to a Level of Service of F.
5. There is no contention that Bill No. 12-19 or the Basic Services Transportation Map were adopted illegally or outside of the codified protocol found in Section 4A02, et seq., of the BCZR. Further, if there were such a contention, the current proceeding in the above-captioned matter before the Board of Appeals is not the proper venue to adjudicate the matter.
6. Ordinarily, Maryland courts are not concerned with the motivations of a legislative body. *Kenwood Gardens Condominiums, Inc., et al. v. Whalen Properties, LLC*, 449 Md. 313, 338 (2016). Judicial scrutiny of legislative action is typically limited to “assessing whether a governmental body was acting within its legal boundaries.” *Id.* (quoting *Talbot Cnty. v. Miles Point Prop., LLC*, 415 Md. 372, 393 (2010)).
7. Moreover, Md. Rule 5-403 provides that “[a]lthough relevant, evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.”

8. Any evidence which the Petitioner seeks to introduce regarding the basis for adopting Bill No. 12-19 or adopting the 2019 Basic Services Transportation Map is irrelevant. Such evidence has no bearing on the instant matter before the Board and has the potential of creating confusion of the issues or delay. Further, where there is no contention that the passage of Bill No. 12-19 was illegal, improper or outside of the scope of the authority of the County Council, the motivations of the Council are not subject to judicial review.

CONCLUSION

For the foregoing reasons, 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC hereby prays that the Board grant this Motion *in Limine* and prohibit the Petitioner from introducing evidence related to the basis for the adoption of the 2019 Baltimore County Basic Services Transportation Map..

Respectfully submitted,



Adam D. Baker
Caroline L. Hecker
Gerard J. Gaeng
Rosenberg Martin Greenberg, LLP
25 S. Charles St., 21st Floor
Baltimore, MD 21201
410-727-6600
FAX 410-727-1115

*Counsel for 7-Eleven, Inc. and 9709 Beaver Dam
Road, LLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of June, 2019, a copy of the foregoing Motion *in Limine* was hand-delivered to:

Jason Vettori, Esq.
Smith, Gildea & Schmidt, LLP
600 Washington Avenue, Suite 200
Towson, Maryland 21204



Adam D. Baker

IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL
EXCEPTION

(400 W. Padonia Road)
8th Election District
3rd Councilmanic District
Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
Lessee

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2018-0316-SPHX
*

Petitioners

* * * * *

ORDER GRANTING MOTION *IN LIMINE*

Having considered the Motion *in Limine*, and any Response thereto, it is this
_____ day of _____, 2019 hereby:

ORDERED that Motion is **GRANTED**; and

**Petitioner is hereby prohibited from introducing any and all evidence related to the
basis for the adoption of the 2019 Baltimore County Basic Services Transportation Map.**

IN THE MATTER OF: TIMONIUM SAB,
LLC - Legal Owner/Petitioner
Sheetz, Inc - Lessee

400 W. Padonia Road

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-316-SPHX

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

Carl Richards
Department of Permits, Approvals & Inspections
Zoning Review Office
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

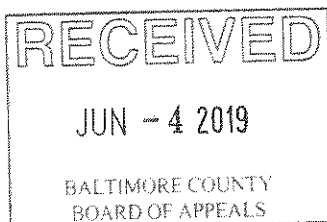
YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (X) Personally appear and produce documents or objects; **in Hearing Room #2, Suite 206, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on Thursday, June 6, 2019 at 10:00 a.m. and Tuesday, June 18, 2019 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):** *Any documents relating to the proposed fuel service station at 400 W. Padonia Road, including any policies sent to the County Council for its review, and/or regulations adopted under Article 3, Title 7 of the County Code regarding restaurants.*

SUBPOENA REQUESTED BY:

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, (X) Private Process Server, to issue the summons set forth herein.



Sunny Cunningham
Board of Appeals for Baltimore County

IN THE MATTER OF: TIMONIUM SAB,
LLC - *Legal Owner/Petitioner*
Sheetz, Inc - *Lessee*

400 W. Padonia Road

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-316-SPHX

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Jenifer Nugent
 Office of Planning
 Jefferson Building
 105 W. Chesapeake Avenue
 Towson, MD 21204

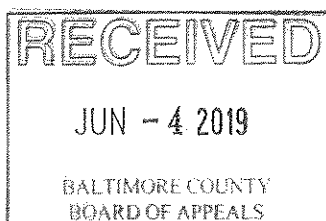
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SUBPOENA REQUESTED BY:

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

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Sunny Cannington
Board of Appeals for Baltimore County



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 18, 2019

AMENDED NOTICE OF REASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

This matter was scheduled for hearing on June 6 and June 11, 2019. Due to scheduling conflicts among the Board, the June 11, 2019 hearing has been

REASSIGNED FOR: JUNE 6, 2019, at 10:00 a.m. – Day 1
JUNE 18, 2019, at 10:00 a.m. – Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Amended Notice of Reassignment
In the matter of: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. - Lessee
Case number: 18-316-SPHX
April 18, 2019
Page 2

- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra “Sunny” Cannington
Administrator

c. Counsel for Petitioners
Petitioners/Legal Owners
Petitioners/Lessee

: Jason T. Vettori, Esquire
: Timonium SAB, LLC/ Kenneth J. Goodman
: Sheetz, Inc./Brent M. Brubaker

Counsel for Protestants:

Protestants

: Adam D. Baker, Esquire, Caroline L. Hecker, Esquire
and Gerard J. Gaeng, Esquire
: 7-Eleven, Inc.
9709 Beaver Dam Road, LLC/Sarah Ragab

Counsel for Protestants
Protestants

: Michael R. McCann, Esquire
: DGG Market, Inc.

Barry Buchoff
Eric Rockel
George Linthicum
Harry Carver
Janet Wiser

Jeffrey Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People’s Counsel

Krysundra Cannington

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, April 17, 2019 10:10 AM
To: Krysundra Cannington
Cc: Baker, Adam; Michael McCann
Subject: Re: Sheetz - June 11 hearing date

Sunny,

June 18, 2019 works for my client, the Petitioner. Sorry about the delayed response and thank you for your assistance.

Sent from my iPhone

On Apr 17, 2019, at 3:00 PM, Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning,

Please be advised I cannot hold this date (June 18) beyond the close of business tomorrow, Thursday, April 18th.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or taking of any action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, April 15, 2019 10:14 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Jason Vettori <jvettori@sgs-law.com>; Baker, Adam <ABaker@rosenbergmartin.com>
Subject: RE: Sheetz - June 11 hearing date

Sunny: June 18 is good for us. Thank you.

Krysundra Cannington

From: Baker, Adam <ABaker@rosenbergmartin.com>
Sent: Wednesday, April 17, 2019 10:09 AM
To: Krysundra Cannington
Subject: Re: Sheetz - June 11 hearing date

June 18 works for me and my client. Thanks.

Adam D. Baker

Adam Baker

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



Rosenberg
Martin
Greenberg^{LLP}



On Apr 17, 2019, at 10:00 AM, Krysundra Cannington <kcannington@baltimorecountymd.gov> wrote:

Good morning,

Please be advised I cannot hold this date (June 18) beyond the close of business tomorrow, Thursday, April 18th.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Krysundra Cannington

From: Krysundra Cannington
Sent: Wednesday, April 17, 2019 10:00 AM
To: Jason Vettori; Baker, Adam
Cc: 'Michael McCann'
Subject: RE: Sheetz - June 11 hearing date

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Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, April 15, 2019 10:14 AM
To: Krysundra Cannington <kcannington@baltimorecountymd.gov>; Jason Vettori <jvettori@sgs-law.com>; Baker, Adam <ABaker@rosenbergmartin.com>
Subject: RE: Sheetz - June 11 hearing date

Sunny: June 18 is good for us. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Monday, April 15, 2019 10:14 AM
To: Krysundra Cannington; Jason Vettori; Baker, Adam
Subject: RE: Sheetz - June 11 hearing date

Sunny: June 18 is good for us. Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Krysundra Cannington [mailto:kcannington@baltimorecountymd.gov]
Sent: Thursday, April 11, 2019 2:40 PM
To: Jason Vettori <jvettori@sgs-law.com>; Michael McCann <michael@mmccannlaw.net>; Baker, Adam <ABaker@rosenbergmartin.com>
Subject: RE: Sheetz - June 11 hearing date

Counsel,

Would you, your clients, and witnesses be available on June 18 for Day 2 of this matter?

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

Confidentiality Statement

This electronic mail transmission contains confidential information belonging to the sender which is legally privileged and confidential. The information is intended only for the use of the individual or entity named above. If you are not the

Krysundra Cannington

From: Krysundra Cannington
Sent: Thursday, April 11, 2019 2:40 PM
To: 'Jason Vettori'; 'Michael McCann'; Baker, Adam
Subject: RE: Sheetz - June 11 hearing date

Counsel,

Would you, your clients, and witnesses be available on June 18 for Day 2 of this matter?

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
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From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, April 3, 2019 11:53 AM
To: 'Michael McCann' <michael@mmccannlaw.net>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Tammy Zahner <tzahner@baltimorecountymd.gov>; Baker, Adam <ABaker@rosenbergmartin.com>
Subject: RE: Sheetz - June 11 hearing date

Sunny:

I understand that Mr. McCann's client will be out of town on June 11, 2019 but don't think the Board of Appeals should exercise its discretion to give up this hearing date if the panel is not available for a second date in mid-June. My recollection is that Mr. McCann identified his clients to the Board on March 12, 2019 as Dennis Graul and DGG Market Inc. (an entity that presumably has a property interest in the Graul's store located in Mays Chapel). I don't see how Mr. Graul's presence on that date constitutes a good and sufficient reasons for the requested postponement for the following reasons.

For starters, as I represented to counsel for the protestants at our previously scheduled hearing date of March 12, 2019, I anticipate that I will be done with my witnesses on June 6, 2019. This should afford Mr. Graul an opportunity to testify on that date after our case in chief. I suspect his testimony, should he actually be called to testify (unlike at the Administrative Law Judge hearing), would revolve around his business and how this has led him to object to the relief

Krysundra Cannington

From: Krysundra Cannington
Sent: Tuesday, April 9, 2019 1:35 PM
To: 'Jason Vettori'; 'Michael McCann'
Cc: Tammy Zahner; Baker, Adam
Subject: RE: Sheetz - June 11 hearing date

Jason,

I appreciate your email in opposition to Mr. McCann's request for postponement. Unfortunately, I have just been informed of conflicts with several Board members in June and it appears I do not have a panel available for this matter on June 11.

At this time, I kindly request your patience as I work to secure another date.

Thank you,

Sunny

Krysundra "Sunny" Cannington
Administrator
Board of Appeals of Baltimore County
410-887-3180

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From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, April 3, 2019 11:53 AM
To: 'Michael McCann' <michael@mmccannlaw.net>; Krysundra Cannington <kcannington@baltimorecountymd.gov>
Cc: Tammy Zahner <tzahner@baltimorecountymd.gov>; Baker, Adam <ABaker@rosenbergmartin.com>
Subject: RE: Sheetz - June 11 hearing date

Sunny:

I understand that Mr. McCann's client will be out of town on June 11, 2019 but don't think the Board of Appeals should exercise its discretion to give up this hearing date if the panel is not available for a second date in mid-June. My recollection is that Mr. McCann identified his clients to the Board on March 12, 2019 as Dennis Gaul and DGG Market Inc. (an entity that presumably has a property interest in the Gaul's store located in Mays Chapel). I don't see how Mr.

Krysundra Cannington

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Wednesday, April 3, 2019 11:53 AM
To: 'Michael McCann'; Krysundra Cannington
Cc: Tammy Zahner; Baker, Adam
Subject: RE: Sheetz - June 11 hearing date

Sunny:

I understand that Mr. McCann's client will be out of town on June 11, 2019 but don't think the Board of Appeals should exercise its discretion to give up this hearing date if the panel is not available for a second date in mid-June. My recollection is that Mr. McCann identified his clients to the Board on March 12, 2019 as Dennis Graul and DGG Market Inc. (an entity that presumably has a property interest in the Graul's store located in Mays Chapel). I don't see how Mr. Graul's presence on that date constitutes a good and sufficient reasons for the requested postponement for the following reasons.

For starters, as I represented to counsel for the protestants at our previously scheduled hearing date of March 12, 2019, I anticipate that I will be done with my witnesses on June 6, 2019. This should afford Mr. Graul an opportunity to testify on that date after our case in chief. I suspect his testimony, should he actually be called to testify (unlike at the Administrative Law Judge hearing), would revolve around his business and how this has led him to object to the relief requested. Furthermore, in the event we cannot finish up with the witnesses I intend to call on June 6, 2019, I would be more than willing to allow Mr. Graul to be called to offer his testimony before our case in chief is completed.

While I understand that there may be some technical issues that expert witnesses will opine about during the proceeding, I am not aware of any expert testimony which Mr. Graul will be offering and think reasonable accommodations to get his testimony on the record can be accomplished without foregoing the currently scheduled second hearing date. I am unaware of any strategic advantage which would be lost by Mr. Graul testifying after the Petitioner's case in chief has ended but before other witnesses for the protestants or during the Petitioner's case in chief, should the need arise. Either way, the testimony would be on the record and the Board can certainly give it the weight it deserves. Assuming, these accommodations regarding Mr. Graul's testimony are acceptable to Mr. McCann, I further contend that Mr. Graul's mere presence on second hearing date, June 11, 2019, does not constitute a good and sufficient reason for the requested postponement under Rule 2.b, as he does not likely have anything to offer with respect to the technical issues on which the expert witnesses will be opining and there have already been significant delays at both the Administrative Law Judge and Board levels.

Thank you for your consideration of this most important matter.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, April 2, 2019 4:53 PM
To: Krysundra Cannington
Cc: Tammy Zahner; Baker, Adam; Jason Vettori
Subject: Sheetz - June 11 hearing date

Sunny: I write to request a new second hearing date. My client will be out of town on the June 11th date.

We are available on June 6th and also on other dates in early-mid June, if that works.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 27, 2019

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

ASSIGNED FOR: **JUNE 6, 2019, at 10:00 a.m. – Day 1**
JUNE 11, 2019, at 10:00 a.m. – Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Notice of Assignment
In the matter of: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. - Lessee
Case number: 18-316-SPHX
March 27, 2019
Page 2

- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra “Sunny” Cannington
Administrator**

c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire, Caroline L. Hecker, Esquire
	Protestants	and Gerard J. Gaeng, Esquire
		: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
	Counsel for Protestants	: Michael R. McCann, Esquire
	Protestants	: DGG Market, Inc.

Barry Buchoff
Eric Rockel
George Linthicum
Harry Carver
Janet Wiser

Jeffrey Mayhew, Acting Director/Department of Planning
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel

IN THE MATTER OF: TIMONIUM SAB,
LLC - *Legal Owner/Petitioner*
Sheetz, Inc - *Lessee*

400 W. Padonia Road

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-316-SPHX

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Carl Richards
Department of Permits, Approvals & Inspections
Zoning Review Office
County Office Building
111 W. Chesapeake Avenue
Towson, MD 21204

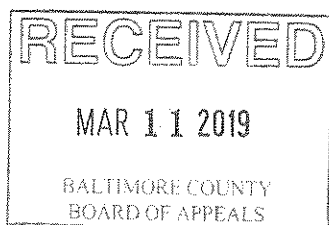
YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; (X) Personally appear and produce documents or objects; **in Hearing Room #2, Suite 206, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on Tuesday, March 12, 2019 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):** *Any documents relating to the proposed fuel service station at 400 W. Padonia Road, including any policies sent to the County Council for its review, and/or regulations adopted under Article 3, Title 7 of the County Code regarding restaurants.*

SUBPOENA REQUESTED BY:

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, (X) Private Process Server, to issue the summons set forth herein.



Sunny Cannington
Board of Appeals for Baltimore County

IN THE MATTER OF: TIMONIUM SAB,
LLC - *Legal Owner/Petitioner*
Sheetz, Inc - *Lessee*

400 W. Padonia Road

8th Election District
3rd Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* Case No.: 2018-316-SPHX

* * * * *

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County) Jenifer Nugent
Office of Planning
Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

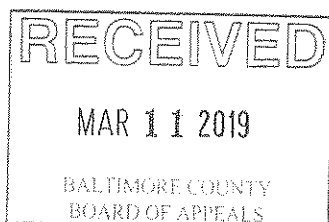
YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and/or objects only; **(X)** Personally appear and produce documents or objects; **in Hearing Room #2, Suite 206, The Jefferson Building, 105 W. Chesapeake Avenue, Towson, MD 21204 on Tuesday, March 12, 2019 at 10:00 a.m.**

YOU ARE COMMANDED TO produce the following documents or objects **(for general purpose as stated):** *Any documents relating to the proposed fuel service station at 400 W. Padonia Road.*

SUBPOENA REQUESTED BY:

Jason T. Vettori
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070

The witness named above is hereby **ORDERED** to so appear before the County Board of Appeals. The Board requests () the Sheriff, **(X)** Private Process Server, to issue the summons set forth herein.



Sunny Cunningham
Board of Appeals for Baltimore County

Tammy Zahner

From: Tammy Zahner
Sent: Monday, February 11, 2019 1:52 PM
To: 'mfares@valbridge.com' - (904) 502-8904
Subject: Timonium SAB / Sheetz
Attachments: Petition for Special Hearing and Special Exception.pdf

Dear Mr. Fares:

Pursuant to your request, attached is the Petition for Special Hearing and Special Exception filed in the matter of Timonium SAB, LLC – Legal Owner, Sheetz, Inc. – Lessee, Case No.: 18-316-SPHX.
If this is not what you are looking for, please let me know.

Sincerely,

Tammy A. Zahner, Legal Secretary
Board of Appeals of Baltimore County
Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3180
(410) 887-3182 (Fax)

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Board of Appeals of Baltimore County

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SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 23, 2019

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

Adam D. Baker, Esquire
Rosenberg Martin Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, MD 21201

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, MD 21204

Re: In the Matter of: Timonium SAB, LLC – Legal Owner
Sheetz, Inc- Lessee
Case No: 18-18-316-SPHX

Dear Counsel:

Please be advised I have had to adjust the schedule. The above referenced matter was scheduled for Tuesday, March 12 and Thursday, March 14, 2019 and has been adjusted to March 12, and March 13, 2019. Enclosed, please find an Amended Notice of Assignment. I apologize for any inconvenience or confusion.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact this office.

Very truly yours,

A handwritten signature in cursive script that reads "Sunny Cannington".

Krysundra "Sunny" Cannington
Administrator

Enclosure: Notice of Assignment

Multiple original cover letter



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 23, 2019

AMENDED NOTICE OF ASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

This matter was scheduled for hearing on March 12 and 14, 2019 and has been adjusted by the Board to

ASSIGNED FOR: **MARCH 12, 2019, AT 10:00 A.M. and**
MARCH 13, 2019, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

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**Krysundra "Sunny" Cannington
Administrator**

c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire
	Protestants	: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
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Nancy West, Assistant County Attorney
Office of People's Counsel



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

January 10, 2019

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
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10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

This matter was scheduled for hearing on March 5 and 7, 2019 and has been postponed by request of Counsel. This matter has been

**REASSIGNED FOR: MARCH 12, 2019, AT 10:00 A.M. and
MARCH 14, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

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Krysundra "Sunny" Cannington
Administrator

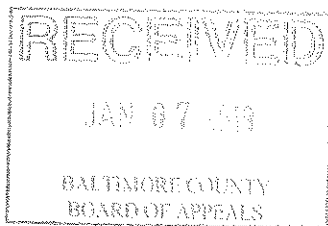
c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire
	Protestants	: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
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Michael Field, County Attorney, Office of Law
Michael Mohler, Acting Director/PAI
Nancy West, Assistant County Attorney
Office of People's Counsel

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI



LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY

of counsel:

EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN

*Admitted in MD, FL, PA

January 3, 2019

Sent Via First Class Mail

Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of: Timonium SAB, LLC-Property Owner; Sheetz, Inc.-Lessee
400 W. Padonia Road
Petition for Zoning Hearing Appeal
Case No.: 18-316-SPHX

Dear Sunny,

Please enter my appearance on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, as provided in Rule 6.d of the Board of Appeals Rules of Practice and Procedure.

Additionally, I am in receipt of the Board's Notice of Postponement and Reassignment in connection with the above referenced matter. I see that this matter has been rescheduled from the original hearing dates in February 2019 for two hearing dates in March; March 5, 2019 and March 7, 2019. Unfortunately, witnesses whose presence and testimony are critical to this proceeding, are unavailable to attend on those days. Therefore, I am respectfully requesting a postponement in accordance with Rule 2.b.

At least one witness for my client, Sheetz, Inc., as well as our engineer, are going to be out of town on the scheduled hearing dates. The representative from Sheetz, Inc. will be out of town for a previously scheduled work conference. Our engineer will be out of town for his sister's wedding. Thank you for your courtesy in exercising the Board's discretion. I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. T. Vettori", written over a horizontal line.

Jason T. Vettori

cc: Michael R. McCann, Esq.
Adam Baker, Esq.

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
MICHAEL G. DEHAVEN
JASON T. VETTORI

LAUREN D. BENJAMIN
MARIELA C. D'ALESSIO*
MELISSA L. ENGLISH
CARMELO D. MORABITO
SARAH A. ZADROZNY
of counsel:
EUGENE A. ARBAUGH, JR.
DAVID T. LAMPTON
MARY G. LOKER
STEPHEN J. NOLAN
*Admitted in MD, FL, PA

January 3, 2019

Sent Via First Class Mail

Ms. Krysundra L. Cannington, Administrator
Board of Appeals of Baltimore County
Jefferson Building
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: In the Matter of: Timonium SAB, LLC-Property Owner; Sheetz, Inc.-Lessee
400 W. Padonia Road
Petition for Zoning Hearing Appeal
Case No.: 18-316-SPHX

Dear Sunny,

Please enter my appearance on behalf of Sheetz, Inc., 5700 Sixth Avenue, Altoona, PA 16602, as provided in Rule 6.d of the Board of Appeals Rules of Practice and Procedure.

Additionally, I am in receipt of the Board's Notice of Postponement and Reassignment in connection with the above referenced matter. I see that this matter has been rescheduled from the original hearing dates in February 2019 for two hearing dates in March; March 5, 2019 and March 7, 2019. Unfortunately, witnesses whose presence and testimony are critical to this proceeding, are unavailable to attend on those days. Therefore, I am respectfully requesting a postponement in accordance with Rule 2.b.

At least one witness for my client, Sheetz, Inc., as well as our engineer, are going to be out of town on the scheduled hearing dates. The representative from Sheetz, Inc. will be out of town for a previously scheduled work conference. Our engineer will be out of town for his sister's wedding. Thank you for your courtesy in exercising the Board's discretion. I look forward to hearing from you.

Very truly yours,



Jason T. Vettori

cc: Michael R. McCann, Esq.
Adam Baker, Esq.

Krysundra Cannington

From: Kelly Benton <kbenton@sgs-law.com>
Sent: Thursday, January 03, 2019 3:32 PM
To: Krysundra Cannington
Cc: 'abaker@rosenbergmartin.com'; michael@mmccannlaw.net; Jason Vettori
Subject: Sheetz - 400 W. Padonia Road
Attachments: Request for Postponement of BOA Hearing 1.3.2019.PDF

Good afternoon Ms. Cannington,

Please see the attached Request for Postponement regarding the above matter.

Best regards,
Kelly

Kelly Benton | Paralegal
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
kbenton@sgs-law.com | www.sgs-law.com

This email contains information from the law firm of Smith, Gildea & Schmidt, LLC which may be confidential and/or privileged. The information is intended to be for the exclusive use of the individual or entity named above. If you are not the intended recipient, be advised that any disclosure, copying, distribution or other use of this information is strictly prohibited. If you have received this e-mail in error, please notify Smith, Gildea & Schmidt, LLC by telephone immediately.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

December 14, 2018

NOTICE OF POSTPONEMENT AND REASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

This matter was scheduled for hearing on February 12 and 14, 2019 and has been postponed by request of Counsel. This matter has been

**REASSIGNED FOR: MARCH 5, 2019, AT 10:00 A.M. and
MARCH 7, 2019, AT 10:00 A.M.**

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.
- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

Krysundra "Sunny" Cannington
Administrator

c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire
	Protestants	: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
	Counsel for Protestants	: Michael R. McCann, Esquire
	Protestants	: DGG Market, Inc.

Barry Buchoff
Eric Rockel
George Linthicum
Harry Carver
Janet Wiser

Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel

Michael R. McCann, P.A.

118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net

November 20, 2018

Via Email

Kysundra Cannington
Baltimore County Board of Appeals
105 W. Chesapeake Avenue, 2nd Floor
Towson, Maryland 21204

Re: *Timonium SAB, LLC – Sheetz, Inc.*
400 W. Padonia Road
Case No. 2018-0316-SPHX

Dear Ms. Cannington:

I write to request a postponement of the hearing scheduling for February 12 and 14, 2018 in the above matter. My client will be traveling out of the country from February 8th to 18th.

Thank you for your consideration. Please contact me if you have any questions.

Best regards,



Michael R. McCann

cc: Caroline Hecker (*via email*)
Adam Baker, Esq. (*via email*)
Jason Vettori, Esq. (*via email*)

Krysundra Cannington

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, November 20, 2018 5:00 PM
To: Krysundra Cannington
Cc: abaker@rosenbergmartin.com; Jason Vettori; checker@rosenbergmartin.com
Subject: Timonium SAB, LLC/Sheetz, Inc. - Case No. 18-316-SPHX
Attachments: 20181120164310506.pdf

Sunny: Please see the attached.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 15, 2018

NOTICE OF ASSIGNMENT

IN THE MATTER OF: Timonium SAB, LLC – Legal Owner
Sheetz, Inc. – Lessee
18-316-SPHX 400 W. Padonia Road
8th Election District; 3rd Councilmanic District

Re: Petition for Special Hearing pursuant to BCZR Section 500.7 as follows:
1. for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

Petition for Special Exception to approve a fuel service station.

10/2/18 Opinion and Order of the Administrative Law Judge wherein the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, were GRANTED; and the Petition for Special Exception to approve a fuel service station was GRANTED, subject to conditions.

ASSIGNED FOR: **FEBRUARY 12, 2019, at 10:00 a.m. – Day 1**
FEBRUARY 14, 2019, at 10:00 a.m. – Day 2

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE:

- This appeal is an evidentiary hearing. Parties should consider the advisability of retaining an attorney.
- Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.
- No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).
- If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Notice of Assignment

In the matter of: Timonium SAB, LLC – Legal Owner

Sheetz, Inc. - Lessee

Case number: 18-316-SPHX

November 15, 2018

Page 2

- Parties must file one (1) original and three (3) copies of all Motions, Memoranda, and exhibits (including video and PowerPoint) with the Board unless otherwise requested.
- Projection equipment for digital exhibits is available by request. A minimum of forty-eight (48) hours-notice is required. Supply is limited and not guaranteed.

For further information, including our inclement weather policy, please visit our website www.baltimorecountymd.gov/Agencies/appeals/index.html

**Krysundra “Sunny” Cannington
Administrator**

c.	Counsel for Petitioners	: Jason T. Vettori, Esquire
	Petitioners/Legal Owners	: Timonium SAB, LLC/ Kenneth J. Goodman
	Petitioners/Lessee	: Sheetz, Inc./Brent M. Brubaker
	Counsel for Protestants:	: Adam D. Baker, Esquire
	Protestants	: 7-Eleven, Inc.
		9709 Beaver Dam Road, LLC/Sarah Ragab
	Counsel for Protestants	: Michael R. McCann, Esquire
	Protestants	: DGG Market, Inc.

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Harry Carver
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Andrea Van Arsdale, Director/Department of Planning
Arnold Jablon, Director/PAI
Lawrence M. Stahl, Managing Administrative Law Judge
Michael Field, County Attorney, Office of Law
Nancy West, Assistant County Attorney
Office of People's Counsel



DONALD I. MOHLER III
County Executive

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

November 1, 2018

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



RE: **APPEAL TO BOARD OF APPEALS**
Petitions for Special Hearing and Special Exception
Case No. 2018-0316-SPHX
Property: 400 W. Padonia Rd.

Dear Mr. Vettori:

Please be advised that appeals of the above-referenced case were filed in this Office on October 31, 2018 and November 1, 2018. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

c: Adam D. Baker, Esq., Caroline L. Hecker, Esq. & Gerard J. Gaeng, Rosenberg Martin
Greenberg, LLP, 25 S. Charles Street, Suite 2115, Baltimore, MD 21201
Michael R. McCann, Esq., Michael R. McCann, PA., 118 W. Pennsylvania Avenue,
Towson, MD 21204
Sarah Ragab, 9709 Beaver Dam Road, Timonium, MD 21093
Harry Carver, 8 Castlehill Court, Timonium, MD 21093
Barry Buchoff, 19 Castlebar Court, Timonium, MD 21093
Eric Rockel, 1610 Riderwood Drive, Timonium, MD 21093
George Linthicum, 12101 Tullamore Court, Timonium, MD 21093
Janet Wiser, 100 W. Timonium Road, Timonium, MD 21093
Baltimore County Board of Appeals
People's Counsel

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103 | Towson, Maryland 21204 | Phone 410-887-3868 | Fax 410-887-3468
www.baltimorecountymd.gov

APPEAL

Petitions for Special Hearing and Special Exception
(400 W. Padonia Rd.) 3rd
8th Election District – 4th Councilmanic District
Legal Owner: Timonium SAB, LLC
Lessee: Sheetz, Inc.
Case No. 2018-0316-SPHX

Petitions for Special Hearing and Special Exception (May 16, 2018)

Zoning Description of Property

Notice and New Notice of Zoning Hearing (June 13, 2018 & August 1, 2018)

Certificates of Publication (Jefferson – June 28, 2018 and The Daily Record – September 6, 2018)

Certificates of Posting (June 22, 2018, September 5, 2018 & September 24, 2018) by Linda O'Keefe

Entry of Appearance by People's Counsel (May 31, 2018)

Petitioner(s) Sign-in Sheet – 1 Sheet

Citizen(s) Sign-in-Sheet – 1 Sheet

Zoning Advisory Committee Comments

Petitioner(s) Exhibits

1. Site Plan
2. SDAT Record
3. Graul's Market – Website
4. History of Graul's Market
5. Bathurst Resume
6. Gas Station Exhibit
7. Deed re: Signage Easement
8. Title Survey Plan
9. Case No. 98-86-A
10. A & B – Sign Variance Request
11. Zoning Regs., Section 413
12. 2-Sheet Landscape Plan
13. 9/24/18 Letter from Jim Hermann
14. Building Elevation
15. Site Plan (2 Sheet) – Royal Farm Store #191 (for separate case)
16. Photos of Royal Farm #191
17. Site Plan – Royal Farm #57
18. 2018 Basic Services Map
19. Larger Scale Basic Services Map
20. Baltimore County List – Level of Service Intersections
21. Myrick CV
22. Traffic Counts from Proposed Padonia Rd. Royal Farms
23. Traffic Counts for Sheetz Market

Baltimore County Exhibits

1. OAH Zoning File Contents

Miscellaneous (Not Marked as Exhibits)

Administrative Law Judge Order (GRANTED W/CONDITIONS – October 2, 2018)

Appeal & Receipt from Adam D. Baker, Esq. on October 31, 2018

Appeal & Receipt from Michael R. McCann, Esq. on November 1, 2018

Michael R. McCann, P.A.

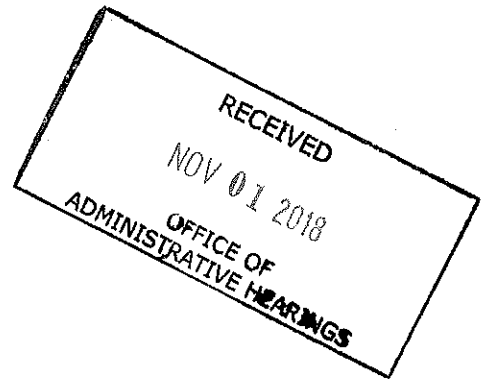
118 W. Pennsylvania Avenue

Towson, Maryland 21204

Phone: (410) 825-2150

Facsimile: (410) 825-2149

michael@mmccannlaw.net



November 1, 2018

Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: *Petition for Special Hearing and Special Exception*
400 W. Padonia Road
Case No. 2018-0316-SPHX

To whom it may concern:

Enclosed for filing in the above-referenced matter is a Notice of Appeal.

Thank you.

Best regards,

Michael R. McCann

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

No 143399

Date: 11/11/18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				645.00
Total:								645.00

Rec From: Mike McGann, Esq

For: Office of Administrative Hearings (CD OR APPEAL)
Case No. 2018-0316-SPHY
Address OR Project: 400 W. Padonia Rd.
Hearing Date(s): 9/26/18

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

PAID 11/11/18
 RECEIVED BY: [Signature]
 DATE: 11/11/18
 AMOUNT: \$645.00
 CHECK NO: 143399

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No: 2018-0316-SPHX

*

* * * * *

Protestant, DGG Market, Inc., pursuant to Baltimore County Code §32-3-401, hereby files an appeal to the Board of Appeals of Baltimore County from the Opinion and Order of the Administrative Law Judge dated October 2, 2018. Pursuant to Rule 3 of the Rules of Practice and Procedure of the Board of Appeals, the principal office of the appellant is 7713 Bellona Avenue, Ruxton, Maryland 21204.

Respectfully submitted,

Respectfully Submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Ave.
Towson, MD 21204
(410) 825-2150

Attorneys for Appellant

CERTIFICATE OF SERVICE

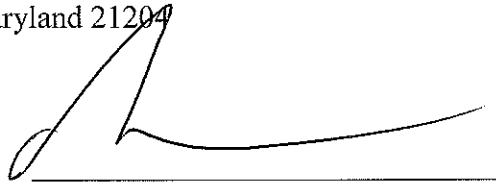
I hereby certify that on 1st day of November 2018 a copy of the foregoing Notice of Appeal was mailed, *via* first-class mail, postage prepaid to:

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

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

and hand-delivered to:

Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Ave.
Suite 205
Towson, Maryland 21204

A handwritten signature in black ink, appearing to read 'Michael R. McCann', is written over a horizontal line.

Michael R. McCann



Rosenberg
Martin
Greenberg^{LLP}

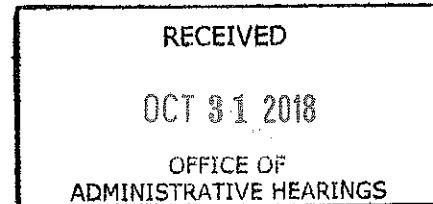
Adam D. Baker
Direct Dial: (410) 649-1241
abaker@rosenbergmartin.com

October 31, 2018

VIA HAND DELIVERY

Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Re: 400 W. Padonia Road
Case No. 2018-0316-SPHX



Dear Sir or Madam:

Enclosed please find an original and one copy of the following:

1. Entry of Appearance on behalf of 7-Eleven, Inc.; and
2. Notice of Appeal, along with a check in the amount of \$645.00 to cover the appeal fees.

Please file the originals, date-stamp the copies and return the date stamped copies to the waiting messenger, along with a copy of the receipt of filing.

Thank you for your assistance.

Sincerely,

Adam D. Baker

ADB/hal
Enclosures

cc: Jason T. Vettori, Esq. (via first class mail and electronic mail w/enclosures)
Michael R. McCann, Esq. (via electronic mail w/enclosures)
Ms. Kristen L. Lewis (via electronic mail w/enclosures)
Ms. Krysundra Cannington (via electronic mail w/enclosures)
7-Eleven, Inc. (via electronic mail w/enclosures)
Gerard J. Gaeng, Esq. (via electronic mail w/enclosures)

4824-2294-3609, v. 1

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

Nº 143398

Date: 10-31-18

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				648.00

Total: 648.00

Rec From: Admin Butler Esq.

For: Office of Administrative Hearings (CD OR APPEAL)
Case No. 2018-CB16-111X
Address OR Project: 400 W. Madison St.
Hearing Date(s): 01-26-19
Ch. 20290

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

**IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL
EXCEPTION**

**(400 W. Padonia Road)
8th Election District
3rd Councilmanic District
Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
*Lessee***

*** BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2018-0316-SPHX**

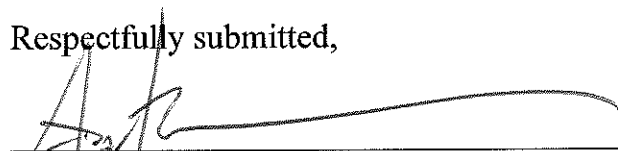
Petitioners

* * * * *

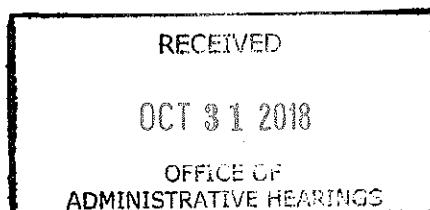
ENTRY OF APPEARANCE

Please enter the appearance of Adam D. Baker, Caroline L. Hecker, Gerard J. Gaeng, and Rosenberg Martin Greenberg, LLP on behalf of 7-Eleven, Inc., P.O. Box 219088, Dallas, Texas 75211 and 9709 Beaver Dam Road, LLC, 9709 Beaver Dam Road, Timonium, Maryland 21093, in the above-captioned matter.

Respectfully submitted,



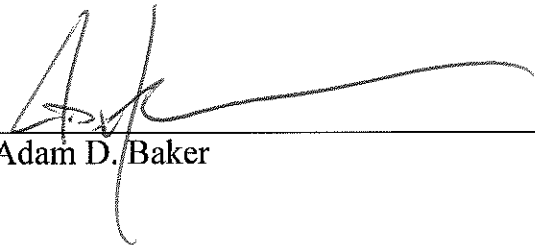
Adam D. Baker
Caroline L. Hecker
Gerard J. Gaeng
Rosenberg | Martin | Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, Maryland 21201
(410) 727-6600
*Attorneys for 7-Eleven, Inc. and 9709 Beaver
Dam Road, LLC*



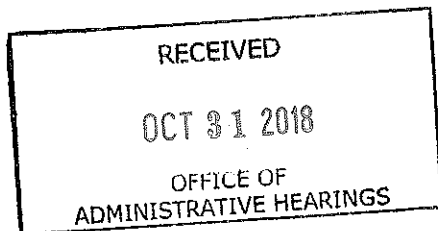
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 2018, a copy of the foregoing Entry of Appearance was mailed via first class mail, postage prepaid, to:

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204


Adam D. Baker

4837-3475-3800, v. 1



**IN RE: PETITION FOR SPECIAL
HEARING AND SPECIAL
EXCEPTION**

**(400 W. Padonia Road)
8th Election District
3rd Councilmanic District
Timonium SAB, LLC
Legal Owner
Sheetz, Inc.
*Lessee***

*** BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 2018-0316-SPHX**

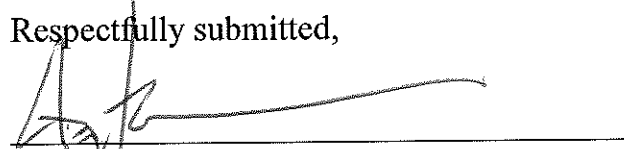
Petitioners

* * * * *

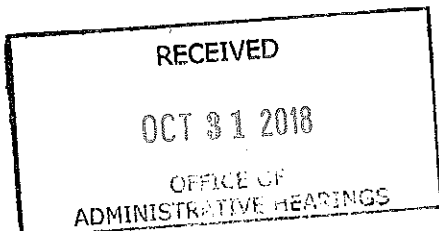
NOTICE OF APPEAL

7-Eleven, Inc., P.O. Box 219088, Dallas, Texas 75211, and 9709 Beaver Dam Road, LLC, 9709 Beaver Dam Road, Timonium, Maryland 21093, by their undersigned counsel, hereby note an appeal to the Board of Appeals for Baltimore County from the October 3, 2018 Opinion and Order from the Honorable John E. Beverungen, Administrative Law Judge for Baltimore County, in the above-captioned matter. 7-Eleven, Inc. and 9709 Beaver Dam Road, LLC are the lessee and owner of that property located at 9709 Beaver Dam Road, Timonium, Maryland 21093, respectively.

Respectfully submitted,



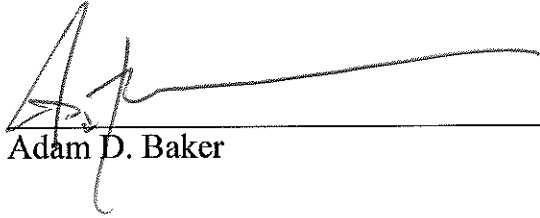
Adam D. Baker
Caroline L. Hecker
Gerard J. Gaeng
Rosenberg | Martin | Greenberg, LLP
25 S. Charles Street, Suite 2115
Baltimore, Maryland 21201
(410) 727-6600
*Attorneys for 7-Eleven, Inc. and 9709 Beaver
Dam Road, LLC*



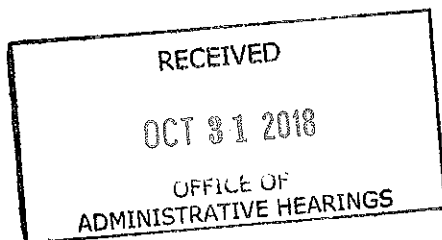
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Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204


Adam D. Baker

4837-3475-3800, v. 1





DONALD I. MOHLER III
County Executive

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

October 2, 2018

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

RE: Petitions for Special Hearing and Special Exception
Case No. 2018-0316-SPHX
Property: 400 W. Padonia Road

Dear Mr. Vettori:

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Caroline Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street,
21st Floor, Baltimore, MD 21201
Michael R. McCann, Esq., Michael R. McCann, P.A., 118 W. Pennsylvania Avenue,
Towson, MD 21204

Sarah Ragab, 9709 Beaver Dam Road, Timonium, MD 21093
Harry Carver, 8 Castlehill Court, Timonium, MD 21093
Barry Buchoff, 19 Castlebar Court, Timonium, MD 21093
Eric Rockel, 1610 Riderwood Drive, Timonium, MD 21093
George Linthicum, 12101 Tullamore Court, Timonium, MD 21093
Janet Wiser, 100 W. Timonium Road, Timonium, MD 21093

**IN RE: PETITIONS FOR SPECIAL HEARING *
AND SPECIAL EXCEPTION**

(400 W. Padonia Road) *

8th Election District *

3rd Council District *

Timonium SAB, LLC *

Legal Owner *

Sheetz, Inc. *

Lessee *

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0316-SPHX

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Special Exception filed on behalf of Timonium SAB, LLC, legal owner and Sheetz, Inc., lessee ("Petitioners"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") as follows: (1) for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and (2) to approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant. A Petition for Special Exception was filed to approve a fuel service station.

Michael LaCesa and professional engineers Bob Bathhurst and Rebecca Myrick attended the public hearing in support of the requests. Jason T. Vettori, Esq. represented the Petitioners. Several citizens attended the hearing to express concerns with traffic conditions near the site, which they described as extremely congested. Michael McCann, Esq. appeared on behalf of DGG Market, Inc. and Caroline Hecker, Esquire appeared on behalf of 7-11. Both of these entities opposed the

ORDER RECEIVED FOR FILING

Date

By

10/2/18

Sen

requests. The Petition was advertised as required by the BCZR. 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.

The subject property is approximately 64,507 sq. ft. (1.48 AC.) in size and is zoned ML-IM. The site is improved with a commercial building which was the former location of a Bob Evans restaurant. Petitioners propose to raze that structure and construct a Sheetz fuel service station with a convenience store and restaurant.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272, (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Bathurst, a professional engineer accepted as an expert, opined the plan and project satisfied all requirements for special exception relief set forth in BCZR Section 502.1 and the Maryland case law interpreting that provision. Ms. Myrick, a professional engineer/traffic engineer accepted as an expert, opined the use would not cause congestion in nearby roadways or cause a deterioration in the level-of-service of any signalized intersections in the vicinity.

Although several members of the community provided testimony concerning the congested traffic conditions in the area (a point also raised by the DOP in its ZAC comment), I do not believe that is sufficient to overcome the presumption in favor of the special exception use. As recognized

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Date

10/2/18

By

Ben

by Maryland's highest court, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise, traffic, congestion, or other associated problems").

The 2018 Basic Services Map (Pet. Ex. 18) reflects the intersection of York and Padonia Roads is rated at "D" level-of-service (LOS). But the subject property is not located within a deficient traffic shed, as shown on Petitioner's Ex. 19. While anecdotal evidence might well suggest traffic at the site is congested, the County Council (which adopts Basic Services Maps on a yearly basis) determined the site was not within a deficient traffic shed (i.e., with a LOS of D, E or F). In addition, Ms. Myrick stressed that the points of ingress/egress for the Sheetz would be "right in/right out" only, with no left turns permitted into or out of the site. As such I will grant the petition for special exception.

SPECIAL HEARING

The first special hearing request seeks confirmation the proposed ancillary uses are properly identified as a convenience store and carry-out restaurant, both of which are permitted by right in conjunction with a fuel service station. BCZR §405.4.D. While there was not much discussion concerning the convenience store aspect of the project, the parties disagreed on whether the proposed restaurant was in fact a carry-out restaurant as that term is defined in BCZR §101.1.

The zoning regulations recognize four varieties of restaurants: fast-food, carry-out, standard and drive in. *Id.* Petitioners contend the Sheetz will be a carry-out restaurant, which is defined as an "establishment whose principal business is to sell ready-to-consume food and beverages to customers who order their food and beverages over the counter...and whose principal characteristic is that food and beverages are consumed off the premises." BCZR § 101.1. Mr. LaCesa

ORDER RECEIVED FOR FILING

Date 10/2/18

By Ben

testified patrons in fact order their food at a counter or kiosk, so I believe this aspect of the definition is satisfied. The difficulty concerns the latter portion of the definition regarding food being "consumed off the premises."

Mr. LaCesa testified most customers do in fact carry-out their food and beverages for consumption off-site. But he indicated the proposed Sheetz (like almost all of their other 581 locations) will have seating for thirty (30) patrons. In a memorandum contained in the case file the Office of Zoning Review stated that "carryout restaurants are only entitled to have three tables and twelve chairs or they are considered [standard] restaurants." This is likely why the developers of the Royal Farm Store at 11119 McCormick Road showed on their site plan just three tables and seating for "12+/- people" in connection with the carryout restaurant proposed. *See* Pet. Ex. 15. While this is apparently not a written or codified policy or regulation, Maryland cases recognize that an agency's interpretation of a statute it administers is entitled to "great deference." *BGE v. Public Service Comm'n.*, 305 Md. 145, 161 (1986).

The BCZR does not provide a clear answer to this inquiry; in fact, the definitions of "restaurant" are (like many things in the Regulations) somewhat antiquated and the operation proposed by Sheetz does not fit neatly in any of the categories. Whether or not the twelve seat limitation adopted by the zoning office is the exact line of demarcation, 2 ½ times as much seating is proposed here. In these circumstances I believe the operation cannot be accurately described as a carry-out restaurant. But at the same time, the operation does not fit precisely within the definition of a "standard restaurant" either, since the food will not be "served to persons seated at tables on the premises of the establishment." BCZR §101.1. The reality is the Sheetz (which does not yet have a location in Baltimore County) is an amalgam that shares characteristics of both a standard and carry-out restaurant. "Carry-out, fast food and standard restaurants" are all permitted by right in the MC-

ORDER RECEIVED FOR FILING

Date

10/2/18

By

Den

IM zone. BCZR §253.1.C.21.

In such circumstances (i.e., when the BCZR does not specify the number of parking spaces required for a particular use) the ALJ is permitted to determine the appropriate number of spaces for the use. BCZR §409.6.A. In this regard, Mr. LaCesa testified the majority of customer consume their food off-premises, although that was the extent of the evidence on this issue. In these circumstances, and given that the Sheetz is a hybrid of both types of restaurants, I believe the required parking should be determined by averaging the total required for a standard and carry-out restaurant. The proposed Sheetz restaurant is 2,023 sq. ft. (indoors), and a standard restaurant (16 spaces per 1,000 SF) would require 33 spaces, while a carry-out restaurant (5 spaces per 1,000 SF) would require 11. The plan also shows a 385 sq. ft. outdoor seating area for the restaurant, which would require 7 spaces for a standard restaurant and 2 spaces for a carry-out. Thus, a standard restaurant would require 40 spaces while a carry-out would require 13. The average of those totals is 27, and the site plan shows 35 spaces are provided for the restaurant. As such I believe more than a sufficient number of spaces are provided for the project.

THEREFORE, IT IS ORDERED this 2nd day of **October 2018**, by this Administrative Law Judge, that the Petition for Special Hearing to determine: (1) the ancillary uses to the fuel service station proposed herein are a convenience store and carry-out/standard restaurant, both of which are permitted by right pursuant to BCZR Sections 405.4.D & 253.1.C.21.; and (2) a minimum of 27 off-street parking spaces are required for the restaurant component of the Sheetz shown on the site plan, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Special Exception to approve a fuel service station, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

ORDER RECEIVED FOR FILING

Date

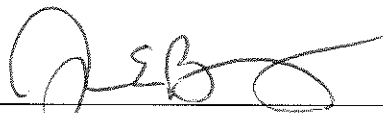
10/2/18

By

SLR

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 shall have five (5) years from the date hereof in which to utilize the special exception.
3. Prior to issuance of permit(s) Petitioners must comply with the ZAC comments submitted by the DOP and DPR, copies of which are attached hereto.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 10/2/18

By sen

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{MVL} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

DATE: June 21, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner to grant a 20-foot wide Drainage & Utility Easement for the existing 18-inch storm drain along the frontage of W. Padonia Road.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 6/21/18
By Sen

9-26

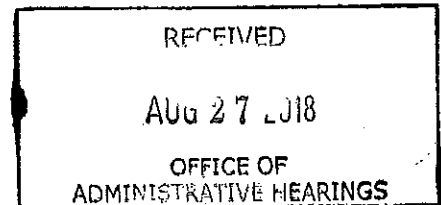
BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: August 23, 2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316



INFORMATION:

Property Address: 400 W Padonia Road
Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC
Zoning: ML-IM
Requested Action: Special Hearing and Special Exception

This memorandum is to convey an update that has resulted from a meeting on August 22, 2018 with representatives of the petitioner. Below are revised comments based upon the meeting.

1. The location at the NW corner of Beaver Dam and Padonia Roads is a prominent location. Currently, the corner is overgrown. The petitioner should work with the County landscape architect to create a visually interesting treatment of the corner. No change to this comment.
2. The petitioner was requested to relocate the dumpster. Given the lack of a better location, the petitioner has agreed to encase the dumpster with material similar to that of the building and to provide evergreen screening on Beaver Dam Road side of property.
3. The Hunt Valley Master Plan Page 259 provides guidelines on building design. The petitioner should treat the windows on the east elevation in a manner similar to the rest of the building by shade awnings or some other treatment. Petitioner has agreed to make treatments over the windows but could not do awnings because of location of propane storage.
4. The CMDP Page 262 addresses Pedestrian access in the Hunt Valley Area. Item three indicates that development should provide direct access from the street to the building entrance. Developer should provide cross-hatching in the parking lots to provide pedestrian safe access from sidewalks. Developer has agreed to provide two locations with striping for pedestrian use. One accessing sidewalk on Beaver Dam Road and the second providing marking for those accessing from Stay America to the north of the site.
5. Padonia Road at this location is highly congested and it somewhat confusing to drivers with the access to I-83. No temporary banners, feather signs or promotional displays should be permitted along Padonia Road. No change to this comment.

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

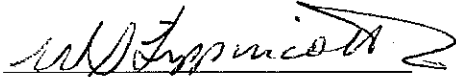
Subject: ZAC #18-316

Date: July 12, 2018

Page 2

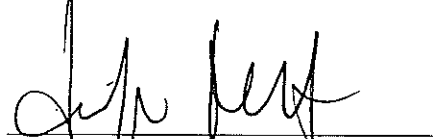
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Wallace S. Lippincott, Jr.

Division Chief:



Jennifer G. Nugent

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

CASE NAME 400 W. Padonia Rd
CASE NUMBER 2018-0314-SPHX
DATE 9/26/18

[illegible]

MICHAEL A. LACESA

DIRECTOR OF REAL ESTATE

5700 Sixth Avenue, Altoona, PA 16602

P 717.755.2803 C 717.877.3093 F 717.757.4703

E mlacesa@sheetz.com

2018-0316-SHX

CASE NUMBER

DATE _____

9-26-2018

[illegible]

CC 12

SECOND CERTIFICATE OF POSTING

ATTENTION: SHERRY NUFFER

DATE: 9/24/2018

Case Number: 2018-0316-SPHX

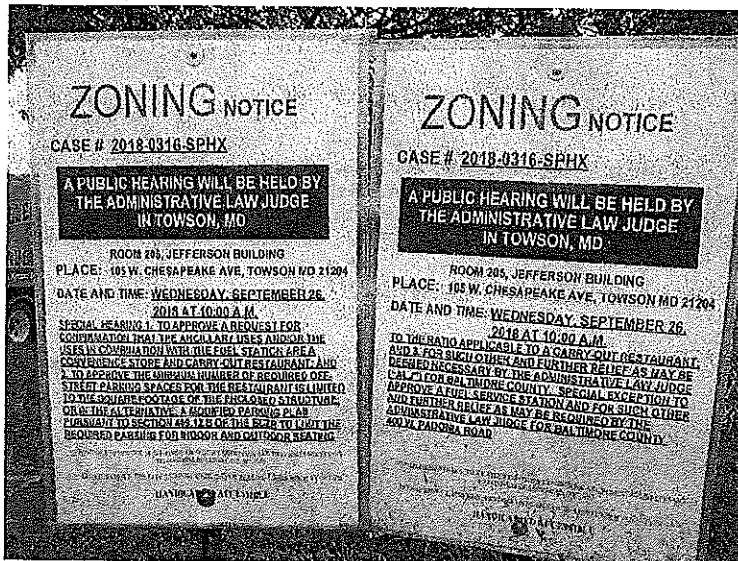
Petitioner / Developer: JASON VETTORI, BRENT BRUBAKER, KENNETH GOODMAN, MICHAEL McCANN, CAROLINE HECKER

Date of Hearing: SEPTEMBER 26, 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:
400 W. PADONIA ROAD

The sign(s) were posted on: **SEPTEMBER 5, 2018**

The sign(s) were re-photographed on: **SEPTEMBER 24, 2018**



1ST Set of Signs ~ Case # 2018-0316-SPHX

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)

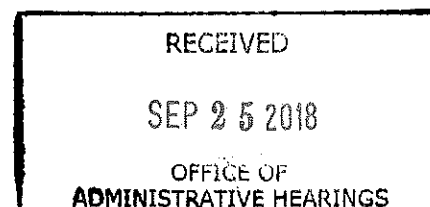
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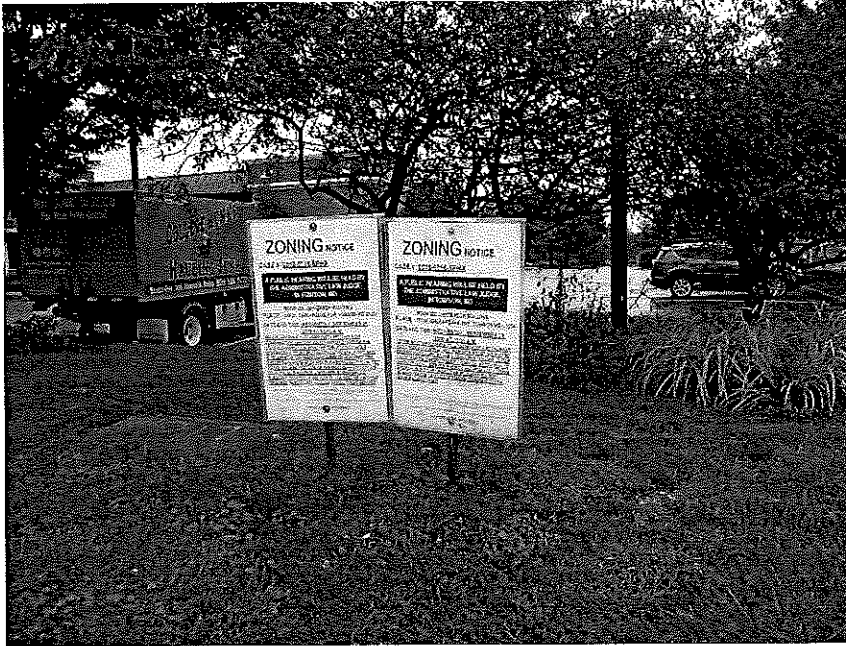
SEP 25 2018

OFFICE OF
ADMINISTRATIVE HEARINGS



2nd Set of Signs Re-photographed @ Beaver Dam Road (On-Site) 9/24/2018
CASE # 2018-0316-SPHX

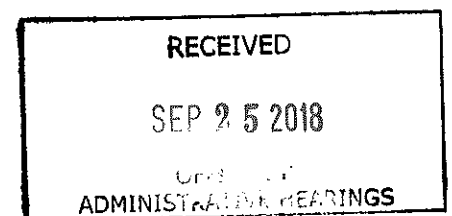




Background Re-photographed 9/24/2018 @ 400 W. Padonia Rd.



Background Re-photographed 9/24/2018 @Beaver Dam Rd. (On-Site)
CASE # 2018-0316-SPHX



Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Monday, September 24, 2018 9:28 PM
To: Administrative Hearings
Subject: 2nd Cert. Case # 2018-0316-SPHX
Attachments: W. Padonia Road Cert..jpeg; Beaver Dam Photo.docx; W. Padonia Rd. Photos.docx

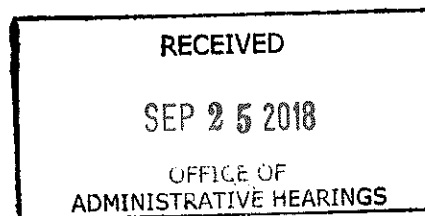
Hi Sherry,

I have the 2nd Cert. ready for you for Case # 2018-0316-SPHX @ 400 W. Padonia Road along with photos for your records.

Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com





DONALD I. MOHLER III
County Executive

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

September 19, 2018

Timonium SAB, LLC
Kenneth J Goodman
1001 E Telecom Drive
Boca Raton FL 33431

RE: Case Number: 2018-0316 SPHX, Address: 400 W Padonia Avenue

Dear Mr. Goodman:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 16, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Sheetz, Inc., Brent M Brubaker, 129 Dearing Drive, Boalsburg PA 16827
Jason T Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson MD 21204

BALTIMORE COUNTY, MARYLAND

Interoffice Memorandum

DATE: May 18, 2018

TO: Zoning Commissioner and File

FROM: Leonard Wasilewski, Planner II, Zoning Review 

SUBJECT: Petition for Special Hearing and Special Exception
Case Number: 2018-0316-SPHX

REFERENCE: Timonium, SAB, LLC
(SHEETZ)
400 West Padonia Road

A. For clarification, this office accepted a Petition for Special Hearing, and Special Exception on May 17, 2018 from the above referenced petitioners, to correct deficiencies created by a proposed Service Station, Convenience Store and Eat-in/Carryout Restaurant at the above listed location. During the filing appointment for the petitioners, their engineer, and their attorney were advised that the petition had many discrepancies and a variance would be appropriate of proposed canopy projecting signs and parking requirements. The attorney said that he wished to continue with the filing against my recommendations. The following are my list of discrepancies:

1. Application for a "Modified Parking Plan" under Section 409.13 of the BCZR requires an existing parking plan with facilities and /or structures/uses. Otherwise, nothing exists at the time of filing to be "Modified". In the present case, variance relief is required for the parking space deficiency, not a "Modified Parking Plan", for reasons stated above.
2. Parking calculations are based upon the square footage of each use. (retail, restaurant and service station uses).
3. Carryout restaurants are only entitled to have three tables and twelve chairs or they are considered to be full blown restaurants requiring 16 parking spaces per 1000 square feet. Inside seating is not displayed on the plans.
4. Outside seating must be calculated as part of the restaurant for parking calculation purposes at a rate of 16 spaces per 1000 sf. (Not Shown).
5. The map key does not designate the symbols for outside seating and outside seating is not listed the parking table.
6. Signs projecting from the canopy supports are not included as variances in this petition.

Please call me if you have any questions.

LW

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 5/25/18

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.

*2018-0316-SPHX
Special Exception, Special Hearing
Timonium SAB, LLC, Kenneth F. Goodman
400 W. Padonia Road.*

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



9-26
RECEIVED

JUN 08 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: June 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0316-SPHX
Address 400 W. Padonia Road
(Timonium SAB, LLC Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

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

Reviewer: Steve Ford

9-216

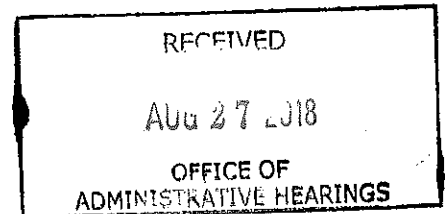
BALTIMORE COUNTY, MARYLAND INTRA-OFFICE MEMORANDUM

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

DATE: August 23, 2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316



INFORMATION:

Property Address: 400 W Padonia Road

Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC

Zoning: ML-IM

Requested Action: Special Hearing and Special Exception

This memorandum is to convey an update that has resulted from a meeting on August 22, 2018 with representatives of the petitioner. Below are revised comments based upon the meeting.

1. The location at the NW corner of Beaver Dam and Padonia Roads is a prominent location. Currently, the corner is overgrown. The petitioner should work with the County landscape architect to create a visually interesting treatment of the corner. No change to this comment.
2. The petitioner was requested to relocate the dumpster. Given the lack of a better location, the petitioner has agreed to encase the dumpster with material similar to that of the building and to provide evergreen screening on Beaver Dam Road side of property.
3. The Hunt Valley Master Plan Page 259 provides guidelines on building design. The petitioner should treat the windows on the east elevation in a manner similar to the rest of the building by shade awnings or some other treatment. Petitioner has agreed to make treatments over the windows but could not do awnings because of location of propane storage.
4. The CMDP Page 262 addresses Pedestrian access in the Hunt Valley Area. Item three indicates that development should provide direct access from the street to the building entrance. Developer should provide cross-hatching in the parking lots to provide pedestrian safe access from sidewalks. Developer has agreed to provide two locations with striping for pedestrian use. One accessing sidewalk on Beaver Dam Road and the second providing marking for those accessing from Stay America to the north of the site.
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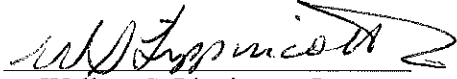
Subject: ZAC #18-316

Date: July 12, 2018

Page 2

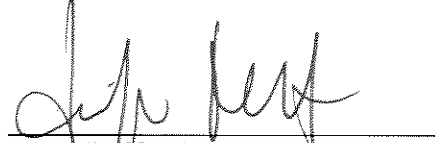
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



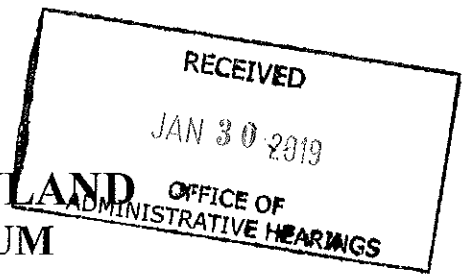
Wallace S. Lippincott, Jr.

Division Chief:



Jennifer G. Nugent

BALTIMORE COUNTY, MARYLAND
INTRA-OFFICE MEMORANDUM

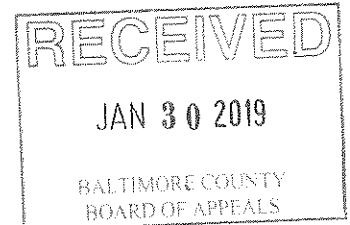


TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: August 23, 2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316



INFORMATION:

Property Address: 400 W Padonia Road
Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC
Zoning: ML-IM
Requested Action: Special Hearing and Special Exception

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2. The petitioner was requested to relocate the dumpster. Given the lack of a better location, the petitioner has agreed to encase the dumpster with material similar to that of the building and to provide evergreen screening on Beaver Dam Road side of property.
3. The Hunt Valley Master Plan Page 259 provides guidelines on building design. The petitioner should treat the windows on the east elevation in a manner similar to the rest of the building by shade awnings or some other treatment. Petitioner has agreed to make treatments over the windows but could not do awnings because of location of propane storage.
4. The CMDP Page 262 addresses Pedestrian access in the Hunt Valley Area. Item three indicates that development should provide direct access from the street to the building entrance. Developer should provide cross-hatching in the parking lots to provide pedestrian safe access from sidewalks. Developer has agree to provide two locations with striping for pedestrian use. One accessing sidewalk on Beaver Dam Road and the second providing marking for those accessing from Stay America to the north of the site.
5. Padonia Road at this location is highly congested and it somewhat confusing to drivers with the access to I-83. No temporary banners, feather signs or promotional displays should be permitted along Padonia Road. No change to this comment.

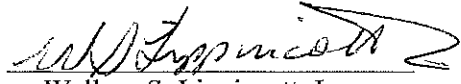
Subject: ZAC #18-316

Date: July 12, 2018

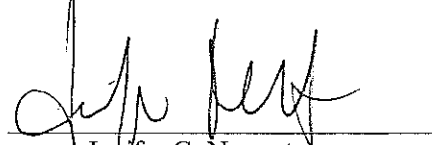
Page 2

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

Prepared by:


Wallace S. Lippincott, Jr.

Division Chief:


Jennifer G. Nugent

BALTIMORE COUNTY, MARYLAND

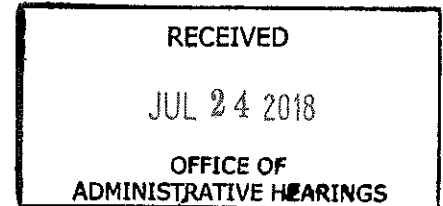
INTER-OFFICE MEMORANDUM

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

DATE: 7/20/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-316



INFORMATION:

Property Address: 400 W Padonia Road
Petitioner: Kenneth J. Goodman, Representative, Timonium SAB, LLC
Zoning: ML-IM
Requested Action: Special Hearing, Special Exception

The Department of Planning has reviewed the petition for a special exception to use the property for a fuel service station and the petition for special hearing to determine whether or not the Administrative Law Judge should confirm that the ancillary uses and/or the uses in combination with the fuel service are a convenience store and carry-out restaurant and that the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to BCZR §409.12B to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant.

A site visit was conducted on June 11, 2018. The property is within the Hunt Valley/Timonium Plan area adopted by County Council October 19, 1998. The plan seeks to give guidance on orderly development of the employment and commercial areas within the boundaries and to limit impacts on adjacent residential communities. This site is an important location on Padonia Road which has significant commercial activity and on Beaver Dam Road which serves as an important transportation link for industrial uses (Pg. 12 & 13).

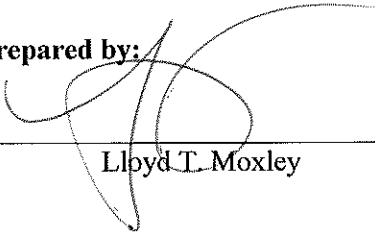
The Department of Planning recommends approval of the petitioned zoning relief conditioned upon the following:

1. Submit a Landscape Plan to the Baltimore County Landscape Architect. Such a plan shall create a visually interesting landscape treatment at the corner Beaver Dam and Padonia Roads.
2. Relocate the existing dumpster location along Beaver Dam Road to a location less visible from the public right-of-ways and ensure the proposal meets Condition G of the Baltimore County Landscape Manual.
3. Include treatments such as awnings and other detailing to the windows on the east side elevation in a manner similar to the rest of the building in response to the building design guidelines contained in the Hunt Valley Master Plan (Pg. 259).
4. Provide pedestrian crosswalks to provide safe access from street sidewalks and across the drive aisles.
5. There shall be no temporary promotional displays, banners and/or feather signs along the property frontages.

Date: 7/20/2018
Subject: ZAC # 18-316
Page 2

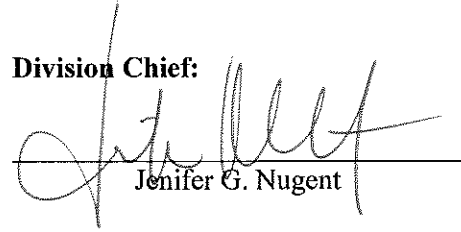
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



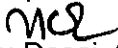
Jenifer G. Nugent

AVA/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jason T, Vettori
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

Revise DATE: October 24, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: ^{MOL} Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0316-SPHX

DATE: June 21, 2018

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 requirements of the Landscape Manual. A Lighting Plan is also required.

Developer/Owner to grant a 20-foot wide Drainage & Utility Easement for the existing 18-inch storm drain along the frontage of W. Padonia Road.

Developer/Owner shall provide curb depressions and handicap ramps at all roadway crossings as show on the plan.

* * * * *

VKD: cen
cc: file

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

9/6/2018

Order #: 11599001
Case #: 2018-0316-SPHX
Description:

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-



Darlene Miller, Public Notice Coordinator
(Representative Signature)

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: 2018-0316-SPHX

400 W. Padonia Road

N/s of W. Padonia Road at the N/w corner of the intersection of Beaver Dam Road 8th Election District - 3rd Councilmanic District

Legal Owners: Timonium SAB, LLC

Special Hearing 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, September 26, 2018 at 10:00 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.

sep6

TO: THE DAILY RECORD
Thursday, September 6, 2018 Issue

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0316-SPHX

400 W. Padonia Road

N/s of W. Padonia Road at the N/w corner of the intersection of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: Timonium SAB, LLC

Special Hearing 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, September 26, 2018 at 10:00 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.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/5/2018

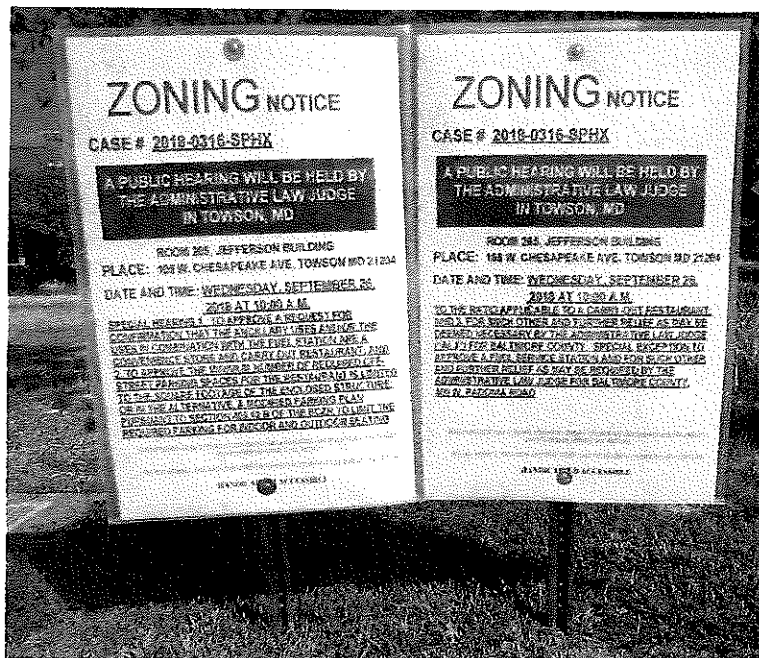
Case Number: 2018-0316-SPHX

Petitioner / Developer: JASON VETTORI, BRENT BRUBAKER, KENNETH GOODMAN, MICHAEL McCANN, CAROLINE HECKER

Date of Hearing: SEPTEMBER 26, 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:
400 W. PADONIA ROAD

The sign(s) were posted on: SEPTEMBER 5, 2018



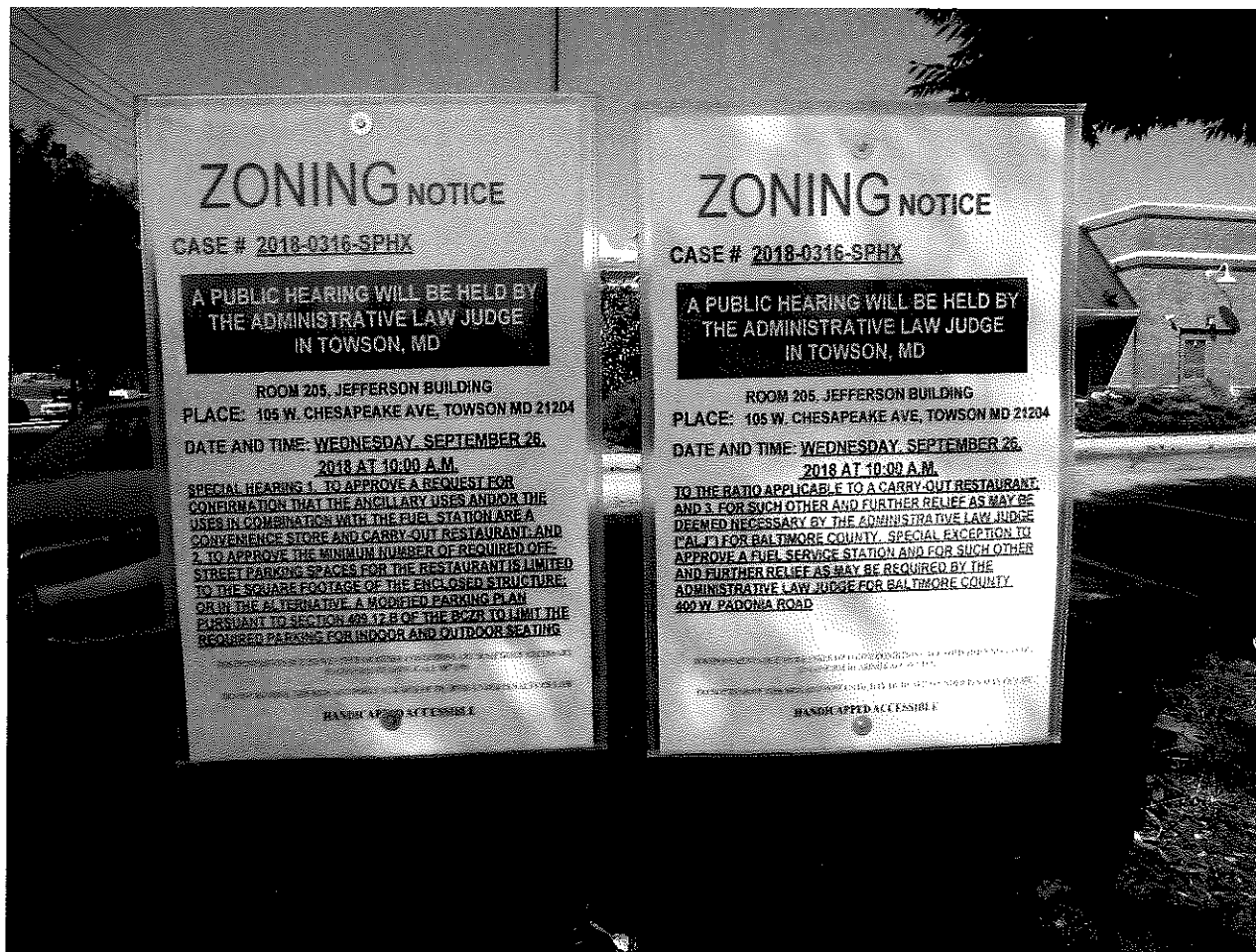
Linda O'Keefe
(Signature of Sign Poster)

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)



2nd Set of Signs Posted @ Beaver Dam Road (On-Site) on 9/5/2018
CASE # 2018-0316-SPHX



Background Photo Case # 2018-0316-SPHX @ 400 W. Padonia Rd.



Background Photo Case # 2018-0316-SPHX @ BEAVER DAM RD. (ON-SITE)
POSTED 9/5/2018



August 1, 2018
KEVIN KAMENETZ
County Executive

NEW 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: 2018-0316-SPHX

400 W. Padonia Road

N/s of W. Padonia Road at the N/w corner of the intersection of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: Timonium SAB, LLC

Special Hearing 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Wednesday, September 26, 2018 at 10:00 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
Brent Brubaker, 129 Dearing Drive, Boalsburg PA 16827
Kenneth Goodman, 1001 E. Telecom Drive, Boca Raton, FL 33431
Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204
Caroline Hecker, 25 South Charles Street, 21st Fl., Baltimore 21201

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 6, 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.

Kristen L Lewis

From: Hecker, Caroline <checker@rosenbergmartin.com>
Sent: Friday, July 20, 2018 11:25 AM
To: Jason Vettori; Michael McCann
Cc: Kristen L Lewis; Arnold Jablon; Kelly Benton
Subject: RE: 400 W. Padonia Road - Case No. 2018-0316-SPHX

Mr. Vettori:

Thanks for your email. I am aware that Mr. McCann is involved in this matter, and that the hearing that had been scheduled for yesterday was postponed. I am widely available in September – the only date that does not work for me at this time is September 25th.

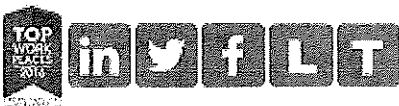
Have a great weekend.

Caroline L. Hecker

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



Rosenberg
Martin
Greenberg^{LLP}



From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Friday, July 20, 2018 11:06 AM
To: Hecker, Caroline <checker@rosenbergmartin.com>; Michael McCann <michael@mmccannlaw.net>
Cc: Kristen L Lewis <klewis@baltimorecountymd.gov>; Arnold Jablon <ajablon@baltimorecountymd.gov>; Kelly Benton <kbenton@sgs-law.com>
Subject: RE: 400 W. Padonia Road - Case No. 2018-0316-SPHX

Ms. Hecker,

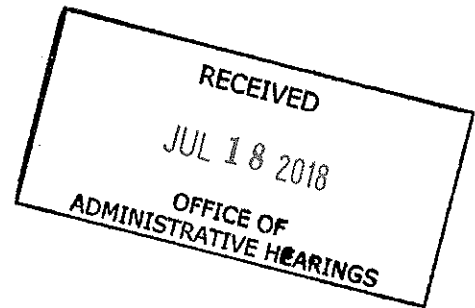
As you are undoubtedly aware, based on the fact that you copied Mr. McCann in the below e-mail, the hearing which was originally scheduled for yesterday was postponed. We are endeavoring to reschedule that hearing but were unable to do so in August. As a result, we are now trying to get a hearing scheduled in September. The Administrative Law Judge doesn't provide his availability until the month before so we anticipate knowing when the hearing will be



Rosenberg
Martin
Greenberg^{LLP}

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

July 18, 2018



VIA HAND DELIVERY

Baltimore County Office of Administrative Hearings
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

Re: 400 W. Padonia Road
Case No. 2018-0316-SPHX

Dear Sir or Madam:

Enclosed please find an Entry of Appearance on behalf of 7-Eleven, Inc. An additional copy is enclosed to be date-stamped and returned to the waiting messenger.

Thank you for your assistance.

Sincerely,

Caroline L. Hecker

CLH/hal
Enclosures

cc: Jason T. Vettori, Esq. (via first class and electronic mail w/enclosures)
Michael R. McCann, Esq. (via first class and electronic mail w/enclosures)
Ms. Kristen L. Lewis (via electronic mail w/enclosures)
7-Eleven, Inc. (via electronic mail w/enclosures)
Gerard J. Gaeng, Esq. (via electronic mail w/enclosures)

4840-7424-2669, v. 1

SHEETZ, INC.,
Petitioner.

* BEFORE THE
* BALTIMORE COUNTY
* OFFICE OF
* ADMINISTRATIVE HEARINGS
*
* Case No. 2018-0316-SPHX

Re: 400 W. Padonia Road

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of Caroline L. Hecker, Gerard J. Gaeng, and Rosenberg
Martin Greenberg LLP as counsel of record for 7- Eleven, Inc., an interested party.


Caroline L. Hecker
Gerard J. Gaeng
Rosenberg Martin Greenberg, LLP
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
Phone: (410) 727-6600
Fax: (410) 727-1115

Attorneys for 7-Eleven, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 2018, a copy of the foregoing Entry of Appearance was mailed, first class mail, postage prepaid to:

Jason T. Vettori, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, Maryland 21204

Michael R. McCann, Esquire
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204


Caroline L. Hecker

Kristen L Lewis

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, July 17, 2018 4:37 PM
To: Jason Vettori; Arnold Jablon; Kristen L Lewis
Cc: Kelly Benton; Alyssa Moyers
Subject: RE: 400 W. Padonia Road

I am unavailable on the following dates in September: 3-7, 10-14, and 18. I will provide the dates when my witnesses are unavailable as soon as possible. Please keep in mind that, unlike Mr. Vettori who has had this case for assumedly many months, I was only retained a few short weeks ago, so there is nothing unusual (or untoward) about my inability to know, for certain right now, the identity and availability of all my expert and lay witnesses.

I do agree that this case should be scheduled for at least two days, three days to be safe.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

E-mail Confidentiality: The information contained in this message may be confidential, proprietary and/or protected by the attorney-client privilege or work product doctrine. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Jason Vettori [mailto:jvettori@sgs-law.com]
Sent: Tuesday, July 17, 2018 3:06 PM
To: 'Arnold Jablon' <ajablon@baltimorecountymd.gov>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Michael McCann <michael@mmccannlaw.net>
Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: 400 W. Padonia Road

Dear All:

As of this date, my client and witnesses are available on the following dates in September:

9/3 (I suspect the County is closed as this is the Monday after Labor Day), 9/5, 9/7, 9/11, 9/12, 9/13, 9/14, 9/20, 9/25, 9/26, 9/27 and 9/28.

Stated another way, my clients and/or witnesses are unavailable on the following dates:

9/4, 9/6, 9/10, 9/17, 9/18, 9/19, 9/21 and 9/24.

I would also like to reiterate my request that, given Mr. McCann's prior representation that he was not certain about his "clients and witnesses" availability and the fact that the original hearing date will be delayed no less than a month and a half if it's scheduled in early September, this matter be scheduled for more than one hearing date in September. Without knowing if Mr. McCann anticipates the hearing taking more than one day (seeing as hearings are typically scheduled for no more than a two hour time slot), I respectfully request that this matter be scheduled for more than one hearing date so as to not further delay the conclusion of this hearing any more than it has been already. For my part, without factoring in cross examination (and redirect), my case in chief shouldn't take more than an hour and a half to two hours. I have indirectly inquired as to how long Mr. McCann anticipates his case will take with no response (see below July 9, 2018 e-mail addressed to Ms. Lewis with cc's). I am not trying to ascertain how many witnesses he plans to call and/or what they're going to say, I just want to grasp how long he anticipates his clients and witnesses testimony will take. Thank you for your consideration of this most important matter.

Thank you.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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From: Arnold Jablon [<mailto:ajablon@baltimorecountymd.gov>]

Sent: Monday, July 09, 2018 4:04 PM

To: Jason Vettori; Kristen L Lewis; 'Michael McCann'

Cc: Kelly Benton; Alyssa Moyers

Subject: RE: 400 W. Padonia Road

This needs to get scheduled. I recognize the contingencies and exigencies involved and, I am cognizant enough to know that, without divine intervention, scheduling conflicts often devolve into the impossible. i.e., never getting a postponed case scheduled. So, if we can't get this done within a reasonable time frame, I will be that divine intervenor and, close my eyes, and pick a date. I'm sure neither of the attorneys involved would want my impartial and somewhat subjective choice. Please pick a date, and at the very least get this case on the docket and started.

From: Jason Vettori [<mailto:jvettori@sgs-law.com>]

Sent: Monday, July 09, 2018 2:54 PM

To: Kristen L Lewis <klewis@baltimorecountymd.gov>; 'Michael McCann' <michael@mmccannlaw.net>; Arnold Jablon <ajablon@baltimorecountymd.gov>

Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>

Subject: RE: 400 W. Padonia Road

Kristen:

That's unfortunate that the postponement will be for in excess of a month and a half. Would you like dates from counsel indicating when we are unavailable in September so as to hopefully get an early September hearing date? Given Mr. McCann's representation in his most recent message that he was not certain about his "clients and witnesses" availability, I would like to know if he anticipates the hearing taking more than one day so as to not further delay the

conclusion of this hearing any more than we have already. I don't need to know how many witnesses and/or what they're going to say, I just want to grasp how long he anticipates his clients and witnesses testimony will take. Thank you for your consideration of this most important matter.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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From: Kristen L Lewis [<mailto:klewis@baltimorecountymd.gov>]

Sent: Monday, July 09, 2018 2:05 PM

To: Jason Vettori; 'Michael McCann'; Arnold Jablon

Cc: Kelly Benton; Alyssa Moyers

Subject: RE: 400 W. Padonia Road

I do not have anything available based on the dates indicated, we will have to move into September. I will probably not get Judge Beverungen's September availability for a week or two at the least.

Kristen Lewis

PAI - Zoning Review

410-887-3391

From: Jason Vettori [<mailto:jvettori@sgs-law.com>]

Sent: Monday, July 09, 2018 1:30 PM

To: 'Michael McCann' <michael@mmccannlaw.net>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Arnold Jablon <ajablon@baltimorecountymd.gov>

Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>

Subject: RE: 400 W. Padonia Road

Kristen,

It sounds like the following dates tentatively work for both parties: 8/8, 8/9, 8/10, 8/13, 8/14, 8/20, 8/21, 8/23, 8/24, 8/27, 8/28 and 8/31. Please let us know if Mr. Beverungen has any openings on any of those dates. Thanks.

Jason T. Vettori

SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070

jvettori@sgs-law.com | www.sgs-law.com

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From: Michael McCann [<mailto:michael@mmccannlaw.net>]
Sent: Friday, July 06, 2018 5:59 PM
To: Kristen L Lewis; Jason Vettori; Arnold Jablon
Cc: Kelly Benton; Alyssa Moyers
Subject: RE: 400 W. Padonia Road

Kristen: Don't have final word yet from my clients and witnesses, but I personally am unavailable on these dates in August: 1-7, 15 (pm), 16, 17, 22, 29 and 30. I will get back to you with more information as soon as I can.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Kristen L Lewis [<mailto:klewis@baltimorecountymd.gov>]
Sent: Thursday, July 5, 2018 11:10 AM
To: Michael McCann <michael@mmccannlaw.net>; Jason Vettori <jvettori@sgs-law.com>; Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: RE: 400 W. Padonia Road

Ok, once I receive your dates Mr. McCann, I will proceed forward with seeing what I have available in August that will accommodate you and Mr. Vettori, and will notify all parties of a hearing date. Thank you,

Kristen Lewis
PAL – Zoning Review
410-887-5391

From: Michael McCann [<mailto:michael@mmccannlaw.net>]
Sent: Tuesday, July 03, 2018 2:44 PM
To: Jason Vettori <jvettori@sgs-law.com>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: Re: 400 W. Padonia Road

Thank you Kristen. I will let you know what dates we are unavailable in August.

Get Outlook for iOS

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Tuesday, July 3, 2018 2:34:31 PM
To: 'Kristen L Lewis'; Michael McCann; Arnold Jablon
Cc: Kelly Benton; Alyssa Moyers
Subject: RE: 400 W. Padonia Road

The dates on which my client and I are unavailable in August are 8/1, 8/2, 8/3, 8/6, 8/15, 8/16 & 8/17. Thanks for your assistance.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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From: Kristen L Lewis [mailto:klewis@baltimorecountymd.gov]
Sent: Tuesday, July 03, 2018 2:04 PM
To: Michael McCann; Jason Vettori; Arnold Jablon
Cc: Kelly Benton; Alyssa Moyers
Subject: RE: 400 W. Padonia Road

FYI,

The dates shown below which I believe were dates suggested amongst both parties, the dates are not available on my end. I am just in receipt of the August schedule and those dates will not work. Moving forward, it would be easier for me to have both parties (McCann & Vettori) to submit non-available dates for August, that will allow me to see what dates are open on my end for both the rooms availability and Judge Beverungen's schedule. Thank you,

Kristen Lewis
PAI - Zoning Review
410-887-3391

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, July 03, 2018 2:00 PM
To: Jason Vettori <jvettori@sgs-law.com>; Kristen L Lewis <klewis@baltimorecountymd.gov>; Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Kelly Benton <kbenton@sgs-law.com>; Alyssa Moyers <amoyers@sgs-law.com>
Subject: Re: 400 W. Padonia Road

All. I did not hear from Kristen about those dates - 8/9, 10, and 13 - and therefore did not know that I was to be checking on them. They were simply dates suggested when I called him back. If they are available, please let me and I will check on them as soon as possible. Thank you.

Get Outlook for iOS

From: Jason Vettori <jvettori@sgs-law.com>
Sent: Tuesday, July 3, 2018 12:36:44 PM

To: Kristen L Lewis; 'Arnold Jablon'
Cc: Michael McCann; Kelly Benton; Alyssa Moyers
Subject: RE: 400 W. Padonia Road

This is a message for Mr. Jablon and Ms. Lewis. Thank you both for your continuing efforts to get this postponed hearing rescheduled as soon as possible.

Ms. Lewis,

I understand that you are in receipt of Mr. Beverungen's calendar for August. My client would very much like to obtain a hearing date in August. It is my understanding that Mr. McCann has some conflicts in early and late August, but he did indicate last Thursday that he was available on August 9, 10 or 13th. As of this date, I haven't heard back from Mr. McCann whether his "folks" are available on those dates but I would ask that you reschedule the hearing on one of those dates if you do not hearing back from him that there is a conflict. Thank you and have a happy 4th.

Mr. Jablon,

It has come to my attention that you have previously required a protestant who requested a postponement after notice had been posted to post notice of the new hearing date. As evidenced by the attached, the petitioner previously posted notice of the hearing on the property before the hearing was postponed and paid the sign poster. Therefore, I would respectfully request that the protestant be required to post notice of the new hearing date.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC
600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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From: Michael McCann [<mailto:michael@mmccannlaw.net>]
Sent: Thursday, June 28, 2018 12:08 PM
To: Jason Vettori
Cc: Jan Cook; Kristen L Lewis
Subject: Re: 400 W. Padonia Road

Jason. Please keep in mind that the dates I gave you this morning, August 9 10th and 13th are good for me but I have not run them by my folks. It may be easiest just to get a set of dates from Kristen. Thanks

Sent from my iPhone

On Jun 28, 2018, at 9:36 AM, Jason Vettori <jvettori@sgs-law.com> wrote:

Michael,

I'm sending this message in follow up to my voicemail message I left for you yesterday. Please call me at your earliest convenience to discuss a new hearing date. Thank you.

Jason T. Vettori
SMITH, GILDEA & SCHMIDT, LLC

600 Washington Avenue | Suite 200 | Towson, MD 21204 | (410) 821-0070
jvettori@sgs-law.com | www.sgs-law.com

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From: Arnold Jablon [<mailto:ajablon@baltimorecountymd.gov>]
Sent: Wednesday, June 27, 2018 1:52 PM
To: Michael McCann
Cc: Jason Vettori; Jan Cook; Kristen L Lewis
Subject: RE: 400 W. Padonia Road

Ok, Please contact Jason and agree to alternative dates and connect with Jan and re-schedule. Should be re-scheduled as quickly as possible within relevant time constraints between the parties and the ALJ schedule.

From: Michael McCann [<mailto:michael@mmccannlaw.net>]
Sent: Wednesday, June 27, 2018 1:19 PM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Jason Vettori <jvettori@sgs-law.com>; Jan Cook <jmcook@baltimorecountymd.gov>
Subject: RE: 400 W. Padonia Road

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Arnold Jablon [<mailto:ajablon@baltimorecountymd.gov>]
Sent: Wednesday, June 27, 2018 1:14 PM
To: Michael McCann <michael@mmccannlaw.net>
Cc: Jason Vettori <jvettori@sgs-law.com>; Jan Cook <jmcook@baltimorecountymd.gov>
Subject: RE: 400 W. Padonia Road

Please forward the court scheduling notice.

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Wednesday, June 27, 2018 12:50 PM
To: Arnold Jablon <ajablon@baltimorecountymd.gov>
Cc: Jason Vettori <jvettori@sgs-law.com>; Jan Cook <jmcook@baltimorecountymd.gov>
Subject: 400 W. Padonia Road

Mr. Jablon: Please see the attached.

Thank you.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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CONNECT WITH BALTIMORE COUNTY

<image001.jpg>

<image001.jpg> <image001.jpg> <image001.jpg> <image001.jpg> <image001.jpg> <image001.jpg>
www.baltimorecountymd.gov



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 5666224

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:

Jun 28, 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: # 2018-0316-SPHX
400 W. Padonia Road
N/S of W. Padonia Road at the N/W corner of the intersection of Beaver Dam Road
8th Election District - 3rd Councilmanic District
Legal Owner(s) Timonium SAB, LLC

Special Hearing: 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County

Hearing: Thursday, July 19, 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.

06/28/18 5666224

The Baltimore Sun Media Group

By

S. Wilkinson

Legal Advertising

TO: PATUXENT PUBLISHING COMPANY
Thursday, June 28, 2018 Issue - Jeffersonian

Please forward billing to:

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

410-821-0070

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0316-SPHX

400 W. Padonia Road

N/s of W. Padonia Road at the N/w corner of the intersection of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: Timonium SAB, LLC

Special Hearing 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, July 19, 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.

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

June 27, 2018

Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue, Ste. 205
Towson, Maryland 21204

Via Email and US Mail

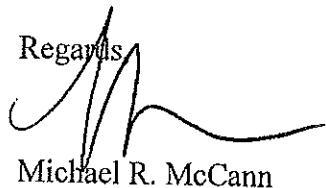
Re: Sheetz -- 400 W. Padonia Road
2018-0316-SPHX

Dear Mr. Jablon:

I represent DGG Market Inc. in the above-referenced matter. I write to request a postponement of the hearing before the Office of Administrative Hearings, which I understand is being scheduled for July 19, 2018. I have a settlement/pretrial conference scheduled that day in the matter of *Roland Park Improvement Ass'n v. Victoria Park Assocs. et al.*, Case No.: 24-C-17-004844.

Thank you for your consideration. Please contact me if you have any questions.

Regards



Michael R. McCann

cc: Jan Cook, Development Manager (via email)
Jason Vettori, Esq. (via email and US Mail)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/22/2018

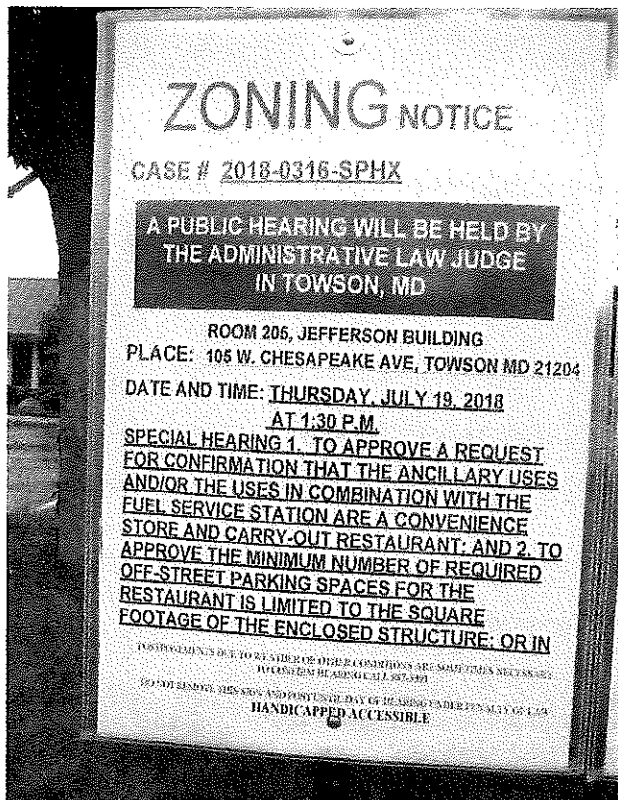
Case Number: 2018-0316-SPHX

Petitioner / Developer: JASON VETTORI, ESQ. ~ BRENT BRUBAKER ~
KENNETH GOODMAN

Date of Hearing: JULY 19, 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:
400 W. PADONIA ROAD

The sign(s) were posted on: JUNE 22, 2018



Sign #1

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)

ZONING NOTICE

CASE # 2018-0316-SPHX

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

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

DATE AND TIME: THURSDAY, JULY 19, 2018
AT 1:30 P.M.

THE ALTERNATIVE, A MODIFIED PARKING PLAN
PURSUANT TO SECTION 409.12.B OF THE BCZR TO
LIMIT THE REQUIRED PARKING FOR INDOOR AND
OUTDOOR SEATING TO THE RATIO APPLICABLE
TO A CARRY-OUT RESTAURANT; AND 3. FOR SUCH
OTHER AND FURTHER RELIEF AS MAY BE DEEMED
NECESSARY BY THE ADMINISTRATIVE LAW JUDGE
("ALJ") FOR BALTIMORE COUNTY.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-397-3191

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

HANDICAP ACCESSIBLE

ZONING NOTICE

CASE # 2018-0316-SPHX

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

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

DATE AND TIME: THURSDAY, JULY 19, 2018
AT 1:30 P.M.

SPECIAL EXCEPTION TO APPROVE A FUEL
SERVICE STATION AND FOR SUCH OTHER AND
FURTHER RELIEF AS MAY BE REQUIRED BY THE
ADMINISTRATIVE LAW JUDGE FOR BALTIMORE
COUNTY. 400 W. PADONIA ROAD

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 410-397-3191

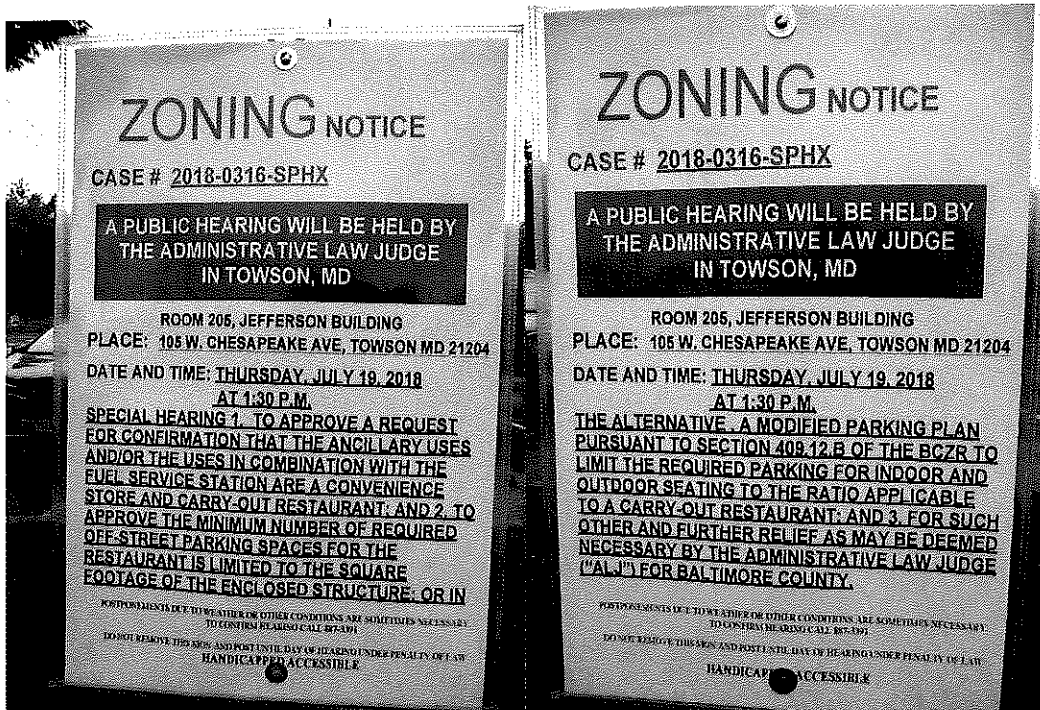
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAP ACCESSIBLE

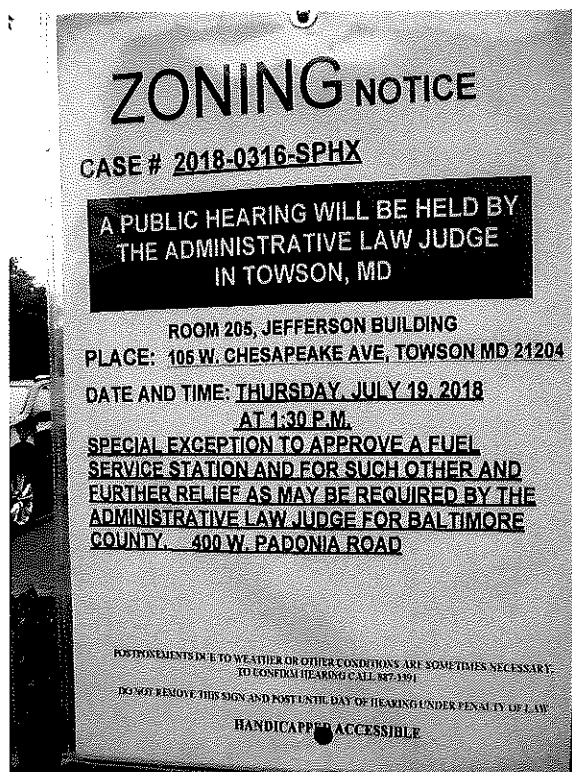
SIGN #2 CASE # 2018-0316-SPHX

SIGN # 3 CASE # 0316-SPHX

POSTED 6/22/2018 AT 400 W. PADONIA ROAD



Sign #(1) Case # 2018-0316-SPHX Sign #(2) Case # 2018-0316-SPHX



Sign #(3) Case # 2018-0316-SPHX
 BEAVER DAM ROAD - (ON-SITE) POSTED 6/22/2018



Group Photo Case # 2018-0316-SPHX 400 W. Padonia Rd.



Group Photo Case # 2018-0316-SPHX Beaver Dam Road (On-Site)
POSTED 6/22/2018



KEVIN KAMENETZ
County Executive

June 13, 2018

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

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2018-0316-SPHX

400 W. Padonia Road

N/s of W. Padonia Road at the N/w corner of the intersection of Beaver Dam Road

8th Election District – 3rd Councilmanic District

Legal Owners: Timonium SAB, LLC

Special Hearing 1. To approve a request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and 2. To approve the minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and 3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County. Special Exception to approve a fuel service station and for such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Hearing: Thursday, July 19, 2018 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Jason Vettori, 600 Washington Avenue, Ste. 200, Towson 21204
Brent Brubaker, 129 Dearing Drive, Boalsburg PA 16827
Kenneth Goodman, 1001 E. Telecom Drive, Boca Raton, FL 33431

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 29, 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.

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND SPECIAL EXCEPTION		
400 West Padonia Road; N/S W Padonia	*	OF ADMINISTRATIVE
Road at NW corner of Beaver Dam Road		
8 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Timonium SAB, LLC		
Contract Purchaser(s): Sheetz, Inc.	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2018-316-SPHX

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

RECEIVED

MAY 31 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Jason Vettori, Esquire, 600 Washington Avenue, Suite 200, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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 400 W. Padonia Road

which is presently zoned ML-IM

Deed References: 0069/0017

10 Digit Tax Account # 2 2 0 0 0 2 8 4 4 8

Property Owner(s) Printed Name(s) Timonium SAB, LLC

(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

Please see attached.

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

Please see attached.

3. ☐ a **Variance** from Section(s)

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

Brent M. Brubaker, authorized representative of Sheetz, Inc

Name- Type or Print

Signature

129 Dearing Dr. Boalsburg, PA

Mailing Address City State

16827 , 814-660-3061 , bbrubake@sheetz.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Kenneth J. Goodman,
authorized representative of Timonium SAB, LLC

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

1001 E Telecom Dr. Boca Raton, FL

Mailing Address City State

33431 , 561-989-8079 , ken@interfaceproperties.com

Zip Code Telephone # Email Address

Attorney for Petitioner

Jason T. Vettori

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

Representative to be contacted:

Jason T. Vettori

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

2018-0316-SPHX

Filing Date

5/16/2018

Do Not Schedule Dates:

Reviewer

Jed

ATTACHMENT TO PETITION FOR ZONING HEARING

*400 W. Padonia Road
8th Election District
3rd Councilmanic District*

Special Exception relief to approve:

1. A fuel service station under Sections 253 and 405 of the Baltimore County Zoning Regulations ("BCZR"); and
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing relief to approve:

1. A request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and
2. The minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and
3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.

0316-SPHX

**400 W. PADONIA ROAD
PLAT OF BOB EVANS RESTAURANT COCKEYSVILLE
PLAT BOOK 69 FOLIO 17
TAX MAP 51 PARCEL 702**

ZONING DESCRIPTION

Beginning for the same at a point on the western right-of-way of Beaver Dam Road at the intersection with the northern right-of-way of W. Padonia Road as shown on the plat of Bob Evans Restaurant Cockeysville which is recorded among the Land Records of Baltimore County in Plat Book S.M. 69 Folio 17, thence running on the fillet line between the two roads the following course:

- 1.) South 41 degrees, 28 minutes, 48 seconds West, 50.45 feet to a point on the northern side of W. Padonia Road, thence running along the same;
- 2.) South 81 degrees, 37 minutes, 57 seconds West, 1.47 feet, thence;
- 3.) 199.77 feet along a curve to the left having a radius of 3874.22 feet, said curve being subtended by a chord bearing of South 81 degrees, 12 minutes, 25 seconds West, 199.75 feet, thence leaving said road;
- 4.) North 10 degrees, 26 minutes, 06 seconds West, 257.02 feet, thence;
- 5.) North 79 degrees, 33 minutes, 54 seconds East, 268.88 feet to the aforesaid west side of Beaver Dam Road, thence along the same;
- 6.) 144.11 feet along a curve to the left having a radius of 1001.93 feet, said curve being subtended by a chord bearing of South 02 degrees, 03 minutes, 54 seconds East, 143.99 feet, thence;
- 7.) South 06 degrees, 11 minutes, 08 seconds East, 83.54 feet, thence;
- 8.) 5.99 feet along a curve to the right having a radius of 40.00 feet, said curve being subtended by a chord bearing of South 01 degrees, 54 minutes, 09 seconds East, 5.98 feet, thence to the place of beginning.

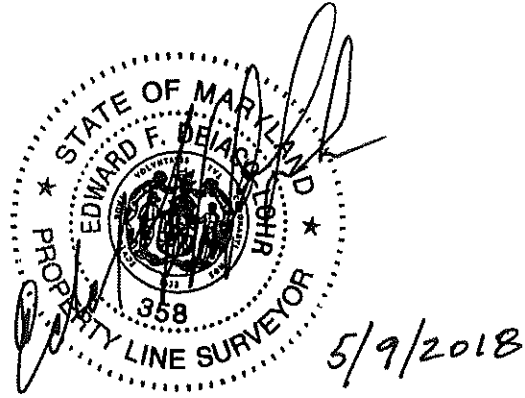
Containing 64507 Square Feet or 1.481 Acres of land, more or less.

Being all that property conveyed from BER REAL ESTATE INVESTMENTS I, LLC to TIMONIUM SAB, LLC, by deed Dated October 2, 2017 and recorded among the Land Records of Baltimore County, MD in Liber 39630 Folio 455.

2018-0316-SPHX

Professional Certification

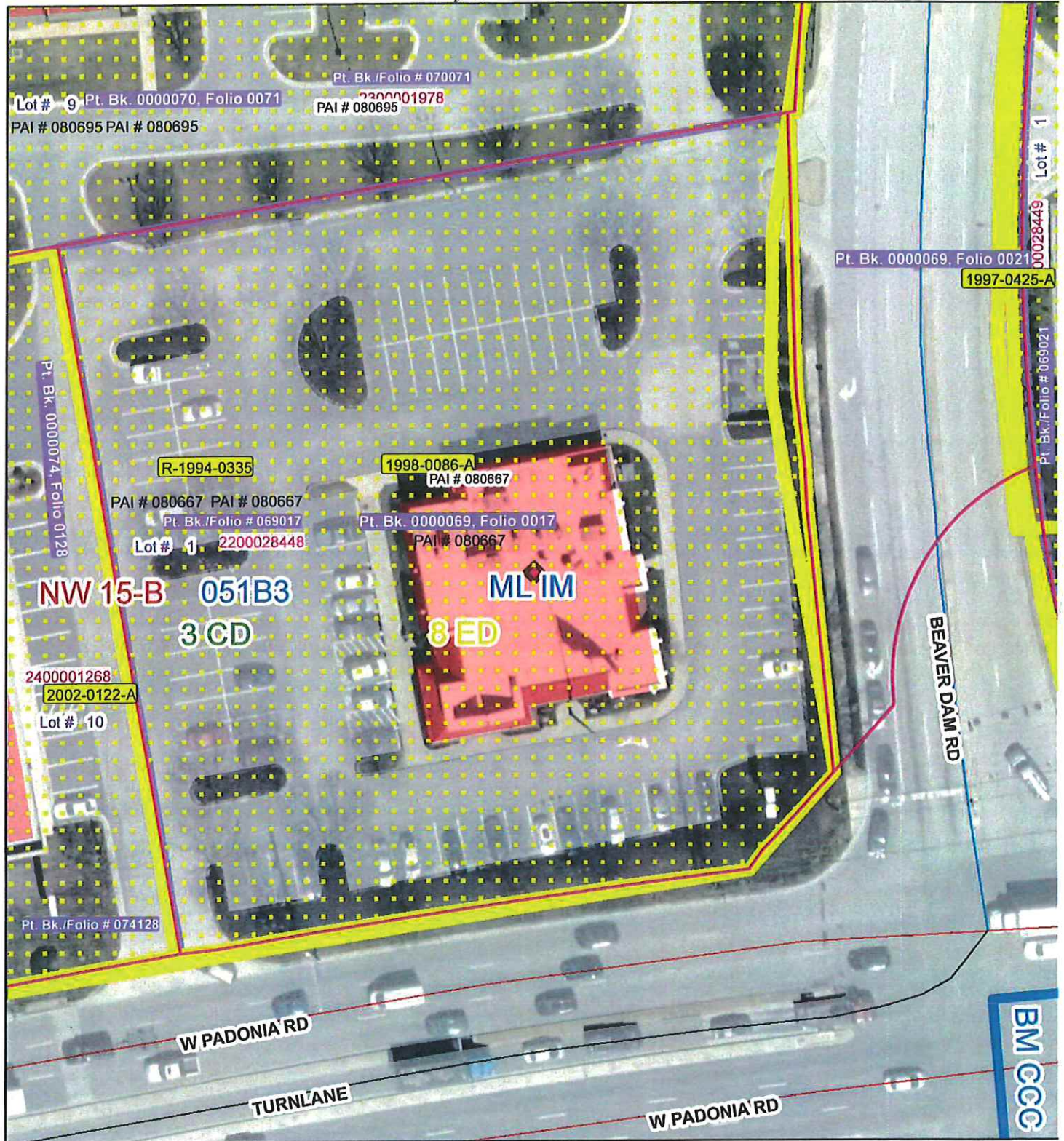
I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed Property Line Surveyor under the laws of the State of Maryland, License No. 358, Expiration/Renewal Date October 19, 2018.



0316-SPHX

400 West Padonia Road

2018-0316-SPHX



Publication Date: 5/8/2018



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 08 Account Number - 2200028448			
Owner Information					
Owner Name:	TIMONIUM SAB LLC		Use:	COMMERCIAL	
Mailing Address:	1001 E TELECOM DR BOCA RATON FL 33431-		Principal Residence:	NO	
			Deed Reference:	/39630/ 00455	
Location & Structure Information					
Premises Address:		400 W PADONIA RD TIMONIUM 21093-0000		Legal Description:	1.48 AC 400 W PADONIA RD NS BOB EVANS RESTAURANT
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0051	0016	0702		0000	1 2017 0069/0017
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1997	6146		1.4800 AC	06	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		RESTAURANT			
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2018	07/01/2019	
Land:	1,638,000	870,000			
Improvements	205,800	791,000			
Total:	1,843,800	1,661,000	1,661,000	1,661,000	
Preferential Land:	0			0	
Transfer Information					
Seller: BER REAL ESTATE INVESTMENTS I LLC		Date: 11/14/2017		Price: \$1,633,000	
Type: ARMS LENGTH IMPROVED		Deed1: /39630/ 00455		Deed2:	
Seller: BOB EVANS FARMS LLC		Date: 06/16/2017		Price: \$615,679	
Type: NON-ARMS LENGTH OTHER		Deed1: /39085/ 00337		Deed2:	
Seller: BEF REIT INC		Date: 08/24/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: //		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

1
2
3 **IN THE MATTER OF:**

4
5 **TIMONIUM SAB, LLC – LEGAL OWNER**
6 **SHEETZ, INC. – LESSEE**
7 **CASE NUMBER: 18-316-SPHX**
8
9

10
11 Hearing Date: June 18, 2019

12
13 Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore
14
15 County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson,
16
17 Maryland 21204.

18
19 **PANEL PRESIDING:**

20
21 **JASON S. GARBER, CHAIR**

22
23 **KENDRA RANDALL JOLIVET, BOARD**

24
25 **DEBORAH C. DOPKIN, BOARD**
26

27
28 **PRESENT ON BEHALF OF THE PARTIES:**

29
30 **JASON T. VETTORI, ESQUIRE**
31 **Counsel for Petitioner**

32
33 **ADAM D. BAKER, ESQUIRE**
34 **MICHAEL MCCANN, ESQUIRE**
35 **Counsel for Protestants**
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Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

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1 (ON RECORD - 10:13:27 AM)

2 CHAIR: All right. We are back here today on the
3 matter of, putting my reading glasses on, 400 West Padonia
4 Road, Timonium SAB, LLC, legal owner, Sheetz, that's S-H-E-E-T-
5 Z, Inc., lessee, case number 2018-0316-SPHX. This is day,
6 well, day two of evidence, day three in total. I do know that
7 a Motion in limine has been filed since we were last hear on
8 June 6th. Will counsel please introduce themselves for the
9 record?

10 MR. VETTORI: Jason Vettori with Smith, Gildea &
11 Schmidt from 600 Washington Avenue, Suite 200, Towson, Maryland
12 21204.

13 MR. BAKER: Good morning, Mr. Chairman, Members of
14 the Board. Adam Baker with Rosenberg Martin Greenburg, on
15 behalf of 7-11, offices in Baltimore at 25 South Charles Street
16 and I'm joined by my colleague this morning, Caroline Hecker.

17 MS. HECKER: Good morning.

18 CHAIR: Hello.

19 MR. MCCANN: Good morning, everyone. Michael McCann
20 on behalf of DGG Market, Inc. My address here in Towson is 118
21 West Pennsylvania Avenue.

22 CHAIR: Thank you. Please be seated. So, with
23 respect to the Motion in limine. Number one, Mr. Baker, is it
24 your intent that we hear that first thing this morning?

25 MR. BAKER: I think for purposes of, of processing,

1 it makes sense. If it's amenable to the Board.

2 CHAIR: Mr. Vettori?

3 MR. VETTORI: I am fine to have you decide it now, if
4 you want. I think at some point, I mean, maybe at the end
5 would make more sense so we can just do it kind of, any of the
6 evidence that was put in, or any exhibits or something that was
7 put into evidence could be stricken. I know at this point, as
8 I have looked through the chart, I think we've got Exhibits 20
9 and 21, which is the plan for the Royal Farms at 1119 McCormick
10 Road and the pictures of the seating there.

11 CHAIR: Right.

12 MR. VETTORI: Respectively, and those are being held
13 for other reasons, as to relevance, which may prevent
14 themselves, so this doesn't pertain to that, per se. The only
15 other, the e-mail exchange between Karski and Petitioner's
16 attorney, I, I don't see any way that you're going to allow
17 that in period. As far as the 2019 basic services map
18 transportation, I think it wasn't signed, so I understand that
19 not being admitted.

20 CHAIR: right.

21 MR. VETTORI: This, but back to the, I mean, the one
22 exhibit, I think, we're even talking about at this point, which
23 is the e-mail exchange between Karski and Petitioner's
24 attorney, you know, I think it's a very important thing as far
25 as what the Department of Public Works, Transportation

1 Department, thinks about this intersection. I understand
2 failing intersection and that is not a dispositive issue in my
3 opinion. I think we've gone through this pretty thoroughly. I
4 think it's relevant to know what the Department of Public Works
5 thinks and if my e-mail exchange doesn't pass a certain test
6 for this administrative proceeding under the Administrative
7 Proceedings Act, as opposed to some Maryland rule that wouldn't
8 apply to an administrative proceeding, you know, I, I'm find
9 with the ruling in that regard, but I don't think this preclude
10 me asking any questions that have anything to do with what the
11 Department of Public Works thinks or how the process for
12 getting the basic services maps approved is relevant. I mean,
13 I don't think it should strike or preclude me from being able
14 to ask those questions.

15 CHAIR: Well, I would say too, I mean, preclusion
16 also seems to imply for rebuttal purposes, if needed, I don't
17 know if it's needed or not, but Mr. Baker?

18 MR. BAKER: I think our point on the issue is the law
19 is the law. The basic service maps have been adopted in the
20 time between the first hearing and today. We have now a signed
21 map and at this point, I don't think it's appropriate, nor do I
22 think this is the right venue to examine the motivations of
23 County Council, adopt --

24 CHAIR: I don't think by law we're allowed to.

25 MR. BAKER: Correct. So, I, I don't think, I think

1 it's a slippery slope to start going down the line of
2 questions, of what does Public Works think about this, who had
3 conversations with whom. The fact of the matter is, the law is
4 the law. The basic service maps have been adopted. I haven't
5 heard any arguments that they were adopted legally,
6 appropriately and even if those arguments were made, I don't
7 think this is the venue to settle those disputes. There's
8 certainly remedies within the County Code which allows mistakes
9 in the map to be corrected. And again, I don't think that this
10 the proper venue to be addressing those grievances.

11 CHAIR: And just so, make sure I understand this
12 correctly, the e-mail exchange we're talking about, that was
13 not admitted into evidence, was it?

14 MR. VETTORI: That's correct.

15 CHAIR: Right. So, that's why I'm confused about the
16 Motion in limine. Are you just looking to make sure that it
17 will never be addressed again?

18 MR. BAKER: Well, not only the e-mail, but it was
19 really almost a prophylactic measure to make sure that we don't
20 proceed down that line of questioning. I fully understand
21 that, that the e-mail was not admitted, but in the event that
22 Petitioner intended to call witnesses or introduce evidence
23 which spoke to the motivations of counsel or Public Works,
24 we're obviously going to object to that. And that was the
25 purpose of the Motion.

1 CHAIR: Yeah, I don't believe we can get into what, I
2 think, is referred to as the deconstruction of government
3 decision making. But I'm, I don't, I believe it, a Motion in
4 limine to preclude witnesses and who knows what other evidence
5 may be needed on behalf of Petitioner, --

6 MR. VETTORI: Sure.

7 CHAIR: -- whether in case in chief or whether in
8 rebuttal or whatever the case may be, --

9 MR. VETTORI: Right.

10 CHAIR: -- I don't know that we can preclude
11 questions at this time, with the understanding of what the
12 ruling has already been, that we're not going to get into the
13 deconstruction of government decision making.

14 MR. BAKER: So, and, and, and I'll note my objections
15 when we come to those crossroads.

16 CHAIR: And, --

17 MR. BAKER: If we do.

18 CHAIR: -- and, and then who knows how that will get
19 resolved at that time. Is there anything further you want to
20 say there, Mr. Vettori?

21 MR. VETTORI: It sounds like we can address it. I
22 mean, again, I think, this isn't in front of a jury. I think
23 you guys are all attorneys, perfectly capable of deciding,
24 giving weight to a question or ignoring something that isn't
25 being admitted into evidence and, you know, I think we can go

1 down that path. We all, I'll acknowledge, obviously, we're not
2 challenging that this is an F intersection. But that issue
3 itself is not dispositive of whether special exception relief
4 should be granted and I think getting to that point is all
5 we're trying to do, not trying to deconstruct that it's an F
6 intersection.

7 CHAIR: And I do believe that, or I imagine, we're
8 going to be hearing a lot more about the effect of its
9 designation as an F intersection and the effect upon this case
10 throughout some testimony and probably, if I guess, in your
11 closing briefs.

12 MR. VETTORI: Very much so. That would be my
13 intention.

14 MR. BAKER: I think that's a --

15 CHAIR: A fair way to look at it?

16 MR. BAKER: -- that's a fair assessment.

17 CHAIR: Right. Mr. McCann, you've been silent over
18 there, anything to add?

19 MR. MCCANN: I have nothing to add. Thank you, Mr.
20 Garber.

21 BOARD: Oh.

22 CHAIR: So, the Motion in limine will be denied, but
23 it's not denying, of course, your right to object when
24 appropriate and, of course, Mr. Vettori, you're aware of the
25 prior ruling.

1 MR. VETTORI: Yes.

2 MR. BAKER: Thank you.

3 CHAIR: Sure thing. And is there anything else
4 preliminarily?

5 MR. VETTORI: Nothing I'm aware of.

6 MR. BAKER: Nothing.

7 CHAIR: All right. So, where we last left off was, I
8 believe, the end of Petitioner's Exhibit 35 and is it Ms.
9 Kosino?

10 MR. VETTORI: Yes, I believe we had two plans up that
11 maybe we folded and gave to you? If I'm not mistaken?

12 CHAIR: Yes.

13 MR. VETTORI: And it may make sense to put them back
14 up (inaudible).

15 CHAIR: That seems to make sense.

16 MR. VETTORI: Getting, I know, there's a lot of
17 exhibits, so I want to make sure we're organized, I apologize.

18 CHAIR: And Exhibit 1 and Exhibit 2. Sorry.

19 BOARD: No worries, thank you.

20 CHAIR: (inaudible).

21 MR. VETTORI: As they're putting them up, I think we
22 finished off with my direct testimony of Ms. Kosino.

23 CHAIR: Right.

24 MR. VETTORI: And they said they each had fifteen
25 minutes, but I'd imagine at this point, they may have more

1 questions, or questions that would take more than fifteen
2 minutes, respectively, each. Just, the last two exhibits, I
3 think, just to make sure I'm on the same page, were traffic
4 impact study dated February 8th, 2018 as Petitioner's thirty-
5 four, and traffic impact study dated March 26th, 2019 as
6 Petitioner's Exhibit 35.

7 CHAIR: Yes.

8 MR. VETTORI: Excellent. Thank you, gentlemen.

9 CHAIR: Thank you. Are we ready to proceed?

10 MR. VETTORI: Yes.

11 CHAIR: All right. Ms. Kosino?

12 BOARD: Want her re-sworn?

13 CHAIR: Would you like her re-sworn?

14 MR. BAKER: That's fine.

15 CHAIR: Okay. You do not need to be re-sworn but you
16 are reminded that you are under oath, okay? And this is Kelly
17 Kosino, K-O-S-I-N-O and again, please state your, or your, your
18 employer and title?

19 MS. KOSINO: Century Engineering, Senior Engineer.

20 CHAIR: Senior Engineer?

21 MS. KOSINO: Yes.

22 CHAIR: All right. Everyone remember to keep your
23 voice up, speak loudly and clearly, do not cover the
24 microphone, do not talk over one another and make sure your
25 cell phones are off. Okay. Mr. Baker?

1 MR. BAKER: Thank you. Appreciate it. Ms. Kosino,
2 good morning.

3 MS. KOSINO: Good morning.

4 MR. BAKER: I'm, and I can't recall whether you
5 testified but there certainly was testimony at the last day of
6 hearing that the majority of users or customers for this
7 proposed Sheetz are going to be, we'll call them pass, pass by
8 trips. Is that correct?

9 MS. KOSINO: Correct.

10 MR. BAKER: And, and what does that mean?

11 MS. KOSINO: What that means is that vehicles that
12 are on the roadway already may choose to stop at this
13 establishment. So, they're going to pass by anyway and instead
14 they go in and get gas or get something from the convenience
15 store. And then they leave and go the direction that they came
16 in.

17 MR. BAKER: Thank you. And the, the revised traffic
18 impact analysis, which is Petitioner's thirty-five, I believe,
19 I think it shows not only in the background traffic, but the
20 anticipated trip generation traffic, where these trips are
21 coming from, is that correct?

22 MS. KOSINO: Um hm, yes.

23 MR. BAKER: And can you recall, or do you need me to
24 show you, where those trips are primarily coming from? Are we
25 talking east, west, north, south?

1 MS. KOSINO: I believe they're coming from the north
2 and the east primarily.

3 MR. BAKER: Okay. How about from the west, from York
4 Road?

5 MS. KOSINO: Isn't York north east?

6 CHAIR: Ms. Kosino, if you need to take a look --

7 MS. KOSINO: From York Road and from the north.

8 MR. VETTORI: Do we have the actual exhibits? I know
9 you have an extra copy, I apologize.

10 CHAIR: It, it's best if, if you're being asked a
11 question to, if you, if you're not sure, to at least to refer
12 to the document.

13 MR. BAKER: And I'm sorry, I should specify. The
14 existing traffic right now, is it coming from --

15 MS. KOSINO: Oh, existing traffic?

16 MR. BAKER: Yes, I'm sorry, I should have specified.

17 MS. KOSINO: I'm not sure.

18 CHAIR: Is it in your report, you believe?

19 MS. KOSINO: Yes. Yes. The majority of traffic is
20 going east and west, both directions.

21 MR. BAKER: Okay and what about through the proposed?

22 MS. KOSINO: Through the proposed?

23 MR. BAKER: Yeah, with the proposed, taking into
24 account the, the, the proposed site --

25 MS. KOSINO: The majority of the traffic would still

1 be on Padonia because the majority is there now.

2 MR. BAKER: Okay.

3 MS. KOSINO: This isn't going to generate enough
4 traffic to change that.

5 MR. BAKER: Sure, thank you. And since our last
6 haring, we now have a signed copy of the basic services maps.
7 What is the level of service of the intersection of Padonia and
8 Deerco and --

9 CHAIR: Well, let's say out of an abundance of
10 fairness to Mr. Vettori, since we had a whole bunch of
11 discussion about that the last time, if you have a signed copy,
12 --

13 MR. BAKER: I do.

14 CHAIR: And we're going to reference a signed copy, I
15 think we should provide to Mr. McCann and Mr. Vettori and then,
16 as well as the witness, --

17 MR. VETTORI: I have a copy, I was going to put it in
18 myself, so I have no objection to this.

19 CHAIR: It just seems to make the most sense now to
20 just cross that bridge. I don't know how you want to designate
21 it, since you're going to put it in your case, but Mr. Baker,
22 since you brought it up.

23 MR. BAKER: Yes.

24 CHAIR: Do you want it in your case?

25 MR. BAKER: It can be in ours, we can introduce --

1 MR. VETTORI: If you prefer, I've got probably seven
2 or eight copies on eleven by seventeen, which is probably not
3 going to impart that much of a benefit, but.

4 CHAIR: I'll need my reading glasses either way.

5 MR. VETTORI: All right.

6 BOARD: Okay. I will need an extra copy.

7 CHAIR: I believe (inaudible). Hold on one second,
8 Mr. Vettori is --

9 MR. VETTORI: Sure you don't prefer to have it so
10 everybody has a copy and she's not missing one? I just need
11 one and I think that's enough for them to have four, --

12 CHAIR: We might as well.

13 MR. BAKER: Why not?

14 CHAIR: Welcome to the party.

15 BOARD: Thank you.

16 MR. BAKER: More?

17 CHAIR: It's apparently the same thing, just a larger
18 --

19 MR. BAKER: Just a larger copy.

20 CHAIR: Yeah.

21 BOARD: Thank you.

22 MR. VETTORI: Bigger piece of paper.

23 CHAIR: And then (inaudible) a chance.

24 MR. BAKER: Thank you, Jason.

25 MR. VETTORI: No problem.

1 CHAIR: All right. So, we will designate, do you
2 have another one there, Mr. Baker?

3 MR. BAKER: I do.

4 CHAIR: The eight and a half by eleven will be,
5 (inaudible).

6 MR. VETTORI: 7-11 Protestant's.

7 CHAIR: Sorry, 7-11, I'm sorry, right. The other way
8 around. Right, 7-11 two is it?

9 BOARD: Um hm, two.

10 CHAIR: All right. Sorry. 7-11 two. And then,
11 we'll label the eleven by seventeen, Petitioner's thirty-six.

12 BOARD: Okay.

13 CHAIR: Since that's where they all came from.

14 BOARD: That's fine.

15 CHAIR: Now every exhibit has a home.

16 MR. BAKER: Thank you.

17 CHAIR: Sorry, Mr. Baker.

18 MR. BAKER: No, I appreciate it.

19 CHAIR: And to, again, reflect that this is signed
20 and it has been dated effect, it was signed, excuse me, adopted
21 5/16, 5/6, glasses, 5/6/19, effective May 20th of 2019. So, you
22 may proceed.

23 MR. BAKER: Thank you. With this signed 2019 basic
24 services map in hand, does it indicate the level of service of
25 the intersection of West Padonia Road and Deerco on the south,

1 Beaver Dam Road on the north?

2 VOICE: (inaudible).

3 CHAIR: You'll probably have to re-ask your question.

4 MR. BAKER: Sure. Now you have it hand. Does the
5 map indicate the level of service of West Padonia and
6 Deerco/Beaver Dam?

7 MS. KOSINO: I'm sure it does.

8 MR. BAKER: Can you tell me what the level of service
9 it indicates?

10 MS. KOSINO: I'm trying to read it. I apologize.

11 MR. BAKER: Do, do you need to get your glasses?

12 MS. KOSINO: Huh?

13 MR. BAKER: Your glasses?

14 MS. KOSINO: I do not have glasses.

15 MR. BAKER: Okay, sorry.

16 MS. KOSINO: I probably should get some.

17 CHAIR: Would you like mine?

18 MS. KOSINO: I would guess since the law says it's an
19 F, I would say it probably says an F. I cannot read it.

20 MR. BAKER: Okay. Thank you. I have no further
21 questions.

22 CHAIR: That's it, Mr. Baker?

23 MR. BAKER: That's it, thank you.

24 CHAIR: Mr. McCann?

25 MR. MCCANN: Yeah, just a couple. Good morning.

1 MS. KOSINO: Good morning.

2 MR. MCCANN: Did you have any involvement, Ms.
3 Kosino, in the selection of this site for this project?

4 MS. KOSINO: The location?

5 MR. MCCANN: The location.

6 MS. KOSINO: No.

7 MR. MCCANN: Okay. Did you have any communications
8 with the developer or any representative of Sheets regarding
9 how or why they selected this location?

10 MS. KOSINO: No.

11 MR. MCCANN: And just to be abundantly, I wanted, if
12 you could, just to identify maybe in Protestant's, or
13 Petitioner's Exhibit 35 where some of the data is for, for
14 instance, existing traffic volumes? So, if you could, do you
15 have a copy of your --

16 MS. KOSINO: I do.

17 MR. MCCANN: Okay. So, this would be the March 26th,
18 2019 traffic impact analysis and am I correct that Exhibit 3,
19 which is, I'm always confused by the, the exhibits and the
20 appendices used (inaudible) Century. But Exhibit 3 is on page
21 five, it's not numbered, but it comes out to page four. That
22 is the exhibit that tells us the existing traffic volumes,
23 correct? A.m. and p.m. peak hours?

24 MS. KOSINO: Correct.

25 MR. MCCANN: And as Mr. Baker asked, those numbers

1 reflect that the majority, that the vast majority of traffic
2 going by this site is coming from the east and from the west,
3 is that a fair characterization?

4 MS. KOSINO: Existing traffic, yes.

5 MR. MCCANN: Okay and then, Exhibit 8 in Petitioner's
6 Exhibit 35, which is at page twelve, not numbered, but two
7 pages after the numbered page ten, that Exhibit 8 tell us the
8 projected pass by trips generated for this site, correct?

9 MS. KOSINO: Correct.

10 MR. MCCANN: Okay and lastly, you used the IT manual
11 for projected volumes of traffic from this proposed
12 (inaudible), correct?

13 MS. KOSINO: Correct.

14 MR. MCCANN: And specifically, you used, well,
15 strike, let me back up. The IT manual, as it's known, has
16 certain land use codes that you, that you, I guess, you sort of
17 slot your project into, depending on the type of business that
18 it is, is that correct?

19 MS. KOSINO: Yes.

20 CHAIR: Keep your voice up. That was a yes?

21 MS. KOSINO: Yes.

22 CHAIR: Thank you.

23 MR. MCCANN: And the, for purposes of trip generation
24 from this project, you used land use code 960, which is super
25 convenience market/gas station, correct?

1 CHAIR: Do you have a reference for the witness?

2 MR. MCCANN: I can show it to her.

3 MS. KOSINO: It's just hard to find the page.

4 MR. MCCANN: Yeah.

5 CHAIR: Well, that, that's what I'm saying. If you
6 have a --

7 MR. MCCANN: In your report, --

8 MS. KOSINO: No, it's not in the appendix. Land use
9 code 9, no.

10 MR. MCCANN: It's on page ten of the report, there's
11 a reference to (inaudible) code 960.

12 MS. KOSINO: 945. No, that's not right.

13 MR. MCCANN: I think it's the paragraph, let me just
14 read it to you and tell me if I'm correct. It says, --

15 CHAIR: Well, before you start, please point out what
16 page you're on for, for Mr. Vettori.

17 MS. KOSINO: 960.

18 MR. MCCANN: First paragraph, --

19 CHAIR: Thank you.

20 MR. MCCANN: -- of page ten of Petitioner's Exhibit
21 35 says, quote, LUC 960 was determined to be appropriate for
22 this site, etcetera, correct? The second line, first
23 paragraph.

24 MS. KOSINO: I'm trying to find it in the appendix.

25 MR. MCCANN: I'm just asking you about the report

1 itself.

2 MS. KOSINO: Um hm.

3 MR. MCCANN: And what, the statement made in the
4 report.

5 MS. KOSINO: That's what the statement in the report
6 says.

7 MR. MCCANN: Okay, great. And I'm going to show you
8 the, I think this will be helpful. This will be (inaudible).
9 So, I'll give her a copy.

10 CHAIR: Do you need --

11 MR. MCCANN: No, I think we're good. Ms. Kosino,
12 take a look at --

13 CHAIR: So, this is --

14 MR. VETTORI: DGG marked as two.

15 CHAIR: Sorry?

16 MR. VETTORI: Mark as two, right?

17 CHAIR: Yes, DGG two.

18 MR. MCCANN: Yes. And just take a look at that
19 exhibit, of a copy of the exhibit that you have, which is DGG
20 Exhibit 2 and just confirm for me, if you would, that that
21 document is a copy from the ITE manual of the section
22 pertaining to land use code 960. Do you recognize it as such?

23 MS. KOSINO: Yes. And it's in Appendix J.

24 MR. MCCANN: In the report itself?

25 MS. KOSINO: Um hm.

1 MR. MCCANN: Okay, great. And that, I would move
2 that exhibit into evidence and I have no other questions.

3 CHAIR: Any objection, Mr. Vettori?

4 MR. VETTORI: I have no objection.

5 CHAIR: I'm assuming Mr. Baker doesn't have an
6 objection either.

7 MR. BAKER: No.

8 CHAIR: So, with respect to 711 Exhibit 2, DGG
9 Exhibit 2 and Petitioner's Exhibit 36, are there any objections
10 to any of those exhibits? Those would be the signed copies of
11 the service level maps and land use 960 from the IT manual.

12 MR. MCCANN: No objection.

13 MR. BAKER: No objection.

14 MR. VETTORI: No objection.

15 CHAIR: Okay. All three then are admitted. And, Mr.
16 McCann, did you say you were done?

17 MR. MCCANN: I am done.

18 CHAIR: All right. Back to you, Mr. Vettori.

19 MR. VETTORI: All right. I just got a couple
20 questions (inaudible). Ms. Kosino, did you follow the State
21 guidelines for preparing traffic impact studies?

22 MS. KOSINO: Yes.

23 MR. VETTORI: Okay. I just want to mark those
24 guidelines as Exhibit thirty --

25 CHAIR: Seven.

1 MR. VETTORI: -- seven. Beat me to it, again.
2 Actually, one thing I want to pick out in here, in the third
3 paragraph, it states that --

4 CHAIR: Well, before, before we get there.

5 MR. VETTORI: Sorry.

6 CHAIR: Have you seen Petitioner's Exhibit 37
7 previously?

8 MS. KOSINO: Yes.

9 CHAIR: Okay and it, the title is Maryland State
10 Highway Administration guidelines for traffic impact report
11 studies?

12 MS. KOSINO: Correct.

13 CHAIR: And that's what you just answered yes to as
14 to the State guidelines that you followed?

15 MS. KOSINO: Yes.

16 CHAIR: These would be those guidelines?

17 MS. KOSINO: Yes.

18 MR. VETTORI: Does Baltimore County have their own
19 guidelines or they also follow the State Highway
20 Administration's guidelines?

21 MS. KOSINO: They have an (inaudible) APFO that
22 somewhat refers to this and so, in general, they follow these--

23 CHAIR: A what?

24 MS. KOSINO: Adequate public facilities ordinance.

25 CHAIR: Thank you.

1 MR. VETTORI: And this says, the authority to require
2 a traffic impact study or a TIS, in the first paragraph, it
3 says this, and related road improvements as found in COMAR,
4 Section 11.04.05, is that accurate?

5 MS. KOSINO: Yes.

6 MR. VETTORI: Okay. Is, does it say at the beginning
7 of the third paragraph that a traffic impact study is required
8 for any proposed development or redevelopment that generates
9 more than fifty peak hours, hour trips or that is expected to
10 directly impact traffic operations on the State roads?

11 MS. KOSINO: Correct.

12 MR. VETTORI: Okay and so, if you, you followed this,
13 these guidelines when preparing the traffic impact study?

14 MS. KOSINO: Yes.

15 MR. VETTORI: Okay. I think, as part of that, did
16 you have a scoping meeting? Is there something, can you
17 describe what a, a scoping meeting is?

18 MS. KOSINO: A scoping meeting is typically when you
19 decide what intersections you are going to review, what pieces
20 you're going to be required to do because different parts of
21 the County will require different things, different traffic
22 generations will require larger or smaller radiuses from the
23 intersection. So, yes, there was an e-mail that went through
24 between Barry King, my boss, and Greg Karski from Department of
25 Public Works, determining what intersections were needed

1 (inaudible).

2 MR. VETTORI: I'm going to mark a copy of that e-mail
3 as exhibit number thirty-eight.

4 CHAIR: Thank you.

5 MR. VETTORI: And is there anything in this e-mail
6 that maybe wasn't included in the first TIS that seems to have
7 been, requested to have been added by Mr. Greg Karski?

8 MS. KOSINO: I don't understand the question.

9 MR. VETTORI: All right. Let me rephrase.

10 CHAIR: Are you referring to where it says number one
11 in blue, please include York/Padonia?

12 MR. VETTORI: Yes. Did, was Padonia and York not
13 included in the original traffic impact study, if you know?

14 MS. KOSINO: This was done before the original
15 traffic impact study was done.

16 MR. VETTORI: Okay.

17 MS. KOSINO: And York and Padonia was included in
18 both.

19 MR. VETTORI: Okay and was --

20 CHAIR: So, by this, you mean this e-mail was done
21 before the traffic impact study was done and that York/Padonia
22 intersection was included in both the original and the revised
23 traffic impact studies?

24 MS. KOSINO: Correct.

25 MR. VETTORI: And as far as number, question number

1 two, where is Texas Station or Texas Station Court and Beaver
2 Dam, if you know?

3 MS. KOSINO: North of the Beaver Dam and Padonia
4 Road. It says (inaudible).

5 MR. VETTORI: Okay and what that included in your
6 study, if you know?

7 MS. KOSINO: Yes, it was included.

8 MR. VETTORI: Okay. Okay and did you include,
9 include growth rates of two to three years, as asked in
10 question number four in exhibit number thirty-eight?

11 MS. KOSINO: Yes, yes. The traffic counts that were
12 used were grown to meet their requirements. And some of the
13 traffic counts were redone in order to make them newer.

14 MR. VETTORI: Okay. Did you prepare a, kind of a
15 crib sheet or something that shows the parking, I mean, the
16 traffic being generated by the Sheetz as opposed to, by way of
17 comparison, to the existing or previously existing restaurant?

18 MS. KOSINO: I prepared something that had the new
19 and bypass trips, yes.

20 MR. VETTORI: Okay and I think, was this intended to
21 kind of summarize, so to speak, the traffic impact study?

22 MS. KOSINO: Correct.

23 CHAIR: Is there any objection to Petitioner's
24 Exhibit 38? Well, thirty-seven and thirty-eight? Thirty-seven
25 being the guidelines, thirty-eight being the e-mail exchange

1 from January 11th of 2018.

2 MR. MCCANN: No objection.

3 MR. BAKER: Not necessarily an objection, it's more
4 of a question. I, I see the Petitioner's exhibit number
5 thirty-seven is marked draft. Curious why that is.

6 CHAIR: All right.

7 MS. KOSINO: I can, I can speak to that.

8 MR. BAKER: That'd be great.

9 MS. KOSINO: The State Highway Administration has not
10 adapted an actual one, we've been using a draft for more than,
11 I don't know, since the nineties.

12 MR. BAKER: Thank you. No objection.

13 CHAIR: All right. With that in mind, Petitioner's
14 Exhibits 37 and 38 will be admitted. We are now onto what will
15 be designated as Petitioner's Exhibit 39.

16 MR. VETTORI: Okay and you had indicated, I believe,
17 in response to a question from Mr. McCann, that land use code
18 960, the super convenience market and gas station land use code
19 was utilized?

20 MS. KOSINO: Um hm, correct.

21 MR. VETTORI: Okay.

22 CHAIR: I'm sorry, please speak up. Correct?

23 MS. KOSINO: Correct.

24 MR. VETTORI: And previously, for the Bob Evans
25 Restaurant, the land use code 932 was applied?

1 MS. KOSINO: I don't have that in front of me.

2 BOARD: Which exhibit are you referring to?

3 MR. VETTORI: I'm referencing the Exhibit 39.

4 BOARD: Thirty-nine, thank you.

5 MR. VETTORI: I think she does have a copy to her
6 right, I apologize, but.

7 MR. MCCANN: I, I'm just going through --

8 MS. KOSINO: Oh, I see.

9 CHAIR: Hold on.

10 MS. KOSINO: On the bottom.

11 CHAIR: Let's all hit the reset button here.

12 MR. MCCANN: I'm sorry to interrupt.

13 CHAIR: Mr. McCann?

14 MR. MCCANN: I understand where the Board is likely
15 to go on this, but this exhibit is clearly not re-direct. I
16 mean, it's the beyond the scope. We asked very limited
17 questions and the fact that it happens to say land use code 960
18 on it doesn't open the door, just because I asked her simply on
19 that issue to identify which one she used and asked no other
20 questions of it. I think this is well beyond the scope of --

21 CHAIR: I, I don't believe we've had the questions
22 yet, but I understand. Mr. Vettori, can you explain where
23 you're going with Petitioner's exhibit thirty-nine?

24 MR. VETTORI: Sure. I mean, I think there were very
25 broad questions about the basic services map and the F

1 intersection and it's important for me to respond to that, as
2 in what the standard is for special exception because it seems
3 as if there was some --

4 MR. MCCANN: Well, what, what is --

5 CHAIR: Well, hold, hold on, I'm still hearing from
6 Mr. Vettori.

7 MR. VETTORI: So, there were questions, I think,
8 about the F intersection and I think there's been questions, I
9 believe, from the Board that have indicated that somehow that
10 matter is dispositive of what's going on with traffic. That
11 somehow special exception cannot be granted because of one of
12 the criteria pertaining to transportation, which I believe
13 there's two of them. So, I'm trying to ask some questions, I
14 think, that clarify that point through this witness.

15 CHAIR: Mr. Baker?

16 MR. BAKER: If I may? And I'm going to respectfully
17 disagree with Mr. Vettori's characterization of the cross
18 examination. I asked very narrowly focused as to what this
19 document is and what it states.

20 CHAIR: And that, you're referring to Petitioner's
21 Exhibit 36?

22 MR. BAKER: Yes, I'm sorry, for the record,
23 Petitioner's Exhibit --

24 CHAIR: Thirty-six?

25 MR. BAKER: Strike that. Yes.

1 MR. VETTORI: It's my thirty-six and his two, yes.

2 CHAIR: Well, he's holding up the eleven by
3 seventeen. So, that's the thirty-six.

4 MR. BAKER: I got, I got the big one.

5 MR. VETTORI: That's correct.

6 MR. BAKER: The big one. And again, I, I, I don't
7 think by virtue of me asking Ms. Kosino to indicate for the
8 record what this document is and with regard to the
9 intersection (inaudible) opens the door to have a, I guess, a
10 broad brush conversation about failing intersections and how
11 they are regulated in Baltimore County?

12 CHAIR: Mr. McCann?

13 MR. MCCANN: Which begs the question, of course,
14 whether this document, if Exhibit 39 has anything to do with
15 (inaudible) and I think my, my point was exactly that. It has
16 nothing to do with this new evidence, not related to
17 (inaudible) intersection as to pass by traffic and it's a new
18 chart which she prepared, apparently.

19 CHAIR: Well, I don't even know that she prepared
20 this, the witness prepared it, yeah, we haven't gotten that
21 far.

22 MR. MCCANN: I think she was asked.

23 CHAIR: I believe.

24 MR. MCCANN: I think she was asked did you, Mr.
25 Vettori asked her if she prepared something and then he, the

1 next document he showed her was this. So, I'm, I'm assuming
2 that she did.

3 CHAIR: Right. But assuming we're getting to the
4 foundational questions to establish that, but go ahead.

5 MR. MCCANN: So, my, my point is simply that I'm not
6 sure I understand how this relates to the F rated intersection,
7 even if it was within the scope of cross examination. I don't
8 think it does at all (inaudible) deals with passerby rates.

9 BOARD: Please keep your voice up a little.

10 MR. MCCANN: That's it. Thank you.

11 CHAIR: Mr. Baker, I see you're still standing,
12 before I turn back to Mr. Vettori.

13 MR. BAKER: I, I guess, it's, it's somewhat of a
14 question also of commenting. Was this part of the traffic
15 impact analysis?

16 CHAIR: I don't think we can ask that question quite
17 yet.

18 MR. BAKER: No, okay.

19 CHAIR: Because we're not out of, in an abundance of
20 fairness to Petitioner, that we can't ask the question yet,
21 because we haven't even had the foundational questions asked
22 yet, because we're still dealing with the objection. As to its
23 relevance to, to get in --

24 MR. VETTORI: Everything on this is covered in the
25 traffic impact analysis, so it's really, I don't need to carry

1 on and I have no problem with it, moving on if that's, this one
2 exhibit --

3 CHAIR: Let me, let me then make it simple. Are you
4 suggesting that the, well, obviously, the information about
5 land use code 960, the a.m. peak count, p.m. peak count, that
6 information is going to be contained in the traffic impact
7 study, I imagine?

8 MR. VETTORI: That's my understanding.

9 CHAIR: Okay.

10 MR. VETTORI: I would ask the witness to clarify, but
11 we have --

12 CHAIR: And, and the same thing with the application
13 of land use code 932 to the former Bob Evans. Would that be in
14 the traffic impact study?

15 MR. VETTORI: It's all, to my understanding.

16 CHAIR: So, I will ask that Ms. Kosino to then
17 clarify Mr. Baker's questions. Ms. Kosino, number one, did you
18 create this chart that's been labeled as Petitioner's Exhibit
19 39?

20 MS. KOSINO: Yes.

21 CHAIR: Okay and is this chart something you used in
22 conjunction with your traffic impact study?

23 MS. KOSINO: No.

24 CHAIR: Okay. Is the information contained, that
25 concerns, and if you need to reference it, I believe you have a

1 copy in front of you, land use code 960 in the a.m. peak hour,
2 p.m. peak hour numbers, are those referenced within your
3 traffic impact study?

4 MS. KOSINO: Yes.

5 CHAIR: As to the Bob Evans Restaurant with the
6 application of land use code 932 are, for the a.m. peak
7 hour/p.m. peak hour, are those numbers referenced in your
8 traffic study?

9 MS. KOSINO: Yes.

10 CHAIR: So, all the information contained in, in
11 Petitioner's Exhibit 39 is information contained within the
12 traffic study itself?

13 MS. KOSINO: Yes.

14 CHAIR: And to be clear, we're talking about the
15 revised on of March 26th, 2019?

16 MS. KOSINO: It's in bold, yes, the revised one.

17 CHAIR: Right, but that's --

18 MS. KOSINO: Correct, yes.

19 CHAIR: -- the one that's operative here, is the
20 revised one. So, that's Petitioner's Exhibit 35. So, with
21 that in mind, Mr. McCann, back to you.

22 MR. MCCANN: I, thank you for that clarification and
23 I think that's, those questions, it's still a new document that
24 could have been introduced on direct examination but I don't
25 have a problem with it if all the information is in the report

1 itself and it sounds like it is, so.

2 CHAIR: Mr. Baker?

3 MR. BAKER: I, I would agree with Mr. McCann. I
4 guess my only objection is that if this is included in the
5 traffic impact analysis, Petitioner certainly had an
6 opportunity to discuss this on direct and I, looks like where
7 they're going is kind of outside of the scope of what that
8 direct examination was.

9 CHAIR: I'm still not clear where we're going on
10 that. Mr. Vettori?

11 MR. VETTORI: I mainly just want to make it easier
12 for everybody to reference this instead of going through a full
13 traffic impact study and, again, --

14 CHAIR: So, would it be fair to say, you're using
15 this, Petitioner's Exhibit 39 then, to be a summary of parts of
16 the traffic impact study?

17 MR. VETTORI: That is accurate.

18 CHAIR: So, boil it down to one page for quick
19 reference for this infor, for the relevant information
20 contained on the page?

21 MR. VETTORI: And I failed miserably, because here we
22 are ten, fifteen minutes later, but yes.

23 CHAIR: All right. So, with that in mind, we will
24 admit Petitioner's Exhibit 39. Are there any further questions
25 about it?

1 MR. VETTORI: There are no further questions about
2 it.

3 CHAIR: Very well. So, there, are there any further
4 questions for Ms. Kosino?

5 MR. VETTORI: There are.

6 CHAIR: All right.

7 MR. VETTORI: I am going to show you what's been
8 marked as Petitioner's exhibit number twenty-seven, which is
9 the level of service definitions from the Department of Public
10 Works, so if there's an objection, then now will be the time
11 (inaudible).

12 CHAIR: Is that already admitted into evidence?

13 MR. VETTORI: It is already admitted into evidence.

14 CHAIR: That's what I thought.

15 MR. VETTORI: That's correct.

16 BOARD: Yes.

17 MR. BAKER: If he said it's in evidence, I don't have
18 an objection.

19 MR. VETTORI: I don't want to have to make her find
20 the actual exhibit, but again, --

21 CHAIR: That's fine.

22 MR. VETTORI: -- it is Petitioner's exhibit number
23 twenty-seven. And are you familiar, I think we asked this n
24 direct, about how F rated intersections are determined,
25 correct?

1 MS. KOSINO: Yes.

2 MR. VETTORI: And it has to do with the busiest one
3 hour? Can you clarify that, I may be butchering the context,
4 but is it about, my understanding is it's the busiest one hour
5 of any given rush hour period?

6 MS. KOSINO: Essentially, whichever peak period is
7 required. So, in this case a.m. and p.m., the busiest hour
8 during that peak period.

9 MR. VETTORI: Okay.

10 MS. KOSINO: Of a weekday.

11 MR. VETTORI: And to be an F, you've got a level of
12 service of eighty-six percent to one hundred, correct?

13 MS. KOSINO: Correct.

14 MR. VETTORI: That's on page one. On page two, does
15 this policy go on to describe what that level of service can
16 regulate?

17 MS. KOSINO: Yes.

18 MR. VETTORI: And what can it go on to regulate?

19 MS. KOSINO: Building permits for non-industrial
20 development in urban areas defined, determined to have
21 significant influence on a particular intersection.

22 MR. VETTORI: Okay and I'm going to refer you now to
23 also Petitioner's exhibit number twenty-eight, which was the
24 methodology used to determine geographic limits of traffic
25 areas around deficient intersections. Does anybody have any

1 objection to --

2 MR. BAKER: No objection.

3 MR. VETTORI: Okay. Essentially, what are --

4 CHAIR: Well, let's back up. Have you seen and,
5 again, did you put this in through Ms. Kosino last time?

6 MR. VETTORI: I did.

7 CHAIR: Okay. Just to eliminate the foundational
8 question, go ahead.

9 MR. VETTORI: And what is the criteria used to
10 determine the properties that are going to impact an
11 intersection in this methodology, or in this policy manual, the
12 policy statement, if you know?

13 MS. KOSINO: You're confusing me.

14 MR. VETTORI: Okay. What is this policy endeavoring
15 to accomplish?

16 MS. KOSINO: All right. It's defining what majority
17 of traffic is.

18 MR. VETTORI: What is the majority of traffic?

19 MS. KOSINO: It is where the largest part of traffic
20 comes from.

21 MR. VETTORI: Okay and I think you've got my
22 Petitioner's Exhibit 36, which has the delineation of a traffic
23 shed, which I believe is a six hundred foot circumference, and
24 7-11 Protestant's Exhibit 2, is it your understanding that that
25 would accurately capture the Department of Public Works'

1 determination of where traffic heading to the Padonia
2 Road/Beaver Dam/Deerco intersection would come from, based upon
3 that policy?

4 MS. KOSINO: The six hundred foot circumference?

5 MR. VETTORI: That's correct.

6 MS. KOSINO: All right. So, --

7 MR. VETTORI: Or do you think it would be bigger?

8 MS. KOSINO: The, this, does this actually say six
9 hundred foot circumference? Because I could not read it. I
10 know the law does, but does this.

11 BOARD: Let me give you the bigger one.

12 MS. KOSINO: The bigger one I cannot read either.

13 BOARD: Oh, you couldn't see that one?

14 CHAIR: I don't know that it's reflected on --

15 MR. VETTORI: The law does say the six hundred foot
16 radius actually, from the center of the intersection. I have
17 never seen anything defined like that before. Either an
18 intersection is failing or, or, an intersection has a level of
19 service and it doesn't matter where the cars are coming from.
20 If they're going through the intersection, it'll affect the
21 legal of service. If it's not going through the intersection
22 it won't. If there, the six hundred foot was very confusing.

23 CHAIR: Is the six hundred foot part of this, is that
24 the boundary then of the intersection that they're measuring?

25 MS. KOSINO: The way that the bill was written, it

1 almost said, it sounded like you, it was limiting permits
2 within a six hundred foot radius of the center of the
3 intersection, which sounds the corner properties and no one
4 else. So, if someone on York Road were to build and they were
5 generating a large amount of traffic that went through this
6 intersection, they would be allowed to have a permit.

7 CHAIR: Right.

8 MS. KOSINO: But the one, this one or the one across
9 the street, would not be allowed to have a permit.

10 CHAIR: Anything within the circle --

11 MS. KOSINO: Yes.

12 CHAIR: -- would have a building permit restriction.

13 MS. KOSINO: And it wasn't clear if it was the access
14 or the property, but the six hundred foot was strange.

15 CHAIR: Why do you say it was strange?

16 MS. KOSINO: Cars go through intersections and they
17 come from someplace, it doesn't matter where.

18 CHAIR: Right.

19 MS. KOSINO: They all affect the intersection. So,
20 whether they come from six hundred feet, a thousand feet,
21 fifteen hundred feet away, they're going to affect the level of
22 service at the intersection.

23 CHAIR: So, your issues is this, is why six hundred
24 as opposed to eight hundred or four hundred or whatever the
25 case may be?

1 MS. KOSINO: Or just call it failing, because they
2 changed another one, I think it was Joppa at Harford in the
3 same bill, that said it is a level of service F. Why didn't
4 this one just say it's a level of service F? Why did they put
5 that caveat? I don't know, I don't know what they were
6 thinking. But I've never seen anything like that before.

7 CHAIR: So, as far as you know, to the best of your
8 knowledge and your experience, you didn't, you've never seen
9 something similar where there is a, an, a defined radius from
10 which that is measured?

11 MS. KOSINO: Correct. Where the trips are generated,
12 essentially.

13 CHAIR: Right.

14 MS. KOSINO: Yes.

15 CHAIR: Sorry, yes, to complete that thought.

16 MS. KOSINO: Yeah.

17 CHAIR: But you put it far better than I could.

18 MR. VETTORI: And the policy that the Department of
19 Public Works essentially says, figure out where traffic is
20 coming from to this intersection and put a moratorium on
21 building permits in from where most of it's, the majority, I
22 believe, is what you said, is coming from, is that accurate?

23 MS. KOSINO: Yes, the majority.

24 MR. VETTORI: Okay. That's all the questions I have.

25 CHAIR: Anything from the re-direct?

1 MR. MCCANN: I do and I probably shouldn't. But I'm
2 trying, where does this six hundred feet come from? I guess, I
3 don't see six hundred feet anywhere --

4 MR. VETTORI: Bill 1219.

5 MR. BAKER: It's in the bill.

6 MR. VETTORI: It's actually codified now and
7 (inaudible) --

8 CHAIR: Do you need a second to take a look at that
9 or --

10 MR. MCCANN: No, it's fine. But this Exhibit 28 is
11 the document that, is the policy that the County uses to
12 determine the traffic shed associated with a failing
13 intersection, correct?

14 MS. KOSINO: It doesn't have to be failing. It's a
15 traffic shed for an intersection.

16 MR. MCCANN: For any intersection, okay. Got it,
17 thank you for that. And are, are, is it your testimony that
18 Petitioner's thirty-six, that is, the basic services map,
19 transportation that the dot with the circle around it is or is
20 not the right traffic shed for this intersection? Are you
21 suggesting that it's not?

22 MS. KOSINO: I'm saying, I couldn't read that.
23 That's, I'm assuming it says it's an F, if we were to blow it
24 up.

25 MR. MCCANN: Yeah.

1 MS. KOSINO: That has nothing to do with the shed.
2 I'm not, I don't understand your question.

3 MR. MCCANN: Well, if, if you look at this map, the
4 colored areas, including the area around this dot, are not
5 actual intersections, they're, they're areas, right? I think
6 it's pretty obvious, right?

7 MS. KOSINO: The traffic shed around the dot for this
8 intersection is higher than a D, shown by the shaded area. The
9 intersection itself is pulled out and I can't read what it says
10 next to it. But I would assume from the bill, it says that
11 it's an F with a six hundred foot radius around the center of
12 the intersection.

13 MR. MCCANN: Okay. My, my question was simply, these
14 shaded areas throughout this map, whether it's blue, pink --

15 MS. KOSINO: Um hm.

16 MR. MCCANN: -- brown, those are the traffic sheds
17 associated with an intersection? Shaded areas are traffic
18 sheds, right?

19 MS. KOSINO: Yes, yes.

20 MR. MCCANN: And my question was simply, there seems
21 to be a shaded area around the dot, which is, which marks West
22 Padonia Road and Deerco and Beaver Dam Road, there appears to
23 be a shaded area around that even, it's hard to see it even on
24 Petitioner's Exhibit 36. Are you disputing that the traffic
25 shed associated with that intersection on this map is not

1 accurate for some reason?

2 MS. KOSINO: I'm agreeing with it. The shaded area
3 around this intersection is a light blue and everything light
4 blue is undefined, which would appear to be A to C. The darker
5 blue is not around this, which is to the right.

6 MR. MCCANN: The area around the dot, which is West
7 Padonia Road and Deerco Road and Beaver Dam Road, is pink,
8 correct?

9 MS. KOSINO: No.

10 MR. VETTORI: I object for the record. She said she
11 couldn't see it (inaudible).

12 MS. KOSINO: No, it's not pink.

13 CHAIR: Hold on, Ms. Kosino, there's an objection.

14 MR. VETTORI: I'll acknowledge, it is, it's very hard
15 to see and if she doesn't have glasses and --

16 MR. MCCANN: It is hard to say but it's pink, I think
17 we can all agree on that.

18 MR. VETTORI: I can take (inaudible).

19 MS. KOSINO: And I can't read the document that
20 you're referring to, so.

21 MR. VETTORI: I think the D rated intersection is
22 York Road and Padonia and maybe one other road, there's
23 something more than one. But --

24 BOARD: I'm sorry. Can you just let her testify for
25 me? I would really appreciate it.

1 MR. MCCANN: Yeah.

2 CHAIR: I, here's where I think we are with this.

3 MR. VETTORI: He's trying to (inaudible).

4 MR. MCCANN: I'm asking (inaudible).

5 CHAIR: With the question answered, objections and
6 all that.

7 MR. VETTORI: Sorry.

8 CHAIR: Is there is a dot and, according to the
9 legend, the dot is, means that it was an F level intersection.
10 If it's surrounded by a circle, that circle has a particular
11 color, which is the purpose of Mr. McCann's questions. I
12 believe what Mr. Vettori just said was agreeing with Mr. McCann
13 as to the color that surrounds that dot.

14 MR. MCCANN: Yeah, and if the witness can't see it,
15 then I really don't have another question at this time. I
16 think --

17 CHAIR: And I think that that's where, exactly where
18 we are.

19 MR. MCCANN: So, I won't, I won't ask anything
20 further about the map (inaudible).

21 CHAIR: And I'll, I'll put it like this. The color
22 that's associated with that dot can be visible to the Board,
23 which is really, I guess, the relevant part to it, because this
24 witness' identification of a color would not really give us any
25 more information than we need in terms of if it was for the

1 sake of argument green, and she says green and we see a
2 different color, it would be the color we see that would be
3 pretty instructive, so.

4 MR. MCCANN: Right. Okay.

5 CHAIR: I suspect that the question is withdrawn?

6 MR. MCCANN: It is, I won't bother the witness
7 anymore with that. But, as I understand that on the bill in
8 front of me, and I just don't, frankly, recall from when I did
9 see it, what the bill says, is it your understanding, Ms.
10 Kosino, that in identifying this intersection, meaning the
11 intersection of West Padonia Road and Deerco and Beaver Dam,
12 identifying that intersection as an F, the bill also says that
13 the traffic shed associated with that intersection is six
14 hundred feet? That's what the bill says, is that your
15 understanding?

16 MS. KOSINO: Six hundred foot radius, yes.

17 MR. MCCANN: Okay. I guess my question then is, do
18 you, I know you think it's strange and you, you, you dispute
19 that the traffic shed associated with this intersection, this F
20 intersection according to the map, includes the subject
21 property? That is, the property, is the subject property
22 within the traffic shed of this F rate intersection, do you
23 disagree with that or agree with that?

24 MS. KOSINO: Parts of it, yes.

25 MR. MCCANN: Parts of the property is?

1 MS. KOSINO: Part, yes.

2 MR. MCCANN: Okay. So, do you, how do you define the
3 traffic shed? Is it something less than six hundred or --

4 MS. KOSINO: No, if it's saying it's six hundred
5 feet, part of the property is within that six hundred feet and
6 part of it is away from the six hundred feet, so it's in both.

7 MR. MCCANN: Okay. Do you know what part of the, the
8 property, subject property, is within that six hundred feet and
9 what, what property is not, part of the property is not?

10 MS. KOSINO: It would be the south east portion.

11 CHAIR: Is in or out?

12 MS. KOSINO: Is in. Right, south east. And the
13 north west would be, it's the way that the curb goes around,
14 that's why it's so strange is you normally don't have a
15 physical limitation, you have trips generated.

16 MR. MCCANN: Right.

17 MS. KOSINO: And this is not trips generated, it's a
18 physical limitation.

19 MR. MCCANN: So, let me ask you this --

20 MS. KOSINO: So, yes, part is in, part is not in.

21 MR. MCCANN: So, put aside this strange six hundred
22 feet that's in the bill, let's look at this failing
23 intersection, assuming it's failing, or regardless of its level
24 of service, and apply to that this methodology, which is
25 Petitioner's Exhibit 28. You don't dispute that applying this

1 methodology, the subject property is within the traffic shed of
2 the, the failing intersection?

3 MS. KOSINO: The bill has made this failing, no one
4 is disputing that.

5 MR. MCCANN: I'm, that's why I shouldn't have asked
6 you about level of service. Regardless, as you said,
7 regardless of whether it's A or F, just look at this property
8 and its traffic shed. If you applied this policy, Petitioner's
9 twenty-eight, to this intersection, would you agree with me
10 that this in, this property, the subject property, is within
11 the traffic shed of that intersection, regardless of its level
12 of service?

13 MS. KOSINO: I don't really understand what you're
14 asking.

15 CHAIR: Take the traffic shed in the intersection,
16 don't, disregard any notion about what level of service it is,
17 you would agree that the prop, subject property is within the
18 traffic shed itself? So, whether A through F doesn't make a
19 difference for purposes of this question, that the property is
20 located within the traffic shed period?

21 MS. KOSINO: Part of the property is in the traffic
22 shed, part of it is not, yes.

23 CHAIR: Does that, that's where you're going?

24 MR. MCCANN: Did you, how do, how do you know what
25 part? Did you conduct an examination of what part --

1 MS. KOSINO: Because it's saying that it's six
2 hundred feet.

3 MR. MCCANN: I'm not, I'm asking this --

4 CHAIR: Hold on, hold on, one at a time. So, let him
5 finish his question first, sorry.

6 MS. KOSINO: I apologize.

7 CHAIR: And let her finish her answer.

8 MR. MCCANN: We'll get there. I said, regardless of
9 the six hundred feet. I just asked you, asked you to apply,
10 regardless of the six hundred feet, if I ask you to apply this
11 methodology in Petitioner's Exhibit 28, to this intersection,
12 would you agree with me that the subject property is within the
13 traffic shed, as determined by applying this policy, or
14 methodology?

15 MS. KOSINO: The subject property is within the
16 traffic shed for the Beaver Dam/Padonia Road intersection.

17 MR. MCCANN: Okay, great. Thank you.

18 MS. KOSINO: And it is part of the study, yes.

19 MR. MCCANN: Great. Thank you. As I said, I regret
20 asking (inaudible). But that is all the questions I had, thank
21 you.

22 CHAIR: All right. Is there any further --

23 MR. VETTORI: I have no further questions of this
24 witness.

25 CHAIR: All right. Ms. Kosino, thank you very much

1 for both days of your testimony.

2 MR. VETTORI: Next, I'd like to call Mike Pieranunzi.

3 BOARD: Mr. Pieranunzi, would you, do you swear and
4 affirm under the penalties of perjury, that the testimony you
5 are about to give is true and correct to the best of your
6 knowledge and belief?

7 MR. PIERANUNZI: I do.

8 BOARD: Please state your name and address for the
9 record, and spell your last name for me.

10 MR. PIERANUNZI: My name is Michael Pieranunzi, P-I-
11 E-R-A-N-U-N-Z-I, Vice President at Century Engineering,
12 Registered Landscape Architect. Century Engineering's address
13 is 10710 Gilroy Road, Hunt Valley, Maryland 21031.

14 CHAIR: So, Vice President of Century Engineering,
15 Reg, Registered in Landscape Architect and I understand you go
16 by the name Mike, though your name is Michael, is that, is that
17 correct?

18 MR. PIERANUNZI: (inaudible) Michael Pieranunzi is my
19 name.

20 CHAIR: Okay, there you go.

21 MR. PIERANUNZI: Yes.

22 MR. VETTORI: And I'm going to mark as Petitioner's
23 Exhibit 40 a copy of his c.v. I've got more than an adequate
24 amount here.

25 CHAIR: You may have a seat.

1 MR. PIERANUNZI: Thank you.

2 BOARD: Thank you.

3 MR. BAKER: Thank you.

4 MR. VETTORI: Mr. Pieranunzi, your c.v. seems to
5 indicate you graduated from West Virginia University in 1987,
6 is that correct?

7 MR. PIERANUNZI: That is correct.

8 MR. VETTORI: And you began working thereafter at
9 Clark Finerock, Finefrock and Saket?

10 MR. PIERANUNZI: I did.

11 MR. VETTORI: Okay and after that, Daft McCune Walker
12 for a number of years?

13 MR. PIERANUNZI: That is correct.

14 MR. VETTORI: And from 2006 to present, at Century
15 Engineering?

16 MR. PIERANUNZI: That is correct.

17 MR. VETTORI: And I understand that you said you are
18 a Vice President at Century Engineering, is that correct?

19 MR. PIERANUNZI: That is correct.

20 MR. VETTORI: And you're a, also a landscape
21 architect?

22 MR. PIERANUNZI: I'm a registered landscape
23 architect.

24 MR. VETTORI: And you've prepared a number of plans
25 and testified a number of times before the Administrative Law

1 Judge and Board of Appeals, is that correct?

2 MR. PIERANUNZI: That is correct.

3 MR. VETTORI: Have you also testified in any other
4 jurisdictions, besides Baltimore County?

5 MR. PIERANUNZI: I have.

6 MR. VETTORI: Okay. What other jurisdic,
7 jurisdictions have you testified in besides Baltimore County?

8 MR. PIERANUNZI: Howard County, Anne Arundel County,
9 Baltimore City.

10 MR. VETTORI: Okay and have you opined about master
11 planning and zoning and development in these jurisdictions?

12 MR. PIERANUNZI: I have.

13 MR. VETTORI: And landscape architecture?

14 MR. PIERANUNZI: I have.

15 MR. VETTORI: Okay. I'd like to offer him as an
16 expert in zoning, development, landscape architecture and
17 master planning.

18 CHAIR: Sorry?

19 MR. VETTORI: Zoning, developments, landscape
20 architecture and master planning.

21 CHAIR: All right. Mr. McCann?

22 MR. MCCANN: Mr. Pieranunzi obviously has been
23 admitted by the Board on occasions in the past. I guess I'll
24 just, I'm not sure he's qualified in all these areas but
25 nothing that I can't handle on cross. So, I'll, I'll, I'll

1 leave it at that, particularly master planning, but I can ask
2 questions about his experience with master plans. But he's
3 obviously an L.A., he obviously has experience with development
4 and I know he has experience with the zoning regulations. So,
5 I'll just leave my question that I'll ask --

6 CHAIR: So, do I hear then, there's no issue as to
7 being accepted as an expert in zoning, development, landscape
8 architecture or, as a landscape architect and as a master
9 planner?

10 MR. MCCANN: If I could, I'd, I'd like to reserve my
11 objection on, on master planning, that aspect of it.

12 CHAIR: Mr. Baker?

13 MR. BAKER: I just have one question for Mr.
14 Pieranunzi. Have you been admitted as an expert in Baltimore
15 County on master planning?

16 MR. PIERANUNZI: I believe the case before Mr.
17 McCann, I believe I was; if I recall correctly, I believe that
18 was one of the titles, again, it was multiple titles when I was
19 introduced, so I cannot recall if that was one of them.

20 MR. BAKER: Okay. Okay. Have you been accepted in
21 other jurisdictions as an expert in master planning?

22 MR. PIERANUNZI: I am not sure if they (inaudible)
23 definitions in Baltimore County.

24 MR. BAKER: Okay. I, I don't have any objection to
25 Mr. Pieranunzi being offered as an expert in landscape

1 architecture, zoning and development. But I do have an
2 objection as to master planning.

3 CHAIR: All right. So, Mr. Vettori, I think you hear
4 what's coming on that. So, perhaps you want to lay the
5 foundation for master planning?

6 MR. VETTORI: Sure. As part of your review of
7 development plans, or preparation of development plans and
8 other concept plans and any zoning petitions, have you analyzed
9 whether a property conforms with, or whatever development
10 conforms with a master plan?

11 MR. PIERANUNZI: Yes, I have.

12 MR. VETTORI: Approximately how long have you been
13 doing this?

14 MR. PIERANUNZI: Approximately, probably for the last
15 seven to ten years.

16 MR. VETTORI: Okay and in doing so, have you ever
17 had, offered an opinion in, at Court, about master plan
18 conformance, whether you've been admitted per se, as a master
19 planner or not?

20 MR. PIERANUNZI: I would agree with that, that, how
21 you worded it, that is correct.

22 MR. VETTORI: So, you have opined about master plan
23 conformance?

24 MR. PIERANUNZI: I have, yes, I've opined, yes.

25 MR. VETTORI: Whether it be in a zoning or

1 development case?

2 MR. PIERANUNZI: (inaudible).

3 MR. VETTORI: I think that's --

4 CHAIR: Okay. Let me ask you this. Is there some
5 special skill or, or training or, or something you apply to
6 determine conformity with a master plan that is different then,
7 for the sake of argument, Mr. Vettori or Mr. Baker may, or any
8 of the attorneys, frankly?

9 MR. PIERANUNZI: Century Engineering is a multi-
10 disciplinary firm. We, we study large projects. I personally
11 was involved with the (inaudible) master plan, the (inaudible)
12 cup site, so that entire industrial building was taken down on
13 a, over a fifty acre site and was master planned for
14 redevelopment and strictly under my guidance just recently.

15 CHAIR: So, right, but I understood that your
16 testimony was that you typically look at a, whether a property
17 is in conformity with a master plan?

18 MR. PIERANUNZI: And, and agreed, then you would
19 apply those regulations or review the, whatever jurisdiction
20 that is, what their applicable codes or if they have master
21 plans, to review their master plan guidance that is provided in
22 the, whatever jurisdiction I'm in, those guidelines.

23 CHAIR: And so, do I understand then that's what you
24 did in connection with the Foundry Row project? That you
25 determined, you looked at their plans, compared it to the

1 Baltimore County master plan and associated (inaudible) --

2 MR. PIERANUNZI: Whatever, whatever applicable master
3 planning jurisdiction would oversee that, that area of the
4 County.

5 CHAIR: Mr. McCann, Mr. Baker, do you have questions
6 on this?

7 MR. BAKER: I just, I, I want to make sure I
8 understand something, Michael. I think there's a distinction
9 between master plan for development, whether it's for
10 development for a particular area, something like Foundry Row,
11 for example. It's a large development and there presumably is
12 a master plan of development for that area and then there is
13 the Baltimore County master plan, or the Anne Arundel County
14 master plan or I think they call it the general development
15 plan in Anne Arundel County. In any event, it is a master plan
16 of development, land use, socio and economic background data
17 for that particular jurisdiction. That, looking at a project's
18 conformance with the master plan, that is different than
19 dealing with a master plan of development. Have you testified
20 as an expert in the area of conformance with a master plan for
21 a, for a jurisdiction? Excuse me.

22 BOARD: Can I ask a question? In what area, with
23 regard to master planning, are you offering him?

24 MR. VETTORI: Simply that he's reviewed the master
25 plan for Baltimore County and small area plans and --

1 BOARD: That's what I was trying, okay.

2 MR. VETTORI: -- and pertaining to this site in a
3 nutshell.

4 CHAIR: So, I believe, basically, Mr. Baker's
5 question, Ms. Jolivet's question, I think there's a distinction
6 that's being made as to a site development master plan versus a
7 County master plan. Is, is that fair?

8 MR. PIERANUNZI: That's fair.

9 CHAIR: That's what, --

10 BOARD: Yeah.

11 CHAIR: And did you understand it, Mr. Pieranunzi,
12 the, the same way?

13 MR. PIERANUNZI: I do.

14 MR. VETTORI: It was my understanding he responded to
15 me that he has opined about master plan 2020, specifically what
16 it's called.

17 CHAIR: Right and that was in response to my question
18 as well.

19 MR. VETTORI: Okay.

20 CHAIR: But, so are you then, to Ms. Jolivet's
21 question, are you saying that you would be an expert in master
22 planning for the site development and also conformity with the
23 Baltimore County master plan? Or is it an either or?

24 MR. VETTORI: Yes, both. Is, is the latter, I mean,
25 the former, not the latter. It is, one, he is an expert in

1 being able to review the master plan as part of a site
2 development plan, we're calling it that, and as far as zoning
3 goes and, you know, whether the zoning regulations apply or the
4 master plan controls, he's got an idea of how that works.

5 MR. BAKER: If, if Mr. Pieranunzi has offered expert
6 testimony as to a site's conformance with the master plan in
7 the past, then I'll withdraw my objection. I just, I didn't, I
8 wanted to make sure I understood the distinction.

9 MR. PIERANUNZI: I believe, I believe I did opine in
10 reference to that in the case with Mr. McCann previously.

11 MR. BAKER: All right.

12 MR. MCCANN: What case was that, Mr. Pieranunzi?

13 MR. PIERANUNZI: I believe it was for the church case
14 on, the Hunt Valley Presbyterian Church.

15 MR. MCCANN: Okay, thanks.

16 MR. VETTORI: All right.

17 MR. MCCANN: I just, I just have a couple follow-up
18 questions from, on that.

19 CHAIR: Go ahead.

20 MR. MCCANN: Other than that case, have you ever
21 testified in any other case, either before the ALJ or the Board
22 of Appeals in Baltimore County, regarding conformance with what
23 we're calling the Baltimore County master plan or any small
24 area plans?

25 MR. PIERANUNZI: Repeat your question again, it was

1 pretty long.

2 MR. MCCANN: It was.

3 MR. PIERANUNZI: Yeah.

4 MR. MCCANN: Other than the, the Hunt Valley church
5 case, have you --

6 CHAIR: To be clear, Presbyterian Church case.

7 MR. MCCANN: Presbyterian Church case. Have you
8 testified in any other case regarding conformance or non-
9 conformance with Baltimore County master plan or any small area
10 plan?

11 MR. PIERANUNZI: No, off the top of my head, I'm not,
12 I cannot recall.

13 MR. MCCANN: Okay and you don't have a planning
14 degree, correct?

15 MR. PIERANUNZI: I do not have a planning degree.

16 MR. MCCANN: And you are not a certified planner, you
17 don't have any, I forget what the name of the certification is
18 escaping me right now, but you're not certified in any way as a
19 planner, correct?

20 MR. PIERANUNZI: I am not.

21 MR. MCCANN: Okay. Well, I'm going to at least
22 object for the record. I understand he has experience by
23 virtue of having worked on developments and looked at map
24 conformity with the master plan (inaudible) I would still
25 reserve, still object to his being admitted in that area, based

1 on a degree of experience and having not testified before
2 (inaudible).

3 CHAIR: Well, Ms. Dopkin has a question.

4 BOARD: In the process of adopting the Baltimore
5 County master plan 2020, did you participate in any hearings or
6 reviewing legislation or working with any of the planners in
7 examining the maps that were adopted as part of that master
8 plan?

9 MR. PIERANUNZI: I did not work specifically with
10 them in reference to the document. I worked with the Planning
11 Department on parcels that were considered to be either rezoned
12 or that, that type of, you know, to part of the master plan,
13 you know, the type of if prop, if properties were being asked
14 to be rezoned. So, I did not work directly with the County on
15 the preparation of the 2020 --

16 BOARD: Or the adoption or attending hearings or
17 testifying at hearings?

18 MR. PIERANUNZI: Or the adopt, that is, that is
19 correct.

20 BOARD: Thank you.

21 CHAIR: Any questions in light of Ms. Dopkin's
22 questions?

23 MR. MCCANN: No, thank you.

24 CHAIR: You're still, I got it, okay. Mr. Baker?

25 MR. BAKER: Thank you.

1 CHAIR: So, are you objecting, as Mr. McCann is, or
2 not?

3 MR. BAKER: I waive my objection.

4 CHAIR: All right. Back to you, Mr. Vettori.
5 Anything, you wish to address Mr. McCann's objection?

6 MR. VETTORI: I mean, just in general. You know,
7 you, have you ever done a water and sewer amendment, you're
8 going to --

9 MR. PIERANUNZI: We have done amendments to the water
10 and sewer maps, the basic services maps, yes.

11 MR. VETTORI: And have you participated in preparing
12 plans for the CZMP?

13 MR. PIERANUNZI: I have done numerous plans for the
14 CZMP.

15 MR. VETTORI: As part of all those reviews, have you
16 reviewed the master plan and included that in your analysis of
17 whether a water and sewer amendment should be granted and a
18 rezoning should be granted in the comprehensive zoning map
19 process?

20 MR. PIERANUNZI: Those are all part of that process,
21 yes.

22 MR. VETTORI: Okay. Yeah, that's, the master plan
23 says what it says at the end of the day. But, --

24 CHAIR: Well, and that's kind of how I was thinking
25 about this, is, is that even really something that is, that

1 requires a designation of an expert to render an opinion as to,
2 I looked at this plan, which this gentleman is certainly is
3 able to do, and then I could read what the text of the master
4 plan says and say, this is in conformity or not. Because
5 that's something that we certainly do and certainly you
6 certainly do.

7 MR. VETTORI: And I think there's provisions in the
8 Code about who can stamp plans and one of the things that
9 you're supposed to put in the plan is, you know, a review of
10 master plan conformance. So, if they're allowed to stamp plans
11 and that's one of the things that gets stamped on a plan, I
12 would think that he's capable of reviewing that.

13 CHAIR: Well, we'll admit him and I understand, Mr.
14 McCann, that you'll probably have some questions more so on
15 cross examination and there may be some certain issues that I'm
16 sure you'll be arguing, will go to the weight of the evidence.
17 But he'll be admitted as tendered by Mr. Vettori and,
18 therefore, in the areas of zoning, development, landscape, as a
19 landscape architect and a master planner. And as to
20 Petitioner's Exhibit 40, any objections?

21 MR. MCCANN: No objection.

22 MR. BAKER: No objection.

23 CHAIR: So admitted. Mr. Vettori, back to you.

24 MR. VETTORI: Are you familiar with the instant
25 request for zoning relief for the Sheetz Fuel Service Station

1 and combined convenience store and carryout restaurant at 400
2 West Padonia Road?

3 MR. PIERANUNZI: I am.

4 MR. VETTORI: Okay. Have you had the opportunity to
5 review the exhibits, which have been marked for identification
6 and are admitted into evidence for the instant case?

7 MR. PIERANUNZI: I am familiar with the documents.

8 MR. VETTORI: Okay.

9 MR. PIERANUNZI: They were produced by our office.

10 MR. VETTORI: And were you present on day one of the
11 hearing, which was June 6, 2019?

12 MR. PIERANUNZI: I was here on June 6th as well.

13 MR. VETTORI: And you've been here for the duration
14 of the day as well?

15 MR. PIERANUNZI: That is correct.

16 MR. VETTORI: Okay. What was the prior use of the
17 subject property?

18 MR. PIERANUNZI: Prior use was a restaurant, which is
19 the Bob Evans Restaurant.

20 MR. VETTORI: Okay. Is that a fast food restaurant,
21 a carryout restaurant or a standard restaurant?

22 MR. PIERANUNZI: That is a standard, sit down --

23 CHAIR: I think we know Bob Evans.

24 MR. PIERANUNZI: Yeah, sit down restaurant.

25 MR. VETTORI: And is it your understanding that

1 carryout, fast food and standard restaurants are permitted by
2 right in the ML zone?

3 MR. PIERANUNZI: They, standard restaurants, fast
4 food restaurants, carryout restaurants, are all permitted in
5 the ML zone, with the IM overlay.

6 MR. VETTORI: So, theoretically, if it fit on the
7 site and someone like you would analyze this, you could have a
8 Chick-fil-A here?

9 MR. PIERANUNZI: I could analyze it. As long as it
10 met the requirements for the building size, the parking, storm
11 water management, yes.

12 MR. VETTORI: And is a fuel service station with a
13 combined convenience store and carryout restaurant permitted by
14 right or by special exception?

15 MR. PIERANUNZI: It is permitted by special
16 exception.

17 MR. VETTORI: Okay and is that controlled by the use
18 regulations in the ML zone or by the use regulations in the
19 special regulations in Section 405 for fuel service stations?

20 MR. PIERANUNZI: 405. It's in Section 405 of the
21 Zoning Code.

22 MR. VETTORI: Okay and what is required for a site to
23 be able to get special exception approval for a fuel service
24 station in Section 405?

25 MR. PIERANUNZI: So, you would need to agree, you

1 would need to comply with Section 405, which are the special
2 requirements for meeting the provisions of the master plan and
3 those provisions allow for its location, its, you know, its
4 general, the surroundings and its ancillary uses as well.

5 MR. VETTORI: Okay and by having an IM district, an
6 AS district, or any of those districts, you're allowed to get a
7 special exception approval?

8 MR. PIERANUNZI: You are.

9 MR. VETTORI: Okay and the law regarding a, the, I
10 think you talked about ancillary uses, does the law
11 specifically provide that a combined convenience store and
12 carryout restaurant is permitted in conjunction with a --

13 MR. PIERANUNZI: In, in this zone it is permitted,
14 right, with a, if they're under six thousand square feet it's
15 permitted as an ancillary use.

16 MR. VETTORI: Okay.

17 CHAIR: I'm sorry, the law permits the fuel service
18 station as an ancillary use?

19 MR. PIERANUNZI: It allows the combined --

20 CHAIR: Right.

21 MR. PIERANUNZI: -- convenience store as an ancillary
22 use.

23 CHAIR: Right.

24 MR. VETTORI: If it were over six thousand feet, it
25 would require a special exception, correct?

1 MR. PIERANUNZI: It would, that is correct.

2 MR. VETTORI: Okay. I'm going to mark as
3 Petitioner's Exhibit 41.

4 CHAIR: Thank you.

5 BOARD: Thank you.

6 MR. VETTORI: And this is a copy of Bill 1519 that
7 was introduced by Councilman Jones, correct?

8 MR. PIERANUNZI: That is correct.

9 MR. VETTORI: And it outlines the specific change in
10 the law that was introduced on April 15, 2019 to clarify the,
11 the combined convenience store, the carryout restaurant, as
12 permitted by right, correct?

13 MR. PIERANUNZI: That is correct.

14 MR. VETTORI: Okay. I move to have that admitted.

15 MR. MCCANN: No objection.

16 MR. BAKER: No objection.

17 CHAIR: So admitted and I should note, Bill 1519 on
18 page four indicates that it will take effect on June 5th, 2019.

19 MR. VETTORI: Thank you. Marking as --

20 BOARD: Took effect.

21 CHAIR: Took effect, yes.

22 MR. VETTORI: -- Petitioner's Exhibit 42, just for
23 sighting purposes. Thank you. Can you identify this document
24 for me?

25 MR. PIERANUNZI: So, this is the County Council

1 minutes from the May 23rd, 10:00 a.m., meeting.

2 MR. VETTORI: Okay and is that the date when Bill
3 1519 was voted upon?

4 MR. PIERANUNZI: That is, that is correct.

5 MR. VETTORI: Okay. Move to have this admitted into
6 evidence.

7 MR. BAKER: No objection.

8 MR. MCCANN: No objection.

9 CHAIR: So, Petitioner's Exhibit 42 is then admitted.

10 MR. VETTORI: Besides obtaining special exception
11 approval, are there any additional restrictions on obtaining
12 special, sorry, besides obtaining special exception approval,
13 are there any additional limitations on whether a fuel service
14 station is permitted on this property zoned MLIM?

15 MR. PIERANUNZI: Yes. For this property, MLIM, we've
16 talked about it previously, but you would need to verify if
17 there was any abandoned fuel stations within a certain radius.
18 So, one within a half mile, two within a mile.

19 MR. VETTORI: And did you hear someone ask a question
20 about a list that gets kept by the County at day one of the
21 hearing?

22 MR. PIERANUNZI: When I was here previously, I did
23 hear that question, yes.

24 MR. VETTORI: Are you familiar with any list that is
25 kept by the County?

1 MR. PIERANUNZI: I am not familiar with that list.

2 MR. VETTORI: Did you, by chance, inquire with the
3 County prior to today as to whether such a list exists?

4 MR. PIERANUNZI: I did. I contacted Baltimore
5 County.

6 MR. VETTORI: Who specifically in Baltimore County
7 did you contact?

8 MR. PIERANUNZI: I contacted numerous departments. I
9 contacted the Planning Department and asked Ms. Jen Nugent and
10 I also contacted the Zoning Department and talked to Carl
11 Richards as well.

12 MR. VETTORI: Okay.

13 CHAIR: I'm sorry, so your testimony is you were not
14 aware of any such list and they did not inform you of any such
15 list?

16 MR. PIERANUNZI: That, and they were not aware of
17 such a list.

18 CHAIR: They were also not aware of any such list?

19 MR. PIERANUNZI: That is true.

20 MR. VETTORI: And do you agree with the Department of
21 Planning's opinion in their July 20th, 2018 ZAC comment, which
22 is Petitioner's Exhibit 3, where it pointed out the site lies
23 in the Hunt Valley/Timonium master plan area?

24 MR. PIERANUNZI: I do, yes.

25 MR. VETTORI: And that Padonia Road and Beaver Dam

1 Road, as noted on pages twelve and thirteen of that plan,
2 support significant commercial activity and serves as important
3 transportation link for industrial uses?

4 MR. PIERANUNZI: I did.

5 MR. VETTORI: Okay.

6 CHAIR: I'm sorry, what are you reading from? I know
7 it's Exhibit 3 but where?

8 MR. VETTORI: It is, I believe, before the conditions
9 that the Department of Planning imposed, that one of their, and
10 somewhere in there, and I've got a, the exhibit is, again, this
11 is the July 20th one, which is --

12 CHAIR: I'm sorry, if you were just reading from a
13 document just to draw opposing counsel's attention to what you
14 were reading, it was, it was really the purpose of my question.

15 MR. VETTORI: Yeah, I mean, I was reading an excerpt
16 from three and I want to make sure it wasn't, necessarily was
17 my paraphrase of it, possibly.

18 CHAIR: Understood.

19 MR. VETTORI: So, I don't want to say I'm reading
20 from the document because I'm not actually reading from the
21 document.

22 CHAIR: Okay. If they, if you weren't actually
23 reading from it then, I was under the impression you were.

24 MR. VETTORI: Yes.

25 CHAIR: Maybe I should just keep my mouth closed

1 here.

2 MR. VETTORI: Okay. Reading my notes, sorry.

3 CHAIR: Yeah, no problem. Sorry to interrupt.

4 MR. VETTORI: That's okay.

5 BOARD: Is there a question?

6 MR. VETTORI: Well, I said do you agree and he said
7 yes and then the next question may not have said do you agree,
8 but it was still a continuation because he had said yes before
9 I finished my question in its entirety so, --

10 CHAIR: Sorry.

11 MR. VETTORI: -- is, is that accurate?

12 MR. PIERANUNZI: It is. I'm, I'm, I agree.

13 MR. VETTORI: Okay, thank you.

14 CHAIR: Thank you.

15 MR. VETTORI: And did Planning want certain
16 conditions to make sure that the development would have
17 complied with the master plan?

18 MR. PIERANUNZI: They did.

19 MR. VETTORI: And is that as your understanding, is
20 your understanding they wanted a landscape plan approved,
21 certain things such as landscape plan, relocation of a dumpster
22 and some other site conditions?

23 MR. PIERANUNZI: That is correct. They wanted
24 sidewalk connections. They wanted to make sure that there were
25 not banners applied to the site and, correct, the sidewalk

1 connections to the, to the existing site and the landscape
2 plan, which I signed.

3 MR. VETTORI: Okay and, ultimately, Department of
4 Planning said all those situations had been resolved and you
5 heard Ms. Nugent testify to that effect?

6 MR. PIERANUNZI: That is correct.

7 MR. VETTORI: Okay and you're aware that Bill 1219
8 placed the subject, the intersection here, Padonia Road and
9 Beaver Dam Road, designated as an F intersection, correct?

10 MR. PIERANUNZI: I did hear that, yes.

11 MR. VETTORI: Okay and those plans are reviewed
12 annually, correct?

13 MR. PIERANUNZI: Those plans are reviewed annually,
14 right.

15 MR. VETTORI: And --

16 CHAIR: When you say plans, you --

17 MR. PIERANUNZI: The basic services map.

18 CHAIR: -- mean the services map --

19 MR. VETTORI: Map, sorry.

20 MR. PIERANUNZI: Basic services maps are --

21 MR. VETTORI: Yes.

22 MR. PIERANUNZI: -- are reviewed annually, that is
23 correct.

24 MR. VETTORI: And is there also exemptions in
25 Baltimore County zoning regulations 4-A-0-2 for certain uses in

1 designated areas?

2 MR. PIERANUNZI: There are. There's, and there's
3 ways to, that map, you know, in reference to that process, it
4 gets, it gets looked at every year by the Department of Public
5 Works.

6 MR. VETTORI: And I think as Mr. Baker referenced
7 earlier, there's ways to amend the map or to say there was an
8 error in designating something and there's a process for all
9 those things.

10 MR. PIERANUNZI: (inaudible) there is. You can go to
11 the County Council and you can say, number one, there's an
12 error or you can get a text amendment or you can verify if it's
13 still a, a failing intersection, F, (inaudible) see if it's
14 been, if there's been improvements that make it an A, B, C or D
15 intersection.

16 MR. VETTORI: Okay. In this case, I think you heard
17 maybe a question on day one regarding whether the Department of
18 Public Works had changed its designation as to whether the
19 intersection was, according to them, rated as a level of C of
20 service?

21 MR. PIERANUNZI: I did hear that question.

22 MR. VETTORI: Okay and is it your understanding that
23 they consider it to be an F intersection or a level of C for
24 service?

25 MR. PIERANUNZI: Level of C.

1 MR. VETTORI: Okay and --

2 CHAIR: So, DPW considers it presently to be, this
3 intersection to be a level of C?

4 MR. PIERANUNZI: Correct.

5 MR. VETTORI: And is there a specific department
6 within the Department of Public Works that you inquired with
7 respect to this issue?

8 MR. PIERANUNZI: I, I inquired directly with
9 Department of Public Works Department, with traffic, with Greg
10 Karski.

11 MR. VETTORI: Okay. Did you send an e-mail to Mr.
12 Karski?

13 MR. PIERANUNZI: I did.

14 MR. VETTORI: Okay. I'll mark as Petitioner's
15 Exhibit 43, --

16 MR. MCCANN: Mr. Garber? I'm sorry, I'm a little
17 late here, but just to be consistent, I want to object to any
18 testimony, I think this is consistent with the Motion in limine
19 as well, any testimony or evidence regarding any assessment of
20 the level of service of this intersection, other than the one
21 that has already been determined by the basic services maps.

22 CHAIR: The con, the, what appears to be a conflict
23 between DPW's assessment versus what has been adopted by the
24 County Council?

25 MR. MCCANN: Regardless of whether there's a conflict

1 or not, just any evidence on anything other than --

2 CHAIR: Well, that's what I'm saying.

3 MR. MCCANN: Yeah.

4 CHAIR: (inaudible) evidence of the conflicts.

5 MR. MCCANN: Correct, yes.

6 CHAIR: Between the two.

7 MR. MCCANN: Yes.

8 CHAIR: Mr. Baker?

9 MR. BAKER: Just to piggyback on what Mr. McCann
10 said. Again, I, I think any, unless Mr. Karski is here to
11 testify, I think this is objectionable on the basis that it's
12 hearsay, but it's also going down the dangerous path of getting
13 to the intent or the, I should say the motivations of the
14 County Council or the evidence that they considered in adopting
15 the basic services maps.

16 CHAIR: Mr. Vettori? Well, I'll say to start, we
17 haven't seen the exhibit yet, so I, obviously, I can't, I'm not
18 in a position to rule upon it or anything.

19 MR. VETTORI: Sure.

20 CHAIR: Mr. Vettori, do you wish to respond in
21 advance of, of passing out your exhibit?

22 MR. VETTORI: Yeah, that's fine. Again, you know,
23 I'm not challenging the, we're acknowledging that the Council
24 changed the designation, designation of the intersection to an
25 F. What we are saying is that it didn't come from the

1 Department of Public works, which doesn't mean that legally
2 they've done anything wrong. They can get their information
3 from wherever they want, there could be whatever is going on
4 that goes into their heads as to why this should be an F
5 intersection, we're not challenging that.

6 CHAIR: So, the County Council's determination that
7 it's an F level intersection is what's operative though,
8 correct?

9 MR. VETTORI: It is. But it is not controlling on
10 the issue of the special exception approval we are seeking to
11 be granted. What is important is the level of service of
12 traffic and whether our property is going to impact or have a
13 greater impact at this location than it would elsewhere in the
14 zone and we think, whether it's here or somewhere else, it
15 won't. But, we'll, you know, we'll get to those questions but
16 to me, what the Department of Public Works thinks, as far as
17 studies they've done, it's important to know what their opinion
18 is about what the level of service is.

19 CHAIR: Well, let's see what the exhibit is before we
20 have a ruling.

21 MR. VETTORI: Okay.

22 BOARD: Forty-two?

23 CHAIR: Forty-three.

24 MR. VETTORI: (inaudible).

25 BOARD: What was forty-two?

1 CHAIR: Forty-two was this, the, the (inaudible).

2 BOARD: I thought that was forty-one?

3 CHAIR: Forty-one was the bill.

4 MR. VETTORI: You don't have a stapler by any chance,
5 do you?

6 BOARD: Got it.

7 CHAIR: Not, --

8 MR. VETTORI: I apologize, I've just got handed this
9 --

10 CHAIR: That's okay.

11 MR. VETTORI: This is one, it's not, this is two
12 pages, one document, two pages.

13 BOARD: Forty-three?

14 CHAIR: That would be forty-three.

15 BOARD: This is just one copy?

16 MR. VETTORI: That is one copy, yes. (inaudible).

17 BOARD: Thank you.

18 MR. VETTORI: Thanks. Please identify what we're,
19 I've marked as Petitioner's Exhibit 43.

20 MR. PIERANUNZI: This is an e-mail exchange between
21 Greg Karski and myself from yesterday at 11:49 and then a
22 follow-up question in response from --

23 CHAIR: All right. So, before we go to any other
24 questions, let me go back to, what was the object, what was the
25 e-mail chain that was objected to?

1 MR. BAKER: Twenty-five.

2 CHAIR: Twenty-five, thank you.

3 MR. VETTORI: Yes.

4 CHAIR: All right. So, so I understand the
5 objections, Mr. Baker or Mr. McCann, I don't know who wants to
6 field this, what is the objection to forty-three?

7 MR. MCCANN: Well, I think the, what this document is
8 trying to convey is that DPW has determined that the level of
9 service is C and if the argument is, as Mr. Vintori just,
10 Vettori, I'm sorry, just expressed, is that this is relevant in
11 order to show relative impact, presenting this in the form of
12 an e-mail, which is obviously hearsay, presenting it in the
13 form that is, essentially, you know, testimony of, of DPW as
14 what the level of service is and for the purpose of undermining
15 the F rated rating, the F rating that the County Council has
16 determined, is, is problematic because it's hearsay obviously
17 but it's hearsay from what is effectively an, an expert without
18 us having any opportunity to cross examine Mr. Karski about how
19 and why they determine level of service C. It's, you know, I
20 see that as, as essentially, regardless of whether it's from
21 DPW or not, this is expert testimony offered for the purpose of
22 showing that this is C, level of service C, without us having
23 the opportunity to ask a single question of Mr. Karski as, as
24 to how he reached that conclusion and how he may have reached
25 it in comparison to how the County Council reached it. So,

1 assuming, assuming it's relevant for relative impacts, as Mr.
2 Vettori just expressed, as opposed to, I still think as a
3 matter of law, in fact, I should tell the Board, and I was,
4 I've been hesitant to such, to say this because it's on appeal,
5 but the ALJ and this Board in the Chestnut Ridge case, I tried
6 to, I tried in that, in that case, tried to offer evidence that
7 that development was within the traffic shed of an F rated
8 intersection, despite the fact that that development is outside
9 the URDL and, therefore, not on the basic services map. For
10 some reason, basic services maps have always been tied into the
11 URDL, which doesn't make sense. There's nothing in the Code
12 that says that. But in that case, I tried to argue and put on,
13 tried to put on expert testimony that that development was
14 clearly within the traffic shed of these F rated intersections
15 that --

16 CHAIR: I believe I remember this.

17 MR. MCCANN: Yeah, and the ALJ refused to let me put
18 that evidence on, said the maps, or the maps, mapped it, I tied
19 to argue that (inaudible) standards, that is, the F rated
20 intersection, determine the maps, the maps don't determine the
21 standards and the ALJ disagreed and didn't let any of that
22 evidence in, expert or the numerous demonstrative exhibits that
23 we had. And then, when we went on appeal to this Board, the
24 Board affirmed. We've had, since had argument in the Circuit
25 Court, but that decision is still pending. So, as we sit here

1 today, I think it's a, as a matter of law, I think it's this
2 Board's decision that, that, --

3 CHAIR: The map is the map.

4 MR. MCCANN: The map is the map and evidence beyond
5 the map itself is not relevant or admissible, so.

6 CHAIR: Well, I mean, I'll, the one comment I'll have
7 in response to that is, other than I assume we got it right,
8 but, is, you know, obviously a different panel can come to a
9 different determination, even if there is mutuality with one--

10 MR. MCCANN: Just like a Circuit Court.

11 CHAIR: -- or more Board members.

12 MR. MCCANN: Right, just like a Circuit Court Judge.

13 MR. VETTORI: And can I respond to that point, just
14 on that case? I happen to have read those cases, I thought it
15 would be interesting to read, I don't know who else does that,
16 but. It seemed to me like there was a development plan in that
17 case and a special hearing to modify and approve an FDP, if I'm
18 not mistaken. And it's my understanding also that, I think, in
19 4-A-0-2, that it says non-industrial development in the urban
20 area of the County, which I believe everybody interprets as
21 being the URDL, because I think if you look at the 2019 basic
22 services map transportation, it says urban, then it also says
23 URDL, which we all know stands for urban rural demarcation
24 line. But I think following, if it's a development plan issue,
25 in your prior case, you know, that was in a development plan,

1 from the zoning perspective, I don't know that that, you were
2 at the hearing, I wasn't there, and I saw the Board. I think
3 it's gone to the Circuit Court, it's even gone in an unreported
4 decision, if I believe so, to the Court of Special Appeals, no?
5 There was one case that referenced it, maybe I'm thinking of a
6 different case.

7 MR. MCCANN: Yeah, yeah, I may not know about that
8 one, it may be another case.

9 MR. VETTORI: And, and, and they acknowledged that,
10 you know, I think in that case, that, while, you know, the F
11 rated intersection is what it is, they acknowledge it wasn't
12 dispositive of a development approval or something happening.
13 It's just, you can't get your building permits. So, I think --

14 BOARD: Can I ask you a question, Mr. Vettori?

15 MR. VETTORI: Sure.

16 BOARD: So, this says DPW, they did their study in
17 October of 2016, are they bound by the County Council's finding
18 in 2019?

19 MR. VETTORI: An F is an F. I mean, there, it's
20 absolutely an F intersection as far as the basic services map,
21 which to me, is you can't get a building permit. But
22 procedurally, if you were to deny this because it's an F
23 intersection, special exception approval, what would be the
24 procedure? File a new special exception and come all the way
25 up and get remanded by the Court if one year from now, or say

1 another councilman happened to say, I'm going to create an
2 exemption for fuel service stations if they're within a hundred
3 feet of the outward boundary or something. There are a number
4 of things that could happen. We could declare somebody in the
5 Planning Board, there's a number of scenarios that could take
6 place and I don't think the F intersection is dispositive with
7 any way, shape or form, with respect to whether a special
8 exception can be granted or not.

9 CHAIR: Well, and Mr. Baker, does that satisfy your,
10 your question?

11 BOARD: Yeah, I'm good, thank you.

12 CHAIR: Mr. Baker, just to make sure we hear from you
13 on the objection.

14 MR. BAKER: Sure. I, I don't want to belabor the
15 point and I certainly agree with everything that Mr. McCann
16 said. I think this is precisely the line of questioning and
17 the evidence that the Motion in limine was directed towards. I
18 understand where Mr. Vettori is taking this but the law is the
19 law and whether or not Public Works has an opinion on this, I
20 think is irrelevant and if they do have an opinion, they should
21 be here to be subject to cross examination. So, for purposes
22 of this exhibit, obviously we object to its admission.

23 CHAIR: Well, (inaudible)?

24 MR. MCCANN: The only thing I wanted to add, if you
25 look at it this way. This, what Mr. Vettori is trying to do,

1 and I don't, I don't fault him for it, but what he's trying to
2 do is, essentially, conduct the special variance case that is
3 allowed under the regulations for when you do have an F rated
4 intersection. You couldn't go to the ALJ and to this Board and
5 get a special variance under certain circumstances and prove
6 that the, you know, and I forget all the factors involved in
7 that analysis but that's sort of what we're doing here. And
8 while I understand on the one hand, the argument is, that this
9 is a special exception and you don't worry about building
10 permits until after the special exception is done, I think what
11 we're doing here is essentially that. Aside from the fact the
12 evidentiary problem with this exhibit itself.

13 CHAIR: Well, I mean, that's really what we're
14 talking about here.

15 MR. MCCANN: Yeah, we are.

16 CHAIR: It, this --

17 MR. MCCANN: Yeah.

18 CHAIR: -- is an evidentiary objection, so let, we're
19 going to retool back to that. So, on, let me take us back to
20 Exhibit 25. One of the basis from what I recall in, in
21 determining that it was not admissible was the particular
22 witness on the stand, why was that witness on the stand being
23 provided Exhibit 25 when they were not part of the e-mail chain
24 that was relevant to the evidence that Petitioner was trying to
25 get in in front of this Board? So, that was at least one

1 basis. Now, perhaps we've eliminated that as a concern here,
2 because we have Mr. Pieranunzi, who is a direct, who is
3 directly involved with communications between, or with Mr.
4 Karski. Now, as to, so, on authentication and why this
5 witness, we have those bridges crossed. What is the purpose
6 then substantively for Exhibit 43?

7 MR. VETTORI: Well, I think it gets us to the next
8 question, which I don't want to get into if, you know, how
9 often these intersections are tested by the Department of
10 Public Works so as to why the intersection is rated the way it
11 is, but I think it being rated, you know, I think what we've
12 established is, at a certain point, in 2018, and this is
13 exhibit number --

14 CHAIR: Which, which exhibit are you looking at?

15 MR. VETTORI: I'm not looking at the exhibit, I'm
16 looking at the exhibit list, but I know what the exhibit --

17 CHAIR: Sorry.

18 MR. VETTORI: -- says so I can look at the exhibit
19 list that I put together. The two traffic, the exhibit number
20 twenty-nine, which is the, as it on the County's website
21 regarding basic services maps, it's the traffic report. It was
22 prepared by DPW and it's been admitted into evidence at, for D,
23 E and F rated intersections, they, they study these
24 intersections. And there was some representation, I don't know
25 if it was a question or question, if it was your question, Mr.

1 McCann's question, there was something to the effect of, well,
2 maybe DPW said, you know, changed their mind after they issued
3 their report here back in November of 2018 for the 2019 basic
4 services map process. So, first DPW, traffic engineering,
5 makes a recommendation and then the Planning Board considers
6 any public comment regarding basic services maps and then the
7 Council also considers public comment or whatever it is they
8 consider and then they vote on it. In this case, they voted on
9 it and declared it an F intersection. But what, what was
10 missing and what was brought up was some, at some point from
11 that November 2018 report that was, DPW sent, it changed from a
12 C to an F, by Council's hand. I think we've established that
13 it was done as an amendment to the basic services map at the
14 actual vote. So, there was no, whatever, how, it's a law, it
15 is what it is, so what we're trying to establish, and somebody
16 said, well, maybe DPW changed their mind about it. Well, they
17 didn't change their mind and I think he's got proof about it.
18 He was, you know, there's no objection to it a moment ago,
19 talking about a list of abandoned fuel service stations. So, I
20 don't understand why this hearsay is objected to and they
21 certainly have the right to do so.

22 CHAIR: Well, well, hold on, whether a list exists or
23 not, whether this witness is familiar with it, there is, if
24 there is a list, I'm assuming, Mr. McCann or Mr. Baker, may
25 present a list or at least someone with knowledge of such a

1 list that exists.

2 MR. VETTORI: Sure.

3 CHAIR: Otherwise, that whole line of questioning and
4 all the responses you can take to it, has been a, a fun journey
5 but one that's not really helpful to the resolution of this
6 case.

7 MR. VETTORI: Right.

8 CHAIR: As to the effect of forty-three here, as in,
9 does DPW presently believe that it is a C level intersection,
10 DPW's belief, whether they believe in Santa Claus or not, is
11 not really going to be dispositive when the County Council has
12 the (inaudible) effect with their actions by saying it's an F.

13 MR. VETTORI: Sure.

14 CHAIR: Is that a fair way to put it?

15 MR. VETTORI: I think that's accurate.

16 CHAIR: All right.

17 MR. VETTORI: I would not disagree with that.

18 CHAIR: And then compounding that is something that
19 Ms. Jolivet brought up. Is the fact that if you were to read
20 this and take it at its face value, again, I recognize in doing
21 so, then comes, falls within the hearsay issue that Mr. McCann
22 and Mr. Baker have raised, that it was last observed and
23 studied on October 20th, 2016. If those are the facts that we
24 all agree upon, that will be the factual predicate for the
25 purpose of this document, I'm wondering why we would be going

1 down the road if the last study done was in October of 2016,
2 and it was recently made in 2019 an F level intersection by the
3 County Council. So, it would seem to me that this then has
4 little relevance in any respect and this substantive effect of
5 this exhibit seems lost upon me, unless there's another
6 purpose.

7 MR. VETTORI: I think, you know, without being able
8 to ask the witness about it, it is, my understanding is, if you
9 are not a D, E or F intersection, you're only tested every
10 three years.

11 CHAIR: You do it every three years.

12 MR. PIERANUNZI: Right.

13 MR. VETTORI: So, last tested in 2016, they would be
14 testing it this November. And there's also a policy, they
15 don't go and test it when there's construction going on around
16 them, like the State Highway project for the Padonia Road
17 overpass. So, whatever the reasoning is on, you know, what the
18 Council did what they did, I don't even want to speculate as to
19 why the Council did what it did. But I know that they haven't
20 done another test since 2016. They say, they still consider it
21 to be, yes, it is, as of that date in 2016, that is what it was
22 and it is still that today as far as they're concerned, because
23 they haven't done another examination, so.

24 CHAIR: Any response, Mr. McCann?

25 MR. MCCANN: No (inaudible).

1 CHAIR: Mr. Baker? Anything further from, from you,
2 Ms. Dopkin? You, Ms. Jolivet? All right. I'm of the mindset
3 that this should not be admitted at this time, because I am
4 still lost as to the, what is intended by introducing this as
5 an exhibit, other than to show that DPW, the last time they
6 considered it, it is a C, when we have to, at, at least address
7 the elephant in the room, so to speak, that the County Council
8 has determined it's an F. Does, let me, so I'll ask one step
9 further. Mr. Pieranunzi, is there anything in this e-mail
10 exchange that is relevant, otherwise, to your testimony here
11 today?

12 MR. PIERANUNZI: I believe that this shows that
13 exactly what Mr. Vettori said, which is that since it was a
14 level C, that they wouldn't test this intersection for three
15 years.

16 CHAIR: I understood that.

17 BOARD: And so, after the County Council designated
18 it an F, when would they do the examination again?

19 CHAIR: Next year.

20 BOARD: It would be, it would be, so it would be this
21 year, 2019, right?

22 MR. PIERANUNZI: (inaudible).

23 BOARD: Which, which would have happened either way,
24 right, from 2016 or from the F designation --

25 MR. PIERANUNZI: 2016 to 2019.

1 BOARD: -- (inaudible), right?

2 MR. PIERANUNZI: Both would fall on 2019.

3 BOARD: Thank you.

4 CHAIR: Anything further on the, on this?

5 MR. MCCANN: Nothing.

6 CHAIR: So, Petition Exhibit 40, Petitioner's Exhibit
7 43 is not admitted at this time.

8 MR. VETTORI: Okay. Mark as Petitioner's Exhibit 44.
9 Identify what's been marked as Petitioner's exhibit number
10 forty-four.

11 MR. PIERANUNZI: This is the I-83 over Padonia Road
12 bridge replacement study from when (inaudible).

13 MR. VETTORI: Okay. Does this represent the project
14 that's taking place from SHA?

15 MR. PIERANUNZI: It does. This represents the
16 project for the bridge replacement, the construction work
17 that's associated with the intersection of 83 and Padonia Road.

18 MR. VETTORI: It appears to be prepared by the
19 Maryland Department of Transportation, is that correct?

20 MR. PIERANUNZI: Yes, that is correct.

21 MR. VETTORI: Okay. State Highway Administration,
22 specifically?

23 MR. PIERANUNZI: Specifically, yes.

24 MR. VETTORI: Okay. Move to have this exhibit
25 admitted.

1 CHAIR: Any objection, Mr. McCann?

2 MR. MCCANN: I don't think so.

3 CHAIR: Okay. Mr. Baker?

4 MR. BAKER: No objection.

5 CHAIR: So admitted.

6 MR. VETTORI: Mark as Petitioner's Exhibit 45.

7 BOARD: Thank you.

8 CHAIR: Thank you.

9 MR. VETTORI: Can you identify what I've marked as
10 Petitioner's Exhibit 45?

11 MR. PIERANUNZI: So, this is also from MDOT, the
12 background information of the purpose and needs for the
13 proposed improvement.

14 CHAIR: I assume you're moving that into evidence as
15 well?

16 MR. VETTORI: I am moving that into evidence as well.

17 CHAIR: Mr. Baker?

18 MR. BAKER: No objection.

19 CHAIR: Mr. McCann?

20 MR. MCCANN: No objection.

21 CHAIR: So admitted.

22 MR. VETTORI: Mark as Petitioner's Exhibit 46.

23 BOARD: Thank you.

24 MR. VETTORI: Can you identify what's been marked as
25 Petitioner's exhibit number forty-six, please?

1 MR. PIERANUNZI: This is a Maryland Department of
2 Transportation, State Highway Administration, typical section
3 for the existing conditions, looking east of the underpass of
4 Padonia Road under 83 and then a future typical section looking
5 east for Padonia Road as it crosses on the I-83.

6 MR. VETTORI: One second, your indulgence for a
7 moment.

8 CHAIR: Mr. Baker?

9 MR. BAKER: No objection.

10 CHAIR: So admitted.

11 MR. VETTORI: I'll mark as Petitioner's Exhibit 47.

12 BOARD: Thank you.

13 CHAIR: Thank you.

14 BOARD: All right, thank you.

15 MR. VETTORI: Thank you. Could you please identify
16 what's been marked as Petitioner's exhibit number forty-seven?

17 MR. PIERANUNZI: So, this is a signing and pavement
18 marking plan prepared by RK&K for MDOT, which is, shows the
19 improvements of I-83 in the relationship of ramp E and ramp D,
20 which are shown on page 2.06, in the area of Padonia Road and
21 I-83.

22 MR. VETTORI: All right. Do you have an
23 approximation of, as to when that project began?

24 MR. PIERANUNZI: Because I drive by this project to
25 and from work every day, I believe that project started

1 recently. I would say within the last two months.

2 MR. VETTORI: And you don't know approximately how
3 long it will take to be completed, do you?

4 MR. PIERANUNZI: I do not.

5 MR. VETTORI: And even if they said when, when it
6 would be completed, that doesn't necessarily mean that's when
7 it's going to be completed, correct?

8 CHAIR: Like, for example, --

9 MR. PIERANUNZI: They have not met a deadline.

10 CHAIR: Exhibit 44, I haven't seen before, almost
11 sets forth in a, we'll just say, in an ideal world, time for
12 completion.

13 MR. VETTORI: Correct.

14 CHAIR: Which sets forth as completing 2020. Of
15 course, it was scheduled to begin in the summer of 2018.

16 MR. VETTORI: Correct.

17 CHAIR: So, you may draw your own conclusions as to
18 the applicability as to 2020's completion date.

19 MR. VETTORI: That's correct. In listening to all
20 the testimony with this project in line and the improvements
21 that would follow that and your understanding, do you, do you
22 have an understanding as to the traffic lights? Are they kind
23 of state of the art, technologically inclined, to picking up on
24 how fast traffic can be moved?

25 MR. PIERANUNZI: I am not aware of that (inaudible).

1 MR. VETTORI: Okay. Well, then I won't ask about
2 that.

3 MR. PIERANUNZI: Okay.

4 MR. VETTORI: As far as access, anything about this
5 specific site and the pre-existing conditions, is there
6 anything about this site that makes this site worse for this
7 kind of use then say, a property a hundred feet or five hundred
8 feet away?

9 MR. PIERANUNZI: Not that I know of. The, --

10 MR. VETTORI: The access --

11 MR. PIERANUNZI: It's a corner, it's a corner over
12 the intersection, it was previously a Bob Evans, it had access
13 points to the existing site so, typically, when I'm doing
14 development plans, we usually do a big box on the back of the
15 site, large parking lots and then banks or gas stations out
16 front at the corner, the pad sites --

17 CHAIR: The pad sites.

18 MR. PIERANUNZI: -- out at the corner of the
19 intersection. This is typical of that. There's already, like
20 I said, it was an existing Bob Evans Restaurant, so there is a
21 right in, right out on Padonia, the right in, right out on
22 Beaver Dam and a full intersection on that private drive to get
23 you down to Padonia. The, it is a divided highway in front of
24 this, divided highway, sorry, divided roadway in front of this
25 project and the Padonia Road, you can go north and south on 83,

1 however, if you are working, as I do, north of this site, in
2 order to go north onto 83, you cannot go north on Warren, you
3 come down to this intersection and pass it and go north on 83,
4 or go up to Shawan and those lights in order to get north on
5 83. You can go south on Warren Road from Beaver Dam, but you
6 cannot go north.

7 MR. VETTORI: And this particular site, again, to
8 reiterate, I think Mr. Bathurst may have covered it, but it
9 doesn't have direct access into the site from Padonia Road and
10 Beaver Dam, it actually acts as is a shared access, --

11 CHAIR: It? Wait, what are you referring to?

12 MR. VETTORI: The, the specific property --

13 CHAIR: Right.

14 MR. VETTORI: -- which is 400 West Padonia Road, does
15 not have its own access directly onto Beaver Dam or to Padonia
16 Road, it must first access a shared access area to then get to
17 those respective roads, correct?

18 MR. PIERANUNZI: It's not shown on this plan, but
19 that is correct. And I'm familiar with that access, I've
20 driven it before.

21 MR. VETTORI: Okay. Do you have an opinion as to
22 whether the proposed fuel service station will tend to create
23 congestion in the roads, streets or alleys greater than the
24 congestion inherent with a fuel service station located
25 elsewhere in the zone?

1 MR. PIERANUNZI: I do not, I, I do not think it would
2 have an adverse effect.

3 MR. VETTORI: Okay and what is the basis of your
4 opinion?

5 MR. PIERANUNZI: The site, again, you know, is a site
6 that was previously a restaurant. It has access points off of
7 Padonia Road as typical, as I said, when planning sites, you
8 know, this is the type of location that a pad site would be
9 located and this site has access from Beaver Dam Road, Padonia
10 Road and full service off of Beaver Dam Road existing.

11 MR. VETTORI: Do you have an opinion as to whether
12 the proposed fuel service station will interfere with the
13 adequate provisions for schools, parks, water, sewerage,
14 transportation or other public requirements, conveniences or
15 improvements greater than the adverse effects normally
16 associated with a full service station located elsewhere in the
17 similar zone?

18 MR. PIERANUNZI: Again, I, I do not. I believe that
19 --

20 MR. VETTORI: You do have an opinion?

21 MR. PIERANUNZI: I'm sorry, I do have an opinion, my
22 apologies, yes. Because that's what you asked. I do have an
23 opinion.

24 MR. VETTORI: What is your opinion?

25 MR. PIERANUNZI: My opinion is it would not. And the

1 reason it would not is because, you know, again, this is a
2 special exception, so this, the approval of this, you know,
3 even though this intersection, we've heard a lot of discussions
4 about F level intersections and the Department of Public Works
5 saying it's a C level intersection, you know, that can be made,
6 but I do not think it would be, have an adverse effect on, on
7 the school if built, schools, roads and health, safety and
8 welfare.

9 MR. VETTORI: That's all the questions I have for
10 him.

11 MR. MCCANN: I don't think I'll be that one.

12 CHAIR: It is 12:00. So, yeah, it would be a good
13 time to assess how long you think you might be.

14 MR. MCCANN: I would say fifteen minutes.

15 CHAIR: Mr. Baker?

16 MR. BAKER: I estimate I'll be around the same.

17 MR. MCCANN: Go ahead?

18 CHAIR: All right.

19 MR. MCCANN: Okay, great.

20 CHAIR: Mr. McCann?

21 MR. MCCANN: All right. We are at our Exhibit 3,
22 right, Mr. Garber?

23 CHAIR: I believe that is but I defer to Ms. Jolivet.

24 BOARD: (inaudible) number three.

25 MR. VETTORI: Thank you.

1 CHAIR: If you have any of the original exhibits,
2 yes, sure.

3 BOARD: Thank you. Thank you.

4 MR. MCCANN: I did a terrible job stapling.

5 CHAIR: Sure, blame the stapler.

6 MR. MCCANN: Blame the stapler, not me.

7 CHAIR: Yeah.

8 BOARD: Thank you. Are you giving the second one to
9 the witness (inaudible)?

10 MR. MCCANN: I am. And I'm going to, did I give you
11 two copies or one?

12 MR. VETTORI: I've got my own copy if you want to
13 give it to the witness.

14 MR. MCCANN: You sure?

15 MR. VETTORI: Yeah, I've got it committed to memory.

16 MR. MCCANN: I'm sorry, thank you. I'll give it
17 right back, Jason.

18 MR. VETTORI: That's fine.

19 MR. MCCANN: Mr. Pieranunzi, I'm going to show you
20 what's been marked as Exhibit 3 and just a couple questions
21 real quick about the zoning regulations. Do you recognize this
22 exhibit as Section 253.1 of the Baltimore County zoning
23 regulations, that is, specifically, the zoning regulations for
24 the ML zones?

25 MR. PIERANUNZI: I do.

1 MR. MCCANN: Okay, great. And just real quick, to go
2 through it and have it broken down, under 23, 253.1,
3 (inaudible)?

4 MR. VETTORI: Yeah, I got it.

5 MR. MCCANN: Under 253.1(A), there are a list of
6 industrial uses there, right? It says, says as much, right?

7 MR. PIERANUNZI: Agreed.

8 MR. MCCANN: And we agree that the proposed use is
9 not one of those industrial uses?

10 MR. PIERANUNZI: It's typically alphabetical and I
11 would agree that it's probably not in the (inaudible).

12 MR. MCCANN: Okay, great. And then if we turn to the
13 third page of this Exhibit 3, under Subsection B, the following
14 transportation storage or quasi-public uses or utilities are
15 listed there and would you agree that the, the proposed use for
16 this site is not among those type of uses?

17 MR. PIERANUNZI: I would agree, it is not in B as
18 well.

19 MR. MCCANN: Okay and then under C, which is the next
20 page, would you agree that this is not one of the auxiliary,
21 retail or service uses or semi, semi-industrial uses identified
22 under that section?

23 MR. PIERANUNZI: Fuel service station, planned
24 industrial park, (inaudible) was that your question, sorry?

25 MR. MCCANN: Well, you're a step ahead of me.

1 MR. PIERANUNZI: Yeah.

2 MR. MCCANN: You are.

3 CHAIR: Well, I think it's really the same question
4 just asked a different way.

5 MR. PIERANUNZI: Yeah, ask it again, sorry.

6 CHAIR: Because you're basically asking, you're
7 asking him, there's nothing in C that applies to this case.

8 MR. PIERANUNZI: To, to this case.

9 MR. MCCANN: Great, thank you.

10 MR. PIERANUNZI: Agreed.

11 MR. MCCANN: Thank you, Mr. Garber.

12 CHAIR: Right.

13 MR. MCCANN: Okay. So, with that, I'll move on and
14 look at the next section if I could.

15 CHAIR: Thank you.

16 MR. MCCANN: This would be Exhibit 4, right, Ms.
17 Jolivet?

18 BOARD: Yes.

19 MR. MCCANN: Let me know if I'm going too fast.

20 BOARD: Nope, that's good.

21 MR. VETTORI: I, I do have that one, yeah.

22 MR. MCCANN: Okay. Let me show you, Mr. Pieranunzi,
23 a copy of what's been marked as Exhibit 4, which is, well, do
24 you recognize this document as a copy of exhibit, I'm sorry, of
25 Section 253.2, that is, the special exception uses in the ML

1 zone?

2 MR. PIERANUNZI: That is correct.

3 MR. MCCANN: Okay and would you agree with me that
4 under A, that the, the subject or the proposed use is not among
5 the industrial, quasi-industrial transportation storage or
6 quasi-public use of the utilities identified there?

7 MR. PIERANUNZI: Agreed.

8 MR. MCCANN: And would you agree with me that where
9 we're, where we're coming in here is under Subsection B-1,
10 automobile service stations, subject further to the provisions
11 of Section 405. Would you agree with me that that is a
12 provision that applies to the proposed use in this case?

13 MR. PIERANUNZI: We are a fuel service station but
14 under B, it says, to the provisions of Section 405, right?

15 MR. MCCANN: Right.

16 MR. PIERANUNZI: Automotive service stations, subject
17 further to provisions of Section 405.

18 MR. MCCANN: Right. You would agree that that
19 section applies?

20 MR. PIERANUNZI: Yes.

21 MR. MCCANN: Okay and more specifically, your, I'm
22 sure you're familiar with it. There's this sort of, the term
23 auto, automobile, auto, automotive service station is sort of
24 a, a now antiquated term, is it not, under the, under the
25 zoning regulations?

1 MR. PIERANUNZI: It is.

2 MR. MCCANN: In fact, I think Section 405 itself
3 speaks to the fact that automobile ser, automotive service
4 stations are now, are now called fuel service stations,
5 correct?

6 MR. PIERANUNZI: Agreed.

7 MR. MCCANN: Okay. So, despite the fact that it says
8 in B-1, in Section 253.2, automobile, automotive service
9 stations, you agree, as I think you've already said, that the
10 subject case falls under B-1 of 2, 253.2, correct?

11 MR. PIERANUNZI: B-1, the entire statement, yes.

12 MR. MCCANN: Okay. So, in other words, when we're
13 looking at this proposed use from a zoning perspective, we need
14 to look both at whatever provisions there are for special
15 exceptions in 253.2 itself, but also to Section 405, which
16 you've already spoken about, correct?

17 MR. PIERANUNZI: Correct.

18 MR. MCCANN: Okay. In fact, it says auto, automotive
19 service station subject further to the provisions of Section
20 405, correct?

21 MR. PIERANUNZI: It does.

22 MR. MCCANN: Okay, great.

23 CHAIR: I assume you're moving for three and four to
24 be admitted?

25 MR. MCCANN: Yes, I would, that would be a good time

1 to do it.

2 CHAIR: Mr. Vettori?

3 MR. VETTORI: I have no objection.

4 CHAIR: I assume, Mr. Baker, you have no objection?

5 MR. BAKER: No objection.

6 CHAIR: Very well. It'll be, both will be admitted.

7 MR. MCCANN: On this issue of the mysterious list of
8 abandoned service stations, I understand you had conversations
9 with people in the Zoning Review Office and the Planning
10 Office. But are you aware of any requirement in the
11 regulations themselves that such a list be maintained,
12 maintained, regardless of whether Baltimore County does it or
13 not, are you aware of any such list?

14 MR. PIERANUNZI: I, I was not aware of a list and I,
15 I, I was, and I confirmed with the County and they were not
16 aware either.

17 MR. MCCANN: No, I understand there may not be --

18 MR. PIERANUNZI: Yeah.

19 MR. MCCANN: -- such a list, I'm, my question is,
20 whether or not, are you, you have an understanding as to
21 whether such a list is required under the zoning regulations?

22 MR. PIERANUNZI: I am not aware of a list per se.

23 MR. MCCANN: That's required?

24 MR. PIERANUNZI: That's required.

25 MR. MCCANN: Just to be complete, this should be

1 Exhibit 5. (inaudible).

2 CHAIR: Stapler acting up again?

3 MR. MCCANN: No, this was my highlighter was acting
4 up.

5 CHAIR: As long as Mr. Vettori has the same
6 highlighted copy as everybody else, we can move past that
7 issue. Is your copy, Mr. Vettori, does it have --

8 MR. VETTORI: It has a highlighted, yes --

9 CHAIR: -- paragraph E highlighted?

10 MR. VETTORI: Um hm.

11 CHAIR: That's the same that's been at least provided
12 to the, to the Board.

13 MR. VETTORI: That's fine. I have no objection to
14 this.

15 MR. MCCANN: Great, thank you. So, the question, the
16 only question, --

17 CHAIR: Since it's been, already voiced no objection,
18 we'll admit it, but go ahead.

19 MR. MCCANN: Yeah, the, the only follow-up to that is
20 whether you recognize this Exhibit 5 as a provision in the
21 zoning regulations that, in particular, the highlighted
22 portion, that pertains specifically to the IM district in which
23 this subject property is located.

24 MR. PIERANUNZI: I'm familiar with the districts of
25 the, overlaid districts, the CR, the AS, the CCC, which are

1 right across the street.

2 MR. MCCANN: Right.

3 MR. PIERANUNZI: And the IM as well.

4 MR. MCCANN: So, that provision that I highlighted
5 there, you would agree that we, to the extent that it sets
6 forth any additional requirements, that we are, we are subject,
7 the Board that is, is subject to that provision as well as the
8 ones we already talked about.

9 MR. PIERANUNZI: It's in the Code and it's zone MLIM.

10 MR. MCCANN: Okay, great. All right, thanks. So,
11 I'll move that in, that exhibit in as well.

12 CHAIR: Already admitted.

13 MR. MCCANN: And that's all the questions I have,
14 thank you.

15 CHAIR: That was actually ten minutes.

16 MR. MCCANN: Wow.

17 CHAIR: Or nine, maybe, so, just --

18 MR. MCCANN: That's a first.

19 CHAIR: I feel the need to make that comment.

20 MR. BAKER: He must be hungry.

21 CHAIR: All right, Mr. Baker?

22 MR. BAKER: I'll try to beat (inaudible).

23 CHAIR: Match that efficiency.

24 MR. MCCANN: (inaudible).

25 CHAIR: All right.

1 MR. BAKER: I want to direct your attention to
2 Petitioner's Exhibits 44 through 47. Basically, the, the MDOT
3 exhibits showing the, the bridge replacement and then the plans
4 associated with the construction the SHA has planned. If you
5 know, can you speak to why the State is undertaking this
6 project?

7 MR. PIERANUNZI: I, (inaudible) I am not, I am not
8 sure why the State is undertaking this project.

9 MR. BAKER: Okay, okay. Can you tell me why the
10 State might typically undertake projects such as this?

11 MR. PIERANUNZI: I'm not sure I could answer that
12 question of why this intersection is being --

13 MR. BAKER: I, I'm not asking about this
14 intersection, I'm saying, generally speaking, why does the
15 State undertake certain highway improvement projects?

16 MR. PIERANUNZI: Yeah, I'm not so sure I can answer
17 that question.

18 CHAIR: If I can, there's a, actually a specific
19 answer within --

20 MR. PIERANUNZI: I'm not sure.

21 CHAIR: -- Exhibit 44 and 45, as to the purpose and
22 intent as, why the work, there's actually literally a section
23 that says why is this work necessary? I mean, is that where
24 you're going with this?

25 MR. BAKER: (inaudible).

1 CHAIR: Oh, okay.

2 MR. PIERANUNZI: Yeah, and I don't have the numbers,
3 so I'm not sure exactly which, I, help, help me out if you're
4 going to read --

5 MR. BAKER: I, I'm not going to ask you to read the
6 exhibit.

7 MR. PIERANUNZI: -- forty-four. I see.

8 MR. BAKER: I, I was asking, I guess in your
9 experience, why these things are typically undertaken and if
10 you don't have any knowledge about why the State might be doing
11 it here, I'm not going to go down that line of questioning, so.
12 You had spoken a bit about the prior use of the property, the
13 Bob Evans. Is, is the standard for special exceptions to
14 compare uses, compare current use with the prior use?

15 MR. PIERANUNZI: It is not.

16 MR. BAKER: Okay. So, the, the impact the Bob Evans
17 may have had on the area is irrelevant in the context of this
18 case?

19 MR. PIERANUNZI: I wouldn't say that in, in the fact
20 that it, it was a restaurant that had inter, so we were taking
21 advantage of the existing intersections that for were existing
22 access points that that previous restaurant had on the site.

23 MR. BAKER: Sure. That's fair. Does it have any
24 relevance with regard to 502.1 of the special exception
25 requirements in Baltimore County?

1 MR. PIERANUNZI: In reference to it being?

2 MR. BAKER: In reference to the, the case that's
3 before the Board today. Does the past Bob Evans use matter in
4 that context?

5 MR. PIERANUNZI: The use of the, I, I'm not aware of,
6 you know, how it could be, I'm not sure, to be honest with you.

7 MR. BAKER: Okay. That's all the questions I have.

8 MR. PIERANUNZI: Okay.

9 CHAIR: All right. Well, Mr. Vettori, any re-direct?

10 MR. VETTORI: I only have two non-marked up copies of
11 this so I apologize, but in light of some of the questions.
12 What I've got here is bill number 40-67.

13 CHAIR: Before we proceed, make sure both counsel at
14 least have an opportunity to review.

15 MR. VETTORI: Sure.

16 CHAIR: This will be marked Petitioner's Exhibit 48
17 then?

18 MR. VETTORI: Yes, sorry.

19 CHAIR: No problem. Whatever this will be.

20 MR. MCCANN: I'm sorry, what, what exhibit is it?

21 CHAIR: It'll be, it'll be marked --

22 MR. VETTORI: Forty-eight.

23 CHAIR: -- as Exhibit 48.

24 MR. MCCANN: Okay.

25 MR. BAKER: Forty-eight.

1 MR. MCCANN: So, this is your copy, Jason, not ours?

2 MR. VETTORI: I need to give one to the witness and
3 mark.

4 MR. MCCANN: That's all right, that's fine.

5 MR. VETTORI: I apologize.

6 MR. MCCANN: That's fine.

7 CHAIR: Well, let's make sure that they --

8 BOARD: He can make copies at lunch time, right?

9 CHAIR: Yeah.

10 MR. VETTORI: Do you want more time to look at it?

11 MR. MCCANN: No, that's okay.

12 CHAIR: I just want to make sure that --

13 MR. MCCANN: It would take a while, so I'll --

14 MR. VETTORI: I can get more copies.

15 BOARD: At lunch, yeah.

16 MR. VETTORI: Yeah.

17 CHAIR: -- opposing counsel has had sufficient time
18 to see what it is.

19 MR. BAKER: I mean, obviously, I need to review it
20 but I, I don't question whether this is a legitimate copy of
21 Bill 6740.

22 CHAIR: Right, but before we get to the subject
23 matter, obviously, you would want to know what it is.

24 MR. BAKER: Yes.

25 CHAIR: So, okay.

1 MR. VETTORI: And he's, your, you're comfortable with
2 knowing what it is?

3 CHAIR: He said he was, I'm sorry.

4 MR. VETTORI: Okay, sorry.

5 CHAIR: Yes.

6 MR. VETTORI: All right. Marking this as forty --

7 CHAIR: Eight.

8 MR. VETTORI: -- eight.

9 CHAIR: And it's Bill 40-67.

10 MR. VETTORI: Yes. Are you familiar with what this
11 bill pertains to? Does it say it in the introductory paragraph
12 of the bill, Bill 40-67?

13 MR. PIERANUNZI: Yes, so this is, this is a bill that
14 was enacted to amend the Baltimore County zoning regulations
15 for the locations of automotive service stations herein
16 referred to as service stations in certain zones and districts
17 in accordance with the comprehensive planning goals.

18 MR. VETTORI: And do you --

19 CHAIR: I'm sorry, the, you trailed off there, but
20 could you repeat that last part of that sentence?

21 MR. PIERANUNZI: In certain zones and districts in
22 accordance with the comprehensive planning goals.

23 CHAIR: Thank you.

24 MR. VETTORI: Okay and essentially, what it did was,
25 and I don't know how, how often do you read bills and look back

1 at old bills to, to understand the zoning history or the
2 legislative history for specific provisions?

3 MR. PIERANUNZI: Not, not too often. You know, we
4 reference the bills, we don't read the old bills.

5 MR. VETTORI: If I were to --

6 MR. PIERANUNZI: Especially the ones from
7 (inaudible).

8 MR. VETTORI: Sure. If I were to indicate to you on
9 page four, for instance, well, not four, sorry. Yes, four, in
10 Section 3, which is line three of page four.

11 MR. PIERANUNZI: Um hm.

12 MR. VETTORI: Of exhibit number forty-eight, which is
13 Bill 40-67, that references that Section 101 was being amended
14 by deleting the definition, certain definitions and what have
15 you. Included there on line twenty-one of page four of Bill
16 60, or 40-67, it got me, does that include the definition of an
17 automotive service station?

18 MR. PIERANUNZI: It does. Automotive, it does.

19 MR. VETTORI: Okay. Structure and/or is it, can you
20 just read it aloud?

21 MR. PIERANUNZI: A structure and/or part thereof used
22 primarily for the retail sale to the public, of automobile
23 fuels and other automotive energy or power sources.

24 CHAIR: So, is that what's being deleted or was that
25 the amended language? We're not there yet?

1 MR. VETTORI: This was the creation, this was being
2 created, this language was being created.

3 CHAIR: Okay.

4 MR. VETTORI: Okay? Back in 1967 for automotive
5 service stations. And then, I'm going to mark as Petitioner's
6 Exhibit 49, bill number 17293, again, I've only got, well, this
7 one is marked up too.

8 CHAIR: Any objection, by the way, to Exhibit 48?

9 MR. BAKER: No objection.

10 MR. MCCANN: No objection.

11 CHAIR: So, that will be admitted.

12 MR. VETTORI: (inaudible).

13 MR. MCCANN: Well, I won't have time to look at it so
14 just to speed things along, go ahead, it's all right. It is
15 what it is, I'll look --

16 MR. VETTORI: Mark this as Petitioner's Exhibit forty
17 --

18 CHAIR: Forty-nine.

19 MR. VETTORI: -- nine.

20 CHAIR: And it's bill 172-93.

21 MR. VETTORI: Um hm. Thank you.

22 BOARD: Thank you.

23 MR. VETTORI: Look at my copy and give you this copy.
24 And again, this bill was introduced, I believe, by the Council
25 if, can you identify when it was introduced by the Council?

1 MR. PIERANUNZI: November 1st, 1993.

2 MR. VETTORI: Okay and what was the purpose in, for
3 this legislation, what did it concern?

4 MR. PIERANUNZI: It, concerning fuel service stations
5 and car washes.

6 MR. VETTORI: And what was the purpose?

7 MR. PIERANUNZI: The purpose of this was updating the
8 zoning and landscape regulations concerning fuel service
9 stations and car washes, stating that the legislative findings
10 and policy authorizing locations where service stations or car
11 washes are permitted by right, or by special exception.

12 MR. VETTORI: Okay and as far as, on page two, I
13 think the last by section, there are several by doing
14 something, heading, revealing, this one says by repealing and
15 reenacting with amendments, what happened to the definition?
16 Is, does it list the automotive service station definition in
17 Section 101 being repealed?

18 MR. PIERANUNZI: It does. It says the definitions of
19 automobile service station and car wash and then it lists
20 certain sections, what's being admitted.

21 MR. VETTORI: And, and also, above that, --

22 BOARD: Did you, I'm sorry, did you say amended or
23 deleted?

24 MR. PIERANUNZI: Amended as it (inaudible).

25 BOARD: Amended, okay.

1 MR. VETTORI: And also, the first two by sections at
2 the top of page two, by repealing Section 405, which was put
3 into effect in Bill 40-67, or Petitioner's Exhibit 48, that was
4 repealed in its entirety?

5 MR. PIERANUNZI: By repealing Section (inaudible),
6 Baltimore County regulations as amended.

7 MR. VETTORI: Okay.

8 BOARD: You said 419?

9 MR. PIERANUNZI: 419, yes.

10 BOARD: And you said 405.

11 MR. PIERANUNZI: Well, 405 and 419.

12 BOARD: Okay. So, I'm just a --

13 MR. VETTORI: Thank you.

14 CHAIR: So, for completeness sake, it's, it reads
15 that they are amending Sections 405 and 419?

16 MR. VETTORI: They repealed it.

17 CHAIR: Repealed, sorry.

18 MR. VETTORI: Repeal means to strike it from the face
19 of the earth, in my opinion. But that's, you can (inaudible)
20 what repeal means.

21 CHAIR: I have a general idea of what repeal, thank
22 you.

23 MR. VETTORI: All right. And then it added some
24 sections. What sections did it add?

25 MR. PIERANUNZI: By adding sections, it says right

1 underneath, (inaudible) Section 101, the definition of, I'm
2 sorry, added 40, it says, Section 409 and 419 right underneath
3 it. But as those Section 101, car wash, roll over, car wash
4 full service, car wash self-service Baltimore County
5 (inaudible).

6 MR. VETTORI: Okay and my question was to the first
7 adding, not the first repealing, but the --

8 MR. PIERANUNZI: Right.

9 MR. VETTORI: -- by adding, that first by adding and
10 it's adding Sections 405 and 419, correct?

11 MR. PIERANUNZI: Yes, that's correct. They're all
12 (inaudible).

13 MR. VETTORI: Okay. So, and, and did bill number
14 172-93 constitute the next Section 405 wherein fuel service
15 stations are permitted today?

16 MR. PIERANUNZI: That is correct.

17 MR. VETTORI: Okay and, essentially, if you're to
18 read and, again, there were changes in Bill 15-19, I think that
19 in --

20 CHAIR: 12-19?

21 MR. VETTORI: No, no, --

22 CHAIR: Fifteen?

23 MR. VETTORI: I don't know if 15-19 didn't impact
24 405, did it?

25 VOICE: I don't think so.

1 MR. VETTORI: Getting my stuff mixed up here now.
2 But Section 405, as you understand it, has specific regulations
3 as created in 1993 that control whether fuel service stations
4 are permitted by special exception?

5 MR. PIERANUNZI: That is correct.

6 MR. VETTORI: And while there is a provision in
7 Section 253.2, granting special exceptions for automotive
8 service stations, the Section 405 policies behind it,
9 essentially, have gotten rid of automotive service stations and
10 created fuel service stations --

11 MR. MCCANN: I'm going to object. I mean, on a, on
12 a, what apparently is an important question, to ask a leading
13 question like that, and gosh that was leading, I think is, is
14 not appropriate. I mean, you've been doing it a lot and that's
15 fine, we're moving things along. But I think is sort of an
16 important question so I would ask that the witness not be asked
17 a leading question.

18 CHAIR: Well, I will sustain the objection on
19 leading. I, I guess the question is, are you asking through
20 this witness the effect of having, where is it, 253.2-B-1 still
21 on the books and what --

22 MR. VETTORI: Correct.

23 CHAIR: -- what does that mean in this case, in light
24 of the amendments from 1993 and then 2019?

25 MR. VETTORI: Correct.

1 CHAIR: Did you understand that the same way?

2 MR. MCCANN: Yes.

3 CHAIR: Mr. Baker?

4 MR. BAKER: I did as well.

5 MR. MCCANN: Which should be asked in a, which should
6 be asked in a non-leading way, but I guess your question
7 wasn't, wasn't as leading as his, so.

8 CHAIR: I just want to make sure we're, we're all
9 talking about the same thing here, because we keep referencing
10 405, this, that and the other.

11 MR. VETTORI: Sure.

12 CHAIR: So, okay. So, I will sustain the objection
13 on the basis that it is leading.

14 MR. VETTORI: Okay. And as far as the question, is
15 there something in Section, is it your understanding that
16 Section 405 controls whether a special exception can be granted
17 for a fuel service station?

18 MR. MCCANN: Objection.

19 MR. PIERANUNZI: I, --

20 CHAIR: I, and I assume it's on the same basis and
21 please stand when you object.

22 MR. MCCANN: I'm sorry.

23 CHAIR: Is that the same basis?

24 MR. MCCANN: Same basis.

25 CHAIR: I'll, I'll sustain that. I'll say this.

1 Sir, what effect, if any, does Section 253.2-B-1 have in this
2 case?

3 MR. PIERANUNZI: So, in light of the questions that
4 have been asked, I think I, in, when I'm doing a fuel service
5 station, (inaudible) Section 405.

6 BOARD: And what effect, though, does 253.2-B-1 have
7 on you at all?

8 MR. PIERANUNZI: And I'm not, I'm not so sure I can,
9 it, you know, get into the specifics of that (inaudible).

10 CHAIR: Well, if I can, B-1 says automotive service
11 stations, which we all agree now refers to fuel service
12 stations.

13 MR. PIERANUNZI: That is correct.

14 CHAIR: Subject further to provisions of Section 405,
15 which you say you do use.

16 MR. PIERANUNZI: That is correct.

17 CHAIR: Is that correct?

18 MR. PIERANUNZI: That is correct.

19 CHAIR: Is there any other effect on, with Section
20 253.2-B-1, that you take into consideration in connection with
21 this project?

22 MR. PIERANUNZI: So, 253, I do not have that one in
23 front of me (inaudible).

24 CHAIR: Sorry.

25 MR. VETTORI: I think that was Exhibit 3.

1 MR. PIERANUNZI: Yeah.

2 MR. VETTORI: But I think he's referencing Exhibit 4.

3 MR. PIERANUNZI: Yeah.

4 MR. VETTORI: Which is 253.2.

5 MR. PIERANUNZI: You guys are looking exhibits that I
6 don't have in front of me, no.

7 CHAIR: I apologize, sir. I thought you would have
8 had that in front of you, my fault. I should ask that first.

9 BOARD: Exhibit 4?

10 CHAIR: DGG Exhibit 4.

11 BOARD: Here you are, sir.

12 CHAIR: So, let's back up. Now that you, well,
13 direct your attention to Section 253.2-B-1. It says,
14 automotive service station subject further to the provisions of
15 Section 405. I asked you earlier what effect, if any, does
16 253.2-B-1 have in this case.

17 MR. PIERANUNZI: So, 253.2, okay. So, this is right
18 out of the Baltimore County Code and this is, you know, what we
19 would use to begin our process of looking at permitted uses for
20 a special exception.

21 CHAIR: Okay and you said as part of that, you don't
22 really look at this, as I understood it, you look at Section
23 405?

24 MR. PIERANUNZI: That is correct.

25 BOARD: Well, if you're saying that's where you'll

1 begin your process, so you're looking at it, right?

2 MR. PIERANUNZI: It, it says automotive service
3 station, subject further to provisions of Section 405.

4 BOARD: So, after, do you look at it or don't you?

5 MR. PIERANUNZI: Which, which one?

6 BOARD: 2, 253.2.

7 MR. PIERANUNZI: I, I do not look at this. I do not
8 use this, no.

9 BOARD: You do not use this. Okay.

10 CHAIR: Mr. Vettori, did that help us?

11 MR. VETTORI: Yes, that's all the questions I have.

12 CHAIR: All right.

13 MR. MCCANN: Well, my question isn't whether you use
14 it, Mr. Pieranunzi.

15 MR. PIERANUNZI: Oh, I'm sorry.

16 MR. MCCANN: My question, my question, I guess, in
17 follow-up to that, isn't whether or not you use 253.2-B-1, I'm
18 not asking whether you use it. My question to you on,
19 initially on cross examination and I'm going to ask again to
20 make sure that I understood it correctly, is do you agree that
21 Section 254.2-B-1 applies, particularly given the language
22 subject further to the provisions of Section 405? I understand
23 you, you need to get to 405, but my question simply is, do you
24 agree that 253.2-B-1 applies, subject to 405?

25 MR. PIERANUNZI: Subject to 405. So, I believe that

1 you need to look at all the regulations but you're asking if
2 specifically B-1 is a, it's in the zoning regs so that is
3 something that I would review as I was preparing the plan.

4 MR. MCCANN: Yeah, you have to take it into
5 consideration, don't you, as well as --

6 MR. PIERANUNZI: I, I would review it as I was
7 preparing the plan.

8 MR. MCCANN: And take it into consideration, as well
9 as 405, correct?

10 MR. PIERANUNZI: Again, I would, I have to read
11 through all those bills that you gave me to, 253.1, 253.2, and
12 read through all of those.

13 MR. MCCANN: Right, well, for instance, I understand
14 you would read it, you would read 253.1, which is uses
15 permitted of right and determine that it's not applicable, you
16 said as much this morning. My question is, to the extent
17 253.2-B-1 itself, not 405, but itself, provides any additional
18 zoning regulations, requirements, to the extent it does, you,
19 you would agree, would you not, that you have to apply them
20 before you move on to Section 405?

21 MR. PIERANUNZI: I'd ask you to ask that question
22 again.

23 MR. MCCANN: Okay, yeah. And it's, it is, it's not
24 a, it's a confusing line of questioning. So, I'm not asking
25 you whether you reviewed something, I'm asking you more about

1 its application, whether it applies and, and whether it
2 applies, in particular, to this case. So, we all agree, I
3 think, that this case and this proposed use is subject to 405,
4 correct?

5 MR. PIERANUNZI: It is definitely subject to 405.

6 MR. MCCANN: And then, would you also agree with me
7 that 253.2-A-B-1, also applies and this proposed use is subject
8 to that provision?

9 MR. PIERANUNZI: I, --

10 MR. MCCANN: Let me be specific --

11 MR. PIERANUNZI: I believe that it is, it is, it does
12 not because it says automotive service stations and that has,
13 that definition has been removed.

14 MR. MCCANN: Right, so --

15 MR. PIERANUNZI: Right.

16 MR. MCCANN: -- but this section hasn't been removed?

17 All --

18 MR. PIERANUNZI: That is, that is --

19 MR. MCCANN: -- all, I think you said as much, all
20 auto, automotive service stations means when, in B-1, is that,
21 well, what it now means is fuel service stations. You can just
22 substitute those words, correctly, correct?

23 MR. PIERANUNZI: I don't know if you can substitute
24 the words.

25 MR. MCCANN: Well, is there such thing as an

1 automotive service station use anymore? There isn't, is there?

2 MR. PIERANUNZI: I'm not so sure about that. I just
3 worked on a, I'm not so sure about that.

4 MR. MCCANN: Is this, is the proposed use an
5 automotive service station?

6 MR. PIERANUNZI: Say that again?

7 MR. MCCANN: Is, is the proposed use an automotive
8 service station without, as now defined --

9 MR. PIERANUNZI: It's a fuel service station.

10 MR. MCCANN: Right, which, for an automobile service
11 station, you would agree with me, is now, is now known as,
12 you've already said as much, is now known as a fuel service
13 station, correct?

14 MR. PIERANUNZI: It is a fuel service station,
15 correct.

16 MR. MCCANN: Now it is, today?

17 MR. PIERANUNZI: Right, right.

18 MR. MCCANN: Given the amendments to 405, correct?

19 MR. PIERANUNZI: That's correct.

20 MR. MCCANN: Okay. So, let's be more specific. In
21 23, 253.2-B, it says, the following auxiliary service uses
22 provide that any such use shall be located in a planned
23 industrial park or at least twenty-five acres in that area, or
24 in an IM district. Just take those, you would agree with me
25 that those, that provision in 253.2-B applies? In other words,

1 you can only have fuel service stations in the MLIM zone that
2 are located in a planned industrial park of at least twenty-
3 five acres, in that area, or in an IM district? You would
4 agree that that --

5 MR. PIERANUNZI: In an IM district, yes.

6 MR. MCCANN: -- that applies?

7 MR. PIERANUNZI: Yes.

8 MR. MCCANN: Okay. So, that's, that's where I was
9 headed, Mr. Pieranunzi. Let me get back to my original
10 question. To the extent 253.2-B, including B-1, pro, provides
11 any additional zoning requirements, to the extent it does, you
12 would agree that those, those apply to the proposed use just as
13 Section 405 does, both apply, correct?

14 MR. PIERANUNZI: I believe that in the definition
15 that's in 253.2-1, automotive service stations, has been placed
16 with, you know, fuel service stations.

17 MR. MCCANN: Right. I would, I think we agreed upon
18 that already.

19 MR. PIERANUNZI: Okay.

20 MR. MCCANN: I'm just, there are, you've already
21 talked about some additional zoning requirements that are in
22 Subsection B and I'm asking you whether or not you would agree,
23 just more generally, to the extent there are any zoning
24 requirements in 253.2-B, that they would apply in this case, in
25 addition to, or subject further to, the provisions of Section

1 405, that's my question, would you agree with that? You apply
2 both, right?

3 MR. PIERANUNZI: I am reading B again. It is
4 something that I would apply as far as reviewing the documents
5 of whether or not a use was permitted in, on the site or not.

6 MR. MCCANN: Okay.

7 MR. PIERANUNZI: And then verify with other documents
8 that are available at the County.

9 MR. MCCANN: Okay. So, it does apply, B applies to
10 this case?

11 MR. PIERANUNZI: I'm not so sure if that's what I
12 said, sir.

13 CHAIR: That's his question, though.

14 MR. PIERANUNZI: Yeah, okay.

15 CHAIR: Does it apply to this case or no?

16 MR. PIERANUNZI: I don't, that, it's, I'm not so sure
17 how to answer that, to be honest with you, sir.

18 MR. MCCANN: Okay. All right. That's fair enough,
19 so you don't know, I guess, is the short of it. Okay. Okay.
20 Okay, nothing else, thank you.

21 MR. BAKER: Just briefly. Mr. Pieranunzi, --

22 MR. PIERANUNZI: Yes.

23 MR. BAKER: -- how do you typically determine if a
24 use is permitted by right or created by special exception?

25 MR. PIERANUNZI: Right, so, you, you read the zoning

1 regs, you go through, figure out what zone you are, look at the
2 zoning books, just as we just stated. Look at the zoning
3 sections and apply whether or not it's, as we just went
4 through, an A, B or C, if it's, you know, from Section A or B
5 or C.

6 MR. BAKER: So, so you would look at the regulations
7 for the underlying zone of the property?

8 MR. PIERANUNZI: I would look at the regulations for
9 the underlying zone of the property and any applicable bills
10 that are associated with it, with the property.

11 MR. BAKER: Okay. And in the context of 253.1-B-2,--

12 CHAIR: You mean, 253.2?

13 MR. PIERANUNZI: Two.

14 MR. BAKER: Excuse me, I do, I do. Uses permitted by
15 special exception, I'm looking specifically at B-1, this is Mr.
16 McCann's number four. Automotive, automotive service stations,
17 subject further to the provisions of Section 405. How do you
18 read subject further?

19 MR. PIERANUNZI: Subject further to myself, in my
20 opinion, that would mean that you would also, you with,
21 Baltimore County's regulations, they are very, they're referred
22 to other, other sections throughout that document and so you
23 have to, not only read 253.2-B-1, but if it sends you to a
24 section as well, you would also apply the provisions of, you
25 would go to that other section that they're referring you to.

1 And the ML, the BL, you know, they jump around.

2 MR. BAKER: So, the two are, are read in conjunction?

3 MR. PIERANUNZI: The two are --

4 MR. BAKER: The, the two sections of the Baltimore
5 County zoning regulations, as specifically here we're talking
6 about 253.2-B-1, and Section 405, are read in conjunction based
7 upon what you just said?

8 MR. PIERANUNZI: Read in conjunction?

9 MR. BAKER: Read in conjunction.

10 MR. PIERANUNZI: I'm not sure how to answer that one,
11 to be honest as well.

12 MR. BAKER: Okay. I'll, I'll rephrase, I'm sorry.

13 MR. PIERANUNZI: Yeah.

14 MR. BAKER: I'll rephrase. The two sections of the
15 Zoning Code, again, 253.2-B-1 and Section 405 and all that
16 comes with it, are to be read together. That is to say, when
17 you're looking at a fuel service station in an MLIM zone, you
18 don't look solely at 405, you also look at the underlying
19 regulations of the ML zone, is that correct?

20 MR. PIERANUNZI: I look at the bills that are
21 associated with the site, and these latest bills, you can see,
22 that are coming up, you know, in reference to this intersection
23 and also the Zoning Code as well.

24 MR. BAKER: Okay. But specifically, with regard to
25 these sections, again, we're talking about this specific site

1 and these sections, the ML use regulations and the Section 405
2 regulations, which govern the underlying fuel service station
3 use, those two sections of the Baltimore County zoning
4 regulations, when considering this use, do you read them
5 together?

6 MR. PIERANUNZI: Read them together? I think I
7 answered that I read it with multiple, I think I've already
8 answered it, but I, I read the Zoning Code, any bills that are
9 associated with the site.

10 MR. BAKER: Okay, thank you. No further questions.

11 CHAIR: Mr. Vettori, anything else?

12 MR. VETTORI: I have no further questions.

13 CHAIR: All right. Thank you, Mr. Pieranunzi. I
14 would suggest because and if it's okay with counsel and to help
15 Mr. Vettori here, rather than spend your break just
16 photocopying the exhibits that we're, whatever exhibits we're
17 referencing that you passed up, they were, let me see which
18 ones, forty-eight and forty-nine were they?

19 MR. VETTORI: Forty-eight and forty-nine, yes, Bill
20 40-67 and 173-93.

21 CHAIR: Because they're County Council bills, --

22 MR. VETTORI: Um hm.

23 CHAIR: -- if it's okay with Mr. Baker and Mr.
24 McCann, do you wish to just e-mail us those --

25 MR. VETTORI: Should I e-mail Sunny or one of you?

1 CHAIR: You should, no, e-mail Sunny, but then also
2 Mr. Baker and Mr. McCann.

3 MR. VETTORI: Copy them on it, I've got it.

4 MR. BAKER: We, we've got copies but (inaudible).

5 CHAIR: This way, this way you don't need to go back
6 to your office to get those copies at the moment.

7 MR. VETTORI: Thank you.

8 CHAIR: As long as we have the exhibits, we have the
9 exhibits?

10 BOARD: I have forty-nine, yes, I do.

11 CHAIR: And, and I believe, just to be on the safe
12 side, in case this didn't occur, although I think it did, there
13 was no objection to forty-eight and forty-nine, they were
14 admitted, correct?

15 MR. MCCANN: Correct.

16 BOARD: Correct.

17 CHAIR: All right. So, I think that takes care of
18 all your exhibits, Mr. Vettori.

19 MR. VETTORI: That's correct.

20 CHAIR: The ones that we covered with Mr. Pieranunzi.
21 And as for, I believe, three and four for Mr. McCann, they are
22 in as well.

23 MR. MCCANN: Right, and five.

24 CHAIR: What was five, sorry?

25 MR. MCCANN: Five was --

1 CHAIR: Was that 259?

2 MR. MCCANN: Correct.

3 MR. VETTORI: 259.1 and .2.

4 CHAIR: All right. Any objection, Mr. Vettori?

5 MR. VETTORI: No objection.

6 CHAIR: So, Exhibit 5 is also admitted.

7 MR. MCCANN: Great.

8 CHAIR: I think we're all caught up.

9 MR. MCCANN: We're all caught up.

10 BOARD: Thank you.

11 MR. VETTORI: That's correct.

12 CHAIR: All right. Anything else at the moment?

13 MR. MCCANN: Not from us, no.

14 MR. VETTORI: No.

15 CHAIR: All right. So, why don't we take, what are
16 we saying, like forty-five minutes, is that sufficient or --

17 MR. VETTORI: Yes.

18 CHAIR: Come back at 1:30, so that's, we'll just say,
19 yeah, like right, whatever it is, fifty-two minutes or
20 whatever. So, we'll come back at 1:30 and what do you foresee
21 for this afternoon, Mr. Vettori?

22 MR. VETTORI: We may wrap up and turn it over to them
23 (inaudible), so we'll see. We're going to talk about it.

24 CHAIR: Understood and for the Protestants, again, I
25 recognize that it's tough to kind of forecast without knowing

1 exactly where Petitioner is. What do you foresee on behalf of
2 your clients for this afternoon?

3 MR. MCCANN: I think we each have one witness.

4 MR. BAKER: That's correct.

5 CHAIR: You each have one witness, okay. So, why
6 don't we break and come back at 1:30 and see where Petitioner's
7 case takes us. Is there anybody, does anybody have a hard stop
8 time today? Board members included? School is out though.
9 You're good?

10 BOARD: I'm good.

11 CHAIR: Okay. So, we'll deal with whatever happens
12 in the afternoon in the afternoon. All right.

13 MR. MCCANN: Thank you.

14 MR. BAKER: Thank you.

15 CHAIR: We --

16 (RECORDING PAUSED - 12:35:32 PM)

17 (ON RECORD - 01:40:09 PM)

18 BOARD: We're on the record.

19 CHAIR: All right. We are back on the record here in
20 the case of Sheetz, Inc. Mr. Vettori, still your case?

21 MR. VETTORI: I am calling no more witnesses, my case
22 in chief.

23 CHAIR: Mr. McCann, Mr. Baker, I don't know who I'm
24 supposed to be deferring to.

25 MR. BAKER: We'll go first. I guess before we do

1 there are some members of the public that are here and have, I
2 know, at least one has prepared a written statement and we also
3 have a, a petition from the operator at the 7-11. Just to be
4 sensitive to their time so they don't have to sit through an
5 afternoon of hearing, if it's okay with the Board, I'd like for
6 them to go before we present our case.

7 CHAIR: I leave that presentation to the two of you
8 as to what you think is best. If there is a written statement
9 and they'll be reading from the written statement, the written
10 statement itself is not coming into evidence, correct?

11 MR. BAKER: We won't be submitting it, but if the
12 individual wants to submit it, we're happy to have him do that.

13 CHAIR: All right. Mr. Vettori, any thoughts,
14 comments?

15 MR. VETTORI: I mean, I prefer that they just testify
16 as opposed to submitting a written statement but, it's a zoning
17 case, I don't, the rules of evidence are pretty loose, I don't,
18 --

19 CHAIR: But specifically, there is a rule about
20 written statements being --

21 MR. VETTORI: Right, from a community member.

22 CHAIR: -- or even just in general.

23 MR. VETTORI: Okay.

24 CHAIR: You may read from a written statement, but
25 the written statement, of course, needs to be without argument,

1 within it, it needs to be based in fact.

2 MR. VETTORI: Sure.

3 CHAIR: Etcetera, etcetera. I mean, obviously, we're
4 going to be, the standards apply is, you know, how that's going
5 to be used as, may be a different matter, but I wanted to hear
6 from your perspective as to the written statement.

7 MR. VETTORI: I mean, I prefer if they just got up
8 and testified instead of submitting a written statement, I
9 think.

10 CHAIR: All right. Does that pose any, pose any
11 problem for you, Mr. Baker?

12 MR. BAKER: I don't have any problem.

13 CHAIR: Mr. McCann?

14 MR. MCCANN: No, that's fine. Thank you.

15 CHAIR: Very well. So, who do you want to call
16 first?

17 MR. BAKER: I will call Sarah Ragab.

18 BOARD: Do you swear and affirm under the penalties
19 of perjury, that the testimony you are about to give is true
20 and correct to the best of your knowledge and belief?

21 MS. RAGAB: Yes.

22 BOARD: Would you please state your name and address
23 for the record, spelling your last, well, spelling your first
24 and last names for me, please.

25 MS. RAGAB: Sarah Ragab, S--

1 BOARD: Speak up.

2 MS. RAGAB: Sarah Ragab, S-A-R-A-H, last name is R-A-
3 G-A-B.

4 BOARD: L-A-R-G-A-B?

5 MS. RAGAB: R-A-G-A-B.

6 CHAIR: Ragab?

7 MS. RAGAB: Yes.

8 CHAIR: And what is your address, Ms. Ragab?

9 MS. RAGAB: 9709 Beaver Dam Road, Timonium, Maryland.

10 BOARD: I'm sorry, I didn't hear it.

11 MS. RAGAB: 9709 Beaver Dam Road.

12 CHAIR: You may have a seat. She's been sworn,
13 right?

14 BOARD: Yes.

15 CHAIR: All right, Ms. Ragab. You may have heard
16 some back and forth here about written statements and what not.
17 It is usually the preference of the Board to the best of your
18 ability to testify, that is, answer questions instead of
19 reading a written statement, instead of reading just a written
20 statement. That's not to preclude you from reading it, a
21 written statement, and you certainly can reference one if you
22 need to refresh your recollection or what, or whatnot. That
23 was just the general discussion we were having before you took
24 the stand. I believe Mr. Baker is going to have some questions
25 for you.

1 MS. RAGAB: Okay.

2 CHAIR: All right.

3 MR. BAKER: Can you state where you're employed and
4 your title?

5 MS. RAGAB: 7-11 on Beaver Dam Road and I am the
6 store manager.

7 BOARD: I'm sorry, I'm having a lot of, your voice is
8 very soft. Can you speak into the microphone, please?

9 MS. RAGAB: 7-11 on Beaver Dam and I am the store
10 manager.

11 MR. BAKER: Okay. I have in my hand a document
12 titled petition to deny Sheetz on Padonia and Beaver Dam Road
13 and, my apologies, this is the only copy that I have. I can
14 show it to Mr. Vettori and Mr. McCann.

15 MR. VETTORI: There's a number of people's names that
16 maybe like a first name and then the signature, it's illegible
17 with no address, comment. There's a date, there's a lot of
18 missing information, it really doesn't give me a sense of
19 anybody here. I would object to this coming in, unless
20 somebody had an opportunity to be here, notice has been given,
21 we'd prefer to hear from these people.

22 CHAIR: Well, we'll have Mr. McCann review it before
23 we address --

24 MR. VETTORI: Sure.

25 CHAIR: So, we'll have to mark this as 7-11 Exhibit--

1 BOARD: Three.

2 MR. BAKER: Three.

3 CHAIR: -- three, whether it's in or out, don't know
4 yet, but for identification purposes, 7-11 Exhibit 3.

5 MR. MCCANN: Okay, thank you.

6 MR. BAKER: I had to --

7 CHAIR: So, yes, we'll do that for foundation
8 purposes and then we'll address Mr. Vettori's objection.

9 MR. BAKER: Sure.

10 CHAIR: Mr. Baker, do you want to, is it okay if Ms.
11 Jolivet hands that directly to the witness? So, you want me to
12 ask? Okay. Ms. Ragab, have you seen that document that's been
13 labeled as 7-11 Exhibit 3?

14 MS. RAGAB: Yes, I have.

15 CHAIR: And what is that document?

16 MS. RAGAB: It's the petition that we had just placed
17 in the store for people against the Sheetz going on Padonia
18 Road.

19 CHAIR: And there's a, as I, and we haven't seen it
20 up here, but as I understand it from Mr. Vettori's review,
21 there's a list of names, some of which are just first names, or
22 without reference to maybe some other information that would
23 be, I guess, helpful to, I guess, aid the Board in some
24 respect. Mr. Baker, do you have any questions about the
25 foundational issues on that? All right. Typically speaking,

1 it is better, obviously, to hear from, from individuals. We
2 often are confronted with members who appear from a community
3 who then sign the sign in sheet or you have others who present
4 petitions showing names and addresses of people who stand for a
5 certain position or whatever, and then you're not presenting
6 live testimony. We have admitted them in the past and given
7 them whatever weight is appropriate. So, with that
8 understanding, Mr. Vettori, we're going to admit it.

9 MR. VETTORI: Sure.

10 CHAIR: Recognizing, again, the time constraints for
11 these individual witnesses to have to attend, but also it is
12 better to hear from individuals as to their particularized
13 concerns with respect to any project, so. With that in mind,
14 it'll be admitted.

15 MR. BAKER: Okay, thank you. I have no further
16 questions of this witness.

17 CHAIR: Mr. Vettori, do you need Exhibit 3?

18 MR. VETTORI: I do not, no.

19 CHAIR: All right.

20 MR. VETTORI: I don't plan to ask her what she knows
21 about what anybody else said. I think they can say what, give
22 it whatever weight it deserves. Ms. Ragab, you appeared at the
23 underlying, or at the Administrative Law Judge proceeding,
24 correct?

25 MS. RAGAB: I believe so.

1 MR. VETTORI: Okay. Well, I've got a copy of a
2 citizen's sign in sheet, I'm going to mark as Petitioner's
3 Exhibit 50. Did I get to the 5-0?

4 CHAIR: And is it the sign in sheet from the ALJ
5 hearing?

6 MR. VETTORI: It also has maps for anybody that
7 signed into the sign in sheet as to where they lived, I'm just
8 trying to establish where her property is. Thanks.
9 (inaudible). Marking that for identification purposes as
10 fifty.

11 BOARD: Thank you.

12 BOARD: Thank you.

13 MR. VETTORI: One more.

14 BOARD: Thank you.

15 MR. VETTORI: Does that appear to be your name as the
16 second name listed on the citizen sign in sheet?

17 MS. RAGAB: Yes.

18 MR. VETTORI: Okay and on page two, does that seem to
19 accurately reflect the proximity of your store where you're a
20 manager of a 7-11 in relation to the proposed Sheetz Fuel
21 Service Station?

22 MS. RAGAB: Yes.

23 MR. VETTORI: Okay and you said you were a manager,
24 not the owner, correct?

25 MS. RAGAB: Correct.

1 MR. VETTORI: Okay. So, do you have any property
2 interest in the 7-11?

3 MS. RAGAB: What, I'm sorry, --

4 MR. VETTORI: I mean, are you a part owner, do you
5 derive, just, besides a salary, do you derive any income from
6 the property?

7 MS. RAGAB: My parents are the ones that own the 7-
8 11.

9 MR. VETTORI: Okay. You do not?

10 MS. RAGAB: No.

11 MR. VETTORI: Okay. That's all the questions I have
12 for her.

13 CHAIR: I assume, are you --

14 MR. VETTORI: And I'd like to move to have this
15 exhibit entered into evidence.

16 CHAIR: So, the same courtesy would apply. So
17 admitted.

18 MR. VETTORI: Thanks.

19 MR. BAKER: No objection.

20 CHAIR: That, did you say objection?

21 MR. MCCANN: Just so we're clear --

22 MR. BAKER: No, I said no objection.

23 CHAIR: No objection. Thank you.

24 MR. MCCANN: Just, just for, Jason, you attached
25 these to the sign in sheet? These are obviously your work

1 products, right?

2 MR. VETTORI: Yes, I could get somebody else
3 (inaudible) to come up and whatever, but --

4 MR. MCCANN: Oh, no, no, no, that's fine. I just
5 wanted to, obviously this is --

6 MR. VETTORI: It was not my --

7 CHAIR: You might want to proffer as to the maps, how
8 did they become attached?

9 MR. VETTORI: They became attached by, I believe,
10 (inaudible).

11 CHAIR: Someone on behalf of Protestant, or
12 Petitioner --

13 MR. VETTORI: I think it was somebody in my office
14 did that, yes. They just basically pulled it up on My
15 Neighborhood, printed out the map and did a ruler from each
16 address to the property.

17 MR. MCCANN: Okay, that's --

18 CHAIR: Was that done for the ALJ hearing, or was
19 that done --

20 MR. VETTORI: It was done after the ALJ hearing,
21 obviously, I couldn't do it during, I got the sign in sheet and
22 put it together. I was just curious where everybody lived and,
23 you know, their addresses sound close by but I'd like to get a
24 look at where they were, so I thought, you know, and obviously
25 these folks, most of them aren't here so it's not, a lot of

1 it's relevant, in my opinion, but, yeah.

2 CHAIR: So, again, it's, it's admitted on the same
3 basis as 7-11 Exhibit 3 was admitted.

4 MR. MCCANN: Great, thank you.

5 CHAIR: Thank you, Ms. Ragab.

6 MS. RAGAB: Thank you. Do you --

7 CHAIR: Yes, we definitely need that back.

8 MS. RAGAB: Thank you.

9 CHAIR: Mr. Baker?

10 MR. BAKER: There's also a gentleman here who has
11 prepared a written statement --

12 CHAIR: All right.

13 MR. BAKER: -- who I'd like to call as our second
14 witness.

15 MR. VETTORI: Same objection. I mean, we'd prefer if
16 you didn't read from the written statement but.

17 CHAIR: I'm going to cover the same grounds.

18 MR. VETTORI: Okay.

19 CHAIR: But, yes, I, you may have a continuing
20 objection on that basis.

21 MR. VETTORI: Thank you.

22 BOARD: Do you swear and affirm under the penalties
23 of perjury, that the testimony you are about to give is true
24 and correct to the best of your knowledge and belief?

25 MR. KOWALEWSKI: I do.

1 BOARD: And would you state your name and address for
2 the record, spell your name for me.

3 MR. KOWALEWSKI: Dale Kowalewski, that's K-O-W-A-L-E-
4 W-S-K-I. My address is 2505 Chestnut Woods Court, that's
5 Reisterstown 21136.

6 BOARD: Thank you.

7 CHAIR: Mr., is it Kowalewski?

8 MR. KOWALEWSKI: Kowalewski.

9 CHAIR: Know, Kowalewski. So, K-O-W-A-L-E-W-S-K-I?

10 MR. KOWALEWSKI: Yes, sir.

11 CHAIR: Dale, correct?

12 MR. KOWALEWSKI: Yes.

13 CHAIR: All right. Kowalewski, I apologize in
14 advance if I butcher that. And so, Mr. Baker, I understand
15 that there's a written statement here?

16 MR. BAKER: Yes.

17 CHAIR: Okay. Mr. Kowalewski, did you hear us
18 talking earlier about written statements?

19 MR. KOWALEWSKI: Yes.

20 CHAIR: It is the preference, certainly, of the Board
21 to hear your answers to questions because it helps us assess
22 what's going on and certainly things are, a written statement
23 on the other hand sometimes can be limiting and I, sometimes I
24 don't even think it aids the person who's actually testifying.
25 However, if you wish to reference your written statement

1 because you think you may have forgotten something or, you
2 know, there's certain points to raise, certainly you can take a
3 look at it and avail yourself of, of it if you if you need to
4 do so.

5 MR. KOWALEWSKI: Okay.

6 CHAIR: But the preference would be to have you
7 answer questions if you can.

8 MR. KOWALEWSKI: I'd rather just give the written
9 statement, read it, if that's okay?

10 CHAIR: Mr. Baker?

11 MR. BAKER: I'm comfortable with that.

12 CHAIR: Since you're going to read from a written
13 statement, I would sugg, I would have you show Mr. Vettori the
14 written statement prior to reading it. And Mr. McCann as well,
15 not to exclude you.

16 MR. MCCANN: That's all right.

17 MR. VETTORI: I would, again, continue the same
18 objection. I think there's a number of statements about a
19 number of accidents and things I've got no evidence whatsoever
20 to support that there ever has been an accident there. I'm
21 assuming there probably has, I think it's safe to say, but, you
22 know, the degree to which his characterization is, that it's
23 very dangerous there, you know.

24 CHAIR: Well, those are opinions you certainly can
25 explore on cross examination.

1 MR. VETTORI: Sure.

2 CHAIR: With that in mind, this will be 711 Exhibit
3 4, correct?

4 MR. BAKER: Yes.

5 CHAIR: The statement of Mr. Kowalewski?

6 MR. KOWALEWSKI: Yes.

7 BOARD: I hate to do this, but would you mind
8 spelling your last name again for me?

9 MR. KOWALEWSKI: K-O-W-A-L-E-W-S-K-I.

10 BOARD: Thank you.

11 CHAIR: And, one thing I should have asked too, is
12 what is your position?

13 MR. KOWALEWSKI: My position --

14 CHAIR: No, with 7-11?

15 MR. KOWALEWSKI: Just a customer.

16 CHAIR: You're just a customer. Okay. I thought you
17 were being called on behalf of 7-11.

18 MR. KOWALEWSKI: No, for numerous years I've been a
19 customer.

20 CHAIR: Okay. So, you're here in your personal
21 capacity, that is, individual?

22 MR. KOWALEWSKI: Yes.

23 CHAIR: All right.

24 MR. BAKER: Okay.

25 CHAIR: All right. So, if you wish to read your

1 written statement?

2 MR. KOWALEWSKI: Okay. Hi. My name is Dale
3 Kowalewski and I'm here today as a longtime resident, as a
4 citizen who is highly concerned on the fast food gas station
5 come to the intersection of Padonia and Deerco Roads. My wife
6 has worked at this intersection for approximately twenty years
7 and has watched from her office window numerous accidents with
8 serious outcomes. This intersection is highly traveled under
9 normal circumstances. But there's a little traffic accident or
10 backup on 695, this intersection backs up with great concern.
11 It also backs up to the standstill when the roads and close,
12 are closed due to funeral processions going to Dulaney Valley
13 when all first responders are buried. My wife has also found
14 herself involved in a minor auto bang up due to the volume of
15 traffic. The other concern with the hotel located here is the
16 foot traffic and people trying to dodge the high speed vehicles
17 coming from 83 north merging onto Padonia. Couple the above
18 scenarios with a new venue on this corner, the chaos that will
19 occur between cars, people and maneuverability into this
20 facility becomes a catastrophe waiting to happen. Facilities
21 have already occurred here, in fact, they've, fatalities. The
22 need for a food gas venue does not warrant another tragedy at
23 or for a company's bottom dollar. Please say no, no more
24 congestion to an already over congested intersection. Thank
25 you for your attention to this matter. A loss of limb or life

1 is not worth it. Think again and let your conscious be your
2 guide.

3 CHAIR: That's your statement, sir?

4 MR. KOWALEWSKI: Yes.

5 CHAIR: Okay. Mr. Baker, any questions?

6 MR. BAKER: I have no questions.

7 CHAIR: Well, I guess, Mr. McCann?

8 MR. MCCANN: No questions, thank you.

9 CHAIR: Sorry. Mr. Vettori?

10 MR. VETTORI: No problem. I believe you said you
11 lived at Chestnut Woods Circle, is that correct?

12 MR. KOWALEWSKI: Correct.

13 MR. VETTORI: What was the street number?

14 MR. KOWALEWSKI: 2505.

15 CHAIR: Is that Court or Circle?

16 MR. KOWALEWSKI: Court.

17 MR. VETTORI: Court, sorry. And you said it was
18 Reisterstown, Maryland?

19 MR. KOWALEWSKI: Reisterstown, Maryland.

20 MR. VETTORI: And how close in proximity is this to
21 this intersection, your --

22 MR. KOWALEWSKI: About eight to ten miles.

23 MR. VETTORI: Eight to ten miles, you say?

24 MR. KOWALEWSKI: Yes.

25 MR. VETTORI: All right and where does your wife

1 work?

2 MR. KOWALEWSKI: At PayPal.

3 MR. VETTORI: She works at PayPal?

4 MR. KOWALEWSKI: She worked at PayPal until, until
5 Thanksgiving and they let her go.

6 MR. VETTORI: Okay and this foot traffic you speak
7 of.

8 MR. KOWALEWSKI: Yes.

9 MR. VETTORI: I believe you said it was people coming
10 83 south or 83 north?

11 MR. KOWALEWSKI: It was the --

12 MR. VETTORI: From 83 north, so I presume they're
13 heading south, is that correct?

14 MR. KOWALEWSKI: Yes.

15 MR. VETTORI: And does that come to a stop sign or --

16 MR. KOWALEWSKI: No, 83 north (inaudible) comes to a
17 stop sign. Or it goes to an intersection.

18 CHAIR: Mr. Kowalewski, if I can? Please let Mr.
19 Vettori finish his question before you start answering because,
20 number one, the transcript is taking down --

21 MR. KOWALEWSKI: Okay.

22 CHAIR: -- what is being said, or it will be reduced
23 to a transcript and it'll be hard when you jump in. Plus, you
24 need to know where, what the full question is before you
25 answer. So, if you don't mind repeating your question?

1 MR. VETTORI: Sure. As far --

2 CHAIR: Does it come to a full stop?

3 MR. VETTORI: Does it, do they come to a full stop at
4 Padonia Road coming off 83 or is it a roundabout?

5 MR. KOWALEWSKI: It's a stop light.

6 MR. VETTORI: It's a stop light, okay. So, then they
7 would, after they stop at the stop light, they would make a
8 left. Which, exactly, where are the pedestrians coming from
9 that you're concerned about from the direction --

10 MR. KOWALEWSKI: From the light rail.

11 MR. VETTORI: From the light rail?

12 MR. KOWALEWSKI: Yes. A lot of people are employed
13 in that area from the light rail, so they come off the light
14 rail and they walk in the direction of their jobs.

15 MR. VETTORI: But from 83 north heading south, isn't
16 the light rail to the east?

17 MR. KOWALEWSKI: No, it's off of 83.

18 MR. VETTORI: Isn't 83 to the west of the light rail?

19 MR. KOWALEWSKI: 83 is north and south.

20 MR. VETTORI: So, what jobs are they walking to on
21 the west side of 83?

22 MR. KOWALEWSKI: A place where I work at, the Mac, I
23 mean, ACAC. They work at the other places around there, the
24 Bob Evans and the Macaroni Bar and Grill, the other gyms,
25 there's a lot of low --

1 MR. VETTORI: Aren't those down Timonium Road?

2 MR. KOWALEWSKI: Timonium but --

3 MR. VETTORI: Near, I think it's further --

4 MR. KOWALEWSKI: Well, then you got, then you got the
5 hotel, you got Sam's Club, then you got Lowe's and a lot of
6 people work there also.

7 MR. VETTORI: I mean, those are all in different
8 directions so, I'm trying to find the exact --

9 MR. KOWALEWSKI: Well, that's crossing, that's
10 crossing, that's crossing Padonia Road.

11 CHAIR: Sir, --

12 MR. KOWALEWSKI: To get to those jobs.

13 MR. VETTORI: Okay.

14 CHAIR: I'm sorry. I thought your question was, what
15 is west of 83, was that --

16 MR. VETTORI: I mean, that's where you would come off
17 heading south on 83, correct? It goes to the right, correct?
18 It doesn't have a left exit?

19 MR. KOWALEWSKI: Let me see, going south on 83, no,
20 you take a left or right at the light.

21 MR. VETTORI: Okay. But the, off of 83 south, which
22 is three or four lanes, you would merge to the right from 83
23 for traffic?

24 MR. KOWALEWSKI: That's, that's 83 north.

25 MR. VETTORI: That's 83, I'm talking, you said here,

1 I see vehicles coming from 83 north. So, if you're coming from
2 83 north, you're presumably heading south. Are you, did you
3 mean to say coming from 83 south heading north?

4 MR. KOWALEWSKI: Yes.

5 MR. VETTORI: Okay.

6 MR. KOWALEWSKI: Yes.

7 MR. VETTORI: Well, then the cars coming there will
8 have to come out to, on Padonia Road to cross it.

9 MR. KOWALEWSKI: Yes, and that's where you have the
10 back-up --

11 MR. VETTORI: Okay.

12 MR. KOWALEWSKI: -- too and people have to wait like
13 three, four, five times just to get through that light to go,
14 go to, get off of Padonia Road.

15 MR. VETTORI: That's plenty, I apologize. Thank you
16 very much. No more questions.

17 CHAIR: Okay.

18 MR. BAKER: No questions.

19 MR. MCCANN: I have one. I'm just curious. The
20 light rail station is on Deerco Road?

21 MR. KOWALEWSKI: Timonium. No, I'm sorry, Deerco.

22 MR. MCCANN: So, so south, south of Padonia on, on
23 Deerco is where the light rail is?

24 MR. KOWALEWSKI: Yes.

25 MR. MCCANN: Okay and the people you're talking about

1 walking are coming from down on Deerco, onto businesses and
2 places (inaudible) --

3 MR. KOWALEWSKI: Right, they go both --

4 MR. MCCANN: -- on, on Padonia Road?

5 MR. KOWALEWSKI: They go in both directions to, to
6 their jobs, yes.

7 MR. MCCANN: And you said you work at ACAC?

8 MR. KOWALEWSKI: ECAC, that's the (inaudible) right
9 down the street.

10 MR. MCCANN: On Padonia?

11 MR. KOWALEWSKI: Timonium Road. It's, it's on the
12 corner of Timonium Road and whatever the other road is.

13 MR. MCCANN: Deerco? Deerco?

14 MR. KOWALEWSKI: Yeah, Deerco. Yes.

15 MR. MCCANN: Okay, thank you.

16 MR. VETTORI: How do you, one follow-up question.

17 CHAIR: Yeah.

18 MR. VETTORI: How do you get there from Reisterstown
19 to your job?

20 MR. KOWALEWSKI: Well, usually I take the backway.
21 In the morning, my wife, she goes to off of Broadway, she goes
22 the backway to PayPal but when she gets to PayPal at Padonia,
23 that light there, that divided intersection there, she has a,
24 when she comes up to the light, she has to cross over two lanes
25 to take a right at, at that intersection in order to go to

1 PayPal and that sometimes is a mess in the morning. It's hard
2 to do that and it's always --

3 CHAIR: Well, if we can dial back a second. Because
4 the question was directed to you as to how you get to ACAC.
5 Did you used to carpool with your wife?

6 MR. KOWALEWSKI: No, no, I usually, no, I go an hour
7 later but I, I go the same way in the morning.

8 MR. VETTORI: So, my understanding of Reisterstown,
9 there's probably back ways to go, but do you come 695 to 83?

10 MR. KOWALEWSKI: No, I live in Reisterstown but it's
11 more close to Hunt Valley or whatever like that, so I take the
12 backroads.

13 MR. VETTORI: Okay. So, then you would come from the
14 west side on Padonia Road at some point or do you come on
15 another road to get to, let's call it, McCormick, Beaver Dam,
16 Deerco?

17 MR. KOWALEWSKI: I usually take Falls Road then go
18 towards the backway to PayPal.. Falls Road, (inaudible).

19 MR. VETTORI: And I don't know the backway to PayPal,
20 I apologize, but do you, can you explain the backroad to PayPal
21 besides, where, where's Ivy Road and Falls Road if, if those of
22 us that don't understand?

23 MR. KOWALEWSKI: Let me see, you know where Oregon
24 Grille is, Oregon Ridge?

25 MR. VETTORI: I do.

1 MR. KOWALEWSKI: Well, further down the street where
2 (inaudible) house, up the hill, we live up the hill there, and
3 so, we could, sometimes we take that way or we go the back way.

4 MR. VETTORI: That's further west on Shawan out past
5 Oregon Grille and --

6 MR. KOWALEWSKI: Yes, yes.

7 MR. VETTORI: Okay, all right. I have no more
8 questions.

9 MR. MCCANN: Nothing.

10 CHAIR: Thank you very much, sir.

11 BOARD: Just the (inaudible) of the exhibit.

12 MR. KOWALEWSKI: Say that again?

13 BOARD: I just need the exhibit.

14 MR. KOWALEWSKI: Yes.

15 BOARD: Two copies, actually.

16 CHAIR: And any objection, other than what was said
17 before, Mr. Vettori?

18 MR. VETTORI: Nothing further on that.

19 CHAIR: Okay. So, it will be admitted understanding
20 that there was that continuing objection to the written
21 statement. Mr. Baker?

22 MR. BAKER: We'd like to call Devon Hahn.

23 CHAIR: Sorry?

24 MR. BAKER: We'd like to call Devon Hahn as our next
25 witness.

1 CHAIR: Okay.

2 BOARD: Do you swear and affirm under the penalties
3 of perjury, that the testimony you're about to give is true and
4 correct to the best of your knowledge and belief?

5 MS. HAHN: I do.

6 BOARD: Would you please state your name and address
7 for the record and spell them for me.

8 MS. HAHN: My name is Devon, D-E-V-O-N, last name
9 Hahn, H-A-H-N. And my business address is 7005 Samuel Morris
10 Drive, and that's in Columbia, Maryland 21046.

11 CHAIR: You may have a seat. I should ask Mr. Baker,
12 in what capacity is Ms. Hahn appearing? Is she here on behalf
13 of any company or here individually?

14 MR. BAKER: She is here on behalf of her company.

15 CHAIR: All right. What is your company name?

16 MS. HAHN: Sabra & Associates.

17 CHAIR: Sorry?

18 MS. HAHN: Sabra & Associates.

19 CHAIR: Sabra.

20 BOARD: S-A-B-R-A?

21 MS. HAHN: Yes, ma'am.

22 CHAIR: And what is your position at Sabra &
23 Associates?

24 MS. HAHN: Senior Transportation Engineer.

25 CHAIR: All right. Now it's starting to click as to

1 what's going on.

2 MR. BAKER: Can you describe your, your duties at
3 Sabra?

4 MS. HAHN: Yes. I perform a variety of
5 transportation traffic engineering duties from intersection
6 safety studies to traffic impact study reviews, primarily
7 working with State Highway Administrations, District 3, which
8 is Montgomery County and Prince George's, as well as District
9 7, which is Frederick County, Howard County and Carroll County,
10 performing a variety of reviews, anything that gets submitted
11 to those offices.

12 MR. BAKER: And how long have you been with Sabra?

13 MS. HAHN: I have been with Sabra about two and a
14 half years now.

15 MR. BAKER: Okay and where were you before that?

16 MS. HAHN: Before that, I was with the City of
17 Frederick as their traffic engineer for nine years.

18 MR. BAKER: Okay and anywhere before that?

19 MS. HAHN: And before that I was with Whitman
20 Requardt & Associates in Baltimore.

21 CHAIR: Sorry, what was that?

22 MS. HAHN: Whitman Requardt & Associates and then,
23 let's see, before that I did transportation studies at the
24 University of Virginia with their smart travel lab. And before
25 that, I was with Wilbur Smith & Associates in Richmond and with

1 A.S. Consulting, which is a land development firm in
2 Williamsburg, Virginia.

3 CHAIR: You have a c.v. for Ms. Hahn?

4 MR. BAKER: I certainly do and she's got a very good
5 handle on her own c.v.

6 CHAIR: It sounds that way.

7 MR. BAKER: We'd like to submit this as Protestant,
8 or 7-11 Exhibit 5.

9 CHAIR: Five, is it?

10 BOARD: Yes.

11 MR. BAKER: Can you briefly describe your educational
12 background?

13 MS. HAHN: I have a Bachelor's of Science from the
14 University of Virginia. I also have my Professional
15 Engineering license.

16 MR. BAKER: Okay. Do you have any other special
17 licenses or certifications?

18 MS. HAHN: No.

19 MR. BAKER: Okay. I would ask that Ms. Hahn be
20 accepted as an expert in the field of traffic engineering.

21 CHAIR: Traffic engineering?

22 MR. BAKER: Yes.

23 CHAIR: I assume, Mr. McCann, you have no comment to,
24 --

25 MR. MCCANN: No, no voir dire, thank you.

1 CHAIR: No.

2 MR. VETTORI: I just, very quickly. Have you ever
3 reviewed a, or submitted a traffic study in Baltimore County,
4 traffic --

5 MS. HAHN: No, I have not.

6 MR. VETTORI: Okay. I have no further questions.

7 CHAIR: Any objection to the area in which she is
8 tendered as an expert?

9 MR. VETTORI: Nope, I have no problem with her being
10 accepted as a traffic engineer.

11 CHAIR: Sorry?

12 MR. VETTORI: She's being accepted as a traffic
13 engineer, right?

14 MR. BAKER: Correct.

15 MR. VETTORI: I have no objection to that.

16 CHAIR: She will be accepted as a traffic engineer as
17 offered.

18 MR. BAKER: Thank you.

19 CHAIR: And with respect to 7-11 exhibit number five,
20 any objection?

21 MR. VETTORI: I have no objection.

22 CHAIR: So admitted.

23 MR. BAKER: Are you familiar with the location and
24 the proposed development of the Sheetz?

25 MS. HAHN: Yes, I am.

1 MR. BAKER: Okay. Have you visited the site?

2 MS. HAHN: Yes, I have.

3 MR. BAKER: Most recently, when were you there?

4 MS. HAHN: This morning.

5 MR. BAKER: Are you familiar with the zoning relief
6 that's being requested?

7 MS. HAHN: Yes.

8 MR. BAKER: Okay. You're familiar with Sections
9 253.2-B, 502.1, Section 405 of the Baltimore County zoning
10 regulations?

11 MS. HAHN: Yes.

12 MR. BAKER: Okay and you heard the testimony of the
13 other witnesses that appeared before this Board both today and
14 the other week?

15 MS. HAHN: Yes, I have.

16 MR. BAKER: Okay. Have you had an opportunity to
17 review traffic impact analysis which was prepared by Century,
18 both the original and the amended copies?

19 MS. HAHN: Yes, I have.

20 MR. BAKER: Okay and do you have a copy with you? If
21 not, I can provide you with one.

22 MS. HAHN: I have the current.

23 MR. BAKER: Okay. Okay, and that's what I'm going to
24 stick with. I'm not going to ask any questions about the
25 original, which was submitted in 2018. And for the record,

1 we're --

2 CHAIR: Thirty-five, Petitioner's Exhibit 35 is what
3 she has in front of her.

4 MR. BAKER: Yes, thank you very much. Yes. Are
5 there aspects of this traffic impact analysis that you find are
6 problematic or questionable, objectionable?

7 MS. HAHN: Yes.

8 MR. BAKER: Okay and, and what are those areas of the
9 traffic impact analysis?

10 MS. HAHN: A couple of --

11 MR. VETTORI: Quick, can I make a quick objection
12 again? I think the traffic impact studies have been approved
13 by the County and by the State and it's kind of like an F rated
14 intersection designation (inaudible) deemed approved by the
15 authority that does it, but by all means.

16 CHAIR: So, let me, I, as I understand it, she's
17 providing a critique of the revised traffic impact study done
18 by Ms. Kosino?

19 MR. BAKER: Yes.

20 CHAIR: And your objection?

21 MR. VETTORI: And my objection is just that, you
22 know, as far as, the, the County and the State have both
23 approved it, so it fits the criteria, but it's more of an
24 argument then it is an objection.

25 CHAIR: Okay. So, I understand then are you

1 withdrawing the objection?

2 MR. VETTORI: I'm withdrawing the objection.

3 CHAIR: Okay, that makes that easier. Anyway. Do
4 you remember the, do you remember the question now?

5 MS. HAHN: Yes.

6 MR. BAKER: I, I can ask it again.

7 CHAIR: Okay.

8 MR. BAKER: Are there aspects of the revised traffic
9 impact analysis that you find are questionable?

10 MS. HAHN: Yes.

11 MR. BAKER: And what are those?

12 MS. HAHN: There are a few points, including the fact
13 that we had no trips coming or going to Interstate 83. And
14 given the property's proximity to the interstate, that was
15 surprising. The traffic impact study also showed in their
16 appendix, I think as Ms. Kosino explained, there was a synchro
17 analysis and a sim traffic analysis and the results indicated
18 some cuing from, on Padonia Road, the east bound left in
19 particular from, from Beaver Dam back to the I-83 intersection,
20 which is a, usually it's typically a safe, it's both
21 operational and safety concern from a traffic engineering
22 perspective. And then the only other --

23 CHAIR: If I, if I could just slow you down.

24 MS. HAHN: Okay, sure.

25 CHAIR: Just so I, because I want, we need to

1 understand what the particular critiques are.

2 MS. HAHN: Okay.

3 CHAIR: So, we under, I heard you say that, now you
4 were surprised because of its proximity, that there were no
5 trips coming and going to I-83. That was the first issue you
6 raised. Now, what about that in particular, what's the
7 significance of that absence to you?

8 MS. HAHN: That tells me then that we probably
9 weren't fully analyzing the spec, well, both the I-83
10 intersections at Padonia Road, as well as Padonia Road at
11 Beaver Dam and Deerco Road, with the volumes on the correct
12 approaches, which can lead to operational issues there at the
13 intersection.

14 CHAIR: Do I, can I extrapolate from that testimony
15 that your, your, you seem to be suggesting that, assuming their
16 absence, that if they were factored in, you may have a
17 different determination or different conclusions or, or
18 calculations?

19 MS. HAHN: Correct.

20 CHAIR: All right. As to the second one, you
21 referred to the synchro analysis and you said, you referred to
22 cuing back to 83, which presents operational and safety
23 concerns?

24 MS. HAHN: Yes.

25 CHAIR: Can you expand on that?

1 MS. HAHN: Sure. Specifically, we're looking at the
2 east bound left turn movement on Padonia, turning onto, turning
3 north onto Beaver Dam Road. Again, that's, also that's assumed
4 where a lot of that 83 traffic that's missing, would be losing
5 that movement. So, if that movement is already extending back
6 into the upstream intersection up by 83, will just be
7 exacerbating that condition and then we'll have potentially,
8 could have safety issues at the I-83 off ramp there.

9 CHAIR: When you say issues, you're referring to?

10 MS. HAHN: Safety.

11 CHAIR: And how are those safety issues, how do they
12 manifest themselves or how could they manifest themselves, like
13 what is the safety concerns of the stacking and, are there like
14 --

15 BOARD: Yeah, I would like to know, what is the, what
16 are the safety concerns, yeah.

17 CHAIR: Yeah.

18 MS. HAHN: Well, when you have cues that are sitting
19 at an intersection and you have, say the light turns green for
20 the cross movement, now they're trying to either weave between
21 cars or they're not able to turn at all and so, you just put
22 people, you're increasing the odds of two paths, the vehicular
23 paths are crossing.

24 BOARD: (inaudible).

25 CHAIR: You're, yeah, increasing conflict?

1 MS. HAHN: Correct, which could lead to an increase
2 in crashes.

3 CHAIR: Okay. Sorry, Mr. Baker. You were about to
4 get to a third point before I stopped you. Just to, put the,
5 hit the reset button on all that.

6 MR. BAKER: Thank you. In, in light of those issues,
7 might the impact of the proposed Sheetz be viewed differently?

8 MS. HAHN: Can you rephrase that?

9 MR. BAKER: Sure, sure. If, if the traffic impact
10 analysis had taken those two pieces which we just discussed
11 into account, might the impact that the proposed use is going
12 to have on the area, as far as, we're speaking strictly about
13 traffic, might that be different?

14 MS. HAHN: I think it may have changed the results of
15 the study.

16 MR. BAKER: Okay, okay. Are you familiar with
17 Maryland case law and the applicable standards in Baltimore
18 County for granting special exceptions?

19 MS. HAHN: I have reviewed the documents.

20 MR. BAKER: Okay, all right. And I'm looking
21 specifically with regard to the 502.1 requirements found in the
22 zoning regulations. Do you have an opinion as to whether the
23 proposed fuel service station will create congestion in the
24 roads, streets or alleys in the area?

25 MS. HAHN: I do.

1 MR. BAKER: Okay and what is your opinion?

2 MS. HAHN: I do have some concerns, as I mentioned
3 before, about the cuing. I also think that you're going to
4 have more U-turns at the intersection, trying to access the
5 site. I think we also, I also looked at the location of this
6 property, being near some industrial uses, we anticipate
7 heavier truck traffic. At the time when I was looking at it,
8 because of the industrial nature, I was assuming that trucks
9 would be accessing the site and so, we did look at the trucks
10 turning in and out and there was some concern because for any
11 larger vehicle to make a turn into, either off of Beaver Dam
12 into the site or from Padonia, they have to cross into another
13 lane in order to make the wide turn, or risk striking curbs.

14 CHAIR: So, the truck traffic you're referring to is
15 truck traffic to go into the, into the site?

16 MS. HAHN: Correct.

17 CHAIR: And the trucks you're referring to are, I
18 guess, more commercial or --

19 MS. HAHN: I believe we looked at it both for a, I
20 know we looked at it for the larger WB40 trucks, I think also
21 the single unit trucks, which is box trucks --

22 MR. BAKER: I've, I've got some exhibits which would
23 speak to this, so.

24 CHAIR: Oh, okay. That would --

25 MR. BAKER: I'll cut to the chase and I'll, I'll

1 introduce these, I've got three of them as 7-11 Exhibits 6, 7
2 (inaudible).

3 CHAIR: And this is six, seven, --

4 MR. BAKER: (inaudible).

5 CHAIR: Got it, thank you.

6 MR. BAKER: Thank you.

7 BOARD: I'm sorry, these two look exactly alike.

8 BOARD: (inaudible).

9 MR. BAKER: They're different size trucks if you look
10 at the lower right hand corner of the exhibit, it's a different
11 size truck.

12 BOARD: Got it.

13 CHAIR: Okay.

14 MR. BAKER: They do look very similar.

15 CHAIR: Right, it's like one of those pictures like,
16 you know, find the differences.

17 MR. BAKER: Find the difference, exactly.

18 BOARD: I failed the test.

19 CHAIR: If it makes you feel better, you weren't
20 alone. Sorry, are you waiting for me? Are you ready?

21 BOARD: I'm ready.

22 CHAIR: Okay, sorry.

23 MR. BAKER: I, I'm turning to Exhibit 6, which is the
24 proposed Sheetz entrance on West Padonia Road. Do you need a
25 copy?

1 CHAIR: Let's do this. For exhibit, 7-11 Exhibit 6,
2 have you seen this document before?

3 MS. HAHN: Yes.

4 CHAIR: And how did you come to see this before?

5 MS. HAHN: My office prepared it.

6 CHAIR: Were you involved in the preparation of this?

7 MS. HAHN: Yes.

8 MR. BAKER: Great. Thank you very much. Can you
9 please describe what this exhibit shows? And I'm, again, we're
10 looking at Exhibit 6.

11 MS. HAHN: Yes, Exhibit 6 is the State Highway
12 Administration's standard for commercial right in, right out
13 entrances.

14 MR. BAKER: And specifically, with regard to the
15 proposed Sheetz, how does this exhibit apply?

16 MS. HAHN: It would show the required width of the
17 driveway heading both in and out. It currently shows a twenty
18 foot width and I believe that the design plans show a, I don't
19 recall the exact number, but I believe it is less than twenty
20 feet.

21 MR. BAKER: Okay and how might this be important with
22 regard to the proposed use?

23 MS. HAHN: Well, this is what State Highway considers
24 to be safe for vehicles turning in and out of a commercial
25 property.

1 MR. BAKER: Sure. So, if a commercial property has
2 an, an entrance, exit with, that is less than twenty feet or
3 even say seventeen or twenty feet and it does not meet the
4 standards?

5 MS. HAHN: Correct.

6 MR. BAKER: Okay. Are there safety concerns with
7 having an entrance that does not meet the standard?

8 MS. HAHN: The safety concern is that either people
9 have to possibly turn into the other travel lane on the roadway
10 to make a wide, to make the path wider, and to make the turn or
11 they could potentially strike the curb, either curb, heading
12 into the right in, right out.

13 MR. BAKER: Okay and particularly for larger vehicles
14 it might be problematic to access or exit the site?

15 MS. HAHN: Correct, yes. As I mentioned, they will
16 probably travel into the other, the other thru lane and they
17 also make the turn much slower so, again, it just creates a lot
18 of friction on the main road.

19 MR. BAKER: Okay. Thank you. Looking at Exhibit 7,
20 which is the SU30 truck, if you look at the lower right hand
21 corner.

22 MS. HAHN: Right.

23 MR. BAKER: Can, can you explain what this exhibit
24 shows?

25 CHAIR: Just so it's clear, we're, when you say SU-

1 30, that's actually written in the key --

2 MR. BAKER: Correct.

3 CHAIR: -- it says SU-30.

4 MR. BAKER: Yes. And, and I guess for the record,
5 what, what does SU-30 mean, what --

6 MS. HAHN: It's a single unit that's thirty feet
7 long.

8 MR. BAKER: Okay.

9 CHAIR: Ah, thank you.

10 MS. HAHN: So, a lot of times we refer to them,
11 they're, it's a box truck.

12 MR. BAKER: And, if you can, can you explain what
13 this exhibit shows?

14 MS. HAHN: Well, unfortunately, the background, I
15 don't know how yours looks, mine, the background didn't show up
16 well, but what it, what it would have shown was that the, as
17 the truck is turning in, that it's either striking or getting
18 very close to the existing, or what we call pork chop island,
19 that right in, right out off of Beaver Dam. And what it shows
20 on Padonia is that the vehicle has to swing in, almost into
21 the, where a vehicle waiting to come out of Sheetz would be
22 sitting. And so, either the single unit is going to strike the
23 vehicle, which hopefully won't happen, most likely they will
24 have to wait for that vehicle to exit to be able to turn in,
25 which then leaves them sitting on a main road (inaudible).

1 MR. BAKER: And what's the, what's the purpose of
2 showing the turning radius for this particular type of vehicle?
3 Why is it important?

4 MS. HAHN: This is a fairly standard service vehicle
5 and we'd expect that service vehicles would decide, they will
6 certainly be bringing items to Sheetz, but they will also
7 probably be looking to fill up and they'll be traveling through
8 the area, just like everybody else.

9 MR. BAKER: Turning to Exhibit 8, again, just for
10 background purposes, it shows a WB-40. Can you explain what a
11 WB-40 is?

12 MS. HAHN: A WB-40 is one of the, actually one of the
13 smaller tract, more of your average tractor trailer and it is a
14 total of forty feet long, that's the WB-40. So, --

15 BOARD: What does the WB stand for?

16 MS. HAHN: I'm not sure.

17 BOARD: Okay.

18 MS. HAHN: Sorry.

19 BOARD: No worries.

20 CHAIR: Warner Brothers.

21 BOARD: Warner Brothers, thank you.

22 BOARD: How about wheelbase?

23 CHAIR: Wheelbase, I like that. Better than Warner
24 Brothers.

25 BOARD: What did you say, wheelbase? Thank you.

1 BOARD: I'm going to guess.

2 MR. BAKER: Similar to Exhibit 7, can you explain
3 what this exhibit shows?

4 MS. HAHN: Sure. In this one, shows, highlights on
5 Beaver Dam Road, you can see the truck kind of making almost an
6 S maneuver trying to get into the site and that's the truck
7 swinging into the adjacent travel lane to then be able to make
8 the tight turn. It would also show it striking the pork chop
9 island there. And again, on Padonia Road, it is taking up the
10 entire width of the access point. So, again, if there is any
11 vehicle waiting to exit Sheetz, the truck will not be able to
12 turn into the property until that vehicle is moved.

13 MR. BAKER: Okay and for a WB-40 truck, would it, I
14 guess, is this typically the standard size you would see for a
15 fuel delivery vehicle?

16 MS. HAHN: Yes.

17 MR. BAKER: Okay and maybe even delivering goods to
18 the convenience store?

19 MS. HAHN: Correct.

20 MR. BAKER: Okay, okay. Now, with all these exhibits
21 in mind, six, seven and eight, do you have an opinion as to
22 whether the proposed use will have an impact greater than you
23 would typically expect at this location?

24 MS. HAHN: Yes.

25 MR. BAKER: Okay and what is that opinion?

1 MS. HAHN: I, I think that given its location and the
2 type of use, that you are more likely to see trucks trying to
3 use a fuel station. So, I do think that this, what these
4 exhibits show, I think will occur at this site.

5 MR. BAKER: Okay and do you have an opinion as to
6 whether the proposed fuel service station will be detrimental
7 for the health, safety and general welfare of the locality
8 involved?

9 MS. HAHN: I do.

10 MR. BAKER: And what is your opinion?

11 MS. HAHN: I do have concerns from the intersection
12 safety we talked about before, with the cuing and operations,
13 as well as the truck. We also took a look at crash history,
14 specifically at the Padonia Road, Beaver Dam Road, Deerco
15 intersection and we found that it averages about twenty crashes
16 a year, with probably about thirteen percent of those being
17 that east bound left turn movement. So, I think there is a
18 concern there for additional traffic leading to potentially
19 additional crashes with no improvements to that intersection.

20 MR. BAKER: I have no further questions.

21 CHAIR: I assume you're going to move for admission
22 of six, seven and eight?

23 MR. BAKER: Yes, please. Thank you.

24 CHAIR: I assume, Mr. McCann, you have no objection?

25 MR. MCCANN: No objection, thank you.

1 MR. VETTORI: I have no objection.

2 CHAIR: No?

3 MR. VETTORI: No objection.

4 CHAIR: All right. So, six, seven and eight will be
5 admitted. Mr. McCann, do you have questions?

6 MR. MCCANN: I do not, thank you.

7 CHAIR: So, oh, sorry. You know, before we move on,
8 thank you. So, earlier, you were identifying or itemizing the
9 particular critiques you had of the revised traffic study,
10 Petitioner's Exhibit 35. You listed two and then I interrupted
11 to slow it down just to make sure they were understood, the
12 first two. And it sounded like you were getting to a third
13 point?

14 MS. HAHN: I think my third point we've kind of
15 already gone over. It was more of the fact that the, in the
16 appendix, they were referencing an outdated basic services map.

17 CHAIR: Oh, so, --

18 MS. HAHN: (inaudible) took that off because I think
19 we've been over that a number of times.

20 CHAIR: Right. Very well. I don't think we need to
21 cover that ground anew. But, very well. All right. Mr.
22 Vettori then?

23 MR. VETTORI: All right. I think you had mentioned,
24 there were some conflicts I think you, I don't know if it got
25 mentioned in the record, but I think you were referencing page

1 seventeen of the traffic impact study, revised traffic impact
2 study. Do you, are you looking at the revised traffic impact
3 study, the March 26th, 2019 or --

4 MS. HAHN: I do have it.

5 MR. VETTORI: I don't know if you've got the
6 Petitioner's exhibit number and that's going to help you, but.

7 MS. HAHN: No, I, you're talking about the March 2019
8 study?

9 MR. VETTORI: Correct and that's Petitioner's Exhibit
10 35.

11 MS. HAHN: Okay.

12 MR. VETTORI: If you could turn to page seventeen.

13 MS. HAHN: Okay.

14 MR. VETTORI: And it lists the number of
15 intersections. I think you were talking about --

16 CHAIR: Well, let's make sure she gets to seventeen
17 first.

18 MR. VETTORI: Are you on page --

19 MS. HAHN: I'm there, yes.

20 CHAIR: All right.

21 MR. VETTORI: Thanks. It lists a number of
22 intersections in the left, far left column of the page.

23 MS. HAHN: Um hm.

24 MR. VETTORI: And then it talks about available
25 storage. Can you explain what available storage means?

1 MS. HAHN: Typically, somebody would write how much
2 room we have from where the turn lane starts to where it ends.

3 MR. VETTORI: And the particular intersection you
4 were talking about was, was it Padonia Road, Deerco, Beaver
5 Dam?

6 MS. HAHN: Um hm, yes.

7 MR. VETTORI: Okay and you were talking specifically
8 about east bound lane, west bound lane, what, what was the
9 lane?

10 MS. HAHN: East bound left turn.

11 MR. VETTORI: East bound left, so that's the first
12 one, where it, the available storage is five fifty, is that
13 correct?

14 MS. HAHN: Correct.

15 MR. VETTORI: And the existing, in the a.m. and the
16 p.m. of east bound lane cuing, is that cuing, is that what it
17 is in the existing column for a.m., p.m.?

18 MS. HAHN: I assume the, the exhibit is not listed,
19 is not labeled as, so, it would be my assumption if --

20 MR. VETTORI: Well, if it's across --

21 MS. HAHN: -- it's --

22 MR. VETTORI: -- in that row, let's refer to up and
23 down as columns and east and west as, or left and right as
24 rows. In the intersection column, we're going to the Padonia
25 Road, Deerco Road and Beaver Dam Road row, I guess, of that

1 column. And then, specifically, we're going to the next
2 column, which is blank, but I think what is meant there is
3 these are the different turn directions at that intersection.
4 You were referencing the east bound lane.

5 MS. HAHN: Um hm.

6 MR. VETTORI: I believe you found left, and I believe
7 EB, I'm asking you, is EBL east bound left?

8 MS. HAHN: Yes, that would be your east bound left.

9 MR. VETTORI: Okay and the available storage on that
10 is five fifty, does, is that accurate?

11 MS. HAHN: Correct.

12 MR. VETTORI: Okay and the existing cuing, I believe,
13 in the column has an a.m. and a p.m. for existing cuing.
14 There's a column for background cuing a.m., p.m. and a column
15 for total projected a.m., p.m., is that correct?

16 MS. HAHN: Correct.

17 MR. VETTORI: So, under the existing cuing for the
18 east bound lane, it looks like this traffic impact study that
19 we're referencing dated March 2019 indicates in the a.m.
20 there's three hundred and twelve cuing cars, or what have you,
21 and then there's two hundred and sixty-one in the p.m. Is that
22 your understanding?

23 MS. HAHN: Correct.

24 MR. VETTORI: Okay, which is less than five fifty?

25 CHAIR: Hold on, hold on. We're talking about

1 different things, because I believe, Ms. Hahn, did you just say
2 that the three hundred twelve and two hundred sixty-one refer
3 to feet?

4 MS. HAHN: Correct.

5 CHAIR: Not vehicles.

6 MR. VETTORI: Okay. So, that's feet, five hundred
7 and fifty-one feet of cuing, sorry. Okay and then, all right.
8 So, the cuing is five hundred and fifty feet available storage
9 and right now it's at three hundred twelve feet, two hundred
10 and sixty-one feet in a.m. and p.m. existing, correct?

11 MS. HAHN: That is what this exhibit shows.

12 MR. VETTORI: That's correct. And the background has
13 two ninety-nine and two eighty-eight, as shown in this exhibit?

14 MS. HAHN: In, again, in this exhibit, yes.

15 MR. VETTORI: Okay and the total projected is only
16 going to be two ninety-five and two eighty-seven?

17 MS. HAHN: According to this exhibit.

18 MR. VETTORI: According to the exhibit, okay. As far
19 as your testimony, I think you testified that a special
20 exception to be approved here would need to, that this proposed
21 use would generate a lot of additional traffic and I think from
22 83 was even included in that, is that correct?

23 MS. HAHN: Correct.

24 MR. VETTORI: I think, I don't know if you said a
25 lot, you said more traffic, correct?

1 MS. HAHN: Correct.

2 MR. VETTORI: Can you quantify how much more traffic
3 you're thinking 83 would produce?

4 MS. HAHN: I don't have an exact number, no.

5 MR. VETTORI: You just think it's more than what's
6 shown in the TIS?

7 MS. HAHN: Yes, more than --

8 MR. VETTORI: Can you point out that how much is
9 shown, if any, in the TIS?

10 MS. HAHN: So, on page eleven, which again, is, it's
11 not labeled as such, but page ten is. Exhibit 7 shows the
12 projected new trips generated. And currently it shows four
13 morning trips and three evening trips, making that east bound
14 left, shows only five percent coming from Padonia to the west.

15 MR. VETTORI: And what do you base that opinion upon,
16 that there would be more traffic from the intersection?

17 MS. HAHN: Because existing traffic shows the
18 majority is already on Padonia. So, if you go back to the, I
19 believe, Exhibit 3, which is on page five, which has all of the
20 existing counts that were done for the study, it shows about
21 forty-five percent of the morning trips through that
22 intersection and thirty-four percent of the evening trips come
23 from the west.

24 MR. VETTORI: Can you explain why the County or the
25 State, what, is there a document that requires additional

1 traffic to come from there or any counts that you can point to
2 that the State or the County should have utilized?

3 MS. HAHN: I don't know.

4 MR. VETTORI: You just think there should be more?

5 MS. HAHN: Correct.

6 MR. VETTORI: Okay.

7 CHAIR: Hold on, just to be, I need to make sure I
8 understood that. What is your opinion as to what more is
9 needed?

10 MS. HAHN: I don't have an exact number. I know that
11 currently today at that intersection, about forty-five percent
12 of the morning traffic and thirty-four percent of the evening
13 traffic come from the west on Padonia Road.

14 CHAIR: So, forty-five percent of the morning traffic
15 and how much of the --

16 MS. HAHN: Thirty-four percent.

17 CHAIR: Thirty-four of the evening traffic come from?

18 MS. HAHN: From the west.

19 CHAIR: West, okay.

20 MS. HAHN: And the study assumed five percent and it
21 shows no trips from Interstate 83.

22 MR. VETTORI: And again, what was your opinion that
23 it's thirty or thirty-five percent as opposed to five percent,
24 based --

25 MR. MCCANN: Forty-five and thirty-four.

1 MR. VETTORI: Forty-five and thirty-four? Thank you.

2 MS. HAHN: Based on the calculations from Exhibit 3,
3 figuring out the percentage of vehicles on each approach.

4 MR. VETTORI: All right. As far as the designation
5 that Mr. McCann marked as exhibits, as DGG Markets Protestant's
6 exhibit number two, which is the land use designation as 960
7 for a super convenience market gas station. (inaudible). I'm
8 just going to show you my copy. I'll get it back from him
9 instead of making you grab one of the other ones. Is there
10 anything about this for, for purposes of considering the impact
11 of the proposed Sheetz here, that would generally, are there
12 any other stores besides Sheetz that would fall under this
13 categorization? Is there --

14 MS. HAHN: I mean, there are other brands, is that
15 what you mean?

16 MR. VETTORI: Like Wawa or Royal Farm or something
17 else, they would all be characterized as this kind of use,
18 correct?

19 MS. HAHN: Depending on their size, yes.

20 MR. VETTORI: Okay and is there something specific
21 about the proposed Sheetz that you think in any way impacts the
22 approval of the special exception?

23 MS. HAHN: Again, just like I mentioned, just the
24 access and the lack of volumes, and just concern about
25 intersection safety and vehicles on Padonia Road.

1 MR. VETTORI: Okay and as far as the designations, I
2 think, in Petitioner's Exhibits, specifically in 6, I think, 7
3 and 8 involve movements, but 6, it indicates that this is, this
4 is a State Highway requirement?

5 MS. HAHN: It is from State Highway, correct.

6 MR. VETTORI: Okay and is it your understanding that
7 Beaver Dam Road and Padonia, or Beav, or Padonia Road are State
8 roads?

9 MS. HAHN: No, they are not.

10 MR. VETTORI: They are County roads?

11 MS. HAHN: Correct.

12 MR. VETTORI: Okay. I think that's, that's all the
13 questions I have.

14 CHAIR: Mr. Baker?

15 MR. BAKER: I have no questions on re-direct.

16 CHAIR: Mr. McCann, you look like you're ready to
17 jump.

18 MR. MCCANN: Yeah, I do. Again, I probably shouldn't
19 but I will anyway.

20 CHAIR: Go for it.

21 MR. MCCANN: Ms. Hahn, on that Exhibit 3, existing
22 traffic volumes, you indicated that --

23 CHAIR: Hold on, Exhibit 3 of Petitioner's Exhibit
24 35.

25 MR. MCCANN: Correct. Exhibit 3 to the traffic

1 impact study, which is Petitioner's Exhibit 35, it looks like
2 you did a little bit of math using the numbers in this Exhibit
3 3 and determined that forty-five percent of the traffic was, in
4 the a.m., was coming from the west and thirty-four percent in
5 the p.m. was coming from the west, right?

6 MS. HAHN: Correct.

7 MR. MCCANN: Did you, did you make a similar
8 calculation for traffic coming from the east, did you do those
9 numbers?

10 MS. HAHN: Yes.

11 MR. MCCANN: What are those numbers?

12 MS. HAHN: For the east I found thirty-four percent
13 on Padonia Road in the morning.

14 MR. MCCANN: Okay, um hm.

15 MS. HAHN: And thirty percent during the evening
16 peak.

17 MR. MCCANN: So, in other words, just to take an
18 example, for the a.m. peak hour, combining east and west bound
19 traffic, seventy-nine percent of the traffic going by this site
20 is either coming from the east or the west, is that --

21 CHAIR: It is an east west road.

22 MR. MCCANN: Yes.

23 CHAIR: Right.

24 MR. MCCANN: I just added up those two numbers, does
25 that sound about right?

1 MS. HAHN: Correct.

2 MR. MCCANN: Okay. Okay and that was it. Thank you.

3 CHAIR: Okay. Anything else?

4 MR. VETTORI: I have no further questions for
5 (inaudible).

6 MR. BAKER: Nothing else.

7 CHAIR: Thank you very much.

8 MR. BAKER: We don't intend to call anymore
9 witnesses.

10 CHAIR: All right. I, I do see Mr. Jakubiak is here,
11 so I, I'm assuming that he's not just been hanging around
12 having fun.

13 MR. BAKER: He, he came to (inaudible).

14 MR. MCCANN: He's, he's loitering.

15 CHAIR: He's loitering? Right, keeping a low profile
16 in here.

17 MR. MCCANN: Yeah.

18 CHAIR: Needs the air conditioning, whatever the case
19 may be. Mr. McCann, I'm assuming you're calling Mr. Jakubiak.

20 MR. MCCANN: He is our witness, thank you.

21 CHAIR: That's your cue, yes.

22 BOARD: Mr. Jakubiak, do you swear and affirm under
23 the penalties of perjury, that the testimony you're about to
24 give is true and correct to the best of your knowledge and
25 belief?

1 MR. JAKUBIAK: Yes, yes, I do.

2 BOARD: Please state your name and address and spell
3 your name for us, please.

4 MR. JAKUBIAK: Christopher Jakubiak, J-A-K-U-B-I-A-K,
5 Jakubiak & Associates, Incorporated at 115 Yorkly Road, Towson
6 21204.

7 CHAIR: And what is your position at Jakubiak &
8 Associates, while I have a suspicion?

9 MR. JAKUBIAK: I'm the President of the firm.

10 CHAIR: All right. Mr. McCann?

11 MR. MCCANN: Thank you. Mr. Jakubiak, what does
12 Jakubiak & Associates do? What business is it in?

13 MR. JAKUBIAK: We're in the business of town
14 planning, urban planning, we're a consulting firm.

15 MR. MCCANN: Okay. Who do you consult for and on
16 what type of matters, generally speaking?

17 MR. JAKUBIAK: Generally speaking, I consult for or
18 with municipalities in Maryland and Counties.

19 MR. MCCANN: Okay and on what type of matters?

20 MR. JAKUBIAK: All matters related to planning and
21 zoning, including master planning, comprehensive plans, smaller
22 sub area plans, I write zoning ordinances and retained often to
23 draft a zoning code to revise, resolve issues, development
24 problems and I also provide zoning administrator services for a
25 number of municipalities so, I'm in a position to review and

1 approve a number of development plans in towns in Maryland. I
2 staff boards of zoning appeals and planning commissions. And
3 from time to time, I'm, appear before this body and the
4 Administrative Law Judge.

5 MR. MCCANN: Okay. You said your clients are mostly
6 municipalities and counties. Do you also do work for private
7 individuals and corporations and, as well as developers?

8 MR. JAKUBIAK: I, --

9 MR. MCCANN: Consulting, that is.

10 MR. JAKUBIAK: You know, I, I, I sometimes provide
11 consulting services to developers. I have over the course of
12 my career. I provide services as well in, to individuals and
13 frequently non-profit groups, environmental groups and others
14 on zoning and development matters, understanding the impacts of
15 proposed zoning changes, for instance. I was retained a number
16 of times during the last comprehensive rezoning process to
17 evaluate proposed zoning amendments to the zoning maps of
18 Baltimore County.

19 MR. MCCANN: Okay and that's sort of where I was
20 headed next. In terms of Baltimore County zoning regulations,
21 are you, number one, are you familiar with the zoning
22 regulations?

23 MR. JAKUBIAK: Yes, I am.

24 MR. MCCANN: Do you regularly and often review and
25 apply those, that is, Baltimore County zoning regulations in

1 the course of your work?

2 MR. JAKUBIAK: Yes.

3 MR. MCCANN: In fact, well, you mentioned already,
4 you drafted zoning regulations before?

5 MR. JAKUBIAK: Yes.

6 MR. MCCANN: Have you ever done so in Baltimore
7 County?

8 MR. JAKUBIAK: No, I've not drafted. I've advised
9 another consultant who had a prime contract with the County on
10 zoning changes, but I have not drafted any changes that have
11 been adopted by the County.

12 MR. MCCANN: Okay and then in terms of planning, I
13 take it, are you familiar with the Baltimore County master
14 plan?

15 MR. JAKUBIAK: Yes, I am.

16 MR. MCCANN: Are you also familiar with the Hunt
17 Valley/Timonium community plan?

18 MR. JAKUBIAK: I am, yes.

19 MR. MCCANN: Are those the type of plans that you
20 regularly and often review and apply during the course of your
21 work?

22 MR. JAKUBIAK: Yes.

23 MR. MCCANN: In fact, I think you mentioned you
24 drafted master plans before?

25 MR. JAKUBIAK: Yes, I have.

1 MR. MCCANN: For municipalities and counties?

2 MR. JAKUBIAK: I do that regularly.

3 MR. MCCANN: And specifically, with respect to the
4 Baltimore County zoning regulations, are you familiar with some
5 of the regulations we've been talking about today, Sections
6 253, 259, 405?

7 MR. JAKUBIAK: Yes, I am.

8 CHAIR: You've been sitting here all day and you
9 heard the testimony from before?

10 MR. JAKUBIAK: I have. Except for the, probably the
11 cross examination of the traffic witness, the first hour this
12 morning.

13 MR. MCCANN: Well, I mean, have you been accepted, I
14 think you indicated as much, have you been accepted by the ALJ
15 and this Board as an expert in zoning and planning?

16 MR. JAKUBIAK: Yes, I have.

17 MR. MCCANN: And since I don't have a copy of your
18 resume with me, briefly your educational background in, in
19 planning and zoning.

20 CHAIR: Well, let's see, Mr. Vettori, do you
21 anticipate having any objection to Mr. Jakubiak?

22 MR. VETTORI: I don't. He's been accepted and we've
23 actually utilized him in the past. I, I really have no
24 objection to Mr. Jakubiak opining and I'll have plenty of
25 questions for him when the time comes.

1 CHAIR: And that's not foreclosing your ability to
2 ask about his educational background, but for purposes of voir
3 dire, just so we can --

4 MR. MCCANN: Move on.

5 CHAIR: -- cut to the chase. I mean, again, you may
6 explore whatever you feel is relevant.

7 MR. MCCANN: No, that's fine. And just to make it
8 clear, I'm offering as a, offering him as an expert in planning
9 and zoning.

10 CHAIR: Planning and zoning.

11 MR. MCCANN: Yes.

12 CHAIR: I assume, Mr. Baker, you are --

13 MR. BAKER: No objection.

14 CHAIR: All right. Mr. Vettori?

15 MR. VETTORI: I have no objection.

16 CHAIR: So, he will be, Mr. Jakubiak, that is, will
17 be admitted as an expert in planning and zoning as offered.

18 MR. MCCANN: Great. Thank you, Mr. Garber.

19 CHAIR: Sure.

20 MR. MCCANN: Mr. Jakubiak, are you familiar with the,
21 the proposed Sheetz store in this case?

22 MR. JAKUBIAK: Yes, I am.

23 MR. MCCANN: Okay. You've reviewed some or all of
24 the plans associated with the proposal?

25 MR. JAKUBIAK: I have.

1 MR. MCCANN: And have you visited the site and the
2 area around the subject property?

3 MR. JAKUBIAK: Yes, I have.

4 MR. MCCANN: Okay. Excuse me. Have you physically
5 been to the site?

6 MR. JAKUBIAK: Yes.

7 MR. MCCANN: Have you physically been to the area
8 around the site?

9 MR. JAKUBIAK: Yes, I have.

10 MR. MCCANN: Okay and let me start there, if I could.
11 I have a map. I think we're at six, I believe.

12 MR. BAKER: Yes.

13 BOARD: Six.

14 CHAIR: DGG Exhibit 6. Thank you.

15 MR. MCCANN: When Ms. Jolivet hands you the exhibit,
16 I am just going to ask you, Mr. Jakubiak, if you could identify
17 what Exhibit 6 is.

18 MR. JAKUBIAK: This is a map that shows the general
19 land use of each of the parcels within the corridor, I'd say
20 it's roughly from 83 east to York Road, encompassing properties
21 on, on both sides of York Road.

22 MR. MCCANN: Okay. So, I know it's labeled, but tell
23 us where on this map the subject property is.

24 MR. JAKUBIAK: Right. Well, each of the main east
25 west streets, or roads, are, are labeled here and this map,

1 Padonia Road is labeled on the map, it's about four inches
2 north of Padonia, of the racetrack, you can obviously see is a
3 landmark on the map and to the left of that, you'll see Beaver
4 Dam Road and a notation that says site of proposed special
5 exception and there it is, at Beaver Dam Road and Deerco and
6 Padonia Road.

7 MR. MCCANN: Okay. Tell us, did you prepare this
8 map?

9 MR. JAKUBIAK: Yes, I did.

10 MR. MCCANN: Tell us how you went about doing that.

11 MR. JAKUBIAK: The, Baltimore County has a geographic
12 information system. It contains data on land use and zoning.
13 We downloaded the files from the County, which provided a base
14 of existing land use. I traveled through the area, I reviewed
15 aerial photography, I used my own personal experience in
16 understanding the area and the land uses there and I refined
17 that County map to assign a land use, an existing land use to
18 those parcels. Now, I will say on the outset that there's a
19 couple things I'd like to, that I wish that were a little
20 different about this map and one is the scale, which is at the
21 very end of the map, corner, lower corner. It is incorrect,
22 because it was originally for a much larger map, but at the
23 last minute, we decided to size this down to an eleven by
24 seventeen, so that scale is obviously not appropriate to this
25 map. But everything is in scale, just not, can't measure it.

1 MR. MCCANN: By that?

2 MR. JAKUBIAK: By that scale measure. And there,
3 there are a few other things too. The, the County data was
4 used as the basis for preparing this map.

5 MR. MCCANN: Okay and you, in the legend, you have an
6 area depicted as industrial zoning district. Tell us what that
7 is.

8 MR. JAKUBIAK: Well, actually, the industrial zoning
9 district is not shown on this map, Mr. McCann. It's shown on a
10 separate map.

11 MR. MCCANN: Okay.

12 MR. JAKUBIAK: So, but the industrial zoning district
13 would generally encompass all the manufacturing and industrial
14 districts and the IM districts in this corridor.

15 MR. MCCANN: Okay.

16 MR. JAKUBIAK: It's actually not shown here.

17 MR. MCCANN: Okay and roughly where is the IM
18 district on this map?

19 MR. JAKUBIAK: It is, extends from Shawan Road.

20 MR. MCCANN: Which is to the north?

21 MR. JAKUBIAK: Which is to the north.

22 MR. MCCANN: Right.

23 MR. JAKUBIAK: You can see the Hunt Valley Mall just
24 north of Shawan Road. It extends from there all the way down,
25 largely to the west of York Road and down to, and beyond

1 Timonium Road to where Greenspring Drive kind of peters out,
2 which is at the very end of this map, just before you get to
3 the, what looks like a residential community, a residential
4 subdivision, shown in yellow.

5 MR. MCCANN: Okay.

6 MR. JAKUBIAK: So, the IM district is quite extensive
7 throughout this area.

8 MR. MCCANN: Okay. A couple more specific things
9 about the map itself. The colors don't quite match the map and
10 don't quite match the legend, so maybe just go over that a
11 little bit. For instance, in the legend, it indicates that
12 residential is yellow. Is that sort of the, the, the ugly lime
13 green color that we see in the map itself, does that
14 correspond?

15 MR. JAKUBIAK: Yes. In some cases, because of the
16 photography it, where the photocopying it appears to be a
17 little green. But.

18 MR. MCCANN: Okay and then similarly, the commercial,
19 what's in the legend as red for commercial, I guess, is more of
20 a, well, I guess it's pretty close to red in the map itself,
21 right?

22 MR. JAKUBIAK: I think it's a pretty good match.

23 MR. MCCANN: Okay and then what is this, immediately
24 sort of north or north west of the site of the proposed special
25 exception in this exhibit, what is that big gray area on the

1 west side of Beaver Dam Road?

2 MR. JAKUBIAK: That's a combination of a quarry
3 operation and the, the County's landfill reclamation center.
4 Very extensive site, extractive use and, and landfill use.

5 MR. MCCANN: Okay. You mentioned in addition to
6 preparing the map itself, that you drove around the area. Tell
7 us, if you could, I think we're all familiar with it, but tell
8 us, if you would, how you would describe the area that's in
9 this map in terms of its uses.

10 MR. JAKUBIAK: Okay, sure. While this area is, is
11 mostly zoned in an industrial category, it's not developed that
12 way. From Padonia south, I'm sorry, to begin at Shawan Road,
13 you'll notice a very modern corporate campus layout. The Board
14 members may have been there, it's a, it's an office, it's a
15 corporate office, it's corporate headquarters. It's not
16 industrial. But as you move further south, south of Schilling
17 Circle, which is that circular road there, you pick up more
18 industrial development. So, if, if you're on the west side of
19 McCormick, industrial lands there benefit from access at Beaver
20 Dam Road and over 83, that area is strongly industrial. And
21 likewise, on the east side of McCormick, there you encounter
22 more of the older traditional industrial area along
23 Cockeysville Road, smaller lots, much older commercial uses, a
24 lot of auto service, contractors type of uses.

25 MR. MCCANN: Where is Cockeysville Road?

1 MR. JAKUBIAK: Oh, Cockeysville Road, actually it's,
2 on this map, it's the road that connects the word York Road to
3 the word McCormick Road.

4 MR. MCCANN: Okay.

5 MR. JAKUBIAK: And actually, of course, McCormick
6 Road is really shifted up further on this map a couple inches
7 to, to reflect the fact that Beaver Dam Road turns there, it
8 goes to the left, while McCormick Road continues north. But,
9 anyway, that's where the Cockeysville Road is. The corridor
10 is, becomes strongly commercial, retail and office, as you move
11 further south. Certainly the Padonia Road corridor between 83
12 and York Road is solidly commercial. Restaurants, offices,
13 dentist offices, and as you travel further south on Beaver Dam
14 and Deerco, you have a mix of industrial and commercial uses.
15 Of course, the major visual element on this map is the amount
16 of commercial development in red alongside York Road, which is
17 that pattern that's long been established on York Road.

18 MR. MCCANN: Okay. Mr. Garber, I'd move Exhibit 6
19 into evidence before I move forward.

20 CHAIR: Mr. Baker, I'm assuming there's no objection
21 on your end?

22 MR. BAKER: No objection.

23 MR. VETTORI: In as much as, you know, I don't
24 necessarily agree, but I'll ask questions about it and try to
25 elicit some testimony. I have no objection.

1 CHAIR: All right, very well. Exhibit 6, DGG Exhibit
2 6 will be admitted.

3 MR. MCCANN: Okay, thank you. I want to shift gears
4 a second here, Mr. Jakubiak, and direct you to the zoning
5 regulations, specifically, 253.2, which I think is our Exhibit
6 4 because I spoke to Mr. Pieranunzi.

7 MR. VETTORI: My understanding.

8 CHAIR: DGG Exhibit 4.

9 MR. MCCANN: Yes. Do you have a copy of tat with
10 you, Mr. Jakubiak?

11 MR. JAKUBIAK: I do not.

12 MR. MCCANN: You do not. Okay. (inaudible). Take a
13 look at that, if you would. That's Protestant's Exhibit 4, you
14 guys with me?

15 CHAIR: That's right.

16 BOARD: Yes.

17 MR. MCCANN: Okay and I'm going to direct your
18 attention to Section 253.2-B, including, or inclusive of B-1,
19 automobile service stations subject further to provisions of
20 Section 405. And the, the question that I want to direct to
21 you that I know we spent a lot of time this morning talking
22 about, is whether or not in your opinion, as a zoning expert,
23 Section 253.2-B and B-1, apply to the subject property? That
24 is, its provisions, its requirements apply to this proposal?

25 MR. JAKUBIAK: Its provisions and requirements apply

1 to this proposed special exception.

2 MR. MCCANN: And why do you say that?

3 MR. JAKUBIAK: The Code is clear, the language is
4 clear to me. So, on its face, it says, in an IM district,
5 provided further that it is shown that any such use will serve
6 primarily the industrial uses and related activities in the
7 surrounding industrial area. That is a, it's called what, a,
8 an initial hurdle. It's a, the, it's a basis for evaluating
9 whether you go to the next step and the next step would be
10 Section 405, but certainly, the, that provision would be an
11 element that a decision maker, like a Board of Appeals, would
12 apply in judging whether this use complied with the Zoning
13 Board (inaudible).

14 MR. MCCANN: This is a, I think a question that Mr.
15 Baker got to in his cross examination of Mr. Pieranunzi. Do
16 you agree that when looking at a proposal and to determine
17 whether it complies with the zoning regulations, you first have
18 to look at the underlying zoning, in this case MLIM, and then
19 you look at any additional provisions that may overlay or
20 provide additional requirements, do you agree with that?

21 MR. JAKUBIAK: Yes.

22 MR. MCCANN: And in this case, the underlying zoning
23 is set, would you agree, is set forth in 253.2-B?

24 MR. JAKUBIAK: Yes.

25 MR. MCCANN: And again, additional layering of

1 requirements would be 405?

2 MR. JAKUBIAK: Yes.

3 MR. MCCANN: Okay. You mentioned some specific
4 language in 253.2-B and I'll read it again. Quote, provided
5 further that it is shown that any such use will serve primarily
6 the industrial uses and related activities in the surrounding
7 industrial area, end quote. You see that?

8 MR. JAKUBIAK: Yes.

9 MR. MCCANN: Do you have an opinion, Mr. Jakubiak,
10 whether or not the proposal, that is the proposed Sheetz, will
11 serve primarily the industrial uses and related activities in
12 the surrounding industrial area?

13 MR. JAKUBIAK: Yes, I do.

14 MR. MCCANN: And what is that opinion?

15 MR. JAKUBIAK: My opinion is that it will not serve
16 primarily the industrial uses or the industrial related
17 activities in the surrounding industrial area.

18 MR. MCCANN: Okay.

19 MR. JAKUBIAK: The, --

20 MR. MCCANN: Before you go further, if I may --

21 MR. JAKUBIAK: Yeah, sure.

22 MR. MCCANN: I don't want to interrupt but I just, as
23 a, as a threshold, I want to make sure that we're on the same
24 page about what an industrial use is. I'm going to show you in
25 the zoning regulations the definition of industrial use. And

1 this is, Jason, of course, this is 101.1. And the specific
2 term is industrial, quasi-industrial or industry related use
3 and, of course, I don't have a copy of it with me.

4 MR. VETTORI: Okay.

5 MR. MCCANN: Okay? So, as I said, I wish I had a
6 copy for you guys to see (inaudible).

7 CHAIR: That's okay, we are familiar with Section
8 101.

9 MR. MCCANN: It's one sentence. Okay. I'm sure you
10 are. So, do us a favor, if you would, Mr. Jakubiak, and
11 because it is such a short provision, just read, if you would,
12 slowly, the definition of industrial, quasi-industrial or
13 industrial related use for us?

14 MR. JAKUBIAK: Okay. Any use listed in Section
15 253.1-A, other than item thirty-four, any use listed in Section
16 253.1.B, 253.2.A or 256.1.A.2 semi colon, any manufacturing use
17 not listed in those provisions or any use accessory to one of
18 those uses.

19 MR. MCCANN: Okay. So, let me focus you in on just
20 the first several words. It says, defines as industrial use,
21 any, quote, any use listed in Section 253.1-A, other than item
22 thirty-four. So, if we could turn to 253.1-A.

23 CHAIR: Which is DGG Exhibit 3?

24 MR. MCCANN: It is, thank you, Mr. Garber.

25 CHAIR: Um hm.

1 MR. MCCANN: And direct your attention to A-34, and
2 I'll show you my copy. What is, what does 253.1-A-4, I'm
3 sorry, item thirty-four in 253.1-A, say? I'll just show it to
4 you.

5 MR. JAKUBIAK: Offices and office buildings or
6 medical clinics.

7 MR. MCCANN: Okay. So, in other words, when, I'm
8 about to ask you some questions directed to this issue in
9 253.2-B about primarily serving the industrial uses and related
10 activities. In reaching the opinions that you're about to
11 express, did you rely upon that definition in 101.1 of
12 industrial use?

13 MR. JAKUBIAK: Yes, I did.

14 MR. MCCANN: In other words, did you, in applying
15 that definition, exclude, because that definition says to, item
16 thirty-four, offices or office buildings or medical clinics?

17 MR. JAKUBIAK: Yes, I did.

18 MR. MCCANN: Okay and that sort of analysis that we
19 just engaged in, is that reasonable in your, in your mind?

20 MR. JAKUBIAK: It is reasonable, yes.

21 MR. MCCANN: Okay. All right. So, let's get back to
22 the, the question.

23 MR. JAKUBIAK: Okay.

24 MR. MCCANN: And that is, the basis of your opinion
25 that the proposed Sheetz will not serve primarily the

1 industrial uses and related activities in the surrounding
2 industrial area. So, what is the basis of that opinion.

3 MR. JAKUBIAK: Okay. The, first of all, the, the uses
4 in the area are not primarily industrial, first of all.
5 There's a mix of uses. It would strain the imagination to
6 suggest that only the limited industrial uses supply customers,
7 all right? Certainly given the, the extent of commercial uses
8 and indeed, residential uses in the vicinity of the site. Now,
9 let's look at industrial, more in particular. I mentioned the,
10 the, sort of the older Cockeysville industrial area. That is
11 accessible to 83 via Warren Road, it's accessible to York Road
12 as well.

13 MR. MCCANN: You said the old Cockeysville area, what
14 are we talking about?

15 MR. JAKUBIAK: Well, I referred to it earlier as, as
16 a, the industrial tracts of land on both sides of Cockeysville
17 Road, which is a road that connects Beaver Dam to York Road.

18 MR. MCCANN: Okay.

19 MR. JAKUBIAK: And if you, if you, the, by the way,
20 the swim club in this corridor is shown in red and that's shown
21 in red because that's how the County classifies it as
22 commercial, because it's a commercial venue. But it's a, --

23 MR. MCCANN: That's right where, right where it says
24 McCormick Road on our Exhibit 6?

25 MR. JAKUBIAK: Yes, right.

1 MR. MCCANN: Okay.

2 MR. JAKUBIAK: So, the, that's where Cockeysville
3 Road is, up in that area. It's highly accessible to York Road
4 and 83. An automobile service station, a fuel station, located
5 on Padonia Road does not provide primary service to that. In
6 fact, as I'll mention in a moment or two now, there are
7 gasoline stations very close to that that I think could be
8 argued primarily serve the industrial uses. The industrial
9 area south of Schilling Circle and again, now we're talking
10 about closer up to Shawan Road, south of Shawan, south of the
11 office building complexes. That gray area, again, very
12 accessible to Shawan Road and from there to York Road, north
13 and south, and 83, Interstate Highway 83 north and south.
14 Again, that's a long trip down Beaver Dam Road to get to
15 Padonia Road to turn into a convenience store, gasoline store.
16 The, obviously, the large gray area on this map is the, the
17 extractive use in the, in the Baltimore County landfill. That
18 is really a buffer between the industrial uses to the north and
19 Padonia Road. Now, in the vicinity of Padonia Road, we see a,
20 a pattern of commercial uses. Office and retail, restaurants,
21 hotels, from York Road or right past this site. They're not
22 industrial uses along that stretch of Padonia Road. So, the
23 use doesn't primarily serve any industrial uses to the extent
24 that it serves any of the uses in this neighborhood. So, then,
25 then the other thing I would like to highlight, besides that

1 land use analysis, is that traffic, the circulation of, of
2 cars. The, the traffic report and the traffic expert, or at
3 least the traffic report, showed that the majority of, of
4 traffic past the site was oriented east to west, travelling
5 essentially between Padonia Road, I'm sorry, between the York
6 Road corridor and the 83 corridor, not north south on Beaver
7 Dam, Deerco Road. Lastly, the very, very nature of a use like
8 this, is, benefits from pass by trips. The pass by trips are
9 largely on Padonia Road. Padonia Road doesn't serve an
10 industrial land base. There's no industrial land on the, say
11 on the east side of York Road. Lastly, one thing that's, the,
12 the yellow here represents the, the close in residential but
13 what is not shown in any color is the extent of residential
14 development on either side of this corridor. This is a very
15 large residential area that is built up around this commercial
16 and employment area. So, you know, the, the demand from a use
17 like this comes from a lot of places. I just don't think it
18 comes primarily from industrial uses in this place, in this
19 location.

20 MR. MCCANN: Okay. A couple follow-up to that. When
21 you said that latter point, you sort of, and you started there,
22 who will not be primarily served. I think what you said was
23 these industrial uses, all these industrial area gray areas on
24 Exhibit 6, inclusive of the quarry, won't primarily be served
25 by this proposed Sheetz and, and that's, and that's why,

1 because of its lack of proximity, is that what you're saying,
2 essentially?

3 MR. JAKUBIAK: Yes, yes, that's right.

4 MR. MCCANN: Okay. Well, in that area, let's focus
5 in on that area, that is the --

6 CHAIR: What do you mean, that area?

7 MR. MCCANN: I was just about to say that is --

8 CHAIR: Sorry.

9 MR. MCCANN: -- thank you, Mr. Garber, the industrial
10 areas, gray areas.

11 MR. JAKUBIAK: Okay.

12 MR. MCCANN: In Exhibit 6 north of Warren Road and I,
13 I guess south, south of it as well. Are there, are there
14 establishments in this, are there establishments in this gray
15 area, in the industrial area, that you believe do primarily
16 serve the gray area? In other, for instance, are there any gas
17 stations or convenience stores that you, you can contrast with
18 Sheetz that you believe would primarily serve these industrial
19 areas?

20 MR. JAKUBIAK: Yes. There are actually two that I
21 think, certainly one above all, and that's the High's
22 convenience store and gasoline station, which is located on
23 Beaver Dam Road at McCormick Road. And so, it's where
24 McCormick Road, Beaver Dam Road bends hard to the left towards
25 83 and then McCormick Road starts up. And actually, on this

1 particular map, I didn't actually show that as a, a, a red
2 indicating commercial development, but it's a, if you look at
3 the word McCormick, it's the, it's the property just north of
4 the word, of the letter M on that map. That's the High's store
5 and it's zoned MLIM, just like this site for this proposed
6 Sheetz.

7 MR. MCCANN: I'm sorry, I just want to maybe pinpoint
8 where that is. I can have you circle it with this marker.

9 MR. JAKUBIAK: Yeah, I can circle it, sure.

10 MR. MCCANN: I'm not sure if this will show up.
11 Yeah, I think, it looks like it would. I'm going to show you,
12 give you a marker and if you would, on Protestant's Exhibit 6,
13 circle, if you would, the rough area where the, the High's that
14 you just spoke about is located? You can you use this, I think
15 it's a good color.

16 BOARD: Do you have the original (inaudible).

17 MR. MCCANN: Oh, I guess I should use the original,
18 shouldn't I? Thank you, --

19 CHAIR: That would be helpful.

20 MR. MCCANN: It wouldn't help anybody if it was just
21 on my --

22 MR. JAKUBIAK: Which is?

23 MR. MCCANN: Which is that one right there.

24 MR. VETTORI: You can mark that one up too, if you
25 won't.

1 CHAIR: Yeah.

2 MR. MCCANN: (inaudible).

3 MR. VETTORI: I think I know where the High's is,
4 thanks.

5 MR. MCCANN: Okay. You circled, sort of a brown
6 magic marker?

7 MR. JAKUBIAK: Yes.

8 MR. MCCANN: Okay. So, let's give that back to the
9 Board.

10 BOARD: Thank you.

11 CHAIR: All right, so that's where the High's store
12 is generally located.

13 MR. MCCANN: And, and repeat again why it is that you
14 believe that High's, which is, I think you said zoned MLIM as
15 well?

16 MR. JAKUBIAK: Yes, it is.

17 MR. MCCANN: Why, why does that primarily serve the
18 industrial uses in the area?

19 MR. JAKUBIAK: It's located right smack in the middle
20 of land that's not only zoned for industrial use, but developed
21 in industrial use.

22 MR. MCCANN: You want my marker (inaudible)?

23 CHAIR: Mr. McCann, there's been a request made for
24 Petitioner's Exhibit 19 --

25 MR. MCCANN: Yeah.

1 CHAIR: To see if Mr. Jakubiak could also identify
2 the High's on Petitioner's exhibit number nineteen.

3 MR. MCCANN: That'd be great. That's a good idea,
4 actually, thank you. Same marker, if I could?

5 CHAIR: So, let's get, make sure Mr. Vettori is with
6 us there.

7 MR. VETTORI: I'm just following along, what's
8 nineteen?

9 BOARD: Did you see this, Mr. Vettori?

10 MR. MCCANN: I think he did.

11 BOARD: He did? Did you see this (inaudible).

12 MR. VETTORI: I, let me double check, I got a copy of
13 that exhibit but his exact marking, yeah, I mean, I follow
14 where it is, yes.

15 CHAIR: That's nineteen.

16 MR. VETTORI: And this is nineteen. I was thinking
17 maybe and, again, I don't want to tell you how to do your case,
18 but we've got the zoning map, that may be more instructive than
19 the --

20 BOARD: Has that been introduced?

21 MR. VETTORI: It's Petitioner's exhibit number
22 sixteen.

23 BOARD: Sixteen?

24 MR. VETTORI: I thought with the actual zoning, as
25 opposed to the land use designations, that would be a more

1 beneficial exhibit. I plan on introducing or doing so, but--

2 BOARD: Yeah, it's up to you.

3 MR. MCCANN: Okay, sure.

4 MR. VETTORI: -- if you want to use the other, we can

5 --

6 MR. MCCANN: No, that's fine. I don't disagree with
7 that. So, why don't you do, why don't you do both? On
8 Petitioner's Exhibit 16 and 19 --

9 MR. VETTORI: Sure.

10 MR. MCCANN: -- just circle in this magic, same magic
11 marker, the approximate location of the High's store that we've
12 been talking about, if you can find it.

13 MR. JAKUBIAK: Just a minute.

14 MR. MCCANN: Okay.

15 MR. JAKUBIAK: Not much of a circle because --

16 MR. MCCANN: Sort of a dot.

17 MR. JAKUBIAK: -- it bleeds.

18 MR. MCCANN: Okay. Were you able to do it on Exhibit
19 19 as well, Petitioner's --

20 CHAIR: Can you show Mr. Vettori what was marked on
21 sixteen, please? And Mr. Baker, of course, as well. Mr. Baker
22 is saying he's good, he can see it from where he's sitting.

23 MR. MCCANN: Looks like a stain more than a circle.

24 MR. BAKER: That looks great.

25 MR. MCCANN: It looks like someone spilled coffee on

1 it.

2 CHAIR: So, you've seen my file?

3 MR. MCCANN: Yes, it looks like mine. Okay and this
4 one is even harder to tell but for the record.

5 MR. JAKUBIAK: Give this back to you.

6 MR. MCCANN: Thank you, Ms. Jolivet.

7 BOARD: Thank you.

8 CHAIR: Thank you.

9 MR. MCCANN: And I know we, I know we talked about
10 the zoning, --

11 CHAIR: Sorry, Mr. McCann.

12 MR. MCCANN: That's okay, that's all right.

13 CHAIR: We're all caught up now.

14 MR. MCCANN: Okay. You mentioned the zoning of the
15 High's store, which is, you said was MLIM, the same as the
16 subject property. And I know we're probably all familiar with
17 it, but describe the High's that we're talking about.

18 MR. JAKUBIAK: Large canopy with multiple pumps and
19 pumping stations and a convenience store.

20 MR. MCCANN: Okay. Essentially, the same use as
21 proposed here?

22 MR. JAKUBIAK: Yes.

23 MR. MCCANN: Okay. Aside from the, the, the High's
24 store, is there another gas station convenience store within
25 this area, at least the area depicted in Exhibit 6, that you

1 believe would primarily serve the industrial uses in the area?

2 MR. VETTORI: Just for the record, I think you meant
3 sixteen, you said six.

4 MR. MCCANN: I was referring to this.

5 MR. VETTORI: Oh, I'm sorry, your Exhibit 6, I
6 apologize.

7 MR. MCCANN: Yes, that's okay.

8 CHAIR: DGG Exhibit 6.

9 MR. JAKUBIAK: Well, there is another, there's
10 actually two other convenience store, gasoline stores in this
11 corridor and one is the Royal Farms and it's located at
12 McCormick Road at Schilling Circle. So, it's on the, you know,
13 west side, or east side of McCormick Road. However, that's,
14 that's really much closer to the, the office complex in the
15 north part of this corridor. However, there are industrial
16 uses to the south of it and to the west of it. The other, if I
17 may, is the 7-11, which is much closer to the Lowe's and the
18 other big box retailer there and it's at Beaver Dam Road and
19 Texas Station Court. And, again, it's, it's, in my view,
20 really serving the residential develop, I mean, I'm sorry, the
21 commercial development around it primarily and it's actually
22 fairly close to this particular site. It's different than the
23 High's, which is clearly, I think, consistent with the spirit
24 and intent and the purposes of the zoning (inaudible).

25 MR. MCCANN: And the Royal Farms as well?

1 MR. JAKUBIAK: Royal Farm, yes, but to a lesser
2 degree, but yes.

3 MR. MCCANN: Yeah, so, and the Royal Farms, roughly
4 speaking, we don't have to market it again, but it's just a
5 little bit north east of the High's, correct?

6 MR. JAKUBIAK: Yes, it is.

7 MR. MCCANN: In the industrial, that is, the gray
8 area in Protestant's Exhibit 6?

9 MR. JAKUBIAK: It's actually, the Royal Farms is in
10 the red area on this particular map. I've shown it as red
11 because it's commercial use, not industrial.

12 MR. MCCANN: But, but I guess much closer are, if not
13 adjacent to the, the industrial or gray area.

14 MR. JAKUBIAK: Right.

15 MR. MCCANN: Okay and for that reason, you believe it
16 would primarily serve the industrial uses?

17 MR. JAKUBIAK: Yes.

18 MR. MCCANN: Okay. You mentioned the traffic and
19 the, --

20 MR. JAKUBIAK: Excuse me.

21 MR. MCCANN: Sure, sure.

22 MR. JAKUBIAK: You had said in your questioning,
23 that's why I would believe it would primarily serve the
24 industrial uses.

25 MR. MCCANN: Yeah.

1 MR. JAKUBIAK: I don't believe that Royal Farms would
2 primarily serve the industrial uses, I'm suggesting that it
3 will serve industrial use as well as the commercial office uses
4 to the north.

5 MR. MCCANN: Okay.

6 MR. JAKUBIAK: I, I don't know that it primarily
7 serves it in the same sense that the High's clearly does. But
8 it certainly does provided more service to the industrial uses,
9 I believe, than the proposal that's before us today.

10 MR. MCCANN: And again, that's because of, of, of its
11 location?

12 MR. JAKUBIAK: Because of its location. Up in and
13 near and around the industrial uses.

14 MR. MCCANN: Well, I was speaking about the proposed
15 use though.

16 MR. JAKUBIAK: Oh.

17 MR. MCCANN: Its location being proximate to what?
18 To commercial as opposed to industrial?

19 MR. JAKUBIAK: Right, clearly.

20 MR. MCCANN: Okay and you mentioned --

21 MR. JAKUBIAK: Universally.

22 MR. MCCANN: -- and you mentioned the traffic as
23 well. Was that an important consideration for you?

24 MR. JAKUBIAK: Yes, I said that, yes.

25 MR. MCCANN: Okay and you mentioned the pass by

1 trips. What about the pass by trips or the amount of pass, or
2 percentage of pass by trips supports your opinion that this,
3 can you explain that? Why does that support your opinion
4 (inaudible)?

5 MR. JAKUBIAK: It supports the notion that, or the
6 fact that this road, Padonia Road, is, is, is an east west
7 roadway connecting York Road to 83 and not a corridor or
8 highway or, I'm sorry, an industrial service road or even an
9 employment service road. It's serving a shopping and
10 pedestrian or (inaudible), shopping and residential land use
11 pattern.

12 MR. MCCANN: Okay. The pass by trips, I, I, I don't
13 think there's any dispute but the developer's expert indicated
14 that the percentage of pass by trips would be sixty percent or
15 more, that the traffic generated for this site. Does that
16 support your opinion that you just expressed and described in
17 terms of who will be primarily served?

18 MR. JAKUBIAK: Did you see that the pass by trips
19 would be sixty percent or more, or the total, sixty percent or
20 more of the pass by trips would be on Padonia?

21 MR. MCCANN: And I can show you the exhibit, but I--

22 MR. JAKUBIAK: Yeah, maybe restate the question.

23 MR. MCCANN: It's undis, I don't think it's disputed
24 that of the traffic that will be generated at this site by the
25 proposed Sheetz, is more than sixty, sixty plus percent will

1 consist of or be comprised of pass by trips, as opposed to site
2 trips. And I guess my question, how does that affect your
3 opinion, if at all?

4 MR. JAKUBIAK: Right. It just shows that the, it's
5 not as if this is, becomes a destination use for employees in a
6 manufacturing plant or stone and gravel yard or a contractor
7 shop. The traffic is there now and folks will, who are driving
8 past the existing vacant building will now see a gasoline
9 station and opt to drive there and stop there.

10 MR. MCCANN: Okay. Let me ask you sort of a similar
11 or a related question and that is in 2532-B, which again, is
12 Protestant's Exhibit 4, the first sentence of that provision
13 says, quote, the following auxiliary service uses and my
14 question to you is do you believe that the proposed Sheetz is
15 fairly characterized as an aux, an auxiliary service use? Is
16 it auxiliary in other words? Does it, does it, does it, is it
17 a (inaudible)?

18 MR. JAKUBIAK: No, I think the premise is that it's
19 auxiliary to uses in the IM district. It's not auxiliary, no.

20 MR. MCCANN: For sort of the same reasons you've
21 already described?

22 MR. JAKUBIAK: It's, it's not auxiliary because it's
23 not supporting or serving and that's the meaning of auxiliary,
24 if not supporting or serving the IM district. It's a, it's, in
25 fact, providing service like any gasoline service convenience

1 store would along a commercial roadway. It's not uniquely
2 tailored to serving the employment uses in, or industrial uses
3 in this particular corridor. Its location is clearly not
4 oriented in that way.

5 MR. MCCANN: Okay. Is the term auxiliary defined in
6 the zoning regulations?

7 MR. JAKUBIAK: No, it's not.

8 MR. MCCANN: Okay. Let me show you a copy I will
9 have marked as Exhibit 7.

10 CHAIR: DGG Exhibit 7.

11 MR. MCCANN: Okay and I understand the extremely
12 small nature of this print, so I apologize.

13 BOARD: Thank you. Thank you.

14 MR. MCCANN: And I'm going to direct your attention
15 to the definition of auxiliary, which is on the right hand side
16 of Exhibit 7, about, I don't know, a quarter of the way down.

17 CHAIR: Before we do that, it would be helpful to
18 know where you got Exhibit 7 from.

19 MR. MCCANN: Oh, I'm sorry. Yeah, I, I shouldn't
20 assume that. This is from the, the Webster's 3rd Edition
21 International Dictionary, whatever dictionary it is that the
22 zoning regulations tell us to go to.

23 MR. VETTORI: In Section 101?

24 MR. MCCANN: In Section 101, yeah. Thank you. So,
25 just take a look and, take a look at the definition and, and I

1 think you've said as much, but tell us if, if you believe that
2 the proposed Sheetz meets that definition of auxiliary.

3 MR. JAKUBIAK: For the sake of brevity, may I focus
4 on the first definition, which is generally the most prominent,
5 useful definition?

6 MR. MCCANN: Sure.

7 MR. JAKUBIAK: And the definition is offering or
8 providing help, assistance or support, especially by
9 interaction. The rest of that phrase references a, a statement
10 in which the term is used.

11 MR. MCCANN: Okay.

12 CHAIR: Well, if I can, there's 1-A and 1-B, you just
13 read 1-A.

14 MR. JAKUBIAK: Oh, okay.

15 CHAIR: And then after the quote attributed to Wiley
16 Cipher (phonetic) is B, functioning in a subsidiary capacity
17 with again a parenthetical with it.

18 MR. JAKUBIAK: Yes, thank you.

19 CHAIR: Because you said you were going to read one.

20 MR. JAKUBIAK: I know.

21 CHAIR: And there's a 1-A and 1-B.

22 MR. JAKUBIAK: And I got, I got stopped right there
23 at that.

24 CHAIR: No problem.

25 MR. JAKUBIAK: Didn't see it.

1 MR. MCCANN: Do you think the proposed Sheetz meets
2 either of those definitions in 1-A or B?

3 MR. JAKUBIAK: No, not at all.

4 MR. MCCANN: For the reasons you said?

5 MR. JAKUBIAK: Yes.

6 MR. MCCANN: Real quick, two more things. This will
7 be eight.

8 CHAIR: So, Mr. Vettori?

9 MR. VETTORI: You're talking about seven, the
10 Webster's Dictionary are we onto eight?

11 CHAIR: No, that's right, Exhibit 7.

12 MR. VETTORI: I have no objection to an excerpt from
13 the Webster's Dictionary.

14 CHAIR: Mr. Baker, I'm assuming there's no objection.

15 MR. MCCANN: Rather, rather than the whole thing.

16 MR. BAKER: No.

17 CHAIR: All right. So, Exhibit 7, DGG Exhibit 7,
18 will be admitted. Six was the map. Yeah, that was --

19 MR. VETTORI: The land use exhibit, I did not have
20 any objection to that.

21 CHAIR: Right.

22 MR. VETTORI: I was going to ask some questions, I
23 think was my commentary.

24 CHAIR: Yeah, that was admitted. And just for the
25 record, we'll admit it again.

1 BOARD: Okay.

2 CHAIR: Just to make sure (inaudible).

3 MR. MCCANN: Mr. Jakubiak, I've handed you a copy of
4 Exhibit 8, these are some documents from a zoning case. Are
5 you familiar with these documents?

6 MR. JAKUBIAK: Yes, I am.

7 MR. MCCANN: Without going through all of them, just
8 briefly tell, tell us what they are, identify them and tell us
9 what, if any, significance or relevance do you believe they may
10 have for your opinion in this case?

11 MR. JAKUBIAK: It's a Petition for Reclassification
12 of, of property, which included the subject site. And the
13 Petitioner was Genstar Corporation or Company. And dates from
14 1994. It includes a, a letter from Venable, which I gather is
15 the attorney representing the applicant at the time, a map and
16 what I thought was a really nicely prepared staff report by the
17 County Planning Office. The significance is that there's a
18 proposal at one point to change the zoning to a, a commercial
19 use. I think it was business major, it's been a while since I
20 --

21 MR. MCCANN: It's on the first page, the Petition to
22 seek from MLIM to --

23 MR. JAKUBIAK: Yeah, to business major IM. And so,
24 MLIM to BMIM and the, the proposal was not approved and the
25 Planning Department at the time, was quite serious in its

1 defense of the proposed zone, of the proposed industrial
2 designation of the property and of the planning policies in the
3 area, which called for retaining remaining lands that are zoned
4 for manufacturing, light industrial development. So, you know,
5 how, how is that relevant to my decision? I think it, it
6 supports my view that this site was not intended to be devoted
7 to a commercial use, that, that there's a commitment to
8 protecting and preserving the employment uses in this corridor
9 and that dates back to the nineties.

10 MR. MCCANN: Let me, let me direct your attention
11 specifically to the second page from the end of this exhibit,
12 Exhibit 8.

13 CHAIR: So, one that is labeled page thirty-five at
14 the bottom?

15 MR. MCCANN: It is, yes, thank you. That last full
16 paragraph, beginning with also the HV/T plan. First of all,
17 the HV/T plan is a reference to what, do you know?

18 MR. JAKUBIAK: It's the Hunt Valley/Timonium master
19 plan.

20 MR. MCCANN: Okay. (inaudible) but the, I just want
21 to refer you to maybe the two sentences in the middle of the
22 paragraph and I'll just read them to you. Quote, the missing
23 of the HV/T plan is to protect and enhance the HV/T area as an
24 important employment area of Baltimore County. (inaudible) to
25 achieving this mission, is the maintenance of McCormick, Beaver

1 Dam Road corridor as an industrial service road, allowing
2 retail uses along the corridor will produce unwanted congestion
3 and interfere with its function of transporting goods and
4 employees through the area. Did I read that correctly, first
5 of all?

6 MR. JAKUBIAK: Yes, you did.

7 MR. MCCANN: And what, if any, significance or
8 relevance does that statement by the Planning Office have in
9 your opinion, if you haven't already expressed (inaudible)?

10 MR. JAKUBIAK: Well, as I said, it's relevant because
11 it, it showed even in the 1990's, there was a long term policy
12 of developing this particular corridor for industrial uses, for
13 employment uses and maintaining York Road as a commercial
14 retail service corridor.

15 MR. MCCANN: So, three pages before that, just before
16 I move, move on, there's a map. I think you indicated that the
17 subject, or part of the subject of the Petition was the subject
18 property. I just wanted you to tell us, if you would, with
19 reference to this map, where the subject property is, if it
20 isn't already obvious? You see what I'm talking about?

21 CHAIR: Well, if I can, you, you're using the phrase
22 subject property and the map also uses the phrase subject
23 property several times.

24 MR. MCCANN: Yeah.

25 CHAIR: So, if we could distinguish between those two

1 things. Or three things.

2 MR. MCCANN: I'm asking, I guess I'm asking where on
3 this map in Exhibit 8 is 400 West Padonia Road, if you could
4 tell us?

5 MR. JAKUBIAK: (inaudible) disoriented in reading
6 this particular map.

7 MR. MCCANN: I think it's turned sideways, is part of
8 the problem.

9 MR. JAKUBIAK: Yeah, well, I believe it's 4-A,
10 subject property. Just a little different than what I'm used
11 to seeing.

12 MR. MCCANN: Okay, all right.

13 MR. JAKUBIAK: Yes, that's 4-A.

14 MR. MCCANN: Great, thank you. I would move Exhibit
15 8 into evidence, Mr. Garber.

16 CHAIR: Mr. Baker?

17 MR. BAKER: No objection.

18 CHAIR: Mr. Vettori?

19 MR. VETTORI: Thank you. Just a quick question,
20 while we're, again, I don't --

21 CHAIR: Objection, obviously.

22 MR. VETTORI: -- object to the admissibility of this.
23 I'll ask questions and get to my questions regarding it. This
24 was a Petition for Reclassification to the Board of Appeals for
25 Baltimore County, correct?

1 CHAIR: Well, hold on a second. We're really only on
2 the admissibility of the document only.

3 MR. VETTORI: Okay.

4 CHAIR: You're not done yet?

5 MR. MCCANN: I don't have much more, I don't have
6 much more.

7 CHAIR: Right.

8 MR. VETTORI: I'm sorry, I thought you were --

9 MR. MCCANN: It's okay.

10 CHAIR: So, no objection?

11 MR. VETTORI: No objection.

12 CHAIR: That, thank you. All right.

13 MR. MCCANN: All right. And then lastly --

14 CHAIR: So, the exhibit will be admitted.

15 MR. MCCANN: Great, thank you. Lastly, --

16 CHAIR: Sorry about that.

17 MR. MCCANN: -- Exhibit 9. Exhibit 9.

18 CHAIR: Thank you. DGG Exhibit 9.

19 BOARD: Thank you. (inaudible).

20 MR. MCCANN: Oh, I didn't give you one?

21 BOARD: Thank you.

22 MR. MCCANN: Thank you. Okay. I'm going to hand the
23 witness a copy of Exhibit 9, which, and ask him to identify it.

24 MR. JAKUBIAK: This is the Hunt Valley/Timonium
25 master plan.

1 MR. MCCANN: And just to be fair, it's excerpts of
2 the plan, Mr. Jakubiak, is that --

3 MR. JAKUBIAK: Yes, yes, okay, thanks.

4 MR. MCCANN: Without, again, reading this plan, which
5 is many more pages than what we have here, could you tell us
6 what the plan provides for as it relates to this property, the
7 subject property, and your opinions in this case?

8 MR. JAKUBIAK: Well, --

9 MR. MCCANN: And I think we've already touched upon
10 it in the last (inaudible).

11 MR. JAKUBIAK: The plan says remaining lands that are
12 zoned for industrial use, ought to be reserved for industrial
13 use. Should they be, should zoning changes be made to change
14 them, the County needs to find additional lands to reserve. In
15 other words, it recognizes the limited supply remaining land
16 for employment development and seeks to preserve it. There's,
17 it puts that in the context of bigger, broader policies, which
18 have, over time, emerged here, that is, creating an employment
19 corridor and a commercial corridor with high level
20 accessibility to 83 and, and, and light rail transit.

21 MR. MCCANN: Okay. Let me direct your attention just
22 to two provisions in it and then I think I'm done. Page
23 twelve, and they're numbered on the bottom of the left hand
24 side, pages. It's entitled, the section is entitled issue
25 maintaining an industrial service road. And, again, I'm just

1 going to read it to you and ask you the relevance or
2 significance of what I'm reading to you, to this case and to
3 your opinions. About halfway down in that paragraph it says,
4 even before the extension was completed, referring to the
5 Deerco, Beaver Dam extension, there were development pressures
6 for retail uses along this corridor and this is expected to
7 intensify in the future. In order to preserve the HV/T area as
8 an employment area, it is important to maintain the McCormick
9 Road to Greenspring Drive corridor as an employment service
10 road, permitting the movement of goods and employees,
11 unhampered by the congestion of retail development. So, if you
12 haven't already, tell us what, if any, significance that those
13 words have to your opinion in this case.

14 MR. JAKUBIAK: Uses that would develop on this
15 particular property ought to clearly be industrial or
16 industrial serving to support the employment corridor. And
17 development patterns that are not characterized by support for
18 the employment and the industrial base are, are, you know, I
19 guess would be frowned upon by the policies and summarized
20 here.

21 MR. MCCANN: Okay. I'll leave it at that and just,
22 I'll ask you one more question, I guess, about the plan itself.
23 Is, in your opinion, is the proposed Sheetz consistent with the
24 Hunt Valley/Timonium master plan?

25 MR. JAKUBIAK: No, it's not.

1 MR. MCCANN: For the reasons you've already
2 described?

3 MR. JAKUBIAK: That's right.

4 MR. MCCANN: I would move Exhibit 9 into evidence.

5 CHAIR: Mr. Baker?

6 MR. BAKER: No objection.

7 CHAIR: Mr. Vettori?

8 MR. VETTORI: It's, it's listed on the County's list
9 of adopted plans, so I have no objection to it whatsoever.

10 CHAIR: All right. Okay, so admitted.

11 MR. MCCANN: And those would be all the questions I
12 have, thank you.

13 CHAIR: Mr. Baker?

14 MR. BAKER: Just briefly, with regard to DGG number
15 nine, Mr. Vettori just, just said it, it's on the County's list
16 of adopted plans. Is it still in effect?

17 MR. JAKUBIAK: Yes, it's still in effect.

18 MR. BAKER: Okay, thank you. I have no further
19 questions, Your Honor.

20 MR. VETTORI: All right. I'm going to try to go in
21 order of I think the way the questions were asked. For DGG
22 Exhibit 6, and also Petitioner, where we circled the location
23 of the High's and Petitioner's exhibit number sixteen.

24 CHAIR: And nineteen.

25 MR. VETTORI: And nineteen.

1 CHAIR: Right.

2 MR. VETTORI: Specifically, with respect to number
3 six, you've got a color coded box, you have six in front of
4 you?

5 CHAIR: DGG six.

6 MR. VETTORI: DGG six. And it lists the subject site
7 as industrial or did that just get left vacant to be able to
8 point to the subject site?

9 MR. JAKUBIAK: It, it should have been zoned, or
10 shown as commercial use but it was left off.

11 MR. VETTORI: Okay. So, you intended it, for it to
12 be commercial?

13 MR. JAKUBIAK: That's right.

14 MR. VETTORI: Because I was just, didn't see any red
15 around it.

16 MR. JAKUBIAK: That's right.

17 MR. VETTORI: Okay. So, even though it's been
18 vacant, you didn't list it as orange and you've got some other
19 properties as orange, are those undeveloped properties, just
20 trying to understand the map?

21 MR. JAKUBIAK: Those, those are the properties that
22 the County land use data base showed as vacant and rather than
23 changing that, I kept them as is.

24 MR. VETTORI: Okay. So, just now to, kind of taking
25 that map and showing you Petitioner's, I don't know if you have

1 Petitioner's Exhibit 16? You had indicated the MLIM corridor
2 runs, this is my recollection of your testimony, all the way
3 from Shawan Road down to, I think what I call about Aylesbury?

4 MR. JAKUBIAK: Fair enough, yes.

5 MR. VETTORI: Okay.

6 MR. JAKUBIAK: Yes.

7 MR. VETTORI: And it gets wider and thinner at
8 certain points, correct?

9 MR. JAKUBIAK: Yes.

10 MR. VETTORI: Okay. But this property is zoned MLIM,
11 correct?

12 MR. JAKUBIAK: Yes, it is.

13 MR. VETTORI: And these other properties that are
14 indicated as land use around this, certain other properties,
15 particularly the ones in the north west corner of Padonia and
16 the intersection of Beaver Dam and Deerco, they are MLIM zoned
17 properties, correct?

18 MR. JAKUBIAK: Yes, they are.

19 MR. VETTORI: Then there's kind of a large swath
20 somewhere of MHIM land, and that's delineated in a redline,
21 correct?

22 MR. JAKUBIAK: Yes.

23 MR. VETTORI: But for the most part, the corridor
24 that's MLIM and some MHIM runs all the way from Shawan Road
25 down to, again, what I said was essentially Aylesbury.

1 CHAIR: Aylesbury.

2 MR. VETTORI: Aylesbury, right. And you think
3 because of the land uses that are actually taking place as
4 opposed to the zoning, that it's serving that industrial
5 corridor, is that your testimony that you had, that the High's,
6 that the High's, that's up here, that's more centrally located
7 in what you've indicated on the land use map as being
8 industrial, is more important than the actual zoning?

9 MR. JAKUBIAK: Yes, I, and to clarify, the, the use
10 of the land is what I referred to.

11 MR. VETTORI: Okay.

12 MR. JAKUBIAK: In determining what it was serving,
13 what the High's was serving.

14 MR. VETTORI: Okay.

15 MR. JAKUBIAK: And (inaudible) serving industrial
16 uses.

17 MR. VETTORI: If I were somewhere, say, around Warren
18 Road, but in between Padonia Road and Warren Road, what would
19 be my two options for going north on 83, the two most
20 convenient options, if I were in a motor vehicle?

21 MR. JAKUBIAK: On Warren Road, you could head north
22 to Shawan Road, access 83. Did you say north on 83?

23 MR. VETTORI: North on 83. What would be the most
24 expedient means of getting to north on 83?

25 MR. JAKUBIAK: That would probably be the most

1 expedient or headed south down to Padonia to 83.

2 MR. VETTORI: Have you ever driven in that area
3 during rush hour?

4 MR. JAKUBIAK: No, I haven't.

5 MR. VETTORI: Okay. Do, so you don't have an opinion
6 as to whether it's faster from, say, a point north or south of
7 Warren Road to go south to get north on 83 or to go north
8 towards Shawan Road?

9 MR. JAKUBIAK: I've been in the area before, not
10 during rush hour, to get back onto 83 and I prefer to travel
11 north.

12 MR. VETTORI: Okay.

13 MR. JAKUBIAK: Just my preference, based on my own
14 time.

15 MR. VETTORI: And, okay, so you would prefer to go to
16 Shawan Road but, to get north on 83?

17 MR. JAKUBIAK: Sure.

18 MR. VETTORI: Okay.

19 MR. JAKUBIAK: And I guess the, part of the reason is
20 if I'm heading north, I like to start north, rather than go
21 south then north.

22 MR. VETTORI: All right.

23 CHAIR: If you're on Warren Road?

24 MR. JAKUBIAK: I'm sorry?

25 CHAIR: And that's if you're on Warren Road?

1 MR. JAKUBIAK: Yes.

2 CHAIR: Okay.

3 MR. VETTORI: And quickly, I've marked as Petitioner,
4 admitted into evidence as Petitioner's Exhibits 48 was, forty-
5 eight was Bill 40-67 and I think I only gave you guys a certain
6 amount of copies.

7 CHAIR: Yes.

8 MR. VETTORI: You told me to e-mail but I went ahead
9 and got it, I apologize for trees but.

10 CHAIR: No.

11 BOARD: No, we appreciate it.

12 CHAIR: That's okay. I understand they're
13 (inaudible).

14 BOARD: Thank you.

15 MR. VETTORI: And you have one copy already, correct?

16 BOARD: And the original.

17 MR. VETTORI: And I'm going to give you a copy.

18 MR. JAKUBIAK: Okay.

19 MR. VETTORI: And I've given (inaudible).

20 CHAIR: Provided to counsel.

21 MR. BAKER: Thank you.

22 CHAIR: Thank you.

23 MR. VETTORI: I'm also going to do the same with --

24 CHAIR: Forty-eight.

25 MR. VETTORI: -- Bill 172-93.

1 BOARD: Is this forty-eight?

2 CHAIR: That one was forty-eight, the one coming is
3 forty-nine.

4 MR. VETTORI: Bill 40-67 is forty-eight and what I'm
5 giving you now is Exhibit 49, Bill 172-93.

6 BOARD: Thank you.

7 MR. VETTORI: No problem.

8 CHAIR: Thank you.

9 MR. VETTORI: Thank you.

10 BOARD: Thank you.

11 MR. VETTORI: Thank you. Thanks. And I'm also going
12 to mark as, as Petitioner's Exhibit, I think we're on 51.

13 CHAIR: I believe that to be the case but I defer, of
14 course, to Ms. Jolivet.

15 MR. VETTORI: Which is BCZR, Section 405.

16 CHAIR: Thank you.

17 BOARD: Thank you.

18 MR. VETTORI: Thank you. Have you reviewed Section
19 405 of the Baltimore County zoning regulations, speaking of it
20 Petitioner's Exhibit 51?

21 MR. JAKUBIAK: Yes, I have.

22 MR. VETTORI: And, you know, barring any recent
23 changes in the law, this was, (inaudible) it was printed out
24 over lunch time today, do you have any reason to believe it's
25 not accurate from, you know, what's on the computer to the

1 County?

2 MR. JAKUBIAK: I have no reason to think otherwise.

3 MR. VETTORI: All right. In DGG Markets exhibit
4 number three, which is BCZR Section 251, or 253.1 rather,
5 sorry, DGG Markets Pet, Protestant's Exhibit 3, and that is
6 BCZR Section 251, 53.1, I keep doing it wrong. The uses
7 permitted as of right, there's an A, a B and a C, correct?

8 MR. JAKUBIAK: Yes, --

9 CHAIR: Do you have that in front of you?

10 MR. JAKUBIAK: I don't, but my recollection, that
11 makes sense and I don't, I don't have it in front of me.

12 MR. VETTORI: I only have my own copy of that, I
13 apologize. (inaudible).

14 BOARD: Number three?

15 MR. VETTORI: Number three, yes. All right. If I
16 could direct your attention to BCZR Section 25, 253.2, 253.1,
17 I'm still on it. Point C. 253.1.C, specifically, number
18 thirteen under that subsection. Can you tell me what use that
19 is listed there?

20 MR. JAKUBIAK: Number thirteen reads, fuel service
21 station in the planned industrial park only, subject to Section
22 405.

23 MR. VETTORI: And that's similar to what's indicated
24 in DGG Markets Protestant's Exhibit 4, for 253.2, which is
25 .B.1, but that reads automotive service stations subject comma

1 further, to the provisions of Section 405, correct? Here, do
2 you have a copy of that, I'm sorry?

3 MR. JAKUBIAK: Yeah.

4 MR. VETTORI: I do actually have that one. You got
5 your own?

6 MR. JAKUBIAK: (inaudible). There are substantive
7 differences to the two statements, thirteen and one.

8 MR. VETTORI: Okay. Could you point out the
9 substantive differences, please?

10 MR. JAKUBIAK: Fuel service station in a planned
11 industrial park only is the, the caveat on number thirteen,
12 under item C. Whereas, B-1 simply refers to auto, automotive
13 service stations subject further to the provisions in Section
14 05, so it doesn't, 405, it doesn't mention the industrial park.

15 MR. VETTORI: Okay and as far as the kind of general
16 provision in C, which is 253.1.C, before you get down to number
17 thirteen, a fuel service station, the subsequent C says, the
18 following auxiliary, retail or services uses or (inaudible)
19 industrial uses provided that any such uses is located in a
20 planned industrial park of at least twenty-five acres in that
21 area comma in an IM district comma or in combination of an AS
22 and IM district, correct?

23 MR. JAKUBIAK: Yes.

24 MR. VETTORI: But you're saying because it says fuel
25 service station it expressly provides after that any planned

1 industrial park only that those generally applicable provisions
2 to other uses don't apply to this one?

3 MR. JAKUBIAK: Well, you'll have to restate that, I'm
4 sorry. I was still catching up to you, this Section C, I began
5 reading Section C (inaudible) --

6 MR. VETTORI: That's fine.

7 CHAIR: All right. Let's do this. Mr. Jakubiak,
8 let's do this.

9 MR. JAKUBIAK: Yeah.

10 CHAIR: Read C, the preamble part to C.

11 MR. JAKUBIAK: The following auxiliary?

12 CHAIR: Yes.

13 MR. JAKUBIAK: Yeah, okay, good.

14 CHAIR: I think that's what Mr. Vettori wants you to
15 do, because he's going to have questions about that.

16 MR. VETTORI: Sure.

17 MR. JAKUBIAK: Yes, go ahead.

18 MR. VETTORI: You're done reading C?

19 MR. JAKUBIAK: Yes.

20 MR. VETTORI: Okay. If I were to propose a barber
21 shop under, say, C-3, --

22 MR. JAKUBIAK: Yeah.

23 MR. VETTORI: -- I could do that if my property was
24 zoned MLIM, is that your opinion?

25 MR. JAKUBIAK: Yes, it would be an auxiliary use,

1 auxiliary service use.

2 MR. VETTORI: Okay and number twenty-one under C is a
3 carryout, fast food and standard restaurant except drive in
4 restaurants, correct?

5 MR. JAKUBIAK: Yes.

6 MR. VETTORI: So, I could do that use if I had an IM
7 district overlay and the underlying zoning ML, correct?

8 MR. JAKUBIAK: Yes.

9 MR. VETTORI: Okay. So, a fuel service station would
10 be permitted but they've added this language. The Council, and
11 it appears there was a bill that added it that's referenced
12 here, can you tell me what bill number that is?

13 MR. JAKUBIAK: I don't --

14 MR. VETTORI: Under number thirteen, does it not have
15 it on yours?

16 MR. JAKUBIAK: No.

17 CHAIR: No.

18 MR. VETTORI: Okay. Well, could I --

19 CHAIR: Is it, are we going to ruin surprises by
20 thinking that it's the one you just handed in to us?

21 MR. VETTORI: It's not Section 405, it's not the one,
22 no, but in --

23 CHAIR: I'm sorry, the wrong bill, here you go.

24 MR. VETTORI: And Bill 172-93 --

25 CHAIR: Right.

1 MR. VETTORI: -- which is Petitioner's exhibit number
2 forty-nine.

3 CHAIR: Forty-nine.

4 MR. VETTORI: And I could point you to the page
5 number, (inaudible) rather quickly, of that bill. I believe
6 it's page number twenty-two. At the top of the page, I think
7 it lists two, Section 253, use, regulations, ML zone.

8 MR. JAKUBIAK: And, excuse me, what bill, number 40
9 or 172-93?

10 MR. VETTORI: 172-93.

11 CHAIR: You're on Petitioner's Exhibit 49.

12 MR. JAKUBIAK: Okay.

13 MR. VETTORI: I'm on Petitioner's Exhibit 49.

14 CHAIR: Which is bill number 172-93.

15 MR. JAKUBIAK: Very good and page?

16 CHAIR: And on page twenty-two of that.

17 MR. JAKUBIAK: Very good.

18 CHAIR: And Mr. Vettori will direct your attention to
19 a line that's appropriate.

20 MR. VETTORI: Specifically, line two, line one I
21 think will give you a context of why, why two is going to be
22 confusing. Line one, that's Section 253, right?

23 MR. JAKUBIAK: Yes.

24 MR. VETTORI: And that controls the overall use
25 regulations, both permitted by right and by special exception

1 for the ML zone?

2 MR. JAKUBIAK: Correct.

3 MR. VETTORI: Which is 253.1 and 253.2. As far as
4 you know, under line two, there is no 253.1, 2, 3, correct?

5 MR. JAKUBIAK: I'm not aware of that section. I
6 don't think it shows up in the Code.

7 MR. VETTORI: But there's a corresponding in line
8 five, a C section, which I think, reads essentially as you've
9 just read from Protestant's exhibit number, getting them all
10 mixed up. Number three, 253.1.

11 MR. JAKUBIAK: Yes.

12 MR. VETTORI: And it includes in there 17-A, fuel
13 service station, a planned industrial park only on lines twelve
14 and thirteen, subject to Section 405, correct?

15 MR. JAKUBIAK: Yes.

16 MR. VETTORI: So, is it safe to say that this bill
17 was probably what added that provision?

18 CHAIR: Which provision?

19 MR. VETTORI: The provision that a fuel service
20 station in a planned industrial park only, subject to Section
21 405.

22 CHAIR: The cap, the capitalized line, twelve and
23 thirteen?

24 MR. VETTORI: That's correct.

25 MR. JAKUBIAK: It is capitalized and usually that

1 means a, capitals indicate matter added to existing
2 (inaudible). Mr. Vettori, I don't think you're trying to trick
3 me.

4 MR. VETTORI: I am not trying to trick you.

5 MR. JAKUBIAK: Okay.

6 MR. VETTORI: I apologize. Well, that's not entirely
7 true, but not in this question.

8 MR. JAKUBIAK: Thank you for that.

9 MR. VETTORI: You got it.

10 MR. MCCANN: Give him the heads up. As if he didn't
11 know.

12 MR. VETTORI: All right. Exactly. All right. So,
13 in this bill, I think, similarly kept, I just did something
14 with it. This bill similarly kept, or it modified on page
15 twenty, also on page twenty-two, 253.2 and if you direct your
16 attention to line fourteen and that's uses permitted by special
17 exception, correct?

18 MR. JAKUBIAK: Yes.

19 MR. VETTORI: Okay and it changed some language and I
20 think you indicated in all caps means adding something to the
21 law. In the front, can you explain to me what brackets
22 indicate? If you turn, direct your attention there very
23 quickly.

24 MR. JAKUBIAK: Matters stricken from the law.

25 MR. VETTORI: Okay.

1 MR. JAKUBIAK: The existing law.

2 MR. VETTORI: Are there any brackets in Subsection B?

3 MR. JAKUBIAK: Yes.

4 MR. VETTORI: And what is being stricken from what is
5 now 253.2.B that wasn't that, prior to --

6 MR. JAKUBIAK: The words, in neither case with any
7 direct access to an arterial street, other than a class A
8 commercial motorway and comma.

9 MR. VETTORI: Okay.

10 CHAIR: Lines eighteen through twenty.

11 MR. VETTORI: So, so they, that section was modified
12 but it didn't actually change the automotive service stations
13 comma subject comma further to the provisions of Section 405 in
14 lines twenty-three and twenty-four, correct? You want me to
15 repeat that? I kind of said it quickly.

16 MR. JAKUBIAK: Yeah, it, it doesn't appear to be
17 changed to that, no.

18 MR. VETTORI: Okay. So, is it your position, you had
19 indicated that you look at the zoning of, you look at the uses
20 permitted in the underlying zone, which in this case is the ML
21 zone, correct?

22 MR. JAKUBIAK: Yes.

23 MR. VETTORI: To decide whether a proposed use here,
24 we are proposing a fuel service station. Are you saying that a
25 fuel service station as indicated in 253.1.C.13 and an

1 automotive service station are interchangeable terms for the
2 same use? You have said that an automotive, this is an
3 automotive service station and we have to primarily serve the
4 industrial corridor under 253.2.B.1, correct?

5 MR. JAKUBIAK: I, I, yes, I did read that as the use
6 and I have referred to this proposed use as a fuel service
7 station in my testimony as well. But, so, in answer to your
8 question, item thirteen limits fuel service station to a
9 planned industrial park only.

10 MR. VETTORI: Okay. But my question was really if
11 you could do a fuel, if it was an automotive service station
12 instead of a fuel service station and it was limited there, it
13 would be the same use as what's being proposed or what you
14 would analyze under the special exception criteria, correct?

15 MR. JAKUBIAK: I think so, as a construction of law I
16 had sat and reflected on (inaudible) in light of these old
17 bills, so.

18 MR. VETTORI: Okay. So, you're not intimately
19 familiar with the old legislative changes in Bill 40-67 and
20 173, 172-93?

21 MR. JAKUBIAK: My familiarity just centered on 405
22 and its, its description of the change in terminology and, from
23 fuel station, from automobile stations and fuel service
24 station, in light of changes that occurred in the economy and
25 land use patterns.

1 MR. VETTORI: Okay. I'd mark as Petitioner's exhibit
2 number fifty, am I at fifty-two?

3 BOARD: Yes.

4 MR. VETTORI: This is a copy of Bill 78-02.

5 CHAIR: So, with respect to fifty-one, any objection?

6 MR. MCCANN: No objection.

7 MR. BAKER: No objection.

8 CHAIR: Fifty-one will be admitted. We are now on
9 Petitioner's Exhibit 52.

10 MR. VETTORI: Could you briefly describe what I've
11 marked as Petitioner's Exhibit 52? What bill number it is?

12 MR. JAKUBIAK: Bill number 78-02.

13 MR. VETTORI: And the 02 signifies 2002 as when the
14 bill was introduced or --

15 MR. JAKUBIAK: Yes, yes.

16 MR. VETTORI: Okay and if I could direct your
17 attention to what the purposes or, you know, what that says
18 with respect to that bill. Is it involving a certain district
19 or zone?

20 MR. JAKUBIAK: It's an overlay district to implement
21 the Middle River Employment Center area plan.

22 MR. VETTORI: Is it modifying the districts that are,
23 of course, codified in BCZR Section 259, and I think as you
24 pointed out earlier, and is it also modifying Section 405?

25 MR. JAKUBIAK: It says by repealing and reenacting

1 with amendments, 405.2.B.1.

2 MR. VETTORI: Okay.

3 MR. JAKUBIAK: That's what you're referring to.

4 MR. VETTORI: Yes.

5 MR. JAKUBIAK: Okay.

6 MR. VETTORI: That is what I'm referring to. If I
7 could direct your attention to page, I believe, it's six. I
8 don't have my copy right in front of me, but I think I've got a
9 good recollection. It indicates a proposed use that's
10 permitted by special exception, the M-43 district, is that
11 correct? You mind if I approach? I just want to make sure
12 I've directed you to the right page --

13 MR. JAKUBIAK: Sure, yeah, please.

14 MR. VETTORI: -- (inaudible) yes, okay. I think it's
15 line nineteen, or thereabouts.

16 MR. JAKUBIAK: Oh, okay. Fuel service stations
17 subject to, yes, okay.

18 MR. VETTORI: But the original, again, to look back
19 at page one, as far as how the Council drafts bills, they
20 originally crafted this as an automotive service station,
21 correct?

22 MR. JAKUBIAK: Well, this is, --

23 MR. MCCANN: Mr. Garber, can I --

24 CHAIR: Hold on, hold on, hold on --

25 MR. MCCANN: I'm sorry to --

1 CHAIR: -- Mr. Jakubiak.

2 MR. MCCANN: I'm sorry to interrupt.

3 CHAIR: Is this an objection?

4 MR. MCCANN: It is an objection.

5 CHAIR: Thank you.

6 MR. MCCANN: Obviously, Mr. Jakubiak hasn't been
7 asked but I think he, he is not familiar with these, hasn't
8 looked at them specifically in regards to his testimony. So,
9 if this is an argument Mr. Vettori wants to make in his brief,
10 that somehow there was some legislative changes, then let's
11 make it. I mean, I think it's a legal argument. To go through
12 this with Mr. Jakubiak, when he's not even familiar with the
13 documents in the first place, I think is, is, frankly, a waste
14 of our time. The arguments are what they are and Mr. Vettori
15 is entitled to make them, so that's my point.

16 MR. VETTORI: I think Mr. Pieranunzi was asked a
17 number of questions and I don't know if he ever opined about
18 what, besides Section 405 allowing this use of a fuel service
19 station by special exception, so Mr. Jakubiak clearly said
20 Section 253 applies. I thought as an expert he could opine
21 about where that legislative history came from.

22 CHAIR: And so, right, we're talking about two
23 different things as I understood it. So, correct, clear, yeah,
24 clear this up for me.

25 MR. VETTORI: Sure.

1 CHAIR: I understood your objection to be he's not
2 familiar with it, that's what you said. And are you referring
3 to the bill or you're referring to the regulation?

4 MR. MCCANN: The bill.

5 CHAIR: Because the bill, I, I would agree, is
6 different than what the regulation is.

7 MR. MCCANN: Yeah, he's not, he's (inaudible) ask him
8 anything he wants about 253, obviously.

9 CHAIR: But that doesn't mean that Mr. Vettori
10 necessarily can't ask questions about the bill when he's been
11 accepted as an expert in planning and zoning.

12 MR. VETTORI: Correct.

13 MR. MCCANN: That's fine.

14 CHAIR: But he does need time to then reflect upon
15 the bill.

16 MR. VETTORI: Sure.

17 CHAIR: So, when, for example, your question was --

18 BOARD: (inaudible).

19 CHAIR: You know, a number of, on page six, you
20 ultimately drew his attention to, is this bill to change, you
21 know, I forgot what the exact question was, to allow by special
22 exception something, some particular use. I mean, if you're
23 going to direct his attention to a specific reference, which
24 ultimately you did, that's fine. But otherwise, if it's to go,
25 you know, what do you know about this and where is it? He's

1 not going to know that part of it. So, I understand to some
2 degree what Mr. McCann is saying. But it doesn't preclude you
3 from asking questions, but if you can, just direct his
4 attention --

5 MR. VETTORI: Yeah, I mean, I think there were a
6 number of foundational questions about an automotive service
7 station and then a fuel service station and now there's an
8 example where the counsel has made a change to a bill that was
9 introduced, reflecting something indicating this and I wanted
10 to know if he was --

11 BOARD: But you said automotive on page one, is what,
12 that was your last question --

13 MR. VETTORI: On the bill? No, on page one, the
14 strike through, what does a strike through mean or brackets.

15 BOARD: Oh, that's what you were referring to.

16 MR. VETTORI: Yes, I apologize.

17 BOARD: Okay.

18 CHAIR: And so, to the extent, I mean, if this is
19 where the question is going, --

20 MR. VETTORI: Yeah.

21 CHAIR: -- would the striking of automotive and the
22 addition of fuel have an impact upon his opinions or his
23 knowledge of the regulation, I suspect that's where we're going
24 because I'm assuming it's not about Middle River.

25 MR. VETTORI: Certainly. Correct, correct. But, you

1 know, at the end of the day, there is a meaning assigned,
2 there's terms of art and I think if it's, you know, this is a
3 term of art, whether you have an automotive service station,
4 which was largely repealed and, you know, maybe I'll ask
5 another question that gets to this point. If I could direct
6 your attention to Petitioner's exhibit number fifty-one, which
7 is --

8 CHAIR: So, for, just to clarify that. I will
9 overrule the objection.

10 MR. VETTORI: And give it time to make a new
11 objection if they want in a minute?

12 CHAIR: Right. We'll just have to keep rolling
13 through that.

14 MR. VETTORI: Do you have a copy of BCZR Section 405
15 in front of you? I believe I gave you one.

16 MR. JAKUBIAK: Yes.

17 MR. VETTORI: Okay and could I direct your attention
18 to read to me that Subsection C of 405.1 on Petitioner's
19 Exhibit 51?

20 MR. JAKUBIAK: The design and operation of service
21 stations, I'm sorry, would you prefer that I read it out loud
22 for everybody or just --

23 MR. VETTORI: That would be great. Well, if you want
24 to read it first, before you read it out loud, you can do that,
25 but take, take your time.

1 MR. JAKUBIAK: The design and operation of service
2 stations has changed significantly and a provision set forth in
3 bill number 40-1967 no longer reflect contemporary business
4 practices due to the rise of self-service stations, the number
5 of businesses that service, quote, motor, motor vehicles by
6 providing repair facilities has been steadily declining, while
7 the number of stations with convenience stores or car wash
8 operations has been increasing. To better reflect the evolving
9 role of this use, the name of automobile, auto, automotive
10 service station is being changed to fuel service station and
11 regulations which govern the permitted ancillary uses are being
12 amended to reflect contemporary business practices and to
13 facilitate the upgrading of existing stations.

14 MR. VETTORI: And it appears that upon, I think, when
15 we went over Bill 172-93, that the Council didn't get rid of
16 the automotive service station, did, and is it your opinion
17 that an automotive service station is still a fuel service
18 station?

19 MR. MCCANN: Could I ask one question, compound
20 question. Objection, I'm sorry.

21 CHAIR: Thank you.

22 MR. MCCANN: Because there's two questions.

23 CHAIR: I understood that he was setting the
24 foundation for his question with the reference to 172-93.

25 MR. VETTORI: Correct.

1 CHAIR: That there is a reference to automotive
2 service station and, therefore, does that suggest to this
3 witness that the County Council treats automotive service
4 stations differently than fuel service stations, am I --

5 MR. VETTORI: That's correct.

6 CHAIR: Okay.

7 MR. MCCANN: Thank you, Mr. Garber.

8 CHAIR: Sure. So, overruled the objection.

9 MR. VETTORI: And again, does the County treat
10 automotive service stations the same as fuel service stations?

11 MR. JAKUBIAK: Yes, it treats them the same.

12 MR. VETTORI: And by the County, do we mean the
13 Zoning Office (inaudible) this petition or do you mean the
14 Council that implements language indicating automotive service
15 station or fuel service station?

16 MR. JAKUBIAK: The County adopting the authority that
17 adopted the bill.

18 MR. VETTORI: In Bill 78-02, can you explain why the
19 County would have changed what they initially introduced as an
20 automotive service station, which you think is a fuel service
21 station still, to a fuel service station?

22 MR. JAKUBIAK: They simply amended the bill language.
23 They, they didn't amend the law in that, (inaudible) the line
24 stricken through so I can't surmise, I can't place myself in
25 that situation.

1 MR. VETTORI: Okay. I think I've taken this one as
2 far as I can go with it. The --

3 CHAIR: I would agree.

4 MR. VETTORI: The definition of industrial use in 10,
5 in BCZR Section 101, which has been marked as Petitioner's, I
6 lost my exhibit list. Bear with me a second. Okay. That's
7 DGG Markets Exhibit 7, the Webster's definition of auxiliary.

8 CHAIR: Were you looking for 101 or were you looking
9 for --

10 MR. VETTORI: I'm sorry, I was looking for the 101.

11 BOARD: I don't think that's --

12 CHAIR: Yeah, I don't think that that's --

13 MR. VETTORI: That's the definition of industrial, so
14 it was Adam's, so, --

15 CHAIR: I don't necessarily know that they're, I
16 mean, is it an exhibit for 7-11?

17 BOARD: No, it's auxiliary but, yeah, (inaudible) --

18 MR. VETTORI: Definition of auxiliary, it was not an
19 exhibit? You're right, it was on his (inaudible) --

20 CHAIR: It also doesn't need to be an exhibit because
21 it is Baltimore County zoning regulation.

22 MR. VETTORI: I apologize, I only have it on my
23 phone, because I don't have my big book.

24 CHAIR: Quite all right.

25 MR. VETTORI: (inaudible). Sure, if I could present

1 it to you to review. The definition of industrial, quasi-
2 industrial and let me look at yours, because it may be
3 different than my phone, I don't want to add something.
4 Industrial, quasi-industrial, does it list definition? When
5 the bill, what bill created that definition, if you know?
6 Industrial, quasi-industrial or industrial related use under
7 BCZR Section 101?

8 MR. JAKUBIAK: Well, it appears that bill number 1,
9 bill number 178-1979 is listed in brackets just under the
10 definition.

11 MR. VETTORI: Okay and you had, you had testified
12 that any use listed in Section 253.1.A other than item thirty-
13 four, is, constitutes an industrial or quasi-industrial or
14 industrial related use, correct?

15 MR. JAKUBIAK: According to this definition.

16 MR. VETTORI: And that was just to paraphrase, an
17 office use as codified now in 253.1.34?

18 MR. JAKUBIAK: Yes.

19 MR. VETTORI: Could I get you to, well, I guess we
20 have an exhibit for that. And my exhibit, again, wasn't
21 exactly the same as yours, so if I could just --

22 MR. MCCANN: Exhibit 3.

23 MR. VETTORI: -- look at DGG --

24 CHAIR: DGG.

25 MR. VETTORI: -- Market Exhibit 3, do you have a copy

1 of that?

2 CHAIR: And what are you looking for?

3 MR. JAKUBIAK: I do.

4 MR. VETTORI: I'm looking for the bill reference for
5 that thirty-four, so I think we're talking about A-34, so it's
6 probably on page two of that exhibit. What is the bill
7 reference of that? It doesn't have a bill reference. All
8 right.

9 CHAIR: Well, in the, you're reading from the book,
10 which is different than the, the copies provided to the Board,
11 which I'm assuming, therefore, is different than the version
12 that's the actual exhibit --

13 BOARD: I think it's referenced in 101.

14 CHAIR: He has --

15 MR. VETTORI: He has the actual exhibit.

16 BOARD: I think it's referenced in 101 under the
17 definition.

18 CHAIR: Referring to three.

19 MR. VETTORI: Is offices?

20 BOARD: Offices or medical office.

21 CHAIR: (inaudible).

22 BOARD: I could be wrong though. I'm often wrong.

23 MR. VETTORI: I think that would make sense. I mean,
24 your logical sense --

25 BOARD: That I'm wrong?

1 MR. VETTORI: Again, --

2 CHAIR: Okay. So, let's hit the reset the button on
3 that.

4 MR. VETTORI: If I were to tell you that, yeah. That
5 section, if I've got a --

6 CHAIR: When you say that section, we now need
7 verification.

8 MR. VETTORI: That section is Section 253.1.34,
9 references a bill that took place later and I could argue,
10 would it make sense that that could possibly have been a
11 different section and not the office section?

12 BOARD: Are you talking about Exhibit 3?

13 MR. VETTORI: Exhibit 3 that references --

14 CHAIR: Office.

15 MR. VETTORI: -- well, Exhibit, right, Exhibit 3 that
16 references office and 253.1. --

17 CHAIR: .1.C, right?

18 MR. VETTORI: Yes, A, --

19 CHAIR: A-34.

20 MR. VETTORI: A.34, that it now reads office, but
21 according to the online version, it has a bill number and that
22 bill number, a different version, it had a bill number and I
23 think in BCZR Section 101, under the definition of office, it
24 likely has it, but for the sake of argument, if it was a later
25 bill, would it be conceivable that this definition in 101,

1 under, of industrial or quasi-industrial, or industrial
2 related, that it was referencing a section other than office.

3 MR. MCCANN: Objection. Conceivable? I mean, if the
4 bill says it, the bill says it, let's introduce it.

5 CHAIR: If I may.

6 MR. VETTORI: I'll withdraw the question.

7 CHAIR: I would, yes, I was going to say, I was going
8 to sustain the objection because the, he, this witness would
9 have to get into the legislative intent behind two bills.

10 MR. VETTORI: Right.

11 CHAIR: And we don't have those bills in front of
12 this witness, so.

13 MR. VETTORI: Sure. And again, I could make that
14 point later.

15 CHAIR: And I believe that that's probably where it's
16 more appropriate anyway. But, yes.

17 MR. VETTORI: I think so. Thank you. As far as, you
18 had referenced how the High's and Royal Farm and, to a lesser
19 extent, to paraphrase it, you said Royal Farms isn't primarily
20 serving the industrial area, but the High's would be primarily
21 serving the industrial area. If, and this site would not
22 primarily be, this site being the site for which --

23 CHAIR: Sheetz.

24 MR. VETTORI: -- our Petition, (inaudible) of the
25 Sheetz site, petition, petition for zoning hearing that's being

1 requested. I think we heard from Mr. Kowalewski that he
2 probably would never go to this site. As far as the pass by
3 traffic of the, I don't know how many people signed the exhibit
4 that 7-11 put in, do you think it's fair to say all those pass
5 by people won't be stopping at this Sheetz as well?

6 CHAIR: If I may, have you seen the exhibit that he's
7 referring to?

8 MR. JAKUBIAK: No.

9 CHAIR: It kind of puts him in an odd position. I
10 understand what you're getting at but, if you're going to ask
11 him about an exhibit that he's never saw --

12 MR. VETTORI: Correct. Thank you, I've got it.

13 BOARD: You're welcome.

14 MR. VETTORI: There's only the one copy?

15 BOARD: Yes.

16 MR. VETTORI: Do you think these individuals, who
17 clearly do not support the Sheetz being approved are likely to
18 stop at the Sheetz, if they're included within pass by traffic,
19 only those folks that aren't? I don't expect you to look to
20 the whole list of individuals that sign, that go to 7-11.

21 MR. JAKUBIAK: So, to answer, are you suggesting
22 that, are you asking that individuals that shop at 7-11, would
23 they be inclined to stop at Sheetz as they drive by? I don't
24 know where--

25 MR. VETTORI: In lieu of going to 7-11 or just, in

1 general, ever going to Sheetz?

2 MR. MCCANN: It depends on where they're coming from.
3 There's too many unknowns in that question. Our point is, it
4 really depends on where these folks are coming from.

5 CHAIR: Well, and to be fair to Mr. Vettori, some of
6 that information is not, it's reflected as to what's going on
7 as to the comings and goings within that exhibit. So, we're
8 really now trying to get into the weeds of the intent of thing,
9 of people that we don't have fully identified from their
10 location, which may not be fully identified and then have this
11 witness give an opinion about speculated identities, locations
12 and intent. So, we're really far afield, I guess, is where
13 that leaves that. All right.

14 MR. VETTORI: Quick question, I'll try to reign it in
15 to make sense. The, you live around the Towson area, correct?

16 MR. JAKUBIAK: Yes.

17 MR. VETTORI: As do I. Sometimes I will drive by a
18 gas station, some way going to work, another way coming home
19 from work. I don't stop at that gas station every time I pass
20 by it. Is it safe to say you go through the same experience?

21 MR. JAKUBIAK: Yes.

22 MR. VETTORI: And your office, I believe, is also in
23 the area, correct?

24 MR. JAKUBIAK: Yes.

25 MR. VETTORI: So, you don't drive very far to work,

1 correct?

2 MR. JAKUBIAK: I don't drive at all to work. No, I
3 developed an office in my home site.

4 MR. VETTORI: But if there are people like say,
5 myself, that do drive to work, even though we live close by, is
6 it safe to say you're not stopping every time you pass by a
7 location to get gas at a gas station?

8 MR. JAKUBIAK: I would agree with that.

9 MR. VETTORI: You could maybe make it a week or two?

10 MR. JAKUBIAK: Sure.

11 MR. VETTORI: And even though you're passing by, and
12 there's a lot of pass by trips that I think we took note of,
13 does that mean you're necessarily primarily serving that
14 corridor?

15 MR. MCCANN: Objection.

16 MR. JAKUBIAK: You said --

17 MR. MCCANN: Objection.

18 CHAIR: Hold on.

19 MR. JAKUBIAK: Said I'm --

20 CHAIR: Hold on, Mr. Jakubiak.

21 MR. JAKUBIAK: Oh, I'm sorry, sir.

22 MR. MCCANN: I didn't, I just didn't understand the
23 question at all.

24 MR. VETTORI: I think that's fair. I did
25 (inaudible).

1 MR. MCCANN: (inaudible) we're talking about a
2 business primarily serving people around and I'm not sure --

3 CHAIR: Let, let, we'll do this, because it sounds
4 like Mr. Vettori is going to reframe his question and see where
5 that takes us on the objection.

6 MR. VETTORI: You had testified that this location
7 would not primarily be serving the industrial corridor. And to
8 that, you were asked questions about the zoning, the land use
9 designations and also where most of the pass by traffic comes
10 from, correct?

11 MR. JAKUBIAK: Yes.

12 MR. VETTORI: And do you think pass by traffic
13 indicates that is necessarily who you will be serving
14 primarily?

15 MR. JAKUBIAK: Let me answer it this way. These
16 types of uses live and die on pass by traffic. Pass by traffic
17 is, is what supports a business. That's why location is so
18 important to these particular uses. And not only location, but
19 the, the amount of traffic. Because, as you said, not
20 everybody passes, that passes by stops at every time. But
21 there's a magnitude of people out there and some share then
22 will stop some of the time. In the aggregate, that's what
23 supports a business like this. That's my answer.

24 MR. VETTORI: Okay and then there's, you know,
25 obviously people that could, do people that are, do you have

1 any information that indicates people that are passing by east
2 and west on Padonia Road are necessarily, you know, doing so to
3 get to their homes or to otherwise get further north, I mean,
4 homes close by? I think you had testified they are primarily
5 serving the Old Padonia, or I forget what you called the
6 neighborhood, but that neighborhood.

7 MR. JAKUBIAK: My, my, my responses and answers
8 focused on my background and experience in, in, in planning
9 judgment about traffic on a road like Padonia Road when there
10 are large residential areas on either side of it and one of the
11 most extensive commercial corridors along it, so it's a, a
12 reflection of what I know to be the sense that the way traffic
13 moves through a, through an industrial area and a commercial
14 area, you know, corridor like this. So, it's, it's more based
15 on professional analysis, the situation.

16 MR. VETTORI: Okay. I'm going to, I want, a couple
17 question quickly about Petitioner's Exhibit, I mean, I'm sorry,
18 DGG Markets Exhibits 8 and 9, starting with Exhibit 8, which
19 was a reclassification Petition, I think I was ready to cut Mr.
20 McCann off and ask a question about this, I apologize again.

21 CHAIR: Do you have it in front of you, sir?

22 MR. JAKUBIAK: Thank you. Yes, Mr. Chairman.

23 MR. VETTORI: Oh, you have a copy of the master plan
24 or, on the Hunt Valley/Timonium --

25 MR. JAKUBIAK: The, the, the excerpts that

1 (inaudible).

2 MR. VETTORI: Here, I'll give you the exhibit.
3 You've got the (inaudible) though, make sure I get them back.

4 CHAIR: Yes, he must return them, otherwise you can't
5 leave.

6 MR. VETTORI: On Petition, on DGG Markets exhibit
7 number eight, which is the Petition for Reclassification,
8 you're familiar with the reclassification process, correct?

9 MR. JAKUBIAK: Yes.

10 MR. VETTORI: In Baltimore County?

11 MR. JAKUBIAK: Right.

12 MR. VETTORI: And that is one that has a certain
13 standard to grant the reclassification, correct? What is the
14 standard for granting a Petition for Reclassification?

15 MR. JAKUBIAK: It's, has, was there a mistake in the
16 initial zoning designation or substantial change in the
17 character of the neighborhood that warrants a change in zoning.

18 MR. VETTORI: And you also say you do a lot of work
19 all around the State, not beyond Baltimore County, but in
20 Baltimore County, most places have a comprehensive zoning map
21 process. Does that require a change (inaudible) to grant that?

22 MR. JAKUBIAK: No, a comprehensive rezoning process
23 does not.

24 MR. VETTORI: It's a quadrennial process, or every
25 four years, correct, in Baltimore County?

1 MR. JAKUBIAK: Yes, it is.

2 MR. VETTORI: So, since 1990 --

3 MR. JAKUBIAK: The comprehensive process, that is.

4 MR. VETTORI: Correct.

5 MR. JAKUBIAK: Yes.

6 MR. VETTORI: That's a CZMP, not the CZMP process
7 but.

8 CHAIR: Yes.

9 MR. VETTORI: The, so, in this reclassification from
10 '94, is it feasible that there's been some change or, you know,
11 in the neighborhood since that time? We're talking about how
12 many years here? Twenty-five years?

13 MR. JAKUBIAK: It's feasible.

14 MR. VETTORI: So, whatever Planning said here,
15 twenty-five years later may not be what Planning thinks today?

16 MR. JAKUBIAK: There may be some changes.

17 MR. VETTORI: Okay. And it references, I think on
18 page, well, I know, on page thirty-six and it's the last
19 paragraph before the Office of Planning and Zoning summary and
20 recommendations, my reading of this is the regulations of the
21 ML zone are found in Section 253. It also says, and that's the
22 first sentence, is that your recollection as well?

23 MR. JAKUBIAK: Could you direct me to the page again?

24 MR. VETTORI: Sure, page thirty-six.

25 CHAIR: It's the last page in the exhibit.

1 MR. JAKUBIAK: Thirty-six, okay. Okay. Now your
2 question, please?

3 MR. VETTORI: And the question is, it reads that the
4 regulations for the ML zone are found in Section 253 and we've
5 established that today, today, correct?

6 MR. JAKUBIAK: Yes.

7 MR. VETTORI: Okay and the last sentence of that
8 paragraph says the IM district regulations are found in Section
9 259.2.H, correct?

10 MR. JAKUBIAK: Yes, it does.

11 MR. VETTORI: All right and then it also went on, and
12 I guess in the last paragraph of the entire document, it also
13 goes on to state that another option, besides the CZMP or
14 reclass is doing a planned unit development, correct?

15 MR. JAKUBIAK: Yes.

16 MR. VETTORI: And back then, it was called a
17 commercial or resident planned unit development, today it's
18 just a planned unit development, correct?

19 MR. JAKUBIAK: Yes.

20 MR. VETTORI: Okay. Moving on to the Hunt Valley,
21 and I think you had indicated in here, that the Hunt
22 Valley/Timonium plan was referenced?

23 MR. JAKUBIAK: Yes.

24 MR. VETTORI: And this, again, was a Petition for
25 Reclassification from 1994, is that accurate?

1 MR. JAKUBIAK: Right.

2 MR. VETTORI: Okay and then moving on to DGG Market
3 Inc.'s Exhibit 7, the Hunt Valley/Timonium master plan, could
4 you --

5 MR. MCCANN: Nine. I think it's nine.

6 BOARD: Exhibit 9.

7 MR. VETTORI: It's nine, sorry, I've got my seventh
8 question there, yeah, thank you very much.

9 BOARD: Okay.

10 MR. VETTORI: Could you tell me when that was adopted
11 by the Baltimore County Council on the first page?

12 MR. JAKUBIAK: Nineteen ninety-eight.

13 MR. VETTORI: So, that's four years after this plan,
14 right? Or this reclassification petition?

15 MR. JAKUBIAK: Yes.

16 MR. VETTORI: So, it's referencing something other
17 than this document?

18 MR. JAKUBIAK: It is representing something other
19 than that.

20 MR. VETTORI: Okay, great. And I think that document
21 that it was referencing, is indicated on page one of DGG Market
22 Exhibit 9, is that correct?

23 MR. JAKUBIAK: Yes, it is.

24 MR. VETTORI: And that was never adopted by the
25 Council, but it was reviewed as part of this, is that your

1 understanding?

2 MR. JAKUBIAK: Approved by the Planning Board but not
3 adopted by the Council, as I recall.

4 MR. VETTORI: Okay. I think it reads the original
5 1993 plan contains detailed analysis of existing condition,
6 including land use, transportation and a natural environment.
7 For this revised --

8 CHAIR: What page are you reading, I'm sorry?

9 MR. VETTORI: I'm sorry. This is the, and I think
10 you probably got, is it two columns here? It's on page one, --

11 BOARD: Of Exhibit 9.

12 MR. VETTORI: Of Exhibit 9, DGG Market Exhibit 9, it
13 is the fifth paragraph, if I'm not mistaken, the third, the
14 middle one on the right side of page one, under Section 1,
15 introduction.

16 BOARD: That page.

17 CHAIR: I got it.

18 MR. VETTORI: And it says, this plan details specific
19 actions and recommendations for the Hunt Valley/Timonium area,
20 actions and recommendations. And it says the original 1993
21 plan contains detailed analysis of existing conditions,
22 including land use, transportation and the natural environment,
23 correct? Are you on the same section, --

24 MR. JAKUBIAK: Yes. Yeah, I'm, I'm with you, yes.

25 MR. VETTORI: Okay. And it says, for this revised

1 plan, information that was pertinent to the plan's
2 recommendations has been updated and it, you can, references
3 you to additional detailed information from the 1993 plan.
4 Have you looked at the 1993 plan?

5 MR. JAKUBIAK: No, I have not.

6 MR. VETTORI: Okay. Direct your attention to, I
7 think specifically you had issued, or answered a question
8 regarding pages ten to thirteen, somewhere in there, and I
9 think it was specifically page twelve to thirteen, which is
10 maintaining an industrial service road was an issue. Do you
11 recall being asked questions about that?

12 MR. JAKUBIAK: I do.

13 MR. VETTORI: Okay and the actions proposed were
14 limit land use changes. Do you consider a special exception to
15 be a land use change?

16 MR. JAKUBIAK: Yes.

17 MR. VETTORI: Okay. You don't consider it to be a
18 presumptively permissible use under the master plan?

19 MR. JAKUBIAK: I, I, I hold both views and considered
20 both to be accurate.

21 MR. VETTORI: Okay and then action number two on page
22 thirteen at the top, it provides that restrictions on retail
23 use and industrial service roads should be incorporated into
24 the zoning or development regulations, either through
25 amendments to the ML zone or through the adoption of a roadway

1 classification map, which would designate the corridor as an
2 industrial service road and limit retail access. Is that your
3 reading of that paragraph or just action two for this section?

4 MR. JAKUBIAK: Yes.

5 MR. VETTORI: Okay and are you aware of any specific
6 changes to the zoning or development regulations through either
7 amendment to the ML zone or adoption of a roadway
8 classification map?

9 MR. JAKUBIAK: No.

10 MR. VETTORI: So, that action, which is a
11 recommendation, hasn't been followed?

12 MR. JAKUBIAK: It may not have, I'm just not aware of
13 it.

14 MR. VETTORI: Okay. As far as, can I direct your
15 attention to page four of Petitioner's Exhibit 9? It --

16 BOARD: DGG Exhibit 9?

17 MR. VETTORI: DGG Exhibit 9, yes, thank you very
18 much. We're still on this Hunt Valley/Timonium master plan.
19 Under the number three after events since 1993 changes to
20 zoning regulations, it provides a number of new uses are now
21 permitted in a manufacture, in manufacturing, so not in a, in
22 manufacturing zones. Child care legislation was modified by
23 Bill 200-90 and Bill 51-91 to allow child care, moving on.
24 Commercial recreational facilities are not permitted, okay.
25 I'm getting down to the next paragraph. A revision of the

1 zoning district by Bill 172-93 included the deletion of
2 language that prohibited auxiliary retail and service uses in
3 ML zones from having access onto arterial, onto an arterial
4 road. Do you remember having read that in the section I
5 directed you to in 253.2.A?

6 MR. JAKUBIAK: I do, yes, yes.

7 MR. VETTORI: Thank you. As a result, retail uses,
8 such as fast food restaurants comma banks and beauty shops can
9 now be developed in MLIM zones with direct access to streets
10 with an arterial designation, such as Padonia Road. Is that
11 your reading of that section?

12 MR. JAKUBIAK: Yes.

13 MR. VETTORI: Further, this action eliminates the
14 County's ability to apply this restriction to the McCormick,
15 Beaver Dam Road corridor as recommended by the 1993 Hunt
16 Valley/Timonium plan. Is that your understanding of what this
17 section provides?

18 MR. JAKUBIAK: I haven't come to understand it yet,
19 I'm just reading it along with you.

20 MR. VETTORI: Okay.

21 MR. MCCANN: It says what it says.

22 CHAIR: Mr. McCann?

23 MR. MCCANN: Objection.

24 CHAIR: Is there an objection?

25 MR. MCCANN: Mr. Vettori can sit up here and read

1 (inaudible) and I don't understand the purpose of this
2 question, ask him a question. But just simply --

3 CHAIR: If I can? I believe Mr. Vettori asked the
4 question --

5 MR. VETTORI: I want to make sure he's read
6 everything --

7 CHAIR: -- and asked Mr. Jakubiak his opinion about
8 it. Mr. Jakubiak has indicated that he is just reading and
9 following along. So, he hasn't really put much thought to --

10 MR. MCCANN: I didn't hear the opinion question. I
11 just, is this your understanding of what it says, is this your
12 understanding of what it says, is this your understanding of
13 what it says? That's what we're doing, we're reading --

14 CHAIR: And I believe that there was a follow-up
15 question to that.

16 MR. MCCANN: Okay, I'm sorry, I missed that.

17 MR. VETTORI: So, is it still your opinion that a
18 property being utilized like this, a commercial use, that this
19 master plan doesn't indicate that uses such as commercial uses
20 being proposed here can access those roads? Under the plan,
21 not under the zoning regulations or something else.

22 MR. JAKUBIAK: Oh, I see. Is it still my opinion,
23 continue with, are you --

24 MR. VETTORI: Is, that's not a problem, I'll, I'll
25 repeat the question --

1 MR. JAKUBIAK: (inaudible) question again, please?

2 MR. VETTORI: -- I have no problem with that.

3 MR. JAKUBIAK: All right.

4 MR. VETTORI: Is it your opinion that this corridor,
5 as a land use corridor, is primarily, you know, is not sup, is
6 only supposed to be doing industrial uses, based upon the Hunt
7 Valley/Timonium master plan, also known as DGG Markets Exhibit
8 9?

9 MR. JAKUBIAK: The thing is is that this paragraph
10 and the two that you read, don't strike me as recommended
11 language in the plan. It strikes me as background, describing
12 the situation. That's why I hesitate to, in the way I am. I,
13 I don't read it as saying this is what is being proposed. It's
14 talking about things that have happened along the way and, and
15 why we are preparing the plan we're preparing. That's, --

16 MR. VETTORI: And I think taking from that, one of
17 the issues on page twelve of DGG Market Exhibit 9, which is the
18 issue maintaining an industrial service road, has suggested
19 actions, which includes an action two, which is on, actually on
20 page thirteen of the aforementioned exhibit. And it's
21 proposing zoning regulation changes, correct? And development
22 regulation changing as the action?

23 MR. JAKUBIAK: Right, right. Okay and let me read
24 that, for the benefit of the Board. The restrictions of retail
25 use on industrial service road should be incorporated into the

1 zoning or development regulations.

2 MR. VETTORI: So, I've got a question. Is it your
3 opinion that the proposed use doesn't comply with the Hunt
4 Valley/Timonium master plan, also known as DGG Market, Inc., or
5 DGG Market Exhibit 9 and that supersedes the zoning
6 regulations?

7 MR. MCCANN: Two questions. Objection.

8 MR. VETTORI: Okay.

9 CHAIR: There was a compound question.

10 MR. MCCANN: I'm just trying to be fair to the
11 witness.

12 MR. VETTORI: That's fine.

13 CHAIR: So, I will, I'll sustain on that basis.

14 MR. VETTORI: I will rephrase the question.

15 CHAIR: Yes, split them up.

16 MR. VETTORI: (inaudible) sustained.

17 CHAIR: Yes.

18 MR. VETTORI: Do you still believe that the Hunt
19 Valley/Timonium master plan, DGG Market Exhibit 9, precludes in
20 a service use on, or a retail use on Padonia Road or McCormick
21 Road?

22 MR. JAKUBIAK: The plan does not preclude
23 (inaudible).

24 MR. VETTORI: Okay and do you agree that it suggests
25 changes in zoning but doesn't necessarily say supersedes

1 zoning?

2 MR. JAKUBIAK: It --

3 MR. VETTORI: To accomplish the action number two
4 proposed on page thirteen of DGG Market Exhibit 9?

5 MR. JAKUBIAK: The, the, the plan doesn't recommend
6 zoning changes as actions, but I don't think those change the
7 overall policy of the plan. But, yeah.

8 CHAIR: Was there a question?

9 MR. VETTORI: I didn't know if he was finished, I'm
10 sorry. I'm going to move on to two last questions and this is
11 regarding Petitioner's Exhibit 51, which is BCZR Section 405.
12 And I believe you have a copy of that, but. Could I direct
13 your attention to Petitioner's exhibit number fifty-one, BCZR
14 Section 405.1.D.

15 CHAIR: D?

16 MR. VETTORI: D, that's correct, as dog, and dog.

17 CHAIR: Okay.

18 MR. VETTORI: Does this section, I'm sorry, have you
19 had a chance to read it? I didn't want to interrupt your
20 reading. Okay. Now, I'll ask the question. BCZR Section
21 405.1 indicates that it's a statement of legislative findings
22 and policy, correct?

23 MR. JAKUBIAK: Yes.

24 MR. VETTORI: And it pertains to Section 405, which
25 is titled fuel service stations, correct?

1 MR. JAKUBIAK: Yes.

2 MR. VETTORI: Okay and Subsection D of BCZR Section
3 405.1 states that the intent of this section to permit fuel
4 service stations is in accordance with the goals of the master
5 plan and duly adopted community plans, correct?

6 MR. JAKUBIAK: Well, it says, it doesn't say it's the
7 intent that, it says the, it's the intent to.

8 CHAIR: Intent of?

9 MR. JAKUBIAK: The intent to permit service stations.

10 CHAIR: Oh.

11 MR. JAKUBIAK: In accordance with the goals.

12 CHAIR: Intent of this section to permit, gotcha.

13 MR. VETTORI: It also adds by requiring performance
14 standards that will regulate their sec, their location and
15 appearance, as well as additional uses which may be developed
16 at such sites, correct?

17 MR. JAKUBIAK: Yes.

18 MR. VETTORI: Additional uses, could that mean, say
19 the combined convenience store and carryout restaurant that's
20 being proposed?

21 MR. JAKUBIAK: Yeah, yeah, it could.

22 MR. VETTORI: Performance standards to regulate their
23 location, could that mean Section 405.2, locations in which
24 fuel service stations are permitted?

25 MR. JAKUBIAK: More likely landscaping and signage

1 and those type of standards.

2 MR. VETTORI: That's for location, not appearance?

3 MR. JAKUBIAK: I would think that's more related to
4 performance, access and the like.

5 MR. VETTORI: Okay. If I could direct your attention
6 real quick to BCZR Section 405.4, which is entitled standards,
7 that's page two of this document, which is Petitioner's Exhibit
8 51, which is entitled standards. That goes through site
9 development standards, setbacks, access, internal circulation
10 and vehicle reservoir capacity, parking spaces on the site and
11 any fuel service station shall be provided and it goes on to,
12 you got to provide restroom facilities and also the appearance
13 and ancillary uses. Does that, in your opinion, constitute
14 what is referenced on, in Section 405.1.D as performance
15 standards or do you think there's somewhere else?

16 MR. JAKUBIAK: That strikes me as performance
17 standards.

18 MR. VETTORI: Okay. So, all this performance
19 standards and what regulates location and appearance to be in
20 accordance with the master plan and duly adopted community
21 plans is set forth in Section 405, correct?

22 MR. JAKUBIAK: 405 provides the standards that could
23 be applied so that a fuel service station is developed.

24 MR. VETTORI: Okay.

25 MR. JAKUBIAK: When and where the master plan

1 recommends it.

2 MR. VETTORI: And in 405.2.A, it talks about where
3 fuel service stations are permitted by right, correct?

4 MR. JAKUBIAK: Yes.

5 MR. VETTORI: And in 405.2.B it talks about where
6 fuel service stations on individual sites, which do not comply
7 with requirements of 405.2.A are permitted by special exception
8 as provided further in 405.3 and 405.4, correct?

9 MR. JAKUBIAK: Yes.

10 MR. VETTORI: And it allows it, we're not outside the
11 URDL, so two doesn't apply to us, but one, this site is inside
12 the URDL, correct?

13 MR. JAKUBIAK: It is.

14 MR. VETTORI: Okay and it is in an IM district?

15 MR. JAKUBIAK: It is.

16 MR. VETTORI: And no part of the lot is in an MR
17 zone, correct?

18 MR. JAKUBIAK: No, it's not.

19 MR. VETTORI: So, is it your opinion --

20 CHAIR: Hold on, it, that is correct, that this
21 property is not within an MR zone?

22 MR. JAKUBIAK: Well stated.

23 CHAIR: Yes.

24 MR. JAKUBIAK: I agree with that.

25 CHAIR: All right.

1 MR. VETTORI: And so, is it your opinion that all you
2 need to be is inside the URDL and have an IM district
3 overlaying, the ML zone has nothing to do with it, the
4 regulations for a fuel service station permit in the, inside
5 the URDL, an IM district overlay property to have a fuel
6 service station?

7 MR. JAKUBIAK: It is not my opinion.

8 MR. VETTORI: Okay. That's all the questions I have.

9 CHAIR: All right. So, we are back to Mr. McCann.

10 MR. MCCANN: Yeah, and I'm sorry, but I'm just going
11 to ask a couple questions, I just think we need some
12 clarification --

13 CHAIR: Nothing to apologize for.

14 MR. MCCANN: -- on a couple things. Let's, let's
15 just, 405, Mr. Jakubiak, which is Petitioner's Exhibit 1, his
16 statement --

17 CHAIR: Fifty-one?

18 MR. MCCANN: Fifty-one? Petitioner's fifty-one,
19 statement of legislative findings and policy. Let me just
20 reread seven, C to you, I'm sorry. 405.1.C. The design and
21 operation of service stations has changed significantly,
22 etcetera, etcetera, due to the rising service stations, the
23 number of businesses that serve motor vehicles by providing
24 care facilities has been steadily declining. While the number
25 of stations with convenience stores or car wash operations has

1 been increasing. Are you with me?

2 MR. JAKUBIAK: Yes.

3 MR. MCCANN: This is the second part I'm focusing in
4 on. To better reflect the evolving role of this use, emphasis
5 on the word this, it is, does that provide any clarity to,
6 clarity to, to you in terms of, on this issue of whether or not
7 automotive service stations has some different, some different
8 use under Baltimore County zoning regulations then fuel service
9 stations?

10 MR. JAKUBIAK: Yes, it provides clarity and suggests
11 to me that they're synonymous.

12 MR. MCCANN: Okay. Quickly, the, the community plan,
13 section I, I think --

14 CHAIR: DGG Exhibit 9?

15 MR. MCCANN: Yes, I think we misread it, frankly.
16 Page four. Bottom paragraph on the right hand side, beginning
17 with the revision of the zoning districts. Second sentence
18 quote, as a result of retail uses such as fast food
19 restaurants, banks and beauty shops, can now be developed in an
20 MLIM, manufacturing light industrial (inaudible) zones with
21 direct access to streets with an arterial designation, such as
22 Padonia Road.

23 MR. JAKUBIAK: Right.

24 MR. MCCANN: That does not say direct access to
25 Padonia Road, does it? It says direct access to streets with

1 an arterial designation, such as Padonia Road. In other words,
2 this, this section, this sentence does not suggest that you can
3 have or promote fast food restaurants, banks and beauty shops,
4 etcetera, such retail uses, on Padonia Road. It's talking
5 about such uses on the streets with an arterial designation,
6 such as Padonia Road. Am I making myself clear?

7 MR. JAKUBIAK: Yes. It does say with an arterial
8 designation, such as Padonia Road. So, it could include other.

9 MR. MCCANN: In other words, some of the uses you
10 were talking about, High's and Royal Farms --

11 MR. JAKUBIAK: Right.

12 MR. MCCANN: -- or High's in particular, is on, is
13 not on Padonia Road but has a direct access to, to a street,
14 namely McCormick Road.

15 MR. JAKUBIAK: McCormick Road.

16 MR. MCCANN: Which has art, which, with an arterial
17 designation, such as Padonia Road, correct?

18 MR. JAKUBIAK: Yes.

19 MR. MCCANN: Does that sentence that, that I just
20 read to you, was that consistent with your opinion about where,
21 where sites in the industrial area need to be in order to serve
22 the industrial uses, primarily serve, do you follow me?

23 MR. JAKUBIAK: Yeah, well, it certainly, this
24 paragraph should not be read to suggest that in order to serve
25 an industrial area, you need to be on Padonia Road. I don't

1 think that's the intent of this. In fact, the intent of this
2 was, I think, to set up a situation to describe reason why
3 they're doing a plan, because current code and bills have
4 allowed this to take place and they started to threaten the
5 industrial corridor. So, this, this is, I think, a statement
6 of reason why they decided to do a master plan.

7 MR. MCCANN: Different, different context for this --

8 MR. JAKUBIAK: The context is entirely different.
9 This is not a recommendation, and that's what I, I'll answer
10 (inaudible).

11 MR. MCCANN: And even if it was in a, the context was
12 the same, was appropriate.

13 MR. JAKUBIAK: Right.

14 MR. MCCANN: The point is is that these type of
15 retail uses can now be developed on streets that ultimately go
16 to an arterial road, such as Padonia, right?

17 MR. JAKUBIAK: Yes.

18 MR. MCCANN: Which is consistent with your testimony
19 (inaudible)?

20 MR. JAKUBIAK: Right, right.

21 MR. MCCANN: That's all I have. Thank you, Mr.
22 Jakubiak.

23 CHAIR: All right. Mr. Baker? All right. Mr. --

24 MR. VETTORI: That's it for me.

25 CHAIR: Oh.

1 MR. VETTORI: No more questions for Mr. Jakubiak.

2 Thank you, Mr. Jakubiak.

3 CHAIR: Thank you, Mr. Jakubiak.

4 MR. VETTORI: As always.

5 CHAIR: All right. So, Mr. McCann, you are, your
6 case is concluded?

7 MR. MCCANN: We are.

8 MR. VETTORI: I think these are marked exhibits?

9 MR. JAKUBIAK: Yes, they are.

10 CHAIR: All right. So, just to be clear, Exhibit 9,
11 DGG Exhibit 9, Hunt Valley/Timonium master plan, --

12 MR. VETTORI: No objection.

13 CHAIR: That will be admitted. I, there's a question
14 as to Petitioner's Exhibits 50, 51, 52. Fifty I can say for
15 certain was definitely admitted, that's the citizens sign in
16 sheet from the ALJ hearing, which I said was admitted on the
17 same basis as the 7-11 petition sign in. 405, fuel service
18 stations, I recall being admitted but Mr. Vettori, any
19 objection?

20 MR. MCCANN: No objection.

21 CHAIR: Or sorry, it's you guys, ha.

22 MR. MCCANN: No objection.

23 MR. BAKER: No objection.

24 CHAIR: All right. So, that's admitted. And Bill
25 70-02, that I don't believe has been ruled upon but.

1 MR. BAKER: No objection.

2 MR. MCCANN: No objection.

3 CHAIR: So, that will be admitted as well. You're
4 free to go, Mr. --

5 MR. JAKUBIAK: Okay. I just wanted to --

6 CHAIR: Unless you (inaudible).

7 MR. BAKER: That might be ours, I had lent it to you.

8 BOARD: (inaudible). I'm missing DGG number three
9 and --

10 MR. VETTORI: 253.1.

11 BOARD: And 7-11 number three.

12 MR. VETTORI: I never got a 253.1, I only had my own.
13 What was 7-11 number three?

14 MR. BAKER: Number three was that, it, it's, this
15 petition.

16 BOARD: Is it with this one?

17 MR. BAKER: Yes.

18 BOARD: Okay.

19 MR. VETTORI: Yeah, it's the one exhibit with all the
20 names.

21 BOARD: Okay. Then DGG three?

22 CHAIR: Which is 253.1.

23 MR. VETTORI: 253.1. But not 1, 2, 3.

24 CHAIR: Not 1, 2, 3. Still looking for that one.

25 So, who has D, excuse me, DGG three, Section 253.1? Mr.

1 Jakubiak has found it.

2 BOARD: Thank you.

3 BOARD: Thank you very much.

4 MR. JAKUBIAK: You're welcome.

5 MR. VETTORI: Okay.

6 CHAIR: All right. So, Protestants have now rested
7 their cases. We are now back to your case.

8 MR. VETTORI: We're not going to call any rebuttal
9 witnesses. If you want to move on to filing briefs, if it
10 pleases the Board.

11 CHAIR: Pleases carrying a lot of weight, but yes.

12 MR. MCCANN: Bit of an overstatement.

13 CHAIR: No, that, I think that that's actually
14 appropriate in this case, particularly given some of the issues
15 that have been raised over the course of the two days.
16 Typically speaking, you know, we're looking at something like
17 thirty days, does that pose a problem for anybody?

18 MR. BAKER: I think thirty days is reasonable.

19 MR. VETTORI: That's fine for me. I know I've got a
20 week where I'm gone here in between but I think three weeks is
21 fine for me, so.

22 CHAIR: Mr. McCann, you, you look like you have some
23 hesitation? Are you going places? You got things to do?

24 MR. MCCANN: Well, I know I have a case with Jason's
25 partner, Larry Schmidt, that is concluding on the 15th and

1 apparently because the ALJ is leaving at the end of July, we're
2 doing briefs in short order and I'm leaving on the 18th, so I
3 literally have three days to draft what will probably be a
4 (inaudible) fifty page brief, forty page brief.

5 CHAIR: In this case?

6 MR. MCCANN: In three days. No, in the other case
7 I'm referring to. Between the 15th and the 18th. So, I'm
8 worried when, as soon as it hit my mind that thirty days from
9 today is the 18th of July, I know I'll be (inaudible) to leave
10 but, more importantly, I'll have another big brief due. So, I,
11 I know that probably extends things --

12 CHAIR: Any problem with making July 31st the
13 deadline?

14 MR. VETTORI: I mean, obviously we'd prefer to get
15 things done sooner than later, but, you know, I don't know that
16 we've got a leg to stand on. I think it's just fine that to
17 accommodate my --

18 CHAIR: Extend it two weeks out from that in light of
19 the issue presented by --

20 MR. VETTORI: -- colleague here.

21 CHAIR: -- Mr. McCann.

22 MR. MCCANN: I appreciate that. I do, thank you very
23 much.

24 MR. VETTORI: Yes.

25 MR. BAKER: I don't have a problem with that.

1 CHAIR: I'm assuming you, right, you wouldn't have a
2 problem with that. I'm asking Mr. Vettori primarily.

3 MR. VETTORI: Yes. How long are you going to need to
4 review the briefs before deliberation?

5 CHAIR: I don't know that that's really a problem.
6 It's, it's always --

7 MR. VETTORI: Okay.

8 CHAIR: -- what it comes down to, as you can imagine,
9 is scheduling.

10 MR. VETTORI: Yeah, I think we're trying to figure
11 out when deliberation and ultimately a decision (inaudible).

12 CHAIR: Yeah, I don't know if there's a way to ever
13 handicap or like figure that part out.

14 MR. VETTORI: Yeah, okay.

15 CHAIR: Because it also depends on everyone's
16 individual schedules and that, you know, gets confusing,
17 especially over the summer, so I can't really give you a
18 satisfactory answer no matter what I say. So, I'll just keep
19 talking and using words until you lose interest in what I have
20 to say and we can move on to something else.

21 MR. VETTORI: Okay.

22 CHAIR: So, that's usually how that operates. So,
23 July 31st, though, you're good with that?

24 BOARD: What day of the week is that?

25 CHAIR: That is a Wednesday. So, memos will be due

1 3:00 July 31st.

2 MR. MCCANN: Thank you.

3 MR. BAKER: Very good, thank you.

4 MR. MCCANN: Thank you very much.

5 MR. VETTORI: Thank you.

6 CHAIR: All right. All right, thank you all. And
7 once again, thank you all for your professionalism and the way
8 you conduct yourself in front of this Board.

9 MR. MCCANN: Thank you.

10 MR. BAKER: Thank you.

11 MR. VETTORI: Thank you.

12 CHAIR: We will need those exhibits up there, thank
13 you very much.

14 BOARD: We are off the record.

15 CHAIR: We are now off the record and the evidentiary
16 record is closed.

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25 (OFF THE RECORD - 04:42:04 PM)

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4 CERTIFICATE OF TRANSCRIBER

5 I hereby certify that the hearing in the matter of
6 Timonium SAB, LLC, case number 18-316SPHX, heard before the
7 Board of Appeals of Baltimore County, June 18, 2019 were
8 recorded by means of audiotape.

9 I further certify that, to the best of my knowledge and
10 belief, page numbers 1 through 279 constitute a complete and
11 accurate transcript of the proceedings as transcribed by me.

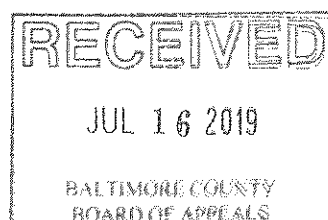
12 I further certify that I am neither a relative to nor an
13 employee of any attorney or party herein, and that I have no
14 interest in the outcome of this case.

15 In witness thereof, I have affixed my signature this 8th
16 day of July, 2019.

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18
19
20 *Christine R. Leary*

21 Christine R. Leary

22 Transcriber
23
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3 **IN THE MATTER OF:**

4
5 **TIMONIUM SAB, LLC – LEGAL OWNER**
6 **SHEETZ, INC. – LESSEE**
7 **CASE NUMBER: 18-316-SPHX**
8
9

10
11 Hearing Date: June 6, 2019

12
13 Pursuant to Notice, the above-entitled hearing was held before the Board of Appeals for Baltimore
14
15 County at the Jefferson Building, Second Floor, Suite 203, 105 West Chesapeake Avenue, Towson,
16
17 Maryland 21204.

18
19 **PANEL PRESIDING:**

20
21 **JASON S. GARBER, CHAIR**

22
23 **KENDRA RANDALL JOLIVET, BOARD**

24
25 **DEBORAH C. DOPKIN, BOARD**
26

27
28 **PRESENT ON BEHALF OF THE PARTIES:**

29
30 **JASON T. VETTORI, ESQUIRE**
31 **Counsel for Petitioner**

32
33 **ADAM D. BAKER, ESQUIRE**
34 **MICHAEL MCCANN, ESQUIRE**
35 **Counsel for Protestants**
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Christine R. Leary
3129 Hiss Avenue
Baltimore, Maryland 21234

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1 (ON RECORD - 10:04:59 AM)

2 BOARD: When you're ready.

3 CHAIR: I am ready. We are here today on the matter
4 of Timonium SAB, LLC, is the legal owner, Sheetz, Inc. as the
5 lessee, 400 West Padonia Road, case number 18-316-SPHX. Will
6 counsel please introduce themselves for the record?

7 MR. VETTORI: On behalf of the Petitioner, Jason
8 Vettori with Smith, Gildea & Schmidt.

9 MR. BAKER: Good morning, Mr. Chairman, Members of
10 the Board. Adam Baker with Rosenberg Martin Greenburg, with
11 offices in Baltimore at 25 South Charles Street on behalf of 7-
12 11 and I have here with me my colleague, Caroline Hecker.

13 MR. MCCANN: Good morning, everyone. Michael McCann
14 on behalf of DGG Market, Inc. My offices are at 118 West
15 Pennsylvania Avenue.

16 CHAIR: Please be seated.

17 ATTORNEY: Thanks.

18 CHAIR: Are there any preliminary matters to review
19 ahead of time?

20 MR. VETTORI: Not that I'm aware of.

21 CHAIR: All right. So, I know that we were here on
22 this once before, didn't get off the ground. So, with that in
23 mind, I guess since we're already here and there's nothing else
24 to discuss, when you take the stand, please speak loudly and
25 clearly. Do not cover the microphone and do not talk over one

1 another. So, if someone is asking a question and you start to
2 answer, please wait for the question to be asked in full and
3 some of our attorneys, please wait for the answer in full
4 before asking any questions. Mr. Vettori, the floor is yours.

5 MR. VETTORI: Thanks. Before I call my first
6 witness, just want to give a brief introduction. I don't know
7 if you're familiar with what we're talking about here but this
8 is the location of the old Bob Evans on the corner of Beaver
9 Dam and Padonia Roads and we are proposing a redevelopment as a
10 Sheetz Fuel Service Station. This is an appeal, obviously, of
11 that prior zoning decision at the Administrative Law Judge
12 level, which means it's a de novo appeal, so you're considering
13 everything new, so we're going to put all of our evidence on
14 all over again and as I think you heard, the Protestants, I
15 think DGG Markets, as I understand it, is Graul's, which has a
16 location, I believe, up in Mays Chapel and we're quite familiar
17 with what their objection is at this time, but we will hear
18 from them, hopefully, and 7-11, which is located, I believe,
19 behind where the Macaroni Grill, if you're familiar with the
20 area, it used to be and, you know, pretty close to the site.

21 CHAIR: Um hm.

22 MR. VETTORI: So, there are two items of relief, I
23 guess, just to kind of give you an overview that we've asked
24 for. The first is special hearing relief and that was as a
25 response to a comment we got from Lenny Wasilewski (phonetic),

1 who has, was with Zoning Review and made a comment to the
2 effect that they had a policy about restaurants and number of
3 parking spaces. The Council recently passed a bill which
4 resolved this question of whether somehow a restaurant was a
5 carryout restaurant, fast food restaurant or a standard
6 restaurant, which had to do with a number of parking spaces
7 required, being either five per a thousand square feet or
8 sixteen per a thousand square feet. In our estimation, that
9 issue has been resolved and it's clear now that this is, in
10 fact, a carryout restaurant that's combined with the
11 convenience store in conjunction with a fuel service station,
12 so I think we have a lot less to cover in that regard and I
13 don't believe we need that relief anymore. So, that was to
14 ask, a determination what kind of restaurant it was and if not,
15 then to get a modified parking plan and a number of other items
16 that I don't think are relevant any longer. As far as the
17 special exception, the fuel service station regulations were
18 enacted and I guess there have been some changes to them since
19 then but in large part in 1993, and that was when it shifted
20 from an automotive service station, which was a gas station as
21 in common parlance, to, with a service garage, to a fuel
22 service station, which the whole terminology change and what
23 the idea was and I think it's clear from the law, but my, my
24 opinion on it is it went from a gas station with a service
25 garage to gas stations with convenience markets and over time,

1 those convenience markets have grown from a thousand or fifteen
2 hundred square foot to, up to six, six thousand square foot
3 structure. So, we are seeking that relief. I think
4 specifically in the, in addition to satisfying the special
5 exception criteria in 502.1 of the BCZR, there is a specific
6 position in 405.3 providing that you can't have any abandoned
7 or one abandoned gas station within, I think, a half mile to
8 within a mile and that is in BCZR Section 403. I think you'll
9 hear today that there are no such abandoned gas stations or at
10 least we're not aware of any so as far as the witnesses we're
11 going to call, we're going to call a representative from Sheetz
12 to give you a little flavor, if you're not familiar with Sheetz
13 and what they're all about and the project manager who put
14 together the plan and traffic engineer and before that though,
15 if it's, if everybody is okay with it, we had subpoenaed both
16 Carl Richards and Jennifer Nugent from Zoning Review and
17 Planning, respectively, on account of the fact that we
18 resolved, I think, the issue of a police that Zoning Review
19 had. We, we, we told Carl that he did not need to be here
20 today and Jennifer is here. So, I'd like to not inconvenience
21 her any further than I already have by asking her to be here
22 today and call her to the stand if that's possible.

23 CHAIR: Before you do, let's go back to the special
24 relief part with the new change to this is now a carryout
25 restaurant, right?

1 MR. VETTORI: That's correct.

2 CHAIR: And what does the other side have to say
3 about that?

4 MR. BAKER: We don't have any objection to the --

5 MR. VETTORI: I don't think they necessarily have to
6 agree with my assessment of it, but at the end of the day, if
7 I'm not pursuing that relief --

8 CHAIR: I'm just trying to figure out for the
9 purposes of the hearing, do we have some type of agreement as
10 to, like where this is all heading in terms of evidence and
11 what not and if not, I kind of want to know that now, I mean.

12 MR. VETTORI: Okay.

13 CHAIR: I'm, I don't think I'm putting you on the
14 spot by asking this question, but.

15 MR. VETTORI: I don't mean to answer for them, I'm
16 sorry.

17 MS. HECKER: I, I think we can stipulate to the
18 special hearing relief. We agree that the legislation that was
19 recently enacted --

20 CHAIR: Resolves it?

21 MS. HECKER: -- resolves it.

22 CHAIR: Okay.

23 MS. HECKER: Yeah.

24 CHAIR: That's fine. All right. So, then as I hear
25 it, it's just the special exception plus the 405.3 issue, is

1 that, is that fair to say?

2 MR. VETTORI: That's fair to say.

3 CHAIR: Okay and it, from your guys' perspective, is
4 that also your understanding?

5 MR. MCCANN: Yes.

6 CHAIR: That is, this is just the special exception
7 hearing plus the 405.3 issue?

8 MR. VETTORI: Yes.

9 MR. MCCANN: Yes.

10 CHAIR: Okay. Mr. Vettori?

11 MR. VETTORI: I'd call Jennifer Nugent from Baltimore
12 County. Stand up, please.

13 BOARD: Would you remain standing for a moment,
14 please, Ms. Nugent? Do you swear and affirm under the
15 penalties of perjury, that the testimony you are about to give
16 is true and correct to the best of your knowledge and belief?

17 MS. NUGENT: I do.

18 BOARD: And would you state your name, spelling your
19 last name and address, your business address for the record,
20 please?

21 MS. NUGENT: Jennifer G. Nugent, N-U-G-E-N-T,
22 Baltimore County Department of Planning, 105 West Chesapeake
23 Avenue, Suite 101, Towson, Maryland 21204.

24 CHAIR: And what is your position with the Department
25 of Planning?

1 MS. NUGENT: I'm the division chief of development
2 review and strategic planning.

3 CHAIR: Division, that's a lot of stuff, division
4 chief of development review and strategic planning?

5 MS. NUGENT: Yes.

6 CHAIR: All right. You may have a seat. All right.

7 MR. VETTORI: I'm going to preliminarily mark the
8 original plan that we submitted with our Petition and the
9 redline plan that we're now trying to get approved, if that's
10 okay?

11 CHAIR: You can give that to Ms. Jolivet.

12 BOARD: Would you make sure when you provide the
13 exhibits, that you have extra for me as well as the file?

14 MR. VETTORI: I will definitely do that. I have one
15 for you guys first.

16 MR. BAKER: Thank you.

17 MR. VETTORI: Here is (inaudible). Do you want me to
18 put it on the big plan or do you want me to put it on the
19 smaller? I'll put it on the big one --

20 CHAIR: They actually go on the big, yeah. So,
21 Exhibit 1, to be clear.

22 MR. VETTORI: Is the original plan to accompany, that
23 was filed with the Petition for Zoning Hearing and I have a
24 copy for each of you.

25 CHAIR: Thank you.

1 MR. VETTORI: The original plan.

2 CHAIR: And then Exhibit 2?

3 MR. VETTORI: Exhibit 1 is the, Exhibit 2 is the
4 redline plan that following comments of this, that and the
5 other, (inaudible) modified the plan.

6 CHAIR: Understood. Thank you.

7 MR. VETTORI: Thank you. I have copies for you as
8 well in the event (inaudible) look at these.

9 CHAIR: All right. Can I see that? Protestants'
10 counsel has their copies, right?

11 MR. BAKER: Jason, do you have extra copies of
12 Exhibit 2?

13 (DISCUSSION REGARDING EXHIBITS - EVERYONE TALKING AT ONCE)

14 CHAIR: All right. Now, everyone has every copy.
15 Okay. So, with that, please proceed.

16 MR. VETTORI: All right. Ms. Nugent, as division
17 chief, what is, could you clarify for the Board what your role
18 is exactly?

19 MS. NUGENT: As division chief of development review,
20 I'm responsible for reviewing all residential, commercial
21 development that is part of the Department of Planning's
22 responsibility for review and throughout Baltimore County.
23 That is inclusive of major development plans, minor commercial
24 development plans, zoning petitions, permitting, I also oversee
25 the landmarks preservation commission, the planning board,

1 design review panel, our geographic information systems
2 division is under my responsibility which we utilize often for
3 our review and analysis of development throughout the County as
4 well as legislative analysis.

5 MR. VETTORI: And are, are you familiar with this
6 specific request for zoning relief?

7 MS. NUGENT: Yes.

8 MR. VETTORI: Yes, okay. And did you have an
9 opportunity to review the zoning petition and the plan at
10 issue, you know, and, and participate in any way on the ZAC
11 comment that was issued from Planning?

12 MS. NUGENT: Yes.

13 MR. VETTORI: And I'm going to present, I've got, do
14 you want me to mark all the ZAC comments that are in the file?
15 I don't know if they are all in the file or --

16 CHAIR: I would just do it, just to be on the safe
17 side.

18 MR. VETTORI: Okay.

19 CHAIR: So we're all talking about the same thing.

20 MR. VETTORI: Okay. I'm going to start with --

21 CHAIR: I mean, I'm sure they're here, but I want to
22 make sure that what's in here is what you're referring to.

23 MR. VETTORI: I think I've got enough copies for,
24 three of them for you guys.

25 MR. BAKER: Thank you.

1 MR. VETTORI: This is the July 20 Planning ZAC
2 comment and I'm marking this as Exhibit --

3 BOARD: Three.

4 MR. VETTORI: --3. Do you have, I'll give you a
5 copy.

6 VOICE: I have it.

7 MR. VETTORI: All right. I've got a zillion copies
8 up here so let's (inaudible). Yes.

9 VOICE: Thank you.

10 MR. VETTORI: And then I'm going to mark as
11 Petitioner's Exhibit 4 the August 23rd ZAC comment from Planning
12 and I have an extra one. Sorry about that. First let me get
13 you guys yours (inaudible). I think (inaudible).

14 CHAIR: That's all right. Do you have a copy?

15 VOICE: I do, thank you.

16 MR. VETTORI: And while I think these are the only
17 two ZAC comments I'm going to ask Ms. Nugent about, I mine as
18 well just get all the ZAC comments in just to --

19 CHAIR: Right.

20 MR. VETTORI: I have a ZAC comment from MDOT
21 (inaudible).

22 MR. BAKER: Thank you.

23 MR. VETTORI: (inaudible).

24 CHAIR: This is Exhibit 5.

25 BOARD: Um hm.

1 BOARD: Thank you.

2 CHAIR: And it's dated May 25th, 2018.

3 MR. VETTORI: And I have Exhibit 6 is a ZAC comment
4 from Environmental Protection and Sustainability or EPS, or
5 DEPS, or whatever you want to call it.

6 MR. BAKER: Thanks.

7 BOARD: Thank you.

8 MR. VETTORI: And then on seven now?

9 CHAIR: Yes.

10 MR. VETTORI: This is a ZAC comment dated June 21
11 from Development Plan Review, or DPR. And eight is a revised
12 DPR comment dated October 24. I'll just call this a Zoning
13 Review ZAC comment, although I don't know whether they
14 necessarily make ZAC comments. That came from Zoning Review,
15 it's a memo to the file dated May 18. This is nine.

16 BOARD: Yes.

17 MR. VETTORI: Thank you.

18 CHAIR: Thank you.

19 MR. VETTORI: All right.

20 CHAIR: So, are those all the ZAC comments?

21 MR. VETTORI: That is all the ZAC comments.

22 CHAIR: All right. So, to be clear, Exhibits 3
23 through 9, we all, we heard dates associated with each one, all
24 dates are 2018. And counsel for Protestants has been provided
25 with copy for each one. So, with that in mind, Mr. Vettori.

1 BOARD: (inaudible).

2 CHAIR: (inaudible) but you want to do that now?

3 MR. VETTORI: What's that? I couldn't hear, I'm
4 sorry?

5 CHAIR: Move into admission.

6 MR. VETTORI: I would like to move to have these
7 admitted over (inaudible).

8 CHAIR: I'm assuming you guys don't have an
9 objection?

10 MR. BAKER: No objection.

11 MR. MCCANN: No objection.

12 CHAIR: Okay.

13 MR. VETTORI: Should be in the file anyways but.

14 CHAIR: So, they'll all be admitted.

15 MR. VETTORI: Okay.

16 CHAIR: Three, three through nine, obviously, one and
17 two.

18 MR. VETTORI: We'll get to as we --

19 CHAIR: Were still out there.

20 MR. VETTORI: That's fine.

21 CHAIR: And Ms. (inaudible)?

22 VOICE: I am.

23 MR. VETTORI: Thank you. So, Ms. Nugent, the July
24 20th, 2018 ZAC comment, --

25 CHAIR: Exhibit 3.

1 MR. VETTORI: Exhibit 3, I apologize. It appears to
2 be signed by you and a Lloyd T. Moxley. Did Lloyd draft the
3 comment and you review them, is that your understanding or do
4 you not have a specific recollection regarding --

5 MS. NUGENT: The way that the preparation of the, the
6 ZAC comments function is that the, we receive comments from the
7 community planner, which in this instance is Wally Lippincott
8 and his comments get incorporated into the official ZAC
9 comment, which is prepared, prepared by Mr. Moxley and then I
10 review then we sign together the comment that gets issued over
11 to the commission.

12 MR. VETTORI: Are there any specific documents that
13 Wally would have reviewed as part of this? I mean, some of
14 it's referenced, I think, in the comment itself, but typically,
15 how are these reviewed? Is there a master plan, is there any--

16 MS. NUGENT: The, the master plans and community
17 plans are re, are used to review and the CMDP are used to
18 review in all of the Planning Department's reviews of all
19 projects.

20 CHAIR: For purposes of the record, it's, while I may
21 know what the CMDP is, --

22 MS. NUGENT: Comprehensive Manual Development
23 Policies.

24 CHAIR: Thank you.

25 MS. NUGENT: Of which the Hunt Valley/Timonium master

1 plan is a part.

2 MR. VETTORI: Design, design guidelines, correct?

3 MS. NUGENT: Yes.

4 MR. VETTORI: Okay.

5 MS. NUGENT: Additionally, I do know that Wally also
6 had conversations with Economic Development as to their vetting
7 of this redevelopment of this site and they had no objections.

8 MR. VETTORI: Okay and as far as the reference, I
9 think, in here, it speaks, somewhat speaks for itself, but just
10 my understanding the one comment with respect to the master
11 plan had to do with, I think it's, or it's not the master plan,
12 it's the Hunt Valley/Timonium plan, I think that hasn't
13 specifically been mentioned, you said, I think, as general
14 practice area plans are, there is an area plan and that area
15 plan is the Hunt Valley/Timonium master plan, is that correct?

16 MS. NUGENT: Yes, it was adapted by Council 1998.

17 MR. VETTORI: And I think in here, in the second, the
18 last sentence of the second paragraph, it says this site is an
19 important location on Padonia Road, which has significant
20 commercial activity and on Beaver Dam Road, which serves as an
21 important transition link for industrial uses.

22 CHAIR: Please speak up and a little slower because
23 remember, it's being recorded.

24 MR. VETTORI: Sorry, yes.

25 CHAIR: And if it has to be transcribed, whoever is

1 going to do it is going to, obviously, be quite upset.

2 MR. VETTORI: Very well then. I believe in the last
3 sentence, I'm reading the last sentence or could you just read
4 the last sentence for me. Hopefully you can do it slower than
5 I can.

6 MS. NUGENT: This site is an important location on
7 Padonia Road, which has significant commercial activity on, and
8 on Beaver Dam Road, which serves as an important transportation
9 link for industrial uses.

10 MR. VETTORI: And those pages twelve and thirteen,
11 presumably reference the Hunt Valley --

12 MS. NUGENT: The Hunt Valley/Timonium plan.

13 MR. VETTORI: Okay, great. And there's also a
14 comment, specific number three, that references pages two
15 fifty-nine about design guidelines in the Hunt Valley master
16 plan, is that correct?

17 MS. NUGENT: Yeah, and that, the page two fifty-nine
18 is actually the reference to this, the comprehensive manual
19 development policies, of which the guidelines are attached to.

20 MR. VETTORI: And at some point, you issued a revised
21 comment dated, which was Exhibit 4, I believe, dated August 23rd
22 and I think in the intro paragraph, it references that there
23 was a meeting on August 22nd with representatives of the
24 Petitioner. Do you have a recollection or, of that meeting by
25 any chance?

1 MS. NUGENT: Yes, and just to explain further. When
2 a Petitioner receives our comments and they request a meeting,
3 we certainly accommodate them to try and work through the
4 conditions that we've set forth. So, a meeting occurred with
5 the community planner, which is Mr. Lippincott, and the
6 applicant, so that's what the meeting was referencing.

7 MR. VETTORI: And just to kind of --

8 MS. NUGENT: I can't recall if (inaudible).

9 MR. VETTORI: That's fine.

10 MS. NUGENT: (inaudible) that question.

11 MR. VETTORI: And as indicated on the July 20th, 2018
12 ZAC comment, which is marked as Petitioner's Exhibit 3, the
13 beginning of the third paragraph says Department of Planning
14 recommends approval of the Petition for Zoning Relief
15 conditioned upon certain things, correct?

16 MS. NUGENT: Wait, which one are you referring to?

17 MR. VETTORI: Sorry. On Exhibit 3, which is the July
18 20th ZAC comment.

19 MS. NUGENT: Yes.

20 MR. VETTORI: And I'll say this more slowly, sorry.
21 The Department of Planning recommends approval of the
22 petitioned zoning relief conditioned upon the following and it
23 lists a number of conditions, correct?

24 MS. NUGENT: Yes.

25 MR. VETTORI: And then after that meeting, those

1 conditions were, some of them were addressed, is that your
2 understanding? For instance, I think there was a, a relocation
3 of the dumpster was proposed and then, ultimately, in Exhibit
4 4, I think you said, as long as you put it within screening of
5 a similar kind of material --

6 MS. NUGENT: Yes.

7 MR. VETTORI: -- to the principal structure being
8 constructed, is that --

9 MS. NUGENT: Yes.

10 CHAIR: I think what he's asking you to do is compare
11 number two, condition number two, in the July 20th and August
12 23rd comments.

13 MS. NUGENT: Yes, yes.

14 MR. VETTORI: Okay. Is it your understanding also as
15 far as condition number one that a landscape plan has been
16 approved, a schematic landscape plan?

17 MS. NUGENT: Yes.

18 MR. VETTORI: Okay and as far as comment number
19 three, the, the issue with the awnings, has that issue been
20 addressed?

21 MS. NUGENT: Yes.

22 MR. VETTORI: Okay and then as far as condition
23 number four, and I think you could probably reference
24 Petitioner's Exhibit 2, the plan, where there was a cross
25 (inaudible) requested for pedestrian access, I believe, in

1 there, I think, Exhibit 2?

2 MS. NUGENT: Is that the redline, yes.

3 MR. VETTORI: That's correct.

4 MS. NUGENT: Yes.

5 MR. VETTORI: Shows two different cross hatchings.

6 MS. NUGENT: Yes.

7 MR. VETTORI: Yes. And then, I think there was a
8 request to not have any banners, feathers or any other, hearken
9 back to the eighties, movie used cars, cheap things floating
10 around.

11 MS. NUGENT: Um hm, correct.

12 MR. VETTORI: Okay and all those things have been
13 addressed to your satisfaction? Okay. As far as, bear with me
14 one second. As far as, are you aware of any other developments
15 in the area that you've reviewed, either ZAC, issued ZAC
16 comments on or concept plan comments or development plan
17 comments on?

18 MS. NUGENT: Off the top of my head, there was a, a
19 zoning petition and a limited exemption development plan review
20 for 100 West Padonia Road, which is for a Royal Farms gas and
21 convenience use. There was a limited exemption development
22 plan review for the property located at the corner of, well, I
23 guess the south east corner of Deerco and Padonia Road, which
24 is the Atapco property. Also on that property, there is a
25 proposed --

1 CHAIR: Also on that property?

2 MS. NUGENT: I'm sorry, on the Atapco property.

3 CHAIR: I figured that's what you meant but.

4 MS. NUGENT: Yes. Tied with the Atapco property,
5 there is a proposed apartment building going through a full
6 development plan review process. It has gone to concept, I am
7 not sure if they've had their community input meeting. They
8 have, or they should have, and then the next step will be the
9 development plan review and then a hearing on that.

10 CHAIR: I assume you have a document that summarizes
11 some of that or --

12 MR. VETTORI: I, I think it was just (inaudible) it's
13 a bigger play and a longer run but this document, I think, is a
14 record that the County keeps as well and this is a log of
15 issues regarding the (inaudible), which has one of the issues
16 being the Atapco property.

17 BOARD: Thank you.

18 MR. VETTORI: (inaudible).

19 CHAIR: Yeah, (inaudible), yeah.

20 MR. VETTORI: Keep the marked one and show it to her.

21 BOARD: Do you want to take this one and just give it
22 back to me?

23 MR. VETTORI: I will give it right back to you.

24 CHAIR: Okay. So, this is, what you just handed to
25 me was --

1 MR. VETTORI: This is Exhibit 10, Petitioner's.

2 CHAIR: This is Petitioner's Exhibit 10 dated
3 September 13, 2016. It is the Baltimore County 2016 CZMP log
4 of issues for District 3, starting at issue number 3-030 and
5 it's one page. Okay. And the bottom references page eleven of
6 thirty-three.

7 MR. VETTORI: Correct. My understanding is issue 3-
8 031 is the Atapco property you referenced a moment ago?

9 MS. NUGENT: Correct.

10 MR. VETTORI: And that property, prior to 2016, was
11 zoned MLIM, is that what the log of issues is saying?

12 MS. NUGENT: Yes.

13 MR. VETTORI: And the, I forget how the, the exact
14 wording is in the, in the Code of who's requested the, it to
15 become an issue, but they requested that the property be
16 rezoned from MLIM to BMCCC, correct?

17 MS. NUGENT: The Petitioner was Atapco and that was
18 the request, yes.

19 MR. VETTORI: Okay and then as per the process and
20 the CZMP, Planning makes a recommendation and they made a
21 recommendation that the zoning request be approved, correct?

22 MS. NUGENT: Planning makes the recommendation to the
23 Planning Board and then the Planning Board makes the
24 recommendation to the Council and then the Council makes the
25 final recommendation.

1 MR. VETTORI: And according to this log of issues,
2 the request, everybody recommended it and the Council,
3 ultimately, who has the final say, passed a bill that approved
4 the rezoning to BMCCC, correct?

5 MS. NUGENT: Correct.

6 MR. VETTORI: Which made it possible for them to
7 build the residential development that they're doing catty-
8 corner or at the south east corner of this project, correct?

9 MS. NUGENT: Well, the residential development is
10 just a portion of the project. There's also a mixed use
11 component, commercial.

12 MR. VETTORI: There's a hotel, if I'm not mistaken?

13 MS. NUGENT: Hotel and some retail.

14 MR. VETTORI: Okay.

15 MS. NUGENT: And office uses.

16 MR. VETTORI: And as far as, you know, your
17 understanding of that process and this is not, I mean,
18 ultimately, the whole Council passes this bill, but is it your
19 understanding that the Council somewhat gives councilmanic
20 courtesy, as that word is thrown around, or terminology, to the
21 councilman in his district this is located?

22 MS. NUGENT: Speaking for myself and in the role of
23 responsibility with comprehensive rezoning, I don't directly
24 get involved. But it has been my understanding and learning of
25 the process that that is typically how the rezoning plays out.

1 CHAIR: I assume, I assume you're moving that for
2 admission?

3 MR. VETTORI: I am moving that for admission.

4 CHAIR: Petitioner's Exhibit 10. Any objection?

5 MR. BAKER: No objection.

6 CHAIR: Mr. McCann?

7 MR. MCCANN: I don't quite understand the relevance,
8 but I guess I will eventually and it's --

9 CHAIR: I like your optimism.

10 MR. MCCANN: Yeah, so, if I could just remain silent
11 on the issue until I hear further about it? I, I've never
12 reserved, well, --

13 CHAIR: Well, let me ask you this --

14 MR. MCCANN: I, I better, then I better, then I
15 better object.

16 CHAIR: You have no doubt as to authentication here,
17 that this is what it is, right?

18 MR. MCCANN: I do not doubt that, no.

19 CHAIR: And so, your only basis is on relevance by
20 itself?

21 MR. MCCANN: Correct.

22 CHAIR: Okay. It'll be admitted. I understand that
23 you may have an argument as to its weight.

24 MR. MCCANN: Great, thank you.

25 CHAIR: Mr. Vettori?

1 MR. VETTORI: I'm going to mark as Petitioner's
2 Exhibit 11 what is a blow up of a transect map of the master
3 plan 2020 of the --

4 CHAIR: Just hand it to counsel first. (inaudible)
5 as long as you've given it counsel, that's fine.

6 MR. VETTORI: All right. I have, I think it's two,
7 there might be a third there.

8 BOARD: (inaudible).

9 MR. VETTORI: That would be better, because this one
10 somebody copied with a post-it on it.

11 CHAIR: Petitioner's Exhibit 11 is the blowup of the
12 transect map of the area, I assume?

13 MR. VETTORI: That's correct, in the general
14 corridor, I just merely want to present it to Jennifer Nugent
15 to opine whether she's aware or if she has some other means of
16 testifying as to whether this property lies in the T-5 transect
17 overlay. Ms. Nugent, do you know if it lies in the T-5?

18 MS. NUGENT: I'm, hold on, I'm trying to orient
19 myself.

20 CHAIR: Before you do that, is there, is there going
21 to be any objection to Petitioner's Exhibit 11?

22 MR. VETTORI: Do you guys need, here, (inaudible) as
23 far as finding where we are.

24 MR. BAKER: Again, for the record, objection to
25 relevancy. I'm not sure where it's going but.

1 CHAIR: Neither are we, for the moment, but I'm
2 assuming Mr. Vettori has a reason for it.

3 MR. VETTORI: Sure.

4 CHAIR: I just want to, before we start getting to
5 things like authenticity, like as in where did you get this
6 from, that's why I'm asking this question because otherwise he
7 has to lay the foundation as to where Ms. Nugent got this from.

8 MR. MCCANN: No question as to authenticity.

9 CHAIR: Okay, that's fine.

10 MR. MCCANN: Thank you.

11 MR. VETTORI: As far as relevancy, I know my friend
12 Chris Jakubiak is here, I work with him sometimes on our side,
13 against him on other sides and he usually testifies about
14 master plan conformance. One of those things is a transect
15 designation in the master plan, so I think it is relevant. Not
16 so much at this time, but while we have Ms. Nugent here I don't
17 want to have to call her back, I think that would be --

18 CHAIR: A second time. So, it will be admitted
19 conditionally, how's that?

20 MR. VETTORI: I'll take it.

21 CHAIR: All right.

22 MR. VETTORI: Ms. Nugent, are you aware whether this
23 property lies in the T-5 transect?

24 MS. NUGENT: I am.

25 MR. VETTORI: Okay and the T-5 is typically kind of

1 sidewalks and walkable areas, correct? I mean, that's a very
2 urban type of area --

3 MS. NUGENT: Yes.

4 MR. VETTORI: -- such as this, correct? Okay.

5 CHAIR: So, just to be clear, the T-5 transect area
6 here, the significant of that to this project is what? Other
7 than location, I mean, what does T-5 call for?

8 MS. NUGENT: I can read it from the master plan.

9 MR. VETTORI: That's page twenty-nine --

10 BOARD: That would be helpful.

11 CHAIR: Do you need a minute to, Ms. Nugent, do you
12 need a minute to pull that, to --

13 MS. NUGENT: No, I have it right here.

14 CHAIR: Okay.

15 MS. NUGENT: T-5 includes higher density mixed use
16 buildings that accommodate retail, offices, townhouse and
17 apartments. It has a tight network of streets with wide
18 sidewalks, steady street tree planting and buildings set close
19 to the sidewalks.

20 BOARD: I'm sorry, where did you read from?

21 MS. NUGENT: Page twenty-nine of the Baltimore County
22 master plan 2020.

23 CHAIR: Page twenty-nine?

24 MS. NUGENT: Um hm.

25 CHAIR: Thank you.

1 BOARD: Thank you.

2 CHAIR: Did you all need to say that?

3 MR. MCCANN: No, that's okay, thank you.

4 MR. BAKER: No, thank you though.

5 CHAIR: Okay.

6 MR. VETTORI: That's all the questions I have for Ms.
7 Nugent.

8 CHAIR: All right. Cross examination? As in Mr.
9 Baker, are you going to go first?

10 MR. BAKER: I will go first, but I don't have any
11 questions of Ms. Nugent.

12 CHAIR: Okay.

13 MR. MCCANN: Just a couple.

14 CHAIR: Okay.

15 MR. MCCANN: Good morning, Ms. Nugent.

16 MS. NUGENT: Good morning.

17 MR. MCCANN: And I may have, may have misheard you on
18 this point, but I, I thought you had said that the Hunt
19 Valley/Timonium master plan was part of the CMDP?

20 MS. NUGENT: The design guidelines portion.

21 MR. MCCANN: Okay, got it. But apart, separate and
22 apart from that issue, would you agree with me that the Hunt
23 Valley/Timonium master plan adopted in 1998 is part of the
24 master plan incorporated into and becomes a part of the master
25 plan for Baltimore County, is that correct?

1 MS. NUGENT: In terms of, do you have a specific
2 section of the master plan that you're citing where they get
3 incorporated?

4 MR. MCCANN: Well, it's my understanding, correct me
5 if I'm wrong, that community plans, such as the Hunt
6 Valley/Timonium master plan that are adopted by the County
7 Counsel, become part of the master plan for Baltimore County,
8 is that correct?

9 MS. NUGENT: If it's your understanding, how can I
10 say that it's correct?

11 MR. MCCANN: I'm just asking.

12 CHAIR: Well, do, are you aware if the Baltimore
13 County master plan 2020 has adopted community plans as part of
14 the master plan?

15 MS. NUGENT: They become part of the master plan,
16 yes.

17 CHAIR: Are you aware that the Hunt Valley/Timonium
18 plan was adopted into master plan 2020?

19 MS. NUGENT: I do.

20 CHAIR: And it, and it has been adopted?

21 MS. NUGENT: It, it was adopted in 1998.

22 CHAIR: Into the master plan of 2020, you've already
23 discussed the CMDP --

24 MS. NUGENT: It carr, those plans carry over when the
25 master plan gets updated, yes.

1 MR. MCCANN: Okay and am I correct that master plans,
2 including adopted community plans, strike that. Let me ask it
3 this way. In your opinion, are, is the master plan, including
4 adopted community plans, mandatory or advisory?

5 MS. NUGENT: They are not mandatory. And I can read
6 you from page one of the master plan, if you'd like.

7 MR. MCCANN: Okay. That's your understanding?

8 MS. NUGENT: Yes.

9 CHAIR: So, I'm sorry, you said, was your question
10 the adoption, once adopted it is advisory, correct?

11 MR. MCCANN: I'm asking you whether it is mandatory
12 or advisory, she indicated advisory.

13 CHAIR: But she indicated not mandatory but, yes.

14 MR. MCCANN: Yes, okay. All right and is that also
15 the position of the Planning Office?

16 MS. NUGENT: Yes.

17 MR. MCCANN: Okay and you made reference to a
18 certain, and I'm not going to ask you specifically, I'm really
19 just asking for the, the general basis of that opinion. What,
20 what is the basis of the opinion, is it because of some --

21 MS. NUGENT: The statement on page one of the
22 introduction of master plan 2020.

23 MR. MCCANN: Okay. Do you rely upon anything other
24 than that for your opinion and the opinion of the Planning
25 Office, that the master plan and adopted community plans are

1 not mandatory but rather advisory?

2 MS. NUGENT: Can you ask that question again?

3 MR. MCCANN: Other than that reference you just made,
4 you said on page, a certain page, --

5 CHAIR: One.

6 MR. MCCANN: -- one, thank you. Do you rely upon
7 anything else in your opinion to form your opinion that the
8 master plan and adopted community plans are not mandatory,
9 they're (inaudible)?

10 MS. NUGENT: We use the master plan, community plans,
11 this comprehensive manual development policies, the County Code
12 and the zoning regulations to develop and formulate our review
13 and analysis of all development.

14 MR. MCCANN: Anything else?

15 MS. NUGENT: If I'm forgetting something, it's not
16 intentional.

17 MR. MCCANN: Okay. Okay, nothing further. Thank
18 you.

19 MR. VETTORI: I have nothing on re-direct.

20 CHAIR: Thank you, Ms. Nugent.

21 MS. NUGENT: Okay.

22 MR. VETTORI: Thank you. You can go. You don't need
23 (inaudible). I'm sorry? Oh, Jennifer, do you have that copy
24 of the --

25 MS. NUGENT: Oh, the transect?

1 CHAIR: The transect map.

2 MR. VETTORI: Sorry.

3 MS. NUGENT: I'm sorry.

4 MR. VETTORI: (inaudible) gave it to you and didn't
5 get it back. All right. Thank you.

6 BOARD: Thank you.

7 MR. VETTORI: Next, I'd like to call Mike LaCesa from
8 Sheetz.

9 CHAIR: You indicated earlier that there's a second
10 person from the County you may have testify?

11 MR. VETTORI: I did and I, I had subpoenaed Carl
12 Richards, who is the chief of the Zoning Review section.

13 CHAIR: Um hm.

14 MR. VETTORI: But again, that was pertinent to the
15 special hearing request and I am one, I was personally
16 comfortable but now after hearing opposing counsel say that
17 they have no objection to that issue not being, no longer being
18 an issue as far as whether a restaurant is, in fact, a carryout
19 restaurant or some other restaurant that requires more parking
20 --

21 CHAIR: You don't need Mr. Richards anymore in light
22 of that?

23 MS. NUGENT: I don't need Mr. Richards.

24 CHAIR: Okay, very well.

25 BOARD: Mr. LaCesa, would, do you swear and affirm

1 under the penalties of perjury, that the testimony you are
2 about to give is true and correct to the best of your knowledge
3 and belief?

4 MR. LACESA: I do.

5 BOARD: Would you please state your name, spelling
6 your last name, your business address?

7 MR. LACESA: Certainly. My name is Michael A.
8 LaCesa, spelled L-A-capital C-E-S-A. My business address is
9 5700 6th Avenue, Altoona, Pennsylvania 16602.

10 CHAIR: You may have a seat.

11 MR. LACESA: Thank you.

12 CHAIR: Now, counsel, Mr. LaCesa was kind enough to
13 hand up his card with all that information but just so everyone
14 is aware that the card was handed up with that information if
15 anyone wants to take a look.

16 VOICE: (inaudible).

17 MR. VETTORI: I apologize for not having (inaudible).

18 MR. BAKER: No problem.

19 CHAIR: It's quite all right. Just want to make sure
20 everyone was aware.

21 VOICES: Thank you.

22 CHAIR: And obviously, we don't need to make it an
23 exhibit but --

24 MR. VETTORI: Just wanted to make it easier to write
25 things down, I apologize.

1 CHAIR: Yes. Thank you for that.

2 MR. VETTORI: Mr. LaCesa, what is your position with
3 Sheetz?

4 MR. LACESA: I am the regional director of real
5 estate.

6 MR. VETTORI: Okay and how have, long have you been
7 with Sheetz?

8 MR. LACESA: A little more than twenty-four years.

9 MR. VETTORI: Okay and among your various roles as
10 regional director, does your job include finding sites that
11 would be suitable for new stores?

12 MR. LACESA: Yes.

13 MR. VETTORI: Okay and in this case, you found this
14 site, correct?

15 MR. LACESA: I was involved in finding this site,
16 yes.

17 MR. VETTORI: And approximately when do you recall,
18 kind of beginning to look at this site?

19 MR. LACESA: I would say probably around November of
20 2017.

21 MR. VETTORI: Okay and is that when you understand,
22 shortly after Bob Evans closed?

23 MR. LACESA: That is correct.

24 MR. VETTORI: Okay and in the event the Board of
25 Appeals is not familiar with Sheetz and the brand and what all

1 it presents, can you describe the history of Sheetz? Kind of
2 when it started and where it's located and what have you?

3 MR. LACESA: Sure. So, Sheetz is a family owned
4 convenience store chain based in Altoona, Pennsylvania that was
5 founded in 1952 by Bob Sheetz. We operate stores in six
6 states, those are Pennsylvania, Maryland, Virginia, West
7 Virginia, Ohio and North Carolina. In our stores, you probably
8 would find a lot of the products that you see in other
9 convenience stores, break, milk, eggs, snacks, candy, tobacco
10 products, drinks. We also sell gasoline and diesel fuel and we
11 have our MTO brand of food, which is made to order fresh while
12 you wait, or you also have the ability to order it ahead of
13 time on our apps or electronically.

14 MR. VETTORI: How many Sheetz are there in Maryland,
15 if you know?

16 MR. LACESA: In Maryland there are thirty.

17 MR. VETTORI: Okay and did you, I don't know if you
18 said it already but in the United States, exact, approximately
19 how many?

20 MR. LACESA: In the six states that we operate, five
21 hundred and ninety. I believe we're opening one today in
22 Virginia, so it should be five hundred and ninety-one at the
23 end of today.

24 MR. VETTORI: All right. And how many are in
25 Baltimore County?

1 MR. LACESA: There are none right now in Baltimore
2 County.

3 MR. VETTORI: All right. So, this is your first time
4 going through the process of getting an approval for
5 (inaudible)?

6 MR. LACESA: It is, yes.

7 MR. VETTORI: And approximately how many times have
8 you visited the subject site?

9 MR. LACESA: I'd say at least a dozen times.

10 MR. VETTORI: Okay and does Sheetz have professional
11 staffers, engineers and other folks that kind of get you
12 beginning of evaluating whether a property is appropriate for
13 it?

14 MR. LACESA: Yes, we have staffers that help us
15 making these decisions.

16 MR. VETTORI: Okay. But ultimately, you end up
17 hiring local professionals in the area to navigate the process,
18 correct?

19 MR. LACESA: We do.

20 MR. VETTORI: Okay and at some point, you hired
21 Century Engineering to prepare these plans, correct?

22 MR. LACESA: That is correct.

23 MR. VETTORI: Okay and Petitioner's Exhibits 1 and 2
24 accurately reflect what you're proposing to construct at this
25 location, correct?

1 MR. LACESA: They do.

2 MR. VETTORI: Okay and can you generally describe how
3 you came, and what the thought process of selecting this site
4 was?

5 MR. LACESA: Sure, I can. It is, it's a corner, in a
6 large swath of, of land that's primarily zoned MLIM and the
7 uses therein consistent mostly of industrial and office uses
8 and the related activities. Also, it is near I-83, it's a
9 corner at a signalized intersection so in our opinion, this is
10 perfect for a fuel service station with ancillary convenience
11 store takeout restaurant uses.

12 MR. VETTORI: All right and has Sheetz entered into a
13 lease agreement with the property owner?

14 MR. LACESA: We have.

15 MR. VETTORI: Okay and approximately how long ago did
16 you enter into that lease agreement?

17 MR. LACESA: January 2018.

18 MR. VETTORI: And do you plan on proceeding to
19 development as soon as you obtain the instant zoning relief?

20 MR. LACESA: And permits, yes.

21 MR. VETTORI: Yes, and how long do you anticipate the
22 building permit?

23 MR. LACESA: Generally, takes us about six months to
24 build a store.

25 MR. VETTORI: Okay and is this Sheetz, I mean, does

1 Sheetz generally have, I mean, there's probably a number of
2 different Sheetz at different locations, I don't know the
3 plural of Sheetz, but, --

4 CHAIR: Yeah.

5 MR. VETTORI: -- the, the different Sheetz, you
6 probably have different, you know, some are bigger and smaller,
7 combined convenience store carryout restaurant, some probably
8 have a car wash or a drive through for something or other. Is
9 that your understanding of how, what is the kind of spectrum of
10 different kinds of Sheetz that are provided --

11 MR. LACESA: You're correct, it does depend on the
12 site, the size, the location. We do have car washes at some
13 stores. We also have drive throughs at some stores.

14 MR. VETTORI: Okay. This will have neither a car
15 wash or a drive through?

16 MR. LACESA: It will not.

17 MR. VETTORI: Do most of them have combined
18 convenience store and carryout restaurants though?

19 MR. LACESA: Yes.

20 MR. VETTORI: Okay and that's always under one
21 building? Is there ever separate buildings or anything like
22 that?

23 MR. LACESA: No, it's all in one building.

24 MR. VETTORI: Okay and how many pumps will this fuel
25 service, service station have?

1 MR. LACESA: This will have six multiple product
2 dispensers, so that twelve vehicles can fill at one time.

3 MR. VETTORI: So, a multiple product dispenser has a
4 pump on each side, is that --

5 MR. LACESA: That's correct.

6 MR. VETTORI: -- (inaudible).

7 CHAIR: So, wait, just to be clear. You say six
8 multiple product stations, the dispensers, sorry. Are we
9 talking, we're not talking six rows, we're talking six total
10 units, correct?

11 MR. LACESA: There are six pumps and a car can fill
12 on either side of the pump, so twelve vehicles could fill at
13 one time if I could point to --

14 BOARD: And are they in a single bay or are they
15 doubled?

16 MR. VETTORI: If you could, somebody's got a pointer
17 somewhere here.

18 MR. LACESA: That would be your witness.

19 CHAIR: You, feel free to stand up too and approach
20 the board.

21 MR. LACESA: Okay.

22 CHAIR: But when you speak, make sure you turn this
23 direction towards us, so the microphone catches what you have
24 to say.

25 MR. LACESA: What I'm pointing to on Exhibit 1 is the

1 gasoline canopy that covers where people would pump fuel.
2 These individual items I'm pointing to are the gas pumps. So,
3 a car can fill up on either side. So, there are six pumps and
4 a car can fill up on either side so twelve vehicles can fill up
5 with (inaudible).

6 MR. VETTORI: Some of them stacked side by side in a
7 row.

8 CHAIR: Right.

9 MR. VETTORI: And you can get four there, this is
10 only two. It's a rather small --

11 MR. LACESA: Correct.

12 MR. VETTORI: Correct.

13 CHAIR: And then the (inaudible) max of twelve can
14 fuel at one time.

15 MR. LACESA: At one time, yes, sir.

16 CHAIR: Okay, thank you.

17 MR. VETTORI: And will you have a vacuum cleaner unit
18 provided on this location?

19 MR. LACESA: Not at this location.

20 MR. VETTORI: Okay. Will there be self-service air?

21 MR. LACESA: Yes.

22 MR. VETTORI: Okay. Is that free or does it cost
23 anything?

24 MR. LACESA: It's free air at all the Sheetz stores.

25 MR. VETTORI: Okay and will you have an ATM at the

1 location?

2 MR. LACESA: Yes.

3 MR. VETTORI: Okay. How many employees of the fuel
4 service station do you anticipate?

5 MR. LACESA: Generally, there will be four. There
6 may be a few more with some overlapping on shifts.

7 MR. VETTORI: Okay.

8 CHAIR: When you say fuel service station, that
9 includes the convenience store?

10 MR. VETTORI: It doesn't.

11 CHAIR: It doesn't? You want to make sure that we
12 understand --

13 MR. VETTORI: To clarify, I think, I mean, that's a
14 long legal argument, I just wanted to get in on the fuel
15 service station and don't want to --

16 CHAIR: That's what I wanted to clarify. You're
17 solely talking about for fuel, the fuel operations itself, four
18 would be --

19 MR. VETTORI: That's correct. With respect to our
20 parking analysis, which there's plenty of parking, it really
21 doesn't make a difference in the big picture of things, but a
22 fuel service station, if he didn't have the convenience store
23 and carryout restaurant, would only need to have probably one
24 employee, to be honest with you, but we're saying four just to
25 be overly protective. There obviously are more employees and I

1 think Mr. LaCesa would testify to that effect, four, but the
2 other uses are based upon square footage so while, it gets in
3 a lot more complicated of an answer of though, everybody there
4 knows how to do their jobs and he can certainly attest to that.

5 CHAIR: I just wanted to make sure we had an
6 understanding of what you meant by employees and fuel service
7 stations so. Understanding that that's the max you would
8 expect to do the fuel operations.

9 MR. VETTORI: Part, part of the requirement for a
10 fuel service station is a max number of employees, I think
11 we've overstated four.

12 CHAIR: Um hm.

13 MR. VETTORI: Just to not make it an issue.

14 CHAIR: Um hm.

15 MR. VETTORI: And I'll let opposing counsel, if they
16 have any questions, ask those, you can get to the bottom of
17 that. Have you heard from anyone regarding any specific
18 concerns they might have with this project?

19 MR. LACESA: Not really. When we were at the
20 Administrative Law Judge hearing, there were a few residents
21 from the west side of 83 that did come to the hearing and
22 voiced some concern that there might be added traffic.

23 MR. VETTORI: Okay. In the instant Petition for
24 Zoning Relief and I got a few other exhibits, but I think I
25 talked to Mr. McCann, I'm not going to mark these exhibits but

1 there was ultimately, the Petition was filed and there's receipt
2 from the filing on May 16th, is that your recollection?

3 MR. LACESA: It sounds about right.

4 MR. VETTORI: I could print them out and distribute
5 them, it would take more time but. And the public hearing was
6 originally scheduled for July 19th?

7 MR. LACESA: That's correct.

8 MR. VETTORI: And that hearing was postponed pursuant
9 to a postponement request from DGG Market, Inc., correct?

10 MR. LACESA: Yes.

11 MR. VETTORI: Okay and 7-11 thereafter entered their
12 appearance on July 18th?

13 MR. LACESA: Yes.

14 MR. VETTORI: Okay and the County issued a new notice
15 of zoning hearing on August 1st for a September 26th hearing
16 date?

17 MR. LACESA: That's correct.

18 MR. VETTORI: Okay. Do you have any idea who DGG
19 Market, Inc. is or why they would be interested in your request
20 for zoning relief?

21 MR. LACESA: At first, I was not aware of who they
22 were, but we, once they got involved, we did look up who they
23 were, trying to understand why they might be interested
24 (inaudible).

25 MR. VETTORI: All right. I'm going to mark as

1 Petitioner's Exhibit 11, I believe.

2 CHAIR: Twelve.

3 MR. VETTORI: Twelve? Sorry. An SDAT entity search,
4 (inaudible) for DGG Market, Inc.

5 CHAIR: Thank you.

6 MR. VETTORI: Here's an extra copy.

7 CHAIR: I see Mr. McCann standing so, I see Mr. Baker
8 now standing.

9 MR. BAKER: Just to clarify for the record, I have
10 this in, in my notes as Petitioner's exhibit number thirteen.
11 You had two transect maps that you --

12 CHAIR: We were not provided the second part of the
13 transect map.

14 MR. BAKER: Oh, okay.

15 CHAIR: To explain things, we were only provided the
16 one.

17 MR. VETTORI: Yeah, I just gave that to you, so you
18 could find the location.

19 MR. BAKER: Oh, okay, my apologies.

20 MR. VETTORI: I didn't put it into evidence.

21 MR. BAKER: Thank you.

22 CHAIR: So, for clarity sake, we have the one
23 transect map without the explanation, that's Petitioner's
24 Exhibit 11. We don't have the second one handed to you for,
25 out of courtesy by Mr. Vettori, and therefore, the SDAT

1 printout is Exhibit 12.

2 MR. BAKER: Got it, thank you.

3 MR. VETTORI: Sorry for any confusion I may have
4 caused. All right.

5 CHAIR: I anticipate, do you imagine you're going to
6 be using or putting the SDAT printout into evidence?

7 MR. VETTORI: I think it's relevant just to kind of
8 understand how, you know, us figuring out who was opposing this
9 project and, and how we got there and there's some additional
10 things that I think in the long run really do make a
11 difference. So, --

12 CHAIR: Will, will there be any objection from
13 Protestants?

14 MR. MCCANN: No, we're a party to the case.

15 CHAIR: That's why I figured there wouldn't be, but
16 still. Okay. So, that will be admitted. I will note that the
17 printout is dated September 17, 2018. Other than that, please
18 proceed.

19 MR. VETTORI: We'll mark as Petitioner's Exhibit 13
20 printouts of the various locations for Graul's.

21 VOICE: Thank you.

22 CHAIR: I don't think we're ready for lunch yet. All
23 right. So, Petitioner Exhibit 13 is the printout from Graul's
24 Markets indicating its locations. Any objection from
25 Protestants?

1 MR. MCCANN: No objection.

2 MR. BAKER: No.

3 CHAIR: All right. So, so admitted.

4 MR. VETTORI: We'll mark as Petitioner's Exhibit 14,
5 a printout of a website regarding the history of Graul's
6 Market.

7 BOARD: Thank you.

8 MR. VETTORI: Thank you. All right.

9 CHAIR: Any objection to fourteen?

10 MR. MCCANN: No objection.

11 MR. BAKER: No objection.

12 CHAIR: So admitted. So, twelve, thirteen, fourteen
13 are all admitted.

14 MR. VETTORI: So, Mr. LaCesa, once you heard about
15 the postponement and heard DGG Market was entering their
16 appearance and objecting to your request for zoning relief, did
17 you then look up who DGG Market was?

18 MR. LACESA: Yes, and we saw that they have a
19 principal office in Ruxton.

20 MR. VETTORI: Okay and does it also appear from the
21 Petitioner's Exhibit 14 the history of Graul's Market that the
22 owner of the Ruxton office also owns the one in Mays Chapel?

23 MR. LACESA: That's correct.

24 MR. VETTORI: So, was it your assumption that Mays
25 Chapel had, location of Graul's had some objection to your

1 request for zoning relief?

2 CHAIR: If I could just interrupt real quick?

3 MR. VETTORI: Yes.

4 CHAIR: The copy provided on Exhibit 12 --

5 MR. VETTORI: Color not color?

6 CHAIR: Well, it's not just the color not colors, on
7 the bottom there's the address on the copies provided to the
8 Board with the date of September --

9 MR. VETTORI: With a different date?

10 CHAIR: There's no date, I believe, on what was
11 handed in as the exhibit. So, if you could show that to
12 counsel for Protestants to make sure that they're satisfied
13 that it's the same, it's the same information. All right, so
14 here, I'm going to hand you this.

15 MR. VETTORI: All right.

16 CHAIR: So, this way they, they can, oh, so you're
17 satisfied that it's the same --

18 MR. BAKER: That's fine.

19 MR. VETTORI: Thank you.

20 CHAIR: Thank you. So, all right, so no problem
21 again with Exhibit 12, thank you. I see heads shaking no, so.

22 MR. VETTORI: There's no problem. That's fine, yes.

23 CHAIR: No problem. All right. Sorry to interrupt.

24 MR. VETTORI: So, again, you, you looked up the
25 address, you saw that that was the location of a Graul's down

1 in Mays Chapel or down in Ruxton and then you saw also in the
2 history that the owner was there. Did you have, by chance, go
3 and visit the Graul's in Mays Chapel?

4 MR. LACESA: Yes, I did.

5 MR. VETTORI: How many times have you visited the
6 location?

7 MR. LACESA: I'd say approximately six times.

8 MR. VETTORI: Okay and can you glean anything that
9 they might find to be objectionable about your development and
10 why they would be objecting to it?

11 MR. LACESA: They're located 1.6 miles west of this
12 location. I went there to see what kind of products they might
13 offer, to see why they might be interested in this and the only
14 thing that I could surmise is that they might view us as
15 competition.

16 MR. VETTORI: Okay. They don't sell gasoline or
17 fuel?

18 MR. LACESA: They do not.

19 MR. VETTORI: Okay. But they do sell food and
20 drinks?

21 MR. LACESA: Yes.

22 MR. VETTORI: Okay and where's the nearest 7-11
23 located in relation to this location?

24 MR. LACESA: There's a 7-11 just north on Beaver Dam
25 Road, on the opposite side of the street.

1 MR. VETTORI: Okay and are you aware of a, I think
2 you heard Ms. Nugent talk about a Royal Farms development at
3 100 West Padonia. Are you aware of where that site is located?

4 MR. LACESA: Yes, we are.

5 MR. VETTORI: And you're aware that they sought
6 zoning relief for a fuel service station?

7 MR. LACESA: Yes.

8 MR. VETTORI: And while our case number was 2018-316,
9 theirs was 2018-317, is that your understanding?

10 MR. LACESA: Yes.

11 MR. VETTORI: Which essentially means they filed it
12 immediately after ours?

13 MR. MCCANN: Sorry to interrupt. But can we try not
14 to ask leading questions of the witness, primary witness on
15 direct examination? I think it's (inaudible) --

16 CHAIR: (inaudible) objection, leading.

17 MR. MCCANN: I am and I don't want to stand up every
18 time. Just make an effort, that's all and I'll sit down and --

19 CHAIR: Very well. I will sustain the objection. If
20 you can, and also please, keep in mind, --

21 MR. VETTORI: Sure.

22 CHAIR: -- it is important for us to hear from the
23 witness' testimony as opposed to through leading questions, the
24 substantive matters in this case. Okay.

25 BOARD: And I did have a question as well. You said

1 7-11 is just north. How far away is it from your location?

2 MR. LACESA: I never checked with an odometer, but I
3 would say two-tenths of a mile.

4 BOARD: Thank you.

5 MR. VETTORI: Are you aware of whether anybody went
6 to the hearing for Royal Farms at 100 West Padonia?

7 MR. LACESA: Our consultant, Century Engineering,
8 sent an employee to that hearing and as far as I know, there
9 was only one member of the community present, it was a
10 gentleman named Eric Reckle.

11 CHAIR: I'm sorry, I missed that. Mr. Baker?

12 MR. BAKER: Although the question has been answered,
13 I was going to object to the question as, again, as to
14 relevancy. I'm not sure how the Royal Farm case pertains to
15 this case.

16 CHAIR: Well, the good news is, I didn't hear his
17 answer. So, so far so good.

18 MR. VETTORI: The relevancy, the Royal Farm case was
19 filed right after ours and it's relevant in regard of, if
20 there's a complaint about certain things about our project,
21 some project that's really close to ours, which I think will be
22 clarified, then I can go through a few more exhibits. At some
23 point, we'll ultimately show there's, there's, this project,
24 like other projects, could have been objected to and for some
25 reason that project wasn't objected to.

1 CHAIR: Mr. McCann, you haven't had a chance to
2 speak.

3 MR. MCCANN: I'll let Adam, I'll let Adam finish.
4 But my, my point is simply who cares whether anyone in this
5 hearing, for that matter, objects or not. It's not, it's self
6 -relevant and it may go to bias in this case, but certainly not
7 whether anyone objected to or attended the hearing in the Royal
8 Farm case. Aside from the fact that it's a different zoning.

9 CHAIR: Isn't, isn't your question is why is it being
10 done through this witness, that it is --

11 MR. MCCANN: Well, I don't think it's relevant no
12 matter how it comes in.

13 CHAIR: Because it would be relevant, I understand,
14 on cross examination for Mr. Vettori perhaps but as to this
15 witness --

16 MR. MCCANN: Absolutely. Mr. Vettori could ask my
17 client if he testifies, or they testify, why, why are you
18 opposed to this project? That's a fair question, obviously.
19 But I don't understand the relevance of who attends or does not
20 attend the hearing in another case and how that reflects on
21 this case (inaudible). I just don't think it's relevant.

22 CHAIR: Mr. Baker?

23 MR. BAKER: Just to add to what Mr. McCann said. All
24 sites are different, the operations are different, Royal Farms
25 versus Sheetz, different location, different zoning. There's a

1 variety of, of variables that may cause one to object or not
2 object to a site and I think for this witness to offer
3 testimony as to why Michael's client or my client may have
4 objected or not objected to another site and do object to this
5 site, I think, frankly, is irrelevant and I think it's improper
6 for him to be offering that testimony.

7 MR. VETTORI: And as far as relevance is concerned,
8 you know, we didn't hear from at the Administrative Law Judge
9 level and that doesn't mean you won't hear from him today, but
10 I am not, I don't know who they're going to call or not call,
11 so I certainly think it's relevant in the sense of what you
12 probably have questions as to what is the objection to this
13 proposed request for relief. So, in that regard, I'm trying to
14 paint a little bit of a picture for you. Ultimately, I think
15 there is a zoning decision in case number 2018-317, which is a
16 matter of record, which will say who all was there and whether
17 anybody objected and if there's a final decision and it was
18 final and non-appealable. I can just put that in. I just
19 wanted to make sure, I was trying to get to a point, I don't
20 want to belabor this point any longer and I can stop the line
21 of questioning, that's fine.

22 CHAIR: Well, that's what I was going to suggest too,
23 is that I don't know how much further you could go with this
24 witness who didn't attend and --

25 MR. VETTORI: That was the end of it.

1 CHAIR: -- couldn't otherwise know, hadn't had a
2 conversations and all those other things, so on that basis,
3 I'll sustain the objections. I'm not, it is not a ruling as to
4 anything for cross examination for later for Mr. Vettori.

5 MR. VETTORI: Sure.

6 CHAIR: But as to this witness, with those questions,
7 we'll, I will sustain the objection.

8 MR. VETTORI: That's all the questions I have for Mr.
9 LaCesa.

10 BOARD: And in the future, when an attorney stands
11 with an objection, the witness should go onto a pause button
12 and not answer, in the future.

13 MR. BAKER: And in, in fairness, I stood by I didn't
14 object.

15 VOICE: He was late.

16 MR. BAKER: I was late, but thank you. I appreciate
17 you saying that.

18 CHAIR: All right.

19 BOARD: It comes up a lot in these hearings.

20 CHAIR: Mr. McCann, you're still standing. Do you
21 have anything more to say?

22 MR. MCCANN: Oh, I'm just listening. (inaudible).

23 CHAIR: Back to, back to you, Mr. Vettori.

24 MR. VETTORI: I am done with my direct examination
25 and I'll turn it over to cross examination.

1 CHAIR: Very well. All right. Cross examination,
2 Mr. Baker or Mr. McCann?

3 MR. MCCANN: I'll, I'll go first, thank you. Good
4 morning, sir.

5 MR. LACESA: Good morning.

6 MR. MCCANN: You characterized, well, number one, you
7 said that you were involved in selecting this site, is that
8 correct?

9 MR. LACESA: Yes.

10 MR. MCCANN: In fact, it sounded to me like you were
11 the person who ultimately made the decision to lease this site
12 and go down this path of seeking approval for a special
13 correction, is that correct? Is that fair?

14 MR. LACESA: No, not entirely. We are a family run
15 business. There are folks named Sheetz that own this company,
16 so they have the ultimate decision.

17 MR. MCCANN: Okay. There's a board of directors, I
18 take it, then?

19 MR. LACESA: They do have a board of directors, yes.

20 MR. MCCANN: Okay. Nevertheless, you were involved
21 in the selection?

22 MR. LACESA: I was.

23 MR. MCCANN: Okay and, in fact, you characterized
24 this site as, as a perfect site, that's your term, right?

25 MR. LACESA: In my opinion, I think it's an ideal

1 location for a Sheetz store, yes.

2 MR. MCCANN: I want to ask you about why, why you
3 believe that and (inaudible) my understanding of what you said
4 so far. Number one, you said, excuse me, it's on the corner of
5 a busy street, correct, Padonia Road?

6 MR. LACESA: Yes.

7 MR. MCCANN: It is approximate to Interstate 83?

8 MR. LACESA: That's correct.

9 MR. MCCANN: And how proximate, just for, I'm sure
10 the Board is familiar with where the site is, but it's real
11 close, isn't it?

12 MR. LACESA: Two-tenths of a mile, something like
13 that.

14 MR. MCCANN: And just to beat a dead horse on that
15 point, why you, you, it's ideal or perfect to be proximate to
16 I-83 is because there's lots of people traveling up and down,
17 north and south, on I-83 that could hop off 83 and come to your
18 location, correct?

19 MR. LACESA: In a way that is something that could
20 happen. More realistically, it would be people that are
21 already traveling by the site, getting on 83 and then traveling
22 home.

23 MR. MCCANN: People that are heading home, why do you
24 say more realistically? You think more people are going to
25 come to this site on their way home than their way to work, is

1 that what you're suggesting?

2 MR. LACESA: I think what I'm suggesting is that we
3 often get people while they're on their way someplace else,
4 rather than them seeking us out as a destination. That is not
5 to say that Sheetz freaks would not get off 83 and come to the
6 store at Padonia Road. But more likely, more than likely, we
7 would get people on their way someplace else.

8 MR. MCCANN: And then in, I guess, traffic engineer
9 speak, that's pass by traffic, right?

10 MR. LACESA: It's my understanding, yes.

11 MR. MCCANN: You're not a traffic engineer?

12 MR. LACESA: No, I am not.

13 MR. MCCANN: And you've heard that term before?

14 MR. LACESA: Pass by trips?

15 MR. MCCANN: Yeah.

16 MR. LACESA: Yes, I've heard that before.

17 MR. MCCANN: In fact, I think you said often, that
18 happens often. Is it fair to say in your experience that the
19 majority, not the vast majority of folks, that go to a Sheetz
20 store and that would likely go to this store would be folks
21 that are passing by? Is that a fair --

22 CHAIR: Hold on. So, you said pass by traffic, which
23 is a term of art, and now you're saying passing by, I think
24 you're using that generally?

25 MR. MCCANN: Yeah.

1 CHAIR: Is that fair?

2 MR. MCCANN: Yeah, I shouldn't mix terms. I think
3 they mean the same thing, but I'll rephrase the question if
4 that's okay.

5 CHAIR: Yeah, I just want to make sure that we, every
6 party has the same understanding as to the question.

7 MR. MCCANN: I meant them the same way but let me
8 rephrase so I'm clear. You said, I think you said, used the
9 term often, that people often stop at a Sheetz when they're
10 hearing somewhere else, otherwise known as pass by trips,
11 correct?

12 MR. LACESA: I mean, that's my experience. I, I am
13 not a traffic engineer.

14 MR. MCCANN: I understand that. Given that, just in
15 your experience, you've been working for the company for a long
16 time, is it fair to say that a majority, or maybe even a vast
17 majority of folks that go to a Sheetz store are doing so as
18 pass by trips or, or on their way to somewhere else, is that
19 fair?

20 MR. LACESA: It's been my experience that there are
21 people who visit our stores when they are traveling somewhere
22 else.

23 MR. MCCANN: I, I was asking more for like a, in your
24 experience, and I know it's, I'm not asking for a
25 quantification, I'm just saying the majority, more people than

1 not, that go to Sheetz stores and that would likely go to this
2 store, would be passing by heading somewhere else or,
3 (inaudible) pass by trips?

4 MR. LACESA: In my experience, yes.

5 MR. MCCANN: Okay. So, proximity to 83, it's on the
6 corner of an arterial, is that your understanding of what
7 Padonia Road is, is an arterial road?

8 MR. LACESA: I'm not sure what classification Padonia
9 Road is.

10 MR. MCCANN: But it's a major road in your, in your
11 estimation?

12 MR. LACESA: It's a busy road.

13 MR. MCCANN: And then, I think the other thing you
14 mentioned was that the location, the site, is close to office
15 and industrial uses?

16 MR. LACESA: Yes.

17 MR. MCCANN: Okay. Aside from its proximity to 83,
18 on the east side, is it also part of, of what you believe makes
19 this an ideal or perfect site, is, is part of that the fact
20 that to the east, not that far, far down, is, is York Road,
21 also a busy or major road. Does that also help?

22 MR. LACESA: Yes.

23 MR. MCCANN: And does that fact also make it ideal or
24 perfect in your, in your (inaudible)?

25 MR. LACESA: I can't say that York Road has a direct

1 impact on this location, but I would assume that some folks
2 traveling on York Road, turn on to Padonia Road and would come
3 past this location. So, that would be helpful.

4 MR. MCCANN: Yeah, and there, in fact, there's a,
5 there's a lot of residential communities on the west side of
6 this site, and on the west side of 83, correct?

7 MR. LACESA: There are residential communities as you
8 go up the hill on the west side, yes, sir.

9 MR. MCCANN: And there's a lot of employment, I don't
10 want to say employment centers, but places where people are
11 employed on the east side of this site, that is, along the York
12 Road corridor, correct?

13 MR. LACESA: Yes.

14 MR. MCCANN: So, in other words, again, as a non-
15 traffic engineers, in your experience, is it fair to say that a
16 lot of people, and I think you've said as much already, a lot
17 of people will leave their employment along the York Road
18 corridor and if they're heading west along Padonia Road, a lot
19 of those people may stop at this Sheetz on their way to a
20 residence on the west side of the site, or on the west side of
21 83, is that --

22 MR. LACESA: That's def, definitely possible, yes.

23 MR. MCCANN: Okay. Anything else other than those
24 things I sort of just itemized in terms of what makes this an
25 ideal or perfect site? I can go through them again, but I

1 think you know what they are.

2 MR. LACESA: I think you named everything that I had
3 discussed earlier.

4 MR. MCCANN: Anything else you can think of now?

5 MR. LACESA: The only other thing I would add is it's
6 a signalized intersection. I think I did mention that.

7 CHAIR: You did, on direct.

8 MR. MCCANN: I'm sorry, I didn't hear that.

9 VOICE: Signalized intersection.

10 MR. MCCANN: There's been reference to a couple of
11 other developments in the area. One in particular, the Atapco,
12 A-T-A-P-C-O, I think is how it's spelled, are you familiar with
13 that development?

14 MR. LACESA: I know the location of the development,
15 but I'm not intimate with it, by any means.

16 MR. MCCANN: And, and where is that located, do you
17 know where it is?

18 MR. LACESA: I would, I would categorize that as
19 being catty-corner from our location.

20 MR. MCCANN: So, it's sort of south west corner of
21 Padonia and Deerco?

22 MR. LACESA: Yes.

23 MR. MCCANN: And --

24 MR. LACESA: I'm sorry, south east. We're on the
25 north --

1 MR. MCCANN: That's right.

2 MR. LACESA: -- west, they would be south.

3 CHAIR: The Atapco property is south east of your
4 site?

5 MR. LACESA: Yes, sir.

6 MR. MCCANN: And I said the corner of Padonia and
7 Deerco, just for everybody's benefit and to remind myself as
8 well, south of Padonia Road, the road is called Deerco and
9 north of it is called Beaver Dam, right?

10 MR. LACESA: That's correct.

11 MR. MCCANN: Okay and what's your understanding of
12 that Atapco development? What does it involve?

13 MR. LACESA: I really don't know that much about it
14 other than what I heard being discussed earlier today.

15 MR. MCCANN: There is, for your benefit, there is
16 proposed an eight story hotel and office --

17 CHAIR: Can you speak up, I'm sorry?

18 MR. MCCANN: There is proposed an eight story hotel
19 and a seven story office building. Does that ring a bell with
20 you at all?

21 MR. LACESA: Again, if that's what was discussed
22 earlier.

23 MR. MCCANN: Is that, assuming that's the case, and
24 assuming that development gets approved and both aspects of
25 that development are constructed, is that something that would

1 be good for the business at the corner of, your Sheetz, your
2 proposed Sheetz?

3 MR. LACESA: It sounds like there would be additional
4 people that would want to fill up their stomachs and fill up
5 their cars, so that would be a good thing.

6 MR. MCCANN: Are you aware of any other developments
7 that are either in the pipeline or have been approved in the
8 immediate area of the site?

9 MR. LACESA: Other than the Royal Farms on Padonia
10 Road, no, I'm not aware of anything else.

11 MR. MCCANN: And by the way, (inaudible) Royal Farms
12 counsel has suggested, but are you, do you know what the zoning
13 of that property is where that Royal Farms is located?

14 MR. LACESA: No, I don't.

15 MR. MCCANN: Given your familiarity with this, this
16 site, is it, is it a fair, is it fair to, to say that the vast
17 majority of people that would come to this proposed Sheetz
18 would be in a car as opposed to walking?

19 MR. LACESA: Yeah, I think so, yes.

20 MR. MCCANN: Have, have you or anyone else on behalf
21 of your company undertaken any analysis of where folks may come
22 from or how they may come, has that been done?

23 MR. LACESA: No, not, not really.

24 MR. MCCANN: You mentioned Royal Farms and
25 (inaudible) location but in, in general, is, is it, is it fair

1 to say that Royal Farms is, is one of your competitors?

2 MR. LACESA: Yes.

3 MR. MCCANN: And am I correct that it is a competitor
4 because, essentially, or it sells the same products that a
5 Sheetz does?

6 MR. LACESA: Similar products.

7 MR. MCCANN: I know you mentioned this MTO, made to
8 order, put that aside for a second. Would, is it fair to say
9 that everything other than that in terms of products that
10 Sheetz sells are essentially what Royal Farms sells?

11 MR. LACESA: No, I don't know that I could say that.
12 I mean, there's a lot of products in both stores, so I, I can't
13 say that I've ever really examined everything on their racks or
14 everything about their menu. I will say that they are famous
15 for their chicken and we are not. We have a made to order
16 program that is very vast. We are hoping that anybody who
17 walks in our store can find something to satisfy their needs.
18 I am not intimate with their menu or some of the other products
19 in their stores.

20 MR. MCCANN: Okay, fair enough. And I wasn't really
21 asking that specifically, you know, in terms of a product
22 comparison. I was just saying, generally speaking, the same
23 types of products are sold at both stores, is that fair?

24 MR. LACESA: If you mean gas?

25 MR. MCCANN: Gas and convenience store items. I

1 mean, there's a finite number of convenience store items, we
2 all know what they are, you know, there's chips, drinks,
3 sandwiches, --

4 MR. LACESA: Sorry, I didn't understand. Yes, sir,
5 you're correct.

6 MR. MCCANN: Okay and then, and then the same with
7 respect to, for instance, a Wawa, same type of products,
8 essentially?

9 MR. LACESA: That I would consider Wawa also a
10 competitor of ours, yes.

11 MR. MCCANN: I'm sorry, just looking through my
12 chicken scratch. Mr. Vettori asked you or spoke maybe about
13 the, the number of employees that have been attributed to the
14 fuel service station aspect of this project and you, and it's
15 no secret, it's on the plan, it's four, correct?

16 MR. LACESA: Yes.

17 MR. MCCANN: And I understand for parking purposes,
18 there's a reason, parking space purposes, there's a reason to
19 do that. But he also said that if this were just a fuel
20 service station alone without a convenience store, carryout
21 restaurant, it is likely, that's my word, likely, that you
22 would need less than four employees, maybe one he said.

23 CHAIR: Fewer.

24 MR. MCCANN: Fewer. Is that, is that fair?

25 MR. LACESA: I agree, fewer.

1 MR. MCCANN: Okay and again, putting, putting aside
2 parking, parking has, is its own animal as we know, and I'm
3 talking about this proposed store, what you anticipate, putting
4 aside parking, how many employees generally do you anticipate
5 to be associated with the convenience store and carryout aspect
6 of the project?

7 MR. LACESA: I think the total employees will be
8 right around that four number. It could be a little bit more
9 than that during peak times. There is some overlap in some
10 shifts.

11 MR. MCCANN: And is there any distinction in your
12 mind, as a, as the business side of things, putting aside the
13 parking animal that it is, is there any distinction in your
14 mind between employees that work for the convenience store
15 versus employees that work for the carryout aspect of, or is it
16 all just the same?

17 MR. LACESA: All of our employees are trained to do
18 everything at that facility, so I would say no, I don't look at
19 those differently.

20 MR. MCCANN: Okay and is, is it true that they're not
21 just trained to do everything but they, in fact, they meaning
22 the employees, on a given shift, perform duties on behalf of,
23 of both the convenience store and carryout restaurant to the
24 extent they are (inaudible)?

25 MR. LACESA: Not always. There are employees that

1 might come into work and they are predominantly there all day
2 making food and have nothing to do with watching or taking
3 money from the gas islands and vice versa.

4 MR. MCCANN: Okay. Well, yeah, the people preparing
5 food, let me, let me ask about them. The people that are
6 preparing food and I understand you have people that may be
7 just do that job and not deal with the fuel service station
8 aspect, those employees are preparing food for both the
9 convenience store and the carryout aspect of the business,
10 right? Is there any distinction in those employees in what
11 they do?

12 MR. LACESA: No.

13 MR. MCCANN: So, unlike some other states in
14 Maryland, it's not required to have someone at the pump station
15 pumping your gas for you, correct?

16 MR. LACESA: All the Sheetz stores are self-service
17 gasoline.

18 MR. MCCANN: So, there will, okay. There will be no
19 employee whose job it is to help people pump their gas?

20 MR. LACESA: We don't have people come out and pump
21 your gas, unless you need help and we do then, yes.

22 MR. MCCANN: (inaudible).

23 BOARD: (inaudible)?

24 MR. LACESA: Yes.

25 MR. MCCANN: Are you able to tell us what you

1 anticipate for this store in terms of the percentage of
2 customers that will come to get gas at the fuel service station
3 versus the customers that will --

4 MR. VETTORI: Objection. I don't see the relevance
5 of --

6 BOARD: I didn't hear the question.

7 CHAIR: He's, his question wasn't finished yet.

8 BOARD: Yeah.

9 MR. VETTORI: Okay, sorry.

10 CHAIR: But I understand you want to possibly object,
11 so before you answer, let's hear the whole question and then
12 see where Mr. Vettori is.

13 MR. MCCANN: I was asking, I wanted to know if, just
14 in your experience what you anticipate for this store, what
15 percentage of, of the business, I'm sorry, customers, not the
16 business, would be visiting to get gas versus customers that
17 would come in to visit the convenience store and if it's any
18 different, the carryout restaurant? Have you, do you have a
19 breakdown, in other words, of that --

20 MR. LACESA: No, --

21 CHAIR: Hold on, before you even answer that
22 question. You still object?

23 MR. VETTORI: I do. I mean, I think we've had a lot
24 of questions that I don't, can't quite understand the relevance
25 of it, to what we're ultimately getting to and this is, I

1 think, is going outside the scope of things I asked about. I
2 mean, we didn't really get into the breakdown of how the
3 business operates and, you know, I think getting an
4 understanding, I don't know if they're trying to establish
5 somehow that we're different than Royal Farms based on that
6 question or somehow there's more of this going on than that and
7 I just don't, it's a fuel service station with a convenience
8 store.

9 CHAIR: Yeah, I think, I see, I see this within the
10 scope of the direct for sure and I also see the relevance of
11 the question. What my question, I'm going to have you respond,
12 but I also have a question. When you said, asked for the
13 number of customers or percentage of customers for gas versus
14 convenience or carryout, are you saying solely for gas, that is
15 not a stop for both? So, that has to be factored into your
16 question too. But leaving that aside, you want to respond to
17 what Mr. Vettori had to say?

18 MR. MCCANN: Yeah, I'm not asking him this question
19 in order to compare it to a Royal Farms. This is just on this
20 store, trying to get a sense of, of how the business breakdown
21 is and, frankly, I don't know if they, they know whether some
22 people just come and get gas or whether some people come and, a
23 certain percentage of people that get gas, also walk in
24 somehow, I don't know, maybe they leave the pump and go in and
25 get something in the convenience store. I don't know, I'm sure

1 they, I, well, I don't, I'm assuming that there is some sort of
2 breakdown (inaudible) and I'm asking about that breakdown.

3 CHAIR: And are you saying on the general basis or on
4 an expected basis, that it is --

5 MR. VETTORI: I'm just going to withdraw my
6 objection. I think we get to it faster if we just answer the
7 question, to be honest with you.

8 CHAIR: Are you saying on a general basis or on an
9 expected basis, that is, this site in particular versus some
10 average?

11 MR. MCCANN: Well, I'm, I'm asking about this, what
12 he anticipates at this site.

13 CHAIR: Okay.

14 MR. MCCANN: Because I think that's what we're here
15 for, but I assume he would base it on his experience.

16 CHAIR: I just want to make sure it's clear. Can you
17 answer the question, sir?

18 MR. LACESA: I don't really have an idea.

19 MR. MCCANN: Does your company do that type of
20 analysis?

21 MR. LACESA: An analysis to determine how many people
22 might get gas only versus how many people might go into the
23 building?

24 MR. MCCANN: Well, I, I threw that in there because
25 I, I, I don't know. I'm asking about any breakdown of whatever

1 kind, whether it's people who get gas and how that breaks down
2 or just where the business comes from in general. I mean, I'm
3 sure you have those as spreadsheets somewhere in your company's
4 files that says the amount of gas being sold at, at the average
5 store versus the convenience store items being sold and I'm
6 asking you whether you can tell us about that breakdown, either
7 in terms of the number of customers, which is what I asked
8 about, or my follow-up to that was percentage of business,
9 without getting into numbers, I don't want your numbers.

10 MR. LACESA: Honestly, it's a crystal ball look at
11 this location, since there isn't a store here. We really can't
12 predict what would happen, whether it would be fifty percent
13 gas and fifty percent convenience store, it really depends on
14 the location, the competition in the area, I, I really don't
15 have an answer.

16 MR. MCCANN: What about average stores based on
17 current experience, do you have a sense of that?

18 MR. LACESA: Yeah, so we have five hundred and ninety
19 stores. I'm not familiar with all of them, I've not spent time
20 in some of the states where we operate, but we definitely have
21 stores where gas is a much heavier purchase than anything
22 inside the store and then vice versa. Might be a rural
23 location where there's really not a lot of other places to get
24 food, so we might sell a lot more food and less gas in that
25 location.

1 MR. MCCANN: Okay, thank you. I think, the other
2 question I had is it looks like you did some investigation
3 about Graul's and you mentioned that you were at the store six
4 times or so, and you surmised why my client may be objecting to
5 this but did you, did you ever speak, pick up the phone and
6 call anyone at any of the Graul stores, including the one
7 that's closest, to ask why they're objecting to this special
8 exception?

9 MR. LACESA: No.

10 MR. MCCANN: I think that's all I have, thank you.

11 CHAIR: Mr. Baker?

12 MR. BAKER: Thank you. You had mentioned both in Mr.
13 Vettori's questions and Mr. McCann's questions that part of the
14 reason that you, you chose this site was its proximity to I-83,
15 whether people are, you know, getting off Padonia Road for
16 other reasons or whether they're getting from Padonia Road onto
17 83, that was kind of one of the factors that, that came into
18 play. Do you know, is there a proposal to put signage on 83 to
19 attract folks? You know, typically they have on highways, you
20 know, gas at this location, food at this location, is there a
21 plan to do that?

22 MR. LACESA: You know, we haven't gotten that far yet
23 but I can tell you that in other states and in, probably in
24 Maryland as well, where we qualify to be on the highway
25 signage, we definitely take advantage of that.

1 MR. BAKER: Okay, okay. Fair enough. I'm going to
2 jump around a little bit on you because Mr. McCann, frankly,
3 stole a lot of my questions. 7-11 was mentioned which is just
4 right around the corner up Beaver Dam Road from this, this
5 property and when I say this property, I'm talking about Sheetz
6 property. Do you know the zoning of that site?

7 MR. LACESA: No, I don't.

8 CHAIR: When you say that, 7-11 site?

9 MR. BAKER: The 7-11 site, thank you. Sorry. Do you
10 know the zoning of the 7-11 site?

11 MR. LACESA: I do not know the zoning of 7-11.

12 MR. BAKER: And, and just so I understand it, if you
13 don't mind, permission to approach --

14 CHAIR: Please, go ahead.

15 MR. BAKER: (inaudible) I noticed in the redline that
16 the, that the size of the store is going from roughly forty-
17 nine hundred square feet to nineteen hundred seventy-one square
18 feet. It, it looks like it's the same size on the plan. Can
19 you just help to walk me through, I guess, why there's the
20 different breakdown? Are different spaces being allocated
21 differently?

22 CHAIR: Sir, do you need Exhibit 2 in front of you or
23 would you like to approach?

24 MR. LACESA: I can walk up there, if that's okay with
25 everybody?

1 CHAIR: No, that's fine. Just, again, turn this
2 direction with your answer, please.

3 MR. VETTORI: I'd make just a quick objection. I
4 don't know that he really opined about how the store is broken
5 down. He can certainly talk about what's in the store but I
6 think the plan was prepared per the zoning regulations by the
7 engineer who is going to talk about it and might be the better
8 witness to answer these questions.

9 CHAIR: Mr. Baker, any response?

10 MR. BAKER: If the engineer is going to address the
11 layout, that, that's fine. I just, I not, I noticed it on the
12 redline and again, I wanted to make sure --

13 MR. VETTORI: But, but I think in talking like how
14 the store is laid out in general, not like this is here, that's
15 that, I mean, I think we, there's a colored breakdown of what
16 goes into what and I think, respectfully, the cross hatch was
17 taking the carryout restaurant out.

18 MR. BAKER: Um hm.

19 MR. VETTORI: So, the, the square footage, if you add
20 them up, it's still the same square footage. But the breaking
21 down, he can answer just, you know, from a, comparing the
22 zoning and why that goes in the carryout restaurant whatever,
23 he probably doesn't know.

24 MR. BAKER: And, and, and again, I'm not going down
25 that road.

1 MR. VETTORI: Okay.

2 MR. BAKER: I just, I just wanted to understand why
3 and again, if, if, if the engineer is going to address it, we
4 don't need to ask the question.

5 CHAIR: It, so let, so let me just circle all that up
6 here and summarize it. Is your question to this gentleman
7 going to be what is your understanding of whatever subject
8 matter versus why is this the way it is, which is a matter for
9 the engineer?

10 MR. BAKER: Really, it, it was the former. It's
11 what, what is your understanding of, of the breakdown and why
12 there's the discrepancy in forty-nine hundred versus nineteen--

13 MR. VETTORI: And I certainly don't object to that.
14 I think he's, obviously, familiar with Sheetz more so than the
15 engineer is, so, you know, he's been in a couple stores.

16 CHAIR: Sir, can you answer the question?

17 MR. LACESA: I think I'm going to actually surprise
18 everybody and tell you that I'm not really sure how
19 (inaudible).

20 CHAIR: All right.

21 MR. BAKER: Fair enough. That's, thank you.

22 CHAIR: You may have a seat, sir.

23 MR. BAKER: Thank you. You can have a seat. And one
24 more clarifying question, you testified that there's going to
25 be four employees at the site at, you know, on, on what is

1 presumably the largest, largest shift. Just to clarify,
2 there's kind of three components of the use, there is the fuel
3 service station, there's the convenience store and there's the
4 carryout restaurant piece. Those four employees, that covers
5 all three of those uses, correct?

6 MR. LACESA: It does, and like I said, there could be
7 more depending on the busy times and the overlapping of shifts.

8 MR. BAKER: Okay. There's going to be six multi-
9 product dispensers. There's, is there a plan to sell diesel
10 from this site?

11 MR. LACESA: Auto diesel, yes.

12 MR. BAKER: Auto diesel. So, no, no diesel for
13 trucks or larger vehicles?

14 MR. LACESA: No, we don't intend to have any high
15 flow diesel or invite any of those vehicles on the site.

16 MR. BAKER: Okay. That's all the questions I have.
17 Thank you very much.

18 MR. LACESA: Thank you.

19 CHAIR: Just brief follow-up. For the form, please,
20 I know this has been asked a whole bunch of times, I understand
21 you're going to have people for food service, for food
22 handling. Are you going to have a manager on duty?

23 MR. LACESA: Yes.

24 CHAIR: Is that manager included within the four?

25 MR. LACESA: Yes.

1 CHAIR: All right and then you're going to have, so
2 you'll have a manager and how many for food service, like one
3 or two?

4 MR. LACESA: Yes, depending on what time of day, but
5 yes.

6 CHAIR: All right and then, so there'd be one or two
7 at a register or otherwise floating in the store in the site?

8 MR. LACESA: They do float, that was, yes, that's
9 exactly the way it works.

10 CHAIR: Okay. Mr. Vettori, any follow-up?

11 MR. VETTORI: I have no follow-up questions.

12 CHAIR: Does anyone have any follow-up on my
13 questions?

14 MR. BAKER: I do not.

15 MR. MCCANN: Maybe, not fair to call it follow-up but
16 a question I failed to ask him, just simply the number of
17 seats. It may be on the plan itself, but do we know how many
18 seats are in the --

19 MR. LACESA: That one I do know. There are thirty
20 seats inside the store, yes.

21 MR. MCCANN: Okay.

22 CHAIR: Thirty indoor seats?

23 MR. LACESA: Yes, sir.

24 CHAIR: Anything further?

25 MR. MCCANN: Nothing, thank you.

1 MR. VETTORI: Nothing further.

2 MR. BAKER: No, thank you.

3 CHAIR: All right. Thank you very much, sir.

4 MR. LACESA: Thank you.

5 CHAIR: Why don't we take a five minute break and
6 then see where that takes us until lunch or thereabouts.

7 MR. BAKER: Thank you.

8 (RECORDING PAUSED - 11:31:17 AM)

9 (ON RECORD - 11:54:21 AM)

10 CHAIR: And we're back on the record. Mr. Vettori?

11 MR. VETTORI: What time are you thinking about
12 breaking for lunch? I'm pretty certain if you were thinking
13 twelve or even 1:00, we're probably not going to be able to get
14 to, if you are planning on breaking for lunch at all today.

15 CHAIR: Oh, no, we'll break for lunch. It's just a
16 matter of convenience, where the witness at the moment, so, in
17 other words, if you get a witness in and you get done direct,
18 maybe that would be an appropriate time.

19 MR. VETTORI: Right.

20 CHAIR: If the cross is not expected to be long, then
21 maybe that takes care of that one witness.

22 MR. VETTORI: Kind of getting the sense that cross is
23 going to be long and I'd rather start with the witness and do
24 the cross right after instead of, and I don't think that we're
25 going to get done, frankly, in an hour with my direct. There's

1 a lot of questions I have and just going over the plan and
2 getting, you know, establishing what's happening so my concern
3 is that we're going to, you know, be at 1:00 and, you know, we
4 may not be done and breaking for lunch at that point and then
5 I'd rather just keep the direct and the cross all kind of
6 consistent if that's possible. But if you prefer to go, we'll,
7 I'll try to get through it quickly.

8 CHAIR: I, I'm open to whatever the parties really
9 want to do and whatever works for my fellow Board members.

10 MR. BAKER: No problem with breaking now for lunch
11 and getting it all in at once.

12 CHAIR: Mr. McCann?

13 MR. MCCANN: No, that's fine with me.

14 CHAIR: So, what I'm hearing is that you'd prefer to
15 break for lunch now and then come back just to make sure it's
16 all, I guess, in one segment as opposed to broken up.

17 MR. VETTORI: Correct.

18 BOARD: And what time are we going to end today, do
19 you know? You have some obligations?

20 CHAIR: Well, I was going to say around 4:00. Like,
21 it doesn't have to be a hard four, it could be 4:30 even, but
22 yeah, I have somewhere to be at 6:00 but that's --

23 MR. VETTORI: Whatever your schedule requires, we
24 certainly understand and appreciate it.

25 CHAIR: Anyone have any problems with the end of the

1 day?

2 MR. BAKER: None at all.

3 MR. VETTORI: No.

4 CHAIR: Other than me.

5 MR. MCCANN: Do you intend to take a full hour, hour,
6 that would be --

7 CHAIR: I think we have to because of the time.

8 Because if you go to any place around here, you're going to be
9 in a line, it's going to take some time to work through the
10 line if you're getting lunch, so I think we kind of have to err
11 on that side, especially at noon as opposed to doing it later.

12 MR. MCCANN: Okay, sounds good.

13 CHAIR: All right? So, I guess now we're on lunch
14 break for an hour, we'll be back at 1:00.

15 (RECORDING PAUSED - 11:56:33 AM)

16 (ON RECORD - 01:01:16 PM)

17 CHAIR: All right, please be seated. And we are back
18 from lunch. Mr. Vettori, do you have another witness for us?

19 MR. VETTORI: Yes, I'd like to call Bob Bathurst,
20 please.

21 CHAIR: I'm sorry, Bob?

22 MR. VETTORI: Bathurst. He can spell his name.

23 CHAIR: He'll, yeah, he'll say it and spell it.

24 MR. VETTORI: I know the spelling, I don't want to
25 say I don't, --

1 CHAIR: That's fine.

2 BOARD: Mr. Bathurst, do you swear and affirm under
3 the penalties of perjury that the testimony you are about to
4 give is true and correct to the best of your knowledge and
5 belief?

6 MR. BATHURST: I do.

7 BOARD: Would you please state your name and address
8 for the record, spelling your last name?

9 MR. BATHURST: Robert Gerald Bathurst.

10 BOARD: And keep your voice up, please.

11 MR. BATHURST: Sorry. Robert Gerald Bathurst, B-A-T-
12 H-U-R-S-T.

13 BOARD: And your address?

14 CHAIR: Business address.

15 MR. BATHURST: 10710 Gilroy Road, Hunt Valley,
16 Maryland 21031.

17 CHAIR: I understand you're here on behalf of, you
18 can have a seat, I assume you are here on behalf of a company?

19 MR. BATHURST: I am. I am representing Century
20 Engineering.

21 CHAIR: And what is your position at Century
22 Engineering?

23 MR. BATHURST: I'm a principal and vice president of
24 the firm.

25 CHAIR: All right. Mr. Vettori? Just as a reminder,

1 everyone, since we're back from lunch, please speak loudly and
2 clearly, do not cover the microphone, do not talk over one
3 another and I neglected to say this in the first half, but it's
4 still applicable anyway, please turn off your cell phones.

5 MR. VETTORI: Thanks. I'm going to mark as
6 Petitioner's Exhibit 15 a copy of Mr. Bathurst's c.v. or
7 resume. Color copies I'm giving to you guys but these are
8 black and white, I apologize.

9 MR. BAKER: Thank you.

10 BOARD: Thank you.

11 CHAIR: And do you have another copy?

12 MR. VETTORI: I'm sorry?

13 CHAIR: Do you have a copy?

14 MR. VETTORI: Oh, I'm sorry. I think I gave you two.

15 CHAIR: Are those two?

16 MR. VETTORI: It's just stuck together (inaudible).

17 CHAIR: There you go, sorry. All right.

18 MR. VETTORI: All right. Mr. Bathurst, you've
19 introduced yourself and what your position is with Century
20 Engineering. Can you please describe your duties at Century
21 Engineering?

22 MR. BATHURST: I, I am a vice president of site and
23 civil land planning and survey division of Century Engineering.
24 I work predominantly in site development, assisting clients
25 with their permitting, design and permitting requirements

1 related to site development activities.

2 MR. VETTORI: Okay and can you please describe your
3 educational background?

4 MR. BATHURST: I have an undergraduate degree, a BSCE
5 from Drexel University, that's civil engineering. I have a
6 Master's degree from Carnegie Melon in Industrial
7 Administration.

8 MR. VETTORI: And can you also describe your work
9 related background? Have you always worked at Century? Have
10 you worked anywhere else?

11 MR. BATHURST: I have worked in the industry starting
12 in 1987, excepting a few years of education, totaling twenty-
13 seven years in the site development area.

14 MR. VETTORI: Okay and have you spent all twenty-
15 seven years with Century or?

16 MR. BATHURST: No, I've been at Century Engineering
17 since 2002.

18 MR. VETTORI: Okay and how many projects can you say
19 you've worked on during the course of that time?

20 MR. BATHURST: I, --

21 BOARD: Which time, at Century or, or --

22 MR. VETTORI: Over the course of your career, sorry.

23 BOARD: Okay.

24 MR. VETTORI: I, I am going to have to estimate
25 because depending upon the economic conditions and the size of

1 the projects, that varies year over year. But if I were to
2 estimate the range, it would be somewhere between three hundred
3 and five hundred.

4 MR. VETTORI: And does the copy of your resume or
5 c.v. that marked as Petitioner's Exhibit 15 fairly and
6 accurately reflect your educational and work background?

7 MR. BATHURST: Yes.

8 MR. VETTORI: All right. Move to have that accepted
9 into evidence and for him to be accepted as an expert in zoning
10 and development and engineering.

11 CHAIR: Zoning, development and engineering, correct?

12 MR. VETTORI: That's correct.

13 CHAIR: All right. Mr. Baker?

14 MR. BAKER: Just a quick question. Have you, have
15 you testified as an expert in the past in Baltimore County?

16 MR. BATHURST: Most recently, last, late last year.

17 MR. BAKER: And when you testified as an expert, what
18 were you admitted as an expert in?

19 MR. BATHURST: I believe it was development.

20 MR. BAKER: Okay. Have you ever testified as an
21 expert in zoning?

22 MR. BATHURST: In the City of Annapolis, I have
23 addressed zoning requirements.

24 MR. BAKER: But never in Baltimore County?

25 MR. BATHURST: No.

1 MR. BAKER: Okay. I have no further questions.

2 CHAIR: Mr. McCann?

3 MR. MCCANN: I'm sure he's qualified in zoning, but I
4 would like to ask him a couple questions about the zoning
5 aspect (inaudible).

6 CHAIR: All right.

7 MR. MCCANN: Just a couple questions real quick.

8 CHAIR: If I may, just to clarify your statement.
9 So, he was tenured up as an expert zoning, development and
10 engineering. I hear that you are, correct me if I'm wrong,
11 satisfied about the development and engineering aspects, the
12 zoning is the, is what you have a question about?

13 MR. MCCANN: Just, I'm going to ask a couple
14 questions and I'm sure it will satisfy my, my (inaudible).

15 CHAIR: Okay.

16 MR. MCCANN: (inaudible). Sir, tell us about your
17 experience with Baltimore County zoning regulations?

18 MR. BATHURST: My career started in Baltimore County
19 at a firm called George William (inaudible) Associates. Not to
20 say that early in my career I was responsible for zoning
21 analysis but certainly within the first ten years, it
22 transitioned into that kind of analysis. With the various
23 firms that I've worked at, they have land planners and
24 (inaudible) those land planners would represent those
25 components of the project but, ultimately, I was responsible

1 for making sure that the site plans as they were prepared
2 complied with those regulations and certainly prepared my own
3 analysis.

4 MR. MCCANN: Okay and that, you said that was the
5 beginning of your career. What about in the last ten years,
6 same thing?

7 MR. BATHURST: No, no, predominantly I am responsible
8 for that zoning analysis.

9 MR. MCCANN: Today?

10 MR. BATHURST: Yeah.

11 MR. MCCANN: Okay. I know you're responsible for it,
12 but can you give us a little better idea of what you do on a
13 particular, on say the average project, to the extent there is
14 one? What you do from a zoning perspective?

15 MR. BATHURST: Well, certainly if it's a project that
16 I have done before, I have some familiarity with the
17 requirements, but I always look at the zoning of the property
18 first in any kind of zoning case history on the property. If
19 there's a title search available, sometimes that reveals
20 information that might not otherwise be immediately available
21 and relevant but you're just trying to understand the legacy
22 information on the property that might restrict or in some way
23 encumber development of the property.

24 MR. MCCANN: Okay. I'm satisfied, Mr. Garber, so I
25 have no objection to him being admitted in that area, that is,

1 the latter, the zoning issue, the area of zoning.

2 CHAIR: Well, again, he was tendered for zoning,
3 develop, development and engineering. So, do I understand,
4 just to be clear, that you have no objection to what he's been
5 tendered as an expert in?

6 MR. MCCANN: Correct.

7 CHAIR: All right. Mr. Baker, same? All right. So,
8 he'll be received as tendered and as to Exhibit 15, I hear no
9 objection, so that will be admitted.

10 MR. VETTORI: Thanks. And you reviewed all work and
11 preparation of this plan to accompany Petition for Zoning
12 Relief, which is marked as both, I guess, the original plan
13 that was filed, marked as Petitioner's one, as well as the
14 redline copy, which is Petitioner's two, correct?

15 MR. BATHURST: I have, yes.

16 MR. VETTORI: Okay and was notice of this zoning
17 hearing posted and published in accordance with the regulations
18 at the originally scheduled hearing?

19 MR. BATHURST: Yes, um hm.

20 MR. VETTORI: Okay and where is this site located?

21 MR. BATHURST: It's at the south, north west of the,
22 of the intersection of Padonia and Beaver Dam Road.

23 BOARD: Can you keep your voice up, please? Or speak
24 into the microphone.

25 MR. BATHURST: Sure. It would be in the

1 Timonium/Lutherville area at the north west corner of the
2 intersection of Beaver Dam and Padonia Roads.

3 MR. VETTORI: All right. Do you know the development
4 or zoning history of the site?

5 MR. BATHURST: The development history is that it was
6 formerly a Bob Evans Restaurant now vacant and that was
7 developed, I believe, it was 1996.

8 MR. VETTORI: Okay and how close is your place of
9 employment to this location?

10 MR. BATHURST: Approximately, I'd say two miles
11 north.

12 MR. VETTORI: Okay. So, you've been by the
13 intersection a few times, correct?

14 MR. BATHURST: Many times, yes.

15 MR. VETTORI: Okay and what is the site zoned?

16 MR. BATHURST: MLIM, manufacturing light with an
17 overlay district called industrial major.

18 MR. VETTORI: Thank you and can you describe the
19 zoning of the surrounding area?

20 MR. BATHURST: Well, we don't have the map up but I
21 can describe it from my recollection. There's a north south
22 corridor of manufacturing and business owned that predominantly
23 straddles that spine road that makes up Beaver Dam, McCormick,
24 Deerco and (inaudible).

25 MR. VETTORI: And as far as that, you're talking,

1 referencing a map up showing the zoning in the area. Do you
2 happen to have a copy of a map showing the zoning in the area?

3 MR. BATHURST: I do have an eleven by seventeen.

4 MR. VETTORI: Hang on, let's not --

5 MR. BATHURST: This is produced out of My
6 Neighborhood, which is a Baltimore County website.

7 MR. VETTORI: Is that something you produced but the
8 website has it?

9 MR. BATHURST: Yes.

10 MR. VETTORI: All right. Let me look for, I think I
11 have a copy of this elsewhere but show this (inaudible). Do
12 you have extra copies, by chance, --

13 MR. BATHURST: I do.

14 MR. VETTORI: Is it in this?

15 MR. BATHURST: It's in my pile. You want me to get
16 them?

17 MR. VETTORI: If you wouldn't mind? If that's not
18 too much trouble. Approximately how many copies do you have?

19 MR. BATHURST: Nine.

20 MR. VETTORI: Nine? We'll just go with that.

21 MR. BAKER: Is this mine or is this for us?

22 MR. VETTORI: He said he's got nine, so eight more
23 and I'll give you two more (inaudible).

24 MR. BAKER: That works, thank you.

25 CHAIR: If there's anything else this witness needs

1 from his bag, maybe now would be a good time to bring that out.

2 MR. VETTORI: I don't believe there is.

3 CHAIR: Okay.

4 MR. VETTORI: I thought I had this right in my hand
5 and --

6 CHAIR: And I am not trying to suggest that if it's
7 not brought out there's going to be a problem, just while he's,
8 while he's there.

9 VOICES: Thank you.

10 CHAIR: Thank you.

11 MR. VETTORI: Bob, we're good. Sorry. I did.

12 CHAIR: So, we will mark this as Petitioner's Exhibit
13 16, it is the Baltimore County My Neighborhood, I guess, we'll
14 just call it area map showing the zoning.

15 MR. BATHURST: Just an exhibit that you can produce
16 off of that website.

17 MR. VETTORI: That's, that's fine.

18 CHAIR: I'm just saying, for identification for the
19 record, Petitioner's Exhibit 16. All right. Any objection
20 from Mr. Baker or Mr. McCann?

21 MR. MCCANN: No.

22 MR. BAKER: No objection.

23 CHAIR: All right. So, it will be admitted, please
24 proceed.

25 MR. VETTORI: And essentially, around this area, what

1 is the corridor, as you would kind of describe the area zoned?

2 MR. BATHURST: It seems, from my understanding of the
3 map, that there's a residential, a hard line between
4 residential and, on the westerly side at 83 and then easterly
5 from there, there's a zone of the MLIM, that starts to
6 intermingle with business as it transitions past Beaver Dam
7 over to York Road and beyond York Road, it transitions back
8 into residential.

9 MR. VETTORI: Okay. How about north and south?

10 MR. BATHURST: Well, predom, the site is kind of
11 center, centered in that corridor, if you will, with respect to
12 the industrial zone, the business zone properties.

13 MR. VETTORI: Okay.

14 CHAIR: And just for, just to point it out, the
15 Petitioner's Exhibit 16, the site at issue is outlined with a
16 blue square roughly about midway down the map?

17 MR. BATHURST: That's correct.

18 MR. VETTORI: That's correct. And is that because
19 you looked up that property on My Neighborhood and then zoomed
20 out?

21 MR. BATHURST: That's correct. That's how you
22 operate that website, yes.

23 MR. VETTORI: Thank you. Let's go back to, let's go
24 to Petitioner's Exhibit 2, the redline plan. Can you walk us
25 through some of the redlines and kind of how those came to be

1 put onto the plan?

2 MR. BATHURST: Yeah, I'd like to approach it but I
3 will speak to the mic.

4 CHAIR: Yeah, you'll, --

5 BOARD: Would you like this?

6 MR. BATHURST: Oh, okay, sure.

7 CHAIR: When you testify, make sure you turn this way
8 but also you're going to have to be very cognizant about
9 keeping your voice up.

10 MR. BATHURST: I'll try it the other way.

11 CHAIR: But, go ahead.

12 MR. BATHURST: So, there, there really isn't a lot of
13 change between the original and the redline version, but I will
14 walk you through those changes. The Department of Planning had
15 required, or request for connectivity, pedestrian connectivity
16 with the hotel that is directly to the north and while the
17 hotel doesn't actually have a sidewalk that comes to the
18 property edge, we offered to put in a connectivity in the form
19 of a cross walk off of that property, which is identified by
20 this red cross pattern, pattern here.

21 CHAIR: In the upper left corner?

22 MR. BATHURST: Correct. And then, they also would
23 like, would like a sidewalk connection off of Beaver Dam. So,
24 we put in a sidewalk connection that runs right past the
25 dumpster enclosure, and then crosswalks over to the store

1 frontage. And finally, we put in a sidewalk on the frontage on
2 Padonia. In this south easterly corner, there was a,
3 information that came about that we didn't know about earlier,
4 related to a title search that there was a sign easement in the
5 corner, a private sign easement. So, there was a minor
6 adjustment to the plan to take our improvements outside of that
7 private sign easement. As part of the landscape plan review,
8 there was a request for plantings closer to the building, which
9 we incorporated all four corners, which required us to do minor
10 shifts in parking to accommodate the islands. Off to the left
11 is part of the zoning designation, we put in a loading space,
12 that's a zoning requirement. We intended it to be more of a
13 flexible thing but just to make sure that we cover the basis,
14 we found a home for it and we fixed it at this location.

15 CHAIR: Okay. So, do I understand it's the
16 crosswalks, the sidewalks, the plantings, the shift in parking
17 and the loading zone and the sign easement aspect, we've
18 covered them all?

19 MR. BATHURST: Yes.

20 MR. VETTORI: The sidewalk, --

21 CHAIR: Yeah, I said sidewalks.

22 MR. VETTORI: Sorry.

23 CHAIR: And crosswalks. Did that cover all the
24 changes?

25 MR. VETTORI: And the notes on page two.

1 MR. BATHURST: Oh, well, I will say that we made some
2 improvements, public improvements on the hydrants, there's two
3 hydrants now. And we made some corrections to the parking
4 tabulations or refinements.

5 CHAIR: Okay.

6 MR. BATHURST: But this exhibit I've described pretty
7 thoroughly. This one here, we did update the owner, address
8 where information would be sent. It was clarified to me that
9 I, I assumed early on that the vacuum and air station was a
10 combined unit so I described it as such, but then he clarified
11 to me that there was going to be no vacuum station. Likewise,
12 we had corrected some of the numbers down in the, in the site
13 area requirements to reflect the correct ratio. And I've
14 already highlighted the stipulations with the parking.

15 BOARD: On the loading zone, does that take out some
16 of the landscaping?

17 MR. BATHURST: Well, this plan, there was no existing
18 landscaping at that location. That area of the site is
19 encumbered by a private ingress/egress easement that wraps
20 around the site on two sides and it, it serves as, you know,
21 part of the primary ingress/egress to the site, but it also
22 restricts our ability to put any landscaping there, however, --

23 BOARD: You're not understanding my question, I don't
24 believe.

25 MR. BATHURST: Um hm.

1 BOARD: You show an eight by four six loading zone
2 crosshatched on the western edge of the site that is redlined.

3 MR. BATHURST: Yes.

4 BOARD: And the north end of that loading zone
5 overlays what looks like a bush.

6 MR. BATHURST: Oh, okay. I, I'll clarify, sorry.

7 MR. VETTORI: Can, can I, can I clarify, we have a
8 copy of the landscape plan if you would like to see that, that
9 might help.

10 CHAIR: Well, let's have Ms. Dopkin's question
11 answered first.

12 MR. VETTORI: Okay.

13 MR. BATHURST: I, I can --

14 BOARD: My question was, does that bush go away?

15 MR. BATHURST: It does.

16 BOARD: Thank you. That was all.

17 MR. BATHURST: Sorry.

18 MR. VETTORI: All right. I'm going to mark as
19 Petitioner's Exhibit 17, the schematic landscape plan approval
20 if you're (inaudible).

21 CHAIR: I'm sorry, this is the approved schematic
22 landscape plan?

23 MR. VETTORI: Correct. Presenting you with what's,
24 I've labeled as a schematic landscape plan approval. Are you,
25 did you prepare the schematic landscape plan?

1 MR. BATHURST: Century Engineering did prepare this
2 plan, correct.

3 MR. VETTORI: Okay and it was submitted to the County
4 for review and approval?

5 MR. BATHURST: It was, yes.

6 MR. VETTORI: And the County has signed the plan
7 signifying their approval?

8 MR. BATHURST: Yes.

9 MR. VETTORI: Okay.

10 CHAIR: It looks like there's a date of May 9th, 2019?

11 MR. BATHURST: Yes.

12 MR. VETTORI: Okay and this was, you had, had you
13 gotten a preliminary landscape plan approval, a schematic
14 landscape plan approval previously?

15 MR. BATHURST: This was, we had a, we had a previous
16 letter that said that it's approved subject or it was in, in,
17 how should I say it, I'm trying to remember the wording
18 exactly. But it, basically it said, it would be approvable
19 with these conditions and since that time we've addressed those
20 conditions.

21 MR. VETTORI: Okay.

22 CHAIR: I'm sorry, the, it would be approved with
23 certain conditions. Does the plan that is marked as Petition
24 Exhibit 17 reflect the changes made to accommodate those
25 conditions?

1 MR. BATHURST: Yes.

2 CHAIR: Thank you.

3 MR. VETTORI: All right. I want to bring you back to
4 Petitioner's Exhibit 2, I think, you know, we, we kind of went
5 through all the redlines but we didn't really go through all
6 the notes. Can you walk me through some of the more
7 significant of the notes? I mean, obviously, there's a
8 reference to a plat. I think we can all read that and, while
9 most of it is legible, could you walk me through what the
10 setback requirements are, whether they've been complied with,
11 what, if any, signage requirements there are and, and those
12 types of things, if, feel free to approach if it's okay with
13 the Board.

14 CHAIR: It is. Again, just keep your voice up,
15 please.

16 MR. BATHURST: I tell you what, I have one that's a
17 repeat of that plan so I can read it.

18 CHAIR: Wait a minute, so you don't need to get,
19 that's fine. And if you can just draw our attention to
20 something that you would be reading, I believe we'll be
21 referring to page two.

22 MR. BATHURST: Yes.

23 MR. VETTORI: That's correct.

24 CHAIR: So, this, this is a series of general notes
25 that generally cover the requirements for submission of such a

1 plan and some of the more important components, because this is
2 a zoning petition plan for the zoning compliance. So,
3 certainly notes like the site area, note ten, note eleven, the
4 site zoning, the existing use, which of course, is no longer a
5 restaurant, the proposed use. When you get into the idea of a
6 fuel service station, there's special requirements stipulated
7 by the Zoning Code in Section 405 that define performance
8 requirements. So, a lot of the following notes relate to
9 addressing or proving that we've addressed or, or complied with
10 those special performance requirements. Some of that is the
11 underlying zoning setbacks for the MLIM zone or the ML zone and
12 that's defined by 255. So, those are the required front, rear,
13 side setbacks that are outlined at the beginning of note
14 fourteen. And thereafter, when you start to get into the
15 specific performance requirements for a fuel service station,
16 they're outlined further down and the requirements defined
17 under Section 405, where it talks about the required setback
18 for various components of a fuel service station and I outline
19 the required requirement and how we've complied, whether we
20 exceeded in some way numerically. The height, of course, is
21 important in some juris, in some zones, but in this case, it's
22 not applicable. The underlying zone has an unlimited height,
23 but still I list the height. Lighting is a zoning requirement
24 as well, as well as the, and that's notated by just the fact
25 that we, we use this note that is acceptable to the County with

1 respect to keeping basically light pollution off of adjoining
2 properties and streets. Let me see. I'm just trying to steer
3 you into the most important ones. The off street parking is a
4 zoning requirement defined by Section 409 of the Zoning Code.
5 That's better described by the numeric calculation that
6 computes the numbers required for that.

7 BOARD: Which number are you on?

8 MR. BATHURST: That would be number nineteen.

9 BOARD: Thank you.

10 CHAIR: And then you have a, another table on the
11 upper right side that speaks to that, the off street parking
12 tabulation?

13 MR. BATHURST: Right, I, I will, I'll steer you to
14 that in a minute. But just to finish up nineteen, there, fuel
15 service spaces have a requirement for one space per multi-
16 purpose dispenser and one cuing space for that same space. So,
17 it doesn't become a parking space, you don't park at that space
18 but you have to show how you address that requirement. So,
19 that, the numbers that are defined there, refer back to the,
20 page one of this exhibit, where you can physically see the
21 vehicles parked in those spaces at the multi-purpose dispenser
22 and/or the cuing vehicle behind it. And then for the physical
23 off street parking tabulation, we have a tabulation table and
24 on the second page, in the upper right hand corner. And that
25 gives a listing of the required spaces as computed for each

1 component of the fuel service station as well as the provided
2 spaces.

3 MR. VETTORI: And note number twenty-nine, I think we
4 got a pause, I just want to make sure we finish these up. It,
5 it states that all the signage will comply with Section 450,
6 which is the portion of the zoning regulations that outlines
7 what is required for signage, correct?

8 MR. BATHURST: Yes.

9 MR. VETTORI: Okay and it outlines what signs are
10 being proposed?

11 MR. BATHURST: Correct.

12 MR. VETTORI: We're not necessarily asking for
13 approval of the signage, you just offered that up.

14 CHAIR: And then to that, I think, same point, under
15 the offset parking tabulation, you have a category for outdoor
16 seating for the carryout, which is something from the County
17 but no outdoor seating is proposed, is that correct?

18 MR. BATHURST: No, there is outdoor seating.

19 CHAIR: There is outdoor seating?

20 MR. BATHURST: Yes, um hm.

21 CHAIR: Okay.

22 MR. VETTORI: It's shown on the plan, correct?

23 MR. BATHURST: Yes, we're referring back to page one
24 of two. You'll see that we've identified with a label,
25 proposed outdoor seating area and there's arrows pointing to

1 each of four locations.

2 CHAIR: Okay. I must have misunderstood --

3 MR. BATHURST: There are three locations --

4 CHAIR: -- something from earlier, but okay.

5 MR. BATHURST: -- four locations.

6 MR. VETTORI: Just a quick question. On the off
7 street parking tabulation, and I think Mr. Baker was alluding
8 to this previously, the convenience store, accessory carryout
9 restaurant, was originally put down as four thousand nine
10 hundred and five square feet, is that correct?

11 MR. BATHURST: It was.

12 MR. VETTORI: And then if you subtract say, three
13 thousand off of that, you get essentially the one nine seven
14 one that you have listed there now, correct?

15 MR. BATHURST: Yes.

16 MR. VETTORI: So, then you put a carryout restaurant,
17 which is not three thousand square feet but is something less,
18 which is two thousand twenty-three square feet, correct?

19 MR. BATHURST: Correct.

20 MR. VETTORI: And the outdoor seating doesn't factor
21 into that difference between say three thousand and roughly two
22 thousand, does it?

23 MR. BATHURST: No.

24 MR. VETTORI: What do you, what accounts for that?
25 Is it the restrooms that are required as part of a fuel service

1 station?

2 MR. BATHURST: The difference in the square footage
3 of the entire building versus those two summed?

4 MR. VETTORI: That's correct.

5 MR. BATHURST: It would be the, the areas of the
6 building that are oriented towards the fuel service function.

7 MR. VETTORI: Has been excluded?

8 MR. BATHURST: Have been excluded, yes.

9 MR. VETTORI: From the overall square footage
10 originally?

11 MR. BATHURST: Right, but they are tabulated further
12 down in that colored graphic.

13 MR. VETTORI: And note number sixteen?

14 MR. BATHURST: No, the building use plan.

15 MR. VETTORI: Okay. Where the restroom is for men,
16 restroom for women?

17 MR. BATHURST: Right, and in the legend, I have the
18 numbers actually enumerated.

19 MR. VETTORI: Okay. So, you've got bathrooms, four
20 hundred and eighty square feet and I think you've got office
21 and register space in kind of a purple at four hundred and
22 thirty-one square feet, is that correct?

23 MR. BATHURST: Yes.

24 MR. VETTORI: Okay.

25 CHAIR: I'm sorry, where, where are you referencing

1 on the page two?

2 MR. BATHURST: The legend below that graphic.

3 BOARD: (inaudible) use plan.

4 CHAIR: Thank you. Okay.

5 MR. VETTORI: I'm going to mark as Petitioner's
6 Exhibit 18, --

7 CHAIR: Are we done with seventeen?

8 MR. VETTORI: Yes.

9 CHAIR: Is there any objection to Petitioner's
10 Exhibit 17? The approved schematic landscape plan?

11 MR. BAKER: No objection.

12 MR. MCCANN: No objection.

13 CHAIR: So, seventeen being admitted.

14 MR. VETTORI: (inaudible).

15 CHAIR: Here you are.

16 MR. VETTORI: Presenting to you what's been marked as
17 Petitioner's Exhibit 18. Can you describe what has been marked
18 as Petitioner's Exhibit 18?

19 MR. BATHURST: These are the building elevations,
20 which would be color depictions of what the building will look
21 like post-construction on each of the four facades.

22 MR. VETTORI: And you didn't prepare this, did you?

23 MR. BATHURST: No, these were provided to me by
24 Sheetz.

25 MR. VETTORI: Okay and you did present them, though,

1 to Planning when you met with Planning back in, I believe, in
2 like the ZAC comment said August 22nd of 2018?

3 MR. BATHURST: Correct.

4 MR. VETTORI: Okay. Do you remember who was at that
5 meeting by any chance?

6 MR. BATHURST: That was Jennifer and originally it
7 was Lloyd Moxley.

8 MR. VETTORI: Okay, all right. Was it Brent Brubaker
9 at the time from Sheetz with you or were you --

10 MR. BATHURST: Oh, you mean from Sheetz, yes. I, I
11 think it was Brent at that time, yeah.

12 MR. VETTORI: Okay.

13 MR. BATHURST: It was very early.

14 MR. VETTORI: And this fairly and accurately depicts
15 what the Sheetz Fuel Service Station structure is going to look
16 like?

17 MR. BATHURST: I don't know that I can answer that,
18 but this is what I was sent.

19 MR. VETTORI: All right. Well, --

20 CHAIR: Is this something that you would ordinarily
21 rely upon in connection with your work?

22 MR. BATHURST: Indeed, yes.

23 MR. VETTORI: And your rep, Sheetz has represented to
24 you they would like to commit themselves to this being the
25 architecture?

1 MR. BATHURST: By issuance to myself, I'm going to
2 say that is their contention, yes.

3 CHAIR: And, obviously, you submitted to the County
4 making that same representation?

5 MR. BATHURST: Yes.

6 CHAIR: Any objection to Petitioner's Exhibit 18?

7 MR. MCCANN: No.

8 MR. BAKER: No.

9 CHAIR: Okay. Eighteen is admitted.

10 MR. VETTORI: Bear with me one minute. As far as the
11 request for relief, you've asked for, or we've asked for
12 special hearing and special exception relief and I think we've
13 dispatched with the special hearing component. As far as the
14 special exception relief, the regulation, what are the
15 regulations you review in evaluating whether a proposed use is
16 eligible for special exception approval?

17 MR. BATHURST: Well, there's a special exception
18 criteria that come into play, but they don't stand on their own
19 in the case of a fuel service station. There are separate
20 regulations for fuel service stations that have to be complied
21 with as well.

22 MR. VETTORI: Okay and in this case, is that that you
23 do not have a, any abandoned fuel service stations within a
24 certain distance of the property?

25 MR. BATHURST: That is part of the criteria, yes, for

1 a, for a fuel service station.

2 MR. VETTORI: Okay. Let me, bear with me. I'm going
3 to mark as Petitioner's Exhibit 19, (inaudible). Please
4 identify what's been marked as Petitioner's Exhibit 19. Is
5 this an ex, can you identify, is this an exhibit that has been
6 prepared to identify whether there are, you know, certain
7 landmarks and anything within --

8 BOARD: Can, I'm sorry, he didn't get to answer your
9 first question. You just continued --

10 MR. VETTORI: He did --

11 BOARD: -- but he, yeah, he, you were asking him to
12 identify it.

13 MR. VETTORI: Can, can you identify it?

14 MR. BATHURST: Yeah, this was an exhibit that was
15 prepared to document and, and create a plan for verifying that
16 certain criteria with respect to abandoned fuel service
17 stations within certain distances from the property.

18 CHAIR: Prepared by whom?

19 MR. BATHURST: This was prepared by a representative
20 of Sheetz and then documented and verified, if you will, by
21 Century Engineering.

22 MR. VETTORI: Did you or someone in your department,
23 or at your place of employment, go out and independently verify
24 whether there were or were not any abandoned fuel service
25 stations in the half mile or one mile radius?

1 MR. BATHURST: I, I personally did that back in
2 March.

3 MR. VETTORI: Okay.

4 MR. BATHURST: But prior to that, there was a
5 representative of Century Engineering that participated in the
6 audience of the Royal Farms zoning hearing, which is located
7 just east of this site in very close proximity and there was
8 testimony --

9 MR. MCCANN: Objection. Sorry, I wanted, sorry to
10 interrupt. You were just about to say what testimony there was
11 at the Royal Farms hearing on the issue of whether there are
12 abandoned fuel service stations in, in this vicinity, I assume.
13 Royal Farms sits closest. I think that's sort of a backhand
14 way of, I mean, if he knows there's no abandoned fuel service
15 stations, he should just testify as such. He doesn't need to
16 rely upon testimony from another hearing saying there was or
17 was not, is my point.

18 CHAIR: Mr. Vettori?

19 MR. MCCANN: We can't cross examine that person.

20 MR. VETTORI: I, I don't think it's --

21 MR. MCCANN: It's hearsay.

22 MR. VETTORI: -- I have no problem with that being
23 stricken. Let's just move on, it's --

24 CHAIR: Yeah, I mean, so, generally, you can have
25 some hearsay admissible during the course of these hearings.

1 MR. VETTORI: Sure.

2 CHAIR: Because they are administrative by nature.
3 However, on a very substantive matter, if you were to have only
4 hearsay to present some questions as to that. Here we have
5 testimony from this witness who has personal firsthand
6 knowledge, having gone out to the site himself and determined,
7 in fact, that there are no abandoned gas stations so it does
8 not matter what happened in the Royal Farms hearing, because
9 it's not, it's not an admission by a party opponent or anything
10 else that would have some type of effect in this case.

11 MR. VETTORI: Sure.

12 CHAIR: So, the question was withdrawn.

13 MR. VETTORI: The question is withdrawn.

14 CHAIR: In any event.

15 MR. VETTORI: I'll ask a similar question though,
16 just to kind of belt and suspender this. Have representatives
17 of Sheetz actually gone out and checked this and reported to
18 you there are no abandoned gas stations as well?

19 MR. BATHURST: Yes, I, I was told from a
20 representative of Sheetz, as of this morning it was yet once
21 again verified.

22 MR. VETTORI: Okay. All right. Going to, are you --

23 CHAIR: So, if you're moving on from that exhibit, I
24 s there any --

25 MR. VETTORI: I am.

1 CHAIR: -- objection to Exhibit 19?

2 MR. MCCANN: My question is, are these supposed to be
3 just fuel service stations that are not abandoned or are these
4 fuel service stations that are --

5 CHAIR: I don't know that I can answer your question.

6 MR. MCCANN: I just missed the question about it, I'm
7 sorry.

8 MR. VETTORI: I didn't ask that.

9 MR. MCCANN: Okay.

10 MR. VETTORI: And I will ask that before we conclude.
11 What, what all is shown on this plan as far as places of
12 employment and why are those places of employment shown?

13 MR. BATHURST: Well, the, this, this exhibit shows
14 circles that are concentric around the site. And those circles
15 represent increments of distance away from the site. The first
16 increment being a half mile and the second increment being one
17 mile. And the blue labeled dots that reside in and out of
18 those concentric circles represent active fuel service
19 stations.

20 CHAIR: So, with that in mind, --

21 MR. MCCANN: No objection. No objection (inaudible).

22 CHAIR: Mr. Baker?

23 MR. BAKER: None.

24 CHAIR: Therefore, nineteen is admitted.

25 MR. VETTORI: Thank you. We may have some objections

1 about this but we'll work our way through it (inaudible). This
2 is the Royal Farms plan for 11119 or 1119 McCormick Road.

3 CHAIR: So, Petitioner Exhibit 20?

4 MR. VETTORI: Hang on one moment while I,
5 Petitioner's Exhibit 20.

6 CHAIR: And I should ask, this is in litigation
7 presently or not?

8 MR. VETTORI: No, it is constructed, operational and
9 in no way under review as far as I can tell.

10 CHAIR: Okay. I see Mr. Baker standing so.

11 MR. BAKER: Yeah, I presume Mr. Vettori is going to
12 take this somewhere but at the, you know, on its surface, I
13 object as to relevance to this particular plan.

14 CHAIR: Well, until we know how it's going to be
15 used, I, we're probably just premature at this point.

16 MR. BAKER: That's fair.

17 CHAIR: So, I'm not going to rule on that at this
18 time. But if and when a question is asked, that you feel
19 objectionable, please let me know.

20 MR. BAKER: Thank you.

21 CHAIR: All right. Mr. Vettori?

22 MR. VETTORI: Give me one second. All right. So,
23 Mr. Bathurst, you have looked at this copy of this plan in the
24 past, correct?

25 CHAIR: Petitioner's Exhibit 20, the Royal Farms plan

1 at 11119 McCormick Road.

2 MR. BATHURST: Yes, I have. This is the zoning case
3 history for the Royal Farms on McCormick Road.

4 MR. VETTORI: And that plan doesn't show how many
5 seats are proposed inside the store, does it?

6 MR. BATHURST: The only notation related to seats in
7 the restaurant relate to a label that points to some graphic
8 depictions of what if I were to surmise would be tables and it
9 says two hundred and twenty-five square feet, carryout use for
10 twelve plus or minus people.

11 CHAIR: And are you on page five of five?

12 MR. BATHURST: I am.

13 CHAIR: Under use area totals on the right side?

14 MR. BATHURST: Actually, no, it would be --

15 CHAIR: Or, okay.

16 MR. BATHURST: -- if, it's the bottom of the graphic
17 and it would be slightly to the right of the graphic label that
18 says use area plan view.

19 CHAIR: And if you look under use area totals, you'll
20 see the same number?

21 MR. BATHURST: Yes, the, the two twenty-five is there
22 and it just, it doesn't say the same, it doesn't say any of the
23 same text it just says carryout seating.

24 MR. VETTORI: Okay. Does that plan on page, I think
25 you're looking at page five still, correct?

1 MR. BATHURST: I am.

2 MR. VETTORI: Does it show any outdoor seating being
3 proposed?

4 MR. BATHURST: Not page five of five. I'm looking at
5 page two of five, which is the, the site plan. I do not see
6 anything identified as outdoor seating.

7 MR. VETTORI: Okay. We'll mark as Petitioner's
8 Exhibit 20 the photographs. I'm sorry twenty-one, you're
9 correct.

10 CHAIR: So, before you do that, are you done with
11 twenty?

12 MR. VETTORI: I think it ties into the relevance of
13 both, so could I tie them together?

14 CHAIR: So, you need them together? That's fine.

15 MR. VETTORI: Yeah. (inaudible).

16 CHAIR: Thank you.

17 BOARD: I have two, is it two pages?

18 MR. VETTORI: Do you have two?

19 BOARD: No, it's two pages.

20 CHAIR: Was this the Royal Farms with the, with
21 Justin Tucker singing?

22 MR. VETTORI: I don't know the answer to that, I
23 apologize.

24 CHAIR: It looks like it.

25 MR. VETTORI: So, we marked as Petitioner's Exhibit

1 21, can you identify what this exhibit is? That's correct.

2 MR. BATHURST: These are images, the photographs that
3 I personally took with my camera of this particular Royal Farms
4 site post-construction.

5 MR. VETTORI: As in, 11119 McCormick Road, Royal
6 Farms site?

7 MR. BATHURST: Yes.

8 MR. VETTORI: Okay. Which is, again, not too far
9 from your place of employment, correct?

10 MR. BATHURST: No, not at all.

11 MR. VETTORI: Okay. Did you also walk inside of that
12 Royal Farms?

13 MR. BATHURST: I, I did as evidence by the third
14 picture.

15 MR. VETTORI: And is the third picture a picture of
16 the inside?

17 MR. BATHURST: It is, yes.

18 MR. VETTORI: And does it show seating for twelve
19 people or something other than that?

20 MR. BATHURST: It, it would show seating, between
21 inside and out, significantly more than that, but if we're
22 focused on the inside, you'll see that there's three sit down
23 tables that have two chairs at them and separated and there's a
24 bar, effectively, that basically, I'd say estimated add room
25 for ten or twelve people.

1 MR. VETTORI: Okay and that's all the questions I
2 have about that.

3 BOARD: Excuse me. You said the interior seating is
4 for ten or twelve people?

5 MR. BATHURST: Well, the, there's sit down tables
6 that would be --

7 BOARD: That are two persons each?

8 MR. BATHURST: Yes, they're two each. There's three
9 of those, you can see in the photograph. And then along the
10 window, the front of the store --

11 BOARD: There's some stools.

12 MR. BATHURST: Yes, there's some bar height stools
13 that are residing adjacent to a bar height type table that runs
14 along the frontage of the, of the, of the store and I would say
15 the length of that was such that you could fit about ten or
16 twelve people there.

17 BOARD: In addition to the six who are seated at the
18 tables?

19 MR. BATHURST: Yes.

20 BOARD: Thank you.

21 MR. VETTORI: And the four picnic tables outside with
22 four seats each?

23 MR. BATHURST: Yes, the, the tables outside are, are,
24 have fixed seats for four people each and that's sixteen
25 outside.

1 MR. VETTORI: Okay. You guys want to talk about your
2 objections, I'm done asking questions about these two exhibits.

3 CHAIR: There was nothing pending yet, but yes.

4 MR. MCCANN: (inaudible).

5 CHAIR: So, you object?

6 MR. MCCANN: I do, to both exhibits and if the point
7 is that there are, there is outdoor seating allowed in
8 Baltimore County in connection with this use --

9 CHAIR: Speak up, please.

10 MR. MCCANN: If that's, if that's the point, I'm not
11 sure if, if we have a dispute with that. So, but, so I don't
12 understand how we're trying to justify something associated
13 with this case with what has happened in the Royal Farms.

14 CHAIR: What is the relevance between the Royal Farms
15 plan and this case?

16 MR. MCCANN: Maybe I, I'm objecting because I don't
17 understand the relevance. If there's a better proffer than
18 that, I'm sure, I'd love to hear it and maybe I could better
19 articulate an objection, but doesn't, I don't see any relevance
20 at all.

21 CHAIR: Mr. Baker?

22 MR. BAKER: I, I, I would agree. Again, as I said
23 earlier today, different sites, different zoning, different
24 operations. Obviously, the pictures and the plans show
25 proposed and existing seating but as to relevance, I'm not sure

1 there is any.

2 CHAIR: Mr. Vettori?

3 MR. VETTORI: I would be glad to respond. I have two
4 rationales to give you. One, I believe it was Mr. McCann that
5 asked about how many seats we were going to have in our store
6 and I thought perhaps maybe there's some relevance that he's
7 going somewhere with why, whether or not we have thirty seats
8 inside our store, so I thought it would be incumbent upon me to
9 show that different people don't show the seating and then, in
10 fact, do put it in and I don't know where he's going with it
11 but, ultimately, he has asked the question. He's kind of
12 opened the door, so to speak, to making it relevant and I'm, I
13 just want to make sure I'm clear on whether seating has
14 something to do with, you know, what is going on with our use
15 as far as Sheetz and Royal Farms and whether that somehow
16 differentiates what the use is or there's going to be a bigger
17 traffic impact or wherever he may be going with it.

18 CHAIR: Okay. Do you wish to respond?

19 MR. MCCANN: I was just asking about the interior of
20 the store and what was, what was involved. I'm not sure how
21 that opens the door, how that, how all of a sudden that makes
22 his testimony relevant. I don't, I still don't get it and
23 maybe I'm, (inaudible). But, I mean, if, if the concern is is
24 that there's enough seating here that eventually it becomes a
25 standard restaurant or something other than a carryout, I think

1 that's, that's a legitimate concern I would have. I don't know
2 what point that is but --

3 CHAIR: Are you referring to the plan at issue here,
4 not the Royal Farms?

5 MR. MCCANN: Correct. I still don't understand what
6 Royal, even if that is the case, and that is an issue in this
7 case, and even if I wasn't raising that issue in this case, I
8 don't understand how this makes a lick of difference. Given,
9 as Adam said, there's different zoning, different sites,
10 different requirements.

11 CHAIR: Mr. Baker?

12 MR. BAKER: Right, and, and again, I, both plans, the
13 Sheetz plan and this Royal Farms plan show proposed seating.
14 This obviously shows the existing seating. I, I would disagree
15 with Mr. Bathurst's characterization of seating at the bar.
16 While there might be seating enough for ten or twelve chairs,
17 only it looks like two, three, maybe four chairs or so are
18 photographed. So, again, I would hold my objection with regard
19 to relevancy because, again, I'm not sure that it is relevant.

20 CHAIR: The relevance is lost upon me, I will say. I
21 understand that there may be relevance, depending on what may
22 come from Protestants' evidence.

23 MR. VETTORI: Correct.

24 CHAIR: So, at the present time, we laid the
25 foundation, in terms of the authenticity of the document, so

1 the only question is, is whether or not it ever is relevant.
2 At this time, it is not relevant but it may become relevant in
3 the future, depending on what is testified to and presented by
4 Protestants.

5 MR. VETTORI: I would also just argue the County and
6 we're going to get to this point, I think, in a minute, about
7 parking calculations in just an overview of the law in 409.6 it
8 talks about certain uses, whether it be a convenience store, a
9 carryout restaurant, any basically use that's within four
10 corners of a building. They talk about the use being allowed
11 to be within a thousand, you know, how many parking spaces are
12 required per a thousand square feet of gross floor area.
13 There's a definition for floor area (inaudible) and it says the
14 four corners of the building. It doesn't talk about seating
15 outside. But for some reason, there's a calculation about the
16 number of parking spaces. So, it is relevant to talk about
17 this when the time comes.

18 CHAIR: Well, well, how is it relevant, the Roy, how
19 is the Royal Farms relevant to this plan, I guess, is the
20 question.

21 MR. VETTORI: Well, it's relevant because they never
22 showed any outdoor seating and they have outdoor seating an
23 there's a certain amount of reviewing our plan that was
24 targeted because all was shown on our plan was, and that's in
25 the ZAC comments that were admitted into evidence, which is

1 where it was told that we were no longer a carryout restaurant
2 based upon the outdoor seating being proposed. And we had to
3 provide additional parking spaces for that outdoor seating.

4 CHAIR: So, do I understand the argument is in one
5 context it didn't matter but in this one it does and --

6 MR. VETTORI: That's correct.

7 CHAIR: So, is that not just like something where a
8 sign is up that did not get formal approval by the County but
9 yet your neighbor is then putting up a sign and asked for
10 permission from the County and it's up to the Board to figure
11 out whether or not that should be approved or denied and we
12 denied because it doesn't matter what happened with the other
13 property. Yes, it should have been done by a certain process
14 and if it wasn't, that has no bearing on whether or not your
15 sign qualifies under this standard for the Board?

16 MR. VETTORI: Undoubtedly, in a case where somebody
17 did something that is an enforcement issue, they didn't show it
18 or they showed it or however, what transpired. Ultimately, it
19 comes down to the fact, if you're Sheetz and you're coming into
20 the Baltimore marketplace and other people are somehow able to
21 get different treatment than you are, it's relevant in that
22 regard and I think it's worthy of noting that this plan, which
23 may ultimately have no value from an argument standpoint, be
24 admitted into evidence just from that perspective.

25 CHAIR: So, at the moment, we're going to just, we'll

1 deny, or excuse me, we'll, we'll sustain the objections on the
2 basis of relevance, understanding that depending on what is
3 presented, you may resubmit.

4 MR. VETTORI: Okay.

5 MR. BAKER: And, and just so, so we're clear and
6 hopefully to expedite the process, we've stipulated to the
7 parking in light of Bill 1519. There's, you know, their
8 calculation is, it --

9 CHAIR: The calculation is what it is.

10 MR. BAKER: Yeah, it's based upon a carryout
11 restaurant regardless of what it, you know, looks like, feels
12 like, operates like. It's going to be required to park as a
13 carryout restaurant and, and we have no objection to that and
14 certainly it's stipulated to, to the parking.

15 CHAIR: Okay.

16 MR. VETTORI: Okay. All right. I'll walk you
17 through the 502.1 special exception criteria from the Baltimore
18 County zoning regulations. Do you have an opinion as to
19 whether the proposed fuel service station will have a greater
20 detrimental impact of the health, safety and general welfare at
21 the locality involved, greater than those normally inherent
22 with a fuel service station?

23 MR. BATHURST: I do.

24 MR. VETTORI: And what is that opinion?

25 MR. BATHURST: That it does not.

1 MR. VETTORI: Okay and what is the basis of that
2 opinion?

3 MR. BATHURST: Based upon the criteria outlined in
4 that section. But most certainly, there's not much difference,
5 in my opinion, between these types of fuel service stations
6 with these convenience store and carryout restaurants. They're
7 generally similar to each other and I don't see the, this
8 particular one any different than I would another.

9 MR. VETTORI: Okay. Do you believe that the police
10 will be able to react to something happening at this location
11 in a timely manner?

12 MR. BATHURST: Because of its proximity to major
13 intersection as well as the multiple accesses to this site, I
14 see no issues there.

15 MR. VETTORI: And how about the fire department?

16 MR. BATHURST: Not at all, because we have fire
17 hydrants on all sides of the building. There, there's, I would
18 say, no less than four hydrants within a short proximity to the
19 property line.

20 MR. VETTORI: Would you do me a favor with the
21 Board's permission, approach the plan and, and point out where
22 the fire hydrants around this facility are located?

23 MR. BATHURST: There's an existing, sorry.

24 CHAIR: It would be best for you to use a pointer.

25 MR. BATHURST: Yeah, sorry.

1 CHAIR: And then, once again, keep your voice up.

2 MR. BATHURST: I'll try.

3 CHAIR: And direct your answers this direction.

4 MR. BATHURST: There's an existing fire hydrant here.

5 CHAIR: And by here, you mean off to the left side?

6 MR. BATHURST: That would be the north west corner of
7 the parcel. There's an existing fire hydrant here which would
8 be due east of the parcel on the opposite side of Beaver Dam.
9 There's an existing hydrant on the south east corner of the
10 intersection, not shown on this plan, but it's there. And
11 we're proposing two new hydrants on our side of Beaver Dam on
12 opposing corners, north and south of the parcel.

13 CHAIR: So, then in the end there will be three off
14 of, close to Beaver Dam to the east of the site, one to the
15 west and one to the south east?

16 MR. BATHURST: Correct.

17 MR. VETTORI: Do you have an opinion as to whether
18 the proposed fuel service station will tend to create
19 congestion in the roads, streets or alleys greater than the
20 congestion inherent with a fuel service station located
21 elsewhere in the zone?

22 MR. BATHURST: I do.

23 MR. VETTORI: What is that opinion?

24 MR. BATHURST: It will not.

25 MR. VETTORI: Okay and what is the basis for that

1 opinion?

2 MR. BATHURST: Based upon the site area requirements
3 related to the project and the outcomes of our investigations,
4 the proximity and access into and out of the site.

5 MR. VETTORI: Okay and can you describe the access
6 into and out of the site? Can I have a pointer?

7 MR. BATHURST: (inaudible).

8 BOARD: Sure.

9 MR. BATHURST: It's not depicted on this plan but,
10 well, I'll tell you what, I'm going to walk you through as if
11 you were driving. So, if you're coming eastbound on Padonia
12 and you make the left hand turn onto Beaver Dam, off the page,
13 but right about here there's a shared access road with the
14 extended stay hotel and this property and you can enter into
15 the property off of Beaver Dam north, through this entrance
16 right here that is the terminus of that shared access drive.
17 So, think of it this way, you're going north, you would
18 basically do a left past, there's a monolithic island in, in
19 Beaver Dam Road that would preclude you from turning left at
20 this entrance. So, if you go further north --

21 CHAIR: That's the north east entrance?

22 MR. BATHURST: Yes. So, going, traveling north
23 further, you can turn into a private access drive that is
24 shared between the extended stay hotel and this property and
25 that brings you down south parallel to Beaver Dam. And allows

1 you to enter at this location.

2 CHAIR: The north east corner.

3 MR. BATHURST: This is the north east corner. If
4 you're physically traveling south on Beaver Dam, you can either
5 do that, turn into that private drive, or you can turn into the
6 entrance at the north east corner of the property. If you're
7 traveling west on Padonia, you can likewise do the same or you
8 can travel further to the west and turn directly in at the
9 north, south west corner of the property.

10 CHAIR: Mr. Vettori?

11 MR. VETTORI: Did you describe, I mean, you described
12 that access heading west to east, correct, off Padonia Road and
13 then I think you described heading north to south on Beaver
14 Dam, the access you would take for the property. What would be
15 your options if you were heading, would one of your options be
16 for heading south to north, if you're heading, just heading
17 north?

18 MR. BATHURST: Oh, just heading north.

19 MR. VETTORI: Could you do what you just described
20 off of Beaver Dam? That same turn that, that people heading
21 west to east on Padonia could do?

22 MR. BATHURST: Yes, I didn't address that. I, but
23 yes, if you're traveling from the south on Beav, Deerco,
24 passing over the intersection onto Beaver Dam, you'd likewise
25 do that same turning movement, you'd have options. You could

1 either turn left onto Padonia into the south west corner of the
2 property, or travel north past the monolithic median into that
3 private service drive and come south once again into the
4 property.

5 MR. VETTORI: Could you also make a left onto Padonia
6 Road and make a right into the other access point?

7 MR. BATHURST: Yes.

8 CHAIR: The south west corner?

9 MR. BATHURST: Yes.

10 MR. VETTORI: The south west corner.

11 MR. BATHURST: Yes, south west corner.

12 MR. VETTORI: And is the access at the north east
13 corner and the south west corner, are they both right in and
14 right out only?

15 MR. BATHURST: They are, yes.

16 MR. VETTORI: Now, the one not depicted on this plan,
17 is it, --

18 MR. BATHURST: Yes, that's right.

19 MR. VETTORI: And those are two access roads, they
20 aren't directly into the site, correct, shared access roads?

21 MR. BATHURST: The, they are part of the use in
22 common, ingress, egress easement, is that what you mean?

23 MR. VETTORI: That is what I mean, yes.

24 MR. BATHURST: Okay.

25 MR. VETTORI: And the third access, if you were

1 heading north on Beaver Dam, you would be able to, that, is
2 that movement a right in, right out only, if you were leaving
3 that, by that access point? If you wanted to go, let's say you
4 were leaving our site and you wanted to go north, how would you
5 go north, leaving our site?

6 MR. BATHURST: You would have to, when leaving the
7 site north, if you want to travel north, you'd have to enter
8 onto that private drive aisle, leaving the site to the north.

9 MR. VETTORI: From the north east corner of our site?

10 MR. BATHURST: From, from the north east corner of
11 the site, traveling north, which would get you past the, the
12 monolithic median that I referred to on Beaver Dam and that
13 gets you past that monolithic median, at which time you could
14 make a left.

15 BOARD: Is the private drive with, shared with the
16 extended stay hotel on Beaver Dam signalized?

17 MR. BATHURST: It is not, it, it is not signalized in
18 the true sense of like a signal, it has a stop sign.

19 BOARD: Stop sign when you're leaving the property
20 but not a stop sign on Beaver Dam Road?

21 MR. BATHURST: No, at the terminus of the private
22 drive, there's a stop sign.

23 BOARD: So, you have to cross incoming traffic, the
24 lane for incoming, for south bound traffic?

25 MR. BATHURST: Yes, the south bound traffic, you have

1 to cross that.

2 BOARD: And there's a second access to the hotel on
3 the north west corner of the property?

4 MR. BATHURST: There is. The hotel has two entrances
5 off, off of that private drive, or that shared drive, there's
6 two entrances. One you can partly see in this exhibit, which
7 is right off of the property line there, that is one of the
8 two.

9 BOARD: That was not my question. My question was
10 there are two points of access from the hotel property to this
11 property along its northern border, one on the west side and
12 one on the east side?

13 MR. BATHURST: Yes.

14 BOARD: Thank you.

15 MR. VETTORI: Are you aware of whether Century has
16 prepared a traffic impact study for this property?

17 MR. BATHURST: Yes.

18 MR. VETTORI: Okay and have they?

19 MR. BATHURST: We have, yes.

20 MR. VETTORI: Okay and have you submitted it to the
21 County and to the State?

22 MR. BATHURST: Both agencies, yes.

23 MR. VETTORI: And have both approved that traffic
24 impact study?

25 MR. BATHURST: They have, yes.

1 MR. VETTORI: Okay. I'm going to mark as
2 Petitioner's Exhibit 22, SHA's traffic impact study, or TIS
3 approval.

4 CHAIR: SHA approved traffic study is Exhibit 22.

5 MR. VETTORI: It's not the traffic study itself,
6 actually approved, it's just a written approval saying
7 (inaudible) --

8 CHAIR: Sorry.

9 MR. VETTORI: Sorry.

10 CHAIR: Right, it's the approval of traffic study,
11 right?

12 MR. VETTORI: Yes. Presenting to you what's been
13 marked as Petitioner's Exhibit 22. And essentially, can you
14 give us a summary, this document was addressed to you, correct?

15 MR. BATHURST: It was, yes.

16 MR. VETTORI: Okay and who was it addressed to you
17 from?

18 MR. BATHURST: Wendy Wilcott.

19 MR. VETTORI: And what was, essentially, the
20 conclusion of this document?

21 MR. BATHURST: It says that MDOT-SHA will accept the
22 analysis. No further review is required.

23 MR. VETTORI: Okay. Did they also ask for a
24 resubmittal of a revised traffic impact study but had already
25 granted approval?

1 MR. BATHURST: They did. They granted approval, they
2 asked for a couple edits but forecasted that those edits would
3 not alter their recommendations.

4 MR. VETTORI: Okay.

5 CHAIR: Any objection to Petitioner's Exhibit 22?

6 MR. BAKER: No objection.

7 MR. MCCANN: I can clear it up on cross.

8 CHAIR: All right. So admitted.

9 MR. VETTORI: One more, as Petitioner's Exhibit
10 twenty --

11 CHAIR: Twenty-two.

12 MR. VETTORI: -- twenty, this one is going to be
13 twenty-three.

14 CHAIR: This one is twenty-three, right.

15 MR. VETTORI: Yes, sorry. This is a printout of an
16 e-mail exchange with County employees (inaudible). Identify
17 what's been marked as Petitioner's Exhibit 23.

18 MR. BATHURST: Yes, this is, this is an exchange
19 between Eugene Calley (phonetic) and myself.

20 MR. VETTORI: Okay and what was the conclusion out of
21 that exchange?

22 MR. BATHURST: He confirmed to me that, among a
23 couple other things, that the traffic impact study had been
24 accepted.

25 MR. VETTORI: And what is, essentially, the date when

1 he concluded that, or conveyed to you that the traffic impact
2 study for this site had been concluded and accepted?

3 MR. BATHURST: April 19th of this year.

4 MR. VETTORI: Okay.

5 CHAIR: Are you done with twenty-three?

6 MR. VETTORI: I am.

7 CHAIR: Any objection to twenty-three?

8 MR. BAKER: No objection.

9 MR. MCCANN: No objection.

10 CHAIR: So admitted.

11 MR. VETTORI: All right. Do you have an opinion as
12 to whether, I'm sorry, before we get (inaudible). Do you have
13 an opinion as to whether the proposed fuel service station will
14 create potential hazards from fire, panic or other dangers
15 greater than the potential hazards normally inherent with a
16 fuel service station?

17 MR. BATHURST: I do.

18 MR. VETTORI: And what is that opinion?

19 MR. BATHURST: That it will not.

20 MR. VETTORI: And what is the basis of that opinion?

21 MR. BATHURST: The building will have to comply with
22 the building code, as well as get reviewed at the building
23 permit stage for compliance with those regulations. So, it's
24 my opinion that this building is no different than any other in
25 the sense of how it will be reviewed by the County and,

1 therefore, it would not pose any more risk in that regard.

2 MR. VETTORI: And while I believe I know the answer,
3 I want to make sure the record reflects, by building code, you
4 also mean the fire code?

5 MR. BATHURST: I do, yes.

6 MR. VETTORI: Okay.

7 CHAIR: And this site is not different, correct?

8 MR. BATHURST: The, that development, that use of a
9 fuel service station at this location as proposed wouldn't be
10 any different in the sense of how it's reviewed by (inaudible)
11 and therefore, how it would have to comply with those codes.

12 CHAIR: Thank you.

13 MR. VETTORI: All right. Do you have an opinion as
14 to whether the proposed fuel service station will tend to
15 overcrowd the land and cause undue concentration of population
16 greater than the adverse effects normally inherent with a fuel
17 service station?

18 MR. BATHURST: I do.

19 MR. VETTORI: And what is that opinion?

20 MR. BATHURST: It would not.

21 MR. VETTORI: And what is the basis for that opinion?

22 MR. BATHURST: Through the zoning analysis that was
23 performed, specifically the performance requirements related to
24 fuel service stations, there's site area calculations that were
25 tabulated in note, where's it at, sixteen of page two of two of

1 the exhibit.

2 CHAIR: Two.

3 MR. BATHURST: Two, two of two.

4 CHAIR: On Exhibit 2.

5 MR. VETTORI: On Exhibit 2.

6 MR. BATHURST: Yes.

7 MR. VETTORI: Page two of Exhibit 2.

8 MR. BATHURST: Sorry. Page two of two, sorry. Where
9 we do a calculation to show how we've complied with the site
10 area requirements and the site, generally speaking, is twice as
11 large as it would need to be to comply with those performance
12 requirements. As such, I feel that it would not congest the
13 land.

14 MR. VETTORI: Okay. Do you have an opinion as to
15 whether the proposed fuel service station will interfere with
16 adequate provisions for schools, parks, water, sewage,
17 transportation, or other public requirements, conveniences or
18 improvements greater than the adverse effects normally inherent
19 with a fuel service station?

20 MR. BATHURST: I do.

21 MR. VETTORI: And what is that opinion?

22 MR. BATHURST: That it would not.

23 MR. VETTORI: And what is the basis for that opinion?

24 MR. BATHURST: Well, it's not going to impact parks
25 or schools but with respect to the other public improve, public

1 infrastructure, obviously, we're reusing the accesses into the
2 old, from the old restaurant for this project. The traffic
3 study suggests that it would not increase or, or decrease the
4 level of service and we have those traffic impact studies
5 approved by the County and (inaudible) this point, so traffic,
6 in my opinion, from that information, would not be impacted or
7 the public roadways nearby. Obviously, you'll hear from
8 someone else in my firm who is an expert in traffic that I
9 would suggest, you know, further questions related to the
10 traffic impact study be deferred to but the water and sewer,
11 we're actually reusing the water and sewer from the Bob Evans,
12 but the, the basic services map for the County do not show
13 deficiencies for this area, whether it be water, sewer or
14 transportation.

15 MR. VETTORI: Okay. Do you, do you have an opinion
16 as to whether the proposed fuel service station will interfere
17 with adequate light and air greater than the effects normally
18 inherent with a fuel service station?

19 MR. BATHURST: I do.

20 MR. VETTORI: And what is that opinion?

21 MR. BATHURST: It will not.

22 MR. VETTORI: And what is the basis of that opinion?

23 MR. BATHURST: The property is approximately, a
24 little over sixty thousand square feet. The building is a
25 little under five thousand square feet. So, the building does

1 not occupy the majority, if you will, of the site. The parking
2 that we're providing on the site is significantly more than
3 that required for the use and the canopy and the height of the
4 building itself is not different than a residential house.

5 MR. VETTORI: All right. Do you have an opinion as
6 to whether the proposed fuel service station will be
7 inconsistent with the purposes of the property's zoning
8 classification or in any other way inconsistent with the spirit
9 and intent of the BCZR?

10 MR. BATHURST: I do.

11 MR. VETTORI: And what is that opinion?

12 MR. BATHURST: It will not.

13 MR. VETTORI: And what is the basis of that opinion?

14 MR. BATHURST: Having researched the, the recent
15 zoning cases with respect to fuel service stations and look,
16 looking upon how the, they were ruled upon, my own research on
17 the zoning regulations itself and obviously, very recent
18 adoption of newer regulations, I do not feel it will.

19 MR. VETTORI: Okay. Do you have an opinion as to
20 whether the proposed fuel service station will be inconsistent
21 with the impermeable surface and vegetative retention
22 provisions of the BCZR?

23 MR. BATHURST: I do.

24 MR. VETTORI: And what is that opinion?

25 MR. BATHURST: It will not.

1 MR. VETTORI: And what is the basis of that opinion?

2 MR. BATHURST: We have performed a storm water
3 management analysis of the site and thereafter, incorporated
4 storm water management features that address those storm water
5 management requirements and that resulted in the County
6 approving our storm water management concept application.
7 Likewise, we now have a schematic landscape plan approval,
8 which that plan now in evidence shows notably more vegetation
9 and landscaping than was present on the Bob Evans.

10 MR. VETTORI: Okay. Do you have an opinion as to
11 whether the proposed fuel service station will be detrimental
12 to the environmental and natural resources of the site and
13 vicinity, including forests, streams, wetlands, aquifers and
14 flood plains in an RC-2, RC-4, RC-5 or RC-7?

15 MR. BATHURST: I do.

16 MR. VETTORI: And what is that opinion?

17 MR. BATHURST: It will not.

18 MR. VETTORI: And what is the basis for that opinion?

19 MR. BATHURST: Well, there's no RC zone in any close
20 proximity to the parcel, but regardless of the fact, we still
21 have a storm water management concept approved from the County.
22 That plan shows notably more water quality treatment provided
23 than was there today with the Bob Evans. And likewise, as I
24 stated, we have the schematic landscape plan approval from
25 Baltimore County.

1 MR. VETTORI: Thank you. That's all the questions I
2 have.

3 CHAIR: I'm assuming you're looking to admit Exhibits
4 1 and 2?

5 MR. VETTORI: I am looking to admit Exhibits 1 and 2.
6 I was going to do it later, but now would be the appropriate
7 time probably.

8 CHAIR: Okay. Any objections to Exhibits 1 and 2?

9 MR. MCCANN: No.

10 MR. BAKER: No objection.

11 CHAIR: Exhibits 1 and 2 are admitted. All right.
12 Cross examination?

13 MR. MCCANN: I just have a couple questions. Good
14 afternoon, sir. Have you worked on any other fuel service
15 station, carryout, convenience store projects?

16 CHAIR: Please keep your voice up to.

17 MR. BATHURST: I, I have not.

18 MR. MCCANN: But I take it you're familiar with what
19 your client, Sheetz in this case, is proposing at this site
20 obviously?

21 MR. BATHURST: I am.

22 MR. MCCANN: In terms of both how that relates to the
23 development and zoning requirements, but also in terms of how
24 your client intends to use the property?

25 MR. BATHURST: Yes.

1 MR. MCCANN: You have an understanding of that?

2 MR. BATHURST: I believe so. I mean, I, I've visited
3 a couple gas stations.

4 MR. MCCANN: As we all have. So, the question I have
5 for you within, I think the best thing to do is to mark this as
6 an exhibit (inaudible).

7 MR. VETTORI: Thanks.

8 CHAIR: So, this is Protestant's one?

9 MR. MCCANN: This would be, would be Protestant's
10 one. And here's an extra copy, sir.

11 MR. BATHURST: Thank you.

12 MR. MCCANN: Protestant's Exhibit 1.

13 BOARD: (inaudible).

14 MR. MCCANN: Yeah, I'll give him yours.

15 BOARD: Thank you.

16 MR. MCCANN: I'll give you his.

17 CHAIR: So, do you, sorry, so is the version you're
18 looking at the actual exhibit or the copy?

19 MR. MCCANN: The copy, you have the original.

20 BOARD: Thank you.

21 MR. MCCANN: And just, just for everybody's
22 reference, this is actually a blow-up of the area of, actually
23 Petitioner's Exhibit 1 as opposed to the redline, but the
24 portion that I blew up is exactly the same and by that, I mean,
25 the, that area of page two of Petitioner's one and two dealing

1 with building use plan. I take it you're familiar with that,
2 sir, right?

3 MR. BATHURST: I am.

4 MR. MCCANN: Okay. I guess the question, the first
5 question I have, is this, this is entitled building use plan
6 but is this, and there's a breakdown, as we can see by the, by
7 the legend of the various areas of the convenience store and
8 carryout restaurant, to, and the use to which they're
9 attributed, is that a fair way of characterizing what this is?

10 MR. BATHURST: It is, yes.

11 MR. MCCANN: Okay. Now, was this done, this was done
12 for purposes of determining the amount of parking, is that
13 right, or --

14 MR. BATHURST: Amongst other performance requirements
15 with the 405 section.

16 MR. MCCANN: Okay. How about just in terms of the,
17 just the use of the building as far as zoning is, is required?
18 In other words, you've broken down this four shaded areas, four
19 different shaded areas, but there's really three uses, there's
20 a fuel service station use, there's a carryout/restaurant use
21 and there's a convenience store use. Can we rely upon this
22 breakdown when we're, when we're determining whether or not
23 this use, not the parking requirements, but this use complies
24 with the zoning regulations? Follow me?

25 MR. BATHURST: In my opinion, yes.

1 MR. MCCANN: Okay. So, let's just go through it
2 briefly and then I'll move on to another topic. So, the way
3 you've had this broken down and it's color coded, so it's easy
4 for us, but as I see this breakdown, your, you have for, first
5 for the fuel sta, service station use, you have the vestibule
6 on the right hand side, you have the checkout area, you have
7 the admin, which I take is an office, and you have the two
8 restrooms, correct?

9 MR. BATHURST: Yes.

10 MR. MCCANN: So, that square footage is, as, as you
11 put it in this building use plan, is all attributed to the fuel
12 service station use, correct?

13 MR. BATHURST: That's how I classified it, yes.

14 MR. MCCANN: Okay and that square footage, and I
15 added it up, is nine hundred and eleven square feet. Does that
16 sound about right?

17 MR. BATHURST: I use a calculator typically, so I'll
18 just trust you on this one.

19 MR. MCCANN: Okay and, and why did you break it up
20 that way? Let me ask that.

21 MR. BATHURST: This plan was provided to me from
22 Sheetz's architect.

23 MR. MCCANN: Okay.

24 MR. BATHURST: And it had contained labels for what
25 each space inside the building was going to be utilized for.

1 MR. MCCANN: Okay.

2 MR. BATHURST: Using those labels with some exchange,
3 I basically acted as the interpreter between what they describe
4 as the use and the zoning use that would be attributed, or that
5 label for what that use would be in the zoning code for that
6 area.

7 MR. MCCANN: Based on your understanding of, of what
8 would take place in those areas?

9 MR. BATHURST: Yes.

10 MR. MCCANN: In other words, as I heard you this
11 afternoon, you didn't create this building use plan or back
12 into it, rather, based on the parking requirements? As you
13 said, --

14 MR. BATHURST: No.

15 MR. MCCANN: As you said, this stands on its own as
16 representative of how this client of yours is going to use this
17 building?

18 MR. BATHURST: Right, there's no fuzzy map. I, I
19 categorized the area, measured those areas and then did the
20 tape.

21 MR. MCCANN: Okay. But, would you agree with me,
22 just in terms, talking about use, the vast majority of people
23 that will be using the vestibule area or going to be the
24 conven, the carryout restaurant patrons rather than fuel
25 service station patrons?

1 MR. BATHURST: I don't know that, I mean, there's two
2 vestibules, but I don't know how many people use one or the
3 other, so I made the command decision to split it. Because
4 there's two, I'll use one for a fuel service, the other for the
5 restaurant.

6 MR. MCCANN: Okay. That's, I guess that's an easy
7 split but how about the checkout area? In other words, you
8 attributed one hundred percent of the checkout area to the fuel
9 service station use. On what basis did you do that?

10 MR. BATHURST: I think, you know, this is a fuel
11 service station, so I just said, I'll just call that the
12 checkout area as a fuel service use.

13 MR. MCCANN: Wouldn't you agree with me since, well,
14 number one, would you agree with me that the vast majority of
15 people that go to a gas station use a credit card and pay at
16 the pump rather than go in and pay at the checkout counter?
17 Based on your experience.

18 MR. BATHURST: I don't know that I could opine. I
19 mean, I know how I --

20 MR. MCCANN: How do you do it?

21 MR. BATHURST: It depends whether I'm buying a cup of
22 coffee, right? So, I mean, if I'm not buying a cup of coffee,
23 I, I have the benefit of the credit cards, so I pay at the
24 pump. But if I'm purchasing something in the convenience store
25 or carryout, I, I mean, I go inside.

1 MR. MCCANN: Okay. But, --

2 MR. VETTORI: Can I just make a quick objection? I
3 think we're providing fifty-one spaces and we're saying there's
4 proposed, if there's an increase of like ten spaces, is it
5 really changing anything? I'm just trying to get what we're
6 getting at with breaking down the uses in here.

7 CHAIR: I'm not sure. I assume Mr. McCann is --

8 MR. VETTORI: I mean, I don't have a problem with it
9 per se, I just don't know where --

10 MR. MCCANN: Well, I'm not talking about parking at
11 all, is my point. This has nothing to do with parking.

12 MR. VETTORI: Okay.

13 MR. MCCANN: I think he's made that clear already,
14 I'm just talking about use.

15 CHAIR: Very well. See where that goes.

16 MR. MCCANN: But I, maybe I didn't ask the question,
17 on what basis did you attribute all the checkout, this area, to
18 the fuel service station?

19 MR. BATHURST: Around the, around the reality of this
20 primary function is a fuel service station. So, I called it
21 all the checkout, the checkout area as fuel service use and
22 everything else is ancillary to it.

23 MR. MCCANN: The primary function of this entire
24 project is fuel service station?

25 MR. BATHURST: That's how I classified it.

1 MR. MCCANN: And why did, on what basis did you do
2 that?

3 MR. BATHURST: Because when I was engaged, the
4 purpose of the engagement was to design and permit a fuel
5 service station that is branded as Sheetz.

6 MR. MCCANN: I'm not asking what you were asked to
7 do. I'm asking you on what basis do you, do you contend, in
8 your opinion, that this entire project is primarily a fuel
9 service station? How do you say that? What, based on
10 customers, based on the amount of business, based on the square
11 footage, based on the parking, on what basis do, do you say
12 that?

13 MR. BATHURST: That the project is a fuel service
14 station?

15 MR. MCCANN: Primarily.

16 MR. BATHURST: Because I don't look at Sheetz, having
17 been to many in Pennsylvania and some in Western Maryland as a
18 destination convenience store/restaurant. If you're going into
19 a Sheetz, in my opinion, you're getting fuel.

20 MR. MCCANN: What does that mean? Are you saying the
21 vast majority of people are, most people that go to a, a Sheetz
22 are there to get gas, is that what you're saying?

23 MR. BATHURST: In my opinion, yes.

24 MR. MCCANN: So, you're, so you're basing, it sounds
25 like, you're basing it on the number of customers that go to a,

1 that, that you believe, based on what experience I'm not sure,
2 but you believe are going to go to this location, do you think,
3 the pure number of customers is going to be primarily fuel
4 service station, is that, is that your opinion?

5 MR. BATHURST: It would be my opinion that that is
6 the principal purpose for someone pulling into this location.

7 MR. MCCANN: What do you base that on? Having not
8 worked on any fuel use service stations or convenience stores
9 in the past.

10 MR. BATHURST: That would be my fifty-two years of
11 age of pulling into, you know, various fuel service stations.

12 MR. MCCANN: How you use it?

13 MR. BATHURST: I'm sorry?

14 MR. MCCANN: How you use convenience stores and carry
15 outs and, and fuel service stations?

16 MR. BATHURST: That's correct.

17 MR. MCCANN: Okay.

18 BOARD: Can I ask a question? One of the witnesses
19 referred to the Sheetz freaks. How would that affect, would,
20 would their destination be the carryout part or fuel part, do
21 you know, do you have any idea?

22 MR. BATHURST: I, I mean, I heard that. It's the
23 first time I've heard that expression.

24 BOARD: Okay.

25 MR. BATHURST: So, I mean, I've been to many Sheetz

1 and I will say that I, I really enjoy going to Sheetz. They're
2 a, they have a lot of elbow room when you're moving around,
3 they provide wider spaces, they have really good customer
4 service. So, I, I would dare say if I were to opine on what a
5 Sheetz geek, is that --

6 BOARD: Sheetz freak, I think is it.

7 MR. BATHURST: Freak?

8 CHAIR: You just came up with your own --

9 MR. BATHURST: Yeah, maybe, maybe, maybe they would
10 be better described as a, as a fan --

11 MR. VETTORI: Describing yourself maybe.

12 MR. BATHURST: A Sheetz fan? I, I mean, I don't know
13 whether you've been to one but I will say that that, you know,
14 they, it's not this tight store that you always feel like
15 you're going to have your door bent up whenever you come back
16 out. So, I, I just, again, it's all opinion.

17 BOARD: Okay.

18 MR. BATHURST: But, you know, we have to fuel up
19 every few days so I've been a few gas stations and I can just
20 tell you in my opinion how I feel about this one, relating it
21 to that expression.

22 BOARD: Okay.

23 MR. MCCANN: Okay, so --

24 BOARD: I'm going to tack on to Ms. Jolivet's
25 question and ask you is Sheetz particularly competitively

1 priced with their gas offerings?

2 MR. BATHURST: I mean, I don't know that I can
3 compare, but I, I mean, personally, I think that they, they
4 seem to be in, in the areas that I have went to them, they seem
5 to be market price but, you know how it goes. If you're, if
6 you have a fuel service station on three corners of a four
7 corner intersection, the prices tend to be exactly the same and
8 lower and then if you're out in the country it tends to be
9 higher because there's no competition presumably.

10 BOARD: Thank you.

11 MR. VETTORI: I just want to make a note for the
12 record. I don't, I don't know that he's qualified to opine for
13 Sheetz.

14 MR. BATHURST: I mean, I'm just saying from, yeah,
15 I'm not, that's opinion, it's all opinion from, you know, --

16 CHAIR: I think that that's how it will be received
17 and my Board members on that --

18 MR. MCCANN: Okay.

19 BOARD: Thank you.

20 MR. MCCANN: So, I won't belabor this but (inaudible)
21 other questions I have. In determining that this plan complies
22 with the zoning requirements, specifically, use requirements in
23 the zoning regulations, you relied upon nothing other than your
24 personal experience going to fuel service stations, convenience
25 stores and carryout restaurants, in particular in attributing

1 various portions of the building to each of those three uses,
2 is that fair?

3 MR. BATHURST: Well, as it relates to the fuel
4 service component, I would dare say yes.

5 MR. MCCANN: Okay. So, then how, let's turn, let's
6 go quickly then, to the carryout restaurant. I see the way
7 you've broken this down, again, referring to Protestant's
8 Exhibit 8, that's the blue shaded. In, in the carryout
9 restaurant, you've included, you've included seating, the
10 kitchen, the clean-up room, the walk in floor, the walk in
11 freezer and the utility room. I assume you haven't gone into
12 many of those types of areas at convenience stores and carryout
13 restaurants that you've been to but am I correct that, well,
14 strike that. Do you, do you rely upon anything other than
15 personal experience when you attribute those areas to the
16 carryout restaurant use?

17 MR. BATHURST: Yes.

18 MR. MCCANN: What else?

19 MR. BATHURST: Just working with, you know,
20 restaurant uses and business uses in the past.

21 MR. MCCANN: Okay and that, that experience tells you
22 that utility rooms should, relating to a carryout restaurant as
23 opposed to a convenience store?

24 MR. BATHURST: Well, I'm not saying that a fuel
25 service station would not have a utility room, because every

1 building has a utility room, right? But since I look at a
2 restaurant as a more demanding usage with respect to the need
3 for a utility room, I dedicated that utility room to the
4 restaurant use.

5 MR. MCCANN: What about the other areas, other than
6 seating, seating is obvious, that's, that's the carryout
7 portion.

8 MR. BATHURST: I'm, I'm --

9 MR. MCCANN: I'll, I'll move, lastly, I'll just move
10 on and address lastly the convenience store. For the
11 convenience store aspect of this proposal, you've included the,
12 the entire sales floor area, the beverage cooler, the vestibule
13 and the walk in beverage cooler. On what basis did you do
14 that, other than personal experience?

15 MR. BATHURST: Well, I mean, I've done convenience
16 stores in the past so, I, I would dare say it would have to be
17 my experience with those.

18 MR. MCCANN: That that should be convenience store
19 versus carryout restaurant or --

20 MR. BATHURST: Correct. But again, you know, with
21 the vestibule, there was two. So, I just made a command
22 decision, I would split those.

23 MR. MCCANN: Okay. Okay. I'll move on. You
24 testified that there's no abandoned fuel service stations
25 within the requisite area under Section 405.

1 MR. BATHURST: Um hm.

2 MR. MCCANN: As I understood your testimony, you went
3 out to the area to determine that. How, how would you know if
4 a fuel service station was abandoned when you went out to look
5 in the area? How would you even know that, it was gone?

6 MR. BATHURST: Well, I also did a Google search,
7 believe it or not. I mean, I didn't mention that at first, but
8 if you just type in gas station or fuel service station on
9 Google, that gives you leading insight to where you might want
10 to look, right? Because Google will even show things that used
11 to be there. But having said that, there was nothing going to,
12 you know, prohibit me from driving around in these main
13 corridors where, you know, there could be a fuel service
14 station and from that drive, I did not identify anything that
15 looked like a previous fuel service station.

16 MR. MCCANN: Yeah, I'm not saying you shouldn't have
17 driven around, I think that was appropriate because if you saw
18 something, a gas station that was abandoned, that would be an
19 abandoned fuel service station. I'm just, how would you know
20 that that was complete, if you --

21 MR. BATHURST: I mean, I, I don't know that there's a
22 protocol for, you know, researching abandoned fuel service
23 stations.

24 MR. MCCANN: Well, there is a County list. Isn't the
25 County supposed to maintain a list, in fact, it's in 405

1 itself. The County maintains a list of abandoned fuel service
2 stations, does it not?

3 MR. BATHURST: I can't attest to that.

4 MR. MCCANN: You're not aware of that?

5 MR. BATHURST: No.

6 MR. MCCANN: That is all I have. Thank you.

7 CHAIR: Mr. Baker?

8 MR. BAKER: Thank you. I've just got a few
9 questions. I'm going to, I'm going to piggyback on something
10 Mr. McCann was, was speaking to which is Petitioner's Exhibit
11 19, which is the, the vicinity aerial, which shows, it's got a,
12 a couple different colors but my presumption is, is, is, I'm
13 asking for you to confirm this --

14 CHAIR: Before you go further, do you have that in
15 front of you, sir?

16 MR. BATHURST: I do.

17 CHAIR: Okay, sorry.

18 MR. BAKER: The blue labeled items on the map are all
19 fuel service stations?

20 MR. BATHURST: Yes.

21 MR. BAKER: Okay. Now, there's a Royal Farms that's
22 labeled in white that's, looks like it's, you know, between
23 two, two and a half miles to the north, that's in white. Is
24 there any reason why it's in white versus blue?

25 MR. BATHURST: The preparer prepared that, I can't

1 say why --

2 MR. BAKER: Okay.

3 MR. BATHURST: -- it's one color versus the other.

4 MR. BAKER: Okay and then Graul's Market is, is also
5 shown on the, on the vicinity map. Does Graul's sell gas?

6 MR. BATHURST: I cannot remember for sure, but
7 testimony earlier said no, as I recall.

8 MR. BAKER: Okay, thank you. I do have a few
9 questions about the redline. Do you mind if I approach the
10 exhibit? You had offered testimony about the, the access to
11 the site, both on the, the south west side and the north east
12 side. The, the drive aisle widths for the right in, right out
13 entrance, those are existing from the Bob Evans Restaurant?

14 CHAIR: Just to clarify, you referred to the redline
15 plan in, on your approach, you're referring to Exhibit 1, which
16 is not the redline plan --

17 MR. BAKER: Excuse me, I'm sorry.

18 CHAIR: -- for your question.

19 MR. BAKER: Redline plan up here. The Bob Evans, the
20 existing ingress, egress points of the north east corner of the
21 site. Those are existing today and they were existing when Bob
22 Evans was in operation?

23 MR. BATHURST: Yes.

24 MR. BAKER: And, and how wide are those drive aisle
25 ways?

1 MR. BATHURST: I have dimensioned them on the plan at
2 fifteen feet, plus or minus, for either the in or out.

3 MR. BAKER: Okay and there's no plan to, to widen
4 those or repurpose that, that entrance or exit point?

5 MR. BATHURST: No.

6 MR. BAKER: Okay.

7 CHAIR: That is, there is no plan?

8 MR. BATHURST: There is, there's no intention to
9 widen that.

10 MR. BAKER: Okay. The crosswalks and the sidewalks
11 that were added, I think there's testimony in the record, those
12 were added in response to the ZAC comment from planning?

13 MR. BATHURST: Yes.

14 MR. BAKER: And it, is it a, a fair presumption,
15 based upon Mr. LaCesa's testimony, that the majority of folks
16 who are coming to the property are, are not going to be walking
17 there, they're going to be coming in their automobiles?

18 MR. BATHURST: I would say, based upon his testimony,
19 that most people would drive into the station.

20 MR. BAKER: Okay. This loading zone that's shown on
21 the, it's the western edge of the property, what's the purpose
22 of, of that area?

23 MR. BATHURST: It's, it's a zoning requirement to
24 have a, an off street loading zone appropriate for the intended
25 use. That, to satisfy zoning, you have to show that you've

1 allocated enough site area for that, that off-loading zone.

2 MR. BAKER: Sure. So, if there's, if there's a truck
3 that's delivering products for the, for the convenience store
4 or the restaurant, there's the presumption that there's space
5 here for them to park, whether or not, as a matter of
6 operation, they park there?

7 MR. BATHURST: They could park there and, and
8 certainly that area is designated for it.

9 MR. BAKER: Okay and the underground storage tanks
10 are located almost in the middle, on the southern edge of the
11 property. I don't know but I'll ask, if those are being filled
12 by a gas truck that comes to the site, that truck is not going
13 to park here, will it?

14 MR. BATHURST: It will not.

15 MR. BAKER: In, in the loading zone, I'm sorry,
16 pointing to the loading zone on the redline.

17 MR. BATHURST: No.

18 MR. BAKER: It'll, it'll park, presumptively, in the
19 close proximity to the underground storage tanks?

20 MR. BATHURST: Yes.

21 MR. BAKER: Okay and is there, is there a protocol in
22 place for gas delivery or food delivery to the site?

23 MR. BATHURST: The only thing that I can say in that,
24 is that from communications with Mike LaCesa, who testified
25 earlier, that fuel delivery occurs at night, but that's what I,

1 it was related to me, that's the off peak hours when there's
2 hardly anyone out.

3 MR. BAKER: Okay, okay. That's all, that's all my
4 questions on the redline. With regard to the 502.1
5 requirements, specifically A, you had testified that the
6 proposed use is going to have no greater impact on the health,
7 safety and general welfare of the locality involved. And I
8 think you based that upon the, the expected type of operation,
9 this, this use, the Sheetz use, in comparison to other
10 convenience store gas stations, correct?

11 MR. BATHURST: Um hm.

12 CHAIR: That's a yes, sir?

13 MR. BATHURST: Yeah, I'm sorry, yes, um hm.

14 MR. BAKER: Okay and, and I guess you didn't in that
15 answer speak to the specifics of the site or the proposed
16 operation, is that, is that fair?

17 MR. BATHURST: That's correct.

18 MR. BAKER: Okay and then one last question. I'm
19 sorry, I said I had no more questions on the redline, I, I do.
20 Note twenty-seven on the redline, I think it's found on page
21 two, indicates that the property is not located within any
22 failed basic services maps area and you also provided, I think,
23 testimony to that effect when you were speaking to the special
24 exception requirements?

25 MR. BATHURST: Well, no, I said it doesn't reside in

1 the basic, a failed basic services map.

2 MR. BAKER: Okay. Is, is there a distinction between
3 the two?

4 MR. BATHURST: Well, yes, there, there's, my
5 understanding from some exchanges with counsel and I, is that
6 there has been a change at that intersection. But I'm not
7 aware of an exhibit or map that depicts that change.

8 CHAIR: What change are you referring to?

9 MR. BATHURST: It's the level of service of that
10 intersection.

11 CHAIR: That there has been a recent change and that
12 would be reflected on the map somewhere but you do not, or have
13 not been able to access that map?

14 MR. BATHURST: Correct.

15 MR. BAKER: I, and I, my apologies. I did not plan
16 on submitting this as an exhibit, I've got one copy of it.
17 It's Bill 1219, which is the act that the County Council
18 enacting the new 2019 basic services maps.

19 MR. VETTORI: I've got extra copies, if you'd like
20 them.

21 MR. BAKER: That'd be great.

22 MR. VETTORI: Give me one second.

23 MR. BAKER: Do you have a copy, you want to --

24 MR. VETTORI: I've got a whole treasure trove.

25 CHAIR: All right. So, for purposes of marking

1 exhibits, it's probably a good idea to mark for Mr. McCann,
2 designated as Protestant's --

3 MR. VETTORI: Here you go.

4 CHAIR: -- or DGG Protestant's exhibits and that the
5 exhibits from Mr. Baker, the 7-11 Protestant's Exhibits.

6 MR. MCCANN: Okay, that's great.

7 CHAIR: So, we've already had DGG Protestant's
8 Exhibit 1. Now, we're getting 7-11 Protestant's Exhibit 1.

9 MR. BAKER: Thank you.

10 CHAIR: Does that help? Do you have a, is there by
11 chance an extra copy for Ms. Jolivet?

12 BOARD: And I (inaudible).

13 CHAIR: Mr. McCann, do you have a copy of yours?

14 MR. MCCANN: I think the witness has it.

15 CHAIR: The witness has it.

16 BOARD: Okay, thank you.

17 MR. VETTORI: Do you need anymore?

18 MR. MCCANN: No, it's okay. You want me to get it
19 now or it can wait?

20 CHAIR: No, that's fine.

21 BOARD: You can wait.

22 MR. BAKER: I'll hand you a copy of the bill. For
23 the record, I just handed Mr. Bathurst a copy of Bill 1219,
24 which is an act concerning the basic services maps. Mr.
25 Bathurst, I'm going to direct your attention to page two,

1 starting with line nineteen. Can you please read that?

2 MR. BATHURST: Letter B. Padonia Road and Deerco
3 Road/Beaver Dam Road, at a, a six hundred foot radius from the
4 center of the intersection level of service F.

5 MR. BAKER: What do you take that amendment to mean?

6 MR. BATHURST: This amendment suggests that the
7 intersection has degraded to a point where they're going to
8 restrict development in this six hundred foot radius.

9 MR. BAKER: And does it have any impact on uses
10 within the traffic shed of this intersection?

11 MR. BATHURST: Well, the traffic shed defined by that
12 six hundred foot radius is how I would interpret this and it
13 would affect the issuance of building permits in this six
14 hundred foot radius.

15 MR. BAKER: Okay and I'm going to direct your
16 attention to page five, lines seven and eight. Do you mind
17 just reading those?

18 MR. BATHURST: Which line again?

19 MR. BAKER: Lines seven and eight on page five of the
20 bill.

21 MR. BATHURST: Section 5, and it be further enacted
22 that this act having been passed by the affirmative vote of
23 five members of the County Council shall take effect on May
24 20th, 2019.

25 MR. BAKER: Given that it's June 6th and this was

1 enacted on May 20th, the presumption is that this is the law in
2 place today?

3 MR. BATHURST: Yes.

4 MR. BAKER: Okay. I have no further questions.

5 CHAIR: Mr. Vettori?

6 MR. VETTORI: Thank you.

7 CHAIR: Well, actually, before we start, just to be
8 clear, I assume you're going to be moving into evidence DGG
9 Protestant's Exhibit 1?

10 MR. MCCANN: I am, thank you.

11 CHAIR: Mr. Vettori, any objection?

12 MR. VETTORI: I have no objection. It's, frankly,
13 already in the record.

14 CHAIR: You'd be hard pressed to have one, but
15 nevertheless, so admitted. And Mr. Baker, I assume you're
16 moving in 7-11 Protestant's Exhibit 1, which is Bill 1219?

17 MR. BAKER: Yes.

18 MR. VETTORI: And it's a (inaudible).

19 CHAIR: Again, right. But for formality sake,
20 there's no objection, therefore, it's admitted. Now, Mr.
21 Vettori, do you have follow-up?

22 MR. VETTORI: I do.

23 CHAIR: Re-direct?

24 MR. VETTORI: Thank you. Just to make the record
25 clear, (inaudible). I'll mark as Petitioner's Exhibit --

1 CHAIR: And you're on twenty-four.

2 MR. VETTORI: Twenty-four, sorry. I'm sorry. That's
3 usually what happens (inaudible). Mark as Petitioner's Exhibit
4 24, what's labeled Baltimore County Council Minutes from
5 Legislative Session dated May 6th, 2019. And I have not given
6 you a copy, but let me make sure I'm on the right track,
7 keeping track of things. Okay. If I could direct your
8 attention to page two of the meeting minutes from the May 6th
9 County Council meeting. You'll see Bill 1219 that was just
10 admitted into evidence as 7-11 Protestant's Exhibit 1, is
11 discussed and it talks about the basic services maps. If I
12 could direct your attention then, is that correct?

13 MR. BATHURST: Yes.

14 MR. VETTORI: Sorry, there was a question in there
15 somewhere. To page four, at the top under the number one, it
16 says on page two, in line sixteen, after 2019 basic services
17 transportation map insert with the following amendments.
18 Harford Road and East Joppa Road, level of service F. B,
19 Padonia Road and Deerco Road/Beaver Dam Road at a six hundred
20 foot radius from the center of the intersection, level of
21 service F, correct?

22 MR. BATHURST: Yes.

23 MR. VETTORI: And does it say above that number one,
24 who introduced that amendment?

25 MR. BATHURST: Councilman Cash.

1 MR. VETTORI: And is that who you heard earlier today
2 rezoned the property across the street that's approximately
3 fourteen acres to be developed as a BMCCC property from a MLIM
4 zone?

5 MR. BATHURST: I can't recall.

6 MR. VETTORI: Okay.

7 CHAIR: I'm sorry, where were you on this, Mr.
8 Vettori? Which page?

9 MR. VETTORI: On page four.

10 BOARD: Four.

11 CHAIR: Four, thank you.

12 MR. VETTORI: On the very top, --

13 CHAIR: I see now, sorry about that.

14 MR. VETTORI: Um hm. Meeting minutes described who
15 introduced the amendment at the actual vote, at which time the
16 level of service was not changed. Does this, this provision
17 goes into, it's amending actually, let me try to track this.
18 Not the basic services map, per se, but the codified provisions
19 regarding the map, is that accurate?

20 MR. BATHURST: Yes.

21 MR. VETTORI: Okay. So, that's referencing on the
22 actual bill itself, where the amendment is taking place on
23 number one, on page two and line sixteen, so that's page two of
24 7-11 Protestant's Exhibit 1, so that actual bill, well, that
25 was actually the bill that was introduced and now you have what

1 was approved but suffice it to say that bill was amended and I
2 think it shows on 7-11 Protestant's Exhibits, I think that that
3 was amended by, and I think an underline is what signifies an
4 amendment so at the last minute, Councilman Koch (phonetic)
5 introduced an amendment that changed the codified provisions
6 which are codified in BCZR, Section 4-A-0-2, and created this
7 designation as a failing intersection, correct?

8 MR. BATHURST: That's my understanding.

9 MR. VETTORI: And is it your understanding that the
10 basic services maps for Baltimore County, which includes not
11 only transportation, but also sewer and water, are approved on
12 an annual basis?

13 MR. BATHURST: That's my understanding, yes.

14 MR. VETTORI: And that has to happen, the Council has
15 to approve by the end of May each year, correct?

16 MR. BATHURST: Correct.

17 MR. VETTORI: Okay. So, let's say, for instance, you
18 had a residential development that was approved ten years ago,
19 okay? And you went to go pull your building permits for it
20 today, could you do so, if it was in a failing traffic
21 intersection or sewer intersection or any --

22 MR. BATHURST: No.

23 MR. VETTORI: No, you could not?

24 MR. BATHURST: You could not.

25 MR. VETTORI: Because you're prohibited from pulling

1 building permits, correct?

2 MR. BATHURST: Not without special relief.

3 MR. VETTORI: Okay. Did, does that mean your
4 development approval goes away?

5 MR. BATHURST: No, it's still subdivided, if you
6 will.

7 MR. VETTORI: You just have to wait another year to
8 hopefully have improvements that make that basic services
9 moratorium on being able to pull building permits go away,
10 correct?

11 MR. BATHURST: Right, that's right, yes.

12 MR. VETTORI: Okay and that's outlined in BCZR
13 Section 32-6-104, correct?

14 MR. BATHURST: I can't remember the numbers like him,
15 so --

16 CHAIR: (inaudible).

17 MR. VETTORI: The BCC, sorry, Baltimore County Code
18 is the adequate public facilities ordinance is Article 32,
19 Title 6 of the County Code, yes. Okay and is it your
20 understanding that prior to 20, well, this, this bill, 1219,
21 that the Department of Public Works had not designated this any
22 worse than a level of intersection, a level, level of service C
23 under their --

24 MR. BATHURST: Yes.

25 MR. VETTORI: -- the proper methodology?

1 MR. BATHURST: Yes, that's my understanding.

2 MR. VETTORI: Okay. So, how did --

3 MR. BATHURST: (inaudible).

4 MR. VETTORI: Do you know whether Councilman Koch has
5 a degree in traffic engineering or?

6 MR. BATHURST: I, I have no idea.

7 MR. VETTORI: So, from your perspective, could you
8 still approve this zoning approval being requested, the special
9 exception relief and you're not overruling that they can issue
10 a building permit, you're just seeking special exception, could
11 you still opine that special exception relief should be granted
12 under the standards in 502.1?

13 MR. BATHURST: With, I guess what my point would be,
14 it would be irrelevant with respect to the zoning (inaudible).

15 MR. VETTORI: It would only pertain to the building
16 permits?

17 MR. BATHURST: The building permit, yes.

18 MR. VETTORI: Okay. That's all the questions I have
19 for now.

20 CHAIR: Mr. Baker, follow-up?

21 MR. BAKER: Just briefly. Mr. Bathurst, Councilman
22 Koch, do you know whether he represents the area where this
23 property is located and the Atapco property across the street,
24 or catty-corner, I should say?

25 MR. BATHURST: Yes.

1 MR. BAKER: Okay. Do you know whether Councilman
2 Koch spoke with anyone in Public Works about this intersection?

3 MR. BATHURST: I do not.

4 MR. BAKER: Do you know whether Councilman Koch hired
5 a private traffic consultant to look at this intersection?

6 MR. BATHURST: I do not.

7 MR. BAKER: Do you know anything about why Councilman
8 Koch introduced the amendment he did to Bill 1219?

9 MR. BATHURST: I do not.

10 MR. BAKER: And as far as the, the protocol and the
11 regulatory framework for amending the basic services map, which
12 is set forth both in the County Code and the Baltimore County
13 Zoning Regulations, both of which you've been admitted as an
14 expert in, were his actions in proposing the amendment, and the
15 amendment ultimately being adopted, outside the scope of those
16 regulations?

17 MR. BATHURST: I don't believe so.

18 MR. BAKER: I don't have any more questions.

19 CHAIR: Mr. McCann?

20 MR. MCCANN: Nothing, thank you.

21 CHAIR: Mr. Vettori, anything else?

22 MR. VETTORI: I do have something else. I am going
23 to mark as Petitioner's Exhibit, what are we, twenty-five now?

24 CHAIR: (inaudible) in case it has not been done,
25 Petitioner's Exhibit 24, any objection thereto?

1 MR. MCCANN: No objection.

2 MR. BAKER: No, no objection.

3 CHAIR: So admitted. So, Petitioner's Exhibit 25.

4 MR. VETTORI: All right. Mark this as an e-mail from
5 Greg Karski (phonetic) in Baltimore County, I'm going to hold
6 on to one to give to this gentleman.

7 BOARD: Sure.

8 MR. VETTORI: This is an e-mail exchange between Mr.
9 Karski and myself, and I believe Mr. Karski responded to me
10 this morning, correct, is when the e-mail was sent to me?

11 MR. BATHURST: Yes.

12 MR. MCCANN: Can we, this witness has knowledge about
13 this e-mail, let him talk about it, but to essentially --

14 CHAIR: Hold on. Mr. McCann, I understand what your
15 objection is.

16 MR. MCCANN: I believe the question (inaudible).

17 CHAIR: Well, I mean, that's, it's up to you to also,
18 to object.

19 MR. MCCANN: I will, I will.

20 CHAIR: I understand that you don't want to get up
21 every five seconds as you indicated earlier, but if you have
22 to, you have to and we'll deal with it, we'll deal with it as
23 it unfolds. Mr. Vettori, there's an objection.

24 MR. VETTORI: Sure.

25 CHAIR: To Petitioner's Exhibit 25 in terms of is

1 this witness even familiar with what Exhibit 25 is, is that
2 fair, Mr. McCann?

3 MR. MCCANN: I guess that's my first question, yes,
4 objection.

5 MR. VETTORI: I think he could answer the question,
6 the question is directed, you want me to answer the question?
7 He is familiar with it.

8 CHAIR: He has to answer the question.

9 MR. VETTORI: Right.

10 CHAIR: That is, the witness.

11 MR. BATHURST: Okay, I'm sorry.

12 CHAIR: Are you familiar with Exhibit 25, sir?

13 MR. BATHURST: I, I was included on this at one
14 point, not, not this morning, but, or if it came to me this
15 morning, I'm not sure I would have time to read it.

16 CHAIR: Okay. When you said you were included on
17 this, do you mean to say, that you were part of an e-mail chain
18 that's now reflected on Exhibit 25 but you understood to be
19 part of the continuation of the subject matter in Exhibit 25?

20 MR. BATHURST: Yes.

21 BOARD: But your name isn't on here?

22 MR. BATHURST: No, well, meaning the topic, trying to
23 understand why the level of service had, had been changed.

24 CHAIR: All right. So, as to the communications that
25 occurred, though, on June 5th and June 6th, you're not included

1 on those, correct?

2 MR. BATHURST: Correct.

3 CHAIR: All right. So, Mr. Vettori, where are we
4 going to go with this witness on this exhibit?

5 MR. VETTORI: That's what we're doing.

6 CHAIR: No, so, where are we going with it?

7 MR. VETTORI: Where are we going with it?

8 CHAIR: If, if he has no familiarity --

9 MR. VETTORI: Okay.

10 CHAIR: -- with it?

11 MR. VETTORI: So, ultimately, we were trying to get
12 to the bottom of, you know, how we could figure out well, how
13 Councilman Koch came to the conclusion that this is a level F,
14 level of service F intersection.

15 MR. MCCANN: We're not doing that, that's completely
16 irrelevant.

17 CHAIR: Well, hold on.

18 MR. MCCANN: I object to him testifying right now. I
19 want to assert my objection before he finishes the sentence.

20 CHAIR: Well, number one, I was going to jump in too.
21 There seems to be what would be classified as a deconstruction
22 of government decision making aspect of this, which could be
23 problematic as well, that's usually not something that comes
24 up. Now, as to the objection you had, what is it specifically?

25 MR. MCCANN: That, that is my objection. That he's

1 about to somehow disparage Mr., Mr. Koch's decision making.
2 Who cares why he made the decision he made, he made the
3 decision he did and that's it, we're stuck with that. So, no,
4 no amount of explanation, explanation from Mr. Vettori could
5 possibly be relevant, in my opinion. So, if that's where he's
6 headed, --

7 CHAIR: Well, the question is, what relief comes of
8 it, even upon attack here because I don't believe that we could
9 do anything about that as the Board of Appeals. If there's an
10 issue as to how the law was enacted or anything, or as to
11 motivations or anything to that degree, I believe, again, that
12 goes to the deconstruction of government decision making. So,
13 Mr. Vettori, I'll give you a chance to respond, but I see Mr.
14 Baker standing. Since we've already started with Mr. McCann,
15 I'll let you respond to both at once instead of piecemeal.

16 MR. BAKER: I'm just going to note an objection for
17 the record as well. Again, I think unless Councilman Koch is
18 on the stand here, I don't think it's proper for anybody to
19 testify why he decided to do what he did. Unless Mr. Vettori
20 plans to subpoena everyone from the Department of Public Works
21 and everyone with whom Councilman Koch may or may not have had
22 conversation about this particular bill.

23 CHAIR: And I still don't know that there's anything
24 that could come of that, even in front of us. But Mr. Vettori,
25 you want to respond?

1 MR. VETTORI: And I wasn't trying to make anything
2 about Councilman Koch and why he made a decision. What I was
3 going to do was subpoena somebody from Department of Public
4 Works. In lieu of doing so, I sent an e-mail to which they
5 responded and before I got the response, which happened this
6 morning in getting ready to get over here, I had forwarded what
7 I had sent to the team, Ms. Kosino and to Mr. Bathurst so they
8 were aware of the question asked and read where the responses,
9 as indicated, and I think it goes to the point of whether the
10 intersection is, in fact, designated by the Department of
11 Public Works. Not as to why the Councilman made a decision.

12 CHAIR: The particular fact that's been asserted,
13 that is, is it an F level intersection as we sit here today or
14 not.

15 MR. VETTORI: Correct.

16 CHAIR: That's what the question is. Now, as to
17 what's been reflected in this e-mail chain, all this witness,
18 who has no first-hand knowledge of the communications on June
19 5th and June 6th, I don't know what you could do through this
20 witness. If you were proffering something in lieu of calling--

21 MR. VETTORI: Sure.

22 CHAIR: -- Mr. Walsh or Mr. Karski in this case --

23 MR. VETTORI: Sure.

24 CHAIR: -- you could certainly make a proffer and see
25 where that takes us with Mr. McCann and Mr. Baker.

1 MR. VETTORI: Fine. I will, if he, if he, he didn't
2 have specific knowledge of this coming in, so, and I should
3 have copied him on it, so I will make a proffer, let's go with
4 that, and they can object.

5 CHAIR: It seems to me that that may be the more
6 appropriate way --

7 BOARD: I have to disagree with that.

8 CHAIR: Oh, no?

9 BOARD: I disagree as well. What, --

10 BOARD: Go ahead.

11 MR. BAKER: I'm, I'm sorry, go ahead.

12 BOARD: What difference does it make, now that the
13 Bill 1219 has been adopted?

14 BOARD: Right.

15 MR. VETTORI: The difference is the, and this is,
16 comes down to a legal argument we're going to brief, but I
17 don't have any problem going into the issue at this point. The
18 bottom line is, we are here for a special exception approval.
19 The designation as a failing intersection, the merits of why
20 it's failing, has relevance. And if the answer is the Council
21 who has the legislative authority to designate it so, can do
22 so, does that mean that it, in fact, you can't grant a special
23 exception approval and the answer is no, you absolutely can.

24 CHAIR: Well, let me start with --

25 BOARD: But that's a different issue.

1 CHAIR: And I think we're, yeah, we're all talking
2 different things. My question solely concerns the
3 authentication of the e-mail chain.

4 MR. VETTORI: Correct.

5 CHAIR: So, the relevance as to it is a separate
6 question.

7 MR. VETTORI: Okay.

8 CHAIR: So, first, starting with the authentication,
9 as this is what it's, it, you know, you're proffering that it
10 is, --

11 MR. VETTORI: It is.

12 CHAIR: That's the issue for them to then decide, do
13 you wish to hear from a witness or you accept that proffer that
14 this is the e-mail chain that describes these communications or
15 not, or if it's complete, not complete, whatever it is for
16 authentication purposes only. As to relevance, that is, is it
17 admissible? Leaving aside the authentication, we're going to
18 deal with that separately.

19 MR. MCCANN: I read it quickly and, frankly, Mr.
20 Garber, I, I, I can't, I mean, I normally wouldn't object to
21 just something coming from a County agency because it's a
22 matter of public record, but this is a communication between
23 counsel and, and an agency representative on a specific
24 question that he asked and an issue that he raised. So, I do
25 have a problem with it. I just haven't read it closely enough

1 to know how significant it is.

2 CHAIR: Very well. So, we can't split it apart at
3 this, at this time. So, it seems to me that, based on, well,
4 this inevitably is going to go past today, so you may even have
5 your opportunity to subpoena someone if you need to subpoena
6 them.

7 MR. VETTORI: Sure.

8 CHAIR: So, as for now, we are going to move on from
9 Exhibit 25.

10 BOARD: Not admitted.

11 CHAIR: It is not admitted at this time. And I
12 should have asked, Ms. Jolivet, you said you disagreed, did
13 that cover your --

14 BOARD: I'm good. Yes, you did, thank you.

15 CHAIR: Okay.

16 MR. VETTORI: That's all the questions I have for Mr.
17 Bathurst.

18 CHAIR: Very well.

19 BOARD: I have a couple, of course. Is this property
20 visible from Interstate 83 in either direction?

21 MR. BATHURST: South bound, no. North bound, yes.

22 BOARD: You testified that there would be no hazards
23 from various things. Do you know what safety devices, if any,
24 if there are safety devices on the pumps or the underground
25 tanks for the fuel?

1 MR. BATHURST: I can't attest to the, the like
2 mechanical systems, because they would be made part of the
3 building permit application. But having observed, you know,
4 the safety features of a typical fuel service station, there is
5 an emergency cut off button to the pumps that I witnessed many
6 times. I, that's certainly outside of my area of expertise in
7 terms of those features, but I understand the reasoning behind
8 having one there on the side of the building.

9 BOARD: And then lastly, you said part of your
10 expertise and your duties involves a zoning investigation of
11 the property and its history and you testified that this was a
12 Bob Evans immediately prior to this proposed use. Was there
13 any use of the property or development of the property prior to
14 the Bob Evans? Was that part of your investigation?

15 MR. BATHURST: Yes. I do a building permit history
16 as well. There was, I don't know whether I can even call it
17 development, but there was a cemetery there at one time prior
18 to the Bob Evans.

19 BOARD: What happened to it, do we know?

20 MR. BATHURST: They relocated it.

21 BOARD: Wow.

22 MR. BATHURST: I actually know the person that was
23 involved in it.

24 BOARD: Hm. And that was the only prior use that
25 you're aware of?

1 MR. BATHURST: That I'm aware of, yes.

2 BOARD: Thank you. That was all.

3 CHAIR: Any questions based on Ms. Dopkin's
4 questions?

5 MR. MCCANN: No.

6 MR. BAKER: None.

7 CHAIR: Mr. Vettori, none?

8 MR. VETTORI: I have no further questions for this
9 witness.

10 CHAIR: All right. So, to be clear about
11 Petitioner's Exhibit 25, it's, it's not in evidence at this
12 time, doesn't mean that you will not have the ability to try to
13 get it in if you have the witnesses for it down the line. And
14 then, as to any impact, that you feel that you need to get
15 other testimony, that's a different matter.

16 MR. VETTORI: And I'm going to save Mr. Bathurst as a
17 rebuttal witness should I need to after their case.

18 CHAIR: I figured you would.

19 MR. VETTORI: Thank you.

20 CHAIR: All right. So, thank you, Mr. Bathurst.

21 MR. BATHURST: Thank you.

22 MR. VETTORI: Next, I'd like to call Ms. Kelly Kosino
23 from Century Engineering.

24 CHAIR: All right. So, it's almost 3:00. Do you
25 have any estimate of time for this witness?

1 MR. VETTORI: I don't plan on asking her too many
2 questions. Sorry.

3 CHAIR: That's not you.

4 MR. VETTORI: I don't plan on asking her very many
5 questions, in case that didn't come through clearly.

6 CHAIR: Mr. McCann, any idea?

7 MR. MCCANN: I was just making sure the exhibit got
8 to --

9 BOARD: Yeah, I'm trying to make sure of that as
10 well, that's what I'm doing.

11 MR. MCCANN: I'm sorry to interrupt.

12 BOARD: Thank you.

13 CHAIR: We're going to do this. We're going to take
14 a quick break, then come back in five minutes, then we'll get
15 started and hopefully we'll wrap this witness up then today and
16 see where that takes us.

17 MR. VETTORI: Okay.

18 CHAIR: Does that work?

19 MR. VETTORI: That works.

20 CHAIR: All right.

21 (RECORDING PAUSED - 02:55:32 PM)

22 (ON RECORD - 03:10:29 PM)

23 CHAIR: All right. We are back. Mr. Vettori, you
24 were about to call a witness.

25 MR. VETTORI: Yes, I am going to call Ms. Kelly

1 Kosino from Century Engineering.

2 BOARD: Do you swear and affirm under the penalties
3 of perjury, that the testimony you are about to give is true
4 and correct to the best of your knowledge and belief?

5 MS. KOSINO: I do.

6 BOARD: And would you please state your name and
7 address for the record, spelling your last name.

8 MS. KOSINO: Kelly Casino --

9 BOARD: I can't hear you.

10 CHAIR: Come forward, so it's closer to the
11 microphone, thank you.

12 MS. KOSINO: Kelly Kosino, K-O-S-I-N-O and I'm at 10,
13 10710 (inaudible), Hunt Valley, Maryland 21031.

14 CHAIR: And what is your position?

15 MS. KOSINO: I am a senior engineer.

16 CHAIR: Very well. You may have a seat. And just as
17 a reminder, please keep your voice up. Mr. Vettori?

18 MR. VETTORI: I want to mark as Developer's Exhibit
19 26, a copy of Ms. Kosino's c.v. (inaudible). Ms. Kosino, I'm
20 going to present you with a copy of what's been marked as
21 Petitioner's Exhibit 26. Is this, in fact, a copy of a c.v. or
22 resume you provided to me prior to this hearing?

23 MS. KOSINO: Yes.

24 MR. VETTORI: Yes? And it reflects your last place
25 of employment as the State Highway Administration, correct?

1 MS. KOSINO: Yes.

2 MR. VETTORI: It doesn't reflect your present
3 employment at Century Engineering, does it?

4 MS. KOSINO: No, it does not.

5 MR. VETTORI: Okay. Can you tell me how long you've
6 been an engineer?

7 MS. KOSINO: I have been an engineer since 2000.

8 MR. VETTORI: Okay and how long have you worked at
9 Century Engineering?

10 MS. KOSINO: Six months.

11 MR. VETTORI: Six months and prior to that, where did
12 you work?

13 MS. KOSINO: I worked at State Highway
14 Administration.

15 MR. VETTORI: And how long did you work at State
16 Highway Administration?

17 MS. KOSINO: A little over seventeen years.

18 MR. VETTORI: Seventeen years, so that was before you
19 were an engineer, is that, how long have you been an engineer
20 again, you say?

21 MS. KOSINO: Eighteen years.

22 MR. VETTORI: Eighteen years. So, (inaudible) you
23 started there after becoming an engineer?

24 MS. KOSINO: Yes.

25 MR. VETTORI: Okay. In your seventeen years at SHA,

1 how did you, did you always work in one department or did you
2 work in various departments?

3 MS. KOSINO: Multiple departments.

4 MR. VETTORI: Okay. Could you break down kind of
5 your first department to kind of your most recent before you
6 came to work at Century?

7 MS. KOSINO: Yes. For my first three and a half
8 years, I worked in the highway design office. Do you want to
9 know what I did?

10 MR. VETTORI: Yeah, that's be great.

11 MS. KOSINO: Okay.

12 CHAIR: Sorry, how many years was that?

13 MS. KOSINO: Three and a half years.

14 CHAIR: So, three and a half years you worked in the
15 highway design office. What were your duties at the highway
16 design office?

17 MS. KOSINO: I was a designer and project manager, so
18 I prepared plans, specs and estimates for roadway projects.
19 And I also did a lot of work with the public, kind of meeting
20 them to go over various aspects of projects for task forces and
21 that sort of thing. And under the construction, that's when I,
22 we were out in construction as well and so, making sure that it
23 was being constructed the way it was designed.

24 MR. VETTORI: And at some point, you changed to a
25 different position there?

1 MS. KOSINO: Yes. And then I moved to the district
2 traffic office as a traffic operations engineer. I worked
3 there from four to eleven, so seven, about seven years. And in
4 that office, we did traffic safety and operations. So, we
5 would, we had a part of the County that we worked in and in my
6 case, at that point, it was the northern part of Baltimore
7 County, which actually includes this site, and any concerns
8 that came in from citizens dealing with traffic safety and
9 operations, we would handle those and run studies. So, it was
10 the traffic, we would do traffic studies and analysis, meet
11 with the public. Typically if your community association was
12 having someone from the State come in, it would be someone from
13 my office or my, the district office is where those people
14 typically come from. Sometimes they're project managers from
15 downtown. But a lot of working with the public at, in a
16 traffic capacity, focusing on safety and operations. So, we
17 looked at design, planning, maintenance and construction of
18 those projects, the traffic operations of it. So, the
19 maintenance of traffic during construction, we handled that
20 and, or we, we placed signs, we, if our studies showed that
21 some, something minor needed to be changed, we could change
22 that, we could (inaudible) that sort of thing. Those small
23 improvements, traffic improvements. Changing of signal timing,
24 that, that's --

25 CHAIR: That's not a small improvement.

1 MS. KOSINO: Yes. It can make very big improvements.
2 What small thing, low cost changes, I guess, low cost
3 improvements is what I'm trying to get at.

4 CHAIR: Right, you're not building overpasses.

5 MS. KOSINO: Correct.

6 CHAIR: Right, but you're, you're otherwise trying to
7 facilitate efficiency and other improvements to --

8 MS. KOSINO: Exactly.

9 CHAIR: -- whatever project is going on.

10 MS. KOSINO: Um hm, yes. So, then from there, I
11 worked for two years in the access management department, and
12 that, at the time, was centralized and all of the development
13 reviews for the State came into our office and my role was to
14 review all of the TIS's.

15 CHAIR: And just for the record, what is TIS?

16 MS. KOSINO: Traffic impact studies, I apologize.

17 CHAIR: No, nothing to apologize for.

18 MS. KOSINO: So, for two years, that's all I did.
19 For a while, I was the only one in our office doing it and then
20 we hired on some more people. So, it was a large job, we had
21 some consultants helping us at the time. So, I have touched
22 the adequate public facilities, ordinances, for traffic impact
23 studies in multiple counties, including Baltimore County, while
24 I was there. And basically, our job was to review the traffic
25 impact studies to make sure that it was meeting the State's

1 needs while staying within the adequate public facilities
2 ordinance. So, making that balance and then working with the
3 counties because, of course, the counties are the lead agency
4 in that and the State at the time, is just commenting. Then,
5 for the last five years that I was at State Highway, I worked
6 at a district office as a traffic manager and at that point, I
7 was the lead traffic person for my section of the county that I
8 covered, and at this point, it was the west side of Baltimore
9 County and we handled things like the bridge projects. We did
10 the traffic, of course, on them, so the projects were much
11 bigger, so like the bridge project between 40 and 144 that's
12 currently in place, that was one of my projects. You know,
13 trying to get traffic to work going through there, so it's, it
14 was tough. And I've done again, working with the citizens,
15 doing studies, doing low cost traffic improvements that we
16 could do. In this case, we were also, I was able to push
17 bigger projects, still trying to get funding for another
18 project. So, running the studies and working with that. At
19 that time, the access management department became
20 decentralized at the State, so the reviews of plans and traffic
21 impact studies came to the districts and the traffic impact
22 studies in, in that area came to our office. So, we were also
23 working with that, the team leaders that covered. In my
24 district, they handled the traffic impact studies, so they
25 facilitated the reviews, much like I did in access management,

1 and coordinated with the other agen, not agencies, the other
2 offices, to make sure that we were, again, staying within the
3 law but getting what the State needed and making it one State
4 request, as opposed to this office wants this and this office
5 wants this, which never goes over well. So, and that, --

6 BOARD: How many years was that?

7 MS. KOSINO: Five. And then approximately six months
8 ago, I moved to Century Engineering. There, I worked in their
9 traffic group as a project manager and we perform studies and
10 designs, so siding, lighting, pavement marking, traffic signal
11 designs and studies to, essentially, whatever it is that the
12 client is looking for, you know, to, and we're, we do safety
13 studies as well. Which, safety studies I've done in those
14 other offices, so reviewing the crashes to make sure that
15 whatever we're doing is, what can we do to make them crash
16 less.

17 MR. VETTORI: All right and in your time in working
18 in these capacities, you've had the opportunity, obviously, to
19 review the TIS guidelines and the ITE regulations, correct?

20 MS. KOSINO: Yes.

21 MR. VETTORI: Okay and that was in your, particularly
22 in your three or two years in your third position as access
23 management?

24 MS. KOSINO: Correct.

25 MR. VETTORI: Approximately how many --

1 CHAIR: If I can jump in. You said review the TIS
2 guidelines and ITE regulations. Can you tell us what ITE is
3 just for the record, for the first time, (inaudible) --

4 MS. KOSINO: Institute of Traffic Engineers. It is,
5 essentially, what is used to perform trip generations, so if a
6 developer comes in, how many trips is it going to produce and
7 kind of how are those trips coming and how many are a bypass,
8 how many are, you know, that's what (inaudible) --

9 CHAIR: Thank you.

10 MR. VETTORI: Approximately, how many TIS's, or
11 traffic impact studies, did you review in your time at SHA?

12 MS. KOSINO: A couple hundred, rough guess.

13 MR. VETTORI: So, you're pretty familiar with the TIS
14 guidelines and ITE regulations?

15 MS. KOSINO: Yes.

16 MR. VETTORI: Okay. That's all the voir dire
17 questions I have. You guys have any objections to her being
18 admitted as an expert in traffic engineering?

19 CHAIR: Well, no, thank you.

20 MR. MCCANN: No objection.

21 MR. BAKER: No objection.

22 CHAIR: All right. She will be so received.

23 MR. VETTORI: All right. Are you familiar with where
24 this site is located?

25 MS. KOSINO: Yes, I am.

1 MR. VETTORI: I think as I asked Mr. Bathurst, it's
2 pretty close to your current place of employment, correct?

3 MS. KOSINO: Correct.

4 MR. VETTORI: And previously, at SHA, were you
5 located nearby as well?

6 MS. KOSINO: Yes, and I also used to live in
7 Cockeysville.

8 MR. VETTORI: Okay.

9 MS. KOSINO: So, I used to come around here.

10 MR. VETTORI: You may be one of the only people here,
11 but have you ever visited the Bob Evans and had a meal there?

12 MS. KOSINO: Yes, I have. I like Bob Evans. I was
13 sad when it went away. (inaudible).

14 MR. VETTORI: All right. And can you describe the
15 roads in the area, please?

16 MS. KOSINO: Yes. Padonia Road is a divided roadway
17 between York Road and the ramps for 83, which means that
18 there's a median that runs along it. It's a, three lanes in
19 each direction and it, lefts are precluded, except for at
20 signalized intersections. Beaver Dam is a two lane roadway in
21 both directions, it changes names to Deerco when you go south
22 of the intersection. North of the intersection, there's also a
23 median, which precludes lefts, except for when you get north of
24 it, just south of the signal at Texas Station.

25 MR. VETTORI: Okay and in your preliminary, or you

1 prepared the traffic, or you've worked on the traffic impact
2 study that was submitted by Century Engineering to Baltimore
3 County and State Highway Administration, correct?

4 MS. KOSINO: Correct.

5 MR. VETTORI: Okay. So, you're familiar with it.
6 Did you prepare it in accordance with the policy manuals, the
7 traffic impact study guidelines and the ITE regulations?

8 MS. KOSINO: Yes.

9 MR. VETTORI: Okay. Is it your understanding that in
10 2000, that the County has prepared what's known as a level of
11 service ratings document from the Department of Public Works?

12 MS. KOSINO: Yes.

13 MR. VETTORI: Okay. I'm going to mark as
14 Petitioner's Exhibit, what am I on now?

15 CHAIR: Twenty-seven.

16 MR. VETTORI: Twenty-seven.

17 CHAIR: And before you get to that, Exhibit 26 was
18 the curriculum vitae for Ms. Kosino. Any objection?

19 MR. MCCANN: No objection.

20 MR. BAKER: No objection.

21 CHAIR: That's admitted. So, now we're on to twenty-
22 seven, which is identified as?

23 MR. VETTORI: County level of service ratings.

24 CHAIR: Thank you.

25 MR. VETTORI: I'm presenting what's been marked as

1 Petitioner's Exhibit 27. Can you briefly describe what exactly
2 this document is and who it's been prepared by?

3 MS. KOSINO: By the Baltimore County government and
4 it's a description of level of services, which is a rating
5 system for how efficient a roadway or intersection operates.

6 MR. VETTORI: Now, does that follow the, without
7 getting into the description of this, the synchro model, the,
8 some other model or what, what model does this level of service
9 follow?

10 MS. KOSINO: So, level of services can be analyzed
11 using many different methodologies. This one is using
12 something called loaded cycle. The County uses loaded cycle to
13 measure their intersections. However, they're not used in
14 traffic impact studies because you have to watch an
15 intersection as existing, you can't predict the future for it,
16 because you have to observe it. So, the County accepts that
17 other methodologies would be used when a traffic impact study
18 is put together and typically, CLV or synchrony are used. CLV
19 is critical land volume and that uses, it basically takes into
20 account capacity at an intersection. So, if you have two
21 lanes, you have more capacity than one lane and then it has
22 numbers that it tries to reach and then, by those numbers, is
23 that you have an A, B, C, D, E, F rating. Synchro is a micro-
24 simulation modeling software. Oh, CLV is used, is most
25 applicable when you have signals that are isolated, which means

1 that there aren't other nearby signals that would affect the
2 flow of it. Often, now, because we are getting more and more
3 built out, synchro issues, which is micro-simulation, which
4 models how signals next to each other affect the flow of each
5 other and those models, essentially, you put all of the traffic
6 volume in, but then you go out in the field and you look at
7 operations and you make sure that your existing model matches
8 existing operations and then you build on top of that, whatever
9 additional traffic will be generated by development or
10 whatever.

11 CHAIR: And before you go on, just to summarize.

12 MS. KOSINO: Um hm.

13 CHAIR: So, what we are presented in Petitioner's
14 Exhibit 27 is level of service ratings used by the County.

15 MS. KOSINO: Um hm.

16 CHAIR: Which they focus on the load factor.

17 MS. KOSINO: Yes.

18 CHAIR: And the load factor is how much traffic
19 clears through a, a light or traffic control device.

20 MS. KOSINO: Yes.

21 CHAIR: Relative to, I guess, the expected time frame
22 that, for it to have traffic cycle through.

23 MS. KOSINO: So, the load factor is when you have a,
24 someone stops on the red and it turns green and they're
25 stopped, do they make it through that green or do they not. If

1 they make it through that green, then it clears. If even one
2 car doesn't make it through that green, it's considered not
3 clearing or loaded, and then it's a percentage of how many
4 times that happens, and that's the percentages that you're
5 seeing at the bottom of the first page and the top of the
6 second, is what percentage of vehicles did not clear on an
7 approach, on one approach for that high period.

8 CHAIR: So, let's take F, for an example.

9 MS. KOSINO: Yes.

10 CHAIR: It says eighty-six to a hundred percent.

11 MS. KOSINO: Yes.

12 CHAIR: At an F level intersection, you would have
13 vehicles that would have to go through two light changes to
14 pass through it?

15 MS. KOSINO: Correct.

16 CHAIR: That, essentially, what that's saying?

17 MS. KOSINO: Yes.

18 CHAIR: I understood your testimony to be that the
19 County doesn't use level, excuse me, not the County doesn't use
20 level service. When you do a traffic impact study, you don't
21 use the County's load factor to come to your conclusions about
22 level of service. There are two other methodologies, one is
23 the CLV, the critical lane volume, which measures the capacity
24 at the intersection. And the synchro is a micro-simulation, so
25 the CLV, it looks at signals re, in relation to one another and

1 how they're impacting the intersection, is that fair?

2 MS. KOSINO: The CLV looks at the volumes as it's,
3 looking at the intersection. It's not looking at multiple
4 intersections, though. It's only looking at one.

5 CHAIR: Okay. So, when you were referencing signals
6 before, and signals in isolation --

7 MS. KOSINO: Um hm.

8 CHAIR: -- how does that factor in?

9 MS. KOSINO: To which methodology?

10 CHAIR: CLV.

11 MS. KOSINO: CLV?

12 CHAIR: Because that's how we, how, when you brought
13 it up in relation to.

14 MS. KOSINO: Yes. CLV always looks at a signal in
15 isolation. It will never look at, so if you have two signals
16 that are a hundred feet apart, it won't take that into account.

17 CHAIR: Right.

18 MS. KOSINO: Or, you'd never have them a hundred
19 feet, but very close.

20 CHAIR: Right, okay. And then synchro is a micro-
21 simulation software, modeling software, and that models how
22 signals next to each other affect the flow and then you match
23 that with the operations out at live scene or live action, or
24 whatever you want to call it.

25 MS. KOSINO: Correct.

1 CHAIR: Right, to make sure that those two things
2 match. The computer simulation versus here's how things
3 operate in real life?

4 MS. KOSINO: Yes.

5 CHAIR: And so, CLV or synchro, I'm anticipating,
6 that we're going to look at for the purposes of a traffic
7 impact study that you worked on in this case?

8 MS. KOSINO: Correct.

9 CHAIR: All right. We all on the same page?

10 VOICE: Yes.

11 CHAIR: Okay.

12 MR. VETTORI: And also, I don't know if this is,
13 double check that exhibit before I give it back, Ms. Jolivet.

14 BOARD: Um hm.

15 MR. VETTORI: (inaudible).

16 BOARD: Okay.

17 CHAIR: So, is there any objection to Petitioner's
18 Exhibit 27?

19 MR. MCCANN: No.

20 MR. BAKER: No.

21 CHAIR: So, that will be admitted.

22 MR. VETTORI: Mark as Petitioner's Exhibit 28, this
23 is going to be, (inaudible). This is Department of Public
24 Works methodology regarding the delineation of a failing
25 traffic shed, how they determine how they determine how big

1 that she should be. Present to you what's been marked as
2 Developer's exhibit number twenty-eight and can you describe
3 what, essentially, is taking place here? What the Department
4 of Public Works is saying? First off, do you know if this was
5 prepared by the Department of Public Works?

6 MS. KOSINO: Yes.

7 MR. VETTORI: Okay and, essentially, what do you
8 interpret them as trying to endeavor upon here?

9 MS. KOSINO: Essentially, that the majority of
10 traffic is not getting through and then it defines what
11 majority means. So, as you break it into legs of the
12 intersection, which would be like east, west, north, south
13 sides, whichever one has the most traffic on it, is not making
14 it through.

15 MR. VETTORI: So, if you've got, I think under the
16 previous exhibit, you talked about how you determine, the
17 County determines whether under the loaded cycle methodology,
18 if an intersection is an A, B, C, D, E or F and if that, in
19 fact, is the case, does the County even, is it your
20 understanding that the traffic engineering department of the
21 Department of Public Works then creates a shed from an
22 intersection that's either D, E or F?

23 MS. KOSINO: Yes.

24 MR. VETTORI: Okay and that shed, which I like to
25 liken to a bull's eye on a dartboard that maybe you, is made

1 out of clay and you kind of smash it up so it isn't exactly a
2 perfect circle but, in fact, tracks where traffic come from, is
3 that your understanding?

4 MS. KOSINO: Yes.

5 MR. VETTORI: Okay. So, if you have a big employer
6 or something and lots of people pour out and they're coming to
7 this intersection, this policy is saying, hey, a majority of
8 traffic is coming from that area, we should put that area in
9 the shed, from this failing or D or E rated intersection?

10 MS. KOSINO: Correct.

11 MR. VETTORI: Okay. And back in 2018, I'm going to
12 mark as --

13 CHAIR: Before you do that, Petitioner's Exhibit 28,
14 any objection?

15 MR. MCCANN: No objection.

16 MR. BAKER: No objection.

17 CHAIR: So admitted.

18 MR. VETTORI: As part of the basic services map
19 process, that's codified in the Baltimore County zoning
20 regulations and BCZR Section 4-A-0-2, the Department of Public
21 Works, I'm sorry, (inaudible), prepared, I think what they save
22 on their website regarding basic services maps as a traffic
23 report. And in there, they outline all the intersections that
24 are rated D, E, and F, correct?

25 CHAIR: Well, I think first you need to have her

1 identify. Are you familiar with this document that's been
2 labeled Exhibit 29?

3 MS. KOSINO: Yes.

4 CHAIR: Okay and have you reviewed this document
5 previously?

6 MS. KOSINO: Yes, I have seen it.

7 CHAIR: Okay. Can you identify the document?

8 MS. KOSINO: Yes.

9 CHAIR: And what is it?

10 MS. KOSINO: It's a basic services map. Basically,
11 it's saying which intersections are a D or less.

12 CHAIR: And you have seen these before in connection
13 with your work at SS, at SHA?

14 MS. KOSINO: Yes.

15 CHAIR: Okay and also, I assume, perhaps at your time
16 at Century Engineering?

17 MS. KOSINO: Correct.

18 CHAIR: All right. Please proceed.

19 MR. VETTORI: And I think, in addition to those
20 intersections which are rated, I'm sorry, just F there in the
21 beginning of changes, there's E to D and D to F. Are there
22 also a list of some other intersections in the, sort of at the
23 tail end of this?

24 MS. KOSINO: Yes. Those are just the intersections
25 that changed.

1 MR. VETTORI: Okay.

2 MS. KOSINO: They're just drawing attention to it.

3 MR. VETTORI: And then, the other intersections, all
4 the F and the E intersections are listed there, correct?

5 MS. KOSINO: Yes.

6 MR. VETTORI: And that's back on January 5th, 2018
7 according to Greg Karski to the direct from, Greg Karski is the
8 bureau chief to the director of public works, which is Steve
9 Walsh, correct?

10 MS. KOSINO: Correct.

11 MR. VETTORI: On pages three and four of this
12 exhibit, it lists a number of intersections that have different
13 designations, D, looks like, F, and I presume E as well.

14 MS. KOSINO: Um hm.

15 MR. VETTORI: Is the intersection for Padonia Road
16 and Beaver Dam/Deerco listed anywhere on that chart?

17 MS. KOSINO: No, it is not.

18 MR. VETTORI: Okay and that was, this is prior to
19 adopt --

20 CHAIR: I, hold on a second, Mr. Baker is standing.

21 MR. BAKER: Sorry. I just, I want to note an
22 objection to this, again, as to relevancy. I'm not sure the
23 level of service or the inclusion or exclusion of Beaver Dam
24 and Padonia Road as of January 5th, 2018 is relevant to the
25 proceedings today in June of 2019.

1 CHAIR: Mr. Vettori?

2 MR. VETTORI: I, I think we ultimately are going to
3 get to the fact that there's going to be, you know, information
4 that was provided from the Department of Public Works as how
5 you prepare traffic impact studies and everything that we've
6 been submitted and the County hasn't told us our traffic impact
7 studies (inaudible) so, I'm establishing in the record all
8 these different studies that went in and showing that there
9 isn't, in fact, a failing intersection here.

10 CHAIR: Mr. McCann?

11 MR. MCCANN: Well, I would just add on to what Mr.
12 Baker was saying. I think, number one, this is outdated.
13 There is a 2019 letter of the same type, number one. And
14 number two, I think maybe this is what Mr. Baker was saying,
15 maybe not, if we know for a fact sitting here today that the
16 County Council has passed a bill establishing this intersection
17 as, as an F, what difference does it make how we got there?
18 What difference does it make in 2018 and 2014, 1982, what the
19 level, level of service was.

20 CHAIR: Mr. Vettori, do you wish to respond?

21 MR. VETTORI: I will. There's, I have a copy in my
22 hand of what the County has posted on its internet website,
23 which is a 2019 basic services map transportation.

24 CHAIR: I'm assuming it's dated before May 20th, 2019?

25 MR. VETTORI: It's not dated at all, it hasn't been

1 updated and, unfortunately, as far as the record is concerned,
2 we're trying to get a copy of it but all I have is the
3 information that's there, so.

4 CHAIR: All right. So, is the purpose of what's been
5 marked as Exhibit 29 to show materials and information used as
6 part of the traffic impact study performed in this case?

7 MR. VETTORI: Yes.

8 CHAIR: But recognizing, of course, that there may
9 have been subsequent changes that could, that could, and
10 there's no conclusion, have some, just say impact upon the
11 impact study?

12 MR. VETTORI: I certainly recognize that, but I've
13 yet to hear what those changes are.

14 CHAIR: All right. Well, if you're going to describe
15 the process by which this traffic impact study came to be, I
16 think that's permissible, so I will overrule the objection.
17 You may continue.

18 MR. VETTORI: Thank you. The last question, I don't
19 remember you answering, but do you see the Padonia Road, I
20 guess, this intersection which is the Padonia Road/Beaver
21 Dam/Deerco intersection anywhere listed on that study?

22 MS. KOSINO: No.

23 MR. VETTORI: Is it your understanding that the
24 Department of Public Works studies such intersections that
25 aren't rated D or kind of, I guess, how often do they study

1 such intersections that aren't listed on here?

2 MS. KOSINO: So, if they're rated a D, E or F, it is
3 my understanding that they study them every year. If they're
4 rated an A, B or C it's a three year cycle.

5 MR. VETTORI: Okay. So, every three years they'll
6 make sure they get out there and look at it?

7 MS. KOSINO: Um hm.

8 MR. VETTORI: Okay and are you familiar with them
9 having gone out and looked at this any time post your
10 submission of the traffic impact study?

11 MS. KOSINO: I am not aware of it.

12 MR. VETTORI: Okay.

13 CHAIR: It would be helpful to know when the traffic
14 impact study was submitted.

15 MR. VETTORI: Do you know when the approved traffic
16 impact study was submitted?

17 MS. KOSINO: March of this year.

18 MR. VETTORI: Okay. And I believe it's, was approved
19 in Exhibit, the County approved it in Exhibit, Petitioner's
20 Exhibit 23. Can I get Exhibit 23 to present?

21 MR. BAKER: Twenty-two.

22 MR. VETTORI: I think that's SHA's.

23 MR. BAKER: Oh, yeah, I'm sorry.

24 MR. VETTORI: (inaudible).

25 BOARD: Do you need Exhibit 23?

1 MR. VETTORI: If I --

2 CHAIR: So, March 20th, 2019, that's when you have the
3 approval.

4 MR. VETTORI: That was SHA's approval.

5 CHAIR: Right.

6 MR. VETTORI: I think the, the County's approval, I
7 think, is a different approval and I was looking for that one,
8 which is twenty-three, which is the e-mail exchange. Yes. Can
9 you tell me approximately when the County approved, it was a
10 response to Mr. Bathurst from, from this Chris Noble or Nobrey
11 or, from, someone from Development Plans Review, or DPR, Eugene
12 Colley, is that his name?

13 MS. KOSINO: Yes.

14 MR. VETTORI: You see when he said, --

15 MS. KOSINO: April 19th, 2019 is the date of the e-
16 mail, the last exchange.

17 MR. VETTORI: Okay.

18 MS. KOSINO: So, it was approved prior to that.

19 MR. VETTORI: And it says done after, looks like the
20 County, looks like the (inaudible) has been approved by the
21 County, done. Correct?

22 MS. KOSINO: Correct.

23 MR. VETTORI: And the next thing is, the P.A. number
24 has been corrected, done. As in that task has been performed?

25 MS. KOSINO: Um hm.

1 MR. VETTORI: Is that your understanding?

2 MS. KOSINO: That is my understanding.

3 MR. VETTORI: Okay.

4 CHAIR: And while that Ms. Kosino is on the e-mail
5 exchange attached to Petitioner's Exhibit 23.

6 MR. VETTORI: Okay.

7 MS. KOSINO: Yes. Earlier in it, it was talking to
8 the DPW and they also said it was done (inaudible).

9 BOARD: (inaudible).

10 MS. KOSINO: No, but the page before.

11 BOARD: I know, I was just, I was just making the
12 record clear as to whether or not you were (inaudible), yes.

13 MR. VETTORI: All right. I want to mark as
14 Petitioner's Exhibit 30, the 2018, no, I got the wrong one,
15 sorry. The 2018 basic services map.

16 CHAIR: Thank you.

17 MR. BAKER: Thank you.

18 BOARD: Thank you.

19 MR. MCCANN: And before we get into it, Mr. Garber,
20 can I have a continuing objection? Because again, we're
21 dealing with an old map.

22 CHAIR: A continuing objection based on the old map,
23 well, --

24 MR. MCCANN: Based on the old map and the relevance
25 in general of any level of service analysis, given that the

1 County Council has determined what the level of service is.

2 CHAIR: Well, again, to explain the traffic impact
3 study in this case, they used this information as to its
4 impact, not trying to use that word twice, but as to its effect
5 on this case here today and that we, whatever has to happen,
6 there may be some dispute as to what now goes on. But it is
7 relevant to the determinations made by Century Engineering with
8 respect to their traffic impact study. So, on that basis, I'm
9 going to overrule the objection.

10 MR. MCCANN: Okay.

11 CHAIR: I understand your arguments, and they're
12 probably better preserved for cross examination and your own
13 evidence.

14 MR. MCCANN: I just wanted (inaudible), that's all,
15 thank you.

16 CHAIR: Yes.

17 MR. VETTORI: I'm also going to mark as Petitioner's
18 Exhibit 31, a blow-up of kind of this intersection, because I
19 know that can be a little bit hard to pick up on what's going
20 on here, or recognize the standing objection.

21 MR. MCCANN: Thank you.

22 MR. VETTORI: Still, if that's okay.

23 BOARD: Thank you.

24 CHAIR: And just to make the record clear, yes, we'll
25 allow the standing objection on that basis.

1 MR. MCCANN: Thank you.

2 MR. VETTORI: And with respect to Exhibit 29, or I'm
3 sorry, Exhibit 30, the 2018 basic services map, does that
4 reflect your understanding of what the County produced as the
5 basic services map from 2018?

6 MS. KOSINO: It is.

7 MR. VETTORI: And so, I'd move in, I guess, Exhibit
8 30, accepted into evidence.

9 CHAIR: Aside from the continuing objection, --

10 MR. VETTORI: Aside from the continuing objection.

11 CHAIR: -- is there any other objection to Exhibit
12 30?

13 MR. MCCANN: No other objection, no.

14 MR. BAKER: No objection.

15 CHAIR: Okay. So, it will be admitted, understanding
16 there was a continuing objection.

17 MR. VETTORI: With respect to Exhibit 31, is it your
18 understanding that what you're looking at, can you identify
19 this, what, what we're looking at here in this exhibit?

20 CHAIR: Thank you.

21 MS. KOSINO: Can I, it's showing --

22 CHAIR: What is Exhibit 31?

23 MS. KOSINO: Yes, it is showing, essentially, the
24 basic services map for traffic along this section of roadway,
25 roadways.

1 CHAIR: And is it based off of Exhibit 30?

2 MS. KOSINO: Yes. Yeah, it's just a blow-up of
3 Exhibit 30.

4 MR. VETTORI: And it's specifically showing two
5 intersections circled, correct?

6 MS. KOSINO: Correct.

7 MR. VETTORI: And what are those intersections?

8 MS. KOSINO: Timonium Road at York Road and Padonia
9 Road at York Road.

10 MR. VETTORI: Okay and is it your understanding from
11 looking, I think, probably first at Exhibit 30, which shows
12 what, does it have a key that shows what blue signifies?

13 MS. KOSINO: Yes, it does.

14 MR. VETTORI: What does it signify?

15 MS. KOSINO: Blue signifies level of service D.

16 MR. VETTORI: Okay. So, presumptively, both of these
17 intersections that are circled are level of service D?

18 MS. KOSINO: Correct.

19 MR. VETTORI: Okay.

20 CHAIR: At the time of --

21 MS. KOSINO: Yes.

22 MR. VETTORI: Two thousand eighteen.

23 CHAIR: Yes.

24 MR. VETTORI: Correct. And the shed from it is the
25 blue area?

1 MS. KOSINO: Yes.

2 MR. VETTORI: Correct? And I think what we see as
3 Greenspring Drive, is that what eventually turns into Deerco
4 Road?

5 MS. KOSINO: It does.

6 MR. VETTORI: And then, further north into Beaver Dam
7 Road?

8 MS. KOSINO: Yes.

9 MR. VETTORI: Or as this blow-up says, Dam Road? Is
10 that a yes?

11 MS. KOSINO: Yes.

12 MR. VETTORI: Thank you. So, the shed from the
13 intersections of, I don't know which one it is necessarily,
14 Padonia Road, York Road or Timonium Road, York Road, it doesn't
15 necessarily include this property, correct?

16 MS. KOSINO: The D shed?

17 MR. VETTORI: The D shed, correct.

18 MS. KOSINO: No, it does --

19 MR. VETTORI: In 2018.

20 MS. KOSINO: It doesn't include the property, no.

21 MR. VETTORI: Okay. I'm going to mark as 2019, or as
22 exhibit number thirty-two, the 2019 basic services map
23 transportation. And again, this is unsigned, this has not been
24 signed by the County Council. What, this is what, well, you
25 can talk to it. It's on the Baltimore County web page.

1 CHAIR: So, with respect to thirty-one, any objection
2 aside from the continuing objection?

3 MR. MCCANN: No other objection, no.

4 MR. BAKER: Nothing.

5 CHAIR: All right. So, it will be admitted subject
6 to that.

7 MR. VETTORI: (inaudible). Can you please identify
8 this exhibit?

9 MS. KOSINO: This is the 2019 basic services map.

10 MR. VETTORI: And is it presumed that at some point
11 after the Council has passed the bill regarding the basic
12 services maps, that this map will be signed?

13 MS. KOSINO: I would presume so.

14 MR. VETTORI: And at this juncture, it has not been
15 signed, correct?

16 MS. KOSINO: It is not signed.

17 MR. BAKER: I'm going to object to that line of
18 questioning. In, in light of the fact that it's not signed and
19 in light of the fact that there was testimony earlier as to the
20 passage of Bill 1219. I, I don't think that this map is
21 accurate.

22 MR. VETTORI: And I'm only trying to get it admitted
23 for the limited purpose of its what's in the County's file
24 right now.

25 CHAIR: That's what I was trying to figure out here.

1 Ms. Kosino, are you familiar with what's now been labeled
2 Exhibit 32?

3 MS. KOSINO: Yes.

4 CHAIR: Okay. Did you, did you obtain this document?

5 MS. KOSINO: No.

6 CHAIR: Okay. Where have you seen this document
7 before?

8 MS. KOSINO: In traffic impact studies and on the
9 website.

10 CHAIR: And when you say in traffic studies and on
11 the website, the traffic studies you're referring to, are we
12 talking about the 2000, what's been labeled on this thirty-two,
13 is 2019?

14 MS. KOSINO: Oh, the '19, no, no.

15 CHAIR: Okay.

16 MS. KOSINO: The '18 and previous ones.

17 CHAIR: Okay. So, your, you don't know where the two
18 thousand, this, this document, thirty-two, where the 2019 basic
19 services map transportation zones, where it comes from?

20 MS. KOSINO: No.

21 CHAIR: All right. Mr. McCann?

22 MR. MCCANN: I just wanted to add and, and I don't
23 think this is cross examination, I just wanted to make the
24 Board aware, aware that Mr. Vettori is right, you can get this
25 from the website, it's on the website. But what the website

1 says, --

2 CHAIR: Hold on, before we get there.

3 MR. MCCANN: Yeah.

4 CHAIR: Mr. Vettori, there seem to be some problems
5 here with 2019, this 2019 map, Petitioner's Exhibit 32, as this
6 witness is not the one who obtained it. Can you, is there some
7 type of, I guess, proffer as to where you got it from?

8 MR. VETTORI: I think it's a self-authenticating
9 document. It's on, as I think Mr. McCann just admitted that
10 it's on --

11 MR. MCCANN: (inaudible).

12 CHAIR: Hold on, hold on. The reason why I can't say
13 it's self-authenticating is it's actually not signed.

14 MR. VETTORI: Okay.

15 CHAIR: That being the problem. However, if it's
16 been obtained from the County website, that is, it is actually
17 posted up there, then what Mr. McCann has to say about it
18 becomes actually more instructive.

19 MR. VETTORI: It is posted on the County website.
20 Specifically if you Google basic services map Baltimore County.

21 CHAIR: I see, Mr. McCann you are nodding your head
22 yes.

23 MR. MCCANN: Yes. Well, two things. The 2018 maps,
24 which have been adopted, which have been signed, on the
25 website, they are not signed. So, I don't, I don't think the

1 signing or non-signing of this makes the difference. What,
2 what the problem with this 2019 --

3 CHAIR: Well, hold on, if I can.

4 MR. MCCANN: Yeah.

5 CHAIR: There actually is, because what is signed
6 becomes self-authenticating. What is not signed is not self-
7 authenticating. So, now we go to, how else do I authenticate
8 it? It's on the County website. So, you say, you agree that
9 two, this 2019 Exhibit 32 is on the County website. However,
10 there is other language that comes with it.

11 MR. MCCANN: Yeah, I'm not speaking to
12 authentication. What I'm speaking to is the fact that this is,
13 as the website itself says, a draft. It says, these, and it
14 gives the link to this very document --

15 CHAIR: Well, before you read that out loud, please
16 show Mr. Vettori so there is not a dispute as to what is, what
17 comes with it.

18 MR. MCCANN: (inaudible).

19 MR. VETTORI: Correct. The word draft is used.

20 CHAIR: All right. Now, we have to read it, now that
21 we agree as to what is actually stated.

22 MR. MCCANN: I'll just read it out loud --

23 CHAIR: Yes, that would be ideal.

24 MR. MCCANN: -- (inaudible) over my shoulder. It
25 just says, on January 17th, 2019, the draft versions of the 2019

1 basic services maps were introduced to the Planning Board to
2 begin the annual adoption process. The following are pdf files
3 of the draft documents for 2019 and will, will open in a new
4 window. And then it lists the, the engineering report and then
5 the, each of the maps and it says draft next to each of the
6 maps, including --

7 MR. VETTORI: For sewerage, water supply and
8 transportation, that is accurate.

9 CHAIR: And I'm anticipating that if we were to
10 compare the 2019 version, that's Exhibit 32, to the 2018
11 version, that's Exhibit 30, it'll probably be the same because
12 it is the point from which they will start to then take a look
13 at the maps and how they would adjust the maps. So, there's
14 not going to be a distinction between the two.

15 MR. VETTORI: There will not.

16 CHAIR: Right. So, what is the purpose of Exhibit 32
17 then, if this witness has not seen it and we all recognize it's
18 the starting point for what happens in 2019?

19 MR. VETTORI: Well, I don't think she hasn't seen it,
20 per se, I think she's looked at it but maybe not this
21 particular document you're holding in your hand, just the link
22 to look at the map that is prepared on the County website.
23 Have you seen the County, have you looked at the County's basic
24 services map website to look at the map?

25 MS. KOSINO: I have, yes.

1 MR. VETTORI: And you've clicked on the link draft
2 map and you've looked at that map, which is this map?

3 MS. KOSINO: The 2019, I have not. The 2018, I have.

4 CHAIR: And that's what I understood, it is the 2019
5 she had not seen.

6 MR. VETTORI: Okay. I misunderstood, I apologize.

7 CHAIR: So, I will sustain the objections to the 2019
8 map.

9 MR. VETTORI: Okay. Have you had a chance to review
10 the, the report that there's a link to in 2019?

11 MS. KOSINO: The, --

12 MR. VETTORI: So, for the basic services map 2019, I
13 think, as Mr. McCann just pointed out, you can go to the
14 County's web page regarding basic services maps, you can click
15 on the link to the map, then there's also a report, which you
16 previously testified about the 2018 one.

17 MS. KOSINO: Um hm.

18 MR. VETTORI: Designating D, E and F intersections,
19 and then having a list at the end of different intersections
20 of, that are on that chart. Have you clicked on that link and
21 looked at that document?

22 MS. KOSINO: I don't believe so.

23 MR. VETTORI: Okay. I will not introduce that
24 exhibit, save us the hassle.

25 CHAIR: Very well.

1 MR. VETTORI: I happen to know I got this from you,
2 so I will, because I didn't bother to go look it up myself.
3 Are you, did you forward to me a copy of the, a limited
4 exemption development plan for 9690 Deerco Road or what we
5 have, I think, been commonly referring to as Atapco?

6 MS. KOSINO: Yes.

7 MR. VETTORI: Okay. I am going to mark that as --

8 CHAIR: Thirty-three.

9 MR. VETTORI: Thirty-three.

10 CHAIR: Mr. Baker?

11 MR. BAKER: Again, just an objection for the record
12 as to relevance (inaudible) for Mr. Vettori to explain --

13 CHAIR: We haven't, (inaudible) provided with the
14 exhibit yet, so let's hand them out the exhibits first.

15 MR. VETTORI: Okay. Let's do that first. Here you
16 go.

17 CHAIR: And then, if you have copies for the Board?

18 MR. VETTORI: I, of course, do.

19 CHAIR: Thank you.

20 MR. VETTORI: (inaudible).

21 CHAIR: All right. So, sorry, Ms. Kosino, can you
22 please identify Petitioner's Exhibit 33?

23 MS. KOSINO: This is the development plan for the
24 Deerco Road property.

25 CHAIR: Okay and this is something that you obtained

1 yourself?

2 MS. KOSINO: Yes.

3 CHAIR: Okay and where did you obtain it from?

4 MS. KOSINO: From my office.

5 CHAIR: Now, I believe that there was an objection?

6 Mr. Baker, do you still have the objection?

7 MR. BAKER: Yes, again, just to relevance. Different
8 site, different development, albeit in close proximity but I'm
9 not sure where Mr. Vettori is going to take this.

10 CHAIR: I'll assume, Mr. Vettori, this has some
11 relevance to your case.

12 MR. VETTORI: Sure.

13 CHAIR: What, do you have an explanation as to the
14 moment?

15 MR. VETTORI: I do. Ms. Kosino, when Century
16 Engineering submitted a traffic impact study originally, it was
17 back in 2018, is that correct? For review by SHA and the
18 County?

19 MS. KOSINO: It was in '19, I believe, but yes, the
20 original study.

21 MR. VETTORI: Okay. At some point, the County asked
22 you to include this development as part of their traffic, your
23 revisions to the traffic impact study, correct?

24 MS. KOSINO: Correct. We spoke with the County in
25 2018 about background developments and at that time, they said

1 that there were none, so we prepared the study and when we
2 actually submitted the study, they came back with a comment,
3 please include this because this had been approved between the
4 time of us preparing it and submitting it.

5 CHAIR: And by this, you're referring to Petitioner's
6 Exhibit 33?

7 MS. KOSINO: Yes.

8 CHAIR: So, I will overrule the objection.

9 MR. VETTORI: All right and, and essentially, that
10 development is showing some traffic improvements, if I'm not
11 mistaken?

12 MS. KOSINO: It is. I'm not sure if this plan is
13 actually showing those improvements, but I had to obtain the
14 traffic impact study for this development from the consultant
15 who put it together for inclusion in the background of the
16 traffic impact study that we were putting together for Sheetz.
17 And in that, they plan on modifying the Deerco Road
18 intersection to be a double left, a through and a right, so
19 four outbound lanes. Right now, it's three outbound lanes,
20 it's one left, a shared through left and a right. And they're
21 tasked to do that under their phase one of improvements.
22 There's two phases, I'm sorry, of development. There's two
23 phases of development in this property.

24 CHAIR: So, phase one is, is, in part, the
25 modification of Deerco Road?

1 MS. KOSINO: Correct.

2 MR. VETTORI: And that's --

3 MS. KOSINO: And that's required because this
4 property, in their traffic impact study, they lowered the
5 intersection of Padonia and Deerco, which is also Beaver Dam,
6 to a level of service E. To get it back to a D, the
7 improvements were required.

8 CHAIR: To get it back to a, all right. So, they
9 require the improvements to move the intersection from E to a
10 D?

11 MS. KOSINO: Yes. So, in our study and in the study
12 for this, the existing level of service at this intersection
13 was shown as a C in the a.m. and a D in the p.m. under both of
14 our studies. And then, when the Deerco Road additional traffic
15 was added on, it went down to an E in the p.m. With the
16 improvements, it brought it back to a D.

17 CHAIR: Okay. So, the improvements required brought
18 it back to a D, as the traffic impact study connected to the
19 Deerco Road, the Atapco property, correct?

20 MS. KOSINO: Yes.

21 CHAIR: And, and I'm sorry, I may not have caught the
22 point, how did that impact your traffic impact study for your
23 site?

24 MS. KOSINO: So, for our site, because this is an
25 approved development, --

1 CHAIR: Sorry.

2 MS. KOSINO: -- because it's an approved development,
3 we need to take into account their traffic as what we call
4 background in our study. So, we have existing traffic, which
5 is what's out there today, background, which is any growth
6 rates or any developments that are approved and not built, and
7 then you put those together in total would be the development
8 that we're reviewing plus everything else.

9 CHAIR: So, your, your traffic impact study relies on
10 the traffic impact study done for the Atapco property?

11 MS. KOSINO: The trip generation, yes.

12 CHAIR: Yes. And in part, in part --

13 MS. KOSINO: And that's approved.

14 CHAIR: -- meaning --

15 MS. KOSINO: Yes.

16 CHAIR: -- there's other things too, but.

17 MS. KOSINO: Yes, yes. And we're taking it from the
18 approved Atapco study.

19 CHAIR: I see Mr. Baker looks like he's about to jump
20 up.

21 MR. BAKER: I am, thank you. I just want to, I
22 guess, note a general objection. The witness is testifying to
23 two traffic impact studies, one for the Sheetz project, one for
24 Atapco, neither of which have been introduced into evidence.

25 CHAIR: I think we're, if I were to guess, that's

1 where we're heading.

2 MR. VETTORI: We are.

3 CHAIR: Right.

4 BOARD: Okay.

5 MR. BAKER: Thank you.

6 CHAIR: And I think we're, we're assembling the
7 information that spoke to what formed the traffic impact study
8 for the Sheetz site. This, that is Exhibit 33, being part of
9 it.

10 MR. VETTORI: That's correct. Before I do that, I
11 just wanted to double check two questions that will get hung up
12 if we start talking about traffic impact study. The access to
13 the site from the perspective of viewing the special exception
14 approval, you know, you've got a right in here and a right out.
15 Are these, and they're going to access roads, if you had a two
16 way movement into this site without these medians, what would
17 be the safer of the two access points? This hypothetical two
18 ways you could come in and out of the site or the right in,
19 right out?

20 MS. KOSINO: From a traffic engineering standpoint,
21 right in, right out is typically always safer.

22 MR. VETTORI: And what, if any, improvements were you
23 required to make as part of this proposed development?

24 MS. KOSINO: The traffic impact study shows using the
25 existing access points, keeping the right in, right out shared

1 use and also the one farther north, which is full movement.

2 MR. VETTORI: Okay.

3 MS. KOSINO: And when we were doing the traffic
4 impact study, we were also looking at the distance from the
5 intersection, because that has a lot to do with how safe or,
6 how safe it will be and if it will be in the influence area of
7 the intersection, which essentially is the cuing. So, how far
8 back do cars stack from the stop line back. So, the full
9 movement access is approximately six hundred feet from the stop
10 bar of, for the Padonia intersection. And that six hundred
11 feet is well beyond what is required by the access manual.
12 (inaudible) typically prefers about two hundred feet, so we're
13 well beyond that and then also, observation showed that the
14 cuing that were observed then, didn't extend back.

15 CHAIR: So, just to break that down and make sure I
16 understood that, the access manual requires two hundred feet
17 from the access to the intersection, did I understand that
18 correctly?

19 MS. KOSINO: It is from the point of tangent of the
20 curb. So, basically, when you're coming around the curb, or the
21 curb, it curves around and then it is tangent. It's that
22 point, which is approximately the stop bar, typically.

23 CHAIR: Right, sorry, yes. The stop bar to the
24 access point?

25 MS. KOSINO: To the access point.

1 CHAIR: And in this case, it's six hundred feet.

2 MS. KOSINO: Six hundred feet.

3 CHAIR: And there's no issue, from your analysis, as
4 to any cuing or stacking issue presented, even at six hundred
5 feet?

6 MS. KOSINO: Even at six hundred feet. And if, by
7 some fluke, it did happen, they're pulling over into a bay that
8 has a good length to it because it's a back to back bay for the
9 left to go into the extended stay hotel and the left to go onto
10 Padonia Road and then the curb runs between, the median runs
11 between the two. So, even if there was someone who had to
12 wait, there's places for them to stack.

13 CHAIR: Right, okay. So, to be clear, you admitted
14 Exhibit 33. It looks like you're about to hand out another --

15 MR. VETTORI: Exhibit 34, yes. I was just going to
16 double check on thirty-three, picking up my slack all day so--

17 CHAIR: I overruled the objection too, so that's
18 admitted.

19 MR. VETTORI: I'm marking as the next exhibit --

20 CHAIR: Thirty-four.

21 MR. VETTORI: -- as thirty-four. Can you please
22 identify this document?

23 MS. KOSINO: This is the original traffic impact
24 study that we submitted to the County and the State.

25 MR. VETTORI: And the traffic impact analysis, as

1 it's called, as it says here, it says it's February 8th, 2018.
2 Is that actually the date that it was prepared or date it was
3 submitted, do you not really know?

4 MS. KOSINO: That was the original date that it was
5 prepared. It wasn't submitted until maybe February of this
6 year? I don't, I don't remember the exact date it was
7 submitted, maybe March.

8 MR. VETTORI: And this is the exhibit that was
9 approved by SHA or the traffic impact study that was approved
10 by SHA, correct? Even though they wanted a resubmission?

11 MS. KOSINO: No, the one that was approved was dated
12 March 21, (inaudible).

13 CHAIR: Of 2018?

14 MS. KOSINO: Two thousand nineteen.

15 CHAIR: Nineteen, hold on.

16 MR. VETTORI: Okay.

17 MS. KOSINO: This is the original one.

18 MR. VETTORI: All right.

19 CHAIR: Well, so, let's back up. So, on March 20th,
20 2019, there was an approval by MDOT here on the traffic impact
21 study with the request to submit a revised traffic impact study
22 with, which would have no impact on the decision already made,
23 just to clean up some things?

24 MS. KOSINO: For the State, yeah, this is the one
25 that the State approved with some comments that, and then the

1 revised one we sent them, a cursory copy, here's your, this --

2 CHAIR: This is the one that was approved, but
3 requested minor revisions?

4 MS. KOSINO: By the State, yes.

5 CHAIR: Okay and then the one you're referring to,
6 March 26th or so, is the one with those minor revisions?

7 MS. KOSINO: Yes. But the County, this, this does
8 not have the Deerco Road property in it. The County had a
9 comment that they wanted the Deerco property.

10 CHAIR: Right.

11 MS. KOSINO: This doesn't include that.

12 CHAIR: This, as in Exhibit 34.

13 MR. VETTORI: That's correct. And I'm going to mark
14 as Petitioner's Exhibit 35, (inaudible). Can you please
15 identify what's been marked as Petitioner's Exhibit 35?

16 MS. KOSINO: This is the traffic impact analysis
17 dated March 26th, 2019. This is the study that was approved by
18 the County and, ultimately, the, the State was given a cursory
19 copy of it (inaudible).

20 CHAIR: So, just to close the loop, the March 26th,
21 2019 traffic impact study, Petitioner's Exhibit 35, would
22 reflect the minor revisions discussed in the March 20th, 2019
23 letter from MDOT and addresses the County's comments.

24 MS. KOSINO: Correct.

25 CHAIR: All right. Any objections to thirty-four and

1 thirty-five?

2 MR. BAKER: No objection.

3 MR. MCCANN: No objection.

4 CHAIR: So admitted.

5 MR. VETTORI: And then, just quickly, the two
6 questions again. I think that, in a special exception
7 consideration, that, or at least the one that matters most, do
8 you have an opinion as to whether the proposed fuel service
9 station will tend to create congestion in the roads, streets or
10 alleys greater than the congestion inherent with a fuel service
11 station?

12 MS. KOSINO: I do.

13 MR. VETTORI: And what is that opinion?

14 MS. KOSINO: That it won't.

15 MR. VETTORI: And what is the basis of that opinion?

16 MS. KOSINO: The traffic impact study shows that
17 with, with the development and with the background
18 developments, the intersection here will operate at a level of
19 service C at the a.m. and D in the p.m.

20 CHAIR: Will be C in the a.m. and D in the p.m.?

21 MS. KOSINO: Yes.

22 MR. VETTORI: And are you aware of anything that has
23 changed between your submission of that traffic impact study
24 and today, that would materially change that conclusion?

25 MS. KOSINO: For traffic operations, I am not.

1 MR. VETTORI: Thank you. That's all the questions I
2 have.

3 CHAIR: All right. So, it's about ten after four.
4 How long do each of you think you may be?

5 MR. MCCANN: I think Adam may have more than I do.
6 Is that fair? But (inaudible) I, maybe fifteen, twenty
7 minutes.

8 CHAIR: For yourself and Mr. Baker?

9 MR. BAKER: I might be about the same.

10 CHAIR: Okay. We may be able to finish cross
11 examination then of this witness. What's that?

12 BOARD: No.

13 CHAIR: You don't believe that?

14 BOARD: Not if it's going to take forty-five minutes,
15 that's going to be, four, I mean thir, thirty minutes. That's
16 going to be 4:45.

17 CHAIR: Yeah, yeah, I know. I'm risking my life
18 here. Oh, you need to go? Well, that's a different matter.
19 Yeah, I was basing it off of, okay.

20 BOARD: (inaudible).

21 CHAIR: So, with that in mind, it sounds like we're
22 going to have to resume this on day two, which is June 18th.
23 Can you all show up at 9:00 a.m. on June 18th?

24 BOARD: No, 9:30 --

25 CHAIR: Oh, sorry, you know what? We have a

1 deliberation at 9:00 a.m. So, yeah, so leave it at 10:00.

2 MR. VETTORI: Do you think it will be a long
3 deliberation? We should be here maybe 9:30?

4 CHAIR: I, I don't, the thing is, I can't answer that
5 question.

6 MR. VETTORI: Okay.

7 CHAIR: And so, I don't want to have people adjust
8 their schedules. Just leave it at 10:00.

9 MR. VETTORI: We'll probably be here at 9:30 anyways.

10 MR. BAKER: We, we can, we can be here early ready to
11 go whenever the Board is ready.

12 CHAIR: Right. So, there, yeah, so, there's a
13 deliberation that morning. So, when the deliberation is done,
14 we can pick up day two, if everybody is ready to go and
15 available to go. Is there anything else that needs to be
16 addressed at this time?

17 MR. VETTORI: There is not.

18 CHAIR: All right. I will remind you, you are still
19 on the stand, though you are an expert witness, so, I guess you
20 know what to do, act accordingly with respect to that.
21 (inaudible).

22 MR. VETTORI: Should, should we keep these --

23 CHAIR: Yes, they, they need to stay.

24 MR. VETTORI: Yes, so we'll take them (inaudible)
25 give them to your staff, if that's okay? Unless you want us to

1 do it right now and get them to you before we go?

2 CHAIR: Oh, you know what? Can't hurt, one way or
3 the other, we're good.

4 MR. VETTORI: All right.

5 BOARD: Do you want to go off the record yet?

6 CHAIR: Yes, we can go off the record. Sorry, sorry.

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25 (OFF THE RECORD - 04:08:13 PM)

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4 CERTIFICATE OF TRANSCRIBER

5 I hereby certify that the hearing in the matter of
6 Timonium SAB, LLC, case number 18-316SPHX, heard before the
7 Board of Appeals of Baltimore County, June 6, 2019 were
8 recorded by means of audiotape.

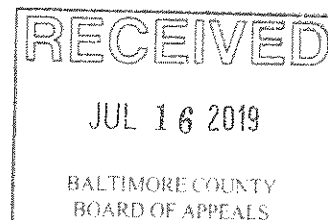
9 I further certify that, to the best of my knowledge and
10 belief, page numbers 1 through 223 constitute a complete and
11 accurate transcript of the proceedings as transcribed by me.

12 I further certify that I am neither a relative to nor an
13 employee of any attorney or party herein, and that I have no
14 interest in the outcome of this case.

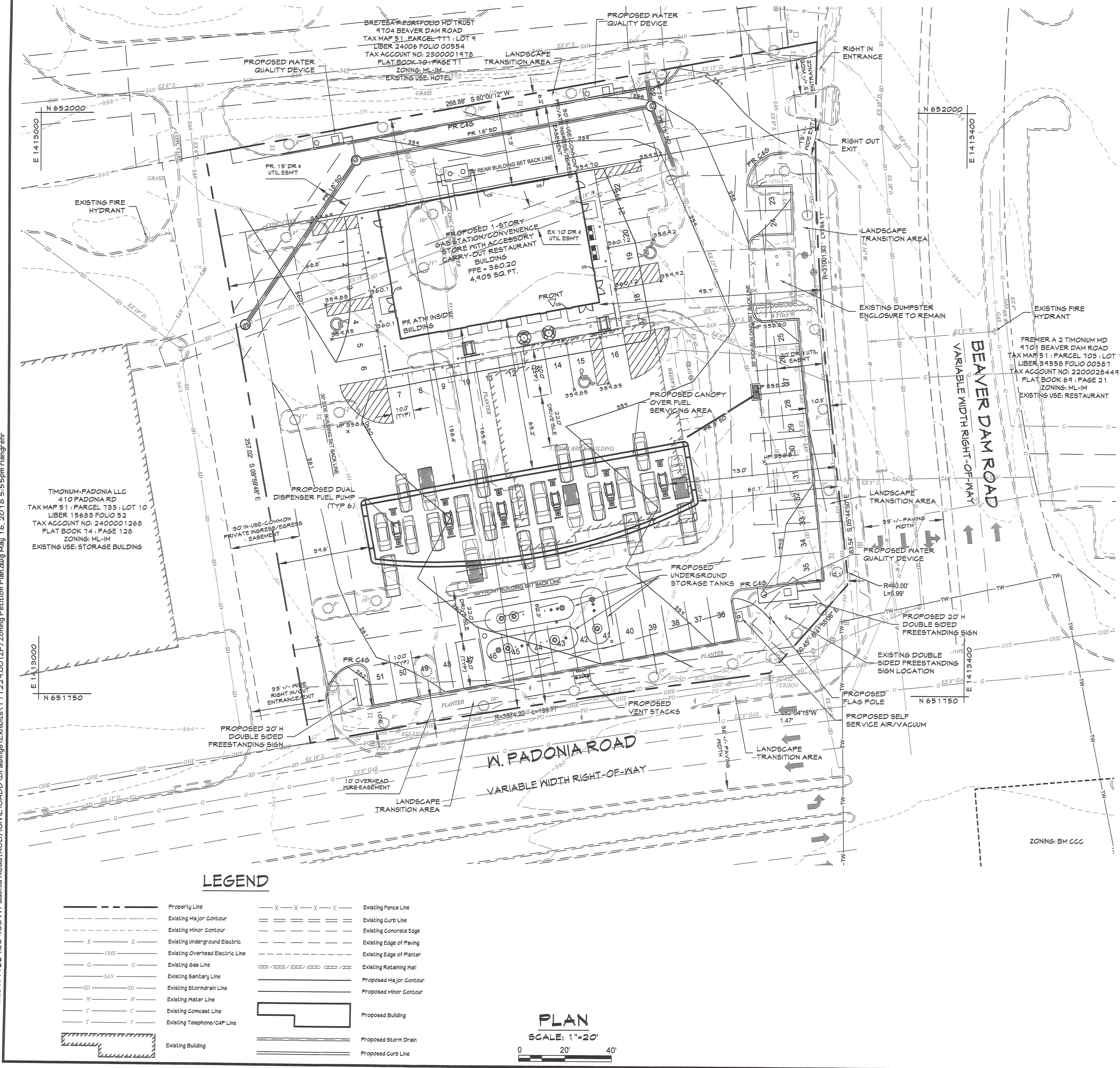
15 In witness thereof, I have affixed my signature this 8th
16 day of July, 2019.

17
18
19
20 *Christine R. Leary*
21 Christine R. Leary

22 Transcriber
23
24
25



T:\2011\TFacilities\111222\00 400 W Padonia Road (R&B)\CADD\Drawings\Exhibits\111222\00 (ZF) Zoning Petition Planning May 16, 2018 5:55pm hangrehr



TIMONIUM-PADONIA LLC
410 PADONIA RD
TAX MAP 51, PARCEL 733: LOT 10
LIBER 15683 FOLIO 52
TAX ACCOUNT NO: 2400001268
PLAT BOOK 14: PAGE 128
ZONING: ML-IM
EXISTING USE: STORAGE BUILDING

E 1419000
N 651750

LEGEND

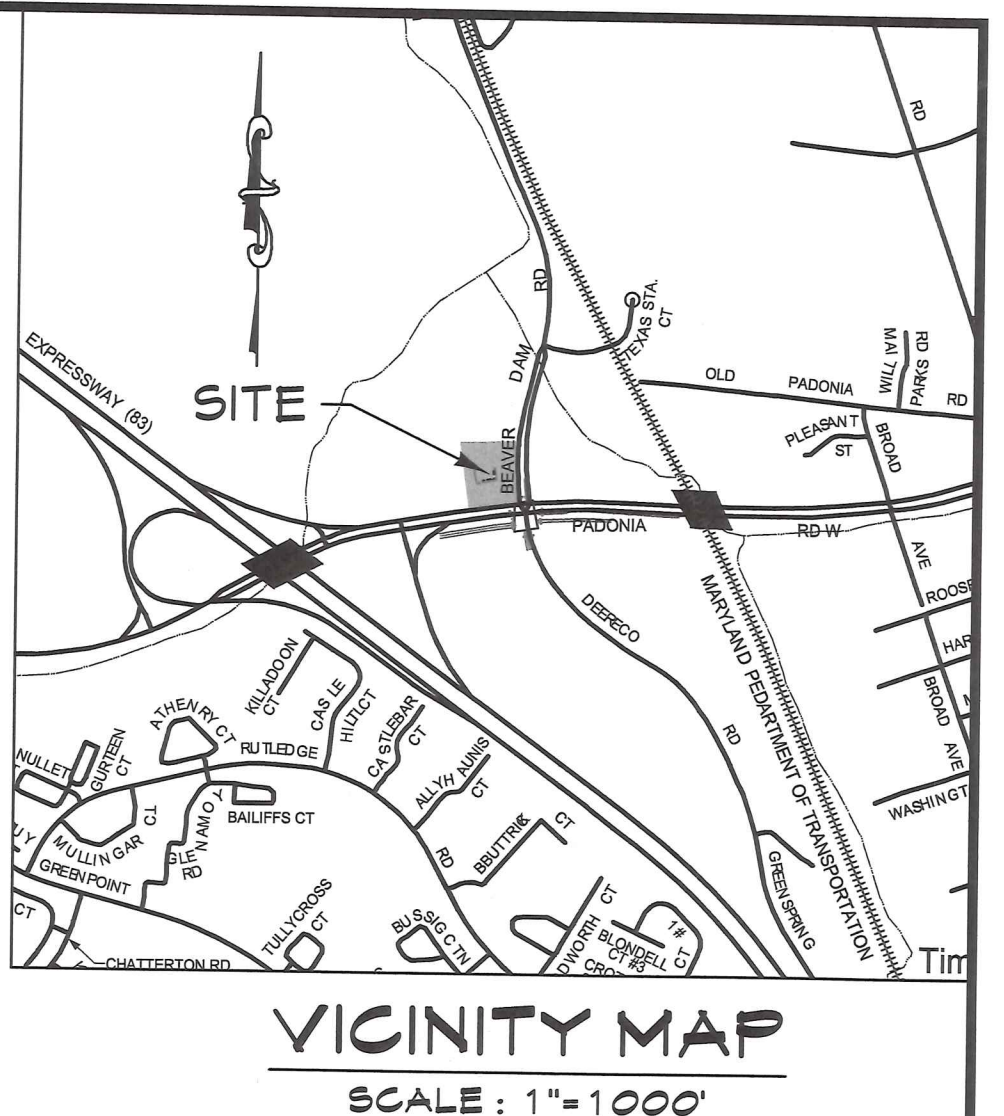
Property Line	Existing Fence Line
Existing Major Contour	Existing Curb Line
Existing Minor Contour	Existing Concrete Edge
Existing Underground Electric	Existing Edge of Paving
Existing Overhead Electric Line	Existing Edge of Planter
Existing Gas Line	Existing Retaining Wall
Existing Sanitary Line	Proposed Major Contour
Existing Stormdrain Line	Proposed Minor Contour
Existing Water Line	Proposed Building
Existing Comcast Line	Proposed Storm Drain
Existing Telephone/CAT Line	Proposed Curb Line
Existing Building	

PLAN

SCALE: 1"=20'

0 20' 40'

Maryland Coordinate System
NAD 83 2011: NAVD 83



DATA SOURCES:

- The topographic and boundary information shown inside the property and boundary on this plan is from Century Engineering Inc dated January 2018.
- The topographic information shown outside the property and boundary from Baltimore County GIS.
- Existing utilities shown hereon from field location, public records or other sources. Exact location not guaranteed.
- Coordinates & elevations are referred to the Maryland Coordinate System horizontal datum NAD 83/2011 and vertical datum NAVD 88.
Designation: 1009
Easting: 651424.146
Elevation: 378.17
A spike in the sidewalk along York Road across from Roosevelt Street and between entrances to a gas station.
1100 651835.515 1416068.875 364.47
Capped rebar located on the south east corner of York Road and Padonia Road.

DATE	BY	REVISIONS

CENTURY ENGINEERING

CONSULTING ENGINEERS - PLANNERS

10710 Gilroy Road, Hunt Valley, MD 21031
Phone: 443.589.2400 Fax: 443.589.2401
www.centuryeng.com

Plan to Accompany Request
for Zoning Hearing

SHEETZ

400 W. PADONIA RD, TIMONIUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448

ISSUE DATES

REVIEW: March 2018
BID: _____
PERMIT: _____
CONSTRUCTION: _____

SCALE: _____
PROJECT NO: 111222\00

DRAWN: RAL
DESIGNED: RAL
CHECKED BY: R.G.B.
DATE CHECKED: _____

DRAWING: 1 OF 2

CASE NO. 2018-0316-SPHX

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.

LICENSE NO: 24814 EXPIRATION DATE: 02/28/2020

GENERAL NOTES

1. OWNER: TIMONIUM SAB LLC.
C/O KEN GOODMAN
1001 E. TELECOM DR
BOCA RATON, FL 33493 1
2. CONTRACT PURCHASER/LESSEE: SHEETZ, INC.
C/O BRENT BRUBAKER
129 DEARING DRIVE
BOALSBURG, PA 16827
3. PROPERTY ADDRESS: 400 W. PADONIA RD
TIMONIUM, MD 21093
4. PARCEL TAX ID: Map 51, Grid 16, Parcel 702
5. Parcel TAX ACCOUNT NUMBER: #2200028448
6. PLAT REFERENCE: 69/17
7. DEED REFERENCE: L. 39630 F. 00455
8. ELECTION DISTRICT: 8
9. COUNCILMANIC DISTRICT: 3
10. SITE AREA: 1.48 AC. = 64,507 sqft
11. ZONING: ML IM
12. EXISTING USE : COMMERCIAL - RESTAURANT
13. PROPOSED USE: FUEL SERVICE STATION, CONVENIENCE STORE WITH ACCESSORY CARRY-OUT RESTAURANT

NUMBER OF FUEL SERVICE ISLANDS: 6
NUMBER OF MULTI PURPOSE DISPENSERS (MPD): 12

MAIN STRUCTURE FLOOR AREAS:	
FUEL SERVICE STATION OFFICE/REGISTER/BATHROOMS:	911 square feet
CONVENIENCE STORE:	1911 square feet
CARRY-OUT RESTAURANT:	2023 square feet
TOTAL:	4905 square feet

FLOOR AREA RATIO: REQUIRED: 2.0 (FROM BR ZONE)
PROVIDED: 0.1

14. ZONING

SETBACKS (PER BCZR § 255.1):	REQUIRED	PROVIDED
FRONT YARD:	50 feet	165 feet
SIDE AND REAR YARD:	30 feet	69 feet (side), 37 feet (rear)
PARKING AND LOADING SPACES:	AS PER SECTION 409	
DISPLAY OF MATERIAL IN FRONT YARD:	NOT MORE THAN 13 FEET IN FRONT OF FRONT BUILDING LINE	

HEIGHT: UNLIMITED

SETBACKS (PER BCZR § 405.4):	
MAIN STRUCTURE:	REQUIRED: 35 FEET FROM ANY STREET RIGHT-OF-WAY PROVIDED: 45 FEET
FUEL PUMP:	REQUIRED: 25 FEET FROM ANY STREET RIGHT-OF-WAY PROVIDED: 73 FEET
CANOPY:	REQUIRED: 15 FEET FROM ANY STREET RIGHT-OF-WAY PROVIDED: 61 FEET
SELF-SERVICE VACUUM STATION:	REQUIRED: 30 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY PROVIDED: N/A
LANDSCAPE TRANSITION AREA:	REQUIRED FROM PUBLIC RIGHT-OF-WAY: 10 FEET REQUIRED FROM SIDE AND REAR YARDS: 6 FEET PROVIDED FROM PUBLIC RIGHT-OF-WAY: 10 FEET MIN PROVIDED FROM SIDE AND REAR YARDS: 6 FEET MIN

HEIGHT:	
MAIN STRUCTURE:	24' FEET
CANOPY:	20' FEET

15. LIGHTING: ANY FIXTURE USED TO ILLUMINATE ANY PARKING FACILITY SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM RESIDENTIAL LOTS AND PUBLIC STREETS. LIGHT STANDARDS SHALL BE PROTECTED FROM VEHICULAR TRAFFIC BY CURBING OR LANDSCAPING.

16. ZONING STANDARDS (PER BCZR § 405.4.D):
- SITE DIMENSIONS:
- | | |
|-------------------------------|--|
| MINIMUM SITE AREA REQUIRED: | 18000 square feet (1500 per fuel service space) [12] |
| FOR FUEL SERVICE: | 7896 square feet (4 times the square footage of the convenience store sales area) [1911] |
| FOR CONVENIENCE STORE: | 1000 square feet (1000 per machine) |
| FOR AUTOMATIC TELLER MACHINE: | 12138 square feet (6 times the gross square footage of restaurant) [2023] |
| FOR CARRY-OUT RESTAURANT: | 39034 square feet |
| TOTAL: | 64507 square feet |
- SITE AREA PROVIDED:

17. UTILITIES: PUBLIC WATER
PUBLIC SEWER

18. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100235F, DATED SEPTEMBER 26, 2008

19. OFF-STREET PARKING: SEE TABLE
- | |
|--|
| FUEL SERVICE SPACES: REQUIRED - 1 PER MPD = 12, PROVIDED 12 |
| FUEL SERVICE STACKING SPACES: REQUIRED - 1 PER MPD = 12, PROVIDED 12 |

20. REGIONAL PLANNING DISTRICT: 309

21. CENSUS TRACT: 408400

22. WATERSHED: LOCH RAVEN RESERVOIR

23. PREVIOUS PERMITS: B22330 - ILLUMINATED MALL SIGNS (2) FOR PARAPET MALL
B822129 - INTERIOR ALTERATIONS
B28843 - CONSTRUCT A 1 STORY RESTAURANT BUILDING

24. THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

25. THERE ARE NO HISTORIC FEATURES ON THE SITE NOR IS THE SITE ITSELF HISTORIC.

26. PREVIOUS DRC MEETINGS: UNKNOWN

27. THE PROPERTY IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES MAP AREA.

28. PREVIOUS ZONING CASES:
- 1998-0086-A - THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of October 1997, that a variance from Section 413.6(F) of the BCZR to permit two stationary freestanding park identification signs of 125 sq. ft. each; in lieu of the permitted one identification sign totalling 150 sq. ft. per face, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6(D)(1) to permit 130 sq. ft. of sign maximum surface area in lieu of the permitted surface area maximum of 50 sq. ft. per face, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.6(B)(1) to permit single tenant identification signs of approximately 50 sq. ft. per face in lieu of the maximum of 25 sq. ft. be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 413.2(E), to allow a single feature/identification sign with a face area of approximately 570 sq.ft.,

in lieu of the maximum area of 150 sq. ft., be and is hereby GRANTED, subject, however, to the following restriction:

- 1 The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

R-1994-0335 - IT IS, THEREFORE, this 25th day of February, 2002, by the County Board of Appeals of Baltimore County ORDERED that said Petition filed in Case No. R-94-335 be and the same is declared moot, and the Petition DISMISSED.

29. ALL SIGNAGE WILL COMPLY WITH BCZR § 450
- a. FREESTANDING JOINT IDENTIFICATION SIGNS (BCZR § 450.4 ATTACHMENT 1.7(B))
- PERMITTED:
1. MAXIMUM NUMBER: ONE FREESTANDING JOINT IDENTIFICATION SIGN PER FRONTAGE
2. MAXIMUM HEIGHT: 25'
3. MAXIMUM FACE AREA: 75 SF
4. ILLUMINATED: YES

- PROPOSED:
1. NUMBER OF SIGNS: ONE FREESTANDING JOINT ID SIGN ON BOTH W. PADONIA RD. AND BEAVER DAM RD.
2. HEIGHT: 20'
3. FACE AREA: 28 SF
4. ILLUMINATED: YES

- b. WALL-MOUNTED ENTERPRISE SIGNS (BCZR § 450.4 ATTACHMENT 1.5(A))
- PERMITTED:
1. MAXIMUM NUMBER: THREE, WITH NO MORE THAN TWO ON ANY FACADE.
2. HEIGHT LIMIT: NONE, MAY NOT EXTEND ABOVE THE EAVES OR PARAPET.
3. MAXIMUM FACE AREA: TWICE THE LESSER OF THE LENGTH OF THE WALL TO WHICH THE SIGNS ARE AFFIXED OR 150 SQUARE FEET.
4. ILLUMINATION: YES

- PROPOSED:
1. NUMBER OF SIGNS: THREE (ON SEPARATE FACADES)
2. HEIGHT: ALL SIGNS ARE BELOW THE EAVES OR PARAPETS
3. FACE AREA: ONE 60 SF SIGN AND TWO 26 SF SIGNS
4. ILLUMINATION: YES

- c. SERVICE STATION CANOPY SIGNS (BCZR § 450.4 ATTACHMENT 1.5(E))
- PERMITTED:
1. MAXIMUM NUMBER: SIX
2. MAXIMUM HEIGHT: NONE, BUT CANNOT PROJECT ABOVE, BELOW OR BEYOND EITHER END OF THE FACE
3. MAXIMUM FACE AREA: 25 SF
4. ILLUMINATION: YES

- PROPOSED:
1. NUMBER OF SIGNS: FOUR
2. HEIGHT: DOES NOT EXTEND ABOVE, BELOW OR BEYOND EITHER END OF THE FACE
3. FACE AREA: 24 SF
4. ILLUMINATION: YES

30. LANDSCAPING WILL BE PROVIDED IN ACCORDANCE WITH THE LATEST BALTIMORE COUNTY LANDSCAPE MANUAL

31. STORMWATER MANAGEMENT HAS BEEN PROVIDED IN A REGIONAL STORMWATER MANAGEMENT POND WITH ADDITIONAL WATER QUALITY PROVIDED ON SITE.

Offstreet Parking Tabulation						
Category	Required		Provided Spaces **		Notes	
Fuel Service Station Employees (on Largest Shift)	4		4		Largest Shift	4 people
Convenience Store w/ accessory carry-out restaurant * (Sper1000sqft)	25		25		Store Size	4905 sqft
ATM (Per Unit)	1		1		No of ATMs	1 atm
Air/Vacuum (Per Unit)	1		1		No of Units	1/unit
Total	31		51			

* - If accessory carry-out restaurant is parked as standard restaurant this would be 16/1,000sq.ft. or 32 spaces

** - Provided parking spaces measure no less than 10'x20'

PURPOSE OF ZONING HEARING

Special Exception relief to approve:

1. A fuel service station under Sections 253 and 405 of the Baltimore County Zoning Regulations ("BCZR"); and

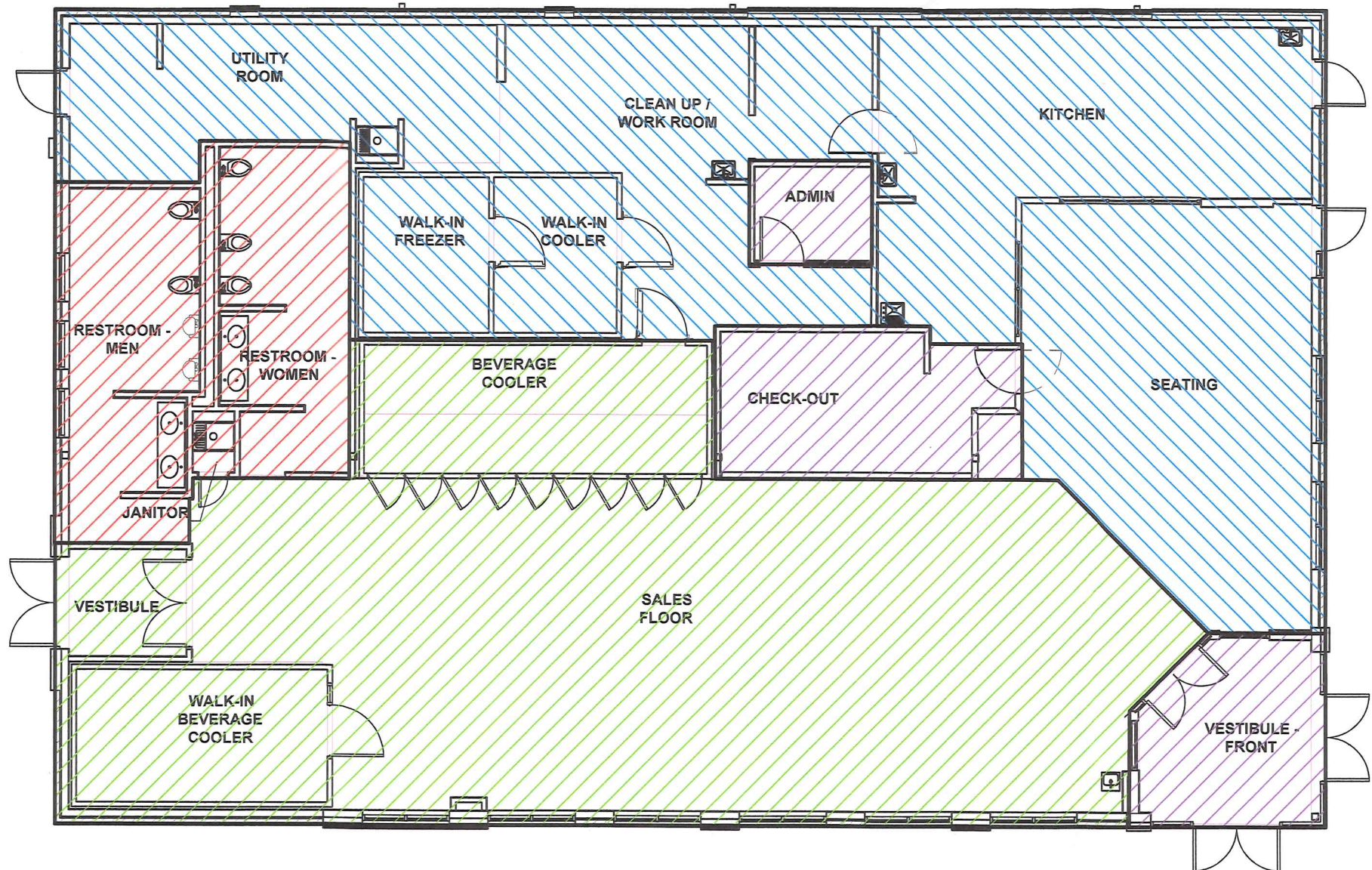
2. For such other and further relief as may be required by the Administrative Law Judge for Baltimore County.

Special Hearing relief to approve:

1. A request for confirmation that the ancillary uses and/or the uses in combination with the fuel service station are a convenience store and carry-out restaurant; and

2. The minimum number of required off-street parking spaces for the restaurant is limited to the square footage of the enclosed structure; or, in the alternative, a modified parking plan pursuant to Section 409.12.B of the BCZR to limit the required parking for indoor and outdoor seating to the ratio applicable to a carry-out restaurant; and

3. For such other and further relief as may be deemed necessary by the Administrative Law Judge ("ALJ") for Baltimore County.



LEGEND

	ACCESSORY CARRY-OUT RESTAURANT 2023 SF
	OFFICE AND REGISTER SPACE (SERVICE STATION USE) 431 SF
	CONVENIENCE STORE 1971 SF
	BATHROOMS (SERVICE STATION USE) 480 SF
TOTAL: 4905 SQ.FT.	

BUILDING USE PLAN

SCALE: 1"=10'



PROFESSIONAL CERTIFICATION

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LICENSE No.: 24814 EXPIRATION DATE: 02/28/2020

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- | | | | |
|-------------|------------|-------------|-----------|
| Designation | Northing | Easting | Elevation |
| 1089 | 651424.148 | 1416182.464 | 378.17 |
- A spike in the sidewalk along York Road across from Roosevelt Street and between entrances to a gas station.
- | | | | |
|------|------------|-------------|--------|
| 1100 | 651835.515 | 1416088.875 | 364.47 |
|------|------------|-------------|--------|
- Capped rebar located on the south east corner of York Road and Padonia Road.

DATE	BY	REVISIONS

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CONSULTING ENGINEERS - PLANNERS

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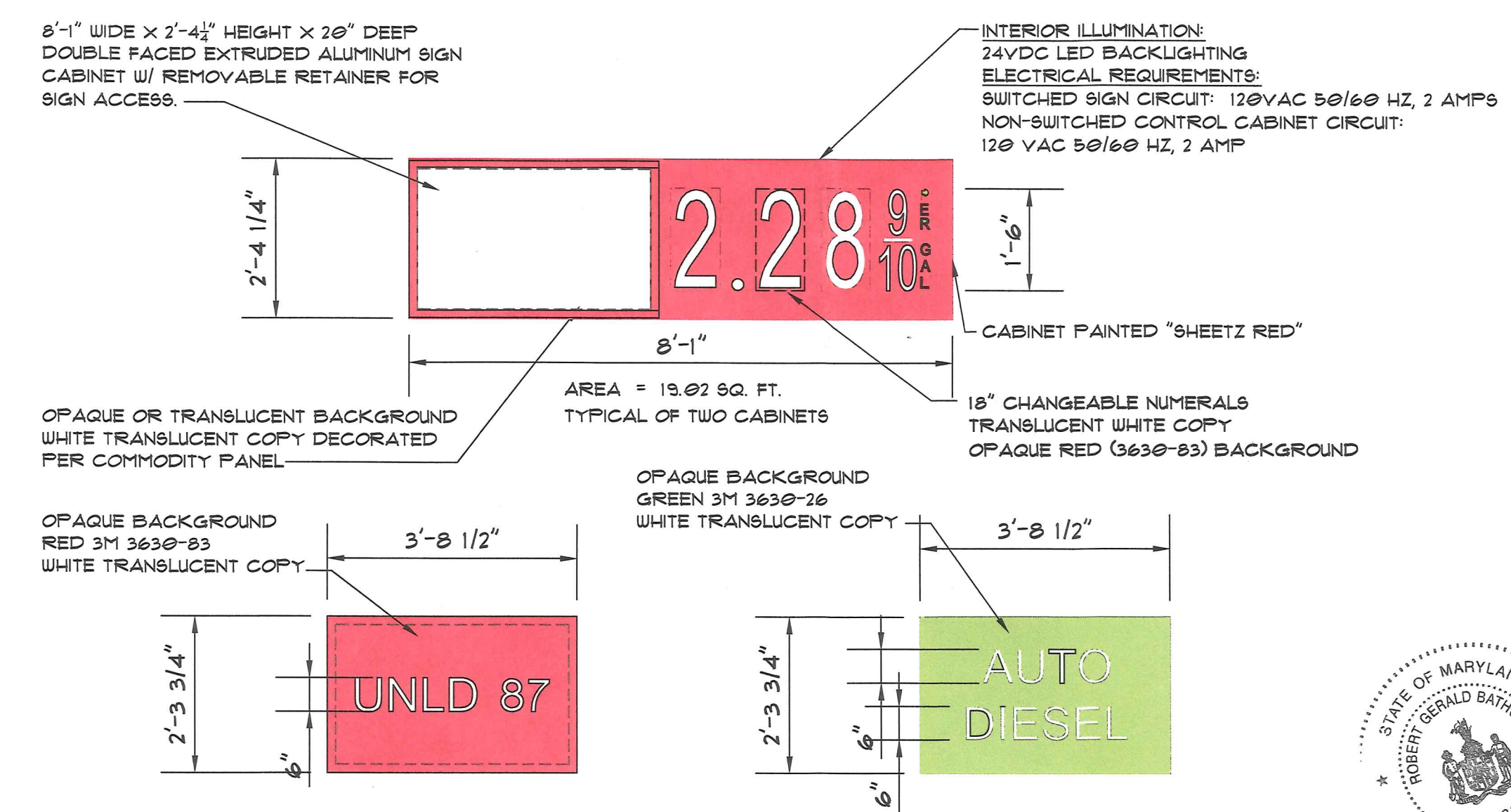
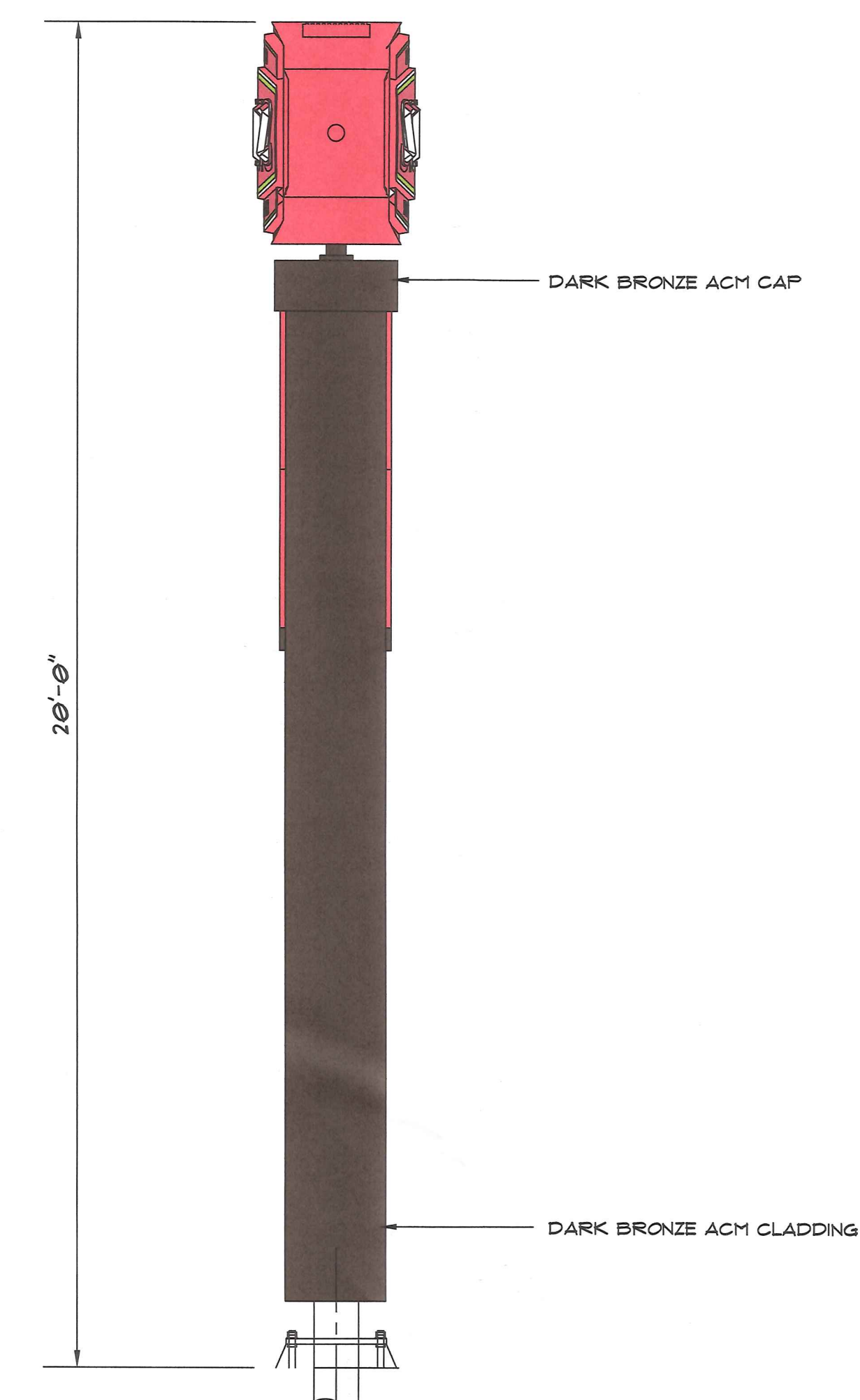
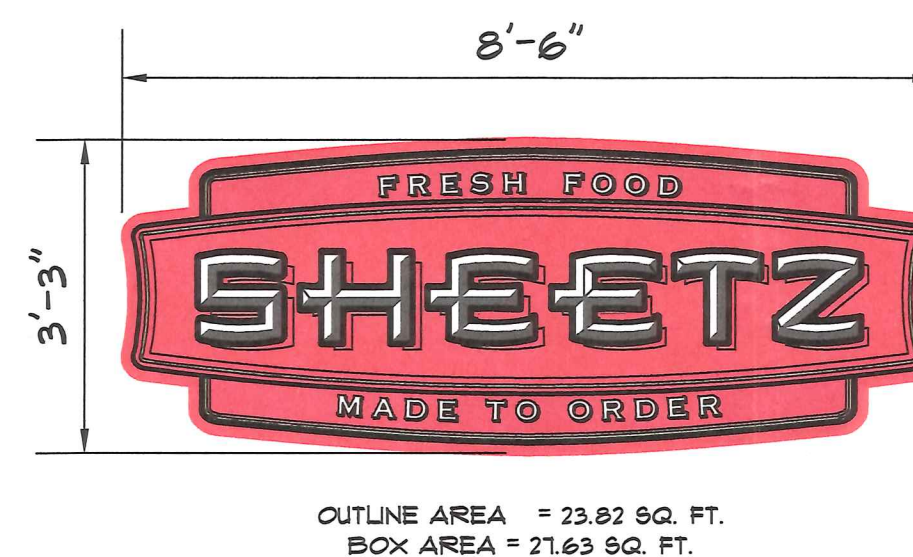
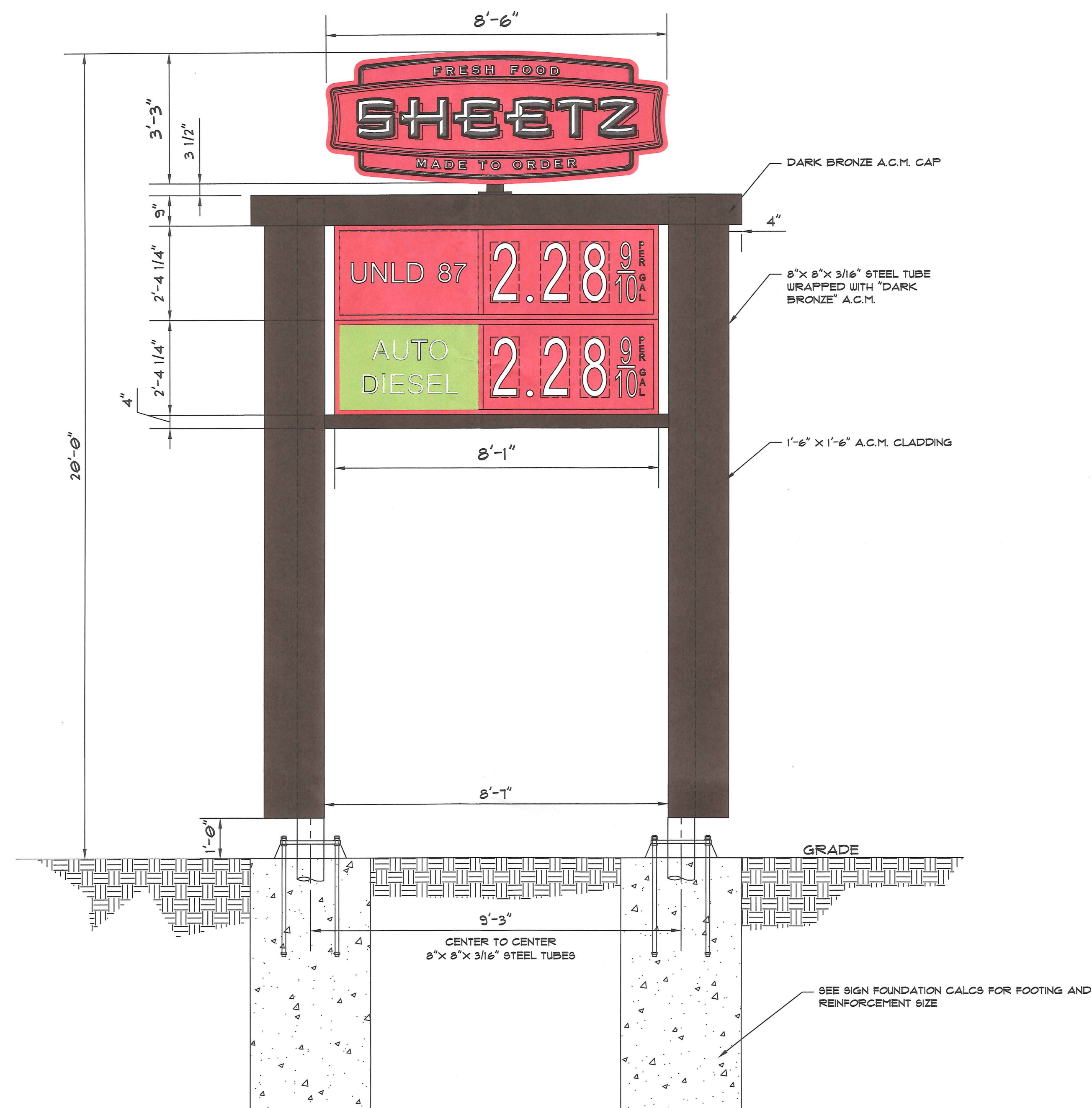
Plan to Accompany Request for
Zoning Hearing

SHEETZ

400 W. PADONIA RD, TIMONIUM, MD 21093

ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448

ISSUE DATES		
REVIEW:	March 2018	
BID:		
PERMIT:		
CONSTRUCTION:		DATE CHECKED:
SCALE:		DRAWING:
PROJECT NO.: 171229.00		2 OF 2



TYPICAL OF TWO SIGNS

Convenience Architecture
and Design P.C.

3351 Sheetz Way, Claysburg, PA 16625 (814)239-6013

**GAS PRICE
POLE SIGN
DETAILS**

NEW SHEETZ STORE
"TIMONIUM"
400 W. PADONIA ROAD
TIMONIUM
MARYLAND 21093

SCALE: 1/2" = 1'-0"

DATE: 04-04-18

DRAWN BY: NMI

FILENAME: TIMONIUM-SIGN



SHEETZ, INCORPORATED
5700 SIXTH AVENUE
ALTOONA, PA 16602
(814) 946-3611

NEW SHEETZ STORE "TIMONIUM"

400 W. PANDONIA ROAD
TIMONIUM
MARYLAND 21093

SIGNAGE SQUARE FOOTAGE BREAKDOWN

BUILDING ELEVATIONS

SHEETZ SIGN = 25.94 SQ. FT. X 2 = 51.88 SQ. FT.
SHEETZ SIGN = 59.50 SQ. FT. X 1 = 59.50 SQ. FT.
TOTAL = 111.38 SQ. FT. 111.38 SQ. FT.

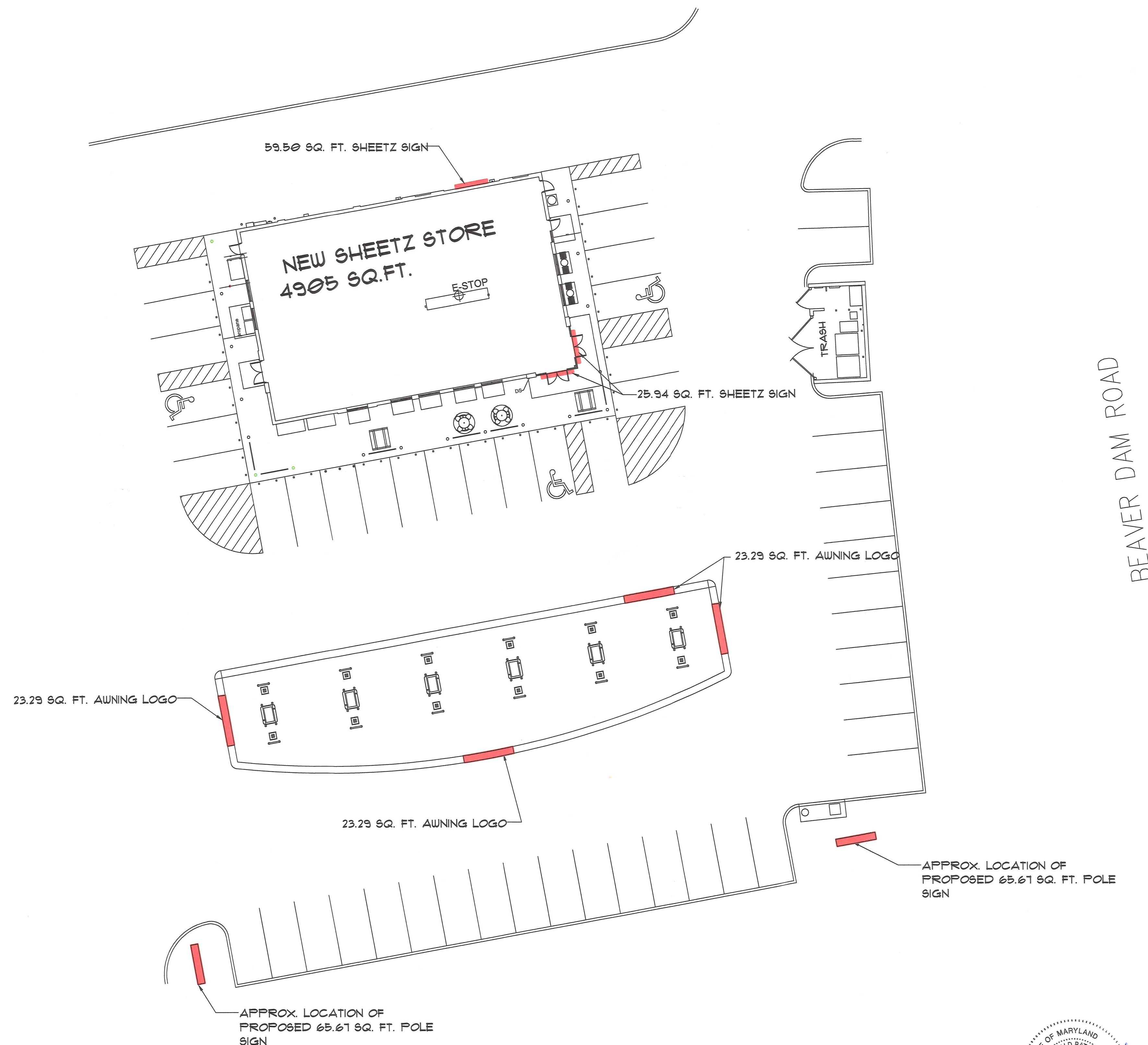
GAS PRICE POLE SIGN

SHEETZ SIGN = 27.63 SQ. FT. X 1 = 27.63 SQ. FT.
GAS PRICE SIGN = 19.02 SQ. FT. X 2 = 38.04 SQ. FT.
TOTAL = 65.67 SQ. FT. X 2 SIGNS 131.34 SQ. FT.

GAS CANOPY AWNING

SHEETZ LOGO AREA = 23.29 SQ. FT. X 4 = 93.16 SQ. FT.
TOTAL = 93.16 SQ. FT. 93.16 SQ. FT.

TOTAL SIGNAGE SQ. FT. FOR SITE = 335.88 SQ. FT.



SIGN LOCATIONS

W. PADONIA ROAD

2018-0316-SPHX

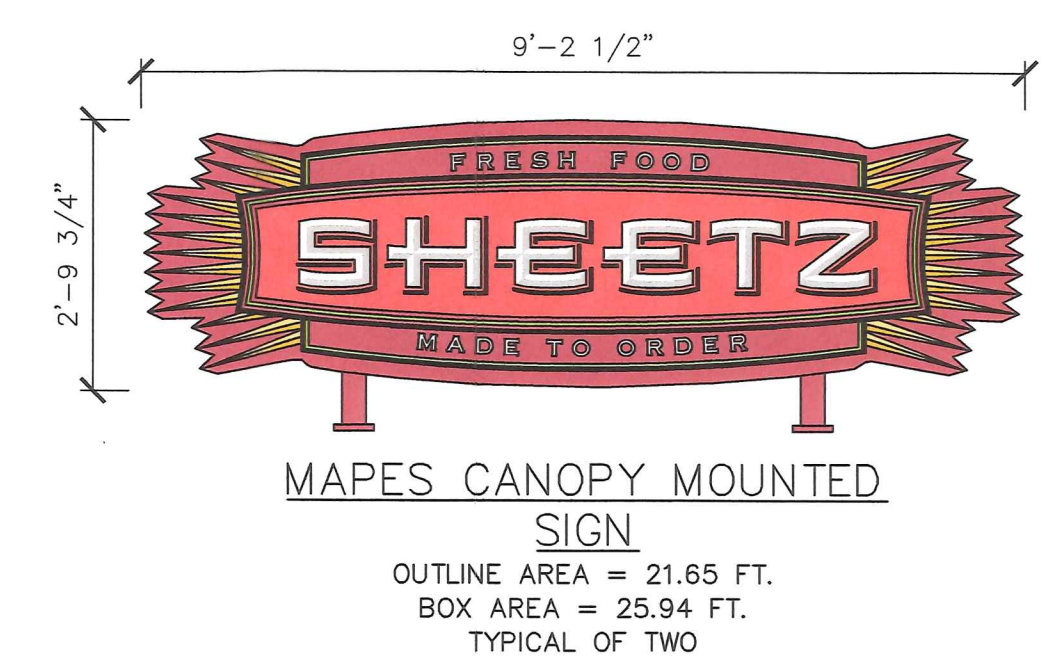




FRONT ELEVATION



RIGHT ELEVATION

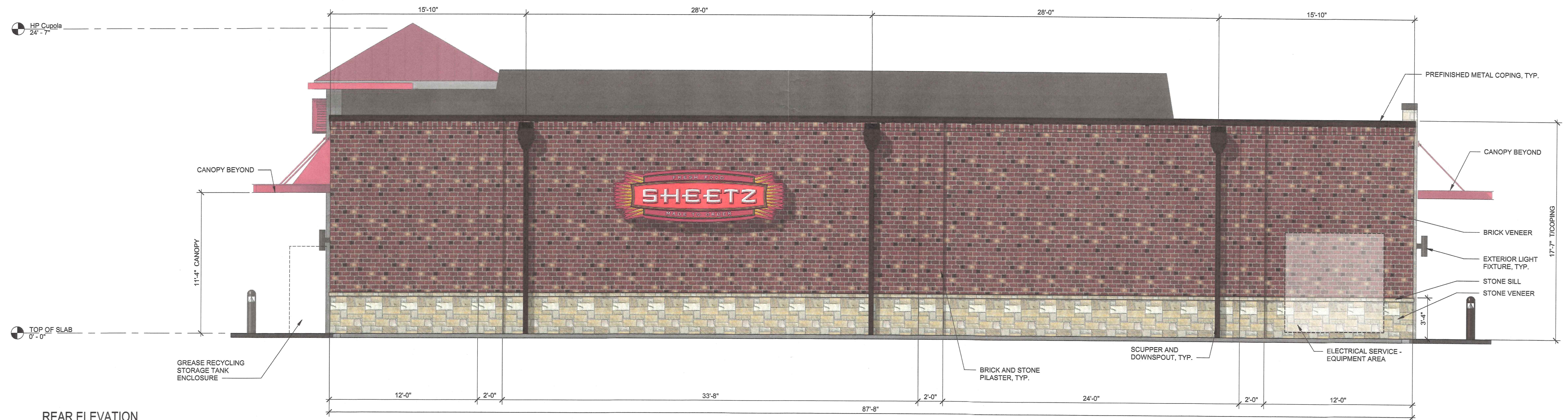


NEW STORE CONCEPT - EXTERIOR ELEVATIONS

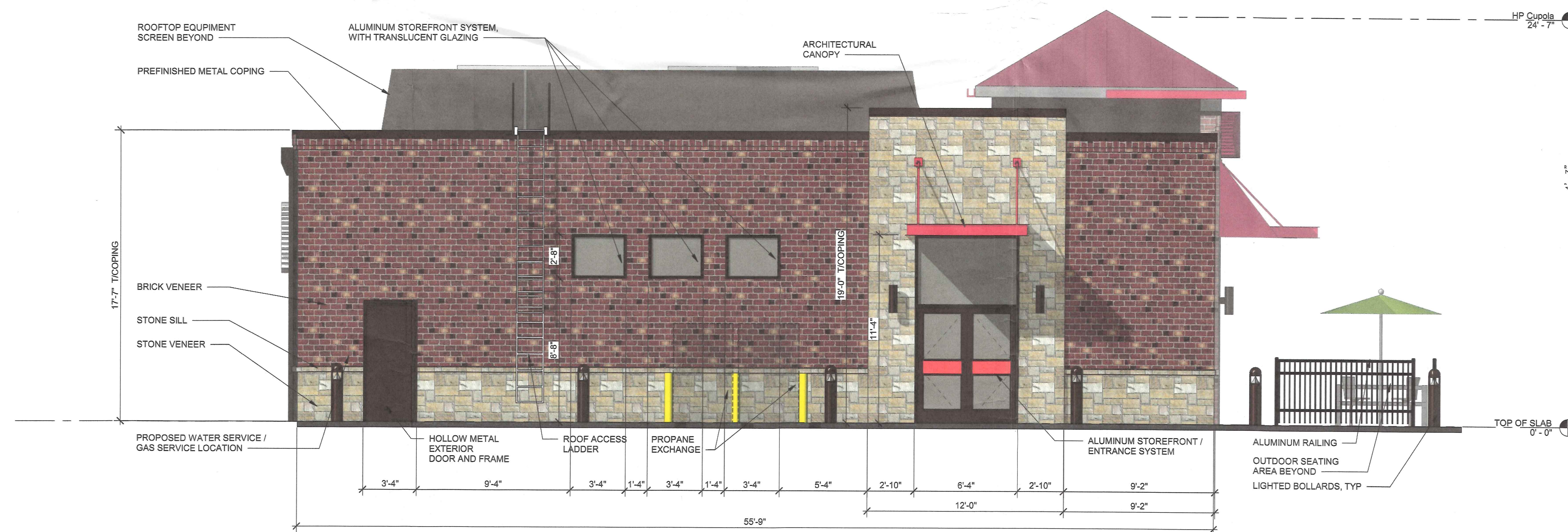
APRIL 2018



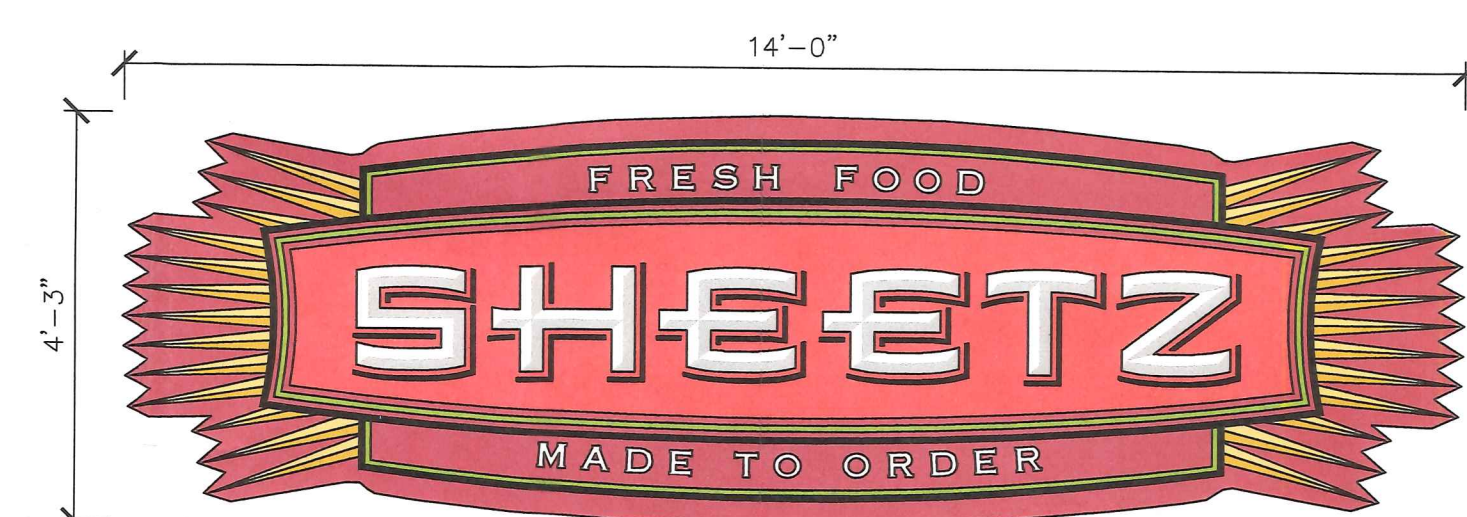
2018-0316-SPHX



REAR ELEVATION



LEFT ELEVATION



WALL MOUNTED SIGN
 OUTLINE AREA = 50.75 FT.
 BOX AREA = 59.50 FT.
 TYPICAL OF ONE



NEW STORE CONCEPT - EXTERIOR ELEVATIONS

APRIL 2018



2018-0316-SPHX

