

M E M O R A N D U M

DATE: November 2, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0033-A - Appeal Period Expired

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

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(1809 & 1811 Rolling Road)

1st Election District

1st Council District

Windsor MZL, LLC

Legal Owner

Petitioner

*
*
*
*
*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0033-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Windsor MZL, LLC, legal owner of the subject property (“Petitioner”). Petitioner is requesting variance relief from the Baltimore County Zoning Regulations (“BCZR”) to permit 378 parking spaces for a shopping center in lieu of the required 452 parking spaces. A site plan was marked as Petitioner’s Exhibit 1.

Greg Reed and professional engineer Michael Gesell appeared in support of the petition. Caroline L. Hecker, Esq. and Justin Williams, Esq. represented Petitioner. No protestants or interested citizens were in attendance. The Petition was advertised and posted 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 request.

The site is approximately 7.11 acres in size and split-zoned BM-CT & BL. The site is located at the intersection of N. Rolling Road and Security Boulevard and is improved with a shopping center anchored by a Weis Market and fuel service station. A First Mariner bank branch at the periphery of the parking lot (i.e., a pad site) closed in June, 2016, and that building will be converted to an Arby’s fast food restaurant. This change in use generated the need for variance relief concerning the number off off-street parking spaces.

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

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 large site has irregular dimensions and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to operate the fast food restaurant at this location. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED, this 2nd day of **October, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance to permit 378 parking spaces for the shopping center in lieu of the required 452 parking spaces, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date 10/2/18

By Sen

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

ORDER RECEIVED FOR FILING

Date 10/2/18

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 1809 and 1811 Rolling Road which is presently zoned BM-CT and BL
Deed References: 40418/172 10 Digit Tax Account # 0111350830 & 1900001399
Property Owner(s) Printed Name(s) Windsor MZL 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
2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. X a **Variance** from Section(s)
409.6.A.2 to permit 378 parking spaces for the Shopping Center in lieu of the required 452 parking spaces

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

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print _____
 Signature _____
 Date 10/21/18
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

See Attached Sheet 1
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 _____ Signature #2 _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Caroline L. Hecker, Esq. / Rosenberg Martin Greenberg, LLP
 Name- Type or Print _____
 Signature Caroline Hecker
 25 S. Charles St., 21st Floor Baltimore MD
 Mailing Address _____ City _____ State _____
 21201 (410) 727-6600 checker@rosenbergmartin.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Caroline L. Hecker, Esq. / Rosenberg Martin Greenberg, LLP
 Name - Type or Print _____
 Signature Caroline Hecker
 25 S. Charles Street, 21st Floor Baltimore MD
 Mailing Address _____ City _____ State _____
 21201 (410) 727-6600 checker@rosenbergmartin.com
 Zip Code Telephone # Email Address

CASE NUMBER 2019-0033-A Filing Date 7/31/18 Do Not Schedule Dates: _____ Reviewer AT

Petition for Variance

Attached Sheet 1

Legal Owner (Petitioners):

WINDSOR MZL LLC

By: 

Name: *Joshua Katz*

Title: *AUTHORIZED SIGNATORY*

254 W. 31st Street, 4th Floor

New York, NY 10001

Phone Number:

2019-0033-A



ZONING DESCRIPTION
TAX MAP 94, PARCELS 193 AND 351

THE LAND OF
WINDSOR MZL, LLC
LIBER 40418 FOLIO 172
2ND ELECTION DISTRICT
1ST COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MD

BEGINNING AT A POINT ON THE SOUTHERLY RIGHT-OF-WAY LIMITS OF SECURITY BOULEVARD - MD RTE. 122 (VARIABLE WIDTH RIGHT-OF-WAY), WHICH IS 0 FEET WEST OF THE INTERSECTION OF SAID SECURITY BOULEVARD AND THE WESTERLY RIGHT-OF-WAY LIMITS OF LORD BALTIMORE DRIVE (VARIABLE WIDTH RIGHT-OF-WAY), THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LIMITS AND WITH THE DIVISION LINE BETWEEN THE LORD BALTIMORE DRIVE RIGHT-OF-WAY ON THE NORTH AND THE LAND OF SECURITY CENTER, LLC. (LIBER 14455 FOLIO 428) ON THE WEST;

1. 33.24 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 00 DEGREES – 48 MINUTES – 29 SECONDS, AND A CHORD BEARING AND DISTANCE OF SOUTH 89 DEGREES – 53 MINUTES – 19 SECONDS WEST, 33.24 FEET TO A POINT, THENCE;
2. CONTINUING 165.85 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 04 DEGREES – 01 MINUTES – 55 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 87 DEGREES – 41 MINUTES – 29 SECONDS WEST, 165.82 FEET TO A POINT, THENCE;
3. CONTINUING 380.17 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2,356.83 FEET A CENTRAL ANGLE OF 09 DEGREES – 14 MINUTES – 32 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 81 DEGREES – 03 MINUTES – 16 SECONDS WEST, 379.79 FEET TO A POINT, THENCE;
4. CONTINUING SOUTH 44 DEGREES – 51 MINUTES – 38 SECONDS WEST, 107.91 FEET TO A POINT, THENCE;
5. CONTINUING SOUTH 16 DEGREES – 08 MINUTES – 33 SECONDS EAST, 156.88 FEET TO A POINT, THENCE;
6. CONTINUING SOUTH 16 DEGREES – 08 MINUTES – 35 SECONDS EAST, 150.16 FEET TO A POINT, THENCE;
7. CONTINUING SOUTH 16 DEGREES – 08 MINUTES – 33 SECONDS EAST, 136.53 FEET TO A POINT, THENCE;
8. CONTINUING 179.51 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,235.83 FEET, A CENTRAL ANGLE OF 04 DEGREES – 36 SECONDS – 01 MINUTES, AND A CHORD BEARING AND DISTANCE OF SOUTH 18 DEGREES – 26 MINUTES – 33 SECONDS EAST, 179.46 FEET TO A POINT, THENCE;



9. CONTINUING NORTH 62 DEGREES – 00 MINUTES – 00 SECONDS EAST, 633.12 FEET TO A POINT, THENCE;
10. CONTINUING NORTH 28 DEGREES – 00 FEET – 00 MINUTES WEST, 89.49 FEET TO A POINT, THENCE;
11. CONTINUING 98.89 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 221.00 FEET, A CENTRAL ANGLE OF 25 DEGREES – 38 MINUTES – 17 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 15 DEGREES – 10 MINUTES – 52 SECONDS WEST, 98.07 FEET TO A POINT, THENCE;
12. CONTINUING NORTH 02 DEGREES – 21 MINUTES – 33 SECONDS WEST, 102.94 FEET TO A POINT, THENCE;
13. CONTINUING 38.66 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 49 DEGREES – 13 MINUTES – 24 SECONDS, AND A CHORD BEARING AND DISTANCE OF NORTH 26 DEGREES – 58 MINUTES, 15 SECONDS WEST, 37.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 309,494 SQUARE FEET OR 7.11 ACRES.

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11614821
Case #: 2019-0033-X
Description:

CASE NUMBER: 2019-0033-X - Baltimore County - NOTICE OF ZONING HEARING

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:

9/11/2018



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County
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: 2019-0033-X
 1809 & 1811 Rolling Road
 S/s Security Blvd., SE corner of the intersecting streets between Security Blvd. and Rolling Road
 1st Election District - 1st Councilmanic District
 Legal Owners: Windsor MZL, LLC
 Variance to permit 378 parking spaces for the Shopping Center in lieu of the required 452 parking spaces.
 Hearing: Monday, October 1, 2018 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204
 Arnold Jablon
 Director of Permits, Approvals and Inspections for Baltimore County
 NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-837-3868.
 (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391.
 sll

Sherry Nuffer

From: Marty Ogle <mert1114@aol.com>
Sent: Friday, September 28, 2018 8:18 AM
To: Administrative Hearings
Subject: 1809-1811 Rolling Rd.
Attachments: IMG_0849.jpg; ATT00001.txt; IMG_0848.jpg; ATT00002.txt

2nd set of certificates



RECEIVED
OFFICE OF
GENERAL INVESTIGATIVE
DIVISION

CERTIFICATE OF POSTING

CASE NO. 2019-0033-1

PROPOSED DEVELOPER
ROSEBELL APARTMENTS

ROSEBELL, MD

BRUNNEN, LP

DATE OF FILING CLASSIC
9/11/19

DALLMIRE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY GOVT BUILDING FOUNDATION

111 WEST CENTRE EARLE AVENUE

ATLANTA, GA

LAUREL AND DISTRICT

THE APPLICANT'S OBLIGATION UNDER PENALTY OF PERJURY THAT THE

NECESSARY RECORDS REQUIRED BY LAW HAVE BEEN MAINTAINED AND

THE PROPERTY LOCATED AT

1801-811 Towler Lane

SDU #2

THIS SIGNAGE POSTED ON

September 9, 2019

September 27, 2019

IN CITY/DISTRICT YEAR

SIGNED BY

[Signature]

SECRETARY OF DEVELOPMENT

"PARTY OUT"

ONE MAIN STREET, SUITE 200

LAUREL, MD 20634

TEL: 443-321-1111



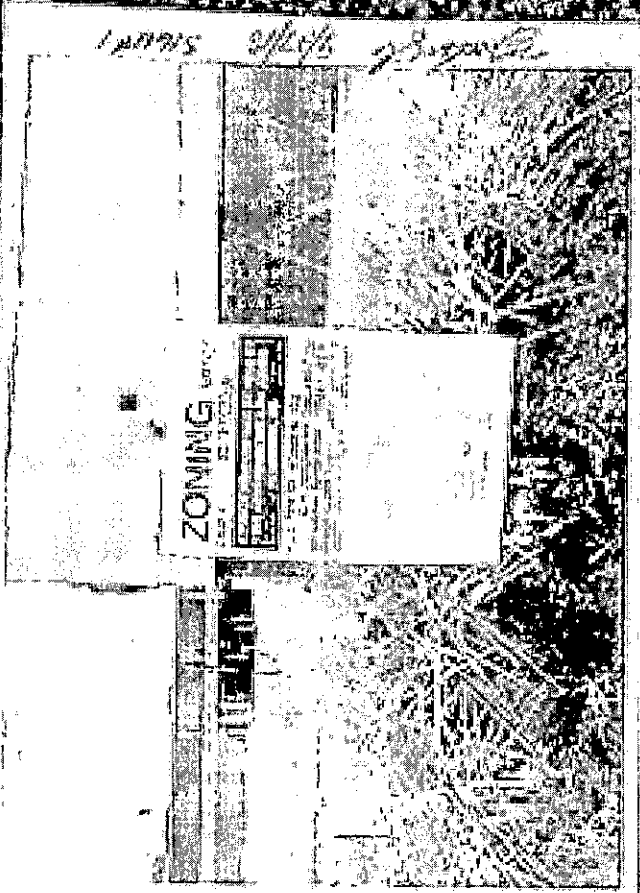
CERTIFICATE OF PASTING

PLAN NO. 201-019-A
PLANNING COMMISSIONER
Joseph A. Adams
Greenville, S.C.
DATE OF PASTING 8/1/88

BEARING: N 1/4 QUARTER SEC 10
RANGE: 10 TOWNSHIP: 10
COUNTY: GREENVILLE
STATE: SOUTH CAROLINA
SECTION: 10
TOWNSHIP: 10
RANGE: 10

THIS IS THE PROPERTY INTEREST OF THE STATE OF SOUTH CAROLINA
AS SHOWN ON THE MAP OF SECTION 10, TOWNSHIP 10, RANGE 10

1001-001 Section 10
South



THIS IS A CORRECTION OF Section 9, 2019 Section 9, 2019
MAP NO. 201-019-A

APPROVED BY
Joseph Adams
PLANNING COMMISSIONER

MADE BY
JOHN W. WATSON
PLANNING COMMISSIONER

CERTIFICATE OF POSTING

CASE NO. 2019-0033-A

PETITIONER/DEVELOPER

ROSENBERG MARTIN

GREENBELL, LLP

DATE OF HEARING/CLOSING

10/1/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1809-1811 ROLLIX ROAD

SIGN #1

THIS SIGN(S) POSTED ON

September 9, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/9/18

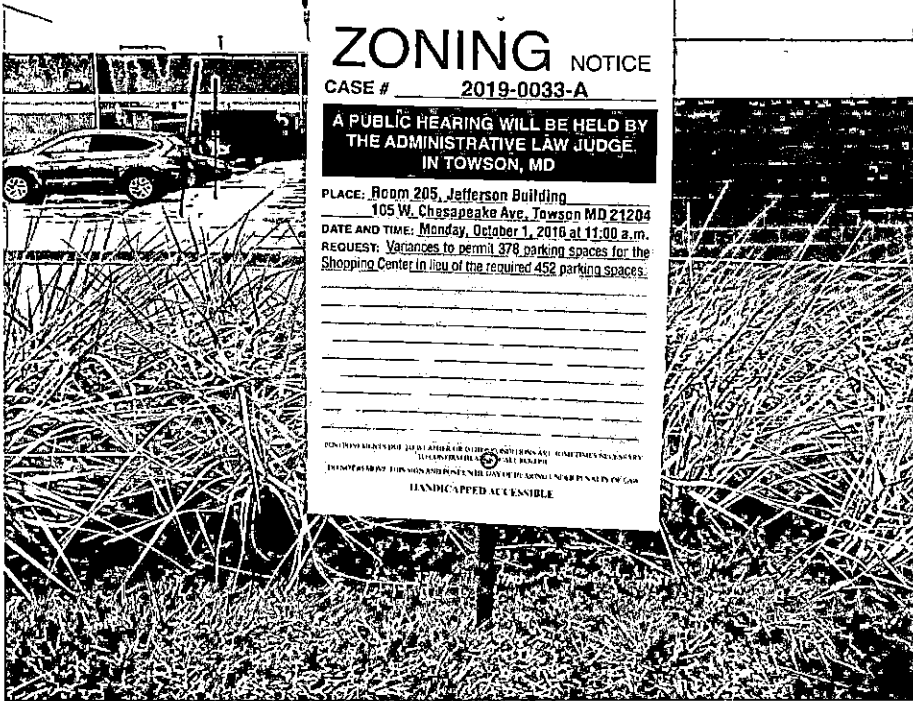
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



ZONING NOTICE

CASE # 2019-0033-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21204
DATE AND TIME: Monday, October 1, 2019 at 11:00 a.m.
REQUEST: Variances to permit 378 parking spaces for the
Shopping Center in lieu of the required 452 parking spaces.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND VARIANCES FROM THE APPLICABLE JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND VARIANCES FROM THE APPLICABLE JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY PERMITS AND VARIANCES FROM THE APPLICABLE JURISDICTIONS.

HANDICAPPED ACCESSIBLE

Joseph G. 9/9/18 SIGN #1

CERTIFICATE OF POSTING

CASE NO. 2019-0033-A

PETITIONER/DEVELOPER

ROSENBERG MARTIN

GREENBERG, LLP

DATE OF HEARING/CLOSING

10/1/18

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) EQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

1809-1811 Rollix Road

SIGN #2

THIS SIGN(S) POSTED ON

September 9, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/9/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

CASE # 2019-0033-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave., Towson MD 21284
DATE AND TIME: Monday, October 3, 2019 at 11:00 a.m.
REQUEST: Variances to permit 378 parking spaces for the
Shopping Center in lieu of the required 452 parking spaces.

REGULATIONS AND ORDINANCES OF THE CITY OF TOWSON, MARYLAND
MAY BE VIEWED AT THE CITY CLERK'S OFFICE, 100 W. CHESAPEAKE AVENUE, TOWSON, MD 21284
FOR MORE INFORMATION, CONTACT THE CITY CLERK AT (410) 281-1000
HANDICAPPED ACCESSIBLE

Signature 9/9/18 S160 #2



DONALD I. MOHLER III
County Executive

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

August 29, 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 NUMBER: 2019-0033-A

1809 & 1811 Rolling Road

S/s Security Blvd., SE corner of the intersecting streets between Security Blvd. and Rolling Road

1st Election District – 1st Councilmanic District

Legal Owners: Windsor MZL, LLC

Variance to permit 378 parking spaces for the Shopping Center in lieu of the required 452 parking spaces.

Hearing: Monday, October 1, 2018 at 11:00 a.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: Caroline Hecker, 25 S. Charles Street, 21st Fl., Baltimore 21201
Windsor MZL, LLC, 254 W. 31st Street, 4th Floor, New York NY 10001

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUES., SEPTEMBER 11, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, September 11, 2018 Issue

Please forward billing to:

Maggie Giordano
Rosenberg, Martin & Greenberg
25 S. Charles Street, 21st Fl.
Baltimore, MD 21201

410-727-6600

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0033-X

1809 & 1811 Rolling Road

S/s Security Blvd., SE corner of the intersecting streets between Security Blvd. and Rolling Road

1st Election District – 1st Councilmanic District

Legal Owners: Windsor MZL, LLC

Variance to permit 378 parking spaces for the Shopping Center in lieu of the required 452 parking spaces.

Hearing: Monday, October 1, 2018 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

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

RE: PETITION FOR VARIANCE
1809 & 1811 Rolling Road; S/S of Security
Boulevard & Rolling Road
1st Election & 1st Councilmanic Districts
Legal Owner(s): Windsor MZL LLC
by Joshua Katz

Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-033-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
AUG 07 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of August, 2018, a copy of the foregoing Entry of Appearance was mailed to Caroline Hecker, Esquire, Rosenberg, Martin Greenberg, LLC, 25 S. Charles Street, 21st Floor, Baltimore, Maryland 21201, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People’s Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighborhood 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: 2019-0033-A
Property Address: 1809 + 1811 Polby Road
Property Description: _____
Legal Owners (Petitioners): Windsor MZL LLC
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Maggie Giordano
Company/Firm (if applicable): Rosenberg Martin Greenberg
Address: 25 S. Charles Street
21st Floor
Baltimore, MD 21201
Telephone Number: (410) 727-6600

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

No. **171799**
 Date **7/31/18**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/31/2018 7/31/2018 11:17:15 2
 REC #502 WALKIN JEE
 RECEIPT # 062292 7/31/2018 OFLN
 5 528 ZONING VERIFICATION
 171799
 Recpt Tot 500.00
 500.00 CN 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub-Unit	Obj	Sub-Obj	Dept	Obj	BS Acct	Amount
001	806	00200		6150					500
Total									500

Rec From
 For: **1809 AND 1811 ROLLING RD**
2019-0033-X

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



DONALD I. MOHLER III
County Executive

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

September 26, 2018

Windsor MZL LLC
Joshua Katz
254 W. 31st ST
4th Floor
New York, NY

RE: Case Number: 2019-0033-A, Address: 1809 and 1811 Rolling RD

Dear Mr. Katz,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 31, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Caroline Hecker, Esquire, 25 S. Charles St., 21st Floor, Baltimore, MD 21201

Date: 8/6/18

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

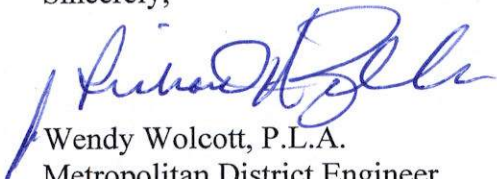
Dear Ms. Lewis:

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. 2019-0033-A

Variance
Windsor MZL, LLC, Joshua Katz
1809 & 1811 Rolling 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 MEMORANDUM**

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-033

RECEIVED DATE: 9/6/2018
SEP 10 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 1809 & 1811 Rolling Road
Petitioner: Joshua Katz, Windsor MZL, LLC
Zoning: BM-CT, BL
Requested Action: Variance

The Department of Planning has reviewed the petition for variance to permit 378 parking spaces for the shopping center in lieu of the required 452 parking spaces.

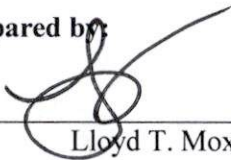
A site visit was conducted on August 7, 2018. The property was the subject of prior zoning case 2014-0173-A wherein the Administrative Law Judge granted a variance of 377 spaces in lieu of the 426 spaces required at that time.

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

The site falls within the Western Baltimore County Bicycle and Pedestrian Plan which proposes bicycle improvements for Rolling Road. The Department recommends that bicycle racks be installed on-site pursuant to BCZR § 409.14.B and C and that any on-site dumpster meet the requirements of Condition H of the Baltimore County Landscape Manual.

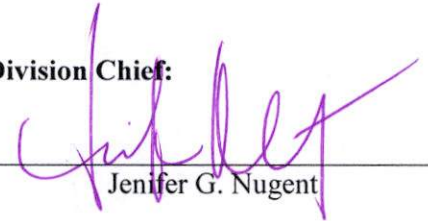
For further information concerning the matters stated herein, please contact Pat McDougall at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent


AVA/JGN/LTM/

c: Pat McDougall
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L. Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore Count

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 August 13, 2018
Item No. 2019-0033-A

DATE: August 20, 2018

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

If Zoning Relief is granted, a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

* * * * *

VKD: cen
cc: file

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: August 7, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0033-A
Address 1809 & 1811 Rolling Road
(Windsor MZL, LLC Property)

Zoning Advisory Committee Meeting of **August 13, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-033

RECEIVED DATE: 9/6/2018
SEP 10 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

INFORMATION:

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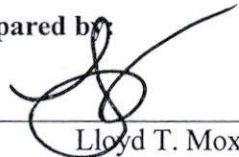
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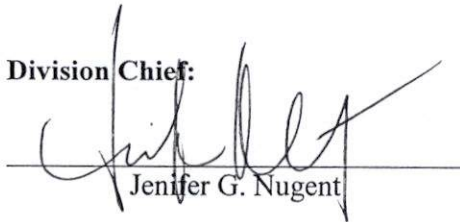
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For further information concerning the matters stated herein, please contact Pat McDougall at 410-887-3480.

Prepared by


Lloyd T. Moxley

Division Chief:


Jenifer G. Nugent

AVA/JGN/LTM/

c: Pat McDougall
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L. Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore Count

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: *VSD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 13, 2018
Item No. 2019-0033-A

DATE: August 20, 2018

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* * * * *

VKD: cen
cc: file

ORDER RECEIVED FOR FILING

Date 10/2/18
By Sen

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: August 7, 2018

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Address 1809 & 1811 Rolling Road
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Zoning Advisory Committee Meeting of **August 13, 2018**.

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Reviewer: Steve Ford

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**

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

DATE: 9/6/2018

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Director, Department of Planning

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Case Number: 19-033

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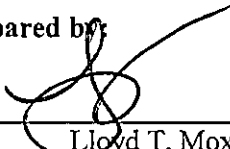
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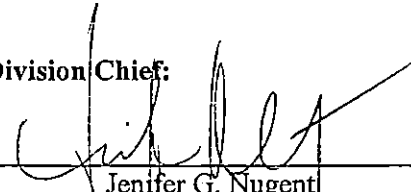
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Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

AVA/JGN/LTM/

c: Pat McDougall

James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Caroline L. Hecker, Esq.
Office of the Administrative Hearings
People's Counsel for Baltimore Count

C H E C K L I S T

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

8/20

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

Comment

8/7

DEPS
(if not received, date e-mail sent _____)

NO COMMENT

FIRE DEPARTMENT

9/10

PLANNING
(if not received, date e-mail sent _____)

NO Obj ^{W/} comment

8/6

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2014-0173-A)

NEWSPAPER ADVERTISEMENT Date: 9/11/18

SIGN POSTING (1st) Date: 9/9/18 by Ogle

SIGN POSTING (2nd) Date: 9/27/18 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes No

PEOPLE'S COUNSEL COMMENT LETTER Yes No

Comments, if any: _____

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 - 01 Account Number - 0111350830							
Owner Information									
Owner Name:		WINDSOR MZL LLC			Use:		COMMERCIAL		
Mailing Address:		%KATZ PROPERTIES 4TH FLR 254 WEST 31ST ST NEW YORK NY 10001-			Principal Residence:		NO		
					Deed Reference:		/40418/ 00172		
Location & Structure Information									
Premises Address:		1811 ROLLING RD BALTIMORE 21244-			Legal Description:		.6113 AC 1811 ROLLING RD ES 1200 FT N OF BELMONT AVE		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0094	0006	0193		0000				2018	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
2001		2215				26,610 SF		15	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
		FAST FOOD							
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2018		07/01/2018		07/01/2019	
Land:		698,800		698,800					
Improvements		675,600		812,600					
Total:		1,374,400		1,511,400		1,420,067		1,465,733	
Preferential Land:		0						0	
Transfer Information									
Seller: SECURITY CENTER L L C				Date: 06/26/2018		Price: \$16,625,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /40418/ 00172		Deed2:			
Seller: LCP GROUP L P				Date: 05/09/2000		Price: \$150,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /14455/ 00423		Deed2:			
Seller: HECHINGER COMPANY				Date: 04/27/2000		Price: \$150,000			
Type: NON-ARMS LENGTH OTHER				Deed1: /14434/ 00055		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:
Exempt Class:

Special Tax Recapture:
NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:

JB
4-16-14

IN RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
(1809 and 1811 Rolling Road)		
1 st Election District	*	OF ADMINISTRATIVE
1 st Councilman District		
Security Center, LLC, <i>Legal Owner</i>	*	HEARINGS FOR
Weis Market, Inc.		
<i>Lessee</i>	*	BALTIMORE COUNTY
Petitioners		
	*	CASE NO. 2014-0173-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Caroline L. Hecker, Esquire on behalf of Security Center, LLC, legal owner and Weis Markets, Inc, lessee ("Petitioners"). The Petitioners are requesting variance relief from Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit 377 parking spaces for the shopping center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 3.

Appearing at the public hearing in support of the requests was Ron Klima, Jack O'Hara, Tim Snyder and Michael Gesell from Bohler Engineering, the firm that prepared the site plan. Caroline L. Hecker, Esquire from Rosenberg, Martin & Greenberg, LLP appeared and represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated April 11, 2014, and the Bureau of Development Plans Review (DPR) dated

March 20, 2014. The DOP opposes the variances, while the DPR does not oppose either request, provided that the existing vegetation and trees planted in the buffer strip remain on site. This issue will be discussed at greater length below.

Testimony and evidence revealed that the subject property is approximately 7.11 ± acres and is zoned BM-CT and BL. The lessee operates a Weis grocery store on the property, and would like to construct a small fuel service station (an investment of over \$950,000) to accommodate its grocery customers. To do so requires variance relief.

The first variance pertains to the required number of parking spaces on site. Petitioners submitted a study and report (Ex. No. 6) showing that at their busiest time (Sunday afternoon) less than 70 vehicles occupied the parking lot (which leaves available over 300 open spaces).

The variance relating to the 10' landscape buffer requirement is somewhat more complex. Petitioners noted that there currently exists on site a 10' vegetative buffer, as required by the BCZR. But over 8 feet of that strip is in fact situated on State-owned property bordering Security Boulevard. So in reality, the variance request to approve a 1.4' landscape buffer in lieu of the required 10' is merely seeking to legitimize long-existing (i.e., over 20 years) site conditions, in recognition of the fact that 8.6' of the strip is on State land. As noted by the DOP, the future of that right of way strip along Security Boulevard is in doubt, given the State's plans for the "Red Line" Route (shown on the plan marked as Ex. No. 7), which of course may never materialize.

Mr. Gesell, P.E., who was accepted as an expert, testified via proffer that it would not be possible to shift the landscape buffer 10 feet onto Petitioners' property, since Baltimore County has a recorded utility easement in that area--as shown on the site plan--that would prevent the planting of trees and other vegetation. As such, Petitioners would need to construct the strip at least 20 feet onto their property, which would result in the loss of additional parking spaces and

could create a "bottleneck" impeding the flow of traffic between the proposed fuel service station and the north corner of the grocery store building.

In these circumstances, I am inclined to agree with Mr. Gesell, and do not believe it would make sense (at least at this time) to relocate the buffer strip. If and when the State acts to construct the Red Line, at which time it may also take through condemnation additional portions of Petitioners' property bordering Security Boulevard, the landscape buffer issue should be revisited, and that contingency will be addressed in the Order which follows.

To obtain variance relief requires a showing that:

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

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

Petitioners have met this test. As shown on the plan, the property is irregularly shaped, and it is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be unable to construct the fuel service station. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition, and the testimony of Petitioners' engineer, who opined that the proposal satisfied all requirements in the B.C.Z.R. and would not be detrimental to the community's welfare.

The DOP's ZAC comment also listed three additional concerns regarding the plan (i.e., signage, a crosswalk and stacking spaces at the gas pumps). The plans were revised (redlined) and now reveal that all three of these comments have been addressed. Exhibit Nos. 8-10

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 17th day of April, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that if the existing landscape buffer shown on the photographs and rendered site plan (Exhibit Nos. 1D, 1E, & 12) is removed due to the State of Maryland's Red Line project, the Petitioners shall at that time be required to relocate the landscape transition area buffer in compliance with the BCZR or obtain zoning relief approving a relaxation or modification of the requirements set forth in the BCZR.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

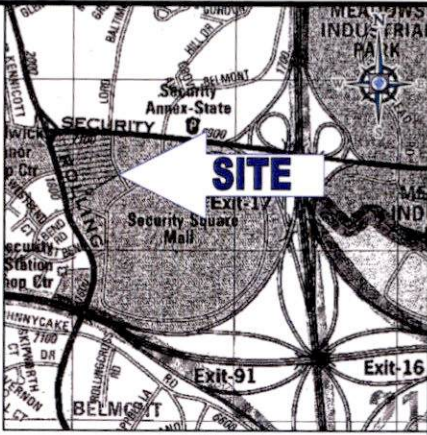


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

LEGEND

	ASPHALT PAVING
	CONCRETE PAVING
	EX. PROPERTY LINE
	EX. ADJACENT PROPERTY LINE
	EASEMENT LINE
	CONCRETE CURB & GUTTER
	UNDERGROUND ELECTRIC LINE
	EX. UNDERGROUND GAS LINE
	EX. OVERHEAD WIRE
	EX. UNDER GROUND LINE
	EX. UNDER GROUND TELEPHONE LINE
	EX. UTILITY POLE
	EX. ZONING LINE
	VEHICLE STACKING SPACE



LOCATION MAP
 COPYRIGHT ADC THE MAP PEOPLE
 PERMIT USE NO. 20602153-5
 SCALE: 1"=1000'

PARKING REQUIREMENTS

PARKING REQUIREMENTS

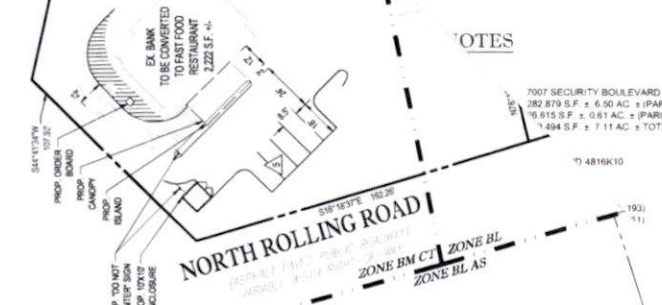
RETAIL	15,058 S.F. @ 5 / 1,000 S.F.	=	75.29
SUPERMARKET	58,035 S.F. @ 5 / 1,000 S.F.	=	290.18
FAST FOOD	5,127 S.F. @ 16 / 1,000 S.F.	=	82.03
REQUIRED			447.50 or 448 SPACES

PARKING REQUIREMENTS FOR GAS STATION:

PROP. KIOSK (3 SPACES PER 1000 S.F.)	0.62
PROP. FUEL KIOSK (1 SPACE PER EMPLOYEE)	1
PROP. AIR / WATER UNIT (1 SPACE PER UNIT)	1
PROP. AUTOMATED TELLER MACHINE (1 SPACE PER MACHINE)	1
TOTAL REQUIRED FOR GAS STATION	3.62 OR 4 SPACES
PROPOSED REQUIRED PARKING SPACES TOTAL	452 SPACES
SPACES PROVIDED	378 SPACES

NOTES

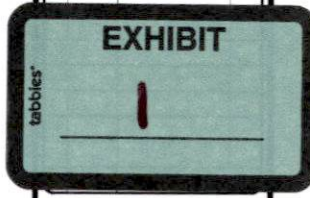
7007 SECURITY BOULEVARD
 282,879 S.F. ± 6.50 AC ± (PARCEL 351)
 19,615 S.F. ± 0.61 AC ± (PARCEL 193)
 1,494 S.F. ± 7.11 AC ± TOTAL



BOHLER ENGINEERING
 SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	BY



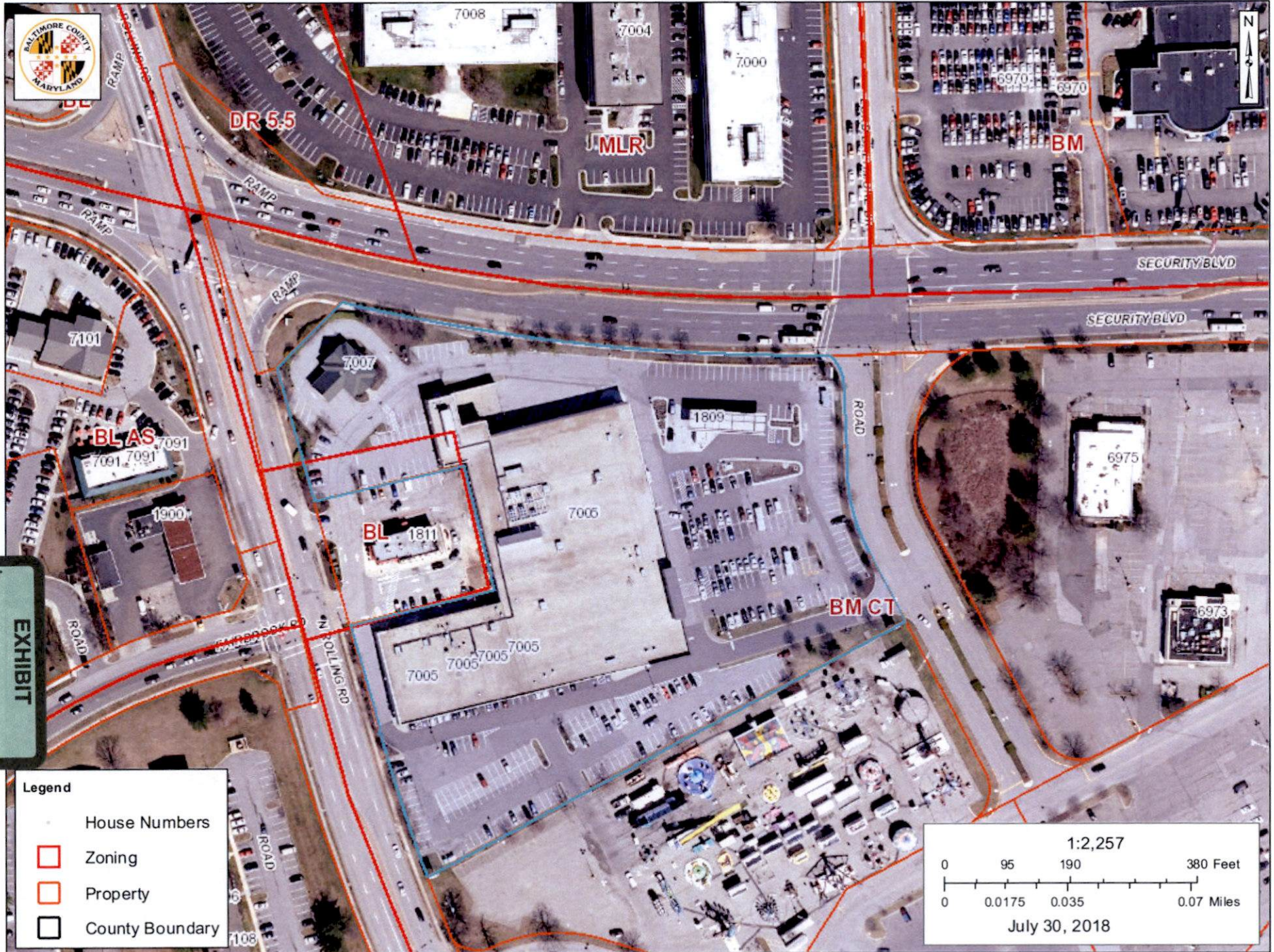
**KNOW WHAT'S BELOW
 ALWAYS CALL 811
 BEFORE YOU DIG**
 It's fast. It's free. It's the law.

**NOT APPROVED FOR
 CONSTRUCTION**

PROJECT No.	MD179000
DRAWN BY:	CJB
CHECKED BY:	MJG
DATE:	06/26/18
SCALE:	1" = 8'
CAD I.D.	VP0

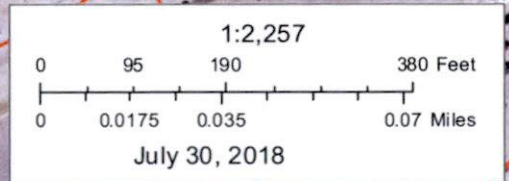
PROJECT: **PLAN TO ACCOMPANY VARIANCE PETITION FOR KIMCO REALTY CORPORATION**
 LOCATION OF SITE: **SECURITY BOULEVARD & NORTH ROLLING ROAD**
 COUNTY: **INDIANA**
 DISTRICT: **2**
 TRACT: **1**
 SECTION: **14C1**

Security Square Shopping Center



tabbies®
EXHIBIT
2

- Legend**
- House Numbers
 - Zoning
 - Property
 - County Boundary



Security Square Shopping Center

Aerial View

EXHIBIT
3
tables



Google Earth

400 ft

IN RE: PETITION FOR VARIANCE
Intersection of North Rolling Road
and Security Boulevard
1st Election District
1st Councilmanic District
(Intersection of North Rolling Road
and Security Boulevard)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 01-195-A

Security Center, LLC
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Security Center, LLC. The variance request is from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit parking along a driveway. The petition was prepared and filed by David Gildea, attorney at law.

Appearing at the hearing on behalf of the variance request were Tom Simmons with Mid-Atlantic Realty Trust, Bob Green and Mitch Kellman, both with Daft, McCune & Walker. There were no protestants or other persons in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 7.105 acres, more or less, split-zoned BL and BM-CT. The subject property was the site of the former Hechinger's Home Improvement Center. It is proposed to be redeveloped at this time. The property is located at the southeast corner of the intersection of Security Boulevard and North Rolling Road. The Developer proposes to construct a First Mariner Bank in the northeast corner of the property and proposes parking spaces to be used in conjunction with that bank. Approximately 17 of those parking spaces, which shall be used for general customer parking, are situated along a driveway which requires the variance relief requested.

FILED FOR FILING
2005 11/10/01
By: J.R. [Signature]



Those particular parking spaces are more particularly shown on Petitioner's Exhibit No. 1, the site plan submitted at the hearing.

After considering the testimony and evidence offered at the hearing before me and the lack of opposition, I find that the variance request should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973).

To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

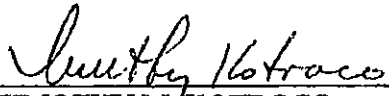
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

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

RECEIVED FOR FILING
9/18/01
P. Peterson


THEREFORE, IT IS ORDERED this 8th day of February, 2001, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 409.4 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit parking along a driveway, be and is hereby GRANTED.

IT IS FURTHER ORDERED that any appeal of this decision must be made within thirty (30) days of the date of this Order.



TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

RECORDED FOR FILING


IN RE: PETITION FOR VARIANCE
(1809 and 1811 Rolling Road)
1st Election District
1st Councilman District
Security Center, LLC, *Legal Owner*
Weis Market, Inc.
Lessee
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0173-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Caroline L. Hecker, Esquire on behalf of Security Center, LLC, legal owner and Weis Markets, Inc, lessee (“Petitioners”). The Petitioners are requesting variance relief from Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows: (1) to permit 377 parking spaces for the shopping center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 3.

Appearing at the public hearing in support of the requests was Ron Klima, Jack O’Hara, Tim Snyder and Michael Gesell from Bohler Engineering, the firm that prepared the site plan. Caroline L. Hecker, Esquire from Rosenberg, Martin & Greenberg, LLP appeared and represented the Petitioners. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance and the file does not contain any letters of opposition.

Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated April 11, 2014, and the Bureau of Development Plans Review (DPR) dated



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March 20, 2014. The DOP opposes the variances, while the DPR does not oppose either request, provided that the existing vegetation and trees planted in the buffer strip remain on site. This issue will be discussed at greater length below.

Testimony and evidence revealed that the subject property is approximately 7.11 ± acres and is zoned BM-CT and BL. The lessee operates a Weis grocery store on the property, and would like to construct a small fuel service station (an investment of over \$950,000) to accommodate its grocery customers. To do so requires variance relief.

The first variance pertains to the required number of parking spaces on site. Petitioners submitted a study and report (Ex. No. 6) showing that at their busiest time (Sunday afternoon) less than 70 vehicles occupied the parking lot (which leaves available over 300 open spaces).

The variance relating to the 10' landscape buffer requirement is somewhat more complex. Petitioners noted that there currently exists on site a 10' vegetative buffer, as required by the BCZR. But over 8 feet of that strip is in fact situated on State-owned property bordering Security Boulevard. So in reality, the variance request to approve a 1.4' landscape buffer in lieu of the required 10' is merely seeking to legitimize long-existing (i.e., over 20 years) site conditions, in recognition of the fact that 8.6' of the strip is on State land. As noted by the DOP, the future of that right of way strip along Security Boulevard is in doubt, given the State's plans for the "Red Line" Route (shown on the plan marked as Ex. No. 7), which of course may never materialize.

Mr. Gesell, P.E., who was accepted as an expert, testified via proffer that it would not be possible to shift the landscape buffer 10 feet onto Petitioners' property, since Baltimore County has a recorded utility easement in that area--as shown on the site plan--that would prevent the planting of trees and other vegetation. As such, Petitioners would need to construct the strip at least 20 feet onto their property, which would result in the loss of additional parking spaces and

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could create a "bottleneck" impeding the flow of traffic between the proposed fuel service station and the north corner of the grocery store building.

In these circumstances, I am inclined to agree with Mr. Gesell, and do not believe it would make sense (at least at this time) to relocate the buffer strip. If and when the State acts to construct the Red Line, at which time it may also take through condemnation additional portions of Petitioners' property bordering Security Boulevard, the landscape buffer issue should be revisited, and that contingency will be addressed in the Order which follows.

To obtain variance relief requires a showing that:

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

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

Petitioners have met this test. As shown on the plan, the property is irregularly shaped, and it is therefore unique.

If the B.C.Z.R. were strictly interpreted, the Petitioners would suffer a practical difficulty, given they would be unable to construct the fuel service station. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of community opposition, and the testimony of Petitioners' engineer, who opined that the proposal satisfied all requirements in the B.C.Z.R. and would not be detrimental to the community's welfare.

The DOP's ZAC comment also listed three additional concerns regarding the plan (i.e., signage, a crosswalk and stacking spaces at the gas pumps). The plans were revised (redlined) and now reveal that all three of these comments have been addressed. Exhibit Nos. 8-10

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Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 17th day of April, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 409.6.A.2 and 405.4.A.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit 377 parking spaces for the Shopping Center in lieu of the required 426 parking spaces; and (2) to permit a landscape transition area of 1.4 ft. in lieu of the required 10 ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that if the existing landscape buffer shown on the photographs and rendered site plan (Exhibit Nos. 1D, 1E, & 12) is removed due to the State of Maryland's Red Line project, the Petitioners shall at that time be required to relocate the landscape transition area buffer in compliance with the BCZR or obtain zoning relief approving a relaxation or modification of the requirements set forth in the BCZR.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

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Date

4/17/14

By

sln



RESUME

Michael J. Gesell, P.E. **Project Manager**

EDUCATION:

Westminster Senior High School, Westminster, MD
Carroll County Career and Technology Center, Westminster, MD

PROJECT TESTIMONY:

Testified on behalf of Bohler Engineering in numerous municipalities before Planning Commissions, Board of Supervisors, Board of Appeals, Administrative Law Judges, and related municipal entities in Maryland, Delaware, and Pennsylvania.

EXPERIENCE:

Currently serves as a Project Manager in Bohler Engineering's Towson, Maryland Office. Experience includes over Seventeen (17) years of design and project management. Primarily responsible for design and approval for various commercial, and industrial developments. Areas of experience include site feasibility analysis and budgeting, site layout and planning, zoning and subdivision ordinance review/interpretation, horizontal and vertical roadway design, site grading, earthwork balancing and analysis, soil erosion and sediment control measures and facilities, utility design, stormwater management and water quality system designs, environmental compliance/evaluations, lighting photometric studies/design, signage compliance, landscaping design, vehicular circulation design, oversight of expediting and application approvals, and related services. Expertise includes supermarkets, service stations, maintenance facilities, restaurants, shopping centers, retail centers, car washes and other related projects in municipalities in Maryland, Delaware, and Pennsylvania.

BALTIMORE COUNTY PROJECTS OF NOTE:

- Timonium Square Shopping Center Redevelopment
- Shawan Plaza Redevelopment
- Tradepoint Atlantic – Sparrows Point - St. Johns Warehouse
- Wilkens Beltway Plaza - Redevelopment
- Multiple Quick Serve Restaurants (Chick-fil-A, Sonic)
- Multiple Fuel Service Station Projects (SMO, Royal Farms, Weis Markets)
- Multiple Pharmacy Projects
- Multiple Variance Hearing Projects (Shawan Plaza, Timonium Square, Putty Hill Plaza)

PROFESSIONAL AFFILIATIONS:

- Maryland Professional Engineer #44097
- Certified Professional in Erosion and Sediment Control (CPESC) #6145



WELLS + ASSOCIATES

MEMORANDUM



1420 Spring Hill Road,
Suite 610,
Tysons, VA 22102
703-917-6620
WellsandAssociates.com

TO: Kimberly Kohlhepp
Kimco Realty Corporation

FROM: Michael J. Workosky, PTP, TOPS, TSOS
William L. Zeid, P.E.

RE: Security Square Shopping Center
Baltimore County, Maryland

SUBJECT: Parking Demand Assessment

Date: September 27, 2018

Introduction

This memorandum summarizes a parking demand analysis for Security Square Shopping Center. The site is located in the southeast quadrant of the Security Boulevard/Rolling Road intersection in Baltimore County, Maryland, as shown on Figure 1.

The site is currently occupied by a variety of retail uses totaling 78,740 square feet (S.F.) of Gross Leasable Area (GLA) with 76,518 S.F. currently occupied. It includes a currently vacant pad site of 2,222 S.F. occupied by a bank. The bank building is proposed to be converted to a fast-food restaurant (Arby's) within the existing building space. Thus, there would be no change in the overall development density. The proposed redline plan and parking variance plan are shown on Figures 2 and 3.

It is noted that a previous variance is currently in place (granted April 17, 2014 via petition 2014-0173-A) that allows for a 49-space reduction from the code required 426 spaces resulting in 377 spaces provided on site. This is equivalent to approximately a 12 percent reduction in the code required parking.

As part of the redevelopment, a new parking variance is requested to reduce the number of spaces required to serve the site by 74 spaces, from 452 spaces to 378 spaces (or 16 percent). This variance would replace the existing variance. Within the area of the existing and proposed restaurant, a total of 68 spaces is currently provided that would increase to 69 spaces with the proposed plan thus increasing the parking supply by one (1) additional space from 377 existing spaces to 378 spaces.

This parking analysis is based on an evaluation of the existing and proposed uses utilizing data collected at the subject site, at other Kimco Corporation shopping centers in the area, and data published by the Urban Land Institute (ULI).

For ease of reading, all figures and tables are attached at the end of this document. Sources for this study include Baltimore County, Bohler Engineering, Kimco Realty Corporation, the Urban Land Institute, and previously prepared studies by Wells + Associates.



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MEMORANDUM

Background Data

The existing shopping center consists of 78,740 S.F. and has a current parking supply of 377 spaces that equates to an overall parking ratio of 4.79 spaces per 1,000 S.F. Based on the proposed redevelopment plan and rates published by Baltimore County, a total of 452 spaces would be required to serve the site, resulting in an overall parking ratio of 5.74 spaces per 1,000 S.F. As proposed, the site would be served by 378 spaces, resulting in an overall parking ratio of 4.80 spaces per 1,000 S.F. The site information summary is shown on Table 1.

Data Collection

Parking occupancy counts were collected at Security Square on Thursday, August 16 and Saturday August 18, 2018 from 9:00 AM to 9:00 PM and were recorded at 60-minute intervals. The results are summarized on Table 2 and indicate that the peak hour on a weekday occurred at 12:00 PM, when 121 spaces were occupied, equating to a parking ratio of 1.58 spaces per 1,000 S.F. The peak hour on Saturday occurred at 2:00 PM, when 162 spaces were occupied, reflecting a ratio of 1.52 spaces per 1,000 S.F. The detailed count information is contained in Appendix A.

Supplemental Data

The data collected at Security Square was augmented with information previously collected by W+A at similar facilities in 2013 and 2016. Parking occupancy counts and data were collected at the following four (4) locations:

1. Hickory Ridge Village Center
2. Wilde Lake Village Center
3. Timonium Crossing
4. Kings Contrivance

These sites were used since they are similar in size and nature to Security Square. The parking occupancy counts for these locations are shown on Table 3. Details of these centers are contained in Appendix B.

Design Hour Parking Ratio

The parking occupancy counts from Hickory Ridge Village Center, Wilde Lake Village Center, Timonium Crossing, and Kings Contrivance were combined in order to develop the design hour parking demand ratio for Security Square.

Monthly variation in parking demand was determined for each location by utilizing monthly revenue data provided by the owner. This data was used to identify the adjustment factor needed to project the design hour month (yearly peak) from the month when the data was collected and is shown on Tables 4 and 5 for weekday and weekend conditions. (Note that the

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MEMORANDUM

monthly variation for Hickory Ridge was applied to Wilde Lake center since this facility was recently redeveloped and is still establishing a pattern of historical sales data.)

As shown on Tables 4 and 5, applying the monthly factors to the observed parking ratios results in an overall average peak parking ratio of 2.84 spaces per 1,000 S.F. on a weekday and 2.46 spaces per 1,000 S.F. on Saturday. It is noted that these ratios represent conservative conditions since they include the Wilde Lake center that reached its peak during the evening hours. The midday peak hour ratio observed at Wilde Lake is generally consistent with the other centers used in this study.

Since this maximum demand at each center represents parking occupancy, a 10 percent practical capacity factor was applied in order to project the “design hour” parking ratio. This factor accounts for fluctuations in parking demand and provides additional spaces for turnover and traffic circulation. The results indicate that the forecasted design hour parking ratio would be 2.16 spaces per 1,000 S.F. on weekdays and 2.08 spaces on weekends for the Security Square Shopping Center. Note that design hour conditions reflect the parking required to serve the site during the peak month of the year. It excludes holidays and other peak days that occur during the peak shopping season experienced at typical shopping centers.

As shown on Table 6, the recommended design hour ratio of 3.15 spaces per 1,000 S.F. for weekdays and 2.74 spaces per 1,000 S.F. for weekends was derived based on the average of each of the studied locations.

Recommended Parking Supply

Applying the design hour ratio to the proposed changes to the Security Square Shopping Center would result in a minimum requirement of 258 spaces. Based on the proposed parking supply of 378 spaces, a surplus of 129 spaces, or 34 percent) would exist.

In addition, a review of the parking occupancy in the areas adjacent to the proposed restaurant indicates that the maximum occupancy of this area ranged from 15 to 25 percent during the peak hour, with more than 50 spaces available (see Appendix). Therefore, only approximately 19 of the existing 68 parking spaces would be occupied during the peak parking hour on a weekday in November after incorporating the peak month adjustment factor. Therefore, including the increase in supply of one (1) additional space that would result in 69 spaces in this area, not only would the 50 unoccupied spaces in this area adequately accommodate the peak parking demand of the new fast food restaurant, but there would be enough spaces unoccupied in this area to accommodate the full code parking requirement for the new 2,222 S.F. fast food restaurant of approximately 36 spaces without relying on parking in other areas of the site.

In addition, the proposed overall parking ratio provided for the shopping center (4.80 spaces per 1,000 S.F.) is greater than the 4.0 spaces per 1,000 S.F. that is recommended for shopping centers

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MEMORANDUM

less than 400,000 S.F. with less than 10 percent of space occupied by restaurant, entertainment, and/or cinema space by the Urban Land Institute.

Conclusion

The results of this parking demand assessment for Security Square Shopping Center indicate that the proposed parking supply of 378 spaces (an increase of one (1) parking space when compared to the existing parking supply of 377 spaces) would adequately accommodate the proposed redevelopment of the bank pad site to a fast-food restaurant.

The currently proposed parking variance would allow for a slightly larger reduction in required parking supply when compared to the existing parking variance that was approved in 2014. The existing parking variance allows for approximately a 12 percent reduction to the code required parking supply (49 fewer spaces) while the proposed parking variance would allow for approximately a 16 percent reduction to the code required parking supply (74 fewer spaces). Based on the analyses presented in this assessment, the currently proposed parking variance is not expected to have a negative impact on parking at the shopping center.

Based on occupancy counts at the existing shopping center augmented with previously collected data at similar facilities, 258 parking spaces would be required to adequately serve the site with the proposed conversion of the bank pad site to a fast food restaurant. Therefore, the proposed parking supply of 378 spaces would adequately accommodate the peak parking demand with a surplus of 129 spaces on a weekday in November.

In addition, the currently unoccupied 50 spaces during the peak parking hour in November located within the 69 spaces that will be provided in the localized area proximate to the new fast food restaurant would not only provide adequate parking for the expected parking demand of the new fast food restaurant, but they would provide enough spaces to cover the full code parking requirement of 36 spaces for that use.

Based on the analyses presented in this report, the proposed parking supply of 378 parking spaces would adequately serve the site and meet the peak demand of 258 spaces with a surplus of 129 parking spaces. Further, the proposed parking supply of 69 parking spaces within the area proximate to the proposed fast food restaurant would adequately serve the localized peak demand in that area. Therefore, the proposed parking supply for the Security Square Shopping Center would adequately serve the project with the proposed conversion of the bank pad to a fast food restaurant.

Questions regarding this document should be directed to Wells + Associates.

O:\Projects\7501 - 8000\7642 Security Square\Documents\Report\Security Square Parking Assessment (9.27.18).docx

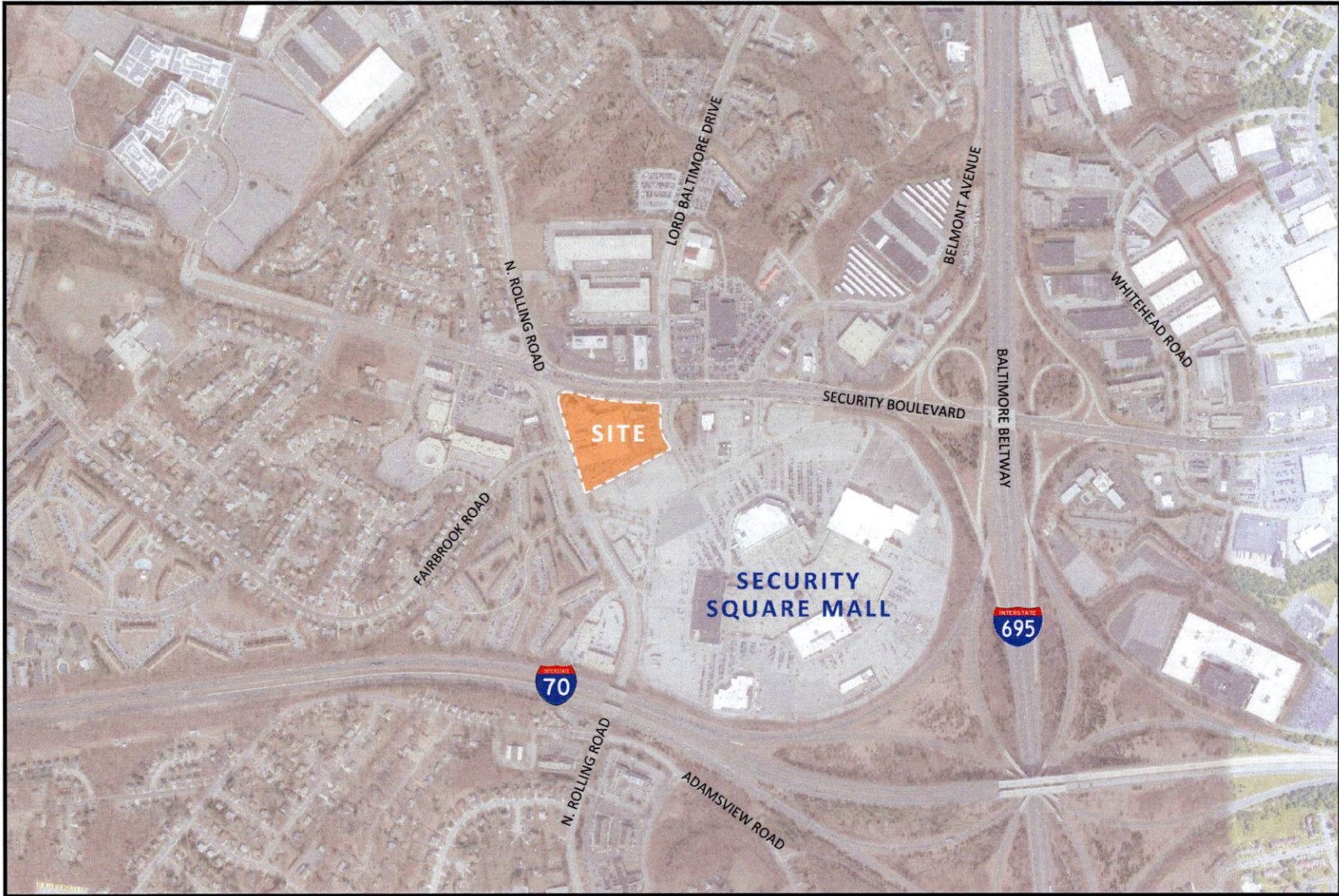
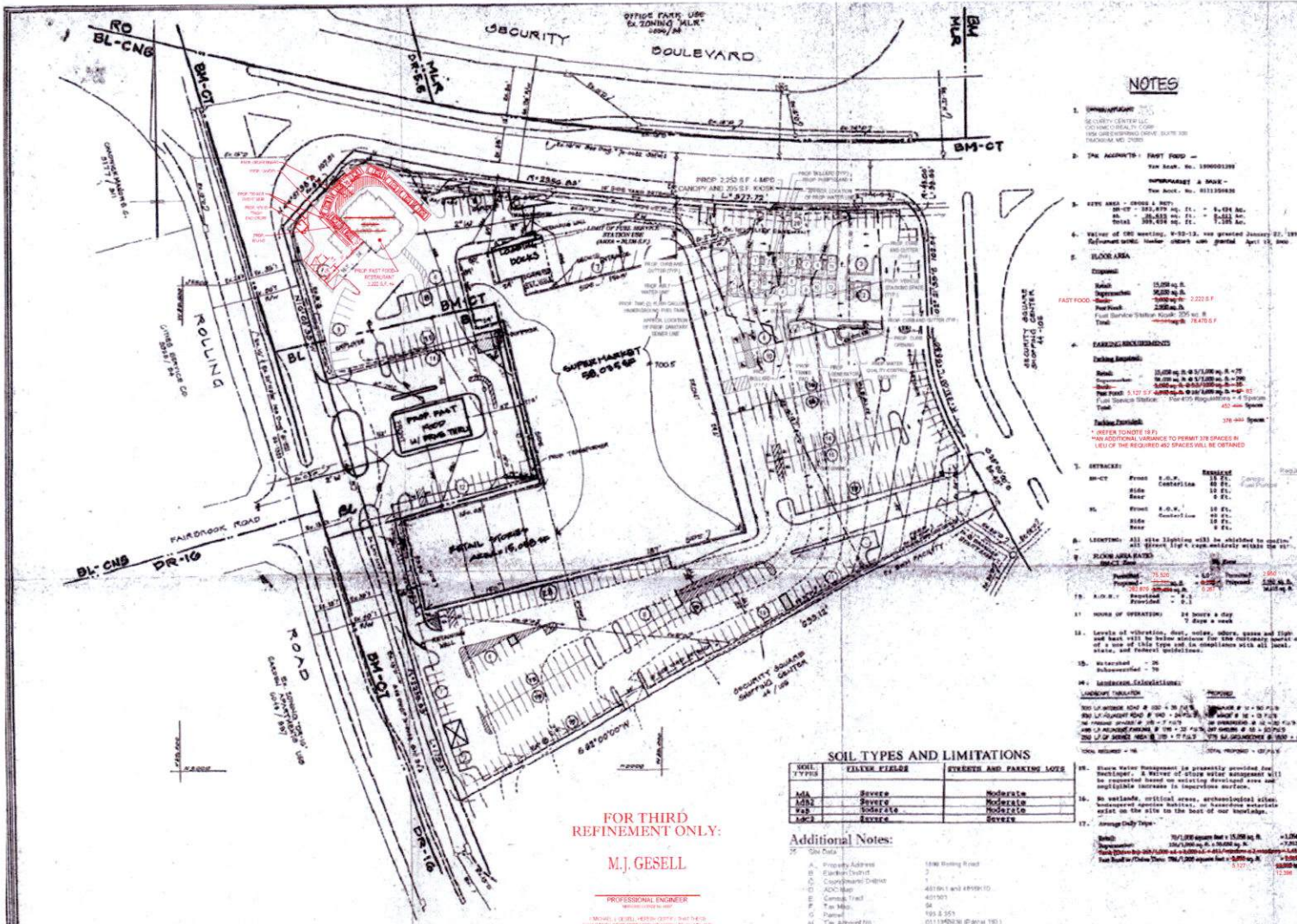


Figure 1
Site Location

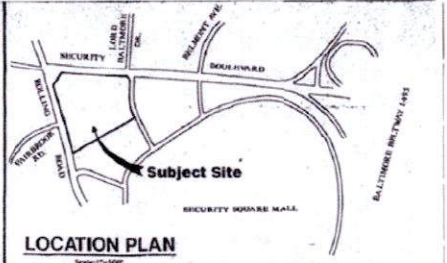


Security Square Shopping Center
Baltimore County, Maryland



NOTES

1. **SPRAWL/IMPACT**
SECURITY CENTER LLC
1000 SECURITY BLVD
TOWSON, MD 21286
2. **THE AGENTS - FIRST FLOOR**
FOR SEAR, No. 190001000
HARRISBERG & BARK
The Acct. No. 81110000
3. **SITE AREA - 2000 ± SQ. FT.**
Proposed: 2000 sq. ft. ± 4.4% Adj.
Total: 2000 sq. ft. ± 4.4% Adj.
4. **Value of CRD** 9-10-13, was granted January 27, 1992.
Repayment date: twelve months and granted April 11, 1992.
5. **FLOOR AREA**
Retail: 15,000 sq. ft.
Food Court: 2,000 sq. ft.
Total: 17,000 sq. ft.
6. **PARKING REQUIREMENTS**
Retail: 15,000 sq. ft. @ 3.75/1000 sq. ft. = 57
Food Court: 2,000 sq. ft. @ 4.0/1000 sq. ft. = 8
Total: 65 Spaces
7. **RETRACTS**
Front: 10 ft.
Side: 10 ft.
Rear: 10 ft.
8. **UTILITIES**
All site utilities will be obtained to within 10' of the building footprint.
9. **SOIL TYPES AND LIMITATIONS**
See attached table.
10. **NOISE**
Average Daily Traffic: 10,000 vehicles per day.
11. **NOISE OF OPERATION**
24 hours a day, 7 days a week.
12. **Levels of vibration, dust, noise, odors, gases and light and heat** will be within standards for the highway used on a use of this type and in compliance with all local, state, and federal regulations.
13. **Underground obstructions:**
None known.
14. **Other water resources** in proximity provided and maintained. A Review of State water management will be completed based on existing ground water and applicable increase in impervious surface.
15. **No wetlands, critical areas, archeological sites, historical or scientific resources, or sensitive resources exist on the site to the best of our knowledge.**
16. **Average Daily Traffic:**
10,000 vehicles per day.
17. **Additional Notes:**
A. Priority Address: 1900 Rolling Road
B. Eastern District: 401011 and 401012
C. County/ward District: 401001
D. ACC-Map: 401001
E. Census Tract: 401001
F. Tax Map: 1901 & 201
G. Zoned: 011 (URB) (Urban 180)
H. Tax Appraisal: 190001000 (Parcel 181)



PLANNED SHOPPING CENTER APPROVAL
THE OFFICE OF THE PLANNING AND ZONING COMMISSION HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THE PROPOSED SHOPPING CENTER IS IN ACCORDANCE WITH THE CURRENT BALTIMORE COUNTY ZONING REGULATIONS.

APPROVALS
BALTIMORE COUNTY MD. COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 4/29/12. With The Following Action Taken: PLAN APPROVED
Plan Approved Date: 4/29/12
Approval/Adoption Date: 4/29/12

RECEIVED
MAY 30 2012
OFFICE OF PLANNING

SOIL TYPES AND LIMITATIONS

SOIL TYPE	FACTOR CLASS	STRENGTH AND PARKING LOADS
ML	Severe	Moderate
MLH	Severe	Moderate
SP	Moderate	Moderate
USC1	Severe	Severe

Additional Notes:
A. Priority Address: 1900 Rolling Road
B. Eastern District: 401011 and 401012
C. County/ward District: 401001
D. ACC-Map: 401001
E. Census Tract: 401001
F. Tax Map: 1901 & 201
G. Zoned: 011 (URB) (Urban 180)
H. Tax Appraisal: 190001000 (Parcel 181)

FOR THIRD REFINEMENT ONLY:
M.J. GESELL
PROFESSIONAL ENGINEER

FOR SECOND REFINEMENT ONLY:
M.J. GESELL
PROFESSIONAL ENGINEER

BOHLER ENGINEERING
901 DULANEY VALLEY ROAD, SUITE 801
TOWSON, MARYLAND 21284
Phone: (410) 821-7900
Fax: (410) 821-7987
www.BohlerEngineering.com

DMW
Dell-McCann-Walton, Inc.
208 Elm Pennsylvania Avenue
Towson, Maryland 21286
(410) 296-3533
Fax 296-4706

A Team of Land Planning, Engineering, Architecture, Surveying, and Environmental Professionals

APPROVALS BALTIMORE COUNTY MD. COUNTY REVIEW GROUP
This Plan Was Reviewed By The CRG On 4/29/12. With The Following Action Taken: PLAN APPROVED
Plan Approved Date: 4/29/12
Approval/Adoption Date: 4/29/12

RECEIVED
MAY 30 2012
OFFICE OF PLANNING

THIRD SECOND REFINED CRG/SITE PLAN
SECURITY SQUARE SHOPPING CENTER
SECURITY BOULEVARD & ROLLING ROAD
PAI #01-0581
DIST. 361

P.C. Ltd.
Patton Consultants, Inc.
305 W. CHESAPEAKE AVE., SUITE 205
TOWSON, MARYLAND 21284
(410) 296-2140 Fax: (410) 296-0418
SITE PLANNERS • ENGINEERS
LAND DEVELOPMENT CONSULTANTS

RECEIVED
AUG 13 2012

SCALE
1" = 50'
PROJ. NO. 0195

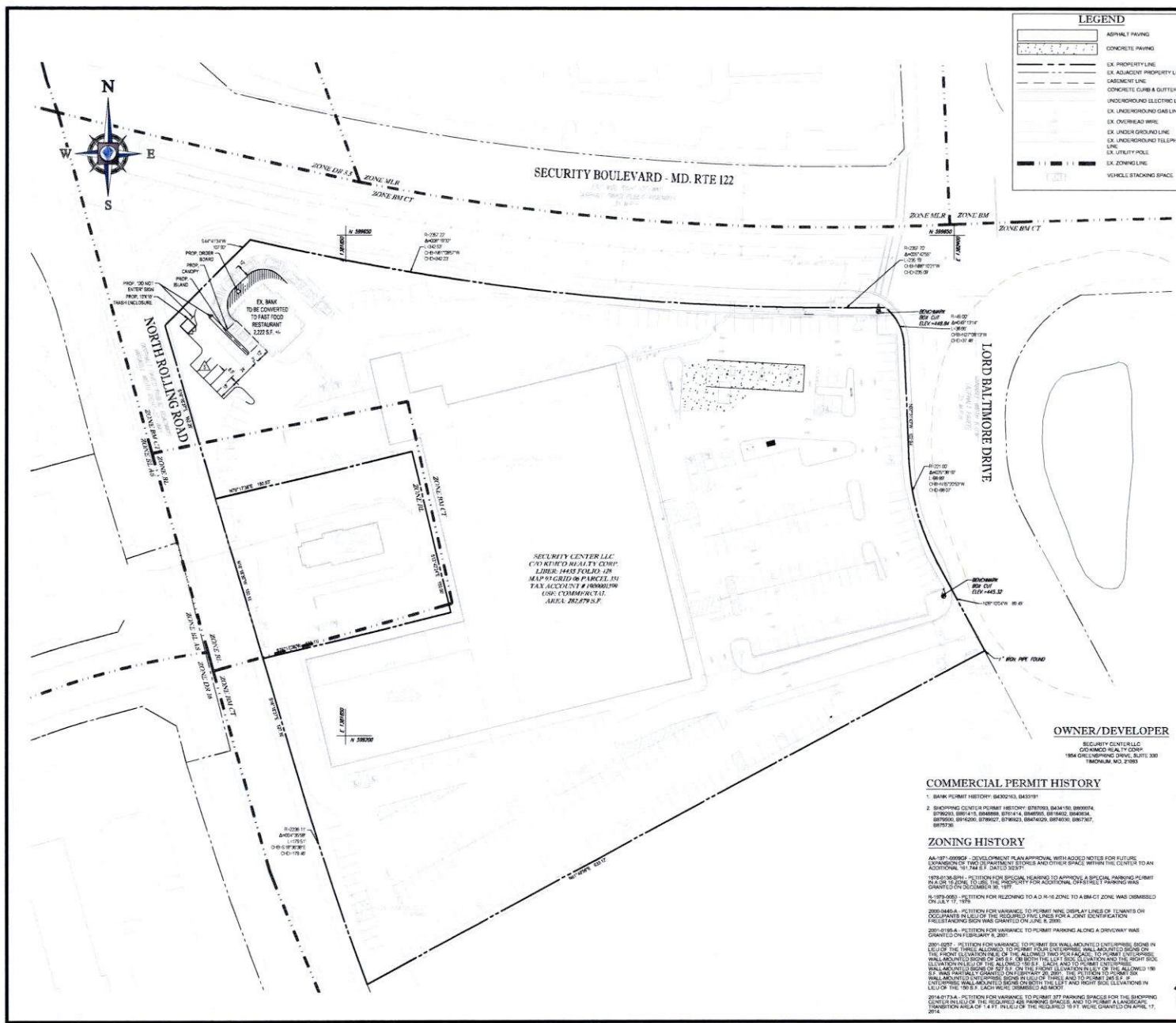
OFFICE OF PLANNING
ELECTION DIST. 2 CENSUS TRACT 40101 (DUNCUM) MDC 1
DRAWN JDC CHECKED JSP DATE 7/3/12 1 OF 1

FUEL SERVICE STATION SITE AREA
REQUIRE: 1000 SF (MIN. EQUIPMENT) + 1000 SF (ATM) + 100 SF (PRODUCT) + 100 SF
PROVIDED: 3038 SF

FUEL SERVICE STATION
REPROPOSED FILING REQUIREMENTS FOR GAS STATION
PROP. #1000 SF SPACES PER 1000 SF ±
PROP. FUEL DISPENSER (1 SPACE PER EMPLOYEE)
PROP. AIR JACKER UNIT (1 SPACE PER UNIT)
PROP. AUTOMATED YELLED MACHINE (1 SPACE PER MACHINE)

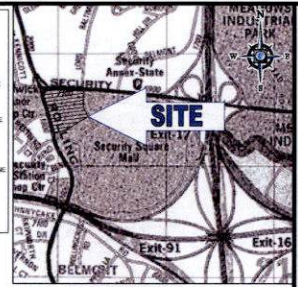
REASON FOR SECOND REFINEMENT
TO PERMIT FUEL SERVICE STATION PURSUANT TO A BALTIMORE COUNTY CASE LETTER DATED MAY 12, 2014. TRACKING NUMBER: DRG-104-0000-0001 NUMBER 047046

REASON FOR THIRD REFINEMENT
TO CONVERT EXISTING BANK TO DRIVE THRU RESTAURANT



LEGEND

	ASPHALT PAVING
	CONCRETE PAVING
	EAS. ADJACENT PROPERTY LINE
	EAS. EASEMENT LINE
	CONCRETE CURB & GUTTER
	UN. GROUND. ELECTRIC LINE
	UN. GROUND. GAS LINE
	EX. OVERHEAD WIRE
	EX. UNDERGROUND LINE
	EX. UNDERGROUND TELEPHONE LINE
	EX. UTILITY POLE
	EX. ZONE LINE
	VEHICLE STACKING SPACE



LOCATION MAP
 COPYRIGHT © 2008 THE MAPPING PEOPLE
 PERMIT USE NO. 20080133-A
 SCALE: 1"=100'

PARKING REQUIREMENTS

PARKING REQUIREMENTS:	
RESTAURANT	15,000 S.F. @ 8.1/100 S.F. = 75.29
SHOPPING CENTER	28,000 S.F. @ 5.7/1,000 S.F. = 260.18
HOT FOOD	5,127 S.F. @ 9.1/1,000 S.F. = 56.35
REQUIRED	447.52 ± 448 SPACES
PARKING REQUIREMENTS FOR GAS STATION:	
PROP. WORKING SPACES PLR (800 S.F.)	0.02
PROP. FULL WORKING SPACES PLR (800 S.F.)	1
PROP. AUTOMATED TELLER MACHINE (1 SPACE PER MACHINE)	1
TOTAL REQUIRED FOR GAS STATION:	3.62 OR 4 SPACES
PROPOSED REQUIRED PARKING SPACES TOTAL:	452 SPACES
PARKING SPACES PROVIDED:	378 SPACES

GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 7007 SECURITY BOULEVARD, 26249 S.F., ± 6.86 AC. ± (PARCEL 361)
 - B. SITE AREA: 26,815 S.F. ± 0.61 AC. ± (PARCEL 193)
 - C. ELECTION DISTRICT: 2
 - D. COUNCILMANIC DISTRICT: 1
 - E. COUNCILMANIC TRACT: 48-101 AND 48-101S
 - F. TAX MAP: 54
 - G. TAX MAP: 54
 - H. TAX MAP: 54
 - I. TAX ACCOUNT NO.: 11120830 (PARCEL 193)
 - J. TAX ACCOUNT NO.: 180007399 (PARCEL 361)
- ZONING: BM-CI (PARCEL 193) BL (PARCEL 361)
- ZONING MAP REFERENCE: DMC1
- FLOOD AREA RATIO: UNLIMITED ± 5.56; UNLIMITED ± 18.45 S.F./298,658 S.F. ± 0.25
- EXISTING LAND USE: PLANNED SHOPPING CENTER WITH GASOLINE STATION
- PROPOSED LAND USE: PLANNED SHOPPING CENTER WITH GASOLINE STATION
- SETBACKS (TO PROPERTY LINE ALONG SECURITY BOULEVARD):

FRONT (BLVD)	15'	UNLIMITED
REAR	15'	UNLIMITED
CANOPY	15'	UNLIMITED
FUEL PUMPS	20'	UNLIMITED
- LANDSCAPE TRANSITION AREA (LTA):

ALONG SECURITY BLVD	10'	UNLIMITED
ALONG EAST INTERIOR	0'	6.52'
ALONG SOUTH INTERIOR	0'	6.52'
ALONG WEST INTERIOR	0'	6.52'
- HEIGHT REQUIREMENTS: NOT TO EXCEED 6 FT.

OWNER/DEVELOPER

SECURITY CENTER LLC
 C/O KIMCO REALTY CORP.
 184 GREENBERRY DRIVE, SUITE 300
 ANNAPOLIS, MD 21403

COMMERCIAL PERMIT HISTORY

- BANK PERMIT HISTORY: 6/23/03, 6/23/07
- SHOPPING CENTER PERMIT HISTORY: 6/23/03, 6/23/07, 6/23/10, 6/23/11, 6/23/12, 6/23/13, 6/23/14, 6/23/15, 6/23/16, 6/23/17, 6/23/18, 6/23/19, 6/23/20, 6/23/21, 6/23/22, 6/23/23, 6/23/24, 6/23/25, 6/23/26, 6/23/27, 6/23/28, 6/23/29, 6/23/30, 6/23/31, 6/23/32, 6/23/33, 6/23/34, 6/23/35, 6/23/36, 6/23/37, 6/23/38, 6/23/39, 6/23/40, 6/23/41, 6/23/42, 6/23/43, 6/23/44, 6/23/45, 6/23/46, 6/23/47, 6/23/48, 6/23/49, 6/23/50, 6/23/51, 6/23/52, 6/23/53, 6/23/54, 6/23/55, 6/23/56, 6/23/57, 6/23/58, 6/23/59, 6/23/60, 6/23/61, 6/23/62, 6/23/63, 6/23/64, 6/23/65, 6/23/66, 6/23/67, 6/23/68, 6/23/69, 6/23/70, 6/23/71, 6/23/72, 6/23/73, 6/23/74, 6/23/75, 6/23/76, 6/23/77, 6/23/78, 6/23/79, 6/23/80, 6/23/81, 6/23/82, 6/23/83, 6/23/84, 6/23/85, 6/23/86, 6/23/87, 6/23/88, 6/23/89, 6/23/90, 6/23/91, 6/23/92, 6/23/93, 6/23/94, 6/23/95, 6/23/96, 6/23/97, 6/23/98, 6/23/99, 6/23/100

REASON FOR VARIANCE

- VARIANCE FROM SECTION 49A.2 TO PROVIDE 378 PARKING SPACES IN FULLY DEVELOPED 452 SPACES.

DESIGN & DRAWING BASED ON MAPS AND COORDINATE SYSTEM: HORIZONTAL: NAD 83 (91) VERTICAL: NAVD 83

BY: M. J. GESELL, PROFESSIONAL ENGINEER

BOHLER ENGINEERING
 801 DULANEY VALLEY ROAD, SUITE 801
 TOWSON, MARYLAND 21284
 Phone: (410) 821-7900
 Fax: (410) 821-7901
 MD@BohlerEng.com

M.J. GESELL
 PROFESSIONAL ENGINEER

PLAN TO ACCOMPANY VARIANCE PETITION

SHEET NUMBER: **1**

REVISIONS

REV.	DATE	COMMENT	BY

NOT APPROVED FOR CONSTRUCTION

KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
 811-4-4-66

Table 1
 Security Square
 Project Information Summary

Condition	Size	Units
Existing Conditions		
Total Building Area (retail) ⁽¹⁾	78,740	S.F. (GLA)
Parking Provided ⁽²⁾	377	spaces
Parking Ratio	4.79	spaces/1,000 S.F.
Vacant Space (Bank Pad to be redeveloped)	2,222	S.F. (GLA)
Net Building Area	76,518	S.F. (GLA)
Percent Vacancy	3%	
Parking Summary		
Parking Required ⁽³⁾	452	spaces
Parking Ratio	5.74	spaces/1,000 S.F.
Proposed Parking Provided	378	spaces
Parking Ratio	4.80	spaces/1,000 S.F.
Difference	74	spaces
Percent Difference	16%	S.F. (GLA)

Notes: (1) Based on plans prepared by Bohler Engineering.

(2) Based on field data collected by W+A.

(3) Based on Baltimore County requirements.

Table 2
 Security Square
 Security Square Existing Parking Occupancy Summary ⁽¹⁾

Security Square						
Parking Supply = 377 spaces Occupied SF = 76,518 S.F. (GLA)						
Hour	Thursday, August 16, 2018 Parking Occupancy	Rate per Occ. S.F.	Observed Percent Occupied	Saturday, August 18, 2018 Parking Occupancy	Rate per Occ. S.F.	Observed Percent Occupied
5:00 AM						
6:00 AM						
7:00 AM						
8:00 AM						
9:00 AM	48	0.63	13%	68	0.89	18%
10:00 AM	67	0.88	18%	96	1.25	25%
11:00 AM	94	1.23	25%	90	1.18	24%
12:00 PM	121	1.58	32%	115	1.50	31%
1:00 PM	108	1.41	29%	114	1.49	30%
2:00 PM	97	1.27	26%	116	1.52	31%
3:00 PM	88	1.15	23%	113	1.48	30%
4:00 PM	102	1.33	27%	99	1.29	26%
5:00 PM	102	1.33	27%	102	1.33	27%
6:00 PM	102	1.33	27%	81	1.06	21%
7:00 PM	109	1.42	29%	90	1.18	24%
8:00 PM	83	1.08	22%	60	0.78	16%
9:00 PM	50	0.65	13%	33	0.43	9%
10:00 PM						
11:00 PM						
Maximum	121	1.58	12:00 PM	116	1.52	2:00 PM

Notes: (1) Based on counts collected by W+A on August 16 and 18, 2018.

Table 3
Security Square
Existing Parking Occupancy Summary for Similar Sites (1)

Hour	Security Square			History Ridge Village Center			Wide Lake Village Center			Timonium Crossing			Times Conference		
	Parking Occupancy	Rate per Occ. \$/F.	Total SF =	Parking Occupancy	Rate per Occ. \$/F.	Total SF =	Parking Occupancy	Rate per Occ. \$/F.	Total SF =	Parking Occupancy	Rate per Occ. \$/F.	Total SF =	Parking Occupancy	Rate per Occ. \$/F.	Total SF =
5:00 AM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
6:00 AM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
7:00 AM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
8:00 AM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9:00 AM	48	0.63	30	33	0.34	11	60	1.07	1.71	107	21	0.41	47	0.39	18
10:00 AM	67	0.88	45	53	0.54	19	96	2.28	2.88	133	85	1.10	81	0.88	39
11:00 AM	94	1.23	62	78	0.80	29	128	2.67	3.33	151	128	1.64	151	1.27	66
12:00 PM	121	1.58	80	120	1.23	90	150	2.67	3.33	151	128	1.64	151	1.27	66
1:00 PM	108	1.41	71	190	1.95	130	171	3.05	3.81	137	135	1.73	202	1.66	91
2:00 PM	97	1.27	64	282	2.89	208	165	2.94	3.68	171	127	1.64	326	2.72	126
3:00 PM	88	1.15	58	256	2.63	182	162	2.89	3.61	116	137	1.71	277	2.33	126
4:00 PM	102	1.33	68	197	1.99	148	160	2.85	3.56	126	136	1.73	257	2.16	116
5:00 PM	102	1.33	68	210	2.16	155	144	2.56	3.20	131	121	1.55	254	2.13	116
6:00 PM	102	1.33	68	220	2.26	166	125	2.23	2.79	121	106	1.33	254	2.13	116
7:00 PM	109	1.42	73	227	2.33	174	126	2.24	2.80	130	115	1.42	273	2.29	126
8:00 PM	83	1.08	55	209	2.15	151	174	3.10	3.88	171	97	1.27	304	2.55	140
9:00 PM	50	0.65	33	-	-	-	131	2.33	2.91	178	60	0.80	250	2.10	116
10:00 PM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11:00 PM	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Maximum	121	1.58	80	282	2.89	208	174	3.10	3.88	178	137	1.87	324	2.72	254

Notes: (1) Based on counts collected by W4 on in 2013 and 2015.
 (2) Occupied SF used since a portion of the site was under construction when the counts were collected.
 (3) Occupied SF used since 15 percent of office space (7,353 SF) is currently vacant.

Table 4
Security Square
Seasonal Variation in Parking Demand (1)

Month	Security Square			Hickory Ridge			Wide Lake			Timonium			Kings Contrivance		
	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF
January	78%	117	1.53	93%	261	2.68	93%	177	3.15	64%	104	2.01	89%	301	2.53
February	75%	112	1.46	90%	254	2.61	90%	174	3.06	88%	143	2.76	90%	303	2.54
March	91%	136	1.78	91%	257	2.64	91%	174	3.10	84%	136	2.62	96%	324	2.72
April	76%	114	1.49	91%	255	2.62	91%	173	3.08	76%	123	2.37	91%	307	2.58
May	82%	122	1.59	95%	267	2.74	95%	181	3.22	84%	137	2.64	92%	311	2.61
June	97%	145	1.89	93%	262	2.69	93%	177	3.15	68%	110	2.12	94%	315	2.64
July	80%	120	1.57	89%	249	2.56	89%	169	3.01	48%	78	1.50	89%	298	2.50
August	81%	121	1.58	89%	249	2.56	89%	169	3.01	58%	95	1.83	89%	299	2.51
September	98%	146	1.91	89%	250	2.57	89%	170	3.03	84%	136	2.62	87%	294	2.47
October	82%	122	1.59	93%	262	2.69	93%	178	3.17	65%	106	2.04	84%	282	2.37
November	100%	149	1.85	92%	258	2.65	92%	175	3.12	69%	112	2.16	89%	301	2.53
December	91%	136	1.78	100%	281	2.89	100%	190	3.38	100%	163	3.14	100%	337	2.83
Peak			1.95			2.89			3.38			3.14			2.83
Average Peak						2.84									

Notes: (1) Based on data provided by Kinco Realty Corporation.

Table 5
Security Square
Seasonal Variation in Parking Demand (1)

Month	Security Square			Hickory Ridge			Wide Lake			Timonium			Kings Contrivance		
	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF	Monthly Var.	Occ. Spaces	Parked/Occ. KSF
January	78%	112	1.46	93%	216	2.22	93%	181	3.22	64%	79	1.52	89%	236	1.98
February	75%	107	1.40	90%	210	2.16	90%	176	3.13	88%	108	2.08	90%	237	1.99
March	91%	130	1.70	91%	213	2.19	91%	178	3.17	84%	103	1.99	96%	254	2.13
April	76%	109	1.42	91%	211	2.17	91%	177	3.15	76%	93	1.79	91%	241	2.02
May	82%	117	1.53	95%	222	2.28	95%	186	3.31	84%	103	1.99	92%	244	2.05
June	97%	139	1.82	93%	217	2.23	93%	181	3.22	68%	84	1.62	94%	247	2.07
July	80%	115	1.50	89%	207	2.13	89%	173	3.08	48%	59	1.14	89%	234	1.96
August	81%	116	1.52	89%	206	2.12	89%	173	3.08	58%	72	1.39	89%	234	1.96
September	98%	140	1.83	89%	207	2.13	89%	174	3.10	84%	103	1.99	87%	231	1.94
October	82%	117	1.53	93%	217	2.23	93%	182	3.24	65%	81	1.56	84%	221	1.86
November	100%	143	1.87	92%	214	2.20	92%	179	3.19	69%	85	1.64	89%	236	1.98
December	91%	130	1.70	100%	233	2.39	100%	195	3.47	100%	123	2.37	100%	264	2.22
Peak			1.87			2.39			3.47			2.37			2.22
Average Peak						2.46									

Notes: (1) Based on data provided by Kinco Realty Corporation.

Table 6
 Security Square
 Forecasted Parking Requirements

Development	Max. Existing Parking Occupancy ⁽¹⁾		Based on Revenue Information ⁽³⁾	
	Adjusted for Peak Month (Spaces per 1,000 S.F.)		Design Hour Parking Ratio ⁽⁴⁾ (Spaces per 1,000 S.F.)	
	Weekday	Saturday	Weekday	Saturday
Security Square	1.95	1.87	2.16	2.08
Hickory Ridge Village Center	2.89	2.39	3.21	2.66
Wilde Lake Village Center ⁽²⁾	3.38	3.47	3.76	3.86
Timonium Crossing	3.14	2.37	3.49	2.64
Kings Contrivance	2.83	2.22	3.14	2.46
Averages	2.84	2.46	3.15	2.74

Security Square Shopping Center - Parking Summary

Total Building Size	78,740 S.F.
Proposed Parking Ratio	3.15 spaces/1,000 S.F.
Recommended Parking Supply	249 spaces
Proposed Parking Provided	378 spaces
Difference	129 spaces
Percent Difference	34%

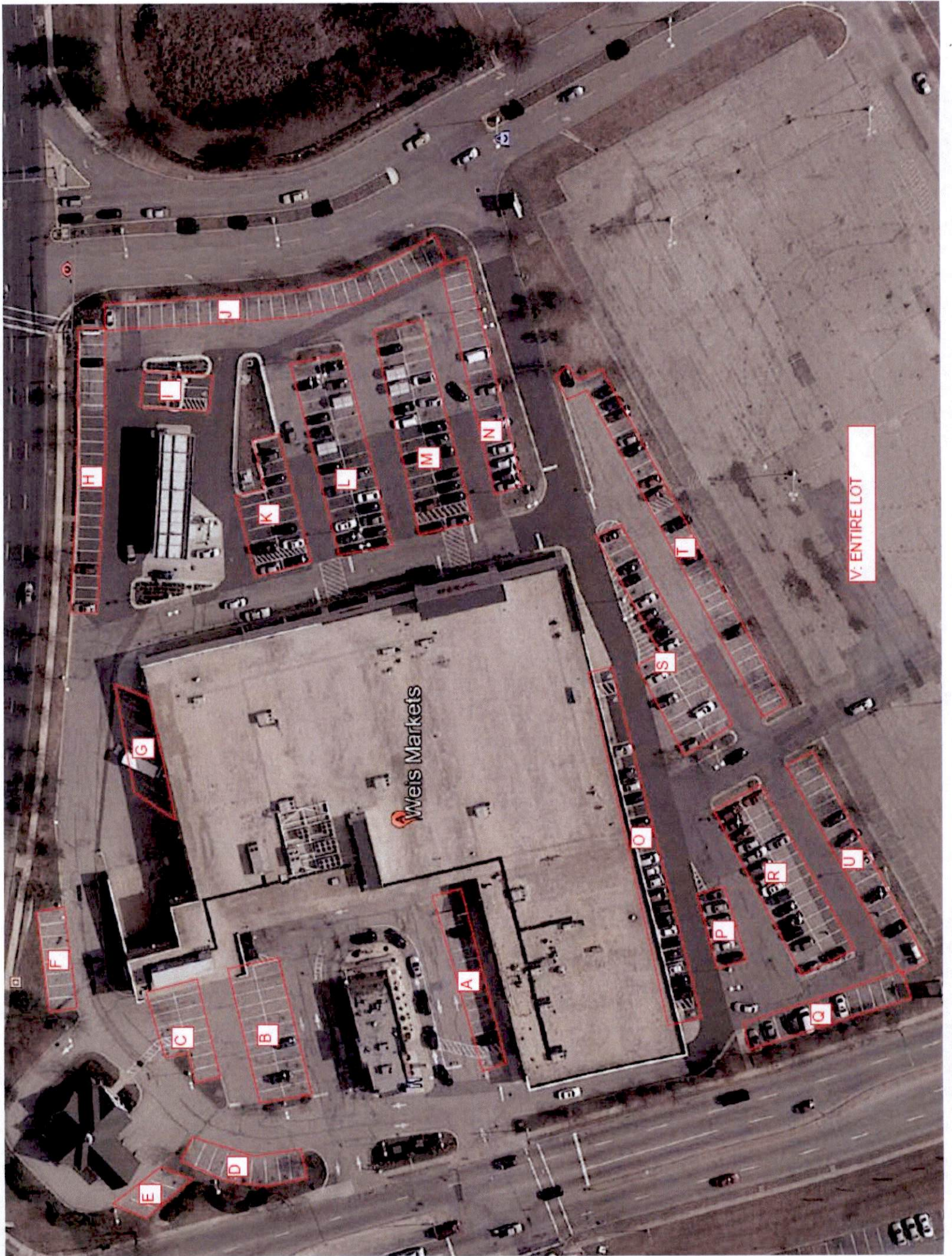
- Notes: 1. Based on Counts by Wells + Associates.
 2. Excludes CVS and construction traffic.
 3. Revenue info provided by Kimco Realty Corporation.
 4. Reflects 10 percent design hour adjustment.

APPENDIX A
PARKING OCCUPANCY DATA
FOR SECURITY SQUARE

Security Square Parking Occupancy Summary

Weekday Hour of Day	Maximum Occupancy	Percent Occupancy	Areas A-F Occupancy	Percent Occupancy
9:00 AM	48	13%	0	0%
10:00 AM	67	18%	1	1%
11:00 AM	94	25%	4	6%
12:00 PM	121	32%	9	13%
1:00 PM	108	29%	15	22%
2:00 PM	97	26%	9	13%
3:00 PM	88	23%	4	6%
4:00 PM	102	27%	10	15%
5:00 PM	102	27%	8	12%
6:00 PM	102	27%	4	6%
7:00 PM	109	29%	7	10%
8:00 PM	83	22%	6	9%
9:00 PM	50	13%	4	6%
Total Spcs.	377		68	

Saturday Hour of Day	Maximum Occupancy	Percent Occupancy	Areas A-F Occupancy	Percent Occupancy
9:00 AM	68	18%	0	0%
10:00 AM	96	25%	1	1%
11:00 AM	90	24%	3	4%
12:00 PM	115	31%	1	1%
1:00 PM	114	30%	6	9%
2:00 PM	116	31%	5	7%
3:00 PM	113	30%	7	10%
4:00 PM	99	26%	10	15%
5:00 PM	102	27%	6	9%
6:00 PM	81	21%	8	12%
7:00 PM	90	24%	5	7%
8:00 PM	60	16%	6	9%
9:00 PM	33	9%	3	4%
Total Spcs.	377		68	



V: ENTIRE LOT

Parking Occupancy Count

#7642 Security Square

Surveyor: Luz and Katie

Hours: 9AM -9PM

Date: Thursday August 16th 2018

Weather: _____

Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G	Lot H	Lot I	Lot J	Lot K
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars
Thursday											
9:00 AM	0	0	0	0	0	0	4	1	0	1	5
10:00 AM	0	1	0	0	0	0	3	1	0	0	8
11:00 AM	2	2	0	0	0	0	2	4	0	1	7
12:00 PM	2	5	0	2	0	0	0	1	1	4	14
1:00 PM	6	5	0	4	0	0	1	2	1	1	7
2:00 PM	3	4	0	2	0	0	0	2	1	1	7
3:00 PM	0	3	0	1	0	0	0	1	0	1	7
4:00 PM	3	6	0	1	0	0	0	0	1	0	7
5:00 PM	2	6	0	0	0	0	0	2	0	0	11
6:00 PM	0	3	0	1	0	0	0	2	0	3	11
7:00 PM	3	4	0	0	0	0	0	3	0	1	10
8:00 PM	2	3	1	0	0	0	0	2	0	0	8
9:00 PM	1	3	0	0	0	0	0	1	0	0	6

Lots	Lot L	Lot M	Lot N	Lot O	Lot P	Lot Q	Lot R	Lot S	Lot T	Lot U	Lot V
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars
Thursday											
9:00 AM	8	7	0	4	1	2	1	6	7	1	0
10:00 AM	5	6	0	13	3	3	4	8	9	3	0
11:00 AM	11	13	2	12	5	4	9	8	10	2	0
12:00 PM	14	14	7	14	5	3	7	11	12	5	0
1:00 PM	10	12	5	13	4	5	6	10	12	4	0
2:00 PM	14	13	3	13	5	3	5	7	11	3	0
3:00 PM	10	10	1	18	3	3	7	12	9	2	0
4:00 PM	16	15	6	14	6	3	8	9	5	2	0
5:00 PM	18	15	3	16	5	3	8	8	3	2	0
6:00 PM	15	18	5	16	3	3	6	9	5	2	0
7:00 PM	13	17	5	18	5	2	8	12	6	2	0
8:00 PM	14	14	6	13	3	0	5	8	3	1	0
9:00 PM	12	7	3	8	0	0	3	4	2	0	0

Parking Occupancy Count

#7642 Security Square

Surveyor: Luz and Katie

Hours: 9AM -9PM

Date: Saturday August 18th 2018

Weather: _____

Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G	Lot H	Lot I	Lot J	Lot K
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars
Saturday											
9:00 AM	0	0	0	0	0	0	1	2	1	2	5
10:00 AM	0	1	0	0	0	0	0	3	1	1	8
11:00 AM	1	2	0	0	0	0	2	3	1	0	5
12:00 PM	0	1	0	0	0	0	1	2	1	1	8
1:00 PM	1	4	0	1	0	0	0	4	1	1	6
2:00 PM	2	3	0	0	0	0	1	3	1	2	11
3:00 PM	2	4	0	1	0	0	1	2	1	1	13
4:00 PM	5	3	0	2	0	0	0	3	0	1	7
5:00 PM	1	4	0	1	0	0	0	3	0	1	12
6:00 PM	3	3	0	2	0	0	0	3	1	1	3
7:00 PM	0	4	0	1	0	0	0	2	0	0	9
8:00 PM	1	4	0	1	0	0	0	2	0	0	5
9:00 PM	0	3	0	0	0	0	0	2	0	0	4

Lots	Lot L	Lot M	Lot N	Lot O	Lot P	Lot Q	Lot R	Lot S	Lot T	Lot U	Lot V
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars
Saturday											
9:00 AM	10	10	2	13	5	1	3	4	7	2	0
10:00 AM	17	9	3	15	5	3	9	9	9	3	0
11:00 AM	13	10	3	13	6	2	10	6	9	4	0
12:00 PM	16	16	7	14	4	3	16	12	11	2	0
1:00 PM	12	19	8	16	6	3	9	9	12	2	0
2:00 PM	14	14	6	18	4	3	12	9	11	2	0
3:00 PM	17	16	5	14	4	4	9	7	9	3	0
4:00 PM	14	10	8	16	3	2	13	5	5	2	0
5:00 PM	13	15	3	14	6	5	8	11	3	2	0
6:00 PM	12	10	7	14	4	4	8	4	0	2	0
7:00 PM	14	11	4	20	2	3	9	6	2	3	0
8:00 PM	14	11	3	9	0	1	2	5	0	2	0
9:00 PM	9	9	2	2	0	0	1	0	1	0	0

APPENDIX B
PARKING OCCUPANCY DATA
FOR SIMILAR SHOPPING CENTERS

Security Square

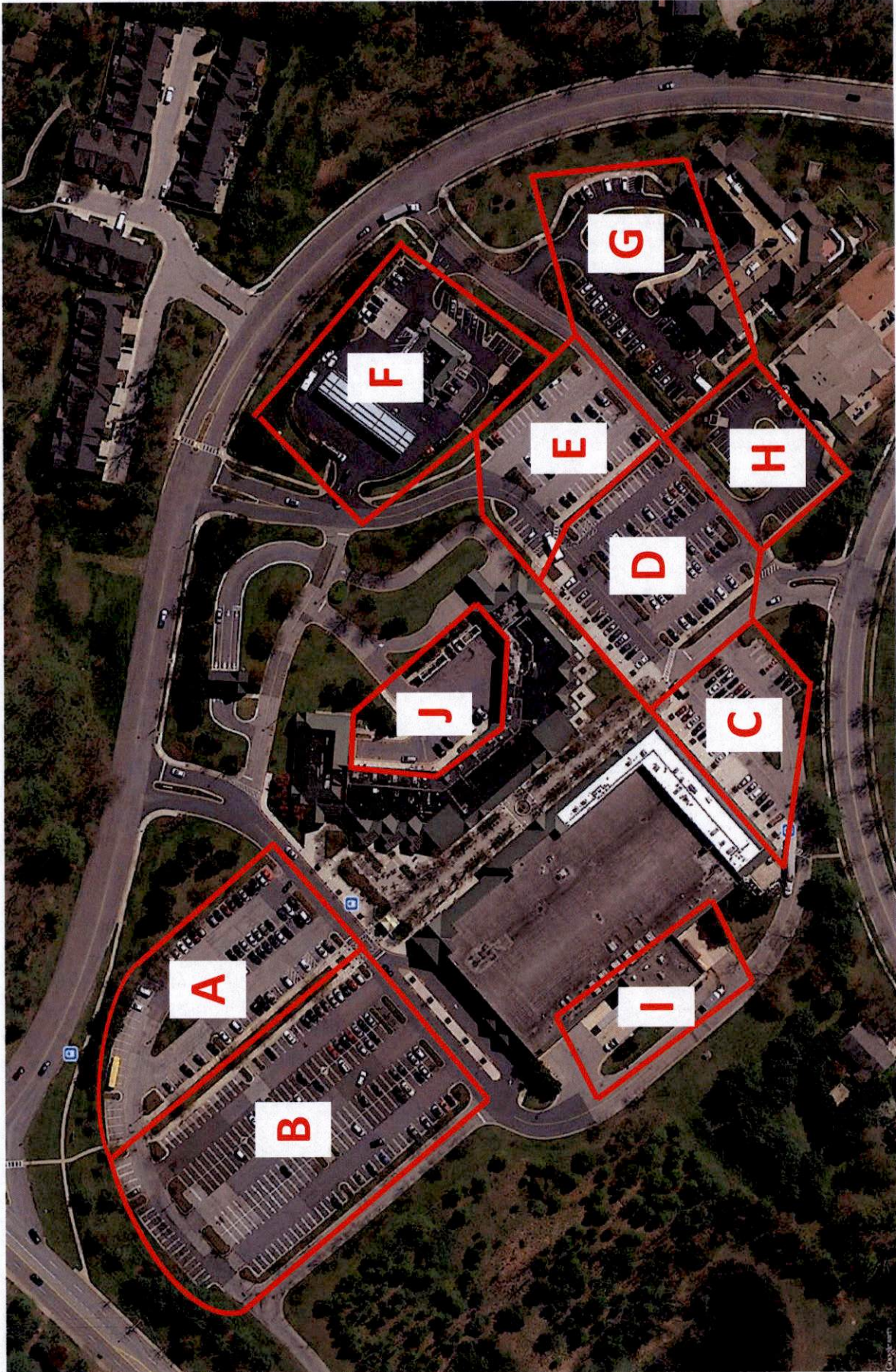
Project Information Summary ⁽¹⁾

Project	Size	Units
Security Square		
<i>North Rolling Road & Security Boulevard</i>		
Total Building Area (retail)	78,740	S.F. (GLA)
Parking Provided	377	spaces
Parking Ratio	4.79	spaces/1,000 S.F.
Vacant Space	2,222	S.F. (GLA)
Net Building Area ⁽²⁾	76,518	S.F. (GLA)
Percent Vacancy	3%	
Hickory Ridge Village Center		
<i>Freetown Road & Quarterstaff Road</i>		
Total Building Area (retail)	97,321	S.F. (GLA)
Parking Provided	489	spaces
Parking Ratio	5.02	spaces/1,000 S.F.
Vacant Space	2,400	S.F. (GLA)
Net Building Area ⁽²⁾	94,921	S.F. (GLA)
Percent Vacancy	3%	
Wilde Lake Village Center		
<i>Twin Rivers Road & Cross Fox Lane</i>		
Total Building Area (retail/office)	90,992	S.F. (GLA)
Parking Provided	322	spaces
Parking Ratio	3.54	spaces/1,000 S.F.
Vacant Space	34,842	S.F. (GLA)
Net Building Area ⁽²⁾	56,150	S.F. (GLA)
Percent Vacancy	62%	
Timonium Crossing		
<i>York Road & E. Timonium Road</i>		
Total Building Area (retail/office)	59,799	S.F. (GLA)
Parking Provided	259	spaces
Parking Ratio	4.33	spaces/1,000 S.F.
Vacant Space	7,963	S.F. (GLA)
Net Building Area ⁽²⁾	51,836	S.F. (GLA)
Percent Vacancy	15%	
Kings Contrivance		
<i>Guilford Road & Eden Brook Drive</i>		
Total Building Area (retail/office)	119,117	S.F. (GLA)
Parking Provided	521	spaces
Parking Ratio	4.37	spaces/1,000 S.F.
Vacant Space	968	S.F. (GLA)
Net Building Area ⁽²⁾	118,149	S.F. (GLA)
Percent Vacancy	1%	

Notes: (1) Based on field data collected by W+A.

(2) Based on data provided Kimco Realty Corporation.

HICKORY RIDGE VILLAGE CENTER



Parking Occupancy Count

6972

Surveyor: Luz

Hours: 10AM-3 PM

Date: 8-Oct

Weather: Clear

Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G	Lot H	Lot I	Lot J		
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars		
AM									Loading Dock South	Loading Dock North	Total Cars	Retail only
10:00 AM	27	31	27	14	8	16	24	0	6	5	158	112
11:00 AM	44	40	33	34	14	14	21	0	0	8	208	173
12:00 PM	53	59	38	43	16	15	25	1	0	8	258	217
1:00 PM	55	58	34	43	9	14	23	0	0	9	245	208
2:00 PM	46	59	25	35	7	14	29	0	0	10	225	182
3:00 PM	43	54	26	32	14	15	23	0	0	10	217	179
Total Spcs.	89	204	41	98	57	33	31	22			575	489

HICKORY RIDGE VILLAGE CENTER

Parking Occupancy Count

6972

Surveyor: Luz

Hours: 6AM-7 PM

Date: 6-Oct

Weather: Clear

Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G	Lot H	Lot I	Lot J		
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars		
AM									Loading Dock South	Loading Dock North	Total Cars	Retail only
6:00 AM	3	7	0	4	2	22	17	1	0	0	56	16
7:00 AM	6	14	4	6	3	24	24	6	0	0	87	33
8:00 AM	11	18	6	10	6	24	26	10	3	2	116	53
9:00 AM	14	29	9	16	9	24	26	12	2	1	142	78
10:00 AM	25	30	23	24	15	22	24	10	1	3	177	120
11:00 AM	51	50	26	36	20	21	25	11	1	7	248	190
12:00 PM	69	84	29	49	23	21	27	10	1	8	321	262
1:00 PM	69	71	34	50	24	21	24	12	0	8	313	256
2:00 PM	48	35	26	41	35	25	26	10	0	9	255	194
3:00 PM	45	51	27	37	28	31	26	11	0	9	265	197
4:00 PM	45	51	27	47	31	23	22	6	0	9	261	210
5:00 PM	54	67	25	41	26	25	18	11	0	7	274	220
6:00 PM	59	56	31	50	22	25	20	10	0	9	282	227
7:00 PM	56	65	24	44	13	22	17	0	0	7	248	209
Total Spcs.	89	204	41	98	57	33	31	22			575	489

HICKORY RIDGE VILLAGE CENTER

0216

WILDE LAKE

TWIN RIVERS RD. & LYNX LANE, COLUMBIA, MD

KIMCO
REALTY**GLA:** 83,977 SF**ACRES:** 7**PARKING SPACES:** 347**MSA:** Baltimore-Columbia-Towson (MD)**WEB LINK:** kimcorealty.com/0216**DEMOGRAPHICS**

	 TOTAL POPULATION	 TOTAL HOUSEHOLDS	 AVG. HH INCOME	 MED. HH INCOME (\$)	 PER CAPITA INCOME
2015 ESTIMATES					
1 MILE	14,636	6,388	\$101,705	\$83,811	\$44,479
3 MILE	75,523	30,242	\$121,204	\$99,998	\$48,810
5 MILE	164,102	62,317	\$130,874	\$109,899	\$49,859
10 MILE	507,092	186,082	\$117,072	\$95,086	\$43,291

LEASING REPRESENTATIVE**SCOTTY SELLMAN**

1954 Greenspring Drive Suite 330

Timonium, MD

(410) 427-4416

ssellman@kimcorealty.com

Trade Area Systems, Updates of 2010 Census Data by Synergos

**TENANT****SQFT**

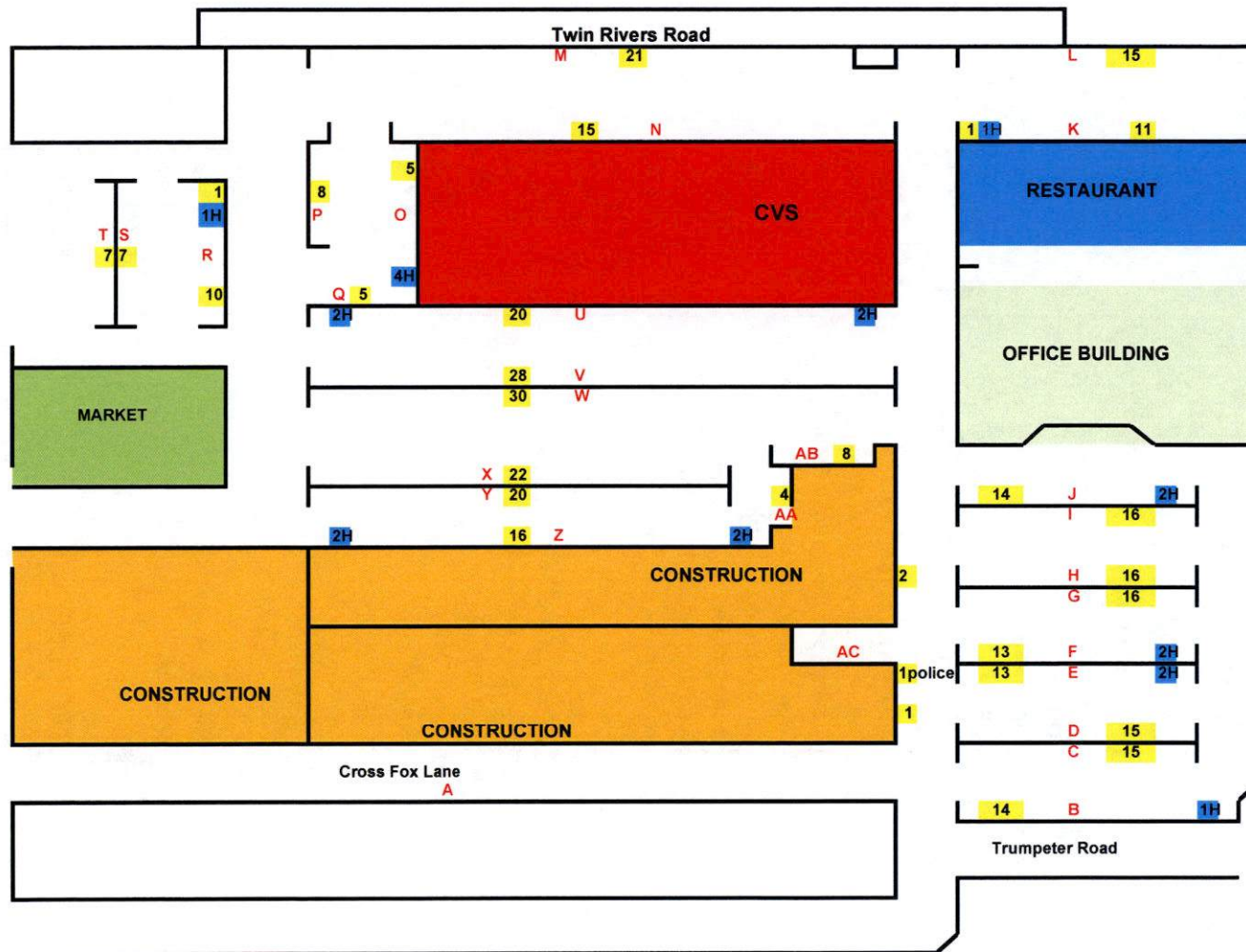
1	The Melting Pot	5,595
2	Wilde Lake Karate	2,062
3	Bagel Bin & Deli	2,194
4	Pizza Boli	2,355
5	Curry & Kabob	2,366
10	Available	2,212
11	Anthony Richards Barber Shop	533
12	Today's Catch	900
13	Absolutely Wine or Spirits	3,080
14	Hunan Family	1,013
15	Available	1,776
16	Brand One Insurance Agency	897
17	Available	459
18	Available	366
19	Available	929
20	Available	756
24	HC Drug Free	630
25	Allstate Insurance	1,406
26	Available	700
28	Available	440
29	Columbia Airport Shuttle	403
30	Continuum Counseling Services	325
31	Laure Thomer, LCSW-C	337
32	Troutman Construction Company	1,409
33	ComForcare Home Health	412
34	Sutherland & Brinster P. A.	615
35	Meals on Wheels of Central MD	659
36	The Baywood Design Build Group	492
37	Starbucks Coffee	2,865
39	CVS	13,225
45	David's Natural Market	15,079
46	Available	3,900
47	Salons by JC	6,580
48	Available	2,977
49	Dynamic Dental Care	2,970
50	The UPS Store	1,060
53	Smoothie King	1,100
54	Available	3,900

Non-Controlled
 Availability
 Redevelopment

LEASING REPRESENTATIVE**SCOTTY SELLMAN**

1954 Greenspring Drive Suite 330, Timonium, MD | (410) 427-4416 | sselman@kimcorealty.com

Disclaimer: This site plan shows the approximate location, square footage, and configuration of the shopping center and adjacent areas, and is only illustrative of the size and relationship of the stores and common areas generally, all of which are subject to change. The showing of any names of tenants, parking spaces, square footage, curb-cuts or traffic controls shall not be deemed to be a representation or warranty that any tenants will be at the shopping center, the square footage is accurate, or that any parking spaces, curb-cuts or traffic controls do or will continue to exist. Moreover, any demographics set forth in this flyer are for illustrative purposes only and shall not be deemed a representation by Landlord or their accuracy.



Land Use	Square Feet (S.F.)
Retail	
David's Natural Market	15,079
CVS	13,225
Absolutely Wine or Spirits	3,080
Wilde Lake Karate	2,062
Troutman Construction Company	1,409
Allstate Insurance	1,406
The UPS Store	1,060
Today's Catch	900
Meals on Wheels of Central MD	659
HC Drug Free	630
Sutherland & Brinster, P.A.	615
Anthony Richards Barber Shop	533
The Baywood Design Build Group	492
ComForcare Home Health	412
Columbia Airport Shuttle	403
Laurie Thorner, LCSW-C	337
Continuum Counseling Services	325
Subtotal	42,627
	75.92%
Restaurant	
The Melting Pot	5,595
Curry & Kabob	2,366
Hunan Family	1,013
Subtotal	8,974
	15.98%
Fast Food	
Pizza Boli	2,355
Bagel Bin & Deli	2,194
Subtotal	4,549
	8.10%
TOTAL SF	56,150

Parking Occupancy Count
 Surveyor: Damir
 Hours: 7AM-8PM
 Date: 7-Apr
 Weather: rain

Parking Occupancy Count
 Surveyor: Majda
 Hours: 7AM - 8PM
 Date: 7-Apr
 Weather: rain

Lots	Wild Lake Village Center Parking																										Total Cars					
	Cars	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W	X	Y	Z		AA	AB	AC	Truck	
AM																																
7:00 AM	1	1	4	3	6	3	2	3	1	1	6	0	0	0	0	1	5	2	1	0	0	2	0	0	0	11	3	1	0	3	137	
8:00 AM	9	6	6	0	6	3	2	3	2	3	8	0	0	2	0	1	4	1	1	1	3	2	0	1	13	2	6	1	4	188		
9:00 AM	9	7	10	8	11	5	2	4	2	4	10	0	1	1	2	3	4	1	4	2	4	3	0	2	13	2	6	1	5	280		
10:00 AM	9	8	8	7	9	11	6	11	7	11	12	0	1	2	0	2	5	2	2	2	4	2	0	2	14	2	6	1	2	280		
11:00 AM	8	6	8	3	8	10	6	8	9	10	12	2	2	2	0	3	5	4	2	4	2	4	0	4	12	1	6	0	3	296		
12:00 PM	8	6	5	2	7	2	4	12	12	11	11	1	3	5	5	5	6	5	4	5	8	6	6	5	11	1	6	2	3	306		
1:00 PM	9	3	5	4	5	5	7	11	10	9	15	1	2	3	3	5	7	6	8	2	11	6	1	2	12	2	5	0	1	318		
2:00 PM	9	3	5	3	6	5	6	10	13	9	14	2	3	1	3	3	7	7	7	5	7	5	1	5	11	1	5	1	1	331		
3:00 PM	3	2	4	2	5	3	4	11	12	10	13	1	5	2	3	4	9	6	5	7	10	7	0	7	10	1	7	1	3	310		
4:00 PM	2	2	3	0	3	1	2	10	11	13	13	2	4	5	3	4	9	5	6	7	6	4	4	7	7	1	6	1	1	263		
5:00 PM	2	2	3	2	4	0	4	10	10	9	14	6	2	1	2	3	7	5	4	5	7	4	0	5	6	1	4	0	1	254		
6:00 PM	2	2	3	0	4	2	5	6	6	8	14	4	2	4	6	3	3	1	5	10	9	8	1	10	1	0	3	1	2	302		
7:00 PM	1	9	10	13	13	16	14	12	13	10	13	4	1	5	2	3	3	2	1	4	9	5	0	4	1	0	3	1	1	329		
8:00 PM	2	2	3	5	6	11	14	13	14	7	12	3	3	4	3	1	1	1	1	1	4	6	4	0	4	1	0	4	0	1	541	
Total Spcs.	15	15	15	15	15	16	16	16	16	13	15	21	15	9	8	5	12	7	7	24	28	30	22	20	20	4	8	4	4	411		



Mid-Atlantic Region | MSA: Baltimore-Towson | www.kimcorealty.com/1077B

Scotty Sellman
1954 Greenspring Drive Suite 330, Timonium, MD 21093 | 410-427-4416 | ssellman@kimcorealty.com



Site Information

GLA: 59,799 SF
 Acres: 3.54
 Parking Spaces: 257

 Web Link: www.kimcorealty.com/1077B

Demographics

2012 Estimates	1 Mile	3 Miles	5 Miles
Total Population	9,863	69,781	146,643
Total Households	4,030	29,426	59,505
Avg. HH Income	\$94,362	\$98,587	\$109,628
Med. HH Income	\$82,479	\$77,550	\$85,883
Per Capita Income	\$38,556	\$45,041	\$46,931

*Sites USA, Updates of 2000 Census data by AGS

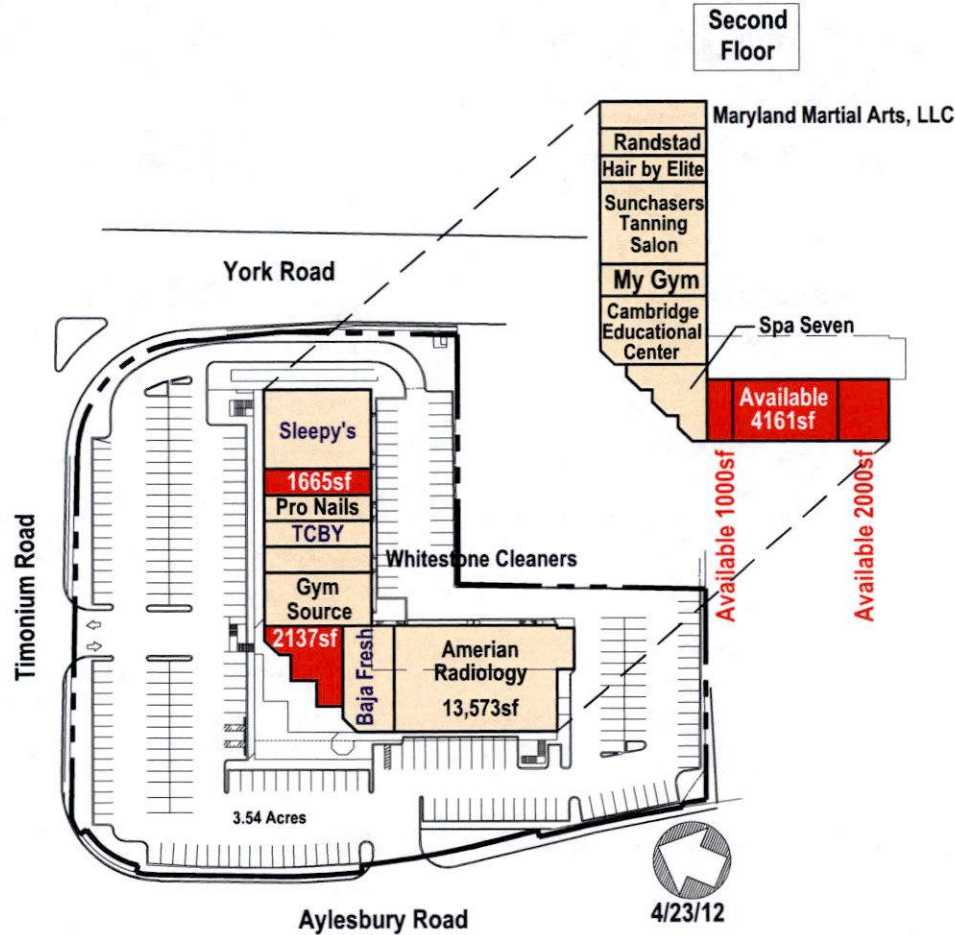
Leasing Representative

Scotty Sellman
 1954 Greenspring Drive Suite 330
 Timonium, MD 21093

 410-427-4416
 ssellman@kimcorealty.com

PD: 42312

1077



Disclaimer: The site plan shows the approximate location, square footage, and configuration of the shopping center and adjacent areas, and is only illustrative of the size and relationship of the stores and common areas generally, all of which are subject to change. The showing of any names of tenants, parking spaces, square footage, curb-cuts or traffic controls shall not be deemed to be a representation or warranty that any tenants will be at the shopping center, the square footage is accurate, or that any parking spaces, curb-cuts or traffic controls do or will continue to exist. Moreover, any demographics set forth in this flyer are for illustrative purposes only and shall not be deemed a representation by Landlord of their accuracy.

KIMCO
 REALTY

Timonium Crossing
 York Rd. & E. Timonium Rd., Timonium, MD



Mid-Atlantic Region | MSA: Baltimore-Towson | www.kimcorealty.com/0212A

Scotty Sellman
1954 Greenspring Drive Suite 330, Timonium, MD 21093 | 410-427-4416 | ssellman@kimcorealty.com

KIM
LISTED
NYSE

Site Information

GLA: 119,117 SF
 Acres: 12.17
 Parking Spaces: 522
 Web Link: www.kimcorealty.com/0212A

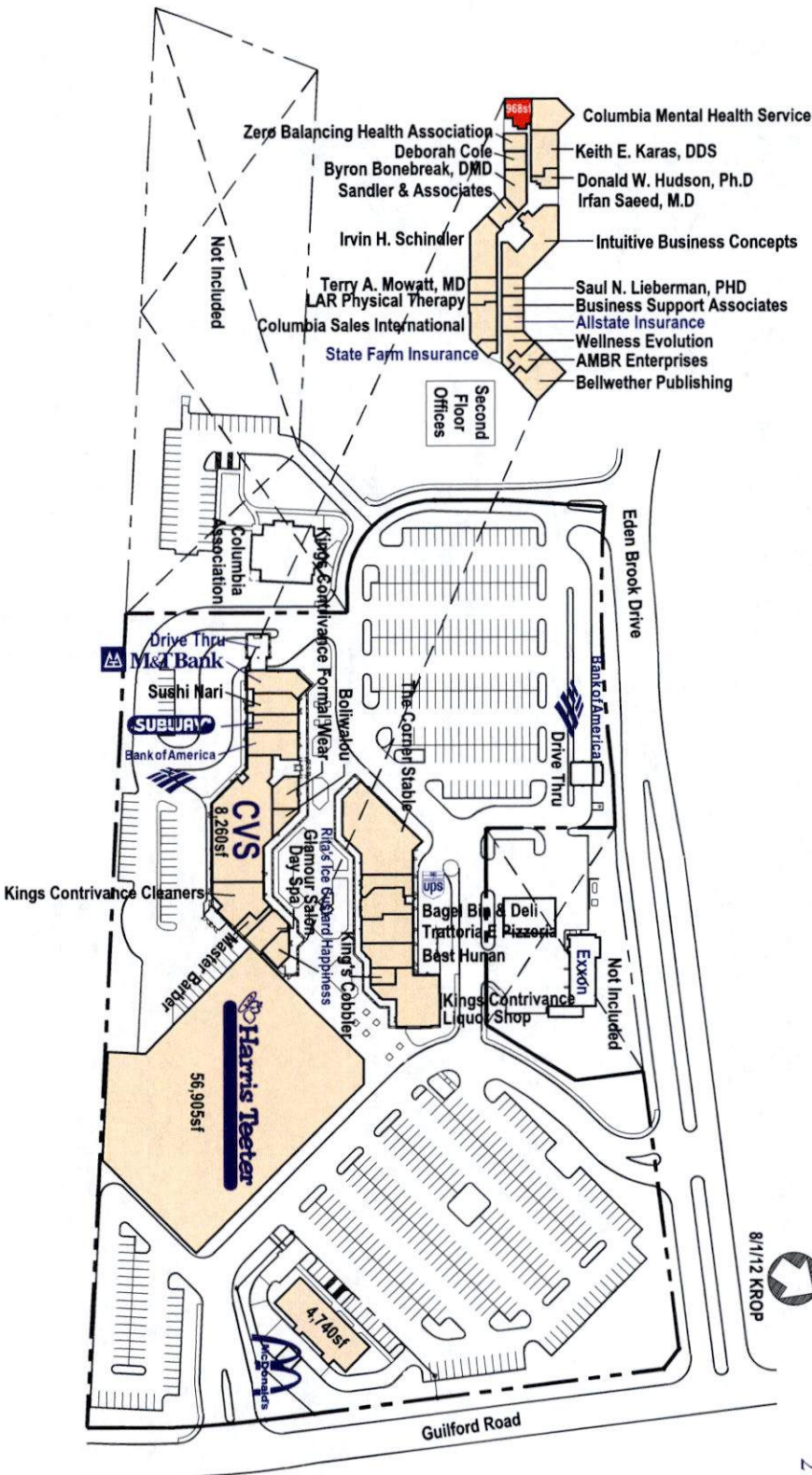
Demographics

2012 Estimates	1 Mile	3 Miles	5 Miles
Total Population	8,217	62,163	185,140
Total Households	3,336	22,850	69,755
Avg. HH Income	\$138,732	\$133,388	\$113,033
Med. HH Income	\$106,171	\$118,835	\$103,834
Per Capita Income	\$56,481	\$49,632	\$43,009

*Sites USA, Updates of 2000 Census data by ACS

Leasing Representative

Scotty Sellman
 1954 Greenspring Drive Suite 330
 Timonium, MD 21093
 410-427-4416
ssellman@kimcorealty.com



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Kings Contrivance

Guilford Rd. & Eden Brook Dr., Columbia, MD



Parking Occupancy Count
5494

Surveyor: Luz & Alba
Hours: 7AM-8 PM
Date: 14-Mar
Weather: Clear

Timonium Crossing									
Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G		Percent
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars		
AM								Total Cars	Occupancy
7:00 AM	1	2	1	2	3	3	9	21	8%
8:00 AM	4	2	2	8	6	12	23	57	22%
9:00 AM	12	3	8	10	9	15	28	85	33%
10:00 AM	22	11	15	15	14	18	33	128	49%
11:00 AM	29	9	17	16	15	15	34	135	52%
12:00 PM	17	15	12	17	17	15	28	121	47%
1:00 PM	21	16	12	17	17	11	33	127	49%
2:00 PM	26	16	15	18	17	10	35	137	53%
3:00 PM	28	17	20	13	19	9	30	136	53%
4:00 PM	34	12	15	9	19	10	22	121	47%
5:00 PM	35	10	15	11	20	5	10	106	41%
6:00 PM	39	17	17	15	17	5	5	115	44%
7:00 PM	33	12	18	10	17	3	4	97	37%
8:00 PM	18	7	12	6	10	3	4	60	23%
Total Spcs.	54	43	25	31	32	26	48	259	

Parking Occupancy Count
5494

Surveyor: Salih & Amina
Hours: 7AM-8 PM
Date: 14-Mar
Weather: Clear

Kings Contrivance						
Lots	Lot A	Lot B	Lot C	Lot D		
Cars	Cars	Cars	Cars	Cars	Cars	
AM					Total Cars	
7:00 AM	5	29	10	3	0	47
8:00 AM	6	56	12	5	2	81
9:00 AM	58	66	16	7	4	151
10:00 AM	75	90	23	5	2	195
11:00 AM	100	107	23	5	6	241
12:00 PM	131	142	28	5	6	312
1:00 PM	150	134	28	6	6	324
2:00 PM	119	124	24	5	5	277
3:00 PM	103	127	25	3	5	263
4:00 PM	91	135	26	1	4	257
5:00 PM	92	132	24	1	5	254
6:00 PM	120	122	26	1	4	273
7:00 PM	165	117	17	1	4	304
8:00 PM	153	85	9	1	2	250
Total Spcs.	183	254	46	38		521

Parking Occupancy Count
5494

Surveyor: Amina
Hours: 9AM-7 PM
Date: 16-Mar
Weather: Clear

Timonium Crossing									
Lots	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Lot G		
Cars	Cars	Cars	Cars	Cars	Cars	Cars	Cars	Percent	
AM								Total Cars	Occupancy
9:00 AM	16	9	12	4	12	3	7	63	24%
10:00 AM	31	14	18	7	15	3	7	95	37%
11:00 AM	28	16	17	7	18	3	6	95	37%
12:00 PM	24	19	18	18	18	0	6	103	40%
1:00 PM	26	14	15	13	18	3	4	93	36%
2:00 PM	28	21	18	17	15	0	4	103	40%
3:00 PM	23	13	19	19	14	3	4	95	37%
4:00 PM	27	13	16	10	11	3	4	84	32%
5:00 PM	19	6	13	13	6	0	0	57	22%
6:00 PM	15	4	13	7	5	0	0	44	17%
7:00 PM	9	4	7	6	5	0	0	31	12%
Total Spcs	54	43	25	31	32	26	48	259	

Parking Occupancy Count
5494

Surveyor: Salih
Hours: 9AM-7 PM
Date: 16-Mar
Weather: Clear

Kings Contrivance						
Lots	Lot A	Lot B	Lot C	Lot D	Lot D	
Cars	Cars	Cars	Cars	Cars	Cars	
AM						Total Cars
9:00 AM	37	75	17	0	2	131
10:00 AM	47	96	21	0	2	166
11:00 AM	62	123	22	0	4	211
12:00 PM	77	148	20	0	3	248
1:00 PM	63	120	7	0	4	194
2:00 PM	76	143	31	0	4	254
3:00 PM	70	133	27	1	3	234
4:00 PM	60	143	25	1	3	232
5:00 PM	66	141	21	1	3	232
6:00 PM	98	91	19	3	4	215
7:00 PM	105	78	16	3	4	206
Total Spcs	183	254	46	38		521

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

BALTIMORE COUNTY ZONING HEARING OUTLINE

WINDSOR MZL, LLC

1809 and 1811 ROLLING ROAD (SECURITY SQUARE SHOPPING CENTER)

OCTOBER 1, 2018

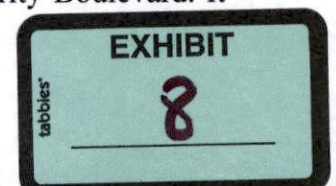
2019-0033-A

I. INTRODUCTION

1. Caroline Hecker and Justin Williams – Rosenberg Martin Greenberg, LLP
2. Greg Reed and Kimberly Kohlhepp – Kimco Realty – Prior Owner of Shopping Center
 - i. As will be explained in more detail below, in June 2018, a subsidiary of Kimco Realty sold the Shopping Center to a subsidiary of Katz Properties. In connection with the sale, Kimco was obligated to pursue the instant variance.
3. Michael Gesell, PE – Bohler Engineering, Site Designer
4. William Zeid, PE – Wells + Associates, Traffic Engineer
5. This is a petition for a parking variance necessary in connection with the change in use of the vacant pad site located in the Security Square Shopping Center from bank use to fast-food restaurant use (Arby's).
6. The proposed conditions are shown on the Site Plan prepared by Michael Gesell, P.E.
 - i. **Exhibit 1 – Site Plan**

II. EXISTING CONDITIONS – TESTIMONY FROM GREGORY REED

1. Zoning Classification: B.L./B.M.-C.T.
 - i. **Exhibit 2 – Zoning Map/Aerial**
2. The Property is known as Security Square Shopping Center and is located in the Woodlawn area of Baltimore County, adjacent to Security Square Mall. The irregularly-shaped Shopping Center property has a site area of ± 7.11 AC (309,494 SF) and is located at the intersection of N. Rolling Road and Security Boulevard. It



uniquely also has frontage on a third public street: Lord Baltimore Drive, which terminates at the Mall property.

3. The Shopping Center's improvements consist of a large multi-tenant building anchored by a Weis supermarket, a Weis Gas N' Go fuel service station, and two pad sites on the eastern portion of the Property.

- i. **Exhibit 3 – Google Earth Aerial**

4. The Shopping Center has a considerable zoning history. It was the site of a Hechinger's through the 1990s until a new developer acquired the Property and redeveloped it as a shopping center anchored by a Super Fresh grocery store. A number of variances were granted in connection with that redevelopment of the Property into a multi-tenant Shopping Center.
5. In Case No. 2001-0195-A, Deputy Zoning Commissioner Kotroco granted a variance to permit "parking along a driveway," which was proposed in connection with the construction of the First Mariner Bank branch that was proposed to be constructed in the northwest corner of the Property. The proposed conversion of this building is what triggered the need for a variance in this case.

- i. **Exhibit 4 – Case No. 2001-195-A – Findings of Fact and Conclusions of Law**

- ii. **See Exhibit 3 – Google Earth Aerial**

6. In 2013, the Super Fresh grocery store was acquired by Weis Markets, and the following year, in Case No. 2014-0173-A, Administrative Law Judge Beverungen granted parking and landscape transition area variances necessary to construct a Weis Gas N' Go fuel service station in the northeast corner of the Property. The parking variance relief granted permitted the Shopping Center to provide 377 spaces in lieu of the 426 spaces otherwise required.

- i. **Exhibit 5 – Case No. 2014-173-A – Opinion and Order**

- ii. The Opinion and Order cited a parking study that was completed in Spring 2014, which found that only 67 vehicles were in the Shopping Center's parking lot at the busiest time of day.

7. As part of First Mariner's efforts to trim expenses and respond to the shift to online and mobile banking, the Bank's branch in the Shopping Center was one of several that closed in June 2016. The building has been vacant since that time.
8. The building is proposed to be converted to be used as an Arby's restaurant. Its franchisee operator, Ravi Parikh, operates the Popeyes restaurant located on the Shopping Center's other pad site.

9. During the lease negotiations with Arby's, the Shopping Center was sold by Kimco to Windsor MZL, LLC, a subsidiary of Katz Properties. In connection with the sale, Kimco was obligated to obtain entitlements necessary to open the Arby's.

III. REQUESTED RELIEF – TESTIMONY FROM MICHAEL GESELL

1. The Site Plan in this case was prepared by Michael Gesell, a licensed professional engineer and an expert in the application of the Baltimore County Zoning Regulations (“BCZR” or “Zoning Regulations”) to site development. He has previously been qualified as an expert witness in dozens of Baltimore County zoning proceedings.

- i. **Exhibit 6 – Gesell, C.V.**

- ii. **See Exhibit 1 – Site Plan**

2. The proposed improvements to the bank site to convert it for use by Arby's (fast-food restaurant) are shown on the Site Plan. Specifically, the bank drive-thru lane will be slightly modified and a dumpster installed. There are currently 4 angled parking spaces by the bank drive-thru that are proposed to be converted to 90 degree spaces, so that there will now be room to add a 5th parking space.

3. As indicated on the Site Plan, the number of parking spaces required under the Zoning Regulations for the fast-food restaurant use is greater than for the former bank. The parking requirement for a bank is 3.3 spaces per 1,000 SF of gross floor area (GFA), while a fast-food restaurant requires 16 spaces per 1,000 SF of GFA. The 3,000-SF bank required 10 spaces, while the proposed 2,222-SF restaurant will require 36 spaces.

- i. Thus, the overall parking spaces provided in the Shopping Center will be increased from 377 to 378, and the parking spaces required to be provided under the Zoning Regulations will increase from 426 to 452.

4. Accordingly, a variance is required from BCZR § 409.6.A.2 to allow for 378 parking spaces in lieu of the required 452 spaces.

IV. PARKING STUDY SHOWS SUFFICIENT PARKING – TESTIMONY FROM WILLIAM ZEID

1. Michael Workorsky and William Zeid, from Wells + Associates, a traffic engineering firm, prepared a parking study of the Shopping Center confirming that the proposed parking supply of 378 parking spaces will sufficiently accommodate the proposed redevelopment of the bank to fast-food restaurant use. As explained below, the Study projects that at peak hour, at most, only 258 parking spaces would be necessary to adequately service the Shopping Center following the conversion of the pad site to restaurant use.

- i. **Exhibit 7 – Parking Demand Assessment**

2. Parking occupancy counts were collected at the Shopping Center on Thursday, August 16th and Saturday, August 18th from 9:00 AM to 9:00 PM and were recorded at 60-minute intervals.
 - i. The results showed that the peak demand on a weekday occurred at 12:00 PM, when 32.09% of the total spaces were occupied (121 of 377). The peak demand on Saturday occurred at 2:00 PM, when 42.97% of the total spaces were occupied (162 of 377).
 - ii. The Study was augmented with information previously collected by W+A at similarly-sized shopping centers in the region: Hickory Ridge Village Center, Wilde Lake Village Center, Timonium Crossing, and Kings Contrivance.
3. Based on observed occupancy counts at the Shopping Center combined with information collected on the parking demands at nearby shopping centers, the Study projects that a minimum surplus of 129 spaces will exist during the peak parking demand hour on a weekday in November.
4. In addition to providing parking demands for the entire Shopping Center, the Study specifically observed the parking area closest to the proposed Arby's. There are currently 68 parking spaces provided in that area and there will be 69 parking spaces following the conversion to Arby's. The occupancy observed in this area ranged between 15-25% during peak hour; there were never fewer than 50 parking spaces available.
5. Accordingly, the 36 spaces required for the Arby's restaurant use under the Zoning Regulations would be adequately accommodated by the 50 vacant spaces in this area of the Shopping Center.

V. VARIANCE – LEGAL STANDARDS – TESTIMONY FROM MICHAEL GESELL

1. Mr. Gesell would testify that the Shopping Center meets the standard for granting the necessary variances under Section 307.1 of the BCZR and the test in *Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).
2. Legal standards:
 - i. BCZR Section 307.1 authorizes the Administrative Law Judge to “grant variances ... from sign regulations ... in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such

manner as to grant relief without injury to public health, safety and general welfare.

3. Uniqueness/Special Circumstances:

- i. As indicated in the Orders in Case Nos. 2014-173-A and 2001-195-A, the Property is unique due to its irregular shape. The irregular shape and unusual condition under which the Property fronts on three public roads limits the ability of the Shopping Center to have an efficiently designed parking lot with the required number of spaces because of the number of drive aisles that are required to/from each Shopping Center entrance, and the inability to provide uniform rows of parking.

4. Practical Difficulty or Hardship:

- i. The unique aspects of the Property work in concert to create a practical difficulty, as the inability to provide a sufficient number of spaces would prevent the conversion of the vacant bank building to use as a fast-food restaurant.

5. Spirit and Intent:

- i. The granting of this variance is in harmony with the purpose of the Zoning Regulations and is necessary to allow for a currently vacant building to be put back into productive use. The parking regulations are intended to avoid overcrowding and to prevent motorists from having to park in neighboring properties or on public right-of-way. Here, the Parking Demand Assessment demonstrates that a substantial surplus of parking spaces will be present following the conversion of the bank to restaurant use.

1. See Exhibit 6 – Parking Demand Assessment

- ii. Moreover, under Section 409.13 of the Zoning Regulations, the Director of Permits, Approvals, and Inspections (PAI) is authorized to reduce the number of required parking spaces by up to 40% for large shopping centers with more 100,000 square feet or more of gross leasable area (GLA). Thus, if the Shopping Center had an additional ±22,000 SF of GLA and were thus eligible for a 40% reduction, the Shopping Center could have petitioned the Director of PAI for administrative approval to provide as few as 268 spaces in lieu of obtaining a variance. This is far fewer than the 378 spaces proposed to be provided.

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

- i. The granting of the variances will not cause any injury to the public health, safety, or general welfare. The Parking Demand Assessment

shows there is sufficient parking within the Shopping Center to accommodate the increase in demand from the new restaurant use.

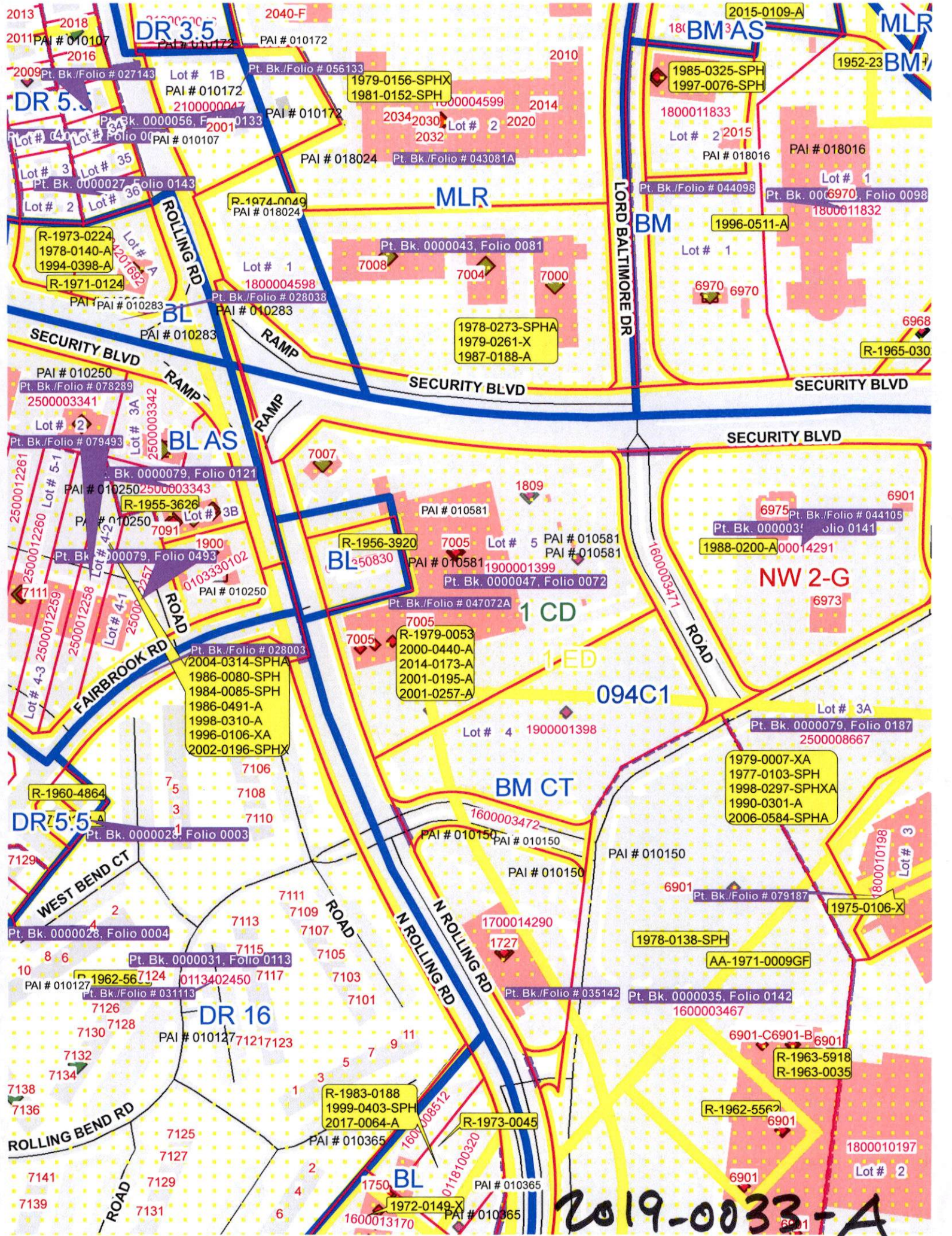
1. See Exhibit 6 – Parking Demand Assessment

- ii. To the extent the conversion would have any negative impact to the parking in the vicinity, it would most acutely impact the operator of the Popeyes, Mr. Parikh. As Mr. Parikh will also be operating the Arby's, he certainly does not anticipate an impact to the general welfare of his existing business.

VI. CONCLUSION

- 1. For these reasons, we respectfully request that the variance requests be granted.

i. Exhibit 8 – Hearing Outline



2019-0033-A

GENERAL NOTES

- 1. OWNER: TIMONIUM SAB LLC.
C/O KEN GOODMAN
1001 E. TELECOM DR
BOCA RATON, FL 33431
- 2. CONTRACT PURCHASER/LESSEE: SHEETZ, INC.
C/O BRENT BRUBAKER
124 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 39690 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: 411 square feet
 CONVENIENCE STORE: 1971 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):
 FRONT YARD: REQUIRED 50 feet, PROVIDED 165 feet
 SIDE AND REAR YARD: REQUIRED 30 feet, PROVIDED 69 feet (side), 37 feet (rear)
 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: 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, PROVIDED 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:
 FOR FUEL SERVICE: 18,000 square feet (1500 per fuel service space) [12]
 FOR CONVENIENCE STORE: 7896 square feet (4 times the square footage of the convenience store sales area) [1971]
 FOR AUTOMATIC TELLER MACHINE: 1000 square feet (1000 per machine)
 FOR CARRY-OUT RESTAURANT: 12138 square feet (6 times the gross square footage of restaurant) [2023]
 TOTAL: 39034 square feet
 SITE AREA PROVIDED: 64507 square feet
- 17. UTILITIES: PUBLIC WATER
PUBLIC SEWER
- 18. THE SITE DOES NOT LIE WITHIN THE FLOODPLAIN AS SHOWN ON F.I.R.M. #2400100295F, 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: B22930 - ILLUMINATED WALL SIGNS (2) FOR PARAPET WALL
 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 DRG MEETINGS: UNKNOWN
- 27. THE PROPERTY IS NOT LOCATED WITHIN ANY FAILED BASIC SERVICES MAP AREA.
- 28. PREVIOUS ZONING CASES:
 1498-0086-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 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 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 * (5per1000sqft)	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	1/unit
Total	31	51			

* - If accessory carry-out restaurant is parked as standard restaurant this would be 16/1,000sqft. or 32 spaces
 ** - Provided parking spaces measure no less than 10x20'

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.

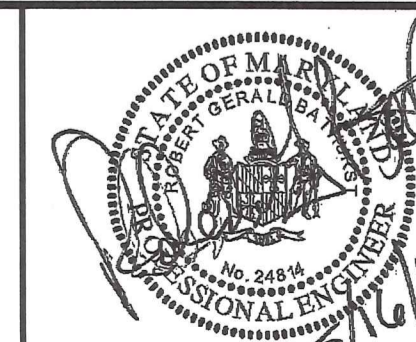
DATA SOURCES:

1. The topographic and boundary information shown inside the property and boundary on this plan is from Century Engineering Inc dated January 2018.
2. The topographic information shown outside the property and boundary from Baltimore County GIS.
3. Existing utilities shown hereon 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 88.
 Designation: Northing 651424.146 Easting 1416182.464 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 1416068.875 384.47
 Capped rebar located on the south east corner of York Road and Padonia Road.

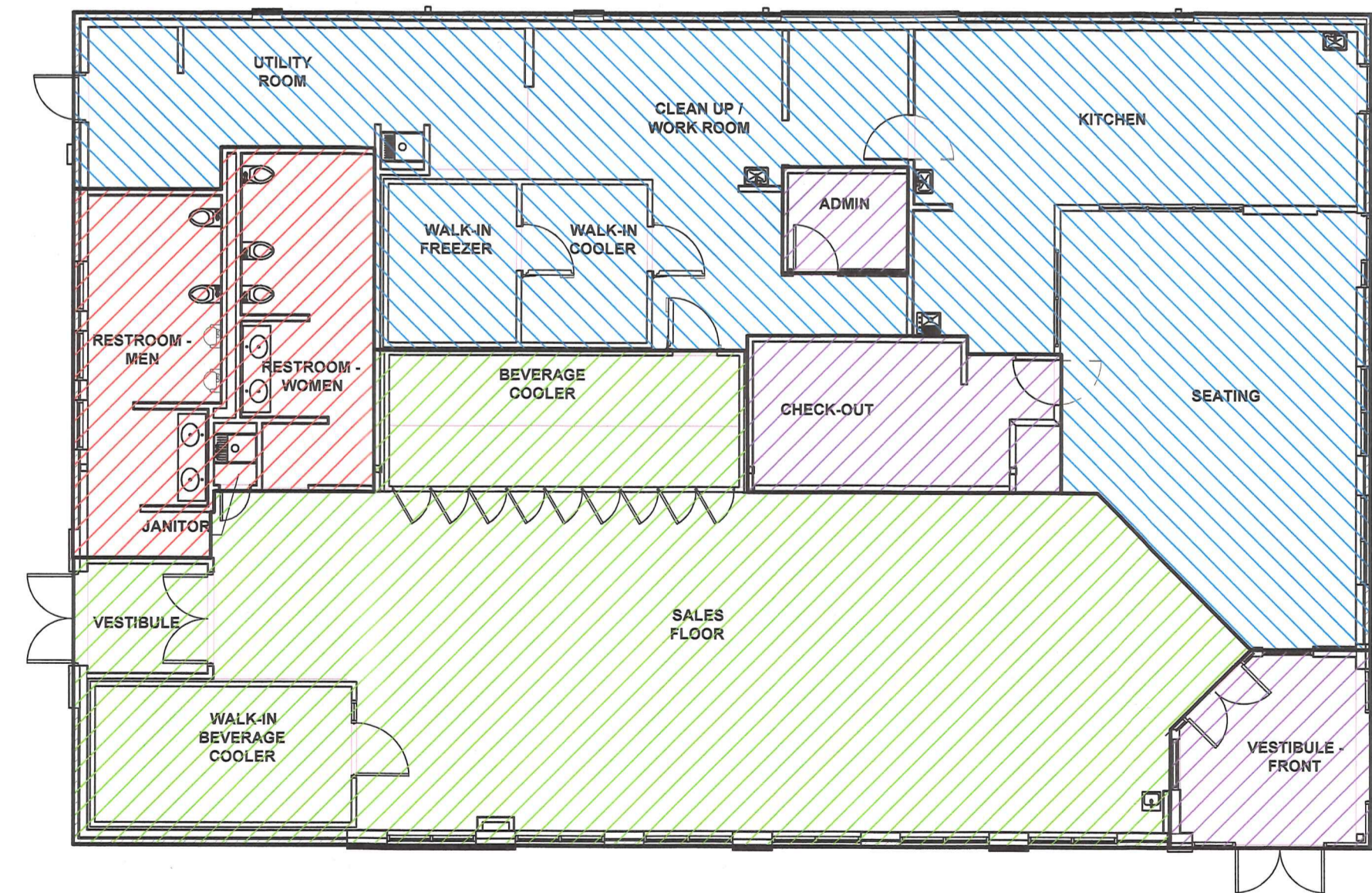
DATE	BY	REVISIONS

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		DRAWN: R.A.L.	
REVIEW: March 2018	BID: _____	DESIGNED: R.A.L.	
PERMIT: _____	CONSTRUCTION: _____	CHECKED BY: R.G.B.	
SCALE: _____	PROJECT NO.: 171229.00	DATE CHECKED: _____	



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'
 0 10' 20'

2018-0316-SPHK
PROFESSIONAL CERTIFICATION
 I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
 LICENSE No: 24814 EXPIRATION DATE: 02/28/2020

T:\2017\Facilities\171229.00 400 W Padonia Road (REP)\CIVIL\CADD\Drawings\Exhibits\171229.00 (ZP) Zoning Petition Plan Sht.2.dwg May 16, 2018 5:15 pm Ringheir



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.

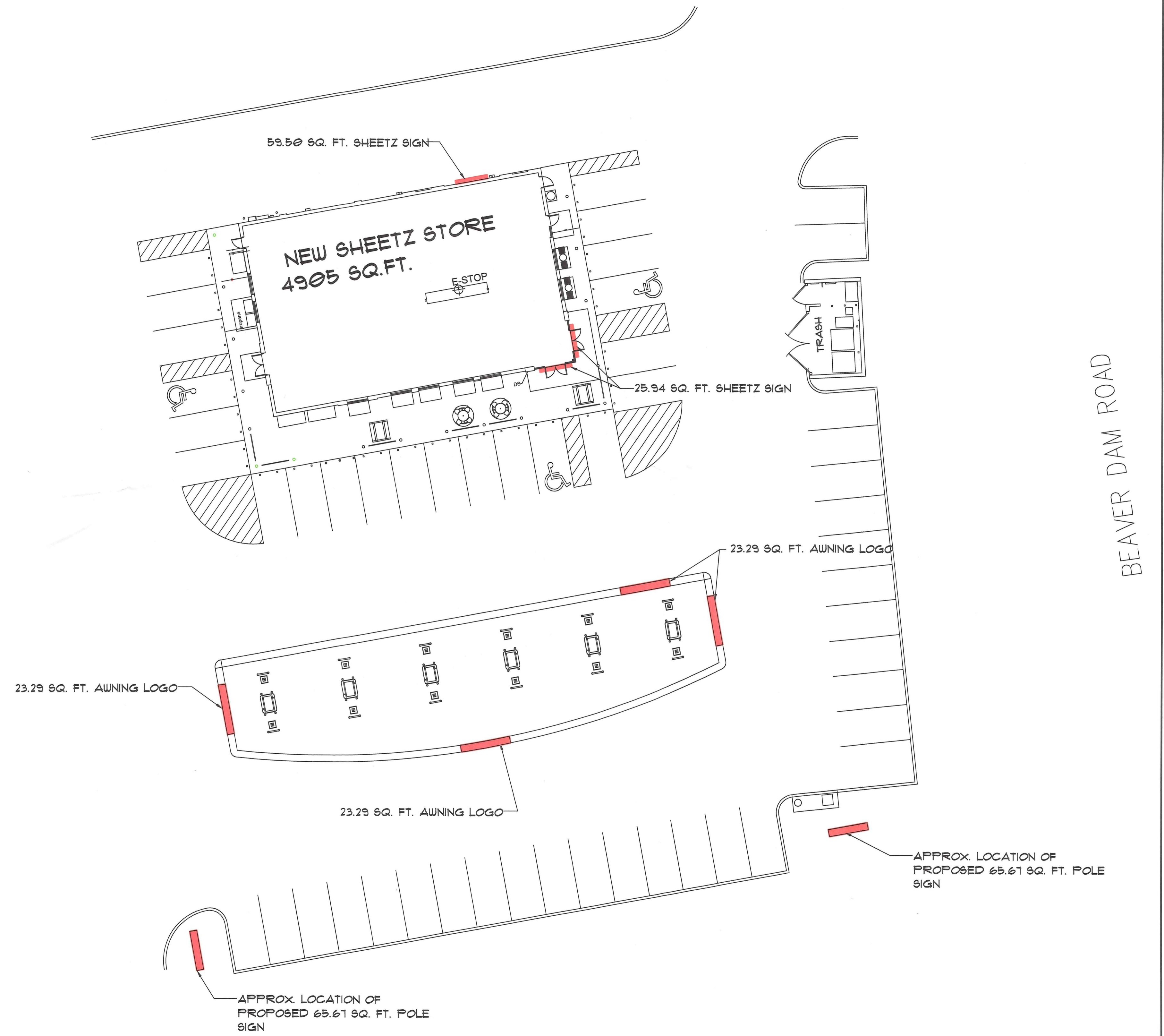
GAS PRICE POLE SIGN

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.



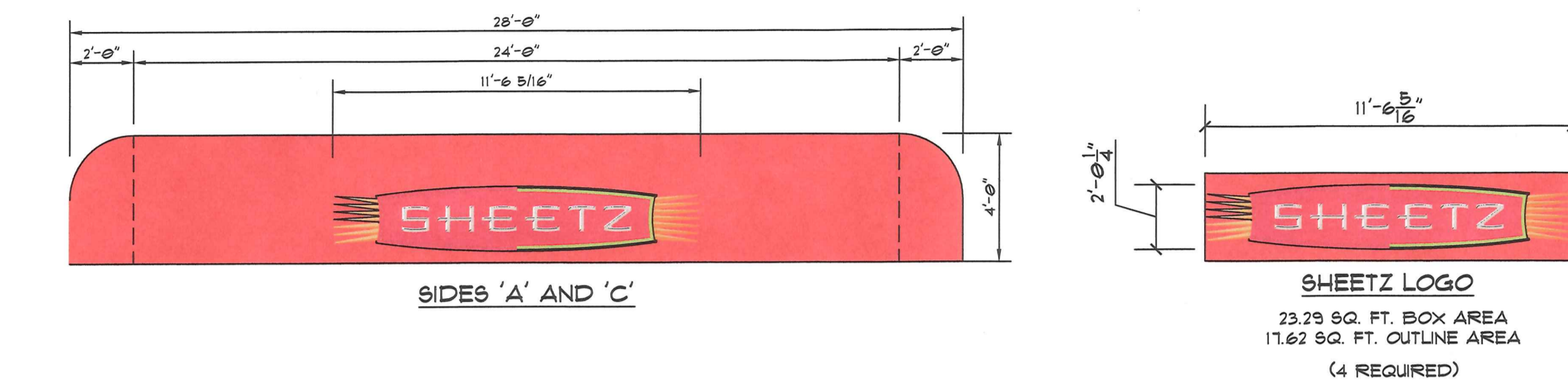
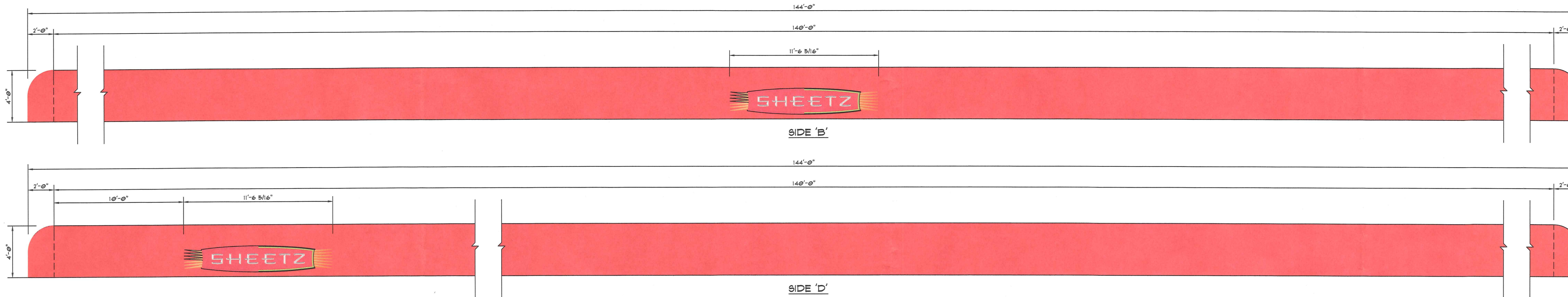
SIGN LOCATIONS

W. PADONIA ROAD

2018-0316-SPHX

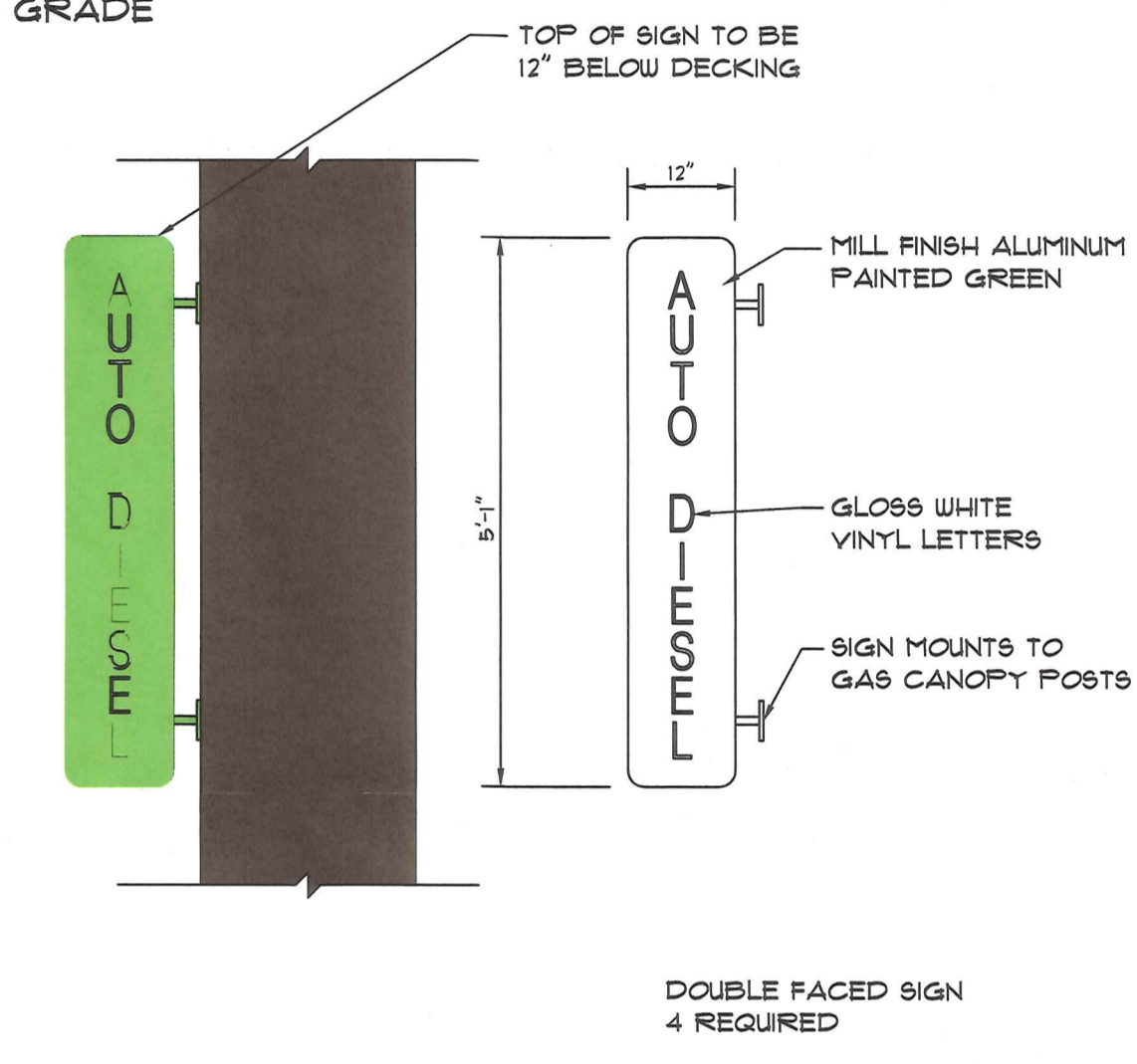


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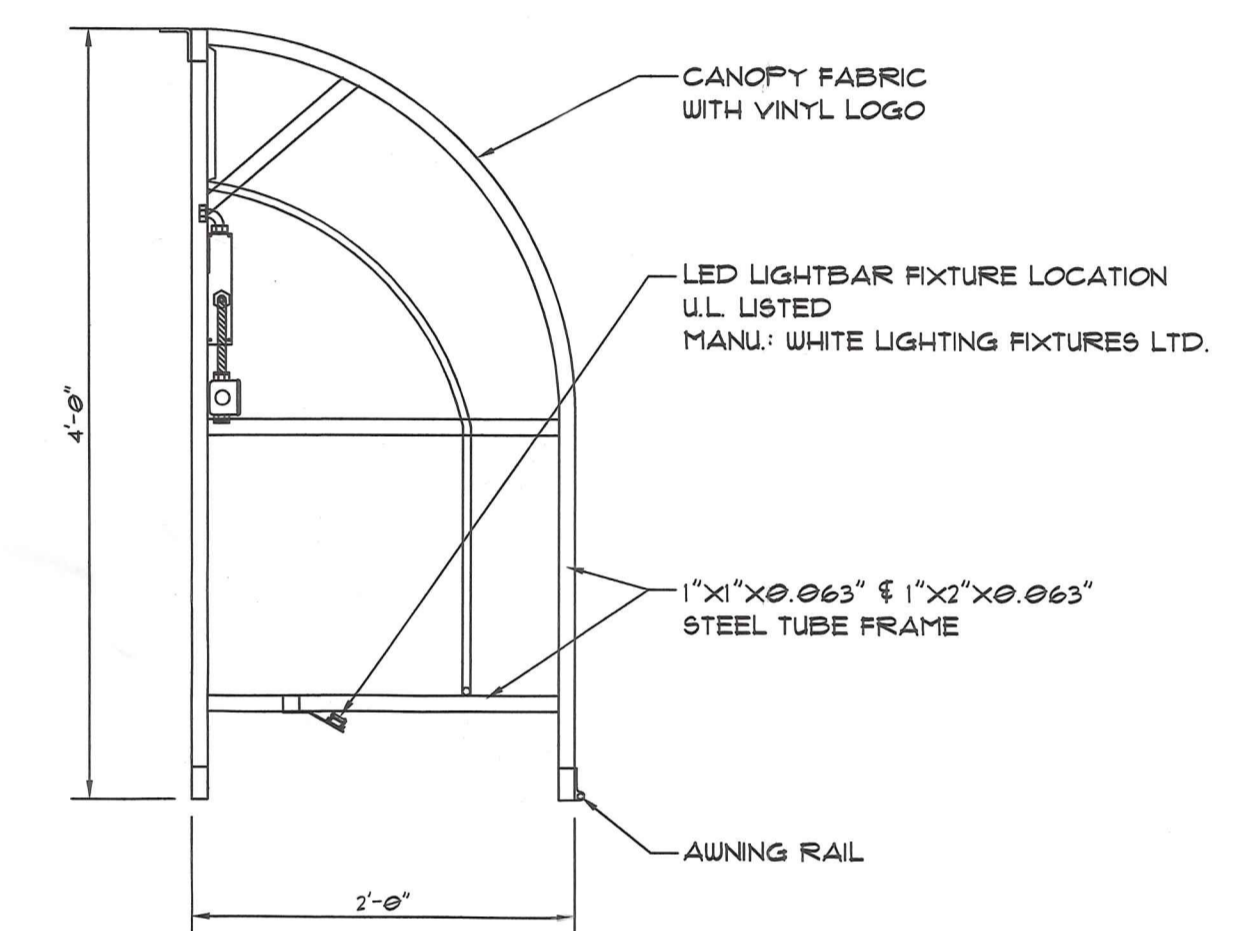
NOTE:
*BOTTOM OF AWNING IS 16'-0" ABOVE FINISH GRADE

GAS CANOPY ELEVATIONS
SCALE: 1/4"=1'-0"

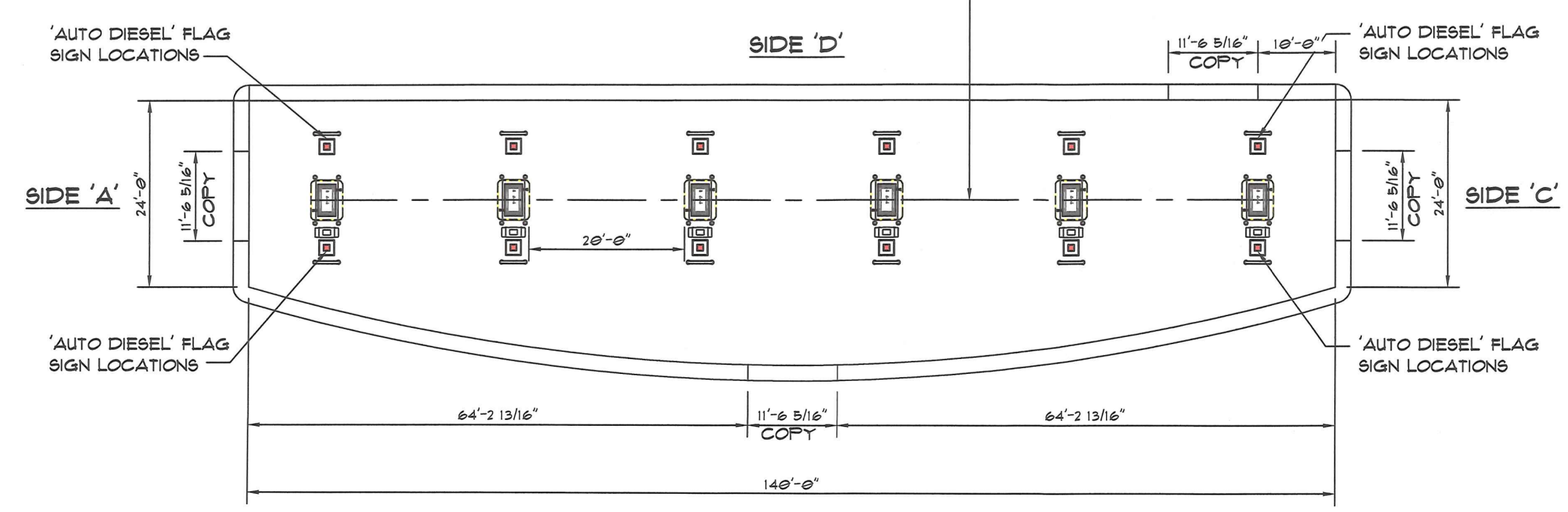
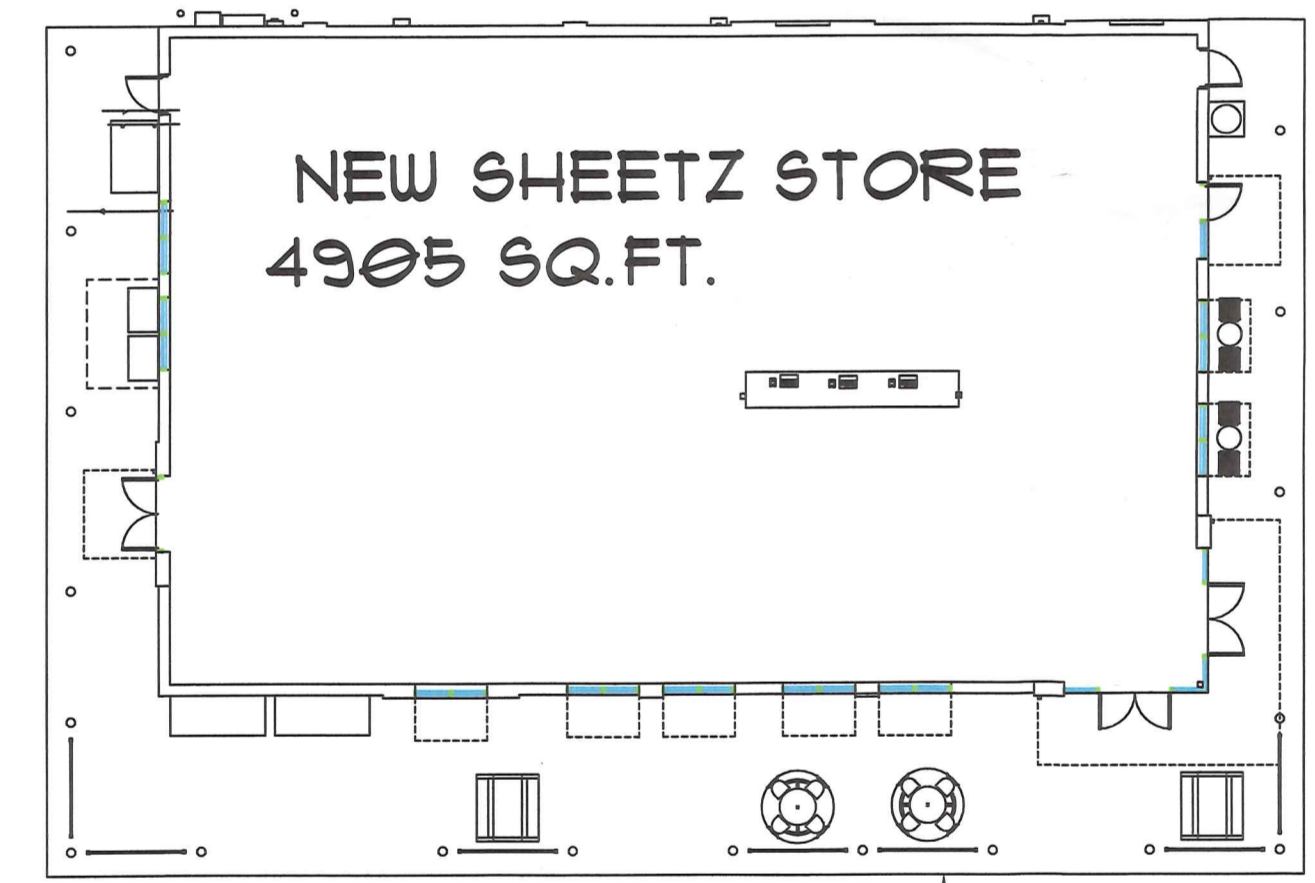


AUTO DIESEL FLAG SIGN ELEVATION
SCALE = NO SCALE

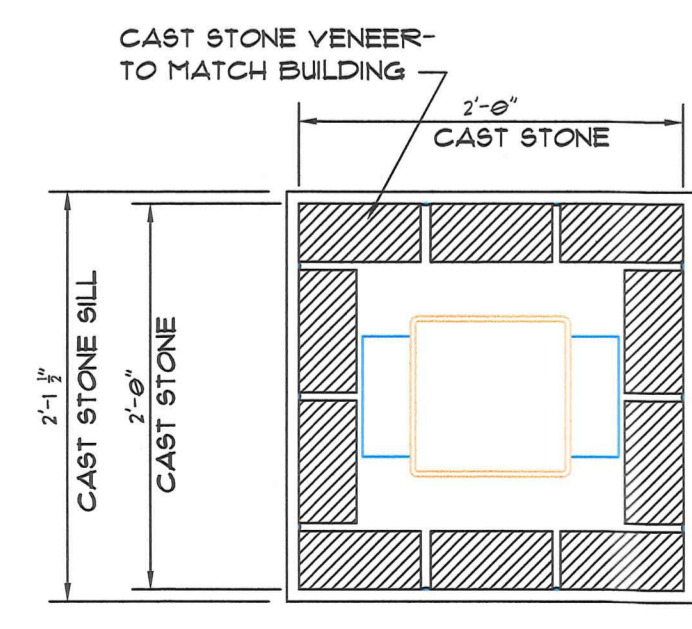
AUTO DIESEL FLAG SIGN AREA = 5.08 SQ. FT.



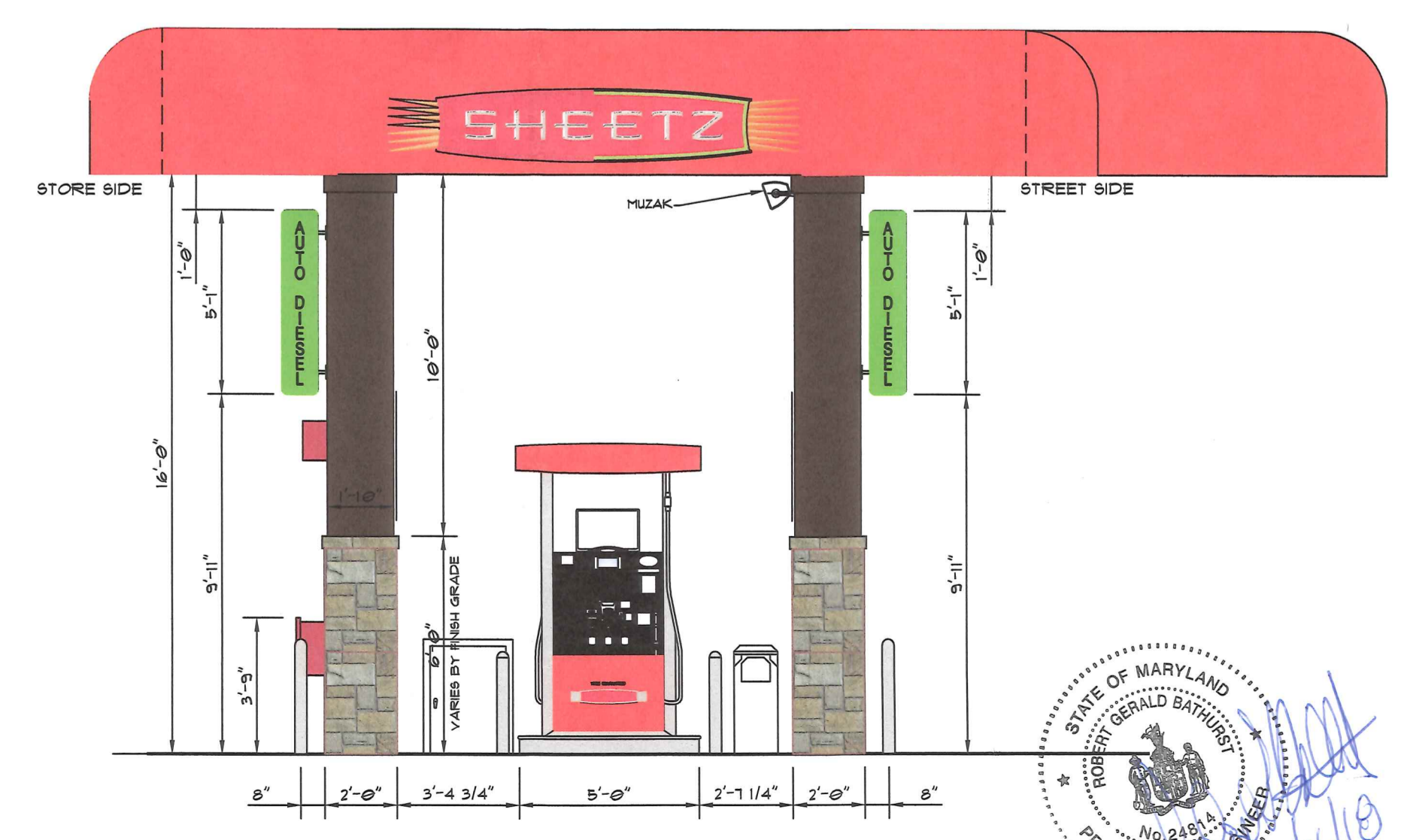
GAS CANOPY SECTION
SCALE: 1"=1'-0"



GAS CANOPY - PLAN VIEW
SCALE: NONE



STONE COLUMN BASE DETAIL
SCALE: NO SCALE



GAS STRUCTURE ELEVATION
SCALE: 1/4"=1'-0"



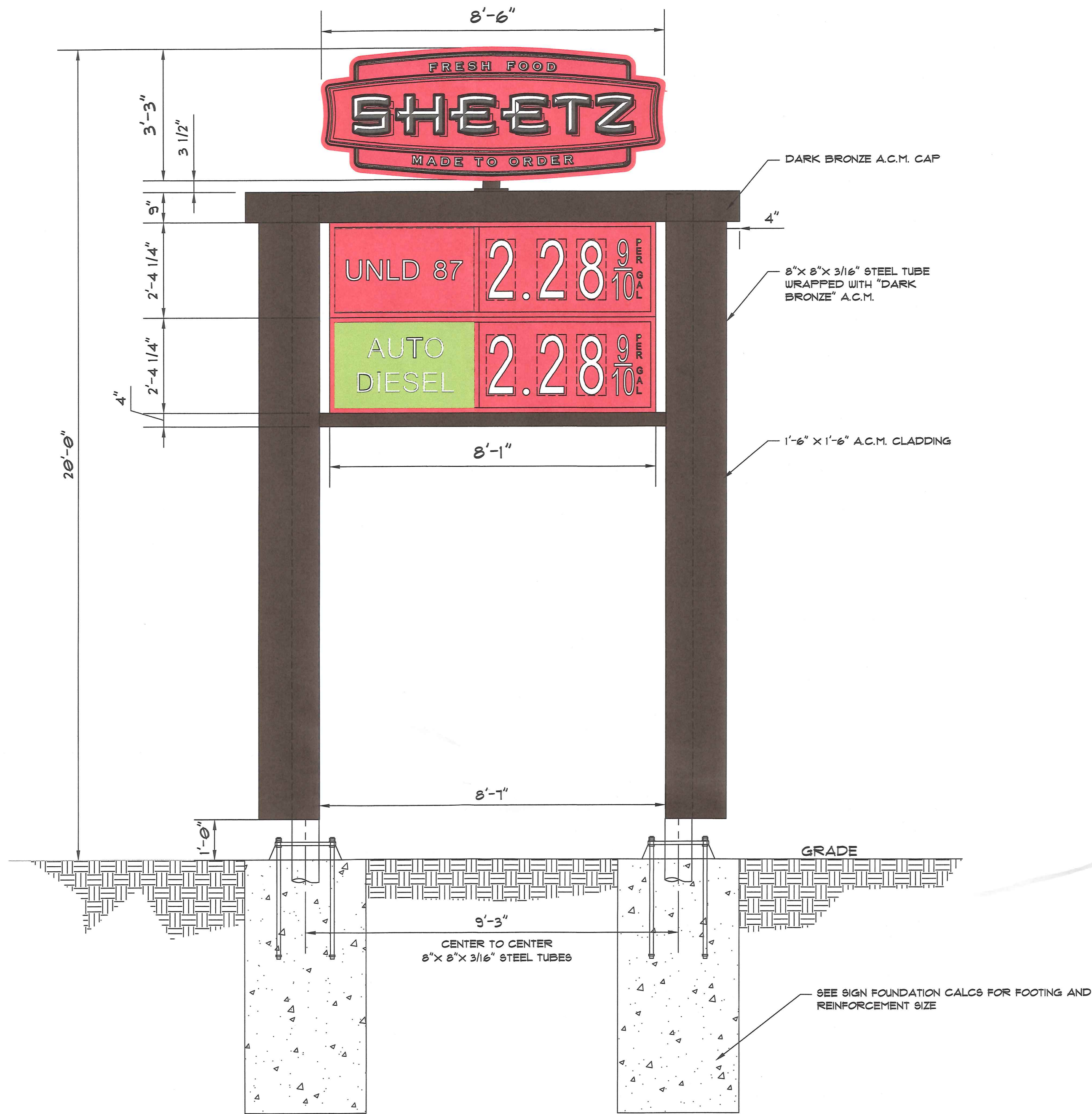
NO.	DATE	BY	DESCRIPTION

Convenience Architecture
and Design P.C.
351 Sheetz Way, Claysburg, PA 16625
(814)239-6013

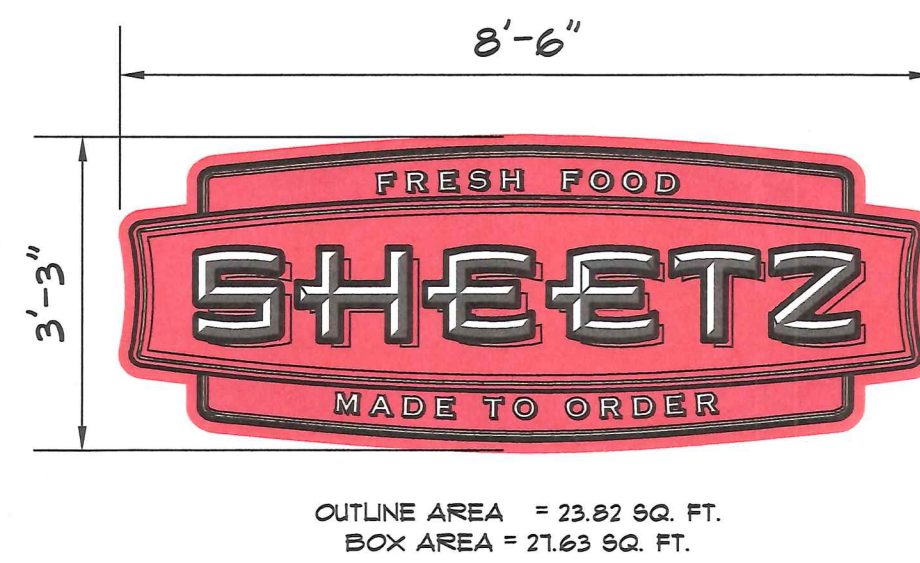
GAS CANOPY
AWNING DETAILS

NEW SHEETZ STORE
"TIMONIUM"
400 W. PADONIA ROAD
TIMONIUM
MARYLAND 21093

SCALE: AS NOTED
DATE: 04-25-18
DRAWN BY: NPI
FILENAME: TIMONIUM-AWNING

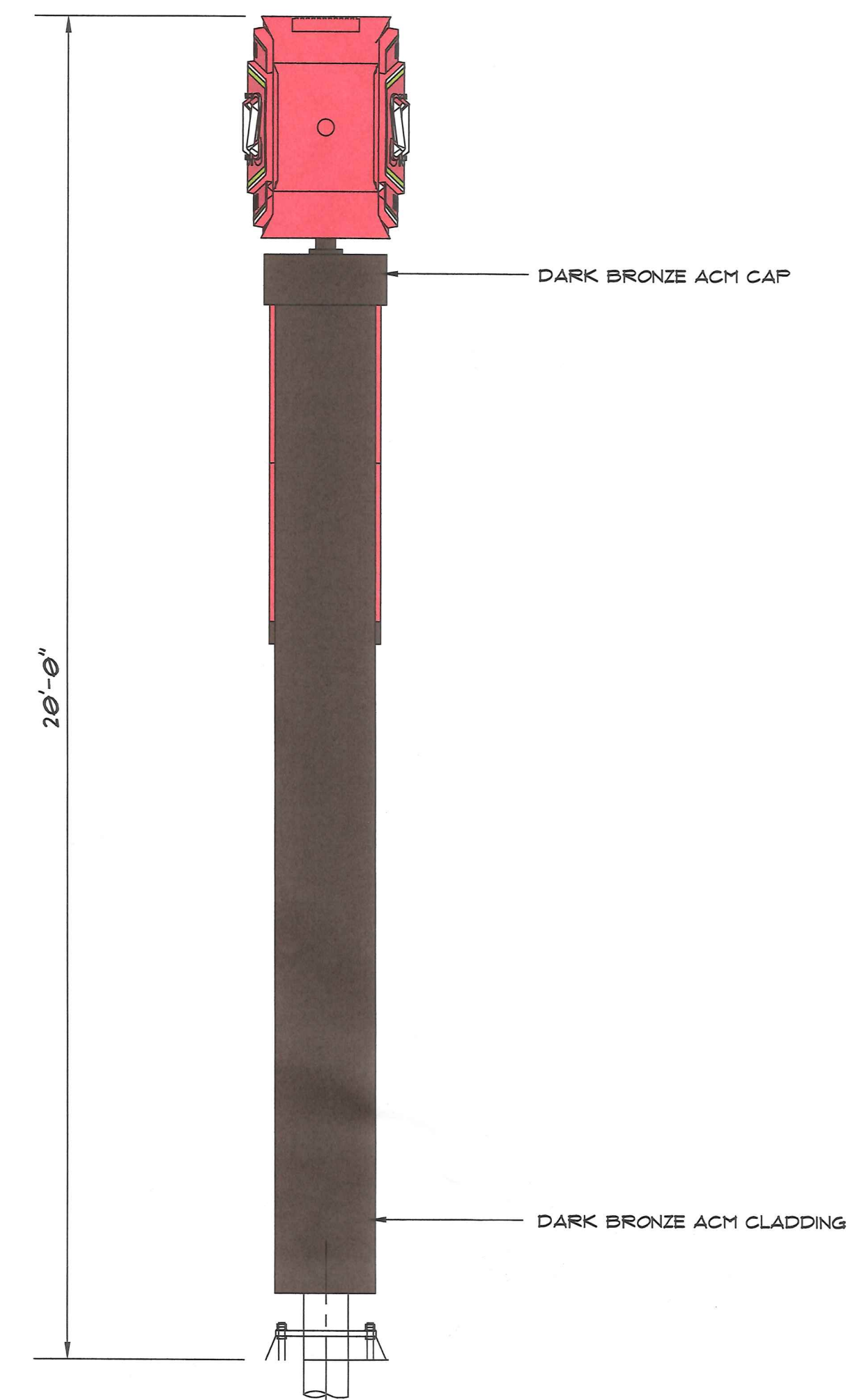


DOUBLE FACED GAS PRICE SIGN FRONT ELEVATION
SCALE: 1/2" = 1'-0"
AREA: 65.61 SQ. FT.

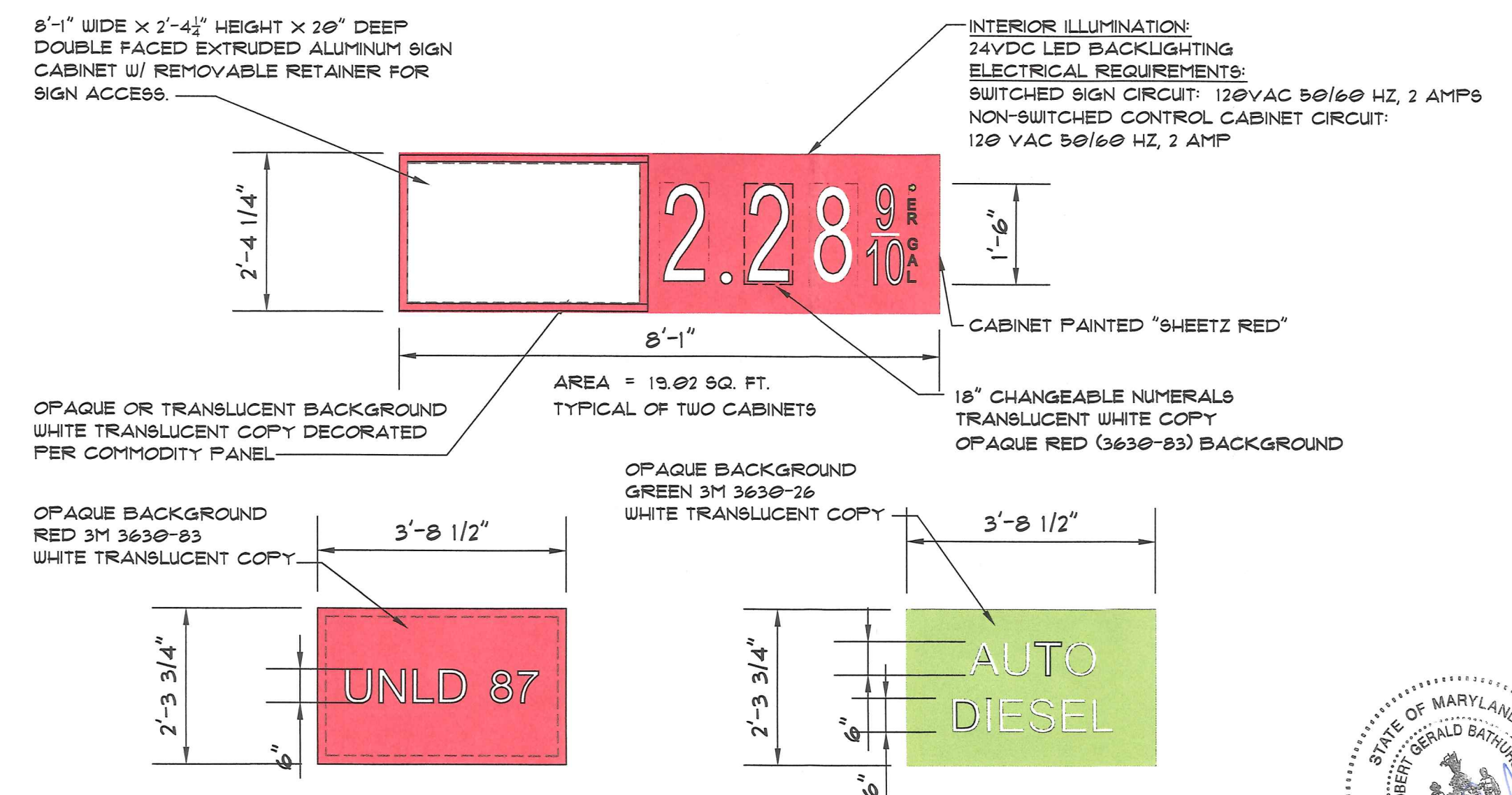


OUTLINE AREA = 23.82 SQ. FT.
BOX AREA = 21.63 SQ. FT.

SIGN DETAILS
SCALE: 1/2" = 1'-0"



DOUBLE FACED GAS PRICE SIGN SIDE ELEVATION
SCALE: 1/2" = 1'-0"



TOTAL SIGN AREA: 65.61 SQ. FT.



2018-0316-SPHX

Convenience Architecture
and Design P.C.

351 Sheetz Way, Claysburg, PA 16625 (814)239-6013

GAS PRICE
POLE SIGN
DETAILS

NEW SHEETZ STORE
"TIMONIUM"
400 W. PADONIA ROAD
TIMONIUM
MARYLAND 21093

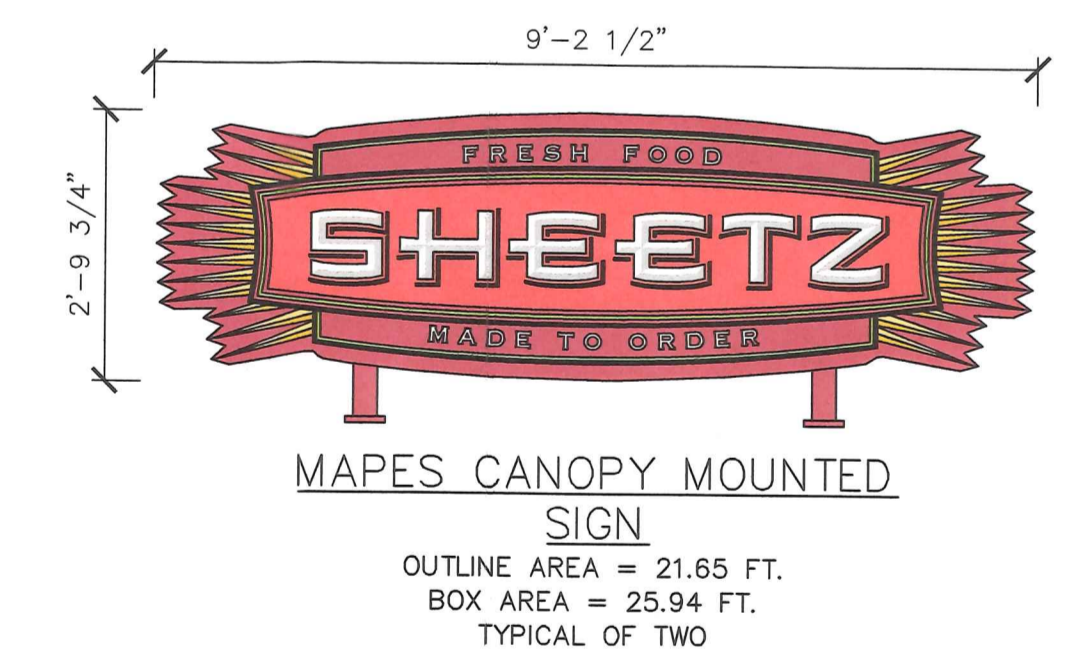
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DATE: 04-04-18
DRAWN BY: NM
FILENAME: TIMONIUM-SIGN



FRONT ELEVATION



RIGHT ELEVATION



NEW STORE CONCEPT - EXTERIOR ELEVATIONS

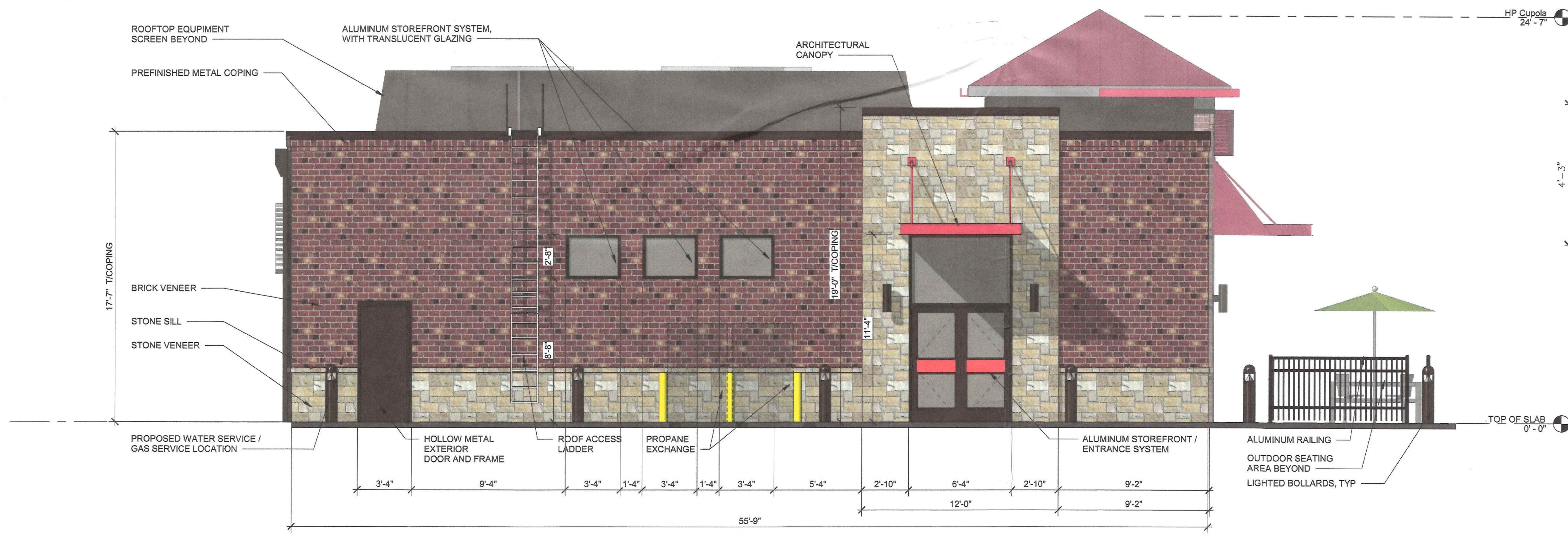
APRIL 2018



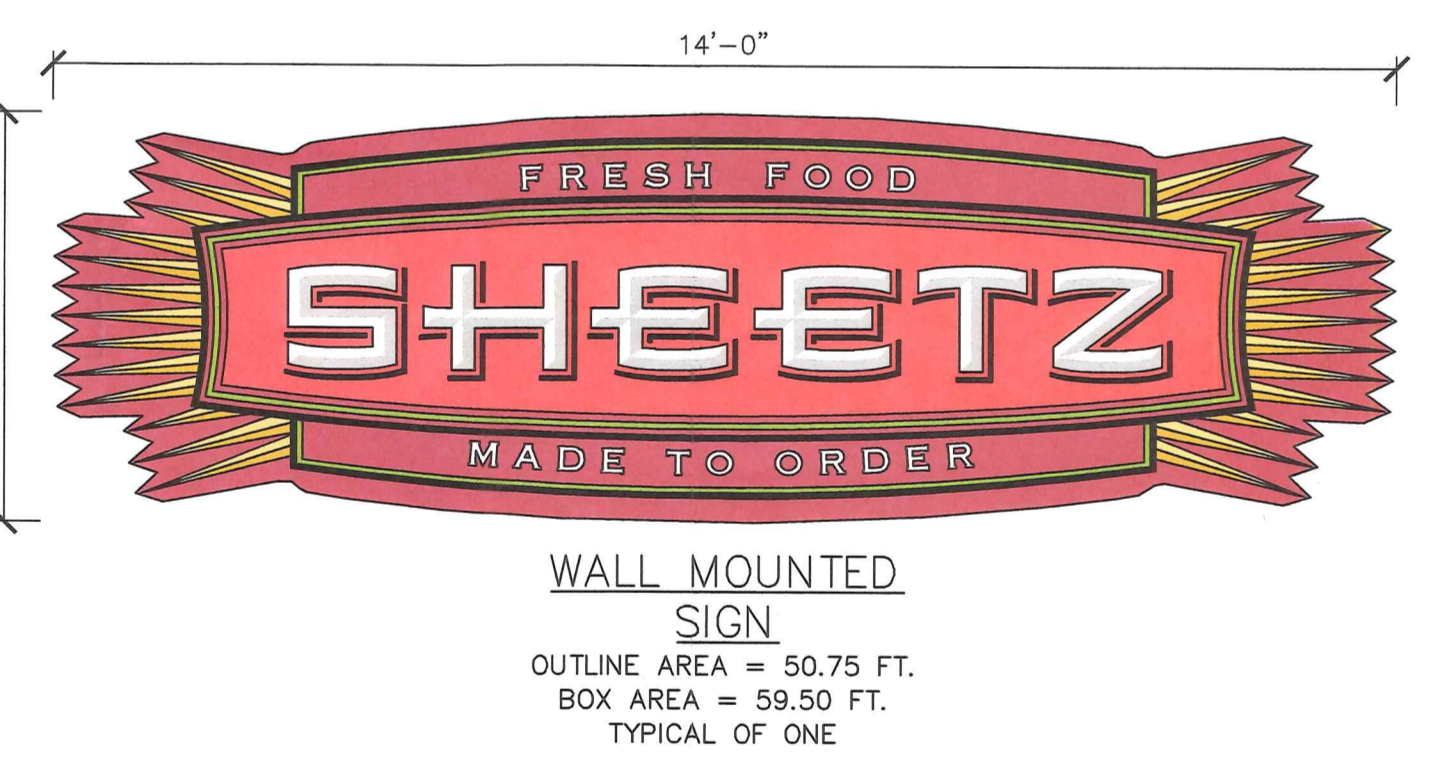
2018-0316-SPHX



REAR ELEVATION



LEFT ELEVATION

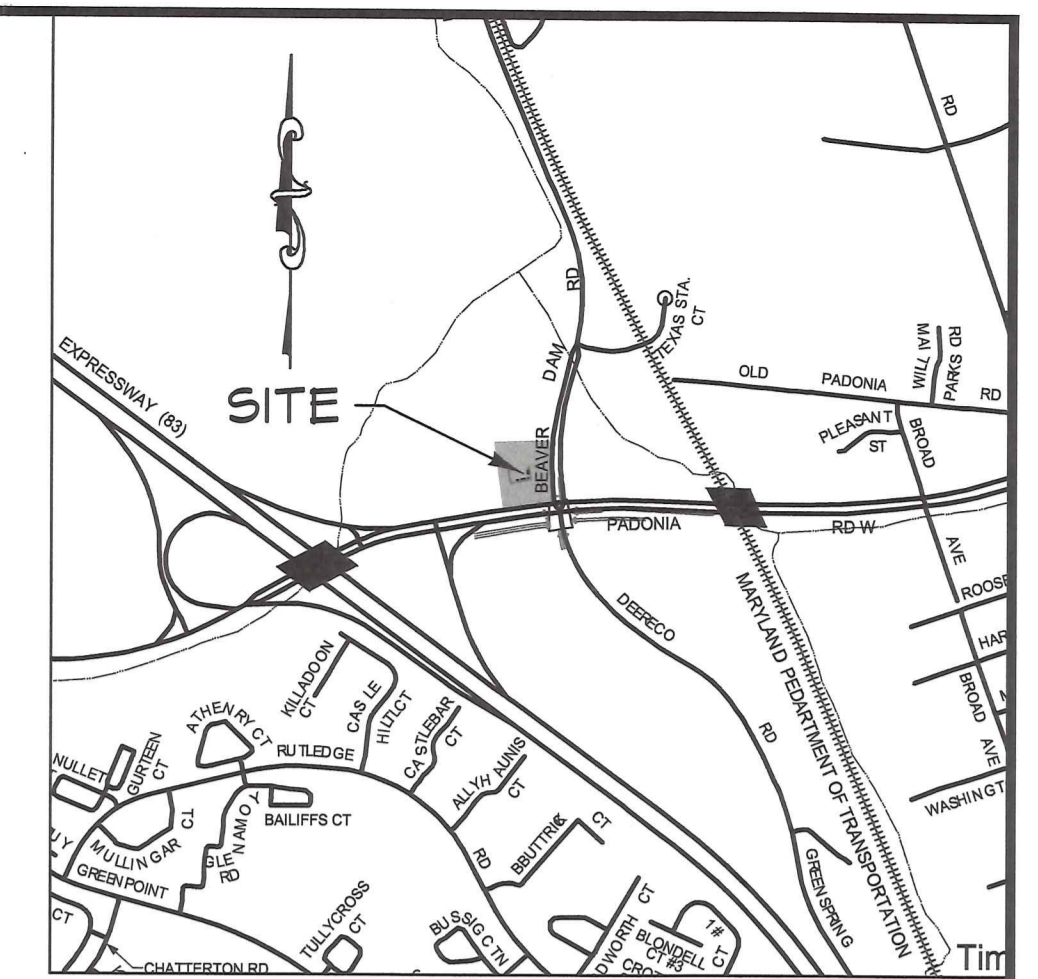
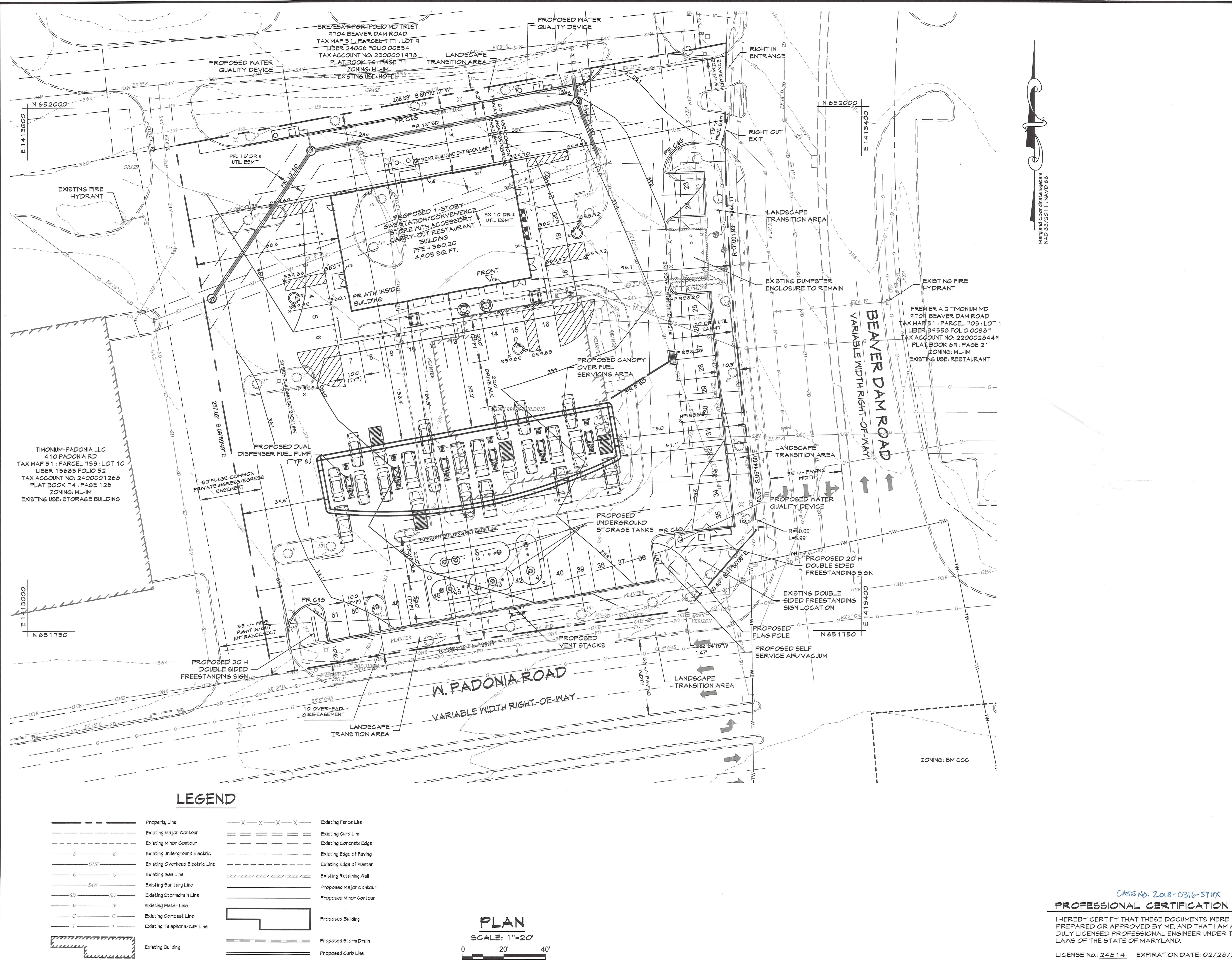


NEW STORE CONCEPT - EXTERIOR ELEVATIONS

APRIL 2018



2018-0316-3PHX



VICINITY MAP
SCALE: 1"=1000'

TIMONIUM-PADONIA LLC
410 PADONIA RD
TAX MAP 51 : PARCEL T93 : LOT 10
LIBER 15689 FOLIO 52
TAX ACCOUNT NO. 2400001268
PLAT BOOK 14 : PAGE 128
ZONING: ML-IM
EXISTING USE: STORAGE BUILDING

BRESEAR PORTFOLIO MD TRUST
9704 BEAVER DAM ROAD
TAX MAP 51 : PARCEL T11 : LOT 9
LIBER 24006 FOLIO 00554
TAX ACCOUNT NO. 2300001978
PLAT BOOK 10 : PAGE T1
ZONING: ML-IM
EXISTING USE: HOTEL

FREMIER A 2 TIMONIUM MD
9701 BEAVER DAM ROAD
TAX MAP 51 : PARCEL T03 : LOT 1
LIBER 39558 FOLIO 00387
TAX ACCOUNT NO. 2200028449
PLAT BOOK 69 : PAGE 21
ZONING: ML-IM
EXISTING USE: RESTAURANT

LEGEND

--- X --- X --- X --- X ---	Existing Fence Line
---	Existing Major Contour
- - -	Existing Minor Contour
E	Existing Underground Electric
OHE	Existing Overhead Electric Line
G	Existing Gas Line
SAN	Existing Sanitary Line
SD	Existing Stormdrain Line
W	Existing Water Line
C	Existing Concast Line
T	Existing Telephone/CAP Line
---	Existing Building
-X-X-X-X-	Existing Fence Line
---	Existing Curb Line
---	Existing Concrete Edge
---	Existing Edge of Paving
---	Existing Edge of Planter
---	Existing Retaining Wall
---	Proposed Major Contour
---	Proposed Minor Contour
[Symbol]	Proposed Building
---	Proposed Storm Drain
---	Proposed Curb Line

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

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	Northing	Easting	Elevation
1099	651424.146	1416182.464	378.17
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

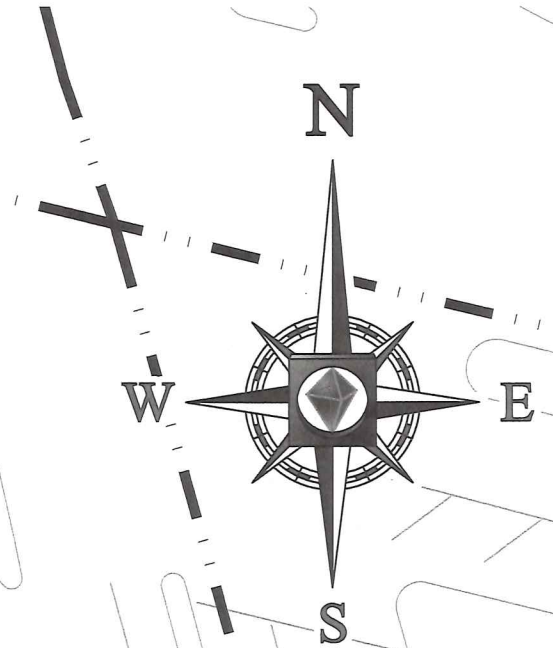
SHEETZ
400 W. PADONIA RD, TIMONIUM, MD 21093
ELECTION DISTRICT 8 : COUNCILMANIC DISTRICT 3
Tax Map 51, Parcel 702, Lot 1, Account #'s 2200028448



ISSUE DATES		DRAWING	
REVIEW:	March 2018	DRAWN:	R.A.L.
BID:		DESIGNED:	R.A.L.
PERMIT:		CHECKED BY:	R.G.B.
CONSTRUCTION:		DATE CHECKED:	
SCALE:		DRAWING:	1 OF 2
PROJECT NO.:	1 T 1 2 2 9.00		

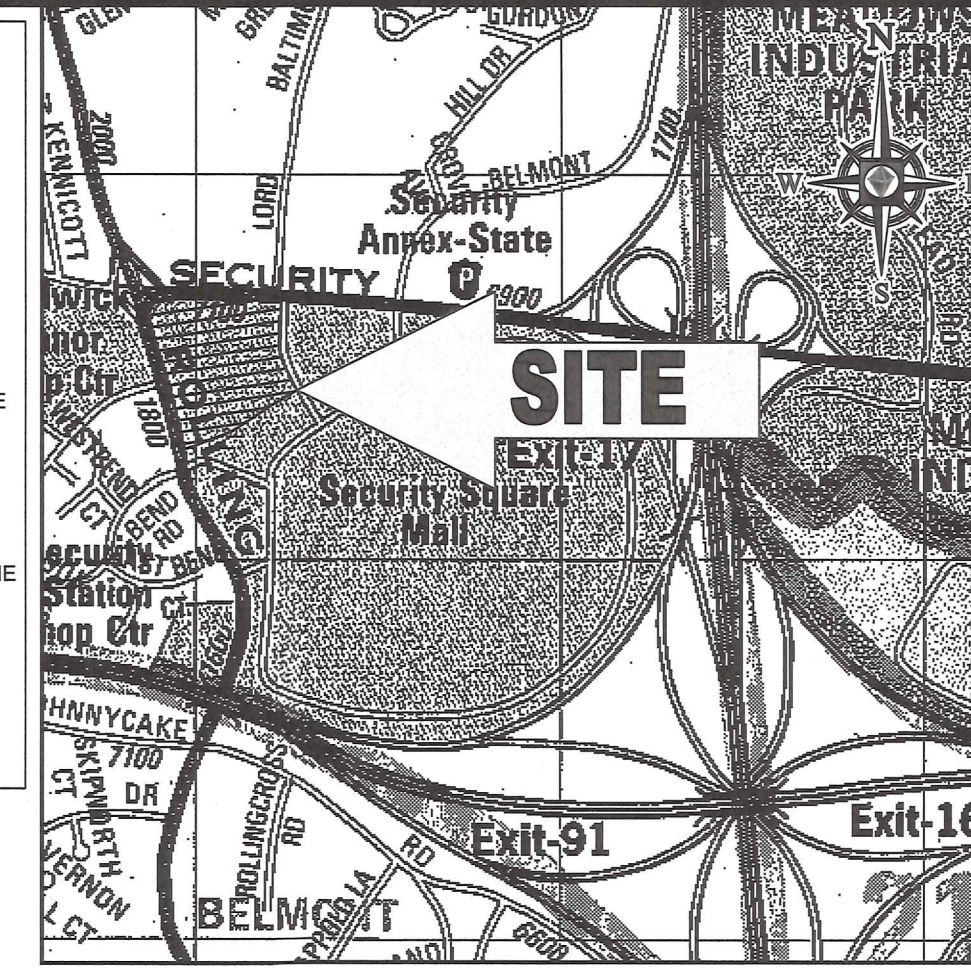
CASE No. 2018-0316-SPHX
PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND.
LICENSE No. 24814 EXPIRATION DATE: 02/28/2020

T:\2017\Facilities\112229.00-400 W Padonia Road (R&B)\CIVIL\CADD\Drawings\Exhibits\112229.00 (ZF) Zoning Petition Plan.dwg May 16, 2018 5:55:59pm Rangreth



LEGEND

[Symbol]	ASPHALT PAVING
[Symbol]	CONCRETE PAVING
[Symbol]	EX. PROPERTY LINE
[Symbol]	EX. ADJACENT PROPERTY LINE
[Symbol]	EASEMENT LINE
[Symbol]	CONCRETE CURB & GUTTER
[Symbol]	UNDERGROUND ELECTRIC LINE
[Symbol]	EX. UNDERGROUND GAS LINE
[Symbol]	EX. OVERHEAD WIRE
[Symbol]	EX. UNDER GROUND LINE
[Symbol]	EX. UNDERGROUND TELEPHONE LINE
[Symbol]	EX. UTILITY POLE
[Symbol]	EX. ZONING LINE
[Symbol]	VEHICLE STACKING SPACE



LOCATION MAP
 COPYRIGHT ADC THE MAP PEOPLE
 PERMIT USE NO. 2002153-S
 SCALE: 1"=1000'

BOHLER ENGINEERING
 SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES
 TRAFFIC ENGINEERING
 UTILITY ENGINEERING
 WATER ENGINEERING
 ENVIRONMENTAL ENGINEERING
 GEOTECHNICAL ENGINEERING
 STRUCTURAL ENGINEERING
 CONSTRUCTION MANAGEMENT

REVISIONS

REV	DATE	COMMENT	BY

PARKING REQUIREMENTS

PARKING REQUIREMENTS

RETAIL: 15,058 S.F. @ 5 / 1,000 S.F. = 75.29
 SUPERMARKET: 58,035 S.F. @ 5 / 1,000 S.F. = 290.18
 FAST FOOD: 5,127 S.F. @ 16 / 1,000 S.F. = 82.03

REQUIRED: 447.50 or 448 SPACES

PARKING REQUIREMENTS FOR GAS STATION:

PROP. KIOSK (3 SPACES PER 1000 S.F.) 0.62
 PROP. FUEL KIOSK (1 SPACE PER EMPLOYEE): 1
 PROP. AIR / WATER UNIT (1 SPACE PER UNIT): 1
 PROP. AUTOMATED TELLER MACHINE (1 SPACE PER MACHINE): 1

TOTAL REQUIRED FOR GAS STATION: 3.62 OR 4 SPACES

PROPOSED REQUIRED PARKING SPACES TOTAL: 452 SPACES

PARKING SPACES PROVIDED: 378 SPACES

GENERAL NOTES

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 7007 SECURITY BOULEVARD
 - B. SITE AREA: 282,879 S.F. ± 6.50 AC. ± (PARCEL 351) 28,615 S.F. ± 0.61 AC. ± (PARCEL 193) 309,494 S.F. ± 7.11 AC. ± (TOTAL)
 - C. ELECTION DISTRICT: 1
 - D. COUNCILMANIC DISTRICT: 2
 - E. ADC MAP: 4818K1 AND 4818K10
 - F. CENSUS TRACT: 401501
 - G. TAX MAP: 94
 - H. PARCEL: 193 & 351
 - I. TAX ACCOUNT NO.: 0111350330 (PARCEL 193) 1900001399 (PARCEL 351)
- ZONING: BM-CT (PARCEL 351) BL (PARCEL 193)
- ZONING MAP REFERENCE: 094C1
- FLOOR AREA RATIO: PERMITTED = 5.50 PROVIDED = (78,425 S.F./309,494 S.F.) = 0.25
- EXISTING LAND USE: PLANNED SHOPPING CENTER
- PROPOSED LAND USE: PLANNED SHOPPING CENTER WITH GASOLINE STATION
- SETBACKS: (TO PROPERTY LINE ALONG SECURITY BOULEVARD)

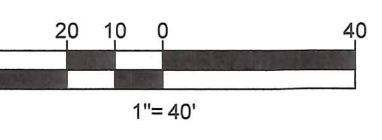
	REQUIRED	PROVIDED
FRONT (BLDG)	35'	64.00'
CANOPY	15'	44.99'
FUEL PUMPS	25'	51.82'
- LANDSCAPE TRANSITION AREA (LTA)

	REQUIRED	PROVIDED
ALONG SECURITY BLVD.	10'	1.40'
ALONG EAST INTERIOR	6'	6.00'
ALONG SOUTH INTERIOR	6'	6.22'
ALONG WEST INTERIOR	6'	6.02'
- HEIGHT REQUIREMENTS: NOT TO EXCEED 60'
- THIS SITE IS SERVICED BY A PUBLIC WATER AND SEWER SYSTEM.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN PER FEMA MAP #2400100370F AND #2400100598F DATED SEPTEMBER 26, 2008.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS PER THE 2018 BASIC SERVICE MAPS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION, 450 OR A VARIANCE WILL BE REQUESTED.
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.

REASON FOR VARIANCE

- VARIANCE FROM SECTION 409.6.A.2 TO PROVIDE 378 PARKING SPACES IN LIEU OF THE REQUIRED 452 SPACES.

DESIGN & DRAWING BASED ON MARYLAND COORDINATE SYSTEM: HORIZONTAL NAVD 83(1991) VERTICAL NAVD 88



NOT APPROVED FOR CONSTRUCTION

PROJECT No.: MD179000
 DRAWN BY: CJB
 CHECKED BY: MJS
 DATE: 06/26/18
 SCALE: 1" = 40'
 CAD I.D.: VPO

PLAN TO ACCOMPANY VARIANCE PETITION FOR WINDSOR MZL, LLC.

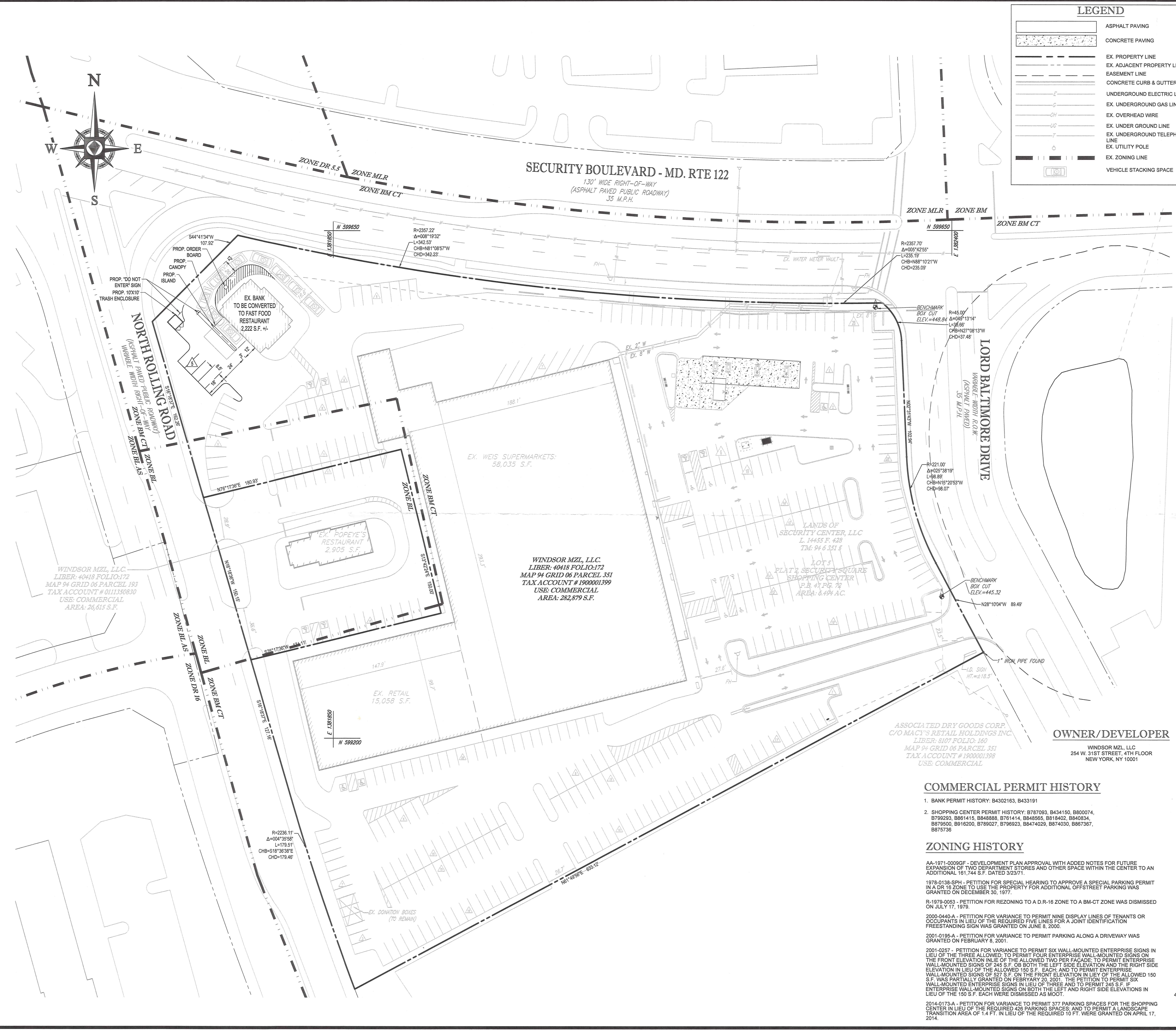
LOCATION OF SITE
 SECURITY BOULEVARD & N. ROLLING ROAD
 BALTIMORE COUNTY
 ELECTION DISTRICT: 2
 COUNCILMANIC DISTRICT: 1
 GIS TILE NUMBER: 094C1

BOHLER ENGINEERING

901 DULANEY VALLEY ROAD, SUITE 801
 TOWSON, MARYLAND 21204
 Phone: (410) 821-7900
 Fax: (410) 821-7987
 MD@BohlerEng.com

MICHAEL J. GESSEL
 PROFESSIONAL ENGINEER
 LICENSE NO. 44697, EXPIRATION DATE 8/31/19

SHEET TITLE:
PLAN TO ACCOMPANY VARIANCE PETITION
 SHEET NUMBER:
1



COMMERCIAL PERMIT HISTORY

- BANK PERMIT HISTORY: B4302163, B433191
- SHOPPING CENTER PERMIT HISTORY: B787093, B434150, B800074, B792923, B861415, B848888, B761414, B848565, B818402, B840834, B879500, B916200, B799027, B796923, B8474029, B874030, B867367, B879736

ZONING HISTORY

- AA-1971-0209GF - DEVELOPMENT PLAN APPROVAL WITH ADDED NOTES FOR FUTURE EXPANSION OF TWO DEPARTMENT STORES AND OTHER SPACE WITHIN THE CENTER TO AN ADDITIONAL 161,744 S.F. DATED 3/23/71.
- 1978-0136-SPH - PETITION FOR SPECIAL HEARING TO APPROVE A SPECIAL PARKING PERMIT IN A D.R. 16 ZONE TO USE THE PROPERTY FOR ADDITIONAL OFF-STREET PARKING WAS GRANTED ON DECEMBER 30, 1977.
- R-1978-0053 - PETITION FOR REZONING TO A D.R.-16 ZONE TO A BM-CT ZONE WAS DISMISSED ON JULY 17, 1979.
- 2000-0445-A - PETITION FOR VARIANCE TO PERMIT NINE DISPLAY LINES OF TENANTS OR OCCUPANTS IN LIEU OF THE REQUIRED FIVE LINES FOR A JOINT IDENTIFICATION FREESTANDING SIGN WAS GRANTED ON JUNE 8, 2000.
- 2001-0195-A - PETITION FOR VARIANCE TO PERMIT PARKING ALONG A DRIVEWAY WAS GRANTED ON FEBRUARY 8, 2001.
- 2001-0257 - PETITION FOR VARIANCE TO PERMIT SIX WALL-MOUNTED ENTERPRISE SIGNS IN LIEU OF THE THREE ALLOWED, TO PERMIT FOUR ENTERPRISE WALL-MOUNTED SIGNS ON THE FRONT ELEVATION IN LIEU OF THE ALLOWED TWO PER FACADE, TO PERMIT ENTERPRISE WALL-MOUNTED SIGNS OF 245 S.F. ON BOTH THE LEFT SIDE ELEVATION AND THE RIGHT SIDE ELEVATION IN LIEU OF THE ALLOWED 150 S.F. EACH, AND TO PERMIT ENTERPRISE WALL-MOUNTED SIGNS OF 227 S.F. ON THE FRONT ELEVATION IN LIEU OF THE ALLOWED 150 S.F. WAS PARTIALLY GRANTED ON FEBRUARY 20, 2001. THE PETITION TO PERMIT SIX WALL-MOUNTED ENTERPRISE SIGNS IN LIEU OF THREE AND TO PERMIT 245 S.F. IF ENTERPRISE WALL-MOUNTED SIGNS ON BOTH THE LEFT AND RIGHT SIDE ELEVATIONS IN LIEU OF THE 150 S.F. EACH WERE DISMISSED AS MOOT.
- 2014-0173-A - PETITION FOR VARIANCE TO PERMIT 377 PARKING SPACES FOR THE SHOPPING CENTER IN LIEU OF THE REQUIRED 426 PARKING SPACES, AND TO PERMIT LANDSCAPE TRANSITION AREA OF 1.4 AC. IN LIEU OF THE REQUIRED 10 FT. WERE GRANTED ON APRIL 17, 2014.

OWNER/DEVELOPER

WINDSOR MZL, LLC
 254 W. 31ST STREET, 4TH FLOOR
 NEW YORK, NY 10001

2019-0033-A