

MEMORANDUM

DATE: February 7, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0144-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on February 6, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

/dlw

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

AND VARIANCE

(1401-1417 Merritt Blvd)

12th Election District

7th Council District

Oekos Dundalk, LLC

Legal Owner

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2019-0144-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Oekos Dundalk, LLC, legal owner ("Petitioner"). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations ("BCZR") to approve an amendment to the site plan approved in Case No. 2008-0336-A. A petition for variance seeks to allow a total of 990 off-street parking spaces in lieu of the required 1,131 parking spaces. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Gary Getz, Mark Keeley, Ken Myers and Laurie Mazzotta appeared in support of the requests. David H. Karceski, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning ("DOP"). That agency did not oppose the requests.

SPECIAL HEARING

The special hearing request is essentially a housekeeping matter, in that it seeks only to amend a site plan approved in a 2008 zoning case which also granted variance relief in connection

ORDER RECEIVED FOR FILING

Date 1-7-19

By Den

with off-street parking at this shopping center. As such the petition for special hearing will be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property has an irregular shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to attract new tenants to the shopping center. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the lack of County and/or community opposition. In addition, Mr. Keeley, a transportation planner accepted as an expert, conducted a parking utilization study at the site and determined that even at peak periods the off-street parking at the center would only be 73% occupied. As such, I do not believe granting the petition will have any discernable impact upon the community.

THEREFORE, IT IS ORDERED this 7th day of **January, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing pursuant to Section 500.7 of the BCZR to approve an amendment to the site plan approved in Case No. 2008-0336-A, to reflect the variance relief granted herein, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to allow a total of 990 off-street parking spaces in lieu of the required 1,131 parking spaces, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 1-7-19
By Sen

The relief granted herein shall be subject to the following:

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

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 1-7-19

By sln



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1401-1417 Merritt Boulevard

which is presently zoned BM

Deed References: 20541-471

10 Digit Tax Account # 1220027000

Property Owner(s) Printed Name(s) Oekos Dundalk LLC

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

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

1. **X** a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to the site plan approved in Case No. 08-336-A.

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 of the Baltimore County Zoning Regulations to allow a total of 990 off-street parking spaces in lieu of the required 1,131 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

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Oekos Dundalk LLC

By: Christos Economides, Manager

Name #1- Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

8300 Guilford Road, Suite C, Columbia, MD

Mailing Address

City

State

21046

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address

City

State

21204

410-494-6285

dhkarceski@venable.com

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0144 SPHA

Filing Date 10/30/18

Do Not Schedule Dates:

Reviewer JCM



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 401-1417 Merritt Boulevard which is presently zoned BM
 Deed Reference 29541-471 10 Digit Tax Account # 2002400
 Property Owner(s) Printed Name Oekos Dundalk LLC

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

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

X1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve amendment to the site plan approved in Case No. 08-336-A.

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

X3. a Variance from Section 499.6 of the Baltimore County Zoning Regulations to allow a total of 990 off-street parking spaces in lieu of the required 1,131 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 1-7-19
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

David H. Karceski, Esquire
 Name- Type or Print _____

Signature _____ Venable LLP
 210 W. Pennsylvania Ave., Ste. 500 Towson MD
 Mailing Address _____ City _____ State _____
 21204 410-494-6285 dhkarceski@venable.com
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Oekos Dundalk LLC
 By: Christos Economides, Manager
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 Christos Economides Signature #2 _____
 8300 Guilford Road, Suite C, Columbia, MD
 Mailing Address _____ City _____ State _____
 21046 _____ Telephone # _____ Email Address _____

Representative to be contacted:

David H. Karceski, Esquire
 Name - Type or Print _____

Signature _____ Venable LLP
 210 W. Pennsylvania Ave., Ste. 500 Towson MD
 Mailing Address _____ City _____ State _____
 21204 410-494-6285 dhkarceski@venable.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER _____ Filing Date ____/____/____ Do Not Schedule Dates: _____ Reviewer _____

The first part of the report deals with the general situation of the country and the progress of the work. It is followed by a detailed account of the various projects and the results achieved. The report concludes with a summary of the work done and the plans for the future.

The second part of the report deals with the financial aspects of the work. It gives a detailed account of the income and expenditure of the organization and shows how the funds have been used. It also gives a statement of the assets and liabilities of the organization.

The third part of the report deals with the personnel of the organization. It gives a list of the staff and their duties and shows how the work has been organized. It also gives a statement of the salaries and other expenses of the staff.

The fourth part of the report deals with the results of the work. It gives a detailed account of the various projects and the results achieved. It also gives a statement of the progress made in the various fields of work.

The fifth part of the report deals with the future plans of the organization. It gives a statement of the work to be done in the next year and shows how the funds will be used. It also gives a statement of the personnel to be employed and the salaries to be paid.

PROPERTY DESCRIPTION FOR ATTACHMENT TO PETITION FOR VARIANCE

ZONING PROPERTY DESCRIPTION FOR: 1401-1417 Merritt Boulevard, Dundalk,
Maryland 21222

Beginning at a point on the east side of Merritt Boulevard, which is 120 feet wide at the distance of 511 feet southeast of the centerline of the nearest improved intersecting street, German Hill Road, which is 70 feet wide.

Being Lot #1, in the subdivision of Laurelwood as recorded in Baltimore County Plat Book #31, Folio #56, containing 16.109 acres. Located in the 12th Election District and 7th Council District.



CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

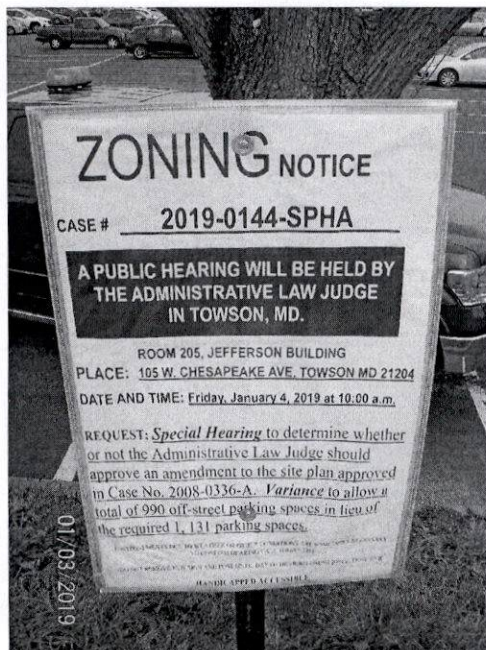


This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1401-1417 Merritt Boulevard **SIGN 2 Recertification**

December 15, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

January 3, 2018

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



JOHN A. OLSZEWSKI, JR.
County Executive

DIRECTOR
*Department of Permits,
Approvals & Inspections*

December 27, 2018

David H. Karceski, Esq.
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

RE: Case Number: 2019-0144-SPHA, Address: 1401-1417 Merritt Boulevard

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 30, 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, appearing to read "W. Carl Richards, Jr.", is written over a faint, circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Christos Economides, 8300 Guilford Road, Ste. C., Columbia 21046

1-4

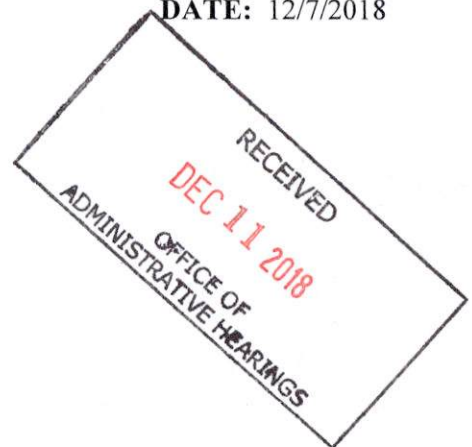
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/7/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-144



INFORMATION:

Property Address: 1401 – 1417 Merritt Boulevard
Petitioner: Oekos Dundalk, LLC
Zoning: BM
Requested Action: Variance

The Department of Planning has reviewed the petition for a special hearing to determine whether or not the administrative law judge should approve an amendment to the site plan approved in Case No.08-336-A and a variance to allow a total 990 off-street parking spaces in lieu of the required 1,131 parking spaces.

A site visit was conducted on November 19, 2018.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following:

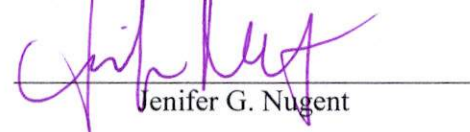
- Be advised that any future changes to the parking requirements may require additional zoning approval.

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

Prepared by:


Jessie Bialek

Division Chief:


Jennifer G. Nugent

AVA/JGN/JAB/

c: Josephine Selvakumar
David H. Karceski, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

1. General
2. Particulars
3. Summary
4. Conclusion
5. Recommendations
6. References
7. Appendix
8. Index
9. Glossary
10. Notes

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 29, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0144-SPHA-1
Address 1401-1417 Merritt Boulevard
(Oekos Dundalk, LLC Property)

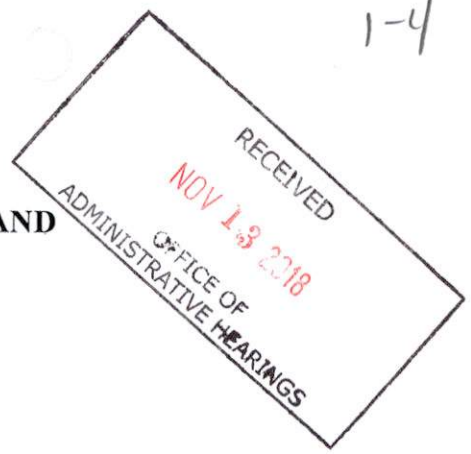
Zoning Advisory Committee Meeting of **November 19, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: November 13, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0144-SPHA
Address 8300 Guilford Road
(Oekos Dundalk, LLC Property)

Zoning Advisory Committee Meeting of **November 12, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

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

DATE: November 26, 2018

SUBJECT: Zoning Advisory Committee Meeting
For November 12, 2018
Item No. 2019-0129-A, 0130-A, 0131-A, 0132-A, 0133-SPHA, 0134-A,
0135-A, 0136-A, 0137-A, 0096-A, 0139-A, 0140-A, 0144-SPHA and 0149-A

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

*

*

*

*

*

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: December 5, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 18, 2018
Item No. 2019-0094-SPHXA, 0130-A, 0144-SPHA, 0150-A, 0151-SPHA,
0152-A, 0154-A and 0155-A

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

* * * * *

VKD: can
cc: file

The Daily Record

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

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

12/14/2018

Order #: 11660957
Case #: 2019-0144-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0144-SPHA



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: 2019-0144-SPHA

1401-1417 Merritt Boulevard

E/s Merritt Blvd., southeast of German Hill Road

12th Election District - 7th Councilmanic District

Legal Owners: Oekos Dundalk, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the site plan approved in Case No. 2008-0336-A. Variance to allow a total of 990 off-street parking spaces in lieu of the required 1,131 parking spaces.

Hearing: Friday, January 4, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

d14

CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

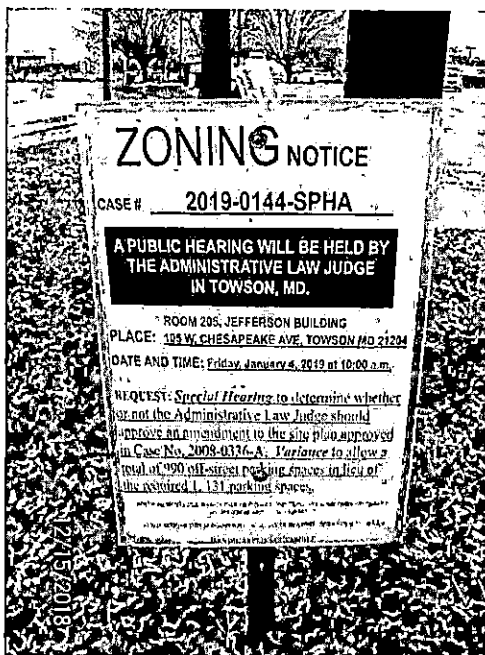
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1401-1417 Merritt Boulevard

SIGN 1

December 15, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 15, 2018

(Signature of Sign Poster) (Date)
SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

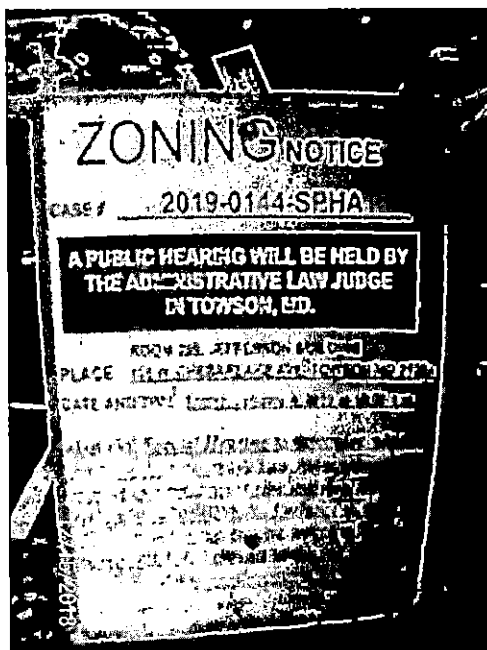
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1401-1417 Merritt Boulevard

SIGN 2

December 15, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 15, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

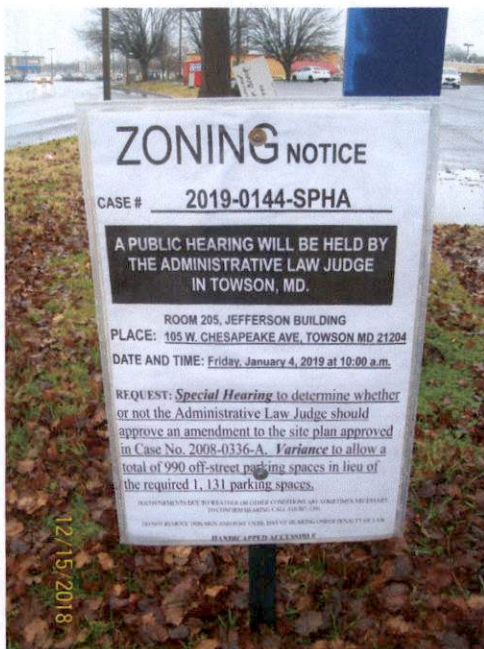
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1401-1417 Merritt Boulevard

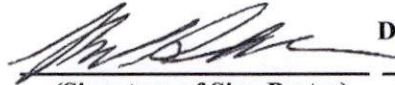
SIGN 1

December 15, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,


(Signature of Sign Poster)

December 15, 2018

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

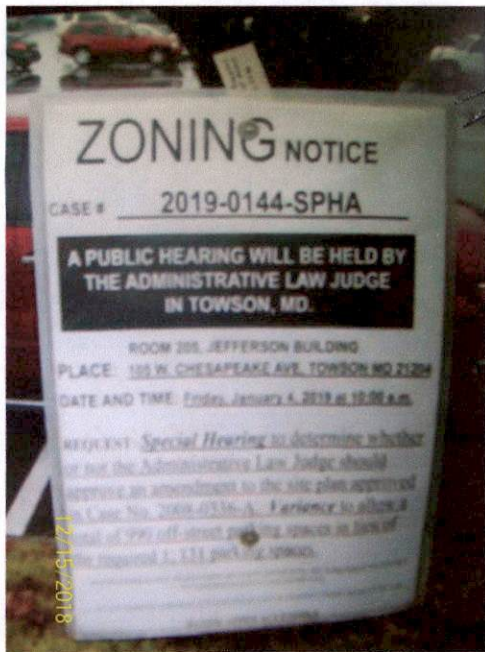
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

1401-1417 Merritt Boulevard

SIGN 2

December 15, 2018

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

December 15, 2018

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



This case was posted on the 15th of December which was raining hard and the camera got wet and the photo for Sign 2 2019-0144-SPHA was blurry which I did not see till I went to do the certification. That was on Saturday 15 December, so, on Monday the 17th of December I went back and took this clear photo of the sign. As you can see the sign got wet in the storm. BOTH SIGNS WERE POSTED ON THE 15th of December as required. Thanks.



DONALD I. MOHLER III
County Executive

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

December 3, 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: 2019-0144-SPHA

1401-1417 Merritt Boulevard
E/s Merritt Blvd., southeast of German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: Oekos Dundalk, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the site plan approved in Case No. 2008-0336-A. Variance to allow a total of 990 off-street parking spaces in lieu of the required 1,131 parking spaces.

Hearing: Friday, January 4, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Christos Economides, 8300 Guilford Road, Ste. C, Columbia 21046

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., DECEMBER 15, 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
Friday, December 14, 2018 - Issue

Please forward billing to:

David Karceski
Venable, LLP
210 W. Pennsylvania Avenue, Ste. 500
Towson, MD 21204

410-494-6285

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: 2019-0144-SPHA

1401-1417 Merritt Boulevard
E/s Merritt Blvd., southeast of German Hill Road
12th Election District – 7th Councilmanic District
Legal Owners: Oekos Dundalk, LLC

Special Hearing to determine whether or not the Administrative Law Judge should approve an amendment to the site plan approved in Case No. 2008-0336-A. Variance to allow a total of 990 off-street parking spaces in lieu of the required 1,131 parking spaces.

Hearing: Friday, January 4, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

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

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

For Newspaper Advertising:

Case Number: Case No. 2019-0144-A
Property Address: 1401 - 1417 Merritt Boulevard
Property Description: _____

Legal Owners (Petitioners): Oekos Dundalk LLC
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: David Kunceski, Venable LLP
Company/Firm (if applicable): 210 Allegheny Ave
Address: Suite 500
Towson MD 21204
Telephone Number: (410) 199-6285

Revised 7/9/2015

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

No. **177101**

Date: **10/27/18**

PAID RECEIPT

BUSINESS RECEIPT TIME 11/01/2018 10:39:03 2

REC 10322 MARKIN JEE >>RECEIPT # 072884 10/30/2018 QFLR

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	Dept	Rev	Sub	Obj	BS Acct	Amount	Rec	Tot	Ch
001	806	0000		6150				1000.00	5	177	01			1000.00		11,000.00	5.00

Total: **1000.00**

Rec

From: **VENABLE**

For:

ZONING CASE - SPH & VAR.
2019-0144SPNA

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CASE NAME 1401-1417 Merritt Blvd.
CASE NUMBER # 2019-144-A
DATE 1/4/19

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

DAVID KARCESKI	210 W. Penn. Ave. Suite 500 Towson MD 21204	dkarceski@verizon.net
GARY GETZ	1220 E JOPPA RD STE 505 Towson MD 21286	GGETZ@MRACTA.COM
Mark Keely	7525 Connolly Dr Suite B Harrow MD 21076	MKeely@traffic-concept.com
Ken Myers	1220-C EAST JOPPA RD STE 505 Towson MD 21286	Kmyers@mracta.c
Laurie Mazzotta	100 Harborview Dr #100 Towson MD 21230	laurie.mazzotta@mazgrp.com

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11/26</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>11/29</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
<u>12/11</u>	PLANNING (if not received, date e-mail sent _____)	<u>NO OBJ w/ condition</u>
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2008-0336-A</u> <u>2018-0192-17</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>12/14/18</u>	
SIGN POSTING (1 st)	Date: <u>12/15/18</u> by <u>SEG Black</u>	
SIGN POSTING (2 nd)	Date: <u>1-3-19</u> by <u>"</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

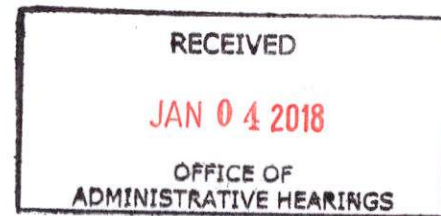
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 12 Account Number - 1220027000			
Owner Information					
Owner Name:		OEKOS DUNDALK LLC		Use:	COMMERCIAL
Mailing Address:		C/O OEKOS MANAGEMENT 8300 GUILFORD ROAD STE C COLUMBIA MD 21046-		Principal Residence:	NO
				Deed Reference:	/20541/ 00471
Location & Structure Information					
Premises Address:		1401 MERRITT BLVD BALTIMORE MD 21222-0000		Legal Description:	16.109 AC LAURELWOOD
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref: 0031/ 0056
0103	0005	0434		0000	2019
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1985		3099		16.1000 AC	
Stories		Basement		Type	
				FAST FOOD	
Exterior		Full/Half Bath		Garage	
				Last Major Renovation	
Value Information					
Base Value		Value,		Phase-In Assessments	
		As of		As of	
		01/01/2016		07/01/2018	
Land:		4,832,700		4,832,700	
Improvements		14,659,600		14,659,600	
Total:		19,492,300		19,492,300	
Preferential Land:		0			
Transfer Information					
Seller: DUNDALK VF LLC		Date: 08/13/2004		Price: \$12,900,000	
Type: ARMS LENGTH IMPROVED		Deed1: /20541/ 00471		Deed2:	
Seller: DUN L L C		Date: 02/28/2000		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00000/ 00000		Deed2:	
Seller: DUNDALK STORES CORPORATION		Date: 05/30/1997		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /12201/ 00063		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		07/01/2018	
County:		000		0.00	
State:		000		0.00	
Municipal:		000		0.00]	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application					
Date:					

Debra Wiley

From: SGT ROBERT BLACK <1opie@comcast.net>
Sent: Thursday, January 03, 2019 7:56 PM
To: Barbara Lukasevich; DKarceski@Venable.com; Administrative Hearings
Subject: CORRECTION 2019-0144-SPHA And 2019-0137-A
Attachments: Re-Cert 1 2019-0144-SPHA.doc; Re-Cert 2 2019-0144-SPHA.doc; Re-Cert 1 2019-0137-A.doc; Re-Cert 2 2019-0137-A.doc

2018 was changed to 2019 at the signature box.



CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:



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

1401-1417 Merritt Boulevard **SIGN 1 Recertification**

December 15, 2018

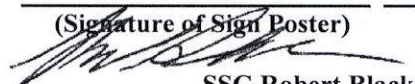
The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

January 3, 2019

(Signature of Sign Poster) (Date)


SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

2019-0144-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Oekos Dundalk, LLC

January 4, 2019

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Kristen Lewis:

Ladies and Gentlemen:

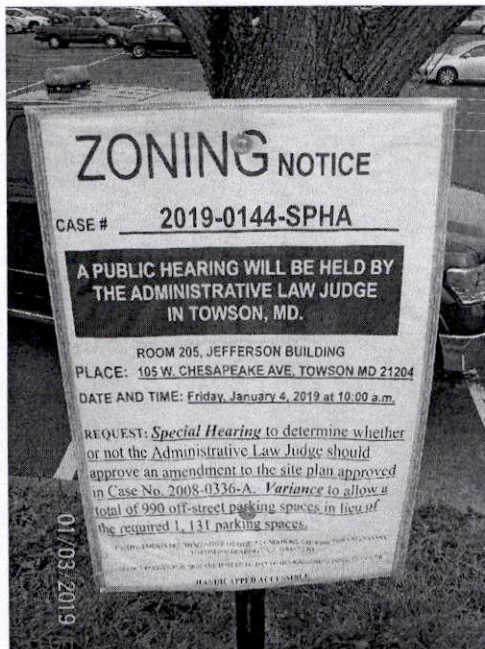
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____



1401-1417 Merritt Boulevard **SIGN 2 Recertification**

December 15, 2018

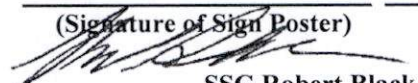
The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

January 3, 2019

(Signature of Sign Poster) (Date)


SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

JP
3-16-18

IN RE: PETITION FOR VARIANCE

(1401-1417 Merritt Boulevard)

12th Election District

7th Council District

Oekos Dundalk, LLC

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0192-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County as a Petition for Variance filed by Oekos Dundalk, LLC, legal owner of the subject property ("Petitioner"). The Petition seeks variance relief from § 450.4 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows: (1) to allow 2 freestanding joint identification signs on Merritt Boulevard with sign areas/faces of 100 and 150 sq. ft. in lieu of the permitted 1 freestanding joint identification sign with a sign area/face of 150 sq. ft. (Signs C,D); (2) to allow freestanding joint identification signs to display a maximum of 8 lines of text with a sign copy a minimum of 3 in. in height in lieu of the permitted 5 lines of text and required 8 in. height for sign copy (Signs A, C, D); (3) to allow tenants in a multi-tenant commercial building a wall-mounted enterprise sign with a sign area/face that exceeds two times the length of the wall containing the exterior entrance and defining the space occupied by the tenant (Sign 3 [165 sq. ft. lieu of 139 sq. ft.], Sign 5B [85 sq. ft. in lieu of 76 sq. ft.], Sign 9B [273 sq. ft. in lieu of 96 sq. ft.]); (4) to allow a wall-mounted enterprise sign to be installed in a different location than the tenant space (Sign 9A); and (5) to allow an additional wall-mounted enterprise sign to be installed on a multi-tenant commercial building over other tenant spaces in lieu of the permitted 1 wall-mounted enterprise sign for each tenant space (Sign 9A). A four-sheet site plan was marked as Petitioner's

Exhibit 1A-1D.

Architect Gary Getz, Ken Myers and Laurie Mazzotta appeared in support of the petition. David Karceski, Esq. represented the Petitioner. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. A substantive Zoning Advisory Committee ("ZAC") comment was received from the Bureau of Development Plans Review (DPR).

The site is approximately 16 acres in size and zoned BM. The Dundalk Plaza Shopping center has been operated at the site for many years. The center is undergoing substantial renovations including new signage for which zoning relief is required.

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).

Mr. Getz testified the property is much wider than it is deep. He also noted the road frontage on Merritt Boulevard is 2-3 times more than that of nearby strip shopping centers. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because it would be unable to provide adequate signage for the center. 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 community and/or Baltimore County opposition.

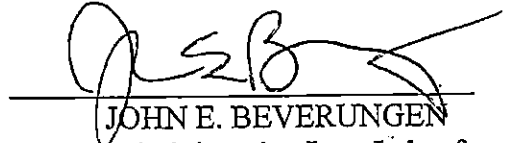
THEREFORE, IT IS ORDERED, this 20th day of March, 2018, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: (1) to allow 2 freestanding joint

identification signs on Merritt Boulevard with sign areas/faces of 100 and 150 sq. ft. in lieu of the permitted 1 freestanding joint identification sign with a sign area/face of 150 sq. ft. (Signs C,D); (2) to allow freestanding joint identification signs to display a maximum of 8 lines of text with a sign copy a minimum of 3 in. in height in lieu of the permitted 5 lines of text and required 8 in. height for sign copy (Signs A, C, D); (3) to allow tenants in a multi-tenant commercial building a wall-mounted enterprise sign with a sign area/face that exceeds two times the length of the wall containing the exterior entrance and defining the space occupied by the tenant (Sign 3 [165 sq. ft. in lieu of 139 sq. ft.], Sign 5B [85 sq. ft. in lieu of 76 sq. ft.], Sign 9B [273 sq. ft. in lieu of 96sq.ft.]); (4) to allow a wall-mounted enterprise sign to be installed in a different location than the tenant space (Sign 9A); and (5) to allow an additional wall-mounted enterprise sign to be installed on a multi-tenant commercial building over other tenant spaces in lieu of the permitted 1 wall-mounted enterprise sign for each tenant space (Sign 9A), 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 provide landscaping near the base of the freestanding signs on the property, as determined in the sole discretion of the Baltimore County landscape architect.

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:slm

1 TB
3-4-08

IN RE: PETITION FOR VARIANCE

E side Merritt Boulevard, 440 feet S
of c/l German Hill Road
12th Election District
7th Councilmanic District
(1401 Merritt Boulevard)

Oekos Management Corporation;
Sid Roros, Vice President
Legal Property Owner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
*
* Case No. 08-336-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by Sid Roros, Vice President, on behalf of the legal owner of the subject property, Petitioner Oekos Management Corporation. Petitioner is requesting variance relief from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 954 parking spaces in lieu of the required 984 spaces. The subject property and the requested relief are more fully described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request were Sid Roros on behalf of Petitioner Oekos Management Corporation, Petitioner's attorney, Jennifer R. Busse, Esquire, and Bill Monk with Morris & Ritchie Associates, Inc., the consulting firm that prepared the site plan. Also appearing in support of the requested relief were Dharmesh Shah, employed with Planet Fitness, the proposed tenant of Petitioner, Peter Powell with Beck, Powell & Parsons, Petitioner's architectural consultant, Keith Barnett with KLN Retail, Petitioner's commercial real estate firm, and Chris McCollum with the Baltimore County Department of Economic Development. There were no Protestants or other interested citizens in attendance at the hearing, and there were no adverse Zoning Advisory Committee comments received.

The hearing proceeded by way of a modified proffer from Ms. Busse and from Mr. Monk. Testimony and evidence offered revealed that the subject property is a large commercial parcel containing approximately 17.21 gross acres and 16.19 net acres, zoned B.M. (Business, Major). The property is developed as the Dundalk Plaza shopping center and contains a total of 185,502 square feet of building area and located in the Dundalk area of Baltimore County. The site plan depicts the subject property and surrounding area.

Petitioner is a Columbia, Maryland based company that owns approximately 1.4 million square feet of property between Wilmington, Delaware and Fredericksburg, Virginia. Petitioner has owned the subject property since 2004 and in addition to this shopping center, owns two other shopping centers in Baltimore County. The shopping center is an older center and has been at this location for decades. Since its purchase of the shopping center, Petitioner has made a number of upgrades and improvements, including a new roof over the entire shopping center.

Petitioner now proposes to locate Planet Fitness, an athletic club, within a 14,072 square foot area that has been vacant for some time. Other tenants at the shopping center include a grocery store, a discount clothing store, a video rental store, a restaurant, a carryout restaurant, a bank, a furniture store, and other various retail stores. Mr. Monk described the topography of the site as unique in the slope of the center and its relationship to Merritt Boulevard, which is unusual compared to other similarly developed parcels in the area. The existing parking lot servicing the shopping center is located along the front, sides and rear of the shopping center. It is connected to the parking lot of the adjoining shopping center to the south. There are a total of 954 parking spaces currently provided.

A photograph was presented of the property showing the location of the proposed athletic club tenant within the shopping center, and was marked and accepted into evidence as Petitioner's Exhibit 2. The site is already fully developed and with the exception of some

landscaping, is entirely paved. The proposed tenant will be centrally located on the site but more toward the south side of the property as shown on the site plan. This is the area of the site where there is parking at both the front and rear of the shopping center -- in close proximity to the proposed athletic club.

The proposed tenant, Planet Fitness, is a fast growing athletic club which currently has two other Baltimore County locations, one in Lutherville and the other in Glen Burnie. Mr. Shah noted that the facility will typically have three employees at one time on site and the expected hours of operation are 5:00 AM to 10:00PM Mondays through Thursdays, 5:00 AM to 9:00 PM on Fridays, and 7:00 AM to 7:00 PM during the weekends. Ultimately, Planet Fitness desires to operate 24 hours a day at this location, as they do at their other locations. In fact, Planet Fitness has already received a fair amount of interest by clients with regard to its plans to locate at the property. There will be approximately 80 pieces of cardio equipment and the club will not operate any exercise classes, nor will it offer a daycare component for its clients. There will be a few tanning beds and showers for use by clients. Based on the practices of clients at the other facilities, Planet Fitness expects clients will spend an average of 30 minutes at the facility at any one time, and that the club's busiest times will be in the evenings and on weekends.

It was noted during the hearing that the Baltimore County Department of Economic Development supports the location of the Planet Fitness at the Dundalk Plaza. Chris McCollum is a Commercial Revitalization Specialist with the County's Department of Economic Development and submitted a letter in support of Petitioner's requested parking variance. The Department encourages uses which will likely stimulate growth, and it is anticipated that the location of Planet Fitness at this shopping center will be positive for the community, not only by providing a useful service but also by drawing additional customers to the existing tenants at Dundalk Plaza and the surrounding area. For example, Planet Fitness clients will likely take

advantage of the retail and service uses at Dundalk Plaza such as the grocery store, bank, carryout restaurant, etc.

Section 409.6A.2 of the B.C.Z.R. contains the current regulations for shopping centers. New shopping centers containing 180,387 square feet are required to provide parking at a rate of five spaces per 1,000 square feet or 902 spaces instead of the 954 spaces provided. Because this shopping center predates the current regulations it provides parking based on the individual tenants. Section 409.6A.4 of the B.C.Z.R. requires athletic clubs to provide 10 parking spaces per 1,000 square feet of building area. Because Planet Fitness proposes to occupy a 14,072 square foot area, the regulations require 141 parking spaces be provided for the athletic club use. Consequently, based on the per use parking calculation the center would be required to provide 984 spaces total.

The reasoning behind the change in the calculations for large shopping centers appears fairly intuitive. Larger centers generally have multiple uses, and those uses have varying times of peak traffic. Also, there are so many parking spaces required under the five spaces for every 1,000 square feet requirement that there will seldom be a time where there is no parking available. Even restaurants, which by themselves require 16 spaces per 1,000 square feet are included in the five spaces per 1,000 square feet large shopping center calculations. Indeed, it seems reasonable going forward not to require a center to readjust its plan every time a tenant changes.

This particular athletic club proposes to offer only 80 pieces of cardio equipment and since there will be no exercise classes at this location, the requirement of 141 parking spaces appears excessive given the likely use patterns. Even if one assumes there is no car-pooling and no one walking or biking to the club for additional exercise from the adjacent residential community, the idea that over 100 people would be using this facility at any one time appears

farfetched. If the facility becomes so crowded that there is a waiting line for every piece of equipment, people would be expected to either stop coming or to adjust their times to hours when it is less crowded.

There is no evidence that the subject property is providing insufficient parking, and there have been no complaints to this effect. To the contrary, the shopping center appears to be doing well. Finally, it is apparent from the hours of operation that the peak times of customer use for this tenant will vary significantly from the peak hours of customer use for many of the other tenants in the center.

In the overall context of the size of the parking facility, the requested 3% deviation in parking proposed from that which is required under the old regulations is very minor -- the variance request is for only 30 spaces. As noted, if this center were built today, no variance would be necessary. In that sense, the imposition of zoning on this property disproportionately impacts the subject property as compared to others in the zoning district. In addition, the proposed athletic club will provide the community with a positive service which will likely act as an economic stimulus for the area. Hence, knowing that the athletic club's clients will essentially self-police the parking issue, the benefits here outweigh any other issues.

Considering the uncontroverted testimony and evidence presented at the hearing, I find that the subject property has characteristics which are unique, thereby meeting the first prong of the test set forth in *Cromwell v. Ward*, 107 Md. App. 691 (1995) and contained in Section 307.1 of the B.C.Z.R. Specifically, I find that the topography of the property and the existing conditions including the positioning of the existing building and parking create a unique situation that generates a practical difficulty in meeting the bulk and setback requirements. I further find that consistent with the test articulated in *McLean v. Soley*, 270 Md. 208 (1973), compliance with the strict letter of the restrictions would unreasonably prevent the owner from using the property

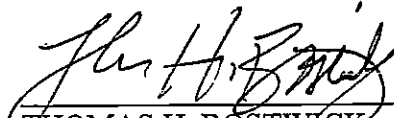
for a permitted purpose, the granting of the variance will do substantial justice to the applicant as well as to others in the area, and the relief sought is within the spirit of the ordinance and will not be injurious to the public safety and welfare. *Id.* at 214-215.

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

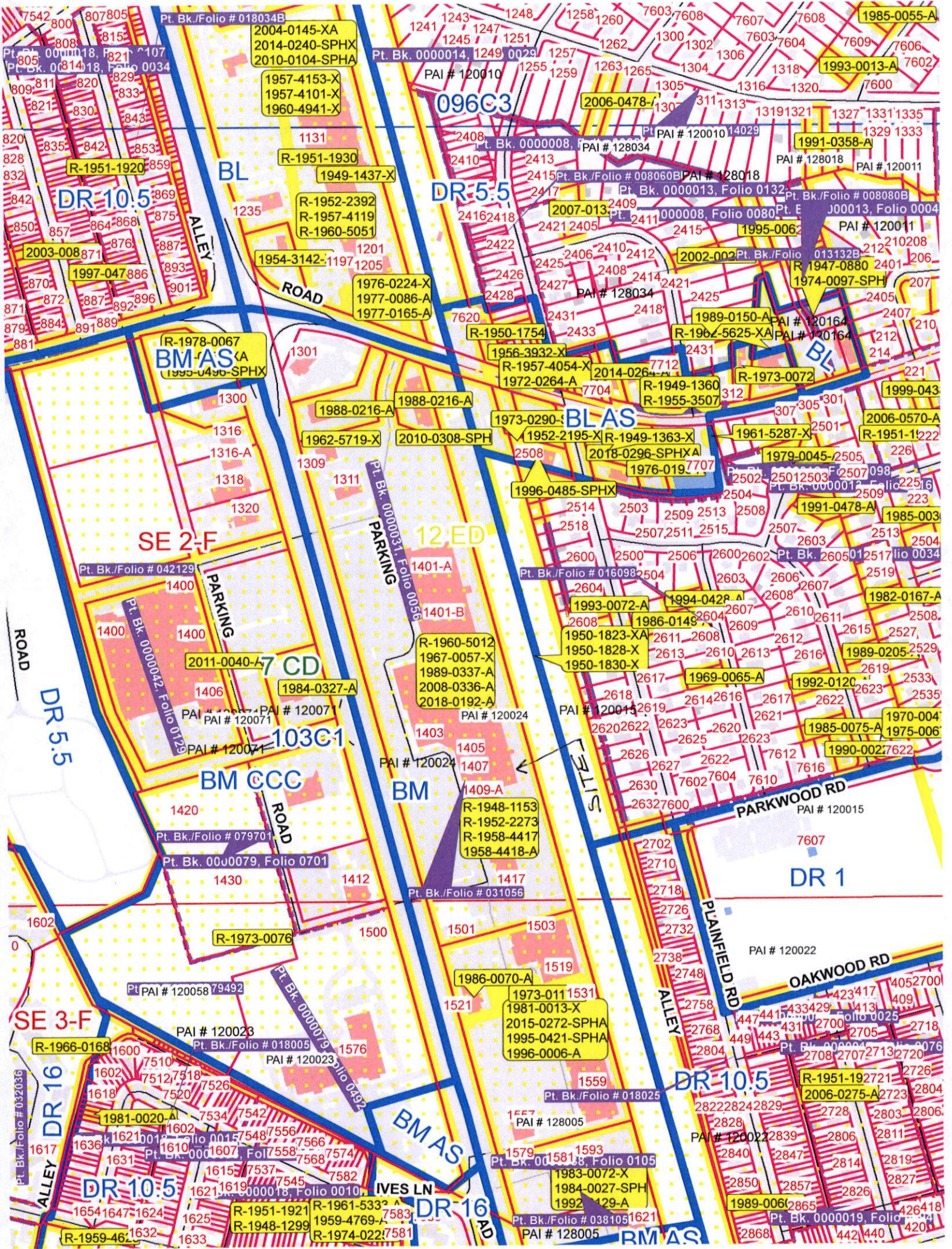
THEREFORE, IT IS ORDERED this 14th day of March, 2008 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 409.6.A.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 954 parking spaces in lieu of the required 984 spaces be and is hereby GRANTED, subject to the following.

1. Petitioners are advised that they may apply for any required building 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.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



1/4

10 Am

Case No.: 2019-0144-SPHA

Exhibit Sheet

Petitioner/Developer

LDW
2-7-19

Protestants

Sen
1-17-19

No. 1	Site plan	
No. 2	Getz CV	
No. 3	Aerial photo - site	
No. 4	Keeley CV	
No. 5	SA-56 Photos-parking	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



GARY D. GETZ, AIA, NCARB

Principal

YEARS OF EXPERIENCE:

MRA:	18
Getz Taylor Architects, Inc.	9
Other Firms:	8

EDUCATION:

Bachelor of Architecture, Carnegie-Mellon University, 1982

ACTIVE REGISTRATION:

Maryland, Architecture, 1985, #6957-A
National Council of Architectural
Registration Boards Certificate
#69181, ID No. 410913

Additional states: Connecticut,
Delaware, Florida, Georgia, Maine,
Massachusetts, New Hampshire,
New Jersey, North Carolina, North
Dakota, Pennsylvania, Rhode
Island, South Carolina, Vermont,
Virginia, District of Columbia

PROFESSIONAL AND COMMUNITY AFFILIATIONS:

American Institute of Architects
NCARB, Professional Licensing (National)
International Code Council (ICC)
National Fire Protection Association (NFPA)
Urban Land Institute, Baltimore
International Council of Shopping Centers
National Association of Industrial and Office
Properties (NAIOP)
Havre de Grace Opera House Foundation
City of Aberdeen Architectural Review
Committee

PAST MEMBER:

Harford County Board of Electrical
Examiners
Baltimore County Chamber of Commerce
Harford County Chamber of Commerce
Havre de Grace (HdG) Main Street
HdG Historic District Commission
Restaurant Association of Maryland

PUBLICATIONS:

Author of "Creative Retail Thinking."
Urban Land Magazine, April 2003

Quoted in "Burlington Mall, No Where To Go
But Up." Store Age Executive, May 1989

Featured in "Laras News." Laras Majalah
Interior & Arsitektur, September/October
1990

QUALIFICATIONS:

Mr. Getz was a co-founder of Getz Taylor Architects, Inc. and is a Principal with MRA. He is in charge of architectural design and personally leads the design process on all major building projects. His consensus-building and participatory design process skills enable him to lead diverse building committees to harmonious conclusions, and create projects that please all involved.

Mr. Getz's career encompasses practically all aspects of architecture, from conceptual planning to construction oversight. His efforts in the design of commercial and institutional buildings have contributed to numerous design awards. As a former Associate at Design International, he was in charge of design and project management on numerous inventive, cost-effective vertical and horizontal expansion/renovation projects, located around the world.

Having authored over a dozen tenant design criteria, reviewed and designed hundreds of stores, restaurants, and food court tenants, and assisted in lease and exhibit preparations, his services to the client go well beyond that of the typical architect. This is exemplified by his travel to Jakarta, Indonesia to teach a mall developer's tenants store design techniques. He has also traveled extensively through Europe to increase his knowledge of world architecture.

Mr. Getz meets extensively with clients to determine their goals, desires, priorities, budgets and schedules. He establishes a dialogue with the client to make them an active participant in the design. He invites their criticism of his designs and incorporates those comments to ensure properly functioning buildings.

Mr. Getz is experienced in both new construction and renovation work for private and public clients, most commonly in Baltimore, Harford and Frederick Counties. He regularly analyzes applicable zoning regulations in these jurisdictions.

He was the Principal on the following relevant projects:

Honeygo Town Center, White Marsh, Maryland - Principal-In-Charge of design for this mixed-use facility with numerous townhouses and nearly 160,000 SF of retail and office space. The architectural challenge for this project was to meet Baltimore County's requirement to create a "main street" that appeared to have been built over a long period of time. This was achieved through creative site planning and the use of different architectural styles, materials, and elevations.

Centre Court, Pikesville, Maryland - Principal-In-Charge of design for a retail project on a constrained, sloped site. MRA manipulated the grading and tucked the two-story, 20,000-SF retail building into a hillside so that upper level tenants could face a parking field on one side of the building and lower level tenants would face the opposite direction. Much care was given to the design of retaining walls, exit corridors, and exterior grades and landscaping.



MORRIS & RITCHIE
ASSOCIATES, INC.

PETITIONER'S EXHIBIT

2

Reisterstown Village Addition, Baltimore, Maryland - Principal-In-Charge of design for a *design-build project* to add 17,000 SF to the existing shopping center.

Loch Raven Plaza, Expansion and Renovation, Baltimore County, Maryland - Principal-In-Charge and Project Manager responsible for the renovation and expansion of the existing retail center. Project included the addition of new storefront canopy, walkway, and pylon signs.

Lynch Manor Shopping Center Renovation, Baltimore, Maryland - Principal-In-Charge of design for renovation of an 85,000-SF existing "big box" and super market into a traditional in-line center. In order to create proper in-line retail space, add additional pad sites and improve circulation and visibility, the front 90 feet of the existing building were demolished. Renderings and video fly-throughs were prepared for this project.

Grand York Shopping Center Renovation, Lutherville, Maryland - Principal-In-Charge of design for renovation of the 90,000-SF shopping center. Complete façade renovation included new canopies for the Super Market, and complete renovation of the canopies on the remainder of the center, including tower elements.

Towson Commons Redevelopment Studies and Design, Towson, Maryland - Principal-In-Charge for redevelopment design studies to reposition this mixed-use project that includes cinemas and a 10-story office tower. The redevelopment study process began with a survey of existing commercial real estate market opportunities in the area. The existing theatre component will be demolished and replaced with new retail, office, parking, and hotel uses

Westview Promenade, Frederick, Maryland - Principal-In-Charge responsible for creating concept, site plan development, and building design for this trend-setting lifestyle center, featured in Urban Land Magazine. MRA designed the 55,000-SF state-of-the-art 16-plex cinema complete with stadium seating, and 170,000 SF of retail shops and restaurants nestled around pedestrian-only landscaped courtyards.

Redevelopment of Frederick Towne Center, Frederick, Maryland - Principal-In-Charge for the proposed demolition and redevelopment of the existing mall property into Main Street retail, residential, and structured parking. Project scope included demolition to 290,000 SF of existing mall (excluding the existing anchor stores) and 700,000-SF of new 2-story exterior facing retailers. The upper level retail was to be serviced from a new 500-car parking deck. In addition, the rear of the property was planned for 450 residential units in 6-story towers including one building that wraps the parking deck. Due to economic conditions, MRA later redesigned the site with a new development team and provided planning for the demolition of the mall and construction of a new outdoor retail center.

The Shoppes at Bowie Town Center, Prince George's County, Maryland - Principal-In-Charge responsible for schematic design for this 101,000-SF shopping center with a 3,500-SF pad site, on 12 acres, zoned MAC.

Clarksville Square 4-Building Retail Shopping Complex, Howard County, Maryland - Principal-In-Charge for design of the new retail complex.

City Place, Silver Spring, Maryland - Principal-In-Charge for the multi-million dollar renovation of a six-story urban retail center. Originally an inward-facing urban mall, City Place has been transformed to meet the latest trends in retail. Street level stores have been reoriented to the outside, and retented with cafes and multi-level stores with street access. In conjunction with new development across the street, downtown Silver Spring has become a major retail destination in the Washington, D.C. metropolitan area. Due to the historic designation of the building, new signage has been placed off of the facade and onto freestanding steel grid billboards. A new corner mall entrance, new interior malls on levels one through three and new escalators were installed to reorient the mall to the new street-front development, as well. MRA also provided schematic design for a new 9-story, 210,000-SF office tower to be built on top of the existing structure.

Villages of Meadow Creek, Westminster, Maryland - Principal-In-Charge of site planning, retail planning, and architectural design for this 215,000-SF Hybrid Lifestyle center. The plan combines traditional shopping center planning with a main street to direct patrons into the heart of the project. A two-story retail/office building forms one side of main street, while freestanding restaurants will create the opposite street wall. A traffic circle focal point redirects vehicles into the traditional center. Rural images of farmhouses and barns inspired the elevations. Stone, board and batten siding and brick are utilized to reflect the country look.

The Village at Swan Creek, Harford County, Maryland - Principal-In-Charge of design for this 103,000-SF mixed use, retail, restaurant, and office development. Design was provided for three main buildings with landscaped courtyards and

interconnecting pedestrian walkways, while providing areas for four pad sites. The attention to detail and provisions for pedestrian amenities such as outdoor eating areas, safe and convenient walkways, and gathering spaces revitalize a once abandoned site. The project was designed and permitted under the Harford County Fast Track process.

Tollgate Marketplace Expansion, Bel Air, Maryland - Design Principal for a 60,000-SF addition to the existing Tollgate Marketplace shopping center.

Aberdeen Marketplace, Harford County, Maryland - Design Principal for a 100,000-SF renovation of an unsound and unoccupied retail center.

Woodbridge Center, Edgewood, Maryland - Principal-In-Charge of design for this 200,000-SF shopping center with five pad sites and 842 parking spaces on 21.75 acres. This mixed-use project involved various tenant spaces including retail, warehouse and loading docks and included a 45,000-SF Mars Supermarket.

Greenbrier Shopping Center, Harford County, Maryland - Principal-In-Charge of design for the new 180,000-SF retail center located on the north side of Bel Air.

Havre de Grace Plaza Renovation, Harford County, Maryland - Provided design oversight in conjunction with the shopping center's front facade renovation.

North Carroll Shopping Center, Carroll County, Maryland - Provided design oversight services as part of the shopping center's front facade renovation. Provided cost conscience facelifts for these centers, maximizing the effect of every dollar spent.

Big Elk Mall, Elkton, Maryland - Principal-in-Charge of design for the renovation of 1,200 linear feet of building façade. An extremely cost-effective solution was developed which allowed for a compressed construction schedule in order to lessen the impact to tenants.

Chambersburg Crossing, Chambersburg, Pennsylvania - Principal-In-Charge of design for a 271,400-SF, Target-anchored power center. The building façade materials, massing and details were carefully crafted with modern, rectilinear forms to complement the Target Store, without copying it. The stores step back slightly to reveal corner details and create shadows that break the monotony of long masonry facades. Soft planting areas with seating, located between storefronts, create a place of respite along the path among the hard surfaces of the façade and paving.

The Shoppes at Amyclae, Stafford, Virginia - Principal-In-Charge of design for a single-story retail building and a two-story office building over retail on the ground floor and a 40-foot tall tower. The project was designed as a new town center with traditional detailing, reflecting the architecture prevalent in the rolling Virginia hills.

Georgetown Park Mall, Washington, D.C. - Principal-In-Charge for a major re-tenanting renovation for this trend-setting three-story urban mall which also has underground parking and condominiums integrated into the facility.

Chapel Farm, Frederica, Delaware - Principal-In-Charge of master planning and schematic architectural design for this 120,000-SF shopping center. The design team responded to a historic church located across the street by creating a village green to act as a buffer between the commercial center and religious site. The retail was distributed amongst several small-scale buildings, with pitched roofs, indirect lighting for signage and pedestrian friendly walkways. Landscaped berms and low brick walls added additional screening from the church.

Palladium City Place, West Palm Beach, Florida - Principal-In-Charge of tenant coordination and store design for an 8-block retail and entertainment Main Street development.

Dover Mall and Food Court Renovation, Dover, Delaware - Principal-In-Charge of design and project manager for the renovation to this regional mall. Mall floors, planters, dated ceiling elements and mall amenities were updated or renovated. New graphics and planting schemes were developed. The Food Court received extensive renovation, new amenities, as well as a new criteria.

The Shops at Johnson City, Johnson City, Tennessee - Principal for a \$5 million renovation of the Mall, including all interior public areas and entrances into the Mall, plus tenant coordination and store design review.

Waldorf Gateway, Waldorf, Maryland - Working with MRA's land planners, Gary was the Principal-In-Charge of schematic architectural design for this new town center consisting of 203,000 SF of retail and 150,000 SF of office space, a 100-room extended stay hotel, 300 condo/apartment units, and structured parking.

Camelot, Glassboro, New Jersey - Working with MRA's land planners, Gary was the Principal-In-Charge of the commercial portion of the master plan for this 400-acre, mixed-use community redevelopment project. Integration of planning and architectural services helped create a master plan that is both aesthetically pleasing and fundamentally sound, as well as an excellent graphic presentation that helped local officials visualize what the community will ultimately look like. In the end, the community will contain over 900 single-family homes, villas, and condominiums, and 325,000 SF of main street retail and apartments, interconnected with a variety of recreational facilities and open spaces.

Lynnhaven Mall, Norfolk, Virginia - Project Designer for a \$10 million facelift to a multi-story regional mall. Services included renovation of the Center Court/Food Court, tilework throughout the mall and the mall entrances.

Galtier Plaza, St. Paul, Minnesota - Project Designer for ICSC award-winning, eight-story downtown city block retail/office complex with integrated residential high-rise towers.

Cocowalk, Coconut Grove, Florida - Project Designer responsible for tenant coordination, store design, and review for this ICSC and ULI award-winning lifestyle center. This project was one of the first urban lifestyle centers in the Country. It includes four-stories of upscale retail, restaurant, and entertainment that wraps a central courtyard. The upper level houses a movie theatre that is fed from a multi-level parking deck at the rear of project. The project fits into the urban fabric of downtown Coconut Grove and rejuvenated the street life in the area.

Trolley Square, Salt Lake City, Utah - Project Designer for the renovation of this downtown retail center. The existing building was a garage for the City's streetcars. The project was an adaptive re-use into specialty retail center that included national and local retailers, as well as a food court and restaurants. Mr. Getz lived in Salt Lake City for 4 months while completing this project.

Pondok Indah Mall, Jakarta, Indonesia - Project Designer for this ICSC award-winning project, the first American-style mall in Indonesia. Mr. Getz traveled to Indonesia several times to assist with store design and tenant coordination.

Belvedere Square, Baltimore, Maryland - Project Designer for this ICSC award-winning *urban main street complex featuring an old time market with individual food vendors, several restaurants, and retailers.*

Burlington Mall, Boston, Massachusetts - Project Designer for ICSC award winning, \$35-million double-decking of an upscale shopping mall, including tenant coordination and design review of all stores.

Scottsdale Galleria, Scottsdale, Arizona - Project Designer for a 1.2-million-square-foot specialty retail and entertainment center. The project included a 4-story atrium housing 400,000 SF of upscale retail Gross Leasable Area and 140,000 SF of opulently designed common area, in addition to 4,500 underground parking spaces.

Mars Super Markets, Various Locations Throughout the Baltimore-metropolitan Area, Maryland - Principal-In-Charge of design for numerous Mars locations including: Timonium, Padonia, Carney, Holabird, Wise Avenue, Arbutus, Reisterstown, Dogwood, Aberdeen, Woodbridge, Glen Burnie, and Middle River. Responsibilities included all aspects of the design and construction process.

Giant Super Market, Pikesville, Maryland - Principal-In-Charge of design for a new 63,000-SF flagship super market on the site of the existing store. A phased construction plan incorporating numerous adjacent properties allowed a new store to be built behind the existing store thereby minimizing the time of store closure. Responsibilities included all aspects of the design and construction process.

Verizon Wireless Stores, MD, DE, VA, WV, NC, NJ, NY, PA, & D.C. - Principal-In-Charge responsible for design and construction drawings for over 200 stores in the mid-Atlantic area from New Jersey to North Carolina. Services include schematic design, construction documents and construction administration for architectural, mechanical and electrical engineering work. Stores range between 2,000 and 7,000 SF, including freestanding, strip center, and mall stores.

T J Maxx, Books-A-Million and Security Jewelry Stores, Arundel Mills, Hanover, Maryland - Principal-In-Charge of the design, construction documentation and construction administration for various national retail stores within the Mall.

Super Crown Bookstore, Dale City, Virginia - Principal-In-Charge of design responsible for design of a freestanding, 10,000-SF bookstore based on the tenant's prototype drawings. The exterior was designed to meet Crown's aesthetic satisfaction, while staying within the Developer's limited budget.

Hess Shoes, Baltimore & Columbia, Maryland - Principal-In-Charge and Project Manager responsible for design of a new children's shoe store to be used as a regional prototype. The design created an exciting shopping experience that draws families into the store. Sales immediately skyrocketed 130% from the day the store opened, as compared with their existing store located directly across the mall.

Rockport Shoes, Various locations in Maryland, Virginia, and Pennsylvania - Principal-In-Charge and Project Manager responsible for prototype stores to ten malls in the mid-Atlantic region. Each store was designed and built in approximately four months.

Safeway Building Expansion Study and Design, Montgomery County, Maryland - Principal-In-Charge of design for the expansion of this 28,000-SF store. Located on a highly constrained and restrictive site, architectural design provided for a 12,000-SF addition as a second floor.

Safeway Stores, Various Locations in Maryland and Virginia - Principal-In-Charge of design for architectural and interior design at the following locations: Ellicott City, Cockeysville, Rockville, Bladenberg, and Bel Air, Maryland; and Woodbridge, Leesburg, Fort Hunt, and Alexandria, Virginia. Responsibilities included all aspects of the design and construction process including *all food service equipment specifications and submissions*.

Rite Aid Stores and Pharmacy, Various Locations - Principal-In-Charge and Project Manager for several new standalone Rite Aid Stores and Pharmacies, as well as renovations to several existing stores including modification/addition of store layout, entrances, and store front.

J. MARK KEELEY, PTP

6533 Green Mount Drive

Elkridge, MD 21075

410-615-0067 (Cell)

410-670-2911 (Office)

Professional Summary:

Traffic/Transportation Planner with 25 years of experience.

Skills:

Traffic Operations Analysis

Traffic Impact Studies

Intersection Analysis

Transportation Planning Studies

Transportation Management Studies

Speed & Sight Distance Studies

Intersection Delay Studies

Parking Studies

Trip Generation Analyses

Computer software Packages: Microsoft software packages, TP +, MINUTP, Highway Capacity Software (HCS), SIDRA, Critical Lane Volume Analysis

Professional Associations:

Certifications

- PTP (Professional Transportation Planner Certification), ITE
2008 – Present Certificate Number 122

Inactive Certifications

- AICP (American Institute of Certified Planners)
2006 – 2010 Certificate Number 020927

Professional Experience:

TRAFFIC CONCEPTS, INC

7525 Connelley Drive, Suite B Hanover, Maryland 21076

Project Manager/Transportation Planner, July 2005-Present

- Project Manager for Traffic Impact Studies/Traffic Engineering Services Division.
- Develop price proposals and budgets for the preparation of traffic studies.
- Provide expert testimony at public hearings.
- Develop master planning studies, traffic impact studies, and parking studies for private and public sector clients.
- Address technical comments received from reviewing agencies and provide traffic mitigation strategies and solutions for clients.
- Represent clients at project Scoping Meetings, Planning Commission Meetings, Board of Appeals Hearings, and Community Input Meetings.

J. MARK KEELEY, PTP

Page 2 of 3

QUEEN ANNE'S COUNTY DEPARTMENT OF PUBLIC WORKS / DEPARTMENT OF PLANNING & ZONING

312 Safety Dr Centreville MD 21617/160 Coursevall Dr. Centreville, MD 21617

Transportation/Land Use Planner IV, September 2002 – July 2005

- Managed the County Adequate Public Facilities Ordinance (Traffic)
- Provided staff support to the Planning Commission and County Council on transportation issues.
- Reviewed approximately 100 traffic impact studies for Queen Anne's County and recommended traffic mitigation measures to meet the APFO requirements.
- Reviewed major and minor subdivision/site plans for compliance with the County's Zoning Ordinance and the Comprehensive Plan.
- Generated technical subdivision/site plan comments and made presentations at County Council and Planning Commission Meetings.
- Initiated and directed general and specialized land use studies, which included vacant land inventories, site impact analysis and transportation corridor studies.
- Appointed liaison to Federal and State Agencies for Maryland's Smart Growth initiatives and the Federal Clean Air Act Amendment (Air Quality Conformity).

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING

220 South Main Street Bel Air, Maryland 21014

Administrator, Office of Transportation, July 1999 – September 2002

- Developed the 2000 Transportation Plan, An Element of the Harford County Master Plan.
- Reviewed of more than 400 traffic impact studies and recommended traffic mitigation measures.
- Initiated and directed planning studies relating to land use and transportation planning, which included computer modeling, transit planning, and traffic impact analysis.
- Developed Transportation Demand Management Strategies for the County.
- Managed the County Traffic Count Program.
- Managed the County Rideshare Program.
- Developed the Unified Planning Work Program for each fiscal year.
- Developed the Transportation Improvement Program (TIP).
- Baltimore Metropolitan Council's Transportation Technical Committee Member.
- Baltimore Metropolitan Council's Bicycle and Pedestrian Advisory Group Member.
- Baltimore Metropolitan Council's Travel Analysis Advisory Group Member.

J. MARK KEELEY, PTP

Page 3 of 3

HARFORD COUNTY DEPARTMENT OF PLANNING AND ZONING **220 South Main Street Bel Air, Maryland 21014**

Transportation Planner I & II, September 1993 – July 1999

- Planner assigned to the Edgewood Community Planning Council.
- Conducted transit-planning studies and rider-ship surveys for Harford Transit.
- Coordinated with the Harford Transit to develop new rural transit routes.
- Organized a Bicycle and Pedestrian Task Force to select bike routes and to promote non-motorized transportation.
- Managed the Commuter Assistance Grant for MTA.
- Developed a Regional Employees Commuter Option (ECO) Program for both the public sector and private sector businesses as mandated by the MDE.
- Prepared and reviewed Traffic Impact Studies for the County.
- Managed the Regional Travel Demand Model.
- Performed intersection analysis and recommended traffic mitigation measures.

Master Plan Writings:

- Co-author: 2000 Transportation Plan, Element of the Harford County Master Plan.

Expert Witness Experience:

Baltimore County, MD	City of Easton , MD
Carroll County, MD	City of Elkton, MD
Harford County, MD	City of Salisbury, MD
Howard County, MD	Town of Bel Air, MD
Queen Anne's County, MD	Town of Centreville, MD
Montgomery County, MD	City of Frederick, MD
Town of Denton, MD	

Education:

TOWSON UNIVERSITY

Towson, MD 21252

M.A. Degree - Geography and Planning, 1993

SALISBURY UNIVERSITY

Salisbury, MD 21801

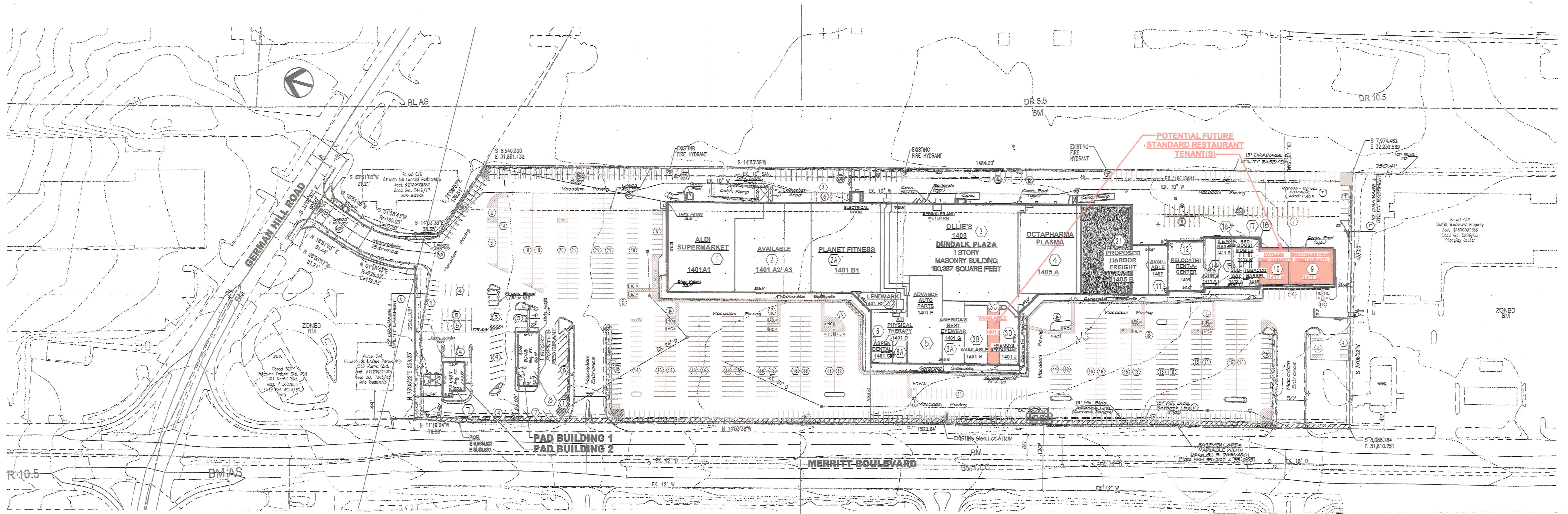
B.A. Degree - Political Science, 1987

MT. ST. JOSEPH HIGH SCHOOL

4403 Frederick Avenue

Baltimore, MD 21229

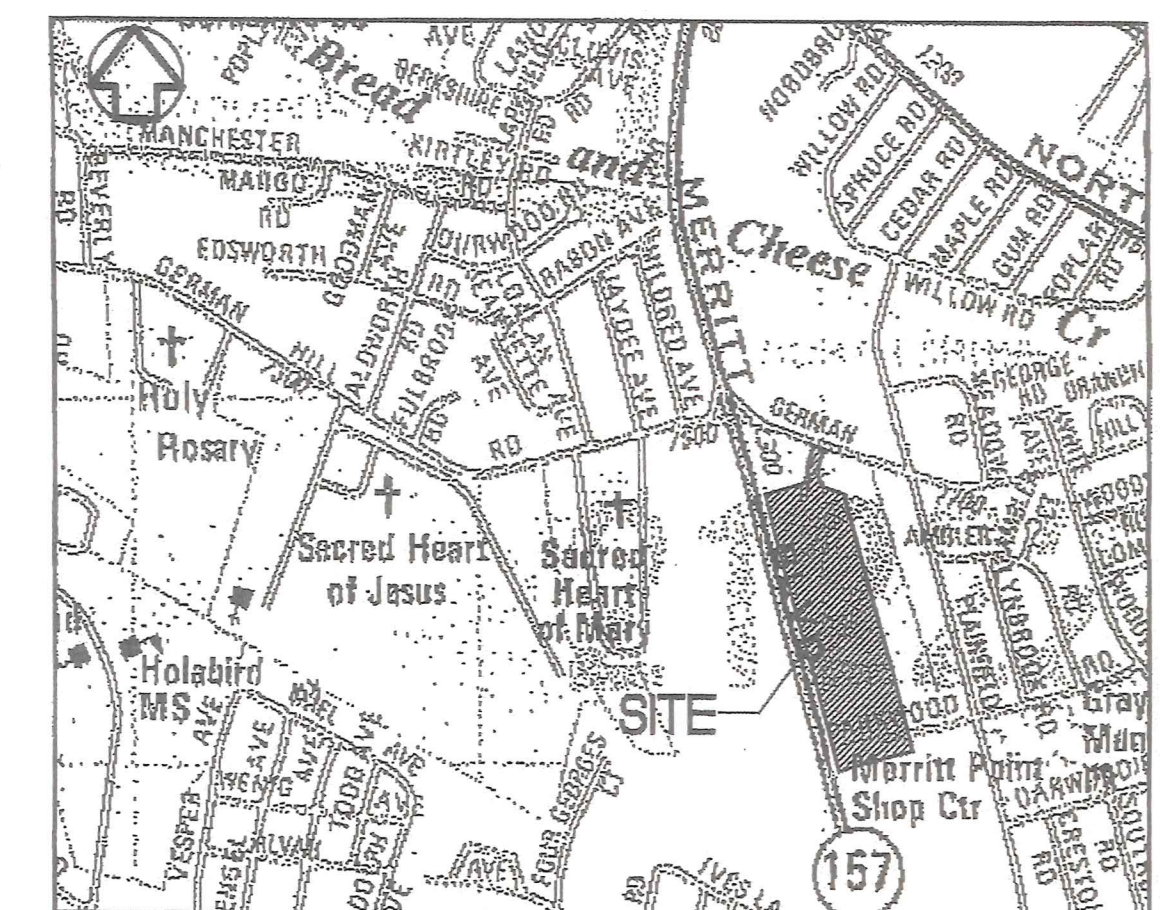
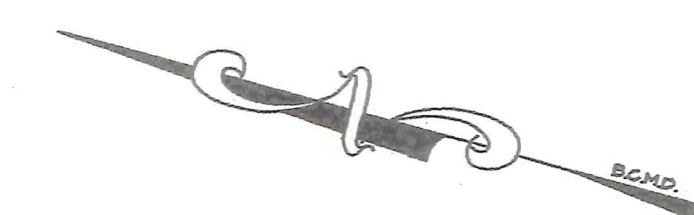
Graduated 1983



2018 PARKING STRIPING AND TENANT PLAN

1" = 80'-0"

0 20' 50' 100'



VICINITY MAP
SCALE: 1"=1000'

1. SITE DATA:

TAX MAP - 103 GRID 5 PARCEL 434
ELECTION DISTRICT 12
COUNCILMANIC DISTRICT 7
TAX ACCOUNT NUMBER 1220027000
DEED REFERENCE: LIBER 20541 FOLIO 471
PLAT BOOK 31, FOLIO 56
GROSS PARCEL AREA: 17.21 AC. (749,708 SQ. FT.)
NET PARCEL AREA: 16.109 AC. (701,708 SQ. FT.)
ZONING: BM (BUSINESS MAJOR)
SUBDIVISION: LAURELWOOD

2. PROPERTY ADDRESS: 1401-1417 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

3. PROPERTY OWNER: 8300 GUILFORD ROAD
SUITE C
COLUMBIA, MARYLAND 21046

4. THERE ARE NO KNOWN EXISTING WELL OR SEPTIC AREAS FOUND ON SITE.
PUBLIC WATER AND SEWER SERVE THIS SITE.

5. NOT BUILDINGS ON THIS SITE ARE A NATIONAL HISTORIC LANDMARK OR
LISTED ON THE MARYLAND HISTORIC TRUST INVENTORY. THE SITE IS NOT
WITHIN A HISTORIC DISTRICT.

6. FIRE HYDRANTS ARE AS SHOWN ON THE PLAN.

7. ANY FIXTURE USED TO ILLUMINATE OFF-STREET PARKING AREAS SHALL
BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT
RESIDENTIAL PROPERTIES AND PUBLIC STREETS.

8. SIGNS SHALL BE IN COMPLIANCE WITH SIGNAGE VARIANCE CASE # 2018-
0192-A, GRANTED.

9. THIS SITE IS NOT WITHIN A 100-YEAR FLOODPLAIN OR THE CHESAPEAKE
BAY CRITICAL AREA.

10. THIS SITE IS NOT WITHIN A BASIC SERVICE DEFICIENT AREA.

11. PREVIOUS COMMERCIAL PERMIT NUMBERS FROM THE YEAR 2010 TO THE
PRESENT FOR BUILDING CONSTRUCTION: B746562, B754050, B762497,
B761706, B769379, B810167, B843413, B901505, B907224, B932832, B936196,
B936991, B935234, B933864, B936993, B939248, B940147, B943246, B944309,
B945841, B932832 (WORK ONGOING, EXTENDED UNTIL 4/21/2019).

12. NO FEES ARE DELINQUENT.

13. AMENITY OPEN SPACE: NONE REQUIRED.

14. ZONING HISTORY: CASE 89-337-A; VARIANCE FOR PARKING WAS
DISMISSED ON JUNE 19, 1989. CASE 08-338-A WAS GRANTED ON MARCH 14,
2008, FOR A REDUCTION IN OFF-STREET PARKING SPACES REQUIRED (954
IN LIEU OF 984). CASE 2018-0192-A WAS GRANTED ON MARCH 20, 2018, FOR
MULTIPLE VARIANCES RELATED TO SIGNAGE.

15. BUILDING AREA:
SHOPPING CENTER 180,387 SF
PAD BUILDING 1 3,148 SF
PAD BUILDING 2 1,867 SF
TOTAL 185,502 SF

16. BUILDING SETBACKS
REQUIRED PROVIDED
FRONT 15' 43' +/- (PAD BUILDING 2)
INTERIOR SIDE 0' 31' +/-
REAR 20' 40' +/-

17. F.A.R.
PERMITTED 4.0
PROVIDED .25

18. MAX BUILDING HEIGHT = 40'

19. NO ADDITIONS, BUILDING ENLARGEMENTS OR NEW PAD SITES ARE
PROPOSED AS PART OF THIS APPLICATION.

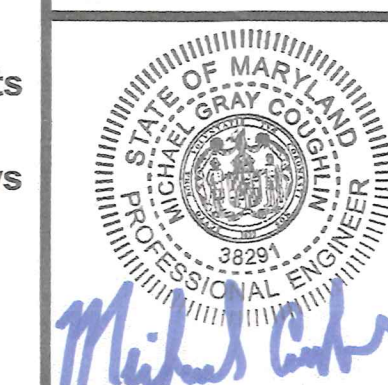
Mark	Address (Merritt Blvd)	Tenant	Area	Use Type	Criteria - PS / SF	Spaces Required
1	1401 A1	ALDI	19,704	Retail (Assumed)	5/1000	98.5
2	1401 A2 & A3	Future Tenants (Vacant)	18,000	Retail	5/1000	90.0
2A	1401 B1	Planet Fitness	18,220	Athletic Club	10/1000	182.2
3	1403	Ollie's	34,140	Retail	5/1000	170.7
3A	1401 G	America's Best Eyewear	4,000	Retail	5/1000	20.0
3B	1401 H	Future Tenant (Vacant)	3,980	Retail (Assumed)	5/1000	19.9
3C	1401 I	Future Tenant (Vacant)	2,000	Standard Restaurant	16/1000	32.0
3D	1401 J	Proposed Five Guys	3,004	Standard Restaurant	16/1000	48.1
4	1405 A	Octapharma Plasma	15,107	Health Care	4.5/1000	68.0
5	1401 E	Advance Auto Parts	8,804	Retail	5/1000	44.0
6	1401 C	Aspen Dental	3,500	Medical	4.5/1000	15.8
6A	1401 D	ATI Physical Therapy	2,117	Medical (assumed)	4.5/1000	9.5
7	1309	Capital One (Pad Building)	1,700	Bank	3.3/1000	5.6
8	1311	Popeye's (Pad Building)	2,982	Standard Restaurant	16/1000	47.7
9	1417 B	Mattress Firm	4,387	Standard Restaurant	16/1000	70.2
10	1417 A	Payless	3,179	Standard Restaurant	16/1000	50.9
11	1407	Future Tenant(s)	2,548	Retail (Assumed)	5/1000	12.7
12	1409	Rent a Center	5,411	Furniture	2.5/1000	13.5
14	1411 A	Papa John's	1,749	Carry Out Restaurant	5/1000	8.7
15	1411 B	LN Nails	2,284	Beauty Shop	5/1000	11.4
16	1413 A	Subway	1,275	Carry Out Restaurant	5/1000	6.4
17	1413 B	Boost Mobile	1,346	Retail	5/1000	6.7
18	1415	Tobacco Outlet	1,346	Retail	5/1000	6.7
20	1401 B2	Lendmark	2,167	Bank	3.3/1000	7.2
21	1405 B	Proposed Harbor Freight	18,814	Retail	5/1000	84.1
		Corridors	4,067			0.0
Total Required Parking Spaces						1,130.6
Total Provided Parking Spaces						990.0

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
number 038291, expiration date
01/13/2020.



MORRIS & RITCHIE ASSOCIATES, INC.
ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS

1220-C East Joppa Road, Suite 505
Towson, Maryland 21286
410-821-1690
410-821-1748 Fax



PLAN TO ACCOMPANY PETITION FOR VARIANCE

DUNDALK PLAZA

1401-1417 MERRITT BLVD.
DUNDALK, MARYLAND 21222

12TH ELECTION DISTRICT
7TH COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:	19135
		SCALE:	1" = 80'
		DATE:	10/26/2018
		DRAWN BY:	KJM
		DESIGN BY:	KJM
		REVIEW BY:	MAB
		SHEET:	

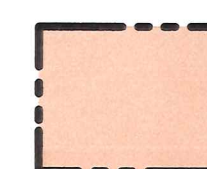
PETITIONER'S EXHIBIT 1



AERIAL PHOTOGRAPH - LOCATION OF SUBJECT PROPERTY
1" = 100'-0"

0 50' 100' 200'

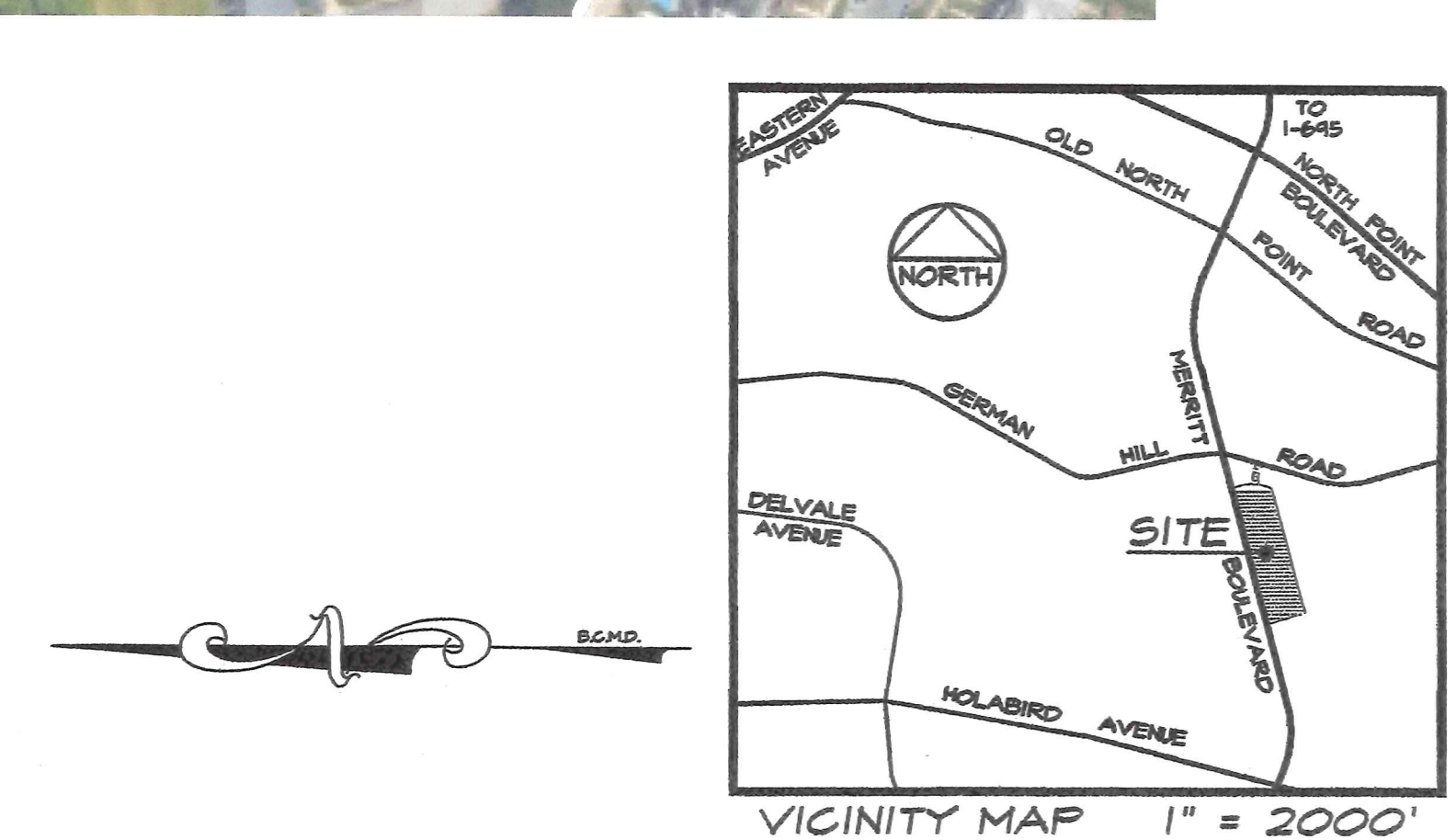
LEGEND



PROPERTY LINES



ZONING LINES



		MORRIS & RITCHIE ASSOCIATES, INC. ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C East Joppa Road, Suite 505 Towson, Maryland 21286 410-821-1690 410-821-1748 Fax	
		AERIAL PHOTOGRAPH - LOCATION OF SUBJECT PROPERTY DUNDALK PLAZA 1401-1417 MERRITT BLVD. DUNDALK, MARYLAND 21222 12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND	
DATE	REVISIONS	JOB NO.:	19135
		SCALE:	1" = 100'
		DATE:	03/16/2018
		DRAWN BY:	KJM
		DESIGN BY:	KJM
		REVIEW BY:	MAB
		SHEET:	8





B





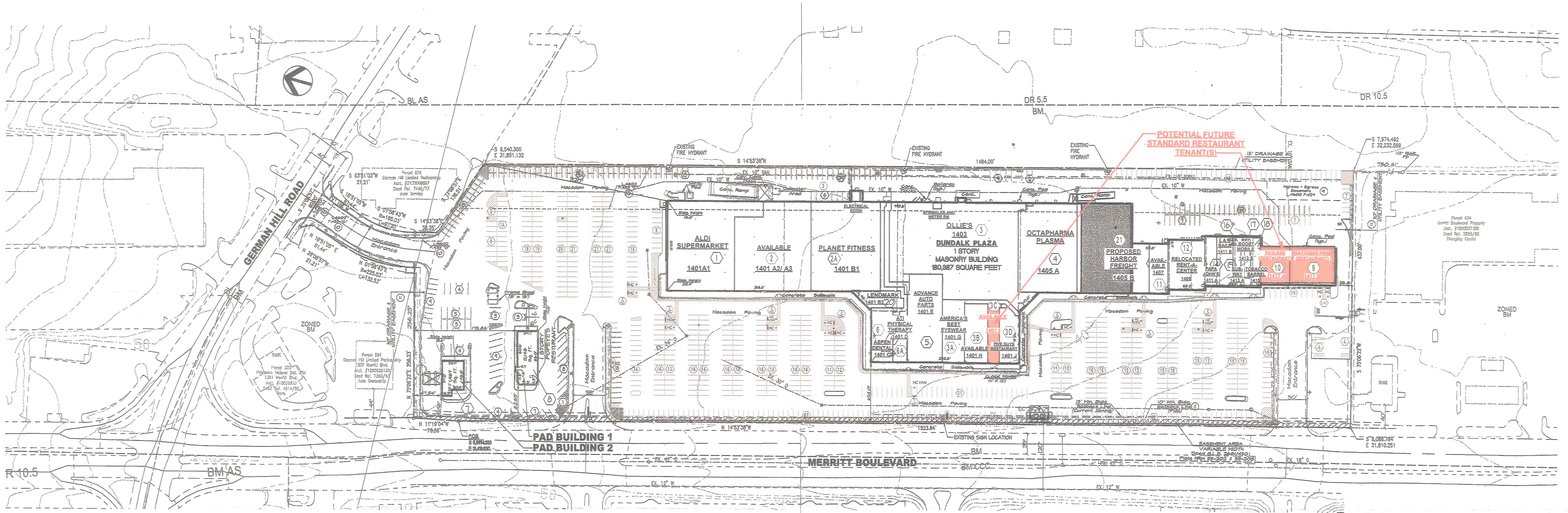


E



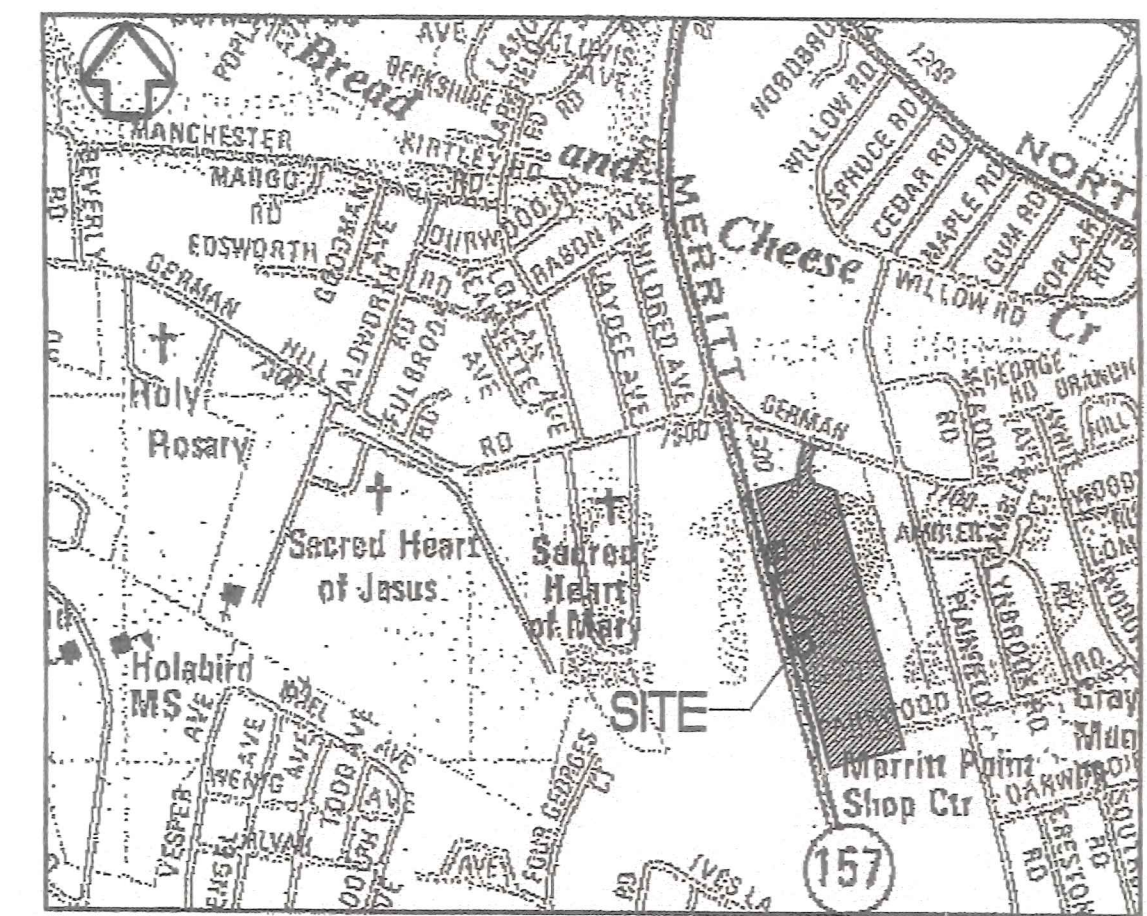


6



2018 PARKING STRIPING AND TENANT PLAN
1" = 80'-0"

0 20' 50' 100'



1. SITE DATA:

TAX MAP - 103 GRID 5 PARCEL 434
ELECTION DISTRICT 12
COUNCILMANIC DISTRICT 7
TAX ACCOUNT NUMBER 1220027000
DEED REFERENCE: LIBER 20541 FOLIO 471
PLAT BOOK 31: FOLIO 56
GROSS PARCEL AREA: 17.21 AC. (749,708 SQ. FT.)
NET PARCEL AREA: 16.109 AC. (701,708 SQ. FT.)
ZONING: BM (BUSINESS MAJOR)
SUBDIVISION: LAURELWOOD

2. PROPERTY ADDRESS: 1401-1417 MERRITT BOULEVARD
DUNDALK, MARYLAND 21222

3. PROPERTY OWNER: 8300 GUILFORD ROAD
SUITE C
COLUMBIA, MARYLAND 21046

4. THERE ARE NO KNOWN EXISTING WELL OR SEPTIC AREAS FOUND ON SITE.
PUBLIC WATER AND SEWER SERVE THIS SITE.

5. NOT BUILDINGS ON THIS SITE ARE A NATIONAL HISTORIC LANDMARK OR
LISTED ON THE MARYLAND HISTORIC TRUST INVENTORY. THE SITE IS NOT
WITHIN A HISTORIC DISTRICT.

6. FIRE HYDRANTS ARE AS SHOWN ON THE PLAN.

7. ANY FIXTURE USED TO ILLUMINATE OFF-STREET PARKING AREAS SHALL
BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT
RESIDENTIAL PROPERTIES AND PUBLIC STREETS.

8. SIGNS SHALL BE IN COMPLIANCE WITH SIGNAGE VARIANCE CASE # 2018-
0192-A, GRANTED.

9. THIS SITE IS NOT WITHIN A 100-YEAR FLOODPLAIN OR THE CHESAPEAKE
BAY CRITICAL AREA.

10. THIS SITE IS NOT WITHIN A BASIC SERVICE DEFICIENT AREA.

11. PREVIOUS COMMERCIAL PERMIT NUMBERS FROM THE YEAR 2010 TO THE
PRESENT FOR BUILDING CONSTRUCTION: B746562, B754050, B762497,
B761706, B769379, B810167, B843413, B901505, B907224, B932832, B936196,
B936991, B935234, B933864, B936993, B939248, B940147, B943246, B944309,
B945641, B932832 (WORK ONGOING, EXTENDED UNTIL 4/21/2019).

12. NO FEES ARE DELINQUENT.

13. AMENITY OPEN SPACE: NONE REQUIRED.

14. ZONING HISTORY: CASE 89-337-A: VARIANCE FOR PARKING WAS
DISMISSED ON JUNE 19, 1989. CASE 08-335-A WAS GRANTED ON MARCH 14,
2008, FOR A REDUCTION IN OFF-STREET PARKING SPACES REQUIRED (954
IN LIEU OF 984). CASE 2018-0192-A WAS GRANTED ON MARCH 20, 2018, FOR
MULTIPLE VARIANCES RELATED TO SIGNAGE.

15. BUILDING AREA:
SHOPPING CENTER 180,387 SF
PAD BUILDING 1 3,148 SF
PAD BUILDING 2 1,967 SF
TOTAL 185,502 SF

16. BUILDING SETBACKS
REQUIRED PROVIDED
FRONT 15' 43' +/- (PAD BUILDING 2)
INTERIOR SIDE 0' 31' +/-
REAR 20' 40' +/-

17. F.A.R.
PERMITTED 4.0
PROVIDED .25

18. MAX BUILDING HEIGHT = 40'

19. NO ADDITIONS, BUILDING ENLARGEMENTS OR NEW PAD SITES ARE
PROPOSED AS PART OF THIS APPLICATION.

Dundalk Plaza - Parking Requirements, As Currently Proposed: 2018					
Mark	Address (Merritt Blvd)	Tenant	Area	Use Type	Criteria - PS / SF
1	1401 A1	ALDI	19,704	Retail (Assumed)	5/1000
2	1401 A2 & A3	Future Tenants (Vacant)	18,000	Retail	5/1000
2A	1401 B1	Planet Fitness	18,220	Athletic Club	10/1000
3	1403	Ollie's	34,140	Retail	5/1000
3A	1401 G	America's Best Eyewear	4,000	Retail	5/1000
3B	1401 H	Future Tenant (Vacant)	3,980	Retail (Assumed)	5/1000
3C	1401 I	Future Tenant (Vacant)	2,000	Standard Restaurant	16/1000
3D	1401 J	Proposed Five Guys	3,004	Standard Restaurant	16/1000
4	1405 A	Octapharma Plasma	15,107	Health Care	4.5/1000
5	1401 E	Advance Auto Parts	8,804	Retail	5/1000
6	1401 C	Aspen Dental	3,500	Medical	4.5/1000
6A	1401 D	ATI Physical Therapy	2,117	Medical (assumed)	4.5/1000
7	1309	Capital One (Pad Building)	1,700	Bank	3.3/1000
8	1311	Popeye's (Pad Building)	2,982	Standard Restaurant	16/1000
9	1417 B	Mattress Firm	4,387	Standard Restaurant	16/1000
10	1417 A	Payless	3,179	Standard Restaurant	16/1000
11	1407	Future Tenant(s)	2,548	Retail (Assumed)	5/1000
12	1409	Rent a Center	5,411	Furniture	2.5/1000
14	1411 A	Papa John's	1,749	Carry Out Restaurant	5/1000
15	1411 B	LN Nails	2,284	Beauty Shop	5/1000
16	1413 A	Subway	1,275	Carry Out Restaurant	5/1000
17	1413 B	Boost Mobile	1,346	Retail	5/1000
18	1415	Tobacco Outlet	1,346	Retail	5/1000
20	1401 B2	Lendmark	2,167	Bank	3.3/1000
21	1405 B	Proposed Harbor Freight	16,814	Retail	5/1000
		Corridors	4,067		
Total Required Parking Spaces					1,130.5
Total Provided Parking Spaces					990.0

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
number 038291, expiration date
01/13/2020 .

		MORRIS & RITCHIE ASSOCIATES, INC. ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS	
1220-C East Joppa Road, Suite 505 Towson, Maryland 21286 410-821-1690 410-821-1748 Fax		PLAN TO ACCOMPANY PETITION FOR VARIANCE	
		DUNDALK PLAZA 1401-1417 MERRITT BLVD. DUNDALK, MARYLAND 21222	
12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND		DATE: 10/26/2018 DRAWN BY: KJM DESIGN BY: KJM REVIEW BY: MAB SHEET:	
DATE		REVISIONS	
		JOB NO.: 19135	
		SCALE: 1" = 80'	