

IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(825 Dulaney Valley Road)		
9 th Election District	*	OFFICE OF
5 th Council District		
Towson TC, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Round 1 Entertainment, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2019-0206-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of a Petition for Special Exception filed on behalf of Towson TC, LLC, legal owner and Round 1 Entertainment, Inc., lessee (“Petitioners”). The special exception petition was filed pursuant to Sections 423 and 502.1 of the Baltimore County Zoning Regulations (“BCZR”) to use property as an arcade that has a second exterior entrance in addition to the entrance from the mall’s interior concourse.

Landscape architect Mike Pieranunzi appeared in support of the petition. Edward J. Gilliss, Esq. represented the Petitioners. There were no protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (“ZAC”) comments were received from any county agencies.

The subject property is approximately 23.8 acres in size, although the area of the proposed special exception is 74,442 sq. ft. (1.71 acres) and is zoned BM-DT. The Towson Town Center is located at the site. Petitioners propose to open a restaurant/arcade/entertainment venue at the mall. The arcade portion of the site is permitted in the BM zone by special exception.

ORDER RECEIVED FOR FILING

Date 3/19/19
By Sen

Special Exception

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

Mr. Pieranunzi testified (via proffer) Petitioners satisfied the requirements of BCZR §502.1 and the Maryland case law interpreting that provision. No evidence to the contrary was presented and I believe the petition should be granted. The regulations specifically identify enclosed shopping malls as appropriate locations for such businesses, and Petitioners note that a Dave & Buster's (a similar arcade/dining/entertainment venue) has operated successfully for many years at the White Marsh Mall. As such, I do not believe granting the petition would have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED this 19th day of **March, 2019**, by this Administrative Law Judge, that the Petition for Special Exception pursuant to Sections 423 and 502.1 of the BCZR, to use property as an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

ORDER RECEIVED FOR FILING

Date

3/19/19

By

Sen

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

ORDER RECEIVED FOR FILING

Date 3/19/19

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 825 Dulaney Valley Road, Towson, MD 21204 which is presently zoned BMCT(DTD)
 Deed References: 13247/00678 10 Digit Tax Account # 2 2 0 0 0 1 6 2 3 2
 Property Owner(s) Printed Name(s) Towson TC, LLC

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

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

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. X a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
 An arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse, pursuant to BCZR §423.1A.
3. a **Variance** from Section(s)

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

To be presented at hearing

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

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

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

Contract Purchaser/Lessee:

Shane Kaji /Round 1 Entertainment, Inc.

Name- Type or Print

Signature [Signature]

c/o Round 1
 3040 Saturn St., Ste 104, Brea, CA

Mailing Address City State

92821, 310-707-5610, Kaji@round1.co.jp

Zip Code Telephone # Email Address

Attorney for Petitioner:

Edward J. Gilliss, Esquire

Name- Type or Print

Signature [Signature]

102 W. Pennsylvania, Ave., Suite 600, Towson, MD

Mailing Address City State

21204, 410-823-1800, egilliss@rmmr.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Towson TC, LLC

Name #1 - Type or Print Name #2 - Type or Print

Signature #1 [Signature] Signature #2

c/o Brookfield Property REIT Inc., 350 North Orleans St., Suite 300, Chicago, Illinois

Mailing Address City State

60654, Eric.Dinenberg@BrookfieldPropertiesRetail.c

Zip Code Telephone # Email Address

Representative to be contacted:

Eric Dinenberg

Name- Type or Print

Signature [Signature]

c/o Brookfield Property REIT Inc., 350 North Orleans St., Suite 300, Chicago, Illinois

Mailing Address City State

60654, Eric.Dinenberg@BrookfieldPropertiesRetail.com

Zip Code Telephone # Email Address

CASE NUMBER 2019 0206-X Filing Date 1/17/2019 Do Not Schedule Dates: Reviewer AF

REV. 10/4/11

ORDER RECEIVED FOR FILING
 3/19/19
 Date 3/19/19
 By [Signature]

**DESCRIPTION OF AREA SHOWN ON
PLAN TO ACCOMPANY SPECIAL
EXCEPTION REQUEST
ROUND ONE ADDITION
TOWSON TOWN CENTER
Book 13247 Page 678
Baltimore County, Maryland
Tax ID 22-00016232**

Beginning for the same at a point near the southeast intersection of Dulaney Valley Road and Fairmont Avenue, said point having the coordinate values of North 633403.02 and East 1425524.61, more or less, as referenced to the Maryland Coordinate System (NAD 83/2011), thence running in and through the lands of that parcel of land conveyed to Towson TC, LLC by Deed Dated October 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 13247 folio 678, the following twenty-one (21) courses and distances:

- 1) South 58° 06' 56" East 82.68 feet to a point, thence;
- 2) South 31° 51' 09" West 29.92 feet to a point, thence;
- 3) South 58° 20' 22" East 15.55 feet to a point, thence;
- 4) South 31° 56' 07" West 61.86 feet to a point, thence;
- 5) North 58° 03' 53" West 7.15 feet to a point, thence;
- 6) South 31° 50' 11" West 126.81 feet to a point, thence;
- 7) North 58° 18' 35" West 20.63 feet to a point, thence;
- 8) South 31° 41' 25" West 14.53 feet to a point, thence;
- 9) North 58° 18' 28" West 10.56 feet to a point, thence;
- 10) South 31° 46' 13" West 36.76 feet to a point, thence;
- 11) North 57° 17' 01" West 199.41 feet to a point, thence;
- 12) North 58° 19' 13" West 74.67 feet to a point, thence;
- 13) North 31° 40' 47" East 291.47 feet to a point, thence;
- 14) South 58° 19' 13" East 42.00 feet to a point, thence;
- 15) South 31° 40' 47" West 100.45 feet to a point, thence;
- 16) South 58° 19' 13" East 32.67 feet to a point, thence;
- 17) North 31° 40' 47" East 29.06 feet to a point, thence;
- 18) South 58° 19' 33" East 63.46 feet to a point, thence;
- 19) North 31° 48' 28" East 22.67 feet to a point, thence;
- 20) South 58° 13' 40" East 76.67 feet to a point, thence;
- 21) North 31° 50' 25" East 23.90 feet to a point, to the place of beginning.

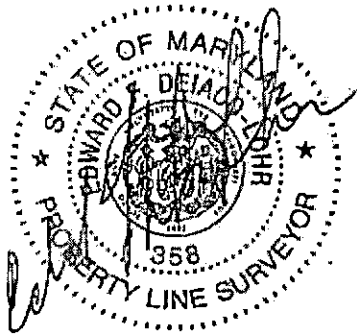
Containing 74443 square feet or 1.709 acres of land, more or less.

Being part of the land conveyed to Towson TC, LLC by Deed Dated October 19, 1998 and recorded among the Land Records of Baltimore County, Maryland in Liber 13247 folio 678.

This description was prepared for the sole purpose of describing the area shown on the above referenced plan and is not suitable for Title Transfer of any type and does not reflect a field survey of the property.

Professional Certification

I hereby certify that this description was prepared by me or under my responsible charge, and that I am a duly licensed Property Line Surveyor under the laws of the State of Maryland, License No. 358, Expiration Date October 19, 2020.



December 19, 2018

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:

2/26/2019

Order #: 11701210
Case #: 2019-0206-X
Description:

NOTICE OF ZONING HEARING The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:
CASE NUMBER: 2019-



Darlene Miller, Public Notice Coordinator
(Representative Signature)

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2019-0206-X

825 Dulaney Valley Road

E/s Dulaney Valley Road, s/e of Fairmount Avenue

9th Election District - 5th Councilmanic District.

Legal Owners: Towson TC, LLC

Contract Purchaser/Lessee: Round 1 Entertainment, Inc., Shane Kaji

Special Exception to use property as an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Hearing: Monday, March 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Mike Mohler

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 410-837-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-837-3391.

126

Sherry Nuffer

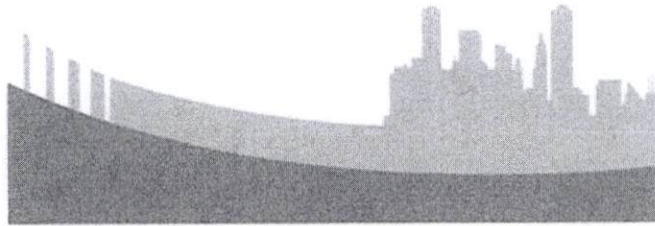
From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Thursday, March 14, 2019 9:12 PM
To: Sherry Nuffer
Cc: Administrative Hearings; Edward J. Gilliss
Subject: Case 2019-0206-X posting cert
Attachments: Case 2019-0206-X posting cert 3 14 19.pdf

I have enclosed the posting cert. Please see the note concerning the missing sign.

Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053





CERTIFICATE OF POSTING

February 22, 2019 (amended March 14, 2019)

Re:

Zoning Case No. 2019-0206-X

Legal Owner: Towson TC LLC

Contract Lessee: Round 1 Entertainment, Inc., Shane Kaji

Hearing date: March 18, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 825 Dulaney Valley Road.

The signs were posted on February 22, 2019.

The signs were inspected again on March 13, 2019. At that time I found that one of the signs was missing. A duplicate sign was posted on March 14, 2019.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Doak". The signature is fluid and cursive.

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-867-3391**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-867-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

Sherry Nuffer

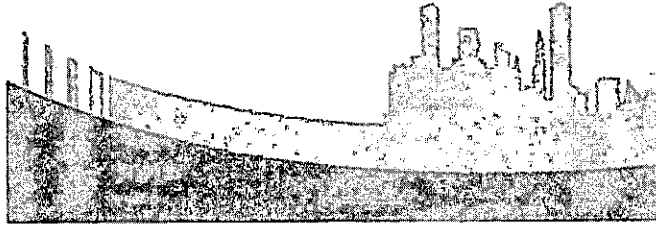
From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Thursday, March 14, 2019 9:12 PM
To: Sherry Nuffer
Cc: Administrative Hearings; Edward J. Gilliss
Subject: Case 2019-0206-X posting cert
Attachments: Case 2019-0206-X posting cert 3 14 19.pdf

I have enclosed the posting cert. Please see the note concerning the missing sign.

Bruce

Bruce E. Doak Consulting
410-419-4906
bdoak@bruceedoakconsulting.com
3801 Baker Schoolhouse Road
Freeland, MD 21053





CERTIFICATE OF POSTING

February 22, 2019 (amended March 14, 2019)

Re:
Zoning Case No. 2019-0206-X
Legal Owner: Towson TC LLC
Contract Lessee: Round 1 Entertainment, Inc., Shane Kaji
Hearing date: March 18, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at 825 Dulaney Valley Road.

The signs were posted on February 22, 2019.

The signs were inspected again on March 13, 2019. At that time I found that one of the signs was missing. A duplicate sign was posted on March 14, 2019.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-587-3351.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

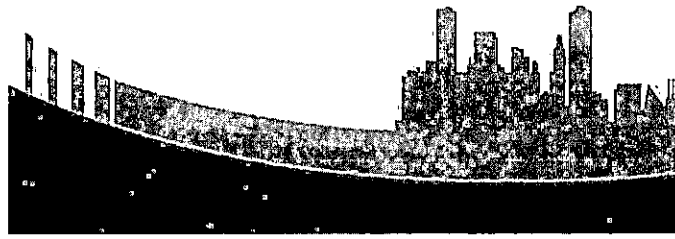
**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM THE HEARING CALL 410-587-3351.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**



CERTIFICATE OF POSTING

February 22, 2019 (amended _____)

Re:

Zoning Case No. 2019-0206-X

Legal Owner: Towson TC LLC

Contract Lessee: Round 1 Entertainment, Inc., Shane Kaji

Hearing date: March 18, 2019

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

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **825 Dulaney Valley Road**.

The signs were posted on **February 22, 2019**.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

ZONING NOTICE

CASE NO. 2019-0206-X

825 Dulaney Valley Road

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

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD
21204**

DATE & TIME: Monday March 18, 2019 1:30 PM

**SPECIAL EXCEPTION TO USE PROPERTY AS AN ARCADE THAT HAS
A SECOND EXTERIOR ENTRANCE IN ADDITION TO THE ENTRANCE
FROM THE MALL'S INTERIOR CONCOURSE.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE**

RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE OFFICE
825 Dulaney Valley Road; E/S Dulaney Valley *
Road, SE of intersection with Fairmount Ave* OF ADMINISTRATIVE
9th Election & 5th Councilmanic Districts
Legal Owner(s): Towson TC, LLC * HEARINGS FOR
Contract Purchaser: Round 1 Entertainment, *
Inc. by Shane Kaji * BALTIMORE COUNTY
Petitioner(s) *
2019-206-X

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JAN 28 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of January, 2019, a copy of the foregoing Entry of Appearance was mailed to Eric Dinenberg, c/o Brookfield Property REIT Inc., 350 North Orleans Street, Suite 300, Chicago, Illinois 60654 and Edward Gilliss, Esquire, 102 West Pennsylvania Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

February 6, 2019

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: 2019-0206-X

825 Dulaney Valley Road

E/s Dulaney Valley Road, s/e of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Towson TC, LLC

Contract Purchaser/Lessee: Round I Entertainment, Inc., Shane Kaji

Special Exception to use property as an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Hearing: Monday, March 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, appearing to read "Mike Mohler".

Mike Mohler
Director

AJ:kl

C: Edward Gillis, 102 W. Pennsylvania Avenue, Ste. 600, Towson 21204
Shane Kaji, 3040 Saturn Street, Ste. 104, Brea CA 92821
Eric Dinenberg, Brookfield Prop., 350 North Orleans St., Ste. 300, Chicago IL 62654

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 26, 2019.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, February 26, 2019 - Issue

Please forward billing to:
Edward Gillis, Esq.
RMMR, LLP
102 W. Pennsylvania Avenue, Ste. 600
Towson, MD 21204

410-823-1800

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: 2019-0206-X

825 Dulaney Valley Road
E/s Dulaney Valley Road, s/e of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Towson TC, LLC
Contract Purchaser/Lessee: Round I Entertainment, Inc., Shane Kaji

Special Exception to use property as an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Hearing: Monday, March 18, 2019 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Mike Mohler
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.

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

No. **1777**

PAID RECEIPT

Date:

JAN. 7, 2019

BUSINESS ACTUAL TIME DRW
 1/08/2019 1/08/2019 08:47:31 1

REG NS01 MA KIN LJR
 >>RECEIPT # 828560 1/08/2019 OFLN

Dept 5 528 ZONING VERIFICATION
 17778

Rec'd Tot \$ 500.00
 500.00 CK .00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				\$ 500

Total:

\$ 500

Rec From:

ROYSTON, MUELLER, McLEAN & REID, LLP

For:

825 DULANEY VALLEY RD

2019-0206-X

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL MOHLER, *Director*
Department of Permits,
Approvals & Inspections

March 13, 2019

Edward J. Gilliss Esquire
102 W. Pennsylvania Ave, Suite 600
Towson MD 21204

RE: Case Number: 2019-0206-X, 825 Dulaney Valley Road

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 January 7, 2019. 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 horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Towsor TC, LLC 350 North Orleans St, Suite 300 Chicago, Illinois 60654
Shane Kaji 3040 Saturn St, Suite 104 Brea CA 92821

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Mike Mohler
Acting Director, Permits, Approvals and Inspections

DATE: 2/19/2019

FROM: Jeff Mayhew
Acting Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-206



INFORMATION:

Property Address: 825 Dulaney Valley Road
Petitioner: Towson TC, LLC
Zoning: BMCT (DTD)
Requested Action: Special Exception

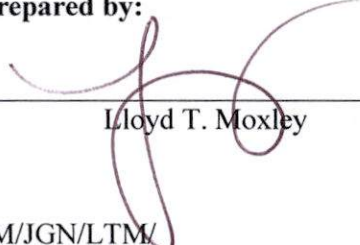
The Department of Planning has reviewed the petition for a special exception to use the subject property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

A site visit was conducted on 2/5/2019. The subject site is on the first floor of the Towson Town Mall on the north side of the mall having access via the plaza situated next to Fairmont Avenue. The subject site is located in the Downtown Towson District. The applicant applied for, and received DRP administrative approval for an exterior sign at the entrance on Fairmount Avenue (see attached DRP approval letter).

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

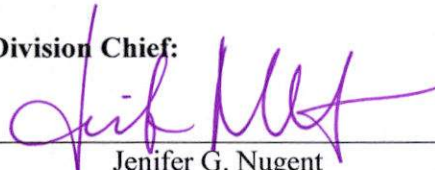
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



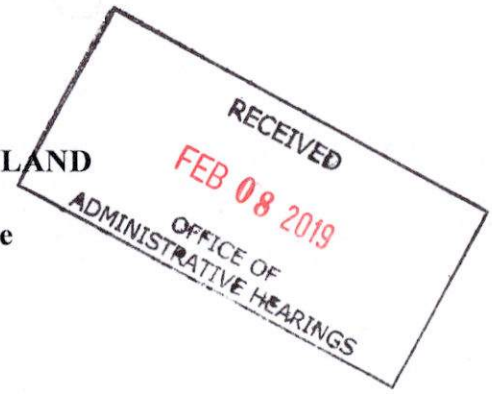
Jenifer G. Nugent

JM/JGN/LTM/

c: Laurie Hay
Eric Dinenberg
Edward J. Gilliss, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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

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

DATE: February 8, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0206-X
Address 825 Dulaney Valley Road
(Towson, TC, LLC Property)

Zoning Advisory Committee Meeting of **February 4, 2019**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

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

Date: 1/28/19

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

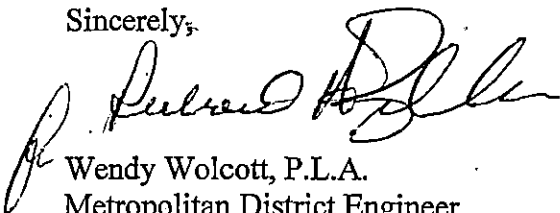
Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the Case number referenced below, which was received on 1/28/19. A field inspection and internal review reveals that an entrance onto MD146 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Special Exception, Case Number 2019-0206-X.

*Special Exception
TOWSON TC, LLC
825 Duloney Valley Road
MD146*

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

Sincerely,



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

WW/RAZ

CASE NAME 825 Dulany Valley Rd
CASE NUMBER 2019-0206-X
DATE 3-18-19

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No CommentDEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

2/26/19

Daily Record

SIGN POSTING (1st)

Date:

2/22/19

by

Rack

SIGN POSTING (2nd)

Date:

3/13/19

by

Rack

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 - 09 Account Number - 2200016232			
Owner Information					
Owner Name:	TOWSON TC LLC		Use:	COMMERCIAL	
Mailing Address:	C/O PROPERTY TAX DEPT PO BOX 617905 CHICAGO IL 60661-7905		Principal Residence:	NO	
			Deed Reference:	/13247/ 00678	
Location & Structure Information					
Premises Address:		825 DULANEY VALLEY RD BALTIMORE MD 21204-0000		Legal Description:	23.700 AC NS DULANEY VALLEY RD TOWSON TOWN CENTER
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0070	0008	1004		0000	
					Block:
					1
					Lot:
					1
					Assessment Year:
					2017
					Plat No:
					1
					Plat Ref:
					0065/ 0026
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1974	940291		1,036,673 SF	14	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
		SHOPPING CENTER/ REGIONAL			
					Last Major Renovation
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of	As of	As of	
		01/01/2017	07/01/2018	07/01/2019	
Land:	77,750,400	77,750,400			
Improvements	184,067,800	189,547,300			
Total:	261,818,200	267,297,700	265,471,200	267,297,700	
Preferential Land:	0			0	
Transfer Information					
Seller: TOWSON TOWN CENTER ASSOC		Date: 10/27/1998		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /13247/ 00678		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2018		07/01/2019	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			

Exempt Class: NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Michael J. Pieranunzi, RLA
Landscape Architect

BEGAN WITH CENTURY: 2006, October

YEARS WITH CENTURY: 10

YEARS WITH OTHER FIRMS: 27

EDUCATION

1987 B.S. Landscape Architecture, West Virginia University

PROFESSIONAL REGISTRATION:

1991 RLA Maryland Registered #1008 (exp. 2020)

2009 March LEED Accredited Professional (LEED AP)



WORK BACKGROUND:

Century Engineering

Hunt Valley, MD

Oct. 2006 - present

Daft-McCune-Walker, Inc.

Towson, Maryland

1997 – 2006

Clark, Finefrock &

Sackett, Inc.

Columbia, Maryland

1987 – 1997

ASSOCIATIONS

American Society of Landscape Architects

Howard County Association of Landscape Architects - Past Vice President

Howard County Homebuilders Association

Howard County Chamber of Commerce

EXPERIENCE

As a project manager, Mr. Pieranunzi provides landscape architecture and land planning services to public and private clients. His extensive background in residential and commercial site planning and land development result in creative and environmentally-sensitive design solutions. Mr. Pieranunzi's experience has assisted in implementing plans from conceptual design through construction on projects that include residential and commercial land use planning, community master planning and landscaping, golf course design, and site planning.

PETITIONER' S

EXHIBIT NO.

3

With experience in a variety of project types and justifications, he has gained exceptional skills in managing projects from conceptual design, design development, construction drawings and site inspection. He has proven abilities in managing budgets, clients, county officials and staff on multiple project types and projects.

BALTIMORE COUNTY PROJECTS

MARYVALE PREPARATORY SCHOOL REVISED DEVELOPMENT PLAN – SCHEME B, Baltimore County, MD. Project Manager for the land planning services for the preparation and submission of the Development Plan showing a 18,000 SF Media Center, 16,880 SF Performing Arts Center, track, lacrosse field, 3 soccer fields, parking and stormwater management. The 113 acre site, zoned RC-2, consists of existing buildings, ball fields and forest covering.

COPPERMINE ATHLETIC FACILITY (SYNTHETIC FIELD), Baltimore, MD. As project manager, Mr. Pieranunzi was responsible for meeting with the owner, summarizing schedule and devising a plan of action to obtain grading permits prior to the owner's summer camp schedule. Mr. Pieranunzi oversaw the SWM waiver request from Baltimore County DEPS, while simultaneously gaining approval of the grading and sediment control plan. The field construction drawings required detailed grading, coordination of the underdrain system, retaining wall design and perimeter fencing and lighting.

HOLLINS END, Baltimore, MD. Mr. Pieranunzi was the project manager responsible for coordinating and managing the expansion to the existing warehouse and parking lot at Hollins End. The owner required adapting the existing building to conform to a new tenant program. Mr. Pieranunzi reviewed the new tenant requirements and worked with the design team to implement the new building parking, pedestrian connection, stormwater management and landscape revisions. He processed the plans for the approval and assisted with obtaining permits in a timely manner.

MOUNT de SALES ACADEMY GRANDSTAND AND FIELD ADDITIONS, Baltimore County, MD. Michael Pieranunzi was Project Manager for the proposed field conversion. The school proposed conversion of their existing turf field and natural hillside seating area to a synthetic field and grandstand built within the slope. Working with the architect, Michael managed the preparation of the permit drawings for the mass grading, utilities, walls, plaza and electric design.

WINDSOR STATION, Project Manager. Prepared multiple conceptual studies for a 14 acre commercial parcel in order to maximize the potential office, warehouse or flex space. Studies were prepared in accordance with zoning, parking, and stormwater management facilities requirements. The layout maximized the square footage of the office space to ±320,000 s.f. and the flex space of 90,000 s.f. and 1,600 parking spaces.

OWINGS MILLS MALL, Baltimore County, MD. Prepare layout and grading of Hoyt's Cinema, Lord & Taylor, and Sears expansion. Michael was also responsible for the second expansion at Owings Mills Mall in which the Sears Department Store and free standing Tire Center were razed. The overall mall was redesigned to meet the parking requirement while creating a 15 acre residential out parcel. Michael was responsible for the coordination and negotiation with the MTA connection between the Cinema and Outparcel.

TOWSONTOWN MALL EXPANSION, Baltimore County, MD. Mr. Pieranunzi prepared and submitted permit drawings for a 100,000 s.f. expansion which included restaurants and retail space supported by a

750 space parking deck. Michael was responsible for the layout, grading, paving, hardscape components and utilities. The intricate project establishes Towson Mall as the gateway to Towson, Maryland. Michael worked extensively with the architects, owners and land use attorneys to prepare and process the drawings through reviews by the county, business community, economic development and existing tenants.

WHITE MARSH MALL - LIFESTYLE CENTER, Baltimore County, MD. Project Manager. Responsible for the preparation of the conceptual and documents for the 110,000 s.f. "Lifestyle" expansion to White Marsh Mall and for coordinating the zoning, grading, SWM, utility, sediment and erosion control and landscape architecture plan. The retail component is attached to the exterior of the Mall fronting onto a proposed streetscape with special paving lighting and seating. The layout was sensitive to the existing sloping site and parking issues.

OWINGS MILLS RESTAURANT PARK, Baltimore County, MD. Prepared layout and grading of five restaurant buildings, parking lot and landscaping. Mr. Pieranunzi coordinated the construction of restaurants with five different owners; Red Lobster, Don Pablo's, Tony Roma's, HOPS, Red Robin and five different general contractors.

Case No.: 2019-206-X

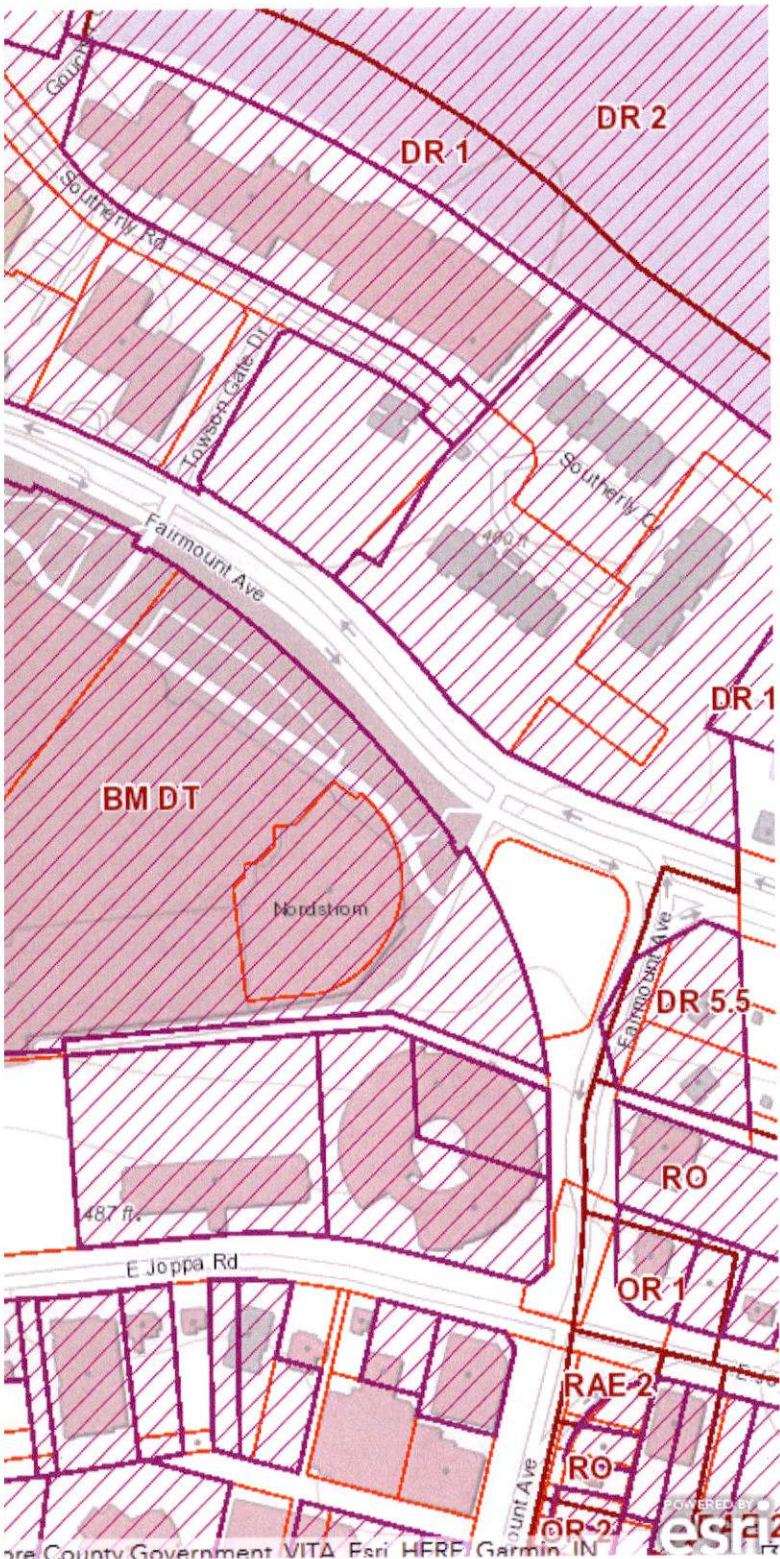
Exhibit Sheet

Sen
3-19-19

Petitioner/Developer

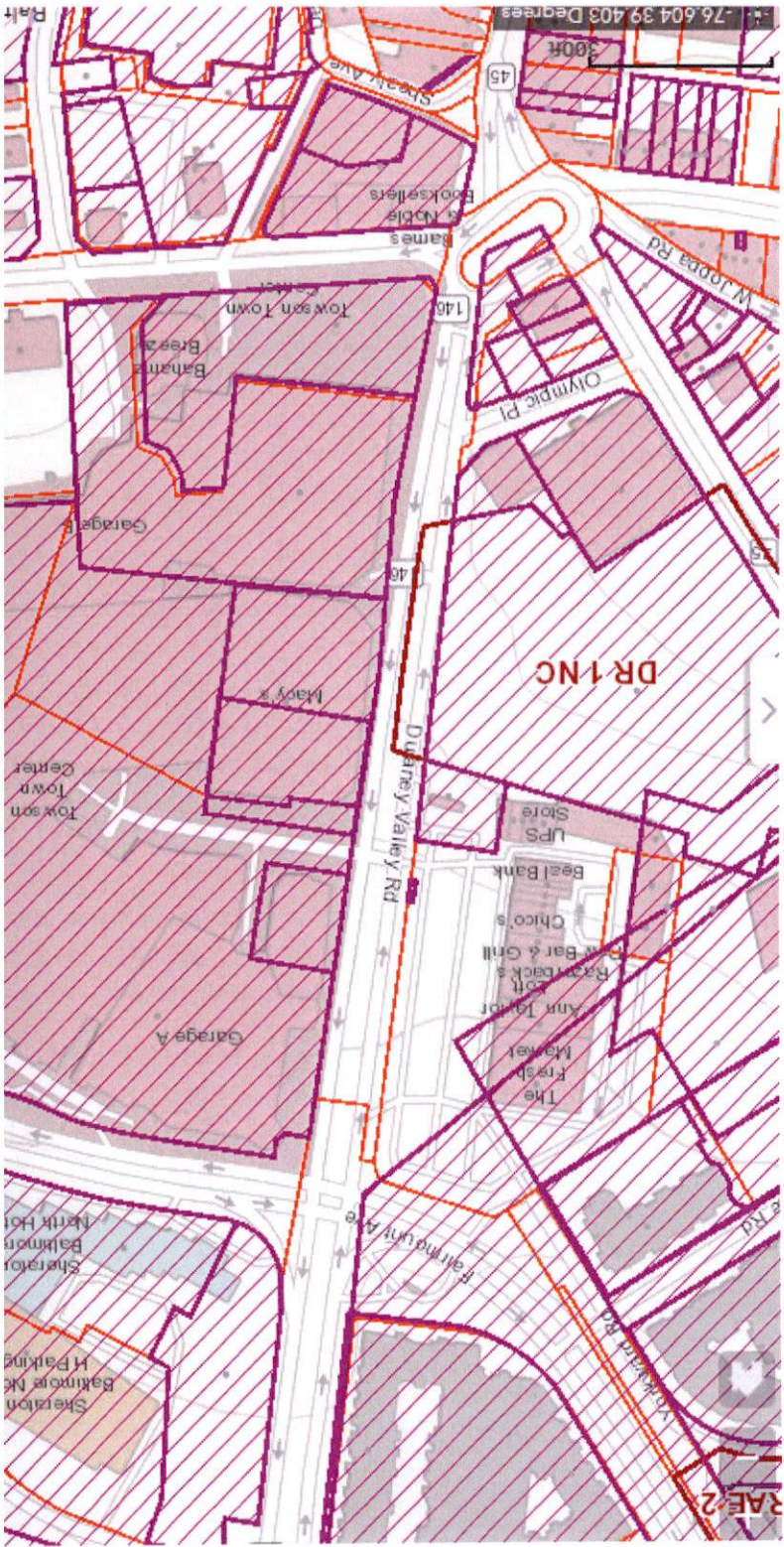
Protestant

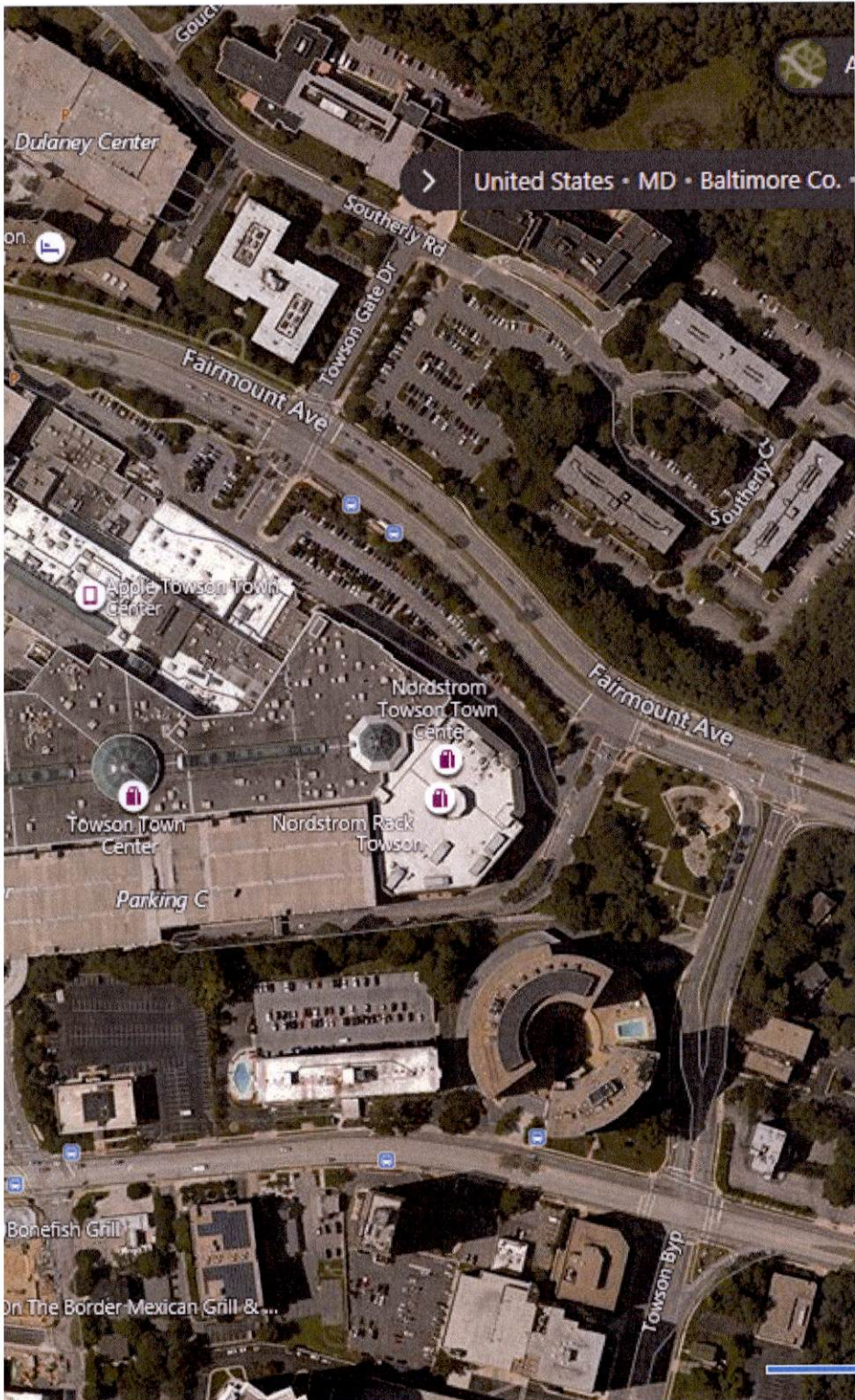
No. 1	Zoning Map	
No. 2	Zoning Aerial Map/Photo	
No. 3	Pieranunzi CV	
No. 4	Site plan	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER' S

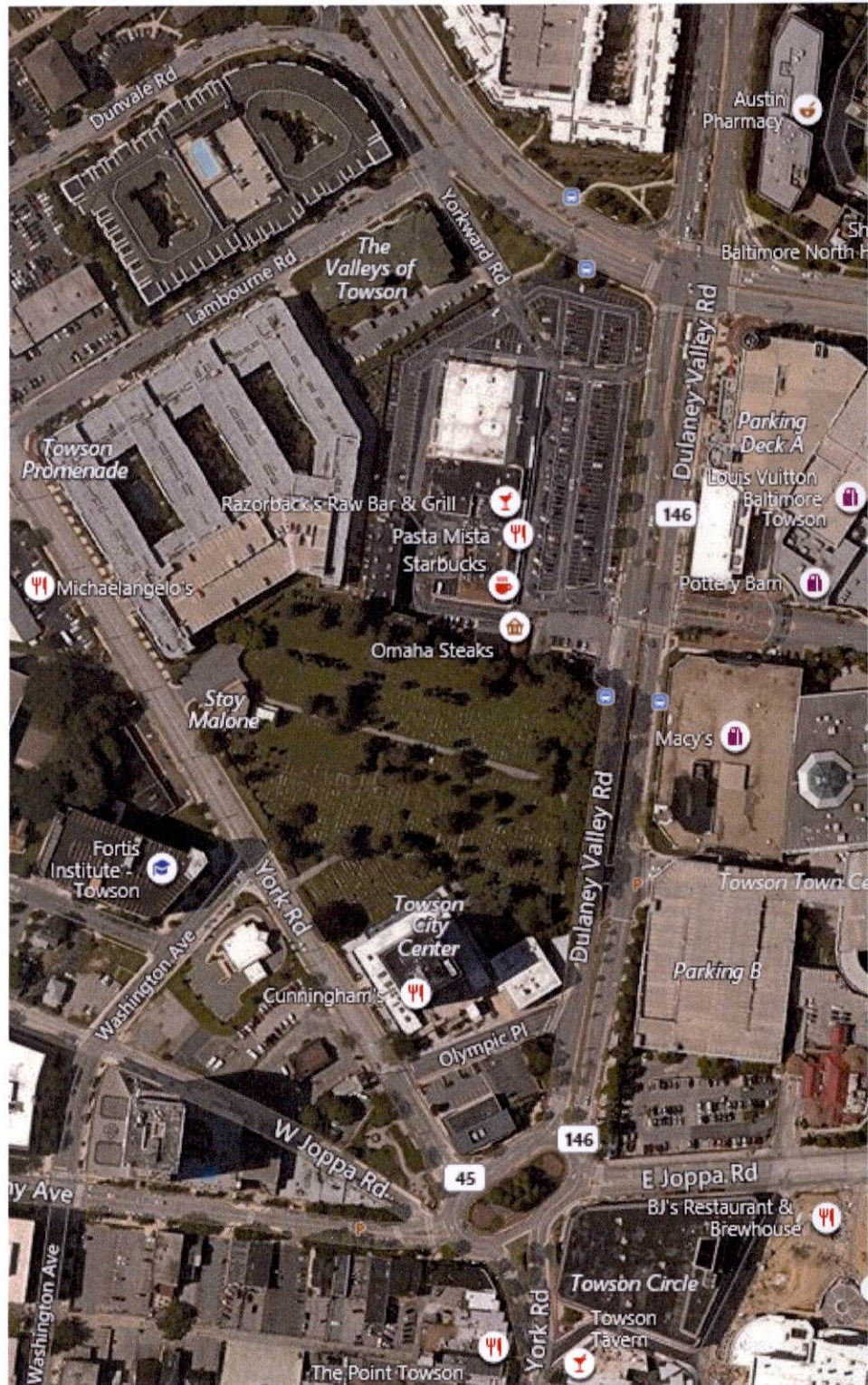
EXHIBIT NO. 1





PETITIONER' S

EXHIBIT NO. 2



IN RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
(8200 Perry Hall Blvd.)		
14 th Election District	*	OFFICE OF
6 th Council District		
White Marsh Mall, LLC	*	ADMINISTRATIVE HEARINGS
<i>Legal Owner</i>		
Dave & Buster's of Maryland, Inc.	*	FOR BALTIMORE COUNTY
<i>Lessee</i>		
Petitioners	*	Case No. 2017-0185-X

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of a Petition for Special Exception filed on behalf of White Marsh Mall, LLC, legal owner and Dave & Buster's of Maryland, Inc., lessee ("Petitioners"). The Special Exception was filed pursuant to the Baltimore County Zoning Regulations ("B.C.Z.R.") to use the herein described property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse.

Jill Valachovic, Joseph Ucciferro, Michael LeFande & Wesley Rebisz appeared in support of the petition. Edward J. Gilliss, Esq. represented the Petitioners. There were no Protestants or interested citizens in attendance. No substantive Zoning Advisory Committee (ZAC) comments were received from County reviewing agencies.

The subject property is approximately 6.59 acres and is zoned BM-CT. The White Marsh Mall is operated at the site, and this case concerns a portion of the mall structure which will become a Dave & Buster's arcade/restaurant. Under the B.C.Z.R., an arcade is permitted by right in a bowling alley, hotel or enclosed mall in a BM zone, but it may have only one means of access, from the interior concourse. B.C.Z.R. §423.1.A. Here, Dave & Buster's proposes to have a mall entrance as well as an exterior entrance. This was precisely the means of ingress/egress used for

2019-0206-X

years by the Sports Authority store which previously occupied this space. In any event, the zoning office instructed Petitioners to seek special exception relief for the second entrance.

Under Maryland law "the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." Schultz v. Pritts, 291 Md. 1, 22-23 (1981).

There was no such evidence presented in this case and professional engineer Joe Ucciferro opined Petitioners satisfied the requirements of B.C.Z.R. §§423 (pertaining to arcades) & 502.1. I concur, and do not believe the use would have a detrimental impact upon the community. The same can be said for the exterior entrance. As noted above, the prior tenant in this space had an exterior entrance, and many large retailers (i.e., "big box" stores) and restaurants situated in enclosed malls do as well. Therefore, granting this request will in no way be injurious to the community.

THEREFORE, IT IS ORDERED this 3rd day of March, 2017, by this Administrative Law Judge, that the Petition for Special Exception to use the herein described property for an arcade that has a second exterior entrance in addition to the entrance from the mall's interior concourse, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

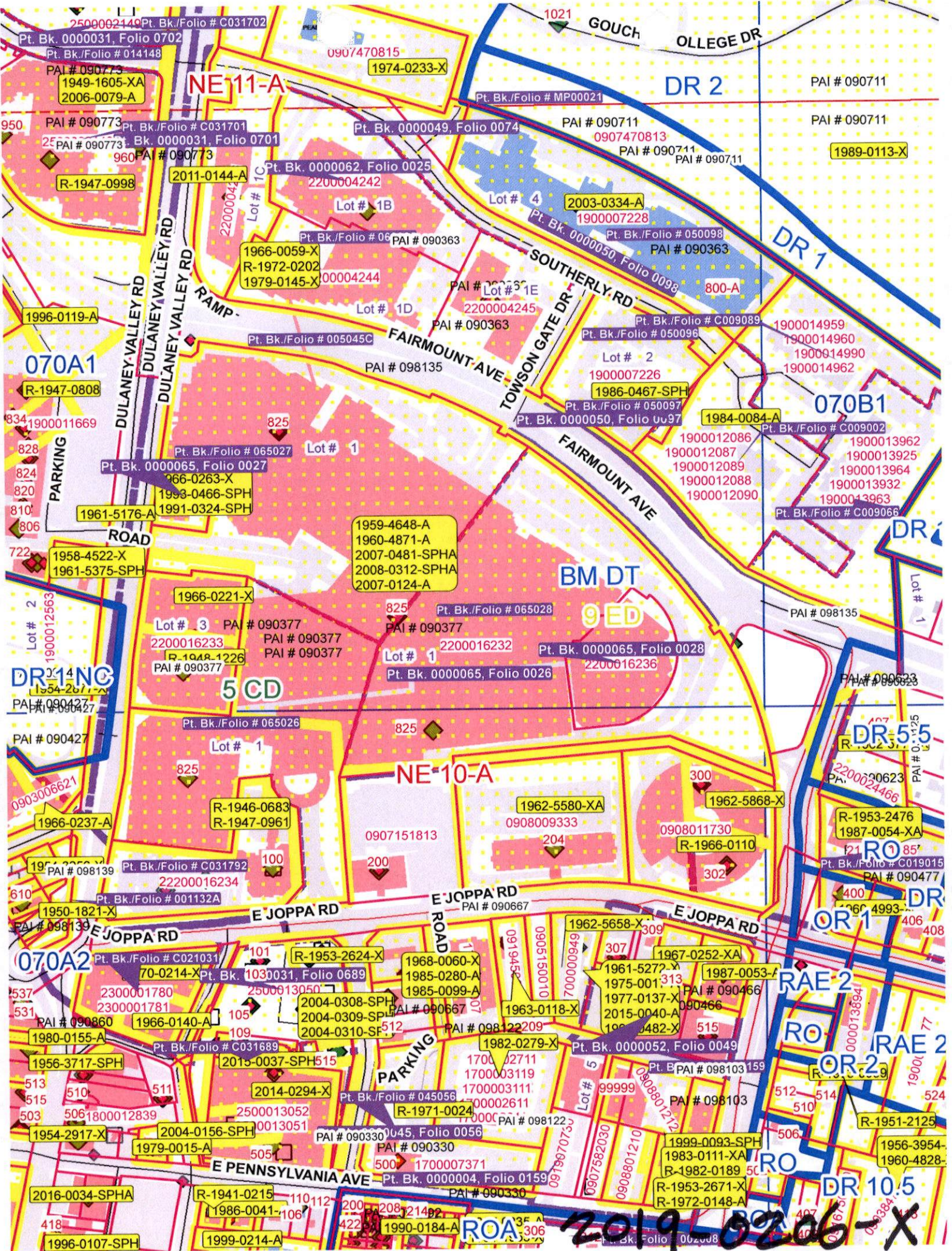
1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this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

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



2019-0206-X

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

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

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

For Newspaper Advertising:

Case Number: 2019-0206-X

Property Address: 825 DULANEY VALLEY RD, MD 21204

Property Description: _____

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: SHANE KAJI / ROUND 1 ENTERTAINMENT, INC.

PLEASE FORWARD ADVERTISING BILL TO:

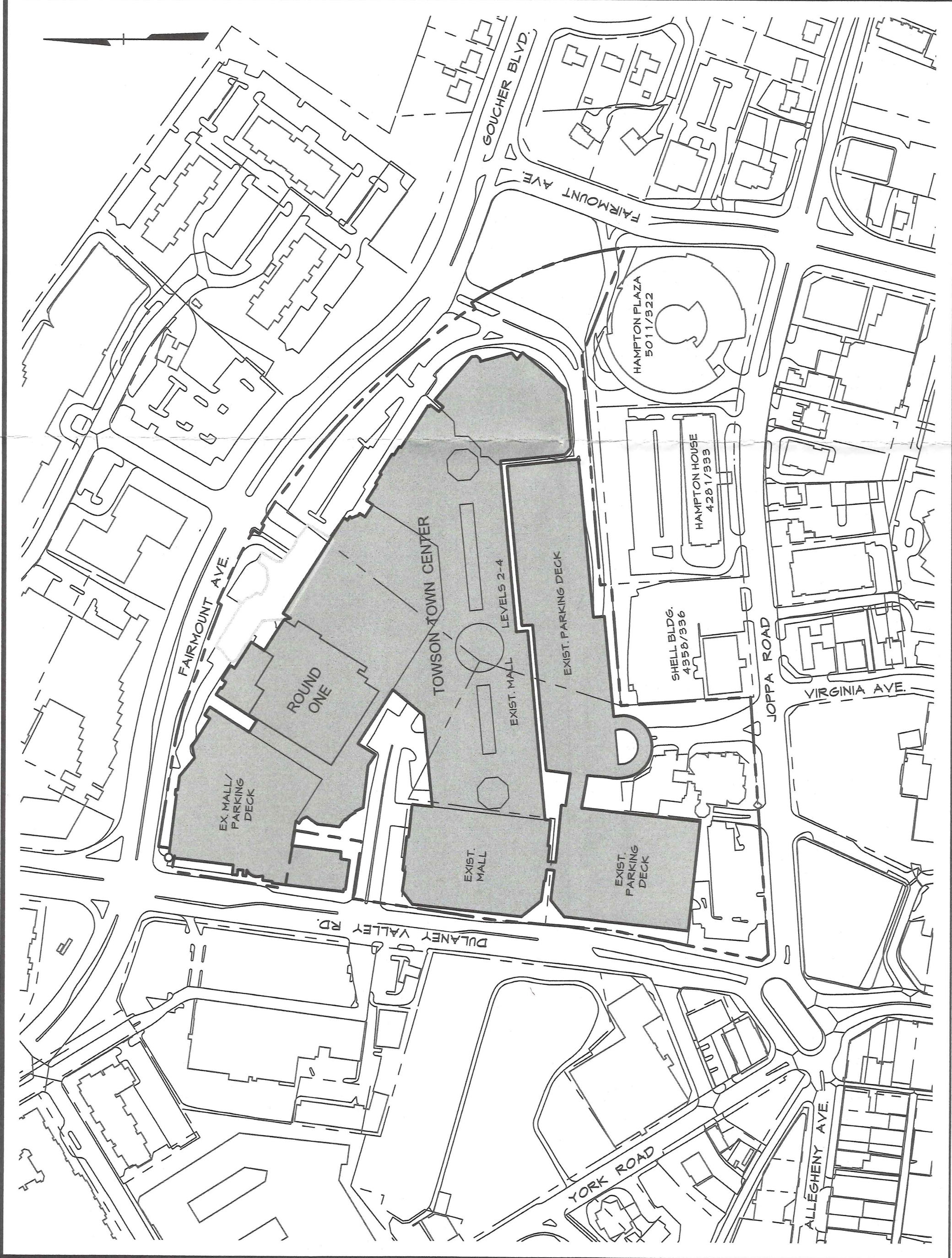
Name: EDWARD J GILLISS, ESQ

Company/Firm (if applicable): ROYSTON, MUELLER, McLEAN & REID, LLP

Address: 102 WEST PENNSYLVANIA AVE, STE # 600
TOWSON, MD 21204

Telephone Number: 410-823-1800

Revised 7/9/2015



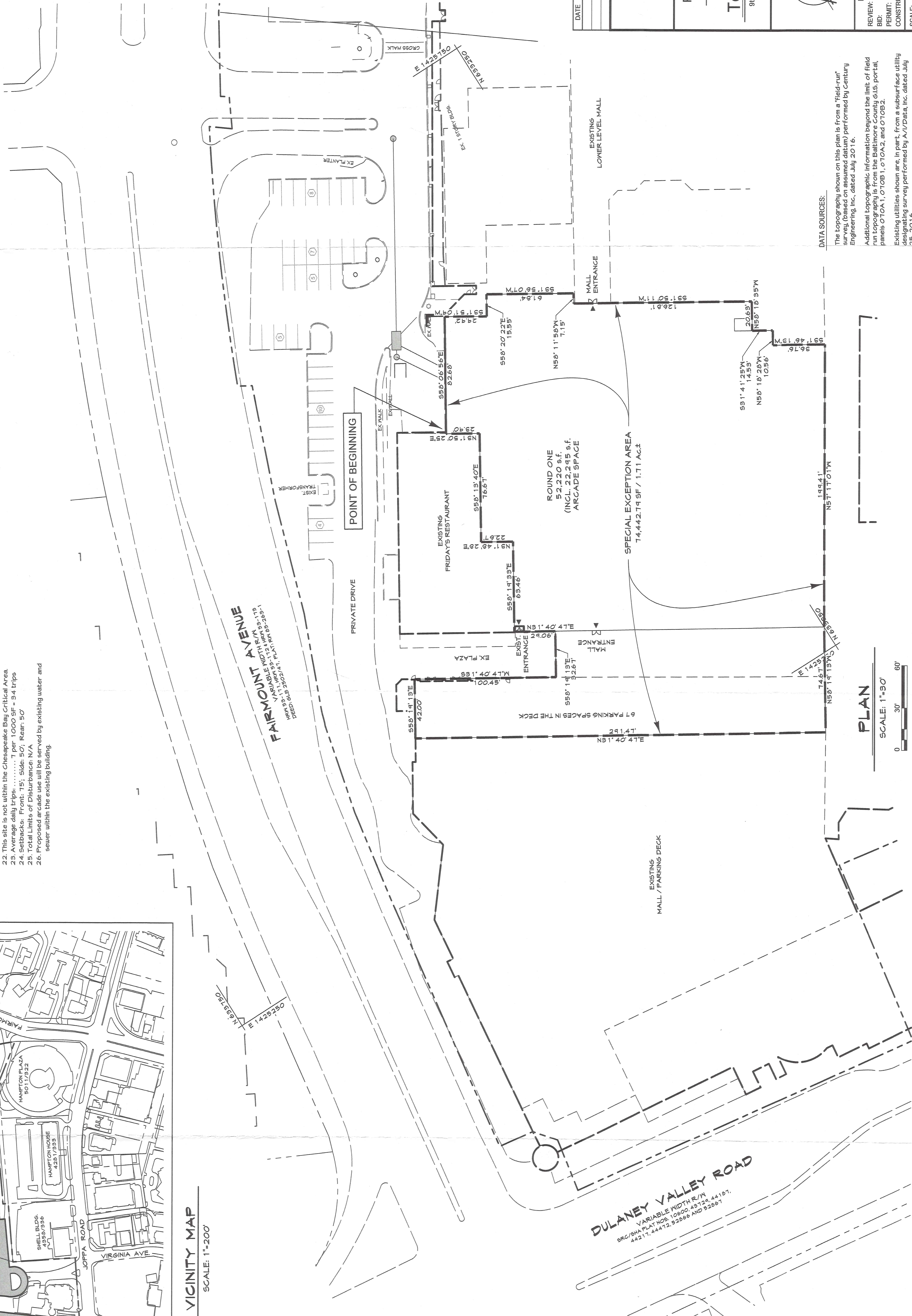
VICINITY MAP
SCALE: 1"=200'

SITE DATA

- Owner/Developer: Brookfield Properties
350 North Orleans, Suite 300
Chicago, Illinois 60654-1607
- Site Address: 825 Dulaney Valley Road
Baltimore, MD 21204-7405
- Tax Map: 0070 Grd. 0000 Parcel 1004
Parcel 1004 = 23.8 Ac.
- Site Reference: 13241/0026 T0
- Plat Reference: 0065/0026
- Tax Account Number: 2200016232
- Election District: 9
- Councilmanic District: 5
- Zoning: BM DT
- Water service area: M-1
- Sewer service area: S-1
- Other utilities: N/A
- Tidal/NonTidal Wetlands: N/A
- Water shed: Loch Raven Reservoir
- Existing use: Shopping Center/Regional
- Proposed use: Retail/Arcade
- Proposed Special Exception Area: 74,442.79 SF
- Proposed Arcade Area: 22,245 SF
- Parking: Required: 67 spaces per 1000 SF = 67
Proposed: 67
- Number of Employees: 10
- There are no historic resources, archaeological sites, or cemeteries onsite.
- This site is not within the Chesapeake Bay Critical Area.
- Average daily trips: 7 per 1000 SF = 34 trips
- Setbacks: Front: 15'; Side: 50'; Rear: 50'
- Total Limits of Disturbance: N/A
- Proposed arcade use will be served by existing water and sewer within the existing building.

ZONING HISTORY

- Case Number: 1966-0221-X Permits a filling station, (razed) on Dulaney Valley Road and Shopping Center DYC.
- Case Number: 1951-4649-A Sign Variance.
- Case Number: 1960-4871-A Sign Variance.
- Case Number: 2007-0481-SPHA Sign Variance.
- Case Number: 2009-0312-SPHA Sign Variance.
- Case Number: 2007-0124-A Reduce front building setback
From 15' to 1'



PLAN

SCALE: 1"=30'

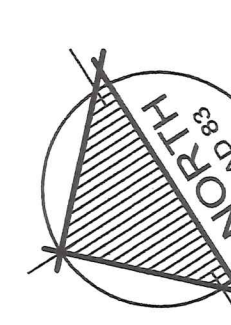
LEGEND

- Existing Minor Contour: 616
- Existing Major Contour: 670
- Existing Edge of Road: EX 15' D
- Existing Storm Drain and Inlet: EX 12" W
- Existing Water and Fire Hydrant: EX 8" S
- Existing Sewer: EX 8" S
- Existing Electric: EX 8" S
- Existing Tree Line: EX 8" S
- Existing Drive: EX 8" S
- Tract Boundary: EX 8" S
- Utility Easement Line: EX 8" S
- Existing Building: EX 8" S

OWNER
Brookfield Properties
350 North Orleans, Suite 300
Chicago, Illinois 60654-1607
312-460-5000

MM CENTURY
ENGINEERING
CONSULTING ENGINEERS - PLANNERS
9910 Ashland Avenue, Suite 201
Baltimore, Maryland 21204
Phone: 410.582.2400 Fax: 410.582.2401
www.centuryeng.com

Plan to Accompany Special
Exception Request
Round One Addition
Towson Town Center
8th Election District 5th Councilmanic District
Baltimore County, Maryland 21204



ISSUE DATES	BASE: M.S.S.
REVIEW: 1.2.18, 18	DRAWN: M.S.S.
BID: -----	DESIGNED: M.J.P.
PERMIT: -----	CHECKED BY: -----
CONSTRUCTION: -----	DATE CHECKED: -----
SCALE: -----	DRAWING: -----
PROJECT NO.: 16114201	1 of 1

DATA SOURCES:
The topography shown on this plan is from a 'field-run' survey (based on assumed datum) performed by Century Engineering, Inc. dated July 2016.
Additional topographic information beyond the limit of field run topography is from the Baltimore County GIS, portal, parcel OGA 1, OGA 1, OGA 2, and OGA 3.
Existing utilities shown are, in part, from a subsurface utility designating survey performed by A//Data, Inc. dated July 25, 2016.

1. Owner/ Developer:	950 North Orleans, Suite 200 Brentwood, TN 37027
1. Site Address:	825 Washington Blvd Baltimore, MD 21204-7405
2. Tax Map:	0070 6rld 0029 Parcel 1024
3. Site Area:	1,036,613 sq ft 23.5 Acs
4. Deed Reference:	0324170206
5. Tax Account Number:	2200176232
6. Election District:	4
7. Councilmanic District:	BM PT
8. Zoning:	5-1
9. Sewer Service Area:	5-1
10. 100-year Floodplain:	N/A
11. Tidal/Atlantic Wetlands:	N/A
12. Water Use:	Shoal Raven Reservoir
13. Existing Use:	Shopping Center/Residential
14. Proposed Special Exception Area:	174,442 sq ft
15. Proposed Arcadia Acreage:	22,265 af
16. Parking:	
Required Arcadia - 3 spaces per 1000 SF = 67	
Total number of employees:	10
17. There are no historic resources, archaeological sites, or cemeteries onsite.	
22. This site is not within the Chesapeake Bay Critical Area	
24. Wetland Buffers: 150' SWS, 50' SWS, 50' SWS	
25. Coastal Limits of Disturbance: N/A	
* Proposed Arcadia used will be served by existing water and sewer within the existing building	

Case Number:	1466-021-X	Pennix's falling station, (forced)
		Durham, Villing, Road and Shipping
		Center Drive
Case Number:	1459-4-64-B-A	Sign Variance.
Case Number:	1460-4-871-A	Sign Variance.
Case Number:	2007-04831-S-PIA	Sign Variance.
Case Number:	2008-0312-S-PIA	Sign Variance.
Case Number:	2007-0124-A	Reduce from building setback from 15' to 1'

SCALE: 1"=200'

-----	6-16	Exhibiting Minor Contour
-----	6-10	Exhibiting Major Contour
-----	EX. 13 D	Exhibiting Edge of Road
-----	50	Exhibiting Storm Drain and Inlet
	EX. 12 N	Exhibiting Pole and Fire Hydrant
SW	EX. 5 S	Exhibiting Sump
SW	SW	Exhibiting Curb and Gutter
=====		Exhibiting Drive
=====		Exhibiting Electric
=====		Exhibiting Tree Line
~~~~~		Exhibiting Tree
-----		Tree Boundary
-----		Utility Easement Line
-----		Exhibiting Building

## SCALE: 1"=30'

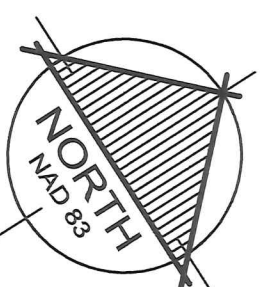
**Brookfield Properties**  
350 North Orleans, Suite 300  
Chicago, Illinois 60654-1607  
312-960-5000

DATE		BY	REVISIONS

**CONSULTING ENGINEERS - PLANNERS**  
10710 Gilroy Road, Hunt Valley, MD 21031  
Phone: 443.589.2400 Fax: 443.589.2401  
[www.centuryeng.com](http://www.centuryeng.com)

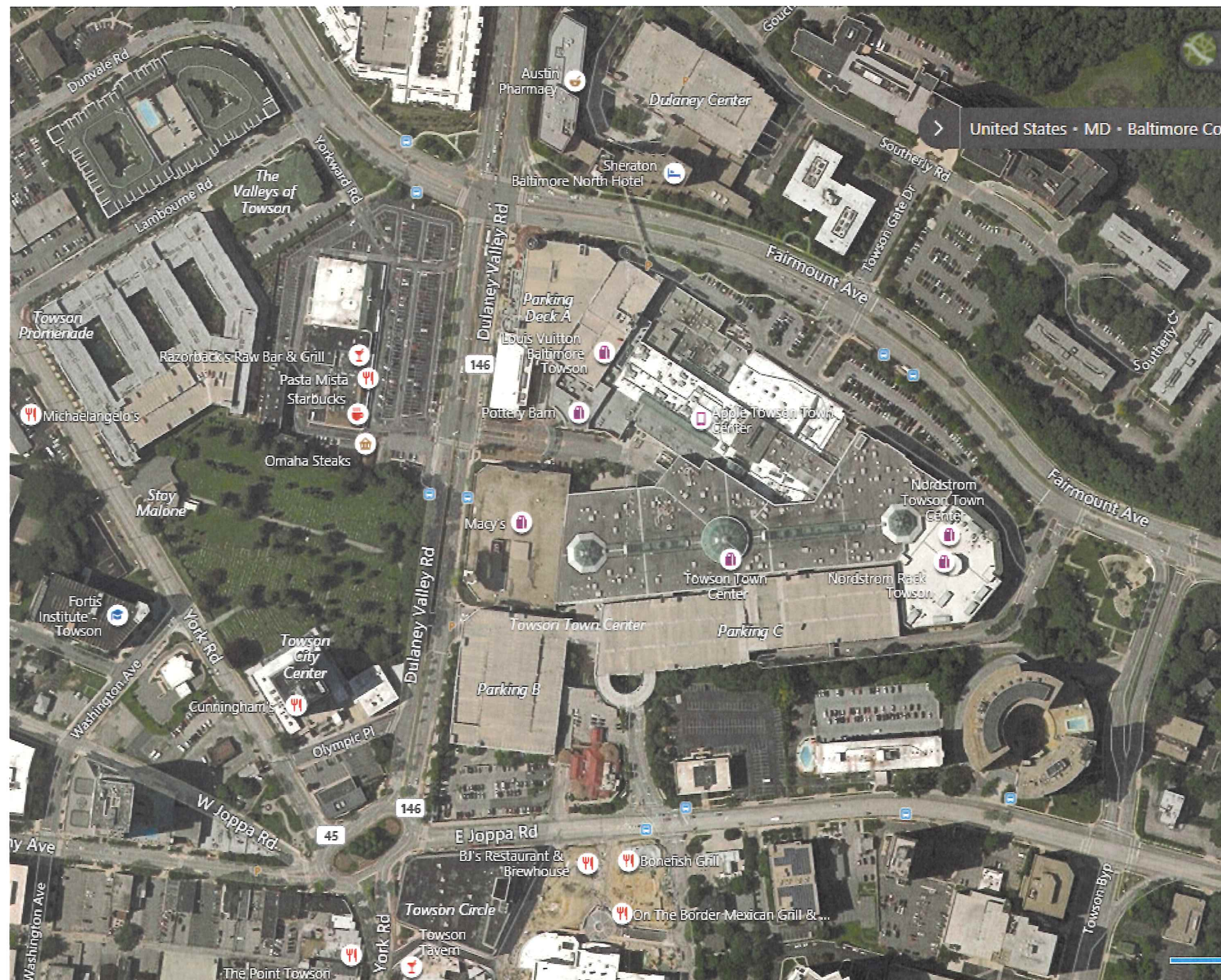
### Round One Addition

9th Election District 5th Councilmanic District  
Baltimore County, Maryland 21204



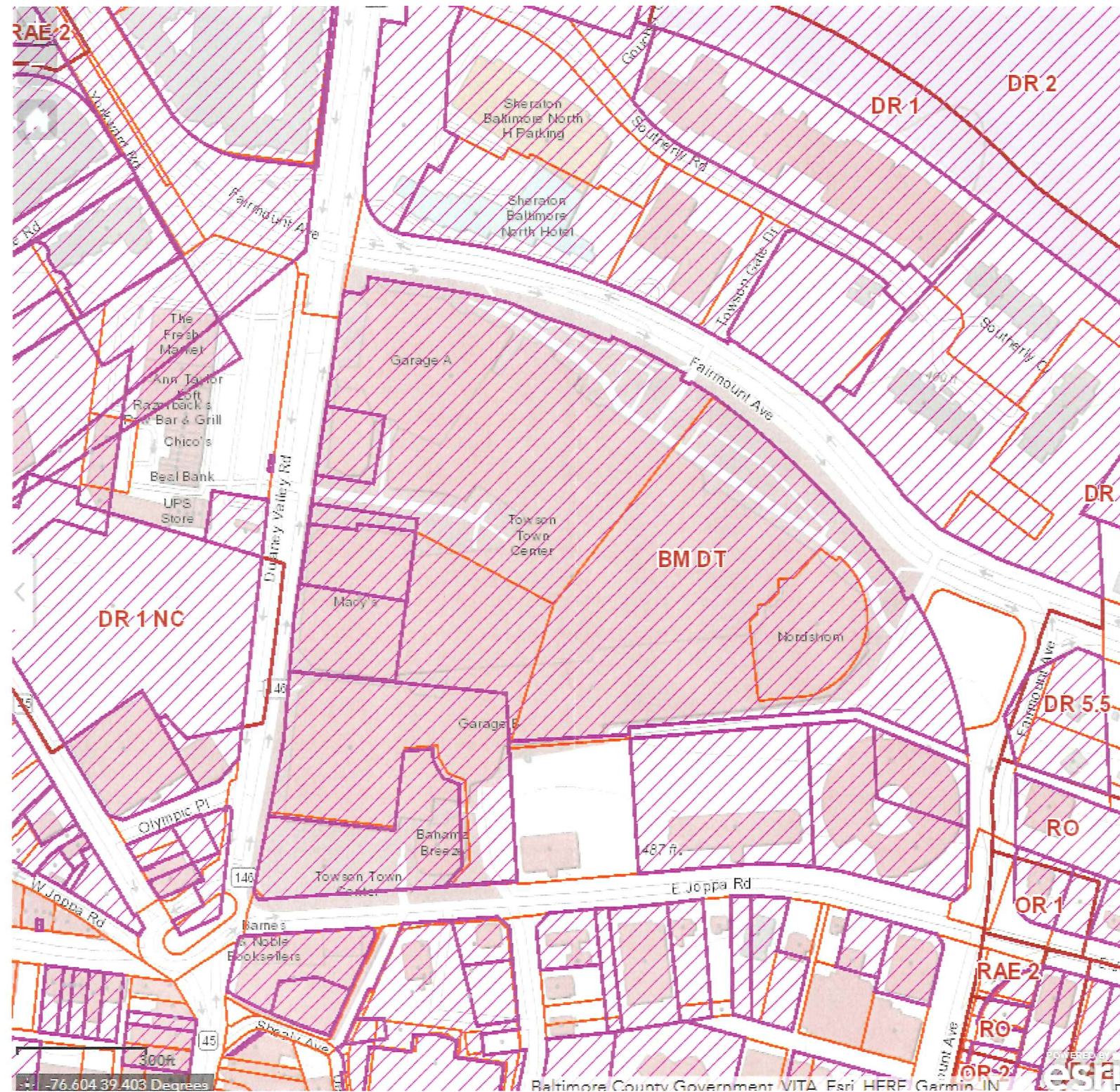
ISSUE DATES	BASE:
REVIEW: 1.2.13.1B	DRAWN: M.S.S.
BID:	DESIGNED: M.S.S.
PERMIT:	CHECKED BY: M.J.P.
CONSTRUCTION:	DATE CHECKED: 08-08-08
SCALE:	DRAWING:
PROJECT NO.: 16114201	

1 of 1



PETITIONER'S

EXHIBIT NO. 2



PETITIONER'S

EXHIBIT NO. 1