



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 6, 2023

David Karceski, Esquire – dhkarceski@venable.com
Adam Rosenblatt, Esquire – amrosenblatt@venable.com
Venable, LLP
210 W. Chesapeake Avenue, Suite 500
Towson, MD 21204

RE: Petitions for Special Exception and Variance
Case No. 2023-0019-XA
Property: 2 Philadelphia Court

Dear Mr. Karceski and Mr. Rosenblatt:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Brandon Rowe – browe@bohlereng.com
Jeffrey Bainbridge – jsbainbridge@royalfarms.com
Joe Ucciferro – jucciferro@bohlereng.com
Emily Pate – epate@bohlereng.com
Mark Keeley- mkeeley@traffic-concepts.com
Joe Caloggero - jcaloggero@trafficgroup.com
Jon Lastuvka- jlastuvka@rockcreekpg.com

**IN RE: PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE
(2 Philadelphia Court)
14th Election District
6th Council District
Rock Creek Philadelphia, LLC
Legal Owner
Two Farms, Inc.
*Lessee***

Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No: 2023-0019-XA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as Petitions for Special Exception and Variance filed by Rock Creek Philadelphia, LLC, legal owner, and Two Farms, Inc. t/a Royal Farms, lessee, (“Petitioners”) for the property known as 2 Philadelphia Court, Rosedale (the “Property”). The Special Exception Petition requests approval under the Baltimore County Zoning Regulations (“BCZR”), §405.2.B.1 to allow a fuel service station in the MLR-IM Zone. Variance relief was also requested from: (1) BCZR, §450.4.A.2.b to allow a landscape transition area with a minimum width of 0 ft in lieu of the required 6 ft in the rear yard, which is located along the perimeter of the fuel service station special exception area that abuts non-residentially zoned land; and (2) BCZR, §450.4.Attachment 1.5.a to allow 2 wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted 3 enterprise signs with no more than 2 signs on a single facade of the building.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Jon Lastuvka, Executive Vice President of Rock Creek - Philadelphia LLC appeared at the hearing along with Jeff Bainbridge, authorized representative of Two Farms, Inc. David Karceski, Esquire, Adam Rosenblatt, Esquire of Venable,

LLP represented the Petitioners. There were no Protestants or interested citizens that also who attended the hearing.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”), Department of Planning (“DOP”) and Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) which agencies did not oppose the requested relief.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The case proceeded by way of proffer by Mr. Rosenblatt. Brandon Rowe, PE of Boehler Engineering was accepted as an expert in civil engineering with special knowledge of the BCZR and development regulations. (Pet. Ex. 8). Boehler prepared and sealed a redlined site plan (the “Redlined Site Plan”). (Pet. Ex. 1). Joseph Caloggero, PE, Vice President of The Traffic Group was accepted as an expert in transportation planning. (Pet. Ex. 13).

The Property is 1.68 acres +/- (72, 987 sf) and is improved with a 2-story brick building owned and operated by Point Breeze Credit Union. The Property is irregularly shaped. An aerial photograph confirms that the Property is immediately surrounded by commercial uses; no residential uses abut the Property. (Pet. Ex. 9). To the north of the Property is a La Quinta Inn & Suites by Wyndham (the “hotel”). Across Philadelphia Rd. (MD Rt. 7), is a commercial shopping center including a Walmart and Sam’s Club. The Property fronts on Philadelphia Rd. from which it has one (1) access driveway; a second access driveway is off Philadelphia Ct., and a third one is on the south eastern corner next to the new Point Breeze Credit Union and travels up through the rear of the Property and into the hotel property. (Pet. Ex. 1, p. 5). The access driveways are more evident on the Illustrative Site Plan. (Pet. Ex.11). The zoning is Manufacturing Light Restricted, with an Industrial Major overlay district. (MLR-IM). (Pet. Ex. 9).

Point Breeze Credit Union is in the process of constructing a new credit union building at 5 Philadelphia Ct. (Pet. Ex. 7). When the new credit union building is complete, Royal Farms will have the existing credit union building razed, and in its place will be a Royal Farms store. (Pet. Ex. 1). The Property was previously approved for Special Exception relief for a WaWa convenience store and fuel service station in Case No.: 2020-0008-X. As a result, a Development Plan was approved for that use, and a plat was recorded in the Land Records of Baltimore County on August 31, 2020 (Book 79, page 962). (Pet. Exs. 4, 5). Stormwater management and grading permits were issued. (Pet. Exs. 6A, 6B). Petitioners explained that WaWa decided not to construct a store at that location. Petitioners filed a 1st Refined Site Development Plan & CRG Plan for the Royal Farms store. (Pet. Ex. 4).

As shown on the Special Exception Overlay Exhibit, the proffered evidence was that it will have 12 fueling pumps, a 5,154 sf convenience store and carryout restaurant, and 1 ATM machine for a total Special Exception area of 66,293 sf. (Pet. Ex. 12). Petitioners will file both a Landscape Plan and a Lighting Plan. There are no abandoned fuel service stations in the vicinity of the Property. (BCZR, §405.3). The Rendered Plan shows the extent of proposed landscaping. (Pet. Ex. 11). Variance relief is needed for a 0 ft. landscape transition area in lieu of 6 ft. in the rear yard (western) so as not to block the drive aisle which extends to the hotel and the hotel parking spaces. (Pet. Ex. 1, 12). A better view of that drive aisle is shown on the approved Development Plan, as well as on the Site Photos #6, #10. (Pet. Ex. 4, Sheet 5; Pet. Ex. 10).

The proffered evidence was that, in the same way that Special Exception relief was granted for the WaWa in Case No.: 2020-0008-X, Petitioners request to 'extend' the time period for granting the Special Exception relief to the Royal Farms store. The proffered evidence here was that all of the Special Exception factors under BCZR, §502.1 have been met. In Case No.: 2020-

0008-X, there was an issue raised by DPWT that the Property was located within a riverine floodplain. (Pet. Ex. 2). As a result, in that case, DPWT requested an updated ultimate conditions floodplain study and the Special Exception relief was conditioned on Petitioner filing that study. By interoffice correspondence dated December 22, 2020 from DPWT to DPR, a floodplain study was accepted for filing. (Pet. Ex. 14).

Petitioner is also requesting Variance relief for additional signage as shown on the Redlined Site Plan. (Pet. Ex.1, Sheets 2, 3, 5). The front elevation in the Redlined Site Plan shows the wall-mounted canopy enterprise sign 'World Famous Chicken & Fresh Kitchen' which needs Variance relief below the 'Royal Farms' sign. (Pet. Ex. 1, Sheet 3). Similarly, the same canopy enterprise sign is proposed on the rear of the building (facing the hotel). (Pet. Ex. 1, Sheet 5).

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.

In Case No.: 2020-0008-X, the Property was previously adjudicated to satisfy each of the Special Exception factors in BCZR, §502.1 for a fuel service station, convenience store, and carryout restaurant. As a result, under the doctrine of collateral estoppel, those factual finding are applicable here for the same type of use (albeit a Royal Farms). *Garrity v. Maryland State Bd. of Plumbing*, 447 Md. 359, 368 (2016). (See also *Colandrea v. Wilde Lake Community Ass'n, Inc.*,

361 Md. 391 (2000); *Washington Suburban Sanitary Commission v. TKU Associates*, 281 Md. 1, 18-19 (1977)). Based on the uncontroverted, proffered evidence, I find that there will not be any adverse impacts for the proposed Royal Farms, above and beyond those inherently associated with a fuel service station, convenience store and carryout restaurant. As such, each of the Special Exception factors in BCZR, §502.1 have been satisfied.

I further find that the Royal Farms has met each of the required elements in BCZR, §§405 and 409. The use meets the standards in BCZR, §405.4.A.1 in terms of site dimensions:

- (1) fuel service station w/12 fuel pumps x 1,500 sf = 18,000 sf;
- (2) convenience store 5,154 sf x 4 = 20,616 sf;
- (3) 1 ATM x 1,000 sf = 1,000 sf

The total required Special Exception area is 39,616 sf and Petitioner is providing 66,293 sf. The use also meets all of the required MLR-IM zoning setbacks as required in BCZR, §405.4.A.2, other than the 6 ft., LTA in the rear yard for which Variance relief is being requested. With regard to the number and location of access driveways for which both the DOP and DPWT were to provide recommendations to OAH, neither of those ZAC comments mentioned the access driveways. However, in this particular case, because a Development Plan including the same access driveways (3) was already approved for the WaWa, I find that the requirement in BCZR, §405.4.A.3.a has been satisfied.

The Redlined Site Plan further shows the required number of stacking and parking spaces under BCZR, §409. (BCZR, §405.4.A.3.c and d). The total required parking spaces is 35 and the total provided is 57. Additionally, the Redlined Site Plan confirms that a restroom facility, water and compressed air for customers under BCZR, §405.4.B. Given the location of the Property in a setting among other commercial uses, and no residential uses, there are no additional

requirements that need to be imposed. As a condition of this Order, Petitioner will file a Landscaping Plan and a Lighting Plan. I also find that the flood plain study which was accepted for filing by DPWT on December 22, 2020 satisfies any concern about the riverine flood plain raised in Case No. 2020-0008-X.

Lastly, in regard to DPWT ZAC comment that existing easements must be shown on the Redlined Site Plan and the concern that landscaping and/or signs are proposed to be located within those easements, Mr. Rosenblatt highlighted that the Record Plat confirms that both the Drainage and Utility Easement, and Reversible Slope Easement, as filed in the Land Records of Baltimore County, will be removed by separate document. (Pet. Ex. 5). A condition will be imposed for the Petitioner to comply with the DPR/DPWT ZAC comment and toward that end, Petitioner will provide a copy of the Record Plat to DPWT to eliminate their concern about the easements.

VARIANCE

Under BCZR, §307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, 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 is what necessitates the requested 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).

As explained above, the Property is unique due to its irregular shape. I find that this unique shape, combined with the existing drive aisles which have been approved as part of the Development Plan, creates a practical difficulty if a 6 ft., LTA was required to be installed where the drive aisle to the hotel is located, because it would obviously block the drive aisle. Internal

circulation within a site, and among adjacent sites, is important so as not to cause an adverse impact on traffic and parking. As such the LTA Variance relief will be granted.

In regard to the Variance relief for 2 canopy enterprise signs which read 'World Famous Chicken & Fresh Kitchen', I find that such relief is necessary to effectively advertise the products sold by Royal Farms. I also find that those signs have been planned tastefully and spatially on the exterior walls so as not to cause an adverse impact. I further find that both of the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the lack of opposition.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of **March, 2023** that the Petition for Special Exception BCZR, §405.2.B.1 to allow a fuel service station in the MLR-IM Zone, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from the BCZR, §450.4.A.2.b to allow a landscape transition area with a minimum width of 0 ft in lieu of the required 6 ft in the rear yard, which is located along the perimeter of the fuel service station Special Exception area that abuts non-residentially zoned land, be, and it is hereby, **GRANTED**; and

IT IS FURTHER ORDERED that Variance relief from BCZR, §450.4.Attachment 1.5.a to allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted three enterprise signs with no more than two signs on a single facade of the building, be, and it is hereby, **GRANTED**.

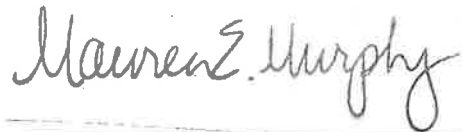
The relief granted herein shall be subject to the following:

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

2. The Redlined Site Plan (Pet. Ex. 1) which is attached hereto shall be incorporated herein.

3. Prior to issuance of permits, Petitioners must comply with the ZAC comments made by DPR and DPWT which is attached hereto, incorporated herein and made a part hereof. Petitioner shall provide DPWT with a copy of the Record Plat (Pet. Ex. 5) to address DPWT's concern about the easements.

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

A handwritten signature in cursive script, reading "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

RECEIVED FEB 08 2023

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 07, 2023

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

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2023
Item No. 2023-0019-XA

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

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

DPWT Comments-

All existing easements must be shown on the site plan submitted with the zoning hearing application. It appears that the landscaping will be placed in the easements. If so, no trees should be placed in the existing easements. Signs 1 and 2 also appear to be located in existing easements and must be moved out of the easement area.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/6/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-019-XA

INFORMATION:

Property Address: 2 Philadelphia Court
Petitioner: Rock Creek – Philadelphia, LLC
Zoning: MLR-IM
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for:

Special Exception:

1. To allow a fuel service station in the MLR-IM Zone, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (BCZR);

Variance:

2. To allow a landscape transition area with a minimum width of 0 feet in lieu of the required 6 feet in the rear yard, which is located along the perimeter of the fuel service station Special Exception area that abuts non-residentially zoned land, pursuant to Section 450.4.A.2.b of the BCZR; and
3. To allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted three enterprise signs with no more than two signs on a single façade of the building, pursuant to Section 450.4.Attachment 1.5.a of the BCZR.

The subject site is approximately 1.68 acres zoned MLR-IM. It is improved with a two-story brick building, which is occupied by Point Breeze Credit Union, and the associated parking lot. The site is located on a major road and near entrance/exit ramps for I-695. Surrounding uses are primarily commercial – there is a hotel, commercial stores, a Walmart, a Sam’s Club, and various fast food establishments nearby.

Per the plans submitted with the petition, Point Breeze Credit Union plans to relocate to the parcel to the west, 5 Philadelphia Court, and a Royal Farms convenience store and gas station are proposed for the subject site.

The site was the subject of Zoning Case No. 2020-008-X. This was a request for a Special Exception to allow a fuel service station in an MLR-IM zone. At that time, a similar proposal was presented: Point Breeze Credit Union was relocating to 5 Philadelphia Court, the existing building on 2 Philadelphia Court

would be razed, and a Wawa convenience store and gas station was proposed. The petition was conditionally approved.

The Department of Planning has no objections to the Special Exception request. As noted in Planning's comments on Zoning Case No. 2020-008-X, the site is located adjacent to a tributary that outfalls into Stemmers Run and may be within a portion of the FEMA 100-Year Floodplain. Through the hearing process, the Administrative Law Judge should analyze the potential impacts of the FEMA 100-Year Floodplain. An updated floodplain study should be investigated to assess potential impacts prior to any decision of the Special Exception relief being requested.

The Department of Planning has no objections to the request for the Variance to permit a landscape transition area with a minimum width of 0 feet in lieu of the required 6 feet in the rear yard. Google Streetviews from June 2022 and July 2019 show that the parking lot is open and accessible for 2, 4 and 5 Philadelphia Court and that there is no existing landscape transition area between 2 Philadelphia Court and 4 Philadelphia Court.

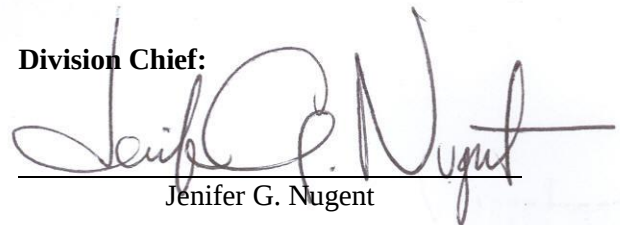
The Department of Planning has no objections to the Variance to allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building. The signs are well spread-out throughout the site and do not cause an adverse impact.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:


Taylor Bensley

Division Chief:


Jenifer G. Nugent

SL/JGN

c: David Karceski
Te-Sheng Huang
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2023-0019-XA

RE: Case No.: _____

Petitioner/Developer: _____
Rock Creek, Philadelphia, LLC
Two Farms, Inc.

March 2, 2023
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: _____

2 Philadelphia Court ***SIGN 1***

February 9, 2023

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



Sincerely,

 February 9, 2023
(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

2023-0019-XA

RE: Case No.: _____

Petitioner/Developer: _____
Rock Creek, Philadelphia, LLC
Two Farms, Inc.

March 2, 2023
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:

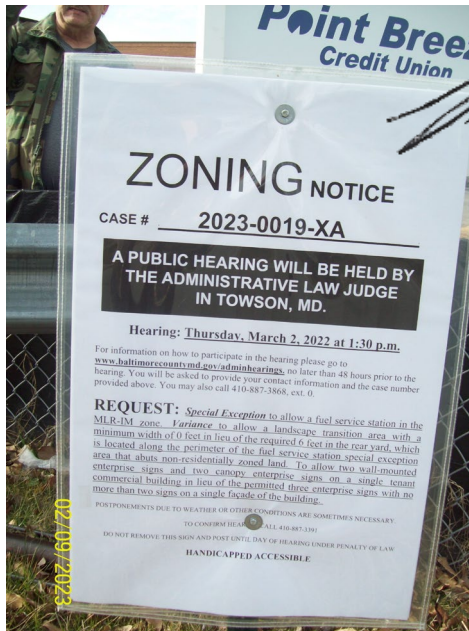
Ladies and Gentlemen:

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: _____

2 Philadelphia Court ***SIGN 2***

February 9, 2023

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



Sincerely,

 February 9, 2023

(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)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 2/6/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-019-XA

INFORMATION:

Property Address: 2 Philadelphia Court
Petitioner: Rock Creek – Philadelphia, LLC
Zoning: MLR-IM
Requested Action: Special Exception, Variance

The Department of Planning has reviewed the petition for:

Special Exception:

1. To allow a fuel service station in the MLR-IM Zone, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations (BCZR);

Variance:

2. To allow a landscape transition area with a minimum width of 0 feet in lieu of the required 6 feet in the rear yard, which is located along the perimeter of the fuel service station Special Exception area that abuts non-residentially zoned land, pursuant to Section 450.4.A.2.b of the BCZR; and
3. To allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted three enterprise signs with no more than two signs on a single façade of the building, pursuant to Section 450.4.Attachment 1.5.a of the BCZR.

The subject site is approximately 1.68 acres zoned MLR-IM. It is improved with a two-story brick building, which is occupied by Point Breeze Credit Union, and the associated parking lot. The site is located on a major road and near entrance/exit ramps for I-695. Surrounding uses are primarily commercial – there is a hotel, commercial stores, a Walmart, a Sam’s Club, and various fast food establishments nearby.

Per the plans submitted with the petition, Point Breeze Credit Union plans to relocate to the parcel to the west, 5 Philadelphia Court, and a Royal Farms convenience store and gas station are proposed for the subject site.

The site was the subject of Zoning Case No. 2020-008-X. This was a request for a Special Exception to allow a fuel service station in an MLR-IM zone. At that time, a similar proposal was presented: Point Breeze Credit Union was relocating to 5 Philadelphia Court, the existing building on 2 Philadelphia Court

would be razed, and a Wawa convenience store and gas station was proposed. The petition was conditionally approved.

The Department of Planning has no objections to the Special Exception request. As noted in Planning's comments on Zoning Case No. 2020-008-X, the site is located adjacent to a tributary that outfalls into Stemmers Run and may be within a portion of the FEMA 100-Year Floodplain. Through the hearing process, the Administrative Law Judge should analyze the potential impacts of the FEMA 100-Year Floodplain. An updated floodplain study should be investigated to assess potential impacts prior to any decision of the Special Exception relief being requested.

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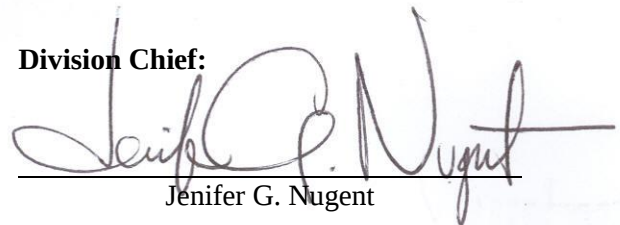
The Department of Planning has no objections to the Variance to allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building. The signs are well spread-out throughout the site and do not cause an adverse impact.

For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:


Taylor Bensley

Division Chief:


Jenifer G. Nugent

SL/JGN

c: David Karceski
Te-Sheng Huang
Ngone Seye Diop
Jeff Perlow, Zoning Review
Lajuanda Whitaker, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 13, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0019-XA
Address: 2 Philadelphia Ct
Legal Owner: Rock Creek- Philadelphia, LLC

Zoning Advisory Committee Meeting of February 13, 2023.

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

Reviewer: Paul Dennis, Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: February 07, 2023

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 13, 2023
Item No. 2023-0019-XA

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

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

DPWT Comments-

All existing easements must be shown on the site plan submitted with the zoning hearing application. It appears that the landscaping will be placed in the easements. If so, no trees should be placed in the existing easements. Signs 1 and 2 also appear to be located in existing easements and must be moved out of the easement area.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director **DATE:** February 07, 2023
Department of Permits, Approvals
ERC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For, February 06 2023
Item No. 2023-0018-A

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

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*

VKD: cen
cc: file

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE OFFICE
AND VARIANCE		
2 Philadelphia Court; NW/S of Philadelphia	*	OF ADMINSTRATIVE
Road, 350' SW of the c/line of Fontana Lane		
14 th Election & 6 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Rock Creek-Philadelphia LLC		
Contract Purchaser(s): Two Farms, Inc	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2023-019-XA

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of February, 2023, a copy of the foregoing Entry of Appearance was emailed to David Karceski, Esquire ,210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, dhkarceski@venable.com, Attorney for Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

ZONING ADVISORY COMMITTEE AGENDA
ROOM 123, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING February 6, 2023
FORMAL OR INFORMAL RESPONSE DUE AT February 13, 2023 Meeting

* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

* Administrative Law Judge, Commissioner (Paul M. Mayhew), MS #4103, dwiley@baltimorecountymd.gov; dmignon@baltimorecountymd.gov
* PAI, Zoning Review H.O. Hearing File (Kristen Lewis), klewis@baltimorecountymd.gov
* PAI, Zoning Review DRC/ZAC Meeting File (Jeff Perlow), JPerlow@baltimorecountymd.gov
* PAI, Development Management (Lloyd Moxley), MS # 1105, lmoxley@baltimorecountymd.gov
* PAI, Code Enforcement (Lisa Henson), MS # 1105, lhenson@baltimorecountymd.gov
* PAI, Building Inspection (Matt Gawel), mg@baltimorecountymd.gov
* Economic Development Commission, Business Develop. (Stanley Jacobs), MS # 4300, sjacobs@baltimorecountymd.gov
* Highways (Tom Hargis), MS #1003 thargis@baltimorecountymd.gov
* Neighborhood Improvements (Marcia Williams), MS #4201, myneighborhoodimprovment@baltimorecountymd.gov
* County Council, District 3, (Tom Bostwick), MS #2201, council1@baltimorecountymd.gov
tbostwick@baltimorecountymd.gov
* Mike Ruby (Newspaper), mildmanneredcomm@aol.com
+ People's Counsel, rwheatley@baltimorecountymd.gov
+ IF CRITICAL AREA, Maryland Office of Planning (Joseph Griffiths), joseph.griffiths@maryland.gov
+ Kathy Are, kare@baltimorecountymd.gov
& State Highway Administration, Access Permits Division (Steven Autry), SAutry@mdot.maryland.gov
& Fire Department (Inspector Muddiman), MS # 1102F, dmuddiman@baltimorecountymd.gov
& PAI, Development Plans Review (Vishnu Desai), vdesai@baltimorecountymd.gov
People's Counsel (Peter Zimmerman), MS #4204 pzimmerman@baltimorecountymd.gov
Planning Office (Jenifer Nugent), MS # 4101, jnugent@baltimorecountymd.gov; Henry Ayakwah hayakwah@baltimorecountymd.gov; Taylor Bensley tbensley@baltimorecountymd.gov
DEPS (Jeff Livingston) – 2 copies of each, MS # 1319, jlivingston@baltimorecountymd.gov; Steve Ford, sford@baltimorecountymd.gov
IF FLOODPLAIN, Maryland Department of the Environment, kevin.wagner@maryland.gov
Public Works (Terry Curtis), MS #1315, tcurtis@baltimorecountymd.gov
* IF ELDERLY HOUSING, Community Development, MS #1102M
* IF TOWER, Tower Coordinator, c/o OIT, MS #2007
IF HELICOPTER, Police Department, Aviation Unit (Officer Taylor or Sgt. Wines)
IF PAWN SHOP, Police Department, Burglary/Pawn Unit (Det. Kropfelder), MS #1102E

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with the codes, standards, or regulations of your office or department. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency or section is not represented at the meeting, you should return your written comments to the Department of Permits and Development Management (PDM), Room 111, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1105), Attention: Kristen Lewis

If you have any questions regarding a particular zoning petition, please contact the Zoning Review Planner (see initials after item number) at 410-887-3391.

ZAC AGENDA

Case Number: 2023-0018-A **Reviewer:** Christina Frink
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Marlin Masemore and Shirley Masemore (deceased)
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 5 **Council Dist:** 3

Property Address: 18221 FORESTON RD

Location: Property located on the East side of Foreston Rd.; 45 feet North of Patricks Ct.

Existing Zoning: RC 8 **Area:** 11.14 ACRES

Proposed Zoning:

VARIANCE:

BCZR 1A09.7.B.5.b(1)(c): To permit a proposed dwelling (contingent upon minor subdivision approval) with a rear setback of 200 feet to cultivated land in lieu of the required 300 feet and for any further relief as may be deemed necessary by the Administrative Law Judge.

Attorney: Not Available

Prior Zoning Cases: 2018-0256-A

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

ZAC AGENDA

Case Number: 2023-0019-XA **Reviewer:** Mitchell Kellman

Existing Use: COMMERCIAL **Proposed Use:** COMMERCIAL

Type: SPECIAL EXCEPTION, VARIANCE

Legal Owner: Rock Creek- Philadelphia, LLC.

Contract Purchaser: Two Farms, Inc.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 14 **Council Dist:** 6

Property Address: 2 PHILADELPHIA CT

Location: Property located on the Northwest side of Philadelphia Rd, 350 feet Southwest of the centerline of Fontana Lane.

Existing Zoning: MLR-IM

Area: 1.676 ACRES

Proposed Zoning:

SPECIAL EXCEPTION:

BCZR 405.2.B.1: To allow a fuel service station in the MLR-IM Zone.

VARIANCE:

1.) BCZR 450.4.A.2.b: To allow a landscape transition area with a minimum width of 0 feet in lieu of the required 6 feet in the rear yard, which is located along the perimeter of the fuel service station special exception area that abuts non-residentially zoned land.

2.) BCZR 450.4.Attachment 1.5.a: To allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted three enterprise signs with no more than two signs on a single facade of the building.

Attorney: David Karceski

Prior Zoning Cases: 2020-0008-X

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

23-0050 PC

**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: 2023-0019-XA
Property Address: 2 Philadelphia Court
Legal Owners (Petitioners): Rock Creek Philadelphia, LLC
Contract Purchaser/Lessee: Two Farms, Inc.

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP
Address: David H. Karceski
210 West Pennsylvania Avenue, Suite 500
Towson Maryland 21204
Telephone Number: (410) 494-6285
dhkarceski@venable.com

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 14 Account Number - 2000010426

Owner Information

Owner Name: ROCK CREEK PHILADELPHIA LLC Use: INDUSTRIAL

Principal Residence: NO

Mailing Address: STE 500
1155 CONNECTICUT AVE NW
WASHINGTON DC 20036-
Deed Reference: /45696/ 00109

Location & Structure Information

Premises Address: 2 PHILADELPHIA CT
ROSEDALE 21237-
Legal Description: 1.676 ACS
2 PHILADELPHIA CT NWS
GOLDEN RING EXECUTIVE PARK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0089 0006 0350 10000.04 0000 3 2022 Plat Ref: 0079/ 0962

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
	14,608 SF		1.6760 AC	07

Stories Basement Type	Exterior Quality Full/Half Bath	Garage Last Notice of Major Improvements
OFFICE BUILDING /	C3	

Value Information

	Base Value	Value As of 01/01/2022	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	360,700	402,200		
Improvements	1,312,900	1,347,100		
Total:	1,673,600	1,749,300	1,698,833	1,724,067
Preferential Land:	0	0		

Transfer Information

Seller: POINT BREEZE CREDIT UNION	Date: 10/27/2021	Price: \$3,200,000
Type: ARMS LENGTH IMPROVED	Deed1: /45696/ 00109	Deed2:
Seller: GR-3 LIMITED PARTNERSHIP	Date: 04/04/1988	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07827/ 00274	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2023-0019-XA



Front Elevation
1/4" = 1'-0"

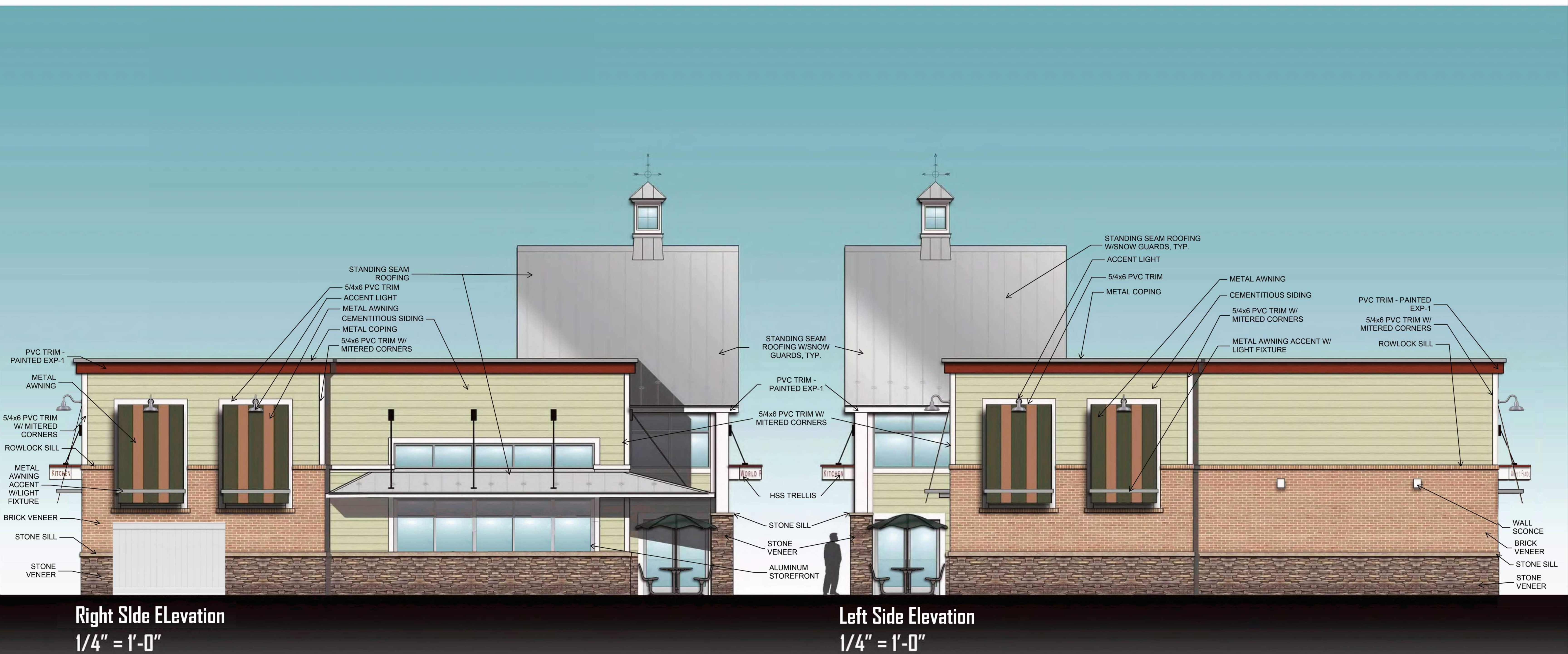
ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 3

RA | RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com



ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 4

RATCLIFFE
ARCHITECTS

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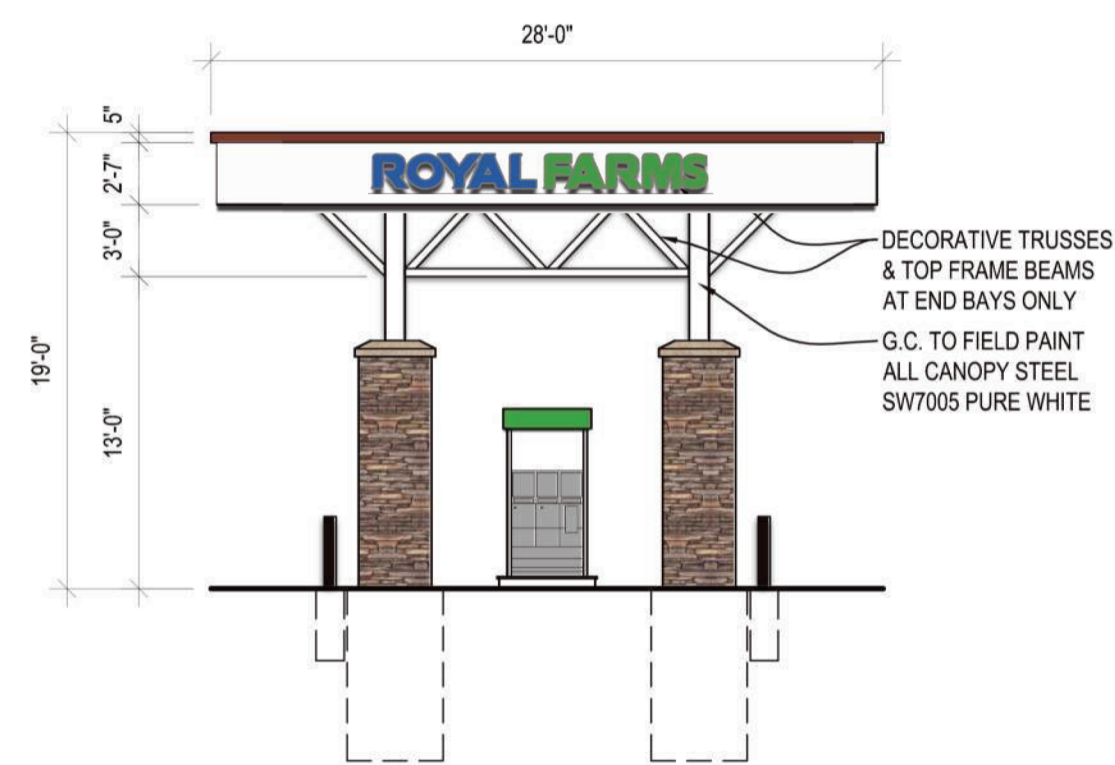


Rear Elevation
1/4" = 1'-0"

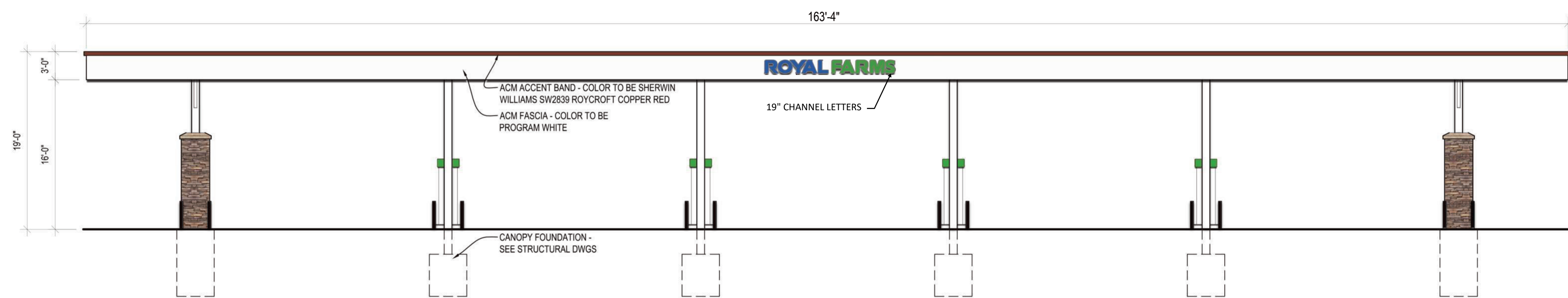
ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 5



Fuel Canopy - Side Elevation
1/8" = 1'-0"



Fuel Canopy - Front Elevation
1/8" = 1'-0"

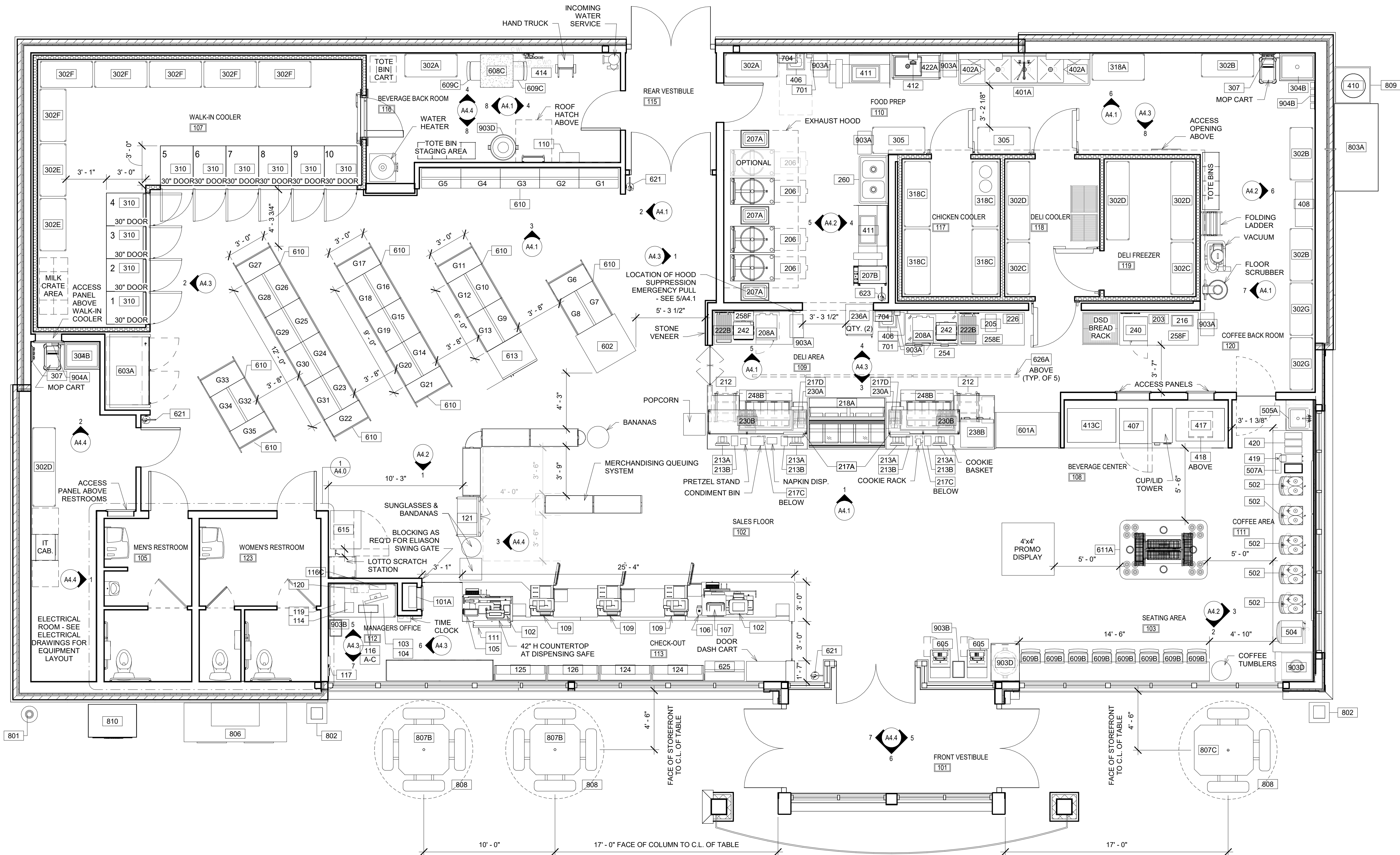
ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone 410-484-7010 • Fax 410-484-3819 • peter@ratcliffearchitects.com

SHEET 6



GONDOLA SCHEDULE				GONDOLA SCHEDULE CONTINUED			
TAG	W x D x H	# END PANELS	DESCRIPTION	TAG	W x D x H	# END PANELS	DESCRIPTION
G1	36" x 18" x 72"	1		G22	36" x 18" x 60"	2	
G2	36" x 18" x 72"	0		G23	36" x 18" x 60"	0	
G3	36" x 18" x 72"	0		G24	36" x 18" x 60"	0	
G4	36" x 18" x 72"	0		G25	36" x 18" x 60"	0	
G5	36" x 18" x 72"	1		G26	36" x 18" x 60"	0	
G6	36" x 18" x 60"	2		G27	36" x 18" x 60"	2	
G7	36" x 18" x 60"	0		G28	36" x 18" x 60"	0	
G8	36" x 18" x 60"	0		G29	36" x 18" x 60"	0	
G9	36" x 18" x 60"	0		G30	36" x 18" x 60"	0	
G10	36" x 18" x 60"	0		G31	36" x 18" x 60"	0	
G11	36" x 18" x 60"	2		G32	36" x 18" x 60"	0	
G12	36" x 18" x 60"	0		G33	36" x 18" x 60"	2	
G13	36" x 18" x 60"	0		G34	36" x 18" x 60"	0	
G14	36" x 18" x 60"	0		G35	36" x 18" x 60"	2	
G15	36" x 18" x 60"	0					
G16	36" x 18" x 60"	0					
G17	36" x 18" x 60"	2					
G18	36" x 18" x 60"	0					
G19	36" x 18" x 60"	0					
G20	36" x 18" x 60"	0					
G21	36" x 18" x 60"	0					

1 EQUIPMENT PLAN SCALE = 1/4" = 1'-0"

NOTE:

- DIMENSIONS ARE GYP. BOARD FINISH TO GYP. BOARD FINISH FOR EQUIPMENT PLAN ONLY.

SHEET 7

RATCLIFFE
ARCHITECTS

10484 Stevenson Road
Stevenson, Maryland 21153
410-884-7010 • Fax 410-884-3819 • info@ratcliffearchitects.com

PROJECT: ROYAL FARMS
SHEET: A1.4
DATE: 08/11/2010
DRAWN BY: RW
CHECKED BY: JH
APPROVED BY: JH

ROYAL FARMS
2 Philadelphia Court
Rosedale, MD 21237
Store #442

ROYAL FARMS

EQUIPMENT PLAN

#	REVISED DATE	CONTENT
		PERMIT SET
		CONSTRUCTION SET

SCALE As indicated
DRAWN BY RW

THESE DRAWINGS ARE PROTECTED UNDER THE COPYRIGHT ACT OF 1976 AND SHALL NOT BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

A1.4



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 2 Philadelphia Court Currently Zoned MLR-IM
Deed Reference 45696 / 109 10 Digit Tax Account # 2 0 0 0 0 1 0 4 2 6
Owner(s) Printed Name(s) Rock Creek Philadelphia, LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

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

SEE ATTACHMENT 1

3. X a **Variance** from Section(s)

SEE ATTACHMENT 1

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 / we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound 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:

See Attachment 2

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David Karceski, Esq.

Name - Type or Print

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / DKarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

See Attachment 3

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

Signature #1 Signature #2

1155 Connecticut Ave., NW Suite 700 Washington DC

Mailing Address City State

20036 / 202-835-7220 / aglick@rockcreekpg.com

Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be contacted:

David Karceski, Esq.

Name - Type or Print

Signature

210 W. Pennsylvania Ave. Suite 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / DKarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2023-0019-XA Filing Date 1/31/2023 Do Not Schedule Dates Reviewer MJK
3/2022

2 PHILADELPHIA COURT

ATTACHMENT 1 TO PETITION FOR SPECIAL EXCEPTION AND VARIANCE

1. Petition for Special Exception to allow a fuel service station in the MLR-IM Zone, pursuant to Section 405.2.B.1 of the Baltimore County Zoning Regulations ("BCZR").
2. Petition for Variance to allow a landscape transition area with a minimum width of 0 feet in lieu of the required 6 feet in the rear yard, which is located along the perimeter of the fuel service station special exception area that abuts non-residentially zoned land, pursuant to Section 450.4.A.2.b of the BCZR.
3. Petition for Variance to allow two wall-mounted enterprise signs and two canopy enterprise signs on a single tenant commercial building in lieu of the permitted three enterprise signs with no more than two signs on a single façade of the building, pursuant to Section 450.4.Attachment 1.5.a of the BCZR.

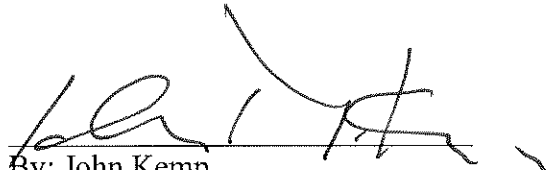
2 PHILADELPHIA COURT

**ATTACHMENT 2 TO PETITION FOR SPECIAL EXCEPTION
AND VARIANCE**

**2 PHILADELPHIA COURT
TAX MAP 89, PARCEL 350
TAX ACCOUNT # 2000010426
DEED REFERENCE: 45696/109**

Lessee:

Two Farms, Inc.



By: John Kemp

Title:

Address: 3611 Roland Avenue, Baltimore, Maryland 21211

Phone: 410-889-0200

2 PHILADELPHIA COURT

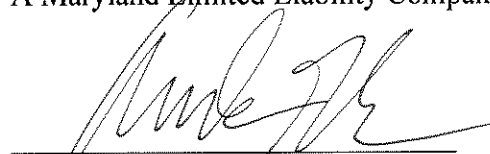
**ATTACHMENT 3 TO PETITION FOR SPECIAL EXCEPTION
AND VARIANCE**

**2 PHILADELPHIA COURT
TAX MAP 89, PARCEL 350
TAX ACCOUNT # 2000010426
DEED REFERENCE: 45696/109**

Legal Owner:

Rock Creek – Philadelphia, LLC
A Maryland Limited Liability Company

By: Rock Creek – Philadelphia Manager, LLC
A Maryland Limited Liability Company, Managing Member



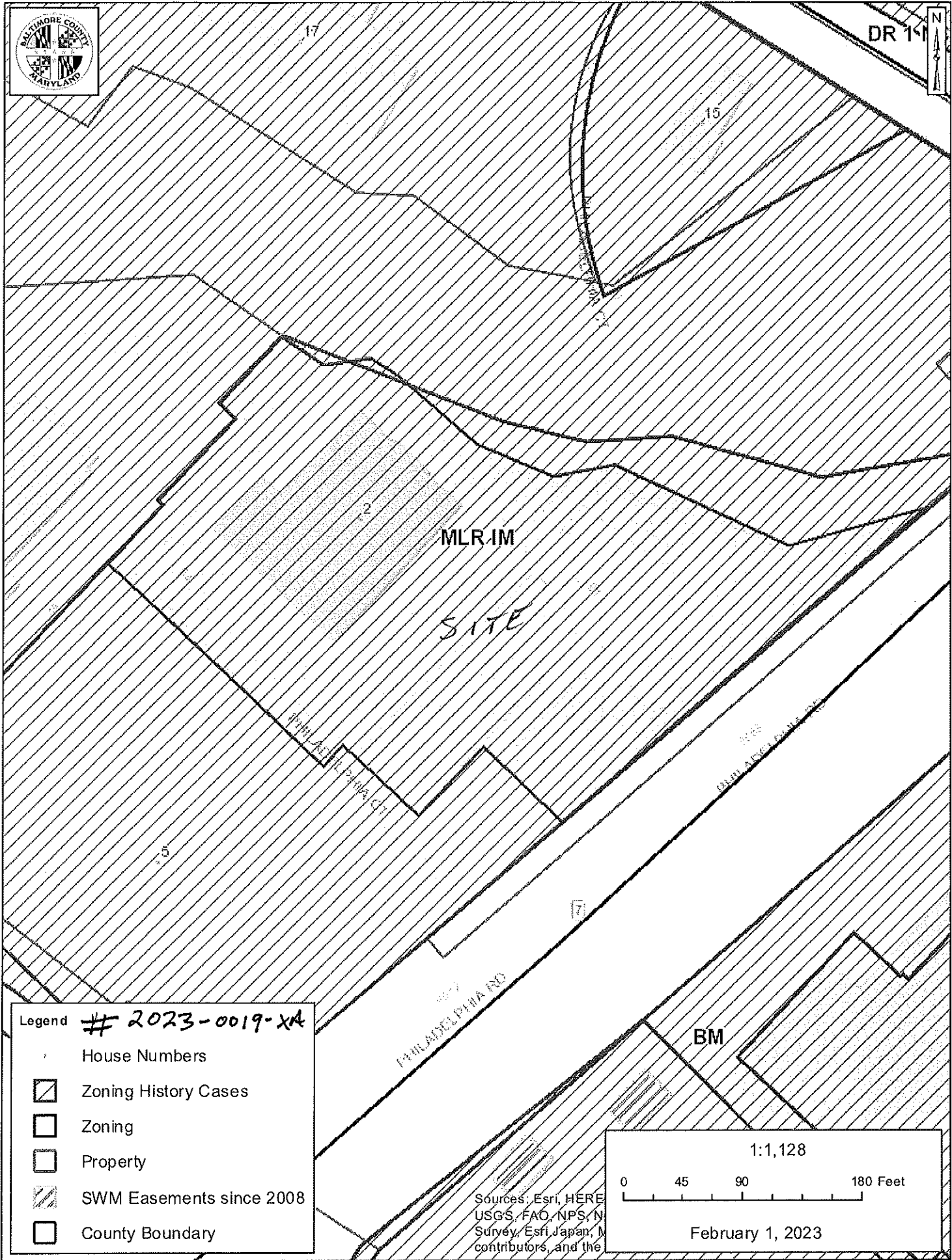
By: Andrew Glick

Title: Manager

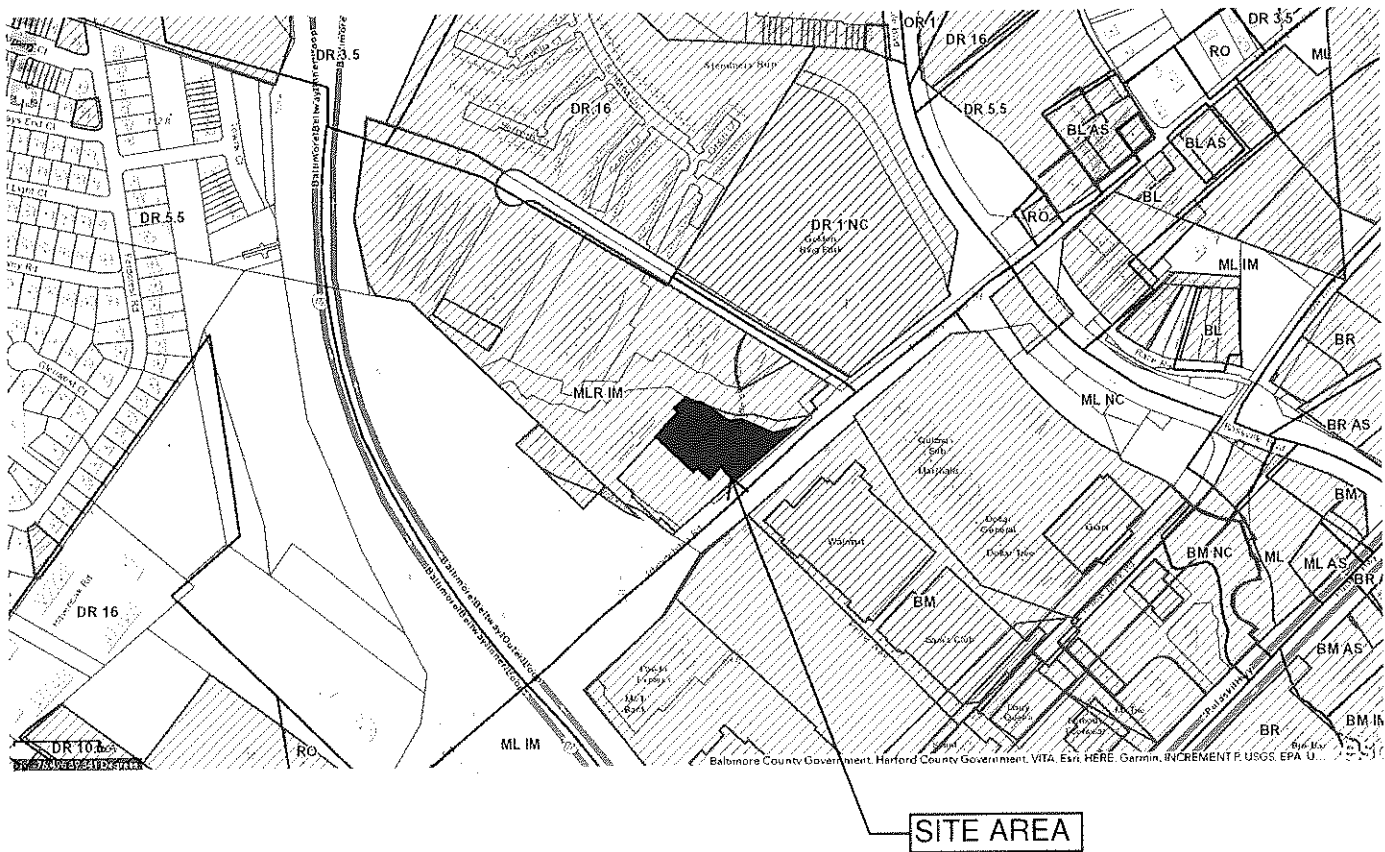
Address: 1155 Connecticut Ave., NW, Suite 700, Washington DC 20036

Phone: 202-835-7220

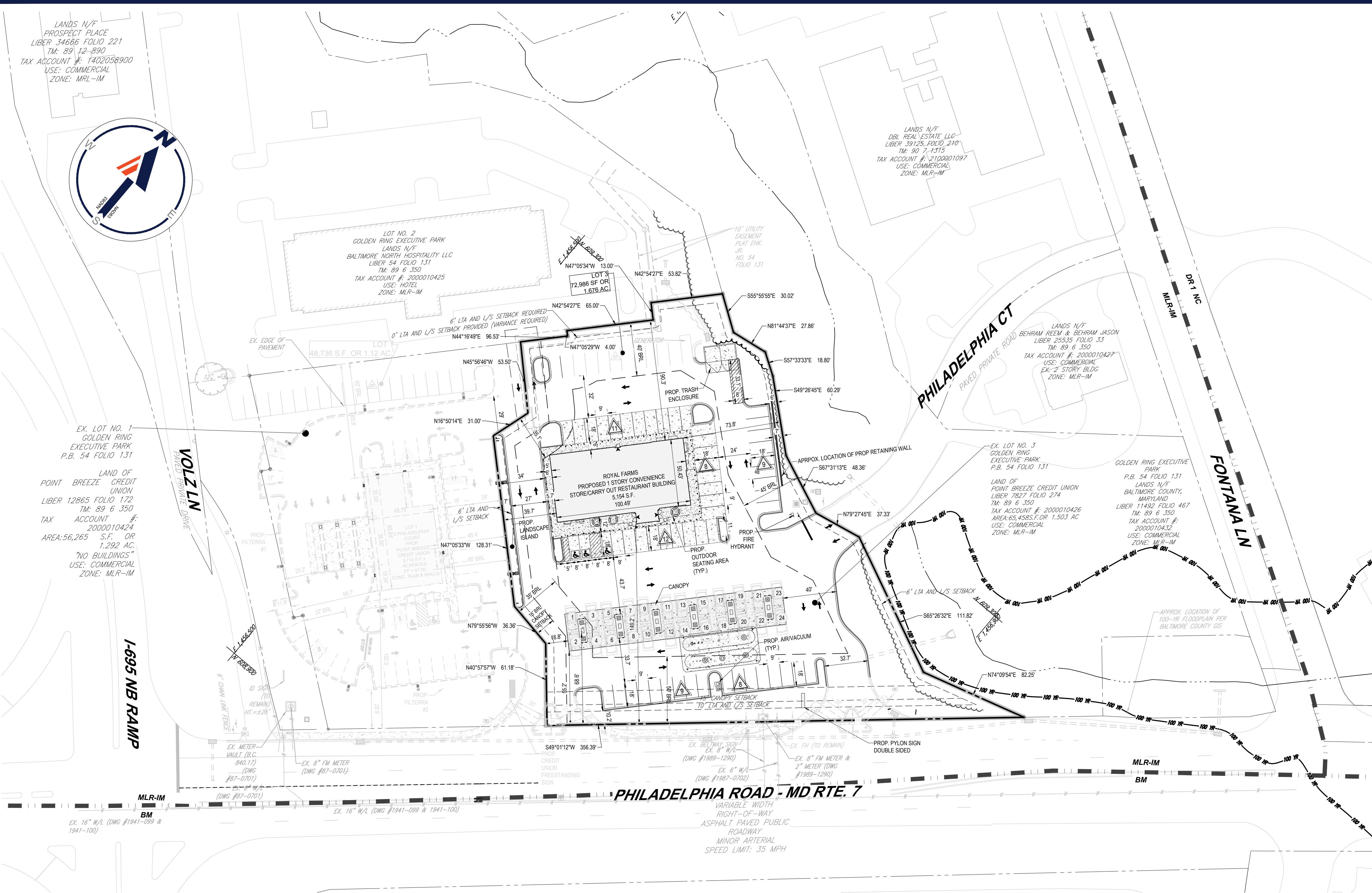
Baltimore County - My Neighborhood



ZONING MAP 2 PHILADELPHIA COURT



2023-0019-XA



BENCHMARKS

ELEVATIONS ARE BASED ON NAVD83 DATUM DETERMINED BY GPS OBSERVATIONS AND TIED IN TO THE COUNTY BENCHMARK NO. 902 WITH A PUBLISHED ELEVATION OF 48.41 FEET.

SPECIAL EXCEPTION AREA

FUEL SERVICE STATION (12 FUELING POSITIONS X 1,500 S.F.)	= 18,000 S.F.
CONVENIENCE STORE (4 X 5,154 S.F.)	= 20,616 S.F.
ATM MACHINE (1 ATM X 1,000 S.F.)	= 1,000 S.F.
CARRY OUT RESTAURANT (6 X 0 S.F.)	= 0 SF
REQUIRED TOTAL AREA	= 39,616 S.F.
PROVIDED TOTAL AREA	= 72,987 S.F. (SE AREA)

LEGEND

EXISTING	PROPOSED
	PROPERTY LINE
	EX. TREE LINE PER AERIAL MAPPING
	PROP. SPECIAL EXCEPTION AREA
	SANITARY SEWER
	WATER
	UNDERGROUND ELECTRIC
	OVERHEAD ELECTRIC
	UNDERGROUND GAS
	STORM DRAIN
	CURB AND GUTTER
	ZONING LINE
	EX. STREAMBANK
	ASPHALT PAVING
	CONCRETE PAVING

COMMERCIAL PERMIT HISTORY

2 PHILADELPHIA COURT (LOT 3):
B362099
B026517
B857965
B862132
B017593

ZONING HISTORY

CASE NO. 1986-0418-A: VARIANCE REQUEST TO PERMIT A SIDE YARD SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 30 FEET AND A SUM OF THE SIDE YARDS OF 65 FEET IN LIEU OF THE REQUIRED 80 FEET TO LOT 3, AN OPEN CANOPY REAR YARD SETBACK OF 8 FEET IN LIEU OF THE REQUIRED 40 FEET AND THE REQUIRED OPEN CANOPY PROJECTION SETBACK OF 30 FEET AS TO LOT 4, OFF-STREET PARKING WITHIN 14 FEET FROM A RESIDENTIAL ZONE IN LIEU OF THE REQUIRED 25 FEET AS TO LOTS 5, 6, AND 7, A BUILDING OR OTHER INDUSTRIAL STRUCTURE 84 FEET DISTANCE FROM THE NEAREST RESIDENTIAL ZONE LINE IN LIEU OF THE REQUIRED 100 FEET AS TO LOTS 6 AND 7, AND A DISTANCE BETWEEN THE BUILDINGS OF 25 FEET IN LIEU OF THE REQUIRED 80 FEET AND A SIDE YARD SETBACK OF 25 FEET IN LIEU OF THE REQUIRED 30 FEET AS TO LOT 8, ALL IN ACCORDANCE WITH THE PETITIONER'S EXHIBIT 1, WAS HEREBY GRANTED ON THE 23RD DAY OF APRIL, 1986.

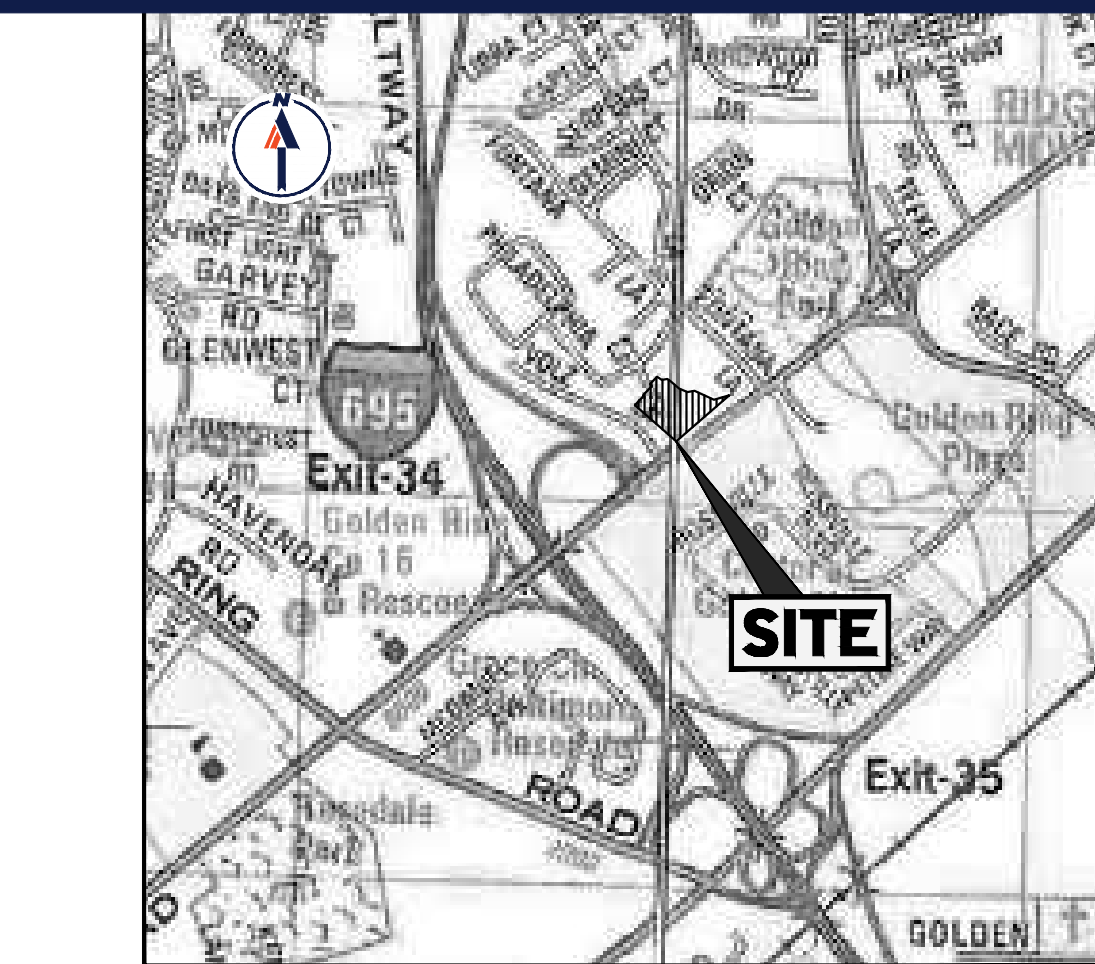
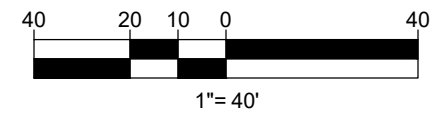
CASE NO. 2020-0008-X: A SPECIAL EXCEPTION REQUEST FOR A FUEL SERVICE STATION AS DEFINED BY BCZR SEC. 405 IN AN MLR-IM ZONE WAS GRANTED ON FEBRUARY 20, 2020.

OWNER

ROCK CREEK - PHILADELPHIA, LLC
1155 CONNECTICUT AVENUE, NW
SUITE 500
WASHINGTON, DC 20036
202-835-1210

DEVELOPER

ROYAL FARMS
3611 ROLAND AVENUE
BALTIMORE, MD 21211
JEFF BAIRBRIDGE
410-898-0200



LOCATION MAP

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

GENERAL NOTES (LOT 3)

- PROPERTY INFORMATION:
 - A. PROPERTY ADDRESS: 2 PHILADELPHIA COURT
 - B. SITE AREA: 72,987 SF OR 1.68 AC.
 - C. SPECIAL EXCEPTION AREA: 66,293 SF. OR 1.52 AC.
 - D. ELECTION DISTRICT: 14
 - E. COUNCILMANIC DISTRICT: 6
 - F. ADC MAP: 37A4, 36K4, 37A5
 - G. CENSUS TRACT: 4407.01
 - H. TAX MAP: 89
 - I. PARCEL: 350
 - J. TAX ACCOUNT NO.: 2000010426
- ZONING: MLR-IM
- ZONING MAP REFERENCE: 090A1
- FLOOR AREA RATIO: PERMITTED = 0.80, EXCEPT THAT NOT MORE THAN 50% OF THE LAND AREA MAY BE COVERED BY BUILDINGS PROVIDED (LOT 3) = 0.07 (5,154 S.F. / 72,987 S.F.)
- EXISTING LAND USE: COMMERCIAL (BANK AND OFFICE)
- PROPOSED LAND USE: FUEL SERVICE STATION IN COMBINATION WITH A CONVENIENCE STORE AND CARRY OUT RESTAURANT
- MLR-IM ZONE SETBACKS (SECTION 250)

	REQUIRED	PROVIDED
FRONT (PHILADELPHIA ROAD)	40'	149.2'
SIDE (SOUTHWEST)	35' (SUM OF BOTH SIDE SETBACKS TO EQUAL 80')	35.1'
SIDE (NORTHEAST)	45' (SUM OF BOTH SIDE SETBACKS TO EQUAL 80')	73.8'
REAR (NORTHWEST)	40'	90.3'
- FUEL SERVICE SETBACKS (SECTION 405) FROM ANY STREET RIGHT-OF-WAY

	REQUIRED	PROVIDED
CONVENIENCE STORE	50'	149.2'
FUEL PUMP	25'	68.6'
CANOPY	15'	55.2'
- LANDSCAPE TRANSITION AREAS (LTA)

	REQUIRED	PROVIDED
FRONT (PHILADELPHIA ROAD)	10'	10.2'
SIDE (SOUTHWEST)	6'	6'
SIDE (NORTHEAST)	6'	6'
REAR (NORTHWEST)	6'	0'

*A VARIANCE IS BEING REQUESTED FOR THIS SETBACK
- BUILDING HEIGHT PERMITTED: 60'
- PROPOSED BUILDING HEIGHT: C-STORE = 33'-0" CANOPY = 25'-2"
- THIS SITE WILL BE SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE PROPERTY IS LOCATED IN OTHER AREAS ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) PER MAP ENTITLED "FIRM, FLOOD INSURANCE RATE MAP, BALTIMORE COUNTY, MARYLAND (UNINCORPORATED AREAS), PANEL 430 OF 580", MAP NUMBER 240010043003, WITH A MAP REVISED DATE OF MAY 5, 2014.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICE AREAS (WATER, SEWER, TRAFFIC) AS DESIGNATED ON THE BASIC SERVICES MAPS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THE PROPERTY.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- A REST ROOM FACILITY, WATER AND COMPRESSED AIR SHALL BE PROVIDED FOR CUSTOMERS.
- SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING REGULATIONS SECTION 450.
- THERE ARE NO KNOWN ABANDONED FUEL SERVICE STATIONS WITHIN ONE MILE OF THE SITE (SECTION 405.3 BCZR).
- THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN HISTORICAL STRUCTURES LOCATED ON THE PROPERTY.
- THIS SITE IS WITHIN THE URBAN RURAL DEMARCATION LINE.

PARKING TABULATION CHART (LOT 3 ONLY)

(PARKING SPACES REQUIRED BY BCZR SECTION 409.6A)

USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409.6A
CONVENIENCE STORE W/ GASOLINE	5,154	5/1,000 S.F.	26
1 SPACE PER EMPLOYEES ON LARGEST SHIFT			6
1 SPACE PER AUTOMATIC TELLER MACHINE (ATM)			1
1 SPACE PER AIR MACHINE			2
TOTAL PARKING REQUIRED			35
TOTAL PARKING PROVIDED (LOT 3 ONLY) (INCLUDE 3 ADA SPACES)			57

DESIGN & DRAWING BASED ON NAVD83 DATUM DETERMINED BY GPS OBSERVATIONS

THESE PLANS ARE FOR SPECIAL EXCEPTION AND ARE NOT TO BE UTILIZED FOR CONSTRUCTION

BOHLER

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

REVISIONS

REV	DATE	COMMENT	DRAWN BY



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NOT APPROVED FOR CONSTRUCTION

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MD222002
DRAWN BY: SMK
CHECKED BY: JUJ
DATE: 1/23/2023
CAD ID:

SITE PLAN EXHIBIT

FOR

ROYAL FARMS

2 PHILADELPHIA COURT (LOT 3)
ROSEDALE, MD
BALTIMORE COUNTY
ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 6
TAX MAP: 89 GRID: 6 PARCEL: 350

BOHLER

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

J. J. COLETTA
PROFESSIONAL ENGINEER
LICENSE NO. 36941, EXPIRATION DATE 5/25/2024

SHEET TITLE:

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE

SHEET NUMBER:

1

ORG. DATE - 10/14/2022



1. PROPERTY INFORMATION:	
A. PROPERTY ADDRESS:	2 PHILADELPHIA COURT
B. SITE AREA:	71.997 SF OR 1.63 AC.
C. SPECIAL EXCEPTION AREA:	66.363 SF OR .132 AC.
D. ZONING DISTRICT:	1
E. CONDOMINIUM DISTRICT:	0
F. AOC MAP:	174-264, 3145
G. CONVEY TRACT:	46021
H. TAX MAP:	0
I. PARCEL:	350
J. TAX ACCOUNT NO.:	70000-16425
2. ZONING:	U/LB-2A
3. FILING MAP REFERENCE:	00001
4. FLOOR AREA:	PERMITTED = 640. EIGHTY FOUR (84) PERCENT (84%) OF THE LAND AREA MAY BE COVERED BY BUILDINGS. EXCEEDED LOT 14 = 285.000 SQ. FT. (285.000 SQ. FT.)

- [illegible]

ELEVATIONS ARE BASED ON NAVOBS DATUM DETERMINED BY GPS OBSERVATIONS AND TIED TO THE COUNTY BENCHMARK NO. 80 WITH A PUBLISHED ELEVATION OF 44.41 FEET.

FUEL SERVICE STATION (12 FUELING POSITIONS X 1 SQ S.F.)	= 12,000 S.F.
CONVENIENCE STORE (4 X 5,184 S.F.)	= 20,736 S.F.
ATM MACHINE (1 ATM X 1,000 S.F.)	= 1,000 S.F.
CARRY OUT RESTAURANT (6 X 0.5 S.F.)	= 3 S.F.
REQUIRED TOTAL AREA	= 32,739 S.F.
PROVIDED TOTAL AREA	= 32,739 S.F.

PROPERTY LINE
EX. TREE LINE PER
AERIAL MAPPING
WETLANDS
EXCEPTION AREA
SANITARY SEWER
WATER
UNDERGROUND
ELECTRIC
OVERHEAD ELECTRIC
TELEPHONE
UNDERGROUND GAS
STURM/RAY
CURB AND GUTTER
ZONING LINE
EX. STR. EASEMENT
LIMITS
ASPHALT PAVING
CONCRETE PAVING

POLYMER LETTERS

CASE NO. 17-00174-1. VARIANCE REQUEST TO PERMIT A SIDEYARD SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 30 FEET AND A SUM OF THE SIDEYARDS OF 35 FEET IN LIEU OF THE REQUIRED 40 FEET. LOT 4 OFF-PAVEMENT PARKING SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 25 FEET AND THE REQUIRED 25 FEET SIDEYARD PROTECTION SETBACK OF 30 FEET AS TO LOT 4 OFF-PAVEMENT PARKING WITHIN 14 FEET FROM A RESIDENTIAL ZONE IN LIEU OF THE REQUIRED 25 FEET AS TO LOTS 5, 6 AND 7. A BUILDING ON OTHER INDUSTRIAL STRUCTURE 84 FEET DISTANCE FROM THE NEAREST RESIDENTIAL ZONE LINE IN LIEU OF THE REQUIRED 100 FEET AS TO LOTS 6 AND 7. A CORNER BETWEEN THE BUILDING 35 FEET IN LIEU OF THE REQUIRED 40 FEET AND A SIDEYARD SETBACK OF 12 FEET IN LIEU OF THE REQUIRED 30 FEET AS TO LOT 1. ALL ACCORDANCE WITH THE PETITIONER'S EXHIBIT 1 WAS HEREBY GUARANTEED ON THE 31st

POOR CREEK - PHILADELPHIA 110
1155 CONNECTICUT AVENUE, NW
SUITE 500
WASHINGTON, DC 20036
202-435-1210

ROYAL FARMS
3611 BOLAND AVENUE
BALTIMORE, MD 21211
JEFF BAUERHOGE
410-686-6280

(HANKING SPACES REQUIRED BY BILZIN SECTION 400.00)

USE	GRASSY S.F.	PAVING RATE	PAVING SPACE REQUIRED PER 100 SQ. FT.
CONVENIENCE STORE ON GASLINE	5154	\$1,000 S.F.	38
1 SPACE PER EMPLOYEE ON LARGEST SHIFT			4
1 SPACE PER AUTOMATIC TELLER MACHINE (ATM)			1
1 SPACE PER AIR MACHINE			3
TOTAL PARKING REQUIRED			10
TOTAL PARKING PROVIDED (NOT 2 ONE'S) (INCLUDE 2 ADA SPACES)			17

DESIGN & DRAWING BASED ON
NAVD 83 DATUM DETERMINED BY
GPS OBSERVATIONS

ARE FOR SPECIAL
AND ARE NOT TO
CONSTRUCTION

REVISIONS

[illegible]

NOT APPROVED FOR
CONSTRUCTION

PROJECT No :	MO12790
DATE MADE BY:	SM
CHECKED BY:	JR
DATE:	5/2/2002

SITE PLAN EXHIBIT

ROYAL FARMS

2 PHILADELPHIA COURT (LOT 3)
ROSEDALE, MD
BALTIMORE COUNTY
ELECTION DISTRICT: 14
COUNCILMANIC DISTRICT: 6
TAX MAP: 89 GRID: 8 PARCEL: 350

981 DULANEY VALLEY ROAD, SUITE 88
TOWSON, MARYLAND 21284
Phone (410) 823-7900
Fax (410) 823-7987
MDDBahlerEng.com

J.J. VIGIERO

**PLAN TO ACCOMPANY
PETITION FOR
SPECIAL EXCEPTION
AND VARIANCE**

SHEET NUMBER: **1**

REVISION 1: 3/2/73



Front Elevation
1/4" = 1'-0"

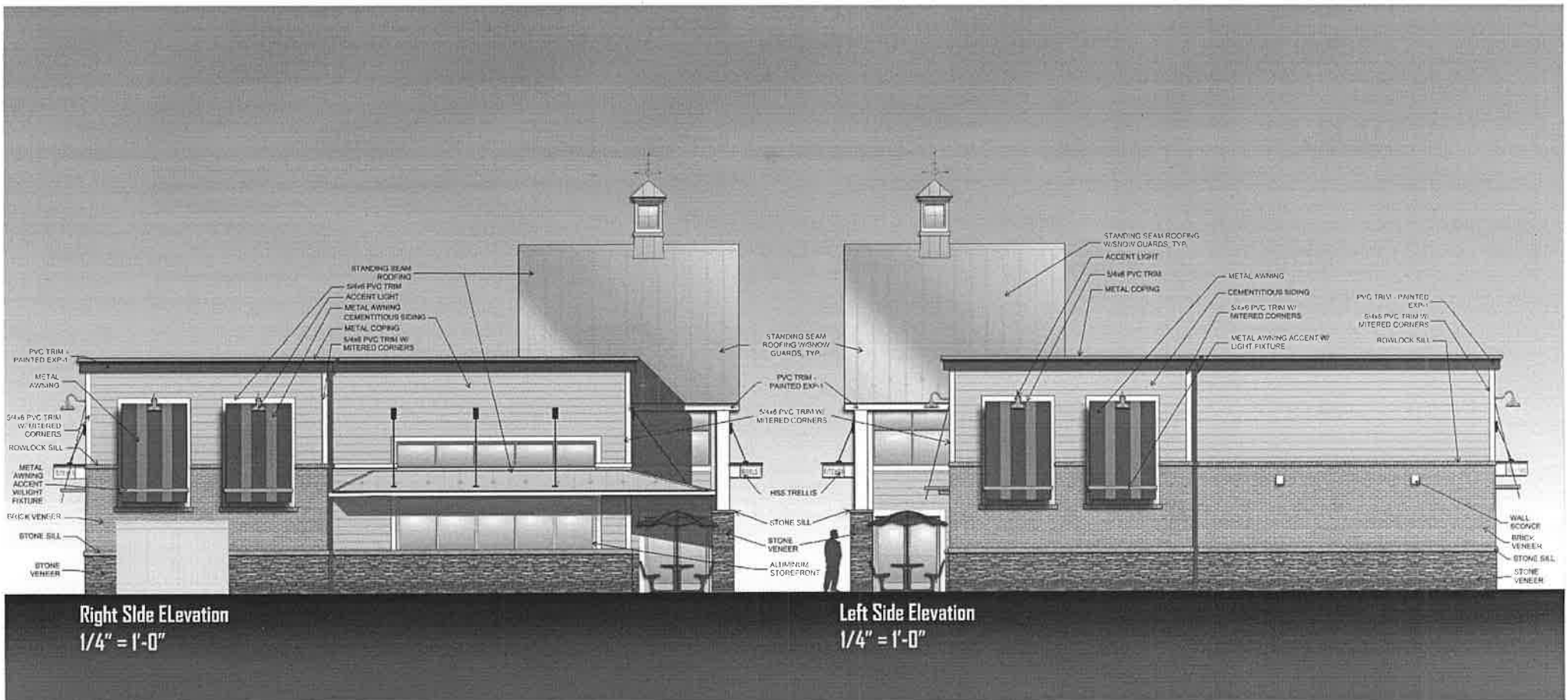
ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 3

RA RATCLIFFE
ARCHITECTS

10404 Stevenson Road Stevenson, Maryland 21155
Phone: 410-484-7500 Fax: 410-484-3020 info@ratcliffe-arch.com



ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 4

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone: 410-494-7310 • Fax: 410-494-3877 • info@ratcliffearchitects.com



Rear Elevation
1/4" = 1'-0"

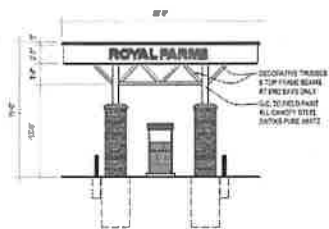
ROYAL FARMS

ROYAL FARMS 442
PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

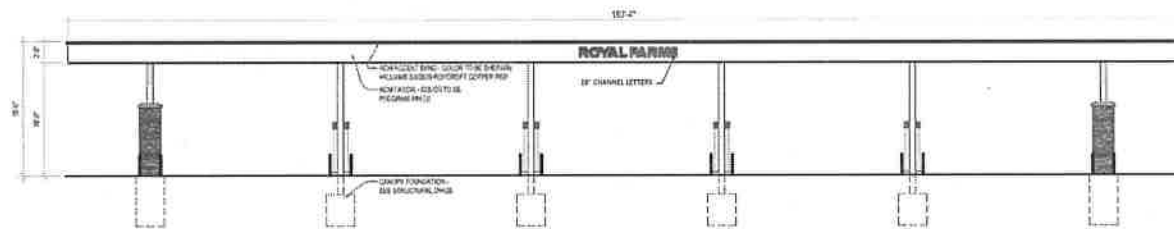
SHEET 5

RATCLIFFE
ARCHITECTS

10404 Stevenson Road • Stevenson, Maryland 21153
Phone: 410-464-7020 • Fax: 410-464-7021 • info@ratcliffe-architects.com



Fuel Canopy - Side Elevation
1/8" = 1'-0"



Fuel Canopy - Front Elevation
1/8" = 1'-0"

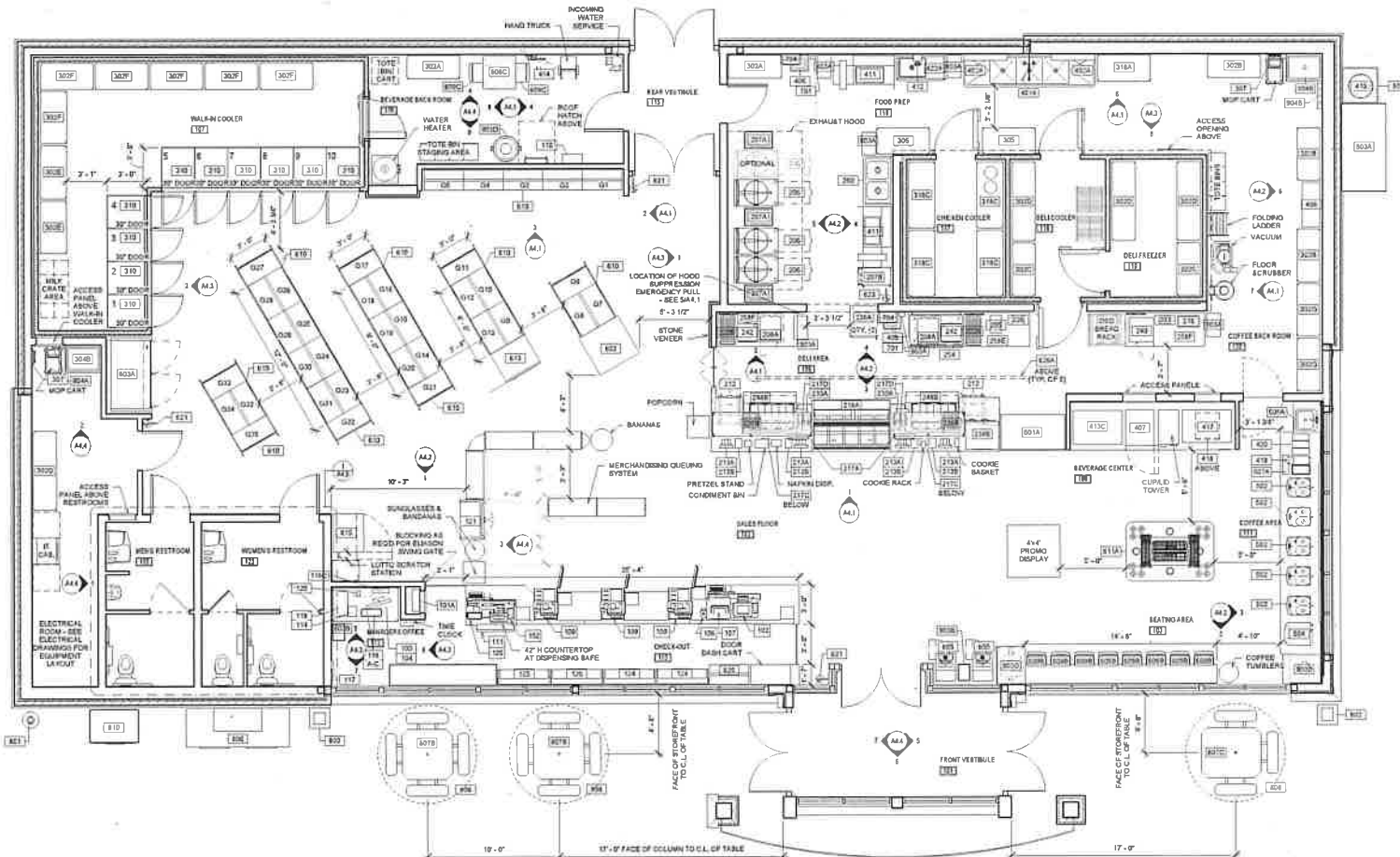
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PROPOSED ELEVATIONS
2 PHILADELPHIA COURT, ROSEDALE, MD 21237
OCTOBER 12TH, 2022

SHEET 6

RATCLIFFE
ARCHITECTS

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Phone 410-464-2015 Fax 410-464-3815 • info@ratcliffearch.com



GONDOLA SCHEDULE				GONDOLA SCHEDULE CONTINUED			
TAG	W x D x H	# END PANELS	DESCRIPTION	TAG	W x D x H	# END PANELS	DESCRIPTION
G1	36" x 18" x 12"	1		G22	36" x 18" x 12"	2	
G2	36" x 18" x 12"	2		G23	36" x 18" x 12"	2	
G3	36" x 18" x 12"	2		G24	36" x 18" x 12"	2	
G4	36" x 18" x 12"	0		G25	36" x 18" x 12"	0	
G5	36" x 18" x 12"	1		G26	36" x 18" x 12"	0	
G6	36" x 18" x 12"	2		G27	36" x 18" x 12"	2	
G7	36" x 18" x 12"	0		G28	36" x 18" x 12"	2	
G8	36" x 18" x 12"	0		G29	36" x 18" x 12"	0	
G9	36" x 18" x 12"	0		G30	36" x 18" x 12"	0	
G10	36" x 18" x 12"	0		G31	36" x 18" x 12"	0	
G11	36" x 18" x 12"	2		G32	36" x 18" x 12"	2	
G12	36" x 18" x 12"	0		G33	36" x 18" x 12"	2	
G13	36" x 18" x 12"	0		G34	36" x 18" x 12"	2	
G14	36" x 18" x 12"	2		G35	36" x 18" x 12"	2	
G15	36" x 18" x 12"	0					
G16	36" x 18" x 12"	0					
G17	36" x 18" x 12"	2					
G18	36" x 18" x 12"	0					
G19	36" x 18" x 12"	0					
G20	36" x 18" x 12"	0					
G21	36" x 18" x 12"	0					

1 EQUIPMENT PLAN SCALE = 1/4" = 1'-0"

NOTE:

1. DIMENSIONS ARE GYP. BOARD FINISH TO GYP. BOARD FINISH FOR EQUIPMENT PLAN ONLY.

SHEET 7

ROYAL FARMS
RATCLIFFE
ARCHITECTS
2 Philadelphia Court
Rosedale, MD 21237
Store #442

EQUIPMENT PLAN

#	REVISED DATE	CONTENT
		PERMIT DATE
		CONSTRUCTION SET

SCALE As indicated
DRAWN BY RW

A1.4