



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 24, 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: Petition for Special Hearing
Case No. 2023-0100-SPH
Property: 7911 Eastern Avenue

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 black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: Nathan Hall – nhall@royalfarms.com
Thomas Sheckells – tsheckells@mragta.com
Chuck McMahon – cmcmahon@mcbrealestate.com

IN RE: PETITION FOR SPECIAL HEARING *	BEFORE THE
(7911 Eastern Avenue)	
15 th Election District *	OFFICE OF ADMINISTRATIVE
7 th Council District	
TRP-MCB Eastpoint, LLC *	HEARINGS FOR
Legal Owner	
	BALTIMORE COUNTY
Petitioner *	Case No: 2023-0100-SPH

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petition for Special Hearing filed by TRP-MCB Eastpoint, LLC, legal owner, and Two Farms, Inc. t/a Royal Farms, lessee (“Petitioner”) for a lease area/pad site located on the property addressed as 7911 Eastern Avenue, Dundalk (the “Pad Site”). The Special Hearing was filed pursuant to the Baltimore County Zoning Regulations (“BCZR”), §500.7 to allow a freestanding enterprise sign on a pad site.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Nathan Hall, Director of Real Estate for Royal Farms appeared in support of the Petition along with Thomas Sheckells of Morris & Ritchie Associates, Inc., the engineering firm who prepared a site plan (the “Site Plan”) and a revised site plan (the “Revised Site Plan”). (Pet. Exs. 1, 2). David Karceski, Esquire, Adam Rosenblatt, Esquire and Venable, LLP represented the Petitioner. There were no Protestants or interested citizens who attended the hearing.

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and Department of Environmental Protections and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

The case proceeded by way of proffer by Mr. Karceski. The pad site is a leasable area measuring 1.98 acres +/- and is part of a larger parcel occupied by Eastpoint Mall and other stand-alone tenants such as Chic fil A, Checkers, Arby's and Staples/Party City. (Pet. Exs. 4A, 4B). As shown in the street view photographs, the current use of the pad site is Hibachi Grill and Buffet restaurant. (Pet. Ex. 5B). The pad site is shown to be a stand-alone location, functioning independently from the rest of Eastpoint Mall and the other tenants, with its own parking lot. It is zoned Business, Commercial Town Center Core (BM-CT).

Mr. Karceski explained that the Office of Zoning Review ("OZR") requires a Special Hearing to approve individual signage for pad sites to avoid a prospective tenant from displaying name/advertising on both a joint identification sign(s) for the Mall property and also having a freestanding sign. In this case, because Royal Farms will not be using the joint identification sign for the Mall, it is requesting one (1) freestanding enterprise sign on the Eastern Avenue frontage. As the Revised Site Plan shows, there are no dedicated access aisles from Eastern Avenue into the Property. (Pet. Ex. 2). As originally proposed, the freestanding sign was mounted on poles standing 25 ft. tall. (Pet. Ex. 1). The sign displays the Royal Farms name as well as gas prices which are required by State of Maryland for fuel service stations. When the DOP reviewed the sign, it requested that the Petition change the pole mounts to a monument sign with a stone veneer base, similar to the adjoining pad site sign for Chic Fil A. The revised sign now stands 21.75 ft. in height and will use materials to compliment the Royal Farms building. As a result, Morris & Ritchie prepared the Revised Site Plan with the monument sign. Petitioner will file a landscaping plan as part of the development plan process. (Pet. Exs. 6, 7).

SPECIAL HEARING

A hearing to request special zoning relief is proper under BCZR, §500.7 as follows:

The said Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall, in his discretion, be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals as hereinafter provided. The power given hereunder shall include the right of any interested person to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any purported nonconforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they are affected by these regulations.

"A request for special hearing is, in legal effect, a request for a declaratory judgment." *Antwerpen v. Baltimore County*, 163 Md. App. 194, 877 A.2d 1166, 1175 (2005). And, "the administrative practice in Baltimore County has been to determine whether the proposed Special Hearing would be compatible with the community and generally consistent with the spirit and intent of the regulations." *Kiesling v. Long*, Unreported Opinion, No. 1485, Md. App. (Sept. Term 2016). In the instant case, I find that the request for one (1) freestanding sign to front on a busy road (Eastern Ave), is necessary to advertise the Royal Farms and gas prices which customers need when purchasing fuel, particularly given that Royal Farms will not be advertising on the joint identification sign for Eastpoint Mall. As such, I find the request is within the spirit and intent of the BCZR and will not be detrimental to the health, safety or general welfare

THEREFORE, IT IS ORDERED this 24th day of **July, 2023** by this Administrative Law Judge that the Petition for Special Hearing from BCZR, §500.7 to allow a freestanding enterprise sign for a pad site is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

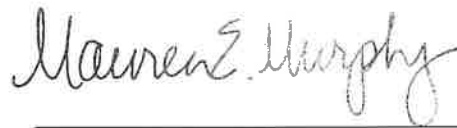
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at

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, Petitioner would be required to return the subject property to its original condition.

2. Petitioner shall comply with the DOP ZAC comment; a copy of which is attached hereto and made a part hereof.

3. Petitioner shall file a Landscaping Plan and Lighting Plan as required in the development process.

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". The signature is written in dark ink and is positioned above a horizontal line.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

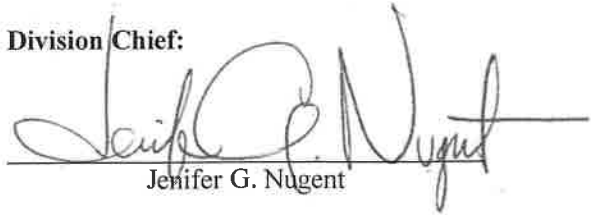
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: David Karceski
Michael Thomas, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County



PETITION FOR ZONING HEARING(S)

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

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

Address 7911 Eastern Avenue which is presently zoned BM-CT

Deed References: 34690-139 10 Digit Tax Account # 1505000500

Property Owner(s) Printed Name(s) TRP-MCB EASTPOINT LLC

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

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

1. ☒ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED SHEET

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

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:

SEE ATTACHED SHEET

Name- Type or Print

Signature

Mailing Address

City

State

21211, 410 885 0201 NA

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

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

Mailing Address

City

State

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

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

SEE ATTACHED SHEET

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

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

Mailing Address

City

State

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

Zip Code

Telephone #

Email Address

CASE NUMBER 2073-0100-SPH Filing Date 5/9/23

Do Not Schedule Dates:

Reviewer JS

7911 EASTERN AVENUE

ATTACHMENT TO PETITION FOR SPECIAL HEARING

1. Petition for Special Hearing to allow a freestanding enterprise sign for a pad site.

7911 EASTERN AVENUE

ATTACHMENT TO PETITION FOR SPECIAL HEARING

LEGAL OWNER/PETITIONER:

TRP-MCB EASTPOINT LLC
SUITE 105
2002 CLIPPER PARK ROAD
BALTIMORE, MD 21211

By:



Name: P. David Bramble

Title: President

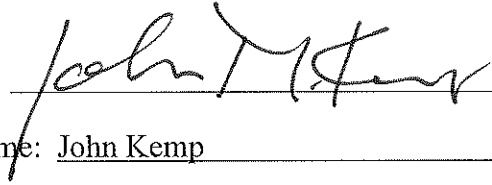
Phone Number: (410) 662-0105

7911 EASTERN AVENUE

ATTACHMENT TO PETITION FOR SPECIAL HEARING

CONTRACT PURCHASER/LESSEE:

TWO FARMS, INC.
3611 ROLAND RUN
BALTIMORE MD 21211

By: 

Name: John Kemp

Title: President

Phone Number: (410) 889-0200

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



April 26, 2023

SPECIAL HEARING AREA DESCRIPTION FOR 7911 EASTERN AVENUE (MD RTE 150)

Beginning at a point located at the intersection of Eastern Avenue (MD Rte 150) at BL STA 64+65.07 or N 593,625.26 E 1,451,178.78, at the distance of 76.45' and bearing of S 54°44'44" E to a point. Thence, the following courses and distances:

- 2) North 71°44'34" East 1.36'.
- 3) North 69°48'30" East 88.41'.
- 4) North 68°04'26" East 99.13'.
- 5) North 69°48'30" East 135.85'.
- 6) North 71°22'27" East 83.03'.
- 7) Northeasterly 59.90 feet, along a non-tangent curve convex northerly, having a radius of 44.33 feet, subtended by a chord of South 58°54'11" East 55.45 feet.
- 8) South 20°11'30" East 70.13'.
- 9) Southeasterly 32.46 feet, along a non-tangent curve convex southerly, having a radius of 95.00 feet, subtended by a chord of South 10°26'15" East 32.19 feet.
- 10) South 00°36'48" East 61.11'.
- 11) South 00°36'28" East 45.12'.
- 12) Southwesterly 30.00 feet, along a non-tangent curve convex westerly, having a radius of 19.33 feet, subtended by a chord of South 44°30'52" West 27.35 feet.
- 13) North 89°32'43" West 266.41'.
- 14) Northwesterly 61.43 feet, along a non-tangent curve concave westerly, having a radius of 205.67 feet, subtended by a chord of South 80°59'22" West 61.20 feet.
- 15) North 72°26'00" West 46.46'.
- 16) Northwesterly 30.13 feet, along a non-tangent curve convex northerly, having a radius of 18.96 feet, subtended by a chord of North 64°47'31" West 27.06 feet.
- 17) North 20°24'48.57" West 132.61'.

Containing 86,568 square feet or 1.98 acres of land, more or less, being located in the 15th Election District and 7th Councilmanic District of Baltimore County, Maryland

I certify that this description was either personally prepared by me or I was in responsible charge of its preparation.



2023-0100-SPH

1220-B East Joppa Road, Suite 400k, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD ✦ Baltimore, MD ✦ Laurel, MD ✦ Towson, MD ✦ Georgetown, DE ✦ New Castle, DE ✦ Sterling, VA ✦ Raleigh, NC
(410) 515-9000 (410) 935-5050 (410) 792-9792 (410) 821-1690 (302) 855-5734 (302) 326-2200 (703) 674-0161 (984) 200-2103

35
23.0413

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: 2023-0100-SPH

Property Address: 7911 Eastern Avenue

Legal Owners (Petitioners): TRP-MCB Eastpoint LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Venable LLP

Address: David H. Karceski
210 West Pennsylvania Avenue, Suite 500
Towson, MD 21204

Telephone Number: (410) 494-6285

*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.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/2/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0100-SPH

INFORMATION:

Property Address: 7911 Eastern Avenue

Petitioner: TRP-MCB Eastpoint LLC, c/o P. David Bramble, President

Zoning: BM CT

Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. Under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner should approve a freestanding enterprise sign for a pad site.

The subject site is a pad site at Eastpoint Mall. It is currently improved with an existing restaurant, Hibachi Grill and Buffet. The applicants are proposing to remove the existing restaurant and construct a Royal Farms fuel service station with an approximately 5,154 square foot convenience store/carry out restaurant building. The subject of this Variance is the approval of a 25' tall, 10' wide, pylon freestanding sign. The sign, which is shown on the Signage Plan submitted with the petition, is proposed to be double sided and have the Royal Farms logo and gas prices. The sign is proposed to be located perpendicular to Eastern Avenue and across from the ingress/egress point of Nissan dealership across the street.

The subject site is within the boundary of the Greater Dundalk/Sparrows Point Sustainable Community Action Plan, and the following adopted community plans: the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Eastern Baltimore County Revitalization Strategy. The Greater Dundalk/Sparrows Point Sustainable Community Action Plan, which was submitted to the State by the County in 2018 and is currently up for renewal, addresses issues including, but not limited, the environment, the economy, transportation, housing, quality of life, and land use for the plan area. There is no guidance specific to the petition at hand in any of the plan documents.

Uses surrounding the subject site are primarily commercial; there are multiple stores, fast food establishments, and business along this stretch of Eastern Avenue. Surrounding pad sites along Eastern Avenue and part of the Eastpoint Mall property include three fast food establishments with drive-thrus: a Checkers to the northeast, and a Chick-fil-A and an Arby's to the southwest. The Checkers and Arby's do not have any freestanding signage. The Chick-fil-A has a monument style identification sign at the corner

of Eastern Avenue and the mall entrance road. The sign features ample landscaping, brick columns, and a brick base. The sign does not appear to be illuminated. A photo is provided below:



Photo from Google Streetview - Image capture date of May 2023

The only other signage along the Eastern Avenue and the Eastpoint Mall property boundary, with the exception of directional signage, is the joint identification sign for Eastpoint Mall. This sign is between the Chick-fil-A and the Arby's, and it features the Eastpoint Mall logo and names of eight of the mall tenants.

The Department of Planning understands the applicants need for a freestanding sign, especially given its proposed use of showing gas prices. However, the Department of Planning does not feel the proposed sign is consistent with this stretch of Eastern Avenue and/or the surrounding Eastpoint Mall pad sites due to its design and lack of landscaping details. To better fit with the surrounding pad sites, the Department of Planning recommends the sign be approved with the following condition:

1. The proposed sign shall be a monument style with landscaping at the base. The Department of Planning recommends the material for the base and sides of the sign be consistent with the façade materials used for the Royal Farms convenience store building.

The installation of a monument style sign, instead of the proposed 25' tall pylon sign, could still serve as clear display gas prices without creating sign clutter for the Eastpoint Mall/Eastern Avenue property boundary. In addition to not creating sign clutter, the Department of Planning's recommendations to have a monument style sign with the material of the base and sides being consistent with the building façade materials is consistent with the Comprehensive Manual of Development Policies (CMDP). CMDP, Division III: Commercial Development within the URDL, Section B: Freestanding states "signage should complement the building architecture and be appropriate for its purpose" and that "monument type signage is preferred" (page 5). The recommended landscaping will also address this section of the CMDP, which states "landscaping should be used for screening, shading, and enhancing site design" (page 2).

The Department of Planning's recommendation will create a more visually appealing sign, will enhance the site design with the added landscaping, and will increase the sign's compatibility with the surrounding signage and the CMDP.

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: May 19, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0100-SPH
Address: 7911 Eastern Ave.
Legal Owner: TRP-MCB Eastpoint, LLC

Zoning Advisory Committee Meeting of May 22, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/2/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0100-SPH

INFORMATION:

Property Address: 7911 Eastern Avenue

Petitioner: TRP-MCB Eastpoint LLC, c/o P. David Bramble, President

Zoning: BM CT

Requested Action: Special Hearing

The Department of Planning has reviewed the petition for the following:

Special Hearing -

1. Under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner should approve a freestanding enterprise sign for a pad site.

The subject site is a pad site at Eastpoint Mall. It is currently improved with an existing restaurant, Hibachi Grill and Buffet. The applicants are proposing to remove the existing restaurant and construct a Royal Farms fuel service station with an approximately 5,154 square foot convenience store/carry out restaurant building. The subject of this Variance is the approval of a 25' tall, 10' wide, pylon freestanding sign. The sign, which is shown on the Signage Plan submitted with the petition, is proposed to be double sided and have the Royal Farms logo and gas prices. The sign is proposed to be located perpendicular to Eastern Avenue and across from the ingress/egress point of Nissan dealership across the street.

The subject site is within the boundary of the Greater Dundalk/Sparrows Point Sustainable Community Action Plan, and the following adopted community plans: the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Pedestrian and Bicycle Access Plan, and the Eastern Baltimore County Revitalization Strategy. The Greater Dundalk/Sparrows Point Sustainable Community Action Plan, which was submitted to the State by the County in 2018 and is currently up for renewal, addresses issues including, but not limited, the environment, the economy, transportation, housing, quality of life, and land use for the plan area. There is no guidance specific to the petition at hand in any of the plan documents.

Uses surrounding the subject site are primarily commercial; there are multiple stores, fast food establishments, and business along this stretch of Eastern Avenue. Surrounding pad sites along Eastern Avenue and part of the Eastpoint Mall property include three fast food establishments with drive-thrus: a Checkers to the northeast, and a Chick-fil-A and an Arby's to the southwest. The Checkers and Arby's do not have any freestanding signage. The Chick-fil-A has a monument style identification sign at the corner

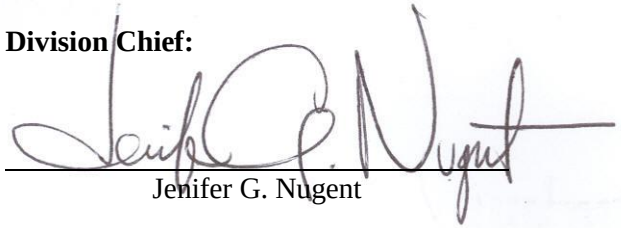
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: David Karceski
Michael Thomas, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Maryland The Daily Record
200 St. Paul Place
Baltimore, MD, 21202
Phone: 4435248100

MARYLAND
THE DAILY RECORD

Affidavit of Publication

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

Re: Legal Notice 2515884,
CASE NUMBER: 2023-0100-SPH

We hereby certify that the annexed advertisement was published in Maryland The Daily Record, a Daily newspaper published in the State of Maryland 1 time(s) on the following date(s): 06/30/2023

By



Joy Hough
Authorized Designee of the Publisher

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2023-0100-SPH

7911 Eastern Avenue

Southeast side of Eastern Avenue at intersection with Rolling Mill Road

15th Election District - 7th Councilmanic District

Legal Owners: TRP-MCB Eastpoint, LLC

Contract Purchaser/Lessee: Two Farms, Inc.

Special Hearing to allow freestanding enterprise sign for a pad site.

Hearing: Thursday, July 20, 2023 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County
je30 2515884

CERTIFICATE OF POSTING

2023-0100-SPH

RE: Case No.: _____

Petitioner/Developer: _____
TRP-MCB Eastpoint, LLC
Two Farms, Inc.

Date of Hearing/Closing: July 10, 2023

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: _____

7911 Eastern Avenue ***SIGN 1***

June 30, 2023

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



Sincerely,

 June 30, 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)

of Eastern Avenue and the mall entrance road. The sign features ample landscaping, brick columns, and a brick base. The sign does not appear to be illuminated. A photo is provided below:



Photo from Google Streetview - Image capture date of May 2023

The only other signage along the Eastern Avenue and the Eastpoint Mall property boundary, with the exception of directional signage, is the joint identification sign for Eastpoint Mall. This sign is between the Chick-fil-A and the Arby's, and it features the Eastpoint Mall logo and names of eight of the mall tenants.

The Department of Planning understands the applicants need for a freestanding sign, especially given its proposed use of showing gas prices. However, the Department of Planning does not feel the proposed sign is consistent with this stretch of Eastern Avenue and/or the surrounding Eastpoint Mall pad sites due to its design and lack of landscaping details. To better fit with the surrounding pad sites, the Department of Planning recommends the sign be approved with the following condition:

1. The proposed sign shall be a monument style with landscaping at the base. The Department of Planning recommends the material for the base and sides of the sign be consistent with the façade materials used for the Royal Farms convenience store building.

The installation of a monument style sign, instead of the proposed 25' tall pylon sign, could still serve as clear display gas prices without creating sign clutter for the Eastpoint Mall/Eastern Avenue property boundary. In addition to not creating sign clutter, the Department of Planning's recommendations to have a monument style sign with the material of the base and sides being consistent with the building façade materials is consistent with the Comprehensive Manual of Development Policies (CMDP). CMDP, Division III: Commercial Development within the URDL, Section B: Freestanding states "signage should complement the building architecture and be appropriate for its purpose" and that "monument type signage is preferred" (page 5). The recommended landscaping will also address this section of the CMDP, which states "landscaping should be used for screening, shading, and enhancing site design" (page 2).

The Department of Planning's recommendation will create a more visually appealing sign, will enhance the site design with the added landscaping, and will increase the sign's compatibility with the surrounding signage and the CMDP.

Real Property Data Search ()

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
--------------------------	--	--

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1505000500

Owner Information

Owner Name: TRP-MCB EASTPOINT LLC **Use:** COMMERCIAL
Principal Residence: NO

Mailing Address: SUITE 105
 2002 CLIPPER PARK ROAD
 BALTIMORE 21 21218- **Deed Reference:** /34690/ 00139

Location & Structure Information

Premises Address: 7801 EASTERN AVE **Legal Description:** 60.653 AC
 BALTIMORE MD 21224-0000 NS EASTERN AVE
 COR NORTH POINT BLVD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0096 0017 0021 31504.04 0000 2021 Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2012	28,963 SF		60.6500 AC	14

Stories Basement Type **Exterior Quality Full/Half Bath** **Garage Last Notice of Major Improvements**
 FAST FOOD / C4

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	19,330,000	19,330,000		
Improvements	16,399,400	2,462,900		
Total:	35,729,400	21,792,900	21,792,900	21,792,900
Preferential Land:	0	0		

Transfer Information

Seller: LBUBS 2006-C3 7839 MALL LLC	Date: 02/18/2014	Price: \$33,424,768
Type: ARMS LENGTH MULTIPLE	Deed1: /34690/ 00139	Deed2:

Seller: THOR EASTPOINT MALL LLC	Date: 08/17/2012	Price: \$30,032,500
Type: NON-ARMS LENGTH OTHER	Deed1: /32428/ 00141	Deed2:

Seller: EASTPOINT PARTNERS LLC	Date: 01/25/2006	Price: \$112,125,000
Type: ARMS LENGTH MULTIPLE	Deed1: /23281/ 00198	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	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:**

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

No. 220064

Date: 5/9/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					\$ 500.00
Total:									\$ 500.00

Rec From: VENABLE / TRP-MCB EASTPOINT, LLC

For: 2073-0100-SPH

7911 EASTERN AVG.

JSS 23-0413

DISTRIBUTION

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

CASHIER'S
VALIDATION



PNC, N.A. Bank 040
Maryland

VENABLE_{LLP}

750 E. Pratt Street Suite 900
Baltimore, Maryland 21202
Operating Account

F 539337

15-3
540

DATE
May 03, 2023

AMOUNT
\$500.00

*****FIVE HUNDRED AND 00/100

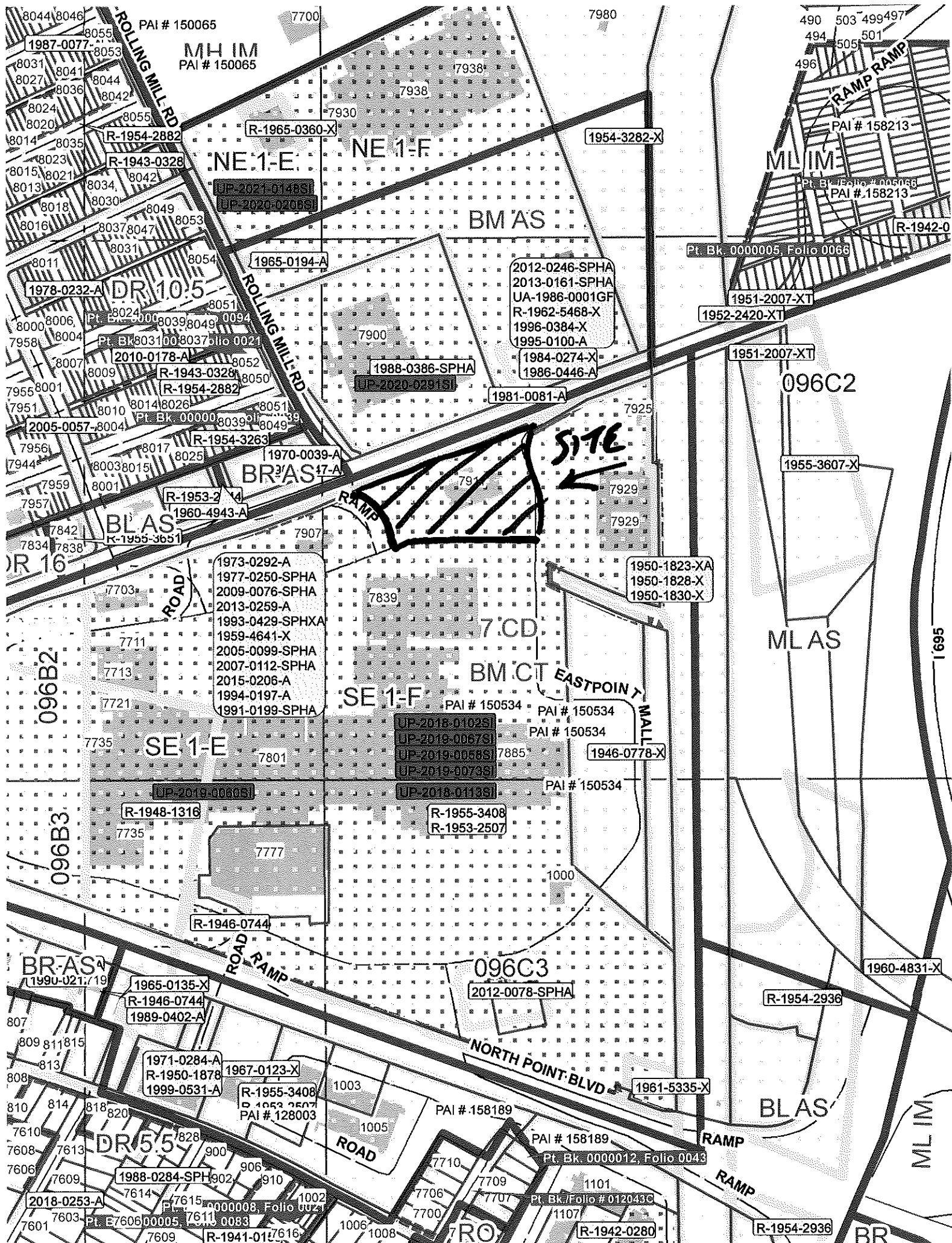
PAY
TO THE
ORDER
OF

Baltimore County, Maryland
Office of Budget and Finance
400 Washington Avenue, Room 152
Towson, MD 21204-4665

AUTHORIZED SIGNATURE

VOID AFTER 180 DAYS

AUTHORIZED SIGNATURE
(TWO SIGNATURES REQUIRED OVER \$25.00)



2100007054

2012-0246-SPHA
2013-0161-SPHA
UA-1986-0001GF
R-1962-5468-X
1996-0384-X
1995-0100-A

7900

UP-2020-0206SI

UP-2021-0148SI

7938

1507151110

1984-0274-X
1986-0446-A

1509650060

UP-2020-0291SI

1988-0386-SPHA

BM:AS

1981-0081-A

EASTERN AVE

EASTERN AVE

R:AS

7 CD

096C2

ROAD
RAMP

7911

SE 1-F

ROAD

EASTPOINT MALL

BM:CT

UP-2019-0060SI
UP-2019-0067SI

UP-2019-0073SI
UP-2019-0068SI

UP-2018-0102SI
UP-2018-0133SI

R-1955-3408
R-1953-2507

1505000500

PAI # 150534

PAI # 150534

PAI # 150534

PAI # 150534

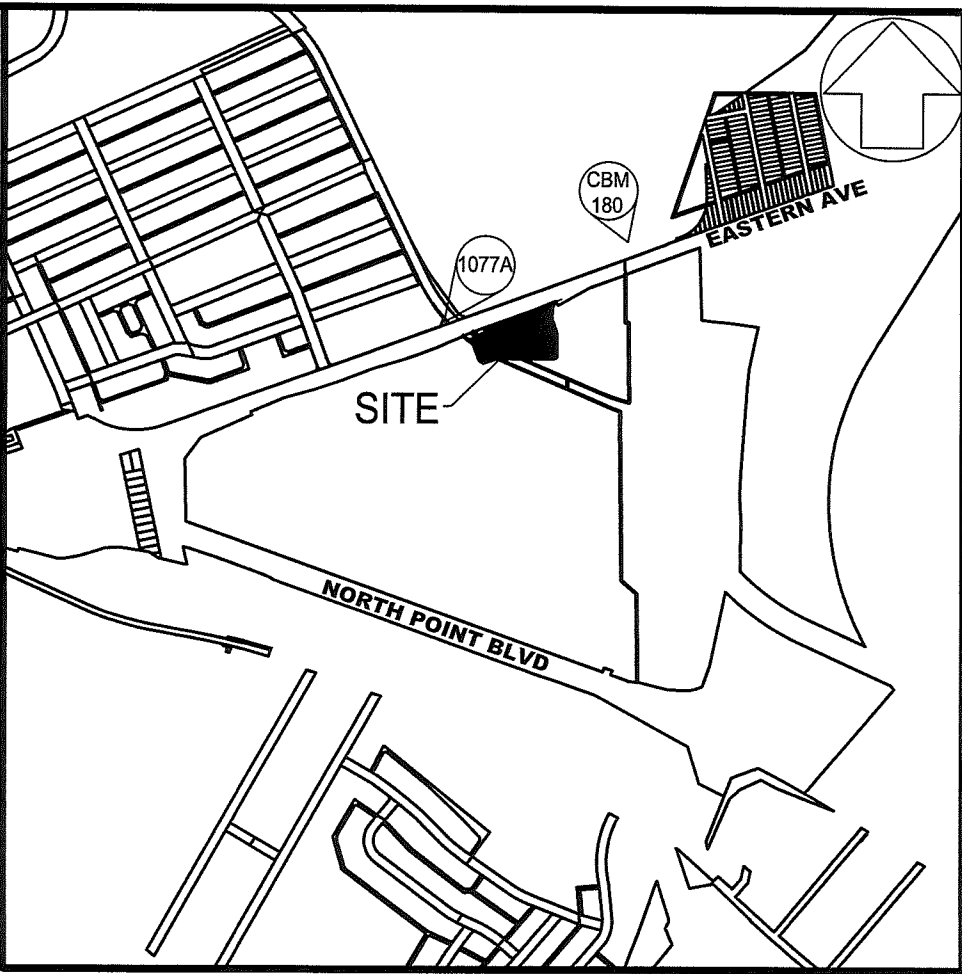
1502001256

7839

1973-0292-A
1977-0250-SPHA
2009-0076-SPHA
2013-0259-A
1993-0429-SPHXA
1959-4641-X
2005-0099-SPHA
2007-0112-SPHA
2015-0206-A
1994-0197-A
1991-0199-SPHA

1946-0778-X

2100007054



10777A N 593,659.59
ELEV 59.30 E 1,451,113.88
DESCRIPTION
CAPPED REBAR AT INTERSECTION OF ROLLING MILL RD AND EASTERN
AVE.

CBM180
ELEV 37.89
DESCRIPTION
X-CUT LOCATED AT SOUTHWEST CORNER OF POWER LINE TOWER ALONG
EASTERN AVE, 220' SOUTHWEST OF RAILROAD BRIDGE ABUTMENT

	EX. PROPERTY BOUNDARY LINE
	EX. RIGHT-OF-WAY
	EX. ADJACENT PROPERTY LINE
	EX. EASEMENT
	EX. ZONING LINE
	EX. BUILDING
	EX. EDGE OF PAVEMENT
	EX. EDGE OF CONCRETE
	EX. CURB
	PR. CURB & GUTTER
	PR. BUILDING
	PR. CONCRETE

1. OWNER INFORMATION:
TRP-MCB EASTPOINT LLC
SUITE 105
2002 CLIPPER PARK ROAD
BALTIMORE, MD 21228
2. PROPERTY INFORMATION:
A. OVERALL SITE AREA: 60.853 AC
B. PROPERTY ADDRESS: 7911 EASTERN AVE, BALTIMORE, MD 21224
C. NET ACREAGE (LEASE AREA): 1.98 AC ± (86,568 S.F.)
D. GROSS ACREAGE (LEASE AREA): 2.61 AC ± (113,478 S.F.)
E. ELECTION DISTRICT: 7
F. COUNCILMANIC DISTRICT: 1
G. ADC MAP: 82C1
H. CENSUS TRACT: 179
I. TAX MAP: 0036
J. PARCEL: 0021
K. TAX ACCOUNT NO.: 1500500050
L. DEED: 34690/7039
M. WATERSHED: SHOX RIVER
N. ENTERPRISE ZONE: CHESAPEAKE ENTERPRISE ZONE
BM CT
3. ZONING: 08692, 09663, 096C2, 096C3
4. ZONING MAP/GIS SITE NO.: MAXIMUM PERMITTED = 5.5
FLOOR AREA RATIO: PROVIDED = 0.05 (5.5 S.F. / 113,478 S.F.)
5. EXISTING LAND USE: RESTAURANT
6. PROPOSED LAND USE: FUEL SERVICE STATION IN COMBINATION
WITH A CONVENIENCE STORE AND CARRY OUT
RESTAURANT WITH OUTDOOR SEATING

8.	BM-CT ZONE SETBACKS	<u>REQUIRED</u>	<u>PROVIDED</u>
	FRONT YARD BUILDING SETBACK	15'	136'
	FRONT TO STREET CENTERLINE	40'	180'
	SIDE YARD BUILDING SETBACK	NONE	67' (TO EXISTING LEASE LINE)
	REAR YARD BUILDING SETBACK	NONE	19' (TO EXISTING LEASE LINE)
9.	FUEL SERVICE SETBACKS (SECTION 405)		
	FROM ANY STREET RIGHT OF WAY	<u>REQUIRED</u>	<u>PROVIDED</u>
	CONVENIENCE STORE	35'	136'
	FUEL PUMP	25'	55'
	CANOPY	15'	42'

10. LANDSCAPE TRANSITION AREAS (LTA)	<u>REQUIRED</u>	<u>PROVIDED (MIN.)</u>
ALONG FRONT (PUBLIC R/W)	10'	10'
ALONG REAR YARD (BM-CT ZONE)	6'	9'
ALONG SIDE YARD (BM-CT ZONE)	6'	6'

11. HEIGHT LIMIT: MINIMUM ALLOWED BUILDING HEIGHT 40'

PROPOSED BUILDING HEIGHT C-STORE = 32'-5"
CANOPY = 19'-0"

12. THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
13. THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN (F.E.M.A. PANEL NO. 2403300141E).
14. THE SITE IS NOT LOCATED WITHIN IN A FAILED BASIN WATER, SEWER, OR TRANSPORTATION SERVICE AREA PER
15. 2023 BALTIMORE COUNTY BASIC SERVICES MAP.
16. THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
17. THERE ARE NO HISTORIC BUILDINGS ON SITE.
18. THE SITE IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
19. ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT
20. AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
21. SIGNAGE ON THIS SITE SHALL CONFORM WITH THE SIGNAGE REQUIREMENTS OF THE BALTIMORE COUNTY ZONING
22. ORDINANCE 2020-001. A VARIANCE WILL BE REQUESTED. REFER TO SHEET 2 FOR SIGNAGE LAYOUT AND
23. DETAILS.
24. THE PROPOSED FUEL SERVICE STATION IS PERMITTED BY RIGHT ON THE SUBJECT PROPERTY PURSUANT TO
25. SECTION 405.2.4.4 OF THE BCZC.

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.

ROYAL FARMS PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A AND 405.4.A.d)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES
CONVENIENCE STORE WITH GASOLINE AND CARRY OUT RESTAURANT WITH OUTDOOR SEATING	5,154 S.F.	5/1,000 S.F.	26
MAX. # EMPLOYEES ON SHIFT			8
ATM			1
FREE AIR TANK			1
AIR TANK / VAC COMBINATION			1
PARKING SPACES REQUIRED			37
PARKING SPACES PROVIDED (ROYAL FARMS)			39
PARKING SPACES PROVIDED (OVERFLOW)			50

1. CASE NO. R-1953-2507 – PETITION FOR RECLASSIFICATION FOR SEVEN PARCELS: FROM "A" RESIDENCE TO "E" COMMERCIAL FOR PARCELS 1-3, FROM "D" RESIDENCE "E" COMMERCIAL FOR PARCELS 4-6, AND FROM "I" INDUSTRIAL TO "E" COMMERCIAL FOR PARCEL 7. WITHDRAWN MARCH 4TH, 1953.
2. CASE NO. R-1955-3408 – PETITION TO RECLASSIFY THE PROPERTY PURSUANT TO THE ZONING LAW OF BALTIMORE COUNTY, FROM AN "A" & "B" RESIDENCE ZONE TO AN "E" COMMERCIAL ZONE. GRANTED MARCH 4TH, 1955.
3. CASE NO. 1959-4641-X – PETITION FOR SPECIAL EXCEPTION TO USE THE LAND (AND IMPROVEMENTS NOW OR BE ERRECTED THEREON) HEREINAFTER DESCRIBED FOR MINATURE GOLF COURSE. GRANTED MAY 8TH, 1959.
4. CASE NO. 1973-0292-A – PETITION TO PERMIT 4,134 OFF-STREET PARKING SPACES INSTEAD OF THE REQUIRED 4,534 OFF-STREET PARKING SPACES. GRANTED JULY 31ST, 1973.
5. CASE NO. 1977-0250-SPHA – PETITION TO PERMIT AN AMUSEMENT GAME CENTER AS A COMMERCIAL RECREATION ENTERPRISE IN A B.M.ZONE INSTEAD OF THE REQUIRED B.R. ZONE WITH A SPECIAL EXCEPTION. DENIED JUNE 24TH, 1977.
6. CASE NO. 1991-0199-SPHA – PETITION FOR ZONING VARIANCE FROM SECTION 409.6A.2 OF THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) TO PERMIT 4,302 PARKING SPACES IN LIEU OF THE REQUIRED 5,772 PARKING SPACES AS ORIGINALLY APPROVED IN ZONING CASE NO. 73-292-A AND A PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE ORDER AND THE SITE PLAN APPROVED IN ZONING CASE NO. 73-292-A. GRANTED FEBRUARY 21ST, 1991.
7. CASE NO. 1993-0429-SPHA-X – PETITION FOR SPECIAL HEARING TO APPROVE A RESTAURANT, DRIVE-THRU WITH LIMITED INDOOR/OUTDOOR SEATING AS A USE PERMITTED AS OF RIGHT IN ALL BUSINESS ZONES, INCLUDING THE B.M.-C.T. ZONE. PETITION FOR SPECIAL HEARING SEEKING APPROVAL OF EXISTING PARKING SETBACKS AND TRAVELING SURFACES AS ORIGINALLY APPROVED IN SECTION 409.8.1 AND A PETITION FOR SPECIAL HEARING TO APPROVE AN AMENDMENT TO THE ORDER AND THE SITE PLAN APPROVED IN ZONING CASE NO. 91-199-SPHA AND AMENDMENTS AS NOTED ON ACCOMPANYING SITE PLAN. PETITION FOR SPECIAL EXCEPTION TO PERMIT A RESTAURANT, DRIVE-THRU, WITH LIMITED INDOOR/OUTDOOR SEATING IN A B.M.-C.T. ZONE. PETITION FOR VARIANCE SEEKING RELIEF FROM THE BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.) AS FOLLOWS: FROM SECTION 409.8.1 TO PERMIT A DRIVE-THRU PARKING FACILITY SETBACK FROM A PUBLIC STREET RIGHT-OF-WAY OF 2 FEET INSTEAD OF THE REQUIRED 10 FEET; FROM SECTION 409.8.2 TO PERMIT DIRECT ACCESS TO A TRAVEL LANE FROM OFF-STREET PARKING FACILITIES; FROM SECTION 409.8A.1 TO PERMIT DEVIATION FROM THE SCREENING LANDSCAPE REQUIREMENTS OF THE LANDSCAPE MANUAL; AND FROM SECTION 408.6A(2) TO PERMIT 4,000 PARKING SPACES IN LIEU OF THE REQUIRED 4,773 PARKING SPACES. PETITION DENIED AUGUST 2ND, 1993. SPECIAL EXCEPTION AND PETITION FOR VARIANCE GRANTED AUGUST 2ND, 1993.
8. CASE NO. 1994-0197-A – PETITION FOR VARIANCE TO PERMIT 4,000 OFF-STREET PARKING INSTEAD OF 4,700 PARKING SPACES. GRANTED MAY 14TH, 1994. PETITION UPDATED TO REQUEST 4,073 OFF-STREET PARKING IN LIEU OF 4,773 PARKING SPACES. GRANTED JUNE 16TH, 1994.

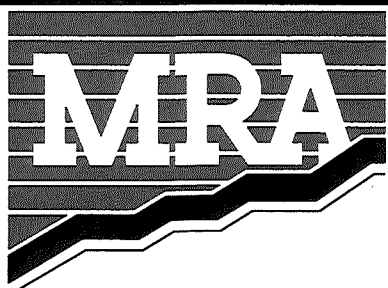
MORRIS & RITCHIE ASSOCIATES, INC.
1220-B EAST JOPPA RD, SUITE 400K
TOWSON, MARYLAND 21286
ATTN.: JOSH SHARON
PHONE: 410-821-1690 EXT. 842
EMAIL: JSHARON@MRAGTA.COM

TWO FARMS, INC
3611 ROLAND AVENUE
BALTIMORE, MARYLAND 21211
PHONE: (410) 889-0200

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF
MARYLAND, LICENSE NO. 34479, EXPIRATION DATE: 06/21/2024.

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM (MCS):
HORIZONTAL NAD 83 (2011)
VERTICAL NAVD 88

2023-0100-SP4



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-B EAST JOPPA ROAD, SUITE 400K
TOWSON, MARYLAND 21286

ROYAL FARMS #466
7911 EASTERN AVENUE

PLAN TO ACCOMPANY SPECIAL HEARING PETITION

DATE	REVISIONS	JOB NO.: 17481X92A
		SCALE: AS SHOWN
		DATE: 04/26/2023
		DRAWN BY: MAS
		DESIGN BY: THS
		REVIEW BY: THS
		SHEET: 1 OF 2

<u>ENGINEER</u>	<u>DEVELOPER</u>
MORRIS & RITCHIE ASSOCIATES, INC. 1220-B WEST COPPER AVE. SUITE 400K TOWSON, MARYLAND 21286 ATTN: JOSH SHARON PHONE: (410)-621-1690 EXT. 842 EMAIL: JSHARON@MRGA2.COM	TWO FARMS, INC. 3333 ROLAND AVENUE BALTIMORE, MARYLAND 21211 PHONE: (410) 889-0200