



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

June 24, 2024

Christopher D. Mudd, Esquire – cdmudd@venable.com
Venable, LLP
210 w. Pennsylvania Avenue
Towson, MD 21204

RE: Petitions for Special Exception & Variance
Case No. 2024-0103-XA
Property: 10123 Reisterstown Road

Dear Mr. Mudd:

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 blue ink signature of Andrew M. Belt, consisting of a stylized, flowing line that starts with a large loop and ends with a long, sweeping stroke.

ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB;dlm
Enclosure

c: Nicolett K.- nikki0031@gmail.com
George Alexandris – galexandris@spotlessbrands.com
Kathleen Hughes – khughes@harboreast.com
Michael Kerr – mkerr@bayacoustics.com
Mickey Cornelius - mcornelius@trafficgroup.com
Renee Hamidi - renee@thevpc.org

IN RE: PETITIONS FOR SPECIAL EXCEPTION *	BEFORE THE
AND VARIANCE	
(10123 Reisterstown Road) *	THE OFFICE
4 th Election District	
2 nd Council District *	ADMINISTRATIVE HEARINGS
CDN Limited Partnership	
<i>Legal Owner</i> *	FOR BALTIMORE COUNTY
Flagship Acquisition, LLC	
<i>Contract Purchaser/Lessee</i> *	Case No: 2024-0103-XA
Petitioners *	
* * * * *	

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Exception and Variance filed on behalf of CDN Limited Partnership, legal owner, and Flagship Acquisition, LLC, contract purchaser/lessee (“Petitioners”), for the property known 10123 Reisterstown Road, Owings Mills. A Petition for Special Exception was filed from the Baltimore County Zoning Regulations (“BCZR”) §230.3 to permit a car wash. Variance relief was filed as follow:

1. From the BCZR, §419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property.
2. From BCZR § 419.4.B.3 to permit a landscaped transition area of 0 ft. in lieu of 6 ft. for side and rear yards abutting non-residentially zoned land. If necessary, from BCZR § 419.4.B.3 to permit a landscaped transition area of 0 ft., in lieu of 10 ft. for a drive aisle serving the car wash that fronts a public right of way.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petitions were properly advertised and posted.

Substantive Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protection and Sustainability (DEPS”), the Bureau of Plans Review (“DPR”), the Department of Public Works and Transportation (“DPWT”) and the State Highway Administration (“SHA”).

The Petitioner, Ray Garganio from Flagship Acquisition, LLC was present at the hearing. Petitioner’s experts, Kestra M. Kelly, P.E, and Mickey Cornelius, were also present. The Blue-lined site Plan prepared by Ms. Kelly was admitted as Petitioner’s Exhibit 1. Christopher Mudd, Esquire and Matthew Alsip, Esquire of Venable, LLP represented the Petitioner. There were no protestants in attendance.

Mr. Mudd and Mr. Alsip were permitted to proffer the facts supporting the requested relief. They explained that the site is approximately 3.4284 acres and is zoned BL, in Owings Mills, Maryland. The Petitioner is proposing to construct a car wash on the proposed site. The site is located off Reisterstown Road and part of Painter Mills Place. The entry to the proposed site will originate from a signalized intersection at Painters Mill and Reisterstown Roads, with a second entrance existing from behind the existing CVS. (Pet. Ex. 1). A residential area exists behind the subject site on Bradbury Road, with the closest residential property being 111 ft. away from the borders of the subject site. This residential area is already shielded from the proposed site by existing trees to which the Petitioner intends to add additional landscaping and a screen wall. (Pet. Ex 1.) The Petition has proposed that the washing tunnel, dry lanes and self-service vacuum area all be enclosed in the proposed building to avoid noise from the car wash enterprise from escaping into the neighboring residential area. Additionally, the Petitioner has proposed a site design which allows for the ability to cue up to 26 cars, in excess of the required 19, to ensure that cars waiting to use the car wash will not interfere with traffic onto Painters Mill Road. The proposed site also

meets all applicable set-back requirements. Counsel for the Petitioner proffered that traffic expert, Mickey Cornelius had previously performed a traffic impact analysis for the relevant area and had concluded that all of the study intersections are currently operating with acceptable levels of service during the weekday morning and evening peak hours using both Baltimore County and Maryland Department of Transportation (“MDOT”) State Highway Administration (“SHA”) traffic operations criteria. It was also noted that the most intensive car wash patronage does not occur during peak hours. (Pet. Ex. 11)

The proposed site was the subject of prior Case No. 2022-0226 SPHX which was granted Special Exception relief for a Green Clean Auto Wash to operate in the same general location. (Pet. Ex. 6) Counsel for the Petitioner explained that the relief requested in the instant case is seeking to enlarge the special exception area, while details such as modes of ingress and egress have remained unchanged. Changes in the positioning of the car wash itself have also facilitated the request for additional variance relief.

BCZR §419.1 vs. BCZR §230.3

Prior to the hearing on this matter, the Office of People’s Counsel corresponded with the Office of the Administrative Hearings setting forth its arguments that BCZR §419.1 does not allow for a car wash in the proposed location in that the proposed site is not in a C.C.C., A.S. or I.M. overlay district.

BCZR §419.1 states the following:

Types permitted: “Roll-over, full service, and self-service car washes are permitted by special exception in the following districts: CR. (provided no part of the lot is in R.C.%), C.C.C., A.S., or I.M. (provided no part of the lot is in MR.R) Car washes are also permitted as a use in combination with a service station subject to the provisions of Section 405.

This section was enacted in 1993.

As argued by the Petitioner, BCZR §230.3 provides that car washes are permitted by special exception in the BL district without any limiting qualifications. This section was enacted in 1964 and amended in 1967.

In applying the “plain meaning rule” of statutory construction, (*see, i.e., Koyce v. State Cent. Collection Unit*, 289 Md. 134, 140 (1980) (when language is plain and unambiguous it should be given effect in accordance with the plain meaning of the words; there is no need to look beyond the language of the statute) when reading the language of BCZR §230.3 it is clear and unambiguous that car washes are allowed by special exception in the BL zone. Ambiguity is only created once this section is read in light of BCZR §419.1, creating the question as to whether §419.1 was meant to limit what has been deemed permissible in §230.3. Guidance in answering this question can be found in BCZR §253.2(D)(4) which was enacted in 2019 states the following regarding car washes by Special Exception in ML districts:

Car washes, provided that any such uses shall be located in either a Planned Industrial Park at least 25 acres in net area, in an I.M or A.S. District, or a combination of I.M. and A.S. District and **subject, further, to Section 419 . . .** (Emphasis added).

This section was enacted in 1993.

Additionally, BCZR §256.1(A)(1) states the following regarding permitted uses in M.H. zones:

Permitted Uses: Car wash in a planned industrial park only. Subject to **Section 419**. (Emphasis added).

This section was also enacted in 1993.

In contrast to the special exception language regarding car washes in a BL district, the County Council specifically added limiting language to §253.2(D)(4) and §256.1(A)(1), specifically referencing §419. Thus, illustrating the point that when enacting §419, the County

Council had the opportunity to amend §230.3 in order to make it subject to the further limitations of §419 but failed to do so. Additionally, the County Council did choose to include limiting language “subject to” to special exceptions for such things as Arcades and Automotive-service stations in a BL zone, which include provisions make these uses subject to provision of §423B and §405, respectively, further evidencing that if the County Council intended for car washes in a BL zone to be subject to the provisions of §419.1, they could have explicitly done so by including such language in §230.3. It is also important to note that in prior Case No. 2022-0226 SPHX the issue as to the applicability of §419.1 was not raised by People’s Counsel and the Petition for Special Exception for a car wash in that exact same location as in the instant case was granted. Consequently, for the reasons explained above, I find that the requirements of §419.1 do not apply to a special exception for a car wash in a BL zone and is inapplicable to the instant case.

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, 11 (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.

The record evidence establishes that this is such a case. As noted above, the site was the subject of prior Case No. 2022-0226 SPHX granting a Special Exception for car wash use. Consequently, the present sites compliance with the relevant requirements of BCZR §502.1 can be extrapolated through the doctrines of *res judicata* and *collateral estoppel*. Additionally, counsel for

the Petitioner proffered that Petitioner's expert, Ms. Kelly would confirm and testify that the proposed site would meet all requirements of BCZR §502.1. Finally, I find that the requested special exception is within the spirit and intent of the zoning regulations and that the proposed car wash will have no greater impacts at this location than those inherent to the use.

VARIANCES

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

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

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

Petitioner has requested variance relief from the BCZR, § 419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property; from BCZR § 419.4.B.3 to permit a landscaped transition area of 0 ft. in lieu of 6 ft. for side and rear yards abutting non-residentially zoned land; and if necessary, from BCZR § 419.4.B.3 to permit a landscaped transition area of 0 ft., in lieu of 10 ft. for a drive aisle serving the car wash that fronts a public right of way.

Having already being established in prior Case No. 2022-0226 SPHX, the doctrines of *res judicata* and *collateral estoppel* dictate that site is unique for purpose of the *Cromwell* Analysis. Additionally, counsel for the Petitioner proffered that an encroachment of the CVS property onto the subject site, as well as the fact that the existing drive aisle (Painters Mill Road) for entering the subject site previously established between the CVS property and the existing drainage easement spans from property line to property line, leaves no space for a landscape transition area. (Pet. Ex. 7) Additionally, the existence of an adjacent flood plain easement and forest buffer

easement, coupled with the goal of all entrance tunnels being screened from Reisterstown Road, makes the wash tunnels facing a residential zone unavoidable. It is noteworthy, that while the proposed wash tunnel faces a residential zone, it is completely screened from the view of any residential properties.

I also find that the Petitioner would experience a practical difficulty if these requests for variance relief were denied in that the site could not be used for the proposed purpose that otherwise complies with the spirit and intent of the zoning regulations.

In regards to Petitioner's requested variance relief from BCZR §419.4.B.3 to permit a landscaped transition area of 0 ft., in lieu of 10 ft. for a drive aisle serving the car wash that fronts a public right of way, I find that variance relief is unnecessary in that the area at issue constitutes a "required access drive" which is explicitly exempted from landscape transition area requirements.

THEREFORE, IT IS ORDERED this 24th day of **June 2024**, by this Administrative Law Judge, that the Petition for Special Exception filed pursuant to BCZR §230.3 to permit a car wash, be and is hereby **GRANTED** and;

IT IS FURTHER ORDERED, that a Petition for Variance filed from the BCZR, §419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, that the Petition for Variance from BCZR §419.4.B.3 to permit a landscaped transition area of 0 ft. in lieu of 6 ft. for side and rear yards abutting non-residentially zoned land, be and is hereby **GRANTED**, and;

IT IS FURTHER ORDERED, that variance relief from BCZR § 419.4.B.3 to permit a landscaped transition area of 0 ft., in lieu of 10 ft. for a drive aisle serving the car wash that fronts

a public right of way is **NOT REQUIRED**.

IT IS FURTHER, ORDERED that, pursuant to BCZR, §502.3, the Special Exception is valid for a period of five (5) years from the date of this Order is and be **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.
- Petitioners must comply with the DOP, DEPS, SHA and DPR comments, copies of which are attached hereto and made a part hereof.

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



ANDREW M. BELT
Administrative Law Judge
for Baltimore County

AMB:dlm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 5/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0103-XA

INFORMATION:

Property Address: 10123 Reisterstown Road, Owings Mills, MD 21117

Petitioner: Nicolett K. Zizos

Zoning: BL

Requested Action: Variance

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

Variance -

1. From Section 419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property.
2. If necessary, a variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 10 feet for a drive aisle serving the car wash that fronts a public right-of-way.
3. Variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 6 feet for side and rear yards abutting non residentially zoned land.

The proposed site is approximately a 3.58 acre property zoned BL. The site has numerous previous Zoning cases, specifically Case No. 86-1-SPH for rezoning of the property to BL and Case No. 2022-0226-SPHX a special exception request to permit a car wash in a BL zone per Baltimore Zoning Code Section 236.2 & 419.1 and to allow the exit of a car wash tunnel to be 250 feet away from a residentially zoned property per Baltimore Zoning Code Section 419.B.1 which were all granted.

The site is located off Reisterstown Rd and part of the Painters Mill Place. The proposed use is a Green Clean Car Wash. Adjacent properties include a stormwater management facility, a CVS, a proposed retail building and related parking area, the rear of residential properties along Bradbury Rd, the side of a residential property along St Thomas Ln, and an undeveloped residentially zoned property.

The site is located within the boundaries of the Master Plan 2020 Owings Mills Growth Area, the Rosewood Institutional Educational Center Plan, and the Western Baltimore County Pedestrian and Bicycle Access Plan.

The subject property is currently a vacant commercial property zoned BL. The requested zoning relief, as said in above request, helps achieve the desired site design for the previously approved special exception car wash use. The petitioner would like to apply for relief from landscaping and RTA buffer setback requirements as well as for the location of the car wash entrance and exit tunnel facing a residentially

zoned property. Planning recognizes that the proposed use is not ideal for this location, but the site design limits its impacts on the surrounding properties to the extent possible. The site circulation has improved and the dumpster location has been relocated away from the residential properties and screened as to not be a visual nuisance.

Planning also expressed concerns over the proposed traffic circulation in and out of the car wash. The original site plan had the exit of the car wash leading directly into the parking lot and potentially into cars circulating towards the entrance of the car wash. The revised site plan addresses these concerns by closing off the exit of the car wash into the parking lot. Instead, cars exiting the car wash must make a right turn back into the car wash area first.

The Department of Planning has no objection to the requested relief conditioned upon the following:

1. Provide architectural elevations to the Department of Planning for review and approval prior to approval of any permits.
2. Provide all proposed signage to the Department of Planning for review and approval. All Signage must comply with section 450 of the Baltimore County Zoning Regulations.
3. Provide dumpster details. The materials of the proposed dumpster enclosure should match the principal structure.
4. Coordinate with the Baltimore County Landscape Architect to comply with any additional landscaping requirements.
5. Any additional conditions set forth by the Administrative Law Judge.

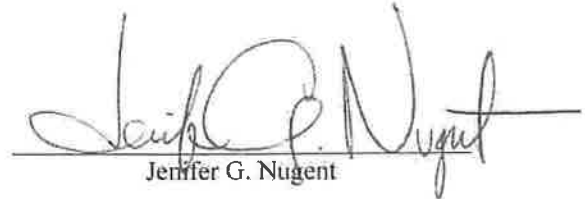
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

Christopher D. Mudd
Sydnie Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0103-XA
Address: 10123 REISTERSTOWN RD
Legal Owner: CDN Limited Partnership

Zoning Advisory Committee Meeting of May 7, 2023.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The limit of disturbance for the car wash cannot extend into the Forest Buffer and Forest Conservation Easement.

Reviewer: Glenn Shaffer



STATE HIGHWAY
ADMINISTRATION

Wes Moore
Governor
Aruna Miller
Lieutenant Governor
Paul J. Wiedefeld
Secretary
William Pines, P.E.
Administrator

May 13, 2024

Ms. Kristen Lewis
Baltimore County Department of
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the Site Plan for the proposed Car Wash as part of Painter's Mill Place at **10231 Reisterstown Road**, MD 140 in Baltimore County. The State Highway Administration (SHA) has reviewed the plan for the project listed below and is pleased to respond:

Painters Mill Place
10231 Reisterstown Rd, MD 140
County Number 2024-103-XA
Baltimore County

While SHA has no objection to the reasons for the variance to the site plan, we have in previous letters requested a Traffic Impact Study for the proposed Retail and Car Wash portion of this site to determine the impacts on the roadway network. To date, we have not received the requested study. Upon approval of a Traffic Study, MDOT SHA will require an Access Permit Plans if improvements are needed to the State Highway System. **Until that study is submitted and approved, MDOT SHA request that the county not issue any building permits for the site improvements including the car wash. The TIS submission must be made through the MDOT SHA Salesforce electronic submission portal located at:** <https://mdotsha.force.com/accesspermit/login?ec=302&inst=4v&startURL=%2Faccesspermit>. **Additionally, it appears the address may be incorrect on this plan. All other plans for this site have been 10231 Reisterstown Rd.** Should you have any questions regarding the submittal process feel free to contact Ms. Teresa Eller at 410-229-2424 or 1-866-998-0367 (in Maryland only) extension 2424, or by email at (telier@mdot.maryland.gov).

Sincerely,

Teresa Eller, for

Claudine Myers
Acting Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0103-XA

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

DPR: Petitioner's attorney advised that additional zoning relief may be necessary. Floodplain study must be submitted before DPR can approve building permit(s).

DPW-T: A.) The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

B.) A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

Landscaping: If Special Exception is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Recreations & Parks: No Greenways affected.



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 10123 Reisterstown Road, Owings Mills, MD Currently Zoned BL
Deed Reference 31861 / 00303 10 Digit Tax Account # 0413056820
Owner(s) Printed Name(s) CDN Limited Partnership

(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
Special exception pursuant to BCZR Section 230.3 to permit a car wash

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

See attached sheet.

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:

Flagship Acquisition, LLC by George Alexandris

Name - Type or Print

Signature

2 Mid America Plaza, Suite 450, Oakbrook Terrace, IL

Mailing Address City State

60181 423.774.5777 galexandris@spotlessbrands.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

CDN Limited Partnership

Name #1 - Type or Print

Signature #1

P.O. Box 4833, Lutherville, MD

Mailing Address

21094

Zip Code

410-245-7571

Telephone #'s (Cell and Home)

City

Nikki0031@gmail.com

Email Address

Attorney for Petitioner:

Christopher D. Mudd

Name - Type or Print

Signature

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

Mailing Address City State

21204 410.494.6365 CDMudd@Venable.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Case Number 2024-0103-XA Filing Date 4/18/2024 Do Not Schedule Dates Reviewer msk

3. A Variance from Section(s)

- a. Variance from Section 419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property.
- b. If necessary, a variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 10 feet for a drive aisle serving the car wash that fronts a public right-of-way.
- c. Variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 6 feet for side and rear yards abutting nonresidentially zoned land.

**DESCRIPTION OF
SPECIAL EXCEPTION AREA
ON THE LANDS OF
CDN HOLDINGS LLC AND CDN LIMITED PARTNERSHIP
4th ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND**

All of that certain tracts or parcels of land situate in the 4th Election District of Baltimore County, Maryland being in the names of CDN Holdings LLC, recorded in Liber 37893, Folio 417, CDN Holdings LLC, recorded in Liber 33421, Folio 277, and CDN Limited Partnership, recorded in Liber 31861, Folio 303

Beginning at a point on the easterly right-of-way of Reisterstown Road, Maryland Route 140 as shown on SHA Plat 59561 at 79.34 feet perpendicular to the centerline of Reisterstown Road at station 367+79.49, said point being the southwest corner of the lands of CDN Holdings LLC as recorded in Liber 37288, Folio 364 (Third). Thence departing said right-of-way of Reisterstown Road and through the lands of CDN Holdings LLC, Liber 37893, Folio 417 and Liber 33421, Folio 277, the following eight (8) courses and distances;

1. North 41°33'35" East, 182.11 feet to a point; thence
2. South 86°40'19" East, 8.08 feet to a point; thence
3. North 42°00'00" East, 18.09 feet to a point; thence
4. North 31°14'19" East, 24.10 feet to a point; thence
5. North 42°00'00" East, 16.36 feet to a point; thence
6. North 48°07'25" West, 59.46 feet to a point; thence
7. North 39°38'30" West, 43.70 feet to a point; thence
8. North 48°00'00" West, 31.65 feet to a point on the southerly boundary line of Lot 9, Dunbar, Section 1, Block B, recorded in Plat Book 20, Page 22, thence with the southerly line of Lots 9, 10, 11, 12 of Dunbar, Section 1, Block B;
9. North 41°33'35" East, 375.54 feet to a point, said point being the southerly corner of Lot 13, Dunbar, Section 2, Block B, recorded in Plat Book 20, Page 148, thence with the westerly lines of Lots 14 and 15 of Dunbar, Section 2, Block B and continuing with the westerly line of Michael Onyeje & Chinasa Onyeje, as recorded in Liber 21579, Folio 716, the following two (2) courses and distances;
10. South 48°26'25" East, 264.00 feet to a point; thence
11. South 48°51'51" East, 69.30 feet to a point, said point being the northeastern corner of the lands of 1920 Clarendon LLC, as recorded in Liber 41589, Folio 43, thence departing said westerly line of Onyeje and with the northerly line of 1920 Clarendon LLC;
12. South 41°50'05" West, 451.55 feet to a point; thence departing said lands of 1920 Clarendon LLC and through the lands of CDN Limited Partnership, recorded in Liber 31861, Folio 303 and continuing through the lands of CDN Holdings LLC, recorded in Liber 37893, Folio 417;
13. North 48°00'00" West, 146.77 feet to a point in the lands of CDN Holdings LLC, thence continuing through the lands of CDN Holdings, the following two (2) courses and distances;
14. South 42°00'00" West, 30.44 feet to a point; thence

15. South 41°31'45" West, 147.73 feet to a point; said point being on the easterly line of Reisterstown Road;
16. North 48°25'51" West, 52.22 to the **POINT OF BEGINNING**, and
Containing **149,342 Square Feet or 3.4284 Acres** of land.

The undersigned, being a licensed surveyor, personally prepared or was in responsible charge of the preparation of this metes and bounds description, or the accompanying sketch and the survey work reflected in it, and is in compliance with the requirements set forth in COMAR Title 09, Subtitle 13, Chapter 06, Regulation .12 of the Minimum Practice for Land Surveyors, as to the establishment of easement lines.

Tristan Stewart

04/12/2024

Bowman Consulting Group

Date:

By: Tristan Stewart

Professional Land Surveyor

Maryland Registration No. 21306

License Renewal Date: 06/26/24



2024-0103-XA



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353
WWW.BALTIMORECOUNTYMD.GO
V

Cashier: Mitchell K.
15-Apr-2024 12:51:19P

Transaction **102247**
1 Petition Before ALJ \$1,000.00

Total **\$1,000.00**

CREDIT CARD SALE \$1,000.00
MASTERCARD 3878

Retain this copy for statement
validation

Station: Permit Processing - Mini

15-Apr-2024 12:51:44P
\$1,000.00 | Method: EMV
MASTERCARD
XXXXXXXXXXXX3878
LEE MAY
Reference ID: 410600559157
Auth ID: 083635
MID: *****2995
AID: A0000000041010
AthNtwkNm: MASTERCARD
SIGNATURE

Clover ID: P6ZVXFV79K6Q2
Payment P747B011M1JZR

Clover Privacy Policy
<https://clover.com/privacy>

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: 2024-0103-XA

Property Address: 10123 Reisterstown Road, Owings Mills, MD

Legal Owners (Petitioners): CDN Limited Partnership, P.O. Box 4833, Lutherville, MD 21094

Contract Purchaser/Lessee: Flagship Acquisition, LLC, 2 Mid America Plaza, Suite 450, Oakbrook Terrace, IL

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Flagship Acquisition, LLC c/o Lee May

Address: 950 Herndon Parkway, Suite 400
Herndon, VA 20170
via email (preferred for quicker payment): LMay@SpotlessBrands.com

Telephone Number: 301.651.9998

*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.



Zoning Review
Department of Permits, Approvals and Inspections
Baltimore County Office Building
Towson, MD 21204

Special Exception & Variances for
Flagship Acquisition, LLC
10123 Reisterstown Road, Owings Mills, MD

ZONING CHECKLIST

PART I: NON-RESIDENTIAL BUILDING PERMITS AND/OR
PART II: ZONING PUBLIC HEARING APPLICATIONS

PART I

Please be aware that this checklist is for your information only and
it is not intended to offer, or to be considered, legal advice.

Revised 5/2023

=====

This checklist is a guide in preparing plans and information for building permit (PART I) and/or zoning public hearing (PARTS I and II) applications. Ten (10) copies of the site plan must accompany an application for a building permit, while for zoning hearings four (4) and one (1) PDF. TO AVOID TIME-CONSUMING AND COSTLY DELAYS, ALL CHECKLIST INFORMATION MUST BE INCLUDED ON THE PLAN AND/OR IN THE HEARING APPLICATION.

1. ☒ NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, ZONING MAP NUMBER(S) AND TITLE PLAN "PLAN TO ACCOMPANY _____ PERMIT", (OR HEARING TYPE(S) AS APPLICABLE) AND THE DATE. Zoning Hearing Plans and Descriptions must be sealed by a MD registered Professional Engineer, Surveyor or Landscape Architect.
2. ☒ SCALE OF DRAWING: Use Engineers Scale of 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'. If acreage exceeds 40 acres, use 1" = 100' scale.
3. ☒ OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances, gross and net area (acres and square feet) of parcel(s). This also applies to zoning hearing areas on the site with the POB and intersecting street name and distance shown and matching the sealed zoning description(s) required for all zoning hearing applications.
4. ☒ VICINITY MAP: A vicinity map must be included on all site plans with the scales of 1" = 200', 1" = 500', or 1" = 1,000' WITH THE SITE AND HEARING LOCATIONS CLEARLY AND ACCURATELY OUTLINED AND LABELED.
5. ☒ PREVIOUS COMMERCIAL PERMIT: Number(s) and the work on the same property and the approximate date of the last improvement listed on the plan or if very old, age of building and parking spaces.

2024-0103-XA

6. X ZONING HEARINGS, CRG, DRC, WAIVERS: The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed in detail on the plan. List any CRG, DRC, or waiver approval dates and file numbers and dates on the plan, along with the type granted. Also reference any authorized changes on a previously approved plan. State if or not the property is under active zoning violation(s), state the reason for citation, and add the case number and the inspectors name.
7. X ZONING: Zone lines on and adjacent to the site must be clearly shown and labeled on the plan. Copies of the GIS zoning map may be obtained from PAI, room 124, County Office Building.
8. X OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including tax account number (10 digits), deed reference numbers, lot numbers, and subdivision name.
9. X LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. For hearing plans, match it to zoning description.
10. X STREETS, WIDENING, RIGHT-OF-WAY, EASEMENTS: Include all existing public boundary streets with the existing right-of-way width and paving width. ALSO INCLUDE ANY RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE OF MARYLAND. Include any existing or proposed easements or right(s)-of-way and indicate public or private. (For Baltimore County roads, Room 200 and Room 206, County Office Building; State Highways: phone number (410-545-5600).)
11. X USES, BUILDINGS: Existing location and proposed use of all buildings (or additions) and property, show building locations, orientations and uses on adjacent properties. Note height and number of stories.
12. X DIMENSIONS, SETBACKS: Dimensions and orientation of buildings and setbacks from property lines, include all setbacks between buildings.
13. X STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setbacks an BL, BM, and BR zones per Section 303.2, BCZR, and Policy 3-2.1. Also see average setback requirements if in a CR District in 259.3.C.2.
14. X ENTRANCES: Location and width of existing and/or proposed entrances (traffic channelization) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/R ties. (For County requirements, Developers Engineering at 887-3751 or State Highways at 410-545-5600.)
15. X SIGNS: All existing and proposed, location, height, square footage, illumination, setback from existing or proposed right-of-way, and note if single or double-faced. See Permit Drawing/Detail Checklist on the County Website at the Zoning Forms Summary under Permits, Approvals and Inspections. Note all signs will comply with Section 450 BCZR or list the required relief and BCZR Section references for the zoning hearing.
16. X UTILITIES: Show location and size of public utilities and the right-of-way both adjacent to and on-site. In the event that no public water or sewer exist, the means for providing proper well and septic system must be indicated. (Public utilities, room 206, County Office Building.)
17. X FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property and the 100-year floodplain, if any. State flood plain status.
18. X FLOOR AREA, GROSS (Floor Area Ratio) CALCULATIONS: (Used for parking calculations.) The floor area ratio is the total gross floor area of all the floor areas of all the buildings on a site, divided by the gross site area. The gross site area includes up to one-half of the boundary streets to which the property has right of access, up to a maximum of 30 feet.
19. X HEIGHT DETERMINATION: Tent must be included for buildings above 40 feet (see Section 231, BCZR). Where a building height determination is required and Section 231 does not apply, use Zoning Policy 1-8 and show a scaled detailed drawing on the plan.

20. NA AMENITY OPEN SPACE (AOS): Location and square foot calculations in the following zones: R.A.E.-1, R.A.E.-2, R.O., OR-1, OR-2, O.T., S-E, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., B.R.-C.C.C., and B.R.-C.T. The qualifying AOS areas within the net lot area must be shaded, dimensioned and separate areas subtotaled in square feet on the plan print and included in the AOS calculations in the notes.
21. X FIRE HYDRANTS: Location of fire hydrants and distance to the property.
22. X SITE PLANS: Must be trimmed to a neat 8-1/2" x 11" or, where larger prints are necessary, they shall be folded to that size with the title block showing. THEY MUST BE LEGIBLE. AND NO LARGER THAN 24" X 36" (unless authorized by the intake review Planner).
23. X REQUIRED OFF-STREET PARKING AND CALCULATIONS: On the site plan for all uses on the property pursuant to Section 409, BCZR, and the attached standards and samples.
24. X SPECIAL USE REQUIREMENTS: Must show compliance on the plan with the applicable zoning regulations and BCZR Sections, to include, but not limited to the following: Farm and agricultural operations (S. 404); waterfront construction/facilities (S. 417); car wash (S. 419 and 409.10); amusement devices (S. 422 and 423); child care (S. 424); assisted living (S. 432); truck facilities (S. 410, also see online checklist.); service stations (S. 405); damaged or disabled vehicles and parts (S. 405.A); uses with automotive stacking such as banks, drive-through restaurants, etc. (S. 409.10); business / industrial parking in a residential zone (S. 409.8.B.2); In DR zones, RTA requirements (1B01.1.B.1).
25. X BASIC SERVICES MAPS: State if the site is, or is not, in any failed Basic Services Map areas. If in a failed area, identify it and state what action is being taken to resolve the issue.
26. NA ZERO SETBACK BUILDINGS: Must meet building code, as well as fire code requirements, with regard to type of construction, windows, etc.
27. ____ FEES: For the permit filing fees contact Permits and Licenses at (410-887-3900). For all required development review fees contact Development Management at (410-887- 3335). Zoning Hearing fees vary; contact Zoning Review at (410-887-3391) to confirm filing costs.

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None
Account Identifier: District - 04 Account Number - 0413056820

Owner Information

Owner Name: CDN LIMITED PARTNERSHIP Use: COMMERCIAL
Principal Residence: NO
Mailing Address: PO BOX 4833 Deed Reference: /31861/ 00303
LUTHERVILLE MD 21094-

Location & Structure Information

Premises Address: 10123 REISTERSTOWN RD Legal Description: 1.2253 AC ES
0-0000 REISTERSTOWN RD
SE COR PAINTERS MILL

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0058	0022	0006	20000.04	0000				2023	Plat Ref:

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
5005			1.2253 AC	16

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

/

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2023	As of 07/01/2023	As of 07/01/2024
Land:	196,000	196,000		
Improvements	19,100	20,100		
Total:	215,100	216,100	215,433	215,767
Preferential Land:	0	0		

Transfer Information

Seller: REGAL SAVINGS & LOAN ASSOC	Date: 03/26/2012	Price: \$1,000,000
Type: ARMS LENGTH MULTIPLE	Deed1: /31861/ 00303	Deed2:
Seller: MCCOMAS MYLES R	Date: 07/23/1973	Price: \$60,000
Type: ARMS LENGTH IMPROVED	Deed1: /05378/ 00861	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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

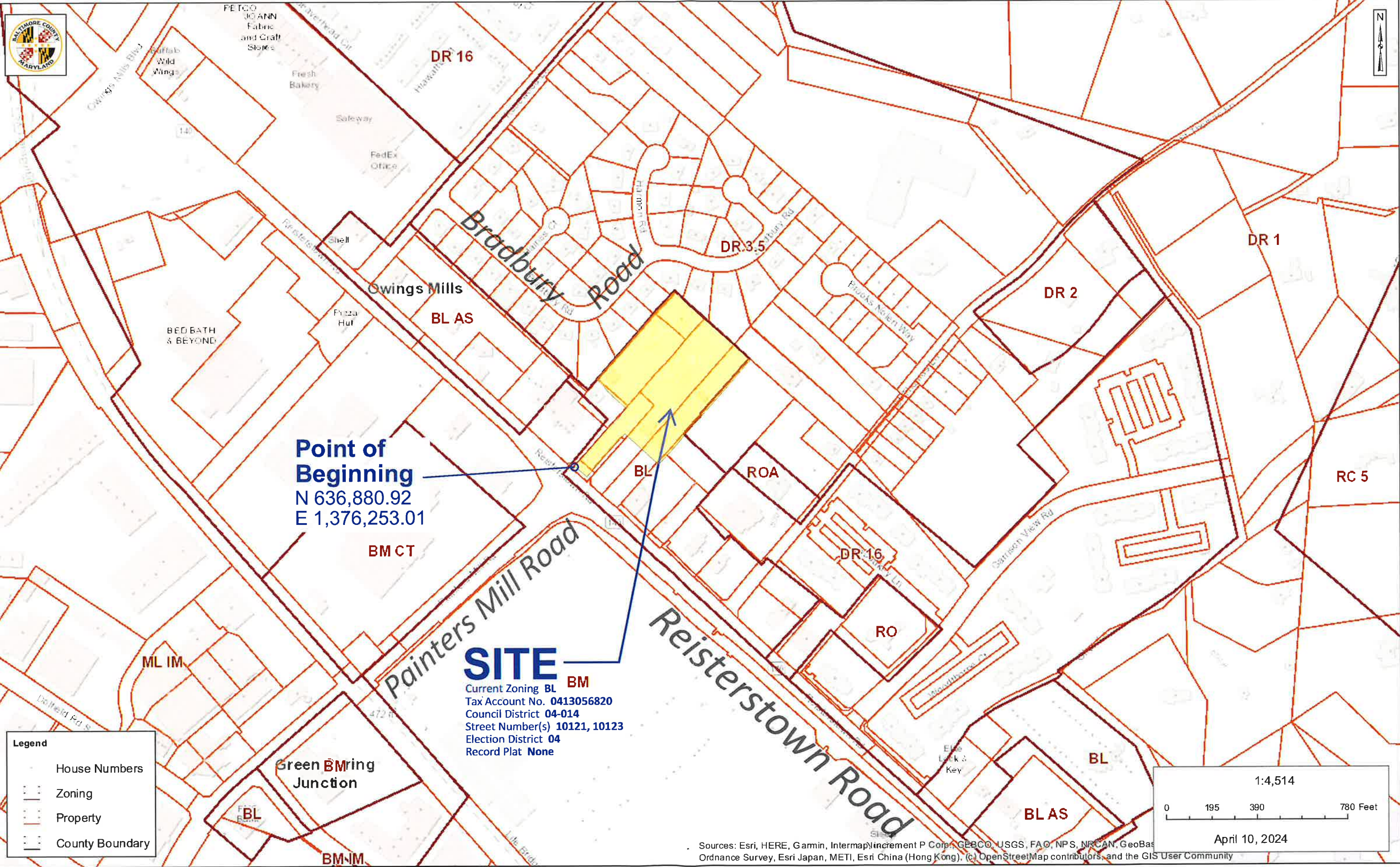
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0103-XA

Baltimore County - My Neighborhood



May 13, 2024

Ms. Kristen Lewis
Baltimore County Department of
Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

We have reviewed the Site Plan for the proposed Car Wash as part of Painter's Mill Place at **10231 Reisterstown Road**, MD 140 in Baltimore County. The State Highway Administration (SHA) has reviewed the plan for the project listed below and is pleased to respond:

Painters Mill Place
10231 Reisterstown Rd, MD 140
County Number 2024-103-XA
Baltimore County

While SHA has no objection to the reasons for the variance to the site plan, we have in previous letters requested a Traffic Impact Study for the proposed Retail and Car Wash portion of this site to determine the impacts on the roadway network. To date, we have not received the requested study. Upon approval of a Traffic Study, MDOT SHA will require an Access Permit Plans if improvements are needed to the State Highway System. **Until that study is submitted and approved, MDOT SHA request that the county not issue any building permits for the site improvements including the car wash. The TIS submission must be made through the MDOT SHA Salesforce electronic submission portal located at:** <https://mdotsha.force.com/accesspermit/login?ec=302&inst=4v&startURL=%2Faccesspermit> . **Additionally, it appears the address may be incorrect on this plan. All other plans for this site have been 10231 Reisterstown Rd.** Should you have any questions regarding the submittal process feel free to contact Ms. Teresa Eller at 410-229-2424 or 1-866-998-0367 (in Maryland only) extension 2424, or by email at (teller@mdot.maryland.gov).

Sincerely,

Teresa Eller, for

Claudine Myers
Acting Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: May 7, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0103-XA
Address: 10123 REISTERSTOWN RD
Legal Owner: CDN Limited Partnership

Zoning Advisory Committee Meeting of May 7, 2023.

- X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:
- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

Additional Comments:

The limit of disturbance for the car wash cannot extend into the Forest Buffer and Forest Conservation Easement.

Reviewer: Glenn Shaffer

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: May 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0103-XA

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

DPR: Petitioner's attorney advised that additional zoning relief may be necessary. Floodplain study must be submitted before DPR can approve building permit(s).

DPW-T: A.) The property is located within non-tidal (riverine), Special Flood Hazard Area. Current Baltimore County Code prohibits development within a non-tidal special flood hazard area. The 2015 Baltimore County Building Code Part 125.1 states "No new Buildings or Additions shall be constructed in any riverine floodplain."

B.) A riverine flood plain that meets the qualifications of a Baltimore County flows overland on the property. Based on Baltimore County Code, development in a riverine flood plain is prohibited. A riverine flood study based on ultimate land use conditions according to the Department of Permits, Approvals and Inspections Bureau of Development Plans Review (DPR) Policy Manual and DPWT Design Manual must be submitted and "Accepted for Filing" by DPR before the approval of the Variance for the addition. The proposed addition must also meet DPWT Design Manual Plate DF-1.

Landscaping: If Special Exception is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

Recreations & Parks: No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 5/13/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2024-0103-XA

INFORMATION:

Property Address: 10123 Reisterstown Road, Owings Mills, MD 21117

Petitioner: Nicolett K. Zizos

Zoning: BL

Requested Action: Variance

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

Variance -

1. From Section 419.4.B.1 to permit the tunnel entrance and exit of a car wash operation to face an adjacent residentially zoned property.
2. If necessary, a variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 10 feet for a drive aisle serving the car wash that fronts a public right-of-way.
3. Variance from Section 419.4.B.3 to permit a landscaped transition area of 0 feet, in lieu of 6 feet for side and rear yards abutting non residentially zoned land.

The proposed site is approximately a 3.58 acre property zoned BL. The site has numerous previous Zoning cases, specifically Case No. 86-1-SPH for rezoning of the property to BL and Case No. 2022-0226-SPHX a special exception request to permit a car wash in a BL zone per Baltimore Zoning Code Section 236.2 & 419.1 and to allow the exit of a car wash tunnel to be 250 feet away from a residentially zoned property per Baltimore Zoning Code Section 419.B.1 which were all granted.

The site is located off Reisterstown Rd and part of the Painters Mill Place. The proposed use is a Green Clean Car Wash. Adjacent properties include a stormwater management facility, a CVS, a proposed retail building and related parking area, the rear of residential properties along Bradbury Rd, the side of a residential property along St Thomas Ln, and an undeveloped residentially zoned property.

The site is located within the boundaries of the Master Plan 2020 Owings Mills Growth Area, the Rosewood Institutional Educational Center Plan, and the Western Baltimore County Pedestrian and Bicycle Access Plan.

The subject property is currently a vacant commercial property zoned BL. The requested zoning relief, as said in above request, helps achieve the desired site design for the previously approved special exception car wash use. The petitioner would like to apply for relief from landscaping and RTA buffer setback requirements as well as for the location of the car wash entrance and exit tunnel facing a residentially

zoned property. Planning recognizes that the proposed use is not ideal for this location, but the site design limits its impacts on the surrounding properties to the extent possible. The site circulation has improved and the dumpster location has been relocated away from the residential properties and screened as to not be a visual nuisance.

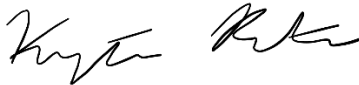
Planning also expressed concerns over the proposed traffic circulation in and out of the car wash. The original site plan had the exit of the car wash leading directly into the parking lot and potentially into cars circulating towards the entrance of the car wash. The revised site plan addresses these concerns by closing off the exit of the car wash into the parking lot. Instead, cars exiting the car wash must make a right turn back into the car wash area first.

The Department of Planning has no objection to the requested relief conditioned upon the following:

1. Provide architectural elevations to the Department of Planning for review and approval prior to approval of any permits.
2. Provide all proposed signage to the Department of Planning for review and approval. All Signage must comply with section 450 of the Baltimore County Zoning Regulations.
3. Provide dumpster details. The materials of the proposed dumpster enclosure should match the principal structure.
4. Coordinate with the Baltimore County Landscape Architect to comply with any additional landscaping requirements.
5. Any additional conditions set forth by the Administrative Law Judge.

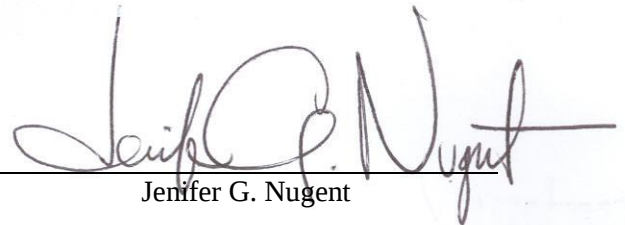
For further information concerning the matters stated herein, please contact Brett M. Williams at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jennifer G. Nugent

SL/JGN/KP

Christopher D. Mudd
Sydney Cooper, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

CERTIFICATE OF POSTING

2024-0103-XA

RE: Case No.: _____

Petitioner/Developer: _____

CDN Limited Partnership

Flagship Acquisition, LLC

June 17, 2024

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: Jeff Perlow:

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:

10123 Reisterstown Road ***SIGN 1A & 1B***

May 27, 2024

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

Sincerely,

May 27, 2024

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

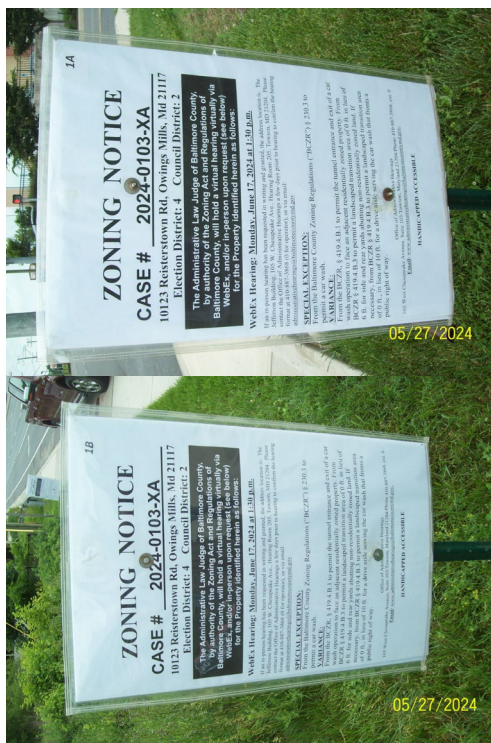
(Address)

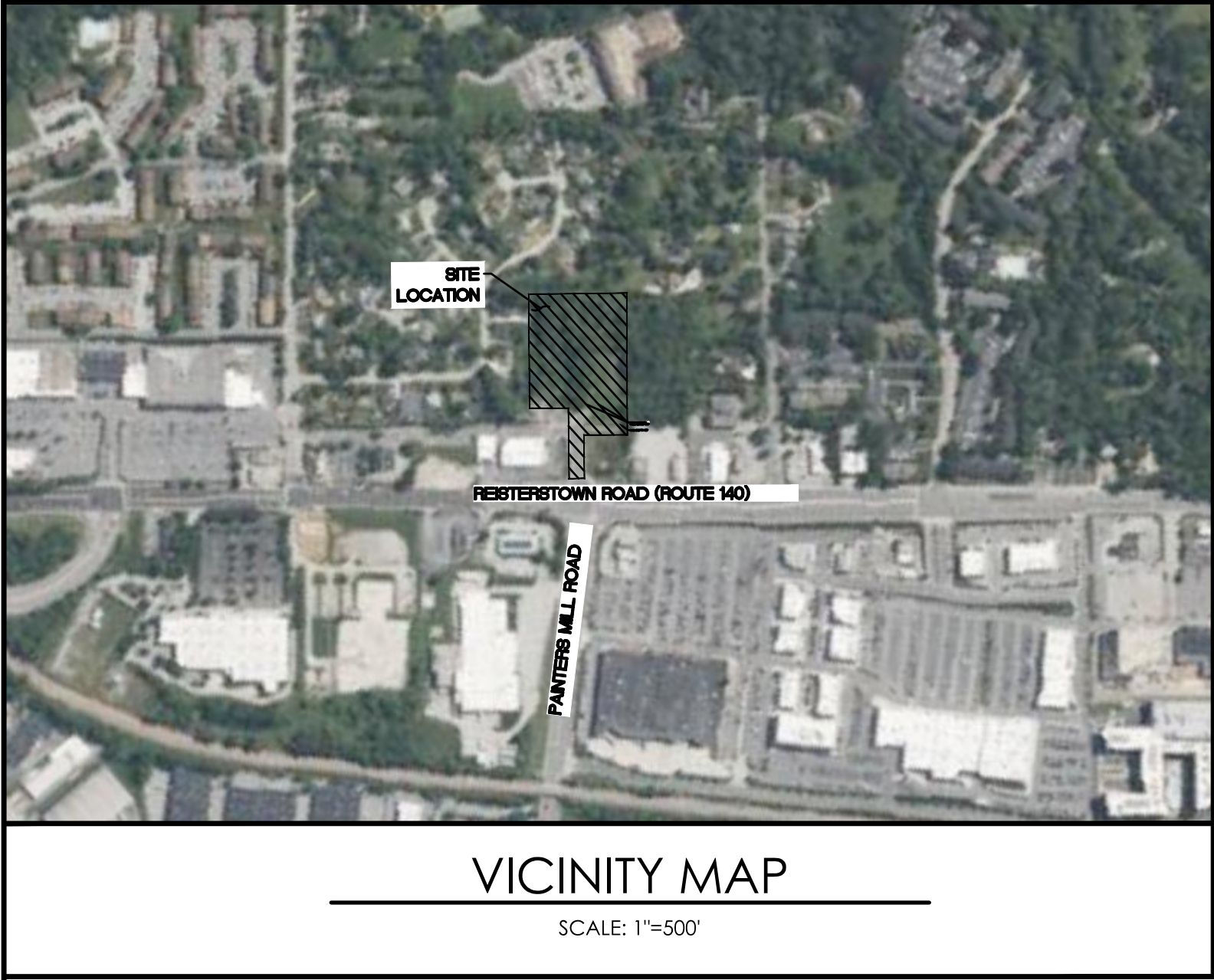
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





VICINITY MAP

SCALE: 1"=500'

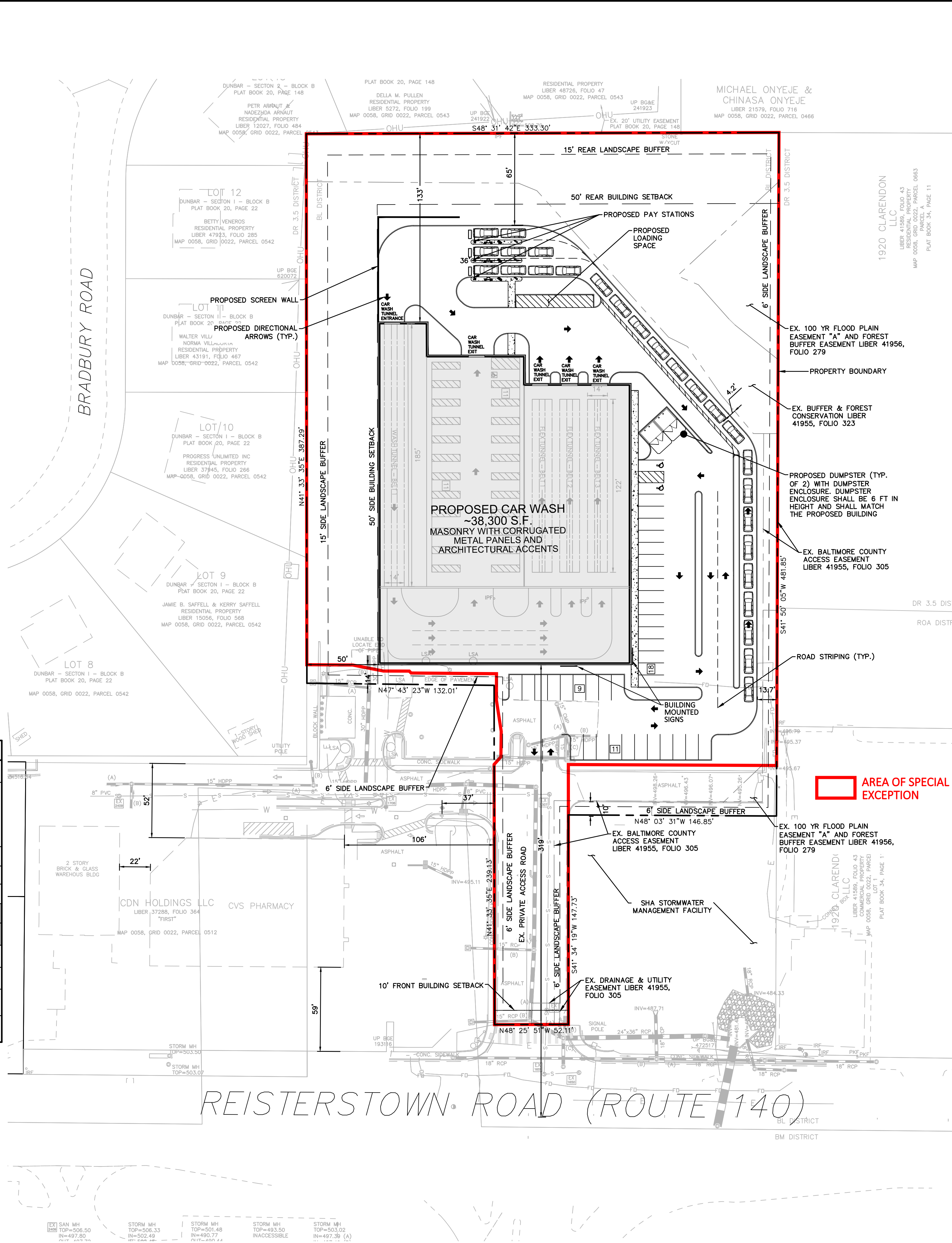
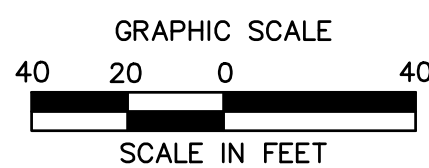
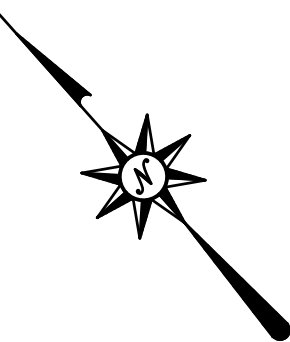
ZONING INFORMATION

LOCATION: 10123 REISTERSTOWN ROAD, OWINGS MILL, BALTIMORE COUNTY				
ZONE: BL (BUSINESS LOCAL)				
USE: CAR WASH (SPECIAL EXCEPTION)				
ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	MINIMUM LOT AREA	NONE REQUIRED	156,218 S.F. (3.58 AC.)	NO
2	MINIMUM LOT WIDTH	NONE REQUIRED	333 FEET	NO
3	MINIMUM LOT FRONTAGE	NONE REQUIRED	389 FEET	NO
4	MINIMUM FRONT SETBACK	10 FEET	13.7 FEET	NO
5	MINIMUM SIDE SETBACK	50 FEET (RESIDENTIAL ABUTTERS)	50 FEET	NO
6	MINIMUM REAR SETBACK	50 FEET (RESIDENTIAL ABUTTERS)	133 FEET	NO
7	MAXIMUM BUILDING HEIGHT	40 FEET + TENT HEIGHT (UP TO 100 FEET)	36 FEET	NO
10	MINIMUM BUILDING FAR	4.0	0.08	NO

PARKING INFORMATION

ITEM #	ITEM	REQUIREMENTS	PROPOSED	VARIANCE
1	BUILDING SIZE	NONE REQUIRED	38,300 S.F.	NO
2	PARKING REQUIRED	STACKING SPACES: 19 PER FULL SERVICE CARWASH TUNNEL DRYING SPACES. 6 PER FULL SERVICE CARWASH TUNNEL VACUUM SPACES: ONE PER VACUUM UNIT ADDITIONAL SPACES. 4 AT FULL SERVICE CARWASH	26 STACKING SPACES 22 DRYING SPACES 22 VACUUM SPACES 32 ADDITIONAL SPACES	NO
3	MINIMUM ADA PARKING SPACES REQUIRED	2 SPACE	3 SPACES	NO
4	MINIMUM PARKING DIMENSIONS	8.5 FEET X 18 FEET	9 FEET X 18 FEET	NO
5	MINIMUM PARKING AISLE WIDTH	22 FEET - 2-WAY	24 FEET - 2-WAY	NO
6	MINIMUM FRONT LANDSCAPE AREA	10 FEET	0 FEET*	YES
7	MINIMUM SIDE LANDSCAPE AREA	6 FEET (COMMERCIAL ABUTTER) 15 FEET (RESIDENTIAL ABUTTER)	0 FEET COMMERCIAL* 15 FEET RESIDENTIAL	YES
8	MINIMUM REAR LANDSCAPE AREA	6 FEET (COMMERCIAL ABUTTER) 15 FEET (RESIDENTIAL ABUTTER)	65 FEET	NO
9	MINIMUM PLANTING REQUIREMENTS FOR ADJACENT ROADWAYS	ONE PU (PLANTING UNIT) PER 40 L.F. OF ADJACENT ROADWAY	TBD	NO
10	MINIMUM PERIMETER SCREENING FOR CAR WASHES	ONE PU PER 20 L.F. OF PAVING PERIMETER	TBD	NO
11	MINIMUM INTERIOR LANDSCAPING	7% OF PARKING LOT AREA FOR INTERIOR LANDSCAPING ~690 S.F.	~2008 S.F.	NO

*EXISTING NONCONFORMANCE



LEGEND

PROPERTY LINE	---
EXISTING EASEMENT LINE	---
LANDSCAPE BUFFER	---
BUILDING SETBACK LINE	---
PROPOSED CURB	---
STRIPING	---
SIGN	---

GENERAL NOTES

- EXISTING CONDITIONS IS BASED ON THE TOPOGRAPHIC SURVEY ON THE LANDS OF CDN HOLDINGS, LLC DATED MARCH 2024 AND PREPARED BY BOWMAN.
- PROPERTY OWNER: CDN LIMITED PARTNERSHIP
- PARCELS:
 - 10123 REISTERSTOWN RD
PARCEL: 0373, TAX MAP: 0058, GRID: 0022
LIBER: 318161, FOLIO: 303
 - 10121 REISTERSTOWN RD
PARCEL: 0006, TAX MAP: 0058, GRID: 0022
LIBER: 3181, FOLIO: 303
 - PARCEL: 0430, TAX MAP: 0058, GRID: 0022
LIBER: 33421, FOLIO: 277
 - PARCEL: 0430, TAX MAP: 0058, GRID: 0022
LIBER: 37893, FOLIO: 417
 - PARCEL: 0726, TAX MAP: 0058, GRID: 0022
LIBER: 33421, FOLIO: 277
- GROSS AREA=NET AREA=3.58 ACRE
- BUILDING AREA=38,300 S.F.
- UTILITIES: PUBLIC WATER AND PUBLIC SEWER
- THE SITE IS NOT LOCATED IN A 100-YR FLOOD PLAIN (PER FEMA MAP #2400102200). THE SITE IS WITHIN A ZONE X FLOOD ZONE (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR BALTIMORE COUNTY, MARYLAND, MAP NUMBER 2400102200, MAP REVISED DATE AUGUST 2, 2011.
- PARKING CALCULATIONS
 - STACKING SPACES FOR FULL SERVICE CARWASH
 - REQUIRED: 19 SPACES
 - PROVIDED: 26 SPACES
 - VACUUM SPACES
 - REQUIRED: 1 SPACE PER VACUUM CLEANER UNIT (22 VACUUM CLEANER UNITS)
 - PROVIDED: 22 SPACES
 - ADDITIONAL PARKING SPACES
 - REQUIRED: 4 SPACES
 - PROVIDED: 32 SPACES
 - SPACES TO DRY VEHICLES
 - REQUIRED: 6 SPACES
 - PROVIDED: 6 SPACES
- SETBACKS:

	REQUIRED	PROVIDED
FRONT	10'	254'
SIDE	50'	50'
	(ABUTS RESIDENTIAL)	(ABUTS RESIDENTIAL)
REAR	50'	133'
	(ABUTS RESIDENTIAL)	(ABUTS RESIDENTIAL)
- HEIGHT OF STRUCTURE
MAXIMUM PERMITTED: 40'
PROPOSED: 40'
- DEED REFERENCE: 31861/00303
- PROPERTY ZONED: BL (BUSINESS LOCAL)
- ZONING MAP: #058B3
- ACCOUNT: #0413056820
- ELECTION DISTRICT: 4TH DISTRICT
- 2ND COUNTY COUNCIL DISTRICT
- REGIONAL PLANNING DISTRICT: REISTERSTOWN/OWINGS MILLS
- CENSUS TRACT: 4042.02
- WATERSHED: GWYNNS FALLS
- THERE IS A PREVIOUS COMMERCIAL PERMIT FOR THIS SITE PERMIT #863799. THE PERMIT INCLUDED THE FOLLOWING WORK: RAZE THE EXISTING BUILDING, WITH THE FOUNDATION AND SLAB TO REMAIN; THE DEBRIS FROM THE TORN DOWN BUILDING WERE HAULED TO AN APPROVED SANITARY LANDFILL IN ACCORDANCE WITH BALTIMORE COUNTY SITE REGULATIONS; AND THE EXISTING SEWER CONNECTION WAS CAPPED OFF. THE APPLICANT APPLIED FOR THIS PERMIT ON 11/18/2014 AND IT WAS ISSUED ON 12/15/2014. THE PERMIT EXPIRED 90 DAYS AFTER IT WAS ISSUE. TO THE BEST OF OUR KNOWLEDGE THE SITE IS NOT UNDER ACTIVE ZONING VIOLATIONS.
- ZONING CASE HISTORY:
 - CASE NO. 69-229-R FOR RECLASSIFICATION OF PROPERTY FROM A "R-10" ZONE TO A "BL" ZONE FOR A SPECIAL EXCEPTION TO USE PROPERTY FOR AN OUTDOOR ADVERTISING SIGN (GRANTED: AUGUST 6, 1968).
 - CASE NO. 71-264-X FOR RECLASSIFICATION OF PROPERTY FOR A SPECIAL EXCEPTION TO USE PROPERTY FOR AN OUTDOOR ADVERTISING SIGN (DENIED MAY 10, 1971).
 - CASE NO. 86-1 SPH FOR RECLASSIFICATION OF PROPERTY FROM A DR 3.5 TO A "BL" ZONE FOR A SPECIAL EXCEPTION TO USE PROPERTY FOR OFF-STREET PARKING (GRANTED: JULY 8, 1985).
 - CASE NO. 2022-0226-SPHX SPECIAL EXCEPTION REQUEST TO PERMIT A CAR WASH IN A BL ZONE PER BALTIMORE ZONING CODE SECTION 236.2 & 419.1 & A SPECIAL HEARING REQUEST TO ALLOW THE EXIT OF A CAR WASH TUNNEL TO BE 250 FEET AWAY FROM A RESIDENTIALLY ZONED PROPERTY PER BALTIMORE ZONING CODE SECTION 419.8.1 (GRANTED: NOVEMBER 30, 2022).
- FLOOR AREA FOR BL
MAXIMUM PERMITTED: 3.0
PROPOSED: 38,300 / 156,218=0.25
- EXISTING USE: COMMERCIAL AND UNDEVELOPED
PROPOSED USE: CARWASH
- ALL SIGNAGE SHALL COMPLY WITH SECTION 450 OF THE BALTIMORE COUNTY ZONING REGULATIONS (BCZR) OR RELIEF WILL BE REQUESTED.
- THE SITE DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO HISTORIC FEATURES ONSITE NOR IS THE SITE ITSELF HISTORIC.
- THERE ARE NO KNOWN WELLS OR SEPTIC SYSTEMS ONSITE.
- ACCORDING TO AVAILABLE GIS DATA AND THE TOPOGRAPHIC SURVEY ON THE LANDS OF CDN HOLDINGS, LLC, THERE ARE NO KNOWN WETLANDS WITHIN THE SITE BOUNDARY.
- ACCORDING TO THE FEMA MAP #2400102200 THERE ARE NO KNOWN 100-YR FLOODPLAIN WITHIN 50 FEET OF THE SITE.
- ACCORDING TO THE TOPOGRAPHIC SURVEY ON THE LANDS OF CDN HOLDINGS, LLC THERE IS A STREAM ONSITE LOCATED WITHIN THE FOREST CONSERVATION EASEMENT.
- THE SITE IS NOT LOCATED WITHIN ANY AREAS DESIGNATED AS FAILING ON THE BASIC SERVICES MAP AREAS FOR SEWERAGE, WATER AND TRANSPORTATION AS SHOWN ON THE 2023 BASIC SERVICE MAPS FOR SEWERAGE, WATER AND TRANSPORTATION.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE SO ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- ALL PROPOSED PAVEMENT SHALL BE STANDARD DUTY ASPHALT UNLESS OTHERWISE NOTED.
- ALL STACKING SPACES HAVE A LENGTH OF 20 FEET.
- LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE LANDSCAPE MANUAL AND ALL OTHER MANUALS ADOPTED PURSUANT TO SECTION 32-4-404 OF THE BALTIMORE COUNTY CODE.
- OWNERSHIP TAX ACCOUNT NUMBERS: 0402065925
0402057926
0413056820
0403002200
- THE PLAN COMPLIES WITH BCZR SECTION 409.10 - REQUIREMENTS FOR DRIVE-THROUGH FACILITIES.
- THE PLAN COMPLIES WITH BCZR SECTION 419 - CAR WASH, EXCEPT AS NOTED IN THE PETITION FOR ZONING HEARING(S) AS FILED.

PLAN TO ACCOMPANY SPECIAL EXCEPTION AND SPECIAL HEARING REQUEST PROPOSED CAR WASH

10123 REISTERSTOWN ROAD
OWINGS MILLS, BALTIMORE COUNTY, MARYLAND

REVISIONS

Designed	EAE
Drawn	SJS
Reviewed	KMK
Scale	1"=40'
Project No.	2301397
Date	03/11/2024
CAD File:	EXH2301397-01

Title

SITE PLAN

Sheet No.

C1.00

